

THE STATUS OF HIGHWAY NO. 9

THROUGH

CHEAM I.R. NO. 1

prepared for:

Aboriginal Relations Branch
Ministry of Transportation and Highways

by:



Terry Ann Young
Del Mar Research

AUGUST 1995

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THE STATUS OF HIGHWAY NO. 9, THE ROSEDALE-AGASSIZ
HIGHWAY, THROUGH CHEAM I.R. NO. 1

(Doc.) refers to the numbered document in documentation that supports this report

Cheam I.R. No. 1 is located in the New Westminster District, east of Chilliwack, B.C. on the south bank of the Fraser River. (see map attached) The Reserve was allotted by Commissioner Sproat on June 16, 1879 and surveyed in 1881. (Doc. 1) The Reserve is in the Railway Belt and administration and control of I.R. No. 1, as with other Railway Belt reserves, is held by the federal government, in trust for the Cheam Indian Band under the terms of P.C. Order in Council 208, February 3, 1930 (Doc. 2) The Order's terms include the right of the Province to resume up to 1/20 of the reserve lands for roads and other public purposes and the following:

"Provided also that all travelled streets, roads, trails and other highways existing over or through said lands at the date hereof shall be excepted from this grant"

While Highway No. 9 does not qualify as a pre-1930 Road, P.C. 208 does contain other clauses that apply to roads built after 1930 such as the right of resumption of land for road and other public purposes.

Highway No. 9 through Cheam I.R. No. 1

A portion of Highway No. 9, the Rosedale-Agassiz Highway, runs north and south through Cheam I.R. No. 1. The Cheam Indian Band passed a Band Council Resolution on October 21, 1954 agreeing:

- to accept the offer of compensation for the Highway Right of Way through Cheam I.R. No. 1 "at the rate of s.16;s.17 for an estimated 10.23 acres more or less."
- that compensation is to be paid for 10.23 acres, 7.85 acres belonging to the Band "with the remainder being part of the location of Harry Edwards (which includes 1.50 acres of improved land and .88 acres of unimproved land)".
- to "access to the bridge at feasible sites" (Doc. 3)

The Right of Way for the Highway through I.R. No. 1 was purchased in 1954 and included the highway approach and the Bridge site on the south side of the Fraser River, a total of 14.09 acres. (Doc. 4) The Road Right of Way was Gazetted on September 13, 1954. (Doc. 5)

Administration and control of the Right of Way of 14.04 acres 'more or less' was transferred to the Province on September 22, 1960 by P.C. 1960-1285 (Doc. 7) pursuant to Section 35 of the Indian Act as shown on CLSR Plan 50110/NW LTO 21655 (Doc. 8). The P.C. transfer states that "compensation of s.16,s.17 has been paid for 14.09 acres" and describes the transfer as follows:

"In the Province of British Columbia, in the District of New Westminster, in Cheam Indian Reserve number one, all those portions of right-of-way as said portions are shown bordered red on plan fifty thousand one hundred and ten in the Canada Lands Surveys records at Ottawa, a copy of which has been deposited in the Land Registration district at New Westminster under number twenty-one thousand six hundred and fifty-five: said portions containing together by admeasurement fourteen acres and nine hundredths of an acre, more or less..."

The transfer is standard and limits the transfer to the right of way as shown on Plan 50110 to be used for road purposes. The transfer does not specify that the Right of Way is limited to bridge site and approaches.

Ferry Road Intersection Access

The intersection of Ferry Road and Highway No. 9 is located within the boundaries of Cheam I.R. No. 1. In 1987, Ferry Road was realigned, where it intersects with Highway No. 9, and a deceleration lane was provided, according to District Plan 29-13 and Plan 17235. (Doc. 9) Ferry Road was realigned to provide safe access from the Highway. Previously the radius of turn was too tight for large trucks. Trucks had to stop and back up to make the turn onto Ferry Road. (Doc. 10) The realignment, which was primarily fill to support the Road, did not affect Highway No. 9 but did encroach on Cheam I.R. No. 1 by .0326 ha. (.0805 acres) (Doc.11)

Originally the encroachment was to amount to .0732 ha but the Cheam Band Council requested that the Right of Way strip be reduced from 10 metres in depth to 5 metres, and this resulted in a reduction to .0326 ha. (Doc. 12)

Negotiations to rectify the encroachment began in February of 1988. (Doc. 13) On October 17, 1988, the Province offered the Band compensation of s.16,s.17 for the .0326 ha. encroachment and asked the Band for a BCR agreeing to transfer administration and control of the .0326 ha. required for fill for the Ferry Road Intersection Right of Way. (Doc. 14)

The Band refused settlement unless:

- the triangular parcel of land included in the 14.09 transfer be returned to the Band
- Highway No. 9 Right of Way be straightened out
- access to Reserve lands from both sides of the Highway be provided
- the 1954 settlement be renegotiated so land is to be used strictly for bridge purposes

The Band maintained that:

- the encroachment for the Ferry Road access was contrary to the intention of the 1954 settlement regarding Highway No. 9. The land surrendered was strictly for bridge site and approach and not for road purposes as stated in the P.C. 1960-1285 transfer.
- the triangular portion included in the 14.09 acre Right of Way transfer in 1960 was improperly included because the "late Chief Harry Edwards had held this land under licence and had no authority to sell it off." (Doc. 15)

In an effort to settle the encroachment issue, the Province offered the Cheam Indian Band a land exchange on March 13, 1990. (Doc. 16) When the Highway was built in 1954 two surplus areas resulted: one was the triangular parcel, of 1.2165 ha., purchased from locatee Harry Edwards; and the other was a square parcel, of .0315 ha. nearby, that had been intended for the reserve access road, however, another location was chosen. The land offered for the exchanged was this surplus longer required for Highway No. 9 as shown on District Highway Plan 54-32. (Doc. 16) The land exchange was not accepted by the Band because they maintained that the triangular parcel was already theirs.

On June 10, 1991 the Province offered to construct turn lanes on Highway No. 9 at Old Yale Road to improve the access to Cheam I.R. No. 1. This was contingent in part upon completion of negotiations concerning the proposed land exchange and the appropriate BCR for the surrender of the Right of Way required for the Ferry Road intersection. (Doc. 17)

June 26, 1991 the Band wrote to the Ministry of Highways stating that "Our Band is in agreement with proposed work and contingencies with the exception of #1 which will (be) dealt directly with Fred Stiller of the Property Services Branch in New Westminster. A letter and resolution will be sent directly to Mr. Stiller with our decision on this item." (Doc. 17) Item one was completion of the negotiations concerning the Right of Way requirement for the Ferry Road intersection and the proposed land exchange. The Province, through the Ministry of Transportation and Highways, continued to ask for settlement of item one. (Doc. 18)

On July 31, 1991 the Cheam Indian Band passed a BCR agreeing to the construction of an intersection at Highway No. 9 and Old Yale Road to allow for access to Cheam I.R. No. 1 (see Plan 54-56, Doc. 19) and to the contingencies listed in the Province's June 10, 1991 offer with the exception of item number one. On November 1, 1991 and December 3, 1991 BCRs were passed accepting compensation of s.16, s.17 and adding an additional .015 ha right of way to the Yale Road intersection. (Doc. 20)

SUMMARY

While the Yale Road access to Cheam I.R. No. has been constructed and there have been many efforts to reach an agreement, there is no evidence of further progress on the settlement of the Ferry Road intersection Right of Way encroachment.

The Band continues to maintain that:

- 1) Re: Land Exchange, the triangular parcel of land cannot be used in exchange since it was purchased improperly from Harry Edwards in 1954 and as a result is and always was their land; and that,
- 2) Re: Bridge Site and Approach, the construction of Ferry Road contravenes the 1954 agreement and their BCR because the transfer was for bridge site and approach purposes only. (Doc. 21)

Re: Two issues of concern to the Cheam Indian Band

Issue (1) Land Exchange

The federal transfer of administration and control of the Right of Way to the Province included both the square parcel and the triangular parcel that were offered in the land exchange. Documentation reveals that the triangular portion of land was purchased by the Province from locatee Harry Edwards in 1954 for s.16; s.17 an acre. (Doc. 3,4,6) However, the question, as to whether the triangular parcel was improperly included in the federal transfer, is one that must be resolved by federal government. The Province received administration and control of the triangular parcel in good faith in the 1960 transfer of the right of way.

Issue (2) Bridge Site and Approach

The federal transfer, P.C. Order 1960-1265 does not limit the Right of Way use to Bridge site and approach. The wording that is used in the P.C. Order is use "for road purposes".

While the 1954 Cheam Indian Band Council Resolution states that application is being made for bridge site and approach, the BCR also requires that "access to bridge at feasible sites" be provided. The Ferry Road intersection encroachment involved realignment of an existing access which implies that the access was there when Highway No. 9 was built and when the administration and control of the Right of Way was transferred to the Province. These circumstances should qualify the Ferry Road intersection as an access to the bridge at a feasible site.

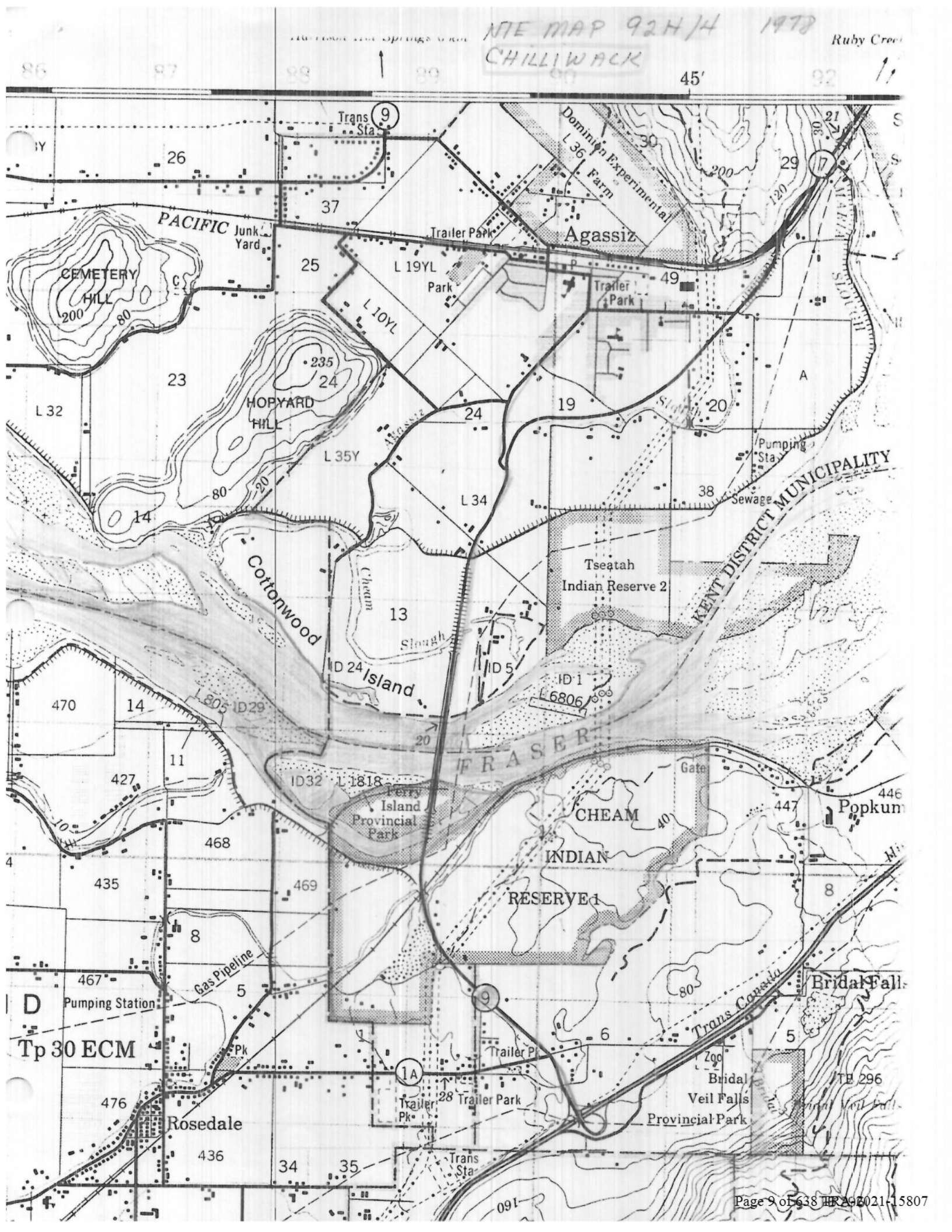
Currently, the Cheam Indian Band would like the Ministry of Transportation and Highways:

- to return the triangular parcel of surplus land
- to enable the Band to acquire the square parcel of land that was offered to them on March 13, 1990 as part of the land exchange. (Doc. 20)

Correspondence files indicate that both the Cheam Indian Band and the Ministry of Highway are anxious to settle the Ferry Road issue but the Band has tied the settlement of the Ferry Road encroachment to other non-highway issues which may make settlement difficult. (see letter of June 14, 1995, Doc. 21) At present, the Ferry Road encroachment issue remains unsettled and, subsequently Administration and control of the encroachment Right of Way has not been transferred to the Province.

NTE MAP 92H/4 1978
CHILLIWACK

Ruby Creek



Ministry of Transportation and Highways

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

To: Terry Young/ Richard Hadley
Title: Research
Phone:
Fax: 356-8767

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

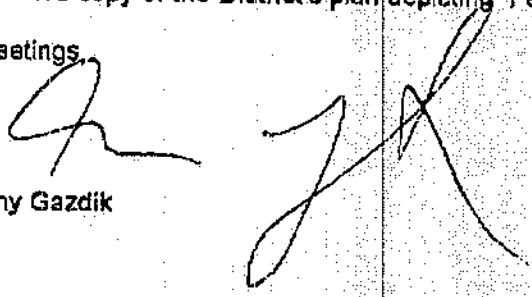
Date: August 18, 1995

Pages including this cover page: 3

Comments:

Attached copy of the District's plan depicting Ferry Road at Chema IR# 1.

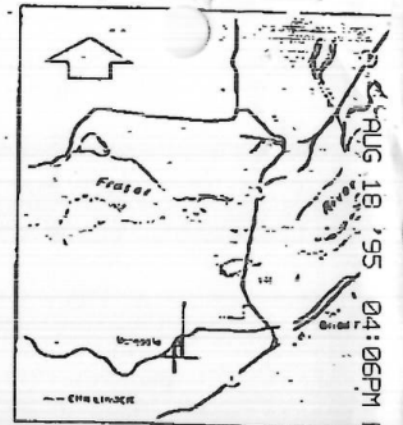
Greetings,



Tony Gazdik

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AUG 18 1995 04:06PM MOTH REG 1 PROP



KEY MA
0 1 2 3 4 5 6 7 8 9 10

FERRY

CHEAM
I.R. No. 1

PLAN NO. 214

R/W Area required in I.R. No. 1 = 0.0326 ha

0.0326 ha (0.0805 ac)

FERRY ROAD

HIGHWAY

No. 9

SLOUGH



PROVINCE OF BRITISH COLUMBIA
MINISTRY OF TRANSPORTATION AND HIGHWAYS
CHILLIWACK HIGHWAYS DISTRICT

PLAN SHOWING RIGHT-OF-WAY REQUIREMENTS
IN CHEAM I.R. No. 1 AT THE INTERSECTION
OF HIGHWAY No. 9 AND FERRY ROAD

F		
E		
D		
C		
B		
A	R/W REQUIRED PLAN TRACED FROM CONSTRUCTION PLANS	07/18/18
REVISIONS		

RECOMMENDED DATE 07/18/18
S. Vance

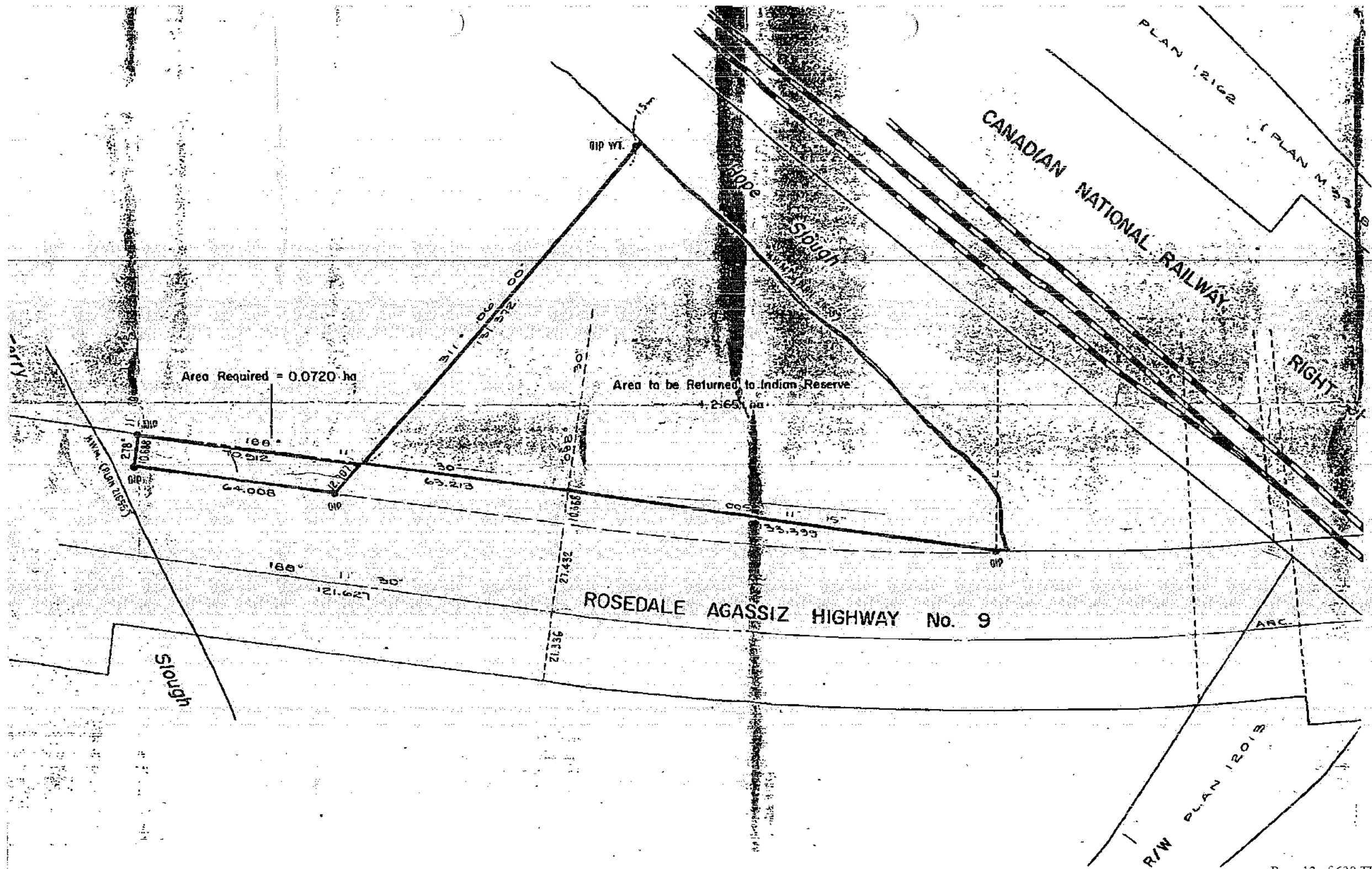
SCALE 1" = 500'

Drawn by RGS
Checked by

APPROVED
[Signature]



DIST. 29





for large Trucks.
I.R. no. 1

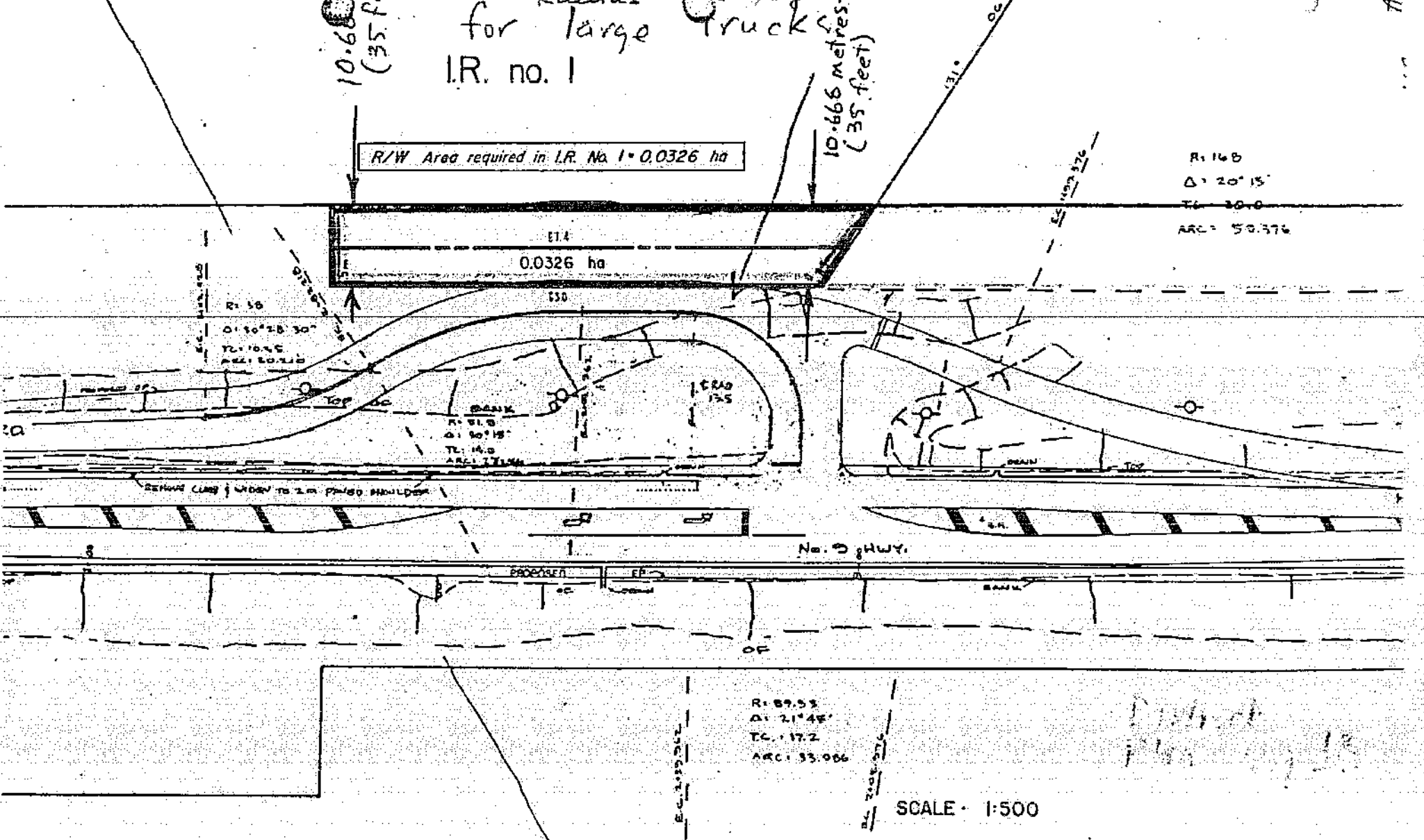
10.68
(35.0)

10.66 metres
(35 feet)

R/W Area required in I.R. No. 1 = 0.0326 ha

R: 16.0
Δ: 20° 15'
TL: 30.0
ARC: 50.376

0.0326 ha

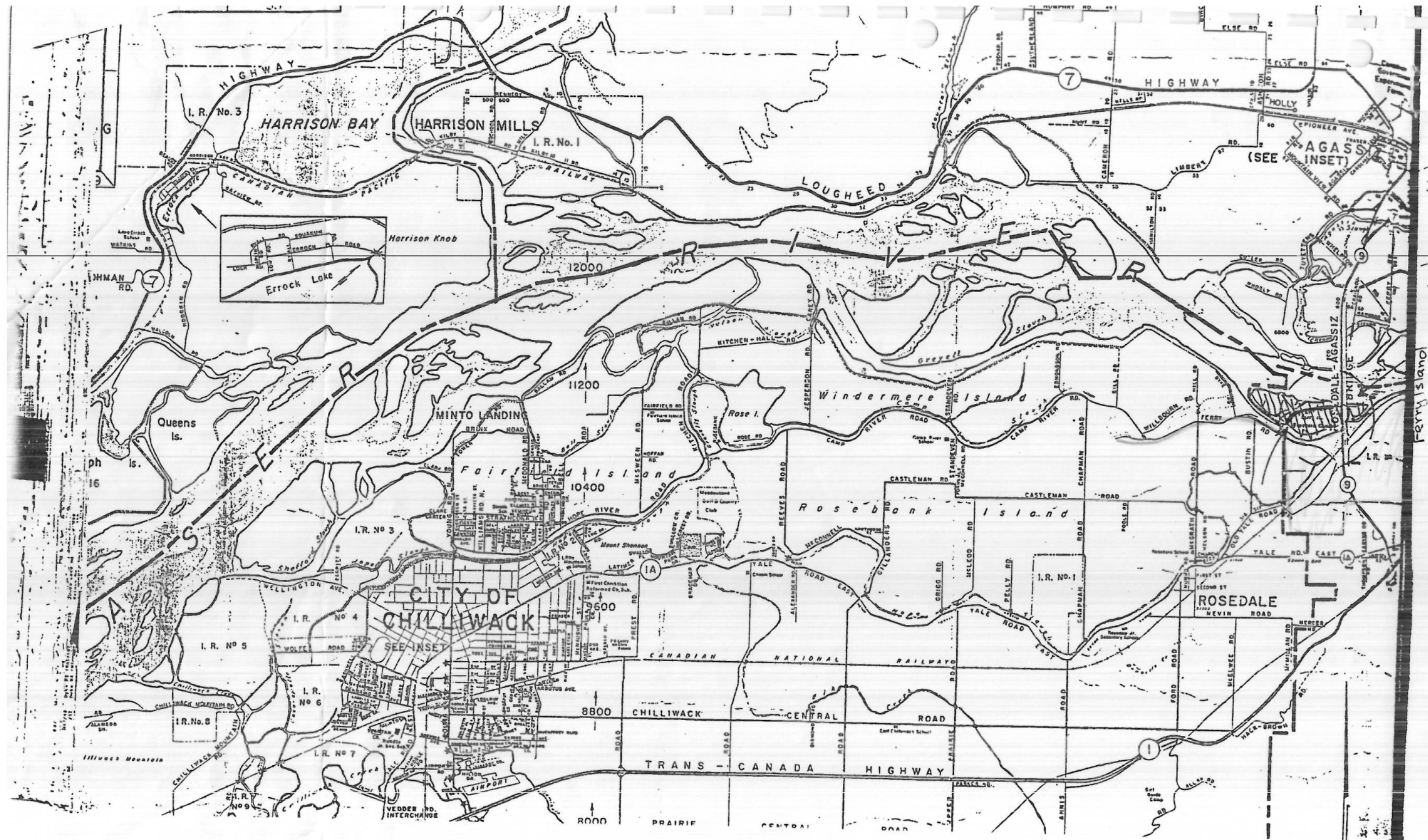


SLOUGH

No. 9 HWY.

SCALE: 1:500

TYPICAL CROSS SECTIONS



DIAND/MAINC
11/27/55
11:15

UNPROTECTED INFORMATION
INDIAN LANDS REGISTRY SYSTEM
RESERVE GENERAL ABSTRACT REPORT

1995/08/10
PAGE: 1

REGION: BRITISH COLUMBIA
PROVINCE: BRITISH COLUMBIA

DISTRICT: VANCOUVER FIELD OFFICE
RESERVE/LAND: 08081 CHEAM NO. 1
BAND(S): 584 CHEAM

COMPUTERIZED

INSTRUMENT	INSTR DATE	REG #	REG DATE
001 MINUTES OF DECISION	1879/JAN/16	7470-244	1971/JUL/16

LAND AFFECTED: L BANK OF FRASER RIVER (M & B)

GRANTOR(S): COMMISSIONER SPROAT

GRANTEE(S): BAND

REMARKS: ALLOTMENT PAGE 223

002 OCPC 1910/NOV/03 X20133 1973/DEC/10

PURPOSE: RAILWAY
AREA: 23.58 ACRES

LAND AFFECTED: RIGHT OF WAY

GRANTOR(S): CROWN CANADA

GRANTEE(S): CANADIAN NORTHERN PACIFIC RAILWAY COMPANY

REMARKS: PC#1910-1997 AUTHORIZES TRANSFER OCPC REG#X12981

003 SURRENDER 1911/MAY/13 X12979 1972/OCT/05

TERM: INDETERMINATE
EFFECTIVE: 1911/JUN/06
PURPOSE: FOR SALE
AREA: 24.34 ACRES

LAND AFFECTED: CLSR 1006A

GRANTOR(S): BAND

GRANTEE(S): CROWN CANADA

REMARKS: SEE REG# X12981 OCPC REG #X20134

UNPROTEC INFORMATION
INDIAN LANDS REGISTRY SYSTEM
RESERVE GENERAL ABSTRACT REPORT

PROVINCE: BRITISH COLUMBIA	RESERVE/LAND: 08081 CHEAM NO. 1			COMPUTERIZED
INSTRUMENT	INSTR DATE	REG #	REG DATE	
004 OCPC	1911/JUN/06	X20134	1973/DEC/10	AREA: 24.34 ACRES
LAND AFFECTED: RIGHT OF WAY SHOWN ON PLAN 1006A CLSR GRANTOR(S): CROWN CANADA GRANTEE(S): CANADIAN NORTHERN PACIFIC RAILWAY REMARKS: PC#1292 ACCEPTS SURR. REG#X12979 AUTHORIZES SALE REG#X12981				
005 OCPC	1913/JAN/25	1016-1	1970/APR/02	
LAND AFFECTED: SW 1/4 T3 R28 & SE 1/4 T3 R29 W6M GRANTOR(S): CROWN CANADA REMARKS: PC#205 WITHDRAWN FROM OPERATION OF DOM. LANDS ACT				
006 MINUTES OF DECISION	1915/MAR/16	112954	1987/JUL/20	AREA: 883.00 ACRES
LAND AFFECTED: NEW WESTMINSTER DIST T3 R28 & 29 W6M L BANK OF FRASER RIV GRANTOR(S): ROYAL COMMISSION GRANTEE(S): SAND REMARKS: CONFIRMS RESERVE PAGE 511				
007 PRGV OC	1923/JUL/26	92925	1984/FEB/20	AREA: 848.87 ACRES
LAND AFFECTED: NEW WESTMINSTER DIST. T3 R28 & 29 W6M L BANK OF FRASER RIV. GRANTOR(S): CROWN BRITISH COLUMBIA GRANTEE(S): CROWN CANADA REMARKS: OC#911 CONFIRMS RESERVE & ACCEPTS MIN. OF DEC. REG#112954				

UNPROTEC INFORMATION
INDIAN LANDS REGISTRY SYSTEM
RESERVE GENERAL ABSTRACT REPORT

PROVINCE: BRITISH COLUMBIA		RESERVE/LAND: 08001 CHEAM NO. 1		COMPUTERIZED
INSTRUMENT	INSTR DATE	REG #	REG DATE	
008 OCPC	1924/JUL/19	12073	1969/AUG/11	AREA: 848.87 ACRES
LAND AFFECTED: NEW WESTMINSTER DIST T3 R28 & 29 WGM L. BANK OF FRASER RIV				
GRANTOR(S): CROWN CANADA				
GRANTEE(S): BANK				
REMARKS: PC#1265 CONFIRMS RESERVE				
009 OCPC	1927/JUL/15	X12980	1972/OCT/05	PURPOSE: RAILWAY AREA: 34.14 ACRES
LAND AFFECTED: CLSR 1806B				
GRANTOR(S): CROWN CANADA				
GRANTEE(S): CANADIAN NORTHERN PACIFIC RAILWAY				
REMARKS: PC#1324 AUTHORIZES TRANSFER OF R/W OCPC REG#X12981				
010 OCPC	1930/FEB/03	15203	1969/NOV/27	AREA: 883.00 ACRES
LAND AFFECTED: T3 R28 & 29 WGM LEFT BANK OF FRASER RIV				
GRANTOR(S): CROWN CANADA				
REMARKS: PC#208 CONFIRMS RESERVE				

UNPROTECT INFORMATION
INDIAN LANDS REGISTRY SYSTEM
RESERVE GENERAL ABSTRACT REPORT

 PROVINCE: BRITISH COLUMBIA RESERVE/LAND: 08081 CHEAM NO. 1
 INSTRUMENT INSTR DATE REG # REG DATE COMPUTERIZED

011 OCPC 1934/JAN/10 X12901 1972/OCT/05

PURPOSE: RAILWAY
 AREA: 41.03 ACRES

LAND AFFECTED: CLSR RR 1006C EXCEPT PTN FOR RAILWAY CROSSING

GRANTOR(S): CROWN CANADA

GRANTEE(S): CANADIAN NATIONAL RAILWAY COMPANY

REMARKS: OCPC #1934-43 SEE OCPC REG #X12900 & REG #20133, X12979
 X20134 LP 22587

 012 OCPC 1951/JAN/17 X12982 1972/OCT/05

PURPOSE: RAILWAY

LAND AFFECTED: R/W SHOWN OUTLINED IN RED ON PLAN M3398 CLSR

GRANTOR(S): CROWN CANADA

GRANTEE(S): CANADIAN NORTHERN PACIFIC RAILWAY COMPANY

REMARKS: OCPC 1951-216 - AUTHORIZES TRANSFER - SEE X12983

 013 OCPC 1951/JUL/24 X12983 1972/OCT/05

PURPOSE: RAILWAY
 AREA: 25.33 ACRES

LAND AFFECTED: PORTION OF RESERVE SHOWN IN RED ON PLAN M3398 CLSR

GRANTOR(S): CROWN CANADA

GRANTEE(S): CANADIAN NORTHERN PACIFIC RAILWAY COMPANY

REMARKS: OCPC #1951-3795 AMENDS OCPC #216 REG #X12982

UNPROTECTED INFORMATION
INDIAN LANDS REGISTRY SYSTEM
RESERVE GENERAL ABSTRACT REPORT

PROVINCE: BRITISH COLUMBIA
RESERVE/LAND: 08081 CHEAM NO. 1
INSTRUMENT INSTR DATE REG # REG DATE COMPUTERIZED

1953/JUL/07 X15834 1973/MAR/30

LAND AFFECTED: 300' WIDE
GRANTOR(S): BAND
GRANTEE(S): BRITISH COLUMBIA ELECTRIC COMPANY LIMITED
REMARKS: EASEMENT REG#X13041

PURPOSE: HYDRO LINE
AREA: 47.87 ACRES

1953/NOV/10 X13040 1972/OCT/11

LAND AFFECTED: PART OF IR OUTLINED ON PLAN M3678 CLSR
GRANTOR(S): CROWN CANADA
GRANTEE(S): BRITISH COLUMBIA ELECTRIC COMPANY LIMITED
REMARKS: PC#1953-1724 EASEMENT REG#X13041

TERM: INDETERMINATE
EFFECTIVE: 1953/NOV/10
PURPOSE: HYDRO LINE
AREA: 55.05 ACRES

INSTRUMENT 1953/DEC/21 X13041 1972/OCT/11

LAND AFFECTED: OUTLINED ON PLAN M3678 CLSR
GRANTOR(S): CROWN CANADA
GRANTEE(S): BRITISH COLUMBIA ELECTRIC COMPANY LIMITED
REMARKS: BCR REG#X15834 & AUTHORIZING OCP# 1724 REG#X13040

TERM: INDETERMINATE
EFFECTIVE: 1953/DEC/21
PURPOSE: HYDRO LINE
AREA: 55.05 ACRES

UNPROTECTED INFORMATION
INDIAN LANDS REGISTRY SYSTEM
RESERVE GENERAL ABSTRACT REPORT

PROVINCE: BRITISH COLUMBIA RESERVE/LAND: 08081 CREAM NO. 1 COMPUTERIZED

INSTRUMENT INSTR DATE REG # REG DATE
020 OCPC 1960/SEP/22 X13051 1972/OCT/11

PURPOSE: ROAD
AREA: 14.09 ACRES

LAND AFFECTED: R/W PLAN 50110 CLSR
GRANTOR(S): CROWN CANADA
GRANTEE(S): CROWN BRITISH COLUMBIA (DEPT OF HIGHWAYS)
REMARKS: OCPC #1960-1285 SUBJECT TO EASEMENT REG #X13041 RESERVING
MINES & MINERALS

021 PERMIT 1964/DEC/15 X13054 1972/OCT/11

TERM: INDETERMINATE
EFFECTIVE: 1964/DEC/15
PURPOSE: HYDRO LINE

LAND AFFECTED: WHOLE OF RESERVE
GRANTOR(S): CROWN CANADA
GRANTEE(S): BRITISH COLUMBIA HYDRO & POWER AUTHORITY
REMARKS: BLANKET PERMIT BCR ATT'D

022 PERMIT 1967/APR/11 X13055 1972/OCT/11

TERM: INDETERMINATE
EFFECTIVE: 1967/APR/11
PURPOSE: COMMUNICATION

LAND AFFECTED: OUTLINE ON SKETCH ATT'D
GRANTOR(S): CROWN CANADA
GRANTEE(S): WESTCOAST TRANSMISSION COMPANY LTD
REMARKS: ELECTRICAL, COMMUNICATION & TELEVISION

PROVINCE: BRITISH COLUMBIA	RESERVE/LAND: U8081 CHEAM NO. 1			COMPUTERIZED
INSTRUMENT	INSTR DATE	REG #	REG DATE	
029 PERMIT	1980/OCT/13	73447	1981/MAR/12	TERM: INDETERMINATE EFFECTIVE: 1980/OCT/13 PURPOSE: COMMUNICATION
LAND AFFECTED: SHOWN ON SCHEDULE ATT'D				
GRANTOR(S): CROWN CANADA				
GRANTEE(S): BRITISH COLUMBIA HYDRO & POWER AUTHORITY BRITISH COLUMBIA HYDRO AND POWER AUTHORITY				
REMARKS: EXTENSION SEE REG# 200563 BCR REG #200564				
030 PERMIT	1984/MAY/01	99306	1984/NOV/29	TERM: 003Y00M00D EFFECTIVE: 1984/MAY/01 EXPIRY: 1987/APR/30
LAND AFFECTED: LOT 42 CLSR BC 715				
GRANTOR(S): CROWN CANADA				
GRANTEE(S): PRIME EXPLOSIVES LTD				
REMARKS: STORAGE FOR EXPLOSIVES				
031 PERMIT	1985/AUG/16	200515	1987/FEB/25	TERM: INDETERMINATE EFFECTIVE: 1985/AUG/16
LAND AFFECTED: PTN OF RESERVE SHOWN ON SCHEDULE A ATTACHED				
GRANTOR(S): CROWN CANADA				
GRANTEE(S): BRITISH COLUMBIA HYDRO & POWER AUTHORITY				
REMARKS: INSTALL, REPAIR, MAINTAIN NATURAL GAS DISTRIBUTION LINES				

UNPROTECT INFORMATION
INDIAN LANDS REGISTRY SYSTEM
RESERVE GENERAL ABSTRACT REPORT

PROVINCE: BRITISH COLUMBIA RESERVE/LAND: 08081 CREAM NO. 1

INSTRUMENT INSTR DATE REG # REG DATE

035 PERMIT 1991/NOV/12 206925 1991/DEC/12

TERM: 003Y00M00D
EFFECTIVE: 1991/AUG/15
EXPIRY: 1994/AUG/14

COMPUTERIZED

LAND AFFECTED: 0.24 HECTARES TOGETHER WITH RIGHT-OF-WAY SHOWN OUTLINED IN BLACK ON SKETCH ATTACHED

GRANTOR(S): CROWN CANADA
GRANTEE(S): CANADIAN POWER COMPANY INC.

REMARKS: FOR STORAGE OF EXPLOSIVES

036 PERMIT 1994/JAN/19 218830 1994/FEB/10

TERM: 000Y04M00D
EFFECTIVE: 1994/JAN/01
EXPIRY: 1994/APR/30

LAND AFFECTED: PORTION OF RESERVE AS OUTLINED IN RED ON ATT'D PORTION OF PHOTOMAP NO. 708 AND DESCRIBED IN DESCRIPTION OF PERMIT LOCATIONS AND MARKED APPENDIX B

GRANTOR(S): CROWN CANADA
GRANTEE(S): KO-KEN SAND & GRAVEL LTD

REMARKS: GRANTS THE RIGHT TO EXTRACT AND REMOVE SAND AND GRAVEL

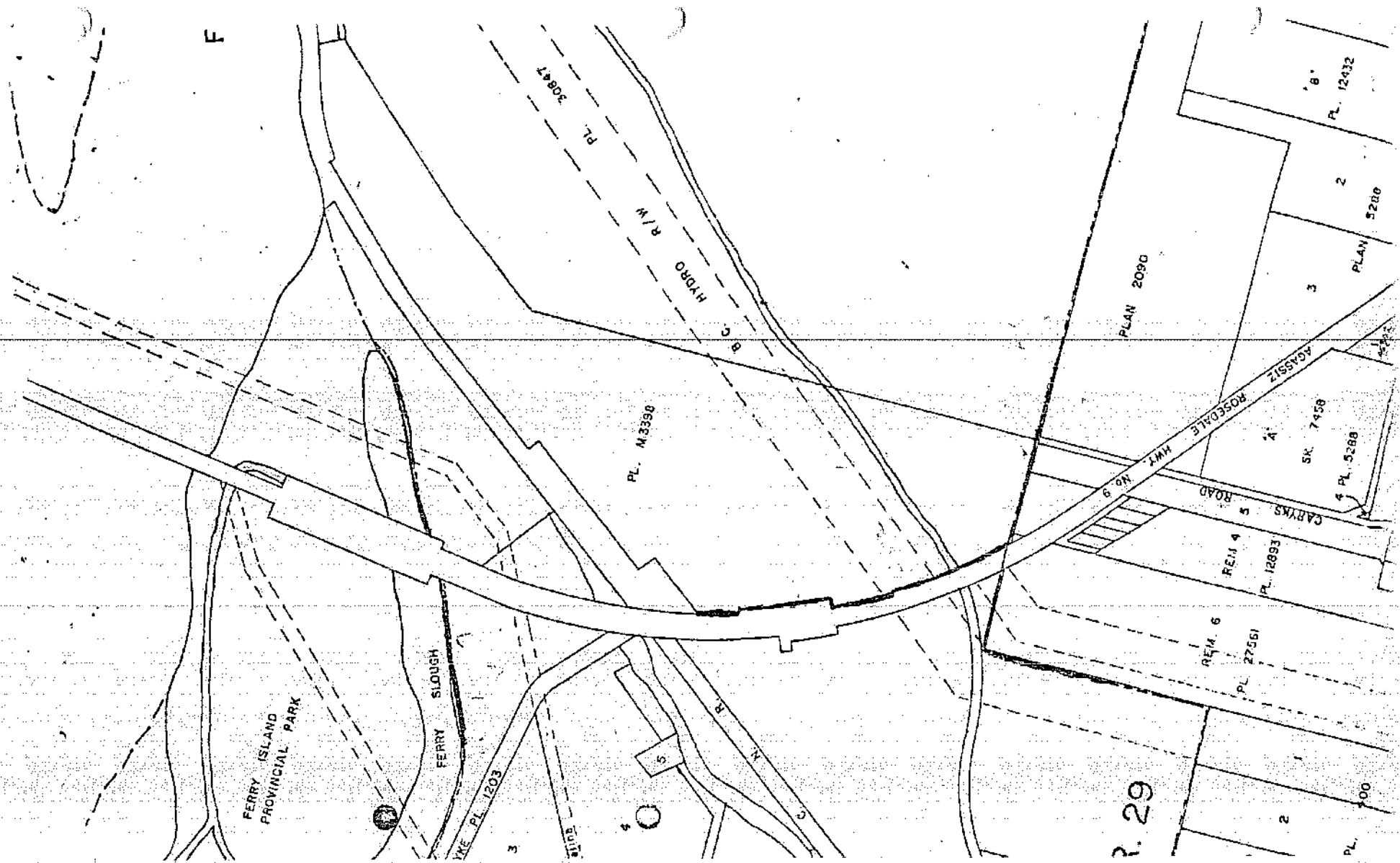
037 PERMIT 1994/APR/01 227522 1994/NOV/16

TERM: 005Y00M00D
EFFECTIVE: 1994/APR/01
EXPIRY: 1999/MAR/31
PURPOSE: SAND & GRAVEL

LAND AFFECTED: PTN OF RESERVE AS SHOWN OUTLINED IN RED ON SKETCH ATTACHED

GRANTOR(S): CROWN CANADA
GRANTEE(S): VALLEY RITE MIX LTD

REMARKS: ENTER UPON EXTRACT PROCESS STORE & REMOVE SAND & GRAVEL



P. 29

DESCRIPTION	DATE	SURVEYOR	LTO # LRO #	FIELD BOOK	MICRO BOOK	PLAN	MICRO PLAN
Plan of Cheam Indian Reserve N.W.M. Dist	1880-1	W. Jemmett				7075	
Plan of Cheam Indians IRs 1,2, & Nelson's Preemption see plan TBC19	1880	W. Jemmett		BC20	4999	TBC19	785
copy of plan BC248	1880	"		BC1162	580-82	BC248	785
Field notes of Prov. Govt. Dyke RofW	1880	"				TBC248	785
Field notes (copies) used to compile Tp plans				BC309	2284		
Field notes copies used to compile Tp plans				BC1170	583-86		
CNP Ry plan of RofW as located in IR	1910	J. Vaughan & A. Hill		BC1172	577	1006	4713
CNP Ry plan & profile of located line in IR	1910	A. Hill				1006A	4713
CNP Ry plan of RofW in IR	1914	A. Cotton & D. McGugen				1006B	4714
CNRY (CNP Ry plan of RofW in IR 40.03ac 41.03 acs)	1923	G. Christie	4026			RR1006C	4714
V.V. & E. Ry plan of RofW in IR 40.07ac		R. Henderson				1021	4713
Plan of 25.33ac parcel for CNRY in IR	1948	A. Humphrey	12162			M3398	788
Plan of 4.ac parcel RofW for Mar/removal	1951	H. Abbott				M3521	788
Plan of power line RofW in IR1 55.05ac for easement	1953	A. Holmes				M3678	788
Plan of power line RofW in IR1 0.17ac for easement	1953	F. Tunbridge				M3752	788
Plan of RofW in IR 9.35ac for lease	1954	H. Abbott		BC1110	576	M3917	786
REFERENCE PLAN - Cheam IR1 Tseatah IR2	1957	Drafting				4469	
LRO prints of plans 12013 adjacent to IR				BC1353	579		
Gas pipeline RofW in IR for Westcoast Transmission CO. easement	1958	R. REynolds				4910	574
LRO print of plan 17235 (re CLSR 50110)				30019	4579		
Plan of Road RofW in IR	1955	I. Wade	21655			50110	574
LRO print of plan 12013 Dyke RofW in IR				30079	4594		
Topographical Map of Cheam IR1	1960	D. Browne				50468	790
REFERENCE PLAN of Cheam IR1 (ref.plan destroyed see 4469)	1961	Drafting				50469	
air photos & book of interpretation control	1960	D. Browne		30090	4427		
REFERENCE PLAN - Topographical map of IR1	1960	D. Browne				50470	789
Plan 1st Ed. SE $\frac{1}{4}$ Tp3 Rg29 W6M	1911	E. Deville				52409	787
Plan 1st Ed. SW $\frac{1}{4}$ Tp3 Rg28 W6M	1911	E. Deville				52410	787
Plan SW $\frac{1}{4}$ Tp3 Rg28 W6M signed Waugh 1953	1917,28	J. Calder				41615	787
Plan & FN'S Transmission line R/W thru individual holding (0.047ac)	1967	J.W. Sharpe				53326	575
Plan of parcel A, within IR	1967	W. Tunbridge	31218	30703	7110	53350	575
Plan & FN's of survey of Kelley Lake mainland trans- mission line R/W thru IR	1967	J.W. Sharpe	31400			53352	575

(CONTINUED)

DESCRIPTION	DATE	SURVEYOR	LTO # LRO #	FIELD BOOK	MICRO BOOK	PLAN	MICRO PLAN
Plan of subd. lots 1 - 17 & roads	1965	I.M.D. Fox	33753	53952	3278	54281	792
Traverses of reserves for Burrard Inlet, Chillukweyuk & Cheam & Popkum Indians (index bk 22 reserves)	1880	W. Jemmett		BC410A	536		
Support for subdivision of part of Reserve (lots 1-17-R)	1964-5	I.M.D. Fox		30933	4486		
Plan of Cheam Indian Reserves in New Westminster District	1880/1	W. Jemmett				7075	7223
P. & FN's survey transmission line R/W thru individual holding	1973	C.H. Bracey	49592			58383	7996
P&FN's survey transmission line R/W thru Cheam #1 & Tsearah I.R. #2	1973	C.H. Bracey	49692			58384	7997
Plan Subd. Portion 25.33 Ac. Part of I.R. (Plan 12162) R.O. No. 47689	1974	Tunbridge				60626	8139
P. R/W Support Document for CLSR 62586	77	Trevorrow		32642	8337	62586	8389
Support Document For C.L.S.R. P. 65262	1978	Tunbridge		32982	8826		
P. & F.N. Resur. Pt. Bys.	1978	Tunbridge				65262	8967
P. Bys. Cheam #1						TBC57	

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PIN = 007678310          INQUIRY PRIMARY      ENTERED :          CLRSA01
LAND DISTRICT: 62      GROUP 2, NEW WESTMINSTER D. DISTRICT LOT: 846
SECTION :              TOWNSHIP:          RANGE :          MERIDIAN :
ISLAND :              EGN RAIL: NO      BLOCK :
PARCEL NAME :
UNSURV DESC :
AREA (HA) :          7.2580 OVERLAP PARCEL :          LTO PID:
TUBE NUMBER :      11TU1102 ASSESSMENT AREA: 16 CHILLIWACK
LTO PLAN NO :      LAND TITLE OFF : 3 NEW WESTMINSTER
SCHOOL DIST :      REGIONAL DIST : 13 FRASER-CHEAM
JURISDICTION :      MUNICIPALITY : 000 NONE
ROLL NO :          ELECTORAL DIST : 09 CHILLIWACK
LAND VALUE:          0 REGION : 2 LOWER MAINLAND
ALR : NO          IRC : NO          STATUS IND : 0 OLD PARCEL
NTS : 092H04F BCGS : R092H021 KIND OF PARCEL :
LATITUDE : 049 12 45.0000 PROV FOREST :
LONGITUDE : 121 48 46.0000 TSA :
MINES :
AGENCY :
PF1 PF2 FILE=INFO PF3 PF4 LIST PF5 SUBDIVS PF6
PF7 PRINT PF8 DEFINE PF9 HELP PF10 PF11 MAIN PF12 PREV
PIN HAS 0 SUBDIVS

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604 660 5538 P. 03/06

PIN = 006957250 INQUIRY PRIMARY ENTERED : CLASSO:

LAND DISTRICT: 62 GROUP 2, NEW WESTMINSTER D DISTRICT LOT: 501

SECTION : TOWNSHIP: RANGE : MERIDIAN :

ISLAND : E&N RAIL: NO BLOCK :

PARCEL NAME : IR NO :

UNSRV DESC :

AREA (HA) : 38.8500 OVERLAP PARCEL : LTD PID:

TUBE NUMBER : 17TR3 ASSESSMENT AREA: 16 CHILLIWACK

LTO PLAN NO : LAND TITLE OFF : 3 NEW WESTMINSTER

SCHOOL DIST : REGIONAL DIST : 13 FRASER-CHEAM

JURISDICTION : MUNICIPALITY : 000 NONE

ROLL NO : ELECTORAL DIST : 01 ABBOTSFORD

LAND VALUE: 0 REGION : 2 LOWER MAINLAND

ALR : NO IRC : NO STATUS IND : 0 OLD PARCEL

NTS : 092HQ4C BC6S : R092HQ01 KIND OF PARCEL :

LATITUDE : 049 04 35.0000 PROV FOREST :

LONGITUDE : 121 51 30.0000 TSA :

MINES :

PF1 PF2 FILE-INFO PF3 PF4 LIST PF5 SUBDIVS PF6

PF7 PRINT PF8 DEFINE PF9 HELP PF10 PF11 MAIN PF12 PREV

PIN HAS 1 SUBDIVS

B.C. LANDS- MIN OF ENVIRO

AUG-04-1995 16:33

P.04/06

604 660 5538

B.C. LANDS- MIN OF ENVIRO

AUG-04-1995 16:33

PIN = 006957250 CLRSA08
DL 501 GROUP 2, NEW WESTMINSTER DIST.
LAND DISTRICT :GROUP 2, NEW WE 38,8500 HA. HISTORY:

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000010 38.8500 HA. SURFACE/US: CURRENT
CROWN GRANT. 2053/189 DATED : 1906
OC ENTERED : 19810623
-----
000011 4.0500 HA. SURFACE/US: U CURRENT
REVERTED LOT 52 PLAN 34964 DATED : 19811119
OC ENTERED : 19920515
-----
OC HA. ENTERED :
-----
OC HA. ENTERED :

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CAUTION: ALL CURRENT FILE RECORDS SHOULD BE CHECKED WHEN STATUSING PARCEL.
PF1 PF2 PF3 PCL INQ PF4 BACKWARD PF5 LIS/TAS PF6 UPDATE
PF7 PRINT PF8 PF9 HELP PF10 FORWARD PF11 MAIN PF12 PREV
PRESS AN ACTIVE PFKEY

P. 05/06

604 660 5538

B.C. LANDS- MIN OF ENVIRO

AUG-04-1995 16:33

006957250 DL 501 GROUP 2, NEW WESTMINSTER DIST. CLRSAD6
 006624471 THAT PART SHOWN ON PLAN 24734
 PF1 PF2 FILE INFO PF3 PF4 BACKWARD PF5 PCL INQ PF6 RESET
 PF7 PRINT PF8 PF9 HELP PF10 FORWARD PF11 PF12 PREV
 TAB TO DESIRED SUBDIV AND PRESS PF KEY.

604 660 5538 P.06/06

PTN = 006624471 CLRSA08
THAT PART SHOWN ON PLAN 24734 DL 501 GROUP 2, NEW WESTMINSTER DIS
PLAN :24734 .0860 HA. HISTORY:

000020	PARK	.0860 HA.	0343746	SURFACE/US:	CURRENT
OC				DATED	:
				ENTERED	: 19810623

OC		HA.		ENTERED	:

OC		HA.		ENTERED	:

OC		HA.		ENTERED	:

CAUTION: ALL CURRENT FILE RECORDS SHOULD BE CHECKED WHEN STATUSING PARCEL.

PF1	PF2	PF3 PCL INQ	PF4 BACKWARD	PF5 LIS/TAS	PF6 UPDATE
PF7 PRINT	PF8	PF9 HELP	PF10 FORWARD	PF11 MAIN	PF12 PREV

PRESS AN ACTIVE PFKEY

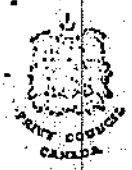
AUG-04-1995 16:33 B.C. LANDS- MIN OF ENVIRO

Name	Tribe or Band	Where situated	Area Acres	Remarks
Lillooet	Bridge River & Lillooet in common.			See Lillooet Tribe Reserve No.1A.
Bridge River	Bridge River.	Lillooet District. On the right bank of Fraser River 1/2 miles North East of confluence of Bridge River with Fraser River; opposite Lot 5624. (Reference Map 89 Sectional Map 111)	140.00	Allotted by Commissioner O'Reilly, 1st September, 1881. Original Survey 1884, Plan No.147. Area 140.00 Title. Provincial Order in Council #1036, 29th July, 1938.
Cayoosh Creek	Cayoosh Creek.	Lillooet District. South of Cayoosh (Seton) Creek at its confluence with the Fraser River and West of Lot 3 C.I. (Reference Map 89, B.C. Map 2.B.)	346.40	Allotted by Commissioner O'Reilly, 29th August, 1881. Original Survey 1884. Plan No.143. Area 347.00. Title Provincial Order in Council #1036, 29th July, 1938. Area 346.40. Right of Way. P.G.E.Ry. Plan #RR1016A, Dominion Order in Council #2866, 4th September, 1914. B.C. Order in Council 26th August, 1915, Dominion Patent #1774E, 23rd August, 1916. Excluded from conveyance 20.60 acres. <u>Note.</u> There is an Indian Grave pertinent to this reserve situate in Lot 3.C.I. Water Record. Final License #8164. " " 8165. " " 8166.
Kwakiwaka	Cayoosh Creek.	Lillooet District. On the right bank of Fraser River. South of Lot 3, C.I.; North West of Lot 7 C.I. and opposite Reserve No.4; 3 miles below the town of Lillooet. (Reference Map 89, B.C. Map 2B)	769.25	Allotted by Commissioner O'Reilly, 29th August, 1881. Original Survey 1884, Plan No.143. Area 765.00 Title. Provincial Order in Council #1036, 29th July, 1938. Area 765.00 Right of Way Road to Lillooet (preliminary) 15.75. Water Record. Final License #3745. Final License #8191.
Kwakiwaka	Cayoosh Creek.	Lillooet District. Designated Lot 5276 and adjoins Reserve No.8. on the east and South of Lot 3056, situate 2 miles South of the town of Lillooet. (Reference Map 89, B.C. Map 2B)	648.00	Allotted by Royal Commission March 12th, 1915, amended 28th June, 1916. Original Survey 1922, Plan No.332 Area 648.00 Title. Provincial Order in Council #1036, 29th July, 1938. Area 648.00
Cham	Cham.	New Westminster. District in township 3, range 29, sections 6 & 7; township 3, range 29, sections 1 & 12, West of 6th Meridian. On the left bank of Fraser River, and the northern shore of Cham Lake. (Reference Map 86, Sectional Map 11)	883.97	Allotted by Sproat, 16th June, 1879. Original Survey 1881. Plan No.L.246. Area 883.00 In Railway Belt. Dominion Order in Council #205, 25th January, 1913. Right of Way. C.N.P.Ry. Plan RR#1006B, Plan RR#1006C, Dominion Order in Council #1293, 6th June, 1911. 41.03. Dominion Order in Council #1324, 15th July, 1927, Dominion Order in Council #43, 10th January, 1934, Dominion Patent #22587, 1st February, 1934.
Kwakiwaka	Cham.	New Westminster District. In Township 3, Range 29, West of 6th Meridian. On the right bank of Fraser River opposite Popkum Railway Station. (Reference Map 86, Sectional Map 11)	398.69	Right of Way Trans-Canada Highway (preliminary) 16.00. Allotted by Commissioner Sproat, 16th June, 1879. Original Survey 1881. Plan No.L.246 area 390.00. In Railway Belt, Dominion Order in Council #205, 25th January, 1913. Right of Way. Road - surrender 11th November, 1901. 1.31.

No.	Name	Tribe or Band	Where situated	Area Acres	Remarks
1A	Lillooet	Bridge River & Lillooet in common.			See Lillooet Tribe Reserve No. 1A.
2	Bridge River	Bridge River.	Lillooet District. On the right bank of Fraser River 4 1/2 miles North East of confluence of Bridge River with Fraser River; opposite Lot 3824. (Reference Map 89 Sectional Map 111)	140.00	Allotted by Commissioner O'Reilly, 1st September, 1881. Original Survey 1884, Plan No. 147. Area 140.00 Title, Provincial Order in Council #1058, 29th July, 1938.
1	Cayoosh Creek	Cayoosh Creek.	Lillooet District. South of Cayoosh (Ston) Creek at its confluence with the Fraser River and West of Lot 3 C.I. (Reference Map 89, B.C. Map 2.B.)	346.40	Allotted by Commissioner O'Reilly, 29th August, 1881. Original Survey 1884, Plan No. 143. Area 347.00. Title, Provincial Order in Council #1036, 29th July, 1938. Area 346.40. Right of Way, P.C.N.Ry. Plan #RR1516A, Dominion Order in Council #2288, 4th September, 1914. B.C. Order in Council 28th August, 1918, Dominion Patent #1776E, 29th August, 1916. Excluded from conveyance 20.60 acres. <u>Notes:</u> There is an Indian Grave pertinent to this reserve situate in Lot 3.C.I. Water Record. Final License #8154. " " 8145. " " 8146.
2	Pashilqua	Cayoosh Creek.	Lillooet District. On the right bank of Fraser River, South of Lot 3, C.I.; North West of Lot 7 C.I. and opposite Reserve No. 4; 3 miles below the town of Lillooet. (Reference Map 89, B.C. Map 2B)	785.85	Allotted by Commissioner O'Reilly, 29th August, 1881. Original Survey 1884, Plan No. 143. Area 785.00 Title, Provincial Order in Council #1036, 29th July, 1938. Area 785.00 Right of Way Road to Lillooet (preliminary) 15.75. Water Record. Final License #3745. Final License #8161.
2A	Pashilqua	Cayoosh Creek.	Lillooet District. Designated Lot 5276 and adjoins Reserve No. 2. on the East and South of Lot 3058, situate 2 miles South of the town of Lillooet. (Reference Map 89, B.C. Map 2B)	648.00	Allotted by Royal Commission March 12th, 1915, amended 28th June, 1916. Original Survey 1923, Plan No. 338 Area 648.00 Title, Provincial Order in Council #1038, 29th July, 1938. Area 648.00
1	Cheam	Cheam.	New Westminster. District in township 3, range 28, sections 6 & 7; township 3, range 29, sections 1 & 12, West of 6th Meridian. On the left bank of Fraser River, and the northern shore of Cheam Lake. (Reference Map 86, Sectional Map 11)	683.97	Allotted by Sproat, 16th June, 1879. Original Survey 1881, Plan No. L.248. Area 683.00 In Railway Belt. Dominion Order in Council #205, 25th January, 1913. Right of Way, C.N.P. Ry. Plan RR#1006B, Plan RR1006C, Dominion Order in Council #1893, 6th June, 1911. 41.03. Dominion Order in Council #1324, 15th July, 1927, Dominion Order in Council #43, 10th January, 1934, Dominion Patent #22587, 1st February, 1934. Right of Way Trans-Canada Highway (preliminary) 18.00.
2	Tasatah	Cheam.	New Westminster District. In Township 3, Range 28, West of 6th Meridian. On the right bank of Fraser River opposite Popkum Railway Station. (Reference Map 86, Sectional Map 11)	368.59	Allotted by Commissioner Sproat, 16th June, 1879. Original Survey 1881, Plan No. L.248 area 390.00. In Railway Belt. Dominion Order in Council #205, 25th January, 1913. Right of Way. Road - surrender 11th November, 1901. 1.31.

18/6

P.C. 208 66



Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, His Excellency the Governor General on the 3rd FEBRUARY 1930

RECEIVED

The Committee of the Privy Council have had before them a Report, dated 24th January, 1930, from the Superintendent General of Indian Affairs, submitting that, pursuant to certain Statutes of Canada and of the Province of British Columbia (Ca, 1920, Chapter 51, B.C. 1919, Ch. 32) Your Excellency in Council and His Honour the Lieutenant-Governor of British Columbia in Council were respectively authorized to take such action as might be necessary to carry out a certain agreement made on the 24th day of September, 1912, with respect to the administration of Indian lands in the said Province, a copy of which said agreement is attached as schedule One hereto.

The Minister states that in pursuance of the said agreement a Royal Commission was constituted to report on the matters aforesaid, and duly reported on the 30th of June, 1916, whereupon the Lieutenant-Governor in Council, on the 26th day of July, 1923, made an Order (No. 911) approving of the said report, and Your Excellency in Council, on the 19th day of July, 1924, (P.C. 1266) made an Order approving thereof except as to out-offs in the Railway Belt.

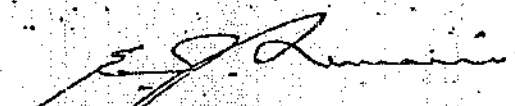
The Minister further states that on the 22nd day of March, 1929, a further agreement with respect to Indian lands in the Province of British Columbia

was entered into between representatives of the Governments of Canada and of the Province of British Columbia respectively, a copy of which said agreement with schedules containing a list of the reserves in the Railway Belt and Peace River Block and a draft of the form of conveyance in the said agreement referred to are hereto attached as schedules Two, Three and Four.

The Minister accordingly recommends that the said last mentioned agreement and the schedules aforesaid be approved and the agreement directed to be carried out according to its terms upon the approval thereof by the Lieutenant-Governor of British Columbia in Council.

The Minister further recommends that the Superintendent General of Indian Affairs be authorized, pursuant to Section 48 of the Indian Act (R.S.C. 1927, Ch. 98), to agree to the taking for any such public work as is mentioned in the draft form of conveyance attached hereto [redacted] an area in excess of the one-twentieth therein provided for on payment by the Province of British Columbia for the benefit of the Indians of such sum by way of compensation for the land so taken as the Superintendent General of Indian Affairs may determine.

[redacted]
[redacted]
[redacted]


Clerk of the Privy Council.

NAME ON HAND	RESERVE	NUMBER	DESCRIPTION	ACREAGE	DATE OF CONFIRMATION
Choom	Choom	1	New Westminster District, in Township 3, Ranges 28 and 29, West 6th Meridian, on the left bank of the Fraser River.	863.00-	O.C. 25th January, 1913.
Do	Tse-a-tah	2	New Westminster District, in Township 3, Range 28, West 6th Meridian, on the right bank of the Fraser River.	390.00 (Indians claim area has been reduced to 370.00 acres by erosion)	O.C. 25th January, 1913.
Hope	Hope	1	Yale District, in the Town of Hope	10.50	O.C. 25th January, 1913.
Do	Schkam	2	Yale District, on the right bank of the Fraser River, one mile above the Town of Hope, in Tp. 5, R. 28, W. of 6th M.	193.00	O.C. 17th August, 1900.
Do	Greenwood Island	3	Yale District, in Sec. 9, Tp. 5, R. 26, W. of 6th M., opposite Hope.	10.00	O.C. 25th January, 1913.
Do	Chawuthen	4	Yale District, in Tp. 5, R. 27, W. 6th M., on the right bank of the Fraser River, 3 miles below Hope.	1,407.00	O.C. 13th January, 1905.
Do	Fishery	5	Yale District, in Sec. 16, Tp. 5, R. 26, W. 6th M.	1.00 (Subsequently surrendered and sold to the G.P.R. Co.)	O.C. 25th January, 1913.

SCHEDULE 4

"A"

(Draft Order-in-Council)

to Recommend:

THAT under authority of Section 92 of the Land Act, being Chapter 131, Revised Statutes 1924, and Section 2 of Chapter 32, B. C. Statutes 1919, being the Indian Affairs Settlement Act, the lands set out in schedule attached hereto be conveyed to His Majesty the King in the right of the Dominion of Canada in trust for the use and benefit of the Indians of the Province of British Columbia, subject however to the right of the Dominion Government to deal with the said lands in such manner as they may deem best suited for the purpose of the Indians including a right to sell the said lands and fund or use the proceeds for the benefit of the Indians subject to the condition that in the event of any Indian tribe or band in British Columbia at some future time becoming extinct that any lands hereby conveyed for such tribe or band, and not sold or disposed of as heretofore provided, or any unexpended fund being the proceeds of any such sale, shall be conveyed or repaid to the grantor, and that such conveyance shall also be subject to the following provisions:-

PROVIDED NEVERTHELESS that it shall at all times be lawful for us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing paths, or other works of public utility or convenience; so, nevertheless that the lands so to be resumed shall not exceed one-twentieth part of the whole of the lands aforesaid, and that no such resumption shall be made of any lands on which any buildings may have been erected, or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings:

PROVIDED also that it shall be lawful for any person duly authorized in that behalf by us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through or under any parts of the hereditaments hereby granted, as may be reasonably required for

mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation:

*File
M 216768*

PROVIDED also that the Department of Indian Affairs shall through its proper officers be advised of any work contemplated under the preceding provisoes that plans of the location of such work shall be furnished for the information of the Department of Indian Affairs, and that a reasonable time shall be allowed for consideration of the said plans and for any necessary adjustments or arrangements in connection with the proposed works:

PROVIDED also that it shall be at all times lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take from or upon any part of the hereditaments hereby granted, any gravel, sand, stone, lime, timber or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works. But nevertheless paying therefor reasonable compensation for such material as may be taken for use outside the boundaries of the hereditaments hereby granted:

PROVIDED also that all travelled streets, roads, trails, and other highways existing over or through said lands at the date hereof shall be excepted from this grant.

AND TO FURTHER RECOMMEND THAT a certified copy of this minute,

if approved, be transmitted to the Registrar in each Land Registry Office in the Province of British Columbia to the intent that such certified copy be accepted by him as a conveyance of the said land to His Majesty the King in the right of the Dominion of Canada as represented by the Department of Indian Affairs of Canada, without further formal instrument of transfer subject to the said provisoes and conditions.

AND TO FURTHER RECOMMEND THAT a certified copy of this minute,

if approved, be forwarded to the Superintendent General of Indian Affairs at Ottawa.

DATED this day of A.D. 1929

"S.F.T."

PC No. 209

"T.P.B."

ORDER IN COUNCIL

"E.L."

Dated 3rd February, 1930

"C.S."

PRIVY COUNCIL, CANADA

"E.J. LEMAIRE"

Clerk of the Privy Council

FILE 153/31-4-36-1

BAND COUNCIL RESOLUTION

The Council of the CHEAM Band of Indians,
(Name of Band)
in the NEW WESTMINSTER Indian Agency, in the Province
(Name of Agency)
of BRITISH COLUMBIA at a meeting, held at ROSEDALE
(Name of Province in full) (Name of Place)
this Twenty-first day of October, A.D. 19 54.
(in full) (Month)

DO HEREBY RESOLVE:

THAT WHEREAS the Provincial Department of Public Works have made application through the Indian Commissioner's Office for a bridge site and approach thereto on our Cheam Indian Reserve No. 1,

AND WHEREAS they have offered compensation at the rate of s.16; s.17 per acre for an estimated encroachment comprising 10.23 acres, more or less,

AND WHEREAS they have agreed to fence the required right-of-way are southerly from the Chilliwack Dyke, and provide access to the bridge approach at feasible sites, with gates as may be necessary,

AND WHEREAS only 7.85 acres of the said encroachment is Band owned land, with the remainder being part of the location of Harry Edwards [which includes 1.50 acres of Improved, and .88 acres of unimproved land],

BE IT HEREBY RESOLVED that the offer of the Provincial Department of Public Works be accepted insofar as the Band owned lands are concerned and the proceeds based on s.16; s.17 per acre, as per B.C. Land Survey, be paid into our Band Funds.

BE IT FURTHER RESOLVED that should it be necessary for the Department of Public Works to cross improved lands outside of the right-of-way area, compensation for damages must be forthcoming.

<u>Michael West</u> (Councillor)	<u>Robert Deagle</u> (Chief)	<u>Lewis Edwards</u> (Councillor)	<u>Harry Edwards</u> (Councillor)
_____ (Councillor)	_____	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____	_____ (Councillor)	_____ (Councillor)

FOR HEADQUARTERS USE ONLY						
1. TRUST ACCT	2. CURRENT BALANCES		3. EXPENDITURE	4. AUTHORITY: INDIAN ACT, SEC.	5. SOURCE OF FUNDS	
	A) CAPITAL	B) REVENUE			<input type="checkbox"/> CAPITAL	<input type="checkbox"/> REVENUE
\$	\$	\$	\$			
6. RECOMMENDED			7. APPROVED			
Date _____ Superintendent, Reserves and Trusts			Date _____ Director, Indian Affairs			

FORM 145-7 (A-10-53)

Feb. 1st, 1955

R/W Agent,
Victoria, B.C.

Mr. N.M. McCallum,
Chief Engineer,
Victoria, B.C.

Chilliwack
R/W 4652

Acquisition of Right-of-Way, Cheam
I.R. #1. Agassiz-Rosedale Highway.

Forwarded herein P.W. 120's respecting
settlement with the New Westminster
Indian Agency for right-of-way acquired
in connection with the above project.

L.J. Moore,
R/W Agent.

LJM:FS
encl: 4

NOTIFICATION IN TERMS OF THE "HIGHWAY ACT"
 (SECTION 16)

PLAN NO. 2 DISTRICT FILE NO. R/W 4652
 DISTRICT NO. 2 ELECTORAL DISTRICT Chilliwack
 Name and details of highway or incidental works Agassiz-Rosedale Highway.
 Description of property Cheam Indian Reserve No. 1, New Westminster Indian Agency.
 Name of registered owner Unregistered - (Crown Dominion)
 Is title unencumbered? --- If not, give details of encumbrance.
 Name, title, etc., of party to whom compensation is recommended to be paid.
RECEIVER GENERAL OF CANADA.

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

A. For Improvements on the Lands taken.

(Subsec. 1a.) "Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man."

Roads: Length, ; width, ; height,
 Buildings: Length, ; width, ; height,
 See Remarks

Structures: See Remarks.

Fences: Length, feet. See Remarks.
 Clearing: Area, acres.
 Grading: Area, acres.
 Planting: Area, See Remarks s.16; s.17

Cultivation: Area, 2.31 ac. See Remarks.
 Other improvements (to be stated):
 11.66 ac. (unimproved) s.16; s.17

R/W Ag. R. 13.97 ac.
 Survey P. 14.09 "
 Remarks: .12 ac.

COMPENSATION RECOMMENDED

s.16; s.17

B. For Lands taken (not Subdivided Lands).

(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant - - - - - acres.
 Total area taken for road purposes - - - - - acres.
 Deduct one-twentieth of area of original Crown grant - - - - - acres.
 Area for which compensation is payable - - - - - acres.
 The land is valued at \$ _____ per acre.

COMPENSATION RECOMMENDED \$ _____ B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date Jan. 31st, 1955

I hereby recommend that compensation be paid accordingly.

Date _____, 19____

Date _____, 19____

APPROVED

[Signature]
 District Official, P.W. Dept.

District Official, P.W. Dept.

Deputy Minister, Chief Engineer, or Assistant Chief Engineer.

(DEALT WITH.)

Departmental Comptroller

For Lands taken (Subdivided lands only).

(Subsec. 16.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. _____

 Total area of parcel _____ acres.
 Total area taken for road purposes - _____ acres.
 Deduct one-twentieth area of parcel _____ acres.
 Area for which compensation is payable _____ acres.
 The land is valued at \$ _____ per acre.

COMPENSATION RECOMMENDED \$ _____ C.

D. For Materials taken from Improved Lands.

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$ _____ D.

E. Deduction for Increased Capital Value due to Construction.

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details _____

TOTAL DEDUCTIONS \$ _____ E.

Remarks:

(Note.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

Tribal subdivision of H. Edwards. East of right-of-way acquired. Right-of-Way to be fenced throughout Reserve and in Edwards subdivision—to be extended along easterly boundary of subdivision to slough. Existing access only to be restored on Dyke right-of-way (Sta.130) and from Stations 136 and 141 and one access to Band Land North of Station 118.

Subject to ground survey by B.C.L.S. now being undertaken. Any adjustment in compensation will be made subsequent thereto.

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID

A. For improvements on lands taken - - - - - \$ s.16; s.17 A.
 B. For lands taken (not subdivided lands) - - - - - \$ B.
 C. For lands taken (subdivided lands only) - - - - - \$ C.
 D. For materials taken from improved lands - - - - - \$ D.
 Gross total amount of compensation recommended - - - - - \$
 E. Deduction for increased value - - - - - \$ E.

NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID

27

COMPENSATION IN TERMS OF THE "HIGHWAY ACT" (SECTION 16)

DEPT. FILE NO. PLAN NO. RIGHT-OF-WAY FILE 4652

REGIONAL DISTRICT NO. 1 ELECTORAL DISTRICT Chilliwack

Name and details of highway or incidental works R/W Proj 1117 Agassiz - Rosedale

Description of property Chom Indian Reserve No. 1

Name of registered owner Crown Dominion (Unregistered)

Is title unencumbered? If not, give details of encumbrance

Name, title, etc., of party to whom compensation is recommended to be paid

Receiver General of Canada

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

A. For Improvements on the Lands Taken

(Subsec. (1) (a)) Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man.

Roads: Length, width, Buildings: Length, width, height, See Remarks

Structures: See Remarks

Fences: Length, feet, See Remarks Clearing: Area, acres, Grading: Area, acres, Planting: Area, See Remarks, Cultivation: Area, See Remarks

Other improvements (to be stated)

Remarks:

COMPENSATION RECOMMENDED

Table with columns for \$ and ¢, and rows for compensation amounts.

B. For Lands Taken (Not Subdivided Lands)

(Subsec. (1) (b)) Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area.

Area of original Crown grant, Total area taken for road purposes, Deduct one-twentieth of area of original Crown grant, Area for which compensation is payable, The land is valued at \$ per acre.

COMPENSATION RECOMMENDED \$ s. 16;

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date Aug 9, 1960

I hereby recommend that compensation be paid accordingly.

Signature of Highway Agent

Date, 19

APPROVED:

District Officer, Highways Dept.

Date, 19

Regional Highway Engineer.

(DEALT WITH.)

Deputy Minister or Assistant Deputy Minister.

C. For Lands Taken (Subdivided Lands Only)

(Subsec. (1) (b).) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. _____

Total area of parcel	ac.	sc.	bc.
Total area taken for road purposes	ac.	sc.	bc.
Deduct one-twentieth area of parcel	ac.	sc.	bc.
Area for which compensation is payable	ac.	sc.	bc.
The land is valued at \$_____ per acre.			

COMPENSATION RECOMMENDED \$_____ C.

D. For Materials Taken from Improved Lands

(Subsec. (4).) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$_____ D.

E. Deduction for Increased Capital Value due to Construction

(Subsec. (3).) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details _____

TOTAL DEDUCTIONS \$_____ E.

Remarks:

(Note.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

Compensation is supplemental to H-120 form dated Jan. 31st, 1955 and covers the difference in area between the Department Location and a legal survey of the highway R/W.

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID

A. For improvements on lands taken	\$_____	A.
OR {	D. For lands taken (not subdivided lands)	\$_____ s. 16; _____ B.
	C. For lands taken (subdivided lands only)	\$_____ s. 17 _____ C.
D. For materials taken from improved lands	\$_____	D.
Gross total amount of compensation recommended	\$_____	
E. Deduction for increased value	\$_____	E.

INDIAN COMMISSIONER
BRITISH COLUMBIA



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

IN YOUR REPLY REFER TO

No. 153/21-4-28-1
ALSO TO DATE OF THIS LETTER

Your file: R/W 4652.

P.O. BOX 70,
VANCOUVER, B.C.

February 18, 1955.

Mr. L.J. Moore,
Right-of-Way Agent,
Department of Public Works,
Victoria, B. C.

RIGHT-OF-WAY AGENT
Public Works Dept.
FEB 23 1955
And _____
Victoria, B. C. file _____

Re: Right-of-Way, Cheam E. R. Ho. 1.

Dear Mr. Moore:

With reference to your letter of January 31, and related correspondence, in view of the agreement reached with regard to compensation, it will be in order for you to enter on to the above-mentioned reserve for the purpose of constructing the bridge approaches, etc.

I should appreciate receiving your cheque in the amount of s.16; payable to the Receiver General of Canada.
s.17

Yours truly,

J.H. Gordon,
Indian Commissioner for B.C.

-JT

s.16; s.17

17 .. 320 B

DETACH BEFORE PRESENTING

TO RIGHT-OF-WAY COMPENSATION,
RE VOUCHER NO. 74450

s.16; s.17

PROVINCE OF BRITISH COLUMBIA
GENERAL ACCOUNT
IN SETTLEMENT OF ACCOUNT AS STATED

Nº 858494

DETACH BEFORE PRESENTING

25...185 (C)

WORKS REGION NO. 1

R/W COMPENSATION
RE VOUCHER NO. 41404

\$ s.16; s.17

PROVINCE OF BRITISH COLUMBIA
GENERAL ACCOUNT
IN SETTLEMENT OF ACCOUNT AS STATED

Nº 281737



DEPARTMENT OF PUBLIC WORKS

RIGHT OF WAY AGENT February 25th, 1955
Victoria, B.C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Agassiz-Posedale Highway Rt-of-Way.
Cheam Indian Reserve #1.

Dear Sir:

Enclosed herewith by registered mail
compensation cheque No. 858494-0 payable
to the Receiver General of Canada.

This is payment for property acquired
for right of way purposes on above project.

Yours truly,

S.J. Allen

for L. J. Moore,
Right-of-Way Agent.

SJA:PS
encl: 1
Reg.

c.c. Div. Engineer,
New Westminster, B.C.
Cheque in amount of s.16, s.17

✓ DEWDNEY AND CHILLIWACK
ELECTORAL DISTRICTS

ROSEDALE-AGASSIZ HIGHWAY

3) on 92H/SW
ESTABLISHING ROSEDALE-AGASSIZ HIGHWAY

(See "Yale Road East")

NOTICE is given that, pursuant to section 8 of the "Highway Act," all those portions of the South-west Quarter and North-west Quarter of Section 6, Township 3, Range 28, west of the 6th meridian; Section 1, Township 3, Range 29, west of the 6th meridian; South-east Quarter of Section 13, Township 3, Range 29, west of the 6th meridian; District Lot 34, Group 1, New Westminster District; Fractional South-west Quarter of Section 12, Township 3, Range 28, west of the 6th meridian; District Lot 19, Group 1, New Westminster District; and the North-west Quarter of Section 19, Township 3, Range 28, west of the 6th meridian, as shown outlined in red on a plan on Department of Public Works File No. R.S. 2549, are hereby established as a public road, the highway so established having a length of 3.49 miles and right-of-way widths as shown on the aforementioned plan.

See 55 on 92H/SW p. A. GAGLARDI,
Dewdney Minister of Public Works.

Department of Public Works,
Parliament Buildings,
Victoria, B.C., September 13th 1954.
P.W. File 2134. 802-se16

CHILLIWACK ELECTORAL

DISTRICT

74 92756 1129

Establishing Right-of-way, Agassiz-Rosedale Highway, Fraser River South to Fraser Way Highway.

NOTICE is given, pursuant to section 8 of the Highway Act, that all that part of Lot 3, Block 1 of Legal Subdivisions 8, 9, and 16, Section 1, Township 3, Range 29, west of the 6th meridian, Plan 12893, lying to the north-east of Plan 17235, New Westminster District, is hereby established as a public highway.

The area so established as a public highway is shown outlined in green on a print of Plan 17235 recorded on File 4458 in the Provincial Department of Highways, Victoria, B.C.

P. A. GAGLARDI,

Minister of Highways.

Department of Highways,
Parliament Buildings,

Victoria, B.C., May 21, 1965

File 4458/1570219.

4961

ESTABLISHING RIGHT OF WAY

Establishing right of way for Agassiz-Rosedale Highway: Yale Road East, Chilliwack Electoral District.

Notice is given, pursuant to section 6 of the Highway Act, that all that part of Lot 4, Section 6, Township 3, Range 28, W6M, Plan 8348, NWD, containing 0.0021 hectare, more or less, as shown outlined in red on a plan (being a copy of Highway District Drawing 29-11) recorded in the Provincial Ministry of Transportation and Highways, Victoria, B.C., on File P/N 64834, is hereby established as public highway. February 20, 1986. -- T.R. Johnson, for Minister of Transportation and Highways. [fe20 - 20199]

P. 247

ESTABLISHING RIGHT OF WAY

Establishing right of way for Agassiz-Rosedale Highway, Chilliwack Electoral District. P. 1305 133 ON 92N/SW

Notice is given, pursuant to section 6 of the Highway Act, that all those portions of Lots 1, 2 and 3: all Plan 3953; Lots A and B; both of Lot 4, Plan 9284; Lot 213, Plan 55814; Lot 24, Plan 26665; and Lot 1 (Reference Plan 63432); all District Lot 19 YDYD; Lot 1 of Lot 1 of 1.93-acre portion of Lot 19, Plan 3982; all Group 1; Parcel 1 (Explanatory Plan 9659) of Parcel K; Lot 16, Plan 25964; both of northwest quarter; part of Parcel 1 (Explanatory Plan 8052); Lot 15, Plan 25963; both of fractional northwest quarter; Lot 104, Plan 39575; and Parcel K (Reference Plan 9470) (except Parcel 1, Explanatory Plan 9659); all Section 19, Township 3, Range 28, W6M; all NWD, as shown outlined in bold black line on a plan of survey recorded in the Provincial Ministry of Transportation and Highways, Victoria, B.C., under "Road Surveys 8998" (being a copy of plan deposited in the New Westminster Land Title Office as Plan 64696), are hereby established as public highway. File 15-20-04/342241, October 4, 1984. -- Alex. V. Fraser, Minister of Transportation and Highways. [nc11 - 9596]

ESTABLISHING RIGHT OF WAY

Establishing right of way for Agassiz-Rosedale Highway at Yale Road East, Chilliwack Electoral District. P. 1566

Notice is given, pursuant to section 6 of the Highway Act, that all that part of Parcel E (Ref. Plan 8934) of the southwest quarter of Section 6, Township 3, Range 28, W6M, NWD, as shown outlined in red on a plan recorded in the Provincial Ministry of Transportation and Highways, Victoria, B.C., on File P/N 62655 (being a copy of Highway District Plan 29.10), is hereby established as public highway. November 29, 1984. -- A. E. Rhodes, for Minister of Transportation and Highways. [no29 - 9728]

CHILLIWACK ELECTORAL DISTRICT.

APPROACH TO FERRY SLOUGH BRIDGE.

NOTICE is given, pursuant to section 8 of the "Highway Act," that the 0.147-acre portion of Lot 2, Map 7234, part of Lot 469, Group 2, New Westminster District, as shown outlined in red on Plan 8017, deposited in the Land Registry Office at New Westminster, is hereby declared to be a public highway.

H. ANSCOME,

Minister of Public Works.

Department of Public Works,

Parliament Buildings,

Victoria, B.C., May 15th, 1945.

P.W. File 4458.

1-my17



IN YOUR REPLY REFER TO

No. 153/31-4-28-1
Also in date of his letter

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

PLEASE QUOTE

YOUR FILE NO. R/W...4652

P.O. BOX 70
Vancouver, B.C.

October 28, 1954.

RIGHT-OF-WAY AGENT
Public Works Dept.
OCT 29 1954
Ans'd _____
Victoria, B.C. File _____

Mr. N. C. Tattrie,
Asst. Right-of-Way Agent,
Department of Public Works,
Victoria, B.C.

Dear Mr. Tattrie:

Re: Highway right of way
Cheam I.R. No. 1

With reference to your letters of July 14th and October 21st, it has been difficult to arrange a meeting with the Cheam Band at an earlier date because of the absence of many members from their Reserve. We were successful, however, in arranging a meeting on October 21st at which time the Band agreed to accept compensation at the rate of s.16 per acre for the unimproved Band-owned land within the right of way, subject to the right of way south of the Chilliwack being fenced and existing access replaced at feasible sites with gates, etc.

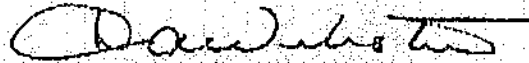
It appears, however, that the Band and one of the members, Harry Edwards, who is the owner of a parcel within the right of way area, do not agree that the land is all unimproved. Their stand is supported by our Superintendent, Mr. Letcher, who has submitted the attached plan showing Harry Edwards' location, and the part of the location within the right of way which is cleared and under cultivation. Furthermore it appears that the right of way severs a cleared and cultivated parcel of one acre which because of the deep fill proposed will not be accessible.

To summarize, therefore, it is apparent that the Band is willing to accept s.16. s.17 per acre for 7.85 acres

and Harry Edwards is willing to accept s.16; s.17 per acre for the 1.5 acres of cleared and cultivated land within the right of way area and s.16; s.17 per acre for the .88 acres of unimproved land. This does not include any compensation for severance within Edwards' location, which is indicated, unless convenient access to both sides of the right of way within the location is to be provided.

I should appreciate your further views with regard to this matter before trying to effect a definite settlement with the Indians concerned which is a necessary preliminary to the granting of authority for entry on to the Reserve for the purpose of commencing construction.

Yours very truly,



W. S. Arneil,
Indian Commissioner for B.C.

-ET

c.c. Div. Engineer,
New Westminster, B.C.

February 9th, 1955

Mr. J.N.C. Wade,
B.C. Land Surveyor,
P.O. Box 1299,
Mission City, B.C.

Dear Mr. Wade:

I am directed by the Chief Engineer to acknowledge your communication of the 7th instant to that official.

We are prepared to authorize you to proceed with the survey of that section of the Agassiz-Rosedale Highway right-of-way between Fraser River, south bank, and Bridal Falls (junction Trans-Canada Highway). The area is indicated on the plan now in your possession.

Would you kindly communicate direct with the Surveyor General, Ottawa, regarding the requirements for survey of that portion of the right-of-way through Cheam Indian Reserve No. 1. As previously intimated, this section of the right-of-way through the Reserve must be on a separate tracing. Both tracings to be on a scale of 100 feet to the inch.

It has occurred to the writer that possibly the triangular section of the Edwards tribal subdivision west of the right-of-way may have been inadvertently included in the plan left with you. The only area in addition to the right-of-way is that east of the latter as roughly sketched on the enclosed tracing. Any inconvenience in this respect is regretted.

Fees will be in conformity with regulations of the Surveyor General and we will be pleased to arrange for payment upon the basis of 60% of the total cost upon receipt of the plans and the balance forthwith upon acceptance of same by the Surveyor General.

Thanking you for your interest and appreciating your early co-operation.

Very truly yours,

N.M. McCallum,
Chief Engineer.

by:

L.J. Moore,
Right-of-Way Agent.

W. 4652

LJM:PS
encl: 1

R/W 4652
Your File: 153/31-4-28-1

RIGHT OF WAY AGENT

December 1st, 1954
Victoria, B.C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Highway Right-of-Way, Cheam Indian Reserve #1

Dear Sir:

Further to your letter of October 28th with respect to the above. We wish to advise that further ground inspection has now been carried out and it is agreed that there are improved areas involved. We agree that a figure of s.16; s.17 per acre for cleared and cultivated land is acceptable. All unimproved lands would be paid for at the rate of s.16; s.17 per acre. It is regretted that this improved area was overlooked in the first instance, however, at the time of the inspection, the river was high and it would appear that the area in question was cut off by flood water. We had previously inquired as to whether there were any tribal subdivisions affected in this Reserve and we were given to understand that there were none.

With respect to the severance, we are unable, as you know, to pay for such an item, however, we are prepared to recommend that the Department purchase all of Edward's holding lying to the East of the right-of-way, if this will solve the situation. It will be possible for us to provide access to the Band land on the East side of the right-of-way and it is thought that perhaps Mr. Edwards could use this same access and would perhaps prefer to retain his holding. No particular access will be provided to the land lying to the West of the right-of-way since this land will enjoy the same access after construction which it presently does. We will have to verify the acreages involved in the Edwards holding before we are able to have a compensation cheque issued.

May we please have your advice as to whether or not it is preferable for us to purchase the entire tribal holding. We return a print showing approximately where access will be possible to the Band land.

Yours very truly,

N.C. Tattrie,
Right-of-Way Agent.

NCT:PS
encl: 1



CANADA

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

IN YOUR REPLY REFER TO

No. 153/31-1-28-1
ALSO TO DATE OF THIS LETTER

*Over File No
Just Quoted*

P.O. BOX 70,
VANCOUVER, B.C.

January 26, 1955

RIGHT-OF-WAY AGENT
Public Works Dept.
JAN 26 1955
Ans'd 31-1-55
Victoria, B.C. File RW 4652

Mr. N.C. Tattrie,
Right-of-Way Agent,
Dept. of Public Works,
Victoria, B. C.

Re: Highway right-of-way
Cheam I. R. No. 1.

Dear Mr. Tattrie:

With reference to your letter of December 1, I regret to advise that our negotiations with the Cheam Band council with regard to the above have now become further complicated through a request from them for payment from your Department for all the band owned land on the east side of the right-of-way. Although it seems certain that your Department will not agree to this, I should like to have your confirmation, as a matter of fact I doubt if we will be prepared to agree to such a proposal unless, of course, the area was actually required by your Department.

Insofar as Harry Edwards' holding is concerned, he has agreed to dispose of that portion lying to the east of the right-of-way at a rate of \$16.57 per acre for cleared and cultivated land, and \$16.57 per acre for unimproved land, as he does not consider that the access which will be available to this land will be considerable.

Yours truly,

W.S. Arneil,
Indian Commissioner for B.C.

-JT

R/W 4652
Your File: 153/31-4-28-1

RIGHT OF WAY AGENT

January 31st, 1955
Victoria, B.C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Acquisition of Right-of-Way, Cheam I.R. #1.

Dear Sir:

This will acknowledge receipt of your letter of the 26th instant. In reply thereto I would advise that the Department is not prepared to enter negotiations for the acquisition of lands in excess of the actual right-of-way needs and the severed portion of the Tribal Subdivision owned by H. Edwards. The foregoing has reference to your inquiry regarding the Band Land on the East side of the right-of-way.

Alluding to final paragraph of your letter, we are proceeding to arrange for compensation covering the right-of-way proper and the severed portion of the Edward's parcel. From our plans it would appear that there is a total of 2.31 acres classified as improved land for which compensation is payable at the rate of s.16, s.17 per acre; and 11.66 acres of unimproved land for which we recommend payment at s.16, s.17 per acre. The total compensation will therefore be s.16, s.17

Arrangements are being made to implement a ground survey of the right-of-way between the River and junction of the Trans-Canada Highway. Should there be any adjustment necessary for the acreages allowed for, we would, of course, be pleased to arrange supplemental payment. Fencing will be carried throughout the right-of-way within the Reserve and extended to the East boundary of the Edward's Tribal Subdivision. Existing access will be restored on the Dyke right-of-way and South of the C.N.R. right-of-way, in addition to which one access from the Band Land will be installed North of Station 118.

Yours very truly,

L.J. Moore,
Right-of-Way Agent.

LJM:PS

975

February 9th, 1955.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Agassiz-Rosedale Highway Right-of-Way,
Cheam Indian Reserve #1.

Dear Sir:

With further reference to the above matter. Our previous communication advised that arrangements have been made for the payment of compensation in accordance with terms of settlement. We have now engaged Mr. J.M.C. Wade, B.C. Land Surveyor of Mission City, to undertake the highway right-of-way survey from the River south to the Trans-Canada Highway which will include all right-of-way within the above Reserve. Mr. Wade has been advised to communicate with both the Surveyor General, Victoria and the Surveyor General, Ottawa, regarding procedure, etc.

The above for your information and file,

Yours truly,

N.M. McCallum,
Chief Engineer.

by:

L.J. Moore,
Right-of-Way Agent.

LJM:PS

LJM
1/6/55

RIGHT-OF-WAY AGENT

Victoria, B. C.
May 30th, 1955.

Mr. J. M. C. Wade, B.C.L.S.,
P. O. Box 1299,
MISSION CITY, B. C.

Dear Mr. Wade:

This will acknowledge receipt of your letter of the 14th instant with enclosures consisting of your completed plan of survey of the right-of-way through inter alia Cheam Indian Reserve No. 1.

An examination of the plan indicates an area in excess of that acquired has been included in red outline north of the Canadian National Railway right-of-way. Reference is made to the 11.57 acre parcel. It would appear that the tracing at one time was restricted to a lesser parcel which would coincide with the plan and our remarks in paragraph 4 of our letter of February 9th last. Would you kindly amend the plan accordingly. It may be added that the Indians at one time suggested that a greater area be taken but this was not approved by the Department.

Alluding to your account submitted in connection with the above please be advised that we are prepared to submit for approval. Departmental regulations, however, require the signature upon each invoice and your account is returned herein for that purpose.

The writer anticipates being in Mission City on Thursday next, June 2nd, in the early afternoon and if convenient would be pleased to contact you by telephone regarding the above matter of plan amendment.

Tracing of your plan of survey is returned under separate cover by registered mail.

Yours very truly,

L. J. MOORE,
Right-of-Way Agent.

CRE:ms
encl.

INDIAN COMMISSIONER
BRITISH COLUMBIA



IN YOUR REPLY REFER TO
No. 153/31-4-28-1
ALSO TO DATE OF THIS LETTER

Your: R/W 4652

RIGHT-OF-WAY AGENT
Department of Highways

NOV 4 1955

Asst'd _____
Victoria, B.C. File _____

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. BOX 70,
VANCOUVER, B.C.

November 3, 1955

Department of Highways,
Right-of-Way Agent,
Victoria, B.C.

Attn: Mr. L.J. Moore.

Dear Sirs:

Re: Highway Right-of-Way -
Cheam Indian Reserve No. 1.

In your letter of August 12, you advised the survey plans for the above mentioned highway had been prepared and submitted to your Surveyor General for checking of calculations, etc.

Would you kindly look into this matter and advise when we may expect to receive the survey plans in this connection.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'W.S. Arnell', written over a printed name.

W.S. Arnell,
Indian Commissioner for B.C.

..b1

R/W 4652

Yours: 153/31-4-28-1

RIGHT OF WAY AGENT

November 22, 1955.
Victoria, B. C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Department of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Highway Right-of-Way
Cheam Indian Reserve #1.

Dear Sir:

With reference to the above and your letter of the 3rd instant, forwarded under separate registered cover plans defining the right-of-way.

Trusting this claim may now be finalized, I remain,

Yours truly,

L.J. Moore,
Right-of-Way Agent.

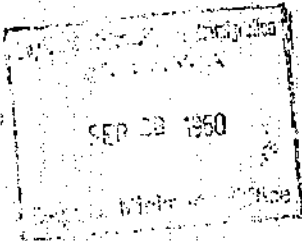
Pert

GEG:am

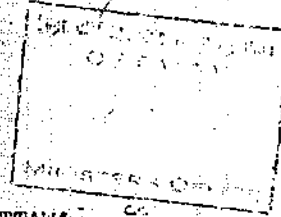
M/10

P.C. 1960-1285

153/31-4-28-1



CANADA
PRIVY COUNCIL



AT THE GOVERNMENT HOUSE AT OTTAWA
THURSDAY, the 22nd day of SEPTEMBER 1960.

PRESENT:

HIS EXCELLENCY *R I*

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Highways, Province of British Columbia, has applied for the lands hereinafter described, being a portion of Cheam Indian Reserve number one in the said Province, for road purposes;

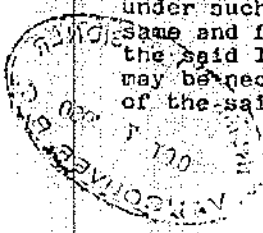
AND WHEREAS the Council of the Cheam Band of Indians for whose use and benefit the said Reserve has been set apart have, by Resolution dated the twenty-first day of October, 1954, approved the application in consideration of the sum of s.16, s.17
s.16, s.17
by the Province;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration, pursuant to section 35 of the Indian Act, is pleased hereby to consent to the taking of the said lands by the Province of British Columbia and to transfer administration and control thereof to Her Majesty in right of the Province of British Columbia:

Description

In the Province of British Columbia, in the District of New Westminster, in Cheam Indian Reserve number one, all those portions of a right-of-way as said portions are shown bordered red on plan fifty thousand one hundred and ten in the Canada Lands Surveys records at Ottawa, a copy of which has been deposited in the Land Registry Office for the New Westminster Land Registration District at New Westminster under number twenty-one thousand six hundred and fifty-five; said portions containing together by admeasurement fourteen acres and nine hundredths of an acre, more or less, subject however to a prior grant of easement to British Columbia Electric Company Limited, dated the 21st day of December, 1953, for a power transmission line right-of-way as shown on Plan M3678, Indian Affairs Survey Records.

Reserving all mines and minerals whether solid, liquid or gaseous which may be found to exist within, upon or under such lands, together with full power to work the same and for this purpose to enter upon, use and occupy the said lands or so much thereof and to such extent as may be necessary for the effectual working and extracting of the said minerals.



