

**IMPLEMENTATION PLAN
FOR THE
TSAWWASSEN FIRST NATION
FINAL AGREEMENT**

**Canada
British Columbia
Tsawwassen First Nation**

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Tsawwassen First Nation Implementation Plan

This Implementation Plan is dated for reference April 3, 2009

**IMPLEMENTATION PLAN
FOR THE
TSAWWASSEN FINAL AGREEMENT**

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA, as represented by the
Minister of Indian Affairs and Northern Development**

("Canada")

OF THE FIRST PART

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA, as represented by the Minister of Aboriginal Relations and
Reconciliation**

("British Columbia")

OF THE SECOND PART

AND:

TSAWWASSEN FIRST NATION, as represented by Tsawwassen Government

("Tsawwassen First Nation")

OF THE THIRD PART

WHEREAS:

Tsawwassen First Nation, Canada, and British Columbia have entered into the Tsawwassen First Nation Final Agreement ("the Final Agreement"), which provides that, on its Effective Date, the

Tsawwassen First Nation Implementation Plan

implementation plan will be established to guide the Parties on the implementation of the Final Agreement.

THEREFORE THE PARTIES AGREE TO THE FOLLOWING AS THE IMPLEMENTATION PLAN:

1.0 GENERAL

- 1.1 This implementation plan is required by chapter 25 of the Final Agreement.
- 1.2 The purpose of the implementation plan is to assist the Parties to implement the Final Agreement.

2.0 INTERPRETATION AND LEGAL STATUS

- 2.1 The implementation plan:
 - a. does not form part of the Final Agreement;
 - b. is not a treaty or land claims agreement;
 - c. does not recognize or affirm aboriginal or treaty rights within the meaning of section 25 or 35 of the *Constitution Act, 1982*;
 - d. does not create legal obligations;
 - e. does not alter any rights or obligations set out in the Final Agreement;
 - f. does not preclude any Party from asserting that rights or obligations exist under the Final Agreement; and
 - g. is not to be used to interpret the Final Agreement.
- 2.2 Words and phrases defined in the Final Agreement have the same meaning in the implementation plan, unless the context indicates otherwise.
- 2.3 The English version of this plan is the authoritative version.

3.0 COMMENCEMENT AND TERM

- 3.1 The implementation plan comes into effect on the Effective Date of the Final Agreement and is for a term of ten years unless renewed or extended by the Parties on the recommendation of the implementation committee.

4.0 CONTENTS OF THE PLAN

- 4.1 The implementation plan is made up of the following;

Tsawwassen First Nation Implementation Plan

- a. Preamble; and
- b. Worksheets that identify the obligations and set out the activities required to implement the provisions in the Final Agreement, the responsible Party or Parties and the timelines for the activities and obligations (Schedule A).

5.0 AMENDMENT AND RENEWAL

- 5.1 Schedule A of the implementation plan may be amended by the Parties by agreement on the recommendation of the Implementation Committee.
- 5.2 The Parties may by agreement renew or extend the Implementation Plan beyond its initial term.

Tsawwassen First Nation Implementation Plan

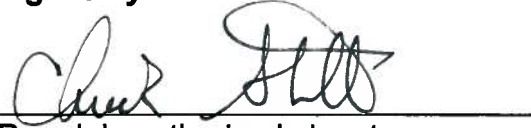
THIS AGREEMENT HAS BEEN EXECUTED as of the day and year first above written.

EXECUTED in the presence of:



As to the authorized signatory for the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians

) **HER MAJESTY THE QUEEN IN**
) **RIGHT OF CANADA** as represented
) **by the Minister of Indian Affairs and**
) **Northern Development and Federal**
) **Interlocutor for Métis and Non-**
) **Status Indians or duly authorized**
) **signatory**




Per: duly authorized signatory

EXECUTED in the presence of:



As to the authorized signatory for the Minister of Aboriginal Relations and Reconciliation

) **HER MAJESTY THE QUEEN IN**
) **RIGHT OF THE PROVINCE OF**
) **BRITISH COLUMBIA** as represented
) **by the Minister of Aboriginal**
) **Relations and Reconciliation or**
) **duly authorized signatory**



EXECUTED in the presence of:



As to the authorized signatory for the Chief of Tsawwassen First Nation

) **TSAWWASSEN FIRST NATION** as
) **represented by the Chief of**
) **Tsawwassen First Nation or duly**
) **authorized signatory**



SCHEDULE A**CHAPTER 1 – DEFINITIONS**

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|-----------------------|---------------------|--------|--------------------|
| <i>There are no implementation items for this Chapter.</i> | | | | |

CHAPTER 2 GENERAL PROVISIONS

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|--|--------------------|
| <u>INDEMNITIES</u> | | | | |
| 18 | Vigorous defend, and not settle or compromise any suit, claim, demand, action or proceeding that may give rise to a requirement to provide payment pursuant to an indemnity under the Final Agreement. | TFN, BC, CAN | As required after Effective Date | |
| | If facing legal action, vigorously defend the claim, demand, action or proceeding. | TFN, BC, CAN | As required after Effective Date | |
| | Do not settle or compromise the action except with the consent of the Party granting the indemnity. | TFN, BC, CAN | As required after Effective Date | |
| <u>INTERNATIONAL LEGAL OBLIGATIONS</u> | | | | |
| 30 | Consult with Tsawwassen First Nation Government with respect to International Legal Obligations that may adversely affect a right of Tsawwassen First Nation. | CAN | As required after Effective Date | clause 72-77 |
| | Determine whether entering into a new International Treaty adversely affects Tsawwassen First Nation rights under the Final Agreement. | CAN | As required after Effective Date | |
| | If Tsawwassen First Nation rights are affected, prior to consenting to be bound by a new International Treaty, Consult with respect to the International Treaty, either separately or through a forum that Canada determines appropriate. | CAN | Upon determination, prior to consent | |
| 31,32 | Discuss remedial measures to enable the performance by Canada of an International Legal Obligation, where Canada considers that a Tsawwassen First Nation Law impairs Canada's ability to meet that obligation. | TFN, CAN | As required after Effective Date | |
| | Determine whether a Tsawwassen First Nation Law or other exercise of power impairs Canada's ability to meet an International Legal Obligation. | CAN | As required after Effective Date | |
| | If so determined, and Canada and Tsawwassen First Nation agree, they will discuss remedial measures to enable Canada to perform the Legal Obligation. | TFN, CAN | Upon determination | |
| | Where Canada and Tsawwassen First Nation agree on required remedial measures, Tsawwassen First Nation will remedy Tsawwassen First Nation Law or other exercise of power to enable Canada to meet the International Legal Obligation. | TFN | Upon agreement | |
| | Where Canada and Tsawwassen First Nation disagree, the dispute will be resolved in accordance with the Dispute Resolution process, including arbitration. | TFN, CAN | Upon disagreement | Dispute Resolution |
| | Comply with final determination of the Dispute Resolution Process. | TFN, CAN | Upon determination of Dispute Resolution | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|----------------------------------|--------------------|
| | | | Process | |
| 33 | Consult with Tsawwassen First Nation in respect of issues before an International Legal Tribunal where a Tsawwassen First Nation Law or exercise of power has given rise to the issue concerning Canada's performance of an International Legal Obligation. | CAN | As required after Effective Date | clause 72-77 |
| | Where an issue concerning the performance of an International Legal Obligation goes before an International Tribunal, Consult with Tsawwassen First Nation with respect to the development of Canada's positions, including the commitment of the Parties to the integrity of the Final Agreement. | CAN | As required after Effective Date | |
| 34 | Comply with the findings of an International Tribunal, and remedy a Tsawwassen Law where required. | TFN | As required after Effective Date | |
| | Advise Tsawwassen First Nation, where there is a finding of non-performance of an International Legal Obligation by Canada that results from a Tsawwassen Law or exercise of power by Tsawwassen First Nation. | CAN | As required after Effective Date | |
| | Request Tsawwassen First Nation to remedy the law or other action to enable Canada to perform the International Legal Obligation. | CAN | As required after Effective Date | |
| | Remedy the Tsawwassen Law or action to enable Canada to perform the International Legal Obligation. | TFN | As required after Effective Date | |
| <u>JUDICIAL DETERMINATIONS IN RESPECT OF VALIDITY</u> | | | | |
| 42 | Make best efforts to amend the Final Agreement to remedy or replace any provision that is invalid or unenforceable, pursuant to a court's final determination; and sever the provision from the Final Agreement in a manner that gives effect to the Parties intentions. | TFN, BC, CAN | As required after Effective Date | Amendment |
| | Receive a final determination from a court. | TFN, BC, CAN | As required after Effective Date | |
| | Make best efforts to amend the Final Agreement to remedy or replace the provision. | TFN, BC, CAN | As required after Effective Date | |
| <u>OTHER ABORIGINAL PEOPLE</u> | | | | |
| 48 | Make best efforts to amend the Final Agreement to remedy or replace any provision that adversely affects a right of any other aboriginal people under section 35 of the Constitution Act, pursuant to a court's final determination. | TFN, BC, CAN | As required after Effective Date | |
| | Receive a final determination from a court. | TFN, BC, CAN | As required after Effective Date | |
| | Determine whether there are ways in which the provision can operate and have effect so that it does not have an adverse effect. | TFN, BC, CAN | As required after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---------------------------------------|--|---------------------|----------------------------------|---|
| | If not, make best efforts to amend the Agreement to remedy or replace the provision. | TFN, BC, CAN | As required after Effective Date | Amendment |
| 49 | Pursuant to 49(a) - (c), provide, or negotiate and attempt to reach agreement on the provision of, additional or replacement rights or other appropriate remedies, if a treaty or land claims agreement entered into by Canada or British Columbia affects Tsawwassen First Nation Section 35 Rights as set out in the Final Agreement. | BC, CAN | As Required After Effective Date | clause 56, 57, 72-77; Dispute Resolution |
| | Determine whether a treaty or land claims agreement will adversely affect Tsawwassen First Nation rights. | BC, CAN | As Required After Effective Date | |
| | If so, notify Tsawwassen First Nation and/or the Parties as the case may be, if Tsawwassen First Nation rights are adversely affected. | BC, CAN | Upon determination | |
| | Propose additional or replacement rights or remedies. | BC, CAN | Upon determination | |
| | Make request to negotiate and attempt reach agreement respecting additional or replacement rights or remedies. | TFN | Upon receipt of proposal | clause 72-77 |
| | If agreement reached, implement. | TFN, BC, CAN | Upon agreement | |
| | If no agreement, enter into dispute resolution process and comply with final determination. | TFN, BC, CAN | If agreement not reached | |
| <u>INFORMATION AND PRIVACY</u> | | | | |
| 51 | Evaluate any request for disclosure of information by Tsawwassen First Nation as if it were a request by a province. | BC, CAN | As required after Effective Date | |
| | Determine whether requested information may be disclosed by Canada or British Columbia. | BC, CAN | Upon request | |
| | Provide the requested information on a similar basis as it would be provided to a province. | BC, CAN | Upon determination | |
| 52 | May enter into agreements regarding personal, general or other information. | TFN, BC, CAN | As desired after Effective Date | clause 72-77 |
| | Determine whether to enter into an agreement regarding the collection, protection, retention, use, disclosure and confidentiality of personal, general or other information. | TFN, BC, CAN | As desired after Effective Date | |
| | If so, attempt to reach agreement. | TFN, BC, CAN | Upon determination | |
| | If agreement reached, implement. | TFN, BC, CAN | Upon agreement | |
| 53 | May provide information in confidence to Tsawwassen First Nation if Tsawwassen First Nation has enacted a Law or an agreement has been entered into to protect the confidentiality of that information. | BC, CAN | As desired after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---------------------------------------|--|---------------------|--|--|
| | Determine whether to enact a Law or enter into agreement respecting confidentiality of information received from Canada or British Columbia. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution, or enter into an agreement. | TFN | Upon determination | clause 72-77; Governance 4, 6; Tsawwassen Constitution |
| | If Law, follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. If no Law, enter into discussions with Canada and British Columbia to reach agreement, if agreement reached, implement. | TFN | As required after Effective Date | Governance 16 |
| | Provide information. | BC, CAN | Upon determination that a Tsawwassen Law or agreement is in place. | |
| <u>OBLIGATION TO NEGOTIATE</u> | | | | |
| 56, 57 | Participate in negotiations where required to do so under the Final Agreement. | TFN, BC, CAN | As required after Effective Date | |
| | Determine whether to seek agreement from other Parties to not participate in negotiations and if so, seek agreement. | TFN, BC, CAN | As required after Effective Date | |
| | Unless otherwise agreed, enter into negotiations whenever the Parties are obliged to negotiate and attempt to reach agreement. | TFN, BC, CAN | As required after Effective Date | |
| | Conduct negotiations as set out in the Dispute Resolution chapter where the Final Agreement provides that two or more Parties "will negotiate and attempt to reach agreement". | TFN, BC, CAN | During negotiation | Dispute Resolution |
| | Follow all dispute resolution stages as set out in the Dispute Resolution chapter, unless otherwise permitted. | TFN, BC, CAN | During negotiation | Dispute Resolution 27 |
| <u>NOTICE</u> | | | | |
| 73, 75, | Communications by the Parties will be conducted in accordance with 74(a) - (c), unless otherwise agreed. | TFN, BC, CAN | As required after Effective Date | clause 72-77, 74, 76, 77, E71 |
| | Communication must be: a) delivered personally or by courier; b) transmitted by facsimile or electronic email; or c) mailed by a method for which confirmation of delivery is provided. | TFN, BC, CAN | As required after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--------------|---|---------------------|----------------------------------|--------------------|
| | The Parties may agree to give, make, or deliver a Communication by other means than those provided for in clause 74. | TFN, BC, CAN | As required after Effective Date | |
| 76,77 | Will provide to the Parties addresses for the delivery of Communications, and will deliver the Communication to those addresses. | TFN, BC, CAN | As required after Effective Date | clause 72- 75 |
| | Provide addressee information, other than that provided in clause 77, to the other Parties in a timely manner. | TFN, BC, CAN | As required after Effective Date | |

CHAPTER 3 – TRANSITION

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|---|--------------------|
| 1 | Apply the <i>Indian Act</i> with any required modifications to the estate of a person who died testate or intestate before the Effective Date. | CAN | As required on and after Effective Date | |
| | Continue to administer the estates of registered Tsawwassen Band members who died testate or intestate before the Effective Date until those estates are settled. | CAN | As required on and after Effective Date | |
| 3 | Apply section 51 of the <i>Indian Act</i> to the property and estate of an individual eligible to be enrolled under the Final Agreement, who is a "mentally incompetent Indian" whose property and estate was under the authority of the Minister before the Effective Date. | CAN | On and after Effective Date | |
| | Provide Tsawwassen First Nation with a list of those individuals whose property and estates are under the administration of the Minister as of the Effective Date and continue that administration until they are no longer a "mentally incompetent Indian". | CAN | As soon as practicable after Effective Date | |
| 4 | Apply sections and subsections 52, 52.2, 52.3, 52.4, 52.5 of the <i>Indian Act</i> to the property to which an infant child of an Indian is entitled, which was under the administration of the Minister before Effective Date. | CAN | As required after Effective Date | |
| | Provide Tsawwassen First Nation with an updated list of those infants whose property is under its administration as of the Effective Date. | CAN | As soon as practicable after Effective Date | |
| | Continue to administer the property of those infants until administration duties have been discharged. | CAN | As required after Effective Date | |
| 7 | May repeal, but not amend, a law or by-law referred to in clause 5. | TFN | Within 30 days after Effective Date | clause 5 |
| | Determine whether to repeal, if so repeal. | TFN | Within 30 days after Effective Date | |

