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Surveying of First Nation Lands Managed Under a Land Code

February 15, 2024

Canada

COST DRIVERS

PROJECT INITIATION ...PRELIMINARY PLANNING ...RESEARCH

COST DRIVERS

FIELDWORK


COST DRIVERS

PLAN PREPARATION AND OFFICE WORK

COST DRIVERS

APPROVAL AND FINALIZATION OF SURVEY PLANS

Over the past few years, there have been several changes in the types of survey plans prepared and their related approval and finalization processes.




There may be ways to:

- The Cost Study notes surveyor. The Land M Lands Survey system,
- Land Managers should have commenced. Und surveyor and/or staff
- Land Managers can destruction and the r Preparation and Off

- Changes in the stakeholders providing approvals
- Survey related Laws passed under a First Nation's Land Code (under the Framework Agreement on First Nation Land Management)¹
- Changes to the Interdepartmental Letter of Agreement (ILA) between Indigenous Services Canada² (ISC) and the Surveyor General Branch³ (SGB)

With these variations in the approval process; the roles and responsibilities of each stakeholder, including the timeframe for certain activities within the process are affected.




The "Survey Cost Study" identified that there appeared to be significant time delays in the finalizing and recording of a survey plan. The reasons for the delay may come in the form of changing the scope of work, knowledge and experience with the process, and experience in reviewing and understanding survey plans.

There are some cost drivers that can be mitigated by gaining experience with the Canada Lands Survey System (CLSS) and/or the survey plan finalization process, while other cost drivers that can only be mitigated through the development of internal processes and building of relationships.

¹ For more information on the Framework Agreement: <https://fnsc.com/framework-agreement/>
² Indigenous Services Canada (ISC) previously referred to as Indigenous and Northern Affairs Canada (INAC)
³ The Surveyor General Branch (SGB) of Natural Resources Canada (NRCan)

Approval and Finalization of Survey Plans Page | 1

SURVEYING OF FIRST NATION LANDS MANAGED UNDER A LAND CODE







See Appendix 9

**SURVEYING OF FIRST NATION LANDS
MANAGED UNDER A LAND CODE**




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**SURVEYING OF FIRST NATION LANDS
MANAGED UNDER THE INDIAN ACT**



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Format: 3 Sections

- I. **An overview of the survey process:** This section identifies the four main parts of a survey project and provides a *short description* of the key activities associated with each part.
- II. **The Survey Process in Detail:** This section provides a *detailed description* of each of the four main parts of a survey project, including links to additional reference information.
- III. **Appendices:** This section provides additional information, examples and images, the Surveyor General Branch Regional office contact information, roles and responsibilities within the survey process and other helpful links.



Format: 4 Parts

Part 1: Project Scope, Planning and Research

Part 2: Field Work

Part 3: Office Work and Survey Plan Preparation

Part 4: Survey Plan Approval and Recording



The document is available in 2 formats:

1. Web Version

Indigenous lands

[Surveying of First Nation Lands managed under a Land Code](#)

This guide, prepared by the Surveyor General Branch, is intended to provide First Nations that have a Land Code in effect, with information, tools and links to additional resources when considering having land survey work conducted on their lands.



2. PDF Version

Request a downloadable PDF version of this guide by email at: clss-satc@nrcan-rncan.gc.ca

LABRC Website



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Part 1: Project Scope, Planning and Research