Certified to be a true copy

A. M. Hill
A. M. HILL
Asst. Clerk of the Privy Council

009737

SEP 22 3 57 PM '60
INDIAN AFFAIRS

FERRY

CHEAM
I.R. No. 1

CHEAM PLAN NO. 21A

R/W Area required in I.R. No. 1 = 0.0326 ha

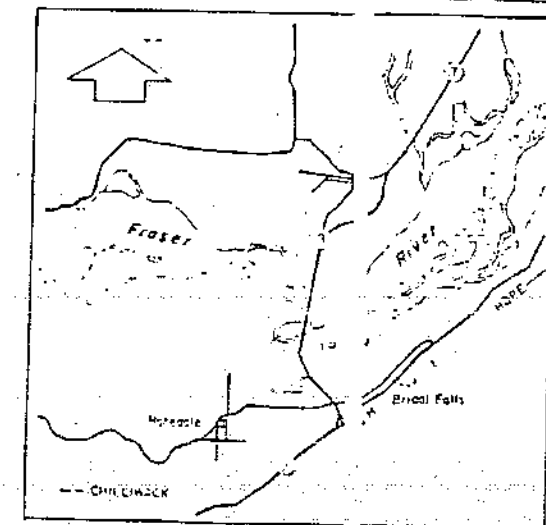
0.0326 ha (0.0805 ac)

FERRY ROAD

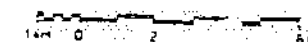
HIGHWAY

No. 9

SLOUCH



KEY MA



PROVINCE OF BRITISH COLUMBIA
MINISTRY OF TRANSPORTATION AND HIGHWAYS
CHILLIWACK HIGHWAYS DISTRICT

PLAN SHOWING RIGHT-OF-WAY REQUIRED
IN CHEAM I.R. No. 1 AT THE INTERCHANGE
OF HIGHWAY No. 9 AND FERRY ROAD

RECOMMENDED DATE 87/11/18

DM Vance

APPROVED

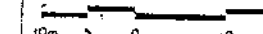
[Signature]

SCALE Horiz 1 : 500

Drawn by RGS DATE 87/11/18

Checked by DATE

APPROVED DATE



DIST PLAN No
29-13

F		
E		
D		
C		
B		
A	R/W MEDIAN PLAN TAKEN FROM CONSTRUCTION PLAN	87/11/18
REVISIONS		



MEMORANDUM

To: Assistant Deputy Minister, Operations.

Director of Property Services,
Victoria, B.C.

Date: December 11, 1987.
Branch/Dist: Property Services,
Address: 7818 6th Street,
Burnaby, B.C.,
V3N 4N8.
Phone: 660-8290
Hdqtrs. File:
Region File: RS 6196
District File:

Re: Cheam Indian Reserve #1,
Interchange of Highway 9.
and Ferry Road.

Please find attached one paper print from Chilliwack Highway District Plan No. 29-13 for 0.0326 ha. area of the noted Reserve. The area is required for fill encroachment to maintain the slope of Ferry Road.

There are no improvements on the property and acquisition is estimated to cost less than \$16,517.

W. Montgomery,
Regional Property Agent.

JA:jdf
Encl.



MEMORANDUM

To: Regional Property Negotiator
Burnaby

Date: November 30, 1988
Branch/Dist: FRASER VALLEY DISTRICT
Address:

Attn: O. F. Stiller
Property Agent

Phone:
Hdqtrs. File:
Region File: P.S. 6196
District File: 15-20-6
15-21-57

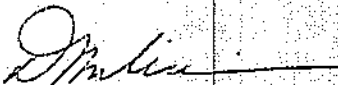
Re: Right-of-Way Encroachment on
Cheam I.R. ~~48~~, Intersection of
Hwy #9 and Ferry Road, Bridal Falls
Agassiz-Rosedale Bridge

Attached photocopies of portions of Plan 17235, Statutory R/W Plan 21655, and District Plan 29.13.

We do not see any reason for the Ministry to retain any of the land outlined in green on the cuts of Plans 17235 and shaded green on the cuts of Statutory R/W Plan 21655.

In exchange, the Ministry should get the area outlined in red, or shaded red on these plans. This is the area we had originally wished to obtain from the band, which was later reduced to a 5 metre wide strip, paralleling the highway right-of-way.

* The radius is too tight for large trucks, southbound on Highway #9, wanting to turn on to Ferry Road. At present they have to stop, back up, and then proceed on Ferry Road. There is a need to widen the road anywhere from 3 to 5 metres right in this location, to prevent the possibility of an accident due to the above-described manoeuvre.


D. P. Williams
A/District Highways Manager

GMV/ctm

Encl.

RECEIVED
REGIONAL PROPERTY NEGOTIATOR

DEC 05 1988

ANSWERED.....
NOTED.....
DATE.....



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: W. Montgomery
Regional Property Agent
Burnaby

Date: April 14, 1987
Branch/Dist: CHILLIWACK HIGHWAYS
Address:

Re: Right-of-Way Acquisition
Ferry Road
District Plan 29-13

Phone: P.S. 6196
Hdqtrs. File:
Region File:
District File: 15-20-6
15-21-57
15-21-43

Funding is now available for construction of deceleration lane on Hwy. #9 and realignment of Ferry Road as detailed on District Plan 29-13.

Please arrange for right-of-way to be acquired on Cheam I.R. No. 1 as outlined in red on the attached plan.

Construction is scheduled for June 1987. We request this acquisition be completed at the earliest opportunity.

P. S. Dunn
District Highways Manager

Mike Proudfoot
by: Mike Proudfoot
Engineering Assistant

MP/ctm

Encl.

RECEIVED
REGIONAL PROPERTY NEGOTIATOR

APR 22 1987

RECEIVED
DATE

REV. 01/83 W 410

3 Apr 29 / 87

Signed *[Signature]*
Regional Highway Engineer

3 _____

Signed _____
Regional Approving Officer

2 _____

To _____
Regional Property Negotiator

tribution as above

MINISTRY (HIGHWAYS & PUBLIC WORKS)
 (BRITISH COLUMBIA)

Property Acquisition
 No) 02
 Year) 1987

REQUEST FOR ACQUISITION OF PROPERTY

(Items below must be completed, items not applicable must show N/A)

INITIATED BY: F. S. DUNN DATE OF REQUEST APRIL 14, 1987

DISTRICT OR BRANCH CHILLIWACK PROGRAM: (CAPITAL)
 (DAY LABOUR) ✓

OR PROJECT NO. NEW (MINOR BETTERMENT)

NO. AND/OR DESCRIPTION HIGHWAY NO. 9 AT FERRY ROAD
CONSTRUCT. DECELERATION LANE/REALIGN FERRY ROAD

PROX. LOCATION OF WORKS (Attach key map) SOUTH END ACASSIZ/ROSEDALE BRIDGE (see plan)

MUNICIPAL DISTRICT CHILLIWACK MUNICIPALITY OR UNORGANIZED UNORGANIZED

LEGAL DESCRIPTION (a) CHEAM INDIAN RESERVE NO. 1

REASON FOR ACQUISITION R/W REQUIRED FOR REALIGNMENT OF FERRY ROAD

REMARKS:

ARE FUNDS AVAILABLE FOR ACQUISITION N/A

DATE REQUIRED EARLIEST POSSIBLE INITIATORS FILE NO. 15-20-6/15-21-43/15-21-57

PLAN NO(S) DISTRICT PLAN 29-13 (3 prints)

PROFILE(S) OR GRADE CHANGE INFORMATION N/A

ACCESS INFORMATION REQUIRED: Print of Plan(s) with cross reference list attached and access points numbered on Plan to correspond with list, showing:

- (i) Location of Existing Access(es) acceptable/prohibited
- (ii) Location of new Access(es) if applicable

HIGHWAY STATUS:

- CONTROLLED ACCESS HIGHWAY
- ARTERIAL HIGHWAY
- OTHER

Yes	No
✓	
	✓
	✓

Date _____

APPROVED
 Signed Asst. Deputy Minister & Chief Engineer

Date Apr 29

Signed Director of Property Services

Date Apr 29 /87

Signed Regional Highway Engineer

Date _____

Signed Regional Approving Officer

Date _____

To Regional Property Negotiator

Contribution as above



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: REGIONAL DIRECTOR
Burnaby, B.C.

RECEIVED
PLANNING BRANCH
BURNABY, B.C.

Date: June 24, 1987
Branch/Dist: Property Services
Address: Victoria, B.C.

JUN 29 1987

ANSWERED.....
NOTED.....
DATE.....

Phone: 387-1838
Hdqlrs. File:
Region File: P/S 6196
District File:

Attention: Regional Property Agent
Ref: John Adank

Re: Cheam Indian Reserve No. 1

Further to your telephone request of 18 June we can advise as follows regarding the area of Cheam I.R. 1 at the time of P.C. Order 208 of 3 February 1930, by which the Dominion government holds title to the reserve.

P.C. 208 lists I.R. 1 with an area of 883 acres. This, in fact, is the area of the reserve as originally surveyed, and our research indicates that the areas of two transportation rights-of-way, which existed prior to P.C. 208, need to be subtracted in order to determine I.R. 1's true area in 1930, i.e. the area subject to the order's provisions, including that for 1/20 resumption.

One route is the CNR right-of-way, whose area as of 1930 was 41.03 acres.

The other route is or was the Old Yale Road or "New Westminster and Yale Wagon Road" which was gazetted through the area in 1875 at a width of 66 ft. (copy of notice). This old road predates the reserve (allotted in 1879, surveyed 1881). However, neither the reserve survey nor the official plan indicate that Yale Road was excluded from the reserve area, and we are left to conclude that the road's area is included in the overall reserve area of 883 acres as surveyed in 1881. Hence, we further conclude that the road's area needs to be subtracted from the 883 acres to determine the reserve area as of 1930. (We have no record that Old Yale Road through I.R. 1 was ever discontinued and closed). We have estimated the road's area through I.R. 1 as 17.32 acres.

RECEIVED
REGIONAL PROPERTY NEGOTIATOR

JUL 06 1987

ANSWERED.....
NOTED.....
DATE.....

Reserve Areas:

Area of I.R. 1 as surveyed in 1881:	883.00 Acres
Area of C.N.R. RW in 1930	41.03 Acres
Area of Yale Road, gazetted 1875	17.32 Acres
Area of I.R. at time of P.C. 208/1930	824.65 Acres

A. C. Brown
Director of Property Services

R. Holly
Per: J. P. McDonell
Headquarters Property Agent

Rh/dr



MEMORANDUM

To: Regional Director, Highways
Region 1 - Burnaby

Date: October 8, 1987
Branch/Dist: CHILLIWACK HIGHWAYS
Address:

Re: Highway #9 Right-of-Way
Requirement - Cheam I.R. #1
District Plan 29-13

Phone:
Hdqtrs. File:
Region File: PS 6196
District File: 15-21-57
15-20-6

Attached copy of Right-of-Way Plan showing right-of-way that we require in Cheam I.R. #1, to accommodate intersection improvements.

It appears that the plan was never submitted for your signature originally. We have reduced the right-of-way to be acquired, to extend approximately one (1) foot beyond the toe of the fill.

May we have your approval of the plan so that the Ministry may proceed with acquisition. Please return the signed transparency to the District Office.

P. S. Dunn
District Highways Manager

G.M. Vance
by: G. M. Vance
District Technician

GMV/ctm

cc: John Adank, Property Agent - Attached two paper prints?
Burnaby

RECEIVED
REGIONAL PROPERTY NEGOTIATOR

OCT 13 1987

ANSWERED.....
NOTED.....
DATE.....



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: District Highways Manager
Chilliwack, B.C.

Attention : G.M. Vance
District Technician

Date: 87/09/25
Branch/Dist: Property Services
Address: 7818 - 6th Street
Burnaby, B.C.
V3N 4N8
Phone: 660-8290
Hdqrs. File:
Region File: PS 6196
District File: 15-21-57
15-20-6

Re: Highway #9 Right-of-way
requirement
Cheam I.R. #1
District Plan 29-13

At our July 17th meeting, Chief Sam Douglas expressed concern about the amount of right-of-way required. You were to re-examine the area, then shown as 0.732 ha.

On September 3, 1987, we received copies of the noted plan detailing corrected area for acquisition. I see there was no correction of the area at all. This would seem contrary to what we told Mr. Douglas about reducing the area.

Would you again re-examine the area and have the plans approved by the Regional Director before we proceed with acquisition.

JA/kbv

John Adank
Property Agent



MEMORANDUM

To: District Highways Manager
Chilliwack, B.C.

Attention : G.M.Vance
District Technician

Re: Highway #9 Cheam I.R. #1
District Plan 29-13

Date: 87/12/09
Branch/Dist: Property Services
Address: 7818 - 6th St.
Burnaby, B.C.
V3N 4N8
Phone: 660-8290
Hdqtrs. File:
Region File: PS 6196
District File: 15-21-57
15-20-6

Please find enclosed approved right-of-way drawing transparency for your records.

Hopefully the reduction of R/W from 0.0732 ha. to 0.0326 ha. will now satisfy Chief Sam Douglas and the Band Council.

JA/kbv
encl.

John Adank
Property Agent

c.c. Regional Director, Highways
Burnaby

To: Regional Director, Highways
Region 1 - Burnaby

Date: February 2, 1988
Branch/Dist: CHILLIWACK HIGHWAYS
Address:

Re: Intersection at Hwy. #9 and
Ferry Road, District Plan 29-13

Phone:
Hdqtrs. File:
Region File: R1-21-57
District File: 15-21-57 / 15-20-6

Your memo Jan. 26/88

The above-noted intersection was reconstructed this summer, as shown on District Plan 29-13. We have assumed from L. M. Holowachuk's letter of December 10, 1985, that our design was acceptable. Please see attached copies of correspondence concerning the intersection, from November 21/85 to April 14/87.

Re: G. Garlinge's memo January 8, 1988

- Item 1) We could carry out the widening noted. Doesn't affect right-of-way requirements.
- Item 2) This would require additional right-of-way to what is shown for purchase on our plan, about 4-5 metres wider.
- Item 3) The channelization shown on Highway #9 was not proposed, but has been in existence for several years. Could be revised by Centreline.

We had originally planned to acquire an additional 5 metres right-of-way in the Reserve. However, at a meeting that John Adank and I had with the band council, the band indicated that they were opposed to the Ministry acquiring a full 10 metres. They wanted us to acquire only sufficient right-of-way to enclose our proposed design. This is the 5 metre wide strip shown on our plan.

Please advise if we should attempt to acquire the full 10 metres. If so, we will revise the plan accordingly.

TRANSPORTATION & HIGHWAYS
RECEIVED
11 1988
CHILLIWACK, B.C.

P. S. Dunn
District Highways Manager

Gordon Vance,
District Technician
Chilliwack

Feb. 8/88

by: G. M. Vance
District Technician

Please proceed without additional R/W.
Thanks for your report.

GMV/ctm

Encls.

[Signature]
D. P. Doyle,
Regional Director

DPD/bl



MEMORANDUM

To: Director of Property Services,
Ministry of Transportation and Highways,
Suite 3D, 940 Blanchard Street,
VICTORIA, B.C.

Date: April 7, 1988,
Branch/Dist: Property Services
Address: 7818 - 6th Street
Burnaby, B.C.
V3N 4N8
Phone: 660-8290
Hdqtrs. File:
Region File: PS 6196 (2).
District File:

Re: Cheam Indian Reserve #1,
Interchange of,
Highway #9 and Ferry Road.

We are currently in negotiations with Chief Sam Douglas of the referenced Indian Band for a small portion of right-of-way to rectify an encroachment onto Reserve land during last year's construction of a deceleration lane and re-alignment of Ferry Road.

In past meetings, Chief Douglas questioned the validity of the present use of the road and maintains that past surrenders limited the use of the highway strictly for river crossings and no other use.

To ascertain the intent of the Order-In-Council for Plan 17235 we would appreciate receiving a copy of same and your interpretation of the Order if such is required.

As the Chief is of the opinion that the triangle, emphasized in yellow on the attached plan, belongs to the Reserve and definately is not part of Highway Right-of-Way, any information you might be able to locate in your search concerning this matter would be very helpful in hopefully resolving the impass in our negotiations.

W. Montgomery
Regional Property Agent

PROPERTY SERVICES BRANCH MINISTRY OF TRANS. & HWYS
APR 11 1988
Noted _____
Victoria, B.C. _____

RH

OFS/jdf
Encl.



Regional Director
Ministry of Transportation
and Highways
BURNABY

August 12, 1988
Property Services
Phone: 387-1838
File: PS 6196

Attention: Regional Property Agent

Ref: Fred Stiller

Re: Cheam Indian Reserve No. 1
Interchange of Highway No. 9 and Ferry Road

We reply to your memo of 7 April 1988 as follows:

1. Right of Way for Agassiz-Rosedale Highway 9 through I.R. 1 was conveyed by Canada to B.C. by P.C. Order 1960-1285 of 22 September 1960 as shown on CLSR 50110 (NW LTO 21655), see copies. Note that the plan is not LTO 17235 though it is based on it.
2. The lands transferred to the Province by P.C. 1960-1285 constitute a standard road right-of-way transfer under Section 35 of the Indian Act. Hence, we may use our right-of-way for the same uses as we do for any other public highways through Indian reserves. We cannot see how use of Highway 9 can be limited "strictly for river crossings."
3. The triangular piece of land outlined yellow on the plan copy sent to us is part of the area transferred to B.C. by P.C. 1960-1285. Our file suggest that this area formed part of a locatee holding which we agreed to acquire during the negotiations for Highway 9 right-of-way in 1954.

D. I. F. MacSween
Acting Director of Property Services

Per: R. Hadley
Research Clerk

RH/im
Enc.



Province of
British Columbia

PROPERTY SERVICES BRANCH
MINISTRY OF TRANSPORT & HWYS.
and Highways
OCT 24 1988
Noted

7818 - 6th Street,
Burnaby, B.C.,
V3N 4N8
Telephone: 660-8288

Victoria, B.C. *K*

YOUR FILE
OUR FILE PS 6196

October 17, 1988

Band Council,
Cheam Indian Reserve No. 1,
10704 - No. 9 Highway
Rosedale, B.C.
VOX 1X0

Attention : Chief Sam Douglas

Dear Sir:

Re: Right-of-way requirements
for Interchange of Highway #9
and Ferry Road

This has again reference to the encroachment of Reserve land during reconstruction of the above road intersection.

At the last meeting concerning this matter on July 17, 1987, attended by John Adank and Gordon Vance from the Ministry, you requested a reduction of the right-of-way. We have revised our plans accordingly and have narrowed the right-of-way strip from 10m to 5m in depth, for a reduced land area of 0.0326 ha. (0.0805 acres). Copy of revised plan is hereto attached.

Pursuant to your request at the last meeting, we have further investigated past surrenders of Reserve lands for highway purposes and wish to advise that the triangular piece of land to which you referred, was transferred to the Province of British Columbia by P.C. 1960-1285 on September 22, 1960, and was purchased as part of the 14.09 acre acquisition negotiated for Highway 9 right-of-way in 1954. We enclose, for your records, copies of the Privy Council Order and plan 50110/21655, where the right-of-way has been outlined in red.

To rectify the present encroachment of Reserve land, the Ministry is offering the Cheam Indian Reserve compensation in the amount of s.16; s.17 This amount is based on monetary settlements concluded in the recent past for nearby other similar right-of-way acquisitions of Reserve lands.

In order that an agreement can be accomplished in this regard, and we may voucher the compensation for payment, we shall require a Band Council Resolution duly completed, setting out therein the terms and conditions of the agreement. The Band Council Resolution should also set out that the Band agrees to a Section 35 Indian Act transfer of the administration and control of the new highway right-of-way to this Province "for all highway purposes and other works of public utility".

contd.....2/

We would appreciate if you could give the above offer your early attention and respond to us at your earliest convenience.

Yours truly

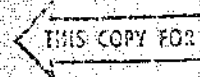
Original Signed By

O.F.Stiller,
Property Agent

OFS/kbv

Copies to: Mr. Peter Humphries
Manager, Reserves and Trusts
Vancouver Indian District
Department of Indian Affairs
800 Burrard Street
Vancouver, B.C.
V6Z 2K1

Mr. D.I.F.MacSween
Manager of Operations
Ministry of Transportation and Highways
Victoria



Mr. D.Williams
Acting District Highways Manager
Ministry of Transportation and Highways
Chilliwack



MEMORANDUM

To: Mr. W.C. Bedford,
Director of Property Services,
Ministry of Transportation and Highways,
3D, 940 Blanshard Street,
VICTORIA, B.C.

Date: October 24, 1988,
Branch/Dist: Property Services,
Address: 7818 - 6th Street,
Burnaby, B.C.,
V3N 4N8.
Phone: 660-8290,
Hdqrs. File:
Region File: PS 1696
District File: 6196

Attention: Mr. D.I.F. MacSween,
Manager of Operations, Property Services.

Re: Right-of-Way Encroachment on Cheam Indian Reserve #1,
Interchange of Highway #9 and Ferry Road,
Bridal Falls (Agassiz-Rosedale Bridge)

This again has reference to the proposed right-of-way acquisition and correspondence dated October 17, 1988 to Chief Sam Douglas, copy forwarded to you recently.

On October 20, 1988 O.F. Stiller attended a meeting at the Band office with Chief Douglas (also present: Dyne Torgeson from our office and Chester Douglas, Band Councillor) concerning the right-of-way encroachment on Reserve land and our proposal to rectify same with acquisition of a small land area.

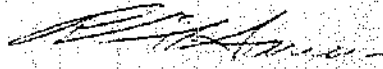
The discussions were generally friendly but ended non-conclusive. The Chief's position is that the Band Council will refuse settlement unless the Province agrees to:

- a) Re-negotiate the surrender of Reserve land in 1954 (P.C. 1960-1285) because, in his words, the land was to be used strictly for the bridge and no other use. The Ferry Road access is contrary to the intention of settlement;
- b) A triangular 7.8 acre portion of land, included in the 14.09 acres of right-of-way, be returned to the Reserve since it was improperly included in the land transfer. The late Chief Harry Edwards had held this land portion under Licence and had no authority to sell it off; This piece of land is not being used for any highway purposes.
- c) The various jogs in the existing right-of-way line be straightened out;
- d) Access to Reserve lands from both sides of the Highway be provided in accordance with the settlement;

.....2

- e) Province further agrees to a satisfactory resolution of a dispute which the Cheam Band currently has in an unrelated (and not explained) matter with the Ministry of Energy, Mines and Petroleum Resources.

Chief Douglas stated, at the conclusion of the meeting, that a written reply to our latest settlement proposal would soon be forthcoming.



R.G. Hansen,
Assistant to
Regional Property Agent.

OFS/jdf
Copy to: D. Williams,
Acting District Highways Manager,
CHILLIWACK, B.C.

PROPERTY SERVICES BRANCH MINISTRY OF TRANS. & HWYS.
OCT 27 1988
Noted _____
Victoria, B.C. <i>LS</i>



MEMORANDUM

To: Mr. W.C. Bedford,
Director of Property Services,
Ministry of Transportation and Highways,
3D, 940 Blanshard Street,
VICTORIA, B.C.

Date: November 10, 1988,
Branch/Dist: Property Services,
Address: 7818 - 6th Street,
Burnaby, B.C.,
V3N 4N8.
Phone: 660-8290,
Hdqtrs. File:
Region File: PS 1696
District File:

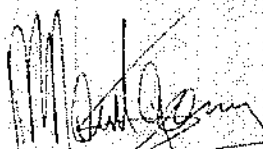
Attention: Mr. D.I.F. MacSween,
Manager of Operations, Property Services.

Re: Right-of-Way Encroachment on Cheam Indian Reserve #1,
Interchange of Highway #9 and Ferry Road,
Bridal Falls (Agassiz-Rosedale Bridge).

As reported to you earlier, the Council of the Cheam Indian Band questions the validity of use of formerly surrendered Reserve land for an access to Ferry Road. During our last negotiations on October 20, 1988, Chief Sam Douglas maintained that The Band Council Resolution of October 21, 1954 clearly stipulates that the land surrender is strictly "for a bridge site and approach" and not for general "road purposes" as the Canada Privy Council Order 1960-1285 states, incorrectly, as Mr. Douglas maintains.

We attach copies of both documents and ask for your advice as to Head Quarters stance concerning the discrepancy, also in respect to the Bands request for return of Highway Right-of-way land portions never utilized for the bridge and approach and resolution of the other items. We refer to our memorandum of October 24, 1988.

The Band has yet to respond in writing to our monetary compensation offer to rectify the existing trespass of Reserve land which resulted from construction of the Ferry Road Interchange.


W. Montgomery,
Regional Property Agent.

PROPERTY SERVICES DIVISION
MINISTRY OF TRANSPORTATION AND HIGHWAYS
NOV 15 1988
Dist. _____
VICTORIA, B.C.

OFS/jdf
Encl.



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: Mr. D. F. Stiller
Property Agent
SOUTH COAST REGION

Date: December 19, 1988
Branch/Dist: South Coast Region
Address: 301, 7818 - 6th St.
Burnaby, B. C.
V3N 4N8
Phone: 660-8244
Hdqtrs. File:
Region File: RB1-15-40-1 (1287)
District File:

Your File: PS 6196 #2

RE: AGASSIZ-ROSEDALE BRIDGE NO.1287

In reply to your memorandum dated December 14, 1988.

From the photocopies of plans attached to your memorandum I draw the conclusion that the R/W in question fall short of the Agassiz-Rosedale Bridge No. 1287 but by how far I can't determine from the plans given.

The major piece of R/W in question appears to be to the east of Hwy. 9 and just north of our Rosedale O.H. No. 1414. If the Fraser Valley District require the area marked in solid red to improve Ferry Rd. intersection I have no objection to giving up area outlined in green. I agree we should retain the area outlined in dashed red. The small area on the west of Hwy. 9 and south of Rosedale O.H. appears to be of no value to the Ministry.

None of these pieces of property suggested to be returned to the Indian Band impact on either the Agassiz-Rosedale Bridge or the Rosedale O.H. Right-of-Way.

You should check with Mr. Derek Parkes re long range plan for Hwy. 9.

D. L. French
Regional Bridge Maintenance
and Works Engineer

DLF/sm

RECEIVED
REGIONAL PROPERTY NEGOTIATION

DEC 20 1988

ANSWERED.....

NOTED.....

DATE.....Page 84 of 638.IRA-2021-15807



Province of
British Columbia

Ministry of
Transportation
and Highways

227 6th Street
New Westminster, B.C.
V3L 3A5
Telephone: 660-8288
Fax No. 660-8278

PS 6196

March 13, 1990

Band Council
Cheam Indian Reserve No.1
10704 No.9 Highway
Rosedale, B.C.
VOX 1X0

Attention: Chief Sam Douglas

Dear Sirs:

Re: Right-of-way requirements for
Interchange of Highway No.9 and Ferry Road

This has reference to past negotiations and correspondence concerning the highway encroachment of Reserve land during reconstruction of the above road intersection.

At our last discussion, you had indicated willingness to resolve this long outstanding right-of-way matter if the Ministry of Transportation and Highways would consider a land exchange, offsetting surplus highway right-of-way within the Reserve boundaries against the new right-of-way requirement. I am pleased to advise that the Ministry's executive officer has granted approval to pursue this course of action.

Originally the Ministry designated a 10 m wide strip paralleling the highway which, on your request, was reduced to a 5 m wide strip, and the acquisition plan was amended accordingly.

Our engineering staff has since reconfirmed the need for the 10 m wide strip (it is actually 10.662 m at the northern boundary) as the present radius at the intersection is too tight for larger vehicles travelling southbound on Highway No.9 and turning into Ferry Road. Many drivers must stop, back up and then proceed on Ferry Road. This is an unsafe manoeuvre and sufficient road widening is imperative to prevent the possibility of accidents.

. . . . 2

Therefore, the Ministry is prepared to offset the required right-of-way of 0.0720 ha (more or less) within this strip of land against the surrender to the Cheam Band of:

- a) most of the adjacent triangular land parcel, containing 1.2165 ha (more or less) and
- b) the nearby surplus R/W land portion of 0.0315 ha (more or less).

The respective areas are outlined on the enclosed Ministry plan in red and green.

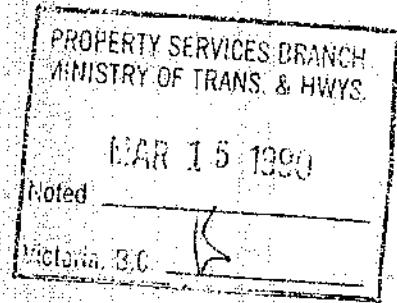
If this settlement proposal receives your council's concurrence, would you please provide our office with an appropriate Band Council Resolution in order that we may arrange preparation of survey plans to support the Resolution and consummate the land exchange. Please note that, pursuant to Section 35 of the Indian Act, the transfer of the new right-of-way of 0.0720 ha to Her Majesty the Queen in Right of the Province of British Columbia is to contain the explicit wording "for highway purposes and other works of public utility."

We look forward to your reply in due course.

Yours truly,

Original Signed By

O.F. Stiller
Property Agent



OFS/m&r
encls.

copies to: Mr. Peter Humphries
Manager, Reserves and Trusts
Vancouver Indian District
Department of Indian Affairs
800 Burrard Street
Vancouver, B.C. V6Z 2K1

Mr. D.I.F. MacSween
Chief Property Agent
Ministry of Transportation and Highways
Victoria, B.C.

Mr. Gordon Vance
Planning and Technical Services
Fraser Valley District
Ministry of Transportation and Highways





MEMORANDUM

7818 6th Street, Burnaby, B.C. V3N 4N8 Regional Manager, Planning 660-8210

RECEIVED
REGIONAL PROPERTY NEGOTIATOR

Mr. O.F. Stiller
Property Agent
SOUTH COAST REGION

JAN - 4 1990

January 3, 1989

ANSWERED.....
NOTED.....
DATE.....

Re: Aggassiz-Rosedale Bridge
Cheam Indian Reserve

In response to your December 13, 1989 memo, I have researched the traffic History on the section of Route 9 between the Yale Road East and the Bridge to get a feel for when the demand would trigger the need to twin this crossing. The data shows that except for a blip in 1986 (Expo) before Coquihalla opened and when Route 1 between Hope and Bridal Falls was under construction, volumes have not often exceeded 500 vehicles per hour in one direction. The Bridge with 2 lanes can carry up to 1500 vehicles per hour making the Old Yale/Route 9 intersection the only real bottleneck.

I can therefore advise:

1. Route 9 can continue to operate as a basic 2 lane rural highway and the Bridge has capacity for another 25 years.
2. The first capacity problem will occur at Yale Road East and can be resolved well clear of the Reserve if turn lanes etc. are required.
3. Mr. Williams has a good point when he suggests improving access to Ferry Road. Consequently his suggestion to retain a strip as shown in red is appropriate.
4. Return of the green shaded areas is recommended.

The relevant material and plan are returned and I will sign the H-357 in due course.

D.R. Parkes
Regional Manager, Planning

MEMORANDUM

To: Mr. D. R. Parkes
Regional Manager, Planning
South Coast Region

Reg. D1

Date: December 13, 1989
Branch/Dist: Property Services
Address: 227 6th Street
New Westminster, B.C.
V3L 3A5
Phone: 660-1322
Hdqtrs. File:
Region File: PS 6196
District File:

Re: Agassiz-Rosedale Bridge
Cheam Indian Reserve

The highway encroachment into Reserve land during the realignment of Ferry Road has not yet been resolved.

Some time ago we sent your office a memo note asking for a review of 'Highways' future right-of-way requirements in connection with the bridge approach. You may have responded but I am unable to locate your reply in our files.

Our efforts to rectify the encroachment problem with purchase of right-of-way from the Cheam Indian Band have thus far been fruitless, one of the reasons being Chief Sam Douglas' insistence that Ministry surrender portions of former Reserve lands which are not being utilized for the bridge approach and general 'road purposes' as originally intended.

Our Victoria office has, therefore, suggested a land exchange and the Chilliwack District office prepared to this end a plan which shows an enlarged encroachment area (from initially 5m width to 10m) and retention of a strip of land from the disputed triangular right-of-way land portion. The remainder of approximately 1.2165 ha, plus a small right-of-way area of 0.0315 ha nearby are to be returned to the Band.

Prior to approaching the Band Council with this proposal I would appreciate your views and recommendations concerning this matter.

Copies of relevant correspondence and plan attached.

Returning to Band.

1.2165 ha + 3.0059 Ac
0.0315 ha + 0.0778 Ac
1.248 ha + 3.08376 Ac

O. F. Stiller
Property Agent

Total of
3.08376 Ac

2
0721



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: District Highways Manager
Chilliwack, B.C.

Date: January 4, 1990
Branch/Dist: Property Services
Address: 227 6th Street
New Westminster, B.C.
V3L 3A5
Phone: 660-8288
Hdqtrs. File:
Region File: PS 6196 #2
District File: 15-21-57
15-20-6

Attention: G.M. Vance

Re: Highway #9 Right-of-way requirement
Cheam I.R. #1

Further to our telephone conversation of this morning, enclosed the mylar of the District Plan #54-32 (#15-281) returned to your office for the required corrections and additions.

We look forward to a return of the amended plan in due course.

O. F. Stiller
Property Agent

OFS/mdr
encl.



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: Mr. W.C. Bedford
Director, Properties
3, 940 Blanshard Street
Victoria, B.C.
V8W 3E6

Date: February 13, 1990
Branch/Dist: Property Services
Address: 227 6th Street
New Westminster, B.C.
V3L 3A5
Phone: 660-8292
Hdqrs. File: -
Region File: PS 6196
District File:

Re: Land Exchange of Surplus Highway
Right-of-way for New Required Right-of-way

Attached Form H.357 for proposed above land exchange to correct a continuing road encroachment of Indian Reserve land. I trust the attached correspondence will be self-explanatory.

For your approval and signatures, please, and return to our office for further processing.

R. G. Hansen
Acting Regional Property Agent

OFS/mdr
encl.

Ministry of Transportation and Highways

Permission to: Sell Land and/or Building(s) []
Lense Land and/or Building(s) []
Transfer Land and/or Building(s) [X] Land Exchange
Demolish Buildings []

Electoral District Chilliwack Region: Ma. South Coast P/N File 6196

Date January 10, 1990 Headquarters File

Legal description Proposed land exchange involves:

- 1) A 0.0720 ha portion of Cheam Indian Reserve #1 southeast of the Intersection of Highway #9 and Ferry Road at the Agassiz-Rosedale Bridge.
2) Surplus highway right-of-way areas of 1.2165 ha and 0.0315 ha nearby. Refer to attached plan where the areas have been outlined in red and green respectively.

Present Zoning N/A

Local description Highway #9, Rosedale Bridge and Ferry Road

Origin of acquisition For construction of Highway #9. Transferred to the Province of British Columbia by P.C. 1960-1285 on September 22, 1960 and purchased as part of a 14.09 ha acquisition negotiated in 1954. Plan GLSR 50110 (NW LTO 21655)

Method recommended Road closure and disposal to be carried out under Section 9(2)(a) of the Transportation, Highway Act. (State Section Number & Act)

Conditions of sale/lease (for consolidation, access, etc.) Return of surplus highway right-of-way in exchange for Reserve land to resolve a continuing encroachment problem. Attached relevant correspondence and documentation.

Reason property being transferred:

- (a) To consolidate an isolated parcel.
(b) Sale/Lease instigated by Department. (Exchange)
(c) Sale/Lease at request of an interested individual or corporation.
(d) For any other reason (state) To rectify a trespass of Indian Reserve land during re-alignment of Ferry Road in 1987. The Band Council has thus far refused all purchase proposal for the land encroached upon, but has indicated willingness to surrender the required land parcel in an even exchange of two right-of-way portions which have never been used for highway purposes and which have in fact been declared surplus by Regional Officials.

Objections (List and attach pertinent correspondence)

Recommended by:

Regional Manager Planning [Signature]
Chief Highway Engineer [Signature]
Director of Planning [Signature]
Director of Property Services [Signature]

Date January 10, 1990
Date
Date
Date Feb 23, 1990

Approved:

[Signature]
Deputy Minister

Date Feb. 27, 1990

Ministry of Transportation and Highways

Sale/Lease Data

Dates of advertising, names of publications, and places of posting in which the notice appeared

Date of auction, place and name of auctioneer

Closing date of tenders or bids

Survey required If so, at expense of

If within organized territory, has the municipality received notice of the proposed sale, and (where applicable) will the survey plan receive municipal approval?

Terms of sale/lease

Conditions of sale/lease (i.e., consolidation, access, etc.)

Tenders received

Value of property as appraised by:

(1) Department

(2) Any other party

Statement by department if recommendation carries acceptance of a bid below estimated value

Full name, occupation, and address of tenderer recommended (for insertion in Order in Council)

Recommended by:

Regional Property Negotiator Date

Regional Director, Highways Date

Director of Property Services Date

Deputy Minister Date

Approved:

Minister Date



Province of
British Columbia

Ministry of
Transportation
and Highways

FRASER VALLEY HIGHWAYS DISTRICT
BOX 340
45474 LUCKAKUCK WAY
SARDIS, B.C. V2R 1A7
TEL. 795-8363 FAX. 795-8366

RECEIVED

JUN 18 1991

Our File: 15-20-6
(Doc.206Cheam)6&7

PROPERTIES BRANCH
MINISTRY OF TRANS. & HWYS.
NEW WESTMINSTER, B.C.

June 10, 1991

Sam Douglas, Chief
Cheam Indian Band
10704 #9 Highway
Rosedale, B.C.
VOX 1X0

Dear Sir:

Re: Old Yale Road, Cheam Indian Reserve
Intersection with Highway #9
Rosedale, B.C.

Enclosed please find a copy of our proposals concerning the
above-noted.

I believe this essentially covers our on-site discussion of
June 5, 1991. It also includes a couple of items that are of
concern to the Ministry, which we would like resolved.

Please advise if the Band Council is in agreement with the
proposal as outlined.

Yours truly,

G.M. Vance
G. M. Vance
District Technician

GMV/ctm

Encl.

cc: Property Services, South Coast Region

PROPOSED TURN LANES, HIGHWAY #9 AT
OLD YALE ROAD, CHEAM INDIAN RESERVE NO. 1

The Ministry is prepared to carry out the following work at the above-noted intersection:

- 1) Construct turn lanes on Highway #9.
- 2) Rough out an access road from Old Yale Road to the Band Office, east side of Highway #9, width 7.3 metres.
- 3) Shift the intersection to the north, so that Old Yale Road intersects Highway #9 at close to a 90° angle.
- 4) Excavate on Reserve land, within the cross hatched area shown on the attached copy of District Plan 54-34, to provide sight distance to the north. Fence, where disturbed, will be reconstructed on the property line.
- 5) Remove and close the existing access to the Band Office, upon completion of the paving of the reconstructed intersection.

This is contingent upon following:

- 1) Completion of negotiations between the Band and the Property Services Branch of the Ministry concerning the right-of-way requirement and proposed land exchange southeast of the intersection of Highway #9 and Ferry Road, as shown on District Plan No. 54-32 and as was outlined in a letter from the Property Services Branch dated March 13, 1990. Approval and appropriate Band Council Resolution for the surrender of 0.0720 ha. area, more or less, of Reserve land "for highway purposes and other works of public utility" in exchange for surplus highway right-of-way areas of 1.2165 ha. and 0.0315 ha., more or less, will be required.
- 2) Agreement of the Band to close the existing access to the Band Office, and to take all future access to Highway No. 9 via Old Yale Road or other existing public roads.
- 3) The Band will be responsible to gravel the proposed access road.
- 4) The Band will obtain approval from B.C. Hydro, and any necessary permits, for the road under the transmission lines, providing the Ministry with a copy.
- 5) The Band will give the Ministry permission to excavate within the reserve in the area cross hatched on the attached plan.
- 6) The Band will undertake to relocate the ditch on the west side of Highway #9, away from the Highway, so that it no longer erodes and undermines the highway embankment. The ditch is on Reserve land.

CHEAM INDIAN BAND

TEL. (604) 794-7924

10704 #9 HIGHWAY, ROSEDALE, BRITISH COLUMBIA, CANADA VOX 1X0

June 26, 1991

Ministry of Transportation & Highways
Fraser Valley Highways District
Box 340
45474 Luckakuck Way
Sardis, BC V2R 1A7

Attention: G. M. Vance, District Technician

RE: Old Vale Road, Cheam Indian Reserve Intersection with
Highway #9, Rosedale, B.C.

Thank you for your letter of June 10, 1991 which included maps of construction drawing and work plan with contingencies for the above mentioned turning lanes which are to be constructed in the very near future.

Our Band is in agreement with proposed work and contingencies with the exception of #1 which will be dealt directly with Fred Stiller of the Property Services Branch in New Westminster. A letter and resolution shall be sent directly to Mr. Stiller with our decision on this item.

Regarding contingency #6, we will collaborate our efforts with your department to rectify the erosion problem.

A resolution to this proposal shall follow later in the week.

Yours Truly,

Sam Douglas

Sam Douglas,
Chief, Cheam Indian Band

SD/ac

c.c. Fred Stiller, Property Services Branch



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

G.M. Vance
District Technician
Fraser Valley District

June 12, 1991
Property Services
310 - 625 Agnes Street
New Westminster, B.C.
V3M 5Y4
660-8288

FA X E D
10:10
Sun 13/91 M

PS 6196#2
Your File: 15-21-57

Re: Highway Access Cheam Indian Band
at Highway No. 9, Rosedale, B.C.


This has reference to your fax communication of June 10, 1991.

In response, we indeed recommend to tie the installation of the turn lane on Highway #9 at the main entrance to the Reserve to a settlement of the long outstanding encroachment matter at the Ferry Road intersection.

To place more emphasis on this matter and induce action by the Band, we suggest inclusion of the following amended clause #1 under the contingency portion of the work outline:

Completion of negotiations between the Band and the Property Services Branch of the Ministry concerning the right-of-way requirement and proposed land exchange southeast of the intersection of Highway #9 and Ferry Road, as shown on District Plan No. 54-32 and as was outlined in a letter from the Property Services Branch dated March 13, 1990. Approval and appropriate Band Council Resolution for the surrender of 0.0720 ha area, more or less, of Reserve land for highway purposes and other works of public utility in exchange for surplus highway right-of-way areas of 1.2165 ha and 0.0315 ha, more or less, will be required.

Please keep us posted re above.


O.F. Stiller
Property Agent

OFS/mdr



Province of British Columbia
 MINISTRY OF TRANSPORTATION
 AND HIGHWAYS

DATE: July 18, 1991
 OUR FILE: 15-20-6
 YOUR FILE: _____

RECEIVED

JUL 18 1991

PROPERTIES BRANCH
 MINISTRY OF TRANS. & HWYS.
 NEW WESTMINSTER, B.C.

FAX COVER SHEET

TO: NAME: Sam Douglas
 TITLE: Chief, Cheam Indian Band
 LOCATION: Rosdalo
 FAX NUMBER: 794-7456

FROM:

Ministry of Transportation and Highways
 Fraser Valley Highways District
 Box 340 - 45474 Lockakuck Way
 Sardis, B.C. V2R 1A7
 Fax: 795-8366
 Tel: 795-8363

SUBJECT: Channelization Project + Right of Way

COMMENTS:

Your letter of June 26, 1991, indicated that you would be forwarding a resolution to cover the proposals in our June 10, 1991 letter, except #1. On item #1, you indicated that a letter and resolution would be sent directly to Fred Stiller.

Could you please advise when we may expect to receive this resolution, in order that we may proceed with intersection improvements.

No. of Pages 1
 (Incl. this sheet)

JM Wain
 (Signature)

Dist. Tech.
 (Print Name & Title)

cc. Fred Stiller FAX 660-8278
 Provincial Services, New West.



Province of British Columbia
 MINISTRY OF TRANSPORTATION
 AND HIGHWAYS

DATE:

OUR FILE: 15-20-6;15-6

YOUR FILE: PS 6196 #2.

FAX COVER SHEET RECEIVED

JUL 02 1991

PROPERTIES BRANCH
 MINISTRY OF TRANS. & HWYS.
 NEW WESTMINSTER, B.C.

TO: NAME: Fred Stille
 TITLE: Property Services
 LOCATION: New Westminster
 FAX NUMBER: ~~779-8278~~ 660-8278

FROM:

Ministry of Transportation and Highways
 Fraser Valley Highways District
 Box 340 - 45474 Luchakuck Way
 Sardis, B.C. V2R 1A7

Fax: 795-8366
 Tel: 795-8363

SUBJECT: Cham Indian Reserve #1
Highway #9.

COMMENTS:

Attached please find a copy of the Cham Indian
 Band's response to our letter of June 10, 1991.
 The letter appears to resolve all but the
 right-of-way problem on District Plan No. 54-32.
 Please advise if the resolution that is sent to
 you is satisfactory.
 We would hope to start work on the turn
 plots in July.

No. of Pages 3
 (incl. this sheet)

JM Vane
 (Signature)
Dist. Tech
 (Print Name & Title)



CHEAM INDIAN BAND

TEL. (604) 794-7924

10704 69 HIGHWAY, ROSEDALE, BRITISH COLUMBIA, CANADA V0X 1X0

RAPID FACSIMILE TRANSMISSION MESSAGE

Please Deliver Upon Receipt

Addressee's Name G. M. Vance
 OFFICE Ministry of Transportation + Highways
 CITY Sardis

Any special instructions for sending message

MINISTRY OF TRANSPORTATION
 & HIGHWAYS
 RECEIVED
 JUN 27 1991
 FRASER VALLEY DISTRICT

Sender's Name Sam Douglas
 OFFICE Cheam Band Administration
 CITY Rosedale BC
 No. of pages to follow 1
 Operator ac

Any special instructions upon receipt of message.

Date June 25/91

Indian and Northern Affairs Canada
 Affaires Indiennes et du Nord Canada

Chronicle No. - Numéro consécutif

This Reference - N° de réf. du dossier

**BAND COUNCIL RESOLUTION
 RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "from the 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 la bande" "Capital" ou "Revenu" selon le cas doivent apparaître dans toutes les résolutions portant sur des dépenses à

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE: CHEAM INDIAN BAND	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT: VANCOUVER	Committed - Engagé	\$ _____
PROVINCE BRITISH COLUMBIA	Current Revenue Balance Solde de revenu	\$ _____
PLACE L'ENDROIT: ROSEDALE	Committed - Engagé	\$ _____
DATES: 31st July AD 19 91 DAY - MONTH - YEAR		

IT IS HEREBY RESOLVED;
 IL EST PAR LAI PRÉSENTES:

WHEREAS;

The Cheam Indian Band and the Ministry of Transportation and Highways have come to an agreement on the construction of an intersection at Highway #9 and Old Yale Road.

BE IT RESOLVED;

That the following clauses from said agreement form a part of this resolution:
 The Ministry of Transportation and Highways shall;

- 1) Construct turn lanes on Highway #9.
- 2) Rough out an access road from Old Yale Road to the Band Office, east side of Highway #9, width 7.3 metres.
- 3) Shift the intersection to the north, so that Old Yale Road intersects Highway #9 at close to a 90° angle.
- 4) Excavate on Reserve land, within the cross hatched area shown on the attached copy of District Plan B4-34, to provide right distance to the north. Fence, where disturbed, will be reconstructed on the property line.
- 5) Remove and close the existing access to the Band Office, upon completion of the paving of the reconstructed intersection.

AND

WHEREAS;

The work is scheduled to begin soon.

BE IT FURTHER RESOLVED;

That the Ministry of Transportation and Highways shall begin the work to construct a turn access to the Cheam Indian Reserve.

AND

BE IT FURTHER RESOLVED;

That the following contingencies form a part of this resolution;

- 1) The Cheam Band agrees to close the existing access to the Band Office, and to take all future access to Highway No.9 via Old Yale Road or other existing public roads.
- 2) The Cheam Band will be responsible to gravel the proposed access road.

ED

- 3) The Band will obtain approval from B.C. Hydro, and any necessary permits, for the road under the transmission lines, providing the Ministry with a copy.
- 4) The Band will give the Ministry permission to excavate within the reserve in the area cross hatched on the attached plan.
- 5) The Band and the Ministry will undertake to relocate the ditch on the west side of Highway #9, away from the highway, so that it no longer erodes and undermines the highway embankment.

A quorum for this Band
Pour cette bande le quorum est

consists of / est de 2
Council Members / Membres du Conseil

Charles Douglas
 (Chief / Chef)
 (Councillor - councillor)
 (Councillor - councillor)
 (Councillor - councillor)
 (Councillor - councillor)

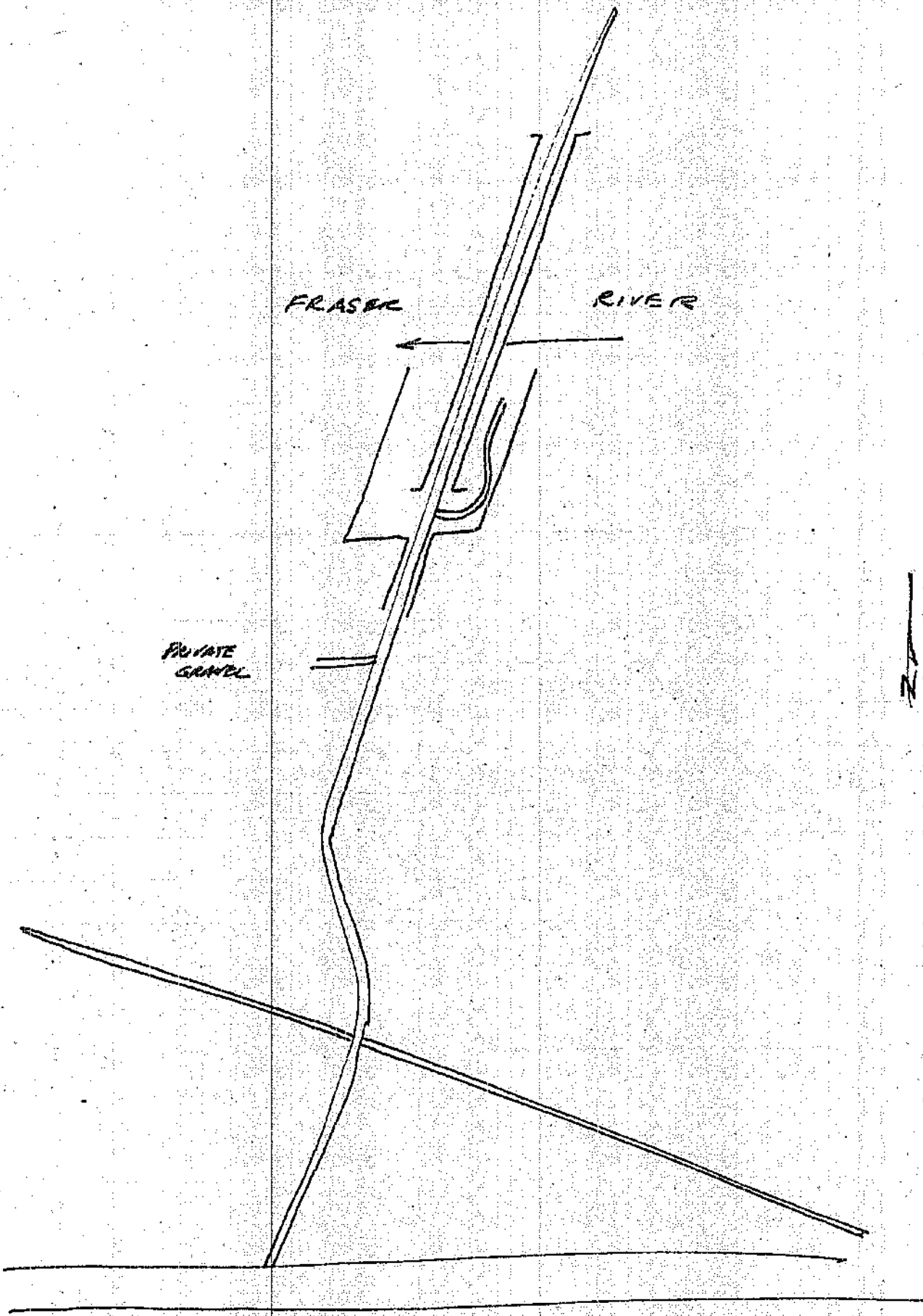
FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
Band Fund Code Code de bande de bande	1. COMPUTED BALANCES - SOLDES D'ORDINATAIRE		3. Expenditure Dépense	4. Authority - Autorité Indian Act / Loi des Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	B. Capital	D. Revenue - Revenu			
Recommended - Recommandé			Approved - Approuvé		
Date	Responsible Officer - Responsable		Date	Approving Officer - Approuvé par	

We propose another Band Council Resolution from the Cheam Indian Band concerning the proposed reconstruction of an intersection at Highway 9 and Old Yale Road in Rosedale, B.C.

The Band Council Resolution to include the following wording:

Be it resolved that the Council of the Cheam Indian Band does hereby consent to:

- a) grant to the Minister of Transportation and Highways pursuant to Section 35 of the Indian Act those rights defined in Ministry of Transportation and Highway Act, Section 18, over a 0.015 ha right-of-way situate within the Cheam Indian Reserve No.1 as shown in red outline on Ministry Drawing No. 54-36 hereto attached as Schedule 'A';
- b) permit immediate entry by ^{Constructing} Ministry and assigns for the purpose of an intersection at Highway No.9 and Old Yale Road as set out in the Band Council Resolution dated July 31, 1991 hereto attached as Schedule 'B';
- c) accept compensation at a nominal sum of s.16; s.17 receipt of which is hereby acknowledged;
- d) approve by subsequent Band Council Resolution a legal survey plan of the right-of-way area on submission if it conforms to the configuration of the right-of-way and the area is the same or less as shown on Drawing No. ~~54-36~~ attached as ^{Schedule A}.



27



Province of
British Columbia

Ministry of
Transportation
and Highways

PROPERTY SERVICES
310 - 625 Agnes Street
New Westminster, B.C.
V3M 5Y4
660-8288
Fax No. 660-8278

PS 6196
E5670-08081

October 24, 1991

VIA COURIER

Band Council
Cheam Indian Reserve No.1
10704 No.9 Highway
Rosedale, B.C.
VOX 1X0

PROPERTIES BRANCH
MINISTRY OF TRANS. & HWYS.

OCT 29 1991
Noted _____
Victoria, B.C. *[Signature]*

Attention: Chief Sam Douglas

Dear Sirs:

Re: Right-of-way for Intersection

This has reference to my telephone call of Tuesday, October 23, 1991.

As advised by Gordon Vance, District Technician, it was ascertained recently that the toe fill for the proposed turn lanes at the Reserve access will be outside the existing highway right-of-way, a fact not known to you when your Council passed the resolution on July 31, 1991, authorizing the Ministry to carry out the road improvements.

However, the projected encroachment of Reserve lands will require transfer of the two small areas, as shown on the Ministry of Transportation Drawing No.54-36, (enclosed) to the control and administration of the Province of British Columbia.

You have stated in your earlier discussions with Ministry's representative to make available the required right-of-way at no cost to the public purse.

To facilitate construction we ask you to provide the Ministry with a Band Council Resolution agreeing and documenting the land transfer as per following wording:

. 2

Be it resolved that the Council of the Cheam Indian Band does hereby consent to:

- a) grant to the Minister of Transportation and Highways pursuant to Section 35 of the Indian Act those rights defined in Ministry of Transportation and Highway Act, Section 18, over a 0.015 ha right-of-way situate within the Cheam Indian Reserve No.1 as shown in red outline on Ministry Drawing No. 54-36 hereto attached as Schedule 'A';
- b) permit immediate entry by Ministry and assigns for the purpose of an intersection at Highway No.9 and Old Yale Road as set out in the Band Council Resolution dated July 31, 1991 hereto attached as Schedule 'B';
- c) accept compensation at a nominal sum of \$16,000, receipt of which is hereby acknowledged, and such other considerations as described in Band Council Resolution dated July 31, 1991 attached as Schedule 'B';
- d) approve by subsequent Band Council Resolution a legal survey plan of the right-of-way area on submission if it conforms to the configuration of the right-of-way and the area is the same or less as shown on Drawing No. 54-36 attached as Schedule 'A'.

We look forward to your early response.

Yours truly,

Original Signed By

O.F. Stiller
Property Agent

OFS/mdr
encls.

Copies to:

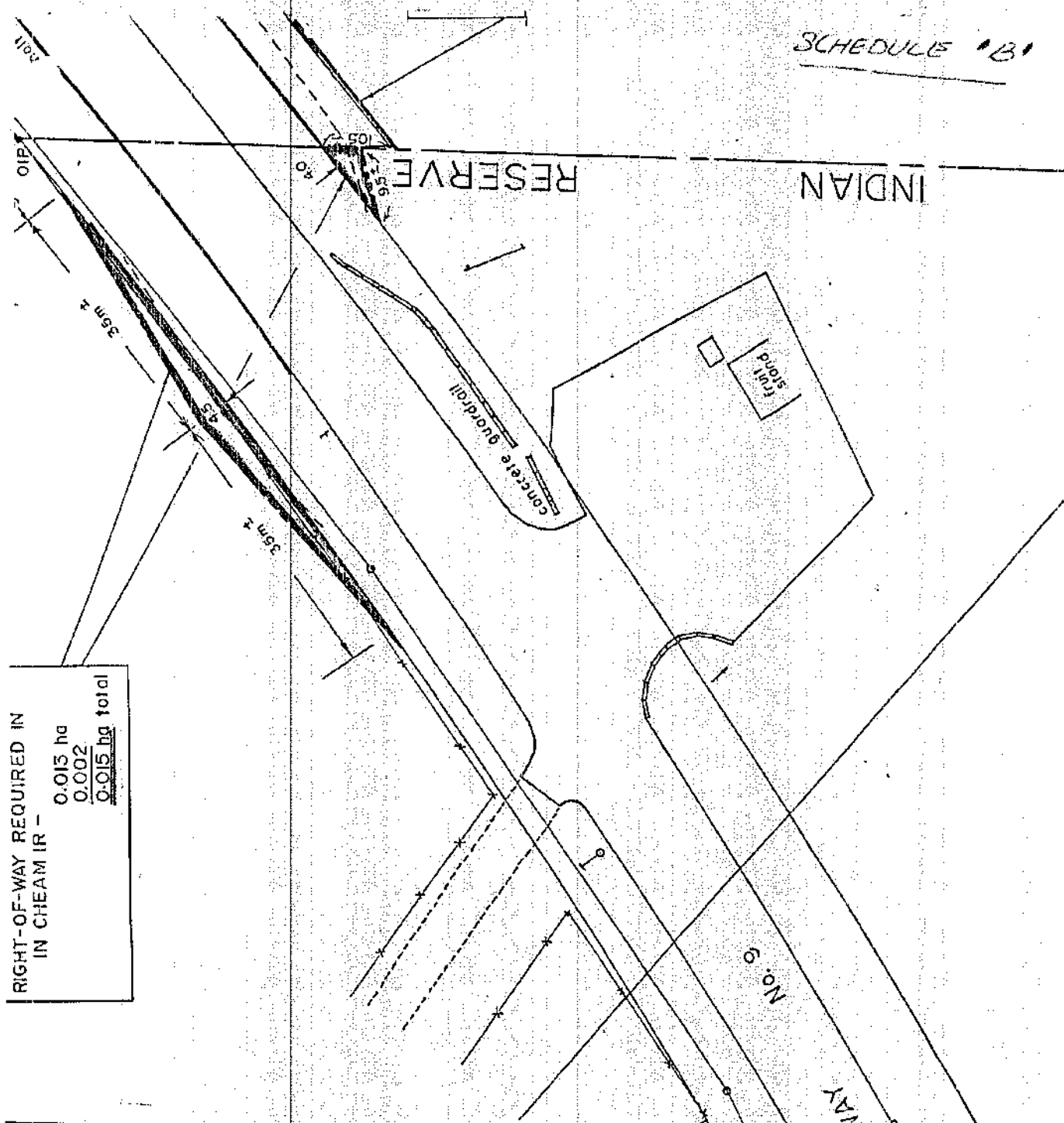
Mr. Peter Humphries
Manager, Reserves and Trusts
Vancouver District
Indian and Northern Affairs Canada
800 Burrard Street
Vancouver, B.C. V6Z 2K1

Mr. D.I.F. MacSween
Chief Property Agent
Ministry of Transportation and Highways
Victoria, B.C.

Mr. Gordon Vance
District Technician
Planning and Technical Services
Ministry of Transportation and Highways
Fraser Valley District



SCHEDULE 'B'



RIGHT-OF-WAY REQUIRED IN
IN CHEAM IR -
0.015 hg
0.002
0.015 hg total



GOVERNMENT OF BRITISH COLUMBIA
MINISTRY OF TRANSPORTATION AND HIGHWAYS
FRASER VALLEY HIGHWAY DISTRICT

HWAY 9 AND CHEAM INDIAN RESERVE No. 1 ROAD
CROSSING, SHOWING ADDITIONAL RIGHT-OF-WAY
REQUIRED FOR LEFT-TURN LANES ALIGNMENT.

PREPARED UNDER THE DIRECTION OF <i>G. M. Vance</i> District Highways Manager	DATE	SCALE: Horiz. 1: 500	Ver. 1:	(SEE BAR SCALE)	
	9/19/19	DESIGNED: RF	DATE: 9-9-19	INDEX	NEG. No.
EXAMINED & ACCEPTED		CHECKED: RJM	DATE: 9-9-19		
		PROJECT No.	REQ. No.	FILE No.	
REGIONAL HIGHWAY ENGINEER				DRAWING No. 54-36	



Chronological No. - Numéro chronologique
 File Reference - N° de réf. du dossier

**BAND COUNCIL RESOLUTION
 RÉSOLUTION DE CONSEIL DE BANDE**

NOTE: The words "From our Band Funds", "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
 NOTA: Les mots "des fonds de la 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 INDIGÈNE	Cheam Indian Band	Current Capital Balance Solde de capital	\$ _____
AGENCY DISTRICT	Vancouver	Committed - Engagé	\$ _____
PROVINCE	British Columbia	Current Revenue balance Solde de revenu	\$ _____
PLACE LIEU DE L'ENDROIT	Rosedale	Committed - Engagé	\$ _____
DATE DAY - JOUR	1 November 1 NOVEMBRE	AD 19 91 YEAR - ANNÉE	

I HEREBY RESOLVE,
 J'ECRIS, PAR LES PRÉSENTS:

Be it resolved that the Council of the Cheam Indian Band does hereby consent to:

- a) grant to the Minister of Transportation and Highways pursuant to Section 35 of the Indian Act those rights defined in Ministry of Transportation and Highways Act, Section 18, over a 0.015 ha right-of-way situate within the Cheam Indian Reserve No.1 as shown in red outline on Ministry Drawing No. 54-36 hereto attached as Schedule 'A';
- b) permit immediate entry by Ministry and assigns for the purpose of construction at Highway No.9 and Old Yale Road as set out in the Band Council Resolution dated July 31, 1991 hereto attached as Schedule 'B';
- c) accept compensation at a nominal sum of \$16; receipt of which is hereby acknowledged, and such other considerations as described in Band Council Resolution dated July 31, 1991 attached as Schedule 'B';
- d) approve by subsequent Band Council Resolution a legal survey plan of the right-of-way area on submission if it conforms to the configuration of the right-of-way and the area is the same or less as shown on Drawing No. 54-36 attached as Schedule 'A'.

A quorum for this Band
 Pour cette bande le quorum est
 consists of 2
 (ixé à)
 Council members
 Membres du Conseil

[Handwritten signatures]
 (Chief - Chef)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)

(Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)

Band Fund Code Code du compte de bande	2. COMPUTED BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act / Sec Act. de l'Ind. par les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	A. Capital	B. Revenue - Revenu			
Recommended - Recommandé					
Date	Recommending Officer - Recommandé par		Date	Approving Officer - Approuvé par	

Indian and Northern Affairs Canada / Affaires Indiennes et du Nord Canada
 Indian and Northern Affairs / Affaires Indiennes et du Nord

SCHEDULE 'A'

Chronological No. - Numéro Chronologique
File Reference - No de référence des dossiers

**BAND COUNCIL RESOLUTION
 RÉSOLUTION DE CONSEIL DE BANDE**

FE: The words "From the Band Funds" ("Capital" or "Reserves"), which ever in the case, must appear in all resolutions requesting expenditures from Band Funds.
 (As the words "des fonds de bande" ("Capital" or "Reserves") selon le cas, doivent apparaître dans toutes les résolutions portant sur des dépenses à

COUNCIL OF THE CONSEIL DE LA BANDE INDIENNE	CHEAM INDIAN BAND	Current Capital Balance Solde de capital	\$ _____
DISTRICT	VANCOUVER	Committed - Engagé	\$ _____
PROVINCE	BRITISH COLUMBIA	Current Revenue Balance Solde de revenu	\$ _____
ADDRESS L'ENDROIT	ROSEDALE	Committed - Engagé	\$ _____
DATE DATE	July 31st MONTH - JUIL - 31	AD 19 91 YEAR - ANNÉE	

HEREBY RESOLVE;
 DÉCIDE, PAR LES PRÉSENTS:

WHEREAS; The Cheam Indian Band and the Ministry of Transportation and Highways have come to an agreement on the construction of an intersection at Highway #9 and Old Yale Road.

BE IT RESOLVED; That the following clauses from said agreement form a part of this resolution:
 The Ministry of Transportation and Highways shall;

- 1) Construct turn lanes on Highway #9.
- 2) Rough out an access road from Old Yale Road to the Band Office, east side of Highway #9, width 7.3 metres.
- 3) Shift the intersection to the north, so that Old Yale Road intersects Highway #9 at close to a 90 angle.
- 4) Excavate on Reserve land, within the cross hatched area shown on the attached copy of District Plan 54-34, to provide sight distance to the north. Fence, where disturbed, will be reconstructed on the property line.
- 5) Remove and close the existing access to the Band Office, upon completion of the paving of the reconstructed intersection.

AND

WHEREAS; The work is scheduled to begin soon.

BE IT FURTHER RESOLVED; That the Ministry of Transportation and Highways shall begin the work to construct a turn access to the Cheam Indian Reserve.

AND

BE IT FURTHER RESOLVED; That the following contingencies form a part of this resolution;

- 1) The Cheam Band agrees to close the existing access to the Band Office, and to take all future access to Highway No.9 via Old Yale Road or other existing public roads.
- 2) The Cheam Band will be responsible to gravel the proposed access road.

Handwritten initials

- 3) The Band will obtain approval from B.C. Hydro, and any necessary permits, for the road under the transmission lines, providing the Ministry with a copy.
- 4) The Band will give the Ministry permission to excavate within the Reserve in the area cross hatched on the attached plan.
- 5) The Band and the Ministry will undertake to relocate the ditch on the west side of Highway #9, away from the highway, so that it no longer erodes and undermines the highway embankment.

Quorum for this Band
 is a quorum of
 3
 Members
 of the Council

Charles Douglas
 (Councillor - councillor)

(Councillor - councillor) (Councillor - councillor) (Councillor - councillor)
 (Councillor - councillor) (Councillor - councillor) (Councillor - councillor)
 (Councillor - councillor) (Councillor - councillor) (Councillor - councillor)
 (Councillor - councillor) (Councillor - councillor) (Councillor - councillor)

FCR DEPARTMENTAL USE ONLY - RESERVE AU MINISTRE					
Fund Code du Budget	2. COLLECTER SALANRE - SOLDES D'ORDINATIF		3. Expenditure Dépense	4. Authority - Autorité Indian Act / Loi sur les Indiens	5. Source of Funds Source des Fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	A. Capital	B. Revenue - Revenu	\$		
Recommended - Recommandé par				Approved - Approuvé par	
Date	Recommended - Recommandé par			Date	Approving Officer - Approuvé par



CHEAM INDIAN BAND

TEL. (604) 794-7924

10704 #9 HIGHWAY, ROSEDALE, BRITISH COLUMBIA, CANADA V0X 1X0

JUNE 26, 1991

Ministry of Transportation & Highways
Fraser Valley Highways District
Box 340
45474 Luckakuck Way
Sardis, BC V2R 1A7

Attention: G. M. Vance, District Technician

RE: Old Yale Road, Cheam Indian Reserve Intersection with
Highway #9, Rosedale, B.C.

Thank you for your letter of June 10, 1991 which included maps of construction drawing and work plan with contingencies for the above mentioned turning lanes which are to be constructed in the very near future.

Our Band is in agreement with proposed work and contingencies with the exception of #1 which will dealt directly with Fred Stillar of the Property Services Branch in New Westminster. A letter and resolution shall be sent directly to Mr. Stillar with our decision on this item.

Regarding contingency #5, we will collaborate our efforts with your department to rectify the erosion problem.

A resolution to this proposal shall follow later in the week.

Yours Truly,

Anta Lonnal

for **Sam Douglas,
Chief, Cheam Indian Band**

SM/ac

c.c. Fred Stillar, Property Services Branch



Province of
British Columbia

Ministry of
Transportation
and Highways

Property Services
310 - 625 Agnes Street
New Westminster, B.C.
V3M 5Y4
660-8288
Fax No. 660-8278

PS 6196
E5670-08081

November 8, 1991

Indian and Northern Affairs Canada
Vancouver Field District
300 - 1550 Alberni Street
Vancouver, B.C.
V6G 3C5

Attention: Peter N. Humphrys
Head/Land Management

Dear Sirs:

Re: Right-of-way Acquisition from Cheam Indian Reserve
Intersection Highway 9 and Old Yale Road, Rosedale, B.C.

Attached are copies of Band Council Resolutions from the Cheam Indian Band pertaining to matters of right-of-way and road construction, for your further attention.

A statutory right-of-way plan will be forwarded to your office on completion of the legal survey.

Yours truly,

O.F. Stiller
Property Agent

OFS/mdr
encls.

Indian and Northern Affairs Canada / Affaires Indiennes et du Nord Canada
 Indian and Inuit Affairs / Affaires des Indiennes et d'Inuit

Chronological No. - Numéro chronologique
 File Reference - N° de réf. du dossier

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

*E: The words "Band Funds" or "Capital" or "Revenues", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds.
 *F: Les mots "fonds de bande", "Capital" ou "revenu" selon le cas doivent apparaître dans toutes les résolutions portant sur des dépenses à bande.
 *G: Les mots "fonds de bande", "Capital" ou "revenu" selon le cas doivent apparaître dans toutes les résolutions portant sur des dépenses à bande.

COUNCIL OF THE CONSEIL DE LA BANDE INDIGÈNE		Cham Indian Band	Current Capital Balance Solde de capital	\$ _____
VILLAGE VILLETTE		Vancouver	Committed - Engagé	\$ _____
PROVINCE PROVINCE		British Columbia	Current Revenue Balance Solde de revenu	\$ _____
ADDRESS ADRESSE		Rosedale	Committed - Engagé	\$ _____
DATE DATE	DAY - JOUR	November - AD 19 91 NOVEMBRE - MOIS	YEAR - ANNÉE	

WHEREBY RESOLVED:
 OÙ PAR LES PRÉSENTS:
 Be it resolved that the Council of the Cham Indian Band does hereby consent to:

- grant to the Minister of Transportation and Highways pursuant to Section 35 of the Indian Act those rights defined in Ministry of Transportation and Highways Act, Section 18, over a 0.015 ha right-of-way situate within the Cham Indian Reserve No.1 as shown in red outline on Ministry Drawing No. 54-36 hereto attached as Schedule 'A';
- permit immediate entry by Ministry and assigns for the purpose of construction at Highway No.9 and Old Yale Road as set out in the Band Council Resolution dated July 31, 1991 hereto attached as Schedule 'B';
- accept compensation at a nominal sum of \$16; receipt of which is hereby acknowledged, and such other considerations as described in Band Council Resolution dated July 31, 1991 attached as Schedule 'B';
- approve by subsequent Band Council Resolution a legal survey plan of the right-of-way area on submission if it conforms to the configuration of the right-of-way and the area is the same or less as shown on Drawing No. 54-36 attached as Schedule 'A'.

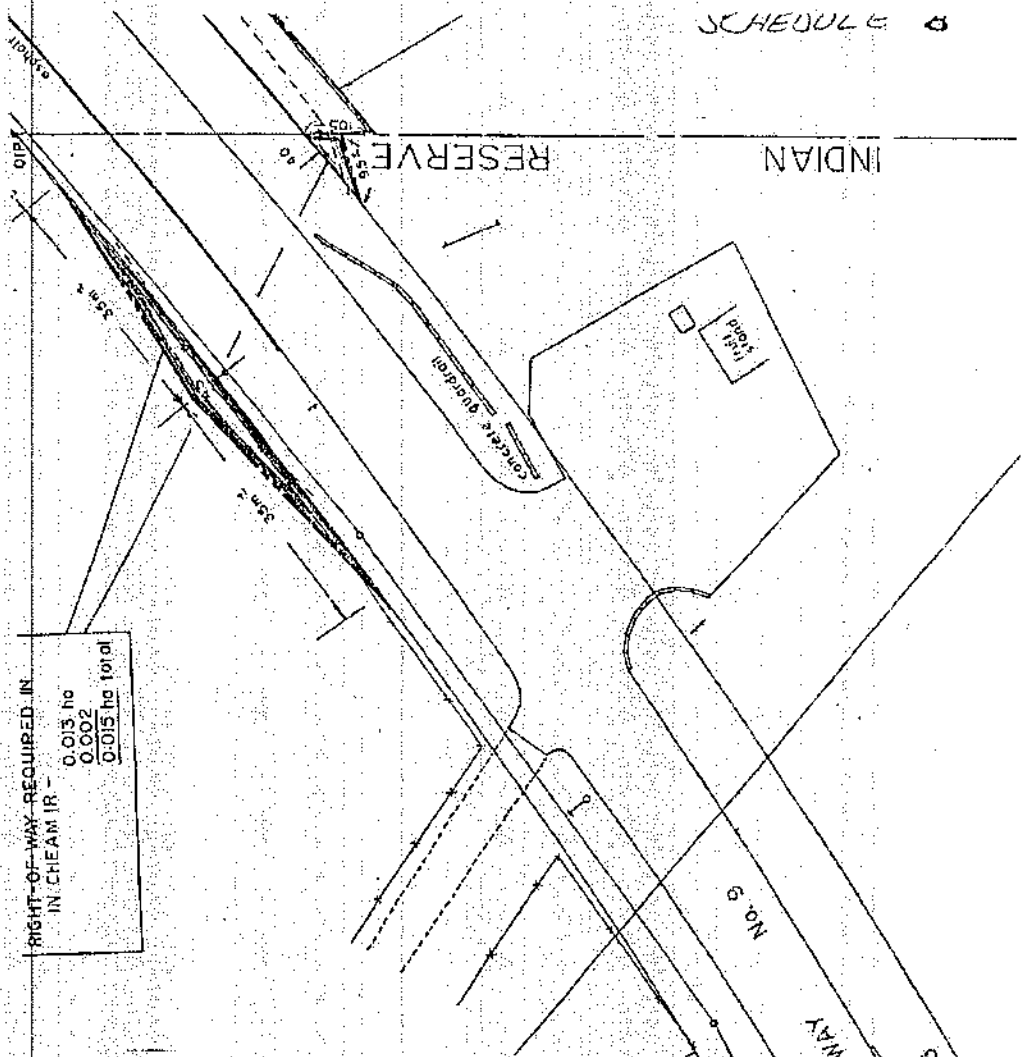
Quorum for this Band
 Quorum de cette bande (le quorum est)
 consists of
 se compose de
 Council Members
 Membres du Conseil

2

(Signature)
 (Councillor - conseiller)
(Signature)
 (Councillor - conseiller)
(Signature)
 (Councillor - conseiller)
(Signature)
 (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Fund Code Code des fonds	2. COMPUTED BALANCES - SOLDES D'ORDINATEUR		3. Expenditures Dépenses	4. Authority - Autorité Indian Act / Loi sur les Indiens	5. Source of Funds Source des fonds
	A. Capital	B. Revenues - Revenu			<input type="checkbox"/> Capital <input type="checkbox"/> Revenue
\$	\$	\$	\$		
Authorized - Recommandé			Approved - Approuvé		

SCHEDULE 8



RIGHT-OF-WAY REQUIRED IN
IN CHEAM IR -
0.013 ha
0.002
0.015 ha total



GOVERNMENT OF BRITISH COLUMBIA
MINISTRY OF TRANSPORTATION AND HIGHWAYS
FRASER VALLEY HIGHWAY DISTRICT

HWAY 9 AND CHEAM INDIAN RESERVE No.1 ROAD
CROSSING, SHOWING ADDITIONAL RIGHT-OF-WAY
REQUIRED FOR LEFT-TURN LANES ALIGNMENT.

PREPARED BY THE DIRECTION OF	DATE	SCALE: HORIZ. 1:500	VERT. 1:1	DATE 9/19/19	INDEX	REG. NO.
<i>[Signature]</i>	<i>11/1/19</i>	DESIGNED: R.F.	CHECKED: RUM	DATE 9/19/19		
STRICT HIGHWAYS MANAGER	DATE	PROJECT No.	REQ. No.	FILE No.		
EXAMINED & ACCEPTED						
NATIONAL HIGHWAY ENGINEER						DRAWING No. 54-36

100-11-15-17 NORTH FRASER VLT
 and North
 of Canada
 and North
 of Canada

SCHEDULE 'A'

Chronological No. - Numéro chronologique
 File Reference - N° de référence

**BAND COUNCIL RESOLUTION
 RÉSOLUTION DE CONSEIL DE BANDE**

The word "Band" in this document, wherever it occurs, shall refer to all resolutions requiring expenditures from Band Funds.
 Le mot "Bande" dans ce document, où qu'il se trouve, se réfère à toutes les résolutions nécessitant des dépenses à partir des fonds de la bande.

COUNCIL OF THE		Current Capital Balance	\$ _____
VERIL DE LA BANDE INDIENNE	CHEAM INDIAN BAND	Solde de capital	\$ _____
BY	VANCOUVER	Committee - Budget	\$ _____
OF	BRITISH COLUMBIA	Current Revenue Balance	\$ _____
PLACE	ROSEDALE	Solde de revenu	\$ _____
S L'ENDROIT	ROSEDALE	Committed - Budget	\$ _____
DATE	July 19 91		
	MONTH - YEAR		

PREPARED BY
 PAR LES PRÉSENTÉS

WHEREAS:

The Cheam Indian Band and the Ministry of Transportation and Highways have come to an agreement on the construction of an intersection at Highway #9 and Old Yale Road.

BE IT RESOLVED:

That the following clauses from said agreement form a part of this resolution:
 The Ministry of Transportation and Highways shall:

- 1) Construct turn lanes on Highway #9.
- 2) Rough out an access road from Old Yale Road to the Band Office, east side of Highway #9, width 7.3 metres.
- 3) Shift the intersection to the north, so that Old Yale Road intersects Highway #9 at close to a 90 angle.
- 4) Excavate on Reserve Land, within the cross hatched area shown on the attached copy of District Plan 84-34, to provide sight distance to the north. Fences, where disturbed, will be reconstructed on the property line.
- 5) Remove and close the existing access to the Band Office, upon completion of the paving of the reconstructed intersection.

AND

WHEREAS:

The work is scheduled to begin soon.

BE IT FURTHER RESOLVED:

That the Ministry of Transportation and Highways shall begin the work to construct a turn access to the Cheam Indian Reserve.

AND

BE IT FURTHER RESOLVED:

That the following contingencies form a part of this resolution:

- 1) The Cheam Band agrees to close the existing access to the Band Office, and to take all future access to Highway No. 9 via Old Yale Road or other existing public roads.
- 2) The Cheam Band will be responsible to gravel the proposed access road.

MINISTRY OF TRANSPORTATION & HIGHWAYS
 RECEIVED
 NOV - 7 1991
 ASH VALLEY DISTRICT

- 3) The Band will obtain approval from B.C. Hydro, and any necessary permits, for the road under the transmission lines, providing the Ministry with a copy.
- 4) The Band will give the Ministry permission to excavate within the reserve in the area cross hatched on the attached plan.
- 5) The Band and the Ministry will undertake to relocate the ditch on the west side of Highway #9, away from the highway, so that it no longer erodes and undermines the highway embankment.

From the Bill made
 this being a return
 is of
 1 Member
 of the Council

(Signature)
 (Councillor - Councilor)

(Councillor - Councilor)
 (Councillor - Councilor)
 (Councillor - Councilor)
 (Councillor - Councilor)

(Councillor - Councilor)
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 (Councillor - Councilor)

(Councillor - Councilor)
 (Councillor - Councilor)
 (Councillor - Councilor)
 (Councillor - Councilor)

FOR DEPARTMENTAL USE ONLY - RESERVE ADMINISTRE					
Und Code	1. COMPUTER BALANCE	2. CLOSING BALANCE	3. Expenses	4. Authority - Authority	5. Source of Funds
	in Object	B. Revenue - Revenue	Disburse	Indian Act Sec	Capital Revenue
	\$	\$	\$	Indians	Revenue

Approved - Approvable



Province of British Columbia Ministry of Transportation and Highways

COMPENSATION PAYABLE BY AUTHORITY OF THE HIGHWAY ACT AND MINISTRY OF TRANSPORTATION AND HIGHWAYS ACT AND/OR PURSUANT TO THE EXPROPRIATION ACT

No 0575

Purpose of Acquisition Right-of-way acquisition (partial taking) PS No. 6196(2)
 Project Name & No. 00202 Agassiz Rosedale Highway No. 9
 Plan Stick No. 15-281 Drawing No. 54-36
 Region South Coast District Fraser Valley Electoral District Chilliwack
 Location of land Cheam Indian Reserve No. 1
 PID and legal description of land acquired: Cheam Indian Reserve No. 1, Rosedale, B.C.

Registered Owners CHEAM INDIAN BAND

Other Owners (and type of interest)

Remarks Ministry will carry out road improvements on Highway 9 and reconstruct access to the Indian reserve (in lieu of monetary compensation) for the transfer of the required right-of-way to the Province pursuant to Section 35 of the Indian Act and Section 18 of the Ministry of Transportation and Highways Act.

BCR dated November 1, 1991
 Date of Agreement _____ Date of Expropriation Notice _____ Date of Vesting No _____

SUMMARY OF COMPENSATION PAYABLE: (see over for detail)

1. a. Land	\$	s. 16;	_____
b. Improvements	\$	s. 17	_____
c. or Property value by market/income approach	\$		_____
2. Owner(s) costs	\$		_____
3. Injurious affection / Disturbance damages	\$		_____
4. Interest	\$		_____
5. Deductions	\$-		_____
Net Compensation Payable	\$	0	_____

COMPENSATION CHEQUES

NAME	AMOUNT
	\$

ACCOUNTS CODING BLOCK

ACCOUNT			CENTER		PROJECT COST TRACKING			AMOUNT
MSA	Account #	Sub #	FC #	Project #	Sub-Proj	Activity	Cont Item	

I hereby recommend compensation be paid accordingly.

Date November 8, 1991
O.C. Sciffer Property Agent

Date November 8, 1991
R.G. Hansen Regional Property Agent

SPENDING AUTHORITY SIGNATURE. Spending authority signature certifies that the amount to be paid is correct, is in accordance with the appropriate statute or other authority for payment and/or contract; next, when applicable, that the work has been performed, the goods supplied, the services rendered and/or other conditions.

G.M. Vance
District Technician
Fraser Valley District

November 8, 1991
Property Services
310 - 625 Agnes Street
New Westminster, B.C.
V3M 5Y4
660-8288

PS 6196#2
Your File: 15-21-57

Re: Intersection of Highway 9 and
Old Yale Road, Cheam I.R.#1

Thank you for your fax communication of November 7, 1991 and attachments pertaining to the matter of road improvements at the referenced intersection and right-of-way from the reserve of the Cheam Indian Band.

The Band Council Resolution, dated November 1, 1991, meets Ministry's requirements for legal entry for construction purposes and subsequent legal survey.

Please also note that we have not yet entered into negotiations with Park Ridge Investments Ltd. for the 0.0072 ha right-of-way area from Lot 6, Plan 27756, adjacent the reserve, as we first must obtain an appraisal report of the market value of the subject land portion (an appraisal firm has since been retained), and must further await the lifting of the current contract freeze. This acquisition file is being handled by Jim McNee of this office. His phone number is 660-8283.

Yours truly,



O.F. Stiller
Property Agent

OFS/mdr

Copy to: J.A. McNee, Property Agent



Province of
British Columbia

Ministry of
Transportation
and Highways

310 - 625 Agnes Street
New Westminster, B.C.
V3M 5Y4
660-8288
Fax No. 660-8278

PS 6196
E5670-08081

December 6, 1991

Indian and Northern Affairs Canada
Vancouver Field District
300 - 1550 Alberni Street
Vancouver, B.C.
V6G 3C5

Attention: Peter N. Humphrys
Head/Land Management

Dear Sirs:

Re: Right-of-way Acquisition from Cheam Indian Reserve
Intersection Highway 9 and Old Yale Road, Rosedale, B.C.

Further to our letter of November 8, 1991 concerning the Band Council Resolutions of July 31, 1991 and November 1, 1991 pertaining to referenced right-of-way and road construction matters, enclosed is a Band Council Resolution, dated December 3, 1991, which corrects errors in the Band Council Resolution of November 1, 1991 in respect to the identification of Schedules "A" and "B."

I trust the foregoing will be found in order.

Yours truly,

O.F. Stiller
Property Agent

OFS/mdr
encl.



CHEAM INDIAN BAND

TEL: (604) 794-7924
FAX: (604) 794-7456

10704 #9 HIGHWAY, ROSEDALE, BRITISH COLUMBIA, CANADA V0X 1X0

December 4, 1991

Ministry of Transportation
& Highways
Property Services
310 - 625 Agnes Street
New Westminister, B.C.
V3M 5Y4

RECEIVED

DEC 09 1991

PROPERTIES BRANCH
MINISTRY OF TRANS. & HWYS.
NEW WESTMINSTER, B.C.

Attention : O.F. Stiller, Property Agent

RE: Intersection #9 Highway & Old Yale Road, Rosedale

As per telephone conversation, please find enclosed a Band Council Resolution which amends the two previous ones sent to your office.

Hoping this to be sufficient for your needs to proceed and complete the intersection.

Sincerely,

Anita Connal

Anita Connal,
Administration

AC

Cc. MR. PETER HUMPHRIES, I.N.A.C.
MR. GORDON VANCE, Chilliwack DISTRICT.

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

Chronological No. - Numéro consécutif
File Reference - N ^o de réf. du dossier

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.
NOTES: 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.

NAME OF THE COUNCIL OF THE BAND NOM DU CONSEIL DE LA BANDE INDIENNE	Cheam	Current Capital Balance Solde de capital	\$
DISTRICT	Vancouver	Committed - Engagé	\$
PROVINCE	British Columbia	Current Revenue Balance Solde de revenu	\$
OFFICE	Rosedale	Committed - Engagé	\$
DATE DATE DE L'ORDRE	3 December 3 DÉCEMBRE	AD 19 91 ANNÉE	

I HEREBY RESOLVE:
J'ADOPTE, PAR LES PRÉSENTES:

WHEREAS: Cheam Indian Band has by Band Council Resolutions dated July 31, 1991 and November 1, 1991 agreed to the construction of an intersection at Highway #9 and Old Yale Road by the Department of Transportation and Highways.

AND

WHEREAS: Band Council Resolution dated July 31, 1991 forms Schedule 'A' of the Agreement, and Band Council Resolution dated November 1, 1991 forms Schedule 'B' of the Agreement.

AND

WHEREAS: Band Council Resolution dated July 31, 1991 should form Schedule 'B' of the Agreement and Band Council Resolutions dated November 1, 1991 should form Schedule 'A' of the Agreement.

BE IT RESOLVED: Band Council Resolution dated November 1, 1991 form Schedule 'A' and Band Council Resolution dated July 31, 1991 form Schedule 'B' of the agreement between Cheam Indian Band and the Department of Transportation & Highways.

A quorum for this Band
Pour cette bande le quorum est

consists of
fixé à

2
Council Members
Membres du Conseil

(Signature)
(Chief - Chef)
(Signature)
(Councillor - conseiller)

(Councillor - conseiller)	(Councillor - conseiller)	(Councillor - conseiller)
(Councillor - conseiller)	(Councillor - conseiller)	(Councillor - conseiller)
(Councillor - conseiller)	(Councillor - conseiller)	(Councillor - conseiller)
(Councillor - conseiller)	(Councillor - conseiller)	(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
Band Fund Code Code du compte de bande	COMPUTER BALANCES - SOLDES D'ORDINAIREUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act - Loi Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	A. Capital	B. Revenue - Revenu	\$		
Recommended - Recommandé			Approved - Approuvé		
Date	Recommending Officer - Recommandé par		Date	Approving Officer - Approuvé par	

RECEIVED

MAY 08 1992

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

PROPERTIES BRANCH
MINISTRY OF TRANS. & HWYS.
NEW WESTMINSTER, B.C.

Chronological No. - Numéro consécutif
File Reference - N° de réf. du dossier

NOTE: The words "From our Band Funds", "Capital" or "Revenue", whichever 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 partir des fonds des bandes.

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	CHEAM	Current Capital Balance Solde de capital	\$
AGENCY DISTRICT	VANCOUVER	Committed - Engagé	\$
PROVINCE	BRITISH COLUMBIA	Current Revenue balance Solde de revenu	\$
PLACE LIEU DE SÉJOUR	ROSEDALE	Committed - Engagé	\$
DATE	29 04 AD 92 DAY - JOUR MONTH - MOIS AN - ANNÉE		

WHEREAS: The Department of Highways & Transportation have constructed turning lanes at No. 9 Highway and Old Yale Road, Cheam Indian Reserve.
 DÉCIDÉ PAR LES PRÉSENTES:

AND

WHEREAS: The Cheam Indian Band has agreed to the access as per the Ministry of Transportation and Highways Drawing No. 54-36.

AND

WHEREAS: This turning access needs to be legally surveyed.

THEREFORE: Be It Resolved that the Ministry of transportation & Highways take the necessary steps to have the legal survey done.

A quorum for this Band
Pour cette bande le quorum est
consist of
list 2
Council Members
Membres du Conseil

Andrew Douglas
(Councillor - conseiller)

Charles Douglas
(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Band Part Code du bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépense	4. Authority - Autorité Indian Act Sec. Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	A. Capital	B. Revenue - Revenu			
	\$	\$	\$		
6. Recommended - Recommandé			Approved - Approuvé		
Date			Appraising Officer - Approuvé par		
Recommending Officer - Recommandé par					

MEMO TO FILE

CHIEF: SAM DOUGLAS

NAME: CHEAM IR # 1

PS NO.: P/N 6196

DATE: MAY 20, 1992

SUBJECT: SUMMARY OF 3 FILES / ISSUES MEETING

NOTES: 1) HWY 9 and Presdale bridges - OIC PC 1460-1285, 14, 09 acres. Status: settled - full tenure

2) GEOTECH TESTING and GRAVEL PIT - status settled, BCR JULY 17, 1987.

3) INTERSECTION #9 HWY & OLD YALE RD., ROSEHALL

BCR 92-04-29: agreement to access as per drawing 54-36, permission to legal survey.

Agreement for left-turn lane reached, BCR 91-07-31, and 91-11-01.

UNRESOLVED: additional R/W to Ferry road.

Band rejected exchange proposal on the ground that BOTH surplus land is theirs in the first place and included in land claims. This triangular portion acquired as per OIC PC 1460-1285

ACTION:

Meeting - Sidney Douglas, councillor, Kelly Ann secretary. Sam, Chief will be back next week.

~~He is not~~ Sidney not familiar with issues

Sidney Douglas
Councillor Cheam
Indain Band.

794-7924

Fax = 794-7456

KELLY

AKG

NT



MEMORANDUM

Bill Sunderwood
Fraser Valley District

Nick May
Senior Manager

June 14, 1995
Property Services
Suite 310 - 625 Agnes Street
New Westminster, BC
V3M 5Y4
Tel: 660-8290
Fax: 660-8278

File: P/N 6196
Project: Agassiz Rosedale
Highway Number 9

HOUSE MAIL

Re: Cheam Indian Band
Issues

On June 9, 1995 I met with the Band Council in a meeting initiated by the Band Manager, Ron Michell. The Band is interested in resolving an outstanding issue on a land exchange and have also raised two new issues. One issue concerns the slope adjustment on Hwy. 9, the other issue is more complex and involves a land addition to the reserve.

The land exchange stems from an agreement which allowed MOTH to improve portions of Hwy. 9 south of the bridge to Agassiz a few years ago. At that time, the approach to Ferry Road of Hwy. 9 was also re-aligned in order to create a safe turn for the southbound traffic from the highway to Ferry Road. The realignment created a trespass on reserve land.

MOTH had offered the Band a land exchange for the trespass land. The exchange land consisted of a triangular highway R/W portion of land identified as surplus and another small surplus further south. The Band rejected this exchange on the grounds that the triangular land was always their land, and this is the position they continue to maintain.

The principal of the second issue is similar to the triangular land. The Band wants to modify the slope on the west side of the highway allegedly for reasons of esthetics. They are unable to do it because the MOTH right of way protrudes out as a square from the linear right of way line. The square area of the R/W was originally acquired by MOTH to accommodate the old access to the reserve. It appears MOTH has no need for it anymore. The Band wishes to acquire this land in order to adjust the slope and insinuates that this land is theirs as well.

Note that this square area is the second land MOTH offered to exchange.

The third issue is of a wider nature and involves part or whole of a Crown land off Ferry Road under the bridge approach to the Fraser River and at the shores of the Fraser River. This is a significant chunk of land. The Band claims the ownership to this accreted land has been denied to them and wants the Province to rectify it. A western portion of this land is declared a provincial park. The Band is willing to keep it there and share the maintenance and operation with the Province.

The Band's position is that by building Ferry Road, MOTH broke the RAW agreement. The Band believes it would be in their right to impede the use of the highway if they wished to do so, for example they could put up a toll booth or use other unspecified actions.

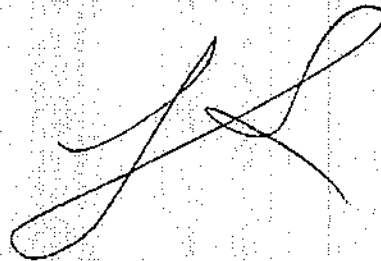
The Band appears anxious to deal with the above issues and I have promised to investigate all issues and reply to them.

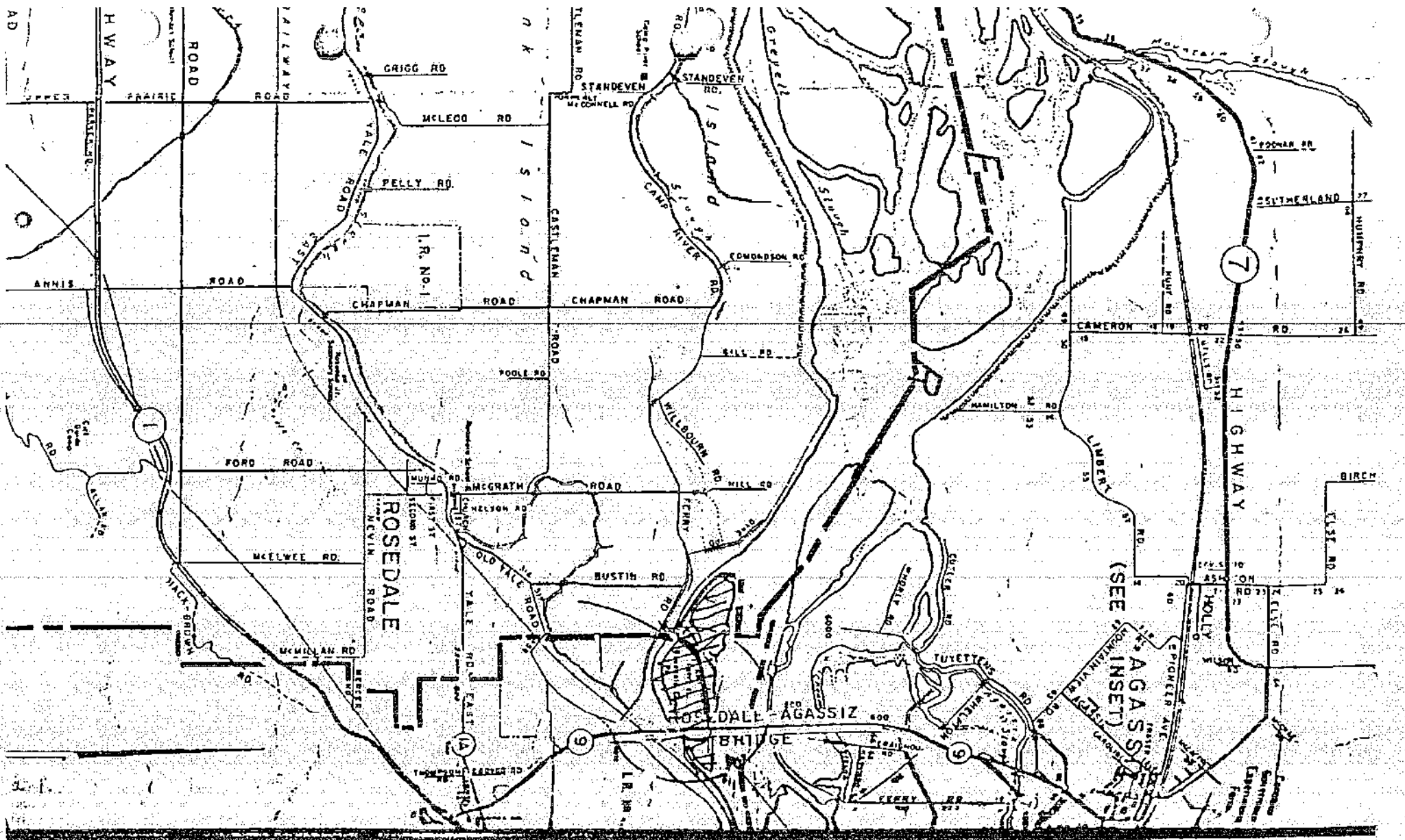
I feel a meeting with the Fraser Valley District is required and would kindly ask Bill Sunderwood to help me to set up a meeting early next week.

I will initiate the research of the tenure issues, collection of necessary data and plans, and contacts with Crown Lands.



Tony Gazdik
Property Agent





Ferry Island



Province of
British Columbia

Ministry of
Transportation
and Highways

Property Services
South Coast Region
Suite 310 - 626 Agnes Street
New Westminster, BC V3M 5Y4
Telephone: 660-8290
Facsimile: 660-8278

File: PS 6196

June 19, 1995

FILE COPY

Cheam Indian Band
#379 - 10704 No. 9 Highway
Rosedale, B.C.
VOX 1X0

Attention: Chief Charles (Corky) Douglas

Dear Chief Douglas,

Re: Highway 9, Property issues
Meeting of June 9, 1995

In response to our meeting concerning the issues of sloping, trespass and land exchange, I have initiated collecting the necessary information in order to discuss the issues further.

As discussed, I will call you in the second half of July with more information.

Yours truly,

Tony Gazdik
Property Agent

ITG

NOTES
of Meeting

Subject: Cheam Indian Band - Rosedale - Cheam IR # 1
Date/Place: June 9, 1995; Cheam Band Office
Parties: Chief Corky Douglas, Band Manager Ron Mitchell, Councillors: Sam Douglas, Charlie Douglas
MOTH: Tony Gazdik

Notes:

The Band presented four issues:

- a) MOTH has taken the R/W for bridge access for "bridge purposes" only and, therefore construction of Ferry Road is in breach of an agreement. Band could put up a toll booth on Hwy 9.
- b) grade of the slope along the Hwy 9 by Band's gravel pit - Band wants to adjust the slope and needs MOTH approval and portion of a R/W
- c) Band wants MOTH to return the triangular portion of land near Cheam Aggregate. This surplus land was proposed by MOTH for exchange for a trespass by Ferry Rd. Band maintains it is their land and can not be used in an exchange.
- d) Band wants the Province to declare an accreted land mass by Fraser River of Ferry Rd. and by the Provincial park Indian land. They claim it should be theirs as it is accreted.

