

April 9, 2020

FOI No: 2020-10

VIA E-MAIL – Redacted

# Redacted

Dear Redacted

Re: Request for Records  
Freedom of Information and Protection of Privacy Act

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The City of White Rock has reviewed your request for access to the following records pursuant to the Freedom of Information and Protection of Privacy Act (the "Act"):

1. *Email from UBCM Meeting Request Coordinator to City of Sept 14, 2012 re; Aboriginal Relations and Reconciliation – Provincial Cabinet Minister Appointment*
2. *Letter of Sept 14, 2012 from Hon Ida Chong to Hon John Duncan, Minister of Aboriginal Relations and Northern Development Canada.*
3. *Minutes of Closed Meeting March 10, 2016 of Intergovernmental Relations Committee.*
4. *Letter to City dated March 18, 2016 from Callison & Hanna/ Adam Munnings.*
5. *Corporate Report, May 9, 2016 from Dan Bottrill re: summary of discussion items with SFN.*
6. *Email, May 24, 2016 from Greg St Louis to Don Lidstone.*
7. *Minutes of Council Closed Meeting, May 30, 2016- item 3.3 only.*
8. *Letter from Lidstone to Munnings June 7, 2016*
9. *Minutes of Council Closed Meeting, June 13, 2016 -item 4.3 only.*
10. *Minutes of Closed Council Meeting, June 27, 2016 – item 5 only.*
11. *Letter from Lidstone to Munnings June 28, 2016.*
12. *Minutes of closed Council Meeting July 25, 2016 – item 10 only.*
13. *Letter Lidstone to Munnings July 27, 2016.*
14. *Letter Munnings to Lidstone Sept 13, 2016.*
15. *City Media Release Sept 15, 2016 regarding SFN Water Supply.*
16. *Email Oct 3, 2017 from Dan Bottrill to Chief Harley Chappell.*
17. *Letter from SFN to Council Oct 27, 2016.*
18. *Letter Oct 5, 2017 from Mayor to Chief Chappell.*
19. *Letter from SFN to Council Oct 12, 2017.*
20. *Letter from Mayor to Chief Chappell Oct 20, 2017.*
21. *Email Nov 30, 2017 from Jim Gordon to Chief Chappell and Cllr Charles.*
22. *Letter from Chief Chappell to Mayor Dec 20, 2017.*

Corporate Administration

P: 604.541.2212 | F: 604.541.9348

City of White Rock

15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

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Please note that we were unable to locate a copy of Record 1. This appears to have been a transitory record that has not been maintained.

As previously advised, we are unable to provide a response regarding Records 4, 8, 11, 13, 14, or 17 at this time. We have extended the response time for these records under section 23 of the Act. The extension was necessary in order to consult with a third party whose interests may be affected by disclosure. We will notify you of the decision on whether we will disclose these six records by May 11, 2020.

Access to Record 6 is not available. This is a record of correspondence between the City and its legal counsel for the purpose of obtaining legal advice. It is therefore protected by solicitor-client privilege and exempted from the disclosure requirements of the Act at common law (and under section 14 of the Act).

Access to the remaining records is available. However, some of the information in the records is exempted from the disclosure requirements of the Act under sections 12(3)(b) and 22. I have severed the excepted information so that I could disclose the remaining information in the records as attached.

Severing under section 12(3)(b) is necessary to avoid disclosing the substance of deliberations made by City Council or a Council Committee at a meeting duly held in the absence of the public. Please note that I have produced and severed excerpts of the closed meeting minutes where you have requested access to specific items only.

Severing under section 22 is necessary to avoid disclosing third-party personal information without permission. Any email addresses that could not be verified as business contact information have been withheld.

City Council wants to be transparent and wants to release the requested confidential and privileged information and intends to do so at such a time as the current negotiations with the Semiahmoo First Nation are concluded.

Please contact our office if you have any questions or concerns.

Sincerely,



Ken Overton  
Manager, Property, Risk Management, and FOI  
604-541-2104

Att.

If you believe that the City of White Rock has been unreasonable in its handling of your request, you may ask the Information and Privacy Commissioner to review our response. You have 30 days from receipt of this notice to request a review by writing to:

Office of the Information and Privacy Commissioner  
3rd Floor, 756 Fort Street  
Victoria BC V8W 1H2

Should you decide to request a review, please provide the Commissioner's office with:

1. your name, address and telephone number;
2. a copy of this letter;
3. a copy of your original request sent to the City of White Rock; and
4. the reasons or grounds upon which you are requesting the review.

RECEIVED

FEB 14 2013

Ref. 31117

FEB 12 2013

~~The Honourable John Duncan, PC, MP  
Minister of Aboriginal Affairs and Northern Development Canada  
House of Commons  
Ottawa ON K1A 0A6~~

Dear Minister Duncan:

I am writing with regard to an issue that was brought to my attention during the annual Union of British Columbia Municipalities convention.

During the convention, I met with His Honour, Wayne Baldwin, Mayor of White Rock. We discussed the need to improve water and waste management infrastructure at the Semiahmoo Indian Reserve and the ongoing problems related to the poor condition of the current water system.

It is my understanding that approximately 100 residents of the reserve have been under a boil water advisory for several years, and that frequent infrastructure failures allow contaminants to enter the drinking water system.

I know that we share a common desire to ensure that First Nations in British Columbia have the same access to clean and reliable drinking water and effective treatment of wastewater as other Canadians do. Acknowledging that the Government of Canada is responsible for on-reserve infrastructure, including water and waste management I would respectfully ask that you look into this situation. I am hopeful your staff will work closely with the Semiahmoo First Nation, as well as neighbouring local governments, to identify short and long-term options to meet the water and waste management needs on the Semiahmoo reserve.

.../2

Thank you for your time and your consideration of this matter.

Sincerely,

Original Signed  
by Minister

Ida Chong, FCGA  
Minister

pc: ✓ Mayor Wayne Baldwin  
City of White Rock

Gordon Hogg, MLA  
Surrey-White Rock

Eric Magnuson  
Regional Director General  
Aboriginal Affairs and Northern Development Canada

**PRESENT:** Mayor Baldwin, Chairperson  
Councillor Knight  
Councillor Lawrence  
Councillor Meyer  
Councillor Sinclair

**ABSENT:** Councillor Chesney  
Councillor Fathers

**GUESTS:** Chief Willard Cook, Semiahmoo First Nation  
Councillor Joanne Charles, Semiahmoo First Nation

**STAFF:** D. Bottrill, Chief Administrative Officer  
B. Ambardar, Acting Director of Engineering and Municipal Operations  
S. Lam, Deputy City Clerk

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The meeting was called to order at 5:07 p.m.

**Redacted S. 12(3)(b)**

**Redacted S. 12(3)(b)**



The meeting recessed at 5:35 p.m. and reconvened at 6:05 p.m.

**Redacted S. 12(3)(b)**



**Redacted S. 12(3)(b)**

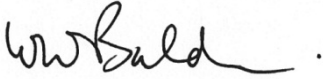




**Redacted S. 12(3)(b)**



- 14. CONCLUSION OF THE MARCH 10, 2016  
INTERGOVERNMENTAL RELATIONS COMMITTEE MEETING**  
The Chairperson declared the meeting concluded at 7:45pm.



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Mayor Baldwin, Chairperson



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Stephanie Lam, Deputy City Clerk

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
CORPORATE REPORT



**DATE:** May 9, 2016  
**TO:** Mayor and Council  
**FROM:** Dan Bottrill, Chief Administrative Officer  
**SUBJECT:** Summary of Discussion Items with Semiahmoo First Nation

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**RECOMMENDATIONS**

THAT Council:

1. Receive for information the May 9, 2016 corporate report from the Chief Administrative Officer titled “Summary of Discussion Items with Semiahmoo First Nation;”
  2. Remove the existing White Rock sign located on SFN land and replace it with one located on City of White Rock property;
  3. Direct staff to provide the keys to SFN so they can operate the public washrooms as they see fit;
  4. Direct staff to consult / negotiate a municipal service agreement for services currently provided, namely; the provision of bulk water supply as well as sanitary sewer services;
  5. Direct staff to proceed with the maintenance and restoration of the Grand Chief Bernard Charles Plaza; and
  6. Direct staff to consult / negotiate a communications protocol agreement.
- 

**INTRODUCTION**

The purpose of this report is to recommend direction in regard to issues of concern by both the City of White Rock and Semiahmoo First Nation.