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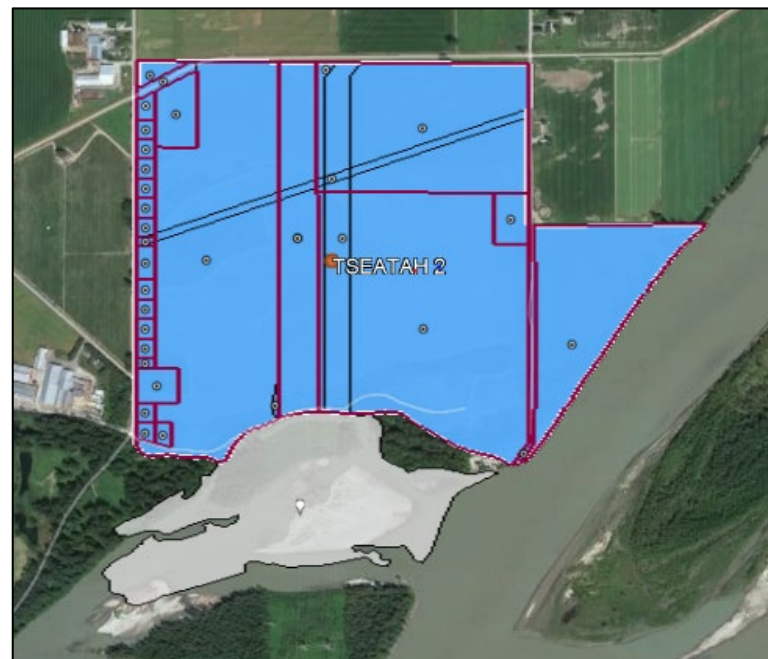
Review Land Code, Applicable Laws/Policies, Records and Documents



Confirm that the lands to be surveyed are being managed under your Land Code.

- ❑ Land Description Report
- ❑ Land Code
- ❑ Individual Agreement
- ❑ Resource Centre
- ❑ Ministerial Order(s)

- ❑ [Canada Lands in Google Earth](#)
 - ❑ Land Code Operational Overlay



Review Land Code, Applicable Laws/Policies, Records and Documents



A First Nation may have certain requirements or restrictions in relation to new surveys that are conducted on their lands. These requirements may include:

- ❑ who can request a survey
- ❑ what are the requirements for the survey (i.e., a specific size of lot is required)
- ❑ who can provide written permission for the CLS to access the land for the survey
- ❑ who can approve the survey plan

Where a First Nation has a written survey policy or law in effect, it is recommended to bring this to the attention of the CLS.

Where a First Nation does not have a written survey policy in effect, there is usually an unwritten process that is followed. It is recommended to discuss the expected process to be followed with the CLS.



Review Land Code, Applicable Laws/Policies, Records and Documents



Confirm the current interest(s) in the land to be surveyed.

- ❑ Review FNLRS
- ❑ Review internal records for unregistered interests
- ❑ Be aware of potential know conflicts
 - ❑ Boundary related
 - ❑ Interest related

The screenshot displays the 'First Nation Land Register' website interface. At the top, there is a navigation bar with links for 'Français', 'eRIP/CLSS', 'Help', 'Contact Us', and 'aadnc-aandc.gc.ca'. Below this is a search bar labeled 'Search Instruments' and a link for 'Add Instrument'. The main section is titled 'SEARCH CRITERIA' and contains several input fields: 'Registration Number', 'Legacy File Number', 'Status', 'Instrument Type', 'Purpose', 'Registration Start Date', 'Registration End Date', 'Reserve', 'Province', 'Region', 'Band', 'PIN', 'Crown Land', and 'Legal Description'. Each field has a small green plus icon to its right. Below the search criteria is an 'ADVANCED SEARCH CRITERIA' section with a 'SHOW' button. Underneath, there are radio buttons for 'Registry' (FNLRS, ILRS, SGFNLRS) and a checkbox for 'Include Sub-surface Parcels'. At the bottom right, there are buttons for 'Search', 'Clear', 'Report', and 'Save'.



Confirm Intent of Proposed Transaction



Interdepartmental Letter of Agreement (Chart A)

- ❑ Identifies the minimum survey and land description requirements where a transaction is to be registered in the FNLRS.
- ❑ Some transaction purposes are not application to Land Code Lands.
- ❑ There may be existing survey plans or land descriptions that can be used for new transactions.

