



August 28 – afternoon Agenda:

- 1) Part D – Differences between “Approved” & “Confirmed”**
- 2) Part E – What type of plan do I need for my transaction?**
- 3) Part F – Process of a Survey Plan & Roles of the Parties**



Review of Survey Plan Types:

PART D:

What are the differences between “Approved” and “Confirmed” on survey plans?



Review of Survey Plan Types:



Section 31 / Administrative Plan:

Administrative plans

31 The Surveyor General may, for administrative purposes, make such plans of public lands as the Surveyor General deems expedient, but plans made under this section need not be confirmed under section 29 or sent to a registrar under section 30.



Review of Survey Plan Types:

PLAN OF SURVEY OF LOTS 18(ROAD),
19, 20 AND 21

AITCHELITCH INDIAN RESERVE NO. 9

NEW WESTMINSTER DISTRICT
BRITISH COLUMBIA

Digitally signed by
Brebner, Andrew
Date: 2018.08.13
'14:45:34 -06'00

Department of Natural Resources
Surveyor General Branch
Section 31, Canada Lands Surveys Act

APPROVED

Manager, Cadastral Services
West & North

Approval
by the Surveyor
General Branch



Review of Survey Plan Types:



Section 29 / Official Plan:

Confirmation

(3) The Surveyor General shall indicate his **confirmation** on the plans, if he is satisfied that the survey has been carried out in conformity with this Act and that the survey and plans are satisfactory to the minister of the department of the Government of Canada or the Commissioner administering the Canada Lands in respect of which the survey was made.

Effect of confirmation

(4) On confirmation by the Surveyor General, the plans shall be deemed to be **official plans** under this Act.

Confirmation of plans

(5) **No survey** of Canada Lands under this Part **shall be deemed to be completed until the plans thereof have been confirmed under this section.**



Review of Survey Plan Types:



PLAN OF SURVEY OF PART OF THE EXTERIOR BOUNDARIES OF CHEHALIS INDIAN RESERVE NO. 5

NEW WESTMINSTER DISTRICT
BRITISH COLUMBIA

Digitally signed by
Brebner, Andrew
Date: 2017.07.10
'12:32:02 -06'00

Department of Natural Resources
~~Surveyor General Branch~~
Section 29, Canada Lands Surveys Act
CONFIRMED
Manager, Cadastral Services
West & North

Confirmation
by the Surveyor
General Branch



Part E

Determining What Type of Survey Plan to Use for a proposed transaction

“Do you have the right tool for the job?”



Interdepartmental Letter of Agreement:

Interdepartmental Letter of Agreement:

- between INAC and the SGB
- ...prescribes which survey plan products to use for specific types of land transactions involving Reserve lands.

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

1.0 DEFINITIONS

"**Administrative Plan**" refers to a survey plan which is approved pursuant to Section 31 of the CLSA. As a general rule, Administrative Plans will be used for all new internal subdivisions or other surveys related to internal interests in Reserve Lands.

"**Agreement**" refers to this Interdepartmental Letter of Agreement.

"**CLSA**" refers to the *Canada Lands Surveys Act [R.S.C. 1985, c. L-6]*.

"**CLSR**" refers to the Canada Lands Surveys Records in Ottawa

"**Exclusive Use**" refers to an interest in land of an exclusive nature such as a Band allotment, or lease and sub-leases.

"**Exclusive Use Parcel**" is a closed polygon of land, with a unique descriptor, used or intended to be used to describe the extent and location of an Exclusive Use interest in the land. Generally, these parcels are shown on a Plan of Survey.

"**Non-exclusive Use**" refers to an interest in land for a limited purpose such as an access right-of-way or permit for a specific use. A Non-exclusive Use interest does not sever or subdivide the Exclusive Use Parcel on which it is situated.

"**Non-exclusive Use Parcel**" is a closed polygon of land used to describe a Non-exclusive Use interest in land such as a right-of-way, easement, permit, or any other limited interest. A Non-exclusive Use Parcel does not sever or subdivide the Exclusive Use Parcel on which it is situated. Generally these parcels are shown on an Explanatory Plan.

"**Official Plan**" refers to a survey plan which is confirmed pursuant to Section 29 of the CLSA. As a general rule, Official Plans will be used for the survey of jurisdictional boundaries of Reserve Lands or parcels which will create a jurisdictional boundary once a land transaction has been completed.

"**Registry**" includes the Indian Lands Registry System, the First Nations Lands Registry System and the Self-Government Lands Registry System as applicable.

