

Nov. 21/95

MINISTRY OF ABORIGINAL AFFAIRS BRIEFING NOTE

File: 46200-60/LPMS1

I Prepared for Philip G. Halkett, Deputy Minister, FOR
INFORMATION

II ISSUE: Why should BC be concerned about the Chief's proposed
Framework Agreement on Land Management? (Draft 10)

III BACKGROUND:

Westbank, Lheid-Lit'en, Musqueam and N'Quatqua (Anderson Lake) First Nations, together with ten others across Canada, are negotiating with the federal government to manage their Indian Reserve lands outside of the Indian Act. Both the Chiefs and the federal government have consulted the Province on their framework agreement for achieving this.

The Province has said it cannot offer its support until key concerns are addressed, including: treaty impacts, access issues, environmental issues and third party consultation. These concerns were sent to the federal Minister on July 7, 1995 by Minister Cashore and on October 2 by Ministers Cashore, Pement and Clark. *DIAND forwarded draft 10 for comment on November 7. Minister approval will be sought before year end, if signed, legislation could be drafted during winter.*

Chief Louie (Westbank) wrote on November 1, 1995 saying the Chiefs were "deeply offended" by the October 2 letter. He addressed various issues and proposed a meeting in early November to deal with "unresolved rights-of-way issues".

IV DISCUSSION:

The Chiefs' proposal would provide authority to control, govern and benefit from Indian Reserve lands. The main elements of the proposal, in sequence, are:

- 1) Framework Agreement with the federal Minister
- 2) Amendments to the federal Indian Act
- 3) Specific Agreements with each First Nation
- 4) Land Management Codes passed by each First Nation
- 5) Environmental Agreements involving specific provinces
- 6) First Nation laws under land code

The Framework Agreement includes:

- opting in with land codes that apply to third-parties;
- land management powers (granting interests/licences);
- legal capacity for First Nations to acquire property;
- protection and exchange of First Nation land;
- expropriation by First Nations;
- laws for development, conservation and use of land;
- environmental management agreements for waste management and environmental assessment regimes; and
- removal of over 35 sections of the Indian Act.

Province-wide implications: The proposal must be viewed from a province-wide context for both treaty and non-treaty First Nations. It is being led by First Nations with delegated land management authority under the Indian Act. However, any First Nation can apply for inclusion, including those outside the treaty process (like Penticton).

Details are unknown of forthcoming amendments to the Indian Act. Voicing support in principle to the Chiefs' framework agreement at this time could commit the Province prematurely to supporting aspects of the separate initiative.

Treaty Impacts: The four BC First Nations are in the treaty process and the draft agreement has been tabled in discussions. The proposal could set baselines for treaty negotiations or influence some First Nations to not enter the treaty process. The Chiefs argue it will support the treaty process by demonstrating a sectoral approach to self-government in advance of the treaty process.

Access Issues: BC Rail, BC Hydro and Highways have strong concerns about removal of Indian Act provisions used for road and utility rights of way (e.g., ss. 28 and 35). While existing third party interests are protected and completed s. 35 transfers are exempt from expropriation, future acquisitions are not protected like Canada's are.

The Chiefs object strongly to any notion that First Nations land can be acquired without their consent and offer land exchanges, long-term leases and negotiation as options. Compensation for expropriations will follow federal legislation and each Land Code will establish a forum for dispute resolution. OIC 1036 would not be affected.

Environmental Issues: MELP has concerns with harmonization of proposed environmental management and assessment regimes. Provincial involvement is provided for but not guaranteed.

Third-party Consultations: The Chiefs have discussed the proposal with the Union of BC Municipalities. Adjacent municipalities will also be consulted, but not other third parties until First Nation land codes are developed.

V SUMMARY

Although provincial support has been solicited, the federal government may proceed regardless. Changes to Draft 10 address many concerns, but some key concerns remain. Little is known about the proposal outside government and aboriginal circles and the province may be criticized for not consulting with interested parties.

Rick McDougall
Director, Aboriginal Policy
356-8059

November 21, 1995 o:\bnotes\lands\lmpcov.21

11/15/95

Page 3
ARR 2011-00017

Copied to:	
Minister	
DM	
ADM5	
Anne	
Exec. Coord	
F.O.I.	

Nisga'a
Communic

**MINISTRY OF ABORIGINAL AFFAIRS
BRIEFING NOTE**

280-80
File: 63000-75/SOUTH/STATUS

I Prepared for Honourable John Cashore, Minister, FOR INFORMATION

II ISSUE:

Status of Treaty negotiations in the Cariboo

III BACKGROUND:

The Southern Interior team is negotiating with the Cariboo Tribal Council (CTC), Esket First Nation (Alkali Lake), and Nazko Indian Band. The status of the individual negotiations are:

CTC: An openness protocol, information sharing principles and stage three procedures agreement were signed on September 27, 1995. Work has begun on a framework agreement which the Parties anticipate completing by April, 1996. The next Main Table is on November 28 in Deep Creek and is open to the public. CTC has shown a great willingness to help with third Party and public consultation.

Esket: An Openness Protocol, information sharing principles and a stage three Procedures agreement are nearing completion and may be signed in early December. A framework agreement should be completed by next summer. The next Main Table is December 6 in Vancouver. The First Nation is a little less organized than CTC and less able to help with public consultation.

RA
Nazko: No formal meetings have been held with Nazko in the last year. The First Nation recently contacted us to set up a meeting to begin readiness discussions. The meeting will likely be held in January.

TAC: Although the Cariboo TAC is not fully operational, progress has been made in developing a terms of reference and confirming confidentiality requirements. Letters were sent to local governments requesting their participation on the RAC in lieu of the TAC. This was viewed (correctly) as a pressure tactic to get the TAC formed. It is now anticipated the TAC will be operating before Christmas. The Treaty negotiator will be attending the TAC meeting scheduled for November 21.

RAC: The Cariboo RAC has not formed yet although nine planning meetings have been held in Williams Lake, 100 Mile House and Quesnel. Third Party interests are meeting independently with a facilitator on November 25 to discuss RAC terms of reference and other organizational issues. It is anticipated that a RAC will be formed by mid-December.

CLMA: The Treaty Team is organizing a meeting amongst Cariboo Lumber Manufacturers Association (CLMA) member companies and Ministry of Forests personnel to clarify roles and responsibilities with respect to consultation on Interim Measures issues and to reach an understanding as to how the MoF will consult with the forest sector on program-related interim measures. This meeting is tentatively scheduled for December 6, 1995.

BCCA: The B.C. Cattlemen's Association (BCCA) recently submitted a position paper on Native land claims and government policy. Their main position is that transferring crown grazing tenures through interim measures or treaties threatens the viability of deeded ranchlands.

IV DISCUSSION:

Negotiations with the groups in the process are progressing well, partly due to the influence of the Gustafsen Lake stand-off which heightened CTC and Eskets' commitment to the Process. Third party consultation and public information continue to be a challenge due to the generally poor relationship between aboriginal and non-aboriginal communities, and the role of local government in the area. There are a number of major First Nations, such as the Tsilquotin National Government, who are opposed to participating in the BCTC process.

V SUMMARY:

Negotiations are progressing smoothly with the major challenges in the area being consultation, public information, and First Nations not currently in the process.

DIR _____
ADM _____
DM _____

John Balogh
Assistant Negotiator
356-7170

November 15, 1995

Copied to:	
1-00017	Minister
	DMO
	ADMS
	Anne
	Exec. Coord
	F.D.I.

280 27
Xref 220-4/UBCM
Xref 63000-80/CARIL/LND

MINISTRY OF ABORIGINAL AFFAIRS BRIEFING NOTE

10/03/95

File: n:\sescint\ctc\oct2.bn

I Prepared for Honourable John Cashore, **FOR INFORMATION** in preparation for an October 6, 1995, meeting with Chief Antoine Archie, Cariboo Tribal Council (CTC) and Ministers Zirnhelt and Dosanjh, at the UBCM conference.

Nisga'a
Comm.

II **ISSUE:** The status of treaty negotiations with the CTC in the aftermath of Gustafson Lake.

III **BACKGROUND:** The Gustafson Lake stand-off heightened tensions between Aboriginal and Non-Aboriginal communities in the Cariboo. The CTC and its Chiefs took a lead role in trying to resolve the stand-off, including speaking out against the protesters and identifying the treaty process as the only viable process to deal with land issues. The CTC has tried to reassure Non-Aboriginal communities with the message that private land is not on the table. A main table session was held on September 27, at which time an Openness Protocol, Framework Procedures Agreement and Information Sharing Principles were signed. The next main table session, scheduled for November 28 in Deep Creek, will be open to the public. Formation of a Treaty Advisory Committee is being hampered by local government concerns over confidentiality of information and the relationship to the treaty team.

IV **DISCUSSION:** As a result of their stand, the CTC Chiefs, especially Chief Antoine Archie, have become identified as leaders in the treaty process. A recent CTC community referendum gave these Chiefs 90 per cent support for a mandate to negotiate a treaty. The CTC communities were greatly demoralized by the Gustafson Lake stand-off with many concerns about how the issue was handled by the media and the RCMP. Chief Archie and the CTC may use their higher profile to put pressure on government to advance interim measures issues (although no specific issues have yet been identified by the CTC.)

