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CRESTON VALLEY WILDLIFE ACT

[RSBC 1996] CHAPTER 84

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Definitions

- 1** In this Act:

"arterial highway" means an arterial highway as defined in section 1 of the *Transportation Act*;

"management area" means the Creston Valley wildlife management area referred to in section 2, being the area of land in the Kootenay River valley in the neighbourhood of Creston, comprising approximately 6 500 ha described in the Schedule, as varied by order made under section 2 (2), and includes the waters and any accretions to the land of the area;

"management authority" means the authority continued under section 16, and includes, in relation to any function, power or duty of the authority that has been delegated by the authority, a delegate of the management authority;

"natural resource" includes land and its primary products, the waters of the management area, and flora and fauna other than domestic animals;

"officers" includes persons seconded temporarily to the service of the management authority and honorary officers;

"secondary highway" means a highway designated by regulation;

"trust fund" means the fund referred to in section 20 (4).

Reservation of management area

2 (1) The Creston Valley wildlife management area is continued for wildlife conservation, management and development, and is held by the government in trust for those purposes.

(2) The Lieutenant Governor in Council may, by order, revise the boundaries of the management area to

(a) include additional land,

(b) exclude land which, on November 15, 1968, is not vested in the government, or

(c) modify the line of a boundary, whether or not modification results in diminution of the management area, to conform with adjacent natural or other features,

but not otherwise.

(3) An order under subsection (2) must be published in the Gazette.

Additional land

3 (1) The Lieutenant Governor in Council may

(a) reserve additional land vested in the government, and

(b) by order under section 2 (2), include land reserved in the management area.

(2) On behalf of the government, the minister may acquire land for the enlargement of the management area.

(3) The boundaries of the management area must be revised to include any land acquired.

Restriction on dispositions and mining

- 4** (1) Except as provided in subsections (4) and (5),
- (a) no disposition may be made by the government, or under any statutory authority or otherwise, of any interest in land within the management area, and
 - (b) no interest in land may be staked or acquired by accretion within the area.
- (2) No disposition may be made by the government, or under any statutory authority or otherwise, of any right, interest or permit under the *Mineral Tenure Act*, the *Coal Act* or the *Petroleum and Natural Gas Act*, exercisable within the management area.
- (3) No person may exercise any right to explore, prospect, search for, claim, mine or win minerals, mineral oils or natural gas under any of the Acts referred to in subsection (2) within the area.
- (4) Nothing in subsection (1) applies to an easement or profit or to a revocable lease, interest or licence, if the rights granted are not incompatible with the maintenance and development of the management area for the purposes for which it is established.
- (5) Despite subsection (4), no person may exercise any right within the management area except under a permit issued by the management authority.

Protection of natural resources

- 5** (1) No person may exercise, within the management area, a right to hunt, kill, capture or remove wildlife or to cut, destroy, damage, disturb, gather, remove or exploit any other natural resource, granted, whether explicitly or by implication, by a disposition, title, interest, licence, permit or otherwise under any other law, except under a permit issued by the management authority.
- (2) No person may exercise, within the management area, any right granted by licence, permit or otherwise under the *Water Act*, except under a permit issued by the management authority.
- (3) To avoid doubt, nothing in this section applies to any act necessary or required, whether by statute or otherwise, to prevent the start of, or to control, any forest or woodland fire.

Saving of existing rights

- 6** (1) Nothing in section 2 or 4 affects a proprietary right in or over land, or any licence to use land, in the management area, that subsisted immediately before November 15, 1968.
- (2) Nothing in section 5 affects any right under the *Water Act*, or any statutory licence to cut, gather, remove or exploit any natural resource other than wildlife, and exercisable within the management area, that subsisted immediately before November 15, 1968.
- (3) Any right that subsisted immediately before November 15, 1968 continues according to its tenor and, in the case of a limited right, may be renewed, or a corresponding right granted in another part of the management area, but its exercise is subject to the permit issued under section 26.
- (4) This Act or the regulations do not prohibit or preclude a person from passing through the management area on a railway, or arterial or secondary highway, but passage in the management area is subject to the regulations.

