

DATE: Aug 23, 2002

OUR FILE REF: _____

FROM: Peters BandTO: Barry EastmanADDRESS: _____

_____FAX NUMBER: 795-8214FROM: PETERS BAND
16870 PETERS RD.
HOPE, B.C.
VOX 1L2

PHONE: (604) 794-7059, FAX NO. (604) 794-7885

TOTAL NUMBER OF PAGES (including this one) 4

If you do not receive all pages, please call back as soon as possible:

(604) 794-7059 OPERATOR Ilan

SUMMARY OF CONTENTS:

Have a nice weekend

NOTE: The information contained in this facsimile message may be subject to solicitor/client confidentiality, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via regular mail. THANK YOU.

Peters Indian Band

16870 Peters Rd. Hope, B.C.

VOX 1L2

Phone 604-794-7059 or Fax 604-794-7885

August 22, 2002

*B.W.R.(Barry) Eastman
P. Eng.
District Highways Manager
Chilliwack, B.C.*

Dear Barry

RE: Peters Band letter Dated Sept. 6, 2001

As we have discussed frequently via the telephone we would like to have a closure to this matter. In the above mentioned letter we had requested certain properties we would like to obtain in partial payment for the funding that the Dept of Highways has admitted to owing the Peters Band, the property that I am most interested in bringing to your attention is item number 5 which at present time has signs posted on it advertising Cheam Band property. What is going on, this property should be in process to be transferred to the Peters Band could you please have the signs removed and notify us as to what stage our request is.

Also we have heard via the radio that the Dept of Highways will be doing paving between Hope and Bridal Falls this would be a perfect opportunity to come and do the Peters Road and driveways which is request item #3.

Something that I would like to bring to your attention in keeping with the Beautiful British Columbia theme for the Province, Interfor is looking to cut timber above our property line which if history is repeated it will take another fifty years to have regrowth of the tree stand, and as you are aware this is a potential slide zone and the highway would stop it from reaching the Peters reserve #1 except for the one house on the hillside that would be struck before the highway.

If you have any questions regarding the first letter or this one please do not hesitate to contact me at the Peters Band office.

Yours truly,

Annette T. Peters
Chief,
Peters Band

Enclosures: Letter Dated Sept. 6, 2001

Peters Band
16870 Peters Rd
Hope, B.C.
VOX 1L2

September 6, 2001

B.W.R. (Barry) Eastman
P. Eng.
District Highways Manager
45474 Luckakuck Way
Chilliwack, B.C.
V2R 3S9

Dear Barry

Further to our discussions, where the Peters Band Council met with yourself and Les Gilberg. At this meeting Barry you requested a wish list from the Peters Band as to what we would considered in lou of the 800,000.00 dollars or the 52,000 cubic metres of rock and other material that was lost to us during the construction of the 1986 expansion of the Number 1 through our property. Well here it is,(but before we begin each item is just a portion of what we are requesting not to be taken that one item will satisfy the above mentioned debt).

1. The other half of the Peters Island; at present we in discussions with the Ministry of Lands, and we also have a land claim on this property but if you could make it easier for us to obtain title by transferring it from the Ministry of Lands to the Ministry of Highways and then to the Peters Band. We would be very grateful for any assistance.
2. That Property which we have always described as the McKay Property At this time we believe this land to belong you the Ministry of Highways Which would make transferring the land to us to be simple matter of transferring of title.
3. We have on numerous occasions tried to get the tailings from your Department when you have been doing some resurfacing of lanes on the freeway. But at this time we would request that as part of the whole package we have all of Peters Rd. paved as well as the driveways of the members on the reserve.

4. We have always enjoyed a good relationship with the Ministry of Highways, and we wish to continue on this route. The original reason for the rock material to be retained for our use was to insure that we had enough material to complete our dyking which we still have approximately 4 kilometres to complete which would mean that we require 25,000 cubic metres of material to complete the new system and to allow us to make necessary maintenance repairs to the existing system now and in the future.
5. The property across from Barber Park at the V junction, this area is best shown by visiting and we can show it to you.

If you have any questions, please do not hesitate to contact me at (604) 794-7059.

Yours truly,

Annette T. Peters
Chief
Peters Band



File: 13350-53/Peters

September 05, 2002

Peters Indian Band
16870 Peters Road
Hope BC V0X 1L2

Attention: Annette T. Peters, Chief

Dear Chief Peters:

Re: Letter dated September 6, 2001 & Other Issues

Thank you for your letter dated August 22, 2002 concerning your earlier letter of September 6, 2001 and other issues. The Ministry would like to bring closure to this issue as well. Your letter and the overall issue on file is being reviewed again.

With respect to any involvement re: Cheam Band, I was not able to locate any signs on the subject property.

It is my understanding that Interfor have expressed interest in logging the area to which you refer, but at this time have not submitted any formal application nor have they received any approvals.

I will get back to you regarding the other issues of concern.

Yours truly,

B.W.R. Eastman, P. Eng.
Operations Manager

BWRE/ks

Nick May
Senior Manager, Aboriginal Relations
Properties & Business Mgt. Branch
Victoria

September 05, 2002

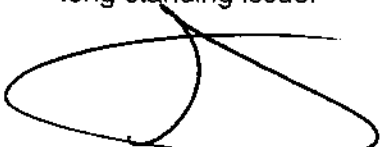
45890 Victoria Avenue
Chilliwack B C V2P 2T1
Tel: (604)795-8201
Fax: (604)795-8214
File: 13350-53/Peters

Re: Peters Band Issues

Please see the attached, which I received some time ago as per the referenced meeting. This was reactivated lately by concerns raised in the August 22, 2002 letter concerning alleged actions by Cheam Band. A drive-by did not reveal any activity by Cheam Band. Interfor have proposed several cut blocks on the upper slopes in this area, but there are no formal applications or approvals at this time.

Since the above referenced meeting, we have made every effort to provide material to the Band if the economics were reasonable. During the cleanup for the January debris torrent events our Maintenance Contractor hauled 2911 loads from Patterson Creek and 186 loads from Ted Creek to a dumpsite on the Reserve at the Band's request. At approximately nine cubic metres per load (we were hauling overloads) this translates into approximately 28,000 cubic metres of rock and graveley material. In addition, we gravelled and graded their main access road with 685 cubic metres of crush at an approximate value of \$18,000 on the open market. We are looking at the possibility of making grindings available to them from our Paving Projects in the area. As well, the 2000 plus cubic metres of rip-rap stored in the median with an approximate production value of \$34,000 is still available for consideration.

For your information, at this time I have no clear thoughts on how to resolve this (perceived) long standing issue.



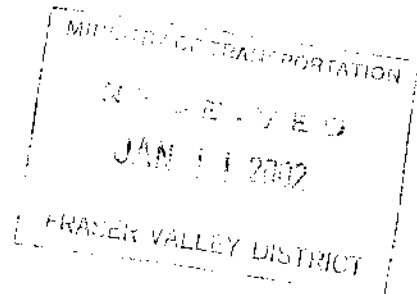
B.W.R. Eastman, P. Eng.
Operations Manager

BWRE/ks
Attachment

Peters Band
16870 Peters Rd
Hope, B.C.
VOX 1L2

September 6, 2001

B.W.R. (Barry) Eastman
P. Eng.
District Highways Manager
45474 Luckakuck Way
Chilliwack, B.C.
V2R 3S9



Dear Barry

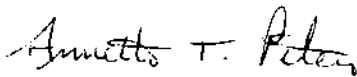
Further to our discussions, where the Peters Band Council met with yourself and Les Gilberg. At this meeting Barry you requested a wish list from the Peters Band as to what we would considered in lou of the 800,000.00 dollars or the 52,000 cubic metres of rock and other material that was lost to us during the construction of the 1986 expansion of the Number 1 through our property. Well here it is,(but before we begin each item is just a portion of what we are requesting not to be taken that one item will satisfy the above mentioned debt).

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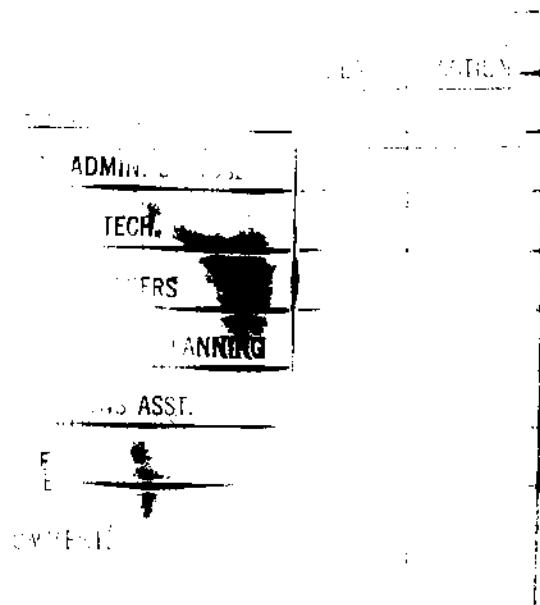
4. We have always enjoyed a good relationship with the Ministry of Highways, and we wish to continue on this route. The original reason for the rock material to be retained for our use was to insure that we had enough material to complete our dyking which we still have approximately 4 kilometres to complete which would mean that we require 25,000 cubic metres of material to complete the new system and to allow us to make necessary maintenance repairs to the existing system now and in the future.
5. The property across from Barber Park at the V junction, this area is best shown by visiting and we can show it to you.

If you have any questions, please do not hesitate to contact me at (604) 794-7059.

Yours truly,



Annette T. Peters
Chief
Peters Band



Page 09 to/à Page 13

Withheld pursuant to/removed as

NR



Province of
British Columbia

Ministry of
Transportation
and Highways

Property Services
South Coast Region
Suite 310 - 625 Agnes Street
New Westminster, BC V3M 5Y4
Telephone:
660-8281
Facsimile: 660-8278

File: 6165

VIA FACSIMILE

July 30, 1996

Chief Frank Peters
Peters Band
Compartment #11, Peters Road, R.R.#2
Hope, B.C. VOX IL0

Dear Chief Frank Peters:

Re: Trans Canada Highway at Peters Road
Band Cemetery

In response to your inquiry with respect to relocating the fenceline at the south-westerly (Chilliwack side) of the cemetery by approximately 10 feet, please be advised the Ministry sees no objection to allowing the said relocation to proceed.

The Ministry would also like to point out that on the north-west side of the cemetery there appears to be no additional room between the cemetery fence and the highway right-of-way. It is suggested that the band may want to re-establish the boundaries to ensure that the limits of the site are not exceeded.

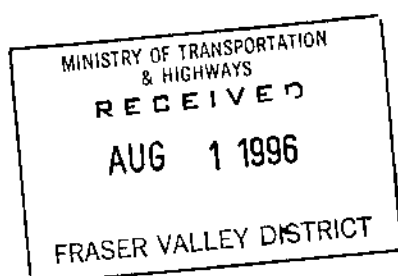
Thank you for consulting with the Ministry.

Yours truly,


Marlyne Mandziak
Property Agent

MM

copy: Don Hohn, Area Manager Fraser Valley





BAND COUNCIL RESOLUTION

THE COUNCIL OF THE: PETERS BAND
AGENCY: SOUTH DISTRICT
PROVINCE: BRITISH COLUMBIA
PLACE: LAIDLAW
DATE: SEPTEMBER 12, 2000

WHEREAS:

The Department of Highways would like to dispose of 50 to 80 loads of clean rock and soil, taken from the scaling of rock on the side of Jones Hill.

