

**STRUCTURING COLLABORATION AMONGST BC FIRST NATIONS AND LOCAL
GOVERNMENTS: LEARNING FROM KATZIE FIRST NATION AND
NEIGHBOURING LOCAL GOVERNMENTS**

by

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Abstract

First Nations and local government communities in urban areas in British Columbia find themselves living in close proximity to each other as a result of urban growth. Local governments are becoming concerned about the impacts final treaty settlements will have on their communities. In general, they are unsure about the effects increased self-governing powers will have on their communities. In order for treaty implementation to be successful and, for First Nations and local government communities to co-exist in urban areas, it is necessary for these two parties to develop collaborative relationships.

The main objectives of this research were to identify ways First Nations and local governments could collaborate on planning matters and to contribute to the literature on First Nation and local government planning relationships in BC. A framework of opportunities and obstacles to structuring collaboration among a First Nation and local government was developed by interviewing individuals from Katzie First Nation and neighbouring local governments. A discussion on the need for both parties to be motivated by a critical interest to structure collaboration is included in the framework. For the current study, the critical interest for the two parties stems from Katzie's treaty negotiations.

The study found five key elements that together increase the opportunity for First Nations and local governments to structure collaboration. These are First Nation participation in the BC treaty process, face to face communication, mutual learning, First Nation participation in neighbouring community events, and informed municipal leaders on First Nation issues. The study identified the following four obstacles to collaboration: First Nations and local governments inability to negotiate at the treaty table, competing land use and development, relative government and administrative capacity, and lack of legislation requiring First Nations to consult with local governments.

The framework considers issues that are specific to urban areas in BC where First Nations are negotiating treaties and how these issues affect collaboration among First Nations and local governments. The opportunities are consistent with the general principles of collaborative planning. It is concluded that the BC treaty process, in this case, acts as a catalyst in bringing these two parties together in long term dialogue and eventual collaboration.

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Chapter 1 – Introduction

1.1 Background

In urban areas in British Columbia (BC), both First Nations and municipalities are experiencing the effects of having their neighbours in close proximity. Population densities are high and there is little space between communities. As urban growth encroaches upon reserve communities, First Nations are growing more concerned about the development activities of their neighbours (Penner, 1983 found in Peters, 1994, p. 170). Likewise, with more recent development on reserve lands and with First Nations negotiating treaties, local governments* have similar concerns.

Final treaty settlements will result in wider self-governing powers and a larger land base for First Nations. It is reasonable to expect that implementation of treaties in urban areas will have an impact on neighbouring municipalities. Yet, implementation is challenged because there are few models to learn from on how relationships with other governments may develop in a post-treaty urban environment and none in BC (Lower Mainland Treaty Advisory Committee [LMTAC], 2003a, p. 5).

Municipalities are particularly concerned about the effects increased self-governing powers will have on neighbouring municipalities. Topics such as land management, land use, and taxation, which are being negotiated at treaty tables, directly affect local governments. There is a particular interest in ensuring land use planning in First Nation communities is compatible with that for adjacent communities (Union of British Columbia Municipalities [UBCM], 2000). Local governments would also like treaties to provide for the principle of reciprocal consultation with respect to planning and land use issues. In addition, local governments would like to make certain that property taxes are similar between the two jurisdictions and that a local government be compensated for any loss of land from which it collects property tax (LMTAC, 2000).

In order for First Nations and local governments to co-exist in an urban area, and for treaties to be successful it is useful to begin developing collaborative relationships with each other particularly with respect to land use planning. Community leaders from First Nations and local governments are recognizing the benefit of not living in isolation from each other.

* The term local government is used to refer to municipalities and regional districts.

One way to achieve this would be to develop collaborative planning structures that are compatible with treaty settlements. In this context collaborative planning refers to consensus building among stakeholders which is increasingly being used to resolve complex and controversial planning matters (Innes & Booher, 1999). An inclusive process, consensus building brings stakeholders together for long-term dialogue to address an issue of common concern. Normally there is a facilitator and the group seeks consensus as a means of making decisions. As well, methods are used to ensure all voices are heard and respected, and that discussions are based on interests not positions. It is considered to be essential that participants better understand one another's diverse values, interests and knowledge. It is also considered essential that all parties have an equal opportunity to participate effectively throughout the process. In addition, a consensus process is purpose-driven meaning that people need a reason to participate and participation is voluntary (Innes & Booher, 1999; Round Tables on the Environment and Economy in Canada, 1993). During a collaborative process each party is free to make their own decisions and their autonomy is not affected in anyway.

1.2 Purpose

The main objectives of this research are to:

- (1) Identify ways First Nations and local governments in BC can collaborate on planning matters of mutual concern, and
- (2) Contribute to the literature on First Nation and local government planning relationships in BC.

These objectives will be met by addressing the following research question:

What are the opportunities and obstacles that a First Nation and BC local government may face when attempting to structure collaboration on planning matters of mutual concern?

A study of the nature of First Nation and local government relationships, the factors influencing their development, and their current and potential impacts on land use and other aspects of development in each community, may be instructive to neighbouring First Nations and local governments in BC as they develop their own planning relationships.

1.3 Methodology

1.3.1 Literature Review

Literature relating to the history of First Nations displacement from their traditional lands and Canada's policies towards First Nations including the decision to negotiate modern day treaties was reviewed. This information provided context for the current situation in which First Nations and local governments find themselves. Also, literature on the relationship between First Nations and local governments in Canada and BC was reviewed along with the need for collaboration particularly over planning matters as a result of treaty negotiations. In addition, literature on regional planning and planning in First Nation communities was reviewed.

Literature was gathered through library and Internet searches. Also, individuals working in this field provided me with documents.

1.3.2 Case Study

To answer the above research question, a case study approach was utilized. The developing relationships between Katzie First Nation and some of its neighbouring local governments were examined.

Katzie First Nation was chosen for the case study partly based on conversations I had with individuals who work in the area. For example, one key informant reported to me that this community was taking a unique approach to building intergovernmental relationships with local governments. The informant described Katzie as being at the forefront of intergovernmental relations with municipalities. In this way Katzie First Nation's experience may be considered a best practice because its situation is not typical of other First Nations and local governments living adjacent to each other. In addition, I was acquainted with Katzie First Nation. This factor also contributed to the decision to focus my research on Katzie.

Katzie First Nation is a Coast Salish community with approximately 460 members. About 65% of their members live on-reserve with the remainder living primarily in various locations throughout Vancouver's Lower Mainland (Katzie First Nation, 2002a). Katzie is an urban community with five reserves within the Lower Mainland. They are as follows:

- IR #1 is a residential reserve located within the District of Pitt Meadows along the Fraser River and is adjacent to the District of Maple Ridge*.

It is 150 acres. There are 70 homes with a population of about 200 people.

- IR #2 is a residential reserve located across the Fraser River from IR #1 within the Township of Langley.

It is 56 acres. There are 13 homes with a population of about 30-35 people.

- IR #3 is a residential reserve located on Barnston Island on the Fraser River (part of Electoral Area A).

It is 135 acres. There are 17 homes with a population of about 55-60 people.

- IR #4 is undeveloped forest land which up until 2003 had been leased for recreation purposes (cabins). It is located northeast of the City of Coquitlam at the confluence of Pitt River and Pitt Lake.

It is 540 acres.

- IR #5 is a cemetery located within the District of Maple Ridge.

It is 1 acre.

Katzie's traditional territory makes up the land and resources over which Katzie people have asserted title and rights (see Figure 1). The territory includes the entire Pitt River watershed, including the Alouette River watershed, to the height of land surrounding the Pitt and Alouette drainages. It also includes portions of the Lower Fraser River and lands adjacent to the Fraser River (Katzie First Nation, 2002b).

Katzie's traditional language is Halkomelen. Katzie is actively reviving its language along with other cultural traditions and practices that have been lost due to colonization. Fishing has always been and continues to be important to the Katzie community. It is interesting to note that each of their reserves is located adjacent to a waterway with the exception to IR #5 (Katzie First Nation, 2002c).

Katzie is currently negotiating a treaty with Canada and BC under the BC treaty process. They are currently in Stage 4 – Negotiation of an Agreement in Principle. During this stage the parties negotiate substantive issues which will form the basis of a final treaty.

* Katzie First Nation's reserves are not necessarily considered to be within any particular municipality since their jurisdictions are separate and distinct. Locating a reserve within a municipality is to provide the reader with a reference point only.

Through its treaty table, Katzie has taken the initiative to build relationships with its neighbouring local governments.

1.3.3 Method

Ethics approval was received by the University of British Columbia's Ethics Review Committee in 2002 to conduct this research.

Research Interviews

Beginning with contacts at Katzie First Nation and the District of Maple Ridge the snowball technique was used to identify potential interviewees who were involved or informed of Katzie's developing collaboration with its neighbouring municipalities.

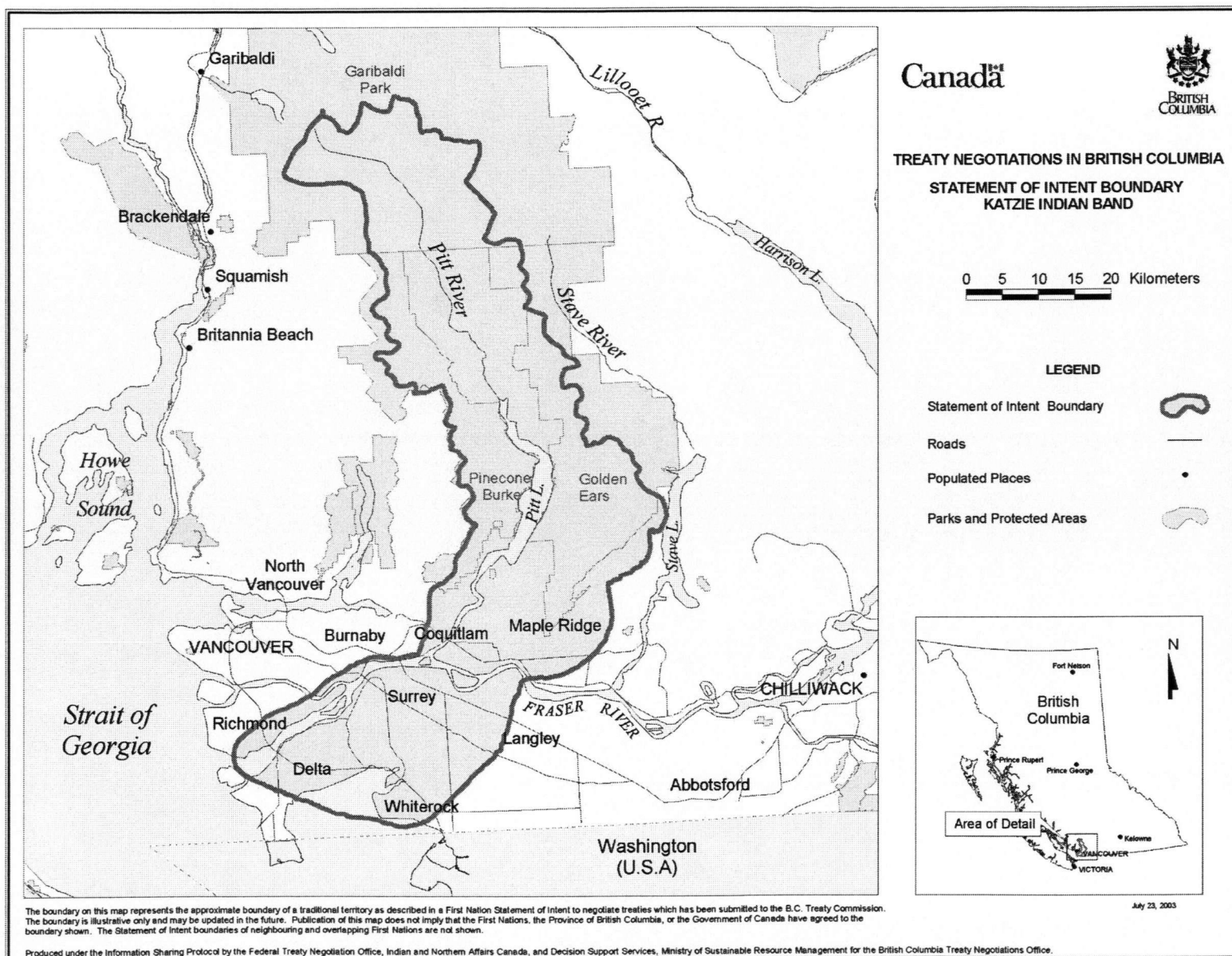
Recruitment was based on a willingness to participate. Interviews were conducted with 12 people: four from Katzie First Nation, two from the District of Pitt Meadows, two from the District of Maple Ridge, two from the Greater Vancouver Regional District (GVRD), one from the City of Surrey, and one from the Township of Langley. These interviewees included elected Council members, planners, other employees and community members.

Interviews were conducted in person during the summer of 2002 and September 2003. Each one lasted between 45 minutes and two hours. A tape recorder was used to record one-on-one interviews which were later transcribed. The exception was two interviewees who requested not to be audio-taped. Each interviewee agreed to participate in the study by signing a consent form prior to being interviewed.

Interview questions were informed by Innes and Booher's criteria for good consensus building (1999). These criteria include:

- A process that is driven by a purpose,
- Learning through in-depth discussion and informal interaction,
- Fostering creative thinking,
- Resulting in learning and change by stakeholders,
- Creating social and political capital,
- Producing information that stakeholders understand, and
- Setting in motion changes in attitudes, behaviours and actions, spin-off partnerships and new practices.

Figure 1: Katzie First Nation Traditional Territory (Federal Treaty Negotiation Office, Indian and Northern Affairs Canada [INAC], & Decision Support Services, Ministry of Sustainable Resource Management for British Columbia Treaty Negotiation Office, 2003)



Semi-structured interview questions were prepared and tailored to be appropriate for each category of participant (i.e. Katzie First Nation or local government).

Sample Interview Questions

The following questions are a sample of what was asked of each interviewee:

- Could you tell me about the history of Katzie's relationship with Pitt Meadows and the role you played in this history?
- What sorts of issues has Pitt Meadows worked together or collaborated on with Katzie?
- What are some of the obstacles to collaborating do you think Maple Ridge and Katzie face?

Other Data Sources

In addition to the interviews, data was collected through observation. I observed a meeting organized by the Katzie Intergovernmental Relations Working Group (IGRWG) with the City of Coquitlam in June 2002 as well as a second meeting between the Katzie IGRWG and the City of Langley in July 2002. The Katzie IGRWG is part of the Katzie treaty table negotiations. The purpose of the IGRWG is to provide a forum for local government, Katzie First Nation, BC and Canada to discuss a variety of intergovernmental relations issues.

One written agreement was also collected and reviewed. It was a letter of understanding between Katzie and the GVRD with respect to the development and management of a regional park.

1.3.4 Analysis

A grounded theory approach was used to analyze the data. In this kind of qualitative analysis the theory generated to explain the results is derived from or grounded in the data. This is considered an inductive analysis.

1.4 Outline of Thesis

Chapter 2 places the current situation in which First Nations and local governments find themselves in a historical and international context. It begins with a brief history of segregating First Nation people from the city and from their traditional lands, and Canada's historical social policies for dealing with this displacement. It then continues

with a discussion about how Canada's most recent policies towards First Nation people and the decision to negotiate modern day treaties is influenced by international events and Canadian court decisions on Aboriginal rights and title. The chapter then talks about the need for building collaboration between First Nations and local government due to the self-governing powers being negotiated through treaty negotiations in BC. The chapter ends with a discussion of possible mechanisms for mitigating conflict and developing collaboration on land use planning issues between First Nations and local governments.

Chapter 3 describes how in Canada, the past and present-day focus of many relationships between First Nations and local governments is on servicing agreements. Reasons for this limited interaction are suggested, namely the physical distance that once existed between communities, the division of powers in the Canadian Constitution and various community characteristics. The chapter then discusses municipal concerns over activities within First Nation communities. Some examples of collaboration and conflict between First Nations and local governments located in close proximity are presented. The chapter ends with a review of First Nation concerns over development in non-Aboriginal communities and under what circumstances other governments are required to consult with First Nations.

Chapter 4 provides a legal and historical overview of how planning is carried out in First Nation and local government communities. It begins with a review of the *Indian Act*, the main governing legislation for land management on reserves. This is followed by a review of the First Nations Land Management Act which exempts some First Nations from the land management clauses of the *Indian Act*. A brief history of planning on-reserve is then presented. The chapter then turns to a discussion on regional planning with an emphasis on municipal collaboration and the challenges to regional planning. This is followed by a history of regional planning in the Greater Vancouver region. The chapter ends with a description of the *Local Government Act*, the governing legislation for planning in regional districts and municipalities.

Chapter 5 presents a short history of events in BC that relate to First Nations and local governments beginning in 1988. It reviews federal and provincial legislation that allows First Nations to collect property taxes from leaseholders occupying reserve lands. The chapter then turns to local government interests in treaty negotiations and the provincial government's commitment to consult with local governments. The chapter continues

with a look at the Corporation of Delta's concerns with the Tsawwassen First Nation treaty negotiations. The chapter concludes with an overview of efforts made by First Nations and local governments to build intergovernmental relationships and to co-exist.

Chapter 6 provides background information about Katzie First Nation and its relationship with neighbouring local governments. The chapter starts off explaining why the Katzie community is interested in building collaborative relationships with adjacent local governments and how they have gone about doing this outside the treaty process. This is followed by a discussion about building relationships through the treaty table. The chapter ends with a description of Katzie's relationship with each of its neighbouring local governments and any collaborative projects on which they have worked together.

Chapter 7 presents the results of the interviews organized by theme. For each theme the perspective of interviewees from Katzie First Nation are provided first. This is followed by the perspective of local government interviewees.

Chapter 8 presents a framework of opportunities for and obstacles to structuring collaboration between a First Nation and neighbouring local government. The framework includes a discussion on the need for both parties to be motivated by a critical interest to structure collaboration. For the current study, the critical interest for the two parties stems from Katzie's treaty negotiations.

Chapter 9 talks about how the issues specific to the context of the study affect collaboration. I argue that the treaty process, in this case, acts as a catalyst in bringing the First Nation and local governments together. I also demonstrate how the findings are consistent with general collaborative planning principles found in the collaborative planning literature. As well, implications for planners and future research are discussed.