Maintenance and development of management area

- 7** (1) The management area must be maintained and developed for the purposes for which it is established and, in particular, as a waterfowl management area.
- (2) Subject to this Act, the management authority may do acts and work necessary for the management, maintenance and improvement of the management area and for the conservation, management and development of its wildlife.
- (3) With the approval of the minister, the management authority may
- (a) authorize other activities and development within the management area consistent with the purposes for which the area is established, and
 - (b) either alone or together with other persons or organizations, undertake other activities and development.
- (4) Without limiting subsections (1), (2) and (3),
- (a) the management authority may designate part of the management area as a recreational area, picnic site or camp site, and
 - (b) a recreation area site may be maintained and developed in accordance with this section.

Participating agencies

- 8** (1) With the approval of the minister, the management authority may appoint a ministry or department of the government of British Columbia or of Canada, or any person or organization, to be a participating agency for this Act.
- (2) The management authority may enter into an agreement or arrangement with a participating agency for the assumption by the agency, either alone or together with the management authority or some other participating agency, of functions for the conservation, management or development of wildlife, the maintenance or development of the area, or other activities or development as may be in the agreement or arrangements.
- (3) The agreement or arrangements may provide that
- (a) specified acts performed in execution of their functions are deemed to be performed under the authority of a permit of the management authority, and
 - (b) specified officers or servants, or members of categories of officers or servants, of the participating agency, may, when in possession of written authority to that effect, exercise statutory or other functions and powers of the management authority as specified.
- (4) An agreement or arrangement under subsections (2) and (3) must be made for a specified period, but may be renewed.
- (5) The powers conferred by subsection (3) (a) or (b) may also be exercised by the management authority for an agreement between the authority and a contractor for work or service on behalf of the authority.
- (6) For the purposes of an agreement or arrangement made under this section, if provision is made under subsection (3) (a), the agreement or arrangement constitutes the relevant permit.

Adaptation of, and delegation of powers under, other Acts

9 (1) The Lieutenant Governor in Council may do one or more of the following by regulation:

- (a) adapt or modify any other Act relating to natural resources or domestic animals in its application within the management area;
- (b) despite any other Act, empower the management authority to issue a licence, permit or other authorization, the issue of which is not prohibited by this Act, on behalf of the authority empowered to issue it by the relevant Act, and to delegate the power of issue, either generally or subject to restriction, to its members, committees, officers or servants;
- (c) appropriate the fee payable for any licence, permit or other authorization issued in relation to the management area, whether issued by the management authority or not, to the trust fund.

(2) If a licence, permit or other authorization under another Act is issued by the management authority in exercise of a power conferred by regulations under this section, the authority may annex to it any term, condition or restriction that may be annexed to a permit under this Act.

(3) If the exercise of the rights or authorization granted is conditional on a permit of the management authority, the licence, permit, or authorization under the other Act, constitutes the permit of the management authority under this Act.

Sanctuary areas

10 (1) The minister may declare

- (a) that part of the management area is a sanctuary area for the protection or conservation of wildlife, and
- (b) that a sanctuary area is closed either generally, or during a specified season or period, or during specified hours.

(2) Except as authorized by a permit of the management authority, a person must not

- (a) enter a sanctuary area when it is closed, or
- (b) enter a sanctuary area that is closed, except at a point of entry specified by the management authority.

(3) A person who enters a sanctuary area when it is closed must comply with the management authority's permit and the regulations.

(4) A railway, arterial highway or secondary highway, or place authorized for human habitation by a permit of the management authority may not be included in a sanctuary area.

Unauthorized construction restricted

11 Except under a permit of the management authority or when required by the management authority, a person must not construct, install, erect or place a building, structure, improvement, or work in, or excavate within, the management area.

Dumping prohibited

12 (1) Except under a permit of the management authority, a person must not

- (a) transport garbage, refuse or domestic or industrial waste through, over, or

in the management area, other than on a railway or an arterial or secondary highway, or

(b) deposit any material within the management area.

(2) This section does not apply to the transportation of waste or refuse from a picnic or camp site within the management area or to the deposit of waste or refuse in a receptacle or place provided by the management authority.