**DISCUSSION**

City Council met with Semiahmoo First Nation (SFN) Council members to discuss and resolve issues of concern to both parties. This corporate report addresses the following issues:

- White Rock sign on Marine Drive located on Semiahmoo First Nation land;
- Public washrooms located on Semiahmoo First Nation land;
- Municipal service agreement;
- Grand Chief Bernard Charles Plaza; and
- Emergency planning / communications protocol agreement.

### **White Rock Sign**

The City of White Rock sign located on Marine Drive on SFN land has been in place for decades. The sign has reached the end of its useful life and should be removed from its current location. Staff intends to locate the replacement sign on City of White property in close proximity to the municipal border on Marine Drive.

### **Public Washrooms**

Similar to the White Rock sign discussed above, the washrooms have been in place for decades and have reached the end of their useful life. It is recommended that the City forward the keys for the public washroom facility to SFN and allow them to determine whether or not they wish to assume their continued operation.

### **Municipal Service Agreement**

The City of White Rock provides bulk water supply as well as sanitary sewer services to SFN. It is recommended that the City consult / negotiate a municipal service agreement with SFN for the provision of these services.

### **Grand Chief Bernard Charles Plaza**

The plaza is in need of some maintenance and restoration, including the granite fronting the two totem poles. It is recommended that the City take immediate steps to address maintenance and restoration issues on the plaza.

### **Emergency Planning / Communication Protocol**

SFN advised that they have equipped an emergency operations centre (EOC) and have requested a communication protocol be developed between the City and SFN that would be utilized during emergency events. It is recommended that the City consult / negotiate a communications protocol agreement.

## **BUDGET IMPLICATIONS**

The City has already budgeted for the replacement of the White Rock sign on Marine Drive. The cost of the maintenance and restoration of the Grand Chief Bernard Charles Plaza should be able to be accommodated within the approved financial plan through the use of contingency funding.

Consultation / negotiation of a municipal service agreement for bulk water supply and sanitary water services as well as a communications protocol would require some staff time and a review of our solicitor. The cost would be handled within the existing financial plan.

## **CONCLUSION**

It is recommended that the City communicate with SFN regarding the City's decision to:

1. Remove the existing White Rock sign located on SFN land and replace it with one located on City of White Rock property;
2. Direct staff to provide the keys to SFN so they can operate the public washrooms as they see fit;
3. Direct staff to consult / negotiate a municipal service agreement for the provision of services currently provided, namely; the provision of bulk water supply as well as sanitary sewer services;

4. Direct staff to proceed with the maintenance and restoration of the Grand Chief Bernard Charles Plaza; and
5. Direct staff to consult / negotiate a communications protocol agreement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Bottrill", written in a cursive style.

Dan Bottrill  
Chief Administrative Officer

Minutes of a Closed Meeting of  
City of White Rock Council held in the  
City Hall Boardroom  
May 30, 2016

**PRESENT:** Mayor Baldwin  
Councillor Chesney  
Councillor Fathers (arrived at the meeting at 4:00 p.m.)  
Councillor Knight  
Councillor Lawrence (arrived at the meeting at 5:24 p.m.)  
Councillor Meyer  
Councillor Sinclair

**STAFF:** D. Bottrill, Chief Administrative Officer  
T. Arthur, City Clerk

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The meeting was called to order at 3:49 p.m.

[...]

3.3

**Redacted S. 12(3)(b)**



**Redacted S. 12(3)(b)**

[...]

Minutes of a Closed Meeting of  
City of White Rock Council held in the  
City Hall Board Room  
June 13, 2016

**PRESENT:** Mayor Baldwin  
Councillor Chesney (arrived at 5:08 p.m.)  
Councillor Fathers  
Councillor Knight  
Councillor Lawrence  
Councillor Meyer  
Councillor Sinclair

**STAFF:** D. Bottrill, Chief Administrative Officer  
T. Arthur, City Clerk

- 
1. **CALL MEETING TO ORDER**  
The meeting was called to order at 4:32 p.m.

[...]

4.3

**Redacted S. 12(3)(b)**





2016-052

**Redacted S. 12(3)(b)**

2016-053

2016-054

2016-055

2016-056

[...]

Minutes of a Closed Meeting of  
City of White Rock Council held in the  
City Hall Boardroom  
June 27, 2016

**PRESENT:** Mayor Baldwin  
Councillor Chesney  
Councillor Knight  
Councillor Lawrence  
Councillor Meyer  
Councillor Sinclair

**ABSENT:** Councillor Fathers

**STAFF:** D. Bottrill, Chief Administrative Officer  
T. Arthur, City Clerk

- 
1. **CALL MEETING TO ORDER**  
The meeting was called to order at 6:17 p.m.

[...]

5.

**Redacted S. 12(3)(b)**



# Redacted S. 12(3)(b)

2016-059

[...]

Minutes of a Closed Meeting of  
City of White Rock Council held in the  
City Hall Boardroom  
July 25, 2016

**PRESENT:** Mayor Baldwin  
Councillor Chesney  
Councillor Fathers  
Councillor Knight  
Councillor Lawrence  
Councillor Meyer  
Councillor Sinclair (arrived at the meeting at 2:39 p.m.)

**STAFF:** D. Bottrill, Chief Administrative Officer  
T. Arthur, City Clerk

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The meeting was called to order at 2:04 p.m.

[...]

10.

**Redacted S. 12(3)(b)**



**Redacted S. 12(3)(b)**



[...]

## 2016 White Rock News and Announcements

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Posted on: September 15, 2016

### Statement from the City

The City of White Rock is responding to the Semiahmoo First Nation's news release sent out on September 14, 2016.

In its news release the First Nation claims that it is not aware of the reasons for the City's notification to secure a new water supply.

On March 10, 2016 the City of White Rock and members of the Semiahmoo First Nation met to discuss a number of topics, including water. The City thought this meeting was productive and amicable. A summary of the items discussed at the meeting can be found in the City's Corporate Report, on page 50 of the [May 9, 2016 Regular Council Meeting agenda](#).

Shortly after the March 10, 2016 meeting, however, the City received a letter through the Semiahmoo First Nation's lawyer. The issue at hand– the City was in trespass for maintaining pump station infrastructure on First Nation land. This pump station infrastructure is what allows for the City to provide storm drainage services.

The Semiahmoo First Nation falls entirely within the City of Surrey's municipal boundary. Currently, there is no formal agreement between the City of White Rock and the Semiahmoo First Nation to supply them with water or sewer services. The City is committed to achieving an agreement. Since June, attempts made by City Staff to meet with the Semiahmoo First Nation to finalize agreements have been denied.

On October 31, 2015 the City of White Rock purchased the water utility from EPCOR Water Services Inc. The City continued to supply the First Nation with bulk water after the acquisition of EPCOR Water Services Inc. However, the Semiahmoo First Nation has limited the City's access to the pump station, including the ability to provide regular maintenance following threats of arrest issued by members of the First Nation to City staff. The First Nation has also asked for the City to remove the pump station and infrastructure.

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This was very troubling for the City to hear and understand given the steps the City has taken to support the First Nation as they have had a water advisory in place for a number of years. The City has even sent City Staff to show First Nation staff how to properly test for chlorine when they had issues with the level of chlorine in their water distribution system.

“Even though, the Semiahmoo First Nation is not part of the City’s jurisdiction we have advocated strongly on their behalf to receive funding so that they could have the means to upgrade a much needed water distribution system,” said Wayne Baldwin, the Mayor of White Rock. For example, at the 2012 Union of BC Municipalities (UBCM) convention, the City of White Rock met with the Cabinet Minister responsible for Aboriginal Relations and Reconciliation, on behalf of Semiahmoo First Nation, and requested that the First Nation receive assistance to implement an adequate water supply and sewer system on their land.

