

# Property Rights System on Cree and Naskapi Lands in Québec

Jacques Sasseville, a.g., C.L.S.

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## ERRATUM

We would like to apologize for the mistake that occurred during the printing of the cover page of this booklet. The reader should have read Whapmagoostui instead of Whapmagoosti. Please advise our Quebec Client Services Unit of Natural Resources Canada at (418) 648-5725 for any other mistake.

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**PROPERTY RIGHTS SYSTEM FOR  
CREE AND NASKAPI LANDS IN QUEBEC**

By Jacques Sasseville, a.g., CLS

Legal Surveys Division  
Geomatics Canada  
Department of Natural Resources

I would like to thank for their help and precious advice:

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Cree-Naskapi Lands  
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et

Jean Gagnon, NBLS, CLS  
Head, Regulation  
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Department of Natural Resources  
Ottawa, ON

# Location of Cree, Inuit and Naskapi communities in Québec



■ CREE COMMUNITY

◐ INUIT COMMUNITY

▲ NASKAPI COMMUNITY



## PREAMBLE

The problem of Aboriginal land claims in Northern Quebec did not first arise, as some might think, with the James Bay hydro-electric developments. In fact, this problem has existed since Europeans first arrived in America.

At the very beginning of English regime, the Indians' rights to vast territories covering part of North America were recognized. Under the terms of the *Royal Proclamation, 1763*, these rights were protected against any infringement:

*And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominion and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds. C We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief in any of our Colonies of Quebec<sup>1</sup>, East Florida, or West Florida, do presume, upon any Pretense whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions.<sup>2</sup>*

The result of this was the recognition that the Indians had certain *sui generis* user rights on major portions of the current territory of Quebec.

Because of the scope and nature of the work involved, the Aboriginal peoples felt that Quebec's hydro-electric projects threatened to substantially

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<sup>1</sup> The boundaries of the colony of Quebec mentioned in this text do not correspond to the current borders of the province of Quebec. Since 1763, Quebec's borders have been pushed northward, for the first time in 1774 by the inclusion of the Indian lands north of the colony, then again in 1898 and 1912 by the inclusion of lands that were previously part of the Northwest Territories. On this subject see: *Quebec Act, 1774*, R.S.C. 1985, App. II; *An Act respecting the delimitation of the north-western, northern and north-eastern boundaries of the Province of Quebec*, S.Q. 1898, c. 6; *An Act Respecting the north-western, northern and north-eastern boundaries of the province of Quebec*, S.C. 1898 c. 3; *An Act Respecting the Extension of the Province of Quebec by the Annexation of Ungava*, S.Q. 1912, c. 7; *Quebec Boundaries Extension Act*, S.C. 1912, c.45.

<sup>2</sup> *Royal Proclamation, 1763*, R.S.C. 1985, App. II.

affect their Aboriginal rights. The Crees and the Inuit thus took the Government of Quebec to court. They obtained an injunction to stop the work at James Bay. Following Mr Justice Malouf's ruling, the Government of Quebec chose to negotiate with the Aboriginal peoples in order to settle the question of their territorial rights. The governments of Canada and Quebec, the James Bay Energy Corporation, the Société de développement de la Baie James, the Grand Council of the Crees, the Northern Quebec Inuit Association and Hydro-Quebec took part in the negotiations, which produced an agreement in 1975. This agreement, known as the James Bay and Northern Quebec Agreement, applies to the James Bay Crees and the Inuit of Northern Quebec. While the negotiations were under way, the Naskapi Indians added their claims to those of the Crees and Inuit. Their participation and involvement lead to the signature, in 1978, of a similar agreement, but one that applied only to the Naskapis, the Northeastern Quebec Agreement.

This brochure is concerned solely with Category 1A Cree and Category 1A-N Naskapi lands, for which the provincial government retains the bare ownership but has transferred the administration, management and control to the federal government for the exclusive use and benefit of the local governments.

The James Bay Category 1A and Northeastern Quebec Category 1A-N lands cannot be administered like the current Indian reserves are by the *Indian Act* because of the specific conditions of the agreements, under which Quebec reserves certain responsibilities, such as education, policing and health, while others, such as economic development, hunting and trapping, and welfare, are shared with the Government of Canada,

We will try to explain the land entitlement system used by the local Cree and Naskapi governments that was established to ensure that the lands are properly managed, the rights granted are protected and the issue of effectiveness against third parties is settled.

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## INTRODUCTION

Quebec's land surveyors are familiar with the province's land survey system and its land registry system, but few are familiar with the system in use in the eight James Bay Cree communities and the Naskapi community of Kawawachikamach, located a few kilometres north of Schefferville. There is no cadastral system in these communities and the Government of Canada, under the terms of its *Cree-Naskapi (of Quebec) Act*, was required to establish an administrative system to allow the Indian bands on these lands to manage the lands put at their disposal effectively and less expensively; it was therefore necessary to recommend an allocation and registry system different from the one that the Government of Canada applies under the *Indian Act*. These Cree and Naskapi communities were no longer covered by that act; the allocation and registry system had to take account of the specific needs of each of these communities.

This system could prove useful in the management and administration of the lands put at the disposal of the Indians and Inuit of northern Canada and by Indian bands interested in a system of "self-government" different from the one existing under the *Indian Act*.

In the following pages, we provide an overview of the property right system in use on the Cree and Naskapi lands in Quebec.

No land entitlement system can exist without a land base to administer. The James Bay and Northeastern Quebec agreements allowed the

Cree and Naskapi of Quebec to exercise authority recognized by the governments of Quebec and Canada over legally constituted territories. We will begin by looking at certain characteristics common to all land entitlement systems.

### Common characteristics of Property rights systems

A property rights system consists of the method by which the State governs the use and development of the land. There are three characteristics common to all Property rights regimes:

- a) A *system of land management*. It represents the use made of the lands. This system ensures that the rights granted are consistent with government policy; it confirms the State's intentions through acts and regulations.
- b) A *system of land registry*. It regulates the acquisition and exchange of land titles by maintaining a public land registry.
- c) A *system of land surveying*. It ensures the methodical and systematic determination of parcels of land. It ensures that the location and extent of property rights are described in official documents and by demarcations on the land.

Underlying each of these systems are **legislative provisions** and an **administrative organization**.



## LAND MANAGEMENT SYSTEM

The James Bay and Northern Quebec Agreement (JBNQA) signed on November 11, 1975, for the Crees and Inuit, and the Northeastern Quebec Agreement (NEQA) signed on January 31, 1978, for the Naskapis, called on Canada and Quebec to recommend or adopt appropriate legislation to approve the agreements, implement them and declare them valid, and to protect, safeguard and maintain the rights and obligations set out in these agreements.

### Quebec legislation

On June 30, 1977, the Government of Quebec adopted Bill 32, *An Act approving the agreement concerning James Bay and Northern Quebec*<sup>3</sup>. This act came into force on October 31, 1977.

*An Act approving the Northeastern Quebec Agreement*<sup>4</sup> was approved on June 23, 1978, and came into force on June 28 of the same year.

The Government of Quebec promulgated an *Act Respecting the Land Regime in the James Bay & New Quebec Territories*<sup>5</sup> on June 1, 1979. This act regulates the allocation of lands for Cree and Inuit communities under the James Bay Agreement and for the Naskapis under the Northeastern Quebec Agreement.

Under *An Act Respecting the Land Regime in the James Bay and New Quebec Territories*, the Cree beneficiaries received a total of 5,544.1 square kilometres of Category 1 lands, which is subdivided into category 1A and 1B lands; Category 1B lands can include Special Category 1B lands.

The Naskapis received 326.3 square kilometres of Category 1-N lands.

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<sup>3</sup> *An Act approving the agreement concerning James Bay and Northern Quebec*, R.S.Q., C-67.

<sup>4</sup> *An Act approving the Northeastern Quebec Agreement*, R.S.Q., c. C-67.1.

<sup>5</sup> *An Act Respecting the Land Regime in the James Bay and New Quebec Territories*, S.Q. 1978, c. 93.

### Jurisdiction on Cree-Naskapi Lands

#### 1A and 1A-N Lands

By Quebec Order in Council No. 1851-79, the Government of Quebec transferred, by temporary deed while awaiting the final transfer, the administration, management and control of 3,299.6 square kilometres of Category 1A Cree land and 41.93 square kilometres of Category 1A Naskapi land to the Government of Canada for the exclusive use and benefit of the local governments. As local government, the Government of Quebec recognized the Cree Indian bands of Fort George, Old Factory, Rupert House, Waswanipi, Mistassini, Nemaska, Great Whale River, and Eastmain, and the Naskapi Indian band of Schefferville, as defined in the *Indian Act*<sup>6</sup>. Quebec retained bare ownership of these lands.<sup>7</sup>

#### 1B and 1B-N Lands

The Crees received 2,244.5 square kilometres of Category 1B land and the Naskapi, 284.37 square kilometres of 1B-N lands. These lands under provincial jurisdiction were surrendered, by letters patent, in full ownership to landholding corporations with, of course, all administrative rights and surrender of rights on these lands. However, these landholding corporations cannot sell or dispose of these lands except to Quebec.

#### Category II Lands

Category II lands are lands on which the Crees and Naskapis have exclusive right to practice their traditional fishing, hunting and trapping activities; the Government of Quebec reserved a total of 69,995.2 square kilometres for the Crees and 4,144 square kilometres for the Naskapis. Quebec

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<sup>6</sup> *Indian Act*, R.S.C. 1970, c. I-6.

<sup>7</sup> *James Bay and Northern Quebec Agreement*, Section 5, paragraph 5.1.2.

continues to exercise its administration and jurisdiction over these lands; they are subject to public servitude without payment of indemnity. If they are used for development that prevents the exercise of the traditional activities, there may be monetary compensation or compensation in the form of land.

### Category III Lands

On Category III lands, which are Quebec public lands not included in Category I and II lands, the Cree and Naskapi Indians have been given right of first refusal for a period of thirty years to operate outfitting operations in addition to exclusive rights to trap certain animal and aquatic species.