Occupancy and use of land

13 Except under a permit of the management authority, a person must not do any of the following:

- (a) use or occupy any part of the management area for any purpose of, connected with, or consequential on the exploitation of any natural resource, or for any other agricultural or industrial purpose;
- (b) pasture livestock within the management area;
- (c) flood part of the management area, or impound, divert or distribute water in it;
- (d) spray for insect or vegetation control within the management area;
- (e) carry on commercial activity or enterprise in the management area;
- (f) establish a camp within the management area at a place other than a campsite designated by the management authority.

Orders of management authority

14 The management authority may do one or more of the following:

- (a) enter on and inspect any land, road, building, structure, work or excavation in the management area;
- (b) order the repair, alteration, improvement, evacuation or removal of, or addition to, a building, structure, work or excavation in the management area;
- (c) order a person in the management area to cease or refrain from any action, omission or conduct that the management authority, in its discretion, considers dangerous to life or property or detrimental to the purposes for which the management area is established;
- (d) require a person in the management area to give
 - (i) his or her name, address and occupation,
 - (ii) any fact or intention relating to his or her use of the management area, and
 - (iii) his or her conduct and activities in the management area;
- (e) remove a person, using reasonable force, from a sanctuary area.

Orders of management authority to be carried out

15 If a lawful order of the management authority given under section 14 is not carried out or is only partially or imperfectly carried out,

- (a) the management authority may itself carry out the order or may authorize a person to carry out or complete the carrying out of the order,

(b) the expense to the government of carrying out or completing the carrying out of the order is a debt owing to the government by the person to whom the order was first given or directed, recoverable by action in any court of competent jurisdiction, and

(c) the certificate of the management authority is evidence of the indebtedness and the amount of the debt.

Management authority

16 (1) A management authority is continued for the Act, and consists of

(a) an officer of the public service of British Columbia the minister may appoint,

(b) the director of the Canadian Wildlife Service, or another person the minister responsible for the administration of the Department of Indian Affairs and Northern Development of Canada may appoint, and

(c) if the minister determines and makes an appointment after the determination, a third member, who is to be a person who does not hold any office under the government of British Columbia or of Canada for which the person receives compensation.

(2) A member appointed under subsection (1) (c) holds office for a period of not longer than 3 years as may be specified in the instrument of appointment, but is eligible for reappointment.

(3) In the absence or inability to act of a member appointed by or under subsection (1), the relevant appointing authority may appoint a temporary member in his or her place.

(4) A temporary member has all the powers and authority of the member for whom he or she is appointed, except in respect of the functions of the management authority in its capacity as a trustee.

(5) Subject to section 19 (1) and (2), the members of the management authority must act together in the discharge of the functions of the authority, unless there are 3 members, in which case the decision of the majority is the decision of the authority.

Officers, servants and agents

17 (1) Officers and servants of the management authority may be appointed under the *Public Service Act*, and the management authority has the powers of a deputy minister in relation to persons appointed.

(2) Employees, within the meaning of the *Public Service Act*, may be seconded temporarily to the service of the management authority in the same circumstances as employees may be transferred from one ministry of the public service to another, and the management authority may accept the temporary secondment of persons in the service of the government of Canada.

(3) Persons seconded to the service of the management authority are subject to the direction of the authority.

(4) The management authority may, with the approval of the minister, appoint honorary officers for its functions within the management area, and persons appointed are subject to the direction of, and may be removed by, the management authority.

(5) The management authority may appoint agents and employ contractors.

Committees

18 (1) The management authority may establish committees and may provide for their composition, which may include, in addition to members of the authority or its officers or servants, representatives of participating agencies and other organizations.

(2) The management authority may determine the procedure of committees appointed, and, subject to that, each committee may determine its own procedure.

Delegation of management authority's power

19 (1) The management authority may, in writing, delegate to its members, committees, officers or servants

(a) the functions, powers and duties of the authority under this Act, other than its functions as a trustee or its power to revoke a licence or hear and determine an appeal, and

(b) any function that it is authorized to delegate under section 9 (1) (b).

(2) Nothing in subsection (1) is to be construed as restricting the powers of the management authority under section 8 (3) (b).