“If they come back with an action plan on how they will get their new permanent water supply and need the City to extend the 18 month timeline, we will consider it; especially since I’ve heard rumblings of the First Nation doing a major commercial development, which if true, may affect White Rock’s water capacity,” the Mayor went on to say.

“Regardless, the Semiahmoo First Nation need to be willing to meet with City Staff to discuss the many demands they have made of the City and be open to a fair agreement, which is what we are seeking,” concluded the Mayor.

For more information contact:

Ms. Farnaz Farrokhi

Communications Manager | City of White Rock

[ffarrokhi@whiterockcity.ca](mailto:ffarrokhi@whiterockcity.ca)

604-541-2138

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[Upcoming Safety Seminars Offered for Seniors](#)

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## Other News in 2016 White Rock News and Announcements

### [White Rock City Councillor, David Chesney, Censured](#)

Posted on: October 24, 2016

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### [Notice of Work: Erosion Repair on East Beach](#)

Posted on: January 1, 2017

## Chris Magnus

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**From:** Chris Magnus  
**Sent:** October 3, 2017 3:59 PM  
**To:** 'Harley Chappell'  
**Cc:** Dan Bottrill  
**Subject:** Letter from the City of White Rock to Chief Chappell | Semiahmoo First Nation | October 3, 2017  
**Attachments:** 2017-10-03 Chief Chappell Semiahmoo First Nation Items for Discussion.docx.pdf

Good afternoon Chief Chappell. On behalf of our CAO, Dan Bottrill, please find attached a letter from the City of White Rock dated October 3, 2017 in response to the letter received from you on behalf of Semiahmoo First Nation dated September 28, 2017. The original letter is being sent by regular mail.

### CHRIS MAGNUS

Executive Assistant to Mayor and CAO, City of White Rock

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2124 | [www.whiterockcity.ca](http://www.whiterockcity.ca)



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October 3, 2017

File No. 0400-60

Transmitted by Email: [HChappell@semiahmoofirstnation.org](mailto:HChappell@semiahmoofirstnation.org)

Chief Harley Chappell  
Semiahmoo First Nation  
16049 Beach Road,  
Surrey, BC V3S 9R6

Dear Chief Chappell:

**Re: City of White Rock and Semiahmoo First Nation – Items for Discussion**

We acknowledge your correspondence dated September 28, 2017, wherein you provided your understanding of agreed upon items as a path for moving forward on issues raised between Semiahmoo First Nation and the City of White Rock. Firstly, we would like to clarify that the discussion that took place on September 14, 2017 was simply that, namely a discussion of issues that the City of White Rock would consider at a subsequent formal meeting of Council as well as the next Council to Council meeting.

With respect to the specific issues raised in your letter, we offer the following response:

1. The City of White Rock will provide Semiahmoo First Nation with a written Letter of Extension of the Termination of the sanitary sewer and water service until March 2019;

**Response:** Provided we can achieve a satisfactory agreement with respect to the access to the Pump Station and its removal at the earliest possible date, as well as the immediate approval of the Memorial Park project permit, the City is prepared to provide a written Letter of Extension for the water and sanitary sewer service.

Alternatively, in lieu of a Letter of Extension, since we have Municipal Type Service Agreements that have been reviewed and approved by our respective legal counsel, we can both agree to have the agreements approved and finalized.

2. The parties will work together to complete a “barebones” Municipal Type Service Agreement (“MTSA”) for sanitary sewer and water services with an end date of March 2019;

**Response:** As noted above, it is our understanding that a MTSA has been prepared by both of our respective solicitors.

3. The parties will work together to complete a long term MTSA for sanitary sewer and water services for the lots 14-1, 14-2, 56 and 57, and Lot 63 and 15622 Marine Drive, which includes any future development;

**Administration**

P: 604.541.2124 | F: 604.541.9348

**City of White Rock**

15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

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**Response:** The issue of a long term municipal type service agreement for both sanitary sewer and water services would require a thorough understanding on the City's part of what the future development would be. The City would have to ensure it has the capacity to handle the future demands. We suggest that discussion on this matter be deferred until the Semiahmoo First Nation is able to provide more information on this.

4. The City of White Rock will task their staff to complete the following regarding the 8<sup>th</sup> Avenue/Marine Drive Optimization work with the City of Surrey and Semiahmoo First Nation:
  - a. Baseline and infrastructure surveys and studies;
  - b. Tripartite discussions regarding usage and ownership of works, and;
  - c. Identify all historical infrastructure on the Semiahmoo Indian Reserve including abandoned works and discuss compensation.

**Response:** The City has been involved in discussions with City of Surrey and Semiahmoo First Nation as it relates to storm drainage issues on 8<sup>th</sup> Avenue / Marine Drive. We are aware of Surrey's plan to consolidate the seven storm drain lines to four lines. The City of White Rock has previously communicated our desire to remove our storm drainage pump station currently located on Semiahmoo First Nation land. It is our belief that the pump station has been serving the needs of both Semiahmoo First Nation as well as the City of White Rock. We expect to be able to construct a new pump station on City land by December 31, 2019 and respectfully request access to maintain and ultimately remove the pump station during this interim period.

Other than the pump station and lines leading to and from the pump station, as well as water and sanitary sewer connections as outlined in the sanitary sewer and water service agreements, the City of White Rock is not aware of any other infrastructure on Semiahmoo First Nation land.

5. City of White Rock will engage in meaningful consultation with Semiahmoo First Nation with regard to the Memorial Park Project.

**Response:** The City of White Rock has agreed to engage in meaningful consultation with Semiahmoo First Nation with regard to the Memorial Park Project at the Council to Council meeting on October 5, 2017.

6. BNSF and the City of White Rock will acquire Semiahmoo First Nation Archeological permits for all works on the foreshore including BNSF right-of-way, the Memorial Park Project. Semiahmoo Council will direct staff to provide White Rock and BNSF with information regarding the Archaeological Permitting Process.

**Response:** The City of White Rock believes there is no legal requirement to acquire Semiahmoo First Nation Archeological permits for all works on the foreshore including BNSF right-of-way, the Memorial Park Project. However, building and fostering a stronger relationship with Semiahmoo First Nation is of importance in moving forward. The City of White Rock is open to considering a protocol with Semiahmoo First Nation that could include acquiring Semiahmoo First Nation Archeological permits for works on BNSF right-of-way.

7. Semiahmoo will provide direction and information to The City of White Rock for acquiring temporary access to Semiahmoo First Nation Lands on Lot 57 where the city has

infrastructure – “the pump station” as well as access to the Lot 57 for the removal of the City of White Rock sign and additional infrastructure associated with the sign.

**Response:** The City of White Rock has previously requested access to remove the City of White Rock sign and any infrastructure that may be associated with the sign. To date, our requests to do so have not been permitted. We appreciate that Semiahmoo First Nation is prepared to consider our continued request to remove the City of White Rock sign, as this is something we are prepared to do immediately. We also appreciate that Semiahmoo First Nation is prepared to consider our previous requests to attend to the pump station currently located on Semiahmoo First Nation land up until the time it can be decommissioned and be removed together with all attendant appurtenances.

8. Semiahmoo First Nation and The City of White Rock will continue discussions on compensation for past uses of the Semiahmoo Indian Reserve Lands for all infrastructure identified in 4(c) above.

**Response:** The City of White Rock respects that Semiahmoo First Nation is seeking compensation and considers this a legal matter that will ultimately be resolved. However, given the complexity, this is a matter that should be set aside for this meeting and to be determined through separate negotiations.

9. Semiahmoo First Nation and The City of White Rock will develop a Communications Protocol Agreement.

**Response:** The City of White Rock is agreeable to consider the development of an agreement that will assist both communities with a framework leading to improved communication moving forward.

We trust this assists in providing clarity from the City of White Rock’s perspective on issues that we look forward to discussing further with you at a meeting between the two Councils that has been scheduled for 9:00 a.m., Thursday, October 5, 2017.

