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**Afternoon Sitting**

<http://www.leg.bc.ca/hansard/38th3rd/H71022y.htm>

Introduction by Members

M. Sather: Joining us in the gallery today is Harold Steves. Harold is a long-time city councillor in the city of Richmond and really is an architect of the agricultural land reserve. There's a really interesting story of how that came about, starting with the application to renovate the family's farm, and his father made an application way back then. It's a very interesting story, and I hope somebody writes a book about it some day. Will the House please join me in welcoming my hero Harold Steves.

Second Reading of Bills

**TSAWWASSEN FIRST NATION FINAL AGREEMENT ACT**

M. Sather: I would like to thank the Songhees and Esquimalt First Nations for sharing their traditional territory with us today.

I'm speaking against Bill 40 and against this treaty. It saddens and angers me to be in the position where I feel compelled to vote against the second treaty in modern-day British Columbia.

I don't agree with all the decisions made by the majority of the Tsawwassen First Nation. However, I do not blame the TFN. I know they have struggled long and hard in the white man's world to provide the best deal possible for their people. I do not know what was discussed at the treaty table. I wasn't there. But I do know about talking to white people. They are relentless. They never give up. Sometimes the only options they offer are highly unpalatable.

We in the white man's world really have no comprehension of who aboriginal peoples are. We cannot really respect those we do not understand — these people of the land looking out to the sea. The relationships that aboriginal peoples have are foreign to us. We don't know these relationships.

A couple of weeks ago I was speaking to a band councillor of the Moberly First Nations in the upper Peace River drainage. We were talking about a mining company executive who was upset that their proposal had been stymied, and he was talking about the first nations of the area. The mining company executive said: "These people say they talk to bears. How can you deal with people like that?"

[1655]

I heard the member for Okanagan-Vernon saying a few minutes ago that as a result of the Williston dam and the damage it had caused to the Tsay Keh Dene and the Kwadacha people, the government had worked to resolve those issues. I don't know how one can resolve the issues of the destruction of one's homeland.

As the Premier has said, we're going to be embarking — and the government's going to be embarking — upon serious discussions about the further flooding of that drainage, the further flooding of that river with the Site C dam. I'm hopeful that the government will think long and hard about the West Moberly First Nations and about the Saulneau First Nations and what that would do to their way of life — what that would do to the destruction of the moose, which is at the centre of their culture.

Getting back to the mining company executive, the implication of what that person was saying is that there must be something wrong with these people. Are they mentally ill? Talking to bears, talking to the salmon, talking to the whales is not a mental illness. It's an expression of an understanding that there is no separation between us and them, between the earth and humankind, between the sea and humankind, between the animals and humankind.

That same member of the West Moberly First Nations was telling me how difficult it is for his people to relate to the white man's concept of ownership. To own something, one must be separate from it. It is implicit in the concept of ownership. How can you own something that is part of you?

It's as silly to first nations as saying that I own my arm. Indeed, it is my arm, but I don't think of myself as owning my arm. It's simply a part of me, although sometimes I think that the way things are going, we will soon be legally encapturing the dollar value of our very body parts.

The broader culture and the culture of first nations remain worlds apart. I heard this dichotomy expressed in a different way on the lawn of the Legislature last week. One of the first nations leaders said to his brothers and sisters: "How do you know who you are? How do you know that your rights will never be extinguished? Because you have a name."

This is a highly sophisticated concept that is very difficult for us to understand. It's not a part of our culture. What I hear first nations saying is that there is an indivisibility between humans and the earth.

We, on the other hand, have been separating ourselves from nature for over 2,000 years. We have set ourselves up on a pedestal. We are superior to nature. We look down on nature. We are at war with nature. We look for winners and losers. They look for harmony.

We have our god and our saviour. Money is our god. Technology is our saviour. But there will be no technological fix for what ails us. We are in a state of denial, and our denial is harming us badly.

We are, in fact, no different than aboriginal peoples. We too come from the earth. We come from the sea. There will be no true reconciliation with indigenous peoples until we effect a true reconciliation between ourselves and nature.

