

*****SAMPLE FORM*****

*Surveyor's name/firm
and complete mailing address*

Date

Surveyor's file reference:

SGB Project No:

REQUEST FOR FIRST NATION APPROVAL
OF *full plan title here in bold*

*Name and position of First Nation Contact
First Nation name and complete mailing address*

Please find enclosed for your review and approval a signed and certified copy of the plan cited above. Would you kindly return this letter to our office after completing the "Plan is Approved" section at the bottom **or**, instead, provide a copy of a Band Council Resolution or letter or email from the First Nation office confirming plan approval.

Yours truly,

Surveyor's **printed** name below his/her signature.

PLAN IS APPROVED

Signature: _____

Date:

Please print name and position

First Nations approvals for Surveys on Canada Lands

First Nation land is held by Her Majesty in right of Canada and the land remains set apart for the use and benefit of a First Nation and remains a federal responsibility under section 91(24) of the Constitution Act, 1867. However, jurisdiction over the land and decision making in relation to the land are in the hands of the First Nation. The First Nation, for all practical purposes, will act as if it were the owner of the land, except for control over title or the power to sell the land.

Any survey plans used to create new parcels, including easements, rights-of-way and permit areas, within Reserve Lands must be approved by the First Nation Council prior to being submitted to SGB for recording. This approval is for the creation of the new parcels shown on the plan; that the plan is suitable for the intended transaction, and; that the plan meets with any planning or land use requirements of the First Nation. The approval can be in any format as long as it clearly documents the name(s) and title(s) of the person(s) approving the survey on behalf of the First Nation Council. It is the surveyor who will be responsible for obtaining approval prior to submitting it with his or her survey returns to SGB. Indigenous Services Canada (ISC) regional personnel may assist First Nations in confirming survey plans are satisfactory.

*ISC retains the right to approve a survey plan on behalf of a First Nation Council for Reserve Lands managed under the Indian Act. **If approval is not obtainable after 30 days, the surveyor may submit the survey plan to SGB along with a request that ISC seek approval or approve the survey on behalf of the First Nation Council. The surveyor must include evidence of his or her attempts to obtain approval of the plan and any documented concerns from the First Nation Council.** ISC will review such requests and the circumstances around the request before considering whether or not to seek or issue such approval.*

SGB Requirements for First Nation Approvals of Surveys

Along with the standard returns of survey conducted under Section 31 of the Canada Lands Surveys Act¹, the surveyor shall include a First Nation's approval of the plan of survey. The plan returns are to be submitted only after the First Nation approval is in-hand and can be included in the initial submission. Requests to the First Nation for plan approval are to include a signed copy of the plan as intended for submission for recording in the CLSR.

It is understood that sometimes the surveyor is not under contract with the First Nation but may be hired by another party such as a CP holder, corporate entity or other. This does not absolve the surveyor from maintaining good communications with the First Nations as it is the First Nations who have the approval authority for the parcel surveys on their lands.

¹ For plans prepared under Section 29 of the Canada Lands Surveys Act, refer to the Deliverables section of the survey instructions as to the requirement for a First Nation's approval

Approvals should be:

- 1) clear and unambiguous reference to the plan submitted for recording (by quoting the plan title, project number, and date of surveyor certification for example);
- 2) clear indication of who is providing approval, and their position within the FN governance, and;
- 3) date of approval is after the date of survey

and may be in the form of:

- Band Council Resolution (BCR);
- Letter;
- Endorsement sheet;
- Email

SGB requires only a copy (scan, fax or email) and not original documents

Regardless of the approval document type to be submitted with the returns, check to ensure:

- the approval document directly correlates with the Plan submitted for recording;
i.e. mirrors the plan title and includes the integer portion of the project number.
- the signatory(s) printed name and title are printed, where applicable
- the particular First Nation and Reserve name are identified
- the approval date is later than the completion of the survey

Approvals older than 1 year should be used with caution and when necessary new approval must be sought.

Critical issues, may include (but are not limited to):

- Changes to the plan title block;
- Changes to the size or shape of the parcel(s);
- Where additional field work has taken place

These are considered as significant changes and require re-approval by the First Nation (or authorized representative) or a communication from the same stating that they are accepting of the changes and no further approval is needed.

In the event of critical issues being identified and dealt with by a new plan submission, the First Nations should always be apprised of the fact that the plan as originally approved has been changed. This can be as simple as an email briefly stating the changes made and the inclusion of a copy of the amended plan as submitted for recording.

The surveyor should always confirm with the SGB reviewer that the First Nation has been notified of any changes.