(3) If the management authority delegates to an individual a function, power or duty that is exercisable in relation to a member of the public, it must provide the delegate with an identification card, and the delegate must, when exercising any function, power or duty in relation to a person who requires the delegate to give evidence of his or her authority, produce his or her identification card for that person's inspection.

(4) If a person, in possession of his or her identification card, and who produces it on request, performs or exercises a function, power or duty of the management authority, it is presumed, in the absence of proof to the contrary, the function, power or duty was validly delegated to that person.

Funds

20 (1) In this section, "**appropriated money**" means money appropriated by a legislature otherwise than by way of grant to the trust fund.

(2) The funds of the management authority consist of

(a) appropriated money, and

(b) the trust fund.

(3) The management authority must deal with and account for appropriated money in the same manner as public money of the appropriating authority is required to be dealt with and accounted for.

(4) The trust fund consists of the following:

(a) fees for permits issued by the management authority under this Act;

(b) fees for licences, permits and authorizations appropriated to the trust fund under section 9 (1) (c);

(c) all other money, not being appropriated money, granted, given or bequeathed to the trust fund and, subject, in the case of an enterprise for

which appropriated money is made available, to the agreement of the relevant minister, the profits from any enterprise undertaken by the authority.

(5) The management authority is a trustee of the trust fund and must apply the money of the fund to the purposes for which the management area is established as it thinks fit, subject in the case of a grant, gift or bequest to the terms of it, if any.

(6) Unless the Auditor General is appointed in accordance with the *Auditor General Act* as the auditor of the management authority, the management authority must appoint an auditor to audit the accounts of the management authority at least once each year.

Taxation

21 (1) The management authority is not liable to taxation except in so far as the government is taxable.

(2) Lawful occupiers of improvements within the management area that are the property of the government are exempt from taxes under any Act for the improvements.

Function of minister re management authority

22 (1) Except in its capacity as a trustee, the management authority is subject to the minister in the exercise of its functions, powers and duties under this Act.

(2) The management authority must submit to the minister in each year the work program that it proposes be financed from appropriated money during the next year and its estimates of expenditure in that regard.

(3) The management authority must make a report to the minister in each year of its activities during the preceding year, including activities financed by the trust fund.

(4) The report must be given to the Legislative Assembly by the minister.

Issue of permits

23 (1) Subject to this Act and on payment of a fee that may be set by the regulations, the management authority may issue a permit authorizing, on terms and conditions it may determine, a person to do anything for which a permit is required under this Act.

(2) No permit may be issued to authorize the offering of goods, services, accommodation or equipment for sale, hire or rent to the public until at least 15 days from the date an advertisement that an application for a permit has been received has been published in the Gazette and in one issue of a newspaper circulated in British Columbia.

(3) The power of the management authority to issue permits under this Act includes the power to issue open general permits for matters that may be prescribed by regulations.

(4) An open general permit may apply to persons generally or to any category of persons, to any part of the management area, may be unrestricted as to time or may apply to specified periods or hours, and may be subject to specified conditions.

(5) A fee must not be charged under this Act for an act authorized by an open general permit.

Applications for certain permits

24 (1) A permit must not be issued to authorize the removal, destruction, disturbance, damaging or exploitation of any natural resource, other than wildlife, or for any work,

excavation or undertaking, or any incidental activity, unless

- (a) a written application has been made by the person to whom the permit is issued, and
- (b) the application is accompanied by an undertaking, in writing and executed by the person for whom the permit is sought, to pay to the government, in addition to any other money that may become payable under any other Act, the cost incurred by the government in surveying, examining and inspecting the area to be affected.

(2) Nothing in this section applies to an open general permit.

Rehabilitation deposit may be required

25 Before issuing a permit, the management authority may require the person to whom it is intended to issue the permit to pay to the government money that the authority considers sufficient to defray the cost of the restoration or repair of the management area necessitated by the use authorized by the permit.

Permits to facilitate saved rights

26 The management authority must issue the permits necessary to enable the rights and authorities referred to in section 6 (1), (2) and (3) to be exercised, but may include in a permit any term or condition that the authority considers appropriate, not being a term or condition that would tend to defeat the object of the permit.

