Property Division at Six Nations of the Grand River: A Conversation with Brian Porter

Brian Porter is an Oneida architect and principal of Two Row Architects at Six Nations of the Grand River in southern Ontario. David Fortin and Adrian Blackwell met with him at the Tim Horton’s, Chiefswood Road and Cao Lane on 22 February 2019 for a discussion and tour of the property relationships and land practices active on the reserve.

This conversation was transcribed by David Fortin.

Figure 1.
Route of Brian Porter’s tour of Six Nations.
Drawing Marco Adly / Adrian Blackwell.
1 Tim Hortons, Cao’s Lane, Ohsweken
2 Woodland Drive Subdivision
3 Six Nations Community Hall and Gaylord Powless Arena
4 New City Planned Subdivision
5 House Built Around A Small Trailer
6 Private Turnkey Subdivision
7 Archetypical Family Cluster
8 Hill’s Snack Bar
9 Fran “Flower” Doxador’s Earthship
10 Pro-Fit Health Club and Sit-in Bull Gas Bar
11 Smoke Shops
12 I.L. Thomas Elementary School
13 Emily C. Generaly Elementary School
14 Upper Cayuga (Sour Springs) Long House
15 Two Row Architects
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two-acre lots, etc. Sometimes

David Fortin: Can you explain
the different ways land has been divided at Six Nations of the Grand River?

Brain Porter: When select fam-
ilies originally relocated to this area from the Finger Lakes region

of what is now northern New York
State, the land was allocated to
them in fifty-acre lots. For a lot of
the concessions, we can’t physi-
cally see that land division anymore,
but for some lots you still can. They
were divided this way in a north-
south direction, into fifty-acre lots,
and they became the family plots.
The typical concession blocks are
one-and-a-half miles (7,920 feet)
long in the east-west direction, and
one-and-a-quarter miles (6,600 feet) long in the north-south direc-
tion [for a total of 1,200 acres].
The longer east-west edge was divided
into twelve parcels with a front-
age of 660 feet and a depth to the
midpoint of the concession block
of 3,300 feet [producing a fifty-acre parcel]. This results in lots that run
in a predominant north-south direc-
tion and appear narrow.

You can occasionally see
these lot divisions in the form of
tree lines and, to a lesser extent,
fence lines. Every so often, you’ll
see a cluster where a family has
taken their narrow and deep lot and
divided it amongst their immediate
family members, similar to a cul-
desac. Also, it is not uncommon for
a lot to get further divided, say, into
thirds that would have a road front-
age of 220 feet while maintaining a
depth of 3,300 feet. These narrow
lots can sometimes make develop-
ment difficult. If you wanted to do
a business that needed more depth in
an east-west direction, you would
have to negotiate with two or three
different adjacent landowners. The
frontages are considered the more
valuable pieces. They get divided
up into three-quarter-acre lots, acre
lots, two-acre lots, etc. Sometimes
you get these little pockets where
someone is taking a piece and try-
ing to do their own little subdivision.

From a legal standpoint, the
government would consider this
Crown Land and see us as occup-
ing it. For the acre of land where I
live and work, I have a Certificate
of Possession (CP). I consider that
to be the practical equivalent of a
deed. But if the government wants
to go to war with someone, they
could come and expropriate these
properties for certain uses. That’s
what happened at the Kettle and
Stony Point First Nation, where
Canada “expropriated” half of their
reserve to establish an army base.
That said, no one here is ever going
to let that happen without a fight.

I could sell my CP to another
band member. I could also subdi-
vide my property and sell smaller
parcels to other band members, or
I could sell or gift it to my fam-
ily members. But there is very little
land being transferred now. There
was a lot bought and sold within
the last fifteen years, because there
was an influx of money through the
cigarette industry. Before that, if
you could find a willing seller, you
could buy land for $1,000 to $1,500
per acre. Now people are asking
$25,000 to $35,000 per acre, which
is a lot around here. It really limits
who can purchase land.