CHAPTER 4 – LANDS

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|---|-------------------------------------|
| <u>TSAWWASSEN LANDS</u> | | | | |
| 6 | Transfer to Tsawwassen First Nation, at no cost, any parcel, estate or interest in Tsawwassen Lands that escheats to British Columbia. | BC | As required after Effective Date | |
| | Inform Tsawwassen First Nation if any Tsawwassen Lands escheats. | BC | As required after Effective Date | |
| | Prepare documentation and transfer escheated lands to Tsawwassen First Nation, at no cost. | BC | As required after Effective Date | GP 72-77 |
| <u>INTERESTS ON TSAWWASSEN LANDS</u> | | | | |
| 15 | Take reasonable measures to rectify errors, if found, in relation to interests on Tsawwassen Lands referred to in clauses 10 and 11. | TFN, BC, CAN | As soon as practicable after error discovered | clause 10, 11; Appendices D-1 - D-7 |
| | Notify Tsawwassen First Nation if an error is discovered with respect to: (a) the name of a Person not entitled to an interest on the Effective Date; or (b) a clerical error or error of material fact. | BC, CAN | As soon as practicable after error discovered | GP 72-77 |
| | Take reasonable measures to rectify the error. | TFN, BC, CAN | As soon as practicable after error discovered | |
| 17 | Indemnify Tsawwassen First Nation from any damages, losses, liabilities, or costs as a result of any claims arising out of an omission in Appendix D-3 or D-7 of a Person who had an interest in Tsawwassen Lands, or the incorrect naming of a Person in those Appendices. | BC | On and after Effective Date | Appendix D-3, D-7 |
| | Indemnify Tsawwassen First Nation for valid claims, excluding fees and disbursements of solicitors and other professional advisors, as set out in this clause. | BC | On and after Effective Date | |
| <u>SUBSURFACE RESOURCES - MANAGEMENT AND ADMINISTRATION</u> | | | | |
| 22 | May set fees, rents, royalties or charges other than taxes related to exploration, development, extraction or production of Subsurface Resources owned by Tsawwassen First Nation. | TFN | On and after Effective Date | clause 20 |
| | Determine whether to set fees, rents, royalties, or charges other than taxes. | TFN | On and after Effective Date | |
| | If so, develop policies and procedures to support the fee structures. | TFN | Upon determination | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|-----------------------------------|---|--|
| | Implement and make public the fees, rents, royalties or charges other than taxes. | TFN | Upon development of policies and procedures | |
| <u>TSAWWASSEN WATER LOTS</u> | | | | |
| 27 | While Lessee of a Tsawwassen Water Lot, may make laws in respect of regulation, prohibition or control of any activity that may constitute a nuisance, trespass or a danger to public health and safety on a Tsawwassen Water Lot, other than those activities, undertakings or actions authorized by the Crown. | TFN | As desired on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of Tsawwassen Water Lots. | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Refer to the terms and conditions of the water lot lease to ensure consistency in the development of these laws. | TFN | During law-making process | |
| | Determine whether a proposed regulation, control or prohibition is in any respect of any action, activity or undertaking is authorized by the Crown. | TFN | During law-making process | |
| | If so, in developing that law relating to Tsawwassen Water Lots be consistent with the Crown authorization. | TFN | During law-making process | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>AGRICULTURAL LAND RESERVE</u> | | | | |
| 33 | May remove Tsawwassen Lands or Other Tsawwassen Lands from designation as agricultural land reserve | BC (Agricultural Land Commission) | After Effective Date | clause 31 |
| | Determine whether to apply for removal of agricultural land reserve designation. | TFN, BC | After Effective Date | |
| | If so, follow the required application process. | TFN, BC | Upon determination | |
| | Follow the process established under the Agricultural Land Commission Act when reviewing and/or approving an application for the removal agricultural land reserve designation from a parcel(s) of Tsawwassen Lands or Other Tsawwassen Lands. | BC (Agricultural Land Commission) | Upon receipt of application | |
| 34 | Seek the consent of Tsawwassen First Nation when considering the inclusion of a portion of Tsawwassen Lands or Former Indian Reserve in the agricultural land reserve. | BC (Agricultural Land Commission) | After Effective Date | clause 32 |
| | Determine whether to consider the inclusion of Tsawwassen Lands or the Former Tsawwassen Indian Reserve in the agricultural land reserve. | BC (Agricultural Land Commission) | After Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|--|--------------------|
| | If so, enter into discussions with Tsawwassen First Nation to seek its consent. | TFN, BC | Upon determination | |
| | Follow process for including these lands in the agricultural land reserve. | BC | If consent granted | |
| <u>RIGHTS OF REFUSAL</u> | | | | |
| 35 | May purchase Rights of Refusal Lands on the terms and conditions set out in Appendix H-3. | TFN | On and after Effective Date | Appendix H-3 |
| | If right to purchase is triggered, determine whether to purchase applicable Rights of Refusal Lands. | TFN | On or after Effective Date | |
| | If so, purchase the lands in accordance with the terms and conditions set out in the right of refusal document registered in the Land Title Office. | TFN | Upon determination | |
| <u>ADDITION TO OR REMOVAL FROM TSAWWASSEN LANDS</u> | | | | |
| 36 | May add any fee simple lands, including Specified Lands, owned by Tsawwassen First Nation, to Tsawwassen Lands, as set out in the process described in clauses 37 to 49, but no more often than once every five years. | TFN, BC, CAN | As desired after Effective Date | |
| | Determine whether to initiate the process to add Tsawwassen fee simple lands to Tsawwassen Lands. | TFN | As desired after Effective Date | |
| | If so, determine which process is applicable (before or after 50 years) to add lands at issue to Tsawwassen Lands. | TFN | Upon determination to add lands | clause 42, 45 |
| | Follow the appropriate process as described in clause 42, 43 or 45, 46. | TFN | Upon determination of applicable process | |
| 42, 43 | May add Specified Lands to Tsawwassen Lands in accordance with process in set out clauses 43 and 44. | TFN | As required within 50 years after Effective Date | |
| | Follow the process for Specified Lands in fee simple to become Tsawwassen Lands: * hold discussions with any resident and interest holder in the parcel, and with the Corporation of Delta; * address servicing and tax issues with the relevant municipality; * consider location and classification of roadways; * consider compatibility of the Tsawwassen First Nation land use plan with other relevant land use plans or transportation plans; and * provide reasonable notice to Canada, British Columbia, the Greater Vancouver Regional District and the Corporation of Delta, and confirm in this | TFN | As required within 50 years after Effective Date | GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------------|--|----------------------------|---|--------------------------------------|
| | notice that the preceding matters have been dealt with. | | | |
| 44 | Add the parcel of Specified Lands to Tsawwassen Lands upon the completion of both 44(a) and (b). | TFN, BC, CAN | As required after Effective Date | clause 43(e); GP 72-77; Appendix C-4 |
| | Amend Appendix C-4 in accordance with the Amendment chapter to reflect the change in boundaries. | TFN, BC, CAN | Within 150 days of receipt of notice | Amendment 11-13 |
| | Issue Supplementary letters patent to the Corporation of Delta adjusting the area of the municipality. | BC (LT. Gov in Council) | Within 150 days of receipt of notice | GP 72-77 |
| 45, 46, 48 | Consider any request by Tsawwassen First Nation to add land, including Specified Lands to Tsawwassen Lands in accordance with 45(a) - (c) and 46(a) and (b). | BC | As required 50 or more years after Effective Date | clause 42, 48 |
| | Determine whether to submit a request to British Columbia. | TFN | As required 50 or more years after Effective Date | |
| | If so, make the request. | TFN | Upon determination | GP 72-77 |
| | Determine that: * Tsawwassen First Nation owns land in fee simple; * land is within Tsawwassen Territory; and * land is (i) outside municipal boundaries and a change in jurisdiction will not restrict expansion of municipality, or (ii) the land is inside municipal boundaries and the municipality agrees. | BC | Upon receipt of request 50 or more years after Effective Date | |
| | Also consider (a) whether the land is contiguous to Tsawwassen First Nation Lands; and (b) the interests of regional district where the land is in this district but not within a municipality. | BC | During consideration of request 50 or more years after Effective Date | |
| | In considering request, determine and take into account any other matters considered relevant. | BC | During consideration of request 50 or more years after Effective Date | |
| | Inform Tsawwassen First Nation of decision. | BC | Upon decision 50 or more years after Effective Date | GP 72-77 |
| 47, 48 | Consider any request by Tsawwassen First Nation to add land, including Specified Lands, to Tsawwassen Lands in accordance with 47(a) - (c). | CAN | As required 50 or more years after Effective Date | clause 42, 48 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---------------|--|-------------------------|---|--------------------|
| | Determine whether to submit a request to Canada. | TFN | As required 50 or more years after Effective Date | |
| | If so, make the request. | TFN | Upon determination | GP 72-77 |
| | Determine that: * Tsawwassen First Nation owns lands in fee simple; * lands are within Tsawwassen territory; and * lands are: (i) free from any overlapping aboriginal claims; or (ii) subject to overlapping aboriginal claims and the claimant consents. | CAN | Upon receipt of request 50 or more years after Effective Date | |
| | In considering request, determine and take into account any other matters considered relevant. | CAN | During consideration of request 50 or more years after Effective Date | |
| | Inform Tsawwassen First Nation of decision. | CAN | Upon decision 50 or more years after Effective Date | GP 72-77 |
| 49 | Upon agreement to the addition of that land under clause 45 or 47, complete requirements set out in 49(a) and (b). | BC, CAN | Within 150 days of written notice | clause 45, 47 |
| | Amend Appendix C-4 in accordance with the Amendment chapter to reflect the change in boundaries. | TFN, BC, CAN | Within 150 days of written notice | Amendment 11-13 |
| | Issue supplementary letters patent adjusting the area of the relevant municipality. | BC (LT. Gov in Council) | Within 150 days of written notice | GP 72-77 |
| 50, 51 | May remove a parcel of Tsawwassen Lands from the jurisdiction of Tsawwassen First Nation with the consent of Canada and British Columbia. | TFN, BC, CAN | As desired after Effective Date | |
| | Determine whether to remove a parcel of Tsawwassen Lands. | TFN | As desired after Effective Date | |
| | Submit request to remove parcel to British Columbia and Canada. | TFN | Upon determination | GP 72-77 |
| | Determine whether to consent to the removal of a parcel of Tsawwassen Lands, considering: * jurisdictional, administrative and servicing arrangements; * views of affected municipalities and neighbouring First Nations; * any impact on fiscal arrangements; and * any legal and financial implications to British | BC, CAN | Upon receipt of request | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-----------------------------------|---|-------------------------|---|-----------------------------------|
| | Columbia or Canada. | | | |
| | If consent granted, provide written notice to Tsawwassen First Nation. | BC, CAN | Upon granting of consent | GP 72-77 |
| | Amend Appendix C-4 in accordance with the Amendment chapter to reflect the change in boundaries. | TFN, BC, CAN | Within 150 days of receipt of notice in clause 51 | Amendment 11-13 |
| | Issue supplementary letters patent to the relevant municipality. | BC (LT. Gov in Council) | Within 150 days of receipt of notice in clause 52 | GP 72-77 |
| <u>HIGHWAY 17 CORRIDOR</u> | | | | |
| 53 | Transfer to Tsawwassen First Nation any portion of the Highway 17 Corridor that is no longer required for public highway purposes. | BC | As required after Effective Date | clause 55 |
| | Determine whether any portion of the corridor is no longer required for provincial highway purposes. | BC | As required after Effective Date | GP 72-77 |
| | If so, advise Tsawwassen First Nation. | BC | Upon determination | |
| | Determine whether to take ownership of that portion of the corridor in fee simple, subject to existing works of Public Utility. | TFN | Upon receipt of advisement | |
| | If so, make request to BC to transfer that portion. | TFN | Upon determination | GP 72-77 |
| | Transfer that portion at no cost in the same condition as at the time when British Columbia ceased to use it for highway purposes. | BC | Upon receipt of request | |
| 54, 55 | May add transferred portion of Highway 17 Corridor to Tsawwassen Lands. | TFN, BC, CAN | As desired after Effective Date | |
| | Prior to adding the portion of the corridor to Tsawwassen Lands : * consult with any interest holder whose interest lies in that portion; * provide reasonable notice to Canada, British Columbia, Greater Vancouver Regional District and the Corporation of Delta in respect of the addition; and * confirm in the notice that consultation was completed. | TFN | Prior to addition | GP 72-77 |
| | Upon receipt of the notice under clause 54 (b), amend Appendix C-4 to reflect the change to the boundaries in Tsawwassen Lands. | TFN, BC, CAN | Within 150 days of receipt of notice | clause 53, 54(b); Amendment 11-13 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--------------------------------------|--|-------------------------|--|-------------------------------------|
| | Issue supplementary letters patent to the Corporation of Delta adjusting the area of the municipality. | BC (LT. Gov in Council) | Within 150 days of receipt of notice | GP 72-77 |
| <u>DELTAPORT WAY CORRIDOR</u> | | | | |
| 57 | Consult with Tsawwassen First Nation prior to authorizing new works within the Deltaport Way Corridor. | BC, CAN | As required after Effective Date | GP 45, 46, 72-77 |
| | Determine whether to authorize new works. | BC, CAN | As required after Effective Date | |
| | Consult with Tsawwassen First Nation. | BC, CAN | Prior to authorization | |
| | Make final decision whether to authorize. | BC, CAN | After consultation | |
| <u>FEDERAL EXPROPRIATION</u> | | | | |
| 61-65 | May expropriate a fee simple parcel of Tsawwassen Lands, in accordance with clauses 63 - 65. | CAN (FEA) | As required after Effective Date | clause 58, 59, 64-68, 76, 77, 79-86 |
| | Determine that an expropriation is necessary for a public purpose. | CAN (FEA) | As required after Effective Date | |
| | If so, determine that no other reasonably feasible alternative land is available. | CAN (FEA) | Upon determination that an expropriation is necessary | |
| | If so, seek to expropriate the most limited interest, for the shortest duration necessary for that purpose. | CAN (FEA) | Upon determination that no other reasonable feasible alternative land is available | |
| | Make reasonable efforts to seek agreement with Tsawwassen First Nation to acquire the interest in Tsawwassen Lands. | CAN (FEA) | During expropriation process | GP 72-77 |
| | Provide relevant information to Tsawwassen First Nation respecting expropriation, excepting documents protected from disclosure under federal legislation. | CAN (FEA) | During expropriation process | |
| | Prepare report stating justification for expropriation and describing steps taken to satisfy requirements under clause 64(a) to (d). | CAN (FEA) | Prior to Governor-in-Council consent | |
| | Provide copy of report to Tsawwassen First Nation and make copy of report available for public. | CAN (FEA) | Prior to Governor-in-Council consent | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|--|--|
| 66, 67 | May refer the steps taken by the Federal Expropriating Authority ("FEA") to satisfy the requirements under clause 64 to a neutral evaluator for review. | TFN | As desired after Effective Date | Dispute Resolution 19-24; Appendix P-4 |
| | Upon review of the report in clause 65, determine whether to raise an objection to the proposed expropriation. | TFN | As desired after Effective Date | |
| | If Tsawwassen First Nation raises no objections within the 60 days of receiving the report, the FEA may seek the consent of the Governor-in-Council. | CAN (FEA) | As desired after Effective Date | |
| | If an objection is taken, provide written notice to the FEA that the matter is being referred to the neutral evaluator. | TFN | Within 60 days of receipt of report in clause 65 | GP 72-77 |
| | Where the matter is referred to a neutral evaluator, determine whether to grant more than 60 days to him/her to complete the review and render a report. | TFN, CAN (FEA) | Within 60 days of receipt of report in clause 66 | |
| | Upon receipt of the neutral evaluator's report, may seek the consent of the Governor-in-Council for the expropriation of the interest in Tsawwassen Lands. | CAN (FEA) | Within 60 days of receipt of report in clause 67 | |
| 69 | Make reasonable efforts to identify and offer replacement lands within the Tsawwassen Territory or provide other compensation where a fee simple interest is expropriated. | CAN (FEA) | As required after Effective Date | clause 70 |
| | Identify potential replacement land within Tsawwassen Territory of equivalent or greater size and comparable value. | CAN (FEA) | As required after Effective Date | |
| | Advise Tsawwassen First Nation of the proposed replacement land. | CAN (FEA) | Upon identification of proposed replacement land | |
| | Determine whether proposed replacement land is acceptable. | TFN | Upon advisement | |
| | If so, make reasonable efforts to acquire and offer the replacement land. | CAN (FEA) | Upon determination | |
| | If unable to reach an agreement with Tsawwassen First Nation on replacement lands, provide other compensation in accordance with the Final Agreement. | CAN (FEA) | If agreement not reached | |
| 70 | May refer to arbitration, where the proposed replacement lands, under clause 69, would result in a decrease of the total size of Tsawwassen Lands as it was on the Effective Date and Tsawwassen First Nation does not agree that replacement lands are of comparable value. | TFN | As desired after Effective Date | clause 69, 73 |
| | Determine whether proposed replacement land is of comparable value. | TFN | As desired after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|--|---------------------|----------------------------------|--|
| | If not, determine whether to refer to arbitration. | TFN | Upon determination of value | |
| | If so, refer to the matter to arbitration for final determination. | TFN | Upon determination of value | Dispute Resolution 27-31; Appendix P-6 |
| 71 | Determine the total value of compensation for an interest of expropriated Tsawwassen Lands. | CAN (FEA) | As required after Effective Date | |
| | When determining the total value of compensation take into account: * market value; * replacement value of any improvement; * any expenses or losses attributable to the expropriation; * reduction of value of land not expropriated; * any adverse effects on cultural or other special value recognized in law and held by Tsawwassen First Nation; and * value of any special economic advantage incidental to the expropriated lands. | CAN (FEA) | During determination of value | |
| | Inform Tsawwassen First Nation of the valuation. | CAN (FEA) | Upon determination of value | GP 72-77 |
| 72 | May refer to dispute resolution if the total value of compensation cannot be agreed upon. | TFN, CAN (FEA) | As desired after Effective Date | clause 73 |
| | Determine whether agreement can be reached with respect to total compensation value or whether the combination of replacement land and cash equals the total value of compensation. | TFN, CAN (FEA) | As desired after Effective Date | |
| | If no agreement reached, may refer the matter of valuation for dispute resolution. | TFN, CAN (FEA) | If agreement not reached | Dispute Resolution |
| 75 | Pay interest on compensation according to prejudgement interest rate payable in accordance with federal legislation. | CAN | As required after Effective Date | |
| | Calculate interest payable from date expropriation takes effect using specified interest rate. | CAN | As required after Effective Date | GP 72-77 |
| 78 | Consent to replacement land as part of compensation under clause 69 being added to Tsawwassen Lands, in accordance with 78(a) - (d). | BC, CAN | As required after Effective Date | clause 69 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|--|--|
| | Determine whether replacement land: * is within Tsawwassen Territory; * is outside municipal boundaries and a change in jurisdiction will not unreasonably restrict expansion or development of a municipality, or the land is inside municipal boundaries and the municipality consents; * is free of any overlapping aboriginal claims, or claimant consents; and * does not require Canada or British Columbia to assume financial or other obligations. | BC, CAN | As required after Effective Date | |
| | If conditions are met, consent to the addition of replacement lands. | | Upon determination | |
| | Amend Appendix C-4 in accordance with the Amendment chapter to reflect the change in boundaries. | TFN, BC, CAN | As soon as practicable after addition of lands | Amendment 11-13 |
| 79-82 | Return an expropriated interest, in land which is no longer required, to Tsawwassen First Nation on the terms and conditions negotiated under clause 81. | TFN, CAN | As required after Effective Date | clause 62 |
| | Negotiate terms and conditions of the return of the expropriated interest in the Tsawwassen Lands including financial considerations, condition of the land, and dispute resolution processes. | TFN, CAN | At the time of expropriation | |
| | If no agreement reached on the terms and conditions, may refer the issue to be finally determined by arbitration under the Dispute Resolution chapter. | TFN, CAN | At the time of expropriation | Dispute Resolution 27-31; Appendix P-6 |
| | Determine that the expropriated interest is no longer required and the disposition of any improvements. | CAN | At the time of expropriation | |
| | Advise Tsawwassen First Nation. | CAN | Upon Determination | GP 72-77 |
| | Transfer expropriated interest to Tsawwassen First Nation under the terms and conditions agreed to at the time of expropriation. | CAN | Upon advising TFN | clause 81 |
| | Amend appropriate Appendix, if required, in accordance with the Amendment chapter to reflect change in boundaries. | TFN, BC, CAN | As soon as practicable after the transfer | |
| <u>PROVINCIAL EXPROPRIATION</u> | | | | |
| 88 | Will not expropriate in total more than three percent of the total area of Tsawwassen Lands as they were at Effective Date. | BC | On and after Effective Date | clause 87 |
| | Calculate cap of 3% of the total area. | BC | On and after Effective Date | |
| | Track and plan expropriation activities so as not to exceed the 3% cap. | BC | On and after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|----------------------------------|-----------------------|
| 91 | Make reasonable efforts to acquire land through agreement with Tsawwassen First Nation and any interest holder where it is determined that Tsawwassen Lands must be used. | BC | On and after Effective Date | clause 87 |
| | Determine that Tsawwassen Lands must be used. | BC | On and after Effective Date | |
| | If so, initiate discussions with Tsawwassen First Nation and any interest holders. | BC | Upon determination | |
| | Provide relevant information to Tsawwassen First Nation and any interest holder respecting the acquisition. | BC | During discussions | |
| | Make reasonable efforts to seek agreement with Tsawwassen First Nation to acquire the interest in Tsawwassen Lands. | BC | During discussions | GP 72-77 |
| | If no agreement, expropriate in accordance with this chapter. | BC | If agreement not reached | clause 88, 90, 92, 93 |
| 92 | Any expropriation by a Provincial Expropriating Authority will satisfy the conditions set out in 92(a) - (d). | BC (PEA) | On and after Effective Date | |
| | When expropriating, determine that: * it is the smallest estate or interest, for the shortest time required; * it is by and for the use of a provincial ministry, agent of the Crown, or Public Utility; * it is necessary for a public purpose; and * the consent of the Lieutenant Governor in Council is obtained. | BC (PEA) | On and after Effective Date | GP 72-77 |
| 93 | Determine the total value of compensation for an interest of Tsawwassen Lands expropriated. | BC (PEA) | As required after Effective Date | |
| | Take into account 93(a) - (d) when determining the total value of compensation by: * determining the market value of an estate or interest and associated damages for disturbance costs; * determining the value of the goodwill of a business located on the expropriated property if the business cannot be relocated; * determining the value of a special economic advantage to the owner of land and the value of improvements made by an owner occupying a residence on the land, if these are not included in the market value; and * calculating, if there is a limited market, compensation based on the reasonable costs of | BC (PEA) | During determination of value | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|------------------------------|--|-------------------------|---|--------------------|
| | rebuilding on another site. | | | |
| | Advise Tsawwassen First Nation of the valuation. | BC (PEA) | Upon determination of value | GP 72-77 |
| 95 | Return the expropriated interest in land to Tsawwassen First Nation where it is no longer required for the expropriated purpose. | BC | As required after Effective Date | |
| | Determine that the expropriated interest is no longer required. | BC | As required after Effective Date | |
| | Negotiate with Tsawwassen First Nation the terms to return the land to them; and return the land. | BC | Upon determination | |
| <u>ACCRETED LANDS</u> | | | | |
| 101 | Add lawful accretions to Tsawwassen Lands. | TFN, BC, CAN | As required after Effective Date | Appendix C-4 |
| | Provide notice to British Columbia and Canada confirming there has been a lawful accretion. | TFN | Upon lawful accretion | |
| | Amend Appendix C-4 in accordance with the Amendment chapter to reflect the change in boundaries. | TFN, BC, CAN | Within 150 days of receipt of notice | Amendment 11-13 |
| | If required, issue supplementary letters patent adjusting the area of the Corporation of Delta. | BC (LT. Gov in Council) | As required after Effective Date | |
| <u>LEGAL SURVEY</u> | | | | |
| 103 | Register new survey plans in the Land Title Office. | BC, CAN | As soon as practicable after Effective Date | |
| | Determine whether adequate surveys exist. | TFN, BC, CAN | As soon as practicable after Effective Date | |
| | If surveys are needed, draft survey instructions for the required surveys. | BC, CAN | Upon determination | |
| | Circulate draft survey instructions, prepared in accordance with the Land Survey Act, for the surveys for which British Columbia is responsible for conducting, to Tsawwassen First Nation for review and comment prior to commissioning the survey work to be done. | BC | Upon completion of instructions | Appendix C-4, E-2 |
| | Circulate draft survey instructions, prepared in accordance with the applicable legislation, for the surveys for which Canada is responsible for conducting, to Tsawwassen First Nation for review and comment prior to commissioning the survey work to be done. | CAN | Upon completion of instructions | Appendix C-4 |
| | Determine whether to provide comments and if so, submit them in a timely manner. | TFN | Upon receipt of draft | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--------------------|---|----------------------------|---|---------------------------|
| | | | instructions | |
| | Consider any comments received from Tsawwassen First Nation, develop final survey instructions and complete the required surveys in accordance with those instructions. | BC, CAN | Upon receipt of comments | |
| | Provide copies of survey plans to Tsawwassen First Nation. | BC, CAN | Upon completion of surveys | |
| | Register new survey plans in the Land Title Office if required surveys not completed by Effective Date. | BC, CAN | As soon as practicable upon completion | |
| | Amend Appendix C-4 in accordance with the Amendment chapter to reflect the change in boundaries. | TFN, BC, CAN | As soon as practicable after Registration | Amendment 11-13 |

CHAPTER 5 – LAND TITLE

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|----------------------------------|--------------------|
| <u>REGISTRATION OF TSAWWASSEN LANDS AND OTHER TSAWWASSEN LANDS</u> | | | | |
| 2 | Will make a notation on the indefeasible title when registering a parcel of Tsawwassen Lands. | BC (LTO) | As required after Effective Date | |
| | Make a notation on the indefeasible title that the parcel is Tsawwassen Lands and may be subject to conditions, provisos, restrictions, exceptions and reservations, in favour of Tsawwassen First Nation. | BC (LTO) | As required after Effective Date | Lands 6, 36 |
| <u>CANCELLATION OF INDEFEASIBLE TITLE</u> | | | | |
| 5-6 | May apply for cancellation of registration of indefeasible title to a parcel of Tsawwassen Lands. | TFN | As desired after Effective Date | GP 72-77 |
| | Determine whether to cancel registration of a parcel. | TFN | As desired after Effective Date | |
| | If so, discharge any charges on title to parcel except for those in favour of Tsawwassen First Nation. | TFN | Upon determination | clause 7c |
| | Deliver application for cancellation to the Registrar including evidence of consent to cancellation by Tsawwassen First Nation, Tsawwassen Corporation or Tsawwassen Public Institution if these are the registered owners of the parcel. | TFN | Upon completion of application | clause 7b |
| | Deliver to the Registrar any duplicate indefeasible title that may have been issued. | TFN | As required after Effective Date | |
| 7 | Cancel the registration of indefeasible title to a parcel of Tsawwassen Lands. | BC (LTO) | As required after Effective Date | GP 72-77 |
| | Determine whether registered owner of parcel is Tsawwassen First Nation, a Tsawwassen Corporation or a Tsawwassen Public Institution. | BC (LTO) | Upon receipt of application | |
| | If so, determine if registered owner consents to cancellation. | BC (LTO) | Upon determination of ownership | |
| | If so, determine if indefeasible title is free and clear of all charges except for those in favour of Tsawwassen First Nation. | BC (LTO) | Upon consent | |
| | If so, cancel the registration. | BC (LTO) | Upon determination | |

CHAPTER 6 – LAND MANAGEMENT

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------------------------|---|---------------------|---|--|
| <u>POWER TO MAKE LAWS</u> | | | | |
| 1 | May make laws in respect of land management and other matters as set out in 1(a) - (h): | TFN | As required on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact one or more laws in respect of the matters set out in 1(a) – (n). | TFN | As required on and after Effective Date | |
| 1(a), (b) | If developing laws with respect to the creation, ownership and Disposition of a Tsawwassen Fee Simple interest; or other estates or interests in Tsawwassen Lands, take into consideration Federal or Provincial law with respect to the division of matrimonial real property, and consistency with Tsawwassen Law with common law principles in respect to those interests. | TFN | As required on and after Effective Date | clause 6, 9; |
| 1(c) | If developing law with respect to the ownership and Disposition of rights of access for cultural purposes, develop and maintain systems to record such interests. | TFN | As required on and after Effective Date | |
| 1(d) | If developing land use planning and zoning law, determine whether to exercise authority over agriculture on Tsawwassen Lands excluded from an agricultural land reserve designation. | TFN | As desired after Effective Date | clause 4, 7 |
| 1(d) | Before developing laws with respect to the management and use of Tsawwassen Lands, including planning, zoning and development , consult with residents of Tsawwassen Lands who may be affected by the proposed laws through a process similar in principle to that required of a municipality undertaking similar law-making. | TFN | As required on and after Effective Date | clause 4, 7, 10 |
| 1(e) | If developing law with respect to interests in Tsawwassen Lands not registered in the Land Title Office; or not recognised under Federal or Provincial Law, develop and maintain a system to register or record these interests. | TFN | As desired after Effective Date | clause 1(c) |
| 1(g) | If developing laws with respect to the expropriation for public purposes or public works of estates or interests in Tsawwassen Lands, consider that estates or interests set out in 2(a) to (c) may not be expropriated. | TFN | As desired after Effective Date | clause 2 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|---|--------------------|
| 1(h) | If developing law with respect to the approval of proposed developments on Tsawwassen Lands, consider the consistency of Tsawwassen Law with Federal or Provincial Law with respect to an Environmental Assessment. | TFN | As desired after Effective Date | clause 8, 11, 12 |
| | Follow process outlined in the Tsawwassen constitution when enacting laws in respect of land management. | TFN | As required on and after Effective Date | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance chapter. | TFN | As required on and after Effective Date | Governance 16 |
| <u>PROVINCIAL INITIATIVES AND LAND USE PROCESSES</u> | | | | |
| 16 | Invite Tsawwassen First Nation to participate in the same capacity as a Local Government, a First Nation, or member of the public, in any provincial land use planning process affecting Tsawwassen Territory. | BC | As required after Effective Date | GP 72-77 |
| | Determine whether to establish a provincial land use planning process. | BC | As required after Effective Date | |
| | If so, issue invitation to participate to Tsawwassen First Nation. | BC | Upon determination | |
| | Determine whether to participate in the planning process. | TFN | Upon invitation | |
| | Conduct land use planning process and make decision. | BC | Following response from TFN regarding their participation | |
| | Communicate the decision resulting from the planning process to Tsawwassen First Nation. | BC | Upon completion of the planning process | GP 72-77 |

CHAPTER 7 – ACCESS

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------------------------|---|---------------------|---|---|
| <u>POWER TO MAKE LAWS</u> | | | | |
| 2 | May make laws in respect of access to Tsawwassen Lands. | TFN | On and after Effective Date | clause 3; Governance 4 and 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of access. | TFN | On and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>TSAWWASSEN ROADS</u> | | | | |
| 4 | Maintain and repair Tsawwassen Roads. | TFN | On and after Effective Date | |
| | Develop and implement a maintenance and repair plan. | TFN | On and after Effective Date | |
| 5 | Allow for public access to Tsawwassen Roads unless otherwise designated. | TFN | On and after Effective Date | clause 2 |
| | Determine whether to designate a road for a purpose other than public access. | TFN | On and after Effective Date | |
| | If so, advise public of road designation. | TFN | Upon determination of road designation | |
| 6 | May temporarily close Tsawwassen Roads for safety, public order or cultural reasons. | TFN | On and after Effective Date | clause 2 |
| | Determine whether to temporarily close a road. | TFN | On and after Effective Date | |
| | If so, advise public of a temporary road closure. | TFN | Upon determination to temporarily close a road | |
| 7, 8 | May permanently close a Tsawwassen Road. | TFN | On and after Effective Date | clause 2 |
| | Determine whether to permanently close a Tsawwassen Road. | TFN | On and after Effective Date | |
| | If so, identify operators of Public Utilities that may be impacted by the Tsawwassen Road closure. | TFN | Upon determination to permanently close a Tsawwassen Road | |
| | Provide notice to the public and operators of Public Utilities of the intent to permanently close a Tsawwassen Road. | TFN | Upon identification, prior to road | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|------------------------|--|--------------------|
| | | | Closure | |
| | Provide opportunity for affected Persons to make representations. | TFN | Following notice, prior to road Closure | |
| | Make final determination of permanent road closure. | TFN | Following representations, prior to road Closure | |
| | Advise public and operators of Public Utilities of permanent road closure. | TFN | Prior to road Closure | |
| <u>LOCAL ROADS AND BOUNDARY ROADS</u> | | | | |
| 9 | Allow public to have similar right of access to Local Roads and Local Boundary Roads as they have on comparable roads in the adjoining municipality. | TFN | On and after Effective Date | clause 10, 11 |
| | Review adjoining municipality's regulations respecting public access for comparable roads. | TFN | On and after Effective Date | |
| | Incorporate similar regulations respecting public access for comparable roads. | TFN | Upon review of regulations | clause 2 |
| 10 | Be jointly responsible for Local Boundary Roads, unless otherwise agreed. | TFN, BC (Municipality) | On and after Effective Date | |
| | Meet with adjoining municipality, to discuss joint responsibility for keeping open, maintaining, repairing and improving a Local Boundary Road. | TFN, BC (Municipality) | On and after Effective Date | |
| | Upon reaching arrangement, implement. | TFN, BC (Municipality) | Upon agreement | |
| | Identify Tsawwassen Laws and municipal bylaws that apply to Local Boundary Roads or portions of them. | TFN, BC (Municipality) | On and after Effective Date | |
| | Seek mutual acceptance of Tsawwassen Laws and municipal bylaws related to a Local Boundary Road. | TFN, BC (Municipality) | Upon identification of laws and bylaws | |
| 11 | Be responsible for repair, maintenance and improvements to Local Roads and for keeping these roads open. | TFN | On and after Effective Date | |
| | Keep open, maintain, repair and improve a Local Road to the same extent as a municipality would with similar roads. | TFN | On and after Effective Date | |
| | Identify similar municipal roads, maintenance, repair and improvement practices. | TFN | On and after Effective Date | |
| | Develop and implement a maintenance and repair plan. | TFN | Upon identification of similar roads | |
| | Determine whether to close all or part of a Local Road to all or some types of traffic, and remove the dedication of the Local Road. | TFN | On and after Effective Date | |
| | If so, identify operators of affected Public Utilities that may be impacted by the Local Road closure. | TFN | Upon determination, prior to road Closure | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------------------------|--|---------------------|--|--------------------|
| | Provide notice to public and operators of Public Utilities on intent to close all or part of a Local Road. | TFN | Upon identification, prior to road Closure | GP 72-77 |
| | Provide opportunity to the affected Persons to make representations. | TFN | Following notice, Prior to road Closure | |
| | Make final determination of permanent road closure. | TFN | Following representations, prior to road Closure | |
| | Advise public and operators of Public Utilities of permanent road closure. | TFN | Prior to road Closure | |
| <u>CROWN CORRIDORS</u> | | | | |
| 12 | Consult with Tsawwassen First Nation, upon its request, in respect of the regulation of traffic and transportation on a Crown Corridor adjacent to Tsawwassen Lands. | BC | As required after Effective Date | GP 45, 46, 72-77 |
| | Request that British Columbia Consult respecting regulation of traffic and transportation. | TFN | As desired after Effective Date | GP 72-77 |
| | Consult with Tsawwassen First Nation. | BC | Upon request | |
| 13 | Consult with British Columbia on land use decisions relating to the development of Tsawwassen Lands adjacent to Crown Corridors. | TFN | As required after Effective Date | GP 45, 46, 72-77 |
| | Determine if a proposed development is adjacent to a Crown Corridor. | TFN | As required after Effective Date | |
| | If so, Consult with British Columbia. | TFN | Upon determination | |
| 14 | Consult with Tsawwassen First Nation on land use decisions relating to the development of any new Crown Corridors adjacent to Tsawwassen Lands. | BC | As required after Effective Date | GP 45, 46, 72-77 |
| | Determine if a proposed new Crown Corridor is adjacent to Tsawwassen Lands. | BC | As required after Effective Date | |
| | If so, Consult with Tsawwassen First Nation. | BC | Upon determination | |
| 18 | Require a Public Utility to provide Tsawwassen First Nation with at least 15 days written notice of its intention to install a new Utility Distribution Works as a condition of British Columbia granting a permit or authorization to do so. | BC | After Effective Date | |
| | Advise the Public Utility of notice requirements for Works on the Highway 17 Corridor and include this requirement in any permit or authorization for the Works. | BC | After Effective Date | |
| | Provide written notice and description of proposed installation to Tsawwassen First Nation. | BC (Public Utility) | At least 15 days prior to installation | GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|--------------------------|---|--------------------|
| 19 - 22 | Require a Public Utility to Consult with Tsawwassen First Nation in respect of measures to be taken and any compensation payable in relation to the installation of new Utility Transmission Works as a condition of British Columbia granting a permit or authorization for the Works. | BC | On and After Effective Date | |
| | Advise the Public Utility of the Consultation and other requirements, including arbitration, respecting installation of new Transmission Works on the Highway 17 Corridor and include these requirements in any permit or authorization for the Works. | BC | On and After Effective Date | |
| | Consult with Tsawwassen First Nation for measures to be taken or any compensation payable in relation to the installation of new Utility Transmission Works. | BC (Public Utility) | At least 60 days before permit or authorization | GP 72-77 |
| | Attempt to reach agreement on measures to be taken or any compensation payable to Tsawwassen First Nation. | TFN, BC | At least 60 days before permit or authorization | |
| | If unable to reach agreement within the specified time, submit the issue of compensation to arbitration under the <i>Commercial Arbitration Act</i> , at Tsawwassen First Nation's request. | BC (Public Utility) | Within specified time in clause 21 | clause 20 |
| | Provide guidelines to the arbitrator for consideration in making an award, including: * that the principles of law and equity may be applied, or any other basis agreed to, when deciding award; * the facts relating to the actual or potential use, benefit or cost to Tsawwassen First Nation; * similar circumstances and awards; * economic benefit to First Nations of comparable utilities on First Nation land; and * generally accepted land compensation principles and all relevant evidence. | TFN, BC (Public Utility) | As desired after Effective Date | GP 72-77 |
| | Act in accordance with decision of arbitrator. | TFN, BC (Public Utility) | Upon decision | |
| <u>DIKES AND FLOOD PROTECTION</u> | | | | |
| 24 | Construct and maintain dikes and flood protection structures on Tsawwassen Lands in accordance with the <i>Dike Maintenance Act</i> or contract for the provision of those services. | TFN | On and after Effective Date | |
| | Identify dike and flood protection construction and maintenance standards. | TFN | On and after Effective Date | |
| | Develop and implement a maintenance and repair plan. | TFN | Upon identification of standards | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|--|---|--------------------|
| <u>ACCESS TO TSAWWASSEN LANDS</u> | | | | |
| 28, 29 | With the exception of enforcement officers, where access is required under clauses 26 and 27, and subject to any lease, permit or tenure, provide reasonable notice of entry to Tsawwassen Lands. | CAN, BC (Public Utilities, and Local Government) | As required on and after Effective Date | clause 26, 27 |
| | Determine whether lease, permit or tenure in respect of Tsawwassen Lands permits access without provision of notice. | CAN, BC (Public Utilities, and Local Government) | As required on and after Effective Date | |
| | If not, provide prior reasonable notice of entry, if practicable, or as soon as possible after entry. | CAN, BC (Public Utilities, and Local Government) | As required on and after Effective Date | GP 72-77 |
| <u>TSAWWASSEN ACCESS TO ADJACENT LANDS</u> | | | | |
| 33 | Where access is required to land adjacent to Tsawwassen Lands, provide notice. | TFN | On and after Effective Date | clause 32 |
| | Determine if access to adjacent lands is required. | TFN | On and after Effective Date | |
| | Inform relevant federal and provincial officials of the right of access of Tsawwassen First Nation employees, agents, and contractors. | BC, CAN | On and after Effective Date | |
| | If so, provide reasonable notice if practicable, or as soon as possible after entry to lands adjacent to Tsawwassen Lands. | TFN | As required after Effective Date | GP 72-77 |
| <u>EMERGENCIES AND NATURAL DISASTERS</u> | | | | |
| 36, 37 | Respond to emergencies or natural disasters on Crown land or Tsawwassen Lands or bodies of water immediately adjacent to Tsawwassen Lands, if primary responder has not responded. | TFN, BC, CAN | As desired on and after Effective Date | |
| | Respond to emergencies or natural disasters. | TFN, BC, CAN | As required on and after Effective Date | |
| | The Party responding to an emergency will notify the Party with primary responsibility. | TFN, BC, CAN | Prior to responding, or as soon as practicable after responding | GP 72-77 |

