

**CIRCULAR LETTER NO. 489**

September 19, 2024

**TO ALL BRITISH COLUMBIA LAND SURVEYORS**

**Re: Haida Nation Aboriginal Title**

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On July 5, 2024 [Bill 25, the Haida Nation Recognition Amendment Act, 2024](#),<sup>1</sup> was brought into force by regulation. Through the amendments to the *Haida Nation Recognition Act* (the "Act"), the government of BC recognizes that the Haida Nation has aboriginal title, within the meaning of section 35 of the Constitution Act, 1982, to land on Haida Gwaii as described in the Schedule to the Act. The schedule described the lands as "All the land, including foreshore and land covered by water, outlined in blue on the map attached as Appendix B to the [Gaayhllxid • Gíihlagalgang "Rising Tide" Haida Title Lands Agreement](#)".<sup>2</sup>

The purpose of this Circular Letter is to ensure that land surveyors are aware of the agreement and the amendments to the Act, and to communicate the result of discussions with the Province about survey practices within the lands held by the Haida Nation in aboriginal title.

The Act sets out interim measures in section 4.4 that will be in place until changes to the laws of the Haida Nation and the laws of BC are made to reconcile systems of law and governance on Haida Gwaii. In the interim, enactments of BC in relation to Crown land continue to apply in relation to land that is held by the Haida Nation in aboriginal title. Interests and rights consisting of estates in fee simple and interests and rights that derive from, burden or otherwise relate to estates in fee simples are confirmed and continued.

With respect to surveying, there are no changes to survey practices or survey plans at this time. The *Land Act* continues to apply to Haida Nation aboriginal title lands that were formally Crown land, including the ability to file a plan in the Crown land registry.

The rights of fee simple land owners, including riparian rights, are confirmed and continued by the Act. Until legislation is amended, applications under s.94(1)(c) of the *Land Title Act* can continue to be submitted to the Surveyor General, even though the adjacent submerged lands are no longer Crown land, because of the provisions in section 4.4 of the Act. On the same basis, "Return to Crown in right of the Province" provisions in s.107 and s.108 of the *Land Title*

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<sup>1</sup> <https://www.leg.bc.ca/parliamentary-business/overview/42nd-parliament/5th-session/file/42nd5th-progress-of-bills.html>

<sup>2</sup> [https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/final\\_gaayhllxid\\_giihlagalgang\\_rising\\_tide\\_haida\\_title\\_lands\\_agreement.pdf](https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/final_gaayhllxid_giihlagalgang_rising_tide_haida_title_lands_agreement.pdf)

*Act* continue to be applicable for submerged lands. The Province is aware that legislative changes are needed to allow for the continued filing of plans to re-establish natural boundaries for fee simple properties that have been affected by accretion and erosion once the interim measures are no longer in place.

If you are undertaking a survey on Haida Gwaii and have specific questions about survey requirements, please contact the Surveyor General.

Yours sincerely,

Cristin Schlossberger, BCLS  
Surveyor General of British Columbia