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# Open Cabinet

## Open Cabinet Transcripts



### TRANSCRIPT OF THE OPEN CABINET MEETING February 27, 2004

Province of British Columbia  
EXECUTIVE COUNCIL

Premier and President of the Executive Council  
Minister of State for Intergovernmental Relations  
Deputy Premier and Minister of Children and Family Development  
Minister of Advanced Education  
Minister of Agriculture, Food and Fisheries  
Attorney General and Minister Responsible for Treaty Negotiations  
Minister of State for Early Childhood Development  
Minister of Community, Aboriginal and Women's Services  
Minister of State for Immigration and Multicultural Services  
Minister of State for Women's and Seniors' Services  
Minister of Education  
Minister of Energy and Mines  
Minister of Finance  
Minister of Forests  
Minister of State for Mining  
Minister of Health Services  
Minister of State for Mental Health and Addiction Services  
Minister of Human Resources  
Minister of Management Services  
Minister of Provincial Revenue  
Minister of Public Safety and Solicitor General  
Minister of Skills Development and Labour  
Minister of Small Business and Economic Development  
Minister of Sustainable Resource Management  
Minister of State for Resort Development  
Minister of Transportation  
Minister of Water, Land and Air Protection

Hon. Gordon Campbell  
Hon. Sindi Hawkins  
Hon. Christy Clark  
Hon. Shirley Bond  
Hon. John van Dongen  
Hon. Geoff Plant  
Hon. Linda Reid  
Hon. Murray Coell  
Hon. Gulzar S. Cheema  
Hon. Ida Chong  
Hon. Tom Christensen  
Hon. Richard Neufeld  
Hon. Gary Collins  
Hon. Michael de Jong  
Hon. Roger Harris  
Hon. Colin Hansen  
Hon. Susan Brice  
Hon. Stan Hagen  
Hon. Joyce Murray  
Hon. Rick Thorpe  
Hon. Rich Coleman  
Hon. Graham Bruce  
Hon. John Les  
Hon. George Abbott  
Hon. Sandy Santori  
Hon. Kevin Falcon  
Hon. Bill Barisoff

**FRIDAY, FEBRUARY 27, 2004**

**The cabinet met at 9:03 a.m.**

### Opening Remarks

**Hon. G. Campbell:** Good morning. We have a couple of important issues to deal with today. We'll be dealing with the Tsawwassen agreement-in-principle. Geoff will be coming and giving us some recommendations with regard to that. Also, Gary Filmon will be giving us his Firestorm 2003 Provincial Review report.

Let me just take you through this last week quickly, because there are some things that happened this week that were important at the first ministers' conference, the Premiers' conference - Council of the Federation.

First of all, it is clear to all of us that in spite of the fact that we've been calling for a sound financial footing to build a long-term sustainable health care system, that is not currently in place. We have advocated it for over a year now - a basis that we could move the federal government contribution back up to 25 percent. We are not there yet. We do have a \$2 billion commitment that will come out of this year's federal surplus. We are still working on how that will be allocated, I believe. I don't know, Gary, if we've finally resolved that. Have we finally resolved that?

Interjection.

**Hon. G. Campbell:** No, not the equalization - the \$2 billion....

Interjection.

**Hon. G. Campbell:** Yeah. We're still working on how that can happen.

The Premiers have said clearly that our health care system as we know it is not going to survive the next decade if we don't build a sound financial footing, number one, and if we don't look at serious issues revolving around health reform, number two.

Simply putting more money into health care without looking at how we can reform it to meet the needs of patients is not going to work across the province or the country - every province. In New Brunswick they're closing hospitals. In Quebec they're having huge difficulties. In Saskatchewan they're continuing to deal with it. Even Alberta is having serious challenges.

[9:05]

Premier McGuinty from Ontario and I will be establishing an agenda for a multi-day meeting. I intend to recommend at that meeting that we include a session on first nations health care, which is an issue that goes across the country. We will ask some fundamental questions, I would hope, like: what is the federal government role in health care? Should they have a role? Should they simply get out of health care and provide the tax room? Or maybe the federal government should be doing all of health care. Clearly, in terms of their fiscal room, they have substantially more fiscal room than we do.

We do have to come to grips with those fundamental issues - issues around how we deal with pharmaceutical costs, which are going up 14 percent a year, and how we deal with human resource, both development and costs. You know, it's 70 percent of our cost structure in the health system right now. Those are things that we have control over - those cost measures. We'll be looking at the cost drivers. We'll be looking at ways that we may be able to respond to them and better allocate resources to meet needs of patients. It is a major challenge across the country. We have to find ways that we break through the crust of simply saying, "Let's have more money," and get to the fact of the matter, which is that we need to get services that are delivered to patients in a more cost-effective way, and we have to have a system that's sustainable in the long term for the next generation. Right now we're not even close to that. Hopefully, we'll be able to bring that together for a longer period of time. I find that meeting for one day or a day and a half does not give us enough time to actually get to the substance of the issues and drive them through to a workable conclusion.

The Premiers at the Council of the Federation were also pleased to endorse the pursuit of a national literacy strategy. Every province has some programs that are working and some disappointments, but across the country we know that not only is unemployment substantially - like eight times - higher in people who have literacy problems than people who don't, but it is also a huge problem in terms of building our skills foundation across the country. We all talk about skills development and trades development. The fact is that without that fundamental skill, there's not much in the way of development. I've been given the responsibility to move on that as well, and I think that will be a positive initiative across the country. Our goal is to be the most literate country in the world within ten years.

Finally, you'll be pleased to know the work that we've done in British Columbia with regard to environmental assessment reviews - where we're looking to try and harmonize our reviews in B.C. with the federal reviews - is something that all of the provinces are interested in pursuing, so we'll be continuing to push forward on that agenda.

The Premiers have included in their Council of the Federation agenda the means with which we work together as governments to deal with major disasters - whether they're fires, like we're going to hear about today, or floods; whether they're ice storms or snowstorms or hurricanes. We do have to find a way so that we're pooling our resources. We know in British Columbia that communities were certainly willing to pool resources to try and come to the aid of those who had to be evacuated and those who needed support, whether they be property-protection firefighters or Forest Service firefighters. But we also know that we could learn a lot from that experience, and that's why we asked for the provincial review.

I also should tell you that across the country they're looking for ways that we can respond to what are effectively natural disasters, and frankly, mad cow disease is one of those natural disasters that we have to find a way to respond to as well. One of the challenges is the support that you receive from the federal government. We received very good support, upfront support, in terms of our challenges with regard to the fire. We had fairly good communication particularly with the Armed Forces but also with the federal ministers. I think Rich was involved with them - if not on a daily basis, certainly every 48 hours they were back in touch - talking about what they could do. There was a fairly rapid contribution to a federal share.

But there are times when that takes, frankly, years. One of the things the Premiers want to do is try and get that resolved in a way that's not political but simply meets the needs of people on the ground, which is what's really a critical part of this.

As you know, last summer we had the worst forest fire season in the history of the province, certainly the worst interface forest fire season in the history of the province. Again, I want to underline that I think the work that our public servants did was exceptional - in the Forest Service, in the property protection branch, in the emergency response programs that were there across the board. I think people came forward. Volunteers came from all over the province to try and help and to protect people.

**[9:10]**

What I think we need to do, though, is learn from that experience what worked and what didn't work. As we look at what the results of the report are, it's always easy to look at what didn't work. I think it's important to remember that the number one thing that worked was that although three pilots lost their lives in crashes trying to protect the public, the public was protected. The primary goal and objective we set for ourselves was no loss of life, and to evacuate 45,000 people and not lose any lives as a result of that is, I think, a phenomenal, truly significant benefit and something our public service should take pride in.

They should also take pride in the fact that they were open, they were accessible, and they were ready to answer any questions, I believe, that Mr. Filmon had. Mr. Filmon has come today, and he will be presenting his report to the cabinet. Mike and Rich will have some preliminary comments, but the real star of the show today is going to be Gary Filmon, former Premier of Manitoba. You know about his credentials. He has worked very hard in the last number of months to pull this report together so we could act and get as much underway prior to the fire season this year as possible.

It's a pleasure to welcome you here, Gary. Just come on up, and good luck.

