
BACKGROUND

2009OTP0060-000606
April 3, 2009

Tsawwassen First Nation
Office of the Premier
Indian and Northern Affairs Canada

TSAWWASSEN SELF-GOVERNMENT PROVISIONS TAKE EFFECT

The Tsawwassen First Nation Final Agreement is a treaty between Tsawwassen First Nation, British Columbia and Canada. It brings certainty with respect to Tsawwassen First Nation's Aboriginal rights and title and provides economic benefits to the Lower Mainland region.

Tsawwassen First Nation members are Coast Salish people who belong to the Hun'qum'i'num (hun-k-MEAN-um) linguistic group. In their language, Tsawwassen means "the land facing the sea". Historically, they travelled and fished the waters of Georgia Strait and the lower Fraser River. Tsawwassen Territory extends south and west to the southern Gulf Islands, and north and east up to the Pitt Lake watershed.

Today, about half of Tsawwassen First Nation's 400 members live on Tsawwassen Lands, situated on the southern side of the Lower Mainland, between the B.C. Ferry Terminal and the Deltaport Container Terminal/Roberts Bank Coal Port. Their community straddles Highway 17, along the shore of the Georgia Strait.

Tsawwassen Laws

As of today, Tsawwassen Government has passed 23 acts, in accordance with their self-government authority as provided for in the Canadian Constitution and the Final Agreement.

Tsawwassen Constitution Act
Administrative Review and Judicial Proceedings Act
Children and Families Act
Community Governance Act
Community Safety and Security (Land Use and Prohibited Substances) Act
Conflict of Interest Act
Culture and Heritage Act
Economic Development Act
Education, Health and Social Development Act
Election Act
Financial Administration Act
Fisheries, Wildlife, Migratory Birds and Renewable Resources Act
Freedom of Information and Protection of Privacy Act
Interpretation and Definitions Act
Government Organization Act
Government Employees Act
Land Act
Land Use Planning and Development Act
Laws Enforcement Act

Members' Guarantees Act
Membership Act
Property Taxation Act
Traditional Territory Boundary Commission Act

Tsawwassen First Nation laws can be viewed online in the Tsawwassen Laws Registry at:
www.tsawwassenfirstnation.com.

Land

- The land included in the Tsawwassen Final Agreement comprises approximately 724 hectares, including 372 hectares of provincial Crown land, 290 hectares of the former Indian reserve. Together they form the Tsawwassen treaty settlement lands (“Tsawwassen Lands”) over which Tsawwassen First Nation has jurisdiction. There are also 62 hectares of additional lands (Other Tsawwassen Lands) that remain under the jurisdiction of the Corporation of Delta.
- The land will be held in fee simple by Tsawwassen First Nation. Fee-simple ownership gives Tsawwassen First Nation flexibility to manage lands for short and long-term goals.
- Today, at the Land Title Office, ownership of the Tsawwassen First Nation treaty lands (both Tsawwassen Lands and Other Tsawwassen Lands) has been registered in the name of Tsawwassen First Nation. Tsawwassen Fee Simple Interests have also been registered in the name of Tsawwassen members who hold private property interests on Tsawwassen Lands.

Financial Components of the Final Agreement (2009\$)

- The Tsawwassen Final Agreement will provide Tsawwassen First Nation with a capital transfer of \$14.8 million. The capital transfer value will be provided over a period of 10 years, less outstanding negotiation loans.
- In consideration of the release by Tsawwassen First Nation of the rights to the mines and minerals under previously surrendered former reserve lands, Canada will provide Tsawwassen First Nation \$2 million.
- The Fiscal Financing Agreement provides annual transfers from Canada and B.C. to support the delivery of agreed upon programs and services by Tsawwassen First Nation to its members and residents, as well as funding to support activities to implement the treaty. Ongoing funding in the first Fiscal Financing Agreement will be \$2.9 million per year. The Fiscal Financing Agreement will be reviewed and renegotiated every five years.
- In addition to the payments described above, Tsawwassen First Nation will receive one-time funding of \$16.8 million, which includes:
 - \$14.5 million for an Implementation Fund.
 - \$1.1 million for a Fisheries Fund to support ongoing fisheries management programs and activities.
 - \$1.1 million for a Cultural Purposes Fund.
 - \$43,791 for a Community Health Plan Fund.