I advised the Band I am going to check the data and do a research. I will go for holiday and contact them in the second half of July. They have agreed to this.

Recorded by: Tony Gazdik

Subnote:

The FVDO Bill Sunderwood informed me the Band has trespassed on MOTH R/W and extracted gravel which caused an instability in the area. FVDO has requested the Band to rectify the situation and cease the trespass.



MEMORANDUM

Richard Hadley
Research Officer
Aboriginal Relations Branch
Victoria

June 21, 1995
Property Services
Suite 310 - 625 Agnes Street
New Westminster, BC
V3M 5Y4
Tel: 660-0276
Fax: 660-8278

HOUSE MAIL

Re: Cheam Indian Band
Cheam IR # 1
Hwy 9, Rosedale to Agassiz

I request kindly research of the MOTH tenure of Hwy 9 and Ferry Road through Cheam IR#1.

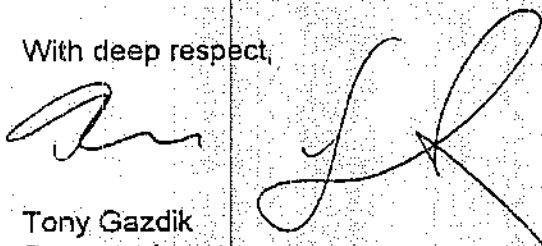
In a recent meeting, the Band raised number of issues including the ownership of certain portions of MOTH right of way by Ferry Road. Also the Band suggests that MOTH is in breach of the agreement for the right of way access from the South to the bridge. They purport that the transfer was for "bridge purposes" only and, therefore construction of Ferry Road contravenes the agreement and their BCR.

The information is required by July 14, 1995.

I am leaving for holiday from June 26 to July 17, if you have any questions please call me by Friday June 23.

Attached are copies of the District drawings and my Memo on the meeting with the Band to Nick May and Bill Sunderwood.

With deep respect,



Tony Gazdik
Property Agent

ARG
Attachment



Ministry of Transportation

**ROAD
RESEARCH
REPORT
(2 Volumes)**

May 2007

Cheam Indian Band

**Cheam IR 1
Highway 9
Rosedale-Agassiz Bridge Approach**

Prepared by:
Adrian Clark

Prepared for:
***Properties and Business Management Branch
Ministry of Transportation***

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VOLUME 1 OF 2

REPORT

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VOLUME 2 OF 2

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Cheam IR 1 Highway 9 Rosedale-Agassiz Bridge Approach

Contents

This Road Research Report has been prepared for the Properties and Business Management Branch (commonly referred to as the Properties Branch) of the Ministry of Transportation (MoT) and is made available to MoT Regions and Districts. The report consists of the following components:

- ↳ **2 Volumes:**
 - Volume 1: Report Attachments (TABs) 1-59**
 - Volume 2: Attachments (TABs) 60-131**

Objectives

1. To research and analyze the historical record regarding the status of the following highway and road and any corresponding rights-of-way through the following Indian Reserve and report on the findings:

- ↳ Cheam IR 1
 - Rosedale-Agassiz Bridge Approach on Highway 9

2. To furnish evidence that will allow the reader to make an assessment of the portions of the highway and road and any corresponding rights-of-way passing through the Indian Reserve.
3. To confirm the original location of the highway and road and any corresponding rights-of-way.
4. To determine whether there have been any realignments to the original location of the highway and road and any corresponding rights-of-way and, if so, to report how and when these realignments were constructed and where they are now located.

Scope of Work

Numerous historical sources of information were located, retrieved and reviewed and these sources are noted on page 31 *Section 3.0 Document Index/List of Attachments (TABs)*.

Disclaimer

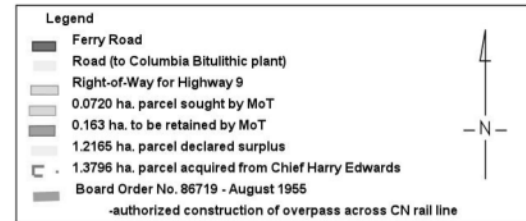
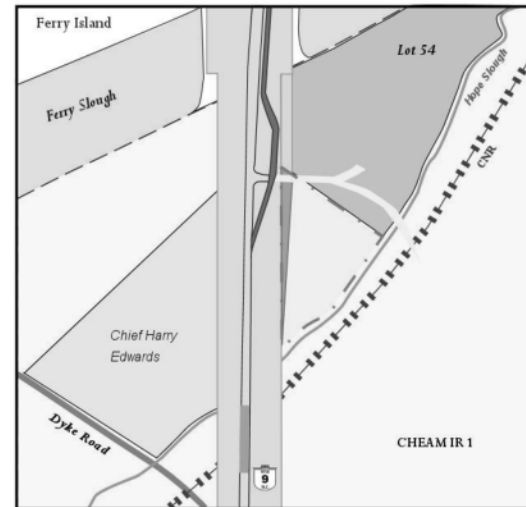
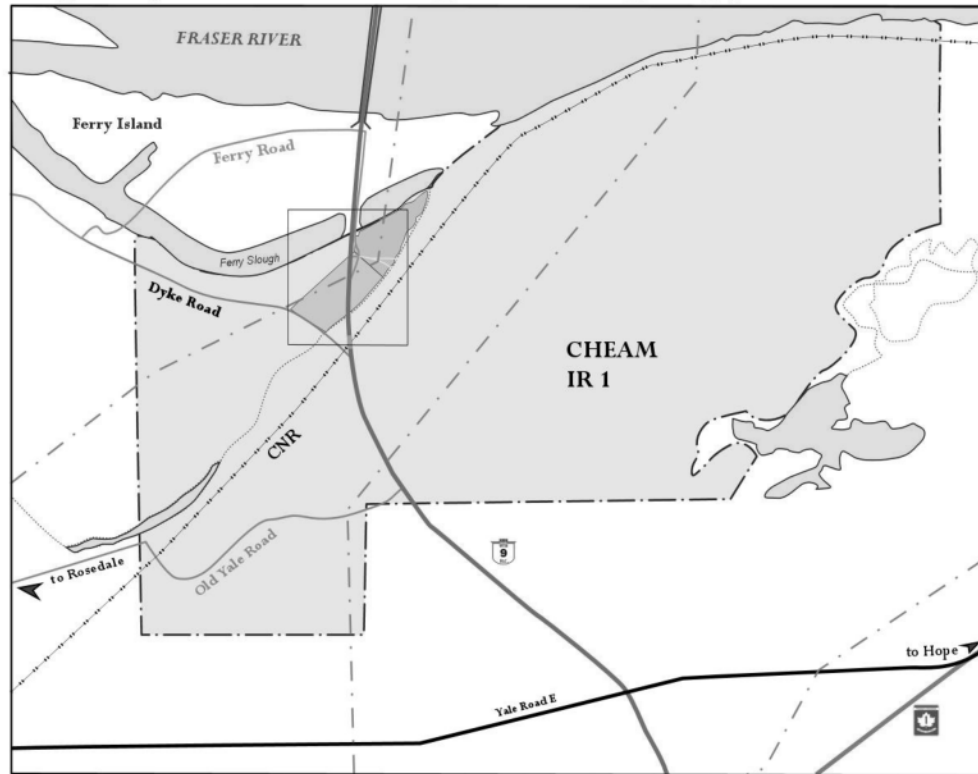
This report is not intended to be nor should it be construed as a legal opinion.

This report presents an analysis of documents retrieved from selected provincial, federal and other sources at the time of research. The interpretations of the historical documents stated in the report could be affected by additional information found in the future. Additional documents that may not be available to the researcher include:

- ↳ records held by Federal Indian Affairs, and Municipal and Regional governments; and
- ↳ First Nation(s) records and recollections from First Nation(s) elders.

This report is a government record and as such is subject to the provisions of the Provincial *Freedom of Information and Protection of Privacy Act*.

CHEAM INDIAN BAND
Cheam IR 1
Highway 9 - Rosedale Agassiz Bridge Approach



*Information represented is not intended to be nor should be construed as a legal opinion. It presents an analysis of documents retrieved from selected provincial, federal and other sources at the time of research. The interpretations of the documents could be affected by additional information from a variety of sources. This map is a government record and as such is subject to the provisions of the Provincial FOI and Protection of Privacy Act. February 2007 MSK

Executive Summary

Reserve creation history of Cheam IR 1

- » Cheam IR 1 is a Railway Belt Indian reserve, which was transferred to Canada by legislation in 1930.

Chief Harry Edward's location on Cheam IR 1

- » On July 6, 1954, Indian Affairs approved Chief Harry Edwards' location to a 35-acre property lying between the CNR right-of-way and the Fraser River.

Rosedale-Agassiz Bridge Planning

- » Five sites for the proposed Rosedale-Agassiz Bridge were investigated. The location selected involved a highway approach through Cheam IR 1.
- » In 1954, Public Works surveyed the route and commenced property acquisition negotiations. Along the route of Highway 9, Public Works compensated fee simple owners at \$16; \$17 per acre for unimproved lands and between \$16; \$17 and \$16; \$17 per acre for improved lands.
- » In September, 1954, the highway right-of-way was gazetted. The gazetted road passed through Cheam IR 1 and the location plan indicated that 10.23 acres of land was required for a right-of-way through the reserve.

Right-of-Way Negotiations with the Cheam Band

- » The right-of-way passed through Band-owned land and Chief Harry Edwards' property.
- » Public Works offered compensation of \$16; \$17 per acre to the Band and to Chief Edwards for unimproved lands required for the right-of-way. Public Works also offered Chief Edwards \$16; \$17 per acre for his improved lands.
- » As the right-of-way cut-off a portion of Chief Edwards' land, Public Works offered to purchase this land as well or to restore his access. Chief Edwards elected to sell this 3.41-acre (1.3796 ha.) parcel to Public Works. In total, Chief Edwards sold 5.98 acres of land to Public Works, comprising the right-of-way area traversing his property and the 3.41-acre parcel cut-off by the right-of-way.
- » In October, 1954, the Band Council approved a resolution accepting the compensation offered for 7.85 acres of Band-owned land. The BCR described the lands as "for a bridge site and approach".
- » In January, 1955, the Band Council endorsed a resolution approving the sale of additional Band-owned lands (roughly 11.5 acres). This resolution provided

“that this area be also sold to the Province in addition to the property required for the right-of-way”.

- » Public Works was unwilling to acquire lands in excess of its requirements and declined the Band’s offer. Instead, Public Works restored the Band’s access to this land, which is known today as Lot 54.

Survey of the Right-of-way and Transfer by Federal Order-in-Council

- » There was a six-year delay between the Band’s approval of the right-of-way application and the transfer of lands from Canada to British Columbia. The transfer was accomplished by PCO 1960-1285 in September, 1960. The Order transferred 14.09 acres of land to British Columbia for “road purposes”.
- » The delay between the Band’s approval and the transfer was occasioned by negligence on the part of the surveyor to complete the survey plan.

Rosedale Ferry Road

- » Rosedale Ferry Road (“Ferry Road”) on Cheam IR 1 is an extension of a road that did not formerly exist on the reserve. The road extends along a causeway connecting Cheam IR 1 and Ferry Island and exists under and beside Highway 9.
- » Ferry Road has a connection to Highway 9 via the interchange constructed to restore the Band’s access to Lot 54.
- » Ferry Road was not shown on an Indian Affairs topographical map of the reserve prepared in 1961.
- » The section of Ferry Road proceeding between Cheam IR 1 and Ferry Island is first visible in an air photograph from 1963.

Highway improvements to the interchange of Ferry Road and Highway 9 and discussions with the Cheam Band

- » Since 1987, MoT has sought to acquire reserve land to accommodate improvements to the Ferry Road and Highway 9 interchange. The interchange was reconstructed in or about July, 1987. As reconstructed, the paved (or “traveled”) portion of the road is within the right-of-way acquired in 1960. The toe of the slope required for the right-of-way is within Lot 54.
- » In 1988, MoT offered to purchase land within Lot 54 required for road purposes. The Band did not accept the offer.
- » In 1990, MoT proposed a land transfer involving the return of 1.2165 ha. (3.006 acres) of the land acquired from Chief Harry Edwards in exchange for 0.0720 ha. of land required to improve the Ferry Road interchange.

-
- » The Cheam Band rejected the proposal on the basis that the 1.2165-ha. parcel remains reserve land and is not eligible for an exchange. Further, in the Band's view, lands were relinquished in 1954 "for a bridge site and approach". The Band holds that this conditional release did not permit MoT to use the right-of-way for Ferry Road.
 - » Starting in April, 2000, the Cheam Band erected a blockade on Ferry Road denying public access to Ferry Island. The blockade was erected to protest the designation of 64 ha. of Ferry Island for park purposes under the Protected Areas Strategy.
 - » Since the blockade was erected, MoT has classified Ferry Road as an unmaintained public road.

1.0 Introduction/Background

Properties and Business Management Branch, Ministry of Transportation (“MoT”) or Ministry of Transportation and Highways (“MOTH”) as it was previously known, requested a historical report concerning the Rosedale-Agassiz Bridge Approach (Highway 9) through Cheam IR 1. In particular, MoT requires information as to the status of a triangular-shaped parcel of land forming part of the right-of-way, which is located north of the CNR right-of-way and east of the highway. For the purposes of the report, I have conducted original research using MoT files, Government of Canada files and other public records. The report is the product of this research.

The scope and purpose of the historical report is to provide an objective account of the establishment of Highway 9 through Cheam IR 1 and the status of the road over time.

The following subjects are treated in the report:

- The reserve creation history of Cheam IR 1;
- The establishment of the Rosedale-Agassiz Bridge Approach through Cheam IR 1; and,
- The establishment Ferry Road within the Highway 9 right-of-way.

2.0 Analysis and Conclusions

2.1 Reserve creation history of Cheam IR 1

Cheam IR 1 was originally set aside in the colonial period. In 1871, British Columbia submitted a schedule of surveyed reserves in the Province to Canada. This schedule included an entry for Cheam IR 1, which was described as follows: "Left bank of Fraser River, about 20 miles below Hope. 375 acres. Cheeam." (**TAB 1**)

In 1879, Indian Reserve Commissioner, G.M. Sproat, confirmed Cheam IR 1 and established a second reserve for the Cheam Band as well. In Minutes of Decision dated June 30, 1879, he described two reserves on opposite banks of the Fraser River (**TAB 2**). The first was Cheam IR 1 on the left bank of the Fraser River. His description for the western and northern boundaries was, "...thence north to the left bank of Camp Slough thence following the bank of Camp Slough and the left bank of Fraser river (crossing Hope Slough) to the initial point." According to this description, the northern boundary of the reserve was the riverbank.

In 1880 and 1881 Surveyor W.S. Jemmett prepared a plan showing the location of the Cheam Indian Reserves as defined by survey (**TAB 3**). On his plan, Cheam IR 1 is shown as embracing 883 acres. The Yale Waggon Road is shown passing through the reserve from the west towards Popkum.

In December 1883 by Provincial statute (1884, Ch.14), the Railway Belt was transferred to Canada. The Cheam Indian reserves were within this forty-mile wide strip of land. By a series of federal Orders in Council, the numerous Indian reserves in the Railway Belt were "confirmed" and transferred to the Indian Affairs branch.

By federal Privy Council Order (PCO) 1913-205 dated January 25, 1913, Cheam IR 1 was removed from the operation of the *Dominion Lands Act* and transferred to the Department of Indian Affairs. On the schedule, Cheam IR 1 was listed as embracing 883 acres (**TAB 5**).

During the course of Canada's administration of the Railway Belt, township plans encompassing these lands were prepared and approved by the Surveyor General of Canada. Cheam IR 1 is shown on township plans dated February 15, 1911 (**TAB 4**) and September 8, 1921 (**TAB 7**). On these plans, a road named the Yale and New Westminster Wagon Road is shown passing through the reserve.

By federal PCO 1930-208 dated March 2, 1930, Canada approved the McKenna McBride Agreement of 1912 (Schedule 1 of PCO 1930-208) and the Scott-Cathcart Agreement of 1929 regarding the transfer of Railway Belt and Peace River Block

lands back to the Province (Schedule 2 of PCO 1930-208) **(TAB 8)**. Scott-Cathcart recommended that Indian Reserves in the Railway Belt be excluded from the reconveyance of the Railway Belt and Peace River Block lands to the Province and that Canada hold the reserves in trust for the Bands.

PCO 1930-208 also established terms governing Canada's administration and control of Indian reserves within and outside the Railway Belt and Peace River Block. These terms included a provision allowing for the resumption of up to 1/20th of unimproved reserve lands for roads or other works of public utility. The schedule of Railway Belt Indian reserves confirmed by the Order included an entry for Cheam IR 1 (Schedule 4 of PCO 1930-208).

On the 1943 Schedule of Indian Reserves in the Dominion, the entry for Cheam IR 1 noted a deduction of 18.00 acres for "Trans-Canada Highway (preliminary)." **(TAB 9)** In fact, the Trans Canada Highway was not constructed through the reserve.

2.1.1 Summary

Cheam IR 1, a colonial reserve, is located within the former British Columbia Railway Belt lands which were transferred to Canada in 1884. As these were federal lands, Canada had the authority to unilaterally create Indian reserves in this tract. When Canada transferred the Railway Belt back to British Columbia, the two governments reached an agreement excluding traveled roads and highways from Indian reserves within the Belt and allowing for the future resumption of lands for roads or other works of public utility.

2.2 Chief Harry Edward's location on Cheam IR 1

By Band Council Resolution (BCR) dated November 9, 1951, the Cheam Band requested that Chief Harry Edwards be located to 100 acres of land on Cheam IR 1 **(TAB 11)**. The proposed location was shown on a sketch map drawn from an air photo **(TAB 11)**. The 100 acres included the northwest section of the reserve except for a 35-acre parcel located to Lewis Edwards. The CNR right-of-way and Hope Slough formed the southern boundary of Chief Harry Edward's proposed location. The location extended north to the bank of the Fraser River.

By letter dated November 13, 1951, Acting Superintendent, J.C. Letcher forwarded four BCRs, including the one pertaining to Chief Harry Edwards' proposed location, to Indian Commissioner, W.S. Arneil, and recommended their approval. His letter included the statement that **(TAB 11)**:

We would advise that in each case, the locatee is resident on his allotment, and has his home established there. Chief Harry Edwards has spent his lifetime on his property and has made fair progress at developing a small farm.

The Department at Ottawa did not approve the allotment of 100 acres to Chief Harry Edwards on the grounds that he had not made substantial improvements to the entire parcel of land.

Following discussions between the Band and Superintendent Letcher and on Letcher's recommendation, on May 5, 1954, the Band Council requested the allotment of two smaller parcels of land to Chief Harry Edwards (**TAB 14**). This BCR rescinded the location approved by the November 9, 1951 BCR and requested that Chief Harry Edwards be located to two parcels comprising 16.7 acres and 35 acres, respectively, on the reserve. The BCR indicated that the lands had been surveyed by the New Westminster Indian Agency office on March 4, 1954. The two parcels were described as:

- 1) A 16.7-acre parcel on the west boundary of Cheam IR 1 north of the Old Yale Road, and;
- 2) A 35-acre parcel between the CNR right-of-way and the Fraser River located in the northwestern portion of the reserve.

Attached to the BCR were two sketch maps showing these parcels (**TAB 14**). The 16.7-acre parcel has no bearing on the bridge approach right-of-way. On the other hand, the second parcel is very important as it embraced lands that would be required for a highway right-of-way for the Rosedale-Agassiz Bridge approach.

Letcher forwarded the BCR to Arneil and recommended its approval (**TAB 14**).

Prompted by the Indian Commissioner for more information, on May 20, 1954, Letcher addressed Arneil on the subject of Chief Harry Edward's location again. In this letter, he reviewed the correspondence on this subject, described why the Department had rejected the proposed 100-acre allotment to Chief Edwards and provided an explanation for the Band's revised request that he be allotted two parcels of land. He continued (**TAB 15**):

Harry Edwards has definitely done considerable work on these two properties and therefore should be entitled to the lands in question.

...The 35 acre parcel has been the location of Harry Edwards' home and small dairy farm operations for the past several years. This land is well cultivated and has been the source of his livelihood over the years. Harry Edwards has always resided on this property and he is now over 65 years of age.

On July 15, 1954, L.L. Brown, Superintendent, Reserves and Trusts informed Letcher that Chief Harry Edwards' location had been approved (**TAB 23**). Of note, the BCR dated May 5, 1954 bears evidence that it was approved by the Director of Indian Affairs on July 6, 1954 (**TAB 14**).

Chief Harry Edwards' location has been recorded in INAC's Indian Land Registry System.

2.2.1 Summary

By BCR dated May 5, 1954 and approved by INAC on July 6, 1954, Chief Harry Edwards was located to a 35-acre parcel of land on Cheam IR 1. The parcel of land was situated northwest of Hope Slough and embraced land on both sides of the Chilliwack Dyke right-of-way. His location on the northeast side of the dyke right-of-way was roughly 800 feet by 460 feet, or about nine acres. Highway 9 traverses this parcel of land.

2.3 Rosedale-Agassiz Bridge Planning

In the 1940s and 1950s, at least three engineering studies were conducted to determine the best location for a bridge to replace the Rosedale-Agassiz ferry crossing of the Fraser River. On August 6, 1953 A.B. Sanderson, Assistant Bridge Engineer reported to N.M. McCallum, Chief Engineer on an investigation he had conducted on this subject (**TAB 12**). He referred to studies undertaken by other consulting engineers and assessed the suitability of five proposed sites for the Rosedale-Agassiz Bridge. For the reasons stated in his report, Sanderson recommended the present location of the bridge as the most suitable site.

On April 1, 1954, Chief Engineer McCallum addressed Minister of Public Works, P.A. Gaglardi, on the subject of the proposed Agassiz-Rosedale Bridge and advised that a decision was required if the project was to be undertaken that year. He forwarded a planning report, which touched on property acquisition from Cheam IR 1 (**TAB 13**).

It is suggested that negotiations for right-of-way be commenced as soon as possible, particularly as a part is through Indian Reserve for which negotiations tend to be lengthy.

Once the project had been approved, a location plan was prepared and an investigation conducted as to property values. By June 10, 1954, the right-of-way (or at least part of it) had been staked through the Indian reserve.¹

On June 18, 1954, the Assistant Right-of-Way Agent (N.C. Tattrie) reported to L.J. Moore, Right-of-Way Agent on his ground examination of Cheam IR 1 and an investigation conducted at the Land Registry Office in connection with the right-of-way through the reserve (**TAB 17**).

It has been established that the Cheam Indian Reserve (as it shows on our plan) starts at Station 118+00. From this point to station 129+30 it is now all under water of a depth of about 5 feet but dense underbrush protrudes above the high water. There is not enough timber in this area for an economically feasible logging operation. Station 129+30 to 131+00 is the Chilliwack Dyke. After a considerable search at the L.R.O. in New West, it was determined that this dyke is covered in Cert of Title 39606E and 64785E and is in the name of the Corporation of the Twp of Chilliwack. Should any further question arise, sketch No. 6146 shows details best. ... Station 131+00 to 133+50 is owned by C.N.R. 133+50 to 137+00 is a gravel side hill. 137+00 to the end of the reserve property is underbrush and second growth trees not suitable for commercial logging. None of the reserve land is under cultivation and none is cleared except the B.C. Electric R/W.

At this time, negotiations were conducted with property owners situated along the right-of-way extending from the Trans Canada Highway to the southern boundary of Cheam IR 1. Compensation paid for improved lands ranged between s.16; s.17 to s.16; s.17 per acre (**TABs 18, 19, 20 & 21**). The instance where s.16; s.17 per acre was paid involved a property where improvements, including a garage, fence, fruit trees and lawn, were appropriated for the right-of-way (**TAB 21**). Unimproved land appears to have been compensated for in every case at s.16; s.17 per acre (**TABs 24 & 25**).

On July 14, 1954, Assistant Right-of-Way Agent, N.C. Tattrie, notified Indian Commissioner, W.S. Arneil of the right-of-way requirement on Cheam IR 1 (**TAB 22**). He wrote: "As you are aware, this Department proposes to construct a bridge and approaches on the above. This will cause an encroachment on the Cheam Indian Reserve # 1..."

Tattrie referred to three white prints of the Department Location Plan sent under separate cover and commented that the land required from the Indian reserve was all unimproved and, to his knowledge, no tribal subdivisions were affected. Tattrie

¹ The evidence indicates that part of the reserve was under water in June, 1954. However, Letcher's letter dated June 10, 1954 states that the right-of-way was staked through the reserve (**TAB 16**). Notably, when he made this statement, he had not yet made a ground inspection of the site.

offered s.16; s.17 per acre for the 10.23 acres, more or less, required for highway purposes.

The location plan shows an 11.66-acre right-of-way through the reserve (**TAB 31**). The highway right-of-way is shown as overlapping two other rights-of-way embracing 1.43 acres in total. These areas, respectively, are the CNR right-of-way (1.0 acres) and the Chilliwack Dyke right-of-way (0.43 acres). By deducting these areas from the full area of the road right-of-way, it is found that the difference is 10.23 acres.

Due to an apparent oversight, prints of the location plan were not sent to Indian Affairs until August 18th (**TAB 27**).

Construction on the bridge project commenced about the third week of August (**TAB 30**), and by late September, Resident Engineer, G. Koster, reported in his weekly report, "Clearing south approach in full swing." (**TAB 34**)

By gazette notice dated September 13, 1954, Highways proclaimed the establishment of the Rosedale-Agassiz Highway (**TAB 32**). The notice described a public road having a length of 3.49 miles as shown on a plan on Department of Public Works File No. R.S. 2549. The property description for the right-of-way did not mention Cheam IR 1, but the right-of-way was described as passing through Township 3, Range 29, Sections 1 & 12, W6M. The western part of Cheam IR 1 is located in these sections.

2.3.1 Summary

Based on engineering studies, Public Works selected a location for the Rosedale-Agassiz Bridge involving a highway approach through Cheam IR 1. In the early summer of 1954, Public Works surveyed the route selected for the bridge approach and commenced property acquisition negotiations along the course of the highway right-of-way. Public Works compensated owners at s.16; s.17 per acre for unimproved lands and between s.16; s.17 per acre for improved lands. In September, 1954, the highway right-of-way was gazetted.

2.4 Right-of-Way Negotiations with the Cheam Band

According to the documentary record, Public Works first contacted Indian Affairs concerning the proposed right-of-way on June 9, 1954 (**TAB 16**). At this time, Public Works sought information concerning the existence of tribal subdivisions (*i.e.* locatees) on the reserve.

The location plan submitted to Indian Affairs in August 1954 showed a right-of-way through the reserve embracing 10.23 acres. On the plan, no tribal subdivisions were shown as none had been identified.

Acting on instructions from Indian Commissioner Arneil (**TAB 28**), on August 25, 1954, Superintendent Letcher wrote to Albert Douglas, Chief Councillor of the Cheam Band Council, concerning (**TAB 29**):

...receipt of a preliminary plan from the Provincial Department of Public Works covering **road right-of-way requirements which will be needed for access to the new bridge site**. This area covers a total of 10.23 acres which may be increased or decreased later when the final survey is made (emphasis added).

He advised that compensation of s.16; s.17 per acre was being offered, and he requested Douglas consult the Band Council. It is notable that in his communication with Chief Councillor Douglas, Letcher described the application as pertaining to “road right-of-way requirements which will be needed for access to the new bridge site.” The BCR authorizing this application, discussed in the next paragraph, referred to the road requirements as pertaining to a “bridge site and approach”. In contrast, Letcher’s letter informed Douglas that a “right-of-way” was required.

On October 21, 1954, Letcher convened a meeting of the Cheam Band Council to discuss the right-of-way application. At this meeting, two related issues were identified: first, it was noted that Chief Harry Edwards’ location overlapped with the lands applied for, and second, contrary to Public Works’ assessment, some of the lands were improved. To address these and other issues, the Band Council approved the following resolution (**TAB 35**):

That whereas the Provincial Department of Public Works have made application through the Indian Commissioner’s Office for a bridge site and approach on our Cheam Indian Reserve No. 1.

And whereas they have offered compensation at the rate of s.16; per acre, for an estimated encroachment comprising 10.23 acres, more or less,

And whereas they have agreed to fence the required right-of-way area southerly from the Chilliwack Dyke, and provide access to the bridge approach at feasible sites, with gates as may be necessary.

And whereas only 7.85 acres of the said encroachment is Band Owned land, with the remainder being part of the location of Harry Edwards (which includes 1.50 acres of improved, and .88 acres of unimproved land),

Be it hereby resolved that the offer of the Provincial Department of Public Works be accepted insofar as the Band owned lands are concerned and the proceeds based on s.16; per acre, as per B.C. Land Survey, be paid into our Band Funds.

Be it further resolved that should it be necessary for the Department of Public Works to cross improved lands outside of the right-of-way area, compensation for damages must be forthcoming.

On the same day as the Cheam Band Council meeting, Tattrie wrote to Arneil and sought authority to enter Cheam IR 1 to commence construction (**TAB 36**). In his letter, Tattrie made particular reference to the area between the Chilliwack Dyke and the Fraser River. This was the area that had been flooded in June when Public Works had first investigated the location, and, apparently, Public Works hoped to make some substantial construction progress in the area before the expected spring floods. Chief Harry Edwards' property and other Band-owned lands were in this very location.

On October 25, 1954, Letcher reported on the Band Council meeting to Arneil. He advised that (**TAB 37**):

...we have finally held a meeting of the Cheam Band Council and obtained the attached resolution wherein they accept the offer of the Provincial Department of Public Works for the necessary right-of-way for bridge approach on Cheam I.R. No. 1. As neighbouring land owners have agreed on s.16; per acre for unimproved lands, the Indians are likewise satisfied with a similar rate of compensation.

By separate correspondence bearing the same date, he reported on Chief Harry Edwards' interest in the right-of-way lands and the disposition of his property (**TAB 38**). He advised that Edwards had endorsed an agreement accepting compensation for 2.38 acres of land to be transferred to the Province (**TAB 38**). The acceptance form specified that Edwards was entitled to s.16; s.17 in compensation for a combination of improved and unimproved lands situated within the right-of-way. Compensation was calculated on the basis of s.16; s.17 per acre for improved land and s.16; s.17 per acre for unimproved land.

Letcher observed that a section of Edwards' land, situated immediately east of the right-of-way, would also be affected by highway construction. Letcher described this cultivated area as being "cut-off" by the right-of-way and suggested it was very unlikely that any access to this small area would be provided. Letcher submitted a rough sketch with his letter depicting the right-of-way and its impact on Edwards' property (**TAB 38**). One notable feature of this sketch is that it shows the location of

the road intended to restore access to the Band-owned land located on the eastern side of the highway.²

It is noteworthy that the BCR and Edwards' statement were both executed on October 21st and that Chief Harry Edwards signed both documents.

On October 28, 1954, Arneil responded to Tattrie's letter dated October 21st and advised him of the results of the meeting held with the Cheam Band Council. Summarizing the Band's decision, as reflected in the BCR, he observed that the Band agreed (**TAB 39**):

to accept compensation at the rate of \$16; per acre for the unimproved, Band-owned land within the right of way, subject to the right of way south of the Chilliwack dyke being fenced and existing access replaced at feasible sites with gates, etc.

He further advised that Chief Harry Edwards' location, some of which was improved land, was affected by the right-of-way. He referred to the plan prepared by Superintendent Letcher and sent with his letter showing Edwards' location and the area under cultivation. He stated:

Furthermore it appears that the right of way severs a cleared and cultivated parcel of one acre which because of the deep fill proposed will not be accessible.

To summarize, therefore, it is apparent that the Band is willing to accept \$16; per acre for 7.85 acres and Harry Edwards is willing to accept \$16; per acre for the 1.5 acres of cleared and cultivated land within the right of way area and \$16; per acre for the .88 acres of unimproved land. This does not include any compensation for severance within Edwards' location, which is indicated, unless convenient access to both sides of the right of way within the location is to be provided.

He closed his letter informing Tattrie that a definite settlement with the Cheam Band was required before authority to enter the reserve for construction purposes would be granted.

Following receipt of this information, an officer of the Department of Public Works revisited Cheam IR 1 to inspect the proposed right-of-way site. Undated notes from an unknown author describe a site inspection (**TAB 40**).³

² Correspondence between Indian Affairs and Public Works describes how Letcher's plan was used by these agencies. On October 28th Arneil forwarded Letcher's sketch to Tattrie (**TAB 39**). In reply, on December 1st Tattrie returned a print to Arneil showing where access would be possible to the Band-owned land situated east of the right-of-way (**TAB 44**). The copy of Letcher's plan on the Indian Affairs file includes a notation and drawing exhibiting the "Access Approach. One side only" to "Band Land" on the eastern side of the right-of-way (**TAB 38**).

³ The notes bear N.C. Tattrie's initials. The notes refer to an inspection conducted on the "17th inst." The inspection was prompted by Arneil's letter dated October 28th indicating that it occurred after this date. Tattrie

A ground inspection on the 17th inst. reveals that the area in question is subject to flood- and was last June- but subsequent to receding of high water yields a good mixed crop- not swamp or slough grass- field stubble evident. Suggest we compensate on requested rates. Did not interview Edwards on ground or phone Arneil (previously advised Letcher) after inspection for this reason.

Question of access is a pertinent one- Edwards' main holding and dwelling situate West of Dyke- suggest all his area East of R/W be acquired- this would eliminate [sic] entrance to highway from either side. Ind. Dept intimate severance compensation. As we cannot pay this and feasibility of access questionable this appears to be solution. Access to portion retained will be undisturbed. Fence west side and boundary between Band Land and the Edwards tribal sub. Get Location to plot this parcel and calculate areas. Retain print. (underlining in original)

Although the negotiations were still underway, on November 24, 1954, the Public Works Chief Engineer wrote to Resident Engineer G. Koster as follows (**TAB 41**):

I am advised by the Right-of-Way Agent that the matter of right-of-way through the Indian Reserve has been settled. The Contractor may therefore proceed with the work in this area.

Whether work was conducted pursuant to these seemingly misguided instructions is unknown.⁴

On December 1, 1954, Tattrie requested his engineering staff prepare a plan showing Chief Edwards' location in relation to the right-of-way (**TAB 43**). As stated in his letter of instructions, this plan was to be prepared on the basis of the one furnished with Arneil's letter dated October 28, 1954.

In MoT records, there is a plan prepared by Public Works showing Chief Edwards' location (**TAB 42**). The plan shows that the right-of-way bisected Edwards' property and embraced 0.94 acres of unimproved lands and 1.65 acres of improved lands. On the eastern side of the right-of-way, there existed a triangular-shaped parcel of Edwards' lands. This 3.41-acre parcel was made up of 2.73 acres of unimproved lands and 0.68 acres of improved lands.

Tattrie's memo to the engineering section seeking a plan bears a notation indicating that the plan he requested was prepared for him that day and furnished to him with the round-trip memo (**TAB 43**).

addressed Arneil on December 1st concerning the inspection undertaken. These details point to the inspection having been conducted on November 17, 1954.

⁴ Koster's weekly report # 26 dated February 22, 1955 indicates that work on the south embankment was resumed at the beginning of February (**TAB 61**). Settlement of the right-of-way through Cheam IR 1 was concluded on January 31, 1955 (**TAB 55**).

With a plan in hand showing those parts of Edwards' property affected by the right-of-way application, Tattrie addressed Arneil with reference to his letter dated October 28th. He advised that a further ground inspection had confirmed the existence of improved lands. With reference to the compensation figures requested by the Band Council and Edwards, he advised that these amounts were acceptable and he continued (**TAB 44**):

With respect to the severance, we are unable, as you know, to pay for such an item, however, we are prepared to recommend that the Department purchase all of Edward's holding lying to the East of the right-of-way, if this will solve the situation. It will be possible for us to provide access to the Band land on the East side of the right-of-way and it is thought that perhaps Mr. Edwards could use this same access and would perhaps prefer to retain his holding. No particular access will be provided to the land lying to the West of the right-of-way since this land will enjoy the same access after construction which it presently does. We will have to verify the acreages involved in the Edwards holding before we are able to have a compensation cheque issued.

May we please have your advice as to whether or not it is preferable for us to purchase the entire tribal holding. We return a print showing approximately where access will be possible to the Band land.

Tattrie's letter confirms an important point, namely, it was Public Works' intention to restore access to the Band-owned land lying to the east of the right-of-way ("Lot 54").⁵ His letter indicates that a plan was sent showing the proposed location of this access road. The copy of Tattrie's letter on the MoT file does not include an attached plan fitting this description. However, it will be remembered that a plan showing the proposed access road location exists on the Indian Affairs file (**TAB 38**).

Tattrie's statement confirming Public Works' intention to restore access to lands known as Lot 54 indicates that Public Works did not intend to acquire this land. Logically, then, the statement at the end of his letter inquiring whether "it is preferable for us to purchase the entire tribal holding" had reference to Chief Harry Edwards' property situated east of the right-of-way. As the documentary record discloses, Indian Affairs and the Cheam Band mistakenly understood that Public Works was prepared to acquire Lot 54 as well as Chief Edward's property.

⁵ In the report, the Band-owned land situated east of the right-of-way and north of the CNR railway tracks is referred to as Lot 54. Many years after the Highway 9 transaction was concluded, Lot 54 was established by a survey conducted in 1984. Thus, the reference to Lot 54 in connection with the right-of-way negotiations is not strictly in accord with the documentary record. However, this convention has been adopted for ease of reference and in order to more precisely describe the lands under consideration.

On or about December 10, 1954, members of the Cheam Band met with Superintendent Letcher to consider the matter of the right-of-way a second time. On this date, Chief Harry Edwards endorsed a revised statement agreeing to sell **(TAB 46)**:

...all that portion of my said location which lies to the East of the Westerly boundary of the required right-of-way. ...This acceptance supersedes my previous agreement dated October 21st, 1954 and is made by reason of the fact that my holdings in this area would otherwise be severed and therefore of no further use to me.

The documentary record indicates that a draft BCR was prepared at this meeting.⁶ Evidently, further consideration was given to the matter after the meeting and on December 20, 1954, Chief Councillor Albert Douglas addressed Letcher as follows **(TAB 47)**:

Majority of band are in favor of silling [sic] Bordering east of proposed bridge, Highway, with conditions band get timber on said property stumpage free and a cash distribution amount to half of [illegible] land sold to Public Works or ten dollars per person whichever is the larger.

The next day, Letcher replied to Douglas acknowledging receipt of his letter covering a signed BCR (not on file). He requested the Band Council reconsider a sale with no conditions **(TAB 48)**.

Also on December 21, 1954, Letcher reported to Arneil on Chief Harry Edwards' revised settlement agreement and on the Cheam Band's resolution respecting a conditional sale of Lot 54. He advised Arneil that he had counseled the Band to withdraw the conditions attached to the sale for the reason that **(TAB 49)**:

The Department of Public Works does not actually require the land, and have made the offer to purchase only as a matter of convenience, and will if necessary provide an access road to the area, which would otherwise be cut off.

On December 21, 1954, Tattrie contacted Arneil seeking information whether Chief Edwards had made a decision concerning his land **(TAB 50)**.

On January 14, 1955, Letcher addressed Albert Douglas again concerning Public Works' application for land on Cheam IR 1 **(TAB 51)**. He requested that Douglas convene a meeting of the Band on January 18th to consider the disposition of Lot 54. In this letter he wrote: "It is doubtful if the Department will approve disposition of this property when it is not actually required for road purposes."

⁶ The Band Council Minutes dated January 18, 1955 refer to a "resolution originally drafted on December 10th" **(TAB 52)**. The BCR endorsed on January 18, 1955 bears the date "Tenth day of December," which has been struck out and replaced with "Eighteenth day of January" **(TAB 53)**.

Despite Letcher's caution in his letter, the minutes of the meeting held on January 18, 1955 indicate that the Band was resolved to sell the land. The minutes record that the discussion was as follows (TAB 52):

The question of whether or not the Band should dispose of that portion of Indian Reserve No. 1, which the Province offered to take off their hands **over and above their Highway requirements** was discussed. **As the Band had a plan of the area** and were fully aware of the property being more or less cut off, and further, as it is low lying land criss-crossed by sloughs which always contain water, and actually has little or no value to the Band, they were unanimously in favour of selling to the Province at the price of s.16; per acre, offered by the Department of Public Works in a letter dated December 1st, 1954. It was considered they would never have use for the area and once the bridge approach and fill is completed, the value of the land would be NIL, and therefore this was an opportune time to sell. A resolution originally drafted on December 10th. was signed agreeing to the sale (emphasis added).

On January 19, 1955, Letcher reported on the meeting to Arneil and forwarded the Cheam Band Council's resolution agreeing to the sale of Lot 54 (TAB 53). The resolution read (TAB 53):

Whereas by a letter dated 1st December, 1954 the Provincial Department of Public Works have made a further offer wherein they will, if the Band so desire, purchase the entire area of Band land situate between the two existing sloughs which are located between the easterly boundary of the Right-of-Way, as now defined, and the C.N. Railway on Cheam Indian Reserve No. 1, at a rate of s.16; per acre, to be determined by a proper survey,

Be it hereby resolved that inasmuch as this area will be cut off by reason of the new bridge approach, and is low-lying land subject to flooding at high water, **it is hereby agreed that this area be also sold to the Province in addition to the property required for the right-of-way**, and that the selling price be s.16; per acre, to be determined by survey (emphasis added).

On January 26, 1955, Arneil informed Tattrie as to the new development arising from the third meeting with the Cheam Band. He wrote (TAB 54):

With reference to your letter of December 1, I regret to advise that our negotiations with the Cheam Band council with regard to the above have now become further complicated through a request from them for payment from your Department for all the band owned land on the east side of the right-of-way. Although it seems certain that your Department will not agree to this, I should like your confirmation, as a matter of fact I doubt if we will be prepared to agree to such a proposal unless, of course, the area was actually required by your Department.

Insofar as Harry Edwards' holding is concerned, he has agreed to dispose of that portion lying to the east of the right-of-way at a rate of \$16; per acre for cleared and cultivated land, and \$16; per acre for improved land, as he does not consider that the access which will be available to this land will be considerable.

On January 31, 1955, confirming Arneil's expectations, Tattrie wrote to advise that **(TAB 55)**:

...the Department is not prepared to enter into negotiations for the acquisition of lands in excess of the actual right-of-way needs and the severed portion of the Tribal Subdivision owned by H. Edwards.

He further commented that compensation amounts had been fixed for improved and unimproved land including that portion of Edwards' severed lands. He stated that a survey would be made and acreages adjusted as necessary. Lastly, he commented:

Existing access will be restored on the Dyke right-of-way and South of the C.N.R. right-of-way, in addition to which one access from the Band Land will be installed North of Station 118.

Public Works proceeded with the acquisition of land required for right-of-way from Cheam IR 1 and also the parcel cut-off from Edwards' property. A P.W. 120 form was prepared detailing compensation payable for improvements and lands taken from Cheam IR 1 **(TAB 56)**. According to this statement, the quantity of improved land involved 2.31 acres, which was assessed at a value of \$16; per acre, and the quantity of unimproved land was 11.66 acres, which was assessed at a value of \$16; \$17 per acre, for total compensation of \$16; \$17

Additional comments on the form indicated that:

Tribal Subdivision of H. Edwards. East of right-of-way acquired. Right-of-way to be fenced throughout Reserve and in Edwards subdivision- to be extended along easterly boundary of subdivision to slough. Existing access only to be restored on Dyke right-of-way (Sta.130) and from Stations 136 and 141 and one access to Band Land North of Station 118.

On February 8, 1955, Letcher advised Douglas that Public Works had declined to purchase the Band-owned lands in excess of the actual right-of-way requirements and the severed portion of Harry Edwards' location. He continued **(TAB 57)**:

It would appear that there was some misunderstanding between our office and Victoria in this matter as apparently they had not ever intended to make this purchase. They, therefore, will have to provide an access to the property from the road, when built.

On February 9, 1955, Moore issued instructions to J.M.C. Wade, B.C. Land Surveyor authorizing him to survey the section of the Agassiz-Rosedale Highway between the Fraser River and Bridal Falls. Moore stated that the survey of the right-of-way through Cheam IR 1 was required to be shown on a separate tracing. He continued **(TAB 58)**:

It has occurred to the writer that possibly the triangular section of the Edwards tribal subdivision west of the right-of-way may have been inadvertently included in the plan left with you. The only area in addition to the right-of-way is that east of the latter as roughly sketched on the enclosed tracing.

On the same date, Moore advised Arneil that Wade had been engaged to undertake the highway right-of-way survey including that part within the reserve **(TAB 59)**.

Having received Public Works' payment for the right-of-way, on February 18, 1955, Indian Affairs authorized Public Works' entry onto the reserve for construction purposes **(TAB 60)**.

In a weekly report dated February 22, 1955, G. Koster, Resident Engineer recorded that construction of the south embankment had been resumed at the beginning of February **(TAB 61)**.

On March 1, 1955, Tattie informed C.K. Saunders, Bridge Engineer that Indian Affairs had authorized entry onto Cheam IR 1 for construction purposes **(TAB 62)**.

As Highway 9 crossed the Canadian National Railways ("CNR") right-of-way passing through Cheam IR 1, the Department of Highways obtained Order No. 86719 from the Board of Transport Commissioners for authority to construct an overhead bridge over the railway **(TAB 129)**. By a further order from the Board, CNR obtained authority to operate under the overhead bridge **(TAB 130)**.

2.4.1 Summary

The location selected for Highway 9 obliged Public Works to acquire a bridge approach and highway right-of-way through Cheam IR 1. Ground inspection and a survey confirmed that the right-of-way passed through Band-owned land on the reserve and that it bisected Chief Harry Edwards' property. Edwards had been located to land on the reserve on July 6, 1954. Public Works determined to pay compensation to the Band and Chief Edwards for unimproved land required for the right-of-way at $\$16; \text{s.17}$ acre, which was the same valuation attributed to unimproved neighbouring lands. Public Works also offered to compensate Edwards at $\$16; \text{s.17}$ per acre for his improved lands. This sum was within the range

of valuations attributed to neighbouring improved lands. Because a small portion of Chief Edwards' land was cut-off from his property by the right-of-way, Public Works offered to purchase this land as well or to restore access. Chief Edwards elected to sell this triangular-shaped parcel of land comprising 3.41 acres (1.3796 ha.). Today, the Cheam Band wants MoT to return this piece of land to the Band. In 1954, the Band was willing to sell an additional piece of Band-owned land to Public Works. This land (later known as Lot 54) was also situated on the eastern side of the right-of-way. Public Works, however, was unwilling to acquire lands in excess of its requirements and rejected the Band's offer. Instead, Public Works restored the Band's access to the land.

2.5 Survey of the Right-of-Way and Transfer by Federal Order-in-Council

The transfer of the right-of-way lands was delayed until 1960. The explanation for this lengthy delay is that the surveyor commissioned to complete the survey of the right-of-way was obliged to make a number of revisions to his plan to meet the Surveyor General of Canada's requirements. Moreover, the surveyor was extremely negligent in carrying out the revisions on a timely basis.

In February, 1955, Moore commissioned J.M.C. Wade to complete a survey of the 3.49-mile right-of-way from Highway 1 to the bridge (**TAB 58**). His instructions specified that the survey of the right-of-way through Cheam IR 1 must be on a separate tracing and that Wade would be obliged to obtain instructions from the Surveyor General of Canada.

Wade completed his first draft of the plan in May, 1955 (**TAB 65**). This plan was in error because he included the Band-owned land lying east of the right-of-way in his survey. On May 30, 1955, Moore requested Wade correct his plan (**TAB 66**).

Wade completed a revision by November, 1955 (**TAB 67**). This version was returned to him for further amendments required by the Surveyor General of Canada in January, 1956 (**TAB 67**). Following numerous inquiries by Indian Affairs and Public Works, Wade prepared a revision in December, 1956 and another revision in July, 1958 (**TAB 67**).

By 1959, both Indian Affairs and MoT were exasperated with Wade's failure to complete the survey plan, which was required in order for Canada to transfer the land to British Columbia for road purposes. On July 20, 1959, N.R. Zapf, Assistant Location Engineer referred Wade's dilatory conduct to G.S. Andrews, Surveyor-General & Director (**TAB 67**). In his letter, he catalogued the correspondence sent to Wade and observed that the surveyor had not responded to Highways' letters dated February 6th, May 11th, June 2nd, and June 19th.

On July 24, 1959, Andrews addressed Wade and instructed him to complete the plan (TAB 67).

Having had no reply, on October 27, 1959, Andrews wrote to Wade and advised him that (TAB 67):

...we have no alternative but to place this matter as a complaint to the Board of the Corporation of B.C. Land Surveyors.

In January, 1960, Wade would appear to have finally completed the required revisions to the plan, and he submitted a final version to Indian Affairs that month (TAB 67).

Wade's survey plan was registered in Indian Affairs Survey Records on March 28, 1960 as CLSR 50110 (TAB 68). The plan showed that the right-of-way with the triangular-shaped parcel purchased from Edwards embraced 14.09 acres. As a result of the survey, it was found that an additional $\$16$; in compensation was owing for an additional 0.12 acres required for right-of-way, which amount was paid by MoT (TAB 71).

On September 22, 1960, by PCO 1960-1285, the administration and control of lands on Cheam IR 1 required for Highway 9 was transferred to British Columbia (TAB 72). The transfer involved lands applied for by the Minister of Highways "for road purposes".

2.5.1 Summary

The delay between approval of the right-of-way application and transfer of the lands was occasioned by negligence on the part of the surveyor to complete the survey plan. From 1955 to 1960, Indian Affairs and MoT repeatedly sought compliance from the surveyor with their instructions. The transfer was accomplished by PCO 1960-1285 in September, 1960.

2.6 Rosedale Ferry Road

Rosedale Ferry Road ("Ferry Road") is a road that gave access to the former Rosedale terminal of the Rosedale-Agassiz ferry service. Prior to the construction of the Rosedale-Agassiz Bridge, this ferry linked the two communities. Ferry Island was formerly separated from the left (south) bank of the Fraser River by Ferry Slough, and Ferry Road gave access to the island a short distance west of the reserve. Until 1963, or so, there was no access to Cheam IR 1 by Ferry Road.

When Highway 9 was constructed, an access road was constructed on the eastern side of the right-of-way to give the Cheam Band access to land (Lot 54), which was separated from the reserve by the right-of-way. This access road is shown on a topographical map of the reserve prepared in 1961 (TAB 73). The access road passed through the triangular-shaped parcel of land acquired from Chief Harry Edwards.

This map shows that there was fill material (or land) in Ferry Slough between Cheam IR 1 and Ferry Island. As of 1961, according to this map, Ferry Road did not travel along this fill material between Cheam IR 1 and Ferry Island, although it did at a later date.

An air photograph of Cheam IR 1 from April, 1963 shows quite clearly that, by this date, there was a traveled road between Cheam IR 1 and Ferry Island along the fill material or causeway (TAB 74). The traveled road gave access to Ferry Island from Cheam IR 1 and had a connection with Ferry Road on Ferry Island. Over time, the road came to be considered part of Ferry Road. Air photos from 1974, 1975, 1976, 1982 and 1986 provide further evidence of the existence of the road (TABs 75, 76, 77, 79 & 81). The low altitude air photograph from 1976 provides a particularly clear image of the road (TAB 77).

In the records of MoT, there is a “Details of Road” description for “Rosedale Ferry Road” (TAB 78). This road is designated as Road No. 136, and it is said to have been established on May 15, 1945 by Gazette (TAB 10). On the Details of Road form, it is classified as a Minor “B” road 1.45km in length. According to the description, Rosedale Ferry Road commences at the northern boundary of the Chilliwack Municipality and ends at the Agassiz-Rosedale Highway.

2.6.1 Summary

Ferry Road on Cheam IR 1 is an extension of a road that formerly did not exist on the reserve. The road is situated on the causeway connecting Cheam IR 1 and Ferry Island. The causeway is beneath and beside the Rosedale-Agassiz Bridge approach. A traveled road proceeding between Cheam IR 1 and Ferry Island along the causeway is first visible in an air photograph from 1963. Ferry Road shares a connection to Highway 9 with the road constructed by Public Works in or about 1955 to give the Cheam Band access to lands known as Lot 54.

2.7 Highway improvements to the interchange of Ferry Road and Highway 9 and discussions with the Cheam Band

2.7.1 The 1987 realignment and construction of a deceleration lane

On April 14, 1987, P.S. Dunn, District Highways Manager addressed W. Montgomery, Regional Property Agent regarding proposed highway improvements to the interchange of Ferry Road and Highway 9 (TAB 82). He advised that funding was available for the “construction of [a] deceleration lane on Hwy. #9 and realignment of Ferry Road as detailed on District Plan 29-13.” He requested that a right-of-way as shown on District Plan 29-13 be acquired.

On the MoT file, there is a copy of District Plan 29-13 updated to November, 1987 (TAB 87). Evidently, this is not the version sent with Dunn’s April 14th letter. The original request for right-of-way involved a strip of land 10m wide, but the November version of District Plan 29-13 shows a strip of land 5m wide. District Plan 29-13 shows that the deceleration lane and the traveled part of Ferry Road were within the Highway 9 right-of-way. The area required through Cheam IR 1 was part of Lot 54 and involved lands abutting on the traveled part of Ferry Road.

Dunn’s letter indicated that construction was scheduled for June, 1987. An air photograph of Cheam IR 1 from July, 1987 shows that construction had been carried out by this date (TAB 83). A deceleration lane is visible in the 1987 air photo, which was not present on the ground in the 1976 and 1982 air photographs.

In the initial discussions held with Chief Sam Douglas of the Cheam Band, MoT requested a right-of-way 10m in width to accommodate improvements to the interchange (TAB 86). The Band requested that MoT take a minimum amount of land to meet its actual requirements. As a result, MoT approved the reduction of the right-of-way to a strip of land 5m in width (TAB 89).

As the discussions with Chief Douglas continued new issues arose. For example, the Cheam Band questioned MoT’s authority to construct Ferry Road within the 1960 right-of-way. Chief Douglas maintained that in 1954 the Band Council had authorized the transfer of land for “the limited the use of the highway for river crossings and no other use...” (TAB 90) Chief Douglas also maintained that the triangular-shaped parcel remained part of the reserve.

It is notable that the documentary record from this period indicates that negotiations were carried on with the Cheam Band on the basis that Ferry Road was an “encroachment” on the reserve. The term “trespass” is also found in the documentary record. Significantly, MoT concluded at a later date that the paved portion of Ferry Road is within the right-of-way transferred by PCO 1960-1285 and that additional width is required to accommodate the toe of the slope of the road.

In 1988, MoT researched the issues raised by Chief Douglas and reached three conclusions (TAB 91):

-
1. Highway 9 had been transferred by PCO 1960-1285 as shown on CLSR 50110.
 2. The transfer was a standard Section 35 road right-of-way transfer.
 3. The triangular piece of land had been transferred by PCO 1960-1285. It had formed part of a locatee holding, which Highways had agreed to acquire during the negotiations in 1954.

On October 17, 1988, O.F. Stiller, Property Agent addressed a letter to the Cheam Band Council and presented a settlement offer for the land required for Ferry Road. Stiller observed that MoT had agreed to reduce the taking to comply with the Band's request in this regard. Further, he informed the Band Council of the results of MoT's research respecting the transfer and in particular respecting the triangular-shaped parcel. With his letter, he furnished copies of PCO 1960-1285 and CLSR 50110. He wrote **(TAB 92)**:

To rectify the present encroachment of Reserve land, the Ministry is offering the Cheam Indian Reserve compensation in the amount of s.16; s.17 This amount is based on monetary settlements concluded in the recent past for nearby other similar right-of-way acquisitions of Reserve lands.

Stiller requested that the Council approve a BCR accepting the settlement and specifying that the transfer was "for all highway purposes and other works of public utility."

Stiller met with Chief Douglas on October 20, 1988 to discuss MoT's highway requirements. At this meeting, Douglas reiterated the Band's position that the lands had been "surrendered" to be used strictly for the bridge approach and no other use. He requested that a 7.8-acre portion of land "improperly included in the land transfer" be returned to the Reserve on the grounds that **(TAB 93)**:

The late Chief Harry Edwards had held this land portion under Licence and had no authority to sell it off; This piece of land is not being used for any highway purposes.

Douglas also requested that MoT straighten out certain bends in Highway 9 and provide access from both sides of the highway in accordance with the 1954 BCR.

Douglas' reference in this meeting to a 7.8-acre parcel of land requires clarification. The 1960 transfer involved a 14.09-acre right-of-way, which was bisected by the CNR right-of-way. It embraced 7.8 acres lying north of the CNR right-of-way and 6.29 acres lying south of the CNR right-of-way. The 7.8 acres situated north of the right-of-way consisted of 4.39 acres acquired for road right-of-way and an additional 3.41 acres acquired from Chief Harry Edwards. Thus, Douglas' reference to a 7.8-acre parcel no longer required for highway purposes was misleading. This

⁷ The compensation was equivalent to s.16 per acre.

erroneous reference is carried forward in the correspondence on the MoT file, and, for this reason, it is mentioned here in order to correct this misconception. The documentary record discloses that, north of the CNR right-of-way, MoT has a continuing requirement for a 4.794-acre right-of-way and that it has declared 3.006 acres of the triangular-shaped parcel as surplus lands.

Another point bearing consideration is Douglas' request that MoT provide access to the reserve from both sides of the highway in accordance with the 1954 settlement. In fact, Public Works met this obligation at the time of construction. North of the CNR right-of-way, access was restored from the western side of the highway along the pre-existing dyke road and from the eastern side a new interchange was built to give the Band access to lands known as Lot 54. As detailed above, Ferry Road shares the interchange to Highway 9 with the road leading into Lot 54. In addition to these access points, Public Works provided other accesses south of the CNR right-of-way.

Douglas' concerns were communicated to D.I.F MacSween, Manager of Operations, who recommended that an investigation be conducted to determine whether MoT possessed surplus land on the reserve (**TAB 95**).

As a result of MacSween's recommendation, a review was carried out by Regional and District Managers. The primary outcome of the review was the conclusion that MoT required more, rather than less, land at the Ferry Road interchange. D.P. Williams, A/District Manager submitted that (**TAB 97**):

The radius is too tight for large trucks, southbound on Highway #9, wanting to turn on to Ferry Road. At present they have to stop, back up, and then proceed on Ferry Road. There is a need to widen the road anywhere from 3 to 5 metres right in this location, to prevent the possibility of an accident due to the above-described manoeuvre [sic].

Further, arising from these internal consultations, it was recommended that MoT declare the bulk of the 3.41-acre triangular-shaped parcel as surplus land. Regional and District managers recommended that MoT retain a strip along the western side of the parcel in order to maintain a suitable right-of-way width for Highway 9 (**TAB 98**).

On December 21, 1988, District Plan No. 54-32 was completed showing lands to be declared surplus and also that portion of the 3.41-acre parcel, which MoT intended to retain (**TAB 100**). District Plan No. 54-32 shows that MoT intended to declare

1.2165 ha. (3.006 acres) of the triangular-shaped parcel as surplus and that the area required for Ferry Road embraced 0.0720 ha. (0.178 acres).⁸

2.7.2 The 1990 proposal to acquire land for the Ferry Road interchange

The file having remained practically dormant for over a year, on February 13, 1990, R.G. Hansen, Acting Regional Property Agent wrote to W.C. Bedford, Director of Property Services and forwarded a Form H.357 for his approval and signature **(TAB 104)**. He advised that a land exchange had been proposed to “correct a continuing road encroachment of Indian Reserve land.”

The Form H.357 described the lands to be returned to the reserve as “surplus” and explained the rationale for the transfer as follows **(TAB 104)**:

To rectify a trespass of Indian Reserve land during re-alignment of Ferry Road in 1987. The Band Council has thus far refused all purchase proposal [sic] for the land encroached upon, but the Chief has indicated willingness to surrender the required land parcel in an even exchange of two right-of-way portions which have never been used for highway purposes and which have in fact been declared surplus by Regional Officials.

The proposed land exchange was approved by the Director of Property Services and the Deputy Minister **(TAB 104)**.

On March 13, 1990, Stiller presented the land exchange proposal to the Cheam Band Council for consideration. In his letter, he observed that Chief Douglas had indicated a willingness to resolve the Ferry Road encroachment if MoT **(TAB 105)**:

would consider a land exchange, offsetting surplus highway right-of-way within the Reserve boundaries against the new right-of-way requirement. I am pleased to advise the Ministry’s executive officer has granted approval to pursue this course of action.

Stiller went on to describe the lands to be exchanged and he requested a BCR specifying the Council’s acceptance that the Sec. 35 transfer would conform to MoT’s requirements.

The Cheam Band would not appear to have made a written response to Stiller’s proposal.

⁸ It would appear that District Plan No. 54-32 is an up-to-date delineation of the lands sought by MoT for acquisition and of lands declared surplus. The plan shows a 0.0315 ha parcel on the southern side of the CNR right-of-way, which MoT has also declared as surplus land.

In 1991, as negotiations continued, the Band requested improvements to the interchange at Highway 9 and Old Yale Road. Presented with this request, MoT sought to link this highway improvement to the Band's acceptance of the land exchange proposal involving Ferry Road (**TAB 109**). In these discussions, the Band obtained MoT's agreement to complete the highway improvements, but was hesitant to acquiesce to MoT's proposal (**TAB 110**). At this time, the Band expressed the view that the triangular-shaped parcel of land could not form part of an exchange as it remained part of the reserve and was not available to MoT to return to the reserve. Despite not having received a definite assurance from the Band respecting its Ferry Road right-of-way requirement, MoT proceeded with the requested highway improvement to the Old Yale Road interchange. In the course of construction, MoT found that additional land was required for these works. The documentary record indicates there is an outstanding Sec. 35 transfer issue related to these lands as well.

In 1995, MoT re-initiated efforts to acquire land for the Ferry Road interchange on the basis of the 1990 land exchange proposal (**TAB 115**). A Road Research report was prepared addressing the tenure issues (**TAB 118**) and contacts were made with the Band Chief and INAC (**TAB 119**). At this time, the Band requested that MoT link the transfer of land required for the Ferry Road interchange to the transfer of Provincial Crown land (Ferry Island) to the Band. The Band held that Ferry Island formed accreted land to Cheam IR 1.

In 1997, MoT prepared a briefing note summarizing the tenure issues on Cheam IR 1. In this note, the Old Yale Road tenure issue was characterized as an incomplete Sec. 35 transfer of land pursuant to a negotiated agreement. The Ferry Road tenure issues were described as being more complex. The note stated (**TAB 121**):

The blacktop at the Ferry Road interchange does not encroach onto the reserve; the area is required for the toe of the slope of Ferry Road at that point.

The briefing note recounted the Band's position that MoT had breached the terms of the 1960 transfer by building Ferry Road within the transfer area. As recited in the briefing note, the Band held that Ferry Road was not required for a bridge site or approach, and its construction was inconsistent with the Band's conditional release of the land.

Detailing the Ministry's position, the briefing note specified that the Ministry had the right to build Ferry Road within the Section 35 transfer area. The note went on to address the Band's contention that more land had been transferred than the Band had agreed to relinquish and it was submitted that as "there was no plan cited in the Band's 1954 BCR; therefore it is difficult to define the precise area the Band agreed to transfer."

These final points warrant examination. The Band's contention apparently arises from the discrepancy between the quantity of land mentioned in the October 21, 1954 BCR, namely, 10.23 acres, and the amount of land transferred by PCO 1960-1285, namely, 14.09 acres. In short, the difference in area relates principally to Public Works' purchase of 3.41 acres from Chief Harry Edwards. This sale was agreed to on December 10, 1954 after the meeting on October 21, 1954.

Further, it will be remembered that the area of the highway right-of-way encroaching on the Chilliwack Dyke right-of-way, namely 0.43 acres, was originally calculated as not forming part of the required right-of-way. Later survey investigation confirmed that this parcel was reserve land required for the right-of-way and it was included in the 1960 transfer.

Thus, the discrepancy between the figures cited in the October 21, 1954 BCR and PCO 1960-1285 is essentially accounted for by the 3.41 acres acquired from Chief Edwards and the 0.43 acres acquired within the dyke right-of-way. And yet, it is clear that there were still other minor adjustments to the right-of-way area as constructed because the figures 10.23, 3.41 and 0.43 only total 14.07. Differences between the survey of the right-of-way as located and as constructed would appear to account for other increases and deductions made to the transfer area.⁹

The 1997 briefing note is the first indication in MoT records that MoT understood that the traveled portion of Ferry Road did not encroach on the reserve. Instead, it was found that the blacktop of Ferry Road was within the 1960 right-of-way area. However, at this stage, MoT still sought to acquire additional right-of-way area to accommodate the toe of the slope of the road.

In September, 1997, MoT communicated its position on Ferry Road to INAC and sought the federal government's assistance in resolving the tenure issues on the reserve **(TAB 122)**.

Through 1999, negotiations continued, but the issues were not resolved **(TAB 123)**.

In 2000, a development related to the Protected Areas Strategy ("PAS") actuated another change in the Ferry Road tenure issues **(TAB 124)**. Against the objections of the Cheam Band, the Provincial Cabinet approved a 64 ha. addition to Ferry Island Provincial Park. The Cheam Band's view was that Ferry Island constituted accreted land to Cheam IR 1, and the Band objected to the designation of this land for park purposes.

⁹ For instance, one minor adjustment to the right-of-way as constructed is evident just north of the CNR right-of-way. In this location, a small triangle of land was surveyed as being 0.09 acres on the location plan **(TAB 42)** and as 0.08 acres on CLSR 50110 **(TAB 68)**.

On April 14, 2000, in protest of the PAS designation, the Cheam Band erected a blockade on Ferry Road near its interchange with Highway 9 and denied public access to Ferry Island via this road (**TAB 125**).

In July, 2001, the Cheam Band escalated its protest and blocked public access to Ferry Island by blockading the other access to Ferry Island (**TAB 126**).

Since the blockade was erected, MoT has classified Ferry Road as an unmaintained public road.¹⁰

2.7.3 Summary

Since 1987, MoT has sought to acquire additional land to accommodate improvements to the Ferry Road and Highway 9 interchange. In 1990, MoT approved a land transfer involving the return of 1.2165 ha. of land acquired from Chief Harry Edwards in 1955 in exchange for 0.0720 ha. of land required to improve the Ferry Road interchange. The Cheam Band rejected this proposed settlement on the grounds that the triangular-shaped parcel remains reserve land. Despite continued efforts to obtain the transfer of lands required in this location, a negotiated settlement has not been concluded. Starting in April, 2000, the situation assumed a more serious aspect when the Cheam Band erected a blockade near the interchange. Since then Ferry Road has been classified as an unmaintained public road.

2.8 Conclusions

MoT seeks the transfer of lands (0.0720 ha.) forming part of Lot 54 on Cheam IR 1. The Band has not consented to this appropriation for two reasons. First, the Band's view is that MoT acquired land for a bridge approach only. The Band holds that the use of the lands for Ferry Road is inconsistent with the Band's conditional release of the land. Second, the Band considers that the 3.41-acre parcel on the eastern side of the right-of-way belongs to the Band. The Band considers that the land is not available to MoT to give in exchange for the land sought.

This report was sought in order to address the following questions:

- What reserve land specifically did the Band agree to give up for highway purposes?
- Was the area and location of the land ultimately taken in the transaction the same as what the Band agreed to give up?

¹⁰ Personal communication with Barry Eastman, Operations Manager, Chilliwack Area Office, MoT on February 7, 2007.

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- Was there a delay between the date of the Band's agreement to the transaction and the transaction itself?
 - Was all of the land taken in the transaction permanently required for highway purposes, or did the Band agree to only a temporary taking of a portion of the land?
 - If so, what was the purpose of the temporary taking?

Summary answers to these questions are as follows:

What reserve land specifically did the Band agree to give up for highway purposes?

At a Band Council meeting on October 21, 1954, the Band Council considered Public Works' application for 10.23 acres of land for a right-of-way through Cheam IR 1. Public Works' application was based on a location plan (**TAB 31**). According to the Band Council's reckoning, 7.85 acres of the land applied for was Band-owned land and the remainder (2.38 acres) was part of Chief Harry Edwards' individual holding or location. At the October 21, 1954 meeting, the Band Council agreed to dispose of 7.85 acres of Band-owned land affected by Public Works' application (**TAB 35**).

Today, it is difficult to determine whether the Band Council's deliberations were based on a survey plan. On August 18, 1954, Public Works forwarded to INAC three white prints of the location plan showing the area of the right-of-way (**TAB 27**). On August 25, 1954, Superintendent Letcher informed Chief Councillor Albert Douglas that the Department had received a plan from Public Works "covering road right-of-way requirements which will be needed for access to the new bridge site." (**TAB 29**) Letcher's letter did not indicate that he had sent a copy of the plan to Albert Douglas.

On October 21, 1954, Letcher convened a meeting of the Cheam Band Council to address Public Works' application. There are no minutes available from this meeting. A BCR (**TAB 35**) and Letcher's reporting letter (**TAB 37**) are the only records available concerning the discussions at this meeting. These records do not refer to an area of land based on a survey plan.

On October 21, 1954, Letcher also consulted Chief Harry Edwards concerning Public Works' application and its impact on his individual holding or location. On this date, Chief Edwards endorsed a statement agreeing to compensation for the roughly 2.38 acres of his holding affected by the application (**TAB 38**). With his reporting letter to the Indian Commissioner, Letcher forwarded a "rough plan showing how the encroachment affects the lands of Harry Edwards." (**TAB 38**) A copy of this plan is on the Indian Affairs and MoT files. The acceptance form

executed by Chief Edwards consented to the transfer of 1.5 acres of improved lands and 0.88 acres of unimproved land to Public Works. Letcher's rough plan shows areas corresponding to these acreages. Notably, the October 21, 1954 BCR also refers to the acreages shown on the plan.

On December 10, 1954, Chief Harry Edwards endorsed an agreement superseding his acceptance granted on October 21st. By this second agreement, Chief Edwards consented to the sale of roughly 6.0 acres of land to the Department of Public Works **(TAB 46)**. His signed statement specified that the exact acreage would be determined by an established survey.

On January 18, 1955, based on the mistaken understanding that Public Works was prepared to purchase Band-owned land on the eastern side of the right-of-way, the Cheam Band Council agreed to sell land to Public Works known today as Lot 54 **(TAB 53)**. This parcel of land is roughly 11.5 acres and was in excess of Public Works' right-of-way requirements. The Band Council Minutes for January 18, 1955 record that the "Band had a plan of the area and were fully aware of the property being more or less cut off" **(TAB 52)**.

In sum, the Band was prepared to sell to Public Works roughly 19.35 acres of land and Chief Harry Edwards agreed to sell roughly 6 acres of his land. In fact, MoT acquired 8.3 acres, more or less, of Band-owned land and 5.79 acres, more or less, of Chief Harry Edwards' land. As of January 18, 1955, at the latest, the Band Council possessed a plan of the area.

Was the area and location of the land ultimately taken in the transaction the same as what the Band agreed to give up?

In 1954-1955, the Cheam Band Council and locatee, Chief Harry Edwards, agreed to sell roughly 25.35 acres of land to Public Works. In 1960, Public Works acquired 14.09 acres of land for highway purposes. Thus, Public Works acquired less land than the Band was prepared to release.

By January 18, 1955, the Band Council possessed a plan of the area. On this date, the Band Council affirmed its intention to sell the right-of-way area to Public Works. The right-of-way area did not change materially between 1955 and 1960.

It is notable that on August 25, 1954, Superintendent Letcher referred Public Works' application to Chief Councillor Albert Douglas and advised him that it involved "10.23 acres which may be increased or decreased later when the final survey is made." **(TAB 29)**

There were adjustments to the right-of-way arising from differences between the location plan (**TAB 31**) and the survey plan of the right-of-way as constructed (**TAB 68**). For example, a small triangular-shaped parcel of land located just north of the CNR right-of-way was surveyed as being 0.09 acres on the location plan and as 0.08 acres on CLSR 50110.

Another notable feature of the documentary record is that the Band offered to sell lands known today as Lot 54, but Public Works did not acquire any of this land in 1960. Since 1987, MoT has sought to acquire part of Lot 54 for highway purposes.

Was there a delay between the date of the Band’s agreement to the transaction and the transaction itself?

There was a period of delay of almost six years. The documentary record indicates that the delay was occasioned by the negligent conduct of the surveyor commissioned to prepare the right-of-way survey.

Was all of the land taken in the transaction permanently required for highway purposes, or did the Band agree to only a temporary taking of a portion of the land?

Chief Harry Edwards agreed to a “sale” of his lands (**TABs 38 & 46**). The signed statements disclose that he agreed to a permanent disposition of his land.

The BCR dated October 21, 1954 does not clearly state the Band’s intentions or understanding with respect to the disposition of 7.85 acres of Band-owned land (**TAB 35**).

The BCR dated January 18, 1955 is plain that the Band Council intended to sell the lands known today as Lot 54 as well as the 7.85 acres of Band-owned lands required for the right-of-way.

The January 18th BCR states (**TAB 53**):

Be it hereby resolved that inasmuch as this area [Lot 54, more or less] will be cut off by reason of the new bridge approach, and is low-lying land subject to flooding at high water, **it is hereby agreed that this area be also sold to the Province in addition to the property required for the right-of-way**, and that the selling price be s.16; per acre, to be determined by survey (emphasis added).

On two accounts, the January 18th BCR provides important context for the October 21st BCR. As noted, the January 18th BCR confirms that the Band intended to sell the land required for the right-of-way as well as lands lying to the east of the right-

of-way. In contrast, the language of the October 21st BCR does not plainly indicate that the Band intended to sell land.

Secondly, the October 21st BCR describes the lands in question as being required for a “bridge site and approach thereto on our Cheam Indian Reserve No. 1.” On the other hand, the January 18th BCR describes the lands as “property required for the right-of-way”. The description in the October 21st BCR is very narrow; whereas the description in the January 18th BCR is much broader.

If so, what was the purpose of the temporary taking?

No documentation reviewed indicates that any land was acquired for temporary purposes.

Additional Commentary on the Documentary Record

One feature respecting the 3.41-acre triangular-shaped parcel warrants comment. This parcel was not part of the gazetted road, but it was transferred to British Columbia for road purposes by PCO 1960-1285. This situation exists due to the fact that at the time Public Works gazetted Highway 9 in September, 1954, the Locations branch had not anticipated that any Band members’ holdings would be affected by the right-of-way. For this reason, the location plan (**TAB 31**) referenced in the gazette notice (**TAB 32**) did not show the 3.41-acre triangular-shaped parcel as forming part of the right-of-way. After the date of the gazette, Public Works learned that Chief Edwards’ location was affected by the right-of-way and, in the final result, Public Works purchased this parcel in addition to its right-of-way requirements. The 3.41-acre parcel was shown on the survey plan of the road as constructed (**TAB 68**) and was included in the transfer accomplished by PCO 1960-1285 (**TAB 72**).

3.0 Document Index/List of Attachments (TABs)

1 November 3, 1871

J.W. Trutch, Lieutenant Governor to Secretary of State for the Provinces: Forwards schedule of Indian reserves compiled by Assistant Surveyor General

October 16, 1871 (attachment)

B.W. Pearse, Chief Commissioner of Lands and Works to Colonial Secretary: Forwards tracings and schedule of surveyed Indian reserves in the colony at Confederation

n.d. (attachment)

Schedule of all Indian Reserves (surveyed) in the Province of British Columbia: Sheet J, Yale District. "Left bank of Fraser River, about 20 miles below Hope. 375 acres. Cheeam."

Source: *Papers relating to the Indian Land Question* (1875), pp. 101-106.

2 June 30, 1879

Minute of Decision for Cheam Indians by G.M. Sproat, Sole Indian Reserve Commissioner: Describes two reserves on opposite banks of the Fraser River. The western and northern boundaries of Cheam IR 1 described as follows, "...thence true north to the left bank of Camp Slough thence following the bank of Camp Slough and the left bank of Fraser river (Crossing Hope Slough) to the initial point."

Source: Indian and Northern Affairs Canada (INAC) Reference Library, Federal Set of Minutes of Decision, Volume 3.

3 1880-1881 (date surveyed and drawn)

"Plan of Cheam Indian Reserves. New Westminster District. British Columbia." by W.S. Jemmett: Plan shows Cheam IR 1 and Tseatah IR 2. Bears signature of I.W. Powell, Superintendent of Indian Affairs on April 22, 1881 and approved by F.G. Vernon, C.C.L.W. on March 19, 1892.

Source: Natural Resources Canada (NRCAN), Legal Surveys Division, BC248

4 February 15, 1911 (date approved and confirmed by the Surveyor General)

"Plan of S.W. ¼ Township 3 Range 28 West of the Sixth Meridian": Shows eastern part of Cheam IR 1.

Source: NRCAN, Legal Surveys Division, CLSR 52410

5 January 25, 1913

PCO 1913-205: Removes Indian reserves listed on attached schedule from the operation of the *Dominion Lands Act* regulations governing lands in the Railway Belt so that the lands may be transferred to the Department of Indian Affairs.

Cheam IR 1 appears on the attached schedule and is listed as containing 883 acres.

Source: Indian Land Registry System (ILRS), Instrument 1016-1

6 1916

Report of the Royal Commission on Indian Affairs for the Province of British Columbia: On the schedule of "Correction of Indian Reserve Areas", an entry for Cheam IR 1 indicates that 34.13 acres has been allowed for the CNPR (CNR) right-of-way.

On the schedule of "Confirmations of Reserves", an entry for Cheam IR 1 indicates that the reserve was allotted as containing 883 acres and a 34.13-acre deduction has been allowed for the CNPR right-of-way.

The Minute of Decision for Cheam IR 1 dated March 16, 1915 contains a note indicating that an allowance had been made for the CNPR right-of-way.

Source: INAC Reference Library, *Report of the Royal Commission on Indian Affairs for the Province of British Columbia, Volume II*

7 September 8, 1921 (date approved and confirmed by the Surveyor General)

Plan of S.E. ¼ Township 3, Range 29, W6M: Shows western part of Cheam IR 1 with CNR line running parallel to Hope Slough through the reserve.

Source: MoT, Properties and Business Management Branch (PBMB), File PS 6196, Research Materials & Maps, Acc. 94-6023-019

8 February 3, 1930

PCO 1930-208: Approves schedule of reserves in the Railway Belt and agreements with the Province of British Columbia with respect to the conveyance of lands for public works. Schedule 4 includes an entry for Cheam IR 1.

Source: ILRS, Instrument 15203

9 1943

Dominion Schedule of Indian Reserves: Cheam IR 1 described as situated in Township 3, Range 29, Sections 6 & 7; Township 3, Range 29, Sections 1 & 12, W6M. Area given as

823.97 acres. Right-of-way of CNR indicated, but the acreage is not given. Right-of-way for the Trans Canada Highway (preliminary) stated as being 18.00 acres.

Source: MoT, PBMB, File PS 6196, Research Materials & Maps Acc. 94-6023-019

10 May 15, 1945 (Date of Notice and published in May 17, 1945 Gazette issue)

Gazette Notice concerning Approach to Ferry Slough Bridge: Proclaims that a 0.147 acre portion of Lot 2, Map 7234, part of Lot 469, Group 2, NWD as shown on Plan 8017 is declared to be a public highway. Refers to P.W. File 4458.

Source: *British Columbia Gazette*

11 November 13, 1951

J.C. Letcher, A/Superintendent to W.S. Arneil, Indian Commissioner: Forwards four BCRs from the Cheam Band requesting the allotment of lands to band members. Letcher recommends the same for approval.

We would advise that in each case, the locatee is resident on his allotment, and has his home established there. Chief Harry Edwards has spent his lifetime on his property and has made fair progress at developing a small farm.

November 9, 1951 (attachment)

BCR: Request that Chief Harry Edwards be located to 100 acres of land shown on plan dated November 12, 1951 and listed as Lot No. 2 on the plan.

[November 12, 1951] (attachment)

"Plan of Cheam IR No. 1 883 acres. 550ft. to one inch approx. Enlarged from air photo November 12/1951": The plan shows four locations:

1. A parcel in the northwest corner of the reserve of approximately 35 acres belonging to Lewis Edwards.
2. A parcel in the northwest portion of the reserve of approximately 100 acres belonging to Harry Edwards. This parcel surrounds Lewis Edward's parcel and appears to embrace all lands lying north of the CNR line and Hope Slough.
3. A parcel on the south side of the CNR line of approximately 39 acres belonging to Albert Douglas.
4. A parcel south of Albert Douglas' location of approximately 65 acres belonging to Michael Victor.

Source: Library and Archives Canada (LAC), Federal Records Centre (FRC), Burnaby, RG 10, Vol. 13514, File 987/33-0-36

12 August 6, 1953

A.B. Sanderson, Assistant Bridge Engineer to N.M. McCallum, Chief Engineer: Reports on reconnaissance of five proposed sites for the Rosedale-Agassiz bridge and recommends Site No. 2.

n.d. (attachment)

Map indicates that Site No. 2 is the rough location where the bridge was built in 1954-1955.

Source: MoT, Information Privacy and Records Branch (IPR), HQ File 2134 (2), Acc. 88-1306-39

13 April 1, 1954

N. McCallum, Chief Engineer to P.A. Gaglardi, Minister of Public Works: Forwards report on the proposed Agassiz-Rosedale bridge and advises that a decision is required if the project is to be undertaken this year.

n.d. (attachment)

Report on Agassiz-Rosedale Bridge: Provides estimates on cost and projections for timelines. Regarding point "E. Right-of-Way" states: "It is suggested that negotiations for right-of-way be commenced as soon as possible, particularly as a part is through Indian Reserve for which negotiations tend to be lengthy."

Source: MoT, IPR, HQ File 2134 (3), Acc. 88-1306-39

14 May 7, 1954

J.C. Letcher, Superintendent to W.S. Arneil, Indian Commissioner: Forwards BCR from the Cheam Band requesting the allotment of two parcels of land to Chief Harry Edwards. Refers to his letter dated November 13, 1951 forwarding resolutions pertaining to four proposed allotments which "were never approved by the Department." States: "We have, therefore, prepared the enclosed which pertains to cleared lands that should be allotted to Chief Harry Edwards."

May 5, 1954 (attachment)

Band Council Resolution: Refers to BCR dated November 9, 1951 locating Chief Harry Edwards to 100 acres of land on Cheam IR 1 which was never approved by the Department. Refers also to survey of Chief Harry Edwards' property made March 4, 1954 by the New Westminster ("NW") Indian Agency office. Rescinds November 9th resolution and locates Chief Harry Edwards to two locations on Cheam IR 1 as follows:

- 1) 16.7 acre parcel on west boundary of Cheam IR 1 north of the Old Yale Road, and;

-
- 2) ...commencing at a point being the junction of the South boundary of Dyke right-of-way and North boundary of Railway right-of-way; thence Southerly along boundary of said railway approx. 1228 feet; thence N 60' 00' W approx. 865 feet; thence N 58' 00' E approx. 1070 feet to South boundary of Dyke right-of-way; thence crossing dyke on the same bearing for a distance of approx. 620 feet; thence South-easterly approx. 460 feet to North bank of Hope River; thence approx. 810 feet, crossing dyke to South boundary of dyke right-of-way; thence along said dyke right-of-way approx. 235 feet to point of commencement and containing therein 35 acres, more or less or agricultural land.

[Second copy collected from ILRS bears the signature of the Director of Indian Affairs indicating that the BCR was approved on July 6, 1954. (ILRS Instrument 17650)

March 30, 1954 (date of survey)

Sketch showing Parcel 1 located to Chief Harry Edwards on western boundary of Cheam IR 1.

March 30, 1954 (date of survey)

Sketch showing Parcel 2 located to Chief Harry Edwards encompassing land southwest of CNR right-of-way including lands on both sides of Hope River [Slough] and on both sides of easternmost part of the dyke right-of-way.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13514, File 987/33-0-36

15 May 20, 1954

J.C. Letcher, Superintendent to W.S. Arneil, Indian Commissioner: Responds to Arneil's letter dated May 17, 1954 seeking more information as to proposed locations on Cheam IR 1. With reference to the allotment to Chief Harry Edwards, he reviews the correspondence on this subject and describes why the Department rejected the proposed 100 acre allotment to Chief Edwards and also the band's revised request that he be allotted two parcels of 35 and 16.7 acres.

Harry Edwards has definitely done considerable work on these two properties and therefore should be entitled to the lands in question.

... The 35 acre parcel has been the location of Harry Edwards' home and small dairy farm operations for the past several years. This land is well cultivated and has been the source of his livelihood over the years. Harry Edwards has always resided on this property and he is now over 65 years of age.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13514, File 987/33-0-36

16 June 10, 1954

J.C. Letcher, Superintendent to W.S. Arneil, Indian Commissioner: Advises that the Provincial Department of Public Works intends to construct a highway and bridge

approach across Cheam IR 1. States that a representative from that Department visited the Agency office with a large scale plan showing the approach

which has already been staked out on the ground. His reason for the visit was to determine whether any local tribal divisions would be affected by the 'Right-of-Way'. We believed that possibly one individual location may be so affected; however, we could not ascertain this without going over the ground.

Requests that the Indian Commissioner intervene to insure that the Province submits a formal application. "We would like to be in a position to refer the whole matter to the Band at an early date so that their approval can be forthcoming, and also so that the Indians can plan to take an active part."

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

17 June 18, 1954

[illegible], Assistant R/W Agent to L.J. Moore, Right-of-Way Agent: Reports on ground inspection of Cheam IR 1 and investigation at the Land Registry Office in connection with right-of-way through the reserve.

It has been established that the Cheam Indian Reserve (as it shows on our plan) starts at Station 118+00. From this point to station 129+30 it is now all under water of a depth of about 5 feet but dense underbrush protrudes above the high water. There is not enough timber in this area for an economically feasible logging operation. Station 129+30 to 131+00 is the Chilliwack Dyke. After a considerable search at the L.R.O. in New West, it was determined that this dyke is covered in Cert of Title 39606E and 64785E and is in the name of the Corporation of the Twp of Chilliwack. Should any further question arise, sketch No. 6146 shows details best. ... Station 131+00 to 133+50 is owned by C.N.R. 133+50 to 137+00 is a gravel side hill. 137+00 to the end of the reserve property is underbrush and second growth trees not suitable for commercial logging. None of the reserve land is under cultivation and none is cleared except the B.C. Electric R/W.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

18 July 6, 1954

P.W. 120 Form detailing compensation for improvements on lands taken from Lot 3 of SW1/4 Sec. 18, Tp. 3, Range 28 W6M from s.22 2.61 acres of hayland valued at s.16; per acre for total compensation of s.16; s.17 Includes 0.54 acres of severed lands.

Source: MoT, IPR, HQ File 2134 (3), Acc. 88-1306-39

19 July 6, 1954

P.W. 120 Form detailing compensation for improvements on lands taken from pt.36.71 ac of SW1/4 Sec. 19, Tp. 3, Range 28 & of Lot 34, Gp. 1 from s.22 1.86 acres of hayland valued at s.16; per acre for total compensation of s.16; .

Source: MoT, IPR, HQ File 2134 (3), Acc. 88-1306-39

20 July 6, 1954

P.W. 120 Form detailing compensation for improvements on lands taken from Lot 34, Gp. 1 from s.22 2.2 acres of hayland valued at s.16; per acre for total compensation of s.16;

Source: MoT, IPR, HQ File 2134 (3), Acc. 88-1306-39

21 July 6, 1954

P.W. 120 Form detailing compensation for improvements on lands taken from Lot 34, Gp. 1 from s.22 2.9 acres of hayland valued at s.16; per acre for total compensation of s.16; Includes severed lands. Other improvements compensated for included: garage, fence, fruit trees & lawn.

Source: MoT, IPR, HQ File 2134 (3), Acc. 88-1306-39

22 July 14, 1954

N.C. Tattrie, Asst. Right-of-Way Agent to W.S. Arneil, Indian Commissioner for BC: "As you are aware, this Department proposes to construct a bridge and approaches on the above. This will cause an encroachment on the Cheam Indian Reserve # 1..." Refers to Department Location Plan sent under separate cover. Comments that the land is all unimproved and that no tribal subdivisions appear to be affected. Offers s.16; per acre for the 10.23 acres more or less required for highway purposes. Indicates other concessions to be made include fencing and replacing accesses.

Source: MoT, PBMB File PS 6196 (1), Acc. 94-6023-019

23 July 15, 1954

L.L. Brown, Superintendent, Reserves and Trusts to J.C. Letcher, NW Agency Superintendent: States that the Department approves of the Cheam Band's BCR locating Chief Harry Edwards to two parcels of land on Cheam IR 1.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13514, File 987/33-0-36

24 July 22, 1954

P.W. 120 Form detailing compensation for improvements on lands taken from Lot 4 of L.S. 8, 9, & 16, Sec. 1, Tp. 3, Range 29 from s.22 1.13 acres of land valued at s.16 per acre for total compensation of s.16

Source: MoT, IPR, HQ File 2134 (4), Acc. 88-1306-39

25 July 27, 1954

P.W. 120 Form detailing compensation for improvements on lands taken from Lot 3, Blk. 1, of L.S. 8, 9 & 16, Sec. 1, Tp. 3, Range 29 from s.22 0.52 acres, including severed area of 0.06 acre, of land valued at s.16; per acre for total compensation of s.16;

Source: MoT, IPR, HQ File 2134 (4), Acc. 88-1306-39

26 August 13, 1954

W.S. Arneil, Indian Commissioner for BC to Right-of-Way Agent: Refers to letter dated July 14th and advises that white prints of the right-of-way have not been received.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

27 August 18, 1954

L.J. Moore, Right-of-Way Agent to W.S. Arneil, Indian Commissioner for BC: Refers to letter dated August 13th and forwards white prints inadvertently not sent with previous letter.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

28 August 24, 1954

W.S. Arneil, Indian Commissioner to J.C. Letcher, Superintendent: Forwards plan showing proposed bridge site with approaches and requests that the Superintendent consult the Band regarding the matter.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

29 August 25, 1954

J.C. Letcher, Superintendent to Albert Douglas: Makes reference to a plan received from Public Works showing road right-of-way requirements for access to a new bridge site. Indicates that compensation of s.16 has been offered and requests that Douglas submit the matter to the Band for their consideration and approval of compensation.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

30 August 30, 1954

G. Koster, Resident Engineer to Chief Engineer, Public Works Department: Rosedale-Agassiz Bridge, Weekly Report #2. Report on construction progress. The first weekly

progress report is not on file. As this is Weekly Report #2, it suggests that work commenced in the third week of August 1954.

Source: MoT, IPR, HQ File 2134 (4), Acc. 88-1306-39

31 September 1, 1954

Extract of Location Plan of Agassiz-Rosedale Bridge Approach (RS 2549): The title indicates that it shows the right-of-way from Sta. 0+00-184+20, which is 3.49 miles in length. The only portion copied is that relating to Cheam IR 1. The plan is endorsed by Chief Engineer N.M. McCallum. [NB The signature panel has been copied and placed with the extract of the plan copied for this TAB. This is not a true copy of the plan as the signature panel appears at the end of the map roll.]

The right-of-way through Cheam IR 1 does not depict Chief Harry Edwards' location.

Source: MoT, PBMB, Stick 1-156, Acc. 93-7016-89

32 September 13, 1954 (Date of Notice)

Gazette Notice Establishing Rosedale-Agassiz Highway: Describes a road shown on a plan on Department of Public Works File No. RS 2549 which has been established as a public road having a length of 3.49 miles. The description does not refer specifically to Cheam IR 1, but it does describe a right-of-way passing through townships in which Cheam IR 1 is situated. The right-of-way passes through Township 3, Range 29, Sections 1 & 12, W6M. The western part of Cheam IR 1 is in these sections. The notice makes reference to P.W. File 2134.

Source: *British Columbia Gazette*

33 September 16, 1954 (date stamped)

P.W. 120 Form detailing compensation for improvements on lands taken from Lot 3, SW1/4 Section 6, Tp. 3, Range 28 from s.22 0.07 acres of improved land valued at s.16; per acre for total compensation of s.16;

The land is described as cultivated land.

Source: MoT, IPR, HQ File 2134 (4), Acc. 88-1306-39

34 September 26, 1954

G. Koster, Resident Engineer to Chief Engineer, Public Works Department: Rosedale-Agassiz Bridge, Weekly Report #6. "Clearing south approach in full swing."

Source: MoT, IPR, HQ File 2134 (4), Acc. 88-1306-39

35 October 21, 1954

Band Council Resolution of the Cheam Band Council respecting right-of-way for Agassiz-Rosedale Bridge.

That whereas the Provincial Department of Public Works have made application through the Indian Commissioner's Office for a bridge site and approach on our Cheam Indian Reserve No. 1.

And whereas they have offered compensation at the rate of $\$16;$ per acre, for an estimated encroachment comprising 10.23 acres, more or less,

...And whereas only 7.85 acres of the said encroachment is Band Owned land, with the remainder being part of the location of Harry Edwards (which includes 1.50 acres of improved, and .88 acres of unimproved land),

Be it hereby resolved that the offer of the Provincial Department of Public Works be accepted insofar as the Band owned lands are concerned and the proceeds based on $\$16;$ per acre, as per B.C. Land Survey, be paid into our Band Funds.

Be it further resolved that should it be necessary for the Department of Public Works to cross improved lands outside of the right-of-way area, compensation for damages must be forthcoming.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

36 October 21, 1954

N.C. Tattrie, Asst. Right-of-Way Agent to W.S. Arneil, Indian Commissioner for BC: Refers to letters dated July 14 and August 18 and requests authority to enter Cheam IR 1 to commence construction. Refers particularly to the area between the Chilliwack Dyke and the Fraser River.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

37 October 25, 1954

J.C. Letcher, Superintendent to W.S. Arneil, Indian Commissioner: Advises that:

we have finally held a meeting of the Cheam Band Council and obtained the attached resolution wherein they accept the offer of the Provincial Department of Public Works for the necessary right-of-way for bridge approach on Cheam I.R. No. 1. As neighbouring land owners have agreed on $\$16;$ per acre for unimproved lands, the Indians are likewise satisfied with a similar rate of compensation.

States that he is reporting on a locatee's interest separately.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

38 October 25, 1954

J.C. Letcher, Superintendent to W.S. Arneil, Indian Commissioner: Reports on a settlement reached for bridge approach with Harry Edwards. Attaches signed acceptance form from Edwards. Notes that the attached plan shows that part of his cultivated lands will be severed.

October 21, 1954 (attachment)

Statement signed by Harry Edwards accepting compensation for lands required for bridge approach purposes.

Undated (attachment)

Plan of portion of Cheam Indian Reserve No. 1 (New Westminster Indian Agency) Showing that portion of the location of Harry Edwards (Band No. 1) which is to be used as Bridge site approach by Provincial Dept. of Public Works and contains therein approx. 2.38 AC of which 1.5 AC is cultivated land. Other lands which are affected, but which are not in the Right-of-Way are also indicated.

The areas of land cited on the plan correspond with the figures mentioned in the October 21, 1954 BCR and Chief Edwards' signed statement dated October 25th.

The plan is colour coded for cultivated land (Green), unimproved land (Brown) and the boundary of right-of-way (Red).

Dashed lines representing a road (?) are shown in the Chilliwack Dyke Plan 12013. The area north of Edwards' location and east of the right-of-way is marked as "Band Land". The sketch shows the location of the access approach "one side only" to Band land east of the right-of-way.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

39 October 28, 1954

W.S. Arneil, Indian Commissioner for B.C. to N.C. Tattrie, Asst. Right-of-Way Agent, Department of Public Works: Advises that a meeting with the Cheam Band was held on October 21st and that s.16; per acre for unimproved, Band owned land within the right-of-way was accepted. States that the Band and Harry Edwards, "the owner of a parcel within the right of way area" consider that some of the land is improved. Indicates that one acre of improved land will be severed by the right-of-way. Recites terms of BCR and indicates that figures do "not include any compensation for severance within Edwards' location".

I should appreciate your further views with regard to this matter before trying to effect a definite settlement with the Indians concerned which is a necessary preliminary to the granting of authority for entry on to the Reserve for the purpose of commencing construction.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

40 [ca. November 1954]

Notes bearing initials N.C.T.:

A ground inspection on the 17th inst. reveals that the area in question is subject to flood- and was last June- but subsequent to receding of high water yields a good mixed crop- not swamp or slough grass- field stubble evident. Suggest we compensate on requested rates. Did not interview Edwards on ground or phone Arneil (previously advised Letcher) after inspection for this reason.

Question of access is a pertinent one- Edwards' main holding and dwelling situate West of Dyke- suggest all his area East of R/W be acquired- this would eliminate [sic] entrance to highway from either side. Ind. Dept intimate severance compensation. As we cannot pay this and feasibility of access questionable this appears to be solution. Access to portion retained will be undisturbed. Fence west side and boundary between Band Land and the Edwards tribal sub. Get Location to plot this parcel and calculate areas. Retain print.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

41 November 24, 1955

Chief Engineer, Public Works Department to G. Koster, Resident Engineer: "I am advised by the Right-of-Way Agent that the matter of right-of-way through the Indian Reserve has been settled. The Contractor may therefore proceed with the work in this area."

Source: MoT, IPR, HQ File 2134 (5), Acc. 88-1306-39

42 [ca. December 1954]

Portion of location plan of Agassiz-Rosedale Bridge Approach (RS 2549) showing Chief Harry Edwards' location and appropriation for Highway 9.

The plan shows Harry Edwards' tribal subdivision overlapping the right-of-way. The two sections of Edward's land lying east of the right-of-way embrace 0.68 and 2.73 acres and total 3.41 acres. Edwards' parcel lies at marker 122+34. The tracing indicates the cultivated and unimproved portions of Edward's holding. The total acreage of his lot is shown as 9.11 acres. 3.67 acres of unimproved land was taken from his holding and 2.31 acres of improved lands taken totaling 5.98 acres.

Source: MoT, PBMB, Stick 1-156, Acc. 93-7016-89

43 December 1, 1954

N.C. Tattrie, Asst. Right-of-Way Agent to J.H.A. Steven, Location Engineer:

We have been informed that right-of-way for the Rosedale-Agassiz Bridge Approach in the above Reserve, affects the tribal holding of Harry Edwards. May we please be supplied with a sketch plan showing areas involved. Attached hereto copy of sketch sent to us by the Indian Commissioner.

Marginalia: J.H.B to N.C. Tattrie: "Tribal subdivision now shown on plan. Your print returned herewith."

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

44 December 1, 1954

N.C. Tattrie, Asst. Right-of-Way Agent, Department of Public Works to W.S. Arneil, Indian Commissioner for B.C.: Refers to letter dated October 28th and advises that a further ground inspection discloses that there are improved areas and that compensation figures are agreeable. States:

With respect to the severance, we are unable, as you know, to pay for such an item, however, we are prepared to recommend that the Department purchase all of Edward's holding lying to the East of the right-of-way, if this will solve the situation. It will be possible for us to provide access to the Band land on the East side of the right-of-way and it is thought that perhaps Mr. Edwards could use this same access and would perhaps prefer to retain his holding. No particular access will be provided to the land lying to the West of the right-of-way since this land will enjoy the same access after construction which it presently does.

