

## **TSAWWASSEN TREATY INFORMATION ITEM – February 26, 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 relates to Land Use Planning on Tsawwassen Lands.**

Two key aspects of the treaty relating to land use will be determined by Provincial Settlement Legislation that will be developed as part of the ratification process. These are the removal of agricultural land from the Agricultural Land Reserve and the provision that Tsawwassen First Nation's (TFN) land use plan to be in place at the effective date of the treaty will be deemed to meet the requirements of the GVRD's Regional Growth Strategy.

The treaty also has provisions for the creation of laws with respect to land management of Tsawwassen Lands.

### **Agricultural Land Reserve (ALR) Exclusion**

Chapter 4 – Lands specifies the lands that will be removed from the ALR by Provincial Settlement Legislation on the effective date of the treaty. This will facilitate land uses other than agricultural use post effective date for these 511.5 acres (207 hectares).

[View MAP](#) { pdf 400KB }

### **Regional Growth Strategy**

Chapter 17 – Intergovernmental Relations and Services has a section on Land Use Planning where it is specified that Provincial Settlement Legislation will provide that TFN's land use plan that is in place at the effective date of the treaty will be deemed consistent with the Regional Growth Strategy of the Greater Vancouver Regional District in place at the effective date. The current Regional Growth Strategy of the GVRD is called the Livable Region Strategic Plan. This treaty provision will allow TFN to become a member of the GVRD and be provided water by the GVRD even if their land use plan is not consistent with the Regional Growth Strategy.

TFN's land use plan for the treaty settlement land has not been made public at this time.

A land use plan prepared by TFN after the effective date of the treaty will have to identify how it is consistent with a Regional Growth Strategy approved by the GVRD with the participation of TFN as a GVRD member.

It is also noted in this chapter that before TFN government makes a planning or zoning law, TFN will consult any Local Government that may be affected by the proposed law through a process similar to that required of a municipality undertaking similar law-making.

## **Land Management**

Chapter 6 – Land Management provides information relative to TFN's power to make laws pertaining to the creation, ownership and disposition of interests in land, planning, zoning and development, approval of development and provision of services. There are also provisions for the establishment and operation of a TFN land title or land registry system. TFN can also make laws with respect to expropriation of land and interests in Tsawwassen land excluding third party rights granted in advance of the effective date which preclude expropriation, or an interest of Canada, British Columbia or a provincial expropriating authority.

TFN may exercise authority over agriculture on Tsawwassen Lands through land use planning and zoning.

These land management laws will prevail if there is a conflict with Federal or Provincial Law with the exception of conflicts with the *Agricultural Land Commission Act* with respect to lands that remain in the ALR and Federal or Provincial Environmental Assessment Law will prevail if applicable to a project on Tsawwassen Land.

There is also a provision that the Province will invite TFN to participate in any Provincial land use planning process affecting Tsawwassen Territory and TFN may participate in the process in the same capacity as a Local Government, a First Nation or as a member of the public. The Province will provide TFN with the decision resulting from any such process and the reasons for that decision.

## **Conclusion**

That is an overview of how the Tsawwassen Treaty relates to Land Use Planning on Tsawwassen Lands. At the next Regular Meeting of Council, we will look at what the Treaty has to say about Fisheries.