

Frequently Asked Questions

Answers To Some Common Questions From Land Managers About Legal Surveys on Indian Reserves in Canada

For questions not answered on this page, please contact us and we will be happy to assist you.

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1: Why do legal surveys cost so much?

Answer: Depending on the nature and extent of the work, a legal survey may cost anywhere from a few hundred to several thousand dollars. Fees for legal surveys are determined on an individual basis, depending mainly on the amount of time required for the documentary research and the field survey itself.

Many projects are in quite remote areas to reach; resulting in higher travel costs to the survey site, with some projects involving helicopter time.

Prior to engaging a Canada Lands Surveyor, you may wish to ask for an estimate of cost for the legal survey, along with the expected completion dates for field work, and final recording of the plan in the Canada Lands Survey Records.

In any event, the cost of an up-to-date survey is usually one of the best forms of insurance that can be obtained for property rights on a reserve.

2: Why does it take so long to get a legal survey plan recorded?

Answer: Once a Canada Lands Surveyor has completed the field survey, drawn the legal survey plan and reviewed it with the First Nation member and/or the First Nation, it is sent to Natural Resources Canada (NRCan) for recording in the Canada Lands Surveys Records (CLSR). Once recorded, the plan is given a CLSR number and made available to the public for viewing on the internet.

Before recording a survey plan, NRCan will check the plan to make sure it is technically correct, follows the rules for survey plans and making sure that it is an

acceptable legal document. These checks are carried out to ensure that a transfer, grant, lease or other land transaction will not be stopped by a faulty survey plan. In addition, NRCan will send certain types of survey plans to Aboriginal Affairs and Northern Development Canada or other stakeholders (e.g. First Nations, utility companies or the province) for their review. Once the plan is shown to be correct and acceptable to all stakeholders, it is recorded.

This process can take a few weeks for simple, one lot survey plans or can take months or even years if the survey plan and associated interests are complex or if a stakeholder delays or withholds approval of the plan because they are not in agreement with the information shown.

3: Why can't our technicians do legal surveys on Reserves?

Answer: According to the Canada Lands Surveys Act, only surveys made by licensed Canada Lands Surveyors can create property boundaries. Only members of the Association of Canada Lands Surveyors who have completed the academic requirements and practical training before licensing can perform legal surveys on reserves in Canada. Association members are required to maintain the necessary theoretical, practical and ethical standards set by legislation and the profession. It should be noted that Canada Lands Surveyors can always survey internally, but must have the relevant Provincial qualifications for surveying external reserve boundaries. Unless the lands are located in the Yukon, the Northwest Territories or Nunavut.

4: Why bother with legal surveys at all?

Answer: A legal survey is strongly recommended before buying, subdividing, improving or building on land. Surveying the parcel before these activities ensures that the expense and frustration of defending a lawsuit, moving a building, or resolving a boundary dispute can be avoided.

An excellent Powerpoint presentation called "Property Rights on Aboriginal Land" can be found at this link: <http://www.acls-aatc.ca/en/node/20>

5. What is the difference between legal and other types of surveys done on reserves?

Answer: Legal surveys are only done by Canada Lands Surveyors. Legal surveys are used to determine property boundaries on the ground, and provide a public record that can be found in the Canada Lands Surveys Records.

Construction surveys, mapping and other related activities can also be done by Canada Lands Surveyors or other experienced technicians. Plans and records of these activities are not recorded in the Canada Lands Surveys Records.

6. What are the different types of legal survey products that can be used on Reserves?

Answer:

Canada Lands Surveys Act (CLSA) plans

Official Plan

- Prepared under section 29 of the Act by a Canada Lands Surveyor
- Used to determine Reserve boundaries
- Based on fully monumented surveys (survey monuments)

Administrative Plan (Registration Plan)

- Prepared under section 31 of the Act by a Canada Lands Surveyor
- Generally used for internal surveys
- Based on various sources of data. e.g. field survey, aerial photos, imagery, maps, etc.
- Other types of Administrative Plans

Other Plan Types that can be entered into the Canada Lands Surveys Records

- Provincial plans
- Reference plans (prepared by NRCan depicting First Nation Lands)
- Photomaps
- Registry Index plans (plan showing the registry PINs)
- Land Selection Plans/Maps
- Land Management Transfer Plans (used in FNLN legal description reports)
- Administrative Sketches
- Community Parcel Plans
- Land Use Plans

Advice on which legal survey product is suitable for your project can be obtained from one of the various Surveyor General's offices located across Canada. They can be found at this website:

<http://www.nrcan.gc.ca/earth-sciences/about/organization/organization-structure/surveyor-general-branch/11132>

7: How can I find a Canada Lands Surveyor?

