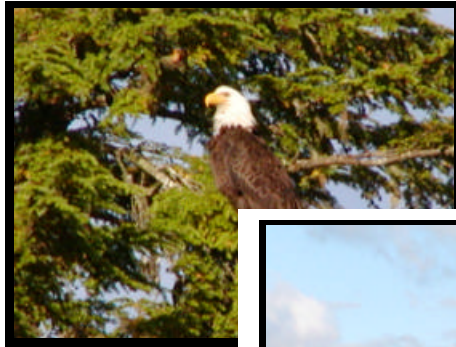




A LAND USE PLAN FOR NISGA'A LANDS

December 2002



“We are Nisga'a – the people who live in the Nass River valley of northwestern British Columbia. We have owned this land since time immemorial. We own it today. “

(Nisga'a Tribal Council, Lock Stock and Barrel, p. 5)

A Land Use Plan **for Nisga'a Lands**

December, 2002

**Adopted by resolution 2002/198 of the Executive of Nisga'a Lisims
Government, December 18, 2002**

Lands Department
Directorate of Lands and Resources
Nisga'a Lisims Government

Table of Contents

1	Introduction.....	1
1.1	Background to the Plan.....	1
1.2	Authority.....	1
1.3	Relationship to the Ango'oskw.....	2
1.4	Approach.....	2
1.5	The Planning Process.....	4
2	Purpose.....	5
2.1	Guiding Principles.....	5
2.2	Description of Lands.....	6
3	Land Use Policies and Zones.....	10
4	Resource Stewardship Zones.....	11
4.1	Forest Resources.....	11
4.2	Agricultural Resources.....	15
4.3	Energy Resources.....	16
4.4	Mineral Resources.....	16
4.5	Wildlife Habitat.....	17
4.6	Fish Habitat.....	17
5	Public Use Zones.....	18
5.1	Residential.....	18
5.2	Recreational.....	18
5.3	Community Watersheds.....	20
6	Areas Requiring Special Consideration.....	21
6.1	Heritage Preservation.....	21
6.2	Ecologically Sensitive Areas.....	22
7	Implementation.....	23
7.1	Policy Development and Plan Amendments.....	23
7.2	Recommendations for Further Plan Development.....	24
8	Schedule of Maps.....	25

1 Introduction

1.1 Background to the Plan

The need to develop a land use plan to guide future land use decisions was first identified by the Lands Committee of the Nisga'a Tribal Council in 1999.

The Effective Date of the *Nisga'a Final Agreement* (May 11, 2000) marked the Crown's formal recognition of the political ability of the Nisga'a Nation to govern its lands and to make autonomous decisions with respect to the use of Nisga'a Lands and the resources associated with the land. With the enactment of legislation governing land and resource use, the Nisga'a Nation was able to establish rules for accessing Nisga'a lands and resources. This legislation alone, however, gives limited guidance to elected officials or staff when decisions needed to be made involving the evaluation of competing resource priorities or the consideration of the effect of a particular activity on the land.

This plan is intended to give that guidance.

In all cases, land use decisions will be consistent with the provisions of the *Nisga'a Final Agreement*, the *Constitution of the Nisga'a Nation*, and Nisga'a Legislation.

1.2 Authority

Nisga'a Lands and all resources associated with the lands are owned by the Nisga'a Nation. The contemporary authority of the Nisga'a Nation to own and manage its lands and resources is expressed in the *Nisga'a Final Agreement*, and exercised through Nisga'a Lisims Government.

Decisions about land and resource use on Nisga'a Lands are, in most cases, made by the Executive of Nisga'a Lisims Government., and in some cases by Wilp Si'Ayuukhl Nisga'a, the legislative house of Nisga'a Lisims Government.

Various committees of the Executive act in an advisory capacity, reviewing applications and making recommendations with respect to land and resource issues. The committees, however do not have decision-making powers.

In some cases, decision-making authority has been delegated by the Executive to the Director of Lands and Resources, in accordance with Nisga'a legislation.

Nisga'a legislation that creates the authority for land use decision making includes:

- *Nisga'a Land Act*
- *Nisga'a Land Title Act*
- *Nisga'a Land Designation Act*
- *Nisga'a Forest Act*
- *Nisga'a Highway Construction Act*

1.3 Relationship to the Ango'oskw

In accordance with the *Constitution of the Nisga'a Nation* and the *Nisga'a Final Agreement*, the land use plan has been developed with the understanding that the common bowl principle will apply and with the knowledge that the *Nisga'a Final Agreement* recognizes the collective Nisga'a authority over the land.

During the land use planning process, statements received with respect to the role of the ango'oskw holder have been received in light of the foregoing principles. It is, however, beyond the scope of this plan to attempt to articulate the modern interpretation of the ayuuk in respect of the ango'oskw.

1.4 Approach

The objectives of the land use planning process were identified in January of 2000, and included:

- Respecting and supporting the *Nisga'a Final Agreement* and *Constitution of the Nisga'a Nation*,
- Ensuring that the process is respectful of the knowledge of Nisga'a citizens,
- Seeking to take advantage of local resources whenever possible, and,
- Ensuring that the process is predictable and straightforward.

Much of the required land and resource information for this plan had been collected for treaty negotiations purposes by the Nisga'a Tribal Council over the many years preceding the *Nisga'a Final Agreement*. At the start of the land use planning process this information was assessed as to where gaps or shortfalls existed and would have to be made up prior to developing the plan.

Additional technical information was collected over the period of January, 2000 to June 2001 by NLG staff, Silva Ecosystem Consultants and Tony Pearse. This information was analyzed by Silva Ecosystem Consultants for the purpose of developing a baseline data set that would identify areas of ecological sensitivity to disturbance, along with other sensitive areas such as old growth forest stands and important wildlife habitat. LGL Environmental Consultants and Tony Pearse also prepared and evaluated new information arising out of recent wildlife surveys.

All of this information was then used by Silva Ecosystem Consultants to create a potential protected landscape network based on the principles of ecosystem-based management for consideration by Nisga'a Lisims Government and Nisga'a Communities. The information and maps provided a starting point for community discussion.

"Nisga'a Lisims Government must establish a process for public involvement in land use planning."

(Constitution of the Nisga'a Nation, Ch. 3, Sec. 21)

Information was collected from Nisga'a citizens in a number of ways. Initial meetings were held in each Nisga'a community in the Nass Valley so that community members could review the technical information in mapped form. These community sessions were also opportunities for community members to identify areas of concern, add more information to the maps, and comment on the process generally.

At each meeting there were various means of input. A formal "hearing" session allowed those who wished to make a formal submission to have their comments transcribed for inclusion in the background documents to the Land Use Plan. Individuals who were not comfortable with a formal structure had an opportunity to speak one-on-one with Nisga'a Lisims Government staff and the Co-Chairperson of the Lands and Resources Committee. Maps were available to be written on, and people were encouraged to add to or correct the mapped information. Finally, mail-in brochures were distributed so that other comments could be forwarded to the Lands Department after the meeting.

