

Lower Nicola Indian Band Traditional Holdings Project Phase 1 Report: Research and Community Engagement

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Acronyms

BCR	Band Council Resolution
BCSC	British Columbia Supreme Court
CLSR	Canada Land Survey Record
COI	Conflict of Interest
CP	Certificate of Possession
CPR	Canadian Pacific Railway
DIA	Department of Indian Affairs
DIAND	Department of Indian Affairs and Northern Development
DOJ	Department of Justice
DL	District Lot
DR	Dispute Resolution

FNLMA	First Nations Land Management Act
FNLRS	First Nations Land Registry System
ILH	Individual Land Holding
ILRS	Indian Land Registry System
INAC	Indian and Northern Affairs Canada
IR	Indian Reserve
IRC	Indian Reserve Commission
KDYD	Kamloops Division of Yale District
LAB	Land Advisory Board
LMAC	Lands Management Advisory Committee
LNIB	Lower Nicola Indian Band
LT	Locatee ticket
LTS	Land Title Survey
LUP	Land Use Plan
MOI	Minister of the Interior
NETI	No Evidence of Title Issued
NKS	Nicola Kamloops Similkameen
NNTC	Nlaka’pamux Nation Tribal Council
NV	Nicola Valley
NVIA	Nicola Valley Indian Administration
OIC	Order in Council
PCOC	Privy Council Order in Council
RoW	Right of Way
TOR	Terms of Reference
TUS	Traditional Use Study
UBCIC	Union of BC Indian Chiefs



As Lower Nicola Indian Band members, living on or off-reserve, we all have connections to our lands. Our parents, grandparents, great-grandparents have lived on our lands and taken care of them for our children, grandchildren and great-grandchildren.

In the past, we made decisions about our lands that were based on our traditions. We knew the right way to live and to care for our lands. We chose our leaders, knowledge keepers and stewards according to our unwritten protocols and traditions. Each had a role in caring for our lands, and each had a role in making decisions.

Things began to change in the 1860s-1870s with the setting aside of reserve lands. Outside governments made it illegal for us to gather together to make decisions about our future. Our traditional governance was replaced with an election system under the Indian Act. Families and communities were split, and many of our children were taken from the land and put in schools. Despite these challenges, we keep our traditions alive, passing this knowledge on to younger generations.

Our community and families have grown, and many have moved away to pursue work, post-secondary education or for other opportunities. We are all still Nłeʔkepmx. We can trace our histories and traditions back to our ancestors. But as a community, we have lost our common understanding of how and why decisions were made in the past. Many have forgotten that it is our traditional protocols and teachings that must continue to guide us. It is time we gather together, to share and remember.

INTRODUCTION

In December 2016, the LNIB Land Code came into effect, placing control of reserve lands back in the hands of the community and marking an end to 130 years of restrictions and barriers to land management under the Indian Act. The LNIB Land Code enables the Band to pass laws and make decisions about reserve lands that reflect the cultural, economic and social values, protocols and circumstances of our community. Land Code presents unique opportunities for the community to build on past efforts to reconcile the past, the present and the future and find a way forward for the benefit of all LNIB members.

The LNIB Lands Department has long been challenged to manage reserve lands in ways that balance the needs of all community members with the cultural principles and protocols of landownership and family-based decision-making. Many of these challenges have become increasingly complicated over generations as families grow and their connections to the land base change over time. These challenges are compounded by a reserve land base that is inadequate for the needs and visions of the growing community.

Recognizing the potential of Land Code to address and reframe these challenges in new, culturally relevant way that take into account local realities, LNIB is undertaking a number of initiatives under the Land Code, including the Traditional Holdings Project, which is the focus of this report. Traditional holdings – also known as family lands – are sections of LNIB reserve land occupied by members, and to which those members have asserted an interest or right but are not formally recognized as allotments by LNIB (LNIB BCR 4 Dec. 2018). Registering traditional holdings, either through the issuing of Certificates of Possession (CP), or through other formal mechanisms, is viewed as important to securing community members' futures on their lands, as well as providing the Band with more certainty in planning for infrastructure, economic development, housing, education and other services and initiatives that benefit all members.

The Band recognizes that community members' connections to their traditional land holdings (and to land more generally) reflect cultural principles and protocols, and that these must be central to any formal decision-making processes and laws moving forward. Through the Traditional Holdings Project, LNIB hopes to learn about and document cultural and traditional approaches to land rights and traditional holdings, and to determine the best ways to incorporate these into laws and policies under Land Code (specifically an Allotment Law) that have the support of the community.

This report presents information gathered during Phase 1 of the Traditional Holdings Project, which ran from March 2019 to March 2020. During this phase, the Project Team carried out

historical research and reviewed documents related to LNIB lands and decision-making in the past, and about Nle?kepmx/LNIB principles and protocols guiding decision-making in the community. The Project Team also engaged with the community at meetings and interviews, and through surveys, to learn about families' connections to land on LNIB reserves, the ways that these connections have changed over time, the challenges community members face regarding ownership and access to land, and their recommendations for how the Band should move forward with laws and policies under the Land Code. This information is presented below, along with recommendations for criteria that should be considered in the creation of an LNIB Allotment Law, and in any associated decision-making processes. Recommendations for carrying out the next phases of the Traditional Holdings Project are also included at the end of the report. The Project Team hopes that this report can serve as a reference and a roadmap, going forward.

PROJECT GOALS

Overall Goals:

1. To gain a more thorough understanding of the history of Nle?kepmx/LNIB protocols and principles related to land holdings and decision-making.
2. To gain a comprehensive understanding of resolution processes that have been tried, either internally or externally, prior to entering Land Code.
3. To meet with and learn from community members about their connections to traditional holdings, and their knowledge and preferences regarding protocols and customs for land holdings, registrations, transfers, dispute resolution and redress.
4. To consider how a process for addressing traditional holdings could align with and support long-term community goals of sustainability, community well-being, smart growth, protecting environmental and heritage values, and ensuring that land decisions are made with the benefit of the whole community in mind.
5. To consider how a process for addressing traditional holdings could align with other laws and policies under the LNIB Land Code (current and proposed.)
6. To recommend criteria that LNIB should consider when making decisions about developing policies and an Allotment Law to formalize unregistered traditional holdings.

Specific Goals - Research

1. To review and synthesize available materials related to protocols, historical events and other relevant information about traditional holdings by LNIB families, including a comprehensive understanding of past efforts to resolve these issues.
2. To identify gaps in LNIB records, and begin the process of locating, ordering, copying and processing any additional documentation.
3. To highlight areas where other LNIB work could help inform this process (e.g. Water Governance work).
4. To gather any genealogical resources from the documents reviewed.
5. To support the development of a robust LNIB repository of materials related to traditional holdings, and laws, protocols and customs related to land holdings.

6. To draw on research materials to inform recommendations for criteria for an LNIB Allotment Law.

Specific Goals - Community Engagement

1. To engage regularly with the Land Management Advisory Committee (LMAC) for guidance and direction.
2. To engage with Chief & Council and Department Heads to learn about their experiences with and knowledge of protocols and decision-making around lands, and issues with traditional holdings that they may encounter in their work.
3. To engage with LNIB members to learn about family and individual experiences with traditional holdings and decision-making around lands.
4. To draw on community engagement (interviews, family sessions, questionnaires, community open houses) to inform recommendations on criteria for the LNIB Allotment Law.

METHODS AND APPROACHES

Guidance from LMAC

The Project Team met with the Lands Management Advisory Committee (LMAC) in March 2019 to introduce the project and ask if LMAC would be willing to provide guidance throughout the project. They agreed, and the Project Team regularly reported to LMAC. New LMAC members were appointed in early 2020, and the Project Team met with them on Feb. 10 to report initial findings and recommendations, and to seek the input and advice of LMAC members in finalizing the report and presenting it to the community.

Documentary and Historical Materials Research

Documentary and historical materials research included identification and review of the following sources:

1. Reviewed the LNIB Land Code to understand parameters of a potential Allotment Law – what it needs to address and include, terminology already defined, etc.
2. Identified, reviewed and summarized materials related to 1) protocols, principles and laws, and 2) individual land holdings and issues. Access to Information (ATIP) and Freedom of Information (FOI) requests were made for relevant documents as required.
3. Reviewed the Miller Thompson research materials on LNIB estate files.
4. Compiled relevant maps and plans (focused on IRs 1, 2, 4, 5).
5. Protocols research (reviewed any documentation relating to Nle?kepmx protocols, laws, traditions and practices including thesis, articles, community projects/documents and past projects).
6. Reviewed allotment law resources.
7. Reviewed previous land claims (specific land claims) research files.
8. Reviewed LNIB land files/LNIB SharePoint site for internal resources. A considerable amount of documentation was found in these files.
9. Reviewed select Indian Affairs files.
10. Reviewed Toodlican Project research materials. The Toodlican Project was a small research project around a specific estate and was intended to fill in known gaps in LNIB

files to help with discussions around this estate. Research planning work identified file blocks that are potentially relevant to other estates and issues.

11. Reviewed select oral history materials.
12. Reviewed LNIB genealogical resources found in files.
13. Reviewed select entries and instruments from the First Nation Land Registry System (FNLRS) or Indian Land Registry System (ILRS) documents. These systems contain documents related to and registered interests in reserves.
14. Reviewed previous Minutes of Council and newsletters detailing Individual Land Holding (ILH) decisions.
15. Reviewed other documents deemed relevant (agreements, articles, court documents, correspondence, minutes, notes, reports or transcripts).

Relevant documents were digitized in an Endnote library for the project. The documents were either annotated or described, and entries were issue coded with keywords to aid in future use. Over 3,500 documents were reviewed and entered into this project Endnote library. Moving forward, it is hoped that these documents and summaries will be incorporated into a larger document management system.

Review of Best Practices

The Project Team identified and reviewed policies and laws from other First Nations, considering how the themes and processes in these instruments could (or could not) work in the context of an LNIB Allotment Law. The results of this review were presented in an October 3, 2019 briefing note to the Lands Department. Specific issues considered in this review included:

1. (How) does the policy or law formally address traditional or custom holdings?
2. (How) do family decision-making processes feature in the policy or law?
3. What are the composition and selection criteria for decision-makers under the policy or law?
4. What types of allotments (e.g., CPs, limited use rights) are allowed under the policy or law?
5. What types of dispute processes are allowed under the policy or law?

Community Engagement

Community Meetings

The project was introduced to the LNIB community at two introductory meetings in May and June 2019. Community members provided input on how they would like research and engagement for the project to proceed, they asked questions about how this project related to earlier LNIB efforts to resolve traditional holdings, and they answered survey questions using electronic clickers. At this meeting community members were also encouraged to contact the Lands Department if they or their family were interested in having an interview related to their family lands on reserve.

Membership Surveys

Two membership surveys delivered electronically on the LNIB website, and in the LNIB monthly newsletter. The first survey was completed in the summer of 2019, and the second survey was completed in the winter of 2019. Thirty-five community members took part in the first survey and 54 community members took part in the second survey. The surveys were designed to provide community members with other opportunities to participate in the project, and to help the Project Team to identify issues and themes to pursue with members during more in-depth interviews. Survey questions and results are included in Appendix A of this report.

Interviews with Community Members, Directors and Leadership

The Project Team contacted and followed up with LNIB members interested in family group or individual interviews to arrange sessions. In teams of two or more, the Project Team met with those interested, either at LNIB offices or at members' homes. The Project Team conducted 15 interviews with LNIB family groups and individuals between September and December 2019. These interviews were recorded and transcribed for analysis and reporting to ensure that we accurately captured and understood the information shared by LNIB members.

Members of the Project Team also presented information about the project to LNIB Chief and Council in July 2019 and sought their input and advice about a process for resolving issues traditional land holdings.

In July 2019, members of the Project Team attended a lunch meeting of LNIB Directors to discuss the project and answer questions about the methodology, process and preliminary findings. In October 2019, members of the Project Team attended a second meeting of LNIB Directors, where

they asked some structured questions about how they encounter issues related to unresolved traditional holdings in their work. An open discussion followed.

Data Analysis and Reporting

Throughout the course of the project, the Project Team submitted several reports and memos to the Director and Lands providing updates and sharing data and preliminary data findings. These included:

1. **Project Status Report #1** (September 2019) providing an overview of research and community engagement to date, along with preliminary findings and themes.
2. **A briefing note** (October 2019) reviewing best practices in First Nations allotment laws and policies addressing traditional or customary land holdings.
3. **A memo** (December 2019) synthesizing family group and individual interviews and sharing themes arising from interviews.
4. **Project Status Report #2** (January 2020) providing an update on the project, including planning for reporting and community verification.
5. **A draft report** was submitted to the Director of Lands in mid-February 2020. The findings of this report were presented to LMAC on Feb. 10, 2020 and to the community at a meeting on Feb. 12, 2020. Feedback from these two meetings was incorporated into the final report.
6. **A final report** was delivered to the Director of Lands in March 2020. Cancellation of events due to COVID-19 in spring 2020 resulted in the postponement of the LNIB Lands Department Open House. When this open house is rescheduled, the Project Team will present the final report to the community.

BACKGROUND AND CONTEXT

Nleʔkepmx Nation

The Lower Nicola Indian Band (LNIB or “the Band”) is part of the Nleʔkepmx Nation. Together, the Nleʔkepmx Nation communities have worked to protect Nleʔkepmx rights to use and occupy land¹ and resources within Nleʔkepmx asserted traditional territory². In 1985, the Nation developed the Nlakaʔpamux Claim (a comprehensive land claim) making the following assertion (1991-02-25):

Since time immemorial, we the Nlakaʔpamux have held aboriginal title to the traditional lands of our Nation. For countless generations, we have exercised sovereignty over the land, the waters, the salmon, the animals and all other resources. We have never given up our rights, those parts now controlled by others than Nlakaʔpamux were taken without our consent and without compensation.

While this was a comprehensive claim, concerning the whole traditional territory of the Nation, the principles asserted are similar to those expressed by LNIB community members about all land, on or off reserve. As Oregon Jack Creek member Bob Pasco stated in a background report on the Nlakaʔpamux Claim (ibid):

Our aboriginal rights are the property and governing rights that Native people have because of our occupation of certain land since time immemorial. Aboriginal rights come from the Creator. They are not granted from the government. Written laws may confirm, but do not create the rights.

That part of aboriginal rights which deals with land is referred to as aboriginal title. Aboriginal title is the right of native people to use and possess their land and the right to use it according to

¹ Tmixʷ, or land, means the land and everything in, on and above it.

² Though not part of this report, the Project Team have compiled key historic documents relevant to this broader issue. LNIB community members also highlighted many important title and rights petitions, statements, movements and other related documents that the Project Team have considered in our background research. A full examination of these issues is beyond the scope of this project at this time, but the important principles and concepts, particularly around the way the community and Nation view land and resources, and their views on the responsibilities and rights that arise from these, have informed the team’s understanding. See Appendix B for a summary of these key events.

how they want. Aboriginal rights include many things such as the right to hunt and fish according to traditional laws, and the right to be self-governing.

While consideration of the land question and the broader Nle?kepmx fight for recognition of aboriginal title and rights is beyond the scope of this project, the principles around land, ownership vs. use, the role of the family, decision-making, governance and dispute resolution stem from this identity. The way LNIB members feel about land on reserve reflects the way that the Nation feels about land within the Nle?kepmx territory. This must be remembered, whether we are talking about land on reserve, or land within the territory.

Historically, as a Nation, the Nle?kepmx people have dealt with the imposition of colonial law onto traditional governance and land systems. In July 1879 the Nle?kepmx came together in a large tribal gathering at a critical point in history when community members were being confined to reserves. Working together, Nle?kepmx communities devised an innovative way forward, based on traditional governance structures and traditional laws conceived and structured in a western way.³

The governance structure proposed, with authority to make rules and regulations, included:

1. An elected council comprised of a head chief and thirteen elected councilors⁴ who would hold office for a term of 3-years;
2. Hereditary tribal chiefs who would hold office for life and then not be replaced; and,
3. The Indian Agent (as representative of the Queen).

The dispute mechanism they proposed included:

1. A Committee of Council, consisting of at least three councilors, who would adjudicate alleged violations of the Council's rules and regulations.

³ The concept used was the Rule of Law. The Nation was trying to, through the rules imposed by the Provincial and Federal Governments, to ensure fair treatment, that actions should be guided by law and not an arbitrary exercising of power. This concept was not applied in BC at this time. Incoming settlers and government officials did not respect traditional laws and governance systems that had been in place since time immemorial. While the role government officials played in this proposed system is in question, it contains an important lesson for this project – How can traditional laws, teachings, principles and protocols be incorporated into a western system? The reality for LNIB today is that a fully traditional system is at odds with other structures. However, lessons can be learned from this example of innovative ways of incorporating traditional laws and principles.

⁴ A Head Chief and council was duly elected at this meeting. Meshall was chosen as Head Chief, and councillors were men deemed of sufficient stature and character to hold office.

The chief and councilors also agreed on a set of rules and regulations based on traditional principles and protocols:

1. **Education** – A school would be built with the proceeds of a school tax and fines;
2. **Medical Care** – Costs for medical care could be covered by a medical tax and fines;
3. **Behavior** - Intoxication, gambling and the potlatch were banned and subject to fines. Those in violation of the potlatch ban would be forever disqualified from becoming a chief, councilor or constable;
4. **Reserve Land** - Arable reserve land was to be divided in a fair way into individual holdings;
5. **Improvements** - Land and houses were to be kept neat and well-fenced.
6. **Compensation** – Blame was to be determined for damages caused by trespassing animals and the person at fault paid restitution.
7. **Idleness** – Idleness was to be curtailed.
8. **Restrictions** – Restrictions imposed on hunting and fishing.
9. **Justice** – Natural justice was to be followed and the rule of law observed when the Committee heard disputes. For example, the Committee was required to give notice of meetings; each Council member was required to “state their mind and their decision” for the record; and, it must not be changed after the sitting of the court. Further, all Nle?kepmx were required to respect the proceedings and to assist in enforcement.

While the focus of this project is only on LNIB Reserve lands, lessons can be learned from Nation-based work that have relevance to this project. The rules and regulations proposed around allocating arable land to individuals, the responsibility of those individuals to keep their land and houses neat and well-fenced and the onus placed on members to compensate for damages caused by trespassing animals are particularly relevant to this project.

Furthermore, these concepts are generally reflective of the information found in historic documents and learned through community interviews and discussions. People have rights to use LNIB lands, individual LNIB holdings must be used in a good way (maintained and improved) and compensation or other restitution to LNIB members and/or the community were required for damages to those improvements.

Lower Nicola Indian Band Reserves

As previously stated, this project concerns only LNIB reserve lands. Considerable background research was undertaken to understand the history of the establishment of LNIB reserves. Many of the documents collected, summarized and described will be used internally by LNIB to help inform the work moving forward. For the purpose of this project, a basic reserve history has been summarized.

Stipendiary Magistrate Peter O'Reilly allotted the first Indian Reserves in the Nicola Valley in August 1868, four months after the first settlers came into contact with the Nle?kepmx and Syilx tribes living there (1868-06-19). The policy of the day recognized "Indian settlements" as being places which showed visible evidence of continued occupation and residence (1864-10-03) and settlers taking up pre-emptions were not to include such settlements in their applications. O'Reilly was instructed by Chief Commissioner of Lands and Works Joseph Trutch to determine reserves on the spot with due consideration to the numbers and habits of the tribes. A general rule was that 10 acres of good land⁵ should be made to each family of the tribe (1868-08-05a). Reserves were to include permanent villages, fishing stations, burial grounds and cultivated lands (1874-10-14).

When he visited the Nicola Valley, O'Reilly found that the tribe under Chief Nowistican consisted of about 100, with 32 head of cattle and 200 horses.⁶ He reported having considerable difficulty in making arrangements with the Chief but eventually he allotted a single 1,000 acre reserve (subject to survey) situated on the Nicola River, about 9 miles from the foot of Nicola Lake (1868-08-29). After survey, this reserve was published in the BC Gazette at 918 acres (1868-12-26). This reserve was known as Naik (n?e'yk), and now forms part of Nicola-Mameet IR No. 1.

The 918-acre reserve excluded many important lands and resources used by the tribe. When Indian Commissioner I.W. Powell visited the Nicola Valley in July 1874, he was told by Ha-ap-tu-kan, Nawista-kan and others that settlers were taking their land and destroying their property outside of Naik (1874-07-00). After continued correspondence, protests and disputes around the

⁵ Ultimately, the quality of the land allotted was given little consideration. Government officials were more concerned with limiting the quantity of land, and opening up the country for incoming settlers. Many of the first settlers in the Nicola Valley settled along Nicola Lake, Nicola River, Guichon Creek, Mamit Lake and along the Coldwater River, places used by the Nle?kepmx and Syilx for generations. Conflict grew as settlement expanded.

⁶ Chief Nowistican was likely the man described by early settler Alexander Robb. He stated one chief in the Nicola Valley had nearly 200 horses and 20 or 30 cows. The man, a grand chief, had no less than seven wives and thirty five children living besides 12 children and an unknown number of deceased wives. Robb speculated that he was no more than 50 years old (1868-12-14).

province, a commission was established to set aside additional reserve lands. In September 1878, Indian Reserve Commissioner Gilbert Malcolm Sproat allotted additional reserves to the Lower Nicola Band including Old Zoht (Clapperton, but also known as zúx^wt)⁷, a temporary reserve at Nicola Plains⁸ (generally near kykysuhu'a'wts and nkomxawauł), Nicola Mameet IR No. 1 (including Shulus [sulús] and Springs [ptátk^w]), Joeyaska IR No. 2 (nsísq't), Pipseul IR No. 3 (pípsulh), Zoht IR No. 4 (zúx^wt - with a small accompanying allotment at the foot of Nicola Lake that was later lost - Tootch⁹), Logan's IR No. 6, Hamilton Creek IR No. 7 (scəq^wús) and Nooaitch (nəwéyc) and Shackan Reserves (sxexh^x) (recognized now as separate Bands¹⁰). Old Zoht was surrendered in exchange for Zoht IR 5 (sxats'éts'eń), Speous IR 8¹¹ was allotted in 1879 and Zoht IR No. 14 was allotted by the McKenna-McBride Commission in 1916.¹² LNIB currently has 7,128 hectares of reserve land spread out over 10 reserves (2016-11-00).¹³

LNIB reserves were allotted for the benefit of all LNIB members, but individuals had made improvements or used specific areas prior to the allocation of these reserves. The very reason

⁷ This reserve was located on District Lot 962, KDYD and was later exchanged for Zoht IR 5. It is the subject of a specific claim.

⁸ This reserve was never confirmed. Surveyor Mohun investigated the proposed location and found water to be an issue. The parcel currently forms part of the Nicola Stock Farm Ltd. Holdings and is generally located between Nicola and Merritt, north of Highway 5A and south of the Coquihalla Highway. It was included in the LNIB Commonage specific claim report.

⁹ This small parcel was intended to provide access to a fishery and former village site (Tootch) at the foot of Nicola Lake. Settlers pre-empted the land prior to 1878, so Sproat arranged a temporary exchange with settler Paul Gillie, giving him the use a portion of Zoht IR 4 (near the current Nicola Stock Farm feedlot, just north of the Monck Park Road) in exchange for allowing use of the 10-acres. While never formalized, this arrangement continued on the ground for over 15-years. This issue is explored in both the Zoht Fishery and Tootch Village site specific claims.

¹⁰ Nooaitch and Shackan separated from Lower Nicola in the mid-1950's. LNIB has been trying to access records at the tribal office about this split but have been unsuccessful in obtaining this access at the time of writing this report.

¹¹ Speous is considered in the Hamilton and Lundbom Commonage specific claim as it was intended as a reserve to be used for grazing purposes. Grazing has always been an issue central to LNIB's concerns about land and resource use in the Nicola Valley. Archival records, particularly the reports of the Grazing Commissioner (Lands O-Series correspondence files) and DIA Annual Reports attest to the growing number of stock raised by LNIB members and the increasingly restrictive impacts faced in accessing Crown Lands for grazing purposes. Over time, though reserves were never intended to be sufficient for grazing all stock, members had to winter their stock on reserves and use fields to grow enough hay for winter feed. In 1992, Chief Don Moses provided testimony before the Royal Commission and spoke about cattle and horses being forced off the range, being shot or stolen (1992-11-05b).

¹² Zoht IR 14 is also the subject of a specific claim report. Zoht IR 14 was greatly reduced by the Ditchburn-Clark Commission on the recommendation of the Grazing Commissioner that the original extent was excessive and unnecessary. At this time, the Grazing Commissioner was also responsible for securing small farms for soldier settlements, and despite the lack of adequate water resources to support these farms he was advocating for the use of land in this area for that purpose.

¹³ While this is a significant increase in quantity of land, the quality of the land, and potential best use of land must also be considered. Other areas not reserved included places like the confluence of the Nicola and Coldwater Rivers near the present location of the Collettsville Park (subject of Collettsville Fishery Claim) and the many unreserved burial sites spread throughout the Nicola Valley from Shulus to Nicola Lake. A concentration of 4 burial sites between Merritt and Nicola suggests that the use of this area was much more extensive than understood when reserves were first allotted.

these lands were reserved was because they were inhabited, improved or otherwise used by LNIB members and their families. Recognition of these connections of people and families to places on the land are reflected in historic documents where specific people or groups of people (generally connected through kinship ties and frequently living together on a reserve) made important decisions about land and resources. These decision makers were not always the recognized Chief and Council of the day, though many land decisions did include these people too, and over time it is evident that government officials did not fully understand traditional governance systems that were at play. Partly for this reason, and partly in recognition of the roles these people played in a changing community terminology changed. A comprehensive review of historic documents sees the evolution of people first described as members; then captains, headmen or heads of family; then advisors, councilors or chiefs.¹⁴ The artificial segregation of the community that was a direct result of the reserve system and other colonial practices also impacted the traditional governance and decision making process such that over time, historic records show a centralization of governance, decision-making and dispute resolution in the government-recognized Chief and Council body.

Traditional land allocation systems were also impacted. Over time, land that could be freely used by the whole community, but often used, improved and maintained by individuals and families began to be more formally allocated. LNIB did this in number of ways¹⁵:

- Community recognition of existing or known individual and family connections with lands (e.g. Joeyaska, Shuter, Sterling with IR 2; Nowistican, Bent, Moses, Swakum, Pierre, Gilmore, Shuter, Jackson, Toodlican, Suchell, Stewart, Isaac, Swite, Edwards, Eusta, Charlie, Coutlee, Mike, Basil, Harry, John, Peters with IR 1; Shuter, Huljam, Tom, Sam, Swite, Joeyaska, Nowistican with IR 4, etc.). This recognition is evident in the role these people played in decisions about the land on these reserves (i.e. not everyone was consulted on every land issue and certain decisions were made by certain groups of people);¹⁶

¹⁴ What is missing from these documents is an appreciation for more traditional roles and responsibilities in relation to land. Previous research for land claims and TUS studies indicates that LNIB also had people who had specific roles in watching over certain lands and resources throughout the territory. Today we might call these people Guardians or Watchmen.

¹⁵ This is not an exhaustive list but summarize the key systems observed in historic documents discovered during the research phase of this project.

¹⁶ This list is provided as an example only and does not recognize nor exclude interests of any member of family to any LNIB reserve. The point being made is that over time, historically, records show it was certain families and people who were called upon to make important decisions about land in particular places. The community view on this is divided. Opinions range from “we all used all of the land” to “certain families or people used certain lands; and everyone had access to unallotted band lands”.

- Directions¹⁷ by Chiefs or heads of family issued to individual or families to make use of unallocated Band land for the benefit of their families. We know about these through oral testimony and witness statements, but later allocations of this type can be seen reflected in meeting minutes and other documents;
- Discussions of individual or family holdings at band meetings. A review of the minutes of Council and Band general meetings show that the individual/family need for land, for a variety of purposes, was often discussed and determined at these meetings, frequently commented on by other community members.¹⁸
- Application by individuals for land allocations. The applications, initially as informal conversations with family, between kinship groups, with Elders, Chief and Council or the larger community became formalized over time. Perspectives on permission to use land, and the ultimate authority who could grant that permission, differ between community members today, just as they did in the past.
- Band Council Resolutions. As governance became more centralized, and land decisions more vested with the elected Chief and Council, members started getting more formal recognition of Band holdings in the form of BCRs issued by Chief and Council. The criteria and process varied between councils; the prioritization of issuing BCRs varied between councils; the political will to undertake this work varied between councils and community recognition and willingness to recognize BCRs as valid evidence changed, and continues to change, over time;
- Formal recording of individual/family interests under legislation of the day. Prior to the Indian Act, Cardex holdings were recorded. Following this, Certificates of Possession were allotted to individual band members. Unlike many communities in BC, LNIB did not issue many CPs, though the community recognized land allotments in other ways. Colloquially, LNIB's use of the CP system can be characterized and understood as a tool used when formally required as a result of other processes. For example, in order for Band members to be compensated for damages and taking of land from their traditional holdings as a result of development (rights-of-way taken for oil and gas, hydro, roads, and other such uses), their interests in those lands needed to be formally recognized by the Band in the form of a BCR or CP. LNIB recognized individual interests by BCR or CP for lands impacted

¹⁷ Oral or unwritten.