**For Information:** Firestorm 2003 Provincial Review

**G. Filmon:** Thank you very much, Premier.

Good morning, Premier and ministers. I firstly thank you for the invitation and the opportunity to present the findings of our review team to an open cabinet meeting. I have had some experience with cabinet meetings, and we used to take them on the road throughout our province, but we didn't have any of them in an open forum like this where we participated in our decisions and our deliberations in front of the entire public of British Columbia. I think it's an appropriate forum, and I'm glad I have the opportunity to present it here.

I would also say that I have spent a lot of time in British Columbia over my years. As a teenager I worked in Radium Hot Springs for many summers. A couple of my children lived here at various times, and we have many friends. It's a funny thing, but there are quite a few Manitobans who now live out in British Columbia. We have reason to visit on a regular basis, but I didn't really, I think, get to know British Columbia and its people as well as I've had the opportunity over the last four and a half months. It's been a privilege, so I thank you for that.

I also would like to emphasize that I received excellent cooperation from all of the various ministries involved in battling the rages of Firestorm 2003. Whether it was the office of the fire commissioner or the provincial emergency program, or whether it was, of course, the Forestry people or the forest protection branch, they were very open. They shared information willingly, allowed us to get everything we were looking for and also, in parallel, did their own reviews - their internal reviews - which they shared with our review team so that we had an understanding of all the various operations that were done over the course of the past summer.

I want to give credit, as well, to the team that I had in support: Don Leitch and Jim Sproul and a number of consultants, support staff and analysts who worked with me. Without their skills and effort this report would not have been possible, and I thank them for that.

I would also say, just in general, about the public hearing process that I was struck by the countless examples I heard of ordinary people putting forth extraordinary efforts in the course of last summer's disaster to deal with the fires, to deal with the devastation and the loss. I think all those who were involved deserve the recognition they've received.

When the Premier asked me to do this review, my team and I were provided with terms of reference that asked us to focus on prevention, planning and response. The essential questions are: was British Columbia prepared? How well did the emergency systems deal with the situation? What could be done better in future? What actions should be taken?

I can tell you that broadly speaking, British Columbia performed well under the circumstances. The circumstances were unprecedented, and the report goes into great detail about just how significantly adverse the circumstances were during last summer. But there's always room for improvement. I believe one should always be looking at continuous improvement in everything we do in government. Both collectively and individually, British Columbians need to make changes and take action to be better prepared for future interface fires, and I certainly want to emphasize that everything we have learned says there will be more in the future to deal with.

**[9:15]**

The time line, of course, was necessarily tight to provide you with this report in time to consider recommendations for implementation in the upcoming forest fire season. We undertook a comprehensive consultation process, holding nine days of public meetings in the communities of Barriere, Kamloops, Osoyoos, Penticton, Kelowna, Chase, Cranbrook and Nelson. We also had nine more days of stakeholder meetings at which we met with all sorts of people who have a role to play in all of the various issues that are covered in the report. We had broad-based participation from local government, first nations, business, environmental groups, community groups and ordinary citizens. In total we

received over 400 presentations.

At our public meetings we emphasized that we were there to listen and to learn - that we were not looking to identify scapegoats. If we found negligence or malice, of course we would have taken note of it, made mention of it and made recommendations on it. Fortunately, such was not the case. Rather, our job was to identify what worked well during Firestorm 2003 and to focus on areas that might be improved for future forest fire seasons.

We have placed the transcripts from all of the public meetings on our website so that they are available to all who are interested in seeing them. As well, we have a section in the report with answers to some of the questions that were commonly asked. In many cases at these public meetings there were questions that were outside the terms of reference but that perhaps we felt were relevant or could easily be addressed by the department. We turned them over to the departments to get their answers directly on the questions, and we've attached them as part of the report. I must say that I was extremely impressed with the common sense and practicality that characterized most of the presentations we received from individuals and organizations.

In 2003 parts of the province were experiencing their worst drought in a hundred years. At one point most of the southern half of the province was in either extreme or high fire danger. If you take a look at that map, it indicates that virtually the southern half of the province is in either extreme or high danger of fire. That included the capital region, the Gulf Islands and the southern mainland from Vancouver all the way through the Okanagan and the Kootenays. In retrospect, it was clear that no community could be assured that they would not be the site of an interface fire during that period of time. A lightning strike or careless act with fire could have started a blaze in literally any southern British Columbia community during the late summer. Many measures and forecasts suggest we're early on in a dry cycle, and as long as these weather and climatic conditions persist, the danger continues for British Columbians.

It was clear from the consultation sessions that several key issues were emerging. The suggestions we received were practical and, we felt, based on common sense. This is not new ground. There have been a series of reports made on previous interface fires. The recommendations coming out of those previous reports helped guide us in our review of the essential issues.

At times of disaster, British Columbians depend on and expect government to lead the response and mitigate the damages. They expect that you'll plan and deliver a wide range of emergency services to protect life and property and that you'll provide support and compensation to those affected. The provincial government is not alone in fulfilling these obligations. Local government has a key role to play.

In total my report provides 42 main recommendations dealing with the key issues. In each of these areas the objective was to provide recommendations that were not prescriptive but were strategic. Among the most important recommendations are those that call on the province to adopt a strategic approach to fuel management in the interface zone. We heard from many presenters who commented that the combination of the success in forest fire fighting over the last 50 years and the public's reluctance to use controlled burning as a fuel management tool has led directly to a fuel buildup, particularly around interface communities. This is not a new issue. It's been recognized for many years.

I'm recommending that the province re-establish the use of prescribed burning on a controlled basis in and around interface communities. Obviously, it has to be done with great sensitivity to environmental, health and fire hazard concerns, but it must be done. In addition, I recommend that the province allow selective harvesting in parks. I commend the Ministry of Water, Land and Air Protection's work to make the necessary changes to allow this to happen.

#### **[9:20]**

In some cases, the tree stands in the interface zone are economically marginal with respect to forestry operations. New approaches should be considered to encourage the harvesting and use of these high-risk, low-value fuel types. Other jurisdictions have started such work and can help guide the decisions that you'll have to make in British Columbia.

On the emergency management side, among the key recommendations are making the development of emergency plans mandatory for all municipal and regional governments through legislation. I believe that every area, every part of British Columbia, ought to be covered by an emergency management plan. Those plans should be developed to a provincial standard.

I also recommend that the province require municipal and regional governments to implement restrictive building codes and land use design requirements that have been proven successful elsewhere in limiting the impact of interface fires.

The province was extremely well served by its forest fire fighters and by its structural fire fighters. However, I heard repeatedly that some basic cross-training should be provided to maximize the expertise and the capacity to deal with interface fires. In other words, each should know a little more about each other's responsibilities so that there could be better impact of the two of them working together.

On the command and control side, British Columbia has developed an all-hazards provincial emergency operations system - BCERMS, British Columbia emergency response management system. It's built upon and has adopted much of what is known as the incident command system, which is used by many other jurisdictions. It's a good system. To that end, my key recommendation is that BCERMS and ICS must be universally adopted by all provincial and local government agencies with a single provincewide focus on training to maximize efficiencies in training and to ensure an efficient and effective emergency response capability.

On communications, I can tell you that perhaps no single topic evoked more emotion than the comments and discussion surrounding communications during Firestorm 2003. Improvement was certainly evident throughout the summer. In other words, things got better the longer we were involved in the crisis situation, but certainly in the early parts there

were some, I think, very valid criticisms. Although there were some positive comments, the consensus is that there is still considerable room for improvement. In times of emergency, all citizens expect to receive information that is consistent, accurate and timely, and that was not always the case last summer. Exclusion of the media in the early interface fires led to speculative and inaccurate stories. In my view, there's no reason to withhold information from residents about the state of the emergency within their communities.

I recommend that the province immediately develop a provincial communications strategy and protocol for major emergency events. Key stakeholders, including the media, must be involved in developing that strategy. In the case of an emergency like last summer's fire, the objective should always be to inform - and to inform the public in a clear, accurate and timely fashion at every stage of the disaster.