V **SUMMARY:** Messages for Chief Archie and UBCM.

- The CTC's role in bringing the Gustafson Lake protest to an end and in supporting the treaty process should be highlighted.

- The recently signed Openness Protocol and upcoming public meeting are evidence that treaty making in the Cariboo is an open process and that progress is being made.

DIR _____

ADM  _____

DM _____

John Balogh
Assistant Negotiator
356-7170
October 3, 1995

270 20
xref 4610045/PENT1/APEX
xref 220-10/UBCM I
10/02/95

MINISTRY OF ABORIGINAL AFFAIRS
BRIEFING NOTE

Page 7 Copied to:	
ARR-2014-00017	
Minister	
Dm	
ADMS(3)	
Anne	
Exec Coord	
F.O.I.	

I Prepared for Honourable John Cashore, Minister, FOR INFORMATION for meeting at UBCM with City of Penticton. Nisga'a Comm.

II ISSUE:

Possible blockade on roads leading to the Apex area.

III BACKGROUND:

Blockades of all roads leading to Apex ski area in November 1994 led to the Seven Peaks Initial Agreement between the Province and the Lower and Upper Similkameen and Penticton Indian Bands. This resulted in blockade removal and the Seven Peaks Project which was to implement the Initial Agreement until a longer term agreement could be negotiated, liaise with local community stakeholders, line Ministries and industry, and coordinate related Provincial interests in the area.

Subsequent to the Initial Agreement, Apex Resort had a successful ski season, a centralized summary referral process of Provincial development activities in the Study Area was established, a Joint Technical Group of Band and Provincial representatives was formed to review areas of concern and a number of environmental studies were completed.

In late May, negotiations to develop a long term Agreement were initiated. These negotiations continued through the summer to August 30, 1995. The Bands were not willing to commit to the transfer of jurisdiction of Reserve roads to the Province. As a result, the Province withdrew from participation in the Initial Agreement including any funding support to the Bands.

The Ministry of Environment, Lands and Parks is completing a Baseline Environmental Audit outside of the Initial Agreement; this should be substantially complete by November 30, 1995. During the last week of August the Ministry also issued a water licence to Apex Resorts Inc. The second and key water licence will be issued in the first two weeks of October. This was a key concern for the Bands in November 1994 and remains so today.

-2-

The Crystal Peak Garnet Quarry proposal, located in the Apex area was not addressed during the term of the Initial Agreement. The Ministry of Energy, Mines and Petroleum Resources plan to recommend a Ministerial decision on issuing a permit in early 1996.

The Ministry of Transportation and Highways has confirmed the location of areas of dispute on roads leading to Apex to assist in clarifying the Province's legal position. The preliminary work for construction of an alternate access to Apex via Sheep Creek Road has been completed as much as is practical. This alternative is unlikely to be considered in the short term as it affects private property, has traditional use implications and serious cost impacts.

The local road maintenance contractor has been restricted by the Penticton Indian Band in completing some road maintenance activities on Green Mountain Road within the Penticton Indian Reserve. If this continues, some hazards may become unsafe for the driving public. A process is in place to monitor this activity and possible legal steps to apply for an injunction on this issue are being prepared.

IV DISCUSSION:

The Bands have stated they consider the Initial Agreement still in effect and they are examining legal options to ensure the Province continues to honour the agreement.

Current information suggests the Bands are also ready to erect blockades given an appropriate issue. Main issues at this time are the environmental audit, the final Apex water licence and the possible issuance of a permit for the Crystal Peak Garnet Quarry.

In addition, relations between Apex Resort Inc. and the Bands are very poor. Apex is intending to place ads in local media explaining their position in the dispute. As well, CBC national television has just completed a program to be aired in mid-October that apparently deals with BC FIRE and the Apex situation. This type of media may spark a reaction from the Bands in the form of a blockade.

.../3

-3-

The Province cannot apply for an injunction until a blockade is in place. The only alternative is to apply for an injunction if the restriction on the road maintenance contractor by the Penticton Indian Band results in serious safety hazards that could adversely affect the driving public.

Communication activities by the Province have been very successful and have positioned us very well in the current situation.

V CONCLUSION:

DIR	
ADM	<i>Freer</i>
DM	

The Province is establishing an ongoing consultation process with the Bands and local stakeholders outside of the Initial Agreement. This is attempting to maintain relationships and identify and resolve issues prior to blockades.

The Province is completing the environmental baseline audit for the area to ensure continued protection of the environment.

The Province is very concerned about assured access and safety for the public and will act very quickly should it become necessary.

Geoff Freer
District Highways Manager,
Ministry of Transportation and Highways
Telephone: (604) 492-1300

Date: October 2, 1995

o:\bfnotes\apexsnow

Post Gustafsen Lake - Management Options

The Situation

- The event has been prolonged beyond estimates for resolution.
- First Nations leadership within the province and across the country have in the last few weeks characterized the event as one which is indicative of the general frustration that many First Nations feel, and which a younger generation of aboriginal people can strongly identify with.
- First Nations leaderships are feeling squeezed by their commitments to government for on-going policy discussion and negotiations on the one hand and, on the other, by their constituents who are demanding immediate and visible action and change.
- Lead by Reform, many non-aboriginal people view the government's response to confrontation, "occupations" and road-blocks as a "policy of appeasement" where special and expensive concessions are granted in exchange for temporary peace.
- The opportunities and frustrations associated with the treaty process have come under increasing scrutiny.
- The tragedy of Ipperwash has produced a sobering dimension to the confrontation: it has made tangible the cost to human life associated with impetuous action in agitated and uncertain circumstances.

Strategic Options:

A. Utilize existing processes and forums for the discussion of these issues with First Nations leadership and representatives of third parties and non-aboriginal British Columbians. Recommended.

1. Utilize government-to-government policy tables with the Summit and the Union to address the broader range of issues which Gustafsen Lake raises for First Nations' leadership. Tie any special meetings with Ed Johns, Saul Terry, and other individuals to this forum. Devote the next tier one (Cabinet and Union and Summit leadership) and tier two (senior officials) meeting of these tables to discussing all of the issues raised by the event. Demand that this forum demonstrate the mutual respect of the parties as an alternative to the provocations of the "front line." Consider steps for pumping new "life" into these and following discussions, particularly on the subject of land ownership and title. - no!

2. Utilize the fall session of the Premier's Working Group on aboriginal issues for a full and frank discussion by non-aboriginal British Columbians on the need to support the treaty process, to recognize the challenges involved, and to commit to "working together" with First Nations.

-2-

It is for this reason that my government has made an unprecedented effort to address these issues.

After a hundred years of neglect we have established a British Columbia treaty process to ensure an open, just and practical settlement of aboriginal claims.

I understand the frustrations of all British Columbians that these issues cannot be resolved quickly.

Yes, it is a slow, frustrating process for everyone - but it is a necessary process.

Far from being the problem, the treaty process is the solution.

There are political opportunists and extremists in both communities who will always say negotiations are going too fast, or too slow, too far or not far enough, to justify their own political agendas - narrow and selfish political agendas that do a disservice to the future of this province.

My government remains committed to negotiations, not confrontation, as the way to address aboriginal concerns and bring certainty and justice to all British Columbians.

I am aware we pay a price for confronting the nay-sayers. But it is necessary and we accept the political cost.

We reject the efforts of those who would frustrate the treaty process.

And I call on aboriginal leaders to join us with renewed vigor to challenge the opportunists and extremists in their community in the same manner.

I ask all British Columbians to continue to show patience in the efforts to find long-term solutions to difficult issues. It is hard, but just and equitable treaties are the only way to achieve justice and certainty.

I also confirm our position that violence and confrontation is not the answer and will not shake our resolve - at Gustafsen Lake or anywhere else.

We are committed to the rule of law and the security of all British Columbians.

We are committed to fair and just treaty settlements with the aboriginal peoples of British Columbia.

On both of these commitments we will be patient. And on both of these commitments we are unshakable.

3. Utilize the Treaty Information Initiative for mobilizing support for the treaty process (as proposed in the TII Work Plan), and for clearly demonstrating working and cooperative relations between aboriginal and non-aboriginals in each region of the province.
4. Call on the BCTC to undertake an extensive education and communications initiative directed at all British Columbians on the need to "work together" in and through the treaty process.
5. Identify "hot spots" where First Nations' leadership is under pressure to demonstrate "progress" to their membership, and review potential program "deliverables" which could be implemented in the next four months.
6. Target key municipal representatives at the UBCM to publicly declare support for the treaty process.

Pros:

- Avoids charges by Reform, Liberals and third parties of special concessions and special treatment
- Offers some opportunity to overcome frustrations with existing approaches and initiatives without creating new ones
- Provides political attention to issues at the table, not at the barricades
- Provides an opportunity to implicate First Nation leadership and non-aboriginals in finding peaceful means to address concerns
- Recognizes the limitations of the treaty process and provides other avenues for hearing and addressing grievances

Cons:

- Could be viewed by First Nations as an inadequate and feeble response to a serious crisis of leadership and faith

B. Undertake a round of special meetings and initiatives to deal with the issues raised by the First Nations leadership.

1. Establish special meetings with First Nations leadership dedicated to exploring and discussing the events of Gustafsen Lake, and to identify means for reducing the occurrence of these events in the future.
2. Undertake "special" social and economic initiatives in select "hot spots" to appease frustrations of local band members over dealings with government.

