



TSAWWASSEN FIRST NATION
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THE TREATY



The Tsawwassen First Nation Final Agreement (the Treaty) is a tri-partite agreement between Canada, British Columbia, and Tsawwassen First Nation. It is a comprehensive agreement that provides for the transfer of land and self-government jurisdiction to Tsawwassen First Nation (TFN). This is a major shift in the relationship between Tsawwassen First Nation, Canada and British Columbia, and various other tools that allows Tsawwassen First Nation to succeed as a self-governing First Nation. The Treaty was effective on April 3, 2009. Tsawwassen First Nation was the first in B.C. to achieve a Treaty under the B.C. Treaty Process.

Rights and Legal Certainty

Aboriginal rights as defined by the judicial system, the Government of Canada and other jurisdictions, are confusing and difficult to understand. This can result in a low level of legal certainty for Aboriginal people and property, which discourages investment and undermines development. Under the Treaty, our rights to our land and self-governing jurisdiction are clear and detailed, ensuring we have a high level of legal certainty. With the exception of determining Indian status and the phase-out of tax exemptions, Tsawwassen First Nation is no longer subject to the Indian Act. As Members, we continue to hold our existing Indian status – but taxation exemptions associated with that status are to be phased out over a period of time.



Lands

Our people occupied our lands for thousands of years. Prior to treaty, we had little control over our own lands and resources, which were owned by the Federal government and known as a “reserve”. Under the Treaty, we have reclaimed 724 hectares of Tsawwassen Lands, and have direct control and ownership over it. TFN Traditional Territory, which is not controlled directly by TFN but over which we continue to certain rights such as for hunting and fishing, comprise approximately 10,000 square kilometers of the south-west quadrant of the Lower Mainland and Salish Sea.

For 80 years after the Effective Date of the Treaty, TFN will have the first right of refusal to buy up to 278 hectares of Brunswick Point lands.

Governance

The self-government aspect of the Treaty is the ability for TFN to make its own laws governing many areas of jurisdiction. This includes laws relating to governance, natural resources, land management, and social programming, including health care, education post-secondary education, social assistance, child and family services, and others. We have taken this jurisdictional capacity and turned it into reality by enacting 29 laws, including 23 on the Effective Date, April 3rd, 2009.

Natural Resources

The Treaty gives us the right to harvest wildlife, migratory birds, and plants for food, social and ceremonial purposes within our Traditional Territory including national and provincial parks. In addition, we own all subsurface resources such as gravel, sand, minerals and petroleum under Tsawwassen Lands.

Fisheries

As Tsawwassen Members, we have the right to catch fish, crab, and harvest water plants for food in our Traditional Territory for social and ceremonial use, and the right to trade and barter fish and aquatic plants with other Aboriginal people in Canada. In accordance with the Harvest Agreement, we are able to operate our own fisheries for commercial purposes in approved areas of the river. We have a guaranteed annual commercial allocation of Fraser River salmon, set as a percentage of the annual total catch for the Fraser River.

Taxation, Financial Benefits and Economic Opportunities

TFN received a number of financial settlements on the Effective Date, comprising a Capital Transfer, an Implementation Fund, and several other specific funds and payments. TFN will also receive on-going fiscal transfers from the federal and provincial governments for the operation of programs and services, although that funding is subject to an Own-Source Revenue Agreement.

TFN continues to have direct taxation powers in respect of property tax. Member exemptions for property and income tax will end twelve years after the Effective Date, and for sales tax will end eight years after the Effective Date. However, the ability to negotiate tax-sharing arrangements with federal and provincial governments will ensure that TFN will capture significant benefit from all these sources of taxation.

TFN will generate significant revenue streams as a result of the Treaty mainly through taxes and leases. We will also have increased costs, as we will have many more people living on our Lands. Through these revenues, we intend to provide more programs and services directly to the TFN community.

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