

## SURVEYS & RELATED DOCUMENTS

### Surveys & Related Documents

First Nation Lands under a Land Code remain Federal Lands under Section 91(24) of the *Constitution Act 1982* and are still “Canada Lands” as defined under the *Canada Lands Surveys Act*. Surveys of First Nation Lands under a Land Code are still carried out by a Canada Lands Surveyor, with instructions being issued by the Surveyor General of Canada. It’s recommended that a First Nation be familiar with their own role and the role of other stakeholders in the overall survey process, to prevent delays or miscommunication with regards to their internal surveys.



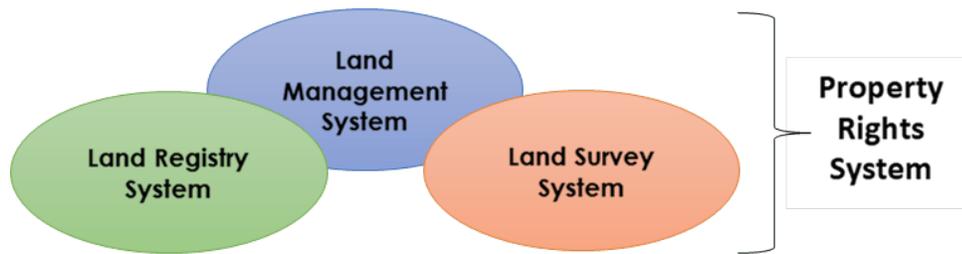
**LEARN MORE:** here is a 3:33 minute video about Surveys On First Nation Reserve Lands.

[Click here](#) to watch.

### Land Survey System: Supporting First Nation Land Governance

A **land survey system** identifies, describes, and locates a parcel(s) of land. Land surveys on First Nation reserve lands are regulated through the Canada Lands Survey System (CLSS). Attributes of the CLSS include:

- authorized by Legislation (i.e. *Canada Lands Surveys Act*)
- survey standards providing reliability and consistency (i.e. National Standards for the Survey of Canada Lands)
- regulation of survey profession through professional association with a mandate to protect the public, ensure competency of surveyors, and provide accountability through complaints process (i.e. Association of Canada Lands Surveyors)
- process for initiating, reviewing, approving, recording, and archiving of survey records (Canada Lands Survey Records)
- ensures the location and extent of a parcel of land is properly described in legacy documents and marked on the ground
- supports the land registry (Indian Land Registry, First Nation Land Registry, territorial or provincial Land Title Offices)



Effective land governance requires a good understanding of how these three Systems (Registry, Survey, and Management) combine to support a First Nation’s lands.

**The combination of the: Land Registry + Land Survey + Land Management = *Property Rights System*.**

All three of these components are independently operated systems having their own sets of policies, guidelines, regulations, records, or documents, but they are designed to work together to effectively regulate the use and development of land.

**Introduction to Surveys**  
 To learn more about Surveys, you can take the course by [clicking here](#).

### How Does a Survey Help with Land Governance?

Virtually all responsible lands administration activities are dependent on a well-identified parcel fabric, which in turn helps to administer interests or rights in those lands. Land governance initiatives that land surveys help support, include:

#### Land Management

- Secure Property Boundaries
- Base mapping
- Roads
- Buildings
- Utilities
- Leases & Permits
- Traditional Knowledge Mapping
- Etc.

#### Community Growth & Development

- CP Holdings
- Estate Planning
- New Housing
- Traditional Holdings

#### Resource Management & Planning

- Forestry
- Oil & Gas
- Minerals
- Fresh Water
- Wildlife
- Renewable Resources
- Agriculture & Grazing
- Etc.

#### Emergency Response Plan

- Police
- Fire
- Disasters
- Etc.

- Ambulance

## INTERNAL SURVEYS

You can find the following samples, information and Forms by clicking [here](#).

