

## **Tsawwassen**

In accordance with the *Tsawwassen First Nation Final Agreement* (treaty), ratified by Canada, BC and the Tsawwassen First Nation (TFN) enacted in 2008, TFN became a treaty First Nation member of the Greater Vancouver Regional District (GVRD) and Greater Vancouver Water District (GVWD) on the effective date of the treaty: April 3, 2009.

As a member of Metro Vancouver, the new territory which is named "Tsawwassen", receives all the core mandatory regional services from the regional district, such as air quality, strategic planning, 9-1-1 and general government.

TFN's entry into the GVWD, while arising from direction contained in the treaty, came about as a result of successful negotiations between the GVWD and the First Nation.

Post-treaty, Tsawwassen encompasses a contiguous area of 662 ha, located between Highway 17 (leading towards the BC Ferry Terminal at Tsawwassen) and Deltaport Way (to Roberts Bank terminal), approximately 25 kilometres from Vancouver. The new territory includes the combined land area of the existing Tsawwassen Indian Reserve and the negotiated treaty settlement lands. An additional 62 ha of non-contiguous Crown lands within Delta were also transferred in fee simple to the First Nation as part of the treaty settlement.

Tsawwassen currently has a population of approximately 675 people (200 of whom are TFN members). Total TFN membership includes over 400 people.

The treaty also states that TFN's Land Use Plan is deemed to be consistent with Metro Vancouver's Regional Growth Strategy until such time as TFN amends or replaces it after April 3, 2009.

For more information on TFN, please visit: [www.tsawwassenfirstnation.com](http://www.tsawwassenfirstnation.com)

You may also wish to review the following list of Frequently Asked Questions on Tsawwassen and Tsawwassen First Nation (TFN).

### **Frequently Asked Questions (FAQs) about Tsawwassen First Nation, Tsawwassen and the Treaty**

#### **How do you pronounce "Tsawwassen"?**

- The name is pronounced "Tsa-wah-sen"
- The original pronunciation was "tse-wathen"

#### **Where is Tsawwassen located?**

- Post-treaty, Tsawwassen encompasses a contiguous area of 662 ha, located between Highway 17 (leading towards the BC Ferry Terminal at Tsawwassen) and Deltaport Way (to Roberts Bank terminal), approximately 25 kilometres south of the City of Vancouver, towards the United States border of Point Roberts, WA.

**What does the abbreviation “TFN” stand for?**

- Tsawwassen First Nation (TFN)

**Who are the TFN members?**

- They are one of 54 Coast Salish Nations who speak a dialect called Hun'qum'i'num, from the linguistic group of mainland Halkomelem. Historically, they have travelled and fished the waterways of the southern Strait of Georgia and the lower Fraser River.

**What does the term “Tsawwassen” mean?**

- In the language of the TFN members, the term “Tsawwassen” means “the land facing the sea”.

**What constitutes TFN's traditional territory?**

- A traditional territory is the geographic area identified by a First Nation to be the area of land which they and/or their ancestors traditionally occupied or used.
- TFN's traditional territory spans the Pitt Lake area and the Fraser River Delta to Point Roberts and Saltspring Island.
- TFN's traditional territory covers approximately 279,600 hectares of land, including the waters of the southern Strait of Georgia.

**What are some unique characteristics about this treaty?**

- The *Tsawwassen First Nation Final Agreement*, or treaty, is the first urban treaty in modern-day British Columbia.
- This treaty also represents the first treaty signed under the six-stage, made-in-British Columbia, BC Treaty Process, which began in 1993.

**What is contained in the Tsawwassen treaty?**

- In addition to a one-time capital transfer payment of \$13.9 million, there is \$2 million for relinquishing mineral rights under English Bluff, \$13.5 million for startup and transition costs, \$7.3 million for a number of funds for the purposes of resource management and economic development, and \$2.6 million annually for ongoing programs and services.
- The settlement comprises 724 hectares of land now, of which 662 hectares will be Tsawwassen Lands and 62 hectares will remain under the jurisdiction of the Corporation of Delta. There is an opportunity for TFN to add settlement land later.
- Regarding resources, there is provision for salmon, crabs and inter-tidal bivalves, and funding to establish a Forest Resource Fund and Wildlife Fund.
- The treaty also contains provisions for culture and heritage, governance, taxation and local government relations.