10.0 CHART A - GUIDELINE FOR MINIMUM LAND DESCRIPTION REQUIREMENTS

Land Transaction Purpose	Minimum Description Requirement ^{note 1, 2}
I ADDITIONS TO RESERVE	Provincial Plan recorded in CLSR
II BAND VOTE FOR DESIGNATION	Explanatory Plan (<i>Administrative Plan</i>)
III DISPOSITION OF RESERVE ^{note 3}	
a) Surrender of Parcel	Plan of Survey (<i>Official Plan</i>)
b) Highway / Right of Way Transfer ^{note 4}	Plan of Survey (<i>Official Plan</i>)
IV EXCLUSIVE USE	
a) Allotment of land ^{note 5}	Plan of Survey (<i>Administrative Plan</i>)
b) Lease of land for longer than 10 years ^{note 6}	Plan of Survey (<i>Administrative Plan</i>)
c) Lease of building unit for longer than 10 years	Plan of Building Unit(s) (<i>Administrative Plan</i>)
d) Lease of land for 10 years or less ^{note 7}	Explanatory Plan (<i>Administrative Plan</i>)
e) Lease of building unit for 10 years or less	Textual Description
f) Interest in Airspace	Plan of Airspace Parcel(s) (<i>Administrative Plan</i>)
V NON-EXCLUSIVE USE	
a) Permit or License ^{note 7}	Explanatory Plan (<i>Administrative Plan</i>)
b) Utility Permit over unencumbered lands	Textual Description
c) Utility Permit over encumbered lands	Explanatory Plan (<i>Administrative Plan</i>)
d) Access Agreement (Access Right of Way) over Allotted or Leased lands	Textual Description
e) Agricultural Permits	Land Use Area Plan (<i>Administrative Plan</i>)

Notes:

1. A Compiled Plan prepared under Section 2.7 of the National Standards is equivalent to a Plan of Survey prepared under Sections 2.3, 2.4, or 2.5 of the National Standards.
2. A parcel shown on a Plan of Survey may be used in place of an Explanatory Plan.
3. Surveys under this section, for parcels to be removed from Reserve Lands, will create a jurisdictional boundary once the lands are removed and therefore require an Official Plan under Section 29 of the CLSA.
4. This Plan is intended for Section 35 Indian Act transfers or equivalent.
5. This includes Section 20 Indian Act allotments, Section 24, 49 and 50 Indian Act transfers, Section 18(2) Welfare of the First Nation interests, and equivalent.
6. "Lease" includes a head-lease or a sub-lease. The terms of the lease include any renewal or extension provisions contained in the lease.
7. A lease, permit, or license for 10 years or less may be described by textual description if the Registry feels it is in the best interests of the First Nation, given the circumstances, to do so. Generally an Explanatory Plan is required. Land Administrators should be aware that textually described parcels do not appear on the SGB parcel mapping or eRIP.

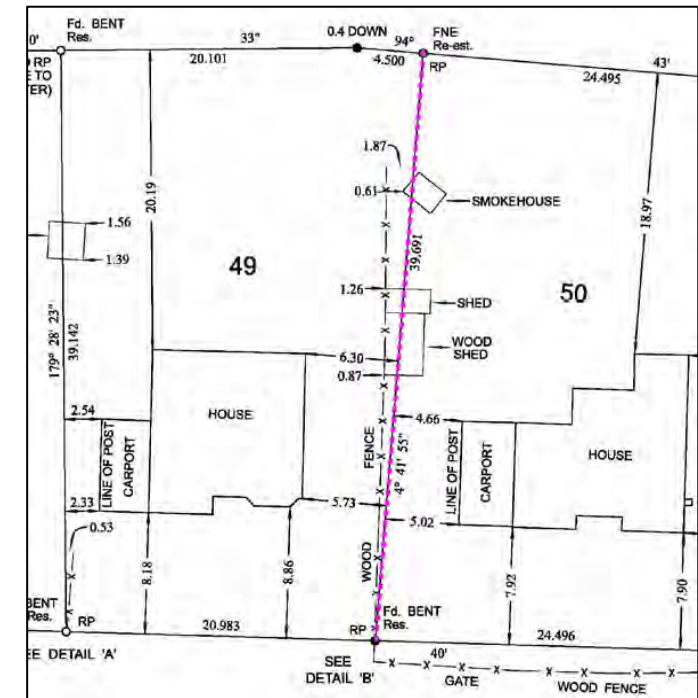


Identify Available Survey Plan/Land Description Options

B

There may be existing survey plans that can be used to describe new interests in land being registered in the FNLRS.

