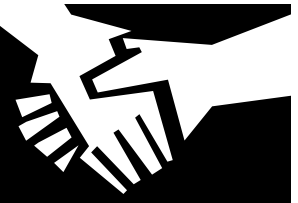


Nisga'a final agreement

ISSUES & RESPONSES



Lands & Access

THE ISSUE:

Some British Columbians are concerned that lands transferred to the Nisga'a as part of a treaty would not be accessible to other Canadians. They also wonder what will happen to private property that falls within the boundaries of the settlement lands, and to the provincial roads and highways that cut through the Nisga'a Lands. Will the Nisga'a Final Agreement create an independent fiefdom within Canada?

THE ANSWER:

The Nisga'a Lands will be as much a part of Canada as any other place in B.C.

The Nisga'a Lands will amount to about 2,000 square kilometres around the lower Nass Valley. Federal and provincial laws of general application will be in force in the Nisga'a Lands, and the public will have substantially greater rights of access to the Nisga'a Lands than to other privately held lands. For example, access to the Nisga'a Lands for hunting, fishing and recreational activities will be subject only to the sorts of restrictions that other local governments apply to these activities.

Private property remains private property after the Treaty takes effect.

MORE TO CONSIDER:

Does the Supreme Court of Canada's decision in *Delgamuukw* have any impact on what the Treaty will say about the Nisga'a Lands? After finalizing the Treaty, could the Nisga'a ask for more land?

The Nisga'a Treaty is an example of the kind of negotiated settlement that the *Delgamuukw* decision encouraged. The Treaty will clearly set out the amount and boundaries of the settlement lands that are defined as Nisga'a Lands, as well as the scope of the Nisga'a Government's powers on those lands. Its terms will be final.

So, the Treaty, not the *Delgamuukw* decision, will guide the future of the Nisga'a Lands and Nisga'a Government.

more...



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**What about private property located within the boundaries of the Nisga'a Lands?
Will the current owners lose it? Can the Nisga'a Government regulate what private
property owners do on their land?**

No. Private property was never on the table in negotiations. Privately owned land will not become part of the Nisga'a Lands and the provincial government will continue to have jurisdiction over those areas.

What about people who rent Crown land in the Nass Valley?

The territory that will be included in the Nisga'a Lands comes from federal and provincial Crown property holdings. People who are renting Crown land in the area designated for the Nisga'a Lands may have a new landlord. However, the Final Agreement stipulates that existing interests in land, such as rentals, will be continued by the Nisga'a in accordance with the rental terms in place when the Treaty comes into effect, and replacement tenures have been negotiated.

What will happen to roads and highways on the Nisga'a Lands?

The Final Agreement ensures that there will be no uncertainty about the status of the roads and rights of way in the Nisga'a Lands. The Nisga'a Highway will remain Crown land and the Final Agreement provides for unrestricted access for public and commercial traffic on public roads. The Final Agreement clearly defines the provincial government's rights to these existing and planned roadways. The Nisga'a Government will regulate access on other Nisga'a-owned roads, but all private landowners will have adequate access to their lands.

Find more information on the Nisga'a Final Agreement at www.inac.gc.ca, or contact:

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