**What is unique about the new form of governance for TFN?**

- As of April 3, 2009, Tsawwassen is under a new form of governance. It is not a municipality or a Provincial creation; it has Constitutional status under Section 35 of *The Constitution Act, 1982*.
- Section 35 of *The Constitution Act, 1982* states that aboriginal rights and treaty rights are recognized and affirmed and makes it clear that treaty rights include rights that now exist by way of land claim agreements or that may be so acquired.
- As a result of this constitutional protection, government has an obligation not to infringe upon aboriginal and treaty rights without justification.

### **How have local governments been involved in the treaty process?**

- Local governments are not signatories to treaties, which are negotiated by the governments of Canada, BC and the respective First Nations(s).
- Local governments are involved through the treaty advisory committees, in this case the Lower Mainland Treaty Advisory Committee (LMTAC), which acts as advisors to the BC negotiators on matters of local government as they pertain to treaty negotiations.

### **What changes in provincial legislation have occurred to allow for TFN and other treaty First Nations to become members of the regional district and receive regional services?**

- Part 24 (Regional Districts) of the *Local Government Act* was amended with the creation of a new Division (3.1) called "Treaty First Nations and Regional Districts".
- The *Local Government Act* (and the *Community Charter* to the extent it applies to Regional Districts), applies to a treaty First Nation – provided that the final agreement includes provisions for membership of a treaty First Nation in a Regional District – as if it were a municipality and the treaty First Nation regional Board Director has the same functions, powers, duties and obligations as a municipal director (except with a few modifications), including using the same process to determine the number of Board Directors and votes.
- Changes to legislation also permit supplementary letters patent (or bylaws) to be deemed amended to include the treaty First Nation (e.g. TFN).

### **What does the treaty coming into effect on April 3, 2009 mean for TFN membership in Metro Vancouver?**

- On that day, TFN became a member of Metro Vancouver, including the Greater Vancouver Regional District (GVRD) and Greater Vancouver Water District (GVWD).
- TFN Council appoints a Director (a TFN Councillor or Chief) to the Metro Vancouver Board.
- TFN participates in core mandatory services subject to the specific terms of the treaty.
- TFN may participate, by agreement, in other services
- Water will be supplied by the GVWD to Tsawwassen.

### **What are the core mandatory regional services that TFN is paying for and receiving?**

- Core, mandatory regional services include: air quality, strategic planning, general government, electoral areas, 9-1-1, labour relations (25% level), regional parks, West Nile Virus, regional GPS, and regional emergency management.
- The provision of water utilities is an optional and negotiated service. TFN is a member of the GVWD.
- TFN is not part of the Greater Vancouver Sewerage and Drainage District (GVS&DD), which is also an optional service.

### **Is TFN Entitled to Borrow through Metro Vancouver?**

- TFN is not entitled to finance its undertakings through Metro Vancouver; the Tsawwassen Director votes on other municipal financings by Metro

Vancouver; TFN is not liable for any borrowing by the regional district for those municipal financings.

- With the exception of responsibility for borrowing for municipal undertakings, TFN is not exempt from the responsibility of member municipalities for the liabilities of Metro Vancouver.

**How will the Regional Growth Strategy apply to Tsawwassen?**

- According to the treaty, TFN's Land Use Plan which is in place on April 3, 2009, is deemed to be consistent with Metro Vancouver's Regional Growth Strategy.
- In any subsequent TFN land use plan, the plan must include a statement equivalent to a Regional Context Statement identifying how the plan is consistent with the Regional Growth Strategy. The timing of future amendments to TFN's Land Use Plan is unknown.

**Will TFN also be participating in TransLink?**

- Yes, TFN participates in the South Coast British Columbia Transportation Authority (TransLink).
- Bus #609 began service to/from Tsawwassen, to the Ladner Exchange, in late December 2008.