There’s a huge waiting list
for housing. There are approxi-
mately 28,000 band members at
Six Nations, and we are the most
populous Indigenous commu-

ity in Canada. About 17,000 live
on reserve, but the majority of the
other 11,000 live in surrounding
communities. There is no housing
available here—the vacancy rate
is zero. You’ve got people paying
$1,000 per month for trailers with
no running water, so it’s not a mat-
ter of money. There’s lots of cash
in the community, but many of the
families are hoarding the land that
they do possess for their extended
families. They’re holding on to it for
their kids and grandkids. So, when
the cigarette guys did their flourish
of acquisitions over the last fifteen
years, they picked up a lot of par-
cels from willing sellers. But that’s
stopped or at least slowed down
now. There isn’t too much land for
sale anymore. One person may
own as much as five percent or
more of our entire land holdings,
and that’s a lot for an individual.

DF: Could you explain a little
more about the distribution
of land on the reserve? There
are many people with no
access to housing, there are
others who rent someone
else’s land, and then there
are a few families with an
abundance of land, many of
whom are tied to the cigarette
industry.

BP: If you looked at the landhold-
ings of the top twenty or thirty
families involved in the lucrative
cigarette industry, they would add
up to a very significant portion
of the reserve. My guess would
be in the twenty-to-thirty percent
range. It’s difficult to prove this,
since many of the richer individu-
als register the lands in the names
of extended family members. This
contributes to the housing shortage
because many of those involved
in the cigarette industry show lit-
tle interest in being involved with
providing affordable housing in a
meaningful way. However, there
are a few individuals who have
invested in rental properties and
are acting as landlords for other
band members.

There are a few pieces of
land that are community-held
and controlled by Six Nations Elected
Council. From what I understand,
that’s only about seven or eight per-
cent of our whole land base. That’s
all that they have control over.
So that gets a little bit frustrating for
me because, when they do their
capital planning studies to figure
out where new housing is going to
be, they limit the options to the land
they have control over. For instance,
there are some community-held
parcels that are being targeted for
development on the north side of
the Grand River, which is away from
the Village of Ohjweken where all
the higher density development
is. It would make much more eco-
nomic sense to develop parcels
around Ohjweken where the infra-
structure already exists, including
communal water and sewer lines.
However, these parcels are held
by individuals through Certificates
of Possession, and so the Elected
Council doesn’t have control over
them. Instead, they’re planning to
direct all of their future housing to
these other sites on the north side
of the Grand River that aren’t ser-
viced because that’s the only way
they think they can control develop-
ment. I’ve argued that they should
The Lot is the Basic Unit of Urban Morphology and Architectural Typology

BP: We’ve got the largest stands of virgin Carolinian forests between here and the Carolinas. There are lots of hardwood species like maple, oak, and hickory. The forests are mostly deciduous, although there are a few coniferous trees as well. But most of them have never been cleared. Not a lot of maple tapping either.

People don’t like clearcutting. If you try to clear cut a piece of land, the traditionalists don’t like it, but there’s really not a whole lot they can do to stop it. There’s been times that some of the cigarette guys have tried to clear fairly large areas, but we’ve got this group called the “Men’s Fire,” who are tied to the confederacy. If any community gets in trouble, there’s four or five hundred men ready to help, and they don’t like it when someone is trying to clear cut a large piece of land. Sometimes they’ll get involved and will try to stop someone from doing that.

If a deer wanders onto the reserve, the hunters cordon off the concession block. They all get on their cell phones and speak or text each other. They’ll set up with their rifles at the midpoint of each concession block. Then they’ll send someone into the block to push it out and they’ll shoot in the bush or along the road. This will happen on most of the concession blocks regardless of who owns the land. There’s like an unwritten rule that the lands become commonly held when the hunt is on. I don’t know any parcels on the reserve that are posted with “No Trespassing” signs. That’s what much of our hunting style has been reduced to when it’s done at Six Nations. Most of the deer are smart enough not to come on to the reserve.

