LAND FACING THE SEA

TSAWWASSEN FIRST NATION

— A Fact Book —

xʷəna? syewənałct.
Wilapiya θə nə sḵʷix, ?i təli cən ?əƛ̓ scəwaθən.
Ni kʷθə nə sc̓əməqʷ si?em stetson
(Chief Harry Joe) təli? ?əƛ̓ scəwaθən.
?i cən nə sƛ̓i ḵʷə cəsetaləm sx̌ʷəx̌ʷəyem ?ə ḵʷə
xʷəna? syewənałct.
Wəłqe?is ?ə c̓twa? tə sqʷi•l̓qʷəl̓s kʷθə nə sc̓əməqʷ
si?em stetson
Ni scłiqən kʷθə sme•nt ?əƛ̓ Cheam ?ə kʷθə
yewən sweyq̓ə?.
ni sewq̓ənəpəs.
ni kʷecnəxʷ ?ə tə ƛ̓ces ?i ni həye?
ƛ̓ati?i ƛ̓ces ?ə tə scəwaθən
ni ḵʷə ?ənəcə scłiqən ?ə kʷθə yewən sweyq̓ə?
ni c̓ə ḵʷə ?i kʷikʷəxtəm ḵʷə sƛ̓eləp.
i nem sƛ̓piqən ?i ni θəyt tə leləms
Ni swe?s qəx məsteyəxʷ ʷə kʷθə leləm, ni ḵʷə
?ənəcə həli kʷθə nə sc̓əm̓əqʷ siʷem stetson.
nanəł ?əẇ ?iyəs ?ə kʷθə sx̌ʷi?em̓s i͌θə s?əl̓eləxʷəł
nił i͌θə ?əẇ ?iyəs ?al̓ q̓pəθət ?i? ?iyəs x̌wi?em, x̌wi?em.
səẇ xʷən̓ ?əxʷin̓ ?al̓, ?əẇ sƛ̓iƛ̓qəł ?al̓ ?i? sq̓əq̓a? cən ?ə
i͌θə nə sil̓ə
?ə kʷs q̓pəθəts i͌θə s?əl̓eləxʷ ?i? wəł x̌wi?em
nec̓a? ni? c̓eɬəm̓ate•n̓ ni? cən təẇ he?ḵʷ.
hay čxʷ q̓a.

This is my story in my language — a language that I am still learning

Our First Ancestor
Wilapiya is the name I carry.
It was carried by my mother's father's mother.
I'm from Tsawwassen.
My late great grandfather, heriditary Chief Stetson,
Harry Joe was from Tsawwassen.
I want to tell you people a story about our first ancestor.

It must have been long ago, according to what my
great grandfather Chief Stetson used to tell.
The first man was on top of Mount Cheam.
He was looking for land to settle on.
He saw an island and left towards it.
This Island of Tsawwassen.
Where the first man landed up on the hill.
At the place that is called sƛ̓eləp.
He came down to the bottom of the hill and built his house.

Many generations have owned this house
where my great grandfather lived.
Many beautiful legends were told by our elders.
They were always happy to get together and tell stories.
When I was very young I stayed with my grandparents
and the elders gathered to tell stories.

This is one that I remember.
Thank you.

A Message from Kwuntiltunaat (Chief Kim Baird)

On December 10, 2003, members of the Tsawwassen First Nation voted to approve an historic Agreement in Principle (AIP), which may lead to British Columbia's first urban treaty.

Treaty making is a complicated, onerous process — one that can take years to complete. Now that we have a renewed mandate, treaty negotiations will continue. We view a treaty as a legal framework that will allow us to enter the economic and political mainstream of Canada.

Meanwhile, we have produced this Fact Book in recognition that many people want to learn more about our AIP and the Tsawwassen people.

This book sets out the key elements of our AIP and some of our history, culture and traditions. We wish to share this information with neighbouring communities, schools, business and industry. More importantly, we want to share some of the faces of the Tsawwassen First Nation. It is the people that are the heart and soul of any community.

We have a long and proud history. Tsawwassen is a Hənq̓əm?i?nəm word that means "land facing the sea." For thousands of years, we used and occupied a large territory that was abundant in fish, shellfish, wildlife and other resources.

