

Original Descriptions for a Land Code & IA

The “original descriptions”:

In the beginning, due to time constraints or lack of knowledge on the impact of a poor description, Interim land descriptions were created.

- Reserve name and number
- Reserve area may be quoted
- Survey plans not listed

Example: *All those lands known as ABC Reserve No. 1*



Describing Lands for a Land Code & IA

Interim descriptions:

- Lacked **certainty** with regards to extent of the Reserve

- **Certainty:**

“the state of being completely confident or having no doubt about something” <http://dictionary.cambridge.org>

- **Unanswered** questions:

Where?

How?

What?

There also was no check/review that the lands listed in the Land Code, were the same lands listed/described in the IA



Land Description Reports:

- INAC enlists knowledge and expertise of the SGB to create a **better** description of the lands

SGB has a Legislated responsibility (Canada Lands Survey System):

*The primary objective of the Canada Lands Survey System is to provide the foundation to establish property rights on Canada Lands, **by defining, describing and documenting the extent of all land interests.***

- **Establishment of Guidelines** for the Preparation of **Land/Legal** Description Reports (LDR)
 - Consistent level of quality & format
 - Reduce potential errors
 - Continuously evolving document



Evolution of the “Guidelines”



Legal Description Report:

1. Introduction
2. Boundary Issues
3. Legal Description
 - until 2009 – the extent of mines and minerals were included in the Reports
4. Administrative Sketches
5. Research Materials
6. Description Preparation

CANADA LANDS SURVEYS RECORDS
Date: _____

***LDR is recorded in the CLSR**



Evolution of the “Guidelines”: April 1, 2012

Research Report:

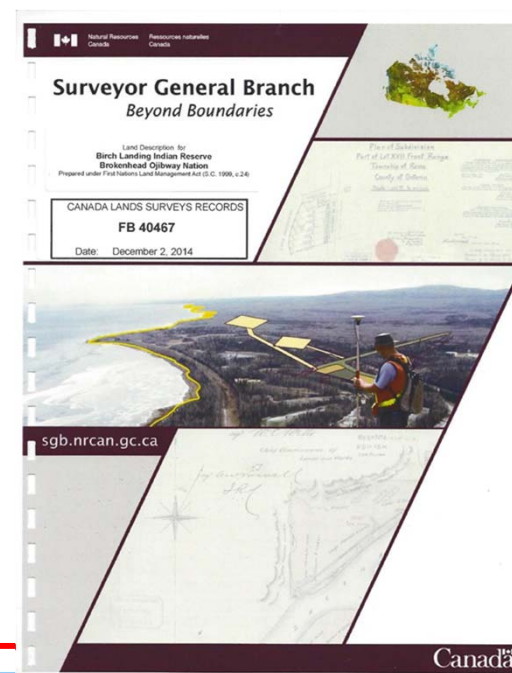
1. SGB Research
2. Boundary Issues
3. Summary & Analysis

- Research Report is **not** recorded in the CLSR
- In BC, the Reports are re-written by INAC Region

Land Description Report:

1. Introduction
2. Land Description
3. Administrative Sketches
4. Additional Items

*LDR is still recorded in the CLSR



Evolution of the “Guidelines”: *as of July 2017*

Research Report:

1. Document Research
2. Overview, Analysis & Summary

Appendices

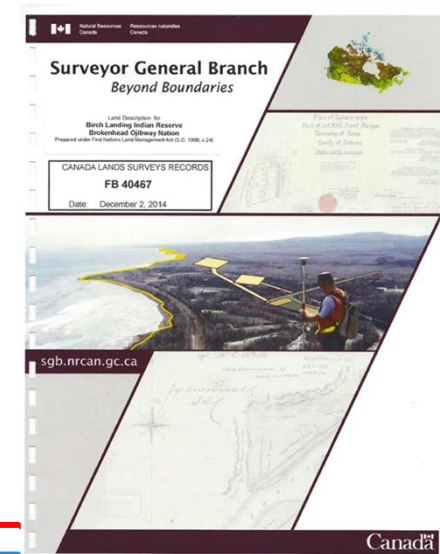
- Research Report is **not** recorded in the CLSR
- **In BC, the Reports are re-written by INAC Region**