CHAPTER 8 – FOREST RESOURCES

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|------------------------------------|--|---------------------|-----------------------------------|--|
| <u>POWER TO MAKE LAWS</u> | | | | |
| 2 | May make laws in respect of the management of Forest Resources on Tsawwassen Lands. | TFN | As desired after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws respecting the management of Forest Resources. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>ECONOMIC OPPORTUNITY</u> | | | | |
| 7 | Upon the request of Tsawwassen First Nation, may meet annually to discuss economic opportunities related to forestry. | TFN, BC | As requested after Effective Date | |
| | Determine whether to make a request to meet and at what time intervals. If so, make request. | TFN | As desired after Effective Date | |
| | Meet to discuss forestry-related economic opportunities that may be available to Tsawwassen First Nation. | TFN, BC | Upon request | |
| 8 | Identify an individual who is responsible for forestry matters. | TFN | As required after Effective Date | |
| | Appoint a person responsible for forestry matters. | TFN | As required after Effective Date | |
| | Advise British Columbia of person appointed in respect of forestry matters. | TFN | Upon appointment | clause 7; GP 72-77 |

CHAPTER 9 – FISHERIES

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------|--|---------------------|-----------------------------|---|
| General | | | | |
| 5, 6, 7 | Exercise the Tsawwassen Fishing Right within the Tsawwassen Fishing Area or the Tsawwassen Intertidal Bivalve Fishing Area as the case may be, unless otherwise provided in a Tsawwassen Harvest Document. | TFN | On and after Effective Date | clause 60 |
| | Inform all harvesters of requirement to harvest Fish and Aquatic Plants within the geographic boundaries of the Tsawwassen Fishing Area unless otherwise provided in the Tsawwassen Harvest Document; and to conduct the harvest in accordance with any other provisions of the Tsawwassen Harvest Document. | TFN | On and after Effective Date | |
| | Inform all harvesters of requirement to harvest Intertidal Bivalves within the geographic boundaries of the Tsawwassen Intertidal Bivalve Fishing Area, unless otherwise provided in the Tsawwassen Harvest Document; and to conduct the harvest in accordance with any other provisions of the Tsawwassen Harvest Document. | TFN | On and after Effective Date | |
| | Inform all harvesters of Intertidal Bivalves of the requirement to conduct the harvest in accordance with the terms and conditions of the applicable Tsawwassen Renewable Resource Harvesting Document, where harvesting of Intertidal Bivalves takes place in areas where the Tsawwassen Intertidal Bivalve Harvesting Area overlaps with a National Park or National Marine Conservation Area. | TFN | On and after Effective Date | National Parks and National Marine Conservation Areas 2, 23 |
| 9 | May authorize uses of or Dispose of provincial Crown land, provided that those authorized uses or Dispositions do not deny Tsawwassen First Nation the reasonable opportunity to harvest Fish and Aquatic Plants in the Tsawwassen Fishing Area. | BC | On and after Effective Date | clause 8 |
| | Through the process established in the agreement referred to in clause 10, evaluate authorized uses and dispositions over time to ensure they do not deny Tsawwassen First Nation the reasonable opportunity to harvest Fish and Aquatic Plants. | BC | On and after Effective Date | clause 10 |
| | Pending conclusion of an agreement under clause 10, determine whether a proposed authorized use or Disposition may deny Tsawwassen First Nation the reasonable opportunity to harvest Fish and Aquatic Plants and Authorize uses or Dispositions in a manner which does not deny the reasonable opportunity to harvest Fish and Aquatic Plants. | BC | On and after Effective Date | clause 10 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--------------------------------------|---|---------------------|---|--|
| 10 | Negotiate and attempt to reach agreement on a process to evaluate uses and Dispositions of provincial Crown land that have the potential to deny Tsawwassen First Nation the reasonable opportunity to harvest under the Tsawwassen Fishing Right. | TFN, BC | As required after Effective Date | clause 9; GP 56, 57, 72-77 |
| | Determine whether to request a meeting to negotiate an agreement. | TFN, BC | As desired after Effective Date | |
| | If so, issue notice to initiate negotiations. | TFN, BC | Upon determination | GP 72-77 |
| | Negotiate and attempt to reach agreement. | TFN, BC | Upon 6 months notice of either Party | |
| | Implement any agreement reached in accordance with its terms. | TFN, BC | Upon agreement | GP 72-77 |
| 17 | Will not require an individual designated by Tsawwassen First Nation to have a licence for harvesting Fish and Aquatic Plants under the Tsawwassen Fishing Right. | BC, CAN | As required on and after Effective Date | clause 18; GP 72-77; Implementation 6(g) |
| | Inform federal and provincial officials of the licence exemption for individuals designated by Tsawwassen First Nation. | BC, CAN | As required on and after Effective Date | |
| 18 | Will not charge a fee for a Tsawwassen Harvest Document, or any management or landing fee. | BC, CAN | As required on and after Effective Date | clause 17; GP 72-77; Implementation 6(g) |
| | Inform federal and provincial officials of the fee exemption in respect of fisheries authorized by a Tsawwassen Harvest Document. | BC, CAN | As required on and after Effective Date | |
| 22 | Will provide catch data and other information related to Fish and Aquatic Plants harvested under the Tsawwassen Fishing Right, as required by the Tsawwassen Harvest Document or Federal or Provincial Law. | TFN, BC, CAN | As required after Effective Date | |
| | Develop and implement catch data collection and reporting process. | TFN, CAN | As required after Effective Date | |
| | Audit catch monitoring activities. | CAN | As required after Effective Date | |
| | Submit catch data and other required information. | TFN | As required under the Tsawwassen Harvest Document or Federal or Provincial Law. | |
| <u>Tsawwassen Allocations</u> | | | | |
| 24, 25, 26 | Reduce any one or more of the Tsawwassen Allocations when expressed as a fixed number, if the quantity of the stock or species is insufficient to meet all anticipated allocations for food, social, or ceremonial purposes for that year. | BC, CAN | As required after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|---|-----------------------------|
| | Determine whether the available quantity of a stock or species is insufficient to meet all anticipated allocations for that year. | BC, CAN | As required after Effective Date | |
| | If so, inform the Joint Fisheries Committee of proposed reduction under clause 24. | BC, CAN | Upon determination | GP 72-77 |
| | Take into account any written recommendations received from the Joint Fisheries Committee. | BC, CAN | If time permits | |
| | Make determination regarding any reductions to allocations of a stock or species for that year. | BC, CAN | As required after Effective Date | |
| | Prepare and provide reasons in writing to Tsawwassen First Nation and the Joint Fisheries Committee where a Tsawwassen Allocation is reduced. | BC, CAN | As soon as practicable after decision | GP 72-77 |
| | Implement the reduced Tsawwassen Allocation. | TFN, BC, CAN | As soon as practicable after decision | |
| <u>Overages and Underages</u> | | | | |
| 27 | Minimize any overages or underages in each year, as well as cumulative overages and underages, through adjustments to the Tsawwassen First Nation annual harvest in successive years. | TFN, CAN | As required after Effective Date | clause 74(f) |
| | Review catch-data report(s) submitted under clause 22 and compare with allocation. | CAN | As required after Effective Date | clause 22 |
| | Determine annual and cumulative overages/underages, if any, in accordance with procedures established in the Tsawwassen Fisheries Operational Guidelines. | TFN, CAN | As required after Effective Date | clause 71, 72 |
| | Discuss overages and underages against the allocation(s). | TFN, CAN | As required after Effective Date | |
| | Make adjustments to Tsawwassen First Nation annual harvest in successive years to minimize overages/underages, as necessary. | CAN | As required after Effective Date | |
| 28, 29 | Describe in the Tsawwassen Fisheries Operational Guidelines the process, timing and data sources for calculating overages and underages. | TFN, CAN | As required on and after Effective Date | clause 79, 80; Appendix J-3 |
| | Develop the process, timing, and data sources for calculating overages and underages, to be consistent with the principles in Appendix J-3, unless otherwise agreed. | TFN, CAN | As required on and after Effective Date | |
| | Describe the process for calculating overages and underages in the Tsawwassen Fisheries Operational Guidelines. | TFN, CAN | Upon development of agreed process | |
| <u>Non-Allocated Species - Crab</u> | | | | |
| 31 | Authorize the harvest of crab, where no Tsawwassen Allocation for crab has been established, in a Tsawwassen Harvest Document. | CAN | On and after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|---------------------|---|--------------------------------|
| | Review the Tsawwassen Annual Fishing Plan to determine that the number of crab traps proposed per vessel does not exceed 50; that these traps meet the requirements set out in the Tsawwassen Fisheries Operational Guidelines | CAN | Following receipt of annual fishing plan | |
| | Issue a Tsawwassen Harvest Document authorizing the harvest of crab in accordance with the Tsawwassen Annual Fishing Plan. | CAN | Where annual fishing plan meets the requirements regarding traps. | GP 72-77 |
| <u>Process for Non-Allocated Species</u> | | | | |
| 34, 35 | May propose the establishment of a Tsawwassen Allocation for a Non-Allocated Species. | TFN, BC, CAN | As desired after Effective Date | clause 33, 36, 39; GP 72-77 |
| | Determine whether to propose the establishment of a Tsawwassen Allocation, other than crab, for a Non-Allocated Species. | TFN, BC, CAN | As desired after Effective Date | |
| | If so, develop and submit a written proposal to the other Parties, and provide a copy to the Joint Fisheries Committee. | TFN, BC, CAN | Upon determination | GP 72-77 |
| | Determine whether to propose the establishment of a Tsawwassen Allocation for crab, on a date other than the 12th year after Effective Date. | TFN, CAN | Prior to the 12th year after Effective Date. | |
| | Develop and submit a written proposal to the other Parties, and provide a copy to the Joint Fisheries Committee. | TFN, CAN | In the 12th year after Effective Date, or as otherwise agreed | GP 72-77 |
| 36, 37 | Consider a proposal for the establishment of a Tsawwassen Allocation for a Non-Allocated Species. | TFN, BC, CAN (JFC) | As required after Effective Date | clause 33, 34, 41 |
| | Take into account the following factors when considering a proposal for a Tsawwassen Allocation: * Base Period information; * measures necessary for conservation; * harvests for management of that Non-Allocated Species; * other harvests of that Non-Allocated Species; * the impact of commercial and recreational fisheries; and * other relevant information. | TFN, BC, CAN (JFC) | When considering a proposal | |
| | Determine whether the information used to consider the proposal is sufficient to reach agreement on a recommendation to establish a Tsawwassen Allocation. | TFN, BC, CAN (JFC) | When considering a proposal | |
| | If not, determine and agree whether studies should be conducted in respect of the factors listed above. | TFN, BC, CAN (JFC) | When considering a proposal | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|---|--|
| | If it is determined that studies are required, make recommendation to the Parties that these studies be carried out. | TFN, BC, CAN (JFC) | Upon determination | |
| 38, 39 | Notify Parties respecting any recommendation for the establishment of a Tsawwassen Allocation of a Non-Allocated Species. | TFN, BC, CAN (JFC) | Upon agreement after Effective Date | clause 33, 36 |
| | Attempt to reach agreement on recommendation for a Tsawwassen Allocation. | TFN, BC, CAN (JFC) | Following receipt and review of proposal | |
| | If agreement reached, make recommendation to the Parties with respect to a Tsawwassen Allocation. | TFN, BC, CAN (JFC) | Within 6 months after receipt of proposal | clause 41 |
| | If no agreement reached, notify the Parties they are unable to agree on a recommendation. | TFN, BC, CAN (JFC) | 6 months after receipt of proposal | GP 72-77 |
| <u>Arbitrated Tsawwassen Allocation</u> | | | | |
| 40 | Determine by arbitration the Basic Harvest Entitlement for a Non-Allocated Species, if the Minister and Tsawwassen First Nation cannot agree. | TFN, BC, CAN | As required after Effective Date | Dispute Resolution 27-31; Appendix P-6 |
| | Refer the determination of the Basic Harvest Level directly to Stage 3 arbitration where the Minister and Tsawwassen First Nation can not agree on a Tsawwassen Allocation | TFN, BC, CAN | Within one year after receipt of the proposal | |
| 41 | May agree to extend the time period for the determination of a Tsawwassen Allocation in order to complete the studies recommended by the Joint Fisheries Committee. | TFN, BC, CAN | As desired after Effective Date | clause 37, 39, 40 |
| | Consider the Joint Fisheries Committee recommendation to undertake studies. | TFN, BC, CAN | Upon receipt of recommendation | |
| | Inform the Joint Fisheries Committee of the decision whether to accept its recommendation for studies. | TFN, BC, CAN | Upon determination | |
| | If agreeing to the recommendation, extend the time period to allow for the completion of studies. | TFN, BC, CAN | Upon decision to proceed with recommended studies | |
| 42-44 | May request that an arbitrator determine a Basic Harvest Entitlement for a Non-Allocated Species under the Tsawwassen Fishing Right. | TFN, BC, CAN | As desired after Effective Date | clause 36, 40,41; Dispute Resolution 27-31; Appendix P-6 |
| | Refer the determination of a Basic Harvest Entitlement to arbitration in accordance with clause 40 and the Dispute Resolution chapter. | TFN, BC, CAN | As desired after Effective Date | |
| | Advise the arbitrator to take into account the factors set out in clause 36. | TFN, BC, CAN | When making the referral | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|--|---------------------------------|
| | Request that the arbitrator describe the Basic Harvest Entitlement as: * a defined harvest quantity or quota; * a harvest quantity or quota determined by the use of a formula; or * a harvest quantity or quota determined by the use of a formula in respect of a defined harvest area within the TFA or TIBFA. | TFN, BC, CAN | When making the referral | |
| | Advise the arbitrator that the determination of a Basic Harvest Entitlement must be completed within a period of one year. | TFN, BC, CAN | When making the referral | clause 45 |
| 46, 47 | Negotiate and attempt reach agreement on the Tsawwassen Allocation for a species, where an arbitrator has determined the Basic Harvest Entitlement. | TFN, BC, CAN | As required after Effective Date | clause 42, 48 |
| | Negotiate and attempt to reach agreement on the Tsawwassen Allocation for a species. | TFN, BC, CAN | As soon as practicable after Basic Harvest Entitlement is determined | |
| | If agreement reached, implement. | TFN, BC, CAN | As soon as practicable after reaching agreement | |
| | If no agreement is reached, the Tsawwassen Allocation for a Non-Allocated species will be calculated by multiplying the Basic Harvest Entitlement by 1.25. | TFN, BC, CAN | After six months of an arbitrator's decision | |
| 48, 49 | Use the arbitrator's Basic Harvest Entitlement determination for crab until a Tsawwassen Allocation has been established. | TFN, BC, CAN | As required after Effective Date | clause 40, 46 |
| | Implement the Basic Harvest Entitlement for crab until such time as a Tsawwassen Allocation is negotiated under clause 46. | TFN, BC, CAN | As soon as practicable after arbitrator's determination of the Basic Harvest Entitlement | |
| | If no agreement is reached on a Tsawwassen Allocation, the Tsawwassen Allocation for crab will be calculated by multiplying the Basic Harvest Entitlement by 1.25. | TFN, BC, CAN | Thirty months after an arbitrator's decision | |
| <u>Amendment to the Final Agreement</u> | | | | |
| 50 | Amend the Final Agreement where a Tsawwassen Allocation for a Non-Allocated Species is determined. | TFN, BC, CAN | As required after Effective Date | clause 46, 47, 49; Amendment 11 |
| | Amend the Final Agreement in accordance with the Amendment chapter to include the Tsawwassen Allocation. | TFN, BC, CAN | As soon as practicable following setting of Allocation | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------------------------|---|---------------------|--|--|
| <u>Power to Make Laws</u> | | | | |
| 51 | May make laws in respect of Fish and Aquatic Plants under the Tsawwassen Fishing Right. | TFN | As desired on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of: * the designation of individuals and vessels to harvest Fish and Aquatic Plants under the Tsawwassen Fishing Right; and * the distribution among Tsawwassen Members of Fish and Aquatic Plants harvested under the Tsawwassen Fishing Right. | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| 53 | May make laws in respect of Fish and Aquatic Plants under the Tsawwassen Fishing Right. | TFN | As desired on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of: * the designation of individuals and vessels to harvest Fish and Aquatic Plants under fishing licences issued to Tsawwassen First Nation but that are not Tsawwassen Harvest Documents; * the documentation of individuals and vessels designated by Tsawwassen First Nation; and * the Trade and Barter by Tsawwassen Members of Fish and Aquatic Plants harvested under the Tsawwassen Fishing Right. | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>Designation</u> | | | | |
| 55, 56 | May designate Tsawwassen Members and other individuals to harvest species of Fish and Aquatic Plants under the Tsawwassen Fishing Right. | TFN | As desired on or after Effective Date | |
| | Designate Tsawwassen Members or other individuals to harvest under a Tsawwassen Allocation. | TFN | When designating harvesters | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|--|-----------------------|
| | Designate only Tsawwassen Members to harvest Fish and Aquatic Plants where no Tsawwassen Allocation has been set for that species. | TFN | When designating harvesters | |
| <u>Documentation</u> | | | | |
| 57, 58 | Issue written documentation to individuals or vessels designated to harvest Fish and Aquatic Plants. | TFN | As required on and after Effective Date | clause 51, 53, 55, 56 |
| | Develop documentation in English, which includes the name and address of the individual and meets any requirements set out in the Tsawwassen Fisheries Operational Guidelines and the Tsawwassen Harvest Document. | TFN | As required on and after Effective Date | GP 72-77 |
| | Issue documentation to designated individuals and vessels. | TFN | Upon designation | GP 72-77 |
| | Provide Federal or Provincial enforcement officers with a sample copy of the documents carried by designated individuals and vessels. | TFN | As soon as practicable | GP 72-77 |
| <u>Tsawwassen Harvest Documents</u> | | | | |
| 59, 60, 61 | Issue one or more Tsawwassen Harvest Documents to Tsawwassen First Nation in respect of the Tsawwassen Fishing Right. | BC, CAN | Each year, or periodically for those fisheries managed by BC, after Effective Date | clause 74; GP 72-77 |
| | Take into account: <ul style="list-style-type: none"> * conservation and the availability of fisheries resources; * recommendations received from the Joint Fisheries Committee; * utilization of the fisheries resource for the benefit of all Canadians; * efficient and effective harvesting; * requirements for integration and efficient management; * accepted scientific procedures for management of fisheries resources; and * any other matters considered relevant. | BC, CAN | When issuing a Tsawwassen Harvest Document | |
| | Implement a process to inform individuals, designated to harvest Fish and Aquatic Plants under the Tsawwassen Fishing Right, of the provisions of the Tsawwassen Harvest Document. | TFN | As required on and after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|---|---------------------|
| 62 | Provide written reasons if the Tsawwassen Harvest Document differs significantly from Joint Fisheries Committee recommendations or a Party's recommendation made under clause 77. | BC, CAN | As required after Effective Date | clause 77 |
| | Determine if the Tsawwassen Harvest Document to be issued differs significantly from provisions that the Joint Fisheries Committee recommended or from a written recommendation by a Party under clause 77. | BC, CAN | When issuing a Tsawwassen Harvest Document | |
| | If so, provide written reasons on this matter to Tsawwassen First Nation and to the Joint Fisheries Committee. | BC, CAN | When issuing a Tsawwassen Harvest Document | GP 72-77 |
| 63, 64 | May amend a Tsawwassen Harvest Document. | BC, CAN | As required after Effective Date | |
| | Determine if there is a need to amend a Tsawwassen Harvest Document. | BC, CAN | As required after Effective Date | GP 72-77 |
| | If so, give notice regarding amendment, if practicable to do so. | BC, CAN | Upon determination of need | GP 72-77 |
| | Provide reasons for proposed amendment. | BC, CAN | Upon determination of need | GP 72-77 |
| | Discuss the amendment with Tsawwassen First Nation and the Joint Fisheries Committee. | BC, CAN | Where practical to do so prior to amendment | |
| | Consider any relevant recommendations received from Joint Fisheries Committee. | BC, CAN | Upon receipt of recommendations | |
| | Amend a Tsawwassen Harvest Document. | BC, CAN | As determined | GP 72-77 |
| | Where special circumstances do not permit for prior notification and discussion, provide notification and reasons for amendment as soon as practicable. | BC, CAN | As soon as practicable after amendment | GP 72-77 |
| <u>Tsawwassen Annual Fishing Plan</u> | | | | |
| 65 - 67 | Develop a Tsawwassen Annual Fishing Plan for the harvest under the Tsawwassen Fishing Right. | TFN | Annually after Effective Date | clause 33; GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|--|--------------------|
| | <p>Include the following Tsawwassen First Nation preferences in an Annual Fishing Plan:</p> <ul style="list-style-type: none"> *the stocks or species of Fish and Aquatic Plants to be harvested, and the amounts; *a description of the Fish and Aquatic Plants to be harvested; *the species, locations and timing the harvest of Intertidal Bivalves; *the location and timing of harvests; *access to specific run timing groups; *the method of harvest, size, type, identification, marking and quantity of fishing gear and manner in which it will be used; *the monitoring of harvests, including notification, catch monitoring, identification and reporting of harvests; *the distribution and transportation of Fish and Aquatic Plants harvested under the Tsawwassen Fishing Right; *Tsawwassen First Nation enforcement activities; and *other matters as may be required for Tsawwassen Harvest Documents or in respect of Tsawwassen Fisheries. | TFN | Annually after Effective Date | |
| | Submit the Annual Fishing Plan for allocated and Non-Allocated Species to the Joint Fisheries Committee. | TFN | Annually after Effective Date | |
| <u>Joint Fisheries Committee</u> | | | | |
| 68 - 70 | Establish a Joint Fisheries Committee to facilitate cooperative assessment, planning and management of the exercise of the Tsawwassen Fishing Right; Enhancement Initiatives and Stewardship Activities by Tsawwassen First Nation; monitoring and enforcement activities in respect of Tsawwassen First Nation fisheries and other matters as agreed. | TFN, BC, CAN | On Effective Date | |
| | Appoint one representative to the Joint Fisheries Committee. | TFN, BC, CAN | On Effective Date | |
| | Notify other Parties of respective appointee. | TFN, BC, CAN | As soon as practicable after the appointment | GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|---|--------------------|
| | Provide access to publicly available information, in accordance with information and privacy legislation, to enable the Joint Fisheries Committee to carry out its functions and activities. | TFN, BC, CAN | As required after Effective Date | |
| 73 | May undertake one or more actions to fulfill Joint Fisheries Committee responsibilities. | TFN, BC, CAN (JFC) | On and after Effective Date | clause 68 |
| | <p>The Joint Fisheries Committee may carry out any or all of the following:</p> <ul style="list-style-type: none"> * discuss publicly available information for a new commercial or other fishery to be conducted in Tsawwassen Territory or which will significantly affect the Tsawwassen Fishing Right; * discuss publicly available information related to conservation, public health or public safety that could significantly affect the Tsawwassen Fishing Right; * discuss publicly available information related to proposed Enhancement Initiatives in the Tsawwassen Fishing Area or the Tsawwassen Intertidal Bivalve Fishing Area; * arrange for the collection and exchange of publicly available data on fisheries; * discuss possible provisions for a Tsawwassen Annual Fishing Plan or Tsawwassen Harvest Documents before Tsawwassen First Nation develops a Tsawwassen Annual Fishing Plan; * review a Tsawwassen Annual Fishing Plan; * review proposals by Tsawwassen First Nation for Enhancement Initiatives; * communicate with other advisory bodies on matters of mutual interest; * exchange public information regarding international arrangements that could significantly affect the Tsawwassen Fishing Right; and * undertake other functions and activities as agreed. | TFN, BC, CAN (JFC) | As required on and after Effective Date | |
| 74, 77 | May discuss and make recommendations to the Parties in respect of a range of fisheries matters. | TFN, BC, CAN (JFC) | On and after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|--|-------------------------|
| | <p>Determine whether to discuss and make recommendations respecting:</p> <ul style="list-style-type: none"> * Tsawwassen First Nation fisheries for Non-Allocated Species and Tsawwassen Allocations; *the management and harvesting of Fish in the Tsawwassen Fishing Area and the Tsawwassen Intertidal Bivalve Fishing Area; *the management and harvesting of Fish outside of the Tsawwassen Fishing Area and Tsawwassen Intertidal Bivalve Fishing Area that could significantly affect harvesting under the Tsawwassen Fishing Right; *the management and protection of Fish habitat; *Enhancement Initiatives and Stewardship Activities by Tsawwassen First Nation in Tsawwassen Territory; *overages and underages; *in-season amendments to Tsawwassen Harvest Documents; *the provisions for Tsawwassen Harvest Documents, taking into account factors listed in 74(h) (i)-(iv); *procedures to identify surplus Salmon and terms and conditions for harvest of surplus salmon; *size and disposition of surplus Salmon; *harvest of surplus Salmon; and *other matters that could significantly affect harvesting under the Tsawwassen Fishing Right. | TFN, BC, CAN (JFC) | Annually, or as required after Effective Date | |
| | The Joint Fisheries Committee and their advisors will draft written recommendations. | TFN, BC, CAN (JFC) | Annually, or as required after Effective Date | GP 72-77 |
| | Submit written recommendation to the Minister. | TFN, BC, CAN (JFC) | Upon reaching consensus | clause 76 |
| | A Party may submit its recommendations to the Minister, and provide a copy to the other Parties. | TFN, BC, CAN | If Joint Fisheries Committee unable to reach consensus on a recommendation | |
| 75 | Establish Joint Fisheries Committee operating procedures. | TFN, BC, CAN (JFC) | On and after Effective Date | |
| | Develop the operating procedures and set them out in the Tsawwassen Fisheries Operational | TFN, BC, CAN (JFC) | As required after Effective Date | clause 76, 80; GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|---------------------|--|-----------------------|
| | Guidelines. | | | |
| 78 | May make a decision or take action under special circumstances without receiving recommendations from the Joint Fisheries Committee. | BC, CAN | As required after Effective Date | |
| | Determine whether special circumstances make it impracticable to receive recommendations from the Joint Fisheries Committee. | BC, CAN | As required after Effective Date | |
| | If so, make decision and/or take the necessary action. | | | |
| | Provide written reasons to the Joint Fisheries Committee regarding the special circumstances and the decision or action taken with respect to matters describes in the Tsawwassen Fisheries Operational Guidelines. | BC, CAN | As soon a practicable after the action or decision is made | GP 72-77 |
| <u>Tsawwassen Fisheries Operational Guidelines</u> | | | | |
| 80 | Update and maintain the Tsawwassen Fisheries Operational Guidelines. | TFN, BC, CAN | As required after Effective Date | clause 75, 84, 85, 87 |
| | Review effectiveness of the Tsawwassen Fisheries Operational Guidelines provisions in the context of current fisheries and identify any changes required, in order to carry out the intent of the Final Agreement. | TFN, BC, CAN | As desired after the Effective Date | |
| | Amend the Tsawwassen Fisheries Operational Guidelines as required. | TFN, BC, CAN | As required | |
| <u>Regional Fisheries Committee</u> | | | | |
| 81 - 84 | Where a regional fisheries committee is proposed or established for aboriginal fisheries in an area that includes all or part of the Tsawwassen Fishing Area or Tsawwassen Intertidal Bivalve Fishing Area, determine which Joint Fisheries Committee functions or activities can be addressed by the regional fisheries committee. | TFN, BC, CAN | As required after Effective Date | clause 68, 73, 74, 78 |
| | Discuss the mechanisms for the participation by Tsawwassen First Nation in the regional fisheries committee. | TFN, BC, CAN | Upon establishment of a regional fisheries committee | |
| | Determine whether to make request to the other Parties that the regional fisheries committee assume certain Joint Fisheries Committee functions or activities. If so, make request. | TFN, BC or CAN | Upon establishment of a regional fisheries committee | GP 72-77 |
| | Consider request(s) and do not unreasonably withhold consent. | TFN, BC, CAN | Upon receipt of request(s) | GP 72-77 |
| | Agree upon which functions and activities, if any, of the Joint Fisheries Committee can be addressed more effectively by the regional fisheries committee. | TFN, BC, CAN | Upon receipt of request(s) | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|---------------------|---|--------------------|
| | Update the Tsawwassen Fisheries Operational Guidelines to reflect a change in the functions or activities of the Joint Fisheries Committee, where an agreement has been reached to have those functions or activities performed by the regional fisheries committee. | TFN, BC, CAN | Upon agreement | |
| 85, 86 | May make a request that a function or activity ineffectively undertaken or coordinated by the regional fisheries committee be resumed by the Joint Fisheries Committee, and update the Tsawwassen Fisheries Operational Guidelines to reflect the change. | TFN, BC, CAN | As desired after Effective Date | clause 80 |
| | Determine that the regional fisheries committee is not effectively carrying out or coordinating a Joint Fisheries Committee function or activity. | TFN, BC, CAN | As desired after Effective Date | |
| | Make request to the other Parties that the Joint Fisheries Committee resume certain functions or activities. | TFN, BC, CAN | Upon determination | GP 72-77 |
| | Consider request(s) and do not unreasonably withhold consent. | TFN, BC, CAN | Upon receipt of request(s) | |
| | Upon agreement that the Joint Fisheries Committee will resume a function or activity undertaken by a regional fisheries committee, update the Tsawwassen Fisheries Operational Guidelines. | TFN, BC, CAN | Upon agreement | |
| 87 | Resume original Joint Fisheries Committee functions and activities on termination of the regional fisheries committee. | TFN, BC, CAN (JFC) | As required after Effective Date | |
| | Where the regional fisheries committee is terminated and not replaced by another process, resume original Joint Fisheries Committee functions and activities. | TFN, BC, CAN (JFC) | Upon termination of the RFC | clause 80 |
| 88 | Review and discuss the effectiveness of the Joint Fisheries Committee and regional fisheries committee. | TFN, BC, CAN | As required after Effective Date | |
| | Determine when to undertake effectiveness reviews. | TFN, BC, CAN | From time to time after Effective Date | |
| | Undertake reviews respecting the effectiveness of the Joint Fisheries Committee and a regional fisheries committee which carries out functions and activities of the Joint Fisheries Committee. | TFN, BC, CAN | As determined | |
| Public Fisheries Management Advisory Process | | | | |
| 89 | Consult Tsawwassen First Nation in respect of public fisheries management advisory processes for an area of the Fraser River watershed that includes any part of the Tsawwassen Fishing Area or the Tsawwassen Intertidal Bivalve Fishing Area. | BC, CAN | As required after Effective Date | GP 45, 46 |
| | Determine whether a proposed public fisheries management advisory process for respecting a geographic area of the Fraser River watershed includes the Tsawwassen Fishing Area and Tsawwassen Intertidal Bivalve Fishing Area. | BC, CAN | When considering establishing the process | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|---------------------|--|--|
| | If so, Consult Tsawwassen First Nation in the development of the public fisheries management advisory process. | BC, CAN | Upon determination | |
| | Where appropriate, invite Tsawwassen First Nation to participate in the public fisheries management advisory process on the same basis as other First Nations. | BC, CAN | When process is established | GP 72-77 |
| <u>Enforcement</u> | | | | |
| 92 | May negotiate enforcement agreements in respect of Federal, Provincial and Tsawwassen fisheries Laws. | TFN, BC, CAN | As desired on and after Effective Date | clause 93; GP 72-77; Wildlife 52, 53; Migratory Birds 27, 28; Governance 137-139 |
| | Determine whether to seek agreements regarding the enforcement of Federal, Provincial and Tsawwassen Laws and, if so, initiate discussions. | TFN, BC, CAN | As desired on and after Effective Date | |
| | Negotiate agreement(s). | TFN, BC, CAN | Upon determination | |
| | If agreement reached, implement, including informing relevant officials. | TFN, BC, CAN | Upon reaching agreement | |
| <u>Stewardship and Enhancement</u> | | | | |
| 94 | May conduct, with the approval of the Minister, Enhancement Initiatives and Stewardship Activities in Tsawwassen Territory. | TFN | As desired on and after Effective Date | |
| | Determine whether to conduct Enhancement Initiatives and Stewardship Activities in Tsawwassen Territory. | TFN | As desired on and after Effective Date | |
| | Seek the approval of the Minister. | TFN | Upon determination | GP 72-77 |
| | If approved, conduct these initiatives and activities in accordance with Federal and Provincial Laws. | TFN | Upon approval | |
| 95 | May negotiate agreements in respect of Enhancement Initiatives and Stewardship Activities by Tsawwassen First Nation. | TFN, CAN | As desired on and after Effective Date | |
| | Determine whether to enter into agreements and, if so, initiate discussions. | TFN, CAN | As desired on and after Effective Date | |
| | Negotiate agreement(s). | TFN, CAN | Upon determination | |
| | If agreement(s) reached, implement. | TFN, CAN | Upon reaching agreement | GP 72-77 |
| <u>Tsawwassen Fisheries Fund</u> | | | | |
| 97, 98 | May use the Tsawwassen Fisheries Fund for activities set out in 97(a) - (c) and may consider recommendations from the Joint Fisheries Committee when pursuing these uses. | TFN | As desired on and after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--------------------------------------|--|---------------------|---|------------------------|
| | In utilizing the Tsawwassen Fisheries Fund, may undertake activities that: * promote the conservation and protection of Fish and Aquatic Plants and Fish habitat; * facilitate the sustainable management of Fish and Fish habitat; and * promote and support participation by Tsawwassen First Nation in the stewardship of Fish and Fish habitat. | TFN | As desired on and after Effective Date | |
| <u>Marine Protected Areas</u> | | | | |
| 99 | Consult with Tsawwassen First Nation when proposing to establish, terminate or change the boundaries of a Marine Protected Area within the Tsawwassen Territory. | CAN | As required after Effective Date | GP 45, 46, 72-77, E628 |
| | Determine whether the area falls wholly or partially within the Tsawwassen Territory. | CAN | When proposing to establish, terminate or change a boundary | |
| | If so, Consult with Tsawwassen First Nation. | CAN | Prior to establishing, terminating or changing the boundary | |
| 100, 101 | May recommend the establishment, termination or change to the boundaries of a Marine Protected Area within Tsawwassen Territory. | TFN | As desired on and after Effective Date | |
| | Determine if a Marine Protected Area is wholly or partially within Tsawwassen Territory. | TFN | As desired on and after Effective Date | |
| | Determine whether to recommend that Canada establish, terminate or change the boundaries of a Marine Protected Area. | TFN | As desired on and after Effective Date | |
| | If so, make recommendation in writing. | TFN | Upon determination | GP 72-77 |
| | Review the Tsawwassen First Nation recommendation relating to the establishment, termination or change to the boundaries of a Marine Protected Area. | CAN | Upon receipt of recommendation | |
| | Provide written response to Tsawwassen First Nation. | CAN | Following review of the recommendation | GP 72-77 |
| <u>Economic Opportunities</u> | | | | |
| 102 | Enter into a Tsawwassen First Nation Harvest Agreement | TFN, BC, CAN | As required on Effective Date | |
| | Negotiate a Harvest Agreement | TFN, BC, CAN | Prior to Effective Date | |
| | Implement the Harvest Agreement | TFN, BC, CAN | On Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|---------------------|--|--------------------|
| 104 | May terminate a Tsawwassen First Nation Harvest Agreement, and recompense in accordance with its terms. | TFN, BC, CAN | After Effective Date | GP 72-77 |
| | Determine whether to terminate a Tsawwassen First Nation Harvest Agreement. | TFN, BC, CAN | As desired after Effective Date | |
| | If so, recompense in accordance with the terms and conditions set out in the Harvest Agreement. | BC or CAN | Upon termination of the Harvest Agreement | |
| <u>New Emerging Commercial Fisheries</u> | | | | |
| 106 | Consult with Tsawwassen First Nation on the process for participants to enter a new emerging commercial fishery and how the fishery should be allocated among participants. | CAN | As required after Effective Date | GP 45, 46 |
| | Advise Tsawwassen First Nation of a proposal to establish a new emerging commercial fishery within the Pacific Fishery Management Areas 14 - 20, 28 or 29. | CAN | As required after Effective Date | GP 72-77 |
| | Consult with Tsawwassen First Nation. | CAN | Prior to establishing new commercial fishery | |
| <u>Aquaculture</u> | | | | |
| 108 - 110 | Negotiate and attempt to reach agreement respecting a shellfish aquaculture tenure within Tsawwassen Territory. | TFN, BC | Within 10 years of Effective Date | GP 56 - 57 |
| | Determine whether to enter into a shellfish aquaculture tenure. | TFN | Within 10 years of Effective Date | |
| | Determine whether there are any overlapping aboriginal claims to specific shellfish aquaculture tenure sites contemplated. | TFN | Within 10 years of Effective Date | |
| | If so, address any issues arising from claims from other aboriginal groups. | TFN | Within 10 years of Effective Date | |
| | Provide notice of desire to negotiate a tenure and written confirmation that issues related to claims from other aboriginal groups to the proposed sites have been addressed. | TFN | Upon resolution of issues | |
| | Negotiate and attempt to reach agreement on a shellfish aquaculture tenure established under Provincial Law. | TFN, BC | Upon receipt of notice | GP 72-77 |
| | If agreement reached, implement. | TFN, BC | Upon reaching agreement | GP 72-77 |