Pros:

- Gives special attention to an increasingly significant and symbolic event for First Nations and demonstrates the government's concern.
- Segregates the issues of Gustafsen from other established processes and avoids the risk of undermining them.

Cons:

- Will be viewed by other Reform, Liberals and third parties as further "special treatment" on a law and order issue.

C. Meet with First Nations leadership collectively (Union and Summit) or separately.

1. It is recommended that all meetings with the Summit and the Union be conducted separately to assist in building First Nations support for the treaty process and to avoid compromising or undermining what support exists for the BCTC process within Summit bands.

Pros:

- Benefits from a status quo arrangements and avoids the appearance of extraordinary meetings
- Avoids fuelling internal debates and politics between the Summit and the Union

Cons:

- Could be viewed as a divisive tactic by some First Nations on an issue of common concern.



NORTHEAST REGION GOVERNMENT COMMUNICATIONS OFFICE

ABORIGINAL
RELATIONS

AUG 22 1995

MINISTRY OF ABORIGINAL AFFAIRS

Date:

Aug 21 / 95.DELIVER
TO:

JOHN WALSH 387-0087 PHILIP HALKETT 387-6075
STEPHEN OWEN 387-6224 JOHN NICOL 356-3534
ELLEN FENNER

Phone:

Fax No.

FROM:

PAUL CORNUS.

Fax No.:

(604) 565-4381
 (604) 565-6638

DEPUTY MINISTER OF ABORIGINAL AFFAIRS
 REFER TO: DM95-06576

COMMENTS/INSTRUCTIONS

AUG 21 1995

GUSTAFSEN LAKE TRG.

DRAFT REPLY FOR PREMIER ☐
 DRAFT REPLY FOR MINISTER ☐
 DRAFT REPLY FOR DEPUTY ☐
 REPLY DIRECT ☐
 ATTENTION & FILE ☒ Kandy

Anto a Rameses
Laurel

Transmitted by:

No. of pages (included cover)

9

Regional Government Communications Office
 #441 - 1011 4th Avenue
 Prince George, B.C. V2L 3H9
 Phone: 565-4377
 960-9222



news release**communiqué**

Royal Canadian Mounted Police

Gendarmerie royale du Canada

*not to be released before:**ne pas publier avant:*

1280 West Trans Canada Hwy., Kamloops, B.C. V2C 5Y5
Telephone: 828-3130 FAX: 828-3107

Section: Kamloops RCMP Sub/Division Date: 95.08.18

On August 11, 1995, Federal Fisheries Officers had occasion to seize two prohibited weapons during the course of arresting two aboriginals on the Fraser River near Williams Lake. RCMP were called and assisted. The two subjects were Samuel David PENA of 100 Mile House and Ernest ARCHIE of the Sugar Cane Reserve. They had in their possession an AK47 assault rifle and a loaded 9mm semi-automatic pistol. The assault rifle was accompanied by two loaded 30 round clips. A total of 11 weapons related charges have been laid. These individuals have been associated with the group that have occupied an area on ranch land owned by a rancher in the 100 Mile area. Rumours of the presence of these weapons have persisted throughout other actions such as the blockades at Merritt and at Adams Lake.

As a direct result of the seizure by DFO, a decision was made to initiate planning for a search of the Gustafson Lake site. Preliminary planning included recognisance patrols in an attempt to determine a threat level. During one of these patrols in the early morning hours of August 18, our team encountered a young native in battle fatigues. Within seconds of this encounter, the native fired at one of our members with the bullet narrowly missing his head. The native fled the scene.

The RCMP will be pursuing the investigation of this shooting and will also actively pursue initiatives to locate and seize prohibited weapons. There have been several shooting incidents in the 100 Mile area over past few weeks and we have reason to believe that the perpetrators are linked to the camp at Gustafson Lake. These events confirm the presence of weapons and also indicated that there is at least a small group of terrorists out there that are prepared to use these weapons. We have witnessed what appears to be a small radical element that is determined to achieve their own objectives at all costs. These individuals need to recognize that Canadians cherish their feelings of peace and security and there is no place in Canadian society for terrorism.

- 30 -

Signed: _____

Authorized: _____
L. OLFERT, Supt.
O.C. Kamloops Sub/Division

Canada

Pages 16 through 17 redacted for the following reasons:

S16



Royal Canada Gendarmerie royale
Mounted Police du Canada

news release

communiqué

not to be released before:

ne pas publier avant:

05-08-15

On the 11th of August 1995 at approximately 8 p.m. Fisheries Officers from Williams Lake responded to a complaint of two males fishing at the Gang Ranch Bridge near the Dog Creek Indian Reserve. The Williams Lake R.C.M.P. were called to assist the Fisheries Officers and as a result two males have been charged with numerous Firearms Offences under the Criminal Code.

Charged are 22 year old Samuel David PENA of 100 Mile House and 43 year old Ernest ARCHIE of the Sugar Cane Reserve near Williams Lake. PENA has been remanded in custody and will be appearing in court in Williams Lake on August 28th and ARCHIE was released and is due back in court on September 25th, 1995.


G.F. MARTIN, Sgt
Williams Lake Detachment

95-8-15 Released to our local paper
And Radio station

Page 19 redacted for the following reason:

S15, S22

CONFIDENTIAL

Lowell

Gustafsen Lake: - AUGUST 21/95.

ISSUE: A Ministry of Forests worker was reportedly shot at by member of Indian band in June; a second incident involving a rancher was reported in July. Further reports indicate more shooting incidents in August.

Three years ago the rancher, ^{S22}, gave permission to a group of FNs to hold a sundance ceremony at a site considered sacred. This year, the sundance ceremony committee began constructing a fence on the private property using Crown timber; MOF was called in, and a warning shot was fired on a road in front of a vehicle.

The police are investigating, although at least one police spokesperson has suggested MAA become involved in negotiating a resolution. ^{S22} has received legal advice but not taken any action to date. He says two natives at the camp told him they were from ^{S22}. Estimates of the number of natives involved range from ten to 15.

RCMP reported on August 18 that someone from the encampment shot at Mounties, narrowly missing one of them. Police also announced that two natives from the encampment were arrested on August 11 for illegally fishing on the nearby Fraser River. Police say the men were carrying assault weapons. Arrested were ^{S22} and ^{S22} ^{S22}

On August 20, the Vancouver Province reports that the RCMP have announced they will move in on the encampment, but haven't announced when. Attorney General Ujjal Dosanjh is reported as saying, "We fully support the RCMP. There is one law for all people in Canada."

On August 21, the Vancouver Sun reports that natives are terrified the RCMP are planning to raid their encampment. ^{S22} The natives are represented by lawyer Bruce Clark ^{S22} who were charges with assaulting police during a 1991 blockade near Pemberton. Clark said he plans to charge RCMP

with inciting hatred against a particular racial group and promoting genocide.

RECOMMENDED RESPONSES:

- The Province is not directly involved, but is monitoring the situation.

- The Province understands ^{S22}
S22 has taken steps to deal with the situation.

- ^{S22} has asked the sundancers to
cease and desist, as the activities have occurred
within ^{S22}

I N T E R O F F I C E M E M O R A N D U M

Date: 21-Aug-1995 03:04pm PDT
From: Paul Corns
PCORNS
Dept: Government Communications Office
Tel No: 565-4377

TO: Laurel Nash of AAF (LNASH)

CC: John Nicol (JNICOL)

Subject: Gustafson Lake

Laurel,

Here's the update sone on this a.m.. Just so you are aware, there has been a report the athe Chiefs of the Cariboo Tirbal Council will be meeting this afternoon and will be issuing a statem regarding the Gustafson Lake natives.

I will send on the information regarding the results fo that meeting as soon as it becomes available.

In regards to key messages for the Minister, it seems appropriate to underscore those established follwoing the RCMP news release from Saturday Aug 19/95.

This is a law and order item. The Provincial government supports the RCMP it its effort to ensure the safety of all residents in the area, both native and non-native.

This group is considered, by the legitimate first nations community in the region, to be a group of renegades. They have no legitimate claim to the area and are considered to be outsiders.

We empathize with the Cariboo Tribal Council and the Canoe Creek Band in their attempt to separate themselves from the actions undertaken by this group of militants.

There are legitimate treaty concerns in the area which are being addressed under the BC Treaty Commission process through an application by the Cariboo Tribal Council, and these events should not be be confused with treaty issues.

PC

I spoke with RCMP Sgt Peter Monague this morning. The plan for the RCMP is to retreat from public profile as it continues its planning process.

There is no intent to engage media while planning is underway. Any messaging the RCMP issues will be premised on the need for extreme confidentiality in regards to confronting the natives at Gustafson Lake. There will be no public discussion of timing in relation to RCMP maneuvers.

Montague was very pleased with the A.G.'s response on BCTV coverage, and our messaging remains consistent with the overall approach taken by the RCMP.

It seems appropriate to continue to respect the RCMP's lead on this item, and that the Provincial position continue to be one supporting enforcement of law and order, while underscoring previously held position. This group is unconnected to, and not supported by the region's tribal council and bands. There has been a number of "shots fired" incidents, in the most recent a police officer was almost killed. The Province can not support this form of renegade action.