Chapter 2 – Historical and International Context

Interest in the relationship between First Nations and local governments is relatively new when one considers First Nations history with Canada's settler society. However, reviewing the displacement of Aboriginal people within Canada and of the policies for addressing the consequences of this displacement shows that First Nations relationship with local governments is not isolated from this more general history. Also, the relationship is not isolated from events that take place internationally. That is, Aboriginal social policies, along with increased international recognition of indigenous rights and landmark court cases in Canada, have influenced the Canadian federal government to negotiate modern-day treaties, land claims and Aboriginal self-government agreements with First Nations. But, how will implementing these agreements affect the local non-aboriginal population? First Nations and their non-aboriginal neighbours will interact significantly more. With First Nations negotiating wider self-governing powers and a larger land base their activities will have a greater impact on local governments. Such activities include planning, taxation and community services. Thus, successful implementation of these agreements requires the development of formal relationships and protocols.

2.1 Displacing Aboriginal People

When society develops a definition of minority groups it often includes a spatial element (Peters, 1999). Peters (1999) quotes Chamberlain (1988) who explains:

Naming is one way of imposing a definition upon other people. Another way is by territorial designations... Putting people in their place is much more than a figure of speech. It is the basis of all codes of conduct; and it is the basis of colonial settlement. (p. 14)

Drawing boundaries puts "real or symbolic distance" between who belongs and who does not (Peters, 1999; Peters, 1994). For example, early federal legislation symbolically separated Aboriginal people from society by creating a separate legal status for Indians (Tobias, 1983 found in Peters, 1999). Containing Indians on reserve lands spatially separated Indians.

Canada has a long history of segregating and excluding Aboriginal people. From the beginning of colonization, Indians were pushed onto small tracts of land while the remaining empty spaces of their fragmented territories were made available to settlers

(Peters, 2001). This contributed to the dominant perception of where Indians belonged in Canadian society; Indians were incompatible with urban society. As time went by, the spatial separation of Indians and urban cultures was perceived as natural (Peters, 2001). It was thought that assimilation into Euro-Canadian society was required if Indians wanted to be part of city life. Unassimilated Indians belonged in places separate from the urban milieu. This perception was further strengthened by the federal government's policy of being responsible for only those Indians living on-reserve (Peters, 1999; 2001). This policy continues today.

Displacing Aboriginal peoples from their lands was never questioned. How to deal with the consequences was the issue. In Canada, there were four major phases of Aboriginal social policy since contact (Armitage, 1999).

2.1.1 Domination

The first phase, called domination, occurred when the settler society established its dominance over the local population, by using its power, prior to the introduction of colonial government and social policy (Armitage, 1999). For example, in central Canada and the prairies, treaties confined Indians to reserves. This allowed the settlers to, "establish the power to dominate and manage," (Armitage, 1999). As well, in some parts of the country (.e.g. most of BC) land was reserved for Indians with no treaties and no compensation (Armitage, 1999).

2.1.2 Paternalism

The next stage of social policy designed to address the consequences of displacing Aboriginal people was paternalism (Armitage, 1999). Paternalistic policies maintain the distinctiveness of the interacting societies and are characterized by the creation of special institutions and laws, such as the 1876 *Indian Act*. These policies were introduced on the assumption that races and cultures of the settlers were superior.

During this time the dominant objective was to protect the Indian people who were thought to be dying out. However, by the 1920's it became evident their population was not declining. Therefore, the objective of the paternalistic policies changed to one of assimilation where special policies were designed to extinguish Aboriginal culture (Armitage, 1999). This included residential school policies. This lasted to about the 1960's when it was becoming evident that Aboriginal people were not assimilating.

2.1.3 Integration

As a result, the social policy initiative changed to one of integration where less consideration is given to racial differences (Armitage, 1999). Under this policy of integration separate policies for Aboriginal people based on race were starting to be eliminated. Aboriginal people were to integrate with Canadian society and become part of the cultural mosaic that made up Canada (Armitage, 1999).

The 1969 Canadian White Paper on Indian Policy articulated the concept of integration. It included principles of equal and individual rights; principles embraced by Trudeau's Liberal government. The government intended to eliminate the Department of Indian and Northern Affairs, eliminate the reserve system, provide First Nations with fee-simple possession of their lands, end special entitlements, and negotiate an end to all treaties (Tota, 2002, p. 42).

Internationally the 1950s and 1960s were also a time when there was strong resistance to all forms of racist social policy. These attitudes were summarized in the United Nations declaration on racism, which challenged all policies on racist assumptions (Ekstedt, 1999). Thus, the government of Canada assumed Aboriginal people would support its integration policy (Armitage, 1999). Instead, Aboriginal people rejected the policy outright. It did not recognize their distinct identity and it did not recognize their rights to land/territory. The opposition by Aboriginal people was so strong that it was the first time they formed a unified political position at the national level (Tota, 2002, p. 42).

2.1.4 Pluralism

The last phase of social policy is pluralism. Beginning in the 1980's, and continuing today, pluralist social policies recognize Aboriginal people's distinct identities and cultures. Processes have been put in place to address land rights, treaty rights and rights derived from Aboriginal peoples' distinct legal status. Recognition of Aboriginal rights marks a major shift in federal policy towards Canada's Aboriginal people (Armitage, 1999).

International Recognition of Indigenous Rights

This stage of social policy has come about with increased international recognition of indigenous rights (Armitage, 1999), a part of a trend in which multi-national states are finding ways to accommodate ethnic diversity. All over the world, indigenous people have experienced similar injustices. These include attempted genocide, assimilation,

lost generations of mission school children, poverty, and lost languages and traditions. The trend towards negotiating self-government and land claims is, in part, a response to these unjust acts (Ekstedt, 1999).

From 1957 to 1982, one of the few international organizations concerned about Indigenous peoples' rights was the International Labour Organization (ILO), a specialized agency associated with the United Nations (UN). In 1982 the UN established the Working Group on Indigenous Populations, which drafted a universal declaration on Indigenous rights. As self-government and land claim issues continue to receive international attention, various international organizations on Aboriginal issues are also being established such as the World Council of Indigenous Peoples in Lethbridge, Alberta (Ekstedt, 1999).

Aboriginal Rights

Like international recognition of indigenous rights, landmark court rulings by the Supreme Court of Canada have also influenced the federal government to create pluralist policies (Armitage, 1999). The first landmark ruling to shape Aboriginal title was the Calder case in 1973 involving the Nisga'a. The Nisga'a argued their Aboriginal title to their traditional territory in the Nass Valley of northern BC had not been legally extinguished and therefore they still held title to these lands (McKee, 2000, p. 26). Aboriginal title is an aboriginal right. It is an Aboriginal interest or right to the land itself (INAC, BC Region, 2000; British Columbia Treaty Commission [BCTC], 2003).

The justices were split on the decision regarding extinguishments: three justices thought Aboriginal title had not been extinguished and three justices thought it had been extinguished by the assertion of British Sovereignty and by colonial actions prior to 1871. Although the case was dismissed because of a technicality, the split decision was enough to encourage the federal government to develop a new policy on Aboriginal title. Following the Calder ruling Canada developed a comprehensive land claims policy and started to negotiate with Nisga'a Tribal Council (McKee, 2000, p. 27).

Aboriginal rights stem from First Nations longstanding use and occupancy of the land. That is, First Nation people are descendents of the people who occupied North America before the Europeans arrived (INAC, 2000). Rights to hunt, trap and fish on traditional lands are examples of Aboriginal rights. Aboriginal rights vary from First Nation to First Nation.

In 1982 the *Constitution Act*, Canada's supreme law, was amended to recognize and affirm Aboriginal and treaty rights. While this amendment provides constitutional protection to existing Aboriginal rights, it does not define them. Instead, with so many First Nations taking Aboriginal rights cases to court, the Canadian courts have been slowly shaping the definition of Aboriginal rights over the last 30 years (INAC, 2000). These include Sparrow, Van der peet, and Marshall decisions made by the Supreme Court of Canada.

Of particular interest is the Delgamuukw ruling in 1997. In that case, the Supreme Court of Canada confirmed that aboriginal title exists in BC and that when dealing with Crown land the government must consult with and may have to compensate First Nations whose rights are affected (BCTC, 2003). The courts are, however, reluctant to provide a specific definition of Aboriginal rights and are encouraging the federal government to negotiate this issue with First Nations.

For most First Nations in BC the definition of Aboriginal rights has not been agreed to by senior governments. Aboriginal rights are a main subject of the BC treaty process amongst First Nations, Canada and BC. In BC there are few signed treaties. There are the historical Douglas treaties on Vancouver Island and Treaty 8 in north eastern BC. More recently, there is the Nisga'a treaty. Once their treaty came into effect in 2000, any Aboriginal rights of the Nisga'a were modified to become treaty rights (INAC, 2000).

Today, the federal government is negotiating comprehensive land claims, aboriginal self-government agreements and modern-day treaties with various First Nations across the country. And, in some cases, they have completed negotiations. But, what does this have to do with intergovernmental relationships or creating collaboration between First Nations and local governments, particularly in urban areas? The following section will address this issue.

2.2 Context for Building Collaboration

2.2.1 Urban Struggles over Space

Struggles over space in our cities are a result of their demographic restructuring over the last several decades. Sandercock (1997) argues there are three socio-cultural factors, in addition to global economic integration, reshaping cities and regions. These 'forces' are international migration, the rise of civil society or the emergence of social

movements, and the third, which is the most relevant to this discussion, is the reclaiming of urban and regional space by indigenous people (pp. 14-20).

In Canada, First Nation people are challenging and reshaping the contained spaces imposed on them as they assert their new place in society (Peters, 2001). For many BC First Nations, this is happening through treaty negotiations. These discussions are taking place in and affecting not only rural areas of the province but also urban areas. This includes five treaties being negotiated in the GVRD: Katzie, Musqueam, Squamish, Tsawwassen, and Tsleil'waututh.

The spatial arrangements of self-government are also challenging the colonial legacy of segregating Aboriginal people. Where Aboriginal people negotiate self-government represents symbolically how Aboriginal communities, culture and values belong in Canadian society. Thus, initiatives calling for self-governing institutions in urban areas and efforts to reclaim urban space contradict the idea or the perception that Aboriginal people do not belong in the city (Peters, 1999).

As First Nations negotiate a larger land base with broad self-governing powers in areas like land use, taxation and environmental management their relationships with local governments will change significantly. Generally, local governments in BC are concerned about the effects the increased powers will have on their communities and they are uncertain as to their relationship to this new form of government (UBCM, 1994). "... Established lines of jurisdiction are being stretched and contested, some are redefined, some are fading as new regimes of land and resource management are being established" (Tota, 2002, p. 3). Treaties will also provide First Nations with greater ability to develop their lands. Given all of this, it is important for First Nations and local governments to develop relationships and collaborative planning structures to ensure the successful implementation of treaties.

As the relationship between First Nations and local governments becomes more complex, mechanisms need to be put in place to address social, economic and environmental externalities of self-government. Peters (1994) defines externalities as the negative or positive effects of activities within one area on other areas. This could be particularly problematic with First Nation governments operating independently of the municipal system. Incompatible land use is one example of a negative externality. Implementing self-government can lead to conflict or it can lead to cooperation. The issue of externalities has received little attention in the Aboriginal self-government

literature and research on mechanisms or structures to address it is required (Peters, 1994).

2.3 Mechanisms for Mitigating Conflict

The literature on intergovernmental relationships between First Nations and local governments is limited. What does exist is either written from a local government perspective (Dust, 1995; Hughes, 1997; Mountjoy, 1999; LMTAC, 2003; UBCM, 1994, 2000, 2003) or an academic perspective (e.g. Molgat (1998); Peters (1994, 1999, 2001); Tennant (1999); Tota (2002). A First Nation's perspective is noticeably absent. The literature also does well at identifying and examining the impacts aboriginal self-government may have on neighbouring local governments. However, as already stated, little consideration is given to possible mechanisms for resolving conflicts between First Nations and municipalities.

Tennant (1999) proposes First Nations and municipalities regard each other as having equal moral worth in their dealings with each other. While they are substantially different they are also similar in that they are both local communities with community governments concerned with local needs. Tennant further suggests expressing this acceptance of "co-equality" by applying the following principles of diplomacy with an emphasis on protocol:

- Participants are equal,
- Recognize that similarities and common goals provide the basis for dealing with differences, and
- Open lines of communication minimize conflict and simplify resolving any that do occur.

Local governments feel they lack influence over treaty discussions* and receive little support from the provincial government yet Tennant believes there is much to benefit from developing relationships outside the treaty process. Building diplomacy without interference from senior governments, but focusing on treaty matters, provides First Nations and municipalities with the opportunity to further their common and individual interests. This could be accomplished by bringing proposals together to senior

* Local government is not one of the three principals negotiating a treaty. Instead, local government participates in the BC treaty process as a member of the provincial negotiation team.

governments. In this way, local governments and First Nations are engaging in creative problem solving, local government concerns are being addressed, and First Nations are empowering their communities by reaching out and getting to know their neighbours (Tennant, 1999).

In his discussion paper prepared for the Union of British Columbia Municipalities* (UBCM) and the provincial government, Adams (1999) reviewed local government concerns regarding Aboriginal self-government and identified a range of options to these issues that could be considered in urban treaties. Governance topics discussed were:

- land use planning,
- property taxation,
- servicing agreements,
- intergovernmental relationships,
- representation of non-First Nations in First Nation governments, and
- dispute resolution.

The report is generally a summary of the comments made at two workshops which included participants from provincial Ministries of Municipal Affairs and Aboriginal Affairs, local government and UBCM. There were no First Nation participants.

Molgat examined the relationships among local, regional and First Nation governments within the GVRD and identified ways of improving cooperative land use planning and growth management between First Nations and local governments. Molgat created a framework for developing intergovernmental relationships between First Nations and local governments based on two case studies. He also developed a framework for effective growth management based on a review of the literature on this same topic. He concluded that governments within the GVRD would benefit from building day-to-day relationships, sharing land use plans, increasing face-to-face dialogue, creating formal structures for dialogue and dispute resolution through treaties, and separating constitutional matters from issues requiring practical cooperation. He also concluded that growth management would require changes in the growth management legislation, improving First Nations capacity, and prior resolution of intergovernmental conflicts. He

* Union of British Columbia Municipalities is an association that represents the interests of all 184 municipalities in BC.

found First Nations capacity and the ill-defined role of municipal governments at the treaty table to be obstacles to better relations among First Nations and municipalities.

Tota (2002) reviewed two case studies where a First Nation and a municipality negotiated an agreement using 'place-based, collaborative arrangements' in resolving land use problems. Place-based collaborative land use planning is defined as, "the harmonization of land used between jurisdictions locked into geographical proximity with each other, using processes based on the requirements of local conditions, dialogue, equity, trust and transformation" (Tota, 2002, p. 23). Based on these case studies, Tota developed "guideposts" or principles for place-based collaborative planning. Based on these guideposts and feedback from two First Nation and municipal officials in Nova Scotia, Tota analyzed various proposed models of interaction in the areas of governance, land use planning, servicing and taxation. She then proposed a framework, which can be applied to Nova Scotia, for land-use planning issues that may require collaboration.

Molgat and Tota went a step beyond identifying transboundary effects of Aboriginal self-government and developed collaborative frameworks (each based on two case studies) for dealing with land use planning issues among First Nations and local governments. The present research investigates the experiences of one urban First Nation in BC and its neighbouring local governments in structuring collaboration on planning matters of mutual concern. Based on this one case, a framework of opportunities and constraints is proposed which may be instructive for other urban First Nations particularly in BC.

2.4 Summary

This chapter described Canada's historical policies towards Aboriginal people and the international activities that led to the negotiation of modern-day treaties and the impact this has had on relationships between First Nations and local governments. The key points are as follows:

- There have been four major phases of Aboriginal social policy in Canada to deal with the displacement of Aboriginals from their lands,
- International recognition of Indigenous rights and Canadian landmark court cases on aboriginal rights have influenced the federal government to negotiate land claims and self-government with First Nations,

- As First Nations negotiate a larger land base with self-governing powers the relationship between First Nations and local governments in urban areas becomes complex, and
- There is a limited amount of literature on mechanisms or collaborative structures required to deal with the externalities of Aboriginal self-government.

Chapter 3 – From Miles Apart to Across the Street

3.1 Distant Neighbours

Historically, in Canada, First Nations and local governments have had a distant relationship in that they experienced little interaction with each other. When there has been a relationship it has mostly centred on servicing agreements where the local government provides municipal services to the neighbouring reserve community (Didluck, 1997 found in Molgat, 1998, p. 50). In most cases this is the same today.

A catalogue of municipal-type agreements between First Nations and service providers produced by Indian and Northern Affairs Canada indicates that 300 out of the 400 existing agreements are with municipalities (INAC, 1997 found in Mountjoy, 1999). In most cases, the services provided for in an agreement include water service, sewer maintenance and fire protection (Larbi, 1998). Other services that might be part of an agreement include land use/development, transportation, environment, police protection, recreation, general cooperation (mutual aid and intention to work together), packaged municipal services, emergency 911, employment and dyke maintenance (Larbi, 1998).

Larbi's survey of 276 Canadian municipalities supports the notion that servicing agreements continue to be the focal point of any relationship between First Nations and local governments. In his study, 24 percent of the respondent municipalities indicated they had servicing agreements with 100 First Nations. This is compared to 18 percent of respondent municipalities who said they had political protocols with First Nations and First Nation political organizations and 17 percent who reported economic development initiatives with Aboriginal partners. This is also in comparison to 10 percent of the 175 municipalities with Aboriginal communities living within municipal boundaries who indicated they had arrangements for their Aboriginal citizens to be represented on municipal-decision making bodies (Larbi, 1998).

Yet, a majority of First Nations and municipalities continue to have no relationship including no servicing agreements. Both First Nations and local governments recognize they have limited understanding of each other (Mountjoy, 1999, p. 315). Tennant (1999) argues that First Nations and municipalities do not yet regard each other as equal and for this reason they are unable to build relations based on diplomacy. This will require

overcoming a history of physical, economic and social separation (Mountjoy, 1999, p. 315).

3.2 Factors influencing Distant Relationship

This limited intergovernmental interaction is partly because of the legislative and constitutional limitations, the physical distance that once existed between First Nations and municipalities, and other distinguishing features of the two communities. For example, while both governments are community governments providing services to its citizens, there are several characteristics that differentiate the two (Cassidy and Bish, 1989, pp. 96-98). These include differences in socio-economic status. As well, First Nations are responsible for a broader range of functions than municipalities such as social assistance services and some administer their own schools. In addition, many First Nations generally do not raise revenue through taxation as municipalities do. This results in First Nations relying on the federal government for program and service delivery. Lastly, cultural preservation is highly important to First Nation communities (Cassidy and Bish, 1989, pp. 96-98).