Sadly, our way of life is much diminished today. We want to re-invigorate our connection to our lands and our resources and that, put simply, is what our treaty making is all about.

We are drafting a treaty that will emphasize sustainability and higher education, one that will encourage investment in our lands and resources so our people can enjoy meaningful employment, or in other words, a quality of life comparable to other British Columbians.

A treaty will allow us to reinstate a community that is able to make its own decisions — a community that is self-reliant. A treaty will promote reconciliation between the Tsawwassen people, our non-aboriginal neighbours and all British Columbians.

Chief Kim Baird

Who We Are

We are the people of the Tsawwassen First Nation. Our 290-hectare (717 acre) reserve is located at Roberts Bank in Delta, on the southern Strait of Georgia near the Canada – U.S. border.

We are a proud, sea-faring Coast Salish people. For thousands of years, we traveled and fished the waterways of the southern Strait of Georgia and lower Fraser River, visiting all Canadian and U.S. Gulf Islands.

Our population is young and growing fast. We number 328 today; 168 live on our reserve. About 60 per cent of TFN people are under 25 years old, compared with neighboring Delta, where 36 per cent are under 25 years old.

On our reserve, the average family income is $20,065, compared to Delta, at $67,844. Sadly, about 40 per cent of our people are on welfare or some other form of social assistance. Our unemployment rate is 38 per cent, compared with neighboring Delta at 7.4 per cent. Our high school graduation rate is 47 per cent; Delta's is 77 per cent.

We have been here since time immemorial. Archeologists say the southwest coast of B.C. has been occupied by human beings for at least 9,000 years. Carbon dating at sites on our existing village takes us back to 2260 BC when the Pharaohs ruled Egypt. And sites such as Whalen Farm and Beach Grove date back to 400 – 200 BC, offering documented proof of Tsawwassen use and occupation.

Traditional Tsawwassen territory is bordered on the northeast by the watersheds that feed into Pitt Lake, down Pitt River to Pitt Meadows where they empty into the Fraser River. It includes Burns Bog and part of New Westminster, following the outflow of the river just south of Sea Island. From Sea Island it cuts across the Strait to Galiano Island and includes all of Saltspring, Pender and Saturna islands. From there, the territory continues northeast to include the Point Roberts peninsula, and the watersheds of the Serpentine and Nicomekl Rivers. We have never surrendered this territory.

In earlier times, we organized ourselves in extended families living together in one longhouse. Inside, each family, including grandparents and other relatives, had its own designated space. In summer, our ancestors lived in temporary homes, built with poles and woven cedar mats. People traveled about our territory in cedar canoes.

The Tsawwassen people did not construct large totem poles, carving instead decorative house posts, spindle whorls as well as masks, decorated tools and many other objects of art. Clothing was woven from material such as cedar bark and goat hair.

Our ancestors were accomplished fishers, and salmon and sturgeon were mainstays of our traditional diet. Different methods were used to catch sturgeon: tidal traps, gaff-hooking, sack-netting and harpooning. All kinds of clams, oysters, crabs and other shellfish were harvested along the foreshore. Stewardship was closely linked to harvesting; an example of that was the First Salmon ceremony, when the salmon returned every year. The salmon, it was believed, were supernatural beings, who came every year to give their flesh to the people who were obliged to treat them properly. The salmon were cooked in a special way and their bones carefully returned to water in a sacred ritual. This ceremony is still carried out today.

It is difficult to overestimate the importance of fishing in the lives of our ancestors and our community today. Salmon and many other species of fish were a central part of the diets of all Coast Salish peoples.

Our ancestors used the lands for cultivation to produce food products for themselves and others, for example in the production of camas bulbs, cranberries and medicinal plants.

Our ancestors were skilled hunters, too. Waterfowl — ducks, mallards and loons — as well as sea mammals such as porpoises, seals and sea lions formed part of their diet. The tidal flats at Westham Island and Boundary Bay were a favorite duck-hunting area.

Elk, deer, black bear and beaver were hunted in season, supplementing the regular diet of fish. Deer were caught in nets, with bow and arrow and pitfall traps. Deer-hunting areas included English Bluff, the south side of Lulu Island and the area now known as New Westminster.