- The Roles and Process for an Administrative (Section 31) Survey Plan chart
- Interdepartmental Letter of Agreement related to the Cooperation in the area of Surveys and the Specifications for Descriptions of Land for Transactions on Reserve Lands (Interdepartmental Letter of Agreement) – identifies “appropriate methods of describing lands when land descriptions are required for executing and/or registering land transactions in the Registry. This Agreement prescribes which survey plan products to use for specific types of land transactions involving Reserve Lands. It also sets out the basic principles on which the standards for the products and methods of describing land are based.” [Chart A](#) identifies the type of survey plan to be used for certain land transactions.
- Sample Request for a Survey
- Sample wording for a Band Council Resolution (BCR)/letter – providing permission for a surveyor to access the Reserve
- Sample of sketch to assist with request for survey
- Sample of Encumbrance Checklist and Land Status Reports
- Sample wording for a BCR/letter – providing approval of survey plan

## Guide to the Evaluation of Proposals for Resource Centre Survey Contracts

The First Nations Land Management Resource Centre has been granted the authority to issue and manage survey contracts on First Nation land, to support a description of lands being transferred to the First Nation’s administration and control pursuant to the *Framework Agreement on First Nation Land Management*. The survey contracts that are managed by the Resource Centre are for those surveys that are deemed to be required in order for the Surveyor General Branch to be able to proceed with the preparation of the Land Description for a specific Reserve. Each proposal received by the Resource Centre is evaluated on a number of criteria, such as liaison and involvement with the First Nation, ability to meet the contract timeframes, and experience of the company and/or staff working on the project, all of which are outlined in the Guide to the Evaluation of Proposals for Resource Centre Survey Contracts.

## Provincial Maps of Developmental and Operational First Nations

View All Provincial Maps for Download

[NRCAN Signatory Maps • First Nations Land Management Resource Centre \(RC\) \(labrc.com\)](#)

View NRCAN’s National Map

[fnlm-gtqn-tabloid.pdf \(nrcan-rncan.gc.ca\)](#)

## The Survey Process

### Getting a Survey Done

Section 4.1.1 of the Framework Agreement states: Any reserve managed by a First Nation under a land code will continue to be a reserve within the meaning of the *Indian Act*. The *Canada Lands Surveys Act* and *Canada Lands Surveyors Act* and Regulations still apply to lands managed under a land code. The surveys will still be carried out by a Canada Lands Surveyor under survey instructions issued by the Surveyor General Branch (SGB), with the survey plan being recorded in the Canada Lands Surveys Records (CLSR). However, a First Nation's land code may delegate certain authorities in relation to the survey process, such as who has the authority to request a survey, provide permission to enter the Reserve for the survey and approve the survey plan.



The following letter outlines the minimum standards for surveys.

[Interdepartmental Letter of Agreement \(regarding minimum standards for surveys\)](#)

## Survey Process Flow Chart

### Survey Process

#### 1. Review of Documents

- Survey Policy (written or unwritten)
- Templates
- Land Code
- Identify who has the authority for survey related activities (permissions, review & approvals?)

## 2. Intent of Transaction

- Review of “[Chart A](#)”
- Review of existing survey plans and records

## 3. Preparation of Documents and Project Details

- Sketch
  - Sketch can be a portion of an existing survey plan
- Land Status Report
  - Important to search your internal records and the FNLRS records for the interests in land
- *Draft Statement of Work (SOW)*
  - What do you want surveyed?
  - What is the purpose?
  - What are the timeframes?
  - Confirmation of funding
  - Project contact

## 4. Obtain Estimate(s)

- Is there a surveyor that you work regularly with?
- Provide the same information to each Surveyor & indicate what your expectations are for the estimate
- Timeframes for submission?
- Do you want to obtain multiple estimates?