¹⁸ More research is needed as there are gaps in minutes on file. Two significant factors impacted the LNIB archival files – loss of files stored at LNIB due to flood damage or physical movement of the files over time and uncertainty and inability to access lands records held by the tribal office, once responsible for the administration of all Nicola Valley Bands lands.

by the Trans Mountain Pipeline, Westcoast Energy Line, Highway 8/97C through reserves and other such developments.

These decisions and land allocations became more complex over time, where LNIB members either embraced traditional principles and systems, or *Indian Act* systems to divide original holdings or to otherwise lease, sale, or pass on these interests. Different individuals, families and Chief and Councils handled the subsequent disposition of land allocations in different ways. Furthermore, related traditional systems like traditional adoptions; traditional roles and responsibilities based on gender, age, position, or family; traditional kinship systems; and the knowledge, use and understanding of these traditions, through oral tradition or otherwise, was disrupted by outside influences. The reserve system separated families, but equally destructive were the residential school system; the loss of language; the loss of significant cultural mechanisms like rites of passage and coming of age ceremonies and responsibilities; the impact of missionaries and organized religion; changes in the economy and the way in which people could provide for their families; and, changes in priorities, opportunities, culture and norms over time.¹⁹

From 1876, when the laws concerning Indigenous peoples were consolidated into the first *Indian Act*, LNIB's land system was ultimately controlled by this legislation. The decisions made by LNIB, whether strictly adhering to traditional principles and practices or following the requirements of the legislation of the day, were not recognized and enforced unless they were formally registered and recorded. Where traditionally and, even internally still today, natural or built features or structures like trees, roads, ditches or fences were accurate enough descriptions of land to recognize boundaries between holdings, they were not enough to satisfy the requirements of the *Indian Act*. Where LNIB might value oral testimony, the knowledge of Elders and community members or verbal agreements, the *Indian Act* did not recognize these. Where LNIB may have always understood the importance of families and the need for the community to care for one another, the *Indian Act* introduced rules at odds with traditional systems. Where LNIB had internal mechanisms for making decisions, resolving disputes, determining restitution and ensuring that the whole community was healthy and strong for the generations to come, the *Indian Act* did not recognize these mechanisms.

¹⁹ It is our position that all cultures change in response to innovation and new realities. This does not mean that central values change. In this sense, our understanding is that traditional systems like land allocation systems, can change over time but still be guided by core values, principles, teachings, protocols and laws.

Indian Act²⁰ – The Past

Historically, all Lower Nicola Indian Band reserve lands and resources were managed under the *Indian Act*. Pursuant to Section 18, reserve lands were held by the Queen for the use and benefit of the Band for which they were set apart (1997-05-23). The Queen, and by association the Band Council, had a fiduciary duty to manage Band lands in the best interest of the entire Band membership, including considerations of “best use” of said lands and resources for the benefit of all members. Additionally, Band councils have a duty of procedural fairness in making any decisions that would affect the legal rights and interests of Band members (1995-07-31).²¹

Over time, individual Band members made use of Band land in various ways. Frequently, though not always, where improvements (farming, fencing, ditching, construction of homes and buildings or other improvements) were made by individual Band members the Band considered allotting reserve lands to these individuals for the use and benefit of their families. Not all Bands have chosen to do this, and in such cases the entire reserve base is held in common for all Band members. In these instances, Band members possess only their homes, not the land. However, where allocations of land were made to individuals, as has been the practice of LNIB, the requirements for recognizing these allocations was clearly outlined in the *Indian Act*.

Section 20 (1) of the *Indian Act* provides that a person is in lawful possession of lands where an allotment has been made to them by the Band Council, and where such allotment has been approved by the Minister (1987-10-07b). Band councils could allot a parcel of land, but the Minister could withhold the issuance of a CP. For a person to be entitled to possess reserve lands, they also had to be (a) recognized as a registered Indian under the *Indian Act* and (b) recognized as a member of the Band. Lawful possessors were known as Locatees.

In the past, allotments were often made at band meetings and community recognition of the allotment was made by means of a Band Council Resolution (BCR)²². The BCR was forwarded to the Minister of Indian Affairs for consideration, and if the Minister approved and deemed the BCR valid, the interest was registered in the ILRS. ILRS registration was important for recognition of the

²⁰ An Act respecting Indians (*Indian Act*, R.S.C., 1985,CI-5).

²¹ *Campbell v Elliott*, [1988] 4 CNLR 45 (BCSC)

²² A BCR must first be deemed valid – passed at a duly convened meeting, with a quorum, and not signed by a Chief or Councillor viewed as being in conflict of interest.

interest moving forward. Often a survey with an accompanying registered plan was required, including providing a legal description of the land allotted.²³

Once an allotment had been approved by the Minister, Section 20 (2) of the *Indian Act* allowed the Minister to issue to a Band member who was in lawful possession of reserve lands a Certificate of Possession (CP), as evidence of his right of possession.²⁴ A CP could be sold, transferred or willed to another Band member (1995-07-31).

Any member or members in lawful possession of the land (i.e. holding CPs) could transfer possession of the lands, under Section 24 of the *Indian Act* to the Band or another member of the Band with the approval of the Minister. Where a Band member ceased to reside on the reserve, after a period of time, and failed to dispose of his right of possession, the right of possession reverted to the Band subject to compensation for any improvements made (Section 25).²⁵

If lawful possession or occupation of reserve lands was approved by the Minister (Section 49), Band members could transfer their land interests to heirs by means of a will. No will had any legal force or effect for the disposition of land holdings until it had been approved by the Minister or the court granted probate pursuant to the *Act* (Section 45(3)). Band land, and lands claimed under traditional ownership with no corresponding CP, could not be part of an estate. Members without a will were considered intestate, and Section 48 of the *Act* determined the disposition of the estate.²⁶

While historically some LNIB allotments were made under Section 20 (1), others reflected the principles of Section 81 (1), which allowed the Band Council to make by-laws not consistent with the *Act* or with any regulation made by the Governor in Council or Minister for various purposes

²³ If the legal description was based on a location sketch, a metes and bounds description or a Cardex description, a NETI (No Evidence of Title Issued) was issued in lieu of a CP until the land was surveyed. Cardex Holdings land descriptions, an early administrative system of recording land interests prior to CP's, were often vague and inaccurate, creating many subsequent administrative problems.

²⁴ The *Indian Act* (Section 20 (3)) also recognizes Location Tickets (LT) issued under the *Indian Act, 1880* or any statute relating to the same. Certificates of Occupation (20 (5)) also allowed possession of lands in reserves for a short period of time and could be replaced by CPs subject to the fulfilment of any conditions. Lands on reserve could also be leased. Leases not granted in accordance with the requirements of the *Indian Act* were known as buckshee leases. LNIB is developing a separate policy to address these (2019-01-17).

²⁵ In the past, Indian women lost status by marrying non-Indians. Under the *Indian Act*, this loss of status also resulted in the loss of any land interests. Bill C-31 (A Bill to Amend the *Indian Act*, 1985) brought the *Indian Act* into line with the gender equality of the Canadian Charter of Rights and Freedoms. Women also frequently moved to the community of their spouse and lost the right, under the *Indian Act*, to hold LNIB lands.

²⁶ For a more detailed description of relevant sections of the *Indian Act* relating to estates (Sections 42-50), see (2012-00-00d).

including the survey and allotment of reserve lands among the members of the Band, the residence of band members or other persons on the reserve and the rights of spouses, common-law partners and children. Past research suggests this practice has been in effect from the 1950's to at least the mid-1980's, but no by-law, BCR or policy has been located outlining this practice (1986-07-00).

Land Code – The Present

When LNIB entered into Land Code on December 1, 2016, the community decided to manage its reserve lands and resources under the *First Nations Land Management Act* rather than under the *Indian Act*. The LNIB Land Code gives the community the opportunity to exercise LNIB's own powers, rights and privileges as owners over LNIB reserves. Community engagement was central to the drafting of the LNIB Land Code. Traditional customs, laws, traditions and teachings are guiding principles of the Land Code.²⁷ In order to fully implement the Land Code recognizing these principles, exercise jurisdiction over Band lands and have more certainty for community members and the community as a whole moving into the future, it is desirable to address and settle unregistered holdings on Band lands, including traditional holdings.

The Land Department recognizes that past decisions and events have shaped community and individual connections to land today, and to the issues that the Band is facing regarding land holdings. In the past, there was little space for LNIB to bring forward Nle?kepmx /LNIB traditional decision making and dispute resolution processes. Land Code provides a framework for moving forward together. Land Code gives LNIB an opportunity to resolve unregistered holdings in ways that reflect community protocols and principles, and that align with long-term planning and sustainability goals.

Contemporary Era Policies and Approaches to Land Management

Since the allotment of the first LNIB reserve in 1868 the population of LNIB has increased from 100 members to approximately 1,300 members today. While the land base increased in 1878 and again in 1916, large portions of some LNIB reserves are unsuitable for habitation or development.

²⁷ These guiding principles are laid out in the preamble to the LNIB Land Code. The preamble states: "...our relationship with the land governs our responsibility to respect, monitor, maintain, manage, protect and benefit from the land" and adds "...the Lower Nicola Indian Band recognizes the wealth and opportunity in our lands and will continue to pursue responsible economic development on our lands to support our community now and into the future"(2016-00-00b).

Land is a valuable resource and moving forward LNIB must find ways to reflect community protocols and principles in resolving outstanding traditional holdings.

Much work has been done on this issue in the past, but many traditional land issues remain unresolved. Preliminary research into some significant past efforts have determined that LNIB has engaged in three significant efforts to define a policy to address traditional holdings and prolonged efforts to implement those policies. A full understanding of these past policies and processes is required to successfully move forward. Multiple generations of LNIB members have contributed to past process. A primary goal of this project is to review those past process, examine ways in which they were successful and possible areas where they could be improved and to understand and articulate those fundamental Nle?kepmx principles – the ways that LNIB members traditionally made decisions about land and resolved internal land disputes, to build on the past efforts. Finally, this project considers what this new process could look like, given that LNIB is now in Land Code.

Based on the preliminary research conducted, our current understanding of past policies and processes is described below. The processes and policies were the 1992 John Warren Policy (1991-1999); the 2000 John Rich Policy (2000-2005); and the 2007 John Warren Policy. A fourth policy is also discussed but not fully explored as we have yet to locate key documents. This fourth policy was the Draft LNIB Land Code of 2007.²⁸

1992 John Warren Policy (1991-1999)

The first well-documented LNIB policy and process to address traditional land holdings was developed in 1992²⁹ in reaction to a number of issues that arose around that time:

²⁸ This is not to be confused with the 2016 LNIB Land Code. The 2007 Code may have been LNIB's first attempt at designing a system to opt-out of sections of the Indian Act. The *First Nations Land Management Act* came into effect in 1999. If the 2007 draft Land Code was intended to be LNIB's system under the FNLMA, considerably more research is required to understand this process. Unlike the 2016 process, the 2007 Code appears to have been drafted by an existing Committee rather than through extensive community engagement and consultation. LNIB Lands staff and community members may have a better understanding of the context of this document.

²⁹ Minutes from a March 1988 LNIB Band Meeting suggest that there was a Land Use Committee and a Land Use Policy Draft in existence at this time. Details regarding the Committee and the Policy require further research, as details are scarce. It appears this Committee was considering traditional holdings of a LNIB family at the 1988 meeting. The Minutes reported: "LAND USE COMMITTEE. There were recommendations made by the Land Use Committee and these recommendations were as follows: Based on 3(b) of the Land Use Policy Draft it is recognized that band members have the right to claim ancestral lands. (Direct line first. Indirect line second).

1. The ancestral lands of this family are in use by other band members.

2. It would be the fair thing (emphasis added) for the Lower Nicola Band to grant to this family the land they are requesting.

1. Consideration of Road Rights of Way Through Nicola Mameet IR No. 1 and Pipeul IR 3

A memo to file prepared by Leslie Pinder on Band Membership Holdings reports on individual land holdings and improvements impacted by Rights of Way claimed by the Province. Further research is required to better understand this project as details in Band files are scarce (1982-08-03). Minutes from a meeting regarding Nicola Mameet IR No. 1 attended by Leslie Pinder, representatives from the Department of Highways and Nicola Valley Indian Administration (NVIA) staff suggest that the files likely were originally held by NVIA.³⁰

2. Coquihalla Highway Construction and Opening

The Coquihalla Highway, adjacent to Joeyaska IR No. 2 opened in May 1986. Prior to construction, the issue of traditional holdings and land ownership was an issue (1983-11-29; 1986-07-00). With the opening of the Coquihalla Highway, additional issues relating to Joeyaska IR 2 came to the forefront including unresolved estate and survey issues³¹, a proposed tourist information centre,³² and the leasing of lands on Joeyaska for

3. This is not a Bill C-31 family, and this would not set a precedent for land use by Bill C-31 families.

4. The ancestral lands were agricultural lands, and the land requested is undeveloped. It would be unfair to set deadlines for development of the requested land (emphasis added).

The Land Use Committee needs more input from the Band membership and welcomes anyone to sit on this committee (emphasis added). There was a question of whether this would set a precedence to any of the new members being re-instated into the Band. It was suggested that a map be circulated to the membership indicating the exact location of the land (emphasis added) the Moses family is interested in. Austin Sterling made a recommendation that the land on the reserves should be surveyed into square lots and not in a jigsaw fashion” (1988-03-16).

³⁰ As previously indicated, LNIB is attempting to get access to these files. If still available, they likely will be found at the Scw'exmx Tribal Council (formerly Nicola Tribal Association, previously Nicola Valley Indian Administration). Near the end of this project, the Project Team also became aware of files stored in a shipping container that have not yet been located or reviewed. LNIB staff and NVIA staff jointly addressed LNIB land issues at this time, though in 1987, LNIB was considering decentralizing (1987-06-03d).

³¹ See for example a letter from the Head of Surveys & Entitlements, Reserves and Trusts to Nicola Valley Indian Administration regarding the need to survey an individual land holding on IR 2 (1985-03-20). By 1991 LNIB was considering requesting DIA conduct research to prepare a detailed report on the history of ownership of land on Joeyaska IR No. 2 (1991-02-26). Some research was done on land holdings on IR 2 by the law firm Nixon and Nixon in 1991 (1991-09-04). John Warren prepared Interim Report to the Lower Nicola Band Council on Government Records and Plans Related to Land Ownership on Joeyaska IR #2 (1992-04-00) and Report to the Lower Nicola Band Council on Government Records and Plans Related to Land Ownership on Joeyaska IR#2 (1992-05-00).

³² Circa 1986, Warren Pacific Realty Ltd. and William Kerr & Associates prepared A Feasibility Study of a Tourist Service Centre for Joeyaska Reserve (1986-00-00). At a LNIB Chief & Council meeting on May 6, 1987, the potential development of Joeyaska IR 2 was discussed. The Chief and a member of council indicated that the proposal had not been discussed with Locatees and that no BCR would be signed without Locatee consent (1987-05-06).

billboards.³³ The billboard issue eventually went to litigation (Lower Nicola Indian Band v. Trans-Can. Displays, [2000] B.C.T.C. 620 (SC)³⁴; Nicola Band et al v. Trans-Can. Displays et al 2000 BCSC 1209. Docket 19211, Kamloops³⁵; and Moses et al v. Trans-Canada Displays Ltd. 2001 BCSC 1461. Docket 19211, Kamloops³⁶). Regarding the proposed development options being considered for Joeyaska IR No. 2, a Band General Meeting was held on September 29, 1992 at Shulus to discuss this (1992-09-29c). It was determined that parties with an asserted land interest could submit documentation to Council for their review.³⁷³⁸

3. Highway Right of Way through Joeyaska IR No. 2

The Ministry of Transportation and Highways required a road right of way through Joeyaska IR No. 2 that impacted land holdings. Research was required to determine which parties should be compensated.³⁹

4. Proposed Survey Work on Nicola-Mameet IR No. 1

In 1988, LNIB prepared an extensive list of survey work required on Nicola Mameet IR No.1 (1988-12-00). The size of this list both reflects the complexity of the traditional land holding issues and the opportunity available at that time. Between 1988 and 2005, efforts to put records into the Indian Land Registry System resulted in some LTS funding to carry out survey work on reserves (2005-08-11; 2007-11-13b).

5. West Coast Energy Right of Way Through Nicola Mameet IR No. 1

Proposed compensation for the West Coast Energy Pipeline through IR No. 1 required LNIB to examine and clarify individual land holdings to determine eligibility for

³³ Unresolved individual land holding issues complicated this. LNIB learned of the leasing of part of IR 2 for billboards after the land had been leased (see for example 1992-02-11c, 1992-02-11d, 1992-02-11e, 1992-02-11f, 1992-02-11g, 1992-02-11h, 1992-02-11i, 1992-02-11j, 1992-02-11k, 1992-02-11l).

³⁴ See document 2000-08-10 and 1993-03-16.

³⁵ See document (2000-08-10b).

³⁶ See document (2001-10-23).

³⁷ The approach proposed was to ensure that all landowners benefited from the proposed development. In a letter to a claimant, the Chief stated “The Council also believes that we must recognize the traditional rights of the descendants of the original families of Joeyaska even though they may not have strong legal rights because of past decisions made through wills or by sale of land. We must follow our traditions and ensure all our people have a place to live. If we do not, any development project will be divisive and never create the benefits possible for all our people.” (1992-10-15).

³⁸ In 1994, the development of Joeyaska was considered at a Band General Meeting and the community expressed interest in pursuing development for the economic benefit of the whole community (1999-07-14b). Further research and analysis is recommended regarding this meeting as it lead to a contentious designation process and pursuing opportunities for a Band owned Development Corporation.

³⁹ See BCR (1991-01-07).

compensation. A draft list of Locatees was prepared and compensation determined (1992-04-07b; 1992-04-08b) and a settlement agreement reached (1992-08-05b). Issues that were highlighted during this process were discussed at Band meetings held on specific issues such as ownership of the Jonah Field on IR 1 (1992-10-17b) and consideration of the ownership of lands on IRs 1 and 3 at special Band meetings and follow up meetings (1992-10-29; 1992-10-29b).

From this brief historical sketch of some of the issues LNIB was addressing during this period, we get an understanding of the approach taken with respect to traditional land holdings and some of the issues that came about. To summarize, the issues and approaches included:

Challenges

- Recognition of the importance of land to individuals, families and communities;
- The need to balance individual interests and community needs so that all people had a place to live and the Band could continue to prosper for the benefit of all members;
- Dealing with complex, multi-generational issues;
- The need for a fair decision-making process;
- Understanding the association of families with lands and reserves;
- Lack of trust in Chief and Council to make decisions in the best interests of membership regarding traditional land holdings;
- The real or perceived lack of communication on Band projects;
- The lack of good surveys, or unsurveyed holdings that were never granted CPs because of the lack of a technical plan describing the land allocation;
- The lack of understanding of the facts of land transactions;
- Determining “best use” of land;
- The need to compensate for any infringements on individual improvements such as fences, ditches, roads, hayfields, gardens and buildings;
- Benefits of the community vs. benefits of the individual or family;
- Issues devolving into litigation;
- Politics (Chief and Council) interfering with process;
- Diverse community priorities

Proposed Solutions

- Respecting the community, LNIB members and traditional rights by giving members the opportunity to bring forward their concerns;
- The importance of following the spirit of Nle?kepmx traditions, which fundamentally support the health and prosperity of the individual, family and community;
- Creating space for the breadth and depth of knowledge held by community members, who could attest to past transactions and clarify complex, multi-generational issues;
- Taking control of LNIB decisions, for LNIB families, including the decentralization of governance and administration from NVIA and introducing transparency into process and policies;
- In creating space for families to share their stories and histories, LNIB can learn more about past connections than can be found in documents alone;
- Working transparently with the community to build trust in decisions regarding traditional land holdings by involving the community throughout the process, including meetings, committees, advisory groups and policies;
- Open and thorough communication that gives members sufficient time to consider proposed projects that may impact them and their families;
- Seeking funding and prioritizing surveys; consulting with members to understand boundaries traditionally used to delineate individual holdings (creeks, ditches, fences, etc.);
- Prioritizing research, expanding the types of evidence considered and discussing applications at Band General meetings after first posting them for 30-days at the Band office, to allow for community input;
- Community members helping to determine when lands not being used and offering evidence in community meetings;
- Looking at examples of innovative ways community members have compensated each other in the past;
- Finding ways to (a) work with families on projects that benefit the community, or (b) compensating and recognizing families when considering traditional lands for community projects;
- The desire to avoid costly litigation, with the recognition that it is an option when other measures (discussions, meetings, negotiations, mitigation) fail;

- Creating policies and procedures, roles and guidelines so that everyone in the community has a role; working with Chief and Council to advance shared goals;
- Diverse priorities help create and maintain a diverse community; working with Elders, Chief and Council, family, neighbors and the community to balance those priorities.

Based on these issues, **a policy and application process were developed in 1992 by John Warren⁴⁰ to address traditional land holdings.** Key components included:

1. The development of an application and an application process (1992-11-00; 1992-11-00b). The procedures required:
 - **Application** - Each landowner completes an application for each property (applications included applicant name, address, description of the property, basis of claim with supporting documentation like a bill of sale, will, BCR, etc. Part B was to be completed by the Band – Recommendation of Council, Presented at General Band Meeting, Issues raised at General Band Meeting, Decision of Council, Forwarded to DIA, CP issued).
 - **Research** - Administration review Band and DIA files for additional background.
 - **Review by Band Council** – Council reviews each application and, if necessary, meets with the landowner to clarify issues.
 - **Posting of Application** – Application and documentation publicly displayed at the Band office for 2 weeks.
 - **Band General Meeting** – Application discussed at Band General Meeting, members may raise issues and questions.
 - If there are no issues **BCR signed, sent to DIA and CP issued.**
 - If there are issues, unsurveyed properties surveyed, additional research on conflicting claims.
2. **In 1992, three special meetings were held for Chief and Council and membership.** At the first meeting, 29 applications were considered. At each subsequent meeting, these applications were revisited if necessary, and new applications added to the agenda.

⁴⁰ John Warren worked for Warren Pacific Realty Ltd., but in the past he also worked in Economic Development for the Union of BC Indian Chiefs. He lived in Lytton until his death and a search of local archives and UBCIC collections have not located any additional documents regarding his work for LNIB. His background was discussed at an April 2007 Lands Committee Meeting (2007-04-20).

Members had the opportunity to raise concerns, ask questions and flag lands that had competing interests.

- **October 29, 1992 Special Band Meeting of Land Ownership** (1992-10-29; 1992-10-29b; 1992-10-29c; 1992-10-29d). Members asked for additional documentation from families agreeing to proposed applications; conflicting claims were flagged for further research; and an agreement between two families was arrived at to deal with some land issues between those families. John Warren's report on this meeting (1992-11-12), he reported of the 29 applications, 13 BCRs were signed and sent to DIA, 8 applications required additional research, 4 applications required survey and 4 applications were under dispute.
- **November 24, 1992 Special Band Meeting on the Issuance of Certificates of Possession (CP's)** (1992-11-24; 1992-11-24b; 1992-11-24c; 1992-11-24d; 1992-11-24e). Members asked for additional research, raised issues with survey errors, identified improvements like ditches as boundaries between holdings, discussed improvements and maintenance as evidence in support of some applications, asked for additional evidence such as receipts for payments, copies of wills, copies of agreements and surveys.
- **December 3, 1992 Special Band Meeting on Land Issue Questions** (1992-12-03b; 1993-00-00; 1993-00-00c). The Minutes from this meeting have not been located in Band files. One January 11, 1993, the Current Status of CP Applications Updated to 11 January 93 offered some further comment on the status of the applications. Issues included DIA not having a copy of a will, conflicting claims, additional research, signed BCRs that needed to be sent to DIA and applications that needed to be presented at the next land meeting. Warren's attached Report on the Project to Issue Certificates of Possession (CP's) over Lower Nicola Band Lands (1993-01-11; 1993-01-11b) reported a total of 98 applications had been received, 62 BCRs had been signed, 12 required surveys and 24 were under investigation. Warren recommended an internal land registry system be established and that a Lands and membership should be hired and trained in maintaining land records, administering membership and records, managing assessment and taxation initiatives, and coordinating with Provincial and Federal governments. The Committee would

continue to address policy questions related to the allocation of land, and the Terms of Reference had been drafted.⁴¹

3. **Submission of Applications by Band members.** Applications were submitted by individual band members or family groups. In these applications, members referenced inheriting land from their parents, grandparents and great-grandparents or from aunts and uncles and land being held by families for multiple generations. Undocumented agreements between members occurred in 1960s. Where members bought land from each other, evidence ranged from oral evidence offered by witnesses to financial records. Some transactions had signed and witnessed agreements, with witnesses ranging from Band members to officials. Band Council Resolutions were cited as evidence where they existed. Wills, both registered and unregistered, were offered as evidence. Unique arrangements between individuals and families, exchanging labour for the opportunity to make use of portions of land, or sharing the proceeds of crop harvests. Some members reported lost documentation. Some members purchased or otherwise acquired parcels through multiple transactions that occurred over years. Some referenced acquiring lands from the Band. The importance of making good use of land and investing their own time, labour and money into improvements. Members referenced land clearing, farming, seeding, harvesting crops, gardening, fencing, ditching, building homes, root cellars and other buildings and structures as evidence of their improvements. Issues discussed included problems with past surveys (like CLSR 4900), built structures crossing lot boundaries, and membership and estate issues relating to gender biases in past legislation (loss of status due to marriage).
4. **Surveys.** Between 1992-1999, the Band began prioritizing land surveys. Meetings and discussions were had with government officials to get funded surveys undertaken. Research has demonstrated that surveys were undertaken, primarily on Nicola Mameet IR No. 1 which was a priority due to the many complex traditional holdings issues that could not be resolved until surveys were corrected or completed. A more thorough analysis of this work should be undertaken in another phase of this project. It is also

⁴¹ Files reviewed to date have not resulted in locating any Terms of Reference or background on this Committee. By 1996-97, there is correspondence regarding the Joeyaska Resolution Committee, which may have been tasked with broader lands issues. This is supported by a resolution concept memorandum of July 1999 that suggests a Lands Resolution Committee was established by the Council of the day circa June 1997 in response to the proposed development of Joeyaska North. This Committee investigated member land claims with DIAND and made a determination that the Band was free to proceed with the Designation and Leasing Process (1999-07-14b). Further research is required and continued review of lands documents is recommended to address this gap.

recommended that the status of the applications be followed through the documentation, in the progress reports, correspondence and documentation on file.⁴²

5. **Public Forum on Traditional Family Ownership of Lower Nicola Indian Band IR No. 1**⁴³ (1993-09-12; 1993-09-12b). While members were submitting land applications for lots on IR No. 1, IR 3, IR 7 and IR 8, no applications have been found for Joeyaska IR No. 2. Unresolved traditional holding issues and Band plans for future development of portions of IR 2 resulted in discontent.

On September 12, 1993, a meeting was convened to allow members (primarily residents of Joeyaska IR 2, or with family connections to that reserve) to discuss issues and asks questions. The transcript from this session is critical to understanding the complexities of the unresolved land issues on Joeyaska IR 2, and for the Band as a whole. Many of the statements made by members echoed issues and concerns bringing raised through the land application process and special meetings regarding IR No. 1 holdings. A thorough analysis of this transcript is recommended.

Generally, the session showed the strength and potential of LNIB as a community. Leadership met with members in a public forum to discuss very complex and challenging, even personal, issues. The meeting started out with introductions, followed by “The Healing Song” and a prayer so that everyone would be able to sit together and try to work things out.

Some members travelled long distances to attend the meeting. Each person or family offered their oral evidence, the stories of their family’s connections to land and resources. Members talked about connections going back seven generations. They talked about land not belonging to only one family, and how each family needed land for their children and grandchildren.

Members talked about traditional systems of land ownership, governance, laws, protocols and principles and the importance of recognizing them. They asked difficult questions, like who would ultimately make decisions, and what evidence would be used, and would the evidence be biased in favour of written documents? There was concern that regardless of

⁴² See for example the Status of Allotments as of June 1993 Nicola Mameet (1993-06-14) that provides an update on holdings.

⁴³ A new Chief and Council had been elected in 1993. During the forum the new Chief discussed some of the challenging with coming into the CP application process on IR 1 mid-way.

the evidence to be brought forward, that oral statements must be supported by some form of evidence so that the community could weigh the facts as they had done in the past.

Imposed systems – notions of status or non-status and on-reserve and off-reserve were questioned. Members felt that family was family, regardless of where they lived or whether or not they carried a status card.

The importance of the knowledge of Elders, knowledge keepers, other family members and past Chief and Council and Band staff was acknowledged. The Chief believed the process was building a foundation for the generations to come.