Ancient Tsawwassen people greatly relied on western red and yellow cedar, which provided homes, firewood, food, tools for carving and cooking, great ocean-going canoes, clothing and ceremonial gear. Other plants, shells from inter-tidal creatures, bones from land and sea mammals and birds, and skins from bear, deer and elk provided other essential materials.

Food was abundant. A trade and barter system was in place. Specialized services were also exchanged. This resulted in a distinctive craftsmanship that was in existence prior to European contact.

Tsawwassen people participated in potlatches — important cultural events which provided the means for our ancestors to standardize critical information about marriages, deaths, and the ownership of names, songs, dances, and other ceremonial and economic privileges.

In 1914, Tsawwassen Chief Harry Joe submitted a petition to the McKenna McBride Commission then reviewing the province's reserves. The Chief argued eloquently that the Tsawwassen people did not want to be forced into exile on a tiny reserve. His words went unheeded by the politicians of the day and, over time, aboriginal fishing and other rights were legislated away.

For the first half of the 20th century, Tsawwassen was largely ignored by everybody, except for a few bureaucrats. Ironically, this provided the basis for the development of a people with strong and committed leaders and a determination to overcome the many obstacles put in our way.

All of this would change starting in the 1950's as commercial development and public infrastructure occurred. Despite these negative impacts, we have struggled to participate in Canadian society and its economy. Some of our members fought in World War I and World War II.

Today, we have been unable to reach a water and sewage servicing agreement with Delta Council, even though drainage water, which contains agricultural run-off and other pollutants, from neighbouring Delta empties into the foreshore in the middle of our reserve.

Today, on our reserve, an Administration Office provides essential services to our members. We have developed elder, youth and language programs, all designed to build a healthier community.

Between 1994 and 1996 we built Tsatsu Shores, a condominium development, as an economic-development initiative. We faced stiff opposition from government agencies and municipal politicians at every turn. When Delta refused to provide water and sewer for the development we were left with no option but to provide our own services. The federal Department of Fisheries and Oceans unsuccessfully tried to prosecute us for building a tertiary sewage treatment and reverse osmosis water treatment plant — while, at the same time, the department permitted other governments to dump raw human waste and industrial sewage into the Fraser River, Boundary Bay, Burrard Inlet and the Strait of Georgia from dozens of outfall pipes.