Sincerely,



Dan Bottrill,  
Chief Administrative Officer



ADDRESS:  
CITY HALL ADMINISTRATION  
15322 BUENA VISTA AVENUE  
WHITE ROCK, BRITISH COLUMBIA  
V4B 1Y6, CANADA

CONTACT:  
TEL: 604.541.2124  
FAX: 604.541.9348

EMAIL:  
WBALDWIN@WHITEROCKCITY.CA

WEBSITE:  
WWW.WHITEROCKCITY.CA

OFFICE OF THE MAYOR | MAYOR WAYNE BALDWIN  
WHITE ROCK, B.C., CANADA

October 5, 2017

File No. 0220-30

Transmitted by Fax: [hchappell@semiahmoofirstnation.org](mailto:hchappell@semiahmoofirstnation.org)

Chief Harley Chappell  
Semiahmoo First Nation  
16049 Beach Road  
Surrey, BC V3S 9R6

Dear Chief Chappell:

**Re: Water Connection to Semiahmoo Reserve**

Further to recent discussions, you have asked for a “comfort letter” regarding a request to extend the City of White Rock’s water connection service to the Semiahmoo First Nation lands in light of our solicitor’s letter to you dated July 27, 2016, which stated a water service termination date of 18 months from the date of the letter.

White Rock City Council has no wish to deprive any citizens or homes of a source of water. Following our solicitor’s letter, and having received further information from Semiahmoo First Nation, Council understands that the notice period that was initially given by the City is insufficient to allow Semiahmoo First Nation to connect to the Surrey water distribution system, as there would be a gap in service. You had requested a revised date of March 31, 2019. However, there is a reasonable chance this would be insufficient. Accordingly, the short term Municipal Type Service Agreement (MTSA) that both our solicitors have prepared, reviewed, and agreed upon, will be revised to extend the period from December 31, 2018 to December 31, 2019. Should this revised date prove to be impractical, White Rock Council would be amenable to negotiating an extension.

You have requested that we agree to a long term MTSA for the lands west of the Campbell River that would include any future development. We are open to discussing this further, however the City would need to receive information related to the nature and scope of any future development so that we can assess the impact on the City and whether the City has the capacity for service delivery.

We look forward to finalizing the Service Agreements with you. We trust that in turn, you will permit the City access to the drainage pump station to ensure that it is operating properly and permit access to the land in order to remove the structure as soon as we are able to complete construction of the new facility within the bounds of White Rock. This work is currently in the design phase and we anticipate its completion would be in approximately 18 months, as it is a very large undertaking.

We also look forward to improving the communications protocol between the City of White Rock and Semiahmoo First Nation and ensuring inclusivity related to the project approval processes.

We are of the view that we can work together toward making processes and our relationships stronger moving forward and we will continue to strive toward this goal.

Sincerely,

A handwritten signature in black ink, appearing to read 'W Baldwin', with a long horizontal flourish extending to the right.

Mayor Wayne Baldwin

cc: White Rock Council  
cc: Semiahmoo First Nation Councillors  
cc: Ministry of Municipal Affairs & Housing  
cc: Ministry of Indigenous Relations and Reconciliation  
cc: Minister Amarjeet Sohi, Ministry of Infrastructure and Communities



## SEMIAHMOO FIRST NATION

October 12, 2017

*Via Email*

Attention: His Worship Mayor Wayne Baldwin, and Council

City of White Rock  
15322 Buena Vista Avenue  
White Rock, BC V4B 1Y6

Dear Mayor Baldwin:

**Re: Semiahmoo First Nation – Water Connection to Semiahmoo Reserve**

Thank you for your letter dated October 5, 2017, providing an extension to the City of White Rock's termination notice received on August 29, 2016 (dated July 27, 2016) for our sanitary sewer and water services from February 2018 to December 31, 2019. However, your letter does not reflect our discussions and is a misrepresentation of our relationship to the Ministries copied in your letter.

**Meetings**

We have only discussed the Memorial Park Project and the City of White Rock's requirement to move the project ahead as soon as possible without any consultation with Semiahmoo First Nation regarding our village site and the cultural significance of the area to Semiahmoo. We have not discussed, Municipal Services, erosion and drainage, or the removal of the City of White Rock sign and infrastructure including pump station from encroaching on our Semiahmoo Indian Reserve. Nor has Semiahmoo requested the removal of any infrastructure, only advised the City of White Rock of the encroachment.

Our discussions to date have been unproductive and disrespectful with no view of reconciliation. The agenda has been set by the City of White Rock with no input from Semiahmoo, and you have required us to meet at the City of White Rock City Hall. Further, you and your staff have not responded to correspondence regarding meetings for confirmation and to develop an agenda until the day before the meeting. We are a busy government with responsibilities similar to federal, provincial and municipal governments, with minimal resources and our time is limited.

To date, we have had two meetings and accomplished little. Our understanding is that we had agreements on a path forward from our meeting on September 14, 2017, however we received a subsequent email from Dan Bottrill, CAO, City of White Rock advising that the meeting was only a discussion and no agreements were made. Our second meeting October 5, 2017, only discussed the Memorial Park Project, and the City of White Rock attempting to circumvent our review processes through bullying.

We wish to move forward in a good way for the mutual benefit of our communities, that respects the principles of the Truth and Reconciliation Commission's Calls to Action and the United Nation Declaration on the Rights of Indigenous people.

### **Reconciliation**

There appears to be a perceived disrespect from both sides that stems from the word "reconciliation", from our discussions it appears that our councils have differing views on the meaning of the word "reconciliation". It is our understanding that when used by the City of White Rock, you are referring to restoring a relationship between our communities that extends from disagreements over the last few years. You feel that the City of White Rock is making steps to resolve those issues and are being disrespected by Semiahmoo.

However, this is not the understanding that Semiahmoo Chief and Council uses when referring to reconciliation. We view this from the perspective of the Truth and Reconciliation Calls to Action, the United Nations Declaration on the Right of Indigenous peoples, our constitutionally protected and inherent Aboriginal rights and title, and British Columbia and Canada's renewed commitments to reconciliation. Failure by the City of White Rock to acknowledge and respect our history, culture, traditions, and inherent rights to all lands within the City of White Rock as a basis for reconciliation is deeply disrespectful to Semiahmoo.

Reconciliation begins with education and acknowledgement of history and legacy of Canada, the Province and local municipalities treatment of Aboriginal people including the acknowledgement that many Aboriginal people and our community are dealing with the consequences of inter-generational trauma caused by the residential school system and effects of the *Indian Act*. Further, there must be a realization that contemporary expressions of racist and colonial policies of cultural genocide and assimilation continue to this day and are fueled through in-action, and disputes.

From Semiahmoo's perspective our communities have not even begun taking steps towards reconciliation. To move forward we need to discuss and acknowledge the past, and create a path for next steps. As a first step we offer the TRC: Calls to Action which sets out 8 sections that specifically address municipalities these include Actions 23, 43, 57, 68, 77, 82, 88, and 94.

Specifically, there should be a focus on TRC Calls to Action 43 and 57 as a starting point, which state:

#### Action 43

We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

- Specifically, we would ask that you look at Article 11 of the UNDRIP which states that Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

#### Action 57

We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal– Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

- Specifically, we would recommend that all City Council members and Staff take part in cross cultural training as a first step through Flavio Caron, Indigenous Corporate Training Inc. Flavio can be reached by email to set up training at Flavio [flavio@aboriginaldirections.com](mailto:flavio@aboriginaldirections.com)

### **Relationship Building**

We propose that:

1. the City of White Rock, Council and senior staff engage in cross cultural training prior to our next meeting to better understand our issues and the meaning of reconciliation;
2. we meet at our meeting space in early November without senior staff, on a council to council basis to discuss issues and a path forward; and
3. we make an application to the Union of British Columbia Municipalities for Community to Community funding, proposals are due October 20, 2017 and we will require council to council meetings dates for the application by October 18, 2017.



We are open to considering a facilitated discussion, with a mutually agreed upon facilitator with significant experience working with First Nation communities after the City of White Rock, Council and senior staff engage in cross cultural training.