PC

Gustafson Lake Update #2

Note to File:

I spoke with Paul Corns (GCO) and he provided the following update:

The RCMP held a news conference on Saturday displaying fire arms and ammunition seized from aboriginal associated with the Sundance group.

The RCMP sent in a reconnaissance person to have a closer look at the situation. This resulted in a shot being fired at the RCMP by an individual associated with the Sundance group. It is described as being a close call.

Weapons charges have been laid against the two individuals originally encountered by DFO.

The RCMP investigation will intensify at this point, although there is not clear indication of what this means. However, Paul suspects the RCMP will go in and disband the group as the situation has escalated.

I also spoke with Staff Sgt. Sarich and he informed me that the most up to date information on the issue is provided in the Saturday August 19, 1995 press release issued by the RCMP. He assured me that the RCMP are planning their strategy.

The eviction notice issued by the Rancher was not a court processed document. However, there are provisions under the criminal code pertaining to land owners rights to remove people from their property.

The RCMP are pursuing the situation with respect to the illegal arms seized and will prosecute from this angle. Again, they are addressing these individuals as terrorists/criminals.

August 21, 1995
Laurel Nash
A/Negotiator
Lands and Resources Branch

o:\cariboo\gustnot2.1n

MINISTRY OF ABORIGINAL AFFAIRS
FAX COVER SHEET



Date: Aug 21/95 No. of Pages: 5

To: George Sharpe

Fax No: 6-1124 Phone No: 7-0886

FROM:

Laurel Nash

A/Negotiator
Lands and Resources Branch
Aboriginal Relations Division
Third Floor, 908 Pandora Avenue
Victoria, British Columbia V8V 1X4

Fax Number: 356-6662

Phone: 356-9331

COMMENTS:

George: This is information on Gustafson
lake.

I spoke with local RCMP & press release is most accurate
up to date information.

J.



NORTHEAST REGION GOVERNMENT COMMUNICATIONS OFFICE

 Date: Aug 21 / 95.

 DELIVER
 TO:

JOHN WALSH 387-0087 PHILIP HALKETT 387-6075
STEPHEN OWEN 387-6224 ELMER FAGER 356-3534
LAUREL HART 356-6662

Phone: _____ Fax No. _____

 FROM: PAUL COENIS.

 Fax No.: (604) 565-4381
 (604) 565-6638

COMMENTS/INSTRUCTIONS

GUSTAFSON LAKE PKY.

 Transmitted by: _____ No. of pages (included cover) 4

Regional Government Communications Office
 #441 - 1011 4th Avenue
 Prince George, B.C. V2L 3H9
 Phone: 565-4377
 960-9222

**news release****communiqué**

Royal Canadian Mounted Police

Gendarmerie royale du Canada

*not to be released before:**ne pas publier avant:***1280 West Trans Canada Hwy., Kamloops, B.C. V2C 5Y5
Telephone: 828-3130 FAX: 828-3107****Section: Kamloops RCMP Sub/Division Date: 95.08.18**

On August 11, 1995, Federal Fisheries Officers had occasion to seize two prohibited weapons during the course of arresting two aboriginals on the Fraser River near Williams Lake. RCMP were called and assisted. The two subjects were Samuel David PENA of 100 Mile House and Ernest ARCHIE of the Sugar Cane Reserve. They had in their possession an AK47 assault rifle and a loaded 9mm semi-automatic pistol. The assault rifle was accompanied by two loaded 30 round clips. A total of 11 weapons related charges have been laid. These individuals have been associated with the group that have occupied an area on ranch land owned by a rancher in the 100 Mile area. Rumours of the presence of these weapons have persisted throughout other actions such as the blockades at Merritt and at Adams Lake.

As a direct result of the seizure by DFO, a decision was made to initiate planning for a search of the Gustafson Lake site. Preliminary planning included reconnaissance patrols in an attempt to determine a threat level. During one of these patrols in the early morning hours of August 18, our team encountered a young native in battle fatigues. Within seconds of this encounter, the native fired at one of our members with the bullet narrowly missing his head. The native fled the scene.

The RCMP will be pursuing the investigation of this shooting and will also actively pursue initiatives to locate and seize prohibited weapons. There have been several shooting incidents in the 100 Mile area over past few weeks and we have reason to believe that the perpetrators are linked to the camp at Gustafson Lake. These events confirm the presence of weapons and also indicated that there is at least a small group of terrorists out there that are prepared to use these weapons. We have witnessed what appears to be a small radical element that is determined to achieve their own objectives at all costs. These individuals need to recognize that Canadians cherish their feelings of peace and security and there is no place in Canadian society for terrorism.

- 30 -

Signed: _____

Authorized: _____
L. OLFERT, Supt.
O.C. Kamloops Sub/Division**Canada**

Pages 28 through 29 redacted for the following reasons:

S16

40400-45/GUST2

I N T E R O F F I C E M E M O R A N D U M

Date: 19-Jun-1995 09:55am PDT
From: Bob Peart of AAF
BPEART
Dept: Ministry of Aboriginal Affairs
Tel No: 387-0886

TO: Distribution List suppressed (Current User: Lisa Allgaier of AAF)

Subject: urgent issue in Alkali Lake area

S22

just phoned me about an incident late last week where a MoForests employee was shot at by an Indian Band --- it was a warning shot

here are my notes:

- the incident involves either the Alkali Band or Dog Creek Band or a "rump group" of Shuswap that haven't any sanction from a Band...it isn't clear yet.
- the history involves the use of crown/private/lease land for a sundance ceremony --- this involves the taking of fish from nearby lakes and a private ceremony by the aboriginal people involved. in the past there hasn't been any serious trouble, although there has been some minor incidents. It is near Gustafson Lake
- this year evidently it has been more tense and the aboriginals wanted more privacy so are in the process of erecting a "fence" on the land where the ceremony takes place --- to do this they cut some crown timber and the fence is on a combination of crown and private land. It was I understand the cutting of this timber and the fence that involved MOF and when the employee arrived to talk about this that he was "shot at"
- the RCMP have been notified and meeting today i think with the people involved. The RCMP contact is S/Sgt Sarich in 100 Mile House 395-2546. He is trying to keep this contained and would appreciate a call from our Ministry.
- the ranch wants an injunction the James Land and Cattle Co...evidently Steve Mazur of CLands is on this issue re the type of land involved etc etc etc
- the Cariboo Tribal Council is involved and wants to low key it as well and isn't supportive as the sundance ceremony isn't traditional for that area.

not sure what the next steps are but perhaps our MInistry should start pulling together background and a get a "rough team" together

I will ask Linda Martin to phone the RCMP.



Royal Canadian Mounted Police
Gendarmerie royale du Canada

ABORIGINAL
RELATIONS

FACSIMILE TRANSMITTAL
ENVOI D'UN FAC-SIMILÉ

AUG 17 1995

MINISTRY OF ABORIGINAL AFFAIRS

Classification/Designation Classification/désignation sécuritaire Protected "A"	
Priority - Priorité ROUTINE	Date August 17, 1995
File No. - No de dossier 95E-pending	Reference No. - No de référence <i>Handwritten signature</i>

TO
A

NAME NOM Mr. Kevin Begg, Director	TELEPHONE NO. NO DE TELEPHONE (604) 387-6943
ADDRESS ADRESSE Policing, Policy and Programs Division	
Ministry of Attorney General	
Fifth Floor	
FAX NO. NO DE FAX-SIMILÉ (604) 356-7747 ✓	

FROM
DE

NAME NOM OIC Contract Policing Branch	TELEPHONE NO. NO DE TELEPHONE (604) 264-2223
ADDRESS ADRESSE "E" Division	
FAX NO. NO DE FAX-SIMILÉ (604) 264-3546	

Total number of pages to follow including this one
Nombre total de pages à suivre y compris celle-ci

2

COMMENTS
COMMENTAIRES

DEPUTY MINISTER OF ABORIGINAL AFFAIRS

REFER TO:

The following is for your information ...

*LM
2 FH1*

AUG 17 1995

*ADMS
minister
Ingrid*

DRAFT REPLY FOR PREMIER ☐
 DRAFT REPLY FOR MINISTER ☐
 DRAFT REPLY FOR DEPUTY ☐
 REPLY DIRECT ☐
 ATTENTION & FILE ☒

Copy Dm.

cc: Mr. John Walsh, Ministry of Aboriginal Affairs (fax: 387-6073)
Mr. John Watson, Regional Director, Indian and Northern Affairs (fax:)

Operator - Opérateur <i>Kelly</i>	Telephone No. - No de téléphone 264-2943
--------------------------------------	--



Royal
Canadian
Mounted
Police

Gendarm
royal
du
Canada

**BRIEFING NOTE
NOTE D'INFORMATION**

Security Classification - Classification de sécurité
Page 32
ARR-2011-00017

PROTECTED "A"

TOPIC/ISSUE:

Arrest by Federal Fisheries Officers of two armed Aboriginal Canadians during a routine check for fishing while the Fraser River was "closed" to fishing. A sizeable seizure of weapons followed the arrest.

BACKGROUND:

S15, S16

The Fisheries Officers produced their firearms and when the second Native was about to be taken into custody he dropped a semi-automatic pistol that had been inside the camouflage coveralls he was wearing.