"**Reserve Lands**" refers to surrendered lands or a reserve, as those expressions are defined in the *Indian Act [R.S.C. 1985, c.I-5]*, other than reserve lands described in



Interdepartmental Letter of Agreement & Chart A:

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)

4.10 Transactions recorded in the First Nations Land Registry or a registry created by Self-Government Land Registry will contain an adequate land description as specified in regulations specific to those registries. In the absence of an agreement specifying survey requirements for transactions filed in these registries, Chart A in Section 10.0 will be applied.



Chart A - Guideline for minimum Land Description Requirements

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>)



Interdepartmental Letter of Agreement & Chart A:

Department of Natural Resources Canada
APPROVED FOR RECORDING IN THE C.L.S.R.



Feb 1 1999

Blair Smith, B.C.L.S., C.L.S.

Date

Head, BC Client Liaison Unit

Legal Surveys Division



Chart A - Guideline for minimum Land Description Requirements

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>)



Chart A - Guideline for minimum Land Description Requirements



III DISPOSITION OF RESERVE ^{note 3}	
a) Surrender of Parcel	Plan of Survey (Official Plan)
b) Highway / Right of Way Transfer ^{note 4}	Plan of Survey (Official Plan)
IV EXCLUSIVE USE	
a) Allotment of land ^{note 5}	Plan of Survey (Administrative Plan)
b) Lease of land for longer than 10 years ^{note 6}	Plan of Survey (Administrative Plan)
c) Lease of building unit for longer than 10 years	Plan of Building Unit(s) (Administrative Plan)
d) Lease of land for 10 years or less ^{note 7}	Explanatory Plan (Administrative Plan)
e) Lease of building unit for 10 years or less	Textual Description
f) Interest in Airspace	Plan of Airspace Parcel(s) (Administrative Plan)
V NON-EXCLUSIVE USE	
a) Permit or License ^{note 7}	Explanatory Plan (Administrative Plan)
b) Utility Permit over unencumbered lands	Textual Description
c) Utility Permit over encumbered lands	Explanatory Plan (Administrative Plan)
d) Access Agreement (Access Right of Way) over Allotted or Leased lands	Textual Description
e) Agricultural Permits	Land Use Area Plan (Administrative Plan)

Official Plan
(Section 29)

Administrative Plan
(Section 31)

Textual Descriptions
(no plan)*



Interdepartmental Letter of Agreement & Chart A

• Things to consider:

- Type of transaction
- Length of transaction *(if applicable)*
- Can an existing survey plan be used?
 - Confirm with FNLRS Registry

Once the Survey Plan has been recorded in the CLSR, you need to update the title for that parcel in order for the new survey plan to apply to the parcel.



Part F

The Process for an Administrative Plan and the Roles of the Parties



Part F: Process of an Admin. Plan and Roles of the Parties

Example:

- Allocate a parcel of land to a Member
- No existing survey plan can be used

1. Determine the type of Survey plan required for the transaction from “Chart A”



Plan of Survey (Administrative Plan)