6. **Other Policies and Developments**. For the most part, the two processes underway in this period on Nicola Mameet IR No. 1 and Joeyaska IR No. 2 continued on separate trajectories.

On IR 1, more complex or contentious issues received more attention, and for issues like complex estates, special meetings were held with members and the Land Manager drafted reports based on supplemental research (1999-03-24; 1993-03-24b; 1993-03-24c; 1993-03-24d).

On IR 2, the Lands Manager also prepared a report on the land issues based on a review of written documentation (1995-03-00). In response to community concerns, Council approved the Lower Nicola Indian Band Conflict of Interest Policy (1995-07-05). In consideration of the potential development of Joeyaska North, a designation and leasing process, followed by a community referendum and voting process was initiated (1996-06-11).⁴⁴ Finally, the Residential Land Allocation Policy was developed in 1998 to regulate residential land allotments (1998-01-29).

Development of the 2000 John Rich Policy (2000-2005)

Following the initial period of designing the application policy and accepting member land applications, and concurrent with unrest that was growing with the Designation Vote and

⁴⁴ Some research has been carried out on the history of this complex issue but a full explanation is beyond the scope of this project. There was some perceived urgency in resolving traditional holdings at Joeyaska North to allow the Band to pursue economic development opportunities such as the tourist centre, and later a proposed casino. Development itself was contentious for some members, while others objected to the way in which the Band was proposing to move forward. It was at this point when the direction of the band and the position of traditional land holders was most at odds.

proposed development of Joeyaska North, the period from 2000-2005 could be characterized as a time of implementation of the 1992 Policy and the development of a refined policy by John Rich of the firm Ratcliff and Company that considered some of the difficult challenges still requiring resolution. While documentation to attest to the establishment of a community-based Lands Committee prior to 1999 still has to be located, evidence has been found to support the creation of such a committee in 1999. This and other policies and procedures included:

1. Council approves the Creation of a Lands Committee, April 1999. In a letter from the Lands Manager to claimants on an IR 1 estate, the Manager indicated that Council had recently given the approval to activate a lands committee to help resolve issues of that type on reserve (1999-04-21c). By May 2000, the Lands Committee proposed in April 1999 consisted of at least 6 members including representatives from the Sterling, Shuter, Sam and Clayton families.
2. Prior to this, a membership created Advisory Group was created called the Joeyaska-Sterling Advisory Committee. The Chairperson informed Chief and Council of their creation on March 22, 1999 (1999-03-22b). This group appears to have consisted of members of families with interests or potential interests in land on Joeyaska IR No. 2. A membership list of that Committee has not yet been located.
3. In July 1999, a letter between the LNIB Economic Director and Lands and Trusts Services (INAC) makes it clear that both the Band and INAC were considering solutions at this time. In this letter, the Director put forward a Traditional Land Holdings Internal Band Issues Resolution Concept Discussion Memorandum (1999-07-14b). The primary issue was summarized: “Band members, in many First Nations cases, may be in favour of developing the Reserve Land Project for the benefit of the community, but are concerned that the internal land rights have not been dealt with from a traditional point of view even though the land has gone through a valid DIAND supervised land designation and an Order-in-Council designating the land has been issued.” A challenge faced by the Lands Resolution Committee established to investigate membership claims and make recommendations about the proposed development was the lack of written evidence being presented. Oral evidence was offered but it appears that, at that time, LNIB preferred written evidence.

The questions that the Concept Memo considered are the same questions that LNIB is considering today: who people are; how they got there; what rights did they have; and how did they get them. The challenge of reconciling traditional laws with the *Indian Act*, and the duty Chief and Council had under the *Indian Act* to act in the best interests of the community vs. the traditional duty to respect traditional holdings was raised. The solution

proposed in the memo was for the Band Development Company to enter into an agreement with the Band and traditional land holders to lease the lands. It recommended the establishment of a community designed and approved Land Recognition Policy to determine traditional land holding ownership.

4. At a Band General Meeting on February 29, 2000 a motion was passed calling for the assembly of Heads of Families and Elders to address the issues of internal land claims and to make recommendations to Chief & Council and membership on a land resolution process (2000-05-08c). The first meeting occurred on May 10, 2000 (2000-05-10c) where several key documents were presented:
 - **Rules of Order/Protocol** – Four rules/protocols were described including Roberts Rules of Order apply; no cheap shots; no yelling or swearing; and, no alcohol in hand or on breath (2000-05-10d).
 - **Lands Resolution Process Steering Committee** – A list of 32 band members included people from the following families: Basil, Blankinship, Charters, Coutlee, Dick, Edwards, Isaac, Jackson, Joe, Kilroy, Lenaro, McIvor, McKenzie, Mike, Moses, Muir, Narcisse, Sam, Shuter, Sterling, Swakum, Watson and York (2000-05-08d). These members were invited to be part of the Land Resolution Process Steering Committee, which suggests efforts were made to include all major families in the process. At least 3 of the Lands Resolution Process Steering Committee included members from the 1999 Lands Committee, creating some continuity between the groups.⁴⁵ At least one of the members invited felt that the existing Committee should continue to do that work (2000-05-10f).
 - **Lands Resolution Committee Process Steering Committee Terms of Reference** – Research indicates that TORs were drafted for the Committee but these Terms of Reference have not yet been located (2000-05-00). Further research is recommended to locate this document.

⁴⁵ Comments made at the May 10 meeting give some indication as to why a new committee was established. Members felt that the existing committee needed help due to the complexity of issues; more people needed to be involved in the process; there were concerns with how the existing committee was making decisions (without knowledge/without respect for traditional land markers); there were concerns about Bill C-31's and a lack of appreciation of traditional practices in decision making; the perceived need to prioritize economic development; the need to create space for oral testimony and to consider it is valid evidence; the need for certainty of ownership and transferability; the need to involve Elders, land owners and Chief and Council; the need to respect past transactions; the need for transparency; the loss of Elders; need to look back at what was working in 1992; increased membership and increased pressures on the land; need to be innovative but to ultimately make difficult decisions.

- **Lands Resolution Committee Process Steering Committee Budget** – Lands Committee budgets for 1999-2000 (2000-11-05) and 2000-2001 (2000-06-06) have been found on file. The 1999/2000 budget was for \$53,000, with the bulk going to advisory/legal fees, technical services and research. The 2000-2001 budget was for \$31,000. The bulk of that budget was for honoraria.
5. **Refined Application Procedure.** Around April 2000, the Lower Nicola Band Application Procedure for a Certificate of Possession was drafted (2000-04-04; 2000-04-04b; 2000-05-13; 2000-05-13b; 2000-05-13c). Central to approval of applications under this policy were the regulations of Sections 20 (1) and 20 (2) of the Indian Act, particularly the need for a “proper INAC BCR Allotment of Land in an Indian Reserve Form” and approval of the application and documentation by the Minister before a Certificate of Possession would be issued. This was a departure from the 1992 process that created more space (though undefined) for traditional protocols and principles.
- **Application⁴⁶** - Each landowner completed an application for each property (applications included applicant name, address, description of the property, basis of claim with supporting documentation. Part B was to be completed by the Band and included: Date application received, documentation of \$25 fee paid, Issues discussed at Band General Band Meeting, Attached Minutes, Decision of Council, Forwarded to DIA, CP issued).
 - **Evidence** – Applicants needed to attach as much information as possible about the lands to establish the lands rightfully belonged to them for Council to review.
 - **Research** – Lands Manager reviews the application for further information and records relating to the parcel.
 - **Review by Band Council** – Council reviews each application within 30 days for reading into the Minutes and approves posting.
 - **Posting of Application** – Application and documentation publicly displayed at the Band office for 30 days. Applications to be posted on the 1st day of the month or the next working day. If there were any problems or issues members must them in writing to the Lands Manager. All applications will be placed on the Band General

⁴⁶ The application had significant changes from 1992 Application. Changes included an application fee of \$25, emphasis of the onus of members to bring forward valid evidence, a 30-day time period for applications to be read into the minutes, a longer period of posting applications at the Band Office (30 days vs. 2 weeks), Lands Committee make recommendation to Council, Conflict of Interest considerations, a ratification vote by members, mail outs, formal survey, a land status report, compliance with INAC policies and communication with the applicant.

Meeting agenda and applicant to attend the meeting to discuss issues raised by members.

- **Recommendation by Lands Committee** – Application to be brought to the Lands Committee for recommendation to Council
 - **Application by an immediate family member of Council Member while sitting on Council** - Council member must acknowledge potential conflict of interest to Council, not participate in the allotment vote, and not participate in the signing of the allotment resolution.
 - **Ratification Vote** – A ratification vote must be done by band members at a General Band Meeting for the allotment to pass.
 - **Mail Outs** – If Council requires a mail out, it would be done on the same day as posting to members that the Band has mailing addresses for.
 - **Survey** – The parcel must be officially surveyed, a CLSR Plan must be completed before the parcel gets submitted to INAC. If survey is required, Council must request survey by BCR to INAC Natural Resources Canada. INAC to pay for survey.
 - **Land Status Report** – An official Land Status Report is to be attached to the application.
 - **Lot Must Qualify Under INAC Policy** – Access Road, no overlaps, BCR properly completed
 - **Communication with Applicant** – Applicants to be given a copy of the CP sections of the Indian Act which governs a Certificate of Possession.
 - **\$25 Fee** – A @\$25 fee per application must be paid at the time of submission
 - **[Compliance with LNIB Zoning Bylaw – 1994 Zoning Bylaw to be considered].⁴⁷**
6. At the same time, LNIB was considering how members could claim unallotted land or receive compensation for designated lands. In April 2000, the Lower Nicola Indian Band Policy on Membership Claims to Land was drafted (2000-04-10). The default under this process was to consider unallotted land as Band land until the determination of individual claims; whatever process was used to determine individual allotments needed to be fair, unallotted land could be leased after a membership vote and if the land had unresolved

⁴⁷ One draft of the application had this stipulation, but it appears to have been removed. The 1994 Zoning Bylaw has not yet been located.

claims a trust would be established, if no entitlement was established, the Band would retain the land for all members, unallotted land could be allotted to Band members after the band Council determined it was in the best interests of the Band and upon payment by that member to the Band fair value for said lands. This draft policy appears to have been attempting to resolve issues of impasse – the challenge of balancing band needs vs. individual/family interests and the need for members to give something back to the community (payment of fair market value) in exchange for the land. Further details are summarized in the table below:

Designated Land Claimed by Member (Determination of Compensation)	Unallotted Land Claimed by Member (Determination of Allotment)
1. Hold designated land, and revenue from the designated land, in trust for the Band membership, including claimant.	1. Hold unallotted land as Band land until determination of individual claims.
2. Compensation to be paid to those members who establish an entitlement to the land; a) the member's interest is to be determined through a fair process [details of process and decision-making to be determined]; b) Compensation to be in the amount of the value of the land to which entitlement is established.	2. Allotment to be made to those members who establish an entitlement to the land. The member's entitlement is to be determined through a fair process [details of the process and decision making to be determined].
3. Compensation is to be paid from: a) funds held in trust (i.e., revenue from the designated land); b) General Band funds, where the revenue held in trust is insufficient.	3. Unallocated Band land may be designated for lease, at any time, by a membership vote. In the event of unresolved claims to the unallotted land, a trust is to be established upon designation.
4. After determination of all interests, any money remaining in trust to be used for benefit of all members.	4. Where no entitlement is established, having followed due process, the Band Council will retain the land to be used for the benefit of all members.
5. Designated land to be used for the benefit of all members.	5. Unallotted Band land may be allotted to a Band member: a) Upon determination by Band Council that allotment is in the best interest of the Band as a whole; and b) Upon payment by that member, to the Band, of the fair value of the land.

In May 2000, the Lower Nicola Indian Band Policy on Membership Claims to Land Addendum (2000-05-02) was drafted. This addendum included consideration of due process, the right to

be heard/procedural fairness, the right to appeal and guidelines for ownership. Specifics of the addendum included:

- **Due Process** – Alternatives were to be determined by Band Council with input and recommendations of the Land Claims Steering Committee; with input and recommendations from a Tribunal of outside persons⁴⁸; with input and recommendations by a Council of Band Elders; with input and recommendations from a Council of Heads or Appointees of major families. If determination could not be achieved, the determination could be made by the Supreme Court of British Columbia, who would apply General Law (Indian Act and Indian Act Regulations). Conversely, determination could be made based on a combination of options, including considering other alternatives developed by the Land Claims Steering Committee.
- **Right to Be Heard/Procedural Fairness** – All members of LNIB had the right to be heard. Procedural rules would need to be established, including notice, forum, timelines, rules of hearing, representation, and rules to ensure an open public process.
- **Right of Appeal** – The right of appeal needed to be considered. Would the decision be final? Should there be a right of appeal? Where would the appeal be to?
- **Guidelines for Ownership** – The definition of the nature of the right to be obtained through the process needed clarification (CP, right to transfer interest to another family member, right to sell interest to another family member, right to permit the use of the land by a non-Band member, other rights). Evidence used to make determinations needed to be specified (oral history but with considerations of the nature of the oral history, band records, DIA records, aerial photographs, physical development of the land). Finally the Addendum considered what would be sufficient to be the basis of an interest in land (length of occupation/years or generations sufficient; does the nature of occupation matter/does it have to be exclusive or could it be in common with other individuals or families; is the nature of occupation of consequence/uses like houses, house and gardens, business, range land; would ownership without occupation qualify; if occupation was necessary did it have to be continuous, and if so, what time period of non-occupation would result in the loss of the right to the land; can traditional rights be acquired by purchase, trade or will; what other bases of ownership needed to be considered.)

⁴⁸ 3 people paid on a per diem basis.

7. Meeting Minutes. The Lands Committee took notes and minutes of their meetings. Many have been located in Band files and should be thoroughly reviewed.

The 2000 Rich Policy expanded on the 1992 Warren Policy to include: a Lands Committee, internal memos on process, band meetings, policies, rules of order/principles, a process to establish the Lands Committee based on family membership, Terms of Reference, a budget for Committee work, a refined application process and consideration of more nuanced issues (due process, right to be heard, procedural fairness, right of appeal, guidelines, types of interest, evidence and the evaluation of that evidence) and the 2000 process kept notes and minutes to increase transparency.

Development of the 2007 John Warren Policy

On March 31, 2007, John Warren submitted a proposal for consulting services for the Lower Nicola Band. In his proposal he referenced the 1992 process being halted by a new administration (2007-03-31).⁴⁹

1. John Warren 2007 Proposal - The proposal he submitted essentially recommended the 1992 Policy and Procedures be followed including:
 - **Open the applications process** – Post a notice that the Band was accepting applications for the issuance of CPs and arrange a meeting with members.
 - **Gather Evidence** – Interview Band members to document the history of each property as far back as they could remember; copy documents such as wills; taken written statements and confirm accuracy (presumably through research).
 - **Research** – Review Band records and estate files to obtain historical information.
 - **Lands Committee** – For contentious issues, Lands Committee could attempt to resolve the issue, or they could go to arbitration, reach a compromise or go to court.
 - **Monthly meetings and updates** – Post updates once a month and meet with membership; meetings were open; minutes should be taken; issues further researched as required.
 - **Second public meeting** – Review each application a second time at another meeting.

⁴⁹ He also suggested that files for each of the properties investigated were left with the Band Office. Other notes on file suggest that the entirety of these files have not yet been located. It's likely that the original files were reorganized over time, and possible that the files were lost or damaged over the years since.

- **Draft BCR and Direct INAC to issue CP** – If no disputes, draft a BCR and recommend INAC issue a CP. Warren noted that INAC required CPs but was no longer paying for them.
 - **INAC issues a CP**
2. Land Committee Terms of Reference – In 2006, the Terms of Reference for the Land Committee were drafted (2006-09-00). The TOR was adopted by Council on November 14, 2006 (2006-11-14b). The Terms of Reference addressed some of the past concerns including transparency and diversity. Only the adopted version will be summarized below:
- **Primary Role** – participate in the review and recommendation of the Traditional Land & Estates, Land Use, Certificate of Possession Applications, and all outstanding land issues
 - **Responsibilities** – develop procedures and policies; liaise/review/recommend applications and issue including estates; liaise/review/recommend other First Nations policy and procedures; ensure all changes in accordance with traditional guidelines and LNIB policies and procedures; hold 3 community meetings for members; promote settlement of estates; undertake other work as directed by Council.
 - **Committee Members** – 2 Council members (Chair and Vice Chair); must be LNIB members; up to 17 members to get a good cross-section of the community but no more than 1 member per household.
 - **Ex-Officio Members** – LNIB Chief and Executive Director were ex-officio members and could attend all meetings are received notices and minutes. They could not vote.
 - **Quorum** – A quorum of 5 committee members
 - **Chair** – To supervise activities; oversee drafting of reports; convene all meetings
 - **Meetings** – Meet as required by the Chair in consultation with the Band Council
 - **Technical Advice and Information** - Freedom of access to information as needed from band staff
 - **Expenses** – Expenses to be approved by Chair in consultation with Band Council; budget to be sent to council for approval.
 - **Authority** – Committee had authority to make recommendations to Council,
 - **Conflict of Interest** – All Committee members subject to COI guidelines and must declare any conflicts (perceived or actual).

3. Rules of Order/Protocol – The four former Rules of Order followed by the past committee were explored (2007-04-04).
4. Application and Application Procedure for a Certificate of Possession (2007-05-04). The 1992 and 2000 applications and application procedures were revised. Changes from the 2000 procedures are highlighted in red:
 - **Application** - Each landowner completes an application for each land parcel (applications included applicant name, address, description of the property, basis of claim with supporting documentation. Part B was to be completed by the Band – Date application received, Issues discussed at Band General Band Meeting, Attached Minutes, Decision of Council, Forwarded to DIA, CP issued).⁵⁰
 - **Evidence** – Applicants needed to present valid information about the land parcel to establish rightful ownership for Council to review.
 - **Research** – Lands Manager reviews the application for further information and records relating to the parcel. An official copy will be provided to the applicant, to the Band file and to INAC.
 - **Posting of Application** – Application posted by Lands Manager for 30 days. Lands Manager to notify members of adjacent land parcels that a member has applied for a CP. Application posted at Band Office.
 - **Land Dispute Resolution and Recognition Form** – If there are any questions or issues, they must be provided in writing on the Land Dispute Resolution and Recognition Form to the Lands Manger within 30 days.
 - **Arbitrator Appointed** – Within 30 days an arbitrator would be appointed by the lands Committee for reconciliation in the event of an irreconcilable land dispute.
 - **Review by Band Council** – Council reviews each application within 30 days for reading into the Minutes.
 - **Ratification at Band General Meeting** – Within 30 days an application placed on Agenda of a Band General Meeting for Ratification. If the CP application is not completely addressed at the meeting, a Special Band General Meeting would be held within 7 days to complete the business. Applicants must attend the meetings.

⁵⁰ It appears the \$25 fee was no longer required.

- **Recommendation by Lands Committee** – Application to be brought to the Lands Committee for recommendation to Council.
- **LNIB Council Meeting Decision** – Within 30 days the applicant would attend a Council meeting where Council would decide to sign a BCR for submission to INAC or recommend a dispute resolution process.
- **Arbitration** – LNIB to pay the cost at a flat rate; parties agree in writing on arbitrator and whether or not the desired outcome was a recommendation or binding decision; arbitrator assists families for 30 days; after 30 days consider options (e.g. mediation or circle forum).
- **Application by an immediate family member of Council Member while sitting on Council** - Council member must acknowledge potential conflict of interest to Council, not participate in the allotment vote, and not participate in the signing of the allotment resolution.
- **Notice of Band General Meetings** – Notice of Band General Meetings to be posted in monthly newsletter, website, bulletin boards and mailed to off reserve members on LNIB mailing list.
- **Survey** – The parcel must be officially surveyed.

In some ways, the 2007 Warren Policy was truer to the intent respect of some traditional principles considered in the 1992 Warren Policy. It removed some of the INAC administrative requirements like the stipulation that the application had to adhere to INAC policies and removed the requirement for a Land Status Report. The 2007 policy did not require a ratification vote and did not require an application fee. The 2007 policy introduced the use of an arbitrator, and the wording suggests a continued bias towards written evidence (inferred from discussion of “valid evidence”). Timelines were more clearly defined, as well as the process and options available. Written disputes to applications were formalized, with a separate form created for that which required two witnesses to support the statements. In addition to attending Band General Meetings, applicants also had to attend Council Meetings to learn the resolution of their application. This removed some immediate transparency from decisions and recognized the ultimate authority of Council to render a decision or recommendation.

5. Land Code of the Lower Nicola Band (2007-12-13). In 2007 the Land Advisory Committee drafted the Land Code for the Lower Nicola Band. **Only Draft #5 has currently been located, which indicates that changes were made in December 2007.** The Land Code had the following provisions:

- **Principles** – The members of the Lower Nicola Indian Band of the Nlaka’pamux Nation have a profound relationship with the land within the boundaries of our traditional territory that we have occupied and protected since time immemorial. This relationship is rooted in respect for the spiritual value of the Earth and the gifts of the Creator.
- The members of the Lower Nicola Indian Band have a long-standing **respect for the private use and ownership of property** on our reserve lands while preserving an adequate land base for community needs and future development.
- The members of the Lower Nicola Indian Band recognize traditional land use by individuals/families, as determined by Band Councils and, therefore, will have their rightful possession recognized and protected through provisions of this Land Code.
- **Authority** – The power of the Lower Nicola Indian Band to govern and administer our reserve lands and resources flows from the Creator to the members and from the members to the Band Council; The Lower Nicola Indian Band shall act through its Council and administration which shall perform the duties and functions to exercise the power of the Indian Band in respect to the management of Lower Nicola Indian Band reserve lands and natural resources belonging to the Band.
- **By-law and Policy Making Powers** – Chief and Council as directed by membership may make by-laws respecting the development, conservation, protection, management and possession of Lower Nicola Indian Band reserve lands and the natural resources in and of these lands. Bylaws might include: Applications for and assessment of requests for Certificates of Possession by members including those members whose traditional land rights have not been formally documented and approved by previous Band Chief and Councils; Commissioning, paying for and approving surveys and the registering of CLSR plans of traditional lands; The situation of families who do not have land holdings on the Lower Nicola Indian Band reserve lands; The rights to use, occupy and possess Lower Nicola Indian Band reserve land after the breakdown of marriage and the division of the land involved in the breakdown of that marriage; Changes to the current land zoning by-law; The structure, staffing, funding, operations and maintenance of the Land Authority structure that is responsible for the administration of Lower Nicola Indian Band reserve lands and the registry of Land Management Transaction documents; Structure, mandate and procedures of the Dispute Resolution Panel; Environment impact and assessment of land development proposals; Residential land allocation policy; Access to land information by Lower Nicola Indian Band members.

- **Land Advisory Board** – A Land Advisory Board could be established to assist Council; the LAB would submit a budget to council; the LAB would consist of 5 members at large, all of whom must be eligible voters. 2 members would be appointed by Council and 3 would be elected; LAB members must have a criminal records check and not miss more than 3 consecutive meetings; quarterly reports would be made to Band General; Duties would include advising Council on policies, review applications and make recommendations, recommend long-term plan for reserve base, research land transactions from the 1800's onward, participate in discussions with INAC regarding self-management of reserve lands.
- **Dispute Resolution Panel** – Council would appoint 3 Elders and 2 Members at Large within 60 days to a Dispute Resolution Panel; Duties would include meeting with members, collecting information, review evidence (oral and written) and family lineages, prepare written recommendations for Council; a DR bylaw would be developed.
- **Conflict of Interest** – Council, staff and LAB members were subject to COI
- **Interests and Licenses in Reserve Land** – Land Management Transactions made in a traditional manner prior to the approval of Land Code would be recognized and registered; no consent of Council was required to assign or transfer members rights to use and occupancy to another member; sale or transfer of a members allocation to another member; lease of CP land done in accordance with Land Code and INAC policies and procedures; all land transactions needed to be witnessed and registered in the LNIB Land Registry system within 60 Days; ownership of LNIB reserve land inherited by non-members must be transferred to a member or the Band within 6 months.
- **Community Approvals** – members would approve at Band General Meetings LUPs, infrastructure, zoning bylaws, allocation of resources, interests, or licenses to LNIB lands; amendments to the Land Code; applications by members for CPs.
- **Procedures for Community Meetings** - Open to all LNIB members, those 18 or older could vote. Notice to be posted at least 14 days before the meeting

Additional research is recommended on this proposed Land Code, including locating any final drafts. This Code appears to be advocating for a more equal distribution of authority between the Land Advisory Board (or Committee) and Chief & Council. It also introduces traditional protocols and principles such as: respecting private use and ownership of land; preserving a land base for future generations; recognizing past Council determinations of land interests; authority to do this

flows from the Creator to members; providing access to information for membership; considering division of property after marriage breakdown; taking care of those without land; providing funding for the work; having the Committee report quarterly to membership; developing a Dispute Resolution panel with Elders and members; declaring conflicts; Council not involved in all decisions; and to bringing decisions back to membership.

Past Policies Informing Policies and Decision-Making Today

The 1992 Warren Policy, the 2000 Rich Policy, the 2007 Warren Policy and the 2007 Draft Land Code had some fundamental differences around five key issues: the definitions/considerations of ownership and use; the role of family; evidence requirements and criteria for evaluation of evidence; transparency in decision making and trust; and considerations of the importance of sustainability and the benefits to the whole community. Of these policies, the 2007 Draft Land Code contained the most recognition of traditional principles and protocols while the 2000 Policy was more concerned with INAC requirements under the *Indian Act*.

It is useful to examine these policies today as they are a strong foundation upon which LNIB can build. Much good work was done in the past, and the community can still benefit from that work moving forward. One of the most promising innovations was the consideration of a dispute resolution mechanism and the role and selection of arbitrators. Further work around these issues, including revisiting policies and procedures, and basing these on traditional values could prove helpful moving forward.

Many questions that we had at the start of the project were similar to questions raised by the community in the past:

1. How did LNIB make decisions about traditional lands in the past?
2. Why does LNIB have unresolved issues today with traditional land holdings?
3. What are some possible solutions moving forward?

It is evident that the community tried in many ways to address the challenges and find workable solutions. This project sought to find ways to learn from this work moving forward.

Legacy of Past Decision Processes

As previously described (see also the timeline in Appendix B), many different processes have been tried to resolve traditional holdings. The most comprehensive was a process developed in the early

1990s for all band members who wished to apply for a Certificate of Possession of any LNIB lands. This process followed the Indian Act, Section 20(1) and 20(2) in approving CP applications, and required an INAC BCR Allotment of Land in an Indian Reserve Form to be accepted and approved by the Minister of Indian Affairs before a CP would be issued by the Minister.

The Procedures for applying for a CP were clearly laid out (2007-05-04):

1. Applicant(s) must complete a Lower Nicola Indian Band Application for a Certificate of Possession form, One CP application for each land parcel;
2. The applicant(s) must attach valid information about the land parcel to establish the rightful ownership for the Council to review. Only valid information will get the application processed expeditiously;
3. The application then gets submitted to the Lands Manager for further information and any records related to the land parcel; and an official copy will be provided to the applicant, to the Band file and to INAC;
4. The following time schedule will apply to CP application;
5. The application will be posted on the next working day for 30 days by the Lands Manager. The Lands Manager will notify members of adjacent land parcels that a member has applied for a CP. The application will be publicly posted at the Band Office so all members are aware that an individual has applied for a CP;
6. If there are any questions or issues members must provide them in writing on the Land Dispute Resolution and Recognition form to the Lands Manager within this time frame. The Land Manager will provide copies of any questions or issues to the applicant forthwith;
7. Within 30 days an arbitrator will be appointed by the lands committee for reconciliation in the event of an irreconcilable land dispute;
8. Within 30 days of receipt of a CP application the application will go to the council meeting for recording into the council minutes;
9. Within 30 days an application will be placed on the agenda of the Band General Meeting for ratification. In the event that the CP application is not completely addressed at the Band General meeting, a special General Band meeting will be held within 7 days to complete outstanding business. The Applicant will be expected to attend to discuss any questions or issues the members may have raised;
10. Within 30 days following the Band General Meeting (s) the application will be brought to the lands committee for recommendation to Council;

11. Within 30 days the CP application will go to a LNIB Council Meeting the LNIB Council will make a decision;
12. Sign a BCR for submission to INAC or recommend land dispute resolution process;
13. Arbitration Procedure;
 - The LNIB will pay the cost of the arbitrator; a flat rate will be established as the arbitration fee, including all costs;
 - The parties must agree in writing on who the arbitrator will be and agree on whether the arbitrator's decision will be binding or will be only a recommendation;
 - This arbitration process will assist the parties for 30 days only;
 - After which the disputing parties will be required to consider their options; for example, mediation or circle forum;
14. An application from an immediate family member of a council member or a council member, that council member must:
 - Acknowledge the potential conflict of interest to fellow council members;
 - Not participate in the allotment vote;
 - Not participate in signing allotment resolution.
15. Notice of General Band Meeting(s) will be posted in the LNIB monthly newsletter the LNIB website, the LNIB bulletin boards and mailed to off reserve members on the LNIB mailing list;
16. An official survey must accompany the CP application.