### **Next Steps**

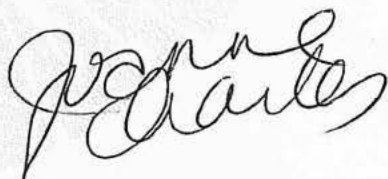
The following is our understanding of next steps:

1. We will provide the City of White Rock with our process for review of Memorial Park Project which will require:
  - a. additional information as required by Semiahmoo;
  - b. a meeting with the appropriate staff responsible for the Memorial Park Project;
  - c. at least two weeks for review by Chief and Council upon receipt of additional information;
  - d. a response to the City of White Rock outlining any concerns of Semiahmoo, with action plan to address concerns or provide additional information;
  - e. a council to council meeting to discuss;
  - f. further review as required, and;
  - g. decision by Semiahmoo Chief and Council regarding the proposed project.
2. We will provide temporary access to pump station at a rate of \$250 each time for one hour, each additional hour is \$250 per hour, minimum charge is \$250 to be calculated per whole hour (for example 1.1 hrs = \$500).
3. City of White Rock will pay for survey and appraisal of all Semiahmoo Reserve lands used and required for pump station, all storm drainage and any other infrastructure and the City of White Rock sign.
4. City of White Rock will provide all plans for relocation and removal of pump station, all storm drainage and any other infrastructure.

5. City of White Rock will assign staff to work on the 8<sup>th</sup> Avenue/Marine Drive Optimization project and will provided surveys of all works connecting to the Semiahmoo Reserve lands.
6. We will work with the City of White Rock to complete the MTSA's for:
  - a) current services for water to the community at Stayte Road and Marine Drive at residential rates to December 2019, and;
  - b) current services for water and sanitary sewer services to Lots 14-1,14-2, 56, 57 and Lot 63 and 15622 Marine Drive, which includes any future developments to December 2019.

I look forward to your response and working with the City of White Rock towards reconciliation and renewing our relationship.

Sincerely,



*PER:* Chief Harley Chappell

cc: Ministry of Municipal Affairs & Housing  
Ministry of Indigenous Relations and Reconciliation  
Minister Amarjeet Sohi, Ministry of Infrastructure and Communities  
Minister of Indigenous Services  
Semiahmoo First Nation Council  
White Rock Council  
Minister of Forest Lands & Natural Resource Operations and Rural Development  
Paula Thorogood, FLNRORD, Archaeological Branch



OFFICE OF THE MAYOR | MAYOR WAYNE BALDWIN  
WHITE ROCK, B.C., CANADA

October 19, 2017

File No. 0220-30

Transmitted by Email: [hchappell@semiahmoofirstnation.org](mailto:hchappell@semiahmoofirstnation.org)

Chief Harley Chappell  
Semiahmoo First Nation  
16049 Beach Road  
Surrey, BC, V3S 9R6

Dear Chief Chappell:

**Re: Your Letter Dated October 12, 2017**

We have received your letter dated October 12, 2017, in response to my letter, "Water Connection to Semiahmoo Reserve", sent on October 6, 2017, in which we offered to extend water services past your extension request date of March 31, 2019, to December 31, 2019, as we want to ensure your Nation has enough time to connect to the City of Surrey's systems.

On behalf of White Rock Council, we are saddened and disappointed that you are suggesting that White Rock City Council does not respect First Nations' culture and does not want to work towards reconciliation. We strongly disagree with what has been written in your letter.

**Before the United Nation's Declaration on the Rights of Indigenous Peoples (UNDRIP) was created and ratified or the Government of Canada's formal apology to the First Nations, White Rock had begun the work towards Truth and Reconciliation**

In 1998, two Totems were commissioned by the White Rock RCMP Detachment and later raised at a special ceremony in 1999 on East Beach, at what is now known as Totem Park. The Totems were carved by [Robert Davidson](#), a master carver of Totem Poles, masks, and a variety of other media, of Haida and Tlingit descent. This initiative was a sign of acknowledging the terrible treatment of Aboriginal people—from the heartbreaking removal and isolation of First Nation children under the Residential Schools system, to the destruction of First Nation culture and traditions—to name a few.

I remember the Official Ceremony for raising the Totems very well, including all the work that went into making that important day a possibility, as I was the Chief Administrative Officer for the City of White Rock at the time. Therefore, I had the distinct honour of witnessing the outpouring of support and engagement from the First Nations, White Rock RCMP Detachment, White Rock Council, and of course, our community to ensure this symbolic day occurred.

ADDRESS:  
CITY HALL ADMINISTRATION  
15322 BUENA VISTA AVENUE  
WHITE ROCK, BRITISH COLUMBIA  
V4B 1Y6, CANADA

CONTACT:  
TEL: 604.541.2124  
FAX: 604.541.9348

EMAIL:  
[WBALDWIN@WHITEROCKCITY.CA](mailto:WBALDWIN@WHITEROCKCITY.CA)

WEBSITE:  
[WWW.WHITEROCKCITY.CA](http://WWW.WHITEROCKCITY.CA)

Totem Park was blessed as a spiritual site by the Semiahmoo people and the [Totems](#) known as “The Gift” were raised according to Semiahmoo traditions. For your reference, [the video of the Official Ceremony of the Raising of the Totems that took place on April 25, 1999 can be found here](#).

White Rock was honoured to have had the privilege of contributing to acknowledging the acts against First Nations, not because of a Declaration (which did not exist at the time) or because of legislation, but because it was the right thing to do.

The raising of the Totems was the first step towards reconciliation – 10 years before the federal government undertook the same cause, and 18 years before the government removed the name of Hector Langevin, one of the acknowledged Fathers of Confederation, from the parliament building in Ottawa, because Langevin was one of the strongest advocates of the residential school system. As you may recall, in my speech for the Canada Day 150<sup>th</sup> celebrations, I made note of this point and that what was done to First Nations throughout Canada’s history was shameful. As the Chief of Semiahmoo First Nation, I realize it was not easy for you to attend the celebrations to deliver your blessing and teaching, and to welcome us to the Semiahmoo traditional lands as we celebrated Canada Day, but I am very grateful that you did.

#### **White Rock Advocacy’s Efforts for Semiahmoo First Nation, when others were not at the Table**

It is common for governments to come to impasses, have disagreements and challenges, but find ways to either work through them or put the challenges on hold and focus on the commonalities. I believe White Rock Council and Semiahmoo Council can collaborate and build the commonalities as we have done in the past and continue to do so now.

When talks reached an impasse with others, White Rock stepped in, even though Semiahmoo First Nation is located within another municipality’s boundary. For example, White Rock Council believes that senior levels of government should provide Semiahmoo First Nation with the funding required to rebuild the Nation’s infrastructure and community, which is why White Rock has advocated the following, on your Nation’s behalf:

1. Assistance for proper water supply and sanitary sewage systems as White Rock believes it is wrong for First Nations to not have adequate distribution systems and be on boil-water advisories; and,
2. Financial support to help assist with Semiahmoo First Nation’s desire for creating an Aboriginal Centre for Arts as White Rock believes that an art centre will help your Nation continue to share cultural knowledge of the First Nation people specific to the Semiahmoo Peninsula and provide your Nation with some economic prosperity.

In your letter, you noted action item number 23 from the *Truth and Reconciliation Commission of Canada: Calls to Action* report which calls on all levels of government to increase the number of Aboriginal professionals in the health-care field. As you know, municipalities do not have jurisdiction over the health care system as it is a provincial matter; however, our Council Representative for the Fraser Health Municipal Advisory Committee has said that she will raise this need at an upcoming

meeting. Should you have a specific letter advocating for this cause, please provide it to my office and we can work on a letter of support as well.

### **White Rock's Respect for First Nation Culture and Arts**

The City of White Rock has for many years been supporting First Nations' history, culture, and arts. I invite you to visit the City of White Rock's webpage [Celebrating Indigenous Arts and Culture in White Rock](#) to learn more about some of the past events and exhibits we have had, which includes the month-long *ĆIIKĒN* exhibition that celebrated the art and culture of the Semiahmoo people in the City's Pop-Up-Town Art Studio.

Recent examples include this year's [special 60th Anniversary video which showcased the important role Semiahmoo First Nation has played in our history as a City](#). And, as part of part of the Canada 150 Celebrations, the City of White Rock provided significant funding (nearly \$50,000) for the [Sea of Stories](#), a musical that centered on the history of White Rock and the Semiahmoo people.