In the past, the rural location of many reserve communities placed First Nations a significant distance away from towns and cities so that their activities did not concern their municipal neighbours. There essentially was no need for a relationship to emerge. As well, the types of activities on reserve previously did not affect adjacent local governments. There was little or no development compared to non-aboriginal communities. In recent years this has changed with growth placing non-aboriginal communities next to reserve communities.

The division of powers in the Canadian Constitution is still another contributing factor to the limited interaction among First Nations and local governments. Under the Constitution, local governments receive their delegated authority from the provincial governments under section 92 (8) while "Indians and lands reserved for Indians" are exclusive federal jurisdiction under section 91 (24). This means each community is governed by different legislation. The federal *Indian Act* (RSC 1985, c. 1-5) governs Indian Bands or First Nations and, the provincial *Local Government Act* (RSBC 1996, c. 323) and the *Community Charter* (SBC 2003, c. 26) govern local governments. As a result, First Nations have had little contact with provincial governments or their local

government entities (Molgat, 1998, p. 50). Many provincial laws, including municipal bylaws, simply do not apply to Indian reserves.

Due to these fundamental differences in Canada's legal framework there are no formal institutions for First Nations and local governments to interface. However, it is a positive sign that almost a fifth of Larbi's survey sample reported they had political protocols with First Nations. Recognition of their Aboriginal rights by local governments is an important part to a long-term relationship for First Nations (Mountjoy, 1999). Perhaps it is true that, "Relations between municipalities and Aboriginal peoples are emerging in spite of legislative and constitutional limitations" (Federation of Canadian Municipalities, 1993, p. 18 found in Mountjoy, 1999).

3.3 Present Day Tension

In some areas, with urban growth butting up against Indian reserves, local governments in BC are becoming uneasy about the activities within First Nation communities including treaty negotiations. In 2001, 42 percent of the reserve population in BC lived within 50 km of urban areas (INAC, 2003). Of particular concern to local governments is the development of First Nation lands. They would like to ensure that land use planning is compatible with adjacent communities. They would also like land use planning in First Nation communities to fit within regional growth management planning (UBCM, 2000).

In comparison to municipalities, little development has occurred to date within the majority of First Nation communities because of the constraints of the *Indian Act*. For example, under section 18 of the Act reserve lands are held in trust by federal Crown for the use and benefit of respective Indian bands making it difficult to seek capital for development. However, First Nations are growing more interested in developing their lands as a means to improving their socio-economic situation and are finding ways to do so within the limitations of the *Indian Act*. Many First Nations are also hoping a final treaty will provide them with means to pursue economic development opportunities.

3.4 Collaboration or Conflict?

This close geography may create opportunities for collaboration between a municipality and a First Nation. For example, in the late 1990's Shuswap First Nation and the Regional District of East Kootenay in Cranbrook, BC collaborated together to resolve an environmental concern due to a high number of septic fields along the shores of Lake Windermere. Pollution levels were rising to unacceptable standards but developing a

new sewer and water system would require the Regional District to raise \$15 million capital as well as conduct an expensive and lengthy referendum process with no guarantee of approval. The Regional District explored the option of having Shuswap First Nation finance and build the new system, and sell services back to the Regional District. Shuswap saw this as an opportunity to protect the environment and to create revenue for their community (Dunn & Isbister, 2001).

Shuswap First Nation negotiated an agreement with the developer of a subdivision to pay design and construction costs along with prepayment of service fees. With private financing the Shuswap community was able to bypass long and drawn out government financing processes for on-reserve infrastructure, which can take up to three and half years for approval. As a result of this partnership, Shuswap supplies sewer and water services to the subdivision, has a new system for their own community, and the Regional District is managing the system for five years until someone from the First Nation community is trained to operate it (Dunn & Isbister, 2001).

In addition to the above examples, Tennant (1999) suggests First Nations and local governments develop collaborative relationships with regards to treaty matters. He believes that municipal leaders can be a powerful political resource for First Nations and that, "positions and proposals that had been cooperatively developed locally would be both technically and politically more difficult for the so-called "senior" governments to interfere with or to oppose."

Often though, the close proximity of First Nation and local government communities has created tension. For instance, within the GVRD, there have been various instances where conflict has resulted between a municipality and a First Nation community because of on-reserve development. The most prominent example is the land use conflict between Tsawwassen First Nation and the Corporation of Delta. Tsawwassen wanted to build a condominium development along the ocean forefront as part of its economic development plan and in 1994 asked Delta to extend sewer and water services to the development. Delta, in return, asked Tsawwassen to negotiate a comprehensive service agreement. It also refused to service the project until an environmental assessment was performed and the project was submitted to a public review process. Tsawwassen perceived this as an attempt by Delta to control land use planning on reserve lands. While Tsawwassen was willing to discuss with Delta Council and the public its comprehensive land use plan, it asserted jurisdiction over land use

planning on its reserve. Frustrated by the lack of progress in talks with Delta Council, Tsawwassen built its own sewer and water infrastructure to service the development (Molgat, 1998, pp. 6-7).

Another example of land use conflict involves Tsleil'waututh First Nation and the District of North Vancouver. In 1996, Tsleil'waututh completed construction of a condominium development on its reserve land. Prior to the start of the project the District of North Vancouver Council agreed to allow Tsleil'waututh road access to its development through a residential neighbourhood. However, the Council reversed its decision as the project neared completion due to strong community opposition. As a result, Tsleil'waututh built a steeply banked road on its own land at a cost of \$3 million. This unexpected expense upset a partnership between Tsleil'waututh and the District of North Vancouver for the construction of a recreational facility (Molgat, 1998, p. 8).

As the space separating Aboriginal communities from non-Aboriginal communities becomes smaller, First Nations are also growing more concerned about the development activities of their neighbours which can be incompatible with their own community needs (Penner, 1983 found in Peters 1994, p. 170). Often times First Nation communities have not been consulted on land use decisions on land adjacent to their communities. Development may be on land that is under claim or land that provides access to treaty protected resources (Tota, 2002, pp. 13-14).

Illustrating this point, Tota (2002, p. 15) summarizes a situation involving the First Nation community of Shubenacadie (Indian Brook) in Nova Scotia which draws its water from the Spring Brook watershed. In 1991 an environmental consultant's report expressed concern over low levels of carcinogens and other pollutants in the water supply. Two abandoned landfills and a sand and gravel pit operating near the main well for the reserve were identified as a concern (Vaughan Environmental Consultants Ltd., 1991 found in Tota, 2002, p. 15). Then, in 1995 the First Nation successfully fought a proposal to expand the landfill site into a regional waste facility which would have been located only two to three kilometres north of the watershed.

3.5 Local Government Consultation with First Nations

Today, in BC, provincial and federal governments are legally obligated to consult with First Nations when dealing with Crown land. This follows the landmark ruling by the Supreme Court of Canada in *Delgamuukw* in 1997. In addition, in 2002 the BC Court of

Appeal delivered another landmark decision involving Haida Nation (Haida Nation V. Minister of Forests and Weyerhaeuser). It ruled on the duty of the Crown and third parties to consult with First Nations which have asserted, but not proved, Aboriginal rights or title. This decision suggests that third parties who acquire rights to Crown land or resources may have a legal duty to consult with First Nations. This may also affect how local governments acquire, use and regulate crown lands and resources. Since local governments exercise delegated provincial powers their duty to consult may be even greater than that of third parties (Bull, Housser & Tupper, 2002).

In the opinion of Bull, Housser & Tupper (2002), the Haida decision should have no effect on local government's ability to regulate land use on fee simple or privately held land. This means local governments are not required to consult with First Nations over development decisions on fee simple land. However, under the *Local Government Act* local governments are required to consult with affected First Nations when developing or changing an official community plan or a regional growth strategy. This is discussed further in the next chapter.

3.6 Summary

This chapter described the past and present relationship between First Nations and local governments, and the factors that have influenced this relationship. The key points are as follows:

- The relationship has been and continues to be centred on servicing agreements and the reasons for this are the physical distance between communities, the division of powers in the Canadian Constitution and different community characteristics.
- Urban growth is having an impact on First Nation and local government relationships creating opportunities for collaboration and conflict.
- In BC local governments are required to consult with First Nations when developing or amending official community plans and regional growth strategies.
- In BC local governments may be required to consult with First Nations when acquiring, using or regulating Crown land (Bull, Housser & Tupper, 2002).

Chapter 4 – Planning in First Nation and Local Government Communities

4.1 Land Management and Planning in First Nation Communities

Before discussing land management and planning within First Nation communities it is useful to highlight First Nations cultural values in relation to land.

The way of life for communities living on-reserve today differs from the way of life of previous generations of First Nation people. By historical traditions the land and environment have significant cultural and spiritual meaning. The land and its resources are to be shared among all living things, and humans are considered one part of the interdependent whole (Royal Commission on Aboriginal People [RCAP], 1996, vol. 1, chap. 7, p. 3; Wolfe, 1989). However, the physical order of reserve settlements today alienates people from their former intimate relationship with the land. Instead, First Nation communities are encouraged to agree to the exploitation of non-renewable resources and the segregation of land for specific uses (Wolfe, 1989).

The Aboriginal perspective on land differs greatly from the Western perspective where land is seen as a commodity to be bought and sold (RCAP, 1996, vol. 1, chap. 7, p. 3; Wolfe, 1989). This difference can be summed up as follows:

There is a oneness of people and the land in all its elemental forms, a oneness of things animate and inanimate. Land is, then, a much more intimate, immediate, complex and fundamental part of native Canadian life than is customary for western and urbanized peoples (Emond, 1986 found in Wolfe, 1989, p. 73).

4.1.1 Indian Act

For most First Nations the federal *Indian Act* governs how land is managed on-reserve. The exception would be those communities which have opted out of the *Indian Act* (discussed below) or have signed a self-government agreement with the federal government.

It is of significance to note that under the Act there is no requirement for First Nations to engage in land use planning. There is also no requirement for First Nation communities to consult with neighbouring local governments over relevant land use planning issues. In recent years, as more First Nations have begun to develop their lands this has

become a source of conflict with local governments (e.g. Tsawwassen First Nation and the Corporation of Delta).

Under sections 81, 83 and 85 of the *Indian Act* band councils have the power to make a range of municipal-type bylaws subject to the approval of the Minister of Indian and Northern Affairs. This includes the authority to pass zoning bylaws. While Councils have this authority few Bands exercise it due to lack of capacity and/or lack of funding for enforcement (INAC key informant, personal communication, November 2003).

Under section 38 of the *Indian Act* a band must designate any parcel of land that it wishes to lease for development purposes. This includes any development (e.g. industrial parks, long term lease, urban development) other than that for residential or community use. Land designation is considered the on-reserve equivalent to municipal zoning. The designation must be approved by a majority of the electors of the band. Once designated, the band's rights to the lands are surrendered to the Crown so it may carry out the terms of the designation (i.e. for the purpose of being leased). In addition, band councils have regulatory powers such as those found under sections 81, 83 and 85, and taxing powers over designated lands.

The *Indian Act* is the legislative foundation for the land management authority of Indian and Northern Affairs Canada. In some instances this responsibility has been delegated to First Nations. This transfer of management flows from sections 53 and 60 of the Act. Under section 53 the Minister of Indian Affairs or a person appointed by the Minister may manage, lease or carry out any other transaction affecting designated lands. Similarly, under section 60, the Governor in Council may grant to a Band the right to manage its reserve lands that are occupied by the Band. Delegation under sections 53 and 60 means the First Nation performs the statutory duties relating to land management instead of the Department (INAC, 2002). This delegated authority assists a First Nation in developing land management capacity.

There are some First Nations which are exempt from the land management clauses of the *Indian Act*. These include those First Nations which have negotiated self-government agreements with the federal government such as Sechelt First Nation. Westbank First Nation also signed an agreement in 2003. In addition, First Nations operating under the First Nations Land Management Act are exempt.

4.1.2 First Nations Land Management Act

In 1999, the federal government passed the First Nations Land Management Act (FNLMA), which enabled 14 First Nations across Canada to develop land use codes and manage their reserve lands outside the land management provisions of the *Indian Act*. The FNLMA formally ratifies a Framework Agreement that was signed between the 14 First Nations and the Government of Canada. There are five First Nations in BC which are signatories to the Framework agreement: Lheidli T'enneh, Musqueam, Squamish, N'Quat'qua and Westbank (INAC, 1999).

The FNLMA provides the First Nation with the authority to manage lands, natural resources and revenues on its reserve land base. Under the agreement each First Nation must develop a land code setting out the rules of the new land regime before the land administration provisions of the *Indian Act* no longer apply. With the tools to manage their reserve lands and the ability to make decisions at the local level First Nations can make progress and build capacity in areas such as economic development, resource management and land use planning (INAC, 2003b).

Among other things, this Initiative (INAC,2002):

- provides First Nations with land related law-making powers,
- allows land related decisions to be made at the community level,
- allows First Nations to manage revenue money from land transactions,
- withdraws the opportunity for provincial or municipal governments to expropriate reserve land through s. 35 of the *Indian Act*,
- limits federal expropriation powers, and
- requires accountability to the membership.

In response to a broad interest in FNLMA by other First Nations, Indian and Northern Affairs Canada opened up this land management Initiative to other communities in March 2002. One year later 19 First Nations signed a framework agreement with the federal government. This includes 10 communities from BC. More communities are expected to take opportunity of this Initiative.

From a local government's perspective, the legislation does not address important linkages between communities in an urban setting. Specifically, there is no requirement

for First Nations to consult with local governments. This is unlike the reciprocal consultations required between local governments under the *BC Local Government Act* (Adams, 1999).

4.1.3 Planning On-Reserve

1970's and Earlier

Up until the 1970's planning activities on-reserve were minimal and had a number of common characteristics. For instance, planning was project specific, done on a sectoral basis in isolation of other projects and there was little consultation with the community. Projects were developed with no consideration for broader sustainable development factors. There was little consideration given to future expansion of the community. Under this kind of planning, when infrastructure or a school needed to be built a plan was done for that specific project (Wolfe, 1988; Wolfe, 1989).

During the 1970's, master plans were completed for a number of reserves, particularly in Ontario. The plans began rationalizing future land use (Wolfe, 1988). These plans included some community participation, which often meant a community reaction was sought after the plan was finished. These plans were prepared by INAC planners or by consultants hired by the Department (Wolfe, 1989). They had little impact on the social and economic conditions found on-reserve (Wolfe, 1988, p. 216). These plans lacked community relevance, ownership and acceptance. According to Boothroyd (1984 found in Wolfe, 1989), this kind of ritualistic and non-participatory planning becomes irrelevant to band decision-making and therefore the plans it produces are rarely implemented.

Towards the end of the 1970's, the Department was criticized for its planning policy. Planning on-reserve did not effectively address land use and environmental issues. As well, it did not deal with the social, economic and cultural needs of the community. Allocation of planning resources was done on an ad-hoc basis and development dollars were going to communities with the loudest demand (Wolfe, 1989).

1980's and Comprehensive Community Planning

During the 1980's INAC implemented the Comprehensive Community Planning (CCP) program. The concept of the program was to develop long-term plans that were community-based and holistic in nature, incorporating the social, economic, cultural, and physical aspects of a community. With significant responsibility to make decisions and to plan placed on the community, this program was consistent with the Aboriginal desire

to move towards greater autonomy and with the federal government which was looking to devolve its programs and services (Wolfe, 1988, pp. 215-217)

Unfortunately there were numerous problems with the CCP program. Lack of structural support by Indian and Northern Affairs was one of the main issues. Other sections and employees did not understand the program and the emphasis on planning as an integrative and developmental tool. To be successful it required cooperation among various sectoral agencies. In addition, there was not enough funds allocated to the program, non-Aboriginal planners were often not prepared to work with Aboriginal communities, and the communities themselves were not prepared (Wolfe, 1989).

During the mid 1980's the federal government began to devolve management and program administration responsibilities to the local band. As part of this re-organization the CCP program was abandoned in 1986 and planning was devolved to tribal councils. Under this approach tribal councils were to be funded by Indian Affairs to provide planning advice or services to their member bands. The community planning function within the Department eventually disappeared during this period (Wolfe, 1989). The result of this devolution was uneven support across Department regions for community planning activities.

Tribal councils continue to be responsible for providing community planning services to their respective bands today. Tribal councils receive inadequate funding from INAC for this function and so their support for community planning is also uneven (INAC key informant, personal communication, November 2003). INAC also provides funds for bands to hire economic development coordinators to assist with planning activities on-reserve.

Current Planning in First Nations Communities

Today, the most common approach to land use planning on-reserve is the preparation of physical development plans (PDP). A PDP sets out areas on-reserve where development will take place based on current and projected use of the land. Land uses can include residential, community facilities (e.g. band offices, schools, etc.) commercial, industrial and recreational. Often physical development plans are limited to the issues and needs on developed reserves where the community population lives (INAC BC Region, 1999). They are also often limited to the allocation of land for purposes of

locating houses, community facilities and infrastructure. The PDP acts as a broad strategy for the community before the development of specific project plans.

In Atlantic Canada a unique approach to community planning on-reserve was developed. Thirteen First Nations along with various federal government departments and Dalhousie University developed an approach to community planning specific to First Nation communities - the First Nations Community Planning Model. The model is a planning process that is compatible with the values of Aboriginal communities. It emphasizes community participation, community decision-making, community priorities, and training. The model was implemented in three communities where all three communities successfully completed a community plan. They are now in the implementation phase. Seven new communities are now using the model to develop their own community plan (School of Planning, Dalhousie University, 2004).

In its Sustainable Development Strategy 2001-2003, Indian and Northern Affairs Canada (2001) has identified comprehensive community planning as integral to creating and supporting sustainable communities. The federal government committed to developing a revised and integrated approach to supporting the long term planning needs of First Nation communities. Indian and Northern Affairs, BC Region has also made a commitment to support community planning in its Strategic Plan (INAC BC Region, 2003). The Department is presently working on this approach.

4.2 Regional Planning and Municipal Collaboration

Regional planning or planning for areas larger than one community is often necessary to adequately deal with the effects of development (Hodge, 2003, p. 255). Regional planning is concerned with the interrelationships of the social, economic and natural elements of adjacent areas which form a region (Hodge & Robinson, p. 3) as well as the built physical environment (Hodge, 2003, p. 256).

Hodge (2003, p. 255) sums up the need for regional planning,

The drainage of storm water from a subdivision into a watercourse has the potential of causing pollution to areas downstream, for example; or a major sports facility in one community may generate large amounts of traffic flowing through normally quiet residential areas in another place. Probably the classic example is suburbanization, when those who work in an older central city choose to reside in a new, lower-density community on the edge of the city

and shop in yet another. Indeed, planning problems and/or their solutions are seldom confined within an individual community ... the effects of development are transmitted through space by transportation, the flow of water, and the economy, among other factors.

