

Survey Standards

Archived Content

General Instructions for Surveys, e-Edition

Chapter C3 - SURVEYS IN YUKON

Effective Date:

This Chapter is effective January 1, 1997. It was originally published as Chapter C3 of the Third Edition of the *Manual of Instructions for the Survey of Canada Lands*.

Chapter Sections

- General
 - Administration of Surface Rights
 - Federal Lands
 - Commissioner's Lands
 - Titled Lands
 - Settlement Lands
 - Administration of Subsurface Rights
 - Creation and Alienation
 - Federal Lands
 - Commissioner's Lands
 - Titled Lands
 - Settlement Lands
 - Legal Surveys
 - General
 - Federal Lands
 - Commissioner's Lands
 - Titled Lands
 - Oil and Gas
 - Mineral Claims
 - Schedule C3-1, Land Claims Settlements

General

1. The provisions of this Chapter apply to Federal Lands, Commissioner's Lands, Titled Lands, and Settlement Lands in the Yukon Territory.
2. Federal Lands for the purpose of this Chapter are Territorial Lands as defined in the *Territorial Lands Act* which are under the administration and control of a Minister of the federal government.
3. Commissioner's Lands for the purpose of this Chapter are Territorial Lands as defined in the *Territorial Lands Act*, which are under the administration and control of the Commissioner of the Yukon Territory.
4. Titled Lands for the purpose of this Chapter are parcels of land for which a certificate of title has been issued under the *Land Titles Act (Canada)*, *Land Titles Act (Y. T.)* or the *Condominium Act (Y. T.)*.

5. Settlement Lands for the purpose of this Chapter are lands identified as settlement lands of a Yukon First Nation under the terms of land claims settlement legislation.

Administration of Surface Rights

Federal Lands

6. Most Federal Lands in the Yukon Territory are administered by the federal Department of Indian Affairs and Northern Development (DIAND) under the Northern Affairs Program. Other Federal Lands are administered by various federal government departments.

7. Surface rights on Federal Lands administered by DIAND are managed by the Supervisor of Lands, Whitehorse. The Supervisor of Lands is also responsible for authorizing legal surveys and maintaining records of documents affecting these lands.

Commissioner's Lands

8. The Deputy Minister of the territorial Department of Community and Transportation Services deals with most matters regarding Commissioner's Lands. Within the Department, the Lands Branch is responsible for subdivision approvals, for surveying and mapping projects, and for maintaining records of transactions affecting Commissioner's Lands.

Titled Lands

9. Since July 19, 1993, Titled Lands are regulated and administered under the *Land Titles Act* (Y. T.) by the territorial Department of Justice. Official records of land titles may be obtained from the Land Titles Office in Whitehorse. Prior to July 19, 1993, Titled Lands were regulated under the *Land Titles Act* (Canada).

Settlement Lands

10. Settlement Lands are administered by Yukon First Nations in accordance with enabling land claims settlement legislation. Subject to its Settlement Agreement, each Yukon First Nation, as owner of Settlement Lands, may enact bylaws for the use of and occupation of its Settlement Lands, and may establish a system to record interests on such lands. Yukon First Nations responsible for the administration of Settlement Lands are listed in Schedule C3-1.

Administration of Subsurface Rights

11. Rights to oil and gas in the Yukon Territory are administered by the Northern Oil and Gas Directorate, Department of Indian Affairs and Northern Development in Hull, Quebec. Copies of licenses and other documents pertaining to oil and gas for lands in the Yukon Territory are available from the Office of the Registrar, Northern Oil and Gas Directorate in Hull.

12. The National Energy Board, located in Calgary, Alberta, is responsible for all oil and gas exploratory and development activities, such as drilling and seismic programs.

13. Mineral rights in the Yukon are administered by DIAND. Documents pertaining to mineral rights are recorded in district offices in Watson Lake, Whitehorse, Dawson, and Mayo. Each district office is headed by a mining recorder who reports to the Regional Manager of Mineral Rights in Whitehorse. Legislation administered consists of the *Yukon Placer Mining Act*, the *Yukon Quartz*

Mining Act, and the Territorial Dredging Regulations.

