

Lands Operations: From the Ground Up

An Overview of the Manitoba Lands Operations Unit
& Building a Solid Permitting Structure

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Indigenous Services
Canada

Services aux
Autochtones Canada

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The Lands Operations Team

Lands Operations is responsible for the administration and management of reserve lands, as well as land devolution programs in Manitoba.

The 3 main functions of our Unit are:

1. Land Management Funding Programs & Framework Agreement Transitional Procedures

- The Reserve Land and Environment Management Program (RLEMP)
- The Lands and Economic Development Services Program (LEDSP)
- Transitioning to the Framework Agreement (FAFNLMA)

2. Issuing & Negotiating Land Instruments

- Permits and Easements
- Referendums, Designations, and Leasing

3. Registering Land Instruments

- Encumbrance Checks for Developments
- Land Transfers of Lawful Possessions

*Under the Lands and Economic Directorate, we work closely with the **Environment** and **Additions to Reserves** Units for service delivery.*

Contact us at mblandreg@sac-isc.gc.ca

Instruments on the Reserve

Description of Common Specific Instruments:



Permits: Provides for non-exclusive uses with limited infrastructure and limited interest.



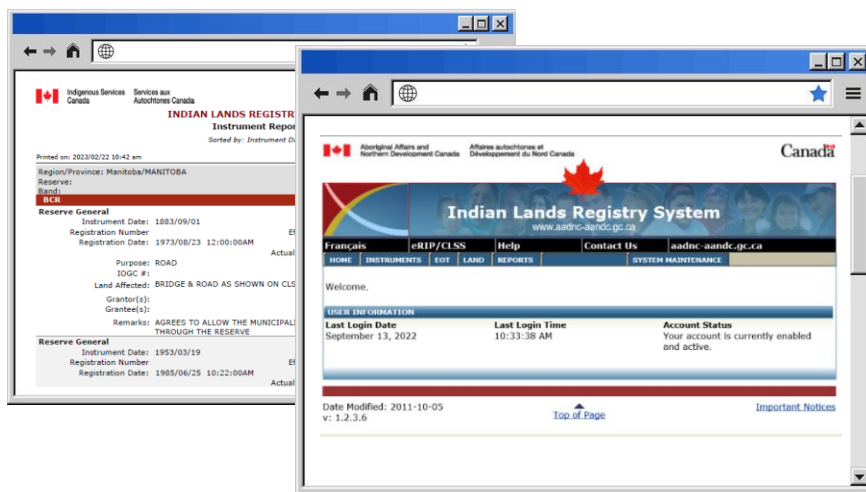
Leases: Provides members and non-members of a First Nation with the legal right to exclusive use and occupation of a parcel of reserve land, for a specific purpose and term.



Easements: Provides the right of use over the property of another; used for public purposes, such as pipelines, hydro-electric transmission lines, and major highways.



Allotments & transfers of lawful possession: Includes Certificates of Possession (CPs) or other Evidence of Title documents. Can only be granted to members of that Band.



The **Indian Lands Registry System (ILRS)** is the public repository for interests on reserve and other designated lands governed under the *Indian Act*.

ILRS is publicly available, and a more in-depth version is available for those who work in issuing instruments.



Instruments on the Reserve (continued)

For Bands that are currently managing their lands through the Indian Act, our team works to assist in the instrument issuing process.

This chart indicates the *Indian Act* Section (or subsection) that provides the authority to issue certain instruments:

IA Section	Description
18(2)	Land in a reserve may be set aside for the general welfare of the Band (schools, band roads, wellness centers, etc.).
20(1)	Possession of land can be allotted to a member by the Band Council (CPs).
24	The right to possession of land may be transferred (CPs).
28(2)	Permits may be issued on reserve lands.
38(2)	A Band may designate (by way of a surrender that is not absolute) any right for the purpose of leasing or granting of the right.
43 & 49	The administration of property (lands) of someone who is deceased.
53 & 58	Surrendered, Designated or locatee reserve lands may be leased.

Instruments that are to satisfy third-party interests in the additions to reserve process may be issued under the **Addition of Lands to Reserves and Reserve Creation Act**, as opposed to being issued under the *Indian Act*.

General Permit Structure

Section of the Permit	General Overview of the Section
Background	Preamble of the permit
Interpretation	Definitions for the permit
The Permit Area	Location of the permit, legal description, & authorized uses
Fees	Payments, annual fees, and determination of those fees
Improvements	Construction compliance requirements
Insurance	Provision requirements for insurance for the instrument/ongoing projects
Laws/Taxes/Services	Applicable laws, taxes, and services for the permit & permit area
Environment	Compliance with environmental laws, contaminants, & management plans
Remedies	Insolvency and defaults of obligations, and delays of the permit
End of Permit	Removal of improvements and contaminants
Indemnities	Security or protection against a financial loss
Delivery	Requirements of notice and contact information
Dispute Resolution	Negotiation, mediation, and arbitration requirements of the permit
Miscellaneous	Other items that do not require their own section

Our team suggests that Bands acquire **independent legal advice** as they see it necessary in the process of negotiating and issuing instruments; our Unit is available to assist in the negotiation process and to ensure that instruments **meet the requirements of ILRS** before the Minister's (or delegate's) signature and registration in the ILRS.

Tools and Resources

More on Lands	Location
The Indian Act	https://laws-lois.justice.gc.ca/eng/acts/I-5/page-1.html
The Land Management Manual (LMM)	https://nalma.ca/wp-content/uploads/2016/01/Land-Management-Manual.pdf Certain sections and policies within this LMM have been updated.
More on RLEMP	https://www.sac-isc.gc.ca/eng/1394718212831/1611275324373
More on The Framework Agreement (FAFNLMA)	https://labrc.com/framework-agreement/ https://www.sac-isc.gc.ca/eng/1327090675492/1611953585165
More on the Indian Land Registry System (ILRS)	https://services.aadnc-aandc.gc.ca/ILRS_Public/Home/Home.aspx?ReturnUrl=%2filrs_public%2f This link is for the public ILRS. If you issue instruments in the internal ILRS, please contact us.
The Indian Lands Registration Manual	https://www.sac-isc.gc.ca/eng/1100100034806/1611945250586
The Electronic Registry Index Plan (eRIP)	https://geo.sac-isc.gc.ca/ERIP-PRRE/index-eng.html
ISC Land Transfer Forms	https://www.sac-isc.gc.ca/eng/1592232608805/1592234588002
Canada Lands Survey Overlay for Google Earth	https://natural-resources.canada.ca/maps-tools-and-publications/maps/canada-lands-surveys/tools-applications-canada-lands-surveys/11094
Canada Lands Survey Plan Search Tool	https://clss.nrcan-rncan.gc.ca/clss/plan/search-recherche
The <i>Interdepartmental Agreement</i> (on Surveys)	https://clss.nrcan-rncan.gc.ca/clss/standards-normes/dl?p=InterdepartmentalAgreement2014_Eng.pdf&type=data