

# Tsawwassen Lands

The Tsawwassen Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and Tsawwassen First Nation. It is the second Final Agreement reached in the province under the British Columbia treaty process. The Final Agreement provides Tsawwassen First Nation with certain rights and benefits regarding land and resources, and self-government over its lands and resources and its members. It provides certainty with respect to ownership and management of lands and resources and the exercise of federal, provincial and Tsawwassen governmental powers and authorities.

The negotiation of a Final Agreement marks Stage Five of the six-stage British Columbia treaty process, and is the conclusion of substantive treaty negotiations. Once ratified by all parties, the Final Agreement will become a treaty through legislation.

It will be a constitutionally-protected legal agreement that creates mutually binding obligations and commitments.

## TSAWWASSEN LANDS

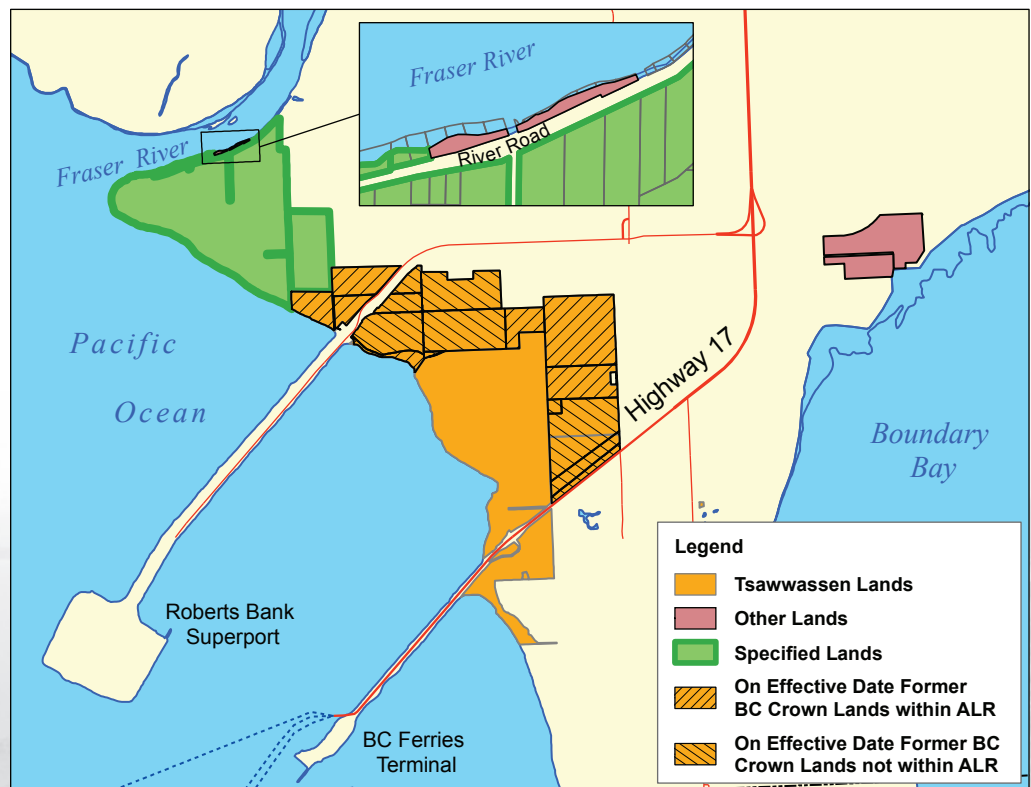
The Final Agreement land package consists of approximately 724 hectares of treaty settlement land for Tsawwassen First Nation. This includes approximately 290 hectares of former reserves and 372 hectares of former provincial Crown land. Tsawwassen First Nation will also own in fee simple an additional 62 hectares of other land comprised of the Boundary Bay and Fraser River parcels, but this land will remain under the jurisdiction of the Corporation of Delta.

Federal and provincial laws will apply to all lands owned by Tsawwassen First Nation. Under the treaty, Tsawwassen First

Nation will own two types of land. The majority of the land, approximately 662 hectares, will be called Tsawwassen

Lands. The First Nation will have law-making authority over this land and will own the subsurface resources beneath it.