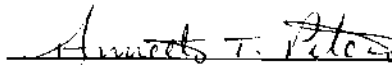

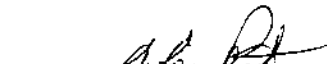
AND WHEREAS: The Peters Band would be able to utilise this material in a constructive way to aid with the stopping of the deterioration of the embankment along the lower end of the Peters I. R. #1.

AND WHEREAS: This does not account for any material that the Department of Highways already owes to the Peters Band from the original construction of the second lane of the Trans-Canada Highway.

THEREFORE BE IT RESOLVED:

That the Department of Highways is authorized to bring on to Peters Reserve #1, fifty to eighty loads of clean rock and soil that will be placed under the supervision of a representative appointed by the Council of the Peters Band.

QUORUM FOR THIS BAND CONSISTS OF TWO COUNCIL MEMBERS

FACSIMILE RECORD



MINISTRY OF TRANSPORTATION & HIGHWAYS

DATE: Feb 29/2000

FILE #:

TO: Barry Eastman

FROM: Georgia Dixon

ABORIGINAL RELATIONS BRANCH

3RD FLR, 940 BLANSHARD ST.

VICTORIA, BC. V8W 3E6

PHONE #: (250) 387-5925

FAX #: (250) 356-8767

FAX#:

824-2701

SUBJECT:

Peter's Barred

NOTES:

Attached No Read document,
FYI.

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OF PAGES: 6 ☐ Original by mail

(Including this one)


OPERATOR

DATE: April 11OUR FILE REF: PetersFROM: Jack AndersenTO: Anton GardikADDRESS: New WestFAX #: 660-8278

FROM: **ANDERSEN PAUL**
Barristers and Solicitors
308 - 1530 West 8th Avenue
VANCOUVER, B.C. V6J 4R8
Phone No. (604) 734-8411 FAX No. (604) 734-8511

TOTAL NUMBER OF PAGES (including this one) 5

If you do not receive all pages, please call back as soon as possible to:

(604) 734-8411

OPERATOR: Sharon

SUMMARY OF CONTENTS

NOTE: The information contained in this facsimile message may be subject to solicitor/client confidentiality, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via regular mail.

THANK YOU

Andersen Paul

Barristers & Solicitors
An Association of Lawyers

* Jack Andersen
Penny Paul
Colin A. Campbell

Suite 306
1530 West 8th Avenue
Vancouver, B.C.
V6J 4R8

Phone (24 hrs.) 734-8411
Fax (604) 734-8511

April 11, 1996

VIA FAX (604) 660-8278
ORIGINAL VIA MAIL

Minister of Transportation and Highways,
South Coast Region,
310 - 625 Agnes Street,
NEW WESTMINSTER, B.C. V3M 5Y4

Attention: Anton Gazdik

Dear Sir:

Re: Trans Canada Highway - Peters Indian Reserve No. 1
Rock Material

Thank you for your letter of April 11, 1996, in reply to mine. I am sure, in the continuing spirit of co-operation, you will agree that it would not likely be appropriate for the Peters Band to agree to accept 1500 cubic meters of rip rap if 52,000 cubic meters of material were removed from the reserve and are owing to the Band. On the other hand, I recognize that you have not had a chance to research this matter yet and require to do so.

I regret the oversight in not attaching the pages that I received from NuRoad Contracting Ltd. outlining the waste material removed from the reserve during the 1985-86 highway reconstruction. Those two pages are attached to this letter.

I understand that the Ministry would desire to exchange 1500 cubic meters of rock material now in exchange for 52,000 cubic meters owed since it would be a heck of deal; but I am sure you understand both our expressed desire to accept what is offered already as partial satisfaction of the existing debt. I cannot view it as appropriate nor would I recommend to the Band that they accept 1500 cubic meters and sign off. This is not the Island of Manhattan.

* Denotes a Law Corporation

- 2 -

I know that you are concerned to rapidly resolve this issue as are we. Certain works were performed on the river bed in anticipation of the 1500 cubic meters of Rip Rap being available. If that material is not made available there may be some resulting damage to the diking and island behind it. As the river rises, so does concern about the impact of the river upon surrounding lands. I continue to urge that the 1500 cubic meters be released now as a set off against the existing obligation of the Ministry. It seems a perfectly reasonable resolution to the immediate situation.

May I have your earliest reply.

I remain,

Yours truly,

ANDERSEN PAUL

~~Per~~

JACK ANDERSEN

JA:sp

Enclosure

cc. Chief Frank Peters and Counsel

APR-02-1996 15:39 FROM

TO

16847947885

P.06

(WASTE MATERIAL)

OCT 25/85 - 1846 m ³	MARCH 3/86 - 221 m ³
OCT 30/85 - 1673 m ³	MAR 14/86 - 1577 m ³
OCT 31/85 - 819 m ³	MAR 21/86 - 2990 m ³
OCT 29/85 - 208 m ³	MAR 26/86 - 871 m ³
NOV 1/85 - 156 m ³	APR 14/86 - 1638 m ³
NOV 4/85 - 767 m ³	APR 18/86 - 390 m ³
NOV 6/85 - 2184 m ³	APR 19/86 - 1768 m ³
NOV 7/85 - 1144 m ³	APR 21/86 - 2067 m ³
NOV 12/85 - 1300 m ³	APR 22/86 - 1196 m ³
NOV 13/85 - 1092 m ³	APR 23/86 - 2067 m ³
NOV 14/85 - 1339 m ³	APR 24/86 - 1976 m ³
NOV 15/85 - 416 m ³	APR 25/86 - 1196 m ³
NOV 18/85 - 1761 m ³	APR 25/86 - 481 m ³
NOV 20/85 - 247 m ³	APR 28/86 - 1352 m ³
NOV 20/85 - 130 m ³	APR 29/86 - 1279 m ³
NOV 27/85 - 390 m ³	APR 30/86 - 1183 m ³
NOV 28/85 - 1313 m ³	MAY 1/86 - 715 m ³
DEC 12/85 - 403 m ³	MAY 2/86 - 624 m ³
DEC 13/85 - 299 m ³	MAY 3/86 - 130 m ³
DEC 19/85 - 286 m ³	MAY 10/86 - 377 m ³
TOTAL 17,173 m ³	TOTAL 23,998 m ³

APR-02-1996 12:39 FROM

TO

16047947865

0.64

(WASTE MATERIAL)

JAN 7/86 - 1040 m³
JAN 8/86 - 91 m³
JAN 9/86 - 312 m³
JAN 14/86 - 1183 m³
JAN 15/86 - 988 m³
JAN 16/86 - 208 m³
JAN 20/86 - 312 m³
JAN 21/86 - 286 m³
JAN 23/86 - 520 m³
JAN 24/86 - 390 m³
JAN 30/86 - 1157 m³
JAN 31/86 - 884 m³
FEB 3/86 - 1118 m³
FEB 5/86 - 1022 m³
FEB 6/86 - 894 m³
FEB 24/86 - 585 m³
TOTAL 10,985 m³

TOTAL - 52,156 m³

Page 23

Withheld pursuant to/removed as

s.14

Eastman, Barry TH:EX

From: Eastman, Barry TH:EX
Sent: Thursday, April 06, 2000 9:37 AM
To: Fralick, Jim TH:EX; Eastman, Barry TH:EX
Subject: RE: Peters Band - Hwy 1

JIM

Without knowing the specifics of the waste material but from comments by Rodney Chapman, Singh Jassel and the contractor data I would surmise that a more than reasonable estimate of the breakdown of the material and its "value" would be as follows:

Rock	2500m3@\$20 = \$50000	Y10 = 25000
Granular	5000m3@\$10 = \$50000	Y15 = 25000
Soil	44500m3@\$1 = \$44500	Y1 = 44500

-----Original Message-----
\$144,500
\$144,500

This is rationalized on the basis of 52,000m3 of material being removed from the site as waste. The 52000 estimate is of course conjecture and is not a verified amount.

BWRE

From: Fralick, Jim TH:EX
Sent: Wednesday, April 05, 2000 5:09 PM
To: Eastman, Barry TH:EX; Gazdik, Tony TH:EX; May, Nick TH:EX; Dixon, Georgia TH:EX; Britton, Barb AAF:EX; Tetrault, Christine AAF:EX
Cc: Koyl, Mary TH:EX
Subject: FW: Peters Band - Hwy 1

FYI

Jim Fralick
Senior Manager, Strategic Planning
Aboriginal Relations Branch
250-387-7557
FAX 250-356-8767

s.14

Eastman, Barry TH:EX

From: Eastman, Barry TH:EX
Sent: Thursday, April 06, 2000 9:49 AM
To: Fralick, Jim TH:EX
Cc: Eastman, Barry TH:EX
Subject: RE: Peters Band - Hwy 1

JIM

The previous info represented production costs and would be an upper limit. A at the time excavation cost scenario would be as follows:

Rock 2500m3@\$10 = \$25000
Granular 5000m3@\$ 5 = \$25000
Soil 44500m3@\$ 1 = \$44500

\$94500

So you see I place a value on the most probable breakdown of the material as being from around \$95,000-\$145,000.


BWRE -----Original Message-----

From: Fralick, Jim TH:EX
Sent: Wednesday, April 05, 2000 5:09 PM
To: Eastman, Barry TH:EX; Gazdik, Tony TH:EX; May, Nick TH:EX; Dixon, Georgia TH:EX; Britton, Barb AAF:EX; Tetrault, Christine AAF:EX
Cc: Koyl, Mary TH:EX
Subject: FW: Peters Band - Hwy 1

FYI

Jim Fralick
Senior Manager, Strategic Planning
Aboriginal Relations Branch
250-387-7557
FAX 250-356-8767

s.14



[Click here and type address]

.....

facsimile transmission

To: BARRY EASTMAN

Fax: 604 824 2701

From: RODNEY CHAPMAN

Date: 03/09/00

Re:

Pages: 20

CC:

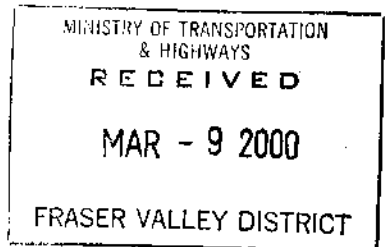
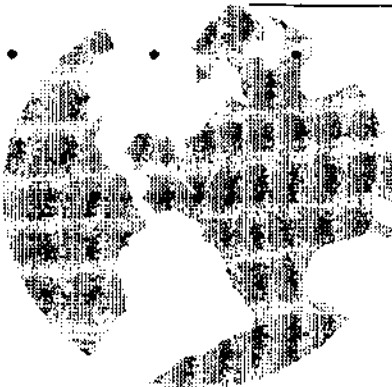
☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle



[Handwritten signature]

CONFIDENTIAL

.....



Ministry of
Transportation
and Highways

MEMORANDUM

Barry Eastman
District Highway Manager
Chilliwack

Construction/Maintenance
March 7, 2000

**RE: Peters Indian Reserve No. 1
TCH #1: Cheam View to Jones Creek Project C2907**

Further to our recent discussions, the Headquarters Construction Branch C2907 file has been examined for any references to providing the Peters Creek Indian Band with excess rock and/or gravel.