The relationship with the river seems to be coming back. In the last ten to twenty years, the quality of the river has really improved. There are now more regulations upstream, so it’s getting better. This stretch of the river has a clay base, so it looks murky all the time, but it’s fairly clean. The bass fishing has improved quite a bit over the last little while. I’ve seen bald eagles nest again in places on the reserve and upstream near Cambridge. Even
sightings of snowy owls have been reported, though I haven’t seen them since I was a little kid. But in terms of trying to exploit it—and exploit doesn’t have to be a bad word—there’s no place you can sit on a public deck and overlook the river and have a coffee. From a development standpoint, we’ve completely turned our backs to it.

Unfortunately, there’s no zoning bylaw. There’s nothing to stop an individual from building anything. The Ohsweken Speedway is right across the road from where I grew up. One of the cigarette guys decided to get into it. He was always into cars, so he basically built his own speedway. There’s no noise bylaw. He didn’t really ask anyone’s permission. He just started moving dirt around. Now on Friday nights in the summer, it’s not uncommon for him to have 5,000 to 8,000 people watching a race. He’s had Tony Stewart come a couple of times to drive the little sprint cars. But the neighbouring road infrastructure wasn’t designed for that many cars. At the end of the race night, it’s impossible to make a left-hand turn because so many vehicles are trying to head north on Chiefswood Road. He’d never be able to do something like that off reserve. The local municipality would be demanding traffic studies. They’d be looking at him to invest in the infrastructure to increase the capacity of the neighbouring roads. Here it just popped up.

There are probably five licensed cigarette manufacturers. Those are the ones who have made their peace with the federal government and are paying excise tax. This is of concern to many members because they see it as an encroachment of federal and provincial legislations onto reserve territory. They don’t support this at all. There are probably fifteen factories manufacturing without a license. Sometimes the partners of the licensed ones actually fund the non-licensed ones. As such, they’re playing ball with the federal government here and giving a bunch of money to their nephew, their cousin, etc. to run these unlicensed factories. They’re working both sides of the fence.

When we drive around, you’ll see little pockets of development based around cigarette shacks. They’re mostly outlets for the unlicensed manufacturers, and they’re trying to get as close as they can to the perimeter of the reserve to be in the most convenient locations to receive customer traffic coming in from the surrounding mainstream centres to buy their cigarettes. Sunday mornings have busy traffic.

BP: In my estimation, there are only about ten to fifteen farmers left on the reserve that work significant plots of land. Many of them belong to the Six Nations Farmers Association, a non-profit lobbying group that advocates for good farming practice and overall stewardship of the land. They might each be farming three or four hundred acres apiece. There has also been a recent resurgence in small-scale farming given the current emphasis that is being placed on food sovereignty and locally grown foods.

Now we’re starting to see some pretty large plots of tobacco being planted every year that we never used to see before. These crops are grown outside of any quota systems that may be in place in mainstream Ontario and help support the production of unlicensed cigarettes. This has become a bit of a concern for the Six Nations Farmers Association, given that those planting this tobacco do not always follow good farming practices like crop rotation. They’re worried that the quality of the soil is being threatened through the planting of this crop, which is more lucrative than the more common cash crops typically planted in this part of Ontario.

DF: The idea of owning land is still important. Is it possible that in a hundred years from now we might see a proliferation of tiny little lots along the roads, with strips of forest in the middle? It’s a little like Central Park already, but imagine if this pattern of edge densification was strengthened. There’s incredible value of not wanting to cut down the forest, but you need to densify the edge. Maybe these edges eventually end up with three-storey townhouses.

BP: I think it will start naturally happening. That’s where all the development is. It’s around the perimeter of the concession blocks. You’ll even see it along the side roads. Everyone’s going back a couple of hundred feet maximum because they want to be near to those services that run along the road. And then, once in a while, you’ll see someone who’s been able to get more to the interior of the concession. That is almost always a cigarette guy because, for every 400 feet, you need a hydro pole. If you look at getting into the middle of a concession block, you’re looking at $10,000 to $20,000 just to get your electrical service back there. Given that the few lending programs delivered through the Bank of Montreal and Royal Bank are capped at around $250,000, most people cannot afford to spend that kind of money on a single line item.