Answer: To find a local Canada Lands Surveyor, please visit this website:

<http://www.acls-aatc.ca/en/node/49>

8: How do I find out more about Professional Land Surveyors and surveying in Canada?

Answer: Please visit this website:

<http://www.setyourboundaries.ca/en/surveying-career-technologist-technician-professional-surveyor-faqs>

9: What will a Canada Lands Surveyor do for me?

Answer: It is your responsibility to furnish the Canada Lands Surveyor with a legal description, current title report, or policy concerning the parcel that you want surveyed. The Canada Lands Surveyor will then locate the property on the ground, marking the corners with physical monuments, and provide you with a record of the survey map showing the results of the survey. The survey should show areas of encroachments and if there are any easements on your property.

10: What is geomatics?

Answer: Geomatics is the discipline of gathering, storing, processing, and delivering geographic information or spatial data. What is geographic information? It's just information that is tied to a specific location, or where something is related to the earth. There are many specializations within geomatics, including surveying, geodesy, geographic information systems, remote sensing and digital imaging, positioning and navigation, etc.

11: Where can I get more information on surveying and geomatics?

Answer: Please visit this website:

<http://www.setyourboundaries.ca/en/surveying-career-technologist-technician-professional-surveyor-faqs>

12. What kind of training does a Canada Lands Surveyor require?

Answer: A person who wishes to become a Canada Lands Surveyor will enter a geomatics engineering program at the University of Calgary, University of New Brunswick or Laval University. There they will enrol in a four year program studying courses on land tenure, etc. The alternative is to enrol in a two or three year Geomatics technology Program at a technical institute or college. You will be given credits from the geomatics technology program and will most likely have to challenge The Canadian Board of Examiners for Professional Surveyors (CBEPS) professional exams. For the location of Geomatics programs in Canada please select the link below.

<http://www.setyourboundaries.ca/en/component/content/article/60>

Upon graduation from these institutions/and or CBEPS exams the individual then can apply to The Canadian Board of Examiners for Professional Surveyors for a certificate to be permitted to apply for a Provincial or Canada Land Surveyors Commission. Once accepted by the Provincial or Canadian Associations the candidate will be required to write exams on the appropriate statutes that pertain to a Land Surveyor's duties. After successful completion of all exams the candidate will be granted a land surveyors commission.

13. What does a Canada Lands Surveyor require to do his job?


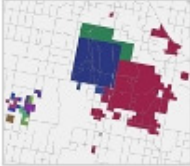


Answer: Once an individual is granted his commission as a Canada Lands Surveyor he can go into business for himself or become an employee of a larger firm. All surveyors basically have the same equipment starting with a vehicle for transportation. Then to do their field measurements a surveyor needs to have the

following equipment: GPS (Global Positioning System Equipment), Total Station (an instrument that measures angles and distances) other equipment such as tripods, prisms, shovels, axes, etc. Then to do the office computations a land surveyor will require a computer, plotter and Coordinate Geometry (CoGo) and Computer Assisted Design and Drafting (CADD) software. Once the surveyor finishes his calculations then the drawing can be given to the client.

14. How do I find data on Canada Lands

Answer: Please visit this website:

<http://clss.nrcan.gc.ca/data-donnees-eng.php>

<p>Cadastral data DWG, SHP (updated monthly)</p>	 <p>Canada Lands Digital Cadastral Data</p> <p>This data depicts the internal boundaries and is available for each Canada Land.</p>
<p>Exterior Boundaries SHP – Geobase (updated monthly)</p>	 <p>GeoBase – Aboriginal Lands</p> <p>The Aboriginal Lands product consists of the administrative boundaries (extent) of the benefits of specific aboriginal groups in</p>
<p>Exterior Boundaries SHP – Geogatis (updated monthly)</p>	 <p>National Framework Canada Land Boundary</p> <p>This data depicts the external boundaries available for each province and Territory.</p>
<p>Cadastral Data overlay KMZ – Realtime Link (updated in realtime)</p>	 <p>Canada Lands in Google Earth</p> <p>This data depicts the external boundaries and is available as a national dataset.</p>