There is a January 29, 1985 memo from Headquarters Property Services to the Director of Construction that deals with this issue. A copy is enclosed (Enclosure #1) Item #6 is relevant and it states:

6. "The Band desires any excess rock and/or gravel which may be surplus to our construction requirements and requests that we make known to the Contractor that they will provide a convenient site on their Reserve as a dump site. The Band was advised that we would so inform our Contractor but would leave arrangements to be made directly between the Band and Contractor. Would you kindly inform the successful Contractor."

Unfortunately there is no correspondence in the Headquarters file that identifies the Contractor, Nu-Road Construction Co. Ltd, being advised of these requirements.

To an extent the Ministry Project Supervisor and Construction dealt with the issue.

1. Enclosure #2

There are eight documents from the Regional Property Peters Reservation file that identify the Project Supervisor was notified the issue was one for consideration of the Contractor.

However there is no document identifying the Contractor was notified.

Page 2

Cheam View to Jones Creek

2. Enclosure #3

The Project Supervisors Daily Record has five diary entries dealing with the issue.

After one of my staff has reviewed all the Project Supervisor's Daily Record there is no indication the Contractor was notified of Peter's Creek Indian Band's desires of and excess rock, gravel and or topsoil.

It appears the Construction Manager gave direction not to provide any excess material.

Dealing with wasted material on the project, the Headquarters construction file identifies approximately 250,000 m3 of material hauled to waste. Upon review of the Project Daily Record there are records some rock was hauled to waste.

Please call if you have any further enquiries.



Rodney Chapman
Director,
Construction/Maintenance Branch

Attachment

ENCLOSURE #1

Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: N. R. Zapf
Director of Construction
Ministry of Trans., & Highways
Buildings

Date: January 29, 1985
Branch/Dist: Property Services
Address:

Re: Peters Indian Reserve No. 1
TCH #1: Cheam View to Jones
Creek Project

Phone: 367-1838
Hdqtrs. File:
Region File: P/N 6165
District File:

This will report that we have successfully negotiated the new right-of-way for the current project and that the following construction commitments were made:

1. The Province will construct an access road including installation of a cattleguard and proper railway signals, from the proposed underpass location to the existing Peters Road (per design). The road will be fenced with standard barbed wire.
2. The Province will restore the existing access and cattleguard where the existing Peters Road will be aligned to meet the Trans Canada Highway (per design).
3. The Province will construct and pave an access road from the south side of the highway to the existing house located on the south side of the highway.
4. The Province will cold-deck all merchantable timber cut from the right-of-way at a convenient location off the right-of-way for the use of the Band. (Suggested site shown cross-hatched on attached drawing.)
5. The Band has expressed a very real concern with respect to any excavation of archeological artifacts on the project, but more particularly in the vicinity of their cemetery. The Band has been advised of the L600-line design and the necessity to excavate in the area shown crosshatched on the attached drawing. The Band requests, and the Province agreed, that any necessary excavation in this area be done with extreme care and only in the presence of a Band representative (contact Chief Frank Peters, phone 794-7646). Any artifacts found are to be turned over to the Band forthwith. Please have your Project Supervisor consult with Chief Peters on this point.

- 2 -

6. The Band desires any excess rock and/or gravel which may be surplus to our construction requirements and requests that we make known to the contractor that they will provide a convenient site on their Reserve as a dump site. The Band was advised that we would so inform our Contractor but would leave arrangements to be made directly between the Band and Contractor. Would you kindly inform the successful contractor.

Contact Indian
Band if any
waste

A. C. Brown
Director of Property Services

Per: *D.I.F. MacSween*
D.I.F. MacSween
Senior Property Negotiator

DIFM/ds

cc. Regional Property Negotiator
Burnaby

ENCLOSURE #2



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: Construction Branch
Ministry of Trans., & Highways
Compartment 10 "Remember When"
R.R. 2
Hope, B. C.
VOX 1LO

Date: April 23, 1985
Branch/Dist: Property Services
Address: 940 Blanshard Street

Phone: 387-1838
Hdqtrs. File:
Region File: P/N 6165
District File: *FE 372 110*

Attention: B. Singh Jassal
Acting Project Supervisor

Re: Trans Canada Highway #1: Cheam View to Jones Creek Section
Peters Indian Reserve No. 1

This has reference to my telephone discussion with Kathy Stewart 22nd instant with respect to the Band's claim we "will allow the Band to have the excess rock from the construction site", as evidenced by item 9 of the Band Council Resolution dated 3rd December, 1984.

I enclose herewith copies of subsequent correspondence upon which I have highlighted the relevant passages. You will note that we would not agree to the Band's demand above, but correctly stated the matter was one for the consideration of the Contractor. Mr. Zapf was so notified 29th January, 1985.

A. C. Brown
Director of Property Services

Per: D.I.F. MacSween
Senior Property Negotiator

DIFM/ds

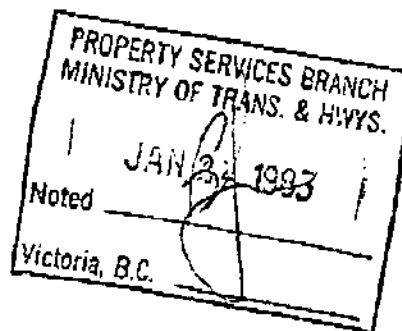
cc. N. R. Zapf
Director of Construction

Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

January 17, 1985

Ministry of Highways
940 Blanshard Street
Victoria, B.C.
V8W 2H3



Your file Votre référence

P/N 6165

Our file Notre référence

E5670-08084 (RT8)

PLEASE QUOTE FILE NUMBER ON REPLY

Attention: Don MacSween

Dear Sir:

Highway Right-of-Way
Peters Indian Reserve No. 1

I wish to confirm that the Peters Band will have to discuss with the contractor as to the amount of rock and gravel which will be considered in excess to the requirements of the road construction. Further the Band and the contractor will also have to discuss the location that the contractor should deposit the excess rock and gravel, if any. The above is not the direct responsibility of your Ministry.

It would be appreciated if you could make the above known to the contractor and have them contact Chief Frank Peters.

Yours truly,

Peter Humphrys
Head, Land Management
VANCOUVER DISTRICT
400 - 1145 Robson Street
Vancouver, B.C.
V6E 3S2
666-3153

PH/bc

cc: Chief Frank Peters
Peters Band

Canada

1985.01.18

PN 5965

PETER'S INDIAN RESERVE No. 1

MEMO TO FILE

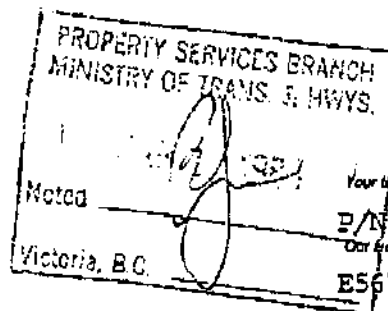
MET WITH PETER HUMPHRIES RE SURPLUS ROCK AND PETER SAYS
HE UNDERSTANDS THE AGREEMENT IS SAME AS OURS TO WIT:

"THAT THE INDIAN BAND DESIRES THE SURPLUS ROCK IF ANY
AND WILL SET ASIDE A CONVENIENT DUMP SITE FOR THE
CONTRACTOR. HIGHWAYS WILL ADVISE CONTRACTOR OF BAND'S
OFFER BUT IT IS LEFT TO THE CONTRACTOR TO MAKE HIS
OWN ARRANGEMENTS DIRECTLY WITH THE BAND."

PETER ADVISES HE HAS SOME TROUBLE REDUCING HIS UNDERSTANDING
TO WORDS BUT WILL TRY AGAIN.



and Northern s indiennes
Canada Nord Canada



January 9, 1985

Ministry of Highways
7818 - 6th Street
Burnaby, B.C.
V3N 4N8

Attention: John Adank

Dear Sir:

Road Right-of-Way
Peters Indian Reserve No. 1

The contents of your December 17 letter has been discussed with Chief Frank Peters and we wish to make the following comments:

1. Item 9 of the B.C.R. now reflects the agreement made at the meeting of November 9, 1984, namely, the Band will not require the Province to place the excess rock and soil at locations on the Reserve as determined by the Band Council. However, the Province will allow the Band to have any excess rock and topsoil and this excess, if any, will be placed at one dump area.
2. Chief Frank Peters has verbally given the consent of himself and the Band Council to allow the Province and its agents immediate access to the Reserve for survey and construction purposes.
3. The Band, once again, wishes to make the point that no artifacts are to be removed from the Reserve. When construction takes place in an area which may contain artifacts, a Band member should be notified and be allowed to be present.
4. I wish to confirm that the Band Council have verbally instructed me to have the Province pay the compensation to "Jack Andersen In Trust". This instruction is not required in the Band Council Resolution.
5. We wish to acknowledge that the subject area is 5.9817 hectares which are shown on 3 drawings, namely, R1-174-04, R1-174-05 and R1-174-06. However, the final area to be transferred will be defined by the legal survey which will be done by the Province as referred to in item 2 of the Band Council Resolution.

.../2

Canada

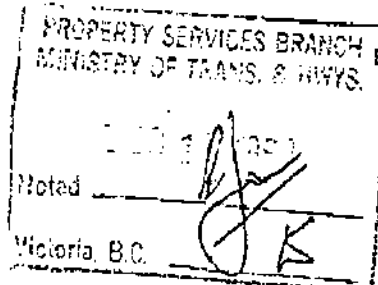
Province of
British Columbia

Ministry of
Transportation
and Highways

7818 - 6th Street,
Burnaby, B.C.,
V3N 4N8
Telephone : 525-0961

YOUR FILE

OUR FILE P.M. 6165



December 17th, 1984

Mr. Jack Andersen,
Box 12117,
808 Nelson Street,
Vancouver, B.C.,
V6Z 2H2

Dear Sir,

Re: Peters Indian Reserve
T.C.H. Cheamview - Jones Creek

This office is now in receipt of a Band Council Resolution dated December 3rd, 1984, consenting to transfer Reserve lands to the province for certain considerations. We wish to point out some discrepancies and make more clear some items as agreed to with your clients at your office, November 9, 1984:

The first paragraph of the B.C.R. should be corrected as to the following:

- ;the area is more precisely 5.9817 hectares.
- ;there are 3 drawings, namely R1-174-04, R1-174-05 and R1-174-06.
- ;we prefer the wording to be "for road purposes and other works of public utility and convenience."

Item #1 - Add to the existing sentence "...unless otherwise directed". We already have direction from D.I.A. to pay the compensation to "Jack Andersen In Trust"

Item #7 The topic of excavation was discussed at our November 9th meeting. It was explained there would have to be some minor excavation for the deceleration/acceleration lanes in order to maintain the proper grades and place gravel for the road base. Our Design and Surveys Branch has prepared a drawing indicating the quantity and area affected and has shown same crosshatched in red on attached drawing. You will note the excavation is very shallow and the total amount of material to be removed is approximately 200 cubic meters. It is suggested the material removed be placed on the reserve. Perhaps Band members could examine this area to determine what artifacts may exist, if any.

Item #8 As discussed at the November 9th meeting, the area where merchantable timber will be cold-deck is also crosshatched and identified on attached drawing.