14. Mineral rights, including petroleum resources, in Settlement Lands may be administered by Yukon First Nations in accordance with the enabling legislation.

Creation and Alienation

Federal Lands

15. Letters patent for the alienation of Federal Lands are not issued until a plan of survey thereof has been confirmed by the Surveyor General, or a person designated by the Surveyor General to confirm such plans, and filed or registered in the Land Titles Office.

Commissioner's Lands

16. Land being made into Commissioner's Lands may be described by survey or by metes and bounds description.

17. Every application for a disposition of Commissioner's Lands requires a description referenced to:

- a) for surveyed land, a legal survey plan; or
- b) for unsurveyed land, a monument or conspicuous physical feature.

Titled Lands

18. Subject to paragraph 19, certificates of title are not issued until an official plan of survey, prepared under the *Canada Lands Surveys Act*, has been filed in the Land Titles Office. However, it should be noted that this does not apply to titles established by settlement legislation and that some titles created prior to the adoption of the *Territorial Lands Regulations* in 1960 are based on written land descriptions.

19. A certificate of title may be issued without the benefit of a legal survey when the purpose of the registration is for a utility easement for the pipeline referred to in the *Northern Pipeline Act*.

Settlement Lands

20. Settlement Lands are transferred to Yukon First Nations through land claims settlement legislation. Settlement Lands may be alienated in accordance with the legislation.

Legal Surveys

General

21. In this section, "Regional Office" means the office of Canada Centre for Cadastral Management in Whitehorse.

22. Legal surveys in the Yukon Territory may be made to define the boundaries of:

- a) federal or territorial jurisdictions;

- b) land claims settlement areas;
- c) lands subject to a sale or grant;
- d) lands subject to a lease, permit, or other limited interest;
- e) a parcel made to accommodate a requirement of a federal or territorial government department; and
- f) placer mining baselines.

23. Legal surveys of lands in the Yukon Territory may also be made to re-establish or restore boundaries when monuments or other evidence of boundaries become lost or obliterated, or to correct errors in previous surveys.

24. Special surveys may also be made for the purposes identified in section 35 of the *Canada Lands Surveys Act*.

25. Surveys in Whitehorse must be integrated into the Whitehorse Coordinated Survey Area.

26. Legal surveys of lands in the Yukon Territory must be carried out by a Canada Lands Surveyor.

27. When an application is made for specific survey instructions the surveyor must identify which lands are Federal Lands, Commissioner's Lands, Titled Lands, or Settlement Lands.

Federal Lands

28. General administrative requirements and procedures for legal surveys are given in Chapter C1.

29. Legal surveys of Federal Lands are made under the authority of the *Canada Lands Surveys Act*.

30. Legal surveys on Federal Lands require the approval of the federal government department administering the lands. For lands under the administration of DIAND, the Supervisor of Lands is the approval authority.

Commissioner's Lands

31. General administrative requirements and procedures for legal surveys are given in Chapter C1.

32. Legal surveys of Commissioner's Lands are made under the authority of the *Canada Lands Surveys Act*.

33. Legal surveys of Commissioner's Lands require the approval of the Commissioner. This approval may be obtained through the Lands Branch of the territorial Department of Community and Transportation Services.

Titled Lands

34. Legal surveys of Titled Lands are carried out in accordance with the *Canada Lands Surveys Act* as specified in the *Land Titles Act* (Yukon) and the *Land Titles Plans Regulations* (Yukon).

35. Legal surveys of Titled Lands do not normally require specific survey instructions. However,

specific survey instructions are required if the lands dealt with in the survey include Federal or Commissioner's Lands.

36. The Surveyor General may be requested by departments of the federal or territorial government to issue specific survey instructions for the survey of Titled Lands owned or required by these departments.

37. A proposed subdivision of Titled Lands requires a sketch plan prepared in accordance with the *Subdivision Regulations* (Yukon) to be approved by an approving officer appointed under the *Subdivision Act* (Yukon). In Whitehorse and Dawson, the municipality is the approving authority. After approval the surveyor must submit the sketch plan to the Regional Office who will issue lot numbers.

38. After the plan of survey of a subdivision has been completed, the surveyor shall send it to the Regional Office for examination. When it is found satisfactory the Regional Office will send it to the approval authority for approval.