Survey plan types and standards change over time so it may be necessary to determine if an existing survey plan type that is no longer in production is technically equivalent to the modern plan type required.



Caution is advised when using any existing/recorded survey plans as current occupation or activities may no longer be within the boundaries of the existing lot.



Identify Available Survey Plan/Land Description Options



Where a textual description (not surveyed) is to be prepared for the transaction, a First Nation should be aware that the textual description:

- ❑ Will not appear graphically on the FNLRS e-RIP or on any of SGB's mapping, survey records or databases.
- ❑ Should be prepared by someone who has experience in preparing and understanding these types of descriptions
- ❑ Can be prepared by:
 - ❑ Written Text
 - ❑ Graphically
- ❑ May not be based on field work or measurements, the accuracy of its location may vary
- ❑ Does not split or subdivide the underlying lot
 - ❑ Is for a temporary interest



Identifying Survey Project Scope of Work



The CLS will need clear direction regarding the details of the survey project such as:

- ❑ Purpose
- ❑ Proposed transaction
- ❑ Timelines
- ❑ Environmental considerations
- ❑ Cultural or site-specific considerations



Preparing the Required Documents



Preparing the Sketch:

- ❑ clearly outline the area to be surveyed
- ❑ relate the new lot boundaries to existing surveys or roads
- ❑ Include approximate measurements and other details

Use an existing survey plan or imagery (i.e., Canada Lands overlay in Google Earth) as the base for creating a sketch.



Preparing the Required Documents



A written listing of interests (e.g., Land Status Report) should be provided to the CLS(s) in preparation of their cost.

- ❑ CLS will conduct a search of the FNLRS for existing land interests
- ❑ CLS will not have knowledge of unregistered interests that would be stored within the First Nation's own internal records

Note:

For additional information or assistance in conducting a review of the interests and internal documents, a First Nation may request assistance from the First Nations Land Management Resource Centre.⁹



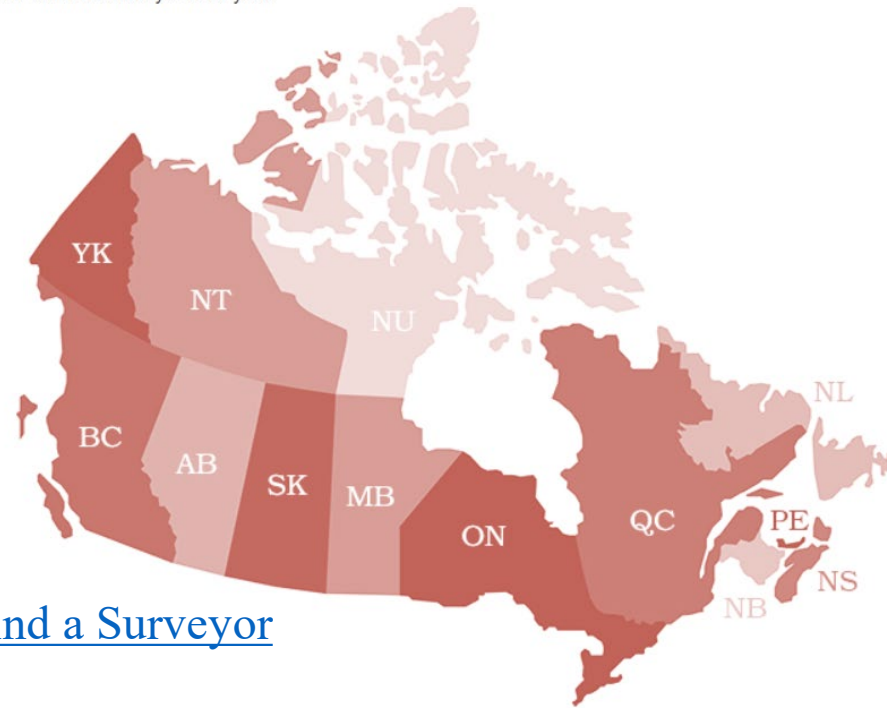
Contacting the Canada Lands Surveyor(s)