Municipalities in urban areas often cooperate or collaborate together through a regional planning agency. Regional planning in urban areas deals with growth management and urban growth of several adjacent communities (Hodge, 2003, p. 255). It generally is concerned with the distribution of land uses and the location of major public works throughout the region. Coordinating land use planning among communities in the region is a main goal of regional planning in metropolitan areas (Hodge, 2003, pp. 267-268).

4.2.1 Challenges to Regional Planning

A challenge to metropolitan regional planning is the inter-municipal involvement and the lack of authority for regional planning boards to implement their plans. Planning for several municipalities must balance competing interests for development with the interests of all the citizens in the region. This can be difficult to achieve when municipalities are recognized by provincial governments as autonomous units with the power to manage their own affairs (Hodge, 2003, p. 267). Most regional planning is only advisory in nature.

Cooperation among competing municipalities requires specific provincial legislation (Lowe, 1992 found in Roseland, 1992, p. 321). When regional strategies and policies are based on the consensus of member municipalities of a region, a single government can veto policy positions resulting in broad regional statements that are meaningless (Porter, 1997, p. 228). As well, municipal land use regulation can derail the intent of the plan and decisions about the location and financing of facilities to serve the entire region can become difficult (Hodge, 2003, pp. 268-269). Effective regional planning and implementation relies on the regional board having the authority to veto individual local proposals (Porter, 1997, p. 242).

Although regional planning is a public, governmental activity, regions are not part of Canada's governing structure. Planning regions are usually superimposed on existing municipalities by provincial governments and almost always involve more than one government jurisdiction. As a result of this mesh of governing powers often times regional planning is only an advisory activity. Some agencies may have the authority to

make and carryout plans but others only have the authority to complete a plan with no power to implement it (Hodge, 2003, p. 260).

For many metropolitan regional planning agencies that do not have the power to implement their plans, implementation relies on the political will and actions of member municipalities, other local agencies, relevant provincial agencies and the private sector. Regional plans are not binding on any of these parties. This is unlike community planning where municipalities have various tools and techniques available to implement their plans like zoning bylaws (Hodge & Robinson, 2001, pp. 261-262). As Hodge and Robinson (2001, p. 411) write, "Much of the real power over planning of Canadian metropolitan regions is vested in municipal governments, as is governance over land and physical development."

Many planners are emphasizing the need for regional governance that relies on a network of interrelationships with an emphasis on process, inclusiveness and flexibility (Dodge, 1996; Sancton, 1994; Wallis, 1994; Wight 1996, 1998a in Hodge & Robinson, 2001, p. 365). The process would involve increased interactive and collaborative relationships that cross organizational divisions, cultural barriers and divisions of power (Hodge & Robinson, 2001, p. 365). Under this kind of arrangement communities come together to discuss a specific regional issue and to develop a regional plan. The result of networking is voluntary and cooperative agreements, and consensus building among private and public stakeholders. An all inclusive regional approach can inform government decision making and broaden the support for addressing regional planning issues such as growth management and environmental protection (Hodge & Robinson, 2001, p. 365).

In addition to being inclusive, metropolitan regional planning needs to be linked to a governance system that has authority over the entire region including planning authority in order to be effective in managing regional problems. Establishing this authority has been difficult in Canada because municipalities feel they are losing some of their autonomy. There has always been tension between local autonomy and regional authority even where there is a legislative requirement for community plans to conform to regional plans. Local planning goals are usually more of a priority for a municipality than regional interests (Hodge & Robinson, 2001, p. 386).

4.2.2 Regional Planning in the Greater Vancouver Region

Regional planning in Vancouver's Lower Mainland began with the creation of a Vancouver regional sewerage committee in 1911 and a regional water district in 1926. In 1937 a voluntary planning association was created for the Lower Mainland with representatives from six municipalities. This was replaced with the Lower Mainland Regional Planning Board in 1949 following the passing of provincial legislation permitting regional planning, a cooperative and advisory type of metropolitan planning. In 1966 the Board completed a regional plan outlining policies for dealing with growth (Bish & Clemens, 1999, p. 127).

In 1965 the provincial government created regional districts. They were mandated to perform a regional planning function as a means to integrate policies among municipalities and unincorporated areas. The GVRD was formed in 1967 and a 'Liveable Region Plan' was adopted in 1975. Regional districts continued to be responsible for regional planning until 1983 when the province eliminated regional plans because some municipalities were using regional plans to control development in other municipalities and because the plans were thought to be duplicating official community plans. The GVRD continued to provide regional planning services to its municipalities on a contract basis (Bish & Clemens, pp. 127-128; Molgat, p. 35).

In 1989 cooperative regional planning was restored and in 1995 regional districts role in regional planning was further strengthened with the *Growth Strategies Act* (Bish & Clemens, 1999, pp. 127-128). The GVRD completed the 'Liveable Region Strategic Plan' in 1996. This plan builds on the 1975 plan and forms the foundation for growth management planning in the Greater Vancouver Region (Molgat, 1998, p. 35).

Today, The Greater Vancouver Region operates under a two-tier form of local and metropolitan government. The GVRD or the upper-tier of government is a federation of 21 municipalities and 1 Electoral Area (unincorporated area). It assumes responsibility for services that are common to the region such as public transportation and solid waste disposal. Services of a local nature though, for example garbage collection, are the responsibility of individual municipalities. Similarly, the GVRD is responsible for regional planning or the regional growth strategy and municipalities are responsible for local community plans and land use regulations. Member municipalities are responsible, however, for implementing most of the regional growth strategy while the GVRD supervises compliance and tracks progress (Hodge & Robinson, 2001, p. 380).

4.2.3 British Columbia Local Government Act

Local governments receive their delegated authority from the BC government through the *Local Government Act* and the *Community Charter*. The *Local Government Act* includes governing clauses for planning local communities and regional growth. The *Community Charter* is new legislation introduced in 2003 and replaces some parts of the *Local Government Act* affecting municipalities. Regional districts continue to obtain their authority from the *Local Government Act*. For now the *Community Charter* does not affect planning and land use management or regional growth strategies. Land use planning is an issue that will be dealt with in future phases (Taylor & McNeil, 2003).

4.2.4 Growth Strategies

Regional growth strategy legislation is found in Part 25 of the *Local Government Act*. Section 849 of the *Local Government Act* describes the purpose of a regional growth strategy (RGS) as, "to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources." In achieving this purpose it should work towards avoiding urban growth, minimizing automobile use, protecting environmentally sensitive areas, maintaining integrity of agricultural and forest land reserves, affordable and appropriate housing, protecting water, and preserving and creating open space. For the projected population, the RGS will address housing, transportation, regional district services, parks and natural areas, economic development and any other regional matter.

According to Molgat (1998, p. 37), the main objective of a RGS is to enable regional districts to prepare and implement regional plans on the basis of consensus among local governments and provincial agencies. It is a regional vision that commits municipalities and regional districts to a course of action to meet common social, economic and environmental objectives. A regional growth strategy guides decisions on growth, change and development in its region (Ministry of Community, Aboriginal and Women's Services, 2001). The *Act* does not, however, give regional districts the authority to create plans that are binding on municipalities (Molgat, 1998, p. 37).

It is not mandatory for a region to develop a RGS. Instead, the legislation is designed to encourage voluntary participation by affected municipalities. However, if a region has been experiencing significant change in population, economic development or some other regional matter then the provincial government may require a RGS. When

developing the strategy, the regional district board is required to consult with parties affected by the RGS including First Nations. Local governments affected by the RGS must accept the strategy before it is adopted by the regional district. If one or more municipality refuses to accept the RGS then the issues are to be resolved through a dispute resolution process that is binding on all parties (Bish & Clemens, 1999, pp. 128-129, *Local Government Act*).

In the GVRD, the preparation of the 'Liveable Region Strategic Plan' saw a great deal of controversy over growth allocation. Some municipalities wanted increased growth while others wanted reduced growth. Negotiated changes to the Plan resulted in increasing development in the fringe municipalities and reducing the densification of municipalities in the urban core. The GVRD is unable to effectively overcome this with no legislative planning power (Molgat, 1998, p. 39).

4.2.5 Local Community Planning

Section 875 of the *Local Government Act* describes an official community plan (OCP) as, "a statement of objectives and policies to guide decisions on planning and land use management..." Community plans are prepared by municipalities, and for unincorporated areas by regional districts. The OCP must address land use, residential development, sand and gravel deposits, land use restrictions, infrastructure, public facilities and housing. In addition, the OCP may include policies on social development, farming, and the environment.

Under section 866 of the *Local Government Act*, a municipality's OCP must conform to the regional growth strategy for its respective region. The OCP must also include a regional context statement describing how it fits in with the RGS, which is to be accepted by the regional district board. Under section 871, the provincial government may require an OCP for an area that is part of a RGS but for which there is no community plan.

In addition, if the official community plan affects an area of an adjoining municipality, the plan must be referred to the council of that municipality for comment. Similarly consultation with other organizations and authorities that may be affected is required during the development of the plan. This includes First Nations.

4.3 Summary

This chapter reviewed land use planning in First Nations and local government communities as well as the legislation that governs these activities. The key points are as follows:

- The *Indian Act* governs how land is managed on-reserve for most First Nations except those which have opted out of the *Indian Act* and those which have negotiated a self-government agreement.
- There is no requirement under the *Indian Act* for First Nations to undergo land use planning and there is no requirement for First Nations to consult with neighbouring local governments over land use planning issues.
- Land use planning on-reserve often takes the form of physical development planning which is often limited to the allocation of land for housing, community facilities and infrastructure.
- The *Local Government Act* governs regional growth management and local community planning in municipalities.
- When developing a regional growth strategy, regional districts are required to consult with affected First Nations. This is the same for municipalities when developing an official community plan.
- Municipalities in urban areas often collaborate together through a regional planning agency or regional district to carry out planning functions for the region.

Chapter 5 – Recent British Columbia History

5.1 1988 Changes to the Indian Act

This brief historical review begins in 1988 with the passing of legislation which would begin altering the relationship between First Nations and local governments particularly in BC. Bill C-115, an amendment to Canada's *Indian Act*, allowed First Nations to collect property taxes on designated lands (i.e. reserve lands occupied by leaseholders who are mostly non-Aboriginals). This was followed by the provincial *Indian Self Government Enabling Act* (SBC 1990, c.52) which prohibited local taxes from reserve properties when a First Nation entered the taxation field. Prior to this legislation, provinces and municipalities were able to tax real property interests of non-aboriginals on-reserve as a means to recover the cost of delivering services to them.

This became a significant issue in BC which has 2/3 of all the First Nations in Canada to impose property taxes, where there are more reserves in urban areas than in other provinces, where there is the largest number of non-Aboriginals living on-reserve, the majority being lease holders. Issues soon arose for some municipalities who were concerned about loss of tax revenue and how to recover money for providing services to lease hold properties. Under Bill 64 the provincial government has the authority to require local governments to negotiate with First Nations for the sale of municipal services to leased portions of the reserve.

5.2 Local Government Interests

British Columbia municipalities started to write about their concerns over land claims in the early 1990's when the provincial government agreed to participate in treaty negotiations with the federal government. Since that time UBCM has published various discussion/interest papers on treaty negotiations and Aboriginal issues (UBCM 1994, 2000, 2003). There is considerable concern by local governments about the impacts these treaties will have on their communities especially since many treaty discussions are taking place in urban areas. Treaty outcomes will include a larger land base for First Nations with wider powers. Local governments are particularly concerned about self-government arrangements that are being negotiated and the powers that will flow to First Nations from these agreements (Dust, 1995, p. 55). Topics that are important to local governments include (Adams, 1999):

- **Land use planning**

Local governments would like land use plans of First Nations to be harmonized with official community plans of its neighbouring municipalities and with the regional growth strategy of the region. For example, conflict could arise if industrial development bordered residential development. Land use conflict could also impact services provided by neighbouring jurisdictions (e.g. traffic congestion) and in some cases, a municipality may withhold municipal services. Local governments are also concerned about losing regulatory control over land that is transferred from municipal jurisdiction to First Nation jurisdiction.

- **Property taxation and municipal services**

Local governments are concerned about the loss of property tax revenue from this same kind of land transfer. They would also like property taxation between First Nation jurisdictions and neighbouring municipalities to be equal. They do not want First Nations to attract development to their lands by promising lower taxes. One way to ensure equity in property tax treatment is for municipalities to receive adequate compensation for municipal services used by residents living on First Nation lands.

On a related issue, some local governments would like to see non-aboriginals residents who pay property taxes to First Nation governments, have the right to vote in elections for First Nation governments. This is not the situation today. Non-aboriginal residents who live on-reserve are unable to vote for the Chief and Council of that community. Some local governments view this as inconsistent with democratic government.

- **Intergovernmental relationships**

The relationship between local governments is different than the relationship between a First Nation and a local government. This is partly because they are each governed by different legislation and partly because First Nations do not see themselves as local governments. This will be the same in a post-treaty environment. As such, local governments are concerned they will not have same opportunities to work in partnership with First Nations like they do through various political institutions established for local governments. For instance, regional districts are primarily how local governments interact. There is also UBCM and the Municipal Finance Authority.

- **Dispute resolution**

As the relationship becomes more complex between First Nations and local governments post-treaty, mechanisms need to be put in place to resolve disputes. It is expected that most conflict will take place in the areas of land use planning and servicing agreements.

5.3 Memorandum of Understanding between British Columbia and Union of British Columbia Municipalities

In 1993, BC and the UBCM signed a Memorandum of Understanding (MOU) in which the two parties agreed to establish a process for local government consultation. The MOU recognized that local governments were not like other third parties and had a special government interest in treaty negotiations (British Columbia [BC] & UBCM, 1993). This is significant because in the past municipal governments have been excluded from processes involving First Nations and senior levels of government (Mountjoy, 1999). A new MOU was signed in 2003 confirming the role of local governments as members of the provincial negotiating team. The province also agrees to consult with local government on various treaty issues through treaty advisory committees.

The 1994 MOU called for the creation of regional treaty advisory committees throughout the province as a means to represent local government interests in treaty negotiations. A representative from each treaty advisory committee sits at each negotiating table as a member of the provincial negotiating team (LMTAC, 2000, p. 4; McKee, 2000, p.40). The Lower Mainland Treaty Advisory Committee (LMTAC) includes the Lower Mainland municipalities and the GVRD among other local government jurisdictions. LMTAC represents and coordinates the interests of these 26 local governments at five treaty tables: Katzie, Musqueam, Squamish, Tsawwassen, and Tsleil'waututh (LMTAC, 2003b).

Not all local governments are satisfied with this arrangement. The Corporation of Delta, a municipality within the Greater Vancouver area, withdrew participating on LMTAC in March 2003. It was unhappy with the direction that treaty negotiations were going with Tsawwassen First Nation whose reserve lands are situated adjacent to Delta. Prior to withdrawing from LMTAC, a Delta councillor had been the LMTAC representative to the provincial team for eight years (Campbell, February 27, 2003).

Some concerns cited in a report to Delta Council in February 2003 (Campbell, February 27, 2003) include inadequate consultation with local governments by the provincial government and inadequate consultation opportunities for Delta residents as the negotiating parties often work with confidential information which cannot be shared with residents. Also, with federal and provincial negotiating teams working within prescribed negotiating mandates the report indicates there is little value in Delta directing resources to LMTAC whose role was that of an observer. The report further recommends that Delta Council request that federal and provincial negotiating teams communicate directly with the municipality on treaty-related matters.

Since that time, Tsawwassen First Nation along with the federal and provincial governments initialled an agreement-in-principle (AiP), which is agreement on substantive treaty issues, in July 2003. This is the first AiP to be initialled in the Greater Vancouver region. Following a ratification process by the three parties the AiP was then signed in March 2004. Among other issues, some significant concerns Delta has with the AiP are (Human Resources and Corporate Planning Department, Corporation of Delta, August 21, 2003):

- **Coordination of land use planning** – Tsawwassen treaty lands are to be adjacent to the Corporation of Delta. The AiP provides that, “when Tsawwassen First Nation makes a planning and land use management law it will be on the basis of principles in respect of consultation and transparency similar to those of municipalities undertaking similar laws” (Tsawwassen First Nation, Canada, & BC, 2004, p. 28). The report to Delta Council expresses concern about the vague wording in the AiP about coordinating land use planning either regionally or locally. However, the provincial government has indicated that it seeks to negotiate treaties that include mechanisms for harmonizing land use plans. As well, a project to assist in developing intergovernmental relations among Tsawwassen and local government, including possible membership in the GVRD, is to begin after the AiP is ratified (Tsawwassen First Nation, INAC & British Columbia Treaty Negotiation Office, 2004).
- **Protection of agricultural land** - Some of the provincial Crown land to be transferred to Tsawwassen First Nation will be from the agricultural land reserve. Before concluding a final agreement the parties will assess with the Agricultural Land Commission prospects for excluding land from the agricultural land reserve. This

would allow Tsawwassen to use the land for other purposes than agriculture as a means of meeting their objective to use those lands to support growth and development of their community.

- **Acquiring lands post-treaty** – Prior to concluding a final agreement, the parties will attempt to agree on parcels of land that could become treaty settlement lands and the process for doing so. There is no mention of seeking municipal consent. This is unlike other completed AiPs in the province. A concern of Delta would be the loss of tax revenue from any municipal lands that might be secured for future treaty lands.

5.4 Learning to Co-exist

As First Nations negotiate greater governing powers and a larger land base with a desire to increase economic development on their lands, more community leaders from First Nations and local governments are recognizing the need to develop intergovernmental relationships. Thus, in 1997, First Nations Summit (FNS), a provincial Aboriginal organization, and UBCM organized a province-wide conference called a "Community-to-Community Forum", bringing together elected officials and senior staff from local governments and First Nations with an interest in building and enhancing intergovernmental relations between First Nations and local governments. This conference marked the first time that local government and First Nation leaders came together to discuss their issues and their common interests. The conference provided a forum for dialogue and created an opportunity to discuss future cooperation and collaboration (UBCM & First Nations Summit [FNS], January 24, 1997).

