Tsawwassen Final Agreement: Land Issues

UBCM Conference Series:
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Context of Land Issues at Tsawwassen

- Scarcity of unsubscribed Crown land in Lower Mainland
- Dense urban population
- Multiple jurisdictional overlaps
  - Local Governments
  - Provincial Government
  - Federal Government
- Establishing Treaty Settlement Lands (TSL) that are contiguous to existing Indian Reserve
LMTAC Policy - Agricultural Lands

LMTAC First Principle #19:

Local government strongly supports the preservation of viable agricultural land.

Treaty settlement land designated as Agricultural Land Reserve (ALR) must remain subject to the jurisdiction of the Agriculture Land Commission (ALC).

Any removal of land from the ALR must follow the same procedures as for any other applicant.
Tsawwassen Lands

- 724 ha of proposed Treaty Settlement Land (TSL)
- TFN jurisdiction over 662 ha of Tsawwassen Lands, including:
  - 290 ha of existing Indian Reserve
  - 372 ha of provincial Crown land
    - 227 ha to remain in ALR
    - 207 ha to be removed from ALR
- Land remaining in ALR subject to Agricultural Land Commission Act
- 62 ha of “Other Lands” to remain under municipal jurisdiction
ALR - Implications for Local Government

- Initialled Final Agreements are precedent-setting
- Impact to Regional Growth Strategy
- Increased land values affect overall value of treaty; raises expectations for future settlements
- Different Processes for First Nation and Local Governments; 2004 ALC Amendment Act by-passed

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Appendix B: Tsawwassen Lands, Other Tsawwassen Lands, and Rights of Refusal Lands

Legend:
- Tsawwassen Lands
- Other Tsawwassen Lands
- Rights of Refusal Lands
- Tsawwassen Water Lies
- South Granville

Transportation:
- Neat (Road)
- Neat (Grants)
- Rail

Water Body
- Intersections
- Bodies of Water

Source:
- This map was prepared by the Lower Mainland Treaty Advisory Committee with funding support from the Province of British Columbia and the City of Vancouver. The map content is based on data from the Canada Lands Service and the BC Ministry of Forests, Lands and Natural Resource Operations. The data was compiled, digitized, and modified by the Lower Mainland Treaty Advisory Committee.
Additions to Treaty Settlement Land (TSL)

Issues at Agreement-in-Principle (AIP):

- Pre-identification of parcels that could be added to Tsawwassen Lands post-treaty (“Specified Lands” approach)
- Municipal consent could not be unreasonably withheld
- Inconsistent with other AIPs

LMTAC First Principle #12

*Additions permitted no more often than once every 5 years

First 50 years after Effective Date:

- “Specified Lands” approach applies
- If TFN owns in fee simple any Specified Lands (i.e. Brunswick Point, certain Fraser River parcels) those lands become Tsawwassen Lands
- No municipal consent required
- TFN to consider:
  - Resident interests
  - Service provision
  - Roads
  - Compatibility with municipal / regional land use or transportation plans
Additions to Treaty Settlement Land (TSL)

Lands Chapter: (Clauses 45-51)

After the first 50 years:
- “Standard” approach applies
- TFN must own lands in fee simple
- Lands are within Tsawwassen Territory
- Municipal consent required if within municipal boundaries
- BC and Canada to consider:
  - Continuity with Tsawwassen Lands
  - Regional District interests
  - Overlapping aboriginal claims

LMTAC Concerns with Additions to TSL

- Uncertainty for local government regarding land base
  - Land use planning
  - Servicing
  - Taxation revenues
  - Marketplace distortion

- Specified Lands Approach may set precedent for other Lower Mainland treaty tables:
  *Katzie, Tsleil-Waututh, Musqueam*