CHAPTER 10 - WILDLIFE

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------------------------|---|---------------------|--|--|
| <u>GENERAL</u> | | | | |
| 8 | May meet to discuss the harvest of Wildlife or the development of a Wildlife Harvest Plan. | TFN, BC | On and after Effective Date | |
| | Make request to meet. | TFN, BC | On and after Effective Date | |
| | Discuss the harvest of Wildlife, including harvest for Domestic Purposes, or the development of a Wildlife Harvest Plan. | TFN, BC | Upon request after Effective Date | clause 39-47 |
| 13 | May enter into an agreement with a federal department or agency for access and harvesting on land owned by the department or agency, in accordance with that agreement and Federal and Provincial Law. | TFN, CAN | As desired after Effective Date | GP 72-77 |
| | Determine whether access to or harvesting on lands owned by a federal department or agency is desired. | TFN, CAN | As desired after Effective Date | |
| | If so, enter into discussions with the federal department or agency for access and harvesting. | TFN, CAN | Upon determination | |
| | If agreement reached, implement under its terms and conditions. | TFN, CAN | Upon agreement | |
| 14 | May exercise the Tsawwassen Right to Harvest within Burns Bog Ecological Conservancy Area, if harvesting is permitted. | TFN | As desired after Effective Date | |
| | Determine if harvesting in Burns Bog is permitted. | TFN | As desired after Effective Date | |
| | If so, harvest in accordance with Federal and Provincial Law, and Local Government bylaws. | TFN | Upon determination | |
| <u>POWER TO MAKE LAWS</u> | | | | |
| 20 | May make laws in respect of Wildlife harvesting including: * the designation of Members; * the distribution among them; * the Trade and Barter of Wildlife; * the methods, timing and location of harvest; and * the identification of Wildlife and parts that may transported. | TFN | As desired on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of Wildlife Harvesting. | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|---|--|
| 22 | <p>May make laws in respect of:</p> <p>*the management of Wildlife habitat on Tsawwassen Lands;</p> <p>*sale of Wildlife and parts harvested under the Tsawwassen Right to Harvest Wildlife; and</p> <p>*documentation of Tsawwassen Members.</p> | TFN | As desired on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of Wildlife matters. | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>DOCUMENTATION</u> | | | | |
| 24 - 26 | Issue documentation to identify individuals authorized to harvest Wildlife under the Tsawwassen Right to Harvest Wildlife. | TFN | As required on and after Effective Date | clause 20(a), 22(c) |
| | Create documentation in English which includes the individual's name and address. | TFN | Before and as required after Effective Date | |
| | Issue documentation to harvesters. | TFN | Upon creation of documentation | GP 72-77 |
| | Provide Federal and Provincial enforcement officials with a sample copy of the documents to be carried by authorized harvesters. | TFN | Upon creation of documentation | |
| | Inform all individuals of requirement to carry and produce documentation at the request of an enforcement official. | TFN | Upon creation of documentation | GP 72-77 |
| <u>DESIGNATED WILDLIFE SPECIES</u> | | | | |
| 27 | May establish a Designated Wildlife Species. | BC | As required after Effective Date | clause 30 |
| | Determine whether there is a conservation risk to a Wildlife Species within the Tsawwassen Wildlife Harvest Area. | BC | As required after Effective Date | |
| | After conservation risk is determined, may establish a Designated Wildlife Species. | BC | Upon determination | |
| | Notify Tsawwassen First Nation of the designation of a Wildlife Species. | BC | Upon designation | GP 72-77 |
| 28 | May recommend designation of Wildlife species to the Minister. | TFN, BC | As desired after Effective Date | |
| | May recommend that a Wildlife species should be, or continue to be, a Designated Wildlife Species. | TFN, BC | As desired after Effective Date | GP 72-77 |
| | Consider the recommendation and advise Tsawwassen First Nation of the decision. | BC | Upon recommendation | |
| 29 | May remove the designation of a Wildlife species that is no longer at risk. | BC | As desired after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|--|------------------------|
| | Determine whether there is a continued conservation risk to a Designated Wildlife Species. | BC | As desired after Effective Date | |
| | If not, Minister may remove the designation of that Wildlife Species. | BC | Upon determination | |
| | Notify Tsawwassen First Nation of the removal of the designation of that Wildlife Species. | BC | Upon removal of designation | GP 72-77 |
| <u>TOTAL ALLOWABLE WILDLIFE HARVEST</u> | | | | |
| 30 - 32 | Determine a Total Allowable Wildlife Harvest if a Designated Wildlife Species is established. | BC (Minister) | As required after Effective Date | clause 27 |
| | Upon establishment of a Designated Wildlife Species, request recommendations from Tsawwassen First Nation. | BC (Minister) | Before establishing the Total Allowable Wildlife Harvest | GP 72-77 |
| | May make recommendation to the Minister regarding the Total Allowable Wildlife Harvest. | TFN | Upon receipt of request | GP 72-77 |
| | Determine the Total Allowable Wildlife Harvest considering: * any recommendations received from Tsawwassen First Nation; and * the population of the Designated Species within, and outside, the Tsawwassen Wildlife Harvest Area. | BC | Upon receipt of request | |
| | After considering the above factors, determine the Total Allowable Wildlife Harvest and advise Tsawwassen First Nation. | BC | Upon determination | GP 72-77 |
| <u>ALLOCATION OF DESIGNATED WILDLIFE SPECIES</u> | | | | |
| 33, 34 | Negotiate and attempt to reach agreement on a Tsawwassen Allocation if the Minister establishes a Designated Wildlife Species. | TFN, BC | As required after Effective Date | clause 34; GP 56-57 |
| | Meet to negotiate an agreement respecting a Tsawwassen First Nation Allocation. | TFN, BC | Upon notification | |
| | When determining a Tsawwassen Allocation, take into account: * the Tsawwassen Right to Harvest Wildlife; * the Total Allowable Wildlife Harvest for the Designated Species; * current and past harvest for Domestic Purposes; * changes in harvesting effort; * harvest by non-Tsawwassen Members; and * all other relevant information presented by Tsawwassen First Nation or British Columbia. | BC | As required after Effective Date | |
| | After considering the above factors, determine a Tsawwassen Allocation and advise Tsawwassen First Nation. | BC | Upon determination of Tsawwassen Allocation | GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------------------------------|---|---------------------|---|---|
| 35 - 37 | May review and vary a Tsawwassen Allocation. | TFN, BC | As desired after Effective Date | |
| | Determine whether to make a request to the other Party regarding a review to vary a Tsawwassen Allocation. | TFN, BC | As desired after Effective Date | |
| | If so, make the request to the other Party, providing documentation to support the request for a variance review. | TFN, BC | Upon determination | GP 72-77 |
| | In negotiating a variance take into account: <ul style="list-style-type: none"> * the Tsawwassen Right to Harvest Wildlife; * The Total Allowable Wildlife Harvest for the Designated Species; * current and past harvest for Domestic Purposes; * changes in harvesting effort; * harvest by non-Tsawwassen Members; * changes in the status of the Designated Species; * changes in conservation requirements; and * all other relevant information presented by Tsawwassen or British Columbia. | TFN, BC | During negotiation | clause 38 |
| 38 | Refer the matter of a Tsawwassen Allocation, or variance to a Tsawwassen Allocation, to arbitration for final determination. | TFN, BC | As required after Effective Date | clause 33, 34, 37; Dispute Resolution 27-31; Appendix P-6 |
| | If unable to agree, refer matter to arbitration. | TFN, BC | As required after Effective Date | |
| | In referring the matter, instruct the arbitrator to take into account the TRHW and information set out in clauses 34 or 37, as the case may be. | TFN, BC | As required after Effective Date | |
| <u>WILDLIFE HARVEST PLAN</u> | | | | |
| 40 - 42 | Develop and submit a Wildlife Harvest Plan for: <ul style="list-style-type: none"> * a Designated Wildlife Species; and * a Wildlife species proposed by Tsawwassen First Nation or British Columbia in order to adequately manage and conserve the resource. | TFN | As required on and after Effective Date | clause 8 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--------------|--|---------------------|---|--------------------|
| | Develop a Wildlife Harvest Plan to include, as necessary, provisions in respect of: <ul style="list-style-type: none"> * documentation of authorized harvesters; * methods, timing and locations of harvesting; * number, sex and age composition of the harvest; * method of identifying harvested Wildlife; * method of monitoring and reporting harvest; * process for in-season adjustment and amendment to the Wildlife Harvest Plan; * term of the Wildlife Harvest Plan; * management concerns of the Minister; and * other matters as agreed. | TFN | During development of a Wildlife Harvest Plan | |
| | Submit the Wildlife Harvest Plan to the Minister for approval. | TFN | Upon completion of Wildlife Harvest Plan | |
| 43-46 | Approve, or vary and approve the Wildlife Harvest Plan. | BC | On and after Effective Date | |
| | Consider the Wildlife Harvest Plan, taking into account: <ul style="list-style-type: none"> * conservation requirements and availability; * public health and safety; * Tsawwassen First Nation preferences set out in the proposed Wildlife Harvest Plan; * requirements for the integration and efficient harvest of the overall wildlife resources; * scientific and local information, including aboriginal traditional knowledge; * harvesting by non-Tsawwassen Members; and * other relevant considerations. | BC | On and after Effective Date | |
| | Advise Tsawwassen First Nation of any questions that arise out this review, and if so provide them with an opportunity to respond. | BC | Upon review of plan | |
| | Consider Tsawwassen First Nation responses and determine whether to modify, adjust or make additions or deletions to the Wildlife Harvest Plan. | BC | Upon receipt of responses | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|---------------------------------------|------------------------------|
| | Modify, adjust, and make additions or deletions to the Wildlife Harvest Plan if required. | BC | If required | |
| | May approve a method of harvesting that differs from that permitted under Federal or Provincial Law, if consistent with public safety. | BC | If required | |
| | Approve the Wildlife Harvest Plan as submitted or varied. | BC | Upon receipt of Wildlife Harvest Plan | |
| | Advise Tsawwassen First Nation of the decision. | BC | Upon decision | GP 72-77 |
| 48 | Review the Wildlife Harvest Plan at times proposed by either Tsawwassen First Nation or British Columbia. | TFN, BC | As desired after Effective Date | |
| | Determine if a review is required. | TFN, BC | As desired after Effective Date | |
| | Make the request to the other Party. | TFN, BC | Upon determination | GP 72-77 |
| | Review the Wildlife Harvest Plan. | TFN, BC | Upon request | |
| <u>REGIONAL WILDLIFE PLANNING</u> | | | | |
| 50, 51 | Invite Tsawwassen First Nation to participate in: * any public regional wildlife advisory management process for an area that includes any portion of the Tsawwassen Wildlife Harvest Area; and * any First Nation regional wildlife advisory body established for an area that includes any part of the Tsawwassen Territory. | BC | As required after Effective Date | |
| | Determine whether to establish a public wildlife advisory management process or First Nations regional wildlife advisory body within the area. | BC | As required after Effective Date | |
| | If so, issue an invitation to Tsawwassen First Nation. | BC | As required after Effective Date | GP 72-77 |
| | Determine whether to participate in the public wildlife management process or the First Nations advisory body and advise British Columbia. | TFN | Upon receipt of invitation | GP 72-77 |
| <u>ENFORCEMENT</u> | | | | |
| 52 | May negotiate agreements concerning enforcement of Provincial Laws or Tsawwassen Laws in respect of Wildlife. | TFN, BC | As desired after Effective Date | GP 72-77; Governance 137-139 |
| | Determine whether to enter into enforcement agreements and, if so, initiate discussions. | TFN, BC | As desired after Effective Date | |
| | Negotiate agreement(s). | TFN, BC | As desired after Effective Date | |
| | If agreement reached, implement, including informing enforcement officials. | TFN, BC | As desired after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|------------------------|---|---------------------|---|--|
| 54 | <p>Make laws in respect of:</p> <p>* compliance of Tsawwassen Members with a Wildlife Harvest Plan; and</p> <p>* requirement of all individuals who harvest or transport Wildlife or parts to carry and produce documentation.</p> | TFN | As required on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Enact laws in respect of Wildlife matters. | TFN | As required on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>TRAINING</u> | | | | |
| 55, 56 | <p>May establish programs, consistent with provincial programs, to require training for Tsawwassen Members who harvest under the Tsawwassen Right to Harvest Wildlife, in respect of:</p> <p>*conservation and safety; and</p> <p>* methods of harvesting and handling Wildlife.</p> | TFN | As desired on and after Effective Date | |
| | Determine whether to establish training programs. | TFN | As desired on and after Effective Date | |
| | If programs are established, develop those programs to be consistent with provincial programs. | TFN | Upon establishment of programs | |
| | Inform Tsawwassen Members that provincial training programs apply in the absence of any program established by Tsawwassen First Nation. | TFN | As required after Effective Date | GP 72-77 |

CHAPTER 11 – MIGRATORY BIRDS

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------------------------|--|---------------------|--|-----------------------------------|
| <u>GENERAL</u> | | | | |
| 7 | May enter into an agreement with a federal department or agency in respect of access and harvesting by Tsawwassen Members on land owned by that department or agency. | TFN, CAN | As desired on and after Effective Date | |
| | Determine whether an agreement respecting access and harvesting by Tsawwassen Members to land owned by a federal department or agency is desired. | TFN | As desired on and after Effective Date | |
| | If so, make request of federal department or agency to enter into an agreement. | TFN | Upon determination | |
| | If agreement reached, implement. | TFN, CAN | Upon agreement | GP 72-77 |
| 9 | May authorize uses if or Dispose of provincial Crown land that may affect the methods, times and locations of the harvest under the Tsawwassen Right to Harvest Migratory Birds, provided that those authorized uses or Dispositions do not deny Tsawwassen First Nation the reasonable opportunity to harvest under the Tsawwassen Right to harvest Migratory Birds. | BC | On and after Effective Date | Provincial Parks and Gathering 34 |
| | Through the process established in the agreement referred to in clause 10, evaluate authorized uses and Dispositions over time to ensure they do not deny Tsawwassen First Nation the reasonable opportunity to harvest Migratory Birds. | BC | On and after Effective Date | clause 10 |
| | Pending conclusion of an agreement under clause 10, determine whether a proposed authorized use or Disposition may deny Tsawwassen First Nation the reasonable opportunity to harvest Migratory Birds and authorize uses or Dispositions in a manner which does not deny the reasonable opportunity to harvest Migratory Birds. | BC | Upon determination | clause 10 |
| 10 | Negotiate and attempt to reach agreement on a process to evaluate uses and Dispositions of provincial Crown land that have the potential to deny the reasonable opportunity to harvest under the Tsawwassen Right to Harvest Migratory Birds. | TFN, BC | As desired after Effective Date | GP 56 - 57 |
| | Determine whether a process to evaluate uses and Dispositions is necessary. | TFN, BC | As desired after Effective Date | |
| | If so, issue notice to initiate negotiations. | TFN, BC | Upon determination | GP 72-77 |
| | Negotiate and attempt to reach agreement. | TFN, BC | Upon 6 months notice | |
| | If agreement reached, implement. | TFN, BC | Upon agreement | GP 72-77 |
| <u>POWER TO MAKE LAWS</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-----------------------------|--|---------------------|---|---|
| 20 | <p>May make laws in respect of harvesting of Migratory Birds, including:</p> <ul style="list-style-type: none"> * the designation of Members; * the distribution among them; * the methods, timing and location of harvest; * the Trade and Barter of Migratory Birds; and * the sale of inedible by-products. | TFN | As desired on and after Effective Date | clause 14, 16, 17, 22; Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of matters related to Migratory Birds. | TFN | Before and as required after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| 22 | <p>May make laws in respect of:</p> <ul style="list-style-type: none"> * management of Birds and habitat on Tsawwassen Lands; * licensing requirements; and * the sale of Migratory Birds harvested under the Tsawwassen Right to Harvest Migratory Birds. | TFN | As desired on and after Effective Date | clause 6, 15, 16, 24; Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of these matters. | TFN | Before and as required after Effective Date | |
| | If so, Canada will provide assistance to develop documentation that will address cross border and other requirements, upon Tsawwassen First Nation's request. | TFN, CAN | Before and as required after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>DOCUMENTATION</u> | | | | |
| 24 - 26 | Issue documentation to individuals authorized to harvest under the Tsawwassen Right to Harvest Migratory Birds. | TFN | As required on and after Effective Date | clause 20 |
| | Create documentation in English which includes the individual's name and address. | TFN | Before and as required after Effective Date | |
| | Issue documentation to harvesters. | TFN | Upon creation of documentation | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|-------------------------|---|--------------------|
| | Provide Federal and Provincial enforcement officials with a sample copy of the documents to be carried by authorized harvesters. | TFN | Upon creation of documentation | |
| | Inform all individuals of requirement to carry and produce documentation at the request of an enforcement official. | TFN | Upon creation of documentation | |
| <u>ENFORCEMENT</u> | | | | |
| 27 | May negotiate agreements in respect of the enforcement of Federal, Provincial and Tsawwassen Laws in respect of Migratory Birds. | TFN, BC, CAN | As desired on and after Effective Date | Governance 138-140 |
| | Determine whether to negotiate and attempt to reach agreements. | TFN, BC, CAN | Before and as required after Effective Date | |
| | If so, negotiate agreement(s). | TFN, BC, CAN | Upon determination | |
| | If agreement reached, implement, including informing enforcement officials. | TFN, BC, CAN | Upon agreement | |
| <u>CONSERVATION MEASURES</u> | | | | |
| Designated Migratory Bird Population | | | | |
| 29 | Share information relating to conservation, including activities related to harvesting, upon the request of Tsawwassen First Nation or the Minister. | TFN, BC, CAN | As requested after Effective Date | |
| | Determine whether information is required. | TFN, CAN | As requested after Effective Date | |
| | If so, make a request for the required information. | TFN, CAN (Minister) | Upon determination | GP 72-77 |
| | Share the requested conservation and/or harvesting information in a timely manner. | TFN, BC, CAN (Minister) | Upon request | |
| 30 | Any Party may make recommendations to the Minister, if in their opinion, there is a conservation risk to a Migratory Bird Population. | TFN, BC, CAN | As requested after Effective Date | |
| | Determine if there may be a conservation risk. | TFN, BC, CAN | As requested after Effective Date | |
| | Make recommendation to the Minister for the Designation of a Bird Population. | TFN, BC, CAN | Upon determination | GP 72-77 |
| 31 | Designate a Migratory Bird Population if necessary to address a conservation risk, after Consulting with Tsawwassen First Nation. | CAN | As required after Effective Date | GP 45, 46 |
| | Determine if it is necessary to designate a Migratory Bird Population as a Designated Migratory Bird Population. | CAN | As required after Effective Date | |
| | Consult with Tsawwassen First Nation. | CAN | Upon determination | |
| | Make decision regarding designation of Designated Migratory Bird Population. | CAN | Upon determination | |
| | Advise Tsawwassen First Nation of decision. | CAN | Upon decision | GP 72-77 |
| 32 | Determine the Total Allowable Migratory Bird Harvest for a Designated Migratory Bird Population in accordance with 32(a) - (d). | CAN | As required after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|---|--------------------|
| | Consider: * recommendations from Tsawwassen First Nation; * best available knowledge, including aboriginal traditional knowledge; * continental and local conservation requirements; and * Canada's international commitments in respect of Migratory Birds. | CAN | During determination of Total Allowable Migratory Bird Harvest for a Designated Migratory Bird Population | |
| | Determine the Total Allowable Migratory Bird Harvest. | CAN | Upon consideration of above factors | |
| 33 | Determine the Tsawwassen allocation of the Total Allowable Migratory Bird Harvest for a Designated Migratory Bird Population in accordance with 33(a) to (c). | CAN | As required after Effective Date | |
| | Take into account: * the Total Allowable Migratory Bird Harvest for that population; * the current and past food, social or ceremonial needs and harvesting practices of Tsawwassen First Nation; and * other harvests of that population for food, social or ceremonial purposes. | CAN | During determination of the Tsawwassen allocation | |
| | Determine the Tsawwassen First Nation allocation of the Designated Population. | CAN | Upon consideration of above factors | |
| 34 | On the recommendation of any Party, remove the designation of a Bird Population that is no longer a conservation risk. | CAN | As desired on and after Effective Date | |
| | Determine whether to make a recommendation and, if so, forward same to the Minister. | TFN, BC, CAN | As desired on and after Effective Date | |
| | Receive and review recommendation. | CAN | Upon receipt of recommendation | |
| | Determine whether to remove the designation. | CAN | Upon review of recommendation | |
| | Advise Parties of decision. | CAN | Upon decision | GP 72-77 |
| Migratory Bird Agreements | | | | |
| 35 | May enter into an agreement on the conservation and management of Migratory Birds, including ongoing review of conservation measures and objectives. | TFN, BC, CAN | As required after Effective Date | |
| | Determine whether an agreement is required. | TFN, BC, CAN | As required after Effective Date | |
| | If so, provide notice to the other Parties of desire to meet to negotiate an agreement. | TFN, BC, CAN | Upon determination | GP 72-77 |
| | If agreement reached, implement. | TFN, BC, CAN | Upon agreement | |
| CONSULTATION ON INTERNATIONAL NEGOTIATIONS ON MIGRATORY BIRDS | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|--|---------------------|----------------------------------|--------------------|
| 36 | Consult with Tsawwassen First Nation on the development of Canada's position in respect of international discussions or negotiations that may adversely affect the Tsawwassen Right to Harvest Migratory Birds. | CAN | As required after Effective Date | GP 45, 46, 72-77 |
| | Consult with Tsawwassen First Nation. | CAN | Prior to development of position | |
| | Develop position in respect of discussions or negotiations. | CAN | Upon consultation | |