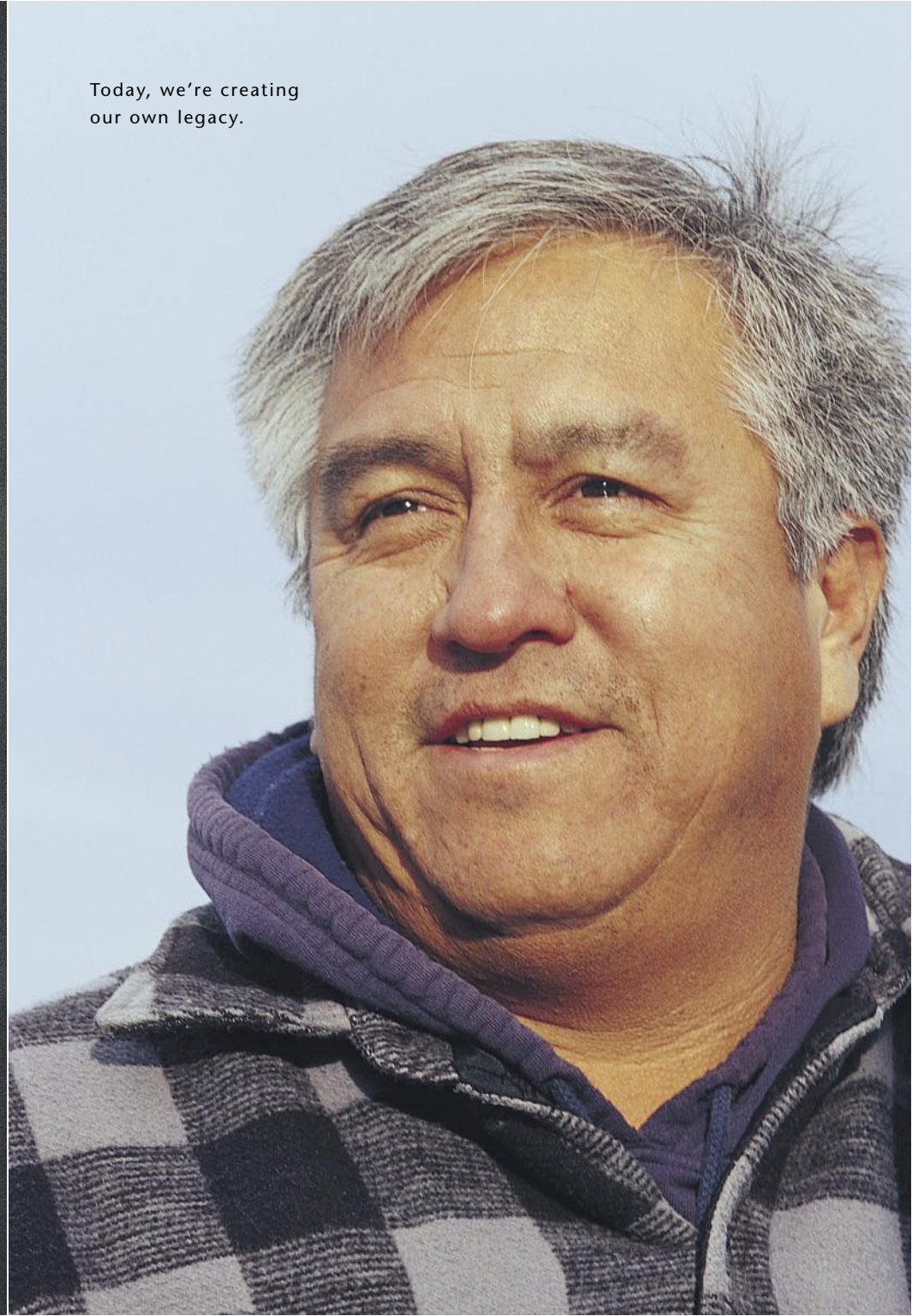
Our colonial reserve, established in 1871, is located on a traditional village site. Here, we fished, hunted and gathered a rich variety of foods. At the onset of winter, our ancestors returned to the cedar longhouses in the winter village and focused on ceremonies exclusive to Coast Salish peoples.

May the Creator love
and protect you.

As a little girl, following in my
great grandmother's footsteps,
I learned to identify and pick
medicinal teas in Burns Bog.

I believe in the strength of our people. I believe in the future of our Nation.

Today, we're creating our own legacy.



The Fraser River
is the lifeblood of
the Tsawwassen people.

We can do it.
We are doing it.
Our lives are coming
back into balance.

There's a new sense of entrepreneurial activity in our community — especially small business startups.

Working together, our community continues to evolve and grow.

Did You Know?

We had, and continue to have, laws and systems based on our culture and relationships with our lands and resources. We had, and continue to have, our system of self-government — hereditary institutions that determined our citizenship as well as our economic, cultural and political well-being.

It is held by the Coast Salish that the Creator made the world and all its creatures. He also made groups of people in four areas of the Lower Mainland, with mystical leaders, known as transformers, from each group. Traveling from village to village the transformers would change people, objects and animals into different forms. One transformer, known as Khaals, arrived at Boundary Bay. The legend of his encounter with the Tsawwassen people is still told today. According to the legend, Tsawwassen Bluff was once an island — a geographical fact.

Like many First Nations, after the arrival of Europeans our ancestors were devastated by epidemics of smallpox. Historians estimate that between 80 and 90 per cent of the Coast Salish were killed by the disease, decimating some Tsawwassen villages.

Over the years, as the colony of British Columbia grew and prospered, the Tsawwassen people — like other First Nations — were systematically stripped of their land, rights and resources. In 1887, Premier William Smithe said, "When the white man first came among you, you were little better than wild beasts of the field." Little wonder that this kind of racism was soon translated into narrow policies that plunged the province into a century of darkness for the Tsawwassen and other First Nations.

