

FW: McLeod Lake

From: Wright, Milt AAF:EX
To: Kelly, Susan M AAF:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: March 1, 2001 3:09:37 PM PST

-----Original Message-----

From: Sheryl Yoner [mailto:yoners@inac.gc.ca]
Sent: Wednesday, February 21, 2001 5:09 PM
To: Wright, Milt AAF:EX
Subject: McLeod Lake

Just a quick note to provide a status on the reply to your requests of Dec 8/00

1) As advised, I hope to get a sample permit out to Westcoast & Federated Pipelines and the Band, as well as the BCHydro Flowage Agreement, in the next 1-2 weeks.

2) Environmental audits have been done, but before I send them all out, one needs some revision which I expect will be done in the next 2 weeks.

In this regard, in the previous EA's, I note reference to some fuel spills at Kerry Lake East & West and potential gas station subsurface impact at McLeod Lake East. I believe the understanding is that Canada conducts the Phase I EA and BC would conduct any further testing & cleanup. The reports will provide specific information as to what is suspected.

Would you please have the appropriate person from BC contact our Environmental Engineer, Biren Juttun at (604) 666-9747 to initiate the testing/cleanup.

3) Written approval of surveys from the Band: I believe only 2 have been provided so far and I will provide you with same shortly as well.

.....Just wanted to get the environmental people connected and let you know the general status of the rest.

Sheryl Yoner
Sr. Land Management & Leasing Officer
Dept. of Indian Affairs & Northern Development
Lands & Trust Services - BC Region
#600 - 1138 Melville Street
VANCOUVER BC V6E 4S3
Ph: (604) 666-0873 Fx: (604) 666-2546
yoners@inac.gc.ca
Reception: 6th floor (604) 775-7114

McLeod Lake - New Reserves Implementation

From: Wright, Milt AAF:EX
To: Sheryl Yoner INAC <yoners@inac.gc.ca>
Cc: Kelly, Susan M AAF:EX <SMKELLY2@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>
Sent: May 4, 2001 12:06:37 PM PDT
Hi Sheryl,

This is in response to your memo of April 11, 2001 (your file reference E5673-3-618) and attachments as conveyed to our Branch. I appreciate receiving this information and would like to offer some observations and comments.

Article 4.1.7

With respect to a contact a Federated Pipelines, I assume that the name we established earlier this year has not proven valid? Do you require my further assistance in obtaining a name?

With reference to the entry points noted on the Permit - I am not clear as to why a survey 'may be required' and do not agree that the Province would assume responsibility to carry out such a survey. The terms of the Agreement that relate to schedule F outline both 'normal' and 'apprehended emergency' contingent access. Under 'normal' circumstances the access would be according to the milepost markers identified in Schedule F, which seem to be known fixed points - why would a survey be required in this instance? A surveyed entry point would not enable emergency access, as it is impossible to isolate such locations in advance. Perhaps I have missed something?

4.2.4

I am not sure I understand your reference with respect to further testing and required clean up by BC of discovered contaminants. The agreement states in 4.2.5 that if contamination is discovered as a result of the Environmental Audit the parties may agree to select alternate lands, or permit remediation of the contaminant. This provision clearly anticipates a discussion between the parties before taking any action and no mention is made of further testing, or assignment of responsibility for same. In provision 4.2.6 it is clearly identified that BC will remediate in the event that contamination occurs subsequent to the completion date of the Environmental audits but that does not appear to be the case here given that the results of the audits have referenced fuel spills a Kerry Lake East and West, with potential gas station impacts at McLeod Lake East. I think we need to follow the Agreement in respect of when remediation is expected to occur and whose is deemed responsible. At this point I do not agree that BC is responsible for further testing a remediation of contaminants identified in the Environmental Audit.

4.3.2

A point of clarification. You note that the surveys completed to date and those that are underway will be submitted to the McLeod Lake Indian Band for approval. You also mention that the surveys are being registered by the Surveyor General in the Canada Land Survey Records. There is no mention of the BC Surveyor General in this approval process and that until approved by the BC Surveyor General, it will not be possible to issue orders to have land transferred to Canada. Given that BC has yet to confirm our agreement with the survey plans submitted by Canada, it seems premature to register those surveys in the Canada Land Survey Records. What if errors are detected and require further survey work, and alterations to the survey plans? Perhaps I have misunderstood your direction?

6.8

My understanding is that John Gray is meeting regularly with the Band and they are dealing with the matter of road deactivation.

Thanks again for providing this information and please excuse my tardy reply.

FW: Kerry Lake East Survey - RFP

From: Sutherland, Jim ELP:EX
To: Kelly, Susan M AAF:EX <SMKELLY2@Victoria1.gov.bc.ca>
Cc: Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>
Sent: June 5, 2001 2:43:07 PM PDT
Attachments: KLE Project.dwf

Hi Susan:

I am forwarding this note with an attached drawing that will be included in the RFP documents for the Kerry Lake East survey project.

Please review the drawing - it can viewed with Volo View Express free viewer. The boundary follows the orthophoto settlement agreement, except, you will notice that there are four areas that are labelled as proposed changes. It appears that the Band would like to take a vote on these changes. Steve Minnie is sending out the RFP in the next couple of days. The RFP is contingent on a Band vote. If the band rejects the change then the survey will be as to the settlement agreement, if accepted, the survey will reflect the changed boundary. The successful contractor will provide a quote on the agreed boundary survey and if the vote is positive for the changes, then the contract will be amended.

Steve is sending a copy of the drawing to inform Carol Cosco (Federal Negotiator). When the Band proposed these changes about six weeks ago, you and Carol confirmed that any changes to the settlement agreement boundary would require a vote. Please let me know if there are any other concerns you may have.

As a project update, there is a part of existing highway lying easterly of the gas right of way that overlaps into the settlement agreement boundary. I asked the MOTH gravel manager whether this area needed to be retained by MOTH - he replied no. I will ask him to confirm this in writing and ask what type of plan will be required to close the road. I will then take action to have the closed road MO'd to MELP so that we can include it in the survey. This is similar to the three road areas in the McLeod Lake East survey that were identified as needing to be closed. One of those parcels was identified on statusing - the other two were only identified upon field survey. We are still dealing with the road closures on these parcels.

Jim Sutherland
Ministry of Environment, Lands and Parks
Crown Land Registry Services
Office of the Surveyor General
PO Box 9375 Stn Prov Govt
Victoria, BC V8W 9M5

Tel: 250-952-5328
Fax: 250-387-1830
"<http://www.env.gov.bc.ca/clrs/>

-----Original Message-----

From: Minnie, Steve [mailto:SMinnie@NRCan.gc.ca]
Sent: Tuesday, June 05, 2001 10:40 AM
To: Sutherland, Jim ELP:EX
Subject: Kerry Lake East Drawing

Attached is the KLE drawing with 1996 ortho.

Steven J. Minnie BCLS, CLS, OLS(ret)
Legal Surveys Division
Natural Resources Canada
Suite 1501, 1138 Melville Street
Vancouver, BC, V6E 4S3
Telephone 604-666-3517
Email: sminnie@nrcan.gc.ca
Internet: <http://www.wroc.nrcan.gc.ca>

<<KLE Project.dwf>>

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s.14 ; s.15 ; s.16

Page 006 of 150

Withheld pursuant to/removed as

s.14 ; s.16

Page 007 of 150

Withheld pursuant to/removed as

s.14

Hello Tom:

Here is the detailed information with respect to surveys for MLIB. This is where things were sitting a week ago. It appears that for this harvest cycle for beetle that the lands will still be in Provincial control. The Carp South parcel most likely will be in Provincial control for the next two harvest cycles. Below are the survey specifics for each parcel:

- McLeod Lake East - Preliminary survey is complete. Final survey will be done in the next few weeks. Final plan to be forwarded.
- Weedon Carp - Preliminary plan done but sent back. Edits should be coming in soon. Will be re-forward.
- McLeod Lake West - Preliminary survey complete.
- Kerry Lake West - Preliminary survey complete.
- Kerry Lake East - Survey should be awarded this week. Survey should be done by September.
- Carp South - Will be surveyed next year.
- Small Land Selections - Will be completed this summer.

Here is the information for stumpage payments:

\$25,023,267.06 - Oct 20, 1995 - March 31, 2000

\$819,798.42 - April 2000

\$68.30 - June 2000

\$52,558.01 - July 2000

\$288.49 - August 2000

\$671,423.32 - February - ADJUSTMENT

\$1,981,320.53 - February 2001

\$4,789,014.97 - March 2001

\$2,448,346.16 - April 2001

Total stumpage to date: \$35,786,085.26

Best regards,

Michael Goodfellow

Negotiations Support Analyst

Aboriginal Relations Branch

Treaty Negotiations Office

Ministry of Attorney General

Phone: (250) 356-7415

Fax: (250) 356-6662

Revised 10/1/2022

RE: MLIB Surveys & Stumpage Payments

From: Kelly, Susan M AAF:EX
To: Goodfellow, Michael AAF:EX <MGoodfel@Victoria1.gov.bc.ca>, Lee, Tom W FOR:EX <TWLee@Victoria1.gov.bc.ca>
Cc: Besharah, Nancy AAF:EX <NBeshara@Victoria1.gov.bc.ca>
Sent: July 25, 2001 2:39:45 PM PDT

Thanks Michael,

To clarify on the process of transferring the lands:

- Once the final surveys are completed, they will be sent to Forests, Transportation, BCAL, BC Hydro, TNO, McLeod Lake and Natural Resources Canada for sign off.
- Once they are signed off, an OIC will be done to transfer the lands to Canada.
- Canada will have to do a Privy Council Order to accept the lands.

Getting sign off on the surveys may take some time-it depends on the workloads of the individual ministries. The OIC should be done within 3 months--we may be able to speed this up. The Privy Council Order will take 3-6 months. Once we have sign off on the surveys, I will contact Canada to see if they can get in the queue asap.

Susan

-----Original Message-----

From: Goodfellow, Michael AAF:EX
Sent: Wednesday, July 25, 2001 2:34 PM
To: Lee, Tom W FOR:EX
Cc: Kelly, Susan M AAF:EX; Besharah, Nancy AAF:EX
Subject: MLIB Surveys & Stumpage Payments

Hello Tom:

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- **McLeod Lake West** - Preliminary survey complete.
- **Kerry Lake West** - Preliminary survey complete.
- **Kerry Lake East** - Survey should be awarded this week. Survey should be done by September.
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Total stumpage to date: \$35,786,085.26

Best regards,

<< OLE Object: Picture (Metafile) >>

Michael Goodfellow

Negotiations Support Analyst

Aboriginal Relations Branch

Treaty Negotiations Office

Ministry of Attorney General
Phone: (250) 356-7415
Fax: (250) 356-6662

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Withheld pursuant to/removed as

s.14 ; s.15 ; s.16

Page 014 of 150 to/à Page 016 of 150

Withheld pursuant to/removed as

s.14 ; s.16

McLeod Lake Settlement Agreement Surveys

From: Sutherland, Jim ELP:EX
To: West, Heather AAF:EX <HWest@Victoria1.gov.bc.ca>
Cc: Kelly, Susan M AAF:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: September 25, 2001 2:25:09 PM PDT
Hi Heather:

As you requested, here is a quick summary status for the above surveys:

First year forested lands contracts by NRCAN:

- * McLeod Lake West - survey completed
- * Kerry Lake West - survey completed
- * Weedon Carp - first preliminary plan submitted (lots of redline edit requests), field inspection done by land surveyor and second preliminary plan submitted, being verified and will be re-distributed for review by line ministries
- * McLeod Lake East - first preliminary plan submitted (some redline edit requests and more field work requested), surveyor second preliminary plan just submitted, will be verified and will be re-distributed for review by line ministries

First Year Schedule C lands:

- * done in-house by NRCAN surveyor Steve Minnie
- * Finlay Bay, Tacheeda River, McIntyre Lake, McLeod Lake, Weedon lake, District of Mackenzie, Bear Lake
- * distributed to line ministries for review

Second Year forested lands contracts by NRCAN:

- * Kerry Lake East underway
- * Part of Carp South - underway - I believe the boundaries of the part being surveyed this year were determined by Provincial and Federal negotiators
- * Carp South is the make up parcel to adjust the final area as to the settlement agreement after band members have elected or not severalty lands (17 years?).

Second Year Schedule C Lands:

- * Steve Minnie completed the Schedule C surveys
- * Plans should be sent to this office by the end of the month.

Action Plan

- * get signoff for all the areas except Carp South and Kerry Lake East - Chuck will then sign the plans.
- * complete OIC to remove two Schedule C parcels from provincial reserve
- * complete OIC to TAC lands except Carp South and Kerry Lake East
- * complete TAC for Kerry Lake East and part of Carp South when surveys verified
- * ?wait 17 years to complete adjust area on Carp South as to settlement agreement?

Regards,

Jim Sutherland
Surveyor General Branch
Ministry of Sustainable Resource Management
PO Box 9375 Stn Prov Govt
Victoria, BC V8W 9M5

Tel: 250-952-5328
Fax: 250-387-1830
http://www.elp.gov.bc.ca/clrs/surveyor_general/index.html

FW: McLeod Lake Settlement Agreement Surveys

From: Kelly, Susan M AAF:EX
To: Walker, Denise AAF:EX <DWalker@Victoria1.gov.bc.ca>
Cc: Morris, Teresa AAF:EX <TMorris@Victoria1.gov.bc.ca>
Sent: September 26, 2001 12:19:13 PM PDT
Here are more details of what Heather is going to discuss with the Surveyor General's office.

Susan

-----Original Message-----

From: Nakken, Peter AAF:EX
Sent: Wednesday, September 26, 2001 12:13 PM
To: Kelly, Susan M AAF:EX; Goodfellow, Michael AAF:EX
Subject: FW: McLeod Lake Settlement Agreement Surveys

FYI

Peter Nakken

Assistant Negotiator
Implementation & Settlement Legislation Branch
Treaty Negotiations Office
Ph (250) 387-5237 FAX (250) 356-5882
Peter.Nakken@GEMS1.gov.bc.ca

-----Original Message-----

From: West, Heather AAF:EX
Sent: Wednesday, September 26, 2001 12:11 PM
To: Sutherland, Jim ELP:EX
Cc: Salmon, Chuck ELP:EX; Nakken, Peter AAF:EX; Harrington, Molly AAF:EX
Subject: RE: McLeod Lake Settlement Agreement Surveys

Jim we have now met internally and I have several action items that I must follow up on. Prior to doing that I need to get a better understand of matters relating to this project.

Background: There are huge costs accruing to the Province as the surveying and processing for the transfer of the forested lands moves forward. We have now received instructions to take whatever steps are necessary to expedite the transfer of these lands (6 parcels) subject to imposed stumpage fees. These instructions will necessitate a critical review of the current process to determine what can be done to ensure that the transfer (at least the Provincial O.I.C.) will be passed by year's end at the latest. Given my previous experience with Nisga'a I have been asked to assist the Implementation and Settlement Branch on this matter as they have now been assigned responsibility for this matter.

The six parcels to be transferred as soon as possible are:

McLeod Lake West - complete
Kerry Lake West - complete

McLeod Lake East - second preliminary plan submitted. Requires verification and re-distribution to line ministries.

Weedon Carp - second preliminary plan submitted. Requires verification and re-distribution to line ministries.

Kerry Lake East - survey underway
Carp South (as to part) - survey underway

Questions:

- By indicating that McLeod Lake West and Kerry Lake West are complete is it safe to make the assumption that these two parcels are ready to proceed to O.I.C.?
- For McLeod Lake East and Weedon Carp
- How long will the verification process take (Is this your internal plan checking process)? Would the provision of extra \$ help expedite that process, (ie. could you hire extra plan checkers)? What is the current turn around time on this aspect of the project?
- Can you explain why it is necessary to refer these plans to all of the internal line agencies (MOT, MOF, TNO, BCHydro) for sign off?
As indicated during our telephone discussion, you have experienced delays receiving sign off from these agencies. Would it be possible for someone to walk these plans through in a couple of days? Are all plans referred to BCHydro, or only those affected by their interests? *(I am just trying to wrap my mind around this stuff.)* When you put these plans out for referral to you specify a required response date?
- For Carp South and Kerry Lake East
- Can you enquire of the surveyors as to when they expect to have preliminary returns ready to submit to your office?
Is there any way that we could expedite the survey? Could we get extra crews and or field staff assigned to the project if the Province was put in extra money? We must explore all possible options to move the process along.
- O.I.C to transfer forested lands
- Given that the form of the O.I.C. is included in the agreement, I would assume that it has been reviewed by Legislative Counsel.
At this time you will have already assigned the District Lot designations for the parcels and should be aware of BCHydro's interests.
Rather than wait for all of the outstanding plans to be processed before initiating the transfer O.I.C. we should be able to have a "green" tagged order ready to go and can make arrangements to walk it through the process as soon as the plans are signed off.
I am currently seeking instructions as to whether we can proceed with an O.I.C. for those parcels that are further along in the process or if all six forested parcels are required to go on one order. Can you see any problem with this approach?

Our instructions are very clear that we have to take whatever steps necessary to move this project along and your input and assistance would be much appreciated. TNO can provide whatever assistance required to expedite the process.

As Peter Nakken and I will be meeting with Jeff Beddoes on another matter tomorrow would it be possible for us to meet with you before or after we meet with Jeff to discuss this matter in further detail. We are meeting with Jeff at 10:30 am.

-----Original Message-----

From: Sutherland, Jim ELP:EX
Sent: Tuesday, September 25, 2001 2:25 PM
To: West, Heather AAF:EX
Cc: Kelly, Susan M AAF:EX
Subject: McLeod Lake Settlement Agreement Surveys

Hi Heather:

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Regards,

Jim Sutherland
 Surveyor General Branch
 Ministry of Sustainable Resource Management
 PO Box 9375 Stn Prov Govt
 Victoria, BC V8W 9M5

Tel: 250-952-5328

Fax: 250-387-1830

http://www.elp.gov.bc.ca/clrs/surveyor_general/index.html

FW: McLeod Lake Indian Band Land Transfer Activity Plan

From: Harrington, Molly AAF:EX
To: Panter, Catherine AAF:EX <CPanter@Victoria1.gov.bc.ca>, Villaaarce, Jose AAF:EX <JVillaaar@Victoria1.gov.bc.ca>, Heap, Peter AAF:EX <PHeap2@Victoria1.gov.bc.ca>, Morris, Teresa AAF:EX <TMorris@Victoria1.gov.bc.ca>, Kelly, Susan M AAF:EX <SMKELLY2@Victoria1.gov.bc.ca>, West, Heather AAF:EX <HWest@Victoria1.gov.bc.ca>, Nakken, Peter AAF:EX <PNakken@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>
Sent: September 28, 2001 4:16:52 PM PDT
Attachments: MLIBActivity Plan.doc

Please find attached an activity sheet for provincial steps required to complete the transfer of lands. As promised, ISLB has detailed what these steps are. Thank you Heather for all your work putting this together. Please provide any additional detail to Heather if we have missed anything.

As noted, ISLB will take responsibility for the survey work required to complete this process - see page one. ARB (with AG assistance) has responsibility for the other steps outlined on steps on pages two and three. Completion of the work by ISLB for the survey and ARB for other land issues should bring us to the point of getting the OIC for land transfer. There are three options for the OIC: one parcel at a time, for all the forestry parcels as a whole, or for all the parcels. A process then needs to be established for approaching the federal government to facilitate transfer of the Privy Council Order.

I hope this is of assistance. ISLB will move forward to expedite the survey work and keep everyone informed. We may need ARB assistance to ensure we are up to speed on any issues that arise. Given how interrelated the pieces are I think we should all continue to work together. I will set up a room for us to meet next Thursday at 1:30 to discuss progress etc.

Thanks, Molly

**Activity Plan Leading to Provincial Transfer of Land to Canada
pursuant to the McLeod Lake Indian Band Treaty No. 8 Adhesion
and Settlement Agreement**

Activity	Actions required to move to O.I.C.	Responsible Party	Modification to current process	Status
Finalization of Ground Surveys <i>(All parcels)</i>		ISLB assisted by OSG		Ongoing
Preliminary returns	1. Examination by the Office of the Surveyor General for conformity to General Survey Instruction Regs. <i>(Note: All plans will have been submitted by the end of October)</i>	Jim Sutherland, OSG (JS)	We are currently seek an indication of the anticipated turn around time in this office to determine the level of resourcing necessary to ensure that processing is expedited. JS is to advise us accordingly	
Line Agency Referrals	2. Electronic referral to appropriate line agencies <i>(Note: Items 1 and 2 should parallel one another with all referrals to line agencies completed by mid-November.)</i>	Jim Sutherland, OSG	Due to recent organizational changes the referral listing is being updated and rolled up to eliminate duplicate referrals within the same agencies. JS and Heather West (HW) have been assigned to this task.	To be initiated with timelines to follow.
Survey Approval	3. Completion of Items 1 and 2	Chuck Salmon, OSB	None required	Ongoing.
Descriptions for Schedule to O.I.C. <i>(Article 4.3.2)</i>	4. Preparation of Legal Descriptions	Canada	JS and HW will work with Canada on preparation of legal descriptions in an effort to expedite the process and to ensure that the legal descriptions are acceptable to the Province.	To be initiated with timelines to follow.
Approvals from MLIB and Canada for surveys <i>(Article 4.3.3)</i>	5. ISLB and OSG will monitor receipt of required written approvals	JS and HW	HW to conduct an assessment of approvals received to-date	To be initiated with documentation and tracking to follow

Activity	Actions required to move to O.I.C.	Responsible Party	Modification to current process	Status
BC Hydro RW Documentation		Aboriginal Relations Branch		
Parcels affected by Agreement	Prepare a listing of those parcels affected by this agreement.	Aboriginal Relations Branch (ARB)	This will place us in the position of determining whether there are any parcels that can be transferred prior to the finalization of the Agreement	To be initiated
Ministerial Direction to sign BC Hydro RW Agreement	Execution by MSRM of Ministerial Direction under section 9 of the <i>Ministry of Land, Parks and Housing Act</i> to authorize MSRM to sign the BC Hydro Right of Way Agreement in the form set out in Schedule "E: to the Agreement.	Sandra Borthwick, MAG (SB) ARB		?
BC Hydro RW Agreement	Execution by BC Hydro and MSRM of RW Agreement	ARB SB, MAG	Someone from ARB needs to be assigned to manage the processing of this document	?
O.I.C. 2452/57 Amendment		ARB		
	<u>Parcels affected</u> are non-forested lands being Finlay Bay and Weston Bay	JS, OSG	This task should be reassigned to ARB given the recent restructuring within MSRM and JS's input at our meeting of Sept 27 th .	To be initiated
Section 28(2) <i>Indian Act Permits</i>		ARB		
	<u>Parcels affected</u> are McLeod Lake East and Kerry Lake East, both forested areas	ARB		
Water Quality Survey Station		ARB		
	<u>Parcel affected</u> McLeod Lake East Replacement interest for water quality survey station to be agreed upon by MLIB and Canada	ARB	Required to monitor progress	
Environmental Assessment		ARB		
	Parcels affected are McLeod Lake East, Kerry Lake West, and Kerry Lake East, all forested parcels. BC is responsible for site remediation in accordance with the standards established under the <i>Waste Management Act</i> , R.S.B.C. 1996, c. 483	ARB	The agreement also refers to a garbage site. Does this reference pertain to any parcel in particular?	

Activity	Actions required to move to O.I.C.	Responsible Party	Modification to current process	Status
Environmental Audits (Article 4.2.4)		ARB		
	Completed environmental audits by Canada of all lands to be transferred that were not included in the audit that Canada completed in August, 1998	ARB, SB, MAG	Follow up required	To be done
Deletion from Provincial Forest		ARB		
	1. Identify parcels within Provincial Forest	ARB		To be done
	2. Initiate preparation of M.O.s through MoF	ARB		
Servicing Agreements		ARB		
	Parcels affected at Bear Lake and the District of Mackenzie			
	Completion of servicing agreements between MLIB and Fraser-Fort George Regional District and the District of Mackenzie	ARB		To be done
O.I.C for Transfer of Administration and Control		ARB		
	1. Obtain a green tagged O.I.C. in advance of final survey plan sign off	ARB SB, MAG	This function is currently assigned to JS of OSG and it should be re-assigned to ARB	To be done
	2. Prepare package to accompany O.I.C.	ARB		To be done
	3. Contact Cabinet Operations to determine scheduled meeting dates to years end	ARB		
	4. Put O.I.C. forward for approval	ARB		

FW: McLeod Lake Indian Band Land Transfer Activity Plan

From: Morris, Teresa AAF:EX
To: Goodfellow, Michael AAF:EX <MGoodfel@Victoria1.gov.bc.ca>
Cc: Kelly, Susan M AAF:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: October 2, 2001 2:16:51 PM PDT
Attachments: MLIBActivity Plan.doc
Hi Michael,

Can you please attend this meeting as well. Please note the time has been changed to 3:00 p.m. on Thursday.