Contd.....page 2

Affaires indiennes
et du Nord Canadien
Indian Affairs
Affaires indiennes et inuit

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

Catalogue No. - Numéro consécutif 84-85 / 586-19
File Reference - N° de réf. du dossier E5670-08084

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds.
 NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	PETERS BAND	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	VANCOUVER DISTRICT	Committed - Engagé	\$ _____
PROVINCE	BRITISH COLUMBIA	Current Revenue balance Solde de revenu	\$ _____
PLACE NOM DE L'ENDROIT	HOPE	Committed - Engagé	\$ _____
DATE <u>3</u> <u>12</u> AD 19 <u>84</u> DAY - JOUR MONTH - MOIS YEAR - ANNÉE			

DO HEREBY RESOLVE:

DECIDE, PAR LES PRÉSENTES:

Under Section 35 of the Indian Act to transfer to the Province of British Columbia, the control and administration of that portion of the Peters Indian Reserve No. 1 measuring approximately 5.981 hectares as shown in red on the Province's drawing No. R1-174-04 for the purpose of a road right-of-way and public utility.

It is understood that if and when the land is not required for the above purpose, it will revert back to reserve status.

In exchange for the above, the Province of British Columbia will do the following:

1. Pay to the Receiver General for Canada the sum of \$110,000.00.
2. Legally survey all portions of land involved in the exchange.
3. The Province will return to reserve status the 0.089 hectare portion of the Trans Canada Highway, as shown in green on drawing No. R1-174-04.
4. The Province will construct an access road including installation of a cattleguard and proper railway crossing signals, from the proposed underpass location to the existing Peters Road. The road will be fenced with standard barbed wire.
5. The Province will restore existing access and cattleguard where the existing Peters Road will be aligned to meet the Trans Canada Highway.
6. To construct and pave an access road from the south side of the highway to the existing house located on the south side of the highway.
7. The Province will not allow any excavation in areas of archaeological value.
8. The Province will deck all merchantable timber from the right-of-way area for the Band.
9. The Province will allow the Band to have the excess rock from the construction site and topsoil.

A quorum for this Bande
Pour cette bande le quorum est

consists of TWO
fixé à

Council Members
Membres du Conseil

[Signature]
(Chief - Chef)
[Signature]

[Signature]

Singh Jassal
or Kathy Stewart

Peters Band
Box 11 Peters Rd
RR2 Hope BC
V0X 1L0

April 18, 1985

Dear Sir or Madam

Further to our discussion about the excess
rock and topsoil

Taking a quote from our -excepted B.C.R.
to the Dept of Highways

Band Resolution No E5670-08084

The Province will allow the band to
have the excess rock and top soil
and the Province will place the excess
rock and topsoil at one or more
locations on the Reserve as determined
by the Band Council.

Yours Sincerely

Chief of Peters Band
Frank Peters



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

H110

To: R. Dash
Regional Manager, Construction
Nanaimo

Date: 85/01/21

Headquarters File:

Wally Calder
Project Supervisor
Hope, B.C.

Regional File: P/N 6165

District File:

Re: Peter I.R. #1
Cheam View - Jones Creek - T.C.H.

The Band, their lawyer and D.I.A. have given verbal approval to enter onto the reserve for construction purposes. It is my understanding that it will be ratified by another B.C.R.

Our construction commitments are as follows:

- (1) Construct an access road, including installation of a cattleguard and proper railway crossing signals from the proposed underpass location to the existing Peters Road. The road shall be paved and fenced on either side with type 'C' barbed wire.
- (2) Restore existing access and cattleguard where existing Peters Road will be aligned to meet the Trans Canada Highway.
- (3) Construct and pave an access road from the south side of the highway to the existing house located on the south side of the highway.
- (4) The Band has requested no excavation on areas of archaeological value. In the area of the old cemetery where the deceleration and acceleration lane will be constructed, they feel there may be artifacts. A member of the Band should be present when excavation in this area is done. The material can be delivered to the reserve for the members to examine.
- (5) Merchantable timber shall be cold decked for the Band on the reserve.
- (6) The Band desire any excess material being removed, Contractor should be aware of this commitment and if feasible, arrange with the Band an area to dump it.

W. Montgomery
Regional Property Negotiator

per:

John Adank
John Adank
Property Negotiator

ENCLOSURE #3

WEDNESDAY JUNE 5/85

WEATHER		TEMPERATURE		Date
Max.	12 Noon	Min.		
RAIN				

NO - Road Planned to waste Good material
From 16B Area & All set for Hauling. Shuts down
Total pile 1. Don't want to waste this material
But can waste 150' material so they start
working with 4 Rock wagers from Sta 154 to
Sta 180.

7 Dump Trucks Hauled Back on material
From ELMO to EAST of bridge for L-1200.
Packer and Grader on.

one Drill at 161 Area

one Drill @ 170 Area Side Hill

One Load Truffin 154 to 180.

230 Dave Nash visits the project. Hunter Creek
told him we need Hauling and TESTING for
waste. Crew & one man Training for Densometer.
2 Bags of 3/4" Gravel to testing Lab (Comm).

Phone to NAD Reimke regarding Regulation
of ACE to James & 11000 L of RM 20

CREW Bobb Comer Crew starting Hunter Creek

Gravel Crew Ream slipping 178-180

Kathy Reed began stacking widening
L-1200 6+40 - 7+60 RT

Names of Senior Officials Visiting Site

Project Supervisor's Signature

WEATHER	TEMPERATURE			Date
	Max.	12 Noon	Min.	

April 22nd CONT'D

Don Dasil on Job

- N.R. Road has FREE HAND TO Pull Down ROCK @ 169 WHERE FRACTURE LINE IS - WE PAY ALL MATERIAL TAKEN OUT POSSIBLY STORMLINE. PUT RUN ON LT SIDE OF HIGHWAY TO STOP ROLLING Boulders
- WE WILL PROBABLY HAVE TO ACCEPT DELIVERY OF CONCRETE BARRIERS
- WE WILL PROBABLY PAY FOR OUR BALLAST OURSELVES - NO CHARGE TO N.R. ROAD - ~~PROB~~
- NO COMMITMENT TO F. PETERS - WE WERE TAKEN BY FIREWOOD DEAL - ~~DEFINITE~~ SOMETHING TO WORK ON AGAIN

BC TO Moving Lines @ 160 Will Try to Move Line @ 150 Tomorrow or Wed.

Names of Senior Officials Visiting Site

Project Supervisor's Signature

WEATHER	TEMPERATURE			Date
	Max.	12 Noon	Min.	
OVERCAST, RAIN				APR 22

989 + 762 2 DEERES HAULING ACROSS RD @ 152
RT. → LT

2 DRILLS 152 LT

3 LABOURERS @ 106 RT SIDEHILL

S.22

SINGH:

DAN -

CAM, DAVE, ROB - FINISHED L100

S/S CG LINE 178+60 → 183+40

BOB, DUG, REID - FINISHED TMDR 20M H6-151

GOED, DEND, GUY - FINISHED S/S CG 182-105

PLOTTING & REDUCING IN OFFICE

DAVE - OFFICE PLOTTING

CAROLYN - OFFICE PLOTTING

MET DAVE VINEYARDS AND DAVE GILL OF CNR @ 152 CUT

- WILL PUT ROBERT DOWN TO TMDR

- NO DRILLS PLANNED ON FRIDAYS

- WILL USE FLAG PERSONS FOR OTHER DRIFT SITES - ?

PICK UP ONLY FOR 152 CUT

GEORGE (ROSEDALE 20) CAME INTO OFFICE - WE DO

NOT HAVE ALL THE SIGNS UP. WE SHOULD FOR 2

FLAG PERSONS STOPPING TRAFFIC - DON STAMER

WILL GET THE PROPER SIGNS

PHONED MURPHY AGAIN RE: PETERS LETTER ABOUT

EXCESS MATERIAL - THEY KNOW ABOUT 1000 LBS

EXCEEDED TO IT @ TIME OF MEETINGS

Names of Senior Officials Visiting Site	Project Supervisor's Signature
---	--------------------------------

WEATHER	TEMPERATURE			THURS
	Max	12 Noon	Min	Date
OVERCAST				APR 18

SINGH - s.22
LOB

GORD, BRAD, GUY - 05 S/S 102 AM

CAM. REID, DAN - 1100, 1300 S/S 05

BOB, DAVE, DOUG - TMAP REL.
56847 To Hare - STARTER MOTOR

DALE - OFFICE

THERE IS A FAULT OR SLIP @ 169 IN
ROCK. D. STRIMER IS WORRIED THAT WHEN
THEY START DRILLING, IT MIGHT COME DOWN.
R. DASH WILL LOOK @ IT ON MONDAY

CNR INSISTS ON BALLAST @ 152 CUT BUT
CAN'T GET TO IT UNTIL THURS. NEXT WK.
NU-ROAD (L. ZAFF, J. TUDORIK) SAY THEY WINK
NOT PAY FOR IT AS THEY FEEL IT IS
TOTALLY UNNECESSARY

BC TEL PLACING POLES @ 152

LETTER FROM F. PETERS WANTING V-TEA TOP
SOIL

ARRANGING CNR BLOCK FOR MONDAY 10-3
WILL CONFIRM MON. A.M.

2 Drills @ 152 Rock cut

Names of Senior Officials Visiting Site	Project Supervisor's Signature
---	--------------------------------

WEATHER	TEMPERATURE			Date
	Max.	12 Noon	Min.	
RAIN				APR 17

SINGH s.22

CAROLYN - TC/IC

ROB - s.22

BOB, DOUG, DAVE

PUTTING IN PYS @ 141-152 TMDR REF.

06: S/S 162 → 167

GORD, BRAD, GUY

S/S: 06 WEST END of L900

CAM, REID, DAN L100: L1300 S/S: 06

DALE OFFICE PLOTTING SECTIONS.

ONLY 2 DRILLS @ 152 CUT R
LEAVING 90 KMH SIGNS UP

BC TEL SETTING POLES @ 152 LT

FRANK PETERS WANTS EXCESS MATERIAL
FROM TOP CUT @ 147-151 AREA & ELSE-
WHERE ON JOB. HE FEELS IT WAS IN
THE INITIAL AGREEMENT. I PHONED
MC SWEEN IN VICT. AND HE SAYS THE
ONLY AGREEMENT WAS THAT THEY WOULD
INFORM US THAT PETERS WOULD LIKE IT
BUT IT IS UP TO THE CONTRACTOR AND
HIGHWAYS TO DECIDE IF WE ARE TO GO
AHEAD WITH IT.

CAM FINISHED WRITING UP EWO
TOTAL \$ 27570

PHONED D. VIVEIROS of CNR RE: BALLAST
FOR THE 152 CUT - HE WILL GET BACK

Names of Senior Officials Visiting Site

Project Supervisor's Signature

Eastman, Barry TH:EX

From: Eastman, Barry TH:EX
Sent: Tuesday, February 15, 2000 10:43 AM
To: Dixon, Georgia TH:EX; May, Nick TH:EX; Cruickshank, Patrick TH:EX; Gazdik, Tony TH:EX
Cc: Eastman, Barry TH:EX
Subject: RE: Peters Band claim

GEORGIA

In 1985 Kathy Stewart was a member of Singh Jassal's construction crew. s.22
s.22

but in 1985 she was construction with Singh (the B Jassal referenced is Singh).

With respect to your 10 questions:

1. No info found in our files.
2. Do not know.
3. Do not know, no info in our files.
4. It depends on who defines it. The greater the technical knowledge of the "definer" the more accurate the description.
5. Do not know.
6. As per Pat Cruickshank response.
7. As per Pat Cruickshank response.
8. If by site you mean the wast material location it is my understanding that it was sold. Tony could confirm or otherwise.
9. I believe so.
10. No info found in our files.