## 5. Hire Surveyor

- Confirmation of project expectations (Finalize SOW)
- Written arrangement/contract
  - Expectations
  - Communications plan & meetings
  - Agreement in writing (e-mail, contract, letter, etc.)
  - Final Statement of Work (*include Land Status Report*)
- Permission to enter the Reserve(s)
  - In writing (e-mail, BCR, letter)
  - Include name of person providing permission & job/title

## 6. Start of Survey Work

- Confirmation of timeframes, communication plan, meetings, etc.
- Obtain a copy of the final survey instructions
  - Confirm that the instructions reflect the work that you requested

## 7. Field Work & Plan Preparation

- Does the survey plan reflect the instructions and what you requested?
- Do you have any comments/questions?
- If the plan is acceptable, approval is to be provided to the Surveyor so the plan can be finalized

## 8. Plan Finalized

- Plan is
  - Reviewed by SGB
  - Signed by SGB & designate
  - Recorded in CLSR
  - Available for downloading

## 9. Land Transaction to be Completed (Registry)

- Required documents are executed & submitted for registration to the FNLRS
- Document registered & transaction is completed

**Note: PDF versions of the mentioned documents can be found by going to the LABRC website, searching Surveys & Related Documents in the Knowledge Repository or by clicking [here](#). Please contact your Land Code Governance advisor for editable documents.**

## Research Reports and Land Descriptions

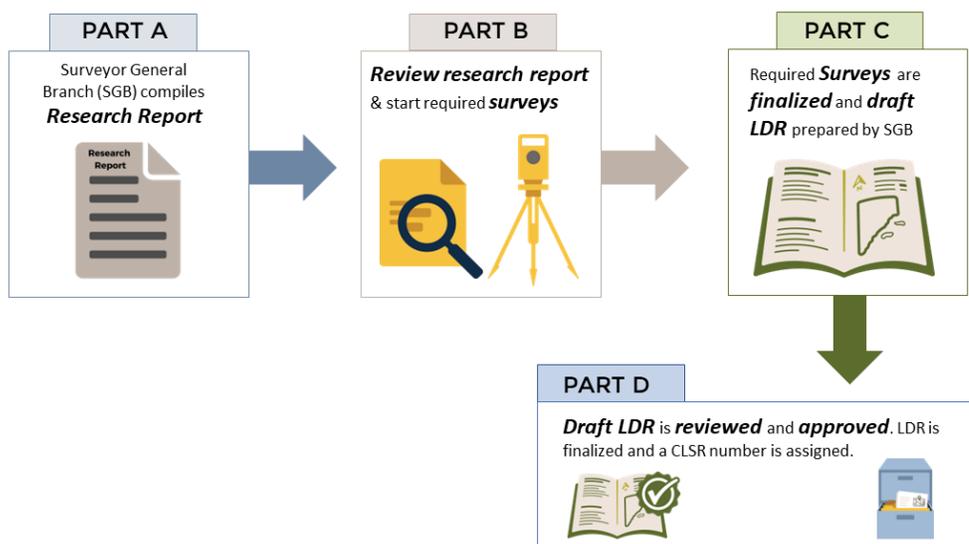
Under Section 5.2 of the Framework Agreement, a First Nation's land code must contain a description of the lands that are subject to the land code. The Surveyor General Branch (SGB) of Natural Resources Canada prepares this description, known as a Land Description Report.

### What is in a Land Description Report?

A Land Description Report (LDR) contains:

- Description of Reserve lands subject to a First Nation's Land Code and Individual Agreement
- An administrative sketch that visually depicts the lands described
- Any additional items/issues regarding the exterior boundaries of the Reserve, which are unresolved

## Land Description Report (LDR) Process



## **Part A**

To prepare the Land Description Report, the Surveyor General Branch (SGB) will first:

- conduct historical research
- review and analyze documentation affecting the exterior boundaries of a Reserve
- identify any outstanding boundary-related issues

The SGB compiles the collected information into a report called the Research Report. The report is then distributed to ISC Region, who will then forward the Research Report to the First Nation.

## **Part B**

*This section may be the most time-consuming part of the LDR process. Cooperation and communication between all parties is essential.*

- Once the Research Report is completed, the contents are discussed between parties,
- The Parties (the “parties” may include the First Nation, the RC, NRCan and ISC) will determine priority of the issues, including how and when to resolve them
- New surveys are conducted where necessary
- The Research Report does not require any formal approvals, as it does not become a public document (not recorded in the Canada Lands Surveys Records (CLSR)).
- Once all parties agree to proceed with the next phase of the process, ISC Region will notify the SGB to prepare the Land Description Report (LDR).