CHAPTER 12 – NATIONAL PARKS AND NATIONAL MARINE CONSERVATION AREAS

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|---|--|
| <u>POWER TO MAKE LAWS</u> | | | | |
| 14 | <p>May make laws in respect of:</p> <ul style="list-style-type: none"> * the designation of Members authorized to harvest Renewable Resources; and * the distribution of the harvest among Tsawwassen Members <p>under the Tsawwassen Right to Harvest Renewable Resources.</p> | TFN | As desired on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of the harvest of Renewable Resources. | TFN | Before and as required after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| 16 | <p>May make laws in respect of documenting designated harvesters.</p> | TFN | As desired on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of the documentation of designated harvesters. | TFN | Before and as required after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>DOCUMENTATION</u> | | | | |
| 18-20 | <p>Issue documentation to identify individuals authorized to harvest under the Tsawwassen Right to Harvest Renewable Resources.</p> | TFN | As required on and after Effective Date | clause 14, 16 |
| | Create documentation in English which includes the individual's name and address, and which meets any requirements in the Renewable Resource Harvesting Document. | TFN | Before and as required after Effective Date | |
| | Issue documentation to harvesters. | TFN | Upon creation of documentation | |
| | Provide Federal and Provincial enforcement officials with a sample copy of the documents to be carried by authorized harvesters. | TFN | Upon creation of documentation | |
| | Inform all individuals of requirement to carry and produce documentation at the request of an enforcement official. | TFN | Upon creation of documentation | |
| <u>RENEWABLE RESOURCE HARVESTING</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|--|---------------------|---|---------------------|
| 21, 22 | Develop terms and conditions with respect to the harvest of Renewable Resources, taking into account factor in clause 22(a) - (i). | TFN, CAN | As required on and after Effective Date | clause 23, 24 |
| | Meet to discuss and develop terms and conditions taking into account: <ul style="list-style-type: none"> * the Tsawwassen Right to Harvest Renewable Resources; * preferences of Tsawwassen First Nation regarding quantity, methods, timing and location; * requirements for conservation and ecological integrity; * the use of the park or conservation area by all Canadians; * other authorized uses; * park or conservation area management requirements; * opportunities for similar harvesting outside of National Parks and National Marine Conservation Areas; * other harvests of Renewable Resources for food, social and ceremonial purposes; and * any other matter that Canada or Tsawwassen First Nation consider relevant. | TFN, CAN | Annually unless otherwise agreed | |
| | Make reasonable efforts to reach consensus using a collaborative process in the development of the terms and conditions. | TFN, CAN | Annually unless otherwise agreed | clause 24 |
| | Submit terms and conditions to the Minister. | TFN, CAN | Annually unless otherwise agreed | |
| 23, 24 | Issue a Renewable Resource Harvest Document to Tsawwassen First Nation. | CAN (Minister) | As required on and after Effective Date | clause 21; GP 72-77 |
| | Where there is an agreement on the terms and conditions under clause 21: <ul style="list-style-type: none"> * consider those terms and conditions; and * issue a Renewable Resource Harvest Document in a timely way. | CAN (Minister) | Upon receipt of terms and conditions | |
| | In the absence of an agreement on terms and conditions under clause 21, take any actions considered necessary, including the issuance of a Renewable Resource Harvest Document. | CAN (Minister) | As required after Effective Date | clause 8, 26 |
| 25, 26 | Issue or amend a Renewable Resource Harvest Document at the request of Tsawwassen First Nation, or in order to respond to exceptional | CAN (Minister) | As desired after Effective Date | clause 21; GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------------------------------|---|---------------------|---|---------------------|
| | circumstances. | | | |
| | Determine whether to make a request for the issuance or amendment of a Renewable Resource Harvest Document, if so, submit request. | TFN | As desired after Effective Date | GP 72-77 |
| | May issue or amend a Renewable Resource Harvest Document as required, considering: * a request from Tsawwassen First Nation; or * whether an exceptional circumstance precludes the collaborative process under clause 21. | CAN (Minister) | Upon receipt of request | |
| | Advise Tsawwassen First Nation of action respecting issuance or amendment of the Renewable Resource Harvest Document and the reasons for those actions. | CAN (Minister) | As soon as practicable after the action | clause 24; GP 72-77 |
| 28 | Provide information to the Minister concerning the harvesting by Tsawwassen Members under the Tsawwassen Right to Harvest Renewable Resources. | TFN | As required after Effective Date | |
| | Determine to request information regarding harvesting by Tsawwassen Members. | CAN | As required after Effective Date | |
| | If so, make request for harvesting information. | CAN (Minister) | Upon determination | GP 72-77 |
| | Provide requested information to Minister. | TFN | Upon request | GP 72-77 |
| 29 | Consult with Tsawwassen First Nation in respect of proposed amendments to, or creation of, legislation and regulations for the harvesting of Renewable Resources in any National Park or National Marine Conservation Area within Tsawwassen Territory which may affect the Tsawwassen Right to Harvest Renewable Resources. | CAN | As required after Effective Date | GP 45, 46 |
| | Determine whether new or amended legislation or regulations is reasonably expected to affect the Tsawwassen Right to Harvest Renewable Resources. | CAN | As required after Effective Date | |
| | If so, Consult with Tsawwassen First Nation. | CAN | Upon determination | |
| 30 | May close an area to harvesting for purposes of conservation and management. | CAN (Minister) | As desired after Effective Date | GP 45, 46 |
| | Determine whether there is a need to close an area in a National Park or in a National Marine Conservation Area to harvesting. | CAN (Minister) | As desired after Effective Date | |
| | If so, Consult with Tsawwassen First Nation in respect of the proposed closures. | CAN (Minister) | Upon determination | |
| | Inform Tsawwassen First Nation of the decision. | CAN (Minister) | Upon decision | GP 72-77 |
| <u>CONSERVATION MEASURES</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|---------------------|---|------------------------|
| 31, 32 | Consult with Tsawwassen First Nation regarding the need for the development and implementation of additional conservation measures within a National Park or National Marine Conservation Area in Tsawwassen Territory, and if required, amend the Renewable Resource Harvest Document. | CAN | As required after Effective Date | clause 25; GP 45-46 |
| | Determine whether there is a need for additional conservation measures during the term of a Renewable Resource Harvest Document. | CAN | As required after Effective Date | |
| | If so, Consult with Tsawwassen First Nation in respect of additional conservation measures. | CAN | Upon determination of need for additional conservation measures | |
| | Develop and implement conservation measures. | CAN | Upon determination of need for additional conservation measures | |
| | If required, amend the Renewable Resource Harvest Document to bring the additional conservation measures into effect. | CAN | As required after Effective Date | GP 72-77 |
| | Inform Tsawwassen First Nation of the conservation measures to be taken and amendments to the Renewable Resource Harvest Document, if any. | CAN | As required after Effective Date | GP 72-77 |
| <u>PARK ESTABLISHMENT AND BOUNDARY CHANGES</u> | | | | |
| 33 | Consult with Tsawwassen First Nation prior to the establishment or the changing of the boundaries of any National Park or National Marine Conservation Area within the Tsawwassen Territory. | CAN | As required after Effective Date | GP 45, 46 |
| | Determine whether to establish parks or marine conservation areas or change their boundaries. | CAN | As required after Effective Date | |
| | If so, Consult with Tsawwassen First Nation in respect of establishment or change in boundaries. | CAN | Upon determination | |
| | Inform Tsawwassen First Nation of new parks or marine areas or revised boundaries. | CAN | Upon establishment or change | GP 72-77 |
| <u>CO-OPERATION IN PLANNING AND MANAGEMENT</u> | | | | |
| 34 | Consult with Tsawwassen First Nation respecting its role in the planning and management of a National Park or National Marine Conservation Area that is wholly or partly within Tsawwassen Territory. | CAN | As required after Effective Date | GP 45, 46 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------|--|---------------------|---|--------------------|
| | Consult with Tsawwassen First Nation with respect to: <ul style="list-style-type: none"> * its role in interim planning and management planning; * its role in research and protection of Cultural Heritage Sites of significance; * its role in the identification, protection, interpretation and presentation of Tsawwassen Artifacts, heritage and Hun'qum'i'num language; and * the traditional ecological knowledge of Tsawwassen First Nation. | CAN | As required after Effective Date | |
| | Advise Tsawwassen First Nation of any decision or action to be taken. | CAN | Upon receipt and consideration of Tsawwassen First Nation's views, if any | GP 72-77 |
| 35 - 37 | Negotiate and attempt to reach agreement on arrangements to provide advice on matters affecting Tsawwassen First Nation in any National Park or National Marine Conservation Area that is wholly or partly within Tsawwassen Territory. | TFN, CAN | Upon request by Tsawwassen First Nation | GP 56 - 57 |
| | Determine whether to seek arrangement to replace Consultation required under clause 34. | TFN | As desired after Effective Date | |
| | If so, make request to meet to negotiate an agreement. | TFN | Upon determination | GP 72-77 |
| | Negotiate and attempt to reach an agreement which may include: <ul style="list-style-type: none"> * representation in an advisory process; * procedures for an advisory process, including a consensual approach and a dispute resolution process; * procedures for cooperation on appropriate cultural activities and the management of Renewable Resource harvesting; * identification of the interests of Tsawwassen Members in economic, employment or training opportunities; and * other matters as agreed. | TFN, CAN | As desired after Effective Date | GP 72-77 |
| | If agreement reached, implement. | TFN, CAN | Upon agreement | |

CHAPTER 13 – PROVINCIAL PARKS AND GATHERING

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-----------------------|---|---------------------|--|------------------------|
| <u>GENERAL</u> | | | | |
| 2 | Amend Appendices M-1 and M-2, unless otherwise agreed, if there are any additional Provincial Park, Protected Area or Wildlife Management Area established in the Tsawwassen Territory. | TFN, BC, CAN | As required after Effective Date | Appendix M-1, M-2 |
| | Determine whether any such addition is within Tsawwassen Territory. | BC | As required after Effective Date | |
| | If so, determine whether to amend Appendix M-1 and M-2. | TFN, BC, CAN | Upon determination | |
| | If so, amend Appendix M-1 and M-2. | TFN, BC, CAN | Upon determination to amend Appendices | Amendment 11-13 |
| 8 | May authorize uses of, Dispose of, or make boundary modifications to the areas set out in Appendix M-2, provided that those authorized uses, Dispositions or boundary modifications do not deny Tsawwassen First Nation the reasonable opportunity to gather under the Tsawwassen Right to Gather Plants. | BC | On and after Effective Date | clause 34 Appendix M-2 |
| | Through the process established in the agreement referred to in clause 9, evaluate authorized uses, Dispositions and boundary modifications over time to ensure they do not deny Tsawwassen First Nation the reasonable opportunity to Gather Plants. | BC | On and after Effective Date | clause 9 |
| | Pending conclusion of an agreement under clause 9, determine whether a proposed authorized use, Disposition or boundary modification may deny Tsawwassen First Nation the reasonable opportunity to Gather Plants and authorize uses, Dispositions or boundary modifications in a manner which does not deny the reasonably opportunity to Gather Plants. | BC | On and after Effective Date | clause 9 |
| 9 | Negotiate and attempt to reach agreement on a process to evaluate uses and Dispositions of provincial Crown land that have the potential to deny to Tsawwassen First Nation the reasonable opportunity to gather under the Tsawwassen Right to Gather Plants. | TFN, BC | As required after Effective Date | clause 8; GP 56-57 |
| | Determine whether a process to evaluate uses and Dispositions is necessary. | TFN, BC | As required after Effective Date | |
| | If so, issue notice to initiate negotiations. | TFN, BC | Upon determination | |
| | Negotiate and attempt to reach agreement. | TFN, BC | Upon six months notice of either Party | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------------------------|---|---------------------|--|--|
| | If agreement reached, implement. | TFN, BC | Upon agreement | |
| <u>POWER TO MAKE LAWS</u> | | | | |
| 16 | <p>May make laws with respect of:</p> <p>(a) the designation of Tsawwassen members to gather Plants;</p> <p>(b) the distribution among Tsawwassen members of Plants gathered; and</p> <p>(c) the Trade and Barter of Plants gathered</p> <p>under the Tsawwassen Right to Gather Plants.</p> | TFN | As desired on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of gathering Plants. | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution when enacting laws with respect to gathering Plants. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| 18 | <p>May make laws in respect of the documentation of Tsawwassen Members who have been designated to gather Plants.</p> | TFN | As desired on and after Effective Date | Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of the documentation for designated Plant gatherers. | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>DOCUMENTATION</u> | | | | |
| 20-22 | Issue documentation to authorized gatherers under the Tsawwassen Right to Gather Plants. | TFN | On and after Effective Date | clause 18; GP 72-77 |
| | Create documentation in English which includes the individual's name and address and which meets any requirements in the approved gathering plan. | TFN | On and after Effective Date | |
| | Issue documentation to gatherers. | TFN | Upon creation of documentation | GP 72-77 |
| | Provide enforcement officials with a sample copy of the documents to be carried by authorized gatherers. | TFN | Upon creation of documentation | |
| | Inform all individuals of requirement to carry and produce documentation at the request of | TFN | Upon creation of documentation | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--------------------------------|--|---------------------|---|------------------------|
| | an authorized enforcement official. | | | |
| <u>GATHERING PLANTS</u> | | | | |
| 24, 25, 26, 28 (a) | The Minister may issue an approved gathering plan. | BC | As required after Effective Date | |
| | Determine whether to develop a proposed gathering plan. | TFN | As desired on and after Effective Date | |
| | If so, develop a proposed gathering plan, considering any applicable management plan for areas set out in Appendix M-2. | TFN | Upon determination to develop a gathering plan | GP 72-77; Appendix M-2 |
| | Submit the proposed gathering plan to the Minister. | TFN | Upon development of gathering plan | |
| | Upon receipt, review the proposed gathering plan. | BC | Upon receipt of plan | |
| | Determine whether the gathering plan includes provincial Crown land within the Burns Bog Ecological Conservancy Area. | BC | Upon review of plan | |
| | If so, consult with the Greater Vancouver Regional District and review the gathering plan for consistency with the Burns Bog Management Agreement. | BC | Prior to approving the plan | |
| | Approve and issue the gathering plan. | BC | Upon approval of the plan | |
| 27, 28 | May issue a new, or amend an approved gathering plan. | | | |
| | Determine whether a new or revised gathering plan is required. | TFN, BC (Minister) | On or before the expiry date of the gathering plan | |
| | If so, make request and collaborate on the development of a new gathering plan, or revisions to an approved gathering plan. | TFN, BC (Minister) | Upon request or on or before the expiry date of the gathering plan | |
| | Submit a new or revised gathering plan to the Minister. | TFN | Upon request on or before the expiry date of the gathering plan | GP 72-77 |
| | Determine whether to issue or amend a gathering plan as proposed by Tsawwassen First Nation or in response to exceptional circumstances where it is impracticable to engage in discussions with Tsawwassen First Nation. | BC (Minister) | Upon receipt of proposal or as required under exceptional circumstances | |
| | Approve and issue a new or revised gathering plan. | BC (Minister) | Upon approval of the plan | |
| 29 | Provide information to the Minister, upon request, of activities concerning Tsawwassen Members gathering Plants under the Tsawwassen Right to Gather Plants. | TFN | As required after Effective Date | |
| | Determine whether information respecting the activities under the Tsawwassen Right to | BC (Minister) | As required after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|--|--------------------|
| | Gather Plants is necessary. | | | |
| | If so, make request for gathering information. | BC (Minister) | Upon determination | GP 72-77 |
| | Provide information to the Minister regarding gathering. | TFN | Upon request | GP 72-77 |
| <u>PLANNING AND CO-OPERATION IN MANAGEMENT</u> | | | | |
| 30 | May enter into an agreement to develop a cooperative working relationship with respect to the Fraser River estuary, including the South Arm Marshes Wildlife Management Area, and Roberts Bank south to the United States border. | TFN, BC | As desired after Effective Date | |
| | Determine whether to seek an agreement to develop a cooperative working relationship. | TFN, BC | As desired after Effective Date | |
| | If so, submit request to the other Party to enter into discussions. | TFN, BC | Upon determination | GP 72-77 |
| | Attempt to reach agreement on development of a cooperative working relationship for the specified areas. | TFN, BC | Upon request | |
| | If agreement reached, implement. | TFN, BC | Upon agreement | GP 72-77 |
| 31,32 | May participate in a public management planning process where that process is established for a Provincial Park, Protected Area or Wildlife Management Area wholly or partially within Tsawwassen Territory. | TFN | As desired after Effective Date | |
| | Advise Tsawwassen First Nation if a public planning process will be developed. | BC | Upon determination to develop a public management planning process | |
| | If so, invite Tsawwassen to participate on the same basis as other participants. | BC | Upon determination to develop a public management planning process | GP 72-77 |
| | Determine whether to participate in that process. | TFN | Upon invitation | |
| | If so, provide input with respect to culture and history, including: * protection of Heritage Resources; * interpretation and presentation of Tsawwassen culture; and * Tsawwassen traditional ecological knowledge. | TFN | During planning process | GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|----------------------------------|---|
| 34 | Consult with Tsawwassen First Nation prior to the establishment, Disposition, changes to the boundaries, or designation of any Provincial Park, Protected Area or Wildlife Management Area which may affect Tsawwassen Right to Gather Plants and to Harvest Wildlife and Migratory Birds under the Final Agreement. | BC | As required after Effective Date | clause 1; GP 45, 46, 72-77; Wildlife 1, 6; Migratory Birds 1 |
| | Determine whether to: *establish new Parks, Protected Areas or Wildlife Areas; *Dispose of or modify boundaries of existing Parks, Protected Areas or Wildlife Areas; and *change the use or designation of existing Parks, Protected Areas or Wildlife Areas. | BC | As required after Effective Date | |
| | If so, determine whether Tsawwassen harvesting and gathering rights will be affected. | BC | Upon determination | |
| | If so, Consult with Tsawwassen First Nation. | BC | Upon determination | GP 72-77 |
| 35 | Consult with Tsawwassen First Nation on the closure of opportunities for the exercise of the Tsawwassen Right to Harvest Wildlife in Provincial Parks and Protected Areas within the Tsawwassen Wildlife Harvest Area. | BC | As required after Effective Date | GP 45, 46, 72-77 |
| | Determine whether to close an area for harvesting opportunities within the Tsawwassen Wildlife Harvest Area. | BC | As required after Effective Date | |
| | If so, Consult with Tsawwassen First Nation. | BC | Upon determination | |
| 37 | Discuss and exchange written information regarding opportunities available for competitive bid within any Provincial Park, Protected Area, or Wildlife Management Area set out in Appendix M-2. | TFN, BC | As desired after Effective Date | Appendix M-2 |
| | Determine whether any maintenance, construction, research and operations opportunities are available for bid. | TFN, BC | As desired after Effective Date | |
| | Make request to discuss and exchange written information. | TFN, BC | Upon determination | GP 72-77 |
| | Meet to discuss and exchange written information. | TFN, BC | Upon request | GP 72-77 |

CHAPTER 14 – CULTURE AND HERITAGE

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-----------------------------------|---|---------------------|--|--|
| <u>POWER TO MAKE LAWS</u> | | | | |
| 2 | <p>May make laws in respect of:</p> <ul style="list-style-type: none"> * the preservation, promotion and development of Tsawwassen culture and language on Tsawwassen Lands; * conservation and protection of Heritage Resources on Tsawwassen Lands; * archaeological sites and material on Tsawwassen Lands; * Tsawwassen Artifacts; * Archaeological Human Remains found on Tsawwassen Lands and any such remains that come into the possession of Tsawwassen First Nation from Canada or British Columbia; and * the devolution of Cultural Property of a Tsawwassen Member who dies without a valid will. | TFN | As desired on and after the Effective Date | clause 4; Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of Tsawwassen culture and language matters set out in this clause. | TFN | As desired on and after the Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| 6 | May commence or intervene in a court action in respect of the devolution of Cultural Property addressed by a will of a Tsawwassen Member. | TFN | As desired after Effective Date | clause 5, 7, 8 |
| | Establish a process to provide information to Tsawwassen Members regarding the devolution of Cultural Property in wills. | TFN | As required after Effective Date | |
| | Determine whether to commence or intervene in an action under provincial legislation, with respect to wills variation. | TFN | As desired after Effective Date | |
| | If so, file action. | TFN | Upon determination | |
| <u>BEACH GROVE PARCELS</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|------------------------------------|---|---------------------|--|--------------------|
| 9 | <p>With respect to the Beach Grove parcels, will:</p> <p>*retain ownership;</p> <p>*not permit any activity under the <i>Heritage Conservation Act</i> ("HCA"); and</p> <p>*not permit any activity with respect to heritage objects,</p> <p>unless Tsawwassen First Nation otherwise agrees.</p> | BC | On and after Effective Date | |
| | <p>If considering:</p> <p>*a change of ownership;</p> <p>*permitting activity under the HCA; or</p> <p>*permitting activity with respect to heritage objects,</p> <p>seek agreement of Tsawwassen First Nation.</p> | BC | On and after Effective Date | |
| | Determine whether to agree, advise British Columbia of determination. | TFN | Upon request | GP 72-77 |
| 10 | May negotiate and attempt to reach agreement for a delegated management arrangement over Beach Grove Parcels, with no associated financial obligations. | TFN, BC | On and after Effective Date | GP 72-77 |
| | Determine whether to seek a delegated management arrangement. | TFN, BC | As desired on and after the Effective Date | |
| | Make request to British Columbia to enter into negotiations. | TFN, BC | Upon determination | |
| | Negotiate and attempt to reach agreement with respect to a delegated management arrangement over Beach Grove Parcels. | TFN, BC | Upon request | |
| | If agreement reached, implement. | TFN | Upon agreement | |
| <u>TSAWWASSEN ARTIFACTS</u> | | | | |
| 11 | May negotiate a custodial arrangement if a Tsawwassen Artifact comes into the permanent possession or control of the Royal British Columbia Museum. | TFN, BC (RBCM) | As desired after Effective Date | GP 72-77 |
| | Notify Tsawwassen First Nation when a Tsawwassen Artifact comes into permanent possession or control the Royal British Columbia Museum. | BC (RBCM) | As desired after Effective Date | GP 72-77 |
| | Determine whether to seek a custodial arrangement regarding a Tsawwassen Artifact. | TFN, BC (RBCM) | Upon notification | |
| | If so, negotiate a custodial arrangement. | TFN, BC (RBCM) | Upon determination | |
| | If arrangement reached, implement. | TFN, BC (RBCM) | Upon arrangement | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------------------------|---|---------------------|----------------------------------|--------------------|
| 12 | May negotiate and attempt to reach agreement on arrangements outside the Final Agreement in respect to cultural artifacts in possession of either party. | TFN, BC (RBCM) | As desired after Effective Date | |
| | Make a request to determine whether cultural artifacts are in the possession of Tsawwassen First Nation or the RBCM. | TFN, BC (RBCM) | As desired after Effective Date | |
| | Determine whether to enter into an agreement or arrangement in respect of cultural artifacts. | TFN, BC (RBCM) | Upon request | |
| | If so, negotiate and attempt to reach agreement, in accordance with each party's respective policies and procedures. | TFN, BC (RBCM) | Upon determination | |
| | If agreement reached, implement. | TFN, BC (RBCM) | Upon agreement | GP 72-77 |
| 15 | May lend or transfer a Tsawwassen Artifact discovered off Tsawwassen Lands, which comes into the permanent possession or control of Canada. | CAN | As desired after Effective Date | |
| | Advise Tsawwassen First Nation upon coming into the permanent possession or control of a Tsawwassen Artifact. | CAN | Upon permanent possession | GP 72-77 |
| | Determine if an agreement for the loan or transfer of Tsawwassen Artifact is desired. | TFN, CAN | Upon notification | |
| | If so, negotiate and attempt to reach agreement. | TFN, CAN | Upon determination | |
| | If agreement reached, implement. | TFN, CAN | Upon agreement | GP 72-77 |
| 16 | Royal British Columbia Museum will share any information about Tsawwassen Artifacts or Tsawwassen Archaeological Human Remains in other public collections in Canada, upon the request of Tsawwassen First Nation. | TFN, BC (RBCM) | As required after Effective Date | |
| | Determine whether to request information. | TFN | As desired after Effective Date | |
| | If so, make request for information regarding Tsawwassen Artifacts or Archaeological Human Remains. | TFN | Upon determination | GP 72-77 |
| | Determine whether Royal British Columbia Museum has any information regarding Tsawwassen Artifacts or Tsawwassen Archaeological Human Remains stored in other public collections in Canada. | BC (RBCM) | Upon request | |
| | If so, share information, in accordance with Federal and Provincial Laws. | BC (RBCM) | Upon determination | |
| 17 | Use reasonable efforts to facilitate access to Tsawwassen Artifacts or Archaeological Human Remains of Tsawwassen ancestry held in Canadian public collections, upon the request of Tsawwassen First Nation. | TFN, CAN | As required after Effective Date | |
| | Make request to access Tsawwassen Artifacts or Archaeological Human Remains of Tsawwassen ancestry. | TFN | As required after Effective Date | GP 72-77 |
| | Make reasonable efforts to facilitate access. | CAN | Upon request | |
| <u>HERITAGE RESOURCES</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|--|--------------------|
| 18 | May negotiate and attempt to reach agreement for the meaningful participation of Tsawwassen First Nation in identification, conservation, interpretation, management and protection of heritage sites that are of significance to Tsawwassen First Nation outside of Tsawwassen Lands and with Tsawwassen Territory. | TFN, BC | As desired before and after Effective Date | |
| | Determine whether to negotiate an agreement with respect to the heritage sites that are of significance to Tsawwassen First Nation outside Tsawwassen Lands and within Tsawwassen Territory. | TFN | As desired before and after Effective Date | |
| | If so, negotiate and attempt to reach agreement. | TFN, BC | Upon determination before and after Effective date | |
| | If agreement reached, implement | TFN, BC | Upon agreement before and after Effective date | |
| 19 | May negotiate and attempt to reach agreement for the cooperative management of Heritage Resources of significance to Tsawwassen First Nation on Provincial Crown land within Tsawwassen Territory. | TFN, BC | As desired after Effective Date | clause 21 |
| | Advise Tsawwassen First Nation of Heritage Resources located in Tsawwassen Territory. | BC | As desired after Effective Date | GP 72-77 |
| | Determine whether Heritage Resources are of significance. | TFN | Upon notification | |
| | If so, determine whether to negotiate an agreement with respect to the cooperative management of those Heritage Resources | TFN, BC | Upon notification | |
| | If so, negotiate and attempt to reach agreement. | TFN, BC | Upon determination | |
| | If agreement reached, implement. | TFN, BC | Upon agreement | |
| 21 | Participate in a process, established by British Columbia, respecting Heritage Resources found on provincial Crown land within the Tsawwassen Territory. | TFN | As desired after Effective Date | clause 19 |
| | Determine whether to establish a public or First Nation process respecting Heritage Resources found within Tsawwassen Territory. | BC | As desired after Effective Date | |
| | If such a process is established, invite Tsawwassen First Nation to participate on an equal basis with other participants. | BC | Upon establishment of process | GP 72-77 |
| | Determine whether to participate in the process. | TFN | Upon invitation | |
| 22 | Participate in a process, established by Canada, respecting artifacts or Archaeological Human Remains found on federal Crown land within Tsawwassen Territory. | TFN | As desired after Effective Date | |
| | Determine whether to establish a public or First Nation process in respect of artifacts or Archaeological Human Remains found on federal Crown land within Tsawwassen Territory. | CAN | As desired after Effective Date | |
| | If such a process is established, invite Tsawwassen First Nation to participate on an equal basis with other participants. | CAN | Upon establishment of process | GP 72-77 |
| | Determine whether to participate in the process. | TFN | Upon invitation | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|---|--------------------|
| 23 | Record information regarding an archaeological site within Tsawwassen Territory in the provincial archaeological inventory. | BC | As desired after Effective Date | |
| | Determine whether to provide information to British Columbia on an archaeological site, if so provide information in a format that meets provincial archaeological inventory standards. | TFN | Upon determination | GP 72-77 |
| | Record that information in the provincial archaeological inventory. | BC | Upon receipt of information | |
| 24 | May exchange information in respect to new archaeological sites and heritage objects within Tsawwassen Territory. | TFN, BC | As desired after Effective Date | |
| | If new archaeological sites or heritage objects are identified within Tsawwassen Territory, advise the other Party. | TFN, BC | Upon identification of sites or objects | |
| | Determine whether to exchange relevant information regarding the site or object's). | TFN, BC | Upon advisement | |
| | If so, exchange information. | TFN, BC | Upon determination | |
| 25 | Provide information to Tsawwassen First Nation regarding archaeological sites that no longer exist or is a type of site no longer protected under Provincial Law. | BC | As required after Effective Date | |
| | If site ceases to exist as an archaeological site or is reclassified under Provincial Law, provide that site information to Tsawwassen First Nation. | BC | Upon cessation or reclassification | |
| <u>ARCHAEOLOGICAL HUMAN REMAINS</u> | | | | |
| 26-27 | Transfer Archaeological Human Remains or Associated Burial Objects which can be linked to Tsawwassen First Nation, and which come into in the possession of Canada or British Columbia. | BC, CAN | As required after Effective Date | clause 25, 28 |
| | Advise Tsawwassen First Nation upon coming into the possession of remains or burial objects. | BC, CAN | As required after Effective Date | |
| | Determine whether the remains or burial objects can be linked to Tsawwassen First Nation. | TFN, BC, CAN | As required after Effective Date | |
| | If so, make a request for the transfer of remains or burial objects. | TFN | Upon determination | |
| | Determine whether there are any competing aboriginal claims; where any competing aboriginal claims exist, provide Canada or British Columbia written confirmation that the claims have been resolved. | TFN | Upon request | |
| | Transfer remains or burial objects in accordance with Federal or Provincial Law and policy. | BC, CAN | Upon request or provision of written confirmation | |
| | Make reasonable efforts to follow Tsawwassen First Nation repatriation protocols in returning items. | TFN, BC, CAN | As required after Effective Date | |
| 28 | Inform Tsawwassen First Nation where British Columbia becomes aware of a site, within Tsawwassen Territory, that contains Archaeological Human Remains. | BC | As required after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---------------------------|---|----------------------------|----------------------------------|---------------------------|
| | Determine whether a site that contains Archaeological Human Remains is within Tsawwassen Territory. | BC | As required after Effective Date | |
| | If so, inform Tsawwassen First Nation. | BC | Upon determination | GP 72-77 |
| <u>PLACE NAMES</u> | | | | |
| 30 | Propose to name, rename or add a place name to a geographic feature. | TFN | After Effective Date | |
| | Determine whether to propose that a geographic feature be named, renamed or added. | TFN | After Effective Date | |
| | If so, make proposal. | TFN | Upon determination | GP 72-77 |
| | Consider proposal in accordance with Federal or Provincial Law and policy and advise Tsawwassen First Nation of decision. | BC | Upon receipt of proposal | GP 72-77 |

