

# Pride of Ownership

“From time immemorial the said Nation or Tribe of Indians exclusively possessed, occupied, used and exercised sovereignty over that portion of the territory now forming the Province of British Columbia....”

— Petition in the Matter of the Territory of the Nishga\* Nation or Tribe of Indians, January 1913.

## **A Land Question Answered**

On the Effective Date, the Nisga'a Nation owns approximately 2,000 square kilometres of Nisga'a Lands in fee simple. The Nisga'a Nation granted or issued replacement interests to those persons who, immediately before the Effective Date, had interests in Nisga'a Lands. This recognition marks the start of a process of healing and renewal for the Nisga'a people. It also builds a framework of stability for all Canadians.

Prior to the treaty, the Nisga'a people did not control the resources of their traditional territory. The food fishery was available, but title to the land upon which they lived was held by the Crown. The Nisga'a government moved quickly to draft legislation that grants Nisga'a citizens entitlement to the land beneath their homes.

The fee simple ownership of Nisga'a Lands is now the most comprehensive in Canada. Nisga'a Lands include surface, forest, and mineral rights (excluding water), and are registered in the provincial land title system.

\*the common spelling at the time

The Nisga'a Land Act regulates those lands which are not part of a village site. The act is a straightforward version of the British Columbia provincial Land Act.

The Nisga'a Nation owns certain lands, outside of Nisga'a Lands, over which it does not exercise governmental jurisdiction. Outside of Nisga'a Lands, the Nisga'a Nation owns former Indian Reserves along with some adjacent lands called Category A Lands, which include subsurface rights. The Nisga'a Nation also owns other areas outside of Nisga'a Lands called Category B Lands, which include certain subsurface rights as set out in the Nisga'a Final Agreement.

#### **Public Awareness**

Only a limited form of Land ownership was possible under the old reserve system. For generations, Nisga'a could not acquire or sell property without the approval of the federal minister, nor could they enjoy the advantages of equity. Not surprisingly, no word exists in the Nisga'a language for "mortgage." This lack of experience poses many challenges. Since the Effective Date, Nisga'a Lisims Government has worked to inform Nisga'a citizens about the rights, responsibilities, and opportunities of land ownership now available to them.

#### **Land Title & Registry Systems**

The Nisga'a Nation has its own land title system and its own equivalent of a Crown land registry, known as the Lisims Land Registry. Based on the provincial model, they mirror British Columbia's systems in structure, rigour, and legal underpinnings, but are slightly modified to reflect different tenures. The Nisga'a Nation granted land to the villages. The villages, in turn, offered a "village entitlement" to Nisga'a citizens.

"The Nisga'a people should all be very proud that after 113 years, we now have an opportunity to see a community and a people do what they always wanted to — govern themselves outside of the Indian Act.... We're witnessing a historic event of proportions we won't understand for many, many years to come."

— Tom Berger, QC, legal counsel for the Nisga'a in the 1973 Calder Case

Both the Nisga'a Land Title and Land Registry systems were developed and implemented in only four months and were operating on the Effective Date.

#### **Nisga'a Lands Boundary Survey**

Canada and British Columbia are responsible for the survey of the boundary of Nisga'a Lands. The two survey companies contracted for this purpose are required to hire local workers and use local services wherever possible. In 2000, nine Nisga'a were trained in a range of survey skills and employed on a full-time or part-time basis. Office space, truck rentals, meals, and accommodation were provided by local Nisga'a businesses. The surveys will be completed by winter 2001.

One of the highlights of the boundary survey work was the ceremony to mark the placement of a commemorative Nisga'a survey post. Held in October, 2000, the ceremony was attended by four Nisga'a hereditary chiefs and matriarchs. An old Government of Canada survey post marking the boundary between the former Indian Reserve and provincial Crown land was removed. A new survey post, featuring both the Nisga'a hayatskw (crest) and that of the British Crown, was placed to mark the permanent boundary of the Nisga'a Nation.

#### **Nisga'a Geographical Names & Heritage Sites**

In 2000, British Columbia officially recorded Nisga'a names for fifty-two geographic features and renamed thirty-seven others using Nisga'a names. In addition, it established the 6.6 hectare Bear Glacier Provincial Park, which is outside Nisga'a treaty lands but in an area of cultural and historical importance to the Nisga'a Nation.

The province also designated five new Provincial Heritage Sites which lie outside the boundary of the Nisga'a Lands. The sites are each approximately one hectare in size, and include the mouth of Kelskiist Creek, a rock outcrop along Treaty Creek, a peninsula in Nass Lake, and two sections of the Grease Trail — an ancient trade route used by generations of Nisga'a and other First Nations along the coast of British Columbia.