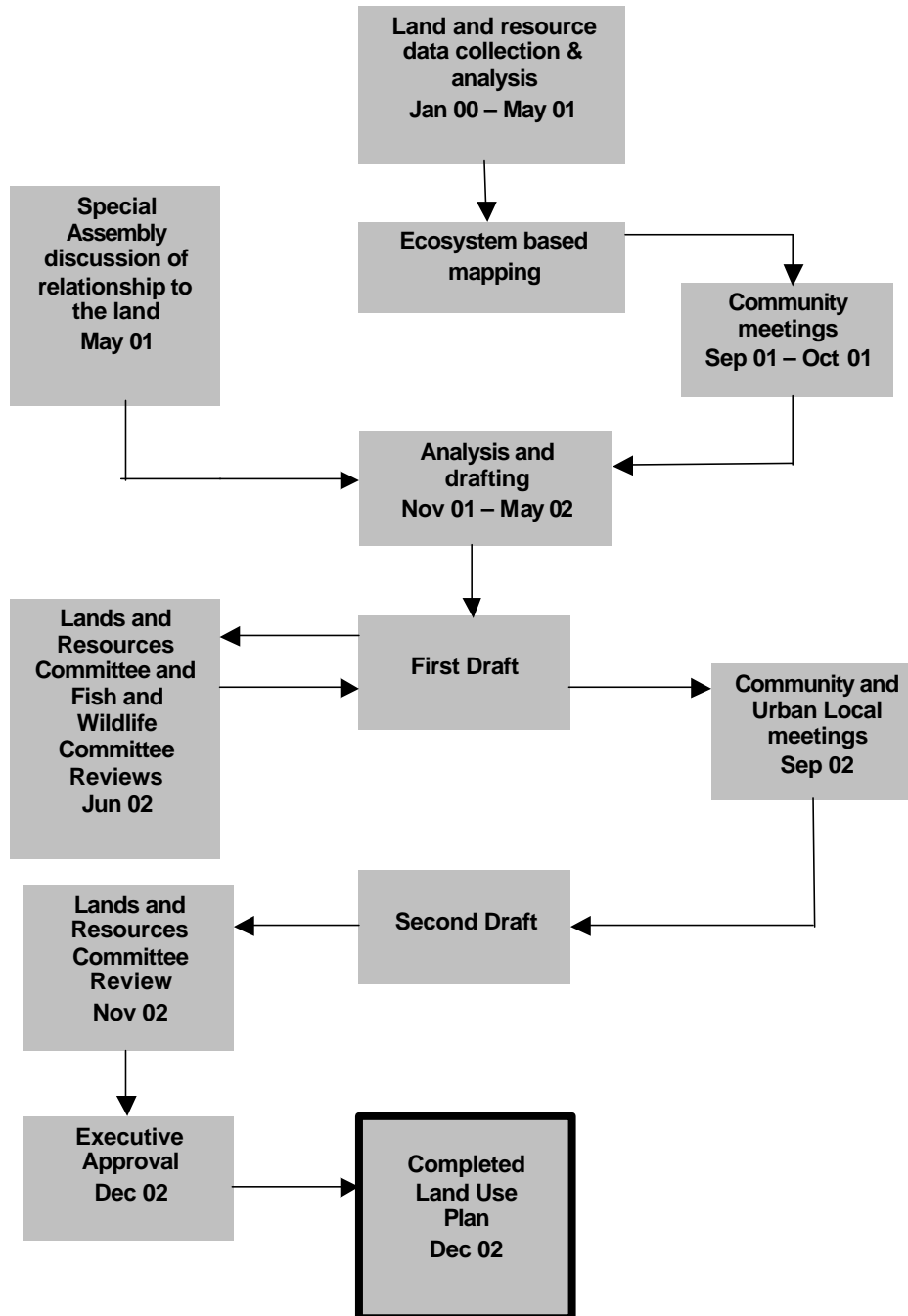
Information from the Special Assembly of the Nisga'a Nation in May of 2001 was also reviewed in the development of the land use plan. That Special Assembly was called as directed by the *Constitution of the Nisga'a Nation* for the purposes of:

- Relating to one another our stories of personal and community alienation from traditional lands during the period of colonialism and our struggle for recognition of Nisga'a right to self-government;
- Discussing ways to secure the continuing relationship of the Nisga'a with our land; and
- Advising Nisga'a Government of steps to be considered in the exercise of its authority over the land and resources within Nisga'a Lands.

The first draft of the land use plan was developed on the basis of the community consultations, the Special Assembly, advice from the Lands and Resources Committee, and the technical information developed by Tony Pearce and Silva Ecosystem Consultants. That draft was then reviewed during the summer of 2002 by the Lands and Resources Committee and the Fish and Wildlife Committee of Nisga'a Lisims Government.

A second round of consultations was held in September of 2002. The draft plan and maps were reviewed at meetings held in New Aiyansh, Gitwinksihlkw, Laxgalt'sap, Gingolx, Prince Rupert, Terrace, Vancouver and Nass Camp. The comments and concerns raised in these sessions were reviewed by Lands and Resources staff. This final draft, based on input received, was then prepared for Lands and Resource Committee and Nisga'a Lisims Government Executive consideration.

1.5 The Planning Process



2 Purpose

The primary purpose of a land use plan is to provide guidance for land use decisions. Instead of resolving issues on an *ad hoc* and reactionary basis, decision makers will be able to move forward with confidence that they have the information that they need, that they understand the effect that a decision may have on related issues, and that their decision is consistent with the aspirations, needs and concerns expressed by their communities. Competing priorities, such as economic development, cultural sustainability and environmental protection, can be reconciled based on agreed-upon policy. The land use plan, by articulating the policy basis for decisions, provides certainty and helps to ensure that decisions are understood to be made impartially and transparently.

It is intended that land use decisions will be consistent with the policy provisions of this plan. In order to permit activities not currently permitted by the plan, it is intended that the plan first be amended in accordance with the “Implementation” section of the plan.

A land use plan also functions as a catalyst for discussion of land use issues. Through application of the plan, and through periodic reviews of its contents, Nisga’a citizens are provided with an opportunity to discuss land use issues on Nisga’a Lands, and to have input into land use decisions.