CHAPTER 15 – ENVIRONMENTAL MANAGEMENT

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|---|---|
| <u>POWER TO MAKE LAWS</u> | | | | |
| 1 | <p>May make laws in respect of environmental matters on Tsawwassen Lands including laws in respect of:</p> <ul style="list-style-type: none"> * the prevention, mitigation and remediation of pollution and the degradation of the Environment; * waste management, including solid wastes and wastewater; * protection of local air quality; and * response to an Environmental Emergency. | TFN | On Effective Date | clause 11; Governance 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of environmental matters. | TFN | As desired on and after Effective Date | |
| | If enacting law with respect to local air quality, include standards that meet or exceed standards set in bylaws by the Greater Vancouver Regional District | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | Governance 16 |
| <u>ENVIRONMENTAL ASSESSMENT</u> | | | | |
| 4 | Participate in a Federal Environmental Assessment where a Federal Project may adversely affect Tsawwassen Lands or rights. | TFN | As required after Effective Date | |
| | Provide timely notice of Environmental Assessment and sufficient information about the Federal Project to allow Tsawwassen First Nation to determine whether to participate. | CAN | Prior to Environmental Assessment | GP 72-77 |
| | Determine interest in participating in the Environmental Assessment of the Federal Project and inform Canada of decision. | TFN | Prior to Environmental Assessment | GP 72-77 |
| | <p>If Tsawwassen First Nation participates, provide opportunity for them to comment on:</p> <ul style="list-style-type: none"> * the scope of the Federal Project; * the environmental effects of the Federal Project; * any mitigation measures; and * follow-up programs. | CAN | During Environmental Assessment process and prior to decision | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|--|---------------------|---|--------------------|
| | Consider and respond to Tsawwassen First Nation comments. | CAN | Upon receipt of comments and prior to decision | GP 72-77 |
| | Provide Tsawwassen First Nation access to information in Canada's possession in accordance with the public registry provisions in the <i>Canadian Environmental Assessment Act</i> ("CEAA"). | CAN | During and after Environmental Assessment process and prior to decision | |
| 6 | Provide Tsawwassen First Nation with: * the opportunity to propose names to; and * formal standing before a panel convened under the CEAA, for a Federal Project that may be reasonably expected to affect Tsawwassen Lands or rights. | CAN | As required after Effective Date | |
| | Inform Tsawwassen First Nation if a Federal Project is being referred to a panel under the CEAA. | CAN | Prior to project being referred to the Panel | GP 72-77 |
| | Determine whether: * the panel is a decision making body; or * Tsawwassen First Nation is a proponent of the Federal Project. | TFN, CAN | Upon notification | GP 72-77 |
| | If not, determine whether to propose a list of names for consideration by the Minister. | TFN | As soon as practicable after notification | |
| | If so, provide list. | TFN | Upon determination | |
| | Determine whether to appoint an individual from the list of names to the panel. | CAN | Prior to Panel Appointments | |
| | Confirm appointees and advise Tsawwassen First Nation. | CAN | Upon appointment | |
| | Provide Tsawwassen First Nation with formal standing before the panel. | CAN | Upon referral of Federal Project to a Panel | |
| 7, 8 | Involve Tsawwassen First Nation where a proposed Provincial Project located within the Greater Vancouver Regional District or the Tsawwassen Territory, may reasonably be expected to adversely affect residents of Tsawwassen Lands, Tsawwassen Lands or Tsawwassen First Nation rights. | BC | As required after Effective Date | |
| | Determine if Project is within Greater Vancouver Regional District as it existed as of Effective Date or otherwise within Tsawwassen Territory. | BC | As required after Effective Date | |
| | Provide timely notice of and relevant information for the Project. | BC | Upon determination | GP 72-77 |
| | Consult Tsawwassen First Nation regarding the environmental effects of the Project. | BC | Following notification | GP 45, 46 |
| | Provide Tsawwassen First Nation with an opportunity to participate in the Environmental | BC | During assessment process | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|---------------------|----------------------------------|--------------------------|
| | Assessment of the Project. | | | |
| | Give full and fair consideration to comments received from Tsawwassen First Nation. | BC | During assessment process | |
| | Consider and respond to Tsawwassen First Nation comments prior to making a decision to enable the Project to be carried out. | BC | Prior to a decision being made | GP 72-77 |
| 9 | Seek the consent of Tsawwassen First Nation prior to proceeding with any Federal or Provincial Project on Tsawwassen Lands. | BC, CAN | As required after Effective Date | GP 72-77 |
| | Determine whether any Federal or Provincial Project is on Tsawwassen Lands. | BC, CAN | As required after Effective Date | |
| | If so, provide relevant information to Tsawwassen First Nation regarding the proposed Project and seek Tsawwassen First Nation consent. | BC, CAN | Upon determination | |
| | Determine whether to provide consent, and advise relevant Party of the decision. | TFN | Upon decision | |
| 10 | Negotiate and attempt to reach agreement on harmonized procedures respecting a proposed development on Tsawwassen Lands which is also a Federal or Provincial Project. | TFN, BC, CAN | As required after Effective Date | GP 56 - 57 |
| | Determine if the development is: * subject to Tsawwassen Law under subclause 1(h) of the Land Management chapter; * subject to administrative procedures under clause 12 of the Land Management chapter; and * a Federal or Provincial Project. | TFN | As required after Effective Date | Land Management 1(h), 12 |
| | Negotiate and attempt to reach agreement on harmonization of assessment procedures. | TFN, BC, CAN | Upon determination | |
| | If agreement is reached, implement. | TFN, BC, CAN | Upon agreement | GP 72-77 |
| <u>ENVIRONMENTAL EMERGENCIES</u> | | | | |
| 11 | Responsible for Environmental Emergencies originating on Tsawwassen Lands. | TFN | On or after Effective Date | |
| | Develop and implement plans for: * the prevention of; * preparedness for; * timely response to; and * recovery from Environmental Emergencies. | TFN | On or after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|---|--------------------|
| | Respond to Environmental Emergencies as they occur. | TFN | On or after Effective Date | |
| 12, 13 | Respond to Environmental Emergencies on Crown land or Tsawwassen Lands or the bodies of water immediately adjacent to Tsawwassen Lands, if primary responder has not, or is unable to, respond in a timely manner. | TFN, BC, CAN | As required on and after Effective Date | Access 37 |
| | Determine whether advance notice of environmental response is practicable, if so give notice. | TFN, BC, CAN | As required on and after Effective Date | |
| | Where advance notice is not possible, respond to emergency, then provide notice as soon as practicable. | TFN, BC, CAN | As required on and after Effective Date | GP 72-77 |
| 14 | May negotiate and attempt to reach agreement in respect of Environmental Emergencies occurring on Tsawwassen Lands. | TFN, BC, CAN | As required after Effective Date | |
| | Determine whether to enter into an agreement with respect to prevention of, preparedness for, response to, and recovery from Environmental Emergencies. | TFN, BC, CAN | As required after Effective Date | |
| | If so, enter into negotiation of an agreement which will define the roles and responsibilities of each Party with respect to Environmental Emergencies. | TFN, BC, CAN | As required after Effective Date | |
| | If agreement reached, implement. | TFN, BC, CAN | As required after Effective Date | GP 72-77 |