Permit is not transferable

27 A permit under this Act is not transferable.

Suspension and revocation of permits

28 (1) If

- (a) a person holding a permit issued under this Act contravenes this Act or the regulations, or the permit, or
- (b) for any other reason the permit holder, in the opinion of the management authority, unfit to be entrusted with the permit

the management authority, on proof to its satisfaction of the violation or unfitness, and without the necessity of holding a hearing, may suspend the permit and all rights of the permit holder under it for a period the management authority sees fit, or may revoke the permit.

(2) On notice of suspension or revocation of a permit, the permit holder must immediately deliver the permit to the management authority.

(3) If the permit has been suspended only, the management authority must return it to the permit holder at the expiration of the period of suspension.

(4) If the permit is revoked, the management authority may refuse to issue to the permit holder a new permit under this Act.

Appeal to management authority

29 (1) An appeal lies to the management authority against

- (a) an order given under section 14 (b) or (c), or
- (b) the suspension or revocation of a permit

by the delegate of the management authority.

(2) An appeal under subsection (1) must be brought within 7 days of the date of the order or suspension, as the case may be, and must be in writing delivered to the management authority.

Conflict with other Acts

30 If, with respect to the management area, there is conflict between this Act and another Act, or between a regulation under this Act and a regulation or order under another Act, this Act or the regulation under this Act prevails.

No rights acquired in contravention of this Act

- 31** (1) A person may not acquire a right or title to or interest in or lien on or any claim on
- (a) any natural resource gathered, removed, disturbed, destroyed, damaged or exploited in contravention of this Act, or
 - (b) any building, structure, improvement or work constructed, installed, erected or placed in the management area in contravention of this Act,
- or against any person or the government for work done or expenditure incurred in connection with it.
- (2) The management authority may seize a natural resource, building, structure, improvement or work referred to in subsection (1) and dispose of it for the sole benefit of the government.

Peace officers

32 An officer of the management authority is a peace officer.

Offence and penalty

- 33** (1) Any person who does any of the following commits an offence:
- (a) does any act, whether or not in purported exercise of a right or authority granted otherwise than under this Act, for which a permit of the management authority is required, without being in possession of a valid subsisting permit of the management authority in that regard or authorized by an open general permit, or otherwise than in accordance with the permit;
 - (b) refuses or neglects to comply with a lawful order given under section 14 (c);
 - (c) refuses or neglects to give the information required by section 14 (d), when lawfully required to do so, or gives information that is false;
 - (d) obstructs the management authority or any officer or servant or other delegate of the authority in the exercise of its functions or powers under this Act.
- (2) A person who commits an offence against this Act is liable, on conviction, to a fine of not more than \$500 or to imprisonment for a term of not longer than 3 months, or to both.

(3) If the offence is a continuing one, a person who commits an offence against this Act is liable, on conviction, to a penalty of not more than \$100 for each day the offence continues.

Power to make regulations

34 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

(a) regulating or restricting the activities that may be carried on, or prohibiting a specified activity, in the management area;

(b) regulating, restricting or prohibiting the use or possession of firearms or other weapons, traps, explosives, vehicles or any other thing within the management area;

(c) regulating, restricting or prohibiting the bringing of domestic animals within the management area and prescribing the duties of persons in charge of domestic animals;

(c.1) designating as a secondary highway under this Act, any highway that is in the management area and is not an arterial highway;

(d) regulating the passage of a railway or arterial or secondary highway through the management area, regulating the use by boats on the waters of the management area, prescribing places of entrance to or egress from the management area and prescribing and regulating the use of routes and ways, including waterways, within the management area;

(e) relating to recreational areas, picnic sites and campsites;

(f) regulating appeals and the procedure;

(g) prescribing the categories and forms of permits, and the fees to be paid for permits, and which fees may be different for different permits, and authorizing and permitting the management authority to waive fees;

(h) prescribing the matters, other than those referred to in section 23 (2), for which the management authority may issue open general permits;

(i) relating to the publication of orders of the minister under section 10, of the regulations, and of open general permits, and to advertisements under section 23 (2).

