A FABRICK OF MODERATE BULK1: TENURE REFORM, JURISDICTIONAL BOUNDS AND PARCEL RENEWAL ON FIRST NATIONS’ LANDS

Brian Ballantyne, Steve Rogers and Peter Sullivan
Surveyor General Branch, Natural Resources Canada (NRCan)2

Land tenure reform on First Nations’ Reserves is linked with surveys. Entry by a First Nation into the existing First Nations Lands Management regime requires that the external boundary of each Reserve be described; 45% of 192 descriptions have required a survey. First Nations entering the conceptual First Nations Property Ownership regime will require such a description; in addition, parcel fabric within each Reserve will be measured and renewed. Fabric quality is assessed with a Parcel Fabric Index (PFI) equation that compares improvements on the ground to formal parcels. The PFI allows comparison across Reserves and with off-Reserve communities. The median PFI of 0.72 calculated for a sample of 118 Reserves was lower than for non-Reserve communities; PFI for each Reserve correlates negatively with remoteness and positively with community well-being. Pilots at five Reserves reveals that parcel fabric renewal is primarily a social—not a measuring—exercise; that low costs per parcel can be achieved owing to economies of scale; and that long time-frames are necessarily a function of community structure, consultation and acceptance.

Introduction

There are some 3,100 Reserves in Canada which are held in trust for some 630 First Nations. Such Reserves have a total area of 103,000 sq mi or 8.7 belgiums, to use the “conventional unit of size” [Jacobs 2012]. Reserves differ significantly in location, size (both area and population), capacity and complexity. They range from vacant tracts of wilderness to communities with the infrastructure and development potential of towns.

The Surveyor General Branch (SGB) of Natural Resources Canada (NRCan) is responsible for surveys on Reserves pursuant to the Canada Lands Surveys Act (CLS Act). Reserves are Canada Lands, and the CLS Act sets out that the Minister of Natural Resources has the administration, direction and control of surveys of Canada Lands and shall cause surveys to be made of Canada Lands on the request of a minister of any department of the Government of Canada (such as by the Minister of Aboriginal Affairs and Northern Development—AANDC). This responsibility is delegated to the Surveyor General, who manages surveys and the custody of survey records (plans, fieldnotes and journals) in the Canada Lands Survey Registry (CLSR).

On Reserves, a formal parcel is an area of land, generally defined by survey, registered in the

1 From the Design Brief for the reconstruction of St. Paul’s Cathedral after the Great Fire of London, 1666.
2 This paper does not necessarily reflect the views of the Government of Canada.