

ATTACHMENT K – SURVEYS

**NOTE:**

- INSERT – Roles and Process for an Administration (Section 31) Survey Plan (1 page)
- INSERT – Interdepartmental Letter of Agreement (10 page)

**Note regarding terminology**

**This letter comes from an official site. All references to an “interest in land” should be read as references to interest/land right (QC).**

**REQUEST FOR SURVEY - Sample**

LOGO		First Nation <b>REQUEST FOR SURVEY</b>	For Internal Use Only:		
<b>PART ONE: TO BE COMPLETED BY THE APPLICANT</b>					
LOT NO.:	PLAN NO.:	RESERVE NAME & NO.:			
APPLICANT'S NAME:					
MAILING ADDRESS:		POSTAL CODE	PHONE:		
NAME OF CURRENT LOCATEE(S):			HELD UNDER CP NO.:		
THIS DESCRIPTION WILL BE USED IN THE FOLLOWING TYPE OF LAND TRANSACTION:					
<input type="checkbox"/> UPDATE OF EXISTING TITLE	<input type="checkbox"/> ALLOTMENT	<input type="checkbox"/> TRANSFER	<input type="checkbox"/> LEASE	<input type="checkbox"/> PERMIT	<input type="checkbox"/> LICENCE
FROM:					
TO:					
APPLICANT/LOCATEE(S) ACKNOWLEDGE THAT IF HE/SHE MAKES ANY CHANGES TO THE SURVEY REQUEST THAT ALTERS THE ORIGINAL COST OF SURVEY, THE APPLICANT WILL PAY THE ADDITIONAL CHARGES.					

SIGNATURE OF LOCATEE(S):	APPLICATION DATE:

ONCE PART ONE HAS BEEN COMPLETED PLEASE RETURN TO THE LAND GOVERNANCE OFFICE FOR PROCESSING:  
ADDRESS / PHONE / FAX

**PART TWO:** TO BE COMPLETED BY LANDS OFFICE (attach copies of abstract and any relevant plans, sketches, descriptions, etc.)

CONFORMS TO LAND USE PLAN <input type="checkbox"/> YES <input type="checkbox"/> NO	POSSIBLE ENCROACHMENTS/CHARGES (QC) <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER PENDING TRANSACTIONS <input type="checkbox"/> YES <input type="checkbox"/> NO
OTHER ENCUMBRANCES/CHARGES (QC) <input type="checkbox"/> YES <input type="checkbox"/> NO	ABSTRACT & SKETCH ATTACHED <input type="checkbox"/> YES <input type="checkbox"/> NO	LAND STATUS REPORT <input type="checkbox"/> YES <input type="checkbox"/> NO

SURVEYING COSTS TO BE PAID BY:       LOCATEE       DEVELOPER       PURCHASER       FIRST NATION AS PER POLICY

COMMENTS:

APPROVAL BY LANDS MANAGER: \_\_\_\_\_ DATE: \_\_\_\_\_

**PART THREE:** TO BE COMPLETED BY FIRST NATION PUBLIC WORKS

ACCESS NO <input type="checkbox"/> YES <input type="checkbox"/> NO	UTILITY OR THIRD PARTY EASEMENTS/SERVITUDES (QC) <input type="checkbox"/> YES <input type="checkbox"/> NO	SERVICING REQUIREMENTS <input type="checkbox"/> YES <input type="checkbox"/> NO
ZONING NO <input type="checkbox"/> YES <input type="checkbox"/> NO	ROAD DEDICATION <input type="checkbox"/> YES <input type="checkbox"/> NO	CONSTRUCTION REQUIREMENTS <input type="checkbox"/> YES <input type="checkbox"/> NO

COMMENTS:

APPROVAL BY DIRECTOR OF PUBLIC WORKS: \_\_\_\_\_ DATE: \_\_\_\_\_

**PART FOUR:** TO BE COMPLETED BY FIRST NATION PROPERTY MANAGEMENT

DCC'S NO <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
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NO <input type="checkbox"/> YES <input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
COMMENTS: <hr/> <hr/> <hr/> <hr/>		
APPROVAL BY DIRECTOR OF PROPERTY MANAGEMENT:	DATE:	

**SAMPLE WORDING FOR GRANTING PERMISSION FOR THE SURVEYOR TO ENTER THE FIRST NATION RESERVE LAND TO CONDUCT A SURVEY**

WHEREAS it has been determined that a survey of (the description/area to be surveyed) is required on the (name of the Reserve) to (the purpose/type of transaction),

AND WHEREAS the survey is to be contracted out to (name of surveyor and company) and the resulting survey plan will be subject to the \_\_\_\_\_ First Nation's review and approval,

THEREFORE BE IT RESOLVED that the Chief and Council of the \_\_\_\_\_ First Nation hereby grants permission for (name of surveyor and company) to enter the (name of the Reserve) to conduct the above-mentioned survey.

**NOTE:**

- INSERT - Samples of Sketch

## ENCUMBRANCE/CHARGES (QC) CHECKLIST - SAMPLE

<b>File Number</b>	
<b>Band Name/Reserve Name</b>	
<b>Proposed Transaction &amp; Land Description (include survey or sketch plan)</b>	
<b>Parties to Proposed Transaction</b>	
<b>Name of Requester</b>	

**PLEASE BE AWARE THAT ERRORS AND OMISSIONS MAY OCCUR WITH ALL INFORMATION SOURCES USED. BE ACCURATE AND THOROUGH AS MUCH AS POSSIBLE AND CROSS CHECK. IF YOU FIND ANY DISCREPANCIES IN THE FNLSR OR SURVEY RECORDS, PLEASE BRING IT TO THE ATTENTION OF THE LANDS REGISTRAR.**

What to do next....	Y	N	N/A	Comments/Description
<b>(checked)</b>				
<b>I. REVIEW FILE</b>				
a. Review file that request was classified on.				e.g. E5643-Reserve #-Lot # for leases, E5600-7- for designations, E5670- for roads, etc.
b. Check to see whether information on request form is adequate to locate area of proposed project.				If no, contact requester for more detailed land description and a sketch of the area.
<b>II. REVIEW PLAN</b>				
a. Check e-RIP, NRCAN RIP and Google Earth - if there is one for the reserve. Use legend for visual evaluation of encumbrances/ <b>charges (QC)</b> .  <u>Note:</u> e-RIP may not always be accurate as it is a visual representation of FNLSR information. Errors in FNLSR are replicated on e-RIP. E-RIP's are no longer updated.				NRCAN: <a href="http://class.nrcan.gc.ca/advancedplansearch-rechercheplanavance-eng.php">http://class.nrcan.gc.ca/advancedplansearch-rechercheplanavance-eng.php</a>  Contact NRCAN for assistance.  Archived Nrcan e-Rips re an invaluable source of information for research purposes as they show approximate location of cardexes where E-Rips may not.
b. Has subject area been surveyed? Does survey show a different legal description than on request?				If Yes, check FNLSR to see if transaction was approved and registered in FNLSR.  <b>If No and there is/are un-surveyed interest(s)/<b>land rights (QC)</b> (cardex) in that area of the reserve, ask NRCAN/or LABRC to provide a sketch showing the location and dimensions of the un-surveyed parcel(s).</b>