There's a strong need to better inform and educate the general public - and interface residents, in particular - about the preventative and protective measures that individuals who live in the interface should adopt to make their lives safer. I was struck by the many misconceptions about forest fire fighting and how many people believed that human intervention could halt any and all fires. In reality, with a rank 5 or rank 6 wildfire as was experienced in many cases last summer, only Mother Nature can stop the fire. However, there is much the public can do to reduce the risk and the severity of interface fires.

We also received significant input about the evacuation phase of Firestorm. While many evacuations went smoothly, there were concerns expressed about some specific evacuations. British Columbians need to have confidence in the system so that when evacuation decisions are made, the protection of human life will remain paramount over other considerations. There is room for improvement, and I recommended that there be more local decision-making on evacuations so that decisions can be made by those people with the best information, closest to the action and who are competent to do so. Those decisions need not always be dependent on the office of the fire commissioner in Victoria. A mechanism for delegating this authority is required.

**[9:25]**

Turning to resources, we heard a wide variety of comments about the availability and utilization of firefighters, equipment and other resources. There was no central current database that maintains a provincewide inventory of private and public sector equipment or trained human resources available for fire or emergency response. I recommend that the office of the fire commissioner implement such an equipment and personnel database. I also recommend that the forest protection branch implement a management system to maintain an inventory of certified forest fire fighters available in the private sector.

During the 1990s the number of type 1 unit crews was reduced from 27 and now stands at 22. I believe the reduction started in the early 1990s. I recommend that the number of unit crews be returned to 27. This is an area in which putting the emphasis on prevention and having well-trained, highly skilled people available for the prevention side, I believe, is warranted.

Volunteer firefighters were instrumental in the efforts within so many of the communities. For many communities they are the only fire protection, whether it be interface or structural. I recommend that local governments that maintain volunteer firefighter forces be responsible for paying the costs of training so that they're constantly keeping their skills updated.

On financial accountability, of course, hundreds of millions of dollars were spent by the province in the course of Firestorm 2003. During the course of our consultations we heard many comments about how money was spent and financial resources were allocated. With over 400 submissions, I believe there were only two instances in which someone suggested that there wasn't enough money spent. In many cases, people spoke to us about what they felt was excessive money spent during the course of the season.

To that end, I recommend that following a major fire season the government undertake a program of random audits on a value-for-money perspective to ensure the effectiveness and economy of the financial administration systems used by various agencies. The intent is to improve the overall financial administration of an ongoing program. Those audits should seek to allow for the balance between accountability and transparency and expenditure of government funds while protecting life and safety as the prime objective.

Finally, in the post-emergency recovery, a well-developed emergency plan contains a post-emergency recovery component. We received many comments on the adequacy of recovery plans following Firestorm 2003. The message is simple: prepare ahead of time. Following the firestorm in some areas, severe rains aggravated the ecological and watershed damage that had occurred during the fires. Provincial and local governments together should examine as soon as possible means to restore the watersheds and develop plans for their protection and rehabilitation.

With regard to the federal government, I recommend that they, too, should be approached to participate on a shared-cost basis in fireproofing interface communities. I believe that a federal investment in prevention will result in a reduction in future damage costs.

The time to prepare for the next firestorm is now. Based on climate, weather patterns and continuing drought conditions, there's a strong likelihood that there will be more interface fires. One only has to look at the danger-rating map that we saw on one of the previous slides to realize how severe the situation was at its height last year. Any community in a forested area or containing large areas of forest within its boundaries is potentially at risk.

It is said that an ounce of prevention is worth a pound of cure and that investments today will save costs in the future. That belief is reflected throughout my recommendations. I trust you'll find them useful and beneficial.

I thank you for your attention, and I look forward to your questions.

**Hon. G. Campbell:** Thanks, Gary.

Questions? We want to hear from Mike and Rich first, and then we'll have some questions. Mike.

**[9:30]**

**Hon. M. de Jong:** Thanks, Premier, and Mr. Filmon. Just a couple of observations and then some thoughts for you, Premier, and the cabinet.

First of all, Mr. Filmon, it's an extremely thoughtful and comprehensive report. I thank you for paying tribute to those who worked so hard under some extremely difficult circumstances, but I also thank you for not shying away from another principle, which is that we can always learn and we can always do things better. I think you have, in the case of forest management issues, correctly emphasized in your report that many of the challenges we face are challenges that have evolved and accumulated over decades. I think of your extensive review of the fuel management issue. That is not something that happened last week, last year or even last decade, in many cases. It is a function of how we have been able to combat fires. It is worth being mindful of that.

You have laid out an extensive, detailed blueprint of the areas that we can and should address, moving forward. I thank you, as well, for acknowledging some of the work that has already been done when you spoke in your report of the situation in parks - acknowledging, for example, that the Wildfire Act that was tabled last session actually addresses that specifically.

That might be my segue, Premier, into what I think our actions or my actions as Minister of Forests should be, and that is to prepare in short order an analysis, which we are working on right now. Some of that work is already taking place as it relates to pilot projects for fuel management - a strategy around prescribed burning. The Wildfire Act is there. We are now, armed with Mr. Filmon's report, doing the analysis on what, if any, changes need to be made to incorporate the ideas contained within his report.

What I would suggest would be appropriate for me is to come back, in very short order, to this cabinet and to you with a detailed plan around the work that's been done and the implementation of that work. There are some cost items here. We need to be and are, as we speak, going through and quantifying what some of those cost items are so that they can be brought back to cabinet for a final determination.

As Mr. Filmon said in his final slide, the timing here is significant. We still have time. We've done a lot of preparatory work based on his efforts and the internal review, and we can get a good chunk of this - if not all of it - in place, I think, in advance of the next fire season.

**Hon. G. Campbell:** Okay.

Gary?

**G. Filmon:** May I just respond and say, minister, that you're absolutely right. We emphasized in the report that the conditions that exist in the forests today are a product of 50 years of successfully fighting fires and putting them out before they would normally serve to clean out the forest, to some degree. There has been an active desire on the part of the people in your department, particularly in the forest protection branch, to invest money in prescribed or controlled burns which, up until the last couple of decades, were a standard forest management tool that was practised here and helped in creating a healthy forest. But there were elements of people throughout society who did not want it to happen, and we heard from them.

The parks' attitude has been a policy of "light hand on the land," except that it means there's been a tremendous buildup of deadfall and all sorts of fuel in the forest floor that ultimately put the situation in pretty difficult circumstances in many parts of the province.

As I emphasized in the report, the ministry responsible for parks has come forward, acknowledged and put forward a proposal to start to work on that - to do some of this selective thinning, maybe even some prescribed burning and certainly many things to make the forest healthy again.

**[9:35]**

You have a coalition now. We heard from an environmentalist who said: "I used to believe that every tree was a good tree. I now understand that we've got to start getting rid of some of the trees that are causing us to have the potential for these wildfires and huge conflagrations." We had people from tourism who said: "We didn't want any smoke in the air because we're a tourist area. We now recognize we should be allowing for this because we've got to keep the forests healthy." We had environmentalists; we had people from wildlife organizations. We had local governments who said: "You know, every time they used to do controlled burnings, my phone used to ring off the hook. So I'd phone the Forestry people and say, 'Stop burning.' I understand now that we'd better start looking at it differently."

The consensus appears to be almost unanimous that you've got to get back to it, and from what I heard, I believe you won't have the opposition that you used to have to it.

**Hon. G. Campbell:** Can I just put in one quick caution? I think the words "controlled burn" suggest something that generally is all right but sometimes is not all right. To suggest that we actually control burns.... I can recall probably the worst.... One of the biggest pictures I saw was a controlled burn that took place around McLure, where because of the weather change - a wind change - it actually didn't feel nearly as controlled as it might have been. I think the largest fire they had in Washington State this last summer, which was moving up to our border, was supposed to be a controlled burn. I think, as we look at controlled burns, we have to recognize that there are risks with controlled burns and there are risks with not doing controlled burns. So the issue for us is that - and I think we have to be sure the public understands it - the controlled burn sounds good. What it means is that we're starting the fire when we think we can do it and manage it.

**G. Filmon:** That's precisely the case, Premier.

**Hon. G. Campbell:** But we sometimes can't do that. I think we just have to be aware of that. We're balancing off risks here as we make these choices.