LNIB established a Land Management Committee to review applications and work with the Land Manger to gather and prepare additional records related to the land and issue for further consideration. Templates were set up for the application process and for resolutions recognizing land holdings.

The process, as described above, attempted to do the following:

1. Create a predictable process for addressing land issues;
2. Provide transparency by posting documents at the Band office and recoding meeting minutes;
3. Give community members the opportunity to submit evidence of their claim;
4. Allow witnesses to bring forward evidence;
5. Identify competing interests when more than one applicant applied for the same land;

6. Review background materials (internal and external);
7. Create a community committee to help advise the Land Department;
8. Hold frequent meetings (band general) where the community could learn about the applications;
9. Avoid Conflict of Interest, real or perceived;
10. Provide an opportunity for ongoing discussions for difficult estates and issues; and
11. Providing an arbitration or dispute resolution process.

Many community members submitted applications under this process. It is evident that the process helped to resolve some traditional holding issues. Interestingly, though this was a community designed process that incorporated many traditional principles and protocols, it is unclear how much weight these had in final decision making.

Procedural Challenges Faced by Past Processes

Unfortunately, the process appears to have fallen apart when for a number of reasons including:

- Distrust in the process or in participation in the process;
- Perceived and real urgency to resolve CPs by both individuals and the Band that were at odds with each other (economic development vs. family/individual traditional holding recognition);
- Lack of access to records and the time required to locate missing documents or other evidence;
- Land issues being tied to political issues, dividing the community;
- Differences of opinion between members with traditional holdings and those with no holdings on best use of the land;
- Historical complications (band membership, transfers, agreements, recognition/lack of recognition of holdings);
- Lack of Wills to clarify disposition of estates;
- Unclear how much weight was given to traditional protocols and practices;
- Changes in band staff and governance (band elections);
- Membership dissatisfaction with the process and dispute resolution mechanisms devolving into litigation; and

- Membership unhappy with recommended decisions.

Over the years, LNIB has tried different way to resolve traditional holdings, but nothing has worked so far. The issues are more or less the same, with some more complications developing over time. All agree that the issues need to be resolved, but there is much skepticism about how and if it can be done. Taking time to hear and understand members' concerns and issues, and to work in good faith to address them will be crucial if new allotment process hopes to have community support.

Other Challenges Identified Through Past Processes

The processes described above faced a number of challenges and ultimately were not successful in resolving the most challenging traditional land issues. Some of the challenges faced by community members and LNIB departments⁵¹ in the past included:

- Lack of documentation in support of past decisions or interests to land;
- Oral agreements with no verbal or written record to support;
- Loss of Elders and other witnesses;
- On-the-ground decisions between LNIB members that were not generally known (or communicated) to the larger community, Land Department staff or Chief and Council;
- Lack of transparency in some former land transactions and/or Band decisions;
- Lack of cohesion in ways lands were transferred – some were sold, some inherited, some claimed;
- Different processes at different times and the lack of clarity for membership;
- Different processes for different reserves;
- Lack of Wills or competing Wills making the resolution of estates challenging;
- LNIB members belonging to more than one Band or losing status due to legislation at odds with traditional kinship system. More recently, this includes gaining status as a result of Bill C-31 or other transfers and determining what this means regarding land and estates;
- Legal requirements under the Indian Act to establish and recognize traditional holdings;
- Lack of surveys, or poor or incomplete surveys of estates;

⁵¹ These are presented with no judgment or prejudice. This is simply a list of challenges that have been identified through community engagement sessions and research.

- Failure to reconcile surveys with natural boundaries;
- Loss of knowledge, or difference in understanding of past events such as improvements made to land to demonstrate ownership (buildings, fences, ditches, gardens, fields, etc.);
- Difference of opinion on concepts of “use” vs “ownership” of land by the LNIB members, the Band and the government;
- Community interests vs. family or individual interests;
- Changes in local economy and ways of making a living (logging, raising stock, selling hay) and impacts on the way individuals and band tried to make profit;
- Competing claims to land and resources;
- Lack of adequate quantity and quality of land to support growing membership;
- Elections and changes in leadership and LNIB staff resulting in processes stopping and starting;
- Passing and cancelling BCRs by different Chief and Councils resulting in unclear recognition of interests;
- Proposed development discussions while unresolved land issues not addressed;
- Impasse between parties or community devolving into litigation;
- Length of time issues remained unresolved and increasing complexity of issues;

The challenges faced in the past, and many of the challenges LNIB is still facing today are formidable. **At the heart of the issue is the importance of land to LNIB members and the community and the lack of adequate land and resources.** Moving forward, a fundamental challenge will be to propose a process that considers individual needs, family needs and the needs of the LNIB community as a whole.

As a community, LNIB has done considerable work in the past to understand and resolve land holding issues. From previous projects, we learn that transparency, accountability, clarity of process, respect, understanding of diverging views, consideration of all forms of evidence, a thorough understanding of past issues, acknowledgement of the role all parties have played in past decisions, consideration of Nle?kepmx decision-making and governance protocols and most importantly, community involvement in finding the way forward are important.

With the enactment of the 2016 LNIB Land Code, LNIB is able to bring Nle?kepmx protocols and traditions into the process as never allowed before. The social/economic/environmental and political landscape has changed. The process ahead will continue to face challenges but LNIB can

learn from the past and build steps to address challenges moving forward. Much time has passed, families have had traditional land holdings unresolved for generations and this has had an impact on LNIB as a whole. Today, as in the past, it is in the best interests of individuals, families and the community to resolve traditional holdings.

PRINCIPLES AND PROTOCOLS

Protocol research was an important component of this project. While some principles and protocols can be understood through a review of past policies, which have been described in this report, others must be understood in the context of higher-level documents and work.

In the past, decisions were made about LNIB reserve lands without fully accounting for, or making space for traditional Nlë?kepmx/LNIB protocols, laws, traditions and practices. As described previously, prior to the establishment of LNIB reserves and the Indian Act, LNIB had traditional ways of managing and using land, making decisions and resolving internal disputes. Ethnologist James Teit described them as “ethical concepts and teachings” and included the following:

It is bad to steal. It is bad to be unvirtuous. It is bad to lie. It is bad to be lazy. It is bad to commit adultery. It is bad to boast if you are not great. It is bad to-be cowardly. It is bad to borrow often. It is bad to be inhospitable or stingy....It is good to be pure, cleanly, honest, truthful, brave, friendly, hospitable, energetic, bold, virtuous, liberal, kind-hearted to- friends, diligent, independent, modest, affable, social, charitable, religious or 'worshipful, warlike, honorable, stout-hearted, grateful, faithful, revengeful to enemies', 'industrious (1900-00-00:366-367).

The settlement of the Nicola Valley by white settlers was rapid, and LNIB members were quickly and increasingly confined to reserve lands. Initially, LNIB continued to use these lands in traditional ways and to govern their use accordingly. Over time, the LNIB traditional system was forcibly replaced, and only those land decisions made and recognized by the Minister of Indian Affairs were recognized as valid.

Community interviews and research has helped identify Nlë?kepmx/LNIB traditional principles and protocols. It is evident that prior to Land Code, LNIB, like many Indigenous communities, was facing challenges that arose as western world views and LNIB culture collided.⁵² Efforts have been made at the individual and Nation-levels to describe and educate others on traditional protocols. Some of this important work is described below:

⁵² At a 2018 Indigenous Law conference in Vancouver, Andrea Hilliard described this fundamental difference as fundamental differences in law – holistic vs. hierarchical; connected vs. detached; share vs. possess; collaboration vs. adversarial process; responsibility vs. right; morality vs. rules; persuasion vs. control; accepting sanctions vs. imposing sanctions; repatriation vs. punishment; forgiveness vs. condemnation; healing vs. closure.

Report of the Royal Commission on Aboriginal Peoples (1996)

The report of the 1996 Royal Commission on Aboriginal Peoples considered aspects of traditional governance that have relevance this project:

- **Centrality of land** – land is the source and sustainer of life, people are caretakers;
- **Individual autonomy & responsibility** – the health of the community depends on the ingenuity, initiative & self-reliance of its members. When the balance of society is threatened, justice is required (restitution, apology, retribution, ostracism, rehabilitation, healing, wellness);
- **The rule of law** – Failure to live by the rule of law is to turn one's back on the Creator's gifts; values, beliefs and taboos outline expectations of how people should live;
- **The role of women** – Women have an important role in decision making;
- **The role of Elders** – Elders are keepers of knowledge, language, culture, traditions and laws and should be looked to for advice, vision and leadership; engagement with Elders should be genuine and respect their authority;
- **The role of the family or clan** – Traditionally the family was the basic unit of governance;
- **Leadership** – Leadership could be earned, learned or inherited and were expected to uphold the values of the community; the Indian Act eroded the traditional system of accountability;
- **Consensus decision making** – All community members have a role in reaching agreement on matters of common interest; discussions generally begin at the level of the family; and
- **Restoration of traditional institutions** – A return to traditional systems of government requires a restoration of the role of the family.

Nle?kepmx Dispute Resolution Process⁵³

Traditionally, mechanisms existed for resolving internal disputes and to administer justice. The process was called **cit'iyc**, which was the overall process for administering justice. Decisions were

⁵³ NNTC 2009 (2009-10-16).

made by different parties including **kwukwpi** (kʷúkʷpiʔ) or Chief⁵⁴, **sk'wens cha' a saytkenmc** (skʷen'es __ séytknmxc) or Watchmen (“look over the people”) and **tuhkkEEnm** (possibly cəchépm' or tʰústm) or Captains (“swear to tell the truth”). Oral tradition and documentary research show that LNIB had a similar, though slightly more complex system. In addition to the Chief, Watchmen or Captains, decisions about land and disputes were made by Headmen, Elders, and heads of families, women, and members potentially impacted by decisions.

These concepts were further explained by Andrea Laforet in a 2011 report commissioned for NNTC. She explained that Chiefs helped resolve disputes, often acting as an arbiter and coordinator to achieve resolution. Chiefs who fulfilled the role well were given the respect of the people and this respect equated to political strength. Chiefs who did not perform well, who did not encompass the will of the group were not followed. Equally important to the role of the chief was the gathering of people known as **s'uyus**, which could be held at different times for different reasons. She explained that “the strongest force in regulating action and upholding conventions of proper behavior was public opinion” and that chiefs did not act without first consulting those concerned through the s'uyus.

Nicola Tribal Association Tribal Leadership Concept Model (2016)⁵⁵

In December 2016, the Nicola Tribal Association Governance Team worked with Nicola Valley Leadership and community members and the Nicola Valley Institute of Technology to develop curriculum for a course on Traditional Leadership. Funding was provided by the New Relationship Trust Society. The process designed by Dr. William Cohen (Syilx) focused on the story of the Four Food Chiefs – Skemxist (Bear), Ntyxtix (Salmon), Spitlem (Bitter root) and Siya? (Saskatoon), and considered the traditional leadership qualities that could be learned from them including risk taking (vs. risk adverse); facilitative (vs. involved); participative (vs. dictatorial), influence (vs. authority); have followers (vs. have subordinates); and guided by heart (vs. guided by head). When considering decision-making and traditional lands, these qualities have lessons that should be considered.

⁵⁴ Laforet describes the role of the chief as more of an influencer. A chief was a man chosen for his skill at making decisions who considered the will of the group while directing his actions. In some areas, the system was hereditary, but in most places the chief was chosen based on these characteristics (2011-08-18).

⁵⁵ This document is in the personal files of Angie Bain and cannot be shared due to confidential and conditions of access.

Lower Nicola Indian Band Dispute Resolution Process (2017)

In 2017, LNIB engaged in a process to develop a community-driven dispute resolution process in support of the LNIB Land Code. This process was to be guided by LNIB traditional laws. The work was undertaken by Four Directions Management Services Ltd. The process was being developed using stories and the case brief methodology based on methodology developed by Dr. Val Napoleon and Dr. Hadley Friedland.⁵⁶ Four Directions held community meetings and workshops where the community worked with stories to draw out Indigenous laws. The goal was to develop a Dispute Resolution Toolkit.⁵⁷ At the November 2017 workshop, some important concepts were discussed including:⁵⁸

- Compromise may be necessary when two parties can't agree;
- The importance of being respectful to each other;
- The fear of dealing directly with powerful people/beings;
- Actions have consequences; misdeeds would be punished and consequences must be accepted;
- Communication is important, and all voices are needed;
- Not all of our process allow for all voices to be heard, when voices are missing we need to be advocates for them;
- A traditional way of resolving things was to talk in a circle;
- Community members have different experiences at different times – some experience privilege, some experience equality, others experience discrimination. This can change;
- Some places in the territory were places where people went to talk and resolve issues (e.g. Cook's Ferry Dancing Tree; Spence's Bridge tree of wisdom);
- It is important that people have equal opportunities;

⁵⁶ Though this approach is similar to work being done by communities themselves for decades, including the work of the Enowkin Centre in the Okanagan.

⁵⁷ It is unclear what the status of this project is now. A conversation about this in 2018 with Four Directions indicated that the process may have tried to be implemented prior to finalization of the toolkit due to some urgency in the community. LNIB Lands staff likely have a better understanding of the status of this project.

⁵⁸ Personal notes taken by Angie Bain.

- Different tribes, families and individuals had different ways of doing things, there was no single way;⁵⁹
- People need to live harmoniously together;
- We should not be critical of one another or try to fix people, instead look to their strengths (accept who we are and who other people are, factors like gender can influence this);
- We all need the land;
- Somethings that will work for one person will not work for other people;
- Working together makes things easier;
- Sometimes we try to address problems and our solutions don't work;
- Decisions have consequences and these consequences can still be in place today (e.g., transformations)⁶⁰;
- We each deal with conflict in different ways – some avoid, some ignore, some fight, some want revenge, some want validation;
- When wrongs were acknowledged, people had to compensate – e.g., exchanging gifts every two years. This acknowledges what was done in the past;
- The land is the source of our identity – it is the source of our honor, respect and dignity;
- Connections to land allow us to know who you are; and
- All parties need to be able to save face, and people cannot give up who they are.

Grandmother Teachings⁶¹

In former times, children might be raised by their grandparents for the first years of their lives. Grandparents taught their grandchildren laws, protocols, language, names, customs, traditions and history. Beatrice Anderson developed eight Nle?kepmx transformation principles based on the teachings of grandmother concepts:

1. **Takemshooknooqua**, Knowing we are connected: land, animals, plants and people;

⁵⁹ Ethnographic tribal divisions, such as that described by James Teit, who split the Nlaka'pamux into two divisions (Utaqt/Wtemtk or downriver and Upper Thompson. This did not reflect internal divisions.

⁶⁰ Transformers turned people to stone and these figures are called xswexwaym "having been transformed" (2011-08-18).

⁶¹ Anderson 2011 (2011-12-00).

2. **ChaaChawoowh**, Celebrating people and land joyously;
3. **Huckpestes**, Developing lifelong learning and wisdom;
4. **Huztowaahh**, Giving lovingly to family and community;
5. **Choownensh**, Succeeding in endeavors;
6. **Choowaachoots**, Utilizing Nle?kepmx vision-seeking methods;
7. **Nmeenlth coynchoots**, Incorporating Nle?kepmx knowledge; and
8. **Peteenushem**, Reflecting on learning and relearning lifelong lessons.

While our societies have changed, these core teachings are still central to our community and similar protocols have been shared within the community.

Wrapping our Ways Around Them⁶²

The ShchEma-mee.tkt Project (Our Children) and the related Wrapping Our Ways Around Them report articulated four key Nle?kepmx principles:⁶³

1. **Relations** (nkshAytkn) – We're all related. The impacts of not doing things the “right way” are not limited to our immediate families, but are experienced by extended families, communities and the nation.
2. **Knowledge** - We need to know our traditions and teachings, and the monsters and challenges we face, to make things right for our children. In many of our stories, there are figures such as Crow, who share the information needed to resolve issues.
3. **Responsibility** - People are responsible for the impacts of their actions on children. When we see things that are not right, we have to face the problems we see despite our fear of involvement with the child welfare or criminal justice systems, or the reaction of family and community members.

⁶² Walkem 2015. Copy reviewed only at <https://lss.bc.ca/publications/pub/wrapping-our-ways-around-them>.

⁶³ These share tone and tenure with the 8 fundamental legal principles of the Cowichan Tribe which include selflessness, honour, respect, courage, trust/integrity, knowledge, compassion, honesty. Also similar are the principles of the Kamloops First Nations Court (Cknucwentn – The place where help is given) which incorporates the 7 grandmother teachings of honesty, courage, generosity, love, truth, humility and respect, with Indigenous law at the centre.

4. **Compassion** - We need to show compassion and help people face their challenges to do things in the right way⁶⁴

Moratorium on Biosolids

LNIB has done some work in bringing Indigenous Laws into consideration in the ways that we respond to external threats. In 2015, Nicola Valley Bands worked to implement a moratorium on biosolids in the Nicola Valley. In bringing in Indigenous laws and legal traditions, important components to the system included community **witnesses**, **ceremony** involving community members, **acknowledgment** of the sacred nature of water and land, **praying** and community **celebration**.

LNIB Cultural Heritage Policy & Other LNIB Projects⁶⁵

Working with Elders, youth and knowledge holders while developing the LNIB Cultural Heritage Policy, we identified three core principles relating to the **tmx^wulax^w**. The principles of **yémes**, **s?émit** and **łúmu?stn** or “respect”, “responsibility” and “the relationship between our land, water, air and resources” are at the core the LNIB Cultural Heritage Policy.

Other community projects have highlighted other core principles – **generosity** and **sharing**, **acceptance** and **belonging**, the **land provides**, **interconnectedness** of land and laws, you need to **visit** the land to learn from it, **take care** of the land and it takes care of you, we must care for the land for our **children and grandchildren**, we need to love one another for a **healthy community** and our laws and traditions show us how to live on and care for land as Nle?kepmx people.

Past projects have described some protocols and issues that fit into a number of categories:

Compassion

- Residential schools and colonial policies have had an impact on our community; have compassion for each other

Decision Making

⁶⁴ At an Indigenous Laws conference in 2018, Ardith Walkem stated: When we think of what law is at its best, at its strongest point – law gives us the ability to heal as communities and societies. All law does this. Not just western law but Indigenous laws too. There are new ways of relating and moving forward together. Indigenous laws give us this.

⁶⁵ Bain 2018

- People would meet at certain places to discuss issues. They might stay there for weeks discussing the problem. People would talk about what needed to be done
- We used to have 4-day ceremonies at certain times of the year
- Our Chiefs helped to guide us and make decisions
- Look to the Elders for guidance
- Families made decisions together
- We are each witnesses and have a role in decisions

Development

- We didn't lock gates, this is new
- Our land has changed
- Our practices have adapted to change but they are still healthy
- Development impacts the community; we lose access to that land or resources that were on it
- Benefits of development need to be sustainable

Family

- Work together as a family
- Our children are important
- Grandparents are important to children and the family
- Elders are important
- Connections are important, it's how we understand who we are and what our responsibilities are
- Our families are connected to LNIB

Fault

- If it's your fault, you must fix it. It's important to resolve problems you solve
- Take responsibility for your actions
- Offer compensation for your actions

Hard work

- If you want something, work for it

- Anyone who worked hard could benefit
- If you want to keep something you have to work for it

Importance of Protocols

- Protocols keep us all safe
- It is the way of LNIB
- Have been passed down for generations and will be passed to our children and grandchildren
- Our protocols were unwritten but were taught by our families as we travelled together on the land
- Ceremony is important
- Prayer is important

Introduce yourself

- When you introduce yourself, share who you are and who your family is

Ownership

- The land belongs to us all, it was all our land
- This is where our ancestors were raised, it is where our grandchildren will be raised
- We have always made regular use of land and resources
- You need connections to a place before you can use it
- Some places are shared by the whole community, for anyone who needs it
- Animals lived here first; we must remember that we aren't the only ones using the land
- People used to have fields all around the reserves, everyone had a field or could use a field. This has changed
- We had community cellars for community use

Patience

- Be patient with each other
- There is a time for everything

Permission

- It is important to get permission (e.g. in accessing territory)

- If someone is living somewhere, you ask their permission to access the land
- Talk to people, let them know what you are doing
- Watch out for the land, watch out for trespassers

Respect

- Respect one another
- Give thanks, and where appropriate, an offering
- Don't abuse each other, don't take advantage of each other
- Leave things the way you find them or in good condition for those that will use them after you

Sacred

- Don't fill in housepits to level the land; leave these sacred sites alone
- Spiritual work is important to the health of our community
- Don't interfere with cemeteries or burial sites
- There are places that are sacred and not used; we don't build our houses there.⁶⁶

Sharing

- Be generous; people were taught to share
- Take care of your neighbours; look out for them
- Give to those who need, whoever needs
- We share with our community
- We used to share more as a community; now sometimes families share with other family members
- Don't be greedy; you are only hurting yourself and your community
- We don't hoard, we share
- Always have extra to share with other people

⁶⁶ These places are considered xa'xa, or places with supernatural power. Places known to have power were called nxa'xa'uyemx. Water having supernatural power was known as nxa'xa'tkwu. Some xa'xa places were to be avoided, while others were places where people could draw power. In places like this, people prayed (yemit) and might receive a guardian spirit (sne'm). People sought connections with their sne'm during rites-of-passage or coming of age practices (2011-08-18).

Stewardship

- Take care of the land
- We are the voices for the land
- We are only caretakers
- Our connections to our lands are our connections to our culture
- Water is important
- We need to be careful to ensure that the land can sustain our people

Teaching

- We learn through watching. Children were taught by grandparents the right way to live and be.
- If you haven't been taught, how can you understand?
- We learned from the land, from living on the land
- Our Elders are our teachers

Use

- Use what you can
- Use keeps traditions alive
- Don't over-use a resource or you will lose it
- We lost some of our best lands; we can no longer use them.
- It is all ours, it belongs to all of LNIB to use

As individuals, families, communities and a nation, traditions and protocols are alive in LNIB members. It is clear that they are living with the impacts of the collision of western world views and LNIB culture. LNIB culture and communities have changed over time, but the fundamental protocols and principles still exist.

Past policies and procedures such as those described in this report have incorporated some aspects of LNIB traditional protocols. Under past policies, ownership of land and the limited use of land and resources were seen as everything from an individual or family right to a privilege that came with the responsibility to care for the land and to share the benefit of that land with your family or community.

More traditional policies advocated for involvement of family in decision making, including roles as witnesses, making statements in applications, providing evidence and participating in larger decision-making bodies such as advisory committees. Other policies felt that the ultimate decision-making power rested with Council, who carried the fiduciary duty to care for all LNIB land and resources on behalf of all members.

The policies also varied on the types of evidence required and the criteria for evaluation. Some policies required strict adherence to INAC requirements for issuing a CP – at the very least a BCR and official survey. Others allowed room for oral evidence and statements, where no written records existed. Even then, these policies required a means of validating the oral evidence (statements signed by witnesses, other testimony). The importance of evidence was acknowledged in all variations of the policies, including the need to do thorough research and to create a records repository that would be maintained by a dedicated person.

Transparency of decisions ranged from detailed procedures and process designed to ensure almost all transactions were transparent to mixed process that allowed either families to make decisions without involving Council or Council ultimately to make decisions with applicants after a community process was undertaken.

Trust, between individual and families, between families themselves, and between both individuals and families and the community (including Chief and Council) is an issue. The policies and procedures show that the community understands the complexity of the issues and the challenges that will be faced in moving forward. Where trust is broken, alternative measures may be required – mediation, arbitration, dispute resolution. These have been tried in the past but never under Land Code and never under Land Code based on traditional protocols and principles.

It is clear from the policies and the documentation that the whole of LNIB membership recognizes the importance of sustainability and preserving adequate land and resources for future needs. People see opportunity just as the Band sees opportunity.

Moving forward, a process for addressing traditional land holdings under LNIB Land Code presents a unique opportunity to incorporate these important teachings and to design a Nle?kepmx/LNIB way of moving forward together as a community. There are gaps in what we know happened in the past. Some key records have yet to be located. What we have found so far is enough to understand the depth of the work the community has already done and gives us a strong foundation upon which to build, just as the community intended.

FINDINGS AND THEMES

This section discusses a number of important themes that emerged during historical research, document review and community engagement, and are central to understanding the connections between LNIB community members and the land. Each theme is discussed as it relates to Nłeʔkepmx/LNIB values, principles and protocols in the past, and today. These findings and themes were used to develop criteria for moving forward with an LNIB Allotment Law, and to make recommendations for further work around formalizing traditional land holdings.

Land Ownership

Historic Records

Much of our understanding of traditional Nłeʔkepmx property and land ownership was described by ethnologist James Alexander Teit. He asserted that land was looked upon neither as individual nor family property, since everyone had the right to all parts of the common country for any purpose (1900-00-00:293). Before reserves were established, people moved about the land according to the season, visiting favorite fishing places, gathering spots and hunting grounds. The composition of villages and households changed from season to season, as people moved about the territory.

Traditionally, important places like fishing rocks, eagle aeries and deer fences, built and maintained by families and individuals were owned by families or individuals who maintained them (1900-00-00:293-294).⁶⁷ This property was inherited by male children, with the eldest having the right of dividing and taking his choice (1900-00-00:294). As settlement increased, and the first reserves were set aside in the Nicola Valley, people were confined to smaller tracts of land and the notion of land ownership began to change.⁶⁸

When the first reserve for the Lower Nicola Band was set aside by Stipendiary Magistrate Peter O'Reilly in 1868, the Lower Nicola Band had a population of approximately 100, with 32 head of cattle and 200 horses (1868-08-29b). Early settlement of the Nicola Valley was rapid, putting

⁶⁷ Sproat further described this in 1878 saying that “the BC Indian thought as much of a particular rock from which his family caught fish from time immemorial as the Englishman thought of his forefathers house” (1878-10-26).

⁶⁸ But not the importance. Wealth has always been important and even Teit drew parallels between wealth and positions of power. Wealth gave people the opportunity to be regarded as generous.

settlers into direct conflict with First Nations over land and resources. As settlement increased, and pre-emptors began to establish farms and ranches, First Nations were pushed to be confined to reserve lands.

Between 1868-1878, when the majority of LNIB's reserves were set aside, communal land use continued throughout the Nicola Valley, though people used land in different ways. Like the settlers, some LNIB members began amassing large stocks of cattle and horses. In 1878, as people became more confined to reserves, the notion of land ownership began to change as reserve land became more central to the maintenance of livestock. Indian Reserve Commissioner Sproat commented on this in 1878:

"...it was impossible to lay off a suitable grazing reserve adjacent to the arable reserve of these people...I had to do the best I could in this matter, but in speaking of Pipeaul, I may here say that it would be well of the Dept. to induce the Indians to summer their stock on Crown lands in the Pipeaul neighbourhood...and use the already deteriorated pasture near the old reserve simply as their winter range..." (1878-09-05b).

Competition over limited grazing lands, and other desirable portions of reserves increased. By 1878, improvements were being made on reserves that began defining boundaries between individual holdings. Traditionally, women moved to the community of their husband. As women began to marry white settlers, they moved off of reserve and lived apart from their community, though their children might return back to the community to reside (1900-00-00:179).

Community Feedback

LNIB community members were clear throughout the project that land ownership is a cultural tenet of Nle?kepmx/LNIB families. Several LNIB members asserted that land ownership today can be viewed as an extension of pre-contact Nle?kepmx ownership of fishing rocks, eagle aeries and hunting areas. When it comes to holdings on reserve lands, land ownership, including the size and location of parcels, is often directly community members' history of agricultural and ranching in the Nicola Valley.

Families have extensive oral histories detailing their relationships to their present-day land holdings, as well as lands they may have lost over time. For some members, this historical knowledge dates back to the late 1800s when the reserve and Chief and Council systems were established in the region. At this time, members made requests for land to the Chief and Council, who reviewed the request with the community and, if approved, required the land holder to stake boundaries, build fences and ditches, clear land for a house and make productive use of the land

(e.g., hay fields.) Once this was done, the member could apply for a Certification of Possession for that parcel. In other cases, families claim that their traditional holdings pre-date the reserve system, and they demonstrate their ownership through continuous occupancy, working the land and through oral histories that support their claims of ownership.

Limited Use Rights

Historic Records

The notion of limited use rights is not new. It was not unusual for landowners to grant limited use rights to other members. Over time, limited use rights came to be granted to individual land holdings, particularly where band members assisted in improvements and maintenance, or where distant kinship ties existed. Some members in need were granted land for a limited time – to get enough hay to winter their stock during particularly difficult years – or use for a specific purpose like a garden to feed a large family. Sometimes this limited use was intended to be for a season, while at other times it was intended to be over a lifetime.