(j) prescribing penalties for the contravention of the regulations, or for a failure to conform with the conditions of a permit, subject to the limit that the penalties must not be greater than the penalties prescribed by section 33.

(3) Regulations made by the Lieutenant Governor in Council restricting or prohibiting an activity, the use or possession of anything, or the presence of domestic animals, may

(a) be general or confined to particular times or seasons,

(b) be subject to exceptions,

(c) be made to impose restrictions and prohibitions irrespective of whether a permit in that behalf has been issued under this Act, and

(d) provide for the issuance of a further or special permit under this Act.

Schedule

All that area of land included within the following boundaries:

Commencing at the southwest corner of Block 142 of Lot 9427, Kootenay District, Plan B44; thence northerly along the westerly boundary of said Block 142 to the southerly boundary of Lot 9638, being the right of way of the B.C. Southern Railway, Plan 524X2; thence in a general northwesterly direction following the southerly and southwesterly boundaries of Lot 9638, Plan 524X2, and, where they lie to the West of Lot 9638, following the westerly boundaries of Blocks 152, 154, 192, 193, 155 and 162 of Lots 9427 and 9550, as shown on Plans B44, B45 and B46, to the southerly boundary of Lot 893; thence westerly and northerly along the southerly and westerly boundaries of said Lot 893 to the most southerly corner of Lot 9639, being the right of way of the B.C. Southern Railway, Plan 524X2; thence northwesterly along the southwesterly boundary of Lot 9639, Plan 524X2, to the most southerly corner of Block 195 of Lot 9428, Plan B46, and continuing northwesterly along the westerly boundaries of said Block 195, Plan B46, and Lot 9642, being the right of way of the B.C. Southern Railway, Plan 524X1, to a point due South of the southwest corner of Lot 8179; thence North to said corner and continuing northerly along the western boundary of said Lot 8179 to the northwest corner thereof, being a point on the southerly boundary of Lot 883; thence easterly along said southerly boundary of Lot 883 to a point perpendicularly distant 50 feet southwesterly from the centre line of Highway 3A; thence northerly, parallel to and perpendicularly distant 50 feet westerly from the centre line of Highway 3A, to a point bearing N 45° E from triangulation station "Kusk"; thence S 45° W to said triangulation station, and continuing on a bearing of S 45° W to the northeasterly boundary of Sublot 1 of Lot 2381, Plan X74; thence in a general southerly direction following the easterly boundaries of said Sublot 1 of Lot 2381, Plan X74, to the southeast corner thereof; thence due South to the northerly boundary of Lot 9268; thence easterly and southerly along the northerly and easterly boundaries of Lot 9268 to the northeast corner of Lot 8781; thence southerly and westerly along the easterly and southerly boundaries of Lot 8781 to the northeast corner of Lot 8783; thence southerly along the easterly boundary of Lot 8783 to the northwest corner of Lot 9559; thence easterly along the northerly boundary of Lot 9559 to the northeast corner thereof; thence southerly, southwesterly and southerly along the easterly boundaries of Lots 9559, 8779 and 8782 to the southeast corner of said Lot 8782; thence westerly along the southerly boundary of said Lot 8782 to the easterly boundary of Lot 9270; thence northerly, westerly and southerly along the easterly, northerly and westerly boundaries of said Lot 9270 to the southwest corner thereof; thence easterly along the southerly boundary of Lot 9270 a distance of 15 chains; thence due South 10 chains; thence due East to the westerly boundary of Lot 9269; thence northerly along said westerly boundary of Lot 9269 to its intersection with the northerly limit of the British Columbia Highway as shown on Plan R233; thence southeasterly along said northerly limit as shown on Plan R233 to the easterly boundary of Lot 9269; thence southerly along the said easterly boundary to the southeast corner of Lot 9269; thence westerly along the southerly boundary of Lot 9269 to the most easterly northeast corner of Lot 10767; thence southerly along the easterly boundary of said Lot 10767 to the northwest corner of Lot 8972; thence southerly along the westerly boundaries of Lots 8972 and 8973 to the southwest corner of Lot 8 of said Lot 8973, Plan 1098; thence easterly along the southerly boundary of said Lot 8 of Lot 8973, Plan 1098, to the southeast corner thereof; thence northerly along the easterly boundary of Lot 8973 to the most northerly corner of Lot 9558; thence southeasterly along the easterly boundaries of Lot 9558 to the southeast corner thereof; thence westerly along the southerly boundary of Lot 9558 to the most southerly southwest corner thereof; thence southerly along the westerly boundary of Timber Licence 7144P to a point due West of the most westerly corner of Lot 818; thence East to said corner; thence northeasterly along the northwesterly boundary of said Lot 818, being the right bank of Corn Creek, to the most northerly corner of said Lot 818; thence southeasterly along the