Also, please talk with Susan about a number of tasks (outlined in document below) that she needs your assistance with.

Thanks,

Teresa Morris

*A/Negotiator, North Interior and Northwest Coast
Aboriginal Relations Branch
tel: (250) 356-6599
fax: (250) 356-6662
e-mail: teresa.morris@gems5.gov.bc.ca*

-----Original Message-----

From: Harrington, Molly AAF:EX
Sent: Friday, September 28, 2001 4:17 PM
To: Panter, Catherine AAF:EX; Villaarce, Jose AAF:EX; Heap, Peter AAF:EX; Morris, Teresa AAF:EX; Kelly, Susan M AAF:EX; West, Heather AAF:EX; Nakken, Peter AAF:EX; Borthwick, Sandra AG:EU
Subject: FW: McLeod Lake Indian Band Land Transfer Activity Plan
Importance: High

Please find attached an activity sheet for provincial steps required to complete the transfer of lands. As promised, ISLB has detailed what these steps are. Thank you Heather for all your work putting this together. Please provide any additional detail to Heather if we have missed anything.

As noted, ISLB will take responsibility for the survey work required to complete this process - see page one. ARB (with AG assistance) has responsibility for the other steps outlined on steps on pages two and three. Completion of the work by ISLB for the survey and ARB for other land issues should bring us to the point of getting the OIC for land transfer. There are three options for the OIC: one parcel at a time, for all the forestry parcels as a whole, or for all the parcels. A process then needs to be established for approaching the federal government to facilitate transfer of the Privy Council Order.

I hope this is of assistance. ISLB will move forward to expedite the survey work and keep everyone informed. We may need ARB assistance to ensure we are up to speed on any issues that arise. Given how interrelated the pieces are I think we should all continue to work together. I will set up a room for us to meet next Thursday at 1:30 to discuss progress etc.

Thanks, Molly

FW: Mcleod Lake Settlement Agreement Plans - ** Updated Version **

From: Goodfellow, Michael AAF:EX
To: Kelly, Susan M AAF:EX <SMKELLY2@Victoria1.gov.bc.ca>, West, Heather AAF:EX <HWest@Victoria1.gov.bc.ca>
Sent: October 22, 2001 2:01:47 PM PDT
FYI

-----Original Message-----

From: Wade, Nichola AAF:EX
Sent: October 22, 2001 1:58 PM
To: Goodfellow, Michael AAF:EX; Morris, Teresa AAF:EX
Subject: FW: Mcleod Lake Settlement Agreement Plans - ** Updated Version **

Incorrectly sent to me - thanks,
NW

-----Original Message-----

From: Beckett, Tony TRAN:EX
Sent: Monday, October 22, 2001 11:45 AM
To: Nakken, Peter AAF:EX; Wade, Nichola AAF:EX
Subject: FW: Mcleod Lake Settlement Agreement Plans - ** Updated Version **

FYI - I forgot to cc you both. TB

-----Original Message-----

From: Beckett, Tony TRAN:EX
Sent: Monday, October 22, 2001 11:44 AM
To: Blight, Ron TRAN:EX; Sutherland, Jim SRM:EX
Cc: Lachmuth, Grant TRAN:EX; Webster, Miles TRAN:EX
Subject: RE: Mcleod Lake Settlement Agreement Plans - ** Updated Version **

Ron - thx for this. By copy I will also advise TNO staff with an interest in this matter. We should stick to our guns re the required r/w width thru these lands. If it was 300feet wide, then that's what it should be. TonyB

-----Original Message-----

From: Blight, Ron TRAN:EX
Sent: Monday, October 15, 2001 4:06 PM
To: Beckett, Tony TRAN:EX; Sutherland, Jim ELP:EX
Cc: Lachmuth, Grant TRAN:EX; Webster, Miles TRAN:EX
Subject: RE: Mcleod Lake Settlement Agreement Plans - ** Updated Version **

Sheet 6 DL 9608 shows approx 303m of 46 meter right of way (r/w) width.
The ministry's interest has been expressed as 92 meter (300 feet) right of way.

-----Original Message-----

From: Beckett, Tony TRAN:EX
Sent: October 4, 2001 4:01 PM
To: Webster, Miles TRAN:EX; Blight, Ron TRAN:EX
Subject: FW: Mcleod Lake Settlement Agreement Plans - ** Updated Version **

FYI. TB

-----Original Message-----

From: Sutherland, Jim ELP:EX
Sent: Thursday, October 04, 2001 1:46 PM
To: 'sminnie@nrcan.gc.ca'; West, Heather AAF:EX; Nash, Laurel EM:EX; Beckett, Tony TRAN:EX; Ackerman, Andy ELP:EX; Lewis, Stu SRM:EX; Lee, Tom W FOR:EX; Weger, Egon BCAL:EX; 'aki.lintunen@bchydro.com'
Subject: Mcleod Lake Settlement Agreement Plans - ** Updated Version **

IMPORTANT UPDATE

The plans attached to the e-mail yesterday were not the correct version. The body of the message below is the same as yesterday, however, the proper plans are now attached.
Sorry for the mistake and inconvenience.

I previously sent you hard or soft copy of the following preliminary survey plans for the Mcleod Lake Indian Band Settlement Agreement for your review and sign-off.

Forested Lands parcels: (large areas)

File:

0362748 Weedon Carp
0362824 Mcleod Lake West
0362826 Kerry Lake West
0362747 Mcleod Lake East

Schedule C Parcels: (small areas)

0362750 Finlay Bay
0362753 Tacheeda River
0362757 McIntyre Lake
0362758 Mcleod Lake
0362759 Weedon Lake
0362760 Dist. of Mackenzie
0362762 Bear Lake

The need to review the plans is to ensure that your interests in the subject parcels had not been overlooked in the survey process and to date we have received only three responses. Once reviewed and signoff is obtained, the Surveyor General will confirm the plans so that the transfer of administration and control of these lands may proceed.

These plans have been reviewed by this office to ensure that they comply with the Surveyor General's regulations. Two of the plans (Weedon Carp & Mcleod Lake East) required subsequent additional field work by the land surveyor and some edits to the plan. The edits are mainly regarding the extent and limits of interior natural boundaries. As these plans were modified somewhat, I am attaching the revised copies for your final review.

Mcleod Lake East plans: 1TU1872 (overall layout 1) to 14TU1872
Weedon Carp plan: 165-00markup

As these surveys and Weedon Carp are of such large extent, it is not practical to distribute these plans in hard-copy for your review. I am attaching the plans in AutoDesk **DWF** format so that they can be easily viewed with a free viewer or plotted if desired. The AutoDesk WHIP viewer is about 2.5mb download and has robust viewing tools (zoom, pan print, etc.). If you would like red-lining capability you may want to use AutoDesk's free VoloView Express which will allow you to mark-up the drawing.

Click below to download WHIP (2.5 mb):
<http://www.autodesk.com/cgi-bin/whipreg.pl>

Click below to download VoloView Express:
<http://www3.autodesk.com/adsk/index/0,,390031-123112,00.html>

Please Note: If you have a previous older version of VoloView Express installed, you will need to install the latest version 1.13 to view the files. Uninstall the previous version first. If you are working on a Windows NT 4.0 system, you will need to install the setup file with a debug parameter (eg. for install setup type in "vvesetup.exe debug") otherwise it will hang up on the setup at 88%. With the debug install you will receive numerous message windows - just press OK - it will eventually fully install.

The Minister has given this project a critical high priority for completion of the Transfer of these lands by this calendar year. **Please respond with your sign-off on these plans by October 16, 2001.**

The following remaining plans will be sent to you for your review and sign-off as to the schedule listed below:

Forested Land Parcels:

0362825 Kerry Lake East	Mid October
0363052 Carp South	End of October
0362761 Quaw Island	End of October

Schedule C Lands:

Davie Lake	October 8
0362715 Weston Bay	End of October

0362752 Hominka River	End of October
0362755 Arctic Lake	End of October
0362756 Blue Lake	End of October

Please note that in order to complete the TAC, all plans will need to be signed off by November 15, 2001.

Please call me if you have any questions, or you may call Heather West at 250-356-8602.

<< File: OVERALL-Layout1.dwf >> << File: 2TU1872.dwf >> << File: 3TU1872.dwf >> << File: 4TU1872.dwf >> << File: 5TU1872.dwf >> << File: 6TU1872.dwf >> << File: 7TU1872.dwf >> << File: 8TU1872.dwf >> << File: 9TU1872.dwf >> << File: 10TU1872.dwf >> << File: 11TU1872.dwf >> << File: 12TU1872.dwf >> << File: 13TU1872.dwf >> << File: 14TU1872.dwf >> << File: 165-00 Markup.dwf >>

Jim Sutherland
Surveyor General Branch
Ministry of Sustainable Resource Management
PO Box 9375 Stn Prov Govt
Victoria, BC V8W 9M5

Tel: 250-952-5328
Fax: 250-387-1830
http://www.elp.gov.bc.ca/clrs/surveyor_general/index.html

McLeod Lake Settlement Agreement Plans

From: Sutherland, Jim SRM:EX
To: aki.lintunen@bchydro.com
Cc: West, Heather TNO:EX <HWest@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: November 9, 2001 10:18:37 AM PST
Attachments: Kerry Lake West2000113 Markup.dwf
Hi Aki:

Susan Kelly forwarded your spreadsheet regarding your plan review for the McLeod Lake project. As your note indicates that you did not receive a plan for the Kerry Lake West, I am attaching a DWF version for your review. I can send a DXF if you prefer.

The Kerry Lake East plan is slightly behind on delivery schedule - I expect to be able to forward it to you early next week. The Carp South plan is scheduled to be delivered around the end of the month.

Please call if you have any questions.
Regards,

Jim Sutherland
Surveyor General Branch
Ministry of Sustainable Resource Management
PO Box 9375 Stn Prov Govt
Victoria, BC V8W 9M5

Tel: 250-952-5328
Fax: 250-387-1830
http://www.elp.gov.bc.ca/clrs/surveyor_general/index.html

MLIB Lands - Surveyed Areas.

From: West, Heather AG:EX
To: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>
Cc: Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: November 27, 2001 11:47:18 AM PST
Attachments: Forest_Area_Extraction_table_4.xls

further to our meeting this morning, I am attaching my spreadsheet listing surveyed parcel areas for all of the MLIB parcels. Please note that the Kerry Lake East area might change and that the survey for Carp South is not in as yet.

Based on an e-mail that Susan got from Steve Minnie (Canada's contract manager for the surveys) the area to be surveyed for Carp South is approximately 2180 ha. We will have to monitor our area totals very closely to ensure that the area for the portion of Carp South surveyed together with the total area for lands to be taken in severalty when added to our other totals do not exceed the total area allowed under the agreement.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 953-5882
Heather.West@gems3.gov.bc.ca

Page 031 of 150 to/à Page 038 of 150

Withheld pursuant to/removed as

s.14

MLIB Settlement Agreement Implementation - Licence holders

From: Beak, Lynn TNO:EX
To: Ackerman, Andy WLAP:EX <AACKERMA@Victoria1.gov.bc.ca>
Cc: Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Ott, Kim TNO:EX <KOtt@Victoria1.gov.bc.ca>
Sent: December 5, 2001 10:42:45 AM PST
Attachments: Dec 03-01.doc

I have been assigned to the McLeod Lake Indian Band (MLIB) Settlement Agreement implementation. As we discussed, in the process for implementation of the land transfers, I am seeking a list of current trap line licence and Guide outfitters licence holders. Can MWLAP please provide us with this information. In addition, can you please advise if MWLAP has any policies or practices of informing these licence holders of changes to provincial Crown land boundaries through BC actions such as sale of property, or granting of exclusive leases.

In addition, if you are aware of any other interests that may relate to the Proposed Reserve Lands, such as angling guides, etc please also advise us of them. I understand from our conversation that you have access to the maps that set out the 6 large and 12 small Schedule C parcels that comprise the Proposed Reserve Lands.

Attached please find a copy of the MLIB Implementation Action Items list that we are maintaining as BC prepares to transfer the lands to Canada. We are planning to transfer the 6 large parcels (McLeod Lake East, McLeod Lake West, Kelly Lake East, Kelly Lake West, Weedon Carp, and the northern half of Carp South) by OIC in January 2002.

thanks for your assistance.

*Lynn Beak
Negotiator
Negotiations Division
Treaty Negotiations Office
Phone: (250) 356-7170
Fax: (250) 356-0366
lynn.beak@gems5.gov.bc.ca*

RE: MCLIB Lands

From: Lee, Tom W FOR:EX
To: West, Heather SRM:EX <HWest@Victoria1.gov.bc.ca>
Cc: Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>
Sent: December 11, 2001 11:18:57 AM PST

Heather, one question. Given that the total area is slightly more than is required under the agreement, will the governments be shaving off the excess area?

If so, some strategic work could reduce the impacts we have on forest licencees, including a woodlot that has an overlap.

Tom

-----Original Message-----

From: West, Heather SRM:EX
Sent: Friday, December 07, 2001 9:39 AM
To: Lee, Tom W FOR:EX
Subject: MCLIB Lands
Importance: High

Tom, I am doing a follow-up e-mail to stress the importance of providing your signoff on the following parcels as soon as possible. We are still trying to get these plans signed by the Surveyor General for the Province by Friday December 14th and cannot do so without MoF's approval.

Your outstanding approval is required for the following parcels:

- (1.) Kerry Lake East surveyed as District Lot 13045, Cariboo District
- (2.) Carp South surveyed as District Lot 13069, Cariboo District
- (3.) Weston Bay surveyed as District Lot 13026, Cariboo District
- (4.) Hominka River surveyed as District Lot 13027, Cariboo District
- (5.) Arctic Lake surveyed as District Lot 13029, Cariboo District
- (6.) Blue Lake surveyed as District Lot 13030, Cariboo District

If you have any questions regarding this matter please do not hesitate to call me.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 953-5882
Heather.West@gems3.gov.bc.ca

MLIB Sign-off

From: West, Heather SRM:EX
To: BSmith@NRCan.gc.ca
Cc: Salmon, Chuck SRM:EX <csalmon@Victoria1.gov.bc.ca>, Sutherland, Jim SRM:EX <jesuther@Victoria1.gov.bc.ca>, Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>, Panter, Catherine TNO:EX <CPanter@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: December 11, 2001 12:09:45 PM PST
Attachments: Referral Update_2001211.xls
Blair further to our telephone conversation earlier today I am attaching my "Referral Status Report."

At this time I am seeking Canada's written approval for those parcels for which Band Council Resolutions have been obtained and where examination by your office on behalf of DIAND has been completed. This approval is being sought in accordance with paras 4.3.2 and 4.3.3. of the Agreement. Given the fast approaching holiday season I think it is best if we get as many of these plans processed as we can rather than hold them back and sending them through as one package. Can you please forward the required approval to Jim Sutherland, with a .cc to me.

In terms of process, and as discussed, the following sequence of events will occur:

Once we have obtained Canada's written approval of the survey plans the Surveyor General for the Province of British Columbia will confirm the plans pursuant to Section 72 of the *Land Act*. BC will forward mylar copies of the confirmed plans by courier (or by float plane) to your office. Once you have affixed your "stamp of approval" these plans will be forwarded to Edmonton for deposit into the Canada Lands Survey Records registry. At that time they will receive their CLSR designations. BC will be provided with the appropriate CLSR designations as soon as possible in order to complete the legal description schedule being attached to the O.I.C. effecting transfer. BC will work with Canada to ensure that the legal description format adopted is consistent with Canada's format.

If this process is in error please give me a call.

Thanks for your help on this file.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 956-5882
Heather.West@gems3.gov.bc.ca

MLIB Lands sign-off

From: West, Heather SRM:EX
To: Panter, Catherine TNO:EX <CPanter@Victoria1.gov.bc.ca>
Cc: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX
<SMKELLY2@Victoria1.gov.bc.ca>, Harrington, Molly TNO:EX
<MHarring2@Victoria1.gov.bc.ca>
Sent: December 11, 2001 12:54:45 PM PST
Attachments: Referral Update_2001211.xls, Survey Plan Review_20011207.doc

Catherine, I have completed my examination of the survey plans required to effect the transfer of administration and control to Canada of the McLeod Lake Indian Band Lands. Based on that review I have prepared the "Survey Plan Review" paper in which I have provided comments for each of the parcels reviewed. That paper, together with my "Referral Status Report" are attached.

At this time, and based on my findings, I am seeking your approval on behalf of T.N.O. for the following parcels:

Ref. No. 2 - McLeod Lake West
Ref. No. 5 - Weedon Carp
Ref. No. 9 - Hominka River
Ref. No. 10 - Tacheeda Lake
Ref. No. 14 - McIntyre Lake
Ref. No. 15 - McLeod Lake
Ref. No. 16 - Weedon Lake
Ref. No. 17 - Bear Lake
Ref. No. 18 - District Municipality of Mackenzie

(Note: Approval for the balance of the parcels is not far behind.)

Until the plans for McLeod Lake East, and Kerry Lake West can be compared against the ortho-photos approved by the Parties, I do not feel that my review is complete as I cannot be certain that the boundaries as depicted on the plans are a true reflection of the boundaries as agreed upon by the Parties. I understand that efforts are being made by ABR to obtain the required ortho-photos.

Nor do I feel that sign-off can be obtained for those "Schedule C Lands" where Canada and the Band agreed to amended areas without consultation with BC. Minimally, these parcels should be reviewed by TNO to ensure that the spirit and intent of the agreement has been maintained or, minimally, that TNO has no concerns. While not considered to be "show stoppers" I think we need to go through the exercise. To do this I would like to sit down with either Lynn or Susan as soon as possible.

The balance of the outstanding plans require approvals from the Ministry of Forests and/or B.C.R.s. Additionally, there are some minor issues flagged by BCAL that require some follow-up, but this will be completed within the next couple of days and again are not considered to be problematic.

I hope to obtain the Surveyor General's signature on most of the plans before the end of this week, but with the holidays fast approaching I think it is best if we process individual plans rather than hold them back and deal with them as a "single package." Minimally, with impending staff shortages, this approach will give us a jump on the balance of the work to be done.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149

Fax: (250) 956-5882
Heather.West@gems3.gov.bc.ca

SURVEY PLAN REVIEW
Conducted for Treaty Negotiation Office
by Decision Support Services

PART A – FORESTED PARCELS

**Parcel 1 – McLeod Lake East, including Quaw Island
Surveyed as Block I of District Lots 5713 and 9608, together
with District Lots 13035 (Quaw Island) and 13036, Cariboo
District**

General Comments

- The surveyed boundaries differ somewhat from the boundaries as depicted on the ortho-photo with variations being noted by the adoption of “timber boundaries” over those of “natural boundaries.” This issue is covered off in the surveyor’s report (see page 3) and reflects a logical approach to the survey.
- Two housekeeping issues have been identified as needing the attention of the Surveyor General’s Office:
 1. Removal of existing titles from the operation of the Land Title Act; and
 2. the cancellation of Blocks D and F of District lot 5713, Cariboo District
- Two trespass issues have been identified and are to be addressed by ARB:
 1. There is a house set on concrete blocks crossing the boundaries of the area held under Licence of Occupation 7400846 encroaching into the lands to be transferred to the MLIB parcel.
 2. An Atco trailer located adjacent to the S ½ of the S ½ of the West ½ of District Lot 9608 may encroach into MLIB parcel.
- Note that the road providing access to the tenure under file no. 7400786 was to be surveyed at 25 m wide on the ortho-photo, but has been surveyed at a width of 30 m. The file indicates that a referral was made to the Band and that no objection was voiced.
- Is there any documentation available explaining the rationale for extending the northerly boundary of District Lot 13036 as depicted on the plan. The area surveyed takes in considerably more area than my map indicates.
- Require a final review against the ortho-photos initialled by the Parties and forming an integral part of the Agreement..
- Two closed roads and related transfer issues were identified during the course of the survey and these have now been resolved with MoT. Waiver letter was obtained for the portion of closed road dealt with on Plan H210 and a Ministerial Order was obtained for the closed road dealt with on Plan H25201. A third road within Plan H211 is not to be closed and the Band should be so advised.

BCAL Issues and Concerns

- Has TNO received the approval from Parks Branch to include the PAS area adjacent to the north boundary of Whiskers Point Park within the boundaries of this parcel?
- Surveyor identified a pump house as lying outside the boundaries of the area held under File No. 7400586. BCAL agreed that the boundaries of the existing tenure would be amended to include the infrastructure lying beyond the boundaries of the existing tenure and the MLIB parcel would exclude the area. **OK**
- Road is to be dedicated to provide access to the areas held under File No.s 7400786 and 7400846 from the John Hart Highway to the two parcels. **OK**
- **BCAL is on record as objecting to the inclusion of the Crown land fronting McLeod Lake and lying between 7400786 and 7400846.**
- BC Hydro's distribution line held under Licence of Occupation under File No. 7404223 is to be cancelled once the Hydro Right of Way Agreement is in place. (Housekeeping issue)
- This area may be impacted by BC Hydro's Flooding Reserve held under File No. 0214338.
- Canada raised an issue pertaining to the Map Reserve for the stream gauging station under B.C. Lands File No. 7405134. They expressed some concern about the creation of a land locked parcel with no access if and when Environment Canada no longer has an interest in the site.

Parcel 2 – McLeod Lake West**Surveyed as District Lot 13044, Cariboo District****General Comments**

- There are minor differences between the area surveyed and that as indicated on the ortho-photos. All variations are covered in the surveyor's report and are acceptable reflecting practical solutions to ground conditions. (This is a good, well documented, survey!)
- Total area for McLeod Lake East and West is in excess of that as allowed in the Agreement. (Excess of 40.35 ha)

BCAL Issues and Concerns

- Parcel is within Flooding Reserve under File No. 0214338 in favour of BC Hydro. A referral to BC Hydro indicates that they have no objection to the removal of this parcel from the Reserve – O.I.C. will have to be amended accordingly.

Parcel 3 – Kerry Lake East

Surveyed as District Lot 13045, Cariboo District

General Comments

- Concerns have been expressed by the S.G.s Office regarding the surveyor's treatment of the natural boundaries, but the onus is on the surveyor to depict the areas properly on his plan
- The surveyed boundary in the Northwest corner of the plan differs considerably from that as shown on the print of the map that I have. It appears that the boundary was to pass through the gravel pit midway through the pit, but on survey the boundary has been established well south of the pit.
- Minor variation in the vicinity of the southwest portion of the plan
- The portion of road shown on Plan 1Tu419 has been closed and waiver letter sent to BCAL transferring the land from MoT to BCAL.
- Total area surveyed exceeds that as allowed in the Agreement.
(Area is subject to change based on survey plan revisions.)

BCAL Issues and Concerns

- **None**

Parcel 4 – Kerry Lake West

Surveyed as District Lot 13046, Cariboo District

General Comments

- There are some major differences between the boundaries as depicted on the map that I have and those as surveyed in the southwestern portion of the plan. Before signoff can be obtained a comparison should be made between the survey plan and the ortho-photographs to ensure that TNO is satisfied with the result.

Requires a review by T.N.O. prior to sign-off.

- Minor adjustments elsewhere reflect ground conditions. They are reasonable changes and should not pose a problem.
- Total area for Kerry Lake East and West is in excess of that as provided for in the Agreement. (Area for Kerry Lake East has not been finalized as amendments to the plan have been requested by O.S.G. based on preliminary plan review findings.)