Historic records indicate that there were misunderstandings between members that deepened over time. Rights of occupation and ownership issues became complex and as a result, members increasingly began to understand different truths. The notion of making use of what had been granted is also not new. If land was granted for use, and that use was not evident after a period of time, the right would be taken away. Conversely, where members made significant improvements to areas that they had been granted limited use, they sought compensation or ownership rights to those lands.

Community Feedback

Occasionally, landowners would grant limited use rights to other people, allowing them to build cabins and work a portion of the land. Community members who talked about their families granting these types of limited use rights to other LNIB families (and sometimes other non-Band members) connected this type of land use to their responsibilities to care for one another; when another family needed a place to live, or food to eat, it was their responsibility to share. This arrangement was understood as a temporary one where the visitors or tenants would not have ownership rights to the land. Over time however, oral histories and other records of these arrangements have been lost and consequently, disagreements have arisen between families who have different understandings of who owns the land today.

Establishing and Recognizing Land Boundaries

Historic Records

Teit's understanding of tribal boundaries is contentious, but he did conclude that Nl̓eʔkepmx̌ people have a long-standing connection to land and resources in the Nicola Valley. Prior to settlement, evidence of occupation was seen through camp sites, village sites and fishing weirs. People understood land use as areas claimed or used by members, but this understanding could also be very specific in extent or location. It was understood that the people used whatever land or resources they required. Natural features of the land were frequently used to delineate boundaries between lots, but improvements also became integral to ways of delineating ownership.

When the first reserve was set aside for LNIB, the intent of reserve boundaries was to both prevent disputes between incoming settlers and First Nations, but also to confine people to reserves, opening up everything outside of the reserve boundaries to pre-emption and alienation by incoming settlers. The formula used was 10 acres of land per head of family.

By 1878, improvements to the land were being used to help delineate boundaries between land holdings. Fences, corrals, ditches, sheds, houses, garden and other improvements were used to define land boundaries (1878-09-02, 1878-09-06). These improvements had a very practical purpose – fences kept cattle confined to fields and away from the hay grown by other families for their own stock, ditches brought water to irrigate hay fields and equalized access to water (1922-06-29). Early disagreements were generally resolved through common consent, and prior to the advent of reserves, people could adjust boundaries between their holdings as required to settle disputes or competing interests.

When problems arose, the Indian Agent would convene community meetings to discuss boundary issues. The community would visit the land, re-stake boundaries, hear evidence and compensate land holders when necessary. Individuals and the community as a whole made improvements such as ditch building and fencing, and both individual and band money was spent on these improvements (1898-00-00b; 1914-00-00b; 1917-04-15; 2001-07-00).

The historic records show that establishing and recognizing land boundaries have been an issue since the first reserve was established. One of the ways LNIB attempted to resolve this was through formal and informal land surveys. Early boundaries were drawn on sketches, while more formal survey processes were undertaken over time. A significant problem that remains today was an

early attempt to survey individual land holdings on Nicola Mameet IR 1. The resulting plan (Plan 4900 CLSR) had errors and omissions that are central to ongoing disputes faced today.

Community Feedback

During interviews for this study, LNIB landowners described the extent and boundaries of their land holdings in detail. In many cases, this knowledge is based on generations of families' connections to the land. Landowners also explained the key role of neighbouring families in establishing and recognizing land boundaries through their shared knowledge and history. Oral histories and Elders' knowledge of landownership within families was cited as one of the strongest forms of evidence a community member could bring forward to demonstrate their ownership of land.

Accurate surveys are important for establishing a shared, clear understanding of parcel boundaries on LNIB lands, and they are essential to when registering new land holdings. Over the decades, a number of surveys have been carried out on LNIB reserve lands but they do not always align with community members' current understandings of their land locations and boundaries, and there are some significant discrepancies between surveys. This has exacerbated challenges in resolving unsettled traditional holdings. Planning for an Allotment Law will have to include a comprehensive plan for addressing gaps in surveys of reserve lands.

The Role of Family Decision Processes

Historic Records

Chiefs, both hereditary and elected, played a role in making decisions about land and resource use. In the past, this role was well understood, with some families tracing their ties to places back to when Chiefs told them to move and live there. Other community members also played a role in how land ownership, use and other land-related rights were allocated among families.

At large gathering and camps, the Chief traditionally had men who assisted him in different ways – messengers, peace officers, watchmen, reporters, war messengers, dispatch bearers, camp scouts, public criers, and speakers. Teit reported that in 1858-62, the Head Chief of the Thompson Tribe had about 40 men who acted for him (1915-03-01). Teit believed that we had neither hereditary Chiefs nor nobility, but our own traditions tell us this was not entirely true. Our communities always had those known for their wealth, ability, skill or role.

Land guardians were placed on the land in strategic places as stewards responsible for its care. This included both land on and off reserve. Headmen were recognized as having responsibility to particular reserves. Headman were frequently the eldest male, though occasionally the eldest female or other person recognized as the head of a family. Historic land transactions see evidence of headmen and heads of families signing surrenders and petitions that reflect the management of reserve lands. It is evident that in the past, those impacted by proposed decisions had a voice in the process.

Traditional households varied in size but generally consisted of two or more brothers, their wives and children, parents and other family members. Characteristics of the land played a part in the size of a village, and places with good land and access to water might support large villages. People had obligations to their family (nkseytkn), just as their family had obligations to them. Arranged marriages (cuneyt) were important. Finally, the relationship with one's in-laws (nqw'ic'tn) was important. To maintain this, a man was obligated to marry his brother's widow to maintain family connections (2011-08-18).

Blood relationship was considered a tie which extended over generations, both in the male and female line, and families held ownership of the right to use names. In each family, adult males could express their opinion, but frequently the eldest son or eldest family member was the highest authority. Teit noted "custom required that they should not do anything of importance to the family without first -consulting its other male members" (1900-00-00:292).

Historic records indicate that families have loose connections to reserves. Some families use and occupy land on more than one reserve, while others are primarily associated with a single reserve. When families resided together, the role of the family in decision making was clearer. These connections became more complex over time as families were split between reserves and/or lost status. Today, many community members live off reserve, though still maintain family ties to LNIB land and resources. The role of family in decision-making was further impacted by the forced dissolution of polygamous marriages as a result of interference by the Church and local government agents, as well as a lack of recognition of traditional adoptions. Over time, while LNIB families continued to make decisions as a group, the definition of family has changed, and the understanding of family roles has become increasingly complex to the point that community members have ties to multiple families and multiple reserves.

Community Feedback

Today, LNIB families continue to have their own internal decision-making processes to determine what happens on their land and how land is conveyed between generations. Family groups that

participated in interviews did not share details of their internal decision-making processes, but they described them as discussion-based processes where the outcomes are based on consensus.

When asked about the role of family groups in an LNIB Allotment Law, members of LNIB's larger families agreed that their internal family decision-making processes must play a role in determining how and to whom allotments are (or are not) granted on their traditional lands. These families prioritize their own internal decision-making processes over those of Chief and Council or the Lands Department and are reluctant to endorse any Band-led decision process that does not meaningfully consider family protocols and decisions. In practice, the Lands Department and LNIB families must work together to determine how family-based decision processes can articulate with an LNIB Allotment Law in ways that are meaningful, but not prohibitively lengthy or cumbersome, for all LNIB families with custom decision-making processes.

Not all of the families and individuals interviewed for this project have active family-based decision processes. In some cases, the family is small or decentralized. In other cases, members may be estranged from their larger family group and do not feel comfortable or welcome to participate in family-based decision processes. In these cases, criteria around family-based decision processes would not necessarily apply when allotment applications are being considered.

Role of Families in Land Transfers and Sales

Historic Records

Traditionally, land was not sold but was transferred or traded. Individuals and families traded land to other members for services, goods or because they wanted to share the benefit of the land with other community members. The historic records show that family heads frequently signed surrenders, land exchanges and rights-of-way agreements, indicative of the role families continued to play. Over time this began to change, and Indian Agents sought to make agreements or get permission from individuals rather than families. In many cases, individuals agreed to rights-of-way and individuals, not families, received compensation. Some families had internal means of considering transfers and sales, while others did not. Some families distributed compensation between two or more family members, while others did not. Conversely, some families cared for land as a collective, making improvements together, some individual members did this on their own.

Teit described the traditional division of property as follows:

The property of a father, on his death, was divided among his sons, the daughters also sometimes getting a share. Property was also often divided among all the relatives of age, male and female, cousins included; the nearest kin receiving the largest shares, and males taking precedence of females. In some cases, it was taken by the nearest male relatives of the deceased, to the exclusion of all others. The sons inheriting the property of their father had to provide for their mother, and a greater share of the property of a father who left an orphan child was given to the relative who was to- take charge of the child. A woman's effects were looked upon as distinct from her husband's. If a couple separated, the wife took all her property with her, even the roots and berries she had gathered. A man and his wife often made gifts of their individual property to each other, and the father or the mother often made presents of their property to their several children. None of these presents were returnable in the event of death or separation but remained the inviolable property of the person to whom they had been given (1900-00-00:292-293).

Community Feedback

Members view decisions about how land should be transferred as an important responsibility of landowners to the land, and to their family. All families and individuals interviewed for this project said that they received at least some of their land holdings through heredity transfer. Most often, lands are transferred to one or more of their children. For some families, it is customary to transfer land to the oldest child. Some families decide to subdivide their land and transfer smaller parcels to younger family members. Landowners often give priority to their children who are committed to living on and maintaining the land on behalf of the family for future generations. Some community members have purchased or received their land their land sales or through the approval of Chief and Council.

LNIB families differed in their approaches to the transfer of traditional holdings. Some said that traditional holdings should never be sold or transferred outside the family. Others reiterated that they owned the land and could transfer or sell it however they saw fit. Despite these differences, all families interviewed for the study agreed that the decision about land transfers and land sales should be up to the landowner, and subject to family decision processes, where they apply.

Evidence of Traditional Holdings

When asked about how they document or show their connections to their traditional holdings, community members gave a variety of answers. Types of evidence discussed include different forms of written and oral evidence. Community members generally agreed that strong evidence

of lawful possession is evidenced by multiple forms of written and oral evidence, corroborated by other community members, especially if those community members are Elders with living memory of family land holdings. Recognition by the community remains an important type of evidence that members cite in asserting ownership of their lands.

Historic Records

When the first reserve was established in the Nicola Valley for the Lower Nicola Band in 1868, Stipendiary Magistrate O'Reilly and other colonial officials failed to understand the difference between community land and family or individual land. The first reserve at Naik (now part of Nicola Mameet IR 1) contained part of LNIB's ancestral village at this location. O'Reilly failed to reserve other villages, fisheries, grave sites and places of importance to LNIB.

Many early land disputes between LNIB and settlers concerned settlers taking up land that had been occupied, used, improved or regarded by LNIB members as their lands. LNIB member cited evidence of improvements – including old kickwilly pits, fences, ditches, barns, sheds, houses, campsites, gardens, clearing of land and other improvements as evidence of their use and occupation of the lands that were in dispute. Frequently, the length of time land had been used was cited raised, and even in early land disputes members claimed lengthy connections, going back decades, to land and resources.

Community Feedback

LNIB landowners described a variety of different types of written documents that they hold as evidence of their right as owners of traditional lands. These include:

1. Documents issued by INAC
2. Documents issues by Band government (BCRs, CPs,), as well as meeting notes and minutes where member's requests for land allotments are discussed
3. Bills of sale (formal and informal) for lands bought and sold by other Band members over the years
4. Wills and letters expressing a member's wishes for their land to be transferred to a specific person or people
5. Evidence of payouts by industry or government for encroachment or preemption of land for infrastructure projects. Members offer this as evidence of their ownership of that parcel

6. Surveys (like the 4900 map) showing individual members of families associated with specific parcels
7. Records of easements and expropriations
8. Historic photographs of fence lines, houses, boundary markers and people working and living on the land
9. Written accounts of events and developments, such as the ditching, forestry operations, fencing, construction of the Coquihalla highway, the original Trans Mountain Pipeline, Douglas Lake Cattle Co., where traditional holdings were impacted and families were recognized as landowners and were compensated (or promised compensation) for the loss of their land

Community members described several types of oral evidence that they view as evidence of their family's status as owners of their traditional lands. Types of oral evidence described during interviews included:

1. Land genealogies, or stories of how particular parcels were transferred within a family, over the generations
2. Stories documenting landowners' intentions for transferring their lands after their death
3. Recognition by community members that certain parcels are owned by certain families, especially when this knowledge is several generations deep. This includes oral evidence presented by other community members who witnessed land transactions.

Use and Occupancy

Historic Records

A tenant of land use and occupancy appears to be that land and resources were available to those who demonstrated a need, demonstrated a willingness to work for the right, and who made evident efforts to improve the lands. Historic records indicate that LNIB members have used many types of records to demonstrate use and occupancy including clearing, cultivation, fencing, ditching, irrigation, grazing cattle and horses, construction of buildings and houses and the presence of Band members on the land, seasonally or year-round.

Community Feedback

All community members interviewed said that continuous occupation of traditional lands, including the ability to make and enforce boundaries, is a way to demonstrate evidence of

ownership. This does not include situations where people were granted limited use right to land by the landowners. Strong evidence of land occupation that support members' assertion that they own the lands include:

1. Evidence that the landowner has lived on the land and built and maintained a house there. In some cases, evidence of occupancy includes maintenance of gardens, hay fields, and horses.
2. Placement of boundary markers, which could include stakes, fences, ditches and rock piles. Boundary markers alone are not recognized by all community members as evidence that someone owns the land; in some cases, boundary markers have been placed in disingenuous attempts to claim land.
3. Participating in resource harvesting and ceremonies on the land was offered as evidence of occupancy by some community members. Other community members said that they harvested resources and participated in ceremonies all across the territory and that this does not necessarily prove ownership.

Transparency in Decision-Making

Historic Records

Early transfers of property were understood more with respect to traditional protocols than to transparency in decision-making –i.e. it was understood that decisions would be made in certain ways, as dictated by tradition. Deer fences, fishing stations and eagle eyries were inherited by the oldest male child. If the eldest was not interested, the property might pass to the next oldest, or on to other children. Sometimes these places were held in common. If a man died without sons, the nearest male relative took his hunting place. Daughters or sons-in-law might also inherit the property. The inheritance of other property was understood as follows: the widow might inherit the home, and it would belong to her and her children; males inherited canoes and fishing, hunting and trapping utensils; horses were divided amongst sons and daughters; daughters inherited household goods (1900-00-00:294).

Teit also noted (1900-00-00:289-290): Whenever a man had an undertaking in view that concerned the band, he invited the men of the village to discuss it. At these councils such subjects as the organizing of war-expeditions, marriages, or other matters of public interest, were discussed, each man having a voice in the matter. Generally, the advice of the oldest or the most experienced was taken. If the advice or the help of some leading man noted. For his wisdom, who'

lived at some distance, were desired, a messenger was sent to him. The man who had called the meeting, and his immediate friends, were expected to furnish food for the people assembled.

When traditional practices began to change, decisions were still frequently made in a transparent way. For example, by the 1880s, a typical method of resolving disputes over land frequently involved the local Indian Agent together with the Chief or Headman of the reserve. The agent would call a meeting, often at the home of Chief and typically well attended by adult male members of the band, to review maps, discuss written evidence (plans, field books, documents), hear oral accounts from all parties of the events and issues, visit the land and consider solutions for the issues. Witnesses were frequently called upon, and could include settlers, neighbours, Chiefs, Elders, headmen or any other person who served as witness to the issues and/or people with some knowledge of the events. The evidence was considered and discussed but ultimately it was the Indian Agent or his superiors who was called upon to mediate the issue and decide on resolution.

If the issue remained unresolved, or the actions taken insufficient to achieve final resolution, subsequent meetings might be held in a similar manner or the issue raised at community meetings, in interactions with government officials, or through their own initiative, members might alert other officials or government representatives of their ongoing concerns.

Historic documentation shows that many of the early disputes were considered resolved once the Indian Agent had made his judgement and ordered certain actions such as the payment of compensation, the removal of fences and other improvements or the realignment of boundaries and ditches. It is evident that the issue was more complex on the ground, and while the authority of the local Indian Agent and other government officials was sought, the decisions arrived at, and solutions offered, were not always implemented, resulting in ongoing conflict and disputes over land holdings.

While many of the early disputes were between settlers and LNIB members (external disputes), there were also internal disputes between members over land where evidence of land holdings were considered and decisions made in a similar way when the issue impacted the community as a whole or could not be resolved internally by a family.

Community Feedback

Community members feel strongly that all community members should know who is making claims (allotment applications, etc.) to which parcels, and what types of evidence they have to

support their claims. This reflects how the community shared information and made decisions in the past. Transparency in land decisions serves several purposes:

1. It is a way of transmitting knowledge about land holdings to future generations
2. It allows members with competing claims to come forward
3. It builds trust within the community that allotments are not being made behind closed doors, and
4. It reflects traditional customary procedures for decision-making within the community

In light of previous efforts by LNIB to resolve traditional holdings, and ongoing challenges related to unsettled estates, it is crucial that any new review and decision processes around traditional holdings are designed with fairness, transparency and accessibility in mind. This would include provisions for members who request support in preparing and submitting allotment applications. When a process is seen as equitable and transparent, it is more likely to be supported by the community.

Sustainability

Historic Records

A fundamental principle identified through research is that if you take care of the land, the land will take care of you. This principal has been at the core of the way LNIB has managed lands. The first CPs typically contained large parcels of land. The intent of these allotments was to allow for the family to take care of their immediate and future needs – including the needs of their children.

The population of LNIB has grown considerably from when the majority of the reserve base was set aside – from 100 to over 1,200. The generation that followed the establishment of reserves understood that parcels needed to be of sufficient size to be sustainable. In estates and wills, traditional land holders divided property and goods in ways that they felt took care of their families. Not every child got land because even then there was not enough land to give to all children.

When the first reserves were set aside, LNIB members still had use of the territory. Increasingly, this land was pre-empted, purchased, leased or restricted. The use of reserves, never big enough for competing interests (farming, grazing, habitation, businesses, recreation, sustenance, etc.), has constantly had to consider community benefit vs. the benefit of individuals.

Community Feedback

LNIB families are looking to the future, considering the size of their families today, the rate at which they expect it to grow over the next several generations, and who they expect will want to live and work on the land. Sustainability of the land, the family and the LNIB community are at the top of their minds. Community members noted that decision-making processes should consider how new allotments could affect the community in the long term.

Landowners recognize that their traditional holdings, and reserve land more broadly, are finite. The land can only be sub-divided so many times before it becomes unsustainable. In many cases, particularly for families with smaller parcels, this means that families must choose one or two family members to pass their land to, and other family members may not receive allotments from their families. Families have decision-processes for this (criteria include hereditary allotment, allotment to children who will live on and work the land, allotments to children who want to continue to live on LNIB lands, etc.). As with other decisions, families want to retain the right to decide who within their family has the right to occupy and own the land.

Land Suitability

Historic Records

While quantity of land was a factor, the quality of the land was frequently considered including factors such as access to water, openness, proximity to other resources and infrastructure and potential costs to improve. As quantity of land was a paramount consideration over quality of land when reserves were first allotted for LNIB, members frequently found the land insufficient to ensure economic stability for their family moving forward – land was often too rocky, too swampy, too dry, subject to seasonal flooding, inaccessible or too costly to make necessary improvements (fencing, ditching, ploughing) to make it viable. Just as LNIB had faced external competition from settlers for the best land and resources in the past, the community began to face internal competition between individuals and families over the best land. At the heart of this issue was the lack of good land for all LNIB members to use and enjoy, then and into the future.

The Nicola Valley has long been known for agricultural and grazing potential. Even before the first settler arrived, people were drawn to the Nicola Valley to graze and winter their stock. Historic records show that LNIB members, even prior to settlement, had extensive herds of horses. With the fur trade and gold rush came new markets, and grazing took off in the Nicola Valley. Records indicate that LNIB members had large holdings of cattle, horses and other stock that they sold. This was how people made their living. Having enough land to ensure adequate winter feed for

their stock was recognized as important by early government officials, who allowed, and even advocated for large individual land holdings and expenditure, sometimes of LNIB funds, sometimes of loans to individuals, to realize improvements to make the lands usable for feed. The local Indian agent's diaries and correspondence frequently comment on haying, fencing, ditch construction and maintenance undertaken by LNIB members.

Community Feedback

Community members emphasized that new allotments must be suitable for the type of use proposed for the site, ensuring at the very least that the parcel is buildable, serviceable and accessible. LNIB has a number of resources, including the 2018 Community Plan, the 2018 Cultural Heritage Policy and the forthcoming 2020 LNIB Land Use Plan that set out recommendations and guidelines for the types of activities that should (and should not) be permitted on different areas of LNIB's reserves. These resources will be valuable resources in informing decision processes for new allotments.

Protecting the Agricultural Landscape and Rural Community Character

Historic Records

Many of the administrative records around LNIB reserves concern land irrigation and cultivation. For example, in 1887 the Indian Agent reported The Nicola Indians used the plough to till their lands, and placed great importance on the advantages of possessing cultivable lands (1887-12-31). Considerable expense was undertaken by individuals and the community to build ditches, fences, invest in equipment to work the land or to harvest crops. Community members often sold hay or stock to local ranches, sold cows to processors in the Lower Mainland and grew extensive crops for personal and community use.

As society changed, people frequently participated in paid labour that brought them away from their homes during planting or harvesting seasons. Members worked in hop and berry fields or in orchards in the USA or the Lower Mainland. Historic records show that this impacted their ability to maintain their own crops and fields, so neighbors relied on neighbors and the care of agricultural land was essentially a community undertaking

Community Feedback

Many of the community members who participated in interviews said that they value the rural, agricultural character of the land, and that it is an important part of individual and community

identities. To this end, the LNIB Land Use Plan could support decision-making, helping to ensure that new allotments are in line with efforts to protect agricultural land uses and the rural landscape. This goes hand in hand with efforts to promote long-term sustainability of lands, waters and the quality of life for LNIB members living on reserves.⁶⁹

Land Holdings as Economic Security

Historic Records

A review of historic estate files and wills show that LNIB members have long considered property an important component of economic security. Land and property were passed along to children, frequently, though not always the eldest male child. When a person had more than one male child, or even when they had many children, land and property would be willed to allow each child to have some form of economic security for their families.

Community members might also leave land in their wills to their extended family (brothers, nephews, uncles, grandchildren) or other LNIB members who jointly worked, frequently over the course of many years, to make improvements to the land. When land was fenced, members might call on their own families or neighbors to help with the undertaking and these efforts were frequently recognized in the disposition of estates.

The challenge LNIB faced was when members had an expectation of inheriting land, for whatever reason, that was contested or not realized. As families grew in size, and estates divided over generations, the traditional views on land and resources began to change. It simply became impossible to split holdings amongst all children, all male children, or even all those who assisted in making improvements to the land or caring for and/or living with the land holder in the final years of their life.

Circumstances on the ground frequently changed over the course of someone's life, to the point where many people had different expectations regarding claims to estates. This was especially apparent in how traditional family connections were disrupted over time. In early times, marriages were polygamous and often strategic, with important Chiefs having more than one wife. These marriages gave people access to different land and resources connected by often complex kinship

⁶⁹ Concurrent with this project, LNIB is undertaking a Land Use Planning project, the results of which will help to inform decision-making about allotments of traditional holdings.

ties. Women would live with their husband, but the husband might gain access to other land and resources that he could use, even control, due to these ties.

As LNIB members became more confined to reserves and missionaries and government officials suggested it was immemorial, illegal or probative for LNIB members to have more than one spouse, family connections to reserves or places became increasingly important. Improvements, investments of time and labour, and stewardship of these lands became central to ensuring viability of the resource and allowing for the economic security of individuals, families and future generations. Investments in the land became investments in the future, and large families often sought additional lands to increase their future viability. Problems increased when the divide grew between families holding land and families with no land. For this reason, it is equally important that LNIB has lands and resources that are considered general band lands, giving the community the opportunity to ensure all members get some potential benefit, now or in the future, from LNIB reserves.

Community Feedback

Community members often described their land holdings in terms of economic stability, or the potential for economic stability. For instance, some members with recognized traditional holdings spoke about the potential for commercial, industrial and residential developments on their lands, and the stability that revenue from such developments could provide to their families. Not everyone is in agreement about if and how family landholders should be able to undertake medium and large-scale developments on reserve lands. This is an issue that the Band will have to address with traditional landowners.

Land holdings are also viewed in terms of housing stability that they can provide. Owning land with a house, or the potential for one or more houses, can provide long-term housing stability for the landowner and their family. As one member explained it, having access to a traditional land holding can be the difference between housing security and homelessness. Members who do own lands on reserve want to pass them down to family members to secure their housing (and potentially other economic assets) into the future. However, they recognize that endless subdivision of existing lots is impractical, and that housing a growing LNIB population is likely to be a continuing issue for the community to address. Most community members interviewed stressed the need for the Band to retain some reserve lands as community lands for housing development.

Finding a Balance Between Individual and Community Benefits

The Band is being challenged to find a workable path forward to recognize and formalize traditional land holdings that reflect the community's deep and enduring connections to the land, while also making decisions that will result in a thriving, sustainable, equitable community in the future. This is a challenge given the relatively small size of LNIB's reserve lands, a steadily growing population and increasing water issues in the region. Community members interviewed for this study noted that their families have sustainability in mind when they make decisions on their lands, and that they support the Band in making similar decisions on community lands.

LNIB Directors also noted tensions between recognizing and formalizing traditional holdings and ensuring that the Band retains enough community land to undertake projects – particularly housing and educational infrastructure, and economic development for the benefit of all members. Directors described how unresolved traditional holdings, particularly on IR#1 and IR#2 have delayed community projects, to no one's benefit. They expressed support for resolving these issues, while keeping in mind the importance of balancing individual and community needs and benefits.

New Allotments on Community Land

In some cases, LNIB members do not have connections or access to traditional holdings, but still want to have an allotment on reserve for a house or small hobby farm. Members who participated in interviews were asked if they would support the allotment of LNIB community lands to individuals without traditional holdings. Feedback on this issue was mixed. While some community members were supportive of the idea provided allotment size was capped and the use was deemed suitable for the area, other members expressed concern about losing community lands that should be retained and managed for the benefit of all members.

Allotment Law Decision-Making Body

Given past unsuccessful attempts by the Band to review and make decisions about unregistered traditional holdings, community members participating in community meetings and interviews for this study were asked about their preferences for a decision-making body to review and make recommendations on allotment applications. This was a difficult question for the community to answer and members carefully considered different options for who they would trust to make these important decisions. Considerations highlighted during these discussions included:

1. The potential for conflicts of interests among decision-makers was the most significant concerns expressed by community members. All families interviewed shared examples of times in the past when they perceived conflicts of interest affected decision-making about their lands.
2. Community members are reluctant to continue with the current system where decisions about allotments are made by Chief and Council.
3. Community members trust LNIB Elders as knowledge holders who follow community protocols and customs for making and fair decisions. However, they also recognized that Elders are not immune from conflicts of interest where decisions may impact their own families. Other members worry that Elders charged with making allotment decisions could face hostility from other community members, a situation that has played out in the past.
4. Some community members favour an independent decision-maker, but also recognized that decision-makers from outside the community would not have the cultural knowledge to make decisions informed by LNIB protocols and customs. They also would not be accountable to the community in the same way that LNIB-based decision-makers would be. While some mentioned the Land Committee established in previous processes, no specific feelings for or against that Committee were expressed.
5. There was general agreement among community members in favour of a decision-making body comprised of a mix of community members, Elders, Councilors, LMAC and an independent reviewer.
6. More than one family group said that they would not accept any decision under the Allotment Law that resulted in the loss of any of their traditional holdings.
7. There is tension between a desire for a carefully considered, politically neutral, multi-table decision process, and a quick and efficient process.

CONTEMPORARY CHALLENGES

Many of the challenges identified in past processes (described above) were echoed by community members who participated in this project. They also described some of the challenges they saw as central to efforts to resolve traditional holdings today. These contemporary challenges are described below.

Fatigue and Frustration

Members expressed significant frustrations around the resolution of lands issues. The sources of this frustration must be taken seriously and addressed in meaningful ways in any decision processes under an LNIB Allotment Law. The main thrust of these frustrations is related to perceptions of wrong or unfair decision-making in the past, and a fear that a new decision process will result in more unfair decisions and potentially lead to members losing their homes and lands. There is a pervasive and serious fear of economic, social and housing instability if this happens.

Community members are also frustrated with the lack of resolution of existing allotment applications, disagreements and conflicts over land allotments. Some community members have presented their evidence and arguments multiple times to the Band, sometimes incurring personal costs for surveys and improvements to their land. They are frustrated hearing that they might have to start the process from scratch. The documents show that unresolved issues have impacted multiple generations.

Trust Issues

Community members are reluctant to accept a new process for reviewing and making decisions about their traditional holdings because of their experiences with other processes started or tried by the Band in the past. In the past, community members have seen land decisions made by one Council overturned by the next Council; or CPs they thought were registered with the First Nations Land Registry were not actually registered. This makes it difficult for the community to trust a new process.

