
BACKGROUND

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Office of the Premier
Ministry of Aboriginal Relations and Reconciliation
Musqueam Indian Band

MUSQUEAM RECONCILIATION AGREEMENT EMBARGOED

Legal History

In March 2005, the B.C. Court of Appeal ruled that the Province failed to adequately consult with the Musqueam when the government approved the 2003 sale of the UBC Golf Course lands to the University of British Columbia. The court suspended the provincial order-in-council that authorized the sale for two years to allow the Crown and the Musqueam Indian Band to discuss consultation and accommodation and to reach agreement on the sale. The court's deadline for an agreement was extended earlier this year. The current deadline is January 7, 2008.

In July 2005, the B.C. Supreme Court ruled that the Province should have consulted with the Musqueam when the B.C. Lottery Corporation decided to relocate and expand a casino to Richmond's Bridgepoint lands.

On April 4, 2006, Musqueam commenced litigation against the Province to recover costs of remediation of contamination of a Musqueam-owned site at the Celtic Shipyard lands in South Vancouver.

Highlights of the Proposed Reconciliation, Settlement and Benefits Agreement

The agreement will provide for the transfer of four parcels of land and a cash payment of \$20.3 million. This includes:

- \$4.3 million representing approximately 50% of the proceeds that the Province received on the sale of a parcel of land adjacent to the Bridgepoint Casino
- \$5 million portion of the provincial share of the pre-paid lease on the Bridgepoint Casino, and;
- An additional payment of \$11 million.

University Golf Course lands

Under the agreement, the Province would re-acquire the University Golf Course lands (59 hectares) from UBC and transfer the lands to the Musqueam Indian Band. The transfer would be subject to a restrictive covenant, that the lands be used for golf course purposes until 2083.

Bridgepoint Casino lands

The underlying title to the casino property (seven hectares) would be conveyed to the Musqueam with the requirement that the existing leases be honoured.

Parks

Under the agreement, the Province would re-acquire two parcels of lands within Pacific Spirit Regional Park from the GVRD and transfer these properties to the Musqueam.

The first is a 13.8 hectare parcel immediately adjacent to the Musqueam reserve, known as the Triangle Lands. This parcel is stranded from the rest of the park by South West Marine Drive. It is not used by the public in any substantial way and has no marked trails or signage.

The second is an 8.5 hectare parcel of land located past the western end of the University Golf Course, known as Block F, which B.C. would seek to rezone in order to accommodate multi-family, low-rise development, similar to the zoning on the immediately adjacent property.

The Musqueam have agreed that 7.3 hectares of the UBC golf course and 1.2 hectares of Block F would be established as a public park.

Final Settlement of Action

When the final agreement is ratified by the First Nation, the Musqueam will agree that the Province has fully addressed all legal obligations related to the UBC Golf Course, Bridgepoint Lands and Celtic Lands court actions.

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