### **Legislation of Canada**

In tandem with the Quebec legislation, the Government of Canada endorsed the James Bay and Northern Quebec Agreement by adopting Bill C-9, known as the *James Bay and Northern Quebec Native Claims Settlement Act*,<sup>8</sup> which received Royal Assent on July 14, 1977, and came into force on October 31, 1977. By Order-in-Council 1978-502, which came into force in April 1978, the Northeastern Quebec Agreement was approved in accordance with section 4 of the said Act.

### **Federal Administration**

Since the Cree 1A and Naskapi 1A-N lands are no longer Indian reserves governed by the *Indian Act*, because of the sharing of responsibilities with the Province of Quebec, the Government of Canada prepared specific legislation for the administration of the 1A and 1A-N lands.

The Canadian House of Commons adopted the *Cree-Naskapi (of Quebec) Act* given Royal Assent on June 14, 1984, which deals essentially with local Cree and Naskapi government and the land regime for category 1A and 1A-N lands. The administration, management and control of 1A and 1A-N lands that the Government of Quebec transferred to the Government of Canada are delegated to the bands under section 109 of this Act:

109. (1) Quebec retains the bare ownership of Category IA and IA-N land.

(2) Subject to this Act, a band has the exclusive use and benefit of its Category IA or IA-N land and the natural resources thereof, and may administer, manage, control, use and enjoy that land and the natural resources thereof for community, commercial, industrial, residential or other purposes, as if it were the owner thereof.

We thus see that while the agreements guaranteed the Crees and Naskapi a territory, not only was the first part of a property right regime, that is **land management**, conferred on them by Quebec and Canadian **legislative provisions**, but the band became the **administrative organization** under the terms of the *Cree-Naskapi (of Quebec) Act*.

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<sup>8</sup> *James Bay and Northern Quebec Native Claims Settlement Act*, S.C. 1976-77, c. 32.

## LAND REGISTRATION SYSTEM

By accepting the management and administration of Cree and Naskapi lands in Quebec, the Government of Canada assumed the same responsibilities for their rights as for the those that exist on other lands reserved for Indians in Canada. It thus had to protect these Indians' recognized rights on category 1A and 1A-N lands. The JBNQA and the NEQA reaffirm these principles when they define the federal government's role as protector and prescribe certain elements to be included in the *Cree-Naskapi Act* in order to:

1. exempt from seizure category 1A and 1A-N lands and Cree and Naskapi property thereon, similar to those extended to other Indians by the *Indian Act*;
2. define the general powers of the Minister of Indian Affairs and Northern Development to supervise the administration of category 1A and 1A-N lands.<sup>9</sup>

### Legislative provisions

The legislature conformed to those prescriptions when adopting the *Cree-Naskapi (of Quebec) Act*. That act contains provisions to protect the Indians' rights on category 1A and 1A-N lands, that is, immunity from seizure, inalienability, the special mortgage program and the non-application of the acquisitive prescription.

The Cree and Naskapi local governments were given the power to grant certain rights of use and habitation to their members (and exceptionally to non-Aboriginal people) on category 1A and 1A-N lands. The enabling provisions are found in section 9 of the JBNQA and section 7 of the NEQA. The *Cree-Naskapi (of Quebec) Act* describes the different types of property rights that can be granted by the Cree and Naskapi local governments.

- 132 (1) A band may, subject to this Part, grant
- (a) with respect to its Category IA or IA-N land,

<sup>9</sup> *Northeastern Quebec Agreement*, c. 7; *James Bay Agreement*, c. 9.

a lease, usufruct, servitude, superficie or other right of use or occupation; and

(b) with respect to its buildings on its Category IA or IA-N land, a lease, emphyteutic lease or usufruct, or a right of ownership, co-ownership, use or habitation, or other right of use or occupation or, subject to the approval of the electors of the band described in subsection 193(3), a hypothec or other charge.

Section 151 of the same act calls for the creation of a land registry system in order to ensure proper management of the rights granted and settle the issue of third party rights.

151. The Governor in Council may make regulations for establishing and maintaining a land registry system, under the control and supervision of the Minister, for the registration of rights and interests in Category IA and IA-N land and in buildings situated thereon, and, without restricting the generality of the foregoing, may make regulations respecting

- (a) the establishment and maintenance of land registry offices and their hours of operation;
- (b) the administration of the land registry system, including officers and employees and their powers and duties;
- (c) the procedure for registering rights and interests, including forms and fees;
- (d) the manner and form in which books and records are to be maintained by the land registry offices;
- (e) the effects of registering a right or interest, including priorities;
- (f) the registering of surveys of Category IA or IA-N land;
- (g) the cancellation of instruments registered in the land registry system; and
- (h) the keeping by the land registry offices of non-registrable documents for the purpose of facilitating the management or administration of Category IA or IA-N land or of buildings situated thereon.

### Cree-Naskapi Land Registry Regulations

After the *Cree-Naskapi (of Quebec) Act* was proclaimed, a registry committee consisting of legal counsel for the Crees and Naskapis, legal counsel from Justice Canada, the Registrar of Indian Lands in Ottawa, a representative of the Grand Council of Crees, a representative of the Department of Indian Affairs and Northern Development, and the Regional Surveyor of Quebec representing the Surveyor General of Canada met on several occasions to propose

regulations on the registration of rights and interests in category 1A and 1A-N Cree-Naskapi land and in buildings situated thereon pursuant to sections 151 and 152 of the *Cree-Naskapi (of Quebec) Act*.

Finally, after several drafts, the proposal for identifying and designating interests in Cree-Naskapi lands and buildings was made official by the Governor General in Council by Order in Council P.C. 1986-2490, of November 6, 1986, approving the "*Cree-Naskapi Land Registry Regulations*" (SOR/86-1060) which provide for the registration of all lands transactions and administrative decisions affecting the rights of use and occupation granted collectively and individually to Indians on category 1A and 1A-N lands.

These regulations define the terms and conditions for registration and the powers of the registrars. This system is a "dual system," which calls for bands in each of the communities to appoint a local land registrar and the government of Canada to appoint a central land registrar.

An application for registration can be submitted to either registrar; however, to take full effect, the registration must be accepted by one land registrar and confirmed by the other (see Figure 1). Once confirmed, the registration takes effect retroactively from the date it was accepted for registration by the first land registrar.

## Main provisions of the registry regulations

The Regulations provide for the appointment of a central land registrar by the Minister of Indian Affairs and Northern Development and of local land registrars by the band council in each community.

The central land registrar is responsible for managing the registry service, which includes the central land registry office and the eight local Cree offices and the local Naskapi office. The central land registrar is invested with certain powers with respect to the statutory administration of the Service, as defined in section 7 of the Regulations:

7. The central land registrar shall
  - (a) administer the central land registry office;
  - (b) coordinate the functions of the local land registry offices;
  - (c) arrange for and assist in the preparation of land registry plans and deposit certified copies of any land registry plan made pursuant to section 17 in the appropriate local land registry office and in the central land registry office;
  - (d) issue, to each local land registrar, guidelines respecting the administration and operation of the land registry system established pursuant to section 3;
  - (e) establish the form of the index books;
  - (f) assist and advise the local land registrars;
  - (g) assist Cree and Naskapi beneficiaries in the preparation of land descriptions and in the preparation and registration, or deposit, of any documents to be registered, or deposited, in accordance with the Act or these Regulations; and
  - (h) conduct an inspection of each local land registry office, including its index books and records, at least once a year and report on its administration to the council of the appropriate band.

			Cree/Naskapi Land Registry System Central Office			Service de l'enregistrement cri/naskapi Bureau Central		
I accepted this document for registration on:			J'ai accepté ce document pour enregistrement:					
Year Année	Month Mois	Day Jour	Hour Heure	Minutes Minutes				
_____	_____	_____	_____	_____				
Under number Sous le numéro								
_____								
Registrar/Registreur			Date					

			Cree/Naskapi Land Registry System Central Office			Service de l'enregistrement cri/naskapi Bureau Central		
Registration confirmed this:			Enregistrement confirmé le:					
Year Année	Month Mois	Day Jour	Hour Heure	Minutes Minutes				
_____	_____	_____	_____	_____				
Under number Sous le numéro								
_____								
Registrar/Registreur			Date					

Figure 1

Approval stamp affixed by the Central or Local Land Registrar upon acceptance or confirmation of the documents

Each local land registry office is managed by the local land registrar, who is appointed and employed by the band to which the registrar belongs. The local land registrar's duties, in addition to those that may be established by the band, are as follows:

1. assist in the preparation of land registry plans for the Category 1A or 1A-N lands of the band;
2. assist Cree and Naskapi beneficiaries in the preparation of land descriptions and in the preparation and registration, or deposit, of any documents to be registered, or deposited, in accordance with the Cree-Naskapi Act) or these Regulations.

### **Registration procedures**

The procedure for registering rights and interests has two steps: the first involves the registration as such by recording the right or interest in the index books; the second step completes the first by locating and graphically delimiting the rights and interests on a land registry plan. The rights and interests thus recorded in the index books and on the land registry plans are identified by the CRINA number (contraction of CRI and NAskapi, see section on Surveying System).

The procedure for registering rights and interests in category 1A and 1A-N lands is set out in Part III of the Cree-Naskapi Land Registry Regulations. Anyone who wants to register a right or interest in category 1A or 1A-N lands can forward documents evidencing that right or interest to either the central land registry office in Quebec City or the local land registry office in each of the Cree and Naskapi communities.

### Rejection of documents

When a registrar receives a document for registration, the registrar must ensure that the document should not be rejected under section 23(1) of the Regulations, entitled "Rejection of Document." This section specifies that a document must be rejected when:

- a) it is not dated;
- b) it does not identify each party to the document;
- c) it does not set out the address of each party to the document;

- d) it does not set out the nature of the right or interest evidenced in the document;
- e) it neither sets out the CRINA number of the right or interest evidenced in the document nor is accompanied by a sketch that clearly shows the boundaries of the land or the building, or both, referred to in the document and the number of the block in which, and the land registry plan on which, the right or interest is located;
- f) it is not signed by the parties or when the document is not accompanied by a statement, where necessary, confirming that the grant or transfer has been approved or consented to by the electors of the band.

When a document is rejected under this section, the registrar returns it to the person who submitted it.

### Acceptance of documents

When a registrar receives a document for registration, and the document is not rejected under the aforementioned provisions, the registrar who receives and accepts the document, stamps on the document "registration accepted." The registrar then forwards the original document and one of the certified copies to the other registrar for confirmation of the document.