...May we please have your advice as to whether or not it is preferable for us to purchase the entire tribal holding. We return a print showing approximately where access will be possible to the Band land.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

45 December 3, 1954

W.S. Arneil, Indian Commissioner for B.C. to J.C. Letcher, Superintendent: Refers to Letcher's letter dated November 25th [sic October 25th?] and furnishes copy of Tattrie's letter dated December 1st with attached plan. States:

Will you please ascertain from Harry Edwards whether or not he wishes to dispose of his holding lying to the east of the right-of-way at the rate of $\$16$; per acre for cleared and cultivated land and $\$16$; per acre for unimproved land, or if he would prefer to retain it without payment of compensation for severance, utilizing the access as shown on the plan to enable him to make use of the property.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

46 December 10, 1954

Statement signed by Harry Edwards accepting compensation for lands required for bridge approach purposes. Indicates that this acceptance supersedes his previous agreement dated October 21, 1954.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

47 December 20, 1954

Albert Douglas to J.C. Letcher, Superintendent: "Majority of band are in favor of silling [sic] bordering east of proposed bridge, Highway, with conditions band get timber on said property stumpage free and a cash distribution amount to half of [illegible] land sold to Public Works or ten dollars per person whichever is the larger."

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

48 December 21, 1954

J.C. Letcher, Superintendent to Albert Douglas: Acknowledges receipt of signed resolution concerning the sale of additional land and the conditions of the sale. Requests the Band to consider a sale with no conditions.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

49 December 21, 1954

J.C. Letcher, Superintendent to W.S. Arneil, Indian Commissioner: Reports on Edwards' revised settlement agreement and the Cheam Band's deliberations respecting the right-of-way negotiations.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

50 December 21, 1954

Telegram from N.C. Tattie, Asst. Right-of-Way Agent to W.S. Arneil, Indian Commissioner for BC: Refers to letters dated December 1st and asks for advice as to Harry Edwards' holding.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

51 January 14, 1955

J.C. Letcher, Superintendent to Albert Douglas: Requests that Douglas convene a meeting of the Band on January 18th to consider the lands lying outside the highway bridge and the C.N.R. track. States: "It is doubtful if the Department will approve disposition of this property when it is not actually required for road purposes."

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

52 January 18, 1955

Cheam Band Council Minutes: "Letter from Indian Commissioner dated Jan. 6, 1955 (not on file) concerning bridge approach and highway right-of-way was read."

The question of whether or not the Band should dispose of that portion of Indian Reserve No. 1, which the Province offered to take off their hands over and above their Highway requirements was discussed. As the Band had a plan of the area and were fully aware of the property being more or less cut off, and further, as it is low lying land criss-crossed by sloughs which always contain water, and actually has little or no value to the Band, they were unanimously in favour of selling to the Province at the price of s.16; per acre, offered by the Department of Public Works in a letter dated December 1st, 1954. It was considered they would never have use for the area and once the bridge approach and fill is completed, the value of the land would be NIL, and therefore this was an opportune time to sell. A resolution originally drafted on December 10th. was signed agreeing to the sale.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13514, File 987/33-0-36

53 January 19, 1955

J.C. Letcher, Superintendent to W.S. Arneil, Indian Commissioner: Forwards Cheam Band Council Resolution agreeing to the sale of additional lands on the reserve severed by the highway right-of-way.

January 18, 1955 (attachment)

Band Council Resolution: Refers to BCR dated October 21, 1954 and states further:

Whereas by a letter dated 1st December, 1954 the Provincial Department of Public Works have made a further offer wherein they will, if the Band so desire, purchase the entire area of Band land situate between the two existing sloughs which are located between the easterly boundary of the Right-of-way, as now defined, and the C.N. Railway on Cheam Indian Reserve No. 1, at a rate of s.16; per acre, to be determined by a proper survey,

Be it hereby resolved that inasmuch as this area will be cut off by reason of the new bridge approach, and is low-lying land subject to flooding at high water, it is hereby agreed that this area be also sold to the Province in addition to the property required for the right-of-way, and that the selling price be s.16; per acre, to be determined by survey.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

54 January 26, 1955

W.S. Arneil, Indian Commissioner for B.C. to N.C. Tattrie, Asst. Right-of-Way Agent, Department of Public Works:

With reference to your letter of December 1, I regret to advise that our negotiations with the Cheam Band council with regard to the above have now become further complicated through a request from them for payment from your Department for all the band owned land on the east side of the right-of-way. Although it seems certain that your Department will not agree to this, I should like your confirmation, as a matter of fact I doubt if we will be prepared to agree to such a proposal unless, of course, the area was actually required by your Department.

Insofar as Harry Edwards' holding is concerned, he has agreed to dispose of that portion lying to the east of the right-of-way at a rate of s.16; per acre for cleared and cultivated land, and s.16; per acre for improved land, as he does not consider that the access which will be available to this land will be considerable.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

55 January 31, 1955

N.C. Tattie, Asst. Right-of-Way Agent, Department of Public Works to W.S. Arneil, Indian Commissioner for B.C.: Replies to letter dated January 26th as follows: "In reply thereto I would advise that the Department is not prepared to enter into negotiations for the acquisition of lands in excess of the actual right-of-way needs and the severed portion of the Tribal Subdivision owned by H. Edwards."

Advises that the compensation has been fixed for improved and unimproved land including for that portion of Edwards' severed lands. Indicates that a survey will be made and acreages adjusted as necessary.

"Existing access will be restored on the Dyke right-of-way and South of the C.N.R. right-of-way, in addition to which one access from the Band Land will be installed North of Station 118."

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

56 February 1, 1955

L.J. Moore, R/W Agent to N.M. McCallum, Chief Engineer: Forwards P.W. 120 respecting compensation for right-of-way acquired through Cheam I.R. #1 for the Agassiz-Rosedale Highway

January 31, 1955 (attachment)

P.W. 120 Form detailing compensation for improvements on lands taken from Cheam IR 1. 2.31 acres of improved land valued at s.16 per acre and 11.66 acres of unimproved land at s.16 per acre for total compensation of s.16

Remarks section provides:

Tribal Subdivision of H. Edwards. East of right-of-way acquired. Right-of-way to be fenced throughout Reserve and in Edwards subdivision- to be extended along easterly boundary of

subdivision to slough. Existing access only to be restored on Dyke right-of-way (Sta.130) and from Stations 136 and 141 and one access to Band Land North of Station 118.

Subject to ground survey by B.C.L.S. now being undertaken. Any adjustment in compensation will be made subsequent thereto.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

57 February 8, 1955

J.C. Letcher, Superintendent to Albert Douglas: Advises that Public Works will not purchase the Band lands in excess of the actual right-of-way requirements and the severed portion of Harry Edwards' location.

It would appear that there was some misunderstanding between our office and Victoria in this matter as apparently they had not ever intended to make this purchase. They, therefore, will have to provide an access to the property from the road, when built.

Source: LAC, FRC, Burnaby, RG 10, Vol. 13299, File 153/31-4-36-1

58 February 9, 1955

L.J. Moore, Right-of-Way Agent to J.M.C. Wade, B.C. Land Surveyor: Authorizes Wade to survey the section of the Agassiz-Rosedale Highway between the Fraser River and Bridal Falls. Provides instructions concerning the survey of the right-of-way through Cheam IR 1, which he indicates must be on a separate tracing.

It has occurred to the writer that possibly the triangular section of the Edwards tribal subdivision west of the right-of-way may have been inadvertently included in the plan left with you. The only area in addition to the right-of-way is that east of the latter as roughly sketched on the enclosed tracing.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

59 February 9, 1955

L.J. Moore, Right-of-Way Agent to W.S. Arneil, Indian Commissioner for B.C.: Informs Indian Affairs that Wade has been engaged to undertake the highway right-of-way survey including that part within the reserve. "Mr. Wade has been advised to communicate with both the Surveyor General, Victoria and the Surveyor General, Ottawa, regarding procedure, etc."

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

60 February 18, 1955

J.H. Gordon, A/Indian Commissioner for B.C. to L.J. Moore, Right-of-Way Agent, Department of Public Works: States that in light of agreement reached as to right-of-way

through Cheam IR 1 “it will be in order for you to enter on to the above-mentioned reserve for the purpose of constructing the bridge approaches, etc.” Requests payment of compensation of s.16; s.17

Two cheque stubs have been copied with this document showing that sums in the amounts of s.16; s.17 and s.16; were paid in compensation.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

61 February 22, 1955

G. Koster, Resident Engineer to Chief Engineer, Public Works Department: Rosedale-Agassiz Bridge, Weekly report #26. States that construction of the south embankment was resumed at the beginning of February.

Source: MoT, IPR, HQ File 2134 (5), Acc. 88-1306-39

62 March 1, 1955

N.C. Tattie, Right-of-Way Agent to C.K. Saunders, Bridge Engineer: Advises that Indian Affairs has authorized entry on to Cheam IR 1.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

63 March 31, 1955

L.J. Moore, Right-of-Way Agent to J.M.C. Wade, B.C. Land Surveyor: Seeks progress report on survey of highway right-of-way through Cheam IR 1.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

64 April 4, 1955

Cheam Band Council Minutes: “Minutes of the previous meeting were read, and it was moved by Albert Douglas, seconded by Henry Murphy that the minutes be adopted as read.”

Source: LAC, FRC, Burnaby, RG 10, Vol. 13514, File 987/33-0-36

65 May 14, 1955

J.M.C. Wade, B.C. Land Surveyor to L.J. Moore, Right-of-Way Agent: Forwards plans to accompany the survey of the Indian reserve and seeks instructions whether anything has been omitted or not complied with.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

66 May 30, 1955

L.J. Moore, Right-of-Way Agent to J.M.C. Wade, B.C. Land Surveyor: Acknowledges receipt of "completed plan of survey of right-of-way through inter alia Cheam Indian Reserve No. 1."

An examination of the plan indicates an area in excess of that acquired has been included in red outline north of the Canadian National Railway right-of-way. Reference is made to the 11.57 acre parcel. It would appear that the tracing at one time was restricted to a lesser parcel which would coincide with the plan and our remarks in paragraph 4 of our letter of February 9th last. Would you kindly amend the plan accordingly. It may be added that the Indians at one time suggested that a greater area be taken but this was not approved by the Department.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

67 Correspondence regarding completion of survey: July 1955 to February 1960

July 27, 1955

W.S. Arneil, Indian Commissioner for B.C. to L.J. Moore, Right-of-Way Agent, Department of Public Works: Inquires as to the status of the survey plan

August 12, 1955

L.J. Moore, Right-of-Way Agent, Department of Public Works to W.S. Arneil, Indian Commissioner for B.C.: Advises that survey plan is being checked by Surveyor General for calculations and will be forwarded when completed.

November 3, 1955

W.S. Arneil, Indian Commissioner for B.C. to L.J. Moore, Right-of-Way Agent, Department of Public Works: Inquires as to the status of the survey plan

November 22, 1955

L.J. Moore, Right-of-Way Agent, Department of Public Works to W.S. Arneil, Indian Commissioner for B.C.: Advises that survey plan has been submitted under separate cover.

August 7, 1956

W.S. Arneil, Indian Commissioner for B.C. to L.J. Moore, Right-of-Way Agent, Department of Public Works: Inquires as to the status of the survey plan which was returned to Surveyor Wade for correction on January 25th and which has not been returned for re-examination by the Surveyor-General.

Marginalia: "Don: Please ask Wade to advise Arneil direct with a copy to you. N.C.T"

October 1, 1956

W.S. Arneil, Indian Commissioner for B.C. to L.J. Moore, Right-of-Way Agent, Department of Public Works: Inquires as to the status of the survey plan which has not been returned for re-examination by the Surveyor-General.

November 9, 1956

W.S. Arneil, Indian Commissioner for B.C. to L.J. Moore, Right-of-Way Agent, Department of Public Works: Inquires as to the status of the survey plan which has not been returned for re-examination by the Surveyor-General.

November 19, 1956

N.C. Tattrie, Right-of-way Agent to V.A. Drew, Right-of-Way Agent, Department of Highways: Forwards letter from Arneil and asks for report to him as to survey status as soon as possible.

December 5, 1956

W.S. Arneil, Indian Commissioner for B.C. to V.A. Drew, Right-of-Way Agent, Department of Highways: Inquires as to the status of the survey plan.

December 11, 1956

V.A. Drew, Right-of-Way Agent, Department of Highways to W.S. Arneil, Indian Commissioner for B.C.: Advises that Wade has informed Highways that the plan has been amended and has been returned to the Surveyor General for approval.

February 17, 1958

E.F. Thompson, Right-of-Way Agent to J.M.C. Wade, B.C. Land Surveyor: Refers to attached letter and requests Wade to reply direct to Indian Agent.

June 26, 1958

W.S. Arneil, Indian Commissioner for B.C. to Locations Branch, Department of Highways: Inquires as to the status of the survey plan.

July 4, 1958

L.J. Moore, Chief Right-of-Way Agent to W.S. Arneil, Indian Commissioner for B.C.: Refers to letter dated June 26th and advises that addressee's letter dated Feb. 6th was sent to Wade with request that he reply directly to addressee. CC to Wade.

July 4, 1958

L.J. Moore, Chief Right-of-Way Agent to J.M.C. Wade, B.C. Land Surveyor: Refers to wire of July 2nd and requests Wade to reply direct to Arneil.

July 7, 1958

J.M.C. Wade, B.C. Land Surveyor to W.S. Arneil, Indian Commissioner for B.C.: Advises that details required by the Surveyor General of Canada have been completed.

July 7, 1958

J.M.C. Wade, B.C. Land Surveyor to L.J. Moore, Chief Right-of-Way Agent: Forwards copy of letter sent to Arneil.

November 3, 1958

W.S. Arneil, Indian Commissioner for B.C. to Locations Branch, Department of Highways: Inquires as to the status of the survey plan.

January 22, 1959

W.S. Arneil, Indian Commissioner for B.C. to Locations Branch, Department of Highways: Inquires as to the status of the survey plan.

February 6, 1959

J.P. Hague, Senior Location Engineer to W.S. Arneil, Indian Commissioner for B.C.: Advises that another letter has been sent to Wade concerning the survey.

May 7, 1959

W.S. Arneil, Indian Commissioner for B.C. to Locations Branch, Department of Highways: Inquires as to the status of the survey plan.

May 20, 1959

J.P. Hague, Senior Location Engineer to W.S. Arneil, Indian Commissioner for B.C.: Forwards most recent letter to Wade concerning the survey.

June 17, 1959

W.S. Arneil, Indian Commissioner for B.C. to Locations Branch, Department of Highways: Inquires as to the status of the survey plan.

June 19, 1959

J.P. Hague, Senior Location Engineer to J.M.C. Wade, B.C. Land Surveyor: Requests status report on the legal survey.

July 20, 1959

F. Clapp for N.R. Zapf, Assistant Location Engineer to Surveyor-General & Director: Provides information on Wade's delinquency in completing survey amendments required by the Surveyor General of Canada. Catalogues requests for amendments as follows: October 1956; further amendments required by letter dated June 25, 1957 and resubmitted by Wade on July 7, 1958; further amendments required by letter dated June 24, 1958 and since then Wade has not responded to Highways' letters dated February 6th, May 11th, June 2nd, and June 19th.

July 24, 1959

G.S. Andrews, Surveyor-General & Director to J.M.C. Wade, B.C. Land Surveyor: Refers to Locations Branch's complaint regarding non-completion of amendments to the survey plan and seeks compliance with request. CC to Locations Branch.

October 19, 1959

W.S. Arneil, Indian Commissioner for B.C. to Locations Branch, Department of Highways: Inquires as to the status of the survey plan.

October 27, 1959

G.S. Andrews, Surveyor-General & Director to J.M.C. Wade, B.C. Land Surveyor: Refers to letter dated July 24th and lack of reply and states: "...we have no alternative now but to place this matter as a complaint to the Board of the Corporation of B.C. Land Surveyors."

October 29, 1959

N.R. Zapf, Assistant Location Engineer to W.S. Arneil, Indian Commissioner for B.C.: Advises that: "This survey has been the subject of considerable correspondence between ourselves and the surveyor. We have at no time received a reply to our letters." Advises that the matter has been taken up with the Board of the Corporation of B.C. Land Surveyors because of the surveyor's disregard of Highways' correspondence.

January 26, 1960

N.R. Zapf, Assistant Location Engineer to W.S. Arneil, Indian Commissioner for B.C.: Advises that Wade has sent the plan to Indian Affairs.

February 4, 1960

J.M.C. Wade, B.C. Land Surveyor to N.R. Zapf, Assistant Location Engineer: Refers to addressee's letter dated Jan. 26th and advises that the plan has been submitted to NW office of Indian Affairs to obtain signatures required by the Surveyor General.

February 11, 1960

N.R. Zapf, Assistant Location Engineer to W.S. Arneil, Indian Commissioner for B.C.: Advises that Wade has sent the plan to NW office of Indian Affairs so that that office might obtain the signature of the BC Electric Company in order that it might be forwarded to Ottawa.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

68 March 28, 1960 (Date of Registration)

"Plan and Field Notes of Survey of Right of Way through Cheam Indian Reserve Number 1 New Westminster District British Columbia": Surveyor's affidavit indicates the survey was undertaken between April 1 and May 6, 1955. Survey shows a right-of-way embracing 14.09 acres. The section north of the CNR right-of-way encompasses 8.31 acres and is made up of the right-of-way which is 160 feet wide and a triangular-shaped parcel of land lying to the east of the right-of-way.

Source: NRCAN, Legal Surveys Division, CLSR 50110

69 May 9, 1960

Legal Description by L.L. Anderson, Chief, Legal Surveys: Refers to right-of-way shown on CLSR 50110.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

70 July 12, 1960

A/Indian Commissioner for B.C. to Location Engineer: Advises that approved legal survey shows that an additional s.16; in compensation is required before the transfer can be completed.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

71 August 9, 1960

P.W. 120 Form detailing compensation for improvements on lands taken from Cheam IR 1. Assessed at s.16; per acre for 0.12 acres for total compensation of s.16;

Remarks section provides: "Compensation is supplemental to H-120 form dated Jan. 31st, 1955 and covers the difference in area between the Department Location and a legal survey of the highway R/W."

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

72 September 22, 1960

PCO 1960-1285: Provisos indicate that the Minister of Highways has applied for lands "for road purposes" and that the Cheam Band Council has approved the application in consideration of monies paid. Pursuant to Section 35 of the Indian Act consents to the taking of the lands and to the transfer of administration and control to British Columbia of lands shown on CLSR 50110.

Source: MoT, PBMB, File PS 6196 (1), Acc. 94-6023-019

73 March 15, 1961 (date of registration)

~~"Reference Plan of and~~ Topographical Map of Cheam Indian Reserve No. 1 New Westminster Indian Agency British Columbia": Features shown on the map include:

- Old Yale Road and its entry points onto Highway 9
- Fencing along Highway 9 south of the Chilliwack Dyke
- An access road to the Band land east of Highway 9 and north of the CNR right-of-way. The access road goes through the triangular-shaped parcel of land and the interchange with Highway 9 is in the approximate location of Ferry Road when built.

Plan was compiled from federal air photos taken on June 22, 1960.

Source: NRCAN, Legal Surveys Division, CLSR 50470

74 April 28, 1963

Air Photo: Low altitude aerial photograph. The bridge approach and bridge are visible in the image as is an access road to the band owned land on the eastern side of Highway 9, north of the railway track. The access road joins the highway near Ferry Slough and proceeds through the triangular-shaped parcel towards the railway tracks and along the railway tracks to the Fraser River. In addition to this access road on the eastern side of Highway 9, the image appears to show a road running parallel to Highway 9 and crossing over to Ferry Island. This road uses the same access onto Highway 9 as the entry point giving access to the band owned land referred to above.

Source: Integrated Land Management Branch (ILMB) Air Photo Inventory (BC5063:110)

75 November 21, 1974

Air Photo: Low altitude aerial photograph. The bridge approach and bridge are visible in the image. The access road to the band owned land on the east side of Highway 9, north of the railway track, is barely visible due to forest cover.

In addition to this access road on the east side of Highway 9, the image appears to show a road running parallel to Highway 9 and crossing over to Ferry Island. This road uses the same access onto Highway 9 as the entry point giving access to the band owned land referred to above.

The band owned land east of the highway and north of the railway track is in a state of nature and apart from the access road along the railway track to the river, there is no development on this parcel at all.

Source: ILMB Air Photo Inventory (BC5582:143)

76 March 27, 1975

Air Photo: Intermediate altitude aerial photograph. The bridge approach and bridge are visible in the image. The access road to the band owned land on the east side of Highway 9, north of the railway track, is visible as the forest cover is much less significant than in the November 1974 image.

In addition to this access road on the east side of Highway 9, a road running parallel to Highway 9 and crossing over to Ferry Island is much more plain in this photograph than earlier ones. This road uses the same access onto Highway 9 as the entry point giving access to the band owned land referred to above.

The band owned land east of the highway and north of the railway track appears more cleared than in the November 1974 image but this is likely due to the absence of foliage. On Ferry Island, a road across the island proceeding towards and under the Agassiz-Rosedale bridge is much more plain than in former photographs. The sand/gravel bar in front of Tseatah IR 2 (on the north side of the Fraser River) has changed dramatically since the November 1974 image was captured.

Source: ILMB Air Photo Inventory (BC5642:091)

77 October 15, 1976

Air Photo: Low altitude aerial photograph. The bridge approach and bridge are visible in the image. The access road to the band owned land on the east side of Highway 9, north of the railway track, is visible but the forest cover is more significant than in the March 1975 image.

In addition to this access road on the east side of Highway 9, a road running parallel to Highway 9 and crossing over to Ferry Island is plainly visible in this photograph. This

road uses the same access onto Highway 9 as the entry point giving access to the band owned land referred to above.

The band owned land east of the highway and north of the railway track is in an undeveloped state.

Source: ILMB Air Photo Inventory (BC5757:277)

78 January 1979

Details of Road: Rosedale Ferry Road. No. 136. Established May 15, 1945. Gazette LRO Plan 8017. Classified as Minor "B" 1.45 kms. Commences at N. Boundary Chilliwack Municipality and ends at Agassiz-Rosedale Highway.

Marginalia: "Paved March 89"

Source: MoT, PBMB, File PS 6196, Research Materials & Maps Acc. 94-6023-019

79 1982

Air Photo: First colour aerial photograph. The band owned land east of the highway and north of the railway track is in an undeveloped state.

Source: ILMB Air Photo Inventory (BCC319:188)

80 December 4, 1984 (date approved and recorded)

"Plan of Lot 54 Cheam Indian Reserve No. 1 New Westminster District British Columbia"

The lot borders Highway 9 on the east north of Hope Slough. The plan bears information indicating that the O.H.W.M was plotted from Airphoto BC83012, 019.

Source: NRCAN, Legal Surveys Division, R.S.B.C. 1323

81 July 18, 1986

Air Photo: Intermediate altitude aerial photograph. The band owned land east of the highway and north of the railway track has been developed. A portion of it has been cleared and a building has been erected on the land. The access appears to remain the same from the terminal point of Rosedale Ferry Road on Highway 9.

Source: ILMB Air Photo Inventory (BC86055:4)

82 April 14, 1987

P.S. Dunn, District Highways Manager to W. Montgomery, Regional Property Agent: Advises that funding is available for "construction of deceleration lane on Hwy. #9 and

realignment of Ferry Road as detailed on District Plan 29-13." Requests that right-of-way on Cheam IR No 1 be acquired.

April 14, 1987 (attachment)

Request for Acquisition of Property: Seeks acquisition for realignment of Ferry Road.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

83 July 14, 1987

Air Photo: High altitude aerial photograph. The deceleration land and exit for Ferry Road are visible east of Highway 9.

The band owned land east of the highway and north of the railway track has been further developed and the crossing of the railway track to connect with the old Yale-Cariboo Road appears more plainly in this image than that from July 1986.

Source: ILMB Air Photo Inventory (BC87069: 25)

84 July 16 & 17, 1987

Notes of telephone call with Chief Sam Douglas and meeting between G. Vance and Chief Douglas: Refers to issues of geotec studies and BCR for possible encroachment onto reserve by Ferry Road. Indicates that Band will prepare statement as to Ferry Road issue.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

85 July 21, 1987

P.S. Dunn, District Highways Manager to John Adank, Property Agent: Forwards copy of Legal Plan 17235 showing that the right-of-way widens on the east side of the highway just south of Ferry Road intersection and advises that this is at odds with Chief Douglas' position at the meeting.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

86 September 25, 1987

John Adank, Property Agent to District Highways Manager:

At our July 17th meeting, Chief Sam Douglas expressed concern about the amount of right-of-way required. You were to re-examine the area, then shown as 0.732 ha. [sic- 0.0732 ha.].

On September 3, 1987, we received copies of the noted plan detailing corrected area for acquisition. I see there was no correction of the area at all. This would seem contrary to what we told Mr. Douglas about reducing the area.

Requests that recipient re-examine the area.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

87 [November 1987]

“Plan showing right-of-way required in Cheam I.R. No. 1 at the interchange of Highway No. 9 and Ferry Road.” (District Plan No. 29-13): Shows 0.0326 ha. (0.0805 ac) parcel required to widen area where Ferry Road runs parallel to Highway No. 9.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

88 December 9, 1987

John Adank, Property Agent to District Highways Manager: Forwards approved right-of-way drawing (District Plan 29-13) showing reduced R/W from 0.0732 ha. to 0.326 ha.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

89 February 2, 1988

P.S. Dunn, District Highways Manager to Regional Director, Highways, Region 1: Advises that the Ferry Road intersection was reconstructed in the summer of 1987 as shown on District Plan 29-13. Refers to three items mentioned in memo dated January 8, 1988 (not on file) and advises as to what would be required to undertake each one. Item two would require acquisition of additional right-of-way, which he notes is not in accord with discussion with the Band.

Marginal Note: D.P. Doyle, Regional Director to G. Vance, Chilliwack District Technician dated February 8, 1988: “Please proceed without additional R/W.”

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

90 April 7, 1988

W. Montgomery, Regional Property Agent to Director of Property Services: Refers to negotiations with Cheam Band to rectify an encroachment on Reserve land during construction of a deceleration lane and re-alignment of Ferry Road.

In past meetings, Chief Douglas questioned the validity of the present use of the road and maintains that past surrenders limited the use of the highway for river crossings and no other use... As the Chief is of the opinion that the triangle, emphasized in yellow on the attached plan, belongs to the Reserve and definitely [sic] is not part of Highway Right-of-Way, any information you might be able to locate in your search concerning this matter would be very helpful in hopefully resolving the impass [sic] in our negotiations.

Marginalia: July 20, 1988: W. Montgomery, Regional Property Agent to D.I.F. McSween, A/Director of Property Services: Advises that he has not received a response to his research

request and comments that information is needed in order to continue negotiations to resolve the “trespass matter.”

August 4, 1988: R. H[adley] notes that he promised to complete research soon.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

91 August 12, 1988

D.I.F. McSween, Acting Director of Property Services to Regional Director, Burnaby: Advises that the Highway 9 right-of-way was transferred by PCO 1960-1285 as shown on CLSR 50110 which is based on (but is not) LTO 17235. Secondly, that the transfer was a standard road right-of-way transfer under Section 35. And, thirdly, that the triangular piece of land was transferred by this Order and that it formed part of a locatee holding, which Highways agreed to acquire during the negotiations in 1954.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

92 October 17, 1988

O.F. Stiller, Property Agent to Cheam Band Council: Refers to discussions regarding the encroachment on Cheam IR 1 and the Department’s decision to reduce the right-of-way acquisition as requested by the Band. Informs Band Council as to research showing that the triangular piece of land was transferred by PCO 1960-1285 and provides copies of PCO and CLSR 50110. Offers s.16; for acquisition “based on monetary settlements concluded in the recent past for nearby other similar right-of-way acquisitions of Reserve lands.” Requests BCR setting out terms of agreement and specifying that the transfer is “for all highway purposes and other works of public utility.”

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

93 October 24, 1988

R.G. Hansen, Assistant to Regional Property Agent to W.C. Bedford, Director of Property Services: Refers to October 20, 1988 meeting between Stiller and Chief Douglas and reports on results. Douglas made five demands: 1) renegotiate the 1954 “surrender” because the land was to be used strictly for the bridge and no other use; 2) the 7.8 acre portion of land be returned to the Reserve. “The late Chief Harry Edwards had held this land portion under Licence and had no authority to sell it off; This piece of land is not being used for any highway purposes.”; 3) straighten out the jogs in the right-of-way; 4) provide access from both sides of the Highway in accordance with the settlement; and 5) Department agrees to resolution of matter between the Band and EMR.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

94 November 10, 1988

W. Montgomery, Regional Property Agent to W.C. Bedford, Director of Property Services: Requests advice from Headquarters as to Chief Douglas' position set forth in the October 20th meeting that the: "...Band Council Resolution of October 21, 1954 is strictly 'for a bridge site and approach' and not for general 'road purposes' as the Canada Privy Council Order 1960-1285 states, incorrectly, as Mr. Douglas maintains." Further seeks advice as to the return of right-of-way lands never utilized for the bridge and approach.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

95 November 17, 1988

D.I.F MacSween, Manager of Operations to Regional Property Agent: Comments that in his view Chief Douglas is placing too narrow an interpretation on the words of the BCR and suggests "the problem, if one exists at all, lies with Indian Affairs and not this Ministry."

In respect of the encroachment problem and Chief Douglas's comment we have too much land, I suggest you review our present and future right-of-way requirements with your District and Regional Managers and if any sizeable right-of-way surplus at the site is identified, then we could offset that surplus against any claim brought by the Band in the encroachment and adjust the boundaries as part of that agreement.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

96 November 23, 1988

O.F. Stiller, Property Agent to D.P. Williams, A/District Highways Manager: Refers to correspondence relating to the "trespass of Indian Reserve land" and notes Chief Douglas' request that Highways return the surplus 7.80 acre triangle and the "various jogs in the highway alignment." Seeks a review of current and future R/W requirements and advice on the same.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

97 November 30, 1988

D.P. Williams, A/District Highways Manager to O.F. Stiller, Property Agent: Attaches plans showing areas no longer required and lands required for Ferry Road turning area.

The radius is too tight for large trucks, southbound on Highway #9, wanting to turn on to Ferry Road. At present they have to stop, back up, and then proceed on Ferry Road. There is a need to widen the road anywhere from 3 to 5 metres right in this location, to prevent the possibility of an accident due to the above-described manoeuvre [sic].

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

98 December 5, 1988

O.F. Stiller, Property Agent to D.P. Williams, A/District Highways Manager: Acknowledges letter dated November 30th and gives specifications for a new plan "showing not only the original R/W requirement of 0.732 ha. as outlined on District Plan 29-13, but also outlining the areas of the triangular portions to be retained as highway R/W and the part to be returned." Refers also to small surplus area on the other side of the highway.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

99 December 19, 1988

D.L. French, Regional Bridge Maintenance and Works Engineer to O.F. Stiller, Property Agent, South Coast Region: Advises that on the basis of plans submitted

I draw the conclusion that the R/W in question fall [sic] short of the Agassiz-Rosedale Bridge No. 1287 but by how far I can't determine from the plans given.

...If the Fraser Valley District require [sic] the area marked in solid red to improve Ferry Rd. intersection I have no objection to giving up area outlined in green. I agree we should retain the area outlined in dashed red. The small area on the west of Hwy. 9 and south of Rosedale O.H. appears to be of no value to the Ministry.

None of these pieces of property suggested to be returned to the Indian Band impact on either the Agassiz-Rosedale Bridge or the Rosedale O.H. Right-of-Way.

Recommends consultation with D. Parkes concerning long term planning.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

100 December 21, 1988 (Date of drawing)

Plan of proposed right-of-way/land exchange within Cheam IR 1, at the intersection of Ferry Rd. and Highway No. 9 (Dist. Plan No. 54-32): Shows two parcels of land to be returned to Indian Reserve. On the east side of the highway, a 1.2165 ha. parcel comprising most of the surplus (and severed) triangular-shaped parcel acquired in 1954. A narrow strip on the west side of the parcel to be retained. The area to be retained is triangular-shaped with a width of 10.688m at its widest and tapering to zero at the southwesterly corner of the triangular-shaped parcel. The area required is shown as embracing 0.0720 ha. Also shows a separate parcel of 0.0315ha on the west side of the highway.

Bears statement that it was prepared under the direction of the District Highways Manager and signed on January 4, 1989

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

101 December 13, 1989

O.F. Stiller, Property Agent, South Coast Region to D.R. Parkes, Regional Manager, Planning: Forwards plan [Dist. Plan 54-32?] and requests advice on the exchange proposal with the Cheam Band.

Marginalia: Calculations indicate that the total area to be returned to the Band is 1.248 ha. [3.08376 acres].

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

102 January 3, 1989 [sic- 1990]

D.R. Parkes, Regional Manager, Planning to O.F. Stiller, Property Agent, South Coast Region: Refers to letter dated December 13, 1989 and reports on traffic history for Route 9 and concludes that a basic 2 lane rural highway and the bridge have sufficient capacity for another 25 years. Recommends adopting Mr. Williams' suggestion concerning improved access to Ferry Road and the retention of a strip of land as shown on the plan in red. Also recommends return of the green shaded areas.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

103 January 4, 1990

O.F. Stiller, Property Agent, South Coast Region to District Highways Manager: Forwards Dist. Plan 54-32 for required corrections and additions as discussed that date.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

104 February 13, 1990

R.G. Hansen, Acting Regional Property Agent to W.C. Bedford, Director of Property Services: Forwards Form H.357 for approval and signature.

January 10, 1990 (attachment)

H.357: relates to proposed land exchange involving land on Cheam IR 1. Described as: "Return of surplus highway right-of-way in exchange for Reserve land to resolve a continuing encroachment problem." Approved by W.C. Bedford on February 23, 1990 and the Deputy Minister on February 27, 1990.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

105 March 13, 1990

O.F. Stiller, Property Agent to Cheam Band Council: Refers to last discussion in which Chief Douglas had indicated willingness to resolve the Ferry Road encroachment if MoT

“would consider a land exchange, offsetting surplus highway right-of-way within the Reserve boundaries against the new right-of-way requirement. I am pleased to advise the Ministry’s executive officer has granted approval to pursue this course of action.”

Outlines the exchange as involving a required right-of-way of 0.0720 ha. against the surrender to the Cheam Band of “a) most of the adjacent triangular land parcel, containing 1.2165 ha. (more or less) [3.006 acres] and b) the nearby surplus R/W land portion of 0.0315 ha. (more or less).”

Indicates the areas are outlined on an attached plan. Requests a BCR indicating the council’s concurrence and advises that the Sec. 35 transfer will contain the wording “for highway purposes and other works of public utility.”

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

106 May 18, 1990

Chief Sam Douglas, Cheam Indian Band to B. Thunderwood, Department of Highways: Refers to meeting with Dave Smith of Department of Highways on the reserve to discuss access to Highway 9. States that in 1954 the Band allowed Highways to construct an easement for a bridge approach. “One condition of the agreement is that the Highways Department provide access to the east and west portions of reserve land. Although an access has been provided, it by any means is not a safe one.” Proposes that Highways contract with the Band to construct a safe access. Attaches a sketch (not on file) showing the proposed changes.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

107 June 6, 1990

O.F. Stiller, Property Agent to District Highways Manager attention District Technician: Forwards documentation pertaining to the 1954/5 right-of-way settlement with the Cheam Band as requested on May 29th. States that Department has not received a response from the Band concerning the proposed land exchange to rectify the highway encroachment at Ferry Road. Suggests that if Highways should agree to the Band’s request for access improvements “resolution of the long outstanding encroachment matter could possibly be tied to your approval.”

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

108 July 5, 1990

P. Humphrys, Head/Land Management INAC to O.F. Stiller, Ministry of Transportation and Highways: Refers to letter dated March 13 and advises that INAC has not received a BCR indicating their consent to the proposed land exchange. States that without notification from the Band INAC cannot process the proposal.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

109 June 10, 1991

G.M. Vance, District Technician to Sam Douglas, Chief, Cheam Indian Band: Forwards proposals concerning Old Yale Road based on discussions held June 5, 1991.

n.d. (attachment)

Details work proposed at intersection of Old Yale Road and Highway # 9. States that the proposed work is contingent on seven conditions. Condition 1 involves negotiations for land exchange as shown on District Plan No. 54-32 and outlined in letter dated March 13, 1990.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

110 June 26, 1991

Sam Douglas, Chief, Cheam Indian Band to G.M. Vance, District Technician: Responds to letter dated June 10th and agrees to contingencies with the exception of No. 1 "which will dealt [sic] directly with Fred Stiller of the Property Services Branch in New Westminster."

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

111 July 18, 1991

Fax Cover Sheet from G.M. Vance, District Technician to Sam Douglas, Chief, Cheam Indian Band: Refers to Douglas' letter dated June 26th and requests a written communication regarding Item # 1 as indicated in that letter so that construction on the Old Yale Road intersection can commence.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

112 August 6, 1991

Fax Cover Sheet from G.M. Vance, Ministry of Transportation to Sam Douglas, Chief, Cheam Indian Band: Refers to Ministry's letter dated June 10th, Item 1. States:

I believe you indicated in a phone conversation between us, that you were prepared to make a Band Council Resolution to resolve this item, on the understanding that it would not prejudice your land claims. Your letter of June 26, 1991, indicates that this item would be dealt with directly with Fred Stiller of our Property Services Branch in New Westminster.

To date, Mr. Stiller has not received a letter and Band Council Resolution, as indicated in your letter.

Requests advice where the matter stands.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

113 November 8, 1991

O.F. Stiller, Property Agent to P.N. Humphrys, Head/Land Management, INAC: Forwards Cheam BCRs pertaining to right-of-way acquisition for Old Yale Road intersection.

November 1, 1991 (attachment)

Cheam Band Council Resolution: consents to matters relating to right-of-way acquisition for Old Yale Road intersection.

July 31, 1991 (attachment)

Cheam Band Council Resolution: consents to matters relating to right-of-way acquisition for Old Yale Road intersection.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

114 December 6, 1991

O.F. Stiller, Property Agent to P.N. Humphrys, Head/Land Management, INAC: Forwards Cheam BCRs pertaining to right-of-way acquisition for Old Yale Road intersection.

December 3, 1991 (attachment)

Cheam Band Council Resolution: amends reference to schedules mentioned in BCR dated November 1, 1991.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

115 June 9, 1995

Notes of Meeting between Cheam Band and Tony Gazdik: Band's position is that R/W was for "bridge purposes" only and therefore Ferry Road construction is in breach of agreement. Bands wants to change slope on west side of highway and requires MoT approval and portion of R/W. Band wants return of triangular-shaped parcel and says that the land cannot be used as part of exchange because it belongs to the Band. Band wants accreted land added to the reserve. Subnote: Indicates Band has trespassed on the right-of-way and is causing an instability in the area.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

116 June 14, 1995

Tony Gazdik, Property Agent to Bill Sunderwood Fraser Valley District/Nick May, Senior Manager: Reports on meeting with Cheam Band Council on June 9, 1995 where three issues

were discussed. First, the land exchange to rectify the Ferry Road encroachment. Second, the return of surplus land (actually part of proposed land exchange). And, third, addition of accreted land to the reserve.

The Band's position is that by building Ferry Road, MOTH broke the R/W agreement. The Band believes it would be in their right to impede the use of the highway if they wished to do so, for example they could put up a toll booth or use other unspecified actions.

Proposes a meeting with the Fraser Valley District and research on tenure issues.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

117 June 19, 1995

Tony Gazdik, Property Agent to Chief Charles Douglas, Cheam Indian Band: Refers to meeting on June 9, 1995 and advises that research has commenced and proposes to contact the Band in mid-July.

Source: MoT, PBMB, File PS 6196 (2) Acc. 94-6023-019

118 August 1995

The Status of Highway No. 9 through Cheam I.R. No. 1 by Terry Ann Young

Road research report prepared for the Aboriginal Relations Branch, MOTH.

Source: MoT, PBMB, File PS 6196 (File 31000-20) (Enclosure), Acc. 90-7448-004

119 September 6, 1995

Tony Gazdik, Property Agent to Tanya Felchle, Land Management and Leasing Offer, INAC: Addresses road issues on two reserves. With respect to Cheam IR 1 advises that efforts to resolve the Ferry Road encroachment were the subject of a proposal in June 1991 and provides details on outcome. Indicates that in the last meeting on the subject in June 1995, the Band proposed an exchange involving Provincial Crown lands adjacent to the reserve and the Ferry Road encroachment area.

Source: MoT, South Coast Region ("SCR")-Property Services, File PS 6196 (3), Acc. 94-5089-23

120 July 1996

Air Photo

Intermediate altitude, colour aerial photograph. The deceleration land and exit for Ferry Road are visible east of Highway 9.

The band owned land east of the highway and north of the railway track has been almost completely stripped of vegetation, including vegetation on the triangular-shaped parcel. Land on the other side of the railway tracks has also been developed and stripped.

Source: ILMB Air Photo Inventory (BCC96083:160)

121 July 16, 1997

Ministry of Transportation and Highways Briefing Note: Identifies two road tenure issues on Cheam IR 1 at intersections of Highway 9 at Old Yale Road and at Ferry Road. The first is identified as an outstanding PCO based on a negotiated deal with the Cheam Band. The second issue is characterized as more complex.

The blacktop at the Ferry Road interchange does not encroach onto the reserve; the area is required for the toe of the slope of Ferry Road at that point.

The Band says that MoT has breached the terms of the 1960 transfer by building Ferry Road underneath the bridge within the transfer area but that this road was not required for a bridge site or approach for which purposes the road was originally transferred. Refers to other issues raised by the Band and linked by them to the outstanding road tenure issues: CNR right-of-way, gravel removal from highway right-of-way, addition to reserve of accreted lands, gravel removal from Fraser River bar and a highway sign erected by the Band partially in the right-of-way.

States that the Ministry's position is that the S. 35 transfer was for road purposes and that the Ministry had the right to build Ferry Road. As to the Band's contention that more land was transferred than the Band agreed to indicates that "there was no plan cited in the Band's 1954 BCR; therefore it is difficult to define the precise area the Band agreed to transfer."

Source: MoT, SCR - Area Office (Chilliwack), File 13350-20, Acc. 94-1257-45

122 September 15, 1997

Nicholas May, Manager, Policy & Tenure Negotiations to Sheryl Yoner, Lands and Trusts Services, INAC: Requests assistance in resolving two tenure issues on Cheam IR 1 connected with intersections on Highway 9: Old Yale Road and Ferry Road. Provides a description of the issues and background. Recites information concerning related non-tenure issues which include: CNR right-of-way, gravel removal from highway right-of-way, addition to reserve of accreted lands, and gravel removal from Fraser River wetlands.

States MoT position as follows:

The Ministry wishes to resolve the outstanding tenure issues associated with Highway 9. The Ministry believes that the section 35 transfer in 1960 was valid and that its offer to exchange the triangular-shaped parcel for the much smaller rectangular parcel required at Ferry Road is a reasonable and valid offer, one made in good faith. MoTH also believes that the

construction of Ferry Road within the section 35 area is consistent with the terms of the 1960 transfer.

The Ministry acknowledges that there is a discrepancy between the area which the Band agreed to alienate in 1954 and the area which Canada ultimately transferred to the Province in 1960. However, there was no survey plan cited in the 1954 BCR. Now it is difficult to determine which area the Band agreed to alienate, and whether the triangular portion was to be included.

Asks Indian Affairs to assist the First Nation in dealing with agencies responsible for matters not related to road tenure.

June 19, 1997 (attachments)

Two maps (originals in colour) with insets showing the Ferry Road encroachment and the Old Yale Road Interchange area required to be transferred by PCO.

Source: MoT, SCR- Property Services, File PS 6196 (3), Acc. 94-5089-23

123 February 12, 1999

Chief June Quipp, Cheam Indian Band to Les Gilburg, Area Manager & Barry Eastman, District Highways Manager: Refers to meeting on January 26, 1999 and requests return of "all lands appropriated from Cheam I.R. # 1 that are not utilized by the Province for road purposes."

Source: MoT, SCR-Property Services, File PS 6196 (3), Acc. 94-5089-23

February 16, 1999

Les Gilburg, Area Manager Chilliwack South to Chief June Quipp, Cheam Indian Band: Refers to letter dated February 12, 1999 and agrees to another meeting.

Source: MoT, SCR - Area Office (Chilliwack), File 13350-53, Acc. 95-2579-3

February 17, 1999

Email from Les Gilburg to Tony Gazdik: Advises that at a meeting on January 26, 1999, the Cheam Band "has put provincial ministries on notice including MoTH. The [sic] have said that things will change or direct action will be taken and people will/might get hurt." Band requests the return of the 3-acre triangular-shaped parcel and for a meeting on the subject.

February 17, 1999

Email from Tony Gazdik to Mary Koyl, Lauren Wagar, Nick May, Ross Dalpre: Forwards Gilburg's email and recommends a response letter. Indicates that the Cheam Band has grouped non-MoT issues with other Crown Land issues, which are not MoT's responsibility.

We took the position that Crown Lands should provide the leadership. Crown Lands were to respond but did not do so and no action was taken since.

Source: MoT, SCR-Property Services, File PS 6196 (3), Acc. 94-5089-23

February 17, 1999

Chief June Quipp, Cheam Indian Band to Les Gilburg, Area Manager: Refers to meeting on January 26, 1999 and requests a follow up meeting

Source: MoT, SCR-Property Services, File PS 6196 (3), Acc. 94-5089-23

June 20, 1999

Darwin Hanna, Callison & Hanna, Barristers & Solicitors to Les Gilburg, Area Manager & Barry Eastman, District Highway Manager: Refers to meeting on January 26th and requests immediate return of lands shown on MoT plan (District Plan 54-32?) and referred to on the plan as "Area to be Returned to Indian Reserve".

The Band takes the position that the Area is to be immediately returned to Cheam I.R. No. 1 as the Area is not required for road purposes. As well, the Band will be seeking damages from the Province for loss of use of the Area as the Area has never been utilized for road purposes.

The Plan also states that 0.0720 hectares is an "Area Required" as a road right-of-way. The Band will not agree to transfer the "Area Required" to the Province.

Requests a meeting to discuss the return of lands and "to deal with other road right-of-way issues."

Marginalia: July 6, 1999, note indicates that arrangements to be made to meet with DIA, Aboriginal Relations Branch and Ministry lawyer.

Source: MoT, SCR-Property Services, File PS 6196 (4), Acc. 94-5089-23

July 7, 1999

Barry Eastman, District Highways Manager to Darwin Hanna, Callison & Hanna, Barristers & Solicitors: Refers to letter dated June 20, 1999 and suggests another meeting in late July-early August.

Source: MoT, SCR - Area Office (Chilliwack), File 13350-53, Acc. 95-2579-3

August 9, 1999

Email from Nick May to Barry Eastman, Tony Gazdik, Ross Dalpre, Rich Hadley: Reviews the Cheam Highway issues as set out in his Sept. 15, 1997 letter to INAC. With respect to the Old Ferry Road issue adds that: "The blacktop at the Ferry Road Interchange does not

encroach onto the reserve; the area is required for the toe of the slope of Ferry Road at that point.”

Notes that the Cheam Band rejected the 1990 proposed land exchange on the grounds that the triangular piece of land should never have been transferred to the Province and that by building Ferry Road, MoT breached the terms of the Band’s 1954 transfer, i.e. the land was transferred for “bridge site and approach thereto” only and 10.23 acres was authorized and 14.09 acres taken.

Comments that MoT relies on the PCO which transferred the lands for “road purposes”. With respect to the second issue as to the discrepancy in the amount of land says that there was no survey referred to in the BCR so that it is difficult to define the precise area the Band agreed to transfer. Suggests that the Band may have a Specific Claim against Canada if they feel that Canada did not transfer to the Province the correct amount of land for the correct purposes. Requests a meeting with the Band and a prior conference call with MoT’s legal counsel.

Source: MoT, SCR-Property Services, File PS 6196 (4), Acc. 94-5089-23

September 16, 1999

D.B. Fenny, Barrister and Solicitor, Ministry of the Attorney General to Darwin Hanna, Callison & Hanna, Barristers & Solicitors: Refers to meeting on September 13th and writes to confirm details discussed.

Third, I requested that you advise us, at your earliest convenience, in order to determine if a meeting is appropriate, whether your client is prepared to discuss the transfer of the land required by our client in exchange for the lands which our client is prepared to deliver to the benefit of your client.

Source: MoT, SCR - Area Office (Chilliwack), File 13350-53, Acc. 95-2579-3

October 2, 1999

Darwin Hanna, Callison & Hanna, Barristers & Solicitors to D. Fenny, Barrister and Solicitor, Ministry of the Attorney General: Refers to letter dated Sept 16th and meeting on Sept, 13th and requests the immediate return of all lands not utilized as road right-of-way.

Source: MoT, SCR-Property Services, File PS 6196 (4), Acc. 94-5089-23

October 4, 1999

D. Fenny, Barrister and Solicitor, Ministry of the Attorney General to Darwin Hanna, Callison & Hanna, Barristers & Solicitors: Acknowledges receipt of letter dated Oct. 2nd.

Source: MoT, SCR-Property Services, File PS 6196 (4), Acc. 94-5089-23

December 1, 1999

Darwin Hanna, Callison & Hanna, Barristers & Solicitors to D. Fenny, Barrister and Solicitor, Ministry of the Attorney General: Seeks response to client's letter dated Oct. 2nd and requests the immediate return of all lands not utilized as road right-of-way.

Source: MoT, SCR-Property Services, File PS 6196 (4), Acc. 94-5089-23

124 April 2000

Backgrounder "Cheam Protected Areas Strategy"

Reviews decision made under the Protected Areas Strategy ("PAS") to add 64 hectares to the 29 hectare Ferry Island Park and the Cheam Band's response. Indicates that the Sto:lo First Nation (representing all Sto:lo treaty bands) refused to participate in the planning process. Indicates that information produced over the course of the process was sent to First Nations with offers to meet and discuss issues. "Cheam had advised LUCO staff of its belief that the existing Ferry Island Park belongs to them. Cheam strongly objected to any additions to Ferry Island Park and asserted that it was originally part of its reserve."

Indicates that the Province met with Cheam on April 6th and 13th to discuss the plan to legally designate the land under the PAS and that the Band's response was that the Province terminate PAS and transfer four islands to the Band by April 14, 2000.

Source: MoT, SCR - Area Office (Chilliwack), File 31000-20, Acc. 95-2579-15

125 April 14, 2000

Dave Lovick, Minister of Aboriginal Affairs to Chief June Quipp, Cheam Indian Band: Refers to Quipp's letter dated April 14th regarding the Band's closure of Ferry Road. Comments that the Province is attempting to address the Band's concerns regarding the protected area strategy and refers to the Band's request that the Province transfer ownership of a number of islands to the Band.

While your direct action to block access on Ferry Island Road is in place, the Province will take appropriate action to ensure that the inconvenience to the public is minimized and will consider appropriate legal remedies.

Requests a return to negotiations.

Source: MoT, SCR - Area Office (Chilliwack), File 13350-53, Acc. 95-2579-3

126 July 31, 2001

Barry Eastman, District Highways Manager to Chief June Quipp, Cheam Indian Band: Refers to the Cheam Band's blockade and trespass on Ferry Island Road, which has been in

place since April 14, 2000. Notes latest escalation of the Band's activities by blocking access to Ferry Island by the Dyke Road access.

As we have not been able to resolve this matter by discussions to date, we request formally that the Cheam Indian Band remove the blockade from Ferry Island Road (at both the Dyke Road end and the Rosedale Agassiz Bridge location) including all gates, lock-blocks, berms and any other material immediately upon receipt of this letter.

Source: MoT, SCR - Area Office (Chilliwack), File 13350-53, Acc. 95-2579-3

127 2002

Air Photo

High altitude, colour aerial photograph. The deceleration land and exit for Ferry Road are visible east of Highway 9.

Vegetation on the triangular-shaped parcel has returned.

An access into the band owned land remains from Highway 9, but its location has been change such that it no longer crosses the triangular-shaped parcel.

Source: ILMB Air Photo Inventory (BCC02027:112)

128 September 7, 2005 (date of revision to ILRS information)

"Registry Index Plan of Cheam Indian Reserve No. 1, New Westminster District, Province of British Columbia"

Highway 9 including the 3.41-acre triangle shown as "Former Reserve Land."

Source: NRCAN, Legal Surveys Division

129 August 5, 1955

Board of Transport Commissioners for Canada Order No. 86719: Authorizes the Department of Highways to construct the Agassiz-Rosedale Highway across the right of way of CNR by means of an overhead bridge at mileage 63.26 Yale Subdivision.

Source: MoT, Railway Crossing Information Database

130 June 12, 1958

Board of Transport Commissioners for Canada Order No. 94564: Authorizes CNR to operate under Highways' overhead bridge at mileage 63.26 Yale Subdivision.

Source: MoT, Railway Crossing Information Database

131 February 2007

Road Research Report Checklist

TAB 1

reform, but greater development. We need funds to provide tuition for our Indians in the pursuits of civilized life, as well as in school-book education; and we still more need special officers to superintend the expenditure of these funds; to take charge of, and apportion out under careful regulation, the lands which have been or may be set apart as Indian Reserves, or to sell or rent them for the benefit of the tribes for whom they were reserved, and to act both as the defenders and representatives of the Indians in all matters between them and the white population, and as conservators of peace and order by the Indians among themselves and towards the rest of our people. And, as much as, if not more than all else, we require the means of carrying the Indian Liquor Law into effect, which can only be done by providing a special preventive police for the purpose.

6. I deny that Archdeacon Reece's allegations quoted by the Bishop of Columbia are well founded. With the highest respect for that gentleman's ecclesiastical position, I must say that I cannot so highly estimate either the trustworthiness of his statement, or the soundness of the deductions he draws therefrom; and although the passage cited from his letter to the New England Society may have been well adapted to attract sympathy to the cause of the Indians in our country, and thus to secure, as I trust it may have done, a full measure of material aid to our Indian Mission Fund, I regret that it should have been brought so prominently before me as to compel distinct confutation from me.

7. Similar imputations against the Government of British Columbia have been advanced on previous occasions, and most particularly by Mr. W. S. Sebright Green, by whom charges more exaggerated in degree, and far more objectionable in the manner of their preferment, were made in a letter to the "Aborigines Protection Society," which was transmitted by the Secretary of State to Governor Musgrave for his remarks, and on which I made a report by the Governor's request. A copy of this report which was printed in the "Colonial Intelligencer" in reply to Mr. Green's accusations previously inserted in that publication, and of the correspondence on which it was based, is forwarded herewith*, as it conveys information on several matters connected with the Indian affairs of British Columbia, and expresses my opinion thereon in direct contravention of the Archdeacon of Vancouver's allegations and of the inferences he makes. I will only add further, in reference to the Archdeacon's criticism as to the remissness of the Government to provide that the Indians who contribute so largely to our revenue should participate in the benefits derived by the population from the expenditures—in support of which he cites that only the insignificant sum of one hundred pounds appeared in the "Estimates for the year 1869," as appropriated for expenses connected with the Indian Tribes—that both that Reverend gentleman and his Lordship the Bishop seem to have omitted from consideration, that, although from the pecuniary inability of the Colony in the past no such appropriations have been made as could have been wished, for the special purpose of promoting the well-being of our Indian population, they have yet partaken on equal, and in some cases on more than equal, terms with our white people in all the advantages of civilization which we have brought to them, in the use of the roads and trails throughout the country, which have cost us the whole of our public debt, free of the tolls imposed in most cases on white people, cheapening food to them, and bringing to their hands implements of husbandry and agriculture, the chase and fishing, &c., which before they were without; and more especially in the blessings which result from the preservation of law and order throughout the country, instead of those scenes of bloodshed and robbery which prevailed formerly among them, and amidst which their lives were passed in a state of constant dread and uncertainty of life or property; nor again, is there at this moment any bar whatever, that I am aware of, to their sharing in the sum voted in aid of Education in the Province.

8. The strongest motives of duty and interest combined to press upon the Government, as upon each honest individual member of our community, the urgency

* See Appendix B. to Report of the Government of British Columbia, page 10.

of our striving by every means in our power, to advance the material and moral condition of our Indian population. By such influences may we hope so to change their habit of mind, that in a following generation they may become susceptible of appreciating the truths of revealed religion; although, and I state it most regretfully, in my twenty years' experience among the Aborigines of this Coast, I have not yet met with a single Indian of pure blood whom I consider to have attained to even the most glimmering perception of the Christian creed. In fact the idiosyncrasy of the Indians of this country appears to incapacitate them from appreciating any abstract idea, nor do their languages contain words by which such a conception could be expressed.

8. But I contend that the policy which has prevailed in British Columbia since its settlement by Europeans, has been essentially benevolent towards the Indians; that the degree of civilization which we have introduced into their country has in fact conferred infinite benefits upon them, although bringing with it all the evils incidental to its vices; and that this system needs not change or reform, but only increased means to bring out its real merits and capabilities. And chiefly I urge that the grave responsibility which the Government of the Dominion has undertaken towards these Indians and to the people of the Province in general respecting them, should not be devolved on others from any consideration whatever.

I have, &c.,

(Signed)

JOSEPH W. TRUTCH.

The Lieutenant-Governor to the Secretary of State for the Provinces.

Government House,

5th October, 1871.

SIR,—Acknowledging the receipt of your Despatch of the 19th August, asking to be supplied with certain statistics on Indian matters in this Province, and with maps of the various tracts of land held under reserve by Government for the use and benefit of the Indians, I have the honour to acquaint you that the information you desire is now being prepared in the Lands and Works Office, under the direction of the Chief Commissioner, as far as it is practicable to furnish it from the office records, and will be transmitted to you as soon as completed, which however will not be for some considerable time yet, as the copying of the maps of Indian Reserves is a lengthy undertaking.

I have, &c.,

(Signed)

JOSEPH W. TRUTCH.

The Lieutenant-Governor to the Secretary of State for the Provinces.

Government House,

3rd November, 1871.

SIR,—I have now the honour to transmit herewith a copy of a letter, and accompanying tracings, from the Chief Commissioner of Lands and Works to the Colonial Secretary, conveying, as far as it can be furnished from the Lands and Works records, the information applied for in your Despatch of the 19th August, and the receipt whereof was acknowledged by me on the 5th ultimo.

2. I am not aware that any expenses have been incurred by the Lands and Works Department in complying with your request in this matter, but should any such expenses be charged in connection with the copying of the maps of Indian Reserves I will defray any such reasonable charges from Dominion funds and acquaint you thereof, in order that you may obtain the vouchers for the same, which will be forwarded from the Bank of British Columbia, and bring the amount to account in whatever manner you may deem fit.

3. As to the title by which the various Indian Reservations in this Province are held, I may add to Mr. Pearse's letter that all these lands have been severally set apart at various times for the use and benefit of the Indians resident thereon, or who, being members of the particular tribe for which any such reservation was created are entitled to participate therein, by order of the Governor, publicly notified in the *Government Gazette*, or in such manner as was held to be sufficient advertisement of such notice previous to the establishment of the *Government Gazette*.

4. The authority of the Governor for creating such reservations was based up to 1865, on the mainland portion of British Columbia, and up to 1870, in Vancouver Island, on the power conferred on him, to this effect, by his Commission and the Royal instructions, and since those dates on the provisions of the Land Ordinances, 1865 and 1870, respectively.

5. As I have already in my despatch to you, No. 20, of 26th September, treated of Indian affairs at some length I will not at present enter into any further remarks on this subject.

I have, &c.,
(Signed) JOSEPH W. TRUTOR.

ENCLOSURES.

The Chief Commissioner of Lands and Works to the Colonial Secretary.

Lands and Works Office,
Victoria, 16th October, 1871.

SIR,—I have the honour to acknowledge the receipt of your Instructions under date of 5th September, to prepare tracings of the Indian Reserves existing in this Province, together with statistics of the Natives generally.

I have now to transmit herewith a series of tracings lettered A to Q inclusive, showing all the Indian Reserves which have been surveyed, together with a Schedule showing the locality, number of section, general description, acreage, name of tribe in whose favour each reserve has been made, also an Appendix one, (1) showing what portions of any particular reserve have been leased to white men, together with the terms of lease. Parts of the Songish Indian Reserve, opposite to Victoria, have been so leased by Commissioners appointed by Sir James Douglas. These leases have all expired or been cancelled.

A certain sum of money, Nineteen hundred and eighty-four dollars and eighty-two cents, is now lying in the Treasury to the credit of this Reserve, and is constantly increasing.

The leases shown in the Appendix were executed by me, in virtue of the authority of the late Governor, and are only binding so far as the Government may have the power. The rents shown in the Appendix are due from the date of each respective lease. I have no statistics as to the number of Indians in each tribe, and have no means of obtaining them. It would cost a great deal of time and money, and would involve a visit to each Indian Village throughout the Province. There are, especially in Vancouver Island, a great many tribes which have no Reserve marked out either on plan or on the ground.

The "Land Ordinance, 1870," under which alone lands can be acquired by intending settlers, especially exempts all Indian lands and settlements from its operation. It has generally been the practice to lay out on the ground the Indian Reserves synchronously with the settlement of the district by the whites. This system has been found effectual and far less costly than that of surveying the reserve all together, as they are naturally scattered and often at great distances apart. In the latter case the posts and marks on the ground might become obliterated before the white men advanced, as the Indians, though tenacious of their

rights in the lands when once surveyed, will not take the trouble to perpetuate these posts and marks, or to preserve them in any way.

Appendix two (2) shows the position of land included in the Quamichan District (sheet B) which have been promised to certain settlers in the District with the consent of the Natives.

There are various Missions established in different parts of the Province, but as they are chiefly located on lands taken up under the Pre-emption Laws, I have not reported them as existing, inasmuch as the Indians have no direct interest in the land.

The Metlakatlah Mission on the North-west Coast of the Province, is established on land specially reserved by the Government for the purposes and uses of the Mission.

Other reserves can be made from time to time as may be found necessary.

No titles to lands held by the Indians have been issued.

The Executive has always exercised a general control and supervision over the Indians and their lands, and has always prevented them from alienating in any way any portion of their reserves.

No Indian Reserves have been laid out on Vancouver Island on the west side, and none beyond Comox on the east side. No Indian Reserves have been laid out on the coast of the Mainland beyond Burrard Inlet.

The total area of land laid out on the ground for the use of the Natives is 28,487 acres.

I have, &c.,
(Signed) B. W. PEARSE.

SCHEDULE of all INDIAN RESERVES (surveyed) in the PROVINCE of BRITISH COLUMBIA.

Sheet.	Locality and short description of Reserve.	Range.	Section.	Acreage.	Tribe to which Natives belong.	Remarks.
<i>Vancouver Island Districts.</i>						
A.	Esquimalt District (Esquimalt Harbour).....		XXV.	47		
	Do. (Victoria Harbour).....		CXIX.	112		
	Sooke District (Mouth of Sooke River, left bank).....		VIII.	60	Songish	Part of this Reserve has been leased to white men. See Appendix 1.
	North Saanich District.....	I. W.	15 N.	69	Tsaikun.	
	Do.	I. & II. W.	4 & 5 N.	315.02		
	South Saanich District.....	I. & II. W.	7, 8, & 9 S.	491	Chawlip.	
	Do.	IV., V., & VI. E.	6, 7, & 8 S.	727	Tetalbit.	
B.	Cowichan District.....	I.	11 to 17 inclusive		Quamichan.	Vide Appendix 2.
	Do.	II.	12 to 18 inclusive		Olemclamaluts	
	Do.	III.	14, 15, & 16, excluding 20 ac. P. Brennan			
	Quamichan District.....	V.	15 & 16		Ocmiakén & Karmutzen.	
	Do.	VI.	16 & 18	2675	} Somenos.	
	Do.	VII.	N. E. portion of 10, E. portion of 11, & sec. 14		Quamichan (part of).	
	Do.	VIII.	N. & Sec. 10, 11 & 13 to 17 inclusive.			
	Chemahlis District.....	VII.	5	100	Kokosatlán.	
	Do.	VIII.	E. part of 6	30	Halalts.	
	Do. (large island lying off mouth of Chemahlis River).....			139	Penalshuts.	
	Nanaimo District (Reserve W. side of Harbour).....			40		Indian Schools and Missions on this Reserve, of all Denominations.
	Do. (mouth of Nanaimo R., W. side).....			131		
	Do. (do. do. E. side).....	VI.	Sec. 1, part E. of River.		Nanaimo.	
	Cranberry District.....	VII.	19 and 20, East of River	278		
<i>New Westminster District.</i>						
O.	Berrard Inlet, Junction of 1st Narrows and Kapihans Creek.....			165		
	Do.			112.46		
D.	Do.			37.45		
	Do.			37		
E.	North side of Fraser River, near mouth of Coquitlam River			1		
F.	Next Reserve, further up Coquitlam River.....			18.40		
G.	Coquitlam River, 200 yards from Fraser River.....			6.50		
	North Arm of Fraser River.....			342	Musqueam.	
H.	West bank of Harrison River.....			626	Chehalis.	
I.	Left bank of Fraser River, 1 1/2 miles from Harrison River.....			658		
	Right bank of Fraser River.....			92	Wbanock.	
	Left bank do.			98	Mataqui.	

Papers relating to Indian Land Question. 1876

I.	Left bank of Fraser River.....			52	Matsqui.	
	Do. do.			109	Katsie.	
	Sumass River, near Chadsey's Slough.....			43		
	Upper Sumass River.....			440	} Sumass.	
	Right bank of Fraser River, near junction with Nicomen Slough.....			32		
	Nicomen Slough.....			86	Olatwass.	
	Junction of Harrison and Fraser Rivers.....			330	Scowlitz.	
	Right bank of Nicomen Slough.....			109	Nicomen.	
	Left bank of do. at junction with Small Slough.....			73	Squeeam.	
<i>Yale District.</i>						
J.	Left bank of Fraser River, about 10 miles below Hope.....			489.50	Ohaubi.	
	Do. do. 20 do.			376	Cheeam.	
	Do. do. 18 do.			369	Popkru.	
	Do. do. 13 do.			380	Squatits.	
K.	Greenwood Island, opposite Hope.....			10		
L.	Left bank of Thompson River, at junction with Fraser, just outside of Lytton.....			14		
	South-east of Lytton.....			72		
	Left bank of Fraser River, 2 miles north of Lytton.....			19		
M.	Right bank do. 20 miles above Lytton.....			111	Nickelpalm.	
	Do. do. 5 do.			297	Stryem.	
	Between 35 and 38 mile-post, on Waggon Road (Bonthroyd's Flat).....			204.60	Sbooc-ok.	
	Left bank of Fraser River, between 43 and 43 mile-post, on Waggon Road.....			40	Sta-ja-hemig.	
	Right bank do. 1 1/2 miles below Lytton.....			100	Macaiya.	
	Do. do. 1 1/2 above do.			36	Nohomeen.	
	Left bank do. Waggon Road.....			58	Skopah.	
	Right bank do. Yanke Flat, 2 1/2 miles above Foster Bar.....			205	Kopachicken.	
	Left bank do. Junction of Anderson River, 24 mile-post.....			82		
	Do. do. between 16 and 17 mile-post, Waggon Road.....			81		
	Do. do. about 1/2 mile below Alexandra Bridge, and same distance inland.....			19		
	Right bank do. between 9 and 10 mile post, Waggon Road.....			110	Spuzzem.	
	Left bank do. 2 miles below Alexandra Bridge, about 1 mile inland.....			61		
N.	Right bank of Similkameen River, Vermillion Forks.....			21		
	Left bank do. do.			343		
O.	Do. do. about half-way between Princeton and Keramasoo.....			1028		
	Right bank of Fraser River, 4 miles below Yale (Albert Flat).....			163.50		
	Do. do. Hope.....			135	Skowall.	
	Small valley, about 1 mile from Spellumcheen River.....			200		
	Left bank of Spellumcheen River.....			18.60	} Spellumcheen.	
	Junction of Nicola and Thompson Rivers.....			30.60	Nicola.	
	Left bank of Fraser River, between 67 and 68 mile-post, Waggon Road.....			61	Nicoamen.	
P.	Deadman's Creek.....			576		
	Nicola River, junction of Trail from Cook's Ferry to Savona's Ferry.....			918		
	Bonaparte River, between 113 and 114 mile-post, Waggon Road.....			471	Bonaparte.	
	Nicola Lake, east bank.....			670		
	Do. Lagoon, east side.....			60		
Q.	Right bank of Thompson River, extending back to Lake.....			3112		
	North-west side of Little Lake, on trail to Adam's Lake.....			abt. 1900	} Shuswap.	
	East side of Adam's Lake, mouth of Adam's River.....			1000	Adam's Lake	These Indians have also 15 chms. sq. on W. side of lake.
	Junction of North and South Branch of Thompson River.....			6000	Kamloops	

89 Vrs. Papers relating to Indian Land Question. 105

APPENDIX 1.

SCHEDULE OF LEASES granted of portions of SONGISH INDIAN RESERVE, ESQUIMALT DISTRICT.

Date.	Name of Lessees.	Description of Property.	Term.	Rental.	How payable.	Remarks.
6th July, 1871.....	Jane Sophia Bales.....	Lots 6 and 7, 5.34 acres ...	7 years	\$76 per annum ...	Half-yearly.	
"	William Dalby	Lot 13, 1.52 acres.....	"	40 "	"	
30th June, 1871.....	Patrick Everett.....	Lot 4A, 1 acre.....	"	25 "	"	
"	Jeremiah Nagle	Lot 5, 3.08 acres	"	17 "	"	
26th April, 1864.....	The Bishop of Columbia.....	Lot 51.....	21 "	5 "	Yearly.....	Indian Mission, in connection with Church of England.

MEMORANDUM.—Dr. Ash held a Lease, formerly, of a Lot on this Reserve. He is now applying to the Government of the Dominion for another, or a renewal of the old one, which was forfeited for non-payment of the Rent.

APPENDIX 2.

SCHEDULE OF LEASES PROMISED (being parts of the INDIAN RESERVE at COWICHAN).

Date.	To whom Promised.	Description of Property.	Term.
7th August, 1871.....	Mrs. Williams (by authority of the Governor)	East part of Section 11, Range II., Cowichan District.....	Contents: 500x2000 Hks, 10 acres.
"	Harry Murriner.....	Lease of a portion of Cowichan Reserve, of no use to Indians.	
8th July, 1871.....	R. White	East part of Section 13, Range II., Cowichan District.....	10 years, at \$6 per annum.

Papers relating to Indian Land Question.

1875

89 Vic.

Papers relating to Indian Land Question.

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CORRESPONDENCE BETWEEN THE PROVINCIAL GOVERNMENT AND THE SUPERINTENDENT OF INDIAN AFFAIRS.

The Superintendent of Indian Affairs to the Chief Commissioner of Lands and Works.

Victoria, October 28th, 1872.

Sir,—I have the honour to request that you will furnish me, for the information of the Dominion Government, with a statement or record of all the lands held or reserved for Indians in this Province by the Local Government; the extent, area, and location of these lands; upon what terms held; and for the benefit of what particular tribe.

I should feel obliged, if in your power, to send me a map or general plan of these lands, together with such other particulars in respect to the same, or other Indian matters, as may be in the possession of your Department.

I have, &c.,
(Signed) I. W. POWELL.

The Chief Commissioner of Lands and Works to the Superintendent of Indian Affairs.

Lands and Works Department,

Victoria, Oct. 31st, 1872.

Sir,—I have the honour to acknowledge the receipt of your letter of the 28th inst., asking for full information—including tracings or plans—respecting the Indian Reserves of this Province. Upon enquiry, I find that plans, together with a schedule of all the reserves, and a full statement of the policy pursued with regard to the Indians, were forwarded to the Honourable the Secretary of State for the Provinces some time last fall.

I shall, however, have much pleasure in showing you the different plans of the reserves in my office; and any gentleman whom you may appoint for the purpose can make tracings of them here.

I have, &c.,
(Signed) GEO. A. WALKER.

The Superintendent of Indian Affairs to the Provincial Secretary.

Victoria, October 28th 1872.

Sir,—I had the honour to-day of addressing a letter to the Hon. Chief Commissioner of Lands and Works, with a view of obtaining as soon as possible, for the information of the Dominion Government, all particulars in respect to lands, &c., reserved for the use and benefit of Indians in the Province by the Local Government. May I beg of you, for the same reason, that I may be furnished with a statement of any and all matters appertaining to the past and present treatment of Indians by the Provincial Government in possession of your Department. Can I be supplied with any statistics as to the number and character of tribes and Indians? Have treaties been made with any of the tribes, and if so, can I be furnished with copies of the same? Has any encouragement been given to the establishment of Indian Schools? What has been the general policy of the Government in the treatment of Indians? Have any grants of money, periodical or otherwise, been made by the government? Have presents been made to tribes or chiefs? Has any system of medical treatment been carried out with Indians?

TAB 2

Cheams Indians

223

A Reserve situate on the left bank of Fraser river and bounded as follows: From the north west corner of the fractional south east quarter of section 15 Township 30 thence true south to the south east corner of the south east quarter of section 10 Township 30 - thence to a south westerly direction following the bank of a lake to a point where the section line between

Sections 3 and 10 crosses the said lake thence true west to the north east corner of the north west quarter of section 4 Township 30 thence true south 2000 links thence true

West

16 Jan
1879

See notes
page 311 of
the book

Also see
page 21 of

the containing
minutes of Dec

for Gale Indian Reservation
J. B.

west 4000 links thence true north to the
left bank of Camp Slough thence following
the bank of Camp Slough and the left
bank of Fraser River (Crossing Hope Slough)
to the initial point. Also a reserve situate

on the right bank of Fraser river bounded
as follows. From the South east

corner of Lot 34 Group 1. Yale, Lytton

District true north 4000 links more
or less to the South boundary of

s.22

pre-emption thence true
east to the west boundary of Lot

38 Group 1. thence true south to

the South west corner of Lot 38

Group 1. thence following the South

boundary of Lot 38 Group 1. to the

South^{west} corner of the said Lot

thence true north following the East-
boundary.

boundary of Lot 38 to the south boundary
of Section 23 Township 36 thence true
east to Fraser river thence following
the right bank of Fraser river to
the point of Commencement.

S.22

Chelan Indians from pages 222, 3.

The Chelan reserve was not, in my judgment, at all suitable for the people who are active and industrious under their vigorous chief Alexis. It is on a high bench on the left bank of the Fraser. This bench consists of a series of ridges & hollows, two decided ridges running about parallel to the river, and a number of shorter ones running at about right angles to the first two. Between the first and second large ridges a grassy swamp exists covering 40 or 50 acres. On crossing the second ridge you drop into a large lake which is the south boundary of the reserve,

with the exception of a short line, the hollows in many instances have been cultivated, potatoes, timothy &c, being the principal crops. The ridges are stony and timbered. As a whole, the reserve is totally unfit for agricultural purposes, and is a poor run for stock.

I cut off a small portion of the southern part of the Reserve to square it up, and then assigned lands for the people, after a careful examination of the ground and conversations with the settlers, which will make a fairly good reserve, including a small land for subdivision, timber for fuel & fencing, Sufficiently cedar for canoes, and a run for stock &c &c. The arable

land will be about 12 acres of head of the tribe at present, and they are likely to increase in number. I have confidence that they will use the land, though, as white settlers do, they may work away from it for a time on the railway works.

Two matters especially require mention — the case of ^{S.22} and the case of Charles Nelson.

^{S.22} had included within his land Lot 34, Group 1, Yale - Lytton District - a tract of from 50 to 75 acres which the Indians have cleared and levelled. There were numerous Indian potatoe Crows scattered about. The Indians naturally feel very sore on this

314

matter. The Provincial Government
sold the land to Mr Walker a
few years ago, though the position
of the Cheam Indians was before both
Governments and I think such sale
should not have been made. ^{s.22}

s.22

purchased a piece of land
from Govt and when it was being
surveyed, he got the survey extended
to include this additional piece
formerly occupied by the Indians,
and acquired the whole. This
very much embarrassed the
Commission in adjusting the land
question at this place, and will
be a source of unpleasantness for
many years.

I was enabled finally to assign

a suitable reserve by the Considerate
 act of ^{s.22} who had a

pre-emption and joining the piece in
 dispute between the Indians and

s.22

pre-emption
 fronted the Frases where it did not
 overflow and he had a house and
 fences and Cultivation. These the
 Indians agreed to purchase
 from him and this has been done.

I agreed on the part of the
 Government that in consideration of
 his abandoning his pre-emption to
 enable me to include it within
 the reserve the Government would
 give him free of price 160 acres in
 the neighbourhood. He accordingly
 abandoned his pre-emption and

occupied a piece of land farther
 back immediately north east
 of Captⁿ Gemmett's purchase, and
 has made his home there. But
 for this solution, it would have
 been necessary to have postponed
 the adjustment and taken steps
 to consider the propriety of the
 sale to ^{s.22} above mentioned,
 and this would have caused much
 trouble to both Governments.

The Indians asked for a
 prairie between Mr Henderson's
 and the Mountains, but I did not
 give it to them, not wishing to
 detach the Reserve and not believing
 it to be required. I did not visit the
 place.

Copy

314

1 Copy of John Walker's application or applications

Cannot find J Walker's application or applications to purchase Lot 34. S. 1. Gal. is a pre-emption purchase claim No 35 - date 1st Aug 1871. (near Coon's Landing, Chemm)
W. S. G.

2 Date of acceptance of Survey & copy of letter.

No letter outwards to Walker regarding acceptance of Survey, Dated Sept 8th 1877.

3 Date of payment. Lot 34. S. 1. Gal. 15th Apr 1878 \$304

1st Aug 1871 $\frac{150}{454}$

4 Date of Crown grant. Not yet issued.

W. S. G.

5 Acreage. 464 acres.

Name of Settler. ^{S.22}

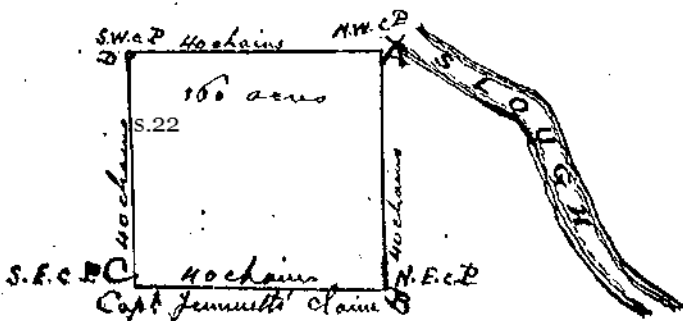
Date of Record. 4th June 1878

No of acres. One hundred & sixty

Where situated. Proser River.

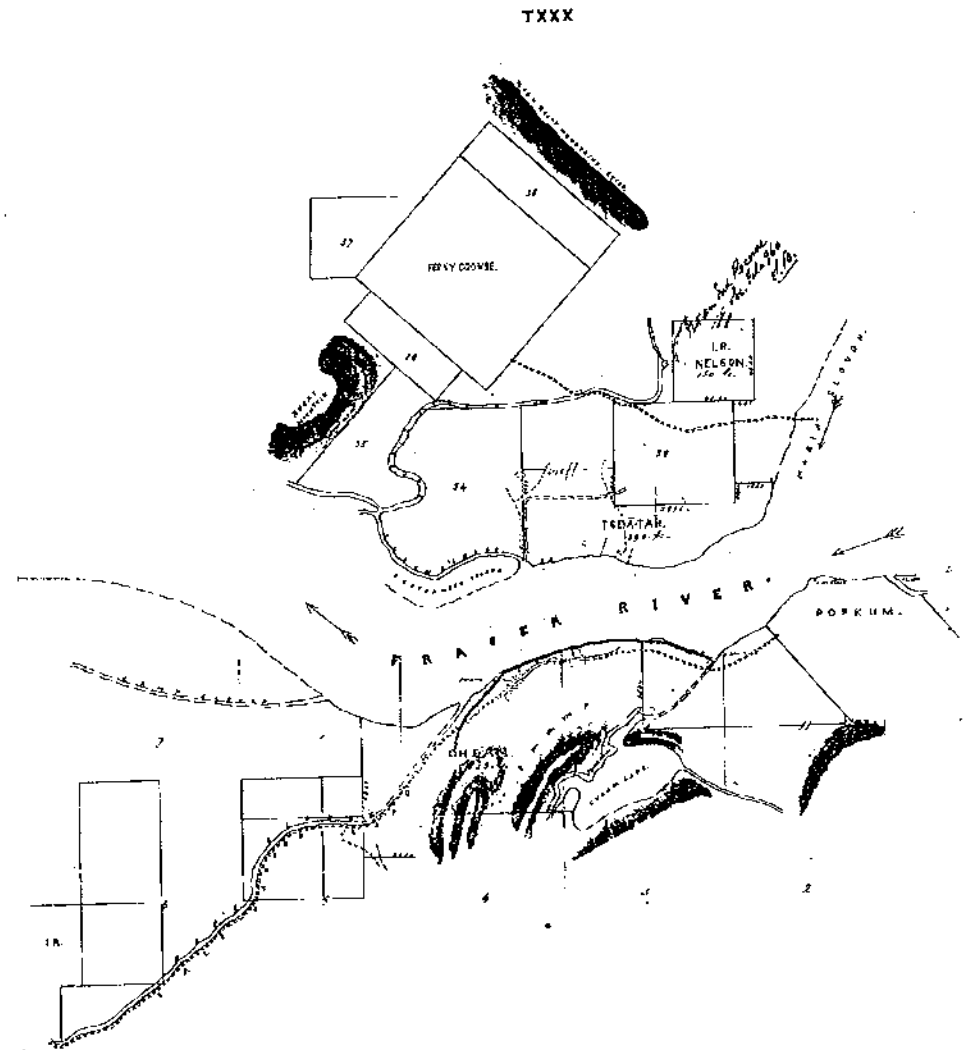
Commencing at a Corner post placed and marked A on the N.W. Corner running 40 chains to N.E. Corner post marked B thence 40 chains to S.E. Corner post C thence 40 chains to S.W. Corner post marked D thence 40 chains to N.W. Corner post the point of starting.

John Walker's
Crown grant claim



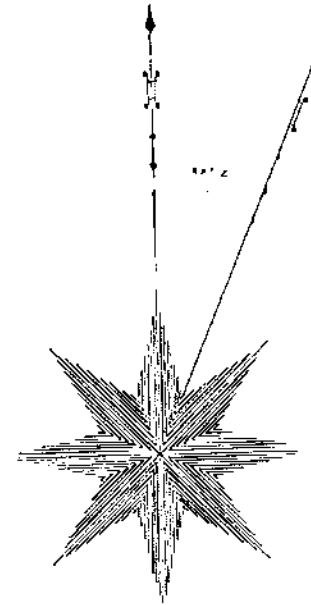
TAB 3

PLAN
of
CHEAM INDIAN RESERVES.
NEW WESTMINSTER DISTRICT.



British Columbia.

INDIAN AFFAIRS SURVEY RECORDS
No. BC 248



Approved March 19th 1892
sig. F. G. Vernon
C. C. L. W.

Designed and Drawn by William J. Fenwick, 1881

Scale.



Terrace 1881
Confidentially by P. D. 1859-388
and 2 April 1882. Also 2 April 1882. 1882-702222.

Terrace 1881
Confidentially by P. D. 1859-388
and 2 April 1882. Also 2 April 1882. 1882-702222.

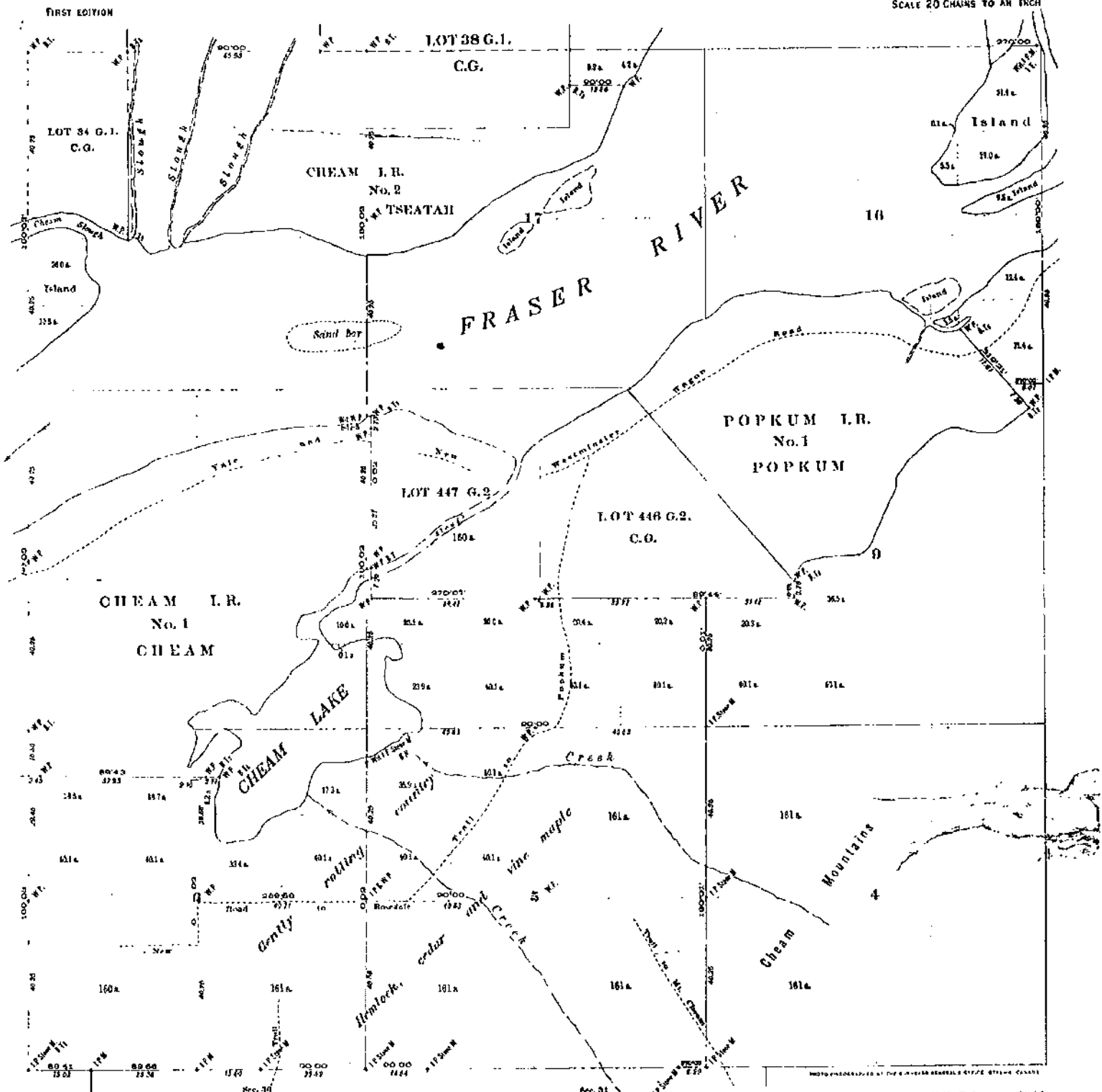
J. N. Powell
Chief Indian Affairs
22nd April 1881.
2/48.
I

TAB 4

BRITISH COLUMBIA

Plan of S.W. 1/4 Township 3 Range 28 West of the Sixth Meridian

16835



Compiled from official surveys by
 G. Turner, 14th June, 1877
 W. Patterson, 19th March, 1878
 W. S. Jewell, 15th November, 1880
 J. F. Cotton, D.L.S. 15th September, 1886
 J. Driscoll, D.L.S. 30th June, 1890
 J. E. Ross, D.L.S. 21st May, 1897
 J. E. Ross, D.L.S. 17th August, 1898
 J. W. Johnson, D.L.S. 19th June, 1909

Areas in acres are marked on all lands surveyed.
 Distances are in chains.
 Bearings are reckoned from the astronomical
 meridian through the centre of the township.
 Areas are taken to the banks of Fraser river.

Department of the Interior, Ottawa, 15th February, 1911.
 Approved and Confirmed.

Surveyor General.

CANADA LANDS SURVEYS RECORDS
 52410
 Date 18 MAY 1965

TAB 5

INDIAN RESERVE.	OFFICIAL PLAN ON WHICH SHOWN	DATE OF OPERATIONS
Indian No. 11 (Squamish)	Sp. 16, R. 27, W. 6 Mer.	20th March, 1907. 22915
Indian No. 2 (Squamish Flat)	" 16, " 27, " " "	20th March, 1907. 5385
Indian No. 12 (Tsankau)	" 16, " 27, " " "	20th March, 1907. 141
Indian No. 13 (Squamish Bar)	" 16, " 27, " " "	20th March, 1907. 87
Indian No. 3 (Marble Canyon)	" 21, " 27, " " "	17th Aug., 1901. 650
Indian No. 1 (Tepkua)	S.W. $\frac{1}{4}$ " 3, " 28, " " "	15th Feb., 1911. 381
Indian No. 1 (Chelan)	S.W. $\frac{1}{4}$ " 3, " 28, " " " S.E. $\frac{1}{4}$ " 3, " 29, " " "	15th Feb., 1911. 883 22nd March, 1911.
Indian No. 2 (Tee-a-tah)	S.W. $\frac{1}{4}$ " 3, " 28, " " "	15th Feb., 1911. 590
Seabird Island	N.E. $\frac{1}{4}$ " 3, " 28, " " " W.W. $\frac{1}{4}$ " 4, " 28, " " "	23rd July, 1908. 28th Aug., 1908. 12th July, 1909. 45115
Squawbits No. 1 (Squawbits)	" 4, " 28, " " "	12th July, 1909. 335
Squawbits No. 2	" 4, " 28, " " "	12th July, 1909. 38
Indian No. 5 (Sush)	S.E. $\frac{1}{4}$ " 18, " 28, " " "	8th Feb., 1911. 329
West part of Indian No. 5 (Mesikep) within the Railway Dist.	S.E. $\frac{1}{4}$ " 18, " 28, " " " N.E. $\frac{1}{4}$ " 18, " 28, " " "	5th Feb., 1911. 350 25th March, 1907.
Chilliwack No. 1 (Scholewat)	S.E. $\frac{1}{4}$ " 8, " 29, " " " " 26, East of Coast Meridian " 27, " " "	22nd March, 1911. 26th June, 1902. 213 18th Sept., 1893.
Harrison River No. 6	" 4, R. 29, West 6 "	10th April, 1906. 63
Harrison River No. 5 (Chenalis)	" 4, " 29, " " " S.E. $\frac{1}{4}$ " 4, " 30, " " "	10th April, 1906. 29th Nov., 1909. 1419
Harrison River No. 4 (Chenalis)	" 4, " 29, " " " S.E. $\frac{1}{4}$ " 4, " 30, " " "	10th April, 1906. 29th Nov., 1909. 635
Chilliwack No. 14 (Schoehlie)	" 26, East of Coast S.W. $\frac{1}{4}$ " 26, " " " " 22, " " " " 23, " " "	1st Sept., 1906. 30th May, 1907. 1190 11th Nov., 1905. 29th Jan., 1906.
Chilliwack No. 15 (Grass Reserve)	" 26, " " " "	26th June, 1902. 160
Chilliwack No. 11 (Chukagn)	" 26, " " " "	26th June, 1902. 30
Chilliwack No. 12 (Tee-a-tah-oose)	" 26, " " " " S.W. $\frac{1}{4}$ " 26, " " "	26th June, 1902. 30th May, 1907. 98

DEPARTMENT OF INDIAN AFFAIRS & NORTHERN DEVELOPMENT

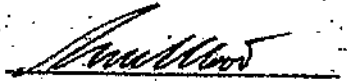
MEMORANDA AND ENDORSEMENTS

REGISTRATION NO. 1016-1

Ac P C 205

I certify that the within instrument
is duly entered and registered in the
Indian Land Registry, Department of
Indian Affairs and Northern Development,
at Ottawa:

AT...12:43...O'CLOCK...12...M OF THE
.....2.....DAY OF...April.....
AD 19...79.....NUMBER...1016-1.....
FOR...General Reserve...I.R. NO.....
IN THE PROVINCE OF...B.C......



REGISTRAR

Land Registry

TAB 6

E78
.89
B753
1916
Vol. 2
C. 3

REPORT
OF THE
ROYAL COMMISSION ON INDIAN AFFAIRS
FOR THE PROVINCE OF
BRITISH COLUMBIA

PRINTED BY ORDER



VICTORIA, BRITISH COLUMBIA

IN FOUR VOLUMES
VOLUME II.

PRINTED BY THE ACME PRESS, LIMITED, 1916

ANALYSIS OF EVIDENCE - TABLE A - REFERENCE AND GENERAL

J. GRAHAM, AGE:
A. MEGRAW, INSPECTOR

TRIBE OR BAND	RESERVE	No.	OCCUPIED OR UNOCCUPIED	PAGE SCHEDULE	VISITATION AND INSPECTION	ACREAGE	PER CAP. ACREAGE	GENERAL CONDITION	COMMUNITY BUILDINGS	FACILITIES OF ACCESS	VALUE	SPECIAL
Aadrees Lake	Neguatque	1	Occupied	119	Nov. 6, 1924	444.00*	10.50	Village site and potential farming area, in process of development.	R. C. Church	Water	24 acres @ \$200.00 per acre = \$4,800.00 475.1 acres @ \$10.00 per acre = 4,751.00 \$9,551.00	*24.8 acres acquired for R.-W. by P.O.E.R. Co.
Do	Blackwater	2	Intermittently	119	Do	10.00*	10.50	Wild land.	None	Water	17.4 acres @ \$30.00 per acre = \$520.80	*24.4 acres acquired for R.-W. by P.O.E.R. Co.
Do	Litde Mountain	3	Occupied	119	Do	20.00	10.50	Potential farming area.	None	Water	20 acres @ \$20.00 per acre = \$400.00	
Do	Five Mile or Chalk	4	Do	119	Do	20.00	10.50	Do	None	Water	20 acres @ \$20.00 per acre = \$400.00	
Bridge River	Bridge River	1	Do	112	Nov. 7, 1924	9621.00	97.02	Village site and potential farming area at the mouth of and extending up Bridge River approximately 70 miles and containing good bench farms, although generally hilly and covered with bull pine growth.	R. C. Church	Road: 5 miles from Lillooet	180 acres @ \$20.00 per acre = \$3,600.00 900 acres @ \$5.00 per acre = 4,500.00 \$8,100.00	
Do		2	Intermittently	112	Do	140.00	97.82	Potential dry farming area.	None	Road and trail (9 1/2 miles) from Reserve No. 1, up the Fraser River	20 acres @ \$700.00 per acre = \$14,000.00 120 acres @ \$5.00 per acre = 600.00 \$14,600.00	
Cayosh Creek	Cayosh Creek	1	Occupied	123	Do	145.40	22.21	Somewhat rocky dry farming area.	R. C. Church	Road: 2 miles from Lillooet	20 acres @ \$100.00 per acre = \$2,000.00 114.4 acres @ \$10.00 per acre = 1,144.00 \$3,144.00	
Do	Pushqua	2	Do	123	Do	785.00	22.21	Hilly tract generally covered with bull pine.	None	Road: 5 miles from Lillooet	20 acres @ \$75.00 per acre = \$1,500.00 765 acres @ \$5.00 per acre = 3,825.00 \$5,325.00	
Cham	Cham	1	Do	75	Nov. 22, 1924	525.00	34.41	Potential farming area on left bank of the Fraser River, generally timbered.	R. C. Church	Road and water	70 acres @ \$225.00 per acre = \$15,750.00 515 acres @ \$25.00 per acre = 12,875.00 \$28,625.00	
Do	Taw-ah	2	Do	75	Do	392.00*	34.41	Timbered potential farming area on right bank of the Fraser River; part under rental to whites as pasture.	None	Road	20 acres @ \$215.00 per acre = \$4,300.00 370 acres @ \$25.00 per acre = 9,250.00 \$13,550.00	*Indians claim 20 acres been lost by evas. on.
Hope	Hope	1	Do	75	Nov. 20, 1924	14.50	17.57	Practically deserted Reserve; generally cultivable.		Road	7 acres @ \$200.00 per acre = \$1,400.00 3.5 acres @ \$25.00 per acre = 87.50 \$1,487.50	

Lillooet Agency - A1

CORRECTION OF INDIAN RESERVES AREAS LYTTON AGENCY

TRIBE OR BAND	RESERVE	NUMBER	ACREAGE AS SHOWN BY SCHEDULE OF INDIAN RESERVES, 1813	ACREAGE AS PASSED UPON BY COMMISSION	REMARKS
Anderson Lake	Niquatque	1	444.00	444.00—6.38 R.W. =437.62	Reduced by allowed right-of-way of P.O.E.R. Co. 6.38 acres.
Do		2	20.00	20.00—1.15 R.W. =18.85	Reduced by allowed right-of-way of P.O.E.R. Co. 1.15 acres.
Capoosh Creek	Capoosh Creek	1	267.00	267.00—10.60 R.W. =256.40	Reduced by allowed right-of-way of P.O.E.R. Co. 10.60 acres.
Cheam	Cheam	1	253.00	253.00—14.12 R.W. =238.88	Reduced by allowed right-of-way of C.N.P.R. Co. 14.12 acres.
Clinton	Clinton	1	225.00	225.00—4.73 R.W. =220.27	Reduced by allowed right-of-way of P.O.E.R. Co. 4.73 acres.
Do		2	218.00	218.00—17.04 R.W. =200.96	Reduced by allowed right-of-way of P.O.E.R. Co. 17.04 acres.
Hope	Fishery	2	1.00	1.00—1.00	Surrendered and sold to K. V. R. Co.
Fountains	Fountain	2	156.00	156.00—12.80 R.W. =143.20	Reduced by allowed right-of-way of P.O.E.R. Co. 12.80 acres.
Do		3	497.00	497.00—1.44 R.W. =495.56	Reduced by allowed right-of-way of P.O.E.R. Co. 1.44 acres.
Pavilion	Pavilion	2	2,278.00	2,278.00—16.10 R.W. =2,261.90	Reduced by allowed right-of-way of P.O.E.R. Co. 16.10 acres.
Yale	Kotlath	2	250.00	250.00—3.00 R.W. =247.00	Reduced by allowed right-of-way of C.N.P.R. Co. 3.00 acres.
Do	Quelak	4	27.00	27.00—1.44 R.W. =25.56	Reduced by allowed right-of-way of C.N.P.R. Co. 1.44 acres.
Do	Squash	4	46.00	46.00—4.3 R.W. =41.70	Reduced by allowed right-of-way of C.N.P.R. Co. 4.3 acres.
Do	Maykaij	7	37.00	37.00—4.3 R.W. =32.70	Reduced by allowed right-of-way of C.N.P.R. Co. 4.3 acres.
Do	Luktesish-um or Ruby Creek	9	37.00	37.00—11.55 R.W. =25.45	Shown by Plan of Survey to contain 127 acres and reduced by allowed right-of-way of C.P.R. Co. 11.55 acres.
Yale Union Bar Band	Trafalgar Flat	12	172.00	172.00—4.3 R.W. =167.70	Reduced by allowed right-of-way of C.N.P.R. Co. 4.3 acres.
Do	Timber	14	272.00	272.00—11.20 R.W. =260.80	Reduced by allowed right-of-way of C.N.P.R. Co. 11.20 acres.
Do	Ayawaawis	15	220.00	220.00—10.0 R.W. =210.00	Reduced by allowed right-of-way of C.N.P.R. Co. 10.0 acres.
Yale	Lady Franklin's Rock	75	1.50	1.50	Shown by Plan of Survey to contain 1.55 acres.
Do		76	1.00	1.00	Shown by Plan of Survey to contain 1.50 acres.
Do		60	14.00	14.00	Shown by Plan of Survey to contain 15.14 acres.
Do		57	43.00	43.00	Shown by Plan of Survey to contain 4.10 acres.
Do		48	15.00	15.00	Shown by Plan of Survey to contain 8.50 acres.
Do		43	11.00	11.00	Shown by Plan of Survey to contain 13.85 acres.
Do		34	9.00	9.00	Shown by Plan of Survey to contain 0.10 acre.
Do		65	Omitted	0.25	Shown by Plan of Survey to contain 0.25 acres.
Boothroyd Coomok Band	Tawawawmuck	1	47.10	47.10—11.95 R.W. =35.15	Reduced by allowed right-of-way of C.N.P.R. Co. 11.95 acres.
Do	Tifotahh	2	37.00	37.00—10.0 R.W. =27.00	Reduced by allowed right-of-way of C.N.P.R. Co. 10.0 acres.
Do	Inkshatsh	5	474.00	474.00—17.0 R.W. =457.00	Reduced by allowed right-of-way of C.N.P.R. Co. 17.0 acres.
Boothroyd	Stelyahany	6	74.50	74.50—11.7 R.W. =62.80	Reduced by allowed right-of-way of C.N.P.R. Co. 11.7 acres.
Do	Boothroyd	3A	141.00	141.00—4.02 R.W. =136.98	Shown by Plan of Survey to contain 145.05 acres, and reduced by allowed right-of-way of C.N.P.R. Co. 4.02 acres.
Do	Dufferin	70	75.10	75.10—7.12 R.W. =67.98	Reduced by allowed right-of-way of C.N.P.R. Co. 7.12 acres.
Boalen Bar	Torkhewewum	1	25.00	25.00—10.25 R.W. =14.75	Reduced by allowed right-of-way of C.N.P.R. Co. 10.25 acres.
Do	Acetia's Flat	2	3.25	3.25—1.0 R.W. =2.25	Reduced by allowed right-of-way of C.N.P.R. Co. 1.0 acre.