BWRE

-----Original Message-----

From: Dixon, Georgia TH:EX
Sent: Thursday, February 10, 2000 12:33 PM
To: May, Nick TH:EX; Eastman, Barry TH:EX; Cruickshank, Patrick TH:EX; Gazdik, Tony TH:EX
Subject: Peters Band claim

Hi Nick, Barry, Patrick, Tony:

FYI and comments, I've attached a chronology of ARB's correspondence that relates to the Peters Band claim for surplus rock material as part of the agreement for Highway 1 r/w through I.R. #1. Please note that at the bottom of the chronology I have listed 10 questions, and if any of you would be able to shed some light on the questions, that would be appreciated. In addition, notice there are some key documents noted that are not in ARB files. Tony, would you assist me by locating those documents and faxing them to Nick's office. Thanks for your help.

Georgia.

<< File: Peters.doc >>

Eastman, Barry TH:EX

From: Dixon, Georgia TH:EX
Sent: Thursday, February 10, 2000 12:33 PM
To: May, Nick TH:EX; Eastman, Barry TH:EX; Cruickshank, Patrick TH:EX; Gazdik, Tony TH:EX
Subject: Peters Band claim

Hi Nick, Barry, Patrick, Tony:

FYI and comments, I've attached a chronology of ARB's correspondence that relates to the Peters Band claim for surplus rock material as part of the agreement for Highway 1 r/w through I.R. #1. Please note that at the bottom of the chronology I have listed 10 questions, and if any of you would be able to shed some light on the questions, that would be appreciated. In addition, notice there are some key documents noted that are not in ARB files. Tony, would you assist me by locating those documents and faxing them to Nick's office. Thanks for your help.

Georgia.



Peters.doc

Peter's Band

Issue: First Nations claim for surplus rock material as part of Highway 1 r/w agreement

- Note:
- ARB does not have an ARCS/ORCS file on the Peter's Band
 - Correspondence from PS #6169 relating to the Cheam Band was mixed in PS #6165 relating to the Peter's Band file.
 - Undated or untitled references need to be carefully checked.

Background

1. In 1984-85, MoTH and Peters Band negotiated an agreement for 5.9817 hectares to widen Highway 1 through Peters I.R. 1.
2. The agreement included cash compensation (\$ 110,000), a return to the Band of 0.089 hectares of the TCH, and other miscellaneous items of agreement.

Chronology of PS File #6165

August 2, 1984	Letter from John Adank, MoTH, to Jack Anderson, Band Lawyer, regarding August 1, 1984 meeting to discuss items of agreement and compensation for right of way. Note: there is no mention of the Band's request for surplus material at this time.
Undated Note: This is filed after a memo dated September 18, 1984 and before a letter dated November 15, 1984.	Note to file, handwritten, author unknown Reads, "Peters <ul style="list-style-type: none">- not interested in island- want 120,000 rather than 75,000.00 flat rate- also – surplus material on Reserve – spec sites.- topsoil – keep from r/w in Reserve- merchantable timber from Reserve- underpass access to Peters Road.- Pave Peters Road as well as access- John to confirm. Note: The reference to "John" is likely to John Adank
November 15, 1984 Note: Key document	Letter from Peter Humphrys, INAC, to Don MacSween, MoTH Letter reads, "Further to the meeting of Friday, November 9, 1984, and attended by Mr. And Mrs. Frank Peters, Wilfred Peters and Bill Peters from the Peters Band, their lawyer Jack Anderson, yourself and John Adank of Highways and myself, the following was agreed to: ..." Note: the letter lists 8 items of agreement but does not reference surplus material; however, ARB does not have meeting notes on file from the November 9th meeting referenced above.
December 3, 1984	BCR – Item 9 reads, "The Province will allow the Band to have the excess rock from the construction site and topsoil."
December 3, 1984 Note: Key document	BCR – Item 9 reads, "The Province will allow the Band to have the excess rock and topsoil, and the Province will place the excess rock and topsoil at one or more locations on the Reserve as determined by the Band Council." Note: This BCR appears as though it amended the previous one because the words, "from the construction site and" are crossed out and replaced with "and topsoil, and the Province..." It is also initialed by FP which corresponds to the initials of Chief Frank Peters.
December 5, 1984	Memo from W. Montgomery, MoTH to D. MacSween, MoTH

	Memo reads, "...In exchange for the above, the Province of British Columbia will do the following: ...9. The Province will allow the Band to have the excess rock and topsoil, and the Province will place the excess rock and topsoil at one or more locations on the Reserve as determined by the Band Council."
December 11, 1984	Memo from A.C. Brown, MoTH to Regional Director, MoTH Memo reads, "There are several items which do not quite match with my recollections of our agreement meeting with the Band, and some minor criticism of the form of the BCR, as follows: ...Item 9 – This item is quite different from my recollection. We only undertook to advise our contractor that the Indian Band had an interest in receiving any surplus materials not required for construction and that they would identify through consultation where such material could be placed. No material was promised. No other Ministry participation was contemplated than advice above. The matter was left as one for arrangement between the contractor and the Indian Band."
December 17, 1984 Note: Key document	Letter from John Adank, MoTH, to Jack Anderson, Band's lawyer Letter reads, "This office is now in receipt of a Band Council Resolution dated December 3, 1984, consenting to transfer Reserve lands to the province for certain considerations. We wish to point out some discrepancies and make more clear some items as agreed to with your clients at your office, November 9, 1984. ...Item #9 – This item is quite contrary to the discussion at the November 9 th meeting. My recollection was the Band would talk to the contractor and if feasible, arrange to have any excess material dumped at a mutually acceptable area on the Reserve. As stated at the meeting, the designated dump area for that area is on Crown land near Jones Creek. For numerous reasons discussed, the Ministry did <u>not</u> promise the Band any material. The whole matter was left as one for arrangement between contractor and the Band."
January 9, 1985 Note: Key document	Letter from Peter Humphrys, INAC, to John Adank, MoTH – "The contents of your December 17 letter has been discussed with Chief Frank Peters and we wish to make the following comments: 1. Item 9 of the B.C.R. now reflects the agreement made at the meeting of November 9, 1984, namely, the Band will not require the Province to place the excess rock and soil at locations on the Reserve as determined by the Band Council. However, the Province will allow the Band to have any excess rock and topsoil and this excess, if any, will be place at one dump area."
Undated Note: This is filed after a memo dated January 16, 1985.	map showing area to excavated
Undated Note: This is filed after a memo dated January 16, 1985.	Map showing area to excavated, cross-hatched with attached "note: Approx 200m3 to be Excavated and stockpiled on adjacent property." Note: I believe this reference of 200 m3 refers to item 7 of John Adank's letter of December 17, 1984, and was later confused with item 9.
January 17, 1985 Note: Key document	Letter from Peter Humphrys, INAC, to Don MacSween, MoTH Letter reads, "...I wish to confirm that the Peters Band will have to discuss with the contractor as to the amount of rock and gravel which will be considered in excess to the requirements of the road construction. Further the Band and the contractor will also have to discuss the location that the contractor should deposit the excess rock and gravel, if any. The above is not the direct responsibility of your Ministry. It would be appreciated if you could make the above known to the contractor and have them contact Chief Frank Peters."
January 18, 1985	Memo to File by Don MacSween

	<p>Memo reads, "Met with Peter Humpries re surplus rock and Peter says he understands the agreement is same as ours, to wit:</p> <p style="padding-left: 40px;">"That the Indian Band desires the surplus rock, if any, and will set aside a convenient dump site for the contractor. Highways will advise the contractor of Band's offer but it is left to the contractor to make his own arrangements directly with the Band."</p> <p>Peter advises he has some trouble reducing his understanding to words but will try again."</p>
<p>January 29, 1985</p> <p>Note: Key document</p>	<p>Letter from D. MacSween, MoTH to N.R. Zapf, MoTH</p> <p>Letter reads, "...This will report that we have successfully negotiated the new right-of-way for the current project and that the following construction commitments were made: ...6. The Band desires any excess rock and/or gravel which may be surplus to our construction requirements and requests that we make known to the contractor that they will provide a convenient site on their Reserve as a dump site. The Band was advised that we would so inform our Contractor but would leave arrangement to be made directly between the Band and Contractor. Would you kindly inform the successful contractor."</p> <p>Note: ARB does not have record on file to indicate that the contractor was contacted.</p>
<p>February 1, 1985</p> <p>Note: Key document</p>	<p>BCR - Item 9 reads, "The Province will allow the Band to have the excess rock and topsoil, such rock and topsoil to be placed as per agreement between excavation contractor and the Band."</p>
<p>February 14, 1985</p> <p>Note: Key document</p>	<p>Letter from John Adank, MoTH, to Jack Anderson, Band's lawyer</p> <p>Letter reads, "...In addition to the Band Council Resolution 84-85/586-19 dated December 3, 1984, we are accepting as an addendum to the B.C.R., the letter dated January 9, 1985, as provided by Peter Humphrys of Indian Affairs (file #E5670-08084 & 08085 (RT81). It is our understanding the five items listed in the letter were discussed and accepted by the Band and Indian Affairs."</p>
<p>April 23, 1985</p>	<p>Letter from A.C. Brown, MoTH, to B. Jassal, MoTH</p> <p>Letter reads, "This has reference to my telephone discussion with Kathy Stewart 22nd instant with respect to the Band's claim we "will allow the Band to have the excess rock from the construction site", as evidenced by item 9 of the Band Council Resolution dated 3rd December, 1984.</p> <p>I enclose herewith copies of subsequent correspondence upon which I have highlighted the relevant passages. You will note that we would not agree to the Band's demand above, but correctly stated the matter was one for the consideration of the Contractor. Mr. Zapf was so notified 29th January, 1985."</p> <p>Note: Who is Kathy Stewart?</p>
<p>July 8, 1986</p> <p>Note: Key document</p>	<p>Letter from A.J. Gross, INAC, to H.J. Ryan, INAC, regarding r/w agreement.</p> <p>Letter reads, "...we enclose the following for your easy reference... - Copy of BCR dated December 3, 1984, numbered 84-85/586-19. - Original B.C.R. dated February 1, 1985 (confirmation of Agreement) numbered 84-85/586-20 (Please note this B.C.R. supercedes 84-85/586-19, mentioned above).</p>

Chronology of Package of Correspondence provided by Nick

<p>March 22, 1996</p> <p>Note: Key</p>	<p>Draft Letter from Anton Gazdik, MoTH, to Chief Peters</p> <ul style="list-style-type: none"> - Reference to meeting of March 20, 1996, with the Chief. - At which time the Chief requests surplus rock material that Band
---	--