Part F: Process of an Admin. Plan and Roles of the Parties

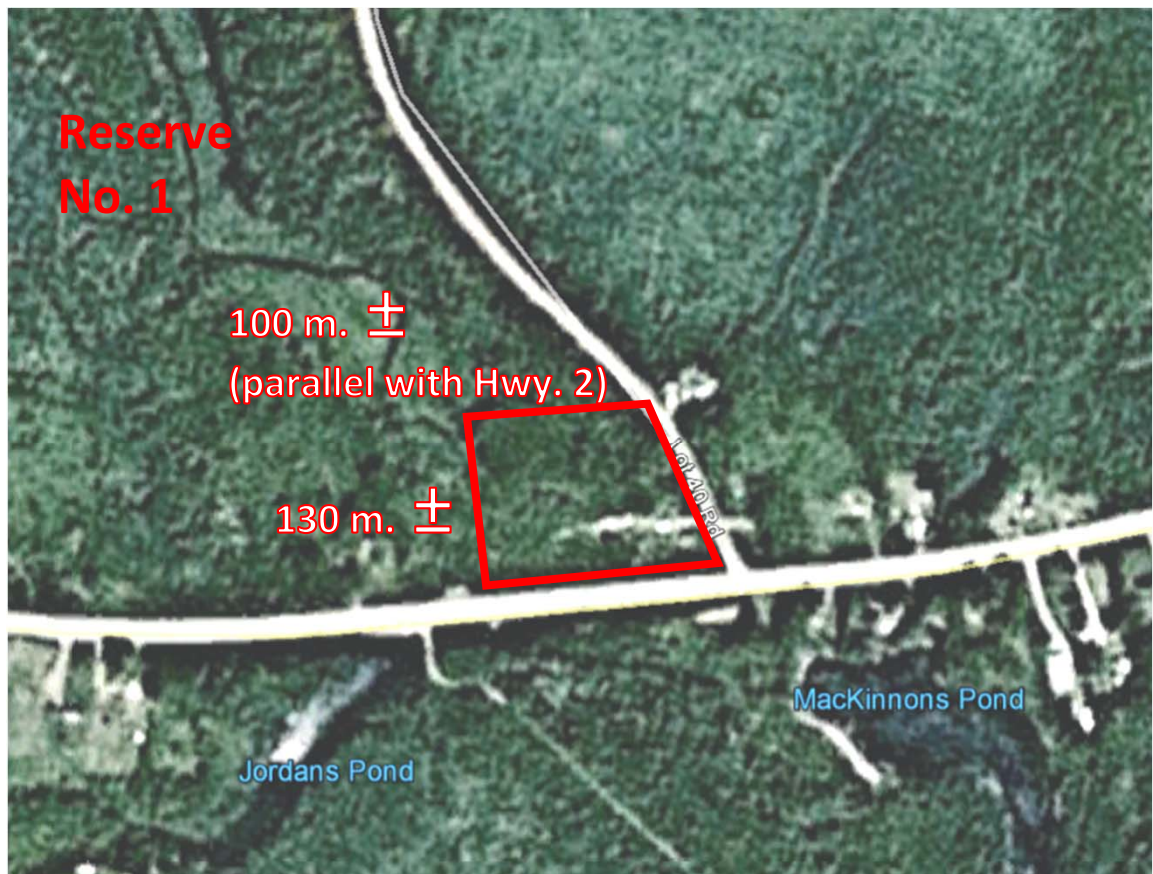
2. Prepare the documentation to obtain an estimate for this survey:

- Sketch of the area to be surveyed**



Sketch:

- Specify the location of the proposed survey
 - If an existing survey plan cannot be used for the sketch; other documents (such as a snapshot from Google Earth, as shown here) can be used.
- Approximate distances (\pm) should be noted or a description of the area to be encompassed by the survey should be noted on the sketch.



Part F: Process of an Admin. Plan and Roles of the Parties

2. Prepare the documentation to obtain an estimate for this survey:

✓ **Sketch of the area to be surveyed**



Land Status Report



Land Status Report:

Specify the location of the survey (the name of the Reserve and the First Nation)

- The present land status?
- Encumbrances?
- Proposed Land Transaction?
- Parties to the Proposed Transaction?
- Pending Transactions?

****A Land Status Report is no longer a “requirement” in the process, but it still should be done to ensure proper due diligence in this process (for both the First Nation and the Surveyor)***

Samples are included in the Land Governance Manual:

<https://labrc.com/resources/land-governance-manual/>

LAND STATUS REPORT	
Prepared for: (Surveyor)	Prepared by:
Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____	Phone: _____
eMail: _____	eMail: _____
Indian Reserve: _____	Band: _____
Land shown in First Nation Land Registry (FNLRS) as:	
Present Land Status is:	
Band Land <input type="checkbox"/> Surrendered/Designated Land <input type="checkbox"/> Individual Land Holding <input type="checkbox"/>	
FNLRS shows lands registered as:	
CP <input type="checkbox"/> # _____, Name: _____	
NE <input type="checkbox"/> # _____, Name: _____	
Cardex <input type="checkbox"/> # _____, Name: _____	
Permit/Lease <input type="checkbox"/> # _____, Name: _____	
Are there any encumbrances such as easements, rights-of-way, mortgages, or unsurveyed roads that affect this land?	
No <input type="checkbox"/>	
Yes <input type="checkbox"/> , Specify: _____	
Proposed Land Transaction	
Will a transaction based on this plan be registered in the FNLRS?	
No <input type="checkbox"/> , Plan will be used for: _____	
Yes <input type="checkbox"/> , Specify: _____	
If used for a lease, specify term length: _____	
Who are the parties to the proposed transaction?	