CONFIRMATIONS OF RESERVES

LYTTON AGENCY

TRIBE OR BAND	RESERVE	NUMBERS	DESCRIPTION	ACREAGE	DATE OF CONFIRMATION
Anderson Lake	Nequatque	1	Lillooet District, at the head of Anderson Lake.	44.00—less allowed R.W. of P.O.E.R. Co., 6.82 acres— 37.18	15th March, 1915
Do		1	Lillooet District, 3/4 mile E. of Anderson Lake.	20.00—less allowed R.W. of P.O.E.R. Co., 2.46 acres— 17.54	Do
Do		3	Lillooet District, 3/4 mile W. of Reserve No. 2.	19.00	Do
Do		4	Lillooet District, 2 miles S. W. of Anderson Lake and on the banks of the Moutique or Anderson River.	20.00	Do
Bridge River	Bridge River	1	Lillooet District, on both banks of Bridge River, from its confluence with the Fraser River, upstream.	2,512.00	15th March, 1915
Do		7	Lillooet District, on the right bank of Fraser River, 2 1/4 miles N. E. of Reserve No. 1.	240.00	Do
Caycoosh Creek	Caycoosh Creek	2	Lillooet District, south of Caycoosh Creek and W. of and adjoining Lot 3, Group 1, Lillooet District.	187.00—less allowed R.W. of P.O.E.R. Co., 10.60— 176.40	Do
Do	Pashiqua	2	Lillooet District, on the right bank of the Fraser River, south of Lot 3, Group 1, N. E. of Lot 7, Group 2, and opposite Lillooet Reserve No. 4.	252.00	Do
Cham	Cham	1	New Westminster District, in Tp. 2, R. 28, 25 and 29, W. 6th M., on the left bank of the Fraser River.	182.00—less allowed R.W. of C.N.P.R. Co., 24.75 acres— 157.25	15th March, 1915
Do	Tata-tah	1	New Westminster District, in Tp. 2, R. 28, W. 6th M., on the right bank of the Fraser River.	390.00 (Indefinite claim area has been reduced to 390.00 acres by section)	Do
Clifton	Clifton	2	Lillooet District, W. of the Town of Clifton and N. of and adjoining Lot 2, Group 4.	Gravestones examined, balance of Reserve being cut off	25th March, 1915
Do		2	Lillooet District, at the 49 Mile Post on the road from Lillooet to Clifton and E. of and adjoining Lot 9, Group 5, E. of Kelly Lake.	648.00—less allowed R.W. of P.O. E. R. Co., 17.08 acres— 630.92	Do
Hope	Arkham	2	Yale District, on the right bank of the Fraser River, 2 1/2 miles above the Town of Hope, in Tp. 2, R. 15, W. of 6th M.	291.00	15th March, 1915
Do	Greenwood Island	3	Yale District, in Sec. 9, Tp. 2, R. 25, W. of 6th M., opposite Hope.	20.00	Do
Do	Chawuthan	4	Yale District, in Tp. 2, R. 25, W. 6th M., on the right bank of the Fraser River, 3 miles below Hope.	2,407.00	Do
Do	Flabery	1	Yale District, in Sec. 16, Tp. 2, R. 25, W. 6th M.	2.00 (Subsequently surrendered and sold to the C.P.R. Co.)	15th August, 1914
Do	Do	1	Yale District, in Sec. 21, Tp. 2, R. 25, W. 6th M.	2.00	15th March, 1915
Ohami	Ohami	2	Yale District, in Tp. 4, R. 27, W. 6th M., on the left bank of the Fraser River, opposite Ruby Creek.	428.00	15th March, 1915
Do	Waldack Island	3	Yale District, in the Fraser River, W. of Reserve No. 1.	172.00	Do
Popkum	Popkum	2	Yale District, in Tp. 3, R. 25, W. of 6th M., on the left bank of the Fraser River.	282.00	15th March, 1915
Ohami, Popkum, Squawilla, Skawhlock, Hope, Union Bar and Yale, in common	Seabird or Maria Island		Yale District, Tps. 3 and 4, R. 28, W. 6th M.	4,512.00—less re-division of 2,200.00 acres in the north-western portion of the Island— 2,312.00	Do
Skawhlock	Skawhlock	1	Yale District, in Secs. 2 and 3, Tp. 5, R. 27, W. 6th M., on the right bank of the Fraser River.	212.00	15th March, 1915
Do	Ruby Creek	2	Yale District, in Sec. 5, Tp. 4, R. 27, W. 6th M., on the left bank of the Fraser River, opposite Ruby Creek.	44.50	Do
Squawilla	Squawilla	1	Yale District, in Sec. 23, Tp. 4, R. 25, W. 6th M., on the left bank of the Fraser River, opposite the head of Seabird Island.	325.00*	Do
Do		1	Yale District, in Sec. 24, Tp. 4, R. 25, W. 6th M., N. of Reserve No. 1 (Part of an Island).	58.00* (*Indefinite claim area of Reserve has been reduced 100 acres by section)	Do
Fountain	Fountain	1	Lillooet District, on Fountain Creek, approximately 3/4 mile S. of the left bank of the Fraser River, W. of and adjoining Lot 4, Group 2.	238.00	15th March, 1915
Do		9	Lillooet District, on the left bank of the Fraser River, S. and W. of Bridge River Reserve No. 1.	268.00—less allowed R.W. of the P. O. E. R. Co., 15.8 acres— 252.20	Do

figures following, viz.: "Less One Hundred and Sixty (160) acres, more or less, contained in P. R. No. 2169—Six Hundred and Forty (640) acres, more or less, subject to survey."

Victoria, B.C., June 28th, 1916.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary.*

Lytton Agency—Cheam Tribe

ORDERED: That Indian Reserve Nos. One (1) and Two (2) of the Cheam Tribe or Band, Lytton Agency, described in the Official Schedule of Indian Reserves, 1913, at Page 75 thereof, BE CONFIRMED as now fixed and determined and shewn on the Official Plans of Survey, viz.:

"No. 1—Cheam, *883 acres, and

"No. 2—Tsa-a-tah, 390.00 acres."

*Reduced to 848.47 by allowance of C.N.P.R. Co. right-of-way of 34.13 acres.

Victoria, B.C., March 16th, 1915.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary.*

Lytton Agency—Clinton Tribe

ORDERED: That the Indian Reserve of the Clinton Tribe described in the Official Schedule of Indian Reserves, 1913, at Page 88 thereof, as "lying West of the Town of Clinton and North of and adjoining Lot Three (3), Group Five (5)," containing Two Hundred and Twenty-five (225) acres, BE CUT OFF, save and excepting the Indian graveyards therein contained.

ORDERED: That the Indian Reserve of the Clinton Tribe or Band described in the Official Schedule of Indian Reserves, 1913, at Page 88 thereof, BE CONFIRMED as now fixed and determined and shewn on the Official Plan of Survey, viz.:

"No. 2—*848.00 acres."

*Reduced to 820.92 by allowance of P.G.E.R. Co. right-of-way of 27.08 acres.

Victoria, B.C., March 15th, 1915.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary.*

ORDERED: That the Indian Reserve of the Clinton Tribe or Band last above mentioned (i.e., Reserve No. 2 of 848.00 acres) be enlarged by the addition thereto of an area of Five Hundred and Seventy-eight (578) acres, more or less, lying to the North of the said Reserve, and described as follows, viz.: "Commencing at the Northwest corner of the said Clinton Indian Reserve No. 2, and

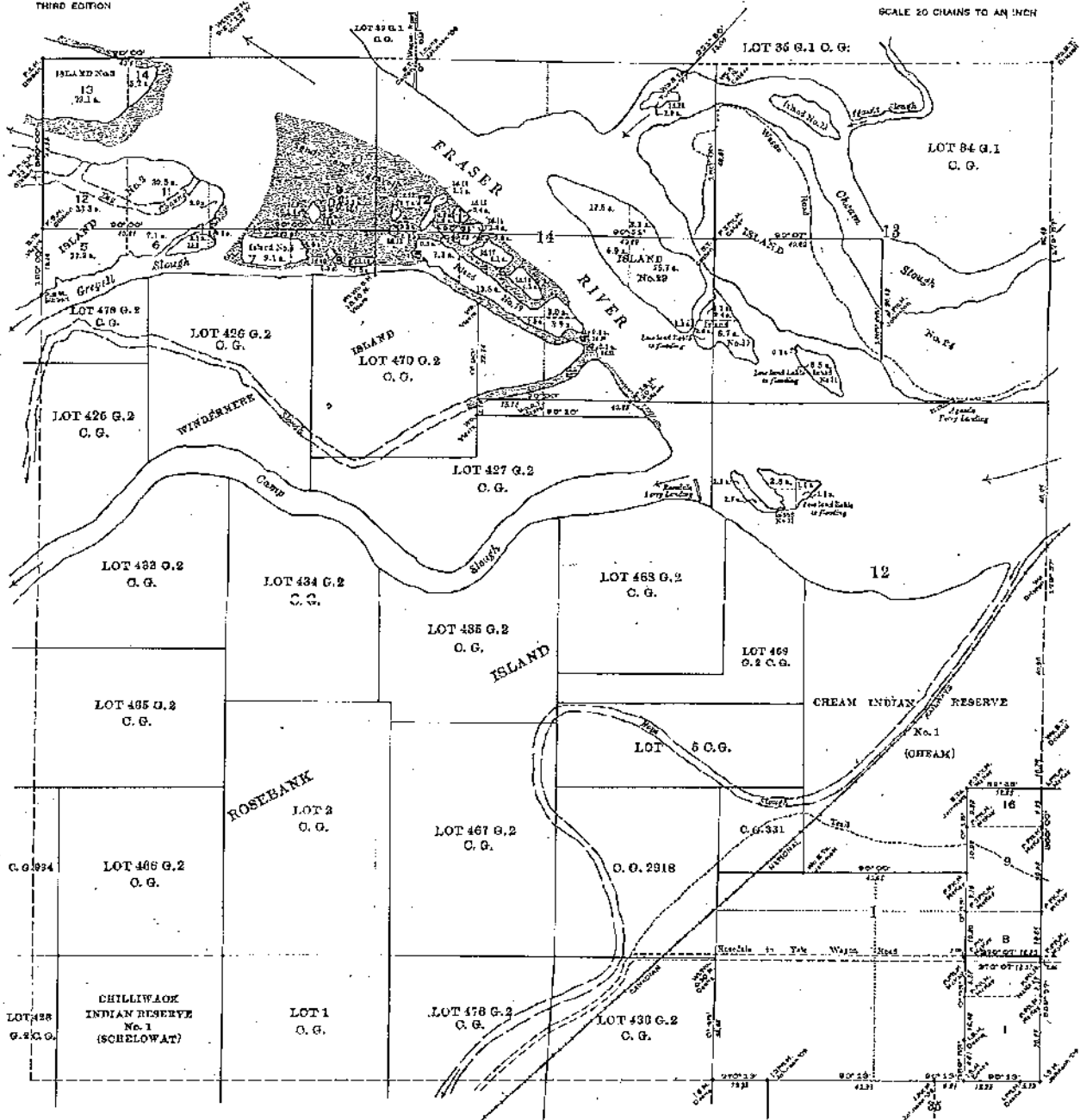
TAB 7

BRITISH COLUMBIA

Plan of S.E. 1/4 Township 3, Range 29, West of the Sixth Meridian

THIRD EDITION

SCALE 20 CHAINS TO AN INCH



Compiled from surveys by

H. D. Patterson	5th November	1876
G. Turner	20th June	1877
H. D. Patterson	2nd March	1878
H. S. Jernigan	25th October	1880
G. Turner	25th October	1883
A. F. Colton	D.L.S. 31st September	1885
A. F. Driscoll	D.L.S. 31st June	1886
J. Young	D.L.S. 9th May	1886
A. H. Johnston	D.L.S. 10th November	1908
A. H. Johnston	D.L.S. 21st June	1909
W. J. Deans	D.L.S. 26th August	1911
J. Giblin	D.L.S. 7th September	1915
R. H. McKay	D.L.S. 1st May	1916
H. J. Johnston	D.L.S. 22nd May	1918
J. A. Calder	D.L.S. 24th June	1920

NOTE: Distances are in chains. Bearings are reckoned from the astronomical meridian through the centre of the township. Arrows in areas without any deduction for roads are marked on all lands surveyed, except lands that have been patented. Arrows are to be in the banks of Fraser River and its channels. Legal subdivision numbers are shown thus... E. The name of a monument is that of the surveyor who erected, restored or reported the monument.
 F. stands for standard post; I. for old pattern iron post; W. for wooden post; S. for four pin; M. for mound; S. M. for stone mound; W. for witness; B. T. for bearing tree.

Department of the Interior, Ottawa, 8th September, 1921

Approved and Confirmed

J. A. Johnston
 For the Surveyor General

TAB 8

dup Sup General Indian Affairs 4 July 20

The Committee of the Privy Council have had before them a Report, dated 24th January, 1930, from the Superintendent General of Indian Affairs, submitting that, pursuant to certain Statutes of Canada and of the Province of British Columbia (Ca. 1920, Chapter 51, B.C. 1919, Ch. 32) Your Excellency in Council and His Honour the Lieutenant-Governor of British Columbia in Council were respectively authorized to take such action as might be necessary to carry out a certain agreement made on the 24th day of September, 1912, with respect to the administration of Indian lands in the said Province, a copy of which said agreement is attached as schedule One hereto.

The Minister states that in pursuance of the said agreement a Royal Commission was constituted to report on the matters aforesaid, and duly reported on the 30th of June, 1916, whereupon the Lieutenant-Governor in Council, on the 26th day of July, 1923, made an Order (No. 911) approving of the said report, and Your Excellency in Council, on the 19th day of July, 1924, (P.C. 1265) made an Order approving thereof except as to cut-offs in the Railway Belt.

The Minister further states that on the 22nd day of March, 1929, a further agreement with respect to Indian lands in the Province of British Columbia

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was entered into between representatives of the Governments of Canada and of the Province of British Columbia respectively, a copy of which said agreement with schedules containing a list of the reserves in the Railway Belt and Peace River Block and a draft of the form of conveyance in the said agreement referred to are hereto attached as schedules Two, Three and Four.

The Minister accordingly recommends that the said last mentioned agreement and the schedules aforesaid be approved and the agreement directed to be carried out according to its terms upon the approval thereof by the Lieutenant-Governor of British Columbia in Council.

The Minister further recommends that the Superintendent General of Indian Affairs be authorized, pursuant to Section 48 of the Indian Act (R.S.C. 1927, Ch. 98), to agree to the taking for any such public work as is mentioned in the draft form of conveyance attached hereto as schedule Four an area in excess of the one-twentieth therein provided for on payment by the Province of British Columbia for the benefit of the Indians of such sum by way of compensation for the land so taken as the Superintendent General of Indian Affairs may determine.

The Committee concur in the foregoing recommendations and submit the same for Your Excellency's approval.

W. Macleod

Approved

W. L. Kingdon

3. 2. 30.

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SCHEDULE I

"Memorandum of an Agreement arrived at between J.A.J. McKenna, Special Commissioner, appointed by the Dominion Government to investigate the condition of Indian Affairs in British Columbia and the Honourable Sir Richard McBride as Premier of the Province of British Columbia.

"WHEREAS it is desirable to settle all differences between the Governments of the Dominion and the Province respecting Indian lands and Indian Affairs generally in the Province of British Columbia, therefore the parties above named, have, subject to the approval of the Governments of the Dominion and of the Province, agreed upon the following proposals as a final adjustment of all matters relating to Indian Affairs in the Province of British Columbia:-

1. A Commission shall be appointed as follows: Two Commissioners shall be named by the Dominion and two by the Province. The four Commissioners so named shall select a fifth Commissioner, who shall be the Chairman of the Board.

2. The Commission so appointed shall have power to adjust the acreage of Indian Reserves in British Columbia in the following manner:-

(a) At such places as the Commissioners are satisfied that more land is included in any particular reserve as now defined, than is reasonably required for the use of the Indians of that tribe or locality, the Reserve shall, with the consent of the Indians, as required by the Indian Act, be reduced to such acreage as the Commissioners think reasonably sufficient for the purposes of such Indians.

(b) At any place at which the Commissioners shall determine that an insufficient quantity of land has been set aside for the use of the Indians of that locality, the Commissioners shall fix the quantity that ought to be added for the use of such Indians. And they may set aside land for any Band of Indians for whom land has not already been reserved.

3. The Province shall take all such steps as are necessary to legally reserve the additional lands which the Commissioners shall apportion to any body of Indians in pursuance of the powers above set out.

4. The lands which the Commissioners shall determine are not necessary for the use of the Indians shall be subdivided and sold by the Province at public auction.

5. The net proceeds of all such sales shall be divided equally between the Province and the Dominion, and all monies received by the Dominion under this Clause shall be held or used by the Dominion for the benefit of the Indians of British Columbia.

6. All expenses in connection with the Commission shall be shared by the Province and Dominion in equal proportions.

7. The lands comprised in the Reserves as finally fixed by the Commissioners aforesaid shall be conveyed by the Province to the Dominion with full power to the Dominion to deal with the said lands in such manner as they may deem best suited for the purposes of the Indians, including a right to sell the said lands and fund, or use the proceeds for the benefit of the Indians, subject only to a condition that in the event of any Indian tribe or band in British Columbia at some future time becoming extinct, then any lands within the territorial boundaries of the Province which have been conveyed to the Dominion as aforesaid for such tribe or band, and not sold or disposed of as hereinbefore mentioned, or any unexpended funds being the proceeds of any Indian Reserve in the Province of British Columbia, shall be conveyed or repaid to the Province.

8. Until the final report of the Commission is made, the Province shall withhold from pre-emption or sale any lands over which they have a disposing power and which have been heretofore applied for by the Dominion as additional Indian Reserves or which may during the sitting of the Commission, be specified by the Commissioners as lands which should be reserved for Indians. If during the period prior to the Commissioners making their final report it shall be ascertained by either Government that any lands being part of an Indian Reserve are required for right-of-way or other railway purposes, or for any Dominion or Provincial or Municipal Public Work or purpose, the matter shall be referred to the Commissioners who shall thereupon dispose of the question by an Interim Report, and each Government shall thereupon do everything necessary to carry the recommendations of the Commissioners into effect.

Signed in duplicate at Victoria, British Columbia, this 24th day of September, 1912.

Signed J.A.J. McKenna
" Richard McBride

Witness:
(Signed) S.22

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SCHEDULE 2

MEMORANDUM OF AGREEMENT
ARRIVED AT BETWEEN DR. DUNCAN C. SCOTT
AND MR. W. E. DITCHBURN ON BEHALF OF THE
DOMINION GOVERNMENT, AND MR. HENRY CATH-
CART AND MR. O. C. BASS ON BEHALF OF THE
PROVINCIAL GOVERNMENT.

The undersigned having been designated by their res-
pective Governments to consider the interest of the Indians
of British Columbia, the Department of Indian Affairs and
the Province of British Columbia arising out of the proposed
transfer to the Province of the lands in the Railway Belt
and the Peace River Block and to recommend conditions under
which the transfer may be made with due regard to the inter-
ests affected beg to report as follows:-

As the tenure and mode of administration of the Indian
Reserves in the Railway Belt and the Peace River Block would,
we thought, be governed by the terms of the conveyance by
the Province to the Dominion of the Indian Reserves outside
those areas it was thought advisable to agree if possible
upon a form of conveyance particularly as that question had
been before the Governments for some time and remained unde-
cided and furthermore to consider a few important matters
germane to Indian affairs in the Province with the hope of
making recommendations which would promote the ease and har-
mony of future administration.

1. We have agreed to recommend the form of conveyance
from the Province to the Dominion of the Indian reserves
outside the Railway Belt and the Peace River Block hereunto
annexed marked "A".

2. We have agreed that the provisions of section 47
of the "Land Registry Act" (R.S.B.C. 1924, chapter 127) be-

ing no longer necessary in view of the settlement now arrived at, the said section should be repealed, and the representatives of the Province undertake to so advise and recommend, and, pending such repeal, will recommend that in proper cases arising, registration may be permitted by Order-in-Council as provided in said section 47.

3. We have considered clause 4 of the document known as the McKenna-McBride agreement, which reads as follows:-

"4. The lands which the Commissioners shall determine are not necessary for the use of the Indians shall be subdivided and sold by the Province at public auction."

It is considered that this provision might beneficially be varied so that it be provided that on agreement between the two Governments, through their respective Departments, the lands may be either subdivided for sale, or disposed of en bloc, as may appear most advantageous in the circumstances of each particular case, but that such sale and disposal shall be by public auction; and as to disposal of timber, mineral and similar rights, the same should be dealt with by agreement between the respective Governments through their proper Departments, and we shall recommend accordingly to our respective Governments.

4. It was brought up by the Dominion representatives that a necessity existed for additional lands for Indians in various portions of the Province, not provided for by the Royal Commission on Indian Affairs, and it was suggested that such lands be granted by the Province at a reduced or nominal price, apart from the price fixed by the Land Act, the Province to have its reversionary interest in such lands, or the proceeds of sale or disposal thereof, as in

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Indian Reserves proper, on the extinction of the Indian interest. In such event, the Province to reimburse the Dominion the purchase price paid by it for said lands.

It is, with great respect, considered good policy to have this question of Indian lands finally settled, and that some consideration be given by the Provincial Government to a reduction in price.

5. It was urged by the Dominion representatives that the Indian claims to the foreshore of their reserves be recognized by the Province, but the Provincial representatives pointed out that it has been and is the invariable policy of the Province to consider the rights of the upland owners, and that this policy fully protected the rights of the Indians in the same way as other upland owners or occupiers of land.

In this connection the following letter from the late Premier Oliver, dated the 23rd. of April, 1924, was before the representatives:-

Ottawa, April 25, 1924.

The Honourable,
The Superintendent General of Indian Affairs,
Ottawa.

Dear Sir:-

Re: Indian Reserves in British Columbia.

Referring to our conversation of yesterday and having reference to the fears expressed by the Indians that where their reserves fronted on the water, access to their lands might be interfered with by construction of wharfs, docks, booms or other obstructions erected or placed along any foreshore being in the Province, as I expressed myself yesterday, I would favour a policy treating the Indians on exactly the same footing as I would treat the whites, and would if necessary advise the Government of the Province to give the Indian Department a written assurance to that effect. I am, however, of the opinion that no such assurance is necessary, as I think the principle of Riparian Rights would apply to any Indian reserves having water frontage to the same extent as Riparian Rights would apply to the same lands were such lands subject to the private

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ownership of any person other than an Indian. In other words, Riparian Rights would accrue to the Indians (through the Indian Department) to the same extent as they would apply to a white owner. I should be pleased if you would obtain the advice of your legal Department on this phase of the situation.

I am,
Yours faithfully,
John Oliver".

It was considered by the representatives of the Province that this letter expressed the policy which in the past has been followed, and will be followed by the Province in the future.

6. Regarding Indian Reserves in the Railway Belt and Peace River Block, we have agreed that the Indian Reserves set apart by the Dominion Government in the Railway Belt and in the Peace River Block (as shown in Schedule hereto annexed), and also the Indian Reserves set apart before the transfer of the Railway Belt and the Peace River Block by the Province to the Dominion shall be excepted from the reconveyance of the Railway Belt and the Peace River Block, and shall be held in trust and administered by the Dominion under the terms and conditions set forth in the Agreement dated 24th. September, 1912, between Mr. J. A. J. McKenna and the Hon. Sir Richard McBride (as confirmed by Dominion Statute, Chapter 51 of the Statutes of 1920, British Columbia Statute, Chapter 28 of the Statutes of 1919) in the Dominion Order-in-Council Number 1266, approved 19th. July, 1924, and Provincial Order-in-Council Number 911, approved 28th. of July, 1923, and in the form of conveyance marked "A" of the Indian Reserves outside the Railway Belt and

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the Peace River Block.

Respectfully submitted.

DATED at Victoria, British Columbia, this 22nd day
of March, 1929.

"Susan C. Scott"

Deputy Superintendent General of Indian Affairs.

"W. E. Gibbourn"

Indian Commissioner of British Columbia.

"H. Cathcart"

Superintendent of Lands.

"D. C. Bass"

Deputy Attorney-General.

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DEPARTMENT OF INDIAN AFFAIRS
OTTAWA, CANADA

SCHEDULE 3

**INDIAN RESERVES
IN THE
RAILWAY BELT
AND
PEACE RIVER BLOCK
IN THE
PROVINCE OF BRITISH COLUMBIA.**

LYTTON AGENCY.

TRIBE OR BAND	RESERVE	NUMBER	DESCRIPTION	ACREAGE	DATE OF CONFIRMATION.
Cheam	Cheam	1	New Westminster District, in Township 3, Ranges 28 and 29, West 6th Meridian, on the left bank of the Fraser River.	883.00-	O.C. 25th January, 1913.
Do	Tse-a-tah	2	New Westminster District, in Township 3, Range 28, West 6th Meridian, on the right bank of the Fraser River.	390.00 (Indians claim area has been reduced to 370.00 acres by erosion)	O.C. 25th January, 1913.
Hope	Hope	1	Yale District, in the Town of Hope	10.50	O.C. 25th January, 1913.
Do	Schkam	2	Yale District, on the right bank of the Fraser River, one mile above the Town of Hope, in Tp. 5, R. 26, W. of 6th M.	193.00	O.C. 17th August, 1900.
Do	Greenwood Island	3	Yale District, in Sec. 9, Tp. 5, R. 26, W. of 6th M., opposite Hope.	10.00	O.C. 25th January, 1913.
Do	Chawuthen	4	Yale District, in Tp. 5, R. 27, W. 6th M., on the right bank of the Fraser River, 3 miles below Hope.	1,407.00	O.C. 13th January, 1905.
Do	Fishery	5	Yale District, in Sec. 16, Tp. 5, R. 26, W. 6th M.	1.00 (Subsequently surrendered and sold to the C.P.R. Co.)	O.C. 25th January, 1913.

200
7

TAB 9

LITTON AGENCY

No.	Name	Tribe or Band	Where situated	Area Acres	Remarks
1A	Lillooet	Bridge River & Lillooet in common.			See Lillooet Tribe Reserves No. 1A.
2	Bridge River	Bridge River.	Lillooet District. On the right bank of Fraser River 4 1/2 miles North East of confluence of Bridge River with Fraser River; opposite Lot 2444. (Reference Map 89 Sectional Map 111)	140.00	Allotted by Commissioner O'Reilly, 1st September, 1881. Original Survey 1884, Plan No. 141. Area 140.00. Title, Provincial Order in Council #1084, 28th July, 1936.
1	Cayoosh Creek	Cayoosh Creek.	Lillooet District. South of Cayoosh (Baton) Creek at its confluence with the Fraser River and West of Lot 5 G.I. (Reference Map 89, B.C. Map 2 B.)	545.40	Allotted by Commissioner O'Reilly, 28th August, 1881. Original Survey 1884, Plan No. 145. Area 545.00. Title, Provincial Order in Council #1086, 28th July, 1936. Area 545.40. Right of Way, F.C.M.Ry. Plan #28181AA, Dominion Order in Council #2860, 4th September, 1914. E.C. Order in Council 28th August, 1918, Dominion Patent #17728, 23rd August, 1918. Excluded from conveyance 20.80 acres. Note: There is an Indian Grave pertinent to this reserve situated in Lot 5 G.I. Water Record. Final License #0144. " " #1244. " " #1244.
2	Pashilga	Cayoosh Creek.	Lillooet District. On the right bank of Fraser River, South of Lot 5, G.I.; North West of Lot 4 G.I. and opposite Reserve No. 4; 2 miles below the town of Lillooet. (Reference Map 89, B.C. Map 2B)	749.85	Allotted by Commissioner O'Reilly, 29th August, 1881. Original Survey 1884, Plan No. 145. Area 749.00. Title, Provincial Order in Council #1088, 28th July, 1936. Area 749.00. Right of Way Road to Lillooet (preliminary) 16.75. Water Record. Final License #5145. Final License #5141.
2A	Pashilga	Cayoosh Creek.	Lillooet District. Designated Lot 5874 and adjoins Reserve No. 8, on the East and South of Lot 3065, situate 2 miles South of the town of Lillooet. (Reference Map 89, B.C. Map 2B)	445.00	Allotted by Royal Commission March 18th, 1918, amended 20th June, 1918. Original Survey 1884, Plan No. 288. Area 445.00. Title, Provincial Order in Council #1034, 28th July, 1936. Area 445.00.
1	Cheam	Cheam.	See Westminster District in Township 5, Range 28, sections 6 & 7; township 5, Range 28, sections 1 & 12, West of 6th Meridian. On the left bank of Fraser River, and the northern shore of Cheam Lake. (Reference Map 88, Sectional Map 11)	885.89	Allotted by Sproat, 18th June, 1879. Original Survey 1881, Plan No. 248. Area 885.00. In Railway Belt, Dominion Order in Council #206, 25th January, 1913. Right of Way, C.W.F.Ry. Plan No. 210000, Plan No. 210000, Dominion Order in Council #1344, 15th July, 1917, Dominion Order in Council #45, 10th January, 1934, Dominion Patent #22807, 1st February, 1934. Right of Way Trans-Canada Highway (preliminary) 18.00.
2	Fraser	Cheam.	See Westminster District. In Township 5, Range 28, West of 6th Meridian. On the right bank of Fraser River opposite Poplum Railway Station. (Reference Map 88, Sectional Map 11)	206.49	Allotted by Commissioner Sproat, 18th June, 1879. Original Survey 1881, Plan No. 248. Area 206.00. In Railway Belt, Dominion Order in Council #206, 25th January, 1913. Right of Way, Road - surrender 11th November, 1901. 1.61.

TAB 10

CHILLIWACK ELECTORAL DISTRICT.

APPROACH TO FERRY SLOUGH BRIDGE.

NOTICE is given, pursuant to section 8 of the "Highway Act," that the 0.147-acre portion of Lot 2, Map 7234, part of Lot 469, Group 2, New Westminster District, as shown outlined in red on Plan 8017, deposited in the Land Registry Office at New Westminster, is hereby declared to be a public highway.

H. ANSCOMB,
Minister of Public Works.

*Department of Public Works,
Parliament Buildings,
Victoria, B.C., May 15th, 1915.*

P.W. File 4458.

1-my17

TAB 11



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

New Westminster, B.C.
November 13th, 1951.

W. S. Arneil, Esq., Indian Commissioner, Vancouver, B.C.

Re: Locations of Indians - Cheam Band.

Attached herewith, in duplicate, please find Band Resolutions completed by the Council of the Cheam Band wherein the following members are located to lands within I.R. No. 1.

No. [REDACTED]	EDWARDS, Lewis	Lot No. 1	35 acres approx.
No. [REDACTED]	EDWARDS, Chief H	Lot No. 2	100 " "
No. [REDACTED]	DOUGLAS, Albert	Lot No. 3	40 " "
No. [REDACTED]	VICTOR, Michael	Lot No. 4	65 " "

A rough plan of the Reserve has been prepared from Air Photographs, and indicates the aforementioned lots. Two copies of this plan are also being forwarded in support of the resolutions.

We would advise that in each case, the locatee is resident on his allotment, and has his home established there. Chief Harry Edwards has spent his lifetime on his property and has made fair progress at developing a small farm. He will eventually be disposing of a goodly portion of the place to

s.22

No. [REDACTED]

The combined acreage in the reserves of this Band total about 1200 acres, and as there are some 20 male members in the Band, the acreage would average out at about sixty acres each. There are large areas as yet not allotted to the remaining Band members, however there is sufficient land available for their needs.

We therefore recommend these locations be approved and request that we have your concurrence or otherwise at an early date.

EXEMPTION, 19(1)
ACCESS TO INFORMATION ACT

It is the intent of certain of the aforementioned Locatees to lease out portions of their holdings to outsiders who will clear the land and have it in agricultural use within a few years. It is proposed that proper leases for terms up to five years be drafted and that nominal rental rates of s.16: per acre per year be set. This would be a worthwhile project, as the land is now cleared off insofar as merchantable timber is concerned, however it contains large stumps and underbrush, which cannot be cleared out without a large expenditure of funds. These leases will however be the subject of separate letters as they come up for consideration.

JL/

J. C. Letcher
J. C. Letcher,
A/Superintendent.

OHEAM

Indian Reserve,

November 9th., 1951

We, the undersigned, Chief and Councillors of the

OHEAM Band of Indians owning the Reserve situated

at Rosedale, in the New Westminster

Indian Agency, in the Province of British Columbia

at a council summoned for the purpose, according to the rules of the

Band, and held on the said Reserve, this Ninth day

of November, A.D. 1951, in the presence of the Indian

Agent for the said Reserve, representing thereat the Minister of

Citizenship and Immigration for the Dominion of Canada;

Do hereby for ourselves, and on behalf of the Indian owners of

the said Reserve, request that Chief Harry Edwards be and is

hereby located to approximately 100 acres of land on

Oheam I.R. No. 1, being all of that portion of the Reserve

lying to the North and West of the Hope River and the

Canadian National Railway's Right of Way, save and except

a parcel of land commencing at the North West corner of

the Reserve; thence South on the Western Boundary 25

chains; thence East 15 chains; thence North about 23

chains to the Fraser River; then North-Westerly along the

river bank to point of commencement, the whole of Chief

Harry Edwards's area being listed at Lot No. 2 in a plan

of the Reserve dated November 12, 1951.

Signed and sealed in the presence

of J. C. Lester, Indian Agent

H. Edwards, Chief.

Arthur Douglas, H. M.

Dan Murphy, H. M.

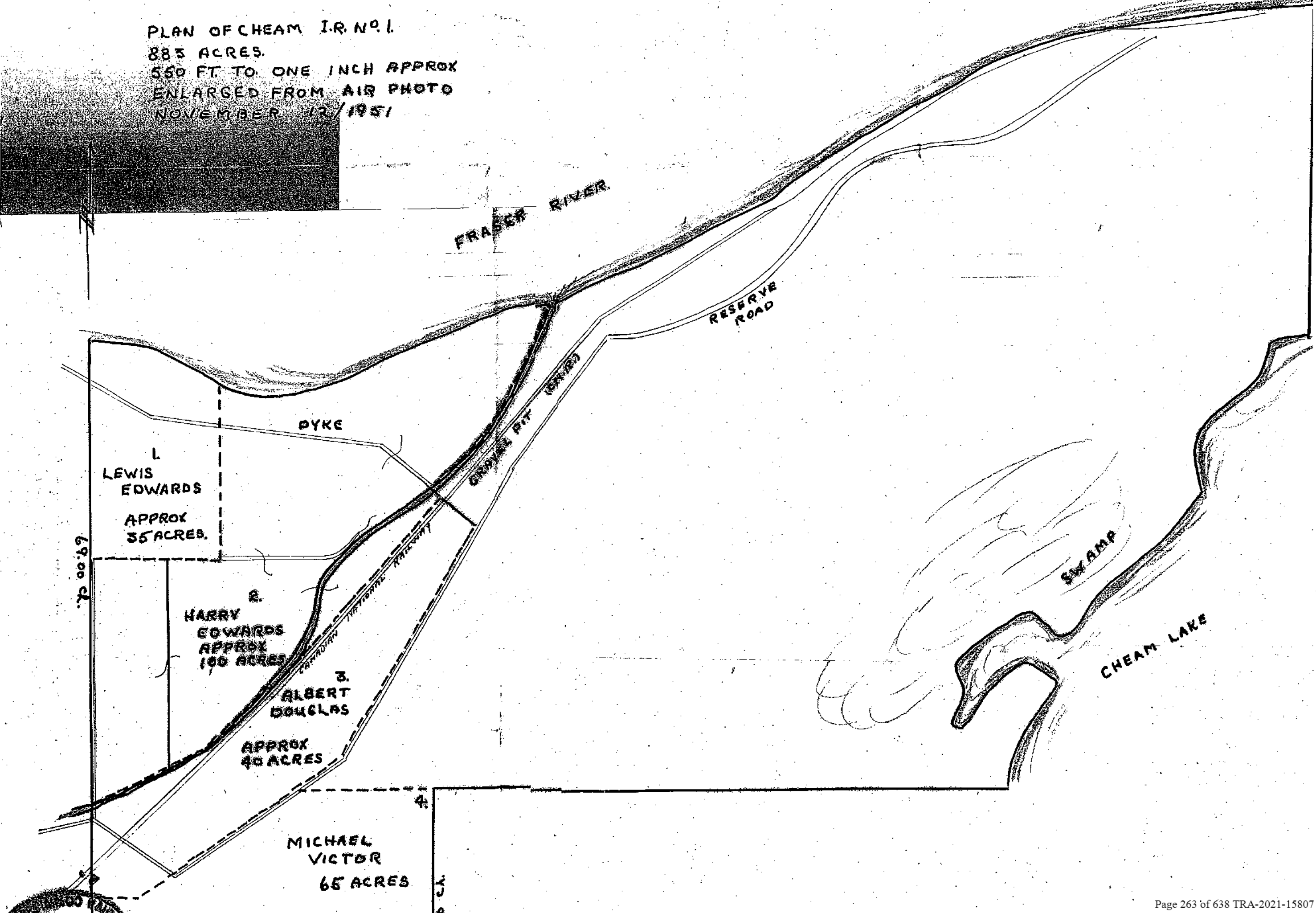
Arthur Allen, H. M.

H. M.

Form No. I.A. 515



PLAN OF CHEAM I.R. NO. 1
885 ACRES.
550 FT. TO ONE INCH APPROX
ENLARGED FROM AIR PHOTO
NOVEMBER 12/1951



TAB 12

MEMORANDUM

PROV. PUBLIC WORKS DEPT.
VICTORIA, B. C.

File 2134

2134

TO Mr. N. M. McCallum, Chief Engineer, Public Works
FROM Assistant Bridge Engineer.
AUG 7 - 1953
ANSWERED
DATE

Re: Site of Proposed Rosedale - Agassiz Bridge

As instructed the writer together with Mr. N. Zaph made a reconnaissance to determine the best location of the proposed Rosedale-Agassiz Bridge. The river was examined for possible crossings between Harrison Mills and Herling Island. Five sites were selected as worth investigation. These sites are shown on the map attached and are numbered 1 to 5.

A detail map of the river and adjacent valley, on a scale of 400 feet to 1 inch, with 5 foot contours was obtained from the Federal Department of Public Works. This map shows sufficient detail to thoroughly evaluate the different sites.

In the area considered the river is very unstable. A glance at the attached map will show the islands and bars that have been formed in the bends of the river and which are indications of the unstable river channel. Along certain stretches the banks tend to erode heavily and are only held in their present position by bank protection works.

Generally, in the area considered, the dikes are set back from the river proper to provide a wide flood plain. This flood plain is in places almost 1 mile in width. Any bridge structure would presumably have to extend over this flood plain on trestle type construction that would allow free passage of flood water.

A fixed bridge would be required to provide navigation clearance over the main river channel. A clearance of 65 feet above high water is specified by the Federal Authorities. The width over which this clearance is required would depend to some extent on the width of the navigable channel at the bridge crossing.

Recommended Site:

After evaluating all the factors involved, Site No. 2 is recommended as the most suitable for a bridge crossing. At this site the river is fairly stable for one-half mile upstream and one-half mile downstream from the bridge. The probability of severe scouring is least at this site. It is conveniently located for road connections and offers no particular construction difficulties.

972740

CHIEF ENGR.

MEMORANDUM

TO Mr. N. M. McCallum,
 Chief Engineer,
 Public Works.

FROM File 2134
 Assistant Bridge Engineer.
 August 6, 1953.

- 2 -

Summary of Sites Considered:

Site No. 1 - This site is approximately that suggested by Messrs. Pearson, Phillips & Barratt. Here the deepest part of the river, and the fastest current, is hard against the south bank. The main line of the Canadian National Railway is along the south bank immediately adjacent to the river.

This site is uncomfortably close to the severely eroding north bank between Island No. 1 and Seabird Island. This bank has receded to the west a considerable distance during the last 50 years. This erosion is now being controlled by bank protection, but should it proceed further the Department would probably have to take an active part in bank protection along this stretch in order to protect the bridge.

On the south bank a bridge pier located anywhere near the bank in the fast current, would very probably intensify erosion of the bank. This would endanger the railway and again involve the Department in bank protection work. To locate the bridge pier far enough from the bank to avoid the possibility of bank erosion would require an excessively long bridge span.

The road approaches to this site are good. On the north bank the approach would be via the present ferry road. On the south bank it would be through the Indian Reserve to connect with the Trans-Canada Highway.

This site is not recommended because of the danger on both the north and south banks, of severe bank erosion.

Site No. 2 - Site No. 2 crosses in the vicinity of the present ferry. At this site the river channel is well suited to a bridge crossing. It is fairly uniform with the deepest water and fastest current well out towards the centre of the river. These conditions obtain for almost half-a-mile upstream and downstream from the site. While generous provision should be made for future scour in the vicinity of the bridge piers the uniform character of the channel at this point indicates that heavy scouring would not be likely.

MEMORANDUM

File 2134

TO Mr. N. M. McCallum.

FROM

Asst. Bridge Engineer.

August 6, 1953

- 3 -

The road approaches to this site, while not as good as to Site No. 1, are quite favourable. On the north bank connection could be made to the present ferry road without serious damage to developed farm land. On the south bank there are two alternatives. Either the bridge roadway could be held at about the elevation of the main span and the approach curved to land on the high ground of the Indian Reserve, or the bridge approach could be brought down to the ground level at approximately the dike and a road connection made to the Trans-Canada Highway, east of Rosedale. An overhead structure would be required to cross the Canadian National Railway track. The choice between these two alternatives would be largely a matter of cost.

Site No. 3 - Site No. 3 is the site suggested by Messrs. Swan, Rhodes & Wooster. At this crossing the deepest water and fastest current is hard against the south bank. The erosion on this bank is severe. The dike on the south bank is close to the river. The south approach to the bridge would therefore be inside the dike and over highly developed farm land.

At both ends of the bridge road connections are difficult. The only approaches to this site are through farm land.

Due to the danger of erosion of the south bank, and difficult road approaches, this site is not considered suitable.

Site No. 4 - This site appeared attractive due to the presence of the rock knoll on the north bank. It was found however that the river current at this point is very variable and that it would not be possible to line up the river piers with the current.

The road approaches at this site are also difficult. On the south bank the approach is through farm land. On the north bank the road would be through farm land, and then through heavy rock construction on the knoll. It would also have to pass through a lime quarry.

MEMORANDUM

File 2134

TO Mr. N. M. McCallum.

FROM

Asst. Bridge Engineer.

August 6, 1953

- 4 -

Site No. 5 - Preliminary examination suggested that a stable river channel might exist along the base of Agassiz mountain. This was not confirmed by further investigation. Severe scouring conditions obtain along the base of the mountain, one depression in the river bed 65 feet deep being found.

Again road approaches at this site are difficult. On the south bank the approach is through farm land. On the north bank heavy grades and poor alignment would be necessary to connect with the Lougheed Highway on the slope of the mountain.

Low Level Crossing:

A low level crossing has not been considered. Such a structure, with an opening span in the navigation channel should have 20 feet clearance above high water.

No estimate has been made of the relative cost of a high level and a low level crossing. The low level crossing would probably be somewhat lower in the first cost, but if the added maintenance and the operating cost of an opening span be capitalized it is doubtful if there would be much, if any, saving over a high level bridge.

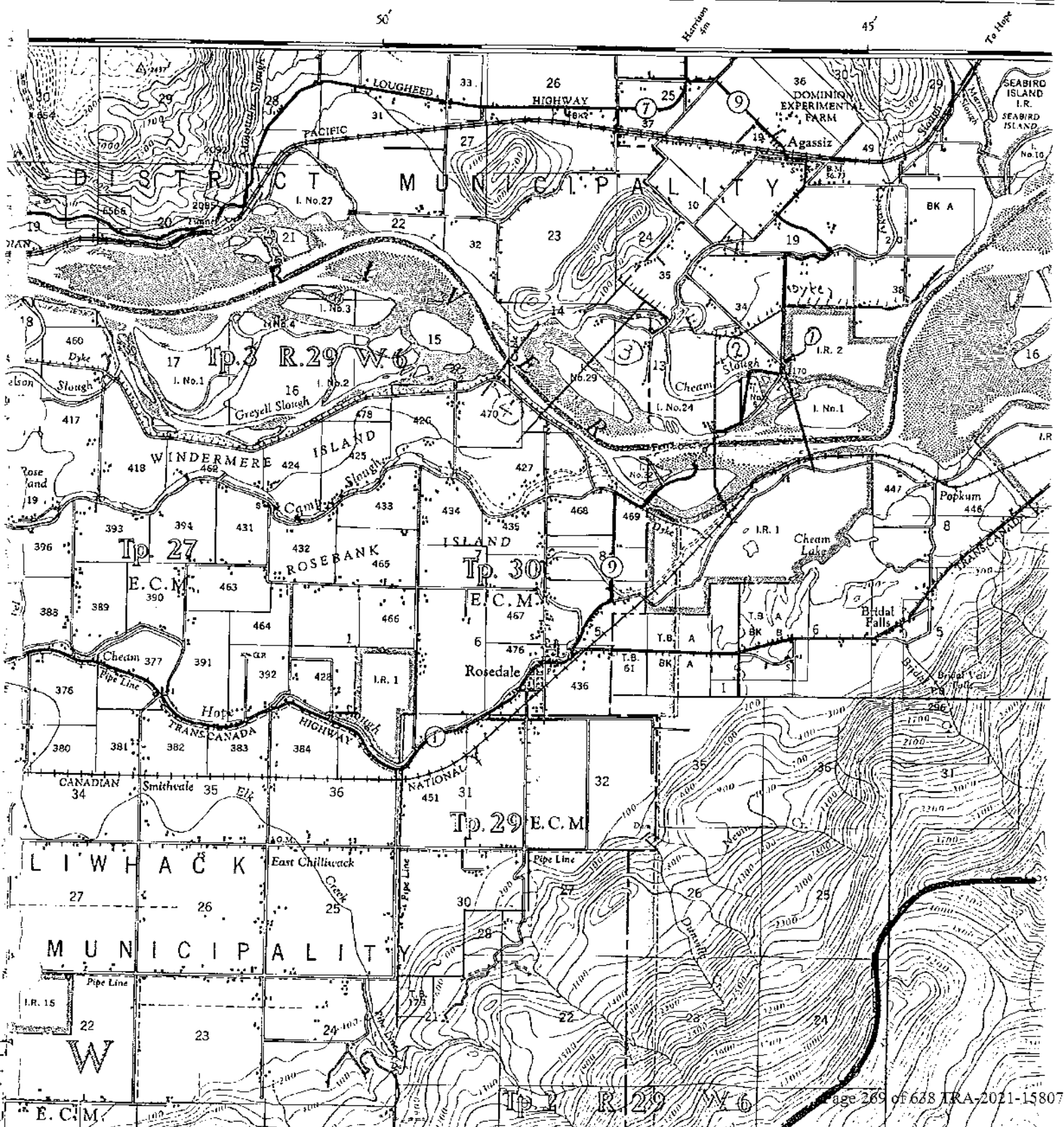
A. B. Sanderson
 A. B. Sanderson,
 Asst. Bridge Engineer.

ABSanderson:jlw
 Encls.



BRITISH COLUMBIA

DEPARTMENT OF LANDS AND FORESTS



TAB 13

MEMORANDUM

CHIEF ENGINEER'S OFFICE
DEPARTMENT OF PUBLIC WORKS

TO The Honourable P.A. Gagliardi,
Minister of Public Works,

2134

RECEIVED

DEPT. OF PUBLIC WORKS
VICTORIA, B.C.

VICTORIA, April 1st 1954.

Buildings.

MAY 10 1954

ANSWERED _____
NOTED _____
DATE _____

Attached hereto please find a report on the proposed Agassiz-Rosedale Bridge, which is self-explanatory.

If this project is to be undertaken during this fiscal year a decision should be made on the various points outlined in the report.

N.M. McCallum

N.M. McCallum,
Chief Engineer.

[Handwritten signatures]

NMM:MM
Attach.

1005604

AGASSIZ - ROSEDALE BRIDGE

The overall picture of the bridge and approaches, as now proposed is as follows:-

1. Description of Project: The proposed bridge will be a high level structure providing navigation clearance for all present and anticipated river traffic. It will provide 2 - 13 foot highway lanes with a maximum grade of $3\frac{1}{2}\%$. Ample sight distance is provided over the crest of the grade. No sidewalks are included, but there will be 2 ft. wide curbs to provide refuge for the occasional pedestrian.

Approach roads will extend on the South bank from the bridge abutment to an intersection with the Trans-Canada Highway about 4,000 feet West of Bridal Falls. On the North bank the approach road will connect with the existing ferry road just South of the outskirts of Agassiz. The total length of approach roads is 2.75 miles.

The South bank approach road will be carried over the main line of the Canadian National Railway on an overhead crossing.

The estimated cost of the project depends upon whether the full flood plain on the North bank is trestled, or if it is partly trestled and partly filled.

The cost, both ways, is as follows:-

	<u>With 1,340' flood plain filled</u>	<u>With 1,340' flood plain trestled</u>
Bridge Structure	\$3,500,000.00	\$3,800,000.00
Fill over 1,340' flood plain	127,000.00	-
C. N. R. Overhead	150,000.00	150,000.00
Road Approaches	342,000.00	342,000.00
Raising Dykes	14,000.00	14,000.00
	<u>\$4,133,000.00</u>	<u>\$4,306,000.00</u>

In addition to the above costs there will be the cost of right-of-way, and also any legal or financial costs that may be applicable to the Toll Bridge Authority. If money is borrowed by the Toll Bridge Authority, provision should possibly be made for interest charges during the construction period.

2. Progress: The design of the bridge structure is completed and the detailing and preparation of contract drawings is well under way.

In order that there may be no delay in completion of plans and specifications an early decision is required regarding the trestling, or filling, of 1,340 feet on the North bank.

3. Policy Decision Required: In order to properly plan the work, and so that plans and specifications shall accurately define our intentions, instructions are required on a number of points as listed below. Since the method of handling the work will depend upon the policy adopted on these questions, contract documents cannot be drafted until they are settled.

(a) Will the bridge be built by the Department, or by the Toll Bridge Authority? If by the Department, it will be advantageous for the Government to purchase direct as much material as possible so as to save the 10% Federal Sales Tax. If by the Toll Bridge Authority, sales tax must be paid in any event and it would probably be simpler from an accounting point of view to have the contractor purchase materials.

(b) Supply of Material: If the Department is to supply materials provision should be made for placing orders for such things as steel piling as soon as possible. These materials will be needed by the contractor as soon as work is started and in the case of steel, 3 - 4 months must be allowed for delivery.

(c) Approval under Navigable Waters Protection Act: It will be necessary to obtain approval from the Federal Government under the Navigable Waters Protection Act, and the Act requires

that no construction be started before such approval is obtained. Under the Act the intention to construct works in the river must be advertised for 1 month, and plans showing the proposed works must be deposited in the relevant land registry office for public examination. The whole process usually takes about 3 months.

In order that construction may not be delayed early authority should be given to proceed with this application.

(d) Target Dates: It would be helpful in planning to set up target dates as follows:-

1. Awarding main bridge contract
2. Awarding approach road contract
3. Final completion of project

In this connection it is suggested that the main bridge contract be called about June 1st, 1954, for return July 14th, 1954. The contract should then be awarded before August 1st, allowing the contractor full advantage of the low water season.

The road approach contract should preferably be let as soon as possible so that proper access to the bridge site can be provided at the earliest possible date. If the approach road contract is awarded before the bridge tenders come in the bridge bidders will be better able to estimate their costs of making access to the site and some saving should result.

With regard to completion of the whole project it is difficult to judge if the 7 main river piers will be completed in one low water season, that is by April, 1955. If they are the bridge would be completed by November 1st, 1955. If the main piers are not completed in one season, completion of the bridge would be delayed to about June, 1956.

There is no doubt that completion by November, 1955, is possible. The question is if requiring the contractor to complete by this date would raise the cost of doing the work. If it did raise the cost it should not be by very much, and

unless obtaining a rock bottom price is an over-riding consideration it is suggested that November, 1955, be set up as a completion date.

(e) Right-of-Way: It is suggested that negotiations for right-of-way be commenced as soon as possible, particularly as a part is through Indian Reserve for which negotiations tend to be lengthy. To meet the target dates suggested above authority to purchase right-of-way should be given not later than mid April.

(f) Contract Breakdown: The policy with regard to the make-up of contracts should be settled.

The division of the project will be:-

1. Grading of approach roads
2. Construction of bridge structure
3. Fabrication and erection of steel superstructure for approach trestle
4. Fabrication and erection of steel superstructure for main river crossing
5. Construction of C. N. R. Overhead
6. Fabrication and erection of steel superstructure for C. N. R. Overhead
7. Surfacing

A possible make-up of major contracts would be:-

1. Grading of approach roads
2. Construction of bridge structure including supply, fabrication and erection of steel superstructure on approach trestles only
3. Fabrication and erection of steel superstructure for main river crossing
4. Construction of C. N. R. Overhead
5. Surfacing

TAB 14



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

INDIAN AFFAIRS BRANCH

P.O. Box 280,
New Westminster, B.C.
May 7th, 1954.

W. S. Arneil, Esq.,
Indian Commissioner for B.C.,
Vancouver, B.C.

Re: Locations - Cheam Band

Herewith please find in duplicate Band Resolution dated May 5th, 1954, in which the Band Council locate Chief Harry Edwards, No. [redacted] of the Cheam Band, to two parcels of land on Cheam Indian Reserve No. 1, the first consisting of 16.7 acres more or less of cleared land and the second consisting of 35 acres more or less of cleared agricultural land.

On November 13th, 1951, our file 153/33-28, we forwarded four sets of Resolutions pertaining to locations of Indians on the Cheam Indian Reserve, said Resolutions being dated November 9th, 1951, among which was a Resolution for Chief Harry Edwards in which we requested that he be located to 100 acres. These Resolutions were never approved by the Department. We have, therefore, prepared the enclosed which pertains to cleared lands that should be allotted to Chief Harry Edwards.

Attached also are two sets of rough plans showing the areas involved.

It is recommended that this Resolution be approved.

With regard to our letter of November 13th, 1951, and the said Resolutions of November 9th of that year, we would ask if anything can be done to have approval granted for the locations of Lewis Edwards to approximately 35 acres, Albert Douglas to approximately 40 acres and Michael Victor to approximately 65 acres.

EXEMPTION. 19(1)
ACCESS TO INFORMATION ACT

J. C. Letcher
J. C. Letcher
Superintendent

New Westminster Indian Agency

AMA:mw
Encl.

BAND COUNCIL RESOLUTION

The Council of the CHEAM Band of Indians,
(Name of Band)
 at the New Westminster Indian Agency, in the Province
(Name of Agency)
 of British Columbia at a meeting, held at Cheam Indian Reserve, Rosedale, B.C.
(Name of Province in Full) (Name of Place)
 this Fifth day of May A.D. 1954
(In Full) (Month)

DO HEREBY RESOLVE:

THAT WHEREAS the Cheam Band resolution of November 9th, 1951, locating Chief Harry Edwards to 100 acres of land on Cheam I. R. No. 1 has never been approved by the Department,

AND WHEREAS a new survey of the Chief Harry Edwards' property has been made by this office on March 4th, 1954,

BE IT HEREBY RESOLVED that the resolution of November 9th, 1951, be rescinded and the present resolution approved in its place.

That Chief Harry Edwards, No. 1 of the Cheam Band, be and is hereby located to two parcels of land on Cheam I. R. No. 1, more particularly described as follows:- (1) Commencing at an Iron Peg situated on the West boundary of Cheam I. R. No. 1 at its junction with the South boundary of the Old Yale road; thence North along West boundary of said Reserve approx. 200 feet; thence East 27 feet to East boundary of Village road thus establishing the South-West corner of the property concerned; thence North, parallel to said West boundary approx. 1380 feet; thence due East approx. 812 feet; thence S 18° 00' E approx. 1195 feet; thence S 80° 00' W approx 632 feet to point of commencement and containing therein 16.7 acres more or less of cleared land.

(2) AND commencing at a point being the junction of the South boundary of Dyke right-of-way and North boundary of Railway right-of-way; thence Southerly along boundary of said railway approx. 1228 feet; thence N 80° 00' W approx. 865 feet; thence N 56° 00' E approx. 1070 feet to South boundary of Dyke right-of-way; thence crossing dyke on the same bearing for a distance of approx. 820 feet; thence South-Easterly approx. 460 feet to North bank of Hope River; thence approx. 810 feet, crossing dyke to South boundary of dyke right-of-way; thence along said dyke right-of-way approx. 235 feet to point of commencement and containing therein 35 acres, more or less of agricultural land.

Albert Douglas
(Chief)

Lewis Edwards
(Councillor)

Dan Murphy
(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

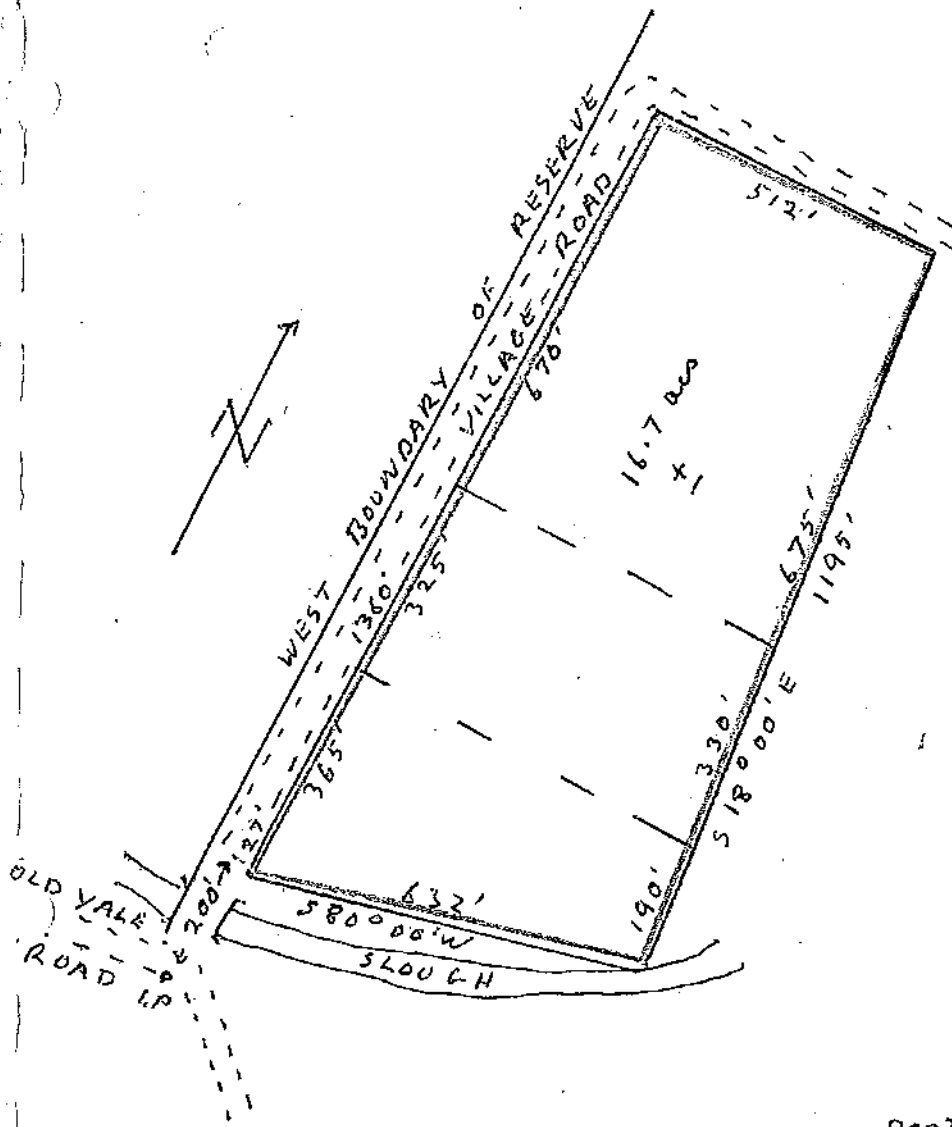
(Councillor)

(Councillor)

(Councillor)

(Councillor)

FOR HEADQUARTERS USE ONLY						
1. TRUST ACCT	2. CURRENT BALANCES		3. EXPENDITURE	4. AUTHORITY INDIAN ACT SEC.	5. SOURCE OF FUNDS	
	A) CAPITAL	B) REVENUE			<input type="checkbox"/> CAPITAL	<input type="checkbox"/> REVENUE
\$	\$	\$				
6. RECOMMENDED			7. APPROVED			
<i>[Signature]</i>			<i>[Signature]</i>			
Date <u>7.6.54</u>			Date <u>7.6.54</u>			
Superintendent, Reserves and Trusts			Director, Indian Affairs			

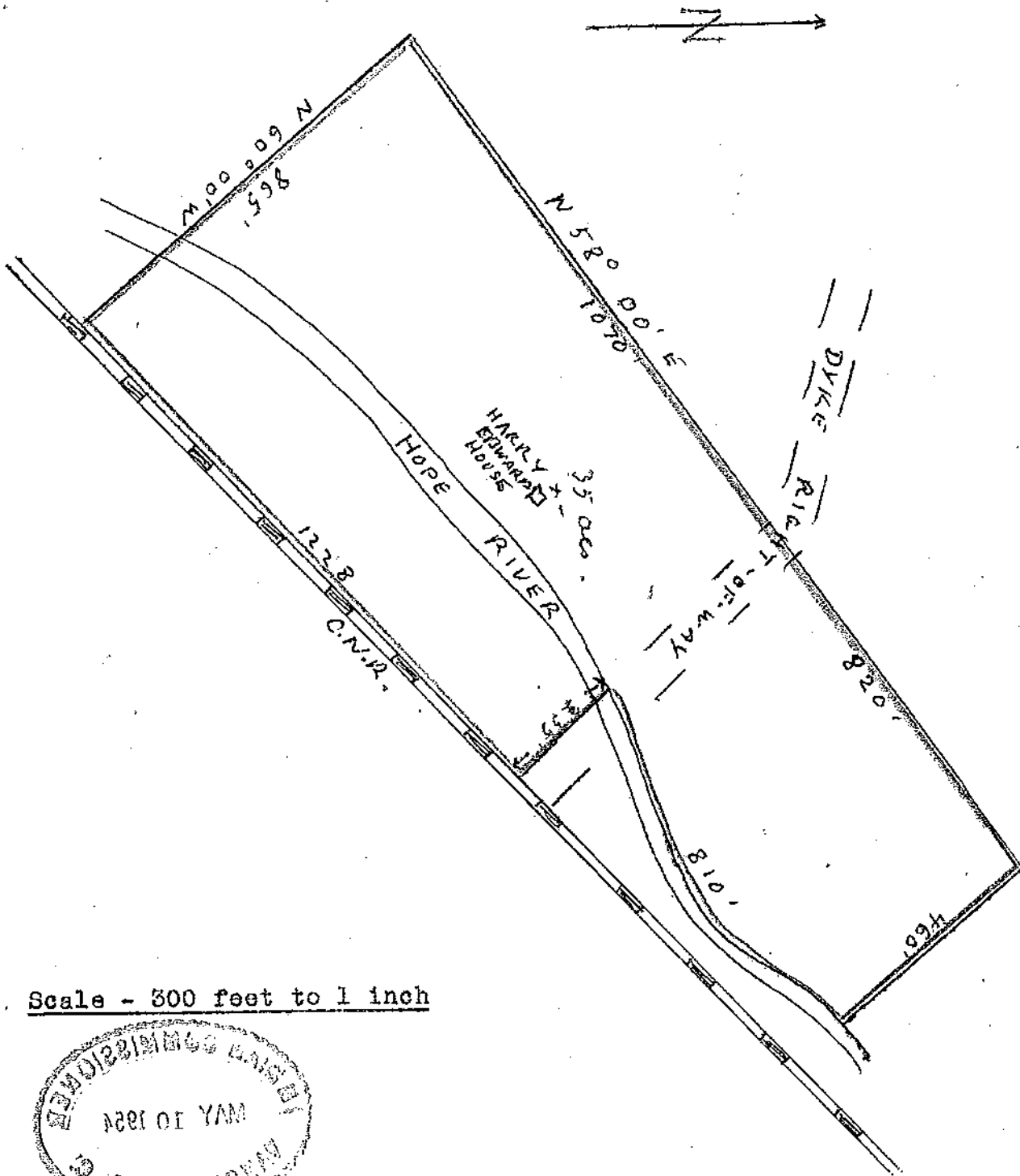


Scale - 300 feet to 1 inch

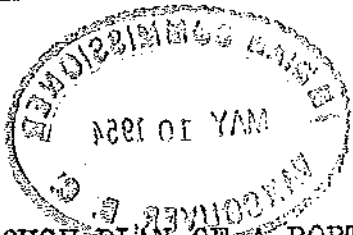
ROUGH PLAN OF A PORTION OF CHEAM INDIAN RESERVE NO. 1
 SHOWING, WITHIN THE RED SHADED AREA, THAT PORTION OF LAND
 LOCATED TO CHIEF HARRY EDWARDS BY BAND RESOLUTION DATED
 MAY 5th, 1954.

Plan surveyed by Agency Assistant March 30th, 1954.





Scale - 300 feet to 1 inch



ROUGH PLAN OF A PORTION OF CHEAM INDIAN RESERVE NO. 1 SHOWING, WITHIN THE RED SHADED AREA, THAT PORTION OF LAND LOCATED TO CHIEF HARRY EDWARDS BY BAND RESOLUTION DATED MAY 5th, 1954.

Plan surveyed by Agency Assistant March 30th, 1954.

TAB 15



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

New Westminster, B.C.,
May 20, 1954.

W. S. Arneil, Esq.,
Indian Commissioner for B.C.,
Vancouver, B.C.

Re: Locations - Cheam Band

With reference to your letter of even file dated May 17, 1954, it is apparent that the issue of locations on Cheam I.R. No. 1 is at present rather confused and in order to try and clear up the questions, we are making this report with recommendations in each case for the following Indians who are concerned:

Harry Edwards: (Former Chief)

On November 9, 1951, the Band by resolution located Harry Edwards to one hundred acres on Cheam I.R. No. 1. This resolution has never been approved, and the Department in their letter of December 28, 1951, (file 15153-28-1, 13153-187-186 R.5) requested further information, as per your letter of February 14, 1952. Our letter of March 14, 1952, was an attempt to clarify the general picture, however, this was rather vague. Subsequently, we have prevailed upon the Band and Harry Edwards that he could not rightfully claim 100 acres as approximately 50% of this land had never been improved, and accordingly on May 5, 1954, a further resolution was completed wherein Harry Edwards was located to two separate parcels of land which he had improved containing 16.7 acres and 35 acres respectively. Harry Edwards has definitely done considerable work on these two properties and therefore should be entitled to the lands in question.

The 16.7 acres (originally indicated as 20 acres,) was the subject of a lease application by s.22 at s.16; s.17 per annum and she was to plow up the land and seed it down. She was to have the property for four years from April 1, 1952. This lease was never completed by the Department. The land has, however, been in use and about 10 acres of it has been cultivated and apparently s.22 has settled direct with Harry Edwards.

The 35 acre parcel has been the location of Harry Edwards' home and small dairy farm operations for the past several years. This land is well cultivated and has been the source of his livelihood over the years. Harry Edwards has always resided on this property and he is now over 65 years of age.

We recommend that the resolution of May 5, 1954, be approved.

Lewis Edwards:

Lewis Edwards was on Nov. 9, 1951, located by Band resolution to 35 acres on Cheam I.R. No. 1. This resolution has never been approved. Of the 35 acres, only some 5 acres has actually been cleared and improved and is the location of his home.

Likewise, it is considered that provided the whole of the reserve lands were allocated on a per capita acreage basis, he and his wife would certainly be entitled to at least 35 acres. There is no lease involving this property although it has been intimated that possibly a lessor might be interested in taking over the property on a clearing basis at a nominal rental, or perhaps for a pasture lease.

It is, therefore, recommended his location of 35 acres be approved.

Albert Douglas: (Present Chief Councillor)

On Nov. 9, 1951, Albert Douglas was located to 40 acres of land adjacent to his home on Cheam I.R. No. 1, being bounded by the railway on one side and a slough on the other. This is a natural location and the land should definitely be allocated to him. In our letter of March 14, 1952, we included a statement from Albert Douglas as to how he came to take over this property. At that time only a small portion of the property had been cleared and cultivated but his home, valued at s.16; s.17 had been established there. Since that time, Albert Douglas has had considerable bulldozing done to this property with the result that about 20 acres is now considered as improved land. This spring he has purchased a small dairy herd and is commencing to operate a small farm. He definitely needs the 40 acres and other land as well. He will probably rent other reserve lands for pasture purposes and is definitely interested in taking a long term lease on Tseatah I.R. No. 2, already surrendered by the Band (B.C. Electric Right of Way Easement).

EXEMPTION, 19(1)
ACCESS TO INFORMATION ACT

None of this property has been leased although it was intimated in December, 1951, that a lease was being arranged, the application was, however, withdrawn.

It is recommended his location as per Band resolution of November 9, 1951, be approved, as he has a very large family and on a per capita basis would be entitled to well over 100 acres of land on the two reserves.


Michael Victor:

On November 9, 1951, Michael Victor was located to some 65 acres on Cheam I.R. No. 1. This resolution has never been approved. In March, 1952, Lease No. 876 was granted to s.22 for some 20 acres of this parcel, said lease to run for five years from January 1, 1952, at a yearly rental of s.16; s.17 plus clearing of the land. As the lease was approved, we considered that his location was also approved and we, accordingly, have paid over the yearly land rentals of s.16; s.17 to him.

The Department have intimated that the whole of this 65 acres could be leased out with rentals being paid into Band Funds, and then at the end of the lease, provided Michael Victor was farming, he could be properly located to the whole of the 65 acres.

We do not think this will ever materialize as it is understood the land is very rocky and of little value for farming. Therefore, we would suggest that his location of 65 acres be not approved, but that a new resolution be drafted wherein he be located to 25 acres, twenty of which is now under lease.

We trust this report will clarify the situation and that our recommendations may be acceptable.


J. C. Letcher,
Superintendent,
New Westminster Indian Agency.

JCL:lc

TAB 16



CANADA

PLEASE QUOTE

FILE 155/31-4-
26-1

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. Box 280,
New Westminster, B.C.
June 10th, 1954.

W. S. Arnell, Esq.,
Indian Commissioner for B.C.,
Vancouver, B.C.

Re: Provincial Road and Toll Bridge
Cheam Indian Reserve No. 1

This report is to advise that while we have not as yet received any application, it is apparent that the Provincial Department of Public Works have decided that a new toll bridge will cross the Fraser River at Agassiz with the southern approach being located on Cheam Indian Reserve No. 1. A new highway will also be built across the said Reserve to connect the bridge with the Trans-Canada Highway.

On June 9th, a representative from the Locations Branch of the Provincial Department of Public Works called at this office with a large scale preliminary plan showing the proposed location of the new Highway, which has already been staked out on the ground. His reason for the visit was to determine whether any local tribal divisions would be affected by the "right-of-ways". We believe that possibly one individual location may be so affected; however, we could not ascertain this without going over the ground. From a brief inspection of the plan, it would appear that some 20 acres of Reserve land will be required.

Judging from past experience with the Province, it is highly probable that they have plans to go ahead with the construction without any formal application or referral to the Indians, which procedure is of course entirely wrong. Further, as there are some members of the Cheam Band who are well informed in such matters, we are reasonably certain they will object and will not permit any work to go ahead without a definite understanding as to compensation.

In this regard, as the area is within the Railway

Belt, compensation should be forthcoming for the whole acreage required, plus in addition the possibility of obtaining road fill from outside the Right-of-Way area, and the possibility of the supplying of gravel for concrete work on the bridge proper. There are large deposits of gravel on the Reserve and undoubtedly the Band could benefit to a large extent from the sale of same.

A further consideration will be the clearing of the Right-of-Way on the Reserve itself. Albert Douglas of the Cheam Band in 1953-54 had a contract to clear a large Right-of-Way tract for the B. C. Electric and certainly will be interested in a competitive tender for any such project on the Reserve.

In view of the foregoing, may we ask that you intervene with the Provincial authorities and insist that they make a formal application and furnish preliminary plans. We would like to be in a position to refer the whole matter to the Band at an early date so that their approval can be forthcoming, and also so that the Indians can plan to take an active part.

In conclusion, we wish to point out that nothing whatsoever has yet been received from the Province on the matter of an application for any road Right-of-Way on the Reserve, nor have they even asked for permission for their survey crews to enter the Reserve for the preliminary survey. Apparently there is no definite policy in effect with the province in regard to such matters and possibly this would be a good time to establish something along this line.

J. C. Letcher
 Superintendent
 New Westminster Indian Agency

JCL:aw

TAB 17

June 18, 1954
Chilliwack, B.C.

L. J. Moore
Right-of-Way Agent
Room 218, Douglas Bldg,
Victoria, B.C.

RIGHT-OF-WAY AGENT Public Works Dept. JUN 22 1954 Ans'd Victoria, B. C. File.....

Dear Sir:

Re: Rosedale - Agassiz Bridge Approach and in
particular Cheam Indian Reserve.

A thorough field check of the ground in our
R/W across the above noted Reserve was made. Also
considerable time was spent at the L.R.O. in order
to determine boundaries and also the status
of the Chilliwack Dyke.

It has been established that the Cheam Indian

Reserve (as it shows on our plan) starts at station 118+00.
From this point to station 129+30 it is now all
under water of a depth of about 5 feet but dense
underbrush protrudes above the high water. There is
not enough timber in this area for ^{an} economically feasible
logging operation. Station 129+30 to 131+00 is the
Chilliwack Dyke. After considerable search at the L.R.O.
in west West. it was determined that this Dyke is covered
in part by Title 39606 E and 64785 E and in the name
of the Corporation of the Town of Chilliwack. Should any
further question arise, ~~the~~ sketch No 6146 shows details
best. It also shows an additional strip of land just north of the

2

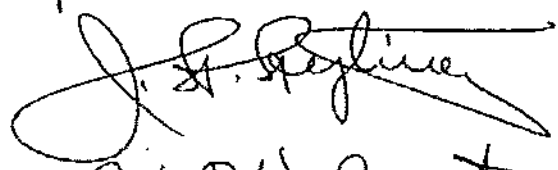
Dyke measuring 1.16 Acres which is owned by
the Crown. Station 131+00 to 133+50 is owned by C.N.R.
133+50 to 137+00 is a grass side hill. 137+00 to the end of

the reserve property is underbrush and second growth trees
not suitable for commercial logging. None of the reserve land
is under cultivation and none is cleared except the

B.C. Electric P/W.

I trust this is the information you require

Yours truly


Dist R/W Agent.

TAB 18

COMPENSATION IN TERMS OF THE "HIGHWAY ACT"

(SECTION 16)

DEPT. FILE NO. _____ PLAN NO. _____ DISTRICT FILE NO. B/W 4616
ENGINEERING DISTRICT NO. 2 ELECTORAL DISTRICT Dandney

Name and details of highway or incidental works Rosedale-Geosia Bridge approaches,
Project #426 P.W.

Description of property Portion Lot 3 of S.B. Sec. 13, Tp. 3, Rg. 29, W6N, 2 of the
S.W. 1/4 Sec. 13, Tp. 3, Rg. 29, W6N, Map 4863 in the H.Dist. save & except
pt. shown on Dep. P.W. Plan 4864, shown as P.W. on Dept. Location Plan
(2.07 ac.) as well as the covered NE portion of said lands. (0.51 ac.)

Name of registered owner... s.22 _____

Is title unencumbered? yes If not, give details of encumbrance _____

Name, title, etc., of party to whom compensation is recommended to be paid _____

s.22

CONSTRUCTION ENGINEER
Public Works Department

JUL 16 1954

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

VICTORIA, B.C.

A. For Improvements on the Lands taken.

(Subsec. 1a.) "Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man."

Roads: Length, _____ ; width, _____
Buildings: Length, _____ ; width, _____ ; height, _____
See Remarks _____

Structures: See Remarks _____

Fences: Length, _____ feet. See Remarks _____

Clearing: Area, _____ acres

Grading: Area, _____ acres

Planting: Area, _____ See Remarks _____

Cultivation: Area, 2.61 ac. See Remarks Hayland

Other improvements (to be stated) _____

Remarks: _____

COMPENSATION RECOMMENDED

s.16; s.17

A.

B. For Lands taken (not Subdivided Lands).

(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant - - - - - acres.

Total area taken for road purposes - - - - - acres.

Deduct one-twentieth of area of original Crown grant - - - - - acres.

Area for which compensation is payable - - - - - acres.

The land is valued at \$ _____ per acre.

COMPENSATION RECOMMENDED \$ _____ B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date JUL 6 1954, 19 _____

I hereby recommend that compensation be paid accordingly.

ASSISTANT DISTRICT OFFICER

Date _____, 19 _____

Date _____, 19 _____

APPROVED

District Official, P.W. Dept.

Deputy Minister, Chief Engineer, or Assistant Chief Engineer

(DEALT WITH.)

Departmental Comptroller

(O.V.R.R.)

C. For Lands taken (Subdivided Lands only).

(Subsec. 1b.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. _____

 Total area of parcel - - - - - acres.
 Total area taken for road purposes - - - - - acres.
 Deduct one-twentieth area of parcel - - - - - acres.
 Area for which compensation is payable - - - - - acres.

The land is valued at \$ _____ per acre.

**Compensation for under
 Section "A".**

COMPENSATION RECOMMENDED \$ _____ **C.**

D. For Materials taken from Improved Lands.

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$ _____ **D.**

E. Deduction for Increased Capital Value due to Construction.

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details. _____

TOTAL DEDUCTIONS \$ _____ **E.**

Remarks:

(NOTE.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE s. 16;

A.	For improvements on lands taken	- - - - -	\$ _____	s. 17	_____ A.
OR {	B.	For lands taken (not subdivided lands)	- - - - -	\$ _____	_____ B.
	C.	For lands taken (subdivided lands only)	- - - - -	\$ _____	_____ C.
D.	For materials taken from improved lands	- - - - -	\$ _____	_____ D.	
	Gross total amount of compensation recommended	- - - - -	\$ _____	_____	
E.	Deduction for increased value	- - - - -	\$ _____	_____ E.	
	NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID	- - - - -	\$ _____	_____	

TAB 19

COMPENSATION IN TERMS OF THE "HIGHWAY ACT"

(SECTION 16)

DEPT. FILE NO. PLAN No. DISTRICT FILE NO. N/W 4615
ENGINEERING DISTRICT No. 2 ELECTORAL DISTRICT Downey
Name and details of highway or incidental works Rosedale Agassiz Bridge Approaches.
Project #486 D/W
Description of property Portion of pt. 36.71 ac. more or less of the NW 1/4 Sec. 19, Tp. 3, Range 28, W6N. 2 of Lot 34, Op. 1, formerly Yale Division of Yale District as shown outlined in red on Sketch 6855, NWD shown as right-of-way on Department Location Plan. (1.86 ac.)
Name of registered owner S. 22
Is title unencumbered? Yes If not, give details of encumbrance
Name, title, etc., of party to whom compensation is recommended to be paid s. 22
CONSTRUCTION ENGINEER Public Works Department

JUL 15 1954

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT" VICTORIA, B.C.

A. For Improvements on the Lands taken.

(Subsec. 1a.) "Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man."

Roads: Length, ; width,
Buildings: Length, ; width, ; height,
See Remarks

Structures: See Remarks

Fences: Length, feet. See Remarks
Clearing: Area, acres.
Grading: Area, acres.

Planting: Area, 1.86 ac. See Remarks Hayland
Cultivation: Area, See Remarks
Other improvements (to be stated).

Remarks:

COMPENSATION RECOMMENDED

Table with 2 columns: \$, £. Row 1: s. 16; s. 17.

B. For Lands taken (not Subdivided Lands).

(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant - - - - - acres.
Total area taken for road purposes - - - - - acres.
Deduct one-twentieth of area of original Crown grant - - - - - acres.
Area for which compensation is payable - - - - - acres.

The land is valued at \$.....per acre.

COMPENSATION RECOMMENDED \$.....B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date JUL - 6 1954, 19.....

I hereby recommend that compensation be paid accordingly.

N. C. Lattin
Right-of-way Agent or District Official, P.W. Dept.
A.C. TRIGHT-OF-WAY AGENT

Date....., 19.....

APPROVED

Date....., 19.....

District Official, P.W. Dept.
Deputy Minister, Chief Engineer, or Assistant Chief Engineer.
Departmental Comptroller

(DEALT WITH.)

(OVHR)

C. For Lands taken (Subdivided Lands only).

(Subsec. 1b.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. _____
 Total area of parcel _____ acres.
 Total area taken for road purposes _____ acres.
 Deduct one-twentieth area of parcel _____ acres.
 Area for which compensation is payable _____ acres.
 The land is valued at \$ _____ per acre.

Compensated under Section "A".

COMPENSATION RECOMMENDED \$ _____ **C.**

D. For Materials taken from Improved Lands.

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$ _____ **D.**

E. Deduction for Increased Capital Value due to Construction.

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details _____

TOTAL DEDUCTIONS \$ _____ **E.**

Remarks:

(Note.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

The Department to fence both sides of the right-of-way and provide gates in order that the claimants cattle can cross the highway from one field to the other.

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BEs. 16;

A. For improvements on lands taken	\$ _____	A.
OR { B. For lands taken (not subdivided lands)	\$ _____	B.
C. For lands taken (subdivided lands only)	\$ _____	C.
D. For materials taken from improved lands	\$ _____	D.
Gross total amount of compensation recommended	\$ _____	
E. Deduction for increased value	\$ _____	E.
NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID	\$ _____	

TAB 20

GOVERNMENT OF BRITISH COLUMBIA—DEPARTMENT OF PUBLIC WORKS

COMPENSATION IN TERMS OF THE "HIGHWAY ACT" (SECTION 16)

DEPT. FILE NO. PLAN NO. DISTRICT FILE NO. R/W 4614
ENGINEERING DISTRICT NO. 2 ELECTORAL DISTRICT. DOWNEY
Name and details of highway or incidental works. Road Le-igassia Bridge Approaches.

Description of property. Project #486 R.W.
Portion of Pcl.B, Ref. Plan in absolute Fees Parcels Book 12,
Folio 34, #5107 of Lot 34, Op.1 & Pcl.C, Ref. Plans 4182 & 4183 of
Lot 34, Op.1, formerly Yale Division of Yale District, B.M. shown as
right-of-way on Department Location Plan (1.64 ac.)

Name of registered owner s.22
Is title unencumbered? no If not, give details of encumbrance. s.22

Name, title, etc., of party to whom compensation is recommended to be paid. CONSTRUCTION INCORPORATED
s.22 JUL 15 1954

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT" VICTORIA, B.C.

Table with columns for \$ and #. Section A: For Improvements on the Lands taken. Includes rows for Roads, Buildings, Structures, Fences, Clearing, Grading, Planting, Cultivation, and Other improvements. Includes handwritten notes like '2.2 ac.', 'Hayland', and 'water pipe'. Section B: For Lands taken (not Subdivided Lands). Includes rows for Area of original Crown grant, Total area taken for road purposes, Deduct one-twentieth of area of original Crown grant, Area for which compensation is payable, and The land is valued at \$ per acre.

B. For Lands taken (not Subdivided Lands).
(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."
Area of original Crown grant - - - - - acres.
Total area taken for road purposes - - - - - acres.
Deduct one-twentieth of area of original Crown grant - - - - - acres.
Area for which compensation is payable - - - - - acres.
The land is valued at \$ per acre. COMPENSATION RECOMMENDED \$.00 ii.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."
Date JUL 6 1954, 19
I hereby recommend that compensation be paid accordingly.
Date, 19
Date, 19
APPROVED
District Official, P.W. Dept.
Deputy Minister, Chief Engineer or Assistant Chief Engineer.
Departmental Comptroller
(DO NOT WRITE) (OVER)

C. For Lands taken (Subdivided Lands only).

(Subsec. 1b.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. _____
 Total area of parcel _____ acres.
 Total area taken for road purposes _____ acres.
 Deduct one-twentieth area of parcel _____ acres.
 Area for which compensation is payable _____ acres.

Compensated under

The land is valued at \$_____ per acre.

Section "A".

COMPENSATION RECOMMENDED \$_____ C.

D. For Materials taken from Improved Lands.

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$_____ D.

E. Deduction for Increased Capital Value due to Construction.

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details _____

TOTAL DEDUCTIONS \$_____ E.

Remarks:

(Note.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

Cheque to be held on confirmation of title status.

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID.			
A.	For improvements on lands taken	\$ _____	s.16; _____ A.
OR	B. For lands taken (not subdivided lands)	\$ _____	_____ B.
	C. For lands taken (subdivided lands only)	\$ _____	_____ C.
	D. For materials taken from improved lands	\$ _____	_____ D.
	Gross total amount of compensation recommended	\$ _____	_____
E.	Deduction for increased value	\$ _____	_____ E.
	NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID	\$ _____	_____

TAB 21

GOVERNMENT OF BRITISH COLUMBIA—DEPARTMENT OF PUBLIC WORKS

COMPENSATION IN TERMS OF THE "HIGHWAY ACT" (SECTION 16)

DEPT. FILE NO. PLAN NO. DISTRICT FILE NO. R/W 4639

ENGINEERING DISTRICT NO. 2 ELECTORAL DISTRICT Doudray

Name and details of highway or incidental works Rossdale-Agnassiz Bridge Approaches. Project #486 R/W.

Description of property Portion of part 49 acre more or less of Lot 35, Cp.1, formerly Yale Div. Yale Dist. shown on Ref. Plan with fee deposited No. 2019 B, NCD shown on R/W on Dept. Location Plan, as well as covered portion lying east of said R/W.

Name of registered owner s. 22

Is title unencumbered? Yes If not, give details of encumbrance

CONSTRUCTION ENGINEER Public Works Department

Name, title, etc., of party to whom compensation is recommended to be paid

s. 22 JUL 15 1954

VICTORIA, B.C.

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

A. For Improvements on the Lands taken.

(Subsec. 1a.) "Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man."

Roads: Length, 36 ; width, 20
Buildings: Length, garage & implement shed ; height, s. 16; s. 17
See Remarks

Structures: See Remarks

Fences: Length, 230 feet. See Remarks also gate

Clearing: Area, acres

Grading: Area, acres

Planting: Area, See Remarks

Cultivation: Area, 2.9 ac. See Remarks Hayland

Other Improvements (to be stated) 1 apple, 1 pear full bearing

2 willows

1awn 30' x 250'

Remarks:

COMPENSATION RECOMMENDED

A.

B. For Lands taken (not Subdivided Lands).

(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant - - - - - acres.

Total area taken for road purposes - - - - - acres.

Deduct one-twentieth of area of original Crown grant - - - - - acres.

Area for which compensation is payable - - - - - acres.

The land is valued at \$.....per acre.

COMPENSATION RECOMMENDED \$.....B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date JUL 6 1954, 19.....

I hereby recommend that compensation be paid accordingly.

M. C. Lattin
Right-of-way Agent or District Official, P.W. Dept.
ASS'T. RIGHT-OF-WAY AGENT

Date....., 19.....

Date....., 19.....

APPROVED

District Official, P.W. Dept.
Deputy Minister, Chief Engineer, or Assistant Chief Engineer.
Departmental Comptroller

(DEALT WITH.)

(OVBR)

C. For Lands taken (Subdivided Lands only).

(Subsec. 1b.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc.
 Total area of parcel - - - - - acres.
 Total area taken for road purposes - - - - - acres.
 Deduct one-twentieth area of parcel - - - - - acres.
 Area for which compensation is payable - - - - - acres.

Compensated under

Section "A".

The land is valued at \$..... per acre.

COMPENSATION RECOMMENDED \$..... C.

D. For Materials taken from Improved Lands.

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$..... D.

E. Deduction for Increased Capital Value due to Construction.

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details

TOTAL DEDUCTIONS \$..... E.

Remarks:

(NOTE.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID s.16; s.17

A.	For improvements on lands taken	\$.....	A.
OR	B. For lands taken (not subdivided lands)	\$.....	B.
	C. For lands taken (subdivided lands only)	\$.....	C.
D.	For materials taken from improved lands	\$.....	D.
	Gross total amount of compensation recommended	\$.....	
E.	Deduction for increased value	\$.....	E.
	NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID	\$.....	

TAB 22

RIGHT OF WAY AGENT

July 14th, 1954
Victoria, B.C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Highway Right-of-Way, Agassiz-Rosedale.
Cheam Indian Reserve #1.

Dear Sir:

As you are aware, this Department proposes to construct a bridge and approaches on the above. This will cause an encroachment on the Cheam Indian Reserve #1 and we are forwarding under separate registered cover, three white prints of the Department Location Plan showing the extent of the encroachment.

A field inspection shows that the land is all unimproved with the portion lying north of the Chilliwack Dyke being subject to flood. There would appear to be no tribal subdivisions affected.

We are prepared to recommend compensation at the rate of s.16; s.17 per acre for the 10.23 acres more or less required for highway purposes. The right-of-way south of the Chilliwack Dyke would be fenced by this Department and existing access replaced at feasible sites and the necessary gates installed. Subsequent to completion of construction a legal survey would be made and plan submitted to the Surveyor General, Ottawa.

May we please be advised that it is in order for work to proceed through the reserve.

Yours truly,

H.C. Tattrie,
Asst. Right-of-Way Agent.

NCT:PS

TAB 23

c.c. W.S. Arneil, Esq.,
Indian Commissioner for B.C.,
P.O. Box 70,
Vancouver 2, B. C.

153/33-0-28-1
(R.5)

Your 153/33-0-26
153/33-28-1

July 15th, 1954.

J.C. Letcher, Esq.,
Superintendent,
New Westminster Agency,
P.O. Box 280,
New Westminster, B.C.

Re: Locations - Cheam Band.

I wish to refer you to your letter of May 20th, 1954, your file 153/33-28-1, addressed to Mr. Arneil, Indian Commissioner for British Columbia. After giving careful study to your recommendations and to Mr. Arneil's we have obtained Department approval to the Resolution from the Council of the Cheam Band allotting Chief Harry Edwards, Band No. [redacted] two separate parcels of land consisting of 16.7 acres and 35 acres as shown on the sketch attached to the Resolution.


Regarding Lewis Edwards, the Resolution dated November 9th, 1951, has not been approved by the Department. According to your report and Mr. Arneil's we feel that he is only entitled to 5 acres of land which he is actually using. With regards to his sons, they are only youngsters and if he wishes to provide for them now there is one of two courses for him to follow. Since he wants to have additional land the Council may allot him an area for occupancy and if and when he makes good use of it within a period of two years then he may receive favourable consideration. The other course would be to leave the matter in abeyance until the sons grow up.

EXEMPTION, 19(1)
ACCESS TO INFORMATION ACT

Concerning Albert Douglas, this matter will be dealt with separately through the office of Mr. Arneil.

Concerning Michael Victor, the Resolution from the Council of the Band dated September 16th, 1946, attached to agency letter of April 28th, 1948, your file 153/39-4-6, has not been approved by the Department. In your report you recommend that this man be located to only 25 acres of land instead of 65 which is now under lease. Perhaps a better step to take is to allot to him only the 25 acres recommended for occupancy in order to see whether he will make proper use of it. We are wondering whether the Council of the Band would agree to this. If they do, you should have them rescind their Resolutions of September 16th, 1946 and November 9th, 1951, and pass a new resolution on the suggestions made.

L.L. Brown,
Superintendent,
Reserves and Trusts.



JR/JM

TAB 24

COMPENSATION IN TERMS OF THE "HIGHWAY ACT"

(SECTION 16)

DEPT. FILE NO. PLAN No. DISTRICT FILE No. R.11.4659
ENGINEERING DISTRICT No. ELECTORAL DISTRICT CHILLIWACK
Name and details of highway or incidental works Onodola-Agnaalz Bridge Approaches

Description of property portion of lot 4, No. 1, of L.S. 8, 9 and 16, Sec. 1,
Tp. 3, R. 29, 46th, Plan 12893, H.W.S., shown as R/W on Dept.
Location Plan (1.13 ac.) Proj. 486 R/W

Name of registered owner s.22
Is title unencumbered? Yes If not, give details of encumbrance

Name, title, etc., of party to whom compensation is recommended to be paid s.22

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

A. For Improvements on the Lands taken.

(Subsec. 1a.) "Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man."

Roads: Length, ; width,
Buildings: Length, ; width, ; height,
See Remarks
Structures: See Remarks
Fences: Length, feet. See Remarks
Clearing: Area, acres
Grading: Area, acres
Planting: Area, See Remarks
Cultivation: Area, See Remarks
Other improvements (to be stated)

Table with 2 columns: Description, Amount. Includes stamp: JUL 28 1954 VICTORIA, B.C. and Public Works Department.

Remarks:
COMPENSATION RECOMMENDED A.

B. For Lands taken (not Subdivided Lands).

(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant - - - - - acres.
Total area taken for road purposes - - - - - acres.
Deduct one-twentieth of area of original Crown grant - - - - - acres.
Area for which compensation is payable - - - - - acres.
The land is valued at \$ per acre.

COMPENSATION RECOMMENDED \$ B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date July 22nd, 1954
I hereby recommend that compensation be paid accordingly.
Right-of-way Agent or District Official, P.W. Dept.

Date, 19...
Date, 19...
APPROVED
District Official, P.W. Dept.
Deputy Minister, Chief Engineer, or Assistant Chief Engineer.
Departmental Comptroller
(OVER)

C. For Lands taken (Subdivided Lands only).

(Subsec. 1b.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. Lot 4, Blk. 1 of L.S. S. 9 & 16, Sec. 1, Tp. 3, R. 29, M64, Plan 12893 R.W.D.

Total area of parcel - - - - - 19.96 acres.
 Total area taken for road purposes - - - - - 1.13 acres.
 Deduct one-twentieth area of parcel - - - - - N.A. acres.
 Area for which compensation is payable - - - - - 1.13 acres.
 The land is valued at \$ S. 16; per acre.

COMPENSATION RECOMMENDED \$ S. 16; S. 17 **C.**

D. For Materials taken from Improved Lands.

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$ **D.**

E. Deduction for Increased Capital Value due to Construction.

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details.....

TOTAL DEDUCTIONS \$ **E.**

Remarks:

(Note.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

The Department to replace pipe running south from spring which is north of the R/W, and excavate a water dugout south of the R/W at a suitable location. Owner to be contacted for the selection.
 All existing access, approaches, gates and fences where disturbed due to construction to be replaced by the Department. The Dept. to fence R/W.

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID

A.	For improvements on lands taken	- - - - -	\$.....	A.
OR	B.	For lands taken (not subdivided lands)	- - - - - \$ S. 16	B.
	C.	For lands taken (subdivided lands only)	- - - - - \$.	C.
	D.	For materials taken from improved lands	- - - - - \$.	D.
	Gross total amount of compensation recommended	- - - - -	\$.	
E.	Deduction for increased value	- - - - -	\$.	E.
	NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID	- - - - -	\$.....	

TAB 25

COMPENSATION IN TERMS OF THE "HIGHWAY ACT"

(SECTION 16)

DEPT. FILE NO. PLAN NO. DISTRICT FILE NO. 4661

ENGINEERING DISTRICT NO. ELECTORAL DISTRICT COMMISSION

Name and details of highway or incidental works. Fossdale-Arroyo Bridge Approach

Description of property. portion of lot 3, 11, 1, of S. 2, 1, 9 and 16, Sec. 1, Township 1, R. 29, Location Plan (O.46 ac) as well as the severed portions lying north of the right of way (0.05 ac) Total area taken 0.52 ac

Name of registered owner. s.22

Is title unencumbered? Yes If not, give details of encumbrance.

Name, title, etc., of party to whom compensation is recommended to be paid. s.22 and s.22

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

A. For Improvements on the Lands taken.

(Subsec. 1a.) "Improvements on the land so taken, that is to say, everything constructed or annexed to the soil by the hand of man."

Roads: Length, ; width, ; height, Buildings: Length, ; width, ; height, See Remarks.

Structures: See Remarks

Fences: Length, feet. See Remarks

Clearing: Area, acres.

Grading: Area, acres

Planting: Area, See Remarks

Cultivation: Area, See Remarks

Other improvements (to be stated)

Remarks:

COMPENSATION RECOMMENDED

CONSTRUCTION ENGINEER

Public Works Department

AUG 3 1954

VICTORIA, B.C.

B. For Lands taken (not Subdivided Lands).

(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant - - - - - acres.

Total area taken for road purposes - - - - - acres.

Deduct one-twentieth of area of original Crown grant - - - - - acres.

Area for which compensation is payable - - - - - acres.

The land is valued at \$..... per acre.

COMPENSATION RECOMMENDED \$..... B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date JUL 27 1954, 19

I hereby recommend that compensation be paid accordingly.

M.C. Feltner Right-of-way Agent or District Official, P.W. Dept. RIGHT-OF-WAY AGENT

Date....., 19

Date....., 19

APPROVED

District Official, P.W. Dept. Deputy Minister, Chief Engineer, or Assistant Chief Engineer.

(DEALT WITH.)

Departmental Comptroller

C. For Lands taken. (Subdivided Lands only).

(Subsec. 1b.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. Lot 1, Plan 1003 of S. 16, 9 & 10
Sec. 1, Twp. 3, R. 20, 16th, 1893 P.M.D.

Total area of parcel 35.06 acres.
 Total area taken for road purposes 0.52 acres.
 Deduct one-twentieth area of parcel 0.81 acres.
 Area for which compensation is payable 0.52 acres.

The land is valued at \$ S. 16; per acre.

COMPENSATION RECOMMENDED \$ S. 16; C.

D. For Materials taken from Improved Lands.

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$ D.

E. Deduction for Increased Capital Value due to Construction.

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details

TOTAL DEDUCTIONS \$ E.