	<p>certainty whether there was excess material.</p> <ul style="list-style-type: none"> - MoTH is prepared to assume there was excess material to settle this matter. - Tony and Chief identified material at a site that was offered to Band in return for a BCR releasing MoTH from further claim. - The volume of rock is approximately 1500 m3. - Jack Anderson claims the amount is 52,000 m3. - More research would be required if the Band pursues the 52,000 m3. <p>Note: ARB does not have a copy of the April 11, 1996, letter referenced above.</p>
April 12, 1996	<p>Anton Gazdik, MoTH, to Jack Anderson, Band Lawyer</p> <ul style="list-style-type: none"> - Reference to Jack Anderson's letter of April 11 in response to MoTH's letter of April 11. - Reads, "...In this particular circumstance, the Band request refers to a specific agreement, and the Ministry is prepared and willing to fulfill its obligation, provided such an obligation exists.... Our information thus far not only contrasts the volume in your two pages with certain recording of "waste material" provided to us (unfortunately without any details or verification of the author, construction project, place of excavation, etc.) but indeed suggests, no excess material was produced at all. This, unfortunately, hardly justifies the release of any material to the Band at this time with proper release of claim....Our proposal of settlement is still open. The only correction is in the volume of material offered to the Band, that figure is approximately 2,500 m3 rather than 1,500 m3." <p>Note: ARB does not have a copy of Jack Anderson's letter of April 11 or MoTH's response of the same date.</p>
October 4, 1996	<p>Letter from Jack Anderson, Band Lawyer to Anton Gazdik, MoTH</p> <ul style="list-style-type: none"> - Reference to Anderson's previous letter of April 11, 1996, and Gazdik's response. - Contends that MoTH's offer of 2500 m3 does not meet MoTH's obligation of providing 52,000 m3 of material which were removed from the reserve and which comprise part of the r/w agreement. - Further reads, "As you know, the Peters Band were promised and as part of the consideration for the transfer of their lands, required that the Highways Department set aside 52,000 cubic meters of material removed from their reserve for their later use. The land upon which the material was stored has since been sold by the Province of British Columbia without any provision for providing the Band with the materials stored there or some alternative source of material of a like of volume." - Anderson does not view the 2500 m3 offer as a genuine offer to settle the matter. <p>Note: ARB does not have a copy of Jack Anderson's letter of April 11 or MoTH's response of the same date.</p>
October 10, 1996 Note: Key document	<p>Letter from Anton Gazdik, MoTH, to Jack Anderson, Lawyer</p> <ul style="list-style-type: none"> - Reference to research undertaken by MoTH - Reads, "...the Province agreed only that the Band would make all arrangements for the excess material and the dumping location with the contractor. The Ministry was not to be directly responsible for this arrangement. To the best of our knowledge the Band did not make any arrangements with the contractor....the Province did not

document if signed copy exists.	<p>hadn't received.</p> <ul style="list-style-type: none"> - Acknowledgement that MoTH intended to provide some material. - However, available documents do not indicate whether there was any surplus material or what quantity. - Acknowledges that some excess material may have been left and the contractor stored it on MoTH property. - This property was subsequently sold. - Confirms offer of certain rock material located on MoTH r/w, the location and deposit that was identified at the March 20th meeting. - In return, MoTH requests release of claim by BCR. - Suggests wording for BCR that would indicate Band is satisfied that this offer would meet agreement for item 9 of Feb. 1/85 B.C.R. <p>Note: This letter is draft only showing edits, and not a signed copy.</p>
March 26, 1996	<p>Memo from Pat Cruickshank, MoTH, to Tony Gazdik, MoTH</p> <ul style="list-style-type: none"> - Attaching sketches showing cross-sections of the rock material. - Estimates volume of rock at 2466.5 m3 plus or minus 10%.
April 4, 1996	<p>Memo from Les Gilburg, MoTH, to Rockne Hewko, MoTH</p> <ul style="list-style-type: none"> - reference to unresolved issue of rock material - Gilburg was contacted by Chief this year. - Gilburg involved Pat Cruickshank, Bill Sunderwood, and Tony Gazdik in several discussions, meetings and some research. - MoTH staff thought issue could be resolved by offering 2500 m3 of rock. - Band lawyer contacted Tony Gazdik and advised Band would not sign BCR, but Band would accept the offer of 2500 m3 and insist that they have records to show 52,000 yds of rock is due. - Requests Hewko acquire all information to prove quantities of rock that were actually available from the project through the reserve. <p>Note: Gilburg refers to cubic metres of rock and then yards of rock. What is the conversion? This is the first reference to the number 52,000. Later Band would claim 52,000 m3 is owed.</p>
April 11, 1996	<p>Memo from Patrick Cruickshank, MoTH, to Tony Gazdik, MoTH</p> <p>Attaches photograph showing pile of rip rap (rock) that is being negotiated with Band.</p> <p>Note: Assuming this is the 2500 m3 that was offered to resolve the issue.</p>
April 11, 1996	<p>Email from Sharon Varley, MoTH, to Nick May, MoTH</p> <ul style="list-style-type: none"> - summary of Sharon Varley's conversation with Bill Sunderwood, MoTH and Tony Gazdik, MoTH. - A BCR dated February 1, 1985 confirms that MoTH would provide excess rock and topsoil left over from the construction of the r/w, but in the OIC and BCR, no quantities were stated. - MoTH staff who are familiar with the deal remember that perhaps 200 m3 of excess material might be available. - A condition of the agreement was that the Band would contact the contractor to make arrangements for the transfer of rock. - Band needs the material for flood control of their dyking project. - Tony Gazdik has written a letter to Jack Anderson, Band Lawyer, dated April 11, 1996, following a meeting with the Chief on March 20, 1996. - Chief advised in letter that MoTH is not able to establish with

	<p>object to the Band having any excess rock and/or gravel material, should it become available. Our records show however, that the material in question was organic and unusable dirt with some unrecoverable rock mixed in a volume less than 10% of the total. Some other rock material available was used to construct the haul road to the waste dump site. The construction did not produce any excess rock and/or gravel material. Based on these findings, it is the Ministry's position that The Ministry fulfilled all its obligations and complied with all terms of the agreement."</p>
<p>Questions and Notes</p> <p>1. [unclear]</p> <p>2. [unclear]</p> <p>3. [unclear]</p> <p>4. [unclear]</p> <p>5. [unclear]</p> <p>6. [unclear]</p> <p>7. [unclear]</p> <p>8. [unclear]</p> <p>9. [unclear]</p> <p>10. [unclear]</p>	<ol style="list-style-type: none"> 1. ARB needs to review copies of notes taken at the meeting of November 9, 1984, at which time an agreement in principle was reached with the Band. 2. Was the contractor notified in late January 1995 of the Band's request? 3. Is there documentation that MoTH notified the contractor? 4. The February 1, 1985 BCR refers to rock and topsoil. In view of Gazdik's letter of October 10, 1996, how is "rock and topsoil" defined and is it different than "rock and/or gravel material." 5. Is there a signed copy of Tony Gazdik's draft letter of March 22, 1996? 6. Where is the location of the 2500 m3 offered to the Band? 7. What kind of "rock material" did the site contain? 8. What happened to the site? 9. Was this the property that was subsequently sold? 10. ARB does not have a copy of Jack Anderson's letter of April 11 or MoTH's response of the same date.

Eastman, Barry TH:EX

From: Cruickshank, Patrick TH:EX
Sent: Thursday, February 10, 2000 2:55 PM
To: Dixon, Georgia TH:EX; May, Nick TH:EX; Eastman, Barry TH:EX; Gazdik, Tony TH:EX
Cc: Jeffery, Dale TH:EX
Subject: RE: Peters Band claim

Georgia:

I have read your document "Peters.doc" and have the following comments.

Your April 23, 1985 item: Kathy Stewart may have been the Ministry's Area Manager at the time; if not, I believe that she was employed at the time. s.22

s.22 A person who still works with the Ministry who might have a recollection of this is Dick Jones, Area Manager in Hope.

Your March 26, 1996 item: This refers to an existing mound of rock that was left over from the highway construction. It has grown over with trees and other vegetation. The rock is situated on the south side of the freeway, within a couple of kilometers of the Peters interchange.

Your April 4, 1996 item: This asks what the conversion is from meters to yards.

1 yard = 0.9144 metres

Therefore, 1 cubic yard = 0.765 cubic metres.

It is possible that the original contract used cubic yards as a measurement. Converting to cubic meters would increase the volume by 31%.

Your April 11, 1996 memo assumes that the referenced photo shows the rock pile that was being offered to the band. Yes, it is. The rock is very competent, hard rock in large chunks from approx. 1-foot diameter to perhaps 1-meter diameter.

Your second April 11, 1996 memo notes that ARB does not have a copy of Tony's letter of that date. Please ask Tony for that memorandum.

w.r.t. your "Questions and Notes" section:

"Rock and Gravel" refers to rocks and clean gravels with no organics (peaty soil, grass, leaves, wood, trees, etc.). "Rock and topsoil" refers to rocks and soil that would be used for planting grasses and other landscaping. The soil may or may not contain organics.

For information on whether or not the contractor was notified of the Band's request, I suggest that you contact the project supervisor of that contract. Singh Jassal is still with the Ministry, s.22

s.22 This seems like a key item in your research; you may wish to strongly urge him to pull his diary and/or other relevant documentation from his archived files.

I hope that this has assisted you.

Dale:

Could you print my memo and Georgia's chronology document, and file with this claim in your district?

Regards,

Patrick Cruickshank, P.Eng.
Acting District Engineer
Phone 981-0051 Fax: 981-0005
e-mail: Patrick.Cruickshank@gems3.gov.bc.ca

Jeffery, Dale TH:EX

From: Cruickshank, Patrick TH:EX
Sent: Thursday, February 10, 2000 2:16 PM
To: Dixon, Georgia TH:EX; May, Nick TH:EX; Eastman, Barry TH:EX; Gazdik, Tony TH:EX
Cc: Jeffery, Dale TH:EX
Subject: RE: Peters Band claim

Georgia:
FYI, I am no longer with the Fraser Valley District.

Dale Jeffery is now the District Technician with that district.

Thank you,

Patrick Cruickshank, P.Eng.

Acting District Engineer
Phone 981-0051 Fax: 981-0005
e-mail: Patrick.Cruickshank@gems3.gov.bc.ca

-----Original Message-----

From: Dixon, Georgia TH:EX
Sent: Thursday, February 10, 2000 12:33 PM
To: May, Nick TH:EX; Eastman, Barry TH:EX; Cruickshank, Patrick TH:EX; Gazdik, Tony TH:EX
Subject: Peters Band claim

Hi Nick, Barry, Patrick, Tony:

FYI and comments, I've attached a chronology of ARB's correspondence that relates to the Peters Band claim for surplus rock material as part of the agreement for Highway 1 r/w through I.R. #1. Please note that at the bottom of the chronology I have listed 10 questions, and if any of you would be able to shed some light on the questions, that would be appreciated. In addition, notice there are some key documents noted that are not in ARB files. Tony, would you assist me by locating those documents and faxing them to Nick's office. Thanks for your help.

Georgia.

<< File: Peters.doc >>



Page 57 to/à Page 64

Withheld pursuant to/removed as

s.14



Province of
British Columbia

Ministry of
Transportation
and Highways

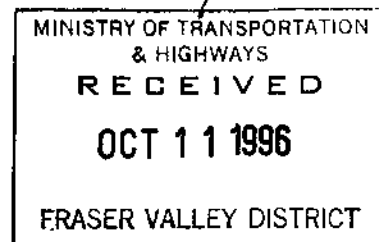
3548767
Properties
South Coast Region
Suite 310 - 625 Agnes Street
New Westminster, BC V3M 5Y4
Telephone: 660-0276
Facsimile: 660-8278

File: PS 6165
Project: 08972

October 10, 1996

Andersen Paul, Barristers and Solicitors
Suite 306 - 1530 West 8th Avenue
Vancouver, B.C.
V6J 4R8

Attention: Jack Andersen



Dear Mr. Andersen:

Re: Trans Canada Highway - Peters Indian Reserve No. 1
Rock Material

Thank you for your letter of October 4, 1996. We apologize for the delay in our response which was due to internal changes within our Region and the re-distribution of files.

We have researched our construction records, Properties Branch documents, records of Nu Road Contractor you provided us, and interviewed personnel. The review brought up two important points pertaining to the agreement between the Peters Band and the Province.