Only an individual who is licenced by the Association of Canada Lands Surveyors as a Canada Lands Surveyor (CLS) is legally able to conduct a land survey on First Nation lands.

Find a Surveyor

Welcome to the ACLS Find a surveyor tool.
Use the map below to find a surveyor near you.



[ACLS-AATC Canada : Find a Surveyor](#)



Hiring the CLS, Confirming Project Scope, and Providing Written Permission



E

Consider if the contents of any cost received from a CLS accounts for the full scope of work, project returns, and timeframes as requested in the SOW.

Consider having a written agreement or contract that references or outlines the project expectations.

The CLS requires written permission to access the reserve for the survey before they can proceed with requesting survey instructions.

As a minimum, it is recommended that the permission includes:

- ❑ the date of the permission
- ❑ the name of the surveyor receiving permission
- ❑ the name of the reserve that is to be accessed
- ❑ the name(s) and title(s) of the person(s) providing the permission on behalf of the First Nation



Part 2: Field Work



Survey Instructions



A CLS must request survey instructions from the Regional SGB offices on behalf of the Surveyor General of Canada Lands.

It is recommended that the First Nation request a copy of the survey instructions to confirm:

- type of survey plan
- number of lots
- name of reserve

SGB project search can be used to determine if instructions have been issued to the CLS.

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

Natural Resources Canada / Ressources naturelles Canada		Canada
Surveyor General Branch		
Survey Instructions		
SGB Project Number: 201814001		
Issued To: Jane Jones, CLS, OLS		
Project Summary		
Description:		
Survey of Lots 11, 12 & 13 (Road)		
• Beaver Creek Indian Reserve No. 9		
Region of Survey:	Ontario	
Location of Survey:	Beaver Creek Indian Reserve No. 9	
Type of Survey:	Section 31	
Parcel Designators or Survey Description		
• Plan of Lots 11, 12 and 13 (Road) in Beaver Creek Indian Reserve No. 9		
Specific Requirements		
Band Liaison: Samuel Smith		
Lands Coordinator, Beaver Creek First Nation		
lands.coordinator@e-mail.com		



Project Communication

B

The CLS should be in contact with the First Nation prior to confirm:

- ❑ the start of the field work
- ❑ project schedule
- ❑ any changes to project scope

The First Nation may request changes to the scope of the project (i.e. size and shape or number of lots) to the CLS. This may affect the timeframe for field work, plan submission, and/or other project deliverables.



Site Visit/Work by the CLS



The CLS may be on site, or a field crew may be on site under the direction of the CLS.

- may meet with the First Nation, adjoining interest holders, or other parties as required.

Field activities depend on the type of survey project and may include:

- Taking measurements
- Placing survey monuments
- Placing ancillary monumentation
- Identifying survey evidence (flagging, lath, etc.)
- Cutting out boundary lines



