

TSAWWASSEN TREATY INFORMATION ITEM – May 7, 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, 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 Natural Resources of the Tsawwassen Treaty.

Previous updates have provided information on some of the rights with respect to specific natural resources provided to the Tsawwassen First Nation (TFN) in the Treaty including fish, wildlife and migratory birds. In this update we will focus on the remaining natural resources addressed in the Treaty.

Plant Gathering

Chapter 13 – Provincial Parks and Gathering describes plant gathering rights. Under the Treaty, TFN will have the right to gather Plants for food, social and ceremonial purposes on specified areas within the Tsawwassen territory. This right is limited by measures necessary for conservation, public health or public safety. Plants are defined as all flora and fungi but does not include trees (except for their bark, branches and roots) and aquatic plants.

The specified areas where the TFN right to gather plants can be exercised include designated areas within Golden Ears Provincial Park, Pinecone Burke Provincial Park, South Arm Marshes Wildlife Management Area and the Provincial Crown Land within the Burns Bog Ecological Conservancy Area.

(MAP)

http://www.gov.bc.ca/arr/firstnation/tsawwassen/images/maps/appendix_m_1_plant_gathering_2006_11_30.pdf

TFN will develop a gathering plan, subject to the approval of the provincial Minister. The gathering plan will be consistent with the applicable management plan for the area. The Minister will consult with the GVRD before approving a gathering plan that includes Provincial Crown land within the Burns Bog Ecological Conservancy Area (BBECA) and any approved gathering plan that includes Provincial Crown land within the BBECA will be consistent with the Burns Bog Management Agreement between Canada, BC, GVRD and Delta.

The authority for managing and conserving plant resources will remain with the relevant Federal or Provincial Minister.

The TFN right to gather plants will be exercised in a manner that does not interfere with authorized uses or dispositions existing on the effective date of the Treaty. An example of an authorized use within the specified areas for plant gathering is Ladner Harbour Park which is leased by The Corporation of Delta from the Province.

The Province will consult with the TFN in respect of the establishment of new Provincial Parks, Protected Areas or Wildlife Management Areas or any changes to or dispositions of existing Provincial Parks, Protected Areas or Wildlife Management Areas that may affect TFN's rights to gather plants, and harvest wildlife and migratory birds.

TFN may make laws in respect of the designation of TFN members to gather plants and the distribution of the plants to members. TFN will issue documentation to members authorized to collect plants. TFN has the right to trade and barter the plants collected with other aboriginal people of Canada. TFN cannot transfer or assign their right to gather plants to non TFN members.

Forest Resources

Chapter 8 – Forest Resources describes TFN's rights with respect to Forest Resources which includes trees, plants and fungi. TFN will own all Forest Resources on Tsawwassen Lands and Other Tsawwassen Lands and can make laws in respect of the management of this resource on Tsawwassen Lands. Federal and Provincial laws prevail to the extent of a conflict with a Tsawwassen Law. TFN will receive \$106,000 (2006 dollars) from Canada and BC to establish a Forestry Fund.

National Parks

Chapter 12 – National Parks and National Marine Conservation Areas states that TFN will have the right to harvest Renewable Resources within National Parks and National Marine Conservation Areas within their Traditional Territory. Renewable Resources is defined in the Treaty to mean Plants, birds including Migratory Birds, land mammals and traditional foods, but does not include Fish and Aquatic Plants.

(MAP)

http://www.gov.bc.ca/arr/firstnation/tsawwassen/images/maps/appendix_n_1_national_parks_2006_11_30.pdf

This right is limited by measures necessary for conservation, public health or public safety. TFN will have the right to trade and barter Renewable Resources with other aboriginal people of Canada resident in BC.

Harvesting of Renewable Resources will be done in accordance with a Renewable Resource Harvesting Document that is issued by the Federal Minister.

Conclusion

That is an overview of what the Tsawwassen Treaty has to say about Natural Resources. At the next Regular Meeting of Council, we will look at the Ratification and Implementation procedures for the Treaty.