39. After the plan of survey of a subdivision is approved by the approval authority, it is returned to the Regional Office. The Regional Office records it in the Canada Lands Surveys Records and submits the original plan along with two reproducible copies to the Land Titles Office. The Registrar registers the original and puts the land registration information on both copies of the plan and returns them to the Regional Office. The Regional Office keeps one copy and sends the other one to the Surveyor General for filing in the Canada Lands Surveys Records in Ottawa.

40. Plans of survey of condominiums are prepared in accordance with the *Land Titles Act* (Yukon) and the *Condominium Act* (Y. T.). In addition to the approvals required in paragraphs 37 and 38, condominium plans must be approved by the Surveyor General or a person designated by the Surveyor General to approve such plans. Specific survey instructions are not required. General instructions for these surveys are given in Chapter D4.

Oil and Gas

41. Surveys or land descriptions are required for oil and gas development in connection with:

- a) exploration, significant discovery, and production licenses;
- b) drilling approvals; and
- c) surface rights required for pipelines, wellsites and other related facilities.

42. Land descriptions for exploration, significant discovery and production licenses are based on a geographical grid system as defined in the *Canada Oil and Gas Land Regulations*.

43. For exploratory wells completed for production, and for development wells, legal surveys are required as outlined in Sections 20 and 21 of the *Canada Oil and Gas Land Regulations*.

44. Section 104 of the *Canada Oil and Gas Drilling Regulations* requires a legal survey to confirm the location of:

- a) any development well;
- b) any exploratory well that has been assigned the status of a discovery well by the Chief Conservation Officer under section 221 of the Regulations; or
- c) any other well, on the request of the Chief Conservation Officer.

45. Subject to paragraph 46, specific survey instructions are not required for oil and gas surveys. General instructions for these surveys are given in Chapter D7. Plans of survey are forwarded to the Surveyor General in Ottawa for examination and recording in the Canada Lands Surveys Records. Copies of these plans are available from the office of the Surveyor General in Ottawa. They are not available from the Regional Office.

46. On Canada Lands, specific survey instructions are required for control surveys carried out to support surveys of oil and gas rights under the *Canada Oil and Gas Land Regulations*. General instructions for these surveys are given in Chapter D12.

47. Legal surveys for surface rights required for pipelines, wellsites and other related facilities are carried out under the *Canada Lands Surveys Act*.

Mineral Claims

48. Most surveys for mineral claims are carried out under the *Yukon Quartz Mining Act* (Canada) or the *Yukon Placer Mining Act* (Canada).

49. Specific survey instructions are not required for surveys of mineral claims carried out under the *Yukon Quartz Mining Act*. Under the *Yukon Placer Mining Act* they are only required for surveys of baselines. General instructions for surveys under both Acts are given in Chapter D9. The surveyor must obtain lot numbers for all mineral claim surveys from the Regional Office.

50. The surveyor shall send the plan of survey to the Regional Office for examination. When it is found satisfactory, the plan will be forwarded to the Surveyor General for approval.

51. The plan of survey will be approved by the Surveyor General once notification has been received from the Mining Recorder that the provisions of the appropriate act have been complied with.

52. Plans of surveys of mineral claims are recorded in the Canada Lands Surveys Records and a copy of each plan is deposited with the Regional Manager of Mineral Rights in Whitehorse and with the Mining Recorder in the appropriate district office.

53. Surveys for a dredging lease may also be required under the *Territorial Dredging Regulations*. These surveys require specific survey instructions.

SCHEDULE C3-1 (paragraph 10)

Land Claims Settlements, Yukon

Enabling Legislation	Yukon First Nation administering the Lands	Office Location
<i>Gwich'in Land Claim Settlement Act</i> (S.C. 1992, c.53)	Gwich'in Tribal Council	Fort McPherson
<i>Yukon First Nations Claim Settlement Act</i> (S.C. 1994, c.34) and <i>Yukon First Nations Self-Government Act</i> (S. C. 1994, c. 35)	Champagne and Aishihik	Haines Junction
	Teslin Tlingit Council	Teslin
	Nacho Nyak Dun	Mayo
	Vuntut Gwitchin	Old Crow

Date Modified: 2008-12-01