We must speak what we believe. I do not believe this treaty was born of a whole relationship or of true respect, and I must speak against it. We could go back hundreds of years to talk about the beginning of this treaty, or we could talk about more recent events, like the construction of the B.C. Ferries terminal in 1960 and the construction of the Roberts Bank superport in 1970.

[1700]

Those latter events had a very negative effect on the marine life upon which the Tsawwassen people depend, the rich crab fishery where the people could step out of their boat in the shallow waters and pick the crabs off the ocean floor — a bounty that the Tsawwassen people shared with their white neighbours.... My friend Harold Steves has told me about going there when he was a child in Richmond and picking those crabs up and enjoying that bounty as well.

The port development in particular has fouled the kitchen of the Tsawwassen First Nation. I was talking to a member of the TFN Band Council who said their people will harvest crab sometimes, only to come home, remove the shells and find the meat is black. He said he does not recommend that his people harvest in the area.

In 2002 the TFN launched a lawsuit against Vancouver Port Authority, B.C. Ferries, the government of British Columbia, the government of Canada, B.C. Transportation Financing Authority and B.C. Rail over the destruction of their environment. In 2004 the TFN and the Vancouver Port Authority signed a memorandum of agreement and a settlement agreement that set the stage for tripling of the port and for the development of a container handling facility on 350 acres of agricultural land in the agricultural land reserve.

That land had to be removed from the ALR to complete the deal. This treaty removes that land, along with another 150 acres. Normally any land, whether in a treaty or not, has to meet the approval of the Agricultural Land Commission before being removed from the ALR. That did not happen in this case. Everything changed between the signing of the agreement-in-principle and the signing of the final agreement.

Whereas under the agreement-in-principle, removal of lands from the ALR in conjunction with this treaty would remain under the jurisdiction of the ALC, under the final agreement, in section 9 of Bill 40, the provincial government removes the jurisdiction of the ALC over those lands.

In my community the owners of Formosa Nursery are suffering the effects of the loss of their agricultural lands for another Gateway project. The Minister of Agriculture and Lands, in reference to that law, said that it's a slippery slope when you overrule the ALC.

My question is: what kind of slope is it when the government completely removes the jurisdiction of the ALC in order to remove land from the ALR? I guess that would be moving from a slippery slope to an avalanche.

The agricultural lands in question in this treaty were originally expropriated in 1968 for development of a port that was to stretch from Roberts Bank to Hope. The creation of the agricultural land reserve in 1974 has prevented those lands from being developed by the port.

The port and the governments that support their expansion at Roberts Bank have waited 39 years to get those agricultural lands back for port expansion. They finally found a way to do that, and that was to sanitize this assault on agriculture by attaching it to a treaty with a first nation. It's sadly ironic that the Tsawwassen First Nation went to court over the destruction of their environment by the port and ended up with more destruction by the port.

Who is so determined to expand the port? Not the TFN, I wouldn't think. After all, they're the ones who launched a lawsuit over the environmental damage caused by the port. The Vancouver Port Authority

certainly has an interest in expanding, as shown by the Deltaport third berth expansion, the planned terminal 2 and the container-handling facility on the ALR that will come to pass with this treaty. It is clear from this treaty that the provincial government is supporting the port expansion and all the damage that it is causing.

[1705]

People sometimes ask me why I'm so concerned about the loss of 500 acres of agricultural land. There are several reasons, including loss of food security and reduced ability to fight global warming.

A recent report by the B.C. Ministry of Agriculture, entitled B.C.'s Food Self-Reliance, says that B.C. farmers produce only 48 percent of the meat, dairy and vegetables that we consume. Maintaining even that level of food self-reliance in 2025 will require a 30-percent increase in agricultural production.

The problem is that climate change is causing more drought, which makes water availability a real, limiting factor on agricultural production. In addition, declining oil supplies will dramatically drive up the price of oil and increase the cost of importing food products. In all likelihood, we are going to need our food lands a lot more in the future.

There's another reason that I'm concerned about the loss of 500 acres of some of the best farmland in North America. The loss of the crab fishery, mussels and clams is the loss of the food and sustenance that is the way of life of the Tsawwassen people. The loss of agricultural land is the loss of food for all of us and the loss of the way of life for the farmers that work that land. As one of those farmers said to me: "Remember, blacktop is the last crop."