A search of the vehicle used by the two suspects was found to contain a cache of weapons that included a loaded AK-47 assault rifle with three thirty round clips, a .222 Savage rifle, ammunition for various firearms, edged weapons, a garrotte (made of piano wire), bear repellent and camouflage gear.

Police assistance was summonsed and both suspects were returned to Williams Lake Detachment.

COMMENTS:

Both accused have attended court and been charged with weapons related offenses.
S22 of 100 Mile House remains in custody while S22 of the
Sugar Cane Reserve has been released on conditions.

PREPARED BY:

OIC Contract Policing Branch
"E" Division

DATE: (O) 16 August 1995

RECOMMENDED:

Dennis J.A. Brown
Assistant Commissioner
OIC Criminal Operations
"E" Division



NORTHEAST REGION GOVERNMENT COMMUNICATIONS OFFICE

Date: Aug. 21/95DELIVER
TO: Lancel NashPhone: _____ Fax No. 352-6662FROM: Pam ColnerFax No.: (604) 565-4381
(604) 565-6638

COMMENTS/INSTRUCTIONS

CIC - H.R. as per e-mail

_____Transmitted by: _____ No. of pages (included cover) 2

Regional Government Communications Office
#441 - 1011 4th Avenue
Prince George, B.C. V2L 3H9
Phone: 565-4377
960-9222

I N T E R O F F I C E M E M O R A N D U M

Date: 21-Aug-1995 05:17pm PDT
From: Paul Corns
PCORNS
Dept: Government Communications Office
Tel No: 565-4377

TO: Laurel Nash of AAF (LNASH)
CC: John Nicol (JNICOL)
CC: Ernie Fraser (EDFRASER)

Subject: Gustafson Lake.

Laurel,

I'm faxing off a copy of the Cariboo Tribal Council News Release to you.
As you can see CTC has strengthened its messaging in condemnation of the Gustafson Lake militants.

The CTC have also broadened their support in condemnation by acknowledging that all Northern Shuswap stand together against the militancy of this group.

Also key to note the group's support for BCTC process in achieving its own "fair solution" to the land question.
These comments were reflected in a Q and A session Canoe Creek

Chief Agnes Snow had with CBC Afternoon host Mark Forsythe.
AS says her first hope is for a peaceful solution, which parallels AG's most recent comments. That said, it must be noted that arming militants with AK 47's and shooting at RCMP officers is perhaps not the most direct road to a peaceful solution, and if a non confrontational option is to be pursued the Gustafson Lake renegade group will have to move substantially from its latest position.

Earlier Key Messaging seems to apply.

PC

Cariboo Tribal Council

Williams Lake, B.C. V2G 2V4
Phone 392-7361
FAX 392-6168

**CARIBOO TRIBAL COUNCIL****PRESS CONFERENCE****AUGUST 21, 1995**

1. The First Nations of the Cariboo Tribal Council condemn the actions of this group. We are working to protect our traditional territory: we are prepared to give the Treaty process a fair chance. We are working on the big picture in a logical, rational way. We're looking for a solution that's fair to everyone and we don't see violence as the means to achieve that.
2. We don't know for sure who these people are, but we do know many are from outside this area, from outside B.C. and possibly from outside Canada. We do know who they are not: they are not "defenders of the Shuswap Nation" and they are not Sundancers. The elected governments of our First Nations can speak for ourselves - we don't need outsiders to come in to speak for us.
3. We want to make it clear it is not just a few people or one community that condemns this group. It is not just Dog Creek and it is not just the Chiefs. The community members, elders, Chiefs and Councillors of all the Northern Shuswap stand together on this.



415-01
xref- 23000-45/GUSTI
40400-45/GUSTI

All Ministers
All Deputy Ministers

August 28, 1995

RE: GUSTAFSEN LAKE

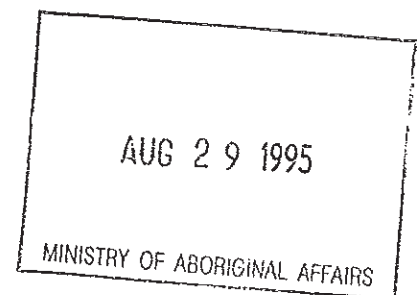
You are aware of the illegal occupation of private land near Gustafsen Lake by a group of armed individuals.

A government Operations Centre has been established to ensure single-point contact between the provincial government and the RCMP, and to coordinate all communications regarding this issue. As this matter pertains solely to the administration of justice, management of government operations rests with the Attorney General in cooperation with central agencies including the Government Communications Office. Stephen Owen, Deputy Attorney General is the contact with RCMP operations, and with other entities, as required.

It is imperative that no government representatives or members engage in this matter in any manner, other than as directed to do so by the Operations Centre. Specifically, this includes responding to entreaties from individuals or organizations who either seek to intervene or who claim to be involved in the situation at Gustafsen Lake. It is also important to note that 'routine' field activities of certain ministries may be affected by RCMP operations near Gustafsen Lake, and deputies should ensure that the above mentioned protocol is followed. Finally, all public communications on this issue will continue to be the responsibility of the Attorney General and will be coordinated by the Government Communications Office or others directed by GCO.

Should you have any questions regarding this matter please contact either Stephen Owen or myself.

Evan Lloyd
Associate Deputy Minister
(Acting) Chief of Staff





40400-45/GUST1.

All Ministers
All Deputy Ministers

August 28, 1995

RE: GUSTAFSON LAKE

You are aware of the illegal occupation of private land near Gustafson Lake by a group of armed individuals.

A government Operations Centre has been established to ensure single-point contact between the provincial government and the RCMP, and to coordinate all communications regarding this issue. As this matter pertains solely to the administration of justice, management of government operations rests with the Attorney General in cooperation with central agencies including the Government Communications Office. Stephen Owen, Deputy Attorney General is the contact with RCMP operations, and with other entities, as required.

It is imperative that no government representatives or members engage in this matter in any manner, other than as directed to do so by the Operations Centre. Specifically, this includes responding to entreaties from individuals or organizations who either seek to intervene or who claim to be involved in the situation at Gustafson Lake. It is also important to note that 'routine' field activities of certain ministries may be affected by RCMP operations near Gustafson Lake, and deputies should ensure that the above mentioned protocol is followed. Finally, all public communications on this issue will continue to be the responsibility of the Attorney General and will be coordinated by the Government Communications Office or others directed by GCO.

Should you have any questions regarding this matter please contact either Stephen Owen or myself.

Evan Lloyd
Associate Deputy Minister
(Acting) Chief of Staff

MINISTER OF ABORIGINAL AFFAIRS		
REFER TO: MNA 5-6736		
AUG 28 1995		
DRAFT REPLY <input type="checkbox"/>	FILE <input type="checkbox"/>	FYI <input checked="" type="checkbox"/>
REPLY DIRECT <input type="checkbox"/>	FILE <input type="checkbox"/>	

I N T E R O F F I C E M E M O R A N D U M

Date: 28-Aug-1995 11:15am PDT
From: Jeanne Zoschke of AAF
JZOSCHKE
Dept: Ministry of Aboriginal Affairs
Tel No: 356-9332

TO: Distribution List suppressed (Current User: Laurel Nash of AAF)

Subject: GUSTAFSON LAKE

ALL STAFF PLEASE NOTE

Release from the Premier's Office

August 28, 1995

RE: Gustafson Lake

You are aware of the illegal occupation of private land near Gustafson Lake by a group of armed individuals.

A government Operations Centre has been established to ensure single-point contact between the provincial government and the RCMP, and to coordinate all communications regarding this issue. As this matter pertains solely to the administration of justice, management of government operations rests with the Attorney General in cooperation with central agencies including the Government Communications Office. Stephen Owen, Deputy Attorney General is the contact with RCMP operations, and with other entities, as required.

It is imperative that no government representatives or members engage in this matter in any manner, other than as directed to do so by the Operations Centre. Specifically, this includes responding to entreaties from individuals or organizations who either seek to intervene or who claim to be involved in the situation at Gustafson Lake. It is also important to note that 'routine' field activities of certain ministries may be affected by RCMP operations near Gustafson Lake, and deputies should ensure that the above mentioned protocol is followed.

Finally, all public communications on this issue will continue to be the responsibility of the Attorney General and will be coordinated by the Government Communications Office or other directed by GCO.

Should you have any questions regarding this matter please contact either Stephen Owen or Evan Lloyd.

Stephen Owen
Deputy Attorney General

Evan Lloyd
Associate Deputy Minister
(Acting Chief of Staff)

Government Communications Office Phone Number is 387-1886.

I N T E R O F F I C E M E M O R A N D U M

Date: 23-Aug-1995 07:28am PDT
From: Paul Corns
PCORNS
Dept: Government Communications Office
Tel No: 565-4377

TO: Distribution List suppressed (Current User: Laurel Nash of AAF)

Subject: Gustafson Lake

Regional radio (CBC and CJCI) are both reporting that 100 Mile Village council has called on the Attorney General to "get involved" in the dispute.

Given the timing involved here, regarding RCMP action it would seem unwise to get drawn into a verbal harangue with local politicians over what, if anything, the AG can do at the moment.