Some members are not ready to move on to a new process until they are satisfied that the Band has addressed existing obligations to compensate members for past expropriations of land on traditional holdings. They are concerned that a new process would effectively wipe the slate clean, absolving the Band of these obligations.

Community members who expressed support for a LNIB process for resolving traditional holdings under LNIB Land Code stressed the need for a transparent process where everyone can participate with equal resources (e.g., support in preparing applications and compiling evidence.) Some members expressed their concerns that the Band takes more seriously the requests of larger family groups and those with more resources and experience navigating the bureaucracy of lands issues. They would like a process that all members and families can participate in equally, regardless of their technical and legal savvy.

Sorting Out Land Transfers and Sales

In some cases, land sales and transfers were made that families don't think were done fairly or properly. In some cases, members thought that land transfers had been completed only to learn decades later that they had never been properly registered. Historically, Chief and Council invalidated or validated past transfers, only to have these decisions become political issues. In some cases, such validations or invalidations lead to litigation. As CPs were divided between children, grandchildren and great-grandchildren, the issues become more complex.

Sorting out these issues will involve careful review of all available evidence of land ownership and transfer. Historic records of land transfers and sales include affidavits, statements, testimony about past transactions that will have bearing on resolutions today. Oral history is also important to understanding past land transfers and sales.

Compensation

Community members were asked if they supported compensation for members who involuntarily lost their traditional holdings. There are a variety of ways these losses have happened - primarily through irregular land sales without consent from the rightful landowner, and women (and their descendants) who lost their status through marriage to non-Band members. Community members had mixed responses to this question, but nearly everyone agreed that:

1. Compensation should not involve allotments on community lands; this would be unsustainable
2. Instances where members are seeking compensation are often matters that should be addressed within families before getting the Band involved
3. In some cases, compensation for lost lands may be a reasonable solution, but should be considered carefully on a case-by-case basis.

4. It is unclear where the money for compensation would come from. It is not in the collective interest of the community to use Band funds to pay compensation for matters involving individuals.

Updating Surveys of Reserve Lands

Before allotment decisions can be made, there is a need for accurate, up-to-date surveys for all reserve lands. Reserves with the most residential use should be prioritized (IR#1, 2 and 4.)

Community members questioned who would be responsible for survey costs, which would likely be considerable. They also questioned what would happen if new surveys resulted in changes to what they understand to be their land boundaries.

Some community members who submitted applications to register their traditional holdings (and other parcels) in the past paid for surveys of their lands. They felt it would be unfair of the Band to require them to pay for another survey if they are required to submit another application under a new Allotment Law.

Estate Issues

Unresolved estate files become increasingly complicated with the passage of time. While the issues remain unresolved on paper, activities are still happening on the land and families are growing, making it more and more difficult to resolve issues in ways that are considered right or equitable by the beneficiaries of the estate and other community members. For instance, some estate executors have been challenged by other community members, and in some instances, more than one party claims the right of execution of an estate. Another challenge facing the resolution of estates is that some estates were not recognized by DIA during the estate holder's lifetime, and the community may have different criteria for recognizing the disposition of land today. In both of these circumstances, LNIB's authority under Land Code may facilitate the resolution of estate files through the creation of policies and laws that reflect LNIB policies and protocols for decision-making.

Expediting Resolution of Uncontested Traditional Holdings

While some traditional holdings are the subject of complicated issues and histories that have stalled their resolution, others are relatively straight forward. In some cases, all that is required is an updated survey in order to register an allotment. Community members and LNIB Directors

advocated for the identification of these uncomplicated, uncontested files, and a plan for their quick resolution. With this in mind, it is recommended that an LNIB Allotment Law should include criteria and processes for both expedited and full reviews of allotment applications.

Some of the things we have learned from the documents reviewed to date are:

1. Community members want expedient resolution but may not be willing to go the route of expediency if they do not feel their evidence is heard.
2. LNIB has tried to expedite uncontested holdings. Some holdings have been resolved. Impetus such as land or resource development (Kinder Morgan, West Coast Energy, road development) have all resulted in some finalization of holdings. These developments are also at the route of more complex issue that remain unresolved.
3. Land Code helped expedite some CPs.
4. Past processes have helped expedite some CPs. Those that remain today are largely those that were challenging to resolve in the past.

Disagreements Between Families

Overlapping Claims

Portions of some traditional holdings are claimed by more than one community member or family. These conflicting claims are often the result of multiple past decisions recognizing different families or individuals as the rightful landowners. During community meetings and family group interviews, community members described several types of situations that have resulted in overlapping claims to landownership:

1. In some cases, decisions made under the Indian Act took precedence over traditional protocols and principles for allotting land
2. Some community members, who would have been called in as witnesses to describe land boundaries and the families who owned the land, have since passed on and that knowledge was not written down
3. Some Band Councils have overturned decisions about land allotments made by their predecessors
4. Sometimes, applications and approvals of CPs were signed but not officially filed, providing an opening for someone else to make an application for an allotment on the same parcel.

5. Different families may have contradicting evidence (oral histories and types of documentation) of their ownership of the same parcel/s of land.
6. Other conflicting claims are the result of generations-old disagreements about whether individuals were granted limited use rights or ownership of parcels by other LNIB families.

Boundary Disagreements

In some cases, disagreements arising between LNIB families are over boundaries and access to parcels. These must be settled (likely through survey and review of all parties' documentation of the history of the parcel) before an allotment can be made. This may involve requiring some landowners to relocate or create new access routes (driveways, etc.) to their lands.

Boundary disputes can have high economic stakes for LNIB members. Sometimes, boundary disputes involve sections of land slated for infrastructure and development projects (road building, pipelines, water lines, etc.) Members asserting their ownership of the impacted sections of land may be eligible for compensation, just as they were in the past. Relatedly, a payout for expropriation/impact to one's land is also understood as acknowledgement of the member as the rightful owner of that land, which can have implications for all families involved in the dispute.

Irregular Land Sales

Sometimes, land is sold by one family member through irregular methods (e.g., informal cash sales) without the consent of the family. These sales are often not registered with the Band and can then become challenges years later when sorting out estates, especially if there is no one around who remembers the circumstances and terms of the sale.

Disagreements Within Families

There are disagreements within some families about which family members have the right to occupy, use and make decisions about traditional holdings. These disagreements can span multiple generations and are further complicated by on reserve/off reserve and membership issues. Sometimes, members who have lived off reserve for many years, decide to move back to LNIB and claim a right to their family's traditional holdings without the consent of the family.

1. Disagreements have arisen when one family member makes a unilateral decision to sell a portion of the family's traditional holdings without the knowledge or consent of the larger family group.
2. Disagreement can arise when a traditional land is willed to one member of an extended family, and that member excludes other family members from using the land. In such cases, family members claim that this is not in accordance with the original landowner's wishes.
3. When more than one Will existed, or substantial changes made to a Will, families have disputed who is the right decision maker or who should be entitled to a share of the estate.

Sustainable Development

1. The nature of LNIB land has changed over time – our communities have been impacted by lack of water, climate change, development and cumulative impacts from past projects
2. The notion of best use of land has changed over time. LNIB once focused on agricultural development and the raising of livestock.
3. Housing has changed over time. Where multiple generations may have lived together in the past, single family homes or multi-family dwellings are becoming more common. Residence may not be simply tied to one family.

CRITERIA FOR GUIDING DECISION-MAKING

The criteria described below are distilled from past processes undertaken by LNIB, from principles and protocols described above, and from information shared by community members who participated in meetings and interviews for this project. These criteria should be understood as a set of guiding values for any decision-making processes, laws and policies that arise from the Traditional Holdings Project.

Ensuring Decision-Making Reflects LNIB Principles and Protocols

- Build a process that has similar principles to a **cit'iyec**, a place or space where justice is administered;
- Consider roles that reflect traditional governance – Chief, Watchmen, Captains, Headmen/Head of families, women, witnesses, others. Each role has a part in decision making process. Consider an Advisory Group and issues like Conflict of Interest;
- Center the role of the family, with the understanding that this will mean different things to different members;
- Be guided by the Grandmother Teachings and consider the importance of children and grandchildren in all decision-making processes;
- Consider broader Nle?kepmx principles and those articulated in LNIB Cultural Heritage Plan (Respect, Relations, Knowledge, Responsibility, Compassion, Sharing, Acceptance, Belonging, Importance of Land, Water and other resources, Visit each other,) and consider other Interior Salish principles and protocols (Honesty, Courage, Generosity, Love, Truth, Humility and Respect);
- Observe Nle?kepmx protocols and ways of doing things – bring people together (meeting); acknowledge the sacred nature of the work; start sessions with prayer and give thanks; invite the community to witness and share; bring all parties involved together to speak; use ceremony where appropriate; meet as often as required to find resolution; be patient with one another; celebrate together to acknowledge connections and hard work;
- Acknowledge that LNIB culture has changed and will continue to change, but principles and protocols can still be observed and thoughtfully applied to contemporary circumstances; and
- Agree to timelines for process, but allow flexibility when circumstances require (though a larger consent process).

Criteria Related to Findings and Themes

Criteria that Reflect LNIB Concepts of Land Ownership

- Acknowledge members' longstanding connections to land, including respect for land ownership as a Nle?kepmx cultural tenet;
- Consider historic distinctions between "use" and "ownership";
- Consider LNIB concepts of "best use" and evidence of historic determinations of how this is related to concepts of land ownership; and
- Consider how traditional land ownership could be incorporated into an LNIB understanding of land rights under an Allotment Law, and any other laws and policies under the Land Code

Criteria Related to Families

- Consider family decision processes throughout the application, review, decision-making and dispute resolution processes;
- Consider if there is family support for allotment applications on traditional holdings;
- Make space for divergent views and take the time to get to know each other (family connections);
- Ensure communication with families is built into LNIB communication plans (consider principle of prior and informed consent); and
- Involve Community/families in community decisions, families connect us together.

Criteria Related to Evidence

- Recognize that LNIB respects both the importance of oral tradition, written documents and other forms of evidence;
- Be transparent about the types of evidence that community members can submit in support of their applications;
- Allow space for all kinds of evidence, but clearly articulate how evidence will be considered and/or weighted;

- Consider processes for communicating to the other LNIB member the evidence being brought forward by applicants (posted/shared/private);
- Ensure community members have support accessing evidence related to their traditional holdings (for instance, if the evidence is on file at LNIB, or is in another repository);
- Consider ways LNIB will address holdings where evidence is weak or non-existent; and
- Consider Federal and Provincial privacy laws, and LNIB's own Access to Information Policies when working with private and privileged evidence.

Criteria Related to Trust and Transparency

- Make sure community members have adequate time and access to review and consider applications for CPs of traditional lands, including addressing conflicts (e.g., does this include access to evidence or are there privacy concerns?);
- Provide community members with support in navigating allotment applications and review processes;
- Consider the role of a decision-making or review committee/council/body, and how this can help build trust and transparency into the process (meeting minutes, Terms of Reference, Rules of Order, open meetings, etc.); and
- Ensure that the appeals process is viewed as transparent, fair and adheres to cultural decision-making principles and protocols.

Criteria Related to Dispute Resolution

- Consider an arbitration/mediation/dispute resolution process with a clear path to addressing and resolving disputes. What should LNIB do when parties don't agree? Who should be involved in exploring solutions?
- Consider ways of compensating community members for loss of lands or improvements.

Criteria Related to Sustainability and Community Benefits

- Ensure that the parcel size and proposed use align with the LNIB Land Use Plan;
- Ensure that proposed uses align with other LNIB policies, plans and infrastructure requirements (e.g., LNIB Cultural Heritage Policy);

- Ensure that approved land uses/allotments are environmentally suitable and sustainable; and
- Ensure that the application for a CP does not infringe on the community's right to benefit from community lands.

Criteria That Recognizes and Builds on Past Work

- Use past processes (described above) as a guide for developing new laws and policies under LNIB's Land Code

RECOMMENDATIONS AND NEXT STEPS

Overarching Recommendation

Develop an approach to land allotments (traditional holdings specifically) that aligns with Nle?kepmx/LNIB protocols and principles. Conduct regular reviews of allotment processes to make sure that allotment processes are being carried out in ways that the community supports. Once engaged in the process, do not prioritize or start processes that may be perceived as competing with the goals of the process. Work to ensure cohesion between reserves, families and individuals in the process and try to avoid separate processes for separate reserves. Discuss what is working well, identify concerns and return to protocols and principles to make a plan for community-supported steps that can be taken to address concerns. This would be an ongoing community discussion process.

Big Picture Recommendations

1. Develop a plan for updating surveys on reserve lands. Think of ways to involve community in this plan
2. Develop a long-term approach to document management for LNIB Lands documents, and consider cross-department records that have relevance
3. Learn more about Lightship’s capacity to support allotment decision processes
4. Develop a plan for selecting a decision-making body and process for reviewing allotment applications
5. Allow adequate time for the development of appropriate policies and procedures for the decision-making body to ensure transparency
6. Protocols and principles project to determine how the community wants to put these into practice in decision-making about lands – including land use planning
7. Further research to understand the history of parcel-specific issues (building on Miller Thompson research and historical research for this project.)
8. Consider ways to bring the community together to recognize significant project milestones and achievements

Recommendations for Moving Forward with Allotment Law Development

1. Work with LNIB families to include their decision processes in Allotment Law processes:

- a. There was strong interest from some of the larger LNIB families in including their family-based decision process about land holdings and transfers in decision-making under the Allotment Law.
- b. If families want their internal decision-making processes to be included in allotment processes, they will have to work with the Lands Dept to determine how to codify these processes into the Allotment Law, if that is possible.
- c. Considerations of codifying individual family processes: Not everyone in the family will agree to this. Some people don't have larger family groups with decision-making processes – where does that leave them. What if the community-level decision makers don't agree with the family's decisions? What if two families claiming interests in the same land prioritize different principles? What about perceived or real threats to safety in this process?
- d. Families could be given an option to develop their own process and request that the Lands Department include their process as a criteria or step within Allotment Law decision-making. Family decision processes are likely to vary among families, and not everyone applying for an allotment will be part of a larger family group with a formalized process.
- e. Consider transparency between families and how other families can learn from each other.

2. Draft allotment application and elicit community input

- a. Base this on the application and process developed by the community in the 1990s and updating and adapting where necessary.
- b. Consider different levels of application process depending on the circumstances of the parcels in question. For instance, uncontested applications or those that only need an updated survey could use an expedited or short-form process, while contested parcels might require a full application.
- c. Run some "test" cases to ensure that the process works in a variety of different scenarios and adapt as needed.

3. Compile list of possible evidence to support allotment applications

- a. Include written and oral evidence identified in previous processes, types of evidence identified in interviews for this project, and types of evidence used to inform decision-making by the LNIB Lands Department today

- b. Consider some of the innovative ways past processes sought to confirm evidence

4. Institute measures to ensure transparency in the allotment application process

- a. Determine how and where information about allotment applications will be shared with the community
- b. Determine how and where community members will be able to provide input into specific applications
- c. Determine how to keep applications and the community at large updated about the status of their application
- d. Determine how the communication team can fit into this transparency and how this can be achieved for on and off-reserve members
- e. Determine how to protect applicants' privacy through the process

5. Facilitate a community engagement process to determine decision-making body

- a. Invite community members to participate in an engagement process (in-person and remotely)
- b. Present – and distribute widely – information about cultural principles and protocols around land and decision-making and use this to guide to engagement processes
- c. Learn from community members about other contemporary values and circumstances that they would like to be incorporated into decision-making today
- d. Present results of this process back to the community, and seek their review and input before formalizing the process
- e. During Phase 1 of the Traditional Holdings Project, community members provided their input on the types of decision-makers and decision-making structures and processes they favour for allotment applications. Ensure that these preferences are included in the formalization of decision processes.
- f. Engage with LNIB Directors, Chief and Council, LMAC and community members to decide on the composition of a decision-making body, and to determine how members of this body will be selected (appointed, elected, both?) and terms (length of term, voluntary/honorarium)

6. Support community members in making their applications

- a. Ensure that there are sufficient resources (funding and personnel) to support members in preparing their allotment applications
- b. Clearly communicate the application process, and expectations around timelines
- c. Consider how past unresolved applications (made in the 1990's and beyond) will be handled (new application? Revised application?)
- d. Consider how past evidence (provided in the 1990's and beyond) will be addressed, particularly regarding oral testimony, affidavits, or statements made and issues that may arise when the person is now deceased
- e. Consider how to prioritize the process for LNIB staff so that progress is not held up for technical or budgetary reasons due to other priorities (e.g. no money for surveys)

7. Consider compensation for members who have involuntarily lost land

- a. Community members supported options for recourse or compensation for members and families who have involuntarily lost land. This project did not focus on what that could look like, though community members did offer some suggestions. The next phase of the project should consider what LNIB's policy might be around compensation, recourse and recognition.

8. Further research to understand parcel-specific issues

- a. Further research will be required in historic land issues, especially around the particulars of estates, land holdings and family connections.
- b. This could take place on a case-by-case basis as applications are made.
- c. This will require time and could potentially generate significant documentation to be added to the document management system
- d. Consider ways to invite members to bring forward their own research and compare to LNIB and other files
- e. Continue to pursue records that were once held by NVIA or other organizations
- f. Prioritize review of records know to be stored offsite (shipping container) or in the files of other Departments
- g. Consider past innovations in collecting oral history (e.g. forums/special meetings where members are invited to present testimony)

9. Supporting preparation of allotment applications

- a. To embrace the inclusion of traditional principles, the process must make space for ceremony, witnesses, meetings/hearings, and a clear method of preparing, submitting, and reviewing evidence.
- b. If the community is told that the process will be fair and transparent for everyone, but they are left without the resources to participate fully (not having support or resources to complete an application, etc.) then they will not trust the process, or its outcomes.
- c. To make the application process fair and transparent, and to show respect for members, LNIB members should be supported in making their applications.
- d. Determine the types of resources (human and financial) that will be required to provide support to members submitting allotment applications.
- e. Ensure that every effort is made to involve staff and Council where appropriate. Communication, engagement, agreement and cohesion to a process is important.

10. Build in a Review Process or Benchmarks

- a. It will be important to know if the process is working or not. Build in benchmarks or goals, and regularly review progress.
- b. Consider options and solutions (mediation, dispute resolution, other) if the process is not working.
- c. Bring the community together to celebrate successes.

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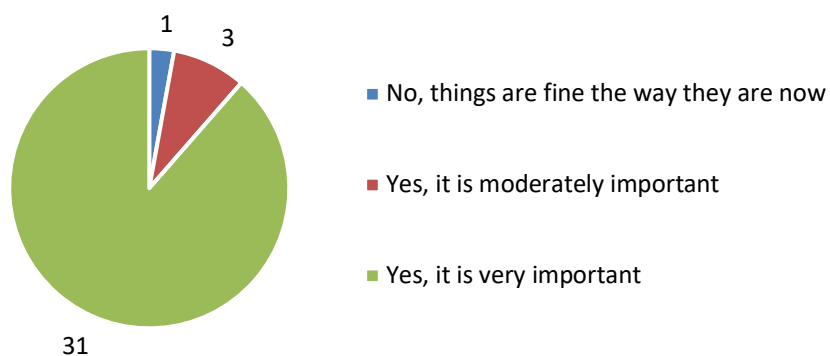
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APPENDIX A: COMMUNITY SURVEY RESULTS

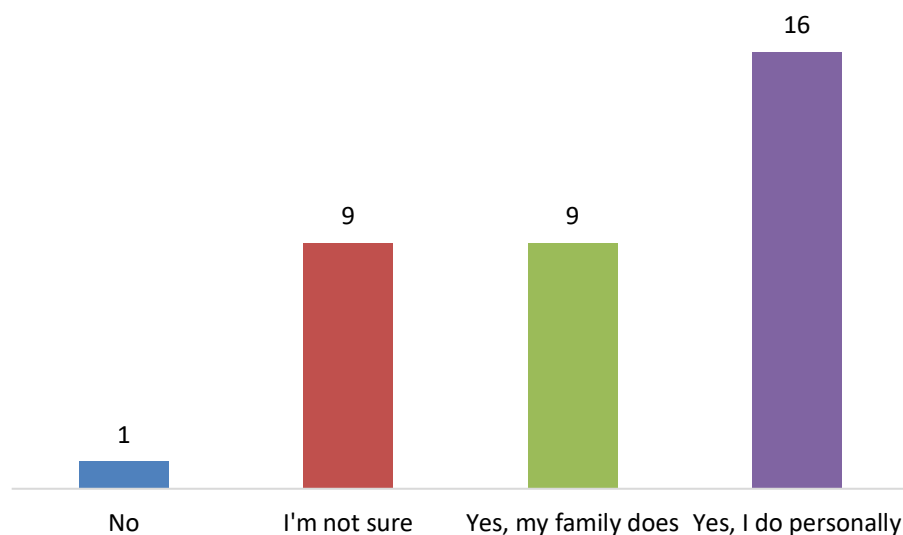
Survey 1 Results – Summer 2019

35 LNIB members participated in this survey

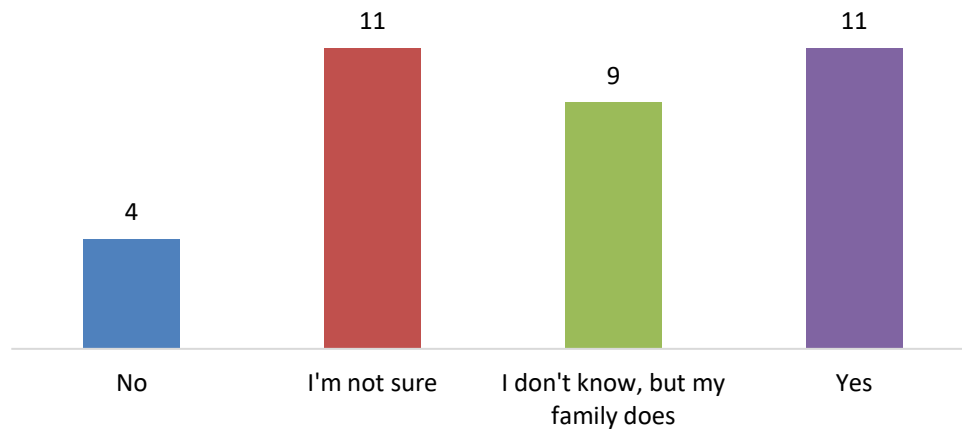
Question 1: Do you think that addressing issues and disputes around traditional land holdings is important for our community?



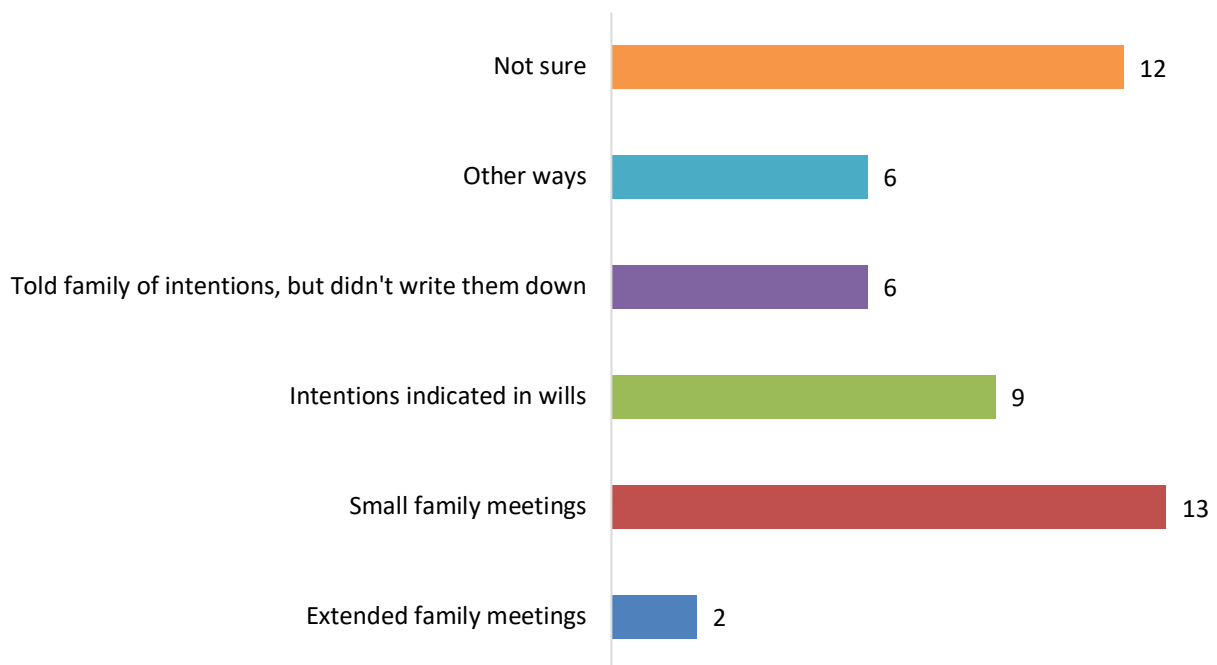
Question 2: Do you have personal or family connections to traditional land holdings on LNIB reserves?



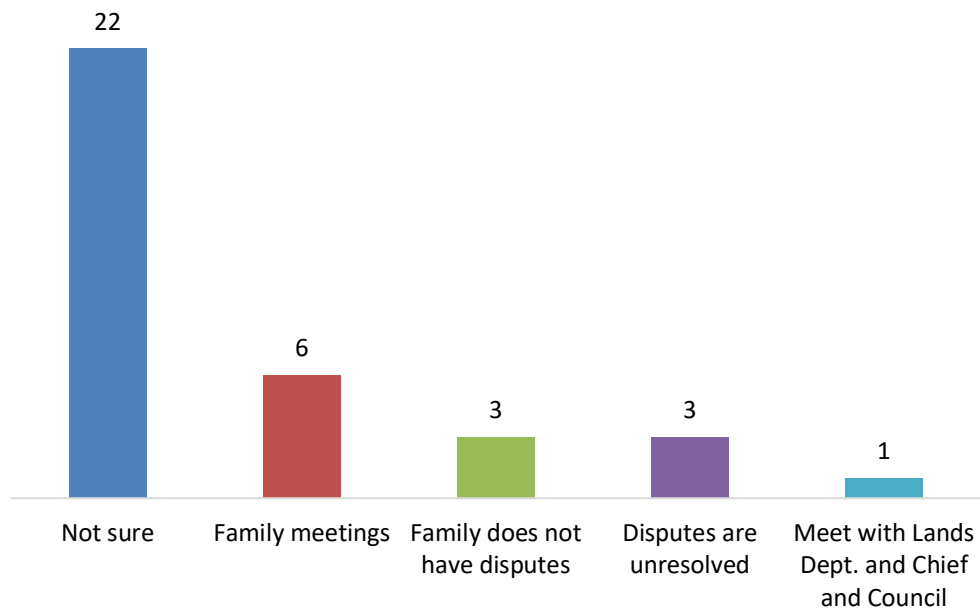
Question 3: If you or your family has a traditional holding, do you know how it was acquired?



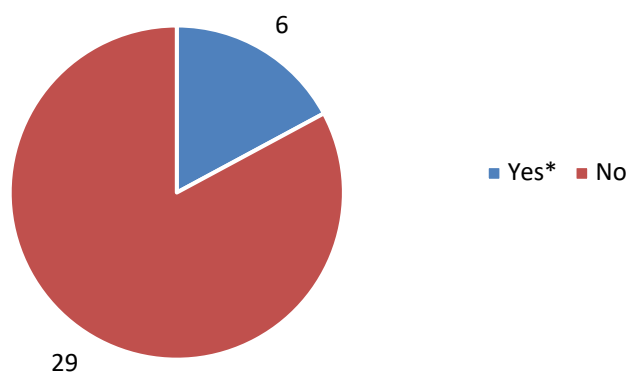
Question 4: How does/did your family make decisions about land holdings and estates?



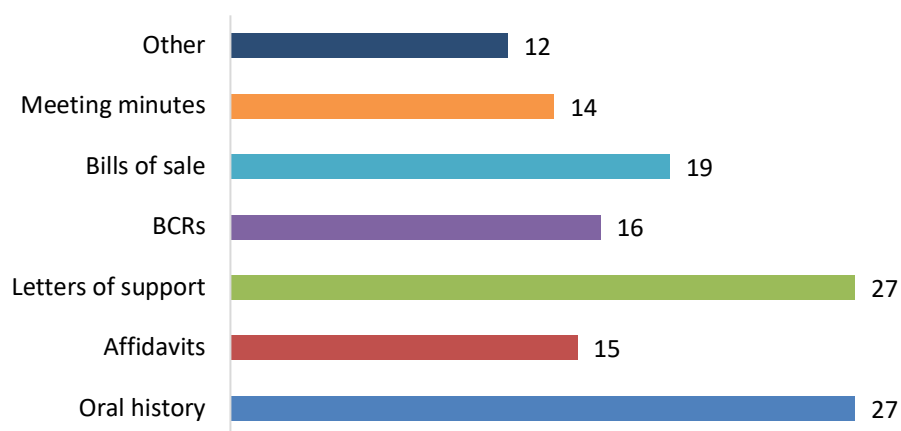
Question 5: How does your family resolve disputes about land holdings?



