

## 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.**



- 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*)<sup>1</sup>
- Changes to the Interdepartmental Letter of Agreement (ILA) between Indigenous Services Canada<sup>2</sup> (ISC) and the Surveyor General Branch<sup>3</sup> (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.

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<sup>1</sup> For more information on the Framework Agreement: <https://labrc.com/framework-agreement/>

<sup>2</sup> Indigenous Services Canada (ISC) previously referred to as Indigenous and Northern Affairs Canada (INAC)

<sup>3</sup> The Surveyor General Branch (SGB) of Natural Resources Canada (NRCan)

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To help address the “Approvals and Registration of Survey Plans” Cost Drivers, the following items were suggested by the Survey Cost Study:

### 1. INTERDEPARTMENTAL LETTER OF AGREEMENT (ILA)<sup>4</sup>

Participation and input from those stakeholders directly affected by changes to plan approvals and the recording process, should be part of any amendments to the ILA. *Both First Nations and surveyors need to be aware of and understand the ILA and its contents*, as stated in the ILA it identifies the “appropriate methods of describing lands when land descriptions are required for executing and/or registering land transactions in the Registry<sup>5</sup>. 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.”

Registration Plans were phased out in the new ILA (effective January 5, 2015) and were replaced by a “**Plan of Survey**”. Registration plans were submitted by the surveyor to the local SGB office, and then approved by the First Nation and Regional ISC Officer. However, a **Plan of Survey**, is now approved by the First Nation only, prior to the surveyor submitting the plan to the on-line plan submission website (MyCLSS). The Regional ISC Officer may become involved, where a plan approval has been delayed for more than 30 days (for Reserve lands managed under the *Indian Act*).



### 2. MENTORING

Participation in local programs can support other Land Managers that may not be as familiar with the process. Experienced Land Managers or local surveyors could participate in training programs or one-on-one training for First Nation's that may not be as familiar with the survey process.

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<sup>4</sup> A copy of the most recent ILA can be downloaded at:

<http://clss.nrcan.gc.ca/clss/surveystandards-normesdarpentage/agreements>

<sup>5</sup> ILRS (Indian Land Registry System) | FNLRS (First Nation Lands Registry System)

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*“Data from the study has shown a wide range in training and experience among Land Managers.*

*Insufficient training of Land Managers can lead to inefficiencies and potential higher costs of Legal Surveys.”*

The Association of Canada Lands Surveyors (ACLS)<sup>6</sup> can provide assistance to identify licenced local surveyors. The ACLS is also developing additional resources/toolkits with regards to the survey process.

In addition, the Resource Centre<sup>7</sup> and NALMA<sup>8</sup> offer training sessions on surveys. *Refer to each organizations website for further information.*

### 3. RELATIONSHIPS

Once a relationship between a First Nation and a surveyor has been established, most surveys can be completed and approved more efficiently as the surveyor would be familiar with the First Nation’s survey process, parties to be involved, what the First Nation is requesting and their approval process.

*The establishment of these relationships provides a First Nation with a sense of trust for the surveyor and his/her work, especially when the approval of the plan is being requested.*

In turn, the surveyor needs to ensure that they can conduct and complete the work within the agreed to timeframe and budget, or to communicate and rationalize necessary changes in a timely manner. In the unfortunate event that there are issues, delays or concerns that a First Nation is unable to resolve with the surveyor, the ACLS can be contacted<sup>9</sup> to assist in resolving the issue.

### 4. DOCUMENTED PROCESSES

Processes for a survey (from the initial request to the approval of the plan) should be documented. The process could also identify contacts, specific internal processes, contract requirements and payment of services.

It was noted in the “Survey Cost Study” by a Lands Manager that “plan registration times and parcel transfer times are considerably longer than in the provincial system, which affects their commercial dealings.”