Upon receipt of the registered document, the second registrar must confirm the registration by stamping on the document and the certified copy "registration confirmed."

At the end of this process, it is essential that the original document remains in the possession of the central land registrar. The local land registrar keeps a certified copy bearing the stamps "registration accepted" and "registration confirmed" for archival and consultation purposes.

Where the registrar feels that the material quality of a document is not sufficient to ensure durability, the registrar shall prepare a true copy of the document and the true copy shall be considered the original document for registration purposes. When the registrar accepts a document written in the Cree or Naskapi language, the registrar shall prepare a memorial of the document in English or French and attach the memorial to the document. The registrar must attach to the memorial an affidavit attesting to the fact that the registrar understands the languages in which the memorial

and the document are written and has carefully compared the memorial and the document, and the memorial is in all respects an accurate summary of the matters referred to in the document.

#### Index books

The central land registry office and the local land registry offices shall keep the following index books:

- a) the entry book (see page 8) in which are recorded, in chronological order, all the documents received at the office for registration;
- b) the index of names (see page 9) in which are recorded, in alphabetical order, the names of all the people who are a party to the document and who affirm a right or interest in category 1A or 1A-N lands or buildings thereon;
- c) the index of lands (see page 10) in which are recorded, all right or interest in category 1A or 1A-N lands,
- d) the index of buildings (see page 11) in which are recorded, any right or interest in a building located on category 1A or 1A-N lands,
- e) the deposit index (see page 12) in which are recorded, in chronological order, the documents mentioned in section 36 of the Regulations that are received at the office for deposit in accordance with that section, and the documents mentioned in sections 149 and 152(1) of the *Cree-Naskapi (of Quebec) Act*.

#### Provisional registration

It is possible to provisionally register a right if the territorial description of the land is not depicted on a land registry plan or a survey plan ratified under Part 2 of the *Canada Lands Surveys Act*, or if the two registrars are of the opinion that the boundaries of the lands or buildings cannot be easily located on the ground.

#### Appeal notice

(summary of sections 32, 33, 34 and 35 of the Registry Regulations)

In the two years following the provisional registration of a right or interest, the appropriate

local land registrar and the central land registrar shall prominently display and make available for examination in their respective land registry offices the following documents mentioned in paragraph 32a), which shall remain available and displayed for 60 days, a notice that sets out any provisionally registered right or interest the depiction of which on a land registry plan is subject to appeal and any fully registered right or interest the proposed revised depiction of which, on a land registry plan, is subject to appeal because of an inaccuracy referred to in subsection 30(4).

A statement to the effect that a written objection to the depiction of a right or interest may be forwarded to the appropriate local land registrar or the central land registrar within 60 days after the date of this notice. A person who wishes to make an objection shall set out in the objection any reason for that objection. Upon receipt of this objection, the local and central registrars must decide on the limits of the right or interest and make a decision within 30 days of the hearing.

This decision is forwarded by personal service or registered mail to the appropriate band and to the holder of any right affected by the decision.

It is possible to cancel a right or interest in the following cases:

- a) a court orders such cancellation;
- b) all interested parties consent, in writing, to the cancellation; or
- c) in the opinion of the appropriate local land registrar and central land registrar, the location of the boundaries of the land or buildings cannot be easily located on the ground.

Where a registration is canceled, the two registrars shall make a notation of the cancellation in the appropriate index books and reflect the cancellation on the relevant land registry plans.



CREE-NASKAPI LOCAL GOVERNMENT REGISTRY SYSTEM  
DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

SERVICE DE L'ENREGISTREMENT DE L'ADMINISTRATION LOCALE CRIE ET NASKAPI  
MINISTÈRE DES AFFAIRES INDIENNES ET DU NORD CANADIEN

Category IA and IA-N land

Terres des catégories IA et IA-N

- Section 150 to 152 of the Cree-Naskapi (of Quebec) Act
- Cree-Naskapi Land Registry Regulations

- Articles 150 à 152 de la Loi sur les Cris et les Naskapi du Québec
- Règlement sur l'enregistrement des terres des Cris et des Naskapis

ENTRY BOOK  
LIVRE DE PRÉSENTATION

Sheet  
Feuille **000001**

	RECEIPT OF DOCUMENT RÉCEPTION DES DOCUMENTS				RECEIPT OF ACCEPTED DOCUMENT RÉCEPTION DES DOCUMENTS ACCEPTÉS				Date of document Date du document	Name of parties Noms des parties	Nature of right or interest Nature du droit ou de l'intérêt	CRMA number numero CRMA	REGISTRATION ENREGISTREMENT					
	Year Année	Month Mois	Day Jour	Hour Heure	Year Année	Month Mois	Day Jour	Hour Heure					Provisional Provisoire (date)	Full Officiel (date)				
CENTRAL	90	02	06	1416	A	90	12	07	1435	A	1	15-12-89	Mistissini Band Creboard of health & Social services	Servitude sur le lot	08-003002- 3		7-12-90	
REMARKS/OBSERVATIONS																		
CENTRAL	90	02	06	1416	A	90	12	07	1435	A	1		Mistissini Band Creboard of health & Social services	Droit de propriété	08-003-002-1B1 08-003-002-2B2		7-12-90	
REMARKS/OBSERVATIONS																		
CENTRAL	91	10	03	1530	A	91	10	24	1907	A	2	9-04-91	Mistissini Band Roy and Pat Iserhoff	Grant of superficie	08-003014-1		24-10-91	
REMARKS/OBSERVATIONS																		
CENTRAL	91	09	27	1000	A	91	10	24	1033	A	3	25-09-91	Mistissini Band					
REMARKS/OBSERVATIONS																		
CENTRAL	91	10	24	1700	A						4	2-10-91	Mitsco Ventures Inc.	Rights of ownership	08-003-014-2B1 08-003-014-3B2		24-10-91	
LOCAL	91	10	24	1530	A	91	10	24					Pat & Roy Iserhoff					
REMARKS/OBSERVATIONS																		



**CREE-MASKAPI LOCAL GOVERNMENT REGISTRY SYSTEM  
DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT**

**SERVICE DE L'ENREGISTREMENT DE L'ADMINISTRATION LOCALE CRIE ET NASKAPIE  
MINISTRE DES AFFAIRES INDIENNES ET DU NORD CANADIEN**

**Category IA and IA-N land**

**Terres des catégories IA et IA-N**

• Section 150 to 152 of the Cree-Naskapi (of Quebec) Act  
• Cree- Naskapi Land Registry Regulations

• Articles 150 à 152 de la Loi sur les Crie et les Naskapi du Québec  
• Règlement sur l'enregistrement des terres des Crie et des Naskapi

**INDEX OF NAMES  
INDEX DES NOMS**

Sheet \_\_\_\_\_  
Feuille \_\_\_\_\_

**B**

Name of band \_\_\_\_\_ Number \_\_\_\_\_  
Nom de la bande \_\_\_\_\_ Numéro \_\_\_\_\_ 08

Name of parties Noms des parties	Registration Number (Local) Numéro d'enregistrement (Local)	Registration Number (Central) Numéro d'enregistrement (Central)	Date of document accepted Date d'acceptation du document	Date of registration Date de conclusion de l'enregistrement	Date of document Date du document	Nature of right or interest Nature du droit ou de l'intérêt	CRMA Number Numéro de CRMA	Registration Enregistrement		REMARKS OBSERVATIONS
								Provisional Provisoire (date)	Full Officiel (date)	
Band VS Luke Mianscum		17	14-04-92	22-04-92	28-01-91	Grant and agreement of superficies	08-003-015-3		22-04-92	
Band VS Alfred Coon Come		20	4-5-92	27-05-92	23-04-92	Grant and agreement of superficies	08-003-023-1		27-05-92	
Band VS Queen of Canada		22	93-8-18	93-10-4	92-5-27	Lease	08-003-0116-1B1		93-10-04	
Band VS Telebec		23	22-12-93	94-09-30	1-1-91	Lease	08-003-027-1		94-09-30	
Band Queen Northwest Co.		25	9-9-96	25-10-96	9-9-96	Ownership tripartite agreement	08-003-019-1B1		96-10-25	





CREE-NASKAPI LOCAL GOVERNMENT REGISTRY SYSTEM  
DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

SERVICE DE L'ENREGISTREMENT DE L'ADMINISTRATION LOCALE CRIE ET NASKAPIE  
MINISTÈRE DES AFFAIRES INDIENNES ET DU NORD CANADIEN

Category IA and IA-N land

Terres des catégories IA et IA-N

• Section 150 to 152 of the Cree-Naskapi (of Quebec) Act  
• Cree-Naskapi Land Registry Regulations

• Articles 150 à 152 de la Loi sur les Cris et les Naskapi du Québec  
• Règlement sur l'enregistrement des terres des Cris et des Naskapis

INDEX OF LAND  
INDEX DES TERRES

Sheet  
Feuille 000001

Name of band / Nom de la bande: MISTISSINI Number / Numéro: 03 Category of land / Catégorie de terres: IA IA-N  IA  No. of plan / No de plan: RSQ Profile: 1/1 Lot: 003 Block / Parcelle: 002

Names of parties Nom des parties	Registration Number (Local) Numéro d'enregistrement (local)	Registration Number (Central) Numéro d'enregistrement (Central)	Date of document accepted / Date d'acceptation du document	Date of registration confirmed / Date de confirmation de l'enregistrement	Date of document / Date du document	Nature of right Nature du droit ou de l'intérêt	CRINA number numéro CRINA	REGISTRATION ENREGISTREMENT		Cancellation Annulation (date)
								Provisional Provisoire (date)	Final Officiel (date)	
Mistissini Band	1	1	06-02-90	7-12-90	15-12-89	servitude sur le lot.	08-003-002-3		7-12-70	
Cree Board of health and social services										
REMARKS/OBSERVATIONS										
REMARKS/OBSERVATIONS										
REMARKS/OBSERVATIONS										
REMARKS/OBSERVATIONS										



CREE-NASKAPI LOCAL GOVERNMENT REGISTRY SYSTEM  
DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

Category IA and IA-N land

- Section 150 to 152 of the Cree-Naskapi (of Quebec) Act
- Cree-Naskapi Land Registry Regulations