Also, CBC regional reporter in a de-brief on Daybreak this morning pointed to the fact that there are conflicting messages coming out of the militants camp. He says he checked into the CP/wire story that natives are now willing to talk to the RCMP, and was told, as of 7:30am, by someone in the camp that this was not so. The Gustafson natives are not interested in cutting a deal, and presumably the earlier position of "won't be taken alive" stands.

Reporter Conway Fraser, also indicates that Cariboo Tribal Council natives are furious over the mistreatment of their own elders at the hands of the militants, and a group of CTC natives are threatening to take the matter into their own hands.

CF also indicates that the Mowhawk leader ^{S22} left the camp five days ago, and that the majority of the group at Gustafson Lake are BC natives. If this is true then it would seem that the indoctrination of the militant natives, regardless of origin, is complete. This is evidenced by the shot fired at RCMP member on the morning of the 18th, presumably after 'Splitting the Sky' had left the area.

CF characterizes the current situation at Gustafson Lake as a "rehearsal" presumably for some future "big confrontation". He says the natives are merely seeing how far they can push the RCMP. If this is so, it should be noted that, firing a shot at an RCMP member's head, and the other shooting incidents involved in this dispute are not to be viewed by anyone as a rehearsal. This is not some show. There are laws against this type of behaviour and they will be enforced.

The proposed messaging may be considered.

The RCMP are actively involved in addressing the situation.

The AG , as always, supports the RCMP in its effort to bring this dispute to an effective end.

Questions of timing and tactics in regards to RCMP action must be referred to the RCMP, respecting that there are enormous concerns regarding safety.

The news that the militants have children with them is very disturbing and something the RCMP will have to contend with in approaching the situation.

It is absolutely essential to maintain a calm and conscientious approach in the face of such outlandish aggression. This aggression will not be tolerated.

That's it for now. On the advice of the RCMP I will be heading to Williams Lake today and can be contacted at The Fraser Inn (ph: 398-7055) or cell s22 .

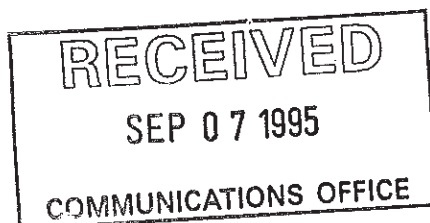
Paul

Province of
British ColumbiaGovernment
Communications
Office40400-45/GOSTI
MEMORANDUMTO: All Deputy Ministers
All Communications Directors

September 5, 1995

FROM: Evan Lloyd
Associate Deputy Minister

Further to my previous memo dated August 28, 1995 I attach a copy of the Premier's Statement regarding Gustafsen Lake for your information.



DEPUTY MINISTER OF ABORIGINAL AFFAIRS

REFER TO: DM 95-06906

SEP 06 1995

ADMS
Anne

DRAFT REPLY FOR PREMIER ☐
DRAFT REPLY FOR MINISTER ☐
DRAFT REPLY FOR DEPUTY. ☐
REPLY DIRECT ☐
ATTENTION & FILE ☒

Copy DM
and Ingrid



PREMIER'S STATEMENT — Gustafsen Lake
Sept. 5, 1995

I want to confirm my government's position with respect to the situation at Gustafsen Lake.

We continue to support the RCMP's patient efforts to peacefully resolve this armed and illegal occupation.

It's important that the RCMP have all the time they require, and that we respect their patient efforts to end this armed occupation as peacefully as possible.

But let no one confuse our patience with a lack of resolve.

There is no place in British Columbia where threats of violence, and acts of violence will be tolerated.

The Criminal Code applies to every square inch of British Columbia, and we will uphold that law.

To this end my government has a clear stance – a position the Attorney General has repeated, both to the public and to the RCMP:

- there is only one law in British Columbia and the police have a responsibility to apply the law equally and fairly to all;
- the police enforce the law in a manner that minimizes the danger to the public and themselves;
- the use of weapons to resolve differences is intolerable and a challenge to the very fabric of our society;
- we will not negotiate or make deals with people who use or threaten violence;
- and, the armed occupation at Gustafsen Lake is the action of a handful of violent extremists, without the participation or support of a single band or tribal council.

This is our position and we remain firm in our commitment to it.

We have full faith in the professionalism of the RCMP. We have not, and will not, bow to pressure to second-guess them on how to enforce the law.

It has been said that the armed occupation at Gustafsen lake is a symptom of deep frustration among Canada's aboriginal people.

I am well aware of the frustrations in aboriginal communities – and in non-aboriginal communities as well.

- 2 -

It is for this reason that my government has made an unprecedented effort to address these issues.

After a hundred years of neglect we have established a British Columbia treaty process to ensure an open, just and practical settlement of aboriginal claims.

I understand the frustrations of all British Columbians that these issues cannot be resolved quickly. Yes, it is a slow, frustrating process for everyone - but it is a necessary process.

Far from being the problem, the treaty process is the solution.

There are political opportunists and extremists in both communities who will always say negotiations are going too fast, or too slow, too far or not far enough, to justify their own political agendas - narrow and selfish political agendas that do a disservice to the future of this province.

My government remains committed to negotiations, not confrontation, as the way to address aboriginal concerns and bring certainty and justice to all British Columbians.

I am aware we pay a price for confronting the nay-sayers. But it is necessary and we accept the political cost.

We reject the efforts of those who would frustrate the treaty process.

And I call on aboriginal leaders to join us with renewed vigor to challenge the opportunists and extremists in their community in the same manner.

I ask all British Columbians to continue to show patience in the efforts to find long-term solutions to difficult issues. It is hard, but just and equitable treaties are the only way to achieve justice and certainty.

I also confirm our position that violence and confrontation is not the answer and will not shake our resolve - at Gustafsen Lake or anywhere else.

We are committed to the rule of law and the security of all British Columbians.

We are committed to fair and just treaty settlements with the aboriginal peoples of British Columbia.

On both of these commitments we will be patient. And on both of these commitments we are unshakable.

40400-45/ELUSTL

INTEROFFICE MEMORANDUM

Date: 07-Sep-1995 03:06pm PDT
From: Angella Thompson of AAF
ANTHOMPSON
Dept: Ministry of Aboriginal Affairs
Tel No: 356-2394

TO: System Distribution List (@NAT A1 USERS)
Subject: Premier's Statement - Gustafsen Lake

PREMIER'S STATEMENT - Gustafsen Lake
Sept. 5, 1995

I want to confirm my government's position with respect to the situation at Gustafsen Lake.

We continue to support the RCMP's patient efforts to peacefully resolve this armed and illegal occupation.

It's important that the RCMP have all the time they require, and that we respect the patient efforts to end this armed occupation as peacefully as possible.

But let no one confuse our patience with a lack of resolve.

There is no place in British Columbia where threats of violence, and acts of violence will be tolerated.

The Criminal code applies to every square inch of British Columbia, and we will uphold that law.

To this end my government has a clear stance - a position the Attorney General has repeated, both to the public and to the RCMP:

- * there is only one law in British Columbia and the police have a responsibility to apply the law equally and fairly to all;
- * the police enforce the law in a manner that minimizes the danger to the public and themselves;
- * the use of weapons to resolve differences is intolerable and a challenge to the very fabric of our society;
- * we will not negotiate or make deals with people who use or threaten violence;
- * and, the armed occupation of Gustafsen Lake is the action of a handful of violent extremists, without the participation or support of a single band or tribal council.

This is our position and we remain firm in our commitment to it.

We have full faith in the professionalism of the RCMP. We have not, and will not, bow to pressure to second-guess them on how to enforce the law.

It has been said that the armed occupation of Gustafsen lake is a symptom of deep frustration among Canada's aboriginal people.

I am well aware of frustrations in aboriginal communities - and in non-aboriginal communities as well.

It is for this reason that my government has made an unprecedented effort to address these issues.

After a hundred years of neglect we have established a British Columbia treaty process to ensure an open, just and practical settlement of aboriginal claims.

I understand the frustrations of all British Columbians that these issues cannot be resolved quickly. Yes, it is a slow, frustrating process for everyone - but it is a necessary process.

Far from being the problem, the treaty process is the solution.

There are political opportunists and extremists in both communities who will always say negotiations are going too fast, or too slow, too far or not far enough, to justify their own political agendas - narrow and selfish political agendas that do a disservice to the future of this province.

My government remains committed to negotiations, not confrontation, as the way to address aboriginal concerns and bring certainty and justice to all British Columbians.

I am aware we pay a price for confronting the nay-sayers. But it is necessary and we accept the political cost.

We reject the efforts of those who frustrate the treaty process.

And I call on aboriginal leaders to join us with renewed vigor to challenge the opportunists and extremists in their community in the same manner.

I ask all British Columbians to continue to show patience in the efforts to find long-term solutions to difficult issues. It is hard, but just and equitable treaties are the only way to achieve justice and certainty.

I also confirm our position that violence and confrontation is no the answer and will not shake our resolve - at Gustafsen Lake or anywhere else.

We are committed to the rule of law and the security of all British Columbians.

We are committed to fair and just treaty settlements with the aboriginal peoples of British Columbia.

On both of these commitments we will be patient. And on both of these commitments we will be patient. And on both of these commitments we are unshakable.