Remarks: (NOTE.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

all existing access roads and fences where disturbed by construction to be replaced by the Department

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID

A. For improvements on lands taken	- - - - -	\$	<u> </u>	<u>A.</u>	
OR {	B. For lands taken (not subdivided lands)	- - - - -	\$	<u> </u>	<u>B.</u>
	C. For lands taken (subdivided lands only)	- - - - -	\$ <u>S. 16</u>	<u> </u>	<u>C.</u>
D. For materials taken from improved lands	- - - - -	\$	<u> </u>	<u>D.</u>	
Gross total amount of compensation recommended		- - - - -	\$	<u> </u>	<u> </u>
E. Deduction for increased value	- - - - -	\$	<u> </u>	<u>E.</u>	
NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID		- - - - -	\$	<u> </u>	<u> </u>

TAB 26



IN YOUR REPLY REFER TO

No. 153/31-4-28-1
Also to date of this letter

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

PLEASE QUOTE

Yr. FILE R/Y 4652

P.O. BOX 70
Vancouver, B.C.

13th August, 1954.

The Right-of-Way Agent,
Department of Public Works,
Victoria, B.C.

RIGHT-OF-WAY AGENT
Public Works Dept.
AUG 17 1954
Ans'd SA
Victoria, B. C. File.....

How to contact

Dear Sir,

Re: Highway Right-of-Way - Agassiz-Rosedale,
Cheam I.R. No. 1

I have your letter of July 14th regarding the proposed construction of a bridge and approaches at the above-noted point. It is noted that under separate registered cover three white prints of the Department Location Plan showing the extent of the encroachment on the above-noted reserve were to be forwarded to this office. We have checked with the Vancouver postal authorities but they can find no trace of these plans.

I would appreciate receiving copies at your earliest convenience to enable us to take up the matter with the Cheam Band of Indians.

Yours truly,

W.S. Arneil
W.S. Arneil,
Indian Commissioner for B.C.

.PP

TAB 27

RIGHT OF WAY

Victoria, B.C.,
Aug. 18, 1954.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
P.O. Box 70,
VANCOUVER, B. C.

Re: Prints of Location Plan Agassiz-Rosedale
Cheam I.R.#1.

Dear Sir:

Forwarded by separate registered mail, three white prints of the above-noted reserve which were to accompany our letter of July 14th, and were inadvertently omitted.

The omission is regretted, and it is hoped, has not inconvenienced you too much.

Yours very truly,

Sheila Hall,
for
L.J. Moore,
Right-of-Way Agent.

SH:FF

TAB 28



CANADA

IN YOUR REPLY REFER TO

No. 153/31-4-28-1
Also to date of this letter

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

PLEASE QUOTE

FILE.....

P.O. BOX 70
Vancouver, B.C.

August 24, 1954.

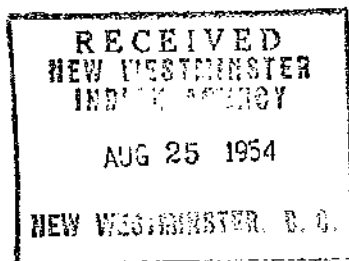
Mr. J. C. Letcher,
Indian Superintendent,
New Westminster, B.C.

Re: Cheam I.R. No. 1

Under separate cover I am forwarding you a white print showing an encroachment on the above mentioned Reserve for a bridge site with approaches, comprising 10.23 acres.

The Provincial Department of Public Works is prepared to pay compensation at the rate of s.16;s.17 per acre, to fence the right of way south of the Chilliwack dyke and to replace existing access at feasible sites with gates as necessary.

Will you please refer the matter to the Cheam Band Council and if the above is acceptable have them so indicate by resolution.



W. S. Arneil
W. S. Arneil,
Indian Commissioner for B.C.

TAB 29

P.O. Box 280,
New Westminster, B.C.,
August 25, 1954.

Mr. Albert Douglas,
Cheam Indian Reserve,
Rosedale, B.C.

Dear Sir:

Re: Cheam I.R. #1

Please be advised that we are in receipt of a preliminary plan from the Provincial Department of Public Works covering road right-of-way requirements which will be needed for access to the new bridge site. This area covers a total of 10.23 acres which may be increased or decreased later when the final survey is made.

We have received an offer of compensation at the rate of s.16; s.17 per acre, covering the area required. The Public Works will fence the right of way to the south of the Chilliwack dyke area and provide access gates as required and in addition, will make an approach to the already established reserve road.

Will you please refer this matter to your Band Council and if agreeable to them, let me know as soon as possible so that I can draft the necessary resolution for their signatures. In this connection you might also advise of a suitable date for a meeting.

Yours truly,

J. C. Letcher,
Superintendent.

JCL:ic

TAB 30

FORM P.W. 118A

PROVINCE OF BRITISH COLUMBIA
DEPARTMENT OF PUBLIC WORKS

2136

<p>FROM</p> <p>G. Koster, Resident Engineer, 50 Alexander Ave, Chilliwack. B. C.</p>	<p>TO</p> <p>Chief Engineer, Prov. Public Works Dep., Douglas Building, Victoria, B. C.</p>	<p>DATE August 30th 1954.</p> <p>ELECTORAL DISTRICT</p> <p>OUR FILE</p> <p>DEPT</p> <p>YOUR FILE</p>
--	---	--

<p>SUBJECT</p> <p>Rosedale-Agassiz Bridge, Weekly Report #2.</p>	<p>REFERENCE</p> <p>YOUR LETTER</p>
--	-------------------------------------

Att. Bridge Engineer.

Triangulation got under way after receiving new DKM2-T Kern-Theodolite. No ^{charts} cahins have been received yet. Triangulation more any further precision layout can proceed as scheduled.

Clearing of north bank started.

Skid-rig and wooden falsework piles are brought forward, however no boiler has arrived. (new tubes to be installed).

Excavation of piers #1 and # 2 started. Materials are used for contractor's excessroad. Some submerged logs and driftwood in the ground (top at approx. elev. 41) are obstructing smooth progress.

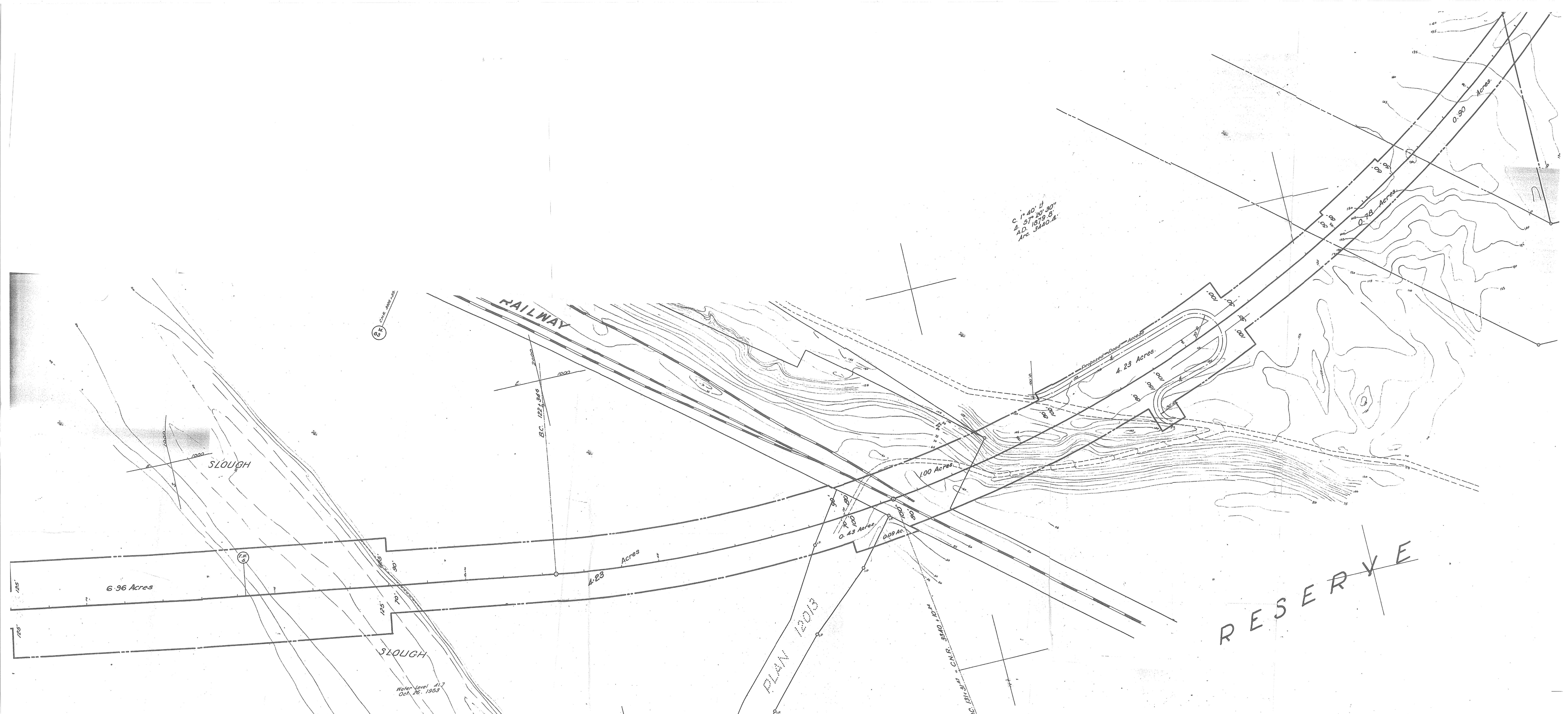
G. Koster
G. Koster,
Resident Engineer.

1021560

BR. ENGR.

FOR DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE ONLY

TAB 31



C. 1° 20' 11"
 A. 51° 20' 30"
 A.D. 51,619.8
 Arc 3440.4

52
 CUR. 1000.00

B.C. 1221.325

P.O.C. 1211.314
 C.N.R. 3240.104

RESERVE

INDIAN

FAM

Department of Public Works

PLAN

ROSEDALE - AGASSIZ BRIDGE APPROACH

STA. 0+00 - 184+20
 3.49 MILES

Scale: 1" = 100'

Surveyed by A.B.T.
 Drawn by H.B.
 Traced by J.M.B./E.H.W.

Dist. Plan No. _____

APPROVED

[Signature]
 Location Engineer Chief Engineer
 Date: Sept 1st 1954

TAB 32

✓
DEWDNEY AND CHILLIWACK
ELECTORAL DISTRICTS

ROSEDALE-AGASSIZ HIGHWAY

3 on 92H/SW
ESTABLISHING ROSEDALE-AGASSIZ HIGHWAY

NOTICE is given that, pursuant to section 8 of the "Highway Act," all those portions of the South-west Quarter and North-west Quarter of Section 6, Township 3, Range 28, west of the 6th meridian; Section 1, Township 3, Range 29, west of the 6th meridian; South-east Quarter of Section 13, Township 3, Range 29, west of the 6th meridian; District Lot 34, Group 1, New Westminster District; Fractional South-west Quarter of Section 14, Township 3, Range 28, west of the 6th meridian; District Lot 19, Group 1, New Westminster District; and the North-west Quarter of Section 12, Township 3, Range 28, west of the 6th meridian, as shown outlined in red on a plan on Department of Public Works File No. R.S. 2549, are hereby established as a public road, the highway so established having a length of 3.49 miles and right-of-way widths as shown on the aforementioned plan.

(See "Yale Road East")

See 55 on 92H/SW P. A. GAGLARDI,
Dewdney Minister of Public Works.
Department of Public Works,
Parliament Buildings,
Victoria, B.C., September 13th 1954.
P.W. File 2134. 602-sc16

TAB 33

COMPENSATION IN TERMS OF THE "HIGHWAY ACT"

(SECTION 16)

DEPT. FILE No. _____ PLAN No. _____ DISTRICT FILE No. N/W 4732
 ENGINEERING DISTRICT No. 2 ELECTORAL DISTRICT Chilliwack

Name and details of highway or incidental works Horseshoe-Archie Bridge Approach.
Charge Project #486.

Description of property Portion of Lot 3 of part of 15 acre portion SW 1/4
Section 6, Township 3, Range 28, W6M, Map 2036, N.W.B.
obtain an right-of-way on Department Location Plan.

Name of registered owner s.22

Is title unencumbered? yes If not, give details of encumbrance _____

CONSTRUCTION ENGINEER
 Public Works Department

Name, title, etc., of party to whom compensation is recommended to be paid
s.22

SEP 16 1954

VICTORIA, B.C.

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

A. For Improvements on the Lands taken.

(Subsec. 1a.) "Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man."

Roads: Length, _____ ; width, _____
 Buildings: Length, _____ ; width, _____ ; height, _____
 See Remarks _____

Structures: See Remarks _____

Fences: Length, _____ feet. See Remarks _____

Clearing: Area, _____ acres

Grading: Area, _____ acres

Planting: Area, _____ See Remarks _____

Cultivation: Area, 0.07 ac. See Remarks _____

Other improvements (to be stated) _____

\$

¢

s.16; s.17

Remarks: _____

COMPENSATION RECOMMENDED

A.

B. For Lands taken (not Subdivided Lands).

(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant - _____ acres.

Total area taken for road purposes - _____ acres.

Deduct one-twentieth of area of original Crown grant - _____ acres.

Area for which compensation is payable - _____ acres.

The land is valued at \$ _____ per acre.

COMPENSATION RECOMMENDED \$ _____ B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

s.16
 \$ _____

accordingly.

M.C. Lattin
 Right-of-way Agent or District Official, P.W. Dept.

APPROVED

A.J. Powering
 Deputy Minister, Chief Engineer or Assistant Chief Engineer
Departmental Comptroller

(OVBR)

C. For Lands taken (Subdivided Lands only).

(Subsec. 1b.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. _____

Total area of parcel - - - - - _____ acres.
 Total area taken for road purposes - - - - - 0.07 acres.
 Deduct one-twentieth area of parcel - - - - - _____ acres.
 Area for which compensation is payable - - - - - _____ acres.

The land is valued at \$ _____ per acre.

0.07 ac. compensated for under Section 16.

COMPENSATION RECOMMENDED \$ _____ **C.**

D. For Materials taken from Improved Lands.

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$ _____ **D.**

E. Deduction for Increased Capital Value due to Construction.

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details _____

TOTAL DEDUCTIONS \$ _____ **E.**

Remarks:

(NOTE.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID

A. For improvements on lands taken	- - - - -	\$ _____	A.
B. For lands taken (not subdivided lands)	- - - - -	\$ _____	B.
C. For lands taken (subdivided lands only)	- - - - -	\$ _____	C.
D. For materials taken from improved lands	- - - - -	\$ _____	D.
Gross total amount of compensation recommended	- - - - -	\$ _____	
E. Deduction for increased value	- - - - -	\$ _____	E.
NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID	- - - - -	\$ _____	

TAB 34

2134

FORM P.W. 118A

PROVINCE OF BRITISH COLUMBIA
DEPARTMENT OF PUBLIC WORKS

<p>FROM G. Koster, Resident Engineer, 50 Alexander Ave, Chilliwack, B. C.</p>	<p>TO Chief Engineer, Prov. Public Works-Dep., Douglas Building, Victoria, B. C.</p>	<p>DATE September, 26th 1954. ELECTORAL DISTRICT OUR FILE YOUR FILE</p>
<p>SUBJECT Rosedale-Agassiz Bridge, Weekly Report #6.</p>		<p>REFERENCE YOUR LETTER</p>

Attention Bridge Engineer.

The Driving of the access trestle is making slow progress. Bent 10 has been driven. High river level and great velocity of the water, combined with deep spots in the river make the driving difficult and the stability of the trestle doubtful. Penetration of the piles is between 2' and 5', piles are not pointed. Water level around 45'.

- Welding of bearing pile splices got under way.
- Clearing south approach in full swing.
- One chain received.

G. Koster,
G. Koster
Resident Engineer.

FOR DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE ONLY

1024896

BR ENGR

TAB 35

FILE 153/31-4-36-1

BAND COUNCIL RESOLUTION

The Council of the CHEAM Band of Indians,
(Name of Band)
in the NEW WESTMINSTER Indian Agency, in the Province
(Name of Agency)
of BRITISH COLUMBIA at a meeting, held at ROSEDALE
(Name of Province in full) (Name of Place)
this Twenty-first day of October, A.D. 19 54.
(in full) (Month)

DO HEREBY RESOLVE:

THAT WHEREAS the Provincial Department of Public Works have made application through the Indian Commissioner's Office for a bridge site and approach thereto on our Cheam Indian Reserve No. 1,

AND WHEREAS they have offered compensation at the rate of \$16 per acre for an estimated encroachment comprising 10.23 acres, more or less,

AND WHEREAS they have agreed to fence the required right-of-way area southerly from the Chilliwack Dyke, and provide access to the bridge approach at feasible sites, with gates as may be necessary,

AND WHEREAS only 7.85 acres of the said encroachment is Band Owned land, with the remainder being part of the location of Harry Edwards (which includes 1.50 acres of improved, and .88 acres of unimproved land),

BE IT HEREBY RESOLVED that the offer of the Provincial Department of Public Works be accepted insofar as the Band owned lands are concerned and the proceeds based on \$16 per acre, as per B.C. Land Survey, be paid into our Band Funds.

BE IT FURTHER RESOLVED that should it be necessary for the Department of Public Works to cross improved lands outside of the right-of-way area, compensation for damages must be forthcoming.

Michael West (Councillor) *Robert Douglas* (Chief) *Lewis Edwards* (Councillor) *Harry Edwards* (Councillor)

(Councillor) _____
(Councillor) _____
(Councillor)

(Councillor) _____
(Councillor) _____
(Councillor)

(Councillor) _____
(Councillor) _____
(Councillor)

FOR HEADQUARTERS USE ONLY				
1. TRUST ACCT	2. CURRENT BALANCES		3. EXPENDITURE	4. AUTHORITY INDIAN ACT SEC.
	A) CAPITAL	B) REVENUE		
6. RECOMMENDED			7. APPROVED	
Date _____ Superintendent, Reserves and Trusts			Date _____ Director, Indian Affairs	

TAB 36

RIGHT OF WAY AGENT

October 21st, 1954
Victoria, B.C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. B ox 70,
Vancouver, B.C.

Re: Highway Right-of-Way, Cheam Indian Reserve #1

Dear Sir:

Further to our letters of July 14th and August 18th,
may we please be given authority to enter the Reserve to
commence construction. There is a particular urgency in
connection with the area lying between the Chilliwack Dyke
and the Fraser River.

Yours truly,

N.C. Tattrie,
Asst. Right-of-Way Agent.

NCT:PS

TAB 37


New Westminster, B.C.,
October 25, 1954.

W. S. Arnell, Esq.,
Indian Commissioner for B.C.,
Vancouver, B.C.

Re: Cheam I.R. No. 1 - Bridge Site Approach
(Band Land)

As requested in your letter of even file dated August 24, 1954, we have finally held a meeting of the Cheam Band Council and obtained the attached resolution wherein they accept the offer of the Provincial Department of Public Works for the necessary right-of-way for bridge approach on Cheam I.R. No. 1. As neighbouring land owners have agreed on s.16; s.17 per acre for unimproved lands, the Indians are likewise satisfied with a similar rate of compensation.

The encroachment affects only 7.85 acres of Band land with the remaining portions being part of the location of Harry Edwards. As the individually-owned land has to be handled on personal acceptance basis, we have, accordingly, obtained a signed consent form from the locatee concerned which is being dealt with in a separate letter.


J. C. Letcher,
Superintendent,
New Westminster Indian Agency.

JCL:lc
Encl.

TAB 38

New Westminster, B.C.,
October 25, 1954.

W. S. Arneil, Esq.,
Indian Commissioner for B.C.,
Vancouver, B.C.

Re: Cheam I.R. No. 1 - Bridge Site Approach
Property of Locatee Harry Edwards

In our letter of even file of this date we advised that only a 7.85 acre portion of the 10.23 acres required for bridge site approach was Band owned land, and the remainder was part of the location of Harry Edwards.

We, therefore, took up the matter of compensation with Mr. Edwards and obtained signed acceptance forms (attached), wherein he agreed to the taking over by the Province of a total of 2.38 acres, of which said acreage 1.5 acres is cleared cultivated land. He insists on compensation based on \$350.00 per acre for the improved land and is satisfied to accept s.16; s.17 per acre for the unimproved land.


The acreages indicated are approximate only as the cleared lands are not indicated on the plan provided. Possibly the later survey will include the desired information.

We are also attaching a rough plan showing how the encroachment affects the lands of Harry Edwards. It is to be noted that his cultivated land is being divided, leaving approximately one acre out off on the easterly side of the approach. As it is evident the new approach will actually be a fill to a depth of possibly 20 feet, then his one acre portion will very likely be lost to him as it is very unlikely any access will be provided for such a small area. Harry Edwards explained that the clearing of this property has cost him well over s.16; s.17 per acre, and as he will undoubtedly lose the cut-off area, he feels his demands are very reasonable.

There is a further possibility that the bridge approach contractors will cross the remainder of his cultivated lands, between the right-of-way and the dyke, and if so, he will be

entitled to damages.

We are in agreement with Harry Edwards and would recommend to the Department of Public Works that they agree to compensation as outlined. If the Department of Public Works feel his demands are unreasonable, we suggest that they deal privately with Mr. Edwards insofar as coming to some other settlement is concerned. It is requested that as Mr. Edwards' property will likely be the first area needed, then this matter should be settled before proceeding with any development work.


J. C. Letcher,
Superintendent,
New Westminster Indian Agency.

JCL:ic
Encl.

I, HARRY EDWARDS, the undersigned, being No. [redacted] of the Cheam Band of Indians, New Westminster Indian Agency, Province of British Columbia, and being the registered locatee to 2.38 acres, more or less, of land situate north-east of the Chilliwack Dyke on Cheam I.R. No. 1, which same is required by the Provincial Department of Public Works for bridge approach purposes, DO HEREWITH GRANT CONSENT to Indian Affairs Branch to accept on my behalf compensation based on s.16; s.17 per acre for improved lands and s.16; s.17 per acre for unimproved land, after which the property may be transferred to the Province.

I agree that the following accurately represents the acreage of my holding affected:

Improved agricultural land 1.50 acres
Unimproved land88 acres

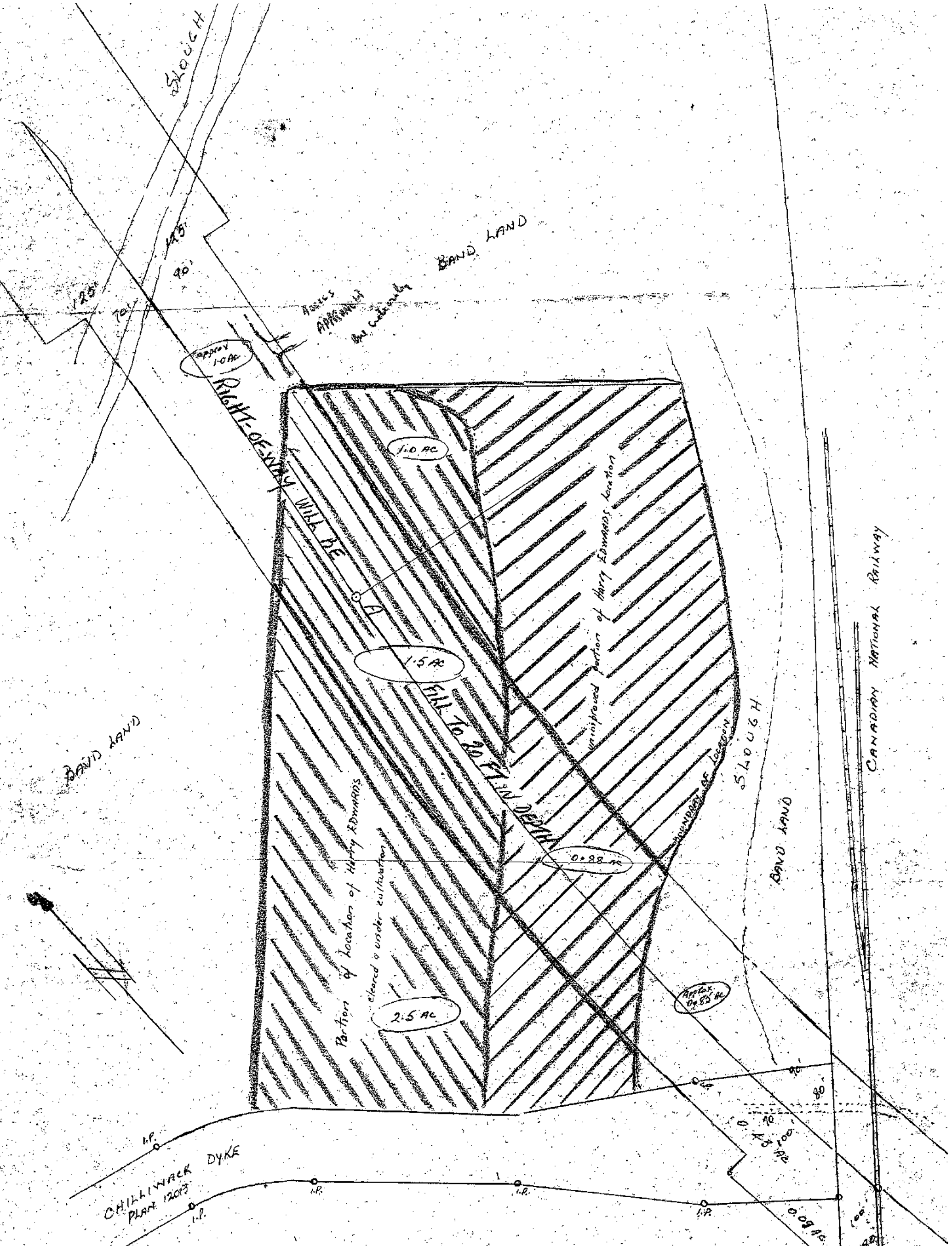
I therefore will accept compensation amounting to $\$$ s.16; s.17 as compensation in full.

Dated at Cheam Indian Reserve, Rosedale, B.C., this 21st day of October, A.D. 1954.

Hetcher
Witness

Harry Edwards
Harry Edwards

EXEMPTION, 19(1)
ACCESS TO INFORMATION ACT



Plan of portion of CHEAM INDIAN RESERVE No. 1 (NEW WESTMINSTER INDIAN AGENCY) showing that portion of the location of Harry EDWARDS (BAND No. 1) which is to be used as bridge site approach by Provincial Dept. of Public Works and contains therein approx 2.38 ac of which 1.5 ac is cultivated land. Other lands which are affected, but which are not in the Right-of-way are also indicated.

SCALE = 100' to inch

NOTE:
 GREEN = CULTIVATED LAND
 BROWN = UNIMPROVED LAND
 RED = BOUNDARY OF RIGHT-OF-WAY

TAB 39



IN YOUR REPLY REFER TO

153/31-4-28-1

Also re date of 24 letter

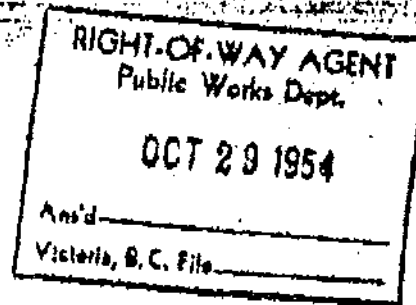
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

PLEASE QUOTE

Your FILE R/W...4652

P.O. BOX 70
Vancouver, B.C.

October 28, 1954.



Mr. N. C. Tattrie,
Asst. Right-of-Way Agent,
Department of Public Works,
Victoria, B.C.

Dear Mr. Tattrie:

Re: Highway right of way
Cheam I.R. No. 1

With reference to your letters of July 14th and October 21st, it has been difficult to arrange a meeting with the Cheam Band at an earlier date because of the absence of many members from their Reserve. We were successful, however, in arranging a meeting on October 21st at which time the Band agreed to accept compensation at the rate of \$16.00 per acre for the unimproved Band-owned land within the right of way, subject to the right of way south of the Chilliwack being fenced and existing access replaced at feasible sites with gates, etc.

It appears, however, that the Band and one of the members, Harry Edwards, who is the owner of a parcel within the right of way area, do not agree that the land is all unimproved. Their stand is supported by our Superintendent, Mr. Letcher, who has submitted the attached plan showing Harry Edwards' location, and the part of the location within the right of way which is cleared and under cultivation. Furthermore it appears that the right of way severs a cleared and cultivated parcel of one acre which because of the deep fill proposed will not be accessible.

To summarize, therefore, it is apparent that the Band is willing to accept \$16.00 per acre for 7.85 acres

and Harry Edwards is willing to accept ^{s.16; s.17} per acre for the 1.5 acres of cleared and cultivated land within the right of way area and ^{s.16; s.17} per acre for the .88 acres of unimproved land. This does not include any compensation for severance within Edwards' location, which is indicated, unless convenient access to both sides of the right of way within the location is to be provided.

I should appreciate your further views with regard to this matter before trying to effect a definite settlement with the Indians concerned which is a necessary preliminary to the granting of authority for entry on to the Reserve for the purpose of commencing construction.

Yours very truly,



W. S. Arneil;
Indian Commissioner for B.C.

-ET

TAB 40

MC-7

B. Cheam Indian Reserve No. 1.

A ground inspection on the 17th inst. reveals that the area in question is subject to flood - seed was lost June - but subsequent to mowing of high water yields a good ^{mild} crop of ~~mixed~~ grass - not swamp or slough grass) usual field stubble excellent. Suggest we compensate on requested rates. Did not interview Edwards ^{on ground} or phone Armit (previously advised Leckie) after inspection for this season.

Question of access is a pertinent one - Edwards' main holding and dwelling situate West of slyke - suggest all his area East of R/W be acquired - this would eliminate ~~any~~ entrance to highway from either side. Ind. slight intimate severance compensation. As we cannot pay this and feasibility of access questionable this appears to be solution. Access to portion retained will be undisturbed. Fence East side and boundary between Baul Luml and the Edwards Tract. Get location to plot this parcel and calculate respective areas. Retain print.

TAB 41

November 24, 1954

Mr. G. Koster,
Resident Engineer,
Chilliwack, B. C.

2134

Agassiz - Rosedale Bridge

I am advised by the Right-of-Way Agent that the matter of right-of-way through the Indian Reserve has been settled.

The Contractor may therefore proceed with the work in this area.

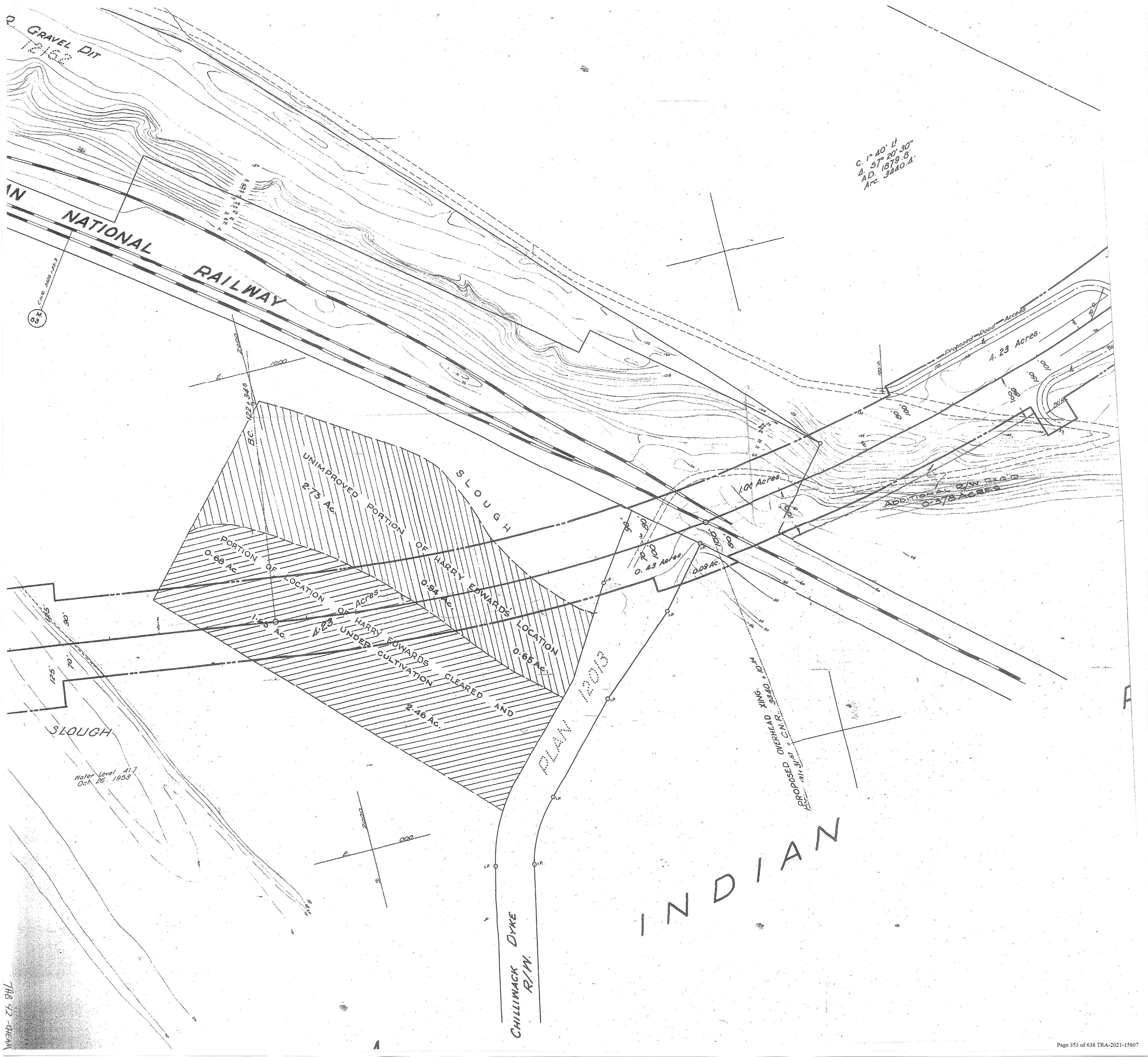
N. M. McCallum,
Chief Engineer.

by:

C. K. Saunders,
Bridge Engineer.

CKS;br

TAB 42



GRAVEL DIT
12/52

C. 1° 40' Lt
A. 57° 20' 30"
A.D. 1879.8
Arc. 3440.4

NATIONAL RAILWAY

53

BC 122,345

UNIMPROVED PORTION OF HARRY EDWARDS' LOCATION
2.73 Ac.

PORTION OF LOCATION
0.68 Ac

HARRY EDWARDS' LOCATION
0.94 Ac

HARRY EDWARDS UNDER CULTIVATION CLEARED AND
2.46 Ac

0.23 Acres

0.09 Ac

1.00 Acres

0.43 Acres

4.23 Acres

ADDITIONAL 2/3 ACRES

SLOUGH

Water Level 41.7
Oct. 26, 1953

PLAN 12013

PROPOSED OVERHEAD XING. 33'10" + 10'8"
E.V. 1211.31 + 1.67 = C.N.R. 3340

INDIAN

CHILLIWACK DYKE
R/W.

718 42-42EM

TAB 43

GOVERNMENT OF BRITISH COLUMBIA

MEMORANDUM

R/W 4652

TO Mr. J.H.A. Steven,

Location Engineer,

Victoria, B.C.

FROM

R/W Agent's Office,

Dec. 1st,

54

Re: Highway Right-of-Way, Cheam I.R. #1.

We have been informed by the office of the Indian Commissioner for B.C. that right-of-way for the Rosedale-Agassiz Bridge Approach in the above Reserve, affects the tribal holding of Harry Edwards. May we please be supplied with a sketch plan showing areas involved.

Attached hereto copy of sketch sent to us by the Indian Commissioner.

N.C. Tattrie,
R/W Agent.

NCT:PS
encl: 1

Mr. N. C. Tattrie,

Tribal subdivision now shown on plan. Your print returned herewith.

J.H.B.

TAB 44

RIGHT OF WAY AGENT

December 1st, 1954
Victoria, B.C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Highway Right-of-Way, Cheam Indian Reserve #1

Dear Sir:

Further to your letter of October 28th with respect to the above. We wish to advise that further ground inspection has now been carried out and it is agreed that there are improved areas involved. We agree that a figure of s.16; s.17 per acre for cleared and cultivated land is acceptable. All unimproved lands would be paid for at the rate of s.16; s.17 per acre. It is regretted that this improved area was overlooked in the first instance, however, at the time of the inspection, the river was high and it would appear that the area in question was cut off by flood water. We had previously inquired as to whether there were any tribal subdivisions affected in this Reserve and we were given to understand that there were none.

With respect to the severance, we are unable, as you know, to pay for such an item, however, we are prepared to recommend that the Department purchase all of Edward's holding lying to the East of the right-of-way, if this will solve the situation. It will be possible for us to provide access to the Band land on the East side of the right-of-way and it is thought that perhaps Mr. Edwards could use this same access and would perhaps prefer to retain his holding. No particular access will be provided to the land lying to the West of the right-of-way since this land will enjoy the same access after construction which it presently does. We will have to verify the acreages involved in the Edwards holding before we are able to have a compensation cheque issued.

May we please have your advice as to whether or not it is preferable for us to purchase the entire tribal holding. We return a print showing approximately where access will be possible to the Band land.

Yours very truly,

N.C. Tattrie,
Right-of-Way Agent.

NCT:PS
encl: 1

TAB 45

INDIAN COMMISSIONER
BRITISH COLUMBIA



IN YOUR REPLY REFER TO
No. 153/31-4-28-1
ALSO TO DATE OF THIS LETTER

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. BOX 70,
VANCOUVER, B.C.

3rd December, 1954.

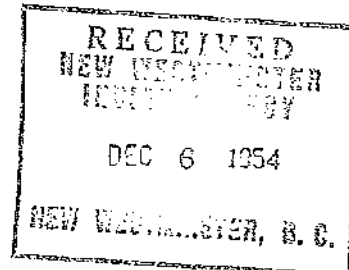
Mr. J.C. Letcher,
Indian Supt.,
New Westminster, B.C.

Re: Highway Right-of-Way -
Cheam I.R. No. 1,

Mr. N.C. Tattrie, Right-of-Way Agent, was advised of the contents of your letter of November 25th and a copy of his reply, with the plan referred to therein, is attached.


Will you please ascertain from Harry Edwards whether or not he wishes to dispose of his holding lying to the east of the right-of-way at the rate of s.16; s.17 per acre for cleared and cultivated land and s.16; s.17 per acre for unimproved land, or if he would prefer to retain it without payment of compensation for severance, utilizing the access as shown on the plan to enable him to make use of the property.

W.S. Arneil
W.S. Arneil,
Indian Commissioner for B.C.



Encl.
-PP

TAB 46

I, Harry EDWARDS, the undersigned, being No.  of the Cheam Band of Indians, New Westminster Agency, Province of British Columbia, and being the registered locatee to a portion of Cheam Indian Reserve No. 1 which is situate between the Chilliwack Dyke and the C.N. Railway, and over which the Provincial Department of Public Works will be building a bridge approach to cross the Fraser River, DO HEREWITH GRANT CONSENT to Indian Affairs Branch to accept full compensation in my behalf for all that portion of my said location which lies to the East of the Westerly boundary of the required right-of-way.

I AGREE to the sale of this property at the rates of ^{s.16; s.17} per acre for improved land (estimated at 2.5 acres) and ^{s.16; s.17} per acre for unimproved land (estimated at 3.5 acres), the exact acreage to be determined by an established survey.

This acceptance supersedes my previous agreement dated October 21st, 1954, and is made by reason of the fact that my holdings in this area would otherwise be severed and therefor of no further use to me.

Dated at Cheam Indian Reserve, Rosedale, B.C. this Tenth day of December, 1954.

s.22


(Harry Edwards)

(Witness to signature)

EXEMPTION, 19(1)
ACCESS TO INFORMATION ACT

TAB 47

Rosedale B.C.

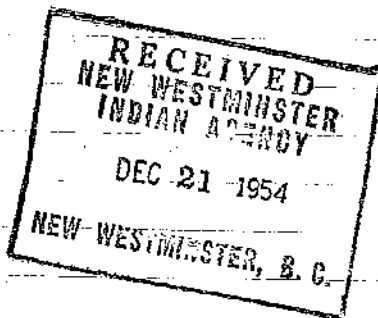
Dec. 20, 1954

Mr J. C. Letcher:
Dear Sir:

Re Provincial Department of
Public Works.

Majority of band are in
favor of giving Boundary east
to proposed Bridge Highway,
with conditions have gift
timber on said property, timber
free and a cash distribution
amount to half of value land
sold to Public Works or ten
dollars per person whichever
is the larger.

Albert Douglas



TAB 48

Box 280,
New Westminster, B.C.
December 21st, 1954.

Mr. Albert Douglas,
Chief Councillor of Cheam Band of Indians,
Rosedale, B.C.

Dear Albert:

Re: Proposed Sale to Dept. Public Works
of additional land on Cheam I.R. No. 1

This letter will acknowledge receipt of the signed resolution concerning the sale of the additional land on Cheam I.R. No. 1 to the Department of Public Works, and your short covering letter wherein you noted certain conditions.

It is most doubtful whether the Department can accept the Resolution including the condition that the timber is to be given to the Indians stumpage free. If the timber were to be cut immediately, then possibly it could be left for the Band to take off, however we have no indication that it will be logged as the application to purchase was simply to take the property off your hands due to the fact that it would be hard to get into.

Then as to the demand that 50% of the sale proceeds, or a cash distribution of \$16; per capita (whichever is the higher) be given to the Band, the 50% of the proceeds for equal distribution to the Band is okay, but as the proceeds would not likely exceed \$16; s.17 as the land probably does not exceed 8 acres, then of course there would not be sufficient funds to make a \$16; distribution. The Indian Act allows for a distribution of 50% of proceeds of a land sale, but does not allow for anything above that amount. Likewise,

It is requested that you take up this whole matter once more, and if the Band agree to the sale without the conditions you have outlined, then by all means let us know as soon as possible. Whether the Band wish to sell or not is entirely up to the membership, but certainly you cannot put strings on the sale. We will withhold the matter pending your further advice. The sale of Harry Edwards area is of course

EXEMPTION, 20(1)(b)
ACCESS TO INFORMATION ACT

(2)

being proceeded with. We would appreciate having this problem attended to immediately, and would suggest that Public Works do not require the additional lands, and therefore would undoubtedly turn down any acceptance by the Band over and above the s.16; s.17 per acre (based on a survey), which includes extra conditions. The Department can only distribute a 50% share of the sale proceeds, and therefore cannot make a distribution of s.16; s.17 per Capita from the sale of the land. Finally, due to the commitments already in effect with regard to the Revenue funds of the Band, there are not sufficient funds to make any distribution from that source.

Yours truly,

J. C. Letcher,
Superintendent.

jcl/

PS/ Should the Band retain these lands in their possession, then of course the Department of Public Works will provide an access road.

JCL

TAB 49

New Westminster, B.C.,
21st December 1954.

W. S. Arneil, Esq.,
Indian Commissioner for B.C.,
Vancouver, B.C.

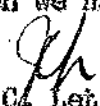
Re: Highway Right-of-Way
Cheam Indian Reserve No. 1

With reference to your letter of even file dated December 3rd, 1954 and also in reference to the Dept. of Public Works letter of December 1st, their file R/W 4652, we would advise that Mr. Harry Edwards has agreed to dispose of his land holdings lying to the East of the right-of-way. In this respect we have obtained a signed acceptance from him dated December 10th, 1954, wherein he agrees to the sale of the property based on a rate of s.16; s.17 per acre for improved lands, and s.16; s.17 per acre for unimproved land, all of which is to be determined by a survey of the area in question. Duplicate copies of his acceptance are attached herewith.

Insofar as the Band owned lands lying to the East of the right-of-way are concerned, the Band are in favour of a sale, but have made stipulations, as follows:

1. That the merchantable timber within the area to be sold remain the property of the Band.
2. That a cash distribution based on 50% of the proceeds of the sale, or s.16; per Capita (whichever is the larger) be made to the Band.

We have written to their Chief requesting that these conditions be withdrawn, as the Department of Public Works does not actually require the land, and have made the offer to purchase only as a ~~matter~~ matter of convenience, and will if necessary provide an access road to the area, which would otherwise be cut off. We have also explained to the Chief that the Band can have a distribution of 50% of the sale proceeds, if desired, but that the sale will not be large enough to make a cash distribution of s.16; s.17 per capita. Such a distribution would entail some s.16; s.17 which probably would be more than would be received for the sale of the extra land. We will advise further when we have again contacted the Band.


J. C. Letcher,
Superintendent.

jcl/

TAB 50



EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

FORM 4102

CANADIAN NATIONAL

CANADIAN NATIONAL



J. R. WHITE, GENERAL MANAGER
TORONTO

TELEGRAPHS

CLASS OF SERVICE DESIRED	
FULL RATE	<input type="checkbox"/>
DAY LETTER	<input type="checkbox"/>
NIGHT MESSAGE	<input type="checkbox"/>
NIGHT LETTER	<input type="checkbox"/>
PLACE X OPPOSITE SERVICE DESIRED	

CHECK

RECEIVERS NO.

TIME FILED

CHARGE TO DEPT. OR ADDRESS

Send the following message, subject to the terms on back hereof, which are hereby agreed to

4652

December 21st, 1954
Victoria, B.C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

FURTHER TO OUR LETTER OF DECEMBER 1st CONNECTION WITH CHEAM INDIAN RESERVE #1 STOP WOULD YOU PLEASE ADVISE AT EARLIEST POSSIBLE DATE YOUR DECISION RE TRIBAL HOLDING OF HARRY EDWARDS.

N.C. Tattrie,
Right-of-Way Agent.

NCT:PS

IS YOUR MESSAGE COMPLETE? EXTRA WORDS COST ONLY A FEW CENTS.

TAB 51

P.O. Box 280,
New Westminster, B.C.,
January 14, 1955.

Mr. Albert Douglas,
Cheam Indian Reserve,
Rosedale, B.C.

Dear Sir:

I would appreciate it if you would arrange to have the Council present at your home, on Tuesday morning, January 18th, in order that I may discuss with them their intentions with regard to the land situated outside the highway bridge and the O.N.R. track.

It is doubtful if the Department will approve disposition of this property when it is not actually required for road purposes.

Yours truly,

J. C. Letcher,
Superintendent.

JCL:ic

TAB 52

MINUTES OF MEETING OF CHEAM BAND COUNCIL

Meeting held on Cheam Indian Reserve No. 1 on January 18th, 1955.

Called to order at 10:30 A.M.

Present: J. C. Letcher, Superintendent,
Albert Douglas, Chief Councillor; Henry Murphy, Councillor;
Charlie Douglas; Patrick Giroux; Michael Victor; Mrs. A. Douglas.
Councillor Louis Edwards s.22

As the minutes of the last meeting were not at hand, they could not be read or adapted.

Reading of Correspondence:

Letter from Indian Commissioner dated Jan. 6, 1955 concerning bridge approach and highway right-of-way was read.

Business:

The question of whether or not the Band should dispose of that portion of Indian Reserve No. 1, which the Province offered to take off their hands over and above their Highway requirements was discussed. As the Band had a plan of the area and were fully aware of the property being more or less out off, and further, as it is low lying land criss-crossed by sloughs which always contain water, and actually has little or no value to the Band, they were unanimously in favour of selling to the Province at the price of s.16; per acre, offered by the Department of Public Works in a letter dated December 1st, 1954. It was considered they would never have use for the area and once the bridge approach and Mill ~~xxx~~ is completed, the value of the land would be NIL, and therefore this was an opportune time to sell. A resolution originally drafted on December 10th. was signed agreeing to the sale.

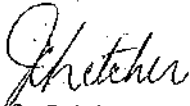
s.22

The question of budgeting revenue funds for the Fiscal Year 1955-1956 was next discussed and a Resolution was passed and signed for the following expenditures:

Relief Assistance for food supplies, as required	s.16; s.17
Relief Assistance for clothing supplies, as required	
Housing assistance, repairs for s.22	
(500 RM flooring and other incidentals)	
Distribution of Revenue Funds based on \$10.00 per Capita (to be made prior to Christmas 1955)	

Total

Meeting adjourned at 11:45 A.M.


J. C. Letcher,
Superintendent.

TAB 53

Your File: 153/ 31-4-28-1

New Westminster, B.C.,
January 19th, 1955.

W. S. Arneil, Esq.,
Indian Commissioner for B.C.,
Vancouver, B.C.

Re: Highway and Bridge Approach Right-of-Way,
Cheam Indian Reserve No. 1.

In reply to your letter of even file dated January 6, 1955 wherein you requested information as to whether or not the Cheam Band desired to dispose of certain Band owned land, on Cheam Indian Reserve No. 1, we would advise that they have decided it would be to their best interests to do so while they have the opportunity. The land in question will be more or less cut off from the remainder of the Reserve by reason of the new bridge approach along the westerly portion thereof, and is already severed by the C.N. Railway.

This particular property is low lying land which is cut up by sloughs, and is normally under water the major portion of the time. It has practically no value insofar as use by the Band is concerned, and as the Provincial Department of Public Works have offered to take it off their hands at a rate of s.16; s.17 per acre, they feel this would be an opportune time to sell. What little timber there is on the property consists of cottonwood which is presently being logged off by the Band.

A resolution consenting to the sale of the property, and dated January 18th, 1955 is attached herewith in duplicate. It is recommended that the sale be proceeded with.

jcl/

J. C. Letcher,
Superintendent.

BAND COUNCIL RESOLUTION

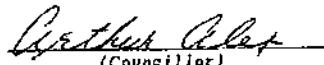
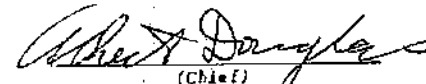

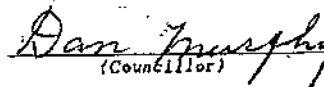

The Council of the CHEAM Band of Indians,
(Name of Band)
 in the NEE WESTMINSTER Indian Agency, in the Province
(Name of Agency)
 of BRITISH COLUMBIA at a meeting, held at ROSEMILE
(Name of Province in full) (Name of Place)
 this eighteenth day of January A.D. 19 1955.
(in Full) (Month)

DO HEREBY RESOLVE:

FURTHER to our Band Council Resolution dated 21st October, 1954, wherein it was resolved to accept the offer of the Provincial Department of Public Works of \$16.17 per acre for an encroachment of 7.85 acres of Band property on Cheam Indian Reserve No. 1,

WHEREAS by a letter dated 1st December, 1954, the Provincial Department of Public Works have made a further offer wherein they will, if the Band so desire, purchase the entire area of Band land situate between the two existing sloughs which are located between the easterly boundary of the Right-of-Way, as now defined, and the G.N. Railway on Cheam Indian Reserve No. 1, at a rate of \$16.17 per acre, to be determined by a proper survey,

BE IT HEREBY RESOLVED that inasmuch as this area will be cut off by reason of the new bridge approach, and is low-lying land subject to flooding at high water, it is hereby agreed that this area be also sold to the Province in addition to the property required for the right-of-way, and that the selling price be \$16.17 per acre, to be determined by survey.

 (Councillor)	 (Chief)	 (Councillor)
 (Councillor)	 (Councillor)	_____ (Councillor)
_____ (Councillor)	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____ (Councillor)	_____ (Councillor)

FOR HEADQUARTERS USE ONLY					
1. TRUST ACCY	2. CURRENT BALANCES		3. EXPENDITURE	4. AUTHORITY - INDIAN ACT SEC.	5. SOURCE OF FUNDS
	A) CAPITAL	B) REVENUE			<input type="checkbox"/> CAPITAL <input type="checkbox"/> REVENUE
	\$	\$	\$		
6. RECOMMENDED			7. APPROVED		
_____ Date Superintendent, Reserves and Trusts			_____ Date Director, Indian Affairs		

FORM IA5-7 (8-10-53)

TAB 54

INDIAN COMMISSIONER
BRITISH COLUMBIA



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. BOX 70,
VANCOUVER, B.C.

January 26, 1955

IN YOUR REPLY REFER TO
No. 153/31-4-28-1.
ALSO TO DATE OF THIS LETTER

*See file to
not quoted*

RIGHT-OF-WAY AGENT
Public Works Dept.
JAN 27 1955
Ans'd 31-1-55
Victoria, B.C. File RW 4652

Mr. N.C. Tattrie,
Right-of-Way Agent,
Dept. of Public Works,
Victoria, B. C.

Re: Highway right-of-way
Cheam I. R. No. 1.

Dear Mr. Tattrie:

With reference to your letter of December 1, I regret to advise that our negotiations with the Cheam Band council with regard to the above have now become further complicated through a request from them for payment from your Department for all the band owned land on the east side of the right-of-way. Although it seems certain that your Department will not agree to this, I should like to have your confirmation, as a matter of fact I doubt if we will be prepared to agree to such a proposal unless, of course, the area was actually required by your Department.

Insofar as Harry Edwards' holding is concerned, he has agreed to dispose of that portion lying to the east of the right-of-way at a rate of s.16; s.17 per acre for cleared and cultivated land, and s.16; s.17 per acre for unimproved land, as he does not consider that the access which will be available to this land will be considerable.

Yours truly,

W.S. Arneil,
Indian Commissioner for B.C.

-JT

TAB 55

RIGHT OF WAY AGENT

January 31st, 1955
Victoria, B.C.

Mr. W.S. Arnell,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Acquisition of Right-of-Way, Cheam I.R. #1.

Dear Sir:

This will acknowledge receipt of your letter of the 26th instant. In reply thereto I would advise that the Department is not prepared to enter negotiations for the acquisition of lands in excess of the actual right-of-way needs and the severed portion of the Tribal Subdivision owned by H. Edwards. The foregoing has reference to your inquiry regarding the Band Land on the East side of the right-of-way.

Alluding to final paragraph of your letter, we are proceeding to arrange for compensation covering the right-of-way proper and the severed portion of the Edward's parcel. From our plans it would appear that there is a total of 2.31 acres classified as improved land for which compensation is payable at the rate of s.16; s.17 per acre; and 11.66 acres of unimproved land for which we recommend payment at s.16; s.17 per acre. The total compensation will therefore be s.16; s.17

Arrangements are being made to implement a ground survey of the right-of-way between the River and junction of the Trans-Canada Highway. Should there be any adjustment necessary for the acreages allowed for, we would, of course, be pleased to arrange supplemental payment. Fencing will be carried throughout the right-of-way within the Reserve and extended to the East boundary of the Edward's Tribal Subdivision. Existing access will be restored on the Dyke right-of-way and South of the C.N.R. right-of-way, in addition to which one access from the Band Land will be installed North of Station 118.

Yours very truly,

L.J. Moore,
Right-of-Way Agent.

LJM:PS

TAB 56

Feb. 1st, 1955

R/W Agent,
Victoria, B.C.

Mr. M.M. McCallum,
Chief Engineer,
Victoria, B.C.

Chilliwack
R/W 4652

Acquisition of Right-of-Way, Cheam
I.R. #1. Agassiz-Rosedale Highway.

Forwarded herein P.W. 120's respecting
settlement with the New Westminster
Indian Agency for right-of-way acquired
in connection with the above project.

L.J. Moore,
R/W Agent.

LJM:PS
encl: 4

TION IN TERMS OF THE "HIGHWAY ACT"
(SECTION 16)

PLAN No. 2 DISTRICT FILE No. R/W 4652
DISTRICT No. 2 ELECTORAL DISTRICT Chilliwack
and details of highway or incidental works Agassiz-Rosedale Highway.
Description of property Cheam Indian Reserve No. 1, New Westminster Indian Agency.

Name of registered owner Unregistered - (Crown Dominion)
Is title unencumbered? If not, give details of encumbrance.

Name, title, etc., of party to whom compensation is recommended to be paid
RECEIVER GENERAL OF CANADA.

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

A. For Improvements on the Lands taken.

(Subsec. 1a.) "Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man."

	\$	f
Roads: Length, ; width,		
Buildings: Length, ; width, ; height,		
See Remarks.		
Structures: See Remarks.		
Fences: Length, feet. See Remarks.		
Clearing: Area, acres.		
Grading: Area, acres.		
Planting: Area, See Remarks.		
Cultivation: Area, 2.31 ac. See Remarks. @ s. 16; s. 17		s. 16; s. 17
Other improvements (to be stated)		
11.66 ac. (unimproved)		
R/W Acq. 13.97 ac		
Survey P. 14.09 "		
Remarks: .12 ac		
COMPENSATION RECOMMENDED		A.

B. For Lands taken (not Subdivided Lands).

(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant -	acres.
Total area taken for road purposes -	acres.
Deduct one-twentieth of area of original Crown grant -	acres.
Area for which compensation is payable -	acres.
The land is valued at \$..... per acre.	
COMPENSATION RECOMMENDED \$.....	B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date Jan. 31st, 1955.

I hereby recommend that compensation be paid accordingly.

Date....., 19.....

Date....., 19.....

APPROVED

[Signature]
District Officer, T.W. Dept.
Deputy Minister, Chief Engineer, or Assistant Chief Engineer.
Departmental Comptroller

For Lands taken (Subdivided lands only).

(Subsec. 15.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. _____

Total area of parcel _____ acres.

Total area taken for road purposes _____ acres.

Deduct one-twentieth area of parcel _____ acres.

Area for which compensation is payable _____ acres.

The land is valued at \$ _____ per acre.

COMPENSATION RECOMMENDED \$ _____ C.

D. For Materials taken from Improved Lands.

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$ _____ D.

E. Deduction for Increased Capital Value due to Construction.

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details _____

TOTAL DEDUCTIONS \$ _____ E.

Remarks:

(Note.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

Tribal subdivision of H. Edwards. East of right-of-way acquired. Right-of-Way to be fenced throughout Reserve and in Edwards subdivision—to be extended along easterly boundary of subdivision to slough. Existing access only to be restored on Dyke right-of-way (Sta.130) and from Stations 136 and 141 and one access to Band Land North of Station 118.

Subject to ground survey by B.C.L.S, now being undertaken. Any adjustment in compensation will be made subsequent thereto.

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID

A. For improvements on lands taken	\$	s.16; s.17	A.
OR	B. For lands taken (not subdivided lands)	\$	B.
	C. For lands taken (subdivided lands only)	\$	C.
D. For materials taken from improved lands	\$		D.
Gross total amount of compensation recommended	\$		
E. Deduction for increased value	\$		E.

NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID

\$ _____ Page 385 of 638-TRA-2021-15807

TAB 57

P.O. Box 280,
New Westminster, B.C.,
Feb. 8, 1955.

Mr. Albert Douglas,
Chief Councillor,
Cheam Band,
Rosedale, B.C.

Dear Sir: Re: Highway Right-of-Way -
 Cheam I.R. #1 (Bridge approach)

We have been advised by the Department to the effect that the Provincial Department of Public Works will not agree to the purchase of lands on Cheam I.R. #1 in excess of the actual right-of-way requirements and the severed portion of Harry Edwards' location. In other words, they will not be purchasing the Band-owned lands for which we recently received a Band Council resolution.

It would appear that there was some misunderstanding between our office and Victoria in this matter as apparently they had not ever intended to make this purchase. They, therefore, will have to provide an access to the property from the road, when built.

We would be obliged if you would advise the Band members to this effect.

Yours truly,

J. C. Letcher,
Superintendent.

JCL:ic

TAB 58

c.c. Div. Engineer,
New Westminster, B.C.

975

February 9th, 1955

Mr. J.N.C. Wade,
B.C. Land Surveyor,
P.O. Box 1299,
Mission City, B.C.

Dear Mr. Wade:

I am directed by the Chief Engineer to acknowledge your communication of the 7th instant to that official.

We are prepared to authorize you to proceed with the survey of that section of the Agassiz-Rosedale Highway right-of-way between Fraser River, south bank, and Bridal Falls (junction Trans-Canada Highway). The area is indicated on the plan now in your possession.

Would you kindly communicate direct with the Surveyor General, Ottawa, regarding the requirements for survey of that portion of the right-of-way through Cheam Indian Reserve No. 1. As previously intimated, this section of the right-of-way through the Reserve must be on a separate tracing. Both tracings to be on a scale of 100 feet to the inch.

It has occurred to the writer that possibly the triangular section of the Edwards tribal subdivision west of the right-of-way may have been inadvertently included in the plan left with you. The only area in addition to the right-of-way is that east of the latter as roughly sketched on the enclosed tracing. Any inconvenience in this respect is regretted.

Fees will be in conformity with regulations of the Surveyor General and we will be pleased to arrange for payment upon the basis of 60% of the total cost upon receipt of the plans and the balance forthwith upon acceptance of same by the Surveyor General.

Thanking you for your interest and appreciating your early co-operation.

Very truly yours,

N.M. McCallum,
Chief Engineer.

by:

L.J. Moore,
Right-of-Way Agent.

LJM:PS
encl: 1

W. 4652

TAB 59

February 9th, 1955.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Agassiz-Rosedale Highway Right-of-Way,
Cheam Indian Reserve #1.

Dear Sir:

With further reference to the above matter. Our previous communication advised that arrangements have been made for the payment of compensation in accordance with terms of settlement. We have now engaged Mr. J.M.C. Wade, B.C. Land Surveyor of Mission City, to undertake the highway right-of-way survey from the River south to the Trans-Canada Highway which will include all right-of-way within the above Reserve. Mr. Wade has been advised to communicate with both the Surveyor General, Victoria and the Surveyor General, Ottawa, regarding procedure, etc.

The above for your information and file,

Yours truly,

N.M. McCallum,
Chief Engineer.

by:

L.J. Moore,
Right-of-Way Agent.

LJM:PS

Wade
4652

TAB 60

INDIAN COMMISSIONER
BRITISH COLUMBIA



IN YOUR REPLY REFER TO

No. 152/21-1-28-1
ALSO TO DATE OF THIS LETTER

Your file: R/W 4652.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. BOX 70,
VANCOUVER, B.C.

February 18, 1955.

Mr. L.J. Moore,
Right-of-Way Agent,
Department of Public Works,
Victoria, B. C.

RIGHT-OF-WAY AGENT Public Works Dept.
FEB 22 1955
And _____
Victoria, B. C. File _____

Re: Right-of-Way, Cheam I. R. No. 1.

Dear Mr. Moore:

With reference to your letter of January 31, and related correspondence, in view of the agreement reached with regard to compensation, it will be in order for you to enter on to the above-mentioned reserve for the purpose of constructing the bridge approaches, etc.

I should appreciate receiving your cheque in the amount of s.16: s.17 payable to the Receiver General of Canada.

Yours truly,

J.H. Gordon,
A/Indian Commissioner for B.C.

-JT

s.16

TAB 61

2134

FORM P.W. 118A

PROVINCE OF BRITISH COLUMBIA
DEPARTMENT OF PUBLIC WORKS

FROM G. Koster, Resident Engineer.	TO Chief Engineer, Prov. Public Works Dept., Douglas Building, Victoria, B.C.	DATE February 22 nd 1955. ELECTORAL DISTRICT OUR FILE YOUR FILE
SUBJECT Roseville-Cassiz Bridge, Weekly report #26. <small>DEPT. OF PUBLIC WORKS</small>		REFERENCE YOUR LETTER

FOR DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE ONLY

FEB 23 1955 Attention Bridge Engineer,

RECEIVED
ED
Pier #3. After much difficulties some of the s.s. piling

were extracted. They were very badly damaged. The contractor had in mind to extract only 1/4 of the total amount of piles. After noticing the extracted piles I advised the contractor to pull all piles of pier #3.

Pier #4. Placing of coarse gravel took the better part of the week. On wednesday the platform started to give away. It proved that some piles had fallen away several inches. After driving some more wooden piles and readjustment of the other piles and platform, the placing of the coarse aggregate continued. On friday night the gravel was near the waterlevel. The tierods are to be installed before any further gravel can be placed.

Approach bents. First concrete pipes placed. The pipes are centered in a shallow excavation and lowered to their proper elevations by excavating the inside .

The construction of the south embankment was presumed since the beginning of the month and is making steady progress.

1044787

G. Koster
G. Koster,

TAB 62

B/A 4552

Mr. C.K. Saunders,
Bridge Engineer,
Victoria, B.C.

R/W Agent's Office,
March 1st,

55

Re: Right-of-Way, Rosedale-Agassiz, Cheam I.R. #1

We have now been advised by the Indian Commissioner for B.C. that it will be in order for entry to be made on the above mentioned Reserve.

H.C. Eattric,
R/W Agent.

KCT:PS

TAB 63

R/W 4652

RIGHT OF WAY AGENT

March 31st, 1955
Victoria, B.C.

Mr. J.M.C. Wade,
B.C. Land Surveyor,
Box 1299,
Mission City, B.C.

Re: Cheam Indian Reserve #1, Agassiz-Rosedale
Highway.

Dear Mr. Wade:

With further reference to the above matter, we would appreciate a progress report from you regarding survey of the highway right-of-way through the above Reserve, assigned to you some two months ago.

No doubt the inclement weather has affected your field work as in several other instances but as above intimated, would appreciate a line from you in this connection.

Very truly yours,

L.J. Moore,
Right-of-Way Agent.

LJM:PS

TAB 64

MEETING OF THE CHEAM BAND

Meeting held at Cheam Indian Reserve, Rosedale, B. C. at
1.30 PM. April 4th, 1955.

Present: J. C. Letcher, A. M. Appleby,
(Superintendent) (Agency Assistant)

Albert Douglas; Mrs. Edna Douglas; Joe Douglas; Henry Murphy;
George Douglas; Mrs. Marjorie Edwards; Mrs. Lorraine Victor.
Charlie Douglas; Innes Mack; Patrick Giroux; Dan Murphy;
Michael Victor; Mrs. Anna Alex;
Councillor Louis Edwards - patient in Coqualeetza Indian Hospital.

Meeting was called to order at 1.30 P.M. and it was requested
that the Indian Superintendent act as chairman of the meeting.

Minutes of the previous meeting were read, and it was moved by
Albert Douglas, seconded by Henry Murphy that the minutes be
adopted as read.

Old Business: Nil.

Presentation and Reading of Correspondence etc. Nil.

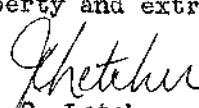
Report of Committees: Nil.

New Business:

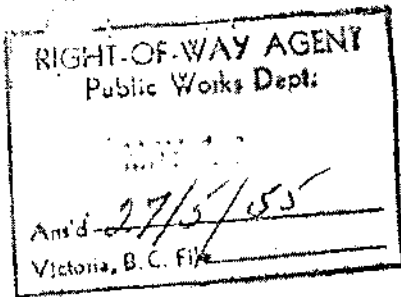
The question of renewal of the J. L. Davidson
easement covering a road right-of-way across the Cheam Indian
Reserve was brought up. The Superintendent read out letters in
connection with this matter and pointed out the area concerned
on the new plan of survey. It was explained that s.16; s.17
had this easement on a year to year basis and had been awaiting
completion of survey plans before constructing a road over the
right-of-way, as then he might possibly be able to have an
easement granted on a long term basis. However although willing
to co-operated in any way possible with the Cheam Band, s.16; s.17
s.16; s.17 had not wished to build the road before he had
received some assurance that he would be entitled to use the
right-of-way for some years, The Band members were not completely
satisfied with the way s.16; s.17 worked this property, and
after some discussion requested that the Department make a
survey of the area to determine the quantity of Marle available
on the Reserve, when this had been done the whole deposit could
then be advertized for sale to the highest bidder, who could then
remove same, paying into Band funds a royalty of \$ per ton. They
further requested that s.16 of money derived from the original sale
of the Marle deposit be made available for distributions to the
Band. At the same time it was agreed to grant s.16; s.17
a further one year renewal of the right-of-way easement while
arrangements for the disposal of the Marle was being carried out.
Resolutions covering both the proposed sale of the Marle
deposit and the renewal of the easement for the right-of-way to
s.16; s.17 were prepared and signed.

Continuing with the subject of Marle it was reported by the Band
that they had reason to believe that s.16; s.17 was trespassing
on the Reserve in his extraction of Marle from the area. The
Superintendent informed the meeting that upon adjournment of same
he, with the Band Council would visit the site to determine
whether or not such trespass had taken place.

Meeting adjourned at 3.40 PM. The Marle deposits were visited by
the Superintendent and members of the Band and it is evident that
s.16; s.17 has cut into Reserve property and extracted Marle
therefrom.


J. C. Letcher,
Superintendent,
New Westminster Indian Agency.

TAB 65



J. M. C. WADE

B.C. Land Surveyor

MISSION CITY, B.C.
 May 14th

Mr. L. J. Moore
 Right-of-Way Agent
 Dept. of Public Works
 Victoria, B.C.

Dear Mr. Moore;

Enclosed are the plans to accompany the survey of the Indian Reserve.

The survey plans have been sent under separate cover. I finally had to go to Westminster and get the prints myself.

I hope the statement enclosed doesn't shock you, it probably won't because you have had more experience with this type of survey than I have. I would appreciate comment as to whether it is in line with other surveyors prices. The way I feel now, any further estimates I submitted would be on the basis of about s.16; s.17 a mile for a similiar survey.

I believe also that it would be to the departments advantage as well as the surveyors to enclose the location survey field notes with the specifications of the survey.

Trusting this is satisfactory, I would appreciate a note saying that the plans have been received in good order, and whether or not there is anything I have omitted or not complied with.

Thank you very much for your patience and patronage.

Yours very truly,

J.M.C. Wade
 J.M.C. Wade

TAB 66

RIGHT-OF-WAY AGENT

Victoria, B. C.
May 30th, 1955.

Mr. J. M. C. Wade, B.C.L.S.,
P. O. Box 1299,
MISSION CITY, B. C.

Dear Mr. Wade:

This will acknowledge receipt of your letter of the 14th instant with enclosures consisting of your completed plan of survey of the right-of-way through inter alia Cheam Indian Reserve No. 1.

An examination of the plan indicates an area in excess of that acquired has been included in red outline north of the Canadian National Railway right-of-way. Reference is made to the 11.57 acre parcel. It would appear that the tracing at one time was restricted to a lesser parcel which would coincide with the plan and our remarks in paragraph 4 of our letter of February 9th last. Would you kindly amend the plan accordingly. It may be added that the Indians at one time suggested that a greater area be taken but this was not approved by the Department.

Alluding to your account submitted in connection with the above please be advised that we are prepared to submit for approval. Departmental regulations, however, require the signature upon each invoice and your account is returned herein for that purpose.

The writer anticipates being in Mission City on Thursday next, June 2nd, in the early afternoon and if convenient would be pleased to contact you by telephone regarding the above matter of plan amendment.

Tracing of your plan of survey is returned under separate cover by registered mail.

Yours very truly,

L. J. MOORE,
Right-of-Way Agent.

CRE:ms
encl.

TAB 67

INDIAN COMMISSIONER
BRITISH COLUMBIA



CANADA

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

IN YOUR REPLY REFER TO

No. 153/31-4-28-1
ALSO TO DATE OF THIS LETTER

YOUR FILE

No. 975

DATE _____

P.O. BOX 70,
VANCOUVER, B.C.

July 27, 1955

Department of Highways,
Right-of-Way Agent,
Victoria, B.C.

Dear Sir:

Re: Highway Right-of-Way,
Cheam Indian Reserve No. 1.

May we please be advised as to when we can expect to receive the required survey plans over the above mentioned Indian reserve.

It is understood from your letter of February 9, that you had engaged Mr. J.M.C. Wade, B.C. Land Surveyor from Mission City to make the required survey.

Yours truly,

W.S. Arnell,
Indian Commissioner for B.C.

..bl

Our File: R/W 4652

Your File: 153/31-4-28

RIGHT OF WAY AGENT

August 12th, 1955.
Victoria, B. C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Indian Affairs Branch,
Dept. of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Rosedale - Agassiz Highway
Cheam Indian Reserve No. 1

Dear Sir:

Replying to your letter of the 27th ultimo this is to advise that the plans have been prepared and have been submitted to our Surveyor-General for checking of calculations, etc.

Upon return of the plans, same will be forwarded to your office.

Yours truly,

L.J. Moore,
Right-of-Way Agent.

Per:

GEG:mw

INDIAN COMMISSIONER
BRITISH COLUMBIA



IN YOUR REPLY REFER TO
No. 153/31-4-28-1
ALSO TO DATE OF THIS LETTER

Your: R/W 4652

RIGHT-OF-WAY AGENT
Department of Highways

NOV 4 1955

Ans'd
Victoria, B.C. File

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. BOX 70,
VANCOUVER, B.C.

November 3, 1955

Department of Highways,
Right-of-Way Agent,
Victoria, B.C.

Attn: Mr. L.J. Moore.

Dear Sirs:

Re: Highway Right-of-Way -
Cheam Indian Reserve No. 1.

In your letter of August 12, you advised the survey plans for the above mentioned highway had been prepared and submitted to your Surveyor General for checking of calculations, etc.

Would you kindly look into this matter and advise when we may expect to receive the survey plans in this connection.

Yours very truly,

W.S. Arnell,
Indian Commissioner for B.C.

..bl

R/W 4652

Yours: 153/31-4-28-1

RIGHT OF WAY AGENT

November 22, 1955.
Victoria, B. C.

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Department of Citizenship & Immigration,
P.O. Box 70,
Vancouver, B.C.

Re: Highway Right-of-Way
Cheam Indian Reserve #1.

Dear Sir:

With reference to the above and your letter of the 3rd instant, forwarded under separate registered cover plans defining the right-of-way.

Trusting this claim may now be finalized, I remain,

Yours truly,

L.J. Moore,
Right-of-Way Agent.

Pert

GEG:nmw

MAN COMMISSIONER
BRITISH COLUMBIA



OUR FILE No. 153/31-4-28-1

YOUR FILE No. R/W 4652

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. BOX 70,
VANCOUVER, B.C.

August 7, 1956

Mr. L.J. Moore,
Right-of-Way Agent,
Department of Highways,
Victoria, B.C.

Dear Mr. Moore:

Re: Highway Right-of-Way -
Cheam Indian Reserve No. 1.

A review of our file indicates that the plan of survey of the above noted highway right-of-way was returned to your surveyor, Mr. J.M.C. Wade of Mission City, on January 25, for correction. The plan has not as yet been returned to the Surveyor General for re-examination.

I would appreciate your advising when you expect Mr. Wade to have the amendments to his plan completed as we are most anxious to proceed with the transfer of the land and thus conclude the transaction.

Yours very truly,

W.S. Arnell,
Indian Commissioner for B.C.

.bl

*From:
Please ask Wade to
advise Council about this
- copy to you
S.C.F.*



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. BOX 70,
VANCOUVER, B.C.

October 1, 1956

Right-of-Way Agent,
Dept. of Highways,
Victoria, B.C.

Dear Sir:

Re: Highway Right-of-Way -
Cheam Indian Reserve No. 1.

Please refer to my letter dated August 15⁷ in connection with the return of the legal plan of survey respecting the above noted highway. We would appreciate receiving information as to when we might expect to obtain the surveyor's plan, with amendments, for re-examination by the Surveyor General.

Yours very truly,

W.S. Arneil,
Indian Commissioner for B.C.

.bl

V. A. Arneil

<p>RIGHT-OF-WAY AGENT Department of Highways</p> <p>OCT 2 - 1956</p> <p>Ans'd.....</p> <p>Victoria, B.C. File.....</p>
--

INDIAN COMMISSIONER
BRITISH COLUMBIA



OUR FILE No. 153/31-4-28-1.

YOUR FILE No. R/W 4652.

RIGHT-OF-WAY AGENT
Department of Highways
NOV 15 1956
Ans'd
Victoria, B.C. File

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. BOX 70,
VANCOUVER, B.C.

Nov. 9, 1956.

RECEIVED
NOV 12 1956
INDIAN AFFAIRS BRANCH
VANCOUVER, B.C.

Right-of-way Agent,
Dept. of Highways,
Victoria, B. C.

Re: Highway Right-of-way,
Cheam Indian Reserve #1.

Dear Sir:

I wish to refer to my letter dated October 1, in which I enquired with regard to the return of the legal plan of survey respecting the above-noted highway. We have recently had information from our Department at Ottawa that the plan has not as yet been returned for re-examination by the Surveyor General, and your early attention to this matter would be appreciated.

Yours very truly,

W.S. Arneil,
Indian Commissioner for B.C.

.jt

PROVINCE OF BRITISH COLUMBIA

DEPARTMENT OF HIGHWAYS

FORM H

<p>FROM Right-of-Way Agent Department of Highways Victoria, B.C.</p>	<p>TO Mr. V.A. Drew Right-of-Way Agent Department of Highways New Westminster, B.C.</p>	<p>DATE November 19, 1956 ELECTORAL DISTRICT Chilliwack OUR FILE YOUR FILE</p>
<p>SUBJECT Legal Survey - Cheam Indian Reserve #1</p>		<p>REFERENCE YOUR LETTER</p>

FOR DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE ONLY

Herewith a letter from the Indian Commissioner for B. C. concerning the above and which is further to our letter to you of October 26th and your teletype of October 24th.

The Surveyor concerned is Mr. J.M.C. Wade, Box 1299, Mission, B. C.

Please contact Mr. Arneil as soon as possible and advise him of the status.

NCT:sn
encl.

N. C. Tattrie
N. C. TATTRIE
Right-of-Way Agent

RIGHT-OF-WAY AGENT
DEPT. OF HIGHWAYS
RECEIVED
NOV 21 1956
NEW WESTMINSTER, B. C.

INDIAN COMMISSIONER
BRITISH COLUMBIA



OUR FILE No. 153/31-4-28-1

YOUR FILE No.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

P.O. BOX 70,
VANCOUVER, B.C.

December 5, 1956

Mr. V.A. Drew,
Right-of-Way Agent,
Provincial Dept. of Highways,
Room 102,
39 MacKenzie Street,
New Westminster, B.C.

Dear Mr. Drew:

Re: Highway Right-of-Way -
Cheam Indian Reserve No. 1.

Recently the matter of the legal plan of survey respecting the above noted highway was referred to the Right-of-Way Agent at Victoria who in turn advised us that they were corresponding with you to ascertain the present status of the plans which were returned to you for re-examination by the Surveyor General.

In order that our files may be brought up to date, a progress report will be appreciated.

Yours very truly,

A handwritten signature in cursive script, appearing to read "W.S. Arneil".

W.S. Arneil,
Indian Commissioner for B.C.

RIGHT-OF-WAY AGENT
DEPT. OF HIGHWAYS
RECEIVED

DEC 6 1956
01

NEW WESTMINSTER, B. C.

39 McKenzie Street,
New Westminster, B.C.

December 11th, 1956.

Your File 153/31-4-28-1

Mr. W.S. Arneil
Indian Commissioner for B.C.
Indian Affairs Branch
P.O. Box 70
Vancouver, B.C.

Dear Sir:

Re: Survey Highway Right-of-Way
Cheam Indian Reserve #1

In reply to your letter of the 5th inst., we wish to advise that Mr. J. Wade, B.C. Land Surveyor has informed us that the plan has been amended and has just been returned to the Surveyor General in Ottawa for approval.

Yours very truly,

V.A. Drew,
Regional Right-of-Way Agent.

VAD:fbv

February 17, 1959

Mr. J.M.C. Wade,
B.C. Land Surveyor,
MISSION, B. C.

Re: Highway R/W - Cheam Indian Reserve #1

Dear Sir :

Copy of letter enclosed herewith for your information.
Please reply direct to Indian Agent with copy to
this office.

Yours truly,

E. F. THOMPSON
Right-of-Way Agent

EFT:sn

encl.



CANADA

OUR FILE NO. 153/31-4-28-1

YOUR FILE NO.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

RECEIVED BY TELETYPE
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
JUN 27 1958
VICTORIA, B.C.

P.O. Box 70,
Postal Station "A",
Vancouver 2, B.C.

June 26, 1958

Location Branch,
Department of Highways,
Victoria, B.C.

Dear Sir:

Re: Highway Right-of-Way, Cheam I.R. No. 1

I wrote to you on February 6, 1958, drawing to your attention our anxiety to conclude the transaction involving the transfer of the highway right-of-way affecting Cheam Indian Reserve No. 1.

Advice has been received from the Branch at Ottawa to the effect that the Surveyor General had written to Mr. J.M.C. Wade, B.C.L.S., at Mission City, suggesting certain amendments to his survey plan and I would appreciate it if you would correspond at this time with your surveyor to ascertain when we might expect to receive the completed plans.

This matter has been the subject of a further enquiry from our Department and an early reply is requested.

Yours truly,

W.S. Arneil
W.S. Arneil,
Indian Commissioner for B.C.

.jsb

*file
h/104*

Victoria, B. C.
July 4, 1958

Mr. W.S. Arneil,
Indian Commissioner for B.C.,
Dept. of Citizenship and Immigration,
P.O. Box 70, Postal Station "A",
Vancouver 2, B. C.

re: Highway Right-of-Way
Cheam I. R. No. 1

Dear Sir :

Reference the above and your letter of the 26th ult. Please be advised that a copy of your letter of February 6th was forwarded to the Surveyor with the request that he reply direct to your office.

We are again contacting Mr. Wade, B.C.L.S. - copy of letter is attached.

We trust this may be finalized in the immediate future.

Yours truly,
L. J. MOORE
Chief R/W Agent

GEG:sn
encl.

Per:

c.c. Mr. J.M.C. Wade

Victoria, B. C.
July 4, 1953

Mr. J.M.C. Wade,
B.C. Land Surveyor,
Mission, B. C.

re: Highway R/W - Cheam Indian Reserve #1

Dear Sir :

Reference the above and further to our wire of
July 2nd. Will you please reply direct to Mr. Arneil and for-
ward a copy to this office.

Yours truly,

L. J. MOORE
Chief R/W Agent

GEG:sn

Por:

c.c. Mr. W.S. Arneil

J. M. C. WADE*B. C. Land Surveyor*

MISSION CITY B. C.

July 7th/58

Mr. W. S. Arneil
Indian Commissioner for B. C.
Dept of Citizenship and Immigration
Indian Affairs Branch
Box 70, Postal station "A"
Vancouver, B.C.

Dear Sir:

I have completed the details required by the Surveyor General of Canada, and sent them by registered mail. I have requested that he send me confirmation of receipt of these plans, and that they are satisfactory to his department. I will forward the confirmation on to you when I receive it.

My apologies for the long delay. I am also checking into the disposition of the survey through the Langley Indian reserve at Muskin. I have not yet received confirmation of the plans being received from the B. C. S., and I will look into the matter immediately.

Yours very truly,

J. M. C. Wade.

J. M. C. WADE

B. C. Land Surveyor

B. C. - 45

MISSION CITY B. C.

July 7th/58

Mr. L. J. Moore
Chief night-of-day agent
Dept. of Highways
Victoria, B.C.

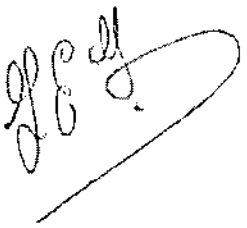
Dear Sir;

Enclosed is a copy of the letter I have sent to Mr. Arneil as you requested.

I sincerely hope the details have all been completed to everyone's satisfaction. Believe me I am now thoroughly conversant with all the details of Indian affairs and Dominion surveys.

Yours very truly,


J. M. C. Wade.



INDIAN AFFAIRS BRANCH
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION



DIVISION DES AFFAIRES INDIENNES
MINISTÈRE DE LA CITOYENNETÉ ET DE L'IMMIGRATION

OUR FILE NO. 153/31-4-23-1
Notre dossier n.º

Locations Branch,
Department of Highways,
VICTORIA, B. C.

P. O. Box 70,
Postal Station A,
Vancouver 2, B. C.,
November 3rd, 1958.

Ref: Your No. R/W 4652

Dear Sirs:

Re: Highway Right-of-Way
Cheam Indian Reserve No. 1

We have been endeavouring for some time to have Mr. J.M.C. Wade, B.C. Land Surveyor, P.O. Box 1299, Mission City, B.C., submit an acceptable Plan of Survey for the above noted Highway Right-of-Way.

The latest information we have on our files is a copy of the Surveyor General's letter dated July 24th, 1958, to Mr. Wade, returning his plan for a number of amendments.

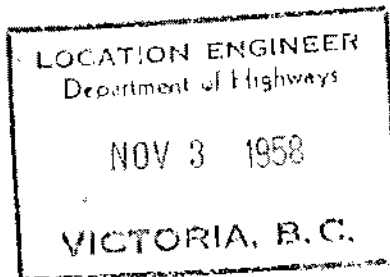
This transaction has been outstanding for over four years and it would be appreciated if you could be of assistance to us in having Mr. Wade submit an acceptable Plan of Survey at the earliest possible date.

Yours very truly,

W. S. Arneil,
Indian Commissioner for B. C.

.eh

*file
Hood*





OUR FILE NO. 153/31-4-28-1.
Notre dossier n°

Locations Branch,
Department of Highways,
Victoria, B. C.

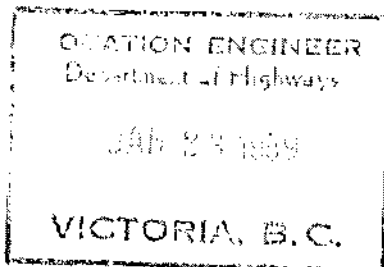
P.O. Box 70,
Postal Station A,
Vancouver 2, B. C.,
January 22, 1959:

Re: Highway Right-of-way, Choam
Indian Reserve No. 1,
Your file HQ 4767.

Dear Sirs:

Please refer to my letter dated November 3, 1958 relating to the above-mentioned highway right-of-way. We would appreciate having your early advice as to when we may expect to receive completed survey plan undertaken by Mr. Wade, B.C.L.S. The plan, you will recall, was returned by the Surveyor General to Mr. Wade on July 24 for a number of amendments.

This particular transaction has been outstanding for a number of years, and we are particularly interested in completing negotiations as quickly as possible.



Yours very truly,

W.S. Arneil
W.S. Arneil,
Indian Commissioner for B. C.

.jt

file HQ 4767

L.104-61

Your File: 159/31-4-28-1

Location Engineer,
222 Douglas Building,
February 6, 1959.

Mr. W. S. Arneil,
Indian Commissioner for B.C.,
Department of Citizenship and
Immigration,
P.O. Box 70,
Postal Station A,
Vancouver 2, British Columbia.

Dear Sir:

See Highway Right-of-Way,
Crown Indian Reserve #1

With reference to your letter of January 22nd, please
be advised we have again contacted Mr. Wade regarding the
status of the survey, and are attaching copy of correspondence
to him.

We hope to receive a satisfactory reply so we can
finalize this survey in the near future.

Yours truly,

J. P. Hagus,
Senior Location Engineer.

NEZ:lh
Enc. 1

INDIAN AFFAIRS BRANCH
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION



DIVISION DES AFFAIRES INDIENNES
MINISTÈRE DE LA CITOYENNETÉ ET DE L'IMMIGRATION

OUR FILE NO. 153/31-4-28-1.
Notre dossier n°

Your file: L.104.

Locations Branch,
Department of Highways,
222 Douglas Building,
Victoria, B. C.

P.O. Box 70,
Postal Station A,
Vancouver 2, B. C.,
May 7, 1959.

Re: Highway Right-of-way,
Cheam Indian Reserve No. 1.

Dear Sirs:

I wish to refer to your letter dated February 6 concerning arrangements made for survey of the above-mentioned highway right-of-way. It was indicated that Mr. Wade, your surveyor, would be contacted to ascertain the present status of the survey to be undertaken.

Correspondence has again been received from our Branch headquarters at Ottawa enquiring as to the date that Mr. Wade could be expected to complete the survey requirements, and your further advice at this time would be appreciated.

Yours very truly,

W.S. Arneil
W.S. Arneil,

Indian Commissioner for B. C.

cc. Supt. Dunn.

*Transf. copy
copy incl copy of
his letter to
Wade*

-jt

Post

LOCATION ENGINEER
Department of Highways
MAY 8 1959
VICTORIA, B.C.

L.104-01

Your File: 153/31-4-28-1

Location Branch,
222 Douglas Building,
May 20, 1959.

Mr. W. S. Arneil,
Indian Commissioner for B.C.,
P.O. Box 70,
Postal Station "A",
Vancouver 2, B.C.

Dear Sir:

Re: Trans-Canada Highway Right-of-Way
through Coombs I.R. #1

Enclosed herewith is a copy of our latest letter to Mr. J. H. C. Wade, and as of today's date, we have received no reply from him. We will be pleased to advise you should he state as to the status of this survey.

Yours truly,

J. P. Hague,
Senior Location Engineer.

JAG:lh
Enc. 1

INDIAN AFFAIRS BRANCH
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION



DIVISION DES AFFAIRES INDIENNES
MINISTÈRE DE LA CITOYENNETÉ ET DE L'IMMIGRATION

OUR FILE NO. 153/31-4-28-1.
Votre dossier n°.....

Your file: L.104-01.

Locations Branch,
Department of Highways,
222 Douglas Building,
Victoria, B. C.

P.O. Box 70,
Postal Station A,
Vancouver 2, B. C.,
June 17, 1959.

Re: Trans Canada Highway through
Cheam Indian Reserve No. 1.

Dear Sirs:

The latest information we have relating to the survey of the above-noted highway right-of-way is your letter of May 20, 1959. At that time correspondence was directed to Mr. Wade, Land Surveyor, with a view to persuading him to complete survey of your requirements. Nothing further has been received, and I would appreciate receiving advice as to whether Mr. Wade has now supplied the desired information.

We are particularly anxious to conclude this long outstanding transaction, and your early advice is requested.

Yours very truly,

W.S. Arneil
W.S. Arneil,

Indian Commissioner for B.C.

LOCATION ENGINEER
Department of Highways

JUN 18 1959

VICTORIA, B.C.

.jt

*to be...
...
...*

Location Branch,
222 Douglas Building,
Victoria, B.C.,
June 19, 1959.

Mr. J. W. C. Wade,
B.C. Land Surveyor,
P.O. Box 997,
Mission City, B.C.

Dear Sir:

Re: Highway Right-of-Way through
Cheam Indian Reserve #1

The above-noted Indian Reserve is again the subject of an enquiry, and we wish to know, as soon as possible, the present status of this legal survey.

This is the third letter we have written in regard to this matter, and believe that we should at least be entitled to the courtesy of an acknowledgment.

Yours truly,

FAC:lh

J. P. Hague,
Senior Location Engineer.

Location Branch,
222 Douglas Building,
July 20, 1959.

Surveyor General,
Surveys and Mapping Branch,
Department of Lands and Forests,
Parliament Buildings,
Victoria, British Columbia.

Dear Sir:

Re: Legal Survey of Highway Right-of-Way
through Cheam Indian Reserve #1

The above-noted survey was assigned to Mr. J.M.C. Wade, B.C.L.S., by the Right-of-Way Branch in late 1954 or early 1955. Their records indicated that the plan was completed prior to October 1956. However, certain amendments were requested by the Surveyor General in Ottawa at this time (October 1956), and the plan was returned to Mr. Wade.

Further amendments were required by a letter dated June 25, 1957, from the Surveyor General. On February 6, 1958, a letter from the Indian Commissioner for B.C. makes note that the plan was not returned for re-examination. Mr. Wade on July 7, 1958, acknowledged a letter to the Indian Commissioner and stated that on that date (July 7th) he had registered the plan for mailing to the Surveyor General in Ottawa. The plan was again returned on July 24, 1958, to Mr. Wade for further amendments, and since then we have been unable to extract a reply from the Surveyor. Our letters of February 6, May 11, June 2 and June 19, of this year have never been acknowledged.

May we please be advised as to what course of action we should follow in order to bring this long outstanding survey to a close.

Yours truly,

F. A. Clapp

for:

N. R. Zapf,
Assistant Location Engineer.

FAC:lh

July 24th, 1959.

Mr. J.M.C. Wade, B.C.L.S.,
P.O. Box 997,
Mission City, B.C.

Dear Sir:

Re: Legal Survey of Highway Right-of-Way
through Cheesa Indian Reserve #1.

We have just received an appeal from the Location Branch of the Department of Highways relative to your complete disregard of its letters to you and more particularly to your apparent negligence in failing to complete certain required amendments to the above noted survey.

It is noted that this job was assigned to you over 4 years ago. Even though there may be some explanation for this great delay, we find it very difficult to condone the fact that the Highways have been unable to extract a reply from you in the last year to any of 4 letters written by them.

You must appreciate that, if justified, such complaints do nothing to enhance the reputation of the Land Surveying profession, and we look to you to rectify the situation forthwith.

Yours truly,



C. S. Andrews,
Surveyor-General & Director.

AHR/mir

✓ cc: Location Branch,
Dept. of Highways, Bldgs.



OUR FILE NO. 153/31-4-28-1
Notre dossier n°

Your file: L.104-01

Locations Branch,
Department of Highways,
222 Douglas Building,
Victoria, B.C.

P. O. Box 70,
Postal Station "A",
Vancouver 2, B.C.,
October 19, 1959.

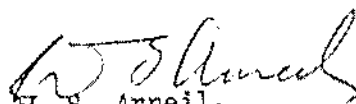
Dear Sirs:

Re: Trans Canada Highway through
Cheam Indian Reserve No. 1.

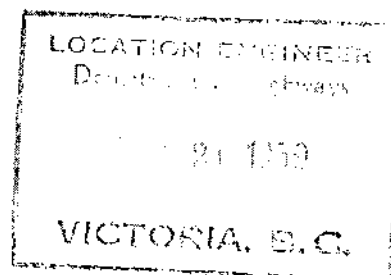
I wrote to you on June 17, requesting some
advice relating to completion of the survey of your require-
ments on the above mentioned Indian Reserve.

I would very much like to conclude this long
outstanding transaction and would appreciate information as
to whether your surveyor has now completed his work.

Yours very truly,


W. S. Arneil,
Indian Commissioner for B.C.

.LM



0183507

October 27th, 1959.

2104-01

Mr. J.H.C. Wade, B.C.L.S.,
P.O. Box 307,
Mission City, B.C.

Dear Sir:

Re: Legal Survey of Highway Right-of-Way
through Queen Indian Reserve Pt.

I would refer to my letter to you of 26 July 1959 expressing our concern about your complete disregard of correspondence from the Department of Highways concerning the above-noted survey.

Since we have not had the courtesy of a reply to our inquiry, we have no alternative now but to place this matter as a complaint to the Board of the Corporation of B. C. Land Surveyors.

Yours truly,



G. S. Andrews,
Surveyor-General & Director.

Allr/sir

cc: Corporation of B.C. Land Surveyors.
Department of Highways.

*Transf to note
& file.*

LOCATION ENGINEER
Department of Highways
OCT 28 1959
VICTORIA, B.C.

Location Branch,
222 Douglas Building,
October 29, 1959.

Mr. W. S. Arneil,
Indian Commissioner for B.C.,
P.O. Box 70,
Postal Station A,
Vancouver 2, British Columbia.

Dear Sir:

Re: Legal Survey - Highway Right of Way
through Cheam Indian Reserve No. 1

This survey has been the subject of considerable correspondence between ourselves and the surveyor. We have at no time received a reply to our letters.

In July we took this up with the Surveyor General, Surveys and Mapping Branch, Victoria. On July 24, 1959, he wrote the surveyor expressing his concern over his complete disregard of our correspondence; and at that time stated if a reply was not forthcoming, the matter would be taken up with the Board of the Corporation of B.C. Land Surveyors. He received no reply to this letter and upon our further enquiry a letter was sent to the surveyor stating the matter will now be taken before the Board.

We will be pleased to inform you of the outcome of this when we are so advised.

Yours truly,

N. R. Zapf,
Assistant Location Engineer.

FAC:lh

Location Branch,
222 Douglas Building,
Victoria, B.C.,
January 26, 1960.

Mr. W. S. Arneil,
Indian Commissioner for B.C.,
P.O. Box 70,
Postal Station A,
Vancouver 2, B.C.

Dear Sir:

Re: Legal Survey of Highway Right of Way
through Cheam Indian Reserve No. 1

We have this week been advised that Mr. J.M.C. Wade has the plan into the hands of the Indian Affairs Department.

In an effort to follow the progress of the plan, we have today written Mr. Wade to learn to whom the plan was submitted. We will be pleased to advise you when we have been made aware of the disposition of his survey.

Yours truly,

N. R. Zapf,
Assistant Location Engineer.

FAC:lh

J. M. C. WADE

B. C. Land Surveyor

MISSION CITY B. C.

Feb. 4th 1960

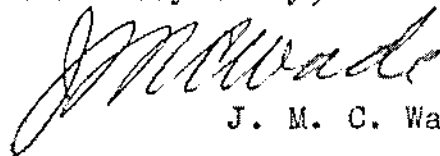
N. R. Zapf Esq.
Asst. Location Engineer
Dept of Highways
Victoria, B.C.

Dear Sir:

Re Your letter Jan 26th. I submitted the plans to the New Westminster Branch of the Indian Affairs Branch of the Dept. of Citizenship & Immigration at New Westminster B. C.

I requested that they approve the plan themselves and also obtain signatures signifying approval of the B. C. Electric Co., as requested by the Surveyor Generals at Ottawa.

Yours very truly,



J. M. C. Wade.

Frang

LOCA / ENGINEER
Dept. of Highways
FEB 10 1960
VICTORIA, B.C.

Location Branch,
222 Douglas Building,
Victoria, B.C.,
February 11, 1960.

Mr. W. S. Arneil,
Indian Commissioner for B.C.,
P.O. Box 70,
Postal Station A,
Vancouver 2, B.C.

Dear Sir:

Re: Legal Survey of Highway Right of Way
through Cheam Indian Reserve No. 1

Further to our letter of January 26th, we have now been advised, by Mr. J.M.G. Mads, of the whereabouts of his plan. This was submitted to the New Westminster Branch of your Department, and the surveyor requested that they obtain approval signatures of the B.C. Electric Company prior, we assume, to forwarding the plan to the Surveyor General.

May we then be advised of the plan's progress.

Yours truly,

N. R. Zapf,
Assistant Location Engineer.

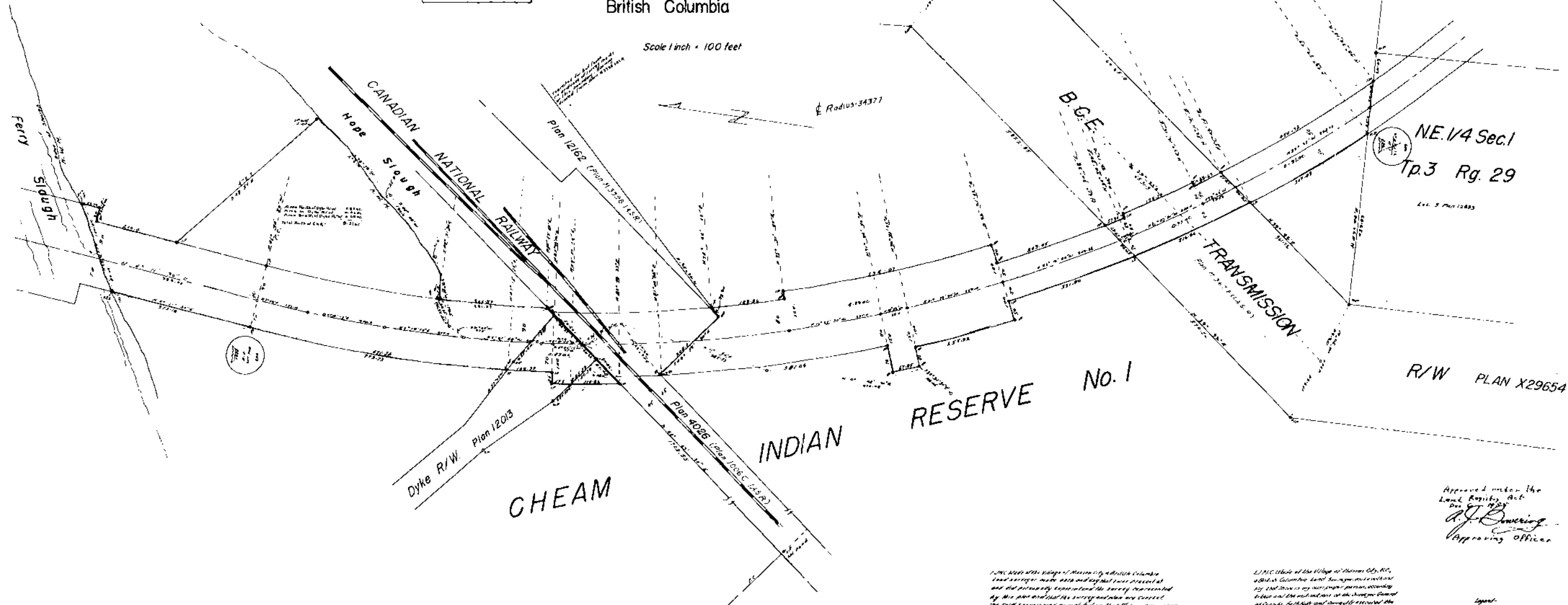
FAC:lh

TAB 68

Plan and Field Notes of Survey
of Right of Way through
CHEAM Indian Reserve Number 1
New Westminster District
British Columbia

CANADA LANDS SURVEYS RECORDS
No. 50110
Date: 28 MAR 60
Revised: 4 MAR 60

Scale 1 inch = 100 feet



NE 1/4 Sec. 1
Tp. 3 Rg. 29
Lot 3 Plan 12013

R/W PLAN X29654

Approved under the
Land Registry Act
Date 9/1/60
D. J. Deering
Approving Officer

A copy of this plan has been deposited
in the Land Registry Office at New Westminster
New Westminster Land Registrar's Office
New Westminster B.C. 21635
See also: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970

Department of Citizenship and Immigration
Officer: *B. Mackie* 3149
Re Section 43, Canada Lands Survey Act
This survey and plan are satisfactory
Loyal W. Martin
Deputy Minister

Department of Mines and Technical Surveys
Surveyor General: *P. J. Stewart* 1164
Re Section 43, Canada Lands Survey Act
Confirmed
P. J. Stewart
Surveyor General

I, J.M.C. Head of the Village of Harrison City, B.C.,
do hereby certify that the above survey was made
and that the same is in accordance with the survey
conducted by the plan attached to this certificate and that
the same is in accordance with the survey of 1953
made by *J. Macdonald*.