BCAL Issues and Concerns

- **None**

Parcel 5 – Weedon Carp**Surveyed as District Lot 13037, Cariboo District****General Comments**

- Where the survey plan differs from the ortho-photo agreed upon by the Parties, the surveyor has provided a rationale for the differences based on existing field conditions. Changes are minor in nature and should not impact T.N.O. approval.
- Area is in excess of that as provided for in the Agreement. (Excess of 95 ha)

BCAL Issues and Concerns

- **None**

Parcel 6 – Carp South**Surveyed as District Lot 13069, Cariboo District****General Comments**

- There were no issues identified as a result of the review of this plan.
- A concern that should be raised by the Province is the manner in which Canada decided to proceed with the survey of a reduced portion of Carp South without Provincial consultation. Based on the e-mail received from Steve Minnie (Canada's contract manager) it would appear that the boundaries of the reduced area were "determined in consultation with the Band's forester, Scott Forest." Any discussions affecting the determination of boundaries for parcels of land subject to a Provincial transfer of administration and control should automatically include the Province.

BCAL Issues and Concerns

- **None**

PART B – SCHEDULE C LANDS

Parcel 7 – Finlay Bay

Surveyed as District Lot 13025, Cariboo District

General Comments

- The site location was revised based on a field visit by representatives of the Parties, with the location being shifted from the southeast end of Finaly Bay to the southwest end. (Mark Yawney for BCAL.)

TNO needs to give their approval for the revised location prior to sign-off.

BCAL Issues and Concerns

- **None**
- The Finaly Bay site is subject to the Flooding Reserve in favour of B.C. Hydro under File No. 0214338. This conflict was not identified by BCAL, but BC Hydro has agreed to have the area removed from the Flooding Reserve. Removal required an amendment to the O.I.C. establishing the Flooding Reserve. The parcel is to be included in the Flowage Agreement and requires a “safe line” sketch to be prepared by BC Hydro.

Parcel 8 – Weston Bay

Surveyed as District Lot 13026, Cariboo District

General Comments

- The surveyors report indicates that the survey crew “decided (...) to move the parcel north approximately 30 metres in order to clear the creek and swampy ground.” This action was done without consultation with the Province and while seen as almost inconsequential, when one considers the overall size of the parcel the change is significant.

TNO needs to give their approval for the revised location prior to sign-off.

BCAL Issues and Concerns

- Parcel is within Flooding Reserve under File No. 0214338 in favour of BC Hydro. BC Hydro indicates that they have no objection to the removal of this parcel from the Reserve – O.I.C. will have to be amended accordingly. The parcel is to be included in the Flowage Agreement and as the parcel lies entirely below the 675.1 metre contour the Parties need to agree on how to deal with the preparation of a “safe line” drawing for the parcel.

Parcel 9 – Hominka River

Surveyed as District Lot 13027, Cariboo District

General Comments

- Again there is a slight deviation from the survey instructions and the Province did not review or discuss the matter with the Parties. Again while seeming to be a small issue, given the size of the parcel involved the shift is significant.

BCAL Issues and Concerns

- Parcel is located within a Section 16 *Land Act* Map Reserve in favour of Fish and Wildlife Branch for the Hominka Waterfowl Reserve under File No. 0182968. Fish and Wildlife Branch voice no objection as to the location of this site when they provided their signoff on this plan.

Parcel 10 – Tacheeda Lake**Surveyed as District Lot 13028, Cariboo District**

General Comments
▪ None
BCAL Issues and Concerns
▪ None

Parcel 11 – Davie Lake**Surveyed as Block C of District Lots 2978 and 2980, Cariboo District**

General Comments
▪ None
BCAL Issues and Concerns
▪ None

Parcel 12 – Arctic Lake**Surveyed as District Lot 13029, Cariboo District**

General Comments
▪ None
BCAL Issues and Concerns
<ul style="list-style-type: none"> Parcel is located within a UREP Reserve in favour of Parks Branch under File No. 7406372. This should not be a problem as the parcel has been dealt with as an exception to the Arctic Pacific Lake Park which was established on May 12th, 2000. The existing plan for the park currently on deposit with the Office of the Surveyor will require amendment to reflect both the surveyed location and legal description of the parcel. OK An active Flooding Reserve has been identified as impacting the parcel. The reserve is dealt with under File No. 0238389. Has this been addressed?

Parcel 13 – Blue Lake**Surveyed as District Lot 13030, Cariboo District**

General Comments
▪ Parcel surveyed is smaller than as specified in the Agreement. The reduced configuration was discussed and agreed upon by the Band and by a representative from the Province (Mark Yawney).
BCAL Issues and Concerns
▪ None

Parcel 14 – McIntyre Lake**Surveyed as District Lot 13031, Cariboo District****General Comments**

- This parcel has been surveyed at 4.00 ha which is double the area as specified in the Agreement. While the file indicates that a Provincial representative was on the ground when the decision was made to double the parcel area (Mark Yawney) there is no indication that consultation occurred with the TNO.

BCAL Issues and Concerns

- The parcel was identified as being within the boundaries of a Flooding Reserve in favour of B.C. Hydro under File No. 0214338. A referral was made to B.C. Hydro and they have no objection to the removal of this parcel from the Flooding Reserve. The existing O.I.C. will have to be amended accordingly.

Parcel 15 – McLeod Lake**Surveyed as District Lot 13032, Cariboo District****General Comments**

- None

BCAL Issues and Concerns

- None

Parcel 16 – Weedon Lake**Surveyed as District Lot 13033, Cariboo District****General Comments**

- None

BCAL Issues and Concerns

- None

Parcel 17 – At the community of Bear Lake**Surveyed as Block F of District Lots 2974 and 2975, Cariboo District****General Comments**

- None

BCAL Issues and Concerns

- This parcel has been identified as conflicting with a *Land Act* reserve in favour of the Regional District of Fraser-Fort George for airport/airstrip purposes under File No. 7406000. Has the Regional District approved of the removal of this parcel from their reserve?

Parcel 18 – In the District Municipality of Mackenzie**Surveyed as District Lot 13034, Cariboo District****General Comments**

- None

BCAL Issues and Concerns

- None

FW: MLIB Lands sign-off printed

From: Panter, Catherine TNO:EX
To: Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: December 12, 2001 9:42:09 AM PST
Attachments: Referral Update_2001211.xls, Survey Plan Review_20011207.doc
Susan, please walk me through these before I sign.

CP
is was an asap request

Thanks
Valerie Cieslak
Secretary
Aboriginal Relations Branch
Treaty Negotiations Office
Tel: 356-8279
Fax: 356-6662

-----Original Message-----

From: West, Heather SRM:EX
Sent: Tuesday, December 11, 2001 12:55 PM
To: Panter, Catherine TNO:EX
Cc: Beak, Lynn TNO:EX; Kelly, Susan M TNO:EX; Harrington, Molly TNO:EX
Subject: MLIB Lands sign-off printed

Catherine, I have completed my examination of the survey plans required to effect the transfer of administration and control to Canada of the McLeod Lake Indian Band Lands. Based on that review I have prepared the "Survey Plan Review" paper in which I have provided comments for each of the parcels reviewed. That paper, together with my "Referral Status Report" are attached.

At this time, and based on my findings, I am seeking your approval on behalf of T.N.O. for the following parcels:

Ref. No. 2 - McLeod Lake West
Ref. No. 5 - Weedon Carp
Ref. No. 9 - Hominka River
Ref. No. 10 - Tacheeda Lake
Ref. No. 14 - McIntyre Lake
Ref. No. 15 - McLeod Lake
Ref. No. 16 - Weedon Lake
Ref. No. 17 - Bear Lake
Ref. No. 18 - District Municipality of Mackenzie

(Note: Approval for the balance of the parcels is not far behind.)

Until the plans for McLeod Lake East, and Kerry Lake West can be compared against the ortho-photos approved by the Parties, I do not feel that my review is complete as I cannot be certain that the boundaries as depicted on the plans are a true reflection of the boundaries as agreed upon by the Parties. I understand that efforts are being made by ABR to obtain the required ortho-photos.

Nor do I feel that sign-off can be obtained for those "Schedule C Lands" where Canada and the Band agreed to amended areas without consultation with BC. Minimally, these parcels should be reviewed by TNO to ensure that the spirit and intent of the agreement has been maintained or, minimally, that TNO has no concerns. While not considered to be "show stoppers" I think we need to go through the exercise. To do this I would like to sit down with either Lynn or Susan as soon as possible.

The balance of the outstanding plans require approvals from the Ministry of Forests and/or B.C.R.s. Additionally, there are some minor issues flagged by BCAL that require some follow-up, but this will be completed within the next couple of days and again are not considered to be problematic.

I hope to obtain the Surveyor General's signature on most of the plans before the end of this week, but with the holidays fast approaching I think it is best if we process individual plans rather than hold them back and deal with them as a "single package." Minimally, with impending staff shortages, this approach will give us a jump on the balance of the work to be done.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 956-5882
Heather.West@gems3.gov.bc.ca

SURVEY PLAN REVIEW
Conducted for Treaty Negotiation Office
by Decision Support Services

PART A – FORESTED PARCELS

**Parcel 1 – McLeod Lake East, including Quaw Island
Surveyed as Block I of District Lots 5713 and 9608, together
with District Lots 13035 (Quaw Island) and 13036, Cariboo
District**

General Comments

- The surveyed boundaries differ somewhat from the boundaries as depicted on the ortho-photo with variations being noted by the adoption of “timber boundaries” over those of “natural boundaries.” This issue is covered off in the surveyor’s report (see page 3) and reflects a logical approach to the survey.
- Two housekeeping issues have been identified as needing the attention of the Surveyor General’s Office:
 1. Removal of existing titles from the operation of the Land Title Act; and
 2. the cancellation of Blocks D and F of District lot 5713, Cariboo District
- Two trespass issues have been identified and are to be addressed by ARB:
 1. There is a house set on concrete blocks crossing the boundaries of the area held under Licence of Occupation 7400846 encroaching into the lands to be transferred to the MLIB parcel.
 2. An Atco trailer located adjacent to the S ½ of the S ½ of the West ½ of District Lot 9608 may encroach into MLIB parcel.
- Note that the road providing access to the tenure under file no. 7400786 was to be surveyed at 25 m wide on the ortho-photo, but has been surveyed at a width of 30 m. The file indicates that a referral was made to the Band and that no objection was voiced.
- Is there any documentation available explaining the rationale for extending the northerly boundary of District Lot 13036 as depicted on the plan. The area surveyed takes in considerably more area than my map indicates.
- Require a final review against the ortho-photos initialled by the Parties and forming an integral part of the Agreement..
- Two closed roads and related transfer issues were identified during the course of the survey and these have now been resolved with MoT. Waiver letter was obtained for the portion of closed road dealt with on Plan H210 and a Ministerial Order was obtained for the closed road dealt with on Plan H25201. A third road within Plan H211 is not to be closed and the Band should be so advised.

BCAL Issues and Concerns

- Has TNO received the approval from Parks Branch to include the PAS area adjacent to the north boundary of Whiskers Point Park within the boundaries of this parcel?
- Surveyor identified a pump house as lying outside the boundaries of the area held under File No. 7400586. BCAL agreed that the boundaries of the existing tenure would be amended to include the infrastructure lying beyond the boundaries of the existing tenure and the MLIB parcel would exclude the area. **OK**
- Road is to be dedicated to provide access to the areas held under File No.s 7400786 and 7400846 from the John Hart Highway to the two parcels. **OK**
- **BCAL is on record as objecting to the inclusion of the Crown land fronting McLeod Lake and lying between 7400786 and 7400846.**
- BC Hydro's distribution line held under Licence of Occupation under File No. 7404223 is to be cancelled once the Hydro Right of Way Agreement is in place. (Housekeeping issue)
- This area may be impacted by BC Hydro's Flooding Reserve held under File No. 0214338.
- Canada raised an issue pertaining to the Map Reserve for the stream gauging station under B.C. Lands File No. 7405134. They expressed some concern about the creation of a land locked parcel with no access if and when Environment Canada no longer has an interest in the site.

Parcel 2 – McLeod Lake West**Surveyed as District Lot 13044, Cariboo District****General Comments**

- There are minor differences between the area surveyed and that as indicated on the ortho-photos. All variations are covered in the surveyor's report and are acceptable reflecting practical solutions to ground conditions. (This is a good, well documented, survey!)
- Total area for McLeod Lake East and West is in excess of that as allowed in the Agreement. (Excess of 40.35 ha)

BCAL Issues and Concerns

- Parcel is within Flooding Reserve under File No. 0214338 in favour of BC Hydro. A referral to BC Hydro indicates that they have no objection to the removal of this parcel from the Reserve – O.I.C. will have to be amended accordingly.

Parcel 3 – Kerry Lake East

Surveyed as District Lot 13045, Cariboo District

General Comments

- Concerns have been expressed by the S.G.s Office regarding the surveyor's treatment of the natural boundaries, but the onus is on the surveyor to depict the areas properly on his plan
- The surveyed boundary in the Northwest corner of the plan differs considerably from that as shown on the print of the map that I have. It appears that the boundary was to pass through the gravel pit midway through the pit, but on survey the boundary has been established well south of the pit.
- Minor variation in the vicinity of the southwest portion of the plan
- The portion of road shown on Plan 1Tu419 has been closed and waiver letter sent to BCAL transferring the land from MoT to BCAL.
- Total area surveyed exceeds that as allowed in the Agreement.
(Area is subject to change based on survey plan revisions.)

BCAL Issues and Concerns

- **None**

Parcel 4 – Kerry Lake West

Surveyed as District Lot 13046, Cariboo District

General Comments

- There are some major differences between the boundaries as depicted on the map that I have and those as surveyed in the southwestern portion of the plan. Before signoff can be obtained a comparison should be made between the survey plan and the ortho-photographs to ensure that TNO is satisfied with the result.

Requires a review by T.N.O. prior to sign-off.

- Minor adjustments elsewhere reflect ground conditions. They are reasonable changes and should not pose a problem.
- Total area for Kerry Lake East and West is in excess of that as provided for in the Agreement. (Area for Kerry Lake East has not been finalized as amendments to the plan have been requested by O.S.G. based on preliminary plan review findings.)

BCAL Issues and Concerns

- **None**

Parcel 5 – Weedon Carp**Surveyed as District Lot 13037, Cariboo District****General Comments**

- Where the survey plan differs from the ortho-photo agreed upon by the Parties, the surveyor has provided a rationale for the differences based on existing field conditions. Changes are minor in nature and should not impact T.N.O. approval.
- Area is in excess of that as provided for in the Agreement. (Excess of 95 ha)

BCAL Issues and Concerns

- **None**

Parcel 6 – Carp South**Surveyed as District Lot 13069, Cariboo District****General Comments**

- There were no issues identified as a result of the review of this plan.
- A concern that should be raised by the Province is the manner in which Canada decided to proceed with the survey of a reduced portion of Carp South without Provincial consultation. Based on the e-mail received from Steve Minnie (Canada's contract manager) it would appear that the boundaries of the reduced area were "determined in consultation with the Band's forester, Scott Forest." Any discussions affecting the determination of boundaries for parcels of land subject to a Provincial transfer of administration and control should automatically include the Province.

BCAL Issues and Concerns

- **None**

PART B – SCHEDULE C LANDS

Parcel 7 – Finlay Bay

Surveyed as District Lot 13025, Cariboo District

General Comments

- The site location was revised based on a field visit by representatives of the Parties, with the location being shifted from the southeast end of Finaly Bay to the southwest end. (Mark Yawney for BCAL.)

TNO needs to give their approval for the revised location prior to sign-off.

BCAL Issues and Concerns

- **None**
- The Finaly Bay site is subject to the Flooding Reserve in favour of B.C. Hydro under File No. 0214338. This conflict was not identified by BCAL, but BC Hydro has agreed to have the area removed from the Flooding Reserve. Removal required an amendment to the O.I.C. establishing the Flooding Reserve. The parcel is to be included in the Flowage Agreement and requires a “safe line” sketch to be prepared by BC Hydro.

Parcel 8 – Weston Bay

Surveyed as District Lot 13026, Cariboo District

General Comments

- The surveyors report indicates that the survey crew “decided (...) to move the parcel north approximately 30 metres in order to clear the creek and swampy ground.” This action was done without consultation with the Province and while seen as almost inconsequential, when one considers the overall size of the parcel the change is significant.

TNO needs to give their approval for the revised location prior to sign-off.

BCAL Issues and Concerns

- Parcel is within Flooding Reserve under File No. 0214338 in favour of BC Hydro. BC Hydro indicates that they have no objection to the removal of this parcel from the Reserve – O.I.C. will have to be amended accordingly. The parcel is to be included in the Flowage Agreement and as the parcel lies entirely below the 675.1 metre contour the Parties need to agree on how to deal with the preparation of a “safe line” drawing for the parcel.

Parcel 9 – Hominka River

Surveyed as District Lot 13027, Cariboo District

General Comments

- Again there is a slight deviation from the survey instructions and the Province did not review or discuss the matter with the Parties. Again while seeming to be a small issue, given the size of the parcel involved the shift is significant.

BCAL Issues and Concerns

- Parcel is located within a Section 16 *Land Act* Map Reserve in favour of Fish and Wildlife Branch for the Hominka Waterfowl Reserve under File No. 0182968. Fish and Wildlife Branch voice no objection as to the location of this site when they provided their signoff on this plan.

Parcel 10 – Tacheeda Lake**Surveyed as District Lot 13028, Cariboo District**

General Comments
▪ None
BCAL Issues and Concerns
▪ None

Parcel 11 – Davie Lake**Surveyed as Block C of District Lots 2978 and 2980, Cariboo District**

General Comments
▪ None
BCAL Issues and Concerns
▪ None

Parcel 12 – Arctic Lake**Surveyed as District Lot 13029, Cariboo District**

General Comments
▪ None
BCAL Issues and Concerns
<ul style="list-style-type: none"> Parcel is located within a UREP Reserve in favour of Parks Branch under File No. 7406372. This should not be a problem as the parcel has been dealt with as an exception to the Arctic Pacific Lake Park which was established on May 12th, 2000. The existing plan for the park currently on deposit with the Office of the Surveyor will require amendment to reflect both the surveyed location and legal description of the parcel. OK An active Flooding Reserve has been identified as impacting the parcel. The reserve is dealt with under File No. 0238389. Has this been addressed?

Parcel 13 – Blue Lake**Surveyed as District Lot 13030, Cariboo District**

General Comments
▪ Parcel surveyed is smaller than as specified in the Agreement. The reduced configuration was discussed and agreed upon by the Band and by a representative from the Province (Mark Yawney).
BCAL Issues and Concerns
▪ None

Parcel 14 – McIntyre Lake**Surveyed as District Lot 13031, Cariboo District****General Comments**

- This parcel has been surveyed at 4.00 ha which is double the area as specified in the Agreement. While the file indicates that a Provincial representative was on the ground when the decision was made to double the parcel area (Mark Yawney) there is no indication that consultation occurred with the TNO.

BCAL Issues and Concerns

- The parcel was identified as being within the boundaries of a Flooding Reserve in favour of B.C. Hydro under File No. 0214338. A referral was made to B.C. Hydro and they have no objection to the removal of this parcel from the Flooding Reserve. The existing O.I.C. will have to be amended accordingly.

Parcel 15 – McLeod Lake**Surveyed as District Lot 13032, Cariboo District****General Comments**

- None

BCAL Issues and Concerns

- None

Parcel 16 – Weedon Lake**Surveyed as District Lot 13033, Cariboo District****General Comments**

- None

BCAL Issues and Concerns

- None

Parcel 17 – At the community of Bear Lake**Surveyed as Block F of District Lots 2974 and 2975, Cariboo District****General Comments**

- None

BCAL Issues and Concerns

- This parcel has been identified as conflicting with a *Land Act* reserve in favour of the Regional District of Fraser-Fort George for airport/airstrip purposes under File No. 7406000. Has the Regional District approved of the removal of this parcel from their reserve?

Parcel 18 – In the District Municipality of Mackenzie**Surveyed as District Lot 13034, Cariboo District****General Comments**

- None

BCAL Issues and Concerns

- None

RE: MLIB Lands sign-off printed

From: Panter, Catherine TNO:EX
To: West, Heather SRM:EX <HWest@Victoria1.gov.bc.ca>
Cc: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX
<SMKELLY2@Victoria1.gov.bc.ca>, Harrington, Molly TNO:EX <MHarring2@Victoria1.gov.bc.ca>
Sent: December 12, 2001 1:55:08 PM PST

I have reviewed this material with Susan Kelly.
I am happy with it and approve it on behalf of TNO.
thanks for your assistance

Catherine Panter

Senior Negotiator

387-5210

catherine.panter@gems4.gov.bc.ca

-----Original Message-----

From: West, Heather SRM:EX
Sent: Tuesday, December 11, 2001 12:55 PM
To: Panter, Catherine TNO:EX
Cc: Beak, Lynn TNO:EX; Kelly, Susan M TNO:EX; Harrington, Molly TNO:EX
Subject: MLIB Lands sign-off printed

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(Note: Approval for the balance of the parcels is not far behind.)

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Nor do I feel that sign-off can be obtained for those "Schedule C Lands" where Canada and the Band agreed to amended areas without consultation with BC. Minimally, these parcels should be reviewed by TNO to ensure that the spirit and intent of the agreement has been maintained or, minimally, that TNO has no concerns. While not considered to be "show stoppers" I think we need to go through the exercise. To do this I would like to sit down with either Lynn or Susan as soon as possible.

The balance of the outstanding plans require approvals from the Ministry of Forests and/or B.C.R.s. Additionally, there are some minor issues flagged by BCAL that require some follow-up, but this will be completed within the next couple of days and again are not considered to be problematic.

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<< File: Referral Update_2001211.xls >> << File: Survey Plan Review_20011207.doc >>

Heather West,

Decision Support Services

Ministry of Sustainable

Resource Management

Phone: (250) 356-6149

Fax: (250) 956-5882

Heather.West@gems3.gov.bc.ca

RE: MLIB Action Items list for Land Transfers

From: Beak, Lynn TNO:EX
To: Ott, Kim TNO:EX <KOtt@Victoria1.gov.bc.ca>, Aki Lintunen (E-mail) <aki.lintunen@bchydro.bc.ca>, Currie, Anne TNO:EX <ACurrie@Victoria1.gov.bc.ca>, Panter, Catherine TNO:EX <CPanter@Victoria1.gov.bc.ca>, Green, Dan L EM:EX <DGreen2@Victoria1.gov.bc.ca>, Buyar, Dave BCAL:EX <Djbuyar@Victoria1.gov.bc.ca>, Weger, Egon BCAL:EX <Eweger@Victoria1.gov.bc.ca>, Statham, Frances AG:EU <frances.statham@ag.gov.bc.ca>, Sutherland, Jim SRM:EX <jesuther@Victoria1.gov.bc.ca>, Dyble, John TRAN:EX <JDYBLE@Victoria1.gov.bc.ca>, Gray, John T FOR:EX <JTGray@Victoria1.gov.bc.ca>, Hogg, John AG:EU <john.hogg@ag.gov.bc.ca>, Birch, Judy SRM:EX <JBirch2@Victoria1.gov.bc.ca>, Nash, Laurel EM:EX <LUNash@Victoria1.gov.bc.ca>, Goodfellow, Michael TNO:EX <MGoodfel@Victoria1.gov.bc.ca>, Harrington, Molly TNO:EX <MHarring2@Victoria1.gov.bc.ca>, Wade, Nichola TNO:EX <NWade@Victoria1.gov.bc.ca>, Schultz, Ray FOR:EX <RSchultz@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Lee, Tom W FOR:EX <TWLee@Victoria1.gov.bc.ca>, Beckett, Tony TRAN:EX <TBECKETT@Victoria1.gov.bc.ca>, West, Heather SRM:EX <HWest@Victoria1.gov.bc.ca>

Sent: December 12, 2001 5:05:38 PM PST

Attachments: Dec 12-01.doc

Here is an updated Action Items list for the MLIB meeting tomorrow.