What to do next....	Y	N	N/A	Comments/Description
<p>c. Check whether lot or proposed survey has access to and from public road. If not, is there a R/W Agreement in place?</p> <p>- Yes    - No</p>				Most transactions require access.
<b>III. REVIEW RESERVE GENERAL REGISTER</b>				
<p>a. Print Reserve General Abstract.</p> <p><i>Note: If the land in question has already been described by a survey plan and a PIN exists in FNLRS, it may be sufficient to check the Reserve General for encumbrances/charges (QC) from the date of the last transaction on the Parcel Abstract. USE YOUR JUDGEMENT.</i></p>				From FNLRS – Reserve General Abstract report.
<p>b. Review all registered instruments and highlight the ones located near the proposed project area including un-surveyed instruments such as easements/servitudes (QC), permits, etc. They are potential encumbrances/charges (QC) since their exact location is un-known. List all encumbrances/charges (QC) by registration #.</p> <p><i>Note: Un-surveyed permits/easements/servitudes (QC) for distribution of utilities reflected on the Reserve General are not considered encumbrances/charges (QC) against individual parcels of reserve land. No need to list them by registration no. on the land status report - they are covered by a general statement under Comments.</i></p> <p><i>Note: in some cases, it may be necessary to review, for example, the BC General Abstract as well. Instruments affecting multiple reserves are reflected on this Abstract.</i></p>				Documents can be retrieved from FNLRS.
<b>IV. REVIEW RESERVE PARCEL LAND REGISTER</b>				
<p>a. Generate Parcel Abstract, including former and forwarding PINs if Lot exits in FNLRS. Encumbrances/charges (QC)</p>				From FNLRS - Parcel Abstract Report.



What to do next....	Y	N	N/A	Comments/Description
are often reflected on previous or forwarding PINs. Review for encumbrances/ <a href="#">charges (QC)</a> and list them by registration #.				
<p>b. Print Evidence of Title report. Highlight all un-surveyed individual land holdings and locate them on the e-RIP and NRCAN RIP (marked by red circle) to determine proximity to project area. List those that are located near the proposed project area.</p> <p><i>Note:</i> this step may not always be necessary since NRCAN RIPs are pretty accurate in showing the approximate locations of un-surveyed holdings; e-RIPS not so much at this point. <b>USE YOUR JUDGEMENT.</b></p> <p>If no NRCAN RIP is available for the reserve, make sure you do this step.</p>				From FNLRS Evidence of Title report.
<p>c. If necessary, check all un-surveyed individual land holdings and confirm the location of the parcels with NRCAN. List those that are located near proposed project area.</p>				
<b>V. PENDING TRANSACTIONS</b>				
<p>a. Check with ILH Officer or Lands Clerk for any pending ILH transaction.</p> <p>b. Check with Lands Management Assistant for any other pending transactions.</p>				<p>(allotments, transfers, estates) (assignments, mortgages/<a href="#">hypothecs (QC)</a>, etc.) Check WIP list, which includes:</p> <ul style="list-style-type: none"> <li>○ Band, Reserve, Lessee, Use, Registration No., Surrender or CP holder</li> <li>○ Lot, Plan, Area, File No.</li> <li>○ Term Period</li> <li>○ Rent</li> <li>○ Journal</li> <li>○ Rent Review Due/ Notes</li> </ul>
<b>VI. ADDITIONAL SOURCES OF INFORMATION</b>				
<p><i>Note:</i> the steps below may not be necessary for each encumbrance/<a href="#">charges (QC)</a> check. <b>USE YOUR JUDGEMENT.</b></p> <p>However, for a survey of a designation/leasing project or if the survey is for a First Nation that is involved in the Treaty process, <b>do include</b> these steps as well.</p>				

What to do next....	Y	N	N/A	Comments/Description
a. Check with Environmental Officer (EO) or Phase 1 or 2 ESA's for environmental concerns.				1) contaminated sites tracking system 2) CEAA tracking system 3) if EO is not able to assist, check with First Nation if they are aware of any environmental issues in proposed area.
b. Check with First Nation Property Manager, Maintenance Manager, and Administrator all internal administration departments.				This is a check for infrastructure such as water lines, sewage, etc. You may need to contact the appropriate District Engineer for your First Nation.
c. Check the Provincial Integrated Lands Resource Registry for the existence of roads, trails in the vicinity of the proposed area. BC, or other provinces, may have a claim for some un-surveyed roads/trails. Consult with NRCan and the First Nation.				<a href="http://srmwww.gov.bc.ca/irp/ILRR.htm">http://srmwww.gov.bc.ca/irp/ILRR.htm</a> . User ID and password can be obtained from the Admin. Assistant, Lands or see the Surveys & Land Records Officer.
d. BC One Call Centre 1-800-474-6886 <u>Note:</u> this step is usually not required.				For land encumbrances/ <a href="#">charges (QC)</a> such as power lines, telephone lines.
<b>VII. FILING</b>				
a. PA this checklist on reserve survey file together with Land Status Report.				Forms go to file
b. Save Land Status Report.				Save document distribute along with a cover letter outlining the encumbrances and the associated FNLRS registration numbers