SERVICE DE L'ENREGISTREMENT DE L'ADMINISTRATION LOCALE CRIE ET NASKAPIE  
MINISTÈRE DES AFFAIRES INDIENNES ET DU NORD CANADIEN

Terres des catégories IA et IA-N

- Articles 150 à 152 de la Loi sur les Crie et les Naskapi du Québec
- Règlement sur l'enregistrement des terres des Crie et des Naskapi

INDEX OF BUILDINGS  
INDEX DES BÂTIMENTS

Sheet  
Feuille **000001**

Name of band Nom de la bande <b>Mistisissini</b>	Number Numéro <b>08</b>	Category of land Catégorie de terres <b>IA</b>	IA <input checked="" type="checkbox"/> IA-N <input type="checkbox"/>	No. of plan No de plan <b>1</b>	RSQ Sheet Feuille <b>1/1</b>	Lot Lot <b>003</b>	Block Parcelle <b>002</b>	Building Bâtiment <b>1 B1</b>
---	----------------------------	---	--	------------------------------------	---------------------------------	-----------------------	------------------------------	----------------------------------

Names of parties Nom des parties	Registration Number (Local) Numéro d'enregistrement (Local)	Registration Number (Central) Numéro d'enregistrement (Central)	Date of document Date du document	Date of registration confirmed Date de confirmation de l'enregistrement	Nature of right or interest Nature du droit ou de l'intérêt	CRINA number numéro CRINA	REGISTRATION ENREGISTREMENT		Cancellation Annulation (date)
							Provisional Provisoire (date)	Full Officiel (date)	
Mistisissini Band	1	1	6-2-90	7-12-90	droit de propriété	08-003002-1B1		7-12-90	
Cree Board of health									
REMARKS/OBSERVATIONS									
REMARKS/OBSERVATIONS									
REMARKS/OBSERVATIONS									
REMARKS/OBSERVATIONS									
REMARKS/OBSERVATIONS									


**CREE-NASKAPI LOCAL GOVERNMENT REGISTRY SYSTEM**  
**DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT**  
 SERVICE DE L'ENREGISTREMENT DE L'ADMINISTRATION LOCALE CREE ET NASKAPIE  
 MINISTERE DES AFFAIRES INDIENNES ET DU NORD CANADIEN

**Category IA and IA-N land**  
 • Section 150 to 152 of the Cree-Naskapi (of Quebec) Act  
 • Cree- Naskapi Land Registry Regulations

**Terres des catégories IA et IA-N**  
 • Articles 150 à 152 de la Loi sur les Crie et les Naskapi du Québec  
 • Règlement sur l'enregistrement des terres des Crie et des Naskapi

**DEPOSIT INDEX**  
**INDEX DES DÉPÔTS**

Sheet  
 Feuille **000001**

Depositor Déposant	Deposit Number Numéro du dépôt	Date of deposit Date du dépôt	Type of document Genre de document	Registry plan Plan d'enregistrement		REMARKS/OBSERVATIONS
				N° Plan N° du Plan	Sheet Feuille	
Cree Housing per François Robert	1	Jan. 16, 92	Transfer of houses to the Cree Band by Cree Housing Corporation	RSQ /408	1251	Not registrable document due to insufficient Description of the location of the buildings original not provided



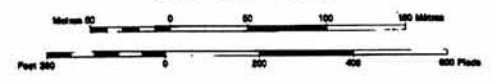
IDENTIFICATION OF RIGHTS AND INTERESTS IN THE LANDS AND BUILDINGS IN THE LOCALITY OF

IDENTIFICATION DES DROITS ET INTÉRÊTS DANS LES TERRES ET LES BÂTIMENTS DE LA LOCALITÉ DE

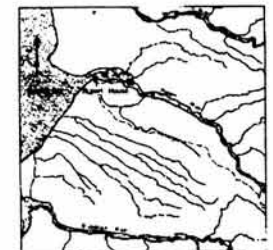
**WASKAGANISH**

•ᐱᐃᐃᐃᐃ•

SCALE 1:2000 ÉCHELLE



KEY PLAN PLAN CLÉ



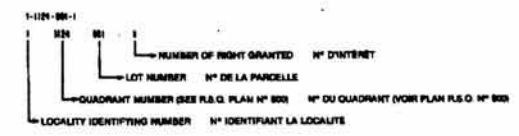
SCALE ÉCHELLE: 1:500,000

**LEGEND LÉGENDE**

DITCH	.....	FENCE	.....
TRAIL	.....	CRIB	.....
CRIB	.....	LOT LINE	.....
LOT LINE	.....	GEODETIC POINT	.....
THIRD PARTY INTERESTS	.....	THIRD PARTY INTERESTS	.....

**NOTES**

THE PLANIMETRIC BASE OF THIS DOCUMENT IS THE REPRESENTATION OF A CONVENTIONAL SURVEY EXECUTED IN SEPTEMBER 1980. LE FOND PLANIMÉTRIQUE DE CE DOCUMENT EST LA REPRÉSENTATION D'UN LÉVÉ CONVENTIONNEL EFFECTUÉ EN SEPTEMBRE 1980. THE CO-ORDINATE SYSTEM USED ON THIS DOCUMENT IS REFERENCED TO THE U.T.M. PROJECTION ZONE 17, HAVING FOR CENTRAL MERIDIAN 87° WEST LONGITUDE. RÉFÉRENCE TOPOGRAPHIC SHEET NUMBER 25M/7 AN INTEREST DESIGNATION WILL READ AS FOLLOWS: LE SYSTÈME DE COORDONNÉES UTILISÉ SUR CE DOCUMENT EST EN RÉFÉRENCE À LA PROJECTION U.T.M. ZONE 17, DONT LE MÉRIDIEN CENTRAL EST 87° OUEST. RÉFÉRENCE FOLIULET CARTOGRAPHIQUE 25M/7 LA DÉSIGNATION D'UN INTÉRÊT DOIT SE LIRE COMME SUIV:



APPROVED BY ..... APPROUVÉ PAR ..... DATE .....

GENERAL REGISTRAR ..... RÉGISTRAR GÉNÉRAL .....

LOCAL REGISTRAR ..... RÉGISTRAR LOCAL .....

SURVEYOR GENERAL OF CANADA ..... ARCHÉVÊQUE GÉNÉRAL DU CANADA .....

AVAILABLE AT DEPARTMENT OF ENERGY, MINES AND RESOURCES CANADA, QUEBEC REGIONAL SURVEYOR'S OFFICE. DISPONIBLE AU BUREAU DE L'ARCHÉVÊQUE RÉGIONAL DU QUÉBEC, MINISTÈRE DE L'ÉNERGIE, DES MINES ET DES RESSOURCES CANADA.

### Third party interests on Cree lands

Lands occupied by non-Indian third parties on Category 1 lands by right of letters patent, leases, or occupation permits issued by the Government of Quebec before the James Bay Agreement came into effect continue to exercise their rights until the expiry of the term fixed therein or of any renewal period.<sup>10</sup>

Subsections 1 and 2 of section 117 of the *Cree-Naskapi Act* are explicit about the rights of third parties on category 1A and 1A-N lands. Lands surrendered to third parties, by letters patent, or owned by third parties, prior to the execution of the Agreement shall be Category III lands. However, the said lands and the persons thereon shall be subject to the by-laws of the Cree local authority as if such lands formed part of Category 1 lands. Such persons shall have a right to all services of a

municipal nature which are offered by the Cree local authority to the residents of the surrounding or adjacent Category 1 lands on the same terms and conditions, the whole subject to the rights of such persons and the exercise of the same.<sup>11</sup>

Third party interests for which the title is the object of an official plan (e.g., letters patent of the Hudson's Bay Company) are depicted on the land registry plans. Other third party interests, where the central land registrar does not know if they are still protected by the Government of Quebec, do not appear on the registry plan; however, the central land registrar has a list and location plan of the non-Aboriginal interests existing at the time of the execution of the James Bay Agreement. When a land entitlement granted by the band appears to encroach on the land entitlement of a non-Aboriginal person, the central registrar must contact the appropriate band (see RSQ 902).

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<sup>10</sup> *An Act Respecting the Land Regime in the James Bay & New Quebec Territories*, R.S.Q., R-13.1, s. 50.

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<sup>11</sup> James Bay Agreement, section 5, paragraph 5.1.5.

## SURVEYING SYSTEM

### Legislative basis

Section 206 of the *Cree-Naskapi (of Quebec) Act*<sup>12</sup> has amended a section of the *Canada Lands Surveys Acts* so that category 1A and 1A-N lands are henceforth part of Canada lands.

206. Paragraph 30(1)(a) of the *Canada Lands Surveys Act* is repealed and the following substituted therefor:

- a) any lands belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose that are situated in the Yukon Territory, the Northwest Territories or in any National Park of Canada and any lands that are
  - (i) surrendered lands or a reserve, as defined in the *Indian Act*, or
  - (ii) **Category 1A land or Category 1A-N land, as defined in the *Cree-Naskapi (of Quebec) Act*;**

In the committee formed to establish the land registry system, the Regional Surveyor of Quebec was given responsibility for establishing a system for dividing and designating land that would take account of the following parameters established by the registration committee:

1. The system was to make it possible to record separate rights in the lands and the buildings;
2. Her Majesty in Right of Quebec retains bare ownership of 1A and 1A-N lands, so the federal legislation on the administration of 1A and 1A-N lands and the buildings thereon should allow the band to surrender surface rights for the construction of residential or commercial buildings without surrendering rights on well-defined blocks of lands, such as cadastral lots as recognized by the Quebec system. The following arguments were invoked in support of this system:
  - a) individuals residing in houses built on lots defined and designated on plans existing before the coming into force of

the *Cree-Naskapi (of Quebec) Act* could have alleged that the rights were consented to them on the entire block of land as shown on these plans; and

- b) if the land required for residential or other purposes was divided into conventional lots, with dimensions and area, this method might suggest that the band council intended to grant the occupants rights on the entire lot thus defined.