northeasterly boundary of Lot 818 to the most northerly corner of Lot 12548; thence southeasterly along the northeasterly boundary of said Lot 12548 to the most easterly corner thereof; thence southeasterly along the northeasterly boundary of Lot 818 to the southeast corner thereof; thence in a general easterly direction along the northerly limit of a road right of way shown on Plan RS 3252 on file in the Ministry of Transportation and Highways in Victoria to the intersection of said northerly limit with the southerly boundary of Timber Licence 7144P; thence easterly along the southerly boundary of said Timber Licence 7144P to the southEast corner thereof, being a point on the westerly boundary of Lot 9999, Indian Reserve 1C; thence northerly and easterly along the westerly and northerly boundaries of Lot 9999 to the southwest corner of Lot 14878; thence in a general northerly direction along the westerly and northerly boundaries of Lot 14878 to the most northerly corner thereof, being a point on the left bank of the Kootenay River; thence in a general northerly direction following said left bank of the Kootenay River to a point due South of the most southerly southeast corner of Lot 15818; thence North to said corner and continuing northerly along the easterly boundary of Lot 15818 to the most southerly northeast corner thereof; thence in a general northwesterly direction following the easterly boundary of Lot 15818 to the northwest corner of Lot 2 of Lot 15150, as shown on Plan 4083; thence easterly along the northerly boundary of said Lot 2 of Lot 15150, Plan 4083, to the northwest corner of Lot 3 of Lot 15150, Plan 4083; thence southerly and easterly along the westerly and southerly boundaries of said Lot 3 of Lot 15150, Plan 4083, to the southerly boundary of Lot 15818; thence in a general easterly direction following the southerly boundary of said Lot 15818 to the most northerly southeast corner thereof; thence in a general southeasterly direction following the northeasterly boundary of Lot 15150 to the southwest corner of Block 142 of Lot 9427, as shown on Plan B44, being the point of commencement; the whole of which is outlined in red on the Plan numbered 16, Tube 842, deposited in the office of the Surveyor General, and all that land included within the following boundaries: commencing at the southwest corner of Block 6A or Lot 774, Kootenay District, Plan 1908, being a point on the International Boundary; thence northerly along the westerly boundary of said Block 6A to the southwest corner of Block 6B of Lot 774, Plan 1908, being the right of way of Reclamation Road; thence northeasterly and north-northeasterly along the southeasterly boundary of said Block 6B to the northwest corner of Block 6A of Lot 774, Plan 1908; thence in a general easterly direction along the northerly boundary of Block 6A of Lot 774, Plan 1908, being the southerly boundary of Block 6 of Lot 774, Plan 1908, to the northeast corner of Block 6A of Lot 774, Plan 1908, being the southeast corner of Block 6 of Lot 774, Plan 1908; thence in a general southeasterly direction along the southwesterly boundary of Block 5 of Lot 774, Plan 1908, to the most easterly corner of Block 6A of Lot 774, Plan 1908, being the most northwesterly corner of Block 13A of Lot 774, Plan 1908; thence southwesterly and southerly along the southeasterly boundary of Block 6A of Lot 774, Plan 1908, to a point on the International Boundary, being the most southwesterly corner of Block 13A of Lot 774, Plan 1908; thence due West along the International Boundary, being the southerly boundary of Block 6A of Lot 774, Plan 1908, to the southwest corner of Block 6A of Lot 774, Plan 1908, being the point of commencement; the whole being Block 6A of Lot 774, Plan 1908, Kootenay District.