Currently, White Rock has a gallery exhibit at the White Rock Museum focusing on Semiahmoo First Nation's stories. This does not include other steps the City has taken through our two month long Fall Festival of the Arts events to profile First Nation talent. Therefore, we believe that White Rock has been, and is honoured to continue to provide opportunities where the public can learn about Indigenous culture, arts, and traditional practices; especially as it relates to the Semiahmoo people.

### **Agenda Input and Meetings**

It is my understanding that many of the items on the agenda for the October 5, 2017 Council-to-Council meeting were based on the meeting you had with Dan Bottrill, Chief Administration Officer for White Rock back in August where you informed him of the topics you wished to discuss. And, to the best of my knowledge, Semiahmoo Council has never extended an invitation to White Rock Council to meet on Semiahmoo First Nation's Reserve, but we are happy to do so should the opportunity arise.

### **White Rock Following the Direction as per Semiahmoo Council and Semiahmoo First Nation's Lawyers**

#### Municipal Service Agreements

White Rock Council has no wish to deprive any citizens or homes of a source of water.

In 2016, the City sent a letter to Semiahmoo First Nation notifying your Nation about ending water services after multiple attempts to meet and understand the rationale for a troubling letter your Nation's lawyer sent to the City shortly after the March 10, 2016, Council-to-Council meeting. The letter from your Nation's lawyer stated that the City was in trespass for maintaining the pump station infrastructure on First Nation land, and that your Nation wanted it to be removed. The Semiahmoo First Nation also limited the City's access to the pump station, including the ability to provide regular maintenance following threats of arrest issued by members of Semiahmoo Council to City staff. We took the threats seriously and gave direction for the City's lawyer to work with your Nation's lawyer on this matter.

The Council-to-Council meeting on March 2016 seemed amicable with the promise to meet again soon, which is why the City was shocked to have received such a letter from your Nation's lawyer. [A summary of the items discussed at the meeting can be found in the City's Corporate Report, on page 3 of the May 9, 2016 Regular Council Meeting agenda.](#)

The letter also indicated that all future correspondence from the City to Semiahmoo First Nation was to be conducted through the Nation's lawyer. As per the Nation's direction, this is what the City has been doing.

White Rock City Council felt that progress was being made through legal representation from both sides on the water and sanitary agreements and wanted to ensure agreements were finalized prior to having another Council-to-Council meeting.

On October 5, 2017, during our Council-to-Council meeting, we had the Municipal Type Service Agreements (MTSA) for water and sanitary sewer services that your Nation's lawyer and the City's lawyer had been working on for some time and were ready to sign them. Unfortunately we did not reach this discussion item during the meeting as we reached impasses on a number of items. As a result, the City provided Semiahmoo First Nation with the letter dated October 6, 2017 noting White Rock would continue to provide water services until December 31, 2019, instead of your Nation's extension request of March 31, 2019, as we believe there is a reasonable chance the March 31, 2019, extension timeline could be insufficient and want to ensure your Nation has enough time to connect to the City of Surrey's water distribution and sewer systems. We also noted that should your Nation require additional time to complete the project, White Rock Council would be open to negotiating a further extension. As a result, I am unclear as to how we misrepresented our relationship with the Ministries; especially since White Rock Council has gone above and beyond to accommodate your Nation's Municipal Service needs.

### Memorial Park

In 2015, concepts for revitalizing Memorial Park and creating a more inviting community space for the public were completed. This space was planned to better accommodate concerts, other outdoor activities as well as enhanced interaction and opportunities with the waterfront.

In 2016, the City reached out to the Province's Archaeology Branch to inform them about the Memorial Park project and inquire about permitting. The Archaeology Branch informed the City that it did not require a provincial archaeological permit as Memorial Park, owned by the Burlington Northern Santa Fe (BNSF) railway, is excluded from provincial jurisdiction because it falls under federal jurisdiction.

As for [public engagement and consultation for the Memorial Park project](#), the City held two separate public open houses where anyone who wanted to attend and provide feedback or raise concerns about the project, had the opportunity to do so. Further opportunities to provide feedback on the project was possible during the City's Financial Planning processes where details of the financial implications of project were made available to the public. The City also conducted an online questionnaire regarding the project which gave the community at large another avenue to participate

and raise any concerns.

From a legislation standpoint, municipalities are required under the *Community Charter, pursuant to Section 98/99* to produce [Annual Reports](#) prior to June 30<sup>th</sup> of each year. The report includes audited financial statements, list of tax exemptions, information on municipal services, and City Council's strategic goals, priorities, and activities. The Annual Report is another avenue where the public are able to provide feedback on various projects and initiatives. For your reference, here is the link to the [City of White Rock's 2016 Annual Report](#) where the City provided information about the Memorial Park project, and invited the public to submit their comments and questions regarding the report.

On September 14, 2017, Semiahmoo Council provided a letter at the sod turning event for Memorial Park asking the City to stop the work on the project until dialogue and consultation took place as you said that Semiahmoo First Nation did not know anything about the project. And, Chief Chappell, you are right—Semiahmoo First Nation should have been invited to the event. On behalf of White Rock Council, I hope you can accept my apology for that oversight. I have spoken to staff about this to ensure that it does not happen in the future.

The City of White Rock chose to delay the work on the Memorial Park project in order for Semiahmoo First Nation to have additional time to review the project and consult with the City. The City is also proceeding to submit a permit application under the Province's *Heritage Conservation Act* for the Memorial Park project, even though as previously mentioned, the Province advised the City that one was not required.

Below is a quick summary of some of the action the City has taken to begin to address Semiahmoo Council's concerns around consultation regarding Memorial Park:

- September 26, 2017:
  - The City's Acting Director of Engineering and Municipal Services as well as the Manager of Parks both met with Don Welsh of Semiahmoo First Nation Archaeology Services and discussed the Memorial Park project and project drawings in detail.
  - Mr. Welsh provided helpful direction to staff and forwarded Semiahmoo First Nation's new Archeological Alteration Permit template.
  - White Rock City Staff completed and submitted Semiahmoo First Nation's Archeological Alteration permit application to Don Welsh of Semiahmoo First Nation Archaeology Services.
  
- October 5, 2017: Held Council-to-Council meeting to discuss agenda items that Chief Chappell identified as items for discussion when the Chief Chappell met with the City's Chief Administration Officer, in August of 2017.
  
- October 6, 2017: City of White Rock provided follow up details regarding the Memorial Park to Semiahmoo First Nation.

- October 12, 2017: City's Director of Engineering and Municipal Services discussed some of the City's capital projects, including the Memorial Park project with Semiahmoo First Nation's Administrator.
- October 17, 2017: City's Director of Engineering and Municipal Services met with Semiahmoo First Nation and Tsleil-Waututh Nation to discuss some of the City's capital projects, including the Memorial Park project.

In the interim, the construction fencing has been relocated to reopen the parking area and the washrooms to accommodate the public and local businesses.

### Next Steps

1. We are pleased to discuss Semiahmoo First Nation's long-term MTSA needs for future development; however, the City of White Rock will have to be informed of what Semiahmoo First Nation's future development plans are. Therefore, please submit all development details, including concept designs, to Dan Bottrill, Chief Administration Officer for the City of White Rock at [dbottrill@whiterockcity.ca](mailto:dbottrill@whiterockcity.ca). In the meantime, if you wish to review and sign the MTSA that our respective lawyers have worked on, it will ensure your Nation will have water and sanitary sewer services until Semiahmoo First Nation is able to connect to the City of Surrey's system.
2. To better understand and respect First Nations archeological sites within the City, I have asked staff to begin working on creating a First Nations Engagement and Consultation Plan for the City's capital projects.
3. White Rock staff will continue to consult with Semiahmoo First Nation regarding Memorial Park and other capital projects.
4. Municipalities do not have jurisdiction over the health care system as it is a provincial matter; however, our Council Representative for the Fraser Health Municipal Advisory Committee has said that she will raise this need at an upcoming meeting. Should you have a specific letter advocating for this cause, please provide it to my office and we can work on a letter of support as well.
5. We thank you for providing temporary access to the pump station at the disclosed rate. I will discuss the other items you outlined in your letter under "Next Steps" with my Council and provide an update.