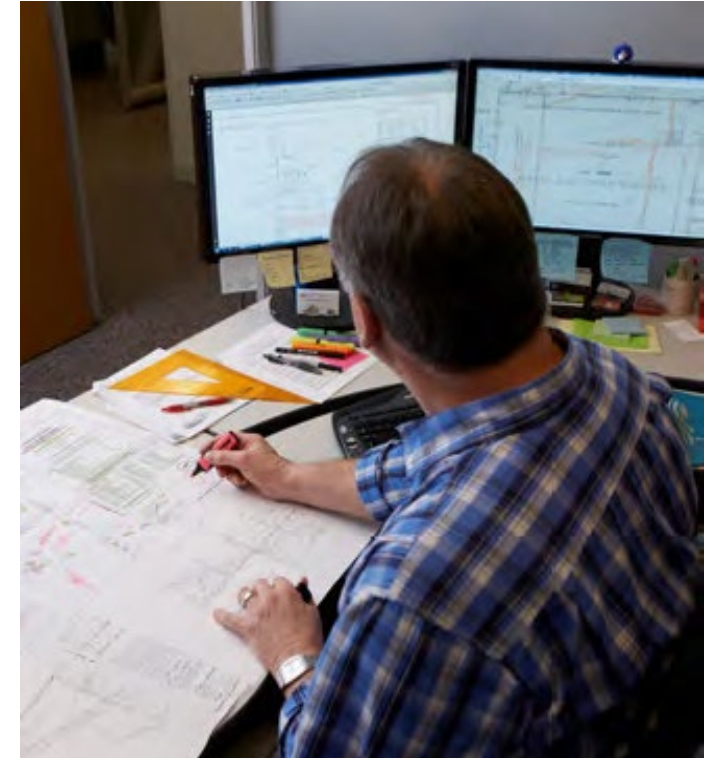
Part 3: Office Work and Survey Plan Preparation



Data Collection and Review



- ❑ Data collected from the field work will be reviewed and analyzed in the office.
- ❑ Calculations and checks will be made with the data prior to the drafting of the survey plan.
- ❑ Accuracies of the data must meet the requirements of the National Standards.
- ❑ The CLS will be involved in evaluating the information and providing their opinion regarding the location of the boundaries depicted by the survey plan.



Survey Plan Preparation



The CLS will need to review the survey plan to ensure that it meets:

- ❑ the SOW requirements
- ❑ the Survey Instructions
- ❑ the National Standards


Each CLS may have their own templates or preference as to how and where certain elements of the plan are shown.

Font style, location of information or preference of symbols or linework may vary, but in general the survey plans will contain the same basic information.

COST DRIVERS

PLAN PREPARATION AND OFFICE WORK

The most labour-intensive cost driver for surveys occurs "behind the scenes", not visible to the client.



The research, calculations, drafting and quality control of the plan accounts for the most time involved when compared to all other aspects of a survey. This may be surprising to some, as one would think that the field work component (with field personnel, equipment, travel, etc.) would be the most labour intensive.

However, the results of the survey cost study indicated that surveyors and their staff spend more time (1) doing calculations, (2) drafting plans and (3) performing quality control checks, than in any other activity in the process.

1. CALCULATIONS

After the field crew submits their data/results, the information is reviewed and assessed by the surveyor. According to the **survey cost study**, this accounts for approximately 5.7 labour hours¹ per project (on average). The type of work and issues encountered in the field can add to the difficulty of the analysis and calculations:

- In addition to being hard to find, old evidence (for example: wooden posts set in the 1900's) was not set or measured with the same instruments or accuracy, so it can be challenging to reconcile with modern-day equipment and accuracies.
- Sometimes modern survey evidence has been destroyed over large areas due to new development (roads, pipelines, large buildings). Computing the original positions of the monuments from very limited existing evidence can be difficult and time consuming.

Checklist Review, Comments & ...

1. Review

2. Review

3. Review

4. Review

5. Review

6. Review

7. Review

8. Review

9. Review

10. Review

¹ Note that the hours referenced for each task will differ with each survey project. This number referenced is an average amount based on the projects reviewed for the Survey Cost Study only.

Plan Preparation and Office Work
Page | 1



A Signed Survey Plan



Once the CLS is satisfied the drafted survey plan meets the requirements they will sign the plan.