**G. Filmon:** There's a great parallel to the situation that we faced on the Prairies, where people were opposed to stubble burning. All of our cities and towns are surrounded by agricultural land, and if you have stubble burns, you have a lot of smoke, people with respiratory illnesses who don't want it, and the possibility of it getting it out of control and, obviously, burning houses and other important infrastructure. So it has to be done under very strictly controlled circumstances. There are only certain windows, probably in spring and fall - low temperature times, times when it's not as dry as it is in the mid-summer, and all those sorts of things. There's no question that prescribed or controlled burns have to be done in very restricted ways.

**Hon. G. Campbell:** Rich.

**Hon. R. Coleman:** Thanks, Premier, and thanks, Gary.

The first thing I wanted to say was... I just want to thank you for the report, because it is probably one of the healthiest exercises that I've been involved in as a minister or member of government or opposition in the last seven or eight years. The reason for that is because of the maturity with which you handled the report and the ability of people to actually feel comfortable enough to come before you and tell you what they thought and what they could recommend, without feeling that there was a process that was going to be a look at blame or pointing fingers - but looking at what we could do better relative to emergency planning in the province.

It was an unprecedented event, as you said earlier. It was something that, as you said, we got better at as we went along, at different times. I don't think there's any question on the communication side. In the early days everybody was feeling their way and concerned about protecting certain aspects of people and not actually understanding the damage they were doing by not having the communication level we wanted to have, particularly with media, so they could actually get the information out.

Because it's such a healthy exercise, though, it actually gave us an opportunity - thanks to you - and a chance to deal with a number of issues that become apparent when you're dealing with emergency preparedness. I watched our BCERMS standardization practices and how they actually did function on the ground on a daily basis. I also recognize that as we went through this, where we would get into a second or third or fourth interface fire - because there seemed to be a different one every day or every two or three days - some jurisdictions were ill-prepared, versus others, to actually handle emergency preparedness. I think your recommendation with regard to the mandatory emergency plans - particularly for regional districts, which oftentimes appeared to be weak and needed to be backed up by our team system - is a very vital recommendation of this report and not just relative to the fires themselves.

**[9:40]**

Emergency preparedness transcends just fires. If we can actually raise the level of emergency preparedness training in all our communities and regional districts and deal with interface fire training at the same time, we'll be able to do hazard management - earthquake, flood and the rest of those that, except for the earthquake, we've actually faced in the last year or so.

I think the solid recommendations are very important. I think, too, that you've given us an exceptionally valuable tool, because we can take this report, because of the level of detail and the level of thought that's gone into it, and actually implement it and use it as something to point to for people. When somebody says to us, "We really don't want to put a fireguard around our subdivision, because we want to stay in the forest," we say: "Actually, the recommendation of the Filmon report is that we should start thinking about how we do subdivisions in interface fires. The insurance industry is concerned about that. Communities are concerned about that. We as government are concerned about protecting your life and your property." Communities have to actually get engaged in that. I think that's an extremely valuable recommendation.

As we go through mandatory emergency preparedness, I should say that as a result of our presentation to you and having conversations, we've already moved on most of our senior officials training, most of our teams update, most of our pre-op and our review of our emergency communication centre's work. The emergency planning guide is being prepared. We'll have those tools going into this fire season as a result of this exercise, which I think is important as well.

I think, as we go through this, we found that we needed better coordination through areas like.... It wasn't that it was that bad, but we needed coordination between the office of the fire commissioner and the office of Forests and the office of emergency preparedness. One thing that was an interesting dynamic was that when the emergency was actually declared, a portion of government - the office of the fire commissioner - slid in underneath the management of the provincial emergency program. I'd like to see a better management relationship, in the non-emergency times,

between those two offices so that when they actually hit, you can deal with whether there can be a local decision made with regard to evacuation versus using the office in Victoria. You need to have that coordination and training between them.

If anything, it's been an absolute pleasure, frankly, to have dealt with the aftermath of this and seen how we've actually, with your help, been able to deal with this in a manner that we can turn this into a plus for future generations of British Columbians as we prepare for emergencies. I think that if we hadn't taken the approach to allow people to actually tell us what they thought and how we could improve - and now we can implement those recommendations you've made - we would have failed in our duties, frankly, after any disaster.

I think it's important that we had someone like you to do it. I very much appreciate that. I'm sure the people, the thousands of volunteers and the communities that helped out and all the fire people, actually appreciate that very much as well. They will know that as a result of their hard work last summer in protecting communities and us being able to do this after-the-fact review, we'll actually be able to put them in a position to do the job much better in the future.

**G. Filmon:** Thank you very much, minister. I'd just say that we examined your emergency management system - the BCERMS model - based on the incident command system, and we couldn't find a better system. The only thing we also recognized was that there wasn't a complete buy-in. There were some regional and municipal governments that were well prepared and were very much trained in the model and were full participants, and there were others that weren't. You could tell the differences depending on where you were and what comments you were getting at the public hearing.

It's important that there's a complete buy-in by all regional and municipal governments and that as many people as possible are trained in the system so that they can all fully participate and understand how it works. I don't think it's a problem with the system. I think the training side and having the buy-in.... I think after this summer there's certainly plenty of motivation for that occur.

As far as making the difficult decisions at the local level about land use restrictions, the design of subdivisions or even restrictive building codes, so that certain flammability requirements are put into the construction of the dwellings and all of those sorts of things, there is a tremendous body of knowledge available. I haven't said what the final answer is. I leave it up to British Columbia to decide on its own model and its own requirements.

[9:45]

There have been many, many jurisdictions throughout the world that have adopted these things, and they certainly appear to work. There's plenty of evidence to suggest that you need to have the setbacks and that you need to have material that's not as flammable when you're in the interface. I know everybody wants to commune with nature and wants to be close to the forest, but there is certainly a risk to that. People have to understand that and have to plan around it.

**Hon. G. Campbell:** Questions? Geoff.

**Hon. G. Plant:** Thanks.

Thanks very much for the presentation, Mr. Filmon. One of your recommendations, under the heading "Involve First Nations," is: "The Ministry of Forests should explore ways to enhance the participation of first nations in forest fire fighting and fuel load reduction activities." Could you say a little bit more about what lies behind that recommendation?

**G. Filmon:** Yes. Certainly, many of the areas in which the fires occurred were adjacent to or very close to a number of our first nations communities. We went into two different areas in which we had tribal councils come together with us, representing a half-dozen or so first nations in each case. One was up at Williams Lake, and one was at Lytton. In the course of discussion, they expressed a desire to be more involved, to have their people - many of whom were trained to the S-100 standard, which is required for employment in forest fire fighting.... They felt that they weren't utilized to the extent they ought to have been.

They also would like to partner in getting into some of these very labour-intensive projects to thin out the forests as we do the work in some of these high-risk, low-value timber areas, where it is going to require a significant investment that goes beyond what the returns would normally be from this kind of project. Certainly, they're well suited to go in and do the work in the forests and have people who have skills and experience. I think, given that it's within the area in which they live, they're a natural to be considered as the labour force that you're looking at for both of these kinds of efforts, so that's why we've made the recommendation.

**Hon. G. Plant:** Thanks.

**Hon. G. Campbell:** I'd like to just follow on the first nations issue. One of the big issues I was presented with when I toured the fires was the lack of cohesion in dealing with first nations vis-à-vis local governments vis-à-vis regional governments, and I'm interested in your review with first nations.

Did they make recommendations on how we could improve on that? It certainly would be something we'd have to do. If we're going to try and have a provincewide emergency response system, we're going to have to include first nations. We would want to include first nations in it. Did they have any comment with regard to...? There's sort of a jurisdictional communication initiative that has to be taken, as well as an on-the-ground response initiative that has to be taken.

**G. Filmon:** There's no question that it's a sensitive jurisdictional issue, and we've been careful in our recommendations to say that they should be included in planning for a number of these issues. They should be considered in



communications issues and should be considered in emergency management issues, but they are outside of your jurisdiction. The only thing that you can do is bring them to the table as you make decisions along the way.

They gave us - certainly, the ones that we met with.... Several of them came to our public hearings, and others met with us in those two different groupings that I mentioned. In each case, they said they wanted to be active players in being prepared for and being employed in the whole forest fire fighting effort.