<b>VIII. INTERPRETATION FOR LAND TRANSACTION (IF APPLICABLE)</b>	
<b>Land Governance Director/Land Governance Officer Name and Signature:</b>	<b>Date:</b>



**LAND STATUS REPORT (FOR SURVEYS ONLY) – Sample 1**

LAND STATUS REPORT (FOR SURVEYS ONLY)		File No:
TO: Surveyor	FROM: First Nation Land Governance Office / Manager	
Name:	Name:	
Address:	Address:	
Phone:	Phone:	
Fax:	Fax:	
Indian Reserve:	Band:	
1.	<p><b>Present Land Status</b>  <i>(If more than one parcel is being dealt with, please complete a separate form for each parcel.)</i>                      The land is shown in the Indian Lands Registry as (Lot &amp; Plan Number)</p>	
2.	The present land status is: Band Land <input type="checkbox"/> Surrendered/Designated Land <input type="checkbox"/> I.L.H. <input type="checkbox"/> Not I.R. <input type="checkbox"/>	
3.	The Registry shows the lands are held by:  CP <input type="checkbox"/> # _____ Name _____  NE <input type="checkbox"/> # _____ Name _____  Cardex <input type="checkbox"/> # _____ Name _____  Permit/Lease <input type="checkbox"/> # _____ Name _____	
4.	Are there any encumbrances/ <b>charges (QC)</b> such as easements/ <b>servitudes (QC)</b> , rights-of-way or mortgages/ <b>hypothecs (QC)</b> that affect this land?    No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, please give details and itemize attachments (*see note below):	
5.	Are there any un-surveyed interests/ <b>land rights (QC)</b> in the vicinity of this land? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, please give details and itemize attachments (*see note below):	
6.	Are there any un-surveyed roads that may affect this land? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, please give details:  <i>*Land Encumbrance Reports, Registration Numbers. OCPCs, Permits, etc.</i>	
7.	<p><b>PROPOSED LAND TRANSACTION</b>                      Will a transaction based on this plan be registered in the First Nations Lands Registry?                      No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, what type of transaction is proposed? (Lease, Allotment, Transfer, Permit, etc.)                       If a lease, state length of lease:</p>	
8.	If No, what will the plan be used for?	