I N T E R O F F I C E M E M O R A N D U M

Date: 22-Aug-1995 09:29am PDT
From: Paul Corns
PCORNS
Dept: Government Communications Office
Tel No: 565-4377

TO: John Walsh of PREM (JFWALSH)
TO: Philip Halkett of AAF (PHALKETT)
TO: Stephen Owen of AG (SOWEN)
TO: Ernie Fraser (EDFRASER)
TO: John Nicol (JNICOL)
Subject: Gustafson Lake

I spoke with RCMP Sgt Peter Montague this morning (Aug22/95). The RCMP is continuing its strategic planning and it seems that will continue for the next 24 hours.

Montague remains pleased with overall messaging from the AG, however he says there is some concern over one item. Apparently Minister Dosanjh said in one of his radio interviews that "force should only be used as a last option." Montague is cautioning against any softening on law enforcement line. In Montague's words "we are at the last option" The RCMP feel they have made every attempt to negotiate an end to this situation. The Gustafson Lake natives have been invited to tell their side at RCMP news conferences. The natives have also indicated talks with the police, the Province, or the Federal government, is not an option. They are only interested in taking up their issues with the Governor General or the Queen. Montague does not want there to be any misunderstanding about the current thinking on Gustafson Lake. The current planning being undertaken by the RCMP is not an effort to establish talks. The RCMP is planning to bring this "situation to an end." If violence is to be avoided, the natives on site remain free to lay down their arms and walk out. Presumably the timing on this option is running out. The most recent language from the native camp indicates that, given a fight with the RCMP the only way the militants are prepared to leave is in body bags. The most recent messaging from the Cariboo Tribal Council and the Canoe Creek band has strengthened their condemnation of the militant group. Canoe Creek band Chief Agnes Snow told CBC radio this morning, she feels the RCMP have been very patient in dealing with this matter. That's all to this point.

PC

MINISTRY OF ABORIGINAL AFFAIRS
FAX COVER SHEET



Date: June 21/95 No. of Pages: 2

To: Bob Peart
Minister's office

Fax No: 6-1124 Phone No: 7-0886

FROM:

Eileen McKibbin

A/Provincial Coordinator
Lands and Resources Branch
Aboriginal Relations Division
Third Floor, 908 Pandora Avenue
Victoria, British Columbia V8V 1X4

Fax Number: 356-6662

Phone: 356-0737

COMMENTS:

The issue note concerning the sundance
ceremony near Alkali Lake / Dog Creek area
that you requested from Linda.

ISSUE: SUNDANCE CEREMONY NEAR GUSTAFSEN LAKE

ISSUES: Sundancers building a fence on private land;
warning shot fired at MoF employees.

BACKGROUND:

- Three years ago, landowner and rancher S22 gave permission to a group of sundancers to hold a sundance ceremony on a site, considered sacred, with the assumption that facilities would be removed afterwards. In the first year, a campers' tent near the site was shot through; two arrests were made, but charges could not proceed to the courts. No incidents occurred in the second year.
- This year the committee arranging the ceremony began to construct a fence on the private land using Crown timber. MoF was asked to come in by S22. When MoF was near the site, a warning shot was fired on the road in front of their truck.
- S22 has been in contact with the RCMP since January in regard to issues related to the sundancers and their facilities. To this point, S22 has received legal advice but not made any move.
- The sundance ceremony is to take place from July 2 to July 9. Three aboriginal RCMP officers, members of the Sundance Committee, the Cariboo Tribal Council, local Band chiefs, and the S22 met June 17 to discuss recent issues concerning the sundance facilities, use of the land and the fence.

KEY MESSAGE: The RCMP are handling the issue and are working to avoid any violence between the parties. The aboriginal persons that will be involved in the sundance ceremony are from many areas of B.C., Alberta and the U.S.. Recent actions by sundancers at the site are not supported by local Band Chiefs or the Cariboo Tribal Council.

SUGGESTED RESPONSES:

- The Ministry of Aboriginal Affairs is keeping in contact with the 100 Mile House RCMP on any developments on this issue.

MINISTRY CONTACT:

Eileen McKibbin
Lands and Resources Branch
953-4757
y:\house\sundance.em
DATE: June 20, 1995

Branch Director <i>A.M.</i>	ADM	DM
--------------------------------	-----	----

ISSUE: SUNDANCE CEREMONY NEAR GUSTAFSEN LAKE

ISSUES: Sundancers building a fence on private land;
warning shot fired at MoF employees.

BACKGROUND:

- Three years ago, landowner and rancher S22 gave permission to a group of sundancers to hold a sundance ceremony on a site, considered sacred, with the assumption that facilities would be removed afterwards. In the first year, a campers' tent near the site was shot through; two arrests were made, but charges could not proceed to the courts. No incidents occurred in the second year.
- This year the committee arranging the ceremony began to construct a fence on the private land using Crown timber. MoF was asked to come in by S22. When MoF was near the site, a warning shot was fired on the road in front of their truck.
- S22 has been in contact with the RCMP since January in regard to issues related to the sundancers and their facilities. To this point, S22 has received legal advice but not made any move.
- The sundance ceremony is to take place from July 2 to July 9. Three aboriginal RCMP officers, members of the Sundance Committee, the Cariboo Tribal Council, local Band chiefs, and the S22 met June 17 to discuss recent issues concerning the sundance facilities, use of the land and the fence.

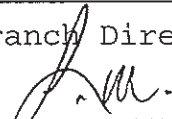
KEY MESSAGE: The RCMP are handling the issue and are working to avoid any violence between the parties. The aboriginal persons that will be involved in the sundance ceremony are from many areas of B.C., Alberta and the U.S.. Recent actions by sundancers at the site are not supported by local Band Chiefs or the Cariboo Tribal Council.

SUGGESTED RESPONSES:

- The Ministry of Aboriginal Affairs is keeping in contact with the 100 Mile House RCMP on any developments on this issue.

MINISTRY CONTACT:

Eileen McKibbin
Lands and Resources Branch
953-4757
y:\house\sundance.em
DATE: June 20, 1995

Branch Director 	ADM	DM
--	-----	----

ISSUE: SUNDANCE CEREMONY NEAR GUSTAFSEN LAKE

ISSUES: Sundancers building a fence on private land;
warning shot fired at MoF employees.

BACKGROUND:

- Three years ago, landowner and rancher S22 gave permission to a group of sundancers to hold a sundance ceremony on a site, considered sacred, with the assumption that facilities would be removed afterwards. In the first year, a campers' tent near the site was shot through; two arrests were made, but charges could not proceed to the courts. No incidents occurred in the second year.
- This year the committee arranging the ceremony began to construct a fence on the private land using Crown timber. MoF was asked to come in by S22. When MoF was near the site, a warning shot was fired on the road in front of their truck.
- S22 has been in contact with the RCMP since January in regard to issues related to the sundancers and their facilities. To this point, S22 has received legal advice but not made any move.
- The sundance ceremony is to take place from July 2 to July 9. Three aboriginal RCMP officers, members of the Sundance Committee, the Cariboo Tribal Council, local Band chiefs, and the S22 met June 17 to discuss recent issues concerning the sundance facilities, use of the land and the fence.

KEY MESSAGE: The RCMP are handling the issue and are working to avoid any violence between the parties. The aboriginal persons that will be involved in the sundance ceremony are from many areas of B.C., Alberta and the U.S.. Recent actions by sundancers at the site are not supported by local Band Chiefs or the Cariboo Tribal Council.

SUGGESTED RESPONSES:

- The Ministry of Aboriginal Affairs is keeping in contact with the 100 Mile House RCMP on any developments on this issue.

MINISTRY CONTACT:

Eileen McKibbin
Lands and Resources Branch
953-4757
y:\house\sundance.em
DATE: June 20, 1995

*I don't know
where the original
signed-off version is.
Communications?*

Branch Director	ADM	
-----------------	-----	--

I N T E R O F F I C E M E M O R A N D U M

Date: 19-Jun-1995 10:31am PDT
From: Linda Martin of AAF
LMARTIN
Dept: Ministry of Aboriginal Affairs
Tel No: 356-8282

TO: Eileen McKibbin of AAF (EMCKIBBIN)

Subject: urgent issue in Alkali Lake area

Please see me re this. Would you please follow up? Thnakyou.

- Christie Brown, Mof ⇒ Gary Grant
District Manager
- RCMP or Don Soehl
- BC Lands - Mazuir
- Anything else ?

I N T E R O F F I C E M E M O R A N D U M

Date: 19-Jun-1995 09:55am PDT
From: Bob Peart of AAF
BPEART
Dept: Ministry of Aboriginal Affairs
Tel No: 387-0886

TO: (see below)

Subject: urgent issue in Alkali Lake area

S22

just phoned me about an incident late last week where a MoForests employee was shot at by an Indian Band --- it was a warning shot

here are my notes:

- the incident involves either the Alkali Band or Dog Creek Band or a "rump group" of Shuswap that haven't any sanction from a Band...it isn't clear yet.
- the history involves the use of crown/private/lease land for a sundance ceremony --- this involves the taking of fish from nearby lakes and a private ceremony by the aboriginal people involved. in the past there hasn't been any serious trouble, although there has been some minor incidents. It is near Gustafson Lake
- this year evidently it has been more tense and the aboriginals wanted more privacy so are in the process of erecting a "fence" on the land where the ceremony takes place --- to do this they cut some crown timber and the fence is on a combination of crown and private land. It was I understand the cutting of this timber and the fence that involved MOF and when the employee arrived to talk about this that he was "shot at"
- the RCMP have been notified and meeting today i think with the people involved. The RCMP contact is S/Sgt Sarich in 100 Mile House 395-2456. He is trying to keep this contained and would appreciate a call from our Ministry.
- the ranch wants an injunction the James Land and Cattle Co...evidently Steve Mazur of CLands is on this issue re the type of land involved etc etc etc
- the Cariboo Tribal Council is involved and wants to low key it as well and isn't supportive as the sundance ceremony isn't traditional for that area.

not sure what the next steps are but perhaps our MInistry should start pulling together background and a get a "rough team" together

I will ask Linda Martin to phone the RCMP.