**Hon. G. Campbell:** Okay.

Pat?

**Hon. P. Bell:** Thanks, Premier.

Thanks, Gary. One of the things you heard was that many of the folks were commenting that they were paid, I gather, sufficient funds - if not additional funds, over what they expected when they went down to work the fires. We had a number of volunteer fire departments go from the Prince George area down to the various fire scenes throughout the province.

Actually, it was interesting, because originally they went thinking they weren't going to get paid. They went strictly as volunteers. They took their equipment and all their supplies. After a couple of weeks, someone, I gather, told them they were being paid for their services.

One of the concerns that I have - and they actually have as well, as a group of volunteers - is that the pay rates they were paid for their equipment seemed excessive at times, and I just wonder.... I'd like perhaps Rich to comment or yourself, Gary, to comment on the model we could look at that would establish a fair and reasonable rate so that we can be held accountable in the public realm as well.

[9:50]

**G. Filmon:** If I can just speak before the minister and just say that there is a serious issue of fairness and equity here. There were varying rates of pay, but the decision that was made - and I'm not sure under what compulsion - was that the people who came from all the different departments throughout the province were paid in accordance with their collective agreements. In many cases they would be working side by side with volunteer firefighters who were being paid a fairly minimal level or others who were being paid a different level. Some of them had requirements of downtime and other things. Their travel time was considered paid time, coming from Prince George into the interior - and all these things.

There is a need to have this all standardized. I believe many did go with the thought that they were volunteering their time. They were contributing for the good of society and for the good of British Columbia. Then a decision was made, perhaps because of complaints or whatever, that they all had to be paid in accordance with whatever their collective agreement said. That resulted in tremendously differing rates.

The other comment that was made about whether or not too much money was spent.... The one that came up consistently was.... Somebody showed a photograph of 50 pieces of equipment sitting in a yard in Kelowna, and much of it went unused. You went from literally rags to riches, from where you didn't have enough equipment in the early stages of the fire to having equipment on standby for which very high rates were being paid. I don't think you, in the end, want to blame somebody for erring on the side of caution. I do think that if you had a system in place of tracking and financial controls.... Even in an emergency there should be reasonable financial controls. You don't want to deny anybody access to what they need when they need it, but I think that reasonable system could be put in place.

**Hon. G. Campbell:** One of the big issues, though, in terms of looking at the fire, I think, was that the fire changes. You may have equipment that's there for one kind of fire that, frankly, within six hours is a totally different kind of fire. I do think that's a difficult issue. I think both the terrain and, you know, the massive land base we have.... We're trying to cover other fires as well as dealing with the fire that's there. I can't remember. There was a phenomenal number of fires that were put out before they got beyond 20 hectares in British Columbia in the summer of 2003.

**G. Filmon:** It was 89 percent in less than four hectares.

**Hon. G. Campbell:** That equipment may look like it's resting, but it may not be able to be used. I think there are huge issues we have to deal with, with regard to that.

Rich, do you want to say something?

**Hon. R. Coleman:** I could probably deal with that issue, Premier.

The fire departments around the province were compensated at the high end of rates, basically based on mutual aid agreements that existed between fire departments. One of the challenges.... You have that, plus you have some collective agreements. In some cases, when you take a fireman from a collective agreement area, one of the issues in his collective agreement is that when he leaves his jurisdiction, he's paid at a different rate. Those are already embodied in collective agreements.

If you could describe it as best you can.... Your description of riches is true, but if you take two or three fire trucks from

Langley or Vancouver or Surrey, you're actually backing up with additional fire equipment from neighbouring communities. There's this protocol that has to be in place - that if you move equipment around, you're actually able to back up, if there's an incident in another community, with fire equipment.

What we have done subsequent to the 2003 firestorm is actually put together an integrated community within government of the provincial emergency program, the forest protection branch and the office of the fire commissioner to establish and publish rate schedules for future fires. We actually will have that protocol in place, and we will have that established.

One of the benefits for some smaller departments that actually were getting the equipment rental... They've upgraded their equipment, which is actually one of the by-products of this fire season. We've seen some upgrading of equipment in some smaller departments around the province for fire protection in the future. There are some benefits. We should remember that once we go past a certain threshold, it's a 90-10 split with the federal government, so we may have received some benefit unintentionally for our fire equipment as a result of this.

We are concerned that there will be standardization of rates. We will make sure that is the case going into the next fire season.

**Hon. G. Campbell:** George and then Bill.

[9:55]

**Hon. G. Abbott:** I want to thank you, Mr. Filmon, for a thoughtful and comprehensive report here from one of the areas of the province that was much affected by the fire season.

One of the things that came out of the unfortunate situation last summer was an opportunity to test some new technology in the firefighting area - for example, the spray-on gels that I think were from California and the sprinkler technology that came out of Ontario. I note that your report does indicate that you see great promise in the sprinkler technology. It's silent on the gel. I wonder whether it's related to some of the anecdotal reports I get that there are such management problems after it's used that it's maybe a questionable technology for future use.

The second part of the question would be in terms of the sprinkler technology which, from what I heard, has great promise and could, for example, be used more extensively in the future. Do you have any thoughts on whether the equipment could be regionally owned and stored and then used in common in an emergency situation? Any other thoughts on implementation of that kind of technology?

**G. Filmon:** Thank you, minister.

The response on that is, firstly, that there did appear to be solid evidence of the effectiveness of the sprinkler technology. It was brought into the southeastern part of the province, I think, by the Ontario firefighters. Two things came out of that experience. One was that the forest fire fighters from Ontario had some structural firefighting training, so they knew how to use the sprinklers, to put them on and save houses - not just the forest fire side of it. That led us to our recommendation about cross-training so that they have that knowledge of each other's area. They also, of course, were effective.

The gel has the after-effects. Some people suggested to us that they would have preferred not to have the gel because they have a long-term damage problem to their siding or to where it was applied on their houses. We thought that question ought to be reviewed by other people rather than us making a recommendation on it. We didn't have enough information to know whether or not that can be avoided.

The issue of whether or not they can be acquired and stored - I believe they can. I also believe that individual homeowners could acquire their own sprinkler system and have it on standby for their own self-protection. You could have some available municipally, as well, that could be moved around.

**Hon. G. Abbott:** Thank you.

**Hon. G. Campbell:** Bill.

**Hon. B. Barisoff:** Thanks, Mr. Premier.

Mr. Filmon, Rich touched a little bit on the mutual aid part of it. There was a huge concern amongst a lot of communities that when we were taking equipment out to fight forest fires, we were taking especially from smaller communities where they've got to look at the protection of their own community. Normally, the amount of equipment they have is not minimal, but it's enough to protect the areas they're in. I was wondering whether you touched on it or whether anybody raised it from local governments - the mutual aid aspect of it, of having equipment. With the fire in Osoyoos, I know Oliver moved in to protect the town of Osoyoos and vice versa - OK Falls - and it kept coming down the line. I wonder if this was touched on at all in the local communities.

**G. Filmon:** In fact, your area was one of the first ones. I think it might have been our second day of public meetings at which that issue was raised. We have certainly strongly recommended, where fire departments have the full-service capability, that they can mutually exchange services with adjacent municipalities or regional areas and that they enter into these agreements.

We've also recommended that where there is an area - and it was certainly described to us outside of Osoyoos.... They couldn't send out the team from Osoyoos when they saw the fire start outside of their jurisdiction because, basically, the local council was concerned about their liability issues, and they didn't have any agreement on it. We're saying that there is a system that's in many other jurisdictions, which is called automatic aid.

In this case, it would have to be that the province would set the rates, but the nearest local detachment for fire emergency response that sees something that needs an emergency response goes out and addresses it, and then the bill is sent to the other. They don't need permission from anybody to do it. They just simply respond. There are set rates throughout the province for what they get. In that case, it could be a massive automobile accident on a highway. It could be a fire. It could be some other disaster that they respond to and get paid for. It's part of an overall automatic aid program. We're recommending that.

