

**Land Description  
for**

**Columbia Lake Indian Reserve No. 3  
?akis'qnuk First Nation**

**British Columbia**

**Prepared under  
*First Nations Land Management (S.C. 1999, C.24)***

**Prepared on: January 27<sup>th</sup>, 2017**

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## 1. Introduction

As part of the implementation of the *First Nations Land Management Act* for the ʔakis'qnuq First Nation Reserve, the Surveyor General Branch (SGB) has prepared a Land Description describing the extent of the Reserve lands as required under Section 6.1(a) of the Act for Columbia Lake Indian Reserve No. 3.

Outstanding issues related to the jurisdictional boundaries of the Reserve or to the Land Description contained in this Report are explained in Section 4.

The Land Description contained in Section 2 deals with the extent of the Reserve lands that will be subject to the Land Code of the ʔakis'qnuq First Nation under the *First Nations Land Management Act* and is not intended to prejudice any of this First Nation's claim(s) to lands beyond the Reserve.

The Land Description is based on a review of the Indian Lands Registry and other documents pertaining to the extent of title to the Reserve. The Land Description is not a legal interpretation of those documents. As there may be different legal interpretations of the documents, legal assistance may be required to determine the nature of the legal interests. The content of this Land Description is accurate based on the documents reviewed; however, there may be other documents that were not found or uncovered that may affect the extent of the title to the Reserve.

This Land Description Report was prepared by Ian M. Lloyd, BCLS, CLS of the Surveyor General Branch, per the Guidelines established under the authority of the Surveyor General of Canada.

Certified Correct as to the Land Description contained in Section 2 of this Report.

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Ian M. Lloyd, BCLS (716), CLS (1527)  
Surveyor General Branch

## 2. Land Description

### Columbia Lake Indian Reserve No. 3

**A) Land Description of the Extent of Reserve Lands that will be subject to the Land Code of the ?akis'qnuk First Nation under the First Nations Land Management Act.**

**Reserve Lands within the Province of British Columbia, Canada  
In Kootenay District, more particularly described as:**

All of Columbia Lake Indian Reserve No. 3 with the rectilinear boundaries shown on Plans BC49 and 105789 with portions of Plan BC49 having been subsequently resurveyed and recorded as Plans 57895, 53713, 56924, 105739, 105749 and the natural boundary shown on Plan 105789 recorded in the Canada Lands Surveys Records (CLSR).

Save and except all those portions of Columbia Lake Indian Reserve No. 3 more particularly described as:

Firstly: Kootenay Number 3 Road shown on Plan 2512A CLSR.

Secondly: Kootenay Highway shown on Plan 52354 CLSR.

Thirdly: Lot 1 shown on Plan 53280 CLSR.

Fourthly: Statutory Right of Way for Highway as shown on Plan 70305 CLSR.

Fifthly: Lot 245, Plan 105739 CLSR.

Sixthly: Lot 35-4 and Lot 44-4-1, Plan 105749 CLSR.

Total Lands containing by admeasurement 3404 hectares, (8,412acres) more or less.

**The above described Reserve Lands are subject to:**

The rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the Indian Lands Registry as No 4111-118.

**B) Land Description of the extent of reserve lands that will not be subject to the Land Code of the ?akis'qnuk First Nation and which have been excluded under Section 7 of the *First Nations Land Management Act*.**

**Reserve Lands within the Province of British Columbia, Canada  
In Kootenay District, more particularly described as:**

Firstly: Lot 245 shown on Plan 105739 CLSR.

Secondly: Lot 35-4 and Lot 44-4-1 shown on Plan 105749 CLSR.



**Notes**

1. The Administrative Sketch in Section 3 illustrates this land description.
2. Refer to the pertinent survey plans and instruments for authoritative boundary definition and nature of the interest in the land.
3. The extent of Oil and Gas Rights are not dealt with in this description.
4. Mines and minerals are managed according to the British Columbia Indian Reserves Mineral Resources Act 1943-44 c.19.
5. The natural boundary of the Columbia River and Windermere Lake form the natural boundary of the Reserve. The location of the natural boundary was updated in 2015 by Plan 105789 CLSR. The location of the natural boundary may continue to move and the associated areas may change in the future.

### **3. Administrative Sketch and Orthophoto Map**

ADMINISTRATIVE SKETCH

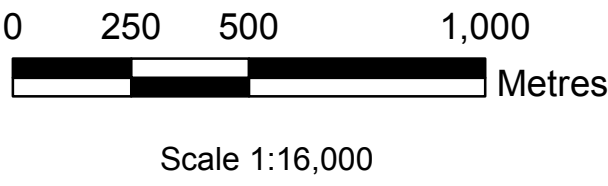
ILLUSTRATION OF THE EXTENT OF RESERVE LANDS THAT WILL BE SUBJECT TO THE LAND CODE OF THE ?AKISQ'NUK FIRST NATION UNDER THE FIRST NATIONS LAND MANAGEMENT ACT

?AKISQ'NUK FIRST NATION  
COLUMBIA LAKE INDIAN RESERVE No. 3

KOOTENAY DISTRICT  
PROVINCE OF BRITISH COLUMBIA

LAT: 50° 24' 30"      LONG: 115° 54' 30"

PREPARED ON: JANUARY 27, 2017



Reserve lands that will be subject to the Land Code are shown thus.....

Right of Way boundaries shown thus...

Section 7 FNLMA exclusion boundaries shown thus .....

All Plan numbers are Canada Lands Surveys Records (CLSR) plan numbers unless otherwise stated.

The Ordinary High Water Mark of the Columbia River and Windermere Lake forms natural boundaries of the Reserve. The locations may have moved since the date of survey, and may continue to move. Consequently the area of the Reserve may have changed since the date of survey and may continue to change.

THIS IS NOT A PLAN OF SURVEY. This map is illustrative only and not to be used for defining boundaries. Administrative decisions should be based on legal documents and legal survey plans.

Project: 2013-10-185

Linework from Canada Lands Digital Cadastral Data as of 2016-12-27  
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TABLE SHOWING DERIVATION OF AREAS			
Document	Description	HECTARES	ACRES
Plan BC49	1886 survey	3422	8456
Plan RD2512	1932 transfer of highway to BC	-22.93	-56.67
Plan RD2512A	1941 transfer of highway to BC	-22.21	-54.88
Plan RD2512	1941 closing of highway & return	+22.93	+56.67
Plan S2354	1968 Highway 93 transfer	-59.84	-147.86
Lot 1, Plan S3280	1968 transfer of gravel pit	-6.03	-14.9
Part Lot 33, Plan 70305	1995 transfer of Alpine Road	-1.338	-3.306
Lot 245, Plan 105739	2016 Exclusion survey of Windermere Rd	-0.14	-0.346
Lot 35-4 & 44-4-1, Plan 105749	2016 Exclusion survey of Windermere Loop	-0.199	-0.493
Change in Natural Boundary Plan 105789	CLSR subtract data set from BC49	+72.05	+178.04
	TOTAL AREA	3,404 ha	8,412 Ac

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## **4. Additional Items**

(None)