

INAC

FNLM Research Report

For

Stikine River Indian Reserve No. 7

Iskut First Nation

Completed on: July 25, 2017

Aboriginal Affairs and Northern Development Canada's (INAC) BC Region FNLM team has prepared this report on the extent of the Iskut reserve lands. This report, provided without prejudice, is based on a review of the Reserve General Abstract found in the Indian Lands Registry (ILRS), Natural Resources Canada survey documents pertaining to the extent of the reserve along with a review of pertinent INAC land files.

This report contains issues that will require decisions on the part of the Band before the legal description can be prepared, we request that you provide your INAC FNLM contact with a response to these issues in order to facilitate the completion of the land description report.

Your INAC FNLM contact for this file is Rosie Sill and can be reached at 604-360-4917 or by email at rosie.sill@aandc.gc.ca.

Table of Contents

Section 1 – ILRS Research

Part A) Indian Lands Registry Reserve General Abstract Report

Part B) Indian Lands Registry Review

- i. Creation of Reserve Documents
- ii. Additions to Reserve Documents
- iii. Formerly Reserve Documents
- iv. Third Party Interest Documents

Part C) Other Research

Section 2 – Boundary Issues

Section 3 – General Overview and Summary

Part A) General Overview

Part B) Summary

Annexes

Annex A – Reserve General Abstract Report

Annex B – Orthophoto

Section 1 – ILRS Research

Part A

Indian Lands Registry Reserve General Abstract Report

The Indian Lands Registry System (ILRS) is a database of instruments registered in the Indian Lands Registry relating to Reserve Lands and Crown Lands.

The Reserve General Abstract Report is a summary, in sequence, of the documents, facts and events evidencing or affecting the nature of title or interest in a given reserve.

The Reserve General Abstract can be found in Annex A of this document.

Part B

Indian Lands Registry Review

i. Creation of Reserve Documents

All documents referred to in this section are noted by their Indian Land Registry System (ILRS) registration number (ie: 'Document X18634'). These documents are public record and are available from the Indian Land Registry.

Easements / Permits for service or distribution lines are not noted within this review

1. Document No. 112954, page 757 are the Minutes of Decision of the Royal Commission, dated April 28, 1916, approving Application No.5 and ordering that a Reserve of 80 acres, more or less, be established on the left bank of the Stikine River, approximately one-half (½) mile below Telegraph Creek.
2. Document No. 92925 is Provincial Order in Council 1923-911, dated July 26, 1923, which recommends approval and acceptance of the 1916 Royal Commission report, as reviewed by Mr. W.E. Ditchburn (for Canada) and Major J.W. Clark (for BC).
3. Document No. 12073 is Federal Order in Council 1924-1265 dated July 19th 1924, which recommends approval and acceptance of the Royal Commission Report as reviewed by Ditchburn and Clark, except for reductions and cutoff lands within the railway belt.
4. Document No. 8042 is Provincial Order in Council 1938-1036, dated July 29, 1938 transferring to Canada, administration and control of Stikine River Indian Reserve No.7 Page 11 lists the reserve, also referred to as Lot 5458, Cassiar District, with an area of 113 acres.
5. Document No.4111-118 is Provincial Order in Council 1969-1555, dated May 13, 1969, amending OIC 1938-1036 by waiving the Province's reversionary interest.
6. Document No. X13328 is a Ministerial Order dated July 28, 1972, dividing Tahltan and Iskut Bands. Stikine River IR No. 7 is designated to Iskut.

ii. Additions to Reserve Documents

1. None found. Please advise if you are aware of any Additions to Reserve Documents

iii. Formerly Reserve Documents

1. None found. Please advise if you are aware of any Formerly Reserve Documents.

iv. Third Party Interest Documents

1. None found. Please advise if you are aware of any Third Party Instrument Documents.

Part C

Other Research

Additional research documents below shall assist in providing clarity on potential boundary issues provided in Section 2 and 3.

