

TSAWWASSEN TREATY INFORMATION ITEM – January 29, 2007

INTRODUCTION

The purpose of this Information Item is to provide the public, and Council, with information on the contents of the recently initialed Tsawwassen Treaty. In the Information Item, at the beginning of each Regular Council Meeting, we will look at the contents in small, comprehensible bites, in a Question and Answer format, so that the public may better understand what the Treaty contains.

The Items will then be posted on the Delta website to make them readily available to the public.

Today's Information Item addresses the question: What lands are affected by the proposed Tsawwassen Treaty?

The first category of land affected is Tsawwassen Traditional Territory.

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The Traditional Territory is the lands the Tsawwassen claim to have used as a community prior to the arrival of Europeans. It includes the southern Gulf Islands – Galiano, Saltspring, Mayne, Pender and Saturna - to the west; the waters between the Islands and the Mainland; all of Delta; most of Richmond and Surrey; portions of Vancouver, Burnaby, New Westminster, Coquitlam, Port Coquitlam, Pitt Meadows and Port Moody along the Fraser River; then along the Pitt River and around Pitt Lake to the northeast.

How is this Traditional Territory affected by the Treaty?

The Treaty gives the Tsawwassen certain rights within this Traditional Territory – mainly to do with Fishing, harvesting Wildlife and Migratory Birds, and Plant Gathering.

Is this Traditional Territory exclusive to the Tsawwassen Band? No. Other aboriginal bands lay claim to some or all of this Territory. The Treaty does not address these competing claims.

The second category of lands affected by the Treaty will be called “Tsawwassen Lands.” What are these Tsawwassen Lands?

[View Map](#)

Tsawwassen Lands comprise the 716.6 acres of present reserve lands, mainly north of Highway 17 and including Stahaken and Tsawwassen Beach property south of Highway 17.

To these will be added 919.23 acres of provincial Crown land north and east of the present reserve, for a total of 1,635.83 acres.

Tsawwassen First Nation will own and have law-making authority over this land. Federal and Provincial laws will also apply to these lands.

On the effective date of the Treaty, 511.5 acres of this land will be removed from the Agricultural Land Reserve, as indicated on the map.

[View Map](#)

The third category of lands affected by the Treaty is called “Other Tsawwassen Lands.” What are these?

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“Other Tsawwassen Lands” refers to three tracts of land – one to the north of Boundary Bay, a small tract off 16th Avenue east of 56th Street in Tsawwassen called the Beach Grove parcels, and a strip along Canoe Pass on River Road at the foot of 30B Street – a total of 153.2 acres. These lands will be owned by the Tsawwassen First Nation in fee simple. The exception is the Beach Grove Parcels, an archaeological site of which British Columbia may retain ownership. It is intended that the Boundary Bay and Beach Grove parcels will remain in Delta’s tax base and jurisdiction.

A fourth category of lands are affected by the proposed Treaty. These are called “Specified Lands,” better known to us as the Brunswick Point Lands.

[View Map](#)

These lands are at present owned by the Provincial Government and actively farmed, under lease, by the original farm families.

Tsawwassen First Nation, under the Treaty, will have the right of first refusal – for 80 years – to buy these 686.95 acres if the farm families currently leasing these lands choose not to buy them, or, having bought them, decide to sell them. The Final Agreement also allows the TFN the ability to take these lands and remove them from Delta’s tax base and jurisdiction and add them to their treaty settlement lands should they purchase. The Brunswick Point families have begun litigation regarding this proviso in the Treaty.

It should also be highlighted that the Fraser River parcels have been noted as “Specified Lands” in the Final Agreement. This was not the case in the AIP and will also facilitate the TFN removing these lands from Delta’s tax base and jurisdiction.

Next Update

At the next Regular Meeting of Council, the topic of how the Tsawwassen First Nation can add lands to their holdings post-Treaty will be addressed.