

# Tsawwassen Final Agreement: Governance Authorities Pertaining to Land

UBCM Conference Series:  
Final Treaty Agreements: Examining Local Government  
Interests  
May 23, 2007

## LMTAC Policy Development

Lower Mainland area local government interests  
articulated in one key policy document:

*CONSIDERATIONS PAPER* (revised Nov. 2005)

This document includes:

- **43 First Principles** for treaty negotiations related to:
  - Governance
  - Land
  - Resources
  - Fiscal Relations

## Tsawwassen Final Agreement – LMTAC Comparative Analysis

- Identified 81 topics of interest to local government
- 71 topics identified as “consistent”
- 4 topics identified as “not applicable”; flagged for general interest:
  - Rights of Refusal
  - Environmental Assessment
  - Tsawwassen Government Liability
  - Trade and Barter
- 6 topics identified as “inconsistent”:
  - Additions to Treaty Settlement Lands
  - Agricultural Land Reserve
  - Relationship of Laws
  - Domestic Allocation (Fish)
  - Commercial Allocation (Fish)
  - Land Use Planning Pre-Effective Date

## Tsawwassen Final Agreement – Land Authorities

### Related LMTAC First Principles:

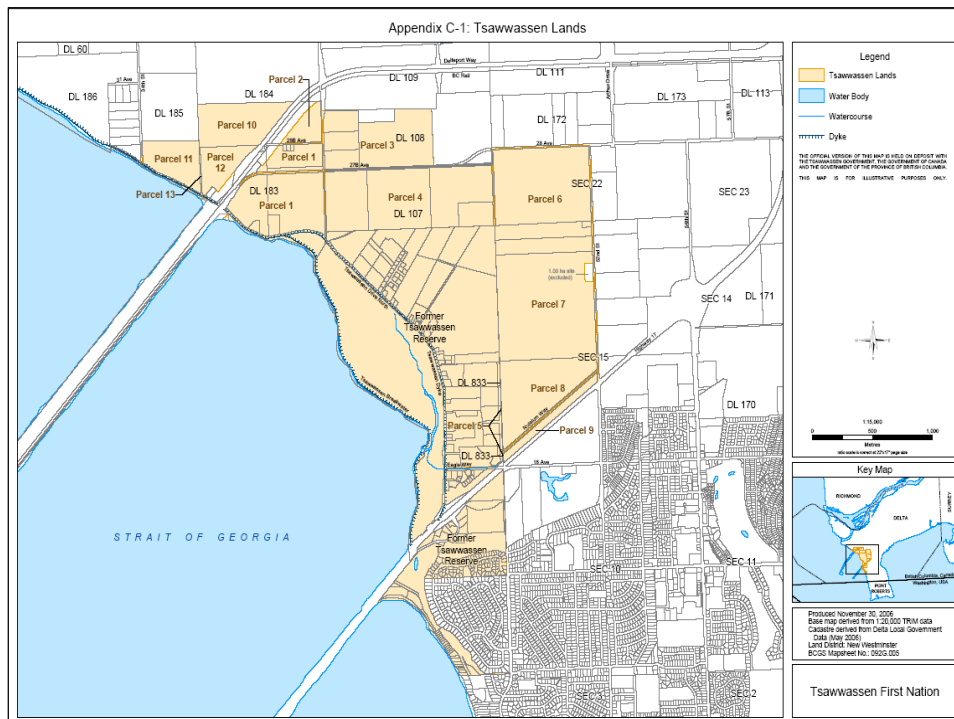
- #13 Clarity and Consistency in Regulatory Jurisdiction over Lands
- #31 Consistency in Law Making Authorities
- #30 Dispute Resolution Accessible to Local Governments
- #33 Participation in and Delivery of Regional Programs/Services

## Tsawwassen Final Agreement – Land Authorities

### Related LMTAC Interest Statements:

#### Land Management 4.2.8

- Reciprocal Consultation between First Nation and Local Governments
- Balanced Urban Growth
- Coordinated Planning
- Dispute Resolution Involving Land



## Tsawwassen Final Agreement – Land Authorities

### Relevant Chapters:

#### Chapter 6 Land Management

- Power to make laws

#### Chapter 17 Intergovernmental Relations & Services

- Services and Authorities
- Land Use Planning
- Dispute Resolution

## Tsawwassen Final Agreement – Land Authorities

### Land Management Chapter: Powers to Make Laws



#### Clause 1:

Tsawwassen Government may make laws in respect of:

- d) the management and use of Tsawwassen Lands, including planning, zoning and development;
- f) provision of services in relation to Tsawwassen Lands
- g) expropriation for public purposes or public works;
- h) the approval of proposed developments on Tsawwassen Lands.

## Tsawwassen Final Agreement – Land Authorities

### Land Management Chapter: Powers to Make Laws

- ✓ **Clause 4:**  
Tsawwassen Government may exercise authority over agriculture on Tsawwassen Lands through land use planning and zoning under subclause 1.d.
- ✗ **Clause 5:**  
A Tsawwassen Law made under clause 1 prevails to the extent of a Conflict with a Federal or Provincial Law.
- ✓ **Clause 7:**  
Despite clause 5, except in respect of former reserve and any other Tsawwassen Lands excluded from the ALR, the *Agricultural Land Commission Act* prevails to the extent of a conflict with a Tsawwassen Law made under clause 1.d.

## Tsawwassen Final Agreement – Land Authorities

### Land Management Chapter: Powers to Make Laws

- ✓ **Clause 10:**  
Without limiting the scope of authority of Tsawwassen Government to make laws under this Agreement, before Tsawwassen Government makes a law under subclause 1.d, TFN will consult residents of Tsawwassen Lands who may be affected by the proposed law, through a process similar in principle to that required of a municipality undertaking similar law-making.

## Tsawwassen Final Agreement – Land Authorities

### Intergovernmental Relations & Services Chapter:

#### Services and Authorities

- ✓ **Clause 13:**  
All bylaws of the GVRD in respect of Core Mandatory Regional Services received by TFN apply in respect of TFN, Tsawwassen Lands and Tsawwassen Water Lots.

#### Land Use Planning (Pre-Effective Date)

- ✗ **Clause 19:**  
Provincial Settlement Legislation will deem TFN's land use plan, in place at the Effective Date, to meet the statutory requirements of the *Local Government Act* for consistency with the *Regional Growth Strategy* of the GVRD.

## Tsawwassen Final Agreement – Land Authorities

### Intergovernmental Relations & Services Chapter:

#### Land Use Planning (Post-Effective Date)

- ✓ **Clause 20:**  
A land use plan prepared by TFN after the Effective Date will include a statement equivalent to a regional context statement; identifying how its land use plan is consistent with any RGS approved by the GVRD with the participation of TFN as a member of the GVRD.
- ✓ **Clause 21:**  
Before Tsawwassen Government makes a planning or zoning law, TFN will consult any Local Government that may be affected by the proposed law through a process similar in principle to that required of a municipality.

## Tsawwassen Final Agreement – Land Authorities

### Intergovernmental Relations & Services Chapter:

#### Dispute Resolution



##### Clause 28:

Tsawwassen First Nation and Local Government may use a dispute resolution process set out in the Dispute Resolution chapter of this Agreement, the *Local Government Act* or the *Community Charter* or another process agreed to by the Parties for resolving disputes between Tsawwassen First Nation and Local Government.



##### Clause 29:

Despite clause 28, Local Government may be limited by Provincial Law to specific dispute resolution processes.

## For Further Information

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