

# 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:

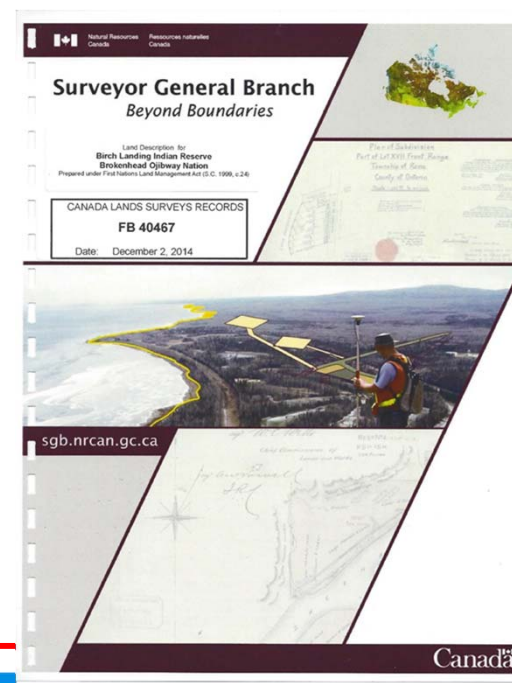
1. SGB Research
2. Boundary Issues
3. Summary & Analysis

\* Research Report is **not** recorded in the CLSR

## 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

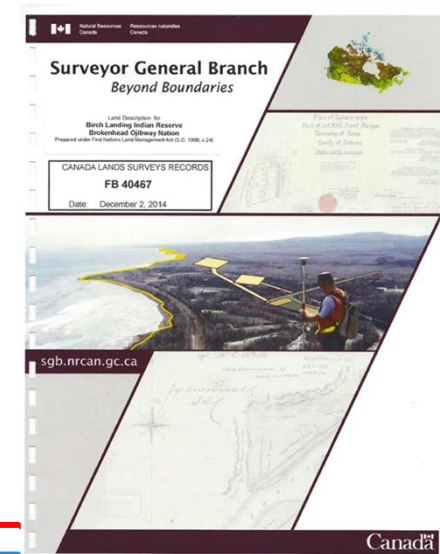
\* Research Report is **not** recorded in the CLSR

## Land Description Report:

Introduction

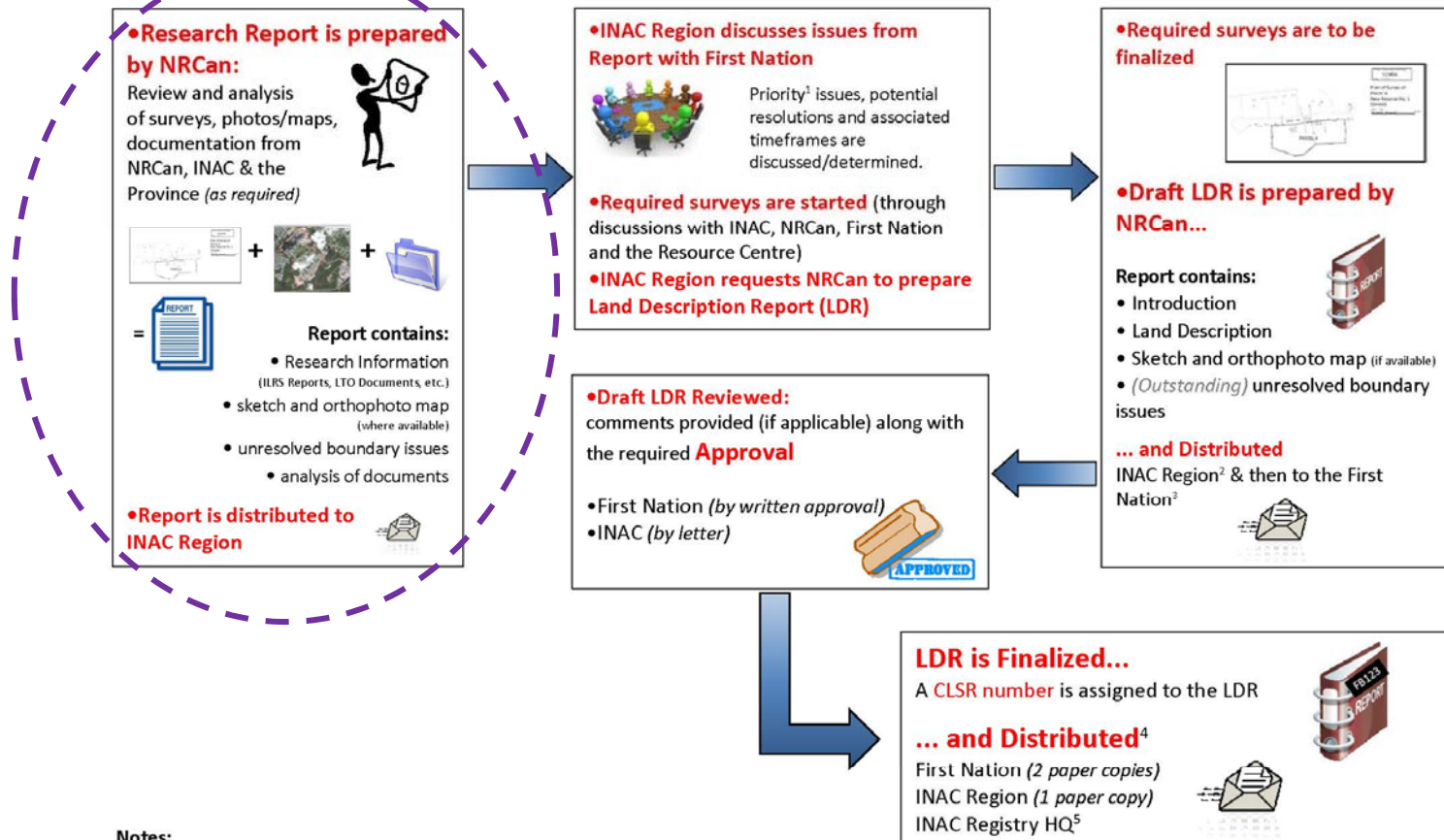
1. Land Description
2. Administrative Sketches & Orthophoto map
3. Additional Items

