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Executive Summary – Douglas Lake Road No.25

Douglas Lake Road No.25 (formerly Nicola Lake-Grand Prairie Road) runs southeast from Nicola Lake to Douglas Lake, along the northern shore of Douglas Lake, northeast to Chapperon Lake and Salmon Lake. There is ample evidence, in the form of maps, surveys and Annual Reports of the Ministry of Transportation and Highways, to demonstrate that Douglas Lake Road through Upper Nicola Indian Reserves 1, 3, 5 & 7 was in existence prior to the 1911 General Gazette Notice that stated that “all Public highways in unorganized Districts ...are sixty feet wide.”

Evidence also reveals that the route of Douglas Lake Road was in existence before 1938 and BC–OIC (*British Columbia Order in Council*) #1036-1938 that stated as follows: “Provided also that all travelled streets, roads, trails and other highways existing over or through said lands at the date hereof shall be accepted from this grant.”

The status of Douglas Lake Road through each of the reserves since 1938 is as follows:

Indian Reserve	Revisions to the Road	Status
Nicola Lake I.R. No.1	<ul style="list-style-type: none">✓ 1955: administration and control of the intersection of Douglas Lake Road and Highway 5A transferred to the Province.✓ 1984: more recent revision to intersection.✓ There is no evidence that old right-of-way no longer required for (1984) intersection revision has been returned.	✓ Awaiting PCO (<i>Privy Council Order</i>) transfer of administration and control of right-of-way required for 1984 revision of intersection.
Douglas Lake I.R. No.3	<ul style="list-style-type: none">✓ No revisions.✓ Planned upgrade has not been implemented.✓ Discussions continue to reach an agreement regarding upgrading the road.	✓ Follows old route.
Chapperon Lake I.R. No.5	<ul style="list-style-type: none">✓ A portion of the road was relocated in 1974 at the request of the Band.✓ The old road has been plowed under but has never been formally returned to the Band.	✓ Awaiting PCO transfer of administration and control of right-of-way for portion of the road relocated in 1974.
Salmon Lake I.R. No.7	<ul style="list-style-type: none">✓ No revisions.✓ Road follows old route.✓ Widening proposed but no agreement has been reached.	✓ Follows old route.

Executive Summary - Highway 5A

Highway 5A between Kamloops and Merritt (also referred to as the Kamloops-Merritt Road or the Kamloops-Nicola Road) was a major link between Kamloops and Merritt before Highway 5 was built. It runs along Nicola Lake through I.R. No.1 and I.R. No.2. It is an old road that first appears on an 1862 map of British Columbia, prepared by the Royal Engineers.

Evidence reveals that Highway 5A through Nicola Lake I.R. No.1 and Hamilton Creek I.R. No.2 was in existence prior to the General Gazette notice that stated that all public highways in unorganized districts are a width of 66 feet wide (**Document 13**). The route was also in existence prior to BC-OIC #1036-1938. The terms of the Order make Canada subject to various provisions including B.C.'s right of 1/20th resumption for making roads, bridges etc. and to the exclusion of certain roads and other highways in existence prior to the 1938 transfer:

“Provided also that all travelled streets, roads, trails and other highways existing over or through said lands at the date hereof shall be accepted from this grant.” (**Document 14**)

There have been revisions to the Highway through these reserves since 1938:

Nicola Lake I.R. No.1

1) Highway 5A, including the intersection of the Highway 5A with Douglas Lake Road within Nicola Lake I.R. No.1, was realigned in the 1950s. A portion of the Highway in the northern part of the Reserve was moved closer to the Lake. Compensation for improvements was made and administration and control of this right-of-way was transferred to the Province by PCO #1955-671 in 1955. The portion of the Highway moved closer to the Lake was closed and returned for the use of the Band in 1973-1974. There is no evidence that the balance of the right of a no longer required was returned.

2) An agreement has been negotiated in 1984 when the intersection of Highway 5A and Douglas Lake Road was realigned at the request of the Band, but the Province is still awaiting the PCO transfer of administration and control. It does not appear that the right-of-way no longer required for the intersection has been returned.

Hamilton Creek I.R. No.2

The 1968 realignment of Highway 5A through Hamilton Creek I.R. No.2 included two small rectangular portions of the Reserve amounting to 0.30 acres. The right-of-way has not been purchased and there is no federal PCO transfer of administration and control.

A new plan of Highway 5A through Nicola Lake I.R. No.1 was undertaken in 1996 (dated 1998 by the Survey company), to clarify some perceived inconsistencies in areas of right-of-way on previous surveys. Further survey work is required to check on Plan M279/Rd 3890/R.S. 4036 which accompanied the 1955 transfer

Executive Summary – Minnie Lake Road & Lauder Road No.40

Minnie Lake Road

Minnie Lake Road is the link between Douglas Lake Road and Minnie Lake. It runs southwest from Douglas Lake Road and passes through Douglas Lake I.R. No.3. **Minnie Lake Road** is a very old road, originally a trail, it was in existence prior to 1911, as evidenced by its appearance on the **1880** Plan of the Douglas lake Indian Reserve, Yale District, B.C., surveyed by Edward Mohun and maps and surveys from 1880 onward.

There is ample evidence in the form of maps, survey and expenditures on Minnie Lake Road to demonstrate that the Road was in existence prior to the Gazette Notice that stated that all public highways in unorganized districts are 66 feet wide (**Document 13**). The evidence reveals that the Road was in existence when administration and control of Douglas Lake Indian Reserve No.3 was transferred to Canada 'in trust' for the Upper Nicola Indian Band pursuant to BC–OIC #1036-1938. There is no evidence that the location of the Road has changed.

Lauder Road No.40

Lauder Road No.40, referred to as Lauder-Hawkins Road in the Annual Reports of the Department of Public Works, until the late 1930s, connects Douglas Lake Road with Glimpse Lake (Fish Lake). The Road was named after early residents of the area. Lauder Road runs through the northwest corner of Douglas Lake I.R. No.3, beyond the Reserve, past Glimpse Lake and terminates in D.L. 3368, north of I.R. No.3 (see map attached). Lauder Road, through the Reserve, largely follows the old route.

There is extensive evidence to demonstrate that Lauder Road through I.R. No.3 is a pre-1938 transportation route. The route appears on maps as early as 1915. The Road was in existence when administration and control of Douglas Lake Indian Reserve No.3 was transferred to Canada “in trust” for Upper Nicola Indian Band by BC–OIC #1036-1938. Evidence that Lauder Road was in existence before 1911 is not abundant.

Expenditures on the Road are dated well before BC–OIC #1036-1938 (i.e. Provincial monies were being expended before Canada obtained administration and control of the Reserve in 1938).