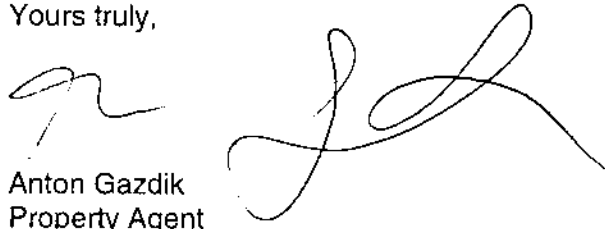
The first point is, that the Province agreed only that the Band would make all arrangements for the excess material and the dumping location with the contractor. The Ministry was not to be directly responsible for this arrangement. To the best of our knowledge the Band did not make any arrangements with the contractor

The second point is, that the Province did not object to the Band having any excess rock and/or gravel material, should it become available. Our records show however, that the material in question was organic and unusable dirt with some unrecoverable rock mixed in- a volume less than 10% of the total. Some other rock material available was used to construct the haul road to the waste dump site. The construction did not produce any excess rock and/or gravel material.

01/14/00
To Nick May
Aboriginal Relations
(16 pages)
Fax: (250) 356-8767

Based on these findings, it is the Ministry's position that The Ministry fulfilled all its obligations and complied with all terms of the agreement.

Yours truly,

A handwritten signature in black ink, appearing to be 'Anton Gazdik', written over a horizontal line.

Anton Gazdik
Property Agent

ARG

Copy: Chief and Council, Peters Band
Mike Neill, Fraser Valley District Office
Les Gilburg, Fraser Valley District Office
Nick May, Aboriginal Relations Branch

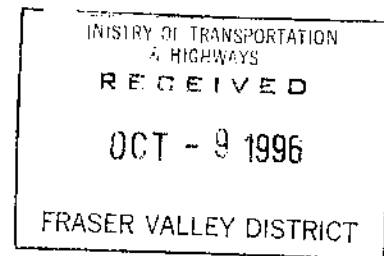
Andersen Paul

Barristers & Solicitors
An Association of Lawyers

* Jack Andersen
Penny Paul
Colin A. Campbell

Suite 306
1530 West 8th Avenue
Vancouver, B.C.
V6J 4R8

Phone (24 hrs.) 734-8411
Fax (604) 734-8511



October 4, 1996

VIA FAX (604) 660-8278
ORIGINAL VIA MAIL

Minister of Transportation and Highways,
South Coast Region,
310 - 625 Agnes Street,
NEW WESTMINSTER, B.C. V3M 5Y4

Attention: Anton Gazdik

Dear Sir:

Re: Trans Canada Highway - Peters Indian Reserve No. 1
Rock Material

A considerable time has passed since April 12, 1996, when you, in correspondence explained the Ministry would continue to research records and interview personnel respecting the rip rap material stored by the Highways Department and subsequently sold without provision to the Peters Band of material owing to them. Please see my letter of April 11, 1996.

The Band requires your co-operation in resolving this issue and providing the appropriate material to the Band which the Highways Department owes it. As far as we are aware, no further efforts since your letter of April 12, 1996 have been undertaken.

Would you please provide us with some explanation of what continuing research, interviews of personnel, etc. have taken place since April 12/96 so that we can better understand when the Highways Department will honour its obligation. As you are well aware, the Highways Department's offer of 2,500 cubic meters of rip rap does not anywhere near meet the Highways Department's obligation of providing some 52,000 cubic meters of material which were removed from the reserve and which

comprise part of the land transaction in which the Government of British Columbia acquired a portion of the Peters Reserve.

As you know, the Peters Band were promised and as part of the consideration for the transfer of their lands, required that the Highways Department set aside 52,000 cubic meters of material removed from their reserve for their later use. The land upon which the material was stored has since been sold by the Province of British Columbia without any provision for providing the Band with the materials stored there or some alternative source of material of a like of volume.

I cannot view the offer made in your letter of April 12, 1996, and earlier, of 2,500 cubic meters as a genuine offer to resolve this matter. Please advise that a proper response will be made and soon.

I remain,

Yours truly,

ANDERSEN PAUL

Per:

JACK ANDERSEN

JA:sp

cc. Chief and Council, Peters Band
Pat Cruickshank, Fraser Valley District Office
Les Gilburg, Fraser Valley District Office
Nick May, Aboriginal Relations Branch

	READ	ACTION
INST. HWY. MGR.		
OVER. ADMIN. SVCS	/	
DISTRICT TECH.		
AREA MANAGERS		
DEVELOPMENT/PLANNING		
OPERATIONS ASST.		
HOPE		
COMMENTS		

CC: Bill Sunderwood
From: Sharon Varley
Subject: peter's band

SOU/FRASER VALL
Security: General
Date Received: 96/04/11

96/04/15 09:00 AM

HI Nick,

96/97

Further to your phone call from Jack Anderson regarding an outstanding issue with the Peter's Band concerning excess rock material, I've talked to Bill Sunderwood, DHM, and Tony Gazdik.

- In the mid 80s, MoTH negotiated for Reserve land, and the transfer was completed.
- As part of the settlement, MoTH committed to provide excess rock and topsoil left over from the construction of the right of way. A BCR dated February 1, 1985, confirms this, but in the OIC and the BCR, no quantities were stated.
- MoTH staff who are familiar with the deal remember that perhaps 200 cubic metres of excess material might be available.
- Part of the agreement involved a condition that the BAnd would contact the construction excavator to arrange for the transfer of the rock to a place designated by the Band.
- The Band contends they haven't received any material to date.
- Band's concern is that they need the material for their dyking project immediately as the waters are rising.
- Tony Gazdik has written a letter to Jack Anderson, Band Lawyer, dated April 11, 1996, following a meeting with Chief Frank on March 20, 1996.
 - Chief advised that MoTH not able to establish with certainty whether there was excess material from the construction.
 - MoTH prepared to assume there was excess material in the interest of settling this matter.
 - Tony and Chief identified a rock material site which was offered to the Band in return for a BCR releasing MoTH from further claims.
 - The volume of rock offered to the BAnd is approximately 1500 cubic metres.
 - Jack Anderson claims the amount owed to the BAnd is 52,000 cubic metres.
 - MoTH is offering to settle the matter for the amount discussed with the Chief on March 20 (1500 c.m.)
 - If the Band wants to pursue the 52,000 c.m. MoTH has advised it will have to conduct research prior to any further negotiation.

A copy of Tony's letter is in your office. Mike Welwood has reviewed the PS file for any reference to rock quantities and has found none.
....Sharon.

cc: Bill, Tony, Mike

Pat
F.Y.I.
+ file
Bill

Ministry of Transportation and Highways

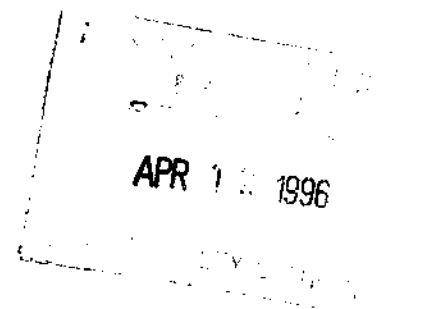
Suite 310 - 625 Agnes Street, New Westminster, BC, V3M 5Y4
(604) 660-8290

To: Pat Cruickshank/Les Gilburg
Title: District Technician
Phone: 824-2702
Fax: 795-8366

From: Tony Gazdik
Title: Property Agent
Phone: 660-0276
Fax: 660-8278

Date: April 12, 1996

Pages including this cover page: 3



Comments:

RE: Peters Band - letter of April 12, 1996.

Tony Gazdik

The attached material is intended for the use of the individual or institution to which this facsimile copy is addressed and may not be distributed, copied or disclosed to other unauthorized persons. This material may contain confidential or personal information which may be subject to the provisions of *Freedom of Information and Protection of Privacy Act*. If you receive this transmission in error, please notify us immediately by telephone at the phone number above. Thank you for your cooperation and assistance.



Province of
British Columbia

Ministry of
Transportation
and Highways

Properties
South Coast Region
suite 310 - 825 Agnes Street
New Westminster, BC V3M 5Y4
Telephone: 660-0276
Facsimile: 660-8278

File: PS 6165
Project: 08972

April 12, 1996

VIA FACSIMILE

WITHOUT PREJUDICE

Andersen Paul, Barristers and Solicitors
Suite 306 - 1530 West 8th Avenue
Vancouver, B.C.
V6J 4R8

Attention: Jack Andersen

Dear Mr. Andersen:

Re: Trans Canada Highway - Peters Indian Reserve No. 1
Rock Material

Thank you for your letter of April 11, 1996 which was in response to our letter to you dated April 11, 1996.

We regret your interpretation of the Ministry's efforts to settle the matter as trying to take advantage of the Band, particularly since the Band was a recipient of free land material from the Ministry on several occasions in the past and as recently as a few days ago.

You will appreciate that the Ministry, while trying to maintain good relations with the public and the Band, can not be considered as a permanent source of land material every time someone desires it. In this particular circumstance, the Band request refers to a specific agreement, and the Ministry is prepared and willing to fulfill its obligations, provided such an obligation exists.

We will continue researching our records and interviewing personnel who were involved in the project. Our information thus far not only contrasts the volume in your two pages with certain recording of "waste material" provided to us (unfortunately without any details or verification of the author, construction project, place of excavation, etc.) but indeed suggests, no excess material was produced at all. This, unfortunately, hardly justifies the release of any material to the Band at this time without proper release of claim.

April 12, 1996
Jack Andersen

Page 2

The Ministry is fully committed to settle the matter in a satisfactory and reasonable manner. Our proposal of settlement is still open. The only correction is in the volume of material offered to the Band, that figure is approximately 2,500 m3 rather than 1,500 m3.

Yours truly,

A handwritten signature in black ink, appearing to read 'Anton Gazdik', written over a horizontal line.

Anton Gazdik
Property Agent

ARG/dlg

Copy: Chief and Council, Peters Band
Pat Cruickshank, Fraser Valley District Office
Les Gilburg, Fraser Valley District Office
Nick May, Aboriginal Relations Branch



Province of
British Columbia

Ministry of
Transportation
and Highways

Fraser Valley District

400/4 Luckakuck Way
Chilliwack
British Columbia
V2R 3S9

FACSIMILE TRANSMISSION
COVER SHEET

Pages:	2	Date:	March 26, 1996
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To:	Tony Gazdik	From:	Patrick Cruickshank, P.Eng.
	Property Agent Extraordinaire		District Technician
	South Coast Region		Fraser Valley District
	Property Services, Inc.		
Ph:	660-0276	Ph:	824-2700
Fax:	660-8278	Fax:	795-8366
Your File:		Our File:	15-21-43/15-20-1B

Re: Peters Band Rip Rap Pile

Following is a survey sketch of the pile showing the access road, the Trans Canada Highway, and cross-sections used to calculate the volume of the pile.

Please note that the volume of material is much more than we originally estimated. The accuracy of this calculation is plus or minus 10%, due to the shape of the pile and our assumption on the shape of the ground below the pile.