## **Part C**

- Required surveys are to be finalized
- Draft Land Description Report (LDR) is prepared by the SGB

## **Part D**

All parties carefully review the report to ensure that the extent of the lands described is understood and agreed upon. Both the First Nation and ISC Region provide approval to the SGB to record the Land Description Report in the Canada Lands Surveys Records (CLSR). Once the CLSR number is assigned, the number can be referenced in the land code and individual agreement.

## **Legacy Projects**

A legacy project will identify, review, and categorize any outstanding issues which arose from the management era of *Indian Act* administration. These issues can include interior boundary issues related to land status, survey boundaries, land designations, riparian rights, etc. Legacy projects may also deal with issues such as ESA Phase II, III & onward, Estates issues, Timber permits, unclear surface/subsurface Mines and Minerals references, among others.

The key objectives of the Legacy Project are to:

- address or resolve internal & external survey related legacy issues
- enable future transactions on parcels not affected by issues related to surveys
- develop internal practices, policies, procedures and/or laws to attempt to resolve current and mitigate future survey, interest, environmental or other related issues
- build capacity in each First Nation to analyze issues and plan potential ways to resolve them

The Resource Centre can provide support funding for eligible project costs. Please see the Request for Proposals for more information.

<b>Legacy Projects 2021</b>	<b><u>2021 Request for Proposal</u></b>
<b>Legacy Projects 2020</b>	<b><u>2020 Request for Proposal</u></b>
BC- Cowichan Tribes	
BC- Kwantlen First Nation	
BC- Kitsumkalum Indian Bands	<a href="#">Kitsumkalum Legacy Project Final Report</a>
BC- Lower Nicola Indian Band	
BC- Seabird Island Band	
BC- Skwah First Nation	
BC- Soowahlie First Nation	
BC- Wei Wai Kum First Nation	
AB- Enoch Cree Nation	
SK- Lac La Ronge Indian Band	
ON- Bingwi Neyaashi Anishinaabek	<a href="#">Bingwi Neyaashi Anishinaabek Land Legacy Project Report March 2021</a> <a href="#">BNAFN Legacy Project Video</a>
ON- Mississaugas of Scugog Island First Nation	
QC- Pekuakamiulnuatsh Takuhikan	<a href="#">Rapport sommaire du projet - Problèmes hérités du passé</a>
NB- Woodstock First Nation	
NS- Membertou First Nation	
<b>Legacy Projects 2019</b>	<b><u>2019 Request for Proposal</u></b>
BC- Sc'ianew First Nation	<a href="#">Sc'ianew Progress Report on Projects March 2020</a> <a href="#">Sc'ianew Progress Report on Projects March 2021</a>
BC-Katzie First Nation	<a href="#">Katzie Progress Report on KFN Land Transactions through Historical Parcel Inventory and ESA Phase III</a>
BC-McLeod Lake Indian Band	Fort McKay Legacy Project Report
AB- Fort McKay First Nation	<a href="#">Fort McKay First Nation Legacy Issues Project Report</a> <a href="#">Fort McKay First Nation Legacy Program Final Report</a>
SK-Kahkewistahaw First Nation	<a href="#">Kahkewistahaw First Nation Identification, Review and Resolution of Legacy Issues Project Update</a>
MB- Nisichawayasihk Cree Nation	<a href="#">Nisichawayasihk Cree Nation Project Progress Report October 2020</a>
ON- Algonquins of Pikwakanagan	<a href="#">Algonquins of Pikwakanagan Legacy Project Final Report</a>
ON- Mississauga First Nation	<a href="#">Mississauga First Nation Legacy Issues Project Report 2021</a>
ON- Nipissing First Nation	<a href="#">Nipissing First Nation Land Code Legacy Project Report March 2020</a>
ON- Shawanaga First Nation	<a href="#">Shawanaga First Nation Legacy Project Report March 2020</a>

## The Lands Advisor – Focus on Land Surveys

### Enhancing First Nation Governance Through Land Surveys

A cadastral or property survey is the establishment and re-establishment of the boundaries (extent) of a parcel of land, based on the acquisition and assessment of boundary evidence, through; measurements, original monuments, historical records, oral evidence, case law, legislation, occupation and intent of the documents or records.

