

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: Jan. 15, 2021 Minister Responsible: Hon. Murray Rankin	Nisga'a Nation Nasoga Gulf
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TOP MESSAGE:

- We take our legal obligation to consult on land sales very seriously and no deal would be signed without full consultation with neighbouring Nations.

KEY MESSAGES:

- The Province is currently in talks with the Nisga'a Nation about a potential Crown land sale in Nasoga Gulf.
- s.13; s.16
- s.13; s.16 We are also currently s.13; s.16 consulting with Lax Kw'alaams Band and Metlakatla First Nation on the proposed transaction, s.13; s.16
- Provincial officials have met with representatives from Lax Kw'alaams and Metlakatla several times over the past few years.
- ~~We take our legal obligation to consult very seriously.~~

If asked about quiet negotiations

- There are no secret negotiations or quiet talks about potential land sales.
- The Province is committed to transparency and is in regular contact with stakeholders as discussions s.13; s.16.

s.13; s.16

BACKGROUND

- s.13; s.16

Nisga'a are also finalizing the lease of 686 hectares of foreshore and submerged lands.

- In response, Metlakatla First Nation and Lax Kw'alaams Band have each asserted that Nasoga Gulf is part of their territories and any development or sale requires their consent. The Nations have previously said they would seek a legal injunction if the Province and Nisga'a continue with plans to transfer the lands.
- In June 2019, Metlakatla and Lax Kw'alaams raised their concerns over the potential land sale to Nisga'a publicly with a full-page ad in a Prince Rupert newspaper and an op-ed in The Province. The Nations also set up an information checkpoint on Highway 16 to share information with the public about the proposed sale to raise awareness.
- The Province has consulted with Metlakatla First Nation and Lax Kw'alaams Band on the proposed transaction, and officials have met with representatives from the Nations on several

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occasions over the past few years. B.C. also has consulted with other neighbouring First Nations
s.16

- The Province and the Nisga'a Nation have committed to work together s.13; s.16
s.13; s.16

- B.C. won't conclude the agreement and transfer the land until its consultation obligations are complete, and until Canada approves the lands to be added to Nisga'a Lands.
- s.13; s.16 also requires consultation between Canada and affected First Nations. s.16
s.16
- As noted in a letter from March 2017, the Nisga'a government is seeking to conclude the sale agreement. In 2016, Nisga'a said that the Nation "has been actively pursuing opportunities for LNG development in the vicinity of Nasoga Gulf. Although no project is proposed for this location at this time, the area may eventually be developed and may include LNG or other infrastructure development."

Land purchase:

- If approved, Nisga'a Nation would purchase the proposed Crown land parcel in fee-simple (as private lands) from B.C. and seek its addition to Nisga'a treaty lands.
- The Nasoga Gulf parcel is in the Nass Area of the Nisga'a Treaty and contiguous to Nisga'a lands on the south bank of the Nass River. s.13; s.16
s.13; s.16 The process also requires consent of B.C. and Canada.
- s.13; s.16
s.13; s.16
s.13; s.16 This would provide for the Nisga'a to manage a broad area under watershed management principles, rather than in a piecemeal fashion.
- The Nasoga Gulf site is closest to the planned routes of both the Westcoast Connector Gas Transmission and TransCanada's Prince Rupert Gas Transmission (PRGT) pipeline projects. These projects no longer have a client. PRGT did not move ahead due to the cancellation of its export terminal in 2017, Petronas' Pacific Northwest LNG project. Nisga'a has an option to draw natural gas from the PRGT pipeline to an LNG export facility.
- Nisga'a and B.C. have pipeline benefit agreements for PRGT pipeline (announced) s.12; s.12; s.13; s.16 Nisga'a has an impact benefit agreement with PRGT pipeline.

Media

The Tyee, Dec. 15, 2020: <https://thetyee.ca/News/2020/12/16/BC-Quietly-Holds-Nisgaa-Land-Deal/>

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