2.1 Guiding Principles

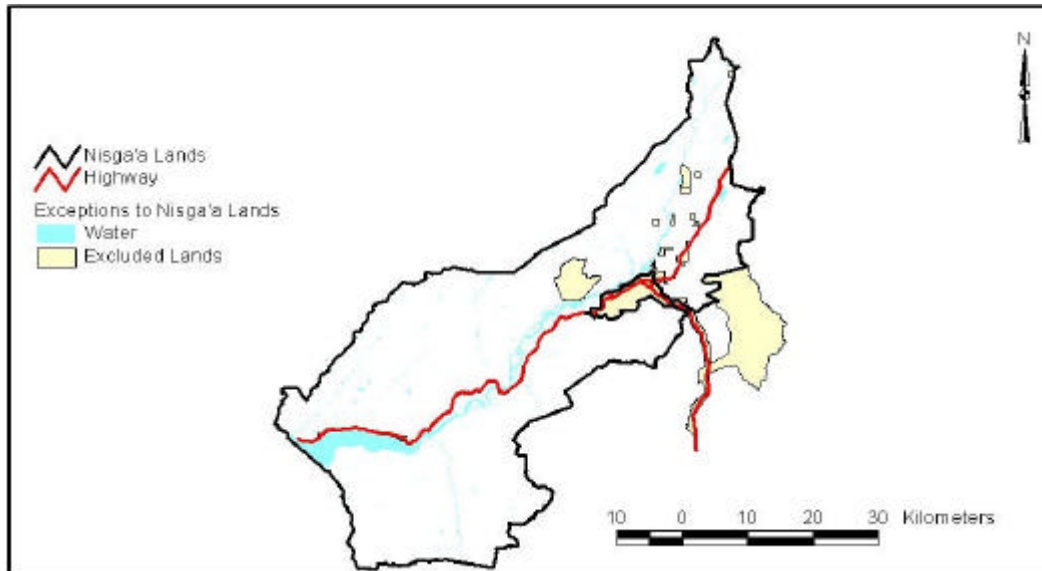
The objective and policies of this land use plan are based on the following guiding principles:

- **Adherence to the principle of the common bowl,**
- **Sustainable use of resources on Nisga’a Lands for the benefit of Nisga’a citizens,**
- **Protection of the environment from ecological degradation, and,**
- **Equitable access to Nisga’a Lands and Nisga’a resources for Nisga’a citizens.**

“Nisga’a acknowledge that the Nisga’a Treaty recognizes collective Nisga’a authority over the land, and understand that we must re-affirm for ourselves the relationship of Nisga’a with our land in a national, personal and community sense.”

(Nisga’a Constitution, Ch.1, sec. 5[6])

2.2 Description of Lands



The area of Nisga'a Lands is approximately 1,994 square kilometres. The exact area will be confirmed upon the completion and registration of the surveys of the boundary of Nisga'a Lands, expected early in the year 2003.

This plan, however, does not apply in the same way to all parts of Nisga'a Lands. On the Effective Date of the *Nisga'a Final Agreement*, certain lands were granted in fee simple to the four Nisga'a Villages, and other lands were designated under the *Nisga'a Lands Designation Act* as Village Lands of each of the Villages. The plan takes Nisga'a Village ownership of certain Nisga'a Lands into account.

Some lands within the Nisga'a Lands boundary are not Nisga'a Lands, and the land use plan does not apply to them. These include:

- *Submerged lands*
- *Gingietl Creek Ecological Reserve*
- *Nisga'a Highway corridor*
- *IR88 (Red Bluff)*
- *Fee simple lands registered in the British Columbia Land Title Office*

2.2.1 GRANTED VILLAGE LANDS

Former reserves that contain the four Nisga'a Villages, along with the expansions to those former reserves, were granted in fee simple to the respective Village by the Nisga'a Nation on the effective date of the *Nisga'a Final Agreement*. For these lands, the respective Village has both ownership of the land and the ability to enact laws with respect to land use. The resources, however, were not included in the fee simple grant and continue to be owned by the Nisga'a Nation, and resource objectives and policies in this plan will apply.

2.2.2 DESIGNATED VILLAGE LANDS

Former reserves were designated as Village Lands of the respective Village as of the effective date of the *Nisga'a Final Agreement*. This means that the respective Village Government has the ability to pass laws with respect to land use on these lands, although the Nation continues to own the land and resources. This shared responsibility for the lands means that Nisga'a Nation and the respective Village need to work closely together on land use and management issues.

2.2.3 EXCEPTIONS TO VILLAGE LANDS

Two former reserves, former IR 10 (Fishery Bay / Stony Point) and former IR 41 (Lakata) were identified prior to the *Nisga'a Final Agreement* as being reserves shared between two former Nisga'a Bands. In these cases, both ownership of, and jurisdiction over, the former Indian Reserves remains with the Nisga'a Nation. The objectives and policies of the land use plan apply to these lands.

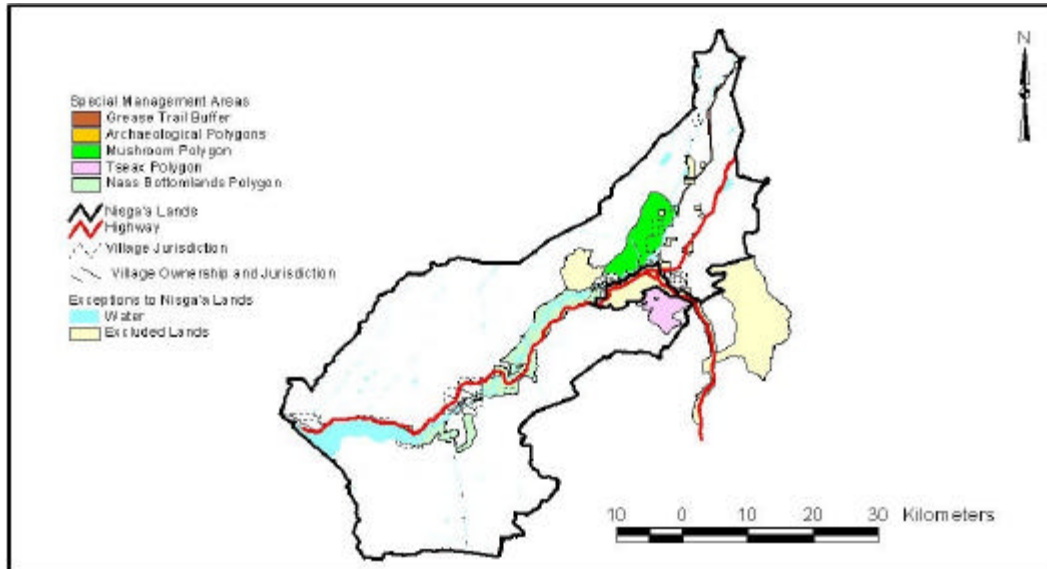
2.2.4 NISGA'A PUBLIC LANDS

Nisga'a Public Lands are those lands not designated as Nisga'a Village Lands or Nisga'a Private Lands. Conditions of access onto Nisga'a Public Lands are set out in the Access Chapter of the *Nisga'a Final Agreement*. Notably, the Nisga'a Nation has agreed to allow reasonable public access on Nisga'a Public Lands for temporary non-commercial and recreational uses by non-Nisga'a. The objectives and policies of the land use plan apply to these lands.

2.2.5 NISGA'A PRIVATE LANDS

Nisga'a Private Lands are lands that Nisga'a Lisims Government designates as being required for uses that are incompatible with public access. Such a determination may be made on the basis of commercial, cultural or resource development or other considerations. The objectives and policies of the land use plan will apply to these lands, although no such lands are currently designated.