Simply put, our land was stolen. In 1851, the international border took Point Roberts and parts of Washington State away from the Tsawwassen people — without consultation, without compensation.

Meanwhile, Tsawwassen lands were pre-empted; settler families were given huge tracts of land.

In 1874, our reserve was expanded to 490 acres, still a postage stamp sized piece of land compared to our traditional territory. By 1890, about 40,000 acres of land surrounding us had been developed by our non-aboriginal neighbours.

The BC Ferry Terminal construction started in 1958. During causeway construction the B.C. government tore down our Longhouse. The terminal and causeway were expanded in 1973, in 1976 and again in 1991. The provincial government of the day did not bother to meaningfully consult with the Tsawwassen people.

Construction on the Roberts Bank Superport began in 1968. By 1983 it had become a 113-hectare island, with a B.C. Rail line running along the causeway. Operating around the clock, the facility handles 24 trains each day. Light and sound pollution — excessive noise and vibration — is a constant nuisance to the Tsawwassen people.

The BC Ferry Terminal and the port, massive industrial operations that include a man-made island terminal and a causeway linking them to the mainland, have virtually destroyed our beaches, creating a stagnant bay choked with invasive, non-indigenous plants and seaweed. Once a productive habitat teeming with crabs, clams and many other shellfish, the bay is today a dead body of water with nearly no tidal wash. Contaminants in the water include such aggressive plant species as Japanese eelgrass and Spartina Anglica (which competes with the indigenous eelgrass species for nutrients and sunlight). In this stagnant water, harmful algae, also known as Red Tide, often blooms.

Today, TFN is suing B.C. Ferries, B.C. Rail, the Vancouver Port Authority, the provincial government and the federal government in a move to address the devastatingly harmful impacts caused by these massive industrial operations on our territory — ecologically sensitive land and sea ecosystems. We had to take this legal action because the federal and provincial governments refused to discuss this critical matter within the context of the treaty process.

Today, TFN is pleased there is a willingness to negotiate these matters, believing that negotiated resolutions are not only possible, but the best way to build positive, mutually beneficial relationships and resolve past wrongs.

In 1995, we began construction of a new Longhouse on our reserve. Completed in 1997, the structure is used to practise and protect our culture and traditions. Activities inside include “namings,” memorials, winter dancing and feasts unique to Coast Salish peoples. Prior to this, it had been almost 50 years our community had been without a Longhouse and we had to practise our culture ‘underground’.

More than 126 species of birds visited Tsawwassen territory last year. Huge flocks of migrating shorebirds, raptors and waterfowl arrive each spring and fall. Thousands of ducks, geese, western sandpipers, dunlin, plovers and many other shorebird species fly south in the fall along the Pacific Flyway, from their breeding grounds in the Arctic tundra to their wintering wetlands in Central and South America, and then make the return journey in the spring. Many of these birds make journeys of over 10,000 kilometres, flying for up to 70 hours (1,000 km) at a time.

Tsawwassen Agreement in Principle – Key Points

As spelled out in the TFN AIP, here are the key elements for Land, Fisheries and the Environment:

Land

The Tsawwassen First Nation will own approximately 717 hectares of land, all within its traditional territory. All of the treaty land will consist of former Crown land and the existing reserve. Much of the Crown land surrounds the existing reserve.

The Tsawwassen First Nation will have jurisdiction over its existing reserve land and 365 hectares of provincial Crown land (which will be identified in the Treaty as "Tsawwassen Lands"). 62 hectares of provincial Crown land will be outside the Tsawwassen First Nation jurisdiction (these will be identified in the Treaty as "Other Tsawwassen Lands"). Existing legal interests, including certificates of possession, leases and rights-of-way, on Tsawwassen Lands will continue.

The Tsawwassen First Nation will apply the same principles of consultation and transparency as municipalities when making land-use plans and laws. Tsawwassen First Nation will consult with residents of Tsawwassen Lands who are not members on matters that impact them.

The Tsawwassen First Nation plans to use its lands to support the growth and development of the Nation as a viable community.

The governments, Tsawwassen First Nation and the Agricultural Land Commission are assessing the possibility of excluding Tsawwassen Lands from the agricultural land reserve.