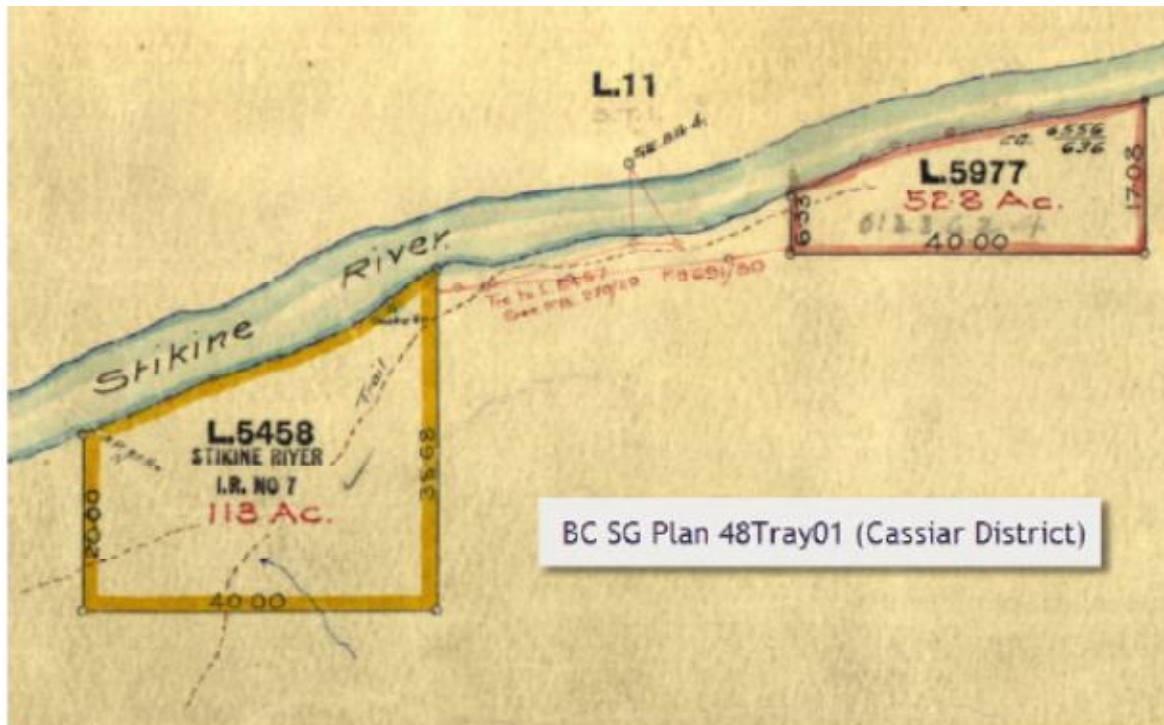
A. Excerpt from registered document No. 112954.

The Commission having under consideration Stikine Agency Application No. 5, of the Tahltan Tribe or Band, for a certain tract or parcel of land on the left bank of the Stikine River, approximately One-half ($\frac{1}{2}$) mile below Telegraph Creek, containing an area of Eighty (80) acres, more or less, for use as a Fishing Station and for Gardens, it was

ORDERED: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant Tahltan Tribe or Band, a certain tract or parcel of land as described in the Application, containing an area of Eighty (80) acres, more or less, subject to survey, the line to be so run as to protect, insofar as possible, the packers' camping ground.

page 757 Document No.112954

B. Portion of BC Plan 48Tray01 Cassiar District



Section 2 – Boundary Issues

A. No Boundary Issues Identified

Action Item: A Land Description has been prepared using existing surveys.

A Band Council Resolution approving the Land Description Stikine River IR No. 7 is required prior to registration of the Land Description in the Canada Lands Survey System. The registered Land Description will describe the jurisdictional boundaries for the Land Code and Individual Agreement.

Section 3 – General Overview and Summary

A. General Overview

1. Following the 1916 Royal Commission's acceptance of the Stikine Agency Application No. 5 of the Tahltan Tribe or Band for a Reserve of 80 acres, more or less, Horace M. Fraser, surveyed the Reserve in 1929 as DL 5458 with his survey field notes shown recorded in FBBC825 CLSR. The plan of his survey was shown recorded on Plan BC681 CLSR.
2. Re-calculation of Fraser's survey notes and examination of the current orthophoto suggest the natural boundary and area of Stikine River IR No.7 has not changed since the 1929 survey.
3. The 1929 surveyed allotment of 113.0 acres was different from the 80 acres listed in the 1916 Royal Commission report.

Summary

Iskut was part of the Tahltan Indian Band until the band division was completed in 1972. According to the terms of separation agreed to by a members' referendum, Iskut received three reserves: Stikine River IR No. 7, Kluachon Lake IR No. 1, and the Kluachon Reserve (Iskut Village property).

No boundary issues have been identified for Stikine River IR No. 7. There has been little or no change to the location of the natural boundary. Therefore, no additional surveying is required to define the jurisdictional boundaries for the purposes of First Nation Land Management. A Land Description of Stikine River IR No. 7 has been completed on schedule based on existing boundary surveys.

The Land Description has been provided to the Band for acceptance prior to its registration in the CLSR. Once registered, the Land Description shall form part of the Individual Agreement for the Iskut First Nation.