A statement of responsibility shall be in the form “certified correct”, if the survey and all associated work meet the following:

- ❑ were made by or under the direct supervision of that member;
- ❑ were made in accordance with the instructions, requirements and standards applicable to the purposes for which they were made;
- ❑ were made in accordance with the instructions of the client; and
- ❑ are correct and true to the best of the member’s knowledge and belief

It is recommended that *only signed plans be considered for review and approval by a First Nation.*



Part 4: Survey Plan Approval and Recording



First Nation Plan Review

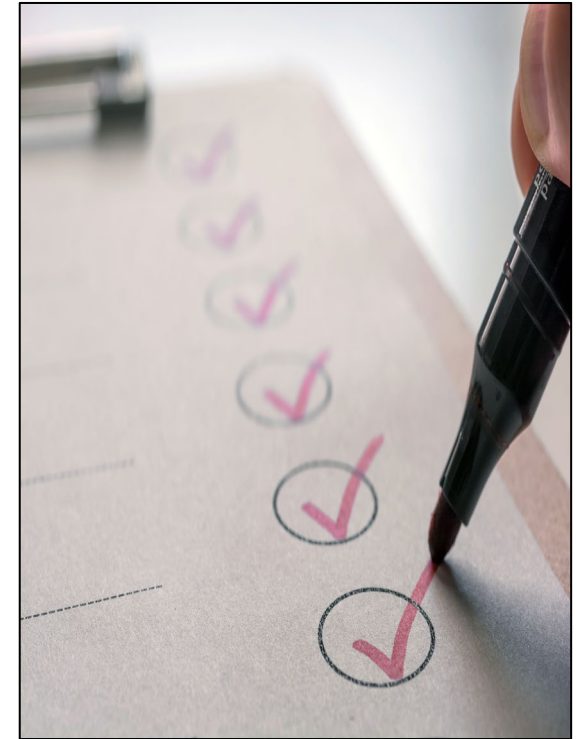


A First Nation can determine items they will review on the plan, to ensure that it meets the survey project requirements stated in the SOW, written agreement, and survey instructions.

Items for consideration:

- ❑ shows the extent of survey work, in the correct location and configuration for the work as per the SOW
- ❑ meets any applicable planning/land use requirements and/or laws
- ❑ ensures the reserve name, road names, etc. are correct
- ❑ compare the survey plan prepared to the survey instructions

Request clarification from the CLS on any questions or concerns related to the plan before written approval is provided.



First Nation Plan Approval



Once satisfied the survey plan meets expectations, written approval will be required.

First Nation's laws and/or policies may indicate who has the authority to provide the written approval and the format that it is to take.

- ❑ Email
- ❑ Letter
- ❑ BCR

It is recommended that the approval includes:

- ❑ the date of the approval
- ❑ the name(s) and title(s) of the person providing the approval on behalf of the First Nation
- ❑ the title of the survey plan
- ❑ the name of the CLS
- ❑ the date the CLS signed the survey plan



Surveyor General Branch Plan Review

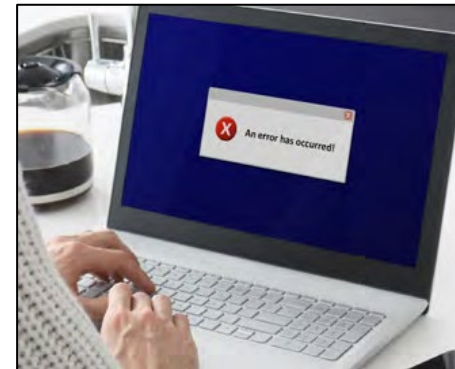


The CLS will submit the signed survey plan and copy of the written approval to SGB.

Responsibility of the SGB to ensure that the survey plan meets the requirements of:

- ❑ the National Standards
- ❑ the survey instructions

The plan review performed by the SGB does not ensure the requirements of the agreement between the First Nation and CLS are met



Surveyor General Branch Plan Review



The CLS will be notified through MyCLSS of any major error (or may also be termed a “critical error”) identified during the SGB review.

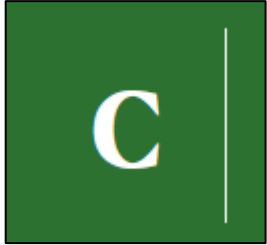
A critical error may include (but not limited to):

- ❑ changes to the plan title block
- ❑ changes to the size or shape of the parcel(s)
- ❑ where additional field work is required.