Some who are supporting the treaty point out that non-aboriginal people have turned huge tracts of what was once agricultural land into other uses and that, therefore, we cannot say to first nations that they cannot do the same. There are serious ramifications in accepting this argument. For example, where I live in Maple Ridge–Pitt Meadows, agricultural land is constantly threatened by residential development. Proponents of this development say to me: "Most of our area that has houses on it was once agricultural land or was suitable for agriculture. How can you deny others the same right to develop on agricultural land?"

If we accept that argument, we can kiss goodbye to sustainable urban development and to ending urban sprawl. We will be giving up on producing our own food — a risky proposition, especially in this age of global warming — and we will be forsaking the best tool that we have to fight urban sprawl, the agricultural land reserve. I have no quarrel with first nations gaining title to agricultural lands, but we need to keep our agricultural lands in production, whether held by aboriginal or non-aboriginal people.

Similarly, if we look at global warming, we see that this is a problem for everyone in the world. Some have suggested that countries like China and India should not have to meet the same requirements to fight global warming that the more developed nations do because they are not responsible for as much of the problem. But global warming doesn't know boundaries, and even though it is not fair, we must all do our part to fight the problem.

In the same way, it can be argued that it is not fair that first nations should have to protect food lands. But as the member for Delta South is always saying, we all have to eat to live, and we all have to work together to protect and manage our agricultural resource wisely.

I want to talk about the process that led to this treaty. The treaty process, as shown by the actions of the provincial and federal governments, was not respectful of first nations. First nations had been treaty-making

long before the white man came to North America. They have been working out how to share resources between their territories down through the ages. They have a respectful process to do that, which includes consultation between hereditary chiefs, elders and now band councils.

[1710]

This process was not followed with this treaty. Three bands in the neighbouring Sencoten Alliance noted in their petition to the Supreme Court of British Columbia that despite repeated attempts to engage with the Minister of Aboriginal Relations and Reconciliation in 2005 and 2006, the first formal consultation meeting with representatives of the minister did not occur until May 29, 2007, almost five months after the Tsawwassen First Nation final agreement was initialled.

Similarly, the Semiahmoo people from White Rock and surrounding areas wrote in their petition to the court: "After signing the agreement-in-principle, the Minister of Aboriginal Relations and Reconciliation did not engage in any consultation with the Semiahmoo, notwithstanding that they had notice for at least the previous 11 years that the Tsawwassen statement of intent encompassed Semiahmoo traditional territory."

This is an insult to aboriginal peoples. This is not the way they do business, but they have been forced into this box by a government that doesn't truly respect their ways. Many of those first nations were on the lawn in front of this building last week. They called for a just treaty that takes into account fully the rights of first nations whose traditional territories overlap the traditional territory of the Tsawwassen First Nation.

I'd like to talk now about the effect that the port expansion, which is facilitated by this agreement, is having on the environment at Roberts Bank offshore of the current Tsawwassen reserve.

Roberts Bank is at the centre of a coastal ecosystem. It is of international significance in its importance to waterfowl and shorebirds. Up to five million birds migrate along the Pacific Flyway in this area. It is the winter home for the highest number of waterfowl and shorebirds in Canada. The area of Roberts Bank, Boundary Bay, Sturgeon Bank and South Arm Marshes is designated as an important bird area of global significance. Of 597 important bird areas in Canada, this area is listed as number one.

The endangered southern resident killer whale feeds on salmon on Roberts Bank, sometimes between the port and ferry terminals. Expanding the port will increase commercial shipping traffic near this area, despite the Department of Fisheries and Oceans' national recovery strategy for resident killer whales — which is to reduce human threats, including noise and pollutants.

Looking at the continuing assault of port development on this area, I can only conclude that food lands do not matter; birds do not matter; endangered whales do not matter. Port development matters.

We have to do better than this in future treaty negotiations. First nations and many non-aboriginal people demand it. Nature demands it. We can do better, and I believe we will.

In closing, I would like to extend my best wishes to Chief Kim Baird and the Tsawwassen First Nation for success and harmony in the years to come. Thank you, Madam Speaker, all my relations.