Annex A
Reserve General Abstract Report

INDIAN LANDS REGISTRY SYSTEM

Reserve General Abstract Report

Selected Criteria:

Reserve: STIKINE RIVER 7

Printed on: 2017/07/25 01:49 pm

UNCLASSIFIED

Reserve: 07661 - STIKINE RIVER 7

Region/Province: British Columbia/BRITISH COLUMBIA

Band: 683 - Iskut

MINUTES OF DECISION

Instrument Date:	1916/06/30	Term:	
Registration Number:	112954	Effective Date:	
Registration Date:	1987/07/20 12:00:00AM	Expiry Date:	
OCPC/MO Number:		Purpose:	
		Area:	80.000 Acres
Land Affected:	LEFT BANK OF STIKINE RIV 1/2 MI BELOW TELEGRAPH CREEK		
Grantor(s):	ROYAL COMMISSION		
Grantee(s):	683 Iskut		
Remarks:	ESTABLISHES RESERVE PAGE 757		

PROV OC

Instrument Date:	1923/07/26	Term:	
Registration Number:	92925	Effective Date:	
Registration Date:	1984/02/20 12:00:00AM	Expiry Date:	
OCPC/MO Number:		Purpose:	
		Area:	80.000 Acres
Land Affected:	LEFT BANK OF STIKINE RIV 1/2 MI BELOW TELEGRAPH CREEK		
Grantor(s):	CROWN BRITISH COLUMBIA		
Remarks:	OC #911 CONFIRMS RESERVE & ACCEPTS MIN OF DEC REG #112954		

INDIAN LANDS REGISTRY SYSTEM

Reserve General Abstract Report

Selected Criteria:

Reserve: STIKINE RIVER 7

Printed on: 2017/07/25 01:49 pm

UNCLASSIFIED

Reserve: 07661 - STIKINE RIVER 7

Region/Province: British Columbia/BRITISH COLUMBIA

Band: 683 - Iskut

OCPC

Instrument Date:	1924/07/19	Term:	
Registration Number:	12073	Effective Date:	
Registration Date:	1969/08/11 12:00:00AM	Expiry Date:	
OCPC/MO Number:	PC #1265	Purpose:	
		Area:	80.000 Acres
Land Affected:	LEFT BANK OF STIKINE RIV 1/2 MI BELOW TELEGRAPH CREEK		
Grantor(s):	CROWN CANADA		
Remarks:	PC #1265 CONFIRMS RESERVE		

PROV OC

Instrument Date:	1938/07/29	Term:	
Registration Number:	8042	Effective Date:	
Registration Date:	1969/02/14 12:00:00AM	Expiry Date:	
OCPC/MO Number:		Purpose:	
		Area:	113.000 Acres
Land Affected:	LOT 5458 1/2 MI BELOW TELEGRAPH CR (CLSR BC681)		
Grantor(s):	CROWN BRITISH COLUMBIA		
Grantee(s):	CROWN CANADA		
Remarks:	OC #1036 TRANSFERS MANAGEMENT & CONTROL SEE REG #4111-118		

INDIAN LANDS REGISTRY SYSTEM

Reserve General Abstract Report

Selected Criteria:

Reserve: STIKINE RIVER 7

Printed on: 2017/07/25 01:49 pm

UNCLASSIFIED

Reserve: 07661 - STIKINE RIVER 7

Region/Province: British Columbia/BRITISH COLUMBIA

Band: 683 - Iskut

PROV OC

Instrument Date:	1969/05/13	Term:	
Registration Number:	4111-118	Effective Date:	
Registration Date:	1971/02/26 12:00:00AM	Expiry Date:	
OCPC/MO Number:		Purpose:	
Land Affected:	WHOLE OF RESERVE		
Grantor(s):	CROWN BRITISH COLUMBIA		
Grantee(s):	CROWN CANADA		
Remarks:	OC #1555 WAIVES REVERSIONARY INTEREST IN PROV OC REG #8042		

MINISTERIAL ORDER

Instrument Date:	1972/07/28	Term:	
Registration Number:	X13328	Effective Date:	
Registration Date:	1972/10/27 12:00:00AM	Expiry Date:	
OCPC/MO Number:		Purpose:	
Land Affected:	WHOLE OF RESERVE		
Grantor(s):	CROWN CANADA		
Grantee(s):	683 Iskut		
Remarks:	DIVISION OF TAHLTAN BAND TO TAHLTAN BAND & ISKUT BAND		

--- END OF REPORT ---

Annex B

Orthophoto Mapping of Stikine River IR No. 7

