



Nisga'a Lisims Government

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Nisga'a Nation Purchase of Lands in the Vicinity of Nasoga Gulf

June 7, 2019 – Gitlaxt'aamiks, B.C. – Nisga'a Lisims Government believes the recent opposition to its purchase of Crown land at Nasoga Gulf by two neighboring Indigenous groups is politically motivated.

The Lax Kw'alaams Indian Band and Metlakatla First Nation have recently launched a public campaign to stop the Nisga'a Nation's purchase of lands, and lease of foreshore and submerged lands, at Nasoga Gulf on British Columbia's north coast.

In February 2016, Nisga'a Lisims Government and the Government of British Columbia concluded commercial terms for the Nisga'a Nation to purchase the lands and lease the foreshore and submerged lands under Crown land policy and at fair market value. The area covered by the transaction has been part of the exclusive territory of the Nisga'a Nation since time immemorial, and is already included in areas where the Nisga'a Nation has constitutionally protected rights and co-management responsibilities under BC's first modern treaty, the Nisga'a Final Agreement or Nisga'a Treaty.

The goal of the transaction is to allow the Nisga'a Nation to pursue economic development activities in its treaty areas in a way that benefits Nisga'a citizens and all British Columbians. Nisga'a Lisims Government has been working with the Government of British Columbia to achieve this goal, which is an objective of the Nisga'a Treaty.

The lands to be purchased are also contiguous with Nisga'a Lands which are wholly owned by the Nisga'a Nation and, under the Nisga'a Treaty and the transaction terms, will be added to those lands.

The Nisga'a Nation considers that the attack on the NDP by Lax Kw'alaams and Metlakatla in the Province newspaper this morning is unfair and unjustified. The Government of British Columbia has been consulting with the Lax Kw'alaams Indian Band and Metlakatla First Nation about the transaction for well over three years and is still engaged in this process of consultation.

Nisga'a Lisims Government published notice of its intention to purchase these lands in March 2016, and has invited the Lax Kw'alaams Indian Band and Metlakatla First Nation to discuss the transaction on many occasions since.

"Over the last three years, Nisga'a Lisims Government has made repeated attempts to meet with our neighbours, Lax Kw'alaams and Metlakatla, and discuss this land purchase, but our efforts were rebuffed," says Eva Clayton, President of Nisga'a Lisims Government. "Essentially, we are purchasing our own land at fair market value—lands that are already included in our Treaty areas—so that we can pursue economic development to benefit the Nisga'a Nation and all British Columbians."

Nisga'a Lisims Government most recently proposed a meeting on June 11th to discuss the transaction with the Lax Kw'alaams Indian Band and Metlakatla First Nation. Nisga'a Lisims Government sought to use the meeting to reassure them that any concerns they have regarding their asserted rights or title to this area would be protected by the Nisga'a Treaty if they were ever able to establish those rights in court or through a treaty or land claims agreement. However, before this meeting date was accepted, Nisga'a Lisims Government learned through press releases that the Lax Kw'alaams Indian Band and Metlakatla First Nation had organized community opposition events.

"It is unclear why Lax Kw'alaams and Metlakatla have waited until now—many years after being advised of and consulted on the transaction, and just before our proposed meeting date—to take this position," President Clayton says. The Lax Kw'alaams Indian Band and Metlakatla First Nation each have general elections this fall.

BACKGROUND

- **Time immemorial** – The transaction area is part of the exclusive territory of the Nisga'a Nation.
- **May 21, 1913** – The Nisga'a Nation lodges its *Petition to His Majesty's Privy Council* in London, which states that the Nisga'a Nation has "exclusively possessed, occupied and used and exercised sovereignty over", among others, the transaction area.
- **May 11, 2000** – The Nisga'a Final Agreement, BC's first modern treaty, comes into effect and recognizes, among other things, that the Nisga'a Nation has treaty rights and co-management responsibilities over the transaction area. The *Preamble* to the Nisga'a Final Agreement also recognizes that the Nisga'a Nation "has lived in the Nass Area"—which includes the transaction area—"since time immemorial". The Nisga'a Final Agreement has provisions ensuring that if any other neighbouring Indigenous group finally establishes—by way of judicial determination, treaty or land claims agreement—that it has Aboriginal rights or title, those established rights and title are protected from any adverse effects.
- **Late 2014 to February 2016** – Nisga'a Lisims Government and British Columbia engage in discussions regarding the transaction and conclude the commercial terms for the Nisga'a Nation to purchase the land and lease the foreshore and submerged lands at fair market value under Crown land policy.
- **March 29, 2016** – British Columbia begins consulting with the Lax Kw'alaams Indian Band and Metlakatla First Nation in respect of the transaction.

- **March 30, 2016** – Nisga’a Lisims Government publishes notice of its intention to purchase the transaction area from the province. This same month, Nisga’a Lisims Government approves the funds necessary to finance the transaction.
- **2016 to 2018** – Nisga’a Lisims Government invites the Lax Kw’alaams Indian Band and Metlakatla First Nation to directly discuss the transaction on many occasions, none of which are accepted.
- **May 21, 2019** – The Lax Kw’alaams Indian Band and Metlakatla First Nation invite Nisga’a Lisims Government to discuss the transaction.
- **June 5, 2019** – Nisga’a Lisims Government accepts this invitation and proposes a meeting date of June 11, 2019.
- **June 6, 2019** – Nisga’a Lisims Government learns through press notifications that—before any meeting can take place—the Lax Kw’alaams Indian Band and Metlakatla First Nation have organized community opposition events regarding the transaction.
- **Fall 2019** – The Lax Kw’alaams Indian Band and Metlakatla First Nation each have general elections for their elected Mayor/Chief and councilors.

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