Driving on Woodland Dr. in a subdivision in Ohsweken

BP: There’s not too many fences, and the ones that are here are usually associated with families involved in the cigarette industry. They seem to be more preoccupied with security and demarcating the extents of their properties. Some are for swimming pools. Generally, for most people, fencing is not something they would choose to spend their money on, as you can see.

These are all individual ownership, or at least Certificate of Possession. Each of these houses is owned by a family, and they’re responsible for their own repairs.

When the Elected Council put the design together for this subdivision and built these houses in 1997, all of these lots were serviced with communal water, communal sewer, natural gas and three-phase electrical service. They also designated one of the lots for a community-run and -funded playground.
DF: This is interesting, could you explain the water situation in a couple of sentences?
BP: Our communal water service system was maxed out for a while. It was an archaic slow sand filter system that utilized the Mackenzie Creek as its source. It functioned for many years but became obsolete with all the new development. Recently, the Elected Council built a new treatment facility that uses the Grand River as its intake source. I understand that it has enough production capacity to serve all the concessions. Now the community just needs to find the money to extend the waterlines around all of the concession blocks. I would say that only about thirty percent of the concession blocks are now serviced.

People used to get water from shallow dug wells. However, a lot of the groundwater has been contaminated through improper grading around wells and substandard construction. Fertilizers, chemicals and organics from farming are also finding their ways into the groundwater making it unfit for drinking. You’ll see a lot of holding tanks serving older and brand-new houses in the outlying areas. Buying trucked water can be a huge monthly cost for these homeowners. It’s not uncommon to see households having to spend $100 to $200 a month to purchase potable water to serve their cooking, bathing, and laundry needs. There are still some people who use well water, but it’s becoming less and less popular because of the health concerns.

Maybe this house in the subdivision is worth $250,000. But if someone has got $250,000, they’re going to try to find their own one-acre lot somewhere and build their own home to get more for the same money. They’re going to build the house that they want and not settle for a house designed to fit someone else’s needs. You see very little of that buy-and-sell action that is so common with mainstream real estate. Almost none.

This whole parcel on the southwest corner of the subdivision is owned by one of the cigarette guys. The Elected Council should be negotiating with this guy, saying let us put some roads through, we’ll service your lot, in exchange for five acres or something. They should be having those kinds of conversations.

Passing the arena, built in 1975, and the community centre, built in the last ten years, on Fourth Line, just west of Chiefswood Road (figure 2)

DF: I can see how the trees become the delineation of the property in some cases where there aren’t fences as you described earlier. It’s interesting to see this different relationship to the trees. Whereas they are left standing as forests throughout the reserve, in certain places they are used to delineate property.

Fourth Line just East of Chiefswood Road
BP: This is the site of another subdi-
vision developed by council (Figure 3). As I said, it’s another kind of cancer. There’s no comprehensive planning for this. Just little pockets of development. Council had funding for a five-plex, so they just plopped it here.

We used to have a hereditary council here. We were governed by chiefs, clan mothers, and faith-keepers. In 1924, the Mounties came in and took over—by force—and shut down the council house; the feds then instated an elected system. But the traditional guys didn’t stop meeting. They kept going, and the province and the feds don’t listen to them, or never listened to them. But they kept going. In the last Band Council election, I think just over 2,000 people voted in that election, out of 28,000–29,000 band members. I realize that many of the members have not reached voting age yet, but it’s still a reflection of the lack of support that the Elected Council has in the community. But they’re the Council who are most recognized by the mainstream governments. I think the hereditary council has probably seventy percent of the community with them in spirit, and I would say that twenty to twenty-five percent of the community practices longhouse in some way. They go to the ceremonies, participate in socials, attend fundraising dinners, and other events.