The City of White Rock remains optimistic that the Semiahmoo First Nation is also committed to fostering a relationship built on mutual understanding and respect that will help benefit both of our



respective communities. The City of White Rock also looks forward to working with the Semiahmoo First Nation and supporting each other's current and future development plans and initiatives.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Baldwin", followed by a period.

Wayne Baldwin  
Mayor of the City of White Rock

CC: The Honourable Jane Philpott, Minister of Indigenous Services  
The Honourable Amarjeet Sohi, Minister of Infrastructure and Communities  
The Honourable Selina Robinson, Minister of Municipal Affairs & Housing  
The Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation  
The Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development  
Semiahmoo First Nation Council  
White Rock City Council  
Lisa Jones, Director, Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Paula Thorogood, Manager, Archaeology Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Kira Kristensen, Heritage Resource Specialist, Archaeology Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development



## Ken Overton

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**From:** Jim Gordon

**Sent:** Thursday, November 30, 2017 3:30 PM

**To:** [hchappell@semiahmoofirstnation.org](mailto:hchappell@semiahmoofirstnation.org); Joanne Charles **Redacted S. 22**

**Cc:** Dan Bottrill <[DBottrill@whiterockcity.ca](mailto:DBottrill@whiterockcity.ca)>; Scott Mackay <[scott@corepm.ca](mailto:scott@corepm.ca)>; Tyler Lu <[TLu@binnie.com](mailto:TLu@binnie.com)>

**Subject:** Memorial Park, Parkade and other Projects Meeting - November 29th

Hello Chief Chappell and Councillor Charles:

Thank you for taking the time to meet with me and project managers, Scott Mackay and Tyler Lu yesterday afternoon.

Following is my recollection of what we discussed, including action items:

### Memorial Park

The City has applied for permitting to conduct an AIA prior to starting work on the Memorial Park reconstruction. Patrick Dolan is the archaeologist hired by the City to complete the permitting process and to work with local First Nations on the AIA and on monitoring of project construction. We are hopeful that Don Welsh can be made available as Semiahmoo's cultural representative. Following are some of the items discussed at yesterday's meeting:

- Tyler reviewed the excavation process and identified three areas of excavation:
  - Area west of the washrooms would match the existing ground contours and have minimal excavation. This is the majority of the project
  - The area in around the washrooms would have a deeper excavation in order to construct the new washrooms. The depth of this excavation could vary depending on soil conditions and will be monitored closely.
  - The area south of the washrooms and adjacent to the tracks will be excavated two or more metres in order to install servicing casings and pipes under the railway.
- We discussed bore hole information and general information about the construction. It seemed to me that the processes for the AIA and construction are fairly straightforward and our intention is to closely follow them as we discussed.
- If a burial is discovered, construction is to immediately stop. I am not absolutely clear on the procedures after we stop, but there are Provincial and RCMP procedures to follow as well as Semiahmoo procedures. We will contact Semiahmoo immediately.
- Semiahmoo asked me if I had followed up on incorporating a cultural design influence in the project. I advised that the public art component of the project was already commissioned and that I had mixed responses to incorporating a design influence or reference to the past village site. I am not certain how much I can accomplish at this late stage of the project, but I will raise the matter again.
- We asked if we could enter onto the site now to carry out nondestructive testing to locate utility lines. This would not involve any excavation. Semiahmoo said this would not be possible as they had placed a cease and desist order on the project. Although we are disappointed, we will hold off on this work.

The comment period for the Provincial AIA application ends December 7<sup>th</sup>. It is understood that Semiahmoo will provide comments to the Province. Although, I didn't mention it at the meeting, it would be helpful if Semiahmoo could also send me these comments ASAP so I can follow up.

We are hopeful to complete the AIA work in December so we can start excavation (with Semiahmoo cultural monitor on site) first thing in January.

It seemed to me as if the practical issues related to construction, excavation and construction monitoring are understood and are not a hindrance to moving forward in January. Semiahmoo mentioned that they have other issues related to City Council's past actions with respect to this project and other projects. Of particular concern was the water supply agreement – to be discussed later in this email.

### **Parkade**

We discussed the Parkade Project in general, including the plan to remove the existing house first thing in January and start construction shortly thereafter:

- Semiahmoo said that the Province issued the permit for the AIA in error. They said they provided comments earlier when the Parkade project was included in a previous application and that these were not considered in the Parkade application. They said they had overall concerns about proceeding with the project; although they were not specific. The relationship with Council and the water agreement were mentioned.
- Semiahmoo wanted clarification on the reason for the project. I advised that it was to provide more parking for the area.
- We agreed to send the most recent design drawings to Semiahmoo and the environmental reports. Also, Scott will provide details on the storm water management during construction, excavation depths, spoil removal, import fill and geotechnical reports.
- Semiahmoo was disappointed that their partner, Tybo Construction, was not shortlisted to the final four bidders for the project. They asked if this was to do with the fact that Tybo was their partner. Scott advised that he was not aware of the connection between Tybo and Semiahmoo when he evaluated the proposals. He discussed the evaluation criteria and said that there were many good proposals, including the one from Tybo. It was said that Tybo is now taking part in the process, by submitting subcontractor quotes. I am not aware that the City has any issues with Tybo as a contractor.

Although there did not seem to be technical issues with the project construction plan, I am hopeful that overarching relationship issues will not result in delays to this project.

### **Water Agreement**

Semiahmoo mentioned several times how affected they were by past references to discontinue the Water Supply Agreement. They stressed the importance of an uninterrupted supply of water to their people. I asked if they were close to signing the Agreement we sent them and they said they were sending it to their lawyer for a final time and would get it to us in one or two days. I said I would expedite the signing on our end.

### **Other Discussion Items**

Chief Chappell mentioned that he had a long list of upcoming City projects he would like clarified. We agreed to discuss these in general terms, starting with the longer term projects. We did not get through the list before we realized, in the interests of time, that we needed to start the detailed review of Memorial Park and the Parkade. Following are some of the projects discussed:

- East Beach Concept – I briefly discussed my limited knowledge of this proposal to address erosion concerns and reclaim lost land. Councillor Charles provided us with some of the background leading up to this concept, speaking about erosion concerns as well as the suggestion to create a monument to a whale that died on the beach. Everyone agreed that there are many issues to be addressed before this concept becomes a viable project. Archaeological, First Nations food security, and Environmental concerns would be at the top of the list.
- Marine Drive Watermain Replacement from Vidal to Martin - I mentioned that we have deferred this project until we can finish Memorial Park and consult with Semiahmoo.
- Water Treatment Plant on Oxford – Chief Chappell mentioned his concerns about Federal Funding being approved while there were still issues about the Water Agreement. Please see above re Water Agreement.

There was some reference to the initially proposed sod turning ceremony; but I didn't get a chance to advise that we are rescheduling the event to a milestone event sometime in the Spring. I intend to make sure Semiahmoo First Nations is invited. Semiahmoo also said that they were concerned about Archaeological info from the Provincial RAAD system as this data was five years old.

- Habgood Pump Station – This seems to be a very contentious project. We discussed Archaeological significance of the location of the outfall and the project in general terms. I previously sent design info to Semiahmoo – we should now follow this up with a detailed discussion.
- Coldicutt Ravine Pedestrian Overpass – I discussed the order from Transport Canada that we install a fence to prevent people from accessing the beach through the ravine and across the railway tracks. We had previously sent this as project information to affected First Nations. We understand from the feedback that this is a culturally sensitive area due to the recent discovery of a burial as well as its location as a ravine along the beach. We are not certain that the ordered fence can be installed without first carrying out an AIA. In any case, an AIA will be needed for the Pedestrian Overpass, which is currently under design.
- Johnston Road Reconstruction – 16<sup>th</sup> Avenue to Roper Street – Although we did not discuss this project, I will be sending initial project information through to affected First Nations shortly as per the process identified by Tseil Waututh during our meeting with them and Semiahmoo.