**Hon. B. Barisoff:** I certainly appreciate the fact that you did touch on it, because it has been a concern in the smaller communities for some time. I know, being at the meeting and hearing it being raised, that the focus on that point is certainly going to be advantageous to a lot of smaller communities throughout the province.

**G. Filmon:** Thanks.

[10:00]

**Hon. G. Campbell:** I have just a couple more questions. First, you mention that this is about governments as well as individuals. Was there any discussion about the question of insurance or personal insurance or home insurance that came out of this? That was one of the difficult issues that we had to deal with as a cabinet. Some people did have it and some people didn't.

**G. Filmon:** That's a question that's a very difficult one.

**Hon. G. Campbell:** That's why I was hoping you could give me the answer. Running for office, are you? [Laughter.]

**G. Filmon:** I'm used to asking those.

The fact is that I don't know how you deal with situations in which people who could buy insurance don't buy insurance. We had that situation during the flood of 1997 in Manitoba. In the end, there are many people in society who would say: "Well, they could have bought insurance. That's their problem." But the reality is that when a person loses their home, everybody has to be sympathetic. You have to respond in some way. Whether or not there will be coverage under the disaster financial assistance arrangements with the federal government is an open question. We don't know what their decisions will be.

The heartwarming story that I encountered was arriving in Barriere and being greeted by a number of people from Manitoba who were part of the Mennonite Disaster Service, who were rebuilding houses for people who did not have insurance. The wonderful thing.... There were 35 people who lost homes, and I don't think all 35 are getting a home rebuilt by MDS.

It's an open question. I don't know how you deal with it other than perhaps having some discussions. As I understand the FAA, it says that if you could have bought insurance and you didn't, then you're not covered by anybody. It remains a very difficult issue for government. I don't know what the answer would be.

**Hon. G. Campbell:** It wasn't raised, though, as part of the issue, as part of your public hearings - how insurance companies reacted? We tried to set up additional funds. There was, I think, \$7 million-plus that was put in by people from British Columbia - for example, the North Thompson relief fund, etc. Was that brought up in the public hearings - it was enough; it wasn't enough; it didn't work; it didn't seem to fill the gaps?

**G. Filmon:** The only thing that people suggested was that those who needed help for circumstances that they weren't covered for felt they had to go around and speak to half a dozen different agencies. They were wondering if there couldn't be - and we have a recommendation - an umbrella of all of the various NGOs, not-for-profit charitable agencies, so you have one place to go. They all consider the need together, and they take it out of a central pool of money that they've all collected for the disaster so that you try and at least centralize that process. There will be the circumstances after every disaster where some things fall between the cracks. This is the place you go, and presumably you'll get a sympathetic hearing from the group that is collecting money. As we did in Manitoba, you had people from right across Canada willing to contribute to that pool. That's still the best way of handling it.

We've got two recommendations to the insurance industry in here. One of them is that they ought to be part of the public education process. I'm recommending that with every renewal of a policy on a dwelling in an interface, they put a folder that gives all the ways in which people can self-protect their own dwellings, their surroundings and everything else. They have excellent material, as the government has excellent material. It's available, but it should be their responsibility for their agents to hand that to the person and say: "These are the things you can do to make sure that you're doing everything to protect yourself."

The second thing is that if communities get on to the track that I hope they will - which is to start doing setbacks from the forest, looking at the vegetation they surround their dwellings with, building their dwellings with fire-resistant materials up to standards that meet the test that most people would put to it and that at least the insurance companies would put to it - then the insurance companies should do as they do for non-smokers - provide them with a break on their premium and say: "If your whole community and your dwelling meet our standards, then we'll give you a break on your fire insurance rating and your premium." I believe that would go a long way to incenting people to do the right

things to protect themselves.

**[10:05]**

**Hon. G. Campbell:** The other issue I had was the issue of volunteers. It goes back to this issue of people wanting to contribute and wanting to help out. I've said before that I think that while we evacuated 45,000 people, there were four million people trying to say: "If there is anything I can do to help, I'd like to do it."

Was there any comment on the coordination of volunteers or the coordination of in-kind contributions? I know there were truckloads of goods that went out through BCTV or Global television - I think it was - and Telus, and some people asked for people to come. Their parking lots were full. They had trucks going up to help people, and they were going into warehouses, which is not where people were hoping they would go. They were hoping to get it into people's hands.

Was there any comment about how we could coordinate that or how we could have done that better or how you can connect it more directly with the people who need the goods or the services?

**G. Filmon:** I make the comment in there, which my wife always repeats because she calls herself a professional volunteer, that volunteers are the gold of the earth. They come selflessly in times of need or emergency. They offer their services and their talents, and they expect nothing in return. There were countless heartwarming stories in British Columbia that deservedly show you as a caring province with many, many volunteers.

The only thing I would say volunteers or some of those who worked as volunteers had to say was that they felt they were underutilized. They felt, in some cases, that they could have done more. They didn't feel they were in the loop. We make a recommendation there that volunteers should be treated as part of the team, that just because they're not being paid doesn't mean they shouldn't be as well-informed and in on the meetings - for instance, in the emergency centres, so they can be the meeters and greeters and properly inform the people coming to them - so they completely feel part of the team. We make that comment.

We also make the comment that there are certain areas in which volunteers probably shouldn't be put because they might be in harm's way. There are a lot of things they can do and did extraordinarily well during the course of the fires, but some of them involved risk and danger. You should be careful. I cite the ombudsman's report, I think, from the Silver Creek fire that says you just can't have untrained people doing certain things, and firefighting is one of them. That's not speaking about the volunteer fire departments, because of course they take extensive training, and they're as well-trained as career firefighters in many cases. I'm speaking about sending them up close to the fire lines.

**Hon. G. Campbell:** Okay. I would like to then.... Mike, there are a number of recommendations that touch directly on the Ministry of Forests. If you can get back to us quickly with your recommendations on how we should respond, what the budget items may be, and bring it through Treasury Board so we know where that's coming from.

Rich, if you can do the emergency response issues. I think that's important.

Murray, I'd like you to work with this, because while we talk about what regions and municipalities should do, they are always glad to do it as long as it's paid for by us, just like we're glad to do something as long as it is paid for by the feds. We have to make sure that we coordinate with the regions.

I think we should probably start with the UBCM. If we're going to have a provincewide thing, we should go tell them what's going on. We should share this report with them and point out what's taking place.

Also, I would like us to.... I guess the first group to get in touch with is Ed John and the First Nations Summit. We'll make sure they have copies of the report and talk to them about how we may be able to work more closely and cooperatively with the first nations, not just on training but on response and communication and all those issues as well.

If we could have that back and if we could all bring it back relatively quickly, because we would like to get it started. Even if there is a plan and a path - you know, a critical path that we're going to follow - that would be worthwhile, I think. So the response to the recommendations, any budget allocations that may be required through Treasury Board and how we're going to get there together - is that okay with everybody?

Gary, I would just like to say thank you very much for the time and the effort you've put in over the last number of months. This is a very important issue for all of us. Hopefully, we've all learned something from it, and we'll do even better the next time.

**G. Filmon:** Thank you. I'm sure you will.

**Hon. G. Campbell:** Thank you very much. I appreciate it. Thanks a lot.

**G. Filmon:** Thank you very much.

**Hon. G. Campbell:** The next item we have on the agenda is the Tsawwassen agreement-in-principle. Geoff is going to take us through that.

Geoff.

**[10:10]**

**For Decision:** Tsawwassen Agreement-in-Principle

**Hon. G. Plant:** Thanks, Premier.

First, I would like to begin by saying that we have some important guests here with us in the room who are representatives of the Tsawwassen first nation, including Kim Baird, the chief of the Tsawwassen first nation and chief negotiator, and her five-month-old daughter Amy, whose arrival was an important part of the negotiating dynamic in this case. We're also joined by Laura Cassidy, Russell Williams, Andrew Bak, Catherine Daum and Tanya Corbet, who are all members of the Tsawwassen first nation. Some of them are councillors, and some have just been pretty active in the treaty negotiation.

I'm here for the first time this year, but for the fourth time since last June, to seek approval from cabinet for an agreement-in-principle. This time it's the agreement-in-principle with the Tsawwassen first nation. The Tsawwassen people speak of themselves as "the people who are from the land facing the sea." As I'm sure most of us all know, we are talking about urban British Columbia, but we are also talking about agricultural British Columbia in Delta, just 25 kilometres south of Vancouver.

