

Approved and ordered this 5th day of January, A.D. 1961.

At the Executive Council Chamber, Victoria,

George S. Peaker
Lieutenant-Governor.

PRESENT:

The Honourable

in the Chair.

Mr. Bennett
Mr. Kiernan
Mr. Black
Mr. Gagliardi
Mr. Peterson
Mr. Martin
Mr. Chant
Mr. Westwood
Mrs. Brown
Mr.
Mr.
Mr.
Mr.
Mr.

all
To His Honour

The Lieutenant-Governor in Council:

The undersigned has the honour to recommend that Order in Council No. 409, approved on the 27th day of February, 1954, and Orders in Council Nos. 449, 451, and 452, approved on the 2nd day of March, 1954, be rescinded as of 11.59 a.m. on the 25th day of January, 1961:

AND TO RECOMMEND THAT pursuant to the Placer-mining Act and Mineral Act and all other powers thereunto enabling no person may on and after twelve o'clock noon on the 25th day of January, 1961, enter, locate, prospect or mine upon the following areas in the Nelson, Trail Creek, Slocan, Revelstoke, Cariboo, Golden, and Fort Steele Mining Divisions, or for any mineral therein:

(1) All those lands situated in Kootenay Land District being more particularly described as follows:

All that portion of the watershed of the Columbia River lying below the 1,425 foot contour of elevation which lies downstream from the easterly boundary of Lot 7372 and the prolongation southerly thereof and upstream from the International boundary between Canada and the United States of America:

(2) All those lands situated in Kootenay Land District being more particularly described as follows:

All that portion of the watershed of the Columbia River lying below the 1,460 foot contour of elevation which lies upstream from the easterly boundary of Lot 7372 and the southerly prolongation thereof and downstream from the northerly boundary of Section 21, Township 23, Range 2, West of the 6th Meridian and the easterly prolongation thereof:

(3) All those lands situated in Kootenay Land District being more particularly described as follows:

All that portion of the watershed of the Columbia River lying below the 1,900 foot contour of elevation which lies upstream from Steamboat Rapids:

(4) All those lands situated in the Kootenay and Cariboo Land District being more particularly described as follows:-

All those portions of the watersheds of the Columbia River and Canoe River lying below the 2,500 foot contour of elevation which lie upstream from the Mica Creek damsite:

Resc O/C 3234/66

O/C 1779/66, 1838/66
1864/66, 2269/66

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(5) All those lands situated in the Kootenay Land District being more particularly described as follows:

All that portion of the watershed of the Columbia River lying below the 2,570 foot contour of elevation which lies upstream from the confluence of the said Columbia River with Bluewater Creek.

(6) All those lands situated in Kootenay Land District being more particularly described as follows:

All those portions of the watersheds of the Columbia River and the Kootenay River lying below the 2,725 foot contour of elevation and bounded on the north by the northerly boundary of Lot 448 and the prolongations easterly and westerly thereof and on the south by the southerly boundary of Sublot 26, of Lot 4596 and the prolongations easterly and westerly thereof:

(7) All those lands situated in Kootenay Land District being more particularly described as follows:-

All that portion of the watershed of the Kootenay River lying below the 2,510 foot contour of elevation and bounded on the south by the International Boundary between Canada and the United States of America:

(8) All those lands situated in Kootenay Land District being more particularly described as follows:

All that portion of the watershed of Duncan River lying below the 1,910 foot contour of elevation which lies upstream from the confluence of the said Duncan River with the Lardeau River:

(9) All those lands situated in Kootenay Land District being more particularly described as follows:

All that portion of the watershed of Trout Lake lying below the 2,425 foot contour of elevation which lies upstream from the outlet of said Trout Lake except in accordance with and subject to the following terms and conditions:

- (1) That any free miner who locates a placer claim or mineral claim and obtains a record thereof or who obtains a placer lease or a mineral lease shall do so at his own risk and shall not interfere or allow any person exploring, developing, mining, or working in any way the said claim or leasehold to obstruct or to interfere in any manner with the exercise of any right, whether existing or subsequently granted, of any other person to flood, or to occupy for any purpose connected with the development of hydro-electric power, the areas reserved, or to construct, operate and maintain any work done or structure erected for any of the foregoing purposes and the free miner shall not be entitled to compensation for any damage which may be done to his mining operation, plant or equipment by the aforesaid exercise of any right whether existing or subsequently granted:
- (2) No free miner shall carry on any mining operation within fifteen hundred feet of any dam, conduit, water tunnel, spillway or power plant, or within five hundred feet of any transmission line or any other work or structure which may be erected in the areas reserved except with the permission of the Chief Inspector of Mines:
- (3) A person including the Crown or its agent, who builds or proposes to build a dam, conduit, water tunnel, or power plant, or transmission line, or any ways, works, or structures in the areas reserved shall not interfere with or dislocate or obstruct any existing mining operation, plant, or equipment without:

- (a) Inserting an advertisement of such intention in one issue of the British Columbia Gazette and in one issue of a newspaper circulating in the district in which the reserved areas are situated, not less than thirty days nor more than ninety days before the actual start of the work or operation which will result in such interference, dislocation or obstruction takes place: and
- (b) Giving at least ninety days notice in writing to the owner or holder of a mineral claim, lease or placer-mining claim, as the case may be, or his representative, which notice shall be deemed to have been sufficiently given if it is mailed to the address noted upon the last tax notice issued in respect of a Crown-granted mineral claim or noted in the most recent relevant record of the Gold Commissioner, and any notice so given shall be deemed to have been received when, in the ordinary course of mail, it should have been delivered. No notice under this term or condition need be delivered to a free miner or lessee, or his representative, who records a placer claim or a mineral claim or applies for a mineral lease or files a notice of intention to apply for a placer-mining lease after the insertion of the advertisements required by paragraph (3) (a) above:
- (4) The benefit of the conditions set forth in this order inures to the Crown and its agents, to persons contracting with the Crown with respect to the development of the areas reserved and to licensees under the "Water Act":
- (5) The free miner shall before making application to record a placer claim or a mineral claim or before making application for a mineral lease or filing a notice of intention to apply for a placer lease, execute and deliver to the Gold Commissioner a release, in quadruplicate, in favour of Her Majesty in the right of Her Province of British Columbia, and licensees, assignees, agents and servants, from any cause of action, claim, demand or action, which he may at any time have or allege as the result of any exploration, development, mining or working of any area which may be included in a placer claim, a mineral claim, a placer lease or a mineral lease or as the result of occupation of any land for any purpose connected with the development of hydro-electric power or as the result of any structure, operation, or maintenance of any work done or structure erected for any of the purposes set forth in paragraph (1).

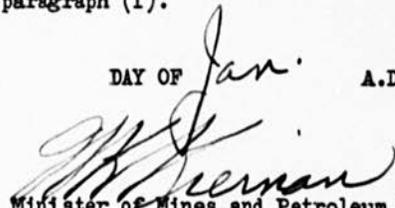
DATED THIS

5th.

DAY OF

Jan.

A.D.1961.


 Minister of Mines and Petroleum Resources.

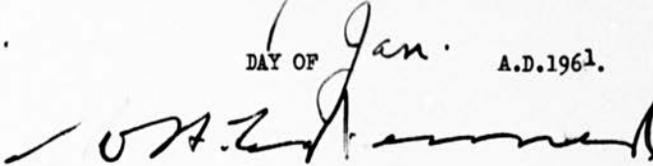
APPROVED THIS

5th.

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Jan.

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 Presiding Member of the Executive Council

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DEPARTMENT OF MINES

Re O. IN C. Rescinding Orders in Council Nos. 409, 449, 451 and 452 and re-establishing them, plus others for Columbia River, Arrow Lakes power development, and worded to conform to policy in effect in all Orders which reserve areas where flooding may take place.