CHAPTER 16 – GOVERNANCE

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|---|--------------------|
| <u>TSAWWASSEN ELECTIONS</u> | | | | |
| 11-12 | Hold first election for the Tsawwassen Government within 6 months of the Effective Date. | TFN | After Effective Date | clause 10 |
| | Conduct the first election of the Tsawwassen Government, in accordance with the Tsawwassen Constitution and other Tsawwassen Laws. | TFN | Within 6 months after Effective Date | |
| <u>APPEAL AND REVIEW OF ADMINISTRATIVE DECISIONS</u> | | | | |
| 13, 14 | Establish procedures for appeal or review of administrative decisions of Tsawwassen First Nation or Public Institutions. | TFN | On and after Effective Date | clause 22 |
| | Establish administrative decision review procedures under Tsawwassen Law. | TFN | On and after Effective Date | |
| | When establishing administrative review procedures or establishing law, determine whether to include a right of appeal to a court, if so, the Supreme Court of British Columbia has jurisdiction to hear those appeals. | TFN | On and after Effective Date | |
| | If enacting law in respect of review and appeal, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| - | Develop and make publicly available information respecting the appeal process, including where applicable that an appellant must exhaust internal processes prior to applying for judicial review. | TFN | On and after Effective Date | |
| <u>REGISTRY OF LAWS</u> | | | | |
| 16 | Maintain a public registry of Tsawwassen Laws in accordance 16(a) - (c). | TFN | As required on and after Effective Date | GP 72-77 |
| | Develop and maintain a public registry of Laws. | TFN | As required on and after Effective Date | |
| | Deposit English version of Laws in registry. | TFN | Upon passage of Law | |
| | If desired, translate Laws in the Hun'qum'i'num language and deposit these in the registry. | TFN | As desired | |
| | Provide Canada and British Columbia with copies of Laws. | TFN | As soon as practicable | |
| | Establish procedures for the coming into force and the publication of Laws enacted. | TFN | As required on and after Effective Date | |
| <u>PARTICIPATION OF NON-MEMBERS</u> | | | | |
| 17 | Tsawwassen Institutions will Consult with Non-Members in respect of decisions that directly and significantly affect them. | TFN | As required on and after Effective Date | GP 45, 46 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|--|--|
| | Determine whether a Tsawwassen Institution may make decisions that may directly or significantly affect Non-Members. | TFN | Upon establishment of Tsawwassen Institution | |
| | If so, establish Consultation procedures for Non-Members. | TFN | Upon determination | |
| 18 - 21 | Establish under law, a means for Non-Member participation in the decision-making processes of Tsawwassen Public Institutions where decisions directly and significantly affect them. | TFN | As required on and after Effective Date | GP 72-77 |
| | Establish under law, a requirement for Tsawwassen Public Institutions to provide for participation of Non-Members in decision making if the Tsawwassen Public Institution's activities directly affect Non-Members. | TFN | As required on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | clause 4, 6, 16; Tsawwassen Constitution |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | |
| | In establishing a Tsawwassen Public Institutions, determine whether it may make decisions that directly or significantly affect Non-Members and whether Non-Member participation is required. | TFN | Prior to establishment | |
| | If so, develop procedure respecting the participation of Non-Members which will include: * an opportunity to vote for and to stand for election as a member of a Tsawwassen Public Institutions, if members of the Tsawwassen Public Institutions are elected members; * at least one member of a Tsawwassen Public Institutions, where members are not elected; or * other comparable measures. | TFN | Upon determination | |
| | Develop and make publicly available, information respecting the participation process for non-Members. | TFN | Upon development of the Law | |
| 22 | Provide Non-Members with access to the appeal and review procedures established under clause 13. | TFN | As required on and after Effective Date | clause 13 |
| | When developing administrative review and appeal procedures, include access provisions for Non-Members. | TFN | As required on and after Effective Date | |
| | Make publicly available, information respecting the review and appeal procedures. | TFN | As required on and after Effective Date | |
| <u>NOTIFICATION OF TSAWWASSEN LAW-MAKING</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|--|---------------------|---|--------------------------------------|
| 23, 24 | <p>Provide at least six months written notice to Canada and British Columbia prior to bringing into effect Tsawwassen Laws in respect of:</p> <ul style="list-style-type: none"> * adoption; * Child Protection Services; * health services; * social services; * Child Care Services; and * kindergarten to grade 12 education. | TFN | As required before and after Effective Date | clause 28 |
| | Determine whether to enact laws in respect of the above matters. | TFN | As required before and after Effective Date | |
| | If so, provide written notice to Canada and British Columbia of the intention to enact law. | TFN | At least 6 months prior to enacting law | GP 72-77 |
| | May enact laws within the six months notice period if Canada and British Columbia agree. | TFN | As agreed after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | clause 4, 6; Tsawwassen Constitution |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| 25, 26, 27 | <p>Consult with Canada or British Columbia, with respect to matters set out in 26(a) - (d) and discuss matters set out in 27(a) - (d) and may negotiate and attempt to reach agreement on any of these matters.</p> | TFN | As required after Effective Date | clause 23; GP 45, 46, 72-77 |
| | Make determination whether Consultation, discussions or negotiations are necessary. | BC, CAN | Upon receipt of notice | |
| | If so, make request in writing within 3 months of receiving notice. | BC, CAN | Within 3 months of receiving notice | clause 23; GP 72-77 |
| | <p>Consult with Canada or British Columbia, as the case may be, regarding:</p> <ul style="list-style-type: none"> * options, other than law making, to address Tsawwassen First Nation's interests; * immunity of individuals providing services or exercising authority under Tsawwassen Law; * readiness and quality assurance; and * other matters as agreed. | TFN | Following written request | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|---|---|
| | Discuss transitional matters including: * transfer of cases and related documentation; * any transfer of assets to Tsawwassen Institutions; * appropriate amendments to Federal or Provincial Laws; and * other matters as agreed. | TFN, BC, CAN | Following written request | |
| | Determine whether to negotiate and seek agreement on any of the matters set out above. | TFN, BC, CAN | Upon receipt of notice | clause 26, 27; GP 56, 57, 72-77 |
| | If so, negotiate and attempt to reach agreement. | TFN, BC, CAN | Upon determination | |
| | If agreement reached, implement. | TFN, BC, CAN | Upon agreement | |
| | Whether or not an agreement is reached with Canada or British Columbia, Tsawwassen First Nation may exercise its law-making authority immediately following the six-month notice period in respect of law making matters listed in clause 23. | TFN | As desired 6 months following notice | clause 23 |
| 28 | Respond to the notice referred to in clause 23, if Tsawwassen proposes a Law for reasons of emergency. | BC, CAN | As soon as practicable upon receipt of notice | clause 23 |
| | Determine whether there is a requirement for a Tsawwassen Law for reasons of emergency. | TFN | As required after Effective Date | |
| | Provide written notice to British Columbia and Canada. | TFN | Upon determination | GP 72-77 |
| | Provide response to Tsawwassen First Nation as soon as practicable. | BC, CAN | As soon as practicable upon receipt of notice | GP 72-77 |
| <u>NOTIFICATION OF CHANGES TO PROVINCIAL LEGISLATION</u> | | | | |
| 29 - 31 | Notify Tsawwassen First Nation before legislation is introduced or a regulation is approved, unless this obligation is deemed to have been satisfied by an agreement under clause 32, clause 35, or for reasons of emergency or confidentiality. | BC | As required after Effective Date | clause 32, 35, 112, 162, 163; GP 72-77 |
| | Determine whether notice provisions are required as a result of proposed legislation/regulation that may affect: * Tsawwassen Government law-making authority; or * the protections, immunities, limitations in respect of liability, remedies over, and rights referred to in clause 163, which refers to the <i>Local Government Act</i> , and clause 164, which refers to the <i>Occupiers Liability Act</i> ; | BC | As required after Effective Date | clause 114, 163, 164 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|--|---------------------|--|---|
| | * the rights, powers, duties, obligations, or the protections, immunities, limitations in respect of liability, remedies over, and rights referred to in clause 114 (emergency preparedness/measures on Tsawwassen Lands). | | | |
| | Provide notice to Tsawwassen First Nation prior to legislation being introduced or a regulation being approved that includes the nature and purpose of the legislation or regulation and the anticipated date of it taking effect. | BC | As early as practicable prior to Legislation or Regulation | GP 72-77 |
| | Where prior notice is not given due to reasons of emergency or confidentiality provide notice that legislation has been introduced or regulations have been deposited. | BC | As soon as practicable | GP 72-77 |
| 32 | May negotiate and attempt to reach agreements establishing alternatives to obligations with respect to Provincial Legislation changes under clauses 29 to 31 and 33. | TFN, BC | As desired after Effective Date | clause 29, 30, 31, 33; GP 56, 57, 72-77 |
| | Determine whether alternatives to obligations above are desired. | TFN, BC | As desired after Effective Date | |
| | Negotiate and attempt to reach agreement. | TFN, BC | Upon determination | |
| | If agreement reached, implement. | TFN, BC | Upon agreement | |
| 33 | Upon written request, discuss the effect of the legislation or regulation on: * Tsawwassen Law; or * matters referred to in clause 29(b) and (c). | TFN, BC | As required after Effective Date | clause 29, 32, 34, 35 |
| | Determine whether to make a request to discuss the effect of the legislation or regulation subject to clauses 34 and 35, or an agreement under clause 32. | TFN | As desired after Effective Date | GP 72-77 |
| | If so, make request. | TFN | Upon determination | |
| | Discuss effect of legislation or regulation. | TFN, BC | Upon receipt of request | |
| 34 | Participate in any collective discussion process that may be established by British Columbia concerning matters referred to in clause 33. | TFN | As required after Effective Date | clause 33 |
| | Determine whether to establish a collective discussion process. | BC | As desired after the Effective Date | |
| | Invite Tsawwassen First Nation participation in any process established. | BC | Upon establishment of process | GP 72-77 |
| | Participate in a collective discussion process established by British Columbia, which will satisfy its obligations under clause 33. | TFN | Upon establishment of process | |
| 35 | Undertake consultation with a representative body of which Tsawwassen First Nation is a member, and with whom British Columbia has an agreement, with respect to matters in clauses 29, 30 and 33. | BC | As required after Effective Date | clause 29, 30, 33 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|----------------------------------|--------------------------------------|
| | Where an agreement exists with a representative body, undertake consultation, to satisfy British Columbia's obligations to provide notice under clauses 29, 30 and discussion under 33. | BC | As required after Effective Date | |
| 36 | Retain information referred to in 29 to 35 (regarding changes to provincial legislation) in strict confidence until this legislation is given First Reading or the regulation is deposited with the Registrar, unless otherwise agreed. | TFN | As required after Effective Date | clause 29-35 |
| | Determine whether to grant Tsawwassen First Nation an exemption from confidentiality requirements. | BC | As required after Effective Date | |
| | If no exemption granted, retain all information in strict confidence. | TFN | As required after Effective Date | GP 72-77 |
| 38 | Amend a Tsawwassen Law, where a provincial law or regulation affects its validity. | TFN | As required after Effective Date | |
| | Upon receiving notice from British Columbia, determine whether the proposed legislation or regulation affects the validity of a Tsawwassen Law. | TFN | As required after Effective Date | clause 29 |
| | If so, amend Tsawwassen Law. | TFN | Within 6 months of determination | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | clause 4, 6; Tsawwassen Constitution |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| <u>DELEGATION</u> | | | | |
| 39 - 41 | May delegate Tsawwassen law-making authority. | TFN | As desired after Effective Date | Tsawwassen Constitution |
| | Determine whether to delegate law-making authorities or authorities other than law-making to: * a Tsawwassen Public Institution; * other governments; * other BC First Nation public institutions or governments; or * a legal entity as agreed by the Parties. | TFN | As desired after Effective Date | |
| | Reach agreement with the entity(ies) to whom an authority is to be delegated, requiring the delegate to exercise any delegated authority in accordance with the Final Agreement and the Tsawwassen Constitution. | TFN | Upon determination | GP 72-77 |
| | Obtain written consent from any delegate other than a Tsawwassen Public Institution. | TFN | Upon agreement | |
| <u>TSAWWASSEN FIRST NATION LAW-MAKING AUTHORITIES</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|------------------------------|--|---------------------|---|---|
| Tsawwassen Government | | | | |
| 43 | May make laws in respect of election, administration, management and operation of Tsawwassen Government. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws respecting election, administration, management and operation of Tsawwassen Government. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| 45, 46 | Make laws in respect of reasonable access to information, including exempting certain information from access, held by a Tsawwassen Institution to Tsawwassen Members or other Persons. | TFN | As required on and after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to exempt access to information that is generally unavailable under Federal or Provincial Law. | TFN | As required on and after Effective Date | |
| | Enact laws in respect of access to information including exemptions. | TFN | As required on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Tsawwassen Membership | | | | |
| 48 | May make laws in respect of membership in Tsawwassen First Nation. | TFN | On Effective Date | clause 4, 6; Tsawwassen Constitution; Eligibility and Enrolment |
| | Determine whether to enact laws in respect of Tsawwassen membership. | TFN | On Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Tsawwassen Assets | | | | |
| 51 | May make laws in respect of the use, possession, management and Disposition of assets located on and off Tsawwassen Lands, Other Tsawwassen Lands as an asset, of Tsawwassen First Nation, Corporation or Public Institution. | TFN | As desired on or after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws respecting Tsawwassen assets. | TFN | As desired on or after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-----------------|---|---------------------|---|--------------------------------------|
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Adoption | | | | |
| 56-61 | <p>May make laws in respect of adoption, in British Columbia of:</p> <p>a) Tsawwassen Children;</p> <p>b) Children who reside on Tsawwassen Lands by Tsawwassen Members; and</p> <p>c) Children of Tsawwassen Members in accordance with clause 60.</p> | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws respecting adoption. | TFN | As desired after Effective Date | |
| | If so, provide notification of proposed law to British Columbia and Canada. | TFN | At least 6 months prior to Enactment of Law | clause 23, 24; GP 72-77 |
| | <p>When developing law:</p> <p>* expressly provide that the best interests of the Child are paramount; and</p> <p>* provide for the consent of the individuals whose consent to a Child's adoption is required under provincial law.</p> | TFN | During development process | |
| | Negotiate and attempt to reach agreement on the information to be included in the notice to British Columbia and Canada of adoptions under Tsawwassen Law. | TFN, BC, CAN | During development process | clause 58(c) |
| | <p>If enacting law:</p> <p>* develop operational and practices standard that promote the best interests of the Child;</p> <p>* participate in the provincial information management systems or establish and maintain management, storage and disposal systems for adoption records and safeguarding of personal adoption information compatible to provincial systems; and</p> <p>* provide British Columbia and Canada with a record of all adoptions occurring under Tsawwassen Law.</p> | TFN | Prior to enactment of Law | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------------------------|---|----------------------|--|--|
| 62, 76 | A Director designated under the <i>Child, Family and Community Service Act</i>, upon becoming a guardian of a Tsawwassen Child, will notify and attempt to work with the Tsawwassen First Nation with respect to the guardianship of that Child. | BC | As required after Effective Date | |
| | Upon guardianship, the Director will: <ul style="list-style-type: none"> * provide notice to Tsawwassen First Nation that the Director is the guardian of a Tsawwassen Child; * provide notice to Tsawwassen First Nation when the Director applies for a continuing custody order and provide a copy of the order; * make reasonable efforts to involve Tsawwassen First Nation in planning for the Tsawwassen Child, including adoption planning; * consent to the application of Tsawwassen Law to the adoption of the Tsawwassen Child, upon request by Tsawwassen First Nation, provided that it is in the "best interests" of the Tsawwassen Child; and * consider the importance of preserving cultural identity when determining the best interests of the Tsawwassen Child. | BC | As required after Effective Date | GP 72-77 |
| 64 | Make reasonable efforts to obtain information about cultural identity and discuss any potential adoptions with a designated representative of the Tsawwassen First Nation. | BC (Adoption Agency) | Prior to placing a Tsawwassen Child for adoption | clause 65 |
| | Designate a representative for discussions respecting adoptions and notify British Columbia. | TFN | As required after Effective Date | GP 72-77 |
| | Initiate and make reasonable efforts to obtain information about cultural identity and discuss placement of a Tsawwassen Child for adoption. | BC (Adoption Agency) | Prior to placing a Tsawwassen Child for adoption | |
| | Make decision on placement of Tsawwassen Child and provide notification of the placement to Tsawwassen First Nation. | BC (Adoption Agency) | Upon discussing placement | GP 72-77 |
| Child Protection Services | | | | |
| 69-72 | May make laws in respect of Child Protection Services on Tsawwassen Lands. | TFN | As desired on and after Effective Date | clause 4, 6, 23, 24, 69, 75; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of Tsawwassen Children; and Children who are not Tsawwassen Children, who are subject to an agreement under clause 75 between Tsawwassen First Nation and British Columbia. | TFN | As desired on and after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|--|---------------------|---|-------------------------|
| | If so, provide notification of proposed law to British Columbia and Canada. | TFN | At least 6 months prior to Enactment of Law | clause 23, 24; GP 72-77 |
| | If so, when developing Tsawwassen Law: * expressly provide that the Law will be interpreted and administered so that the Safety and Well-Being of the Child is paramount; and * include reporting of a Child in Need of Protection in accordance with Provincial Law. | TFN | During development process | |
| | If enacting law: * develop operational and practices standards intended to ensure the Safety and Well-Being of Children; * participate in the provincial information system for Children in Need of Protection and Children in care or establish and maintain a Tsawwassen information system comparable to the provincial system; * allow for information sharing with British Columbia; * establish and maintain a system for the management, storage and disposal of Child Protection Services records and the safeguarding of personal Child Protection Services information; and * treat the information shared under clause 71(c) in accordance with federal and provincial privacy legislation and protect that information from subsequent disclosures. | TFN | Prior to enactment of Law | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| 73 | May act, in an emergency, if a Child on Tsawwassen Lands is a Child in Need of Protection. | BC | As required after Effective Date | clause 69 |
| | Protect a Child on Tsawwassen Lands in an emergency. | BC | As required after Effective Date | |
| | Refer the matter to Tsawwassen First Nation, as appropriate, after the emergency, unless otherwise agreed in writing. | TFN, BC | As required after Effective Date | |
| 75 | Negotiate and attempt to reach agreements in respect of Child Protection Services for Tsawwassen Children who do not reside on Tsawwassen Lands or for Children who reside on Tsawwassen Lands who are not | TFN, BC | As Required after Effective Date | GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|------------------|---|---------------------|---|--|
| | Tsawwassen Children. | | | |
| | Determine whether to seek negotiation of an agreement respecting Child Protection Services. | TFN | As Required after Effective Date | |
| | If so, make request. | TFN | Upon determination to negotiate | |
| | Negotiate and attempt to reach agreement. | TFN, BC | Upon request | |
| | If agreement reached, implement. | TFN, BC | Upon agreement | |
| Education | | | | |
| 77 | May make laws in respect of education in Tsawwassen culture and Hun'qum'i'num language that are provided on Tsawwassen Lands by a Tsawwassen Institution, or a person appointed by Tsawwassen First Nation. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of the certification and accreditation of teachers of the culture of Tsawwassen First Nation and the Hun'qum'i'num language. | TFN | As desired after Effective Date | |
| | Determine whether to enact laws in respect of the development of the curriculum for teaching culture of Tsawwassen First Nation and the Hun'qum'i'num language. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| 78, 79 | May make laws in respect of Kindergarten to Grade 12 ("K-12") education provided by a Tsawwassen Institution on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6, 23, 24; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of K-12 education on Tsawwassen Lands | TFN | As desired after Effective Date | |
| | If so, provide notification of proposed law to British Columbia and Canada. | TFN | At least 6 months prior to Enactment of Law | clause 23, 24; GP 72-77 |
| | Develop laws to include: * curriculum, examination and other standards that permit transfer of students between school systems and entry to provincial post secondary systems; and * certification and accreditation of teachers in accordance with standards comparable to provincial standards. | TFN | During development process | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|---|--------------------------------------|
| 80 | May make laws in respect of K-12 home education of Tsawwassen Members on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact a law respecting K-12 home education. | TFN | As desired after Effective Date | |
| | If so, provide notification of proposed law to British Columbia and Canada. | TFN | At least 6 months prior to enactment of law | clause 23, 24; GP 72-77 |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| 82 | Negotiate and attempt to reach agreement concerning the provision of K-12 education to: * individuals, other than Tsawwassen Members, residing on Tsawwassen Lands; and * Tsawwassen Members residing off Tsawwassen Lands, at the request of Tsawwassen First Nation or British Columbia. | TFN, BC | As required after Effective Date | clause 78; GP 72-77 |
| | Determine whether to seek an agreement regarding K-12 education. | TFN, BC | As required after Effective Date | |
| | If so, negotiate and attempt to reach agreement. | TFN, BC | Upon determination | |
| | If agreement reached, implement. | TFN, BC | Upon agreement | |
| Post Secondary Education and Training | | | | |
| 83 | May make laws in respect of post-secondary education provided by a Tsawwassen Institution on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to establish post secondary education institutions with the ability to grant degrees, diplomas or certificates. | TFN | As desired after Effective Date | |
| | Develop a plan to establish a post secondary education institution, which may include matters relating to curriculum development, adult education and employment training services. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Aboriginal Healers | | | | |
| 85, 87 | May make laws in respect of the authorization of individuals to practise as aboriginal healers on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact a law respecting aboriginal healers. | TFN | As desired after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|------------------------|---|---------------------|---|--|
| | If so, in developing law, include standards: * respecting competence, ethics and quality of practice necessary to protect the public; and * reasonably required to safeguard personal client information. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Health Services | | | | |
| 89, 90 | May make laws in respect of health services, including public health provided by a Tsawwassen Institution on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws respecting health services on Tsawwassen Lands. | TFN | As desired after Effective Date | |
| | If so, provide notification of proposed law to British Columbia and Canada. | TFN | At least 6 months prior to Enactment of Law | clause 23, 24; GP 72-77 |
| | Develop laws taking into account the protection, improvement and promotion of public and individual health and safety. | TFN | Upon determination to enact laws | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| 91 | Negotiate and attempt to reach agreement for the delivery and administration by a Tsawwassen Institution of federal and provincial health services and programs for residents on Tsawwassen Lands. | TFN, BC, CAN | At the request of any Party | GP 72-77 |
| | Determine whether to seek an agreement regarding the delivery and administration of federal and provincial health services and programs by a Tsawwassen Institution. | TFN, BC, CAN | As desired after Effective Date | |
| | If so, make request. | TFN, BC, CAN | Upon determination | |
| | Negotiate and attempt to reach agreement. | TFN, BC, CAN | Upon request | |
| | If agreement reached, implement. | TFN, BC, CAN | Upon agreement | |
| Social Services | | | | |
| 94 | May make laws in respect of social services provided by a Tsawwassen Institution. | TFN | As desired after Effective Date | clause 4, 6, 97; Tsawwassen Constitution |
| | Determine whether to enact laws respecting social services, including income assistance, family and community life services and housing. | TFN | As desired after Effective Date | |
| | If so, provide notification of proposed law to British Columbia and Canada. | TFN | At least 6 months prior to Enactment of Law | clause 23, 24; GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|------------------------------------|--|---------------------|----------------------------------|--------------------------------------|
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| 97 | Negotiate and attempt to reach agreement in respect of the matters set out in 97(a) - (b). | TFN, BC, CAN | At the request of any Party | GP 72-77 |
| | Determine whether to negotiate an agreement regarding the exchange of information to avoid double payments and the administration and delivery by a Tsawwassen Institution of federal and provincial social services and programs for residents of Tsawwassen Lands. | TFN, BC, CAN | As desired after Effective Date | |
| | If so, make request. | TFN, BC, CAN | Upon determination | |
| | If so, negotiate and attempt to reach agreement. | TFN, BC, CAN | Upon request | |
| | If agreement reached, implement. | TFN, BC, CAN | Upon agreement | |
| Family Development Services | | | | |
| 99 | May make laws in respect of Family Development Services provided by a Tsawwassen Institution on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact a law respecting Family Development Services. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Liquor Control | | | | |
| 101 | May make laws in respect of the prohibition of, and the terms and conditions for the sale, exchange, possession, manufacture or consumption of liquor on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact a law respecting liquor control. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| 104 | Approve application made by Tsawwassen First Nation, its agents or assignees for a license, permit, or other authority to sell liquor on Tsawwassen Lands, in accordance with Provincial Law. | BC | As required after Effective Date | GP 72-77 |
| | Determine whether to submit application. | TFN | As desired after Effective Date | |
| | If so, submit application. | TFN | Upon determination | GP 72-77 |
| | Review application for compliance with Provincial Law. | BC | Upon receipt of application | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|--|--------------------------------------|
| | If in compliance, issue license, permit or other authority, as the case may be. | BC | Upon confirmation of compliance | GP 72-77 |
| 105 | May issue to a person other than Tsawwassen First Nation, a license, permit or other authority to sell liquor on Tsawwassen Lands with the consent of Tsawwassen First Nation. | BC | As desired after Effective Date | clause 103(a); GP 72-77 |
| | Receive application for liquor license or permit from a person other than Tsawwassen First Nation, its agents or assignees. | BC | As desired after Effective Date | |
| | Review application for compliance with Provincial Law. | BC | Upon receipt of application | |
| | Advise Tsawwassen First Nation of the application and seek their consent to issue the license, permit or other authority. | BC | Upon receipt of application | GP 72-77 |
| | Determine whether to grant consent and, if so, advise British Columbia. | TFN | Upon determination | |
| | Advise applicant of decision. | BC | Upon advice from Tsawwassen First Nation | GP 72-77 |
| 106 | Authorize persons designated by Tsawwassen First Nation to approve or deny applications for special occasion licenses or temporary permits to sell liquor on Tsawwassen Lands. | BC | As required after Effective Date | |
| | Designate person(s) to approve or deny applications. | TFN | As required after Effective Date | |
| | Advise British Columbia of the designated person(s). | TFN | Upon designation | GP 72-77 |
| | Authorize person(s) designated in accordance with Provincial law. | BC | As required after Effective Date | GP 72-77 |
| Solemnization of Marriages | | | | |
| 107, 108 | May make laws in respect of solemnization of marriages within British Columbia by individuals designated by Tsawwassen First Nation. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact law respecting solemnization of marriages. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| | Designate individual(s) to solemnize marriages and notify British Columbia of those designated. | TFN | Upon designation | |
| | Appoint those designated by Tsawwassen First Nation as individuals authorized to solemnize marriages under Provincial Law and Tsawwassen Law. | BC | Upon notification | GP 72-77 |
| | Advise Tsawwassen First Nation of appointments. | BC | Upon appointment | GP 72-77 |
| Judicial Proceedings in Respect of Matrimonial Property | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---------------------------------|---|---------------------|---|--|
| 110 | May provide evidence and make representations to a court upon the breakdown of a marriage involving at least one Member. | TFN | As desired after Effective Date | Land Management 6 |
| | Determine whether to provide evidence and make representations to a court, where a Tsawwassen Law may restrict the alienation of Tsawwassen Lands to its Members upon the breakdown of a marriage. | TFN | As desired after Effective Date | |
| | If so, submit evidence or make representations. | TFN | Upon determination | |
| Child Care | | | | |
| 112 | May make laws in respect of Child Care services on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws respecting Child Care services. | TFN | As desired after Effective Date | |
| | If so, provide notification of proposed law to British Columbia and Canada. | TFN | At least 6 months prior to Enactment of Law | clause 23, 24; GP 72-77 |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Emergency Preparedness | | | | |
| 115 | May make laws in respect of Tsawwassen First Nation rights, powers, duties and obligations under Federal and Provincial Law in respect of emergency preparedness and emergency measures on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6, 114, 117; Tsawwassen Constitution |
| | Determine whether to enact laws respected emergency preparedness and measures. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Regulation of Business | | | | |
| 119 | May make laws in respect of the regulation, licensing and prohibition of businesses on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6, 120, 121; Tsawwassen Constitution |
| | Determine whether to enact laws respecting the regulation of businesses, including prohibition of certain types of public entertainment. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Buildings and Structures | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|---|---|
| 124 | May make laws in respect of buildings and structures on Tsawwassen Lands. | TFN | As desired after Effective Date | clause 4, 6, 123; Tsawwassen Constitution |
| | Determine whether to enact laws respecting buildings and structures on Tsawwassen Lands. | TFN | As desired after Effective Date | |
| | If so, develop laws: * to be consistent with the <i>British Columbia Building Code</i> ; and * which do not include additional or different standards than those established under the <i>British Columbia Building Code</i> unless otherwise agreed; | TFN | Upon determination | clause 125, 126 |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| 125 | Negotiate and attempt to reach agreement to enable Tsawwassen Government to establish standards for buildings or structures which are additional to or different from standards established by the <i>British Columbia Building Code</i>. | TFN, BC | Upon request by Tsawwassen First Nation | GP 72-77 |
| | Determine whether to establish standards which are additional to or different from the <i>British Columbia Building Code</i> . | TFN | As desired after Effective Date | |
| | If so, make request to establish standards which are additional to or different from <i>British Columbia Building Code</i> . | TFN | Upon determination | |
| | Negotiate and attempt to reach agreement. | TFN, BC | Upon request | |
| | If agreement reached, implement. | TFN, BC | Upon agreement | |
| Public Works | | | | |
| 127 | May make laws in respect of public works and related services on Tsawwassen Lands. | TFN | As desired on and after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws respecting public works and related services on Tsawwassen Lands. | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Traffic, Parking, Transportation and Highways | | | | |
| 129 | May make laws in respect of traffic, parking, transportation and highways on Tsawwassen Lands to the same extent as Local Governments in British Columbia. | TFN | As desired on and after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws relating to traffic, parking, transportation and highways. | TFN | As desired on and after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---------------------------------------|---|---------------------|---|--------------------------------------|
| | If so, develop laws which are consistent with the scope of authority of a Local Government. | TFN | Upon determination | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Public Order, Peace and Safety | | | | |
| 131 | May make laws in respect of public order, peace and safety on Tsawwassen Lands. | TFN | As desired on and after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact such laws. | TFN | As desired on and after Effective Date | |
| | If so, when developing laws with respect to the regulation, control or prohibition of any actions, activities or undertakings on Tsawwassen Lands which may constitute a danger to public health, a threat to public order, peace or safety, a nuisance or trespass consider whether there is a need to include provisions in respect of: *animals; *discharge of firearms and use of other weapons, firecrackers, fireworks and explosives; and *public games, sports, races and athletic contests that may constitute a nuisance or pose a threat to public order, peace and safety. | TFN | Upon determination | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| Penalties | | | | |
| 133-136 | May impose penalties, including fines, restitution, and imprisonment for the violation of Tsawwassen Laws. | TFN | As required after Effective Date | |
| | If Tsawwassen Government makes laws that impose penalties for violation of Tsawwassen Law, it will do so in accordance with the limits set out in clauses 134-136 and clause 6 of the Taxation chapter. | TFN | As required after Effective Date | Taxation 6 |
| Enforcement of Tsawwassen Laws | | | | |
| 139 | Negotiate and attempt to reach agreement to the extent of their respective jurisdictions on the enforcement of Tsawwassen Laws by federal or provincial enforcement officials or police forces. | TFN, BC, CAN | At the request of Tsawwassen Government | GP 72-77 |
| | Determine whether to negotiate with federal or provincial officials with regard to enforcement of Tsawwassen Laws. | TFN | As desired after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|--------------------------------------|---|--------------------------------------|
| | If so, make request to the body with jurisdiction to negotiate the agreement. | TFN | Upon determination | |
| | Negotiate and attempt to reach agreement. | TFN and BC/CAN (or enforcement body) | Upon request | |
| | If agreement reached, implement. | TFN and BC/CAN (or enforcement body) | Upon agreement | |
| 140,144 | May make laws in respect of the enforcement of Tsawwassen Laws, including the appointment of enforcement officials. | TFN | As desired after Effective Date | clause 4, 6; Tsawwassen Constitution |
| | Determine whether to enact laws respecting enforcement of Tsawwassen Laws. | TFN | As desired after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance Chapter. | TFN | Upon enactment | clause 16 |
| | Appoint officials to enforce Tsawwassen Laws. | TFN | Upon selection | |
| | Provide training to Tsawwassen enforcement officials of a similar standard as that received by other enforcement officers carrying out similar duties in British Columbia. | TFN | Upon appointment | |
| | Establish procedures for dealing with complaints against Tsawwassen enforcement officials. | TFN | Upon appointment | GP 72-77 |
| 143 | Discuss and explore options for the establishment of a court, other than a provincial or federal court. | TFN, BC, CAN | Upon request from Tsawwassen First Nation | |
| | Determine whether it is in the interest of Tsawwassen First Nation to explore the establishment of a court. | TFN | As desired after Effective Date | |
| | If so, submit request to enter into discussions. | TFN | Upon determination | GP 72-77 |
| | Discuss and explore options. | TFN, BC, CAN | Upon request | |
| Adjudication of Tsawwassen Laws | | | | |
| 149 | Conduct any prosecutions under Tsawwassen First Nation Law, including appeals. | TFN | As required after Effective Date | GP 72-77 |
| | Take responsibility by: * appointing or retaining individuals in accordance with principles of prosecutorial independence, and consistent with the overall authority of the Attorney General, to conduct prosecutions and appeals; or * entering into agreements with British Columbia or Canada to conduct prosecutions and appeals. | TFN | As required after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|---|---------------------|--|--------------------|
| 150 | Pay fines collected for an offence under Tsawwassen Law and imposed by the Provincial or Supreme Court of British Columbia to Tsawwassen First Nation on a similar basis as British Columbia pays fines to Canada imposed under federal law. | BC | As required after Effective Date | clause 133 |
| | Establish a process to make payments in respect of penalties imposed by a provincial court. | TFN, BC | As required after Effective Date | |
| | Determine whether to enter into an alternative arrangement respecting the collection and payment of fines and if agreement reached, implement. | TFN, BC | As required after Effective Date | |
| Community Correctional Services | | | | |
| 152 | May provide Community Correctional Services for individuals charged with, or found guilty of, an offence under Tsawwassen Law. | TFN | As desired after Effective Date | |
| | Determine whether to provide Community Correctional Services. | TFN | As desired after Effective Date | |
| | If so, establish a Community Correctional Services program consistent with the Final Agreement. | TFN | Upon determination | |
| 153 | May negotiate and attempt to reach agreement to provide Community Correctional Services on Tsawwassen Lands for individuals charged with, or found guilty of an offence under Federal or Provincial Law. | TFN, BC | As the request of Tsawwassen First Nation | GP 72-77 |
| | Determine whether to make request to negotiate an agreement respecting Community Correctional Services, if so, make request. | TFN | As desired after Effective Date | |
| | Determine whether to enter into discussions respecting an agreement for Community Correctional Services and advise Tsawwassen First Nation. | BC | Upon request | GP 72-77 |
| | If agreed, negotiate and attempt to reach agreement. | TFN, BC | Upon determination to negotiate | |
| | If agreement reached, implement. | TFN, BC | Upon agreement | |
| 154 | May enter into an agreement to enable Tsawwassen First Nation to provide rehabilitative community based programs and interventions off Tsawwassen Lands for its Members charged with, or found guilty of a Federal or Provincial offence. | TFN, BC | As desired after Effective Date | GP 72-77 |
| | Determine whether to provide rehabilitative programs and interventions off Tsawwassen Lands. | TFN | As desired after Effective Date | |
| | Make request to British Columbia to enter into discussions respecting an agreement for rehabilitative programs and interventions. | TFN | Upon determination | |
| | If agreed, negotiate and attempt to reach agreement. | TFN, BC | Upon determination to enter into discussions | |
| | If agreement reached, implement | TFN, BC | As desired after Effective Date | GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|--|--------------------|
| 155 | May enter into an agreement to enable the persons appointed by a Tsawwassen Institution to provide Community Correctional Services to adult Tsawwassen Members released from a federal penitentiary. | TFN, CAN | As desired after Effective Date | GP 72-77 |
| | Determine whether to provide Community Correctional Services to adult Members, who are subject to a long-term supervision, temporary absence supervision order, or similar services. | TFN | As desired after Effective Date | |
| | Make request to Canada to enter into discussions. | TFN | Upon determination | |
| | If agreed, negotiate and attempt to reach agreement. | TFN, CAN | Upon determination to enter into discussions | |
| | If agreement reached, implement. | TFN, CAN | Upon agreement | GP 72-77 |

CHAPTER 17 – INTERGOVERNMENTAL RELATIONS AND SERVICES

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|---------------------|---|--------------------|
| <u>TSAWWASSEN FIRST NATION MEMBERSHIP IN THE GREATER VANCOUVER REGIONAL DISTRICT</u> | | | | |
| 5 | Review membership of Tsawwassen First Nation in the Greater Vancouver Regional District, and Associated Entities, at the request of British Columbia or Tsawwassen First Nation. | TFN, BC | As required after Effective Date | |
| | Determine whether to make request for early review of membership. | TFN, BC | Prior to the 10th anniversary of Effective Date | |
| | If so, make request. | TFN, BC | Upon determination | |
| | Review Greater Vancouver Regional District membership of Tsawwassen First Nation. | TFN, BC, CAN | Upon request | |
| 6 | Consult with Tsawwassen First Nation on regional government structural changes that directly and significantly affect Tsawwassen First Nation. | BC | As required after Effective Date | GP 45, 46, 72-77 |
| | Determine whether any changes to regional government structure will impact Tsawwassen First Nation. | BC | As required after Effective Date | |
| | If so, Consult with Tsawwassen First Nation. | BC | Upon determination | |
| 7 | Consult with the Greater Vancouver Regional District on any proposed changes to Tsawwassen First Nation membership in the Greater Vancouver Regional District. | BC | As required after Effective Date | GP 45, 46, 72-77 |
| | Where changes to the membership in the Greater Vancouver Regional District are under consideration, Consult with Greater Vancouver Regional District. | BC | As required after Effective Date | |
| <u>SERVICES AND AUTHORITIES</u> | | | | |
| 12 | Pay for amounts requisitioned for Core Mandatory Regional Services. | TFN | As required after Effective Date | clause 11 |
| | Receive, review and pay for services as requisitioned. | TFN | Annually after Effective Date | |
| 15 | May negotiate and attempt to reach agreement with the Greater Vancouver Transportation Authority for the improved delivery of public transportation services to Tsawwassen Lands. | TFN, BC (GVTA) | As required on and after Effective Date | clause 14 |
| | Determine whether there is a need for improved delivery of public transportation services. | TFN | As desired before and after Effective Date | |
| | If so, negotiate and attempt to reach agreement. | TFN, BC (GVTA) | Upon determination | |
| | If agreement reached, implement. | TFN, BC (GVTA) | Upon agreement | GP 72-77 |
| 16 | May negotiate and attempt to reach agreement for the provision of services and for the application of specified authorities on Tsawwassen Lands and Water Lots. | TFN, BC (GVRD) | As desired on and after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|----------------------------------|--|----------------------------|--|----------------------|
| | Determine whether further services in addition to core mandatory regional services, or the application of authorities, are required. | TFN | As desired on and after Effective Date | |
| | If so, negotiate and attempt to reach agreement. | TFN, BC (GVRD) | Upon determination | |
| | If agreement reached, implement. | TFN, BC (GVRD) | Upon agreement | |
| 17 | May enter into agreements in respect of the provision of and payment for: * Local Government services on Tsawwassen Lands; * Tsawwassen First Nation services to Local Government; or * library services. | TFN, BC (Local Government) | As required on and after Effective Date | GP 72-77 |
| | Determine whether to enter into service agreements identified above. | TFN, BC (Local Government) | As desired before and after Effective Date | |
| | If so, attempt to reach agreement. | TFN, BC (Local Government) | Upon determination | |
| | If agreement reached, implement. | TFN, BC (Local Government) | Upon agreement | |
| <u>LAND USE PLANNING</u> | | | | |
| 20 | Include a statement in any Tsawwassen land use plan that identifies consistency with any Greater Vancouver Regional District regional growth strategy. | TFN | As required after Effective Date | GP 72-77 |
| | Participate as a member in the preparation of the regional growth strategy. | TFN, BC (GVRD) | As required after Effective Date | |
| | In developing a land use plan, consider any Greater Vancouver Regional District regional growth strategy. | TFN, BC (GVRD) | During development | |
| | Include a statement, equivalent to a regional context statement, to identify how the Tsawwassen land use plan is consistent with the Greater Vancouver Regional District regional growth strategy. | TFN | During development | GP 72-77 |
| 21 | Prior to making a planning or zoning law, consult any Local Government that may be affected. | TFN | As required after Effective Date | Land Management 1(d) |
| | Determine whether a planning or zoning law will affect another Local Government. | TFN | As required after Effective Date | |
| | If so, identify the consultation requirements of a municipality undertaking similar law-making, and undertake a consultation process similar in principle with that affected Government. | TFN | Prior to Enacting the Law | |
| <u>PROVISION OF WATER</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---------------------------|--|-----------------------------|----------------------------------|--------------------------------|
| 24 | Negotiate and attempt to reach agreement on the construction and capital costs for the infrastructure connection to the Greater Vancouver Water District water supply. | TFN, BC (GVWD) | On and after Effective Date | |
| | Determine water needs. | TFN | Prior to negotiation | |
| | Determine costs for construction and connection. | TFN, BC (GVWD) | Prior to negotiation | |
| | Negotiate and attempt to reach agreement. | TFN, BC (GVWD) | Upon determination | clause 27, 28, 29 |
| | If agreement reached, implement. | TFN, BC (GVWD) | Upon agreement | |
| 26, 27 | Forward appeal to the Minister where the Greater Vancouver Water District and Tsawwassen First Nation are unable to agree on the terms and conditions on which Tsawwassen is added to the Greater Vancouver Water District. | TFN | On or after Effective Date | clause 2, 25 |
| | If no agreement reached, appeal to the Minister. | TFN | If agreement not reached | |
| | Assess the appeal. | BC | Upon receipt of appeal | |
| | Settle the terms and conditions on which Tsawwassen First Nation will be added to the Greater Vancouver Water District and advise the parties of terms and conditions being imposed. | BC | Upon assessment | |
| DISPUTE RESOLUTION | | | | |
| 28,29 | May use process to resolve disputes between Tsawwassen First Nation and Local Government | TFN, BC, (Local Government) | As required after Effective Date | Dispute Resolution; Appendix P |
| | Determine if dispute requires resolution | TFN, BC, (Local Government) | As required after Effective Date | |
| | If so, make request to determine which process to use | TFN, BC, (Local Government) | Upon Determination | |
| | Commence process to resolve dispute | TFN, BC, (Local Government) | Upon Determination | |

