

BACKGROUND

2006OTP0181-001479
Dec. 8, 2006

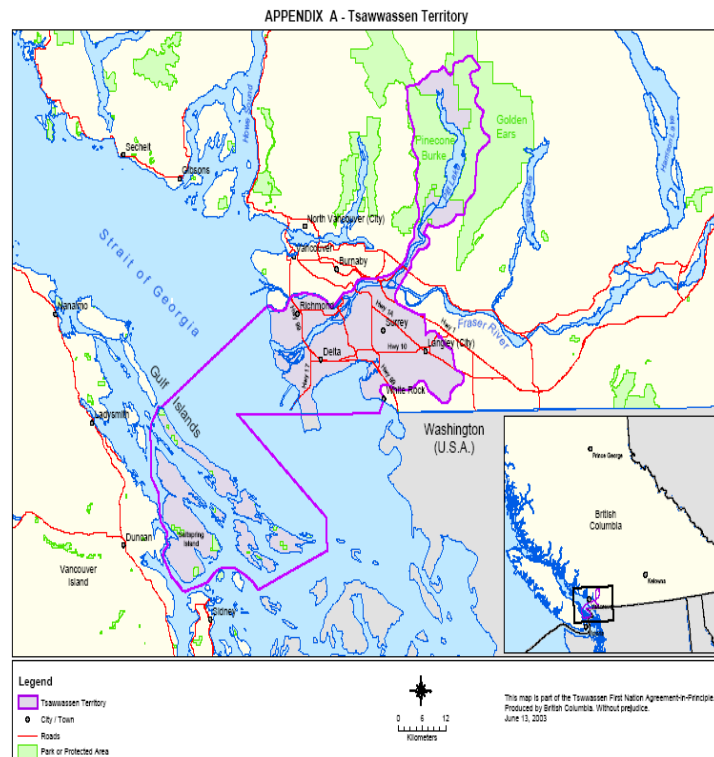
Office of the Premier
Indian and Northern Affairs Canada
Tsawwassen First Nation

TSAWWASSEN FIRST NATION FINAL AGREEMENT

A treaty with Tsawwassen First Nation will bring certainty with respect to all of Tsawwassen First Nation's Aboriginal rights throughout the Tsawwassen First Nation claimed traditional territory, which covers approximately 279,600 hectares including the waters of the southern Strait of Georgia. It will provide Tsawwassen First Nation with modern governance tools to build strong and workable relationships with federal, provincial and municipal governments, and will bring certainty and economic benefits to the entire Lower Mainland region.

Tsawwassen First Nation members are Coast Salish people who belong to the Hun'qum'i'num linguistic group. In their language, Tsawwassen means "the land facing the sea." Historically, they have travelled and fished the waterways of the southern Strait of Georgia and the lower Fraser River.

Tsawwassen First Nation lists its membership at 358 people, about half of whom live on reserve in an area situated on the southern side of the Lower Mainland, between the BC Ferry Terminal and the Deltaport Container Terminal/Roberts Bank Coal Port. The community straddles Highway 17, along the Georgia Strait shore.



Map

Land

- 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;
 - 372 hectares of former provincial Crown land; and
 - 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.

- All Tsawwassen treaty land will be held in fee simple by Tsawwassen First Nation. Fee-simple ownership gives Tsawwassen First Nation the flexibility to manage its lands and generate long-term economic benefits.
- 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 from B.C. or decide to sell them later.
- 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 land within its territory 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.
- Federal and provincial laws, as well as Tsawwassen laws, will apply to Tsawwassen Lands.
- Provincial Agricultural Land Reserve (ALR) designation continues not to apply to the former Indian reserve lands and will apply to about half of the additional former provincial Crown land which will be Tsawwassen Lands. The ALR will apply to the Boundary Bay and Fraser River parcels.

Financial Components

- A capital transfer of approximately \$13.9 million over 10 years, less any outstanding negotiation loans.
- Funding of \$15.8 million to support all one-time start-up and transition costs.
- \$2.8 million per year in ongoing funding for programs and services, and incremental implementation and governance activities.
- In consideration of the release by Tsawwassen First Nation of the rights to the mines and minerals under previously-surrendered reserve lands, Canada will provide Tsawwassen First Nation \$2 million.

Wildlife, Migratory Birds and Forest Resources

- Tsawwassen First Nation will have the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within specified areas, subject to conservation, public health and public safety.
- The federal and provincial ministers will retain authority, within their respective jurisdictions, to manage wildlife and migratory birds and their habitats.
- Tsawwassen First Nation will manage designation and documentation of Tsawwassen First Nation hunters.
- Tsawwassen First Nation has no access to economic forestry activities in their territory, but will receive \$100,000 for forest resources.

Fish

- Under the treaty, Tsawwassen First Nation will have the right to harvest fish and aquatic plants for food, social and ceremonial purposes, subject to conservation, public health and public safety.
- The Final Agreement provides for Tsawwassen First Nation's treaty allocations of salmon for food, social and ceremonial purposes.
- The Final Agreement leaves some species of fish and aquatic plants non-allocated, such as crab and intertidal bivalves. A process has been set out in the Final Agreement to establish allocations at the request of Tsawwassen First Nation, Canada or British Columbia.
- A harvest agreement, separate from the Final Agreement, provides for economic access to salmon for the Tsawwassen First Nation.

Culture and Heritage

- Tsawwassen First Nation can make laws to preserve, promote and develop culture and language, conserve and protect heritage resources on its lands, and deal with archaeological materials, sites and ancient human remains.

Governance

- With the exception of determining Indian status, after a transition period the Indian Act will no longer apply to Tsawwassen First Nation, its land or members. Instead, constitutionally protected self-government provisions will enable Tsawwassen First Nation to make its own decisions on matters related to the preservation of its culture, the exercise of its treaty rights and the operation of its government.
- The Final Agreement contains law-making powers for matters related to lands, resources, and other areas of governance. Tsawwassen First Nation areas of authority include the delivery of health services, education and public works.
- Federal and provincial laws will apply on treaty settlement lands, known as Tsawwassen Lands. In matters where Tsawwassen First Nation has law-making authority, the Final Agreement sets out which law prevails if a Tsawwassen law conflicts with a federal or provincial law.
- The Final Agreement requires Tsawwassen First Nation to have a constitution that provides for government that is democratically and financially accountable to its members.
- Tsawwassen First Nation will consult with non-members who are resident on Tsawwassen Lands about decisions that directly and significantly affect them.
- Tsawwassen First Nation will provide those non-members an opportunity to participate in decision-making processes that significantly affect them.

Taxation

- Tsawwassen First Nation government will have the ability to levy direct taxes on its members within treaty settlement lands, known as Tsawwassen Lands.
- The tax exemptions for transaction taxes and other taxes under section 87 of the Indian Act will be phased out after eight and 12 years, respectively.
- Through a negotiated side agreement, British Columbia will share with Tsawwassen First Nation 50 per cent of provincial income tax and sales tax revenue collected from Tsawwassen First Nation members after the tax exemptions have been phased out.
- Through a negotiated side agreement, British Columbia will share with Tsawwassen First Nation 100 per cent of real property tax collected from anyone residing on Tsawwassen Lands.
- There will be non-member representation on any Tsawwassen government or public institution that makes decisions relating to matters that directly and significantly affect non-members, including taxation. The non-member representative will be selected by non-members and have the ability to participate in discussions and to vote on matters that directly and significantly affect non-members.

Local Government Relations

- Tsawwassen First Nation will become a member of the Greater Vancouver Regional District and appoint a director to sit on the GVRD board.
- Tsawwassen First Nation will pay for core mandatory services, such as air quality, strategic planning, 911, regional parks and general government.
- Tsawwassen First Nation and the Greater Vancouver Water District may enter into a local services agreement.
- Tsawwassen First Nation may enter into service agreements with other local governments.

Next Steps

- By initialling the Tsawwassen First Nation Final Agreement, the chief negotiators for Canada, British Columbia and Tsawwassen First Nation are recommending the Agreement to their respective principals.
- Through the Tsawwassen First Nation approval process, Tsawwassen members will ratify the Final Agreement through a community vote, which requires at least 50 per cent plus one of eligible voters to vote in favour of the agreement.
- If Tsawwassen First Nation ratifies the Final Agreement, British Columbia will proceed with its ratification process. Settlement legislation will be introduced in the Legislative Assembly, where it will be debated.
- If British Columbia ratifies the Final Agreement, Canada will proceed through its ratification process. Settlement legislation will be introduced in Parliament, where it will be debated.
- Once enacted through legislation, the Final Agreement will become a treaty and will be brought into effect on a date agreed to by the parties.

Fact sheets and a summary of the Tsawwassen First Nation Agreement are available online at www.gov.bc.ca/arr; www.ainc-inac.gc.ca/bc/treapro/ston/nwdev/nwdev_e.html; and www.tsawwassenfirstnation.ca

For more information, please call the toll-free line for the Ministry of Aboriginal Relations and Reconciliation, 1 800 880-1022.

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