Question 6: Do you know of any Ntsekepmx laws or protocols related to traditional land holdings?⁷⁰

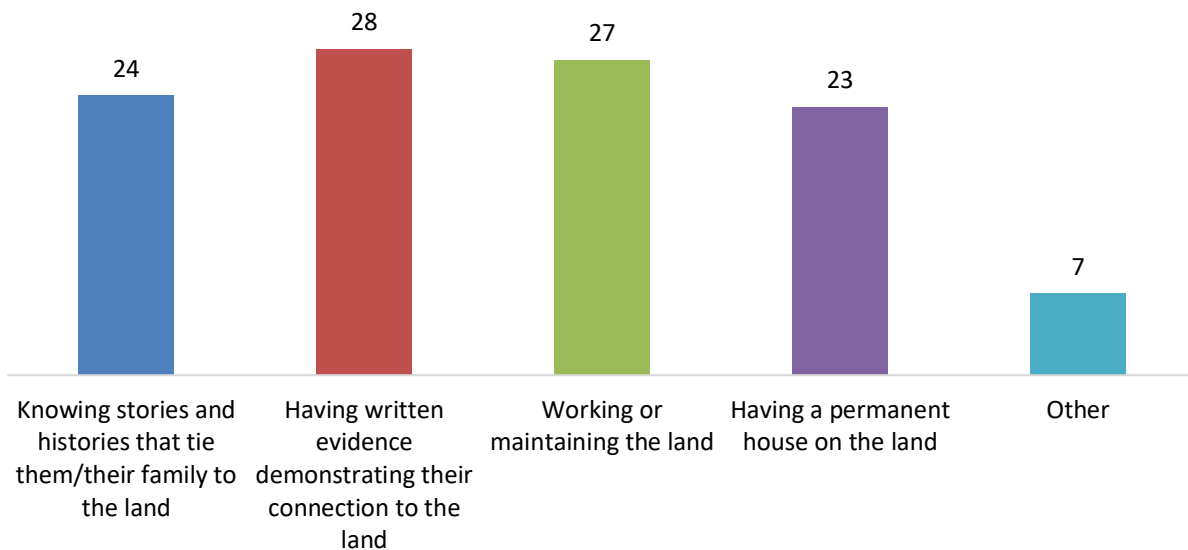


Question 7: What types of evidence should be accepted when someone is trying to show their connection to a traditional land holding?

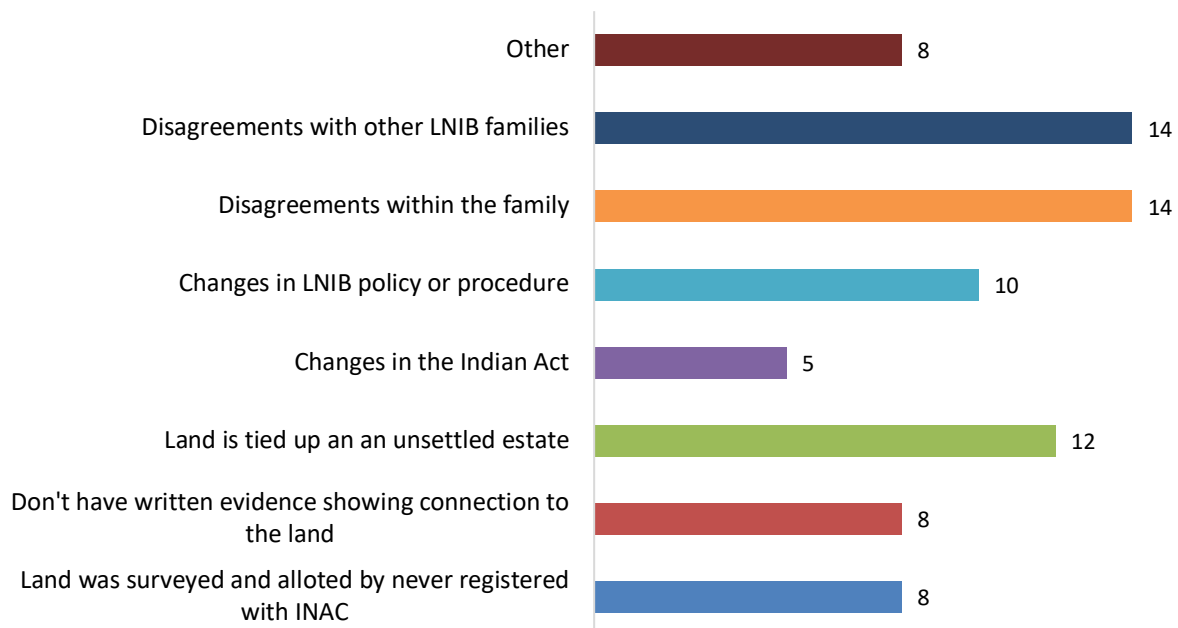


⁷⁰ *Survey participants noted the following laws and protocol: 1) land is passed down through families; 2) decisions are made by Elders and hereditary chiefs; and 3) you should know your neighbours and respect land boundaries.

Question 8: How do people prove their connection to a specific place on the land?



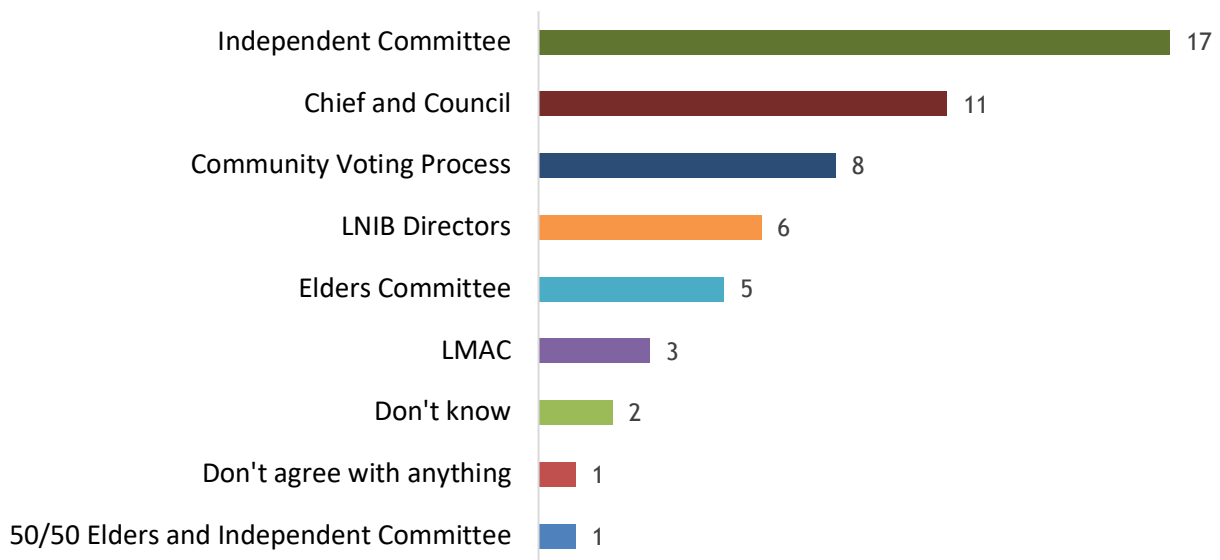
Question 9: What are some obstacles that you/your family have faced regarding traditional land holdings?



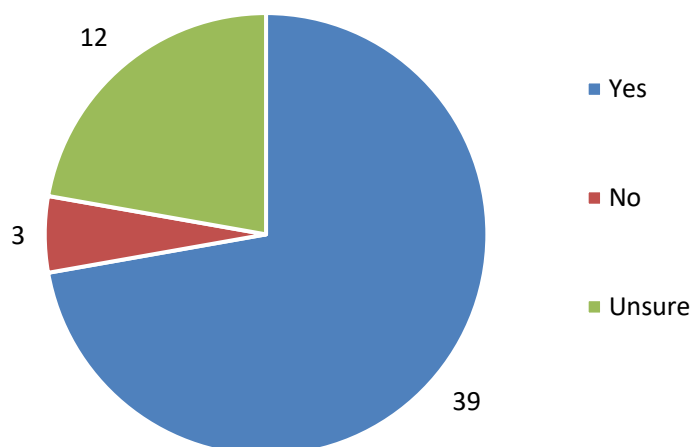
Survey 2 Results – Winter 2019

54 LNIB members participated in this survey

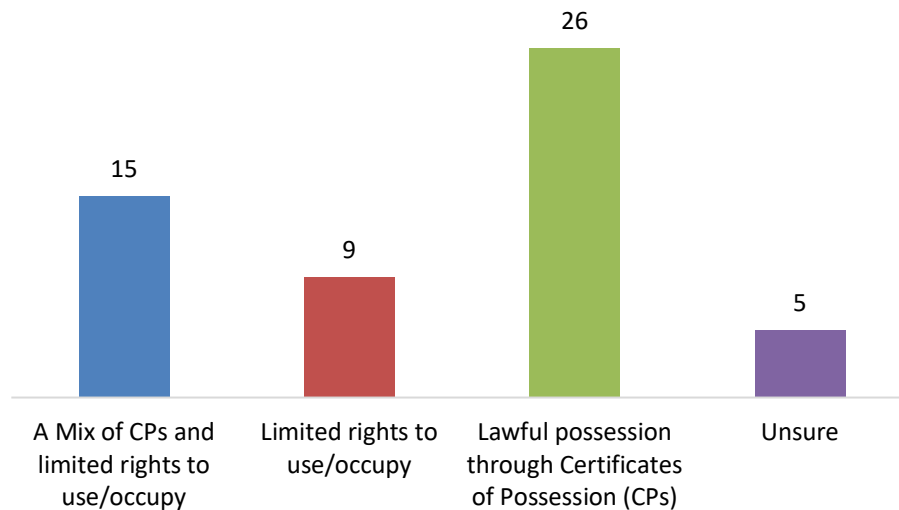
Question 1: Who should make decisions on land allotment applications under an LNIB Allotment Law?



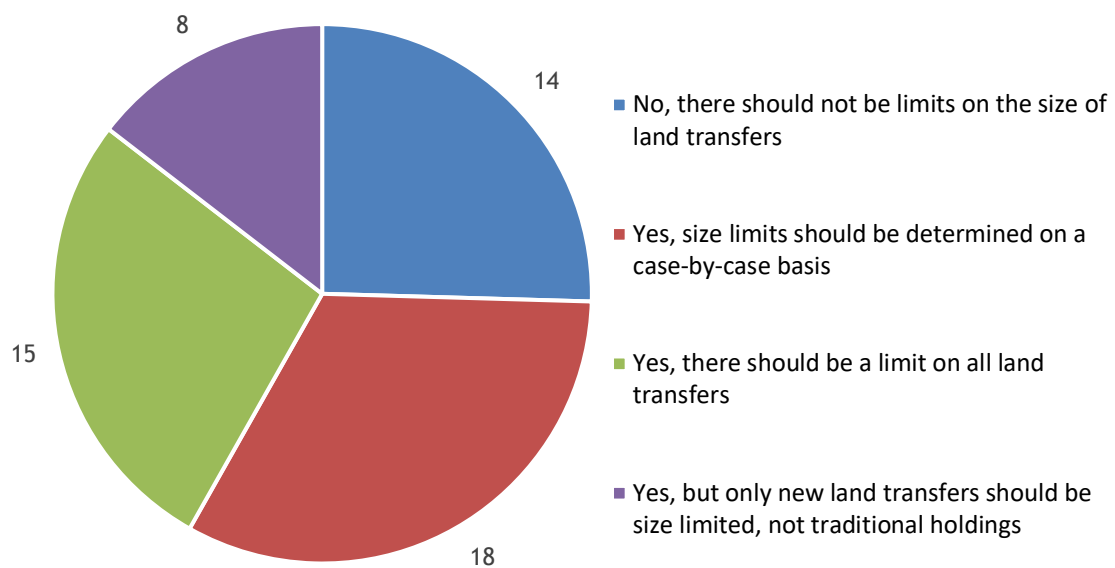
Question 2: Do you support an expedited review process for allotment of uncontested traditional holdings?



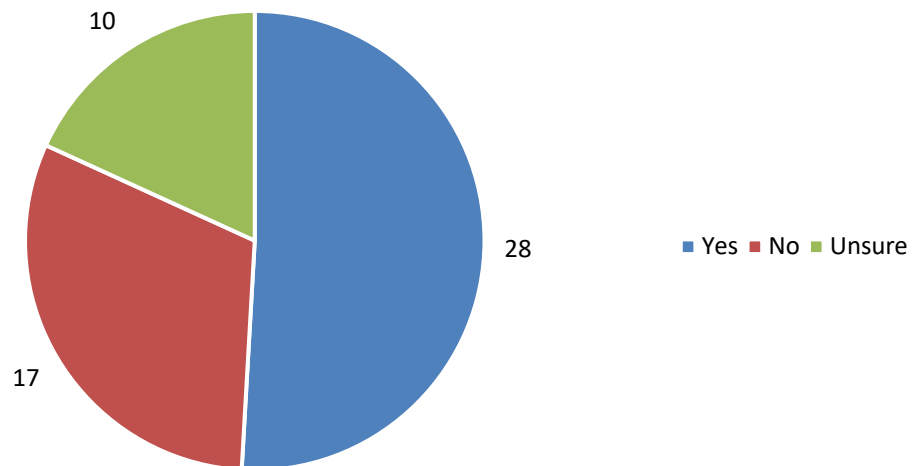
Question 3: What types of rights should members be able to acquire through transfer of LMIN community land?



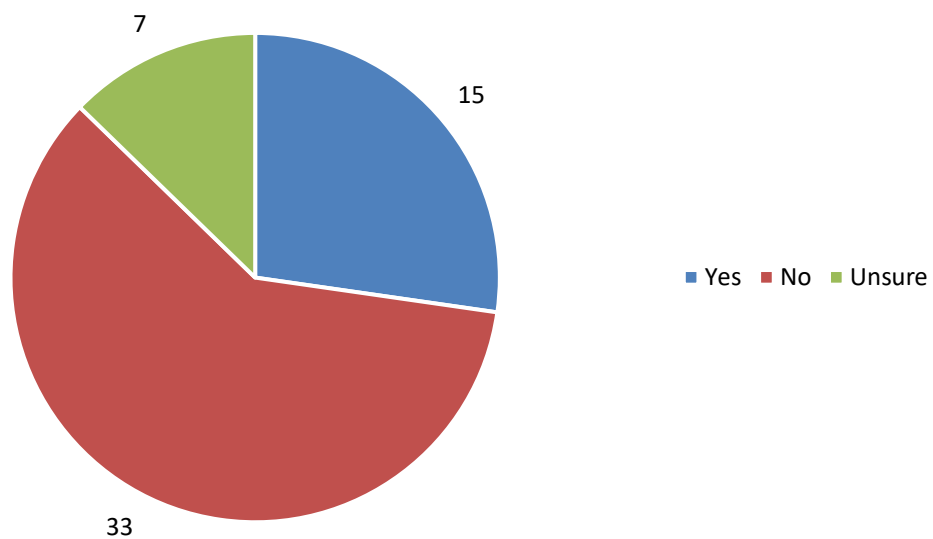
Question 4: Should LNIB limit the size of land transfers to members?



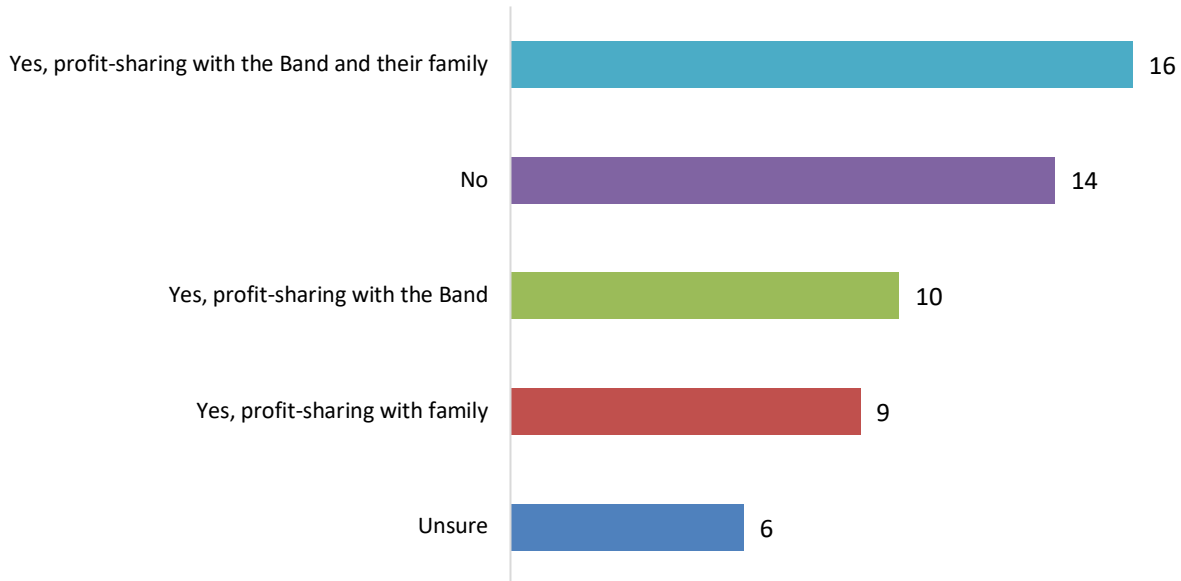
Question 5: If a member applies for a large transfer of LNIB community land, should there be a community vote or approval process?



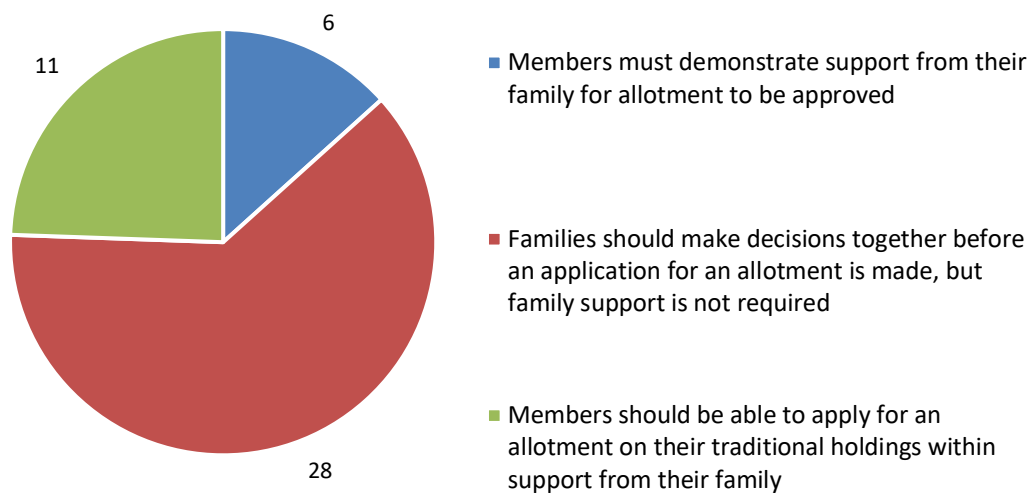
Question 6: Should LNIB only allow new land transfers for residential home sites?



Question 7: Should members receiving land transfers suitable for industrial, commercial or housing development be required to profit-share with their families or the Band?



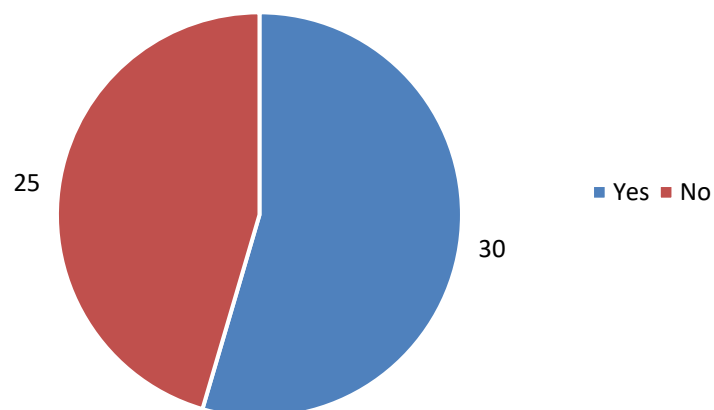
Question 8: What role should LNIB families play in how traditional holdings are transferred through an LNIB Allotment Law?



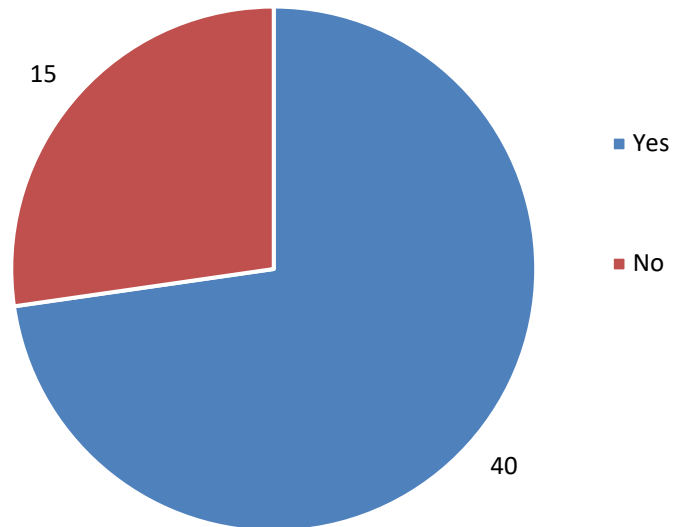
Question 9: Should members be able to apply for an allotment of any parcel of available LNIB community land, or only land on their family's traditional holding?



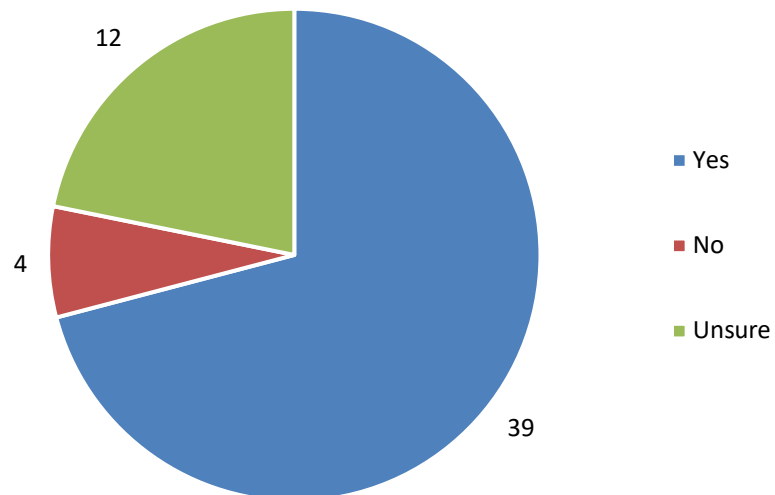
Question 10: Should members be able to apply for multiple allotments on LNIB community land?



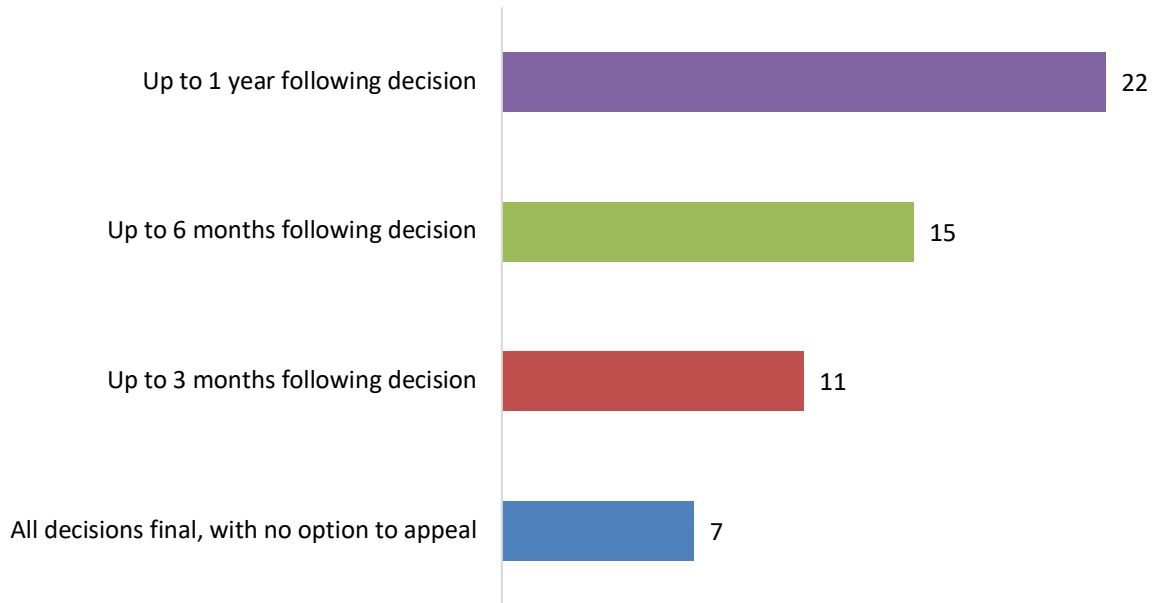
Question 11: Should LNIB limit new allotments of community land for members who have existing CPs?



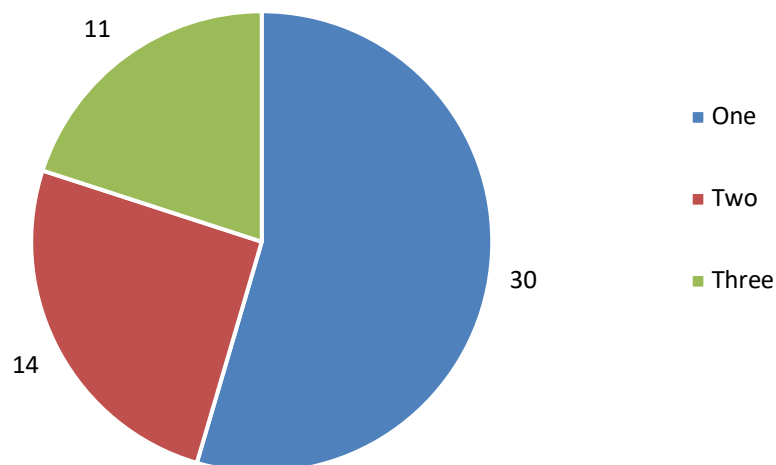
Question 12: In cases where LNIB members can show that they (or their family) have lost traditional holdings involuntarily, do you support a compensation process?



Question 13: Once a decision has been made through an LNIB Allotment Law process, how long should members have to appeal the decision?



Question 14: If an appeal process is included in the Allotment Law, how many appeals should be allowed?