[THE LANDS ADVISOR Edition 9 - Mar 2020 \(labrc.com\)](#)

## Survey Related Links

National Standards for the Survey of Canada Lands

- [Survey Standards \(nrcan-rncan.gc.ca\)](https://nrcan-rncan.gc.ca)

Which tool should I use?

- [Which tool should I use \(nrcan-rncan.gc.ca\)](https://nrcan-rncan.gc.ca)

Canada Lands Survey System - Survey Plan Search

- [Survey Plan Search \(nrcan-rncan.gc.ca\)](https://nrcan-rncan.gc.ca)
- [Survey Plan Search: 3. User's Guide – a text-bases search tool for all current and historical records \(nrcan-rncan.gc.ca\)](https://nrcan-rncan.gc.ca)

Canada Lands Survey System - Survey Project Search

- [Survey Project Search \(nrcan-rncan.gc.ca\)](https://nrcan-rncan.gc.ca)
- [Survey Project Search: 4. User's Guide – a text-based search tool for in-progress survey projects \(nrcan-rncan.gc.ca\)](https://nrcan-rncan.gc.ca)

Surveyor General Branch – Getting a Survey Done

NRCAN has prepared a document entitled Getting a Survey Done, which “is intended to assist government departments and First Nations administering Canada Lands, entities or persons requiring a survey...”. This document details roles and responsibilities, how to start a survey, including the process to submit the survey plan, and survey requirements for First Nations lands under a Land Code.

- [Getting A Survey Done](https://nrcan-rncan.gc.ca)

Canada Lands Survey System - Map Browser

- [Map Browser – ENG](https://nrcan-rncan.gc.ca)
- [Map Browser - FR](https://nrcan-rncan.gc.ca)
- [CLSS Map Browser 2.2: 1. User's Guide – an interactive, map-based plan and parcel search tool \(nrcan-rncan.gc.ca\)](https://nrcan-rncan.gc.ca)

Canada Lands Digital Cadastral Data

- [Canada Lands surveys: Tools and data \(nrcan.gc.ca\)](https://nrcan.gc.ca)

Canada Lands In Google Earth

- [Canada Lands in Google Earth: 2. User's Guide – an overlay providing an integrated view of boundaries and parcels in Google Earth \(nrcan-rncan.gc.ca\)](https://nrcan-rncan.gc.ca)

Association of Canada Lands Surveyors

- [ACLS-AATC Canada : Welcome to ACLS-AATC – Association of Canada Lands Surveyors \(ACLS\)](https://acls-aatc.ca)
- [ACLS-AATC Canada : About Surveys on First Nation Reserve Lands](https://acls-aatc.ca)
- [ACLS-AATC Canada : Surveys on Indigenous Lands Toolkit](https://acls-aatc.ca)

## Scholarships Association of Canada Lands Surveyors (ACLS) Foundation Inc.

### Geomatics Scholarship Program

Four scholarships of \$2,000.00 each are available annually. One scholarship is targeted to an Indigenous student that meets the eligibility requirements.

#### Objectives:

- Encourage and provide financial rewards to students that are enrolled in a postsecondary institution in the field of geomatics.
- One scholarship is targeted toward an indigenous candidate and one is targeted toward a female candidate, to be selected from eligible applicants.

Click here to watch: [Career spotlight Indigenous Land Surveyors on Vimeo](#)



More information on the ACLS Geomatics Scholarship Program: <https://www.acls-aatc.ca/students-home/scholarships/>