Land Description Report:

Introduction

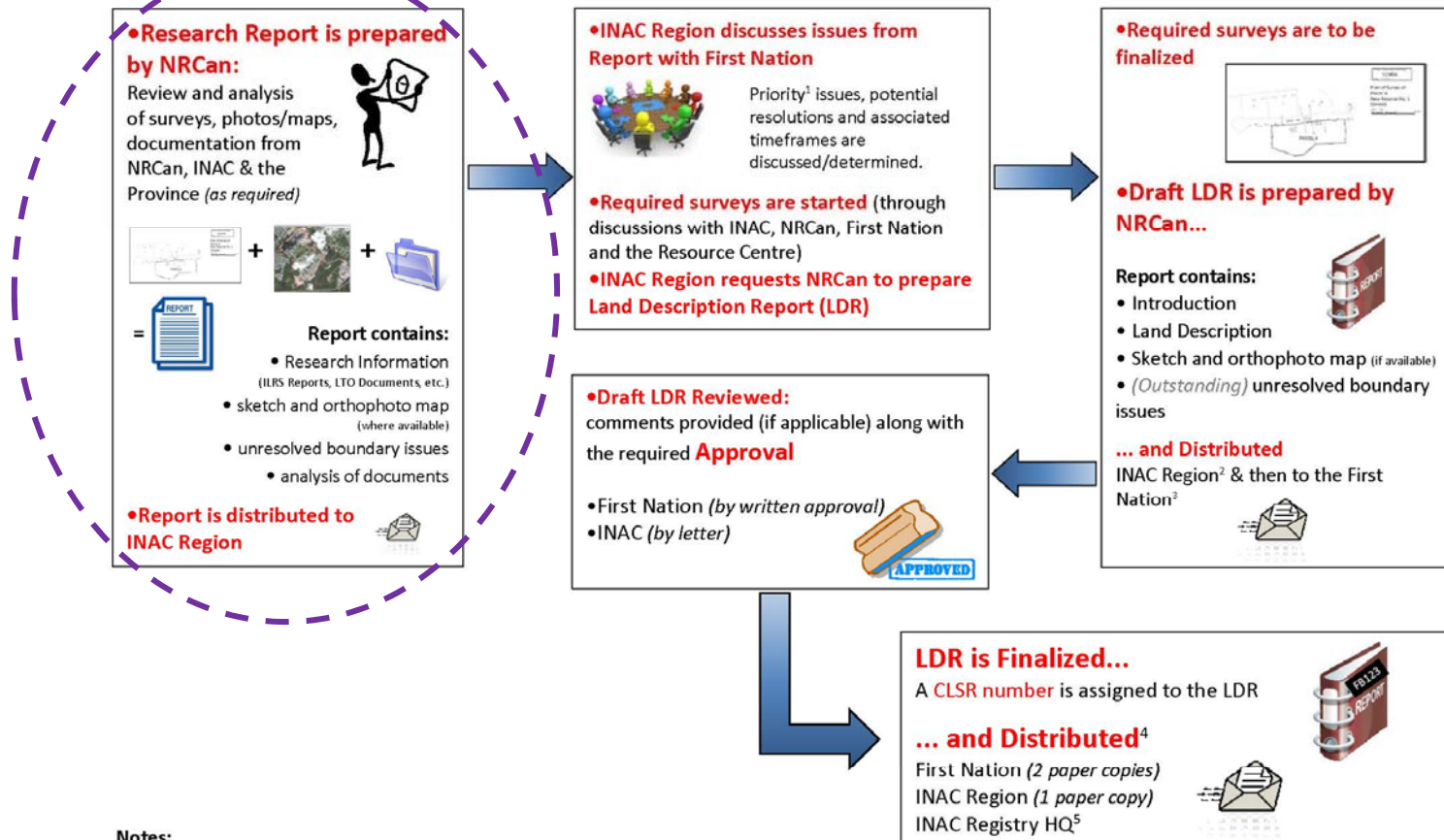
1. Land Description
2. Administrative Sketches & Orthophoto map
3. Additional Items

*LDR is still recorded in the CLSR



Research Reports and Land Descriptions:

General Overview for the Preparation, Review and Approval Process for a Land Description Report (LDR)



Notes:

¹ "Priority" in the context of requiring resolution in order to prepare the Land Description Report

² INAC Region will notify NRCan when the LDR can be sent to the First Nation

³ The First Nation will receive a digital copy of the LDR. Where desired, a paper copy can be requested from NRCan.