**On Tuscarora Road between Fifth and Sixth Lines**

BP: This house started as a small trailer (Figure 4). You can kind of see it in the middle. Then, small wood frame additions were tacked on when the guy saved up a bit of money. There’s zero vacancy here. If you see any shack, there’s a good chance someone’s living in it.

Looking across the street at a bungalow

All the kids used to go this guy’s house because it was the only place with running water.

A few doors north

And this guy is trying to put a sub-
division in here. Trying to make it a Turnkey property. You can get a sense of what’s going to happen here (Figure 5).

**Sixth Line between Tuscarora and Onondaga Roads, driving through a property where as a family grows, houses belonging to different family members are built deeper in the lot, further from the road (Figure 6).**

BP: This is one of the archetypal clusters. One laneway—the house nearest the road was the first and needed one hydro pole. These houses are all from one family. This guy paid for three more poles and they built houses in sequence (Figure 7).

My dad used to talk about how all of this was once farmed. From what I understand, the annual economic leakage from the reserve to pay for groceries off reserve is probably around $100 million.

**Sixth Line and Cayuga Rd (Figure 8)**

— Lunch at Hill’s Snack Bar (Figure 9)
BP: So, if there’s 130 Indigenous communities in Ontario, each one of them probably has got a claim on something. Ours at Six Nations are well documented and consists of over 200 individual claims. The last I heard, the estimated value of our comprehensive claims is something like $5 billion. Sometimes the land was measured incorrectly. It was supposed to be rods, and they measured in chains or different things like that. Or maybe everything was done properly and then the money from the purchase was sent to Ottawa to be deposited in our trust fund, and then it was taken to do something else—like build the McGill law school, for instance. About seven or eight years ago, Six Nations and Canada tried to settle what they thought was one of the easier claims. They tried to settle our claim that deals with the land that we lost when Canada built the Welland Canal and flooded some of our land. The feds thought let’s take one of the easy ones and get it settled with Six Nations. I think Canada offered us $12.5 million. By the government’s own math, the offer should have been something like $125 million, but they were offering us ten percent of what it’s worth is in today’s present value. The feds were trying to push our negotiators to put it to a community referendum, and the negotiators said, “No, this is stupid. It’s not going to pass.” So we get portrayed as being insatiable. “You’re never going to satisfy them, you offer them twelve and a half million, you’re never going to make them happy.” That’s the way it gets portrayed in some of the local media. I really don’t have any expectation that any of our individual land claims are going to get settled in my lifetime. We should probably be a little more militant really. Closing down highways, barricading railways. That’s the only way to get Canada’s attention.

Sixth Line and Chiefswood Road at Two Row’s Offices. Adrian is interested in better understanding Indigenous conceptions of land. Brian pulls out Native American Architecture by Peter Nabokov and Robert Easton, which includes cultural maps based on language groups and natural features.
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nation state capitalism

capitalism
BP: The 49th Parallel is more about wars than it is about geographies. The more successful kinds of settlement patterns are the ones that are more driven by geographic constraints, or where the function is this duality between settlement patterns and machines [refers to Amsterdam compared to Albertan cities which are unbounded in terms of sprawl]. If there was no invasion, it would be interesting to see what kind of form these kinds of places would have taken. For some of these settlement patterns, there was always a clear idea about what the natural carrying capacity of the land was. That is missing for me. Like when is a place full, right?

Discussion about under-regulation and community development laboratories in other First Nations. A non-indigenous developer is looking at a development north of King City, according to First Nation principles. Two Row will be looking at the relationship between daily life and geography.

BP: Architecture in Canada post-European contact was initially about defensive structures, like forts and chateaus, that tried to command the landscape. Then it was about trying to import Eurocentric architecture, since Canada did not have an identity of its own. Now, with LEED, net zero, etc., mainstream culture is moving towards the Indigenous worldview that we have maintained for 30,000 years. They’re coming closer and closer. But a more enlightened form of development won’t happen quickly here at Six Nations. All the business is private sector and the land is privately held. The good news is there’s a lot of capital, and the next generation is interested in things like food sovereignty. But many of the local business-owners seek profit alone, much like their mainstream competitors.