Federal and provincial trespass laws will apply to Tsawwassen Lands.

The Tsawwassen First Nation will own certain roads (to be negotiated) and be responsible for their maintenance and repair.

As a land owner, the Tsawwassen First Nation may regulate public access to Tsawwassen Lands and roads, including the breakwater fronting the existing Tsawwassen Reserve. However, all residents and lessees of Tsawwassen Lands, will have a guarantee of access to their interests. Also, agents of the Crown will have access to carry out required programs and services.

The Tsawwassen First Nation will continue to own the breakwater. The Crown will own the dykes that border new Tsawwassen Lands. In the event of an official emergency, access to Tsawwassen roads will accord with general laws.

Public-utility rights-of-way will continue on Tsawwassen Lands.

Subsurface and forest resources on Tsawwassen Lands will be owned and managed by the Tsawwassen First Nation, subject to government standards for private lands.

Fisheries

The federal and provincial governments will retain authority over the management and conservation of fish and fish habitat.

The Tsawwassen First Nation will have the right to harvest fish for domestic purposes. Based on historic data, under treaty the domestic harvest for Fraser River sockeye salmon is estimated at 12,000 per year on average; for Fraser River chum, 2,000 per year; Fraser River Chinook, 625 per year; and for Fraser River Coho, 500 per year.

Tsawwassen First Nation will be assured fisheries economic opportunities from the federal government. The terms and conditions of how these opportunities will be harvested will be negotiated between AIP and Final Agreement, and will represent a fishing capacity equal to: an average of 30,000 Fraser River sockeye per year, 18,000 Fraser River pink salmon per year and an average of 1,900 Fraser River chum salmon per year. The right to harvest fish under treaty will continue to be limited by any necessary conservation, or public health and safety measures.

The Tsawwassen First Nation may participate in fisheries management through a Joint Fisheries Committee (JFC), alongside representatives from both levels of government. This committee will review mandatory annual fishing plans prepared by the Tsawwassen First Nation. Based on the TFN annual fishing plan and recommendations from the JFC, the federal government will issue a harvest document authorizing the Tsawwassen First Nation fisheries each year.

The Tsawwassen First Nation will be responsible for the internal regulation of their fishery, including who can participate in the harvest and how it will be distributed.

The AIP makes it clear that an agreement on the domestic allocations and commercial fishing capacity will depend on TFN being satisfied with the assurances, including security and type of access provided in the economic opportunities related to fisheries.

Once the final treaty is signed, a fund of $1 million will be established to help the Tsawwassen First Nation increase its commercial fishing capacity. As well, the AIP provides for a one-time payment of up to $1 million of federal money for a Tsawwassen First Nation Fisheries Fund.

Environment — Protecting Precious Land & Sea Ecosystems

Throughout its history, the Tsawwassen First Nation, has emphasized its relationship with the natural world and the importance of maintaining balance and harmony with the environment.

The Tsawwassen First Nation will have authority to make laws on Treaty Lands in respect of the environment and the parties will negotiate how this power relates to fish and fish habitat.

The federal and provincial governments will retain authority over the management and conservation of fish and fish habitat as well as wildlife and migratory birds and their habitat.

The Tsawwassen First Nation will have the right to harvest fish, wildlife and migratory birds for domestic purposes. Harvesting will be subject to any necessary conservation, or public health and safety measures.

Tsawwassen First Nation members will be responsible for the internal regulation of their fishery, and of the wildlife and migratory birds on Tsawwassen Lands, including who can participate in the harvest and how it will be distributed. Specific aspects of these fish and wildlife rights are to be negotiated before the Final Agreement.

While treaty negotiations create opportunities for input from Tsawwassen First Nation, the federal and provincial governments will retain authority over the management, administration and control of parks, park reserves, marine conservation areas, marine conservation area reserves and any other protected areas.

Within Tsawwassen territory, Tsawwassen First Nation members may gather plants and strip bark for domestic purposes in provincial parks and protected areas and national parks and park reserves. This right will be subject to any necessary conservation or public health and safety measures.

The Tsawwassen First Nation will have authority over the internal management of the bark stripping right.