Agenda

- Review the status of the Action items and Ministry activities
- Assess timing issues for the OICs
- Develop a list of items for MLIB review (I.e. Hydro RoW Agreement)
- New Business

A reminder of the meeting particulars:

Thursday, December 13th

2:30pm - 4:30pm

4th flr boardroom - TNO - 908 Pandora Avenue, Victoria

Chair: Lynn Beak

For those calling in, Kim has arranged the following conference line:

Dial: (250) 952-6446, passcode^s.15

thanks

Lynn Beak

Negotiator

Negotiations Division

Treaty Negotiations Office

Phone: (250) 356-7170

Fax: (250) 356-0366

lynn.beak@gems5.gov.bc.ca

MCLEOD LAKE INDIAN BAND (MLIB) IMPLEMENTATION
Action Items To Complete TNO's
Transfer of Proposed Reserve Lands from BC To Canada

P1.1.28(b) Parcels – to be transferred immediately (McLeod Lake East, McLeod Lake West, Kerry Lake East, Kerry Lake West, Weedon Carp, and the northern area of Carp South)

Action	Parcels Affected	Primary Responsibility	Timeline
1. BCH Right of Way Agreement (MLIB Agreement Schedule "E")			
Identify parcels affected by ROW agreement. Ensure BCH distribution line on McLeod Lake East is included.	McLeod Lake East Kerry Lake East	BCH and MAG	Nov 30/01
Obtain MSRM Ministerial Order (MO) to sign BC Hydro ROW Agreement on behalf of Province	As above	MAG, BCH and MSRM	Dec 31/01
Finalize ROW schedules – Legal descriptions of parcels & Description of Excluded Hydro RoW Area	McLeod Lake East Kerry Lake East	BCH and MAG	
Execute ROW Agreement BCH first BC – to sign following MO and before transfer OIC	As above	BCH and BCAL MSRM	Dec 31/01
2. Section 28 (2) Indian Act Permits			
CDA to use ortho to create sketch plan and issue permit to JSL Communications	McLeod Lake East	CDA ARB to monitor	Dec 31/01
CDA to ensure access to JSL Communications site	McLeod Lake East	CDA ARB to monitor	
CDA to issue permits for Westcoast Energy (WCE) and Pembina as per Settlement Agreement.	McLeod Lake East and Kerry Lake East	CDA ARB to monitor	Dec 31/01
CDA GPS survey of WCE access points to be done –registration plan required.	McLeod Lake East and Kerry Lake East	CDA ARB to monitor	Dec 31/01
3. Water Quality Survey Station			
√Provide tenure documentation to Canada to confirm tenured station site is surveyed out of reserve.	McLeod Lake East	ISLB/ARB	Completed
CDA Verification and sign off from Environment Canada that all actual improvements are within surveyed out portion.	McLeod Lake East	CDA ARB to monitor	To be determined (TBD)
Alternative if not excluded - Agree to replacement interest (e.g. 28 (2) IA permit) for water quality survey station if located within reserve.	McLeod Lake East	CDA and MLIB	TBD
4. Deletion from Provincial Forest			
√ Identify parcels within Provincial Forest	Examine All Parcels	ISLB	Completed
Prepare and execute MoF Ministerial Orders to remove parcels from provincial forest before OIC as MO is needed for transfer of Administration and	To be determined	MOF	Dec 31/01

Action	Parcels Affected	Primary Responsibility	Timeline
control (TAC)			
Check on timing of MO to remove from Provincial Forest	To be determined	ARB	
5. Road Closure (Hwy 97)			
✓ MOT regarding road closures. 3 of 4 road areas are being closed & included in surveys. Road closures have been gazetted Oct 18, 2001 & waiver letter received.	McLeod Lake East and Kerry Lake East	ISLB/ARB	Completed
Notify Band and its consultant (Scott Forest) by letter that 3 road areas closed (provide gazette notice) and that 4 th is not being closed and is therefore not being transferred to Band.	McLeod Lake East	ARB	Dec 7/01
Check that surveys include the 3 roads and exclude the 4th.	McLeod Lake East	ARB / ISLB	
6. Registered Traplines			
Determine whether trap licence holders will be notified of transfer of parcels. (Prior consultation occurred before Final Agreement). Check MWLAP policy on notification & check current names and addresses of holders.	All parcels	MAG, ARB and PT	Nov 30/01
Assess response to any compensation issues raised by trap licence holders on parcels. (Julian and other holders)	McLeod Lake East and Carp South	MAG, ARB and PT	
7. Trespass Issues			
Trailer on concrete piles – determine if trailer is on reserve parcel or highway right of way. Surveyor is to confirm situation. If on parcel, ARB to address issue.	McLeod Lake East	OSG and ISLB ARB to monitor	Surveyor confirmation – due?
House on concrete blocks (owner of DL adjacent to reserve) encroaching on parcel. MWLAP to confirm summer house is still there. If so BCAL is to direct them to remove house.	McLeod Lake East	ARB	TBD
Pull reverted titles on DL 5713 and cancel surveys of Blocks E & F of DL 5713 Cariboo District	McLeod Lake East	OSG	Dec 30/01 Low priority
8. OIC 2452/57 Amendment (Flood Reserve OIC)			
✓ Obtain files from OSG. Original OIC 369/63 – reserve elevation 2450 feet (746.8 metres) amended by OIC 2452/57 to reduce elevation to 2250 feet (685.8 metres)	All Parcels	ARB and OSG	Completed
Obtain BCH agreement for amendment of BC OIC which prevents alienation of FR lands.	All parcels	ARB, MAG and BCH	Nov 30/01
Draft amendment OIC and	All parcels	OSG, MAG and ARB	TBD

Action	Parcels Affected	Primary Responsibility	Timeline
schedules (need confirmed plans) * Sandra to check drafting *			
Get sketch map revised by BCH	Finlay Bay	MAG	TBD
Draft to acknowledge previous amendments to the original OIC	All parcels	MAG	TBD
9. No Staking Reserves and No Disposition Notations			
Work with MEM to ensure NSRs/NDNs are over appropriate MLIB lands. Send letter to MEM for NSR /NDN on parcels including additional part of Carp South.	All	ARB	Completed Nov 29/01
10. Survey Confirmation			
Obtain copies of original signed maps for all forested lands from Cda and provide a copy to OSG.	All	ARB	Nov 20/01 OVERDUE Obtained Dec 12/01
Monitor OSG completion of surveys and OSG circulation to all ministries for review and approval of survey.	All	ISLB	Ongoing
Provide OSG with TNO confirmation following receipt of other ministries' letters of confirmation of no issues (CP signs based on advice from HW)	All	ARB	At time surveys are complete
11. Calculation of Lands Transferred			
Identify the number of hectares for 5 parcels so that adjustments can be made to the last parcel transferred (Carp South) to ensure no more/less than 128 acres per person	All Forested Parcels	ISLB and ARB	Ongoing Prior to final transfer of the last parcel at Carp South
Carp South separated into two areas. Survey the area to be initially transferred.	Carp South	ISLB and ARB	Completed Survey review underway
12. Stumpage			
Determine if all accrued stumpage for previous year have been expensed and what final amount exists for stumpage.	All Injunction variation Parcels (McLeod Lake East, Weedon Carp, Carp South, Weedon Lake)	ARB	Nov 30/01
Ensure Stumpage is accrued for 2001/02 Fiscal Year.	All Injunction variation Parcels	ARB	Mar 31/01
Determine if stumpage rate can be reduced for 2001/02.	All Injunction variation Parcels	ARB/MOF	Dec 1/01
Assess issues for 2002/03	All Injunction variation Parcels	ARB/MOF	
13. OIC for Transfer of Administration and Control for All Forested Parcels			
Obtain two yellow tagged O.I.C.s. in advance of final survey plan sign off Note: Need separate OIC for Carp South in case CDA will not accept its transfer.	All Forested Parcels First Priority		
Review draft parcel legal descriptions with CDA to ensure that they meet both BC and CDA requirements	All Forested Parcels	ISLB ARB	
Obtain CDA CSLR registration number for inclusion in OICs to	All Forested Parcels	ISLB ARB	Dec 20/01

Action	Parcels Affected	Primary Responsibility	Timeline
facilitate CDA PCO process.			
Prepare package to accompany OIC. Note – prepare list of documents, agreements and MOs needed for OIC.	All Forested Parcels	ARB, MAG and OSG	Jan. 09/02 for forested lands
Ingrid Fee re Cabinet dates: Cabinet meets every Wed. starting Jan. 16 & 2 weeks notice needed to get on schedule	As above	ARB	Nov 20/01 Completed
Obtain approval for O.I.C.	As above	ARB and MAG	Jan 15/02
14. PCO Strategy			
Prepare letter setting out BC's actions to date and understanding of steps needed to allow CDA to pass PCO, and request co-operation and timely passage of PCOs. CP to sign.	All parcels with focus on forested lands	ARB & MAG	Dec 6/01 Draft letter out for review
Develop strategy to ensure Canada obtains a timely PCO – (steps will follow after letter & may involve MLIB; may involve political route).	All parcels with focus on forested lands	ARB	Nov 30/01

Schedule C Parcels

Action	Parcels Affected	Primary Responsibility	Timeline
1. Finlay Bay and Weston Bay Flowage RoW Agreement - MLIB Agreement Schedule "D"			
Following amendment of OIC 2452/57 (Flood Reserve), prepare Flowage RoW as per MLIB Agreement Schedule "D". BC Hydro has confirmed that these are the only parcels for which Flowage Agreement needed.	Finlay Bay and Weston Bay	ARB MAG	Feb – Mar '02
BC Hydro to prepare RoW Agreement Schedules of legal descriptions and Safe Line sketches for parcels.	Finlay Bay and Weston Bay	MAG BCH	
Obtain MSRM Ministerial Order (MO) to sign BC Hydro ROW Agreement on behalf of Province Sandra – is this necessary	Finlay Bay and Weston Bay	MAG, BCH and MSRM	Dec 31/01 if done with other Hydro RoW agreement
BC and BC Hydro to execute agreement prior to transfer of FB and WB parcels to CDA.	Finlay Bay and Weston Bay	ARB MAG BCH	
2. Servicing Agreements			
Facilitate servicing agreements between MLIB and Fraser-Fort George Regional District and the District of Mackenzie to enable transfer of parcels.	Bear Lake and the District of Mackenzie	ARB	TBD Date depends on servicing agreement.
3. Reserve on Bear Lake Parcel			
740600 Airstrip reserve to Regional District of Fraser Fort George – Check files and assess	Bear Lake	ARB	TBD

Action	Parcels Affected	Primary Responsibility	Timeline
issue.			
4. OIC for Non-Forested Parcels			
Obtain a green tagged O.I.C. in advance of final survey plan sign off (need CSLR).	All Schedule C parcels Not transferred in first OIC	ARB and MAG	Dec 31/01 for forested lands

KEY:

ARB = Aboriginal Relations Branch, TNO

MAG = Ministry of Attorney General (Sandra Borthwick)

OSG = Office of the Surveyor General (Jim Sutherland)

ISLB = Implementation and Settlement Legislation Branch, TNO

MSRM = Ministry of Sustainable Resource Management

MOF = Ministry of Forests

MWLAP = Ministry of Water, Land and Air Protection

BCH = BC Hydro

CDA = Canada (Departments of Justice, INAC, and Natural Resources Canada)

PT = Provincial Team, TNO (Sarah Cavanagh)

COMPLETED ACTION ITEMS

Environmental Assessment			
√ Testing by CDA of 3 sites identified in initial environmental assessment is complete and no contamination. Note: if future contamination is found between date of test and Acceptance Date, BC responsible under Article 4.2.	McLeod Lake East, Kerry Lake West, and Kerry Lake East	CDA	Test Completed
Snow Course Notation of Interest			
√ Work with MOF and MSRM regarding an existing tenure for a snow course and determine nature of activity.	McLeod Lake East	ARB	Completed
√ Work with MWLAP to request MOF remove forest map notation as MWLAP interest in the site has been abandoned.	McLeod Lake East	ARB	Completed
√ Check with MoF on status of removal. – REMOVED Dec 06/01	McLeod Lake East	ARB	Completed

FW: McLeod Lake Approvals

From: West, Heather SRM:EX
To: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>
Cc: Harrington, Molly TNO:EX <MHarring2@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: December 14, 2001 10:52:52 AM PST

Please note the latest e-mail from Steve Minnie indicating that the sign-off letter from Canada for Carp South is being "held back pending some issue being considered by the Justice Department."

I would like to respond to Steve indicating that the Province plans to do a separate O.I.C. for Carp South in hopes that Canada would provide sign-off on that basis, but I am seeking instructions. My guess would be that Canada may have concerns about the timing of the transfer based on the 4 month limit imposed on the Province by 4.6.1 in the "Agreement."

From: Minnie, Steve [mailto:SMinnie@NRCan.gc.ca]
Sent: Friday, December 14, 2001 10:34 AM
To: West, Heather SRM:EX
Subject: RE: McLeod Lake Approvals

Carp South was held back pending some issue being considered by the Justice Department. We are waiting for their approval to proceed. I believe Susan Kelly is familiar with the issue.

Steve

-----Original Message-----

From: West, Heather SRM:EX [mailto:Heather.West@gems3.gov.bc.ca]
Sent: December 14, 2001 10:18 AM
To: 'Minnie, Steve'
Subject: RE: McLeod Lake Approvals

Thanks Steve,

I have revised my sign-off sheet to indicate that a new BCR will be required for Kerry Lake East as we expect the total area of the parcel to change as a result of the surveyor's review of his interpretation of the water boundaries.

There may be a complication with the survey for McLeod Lake East as a result of a last minute referral I did with Parks. They have come back to me and identified an encroachment of D.L. 13036 into the southerly portion of Whiskers Point Park. I am in the process of getting more detail as to when this portion was added to the park as there may be a timing issue and we may well find that the park expansion failed to take the ongoing negotiations into account. Once I have more detail I will copy you on my e-mail to Chuck. Additionally, if you have any information on this matter I would really appreciate having it passed along.

Was the Carp South letter held back because of the timing of the receipt in your office of the BCR?

-----Original Message-----

From: Minnie, Steve [mailto:SMinnie@NRCan.gc.ca]
Sent: Friday, December 14, 2001 9:57 AM
To: West, Heather SRM:EX
Subject: McLeod Lake Approvals

Hello Heather,

I have send, by courier to Jim Sutherland, the approval letters signed by Blair for all of the McLeod Lake Surveys except Carp South. Attached to each letter is the relevant BCRs from the Band.

With regard to Kerry Lake East, the BCSG office has asked the surveyor to review his interpretation of a water boundary. Should this review significantly alter the area or boundaries of the parcel, I may seek a new BCR from the band approving the revised survey. I understand the surveyor is looking at the possible changes now.

Steven J. Minnie BCLS, CLS, OLS(ret)
Legal Surveys Division
Natural Resources Canada
Suite 1501, 1138 Melville Street
Vancouver, BC, V6E 4S3
Telephone 604-666-3517
Email: sminnie@nrcan.gc.ca
Internet: <http://www.wroc.nrcan.gc.ca>

RE: TNO sign-off for MLIB Parcels

From: Panter, Catherine TNO:EX
To: West, Heather SRM:EX <HWest@Victoria1.gov.bc.ca>
Cc: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: December 18, 2001 9:21:54 AM PST
I approve these parcels on behalf of TNO.

Catherine Panter
Senior Negotiator
387-5210
catherine.panter@gems4.gov.bc.ca

-----Original Message-----

From: West, Heather SRM:EX
Sent: Monday, December 17, 2001 3:26 PM
To: Panter, Catherine TNO:EX
Cc: Beak, Lynn TNO:EX; Kelly, Susan M TNO:EX
Subject: TNO sign-off for MLIB Parcels
Importance: High

Catherine, I have arranged for Blair Smith (NRCan) to come to Victoria on Wednesday so that he and Chuck Salmon can sign off on those MLIB survey parcels deemed ready for transfer by the Province under terms of the MLIB Agreement.

I also met with Lynn and Susan this morning to review those parcels held back until I had an opportunity to review the ortho photos that were signed off by the Parties and that were to be used as the basis for boundary determination by the various contract surveyors. Based on that review, I am now prepared to seek TNO's approval for the following parcels.

Forested Parcels:

Kerry Lake West surveyed as District Lot 13046, Cariboo District.

Schedule C Parcels:

Finally Bay surveyed as District Lot 13025, Cariboo District;
Weston Bay surveyed as District Lot 13026, Cariboo District ;
Davie Lake surveyed as Block C of District Lots 2978 and 2980, Cariboo District;
Arctic Lake surveyed as District Lot 13029, Cariboo District; and
Blue Lake surveyed as District Lot 13030, Cariboo District.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 356-5882
Heather.West@gems3.gov.bc.ca

Timing of MLIB land transfers

From: Beak, Lynn TNO:EX
To: Panter, Catherine TNO:EX <CPanter@Victoria1.gov.bc.ca>, Villa-Arce, Jose TNO:EX <JVillaar@Victoria1.gov.bc.ca>
Cc: West, Heather SRM:EX <HWest@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>, Harrington, Molly TNO:EX <MHarring2@Victoria1.gov.bc.ca>
Sent: January 4, 2002 4:45:28 PM PST

There is sufficient work underway on the preparation of the material needed for the transfer of the first group of MLIB land parcels to be able to provide an accurate indication of the timing for the MLIB land transfer OIC to go to Cabinet. There are several critical issues that require completion in January, but the package should be completed by January 30 to go to Cabinet on February 13, 2002. The issues are set out below.

Survey Approvals

The surveys for 13 parcel have been approved by the parties, but amendments are required to the surveys for 2 key parcels, McLeod Lake East and Kerry Lake East.

The change required for the McLeod Lake East survey is apparently caused by the fact that BC provided a map of the parcel with an incorrect boundary, and the survey was based on the boundary. BC will be paying for the survey revision but it will not be completed until mid January 2002.

The changes required for the Kerry Lake East survey are due to actions taken and interpretations made by the surveyor, primarily in relation to water boundaries. The changes will be completed by mid January. For both surveys we will then require a new BCR from McLeod Lake Indian Band approving the final survey, approval from Canada, the filing of the plans in Edmonton and the issuance of federal CLRS numbers for them.

Since these 2 parcels are both large forested ones, and they comprise 2 of the main 4 parcels where BC stumpage obligations arise, I believe that we should ensure that the transfer OIC includes them. I should indicate that the MLIB Agreement requires BC to proceed to Cabinet within 4 months after the surveys are approved, so that proceeding within 4 weeks is very speedy.

Other Matters

It appears at this time that all other matters can be completed by the end of January, and if my assessment changes, I will notify you immediately. I am preparing a full briefing note on MLIB issues for you next week, as there are other matters of significance to consider.

Have a good weekend

Lynn Beak
Negotiator
Negotiations Division
Treaty Negotiations Office
Phone: (250) 356-7170
Fax: (250) 356-0366
lynn.beak@gems5.gov.bc.ca

January MLIB Action Items list for Land Transfers

From: Beak, Lynn TNO:EX
To: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>, Ott, Kim TNO:EX <KOtt@Victoria1.gov.bc.ca>, Aki Lintunen (E-mail) <aki.lintunen@bchydro.bc.ca>, Currie, Anne TNO:EX <ACurrie@Victoria1.gov.bc.ca>, Panter, Catherine TNO:EX <CPanter@Victoria1.gov.bc.ca>, Green, Dan L EM:EX <DGreen2@Victoria1.gov.bc.ca>, Buyar, Dave BCAL:EX <Djbuyar@Victoria1.gov.bc.ca>, Weger, Egon BCAL:EX <Eweger@Victoria1.gov.bc.ca>, Statham, Frances AG:EU <frances.statham@ag.gov.bc.ca>, Sutherland, Jim SRM:EX <jesuther@Victoria1.gov.bc.ca>, Dyble, John TRAN:EX <JDYBLE@Victoria1.gov.bc.ca>, Gray, John T FOR:EX <JTGray@Victoria1.gov.bc.ca>, Hogg, John AG:EU <john.hogg@ag.gov.bc.ca>, Birch, Judy SRM:EX <JBirch2@Victoria1.gov.bc.ca>, Nash, Laurel EM:EX <LUNash@Victoria1.gov.bc.ca>, Goodfellow, Michael TNO:EX <MGoodfel@Victoria1.gov.bc.ca>, Harrington, Molly TNO:EX <MHarring2@Victoria1.gov.bc.ca>, Wade, Nichola TNO:EX <NWade@Victoria1.gov.bc.ca>, Schultz, Ray FOR:EX <RSchultz@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Lee, Tom W FOR:EX <TWLee@Victoria1.gov.bc.ca>, Beckett, Tony TRAN:EX <TBECKETT@Victoria1.gov.bc.ca>, West, Heather SRM:EX <HWest@Victoria1.gov.bc.ca>, Jonson, Trent EM:EX <TJonson@Victoria1.gov.bc.ca>, Braidwood, Brian FIH:EX <BBraidwood@Victoria1.gov.bc.ca>, Standen, Jim WLAP:EX <jstanden@Victoria1.gov.bc.ca>
Sent: January 4, 2002 4:52:25 PM PST
Attachments: Jan 04-02.doc

Attached please find the most recent Action Items list for the land transfers under the McLeod Lake Indian Band Agreement. We will be calling a meeting for January 17 at 1:30 p.m. to review the status of the items, so please hold that date.

thanks
Lynn Beak
Negotiator
Negotiations Division
Treaty Negotiations Office
Phone: (250) 356-7170
Fax: (250) 356-0366
lynn.beak@gems5.gov.bc.ca

-----Original Message-----

From: Beak, Lynn TNO:EX
Sent: Wednesday, December 12, 2001 5:06 PM
To: Ott, Kim TNO:EX; Aki Lintunen (E-mail); Currie, Anne TNO:EX; Panter, Catherine TNO:EX; Green, Dan L EM:EX; Buyar, Dave BCAL:EX; Weger, Egon BCAL:EX; Statham, Frances AG:EU; Sutherland, Jim SRM:EX; Dyble, John TRAN:EX; Gray, John T FOR:EX; Hogg, John AG:EU; Birch, Judy SRM:EX; Nash, Laurel EM:EX; Goodfellow, Michael TNO:EX; Harrington, Molly TNO:EX; Wade, Nichola TNO:EX; Schultz, Ray FOR:EX; Borthwick, Sandra AG:EU; Kelly, Susan M TNO:EX; Lee, Tom W FOR:EX; Beckett, Tony TRAN:EX; West, Heather SRM:EX
Subject: RE: MLIB Action Items list for Land Transfers

Here is an updated Action Items list for the MLIB meeting tomorrow.

Agenda

- Review the status of the Action items and Ministry activities
- Assess timing issues for the OICs
- Develop a list of items for MLIB review (I.e. Hydro RoW Agreement)
- New Business

A reminder of the meeting particulars:

Thursday, December 13th

2:30pm - 4:30pm

4th flr boardroom - TNO - 908 Pandora Avenue, Victoria

Chair: Lynn Beak

For those calling in, Kim has arranged the following conference line:

Dial: (250) 952-6446, passcode 6003#

<< File: Dec 12-01.doc >>

thanks

Lynn Beak

Negotiator

Negotiations Division

Treaty Negotiations Office

Phone: (250) 356-7170

Fax: (250) 356-0366

lynn.beak@gems5.gov.bc.ca

MCLEOD LAKE INDIAN BAND (MLIB) IMPLEMENTATION
Action Items To Complete TNO's
Transfer of 19 Proposed Reserve Lands from BC To Canada

Parcels to be transferred immediately (Up to 14 parcels with primary focus on McLeod Lake East, McLeod Lake West, Kerry Lake East, Kerry Lake West, and Weedon Carp. Note that the northern area of Carp South is no longer planned for the first transfer since Canada has not approved the survey.)