2.2.6 TREATY- DESIGNATED SPECIAL MANAGEMENT AREAS

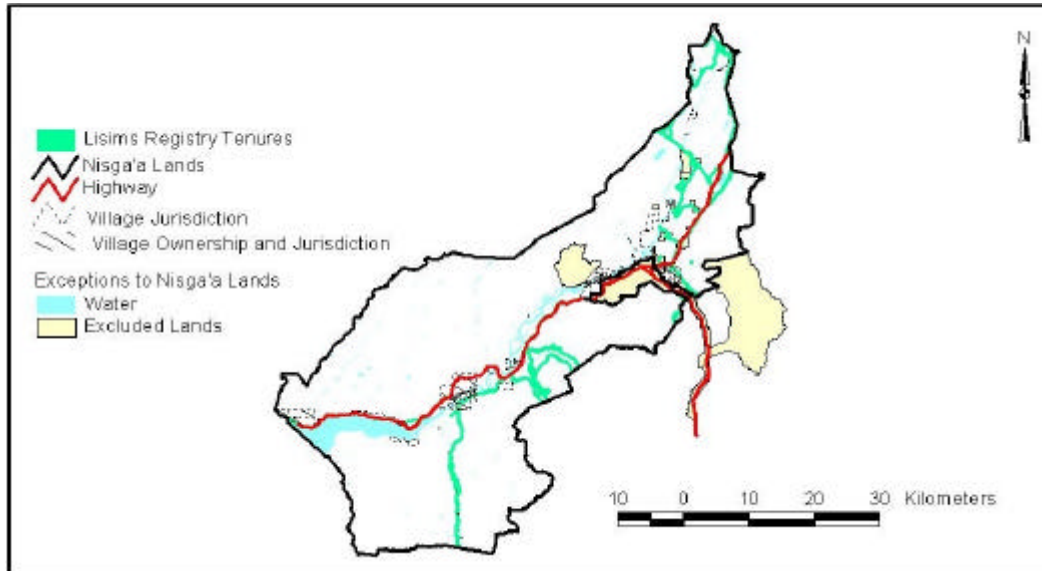


Certain areas of Nisga'a Lands have been designated through the *Nisga'a Final Agreement* as Special Management Areas. Management constraints for these areas are found in Appendix H - Transitional Provisions for Forest Resources – of the *Appendices to the Nisga'a Final Agreement*. In the context of the *Nisga'a Final Agreement* these management constraints apply to forestry activities undertaken by Non-Nisga'a forest licensees. It is recognized, however, that the management constraints should be applied more generally, and have value beyond the transition period as identified in the *Nisga'a Final Agreement*. For this reason, the management constraints identified in Appendix H are incorporated into this plan, and are to be respected in all land use decisions.

Special Management Areas are:

- Nass bottomlands
- Tseax visual polygon
- Grease trail
- Pine mushroom polygon
- Archeological polygons

2.2.7 LISIMS REGISTRY TENURES



As a requirement of the *Nisga'a Final Agreement*, the Nisga'a Nation granted replacement tenures over Nisga'a Lands to a range of third party tenure holders, including utility companies, communications companies, provincial government agencies and private citizens. Allowable land use in such tenure areas is determined by the tenure document as well as by the land use plan, and the existing tenure document may permit activities that are not otherwise consistent with the land use plan.

It is intended that any tenures granted subsequent to the completion of this land use plan will comply with the objectives and policies of the plan.

Lisims Registry tenures are granted by the Executive in accordance with the Nisga'a Land Act.

- *A grant of any tenure with an area greater than 5 hectares requires approval by Wilp Si'ayuukhl Nisga'a. (Nisga'a Land Act, sec. 7)*
- *A transfer of title or a lease of any area greater than 40 square kilometres requires a referendum of the Nisga'a Nation. (Constitution of the Nisga'a Nation, ch.3, sec.17)*

3 Land Use Policies and Zones

This plan designates land use “zones” that are intended to permit or restrict certain kinds of land use activities. Detailed zone mapping is found in the map schedules attached as Maps A – C.

For each land use, a set of objectives and policies describe the ways in which the zones are intended to be used. Land uses considered in this plan include:

Resource Stewardship Zones and Policies

- Forest Resources (timber products, botanical forest products and cultural forest products)
- Agricultural Resources
- Energy Resources
- Mineral Resources
- Fish and Wildlife

Public Use Zones and Policies

- Residential
- Recreational
- Community Watersheds

Areas Requiring Special Consideration

- Heritage Preservation
- Ecologically Sensitivity

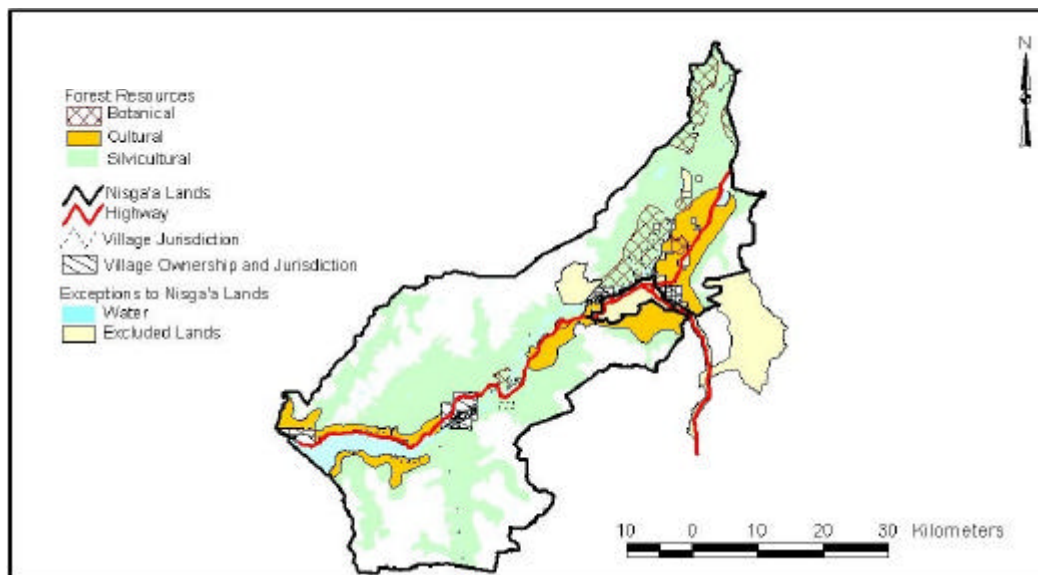
Through the plan development process, a number of issues were identified that require further research and policy development. These on-going issues are identified in section 5.3 – “Recommendations for Further Plan Development”.

“The Nass River and its watershed – from glacial headwaters to Pacific estuary – provided the food, fur, tools, plans, medicines, timber and fuel that enabled us to develop one of the most sophisticated cultures in North America.”

(Nisga’a Tribal Council, Lock Stock and Barrel, p.5)

4 Resource Stewardship Zones

4.1 Forest Resources



Forest resources are recognized as a primary component of the Nisga'a culture and economy.

Forest land use, however, encompasses much more than timber production. Other forest resources include botanical forest products, cultural products and traditional foods. Additionally, diverse and healthy forest ecosystems and the clean water they provide support the wildlife and fish populations so important to the Nisga'a Nation.

