



Our File: 4405607

October 22, 2015

Reserve No.: **R154016**

Your Contact is: Gena Baker, Portfolio Administrator
Telephone (250) 420-2169
Email: gena.baker@gov.bc.ca

Ministry of Forests, Lands and Natural Resource Operations
1902 Theatre Road
Cranbrook, BC V1C 7G1

Attention: Ray Morello, Director of Authorizations

Re: Notice of Establishment of a Land Act Section 17 Designated Use Area

The Section 17 Land Act Map Reserve is established, in your name, over Lot 3, District Lot 10348, Kootenay District, Plan 8226, as shown on the Legal Description Schedule, and containing 28.94 hectares, more or less, commencing October 22, 2015 for thirty years with a mandatory 10 year review.

No disposition under the Land Act may be made of any of the Reserve Area, with the exception of:

- 1. Applications in support of existing operations associated with the private upland and Crown land located within the reserve, which will be reviewed prior to acceptance*
- 2. Dispositions to replace or extend the term of any existing tenure under the Act*
- 3. Assignment of existing tenures*

Yours truly,

Sharon Dailey
Section Head
Kootenay Boundary

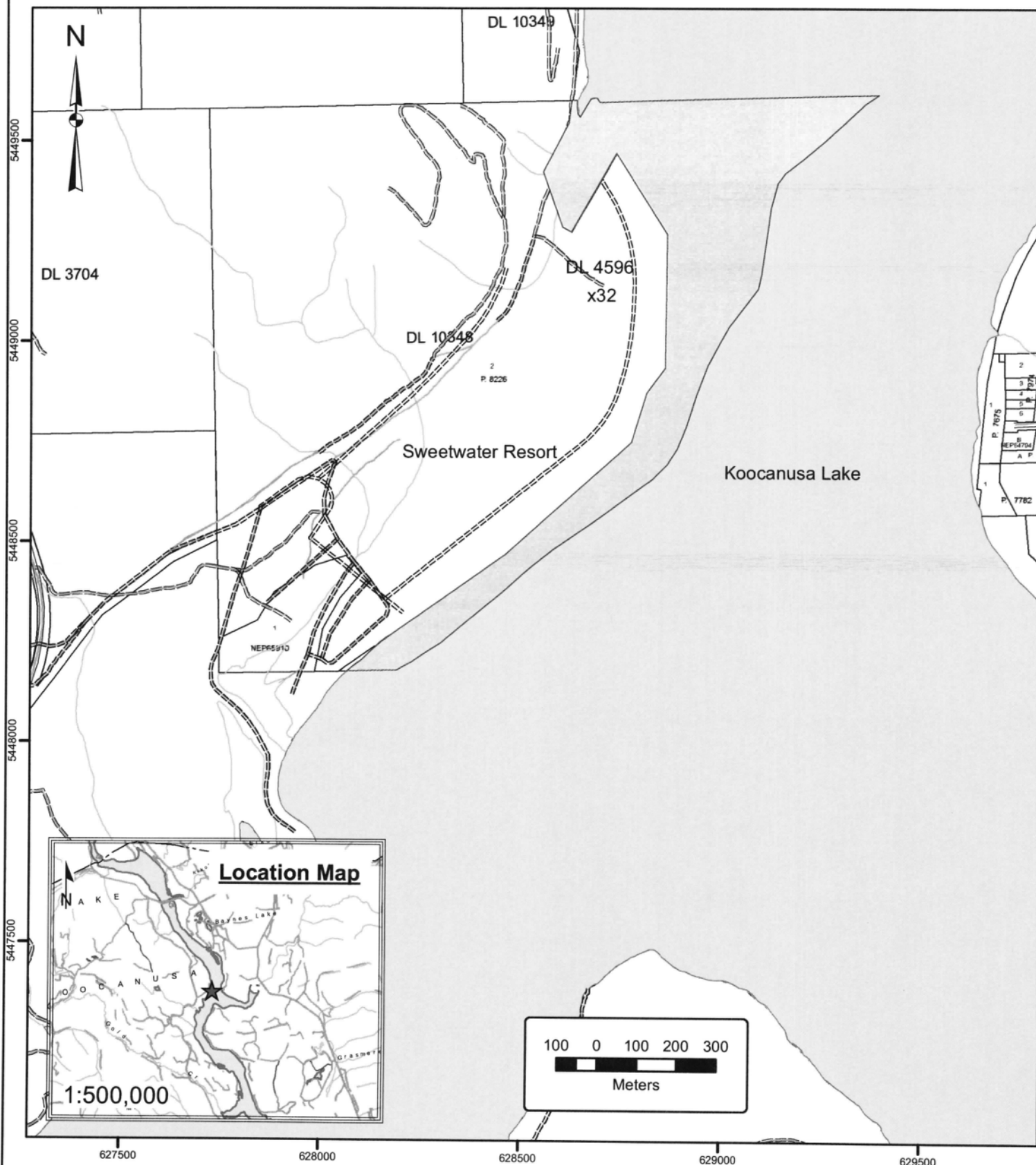
**Ministry of Forests,
Lands and Natural
Resource Operations**