CHAPTER 18 – CAPITAL TRANSFER AND NEGOTIATION LOAN REPAYMENT

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|--|---|
| <u>CAPITAL TRANSFER</u> | | | | |
| 1 | Will pay Capital Transfer, including specified funds, to Tsawwassen First Nation. | CAN | On Effective Date and annually as per Schedule 1 | |
| | Pay Tsawwassen First Nation in accordance with Schedule 1 and clause 4. | CAN | On Effective Date and annually as per Schedule 1 | clause 2, 4; Schedule 1 |
| | Pay the following funds: *Economic Development Capital Fund; *Forest Resources Fund; *Commercial Fish Fund; *Commercial Crab Fund; *Wildlife Fund; and *Reconciliation Fund. | CAN | On Effective Date | Schedule 1; Lands 30, 107; Forest Resources 6; Fisheries 105 (a), (b); Wildlife 9 |
| <u>NEGOTIATION LOAN REPAYMENT</u> | | | | |
| 3 | Make negotiation loan repayments to Canada in accordance with Schedule 2. | TFN | On Effective Date and annually as per Schedule 2 | clause 4, 5; Schedule 2 |
| | Pay negotiation loan repayments in accordance Schedule 2. | TFN | On Effective Date and annually as per Schedule 2 | |
| 4 | May set off and deduct from a Capital Transfer payment the amount of a negotiation loan repayment. | CAN | On Effective Date and annually | clause 1, 3, 5-7; Schedule 1, 2 |
| | Determine whether a notice of prepayment has been received in accordance with clause 5. | CAN | On Effective Date and annually | |
| | If not, set off and deduct the amount of the negotiation loan repayment in accordance with Schedule 2. | CAN | On Effective Date and annually | |
| <u>PREPAYMENTS</u> | | | | |
| 5 | May make prepayments to be credited against the negotiation loan repayment amounts in Schedule 2. | TFN | As desired after Effective Date | |
| | Determine whether to make a prepayment. | TFN | Prior to the 30 day notice Period | |
| | If so, notify Canada in writing of the prepayment and make prepayment. | TFN | 30 days before making Prepayment | GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|--|---------------------|----------------------------------|----------------------------------|
| | Receive prepayment and apply to scheduled negotiation loan repayment in accordance with clauses 6 and 7. | CAN | Upon payment | clause 3, 4, 6, 7; Schedule 2 |
| 6, 7 | Apply any prepayments using the formula and processes as set out in clauses 6 and 7. | CAN | As required after Effective Date | clause 4, 5 |
| | Calculate future value of prepayment as determined with the formula in clause 6. | CAN | As required after Effective Date | |
| | Apply the prepayment, at its future value, to the earliest anniversary for which a scheduled loan repayment, or portion, is due. | CAN | As required after Effective Date | |
| | Where prepayment exceeds an outstanding loan repayment amount due, it will be deemed a prepayment for the next amount due. | CAN | As required after Effective Date | |
| | Where this is the case, calculate and apply future value of the deemed prepayment as determined with the formula in clause 6. | CAN | As required after Effective Date | |
| 8 | Issue a letter upon receipt of a negotiation loan prepayment. | CAN | As required after Effective Date | clause 6, 7; GP 72-77 |
| | Notify Tsawwassen First Nation, in writing, acknowledging receipt of the prepayment and setting out how it will be applied. | CAN | Upon receipt of prepayment | |

CHAPTER 19 – FISCAL RELATIONS

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--------------------|--|----------------------------|---|---------------------------|
| 2, 3, 6 | Negotiate and attempt to reach agreement on a Fiscal Financing Agreement in accordance with matters set out in 2(a) - (g). | TFN, BC, CAN | As required after Effective Date, every 5th year or as otherwise agreed | |
| | Determine whether to enter into negotiations every 5 years or agree on another time period. | TFN, BC, CAN | As desired after Effective Date | |
| | Negotiate and attempt to reach agreement on a Fiscal Financing Agreement that sets out the matters listed in 2(a) - (g). | TFN, BC, CAN | Prior to expiry of current FFA | clause 5 |
| | When negotiating the Fiscal Financing Agreement, take into account the matters listed in clause 3(a) - (j). | TFN, BC, CAN | During negotiation | |
| | If agreement reached, implement. | TFN, BC, CAN | Upon agreement | GP 72-77 |
| | If no agreement reached, the current Fiscal Financing Agreement will continue until terminated under clause 6. | TFN, BC, CAN | If agreement not reached | clause 6 |
| 4, 5 | Negotiate and attempt to reach agreement on the own source revenue contribution of the Tsawwassen First Nation respecting Agreed-Upon Programs and Services, taking into account matters set out in 4(a) - (f). | TFN, BC, CAN | From time to time after Effective Date | clause 2 (d) |
| | Determine when to enter into negotiations. | TFN, BC, CAN | From time to time after Effective Date | |
| | Enter into negotiations, taking into account matters listed in 4(a) - (f). | TFN, BC, CAN | As determined | |
| | When negotiating own source revenue contribution do not include matters set out in 5(a) and do not permit matters set out in 5(b). | TFN, BC, CAN | During negotiation | |
| | If agreement reached, implement. | TFN, BC, CAN | Upon agreement | |

CHAPTER 20 – TAXATION

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|----------------------------|---|---|
| <u>DIRECT TAXATION</u> | | | | |
| 1 | May make laws in respect of direct taxation of Tsawwassen Members on Tsawwassen Lands and implementation of any taxation agreement with either Canada or British Columbia. | TFN | As desired on and after Effective Date | clause 5; Governance 4,6; Tsawwassen Constitution |
| | Determine whether to enact laws in respect of direct taxation of Tsawwassen Members on Tsawwassen Lands to raise revenues. | TFN | As desired on and after Effective Date | |
| | Determine whether to enact laws in respect of the implementation of any tax agreement entered into with Canada or British Columbia. | TFN | As desired on and after Effective Date | |
| | If so, follow process for law-making set out in the Tsawwassen Constitution. | TFN | Upon determination to enact laws | |
| | Follow process for the registration, notice of and publication of Tsawwassen Laws as set out in the Governance chapter. | TFN | Upon enactment | Governance 16 |
| <u>TAXATION POWERS AGREEMENT</u> | | | | |
| 4, 5, 6 | May negotiate and attempt to reach agreement respecting Direct taxation of Persons other than Tsawwassen Members within Tsawwassen Lands, and coordination with existing tax systems. | TFN, BC, CAN | As desired on and after Effective Date | clause 21 |
| | Make request to Canada and British Columbia to negotiate taxation powers with respect to: * Direct taxation of Persons other than Tsawwassen Members within Tsawwassen Lands; and * the manner in which the taxation powers of Tsawwassen Government will be coordinated with existing federal or provincial tax systems; and * alternative approaches to the appeal, enforcement or adjudication of a Tsawwassen taxation Law. | TFN | As desired before or after Effective Date | clause 1; GP 72-77; Governance 133, 135 |
| | Determine whether to enter into negotiations, together or separately, with Tsawwassen First Nation and advise them. | BC or CAN | As desired before or after Effective Date | GP 72-77 |
| | Negotiate and attempt to reach agreement. | TFN, BC and/or CAN | Upon determination | |
| | If agreement reached, develop or modify Tsawwassen Taxation Law if required by the agreement; implement. | TFN, BC and/or CAN | Upon agreement | GP 72-77 |
| | Communicate outcome to respective officials. | TFN, BC and/or CAN | Upon agreement | GP 72-77 |
| <u>TRANSFER OF TSAWWASSEN CAPITAL</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---------------------------------------|--|---------------------|----------------------------------|--------------------|
| 14 | In order for an amount paid from Tsawwassen Capital to Tsawwassen Members to be exempt from taxation, distributions must be in accordance with 14(a) and (b). | TFN | As required after Effective Date | clause 13 |
| | Make any distributions payable to Tsawwassen Members within 90 days from the date the Tsawwassen First Nation receives the Capital Transfer. This distribution must occur within 270 days of Tsawwassen First Nation receiving the Capital Transfer and if so, it will be deemed to be non-taxable. | TFN | As required after Effective Date | |
| <u>TAX TREATMENT AGREEMENT</u> | | | | |
| 22 | Enter into a Tax Treatment Agreement. | TFN, BC, CAN | On Effective Date | |
| | Develop a Tax Treatment Agreement. | TFN, BC, CAN | Before Effective Date | |
| | Implement Tax Treatment Agreement. | TFN, BC, CAN | On and after Effective Date | |

CHAPTER 21 – ELIGIBILITY AND ENROLMENT

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--------------------------------------|--|---------------------|---|--------------------|
| <u>ENROLMENT COMMITTEE</u> | | | | |
| 9, 10 | Establish the enrolment committee. | TFN | Prior to Ratification Date | |
| | Agree upon a time to establish committee. | TFN, BC, CAN | After Chief Negotiators Initialling | |
| | Appoint three representatives. | TFN | Upon agreement | |
| | Notify Canada and British Columbia of enrolment committee appointees. | TFN | Upon appointment | |
| 11-16 | Conduct the enrolment process and carry out the duties and responsibilities as set out in clauses 11 through 16. | TFN | Upon establishment of the Enrolment Committee | |
| | Establish and publish procedures, including eligibility criteria, required documentation, time limits, administrative review procedures and grounds for and process of appeal. | TFN | Upon establishment of the Enrolment Committee | clause 30, 31 |
| | Manage application process. | TFN | Upon establishment of the Enrolment Committee | |
| | Receive and consider applications, including the submission of new information, render and/or vary decisions and enrol applicants. | TFN | Upon establishment of the Enrolment Committee | clause 2 |
| | Maintain records of decisions. | TFN | Upon establishment of the Enrolment Committee | |
| | Provide written notification of decisions to applicants and Parties. | TFN | Upon establishment of the Enrolment Committee | |
| | Establish and maintain Enrolment Register in accordance with this chapter and enrolment appeal board decisions. | TFN | Upon establishment of the Enrolment Committee | |
| | Develop mechanism to provide enrolment application information to the Parties or the enrolment appeal board, which will be held in confidence as required under clause 9(k). | TFN | Upon establishment of the Enrolment Committee | |
| | Upon request by a Party, provide report on the enrolment process. | TFN | Upon establishment of the Enrolment Committee | |
| | Keep information about applications confidential. | TFN | Upon establishment of the Enrolment Committee | |
| | Upon request by a Party, provide a true copy of the enrolment register without cost. | TFN | Upon establishment of the Enrolment Committee | |
| | Provide the ratification committee with the names of each individual who is enrolled, and any other relevant information requested by it. | TFN | Prior to Ratification Vote | Ratification 5, 9 |
| <u>ENROLMENT APPEAL BOARD</u> | | | | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--|--------------------------------------|---|---------------------|
| 17,18, 19 | Establish enrolment appeal board and appoint three members, none of whom may be members of the enrolment committee. | TFN, CAN | After Chief Negotiators Initialling | |
| | Agree upon a date to establish appeal board. | TFN, CAN | After Chief Negotiators Initialling | |
| | Each appoint one representative. | TFN, CAN | Upon establishment of Enrolment Appeal Board | |
| | Jointly appoint a third member. | TFN, CAN | Upon establishment of Enrolment Appeal Board | |
| | From the three members, select a chairperson. | TFN, CAN | Upon establishment of Enrolment Appeal Board | |
| 20-22 | Conduct the appeal process in accordance with this chapter and carry out the duties and responsibilities as set out in clause 20(a) – (g) through 22. | TFN, CAN | Before and after Effective Date | |
| | Establish and publish procedures and set time limits. | TFN, CAN | Upon establishment of board | |
| | Hear and determine appeals from applicants or a Party. | TFN, CAN | Upon receiving appeal | clause 4, 14, 31-33 |
| | Conduct hearings in public, unless confidentiality is required. | TFN, CAN | When hearing an appeal | |
| | Provide written reasons of decisions to each applicant and Parties. | TFN, CAN | Upon reaching decision | |
| | Maintain records of decisions and provide the same to the enrolment committee as required. | TFN, CAN | Before and after Effective Date | |
| | Provide report to the Parties on the appeal process as requested. | TFN, CAN | Upon request before and after Effective Date | |
| | May exercise powers to summon any individual to appear and answer any relevant question under oath, produce any relevant document in their possession and re-hear an appeal completed before the Effective Date. | TFN, CAN | On and after Effective Date | |
| <u>TRANSITION TO TSAWWASSEN GOVERNMENT</u> | | | | |
| 28 | Dissolve enrolment committee and appeal board. | TFN, CAN | When final decision or appeals have been Rendered | |
| | Identify applications or appeals commenced before Effective Date. | Enrolment Committee and Appeal Board | On and after Effective Date | |
| | Render final decisions in respect of applications or appeals. | Enrolment Committee and Appeal Board | On and after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|---|---------------------|
| | Agree that all applications and appeals commenced before to Effective Date have been concluded. | TFN, CAN | On and after Effective Date | |
| | Dissolve enrolment committee in accordance with established procedures. | TFN | When final decision or appeals have been Rendered | clause 11(a) |
| | Dissolve appeal board in accordance with established procedures. | TFN, CAN | When final decision or appeals have been Rendered | clause 20(a) |
| | Make public aware of dissolution of enrolment committee and appeal board as required by established procedures. | TFN, CAN | When final decision or appeals have been Rendered | clause 11(b), 20(b) |
| 29 | Assume on-going responsibility for the enrolment process. | TFN | After Effective Date | |
| | Develop and implement an enrolment process, including budget planning for administrative costs. | TFN | After Effective Date | |
| | Maintain an enrolment register. | TFN | After Effective Date | |
| | Provide copy of enrolment register to British Columbia and Canada each year without cost. | TFN | Each year or as requested after Effective Date | |
| | Provide information concerning enrolment to British Columbia and Canada without cost. | TFN | As requested after Effective Date | |

CHAPTER 22 - DISPUTE RESOLUTION

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|-------------------------------------|---------------------------------------|
| <u>GENERAL</u> | | | | |
| 2 | May agree to vary procedural requirements contained in this chapter, or in Appendix P. | TFN, BC, CAN | As desired after Effective Date | Appendix P |
| | Follow procedural requirements, or alternatively, determine whether to vary those requirements for a particular Disagreement. | TFN, BC, CAN | As desired after Effective Date | |
| | Upon reaching agreement follow new procedural requirements. | TFN, BC, CAN | Upon agreement | GP 72-77 |
| 3 | May agree to abridge or extend a time limit under this chapter or in Appendix P. | TFN, BC, CAN | As desired after Effective Date | Appendix P |
| | Determine whether to abridge or extend a time limit set out in this chapter or in Appendix P. | TFN, BC, CAN | As desired after Effective Date | |
| | If so, seek agreement or file an application to the Supreme Court of British Columbia. | TFN, BC, CAN | Upon determination | GP 72-77 |
| | If agreement reached, implement. | TFN, BC, CAN | Upon agreement | |
| | If ordered by the Supreme Court of British Columbia, abide by the terms of the order. | TFN, BC, CAN | As required after Effective date | GP 72-77 |
| <u>DISAGREEMENTS TO GO THROUGH STAGES</u> | | | | |
| 11, 12 | Follow the stages listed in 11(a) - (c), sequentially, if informal discussions fail. | TFN, BC, CAN | As required after Effective date | Appendix P |
| | Commence stages. | TFN, BC, CAN | As required after Effective date | |
| <u>STAGE ONE: COLLABORATIVE NEGOTIATIONS</u> | | | | |
| 14-15 | A Party directly engaged in the Disagreement may invoke the Dispute Resolution process and require the commencement of collaborative negotiations. | TFN, BC, CAN | As required after Effective Date | clause 16, 18; GP 72-77; Appendix P-1 |
| | Determine that an informal discussion will not resolve the Disagreement. | TFN, BC, CAN | As required after Effective Date | |
| | If so, deliver written notice as required under Appendix P-1. | TFN, BC, CAN | Upon determination | |
| | A Party directly engaged in a Disagreement will participate in the collaborative negotiations. | TFN, BC, CAN | Upon receipt of written notice | GP 72-77; Appendix P-1 |
| | Follow the process as set out in Appendix P-1 to terminate the collaborative negotiations. | TFN, BC, CAN | As required after Effective Date | Appendix P-1 |
| 16 | A Party not directly engaged in a Disagreement may participate in the collaborative negotiations by giving written notice to the other Parties. | TFN, BC, CAN | As desired after Effective Date | Clause 14; GP 72-77; Appendix P-1 |
| | Determine whether to participate in collaborative negotiations. | TFN, BC, CAN | As desired after Effective Date | |
| | If so, give notice of intention to participate. | TFN, BC, CAN | Prior to Collaborative Negotiations | GP 72-77 |
| | Follow the process as set out in Appendix P-1 to terminate the collaborative negotiations. | TFN, BC, CAN | As required after Effective Date | Appendix P-1 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|--|------------------------|
| STAGE TWO: FACILITATED PROCESSES | | | | |
| 19-21, 23, 24 | A Party directly engaged in the Disagreement may require the commencement of a facilitated process, by providing written notice to the other Parties. | TFN, BC, CAN | As desired after Effective Date | GP 72-77 |
| | Determine whether to commence a facilitated process. | TFN, BC, CAN | As desired after Effective Date | |
| | If so, deliver written notice which will include: * the name of the Party and a summary of the particulars of the Disagreement; and * which may propose the use of a particular facilitated process described in clause 23. | TFN, BC, CAN | Within 15 days after termination of Collaborative Negotiations | Clause 23; GP 72-77 |
| | A Party directly engaged in the Disagreement will participate in a facilitated process. | TFN, BC, CAN | Upon receipt notice in clause 19 | clause 23; GP 72-77 |
| | Parties directly engaged will attempt to agree to use one of the following processes: * mediation under Appendix P-2; * technical advisory panel under Appendix P-3; * neutral evaluation under Appendix P-4; * elders advisory council under Appendix P-5: or * any other non-binding dispute resolution process assisted by a neutral. | TFN, BC, CAN | Within 30 days of delivery of Notice | Appendix P-2 - P-5 |
| | Where no agreement is reached on an alternate process, the Parties directly engaged in a Disagreement will settle the Disagreement by mediation. | TFN, BC, CAN | Within 30 days of delivery of Notice | Appendix P-2 |
| | Follow the process as set out in applicable Appendices to terminate the facilitated process. | TFN, BC, CAN | As required after Effective Date | Appendix P-2 - P-5 |
| | Where no Appendix applies, agree on a termination process. | TFN, BC, CAN | As required after Effective Date | |
| 22 | A Party not directly engaged in a Disagreement may participate in the facilitated process by giving written notice to the other Parties. | TFN, BC, CAN | As required after Effective Date | clause 19; GP 72-77 |
| | Determine whether to participate in the facilitated process. | TFN, BC, CAN | Upon receipt notice in clause 19 | |
| | If so, give notice of intention to participate. | TFN, BC, CAN | Within 15 days of delivery of Notice in clause 19 | GP 72-77 |
| | Follow the process as set out in the applicable Appendices to terminate the facilitated process. | TFN, BC, CAN | As required after Effective Date | Appendix P-2 - P-5 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|---|---------------------|--|---|
| 25 | Will enhance the prospect of reaching agreement in accordance with 25(a) - (c). | TFN, BC, CAN | As required after Effective Date | |
| | Provide timely disclosure of information and documents, at the request of a participating Party. | TFN, BC, CAN | As required after Effective Date | |
| | Make reasonable efforts to appoint negotiating representatives who have sufficient authority to reach an agreement. | TFN, BC, CAN | As required after Effective Date | |
| | Negotiate in good faith. | TFN, BC, CAN | As required after Effective Date | |
| 26 | Formalize any agreement reached through the Dispute Resolution Chapter. | TFN, BC, CAN | As required after Effective Date | |
| | Record agreement in writing. | TFN, BC, CAN | Upon agreement | |
| | Obtain signatures from authorized representatives. | TFN, BC, CAN | Upon recording in writing | |
| | Deliver agreement to all Parties. | TFN, BC, CAN | After signing | |
| <u>STAGE THREE: ADJUDICATION - ARBITRATION</u> | | | | |
| 27 | A Party directly engaged may refer to arbitration any Disagreement not resolved under Stage 1 or 2 which has arisen out of a provision in the Final Agreement which will be "finally determined by arbitration". | TFN, BC, CAN | As required after Effective date | GP 72-77; Appendix P-6 |
| | Determine whether to refer a Disagreement to arbitration. | TFN, BC, CAN | Later of the termination of Stages 1 or 2 | |
| | If so, deliver notice to other Parties. | TFN, BC, CAN | Later of the termination of Stages 1 or 2 | GP 72-77 |
| | Refer the matter to arbitration to be finally resolved. | TFN, BC, CAN | Later of the termination of Stages 1 or 2 | Appendix P-6 |
| 28-29 | On written agreement, may refer to arbitration any Disagreement, other than those in clause 27, not resolved under Stage 1 or 2. | TFN, BC, CAN | As required after Effective Date | clause 27; GP 72-77; Appendix P-6 |
| | Determine whether seek agreement to proceed to arbitration. | TFN, BC, CAN | Later of the termination of Stages 1 or 2 | |
| | If so, seek written agreement of all Parties directly engaged to refer the matter to arbitration. | TFN, BC, CAN | Later of the termination of Stages 1 or 2 | |
| | If agreement reached, refer matter to arbitration to be finally resolved. | TFN, BC, CAN | Later of the termination of Stages 1 or 2 | clause 29; GP 72-77 |
| | Upon reaching written agreement, deliver a copy of the agreement to a Party not directly engaged in the Disagreement. | TFN, BC, CAN | As soon as practicable upon reaching agreement | GP 72-77 |
| 30 | A Party not directly engaged in a Disagreement may participate in arbitration. | TFN, BC, CAN | As desired after Effective Date | clause 27, 28, 31; GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---------------------|---|--|---|--------------------|
| | Determine whether to be added as a Party to arbitration. | A Party not directly engaged in the Disagreement | Upon receipt of notice or agreement | |
| | If so, deliver written notice confirming participation in arbitration. | A Party not directly engaged in the Disagreement | Within 15 days of receiving notice under clause 27 or Written Agreement under clause 28 | GP 72-77 |
| <u>COSTS</u> | | | | |
| 42 - 44 | The Parties will pay Dispute Resolution costs in accordance with clauses 42 - 44. | TFN, BC, CAN | As required after Effective Date | Appendix P-1 - P-6 |
| | Except as otherwise provided in Appendix P, bear the cost of participation, representation and appointments and share equally those costs set out in clause 44. | TFN, BC, CAN | As required after Effective Date | |

CHAPTER 23 – AMENDMENT

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|-----------------------------------|--------------------|
| 1, 2 | Any Party may propose an amendment. | TFN, BC, CAN | As desired after Effective Date | |
| | Determine whether to propose an amendment. | TFN, BC, CAN | As desired after Effective Date | |
| | If so, propose amendment to other Parties. | TFN, BC, CAN | Upon determination | |
| | Attempt to find alternatives to address the interests of the Party proposing an amendment. | TFN, BC, CAN | Upon receipt of proposal | |
| | The Party proposing an amendment will inform the other Parties of the basis for that amendment and their interest for doing so. | TFN, BC, CAN | Upon proposal | GP 72-77 |
| | Explore whether there are options other than amending the Final Agreement to address the interest of the proposing Party. | TFN, BC, CAN | Prior to amending Final Agreement | |
| | If agreement reached on options other than an amendment, implement. | TFN, BC, CAN | Prior to amending Final Agreement | |
| 4 | Determine the form and wording of the amendment where the Parties agree to amend the Final Agreement. | TFN, BC, CAN | As desired after Effective Date | |
| | The Party proposing the amendment will provide suggested language to the other Parties, unless otherwise agreed. | TFN, BC, CAN | As desired after Effective Date | |
| | Discuss and agree on the form and wording of the proposed amendment. | TFN, BC, CAN | Upon receipt of proposal | |
| 5-10 | Where the Parties have agreed to amend, follow the processes in clauses 5 through 10. | TFN, BC, CAN | As required after Effective Date | clause 3; GP 72-77 |
| | Follow the process to achieve the required consent of the Parties by: * resolution of the legislative members of Tsawwassen Government; * resolution of the Legislative Assembly of British Columbia; and * an order of Governor in Council of Canada. | TFN, BC, CAN | As required after Effective Date | GP 72-77 |
| | Take all reasonable steps to enact federal or provincial legislation where it is required to give effect to an amendment to the Final Agreement. | BC, CAN | As required after Effective Date | |
| | Unless otherwise agreed, give notice to other Parties once consent has been achieved and any required legislation brought into force. | TFN, BC, CAN | Upon consent | |
| 11 | Amend the Final Agreement where it provides that upon the happening of an event it will be amended. | TFN, BC, CAN | As required after Effective Date | clause 3-6, 8, 9 |
| | Determine whether a amendment is required upon happening of an event. | TFN, BC, CAN | As required after Effective Date | |
| | Despite clauses 3, 5, 6, 8 and 9, take all necessary steps to conclude and give effect to the amendment. | TFN, BC, CAN | As required after Effective Date | |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|------------------------------------|---|---------------------|---|--------------------|
| 12, 13 | Implement and publish amendments to the Final Agreement as soon as possible after it takes effect. | TFN, BC, CAN | As required after Effective Date | |
| | Take necessary steps to implement the amendment. | TFN, BC, CAN | As required after Effective Date | |
| | Follow processes to publish amendments. | TFN, BC, CAN | As required after Effective Date | |
| <u>DEPOSIT OF AGREEMENT</u> | | | | |
| 14 | Deposit a copy of the Final Agreement and any amendments in the locations set out in 14(a) - (d). | TFN, BC, CAN | As required after Effective Date | GP 72-77 |
| | Deposit the Final Agreement, amendments and instruments in respective locations, or any other locations as agreed. | TFN, BC, CAN | As required after Effective Date | |
| <u>PERIODIC REVIEW</u> | | | | |
| 15 - 18 22, 23 | Conduct a periodic review of the Final Agreement in accordance with clauses 15 through 23. | TFN, BC, CAN | On every 15th anniversary of Effective Date | |
| | Provide other Parties with written notice if they wish to discuss a matter contemplated in subclauses 17(a) - (c). | TFN, BC, CAN | 60 days before each Periodic Review | GP 72-77 |
| | Meet and discuss those matters. | TFN, BC, CAN | Upon receipt of notice | |
| | Unless otherwise agreed, the discussion will take place on the Periodic Review Date and such other dates as agreed, which will not exceed the applicable Review Period. | TFN, BC, CAN | As required after Effective Date | |
| | Provide the other Parties with its written response on matters discussed. | TFN, BC, CAN | Within 60 days of end of that Discussion | |
| | Where the Parties agree to amend the Agreement, amendments will be made in accordance with the Amendment chapter. | TFN, BC, CAN | Within 60 days of end of that Discussion | |
| | Where the Parties agree to amend an agreement contemplated by the Final Agreement, it will be amended in accordance with its terms. | TFN, BC, CAN | Upon agreement | |
| | Each Party will pay its own costs in relation to the review process. | TFN, BC, CAN | As required after Effective Date | |

CHAPTER 24 – RATIFICATION OF THE FINAL AGREEMENT

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|---|--------------------------|------------------------|--------|-----------------------|
| <i>There are no implementation items for this Chapter.</i> | | | | |

CHAPTER 25 – IMPLEMENTATION

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|--|--|---------------------|---|--------------------|
| <u>IMPLEMENTATION PLAN</u> | | | | |
| 2 | Prepare an Implementation Plan for the Final Agreement. | TFN, BC, CAN | Prior to Ratification Date | clause 1 |
| | Develop an implementation plan that: <ul style="list-style-type: none"> *identifies its purposes; *identifies the obligations of the Parties; *identifies the activities to be undertaken; *identifies timelines; *specifies amendment procedure for the plan; *specifies how the plan may be renewed or extended; and *addresses other matters as agreed. | TFN, BC, CAN | Prior to Ratification Date | |
| | Bring the implementation plan into effect. | TFN, BC, CAN | On Effective Date | |
| <u>IMPLEMENTATION COMMITTEE</u> | | | | |
| 4,5 | Establish the implementation committee for a ten year term. | TFN, BC, CAN | On Effective Date | clause 6 |
| | Appoint one member from each Party to the Implementation Committee. | TFN, BC, CAN | On Effective Date | |
| | Provide written notification of appointed member. | TFN, BC, CAN | On Effective Date or as soon as practicable after appointment | |
| 6 | Carry out implementation committee functions as set out in 6(a) - (j). | TFN, BC, CAN | As required after Effective Date | |
| | Provide a forum to discuss implementation matters which will include: <ul style="list-style-type: none"> * establishing procedures and operating guidelines; * monitoring, overseeing and reviewing implementation plan and progress; * assisting with resolution of any implementation problems; * the consideration of, and where agreed, make recommendations for revisions to the implementation plan; * developing a communications strategy; | TFN, BC, CAN | As required after Effective Date | GP 72-77 |
| | | | As soon as practicable after Effective Date | |
| | | | As required after Effective Date | GP 72-77 |

| Clause Ref. | Obligation / Activity | Responsible Parties | Timing | Related Provisions |
|-------------|---|---------------------|--|--------------------|
| | * providing for the preparation of annual reports; | | | GP 72-77 |
| | * providing recommendations on renewal or extension of implementation plan; and * undertaking other activities as the Parties may agree. | | Prior to the end of the term of the Implementation Committee | |

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