Forest Management objectives:

- **Maintenance or enhancement of natural biodiversity across Nisga'a Lands**
- **Long term sustainability of all forest resources**
- **Respect for the principles of integrated forest management and forest resource use.**

The Forest Resources Zone contains sub-zones that are intended to identify the importance of particular areas of the forest land base for particular forest-based land uses. There are some policies that are relevant to all sub-zones, and will be considered in all forest management decisions. Others are specific to sub-zones within the forest area, and are designed to support the integration of specific resource values in the forest.

Forest Management policies:

- **Planning and management of all forest uses will be consistent with the principles of certification to achieve sustainable forest resource management.**
- **Commercial or industrial activity will be permitted in forest zones as long as the activity is consistent with the other permitted activities in the zone.**
- **Development and maintenance of road access to forest management areas will be appropriate to the permitted activities in the zone.**
- **Residential use may be permitted in forest zones only if it is incidental to forest management activity, and only if a tenure is obtained through the Directorate of Lands and Resources.**
- **Forest management policies and practices will respect the need for maintenance of fish habitat.**
- **No pesticides or herbicides will be used for any aspect of forest management.**

All commercial or industrial forest management activity will be subject to an approved forest development plan. All forest development plans and forest management plans will be consistent with the principles, objectives and policies of this land use plan.

4.1.1 TIMBER PRODUCTS

Productive forest land accounts for approximately 49% of Nisga'a Lands. Only a portion of the productive forest land base, however, is suitable for growing successive crops of trees for harvesting. The geography and past activities on the land prevent some lands from being operable. A more realistic estimate of operable forest is 34 % of the productive forest land or 16% of Nisga'a Lands.

The Timber Products zone is intended to identify areas that are suitable for growing successive crops of trees for commercial harvesting. Other forest based activities and values, while they must always be considered in managing the forest, are secondary to silvicultural activities in this zone.

"The trees are there for a purpose. They are just like us. We are all born for a purpose, for a job in this world. Some of us do lots, some of us a little. But we're all used for one thing or another."

(Rod Robinson, Nisga'a People of the Nass, p.7)

4.1.2 BOTANICAL FOREST PRODUCTS

Prescribed botanical forest products currently include eleven different mushroom species as well as fiddleheads. Other products may be prescribed by regulation. Botanical forest products are recognized as an important economic resource for the Nisga'a Nation, and special protective measures have been enacted through the *Nisga'a Final Agreement* for the area known as the pine mushroom polygon. Botanical forest products, however, can be found in many areas of Nisga'a Lands.

Botanical Forest Products policies:

- **Forest Management decisions will consider cumulative effects on the appropriate habitat for botanical forest products across all of Nisga'a Lands.**
- **Access to harvesting areas for botanical forest products will not be unduly restricted by forest management practices.**
- **Land use decisions within the Botanical Forest Products zone will be supported by an assessment of botanical forest products habitat.**
- **No incompatible use will be permitted in areas identified through the assessment process as productive pine mushroom habitat.**

Current prescribed botanical forest products are:

- *Pine Mushroom*
- *Black Morel*
- *Oyster Mushroom*
- *King Boletus*
- *Blue Chanterelle*
- *Funnel Chanterelle*
- *Lobster Mushroom*
- *Chicken of the Woods*
- *Hedgehog Mushroom*
- *Cauliflower Mushroom*
- *Fiddleheads*

4.1.3 CULTURAL FOREST PRODUCTS

Aside from prescribed botanical forest products, there are a range of other forest resources that are important to Nisga'a citizens. These include medicinal products, foods and specific tree species that are required for cultural and ceremonial purposes.

In order to ensure that the supply of these products is maintained for personal use of Nisga'a citizens in the long term, it is important to both clearly identify habitat areas that support various cultural forest products, and to manage the forest in such a way that the resources continue to be available.

It is recognized that more information needs to be collected by Nisga'a Lisims Government about the projected need for cultural forest products in order to ensure that planning protects these resources for community use in the long term.

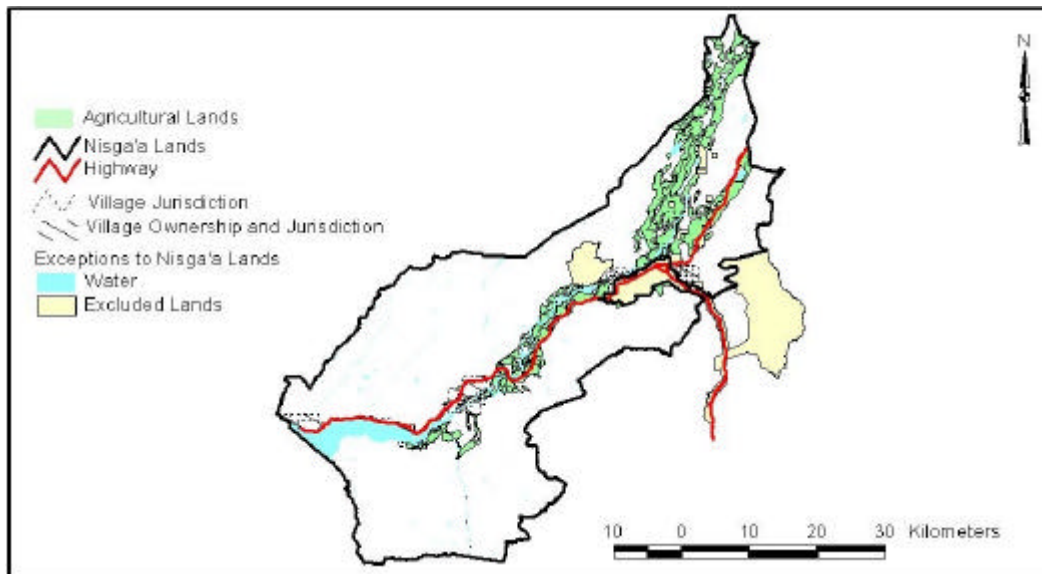
Cultural Forest Products policies:

- **Forest management decisions will consider cumulative effects on the appropriate habitat for cultural forest products across all of Nisga'a Lands.**
- **Access to harvesting areas for cultural forest products will not be unduly restricted by forest management practices.**
- **Land use decisions within the Cultural Forest Products zone will be supported by as assessment of cultural forest resources.**
- **No incompatible use will be permitted in areas designated through the assessment as necessary for the long-term supply of cedar for cultural purposes.**

The valley is the wealth of the Nisga'a... This is a culture that transforms everything – masks, spoons, totem poles, the cedar panels of finely wrought long houses- into elaborate works of art.

(Nisga'a: People of the Nass, p.6)

4.2 Agricultural Resources



Historically, gardens and other agricultural activities have been important to the Nisga'a people. Fewer people maintain large gardens today, but there is an interest in maintaining lands for household and commercial agricultural purposes, for both current and future use.

Agricultural lands are generally classified by Agricultural Capability Class. These classes range from Class 1 (the most productive) to Class 7 (no capability). For most of British Columbia, agricultural capability mapping has been developed by the provincial government. For the purposes of this plan, lands with an agricultural capability class of 4 or better are zoned as agricultural lands. It is important to note that pockets of very productive agricultural land exist, and can be developed for garden purposes, outside of lands zoned for agriculture. Despite the zoning designation, it is expected that agricultural and garden users will comply with the objective and policies stated here.