Kootenay Boundary Region

Mailing Address and Location:
1902 Theatre Road
Cranbrook BC V1C 7G1

Phone: 250 426-1766
Fax: 250 426-1767
Website: www.gov.bc.ca

Lot 3, District Lot 10348, Kootenay District, Plan 8226, as shown on the Legal Description Schedule,
and containing 28.94 hectares, more or less





Ministry of Forests, Lands and Natural Resource Operations

MAP RESERVE –SECTION 17 RESERVE REPORT

Tenure New ☒ Replacement ☐ Cancellation ☐ Amendment ☒

REPORT DATE: October 14, 2015

FILE NUMBER: 4405607

LEGAL: Lot 3, District Lot 10348, Kootenay District, Plan 8226, as shown on the Legal Description Schedule, and containing 28.94 hectares, more or less

LOCATION: Koocanusa Lake

APPLICANT LEGAL NAME:

- Ministry of Forests, Lands and Natural Resource Operations

ADDRESS: 1902 Theatre Road, Cranbrook, BC V1C 7G1

CONTACT NAME (if corporation): Ray Morello

INSPECTED:

- Yes – Jessie Lunan October 2014

LAND USE:

- Erosion control and heritage resources

AREA:

- 28.94 hectares, more or less

FOREST/PROVINCIAL FOREST (use only for Crown Grants):

- Rocky Mountain Natural Resource District

ALR:

- Within the Agricultural Land Reserve

CONFLICTS:

- No apparent conflicts

REFERRAL SUMMARY:

- There are no referrals nor First Nations consultation as the Map Reserve is to be established to protect the Crown land from erosion due to occupation and protect the heritage resources

DISCUSSION:

- The Crown land described as District Lot 10348, Kootenay District was subdivided by Plan 8226 into 3 lots. Lot 2 was sold to Marcer Ranching. Lot 1 was retained by the Crown for the marina and Lot 3 was retained by the Crown as there are high archaeological values and the foreshore is subject to erosion.
- Lot 2 of District Lot 10348 has subsequently been subdivided into Strata Lots shown on EPS771 of which 74 overlook the lake and is known as part of Sweetwater Resort. Between EPS771 and the foreshore is the Crown land described as Lot 3, DL10348, Kootenay District, Plan 8226.
- In the summer of 2014 MoFLNRO received a letter from the Regional District of East Kootenay reporting Crown upland and foreshore encroachments built by the landowners at Sweetwater Resort and in October 2014 I met Craig McMorran, the developer of Sweetwater Resort who toured me around the improvements located on the Crown land and the foreshore.
- The inspection revealed that there is a lot of activity both on the foreshore and the Crown land parcel. The property owners have encroached onto Crown land building illegal improvements in the form of decks, rock and wooden patios, retaining walls, boat ramps and various land improvements including moving rocks, grassing the foreshore.

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- I contacted Margaret Rogers, a Heritage Resource Specialist of the Archaeology Branch of MoFLNRO^{s.3}

s.3

- MoFLNRO has recommended that a Section 17 Map Reserve is established over Lot 3 to protect the foreshore from further development in order to protect the foreshore from further erosion and protect the heritage resources
- As per the Reserve, Withdrawal, Notations and Prohibitions Operational Policy, updated on February 28, 2014, this form of land allocation is a **Conditional Withdrawal** (Section 17 *Land Act*). A conditional withdrawal does not preclude the acceptance and adjudication of Crown land applications and the disposition of Crown land for use(s) that are deemed compatible with the conditions of the withdrawn area

VALUATION:

- None

RECOMMENDATIONS:

TENURE

- I recommend establishing a Conditional Withdrawal from Disposition (Section 17) for protection of the foreshore from further development and protection of the heritage resources

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2. Dispositions to replace or extend the term of any existing tenure under the Act
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TERM

- 30-year term with mandatory review in 10 years.

NOTES TO PORTFOLIO ADMINISTRATOR:

- This file under the TAT reporting requirements. It should be completed in ATS163775 by **November 4, 2015**
- Please schedule a mandatory review in 10 years.

**Jessie Lunan
Land Officer
Kootenay Boundary**