9.	Who are the parties to the proposed transaction?
10.	Are there any other pending transactions that might affect this parcel? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, give Details:
11.	<p><b>COMMENTS:</b> STANDARD HYDRO, TELECOMMUNICATION AND/OR GAS PIPELINE PERMITS MAY BE IN PLACE FOR THE ENTIRE RESERVE. SITE INSPECTION FOR UTILITIES DISTRIBUTION LINES IS RECOMMENDED BEFORE COMMENCEMENT OF SURVEY.</p> <p>FOR RESURVEY AND SUBDIVISION OF EXISTING INDIVIDUAL LAND HOLDINGS INSTRUCTIONS RECEIVED IN THE FIELD NEED TO BE CONSIDERED CAREFULLY. IT IS RECOMMENDED THAT THE LANDHOLDER DISCUSS THE PROPOSED TRANSACTION(S) WITH First Nation LANDS MANAGER BEFORE COMMENCEMENT OF SURVEY TO ENSURE IT MEETS THE REQUIREMENTS OF THE INTENDED TRANSACTION(S).</p> <p>ACCESS MAY NEED TO BE SURVEYED/DEPICTED ON PLAN (DISCUSS WITH FIRST NATION LANDS MANAGER).</p> <p>(You may want to give details how the identified encumbrances/<a href="#">charges (QC)</a> will impact the transaction the survey is requested for.)</p>
12.	<p>I have researched the following in the First Nations Lands Land Registry:</p> <p>Reserve General <input type="checkbox"/> Parcel Abstract <input type="checkbox"/> Pending/Received <input type="checkbox"/> e-RIP <input type="checkbox"/></p>
13.	<p>Based on our records, the proposed survey/transaction :</p> <p><input type="checkbox"/> MAY be in conflict with existing registered/unregistered interests/<a href="#">land rights (QC)</a>. Name Interests/<a href="#">land rights (QC)</a>:</p> <p><input type="checkbox"/> WILL be in conflict with existing registered/unregistered interests/<a href="#">land rights (QC)</a>. Name Interests/<a href="#">land rights (QC)</a>:</p> <p><input type="checkbox"/> WILL NOT be in conflict with existing registered/unregistered interests/<a href="#">land rights (QC)</a>.</p>
	<p><b>COMPLETED BY:</b></p> <p>Signature _____ Date: _____ First Nation Land Governance Director (N.B. Expires one year from above date)</p>
	FIRST NATION FILE NUMBER:
	<p>Note: The registration number of all encumbrances/<a href="#">charges (QC)</a> should be noted on the report and additional details, if necessary, can be added to the Comment section. Copies of the Abstracts and copies of the documents don't need to be attached unless requested by NRCan or the Surveyor.</p>

## **INSTRUCTIONS FOR COMPLETING LAND STATUS REPORTS - Sample**

### **RATIONAL**

Before NRCan can issue survey instructions for a survey on Indian Reserve Lands, they need to know the status of the lands to be surveyed and the purpose of the proposed survey. The Interdepartmental Agreement respecting Legal Descriptions of Indian Lands describes 5 different forms of descriptions or plans that may be required for a particular land transaction. As well as these survey products, some surveys are required for purposes that will not result in a transaction being registered in the First Nations Lands Registry.

In addition NRCan must be assured that there is an administrative requirement for the survey and that the proposed survey does not conflict with existing registered interests/[land rights \(QC\)](#). This assurance is obtained by the Land Governance Director signing the form. [\(With the signature by the First Nation Land Manager, this assurance is obtained.\)](#)

The attached “Land Status Report” has been prepared to provide the NRCan with the information they require prior to issuing survey instructions

### **INSTRUCTIONS**

TO The “To” section should be the name and address of the surveyor who will be conducting the survey.

FROM The “From” section should be the address of the First Nation completing this form.

***Note: If more than one registered parcel is involved, a separate report should be prepared for each parcel.***

1. If the lands are registered in the First Nations Lands Registry, please give the lot and plan number or other description that is used in the Registry. Please include a copy of the abstract page and if the description does not refer to a recorded plan, a copy of the description and sketch referred to.
2. If the lands are band land, surrendered or designated lands, Indian Land Holding or not reserve, please indicate on this line. If the lands are designated or surrendered, please provide a copy of the surrender documents.
3. On this line, please give the lot and plan number of the parcel(s) of land to be surveyed. If no lot or parcel numbers exist, use the description that best identifies the lands. Attach a sketch if possible
4. Please give the instrument number and name of the persons holding the registered interest/[land rights \(QC\)](#).