Agricultural objective:

- **To encourage agricultural production on lands with capability for agriculture.**

Agricultural Policies:

- **Agriculturally zoned lands will not be permitted to be used or developed in such a way that the potential for agriculture is permanently damaged.**
- **Residential use may be allowed if the residence is incidental to the agricultural use, and only if a tenure is obtained from the Lands and Resources Directorate.**
- **Agricultural activities will respect the need for maintenance of fish habitat.**

4.3 Energy Resources

Potential energy resources within Nisga'a Lands include hydroelectric, geothermal and wind generation. The B.C. Ministry of Energy and Mines has identified parts of Nisga'a Lands as having potential for geothermal energy, and although no technical data exists with respect to wind generation, anecdotal evidence suggests that small-scale wind generating facilities may be viable. The Nisga'a Nation negotiated a hydroelectric reservation through the *Nisga'a Final Agreement*. This reservation gives the Nisga'a the presumptive ability to develop hydroelectric facilities on all unrecorded waters of all streams that are wholly or partially within Nisga'a Lands, other than the Nass River.

It is recognized that more information needs to be collected by Nisga'a Lisims Government about the potential for energy generation on Nisga'a Lands, in order to ensure that the development of energy sources can be coordinated with other land and resource uses.

Energy Resources objective:

- **To encourage the development of energy resources that minimizes ecological degradation.**

Energy Resources policy:

- **The development of energy generation facilities will take into account the importance of maintaining productive fish habitat.**

4.4 Mineral Resources

Known and potential mineral resources are limited within Nisga'a Lands, although there is some potential for gravel extraction, and perhaps small scale quarrying. Numerous gravel pits on Nisga'a Lands are already developed, most of which are intended for highway maintenance or construction purposes. Certain gravel pits and quarries are identified in the *Nisga'a Final Agreement* as being available to the Ministry of Transportation for maintenance and road construction purposes.

Mineral Resources objective:

- **To manage mineral resources in a way that minimizes ecological degradation.**

Mineral Resources policies:

- **Mineral extraction shall be carried out in accordance with the *British Columbia Mines Act*.**
- **Gravel pit and quarry management plans will include restoration of resource extraction areas.**
- **The development of mineral resources will take into account the importance of maintaining productive fish habitat.**

4.5 Wildlife Habitat

The continuing viability of the wildlife populations within in the Nass Wildlife Management Area is a high priority for the Nisga'a Nation. Joint management of wildlife resources is carried out within the Area by the province and Nisga'a Lisims Government. Within Nisga'a Lands there are specific areas that are important habitat for a number of species, particularly moose, grizzly bear and goat. These areas require special consideration as part of a larger wildlife management strategy for the entire Wildlife Management Area. Wildlife management objectives and policies are to be applied to both those lands zoned as wildlife in this plan and all riparian areas as defined in section 27 of the *Nisga'a Forest Act*.

Harvesting of wildlife is also an important component of the Nisga'a economy. Wildlife harvesting is regulated through the Wildlife and Migratory Birds chapter of the *Nisga'a Final Agreement* and the *Nisga'a Fisheries and Wildlife Act*.

Wildlife Habitat objective:

- **To protect wildlife habitat.**

Wildlife Habitat policies

- **Land use and decisions will consider cumulative effects on wildlife habitat across all of Nisga'a Lands.**
- **Land use decisions in the wildlife habitat zone will be supported by a wildlife habitat assessment that includes an assessment of habitat outside of Nisga'a Lands.**
- **Industrial and commercial activities within wildlife habitat zones must not degrade wildlife habitat.**
- **No commercial or industrial use will be permitted in zones designated as critical for wildlife habitat.**
- **Access to hunting and trapping areas will not be unduly restricted by forest management practices**
- **No hunting will be permitted within zones designated as critical for wildlife habitat.**

4.6 Fish Habitat

Many activities on Nisga'a Lands may have an impact upon fish habitat. Policies with respect to fish habitat are included in the appropriate land use zones within this plan. Generally, the riparian areas that are important for wildlife habitat are also important for fish habitat, and assessments of land uses in these areas will include an assessment of the effect on fishery values.

It is recognized, however, that there are critical fish habitat areas that may require special protection, specifically with respect to protection of riparian areas and restriction of access. At this point, no such areas have been identified by the Directorate of Fish and Wildlife, or by Nisga'a Fisheries. When such information is received, specific stream reaches, bottom lands or other areas can be designated as critical fish habitat and appropriate policy developed.

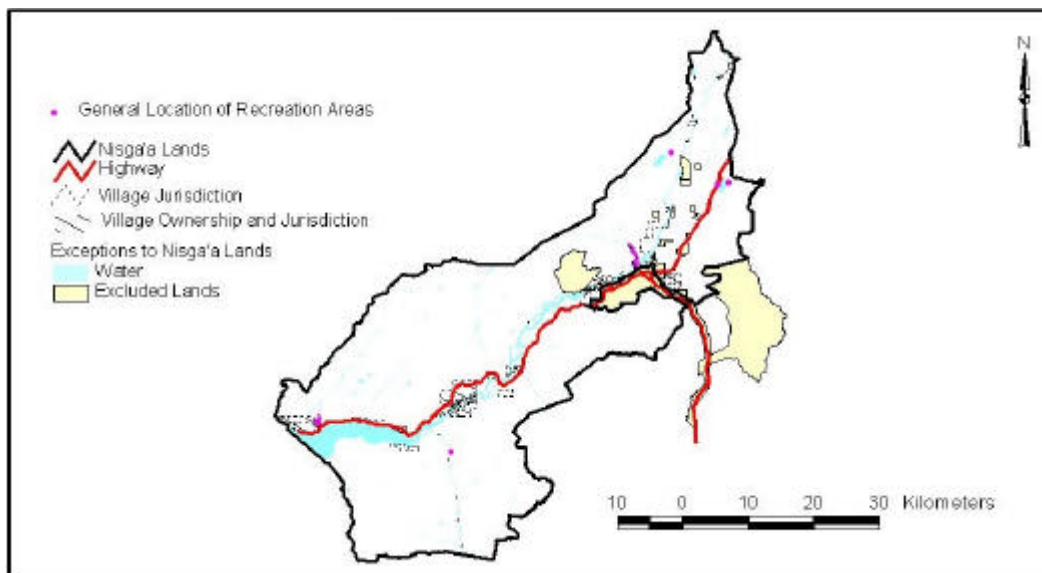
5 Public Use Zones

5.1 Residential

Currently there is no residential use of Nisga'a Lands outside of the established Villages. This plan provides for limited residential use in specific zones if the residential use is compatible with the objectives and policies associated with the zone.

In the future, the Nisga'a Nation may wish to designate new areas for residential use that are outside of Village Lands. At that time, a residential zoning designation will be created for inclusion in the land use plan. Such a zoning designation would recognize residential use, rather than a particular resource use, as the primary use for the zone, and would include policy that is specific to the proposed site of the residential development.