Action	Parcels Affected	Primary Responsibility	Timeline
1. BCH Right of Way Agreement (MLIB Agreement Schedule "E")			
✓ Identify parcels affected by ROW agreement. Ensure BCH distribution line on McLeod Lake East is included.	McLeod Lake East, Kerry Lake East, and McLeod Lake.	BCH and MAG	Nov 30/01 Completed
Obtain MSRM Ministerial Order (MO) to sign BC Hydro ROW Agreement on behalf of Province	As above	MAG, BCH and MSRM	Jan 15/02
Finalize ROW schedules – Legal descriptions of parcels & Description of Excluded Hydro ROW Area	As above	BCH and MAG	Jan 15/02
Execute ROW Agreement BCH first BC – to sign following MO and before transfer OIC	As above	BCH and BCAL MSRM	Jan 15/02
2. Section 28 (2) Indian Act Permits Note CDA wishes to issue the permits after accepting the lands – Mtg is being planned for Jan '02 to discuss this issue with them.			
CDA to use ortho to create sketch plan and issue permit to JSL Communications	McLeod Lake East	CDA ARB to monitor	Jan 9/02
CDA to ensure access to JSL Communications site	McLeod Lake East	CDA ARB to monitor	Jan 9/02
CDA to issue permits for Westcoast Energy (WCE) and Pembina as per Settlement Agreement.	McLeod Lake East and Kerry Lake East	CDA ARB to monitor	Jan 9/02
CDA GPS survey of WCE access points to be done –registration plan required.	McLeod Lake East and Kerry Lake East	CDA ARB to monitor	Jan 9/02
3. Nak'azdli First Nation Litigation			
Determine effect of Nak'azdli litigation on ability to transfer Carp South parcel. Note: CDA has not accepted the survey of the Carp South parcel, so parcel cannot be included in OIC at present.	Carp South	MAG/ARB	Jan 22/02
Maintain contact with MAG litigation counsel	Carp South	ARB	Ongoing
Assess possibility of settling litigation	Carp South	MAG/ARB	Jan 22/02
4. Road Closure (Hwy 97)			

Action	Parcels Affected	Primary Responsibility	Timeline
√ 3 of 4 road areas are being closed & included in surveys. Road closures have been gazetted Oct 18, 2001 & waiver letter received.	McLeod Lake East and Kerry Lake East	ISLB/ARB	Completed
√ Check that surveys include the 3 roads and exclude the 4th.	McLeod Lake East	ARB / ISLB	Completed
Notify Band and its consultant (Scott Forest) by letter that 3 road areas closed (provide gazette and waiver notice) and that 4 th is not being closed and is therefore not being transferred to Band. Complete letter for road area closed by waiver.	McLeod Lake East	ARB	On Dec 3/01 completed for 2 Gazetted road areas and the area not being transferred. Last letter due Jan 8/02
5. Trespass Issues			
House on concrete blocks (owner of adjacent DL) encroaching on parcel. It is still there. BCAL is to issue trespass / removal letter and post notice on structure.	McLeod Lake East	ARB	TBD
Pull reverted titles on DL 5713 and cancel surveys of Blocks E & F of DL 5713 Cariboo District	McLeod Lake East	OSG	Low Priority Proceeding – Gazetting to be done
6. OIC 2452/57 Amendment			
	(Flood Reserve OIC)	Note: this OIC to be processed on same date but immediately preceding transfer OIC.	
√ Obtain files from OSG. Original OIC 369/63 set reserve elevation 2450 feet amended by later OICs to reduce elevation to 2225 feet .	McLeod Lake East Findlay Bay, Weston Bay	ARB and OSG	Completed
Obtain BCH agreement for amendment of BC OIC which prevents alienation of FR lands.	McLeod Lake East Findlay Bay, Weston Bay	ARB, MAG and BCH	Jan 15/02
Draft amendment OIC and schedules (need confirmed plans) * Sandra to check drafting *	McLeod Lake East Findlay Bay, Weston Bay	OSG, MAG and ARB	TBD
Draft to acknowledge previous amendments to the original OIC	As above	MAG	TBD
7. No Staking Reserves and No Disposition Notations			
√ Send letter to MEM to ensure NSRs/NDNs are over appropriate MLIB lands on parcels including southern non-surveyed part of Carp South.	All	ARB	Completed Nov 29/01
Contact MEM to determine that MEM has acted on letter to revise any NSRs/NDNs boundaries by MO.	All	ARB	Jan 8/02
8. Survey Confirmation			
√ Obtain copies of original signed maps for all forested lands from Cda and provide a copy to OSG.	All	ARB	Completed

Action	Parcels Affected	Primary Responsibility	Timeline
Monitor OSG completion of surveys and OSG circulation to all ministries for review and approval of survey.	All Surveys for 11 of the 14 parcels have been accepted by CDA and MLIB	ISLB	Completed for 11 parcels 3 others ongoing
Provide OSG with TNO confirmation following receipt of other ministries' letters of confirmation of no issues (CP signs based on advice from HW)	All	ARB	Jan 7/02 For first group of parcels
9. Calculation of Lands Transferred			
Identify the size for all parcels so that adjustments can be made to the last parcel transferred (Carp South) to ensure no more/less than 128 acres per person √ Completed for 14 parcels where surveys done. Others to be done as surveys completed	All Parcels	ISLB and ARB	Ongoing
√ Survey the northern area of Carp South to be transferred first. Retain remainder for severalty/underage adjustments.	Carp South	ISLB and ARB	Completed Survey review underway
10. Stumpage			
Determine if accrued stumpage for previous year have been expensed Determine volume yet to be harvested from previous year.	All Injunction variation Parcels from 2000/01 (McLeod Lake East, Weedon Carp, Carp South)	ARB	Jan 15/02
Ensure Stumpage is accrued for 2001/02 Fiscal Year.	All Injunction variation Parcels	ARB	Mar 31/02
Determine if stumpage rate can be reduced for 2001/02 by MoF OIC.	All Injunction variation Parcels for 2001/02 (McLeod Lake East, Weedon Carp, Carp South & Weedon Lake)	ARB/MOF	Jan 9/02
Prepare BN for MRTNO re MoF OIC To ensure his support	All 2001/02 Injunction variation Parcels	ARB	Jan 9/02
Assess issues for 2002/03	All 2001/02 Injunction variation Parcels	ARB/MOF	Jan 15/02
Determine how to address issue if parcels transferred before cut timber is removed from parcel.	As above	ARB/MOF	Jan 31/02
11. OIC for Transfer of Administration and Control for All Forested Parcels			
Obtain two yellow tagged O.I.C.s. in advance of final survey plan sign off. Note: Need separate OIC for Carp South in case CDA will not accept its transfer.	All Parcels for First transfer (14 parcels)		
√ Review draft parcel legal descriptions with CDA to ensure that they meet both BC and CDA requirements	As above	ISLB ARB	Obtained for 14 parcels Dec. 20/01
√ Obtain CDA CSLR registration number for inclusion in OICs to	As above	ISLB ARB	Obtained for 14 parcels

Action	Parcels Affected	Primary Responsibility	Timeline
facilitate CDA PCO process.			Dec. 20/01
Prepare package to accompany OIC. Note – prepare list of documents, agreements and MOs needed for OIC.	As above	ARB, MAG and OSG	Jan. 09/02 for forested lands
Ingrid Fee re Cabinet dates: Cabinet meets every Wed. starting Jan. 16. All documents to be prepared 2 weeks prior to mtg.	As above	ARB	Nov 20/01 Completed
Obtain approval for O.I.C.	As above	ARB and MAG	Jan 15/02
12. PCO Strategy			
Prepare letter setting out BC's actions to date and understanding of steps needed to allow CDA to pass PCO, and request co-operation and timely passage of PCOs. CP to sign.	All parcels with focus on forested lands	ARB & MAG	Jan 8/02 Draft letter out for review
Develop strategy to ensure Canada obtains a timely PCO – (steps will follow after letter & may involve MLIB; may involve political route).	All parcels with focus on forested lands	ARB	Jan 15/02
13. Request for Legislation			
Check with Leg Counsel regarding agenda for upcoming legislative amendments	All Parcels over 520 hectares (6 large parcels)	ISLB	Nov 9/01 Completed
Prepare RFL for MLIB Settlement Act under Miscellaneous Statutes Amendments	As above	ISLB and MAG	To be determined

Parcels to be transferred when Pre-conditions Completed

Action	Parcels Affected	Primary Responsibility	Timeline
1. Finlay Bay and Weston Bay Flowage ROW Agreement - MLIB Agreement Schedule "D"			
Following amendment of OIC 2452/57 (Flood Reserve), prepare Flowage ROW Agreement. BC Hydro has confirmed that these are the only parcels for which Flowage Agreement needed.	Finlay Bay and Weston Bay	ARB MAG	Feb – Mar '02
BC Hydro to prepare ROW Agreement Schedules of legal descriptions and Safe Line sketches for 2 parcels.	Finlay Bay and Weston Bay	MAG BCH	
Obtain MSRM Ministerial Order (MO) to sign BC Hydro ROW Agreement on behalf of Province	Finlay Bay and Weston Bay	MAG, BCH and MSRM	TBD
BC and BC Hydro to execute agreement prior to transfer of FB and WB parcels to CDA.	Finlay Bay and Weston Bay	ARB MAG BCH	

Action	Parcels Affected	Primary Responsibility	Timeline
2. BCH Right of Way Agreement (MLIB Agreement Schedule "E")			
Obtain MSRM Ministerial Order (MO) to sign BC Hydro ROW Agreement on behalf of Province Parcels to be included in ROW agreement due to nearby hydro infrastructure – not on parcel but in abutting road allowance.	Parcels not covered in first Sch. E ROW Agreement: Bear Lake and District Municipality of Mackenzie	MAG, BCH and MSRM	TBD Prior to transfer of these parcels. Timing based on MLIB action on servicing agreements
Finalize ROW schedules – Legal descriptions of parcels and any related Hydro ROW corridor.	Bear Lake and District Municipality of Mackenzie	BCH and MAG	TBD
Obtain MSRM Ministerial Order (MO) to sign BC Hydro ROW Agreement on behalf of Province	Finlay Bay and Weston Bay	MAG, BCH and MSRM	TBD
Execute ROW Agreement BCH first BC – to sign following MO and before transfer OIC	As above	BCH and BCAL MSRM	TBD – prior to passing OIC.
3. Reserve on Bear Lake Parcel			
740600 Airstrip reserve to Regional District of Fraser Fort George – Check files, determine if overlap and possible resolution.	Bear Lake	ARB	TBD
4. OIC for Non-Forested Parcels			
Obtain a green tagged O.I.C. in advance of final survey plan sign off (need CLSR numbers).	All parcels not transferred in first OIC	ARB and MAG	TBD
5. Servicing Agreements			
Facilitate servicing agreements between MLIB and Fraser-Fort George Regional District and the District of Mackenzie to enable transfer of parcels.	Bear Lake and District Municipality of Mackenzie	ARB	TBD Date depends on servicing agreement.
6. Tenure overlap on Bear Lake Parcel			
Woodlot licence overlap on Bear Lake parcel. MoF to finalize negotiation for alternate land and pay compensation for resolution.	Bear Lake	ARB	Feb 28/02
TNO to approve compensation payment from compensation funds.	Bear Lake	ARB	Jan 8/02

KEY:

ARB = Aboriginal Relations Branch, TNO
MAG = Ministry of Attorney General (Sandra Borthwick)
OSG = Office of the Surveyor General (Jim Sutherland)
ISLB = Implementation and Settlement Legislation Branch, TNO
MSRM = Ministry of Sustainable Resource Management
MOF = Ministry of Forests
MWLAP = Ministry of Water, Land and Air Protection
BCH = BC Hydro

CDA = Canada (Departments of Justice, INAC, and Natural Resources Canada)
PT = Provincial Team, TNO (Sarah Cavanagh)

COMPLETED ACTION ITEMS

Environmental Assessment			
√ Testing by CDA of 3 sites identified in initial environmental assessment is complete and no contamination. Note: if future contamination occurs between date of test and Acceptance Date, BC responsible under Article 4.2.	McLeod Lake East, Kerry Lake West, and Kerry Lake East	CDA	Test Completed
Snow Course Notation of Interest			
√ MWLAP to request MOF remove forest map notation as MWLAP no further interest in the site.	McLeod Lake East	ARB	Completed
√ Check with MoF on status of removal. – REMOVED Dec 06/01	McLeod Lake East	ARB	Completed
Trespass Issue			
Trailer on concrete piles – Trailer is determined to be on highway right of way, not surveyed parcel.	McLeod Lake East	OSG and ISLB ARB to monitor	Completed
Water Quality Survey Station			
√ Provide tenure documentation to Canada to confirm tenured station site is surveyed out of reserve. CDA sign off that all actual improvements are within surveyed out portion.	McLeod Lake East	ISLB/ARB	Completed
Deletion from Provincial Forest			
Prepare and execute MoF Ministerial Orders to remove parcels from provincial forest before OIC	All parcels	MOF	Completed

Re:McLeod Lake East

From: West, Heather SRM:EX
To: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>
Cc: Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: January 18, 2002 10:11:00 AM PST

Further to Steve Minnie's e-mail below, I have just received a call from Blair Smith regarding the McLeod Lake East parcel.

Blair Smith will not be signing off on this parcel until such time as Canada is successful in obtaining a new BCR approving the latest revisions to the McLeod Lake survey. As per Steve's note you can see that the next Band meeting will be January 25th.

-----Original Message-----

From: Minnie, Steve [mailto:SMinnie@NRCan.gc.ca]
Sent: Thursday, January 17, 2002 4:01 PM
To: West, Heather SRM:EX
Subject: RE:

Hello Heather,

We will stamp the Carp South, Quaw Is, and McIntyre plans tonight and sign and return them tomorrow morning. We still do not have a BCR for McLeod Lake East approving the change at Whiskers Point Park. My contact at the Band is trying to get everyone together but does not sound optimistic. The next scheduled Band meeting is Jan 25th.

Once Chuck signs the plans, send them directly to:

Barry Necyk
Senior, GIS Surveyor
Natural Resources Canada
Cadastral Services
605 - 9700 Jasper Avenue
Edmonton, Alberta
Canada
T5J 4C3

Telephone:(780) 495-6176
Fax:(780) 995-4052

Barry is ready for the plans and understands the urgency.

I will send you an email when we put the above plans on the plane for Victoria.

Steven J. Minnie BCLS, CLS, OLS(ret)
Legal Surveys Division
Natural Resources Canada
Suite 1501, 1138 Melville Street

Vancouver, BC, V6E 4S3
Telephone 604-666-3517
Email: sminnie@nrcan.gc.ca
Internet: <http://www.wroc.nrcan.gc.ca>

-----Original Message-----

From: West, Heather SRM:EX [mailto:Heather.West@gems3.gov.bc.ca]
Sent: January 17, 2002 3:53 PM
To: 'SMinnie@NRCan.gc.ca'
Subject:

Steve I just called Blair to let him know that the following plans are on a 3:55 Harbour Air flight to Vancouver arriving at 4:30:
McLeod Lake East, including the survey plan for Quaw Island, being the Survey Plan of Block I of district Lots 5713, and 9608, together with District Lots 13035 and 13036, Cariboo District;
McIntyre Lake, being Survey Plan of District Lot 13031, Cariboo District;
and
Carp South, being Survey Plan of District Lot 13069, Cariboo District.

I hope that you will be successful in obtaining the required BCR's to allow Blair to provide sign off on the McLeod Lake East plans.

Once these plans are signed off please throw them back on the float plane and I will pick them up for delivery to Chuck Salmon.
I will need an address (and contact person) so I know where to have them sent in Edmonton once Chuck has signed off. Could I also ask that you give your contact in Edmonton a heads up that the plans are coming and that we need quick turn around on them.

Kerry Lake East is supposedly to follow "soon."

Thanks!

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 356-5882
Heather.West@gems3.gov.bc.ca

McLeod Lake teleconf & next steps

From: Sheryl Yoner <yoners@inac.gc.ca>
To: Borthwick, Sandra AG:EU
s.15
s.22 Beak, Lynn TNO:EX
s.15
s.15 Kelly, Susan M TNO:EX
s.22
s.22
Sent: January 21, 2002 2:15:09 PM PST

Note s.22 is Gary Nelson

Tried to complete these notes Friday night, but technical difficulties so had to finish today. Hope it is in time for everyone's needs.

Notes from our meeting of Jan 18, 2002 - along with further notations of developments during the day

Present:

Chief Alec Chingee, McLeod Lake Band (MLIB)
Guy Joly(?), McLeod Lake Band (MLIB)
Andrew Schuck, Legal Counsel to Band
Gary Nelson, Legal Counsel to Band
Susan Kelly, Province of BC (BC)
Lynn Beak, Province of BC (BC)
Sandra Borthwick, Provincial AG's office
Sheryl Yoner, Indian Affairs (Canada)
David Gill, Dept of Justice for Canada

Purpose of the meeting was to set out where we are at with respect to implementation of the Settlement Agreement between the MLIB, BC & Canada dated for reference: Sept 30/99, and set out what is needed in order to conclude the transfers as soon as possible.

1) PROPOSED GROUPINGS & TIMINGS OF TRANSFERS OF LANDS FROM BC TO CANADA

Transfers were proposed to take place in 3 waves with the 1st wave receiving provincial cabinet approval on February 19th, provided all conditions met in time as noted below.

1st wave through one provincial order would comprise 14 of the 19 total parcels as follows:

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McLeod Lake West
Kerry Lake East
Kerry Lake West
Weedon Carp
Hominika River
Tacheeda Lake
Davie Lake
Arctic Lake
Blue Lake
McIntyre Lake
McLeod Lake
Weedon Lake
Quaw Island

Outstanding items to complete 1st wave:

- completion of BC Hydro R/W Agreement (see item 3 below) by Jan 25.
- completion of Kerry Lake East & McLeod Lake East surveys (see item 2 below) by Jan 25.
- permits to Westcoast & Pembina (see item 4 below) by Jan 28.

2nd wave through two provincial orders would comprise the following lands:

Carp South (first provincial order)

Finlay Bay & Weston Bay (2nd provincial order)

Outstanding issues to complete 2nd wave:

- completion of Carp South survey (see item 2 below)
- completion of Flowage Agreement

3rd wave through one provincial order would comprise the following lands:

Bear Lake & McKenzie

Outstanding issues to complete 3rd wave:

- service agreements need to be entered into, alternatively, written agreement that band can/will provide it's own stand-alone services
- BC needs this before they can pass provincial orders
- it was later clarified that BC only requires the service agreements be settled in accordance with the Settlement Agreement before they can pass provincial orders and that they do not need to wait for the federal approval in principle to the addition to reserve.
- Andrew suggested, and everyone agreed, that if the service agreements could be done sooner, these two parcels could be transferred in the 2nd wave as well.
- Andrew suggested Guy should proceed with discussions with the municipalities with all due haste.
(Canada now suggests a separate provincial order be issued then for these 2 parcels, as approval in principle to the granting of reserve status for these 2 parcels needs to be obtained. Even though it is intended Canada would accept all of the lands in the 2nd wave together, obtaining the approval in principle may delay acceptance of these lands, so best to keep in separate provincial orders if possible, although not imperative.)
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- It was noted that community meetings and positive discussions were conducted at the time of the Settlement Agreement discussions and during the land selection process, so no-one is expecting these municipalities will object at this time.
- BC suggested that if a harmonization agreement of future development on the Bear Lake & MacKenzie lands is needed, perhaps a copy of an existing one to model would be helpful (IE: the Gallagher lands at Westbank)
- Sheryl was to obtain a copy, however, after further consideration, it is doubtful we can share it due to privacy legislation. Accordingly I would suggest the band contact Westbank Band and request they share a copy directly. Meantime Sheryl will look around to see if we have anything we can share. Perhaps BC has something too?

We discussed the status of the forest service roads and deactivation.

- Surveys appropriately set out which roads are included and which are excluded.
- Band & provincial forester, John Gray, have worked this out to their satisfaction.

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- McLeod Lake East & Kerry Lake East surveys have required minor amendments.

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- Carp South survey: we discussed that the reason this one was left to last is because it was the one identified to have adjustments made for both final land entitlement and severalty takers. Since the surveys were all done, many ahead of schedule, Canada guesstimated the size of the Carp South survey, which does not include the severalty takers portions, and went ahead while weather permitted and since funds were available. The total entitlement noted in the Settlement Agreement, less the lands already surveyed, leaves only 131 hectares left to be added to Carp South, by our calculations.

- everyone understands that we will not wait on conclusion of the severalty takers agreements before BC transfers & Canada accepts the lands as these negotiations could take years to complete. If any of the severalty takers opt out and decide to have their entitlement portion added to reserve, the Carp South parcel is the one their entitlement lands will be added to at some future date.

- We discussed the possibility of having the 131 ha added in asap in order to complete the land entitlement for the 2nd wave

- NRCan advises that amending the survey to add the 131 ha to Carp South cannot likely be completed for the 2nd wave of transfers in Feb/Mar due to the above noted considerations, as well as, the time it will take for the band to select the portions they want, in addition to weather conditions.

- Canada & BC also advise the 131 ha needs to be accepted/agreed upon by BC, Canada & MLIB before surveys can be completed

- Accordingly, Canada suggests that NRCan compose a letter stating what areas have been surveyed and what is remaining to fulfil the Settlement Agreement land entitlement, which BC can respond to, either agreeing or disagreeing with our calculations. Should be straight forward calculations and doubtful there will be disagreement. When it comes time to survey this addition in the spring, NRCan will send the Band's forester a request to select the lands to be surveyed (within the original Carp South allotment, but hopefully outside of the Nakazdli claimed territory). We can then advise the Band that this survey will be for the final area, excluding any future additions for severalty takers who opt out of severalty. If the Band is not in agreement with the calculations, they can advise us at that time.

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- Canada has instructed NRCan to proceed with signing off the Carp South survey as is to be ready for either eventuality.

- We also discussed that due to the current litigation from Nakazdli, BC has agreed to provide Nakazdli with 30 days notice before they will issue the provincial order transferring the lands to Canada. Canada is considering also providing 30 days notice before BC Region makes the final recommendation & submission for accepting the lands. Neither of these notice periods will cause a delay in the process, rather we are just including it as an administrative step along the way.

3) STATUS & TIME LINES OF HYDRO R/W & FLOWAGE AGREEMENTS

- late Friday, BC provided the final draft of the Hydro r/w agreement to all parties for final review which included some minor amendments as discussed today, including changing the wording around the effective date clauses to reflect that in the Settlement Agreement.

- Monday morning, BC Hydro accepted the final draft.

- it is understood that this R/W must be approved by Hydro, Band & Canada no later than Jan 25 in order for BC to obtain the necessary approvals to be able to proceed to Cabinet on Feb 19th as planned.

Canada's approval: Jan 21/02 Canada hereby confirms the form of agreement is in accordance with the Settlement Agreement, however, we cannot confirm the affected parcels are correct, rather, in accordance with the Settlement Agreement the Band & BC Hydro are to verify the appropriate lands. (fyi: the common name for the District Lots noted are McLeod Lake East, Kerry Lake East & McLeod Lake.)

4) PERMITS TO WESTCOAST & FEDERATED (NOW PEMBINA)

- Although the surveys have just been completed by Canada, they cannot be registered in the Indian Land Registry until after the lands become reserve. These surveys have not been reviewed by BC, Westcoast, or Pembina.

- Canada will not include the surveys in the permit agreements, rather will refer to the descriptions as provided in the Settlement Agreement. This will avoid the need, and the time it will take, to review/reconcile the survey areas with the descriptions in the Settlement Agreement. Additionally, the wording of the permits will indicate the effective date to be upon creation of the reserve, thereby avoiding any lapse in rights of access. It is proposed that new permits, utilizing the surveys, be issued after the lands become reserve. This will ensure that the encumbrance against the reserve is not missed.

- The permits will be distributed to BC & the Band for review before they are signed off by all Canada. Since the permits are basically in the form provided for in the Settlement Agreement, final copies will be distributed to Westcoast & Pembina early this week. They have both been alerted to this and are ready to sign off once received. Concurrently, a copy will be sent to BC for their final review, and a copy will be sent to the Band for sign off by BCR at their Friday council meeting. Sheryl will provide wording for the BCR.

- If any changes are required to the permit documents, they will need to be incorporated and new final documents sent out to the parties by Friday latest.