I, J.M.C. Head of the Village of Harrison City, B.C.,
do hereby certify that the above survey was made
and that the same is in accordance with the survey
conducted by the plan attached to this certificate and that
the same is in accordance with the survey of 1953
made by *J. Macdonald*.
I, *D. J. Deering*,
do hereby certify that the above survey was made
and that the same is in accordance with the survey
conducted by the plan attached to this certificate and that
the same is in accordance with the survey of 1953
made by *J. Macdonald*.

Legend:
- - - - - all road past fence
= = = = = all road past fence
= = = = = all road past fence
= = = = = all road past fence
= = = = = all road past fence
= = = = = all road past fence
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= = = = = all road past fence

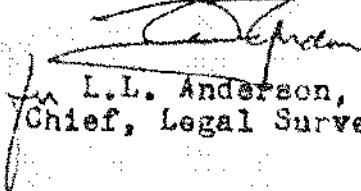
TAB 69

21670(L12)

May 9, 1960.

Description for Transfer

In the province of British Columbia, in the district of New Westminster, in Cheam Indian Reserve number one, all those portions of a right-of-way as said portions are shown bordered red on plan fifty thousand one hundred and ten in the Canada Lands Surveys records at Ottawa, a copy of which has been deposited in the Land Registry Office for the New Westminster Land Registration District at New Westminster under number twenty-one thousand six hundred and fifty-five; said portions containing together by admeasurement fourteen acres and nine hundredths of an acre, more or less.


for L.L. Anderson,
Chief, Legal Surveys.

Note: This description may be subject to an easement for the B.C.E. transmission line right-of-way as shown on plan M3678.

JWB:fb

TAB 70

Ch... ..

INDIAN AFFAIRS BRANCH

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION



DIRECTION DES AFFAIRES INDIENNES

MINISTRE DE LA CITOYENNETÉ ET DE L'IMMIGRATION

OUR FILE NO. 153/31-4-28-1.
Date dossier n

Your file: L.104-01.

Location Engineer,
Department of Highways,
222 Douglas Building,
Victoria, B. C.

P.O. Box 70,
Postal Station A,
Vancouver 2, B. C.,
July 12, 1960.

Re: Cheam Indian Reserve No. 1.

Dear Sir:

We have now received an approved plan of survey with respect to the above-noted road right-of-way. In this connection we attach hereto a photocopy of a description received from the Surveyor General of Canada. On review of our files, and referring particularly to your letter dated January 31, 1955 it would appear that the Department of Highways still owes the Indians a further amount of s.16; on the basis of the description as now provided by the Surveyor General. This is based on the following calculations:

Harry Edwards' holdings

2.31 acres at s.16; s.17	per acre	s.16; s.17
.83 acres at	per acre	

Total compensation for individual holding

Band Land

Total area of road right-of-way (as confirmed by the Surveyor General's description)	14.09 acres
Less individual holding	<u>3.19 acres</u>
Band land	10.90 acres
Monies due to the Band 10.90 acres at s.16	per acre - s.16

The total compensation due on the above basis is

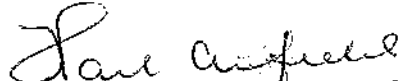
14, 136

Letter to D.A.C. 14/17/60 H.

s.16; s.17 and as we have received s.16; s.17 a further amount of s.16; s.17 is still required to satisfy our requirements.

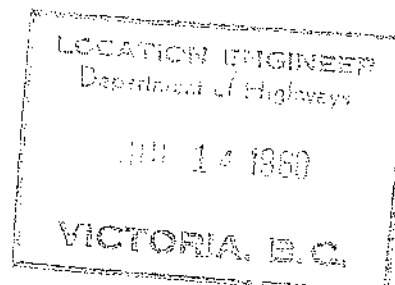
Following receipt of additional compensation, arrangements will be made to transfer the highway right-of-way to the Province.

Yours very truly,



A/Indian Commissioner
for B. C.

.jc
enc.



TAB 71

271

GOVERNMENT OF BRITISH COLUMBIA—DEPARTMENT OF HIGHWAYS

M. 120

COMPENSATION IN TERMS OF THE "HIGHWAY ACT" (SECTION 16)

DEPT. FILE NO. PLAN NO. RIGHT-OF-WAY FILE 4652
REGIONAL DISTRICT NO. 1 ELECTORAL DISTRICT Chilliwack
Name and details of highway or incidental works R/W Proj 1111 Agassiz - Rosedale

Description of property Chem Indian Reserve No. 1

Name of registered owner Crown Dominion (Unregistered)
Is title unencumbered? If not, give details of encumbrance

Name, title, etc., of party to whom compensation is recommended to be paid
Receiver General of Canada

DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

A. For Improvements on the Lands Taken

(Subsec. (1) (a).) "Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man."

Roads: Length, width, height
Buildings: Length, width, height
See Remarks

Structures: See Remarks

Fences: Length, feet. See Remarks
Clearing: Area, acres
Grading: Area, acres
Planting: Area, See Remarks
Cultivation: Area, See Remarks
Other improvements (to be stated)

Remarks:

COMPENSATION RECOMMENDED

Table with columns for \$ and ¢, and rows for various compensation items.

B. For Lands Taken (Not Subdivided Lands)

(Subsec. (1) (b).) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant
Total area taken for road purposes 14.09
Deduct one-twentieth of area of original Crown grant N.A.
Area for which compensation is payable 0.12
The land is valued at \$ per acre.

COMPENSATION RECOMMENDED \$ s. 16 B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date Aug 9, 1960

I hereby recommend that compensation be paid accordingly. Right-of-way Agent, Highways Dept.

Date, 19

APPROVED:

District Official, Highways Dept.

Date, 19

Regional Highway Engineer.

(DEALT WITH.)

C. For Lands Taken (Subdivided Lands Only)

(Subsec. (1) (b).) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. _____

Total area of parcel	_____ ac.	_____ ac.	_____ ac.
Total area taken for road purposes	_____ ac.	_____ ac.	_____ ac.
Deduct one-twentieth area of parcel	_____ ac.	_____ ac.	_____ ac.
Area for which compensation is payable	_____ ac.	_____ ac.	_____ ac.
The land is valued at \$_____ per acre.			

COMPENSATION RECOMMENDED \$_____ **C.**

D. For Materials Taken from Improved Lands

(Subsec. (4).) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$_____ **D.**

E. Deduction for Increased Capital Value due to Construction

(Subsec. (3).) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details _____

TOTAL DEDUCTIONS \$_____ **E.**

Remarks:

(Note.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

Compensation is supplemental to H-120 form dated Jan. 31st, 1955 and covers the difference in area between the Department Location and a legal survey of the highway R/W.

SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID

A. For improvements on lands taken	_____	\$_____	_____ A.
OR {	B. For lands taken (not subdivided lands)	_____	_____ B.
	C. For lands taken (subdivided lands only)	_____	_____ C.
D. For materials taken from improved lands	_____	\$_____	_____ D.
Gross total amount of compensation recommended -		\$_____	_____
E. Deduction for increased value	_____	\$_____	_____ E.

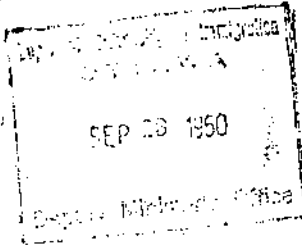
NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID

TAB 72

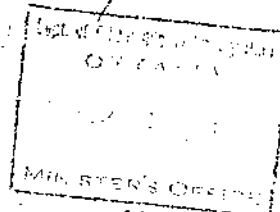
M/O

P.C. 1960-1285

153/31-4-28-1



CANADA
PRIVY COUNCIL



AT THE GOVERNMENT HOUSE AT OTTAWA
THURSDAY, the 22nd day of SEPTEMBER 1960.

PRESENT:

HIS EXCELLENCY *R*

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Highways, Province of British Columbia, has applied for the lands hereinafter described, being a portion of Cheam Indian Reserve number one in the said Province, for road purposes;

AND WHEREAS the Council of the Cheam Band of Indians for whose use and benefit the said Reserve has been set apart have, by Resolution dated the twenty-first day of October, 1954, approved the application in consideration of the sum of s.16; s.17

s.16; s.17
by the Province;

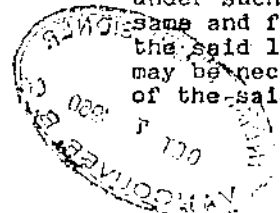
which has been paid

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration, pursuant to section 35 of the Indian Act, is pleased hereby to consent to the taking of the said lands by the Province of British Columbia and to transfer administration and control thereof to Her Majesty in right of the Province of British Columbia:

Description

In the Province of British Columbia, in the District of New Westminster, in Cheam Indian Reserve number one, all those portions of a right-of-way as said portions are shown bordered red on plan fifty thousand one hundred and ten in the Canada Lands Surveys records at Ottawa, a copy of which has been deposited in the Land Registry Office for the New Westminster Land Registration District at New Westminster under number twenty-one thousand six hundred and fifty-five; said portions containing together by admeasurement fourteen acres and nine hundredths of an acre, more or less, subject however to a prior grant of easement to British Columbia Electric Company Limited, dated the 21st day of December, 1953, for a power transmission line right-of-way as shown on Plan M3678, Indian Affairs Survey Records.

Reserving all mines and minerals whether solid, liquid or gaseous which may be found to exist within, upon or under such lands, together with full power to work the same and for this purpose to enter upon, use and occupy the said lands or so much thereof and to such extent as may be necessary for the effectual working and extracting of the said minerals.



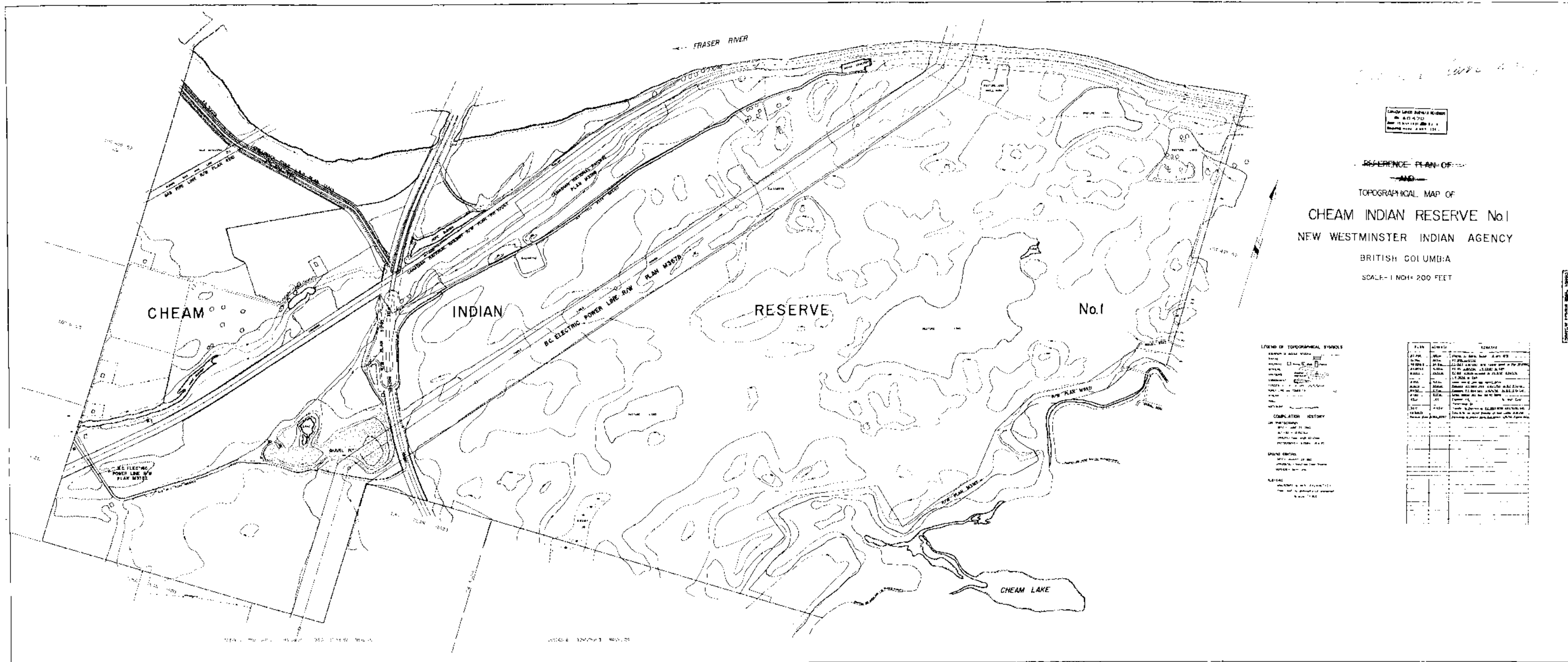
Certified to be a true copy

A. M. Hill

009737

SEP 22 3 57 PM '60
INDIAN AFFAIRS

TAB 73



LAND USE BOUNDARY RECORD
 No. 451-5712
 Date: 15 MAY 1950
 Scale: 1 INCH = 200 FEET

REFERENCE PLAN OF
 AND
 TOPOGRAPHICAL MAP OF
CHEAM INDIAN RESERVE No. 1
 NEW WESTMINSTER INDIAN AGENCY
 BRITISH COLUMBIA
 SCALE - 1 INCH = 200 FEET

LEGEND OF TOPOGRAPHICAL SYMBOLS

COMPLETION HISTORY

STANDARD SYMBOLS

NOTES

PLAN	SYMBOL	EXPLANATION
1	2	3
4	5	6
7	8	9
10	11	12
13	14	15
16	17	18
19	20	21
22	23	24
25	26	27
28	29	30
31	32	33
34	35	36
37	38	39
40	41	42
43	44	45
46	47	48
49	50	51
52	53	54
55	56	57
58	59	60
61	62	63
64	65	66
67	68	69
70	71	72
73	74	75
76	77	78
79	80	81
82	83	84
85	86	87
88	89	90
91	92	93
94	95	96
97	98	99
100	101	102

TAB 74



U.S. AIR FORCE
RECEIVED
28 Apr 63

15A910
152.38

KODAK EXPERIMENTAL SHEET FILM

KODAK EXPERIMENTAL SHEET FILM

X BC 5063:110

TAB 75



TAB 76

BC 5642 No 091



TAB 77

ALL RIGHTS RESERVED
1979
Aerial

BC5757 N^o 277



TAB 78

DETAILS OF ROAD
MINISTRY OF HIGHWAYS AND PUBLIC WORKS

Road Name Rosedale Ferry Road Route/Road No. 136
 Electoral District Chilliwack Arterial No. Page 1 of 1
 Highway District Chilliwack Foreman Area Agassiz

CLASSIFICATIONS

FUNCTION	SURFACE	MAINTENANCE	
		Summer	Winter
Organized:	A-PC		
Arterial	A-BPM <u>1.45</u>	1	A
Secondary	B	2	B
	C <u>1.45</u>	3	C
Unorganized:	D	4	D
Trunk	Total open <u>1.45</u>	5	E <u>1.45</u>
Main	E	6 <u>1.45</u>	F
Collector	F	7	
Minor "B" <u>1.45</u>	Total net	8	
Total open <u>1.45</u>	Total <u>1.45</u>	<u>1.45</u>	<u>1.45</u>

Definitions of these classifications may be found in the Manuals of
Policy and Procedures and Maintenance Management

Initial Point Northerly Boundary Chilliwack Municipality

Terminal Point Agassiz-Rosedale Highway

Establishment: When May 15, 1945

How Gazette LRO Plan 8017

Date Compiled June 1962

or Revised December 1966, January 1979 metric and new form

Remarks Paved March 89

KILOMETRE LOG

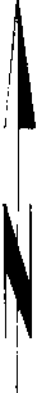
Km.	Junctions and Structures	Legal Status	R/W Width	References
0.00	N. Boundary Chilliwack Municipality	LRO Plan 8017	20.1 m	
0.16	Road to Rosedale Swimming Hole			
0.32	Causeway			
0.80	Old Ferry Landing			
0.97	Under Agassiz-Rosedale Bridge			
1.45	Agassiz-Rosedale Highway			

TAB 79



TAB 80

1323



FERRY SLOUGH

O.H.W.M. Plotted from Airphoto BC83012, 019

LOT 54
4.56 ha.

O.H.W.M. Plotted from Airphoto BC83012, 019
DRY SLOUGH

8°11'30"
13.02
98°11'30"
10.67

8°11'30"
64.01
131°06'00"
144.08

Lot 1
Plan 60626 CLSR

HWY R/W Plan 50110 CLSR

HOPE SLOUGH

CANADIAN NATIONAL RAILWAY RIGHT OF WAY
Plan RR1006C CLSR

Plan of Lot 54
CHEAM INDIAN RESERVE No 1
New Westminster District
British Columbia

Scale 1:2000
20 0 20 50 100 Metres

Based on Plan 50110 CLSR

Iron Posts ●

R.S.B.C. No 1323
REQUEST No 84-139

Approved & Recorded
D.R. [Signature] B.C.L.S. & C.L.S.
Regional Surveyor

Date 84 Dec 4

Drawn by M.Harrichhausen Dec. 3, 1983

Checked by DG 12-12-84

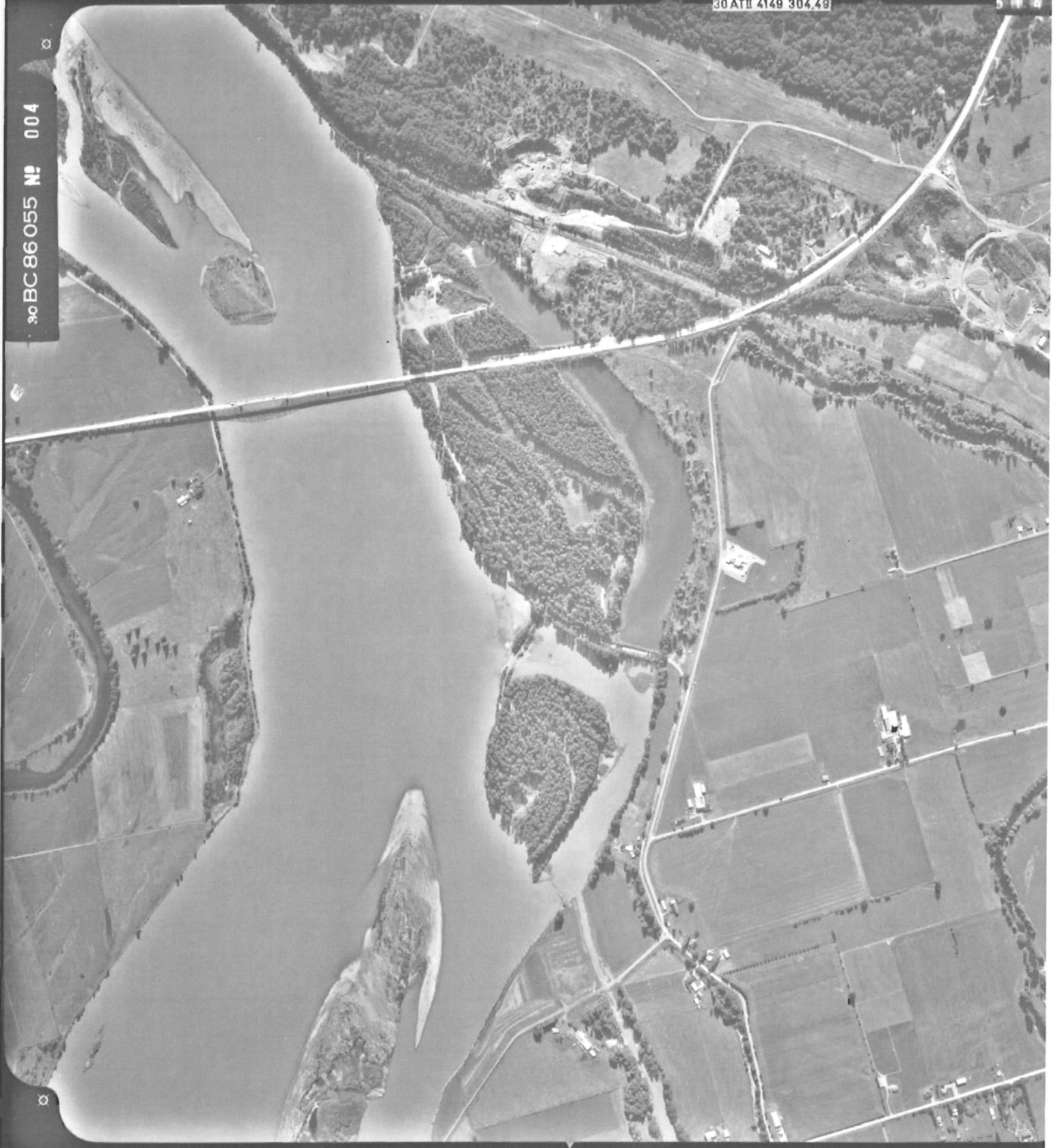
07m²

TAB 81

30 BC 86 055 N 004

30 ATII 4149 304.49

5 7 7



TAB 82



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: W. Montgomery
Regional Property Agent
Burnaby

Date: April 14, 1987
Branch/Dist: CHILLIWACK HIGHWAYS
Address:

Re: Right-of-Way Acquisition
Ferry Road
District Plan 29-13

Phone: *RS. 6196*
Hdqtrs. File:
Region File:
District File: 15-20-6
15-21-57
15-21-43

Funding is now available for construction of deceleration lane on Hwy. #9 and realignment of Ferry Road as detailed on District Plan 29-13.

Please arrange for right-of-way to be acquired on Cheam I.R. No. 1 as outlined in red on the attached plan.

Construction is scheduled for June 1987. We request this acquisition be completed at the earliest opportunity.

P. S. Dunn
District Highways Manager

Mike Proudfoot
by: Mike Proudfoot
Engineering Assistant

MP/ctm

Encl.

RECEIVED
REGIONAL PROPERTY NEGOTIATOR

APR 22 1987

NOVEMBER.....
OCTOBER.....
SEPTEMBER.....

REV. 84(95) W-440

Apr 29 /87

Signed *[Signature]*
Regional Highway Engineer

Signed _____
Regional Approving Officer

To _____
Regional Property Negotiator

MINISTRY (HIGHWAYS & PUBLIC WORKS
BRITISH COLUMBIA

Property Request	
No	02
Year	1987

REQUEST FOR ACQUISITION OF PROPERTY

(Items below must be completed, items not applicable must show N/A)

INITIATED BY: P. S. DUNN DATE OF REQUEST APRIL 14, 1987

(CAPITAL
DISTRICT OR BRANCH CHILLIWACK PROGRAM: (DAY LABOUR)

OR PROJECT NO. NEW (MINOR BETTERMENT)

NO. AND/OR DESCRIPTION HIGHWAY NO. 9 AT FERRY ROAD

CONSTRUCT DECELERATION LANE/REALIGN FERRY ROAD

PROX. LOCATION OF WORKS (Attach key map) SOUTH END AGASSIZ/ROSEDALE BRIDGE (see plan)

MUNICIPAL DISTRICT CHILLIWACK MUNICIPALITY OR UNORGANIZED UNORGANIZED

LOCAL DESCRIPTION (s) CHEAM INDIAN RESERVE NO. 1

REASON FOR ACQUISITION R/W REQUIRED FOR REALIGNMENT OF FERRY ROAD

REMARKS:

N/A
FUNDING AVAILABLE FOR ACQUISITION

DATE REQUIRED EARLIEST POSSIBLE INITIATORS FILE NO. 15-20-6/15-21-43/15-21-57

PLAN NO(S) DISTRICT PLAN 29-13 (3 prints)

PROFILE(S) OR GRADE CHANGE INFORMATION N/A

ADDITIONAL INFORMATION REQUIRED: Print of Plan(s) with cross reference list attached and access points numbered on Plan to correspond with list, showing:

- (i) Location of Existing Access(es) acceptable/prohibited
- (ii) Location of new Access(es) if applicable

ROADWAY STATUS:

CONTROLLED ACCESS HIGHWAY

ARTERIAL HIGHWAY

OTHER

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

APPROVED

Date _____

Signed Asst. Deputy Minister & Chief Engineer

Date Apr 29

Signed Director of Property Services

Date Apr 29/87

Signed [Signature]
Regional Highway Engineer

Date _____

Signed _____
Regional Approving Officer

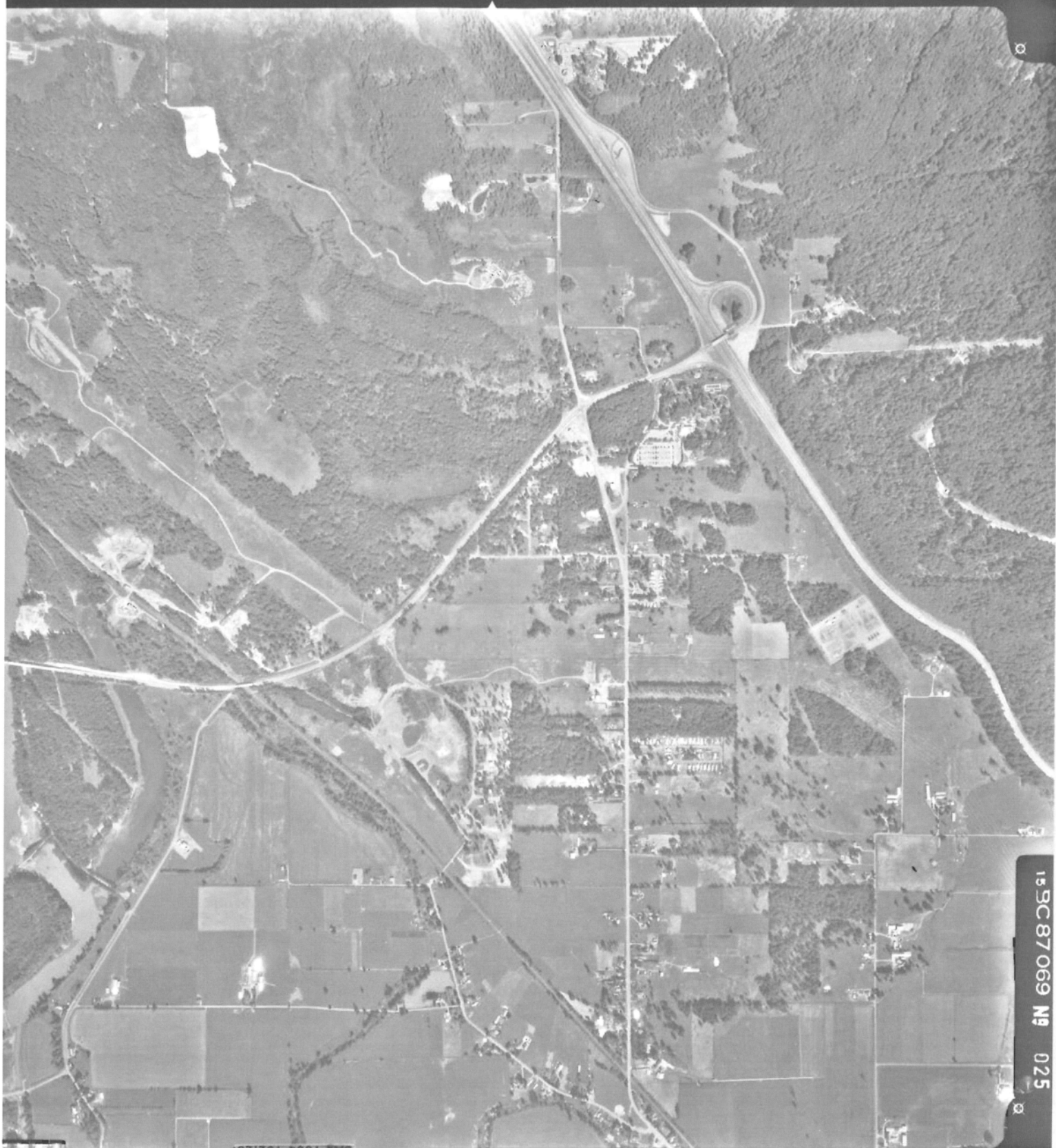
Date _____

To _____
Regional Property Negotiator

Distribution as above

TAB 83

10/27/06
10:25 AM
153C87069 N9 025



UAG 1064 152.28

153C87069 N9 025

TAB 84

July 16 1987

- phoned Band Office - Chief Sam Douglas.

- Asked about letter June 22/87 - he has not received.

- Explained wish to do geotech studies... he agreed and will prepare B.C.R.

- Explained R/W requirement for FERRY ROAD - and that the District may have encroached onto reserve. set up meeting at BAND OFFICE - Friday - July 17th 10 am. to discuss. Gord Vance from Chilliwack Dist. will attend.

July 17 1987

- met Gord Vance Chilliwack Hmvs. Dist. - meeting with chief of Band office.

1). Sam Douglas gave me B.C.R. for Geotech Study.

2). R/W for Ferry Rd -

- Vance explained area and encroachment.

- may have to reduce R/W

- Other issues raised on post surrenders.

Band will prepare statement -

meeting closed with Chief to get back to us for next meeting.

TAB 85



MEMORANDUM

To: Regional Property Agent
Burnaby

Date: July 21, 1987
Branch/Dist: CHILLIWACK HIGHWAYS
Address: Box 340
Sardis, B.C.
V2R 1A7

Attn: John Adank

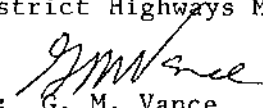
Phone:
Hdqtrs. File:
Region File:
District File: 15-20-6

Re: Hwy. #9 R/Way
Requirement - Cheam I.R. #1
Dist. Plan 29-13

Attached copy of Legal Plan 17235 which clearly indicates that the right-of-way widens considerably on the east side of the highway, just south of the intersection with Rosedale Ferry Road.

This is at odds with what Chief Sam Douglas stated at our meeting Friday, July 17th.

P. S. Dunn
District Highways Manager

by: 
G. M. Vance
District Technician

GMV/ctm

Encl.

RECEIVED
REGIONAL PROPERTY NEGOTIATOR

JUL 24 1987

ANSWERED.....
NOTED.....
DATE.....

TAB 86



MEMORANDUM

To: District Highways Manager
Chilliwack, B.C.

Attention : G.M.Vance
District Technician

Re: Highway #9 Right-of-way
requirement
Cheam I.R. #1
District Plan 29-13

Date: 87/09/25
Branch/Dist: Property Services
Address: 7818 - 6th Street
Burnaby, B.C.
V3N 4N8
Phone: 660-8290
Hdqtrs. File:
Region File: PS 6196
District File: 15-21-57
15-20-6

At our July 17th meeting, Chief Sam Douglas expressed concern about the amount of right-of-way required. You were to re-examine the area, then shown as 0.732 ha.

On September 3, 1987, we received copies of the noted plan detailing corrected area for acquisition. I see there was no correction of the area at all. This would seem contrary to what we told Mr. Douglas about reducing the area.

Would you again re-examine the area and have the plans approved by the Regional Director before we proceed with acquisition.

JA/kbv

John Adank
Property Agent

TAB 87

FERRY

CHEAM
I.R. No. 1

PLAN No. 29-13

R/W Area required in I.R. No. 1 = 0.0326 ha

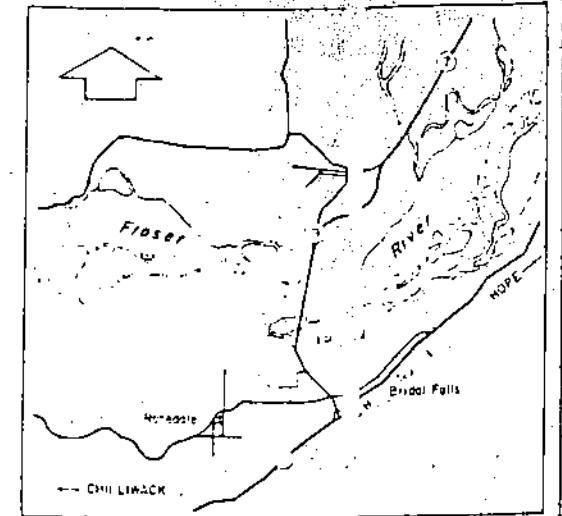
0.0326 ha (0.0805 ac)

FERRY ROAD

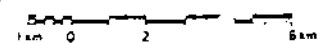
HIGHWAY

No. 9

SLOUGH



KEY MA



PROVINCE OF BRITISH COLUMBIA
MINISTRY OF TRANSPORTATION AND HIGHWAYS
CHILLIWACK HIGHWAYS DISTRICT

PLAN SHOWING RIGHT-OF-WAY REQUIRED
IN CHEAM I.R. No. 1 AT THE INTERCHANGE
OF HIGHWAY No. 9 AND FERRY ROAD

RECOMMENDED DATE 87/11/18

SCALE Horiz 1:500

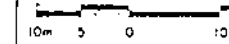
Drawn by RGS
Checked by

DATE
DATE

DIST PLAN No
29-13

APPROVED

DATE



F		
E		
D		
C		
B		
A	R/W REQUIRED PLAN TRACED FROM CONSTRUCTION PLAN	87/11/18
REVISIONS		

1987

TAB 88



MEMORANDUM

To: District Highways Manager
Chilliwack, B.C.

Attention : G.M.Vance
District Technician

Re: Highway #9 Cheam I.R. #1
District Plan 29-13

Date: 87/12/09
Branch/Dist: Property Services
Address: 7818 - 6th St.
Burnaby, B.C.
V3N 4N8
Phone: 660-8290
Hdqtrs. File:
Region File: PS 6196
District File: 15-21-57
15-20-6

Please find enclosed approved right-of-way drawing transparency for your records.

Hopefully the reduction of R/W from 0.0732 ha. to 0.0326 ha. will now satisfy Chief Sam Douglas and the Band Council.

JA/kbv
encl.

John Adank
Property Agent

c.c. Regional Director, Highways
Burnaby

TAB 89

To: Regional Director, Highways
Region 1 - Burnaby

Date: February 2, 1988
Branch/Dist: CHILLIWACK HIGHWAYS
Address:

Re: Intersection at Hwy. #9 and
Ferry Road, District Plan 29-13

Phone:
Hdqtrs. File:
Region File: R1-21-57
District File: 15-21-57 / 15-20-6

Your memo Jan. 26/88

The above-noted interesection was reconstructed this summer, as shown on District Plan 29-13. We have assumed from L. M. Holowachuk's letter of December 10, 1985, that our design was acceptable. Please see attached copies of correspondence concerning the intersection, from November 21/85 to April 14/87.

Re: G. Garlinge's memo January 8, 1988

- Item 1) We could carry out the widening noted. Doesn't affect right-of-way requirements.
- Item 2) This would require additional right-of-way to what is shown for purchase on our plan, about 4-5 metres wider.
- Item 3) The channelization shown on Highway #9 was not proposed, but has been in existence for several years. Could be revised by Centreline.

We had originally planned to acquire an additional 5 metres right-of-way in the Reserve. However, at a meeting that John Adank and I had with the band council, the band indicated that they were opposed to the Ministry acquiring a full 10 metres. They wanted us to acquire only sufficient right-of-way to enclose our proposed design. This is the 5 metre wide strip shown on our plan.

Please advise if we should attempt to acquire the full 10 metres. If so, we will revise the plan accordingly.

P. S. Dunn
District Highways Manager

by: *G. M. Vance*
G. M. Vance
District Technician

GMV/ctm

Encls.

Gordon Vance,
District Technician
Chilliwack

Feb. 8/88

Please proceed without additional R/W.
Thanks for your report.

D. P. Doyle
for D. P. Doyle,
Regional Director

DPD/bl

TRANSPORTATION &
HIGHWAYS
RECEIVED

1 1988

CHILLIWACK, B.C.

TAB 90



MEMORANDUM

To: Director of Property Services,
Ministry of Transportation and Highways,
Suite 3D, 940 Blanchard Street,
VICTORIA, B.C.

Date: April 7, 1988,
Branch/Dist: Property Services
Address: 7818 - 6th Street
Burnaby, B.C.
V3N 4N8
Phone: 660-8290
Hdqtrs. File:
Region File: PS 6196 (2).
District File:

Re: Cheam Indian Reserve #1,
Interchange of,
Highway #9 and Ferry Road.

We are currently in negotiations with Chief Sam Douglas of the referenced Indian Band for a small portion of right-of-way to rectify an encroachment onto Reserve land during last year's construction of a deceleration lane and re-alignment of Ferry Road.

In past meetings, Chief Douglas questioned the validity of the present use of the road and maintains that past surrenders limited the use of the highway strictly for river crossings and no other use.

To ascertain the intent of the Order-In-Council for Plan 17235 we would appreciate receiving a copy of same and your interpretation of the Order if such is required.

As the Chief is of the opinion that the triangle, emphasized in yellow on the attached plan, belongs to the Reserve and definately is not part of Highway Right-of-Way, any information you might be able to locate in your search concerning this matter would be very helpful in hopefully resolving the impasse in our negotiations.

PROPERTY SERVICES BRANCH MINISTRY OF TRANS. & HWYS.
JUL 25 1988
Noted _____
Victoria, B.C. <i>LS</i>

W. Montgomery
Regional Property Agent

*back 2 Aug.
Phone Fred S.*

OFS/jdf
Encl.

July 20, 1988

Mr. D.I.F. MacSween
Acting Director of Property Services
Victoria



18 (REV. 84 05) W-440

We have not yet received a response to our memo request above. We would very much appreciate if your Research Officer could assist us in obtaining the information we are seeking so that we could continue with our negotiations with the Cheam Indian Band to find a resolution in respect to the trespass matter.

*1/8/88 Phoned Fred Skiller.
promised to do some -
RH*

✓OFS/kbv

W. Montgomery
Regional Property Agent

TAB 91



Regional Director
Ministry of Transportation
and Highways
BURNABY

August 12, 1988
Property Services
Phone: 387-1838
File: PS 6196

Attention: Regional Property Agent

Ref: Fred Stiller

Re: Cheam Indian Reserve No. 1
Interchange of Highway No. 9 and Ferry Road

We reply to your memo of 7 April 1988 as follows:

1. Right of Way for Agassiz-Rosedale Highway 9 through I.R. 1 was conveyed by Canada to B.C. by P.C. Order 1960-1285 of 22 September 1960 as shown on CLSR 50110 (NW LTO 21655), see copies. Note that the plan is not LTO 17235 though it is based on it.
2. The lands transferred to the Province by P.C. 1960-1285 constitute a standard road right-of-way transfer under Section 35 of the Indian Act. Hence, we may use our right-of-way for the same uses as we do for any other public highways through Indian reserves. We cannot see how use of Highway 9 can be limited "strictly for river crossings."
3. The triangular piece of land outlined yellow on the plan copy sent to us is part of the area transferred to B.C. by P.C. 1960-1285. Our file suggest that this area formed part of a locatee holding which we agreed to acquire during the negotiations for Highway 9 right-of-way in 1954.

D. I. F. MacSween
Acting Director of Property Services

Per: R. Hadley
Research Clerk

RH/im
Enc.

TAB 92



Province of
British Columbia

PROPERTY SERVICES BRANCH
MINISTRY OF TRANSPORT & HWYS.
and Highways
OCT 24 1988
Noted
Victoria, B.C.

7818 - 6th Street,
Burnaby, B.C.,
V3N 4N8
Telephone: 660-8288

YOUR FILE
OUR FILE PS 6196

October 17, 1988

Band Council,
Cheam Indian Reserve No. 1,
10704 - No. 9 Highway
Rosedale, B.C.
VOX 1X0

Attention : Chief Sam Douglas

Dear Sir:

Re: Right-of-way requirements
for Interchange of Highway #9
and Ferry Road

This has again reference to the encroachment of Reserve land during reconstruction of the above road intersection.

At the last meeting concerning this matter on July 17, 1987, attended by John Adank and Gordon Vance from the Ministry, you requested a reduction of the right-of-way. We have revised our plans accordingly and have narrowed the right-of-way strip from 10m to 5m in depth, for a reduced land area of 0.0326 ha. (0.0805 acres). Copy of revised plan is hereto attached.

Pursuant to your request at the last meeting, we have further investigated past surrenders of Reserve lands for highway purposes and wish to advise that the triangular piece of land to which you referred, was transferred to the Province of British Columbia by P.C. 1960-1285 on September 22, 1960, and was purchased as part of the 14.09 acre acquisition negotiated for Highway 9 right-of-way in 1954. We enclose, for your records, copies of the Privy Council Order and Plan 50110/21655, where the right-of-way has been outlined in red.

To rectify the present encroachment of Reserve land, the Ministry is offering the Cheam Indian Reserve compensation in the amount of \$664.00. This amount is based on monetary settlements concluded in the recent past for nearby other similar right-of-way acquisitions of Reserve lands.

In order that an agreement can be accomplished in this regard, and we may vouch for the compensation for payment, we shall require a Band Council Resolution duly completed, setting out therein the terms and conditions of the agreement. The Band Council Resolution should also set out that the Band agrees to a Section 35 Indian Act transfer of the administration and control of the new highway right-of-way to this Province "for all highway purposes and other works of public utility".

contd.....2/

We would appreciate if you could give the above offer your early attention and respond to us at your earliest convenience.

Yours truly

Original Signed By

O.F.Stiller,
Property Agent

OFS/kbv

Copies to: Mr. Peter Humphries
Manager, Reserves and Trusts
Vancouver Indian District
Department of Indian Affairs
800 Burrard Street
Vancouver, B.C.
V6Z 2K1

Mr. D.I.F.MacSween
Manager of Operations
Ministry of Transportation and Highways
Victoria

Mr. D.Williams
Acting District Highways Manager
Ministry of Transportation and Highways
Chilliwack

← THIS COPY FOR

TAB 93



To: Mr. W.C. Bedford,
Director of Property Services,
Ministry of Transportation and Highways,
3D, 940 Blanshard Street,
VICTORIA, B.C.

Date: October 24, 1988,
Branch/Dist: Property Services,
Address: 7818 - 6th Street,
Burnaby, B.C.,
V3N 4N8.
Phone: 660-8290,
Hdqtrs. File:
Region File: PS 1696
District File: 6196

Attention: Mr. D.I.F. MacSween,
Manager of Operations, Property Services.

Re: Right-of-Way Encroachment on Cheam Indian Reserve #1,
Interchange of Highway #9 and Ferry Road,
Bridal Falls (Agassiz-Rosedale Bridge)

This again has reference to the proposed right-of-way acquisition and correspondence dated October 17, 1988 to Chief Sam Douglas, copy forwarded to you recently.

On October 20, 1988 O.F. Stiller attended a meeting at the Band office with Chief Douglas (also present: Dyne Torgeson from our office and Chester Douglas, Band Councillor) concerning the right-of-way encroachment on Reserve land and our proposal to rectify same with acquisition of a small land area.

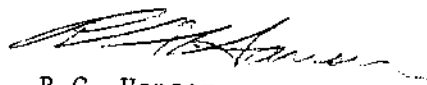
The discussions were generally friendly but ended non-conclusive. The Chief's position is that the Band Council will refuse settlement unless the Province agrees to:

- a) Re-negotiate the surrender of Reserve land in 1954 (P.C. 1960-1285) because, in his words, the land was to be used strictly for the bridge and no other use. The Ferry Road access is contrary to the intention of settlement;
- b) A triangular 7.8 acre portion of land, included in the 14.09 acres of right-of-way, be returned to the Reserve since it was improperly included in the land transfer. The late Chief Harry Edwards had held this land portion under Licence and had no authority to sell it off; This piece of land is not being used for any highway purposes.
- c) The various jogs in the existing right-of-way line be straightened out;
- d) Access to Reserve lands from both sides of the Highway be provided in accordance with the settlement;

.....2

- e) Province further agrees to a satisfactory resolution of a dispute which the Cheam Band currently has in an unrelated (and not explained) matter with the Ministry of Energy, Mines and Petroleum Resources.

Chief Douglas stated, at the conclusion of the meeting, that a written reply to our latest settlement proposal would soon be forthcoming.



R.G. Hansen,
Assistant to
Regional Property Agent.

OFS/jdf

Copy to: D. Williams,
Acting District Highways Manager,
CHILLIWACK, B.C.

PROPERTY SERVICES BRANCH MINISTRY OF TRANS. & HWYS.
OCT 27 1988
Noted _____
Victoria, B.C. <i>LS</i>

TAB 94



To: Mr. W.C. Bedford,
Director of Property Services,
Ministry of Transportation and Highways,
3D, 940 Blanshard Street,
VICTORIA, B.C.

Date: November 10, 1988,
Branch/Dist: Property Services,
Address: 7818 - 6th Street,
Burnaby, B.C.,
V3N 4N8.
Phone: 660-8290,
Hdqtrs. File:
Region File: PS 1696
District File:


Attention: Mr. D.I.F. MacSween,
Manager of Operations, Property Services.


Re: Right-of-Way Encroachment on Cheam Indian Reserve #1,
Interchange of Highway #9 and Ferry Road,
Bridal Falls (Agassiz-Rosedale Bridge).

As reported to you earlier, the Council of the Cheam Indian Band questions the validity of use of formerly surrendered Reserve land for an access to Ferry Road. During our last negotiations on October 20, 1988, Chief Sam Douglas maintained that The Band Council Resolution of October 21, 1954 clearly stipulates that the land surrender is strictly "for a bridge site and approach" and not for general "road purposes" as the Canada Privy Council Order 1960-1285 states, incorrectly, as Mr. Douglas maintains.

We attach copies of both documents and ask for your advice as to Head Quarters stance concerning the discrepancy, also in respect to the Bands request for return of Highway Right-of-way land portions never utilized for the bridge and approach and resolution of the other items. We refer to our memorandum of October 24, 1988.

The Band has yet to respond in writing to our monetary compensation offer to rectify the existing trespass of Reserve land which resulted from construction of the Ferry Road Interchange.


W. Montgomery,
Regional Property Agent.

PROPERTY SERVICES BRANCH MINISTRY OF TRANS. & HWYS.
NOV 15 1988
Noted _____
Victoria, B.C. 

OFS/jdf
Encl.

TAB 95



Regional Property Agent
BURNABY

November 17, 1988

Properties

File: PS 1696 6196

Phone: 387-1838

Re: Cheam Indian Reserve No. 1
Agassiz - Rosedale Bridge

I discussed this matter with Fred Stiller when in Burnaby recently and as I expressed to him I have some difficulty with the narrow interpretation now placed on the words of the B.C.R. by Chief Douglas, for what else is a "bridge site and approach" other than a part of the highway system and what can be more aptly part of that system than the means to get from one side of the river to the other.

I suggest the problem, if one exists at all, lies with Indian Affairs and not this Ministry.

In respect of the encroachment problem and Chief Douglas's comment we have too much land, I suggest you review our present and future right-of-way requirements with your District and Regional Managers and if any sizeable right-of-way surplus at the site is identified, then we could offset that surplus against any claim brought by the Band in the encroachment and adjust the boundaries as part of that agreement.

D. I. F. MacSween
Manager of Operations

DIFM/im

TAB 96



To: Mr. D. Williams,
Acting District Highways Manager,
Fraser Valley District
Chilliwack, B.C.

Date: 88/11/23
Branch/Dist: Property Services
Address: 7818 - 6th Street
Burnaby, B.C.
V3N 4N8
Phone: 660-8290
Hdqtrs. File:
Region File: PS 6196
District File:

Re: Right of way Encroachment on
Cheam Indian Reserve #1,
Interchange of Hwy #9 and
Ferry Road, Bridal Falls
Agassiz - Rosedale Bridge

This has again reference to the above and our efforts to resolve the trespass of Indian Reserve land.

Attached correspondence will explain the difficulties we have encountered thus far in our dealings with the Cheam Band, especially concerning formerly surrendered Reserve lands which have not been utilized by Highways. Chief Sam Douglas requests that as a condition of resolving the above encroachment matter, the Ministry return to the Band all the land not needed, namely the 7.80 acre triangle and the various jogs in the highway alignment.

Headquarters are suggesting a review of our current and future R/W requirements within the Cheam Reserve and we, therefore, ask you to examine our R/W needs and advise us accordingly. A copy of the Statutory R/W Plan 21655 was forwarded to you with past correspondence.

O.F. Stiller
Property Agent

OFS/kbv
encl.

TAB 97



MEMORANDUM

To: Regional Property Negotiator
Burnaby

Date: November 30, 1988
Branch/Dist: FRASER VALLEY DISTRICT
Address:

Attn: O. F. Stiller
Property Agent

Phone:
Hdqtrs. File:
Region File: P.S. 6196
District File: 15-20-6
15-21-57

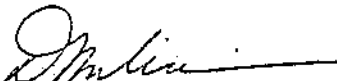
Re: Right-of-Way Encroachment on
Cheam I.R. #8, Intersection of
Hwy #9 and Ferry Road, Bridal Falls
Agassiz-Rosedale Bridge

Attached photocopies of portions of Plan 17235, Statutory R/W Plan 21655, and District Plan 29.13.

We do not see any reason for the Ministry to retain any of the land outlined in green on the cuts of Plans 17235 and shaded green on the cuts of Statutory R/W Plan 21655.

In exchange, the Ministry should get the area outlined in red, or shaded red on these plans. This is the area we had originally wished to obtain from the band, which was later reduced to a 5 metre wide strip, paralleling the highway right-of-way.

* The radius is too tight for large trucks, southbound on Highway #9, wanting to turn on to Ferry Road. At present they have to stop, back up, and then proceed on Ferry Road. There is a need to widen the road anywhere from 3 to 5 metres right in this location, to prevent the possibility of an accident due to the above-described manœuvre.


D. P. Williams
A/District Highways Manager

GMV/ctm

Encl.

RECEIVED

REGIONAL PROPERTY NEGOTIATOR

DEC 05 1988

ANSWERED.....
NOTED.....
DATE.....

TAB 98



To: Mr. D. Williams
Acting District Highways Manager
Fraser Valley District
Chilliwack

Date: December 5, 1988
Branch/Dist: Property Services
Address: 7818 - 6th Street
Burnaby, B.C.
V3N 4N8
Phone: 660-8290
Hdqtrs. File:
Region File: PS 6196
District File:

Re: Right of way encroachment
on Cheam Indian Reserve #1,
Interchange of Hwy.#9 and
Ferry Road, Bridal Falls
Agassiz - Rosedale Bridge

We acknowledge with thanks your reply of November 30, 1988,
concerning the referenced R/W matter.

However, before presenting the Indian Band with the land
exchange proposal as proposed by our Headquarters, we will require a
new plan showing not only the original R/W requirement of 0.732 ha. as
outlined on District Plan 29-13, but also outlining the areas of the
triangular land portions to be retained as highway R/W and the part to
be returned. We will also need an area for the small land parcel on
the opposite side of the highway which you shaded green as surplus.

Your early attention to the above would be appreciated.

O.F.Stiller
Property Agent

OFS/kbv

TAB 99



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: Mr. D. F. Stiller
Property Agent
SOUTH COAST REGION

Date: December 19, 1988
Branch/Dist: South Coast Region
Address: 301, 7818 - 6th St.
Burnaby, B. C.
V3N 4N8
Phone: 660-8244
Hdqtrs. File:
Region File: RB1-15-40-1 (1287)
District File:

Your File: PS 6196 #2

RE: AGASSIZ-ROSEDALE BRIDGE NO.1287

In reply to your memorandum dated December 14, 1988.

From the photocopies of plans attached to your memorandum I draw the conclusion that the R/W in question fall short of the Agassiz-Rosedale Bridge No. 1287 but by how far I can't determine from the plans given.

The major piece of R/W in question appears to be to the east of Hwy. 9 and just north of our Rosedale O.H. No. 1414. If the Fraser Valley District require the area marked in solid red to improve Ferry Rd. intersection I have no objection to giving up area outlined in green. I agree we should retain the area outlined in dashed red. The small area on the west of Hwy. 9 and south of Rosedale O.H. appears to be of no value to the Ministry.

None of these pieces of property suggested to be returned to the Indian Band impact on either the Agassiz-Rosedale Bridge or the Rosedale O.H. Right-of-Way.

You should check with Mr. Derek Parkes re long range plan for Hwy. 9.

D. L. French
Regional Bridge Maintenance
and Works Engineer

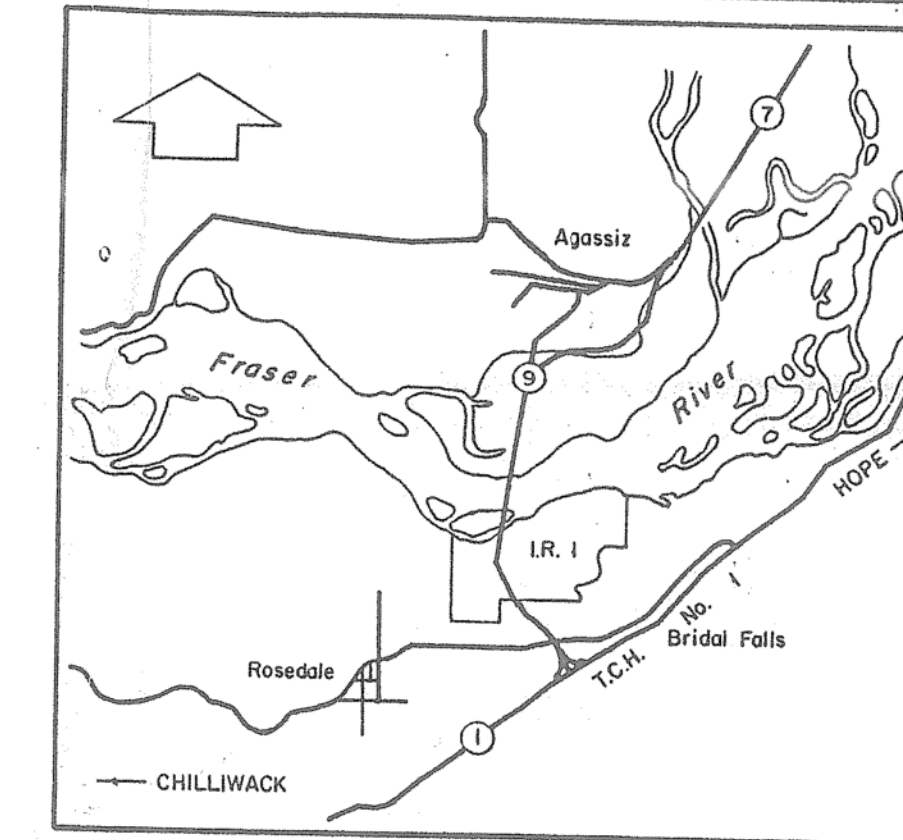
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RECEIVED
REGIONAL PROPERTY NEGOTIATOR

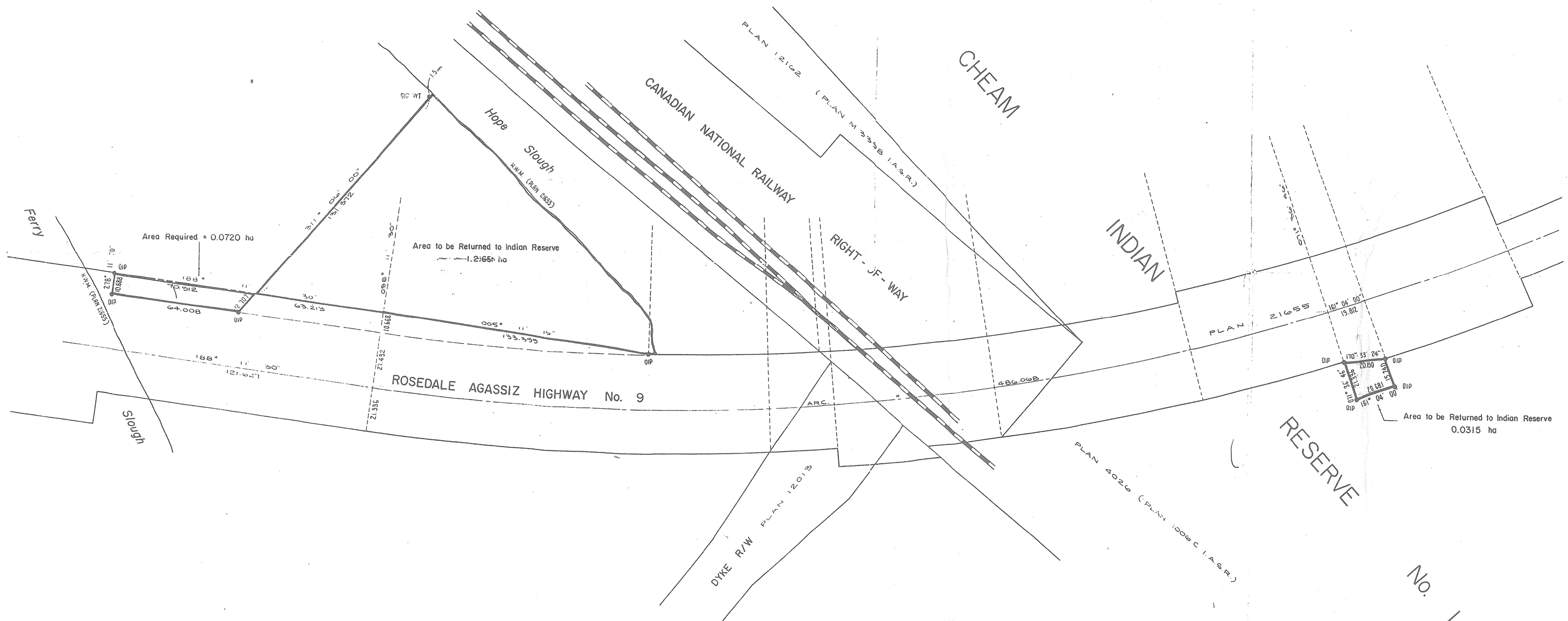
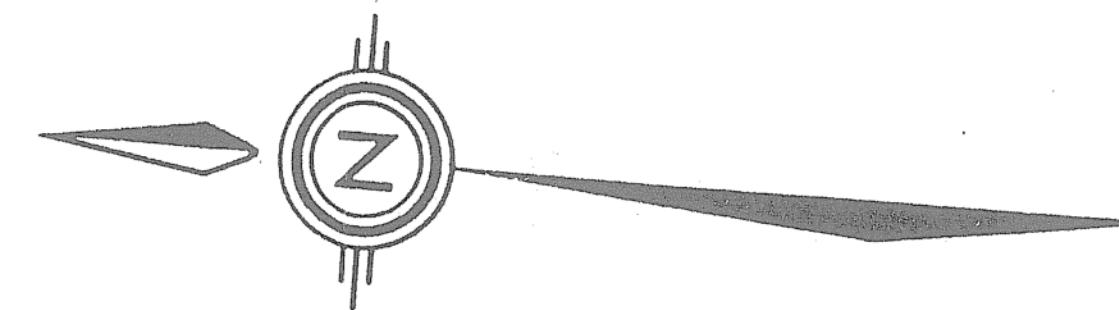
DEC 20 1988

ANSWERED.....
NOTED.....
DATE.....Page 506 of 638.IRA-2021-15807

TAB 100



KEY MAP
1 km 0 2 4 6 km



GOVERNMENT OF BRITISH COLUMBIA
MINISTRY OF TRANSPORTATION AND HIGHWAYS
FRASER VALLEY HIGHWAYS DISTRICT

**PLAN OF PROPOSED RIGHT-OF-WAY/LAND EXCHANGE
WITHIN CHEAM IR. No. 1, AT THE
INTERSECTION OF FERRY RD. AND HIGHWAY No. 9**

PREPARED UNDER THE DIRECTION OF <i>R. G. S.</i> District Highways Manager	DATE 4/78	SCALE: Horiz. 1 : 1,000 Drawn by R.G.S. DATE 88-12-21	(SEE BAR SCALE)
EXAMINED & ACCEPTED	DATE	CHECKED	DATE
REVISIONS		SCALE - 1 : 1,000	DIST. PLAN No. 54 - 32

REGIONAL HIGHWAY ENGINEER

10m 0 10 30 50m

TAB 101

MEMORANDUM

To: Mr. D. R. Parkes
Regional Manager, Planning
South Coast Region

Reg. D1

Date: December 13, 1989
Branch/Dist: Property Services
Address: 227 6th Street
New Westminster, B.C.
V3L 3A5
Phone: 660-1322
Hdqtrs. File:
Region File: PS 6196
District File:

Re: Agassiz-Rosedale Bridge
Cheam Indian Reserve

The highway encroachment into Reserve land during the realignment of Ferry Road has not yet been resolved.

Some time ago we sent your office a memo note asking for a review of 'Highways' future right-of-way requirements in connection with the bridge approach. You may have responded but I am unable to locate your reply in our files.

Our efforts to rectify the encroachment problem with purchase of right-of-way from the Cheam Indian Band have thus far been fruitless, one of the reasons being Chief Sam Douglas' insistence that Ministry surrender portions of former Reserve lands which are not being utilized for the bridge approach and general 'road purposes' as originally intended.

Our Victoria office has, therefore, suggested a land exchange and the Chilliwack District office prepared to this end a plan which shows an enlarged encroachment area (from initially 5m width to 6m) and retention of a strip of land from the disputed triangular right-of-way land portion. The remainder of approximately 1.2165 ha, plus a small right-of-way area of 0.0315 ha nearby are to be returned to the Band.

Prior to approaching the Band Council with this proposal I would appreciate your views and recommendations concerning this matter.

Copies of relevant correspondence and plan attached.

Returning to Band.

1.2165 ha + 3.0059 Ac

0.0315 ha + 0.0778 Ac

1.248 ha + 3.08376 Ac

Total of

3.08376 Ac

*2.
0.721*

O. F. Stiller
Property Agent

TAB 102



RECEIVED
REGIONAL PROPERTY NEGOTIATOR

Mr. O.F. Stiller
Property Agent
SOUTH COAST REGION

JAN - 4 1990

January 3, 1989

ANSWERED.....
NOTED.....
DATE.....

Re: Aggassiz-Rosedale Bridge
Cheam Indian Reserve

In response to your December 13, 1989 memo, I have researched the traffic history on the section of Route 9 between the Yale Road East and the Bridge to get a feel for when the demand would trigger the need to twin this crossing. The data shows that except for a blip in 1986 (Expo) before Coquihalla opened and when Route 1 between Hope and Bridal Falls was under construction, volumes have not often exceeded 500 vehicles per hour in one direction. The Bridge with 2 lanes can carry up to 1500 vehicles per hour making the Old Yale/Route 9 intersection the only real bottleneck.

I can therefore advise:

1. Route 9 can continue to operate as a basic 2 lane rural highway and the Bridge has capacity for another 25 years.
2. The first capacity problem will occur at Yale Road East and can be resolved well clear of the Reserve if turn lanes etc. are required.
3. Mr. Williams has a good point when he suggests improving access to Ferry Road. Consequently his suggestion to retain a strip as shown in red is appropriate.
4. Return of the green shaded areas is recommended.

The relevant material and plan are returned and I will sign the H-357 in due course.

D.R. Parkes
Regional Manager, Planning

TAB 103



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: District Highways Manager
Chilliwack, B.C.

Date: January 4, 1990
Branch/Dist: Property Services
Address: 227 6th Street
New Westminster, B.C.
V3L 3A5
Phone: 660-8288
Hdqtrs. File:
Region File: PS 6196 #2
District File: 15-21-57
15-20-6

Attention: G.M. Vance

Re: Highway #9 Right-of-way requirement
Cheam I.R. #1

Further to our telephone conversation of this morning, enclosed the mylar of the District Plan #54-32 (#15-281) returned to your office for the required corrections and additions.

We look forward to a return of the amended plan in due course.

O. F. Stiller
Property Agent

OFS/mdr
encl.

TAB 104



To: Mr. W.C. Bedford
Director, Properties
3, 940 Blanshard Street
Victoria, B.C.
V8W 3E6

Date: February 13, 1990
Branch/Dist: Property Services
Address: 227 6th Street
New Westminster, B.C.
V3L 3A5
Phone: 660-8292
Hdqtrs. File: -
Region File: PS 6196
District File:

Re: Land Exchange of Surplus Highway
Right-of-way for New Required Right-of-way

Attached Form H.357 for proposed above land exchange to correct a continuing road encroachment of Indian Reserve land. I trust the attached correspondence will be self-explanatory.

For your approval and signatures, please, and return to our office for further processing.

R. G. Hansen
Acting Regional Property Agent

OFS/mdr
encl.

Ministry of Transportation and Highways

Permission to: Sell Land and/or Building(s)
 Lease Land and/or Building(s)
 Transfer Land and/or Building(s) Land Exchange
 Demolish Buildings

Electoral District Chilliwack Region No. South Coast P/N File 6196

Date January 10, 1990 Headquarters File

Legal description Proposed land exchange involves:

- 1) A 0.0720 ha portion of Cheam Indian Reserve #1 southeast of the Intersection of Highway #9 and Ferry Road at the Agassiz-Rosedale Bridge.
- 2) Surplus highway right-of-way areas of 1.2165 ha and 0.0315 ha nearby. Refer to attached plan where the areas have been outlined in red and green respectively.

Present Zoning N/A

Local description Highway #9, Rosedale Bridge and Ferry Road

Origin of acquisition For construction of Highway #9. Transferred to the Province of British Columbia by P.C. 1960-1285 on September 22, 1960 and purchased as part of a 14.09 ha acquisition negotiated in 1954. Plan CLSR 50110 (NW LTO 21655).

Method recommended Section 9(2)(a) of the ~~Transfer Act~~ Highway Act.
(State Section Number & Act)

Conditions of ~~sale/lease/consolidation/access, etc.~~ Return of surplus highway right-of-way in exchange for Reserve land to resolve a continuing encroachment problem. Attached relevant correspondence and documentation.

Reason property being transferred:

- (a) To consolidate an isolated parcel.
- (b) ~~Sale/Lease~~ instigated by Department. (Exchange)
- (c) Sale/Lease at request of an interested individual or corporation.
- (d) For any other reason (state) To rectify a trespass of Indian Reserve land during re-alignment of Ferry Road in 1987. The Band Council has thus far refused all purchase proposal for the land encroached upon, but Chief indicated willingness to surrender the required land parcel in an even exchange of two right-of-way portions which have never been used for highway purposes and which have in fact been declared surplus by Regional Officials.

Objections (List and attach pertinent correspondence)

Recommended by:

[Signature] Regional Property Negotiator
[Signature] Regional Director, Highways
[Signature] Chief Highway Engineer, Director of Planning
[Signature] Director of Property Services

Date January 10, 1990

Date

Date

Date Feb 23, 1990

Approved:

[Signature]
 Deputy Minister

Date Feb. 27, 1990

Ministry of Transportation and Highways

Sale/Lease Data

Dates of advertising, names of publications, and places of posting in which the notice appeared

.....
.....
.....

Date of auction, place and name of auctioneer

.....

Closing date of tenders or bids

Survey required..... If so, at expense of

.....

If within organized territory, has the municipality received notice of the proposed sale, and (where applicable) will the survey plan receive municipal approval?

Terms of sale/lease

Conditions of sale/lease (i.e., consolidation, access, etc.)

.....
.....

Tenders received

.....
.....

Value of property as appraised by:

(1) Department

(2) Any other party

Statement by department if recommendation carries acceptance of a bid below estimated value

.....
.....

Full name, occupation, and address of tenderer recommended (for insertion in Order in Council)

.....
.....

Recommended by:

.....
.....
Regional Property Negotiator Date

.....
.....
Regional Director, Highways Date

.....
.....
Director of Property Services Date

.....
.....
Deputy Minister Date

Approved:

.....
.....
Minister Date

TAB 105



PS 6196

March 13, 1990

Band Council
Cheam Indian Reserve No.1
10704 No.9 Highway
Rosedale, B.C.
VOX 1X0

Attention: Chief Sam Douglas

Dear Sirs:

Re: Right-of-way requirements for
Interchange of Highway No.9 and Ferry Road

This has reference to past negotiations and correspondence concerning the highway encroachment of Reserve land during reconstruction of the above road intersection.

At our last discussion, you had indicated willingness to resolve this long outstanding right-of-way matter if the Ministry of Transportation and Highways would consider a land exchange, offsetting surplus highway right-of-way within the Reserve boundaries against the new right-of-way requirement. I am pleased to advise that the Ministry's executive officer has granted approval to pursue this course of action.

Originally the Ministry designated a 10 m wide strip paralleling the highway which, on your request, was reduced to a 5 m wide strip, and the acquisition plan was amended accordingly.

Our engineering staff has since reconfirmed the need for the 10 m wide strip (it is actually 10.662 m at the northern boundary) as the present radius at the intersection is too tight for larger vehicles travelling southbound on Highway No.9 and turning into Ferry Road. Many drivers must stop, back up and then proceed on Ferry Road. This is an unsafe manoeuvre and sufficient road widening is imperative to prevent the possibility of accidents.

. . . . 2

Therefore, the Ministry is prepared to offset the required right-of-way of 0.0720 ha (more or less) within this strip of land against the surrender to the Cheam Band of:

- a) most of the adjacent triangular land parcel, containing 1.2165 ha (more or less) and
 - b) the nearby surplus R/W land portion of 0.0315 ha (more or less).
- The respective areas are outlined on the enclosed Ministry plan in red and green.

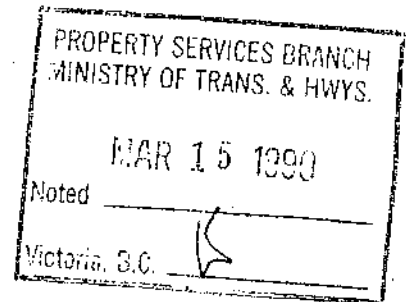
If this settlement proposal receives your council's concurrence, would you please provide our office with an appropriate Band Council Resolution in order that we may arrange preparation of survey plans to support the Resolution and consummate the land exchange. Please note that, pursuant to Section 35 of the Indian Act, the transfer of the new right-of-way of 0.0720 ha to Her Majesty the Queen in Right of the Province of British Columbia is to contain the explicit wording "for highway purposes and other works of public utility."

We look forward to your reply in due course.

Yours truly,

Original Signed By

O.F. Stiller
Property Agent



OFS/mdr
encls.

copies to: Mr. Peter Humphries
Manager, Reserves and Trusts
Vancouver Indian District
Department of Indian Affairs
800 Burrard Street
Vancouver, B.C. V6Z 2K1

Mr. D.I.F. MacSween
Chief Property Agent
Ministry of Transportation and Highways
Victoria, B.C.

Mr. Gordon Vance
Planning and Technical Services
Fraser Valley District
Ministry of Transportation and Highways



TAB 106



CHEAM INDIAN BAND

TEL. (604) 794-7924

10704 #9 HIGHWAY, ROSEDALE, BRITISH COLUMBIA, CANADA V0X 1X0

MINISTRY OF TRANSPORTATION
& HIGHWAYS
RECEIVED

MAY 23 1990

FRASER VALLEY DISTRICT

May 18, 1990

Bill Thunderwood
Department of Highways
P.O. Box 34 Sardis, B.C.
V2R 1A7

Re: Highway Access Cheam Indian Band at #9 Highway Rosedale, B.C.

Dear Sir,

On May 14, 1990 I met with Mr. Dave Smith of your office. This meeting was to inspect and discuss the access to Number 9 Highway from the Cheam Indian Reserve. Further to this meeting I would like to make the following comments and suggestions.

1) In 1954 the Cheam Band passed a Band Council Resolution to allow B.C. Highways Department to construct an easement for a bridge approach. This was a conditional agreement between Cheam Indian Band and the B.C. Highways Department.

One condition of the agreement is that the Highways Department provide access to the east and west portions of reserve land. Although an access has been provided, it by any means is not a safe one.

2) As discussed during our prior meeting, any costs which will be needed to ensure a safe exit/entrance will be the responsibility of the B.C. Highways Department.

3) The Cheam Indian Band would be prepared to contract with the Department of Highways to construct a safe access which is necessary.

As you are aware, summer traffic is now starting and time is of essence. These changes in the access should be corrected as soon as possible to avoid unnecessary accidents that may cause injury or serious fatalities.


.. /2

Page 2
Bill Thunderwood
Highway Access Cheam Indian Reserve

Attached please find a sketch of the proposed changes to the access that would ensure safety when entering or leaving the reserve lands.

Please reply as soon as possible.

Yours Truly,



Sam Douglas, Chief
Cheam Indian Band

SD/ad

	READ	ACTION
DIST. HWY. MGR.		
MGR. , ADMIN. SERVC.		
MGR. PLANNING & TECH.		
AREA MANAGERS		
DEVELOPMENT/PLANNING		
OPERATIONS ASST.		
HOPE		
COMMENTS		

TAB 107



To: District Highway Manager
Fraser Valley District
P.O. Box 340
Sardis, B.C.
V2R 1A7

Date: June 6, 1990
Branch/Dist: Property Services
Address: 227 6th Street
New Westminster, B.C.
V3L 3A5
Phone: 660-8288
Hdqtrs. File:
Region File: PS 6196#2
District File: Your File: 15-20-6
15-21-43

Attention: G.M. Vance
District Technician

Re: Highway Access Cheam Indian Band
at Highway #9, Rosedale, B.C.

This has reference to your request of May 29, 1990 concerning documentation of the right-of-way settlement with the Cheam Band dating to 1954/5, particularly pertaining to access provisions.

Attached are copies of documents, correspondence and inter-office communications from our files with references to access highlighted.

Please also note that we have not yet received a response from the Cheam Band concerning Ministry's offer for the proposed land exchange in order to rectify the highway encroachment at the intersection of Highway #9 and Ferry Road at the Agassiz-Rosedale Bridge.

Should your office agree to the Band's request for the access improvements, resolution of the long outstanding encroachment matter could possibly be tied to your approval. Enclosed copy of letter which I handed at a meeting on March 19, 1990 to Chief Sam Douglas, concerning the foregoing.

Please keep me posted.

O. F. Stiller
Property Agent

OFS/mdr
encls.

TAB 108



5 July 1990

Your file Votre référence
PS
~~6196~~
Our file Notre référence

E5670-08081

Ministry of Transportation
& Highways
227 6 Street
New Westminster, BC
V3L 3A5

Attention: Fred Stiller

Dear Sir:

RE: ROAD RIGHT-OF-WAY
CHEAM IR#1

Further to your letter of March 13 to the Cheam Band we wish to advise you that we have not received a Band Council Resolution nor any information from the Cheam Band which would indicate their consent to the proposed land exchange.

Unless we receive notification from the Band we will be unable to process your proposal.

Yours truly,

Peter Humphrys
Head/Land Management
VANCOUVER DISTRICT
300 - 1550 Alberni Street
Vancouver, BC
V6G 3C5
666-3153

RECEIVED

JUL - 6 1990

PROPERTIES BRANCH
MINISTRY OF TRANS. & HWYS.
NEW WESTMINSTER, B.C.

cc: Cheam Band Council
10704 No.9 Highway
Rosedale, BC
VOX 1X0

TAB 109



RECEIVED

JUN 18 1991

Our File: 15-20-6
(Doc.206Cheam)6&7

PROPERTIES BRANCH
MINISTRY OF TRANS. & HWYS.
NEW WESTMINSTER, B.C.

June 10, 1991

Sam Douglas, Chief
Cheam Indian Band
10704 #9 Highway
Rosedale, B.C.
VOX 1X0

Dear Sir:

Re: Old Yale Road, Cheam Indian Reserve
Intersection with Highway #9
Rosedale, B.C.

Enclosed please find a copy of our proposals concerning the above-noted.

I believe this essentially covers our on-site discussion of June 5, 1991. It also includes a couple of items that are of concern to the Ministry, which we would like resolved.

Please advise if the Band Council is in agreement with the proposal as outlined.

Yours truly,

G.M. Vance
G. M. Vance
District Technician

GMV/ctm

Encl.

cc: Property Services, South Coast Region

PROPOSED TURN LANES, HIGHWAY #9 AT
OLD YALE ROAD, CHEAM INDIAN RESERVE NO. 1

The Ministry is prepared to carry out the following work at the above-noted intersection:

- 1) Construct turn lanes on Highway #9.
- 2) Rough out an access road from Old Yale Road to the Band Office, east side of Highway #9, width 7.3 metres.
- 3) Shift the intersection to the north, so that Old Yale Road intersects Highway #9 at close to a 90° angle.
- 4) Excavate on Reserve land, within the cross hatched area shown on the attached copy of District Plan 54-34, to provide sight distance to the north. Fence, where disturbed, will be reconstructed on the property line.
- 5) Remove and close the existing access to the Band Office, upon completion of the paving of the reconstructed intersection.

This is contingent upon following:

- 1) Completion of negotiations between the Band and the Property Services Branch of the Ministry concerning the right-of-way requirement and proposed land exchange southeast of the intersection of Highway #9 and Ferry Road, as shown on District Plan No. 54-32 and as was outlined in a letter from the Property Services Branch dated March 13, 1990. Approval and appropriate Band Council Resolution for the surrender of 0.0720 ha. area, more or less, of Reserve land "for highway purposes and other works of public utility" in exchange for surplus highway right-of-way areas of 1.2165 ha. and 0.0315 ha., more or less, will be required.
- 2) Agreement of the Band to close the existing access to the Band Office, and to take all future access to Highway No. 9 via Old Yale Road or other existing public roads.
- 3) The Band will be responsible to gravel the proposed access road.
- 4) The Band will obtain approval from B.C. Hydro, and any necessary permits, for the road under the transmission lines, providing the Ministry with a copy.
- 5) The Band will give the Ministry permission to excavate within the reserve in the area cross hatched on the attached plan.
- 6) The Band will undertake to relocate the ditch on the west side of Highway #9, away from the Highway, so that it no longer erodes and undermines the highway embankment. The ditch is on Reserve land.

TAB 110



CHEAM INDIAN BAND

TEL. (604) 794-7924

10704 #9 HIGHWAY, ROSEDALE, BRITISH COLUMBIA, CANADA V0X 1X0

June 26, 1991

Ministry of Transportation & Highways
Fraser Valley Highways District
Box 340
45474 Luckakuck Way
Sardis, BC V2R 1A7

Attention: G. M. Vance, District Technician

RE: Old Vale Road, Cheam Indian Reserve Intersection with
Highway #9, Rosedale, B.C.

Thank you for your letter of June 10, 1991 which included maps of construction drawing and work plan with contingencies for the above mentioned turning lanes which are to be constructed in the very near future.

Our Band is in agreement with proposed work and contingencies with the exception of #1 which will be dealt directly with Fred Stiller of the Property Services Branch in New Westminster. A letter and resolution shall be sent directly to Mr. Stiller with our decision on this item.

Regarding contingency #6, we will collaborate our efforts with your department to rectify the erosion problem.

A resolution to this proposal shall follow later in the week.

Yours Truly,

Sam Douglas

Sam Douglas,
Chief, Cheam Indian Band

SD/ac

c.c. Fred Stiller, Property Services Branch

TAB 111



Province of British Columbia
 MINISTRY OF TRANSPORTATION
 AND HIGHWAYS

DATE: July 18, 1991
 OUR FILE: 15-20-6
 YOUR FILE: _____

RECEIVED

FAX COVER SHEET

JUL 18 1991

PROPERTIES BRANCH
 MINISTRY OF TRANS. & HWYS.
 NEW WESTMINSTER, B.C.

TO: NAME: Sam Douglas
 TITLE: Chief, Cheam Indian Band
 LOCATION: Rosdalo
 FAX NUMBER: 794-7456

FROM:

Ministry of Transportation and Highways
 Fraser Valley Highways District
 Box 340 - 45474 Luckakuck Way
 Gardis, B.C. V2R 1A7
 Fax: 795-8366
 Tel: 795-8363

SUBJECT: Channelization Project + Right of Way

COMMENTS:

Your letter of June 26, 1991, indicated that you would be forwarding a resolution to cover the proposals in our June 10, 1991 letter, except #1. On item #1, you indicated that a letter and resolution would be sent directly to Fred Stiller.

Could you please advise when we may expect to receive these resolutions, in order that we may proceed with intersection improvements.

No. of Pages 1
 (incl. this sheet)

[Signature]
 (Signature)

cc. Fred Stiller FAX 660-8278
 Records Services, New West

Det. Teah
 (Print Name & Title)

TAB 112

VIA: TELETYPE RADIO FACSIMILE

TO: Sam Douglas, FROM: Gordy Kueh
Chief, Chem Indian Band AUG 06 1991 Ministry of Transportation and
Rosedale, B.C. Highways
PROPERTY SERVICES BRANCH
MINISTRY OF TRANS & HWYS.
NEW WESTMINSTER, B.C.

PHONE No. _____

FAX No. 794-7456 TELEX No. _____ FAX No. 795-8366 PHONE No. 795-8363

SUBJECT: Re Our letter June 10, 1991, Item #1 "Completion of negotiations
"Wissatia of Highway #9 and Ferry Road"

I believe you indicated in a phone conversation between us, that you were prepared to make a Band Council Resolution to resolve this item, on the understanding that it would not prejudice your land claims. Your letter of June 26, 1991, indicated that this item would be dealt with directly with Fred Stiller of our Property Services Branch in New Westminster.

To date, Mr. Stiller has not received a letter and Band Council Resolution, as indicated in your letter.

Would you please advise where this matter currently stands, and when Mr. Stiller might expect to receive the letter and resolution.

Thank you.

cc Fred Stiller

FAX 660-8278

P.S. 6196 #2

PAGES: 1
(including this sheet)

G. M. Kueh
Operator's Signature

TAB 113



Province of
British Columbia

Ministry of
Transportation
and Highways

Property Services
310 - 625 Agnes Street
New Westminster, B.C.
V3M 5Y4
660-8288
Fax No. 660-8278

PS 6196
E5670-08081

November 8, 1991

Indian and Northern Affairs Canada
Vancouver Field District
300 - 1550 Alberni Street
Vancouver, B.C.
V6G 3C5

Attention: Peter N. Humphrys
Head/Land Management

Dear Sirs:

Re: Right-of-way Acquisition from Cheam Indian Reserve
Intersection Highway 9 and Old Yale Road, Rosedale, B.C.

Attached are copies of Band Council Resolutions from the Cheam Indian Band pertaining to matters of right-of-way and road construction, for your further attention.

A statutory right-of-way plan will be forwarded to your office on completion of the legal survey.

Yours truly,

O.F. Stiller
Property Agent

OFS/mdr
encls.

Chronological No. - Numéro consécutif
 File Reference - N° de série du dossier

BAND COUNCIL RESOLUTION
 RÉSOLUTION DE CONSEIL DE BANDE

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

COUNCIL OF THE CONSEIL DE LA BANDE HIDIENNE		Cheam Indian Band	Current Capital Balance Solde de capital	\$ _____
TRICT		Vancouver	Committed - Engagé	\$ _____
VINCE		British Columbia	Current Revenue balance Solde de revenu	\$ _____
LIEU DE L'ENDROIT		Rosedale	Committed - Engagé	\$ _____
DATE	1 November AD 19 91			
	DAY - JOUR MONTH - MOIS YEAR - ANNÉE			

HEREBY RESOLVED:
 DÉCIDÉ PAR LES PRÉSENTS:
 Be it resolved that the Council of the Cheam Indian Band does hereby consent to:

- a) grant to the Minister of Transportation and Highways pursuant to Section 35 of the Indian Act those rights defined in Ministry of Transportation and Highways Act, Section 18, over a 0.015 ha right-of-way situate within the Cheam Indian Reserve No.1 as shown in red outline on Ministry Drawing No. 54-36 hereto attached as Schedule 'A';
- b) permit immediate entry by Ministry and assigns for the purpose of construction at Highway No.9 and Old Yale Road as set out in the Band Council Resolution dated July 31, 1991 hereto attached as Schedule 'B';
- c) accept compensation at a nominal sum of \$1.00, receipt of which is hereby acknowledged, and such other considerations as described in Band Council Resolution dated July 31, 1991 attached as Schedule 'B';
- d) approve by subsequent Band Council Resolution a legal survey plan of the right-of-way area on submission if it conforms to the configuration of the right-of-way and the area is the same or less as shown on Drawing No. 54-36 attached as Schedule 'A'.

quorum for this Band
 sur cette bande le quorum est
 consists of 2
 Council Members
 membres du Conseil

Charles Douglas
 Chief - Chef
 (Councillor - conseiller)
Arthur Adams
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)
 (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE				
Band Code Code de la bande	2. CHIEF'S BALANCE - SOLDIS D'ORDINATEUR A. Capital	3. Expenditure Dépense	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	\$ _____	\$ _____		
Recommended - Recommandable		Approved - Approuvable		
		Date _____ Approving Officer - Approuvé par _____		

Administrative No. - Numéro administratif
 This Affidavit - N° de l'acte de constat

BAND COUNCIL RESOLUTION
 RÉSOLUTION DE CONSEIL DE BANDE

The words "From the Band Funds" ("Des fonds de la bande") wherever they appear in all resolutions requesting expenditures from Band Funds.
 Les mots "des fonds de la bande" ("Des fonds de la bande") s'entendent par là dans toutes les résolutions portant sur des dépenses de la bande.

COUNCIL OF THE VEIL DE LA BANDE INDIENNE: CHEAM INDIAN BAND		Current Capital Balance Solde de capital	\$ _____
BY OT	VANCOUVER	Committed - Engagé	\$ _____
RCR	BRITISH COLUMBIA	Current Revenue Balance Solde de revenu	\$ _____
S. L'ANDROIT	ROSSDALE	Committed - Engagé	\$ _____
31st OCTOBER	July NORTH - WEST	AD 19 91	YEAR - ANNÉE

VERY RESOLV
 PAR LES PRÉSIDENTS

WHEREAS: The Cheam Indian Band and the Ministry of Transportation and Highways have come to an agreement on the construction of an intersection at Highway #9 and Old Yale Road.

BE IT RESOLVED: That the following clauses from said agreement form a part of this resolution:
 The Ministry of Transportation and Highways shall:

- 1) Construct turn lanes on Highway #9.
- 2) Rough out an access road from Old Yale Road to the Band Office, east side of Highway #9, width 7.0 metres.
- 3) Shift the intersection to the north, so that Old Yale Road intersects Highway #9 at close to a 90 angle.
- 4) Excavate on Reserve land, within the cross hatched area shown on the attached copy of District Plan 84-34, to provide sight distance to the north. Fences, where disturbed, will be reconstructed on the property line.
- 5) Remove and close the existing access to the Band Office, upon completion of the paving of the reconstructed intersection.

AND

WHEREAS: The work is scheduled to begin soon.

BE IT FURTHER RESOLVED: That the Ministry of Transportation and Highways shall begin the work to construct a turn access to the Cheam Indian Reserve.

AND

BE IT FURTHER RESOLVED: That the following contingencies form a part of this resolution:

- 1) The Cheam Band agree to close the existing access to the Band Office, and to take all future access to Highway No.9 via Old Yale Road or other existing public roads.
- 2) The Cheam Band will be responsible to gravel the proposed access road.

MINISTER OF TRANSPORTATION
 & HIGHWAYS
 RECEIVED
 NOV - 7 1991

ASH VALLEY DISTRICT

- 3) The Band will obtain approval from B.C. Hydro, and any necessary permits, for the road under the transmission lines, providing the Ministry with a copy.
- 4) The Band will give the Ministry permission to excavate within the reserve in the area cross hatched on the attached plan.
- 5) The Band and the Ministry will undertake to relocate the ditch on the west side of Highway #9, away from the highway, so that it no longer erodes and undermines the highway embankment.

Form for this Band
 this band is known as
 la of
 1 Member
 of the Council

Charles Douglas
 (Chief)
 Charles Douglas
 (Councillor - councillor)

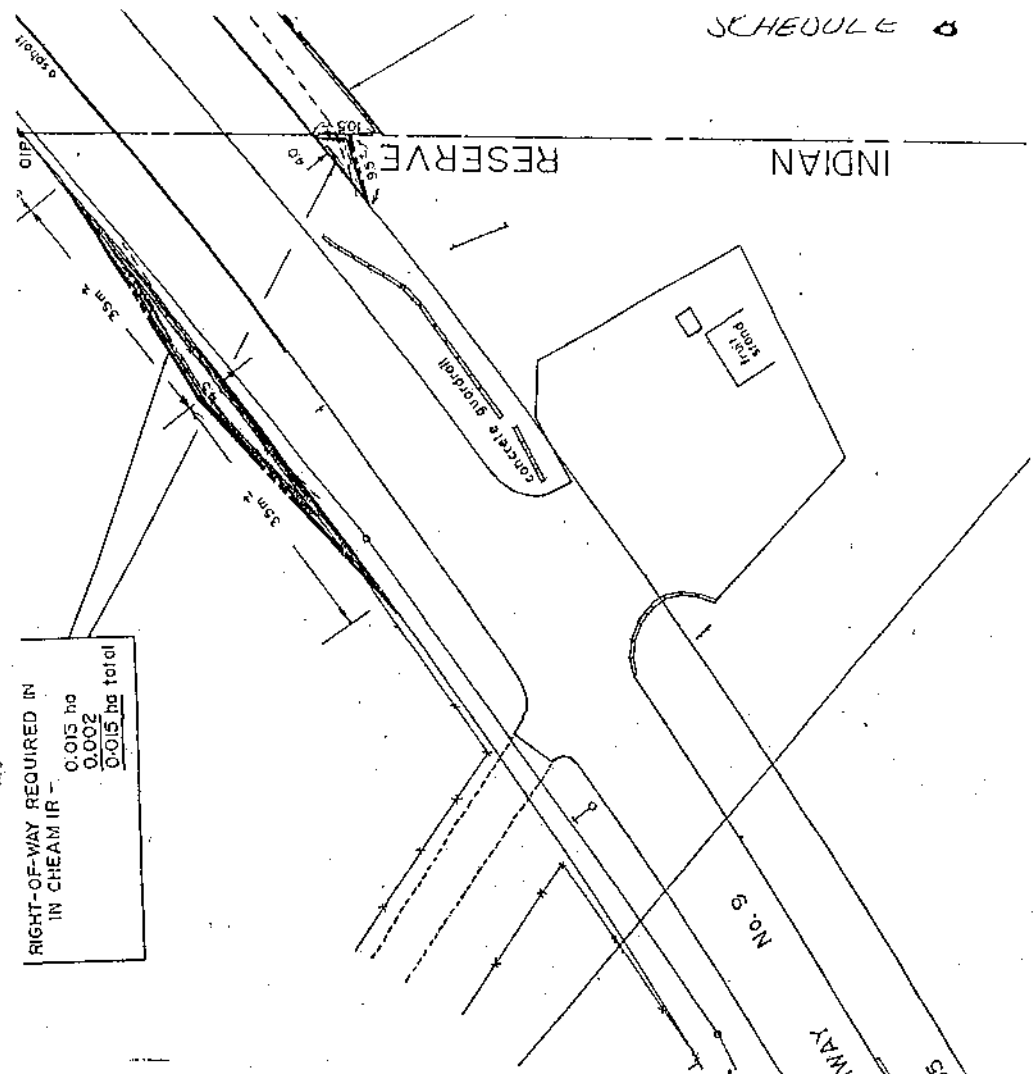
(Councillor - councillor)
 (Councillor - councillor)
 (Councillor - councillor)
 (Councillor - councillor)

(Councillor - councillor)
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(Councillor - councillor)
 (Councillor - councillor)
 (Councillor - councillor)
 (Councillor - councillor)

FOR DEPARTMENTAL USE ONLY - RESERVE AU MINISTERE					
Unit Code / Compte	1. CREDIT BALANCES - SOLDES D'ORDINATEUR (to Debit)	2. REVENUE - REVENU	3. Expenditure / Dépense	4. Authority - Autorité Indian Act / Loi Indians	5. Source of Funds / Source des Fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
\$	\$	\$	\$		
Totalled = Résumé			Approved = Approuvé		
			Date		
			Approving Officer = Approuvé		

SCHEDULE 8



RIGHT-OF-WAY REQUIRED IN
IN CHEAM IR -
0.013 m
0.002
0.015 m total



GOVERNMENT OF BRITISH COLUMBIA
MINISTRY OF TRANSPORTATION AND HIGHWAYS
FRASER VALLEY HIGHWAY DISTRICT

HWAY 9 AND CHEAM INDIAN RESERVE No.1 ROAD
CROSSING, SHOWING ADDITIONAL RIGHT-OF-WAY
REQUIRED FOR LEFT-TURN LANES ALIGNMENT.

DESIGNED UNDER THE DIRECTION OF	DATE	SCALE Horiz. 1:500	Vert. 1:	(SEE BARS SCALE)	
<i>G. M. Lane</i>	2/1/19	DESIGNED R.F.	DATE 9/9/19	INDEX	REQ. NO.
Checked		CHECKED R.M.	DATE 9/9/19	FILE NO.	
EXAMINED & ACCEPTED	DATE	PROJECT No.	REQ. No.	DRAWING No.	
				54-36	
REGIONAL HIGHWAY ENGINEER					

PIPN 17235
ROSEDALE
EDGE OF RIGHT-OF-WAY

TAB 114



Province of
British Columbia

Ministry of
Transportation
and Highways

310 - 625 Agnes Street
New Westminster, B.C.
V3M 5Y4
660-8288
Fax No. 660-8278

PS 6196
E5670-08081

December 6, 1991

Indian and Northern Affairs Canada
Vancouver Field District
300 - 1550 Alberni Street
Vancouver, B.C.
V6G 3C5

Attention: Peter N. Humphrys
Head/Land Management

Dear Sirs:

Re: Right-of-way Acquisition from Cheam Indian Reserve
Intersection Highway 9 and Old Yale Road, Rosedale, B.C.

Further to our letter of November 8, 1991 concerning the Band Council Resolutions of July 31, 1991 and November 1, 1991 pertaining to referenced right-of-way and road construction matters, enclosed is a Band Council Resolution, dated December 3, 1991, which corrects errors in the Band Council Resolution of November 1, 1991 in respect to the identification of Schedules "A" and "B."

I trust the foregoing will be found in order.

Yours truly,

O.F. Stiller
Property Agent

OFS/mdr
encl.

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

Circulogical No. - Numéro circulaire
File Reference - N° de réf. du dossier

NOTE: The words "From our Band Funds", "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
NOTE: 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	Cheam	Current Capital Balance Solde de capital	\$ _____
AGENCY AGENCE	Vancouver	Committed - Engagé	\$ _____
PROVINCE PROVINCE	British Columbia	Current Revenue balance Solde de revenu	\$ _____
PLACE LIEU DE L'ENDROIT	Rosedale	Committed - Engagé	\$ _____
DATE DATE	3 December AD 19 91 DAY - JOUR MONTH - MOIS YEAR - ANNÉE		

I HEREBY RESOLVE:
J'ACQUIESCE, PAR LES PRESENTES:

WHEREAS: Cheam Indian Band has by Band Council Resolutions dated July 31, 1991 and November 1, 1991 agreed to the Construction of an intersection at Highway #9 and Old Yale Road by the Department Of Transportation and Highways.

AND

WHEREAS: Band Council Resolution dated July 31, 1991 forms Schedule 'A' of the Agreement, and Band Council Resolution dated November 1, 1991 forms Schedule 'B' of the Agreement.

AND

WHEREAS: Band Council Resolution dated July 31, 1991 should form Schedule 'B' of the Agreement and Band Council Resolutions dated November 1, 1991 should form Schedule 'A' of the Agreement.

BE IT RESOLVED: Band Council Resolution dated November 1, 1991 form Schedule 'A' and Band Council Resolution dated July 31, 1991 form Schedule 'B' of the agreement between Cheam Indian Band and the Department of Transportation & Highways.

A quorum for this Band
Pour cette bande le quorum est
consists of
fixé à 2
Council Members
Membres du Conseil

(Signature)
(Chief - Chef)
(Signature)
(Councillor - conseiller)

(Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)
(Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)
(Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)
(Councillor - conseiller) (Councillor - conseiller) (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE				
Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR A. Capital B. Revenue - Revenu	3. Expenditure Dépense	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
Recommended - Recommandé	\$ _____	\$ _____		
Date	Recommending Officer - Recommandé par	Date	Approving Officer - Approuvé par	

TAB 115

NOTES
of Meeting

Subject: Cheam Indian Band - Rosedale - Cheam IR # 1
Date/Place: June 9, 1995; Cheam Band Office
Parties: Chief Corky Douglas, Band Manager Ron Mitchell, Councillors: Sam Douglas, Charlie Douglas
MOTH: Tony Gazdik

Notes:

The Band presented four issues:

- a) MOTH has taken the R/W for bridge access for "bridge purposes" only and, therefore construction of Ferry Road is in breach of an agreement. Band could put up a toll booth on Hwy 9.
- b) grade of the slope along the Hwy 9 by Band's gravel pit - Band wants to adjust the slope and needs MOTH approval and portion of a R/W
- c) Band wants MOTH to return the triangular portion of land near Cheam Aggregate. This surplus land was proposed by MOTH for exchange for a trespass by Ferry Rd. Band maintains it is their land and can not be used in an exchange.
- d) Band wants the Province to declare an accreted land mass by Fraser River of Ferry Rd. and by the Provincial park Indian land. They claim it should be theirs as it is accreted.

I advised the Band I am going to check the data and do a research. I will go for holiday and contact them in the second half of July. They have agreed to this.

Recorded by: Tony Gazdik

Subnote:

The FVDO Bill Sunderwood informed me the Band has trespassed on MOTH R/W and extracted gravel which caused an instability in the area. FVDO has requested the Band to rectify the situation and cease the trespass.

TAB 116



Bill Sunderwood
Fraser Valley District

Nick May
Senior Manager

June 14, 1995
Property Services
Suite 310 - 625 Agnes Street
New Westminster, BC
V3M 5Y4
Tel: 660-8290
Fax: 660-8278

File: P/N 6196
Project: Agassiz Rosedale
Highway Number 9

HOUSE MAIL

Re: Cheam Indian Band
Issues

On June 9, 1995 I met with the Band Council in a meeting initiated by the Band Manager, Ron Michell. The Band is interested in resolving an outstanding issue on a land exchange and have also raised two new issues.. One issue concerns the slope adjustment on Hwy. 9, the other issue is more complex and involves a land addition to the reserve.