*By documenting processes, time delays in the project start and plan approval could be minimized which enables the finalization (recording) of the plan in a quicker timeframe.*

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<sup>6</sup> ACLS – Association of Canada Lands Surveyors: <https://www.acls-aatc.ca/>

<sup>7</sup> Resource Centre – First Nations Land Management Resource Centre <https://labrc.com/resources/>

<sup>8</sup> NALMA – National Aboriginal Lands Managers Association <https://nalma.ca/>

<sup>9</sup> Refer to <https://www.acls-aatc.ca/public-home/public-protection/> for further information.

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By having a documented process, clarity can be provided for:

- Those who may initiate a survey on behalf of the First Nation, and provide permission to enter the Reserve for the survey (i.e. a Band Member, anyone who works on behalf of the First Nation, Chief and Council, etc.)
- required searches of internal records: some First Nation's may have internal records that contain valuable information that is needed for the survey. By having a documented process, the searching of these internal records would be part of the First Nation's regular survey process, which could assist in avoiding delays, additional work required of the surveyor, and potential rejections of the plan by SGB or ISC.
- the process to have the plan explained and/or presented once the field work is complete:
  - reviewing the boundaries on the ground – this can be done during the field work and/or upon completion of the field work
  - explaining the survey to Chief and Council, Land Managers and Band Member's
  - how copies of the plan are to be provided (digital or hard copy)
- who may provide approval of the plan and the format of the approval:
  - Band Council Resolution
  - Letter from the Land Manager, interest holder, etc.



It may be helpful for a First Nation to have form letters/documents prepared for survey requests, permission and approvals, where only the project specifics need to be uploaded to the document, to ensure a quicker turnaround.

In addition, pamphlets or informative brochures of the First Nations survey process could be prepared and made available to Band Members and/or interest holders or developers. This would ensure that everyone knows the requirements, roles and processes required for a survey.

Where necessary, a First Nation managing their lands and resources through their Land Code, can pass laws to ensure that their survey processes are followed by all stakeholders, surveyors, SGB, etc. The Resource Centre can be contacted to further discuss the development of policies or laws relating to surveys on Reserve lands managed under a Land Code.



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### 5. INFORMATION/LINKS

The SGB has several sources of information that may be of use in knowing where a plan is in the process, downloading a copy of the finalized plan, obtaining a copy of the current National Survey Standards or ILA, etc.

- **Survey Project and Plan Search Websites:**  
<http://clss.nrcan.gc.ca/clss/project-projet/search-recherche> for survey projects in the plan review process **AND**  
<http://clss.nrcan.gc.ca/clss/plan/search-recherche> for survey plans once they are finalized and recorded in the Canada Lands Surveys Records (CLSR).
- **Canada Lands Survey System Map Browser:**  
<http://clss.nrcan.gc.ca/map-carte-eng.php> for searching plans (by a geographical area) that have been finalized in the CLSR, or to see “surveys in progress”.
- **Natural Resources Canada Publications:**  
<http://www.nrcan.gc.ca/earth-sciences/geomatics/canada-lands-surveys/publications/11088> for National Standards<sup>10</sup> for the Survey of Canada Lands; Regional Chapters, Water Boundaries on Canada Lands (survey principles focusing on water boundaries).



Any assistance or information that a First Nation may require in using the SGB websites, can be obtained through contacting the local SGB Regional office: <http://www.nrcan.gc.ca/earth-sciences/geomatics/canada-lands-surveys/surveyor-general/11070>

<sup>10</sup> Technical standards that apply to surveys on Canada Lands

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### 6. AGREEMENTS

A written contract or agreement between the proponent (Band or Member) and surveyor provides for a mutual understanding with the surveyor, as to what is being requested and when payment for services will be rendered. This can be described in a contract, letter or some other written correspondence.

*It is important that both parties are of the same understanding of the scope of the project, cost, timeframe and payment.*

Any changes, deviations or misunderstandings of the scope of work, can increase cost and the project timeframes.



Photo Courtesy of Kim Stallknecht & McElhanney Consulting Services Ltd.

*“While good communication is important to the outcome of a survey project, efficient communication is important to the overall cost...poor communication on the scope of work means extra work for the surveyor”*