

TSAWWASSEN TREATY INFORMATION ITEM – February 12, 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 questions of how the Tsawwassen Treaty will affect roads, dikes and flood protection, and access to Tsawwassen Lands.

First, we will look at roads.

The Treaty establishes three categories of roads.

[View MAP](#) { pdf 692KB }

The first category – “Tsawwassen Roads”– applies to all roads within Tsawwassen Lands that have not been designated as a private road or a “Local Road,” and that will be the majority of the roads in Tsawwassen Lands.

The roads which will be designated as “Local Roads” are: Nulelum Way, including the road allowance; the portions of 41B Street, 28B Avenue and 27B Avenue that are within Tsawwassen Lands; and any roads that are within lands later added to Tsawwassen Lands.

The third category of roads is “Local Boundary Roads.” This designation will be applied to roads that are located along the boundary of Tsawwassen Lands. These are 27B Avenue, 34th Street, 28th Avenue from 52nd to 48th, and 41B Street (the portion south from Deltaport Way to the portion bisecting Tsawwassen Lands). This designation will also apply to roads located along the boundary of any lands later added to Tsawwassen Lands.

Tsawwassen Roads, Local Roads and Local Boundary Roads to the centre line, will all be part of Tsawwassen Lands and will be owned by the Tsawwassen First Nation and subject to Tsawwassen law.

TFN will be responsible for the maintenance and repair of Tsawwassen Roads. TFN will also be responsible for the maintenance and repair of Local Roads, however there is a proviso that TFN must keep Local Roads open, maintained, repaired and improved to the same extent as would a municipality, and before a Local Road can be closed, there must be public notice and an opportunity for affected persons to make representation.

In the case of Local Boundary Roads, these will be kept open, maintained, kept in repair and improved jointly by TFN and the adjoining municipality, unless TFN and the municipality agree otherwise, and any Tsawwassen Law in respect of a Local Boundary Road must be acceptable to the council of the adjoining municipality. Likewise, a municipal bylaw affecting a Local Boundary Road must be acceptable to TFN.

Within Tsawwassen Lands, there are also Crown corridors – Highway 17 and Deltaport Way. There are provisions for TFN and British Columbia to consult concerning traffic and transportation regulations on Crown corridors and on developments adjacent to them, and on the development of any new Crown corridors adjacent to Tsawwassen Lands.

If, after the Treaty is signed, a Public Utility wishes to install new Utility Distribution Works in a Crown corridor, written notice is to be provided to TFN. If the Public Utility wishes to install new Utility Transmission Works, the Public Utility is to consult with TFN regarding measures to be taken or compensation to be paid to TFN. If the Utility and TFN cannot agree, there is an arbitration process.

Now let's turn to dikes and flood protection.

Tsawwassen First Nation will be the diking authority under the *Dike Maintenance Act* for dikes and flood protection structures owned by TFN. TFN can contract for services to construct and maintain these dikes and flood protection structures.

And finally, the question of Access.

Residents and interest holders of Tsawwassen Lands – including residents of Stahaken, TsaTsu Shores and the Tsawwassen Beach homes - and Public Utilities will have access to their property subject to the terms and conditions of their leases or other tenure.

Agents of Canada, BC or Local Government, Canadian Armed Forces, peace officers, and other Federal and Provincial authorities will have access to enforce laws, carry out duties, respond to emergencies and deliver programs. These authorities are not subject to the payment of fees or compensation for this right of access.

The public will have the same right of access on Local Roads and Local Boundary Roads as they have on comparable roads in Delta. TFN will be able to close all or part of a Local Road to all or some types of traffic, or to remove its dedication as a Local Road, after public notice and the opportunity for affected people to make representation.

Access works both ways. Employees, agents and contractors of TFN will have access to lands adjacent to Tsawwassen Lands in accordance with Federal or Provincial Law in order to enforce Tsawwassen laws, carry out duties under Tsawwassen Law, respond to emergencies and deliver programs and services.

However, any right of access by TFN or a TFN member is subject to any agreement in respect of the Roberts Bank port facility entered into from time to time between the TFN and the Roberts Bank port.

And finally the public right to navigation will not be affected by this agreement, and so public access by water to the TFN water lots will not be restricted.

Conclusion

That is an overview of how the Tsawwassen Treaty will affect roads within and adjoining the Treaty lands, dikes and flood protection, and access by people who are not TFN members to Tsawwassen Lands. At the next Regular Meeting of Council, we will look at what the Treaty has to say about Land Use Planning on Tsawwassen Lands.