Since that time a funding program was created to support regional community-to-community forums, providing an opportunity for First Nations and local governments to address issues at a local level. A second province-wide forum was held in 2001 which created an opportunity for dialogue on issues of common concern between First Nations and local governments. A third province-wide forum was held in the spring of 2003 and this time it focussed on conflict resolution processes and pursuing joint ventures. Participants explored conflicts and how they can be resolved. As well, the conference featured examples where communities have worked together on joint opportunities. Participants gained a better understanding of the possibilities available to First Nations and local governments which choose to work together (UBCM & FNS, March 14, 2003). In addition, there was a province-wide technical workshop held in February 2003 called

"Developing Good Neighbour Relations", which brought together First Nation land managers and local government planners to discuss at the administrative level the opportunities and the obstacles to developing good neighbour relations. Conference participants prepared the following with respect to improving relations between First Nations and local governments:

- increasing communication,
- understanding how the other party operates,
- effective dispute resolution, and
- the need to clarify common interests and to develop an understanding of mutually beneficial opportunities (UBCM, First Nations Alliance 4 Land Management & INAC, February 19, 2003).

In addition, participants created a list of principles and tools for developing good neighbour relations.

There has also been more of an effort by senior governments to support the development of intergovernmental relationships between First Nations and local governments. This has been primarily accomplished through treaty negotiations and the sponsorship of the Community-to-Community Forum Program.

5.5 Summary

This chapter reviewed the history between First Nations and local governments in BC since 1988. The key points are:

- Changes to the *Indian Act* allowed First Nations to collect tax on reserve lands occupied by leaseholders. Prior to this, local governments collected the tax.
- Local government concerns with respect to treaty negotiations include coordinated land use planning, property taxation and municipal services, intergovernmental relations and dispute resolution.
- In 1993 the provincial government signed an MOU with UBCM which outlined a process for local government consultation on treaty negotiations through treaty advisory committees. In 2001, they signed a second MOU confirming local government representation on provincial negotiating teams. Not all local

governments are content with this arrangement and would like more direct representation of their interests in the negotiations.

- Dissatisfied with the process and with the direction of treaty negotiations with Tsawwassen First Nation, Delta withdraws from the Lower Mainland Treaty Advisory Committee in March 2003. Tsawwassen AiP is initialled in July 2003 and signed in 2004. This is the first AiP in the Greater Vancouver region.
- Starting in 1997, First Nations and local governments throughout the province begin a dialogue through community-to-community forums.

Chapter 6 – Case Context

Katzie First Nation has five Indian reserves situated adjacent to or within six local government communities in the Greater Vancouver area. On the north side of the Fraser River these communities are the District of Pitt Meadows, the District of Maple Ridge, City of Coquitlam and on the south side of the River they are the Langley Township, City of Surrey and Electoral Area A or the GVRD. The relationship that Katzie leaders and staff have with each of these local governments varies. For example, their relationship with Surrey is considered by some interviewees as nonexistent (Katzie interviewee₁; local government interviewee₁). With Pitt Meadows, however, Katzie leaders and staff meet with the Chief Administrative Officer on a regular basis who shares information about development in the municipality. Also, Katzie has servicing agreements with some local governments and not with others. Through treaty negotiations the Katzie treaty team started to learn about local governments in their traditional territory and build relationships with local government leaders and staff. This effort has not been limited to the treaty process. Katzie leaders and staff have attempted to build relationships with their neighbours outside the treaty process by attending community events, meeting with local government councils and inviting local governments to Katzie community events, etc. They have also collaborated with local governments on land use planning, environmental protection, community health and building intergovernmental relationships as will be discussed further in the following pages.

6.1 Why Katzie is Interested in Building Collaborative Relationships

According to an interviewee, Katzie leaders decided to strategically build relationships with neighbouring local governments as well as stakeholders in their traditional territory so when they reach a critical point in the treaty process third parties will be aware of who they are and why land is important to them. The interviewee said she felt there was a lack of education among the general public about Katzie and thought it was important for community neighbourhoods to know who Katzie is before the Katzie community is potentially allocated a particular parcel of land by federal and provincial governments through treaty negotiations. From the interviewee's perspective,

Katzie did not want to get into agreement-in-principle negotiations and our land selection being a surprise ... where constituents of municipalities would not accept because they didn't know who we were and didn't understand why we were interested in those potential areas. (Katzie interviewee₁)

Part of the strategy to building relationships includes educating neighbouring communities about who the Katzie people are and their history. This is accomplished by having Katzie leaders and community members attend various local government community events and school activities (e.g. Pitt Meadows Day parade, Port Hamen Day, Aboriginal Day, and Rivers Day) where Katzie First Nation is recognized and invited by individuals hosting the event to open the celebration with a prayer (local government interviewee₂). Also, the Katzie Chief maintains a profile as a way to create awareness and inform the local public about his community (Katzie interviewee₂). In addition, individuals from neighbouring communities are invited to Katzie community events. Lastly, Chief and council have dinner meetings with Mayor and council whenever there is an election within Katzie, Pitt Meadows or Maple Ridge. This gives political leaders the opportunity to meet each other and to inform newly elected council members about what is going on in the other communities. These meetings have been successful and are now held occasionally even when there is no election (Katzie interviewee₁).

6.2 Intergovernmental Relations Working Group

Katzie First Nation has also been developing intergovernmental relations with neighbouring local governments through treaty negotiations. Following the signing of their Framework Agreement in 2000, the Katzie, federal and provincial treaty negotiators established the Intergovernmental Relations Working Group (IGRWG). The purpose of the IGRWG is partly to provide a forum to exchange information, discuss and understand issues related to intergovernmental relations between local government and Katzie First Nation. Working group members include representatives from Katzie, Lower Mainland Treaty Advisory Committee (LMTAC) as well as the provincial and federal governments (Ministry of Aboriginal Affairs, BC South, October 31, 2000). Negotiators at other treaty tables have referred to the Katzie IGRWG as a model for establishing intergovernmental relations (LMTAC, December 7, 2001).

One interviewee said that local government leaders feel federal and provincial negotiators lack understanding of how local government operates. Thus, the IGRWG is an opportunity for local government representatives to educate senior government negotiators, in addition to Katzie negotiators, about how local government works on the ground (local government interviewee₂).

The Katzie treaty team is using the working group forum to tour and meet staff and leaders from neighbouring municipalities and learn how they function before they begin governance negotiations at the treaty table. The IGRWG has met with staff and/or elected officials at various local governments to share information. The Working Group has visited Maple Ridge, Pitt Meadows, Langley Township, Surrey, the GVRD, City of Langley, and Coquitlam. While not in Katzie traditional territory, the IGRWG also visited the Village of Belcarra because of some of its similar characteristics to Katzie. Namely, it is a small residential municipality with a population of approximately 800 people. During this tour the IGRWG learned about:

- governance structures,
- planning,
- engineering,
- waste management,
- parks
- the environment,
- administration,
- servicing agreements,
- partnerships, and
- delivering quality services with a limited tax base.

This information has provided the Katzie treaty team with local government concepts and processes that may be of interest to Katzie in a self-governing environment (Katzie interviewee₁; Katzie interviewee₂). In exchange, Katzie representatives bring awareness to local government representatives about what it is like to be governed by the *Indian Act*. As well local government leaders and staff learned about First Nation structures and processes, and the challenges the Katzie community is facing with respect to governance and service delivery.

While the IGRWG has focused on exchanging information it has also acted as a vehicle for building stronger intergovernmental relations among Katzie and local government

leaders and staff. For instance, as a result of a meeting between the IGRWG and Pitt Meadows, Pitt Meadows Chief Administrative Officer meets with Katzie every two months to discuss new development issues in the municipality (local government interviewee₂).

6.3 Pitt Meadows and Maple Ridge

Katzie leaders have a better relationship with Pitt Meadows and Maple Ridge compared to its other local government neighbours likely because of their close proximity to IR #1 which is where the majority of Katzie's population lives. IR #1 is located within Pitt Meadows and also shares a boundary with Maple Ridge. There are 70 homes on this reserve.

Katzie community receives water and sewer service from Pitt Meadows and police protection from Ridge Meadows RCMP (Pitt Meadows and Maple Ridge). The chief and an elder meet regularly with individuals from the RCMP to discuss issues related to First Nations, and to bring awareness and cultural understanding about Katzie. Pitt Meadows also provides fire protection for this reserve. In addition to these services, children from IR #1 attend school within the Maple Ridge-Pitt Meadows School District.

One interviewee said she feels individuals from these two local governments recognize Katzie, "as a community that is part of their community" and that they work cooperatively with Katzie community members (Katzie interviewee₁). Another interviewee (local government interviewee₃) described the relationship between Katzie and Pitt Meadows leaders and staff as positive. Yet, another interviewee (local government interviewee₂) described the relationship between Katzie and Maple Ridge leaders and staff as good but only at the beginning believing there will be more interest in the relationship by the local population once substantive issues are discussed at Katzie's treaty table. The interviewee describes their relationship, "I think we've built a lot of strong bonds – a deep understanding and respectful relationship that allows you to disagree and keep the disagreements from being personal." She believes that building relationships now will make discussing difficult issues easier.

Previous Katzie councils established relationships with Pitt Meadows and Maple Ridge leaders, and today the current Katzie council maintains these relationships (Katzie interviewee₂). This is partly done by meeting with municipal councils and attending local community events. One interviewee believes that maintaining a relationship with Pitt

Meadows and Maple Ridge leaders and staff is important because of the servicing agreements Katzie has with these local governments (Katzie interviewee₂).

The relationship between leaders from Katzie and Pitt Meadows has not always been positive. According to Katzie interviewee₃, in the past the Katzie community experienced difficulties in receiving services for development. Local government interviewee₄ said that prior to 1993 there was little communication between leaders from the two communities. This changed when a new municipal council was elected. The new council wanted to work better with the Pitt Meadows community and council members considered Katzie as part of their community. The interviewee felt there was an upset in this relationship in 1997 when Pitt Meadows council considered a controversial development proposal that divided both the municipal council and the community. The proposal included developing a residential subdivision and golf course on an elevated and treed parcel of land located within a farmland area. Katzie First Nation did not support the development as the land had significant cultural value. The council voted in favour of the development.

These relations improved when Pitt Meadows Chief Administrative Officer started meeting with Katzie First Nation Council. Since he started working for the District in 2001, the Chief Administrative Officer has taken the initiative to meet with Katzie leaders regularly. He essentially provides a briefing of issues, developments and major initiatives that may be of interest to Katzie (local government interviewee₄).

Generally there is a working relationship regarding development applications. When there is a development proposal in Pitt Meadows, the municipality will notify Katzie which will advise whether there should be an archaeological study done for the site. This is done when a new area is to be developed like a housing subdivision or commercial development. The archaeological study identifies what area needs to be protected.

6.3.1 Pitt Meadows Development

Within Pitt Meadows development is taking place immediately adjacent to Katzie IR #1 to the west and to the north. The fee simple land to the west was formerly owned by the company INTERFOR. It had a sawmill operation there. The municipality approved an application to develop the property into a mixed use development including commercial and residential. The property to the north is targeted for residential development.

With respect to consultation, Pitt Meadows staff forwarded documents to the Katzie band office for review and comment regarding the development of the INTERFOR property before approving the proposal. One interviewee (Katzie interviewee₁) said that the correspondence was not responded to, due to Katzie's limited administrative capacity, until the application went to public hearing and the municipal council was close to approving it. In addition, regarding the residential development to the north of IR #1, the developer cooperated with Katzie leaders and agreed to conduct an archaeological study (Katzie interviewee₂). When the Chief Administrative Officer meets with Katzie leaders every two months, he provides an update on the developments, answers questions and brings their concerns to municipal leaders.

These developments will be a significant change for residents living on IR #1 because they have lived in relative isolation with no development next to them. One Katzie interviewee₁ expressed concern about Katzie's cultural activities in their long houses disrupting neighbouring residents in the new developments particularly the one to the west. These activities include singing and drumming until 4:00 a.m. The interviewee would like to see the development address this potential conflict.

6.3.2 Building Community Solutions - Community Profile: Snapshot 2002

From 2000 to 2002 Katzie representatives collaborated with individuals from Maple Ridge and Pitt Meadows as well as individuals from various community organizations to complete a profile of their three communities. The project was initiated by the United Way of the Lower Mainland and the Maple Ridge Social Planning Advisory Committee (SPAC). This effort culminated into a report titled *Community Profile: Snapshot 2002* (Morrison, Sommer & Enns, 2002) which examined many aspects of community life such as population, economy, children and youth, adults and seniors, education, housing, health, the environment and public safety. These indicators provide baseline data for measuring success as the three communities move to next phases of the project which include establishing desired outcomes and taking action to achieve those desired outcomes (Morrison, Sommer & Enns, 2002).

The Building Community Solutions project has given Katzie community members the opportunity to work with individuals from local governments and from the local community. One Katzie interviewee₁ had this to say about Katzie's involvement, "I see value in building our understanding of what our neighbours could help provide us and the understanding that the neighbours will get by knowing who we are." Because of this

project, Katzie leaders are able to talk with local government leaders about issues specific to First Nations that create problems for all municipalities such as homelessness, drug abuse, poverty, and criminal activity (Katzie interviewee₁).

6.3.3 Maple Ridge Development - Silver Valley

The District of Maple Ridge underwent a neighbourhood planning process for Silver Valley, a new residential development in the northern part of the municipality. It is a densely treed area with a number of ravines and creeks. Maple Ridge leaders were interested in taking a community-based approach to developing the plan by inviting various stakeholders. In this way, a broad consensus of development options for the area could be achieved. Thus in 2000, municipal leaders, aware of Katzie's interest in protecting salmon bearing streams from development, invited Katzie leaders to send a representative to participate in the planning process as a member of the steering committee. The planning study calls for a development that is different from traditional suburban development (Civitas Urban Design and Planning Inc., 2001). A Katzie interviewee₁ described the process as a good process.

6.4 Greater Vancouver Regional District/Electoral Area A

6.4.1 Grant Narrows Regional Park – Letter of Understanding

The relationship between Katzie and GVRD leaders dates back to 1997 when the two parties signed a Letter of Understanding with respect to Grant Narrows Regional Park which is situated within Katzie's traditional territory near two ancestral villages. In the Letter of Understanding the parties agree to develop and manage the Park based on mutual respect and a cooperative working relationship. They also agree that their intent is not to jeopardize Katzie's aboriginal rights by the redevelopment and management of the park. The GVRD also agrees to work with the Katzie community to better understand Katzie's rights and interests in the park and to discuss ways to avoid or mitigate impacts to these rights and interests.

This relationship expanded in 2001 when Katzie's chief negotiator and the GVRD Director for Electoral Area A met at an LMTAC Governance Symposium. It was there that Katzie leaders learned their reserve on Barnston Island, IR #3, was within the boundaries of Electoral Area A, which is an administrative unit of the GVRD. Up until that point Katzie members believed their reserve was part of the City of Surrey and in the past approached Surrey with any complaints regarding Barnston Island.

Following this initial contact with the Director of Electoral Area A, the Katzie IGRWG has since met with GVRD staff and leaders to learn about how the electoral area operates, what concerns Katzie members can bring to the GVRD and how, among other issues. There were also meetings to discuss housing and parks management. In addition, there were discussions between the two parties about a proposed Surrey waste transfer station, a GVRD facility which would be located in Surrey but adjacent to Katzie IR #3 on Barnston Island. At the time of the interviews in 2002, the GVRD was in the process of setting up a committee of interested stakeholders to talk about the impacts of the proposed transfer station. The committee was to include a representative from Katzie (local government interviewee₅).

6.4.2 Connecting the Pieces: Leaders in Action

Katzie and GVRD staff and leaders worked together to find funding and to organize a regional visioning event, 'Connecting the Pieces: Leaders in Action', with the objective of building better relationships between Katzie and local government leaders and staff. The event was held in 2003 (after completion of interviews) and was attended by representatives from several First Nations, local and senior governments as well as individuals from various economic and social sectors of the region. Local government attendees included representatives from Pitt Meadows, Maple Ridge, Coquitlam and the GVRD (Katzie First Nation, 2003).

As a way to engage participants in an inclusive manner, organizers utilized an innovative approach to facilitating called 'Open Space Technology'. This is the same method that was used at the Community to Community Forums. Open Space Technology "opens the space" or opens up the meeting so people can identify and engage deeply and creatively about issues of concern to them. Open Space creates conditions where people connect with each other and where the agenda is set by the participants attending the event on the morning of the first day.

Twenty topics were proposed for discussion. The event facilitator invited participants to lead overlapping small group dialogue sessions on the proposed topics for two days. Relevant topic discussions included:

- Community planning for sustainability,
- Land use and resources,
- Governance, and

- Jurisdiction.

On the morning of the third day the participants developed action plans by identifying themes, from the proceedings of the first two days, around which real actions could be organized. Action items were created for the following topics:

- Setting up a Katzie community plan,
- Cultural site protection and development,
- Promote awareness of Katzie issues,
- Forestry,
- Katzie opportunities in the forest and tourist sectors, and
- Reaching youth.

According to a local government interviewee₅, the relationship between Katzie and GVRD staff and leaders has improved. There has been discussion between the two parties on how to further improve relations among themselves. The interviewee described Katzie as, "forward looking," and "positive...in terms of relationship building and just common understanding of certain issues that need to be dealt with."

6.4.3 Aboriginal Affairs & Electoral Area Committee/Corporate and Intergovernmental Committee

The GVRD set up an Aboriginal Affairs and Electoral Area Committee (AAEA) in 2001. Prior to this, Aboriginal Affairs was dealt with under other committees that did not have 'Aboriginal Affairs' in their names. In order to eliminate confusion and to give it some prominence, the GVRD amalgamated Aboriginal affairs into one committee and put it together with Electoral Areas. One goal of the Committee is to, "develop and foster better working relationships and contacts with First Nations," (local government interviewee₅). Establishing this committee is recognition by GVRD leaders that they need to understand First Nation issues particularly since they work with a lot of First Nation communities through their Parks department (local government interviewee₂).

Following the municipal election in November 2002 the AAEA Committee became the Corporate and Intergovernmental Committee. The intergovernmental focus of this committee addresses governance processes and relationships that link the GVRD to other governments, agencies and the community. Aboriginal affairs is a significant aspect of this Committee's work which makes recommendations to the GVRD Board on intergovernmental relations and policies (M. Piombini, personal communication, May 3, 2004).

6.5 City of Surrey

Katzie has a water servicing agreement with the City of Surrey for the 17 homes on its Barnston Island reserve, IR #3. The reserve also receives police protection from the Surrey RCMP. As well children from this reserve attend school in Surrey.

Apart from the servicing agreement there has been minimal interaction between the two communities. What one interviewee described as a "new relationship" emerged when the Katzie IGRWG visited the City in 2001 and learned about its planning process, environmental process and how the City manages its parks. While this "new relationship" has occurred at the staff level it has not occurred at the political level (local government interviewee₁). As a result of the IGRWG, both communities have a better understanding of each other and the relationship has improved (Katzie interviewee₁).