This table adopted what I think can fairly be described as a pragmatic and problem-solving approach that has been completely open to public scrutiny for over two years. In December 2002 the three chief negotiators released a 12-page report that summarized the detailed and substantive areas of discussion. Over the six months after that, the parties released to the public drafts of all treaty chapters that reflected the substantive areas identified in that December report. Then the complete draft AIP was initialled by the negotiators and made available on the Internet and at public meetings and by request last July.

Then last December, on December 10, the Tsawwassen members endorsed the AIP by a significant majority of 73.5 percent, which represents a pretty resounding statement of commitment by this community to embark upon the next phase of the negotiation process: reaching a final agreement. What I'm going to be asking cabinet to do today is to approve the AIP and to give direction to proceed with final agreement negotiations, with the target of reaching that goal over the next 18 months or sooner.

I want to acknowledge the tremendous contribution that Chief Kim Baird and the other Tsawwassen representatives have made throughout this process. I also want to say that because building relations with local government is a very important part of this process, I want to acknowledge the help and the contributions of the lower mainland treaty advisory committee. They have provided invaluable advice to the negotiators along the way.

I wanted to spend maybe a bit longer than I have on a couple of occasions before in sort of introducing this AIP, partly because I think we are now talking about an AIP that's clearly in urban British Columbia. It's pretty much in the backyard of nearly a million people or more. I think it's worth pausing a little bit to just talk about some of the negotiation process, and of course, I'm going to talk about what I see as the benefits of this AIP.

I guess I want to begin by making a few comments about the compromise and the give-and-take that are essential in treaty negotiations. To take an example, consider the actual land package that has been negotiated at this table. The Tsawwassen, like other first nations, assert rights and title - constitutionally protected rights and title - over a large traditional territory. In this case the territory is the most populated and most developed region of British Columbia. In the lower mainland there is not much Crown land. All the land has high values, and in almost every case there are multiple and frequently competing interests at play.

**[10:15]**

One of the areas these negotiations had to deal with is called Brunswick Point. These are lands in Delta that were expropriated in 1968 to support the Roberts Bank development. The Brunswick Point farmers are passionate about their family attachments to this land. The Tsawwassen people, the first nation, are equally passionate about their history and connection to this land. So what we've done in this AIP is that we have found a compromise that allows these parties to move forward. We are using a technique that's familiar to lawyers, called the right to refusal.

The way it works is this. The current lessees of Brunswick Point lands will be offered the first opportunity to purchase those lands if government decides to sell them in the future. But if the farmers decide not to purchase them, then they will be offered to the Tsawwassen first nation. Or if the farmers decide to purchase them and then later decide to sell them, the first nation will at that point have the first opportunity to purchase them. It's complicated, but I think it's a good example of how this negotiation at this table has responded creatively and effectively to the multiple interests at play.

How this land base will be governed is also a challenge, particularly given the fact that we are, as I have said, within the setting of the lower mainland. It's in everyone's interests - and of course the public told us very strongly in the referendum - that land use planning should be harmonized. It's also in everyone's interests that we have cost-effective delivery of programs and services. Most local governments in the area of this negotiation, through the lower mainland treaty advisory committee, have been involved in these negotiations every step of the way to ensure that these goals are realized. But it is true that Delta has had some concerns for a long time about how their voice is to be heard in the process; by that I mean the city government of Delta.

I have met with the mayor of Delta, Mayor Jackson, several times to hear those concerns. We have agreed that we will continue to consult with Delta, and that's what we are doing. But I want to take this opportunity to say that I think it's important that Delta, on its own initiative, work with all the neighbouring local governments and that it have a positive and direct relationship with the Tsawwassen first nation.

I hope that Delta will, at some point, rejoin the lower mainland treaty advisory committee and will also engage in a dialogue with Tsawwassen first nation in order to find the creative resolutions that I know are possible for the shared issues that they face.

A third issue by way of introduction to the details of this AIP is the issue of the commercial fishery. The Tsawwassen community sits at the mouth of the Fraser River, one of the most important salmon fishing rivers in the world. As is the case for land, so too are the interests in the salmon fishery strong, vocal and diverse. We have, unfortunately, a history of division and discord with respect to those interests, rather than a history of finding common cause. We as a government have expressed our commitment to finding solutions for these challenges that meet certain basic objectives, and Minister John van Dongen and I have worked hard to ensure that these objectives are as clearly stated as possible:

- (1) We need to make sure there is fair access for all users of this resource.
- (2) We need to establish sustainable management arrangements.
- (3) We need to enhance the economic value of the fishery.

We believe this can be achieved through negotiations. In this case, the AIP with the Tsawwassen states pretty clearly that any participation that the Tsawwassen first nation will have in the commercial fishery will be outside the treaty and will be managed on the same priority as other commercial fisheries.

Again, that's not a complete resolution of a complex issue, but it's a framework that permits a resolution of a complex issue on terms that I think will meet the interests of all British Columbians and, as well, will meet the interests of the Tsawwassen first nation.

**[10:20]**

Now, what's happened, as you all know, is that some months ago John and I - with the Premier's encouragement - worked to create an independent task force with the federal government to look at fisheries issues and treaty settlements. That task force is at work and has been at work for the last many months. I think in the next couple of months, perhaps by the end of March or thereabouts, we'll start to get a sense of what that task force is going to recommend for the fishery in British Columbia in a post-treaty world. Those recommendations will certainly have a part to play as we continue to work on this issue at this table and obviously elsewhere.

Now, with that introduction, we can move to the next slide and talk a bit about the benefits of this agreement-in-principle. AIP, you will remember, is the handy, compendious way of referring to agreements-in-principle. Nothing in this world is worth talking about if you can't reduce it to three or four cleverly assembled initials.

The first thing this AIP does is provide certainty with respect to aboriginal rights pertaining to land and resources - in this case, Tsawwassen aboriginal rights. To achieve legal certainty, the AIP specifically provides that the treaty - the final agreements - will be the full and final settlement of the Tsawwassen first nation's aboriginal rights related to land and resources. As a result, there will be clear and enforceable roles and responsibilities over a very important land base in Delta in the lower mainland - a land base that, I remind you, contains transportation and communications infrastructure that is critical to the provincial economy.

What the AIP gives us, if it leads us to a final agreement, is this: we'll move from a situation where the parties are locked in litigation over this very infrastructure to a world where there are cooperative arrangements that will facilitate the creation of jobs and wealth. The second thing this AIP will do is help continue economic renewal and build positive business relationships, because I think the certainty achieved through a treaty with the Tsawwassen first nation will help attract investment and strengthen the local and regional economy for everyone's benefit. The Tsawwassen already have a positive business relationship with over 200 lessees who reside or conduct business on their reserve. The AIP sets out provisions to ensure that lessees who are not members of the Tsawwassen first nation will have a voice in the decisions that affect them.

The third thing this AIP does that I think is a benefit is create a foundation for cooperative local government relations. I have already made the point that we have got more work to do here, but I think this agreement creates a strong foundation for cooperative local government relations. Once we get this AIP ratified, the parties will undertake the work to determine how they are going to develop intergovernmental relations, including options for membership in the greater Vancouver regional district.

As a self-governing body, the Tsawwassen first nation is going to need mechanisms to provide services to the people who live and work on their treaty settlement lands, and the Tsawwassen first nation will have the ability to enter into separate agreements with local governments on the cost and delivery of municipal services. We as a government are committed to ensuring that those servicing arrangements will be in place by final agreement.

The next benefit of this AIP is the benefit of an economically stronger first nation. Increased economic opportunities flowing from a treaty will make a significant material difference in the lives of Tsawwassen first nation members, and it will help them build the capacity and self-reliance they need to grow stronger as a community. Over time those

opportunities will create the revenues that will support the programs and services that the first nation wants to provide to its members.

The businesses related to the land selections near to Delta Port and Roberts Bank and the commercial fishing, cultural and tourism initiatives that are contemplated by this agreement, or will be made possible by a final agreement, should all become important economic drivers for the Tsawwassen.

