

**NISGA'A FINAL AGREEMENT AMENDING AGREEMENT**

THIS AMENDING AGREEMENT dated for reference and made

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AMONG:

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA, as  
represented by the Minister of Indian Affairs and Northern  
Development**

("Canada")

AND

**HER MAJESTY THE QUEEN IN RIGHT OF BRITISH  
COLUMBIA, as represented by the Minister of Aboriginal Relations  
and Reconciliation**

("British Columbia")

AND

**THE NISGA'A NATION, as represented by the Nisga'a Lisims  
Government Executive**

("Nisga'a Nation")

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**WHEREAS:**

- A. On May 11, 2000 the Nisga'a Final Agreement came into effect;
- B. The Parties wish the Nisga'a Final Agreement to be amended so as to alter the boundaries of *Anhluut'ukwsim Laxmihl Angwinga'asanskwhl Nisga'a*, also known as the Nisga'a Memorial Lava Bed Park (the "Park"), by removing certain lands

from the Park and to specify the requirements for making alterations to the boundaries of the Park;

- C. The Nisga'a Final Agreement provides for its amendment and specifies requirements for amendment of its provisions; and
- D. The Parties have determined that the processes set out paragraphs 37, 38 and 40 of Chapter 2 – General Provisions apply to the Park Boundary Amendments.

**NOW THEREFORE the Parties agree as follows:**

### **PART I – DEFINITIONS**

- 1. In this Amending Agreement:
  - a) “Nisga'a Final Agreement” means the Nisga'a Final Agreement among the Nisga'a Nation, Her Majesty the Queen in right of Canada and Her Majesty the Queen in right of British Columbia, as it took effect on May 11, 2000;
  - b) “Appendix G-1” means the Appendix of that letter and number forming part of the Nisga'a Final Agreement;
  - c) “Appendix G-1 Amendment” means the amendment to Appendix G-1 set out in the Schedule to this Amending Agreement;
  - d) “Paragraph 104 Amendment” means the amendment to paragraph 104 of Chapter 3 – Lands set out in the Schedule to this Amending Agreement;
  - e) “Park Boundary Amendments” means the Appendix G-1 Amendment and the Paragraph 104 Amendment; and
  - f) a reference to a Chapter by number or name is a reference to the Chapter of that number or name in the part of the Nisga'a Final Agreement containing the Preamble and Chapters 1 to 22.
- 2. Words and expressions appearing in this Amending Agreement that are not defined in this Amending Agreement but are defined in the Nisga'a Final Agreement have the meanings ascribed to them in the Nisga'a Final Agreement.

### **PART II – AMENDMENT**

- 3. On March 29, 2011, the elected members of Nisga'a Lisims Government adopted a resolution in accordance with paragraph 40 of Chapter 2 – General Provisions giving consent to an amendment to Appendix G-1 which is reflected in part of the Appendix G-1 Amendment.

4. The Nisga'a Nation will recommend to the elected members of Nisga'a Lisims Government that they adopt a resolution in accordance with paragraph 40 of Chapter 2 – General Provisions giving consent to the entirety of the Appendix G-1 Amendment and the Paragraph 104 Amendment.
5. British Columbia will recommend to the Legislature of British Columbia that it adopt a resolution giving consent to the Park Boundary Amendments in accordance with paragraph 38 of Chapter 2 – General Provisions.
6. Canada will recommend to the Governor in Council that it pass an order giving consent to the Park Boundary Amendments in accordance with paragraph 37 of Chapter 2 – General Provisions.
7. The Park Boundary Amendments will take effect in accordance with paragraph 41 of Chapter 2 – General Provisions.

### **PART III – GENERAL**

8. This Amending Agreement may be executed in as many counterparts as may be necessary, and may be signed by facsimile or other means of electronic communication producing a printed copy, each of which so signed will be deemed to be an original, and such counterparts together will constitute one and the same instrument and each of which so executed will be deemed to be an original and such counterparts together will constitute one and the same instrument.