Are there any pending transactions that might affect this parcel?	
No <input type="checkbox"/>	
Yes <input type="checkbox"/> , Specify: _____	



Part F: Process of an Admin. Plan and Roles of the Parties

2. Prepare the documentation to obtain an estimate for this survey:

- ✓ Sketch of the area to be surveyed
- ✓ Land Status Report
- Timeframe for survey



Part F: Process of an Admin. Plan and Roles of the Parties

3. Contact the Surveyor(s) & request an estimate(s)

For surveys involving interior boundaries, a surveyor has to be commissioned and licenced as a Canada Lands Surveyor (at a minimum). Where the survey involves a common boundary with Provincial lands, the surveyor will also require a provincial survey commission/licence to perform the survey.

Association of Canada Lands Surveyors:
<https://www.acls-aatc.ca>

Click on: Public
Click on: Find a Surveyor in your area
Click on: either the Province on the left side column or on the Province (on the map)

The screenshot shows the ACLS-AATC website. The navigation menu includes: Home, About, What is a CLS?, Indigenous Expertise, Offshore expertise, David Thompson Awards, and Log In. The main content area is titled 'Find a Surveyor' and includes a welcome message: 'Welcome to the ACLS Find a surveyor tool. Use the map below to find a surveyor near you.' Below the text is a map of Canada with provinces and territories labeled: YK, NT, NU, BC, AB, SK, MB, ON, QC, PE, NB, NS, NL. A list of provinces and territories is provided on the left side of the page, with red arrows pointing from the text above to the 'Find a Surveyor' link and the map.



Part F: Process of an Admin. Plan and Roles of the Parties

3. Contact the Surveyor(s) & request an estimate(s)



Review the estimate(s) & Hire the Surveyor



- Agreement in writing?
- Timeframe?
- Who is party to the agreement?
- Communication and expectations?



4. Surveyor requests Survey Instructions from SGB office:

- Permission** to enter the Reserve to conduct the survey
- Sketch** of the area to be surveyed
- Land Status Report
- Type of Survey plan



Part F: Process of an Admin. Plan and Roles of the Parties

5. Field work is completed and (preliminary) Survey plan is prepared :

The *(preliminary)* Survey plan
needs to be reviewed and
approved by the First Nation

- Compare it to the Survey instructions



Part F: Process of an Admin. Plan and Roles of the Parties



Natural Resources
Canada

Ressources naturelles
Canada

Survey Instructions

Project number: 201814001
Issued to: Jane Doe, CLS, OLS

Project Summary

Description:

Survey of Lots 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 / Survey Description

- Plan of Lots 12 and 13 (Road) in Beaver Creek Indian Reserve No. 9

Specific Requirements

Band Liaison: John Smith
Lands Coordinator, Beaver Creek First Nation
lands.coordinator@e-mail.com



Part F: Process of an Admin. Plan and Roles of the Parties

5. Field work is completed and *(preliminary)* Survey plan is prepared:

The *(preliminary)* Survey plan needs to be reviewed and approved by the First Nation

- Survey instructions
- Sketch
- Is this what you asked for?




Part F: Process of an Admin. Plan and Roles of the Parties

6. The Surveyor submits the *(preliminary)* Survey plan and First Nation approval to the SGB:

The SGB will review the plan and accompanying documents

- If the plan meets the legislative requirements (and passes the Survey Document Checklist), the Plan is signed by the SGB Representative & recorded in the **Canada Lands Surveys Records**

Department of Natural Resources RE Section 31, Canada Lands Surveys Act	
APPROVED	
 ANDREW BREBNER, C.L.S. Surveyor General or designate MANAGER CADASTRAL SERVICES Surveyor General Branch	Oct 19, 2016 DATE



Part F: Roles of the Parties

First Nation

- Determine type of survey plan required
- Prepare the required documents (*LSR, sketch, permission, etc.*)
- Hire the Surveyor
- Review & approve the survey plan

Surveyor

- Assist with preparing the documents (*if requested*)
- Submit documents & request the survey instructions from SGB
- Conduct the survey & prepare plan
- Submit plan to the First Nation for their review and approval (*discuss the survey/plan if requested*)
- Submit plan & approval to the SGB

SGB

- Issue the survey instructions
- Provide assistance/advice to the First Nation and Surveyor (*where requested*)
- Review plan & (*if acceptable*) record in the CLSR



Part F: Issues with the Survey?

