

LAND SURVEY PROCESS OF OKIB LANDS

1. Why Have a Survey?

- When a member of the Okanagan Indian Band or the Band itself wishes to have a legal land survey done whether it's for a land transaction to show where the boundaries are, to locate the limits, to find existing monuments, whatever the reason may be, they must hire a CLS (Canada Lands Surveyor).
- For individual land holders who are thinking about developing their lands for housing, transfers between band members, leasing or permitting a survey may be required.
- A survey for a land transaction can prevent future boundary disputes or encroachments of other people's interest onto parcels of land. A survey gives people certainty because it matches what is on the land with the agreements people make between themselves.

2. What type of survey do we need? Do we need a survey for all land transactions?

- Descriptions for parcels of land are needed for land transactions to be formally registered in a land registry systems. A professional land surveyor who is authorized as a Canada Lands Surveyor (CLS) can conduct surveys under the Canada Lands Surveys Act including surveys for descriptions on First Nations Reserve lands.

3. Guideline for Minimum Land Description Requirements

- Leases of land for longer than 10 years and allotments of land require a full survey Plan of Survey prepared by a CLS, that is an Approved Plan under Section 31 of the CLSA known as an Administrative Plan.
- Leases of Land 10 years or less, a permit, and a license generally require an Explanatory Plan, a plan prepared by a CLS under Section 31 of the CLSA based on existing surveyed boundaries and monuments. An Explanatory Plan is also used for a designation vote.
- A textual description, that is, a word description not based on a survey, can be prepared for leases of a building unit for 10 years or less, a utility permit over lands with no other interest, and an access agreement over allotted or leased land. Textually described parcels are not recorded in the CLSR.
- CLS prepare Plans of Survey known as Official Plans confirmed under Section 29(3) of the CLSA for describing jurisdictional boundaries of FN Reserves, surrenders of Parcels, and Highway or Right of Way Transfers.
- ATRs are typically surveyed by CLS who also have a commission as a provincial land surveyor in the applicable province. The provincial plans are recorded in the CLSR.

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

Notes:

1. A Compiled Plan prepared under Section 2.7 of the National Standards is equivalent to a Plan of Survey prepared under Sections 2.3, 2.4, or 2.5 of the National Standards.
2. A parcel shown on a Plan of Survey may be used in place of an Explanatory Plan.
3. Surveys under this section, for parcels to be removed from Reserve Lands, will create a jurisdictional boundary once the lands are removed and therefore require an Official Plan under Section 29 of the CLSA.
4. This Plan is intended for Section 35 Indian Act transfers or equivalent.
5. This includes Section 20 Indian Act allotments, Section 24, 49 and 50 Indian Act transfers, Section 18(2) Welfare of the First Nation interests, and equivalent.
6. "Lease" includes a head-lease or a sub-lease. The terms of the lease include any renewal or extension provisions contained in the lease.
7. A lease, permit, or license for 10 years or less may be described by textual description if the Registry feels it is in the best interests of the First Nation, given the circumstances, to do so. Generally an Explanatory Plan is required. Land Administrators should be aware that textually described parcels do not appear on the SGB parcel mapping or eRIP.

4. How can we get the best from a Canada Land Surveyor?

- Individuals and the Band who need a survey for a land transaction to be registered in a land registry need to find a Canada Lands Surveyor to complete the work.
- The process for obtaining and approving a survey varies depending on a number of things – how complicated the project is, who is going to pay for the work, and whether or not you need assistance in preparing the information to request a survey.
- Even before you have finalized the details of a land transaction, a Canada Land Surveyor can help you figure out the type of survey you need, assist you in preparing a sketch showing the intended dimensions with reference to existing features, and prepare a land status report. A

