

TSAWWASSEN TREATY INFORMATION ITEM – March 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 Wildlife and Migratory Birds. Wildlife is located in Chapter 10 and Migratory Birds is found in Chapter 11 of the Tsawwassen Final Agreement.

Under the treaty, Tsawwassen First Nation (TFN) will have the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within the traditional territory, including in national and provincial parks. TFN may exercise this right on lands other than Crown Lands or Tsawwassen Lands if the land owner agrees. This right is limited by measures necessary for conservation, public health and public safety.

Wildlife includes all vertebrate and invertebrate animals with the exception of Fish and Migratory Birds.

MAPS of Wildlife and Migratory Bird Harvest Areas

- [View MAP 1](#)
- [View MAP 2](#)

Federal and provincial laws will apply on Tsawwassen Lands and throughout the Tsawwassen traditional territory. TFN laws with respect to the management of the harvesting of wildlife and migratory birds will apply to Tsawwassen members. Federal and provincial laws on the use and possession of firearms will apply. The Tsawwassen right to harvest off Treaty Settlement Land will be subject to local government bylaws with respect to the discharge of firearms.

TFN have the right to trade and barter wildlife and migratory birds among themselves or with other aboriginal people of Canada. TFN can sell wildlife and migratory birds in accordance with Provincial and Federal Law.

TFN can not dispose of their right to harvest wildlife and migratory birds. Only TFN members can be designated under this right.

Neither Canada or British Columbia will require a Tsawwassen Member to have a license or pay a fee or royalty for harvesting Wildlife or Migratory Birds under the Tsawwassen right to harvest.

TFN Laws

TFN can make their own laws in respect of the designation of TFN Members to harvest wildlife and migratory birds, distribution of wildlife and migratory birds to TFN members, the methods, timing and location of the harvest of wildlife and migratory birds, the trade and barter of wildlife and migratory birds, the identification of which wildlife and wildlife parts may be transported and the sale of inedible by-products of migratory birds. TFN laws relating to these items will prevail if there is a conflict with a Federal or Provincial Law with the exception of Federal and Provincial laws relating to the possession, use or regulation of firearms.

TFN can also make laws in respect of the management of wildlife and migratory bird habitat on Tsawwassen Lands, the sale of wildlife and migratory birds, and documentation of TFN members that have been designated. Federal and Provincial laws will prevail if there is a conflict with one of these TFN laws.

Burns Bog

TFN may only exercise their right to harvest wildlife in the Burns Bog Ecological Conservancy Area if harvesting is permitted on the lands and any such harvesting will be in accordance with Federal and Provincial Laws and Delta and GVRD bylaws.

Conservation

The Minister, in order to address conservation risks to wildlife or migratory bird species may set specific limits on the number of specific species to be harvested in the Tsawwassen Wildlife and Migratory Bird Harvest Area. TFN will submit wildlife harvest plans to the Minister for approval.

Wildlife Fund

TFN will receive \$50,000 in compensation for the limited existing opportunity to harvest wildlife in the Tsawwassen Wildlife Harvest Area.

Conclusion

That is an overview of how the Tsawwassen Treaty relates to Wildlife and Migratory Birds. At the next Regular Meeting of Council, we will look at what the Treaty has to say about Governance.