⁴ Additional copies of the finalized LDR can be downloaded from <http://www.dss.nrcan.gc.ca/advancedplansearch-rechercheplanavance-eng.php>

⁵ Receive an e-mail notification of the CLSR number assigned to the LDR

Please note that the above process is only a general overview of the existing process and is subject to change without notice.

March 11, 2016



Research Reports:

• Research Report is prepared by NRCan:

Review and analysis of surveys, photos/maps, documentation from NRCan, INAC & the Province (as required)



Report contains:

- Research Information (ILRS Reports, LTO Documents, etc.)
- sketch and orthophoto map (where available)
- unresolved boundary issues
- analysis of documents

• Report is distributed to INAC Region



- Prepared by a surveyor*
- “status” issues not addressed
 - Unsurveyed roads
 - Abandoned railroads
 - Surrendered lands not added back to Reserve
 - Overlapping Titles
- Based on:
 - Extent of Reserve as covered by the ILRS/FNLRS documents
 - Patents
 - Provincial documents
 - Analysis of Survey Plans and Treaties
- Explanation of outstanding jurisdictional boundary issues



Research Reports and Land Descriptions:

•INAC Region discusses issues from Report with First Nation



Priority¹ issues, potential resolutions and associated timeframes are discussed/determined.

•Required surveys are started (through discussions with INAC, NRCan, First Nation and the Resource Centre)

•INAC Region requests NRCan to prepare Land Description Report (LDR)

•Required surveys are to be finalized



•Draft LDR is prepared by NRCan...

Report contains:

- Introduction
- Land Description
- Sketch and orthophoto map (if available)
- (*Outstanding*) unresolved boundary issues

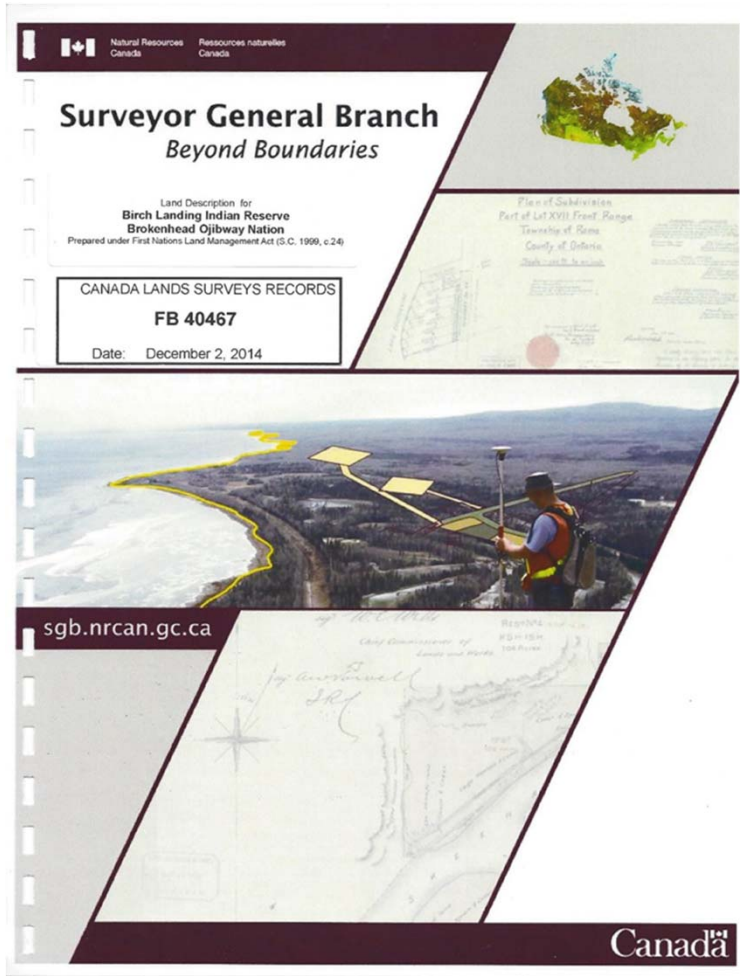


... and Distributed

INAC Region² & then to the First Nation³



Land Descriptions:



- A compilation of information which includes:
 - **Introduction**
 - **Section 1:** Land Description
 - Unambiguous (can only be interpreted one way)
 - Capable of being located or laid out on the ground by a surveyor
 - Must be sufficiently clear to enable the First Nation to effectively manage those lands described
 - **Section 2:** Administrative Sketches
 - **Section 3:** Additional Items
- Does not address 'status issues'
- Report prepared for EACH RESERVE



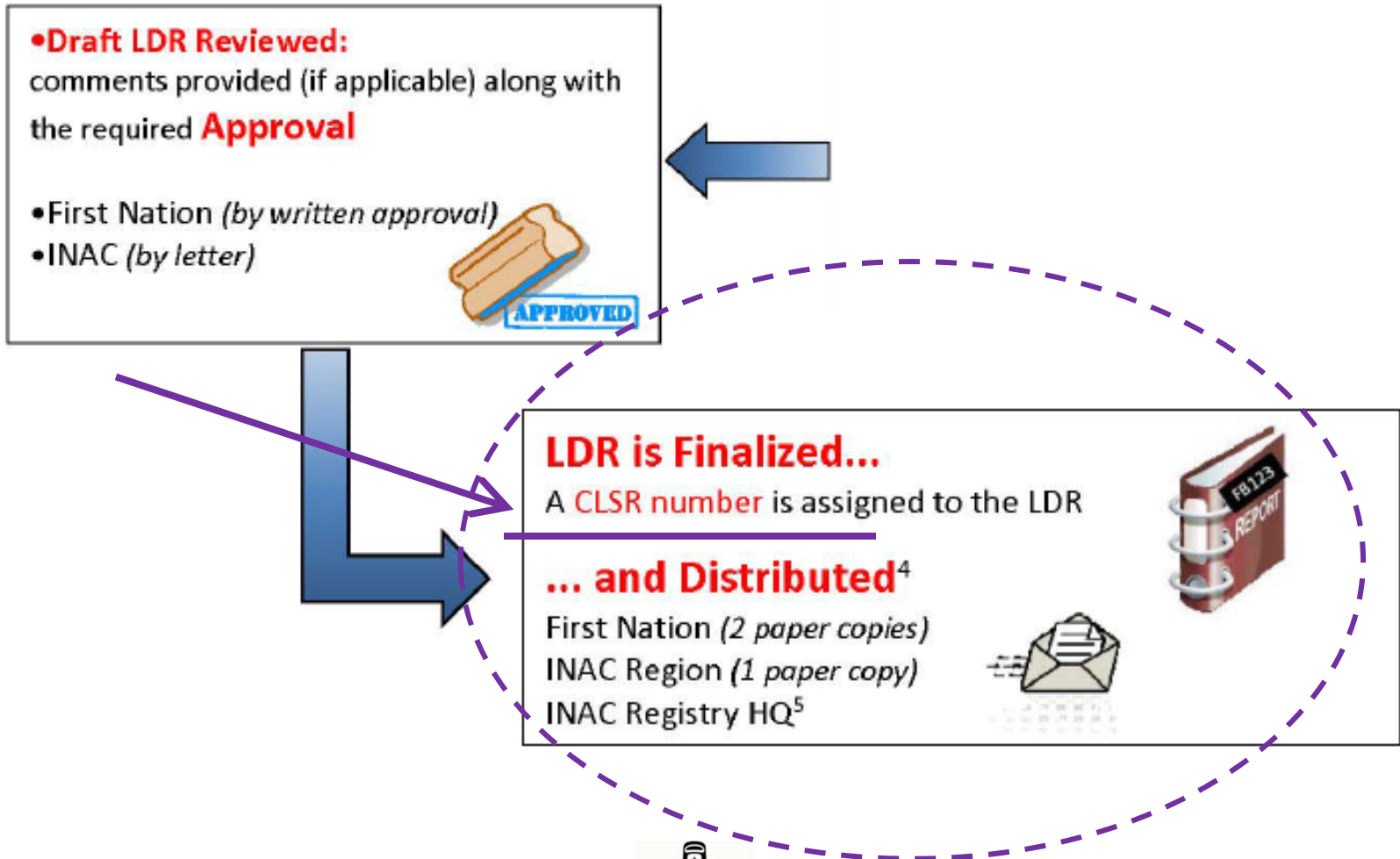
Land Descriptions:

Section 1: Land Description

- Survey Plan reference
 - Required surveys must be recorded in CLSR before referencing in Land Description
- Describes lands (does not include mines and minerals):
 - Lands that will be subject to the Land Code of the First Nation
 - Lands the will not currently be subject to the Land Code of the First Nation and which will remain under the Indian Act
- May not include a calculation of the area of the Reserve, where the area is uncertain or indeterminable
- Interests that the lands are subject to
- Notes:
 - Administrative sketch illustrates the land description
 - Refer to the pertinent survey plans and instruments for the authoritative boundary definition and the nature of interests in the land
 - Extent of Oil & Gas rights not dealt with



Research Reports and Land Descriptions



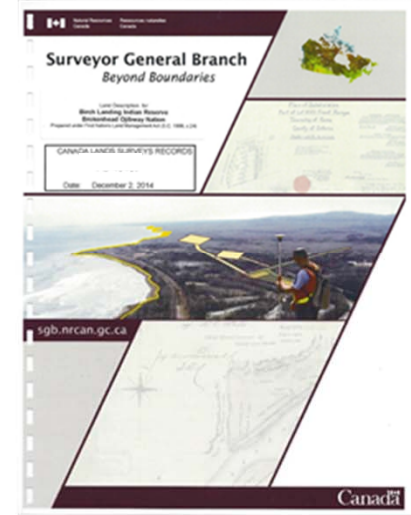
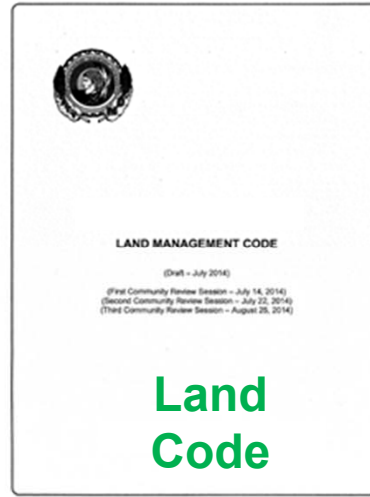
Amending Land Descriptions:



- The Land Description Report is the “original” description
- Amendments (i.e. additions, exchanges, etc.) may be described in the Amendment to the IA
 - A new Land Description Report is **not** prepared
 - IA’s and existing Land Description Reports have to be referenced to know the full extent of the lands
- Adding a new Reserve to the Land Code
 - A Land Description Report may have been prepared
- IA’s and existing Land Description Reports have to be referenced to know the full extent of the lands being managed



Lands Managed under a Land Code:



CANADA
DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
MODIFICATION AGREEMENT

THIS AGREEMENT EFFECTIVE UPON EXECUTION BY HER MAJESTY IS MADE:

BETWEEN: HER MAJESTY THE QUEEN IN RIGHT OF CANADA
as represented by the Minister of Indian
Affairs and Northern Development
("Her Majesty")

OF THE FIRST PART

AND: _____ First Nation
a band within the meaning of the Indian Act, R.S.C.
1985, c 1-5, as amended, as represented by their Chief

OF THE SECOND PART

WHEREAS:

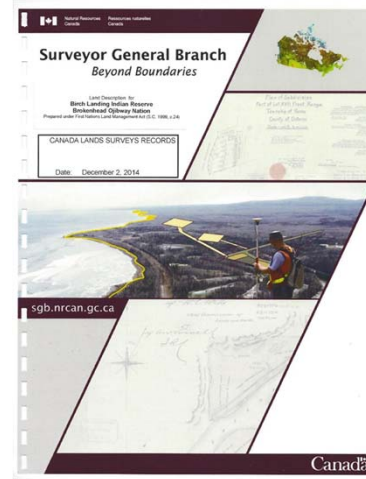
Her Majesty in the right of the Province of British Columbia has transferred to her Majesty in Right of Canada certain lands for the use and benefit of the _____ First Nation pursuant to the _____ First Nation Settlement Agreement of January 1, 2000.