6.5.1 Port Kells Development

Dialogue between the two communities, unrelated to the servicing agreement, began in 1998 when Katzie community members learned that Surrey's local government was interested in developing an area of land known as Port Kells into an industrial park. Katzie leaders expressed concern about this development claiming potential archaeological evidence of their ancestors living there (local government interviewee₁). At that time the municipality's response was to deal with those issues through the provincial government (local government interviewee₁). The Port Kells Community Association also opposed the development and in the end, the development did not take place (Katzie interviewee₁). The matter became a non-issue between Katzie and Surrey.

6.5.2 Surrey Waste Transfer Station

In late 2001, Surrey Council approved a GVRD proposal for the development of a regional waste transfer station in Port Kells adjacent to the Katzie's Barnston Island Reserve. This was a land use decision that was not supported by the Katzie community. The GVRD, with Surrey's support, informed the public through media and open houses during the fall of 2001. However, initially neither the GVRD nor Surrey formally consulted directly with the Katzie community. In Surrey's case, this may be because the City considers Katzie as a member of the public and treats them accordingly. Katzie members informally expressed concern to City staff about locating the transfer station in close proximity to their reserve (local government interviewee₁).

When Katzie and Surrey representatives met through the IGRWG in November 2001 the two parties discussed the waste transfer station. Surrey staff provided Katzie representatives with information on waste transfer stations and how they operate, etc. (local government interviewee₁). Following this, Katzie leaders received additional information from GVRD staff. The GVRD will own and operate the waste transfer station. GVRD staff began formally consulting with Katzie on the issue.

6.6 Township of Langley

Katzie has water and sewer servicing agreements with the Township of Langley for IR #2, a small reserve with 13 homes. The reserve also receives fire protection from Langley Township Fire Department and police protection from Langley RCMP. As well children from this reserve attend school in the Township. Besides the renewal of servicing contracts, there has been little interaction between the two communities (local government interviewee₆).

Katzie's profile in the Township has been quiet until Katzie started negotiations under the BC treaty process. Instead, many people in Langley Township are familiar with Kwantlen First Nation, another Aboriginal community also within their municipal boundaries. Generally, people identify Katzie with north of the Fraser River near Pitt Meadows and Maple Ridge (local government interviewee₆).

The Katzie IGRWG visited the Township of Langley as part of their tour of meeting local governments and exchanging information. The meeting was attended mostly by Township staff along with the mayor and some council members. Discussion topics included municipal planning, environmental management and, parks and recreation. The session was described by an interviewee as productive and successful (local government interviewee₆). This meeting has assisted the two communities at beginning to familiarize themselves with each other.

6.7 City of Coquitlam

Katzie has one reserve adjacent to a rural area in the City of Coquitlam, IR #4. There are no Katzie residents living on this undeveloped land. It was leased for cottage purposes. The leases expired in 2003 and were not renewed. Katzie receives no services from Coquitlam for this reserve.

Katzie and Coquitlam representatives participated with other stakeholders to protect Pinecone Burke Mountain Park, a provincial park bordering IR #4. Outside this process there has been no relationship. However, the Katzie IGWRG did meet with Coquitlam staff and some council members to learn more about how the City functions and to begin building a relationship. The discussion mostly focused on community planning particularly for the area in the northeast of the City near Katzie IR #4.

6.8 Summary

This chapter described the context of the case under study. The key points are:

- Katzie First Nation has five reserves located adjacent to or within six local government communities: District of Pitt Meadows, District of Maple Ridge, City of Coquitlam, Langley Township, City of Surrey and Electoral Area A of the GVRD
- Katzie has different relationships with each of the above local government communities although it has better relationships primarily with Pitt Meadows and Maple Ridge
- Leaders and staff from Katzie have started to build relationships with local government leaders and staff through the treaty table and outside the treaty process
- The Katzie community has collaborated with local governments on land use planning, environmental protection, community health and building better intergovernmental relationships

Chapter 7 - Results

This chapter presents the major themes reported by interviewees on structuring collaboration between Katzie First Nation and its neighbouring local governments. For each theme, the perspective of interviewees from Katzie First Nation is explored first. This is followed by the perspective of local government representatives who were interviewed.

7.1 Motivation for Developing Collaborative Relationships

Katzie First Nation Interviewees

Interviewees expressed two main reasons for building collaborative relationships with Katzie's neighbouring local governments:

- To ensure a successful treaty, and
- To maintain existing municipal services.

Successful Treaty

The main reason for developing collaborative relationships with neighbouring local governments, as expressed by Katzie interviewees, is to assist in negotiating and implementing a successful treaty. According to one Katzie interviewee₁, the Katzie community is interested in building a relationship with the people who would be left at the end of treaty. The same interviewee also noted:

Katzie did not want to get into agreement-in-principle negotiations and our land selection being a surprise ... where constituents of municipalities would not accept because they didn't know who we were and didn't understand why we were interested in those potential areas.

Katzie leaders decided to start with awareness and education about who Katzie people are and their history. It was felt that kind of information was important for stakeholders to understand in order to address their concerns regarding Katzie's treaty negotiations and before discussing land selection at the treaty table.

Maintaining Municipal Services

In addition to a successful treaty, one Katzie interviewee₂ identified the preservation of existing municipal services from local governments as another reason for building

collaborative relationships. As a means to mitigate any potential conflict relating to their service agreements it was felt that keeping a good relationship with neighbours was helpful. As expressed by the interviewee:

People on this reserve know we have a good relationship with our neighbouring municipalities. They realize we should be doing this mainly because we have utility agreements with them where they provide us with water and sewer...

Local Government Interviewees

Protect Local Government Interests

Many local government interviewees felt their relationship with Katzie was new or "at the beginning" but that this would evolve once Katzie started discussing substantive issues at the treaty table which would affect local government. If a local government is not immediately affected by treaty or if there is not a significant land issue then a local government may not have the time or the interest to build a collaborative relationship with Katzie First Nation.

Some interviewees did not think there was a need yet to develop a collaborative relationship with Katzie. There have not been any problems to date to deal with. However, as expressed by one local government interviewee⁷, the relationship needs to be in place as treaty becomes finalized:

... Especially if they're working in the direction of self-governance, they might be treated as another local government. So we need to have that relationship to work with your neighbour, especially when it comes to planning, community planning, that sort of thing, services, because they all flow together.

7.2 Influence of Treaty

Katzie First Nation Interviewees

Interviewees from Katzie indicated the treaty process, and in particular the Katzie Intergovernmental Relations Working Group (IGRWG):

- Facilitates collaborative relationships, and
- Provides a forum for sharing information.

Facilitates Collaborative Relationships

Through the IGRWG the Katzie treaty team has met with local government representatives from the District of Maple Ridge, District of Pitt Meadows, City of Coquitlam, City of Surrey and the Township of Langley. This has assisted in developing relationships, some of which are new. One Katzie interviewee₁ commented, "I'd say over last two to two and half years we have significantly increased our relationship with the Township of Langley and Surrey."

Provides a Forum for Sharing Information

Through the IGRWG, Katzie's neighbouring local government leaders and staff became aware of the Katzie community and their desire to know local governments. In addition to local government representatives learning about Katzie First Nation, who they are, their culture and history, the IGRWG has assisted Katzie treaty team in learning about how local government operates. A Katzie interviewee₂ commented:

Through our treaty process, we are studying local governments and we are starting to open the doors to the south - Langley, Surrey - and west - Coquitlam ... Trying to get some kind of relationship going, let them know we are here.

Katzie negotiators have also used the IGRWG to express some of their concerns about services. In this way they hope to bring about a better understanding by local governments.

Local Government Interviewees

Like interviewees from Katzie, various individuals interviewed from local government believe the treaty process:

- Facilitates collaborative relationships, and
- Provides a forum for sharing information.

Interviewees also expressed frustration with:

- Senior governments disregard of local government concerns.

Facilitates Collaborative Relationships

One means of building collaborative relationships between Katzie and neighbouring local governments has been accomplished through the IGRWG. The IGRWG toured or

visited local governments partly to learn how they operate and partly to build relationships. One person (local government interviewee₇) commented, "I think the Intergovernmental Relations Working Group that they've developed has helped them make a connection in most communities that they've toured."

With respect to the IGRWG, another local government interviewee₂ explains:

One of the outcomes ...in doing the work that we've done, the Regional Director of the GVRD for Electoral Area A, which includes Barnston Island and the Katzie reserve there, has actually gotten to know Katzie First Nation and talked with a number of them about issues that have nothing to do with the treaty, issues to do with living on Barnston Island.

This same interviewee also explains:

One result of the meeting that we had there was that the Chief Administrative Officer for Pitt Meadows ... goes down to Katzie First Nation now about once every two months to have a little meeting with them and just tell them what's up in Pitt Meadows ... They're being acknowledged that they are a neighbour, they're being given the courtesy of knowing what's going on. It's a big change.

Provides a Forum for Sharing Information

The IGRWG has given the Katzie treaty team and local government representatives an opportunity to learn about each other. Local government interviewee₇ thought there was, "probably a better understanding from some of our staff that participated in those visits as to what Katzie First Nation is about. It's all been mostly information sharing."

Another local government interviewee₂ talked about the difficulty in understanding what authority or department deals with what issues when a First Nation is not familiar with local government. She noted that the IGRWG discussions have led the Katzie treaty team to, "knowing who's there in what department ... And understand that this jurisdiction looks after that area, this jurisdiction looks after this area, so where to go and to ask the questions where you'll get a proper answer."

Senior Governments Disregard of Local Government Concerns

Some of these same interviewees also expressed frustration with senior government treaty negotiators who do not understand how local government functions or respect local government concerns. One local government interviewee₁ described the treaty process as "top-down" where, "the voice of LMTAC (Lower Mainland Treaty Advisory

Committee) is not always heard.” Local government interviewee₆ expressed discontent with not having a place at the treaty table particularly since local government and First Nations will have to live and work together in a post-treaty environment. He commented:

They (First Nation people) use our parks, they use our swimming pools, they're treated equally and then they need water, sewer, fire – all those basic services that the municipalities provide ... We need to be there to make sure that everybody understands what we (local government) actually do provide and it has to be a fair and equitable agreement.

This interviewee believes that if local governments were empowered to sit at the table servicing could be easily resolved.

7.3 Communication

Katzie First Nation Interviewees

With respect to communication, individuals interviewed from Katzie talked about:

- Sharing information,
- Dinner meetings/informal gatherings, and
- Open communication.

Sharing Information

Since Katzie's involvement with the Community Solutions project with Pitt Meadows and Maple Ridge, leaders from Katzie have been able to communicate with local governments on issues specific to First Nations that create problems for local governments. These issues include homelessness, drug abuse, poverty, etc. In addition, Katzie's Chief and an elder meet with the RCMP to bring awareness about and to discuss First Nation issues.

The Chief Administrative Officer from Pitt Meadows meets with Katzie leaders about every two months to provide them with an update on development in the municipality and to bring back any concerns. Katzie interviewee₁ described these meetings as, “very open,” and added, “To their benefit, it's great they do it ...” Another Katzie interviewee₂ commented, “They tell us what they are doing and we tell them what we are doing, whether we are going to build more houses. They can determine whether their services will be adequate.”

Through the Katzie IGRWG various local government representatives have shared information with individuals from Katzie about their respective local government and how it operates. One Katzie interviewee₂ had this to say, "Everyone we go to see has been cordial. Always willing to share information we ask for. We tell them what we want to learn and they have the right people there."

Dinner Meetings/Informal Gatherings

A previous Katzie council began having special dinner meetings with municipal councils from Pitt Meadows and Maple Ridge during the early 1990's. This continues today particularly when there is either a Band or municipal election. A Katzie interviewee₂ described these meetings:

One of the main things to establishing a relationship with our neighbours is that first you got to get to know them. Their councils change and what we usually do when there is a new council, whether it is a new Katzie, Pitt Meadows or Maple Ridge Council, is we sit down and have a dinner. This gives us the opportunity to meet each other and to inform each other about what is going on in our respective communities.

Open Communication

While the Katzie community may have established a relationship with its neighbouring local governments this does not mean they agree on everything. According to one Katzie interviewee₁, when Katzie disagrees with one of its neighbouring local governments they use a straightforward approach, openly communicating their disagreement.

This same interviewee expressed a desire for more open communication with some of Katzie's neighbours particularly with respect to development issues. Improved communication would assist the Katzie community in understanding how the development may potentially impact their community. The interviewee had this to say:

Would like to have an open relationship, with trust and the ability to talk with each other so we can understand why the other side needs to do what it is doing. Doesn't mean we will agree on everything – just the ability to communicate.

Local Government

Interviewees from local government discussed similar themes with respect to communication to what Katzie First Nation interviewees discussed. This included:

- Sharing information,
- Dinner meetings/informal gatherings, and
- Open communication.

Sharing Information

Interviewees liked Katzie's approach to learning about local government and building collaborative relationships. The approach was described by one interviewee as "unique" while another described it as "refreshing". Yet another local government interviewee₅ commented:

Katzie First Nation, as I said, took it upon themselves and is being regarded, even by the Province, as a very forward First Nation. A different kind of model is being developed through the Katzie Intergovernmental Relations Working Group where they've actually gone out themselves and through the working group engaged those other local neighbouring municipalities.

One interviewee mentioned that during these IGRWG meetings the Katzie treaty team talked about specific concerns they may have with local government (e.g. connecting to a sewer system) in an effort to resolve issues. However, interviewees generally felt the information the Katzie treaty team offered was fairly limited such as the land in which they are interested.

Two interviewees also commented on the lack of follow-up after the IGRWG meeting with their respective municipalities. One local government interviewee₁ noted:

We are planning a further session in the future and we'd like to carry on these sessions on an ongoing basis so that they (Katzie First Nation) are given a comprehensive picture of what's happening here in the City. Perhaps establish some form of frequent communication ... Because if their goal is to gain some kind of stake hold ... within the boundaries of this City ... they need to know what's going on here, particularly in the areas that they are referring to as their traditional territory.

However, at the time of the interview, further discussions had not taken place between this particular municipality and Katzie First Nation.

Dinner Meetings/Informal Gatherings

Regarding joint Council dinner meetings local government interviewee₃ expressed the following:

The main purpose was that we become more familiar with each other a bit and we periodically talk of doing that but it hasn't happened since. The idea of meeting once in a while at Council level and the exchange of information and ideas is something that I would recommend.

Open Communication

Some interviewees felt that local government representatives communicated more openly than Katzie representatives. One local government interviewee₇ mentioned, "I think probably there's certainly less information that comes from Katzie First Nation to local government." Another local government interviewee₃ mentioned that Katzie leaders were hesitant to share information with Pitt Meadow staff about their economic strategy. They were also reluctant to participate in a broader economic strategy for the area. This interviewee also described information sharing meetings with Katzie in the following way:

It's more of a sit and listen; they're very polite, very appreciative that I've taken the time to come down. There's nothing that says I have to do this, it's just my style ... I think it's important to have that relationship.

Yet, another local government interviewee₁ described the communication Surrey has with Katzie as being no different than that with the general public. Information is provided via the newspaper and if an individual requests information it is forwarded to them provided it is public information. Thus, Katzie is regarded like anyone else in the community.

7.4 Impact of Leadership

Katzie First Nation

Interviewees talked about two issues that relate to how local government leadership can affect a collaborative relationship with Katzie First Nation. These issues are:

- Interested leaders, and
- Change in municipal council.

Interested Leaders

For one municipality, the City of Surrey, Katzie has developed more of a relationship with staff rather than with political leaders who have appeared uninterested. There was one council member who expressed an interest in developing a relationship with Katzie but this person did not run again in the 2002 election. Without this contact, Katzie interviewee₁ noted, "We'll have to see how we will continue to build on the relationship."

Change in Municipal Council

One Katzie interviewee₃ described Katzie First Nation's relationship with Pitt Meadows and Maple Ridge as better now than in the past. This change is partly a result of the new consultation rules which have affected all levels of government including local governments. The interviewee also felt it was partly to do with a substantial change in elected municipal officials.

Local Government

Interviewees discussed two themes in relation to the impact of leadership on developing collaborative relationships with Katzie First Nation. These include:

- Interested leaders, and
- Informed leaders.

Interested Leaders

When local government leaders are actively interested in building a collaborative relationship with Katzie positive outcomes happen. For instance, the 'Connecting the Pieces: Leaders in Action' workshop was the result of one leader's initiative from the GVRD. One local government interviewee₅ said this, "It's just one Member's ... one Director's proposal, who has gone out and put these people together and said let's work on this together." However, not all leaders from other local government have expressed the same kind of initiative or interest. The result with one particular municipality, the City of Surrey, is a relationship at the technical level between municipal staff and Katzie First Nation.

Informed Leaders

Local government leaders who participate in LMTAC are informed about the treaty process and First Nation issues. These leaders are inclined to be supportive or

interested in building a collaborative relationship with Katzie. This is in contrast to those leaders who are uninformed about First Nation issues and the treaty process. They tend to be less supportive of First Nations desire for change and tend not to accept the treaty process as a means for resolving issues with First Nation people.

When local government councils change there is a potential for this to affect the relationship with Katzie depending on the philosophy of the council members and what their opinions are on treaty issues. In order to maintain continuity within local governments or to carry over information when there is a change at the political level a staff person, in addition to an elected official, is involved with LMTAC. One interviewee felt that it was important for employees to build a working relationship with Katzie as they are permanent unlike council members. In one municipality the staff person involved with LMTAC takes it upon himself to educate other staff people about treaty negotiations.

7.5 Land Use Issues

Katzie First Nation

Interviewees discussed two issues in relation to land use. These included:

- Servicing developments on-reserve, and
- Incompatible land use.

Servicing Developments On-Reserve

According to Katzie interviewee₃, in the past there has been some difficulty receiving services for a new residential development on-reserve. The municipality which would have provided the services expressed concern about the impact the development would have had on their local schools. Thus, the municipality indicated it would not provide sewer service to the development. The interviewee described the control the municipality has over development on-reserve today as less "blatant" but expressed frustration about having to, "go through them (municipality)," for sewer service, water, etc.

Incompatible Land Use

There was some concern expressed about developments adjacent to or near Katzie reserves that were incompatible with Katzie's land use (e.g. waste transfer station). One

Katzie interviewee₁ would like to see a more open communication process before developments are approved and built. She, "would like to have an open relationship, with trust and the ability to talk with each other," so Katzie can understand why the municipality approved the development and can believe that it is not going to have an impact on their community.

Local Government

Local government interviewees also talked about topics similar to Katzie and as well introduced a new issue. These are:

- Servicing developments on-reserve,
- Incompatible land use, and
- Local government development.