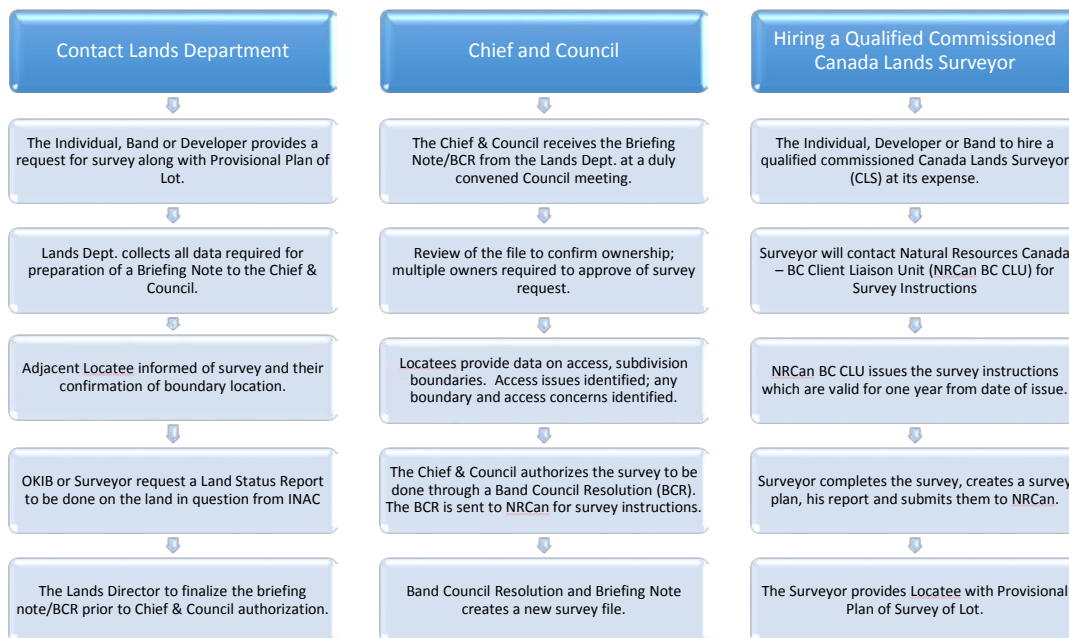
Canada Lands Surveyor will need this information in order to prepare an estimate of the cost of the survey and to obtain specific survey instructions from the Surveyor General.

- It may be a good idea to ask several Canada Lands surveyors to quote on the work you require by providing them with the background information together with a time when the work needs to be completed.

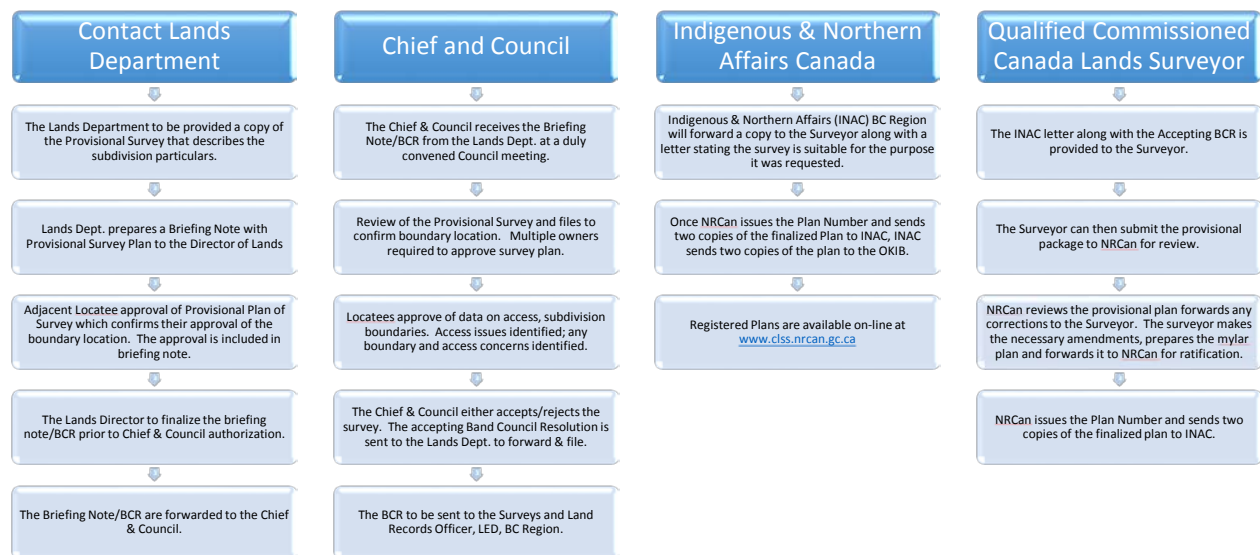
5. How do you find a Canada Lands Surveyor?

- The Association of Canada Lands Surveyors (ACLS) administers legislation to assure the public that a Canada Lands Surveyor meets entry education and experience qualifications and undergoes continuing education. They are subject to practice review by the ACLS and are required to carry professional liability insurance.
- The ACLS keeps a listing of all the Canada Lands Surveyors currently licensed to do surveys on First Nations Reserve lands. Close proximity to your First nation is a factor to consider, however a Canada Lands Surveyor from any province can work on any First Nation Reserve in Canada.

6. Survey Request Process



7. Survey Approval Process – Acceptance



8. Survey Approval Process – Rejection

- If the Surveyor has been unsuccessful in obtaining the OKIB approval, then he/she will be directed by NRCAN-BC CLU to contact the Surveys and Land Records Officer, LED BC Region for Action.
- If the provisional plan is unacceptable to the Okanagan Indian Band, a letter of objections is required. Objections need to be supported by evidence, NRCAN and INAC will review the objections and determine the validity of the grounds for objection.

Okanagan Indian Band Lands Team

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