

The Tsawwassen First Nation Final Agreement



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BUILDING A NEW RELATIONSHIP



Negotiating modern-day treaties and land claim settlements are a priority for the government of British Columbia. Treaties will increase First Nations' participation in the provincial economy, create certainty over Crown lands and help close the social and economic gaps that exist between Aboriginal and non-Aboriginal people in our province. Treaties will also make it possible for First Nation members to be more self-reliant.



Creating certainty

Treaties create the potential for prosperity, providing First Nations with tools to improve the education and health of their people, build houses, create jobs, and provide economic benefits. Treaties and other lasting agreements help improve the quality of life of Aboriginal families and provide First Nations with a promising future for generations to come.

A treaty with the Tsawwassen First Nation will create social and economic opportunities for the community, building certainty and encouraging B.C. investment. Each treaty is unique and reflects the interests of the First Nation involved, but all Final Agreements will have certain basic provisions:

- » Provide First Nations with access to lands and resources.
- » Allow for the day-to-day law-making authorities of First Nations to govern their lands and resources.
- » Define the roles and responsibilities for First Nations, and the federal and provincial governments, with respect to land, resources and governmental relations.
- » The Canadian Constitution will not be altered, and the Canadian Charter of Rights and Freedoms will continue to apply to First Nation members.



Tsawwassen First Nation

Tsawwassen First Nation, consisting of about 358 Coast Salish people, is part of the Hun'qum'i'num linguistic group. They have one reserve, home to about half of their members, located on the Strait of Georgia near the Tsawwassen ferry terminal, approximately 25 kilometres south of Vancouver. The area is urban and agricultural.

Tsawwassen First Nation entered into negotiations with the provincial and federal governments in 1993 and 11 years later, in March 2004, signed an Agreement-in-Principle. Further negotiations brought greater understanding of the history of Tsawwassen First Nation, their present realities and their future needs and led to this modern-day treaty.

The Tsawwassen First Nation Final Agreement provides for land, cash and resources, as well as law-making authorities with respect to Tsawwassen First Nation's management of their lands, resources, and culture. This treaty will increase certainty over the lands and resources in the Tsawwassen First Nation traditional territory, which includes the South Delta and Ladner areas. It provides Tsawwassen First Nation with economic development opportunities and the ability to build a prosperous, vibrant community for Aboriginal and non-Aboriginal people alike.



Agreement builds economic base

The Final Agreement details a transfer of funds to assist the Tsawwassen First Nation to develop business capacity and economic opportunities. As Tsawwassen First Nation gains an economic foothold in the region, money will be spent locally, bolstering the local economy.

- » Tsawwassen First Nation will receive a capital transfer totalling \$13.9 million, less outstanding negotiation loans.
- » Every five years a fiscal financing agreement with the Tsawwassen First Nation will be negotiated to fund programs and services.
- » The Tsawwassen First Nation will have authority to tax their members living on treaty lands. Tax exemptions and other taxes will be phased out after eight and 12 years respectively.
- » The Province of British Columbia will share 50 per cent of provincial income tax and sales tax revenue collected from Tsawwassen First Nation members on their lands after tax exemptions are phased out.
- » The Province of British Columbia will transfer 100 per cent of real property tax collected from anyone residing on treaty lands.

Land

Tsawwassen First Nation treaty lands will no longer be Indian reserve lands. Tsawwassen First Nation will own their land and therefore have the flexibility to manage it and generate long-term economic benefits for their members.

- » Tsawwassen First Nation will own approximately 724 hectares (ha.) including:
 - 372 ha. of former provincial Crown land;
 - 290 ha. of former Indian reserve land; and
 - 62 ha. of other lands owned in fee simple, which will remain under the jurisdiction of the Corporation of Delta.
- » Certain areas of Crown land, consisting of 207 hectares, that are a part of the Tsawwassen First Nation Final Agreement, will be excluded from the Agricultural Land Reserve.
- » The public will continue to have access to public roads within and adjacent to Tsawwassen First Nation treaty lands.
- » The land will be held in fee simple by Tsawwassen First Nation. Fee simple ownership gives Tsawwassen First Nation the flexibility to manage lands and generate long-term economic benefits.

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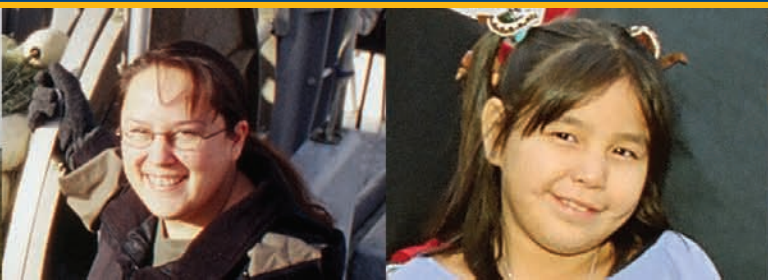


- » Tsawwassen First Nation will have rights of refusal for 80 years after the treaty takes effect to purchase approximately 278 hectares of lands north of Tsawwassen Lands (“Brunswick Point Lands”), if the people currently leasing them choose not to buy them or decide to sell them later.
- » Tsawwassen First Nation can add to their treaty land after the treaty takes effect by buying land on a willing-seller, willing-buyer basis. In the first 50 years post-treaty, these lands can only be added from the lands specified as the Brunswick Point lands.

After the first 50 years, Tsawwassen First Nation can add lands from anywhere within their traditional territory provided they have consent of Canada, British Columbia and, if in a municipality, the consent of that municipality.

- » Tsawwassen First Nation governments are not precluded from participating in the New Relationship initiatives in their area, including shared decision-making. The First Nation may also participate in general benefit-sharing programs of the Province of British Columbia, or arrange for economic opportunities with third parties.

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Structure for the Tsawwassen First Nation government

The Tsawwassen First Nation will have a democratic government with a constitution that provides for the protection of rights and freedoms of Tsawwassen members and has financial administration standards like those of other governments in Canada.

As their economy grows, Tsawwassen First Nation will contribute to the costs of their government, resulting in a corresponding decrease in their reliance on federal and provincial funding.

- » Tsawwassen First Nation will become a member of the Greater Vancouver Regional District (GVRD) and will appoint a director to the board.
- » Tsawwassen First Nation will have powers similar to a municipal government with responsibilities over land-use planning and development, traffic regulation on their roads, fire protection, public works and business licensing.
- » The Tsawwassen First Nation Final Agreement sets out Tsawwassen First Nation government law-making authorities and, in the event of a conflict, specifies whether federal, provincial or Tsawwassen First Nation laws will prevail.

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- » There will be non-member representation on any First Nation government or First Nation public institution that makes decisions relating to taxation matters that directly and significantly affect non-members. The non-member representative will be selected by non-members and have the ability to participate in discussions and to vote on taxation matters that directly and significantly affect non-members.
- » Through their membership on the GVRD, Tsawwassen First Nation will pay for core mandatory services, such as air quality, strategic planning, 911, regional parks and general government. They may also enter into a long-term water services agreement with the Greater Vancouver Water District.

Culture and heritage

The treaty provides a process of reconciliation that respects Tsawwassen First Nation's heritage.

- » Tsawwassen First Nation government may make laws on treaty lands to conserve and protect their culture and language, to deal with ancient human remains, and to regulate access to their heritage resources.

Rights and responsibilities

The Province of B.C. and the Tsawwassen First Nation have a common interest in the development of resources to fuel the economy, create jobs and increase certainty over the land base.

To support responsible development, the Tsawwassen First Nation treaty ensures that province-wide standards of resource management and environmental protection will continue to apply. As well, Tsawwassen First Nation government will be able to make additional environmental protection laws on their treaty lands.

Fish, wildlife and migratory birds

General undefined Aboriginal rights to harvest wildlife and fish have been negotiated into specific, defined rights spelled out in the Final Agreement. This clarity will reduce tensions by eliminating the uncertainty associated with Aboriginal hunting and fishing rights.

- » Tsawwassen First Nation will have the right to gather plants in certain areas, as well as the right to harvest fish, wildlife and migratory birds for food, social and ceremonial purposes within Tsawwassen First Nation's traditional territory. However, conservation, public health and public safety measures take precedence.
- » Federal and provincial ministers will continue to manage fish, wildlife and migratory birds and their habitats. Tsawwassen First Nation will have the authority to make laws to regulate their fisheries and harvests, identifying who can participate in the harvest and how the harvest will be distributed among Tsawwassen First Nation members. Tsawwassen First Nation will also control the designation and documentation of their fishers and hunters.

Conclusion

Negotiated treaties and land settlements with First Nations will define a New Relationship over B.C.'s lands and natural resources when ownership and the rights, responsibilities and authorities are clear and predictable. With this clarity and certainty, B. C. can better attract and retain investment, create jobs and build stronger communities for First Nations, which benefits all British Columbians.

In B.C. we are building a New Relationship with First Nations based on principles of mutual respect and the recognition and reconciliation of Aboriginal rights. Modern-day treaties with First Nations have the potential to reshape our social and economic landscape and close the gap that exists between Aboriginal and non-Aboriginal people.





 Tsawwassen Territory

 Roads

 City / town

 Park or Protected Area

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