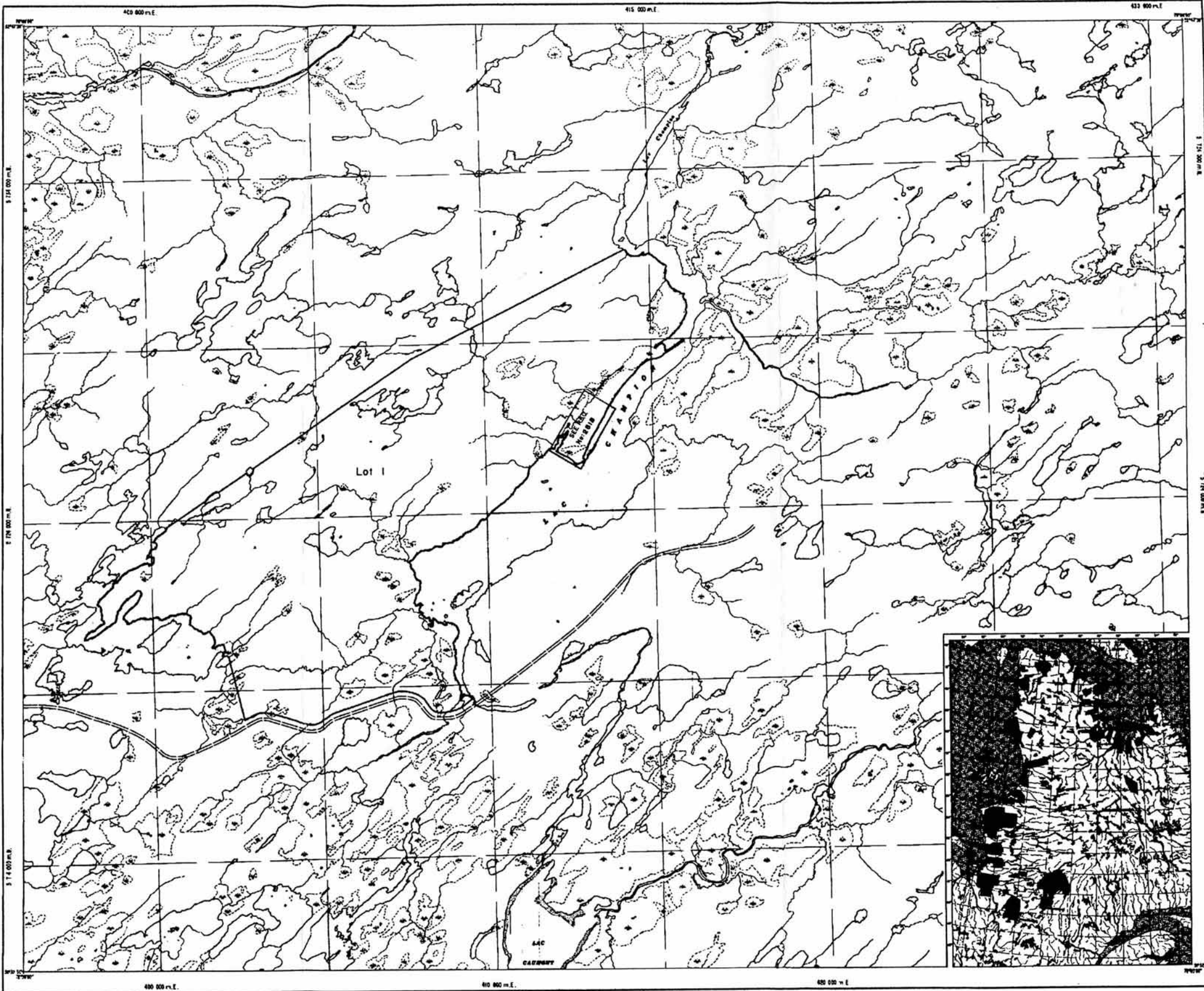
3. The system for identifying rights in 1A and 1A-N lands and in the buildings thereon was to be easy to use, flexible and capable of quickly identifying and locating rights in lands and buildings, by methods other than the conventional surveying performed by a land surveyor, in order to provide each time an appropriate designation or a physical demarcation in a region of the province in which logistics make the cost of surveying prohibitive in relation with the interest to be recorded.
4. The system was to be sufficiently flexible that it could be carried out by a local land registrar without detailed knowledge of cartography, surveying, identification and positioning of rights on maps, or updates of plans.

### Preparation of land registry plans

The surveyed boundaries on the official plans deposited with the Survey Service of the Quebec Department of Natural Resources were reproduced on 1:50,000-scale maps or a smaller scale in order to show the boundaries of a community's category 1A and 1A-N lands on a single document. (See plan RSQ 410 Nemaska)

In order to ensure detailed and precise identification of the inhabited parts of a community, in which the land transactions would be most numerous, 1:2000-scale maps were prepared for each village. These maps are thus an enlargement

<sup>12</sup> *Cree-Naskapi (of Quebec) Act*, S.C. 1984, c. 18, s. 206.



NOTES

NAT. ONAL TOPOGRAPHIC SERIES REFERENCE IS CEC 1 A 304 9 301 10  
 THE COORDINATE SYSTEM SHOWN ON THIS DOCUMENT IS REFERENCED TO THE U.T.M. ZONE 18, HANDED FOR CENTRAL MÉRIDIEN 76° WEST LONGITUDE.  
 LIMITS OF CADASTRAL LANDS ARE SHOWN IN ACCORDANCE WITH OFFICIAL SURVEY PLANS FILED UNDER NUMBERS DIVERS 180 201 AT CENTRE D'INFORMATION GÉOGRAPHIQUE ET FONDÉE - DIVISION APPLICABLE, DEPT. OF ENERGY AND MINERALS, OREGON.  
 RÉFÉRENCE POUR LE SYSTÈME DE COORDONNÉES U.T.M. EST 18, HANDE POUR LE MÉRIDIEN CENTRAL 76° OUEST.  
 LES LIMITES DES TERRES DE CADASTRE SONT DÉFINIES EN ACCORDANCE AVEC LES PLANS DE SURVEILLANCE DÉPOSÉS AU CENTRE D'INFORMATION GÉOGRAPHIQUE ET FONDÉE - DIVISION APPLICABLE DU MINISTÈRE DE L'ÉNERGIE, DES MINÉRAUX ET DES FAUCONS, AU QUÉBEC. DES LES NUMÉROS DIVERS 180 201.

NÉMISCAU



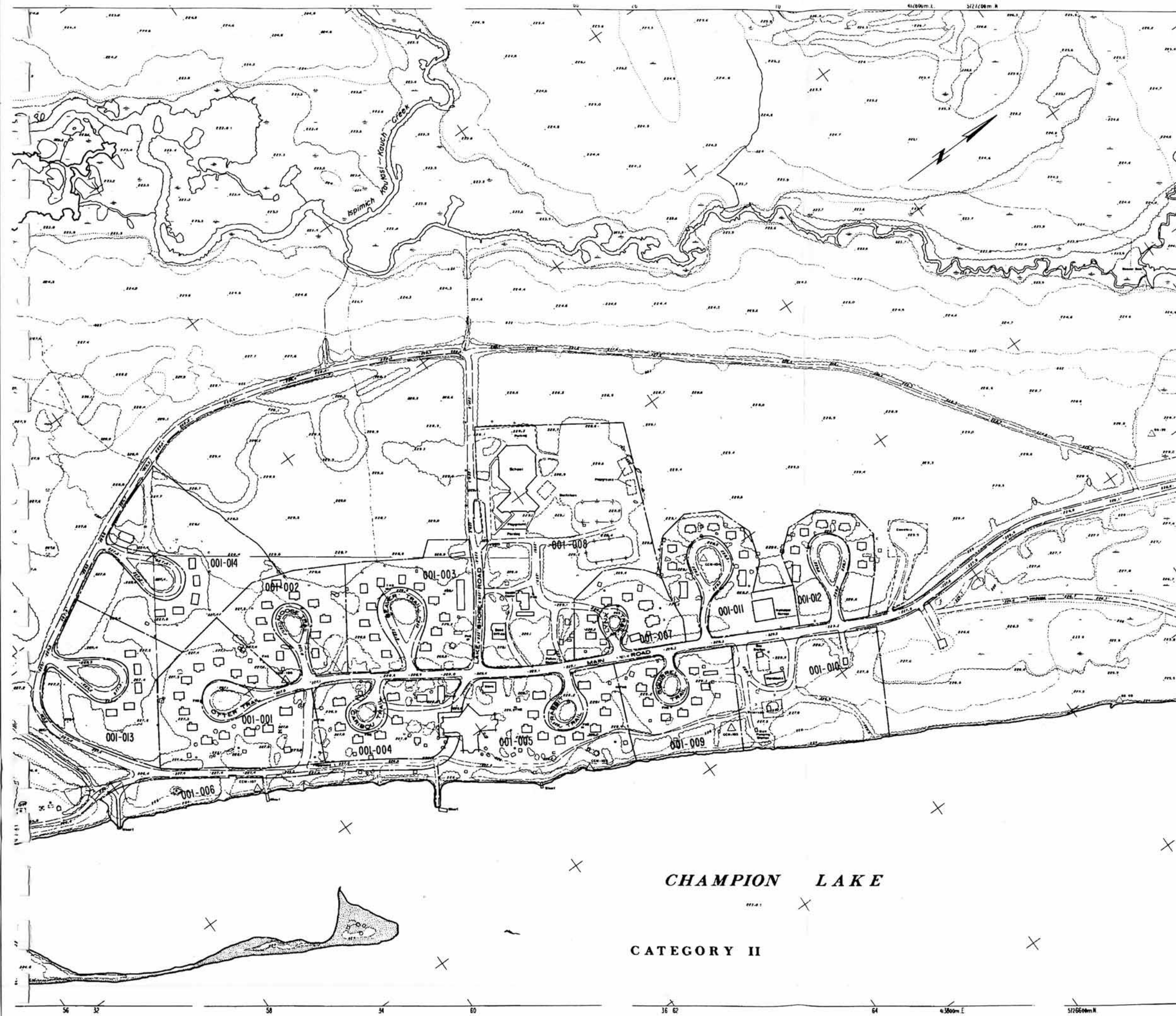
LAND REGISTRY PLAN  
FOR LANDS OF  
CATEGORY 1 A

