

Instructions for the Preparation of

Land Management Transfer (LMT) Plans pursuant to the provisions of the First Nations Land Management Act (FNLMA)

General

- 1) A *Land Management Transfer Plan* is a graphical description of the exterior boundaries of Reserve lands under the *proposed* management of a First Nation pursuant to the provisions of the *First Nations Land Management Act* (c.24, S.C. 1999).
- 2) LMT plans may only be prepared in such circumstances where the complexity of a legal description report becomes cumbersome and difficult as it refers to multiple plans and documents to describe the extents of the reserve boundaries. It only acts as a visual aid describing the extents of the reserve boundaries and the documents that define them. It is not intended to be a substitute for a survey plan(s). Any deviations from the above must be discussed with and have the approval of the Program Manager.
- 3) These plans are prepared under the authority of sections 27 and 31 of the Canada Lands Surveys Act.
- 4) Specific survey instructions are required for the preparation of these plans.

Plan Preparation

- 5) The plans shall be compiled using the most recent official plans of survey that depict actual and confirmed boundaries, or documents with the authority to create boundaries, including:
 - a) plans of survey confirmed pursuant to Section 29 of the Canada Lands Surveys Act or its predecessors and recorded in the Canada Lands Surveys Records (CLSR);
 - b) plans of survey where the boundaries depicted on the plans have been approved in accordance with appropriate provincial requirements and which are recorded in the Canada Lands Surveys Records (CLSR);
 - c) federal orders in council (OIC);
 - d) ministerial orders (MO); and
 - e) by an instrument or act in a form satisfactory to the Minister of Justice (Canada)
- 6) The use of field notes is only acceptable for natural boundaries (water's edge, bank or ordinary high water mark) of the Reserve and:
 - a) only in such cases that a source document (previously confirmed Section 29 Plan, OIC, etc.) that defines that feature as the boundary of the Reserve;
 - b) field notes can not be used in situations where there has been a drastic or significant change to the natural boundary.
- 7) The plans must clearly and unambiguously illustrate the location and relationship of the authorized documents listed in paragraph (5) above, that describes the boundaries of the lands to be transferred. It must be clear (through the use of leader lines for example) as to which portion(s) of the boundary each individual document applies.
- 8) A portion of the Reserve excluded from a LMT plan must be surveyed as per the Interdepartmental Letter of Agreement – 2009, Chart A, Part VIII.
- 9) The boundaries described must completely enclose the lands dealt with by the plan.

- 10) LMT plans shall be prepared in accordance with the Appendix E3 of the General Instructions for Surveys of Canada Lands, e-Edition as applicable. Areas, dimensions and monumentation are not to be shown.
- 11) A LMT plan shall be similar in size, layout, format, depiction of boundaries and lands dealt with, title block and approvals, to the attached specimen plan.
- 12) The title block shall include:
 - a) a title in accordance with the provisions of paragraph 13;
 - b) the scale ratio and scale bar
 - c) a legend in accordance with the provisions of paragraph 14; and
 - d) certifications of the surveyor.
- 13) The title of the plan should include:
 - a) if applicable; the section, township, and range or lot and concession in which the survey is located;
 - b) the name of the Indian Reserve and Number and First Nation;
 - c) the county, parish, or community and the province or territory in which the survey is located;
 - d) in remote areas the approximate latitude and longitude of the site of the survey; and
- 14) The legend should include:
 - a) Subject to Schedule E3-2, an explanation of all symbols used;
 - b) an explanation of abbreviations used which are not listed in Schedule E3-3;
 - c) add the following note: "This plan is a graphical representation of the lands of _____ Indian Reserve No. ____ that will be managed under the *First Nations Land Management Act*. This plan is only to be used for the purpose of transferring the management of the Reserve Lands to the _____ First Nation (or Indian Band) according to the provisions of the *First Nations Land Management Act*. For the legal definition of the boundary, see the documents listed below and referred to elsewhere on this plan. For further information about this Land Management Transfer Plan refer to the Legal Description Report recorded in the Canada Lands Surveys Records as _____ CLSR."
 - d) add the following statement: "All plans are Canada Lands Surveys Records (CLSR) plan numbers unless otherwise stated."
 - e) a list of all documents used to compile the LMT Plan;
- 15) Show in the diagram of the plan:
 - a) each boundary of the Reserve identified by a plan or document number. Where necessary, leaders must be used to depict where one plan or document ends and another begins;
 - b) a heavy bold line for the exterior boundaries of the Reserve;
 - c) a north arrow;
 - d) details of the drawing where necessary;
 - e) exterior natural boundaries labeled with the name of the feature that defines the boundary (Waters Edge /Bank/OHWM, etc.) and labeled with the official plan number and the year of the survey. In addition, where field notes are used (instead of a confirmed Section 29 plan), a note must also be placed on the LMT plan that identifies the source document (previously confirmed Section 29 Plan, OIC, etc.) that defines that feature as the boundary of the Reserve;
 - f) direction of water flow will be depicted by an arrow;
 - g) sufficient survey framework lines outside the Reserve and references to Sections, Township, Range, Meridian or County, Municipality, District Lot, or other appropriate location identifiers so as to be able to locate the position of the Reserve;
 - h) sufficient interior parcels using a light-dashed line to be able to relate the interior parcel fabric with the exterior boundaries. Interior parcels should not be shown where they might cause

confusion with the exterior boundaries. Lot numbers and/or plan numbers for interior parcels should not be shown unless they are directly relevant to the plan;

- i) the Reserve name and number in bold print.

Approvals and Certifications

- 16) The surveyor shall provide on the plan a statement of responsibility in accordance with section 38 of the *Canada Lands Surveyors Regulations*.
- 17) The Surveyor General (or a person designated by the Surveyor General to approve such plans) will approve a LMT plan when it conforms to the instructions.
- 18) The following statement shall be completed by the Surveyor General, or a person designated by the Surveyor General, to indicate that the plan was made under the authority of Section 31 of the *Canada Lands Surveys Act*, and in accordance with these standards.

"Department of Natural Resources
Re: Section 31, Canada Lands Surveys Act
and Framework Accord (February 2009)

Approved

(signature of Surveyor General or designate)

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(name, title and date)"

Returns

- 19) Preliminary returns shall consist of
 - a) two prints of the Land Management Transfer plan;
 - b) copies of documents not recorded in the Canada Lands Surveys Records and used under the provisions of paragraph 4; and
 - c) any other information required in the specific survey instructions.
- 20) Final returns shall consist of an original mylar of the plan signed, dated and ACLS sealed by the surveyor.