5.2 Recreational



The *Nisga'a Final Agreement* allows recreational access by the public to Nisga'a Public Lands, and development of recreational facilities for tourists and residents is a topic of interest to many Nisga'a citizens. Currently much of the recreation use is centered on Lava Bed Memorial Park, Lava Lake and the Nass River, none of which are included within this planning area. The management plan for Lava Bed Memorial Park, however, was developed as a joint exercise between B.C. Parks and the Nisga'a Nation, and policies and designations in that plan that are relevant to Nisga'a Lands have been considered in the development of this plan. In addition, many of the Village Governments have plans for recreational facilities on their Village Lands.

Identified recreational areas on Nisga'a Lands include Dragon Lake and a number of popular sport fishing locations. Hiking trails and access to alpine areas are also important recreational attributes of Nisga'a Lands.

At some time in the future, a decision may be made to develop tourist facilities in association with established recreation areas and facilities. The *Nisga'a Tourism Plan* developed by Grant Copeland and Associates in 1992 included both Nisga'a Lands and surrounding crown lands in its overall plan, and is intended to act as a guide to tourism development generally. When tourist facilities are developed on Nisga'a Lands, a commercial tourism designation will be created for inclusion in the land use plan.

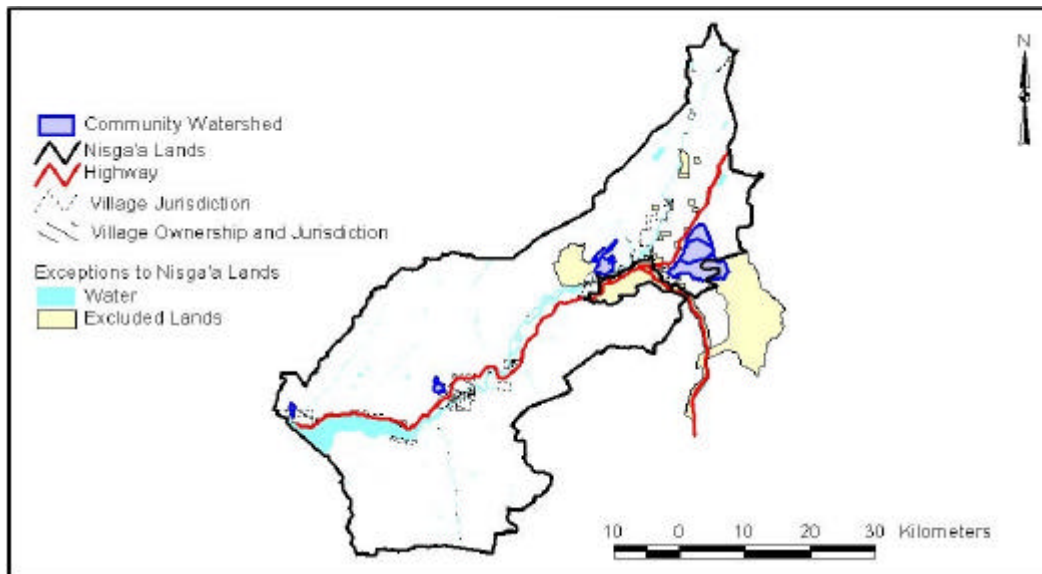
Recreational objective:

- **To encourage recreational activities and facilities that protect the integrity of natural amenities.**

Recreational policies:

- **Recreational activities will be permitted in any zone, as long as the activities are compatible with the primary activity of that zone.**
- **The development of recreational facilities may be permitted in any zone, as long as the facilities do not conflict with the primary activity of that zone.**
- **Hiking trails are a permitted use in any zone.**
- **Access management decisions will consider recreational values.**
- **Zoning of recreational areas will be considered where recreation is the primary activity.**
- **Land use decisions will consider views from areas zoned as recreational.**

5.3 Community Watersheds



Communities within Nisga'a Lands are primarily dependent upon surface water for their supplies of potable water. It is essential that the watersheds that supply this valuable resource remain in a healthy condition. It is recognized that Village Governments need to be involved in decisions that may have an impact on their watersheds.

Watershed objective:

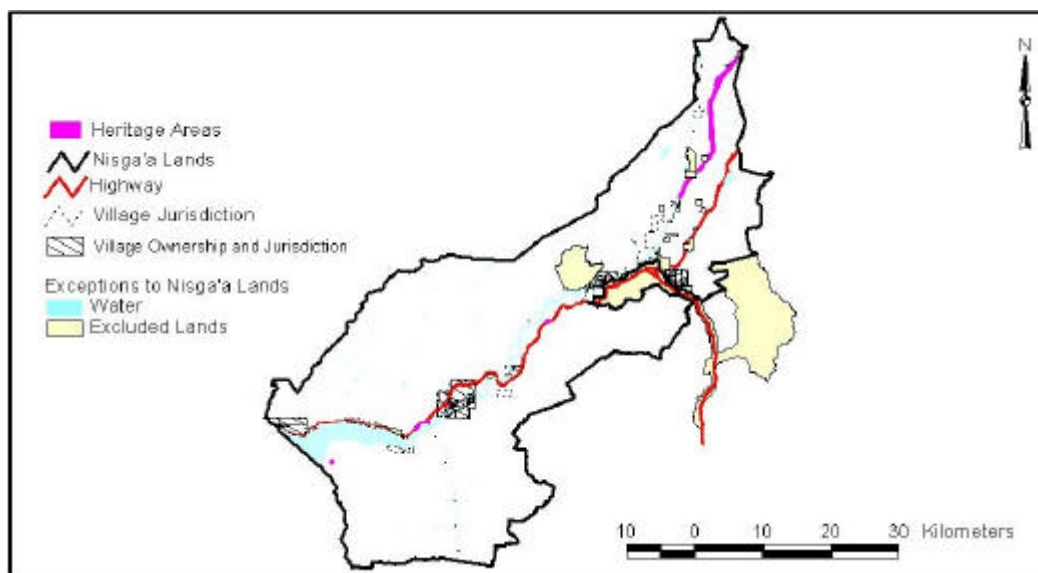
- **To protect community water supplies so that the quality or quantity of potable water is not compromised.**

Watershed policies:

- **No industrial activities will be allowed within areas zoned as watersheds.**
- **Limited other activities will be allowed within watersheds only if permission is granted by the Lands and Resources Directorate, and only if the activity clearly presents no threat to the quality or quantity of potable water.**
- **No residential use of watersheds will be permitted.**

6 Areas Requiring Special Consideration

6.1 Heritage Preservation



The Cultural Artifacts and Heritage chapter of the *Nisga'a Final Agreement* sets out the Nisga'a Nation's responsibility for the preservation of heritage sites on Nisga'a Lands. Until such time as the Nisga'a Nation establishes the processes associated with the protection of heritage sites, it is possible for sites and features be protected under the provincial *Heritage Conservation Act*. Alternately, the Nisga'a Nation may choose to identify heritage sites and cultural features through zoning, as is contemplated in this plan.

Sites that may be of heritage interest include old village sites, trails, grave sites, house sites, oral history landmarks and culturally modified trees. In addition, some natural landscape features that have special significance may be included in a heritage preservation zone.