**[10:25]**

Let me move to outlining some of the key components of the AIP. On the TV monitors now there is a slide to give you a bit of the geography here. The reserve on this map is shown in what looks like grey to me at the landward side of the B.C. Ferries terminal. Now, the negotiations at this table have resulted in a land offer of 717 hectares. That includes the current reserve and adjacent provincial Crown land of 365 hectares. The Crown land is the lighter-green land which is just adjacent to the reserve. The current reserve comprises about 290 hectares, most of which you can see lies between the Tsawwassen ferry terminal and Roberts Bank.

The Tsawwassen first nation will also own but not have governance authority over an additional 62 hectares of Crown land. These will be lands owned by the Tsawwassen in fee simple, just like any private property owner. These parcels are not adjacent to the proposed treaty lands. There is a Boundary Bay parcel, which is in orange - large orange area adjacent to Boundary Bay. There is a parcel in Beach Grove, which is at the intersection of two roads shown on the map there. Then there is a Fraser River parcel, shown in the upper left-hand corner of the map, on the Fraser River.

I have already told you about the Brunswick Point lands, which are in the sort of dark-green area north of Deltaport Way, and the rights of first refusal that have been negotiated with respect to those lands. But the treaty settlement lands - that is, the parcel around the reserve - are now designated agricultural. They're part of the agricultural land reserve and will be transferred through the treaty with the status intact. At that point, the Tsawwassen will have an opportunity to apply to the Agricultural Land Commission to remove that designation. This is the same process that exists now for local governments in British Columbia. The commission will retain its independent decision-making authority over this matter, as it would with any other local government application.

Here are some of the elements of the agreement-in-principle that go beyond the land component. The AIP provides that some lawmaking authorities will be set out in a constitutionally protected treaty. Some will be set out in a separate governance agreement outside the treaty. The governance agreement will be put into effect through federal and provincial legislation. It will not be constitutionally entrenched.

The parties intend to negotiate the nature and scope of each lawmaking authority during final agreement negotiations. That's work we're going to have to do as cabinet, and certainly I'm going to have to do as minister over the next few months, to make sure we have developed a clear and coherent framework of principles to guide us as we continue those negotiations.

Lawmaking authorities related to land and resource rights, cultural assets, language and other aspects of culture will be included in the treaty. The reason for that, from our perspective, is that we need to have those provisions in the treaty, in the constitutionally protected document, in order for us as a province to get the certainty we need, which is the critically important reason why we're in this process in the first place.

To give you some examples about governance agreement subject matters - and this is the agreement outside the treaty - the governance agreement may provide lawmaking authority over matters such as child and family services, solemnization of marriages, emergency preparedness and traffic regulations on treaty lands. There is a capital transfer associated with this agreement. It is \$10.1 million. In addition to the \$10.1 million, the Tsawwassen will receive some one-time payments - \$100,000 to acquire forest resources, a \$1 million economic development capital fund, up to \$1 million for cultural purposes and \$1 million to increase their commercial fishing capacity by, for example, buying existing commercial fishing licences. There is also the possibility that before the final agreement, the federal government and the Tsawwassen may also negotiate a one-time payment of up to \$1 million to establish a Tsawwassen fisheries fund.

**[10:30]**

The next slide makes a point that you have heard before but bears repeating. This agreement, as with the other AIPs I brought to you for approval, upholds the negotiating principles that British Columbians expect modern-day treaties to represent and that they told us they wanted us to put to work in the referendum conducted two years ago now, I guess.

Just to remind you about the principles, no land will be expropriated for this treaty settlement. Existing third-party tenures will be respected. The public will still be able to hunt and fish throughout the area. Parks and protected areas in this region will be maintained for all British Columbians. Provincial standards for resource management and environmental protection will be respected through the concurrent law model that will be negotiated as part of the government's negotiations. The Tsawwassen first nation will have lawmaking authorities similar to local government in areas like, as I said earlier, emergency preparedness, traffic regulations and public works, and all of those authorities will be put into effect through federal and provincial legislation.

Land use planning will be harmonized between Tsawwassen first nation and the neighbouring local and regional governments. The tax exemptions under the Indian Act will be phased out in a way that respects the need and the challenge to make sure we've got stable fiscal funding in place for the services the Tsawwassen first nation will provide to their people.

In summary, the goal is the same. We're looking to achieve final agreements that will provide economic certainty over

lands and resources, help improve the lives of first nations people and stimulate the economy in many regions of the province, which is ultimately surely for the benefit of all of us. I think this AIP is another good step toward that destination, so I recommend that cabinet approve the AIP and also that we approve proceeding to final agreement negotiations at this table.

Thanks, Premier.

**Hon. G. Campbell:** Thanks, Geoff.

Questions? John.

**Hon. J. van Dongen:** First of all, Geoff, I want to commend our negotiators and the people of the Tsawwassen first nation for the progress that has been made. I think these treaty negotiations are something we all want to get on with. Certainly, we deal with some very, very difficult issues, but I think it's good that we've got to this point.

Just a question. I don't know if it's possible to get this slide up with the map on the lands, but the option that the Tsawwassen first nation would have...

**Hon. G. Campbell:** Any other requests, John?

**Hon. J. van Dongen:** ...on the Brunswick Point lands....

**Hon. G. Plant:** One question, and we've answered it. You wanted the map. You've got the map.

**Hon. J. van Dongen:** When that option is exercised, would those lands hold the same status as the other Tsawwassen lands - in other words, simply fee simple governance?

**Hon. G. Plant:** I believe the arrangement in respect of the Brunswick Point lands is that if it should come to pass that the right to purchase comes to the Tsawwassen and they choose to exercise it, they will have to purchase the lands, and the lands will be held in fee simple.

**Hon. J. van Dongen:** So all of the green area and the existing reserve would have a somewhat different status, and that falls under the direct governance of the first nation.

**Hon. G. Plant:** That's right.

**Hon. J. van Dongen:** The other lands are within the municipality of Delta.

**Hon. G. Plant:** I believe that's right.

**Hon. J. van Dongen:** If that's where they're in. Yes, okay.

On the fisheries issues, page 3 of appendix A, the last two bullets. There is a reference there to a fund of \$1 million and then a second bullet that talks about a one-time payment of \$1 million by Canada. Are those two different funds?

**Hon. G. Plant:** Yes. The first is, as I said earlier, a fund of \$1 million that will be established on the effective date of the treaty to enable the Tsawwassen first nation to increase its commercial fishing capacity. That's a commitment now. The second, though, is really a commitment to negotiate and attempt to reach agreement. It's a commitment that Canada and the Tsawwassen first nation have made to negotiate and attempt to reach agreement on a one-time payment of up to \$1 million by Canada that will be used for the establishment of something that's being called the Tsawwassen first nation fisheries fund.

**Hon. J. van Dongen:** That fisheries fund could be used by the joint management committee to improve habitat and that sort of thing. Is that the purpose of that fund?

**Hon. G. Plant:** You know, you've used up your allotment of questions, and I've certainly used up my allotment of answers. I don't know the details, at this point, of that fund.

**Hon. J. van Dongen:** Okay. Thanks, Geoff. I'll let somebody else.... [Laughter.]

[10:35]

**Hon. G. Campbell:** At any rate, that would be part of what would be negotiated for the final agreement.

**Hon. G. Plant:** Yeah, absolutely. Those negotiations are going to be bilateral, I suspect, rather than trilateral.

**Hon. G. Campbell:** Anybody else have a question? [Laughter.] Geoff's pretty much dried up here now.



This is significant. I think that we sometimes forget how important these things are. I want to say thank you to the leadership of the Tsawwassen first nation as well. These are difficult negotiations we go through. To reach an agreement-in-principle is an important step, but there are 18 months of difficult and challenging negotiations ahead as well. I have confidence that if all parties bring the same level of creativity to this, then we may well move to a treaty that will meet the needs of not just the Tsawwassen first nation but the people of British Columbia and Canada.

We have agreement to approve the agreement-in-principle and approve proceeding to the final agreement negotiations. The best of luck to everyone in doing that. Thank you very much.

That adjourns the meeting for today.

The cabinet adjourned at 10:36 a.m.



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