- If all goes well, this means Canada can sign off lastly on Monday, Jan 28th and fax signed copies to BC. (we can talk on Friday to see where things are at)

5) Last agenda item was not discussed; information notes follow:

PROCESS & TIME LINES OF FEDERAL ORDERS ACCEPTING & SETTING ASIDE AS RESERVE

- Time lines/dates apply to 1st wave of provincial transfers to Canada
 - Process will be the same for all transfers

 - the Settlement Agreement sets out that the Governor in Council (GiC) must 'accept' the lands pursuant to the Federal Real Property Act (FRPA) and schedules the form of federal acceptance by the GiC. Accordingly, the following is the process with approximate time lines:

 - BC passes provincial order at Feb 19th cabinet meeting
 - Sheryl prepares the submission for the federal orders, in advance if possible, leaving the reference # & date for the provincial order blank until received
 - documents are reviewed by Dept of Justice (2 weeks)
 - documents are reviewed by the Lands Policy Group (2 weeks)
 - once provincial orders in federal hands, the documents can be finalized
 - Dept of Justice provides written approval of English form of documents (by Mar 8?)
 - Lands Policy Group sends out for translation (2 weeks)
 - Lands Policy Group prepares submission package for BC sign off (1 week)
 - BC Regional sign off (1 week) (by Apr 5?)
 - Submission to INAC Ottawa for review (2 weeks)
 - Minister reviews & recommends to Treasury Board (2-4 months) (June 19-Aug 19)
 - Treasury Board to Privy Council (1-2 months)
 - onto Privy Council agenda & relayed to BC Region (4-6 weeks)
- (note: there is a federal web site which can be accessed to see when the federal orders are passed
http://www.canada.gc.ca/howgoc/oic/iand_e.html)
- the lands have now been "accepted" and "set aside as reserve" at the same time
 - the documents are returned to BC Region and registered in the Indian Land Registry (2-3 weeks)
 - documents are distributed to all parties

ADDITIONAL ITEM:

- As I believe everyone knows, there are 2 additional access permits to be issued. One to the Environment Canada (in the form of an MOU pursuant to 28(2)) and the 2nd to access the Micro-communications tower at Whiskers Creek (new owners to be advised) in the form of a permit pursuant to 28(2).

- Both of these sites would be accessed through the McLeod Lake East lands.
- Canada has paid for & completed the necessary surveys/sketches
- Environmental assessments & screenings yet to be done (Canada?)
- Assuming these will be at nominal fees (Andrew/Band please confirm this is the case)
- Documents will be prepared & reviewed for completion as soon as lands become reserve

I hope this captures our discussions accurately and sets out the next steps to keep this project on track.

If anyone has any additions/amendments, please provide to all in the TO: box of this message.

Thanks!

Sheryl

Sheryl Yoner
 Sr. Land Management & Leasing Officer
 Dept. of Indian Affairs & Northern Development
 Lands & Trust Services - BC Region
 #600 - 1138 Melville Street
 VANCOUVER BC V6E 4S3
 Ph: (604) 666-0873 Fx: (604) 666-2546

yoners@inac.gc.ca

Reception: 6th floor (604) 775-7114

Kerry Lake East

From: West, Heather SRM:EX
To: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>
Cc: Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Sutherland, Jim SRM:EX <jesuther@Victoria1.gov.bc.ca>
Sent: January 22, 2002 9:14:02 AM PST
The ongoing saga of Kerry Lake East!

Jim indicates that he spoke with Dave Parkin (the surveyor on this job) yesterday during which Dave indicated that the field work regarding the missing BTs for the Kerry Lake East survey has not been done. This is contrary to information obtained on Friday from the Band that the work had been completed.

Jim has put a tremendous amount of pressure on Dave Parkin to get this last bit of information, but to date he has not been successful in getting the contracted First Nation personnel to complete the work.

This delay means that we will not be in a position to finalize this plan until late in the week, and that is making an assumption that the field work is to be done today or tomorrow.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 356-5882
Heather.West@gems3.gov.bc.ca

Page 089 of 150

Withheld pursuant to/removed as

s.14 ; s.15 ; s.16

Page 090 of 150 to/à Page 094 of 150

Withheld pursuant to/removed as

s.14

Total Areas for MLIB Lands

From: West, Heather SRM:EX
To: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>
Cc: Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>
Sent: January 23, 2002 1:47:56 PM PST
Attachments: Forest_Area_Extraction_table_7.xls, McLeod Lake Status.xls

Attached please find my latest calculations on the Land quantum for the MLIB Lands. These numbers should now be stable and are consistent with the values shown the attached spreadsheet provided by Steve Minnie (NRCan).

I would be interested in some of the back ground behind the discrepancy (9.00 ha) in the areas of the Proposed Reserve Lands existing between Articles 1.1.28 and 4.5.1 ha.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 356-5882
Heather.West@gems3.gov.bc.ca

RE: McLeod Lake teleconf & next steps

From: Beak, Lynn TNO:EX
To: Sheryl Yoner <yoners@inac.gc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>, s.22 Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, s.22 A Schuck (Business Fax) <A.Schuck.fax@265-1828>
Sent: January 23, 2002 4:45:45 PM PST
Sheryl, Thanks for the thorough notes. I have a few comments and replies to suggestions, but generally agree with the summary.

Comments

Item 1, 2nd line - We are hoping to get Cabinet approval by the end of February – not February 19th.

Item 1, Re: Bear Lake and Mackenzie – I understand Canada's suggestion to be that a separate order be obtained to include both Bear Lake and Mackenzie due to the need to address Addition to Reserve Policy issues for these two parcels, and that there be a separate order for any other parcels that accompany these two. We will proceed with this plan, and will advise you if there are any problems with a separate order that we later encounter.

Item 1, Re: harmonization agreements – We can send a copy of the Gallagher Canyon reserve agreement to McLeod Lake Indian Band since it is a public agreement, and I will include other models of harmonization or servicing agreements. Where should I send the material?

Item 2, Status of Surveys – bullets re possibility of 131 ha under size. I understand that a process will be put in place for a tri-partite agreement on whether the appropriate area has been proposed for transfer.

Item 2, 6th and 7th Bullets – Canada apparently is suggesting a process for determining where, within the remaining Carp South area, any additional land should be identified. We would indicate that this is a tri-partite process, and all three parties need to agree in advance where any additional lands will be identified, within the parameters set out in the MLIB Settlement Agreement. Therefore if we agree that additional lands need to be identified, we should meet to negotiate the location.

Item 2, 8th Bullet – the second line does not accurately convey what I thought I had stated: The Nak'azdli litigation is not a reason for transfer, but at this point, BC believes that the litigation does not override our obligations under the Settlement Agreement or preclude us from proceeding with the transfer. BC desires to transfer the Carp South parcel due to the stumpage issues and to comply with the Settlement Agreement by transferring the parcel now that the survey had been completed.

Item 5 – Process and Timelines of Federal Orders

My concern is the length of time needed for the federal order – your list adds up to 6 – 7 months by my reckoning. We should discuss this item further.

Thanks

Lynn Beak
Negotiator
Negotiations Division
Treaty Negotiations Office
Phone: (250) 356-7170
Fax: (250) 356-0366
lynn.beak@gems5.gov.bc.ca

-----Original Message-----

From: Sheryl Yoner [<mailto:yoners@inac.gc.ca>]
Sent: Monday, January 21, 2002 2:15 PM
To: Borthwick, Sandra AG:EU; apschuck@aol.com; Beak, Lynn TNO:EX; Kelly, Susan M TNO:EX; Guyrjoly@home.com; Nv@telus.net
Subject: McLeod Lake teleconf & next steps

Note: Nv@telus.net is Gary Nelson

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4) PERMITS TO WESTCOAST & FEDERATED (NOW PEMBINA)

- Although the surveys have just been completed by Canada, they cannot be registered in the Indian Land Registry until after the lands become reserve. These surveys have not been reviewed by BC, Westcoast, or Pembina.
- Canada will not include the surveys in the permit agreements, rather will refer to the descriptions as provided in the Settlement Agreement. This will avoid the need, and the time it will take, to review/reconcile the survey areas with the descriptions in the Settlement Agreement. Additionally, the wording of the permits will indicate the effective date to be upon creation of the reserve, thereby avoiding any lapse in rights of access. It is proposed that new permits, utilizing the surveys, be issued after the lands become reserve. This will ensure that the encumbrance against the reserve is not missed.
- The permits will be distributed to BC & the Band for review before they are signed off by all Canada. Since the permits are basically in the form provided for in the Settlement Agreement, final copies will be distributed to Westcoast & Pembina early this week. They have both been alerted to this and are ready to sign off once received. Concurrently, a copy will be sent to BC for their final review, and a copy will be sent to the Band for sign off by BCR at their Friday council meeting. Sheryl will provide wording for the BCR.
- If any changes are required to the permit documents, they will need to be incorporated and new final documents sent out to the parties by Friday latest.
- If all goes well, this means Canada can sign off lastly on Monday, Jan 28th and fax signed copies to BC. (we can talk on Friday to see where things are at)

5) Last agenda item was not discussed; information notes follow:

PROCESS & TIME LINES OF FEDERAL ORDERS ACCEPTING & SETTING ASIDE AS RESERVE

- Time lines/dates apply to 1st wave of provincial transfers to Canada
- Process will be the same for all transfers
- the Settlement Agreement sets out that the Governor in Council (GiC) must 'accept' the lands pursuant to the Federal Real Property Act (FRPA) and schedules the form of federal acceptance by the GiC. Accordingly, the following is the process with approximate time lines:
- BC passes provincial order at Feb 19th cabinet meeting
- Sheryl prepares the submission for the federal orders, in advance if possible, leaving the reference # & date for the provincial order blank until received
- documents are reviewed by Dept of Justice (2 weeks)
- documents are reviewed by the Lands Policy Group (2 weeks)
- once provincial orders in federal hands, the documents can be finalized

- Dept of Justice provides written approval of English form of documents (by Mar 8?)
 - Lands Policy Group sends out for translation (2 weeks)
 - Lands Policy Group prepares submission package for BC sign off (1 week)
 - BC Regional sign off (1 week) (by Apr 5?)
 - Submission to INAC Ottawa for review (2 weeks)
 - Minister reviews & recommends to Treasury Board (2-4 months) (June 19-Aug 19)
 - Treasury Board to Privy Council (1-2 months)
 - onto Privy Council agenda & relayed to BC Region (4-6 weeks)
- (note: there is a federal web site which can be accessed to see when the federal orders are passed
http://www.canada.gc.ca/howgoc/oic/iand_e.html)
- the lands have now been "accepted" and "set aside as reserve" at the same time
 - the documents are returned to BC Region and registered in the Indian Land Registry (2-3 weeks)
 - documents are distributed to all parties

ADDITIONAL ITEM:

- As I believe everyone knows, there are 2 additional access permits to be issued. One to the Environment Canada (in the form of an MOU pursuant to 28(2)) and the 2nd to access the Micro-communications tower at Whiskers Creek (new owners to be advised) in the form of a permit pursuant to 28(2).
- Both of these sites would be accessed through the McLeod Lake East lands.
- Canada has paid for & completed the necessary surveys/sketches
- Environmental assessments & screenings yet to be done (Canada?)
- Assuming these will be at nominal fees (Andrew/Band please confirm this is the case)
- Documents will be prepared & reviewed for completion as soon as lands become reserve

I hope this captures our discussions accurately and sets out the next steps to keep this project on track.

If anyone has any additions/amendments, please provide to all in the TO: box of this message.

Thanks!

Sheryl

Sheryl Yoner
 Sr. Land Management & Leasing Officer
 Dept. of Indian Affairs & Northern Development
 Lands & Trust Services - BC Region
 #600 - 1138 Melville Street
 VANCOUVER BC V6E 4S3
 Ph: (604) 666-0873 Fx: (604) 666-2546
 yoners@inac.gc.ca
 Reception: 6th floor (604) 775-7114

Kerry Lake East

From: West, Heather SRM:EX
To: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>
Cc: Panter, Catherine TNO:EX <CPanter@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>
Sent: February 5, 2002 12:11:53 PM PST
Attachments: Referral Update_2002_02_05.xls

The last of the survey plans (Kerry Lake East) required to effect the MLIB Lands transfer are on an overnight flight to Edmonton where they will obtain a C.L.S.R. designation (single designation, multiple sheets). They have been now been approved by representatives from Canada and British Columbia. Once I obtain the CLSR number I will pass the information along to Lynn so she can insert it into her O.I.C. documents.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 356-5882
Heather.West@gems3.gov.bc.ca

Kerry Lake CLSR Number

From: West, Heather SRM:EX
To: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>
Cc: Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Sutherland, Jim SRM:EX
<jesuther@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>
Sent: February 7, 2002 8:34:51 AM PST

I have received notification from Laurie Moody in Edmonton that the Kerry Lake East surveys (Sheets 1 to 7, inclusive) have been assigned plan number 85730 within Canada Lands Surveys Records.

That is the last plan number required for the parcels that are to go forward for transfer to Canada at this time.

Heather West,
Decision Support Services
Ministry of Sustainable
Resource Management
Phone: (250) 356-6149
Fax: (250) 356-5882
Heather.West@gems3.gov.bc.ca

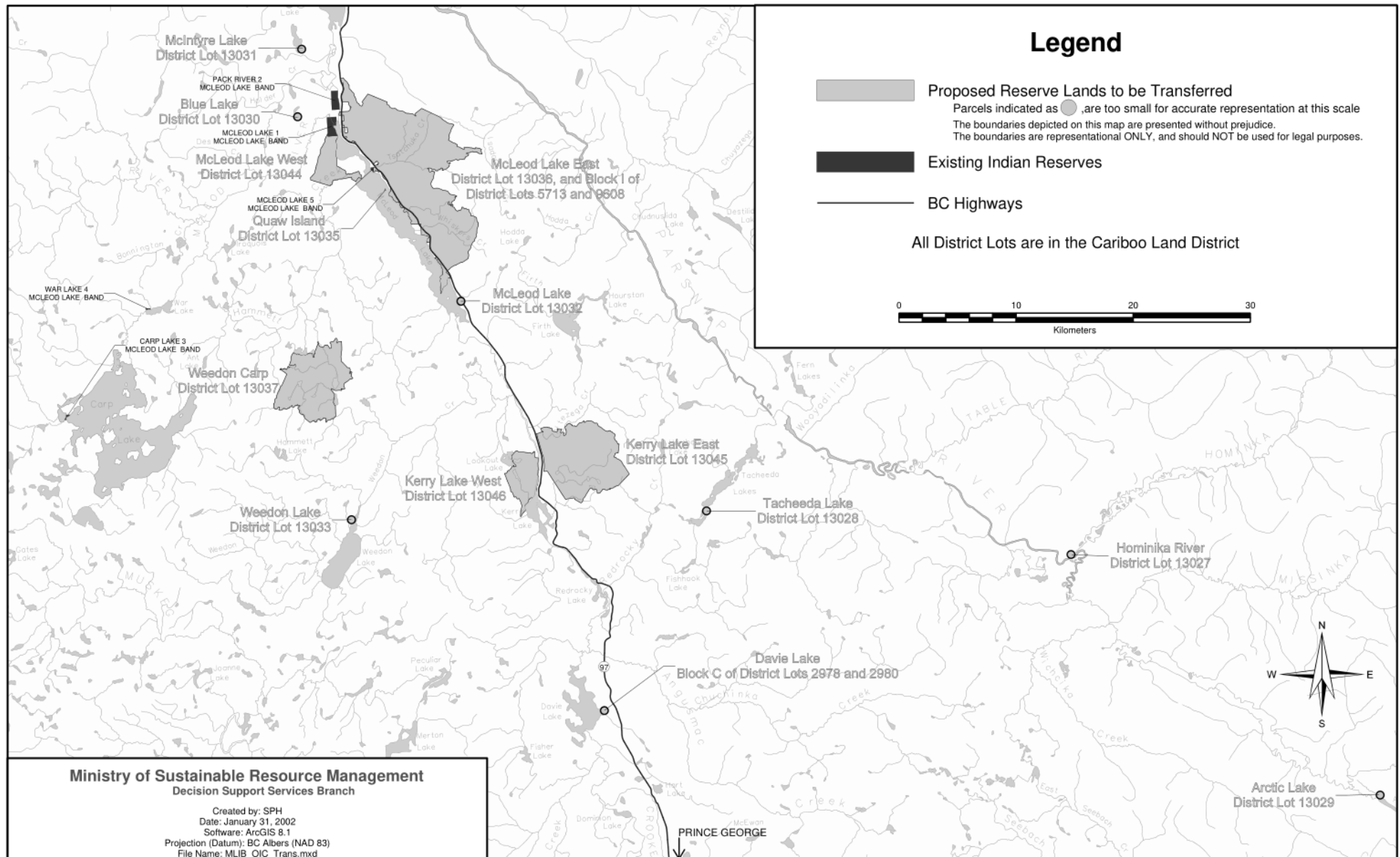
McLeod Lake Land - PDF File

From: Frisch, Ellen TNO:EX
To: Beak, Lynn TNO:EX <LBeak@Victoria1.gov.bc.ca>, Sutherland, Jim SRM:EX
<jesuther@Victoria1.gov.bc.ca>, Hogg, John AG:EU <john.hogg@ag.gov.bc.ca>
Cc: Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, West, Heather SRM:EX
<HWest@Victoria1.gov.bc.ca>
Sent: February 7, 2002 12:44:21 PM PST
Attachments: MLIB_OIC_trans.pdf

Attached for your information and reference is a PDF File that, once printed, will be attached to the OIC.

Ellen Frisch
Assistant Negotiator
BC South Team
Treaty Negotiation Office
(250) 387-6346
Fax: (250) 356-0366

Proposed Reserve Lands to be Transferred to Canada for the use and benefit of the McLeod Lake Indian Band



RE: MLIB LANDS SURVEYS

From: Beak, Lynn TNO:EX
To: West, Heather SRM:EX <HWest@Victoria1.gov.bc.ca>, Harrington, Molly TNO:EX <MHarring2@Victoria1.gov.bc.ca>
Cc: Sutherland, Jim SRM:EX <jesuther@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Borthwick, Sandra AG:EU <sandra.borthwick@ag.gov.bc.ca>, Frisch, Ellen TNO:EX <EFrisch@Victoria1.gov.bc.ca>, Panter, Catherine TNO:EX <CPanter@Victoria1.gov.bc.ca>
Sent: February 8, 2002 9:26:59 AM PST

I want to thank you for your exceptional work on this file. We would not have been able to make the progress that we have made on the land transfers without your contribution. The respect that MSRM holds for you was so clear and ensured that they trusted the quality of the MLIB surveys.

Thanks again – and let's celebrate this achievement when you are back from the Nass.

Lynn Beak

Negotiator

Treaty Negotiations Office

Phone: (250) 356-7170

Fax: (250) 356-0366

lynn.beak@gems5.gov.bc.ca

-----Original Message-----

From: West, Heather SRM:EX

Sent: Thursday, February 07, 2002 1:43 PM

To: Beak, Lynn TNO:EX; Harrington, Molly TNO:EX

Cc: Sutherland, Jim SRM:EX; Kelly, Susan M TNO:EX; Borthwick, Sandra AG:EU; Frisch, Ellen TNO:EX

Subject: MLIB LANDS SURVEYS

With the receipt of the C.L.S.R. number for the Kerry Lake East survey plan early this morning, my obligations on this file are now complete.

C.L.S.R plan numbers have been obtained for all but the Carp South parcel.

Canada has signed off on Carp South and the duplicate mylars are being held by Jim Sutherland pending further instructions from TNO. Once TNO instructs Jim to obtain the Surveyor General's signature on the plan, a duplicate mylar of the plan must be forwarded to Barry Necyk in Edmonton for deposit in the Canada Lands Surveys Records.

Barry's staff will give you very quick turn around time, if required, when pushing the plan through their system.

Canada has indicated a desire to survey a "shortfall" parcel in association with the adjustment parcel (Carp South). If I could make a recommendation it would be that when the Parties start discussion on the location and shape of this parcel that staff from TNO avail themselves of the expertise available from the Office of the Surveyor General, and to do so fairly early in the process. By doing so, I think that the exercise would go a lot smoother for everyone.

Once I have finalized all of my working documentation, I will pass it along to Lynn.

Thank you all for your support and patience!

Heather West,

Decision Support Services

Ministry of Sustainable

Resource Management

Phone: (250) 356-6149

Fax: (250) 356-5882
Heather.West@gems3.gov.bc.ca

Amendment to the MLIB Agreement Act

From: Beak, Lynn TNO:EX
To: coscoc@inac.gc.ca, Gary Nelson^{s.22}
Cc: Borthwick, Sandra AG:EX <sborthwi@Victoria1.gov.bc.ca>, Harrington, Molly TNO:EX <MHarring2@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>
Sent: March 7, 2002 4:19:37 PM PST

As we discussed by telephone today, British Columbia is introducing a housekeeping amendment to the *McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement Act (MLIBT8A&SA Act)* during this legislative session.

There is a requirement set out in section 70 of the *Land Act* that district lots not exceed 520 hectares in size. The proposed amendment to the *MLIBT8A&SA Act* will remove any possibility that section 70 of the *Land Act* applies to the transfers of Crown land to Canada for the use and benefit of the McLeod Lake Indian Band under the MLIB Agreement.

The legislative authority for a British Columbia Order in Council is section 31 (1) of the *Land Act*. That provision reads as follows:

Transfers to Canada

31 (1) Subject to the terms, reservations and restrictions the Lieutenant Governor in Council considers advisable, the Lieutenant Governor in Council may transfer the administration, control and benefit of Crown land to the government of Canada either in perpetuity or for a specified period, and with or without consideration.

There is no mention in section 31 (1) of the *Land Act* that the Crown land to be transferred must first be surveyed into lots or that the lots conform to the relevant area restrictions. However, it could be argued that the requirement set out in section 70 of the *Land Act* that district lots not exceed 520 hectares in size must be fulfilled in order for the Surveyor General to confirm a survey of the lands to enable the Province to transfer the Crown land under section 31(1).

Section 70 of the *Land Act* provides as follows:

Size of district lots

70. The area of a lot must not be larger than 520 hectares except

- (a) that there is no limit for dispositions under sections 20 and 21,
- (b) where a survey is made under section 71, or
- (c) where one of the lot boundaries is a natural boundary, in which case a lot area may not be larger than 550 hectares.

As you are aware, surveys have been completed for the eighteen Crown land parcels to be transferred to Canada, and six of these exceed 520 hectares, being McLeod Lake East, McLeod Lake West, Kerry Lake West, Kerry Lake East, Carp South and Weedon Carp.

Section 3 of the *MLIBT8A&SA Act* provides as follows:

Exercise of discretion under other Acts

3. (1) If the implementation of the MLIB Agreement by the government of British Columbia depends on the exercise of a discretion given under any enactment to the Lieutenant Governor in Council, a minister, another official or a government corporation, the Lieutenant Governor in Council, minister, other official or government corporation, as the case may be, must exercise the discretion to implement the agreement.

(2) If there is in any enactment a preliminary requirement relevant to a discretion that under subsection (1) must be exercised to implement the MLIB agreement, the preliminary requirement does not apply to the exercise of the discretion.

Although it could be argued that the existing provisions in section 3 are sufficient to authorize the surveying and transferring of the parcels, the proposed amendment to the *MLIBT8A&SA Act* will provide an explicit legislative basis for the past and future survey confirmation by the Surveyor General and the passage of the OICs by the Lieutenant Governor in Council.

I will advise you further when the amendment has been introduced. Please provide this information to your client / colleagues.

Regards

Lynn Beak
Negotiator
Treaty Negotiations Office
Phone: (250) 356-7170
Fax: (250) 356-0366
lynn.beak@gems5.gov.bc.ca

Update on MLIB land transfer OICs

From: Beak, Lynn TNO:EX
To: Villa-Arce, Jose TNO:EX <JVillaar@Victoria1.gov.bc.ca>, Braidwood, Brian SRM:EX <BBraidwood@Victoria1.gov.bc.ca>
Cc: Borthwick, Sandra AG:EX <sborthwi@Victoria1.gov.bc.ca>, Kelly, Susan M TNO:EX <SMKELLY2@Victoria1.gov.bc.ca>, Panter, Catherine TNO:EX <CPanter@Victoria1.gov.bc.ca>
Sent: April 5, 2002 4:53:01 PM PST

The MSRM OICs transferring the first 15 parcels of land to Canada for McLeod Lake Indian Band have not yet been passed by Cabinet.

The finalizing of the section 28(2) Indian Act permits to enable Westcoast Energy and Plateau Pipelines to cross the reserves to access their pipelines is a condition precedent to BC's transfer of Kerry Lake East and McLeod Lake East, two of the large parcels. It remains the only outstanding matter to be finalized before the MSRM OICs for the land transfer can proceed. Canada has produced revised permits on March 28, 2002 and the parties (there are 5 parties who have to agree to the terms of the permits – BC, Canada, MLIB, and the two pipeline companies) are reviewing for any final changes. BC has agreed to the text, and we have contacted the others to remind them that their approval is needed immediately.