Specifics regarding the Tsawwassen First Nation's role in the creation of new national and provincial parks and protected areas will be negotiated before the Final Agreement.

The Tsawwassen First Nation may participate in government environmental reviews of proposed projects that may have adverse effects on its Lands or treaty rights.

Projects requiring review under federal or provincial legislation and located on Tsawwassen Lands will proceed only with the consent of the Tsawwassen First Nation.

Time Line

7000 BC — According to archeologists, human beings occupied the southwest coast of B.C.

2260 BC — Sites on our existing reserve confirmed by carbon dating.

400–200 BC — The Tsawwassen First Nation people are by then well established in their traditional territory (as per documented proof from sites at Whalen Farm and Beach Grove).

1791 — Spanish and English explorers arrive in the vicinity of Tsawwassen.

1808 — The Simon Fraser expedition arrives at the mouth of the Fraser River.

1858 — The International Boundary between Canada and the United States is created, alienating Point Roberts from Tsawwassen Territory. The Colony of British Columbia becomes official.

1860 — The St. Charles Mission is established in New Westminster. This is Tsawwassen First Nation's first contact with the Catholic Church.

1870 — B.C. unilaterally denies existence of aboriginal title, claiming aboriginal people are too primitive to understand the concept of land ownership.

1871 — Our Colonial reserve is established.

1878 — Tsawwassen Reserve is confirmed by Commissioner Sproat.

1878 — Canada begins to restrict traditional Indian fishing rights, making a new distinction between food and commercial fishing. The first census of Tsawwassen Indians is conducted.

1881 — The first official survey of the Tsawwassen Indian Reserve is completed.

1884 — The Indian Act is amended to outlaw cultural and religious ceremonies such as the potlatch — the major social, economic and political institution of the coastal peoples.

1889 — The federal system of permits is introduced to govern commercial fishing. Indians are effectively excluded from commercial fishing.

1906 — A representation of Coast Salish Chiefs went to England to fight for land claims.

1914 — Tsawwassen Chief Harry Joe submits a petition to the McKenna McBride Commission. His eloquent plea for more land goes unheeded.

1920 — Compulsory attendance of Indian children in schools is introduced.

1923 — Ottawa permits Indians to acquire commercial fishing licences.

1927 — Ottawa prohibits Indians from organizing to discuss land claims.

1931 — The Native Brotherhood of B.C. is formed. Secret, underground discussions are launched to keep the Indian land question alive.

1951 — Parliament repeals the provisions of the Indian Act that outlawed the potlatch and prohibited "land claims" activity.

1960 — Aboriginal people on reserves are granted the right to vote in federal elections. The phase-out of Indian residential schools begins.

1958 — Construction begins on the B.C. Ferry Terminal, causeway, and Highway 17, effectively cutting the Tsawwassen reserve in half. (The facility is expanded in 1973, 1976 and again in 1991. Today, more than 2.6 million cars and trucks drive the causeway every year.)

1968 — Construction on the Roberts Bank Superport begins. (By 1983 it has become a 113-hectare island with a B.C. Rail line.)

1973 — In the Calder Decision the Supreme Court of Canada splits on the question of aboriginal title.

1985 — The last Residential School is finally closed.

1992 — B.C., Canada and the First Nations Summit establish the B.C. Treaty Commission to oversee treaty negotiations.

1993 — The Tsawwassen First Nation enters a formal treaty-making process.

1995 — Tsawwassen begins construction of a new Longhouse on its reserve, which is completed two years later.

1995 — TFN completes Stage 2 of treaty process.

1998 — Tsawwassen successfully negotiates 'Roberts Bank Back-up Lands Agreement,' successfully preserving crown land for negotiations.

1999 — TFN completes Stage 3 of the treaty process.

2003 — On July 9, Tsawwassen and the provincial and federal governments initial the Agreement in Principle (AIP).

2003 — On Dec. 10 members of the Tsawwassen First Nation vote overwhelmingly to approve the AIP that could lead to the first urban treaty in the province.

2004 — In March, Chief Kim Baird formally signed the AIP.

House post depicting
the legend of the
Clam Woman — Sqəmaθiya

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This Fact Book is dedicated
to the Tsawwassen people —
past, present and future generations.

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