PLAN D'ENREGISTREMENT  
DES TERRES DE  
CATÉGORIE 1 A

SCALE 1:50 000 ECHELLE 1:50 000

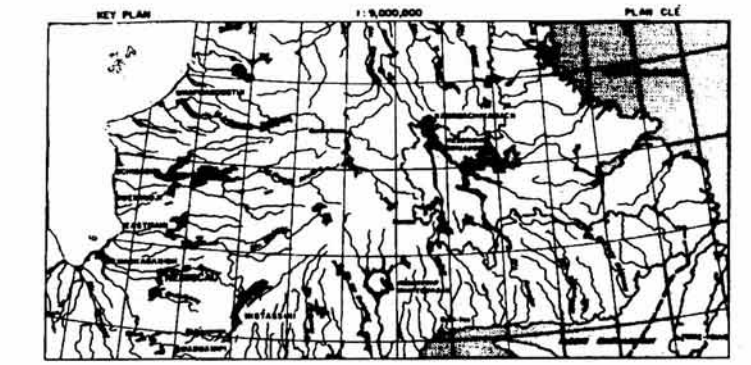
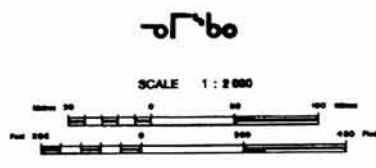
APPROVED IN ACCORDANCE WITH SECTION 7 OF THE CREE-NASKAPI LAND REGISTRY ACT AND  
 APPROUVÉ EN VERTU DE L'ARTICLE 7 DU RÈGLEMENT SUR L'ENREGISTREMENT DES TERRES DES CRIS ET DES NASKAPIS

APPROVED AND SIGNED BY: APPROUVÉ ET SIGNÉ PAR  
 DATE: \_\_\_\_\_  
 CENTRAL LAND REGISTRY - REGISTRATION DE BUREAU D'ENREGISTREMENT CENTRAL  
 LOCAL LAND REGISTRY - REGISTRATION DE BUREAU D'ENREGISTREMENT LOCAL  
 REPORT NO: \_\_\_\_\_  
 REPORT AT THE LAND REGISTRY OFFICE OF \_\_\_\_\_  
 DÉPOSÉ AU BUREAU D'ENREGISTREMENT DE \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 CENTRAL LAND REGISTRY - REGISTRATION DE BUREAU D'ENREGISTREMENT CENTRAL  
 AVAILABLE AT DEPARTMENT OF ENERGY, MINES AND RESOURCES CANADA, QUEBEC REGIONAL SURVEYING OFFICE  
 DISPONIBLE AU BUREAU DE L'INFORMATION GÉOGRAPHIQUE ET FONDÉE, DIVISION APPLICABLE, DES MINÉRAUX ET DES FAUCONS CANADA.



Identification of rights and interests in category IA CREE land and in buildings situated thereon for the band of  
 Identification des droits et intérêts sur les terres de catégorie IA DES CRIS et sur les bâtiments qui s'y trouvent pour la bande de

# NÉMISCAU



LEGEND		LÉGENDE	
Third party interest	.....	Intérêt des tiers	.....
Interest in land or buildings	.....	Intérêt dans les terres IA ou dans les bâtiments	.....
- fully registered	.....	- enregistrés officiellement	.....
- provisionally registered	.....	- enregistrés provisoirement	.....
- evidenced by deposit	.....	- attestés par dépôt	.....
Limit of various land categories	.....	Limites de diverses catégories de terres	.....
Block limit	.....	Limites de parcelles	.....
Category	.....	Catégorie	.....
Aluminum terminus post	.....	Borne d'aluminium de type terminus	.....
Aluminum terminus post (corner)	.....	Borne d'aluminium de type terminus (coin)	.....
Quebec Land Surveyor's post	.....	Repère d'arpenteur-géomètre	.....
Geodetic point	.....	Point géodésique	.....

**NOTES**

- Approval of this plan is for the purposes of the Land Registry system only and does not constitute a guarantee of the accuracy of the information contained in this plan or any other information.

- La présente approbation n'est que pour les fins du système d'enregistrement des terres et ne constitue pas une garantie de l'exactitude des renseignements contenus dans ce plan ou d'autres renseignements.

- The coordinate system used on this document is based on UTM projection zone 18, with 7° west longitude as central meridian.

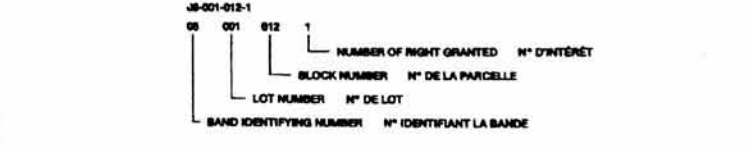
- Le système de coordonnées utilisé sur ce document est en référence à la projection UTM, zone 18, dont le méridien central est 7° ouest.

- Reference topographic sheet number 32 H 05.

- Référence feuille cartographique 32 H 05.

- An interest designation will read as follows:

- La désignation d'un intérêt doit se lire comme suit:



Approved in accordance with section 17 of the Cree-Naskapi land registry regulations.  
 Approuvé en vertu de l'article 17 du Règlement sur l'enregistrement des terres des Cris et des Naskapi.

Approved and signed by / Approuvé et signé par

..... Date .....

..... Date .....

Deposited / Dépôt

Deposited at the land registry office of / Dépôt au bureau d'enregistrement de

NÉMISCAU

..... Date .....



of part of the land registry plan for each community (see plan RSQ 2518 Nemaska)

The map is thus the basis for showing the extent of the surface rights and the rights in buildings on category 1A and 1A-N lands. The map is used extensively in the production of single parcel plans or the determination of natural boundaries.

### Identification of rights and interests

The system for identifying rights and interests in category 1A and 1A-N lands is a graphic representation for the location and extent of the right and numeric for the designation of that right. Since Her Majesty in right of Quebec retained bare ownership<sup>13</sup> of category 1A and 1A-N lands, it follows that the Indian bands cannot grant property rights. The ultimate title that the bands can grant is a right of superficie.

The right of superficie is a right in the land. It is the right of a person or corporation, called the « *superficiaire* » to build and possess one or more buildings on a parcel of land that belongs to another person. In order to fully exercise the property right in the buildings, the « *superficiaire* » must be able to use the parcel of land on which the buildings are located. As a result, the right of superficie involves two distinct elements, a *principal element* and a *secondary element*, that are part of any right of superficie.

- The *principal element* - the property right of the « *superficiaire* » in the buildings; the *secondary element* - the right to use the parcel of land on which the building is located.

### Graphic representation

Given the considerable extent of the category 1A and 1A-N lands in each community, the rights granted by the band would have been difficult to locate if we had not used a system of division that would make it possible to locate rights rapidly.

We began by assuming that the majority of rights granted in a community would be in the inhabited portions. That is why we began to create blocks by

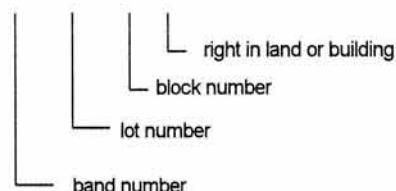
circumscribing certain physical indicators on the village plans, such as road networks, drainage ditches, permanent property lines, etc. (see the Nemaska village plan). For the division of category 1A and 1A-N lands, we also took account of the boundaries based on the official survey plans, non-Indian interests, current land occupation, the band's intentions concerning land grants and future development plans.

In the event that the interior layout of a village is changed, the outside boundary of a block can be changed on the plan to include or exclude a piece of land or a construction to eliminate any confusion about the identification of a right in a block of land or a construction, but without affecting the boundaries of a right previously granted within that block (see Figure 2 Mistassini).

### Designation of interests

The system for designating interests is a numerical system that we called "Crina," which is a contraction of the words "*cr̄i*" and "*naskapi*". The designation of an interest is formed of a series of four groups of numbers separated by hyphens.

Example: XX-XXX-XXX-XX

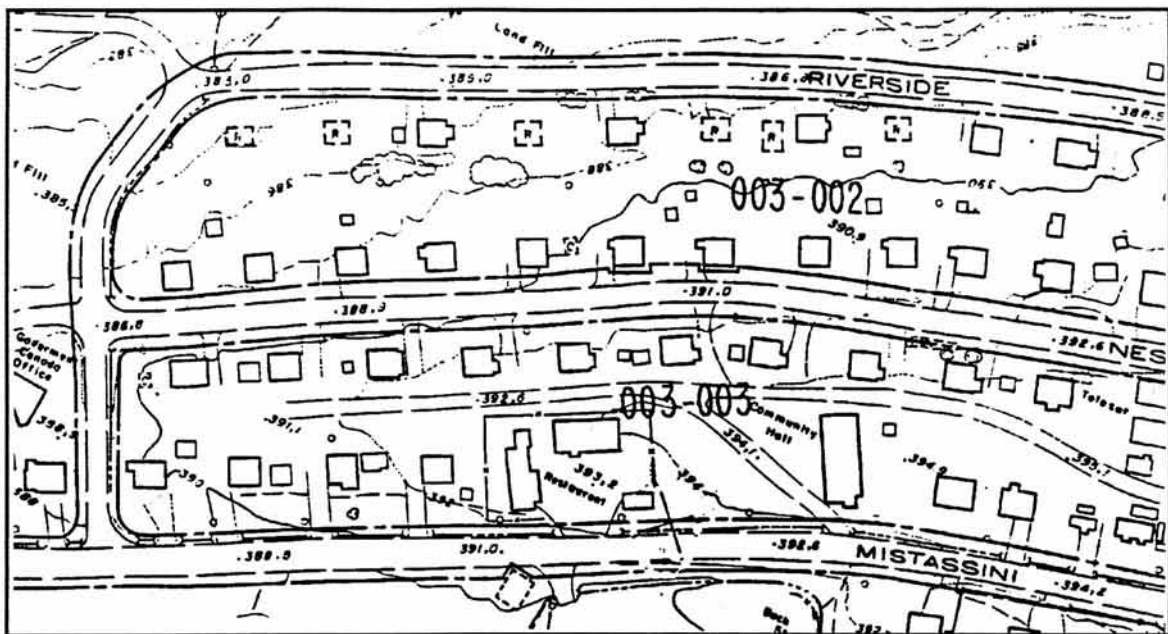


The first two digits in the Crina system identify the Cree or Naskapi band. There are currently nine bands. The numerical order in which these bands are identified in Part 1 of the Cree-Naskapi Act was retained. The first eight bands are Cree and the last is Naskapi. They are:

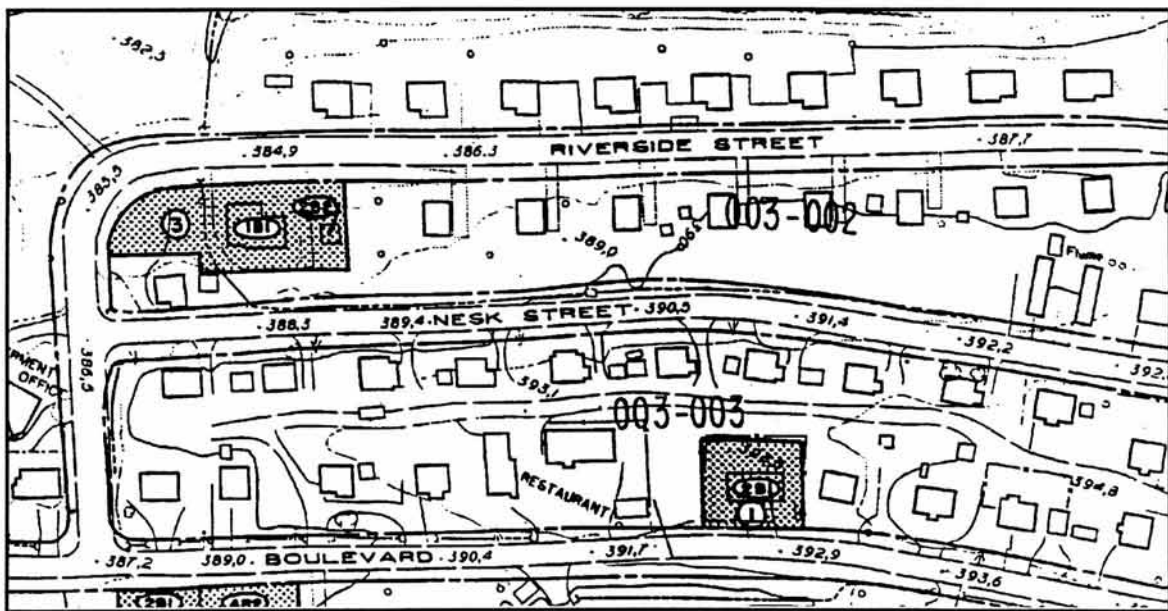
- 01- Whapmagoostui
- 02- Chisasibi
- 03- Wemindji
- 04- Eastmain
- 05- Waskaganish
- 06- Nemaska
- 07- Waswanipi
- 08- Mistassini
- 09- Kawawachikamach

<sup>13</sup> An Act Respecting the Land Regime in the James Bay & New Quebec Territories, 1978, s. 25.

*Note.* The place names used to designate some bands may differ depending on the language used.



before



after

Figure 2

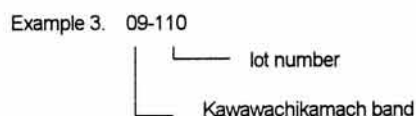
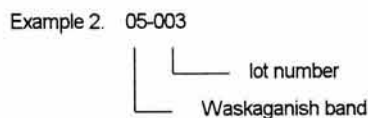
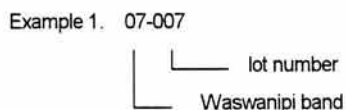
Parcels 002 and 003 in the village of Mistissini

If other bands are added later and it becomes necessary to identify them by a separate number, we will continue consecutively from the last number used.

The digits following the band identification are the lot numbers given by the Survey Service of the Quebec Department of Natural Resources for each lot of category 1A or 1A-N lands in the same locality. Thus, for Waswanipi, Quebec transferred lots 1, 2, 3, 4, 6, 7 and 8 of the *Localité de Waswanipi du Bassin de la Rivière-Nottaway*.

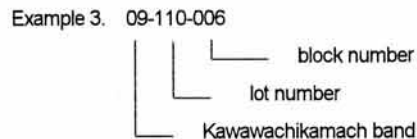
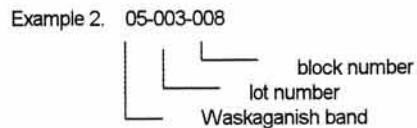
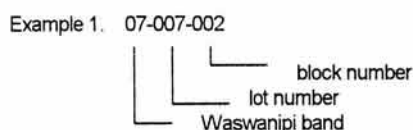
The expression *Localité de Waswanipi du Bassin de la Rivière-Nottaway* is replaced by the digits 07, which are the first series of digits in the Crina identification system.

For the Cree communities, two digits would have been sufficient to designate a lot. For the category 1A Naskapi land, however, Quebec transferred lot 110; we thus opted for a second group consisting of three digits.



To designate each of the blocks identified within a lot in a locality, we used a group of three digits running from 001 to 999.

Examples of block identifications:

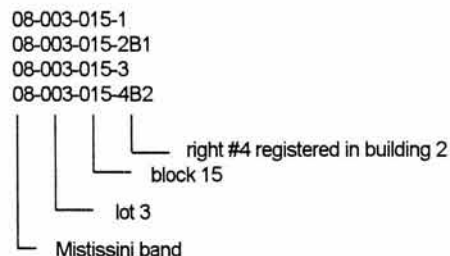


The fourth group of digits identifies the right granted in the land or the building. The rights on a given block, whether in the land or a building, are designated consecutively by a number specific to that right, beginning with 1. When the block changes, the numbering begins again at one.

As interests can be registered not only in the land but also in the buildings, we must also be able to locate and identify them separately. Within the block, the number of an interest in a building will be followed by the suffix "B" and the building number. The buildings are numbered consecutively starting with 1 and only the buildings with interests will be numbered. The numbering begins again at 1 for the buildings on another block. (see Figure 3 — extract of RSQ plan number 2516, village of Mistassini.)

If the right granted in the land or building is renewed on the expiration date or is totally transferred without change to another beneficiary, it remains unchanged on the registry plan. In the index books, it retains the same Crina number as before. If the right is reduced or enlarged, the former designation ceases to exist and is replaced by a new identification.

Example of rights identification: (see Figure 3)



A right is identified graphically on the registry plan by delimiting within the appropriate block the extent of the right granted and indicating its Crina number. In this case, the graphic position of the right is relative; its location and extent depends on

the information received from the local authorities or the central land registrar. The extent of the right in the land may be the physical position of an existing building, the area of previously surveyed land or any other area granted by the Indian band. In order to distinguish a right in land from a right in a building, the right in land will be identified by indicating its number in a circle, while the right in a building will be written in an oval accompanied by the letter B so as to indicate clearly that it refers to a right associated with a building (see Figure 3).

It often happens that, for reasons of clarity and precision in the representation of rights and interests in Cree and Naskapi lands, the central land registrar asks the local office of the Legal Surveys Division to represent the extent of an existing right either directly on the registry plans of a locality or on a block plan. The number of the right appearing on the registry plan or the block plan is always given by the central land registrar, who, under the terms of the *Cree-Naskapi Land Registry Regulations*, is the only one entitled to give the Crina right number.

### **Administrative organization**

#### Official surveys of Cree and Naskapi lands

Although the Crina system is a system for identifying rights, and not lots such as we are familiar with in the Quebec cadastral land survey system, it is permissible for the holder of a right in land to delimit on the land, at his own expense, the extent of his right. The surveying of the extent of a right should never be done except in those cases where the holder receives a long-term interest or the investment to be made on the land justifies the physical demarcation (see Figure 4).

In such cases, the right holder gives a mandate to the Canada Lands Surveyor of his choice, who will receive specific instructions from the regional office of the Legal Surveys Division of Natural Resources Canada. The surveyor's plan and notes will be deposited in the Canada Lands Surveys Records of Legal Surveys Division, in accordance with the *Canada Lands Surveys Act*.

#### Legal Surveys Division

The Legal Surveys Division is under the direction of the Surveyor General of Canada. Under the terms of the *Canada Lands Surveys Act*. He conducts surveys, including surveys of category 1A and 1A-N lands. The mandate of the Legal Surveys Division is to provide a framework of blocks of land in order to ensure the identification, documentation, registration and protection of rights in land and allow the integration of detailed information necessary to develop and manage the territory. This framework allows the Government of Canada and any other individual or organization that holds rights in Canada lands to locate these interests on the ground, and to transfer or develop them.

The Legal Surveys Division is responsible for regulating all official surveys of Canada lands. Canada lands include, in addition to the Cree and Naskapi lands, the Yukon and Northwest Territories, over 2,300 Indian reserves, 32 national parks, 83 national historic parks, 1,000 historic sites under federal jurisdiction, and the offshore areas of Canada. These surveys create boundaries on the land that allow the definition of property rights. The plans created by these surveys are used in the legal documents that transfer these rights. The legal documents are deposited in the land registry offices.

The Division provides a consultation service, including the preparation of technical descriptions. It administers the official surveys and cartographic projects necessary in the methodical management of interests in Canada lands.

The regulation of official surveys includes:

- the directives;
- the verification and inspection of survey work;
- the maintenance and updating of the survey framework, archives and standards
- the deposit of information in the Canada Lands Surveys and the dissemination of the information contained therein.

The main clients of the Legal Surveys Division are:

- the Aboriginal peoples of Canada;
- other federal and provincial departments;
- mining and gas exploration companies in the territories;
- anyone holding interests in Canada lands.