Tsawwassen First Nation will own, but not have law-making authority over, the remaining 62 hectares of land (the



Boundary Bay and Fraser River parcels) that will transfer to Tsawwassen First Nation as private fee-simple land. This land falls within the boundaries of the Corporation of Delta. Tsawwassen First Nation will not own the subsurface resources beneath this land.

Tsawwassen treaty settlement lands will be transferred to the First Nation as of the effective date of the treaty. The Final Agreement sets out that all parcels will be registered in the BC Land Title Office. Using the provincial land registration system for land administration will provide Tsawwassen First Nation with greater flexibility and efficiency than current systems for administering reserve lands.

The Highway 17 corridor and Deltaport Way are not part of Tsawwassen Lands and will remain provincial land.

Tsawwassen First Nation will have rights of refusal for 80 years after the treaty takes effect to purchase approximately 278 hectares of lands north of Tsawwassen Lands (Brunswick Point lands) if the people

currently leasing these lands choose not to buy them or decide to sell them later.

While all parties agree that as a general principle Tsawwassen Lands will not be subject to expropriation, the Final Agreement contains processes that allow Canada or British Columbia to expropriate Tsawwassen Lands if certain requirements are met.

### **ADDITIONS TO TSAWWASSEN LANDS**

If Tsawwassen First Nation purchases land within the Brunswick Point lands within 50 years after the effective date of the treaty, Tsawwassen First Nation may add these lands to its treaty settlement lands.

Following this 50-year period, Tsawwassen First Nation can add lands to its treaty settlement lands if it purchases the land from willing sellers, but the federal, provincial and municipal governments must consent to the addition.

### **TSAWWASSEN LANDS AND THE AGRICULTURAL LAND RESERVE**

All provincial Crown lands in the Tsawwassen Final Agreement are in the Agricultural Land Reserve (ALR). On the effective date of the treaty, 207 hectares of this land will be removed from the ALR. The remaining provincial Crown land component of about 227 hectares, including the Boundary Bay parcels, will remain in the ALR.

The ALR designation does not apply to federal land. The Final Agreement provides that the 290 hectares of former reserve land will remain excluded from the ALR to ensure that the designation does not apply once the land transfers to Tsawwassen First Nation.

In the future, if Tsawwassen First Nation wishes to have additional land removed from the ALR it can apply to the Agricultural Land Commission through the process set out in the *Agricultural Land Commission Act*.

### **LAND USE PLANNING**

Tsawwassen First Nation may participate in any provincial land use planning process affecting Tsawwassen territory.

### **LEASES AND LICENCES ON TSAWWASSEN LANDS**

The terms and conditions of continuing leases and licences on former Tsawwassen First Nation reserve land will be respected after the treaty comes into effect.

### **TSAWWASSEN WATER LOTS**

When the treaty takes effect, British Columbia will issue water lot leases to Tsawwassen First Nation. Tsawwassen First Nation government will have the authority to regulate activities on the water lots to ensure public health and safety. All other authorities remain with the federal or provincial governments.

### **ACCESS**

The Final Agreement includes provisions to ensure public access for rights-of-way and navigable waters, and specific

access for owners of adjacent fee-simple parcels and tenure-holders. Residents of Tsawwassen Lands, including leaseholders, will continue to have access to their properties.

Highways will remain provincial Crown land and are specifically excluded from Tsawwassen Lands. Other roads which may become Tsawwassen Lands will remain open to public use.

Access is also provided under specific terms in the Final Agreement to permit law enforcement, emergency responses and public utility installations.

## **RECONCILIATION FUND**

On the effective date of the treaty, British Columbia and Canada will pay Tsawwassen First Nation \$440,000 to establish a Reconciliation Fund for purposes related to legacy projects.

## **OVERLAPS WITH NEIGHBOURING FIRST NATIONS**

In British Columbia, traditional territories claimed by First Nations often overlap. As part of the British Columbia treaty process, First Nations must establish a process to resolve overlaps and report to the British Columbia Treaty Commission on the progress of discussions with other First Nations.

## TSAWWASSEN FIRST NATION – LAND FACING THE SEA

The Tsawwassen are proud, sea-faring Coast Salish people who have long travelled and fished the waterways of the southern Strait of Georgia and lower Fraser River.

The main Tsawwassen community is located on the waterfront adjacent to Delta. Tsawwassen First Nation lists its membership at 358 people, about half of whom live on reserve.

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