The next step is for MLIB to pass a BCR approving the permits, which they are eager to do once the text is finalized, and then Canada, Westcoast Energy and Plateau Pipelines can sign the permits. Immediately after they are signed, I can indicate to Cabinet Operations that we can proceed. I have been in weekly contact with Cabinet Operations and they are prepared to schedule the OICs as soon as possible.

The OICs can be scheduled is April 17 (and at A&P on April 16th), and if the permits are signed by Thursday April 11, 2002 then I can authorize the OICs to proceed. If the permits are not completed by April 11, the next Cabinet session is on May 1, 2002.

We are working diligently to meet the April 11 timeline and will keep you informed if there are any further delays

regards

Lynn Beak
Negotiator
Treaty Negotiations Office
Phone: (250) 356-7170
Fax: (250) 356-0366
lynn.beak@gems5.gov.bc.ca

RE: MLIB Parcel names and descriptions

From: Beak, Lynn TNO:EX
To: Ron Neumeyer <Ron.Neumeyer@pwgsc.gc.ca>
Cc: Kelly, Susan TNO:EX <Susan.Kelly@gems9.gov.bc.ca>
Sent: November 8, 2002 1:32:35 PM PST

I am not aware of any contaminated sites but will check. Susan - do you know of any?

Lynn Beak
A/ Director of Implementation
Treaty Negotiations Office
Phone: (250) 356-8282
Fax: (250) 356-6662
lynn.beak@gems5.gov.bc.ca

-----Original Message-----

From: Ron Neumeyer [mailto:Ron.Neumeyer@pwgsc.gc.ca]
Sent: Friday, November 08, 2002 1:13 PM
To: Beak, Lynn TNO:EX
Subject: RE: MLIB Parcel names and descriptions

Hi Lynn,

One more favour to ask. We are checking for contaminated sites in the area (procedural requirement). Any chance you might have the map coordinates for these sites?

All the best,
Ron

-----Original Message-----

From: Beak, Lynn TNO:EX [mailto:Lynn.Beak@gems5.gov.bc.ca]
Sent: Friday, November 08, 2002 12:26 PM
To: Ron Neumeyer
Subject: RE: MLIB Parcel names and descriptions

Here is the link - we needed it too. Please note it has all the parcels not just the 14 we are transferring now. I have asterisks by the ones that are not in the OIC to make it easier.

Lynn

McLeod Lake Parcel Descriptions

Article 1.1.28 (a) Lands

******(Finlay Bay) District Lot 13025, Cariboo District
******(Weston Bay) District Lot 13026, Cariboo District
(Hominka River) District Lot 13027, Cariboo District
(Tacheeda River) District Lot 13028, Cariboo District
(Davie Lake) Block C, District Lots 2978 and 2980,
Cariboo District
(Arctic Lake) District Lot 13029, Cariboo District

(Blue Lake) District Lot 13030, Cariboo District
(McIntyre Lake) District Lot 13031, Cariboo District
(McLeod Lake) District Lot 13032, Cariboo District
(Weedon Lake) District Lot 13033, Cariboo District
**(District Of Mckenzie) District Lot 13034, Cariboo District
**(Bear Lake) Block F, District Lots 2974 and 2975

Article 1.1.28 (b) Lands

(McLeod Lake East) District Lot 13036 and Block I of District Lots 5713
and 9608, Cariboo District
(Quaw Island) District Lot 13035, Cariboo District
(McLeod Lake West) District Lot 13044, Cariboo District
(Kerry Lake West) District Lot 13046, Cariboo District
(Kerry Lake East) District Lot 13045, Cariboo District
(Weedon Carp) District Lot 13037, Cariboo District
**(Carp South) District Lot 13069, Cariboo District

Lynn Beak
A/ Director of Implementation
Treaty Negotiations Office
Phone: (250) 356-8282
Fax: (250) 356-6662
lynn.beak@gems5.gov.bc.ca

-----Original Message-----

From: Ron Neumeyer [mailto:Ron.Neumeyer@pwgsc.gc.ca]
Sent: Friday, November 08, 2002 12:08 PM
To: Beak, Lynn TNO:EX
Subject:

Hi Lynn,

This is me!

Ron Neumeyer
Senior Environmental Management Specialist,
Environmental Services
Public Works & Government Services Canada
641 - 800 Burrard Street
Vancouver, B.C. V6Z 2V8
tel: 604-666-9002
fax: 604-775-6650

RE: MLIB Parcel names and descriptions

From: Ron Neumeyer <Ron.Neumeyer@pwgsc.gc.ca>
To: Kelly, Susan TNO:EX^{s.15}
Sent: November 12, 2002 8:41:39 AM PST

Thanks Susan!

All the best,
Ron

-----Original Message-----

From: Kelly, Susan TNO:EX [mailto:Susan.Kelly@gems9.gov.bc.ca]
Sent: Friday, November 08, 2002 4:10 PM
To: Ron Neumeyer
Subject: RE: MLIB Parcel names and descriptions

Ron, I would be comfortable with the following:

To the best of my knowledge, there are no contaminated sites on the McLeod Lake Indian Band's proposed reserves.

Susan Kelly
Aboriginal Relations Branch
Treaty Negotiations Office
phone (250) 356-9691 fax (250) 356-6662
e-mail susan.kelly@gems9.gov.bc.ca

-----Original Message-----

From: Ron Neumeyer [mailto:Ron.Neumeyer@pwgsc.gc.ca]
Sent: Friday, November 08, 2002 3:22 PM
To: Kelly, Susan TNO:EX
Cc: Stacia D'Souza
Subject: RE: MLIB Parcel names and descriptions

Thanks Susan,

May I quote you in the report (you would approve the wording)? If so, I will need your signature block.

We are also have a search done.

All the best,
Ron

Ron Neumeyer
Senior Environmental Management Specialist,
Environmental Services
Public Works & Government Services Canada
641 - 800 Burrard Street
Vancouver, B.C. V6Z 2V8

tel: 604-666-9002

fax: 604-775-6650

-----Original Message-----

From: Kelly, Susan TNO:EX [mailto:Susan.Kelly@gems9.gov.bc.ca]

Sent: Friday, November 08, 2002 3:10 PM

To: Beak, Lynn TNO:EX; Ron Neumeyer

Subject: RE: MLIB Parcel names and descriptions

I do not recall any contaminated sites.

Susan

-----Original Message-----

From: Beak, Lynn TNO:EX

Sent: Friday, November 08, 2002 1:33 PM

To: 'Ron Neumeyer'

Cc: Kelly, Susan TNO:EX

Subject: RE: MLIB Parcel names and descriptions

I am not aware of any contaminated sites but will check. Susan - do you know of any?

Lynn Beak

A/ Director of Implementation

Treaty Negotiations Office

Phone: (250) 356-8282

Fax: (250) 356-6662

lynn.beak@gems5.gov.bc.ca

-----Original Message-----

From: Ron Neumeyer [mailto:Ron.Neumeyer@pwgsc.gc.ca]

Sent: Friday, November 08, 2002 1:13 PM

To: Beak, Lynn TNO:EX

Subject: RE: MLIB Parcel names and descriptions

Hi Lynn,

One more favour to ask. We are checking for contaminated sites in the area (procedural requirement). Any chance you might have the map coordinates for these sites?

All the best,

Ron

-----Original Message-----

From: Beak, Lynn TNO:EX [mailto:Lynn.Beak@gems5.gov.bc.ca]

Sent: Friday, November 08, 2002 12:26 PM

To: Ron Neumeyer

Subject: RE: MLIB Parcel names and descriptions

Here is the link - we needed it too. Please note it has all the parcels not just the 14 we are transferring now. I have asterisks by the ones that are not in the OIC to make it easier.

Lynn

McLeod Lake Parcel Descriptions

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(McLeod Lake) District Lot 13032, Cariboo District
(Weedon Lake) District Lot 13033, Cariboo District
** (District Of McKenzie) District Lot 13034, Cariboo District
** (Bear Lake) Block F, District Lots 2974 and 2975

Article 1.1.28 (b) Lands

(McLeod Lake East) District Lot 13036 and Block I of District Lots 5713 and 9608, Cariboo District
(Quaw Island) District Lot 13035, Cariboo District
(McLeod Lake West) District Lot 13044, Cariboo District
(Kerry Lake West) District Lot 13046, Cariboo District
(Kerry Lake East) District Lot 13045, Cariboo District
(Weedon Carp) District Lot 13037, Cariboo District
** (Carp South) District Lot 13069, Cariboo District

Lynn Beak

A/ Director of Implementation

Treaty Negotiations Office

Phone: (250) 356-8282

Fax: (250) 356-6662

lynn.beak@gems5.gov.bc.ca

-----Original Message-----

From: Ron Neumeyer [mailto:Ron.Neumeyer@pwgsc.gc.ca]

Sent: Friday, November 08, 2002 12:08 PM

To: Beak, Lynn TNO:EX

Subject:

Hi Lynn,

This is me!

Ron Neumeyer

Senior Environmental Management Specialist,

Environmental Services
Public Works & Government Services Canada
641 - 800 Burrard Street
Vancouver, B.C. V6Z 2V8
tel: 604-666-9002
fax: 604-775-6650

FW: McLeod Lake Adhesion and Settlement Lands

From: Britton, Barb TNO:EX
To: Kelly, Susan TNO:EX <Susan.Kelly@gems9.gov.bc.ca>
Sent: June 19, 2003 1:04:33 PM PDT
Attachments: MLIB_Schedule_C_Lands_2003-05-21.dbf, MLIB_Schedule_Lands.dbf, McLeodLake_A&SA_20010912.pdf, MLIB_Schedule_Lands.shx, MLIB_Schedule_C_Lands_2003-05-21.prj, MLIB_Schedule_C_Lands_2003-05-21.shx, MLIB_Schedule_Lands.shp, MLIB_Schedule_C_Lands_2003-05-21.shp
Trying to make sure you have all the relevant material...

Are there new surveyed boundaries for Schedule C: MLIB Forested Lands?

Barb

-----Original Message-----

From: Jardine, Kevin SRM:EX
Sent: Friday, May 23, 2003 10:03 AM
To: Wilson, Doug J WLAP:EX
Cc: Britton, Barb TNO:EX
Subject: FW: McLeod Lake Adhesion and Settlement Lands

Hi Doug:

Barb Britton at TNO asked me to forward on to you the shapefiles for the surveyed boundaries of the McLeod Lake Adhesion and Settlement lands. We have only received the new surveyed boundaries for the Schedule C lands, which I've attached here. However, we have the previous parcel boundaries for all Schedule lands, which I've also attached. These are not the official surveyed boundaries, but if you compare the same parcel from the two files you'll see that there are only minor boundary disagreements. Also, in order to provide greater context, I've attached a map showing the location of the Schedule lands.

Please call if you have any further questions.

Regards,
K.

Kevin Jardine
Head, Business Area Coordination
Decision Support Services
TEL: 250-387-3803
FAX: 250-953-3752

-----Original Message-----

From: Britton, Barb TNO:EX
Sent: May 20, 2003 3:39 PM
To: Jardine, Kevin SRM:EX
Cc: Wilson, Doug J WLAP:EX
Subject: RE: McLeod Lake Adhesion and Settlement Lands

Kevin – that's perfect – thanks. The biologist in Prince George is Doug Wilson.

Barb

-----Original Message-----

From: Jardine, Kevin SRM:EX
Sent: Tuesday, May 20, 2003 3:23 PM
To: Britton, Barb TNO:EX
Subject: McLeod Lake Adhesion and Settlement Lands

Barb:

Further to our discussion, here's the a previous version of the map. If we were to replace the parcels shown here with the more recently surveyed versions and add the trapline overlay with identifying licence number, would this map suffice?

<< File: McLeodLake_A&SA_20010912.pdf >>

Also, if you pass on the name of the Biologist in PG you mentioned, I'll ensure that he receives a digital version of the surveyed A&S category lands.

Regards,
K.

Kevin Jardine

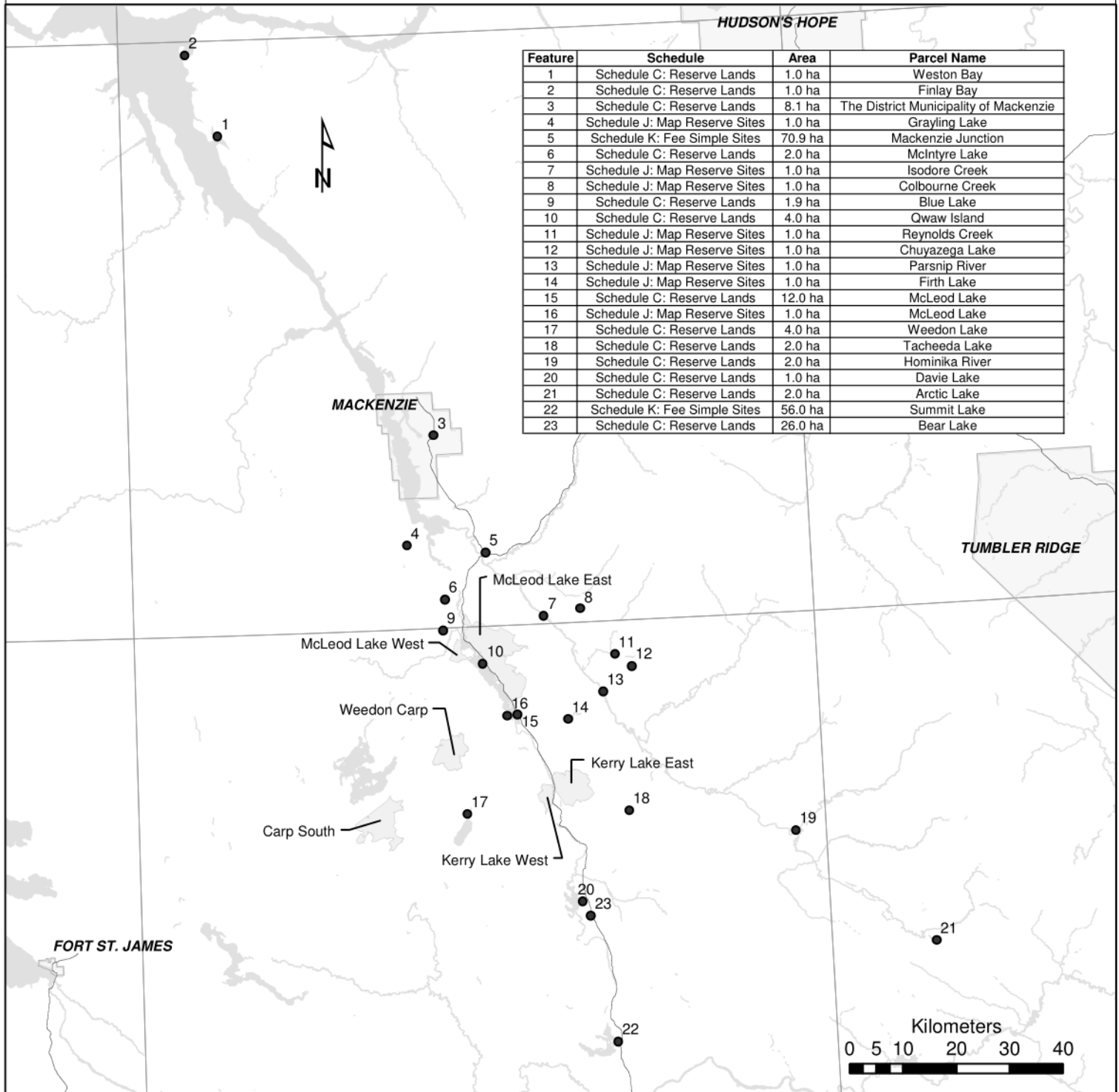
Head, Business Area Coordination

Decision Support Services

TEL: 250-387-3803

FAX: 250-953-3752

McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement



**Ministry of Sustainable
Resource Management**
**Business Information and
Services Division**
*Client Services
Branch*

Legend

- Schedule C: MLIB Forested Land
- Other Schedule Lands
- BC Highways
- BCGS 1:250 000 Map Sheet
- Municipal Boundaries

Created by: BN
Date: 2001-09-12
Name: McLeodLake\
McLeodLake_A%SA_20010912.mxd
Projection: Albers Equal Area Conic
Datum: NAD83
Cartographic Base: 1: 250 000

Paul Martinson
Kathleen Schauf

Chief Harley Angiel
Aug Joly

Lynn Beak

Apr 16/03

① Status of PCO's

- completed on March
- BC needs 2 certified true copies
- additions to reserves are completed

② Forestry

- 14 parcels not included in FNLMA
- have to do a transfer agreement for these parcels

↳ Ian Macleod 604-775-6108

[Dion Willger - Ottawa - HQ contact]

* cut ^{all of} 20,000 m³

↳ 70% under 254/m³ stumpage

↳ will deduct silviculture costs ∴ unlikely any transfer to MCLB

↳ will bill MCLB for any additional silviculture costs

→ only parcel w/ potential permits is Carp South

← ? Bear Lake - 60 bag trees
- ? fall + burn

③ Pipeline R/W

? maybe Paul's resp. of Special Implementation
↓
some ATR + FNLMA

MLIB - Surveys

Sept 25/01

- Heather

- talk to SG re-sign off

- assistance - plancheckers?

- one page Strategy - Friday.

- OIC - SK + MG

↳ draft + get it tagged

↳ Cabinet Schedule for Nov/Dec

- Feds?

↳ all @ once/not?

Er. Jeff Graev

David Fischer

Terry
Clawson

Mark Timmis

Ken Rogers

Steve White - BCAL

Tony Beckett

Rick Matthews

Garrat Apenlas

Ken - smithers

DL 5A

- have issued a PLNA but none of the conditions will force a failure

if they are met, PL will be approved.

↳ re configure lot ^{to meet} minimum lot size

↳ accreted/non-accreted land - JG

↳ health - want mty of APC + community

- septic - pump outs

Want to see
some community
planning.

Sept 26

MLB 184
KL
Issues (from last call)

- DL 6351 - legal opinion - apply to Block 54?

↳ done on info provided by TRT to BC, appeared to be

↳ reviewed info from Specific Claims.

↳ report indicated (52)(53) - had Indian Settlement on them

↳ no mention of 54 having houses on it

↳ TRT - "nowhere to be seen" until the Gold Rush - in early reports. - 1800's - 1900's until 1940's - TRT statements to DIA that they lived there from time immemorial.

↳ Tulsequah Chief - info

- ethnographic studies indicate only came up to O'Donald River

↳ indicated not permanent settlements prior to goldrush, only came in to town as it was dev'd. - 1920's DIA - looked @ lots 52+53 for settlement

↳ indicated TRT did not historically occupy the land.

↳ no evidence of Indian Settlement on Block 54

↳ "access to the lake"

↳ only came @ time of goldrush - did not use lake @ that time until gold rush

↳ if accessed lake prior to survey, does it make a difference?

↳ maybe

↳ but if not used in 1846, can't prove rights/title

MLIB - Surveys

Sept 25/01

- Heather

- talk to SG re-sign off

- assistance - plancheckers?

- one page Strategy - Friday.

- OIC - SK + MG

↳ draft + get it tagged

↳ Cabinet Schedule for Nov/Dec

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Eric Self Greer

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↳ health - want mg of APC + community

- septic - pump outs

Want to get some community planning.

ML
KL
MLIB Land Transfer

Oct. 4/01

-lot size

↳ Land Act - SG cannot sign off on DL > 550ha

↳ SG aware of problem, discussed amendment to Land Act or consequential amendment to Settlement Legislation

↳ ? modify plans - not require posting?

↳ ? move away from DL designation - Sect. 72 "unconfirmed plan"

↳ ?

* Heather + Jim to mt w/ Chuck Salmon

* possibly have to go to Legislative Amendment

? Winter Investigation Branch

↳ snow course?

* track hectares -

* Check McIntyre Lake

ML

Lee

• Scoping Document

- S/b completed ^{st time} next week *early next week*
- will provide FN section - 3 sections
 - ↳ i.d. FN bands / organizations interested.
 - ↳ 15 → 10
 - ↳ efforts to contact
 - ↳ FN WS ^{issues}
 - ↳ i.d. FN interests & how Alcan will be addressing them
 - ↳ "all issues" ~~early response~~
 - ↳ Tahtsa Narrows specific resp

Oct. 12

Surveys Update

- Jim Sutherland

MLE

- verification - cosmetic drafting
- 2 posts not posted - have to be done.

David Lake



? Closing Agenda -

- INAC - Sheriff Yoner / DGS
- MLIB - Chief Clinger
- BC - SK +

KLE

- partially completed
- slb done Δ Oct-17.

CS

- field - Oct. 26
- postings - ~~late~~ early Nov.
- surveys - end of Nov.

WC

- ok.

Oct. 15/01

NITT.

CNegs

- Economic Measures - \$37M over 3 yrs.
 - \$7 M + (\$3M from MSFM) this yr + \$10M + \$10M
 - ↳ get \$, distribute them
 - ↳ Catherine Holt + Doug Allen - working for DCan
- L.R. Agent - "link piece" - Minister - interested, flexib around 9/24, taxation + concern about rights of FN off FN land.
- have permission to spend CM Ministry Fund.
- Tier 2 TRM - \$5M - land protection measures,
 - ↳ may try to get access for Tier 1 too.

MLIB - hand transfers

① Talk to Engid

↳ who will sign

↳ what do we have to do/go to get
OIC to signature

② Documentation

- map - overall map.

- OIC

- proof of 28.2 permits

- " " H₂O survey station

- MLIB Act

- MLIB Agreement

- MCA approval

- MBRM "

- TNO "

- speaking notes

- OIC Info Note.

* McIntyre Lake

↳ ? why was this increased in size

↳ Steve / Scott

MLUB - Sheryl Yoner

Dec. 13/01

① Env. Canada

- WQ quality station is small
- not in the reserve

② Surveys - will be before OSG by next wk

- have BCR's ^{small but esp.} will forward.
- looking @ Camp South - can it be adjointed?
re: litigation

③ 28.2 Permits

- believe have enough info for legal descriptions to sign permit but not register it in CLSR.
- hope to send it out early next wk for review + signature to all parties



Dec 17/01

MLIB Surveys

① Kerry Lake West

- minor changes on western border
- OK

② McLeod Lake West

- OK.

③ Carp South

- not ok - process for deciding area - BC ^{not} included
- get info re: BC involvement

④ Kerry Lake East

- making adjustments re: H₂O area - OK
- arbitrary adjustments based on new orthophoto to edges of newer cut blocks

⑤ MLE

- Park encroachment - problem
- Egon - re: trailers

⑥ Weedon - Carp

- OK.

⑦ Finlay Bay

- OK

⑧ Weston Bay

- shift 30 m.

Sherayl Yoner

Dec 21/01

28.2

- working w/ DOJ re: how to do

↳ making it effective when it becomes reserve lands? → what is the def'n of a reserve

? what happens in between

→ DIC - Jan

PCO - takes 4 months - expect it will be done in Sept.

↳ concurrently ^{but} w/ 4 days FRPA → IR.

△ believe it can happen after it becomes a reserve land -- BE can sue if they don't

↳ would make it easier

or permit in place to become effective when it becomes IR

↳ can do FRPA earlier possibly ^{has} Robinson

Sheryl Yoner (NIP telephone)

Jan. 8/02

- have AIP in place s/b able to accept into Federal system immediately then work to make it reserves
- permits - is it viable ^{effective} once they are accepted as fed. lands or as reserves?
- ? Carp South - issue - was the litigation
 - ↳ Sheryl is going to check to see if they are still holding back on the transfer. --- checking w/ Carol Cosco.
- will ^{try to} have a conference call on Tues. Jan 15 - 11:00 am to discuss.

- Canada can probably do this.

* Sandra

- may call P. Spicker

- Sheryl - will lean to doing a conditional permit + then one after it becomes reserve.

② - BC - more flexible on dates

↳ Can we get a letter

- Can - will happen after lands accepted

- will write a letter.

③ Surveys / RW

- not waiting to issue R/W - for CLSR #s

- need CLSR #s by Jan. 25.

↳ ~~the~~ will get timetable (s/b able to do it)

↳ have received land transfers w/o CLSR's

↳ will use DL #s.