**FOR HER MAJESTY THE QUEEN IN RIGHT OF CANADA, as represented by the Minister of Indian Affairs and Northern Development / POUR SA MAJESTÉ LA REINE DU CHEF DU CANADA, représentée par le ministre des Affaires indiennes et du Nord canadien : signed in the province of Ontario, this \_\_\_\_\_ day of \_\_\_\_\_, 2011 / signé dans la province de Ontario, ce \_\_\_\_\_ jour de \_\_\_\_\_, 2011.**

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The Honourable \_\_\_\_\_, Minister of  
Indian Affairs and Northern Development /  
l'honorable \_\_\_\_\_, ministre des  
Affaires indiennes et du Nord canadien

\_\_\_\_\_  
Witnessed by / Témoin

**FOR HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA, as represented by the Minister of Aboriginal Relations and Reconciliation / POUR SA MAJESTÉ LA REINE DU CHEF DE LA COLOMBIE-BRITANNIQUE, représentée par le ministre des Aboriginal Relations and Reconciliation : signed in the province of British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, 2011 / signé dans la province de la Colombie Britannique, ce \_\_\_\_\_ jour de \_\_\_\_\_, 2011.**

\_\_\_\_\_  
The Honourable \_\_\_\_\_, Minister of  
Aboriginal Relations and Reconciliation /  
l'honorable \_\_\_\_\_, ministre des  
Aboriginal Relations and Reconciliation

\_\_\_\_\_  
Witnessed by / Témoin

**FOR THE NISGA'A NATION, as represented by the Nisga'a Lisims Government Executive / LA NATION NISGA'A, représentée par l'exécutif du gouvernement Nisga'a Lisims : signed in the province of British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, 2011 / signé dans la province de la Colombie Britannique, ce \_\_\_\_\_ jour de \_\_\_\_\_, 2011.**

\_\_\_\_\_  
H. Mitchell Stevens, President /  
H. Mitchell Stevens, Président

\_\_\_\_\_  
Witnessed by / Témoin

## Schedule

1. Paragraph 104 of Chapter 3 – Lands is deleted and the following substituted:

104. The boundaries of the Park are as set out in Appendix G-1, which may be amended by agreement of the Nisga'a Nation and British Columbia.

2. Appendix G-1 is amended by deleting "The whole containing approximately 17,893 hectares." and substituting the following:

except (1) the Nisga'a Highway No. 113 as shown on Plan 6 Tube 1870 deposited in the Crown Land Registry; (2) from the north boundary of Plan 6 Tube 1870 heading in a northerly direction to the middle thread of Jay Creek, a 20 metre wide area of land centred on Nisga'a Highway No. 113; (3) from the middle thread of Jay Creek heading in a northerly, westerly and easterly direction to the east and west boundaries of the park, a 25 metre wide strip of land centred on all branches of Nisga'a Highway No. 113; (4) all land on which a provincial public undertaking, as defined in the *Transportation Act*, related to Nisga'a Highway No. 113 is located; (5) Anlaw Road as shown on Plan 11 Tube 1711 deposited in the Crown Land Registry; (6) the New Aiyansh Village proposed south access road shown in Figure 4.1 of the October 2006 report titled "New Aiyansh Village Government, Proposed South Access Road, Nisga'a Memorial Lava Bed Park – Boundary Adjustment Request", on file 84220-25-0386 in BC Parks office in Victoria; and (7) all those parcels or tracts of Crown land, together with all that foreshore or land covered by water, contained within the following described boundaries and containing 10.5 hectares more or less:

commencing at the intersection of the northerly boundary of the park having a grid bearing of 63° 00' 00" and a length of 2.175 kilometres, and a line having a grid bearing of 159° 46'28" through Zone 9 NAD 83 UTM coordinate N6106080.8m and E 503099.3m;

thence northeasterly along the said northerly boundary of the park 40.28 metres;

thence on a grid bearing of 159°46'28" a distance of 169.1 metres;

thence on a grid bearing of 69°46'28" a distance of 12.0 metres;

thence on a grid bearing of 159°46'28" a distance of 897 metres more or less to the intersection with a portion of the southerly boundary of the park;

thence southwesterly along the portion of the southerly boundary to a line drawn parallel to and perpendicularly distant 104 metres from the last described line bearing 159°46'28";

thence on a grid bearing of  $339^{\circ}46'28''$  a distance of 889 metres more or less to a point lying on a grid bearing of  $249^{\circ}46'28''$  from the southerly limit of the 169.1 metre boundary described above;

thence on a grid bearing of  $69^{\circ}46'28''$  a distance of 22.0 metres;

thence on a grid bearing of  $339^{\circ}46'28''$  a distance of 161 metres more or less to the northerly boundary of the park;

thence on a grid bearing of  $63^{\circ}00'00''$  and along the northerly boundary of the park a distance of 30.2 metres more or less to the point of commencement;

The whole containing approximately 17,781 hectares.