Yours truly,

Pat Cruickshank

FAXED
15-21-43/15-20-1B

CROSS - SECTIONS

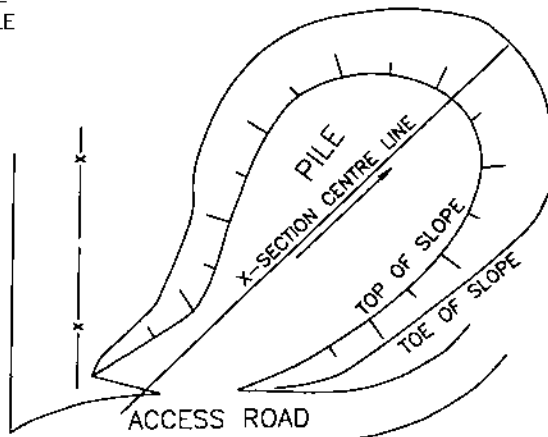
SKETCH
NOT TO SCALE

TRANS CANADA HIGHWAY No. 1

VANCOUVER

HOPE

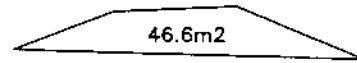
EDGE OF PAVEMENT



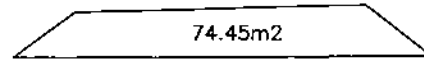
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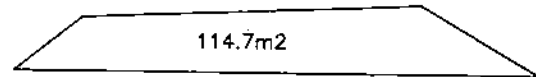
9m V=363.15 m³



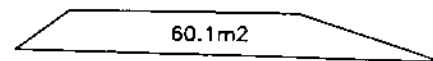
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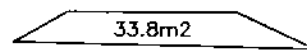
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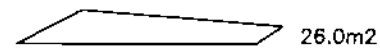
9m V=786.6 m³



5m V=234.8 m³



9m V=69.16 m³



8.5m V=154.45 m³



13m V=269.1 m³

"0"

TOTAL VOL. = 2466.5 m³



PROVINCE OF BRITISH COLUMBIA
MINISTRY OF TRANSPORTATION AND HIGHWAYS

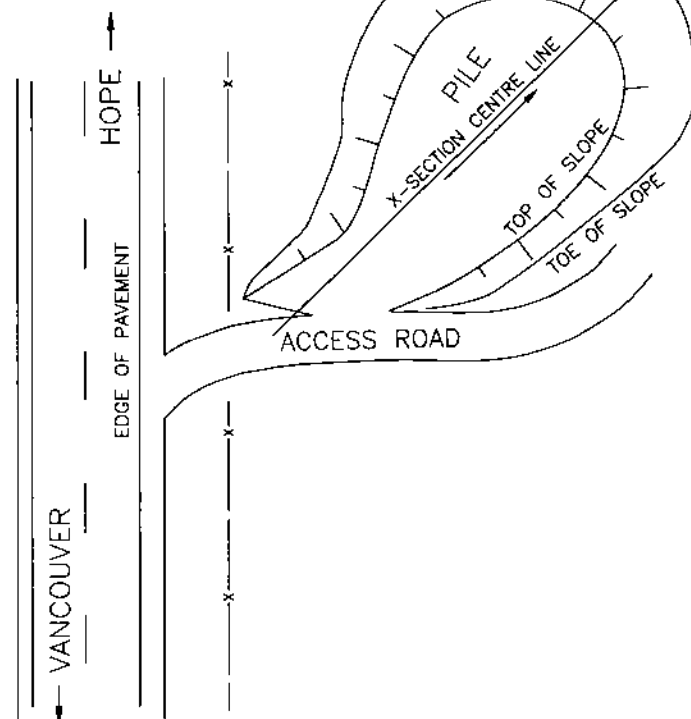
FRASER VALLEY DISTRICT

RIP-RAP TYPE ROCK
E.B. LANE TRANS CANADA HWY. JUST
WEST OF PETERS I.R.

96/03/26

TRANS CANADA HIGHWAY No. 1

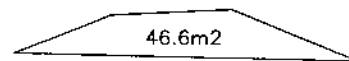
SKETCH
NOT TO SCALE



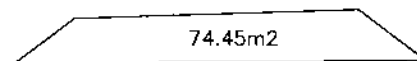
CROSS - SECTIONS

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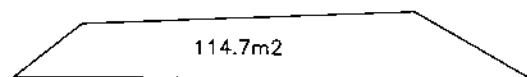
9m V=363.15 m³



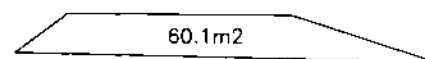
6m V=209.7 m³



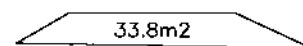
4m V=378.3 m³



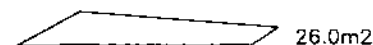
9m V=786.6 m³



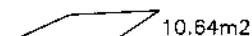
5m V=234.8 m³



9m V=69.16 m³

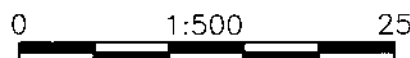


8.5m V=154.45 m³



13m V=269.1 m³

"0"



TOTAL VOL. = 2466.5 m³



PROVINCE OF BRITISH COLUMBIA
MINISTRY OF TRANSPORTATION AND HIGHWAYS

FRASER VALLEY DISTRICT

RIP-RAP TYPE ROCK
E.B. LANE TRANS CANADA HWY. JUST
WEST OF PETERS I.R.

96/03/26



Province of
British Columbia

OFFICE OF THE
FRASER VALLEY DISTRICT

Ministry of
Transportation
and Highways

MEMORANDUM

April 11, 1996

Tony Gazdik
Property Agent
South Coast Region

45474 Luckakuck Way
Chilliwack, B.C.

V2R 3S9

Phone: (604) 824-2700

Fax: (604) 795-8366

Our File: 15-21-43

Your File:

Re: Peters Indian Reserve
Excess Rip Rap Pile

Attached is a photograph taken recently of the pile of rip rap which we have been negotiating with the Peters Band.

For your files.

Patrick Cruickshank, P.Eng.
District Technician

attach.





April 4, 1996

Rockne Hewko
Manager, Construction Services
South Coast Region

45474 Luckakuck Way
Chilliwack, B.C.
V2R 3S9
Phone: (604) 824-2700
Fax: (604) 795-8366
Our File: 15-21-43
(Peteroc2.R21)
Your File:

Re: TCH project through Peters Indian Reserve during the 1984/85 period

This office has been involved in discussion with the Peters Band, West of Hope, adjacent to the TransCanada Highway, for several years regarding a Band Council Resolution. The BCR involved MoTH agreeing to various conditions for the right to construct the additional lanes for the TCH. One of the conditions was that we would supply the band with any excess material, i.e., rock from the construction. This one condition was supposedly unresolved since 1984.

This year I was contacted by the Chief, Frank Peters, to discuss this matter. I involved Pat Cruickshank, Bill Sunderwood, and Tony Gazdik in several discussions, meetings and some research. We thought that we had come to a resolve to the issue by offering the Peters Band in excess of 2500 m3 of rock.

Now their lawyer has contacted Tony Gazdik and informed him that they would not sign a BCR to resolve this but instead would accept the 2500m3 of rock and insist that they have records showing that they are due 52000 yds of rock.

We need to acquire all information from the project to prove the quantities of excess rock that was truly available from the construction of the TransCanada through and around the Peters Band property in Laidlaw. If we can obtain the information then we may be able to avoid potential legal action.

Could you please check your records from the construction of the TCH in this area and supply us with any pertinent documents that could shed some light on this dispute. If you have any questions please contact myself, Tony Gazdik or Pat Cruickshank.

Les Gilburg
Area Manager Chilliwack East

LMG/ctm

Ministry of Transportation and Highways

Suite 310 - 625 Agnes Street, New Westminster, BC, V3M 5Y4
(604) 660-8290

To: Pat Cruickshank/Les Gilberg
Title: District Technician
Phone: 824-2702
Fax: 795-8366

From: Tony Gazdik
Title: Property Agent
Phone: 660-0276
Fax: 660-8278

Date: March 23, 1996

Pages including this cover page: 3

Comments:

Attached letter of March 22, 1995 to Peters Band.

Tony Gazdik

FEED FAX THIS END

FAX	
To:	Tony Gazdik
Dept.:	Property Services
Fax No.:	660-8278
No. of Pages:	2
From:	Pat Cruickshank
Date:	03/25/96
Company:	Fraser Valley
Fax No.:	795-8366
Comments:	Changes on per voice mail
Post-it	fax pad 7903E

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Province of
British Columbia

Ministry of
Transportation
and Highways

Properties
South Coast Region
Suite 310 - 625 Agnes Street
New Westminster, BC V3M 6Y4
Telephone: 660-0276
Facsimile: 660-8278

File: PS 6165
Project: 09872

March 22, 1996

VIA FACSIMILE

Chief and Council
Peters Band
Compartment #11, Peters Road, R.R.#2
Hope, B.C.
VOX 1L0

Attention: Chief Peters and Council

Dear Chief Peters and Council:

Re: Trans Canada Highway: Cheamview - Jones Creek
Peters Indian Reserve No. 1
Band Council Resolution

I would like to thank Chief Peters and Frank Peters for meeting with us on March 20, 1996 to discuss the excess rock material issue which dates back to an agreement made between the Band and the Ministry in the early 1980's.

You advised us that the Band never received the excess rock material from a reconstruction of the Trans Canada Highway in early 1980's. You requested the Ministry provides the material to the Band at this time.

We reviewed our file and noted that the Band Council Resolution of February 1, 1985 and some other correspondence refer to an intent by the Ministry to provide the Band *Some* ~~an~~ excess rock material. While this intent is evident, the available documents do not clearly indicate whether or not there was *any* excess material available and what *quantity* of rock was considered.

from the Trans Canada reconstruction project.

Further, it appears that, indeed some excess material may *have* had been left from the construction and the contractor stored it on ~~X~~ Ministry property. Inadvertently, this property was subsequently sold to a private interest and the Band was not able to access the rock material.

We are prepared to settle this issue fairly and in the spirit of cooperation. We have offered to the Band certain rock material deposit located on the Ministry right of way along the Trans Canada Highway. The location and the deposit were identified by an on-site visit of ~~the~~ Ministry officials and Chief Peters on March 20, 1996. The material would be removed and hauled by the Band. In return we requested that the Band agrees to acknowledge that this is a satisfactory resolution of the issue and will release

March 22, 1996
Chief Peters and Council

Page 2

the Ministry from any further obligations. We requested that the Band passes a Band Council Resolution in which it agrees to the proposed offer and deliver it to the Ministry prior to any works.

The following suggested wording for the Band Council Resolution below reflects, in our understanding, the terms and conditions of an agreement discussed in the meeting:

1) In reference to item 9 of the Band Council Resolution of February 1, ¹⁹⁸⁵~~1986~~, the Peters Band hereby agrees to accept certain rock material from the Ministry of Transportation and Highways, as identified by Chief Frank Peters and the Ministry officials in their meeting of March 20, 1996. The location to be confirmed by a plan to be prepared by the Ministry. CAP.

2) The Band accepts this material as satisfactory compensation and acknowledges this as a fulfillment of the Ministry obligation which releases the Ministry from any and all further obligations in the matter.

3) The hauling and removal of the rock material will be done by the Band at their own costs.

By copy of this letter I request the Fraser Valley Highway District Office to identify as soon as possible the available rock material in a plan and provide a copy to the Band and to the Properties branch.

If you have any questions, please call me at 660-0276 or Les Gilbert at 824-2719.

Sincerely,

Anton Gazdik
Property Agent

ARG

copy:

Les Gilbert, Area Manager, Fraser Valley Highway District Office
Pat Cruickshank, District Technician, Fraser Valley Highway District Office