Servicing Developments On-Reserve

One interviewee expressed concerned about Katzie's land use and how it affects the adjacent municipality. For example, the interviewee talked about a potential mini-homes park being built on-reserve and how this might impact the municipality. Currently there is a contractual agreement with Katzie for the municipality to provide municipal services to the reserve. If there is substantial change to the land use of the reserve then there may be a need to revisit the servicing arrangement.

Incompatible Land Use

Land use on-reserve also has some bearing on land uses surrounding the reserve and the traffic through the municipality leading into and out of the reserve. The municipality would essentially like to know what the Katzie community is intending to do with their lands in the future. This is particularly important since Katzie has done some economic development planning.

Physical Development in Municipality

Interviewees described development within local government boundaries as an obstacle between themselves and Katzie First Nation. Interviewees indicated that Katzie was particularly concerned about development within their traditional territory that has cultural significance to their community such as an ancestral burial ground or development that

has a significant impact on the environment. One local government interviewee₂ commented:

Yes it's fair to say that Katzie is quite concerned about the development that's going up in Silver Valley ... They think we do a very poor job of protecting the environment and when I say "we" I mean all of us - municipal, regional, provincial and federal.

7.6 Differences in Operation

Katzie First Nation

Inconsistent Laws

One Katzie interviewee₃ discussed the differences in traffic bylaws on-reserve and off-reserve that once existed. When these laws became consistent a collaborative relationship between Katzie and the Ridge Meadows RCMP developed. Although this is not a relationship directly with the local government it is worth mentioning as it demonstrates how the reserve community operates differently from a municipality.

When the traffic bylaws were different the RCMP could not enter the reserve to enforce the traffic bylaws that were present off-reserve. No relationship existed between Katzie and the RCMP, and the RCMP rarely went onto the reserve. A previous band council signed an agreement with the Ridge Meadows RCMP that allowed them to come onto the reserve and apply traffic bylaws like they would off-reserve. Since then the relationship with the RCMP has improved. Today the Katzie community and the RCMP, through a liaison officer, collaborate together to resolve problems on-reserve.

Local Government

Unlike interviewees from Katzie, local government interviewees talked more about the difference in operation between themselves and Katzie First Nation. These differences are:

- The need to understand how each community operates,
- *Indian Act* vs. *Local Government Act*, and

Understanding how Other Community Operates

One local government interviewee₅ expressed the need for both parties to understand how each other operates. He said this, "I would say the key obstacle that we run into right now is simply understanding how they (Katzie First Nation) run their organization

and how to better communicate how we run.” Local government needs a better understanding of how Katzie’s form of government works, how the internal process would unfold if there were issues that the two parties needed to address and how long it would take.

The interviewee also talked about how local government tends to be more formal about how they run their meetings and make decisions. He felt that some First Nation people did not like the formal structure of local government. They would prefer to build relationships through more informal interaction.

Indian Act vs. Local Government Act

There was some discussion about the differences in the legislative framework that governs First Nations and local governments. The federal *Indian Act* governs First Nation reserve communities and the provincial *Local Government Act* and *Community Charter* govern local governments. One local government interviewee₃ thought this difference “changed things” but not necessarily in a negative way and said this:

We have a cordial relationship but we don’t have a day to day working relationship ... It’s no different than us and Maple Ridge ... It’s a different model with different rules governing them, but out of necessity they have come to us for certain services ... As far as I’m concerned the systems work well.

7.7 Administrative Capacity

Katzie First Nation

Katzie’s Administrative Capacity

“The most difficult problem is the lack of capacity in our own government,” (Katzie interviewee₁). This was a comment made by an interviewee in relation to a referral document that was sent to Katzie’s band office by Pitt Meadows staff on a proposed development adjacent to the reserve. Due to Katzie’s limited administrative capacity, the correspondence was not responded to until the development application went to public hearing and the municipal council was close to approving it. The interviewee further added, “It was sort of the fault of our own for not dealing with the issue.”

Local Government

Differences in Capacity Level

A local government interviewee₂ talked about the difference in administrative capacity between Katzie First Nation and local governments. Katzie has four band council members who deal with substantial issues like health, housing and education, and less than three full time staff people. As a result, Katzie leaders and staff only deal with issues that are a high priority for their community and for which they have time. On the other hand, Maple Ridge, for example, has seven council members and a staff of 550 people. Also the municipal government does not provide housing for most of its community members like Katzie does. As well, there is a school district to deal with education and a health authority to deal with health. The interviewee commented, "I think capacity is an issue for them, it's a small group and like all small groups – there are three people to do all the work - there's a lot of work to be done." She also believed that if Katzie increased their administrative capacity they would be willing to work with or collaborate with the municipality on more issues.

7.8 Knowledge

Katzie First Nation

Two main themes came up that relate to knowledge and building collaborative planning structures. These are:

- Katzie learns about local government, and
- Local government learns about Katzie.

Katzie Learns about Local Government

Through the IGRWG, the Katzie treaty team learned about how local governments are structured and how they function. The working group toured Katzie's neighbouring local governments and learned about planning, land use, zoning, human resources, parks and recreation among other things. They also learned about how some municipalities work cooperatively and share services. Katzie representatives who attended these meetings intend to take this information back to their community and determine what might work for them in a self-governing environment. One Katzie interviewee₂ felt the working group had been quite informative. The interviewee commented, "Any municipality we have visited has been quite pleased to see us and quite willing to share information."

Local Government Learns about Katzie

Katzie leaders decided to inform and educate the local government community about Katzie First Nation, its culture and history. This is accomplished through meeting with local governments and attending municipal community events. The Chief takes this on as part of his role. Other community members are also active in this area.

One Katzie interviewee₁ said, "Katzie has strategically decided to build relationships because there is a lack of education amongst people my age and older and understanding why First Nations feel marginalized." They do not want their land selection discussions to be jeopardized because local governments and their residents do not know who they are and do not understand why they are interested in those potential areas.

Local Government

Local government interviewees discussed the same issues as Katzie interviewees in addition to a new one:

- Katzie learns about local government,
- Local government learns about Katzie, and
- Senior government negotiators learn about local government,

Katzie Learns about Local Government

One local government interviewee₂ talked about the Katzie community's limited knowledge of how local governments operate. To demonstrate this, the interviewee discussed a letter that Katzie council sent to Maple Ridge municipal council regarding a public hearing issue and did not understand why the Council did not respond. Typically, the municipal council does not reply to any correspondence on a public hearing item. Katzie Council did not know this. The interviewee understood why it would be difficult and confusing for a First Nation to understand how local government operates when their communities are managed separately and said this, "when you're on the inside ... you know what the process is so you don't see where it is a problem for other people."

Through the IGRWG, the Katzie treaty team has gained insight into running a municipal operation by touring neighbouring local governments. The working group has also assisted them in making contacts and understanding jurisdictional differences. A local government interviewee₂ noted:

So those discussions have led to them knowing who's there in what department ... And understand that this jurisdiction looks after that area, this jurisdiction looks after this area. So where to go and ask questions where you'll get a proper answer.

Local Government Learns about Katzie

With respect to information sharing at the IGRWG meetings with local governments, one local government interviewee₇ indicated that Katzie representatives also share information with local government representatives. He described the information they share as "fairly limited" as far as some of the land they are interested in. However, the Katzie treaty team does talk about specific concerns they may have with local government (e.g. services). The interviewee added, "Hopefully the local government can understand where Katzie First Nation is coming from with those concerns."

Katzie people have a good understanding of their own history and the history of First Nations generally. They also understand their constitutional rights and the *Indian Act*. This is largely what local government representatives who attend the IGRWG meetings learn from Katzie.

Senior Government Negotiators Learn about Local Government

In addition to discussing with Katzie treaty team about how local government functions, the IGRWG served as a means to also educate the federal and provincial negotiators at the Katzie treaty table about how local government works on the ground. Many local government people feel that neither senior government understands what they do at the local level. Government negotiators often have a law background with no municipal experience so going on these tours has been an "eye-opener" for them.

7.9 Benefit of Building Relationships

Katzie First Nation

One Katzie interviewee₂ talked about the benefit of building relationships. If you know your neighbours it is easier to deal with and work through other issues. In his words, "You got to get to know your neighbours. There are lots of issues to deal with - like to do it face to face, sit down at table and talk directly with each other."

Local Government

Several local government interviewees discussed the benefit of building relationships. For example, one interviewee commented that knowing each other helps to break down barriers and establishing relationships allows the two parties to work effectively together. Another local government interviewee₂ also believed that getting to know each other now will make discussing substantive and difficult issues at the treaty table easier. The interviewee commented, "I think we've built a lot of strong bonds – a deep understanding and respectful relationship that allows you to disagree and keep the disagreements from being personal." Yet, another local government interviewee₇ noted, "It's so much easier to negotiate and work with people when you have some sort of relationship with them, especially a positive relationship."

7.10 Political Recognition of Katzie First Nation

Local Government

One local government interviewee₂ talked about Katzie's political recognition with respect to a collaborative committee formed to negotiate with BC Hydro. The committee which included Maple Ridge was formed to work with BC Hydro to change the water flow of Alouette River affected by a BC Hydro dam near Alouette Lake. It was felt by many stakeholders on the committee that the river flow was too low which was having a negative impact on fish. The interviewee believed Katzie's participation on the committee was a critical reason why BC Hydro worked hard to come to a mutual solution on the issue. She commented, "The First Nation has way more authority than local governments do – a sort of moral high ground in catching Hydro's attention. They needed to come to the table and negotiate in a meaningful way."

7.11 Katzie's Involvement in Civic Life

Katzie First Nation

Two interviewees talked about Katzie's involvement with the local government communities. One Katzie interviewee₁ said she and other community members attend municipal meetings and community celebrations as a way to educate individuals about the Katzie community. She attempts to connect with not only the local governments but the rest of the community as well. Another Katzie interviewee₃ commented, "Being as

we're more open now and we get out to lots more different meetings and we're involved in the schools, it's changing for the good even with the RCMP and the doctors ..."

Local Government

One local government interviewee₂ discussed Katzie's involvement in local government communities including participation in celebrations, environmental issues and the School District. She said that over the last 10 years there has been more and more participation in municipal events by Katzie members. She commented, "Ten years ago there would have been no participation in any way by Katzie First Nation or any acknowledgement that we were in Katzie Traditional Territory." Often Katzie's participation will include having a member open the community celebration with a prayer. The interviewee further adds:

A decade ago there was nothing you could go to see First Nation persons at in terms of community life ... but people are beginning to see them in just part of regular civic life and know a bit more about who they are.

7.12 Summary

The results of the interviews conducted are described in this chapter. A summary of the themes on developing collaborative relationships or structuring collaboration are found in Table 1.

Table 1: Summary of Interview Results grouped by Themes and category of Interviewees

Perspective of Katzie Interviewees	Perspective of Local Government Interviewees
Motivation for Developing Collaborative Relationships	
Successful Treaty <ul style="list-style-type: none"> To assist in negotiating and implementing treaty Maintaining Services <ul style="list-style-type: none"> To preserve existing municipal services 	Protect Local Government Interests <ul style="list-style-type: none"> When immediately affected by treaty negotiations then local government will build relationship Relationship with Katzie will likely evolve when substantial issues are discussed at treaty table
Influence of Treaty	
Facilitates Collaborative Relationships <ul style="list-style-type: none"> Through Katzie Intergovernmental Relations Working Group (IGRWG), established at treaty table, Katzie met local government representatives Provides Forum for Information Sharing <ul style="list-style-type: none"> IGRWG has given Katzie and local governments opportunity to learn about each other 	Facilitates Collaborative Relationships <ul style="list-style-type: none"> Building relationships accomplished through the IGRWG Provides Forum for Information Sharing <ul style="list-style-type: none"> IGRWG has given Katzie and local governments opportunity to learn about each other
Communication	
Sharing information <ul style="list-style-type: none"> Katzie communicates with local government about issues specific to First Nations Pitt Meadows CAO regularly updates Katzie about development in municipality Local governments share information through the IGRWG Dinner Meetings/Informal Gatherings <ul style="list-style-type: none"> Hold dinner meetings with Pitt Meadows and Maple Ridge councils Open Communication <ul style="list-style-type: none"> Katzie openly communicates a disagreement Would like more open communication with some local government neighbours 	Sharing Information <ul style="list-style-type: none"> Katzie representatives share limited information at IGRWG meetings No follow-up after IGRWG meetings Dinner Meetings <ul style="list-style-type: none"> Hold dinner meetings with Katzie Council to become familiar with one another Open Communication <ul style="list-style-type: none"> Local governments communicate more openly Communicate with Katzie no differently than with the public
Impact of Leadership	
Interested Leaders <ul style="list-style-type: none"> Develop relationship with municipal staff when leaders are uninterested Change in Municipal Council <ul style="list-style-type: none"> Change in municipal leaders affects relationship 	Interested Leaders <ul style="list-style-type: none"> When local government leaders are interested in building relationship positive outcomes occur Informed Leaders <ul style="list-style-type: none"> Informed local government leaders support building relationship with Katzie Municipal staff person involved with LMTAC to maintain continuity when elected officials change

Perspective of Katzie Interviewees		Perspective of Local Government Interviewees	
Land Use Issues			
Servicing Developments on-Reserve <ul style="list-style-type: none">Difficulty receiving services for development in the pastFrustrated with going through municipality for services for new development Incompatible Land Use <ul style="list-style-type: none">Concerned about development adjacent to or near reserve	Servicing Developments on-Reserve <ul style="list-style-type: none">Concerned about effects Katzie's land use will have on provision of services Incompatible Land Use <ul style="list-style-type: none">Would like to know what Katzie is intending to do with their lands as this affects land use surrounding reserve Physical Development in Municipality <ul style="list-style-type: none">Development a controversial issue for Katzie		
Differences in Operation			
Inconsistent Laws <ul style="list-style-type: none">When traffic bylaws on-reserve became consistent with bylaws off-reserve a collaborative relationship emerged with Ridge Meadows RCMP	Understanding how other Community Operates <ul style="list-style-type: none">Both parties need to understand how the other operates Indian Act vs. Local Government Act <ul style="list-style-type: none">Different legislative framework that governs the two communities does not have negative impact		
Administrative Capacity			
Katzie's Administrative Capacity <ul style="list-style-type: none">Difficult problem is Katzie's lack of capacity	Differences in Capacity Level <ul style="list-style-type: none">Local government has greater capacity		
Knowledge			
Katzie Learns about Local Government <ul style="list-style-type: none">Through the IGRWG Katzie leaders learn about local government Local Government Learns about Katzie <ul style="list-style-type: none">Katzie leaders decided to inform local government community about Katzie through meetings and community events	Katzie Learns about Local Government <ul style="list-style-type: none">Through the IGRWG Katzie treaty team has gained insight into running a municipal operation Local Government Learns about Katzie <ul style="list-style-type: none">Katzie shares limited information through IGRWGLocal government learns about Katzie's history Senior Government Negotiators Learn about Local Government <ul style="list-style-type: none">Through the IGRWG senior government negotiators learn how local government works		
Benefit of Building Relationships			
<ul style="list-style-type: none">If you know your neighbours it is easier to work through issues	<ul style="list-style-type: none">Building relationships breaks down barriers, allows two parties to work effectively together, and makes discussing difficult issues easier		
Political Recognition of Katzie First Nation			
	<ul style="list-style-type: none">Katzie's political recognition assisted a collaborative committee in gaining BC Hydro's attention		
Katzie's Involvement in Civic Life			
<ul style="list-style-type: none">Katzie involved in local communitiesKatzie educates through community events	<ul style="list-style-type: none">Katzie more involved in local communities over last ten years		

Chapter 8 - Analysis

At the time of the interviews, substantial issues that would have an impact on local governments had not been dealt with at the Katzie treaty table. Thus, while Katzie First Nation has collaborated with local government neighbours on various issues, it has not done so for specific planning matters that will be affected by treaty negotiations. The following chapter is written within this context.

This chapter identifies a framework of opportunities for and constraints to structuring collaboration among a First Nation and local government. The framework is based on the responses from the interviewees. An opportunity is defined as an element that increases the chances that a First Nation and local government may reach an effective collaborative relationship. An obstacle is defined as an impediment towards attaining an effective collaborative relationship. The analysis examines treaty negotiations as a central theme and a key motivating factor to collaboration. The framework may be useful to other urban First Nations in the treaty process and neighbouring local governments which are affected by negotiations.

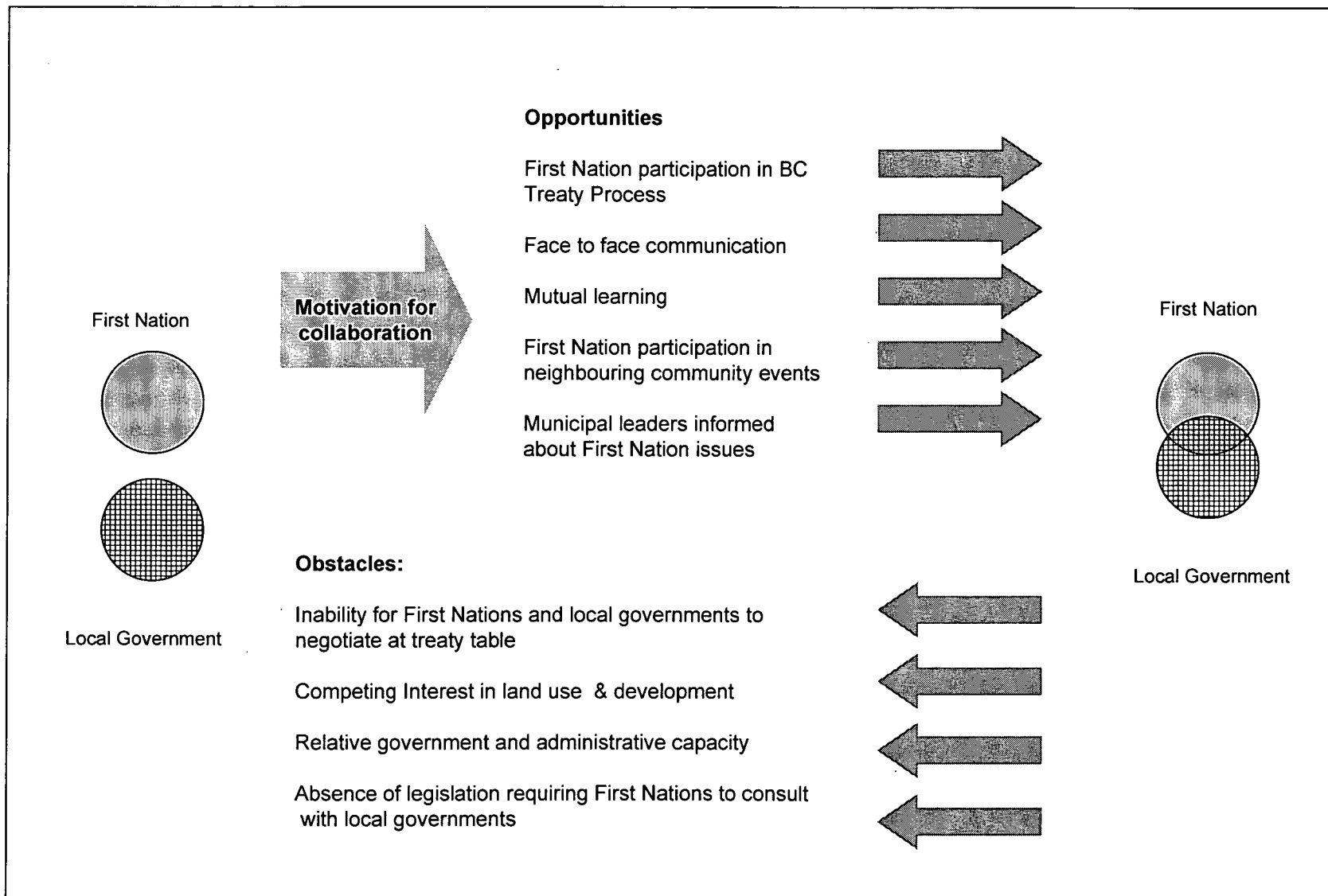
There are five key elements that together increase the opportunity for Katzie and local governments to structure collaboration (see Figure 2). When one or more of these five elements are in place and the two parties have a critical interest in collaborating then the opportunity for structuring collaboration is enhanced. That is, the probability of collaborating is increased but not ensured. Similarly, when any one of these elements is missing, the likelihood of successful collaboration diminishes. These elements are:

- First Nation participation in the BC treaty process,
- Opportunity for First Nation and local government to communicate face to face about issues of common concern,
- Mutual learning by the First Nation and local government about each other,
- First Nation participation in neighbouring community events, and
- Informed municipal leadership about First Nation issues.