④ ? Can Canada accept lands under PRPA regionally

↳ No - Minister ^(or delegate) has to accept it.

- Agmt - Gov in Council has to accept it

+ set it aside as reserve - will take several months

- get BC-DIC - ~~will~~ ^{draft} orders

↳ get French translation - Luk

↳ 1 month BC

↳ 1 mth Ottawa

↳ 1 mth TB

↳ 3-4 wks -

≈ 5 months.

→ ~~the~~ BC to Can → end of February

→ ~~Sept~~ Sept

⑤ Camp South

- litigation - ^{of} OIC separate to make sure not holding
- "administrative" issues

↳ other transfers

? mtg w/ MUB - Friday

? new lawyer on call to?

Mar. 6/02

Sheryl Yoner
Steve Minnie
David Gill
Alec Chingee
Guy Joly
Sandrine B.
Lynn Beck (by cell)

① Permits

con'te-drafted - provided to Gary Nelson

↳ ? is MUB satisfied - deferred till

↳ ^{BC} Schedule B₁ - typo

② BC Hydro request for info on infrastructure

- BC - e-mailed questions to Alec

- BC - voice-mail

- MUB - did not receive anything

* Lynn to follow-up

* Hydros R/W signed & in effect now

③ Flowage Agreements

- not completed

- no safeline for Western Bay

④ Additions to reserve policy

- don't approve reserves ~~who~~ servicing agent

- "no obligated costs" to Canada

- only give "A" based funding

would not commit to "start-up" costs for servicing

Land Transfers

Mackenzie

municipality

- do own dev't

- Core - industrial/commercial
- northern - residential
- southern - light industrial

community plan

- Mackenzie only wants MLIB that the reserve is residential only, may have Band Office or Healing Centre

agree

- ↓
- MLIB - agree no^t garage/autowrecker/etc
 - want some commercial

→ want MLIB to confirm land use planning

- likely have to pay for all servicing to be brought in
- no interest from MLIB members as yet, possibly from Dug Cho head office because they deal w/ Mackenzie F.D

- Canada - residential services = water fire + sewer

Bear Lake

may look @ commercial dev't

- lacks capacity
- maybe able to provide H₂O
- Sn take too long to come to agrmt.
- about 7-8 members want to build there
- ↳ will cost \$ to get dev't

- ATR perspective

- have lawful obligation to grant reserve stls

- no commitment for \$ to develop

#161 - ~~at~~ harmonization of land use would be reasonable

Back to 28.2

↳ Has MLCB attempted to address it?

- heavy industrial?

- competition?

keep notes...

+ Gary Nelson
John Rich

Back to 28.2 permit

- 7.1 - inconsistent w/ 4.1 of SA. ∴ delete

- O.T.P. need to review reg statute - band bylaw

- Assignment

- clause removed by West coast
? why?

- will post pone OIC for 2 weeks

↳ next - BC - is Mar. 18.

Lynn Beak
Sandra Borthwick

MUB

OIC

- need to do a whole new OIC
- " to review all the plan numbers.

↳ Surveyor General? Jim

~~SK~~ → email Jim asking him to review all the plan numbers.

to
Jim

? is there one copy of all the plans for each number? Or are there multiple copies of the plans for the numbers

LB ← Mtg - Brian Braidwood @MO
@OIC - amending 2 parcels.

SK ? Where is TB - height of land.
+ Trad. Territory map.

SK - John Gray - Tom Lee

↳

Licensees → BC

- Forestry has ability to do it.

BC → MUB

↳

what needs to be in it

Contract shop ←

Forestry solicitor, not us
Check w/ Tom re: Nisga'a.

SB → Flowage agreements - Conference ~~phone~~ call w/ others?

↳ CC Kathleen + Harley - last thing, work w/ legal council to finalise.

Cand Cosco (via phone) - MLIB

Nov. 6/02

- Additions to Reserves

↳ originally Public Works review date was Nov. but has changed to do it ASAP (may be before Nov. 25)

- French translation - will do concurrently instead of after drafting PCO

- MLIB has to do a BCR to accept both the environmental audits + lands

↳ MLIB has assured Kathleen (Canada) that this will be done as soon as they get the info.

- timing - PCO has to go to:

① Minister's office

② Treasury Board

③ Governor in Council

⇒ mtgs usually 1 mtg in Dec (sometimes cancelled)
- next mtg - late

hynaBeak - MLIB

Nov. 5/02

- need to determine steps to be done prior to issuing licenses

Chiff Hanley Chingee

Guy Joly

Kathleen Schanf

Graham Boothroyd

Lynne Bent

Nov. 26/02

① land transfer - 14 parcels

- draft ^{TB minutes} PCO's - to HQ this week

↳ to TB analysts + INAC analysts

↳ re-draft + translate in French

↳ then to Minister's Office / Treasury Board

- finished by mid-Dec.

- TB - not sitting until 3/4th week in Jan
(mid-Feb)

- recommending to TB, then TB recommends to GIC

① accept lands

② since accepted, make lands reserve

- Public Works environmental review completed,
writing up now

↳ Tim Powell - env specialist -

② Forestry

* Current license

- 20,000 m³ left to be cut

- starting now, done by Dec 20

* new license 9 blocks

- 50,000 m³ - cruised - not provided to MOF.

- MOF willing to consider issuing a license

↳ Minister ^{will consider} ~~will consider~~ issuing ~~license~~ a direct award

- if no license, MCB will go back to court

McLEOD LAKE INDIAN BAND LANDS
Parcel Areas and Forest Designations

FORESTED PARCELS					
Ref No.	Parcel Name	Legal Description	Area specified in Agreement	Surveyed Area	Within Provincial Forest
1	McLeod Lake East	Block I of District Lots 5713 and 9608, together with District Lots 13035 (Quaw Island) and 13036, Cariboo District		75.60 ha 1.45 ha 7979.00 ha	Finlay Forest, Parsnip Forest, and Crooked River Forest
2	McLeod Lake West	District Lot 13044, Cariboo District		705.00 ha	Crooked River Forest
		Total Area for McLeod Lake East and McLeod Lake West	8720.7 ha	8761.05 ha	
		Area in excess of Agreement	40.35 ha		
3	Kerry Lake East	District Lot 13045, Cariboo District		3320 ha	Crooked River Forest
4	Kerry Lake West	District Lot 13046, Cariboo District		898 ha	Crooked River Forest
		Total Area for Kerry Lake East and Kerry Lake West	4122 ha	4218 ha	
		Area in excess of Agreement	96 ha		
5	Weedon Carp	District Lots 13037, Cariboo District	2579 ha	2674 ha	Crooked River Forest
		Area in excess of Agreement	95 ha		
6	Carp South *	District Lot 13044, Cariboo District	4334 ha		
This is the adjustment parcel affected by amount of land taken in severalty (1761.25 Ha)					

McLEOD LAKE INDIAN BAND LANDS
Parcel Areas and Forest Designations

SCHEDULE "C" LANDS					
Ref No.	Parcel Name	Legal Description	Area specified in Agreement	Surveyed Area	Within Provincial Forest
7	Finlay Bay	District Lot 13025, Cariboo District	1.0 ha	1.00 ha	Finlay Forest
8	Weston Bay	District Lot 13026, Cariboo District	1.0 ha	1.00 ha	Finlay Forest
9	Hominka River	District Lot 13027, Cariboo District	2.0 ha	1.98 ha	Parsnip Forest
10	Tacheeda Lake	District Lot 13028, Cariboo District	2.0 ha	2.09 ha	Parsnip Forest
11	Davie Lake	Block C of District Lots 2978 and 2980, Cariboo District	1.0 ha	1.02 ha	Crooked River Forest
12	Arctic Lake	District Lot 13029, Cariboo District	2.0 ha	2.02 ha	Parsnip Forest
13	Blue Lake	District Lot 13030, Cariboo District	1.90 ha	1.05 ha	Finlay Forest
14	McIntyre Lake	District Lot 13031, Cariboo District	2.0 ha	4.00 ha	Finlay Forest
15	McLeod Lake	District Lot 13032, Cariboo District	12.00 ha	12.00 ha	Crooked River Forest
16	Weedon Lake	District Lot 13033, Cariboo District	4.0 ha	4.00 ha	Crooked River Forest
17	At the community of Bear Lake	Block F of District Lots 2974 and 2975, Cariboo District	26.0 ha	26.00 ha	Crooked River Forest
18	In the District Municipality of Mackenzie	District Lot 13034, Cariboo District	8.1 ha	8.1 ha	

Schedule "C" Lands - Total Area	63.0 ha	64.26 ha
Schedule "C"- Total area in excess of Agreement	1.26 ha	
Proposed Reserve Lands are to be comprised of	19809.7 ha	40.35 ha
Carp South being the adjustment parcel subject to		96.00 ha
an adjustment for lands taken in severalty		95.00 ha
(34 x 128 = 4352 ac or 1761.25 ha*)		1.26 ha
Existing McLeod Lake Reserves	237.3 ha	232.61 ha
Total McLeod Lake's Treaty No. 8 reserve land entitlement is	20047.0 ha	
(Calculation is based on 387 x 128 acres)		

McLEOD LAKE INDIAN BAND LANDS
Parcel Areas and Forest Designations

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1	McLeod Lake East	Block I of District Lots 5713 and 9608, together with District Lots 13035 (Quaw Island) and 13036, Cariboo District		80.30 ha 1.45 ha 7974.00 ha	Finlay Forest, Parsnip Forest, and Crooked River Forest
2	McLeod Lake West	District Lot 13044, Cariboo District		705.00 ha	Crooked River Forest
		Total Area for McLeod Lake East and McLeod Lake West	8720.7 ha	8760.75 ha	
		Area in excess of Agreement	40.05 ha		
3	Kerry Lake East	District Lot 13045, Cariboo District		3323 ha	Crooked River Forest
4	Kerry Lake West	District Lot 13046, Cariboo District		898 ha	Crooked River Forest
		Total Area for Kerry Lake East and Kerry Lake West	4122 ha	4221 ha	
		Area in excess of Agreement	99 ha		
5	Weedon Carp	District Lots 13037, Cariboo District	2579 ha	2674 ha	Crooked River Forest
		Area in excess of Agreement	95 ha		
6	Carp South *	District Lot 13069, Cariboo District	4334 ha	2197 ha	
*The adjustment parcel affected by amount of land to be taken in severalty (1761.25 Ha)			2137 ha		

McLEOD LAKE INDIAN BAND LANDS
Parcel Areas and Forest Designations

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12	Arctic Lake	District Lot 13029, Cariboo District	2.0 ha	2.02 ha	Parsnip Forest
13	Blue Lake	District Lot 13030, Cariboo District	1.90 ha	1.05 ha	Finlay Forest
14	McIntyre Lake	District Lot 13031, Cariboo District	2.0 ha	4.00 ha	Finlay Forest
15	McLeod Lake	District Lot 13032, Cariboo District	12.00 ha	12.00 ha	Crooked River Forest
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Schedule "C" Lands - Total Area		63.0 ha	64.26 ha
Schedule "C"- Total area in excess of Agreement		1.26 ha	
Proposed Reserve Lands are to be comprised of		19809.7 ha	
Carp South being the adjustment parcel subject to an adjustment for lands taken in severalty (34 x 128 = 4352 ac or 1761.25 ha*)			40.05 ha
			99.00 ha
			95.00 ha
			1.26 ha
Existing McLeod Lake Reserves		237.3 ha	235.31 ha
Total McLeod Lake's Treaty No. 8 reserve land entitlement is		20047.0 ha	
(Calculation is based on 387 x 128 acres)			

Note: Total Proposed Reserve Lands under Article 1.1.28 19818.7 ha
Article 4.5.1 indicates Proposed Reserve Lands 19809.7 ha
Difference of 9.0 ha

Carp South Adjustment Area	2137 ha
Minus: Lands to be taken in severalty	1761 ha
Excess Areas resulting from surveys	235.31 ha
Discrepancy in Agreement noted above	9.00 ha
Area remaining to be surveyed	131.69 ha

Project	Legal Desc	Name	Agreement Area Sec 1.1.28 estimated	Surveyed Area	Difference	Prop/Final	Approv al Letter from Canada	Mylar Signed by Canada	CLSR Plan No	Comments
200010092	DL 13025	Finlay Bay - Sch C	1	1	0	Final			85648	
200010093	DL 13026	Weston Bay - Sch C	1	1	0	Final			85647	
200010094	DL 13027	Hominka - Sch C	2	1.98	0.02	Final			85646	
200010095	DL 13028	Tacheeda Lake - Sch C	2	2.09	-0.09	Final			85645	
200010096	Block C of District Lots 2978 & 2980	Davie Lake - Sch C	1	1.02	-0.02	Final			85644	
200010097	DL 13029	Arctic Lake - Sch C	2	2.02	-0.02	Final			85651	
200010098	DL 13030	Blue Lake - Sch C	1.9	1.05	0.85	Final			85652	
200010099	DL 13031	McIntyre Lake - Sch C	2	4	-2	Final				
200010100	DL 13032	McLeod Lake - Sch C	12	12	0	Final			85653	
200010101	DL 13033	Weedon Lake - Sch C	4	4	0	Final			85654	
200010104	Block F of District Lots 2974 & 2975	Bear Lake - Sch C	26	26	0	Final			85655	
200010102	DL 13034	McKenzie - Sch C	8.1	8.1	0	Final			85656	
			63	64.26	-1.26					Total Schedule C Parcels
200010103	DL 13035	Quaw Island		1.45		Final				
200010047	DL 13036 and Block I of District Lots 5713 & 9602	McLeod Lake East	8720.7	8054.3		Final				Final Mylar sent to province Jan 15th
200010171	DL 13044	McLeod Lake West		705		Final			85641	
			8720.7	8760.75	-40.05	Final				Total McLeod Lake E and W
200010178	DL 13046	Kerry Lake West	4122	898		Final			85643	
200110056	DL 13045	Kerry Lake East		3323		Final				Mylar to be sent to province week of Jan 21
			4122	4221	-99	Final				Total for Kerry Lake E and W
200010046	DL 13037	Weedon Carp	2579	2674	-95	Final			85642	Total for Weedon Carp
200110139	DL 13069	Carp South	4334	2197	2137	Final				Total for Carp South
		Severalty Lands	0	1761	-1761					34 members * 128 acres
		Area per Sec 1.1.28 estimated	19818.7							Agreement is for 19809.7 ha total Sec 4.4
		Area per Agreement	19809.7	19678.01	131.69					131.69 ha remaining to be surveyed.

McLeod Lake Indian Band Survey and Line Ministry Referral Status Report

Ref No.	Parcel Name	Preliminary Plan Examination	Field work status	BCAL	BCHydro	E&M	MOTH	WLAP (Fish & WL)	SRM	MoF	McLIB	NRC	TNO	Confirmed by OSG
1	McLeod Lake East	Complete	Additional posting required along Hwy	?	OK	OK	OK MO is progressing through system, waiver letter is complete	OK	OK	OK	OK	OK	OK	OK
2	McLeod Lake West	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
3	Kerry Lake East	Preliminary review complete	Done	OK	OK	OK	OK Waiver letter is complete	OK	OK	OK	OK	OK	OK	OK
4	Kerry Lake West	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
5	Weedon Carp	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
6	Carp South (as to portion only)	Preliminary review complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	
7	Finlay Bay	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
8	Weston Bay	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
9	Hominka River	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
10	Tacheeda Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
11	Davie Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
12	Arctic Lake	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
13	Blue Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
14	McIntyre Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
15	McLeod Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
16	Weedon Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
17	At the community of Bear Lake	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
18	In the District Municipality of Mackenzie	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK

CONTACT REFERRAL LISTING

For McLeod Lake Indian Band Lands

Contact Name	Ministry	Positon	Phone	Fax	E-mail
Ackerman, Andy	WLAP	Regional Fish & Wildlife Manager	(250) 787-3426	(250) 787-3219	Andy.Ackerman@gems6.gov.bc.ca
Blight, Ron (Becket, Tony)	MoT	District Technician	(250) 565-6091		Ron.Blight@gems2.gov.bc.ca
Lee, Tom	MoF	Manager, Treaty Negotiations, Aboriginal Affairs Branch	(250) 356-1953		Tom.Lee@gem1.gov.bc.ca
Lieutard, Denis	MEM	Director, Mineral Titles Branch	(250) 952-0544		Denis.Lieutard@gems2.gov.bc.ca
Lintunen, Aki (signoff contact) Mayumi Kariya (working contact)	BCHydro	Solicitor and Manager, Property Legal	(604) 623-3881 (73951)	(604) 623-3951	Aki.Lintunen@bchydro.com
Minnie, Steve	MLIB	Contract Manager for Survey of MLIB Lands (NRCan)	(604) 666-3517	(604) 666-0522	Sminnie@NRCan.gc.ca
Panter, Catherine	TNO	Senior Negotiator, Aboriginal Relations Branch	(250) 387-5210	(250) 356-6662	Catherine.Panter@gems4.gov.bc.ca
Weger, Egon	BCAL	Manager	(250) 565-6432		Egon.Weger@gems5.gov.bc.ca
Zacharatos, Phil	SMRM	Regional Director	(250) 565-6439		Phil.Zacharatos@gems4.gov.bc.ca
?	NR Canada				

McLeod Lake Indian Band Survey and Line Ministry Referral Status Report

Ref No.	Parcel Name	Preliminary Plan Examination	Field work status	BCAL	BCHydro	E&M	MOTH	WLAP (Fish & WL)	SRM	MoF	McLIB	NRC	TNO	Confirmed by OSG
1	McLeod Lake East	Complete	Additional posting required along Hwy	?	OK	OK	OK MO is progressing through system, waiver letter is complete	OK	OK	OK				
2	McLeod Lake West	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
3	Kerry Lake East	Preliminary review complete	Done	OK	OK	OK	OK Waiver letter is complete	OK	OK	OK	OK			
4	Kerry Lake West	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
5	Weedon Carp	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
6	Carp South (as to portion only)	Preliminary review complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
7	Finlay Bay	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
8	Weston Bay	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK			
9	Hominka River	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK			
10	Tacheeda Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
11	Davie Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
12	Arctic Lake	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK			
13	Blue Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
14	McIntyre Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
15	McLeod Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
16	Weedon Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
17	At the community of Bear Lake	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK			
18	In the District Municipality of Mackenzie	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			

CONTACT REFERRAL LISTING

For McLeod Lake Indian Band Lands

Contact Name	Ministry	Positon	Phone	Fax	E-mail
Ackerman, Andy	WLAP	Regional Fish & Wildlife Manager	(250) 787-3426	(250) 787-3219	Andy.Ackerman@gems6.gov.bc.ca
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Lieutard, Denis	MEM	Director, Mineral Titles Branch	(250) 952-0544		Denis.Lieutard@gems2.gov.bc.ca
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Weger, Egon	BCAL	Manager	(250) 565-6432		Egon.Weger@gems5.gov.bc.ca
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McLeod Lake Indian Band Survey and Line Ministry Referral Status Report

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3	Kerry Lake East	Preliminary review complete	Done	OK	OK	OK	OK Waiver letter is complete	OK	OK	OK	OK			
4	Kerry Lake West	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
5	Weedon Carp	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
6	Carp South (as to portion only)	Preliminary review complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
7	Finlay Bay	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
8	Weston Bay	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK			
9	Hominka River	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK			
10	Tacheeda Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
11	Davie Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
12	Arctic Lake	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK			
13	Blue Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
14	McIntyre Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
15	McLeod Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
16	Weedon Lake	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			
17	At the community of Bear Lake	Complete	Done	?	OK	OK	OK	OK	OK	OK	OK			
18	In the District Municipality of Mackenzie	Complete	Done	OK	OK	OK	OK	OK	OK	OK	OK			

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For McLeod Lake Indian Band Lands

Contact Name	Ministry	Positon	Phone	Fax	E-mail
Ackerman, Andy	WLAP	Regional Fish & Wildlife Manager	(250) 787-3426	(250) 787-3219	Andy.Ackerman@gems6.gov.bc.ca
Blight, Ron (Becket, Tony)	MoT	District Technician	(250) 565-6091		Ron.Blight@gems2.gov.bc.ca
Lee, Tom	MoF	Manager, Treaty Negotiations, Aboriginal Affairs Branch	(250) 356-1953		Tom.Lee@gem1.gov.bc.ca
Lieutard, Denis	MEM	Director, Mineral Titles Branch	(250) 952-0544		Denis.Lieutard@gems2.gov.bc.ca
Lintunen, Aki (signoff contact) Mayumi Kariya (working contact)	BCHydro	Solicitor and Manager, Property Legal	(604) 623-3881 (73951)	(604) 623-3951	Aki.Lintunen@bchydro.com
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Panter, Catherine	TNO	Senior Negotiator, Aboriginal Relations Branch	(250) 387-5210	(250) 356-6662	Catherine.Panter@gems4.gov.bc.ca
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?	NR Canada				

Mineral Land Status for McLeod Lake Settlement Lands

Area	Legal	NSR Site(s)	Area completely covered by NSR	BCGS map	NTS map	Tenure conflicts	Notes
Forested Land Parcels							
Group 1							
Weedon Carp	Lot 13037	365971	No, small areas outside NSR	093J075, 085	093J14E	No	Due to size of plans, used original hard copies rather than newer plans. There were no tenures in the surrounding area, so accurate boundaries were not critical. see reserve sketch for areas outside NSR.
McLeod Lake West	Lot 13044	365952	Yes	093J095	093J14E	No	
Kerry Lake West	Lot 13046	365953	No, small areas outside NSR	093J066, 067, 076, 077	093J10W	No	see reserve sketch for areas outside NSR.
McLeod Lake East	Lot 13036 and Blk I of Lots 5713, 9608	365967	No, small areas outside NSR	093J086, 095, 096, 093O005, 006	093J14E, 15W, 093O02W, 03E	No	Book of reference inset on key plan says DL 9602 not 9608 as shown on plan and in title.
Group 2							
Quaw Island (Part of McLeod Lake East)	Lot 13035	365967 (McLeod Lake East site)	No	093J096	093J15W	No	Small island (1.5 Ha) in McLeod Lake which is not covered by an NSR
Schedule C Parcels							
Group 1							
Finlay Bay	Lot 13025	365957	No, entire area outside	093O092	093O13W	No	Check accuracy of UTM coordinate - easting. Site is to the west of the current NSR - see sketch
Tacheeda River	Lot 13028	365959	No, entire area outside - just	093J068	093J10E	No	Plan shows BCGS map as 092J068 instead of 093J068. Site is immediately south of current NSR - see sketch
McIntyre Lake	Lot 13031	365963	Yes	093O005	093O03E	No	slight discrepancies due to differences in base maps
McLeod Lake	Lot 13032	365964	No, NSR larger but southern part of lot not covered	093J086	093J15W	No	BCGS map number should be 093J not 092J, see sketch
Weedon Lake	Lot 13033	365965	NSR larger - covers entire area	093J065	093J11E	No	
Dist. of Mackenzie	Lot 13034	365966	No, southern part of lot not covered	093O035	093O06E	No	Plan shows BCGS amp as 092O035 instead of 093O035
Davie Lake	Blk C, Lots 2978, 2980	365960	Yes	093J057	093J10E	No	Recent plan says Blk C while earlier plan says Blk A
Bear Lake	Blk F, Lots 2974, 2975	No NSR	No	093J057	093J10E	No	No NSR over area

Mineral Land Status for McLeod Lake Settlement Lands

Area	Legal	NSR Site(s)	Area completely covered by NSR	BCGS map	NTS map	Tenure conflicts	Notes
2nd Group							
Weston Bay	Lot 13026	365958	Yes	093O082	093O13E	No	NSR larger than surveyed area
Hominka River	Lot 13027	365956	Yes	093J070	093J09E	No	NSR larger than surveyed area
Arctic Lake	Lot 13029	365961	Yes	093I042	093I05E	No	matches hole in new Arctic Provincial park
Blue Lake	Lot 13030	365962	Yes	093J095	093J14E	No	4 ha
No Surveys for These Other Areas Covered by NSRs							
Kerry Lake East	13045	365954	Reasonable agreement	093J075, 085	093J10E, 10W, 15E, 15W	No	3696 ha
Carp South	do not use lot number	365955		093J064, 074	093J11E, 11W		4452 ha - do not amend this site at this timeat this time