Again, thank you for taking the time from your busy schedules to meet with us. I believe we made real progress in moving forward with the practical aspects of the Memorial Park and Parkade projects. I am hopeful that we can soon start in the field with the Archaeological work. I can meet, along with technical experts as needed, on short notice – can we set up another meeting soon so we can start the field work before Christmas?

Thank you

Jim

**Jim Gordon**

**Director of Engineering and Operations,**

**City of White Rock**

877 Keil Street, White Rock, BC V4B 4V6

Tel: 604.541.2181 | [www.whiterockcity.ca](http://www.whiterockcity.ca)



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## SEMIAHMOO FIRST NATION

December 20, 2017

*Via Email*

Attention: His Worship Mayor Wayne Baldwin, and Council

City of White Rock  
15322 Buena Vista Avenue  
White Rock, BC V4B 1Y6

Dear Mayor Baldwin:

**Re: Semiahmoo First Nation – Water Connection to Semiahmoo Reserve**

Thank you for your letter dated October 19, 2017, confirming extension to the City of White Rock's termination notice received on August 29, 2016 (dated July 27, 2016) for our sanitary sewer and water services from February 2018 to December 31, 2019. However, your letter continues to misrepresent our relationship to the Ministries copied in your letter, and your examples of reconciliation are an example of maternalistic colonialism that fail to grasp even the simplest principles in the Truth and Reconciliation Commission: Calls to Action, and the United Nations Declaration on the Right of Indigenous People: "nothing for us, without us"; and that the past must be heard and acknowledged before moving forward with the work of reconciliation.

Many municipalities across Canada understand these principles, and are working hard to strengthen relationships with First Nations while the City of White Rock continues to disrespect Semiahmoo First Nation, our lands, culture and traditions. We simply ask that you come to the table with the view of "one heart one mind" and listen with your heart. Having one person speak, dictate, and threaten is not our way of meeting and is not the way forward.

You have not provided any answers to our concerns regarding relationship building or next steps, and funding application deadlines have now passed. Further, you continue to reference our legal counsel's letter from March 2016, I have attached it to this letter. The letter presents simple facts, and is not meant to be disrespectful, it simply is a request to meet as our understanding from the March 2016 council meeting differed from yours and to raise with you issues for discussion.

I hope we can meet at our meeting space in January 2018 without senior staff, on a council to council basis to discuss issues presented in this and previous letters so that we may move forward in a productive manner. This letter presents issues for discussion.

### **Municipal Type Service Agreement**

We have signed the draft agreements prepared by our respective legal counsels and attached them to this letter. We look forward to the return of the signed agreements at your earliest convenience.

### **Memorial Park**

We require further consultation on the Project as we do not have all the information to review. Our understanding through the Peace Arch News is that the Province provided an archeological permit for the works, we were not consulted and will be writing the Province directly. In discussions with BNSF, we were advised that the City of White Rock is responsible for consultation and they were led to believe that the City of White Rock consulted with Semiahmoo. It is my understanding that we now have an understanding with BNSF that they will be informing Semiahmoo of all projects and will require the City of White Rock to consult with us.

### **City of White Rock Waterfront Parkade, Watermain Replacement Marine Drive and the 1444 Oxford Water Treatment Plant**

We have not been consulted on these projects, and have just be informed that the City of White Rock has will be moving forward with these projects. As I have advised you previously these lands are located on our Traditional Village site and are of significant cultural and traditional importance to the Semiahmoo People.

We have Aboriginal rights and title to all of the City of White Rock and Semiahmoo Bay. Semiahmoo is the only aboriginal group with historical village sites on Semiahmoo Bay and had exclusive use and control. Semiahmoo Bay has significant importance to the tradition and culture of Semiahmoo. We hold Aboriginal title to Semiahmoo Bay and do not consent to any projects on Semiahmoo Bay or in the City of White Rock without consultation, and archeological review and permits from Semiahmoo and the Province.

Further, regarding the 1444 Oxford Water Treatment Plant we were not consulted on the use of our name and did not provide any support for this project. As you know, we had the opportunity to purchase the water system from EPCOR and were willing to partner with the City of White Rock to improve the water system for both of our communities. However, you refused to work with us, and had EPCOR discontinue any further discussions with us regarding the purchase of the water system. In less than a year of taking over the water system you provided notice of termination of our water services. At no time did the City of White Rock intend for Semiahmoo to benefit from the project and simply used our name without, our consent to obtain funding. The funding for this project should be withheld by Canada until there are long term agreements in

place for the provision of water to Semiahmoo free of chloramines and other contaminants. Canada and the Province have a fiduciary duty to protect Semiahmoo and will be put on notice

### **Habgood Pump Station Relocation**

We require significant consultation on the Habgood Pump Station Relocation. The route outlined in your preliminary design is located near significant archeological sites and any digging or drilling may result in the disturbance archeological remains or artifacts. In addition, the existing and proposed outfalls are located on Semiahmoo Indian Reserve Lands. The Semiahmoo Reserve does not end at the White Rock – Surrey Boundary it continues west to the foreshore as evidenced by the reserve creation plan.

Prior to any works on the Semiahmoo Reserve lands or the commencement of the project we will require:

- 1) archeological review and permit from Semiahmoo and the Province;
- 2) as built drawing of all infrastructure on our Semiahmoo Reserve lands, and within 5 meters of our boundaries;
- 3) study to confirm that the new outflows will not include any contamination including but not limited to chloramines and fecal coliform;
- 4) environmental review to confirm extent of contamination on the Semiahmoo Reserve;
- 5) environmental cleanup of any contamination found on the Semiahmoo Reserve; and
- 6) appraisal for loss of use and occupation, and injurious affection for all areas of contamination and regarding infrastructure on the Semiahmoo Reserve, from the time they were placed on the Semiahmoo Reserve without consent or April 15, 1957, brought forward to today.

All Costs to be paid by the City of White Rock.

Until this work is completed we will continue provide temporary access to pump station at a rate of \$250 each time for one hour, each additional hour is \$250 per hour, minimum charge is \$250 to be calculated per whole hour (for example 1.1 hrs = \$500).

### **The White Rock**

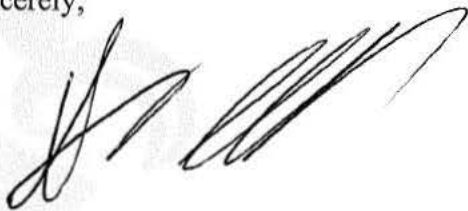
As you know the White Rock has significant cultural meaning to our people and is the symbol of our creation story. The name "White Rock" for the City of White Rock and the painting of the White Rock is a desecration of our culture, and beliefs. By continuing to use the name and maintaining the White Rock by painting it you continue to support this offence to the Semiahmoo people, and fail to recognize our cultural beliefs. I hoped to have discussed this sensitive issue behind closed doors but considering your refusal to move forward, I add it to the

list of issues that we must address. In a similar situation, the City of Vancouver intends to rename Siwash Rock which is a derogatory and disrespectful name to the Squamish people.

I am not happy to be writing this letter with the positions we have brought forward but it is my duty as the leader of our community to protect Semiahmoo's rights, interests, lands, Aboriginal title, culture and traditions. We wished to discuss these issues on a council to council basis in the hopes of having the past acknowledged, our connection to our traditional village sites respected and to move forward in the spirit of reconciliation.

I look forward to your response and I am hopeful that the City of White Rock will be willing to work with us towards a better future for both our communities. I am willing to work with you in moving towards reconciliation and renewing our relationship.

Sincerely,



Chief Harley Chappell

Encl.

Cc: The Honourable Jane Philpott, Minister of Indigenous Services  
The Honourable Amarjeet Sohi, Minister of Infrastructure and Communities  
The Honourable Selina Robinson, Minister of Municipal Affairs & Housing  
The Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation  
The Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development  
Semiahmoo First Nation Council  
White Rock City Council  
Lisa Jones, Director, Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Paula Thorogood, Manager, Archaeology Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Kira Kristensen, Heritage Resource Specialist, Archaeology Branch, Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Patrick Dolan, Phd, RPA, Wood  
Jim Gordon, Engineering & Operations, Cit of White Rock  
Paolo Ciocca, EHO, First Nation Health Authority  
Adam Munnings, Munnings Law