The CLS is required to obtain a First Nation’s re-approval of the plan where any amendments are made to the survey plan due to a critical error



Other Plan Approvals



Once the survey plan is deemed to meet the requirements, the survey plan is recommended for approval/confirmation.

- ❑ Administrative (Section 31) types of survey plans prepared only require the First Nation's written approval for the plan to be processed and recorded in the CLSR.

- ❑ Official (Section 29) types of survey plans require consent from:
 - ❑ First Nation's written approval
 - ❑ Regional Indigenous Services Canada (ISC) office
 - ❑ Possibly the province (where there is a jurisdictional boundary surveyed on the plan)



Surveyor General Branch Signing of Plan



Once all approvals are received and the SGB has confirmed the plan meets the requirements of:

- ❑ the National Standards
- ❑ applicable legislation
- ❑ the survey instructions,

the survey plan will be recommended for signing by the Surveyor General or their designate.

COST DRIVERS

APPROVAL AND FINALIZATION OF SURVEY PLANS

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³ The Surveyor General Branch (SGB) of Natural Resources Canada (NRCan)

Approval and Finalization of Survey Plans
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Survey Plan Recording



Recording of Plan in Canada Lands Surveys Records (CLSR)

Survey Plan Search

Please refer to the [Survey Plan Search user guide](#) (PDF, 2.60 MB) for more information on the tool.
See our [placemat](#) to help choose the right tool.
For definition of search attributes, hover your cursor over the word.

Keyword
Plan Number, Title, Description

Plan Number
Search starts after first 2 characters typed.

Plan Number	Related Documents	Surveyor	Title	Canada Land(s)
112344 CLSR AB	97703 CLSR AB 77258 CLSR AB	DANICA PRATT	COMPILED PLAN OF LOT 32 WITHIN S.W. 1/4 SEC. 2, TP. 110, R. 19, W.5M., BUSHE RIVER INDIAN RESERVE NO. 207, PROVINCE OF ALBERTA (eng; CAN)	BUSHE RIVER 207 (06670)

Filing of the Plan in the applicable Provincial or Territorial Land Title/Registry Office.

- ❑ Official (Section 29) types of survey plans of exterior boundaries will be sent for filing with the applicable provincial or territorial land title or registry office.
- ❑ The provincial or territorial land title/registry number will be added as indexing information to the plan information within the SGB Plan Search website when it becomes available.

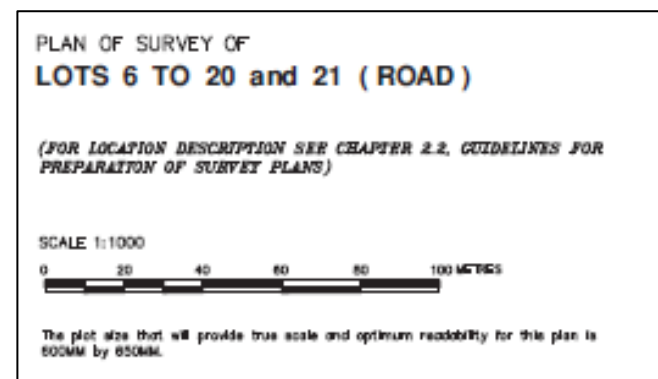
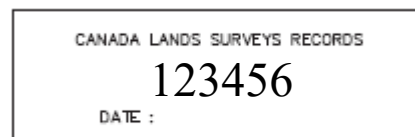


Referencing the Survey Plan



If a document is to be registered in the FNLRS the:

- ❑ lot number(s)
 - ❑ CLSR plan number,
- can now be referenced in the document.



Unless specifically requested by the First Nation, the FNLRS PINs will only be assigned once there is a registered interest in the lot.



Appendices



Questions?

Contact:

danica.pratt@nrca-rncan.gc.ca

(780) 257-7479



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