Wildlife, Migratory Birds and Forest Resources

- Tsawwassen First Nation has the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within specified areas. Those rights are limited by measures necessary for conservation, public health or public safety.
- The federal and provincial ministers retain authority to manage wildlife and migratory birds and their habitat.

- Tsawwassen First Nation manages designation and documentation of Tsawwassen First Nation hunters.
- Tsawwassen First Nation has no forests on their land, but has received financial support to develop forestry opportunities.

Fish

- Tsawwassen First Nation has the right to harvest fish for food, social and ceremonial purposes within specified areas. Those rights are limited by measures necessary for conservation, public health or public safety.
- The federal and provincial ministers retain authority to manage fish and their habitat.
- Tsawwassen First Nation has authority to make laws to regulate their fish harvest, determining who participates and how harvested fish are distributed among members.
- Canada will issue Tsawwassen First Nation commercial fishing licences to provide the opportunity to harvest up to 0.78 per cent of Canadian commercial total catch for Fraser River sockeye salmon; 3.27 per cent of terminal commercial catch of Fraser River chum salmon; 0.78 per cent of Canadian commercial total catch of Fraser River pink salmon.
- Tsawwassen First Nation will also receive resources to participate in the commercial crab fishery.

Culture and Heritage

- Tsawwassen First Nation can make laws to preserve, promote and develop culture and language, conserve and protect heritage resources on their lands, and deal with archaeological materials, sites and ancient human remains.
- Place names identified by Tsawwassen First Nation have been added to the British Columbia Geographical Names Database. This reflects the fact that there may be more than one official name for geographic features in B.C.

Governance

- Tsawwassen First Nation's Constitution provides for a democratic government that protects the rights and freedoms of Tsawwassen First Nation members and sets out the governance and democratic structures of Tsawwassen First Nation
- Tsawwassen First Nation has law-making authorities over a wide jurisdictional range, including traditionally federal, provincial, and municipal powers. Tsawwassen laws exist alongside B.C. and Canada laws through a system known as the concurrent law model. The Final Agreement sets out which law prevails in the event of a conflict.
- Starting today, a copy of each Tsawwassen First Nation law can be viewed online in the Tsawwassen Laws Registry at: www.tsawwassenfirstnation.com. Regulations and orders made under Tsawwassen Laws will also be available in the registry.
- Tsawwassen First Nation will consult with non-members who are resident on Tsawwassen Lands about decisions that directly and significantly affect them.
- With the exception of determining Indian status, the Indian Act no longer applies to Tsawwassen First Nation, Tsawwassen Lands or Tsawwassen members.

Taxation

- Tsawwassen First Nation has law-making authority over direct taxation of members on Tsawwassen Lands.
- Tsawwassen members on Tsawwassen Lands have statutory tax exemptions from income and property taxes for 12 years, and an exemption from transaction taxes for eight years.
- Tsawwassen First Nation may enter into agreements with B.C. and Canada to share a percentage of federal and provincial income tax and sales tax revenue after the statutory tax exemptions have been phased out.

- Through the Real Property Tax Coordination Agreement, Tsawwassen First Nation is the property tax authority for Tsawwassen Lands. British Columbia will not collect property taxes on Tsawwassen Lands.
- The Tsawwassen Property Taxation Authority includes representation from persons living on, or having an interest in, Tsawwassen Lands and who are not members of Tsawwassen First Nation. This is an important instrument to ensure non-member representation in matters that directly and significantly affect them. This authority will approve the budget, property tax rates and grants for residential taxpayers on Tsawwassen lands.

Local Government Relations

- Tsawwassen First Nation is a member of the Greater Vancouver Regional District and has appointed Chief Kim Baird as a director.
- Tsawwassen First Nation and the Greater Vancouver Water District have entered into a water services agreement.
- Tsawwassen First Nation and the Corporation of Delta have entered into several service agreements, guided by an overarching Memorandum of Agreement.
- Tsawwassen First Nation is a member of TransLink, the regional transit authority.

Next Steps in Implementing the Treaty

Some parts of the treaty, such as land registration and passage of initial Tsawwassen laws, are already implemented. Other aspects of the treaty may be implemented over a number of years. Accordingly, an implementation committee comprised of a representative from each party (Canada, British Columbia and Tsawwassen First Nation) is in place to monitor activities that fulfil each party's obligations and responsibilities.

Fact sheets and a summary of the Tsawwassen First Nation Agreement are available online at www.gov.bc.ca/arr; www.tsawwassenfirstnation.com; and www.ainc.inac.gc.ca .

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