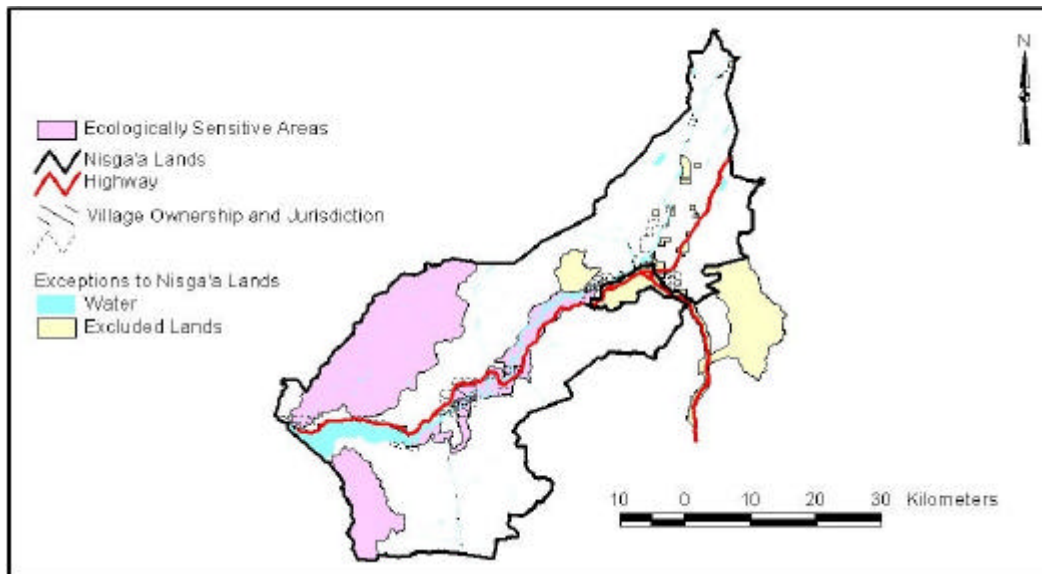
Heritage Preservation objective:

- To protect heritage sites and cultural landscape features.

Heritage Preservation policies:

- Land use decisions in all zones will ensure that heritage sites and landscape features of importance to the Nisga'a Nation are protected.
- A heritage conservation zone will be applied to heritage sites and landscape features that require special protection.
- A management plan will be developed for any site zoned for heritage conservation.

6.2 Ecologically Sensitive Areas



Some areas of Nisga'a Lands are particularly sensitive to disturbance through human activities. There are a number of areas that may require special consideration, including areas of excessive slope, wetlands, riparian areas and rare or under-represented forest ecosystems. In some instances, these areas are also important for wildlife, fish, or other resource values. Careful use of ecologically sensitive areas is anticipated, and some areas of critical ecological sensitivity are not considered to be suitable for any resource use. Areas identified as being environmentally sensitive include intact watersheds and the Nass bottomlands.

Ecologically Sensitive areas objective:

- To protect ecologically sensitive, rare or vulnerable habitat.

Ecologically Sensitive Areas policies:

- Land use decisions within the Ecologically Sensitive Areas zone will be supported by an assessment of ecological values.
- Land use decisions in Ecologically Sensitive Areas will consider both the cumulative impacts of particular land uses and the conflicting requirements of different uses.
- Industrial and commercial activities within ecologically sensitive areas must not degrade the natural environment.
- No commercial or industrial use will be permitted in zones designated as critical ecologically sensitive areas.

*"You respect the forest and its creatures, the fish, the fowl of the air, and the animals. We don't allow our fish to rot without using it, you know, it is forbidden. You take what you need to survive and leave the rest. That's conservation."
(Nisga'a, People of the Nass, P. 106)*

7 Implementation

Nothing in this land use plan is intended to contradict or be inconsistent with the *Nisga'a Final Agreement* or the *Constitution of the Nisga'a Nation*.

Under the *Constitution of the Nisga'a Nation*, the Lands and Resources Directorate has legislated responsibility for the management of lands and resources on Nisga'a Lands, and will implement the land use plan through its management activities, policy development, land use authorizations (permits, licences, etc), and more detailed plans for specific zones and sub-zones identified in the plan. The land use plan may be implemented in stages to allow for a smooth transition between currently approved activities and future operational plans.

The land use plan is intended as a guide for decision-making for both staff and elected officials of Nisga'a Lisims Government. Once this land use plan has been adopted by resolution of the Executive of Nisga'a Lisims Government, no land use or resource development decision may be made that is in contravention to the provisions of the land use plan. If a land use or resource use is desired that is inconsistent with this land use plan, it is intended that the land use plan first be amended to permit the use.

7.1 Policy Development and Plan Amendments

It is intended that this land use plan be reviewed in its entirety every five years, although amendments may be made at any time at the request of the Executive of Nisga'a Lisims Government.

The Lands and Resources Directorate of Nisga'a Lisims Government gratefully accepts all submissions with respect to this plan. Comments and suggestions for revisions to the land use plan may be submitted in writing at any time to:

Lands Manager
Nisga'a Lisims Government
Box 231
New Aiyansh, B.C.
V0J 1A0

All comments will be considered when the land use plan is next given a review.

7.2 Recommendations for Further Plan Development

Throughout the development of the plan, issues arose that require further research and policy development. These issues, while important, could not be incorporated into this first plan document due to the realities of time and budget. It is the recommendation of the Lands and Resources Directorate that the following issues be addressed by the appropriate Directorate of Nisga'a Lisims Government, and that the results of this on-going work be considered for inclusion in the land use plan.

- Identification of significant heritage sites for protection
(Council of Elders, Ayuukhl Nisga'a Department)
- Definition of cultural forest products resource requirements and appropriate habitat
(Forest Resources Department)
- Inventory of recreational sites
(Lands and Resources Directorate)
- Development of a communication strategy for land use decisions
(Lands and Resources Directorate)
- Identification of land areas critical for the protection of fish habitat
(Fish and Wildlife Directorate)

8 Schedule of Maps

MAP A – JURISDICTION AND TENURE

Nisga'a Lands boundary

- Jurisdiction
 - Nisga'a Public Lands
 - Nisga'a Private lands
 - Nisga'a Village Lands
- Exceptions to Nisga'a Lands
- Fee Simple Ownership
- Lisims Registry Tenures
- Special Management Areas designated by the Final Agreement
- Existing gravel pits and quarries

MAP B – LAND USES ZONES

- Forest Resources Zone
- Agricultural Resources Zone
- Recreational Zone
- Community Watershed Zone
- Heritage Preservation Zone
- Ecologically Sensitive Areas Zone
- Wildlife Habitat Zone

MAP C – FOREST RESOURCE ZONES

- Timber Products Zone
- Wildlife Habitat Zone
- Ecologically Sensitive Areas Zone
- Botanical Forest Products Zone
- Cultural Forest Products Zone



“We are Nisga’a – the people who live in the Nass River Valley of Northwestern British Columbia. We intend to live here forever.”

*(Frank Calder, President Emeritus
of the Nisga’a Tribal Council,
People of the Nass, p. 1)*