

Request for Decision Transportation & Infrastructure Referral

File No: P 201 600
Reference:
Date: March 25, 2020

Subject: Section 16 Map Reserve – MoTI / Shuswap Land Swap
Applicant: Transportation and Infrastructure
Agent: Tammy Anderson
Location: East side of Hwy 93/95 between Invermere and Dry Gulch
Legal: Rem District Lot 5353, Kootenay District (PID: 024-264-717)
Sublot 100, District Lot 4596, Plan X-32 (PID: 016-720-351)

Proposal: Section 16 Map Reserve application for two Crown-owned lots to ensure no further encumbrances are placed on them while the MoTI negotiates a land transfer with the Shuswap Indian Band. The land transfer (land swap) is desired because a portion of Highway 93/95 encroaches onto Shuswap Reserve land and to accommodate future highway widening.

Options:

1. THAT the Ministry of Transportation and Infrastructure be advised the RDEK supports the Ministry's Section 16 Map Reserve Application for two Crown-owned lots between Invermere and Dry Gulch.
2. THAT the Ministry of Transportation and Infrastructure be advised the RDEK does not support the Ministry's Section 16 Map Reserve Application for two Crown-owned lots between Invermere and Dry Gulch.

Recommendation: **Option #1**
The present referral is a first step in the negotiations. A future "addition to reserve" referral to the RDEK from MFLNRO is anticipated if negotiations are successful and before any land transfer occurs. Expressing RDEK support for the Section 16 Map Reserve is not support for the land swap, as it merely ensures that the lands in question are protected against further encumbrances while the negotiations are conducted. However, if the Board wishes to comment on the suitability of the parcels themselves being part of the present negotiations, then a separate or amended motion would be appropriate.

Property Information: **OCP Designation:**
Rem District Lot 5353: RR, Rural Resource; which includes rural residential and rural resource land uses with parcel sizes 8.0 hectares and larger. The RR designation also recognizes the use of these lands for agriculture, resource extraction, open space and working landscape.

Sublot 100, DL 4596, Plan X-32: Not designated, not within an OCP

OCP Policies (Transportation Network):

- The Ministry of Transportation and Infrastructure has indicated a long-range interest in an upgrade of Highway 93/95 between the Village of Radium Hot Springs and the District of Invermere to a four-lane divided rural highway. To facilitate this upgrade, dedication of land to the

**Property
Information -
cont'd:**

Ministry of Transportation and Infrastructure as a right of way for the construction of additional highway lanes and frontage roads is supported.

- Access management initiatives for Highway 93/95 between the Village of Radium Hot Springs and the District of Invermere, identified by the Ministry of Transportation and Infrastructure, are supported. These include:
 - (a) Limiting direct access to Highway 93/95, in particular direct private and commercial driveways.
 - (b) Encouraging joint use of driveways.

OCP Policies (Crown Land Management):

- Residents and visitors accessing Crown land are encouraged to minimize impacts to grazing, habitat and wildlife by restricting motorized use to existing trails, packing out garbage and respecting regulations in place on Crown land.

Zoning Designation: Both lots are A-2, Rural Residential Country Zone, minimum parcel size: 8.0 ha.

Parcel Size:

Rem District Lot 5353: approx 60 ha (148 ac)

Sublot 100, DL 4596, Plan X-32: approx. 64 ha (158 ac)

Density: N/A

ALR Status: Both properties are within the ALR

BC Assessment: Residential

Water / Sewer Services: N/A

Interface Fire Hazard Rating: Ranging from moderate to high, Crown land is not serviced by RDEK fire services.

Flood Hazard Rating: The area under application is not identified as being within a flood hazard area nor within a special policy area for flood hazard but there are creeks and drainages that cross the lands.

**Crown Land
Management
Plans:**

N/A

**Lake Management
Plans:**

N/A

**Shoreline
Management
Guidelines:**

N/A

**Additional
Information:**

- The referral states that the purpose for the land transfer is to rectify the trespass of the province's highway through Shuswap Indian Band's Reserve #0 and to secure tenure of the road to allow MoTI to maintain it. MoTI is working with Shuswap Indian Band and the Federal Government to rectify the trespass through the Reserve by negotiating a land transfer of the two parcels of Crown land to be added to the reserve for use and benefit by Shuswap Indian Band.

**Additional
Information -
cont'd:**

- The surrounding communities use numerous unlicensed recreation trails which are located throughout the two subject properties. The potential loss of public access to these Crown lands for recreational use has been raised as a major concern by adjacent residents.

Consultation:

APC Area G: No comment to date

**Documents
Attached:**

- Location Map
- Letter of referral from MoTI
- Maps provided by MoTI

**RDEK
Contact:**

Tracy Van de Wiel, Planning Technician 2
Phone: 250-489-0306
Email: tvandewiel@rdek.bc.ca