The land exchange stems from an agreement which allowed MOTH to improve portions of Hwy. 9 south of the bridge to Agassiz a few years ago. At that time, the approach to Ferry Road of Hwy. 9 was also re-aligned in order to create a safe turn for the southbound traffic from the highway to Ferry Road. The realignment created a trespass on reserve land.

MOTH had offered the Band a land exchange for the trespass land. The exchange land consisted of a triangular highway R/W portion of land identified as surplus and another small surplus further south. The Band rejected this exchange on the grounds that the triangular land was always their land, and this is the position they continue to maintain.

The principal of the second issue is similar to the triangular land. The Band wants to modify the slope on the west side of the highway allegedly for reasons of esthetics. They are unable to do it because the MOTH right of way protrudes out as a square from the linear right of way line. The square area of the R/W was originally acquired by MOTH to accommodate the old access to the reserve. It appears MOTH has no need for it anymore. The Band wishes to acquire this land in order to adjust the slope and insinuates that this land is theirs as well.

Note that this square area is the second land MOTH offered to exchange.

The third issue is of a wider nature and involves part or whole of a Crown land off Ferry Road under the bridge approach to the Fraser River and at the shores of the Fraser River. This is a significant chunk of land. The Band claims the ownership to this

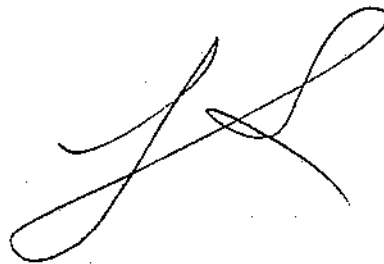
accreted land has been denied to them and wants the Province to rectify it. A western portion of this land is declared a provincial park. The Band is willing to keep it there and share the maintenance and operation with the Province.

The Band's position is that by building Ferry Road, MOTH broke the R/W agreement. The Band believes it would be in their right to impede the use of the highway if they wished to do so, for example they could put up a toll booth or use other unspecified actions.

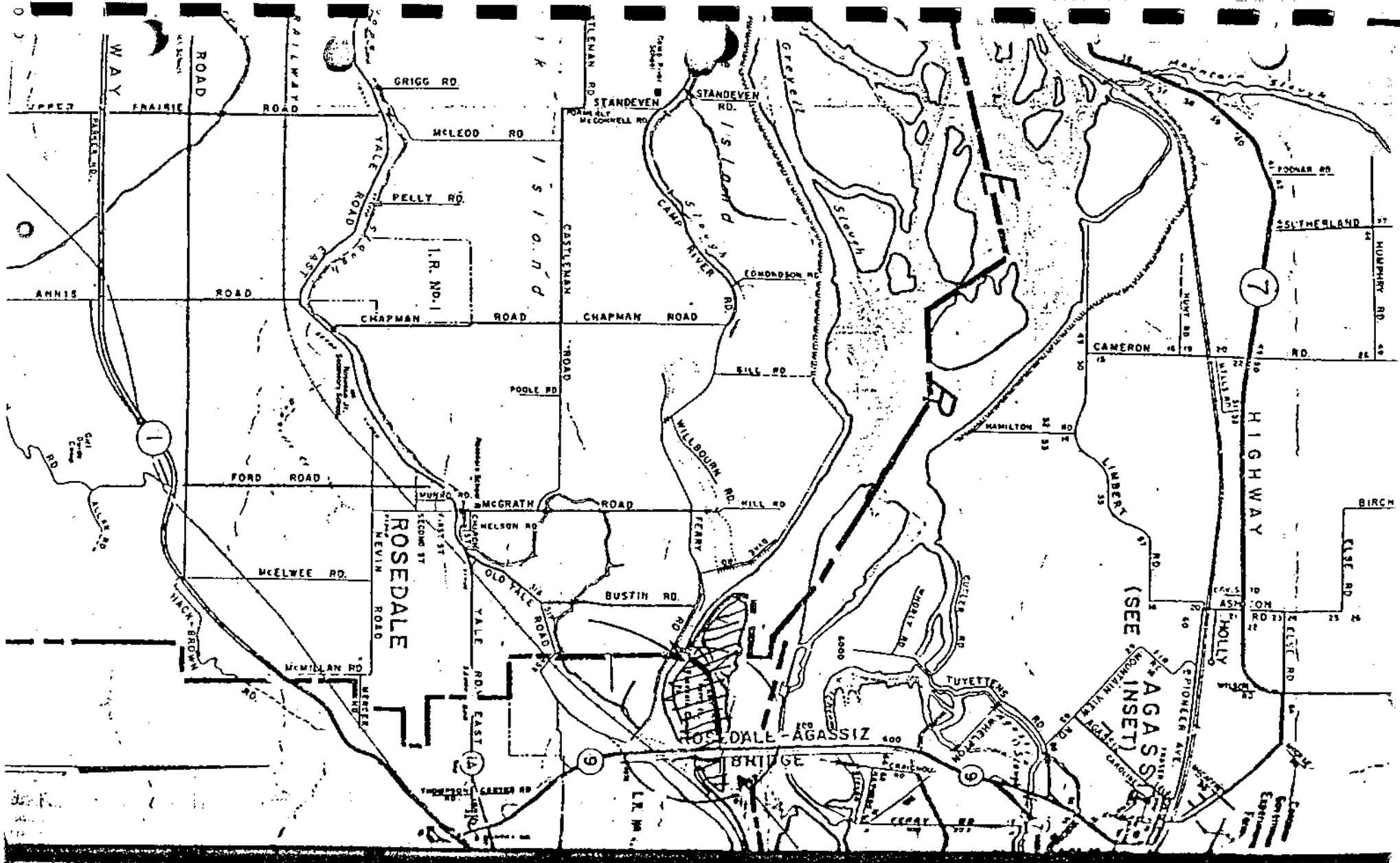
The Band appears anxious to deal with the above issues and I have promised to investigate all issues and reply to them.

I feel a meeting with the Fraser Valley District is required and would kindly ask Bill Sunderwood to help me to set up a meeting early next week.

I will initiate the research of the tenure issues, collection of necessary data and plans, and contacts with Crown Lands.



Tony Gazdik
Property Agent



Ferry Island

TAB 117



File: PS 6196

June 19, 1995

FILE COPY

Cheam Indian Band
#379 - 10704 No. 9 Highway
Rosedale, B.C.
VOX 1X0

Attention: Chief Charles (Corky) Douglas

Dear Chief Douglas,

Re: Highway 9, Property issues
Meeting of June 9, 1995

In response to our meeting concerning the issues of sloping, trespass and land exchange, I have initiated collecting the necessary information in order to discuss the issues further.

As discussed, I will call you in the second half of July with more information.

Yours truly,

Tony Gazdik
Property Agent

/TG

TAB 118

THE STATUS OF HIGHWAY NO. 9

THROUGH

CHEAM I.R. NO. 1

prepared for:

Aboriginal Relations Branch
Ministry of Transportation and Highways

by:



Terry Ann Young
Del Mar Research

AUGUST 1995

THE STATUS OF HIGHWAY NO. 9, THE ROSEDALE-AGASSIZ HIGHWAY, THROUGH CHEAM I.R. NO. 1

(Doc.) refers to the numbered document in documentation that supports this report

Cheam I.R. No. 1 is located in the New Westminster District, east of Chilliwack, B.C. on the south bank of the Fraser River. (see map attached) The Reserve was allotted by Commissioner Sproat on June 16, 1879 and surveyed in 1881. (Doc. 1) The Reserve is in the Railway Belt and administration and control of I.R. No. 1, as with other Railway Belt reserves, is held by the federal government, in trust for the Cheam Indian Band under the terms of P.C. Order in Council 208, February 3, 1930 (Doc. 2) The Order's terms include the right of the Province to resume up to 1/20 of the reserve lands for roads and other public purposes and the following:

"Provided also that all travelled streets, roads, trails and other highways existing over or through said lands at the date hereof shall be excepted from this grant"

While Highway No. 9 does not qualify as a pre-1930 Road, P.C. 208 does contain other clauses that apply to roads built after 1930 such as the right of resumption of land for road and other public purposes.

Highway No. 9 through Cheam I.R. No. 1

A portion of Highway No. 9, the Rosedale-Agassiz Highway, runs north and south through Cheam I.R. No. 1 The Cheam Indian Band passed a Band Council Resolution on October 21, 1954 agreeing:

- to accept the offer of compensation for the Highway Right of Way through Cheam I.R. No. 1 "at the rate of s.16;s.17 per acre for an estimated 10.23 acres more or less."
- that compensation is to be paid for 10.23 acres, 7.85 acres belonging to the Band "with the remainder being part of the location of Harry Edwards (which includes 1.50 acres of improved land and .88 acres of unimproved land)".
- to "access to the bridge at feasible sites" (Doc. 3)

The Right of Way for the Highway through I.R. No. 1 was purchased in 1954 and included the highway approach and the Bridge site on the south side of the Fraser River, a total of 14.09 acres. (Doc. 4) The Road Right of Way was Gazetted on September 13, 1954. (Doc. 5)

Administration and control of the Right of Way of 14.04 acres 'more or less' was transferred to the Province on September 22, 1960 by P.C. 1960-1285 (Doc. 7) pursuant to Section 35 of the Indian Act as shown on CLSR Plan 50110/NW LTO 21655 (Doc. 8). The P.C. transfer states that "compensation of s.16:s.17 has been paid for 14.09 acres" and describes the transfer as follows:

"In the Province of British Columbia, in the District of New Westminster, in Cheam Indian Reserve number one, all those portions of right-of-way as said portions are shown bordered red on plan fifty thousand one hundred and ten in the Canada Lands Surveys records at Ottawa, a copy of which has been deposited in the Land Registration district at New Westminster under number twenty-one thousand six hundred and fifty-five: said portions containing together by admeasurement fourteen acres and nine hundredths of an acre, more or less..."

The transfer is standard and limits the transfer to the right of way as shown on Plan 50110 to be used for road purposes. The transfer does not specify that the Right of Way is limited to bridge site and approaches.

Ferry Road Intersection Access

The intersection of Ferry Road and Highway No. 9 is located within the boundaries of Cheam I.R. No. 1. In 1987, Ferry Road was realigned, where it intersects with Highway No. 9, and a deceleration lane was provided, according to District Plan 29-13 and Plan 17235. (Doc. 9) Ferry Road was realigned to provide safe access from the Highway. Previously the radius of turn was too tight for large trucks. Trucks had to stop and back up to make the turn onto Ferry Road. (Doc. 10) The realignment, which was primarily fill to support the Road, did not affect Highway No. 9 but did encroach on Cheam I.R. No. 1 by .0326 ha. (.0805 acres) (Doc.11)

Originally the encroachment was to amount to .0732 ha but the Cheam Band Council requested that the Right of Way strip be reduced from 10 metres in depth to 5 metres, and this resulted in a reduction to .0326 ha. (Doc. 12)

Negotiations to rectify the encroachment began in February of 1988. (Doc. 13) On October 17, 1988, the Province offered the Band compensation of s.16 for the .0326 ha. encroachment and asked the Band for a BCR agreeing to transfer administration and control of the .0326 ha. required for fill for the Ferry Road Intersection Right of Way. (Doc. 14)

The Band refused settlement unless:

- the triangular parcel of land included in the 14.09 transfer be returned to the Band
- Highway No. 9 Right of Way be straightened out
- access to Reserve lands from both sides of the Highway be provided.
- the 1954 settlement be renegotiated so land is to be used strictly for bridge purposes

The Band maintained that:

- the encroachment for the Ferry Road access was contrary to the intention of the 1954 settlement regarding Highway No. 9. The land surrendered was strictly for bridge site and approach and not for road purposes as stated in the P.C. 1960-1285 transfer.
- the triangular portion included in the 14.09 acre Right of Way transfer in 1960 was improperly included because the "late Chief Harry Edwards had held this land under licence and had no authority to sell it off." (Doc. 15)

In an effort to settle the encroachment issue, the Province offered the Cheam Indian Band a land exchange on March 13, 1990. (Doc. 16) When the Highway was built in 1954 two surplus areas resulted: one was the triangular parcel, of 1.2165 ha., purchased from locatee Harry Edwards; and the other was a square parcel, of .0315 ha. nearby, that had been intended for the reserve access road, however, another location was chosen. The land offered for the exchange was this surplus longer required for Highway No. 9 as shown on District Highway Plan 54-32. (Doc. 16) The land exchange was not accepted by the Band because they maintained that the triangular parcel was already theirs.

On June 10, 1991 the Province offered to construct turn lanes on Highway No. 9 at Old Yale Road to improve the access to Cheam I.R. No. 1. This was contingent in part upon completion of negotiations concerning the proposed land exchange and the appropriate BCR for the surrender of the Right of Way required for the Ferry Road intersection. (Doc. 17)

June 26, 1991 the Band wrote to the Ministry of Highways stating that "Our Band is in agreement with proposed work and contingencies with the exception of #1 which will (be) dealt directly with Fred Stiller of the Property Services Branch in New Westminster. A letter and resolution will be sent directly to Mr. Stiller with our decision on this item." (Doc. 17) Item one was completion of the negotiations concerning the Right of Way requirement for the Ferry Road intersection and the proposed land exchange. The Province, through the Ministry of Transportation and Highways, continued to ask for settlement of item one. (Doc. 18)

On July 31, 1991 the Cheam Indian Band passed a BCR agreeing to the construction of an intersection at Highway No. 9 and Old Yale Road to allow for access to Cheam I.R. No. 1 (see Plan 54-56, Doc. 19) and to the contingencies listed in the Province's June 10, 1991 offer with the exception of item number one. On November 1, 1991 and December 3, 1991 BCRs were passed accepting compensation of \$1.00 and adding an additional .015 ha right of way to the Yale Road intersection. (Doc. 20)

SUMMARY

While the Yale Road access to Cheam I.R. No. has been constructed and there have been many efforts to reach an agreement, there is no evidence of further progress on the settlement of the Ferry Road intersection Right of Way encroachment.

The Band continues to maintain that:

- 1) **Re: Land Exchange**, the triangular parcel of land cannot be used in exchange since it was purchased improperly from Harry Edwards in 1954 and as a result is and always was their land; and that,
- 2) **Re: Bridge Site and Approach**, the construction of Ferry Road contravenes the 1954 agreement and their BCR because the transfer was for bridge site and approach purposes only. (Doc. 21)

Re: Two issues of concern to the Cheam Indian Band

Issue (1) Land Exchange

The federal transfer of administration and control of the Right of Way to the Province included both the square parcel and the triangular parcel that were offered in the land exchange. Documentation reveals that the triangular portion of land was purchased by the Province from locatee Harry Edwards in 1954 for s.16; s.17 an acre. (Doc. 3,4,6) However, the question, as to whether the triangular parcel was improperly included in the federal transfer, is one that must be resolved by federal government. The Province received administration and control of the triangular parcel in good faith in the 1960 transfer of the right of way.

Issue (2) Bridge Site and Approach

The federal transfer, P.C. Order 1960-1265 does not limit the Right of Way use to Bridge site and approach. The wording that is used in the P.C. Order is use "for road purposes".

While the 1954 Cheam Indian Band Council Resolution states that application is being made for bridge site and approach, the BCR also requires that "access to bridge at feasible sites" be provided. The Ferry Road intersection encroachment involved realignment of an existing access which implies that the access was there when Highway No. 9 was built and when the administration and control of the Right of Way was transferred to the Province. These circumstances should qualify the Ferry Road intersection as an access to the bridge at a feasible site.

Currently, the Cheam Indian Band would like the Ministry of Transportation and Highways:

- to return the triangular parcel of surplus land
- to enable the Band to acquire the square parcel of land that was offered to them on March 13, 1990 as part of the land exchange. (Doc. 20)

Correspondence files indicate that both the Cheam Indian Band and the Ministry of Highway are anxious to settle the Ferry Road issue but the Band has tied the settlement of the Ferry Road encroachment to other non-highway issues which may make settlement difficult. (see letter of June 14, 1995, Doc. 21) At present, the Ferry Road encroachment issue remains unsettled and, subsequently Administration and control of the encroachment Right of Way has not been transferred to the Province.

TAB 119



Property Services
Suite 310 - 625 Agnes Street
New Westminster, BC
V3M 5Y4
Tel: 660-8290
Fax: 660-8278
File: PS 15651 (Chawathil)
PS 6196 (Cheam)

September 6, 1995

Indian and Northern Affairs Canada
Lands and Trust Services
B.C. Region
300 - 1550 Alberni Street
Vancouver, BC. V6G 3C5

Attention: Tanya Felchle
Land Management and Leasing Officer

Dear Ms. Felchle:

Re: 1) Chawathil IR #4 - Church Camp Access Road
2) Cheam IR #1 - Section 35 Land Transfer

This is in response to your inquiry concerning the above in the letters dated June 1, 1995 and May 18, 1995.

1) According to our records, the last correspondence of January 20, 1992 between our legal counsel Richard Fyfe and Cornerstone Consulting services ("Cornerstone") dealt with the draft of a final agreement. The previous correspondence indicates that an agreement in principle has been reached between this Ministry, the Seventh Day Adventist Church and the Band. According to this agreement the Band would transfer a private road to the Province in exchange for certain lands and monetary compensation to be provided by the Church.

I have approached Cornerstone for further information and will advise you on receiving same.

2) This Ministry made its last offer to the Band on June 10, 1991 which offered construction of improved access to the reserve contingent on completion of negotiations of the proposed land exchange. This would give the Band two Ministry surplus parcels for a small portion of reserve land where the Ministry is in trespass due to re-alignment of the intersection of Highway 9 with the Ferry Road.

/2

The Band responded and passed two Band Council Resolutions, the first on November 1, 1991, the second on December 3, 1991, where they accepted MOTH's offer except for the proposed land exchange. The Band maintains that the surplus land offered to them was not rightfully acquired by the Province and, therefore there was nothing to exchange. No other proposal to resolve the matter was made.

In my last meeting with the Band in late June 1995, the Band maintained their basic position and made a proposal. They proposed to transfer the trespass land to the Ministry in exchange for the Province transferring certain lands (at this time Crown Province Lands) adjacent to the reserve and along the Fraser River. They purport that this land is accreted land and as such it should be added to the reserve in accordance with some unspecified statutes.

The Ministry is currently gathering information to reply to the Band.

I trust these are the information you need.

Yours truly,

Original Signed by

Tony Gazdik
Property Agent

ARG/mac

TAB 120



30 BCC96083 No. 160

TAB 121

MINISTRY OF TRANSPORTATION & HIGHWAYS

BRIEFING NOTE

REGION

1 - South Coast

COMMUNITY

Rosedale-Agassiz

TOPIC

Cheam Indian Reserve No. 1

ELECTORAL DISTRICT

Chilliwack

ISSUE

Outstanding road tenure issues on Highway 9

BACKGROUND

The right-of-way for Highway 9 through the Cheam IR No. 1 (the Reserve) was transferred to MoTH in 1960 pursuant to section 35 of the federal *Indian Act* (s. 35). However, the Ministry has two outstanding road tenure issues associated with Highway 9. These issues can be identified as land required at two intersections:

- * Highway 9 and Old Yale Road (see map attached).
- * Highway 9 and Ferry Road (see map attached).

Highway 9 and Old Yale Road

The first issue is an outstanding PCO. The Ministry negotiated a deal with the Cheam Indian Band, and is awaiting a s. 35 transfer of the two small parcels.

Highway 9 and Ferry Road

The second issue is more complex. The blacktop at the Ferry Road interchange does not encroach onto the reserve; the area is required for the toe of the slope of Ferry Road at that point. In 1990 the Ministry tabled a proposal for the Band's consideration. The deal would have completed a s. 35 transfer to the Province of the rectangular parcel. In exchange the Ministry offered to close and return to reserve two parcels transferred to the Ministry in 1960. One of the two was a triangular parcel southeast of the Rosedale-Agassiz Bridge approach.

The Cheam Band rejected the proposal, and subsequent Ministry amendments, on the basis that the triangular parcel which the Ministry proposed to return to the Band should never have been transferred to the Province in the first place; that MoTH breached, and continues to be in violation of, the terms of the Band's 1954 Band Council Resolution (BCR). The Band alleges violation of its 1954 BCR as follows:

- * Right-of-way not used for purposes intended. BCR states transfer was for "a bridge site and approach thereto;" MoTH subsequently built Ferry Road - albeit within the transferred area, but underneath the bridge, and not required for a bridge site or approach.
- * Band agreed to alienate an area smaller than Canada ultimately transferred to MoTH.

The Band's position in the past has been that by building Ferry Road, MoTH broke the 1954 agreement; consequently the Band would be within its rights to impede traffic on Highway 9, or install a tollbooth. In addition, the triangular parcel should be returned to the reserve, and cannot be used in a land exchange.

The Band has raised several other issues and linked them to a resolution of the outstanding road tenure issues.

Railway Right-of-Way Issues

While the Ministry is not aware of any railway issues, the Band has in the past used the threat of blocking the CNR rail line through the Reserve as a way of expressing its frustration over lack of resolution of its grievances with the federal Department of Fisheries and Oceans (DFO). In August 1991 the Vancouver media reported that the Band was set to blockade the CNR mainline, and that Chief Sam Douglas of the Cheam Band said blocking the rail line was just one of many options available to the Band. Others included blocking highways and occupying fisheries offices.

Gravel Removal from Highway Right-of-Way

In 1995 a Band operated business known as Cheam Aggregates removed gravel from the Highway right-of-way through the reserve. The gravel removal created a near vertical slope beside the highway, which presented a potential hazard that could lead to geological instability of the highway. On June 2, 1995 the Ministry issued a cease and desist order to the Band.

Addition to Reserve Issue

In a meeting one week after the Ministry's cease and desist order, the Band presented four issues to the Ministry. One of the issues was that the Band wanted the Province to add to reserve an accreted land mass on the banks of the Fraser River. The western part of the land is Ferry Island Provincial Park; the other part is Crown Provincial land.

Gravel Removal from Fraser River Wetlands

In March 1996 DFO wrote the Cheam Band and provided "guidelines" (not authority) for the removal of gravel from an area within a MoTH Map Reserve (No. 71189) located in the Fraser River adjacent to the Reserve. (NOTE: it is not clear at this time if the area to which the DFO guidelines pertain is the same area which the Band wants added to Reserve). Later that month a native man "officially" instructed Ministry surveyors to leave a Ministry Gravel Bar, and asked them not to return.

In April 1996 DFO wrote to the Band and stated that its gravel operations were not consistent with the terms outlined in the DFO's March letter; that the operations might cause a serious impact to fish and fish habitat. DFO directed the Band to immediately undertake works to restore the gravel operations to an acceptable level for fish habitat.

Highway Sign Issue

On June 12, 1997 the Ministry's Area Manager passed through the Reserve on Highway 9. He discovered a man using a backhoe to excavate three holes on the west side of the highway. The Area Manager stopped and when told that the holes were for a sign, asked the man to move his excavations from the right-of-way on to band land. The man told him he would have someone at the band office call him at the MoTH office.

Later that day^{s.22} called the MoTH office and told the Area Manager that the sign was on band land, and when told that it was actually on the MoTH right-of-way he said it was all band land anyway. The Area Manager said he would have surveyors flag the right-of-way ASAP and get back to him, but^{s.22} said he couldn't wait.

On June 16 surveyors flagged the Ministry's right-of-way and discovered that the sign had been erected, and that it straddled the boundary of the MoTH right-of-way. In a subsequent conversation^{s.22} (Band position unknown) said the sign would not be moved, and showed no concern when told by the Area Manager that the location of the sign posed safety hazards to southbound vehicular traffic.

The sign measures about ten meters wide by four meters feet high. It sits on three posts, each about twelve inches square. The post nearest the highway is about four meters from the edge of pavement.

When asked if there were other issues affecting the location of the sign,^{s.22} said that there was an outstanding right-of-way issue on Ferry Road. The Area Manager told him that he would take the issue forward; but^{s.22} told him he was tired of waiting, that all they ever do is wait, that he would talk to the Band Council and call back.

SUMMARY

The Band rejected the Ministry's 1990 proposal for the area required for the Ferry Road interchange, and subsequently linked completion of that proposed deal to several other issues. MoTH staff are concerned by the recent erection of the large sign within the Ministry's right-of-way, and the Band's refusal to remove the sign, despite stated hazards to vehicular traffic.

s.16

Other Issues

MoTH acknowledges that the Band has linked other issues to the outstanding road tenure issues. MoTH staff are prepared to meet with the Band to discuss the outstanding road tenure issues. However, resolution of the Band's other issues requires cooperation from other agencies:

- * CNR
- * DIA
- * DFO
- * MELP

ARB staff will discuss the road tenure issues with the appropriate staff person at the Department of Indian Affairs in Vancouver to see how Canada can contribute to a resolution of the outstanding road tenure issues.

PREPARED BY

Aboriginal Relations Branch

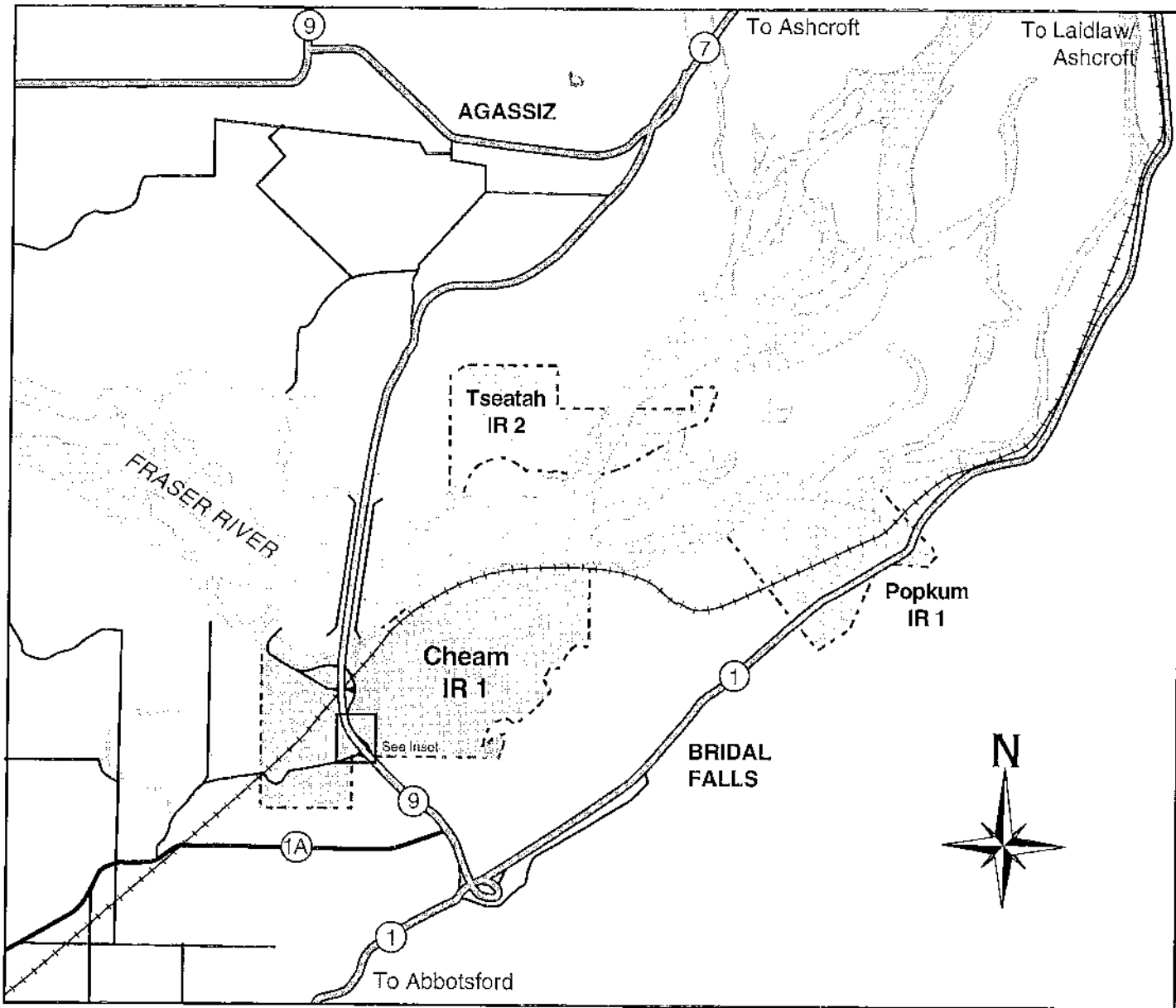
DATE SUBMITTED

June 27, 1997

DATE REVISED

July 16, 1997

Cheam IR 1, Cheam Band Highway 9 and Old Yale Road Interchange – Outstanding PCO



LEGEND

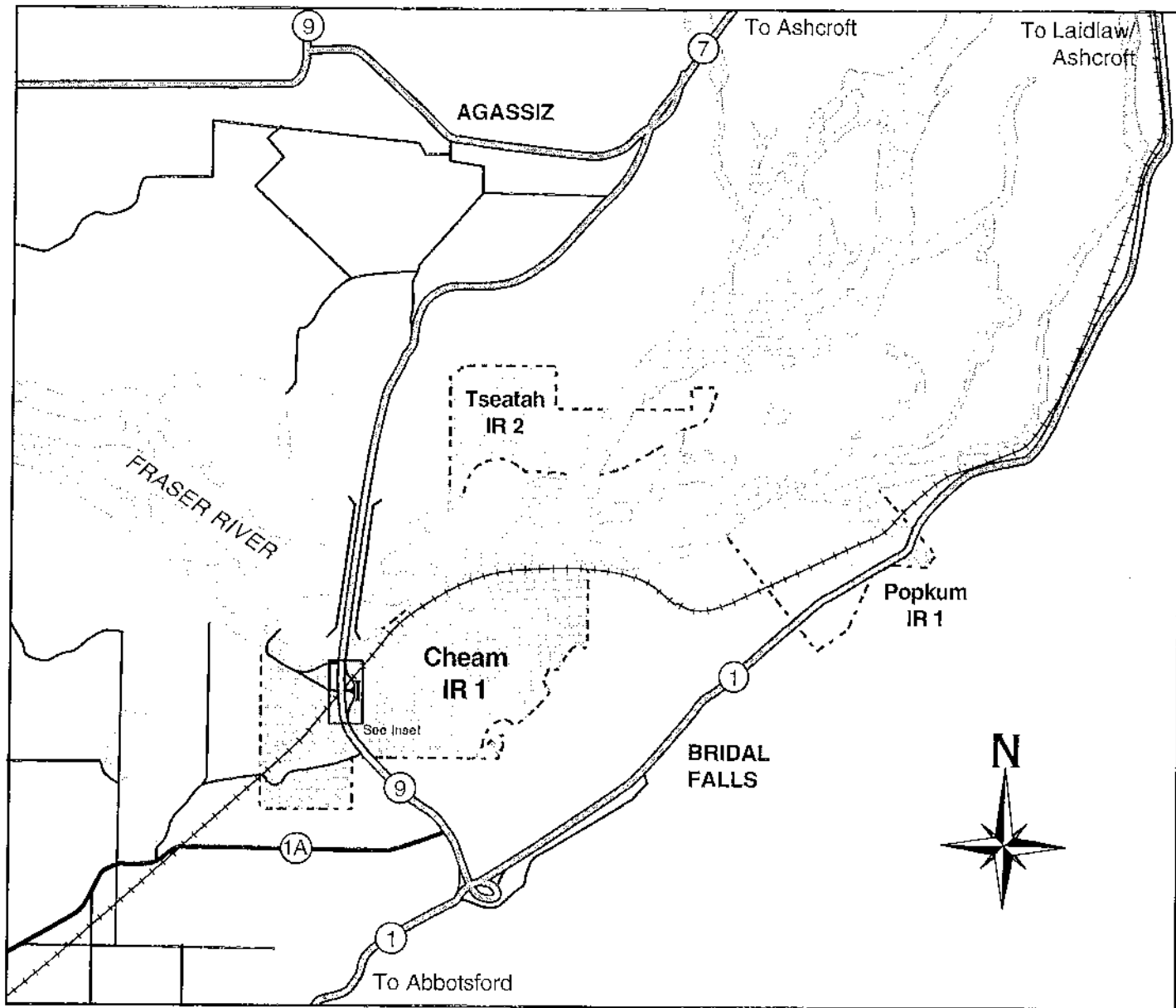
- Indian Reserves
- Highways
- BCR without PCO
- Roads
- Railways
- Waterways

1773-3 (97/08/19)

BRITISH COLUMBIA
Ministry of Transportation
and Highways

INSET

Cheam IR 1, Cheam Band Highway 9 and Ferry Road Interchange – Encroachment

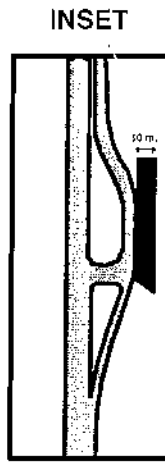


LEGEND

- Indian Reserves
- Highways
- BCR without PCO
- Roads
- Railways
- Waterways

1773-2 (97/08/19)


BRITISH COLUMBIA
 Ministry of Transportation
 and Highways



TAB 122



September 15, 1997

Telephone: 387-5925
Facsimile: 356-8767
File: 1340020/CHEA/6196/HWY-9

Ms. Sheryl Yoner
Lands and Trust Services
BC Regional Office
Indian & Northern Affairs Canada
340 1550 Alberni Street
Vancouver, British Columbia
V6G 3C5

RECEIVED

SEP 23 1997

PROPERTIES BRANCH
MINISTRY OF TRANS. & HWYS.
NEW WESTMINSTER, B.C.

Dear Ms. Yoner:

Re: Cheam First Nation, Cheam IR No. 1, Highway 9

We are writing to seek assistance in resolving tenure issues associated with Highway 9. These issues have been complicated by matters raised by the First Nation, some of which do not involve MoTH, and are not related to road tenure. Recently, the First Nation erected a large sign (10 feet by twenty-five feet) which straddles the boundary of the Highway 9 right-of-way. The sign poses a hazard to southbound vehicular traffic.

Tenure Issues

In 1960, pursuant to section 35 of the *Indian Act*, Canada transferred to the Province of British Columbia the right-of-way occupied by the current alignment of Highway 9. There are now two tenure issues associated with the Highway which the Ministry has been unable to resolve with the First Nation. These two tenure issues can be identified as land required at two intersections:

- Highway 9 and Old Yale Road (see map attached)
- Highway 9 and Ferry Road (see map attached)

.../2

The first issue is an old agreement for a section 35 transfer. The Ministry negotiated an agreement with the Cheam First Nation, and is awaiting a s. 35 transfer of two small parcels.

The second issue is more complex. In 1990, the Ministry tabled a proposal for the First Nation to consider. The proposal would have completed a section 35 transfer. Part of the proposal was a Ministry offer to close and return to Reserve two parcels transferred to the Ministry in 1960. One of the two was a relatively large triangular parcel southeast of the present Rosedale-Agassiz Bridge approach.

The Cheam First Nation rejected the proposal, and subsequent Ministry amendments, alleging that the triangular parcel which the Ministry proposed to return to the Band should never have been transferred to the Province, and that it cannot be used in a land exchange.

The First Nation also stated that it would be within its rights to impede traffic on Highway 9 or install a tollbooth as MoTH had violated the terms of the Band's 1954 BCR as follows:

- BCR agreed to alienate a smaller area (14.09 acres) than Canada ultimately transferred to the Province (10.23 acres).
- Right-of-way not used for purposes intended. MoTH built Ferry Road within the s. 35 right-of-way, but BCR stated transfer was for "a bridge site and approach thereto;" Federal Order in Council transferred the area "for road purposes".

The First Nation has raised several other issues and linked them to a resolution of the outstanding road tenure issues:

Railway Right-of-Way

The Ministry is not aware of any railway issues in the reserve, but in the past the First Nation has said that blocking the CNR mainline through the Reserve was just one of many available options. Others included blocking highways and occupying fisheries offices.

.../3

Gravel Removal from Highway Right-of-Way

In 1995, the Ministry issued a cease and desist order to the First Nation in response to a Band owned company removing gravel from the highway right-of-way. The gravel removal threatened the geological stability of the highway.

Addition to Reserve

The First Nation presented the Ministry with a request that the Province add to Reserve some accreted land on the banks of the Fraser River. One part of the land is Ferry Island Provincial Park; the other is Crown Provincial land.

Gravel Removal from Fraser River Wetlands

In March 1996, DFO wrote the Cheam First Nation and provided "guidelines" - not authority - for the removal of gravel from an area in the Fraser River adjacent to Reserve within a MoTH map reserve. Later that month, a native man "officially" instructed Ministry surveyors to leave a Ministry Gravel Bar.

In April 1996, DFO advised the First Nation that its gravel operations might cause a serious impact to fish and fish habitat, and directed it to restore the operations to an acceptable level for fish habitat.

Resolution of Tenure Issues

The Ministry wishes to resolve the outstanding tenure issues associated with Highway 9. The Ministry believes that the section 35 transfer in 1960 was valid and that its offer to exchange the triangular parcel for the much smaller rectangular parcel required at Ferry Road is a reasonable and valid offer, one made in good faith. MoTH also believes that the construction of Ferry Road within the section 35 area is consistent with the terms of the 1960 transfer.

.../4

Ms. Sheryl Yoner
Cheam First Nation, Cheam IR No. 1, Highway 9

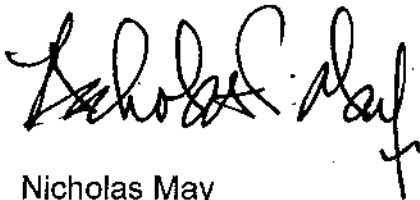
September 15, 1997
Page 4

The Ministry acknowledges that there is a discrepancy between the area which the Band agreed to alienate in 1954 and the area which Canada ultimately transferred to the Province in 1960. However, there was no survey plan cited in the 1954 BCR. Now it is difficult to determine which area the Band agreed to alienate, and whether the triangular portion was to be included.

The Ministry is unable to negotiate with the Band on behalf of agencies responsible for matters not related to road tenure. MoTH believes that DIAND can help coordinate a resolution of the tenure issues, and perhaps assist the First Nation in dealing directly with the agencies responsible for its various concerns.

I would be pleased to discuss this with you at your convenience.

Yours sincerely,

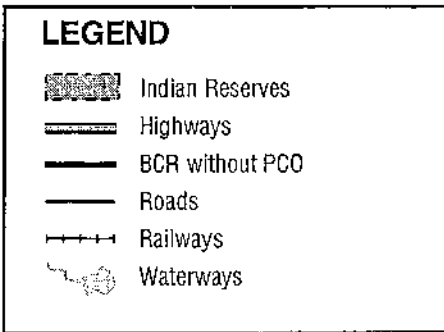
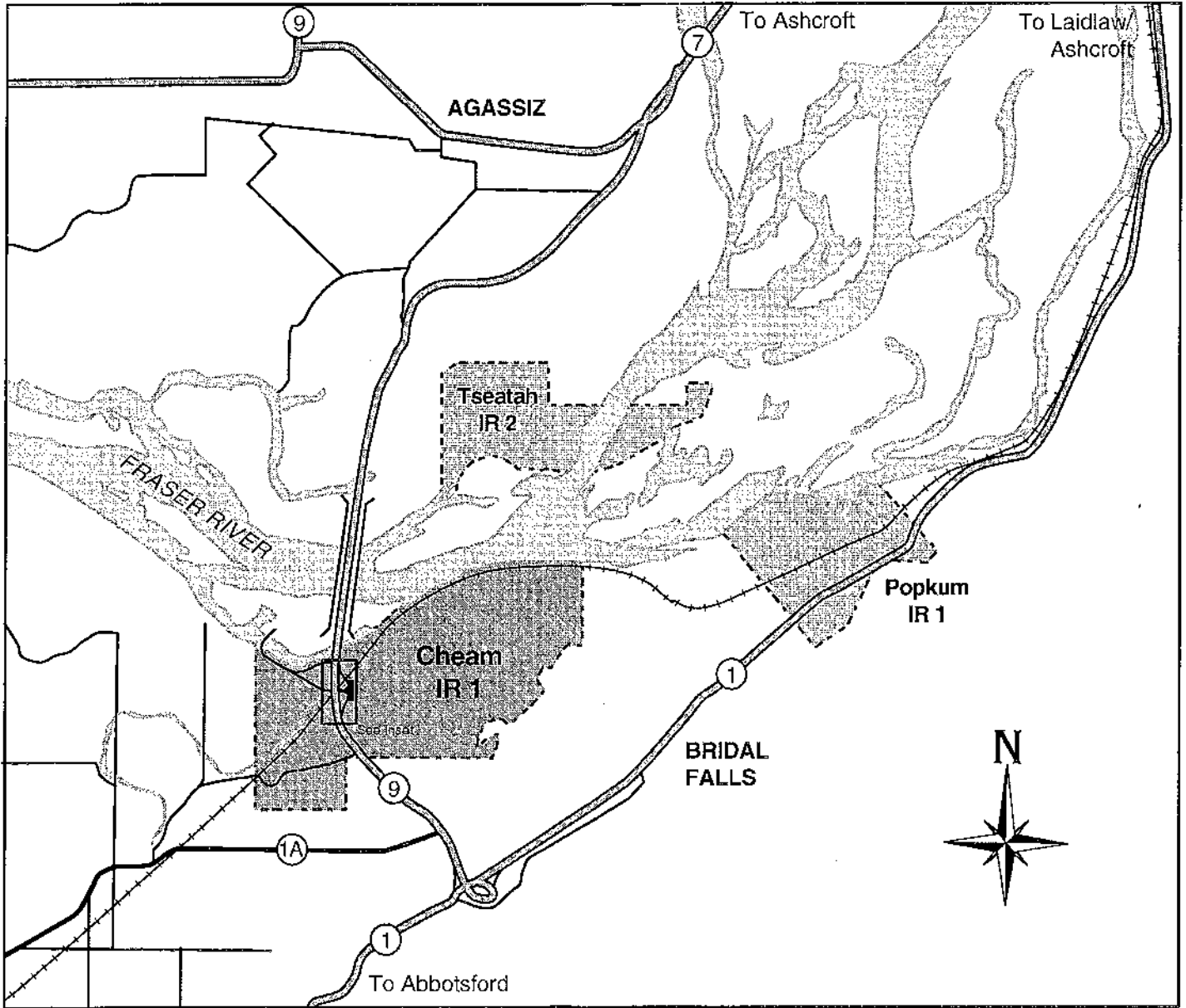


Nicholas May
Manager
Policy & Tenure Negotiations

Attachments

cc: Kelly Scarrow, Policy & Issues Analyst, Lands and Trust Services, INAC
Elizabeth Argall, Solicitor, Aboriginal Law Group, Ministry of Attorney General
Tony Gazdik, Property Agent (Native Land Coord.), Region 1

Cheam IR 1, Cheam Band Highway 9 and Ferry Road Interchange – Encroachment

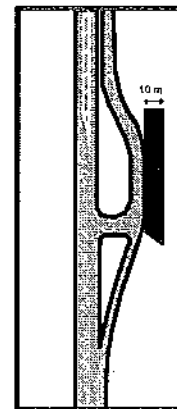


1773-2 (97/06/13)

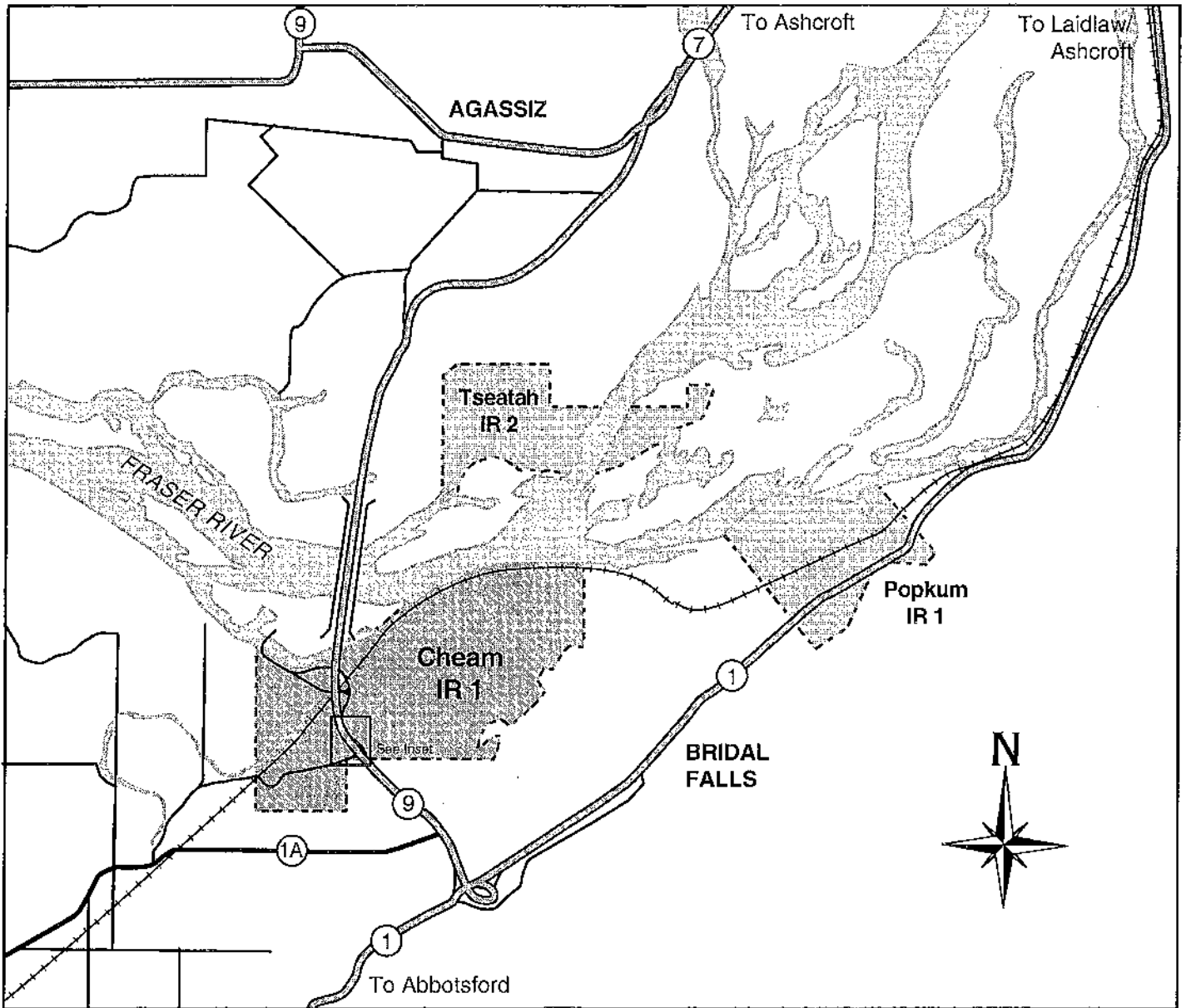


Ministry of Transportation
and Highways

INSET



Cheam IR 1, Cheam Band Highway 9 and Old Yale Road Interchange – Outstanding PCO

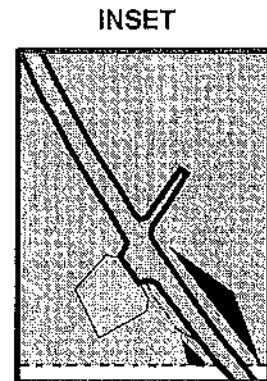


LEGEND

- Indian Reserves
- Highways
- BCR without PCO
- Roads
- Railways
- Waterways

1773-3 (97/06/19)


BRITISH COLUMBIA
 Ministry of Transportation
 and Highways



TAB 123



CHEAM INDIAN BAND

TEL: (604) 794-7924
FAX: (604) 794-7458

52130 OLD YALE ROAD, ROSEDALE, BRITISH COLUMBIA, CANADA VOX 1X0

FEED FAX THIS END

February 12, 1999

Ministry of Transportation and Highways
45474 Luckakuck Way
Chilliwack, B.C.
V2R 3S9

Attention: Les Gilburg, Area Manager
Barry Eastman, District Highways Manager

Dear Sirs:

Re: Provincial road Right-of-Way

Further to our meeting of January 26, 1999, this letter confirms the Cheam Band's position of seeking the return of all lands appropriated from Cheam I.R. #1 that are not utilized by the Province for road purposes.

We will be contacting you shortly to schedule a meeting to discuss the foregoing.

Sincerely

Chief June Quipp
Chief June Quipp

FAX	
To:	<i>Tony Gagdik</i>
Dept.:	
Fax No.:	<i>513-4616</i>
No. of Pages:	<i>1</i>
From:	<i>Les Gilburg</i>
Date:	<i>02/19/99</i>
Company:	
Fax No.:	
Comments:	
Post-it	fax pad 7903E

MINISTRY OF TRANSPORTATION
& HIGHWAYS
RECEIVED
FEB 18 1999
FRASER VALLEY DISTRICT



File: 67000-01
13350-20(Cheam)

February 16, 1999

Chief June Quipp
Cheam Indian Band
52130 Old Yale Road
Rosedale BC V0X 1X0

Dear Chief June Quipp:

Re: Right of way

Thank you for your letter of February 12, 1999 regarding the scheduling of a meeting to discuss the return of appropriated lands from Cheam I.R. #1. We are reviewing your concerns and would be pleased to meet with you to discuss them.

Yours truly,

Les Gilburg
Area Manager Chilliwack South
e-mail: lgilburg@vines.gems.gov.bc.ca

LMG/ctm

W:\AREAMGRS\AREA_B\Cheam991.doc

**Ministry of
Transportation
and Highways**

Ministry of Transportation and
Highways
South Coast Region

Mailing Address:
45474 Luckakuck Way
Chilliwack BC V2R 3T3

Telephone: 604-884-2719
Facsimile: 604-884-2704

Page 3 of 4 638 TRA-2021-15807

Printed By: Tony Gazdik@PROFSERV_PROP
To: Mary Koyle@ABORIG_RELATNS@TH_OPS_PROFSERV
From: Tony Gazdik@PROFSERV_PROP
Originated by:
Cc: Lawren Wagar@EXECUTIVE,Nick
May@ABORIG_RELATNS@TH_OPS_PROFSERV,Ross
Dalpre@PROFSERV_PROP
Bcc:
Subject: fwd: Appropriated lands in Cheam IR #1
Attachment:
Date: 99/02/17 13:26

Mary, in reference to the attached bmail from Les Gilberg, Area Manager, I alert ARB. Nick May has background on our previous dealings with the Cheam Band. The Band was always taking a global approach to the issues they have with MoTH. Those are MoTH encroachment on Band's land at Ferry Road, dispute about the tenure of 3 acres of land MoTH offered the Band in exchange for a new R/W, MoTH gravel reserve in Fraser River. The Band was grouping together MoTH's issues with Crown Lands and environmental issues. We took the position that Crown Lands should provide the leadership. Crown Lands were to respond but did not do so and no action was taken since.

For an immediate response to the Band, I recommended Les Gilberg that the District writes a letter to the Band acknowledging Band's request and advising the ministry will review their request for response, no specifics included.

In terms of Properties involvement, I am not aware we have funding allocated for our service by the Region. By copy of this bmail I would ask Les Gilberg to advise whether the District would provide Properties with a CFS.

Regards,

Tony Gazdik, A/ Supervisor, Property Acquisition
Ministry of Transportation & Highways
Property Services Branch
#200, 9718 - 197B Street, Langley, BC V1M 3G3
Tel: (604) 513-4633, Fax: (604) 513-4616

Original text

From: Les Gilburg@FSR_VALLEY_DIST@TH_OPS_DIST07, on 99/02/17 08:25:
To: Tony Gazdik@PROFSERV_PROP@TH_OPS_REGION1

Cheam Indian Band has put provincial ministries on notice including MoTH. They have said that things will change or direct action will be taken and people will/might get hurt. This was during a meeting with the provincial ministries at the hall on the Cheam IR, Jan 26, 1999.

At the end of the meeting we were presented with a request to return the triangular portion of excess land along Highway 9 between Ferry road and the CN tracks. The approximately 3 acres represented on plan of March 18, 1960 Canada Land Surveys Record No. 50110, road R/W plan through NW 1/4 Sec TP3 Rge 29 No. 17235 is supposedly lands that Moth has taken from Cheam and has not used.

Chief June Quipp has requested that in the future we should have a meeting with them to discuss the return of these excess lands. I think that it is important that you be in attendance as your branch will be handling this action.

I will inform you of their future request for a meeting so that your attendance will fit your schedule.

les



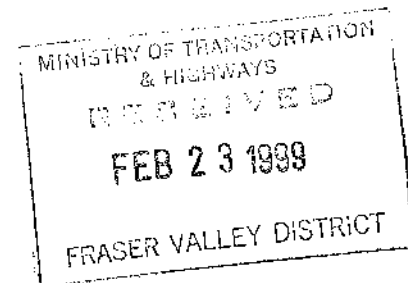
CHEAM INDIAN BAND

TEL: (604) 794-7924
FAX: (604) 794-7456

52130 OLD YALE ROAD, ROSEDALE, BRITISH COLUMBIA, CANADA V0X 1X0

February 17, 1999

Les Gilburg
Area Manager
Ministry of Transportation and Highways
45474 Luckakuck Way
Chilliwack, B.C. V2R 3S9



Dear Mr. Gilburg

Re: Follow up to Information Meeting

We would like to sincerely thank you for attending the information meeting on January 26, 1999. Your input was important to us and to the other participants.

As we discussed at the meeting, the event was intended to be the beginning of a new relationship between our respective groups. To that end, we would like to arrange a time to meet with you and your colleagues in order that we can begin the process of addressing the specific issues which brought us together in the first place.

It is important that you understand that we have strongly resolved to continue our efforts to deal with the issues that are so important to us. Those in attendance at the meeting offered many promises and assurances. We intend to ensure that they are honored.

We will be contacting you to arrange specific times to discuss our concerns.

Sincerely

Chief June Quipp
Chief June Quipp

Callison & Hanna

Barristers & Solicitors

5525 Toronto Road

Vancouver, B.C. V6T 1L1

Telephone: (604) 222-2374

Fax: (604) 222-2974

VIA FAX AND MAIL 604-824-2701

June 20, 1999

Ministry of Transportation and Highways
45474 Luckakuck Way
Chilliwack, B.C. V2R 3S9

Attention: Barry Eastman, District Highways Manager
Les Gilburg, Area Manager

Dear Sirs:

Re: Road Right-Of-Way Through Cheam I.R. No. 1

Further to our meeting with the Cheam Band on January 26, the Cheam Band has not had a response from the Ministry of Transportation and Highways regarding their request that the Province return all lands appropriated from Cheam I.R. No. 1 and 2 that are not utilized for road purposes.

The Band is in possession of Plan Of Proposed Right-Of-Way/Land Exchange Within Cheam I.R. No. 1, dated January 4, 1987, prepared by your Ministry. A copy of this Plan is enclosed. The Plan states that 1.2430 and 0.0315 hectares of the road right-of-way is an "Area to be Returned to Indian Reserve" (the "Area"). The Band takes the position that the Area is to be immediately returned to Cheam I.R. No. 1 as the Area is not required for road purposes. As well, the Band will be seeking damages from the Province for loss of use of the Area as the Area has never been utilized for road purposes.

The Plan states that 0.0720 hectares is an "Area Required" as a road right-of-way. The Band will not agree to transfer the "Area Required" to the Province.

The Band is requesting that a meeting be convened between the Ministry and the Band to engage in discussions for the return of the Area to Cheam I.R. No. 1 and to deal with other

FEED FAX THIS END

FAX	
To:	Tony Gazdik
Dept.:	
Fax No.:	(604) 513-4616
No. of Pages:	2
From:	Barry Eastman
Date:	June 20/99
Company:	MATH - F.V.
Fax No.:	(604) 824-2701

*T/K July 6/99
Called to Barry Eastman - He
will contact ARB to arrange meeting.
We will be available. - DIA
& our lawyer should also attend.*

road right-of-way issues. Please advise when you will be able to meet with the Band to discuss the foregoing.

CALLISON & HANNA

Yours truly,



Darwin Hanna

c.c. Chief June Quipp

enclosure



File: 13350-53 (CheamIR) ✓
67510-20

July 07, 1999

Callison & Hanna
Barristers & Solicitors
5525 Toronto Road
Vancouver BC V6T 1L1

Attention: Darwin Hanna

Dear Mr. Hanna:

Re: Road Right-of-Way through Cheam I.R. No. 1

I am in receipt of your letter dated June 20, 1999 re the above.

We are researching the history as many of the former participants have changed. Some time in late July-early August I would suggest would be appropriate for a meeting. I trust that in the interim you will provide me with specifics of the "other" road right-of-way issues in order that we may have a productive meeting.

Yours truly,

B.W.R. Eastman, P.Eng.
District Highways Manager

BWRE/ctm

W:\Aboriginal\Reis\CheamIR\jul7.doc

Ministry of
Transportation
and Highways

Fraser Valley District
South Coast Region

Mailing Address:
45474 Luckakuck Way
Chilliwack BC V2R 3S9

Telephone: (604) 824-2702
Facsimile: (604) 824-2701

Printed By: Tony Gazdik@PROFSERV_PROP
To: SMTP@GEMS-IM@BCSystems [<TGazdik@vines.gems.gov.bc.ca>]
From: "Gazdik, Tony TH:EX" <Tony.Gazdik@gems4.gov.bc.ca>
Cc:
Bcc: Tony Gazdik@PROFSERV_PROP
Subject: FW: Cheam - Road Issue
Attachment:
Date: 8/9/99 4:22 PM

*ACTION: Barry to set
up meeting with Band
ARB, Bud Jones, Properties.
Print, conf. call*

> -----
> From: May, Nick TH:EX
> Sent: Monday, August 09, 1999 4:22:13 PM
> To: Eastman, Barry TH:EX
> Cc: Gazdik, Tony TH:EX; Dalpre, Ross TH:EX; Hadley, Rich TH:EX
> Subject: Cheam - Road Issue
> Auto forwarded by a Rule
>

Hi Barry. As per our discussion a few weeks ago regarding the Cheam Band and Highway 9/Ferry Road I have done some research into the issue - I believe Tony Gazdik's unit was also doing some investigating so I hope what I have provided gives with their account. Below is my understanding of the events involving Ferry Road.

The right of way for Highway 9 through the Cheam IR No. 1 (the reserve) was transferred to MoTH in 1960 pursuant to section 35 of the Federal Indian Act (s. 35), Federal PCO 1960/1285. This PCO transferred to the Province 14.09 acres of reserve land as shown on CLSR 50110 registered March 1960.

However, the Ministry has two outstanding road tenure issues associated with Highway 9. These issues can be identified as land required at two intersections:
(1) Highway 9 and Old Yale Road
(2) Highway 9 and Ferry Road

Highway 9 and Old Yale Road is an outstanding PCO. The Ministry negotiated a deal with the Cheam Indian Band, and is awaiting a s. 35 Transfer of the two small parcels.

Highway 9 and Old Ferry Road.
This issue is more complex. The blacktop at the Ferry Road Interchange does not encroach onto the reserve; the area is required for the toe of the

slope
of Ferry Road at that point. In 1990, MoTH tabled a proposal for the Band's consideration. The deal would have completed a s. 35 transfer to the Province of a small rectangular parcel (approx. 0.178 acres) near the Ferry Slough. In exchange MoTH offered to close and return to reserve two parcels (triangular area approx 3.072 acres southeast of the Rosedale Agassiz Bridge approach and a small square on the southwest side of Highway 9 south of the bridge approx 0.0778 acres). These areas can be seen on District Plan 54-32 - 1989 and on the CLSR plan noted above.

The Cheam Band rejected the proposal, and subsequent Ministry amendments, on the basis that the traingular portion noted above which the Ministry proposed to return to the Band should never have been transferred to the Province in the first place; that MoTH breached, and continues to be in violation of, the terms of the Band's 1954 Band Council Resolution (BCR). The Band alleges violation of its 1954 BCR as follows:
* Right of way not used for purposes intended. BCR states transfer was for a 'bridge site and approach thereto': MoTH subsequently built Ferry Road - albeit within the transferred area, but underneath the bridge, and not required for a bridge site or approach.
* Band agreed to alienate an area smaller than Canada ultimately transferred to MoTH. The Band's BCR stated 10.23 acres to be transferred whereas the 1960 Federal PCO transferred 14.09 acres.

The Band's position in the past has been that by building Ferry Road, MoTH broke the 1954 agreement, consequently the Band would be within its rights to impede traffic on Highway 9, or install a tollbooth. In addition, the triangular parcel should be returned to the reserve, and cannot be used in a land exchange.

s.16

I hope this is of some assistance. My sense is that the on both accounts the Band has a Specific Claim against Canada if they feel that Canada did not transfer to the Province the correct amount of land and for the correct purposes. The fact of the matter is that Canada under a Federal Privy Council Order transferred certain acreages for certain purposes to the Province and it is that document that we base our claim to.

I know that the Band and their legal counsel would like to discuss the matter, however, I would recommend that before MoTH has such a meeting we have a conference call with our Legal Counsel (Bud Fenny, Aboriginal Law Group) to discuss the situation, and that he be available to join us at any future meeting with the Band and their legal counsel.

If there are any questions, please do not hesitate to contact me at 356-8780.



Province of
British Columbia

Ministry of
Attorney General

LEGAL SERVICES BRANCH
Aboriginal Law Group
1001 Douglas Street
Victoria, B.C.
V8W 1C8
Telephone: (250) 356-8930
Telecopier: (250) 356-8939

Callison & Hanna
Barristers and Solicitors
3945 West 51 St. Street
Vancouver, B.C.
V6N 3V9

16 September 1999

File: 33680-20/Cheam

By Facsimile
(604) 222-2974

Attention: Darwin Hanna

Dear Sirs: **Re: Cheam First Nation – Highway 9 and Old Ferry Road**

Thank you for meeting with me on 13 September 1999 in Vancouver in order to discuss this matter. I thought that I would write to you in order to confirm where I thought we left things.

First, I have found the Federal Court of Appeal case that you referred me to, and am considering it's relevance in relation to these circumstances.

Second, with respect to your request that a meeting between our clients be arranged at the earliest moment, I am advised that certain officers of our client are not available, and I will not be able to confirm their availability until later next week.

Third, I requested that you advise us, at your earliest convenience, in order to determine if a meeting is appropriate, whether your client is prepared to discuss the transfer of the land required by our client in exchange for the lands which our client is prepared to deliver to the benefit of your client. I look forward to hearing from you in this regard.

Yours truly,

Daniel B. Fenny
Barrister and Solicitor

cc: Barry Eastman
Nick May
Tony Gazdik

RECEIVED

OCT 04 1999

CALLISON & HANNA*Barristers & Solicitors*3945 West 51st Avenue

Vancouver, B.C.

V6N 3V9

MINISTRY OF ATTORNEY GENERAL

Telephone: (604) 222-2374

Fax: (604) 222-2974

callison_hanna@bc.sympatico.ca

October 2, 1999

Ministry of Attorney General
Legal Services Branch
Aboriginal Law Group
1001 Douglas Street
Victoria, B.C. V8W 1C8

Attention: Daniel Feeny


Dear Mr. Feeny:

Re: Road Right-Of-Ways Through Cheam Band Reserve Lands

Further to your letter, dated September 16, 1999, I have received instructions from the Cheam Band. As discussed on September 13, the Cheam Band wants to meet immediately with the Province to make arrangements to have all lands that are not utilized as road right-of-way to be immediately reverted to reserve land status. Without a commitment of the Province to address and resolve the Band's specific claims, the Band is not willing to entertain alienating any further lands to the Province for road right-of-way's.

Advise when the Province is willing to meet with the Band to address the road right-of-way issues.

Sincerely yours,
CALLISON & HANNA



Darwin Hanna

c.c. Chief June Quipp

Province of
British Columbia

Ministry of
Attorney General

LEGAL SERVICES BRANCH
Aboriginal Law Group
1001 Douglas Street
Victoria, B.C.
V8W 1C8
Telephone: (250) 356-8930
Telecopier: (250) 356-8939

Callison & Hanna
Barristers and Solicitors
3945 West 51 St. Street
Vancouver, B.C.
V6N 3V9

4 October 1999

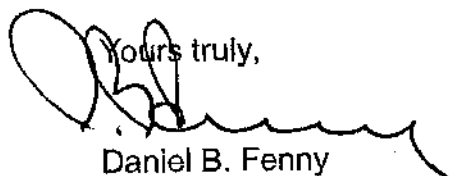
File: 33680-20/Cheam

By Facsimile
(604) 222-2974

Attention: Darwin Hanna

Dear Sirs: Re: Cheam First Nation – Highway 9 and Old Ferry Road

We have your letter dated 2 October 1999.

Yours truly,

Daniel B. Fenny
Barrister and Solicitor

cc: Barry Eastman
Nick May
Tony Gazdik

87/1999 10:44 6042222974

CALLISON HANNA

PAGE 02

CALLISON & HANNA
Barristers & Solicitors
3945 West 51st Avenue
Vancouver, B.C.
V6N 3V9

Telephone: (604) 222-2374
Fax: (604) 222-2974
callison_hanna@bc.sympatico.ca

December 1, 1999

Ministry of Attorney General
Legal Services Branch
Aboriginal Law Group
1001 Douglas Street
Victoria, B.C. V8W 1C8

Attention: Daniel Fenny

Dear Mr. Fenny:

Re: Road Right-Of-Ways Through Cheam Band Reserve Lands

Further to my letter, dated October 2, 1999, you have not provided a response to the Band's reasonable and lawful position. The Cheam Band requests the Province make immediate arrangements to have all lands that are not utilized as road right-of-way be reverted to reserve land status. Time is of the essence as the Band is losing revenue from not be able to economically develop their lands.

We look forward to your earliest response.

Sincerely yours,
CALLISON & HANNA



Darwin Hanna

c.c. Chief June Quipp

TAB 124

CHEAM

Protected Areas Strategy

On April 3, 2000, Cheam Indian Band threatened to set up a tollbooth on the bridge between Chilliwack and Agassiz (Highway 9). Band members previously handed out information notices to motorists on Rosedale Ferry Road. About 30-35 band members and supporters camped out on the Cheam reserve.

The situation was triggered when staff from the B.C. Land Use Co-ordination Office (LUCO) met with Chief June Quipp of Cheam to advise her of an upcoming parks announcement following a protected area strategy (PAS) community consultation process. Cheam expressed concerns about the consultation process. Cheam advised LUCO staff of their belief that the existing Ferry Island Park (29 hectares) and the proposed Ferry Island Addition (64 hectares) belongs to them.

Throughout the course of the planning process, several attempts were made to bring Cheam and other First Nations into the process. The Fraser Lowlands Study group was initiated in 1998 with representatives from interest groups, business and local and provincial governments. The Sto:lo First Nation (representing all Sto:lo treaty bands) and Chehalis band were invited to participate but declined due to previous concerns about the 1996 Lower Mainland Protected Areas Advisory Committee process and their need to address treaty issues.

The working group met in open public forums on ten occasions, participated in two field trips, and conducted five public open houses and meetings. The working group finalized its recommendations in January 1999. Their recommendations were forwarded to Cabinet through the normal approval process.

The information produced over the course of the process was sent to First Nations along with offers to meet and discuss issues. Cheam had advised LUCO staff of its belief that the existing Ferry Island Park belongs to them. Cheam strongly objected to any additions to Ferry Island Park and asserted that it was originally part of its reserve.

Cabinet approved the 64 hectare addition to Ferry Island Provincial Park, primarily for habitat conservation purposes.

Over...

On April 6, 2000, senior officials from the provincial government met with the Cheam. At this meeting, Cheam raised a number of issues including the plan to legally designate protected areas.

Provincial government officials met with Cheam again on April 13, 2000. Cheam agreed that one of the topics for this meeting would be the discussion of a process to address protected areas issues. Cheam requested that the provincial program regarding protected areas be terminated. LUCO advised that the Province was willing to stand down on the Fraser Lowlands PAS announcement and legal designation of the protected areas to allow time to address specific issues with the Cheam, but could not terminate the province-wide PAS process. Cheam indicated that they were not interested in further discussion. Cheam requested that the Province transfer four islands to them immediately, and demanded a response by noon April 14, 2000.

The government advised Cheam that it was not prepared to meet their timelines, but would be prepared to arrange further meetings with Cheam to discuss the many issues and attempt to come up with pragmatic solutions.

Provincial Overview of the Protected Areas Strategy

- In July 1993, the Government of B.C., through the Protected Areas Strategy (PAS), made a commitment to increase protected areas from 6% to 12% of BC by 2000. The province has now protected 11.36% of BC (~10.76 million hectares) through the approval of completed land use plans, which now cover more than half of the province.
- One of the guiding principles of PAS is: *The Protected Areas Strategy respects the treaty rights and Aboriginal rights and interests that exist in British Columbia. The province will involve First Nations in protected area planning. The participation of First Nations in land use and resource planning will not limit their treaty negotiations with the Crown.*
- The Province has consistently taken the position that Crown land use decisions are without prejudice to First Nations treaty negotiations. More recently, the Province has tried new ways to involve First Nations in PAS and strategic land use planning to address the changing legal framework. Some success has been reached, particularly on the Central Coast where funding has been provided to secure First Nations planning proposals which will be integrated with other resource considerations.

TAB 125



File No. 46100-45/CHEA2

April 14, 2000

Chief June Quipp
Cheam Indian Band
52130 Old Yale Road
Rosedale, British Columbia
V0X 1X0

Dear Chief Quipp:

I received a copy of your letter of April 14, 2000 faxed to the Premier's Office this afternoon regarding Cheam Band's closure of the Ferry Island Road. The Premier has asked that I respond on behalf of the Province.

Your letter implies that we have not treated your issues seriously. I must disagree. When you raised concerns regarding the protected areas strategy (PAS), I discussed your concerns, as we understood them, with my colleagues. We instructed senior officials to meet with you to gain a clearer understanding of your issues.


That meeting was held on April 6, 2000. As a result of that initial meeting, a number of serious, longstanding, and complex grievances were raised. Government assigned senior officials to work with you to find pragmatic solutions to resolve those issues.

During the week that followed, Ministry of Forests staff met with members of your band to discuss forestry issues. They committed to further meetings. By mutual consent, a meeting was set up for April 13, 2000 with a Senior Negotiator from my Ministry, and officials from the Land Use Coordination Office (LUCO) and the Ministry of Education. The agreed upon agenda included public education and the PAS. Other issues were set aside for future meetings, including a proposed meeting on April 20, 2000 with the Ministry of Transportation and Highways to resolve road disputes.

Based on reports from my staff, I must agree with you that the April 13 meeting was not productive. We had hoped for an open and creative discussion of the issues and an exploration of ways to resolve these issues. Instead, Cheam issued demands. In response to LUCO's

.../2

• THE GOVERNMENT OF BRITISH COLUMBIA IS AN "EMPLOYMENT EQUITY EMPLOYER" •


Ministry of
Aboriginal Affairs

Office of the Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

April 14, 2000

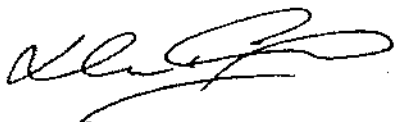
proposal to delay the PAS announcement in order to consult further with Cheam and all other affected parties, you insisted that the PAS be terminated. Further, I understand that Cheam demanded that the province transfer the ownership of a number of islands to the band immediately, and imposed a deadline of noon on April 14 for a response. In my opinion, these demands are unworkable and the timelines unreasonable.

While your direct action to block access on Ferry Island Road is in place, the Province will take appropriate action to ensure that the inconvenience to the public is minimized and will consider appropriate legal remedies. Senior officials are working with local government and will respond immediately if there are emergency issues.

I regret that the Cheam Indian Band leadership has refused an opportunity to work in a focused and proactive way on your longstanding issues. If we can return to negotiation, it is my belief that progress can still be made.

Provincial officials will be contacting you regarding your intentions.

Yours sincerely,



Dale Lovick
Minister

cc: Honourable Ujjal Dosanjh
Premier

John Watson
Regional Director General
Indian & Northern Affairs

TAB 126

July 31, 2001

Chief June Quipp
Cheam Indian Band
52160 Old Yale Road
Rosedale, British Columbia
V0X-1X0

Dear Chief Quipp:

Re: Ferry Island Road Blockade

I am writing in connection with Cheam Indian Band's blockade of and trespass on Ferry Island Road.

I regret that the Band has recently escalated its activities on Ferry Island. In particular on July 12, 2001, at the Dyke Road end of the blockade, two trenches were excavated across Ferry Island Road, two berms of gravel placed on Ferry Island Road and lock-blocks were again placed across that road.

I understand that for three to four weeks prior to July 12, 2001, the public was able to access the Fraser River, Ferry Island Road and Ferry Island Park from the Dyke Road end. Your new activities on Ferry Island Road again deny the public access to the park and have damaged public property.

Since the Cheam Indian Band first erected the blockade at Ferry Island Road on April 14, 2000, provincial representatives have made a number of requests to the Cheam Indian Band, both formal and informal, to have the blockade removed thereby enabling the Province and Cheam Indian Band to move towards resolution of outstanding issues. Unfortunately these efforts have not been successful as the blockade is still in place.

As we have not been able to resolve this matter by discussions to date, we request formally that the Cheam Indian Band remove the blockade from Ferry Island Road (at both the Dyke Road end and the Rosedale Agassiz Bridge location) including all gates, lock-blocks, berms and any other material immediately upon receipt of this letter.

**Ministry of
Transportation**

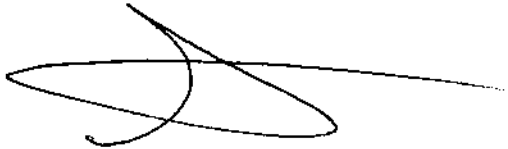
Fraser Valley District Office
South Coast Region

Mailing Address:
45474 Luckakuck Way
Chilliwack, B.C. V2R-3S9

Telephone: (604) 824-2702
Facsimile: (604) 824-2701

If you have any questions, I can be reached at (604) 824-2702. I have been instructed to confirm that the Province continues to be willing to discuss all outstanding issues once the blockade has been removed.

Yours truly,

A handwritten signature in black ink, appearing to be 'B.W.R. Eastman', with a long horizontal stroke extending to the right.

B.W.R. Eastman, P.Eng.
District Highways Manager

BWRE/mk

cc.Catherine Panter

TAB 127



TAB 128

Copyright

Copyright

Natural Resources
Canada



This plan created as a joint venture between:

Natural Resources Canada British Columbia Great Lakes Unit Vancouver, British Columbia Telephone: (604) 666-5225 Fax: (604) 666-2622	and	Department of Indian Affairs Lands & Trust Services - BC Region Vancouver, British Columbia Telephone: (604) 666-2122 Fax: (604) 666-2670
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TAB 129

FRIDAY, THE 5TH DAY OF
AUGUST, A. D. 1955.

HUGH WARDROPE,
Asst. Chief Commissioner.
A. SYLVESTRE, Q. C.,
Deputy Chief Commissioner.

IN THE MATTER OF the application of the Department of Highways of the Province of British Columbia, hereinafter called the "Applicant", for authority to construct its Agassiz-Rosedale Highway across the right of way of the Canadian National Railways by means of an overhead bridge at mileage 63.26 Yale Subdivision, in the Province of British Columbia, as shown on Plan No. 1414-2, dated September 23, 1954, on file with the Board under file No. 47976:

UPON reading the submissions filed; and upon the consent of the Department of Highways of the Province of British Columbia —
IT IS ORDERED

1. That the Applicant be, and it is hereby, authorized to construct and maintain, at its own expense, its Agassiz-Rosedale Highway across the right of way of the Canadian National Railways by means of an overhead bridge at mileage 63.26 Yale Subdivision, in the Province of British Columbia, as shown on the said plan on file with the Board under file No. 47976.

2. That the overhead bridge hereby authorized be constructed in accordance with the requirements of General Order No. 589; detailed plans showing the layout thereof to be submitted for the approval of an Engineer of the Board.

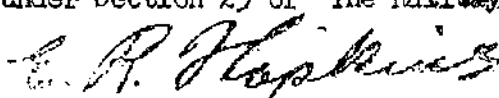
(S'G'D) HUGH WARDROPE,

Assistant Chief Commissioner,

The Board of Transport Commissioners for Canada.

BOARD OF TRANSPORT COMMISSIONERS FOR
CANADA

Examined and certified as a true copy
under Section 23 of "The Railway Act".



(E. R. HOPKINS)

Secretary, Board of Transport
Commissioners for Canada,
OTTAWA, August 8, 1955.

TAB 130

77-6A

BOARD OF TRANSPORT
COMMISSIONERS FOR CANADA



COMMISSION DES TRANSPORTS
DU CANADA

ORDER NO. 94564

THURSDAY, THE 12TH DAY OF
JUNE, A.D. 1958

HUGH WARDROPE, Q.C.,
Asst. Chief Commissioner.
H.B. CHASE, C.B.E.,
Commissioner.

IN THE MATTER OF the
application of Canadian
National Railways, hereinafter
called the "Applicants", under
section 254(5) of the Railway
Act, for authority to operate
under the overhead bridge at
mileage 63.26 Yale Subdivision,
in the Province of British
Columbia, which was constructed
under Order No. 86719, dated
August 5, 1955:

File No. 47976

UPON reading the submissions filed--

IT IS HEREBY ORDERED AS FOLLOWS:

The Applicants are authorized to operate under the
overhead bridge at mileage 63.26 Yale Subdivision, in the Province
of British Columbia.

(SGD) HUGH WARDROPE,

Assistant Chief Commissioner,

The Board of Transport Commissioners for Canada.

BOARD OF TRANSPORT COMMISSIONERS
FOR CANADA

Examined and certified as a true copy
under Section 23 of "The Railway Act",

(J.D. BEATON)
Acting Secretary, Board of Transport
Commissioners for Canada,
OTTAWA, June 16, 1958.

94564

TAB 131

MINISTRY OF TRANSPORTATION (MoT)

PROPERTIES AND BUSINESS MANAGEMENT BRANCH (PBMB)

http://www.th.gov.bc.ca/mot_org/arb/properties.htm
<http://gww.th.gov.bc.ca/gwwpbm/Content/Home/Home.asp> (intranet)

ROAD RESEARCH REPORT CHECKLIST

Cheam Indian Band

Cheam IR 1

Highway 9 Rosedale-Agassiz Bridge Approach

February 2007

Please **COMPLETE** the Road Research Report Checklist ("the Checklist") with a "X" mark for the source(s) consulted and if applicable specify the records found at that source. **SUBMIT THE COMPLETED CHECKLIST WITH YOUR FINAL REPORT AS AN ATTACHMENT (TAB).**

For convenience, the Checklist is divided into 9 categories: page

1. RESEARCH SOURCES LOCATED AT HEADQUARTERS, <i>MoT</i> _____	1
2. RESEARCH SOURCES OBTAINED FROM REGIONS AND DISTRICTS, <i>MoT</i> _____	5
3. CROWN LAND REGISTRY SERVICES, <i>MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT (MSRM)</i> _____	7
4. British Columbia ARCHIVES (BCA) _____	11
5. AIR PHOTOS _____	16
6. FEDERAL RECORDS _____	17
7. INDIAN RESERVE SCHEDULES (Available at PBMB) _____	18
8. MISCELLANEOUS _____	20
9. NOTES PAGE _____	22

***Note:** This is not an exhaustive listing of all sources nor is research intended to be limited to the following sources. These listed sources are standard and do not encompass individual, unique or possibly obscure references that a researcher may access. Such additional sources should be noted in the "Miscellaneous" section of the Checklist.

MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST

1. RESEARCH SOURCES LOCATED AT HEADQUARTERS

MoT

- NTS Reference Maps: 1:50 000, 1:100 000, 1:125 000 and 1:200 000 scales**
PBMB

- M-Stick collection**
PBMB

PBMB has a wide assortment of Federal, Provincial and miscellaneous plans. The indexes to M-Sticks 1-2320 are located in the old 8 volume set of blue binders (closed as of September 2000) and in an updated Microsoft Excel spreadsheet.

I-156 (Accession 93-7016-89)

- Road Survey (RS) Plans**
Finance and Administration Section, Highways Department

Computer and manual quadrant indexes. Of the approximately 14,000 road survey plans about 2,000 are stored on 105 mm aperture cards. Also check PBMB M-Stick collection.

RS 2549 (Accession 93-7016-89)

- Davenport Maps (M-Stick collection)**
PBMB

Covers the area of Vancouver Island.

MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST

- Old "CB" (Cardboard Mounted) Maps (+/- 1910-1960) showing Gazetted Roads plotted on the Maps
PBMB (obtained from the Systems Planning and Policy Branch)

- Municipal Maps
Systems Planning and Policy Branch
May be helpful if the Indian Reserve is located within/near a municipal boundary.

- Bridge Plans**
Engineering Branch, Bridge Engineering Section
May be helpful if a specific bridge is located within or near an Indian Reserve. Consult the index to view the plans on microfiche.

File #1287 -Agassiz-Rosedale Bridge Reports 1955-1964 Accession 91-9689-26 (ENG-Bridge Engineering)
File Bridge #1287- Agassiz-Rosedale Bridge- Prepakt Co. Corres. 1953-1955 Accession 91-9689-25 (ENG- Bridge Engineering)

- PS Files**
PBMB

PS 6196 (1) General- Cheam I.R. # 1 1945 to 1974 (Accession 94-6023-19) (HQ)
PS 6196 (2) General- Cheam I.R. # 1 1975 to 1995 (Accession 94-6023-19) (HQ)

P/N 6196 (1) Cheam Indian Reserve # 1 (Previously R/W 4652) (Accession 94-5089-23) (SCR)
P/N 6196 (2) Cheam Indian Reserve # 1 (Previously P/N 16388) (Accession 94-5089-23) (SCR)
PS 6196 (3) Cheam Indian Reserve # 1 Maps (Accession 94-5089-23) (SCR)
PS 6196 (4) Cheam Indian Reserve # 1 Highway # 9 Rosedale Br./Ferry Rd. # 1 (Accession 94-5089-23) (SCR)
PS 6196 (5) Cheam Indian Reserve # 1 Highway # 9 Rosedale Br./Ferry Rd. # 1 (Accession 94-5089-23) (SCR)
PS 6196 (6) Cheam Indian Reserve # 1 Highway # 9 Rosedale Br./Ferry Rd. # 1 (Accession 94-5089-23) (SCR)

**MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST**

Headquarters Files ("Greenback" Files)

PBMB/FOI

The index is located in PBMB and the files are ordered through FOI.

File 1550 (4) to (6) Chilliwack Dist Bridges Generally 1949-1978 Accession 88-1306-16 (General Office)
File 2134 (1) Chilliwack District Proposed Bridge- Agassiz 1947-1952 Accession 88-1306-38 (General Office)
File 2134 (2) to (8) 1 Chilliwack District Proposed Bridge- Agassiz 952-1955 Accession 88-1306-39 (General Office)
File 2134 (9) to (13) Chilliwack District Proposed Bridge- Agassiz 1955-1978 Accession 88-1306-40 (General Office)
File 2134 (ENC) Agassiz-Rosedale Engineering Report # 43 1974 Accession 88-1306-40 (General Office)
File 4458 (1) Chilliwack District Agassiz-Rosedale Ferry Road 1917-1943 Accession 88-1308-193 (IPR)
File 5097 (1) Chilliwack District 1908-1961 Accession 88-1306-101 (General Office)

4767 series of Headquarters Files

PBMB (STORED OFFSITE)

MoT HQ file 4767 contains correspondence between the Lands Branch and the Department of Public Works regarding roads through some Indian Reserves.

File 13100-20 HQ 4767-37 Cheam IR # 1 1933-1974 Accession 94-2082-5 (IPR)

Indian Reserve Cut-Off Folders

PBMB

Ministry of Transportation Annual Reports

PBMB

Most reports between 1873 and present are held by PBMB. Missing reports may be available in the Finance and Administration Section, Highways Department.

Searched annual reports for period of bridge planning and construction from 1950 to 1956.

MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST

Ministry of Energy and Mines Annual Reports

PBMB

Check the Ministry of Energy and Mines library for reports not available in PBMB. Indexes and reports are also available at the British Columbia Archives (BCA) and the Geographical Names Unit, MSRM.

Federal Minutes of Decision

PBMB

Located on cd.

Gazette Notices

PBMB, Finance and Administration Section, Highways Department

PBMB holds an old binder that records gazette notices from 1873-1953. Gazettes and indexes for the Colonial period through to 1980 are available at BCA; more recent notices at the Legislative Library. The Finance and Administration Section, Highways Department maintains the GRS (Gazette and Road Survey) database and index and also holds copies of all Gazette notices in binders and books.

Indian Reserve Information Sheets

PBMB

Other Sources

MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST

2. RESEARCH SOURCES OBTAINED FROM REGIONS AND DISTRICTS

MoT

Regional Files

File 11050-30 Highways- Road and Bridge Histories- Reserve bridge # 1 1953
Accession 94-1257-46 (SCR)
File 11050-30 Highways- Road and Bridge Histories- Reserve bridge # 3 1953-1954
Accession 94-1257-46 (SCR)
File 11050-30 Highways- Road and Bridge Histories- Reserve bridge # 4 1954
Accession 94-1257-46 (SCR)
File 13350-20 Bands and Tribal Councils- Fraser Valley district IRs 1989-1990
Accession 94-1257-18 (SCR)
File 13350-20 Bands and Tribal Councils- Fraser Valley district IRs 1990-1991
Accession 94-1257-34 (SCR)
File 13350-20 Bands and Tribal Councils- Fraser Valley district IRs 1991-1992
Accession 94-1257-22 (SCR)
File 13350-20 Bands and Tribal Councils- Fraser Valley district IRs 1993-1994
Accession 94-1257-23 (SCR)
File 13350-20 Bands and Tribal Councils- Fraser Valley District IRs 1997 Accession
92-1257-45
File 13350-00 Bands and Tribal Councils- Policy and Procedures 1997-1998
Accession 94-1257-45 (SCR)
File 31000-20 Cheam Band 1999-2001 Accession 95-2579-15 (Chilliwack Area Office)
File 11050-50 Intersection History- Yale Road & Highway # 9 2000-2001 Accession
95-2579-3 (Chilliwack Area Office)
File 13000-01 Aboriginal Relations - General 1998-2004 Accession 95-2579-3
(Chilliwack Area Office)
File 13350-53 Bands & Tribal Councils Issues- Cheam Indian Reserve 1998-2003
Accession 95-2579-3 (Chilliwack Area Office)
File 202-20/HOT Committees and Commissions- Ministerial- Aboriginal Issues- Hot
Issues 1993-1999 Accession 94-6801-9 (?)
File 11050-40 Road History case files- Agassiz-Rosedale Highway 1997-1998
Accession 94-1257-46 (SCR)
File 11050 Agassiz Mountain Bridge 1952-1953 Accession 92-1257-46 (SCR)
File 11100 Highways - road reports- Fraser valley district 1954 Accession 94-1257-46
(SCR)
File 11100 Highways - road reports- Fraser valley district 1959-63 Accession 94-1257-
46 (SCR)
File 31510-20 Reserves- Indian 1962-1989 Accession 93-2655-14 (Lower Mainland
District Office)
File 0-65A Reports Progress 1959-1974 Accession 94-3135-12 (SCR)
File 0-65B Reports Progress 1961-1971 Accession 94-3135-12 (SCR)
File 11E-40-202 Agassiz- Rosedale Bridge 1958-1964 Accession 94-3135-16 (SCR)
File 11E-20-8 Agassiz- Rosedale Area 1962-1963 Accession 94-3135-16 (SCR)
File 11E-20-8 Agassiz- Rosedale Area 1965-1966 Accession 94-3135-16 (SCR)

**MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST**

File 11E-20-* Agassiz- Rosedale Area 1958-1967 Accession 94-3135-85 (SCR)
Bridge Off-site design briefs- Agassiz-Rosedale Bridge 1954-1955 Accession 92-8801-1 (SCR)
File Agassiz-Rosedale 1957 Accession 93-1368-01 (SCR)

District Files

See above. District and Regional files have not been distinguished.

Region and/or District Maps and Plans

Other Sources

Road Register Sheets

Obtained from the Districts and the old Road Register binder at HQ.

3. CROWN LAND REGISTRY SERVICES

MSRM

The collections of materials here are filed in rooms (vaults). Maps, plans, and survey filed books are usually kept in the Plans Vault; correspondence and other written materials are normally kept in the Files Vault; township and district lot registers are kept in the Registers Vault; and copies of the Crown Grants and associated plans are kept in the Crown Grants Vault.

PLANS VAULT

INDICES/CATALOGUES

- Indian Reserve Lot Register (vol. 28)
- District Lot Registers
- Index cards for any other clues to Maps/Plans

THINGS TO ACQUIRE

- Official Indian Reserve Plan**
(Approved by the Chief Commissioner of Lands and Works (CCLW))
Note: check cross references to Lands Branch records - files, survey plans and reference maps.
- Surveyor's field notes and attached Legal Survey Plan**
From the original survey of the Indian Reserve and any subsequent surveys.
- Official Survey Plan for District Lots adjacent to Indian Reserve**
- Surveyor's Field Notes and attached Legal Survey Plan for adjacent District Lots**

MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST

Obsolete Reference Maps

Railway Plans

FILES VAULT

INDICES/CATALOGUES

Lands Branch "Correspondence In"

Indexes to early "Correspondences In" to the Chief Commissioner of Lands and Works (CCLW). Copies of correspondence held on microfilm in GR 1440 at British Columbia Archives (BCA). They are especially useful for District Lots adjacent to Indian Reserves.

**MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST**

THINGS TO ACQUIRE

- Any files cross-referenced on official Indian Reserve Plan
- Lands files dealing with adjacent District Lots
- Provincial Minutes of Decision

- Lands Branch File 026076**

This is the Lands Branch file containing 26 volumes of Provincial records on Indian Reserves, from about 1912 to the 1970's.

REGISTERS VAULT

- Obsolete District Lot Registers for District Lots adjacent to Indian Reserve
- Legal District Lot Registers for District Lots adjacent to Indian Reserve
- Township Lot Land Registers
- Township Site Land Registers
- Old Township Plans (file numbers are often plotted on plans)
- Railway Belt Lot Land Registers

MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST

- Crown Grants on microfiche for District Lots adjacent to Indian Reserve
(plans typically attached)

MAIN OFFICE

- Lands Reference Maps
 Railway Belt and Peace River Block Township Plans

CROWN GRANTS VAULT

- When deemed necessary to check the original document for colours or
other clarification

- Other Sources

4. British Columbia ARCHIVES (BCA)

This listing of British Columbia Archives material is not exhaustive and highlights a small portion of sources that may be pertinent. The **BCA web site** is an excellent research starting point but note that not all cataloged records, photos or publications are listed at the website. The old manuscript catalog, map catalogs and the library catalog for pre 1985 publications must be searched manually. Also note that no new entries are being added to the hardcopy catalogs.

Consult the reference staff for searches (ARIS database and list of pre ARIS accessions) for information concerning uncatalogued records. Access to uncatalogued records will be through the FOI section of the Archives.

Inventories of many government records are held in the blue binders on top of the catalogs in the Archives' Reference Room

Binder 15

(British Columbia Lands and the predecessor Lands and Works) may prove particularly useful. Consult binder 15c (Herald Street Inventory) for miscellaneous records dating back to the nineteenth century.

Binder 25

There are many federal records at BCA, but for researching roads through Indian Reserves, your scope needs to be focused. Consult Terry Young's research guide for assistance.

The BCA Internet home page has earned a reputation for its excellence. Much preliminary investigation can be done using your computer. Remember though, not all catalogued records, maps, photos, or publications are listed at the website.

Provincial Minutes of Decision - GR 2982

GR 2982 is "searchable" on the BCA website. PBMB has an index to the Minutes of Decision.

MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST

- Colonial Correspondence - GR 1372**

- Records of the Department of Public Works**

See binder or search "Public Works" finding aids in the textual records section of the BCA website.

- Records of the Department of Lands**

See binder or search "Lands" finding aids in the textual records section of the BCA website.

- Add. Mss. 2728**

Pritchard's index to aboriginal related correspondence in GR 1440.

- Historic Maps/Cartographic Records of the area**

**MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST**

Photographs/Visual Records

Records of the Department of Indian Affairs Record Group (RG) 10

The Central Registry files are divided into two series: the Black Series (Western Canada) and the Red Series (Eastern Canada but some administration files relating to British Columbia can be found in the Red Series). Microfilm copies of many of the files in the Black Series are held in the British Columbia Archives in GR 1751.

THE CENTRAL REGISTRY INDEX

This is available on line at the **National Archives of Canada (NAC) web site** or on the indexes below which it replaces:

Microfiche BF 40

Microfilm Reel B1394

Index to the Black Series is on microfilm.

The original pre computerized index to GR 1751

This index is available in hardcopy from the Reference Desk. If you decide to use this, it should be used in conjunction with the finding aid to GR 1751. Ask the reference staff for assistance.

Records Found

RG10, Indian Affairs , Volume 13299, File 153/31-4-36 File Title: Cheam Road Right of Way 1954/06-1960/10

RG10, Indian Affairs, Volume 13300, File 153/31-5-36-1 File Title: Miscellaneous Right of Way - Cheam IR# 1 1939/02-1960/08

RG10, Indian Affairs, Volume 13300, File 153/31-5-36-1 File Title: Miscellaneous Right of Way - Cheam IR# 1 1939/02-1960/08

RG10 , Indian Affairs , BAN 1999-00289-X , Box 1 987/3-8-36 , File Title: Complaints - Cheam 1952/05-1957/10

RG10, Indian Affairs , Volume 13499, File 987/31-4-36-1, Part 1 File Title: Rights of Way - Cheam Band Cheam #1 Reserve 1918/12-1953/11

RG10, Indian Affairs , Volume 13499, File 987/31-4-36-1, Part 2 File Title: Rights of Way - Cheam IR #1 1953/11-1959/03

RG10, Indian Affairs , Volume 13500, File 987/31-4-36-1, File Title: Provincial Highway - Agassiz Cheam IR #1 - Tollbridge 1954/06-1960/10

RG10, Indian Affairs , Volume 13514, File 987/33-0-36, File Title: Individual Land Holdings - Cheam Band 1949/05-1963/11

RG10, Indian Affairs, Volume 13367, File 987/3-6, Parts: 1 File Title: New Westminster Agency - Minutes of Council 1952/09-1954/01

RG10, Indian Affairs, Volume 13367, File 987/3-6, Parts: 3 File Title: New Westminster Agency - Minutes of Council 1957/01-1959/11

RG10 , Indian Affairs , Volume 13367, File 987/3-6, File Title: New Westminster Agency - Minutes of Council 1955/01-1956/12

**MINISTRY OF TRANSPORTATION
PROPERTIES AND BUSINESS MANAGEMENT BRANCH
ROAD RESEARCH REPORT CHECKLIST**

RG10 , Indian Affairs , Volume 13367, File : 987/3-6, Parts: 4 File Title: New Westminster Agency - Minutes of Council 1960/01-1962/12

"Not Filmed" files

If you locate a file number pertaining to the Indian Reserve you are researching, but it is marked "not filmed," you may not find it at the British Columbia Archives. If that's the case, you can borrow it (and reels not held by the Archives) from the National Archives (NAC) in Ottawa through inter-library loan (ILL). As the loan process can be lengthy, identify and request the files you need as soon as possible. Also, limits apply on the number of reels sent per ILL request.

FURTHER SUGGESTIONS

Public Accounts

Detailed records of expenditures arranged by Ministry and vote. Not catalogued. Request by title and year at the Retrieval Desk.

Local histories may contain information on roads

Search for these in the manuscripts and library catalogs.

Ministry Records Officer (MRO)

For assistance in locating government records not held by the Archives contact the MRO for the ministry in question. A list of MROs can be found at the British Columbia Archives web site. See instructions on **page 46** of the PBMB's *Guide for Researching Roads through Indian Reserves in British Columbia*.

Research reports not located in BCA may be held in Ministry Libraries

E.g.: archaeological reports and studies in the Heritage Resource Center Library of MSRM.

5. AIR PHOTOS

Indexes to Provincial air photos
Geographic Data British Columbia, MSRM
Stored on location or at Glendale.

Indexes to Federal air photos
National Air Photo Library, Ottawa

Other Sources

Air Photo inventory checked on-line and relevant air photos retrieved.
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NOTES

6. FEDERAL RECORDS

Indian Reserve CLSR Plans

Natural Resources Canada (NRC), Legal Surveys Division

This index lists ALL plans available to date for any registered projects on Indian Reserve, including roads. ***Do not overlook these records.*** These updated indexes can be ordered from the NRC Vancouver office and sent via e-mail. Also check PBMB's M-Stick collection and pertinent PBMB Road Research Reports. Note, PBMB holds the older six volume blue binder index to the Indian Reserve CLSR Plans.

Online search of NRCAN's website conducted and copied of relevant plans collected from NRCAN in Vancouver.

Reserve General Registers

The old manual registers are currently being updated by a computerized Indian Lands Registry System (ILRS). The ILRS printout will provide the most recent information, but the old manual registers provide details omitted from the ILRS. Order the RGRs from the INAC regional office in Vancouver. You will be sent the ILRS printout unless you specify the old register. Any of the documents (instruments) listed on the RGR can be subsequently ordered from the same office.

Other Sources

7. INDIAN RESERVE SCHEDULES (Available at PBMB)

PCO 1913/205

For Indian Reserves located inside the Railway Belt and Peace River Block.

OIC 911/1923 (Provincial)

PCO 1924/1265

PCO 1930/208

OIC 1036/1938 (Provincial)

1916 Report of the Royal Commission

Transcripts of evidence presented to the Commission can be researched at the British Columbia Archives: MS 1056.

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1943 Schedule of Indian Reserves in the Dominion of Canada

Extract collected from PS file.

Schedule of Canada Lands in the Province of British Columbia

PBMB

Published September 1, 2000 by Natural Resources Canada, this catalog contains an alphabetical listing of Indian Reserves and Bands and the Bands alternate name(s). Other useful information listed includes: the area (ha.), latitude/longitude, NTS sheet and a brief description of the Indian Reserves. It may also be useful to check earlier versions of the listings, available at PBMB, including: 1996, 1992, 1990, 1972.

Other Sources

NOTES

8. MISCELLANEOUS

Web sites

The following web sites contain information on aboriginal and non-aboriginal issues. Researchers are encouraged to use the Internet as a source of information while conducting road and Indian reserve research. The brief list below may provide a starting point. Researchers may also wish to conduct Internet searches for specific local governments, museums and libraries. Key word searches to find specific web sites have been provided in **blue text**. Addresses have not been listed, as they tend to change frequently.

- British Columbia Archives
- National Archives of Canada
- Natural Resources Canada
- British Columbia Superior Courts
- British Columbia Treaty Commission
- Ministry of Sustainable Resource Management
- Ministry of Sustainable Resource Management, Archaeology Branch
- Geographic Data British Columbia
- Geographic Data British Columbia, British Columbia Geographical Names
- Early Canadiana Online
- National Library of Canada
- Indian and Northern Affairs Canada (INAC)
- Union of British Columbia Indian Chiefs (UBCIC)
- British Columbia Treaty Commission
- Miscellaneous "Links to Aboriginal Resources" (Bloorstreet)

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- Ministry of Forests (MOF) file vault for Forest Service roads

- Orders in Council (OICs)

OICs may be searched and copies obtained at Order in Council Administration (Ministry of Attorney General). Indexes and microfilmed Orders in Council are also available at the British Columbia Archives.

- Senior Manager

PBMB

Discuss with PBMB regarding questions/answers involving Treaty Negotiations.

- Key Contacts

Barry Eastman, Operations Manager, Chilliwack Area Office

- Other Sources