\*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:

<sup>1</sup> "Priority" in the context of requiring resolution in order to prepare the Land Description Report

<sup>2</sup> INAC Region will notify NRCan when the LDR can be sent to the First Nation

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

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

<sup>5</sup> 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



Priority<sup>1</sup> 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

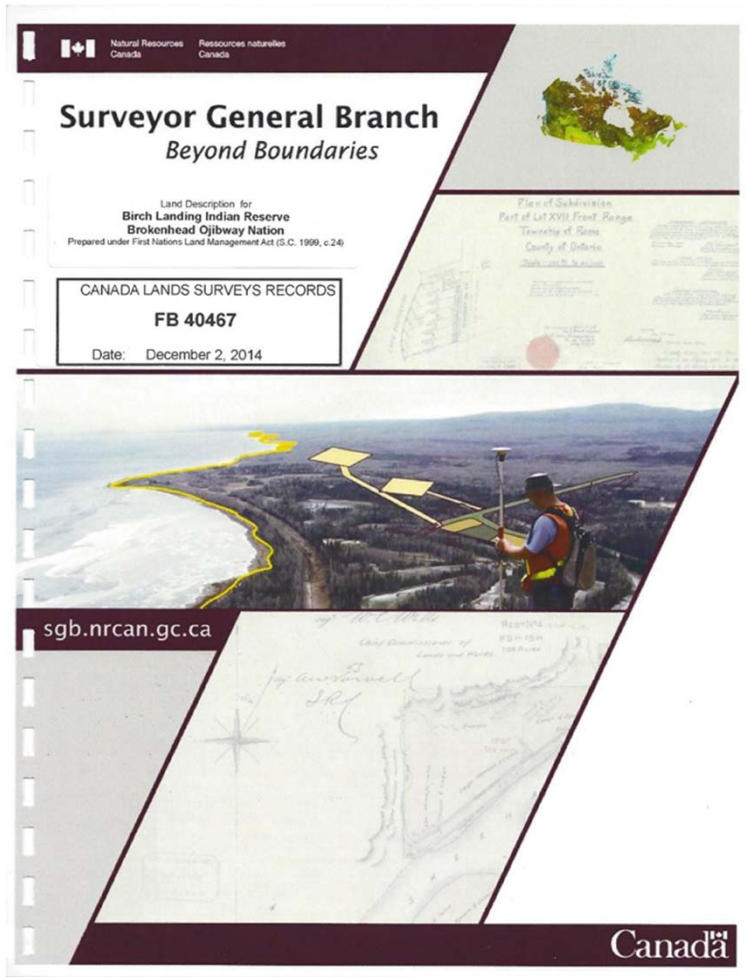


... and Distributed

INAC Region<sup>2</sup> & then to the First Nation<sup>3</sup>



# 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



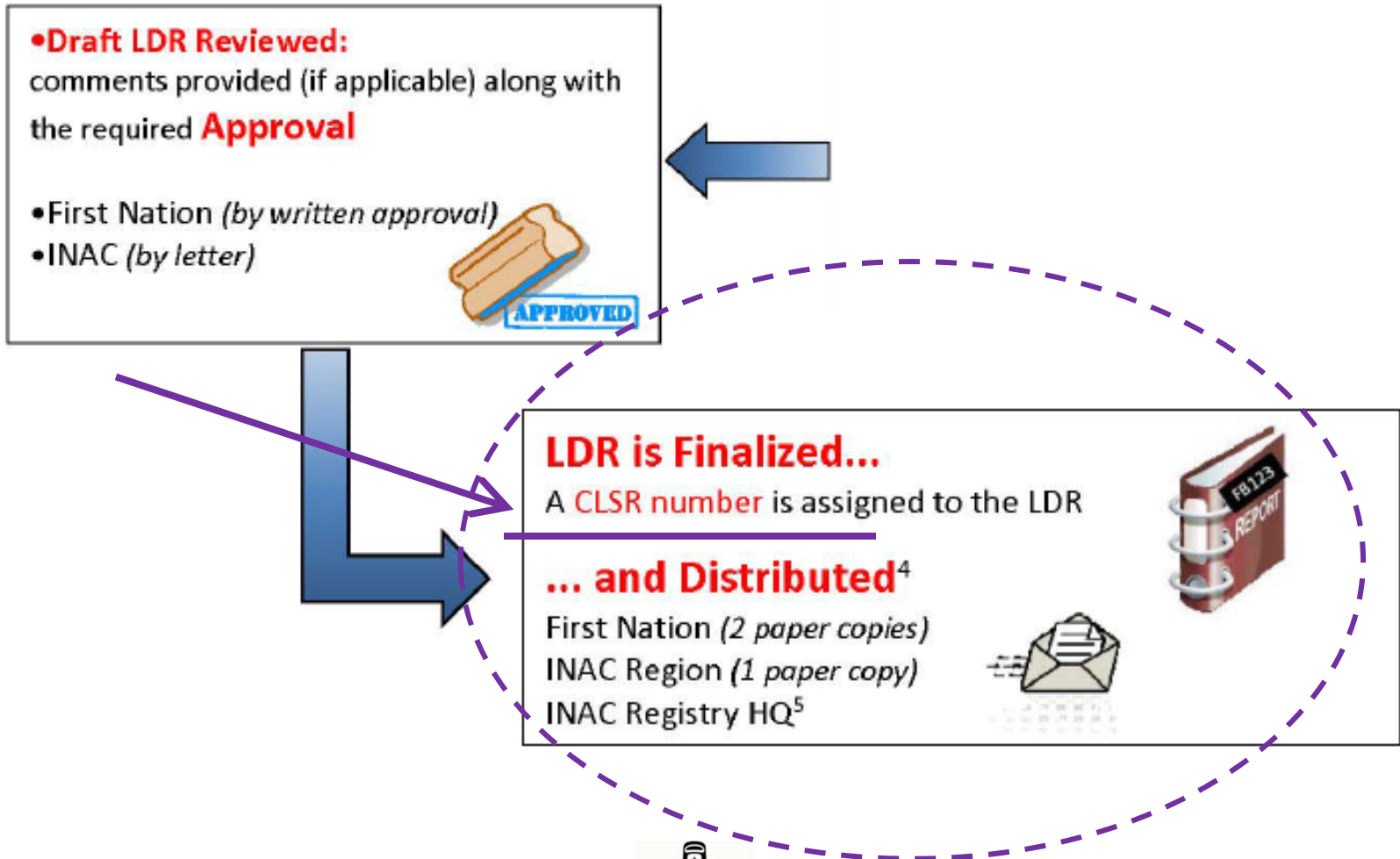
# Land Descriptions:

## 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

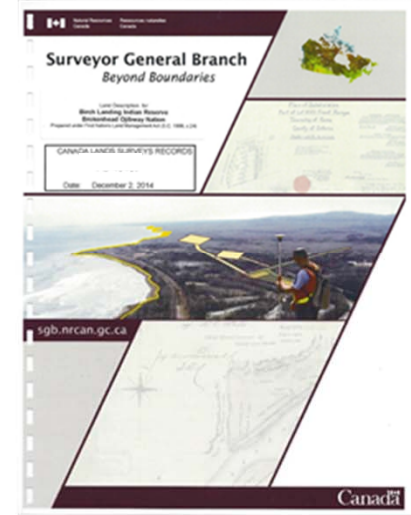
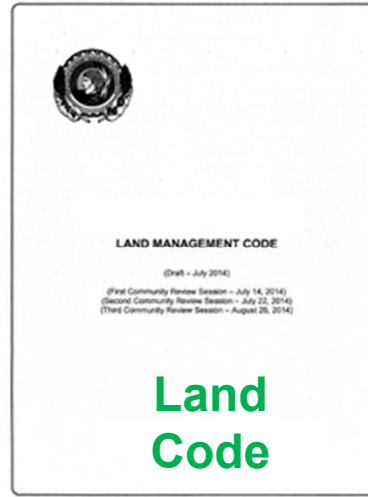


# Amending Land Descriptions:

- 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