AND WHEREAS the Governor in Council in P.C. _____ dated January 1, 2003, accepted, on behalf of Her Majesty, the transfer of administration and control of said lands from British Columbia, subject to the terms, reservations and restrictions contained in said transfer and set apart the lands described in Schedule I hereto as reserve lands, and further set apart the lands described in Schedule II hereto as additions to _____ Indian Reserve No. 1 and _____ Indian Reserve No. 2, respectively.

AND WHEREAS by P.C. 2003-714 dated May 15, 2003, the Schedule of First Nations subject to the First Nations Land Management Act was amended to include the _____ First Nation.



Amended Individual Agreement



Land Description:



Legal Description Report
For
Henvey Inlet Indian Reserve No. 2
Henvey Inlet First Nation
Province Of Ontario
Prepared Under
First Nations Land Management

Prepared On: June 28, 2012



Land Description:

Section 3: Legal Description

Henvey Inlet Indian Reserve No. 2

Legal Description of the extent of Reserve Lands that will be subject to the Land Code of the Henvey Inlet First Nation under the First Nations Land Management Act.

Reserve Lands within the District of Parry Sound, Province of Ontario, Canada, described as follows:

Comprised of the following Lands:

All of Henvey Inlet Indian Reserve No. 2 described as follows:

Firstly: those lands shown on Plan 98696 Canada Lands Surveys Records (CLSR);

Secondly: those lands shown on Plans 4409 and RD4410 CLSR;

Thirdly: those lands lying west of Highway No. 69, bounded by Plan 4572 CLSR, and Blocks 2 and 3, Plan 98696 CLSR;

Fourthly: those lands lying west of Highway No. 69, bounded by Plan 4572 CLSR, Blocks 1 and 3, Plan 98696 CLSR, and Plan 82820 CLSR, including those lands shown on Plan RD4410 CLSR;

Fifthly: those lands, lying east of Highway No. 69, bounded by Plans 4572, 82819, 98277, and 93744 CLSR.



Land Description:

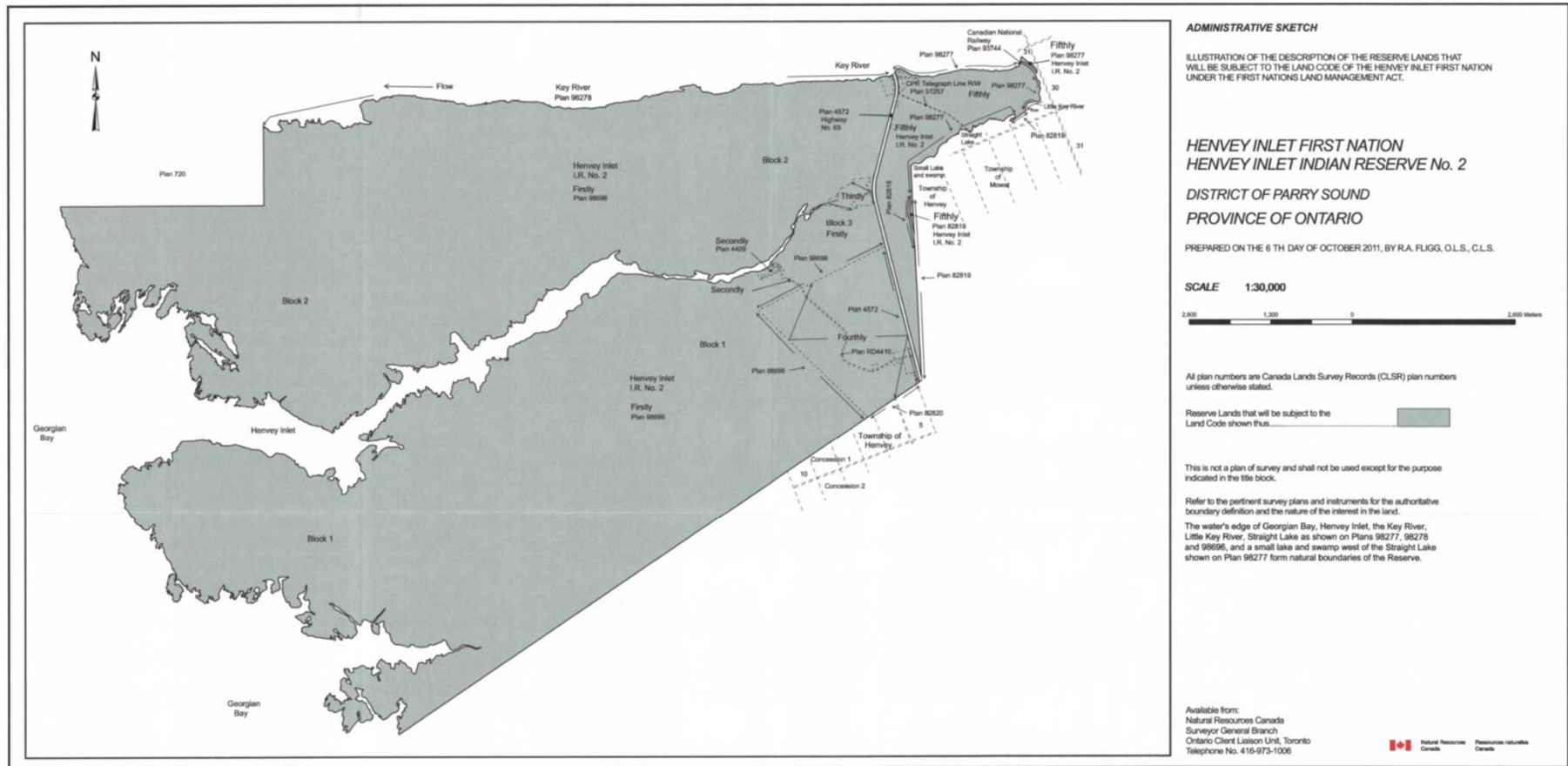


Notes

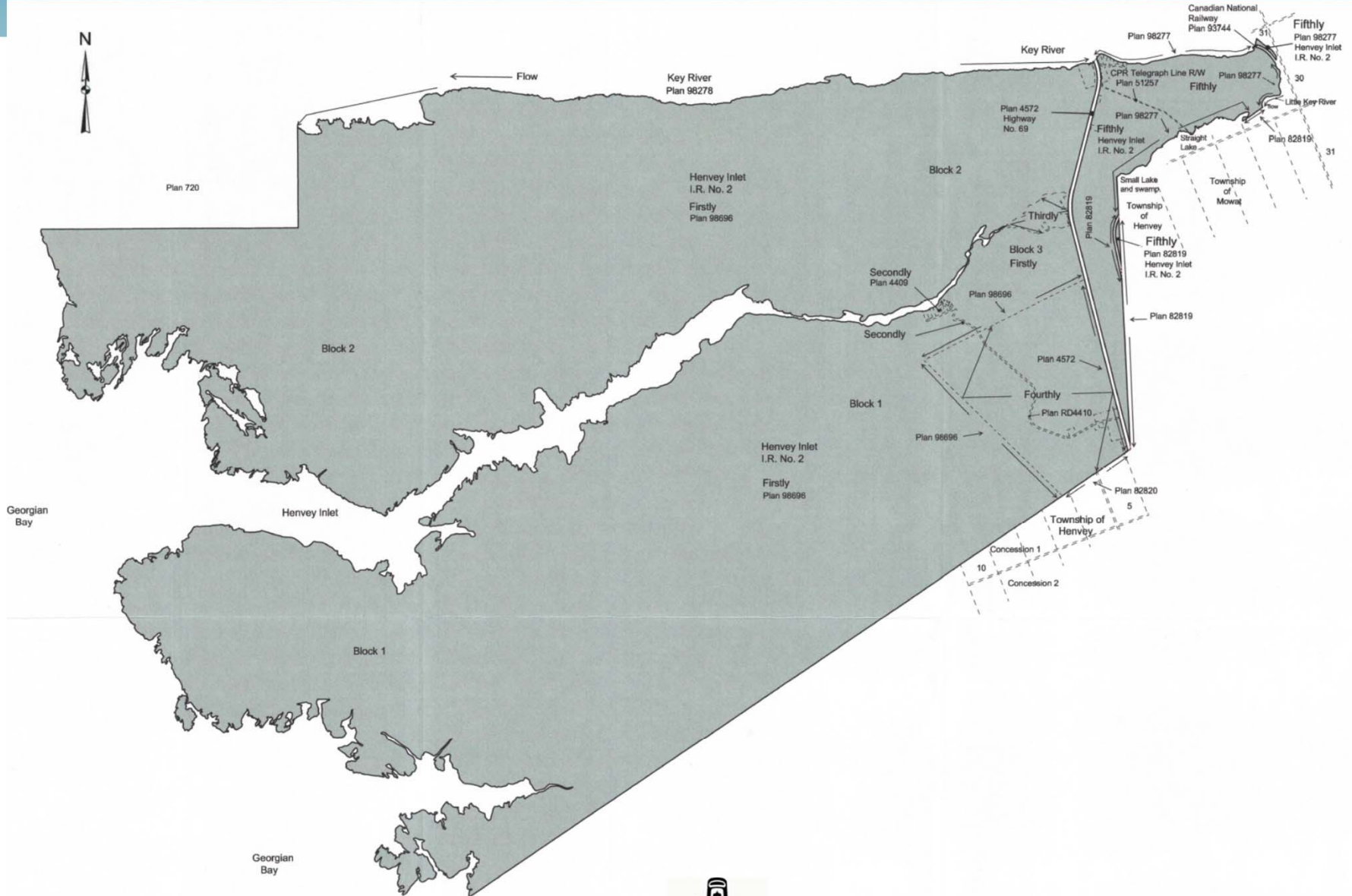
1. The Administrative Sketch in Section 4, illustrates this legal description
2. Refer to the pertinent survey plans and instruments for the authoritative boundary definition and the nature of the interests in the land.
3. The waters edge of Georgian Bay, Henvey Inlet, the Key River, Little Key River, Straight Lake, and part of a small lake and swamp west of Straight Lake shown on Plans 98696, 98277 & 98278 CLSR form natural boundaries of the Reserve.
4. The extent of Oil and Gas rights are not dealt with in this report.
5. The extent of mines and minerals are not dealt with in this report.



Land Description:



Land Description:



Land Description:

Natural Resources Canada / Ressources naturelles Canada

Surveyor General Branch *Beyond Boundaries*

Land Description for
Henvey Inlet Indian Reserve No. 2
Henvey Inlet First Nation
Prepared under First Nations Land Management Act (S.C. 1999, c.24)

CANADA LANDS SURVEYS RECORDS
FB 40789
Date: August 5, 2015

Plan of Subdivision
Part of Lot XVII Front Range
Township of Ross
County of Ontario

sgb.nrcan.gc.ca

Canada



Land Description:

Legal Description Report

For

Henvey Inlet Indian Reserve No. 2

Henvey Inlet First Nation

Province Of Ontario

Prepared Under
First Nations Land Management

Prepared On: January 10, 2014

Note: The previous report for this Reserve was an interim report prepared on June 28, 2012 and recorded on July 6, 2012 as FB 39375. FB 39375 was based on existing plans of survey whereas it had been determined that new plans of survey were required to provide an accurate determination of the extent of the Reserve lands. This description captures the new survey plan and subsequent approvals from Henvey Inlet First Nation and the Aboriginal Affairs and Northern Development Canada Ontario Regional office.



Land Description:

Section 3: Legal Description Henvey Inlet Indian Reserve No. 2

Legal Description of the extent of Reserve Lands that will be subject to the Land Code of the Henvey Inlet First Nation under the First Nations Land Management Act.

Reserve Lands within the District of Parry Sound, Province of Ontario, Canada, described as follows:

Comprised of the following Lands:

All of Henvey Inlet Indian Reserve No. 2 shown on Plan 102527 Canada Lands Surveys Records (CLSR).

Total lands, excluding mines and mineral, containing 8,867 hectares (21,911 acres) more or less



Land Description:

