



## Tsawwassen First Nation Agreement-in-Principle

*The provincial government is committed to revitalizing the treaty process in British Columbia and negotiating workable, affordable treaties that will provide certainty over the ownership and use of Crown land and resources.*

### Revitalizing the treaty process, to create new opportunities for British Columbians

The Tsawwassen First Nation Agreement-in-Principle (AIP) is being negotiated by British Columbia, Canada and the Tsawwassen First Nation through the B.C. Treaty Commission process, launched in 1993.

As part of the provincial government's commitment to revitalizing the treaty process and advancing treaty negotiations with First Nations, a province-wide referendum on provincial treaty negotiation principles was held in April 2002. Over three-quarters of a million British Columbians took the opportunity to participate, and provided a strong public endorsement of the principles to guide provincial negotiators at treaty tables.

### Advancing treaty negotiations, to improve certainty

The Tsawwassen First Nation AIP upholds the eight principles for treaty negotiations adopted by British Columbians.



The Tsawwassen First Nation AIP will serve as the foundation for negotiation of the Final Agreement. The AIP also provides the parties the ability to negotiate a Governance Agreement between AIP and Final Agreement. The Governance Agreement will not be part of the treaty. It will set out the nature and scope of the Tsawwassen government's law-making authorities that are not related to land and resource rights. The Province's position is that these may include a range of matters, including education, child and family services, solemnization of marriage and emergency preparedness on treaty lands.

Chief negotiators have recommended the AIP for approval by their principals, which are the Tsawwassen First Nation membership, and the federal and provincial cabinets. The AIP is not legally binding and represents broad consensus among the three parties on the language and provisions contained in the document.

If ratified, the AIP will form the basis for negotiating the Final and Governance Agreements. Subsequent negotiations will provide the legal definitions of these understandings, leading to a Final Agreement.

Final Agreement negotiations will be completed as quickly as possible, after which time all three parties must ratify the agreements before they would come into force. Plans to implement the agreements would be negotiated during Final Agreement negotiations.

## Publicly endorsed referendum principles:

- *Private property should not be expropriated for treaty settlements.*
- *The terms and conditions of leases and licences should be respected; fair compensation for unavoidable disruption of commercial interests should be ensured.*
- *Hunting, fishing and recreational opportunities on Crown land will be ensured for the use and benefit of all British Columbians.*
- *Parks and protected areas should be maintained for the use and benefit of all British Columbians.*
- *Province-wide standards of resource management and environmental protection should continue to apply.*
- *Aboriginal governments should have the characteristics of local government, with powers delegated from Canada and B.C.*
- *Treaties should include mechanisms for harmonizing land-use planning between Aboriginal governments and neighbouring local governments.*
- *The existing tax exemptions for Aboriginal people should be phased out.*

**These principles are respected in the Agreement-in-Principle.**

## Tsawwassen First Nation

The Tsawwassen First Nation, part of the Hun'qum'i'num linguistic group, consists of approximately 235 Coast Salish members whose asserted traditional territory encompasses approximately 148,000 hectares of land. This land begins at the southeastern British Columbia border, extends east up the Fraser River to the Pitt Lake region and crosses the Strait of Georgia to include a number of Southern Gulf Islands. The Tsawwassen First Nation has one reserve, which is located in the Tsawwassen region of Delta. The reserve straddles the highway leading to the B.C. Ferry Terminal and encompasses the area between the highway and Deltaport Way. The Tsawwassen First Nation has a business relationship with over 200 lessees who reside or conduct business on the present Tsawwassen reserve.



■ Tsawwassen First Nation Reserve

## Building better relationships with First Nations

In B.C., treaty negotiations involve three parties: the provincial government, the federal government, and First Nations. Each set of negotiations requires give-and-take on all sides. British Columbia is prepared to be flexible and creative at the negotiating table, while ensuring each agreement meets the publicly endorsed guiding principles.

Our government is working with First Nations to reinvigorate and advance treaty negotiations across B.C. It is opening a new dialogue that will forge stronger relationships with Aboriginal people and provide them with greater input into decisions that involve their communities. The development of mutual trust and respect on all sides will build the foundation to achieve certainty for both First Nations and British Columbians.

## Economic benefits improve the quality of life for First Nations

The government is committed to increasing economic opportunities for First Nations that improve Aboriginal British Columbians' quality of life, both on- and off-reserve. To support this goal, the government has created a \$40 million Economic Measures Fund to foster economic development for First Nations communities, create jobs and provide skills development and training. Other initiatives include increasing Aboriginal participation in forestry, tourism, oil and gas and the 2010 Olympic and Paralympic Winter Games. Success in treaty agreements will help create new economic opportunities for all British Columbians.

### **1. Will my home and property be expropriated for treaty lands?**

No. Government will not expropriate private land for treaty settlement purposes.

### **2. I have a commercial lease on land that may be included in the treaty. Will I be compensated if I have to move?**

The Province will ensure that the terms and conditions of leases and licences are protected. Should there be an impact on commercial licensees as a result of a treaty settlement, fair compensation will be paid.

### **3. I have a residential lease on land that may be included in the treaty. What will happen to my lease?**

The Province will ensure that the terms and conditions of residential leases are protected. Once land is transferred, the lease terms will continue until renewal, at which time a lessee will work directly with the Tsawwassen First Nation to establish agreeable lease terms. Provincial negotiators will work with both lessees and the Tsawwassen First Nation to facilitate the transition.

### **4. My family walks on the dikes in the area. Will we still be able to do this?**

The Province will retain ownership of dikes where they are presently owned by the Crown. The breakwater fronting the existing Tsawwassen Reserve is privately owned by the Tsawwassen First Nation, and the Tsawwassen government may pass laws regarding access to its private property. The Final Agreement will provide for the Tsawwassen First Nation's rights of access, including access for cultural practices, to the portion of the dikes owned by the Crown that front Tsawwassen lands.

### **5. Where will the Tsawwassen First Nation's hunting rights apply and will they be required to carry licences?**

The Tsawwassen First Nation will be able to harvest wildlife and migratory birds for domestic purposes. The harvest area for wildlife and migratory birds will be negotiated before the Final Agreement and will include treaty and non-treaty land. Tsawwassen First Nation hunters will be required to carry and produce documentation, issued by the Tsawwassen government, when harvesting in accordance with treaty rights.

### **6. What fishing rights will apply to the Tsawwassen First Nation?**

Aboriginal rights to a food, social and ceremonial fishery will be clearly defined in the Final Agreement and will include domestic allocations for salmon and non-salmon species within a specified fishing area. There will be no treaty-protected commercial fishery in the Final Agreement. A commercial component will be negotiated outside of the treaty, and it will have the same priority as other commercial fisheries in federal Fisheries and Oceans management decisions. The Province supports treaty arrangements that ensure equitable fishing arrangements for all fishery participants.

### **7. How will this agreement affect land that is in the Agricultural Land Reserve?**

Nothing in the AIP will affect the application of the Agricultural Land Reserve (ALR). The AIP does not propose to remove the ALR designation on lands in the offer. Instead, the AIP sets out the process that will take place with the Agricultural Land Commission to assess the prospects for excluding land from the ALR.

### **8. Will the public continue to have access to parks after treaty settlement?**

Public access to parks will not be affected by the treaty. The AIP provides for the negotiation of agreements outside of the treaty that would enable the Tsawwassen First Nation to have a role in park management plans, including plans to carry out gathering activities within its territory.

### **9. Will resource management and environmental protection continue to meet provincial standards?**

Federal and provincial laws, including those related to resource management and environmental protection, will apply to Tsawwassen members, Tsawwassen lands and the Tsawwassen government. While the Tsawwassen government will have law-making authority over forest management and environmental protection on treaty lands, federal and provincial laws will prevail over Tsawwassen government laws if there is a conflict.

### **10. Can the Tsawwassen government legislate standards on treaty lands that are more stringent than provincial standards?**

Yes. The Tsawwassen government will be able to establish and enforce higher standards, such as environmental protection laws, on treaty lands as set out in the Final Agreement.

### **11. Will the Tsawwassen government have authorities similar to my local government?**

The Tsawwassen government will have authority, much like a local government, over such things as fire protection, public works, traffic and transportation, and business licensing. The Province's position is that these law-making authorities will be set out

in a Governance Agreement that will not be part of the treaty. The Tsawwassen government's law-making authority will be put into effect through federal and provincial legislation.

Authorities related to land and resource rights, assets, culture and language will be included in the treaty. These will ensure long-term preservation of Tsawwassen First Nation assets and cultural identity while providing greater certainty over land and resource ownership and management.

### **12. Will the Canadian Charter of Rights and Freedoms and the Criminal Code apply on Tsawwassen treaty lands?**

Yes. The Canadian Charter of Rights and Freedoms and the Criminal Code will apply to Tsawwassen lands, Tsawwassen government, and Tsawwassen members.

### **13. Will Tsawwassen First Nation members continue to have tax exemptions?**

Following a transition period, Tsawwassen members will no longer be exempt from taxation.

### **14. Will the Tsawwassen government have taxation powers?**

The Tsawwassen government will have direct taxation powers over its own members on its treaty lands. The agreement also provides Tsawwassen government the opportunity to enter into negotiations with Canada and B.C. regarding taxation of other persons on treaty lands.

Provisions in both the Final Agreement and a Governance Agreement will ensure that non-Tsawwassen members living on or with a property interest in Tsawwassen treaty lands will have opportunities to participate in the Tsawwassen government and public institutions.

### **15. Will there be a patchwork quilt of land-use plans after the agreement is finalized?**

The parties acknowledge local governments' interests in ensuring consistent and compatible planning and land-use management decisions among communities in the Lower Mainland. The parties will undertake a joint study with local governments to support the development of intergovernmental relationships and options for the Tsawwassen First Nation to participate in the Greater Vancouver Regional District.

### **16. What opportunities will the public have to express their views on the AIP?**

Provincial negotiators will continue to hold public meetings in the region to provide information on the negotiations and respond to questions and concerns. Local residents can also address their interests through local government representatives and through their MLA. Public and stakeholder consultations will continue during Final Agreement negotiations. Copies of the draft AIP have been distributed and are available on the Internet at [www.gov.bc.ca/tno](http://www.gov.bc.ca/tno)

### **17. How will this agreement benefit me and my community?**

The Final Agreement with the Tsawwassen First Nation will provide certainty over the land and resources in the Tsawwassen and Ladner regions of Delta. It will clearly define the rights and responsibilities of the First Nation. It will provide opportunity for economic development and help build a prosperous, vibrant community for Aboriginals and non-Aboriginals alike.

TREATY NEGOTIATIONS

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