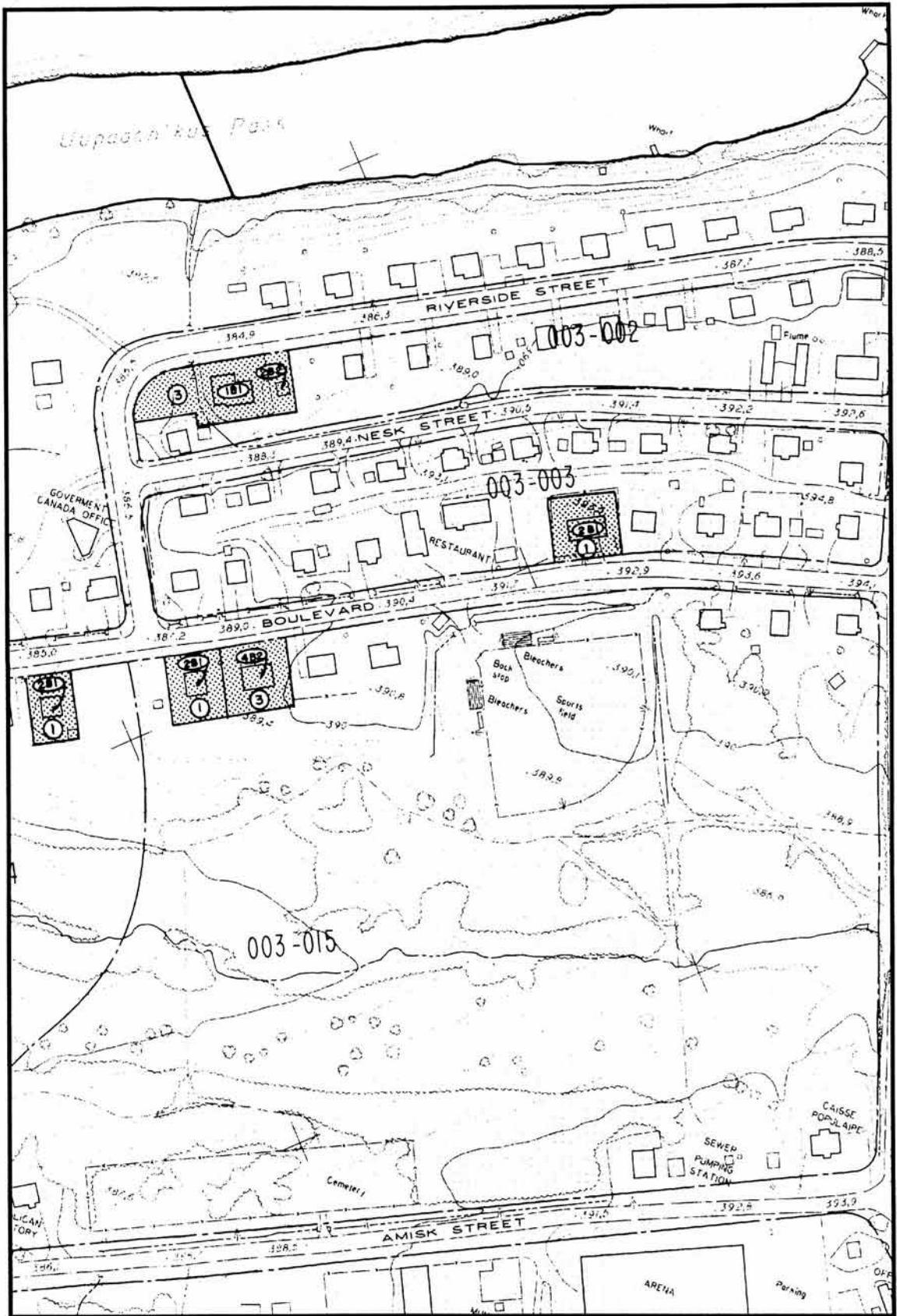


Figure 3

Graphical depiction of rights on land and in buildings

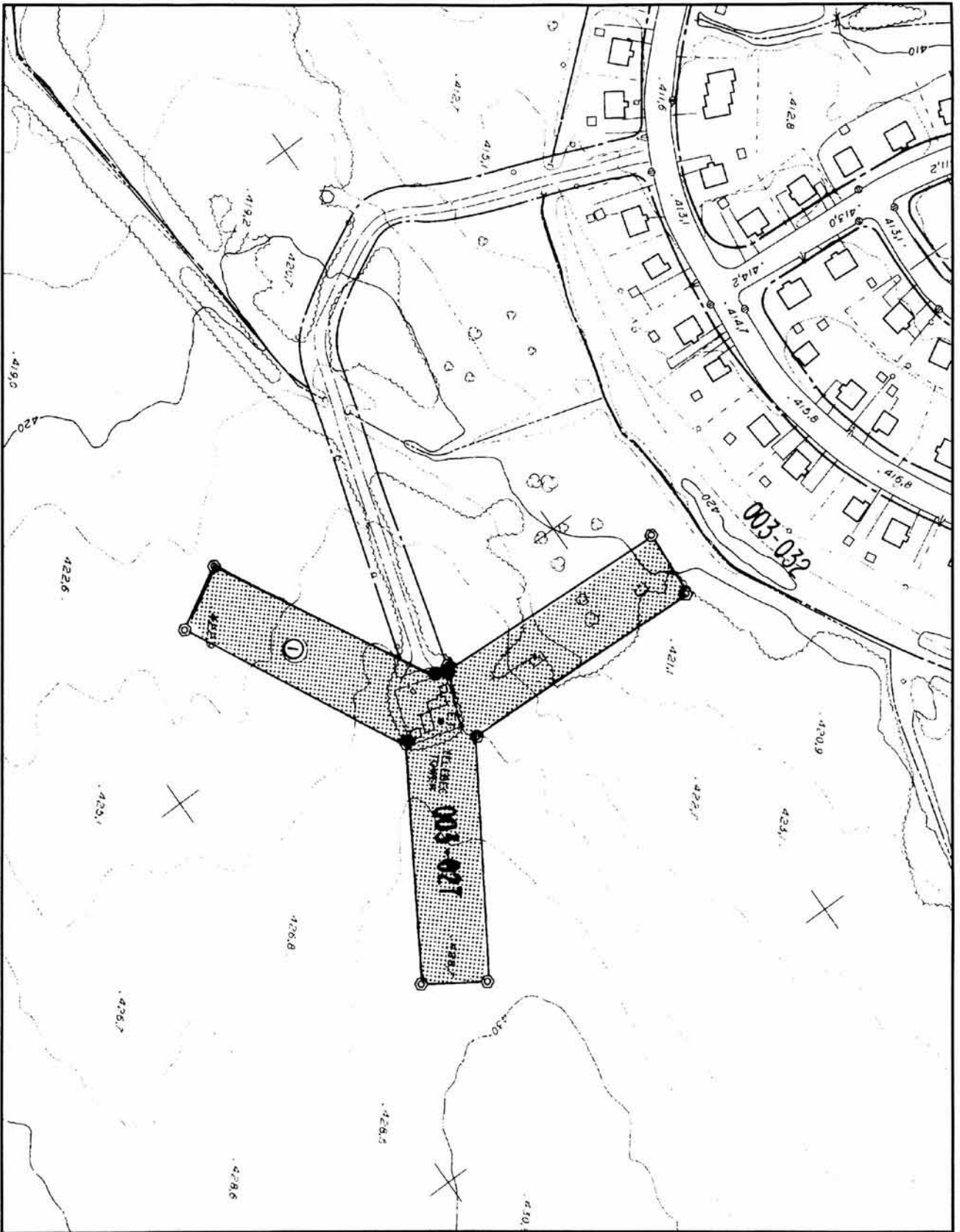


Figure 4

## CRITIQUE OF THE CRINA SYSTEM

One of the main advantages of the Crina system is that it is easy to use. The registry plans already show the graphic division of the land, particularly in inhabited areas. The central land registrar alone is responsible for adding the number of the right granted in the land or the building. Either the local land registrar or the central land registrar can represent the extent of the right on a locality's registry plan by interpreting the documents submitted for registration. In most cases, the registrars will not need any outside help to represent the extent of a right, unless the right holder wants to eliminate any uncertainty about the exact extent and location of the right; in that case, a conventional survey, with monuments being placed, can be considered.

### Comparison with the Quebec system

In the Quebec system, a lot is mathematically defined, has its own designation and belongs to a recognized owner. This lot can be subdivided as often as necessary and each subdivision will be given its own existence. The Quebec cadastral survey plan thus shows all existing lots and their position relative to each other. In the land registry office, a separate page is opened for each existing lot in order to record the real rights on that lot.

In the Crina system, the parceling of lots is represented graphically on the registry plan and can be modified if special circumstances arise; the extent of the interest is mathematically defined in accordance with the desires of the band. The extent of a right is represented as long as it exists. If the right expires and is not renewed, it disappears from the registry plan and the index books note the date the right expired.

Thus, while the Quebec system shows the extent of a lot, the Crina system shows the extent of a right. Moreover, because the Crina registry plan must be kept up to date constantly, it is also useful for community development.

### Viability of the Crina system

In 1990, the Legal Surveys Division of the Department of Energy, Mines and Resources (now Natural Resources Canada) commissioned a study of the viability of the Crina rights registration system in the Cree and Naskapi communities.<sup>14</sup> This study concluded:

[translation] *From a technical and legal point of view, the system for registering rights and interests on category 1A and 1A-N lands is very well constructed. It is complete in itself and contains no faults that would prevent it from playing the role for which it was instituted. It fits in well with the legal and constitutional framework in which it is implanted and is designed to function in conjunction with the Quebec registration system.*

### Problems with the use of the Crina system

The Cree and Naskapi bands are still unfamiliar with the system and thus use it very little. The local land registrars lose their expertise because of the low volume of transactions, which creates too much work for the central land registrar, who must provide ongoing training on a continuing basis. Since it is a "dual system," the original documents must be forwarded by the local land registrars to the central land registrar to be stamped and filed. Certified copies are then returned to the local land registrar, which creates delays and a danger that documents will be lost.

Sooner or later, the index books will have to be rethought and automated in order to avoid redundant entries.

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<sup>14</sup> *Etude de la viabilité du système d'enregistrement des droits Crina dans les communautés crie et la communauté naskapie*, by Berthier Beaulieu assisted by Francis Roy and Yvon Robitaille, Université Laval.

Updating the registry plans using classic methods is expensive and difficult to justify given the low volume of transactions.

### **Future of the Crina system**

To maximize the use and justify the cost of preparing registry plans, the plans will have to be part of the development plans for Cree and Naskapi communities, since land management and land registration use the same cartographic

base. The Legal Surveys Division digitized the base maps for the registration of rights and interests and is currently studying the possibility of developing a software for entering data in the various index books.

Most of the bands are now familiar with computers and land management systems; it now remains to integrate, at the local level, the components of a land management system that includes the needs of the Crina registration system.



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