DF: My research has looked at the imposed privatization of Métis houses, through the creation of private rooms. This breakdown in family units was such a disruption in terms of family and social relations, that when you go through this process, it’s like the bigger scale of the same thing. The spatial fragmentation from the home outwards makes it hard to imagine how to go back. We need to think about how to rebuild communal living.

BP: We used to live in longhouses. The meetings we had and still have are based on non-hierarchical social structures. They are predicated on storytelling, so communication followed a linear structure, but it was not self-centered. We don’t have the discipline to live like that, we won’t accept it anymore. Even the density of the palisaded long house constructions, which was higher than London or Paris to keep the rest of the land available for agriculture.

DF: One-room houses in remote locations still exist and are desirable, for instance in the NWT and Northern Saskatchewan, places that are still so far removed from this pattern of division. The division lines are made of much broader strokes in the hinterland. I’m wondering
For every 400 feet, you need a hydro pole. If you look at getting into the middle of a concession block, you’re looking at $10,000 to $20,000 just to get your electrical service back there … This is one of the archetypal clusters. One laneway—the house nearest the road was the first and needed one hydro pole. These houses are all from one family. This guy paid for three more poles and they built houses in sequence.

1 Archetypal Clusters
2 Other examples of multiple family homes on a single lot

Figure 6. 6th Line between Tuscarora and Onongaga/New Credit Road...for every 400 feet, you need a hydro pole. If you look at getting into the middle of a concession block, you’re looking at $10,000 to $20,000 just to get your electrical service back there ... This is one of the archetypal clusters. One laneway—the house nearest the road was the first and needed one hydro pole. These houses are all from one family. This guy paid for three more poles and they built houses in sequence.

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Drawing: Marco Adly / Adrian Blackwell
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Figure 8 (opposite page). Beavers Corner, 6th Line and Cayuga Road
1. Hill Mansion
2. Cigarette Factory
3. Jukasa Media Group Recording Studio and Radio Station
4. Private Car Collection
5. New Hill House
6. Hill Family Bistro

Figure 9. A new mansion being built on Cayuga Road. Photo by David Fortin.

Figure 10 (below). 6th Line and Oneida Road. “you’ll see little pockets of development based around cigarette shacks. They’re mostly outlets for the unlicensed manufacturers and they’re trying to get as close as they can to the perimeter of the reserve to be in the most convenient locations to receive customer traffic coming in from the surrounding mainstream centres to buy their cigarettes. Sunday mornings have busy traffic.”
1. All Nations Tobacco
2. Pro-Fit health club
3. Grand River Spa
4. Sit ‘N’ Bull Gas and Variety
5. Mohawk Tobacco
6. River Range Gas bar
7. Greene skye
8. Red Cloud
9. My Place
10. Crazy Horse’s
11. Six Line Variety
12. Edge of the Reserve

Drawings: Marco Adly / Adrian Blackwell

nation state capitalism
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Figure 11. Emily C. General Elementary School. Photo by David Fortin.
Figure 12. Upper Cayuga (Sour Springs) Longhouse. Photo by David Fortin.
how social behaviours are determined by this process of land division. Aren’t they the starting point for all of our contemporary relations?

BP: There is one glimmer of hope. Phil Monture [Mohawk Land Claims researcher and historian at Six Nations] is working on a project that would try to have Six Nations disconnected from the Hydro One grid. He’s basically saying that through renewable energy we can produce enough to power our own communities. It will be interesting to see if something like that could get set up on this plot of eleven by ten miles. If it’s energy autonomous, then that could help kickstart some of these other things. For instance, if you could be energy autonomous, maybe you could be food autonomous. If you were food autonomous then you have revenue. But it’s going to take something like that to get the community all in the same boat, all paddling in the same direction. You’re going to need something as strong as not having to pay a hydro bill to get everybody moving.