There are four obstacles that constrain or work against Katzie and local government neighbours in collaborating. These obstacles are:

- First Nations and local governments inability to negotiate at the treaty table,

Figure 2: Framework of Opportunities for and Obstacles to Structuring Collaboration among a First Nation and Local Government



- Competing interest regarding land use and development,
- Relative government and administrative capacities of First Nation and local government, and
- Absence of legislation requiring First Nations to consult with local governments.

8.1 Motivation for Collaborating

The BC treaty process acts as a motivating factor for structuring collaboration among First Nations and local governments. In the case under study, each party, with the exception of one local government, has a critical interest in collaborating that stems from Katzie's treaty negotiations. Interviewees indicated that Katzie's motivating interest is to ensure a successful treaty and, for local governments, it is to protect their interests as they relate to treaty.

When one party is not immediately affected or motivated then collaboration becomes difficult. This was the case with one municipality in the study, City of Surrey, whose political leaders seemed uninterested in developing a relationship with Katzie First Nation. The interviewee from this local government indicated that the municipality was not affected by Katzie treaty negotiations in the same way other local governments were. Without this motivating interest, the leaders from the two parties failed to develop a collaborative relationship.

8.2 Five Opportunities for Collaborating

8.2.1 First Nation Participation in the BC Treaty Process

First Nation participation in the BC treaty process is a unique type of opportunity. It differs from the others because it is integral to the other four. In other words, all other opportunities evolve from this one. The impact of the BC treaty process as it relates to communication, mutual learning, First Nation participation in neighbouring community events and informed municipal leadership is discussed below.

8.2.2 Opportunity for First Nation and Local Government to Communicate Face to Face

Opening the lines of communication is one of the principles of diplomacy that Tennant (1999) advocates. He argues that communication decreases conflict and simplifies resolving any that do occur. While Tennant suggests applying the principles of diplomacy outside the treaty process, it is argued here that the treaty process can be

instrumental in increasing communication and contact between First Nations and local governments.

The Katzie Intergovernmental Relations Working Group (IGRWG), reporting to the main negotiating table, was established whose purpose was to discuss intergovernmental issues among Katzie First Nation, local governments, and federal and provincial governments. Stemming from this face to face communication between Katzie and local governments have been opportunities for the parties to communicate outside the treaty process. For example, as a result of the IGRWG meeting with Pitt Meadows representatives, the Chief Administrative Officer from Pitt Meadows meets regularly with Katzie leaders about development within the municipality. Also, the Director of Electoral Area A started to engage Katzie community members in discussions about issues related to living on Barnston Island. Further collaboration occurred when Katzie participated with the GVRD in organizing the *Connecting the Pieces: Leaders in Action* project.

The results also indicate that the more opportunities Katzie and local government representatives have to communicate and interact face to face, the better the relationship. And, for the local governments which Katzie has a better relationship with, the more opportunities there are for collaborating. For instance, Katzie participated with Pitt Meadows and Maple Ridge in the *Community Profile: Snapshot 2002* project. Katzie leaders and staff engage in more discussions with these two municipalities than other local governments. Overall, the Katzie community also has a better relationship with these two municipalities.

Structuring collaboration is challenging when two parties do not openly communicate. Lack of communication can lead to incompatible land use or missed opportunities. For example, there may have been a missed opportunity in coordinating economic development plans between Katzie First Nation and Pitt Meadows when Katzie leaders decided not to share its economic strategy with Pitt Meadows staff and chose not to participate in an economic development strategy for the area.

Lack of communication can also lead to a lack of understanding as to how development will affect the adjacent community and potentially result in incompatible land use. There was one instance where a local government did not, from an interviewee's perspective, communicate early or openly on development issues with Katzie members. This resulted in the Katzie community questioning how the development would affect their

community and why the local government was allowing the development in that particular location.

8.2.3 Mutual Learning by First Nation and Local Government about Each Other

In addition to increasing communication among a First Nation and neighbouring local governments, the treaty process can also increase mutual learning and knowledge among the parties about each other by providing a forum for information sharing. For example, the Katzie IGRWG allowed Katzie and local government representatives to learn about and become familiar with each other, and to understand jurisdictional differences. And, as noted under *Informed Municipal Leaders*, local government leaders who are informed or knowledgeable about First Nation and treaty issues are interested in structuring collaboration and/or developing relationships with First Nations.

8.2.4 First Nation Participation in Neighbouring Community Events

Participation in local community events by First Nation representatives fosters communication and mutual learning among First Nation and local government individuals. As stated above, increased communication and knowledge increases the likelihood of successful collaboration.

Interviewees indicated that since the early 1990's, Katzie community members have been increasingly involved in local municipal events. This timeframe coincides with the onset of Katzie's involvement in the BC treaty process. Katzie leaders have also been active during this time period in educating and raising awareness among the local public about Katzie community, culture and history. Perhaps their involvement in the treaty process has given Katzie the resources to raise their profile among the local population and to begin building relationships with its neighbouring local governments.

8.2.5 Informed Municipal Leaders about First Nation Issues

The BC treaty process has had an impact on local government leadership and their interest in either building relationships or collaborating with First Nation communities. Leaders who are informed about First Nation issues through their participation with LMTAC, and who are from communities affected by treaty negotiations, are more active in establishing relationships and collaborating with First Nations than their counterparts. For example, the Director of Electoral Area A engaged Katzie First Nation leaders and members in discussion on issues relating to Barnston Island and collaborated together to organize a workshop on relationship building.

For the City of Surrey the relationship with Katzie First Nation is at a staff level, not at a political level. While it is useful to have a relationship at the staff level to ensure that when there is a change in political leaders some continuity is maintained, it is important to have a relationship at the political level because this is where collaboration will emerge. In the case under study, collaboration with Katzie was often initiated by a local government leader. For example, it was a councillor from Maple Ridge who suggested including Katzie First Nation in the Community Solutions project.

8.3 Four Obstacles to Collaborating

8.3.1 First Nations and Local Governments inability to Negotiate at Treaty Table

While the treaty process has resulted in opportunities for Katzie First Nation and local governments to collaborate, it has also been an obstacle because local government is not one of the three principals negotiating a treaty. Instead local government participates in the treaty process as a member of the provincial negotiation team. In this manner, local governments and Katzie First Nation may fail to reach collaboration on issues, such as coordinated land use planning, that will affect their communities in a post-treaty environment. This, in turn, may lead to problems with implementing Katzie's final treaty and conflict if these kinds of issues are not worked out among the affected parties.

This obstacle is compounded further by senior government negotiators' limited understanding of how local governments operate. With little experience at the local community level, it is difficult for senior governments to adequately represent local government interests. It would be more efficient if local governments were given the ability to sit at the treaty table and negotiate these issues on their own behalf.

This does not mean, however, that Katzie First Nation and local governments cannot sort out or negotiate these issues amongst themselves outside the treaty process. Indeed, this is what Tennant (1999) suggests. If an agreement is reached between Katzie and a local government, how can senior governments disregard it? If both Katzie First Nation and the local government agree, perhaps they can request that the agreement form part of the final treaty.

In addition, the parties can use Katzie's political recognition to collaborate and to seek the attention of senior governments on issues of mutual concern. This political recognition includes constitutional recognition of Aboriginal and treaty rights as well as

landmark court rulings confirming the existence of Aboriginal title and requiring governments to consult with First Nations when dealing with Crown land (see Chapter 2). One interviewee believed this political recognition assisted a collaborative committee of stakeholders to successfully gain the attention of and negotiate with BC Hydro.

8.3.2 Competing Interest regarding Land Use and Development

Competing interest regarding land use and development can be yet another obstacle that prevents First Nations and local governments from reaching an effective collaborative relationship. It is not only incompatible use of lands adjacent to a neighbouring community that is an issue but also the development of lands that have cultural significance to a First Nation as well as servicing new developments on-reserve.

The waste transfer station development is an example where Katzie and the local government, in this case the City of Surrey, did not develop a collaborative relationship. Interviewees from Katzie felt that the City did not communicate early enough about the development resulting in a weak knowledge base within the Katzie community about how the development would affect their reserve. It was also expressed during the interviews that the municipality's leaders may not have a critical interest in how their community is affected by Katzie in a post-treaty environment. Possibly because of this lack of interest, Surrey leadership is absent with respect to working with Katzie as their neighbour.

When applying the framework, to successfully overcome this obstacle it is necessary for the two parties to be motivated by a critical interest to structure collaboration. It also requires that as many of the other elements of opportunity be strongly in place. Without this, as was seen in the example of the waste transfer station, attaining collaboration on the issue is difficult or not possible.

8.3.3 Relative Government and Administrative Capacities of First Nation and Local Government

A First Nation's limited administrative and government capacity is yet another obstacle towards structuring collaboration. With this limitation, a First Nation is required to focus its attention and efforts towards only those issues that are of primary importance to its community. And, in some instances, critically important issues may be inadvertently overlooked. This was the case when Katzie staff and leaders did not respond to correspondence from Pitt Meadows staff regarding the development adjacent to IR #1.

Obviously limited capacity can result in missed opportunities for a First Nation including the opportunity to collaborate with a local government. In order for collaboration to be effective both parties involved must be motivated by a critical interest. When the First Nation has insufficient capacity, it will necessarily be selective about the issues that its community is interested in collaborating on and will fail to achieve collaboration on all other issues.

8.3.4 Absence of Legislation requiring First Nations to Consult with Local Governments

From the perspective of one interviewee, legislation requiring local governments to consult with First Nations has played a role in improving the relationships Katzie First Nation staff and leaders have with local government staff and leaders. If relationships are improving because local governments are consulting with First Nations then perhaps it may be inferred that legislation requiring First Nations to consult with local governments on planning matters will likewise improve relations between First Nations and local governments. With the two parties obligated to interact, both communication and knowledge may be developed, increasing the opportunity for collaboration.

8.4 Summary

This chapter presented a framework of opportunities and obstacles for structuring collaboration between a First Nation and neighbouring local government. The key points are summarized below:

- Both parties must be motivated by a critical interest to structure collaboration. When one party is not motivated then collaboration is difficult. When a local government believes it is affected by treaty negotiations, it is motivated to collaborate .
- Evolving from the BC treaty process, opportunities for collaboration among a First Nation and local government include First Nation participation in the BC treaty process, face to face communication, mutual learning and knowledge, First Nation participation in neighbouring community events and, informed municipal leaders about First Nation issues.
- Obstacles to collaborating include First Nations and local governments inability to negotiate at the treaty table, competing land use and development, relative government and administrative capacity, and absence of legislation requiring First Nations to consult with local governments.

Chapter 9 – Conclusion

The purpose of the present study is to identify ways First Nations and local governments in BC can collaborate on planning matters. That is, to identify ways to achieve consensus on planning issues by bringing these two stakeholders together in long-term dialogue. I consider issues that are specific to urban areas in BC where First Nations are negotiating a treaty. I also consider how these issues affect collaboration among First Nations and local governments. The study identifies the opportunities specific to this context that encourage collaboration among First Nations and local governments as well as obstacles that discourage collaboration. I argue that the BC treaty process, in this particular case, acts as a catalyst in bringing these two parties together in long term dialogue and eventual collaboration.

First Nations and local governments are disparate in many ways. Their culture and history are different; the legislative framework governing them is different as is their form of government, socio-economic status and how each community engages in planning. It is not surprising that the majority of First Nations and their local government neighbours in BC and the rest of Canada have not come together in collaboration. As Larbi's study (1998) suggests the likelihood of these two parties reaching collaboration is small.

The one thing they have in common is that they are local governments. For some, the one thing that has brought them together is the need for services on reserve. As Larbi's study (1998) indicates, servicing agreements have been the focal point of any relationship that might exist between these two parties. That is, up until now. The present study shows that participation in the BC treaty process by a First Nation community can also bring these two parties together to form collaborative relationships because each party has an interest in the outcome of negotiations.

First Nation participation in the treaty process is not sufficient, however, in bringing the two parties together. What happens during the process and the approach taken at the treaty table is what is important and necessary. The creation of the Katzie Intergovernmental Relations Working Group has been key in bringing Katzie and local governments together in dialogue. This in turn has created spin-off partnerships and other activities among the parties. In this way, Katzie's case is not a typical case. There are lessons here for other groups to learn from.

Apart from motivating the First Nation and local governments to collaborate, the treaty process, in Katzie's case, provides other opportunities for collaboration. Specifically, it facilitates face to face communication, mutual learning, First Nation participation in neighbouring community events, and informing municipal leaders about First Nation issues. Without the treaty process the First Nation and local governments would continue to live in relative isolation from one another.

While the opportunities I identify are specific to this case and context, a closer look demonstrates they do not differ substantially from the more general principles of collaborative planning as found in the collaborative planning literature (e.g. Innes & Booher, 1999; Round Tables on the Environment and Economy in Canada, 1993). For example, communication, or long term dialogue, and learning about one another are principles common to both the case under study and the literature. As well, the literature indicates that often a consensus process is facilitated by an individual. In the Katzie case, the BC treaty process may be considered a facilitator. While not a typical facilitator, the Katzie Intergovernmental Relations Working Group has played a significant role in bringing Katzie and local governments together in dialogue.

In the framework I also argue there needs to be a critical interest in bringing First Nations and local governments together in structuring collaboration. In the present case this motivating factor is the parties' interests in the outcome of treaty negotiations. In the collaborative planning literature, this concept is referred to as a consensus process that is purpose-driven. In other words, the parties should share a common concern providing them with a reason to participate in a collaborative process.

The above are examples of how the framework proposed in the present study is consistent with the principles of collaborative planning found in the literature. As such, the study may be considered another case contributing to the collaborative planning literature.

There are also opposing constraints specific to this context working against or making it difficult for First Nations and local governments to develop collaborative relationships in order to resolve planning matters. These include the inability for First Nations and local governments to negotiate at the treaty table and a First Nation's limited capacity relative to local government. These two issues were also identified by Molgat (1998) as obstacles to developing intergovernmental relationships between First Nations and municipalities in the GVRD. In addition, the present study found competing interest in

land use and development, and the absence of legislation requiring First Nations to consult with local governments to hinder collaboration. These are obstacles to consider when other First Nations and local government neighbours attempt to structure collaboration in BC.

The development of this framework of opportunities for and obstacles to collaboration is an attempt to address a research gap identified by Peters (1994). Peters argues that research is required on mechanisms for dealing with the effects of the implementation of aboriginal self-government on neighbouring communities. While the framework is not a mechanism or tool in itself, it does provide specifics to consider when other First Nations and local governments in BC attempt to collaborate on an issue.

The framework offers a different perspective to what Tota (2002) refers to as place-based collaborative planning or collaborative planning that considers the local context. In her study, she identified general "guideposts" or principles of place-based collaborative planning for consideration in a Nova Scotia context. I have built on Tota's work by identifying obstacles to collaboration among a First Nation and local government. And, unlike Tota, my findings are specific to a BC context. That is, I have focused my research on an urban First Nation in BC and developed a framework for consideration in BC.

9.1 Implications for Planners

Interaction between First Nation groups and local governments will increase as treaty negotiations continue. Therefore it would be useful for local government planners to become informed about Aboriginal issues, (e.g. Aboriginal land issues) and planning in First Nation communities. Similarly, it would be useful for individuals dealing with land management and planning issues within First Nation communities to become informed about municipal and regional planning. In this way, the parties will be in a better position to understand their neighbour, increasing the opportunity for collaboration.

9.2 Future Research

Future research may want to build on the current study. Analyzing other cases can test and strengthen the framework of opportunities for and obstacles to collaboration, for example by examining the opportunities and obstacles for collaborating between an urban First Nation which is not in treaty and its neighbouring local governments. This

would be particularly interesting since the opportunities in the current framework are closely linked to the treaty process.

Moreover, new research may want to investigate the obstacles to collaboration for an urban First Nation and local government neighbour which has experienced conflict. This would offer a supplement perspective to the obstacles preventing First Nations and local governments from collaborating.

Additional research could also examine an urban First Nation that has already collaborated with its local government neighbours on planning matters that are or will be affected by treaty negotiations. This would involve a First Nation at a more advanced stage in their negotiations than Katzie First Nation.

9.3 Final Thoughts

Collaboration between First Nations and local governments in urban areas is critical if implementation of treaties is going to be positive for First Nations and local government neighbours. The present study offers a framework of opportunities for and obstacles to collaboration that may be useful to First Nations and local governments in BC. Planning in all aspects of First Nation communities post-treaty will be an immense and intricate task. As such, collaborative planning is worth pursuing as it has been effective in resolving complex issues in other places.

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