Distribution:

TO: Peter Smith of AAF	(PJSMITH)
TO: Randy Brant of AAF	(RBRANT)
CC: Linda Martin of AAF	(LMARTIN)
CC: Judy Huff of AAF	(JHUFF)
CC: Gaye Sharpe of AAF	(GSHARPE)

CC: Suzanne Christensen
CC: Nancy Thompson
CC: David Cubberley of FOR at OVVM
CC: Wendy McPhee
CC: Kenn Shewchuk

(SCHRISTENSEN)
(NFTHOMPSON)
(PR_U=DJCUBBER@PR_L=MFOR01@MRP)
(WMCPEE)
(KSHIEWCHUK)

**MINISTRY OF FORESTS
BRITISH COLUMBIA FOREST SERVICE
BRIEFING NOTE**

File: 280-20

June 15, 1995

I PREPARED FOR:

Janna W. Kumi, Assistant Deputy Minister - **FOR INFORMATION**

II ISSUE:

Warning Shot Fired At Ministry Employees

III BACKGROUND:

On June 14, 1995, a warning shot was fired at district staff while they investigated a report that a group of natives had illegally cut Crown timber to construct a fence on private land near Gustafsen Lake. R.C.M.P. were called to the scene and investigated the incident. They believe the shot is connected to a civil dispute between the private land owner and the natives who claim the land as a sacred site.

R.C.M.P. cannot ensure the safety of staff or public in the disputed area and recommend that we refrain from carrying out any activities in the immediate area until things cool off.

IV CONCLUSION:

Staff will stay off the disputed private land and the public roads that traverse this area. We will not continue our trespass investigation or conduct activities in the immediate vicinity of the private land in early July when the natives hold their "Sun Dance " or when the private land owner obtains an injunction and enforcement order to remove the natives. Staff working in the immediate area will work in pairs and exercise extreme caution.

Doug Konkin
District Manager
100 Mile House F.D.
Tel: 395-7804

June 16, 1995

Distribution: M CARLSON CAR REG MAN

NOTIFY(by Fax): Doug Konkin, 100 Mile House F.D., Fax: 395-5586 / Tel: 395-7804

Document name: a:\shot.doc

Date typed: 95/06/15 Date revised: 95/06/15 12:50 pm

I N T E R O F F I C E M E M O R A N D U M

Date: 21-Jul-1995 03:45pm PDT
From: Paul Corns
PCORNS
Dept: Government Communications Office
Tel No: 565-4377

TO: Linda Martin of AAF

(LMARTIN)

Subject: Gustafson Lake Update

Here's the aforementioned Gustafson Lake update. Hope it helps.
Call if you have any questions or need follow-up.

Regards,

Paul

*Gilees:
JyJ.*

*Let's discuss re:
RCMP involvement.*

*See me Monday.
Jhp
R.M.*

*• Paul to contact Peter Swart (46-Crim/Invest.).
• Call Paul if we contact; pass from Swart?*

Spoke w/ Paul July 25/95.

I N T E R O F F I C E M E M O R A N D U M

Date: 21-Jul-1995 03:33pm PDT
From: Paul Corns
PCORNS
Dept: Government Communicatio
Tel No: 565-4377

TO: (see below)

Subject: Gustafson Lake Update

Recent events unfolding to this moment in the area of Gustafson Lake (35 km's west of 100 Mile House) require an update to the conflict centering on land currently being occupied by a group referred to as the Sundance Shuswap.

Most notably there has been a report of another "shots fired" incident occurring the evening of July 18, 1995. According to 100 Mile RCMP, a ranch hand took it upon himself to confront the Sundance natives over the occupation of the land and its impact on the ^{S22}. Words were exchanges with no apparent resolution to outstanding grievances. As the ranch hand turned to ride away six shots were reportedly fired either at him or in the air. He was not in a position to tell which. RCMP are investigating, however they have not issued a press release concerning the matter.

The most recent confrontation appears to be based around trees that were felled on ^{S22} property. The Ministry of Forests received a report of trees that have been illegally cut down within a few kilometres of the Sundance site. One cluster of trees hemmed in a woman who had been camping in the area. Once she had cleared a way out she contacted local press (Cariboo Advocate) and they have been making calls to ascertain if an investigation is underway.

100 Mile Forest Service District Manager Doug Konkin has undertaken an investigation and a crew will be going out to the area with an RCMP escort to check into the allegations next week and investigate as appropriate. Konkin feels the likelihood of laying charges is somewhat remote, unless a witness can be found. It would appear that the investigation while thoroughly appropriate is, in part, being undertaken to satisfy public perception that the allegations are being treated seriously and that MOF is fulfilling its legislative obligation. There is great concern for the safety of staff, and personnel have been advised to keep clear of the area unless accompanied by the RCMP.

Meanwhile the Sundance group led by Ontario Mohawk ^{S22}
^{S22} has issued a press release under the header "DEFENDERS OF
SACRED SHUSWAP GROUNDS PREPARING FOR RCMP ASSAULT"
The NR reads that the Sundancers are continuing to prepare for an

expected RCMP invasion. Their expectation of an invasion is based on unconfirmed media reports.

The latest development, it reads, comes on the heels of rancher S22 invading the Sundance site and desecrating the ritual, as well as other "provocative" moves by the ranch owner and his employees.

S22, in part, sums up by saying any further attempts at invading will be met by "resistant force" The NR then references Oka and the Sundance view that the sacred burial ground, and all Secwepemc (Shuswap) traditional land was illegally seized by the governments of the Crown and that "The territory at issue is beyond the Treaty frontier, as is most of the province of BC."

The Sundancers have received legal advice from an Ottawa based lawyer, Dr. Bruce Clark, indicating that they are within their legal rights as relates to the natural, international and constitutional law.

The group remains isolated from the mainstream, established Shuswap band/council bodies within the region. Reports suggest the a representative from the Cariboo Tribal Council went to visit the Sundancers last week, requesting that they vacate the area. The group indicated they have no immediate plans to leave the Gustafson Lake area.

The group is occupying land owned by the S22 Ranch owner S22 has shown patience in dealing with the Sundance group. He has enlisted the services of a lawyer, but apparently has not pursued a court order. According to MOF accounts he is urging the RCMP to act to protect his business. The RCMP has asked the 100 Mile District Forest office for a report on the impact faced by the S22 . due to the land occupation.

Traditionally the Sundance group have arrived at Gustafson Lake and fulfilled what it perceives to be its sacred and ceremonial function and have vacated the area. The presence of outside influences, most notably S22 and the recent undertaking to fence off two square miles of territory around Gustafsen lake, may indicate the group is regarding its tenure as somewhat more permanent.

That's it,

Paul

Distribution:

TO: John Nicol	(JNICOL)
TO: Ernie Fraser	(EDFRASER)
TO: Gaye Sharpe of AAF	(GSHARPE)
CC: Bruce Archer	(BARCHER)
CC: Andrew Little	(ALITTLE)
CC: Shelley Browne	(SBROWNE)
CC: David Hall	(DHALL)
CC: Anne-Rachelle Mchugh	(AMCHUGH)

Gustafson Lake

Note to File:

A call came into the Linda Martin, Director, Lands and Resources Branch, today from S/Sgt. Sarich from the 100 Mile House RCMP. He stated that there had again been shots fired near Gustafson Lake.

S22 is the leader of the group of sun dancers on the parcel of land owned by the S22. He has been established on the land ("squatting") since last year and stayed through the winter. He is also the spiritual leader of the group.

The Canoe Creek First Nation has stated they do not support the actions of the sun dancers and have asked them to stop their activities on these lands.

S/Sgt. asked what the Province's intentions were in addressing this issue. Our response has been that if there are illegal activities occurring, this falls under the authority and responsibility of the RCMP.

Linda informed S/Sgt. Sarich that I am the contact on this file. I will contact him on the status by mid-week next week if I have not heard from him.

Thursday, July 20, 1995

Eileen McKibbin
A/Provincial Coordinator
Lands and Resources Branch

o:\cariboo\gustnote.em

P H O N E M E M O	TO	Linda	DATE	July 20	TIME	3:10	AM									
	FROM	Staff Sgt	AREA CODE				PM									
	OF	Sarich	NO.	395	2456											
		100 mile	EXT.													
		House RCMP														
M E S S A G E																
PHONED		<input checked="" type="checkbox"/>	CALL BACK	<input checked="" type="checkbox"/>	RETURNED CALL	<input type="checkbox"/>	WANTS TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>	SIGNED	DH	WAS IN	<input type="checkbox"/>	URGENT	<input type="checkbox"/>