5. If there are rights-of-way, easements/*servitudes (QC)*, mortgages/*hypothecs (QC)* or other encumbrances/*charges (QC)* that affect this parcel, please indicate.
  6. If there are any un-surveyed interests/*land rights (QC)* such as Cardex holdings in the vicinity of the parcel, please indicate.
  7. Please provide details of any un-surveyed roads (check with Department of Highways), old abandoned roads, gazette notices, and highway plans that may show the old road location.
  8. Please indicate if this plan will be used for a transaction to be registered in the Indian Lands Registry and indicate why the plan is required. Please be specific regarding the type of transaction, the length of lease, etc. or if a Section 29 plan is required.
  9. Give the full names of all parties to any proposed transactions.
  10. Are there other transactions pending such as a not yet registered head lease, an unapproved highway right-of-way or an estate settlement that may affect this survey?
  11. Comments...
- 12/13. This section is your certification that you completed the land status report for the proposed survey. It also provides the name of a contact if the surveyor or the NRCan requires further information.

It is suggested that you keep a copy of this form so that you can refer to it when you are requested to approve the final survey plan.

## LAND STATUS REPORT (FOR SURVEYS ONLY) – Sample 2

<b>LOGO</b>	<b>LAND STATUS REPORT</b>	FIRST NATION ADDRESS
<b>PART ONE: PRESENT LAND STATUS</b>		
THE LANDS BEING DEALT WITH ARE KNOWN AS LOT:	PLAN NO.: _____ <input type="checkbox"/> CLSR <input type="checkbox"/> RSBC(R)	RESERVE NAME & NO.:
PRESENT LAND STATUS IS: <input type="checkbox"/> LOCATEE <input type="checkbox"/> FIRST NATION LANDS		
SHOWN IN THE FIRST NATION LANDS REGISTRY AS:		
THE REGISTRY SHOWS THE LANDS HELD BY:		HELD UNDER CP NO.:
ARE THERE ANY REGISTERED ENCUMBRANCES/CHARGES (QC) (EASEMENTS/SERVITUDES (QC), ROW, ETC) THAT AFFECT THIS PARCEL? <input type="checkbox"/> YES <input type="checkbox"/> NO		
IF YES, LIST ENCUMBRANCES/CHARGES (QC):		
ARE THERE ANY UNSURVEYED REGISTERED INTERESTS/LAND RIGHTS (QC) IN THE VICINITY OF THIS PARCEL? <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>COMMENTS:</b>		
<b>PROPOSED LAND TRANSACTION:</b>		
WILL A TRANSACTION BASED ON THIS PLAN BE REGISTERED IN THE FIRST NATION LANDS REGISTRY? <input type="checkbox"/> YES <input type="checkbox"/> NO		
IF NO, WHAT WILL THE PLAN BE USED FOR?		IS IT REQUIRED? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF YES, WHAT TYPE OF TRANSACTION IS PROPOSED? (SPECIFY LENGTH OF LEASE, SUBLEASE, PERMIT, ETC.) <input type="checkbox"/> LEASE TERM: _____ YEARS <input type="checkbox"/> SUBLEASE TERM: _____ YEARS <input type="checkbox"/> PERMIT TERM: _____ <input type="checkbox"/> EASEMENT/CHARGE (QC) (ROW) <input type="checkbox"/> ALLOTMENT/OR TRANSFER OF LAND		
ARE THERE ANY PENDING TRANSACTIONS THAT MIGHT AFFECT THIS PARCEL? <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>COMMENTS:</b>		
<b>CONTACT:</b>		
NAME, LAND GOVERNANCE DIRECTOR / LAND GOVERNANCE OFFICER		PHONE : 000-000-0000
SIGNATURE:		
<b>VERIFICATION: I HAVE REVIEWED THE PROPOSED SURVEY/LAND TRANSACTION AND HAVE SEARCHED THE FIRST NATION LAND REGISTRY RECORDS RELATING TO THE PARCELS AFFECTED BY THIS TRANSACTION. ACCORDING TO THESE RECORDS THE PROPOSED SURVEY/TRANSACTION WILL NOT CAUSE A CONFLICT WITH EXISTING REGISTERED INTERESTS/LAND RIGHTS (QC).</b>		



**NOTE:**

- INSERT - Land Status Report 3