- What happens if the Surveyor doesn't do what was requested or isn't getting the survey done on time?
- Talk to the Surveyor & refer to the written agreement*
- Contact the Registrar of the ACLS:

<https://www.acls-aatc.ca/public-home/public-protection/>

All complaints must be submitted in writing to:

Association of Canada Lands Surveyors

c/o The Registrar
900 Dynes Rd., Suite 100E
Ottawa ON K2C 3L6

When filing a complaint, you can expect:

- That all complaints will be kept confidential.
- To be informed on the progress of the complaint
- To be notified in writing of any decision
- In all cases, to be treated fairly



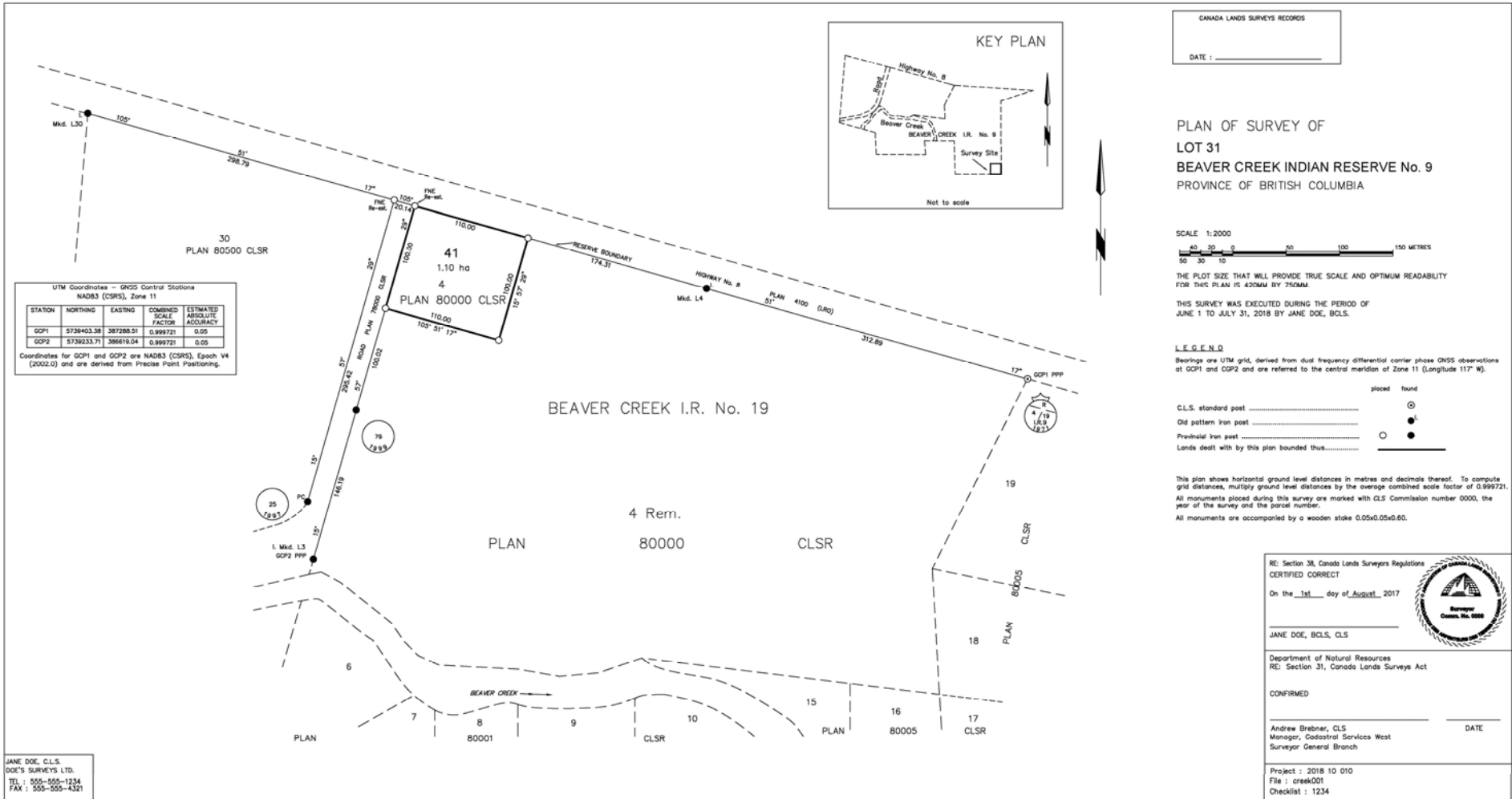
Review of Parts D, E & F:

PARTS D, E & F:

Survey Plan
Review Exercises



Plan 6:



JANE DOE, C.L.S.
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