

TSAWWASSEN TREATY INFORMATION ITEM – February 5, 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: Can the Tsawwassen First Nation add more lands to their ownership and jurisdiction after the Treaty? The answer is Yes.

The first category of land that can be added to Tsawwassen Lands which are under the jurisdiction of TFN is the Specified Lands.

[View MAP](#) { pdf 212KB }

There are two areas of Specified Lands. The largest is the area known as the Brunswick Point lands. These lands – encompassing 686.95 acres - are at present owned by the Provincial Government and actively farmed, under lease, by the original farm families.

Under the Treaty, the Tsawwassen First Nation will have the right of first refusal – for 80 years – to buy these lands if the people currently leasing the lands choose not to buy them, or, having bought them, decide to sell them.

The Brunswick Point families have begun litigation regarding this provision in the Treaty.

The second area of Specified Lands is a series of parcels on Canoe Pass at the foot of 30 B Street in Ladner. In the initialed Treaty, these parcels are described as Other Tsawwassen Lands, meaning that they are lands which the Tsawwassen First Nation will own, but which will remain in Delta's jurisdiction. However, they are also listed as "specified lands" meaning the TFN can remove them from Delta's tax base and jurisdiction.

[View MAP](#) { pdf 192KB }

Should the TFN purchase any of the Specified Lands, those lands will be owned in fee simple. Tsawwassen First Nation may add lands that it owns in fee simple to Tsawwassen Lands not more often than once every five years. And there is a procedure to be followed.

Within **50 years** of the Effective Date of the Treaty, that procedure is as follows.

TFN must hold discussions with any resident or, or interest holder in, the parcel of Specified Lands, and with the Corporation of Delta.

TFN must address the provision of any service provided by any municipality to a parcel of Specified Lands and any tax revenue matter related to the service.

TFN must consider whether a road adjacent to a parcel of Specified Lands should be a Local Road (owned and maintained by TFN) or a Local Boundary Road (owned and maintained jointly by TFN and the neighbouring municipality).

TFN must consider the compatibility of any TFN land use plan with any municipal or regional land use or transportation plan applying to that parcel of Specified Lands.

And TFN must provide reasonable notice to Canada, BC, the Greater Vancouver Regional District and the Corporation of Delta in respect of the addition of the parcel.

After 50 years from the Effective Date of the Treaty, British Columbia will consider a request by the Tsawwassen First Nation to add land, including any parcel of the Specified Lands, to Tsawwassen Lands, provided:

- Tsawwassen First Nation owns the land in fee simple;
- the land is within Tsawwassen Territory – which includes portions of the Gulf Islands, all of Delta, most of 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;
- and the land is
 - a. outside municipal boundaries and a change in jurisdiction will not unreasonably restrict the expansion or development of a municipality; or
 - b. the land is inside municipal boundaries and the municipality consents.

After 50 years from the Effective Date, Canada will consider a request to add to Tsawwassen Lands if:

- Tsawwassen First Nation owns the land in fee simple;
- the lands are within Tsawwassen Territory;
- and the lands are free from overlapping aboriginal claims, or if there are overlapping claims, the claimant consents.

British Columbia or Canada may take into account any other matter those governments consider relevant and both governments must consent.

One other possible addition to Tsawwassen Lands is mentioned in the Treaty.

On the effective date of the Treaty, British Columbia owns the Highway 17 Corridor except for Subsurface Resources, which are owned by the Tsawwassen First Nation. British Columbia has the use of the Highway 17 for provincial public highway purposes, and existing Public Utilities.

If British Columbia no longer requires any portion of the Highway 17 Corridor for provincial public highway purposes, TFN can take ownership at no cost. Existing Public Utilities will remain. TFN can then add the Corridor to Tsawwassen Lands under Tsawwassen jurisdiction.

Conclusion

That is an overview of how Tsawwassen First Nation can add more lands to those provided in the Treaty, for the 50 years after the Treaty Effective Date. At the next Regular Meeting of Council, we will address the question of access, roads and dykes on Tsawwassen Lands.