APPENDIX B – BRIEF TIMELINE OF KEY EVENTS

4000BP-1200BP Shuswap, Plateau and Kamloops Horizons of Plateau Pithouse Tradition

- 1722** Doctrine of Discovery set out in memorandum of British Privy Council
- 1763** Royal Proclamation of 1763 (King George III) reserves land for Indians until surrendered to the Crown
- 1793** Alexander Mackenzie first overland crossing of North America
- 1790s** Horses introduced did not become plentiful till 1850s
- 1800s** Smallpox epidemic in the Similkameen.
- 1808** Simon Fraser explores Fraser River and meets tribal chiefs and 1,200 Nlaka’pamux at Lytton
- 1811** David Stuart and Alexander Ross winter in Kamloops area. Fur trade begins in region.
- 1812** Fort Shewaps established at Kamloops
- 1814** Thompson population estimated as 2,440 by North West Company
- 1821** Hudson’s Bay Company take over post at Kamloops; beaver skin popular trade item
- 1821** Archibald McDonald describes chiefs and principal men around the Kamloops post. 1,076 Coutamines
- 1823** Estimated Thompson population of 1,600
- 1827** Archibald McDonald draws first map of the Interior
- 1828** Governor Simpson makes journey through Nlaka’pamux territory, meets Chief Nicola. Simpson described the Fraser River fishery and families forming themselves into camps of 10 to 12 families at the different rapids
- 1830** Teit reported that evidence of cultivation found in Thompson region
- 1835** Stûwîx concentrated in the Nicola Valley, camps near present-day Merritt and Nicola Lake
- 1839** Teit (in 1899) described the 1839 landmarks of the Stûwîx, tribal boundaries

N.E.	kînkînúlox	Hill at the East end of Nicola Lake, a little beyond Sam Moore’s Ranch.
E.	Spáxamîn	When the creek falls out of Douglas Lake.
S.	Tast xe zuli	On the north side of the little lake above Bill Manning’s Ranch.
S.W.	Tsoz’z	A Valley with many dark coloured rocks, on the Boston Bar trail and about 50 miles from Tsulús, Nicola.
W.	CáxanEx	At the slide a little east of CáxanEx Creek.
N.	Mámit	Upper end of Mamit Lake.
- 1840** Hunters guided into Nicola Valley to Nicola Lake area

- 1842** Alexander Anderson travels from Fort Thompson to Thompson River, and then Fraser River via Patterson Creek, Stump Lake, Nicola Lake, and Nicola River
- 1846** A.C. Anderson explores trade routes to Fort Langley, Hope to Nicola, Nicola to Kamloops. An Nlaka’pamux man was his guide
- 1850** Douglas starts making treaties on Vancouver Island (to 1854)
- 1850** Measles epidemic spreads to interior
- 1857** Gold discovered at Kamloops
- 1858** Gold discovery on Fraser River brings influx of 30,000- 100,000 miners to New Caledonia
- 1858** Fraser Canyon War
- 1858** Mainland Colony of BC created – Governor Douglas has power to convey Crown Lands sold (An Act to provide for the Government of British Columbia)
- 1859** Governor Douglas introduces liberal Indian land policy to Gold Commissioners/Magistrates including anticipatory reserves of cultivated fields and village sites (“also cause to be reserved, the sites of all Indian Villages and the Land they have been accustomed to cultivate, to the extent of several hundred acres round each village for their especial use and benefit)
- 1858** Richard Charles Mayne, Royal Engineer, reported on a journey in the Thompson, Fraser, and Harrison River District. He travelled through the Nicola Valley to Kamloops
- 1858** Teit reported at the coming of the whites (1858) the recognized chief of the Nicola country was NEwisiškîn, and a Cawáxamux born within seven miles of Spence’s Bridge
- 1859** Secretary of State Lord Carnarvon advocates for “measures of liberality and justice” when compensating for surrender of occupied lands
- 1859** Snyder treaties – 6 oral Nlaka’pamux treaties with miners at Lytton
- 1859** Douglas Land Proclamation – Proclamation I
- 1860** Lytton meeting – Douglas explained instructions re: reserves (village sites, fields, as much as could till)
- 1860** Proclamation II, having the Force of Law to enable the Governor of British Columbia to convey Crown Lands Sold within the said Colony [Pre-emption Act, 1860]; Proclamation III – magistrates, Gold Commissioners, Asst. Gold Commissioners authority to sell land
- 1861** Reserve policy, Charles Good on behalf of Colonial Secretary Young – Indian villages, burial places, and reserves as pointed out by Indians themselves
- 1862** R.C. Mayne in the Nicola Valley - meets No-as-is-ticun of Skowtous tribe who describes “homes of his tribe” the Skowtous
- 1862** No-as-is-ticun recognized as chief
- 1862** Smallpox epidemic in the Fraser Canyon. Burials in winter dwellings. Ball reported smallpox outbreak at the mouth of the Nicola River in September 1862
- 1863** Henry Lindley hunting trip to Nicola Valley, shores of Nicola Lake

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- 1864** Douglas on Reserves – described his reserve policy to include village sites, cultivated fields & favorite places of resort
 - 1864** Indian settlement - J.B. Pemberton describes “Indian Settlement” as a village or home customarily used, [but not always occupied]
 - 1864** Surveyor General Joseph Pemberton describes definition of ‘Indian settlement’ as spots showing “indisputable evidence of continued occupation and residence”
 - 1864** Nowestkan trading fur for colts at HBC site in Kamloops
 - 1865** Land Ordinance - Settlers could not pre-empt Indian settlements
 - 1865** Trutch begins reducing reserves
 - 1865** William Voght hunting in the Nicola Valley
 - 1866** Land Ordinance - Indians denied right to pre-empt Crown Land
 - 1866** Columbia Mission records report huge gathering of Indians belonging to the Thompson tribe at Lytton. Mentions pithouses.
 - 1867** Dominion of Canada Established. Constitution act Section 91(24) gives Dominion Government authority over “Indians and lands reserved for Indians”
 - 1867** Trutch policy - J.W. Trutch introduces policy of 10 acres of land to each adult male in the tribe & moderate grazing lands
 - 1867** Rev. Good lists watchmen and captains and large Nlaka’pamux settlements. Church understanding of watchmen different from Nlaka’pamux understanding. Traditional watchmen were responsible for land stewardship – when to hunt, when to burn, when to leave the land alone
 - 1867** Indian Day School established for boys at Lytton
 - 1867** Pedro Ateago, Raphael Carranzo, Joseph Castillou, Antonia Godey, Pancho Guitierrez, Blais Leon, Jesus Silva, Jesus Garcia winter in the Nicola Valley (1867-1868)
 - 1868** First Pre-emption’s - J.C. Clapperton & E. Dalley record first pre-emptions and water records at the foot of Nicola Lake (Zoht) [D: 117, 118]; Alexander Robb [DL 108, 109]; Florian Mickle [DL 108]; William Charters [DL 167]; Wheeler Mickle; Julia Mickle
 - 1868** O’Reilly Reserve - Magistrate O’Reilly allots Naik (918 acres) for Nowistikan’s tribe (100 people, 200 horses, and 32 head cattle). Trutch instructed O’Reilly to determine the extent of land to be included in the reserves "on the spot with due regard to the numbers and industrial habits of the Indians permanently living on the land - and to the quality of the land itself"
 - 1868** Nowistikan/Naweeshistan recognized as Chief (to 1876)
 - 1868** Nicola Valley settler Alexander Robb describes the Nicola Indians as well off “nearly all of them owning more or less horses, some of them cattle. One chief had nearly 200 horses and 20 or 30 cows. The man, a grand chief, had no less than seven wives and thirty five children living besides 12 children and an unknown number of deceased wives”

- 1869** Musgrave visited Lytton on his way to Kamloops – Gov. Musgrave told Indians wanted additional villages and lands reserved. Sashiatan (former war chief and surrounding chiefs discuss lands and water)
- 1869** Reserve Ordinance - Indian Reserve Ordinance allows Stipendiary Magistrate authority to decide Indian settlements
- 1869** Chief Nuhuistan of Nicolai Lake requested a teacher for his village
- 1869** Chief Sashiatan (Thompson war Chief) attacked HBC train at Nicolai Lake
- 1870** Petition to Musgrave - Naweeshistan petitioned Musgrave to reserve Nehyig, Tootch (DL 115, KDYD] & To Tulla
- 1870** Land being pre-empted by William Lundbom in the Nicola Valley claimed by an Indian. Pohosh, brother of Nowwisann, had a potato plot that he had been in the habit of cultivating the land; the Indians are constantly camped on the place and George Clapperton gave up the place taken by Lundbom because of them [Augustus Lundom [DL 115]
- 1870** Good told by native watchman from Cook's Ferry that long ago they worshipped the sun, moon and stars; medicine men didn't have such "gross accompaniments of initiation"; marriage was a choice, agreed to by a council of friends; country was prolific; slaves were not taken in war
- 1870** Old houses at the Shulus reserve were built between 1870-1875; so was old house on Schwartz Ranch, later Morgan family [confirm – research on DL 129 and reserve boundaries quickly became an issue of concern]
- 1871** Good describes watchman's duties; Spintlum confessed to having another wife; Chief Shinimitsee of Cooks Ferry was a polygamist; Chief Quonilqualie of Similkameen came from Nicola to see Good; Chief living at the end of Nicola Lake had hundreds of cattle and horses
- 1871** BC Joins Confederation – Article 13 Terms of Union; 76 IRs in BC, only 1 for LNIB
- 1871** O'Reilly's Response - Reported he had "dealt with the Indians liberally" & could not reserve all "small, scattered" patches
- 1873** Indian Petition - 4,000 gather in New Westminster to meet Powell and request more reserves
- 1873** Powell's Promise - Indian Commissioner promises sufficient land for the maintenance of their own property & that of their children ("each family should have sufficient land for their maintenance to be their own property and that of their children...forever")
- 1873** Nlaka'pamux miners on Thompson and Fraser Rivers contributing as much as \$15,000 to \$20,000 annually to the district economy, Indigenous trade comprised 75% of entire trade of interior of province
- 1873** District Lot 126, near Naik, pre-empted by Frederick Corral (known as Petsa) [Band researcher in 1967 calls into question the north point on page 2 of the pre-emption but ultimately concluded that this did not impact the location of DL 129, which was correctly shown]. Research by Don Moses in 1967 determined that Mrs. Little Louie was alive at the time and remembered the Corral takeover of land used by LNIB. Report by Thomas Berger in 1967 states the Corral went to Chief Na-weese-us-ti-kims to obtain permission to cultivate a piece of land near a ditch

- diverting water from 10-Mile (Guichon) Creek. Permission was granted, but it was to be a temporary arrangement until Corral found other land.
- 1873** Anglican Church – polygamists and medicine men could not be baptized; 16 Chiefs and headmen of 26 were baptized; 4 churches being built in the district
- 1874** 1st Interior Visit - Powell meets Chiefs & headmen (110 people) of Interior Tribes at Spence's Bridge and learned about "land use needs" where chiefs ask for gardens, villages and fishing sites. At Nicola Lake "the whole tribe headed by their respective chiefs walked passed in single file to shake hands and bid me welcome". Ha-ap-tu-kan spoke of conflict with settlers Lundbom, Clapperton and Gilmore, and of his traveling to Victoria at a cost of \$75 to get papers to "make my land all right". Nawista-kan also asks him to "make my land all right". Swi-ar-quin spoke of the settlers taking all the land and water "because they can make money out of them". Luo-nal-cha spoke about Clapperton driving their horses off his land and killing their dogs, stating "his ancestors have had the land for the last 1000 years". Te-Kole-a-kan spoke about land he had cultivated for years, working with Bill Charters to jointly make a ditch, and having other settlers take his land. Mr. Chapman did the same. Su-wy-askut had land outside the reserve and wanted to keep it. Kla-ko-ma-nashut had 10 of his cattle corralled by Chapman who threatened to sale them because they destroyed his crops. Ha-ap-takan said his "old reserve had been taken from him". Powell offered presents and farming equipment which were refused "what is the use of tools without land"
- 1874** Fraser River Petition - Chiefs protest arbitrary reserve establishment & small reserves
- 1874** Circa 1874, Coldwater first settled by Paul Satchie from Boston Bar who did all he could to diminish the Medicine Man influence over his people; family, friends and half off Boston Bar Indians followed him for the purpose of rearing horses, farming and procuring a certain means of livelihood than fishing and game.
- 1874** Indian Superintendent I.W. Powell recognizes Sexpinlhemx (Spintlum) as Head Chief of Nlaka'pamux
- 1874** John Jane conducts Township surveys in the Nicola Valley, many early pre-emptions had made use of natural boundaries. His field notes in relation to DL 129, KDYD note a log fence made by Indians but not included in their reservation [this was prior to 1878 IRC allocation of Indian Reserves]. Jane also laid out Lots 128, 130 and 131. Lot 128 (918 acres) was for Indian occupation, being Naik Reserve.
- 1875** 36 settler holdings surveyed in Nicola Valley
- 1875** Indian Commissioner Lenihan reports that several natives in the Interior had been claiming land of their own accord, erecting houses and cultivating as much as they please, "asserting that until the land question is settled, it is their duty to make ample provisions for themselves and their families".
- 1875** Interior Chiefs meet at Kamloops regarding land allotments
- 1875** Shuswap Petition - Shuswap Tribes petition the size and location of IRs
- 1875** Poscah, a medicine man was practicing and was suspended from church privileges; Bishop met with Chiefs, Watchmen and Headmen to preserve order and good morals in their villages

- 1875** Measles epidemic in the district
- 1876** First Indian Act introduced. Traditional governance system begins to be replaced by Band council system and terms of acquiring location or title to lots is introduced
- 1876** JIRC established by PCOC 1088 and OIC 1138 - Joint Indian Reserve Commission established to settle Indian Land Question
- 1876** Chief Naweeshistan, Chief/Captain Quonilqual, Captains Swakum, Senaquia, Hashastool; Headmen Hoblaklukane and Pahkutta; Watchmen Chewylst, Swyit, Appelakane
- 1876** Rev. Good said chiefs, captains and watchmen of various villages questioned about their people – medicine men, immorality, gambling, and potlatches
- 1876** Sproat to Minister of the Interior – Sproat opposed a general allotment of land to Natives, recommended prior use be considered before allotment made; felt that allotment of single family reserves would not be satisfactory
- 1877** Greatest Cruelty - MOI Mills states Nicola Lake Indians subject to greatest cruelty at hands of settlers who had taken their lands
- 1877** Sproat drafts memo “Indian Land Question Explained”
- 1877** Population of Nehig, Zoot and Chuwaites was 226
- 1877** Chief Naweeshistan, Teenamelst, Sawakum (Cap), Pahkutta; Headmen Swayit, Tsukakelihackut, Cheyest, Hupalakkan
- 1877** JIRC Commissioners Anderson and Sproat concerned with Indian situation from Kamloops to American frontier. Requested 100 mounted police be sent to Kamloops – felt threat of potential uprising. Finish the season without reaching Nicola to set aside additional reserves
- 1877** Head Chief Spintlum spoke at gathering warning against a life of sin
- 1877** G.M. Dawson explores Nicola Valley in May and June (Stump Lake, Nicola Lake, Douglas Lake, Coldwater River, Guichon Creek, Nicola River); 48 settlers with 16 families, and much of the land is fenced in by this time
- 1878** George Blenkinsop records census of southern Nlaka’pamux
- 1878** JIRC Dissolved – Indian Reserve Commission, with Sproat as sole commissioner takes over
- 1878** Sproat suggests adjustments of the Indian Land Question - The Indians (of the Interior) want arable land with water for irrigation, and they want winter pasture especially, and they want summer pasture
- 1878** Sproat Reserves - IRC Commissioner Sproat allots majority of LNIB IRs, surveyed by Mohun (Clapperton, Nicola River, Nicola Plains, Nicola Mameet IR 1 (11,356 acres), Joeyaska IR 2 (320 acres), Pipeseul IR 3 (220 acres), Zoht IR 4 (500 acres), Logan’s IR 6 (45 acres), Hamilton Creek IR 7 (4,400 acres), Nooaitch Grass IR 9 (1,960 acres), Nooaitch IR 10 (2,310 acres), Shackan IR 11 (6,470 acres), Soldatquo IR 12 (2,440 acres), Papsilqua IR 13 (730 acres). The Indians formerly had fenced and cultivated patches and constructed irrigation ditches on lands now in the possession of white men near the mouth of the Coldwater, and I found a very sore feeling among the Indians on account of their being dispossessed - here as at the foot of Nicola Lake -

- without compensation, but rather than raise difficult questions between the Governments with respect to lands occupied and improved by white men, I finally induced the Indians to let bygones be bygones, and to take things as they were, and try to make the best of what offered
- 1878** Sproat's reserves include Nicola Plains, a temporary 320 acres reserve, that could be used for grazing for two years to determine whether or not it was required (NE 1/4 s.25, Tw 91 and SW 1/4 s.31, T93)
- 1878** Nlaka'pamux Tribe population had decreased by 1/3 since 1858 (except in Nicola Valley). Tribal population about 3,000
- 1878** Sproat had been appointed by LNIB and Thomas Swartz as arbitrator over dispute around Lot 129, KDYD. Sproat determined survey was correct and stipulated Indians were to remove their fences, corrals and other property and the reserve should be resurveyed. The ditch belonged to the Indians but line should be changed. Corral was deceased by this time. Sproat noted that a ditch had been jointly used by the Indians and Mr. Swartz.
- 1878** Clapperton informed Sproat that Chueska and Charters were in conflict over fencing a piece of land on Coldwater River. Indians refused to accept farming implements due to unsettled land question
- 1878** Sproat stated "It may be stated that the three tribes, proper, of the Nicola Valley are those at: (1) Shaik-in or Potatoe Gardens (2) Na-weese-is-ti-kun's people (3) Chilliheetsa's people, but that there are other lands on the Nicola or its tributaries belonging to, that is, occupied by, other tribes who have their Tribal (i.e. winter) places of residence elsewhere. Other Tribes than those of Nicola proper have wintered their stock at and near the Nicola River, ever since they had stock, and some have cultivated potatoes in parts, but **Chilliheetsa and Na-weese-is-ti-kun have made them pay for the former privilege.** I have told all the Indians that this paying of tribute shall now cease, and each tribe should manage and enjoy its own lands, which now have been selected to afford tillage land, and also grazing land for summer and winter, with as little dispersion of the tracts of land as possible"
- 1879** Settlers Petition - Nicola Valley settlers petition Sproat IRs; Sproat responded saying misconceptions, on average reserves offer only 18 acres of arable land per adult male, and less in lower portion of the valley; amount of grazing land allotted only sufficient for 4 head of stock for each adult male, cautions with gradual population grown reserves will be insufficient to enable self-sufficiency
- 1879** Settler P.L. Anderson pre-empted an Indian settlement [DL 425] occupied by Teen-a-melst, a Nicola man with 18 children, 104 horses and 13 cattle [Hamilton Creek]
- 1879** Lytton Gathering – Indians gather at Lytton to discuss Indian Land Question
- 1879** Open for Pre-emption - All surveyed, vacant crown lands in Nicola Valley open for pre-emption/purchase
- 1879** Population of all Nicola Indians 522
- 1879** Speous IR 8 (280 acres) allotted
- 1879** Chief Mischele chosen as Chief of the Nation at large meeting of Nlaka'pamux (1,000 – 1,200 Indians and 1,500 horses) at Lytton to discuss governance and jurisdiction for over 2 weeks. This

- was an interesting meeting where an attempt was made to incorporate traditional governance principles into western processes. Based on white government structure, proposed a fair division of arable lands on reserve, hunting & fishing restrictions; rule of law
- 1879** A movement by the NeKlakapamuck bands to amalgamate as the NeKlakamuck Tribe under one Head Chief was quickly discouraged by the Indian Superintendent for BC and the Reserve Commissioner
- 1879** Indian Prophet named Qualis (could control the elements) from Lower Fraser meets with 500 at Spuzzum, including those from Nicola
- 1879** Nicola Valley bands under Chief Norwiscan refused to accept agricultural implements and harnesses offered by Indian Affairs – they did not want anything from the government for nothing
- 1880** Mohun Report - Mohun reports on his survey work for IRC, and comments on land and water issues. He stated that Tenamilt had claimed land near Mr. Anderson's pre-emption, with evidence of old kickwilly houses [and corral, and stable]
- 1880** Interior tribes active in stock raising and farming. 30 reserves had been surveyed including those at Hamilton Creek, Shackan, Douglas Lake and Chapperon Lake
- 1880** LeJeune arrives in the District, staying with native people in their winter homes; Michel taught him the Thompson language. Does not visit the Nicola Valley until 1882
- 1880** Province had not yet accepted any of the surveys and reserve allotments at Nicola
- 1881** Land Exchange - Settler P.J. Gillie reaches temporary land exchange agreement with Zoht Indians (10 acre reserve) in exchange for part of Zoht IR 4 (Banquilla, Houblakin, Naainnive, Shenisk, Shuta, Poash, Naweestican). Banguita and Hoblukin build one house, a stable, a chicken house and had rails on the land to enclose the 10 acres
- 1881** Spintlum at New West to meet with Governor General
- 1881** Bishop Sillitoe visits the Nicola Valley and records activities like fishing, coal mining, farming, railroad work
- 1882** Population of all Nicola Indians 522
- 1882** Pithouse in Merritt Cemetery (near the grave of William Voght) was occupied to at least 1882. It was photographed in 1907 by M. G. Armytage
- 1882** Majority of bands in Kamloops Agency raised stock (horses) and farming; increase in pulmonary disease attributed to living in European houses during winter; O'Reilly on large reserve size notes that it does not account for mountainous terrain, lack of land for anything but stock grazing
- 1882** LeJeune reports on gathering of 2,000 in New Westminster
- 1883** Nicola town contained 50-60 settlers, 10,000-12,000 cattle, 1,000 horses, 2,000 sheep
- 1883** Powell reported on the proposed Zoht exchange. He "found that the family of Indians for who the exchange was proposed were divided on the issue"

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- 1883** Exchange - Zoht tribe exchange 175 acres of IR 4 for 15 acres [DL 115, KDYD] (Bancutta, Hoblakin, Nawaoowe, Shenisk, Shuta, Hillquoyesk)
 - 1883** Anglican Church Diocese record list of appointed Church Chiefs and Watchmen in the Lytton District
 - 1884** All Hallows established at Yale for girls
 - 1884** Peter recognized as Chief, succeeding his father
 - 1885** Potlatch made illegal in BC (January 1)
 - 1886** Coqualeetza Home established in Chilliwack
 - 1886** Na-a-ik population 124, Zoht 16. Naaik Indians did not add to their fields but had improved fences and dwellings
 - 1887** Pipeul Request - LNIB requests additional 320 acres around fishery at Pipeul
 - 1887** Na-a-ik population 106, Zoht 14. The Nicola Indians used the plough to till their lands, and placed great importance on the advantages of possessing cultivable lands.
 - 1887** Influenza decrease in Nlaka'pamux population, children at Naaik sick, 1/3 livestock perish from starvation during winter; bronchial and pulmonary disease
 - 1887** Certificate of Purchase for Frederick Corral and Crown Grant issued. Land referred to as DL 129, despite the fact that it was south of the land originally pre-empted
 - 1888** Naaik population 104, Zoht 14. O'Reilly reports Nicola grazing lands "greatly eaten out by bands of wild horses belonging to the Indians"
 - 1888** George Dawson geological exploration in Nicola Valley records many place names
 - 1889** Old Zoht Exchange - Proposed surrender of Old Zoht [DL 962, KDYD] for mountainous lands five miles up Clapperton Creek. Gilmore and Pooley wished to buy Old Zoht lands
 - 1889** Settler William Pooley applied to purchase DL 716, KDYD to exchange with Indians for DL 962, KDYD [Old Zoht and Zoht IR 5]
 - 1889** Indian Agent MacKay sends list of chiefs, minor chiefs to DSIGIA including Nhla-kapmuh Chiefs
 - 1889** O'Reilly visited the Douglas Lake Commonage reserve and felt it wasn't required
 - 1890** Kamloops Industrial School established
 - 1890** Chief of Zoht Chu-yas-ka
 - 1890** Growing interest in cultivation of apples, plums and pears in Nicola Valley; La Grippe influenza epidemic killed 79 Nlaka'pamux; deposits of Iron ore and obsidian reported in Lower Nicola region; silver mining exploration taking place at Stump Lake; all bands had heavy losses in crop and stock but sustaining themselves off the land
 - 1891** Zoht population 12
 - 1891** Census for Yale District, Nicola includes LNIB members (many traditional names recorded)
 - 1891** Settlers owned and occupied about 151,286 acres in Nicola Valley

- 1891** La Grippe still ravaging communities in Kamloops Agency; Naaik band had good crops and healthy numbers of livestock; applications by whites for prospecting coal on Joeyaska
- 1891** William Hamilton Merritt interested in coal on reserve [Joeyaska IR 2?]
- 1892** La Grippe and measles in Kamloops Agency; employment with CPR, as cattle herders, farm labourers and packers; Na-aik Band under religious fractioning, land yielding good crops of wheat, oats and hay; Nziskat only 2 families; Zoht Band – Chu-yas-ka and his family joined the Band, wants to exchange 150 acre reserve [Old Zoht] for one of equal size in high mountain valley of Clapperton Creek [Zoht IR 5]
- 1892** Deputy Commissioner of Lands and Works Gore grants permission to William Pooley to complete payments of Lot 716 which he hoped to exchange for Zoht Reserve [Old Zoht, DL 962]
- 1893** Zoht headman Shuta
- 1893** Shulus hospital established
- 1893** Naaik 99, Zoht 15
- 1893** Na-aik Band – excellent hay and grain crops, lost considerable number of livestock; Nziskat Band growing potatoes and working freight road; Zoht Band – good crops but also labour as farm hands
- 1893** Old Zoht exchange discussed – Chu-yas-ka arranged with Mr. Pooley to get land up Clapperton Creek in exchange for Old Zoht. Chu-yas-ka have ben occupying the 160 acres Pooley had secured up Clapperton Creek
- 1893** Lease of Nicola Valley Railway (CPR was interested in coal in the Nicola Valley and proposed route between Spence’s Bridge and Nicola Lake)
- 1893** Town site of Merritt settled
- 1893** LeJeune writes of gathering of more than 1,200 natives from all over the Interior at Kamloops
- 1894** Zoht surrender 10.2 acre parcel in exchange for 175 acres Zoht IR 4. Thomas wanted to give up the 10 acres he was living on, Chief Shuta and Zoht band were willing to give him land to cultivate. Tom Hublukin compensated (Bancutta, Tom Hublukin, Chuyaska, Skauskahl aka Ska-wa-kahl, Shuta, Nuuich/Na-u-l, Panquitty)
- 1894** Old Zoht surrender [160 acres, DL 962, KDYD] agreed to
- 1894** Peter, Naaik, Suakam and NanaNa headmen; S-hap-kan, Zoht Shuta headman
- 1894** Proposed N.V Railway expansion, with possible route to Quilchena, prompts survey of Nicola in anticipation of influx of settlers
- 1894** Kamloops Indian Agent Wood – apart from their own agricultural pursuits, Natives employed as herders, labourers, CPR workers and farmhands; scarlet fever affecting some children; flooding of Nicola River damaged Native gardens, a house stable and fences washed away; facing diminishing job opportunities Natives encouraged to cultivate their land; O’Reilly reported that a number of bands requested reserve increases to accommodate their increased herds of cattle & horses but no funds for surveyors

- 1894** Boas measured natives at Spence's Bridge and Teit commented on genealogies in correspondence with Boas (some with connections to Nicola Valley, many of mixed origins); Teit accompanied him (September and December) and Teit promised to write out what he knew about the customs of the tribe and to make a collection; Teit begins work for Boas on Nlaka'pamux and sends preliminary sketch of the villages of the Nicola and Fraser River Indians called "Rough Sketch of Part of Interior of BC Showing Habitat of Upper Nlaka'pamux and Nearest Villages of Neighbouring Tribes". Lists 33 villages, rough population and territories. His Nicola villages are unnamed but he recorded 26 through 32 on his map as follows: 26 – 2 families Thompson; 27 – about 50 or 60 Thompson; 28 – 32 – about 250 or more Thompson
- 1894** 10 acres parcel (DL 115) surrendered in exchange for reversion of 175 acres on Zoht IR 4 [essentially giving up the portion of Zoht IR 4 east of Clapperton Creek where Francis Shuter now lives]
- 1895** Teit describes the building of a kekule house – 20-30 people, neighbours lent a hand, owners of the new house with the help of their relatives feed the guests who helped, and could be finished in a day
- 1895** Teit describes the attitude towards missionaries – some believes both beliefs may be true – but denounces laws of priests in regard to marriage; power of medicine men, and fear of death
- 1895** Teit sends Boas his draft on Nlaka'pamux
- 1895** The Tinnéh Tribe of the Nicola Valley - Teit on Stûwîx - In March, James Teit visited Nicola Valley and interviewed Stûwîx speakers (Tcuié'ska alias Sê'sûlus-kîn; Tîmskôlaxan and; Aă'pk îñ). He returned in August but found the natives were busy harvesting. Many of the former villages were changed after people were put onto reserves [Tinnéh tribe]. Word list collected by Teit, Dawson and McKay
- 1895** In collecting stories from the Thompson, Teit notes that the Old One (Chief) was expected to come back one day in a cloud of tobacco; that they prayed to him, the Sun, and that he would appear on a cloud of tobacco smoke
- 1895** Teit sends multiple shipments of ethnological specimens to the American Museum of Natural History, New York; (with detailed notes) he also sends ethnobotanical specimens and recommends Boas photograph the Indians
- 1895** Boas included compilation of Thompson legends – The Sun, Qoe'qtlk.otl, The War with the Sky, The Boy and the Sun and Coyote
- 1895** Joeyaska Coal - Coal surrendered on IR 2
- 1895** Old Zoht Surrender - Old Zoht [DL 962] surrendered and exchanged for land that became Zoht IR 5 [DL 716]
- 1895** Naaik 113, Zoht 16. Scarlet Fever in Nicola Valley
- 1895** Peters Chief of Lower Nicola Band
- 1895** Coal under Nyeskāt surrendered by Chief and principle men

- 1895** Father LeJeune on Stuwix - 3 men named Temlh-skool-han, Haap-kan, and Shoo-yaska who are "neither Similkameen nor Nicola Indians [but] belong to another family, of which they are now the only survivors"
- 1896** Naaik 116, Zoht 16
- 1896** Peter still Chief of Naaik (from 1884); Shuta Chief of Zoht; Chu-yas-ka Chief of Nziskat
- 1896** O'Reilly requests Lot 716 not be permitted for sale until it could be surveyed as a possible new reserve for the Zoht Band
- 1897** Naaik 147, Zoht 30
- 1897** Shootoo/Shoota Chief of Zoht (Chief for life)
- 1897** Harlan I. Smith photo of kikulie house from Nicola Valley, 8 Miles up the Nicola Valley; Harlan Smith does archaeological work in the region (Kamloops, Spence's Bridge, Lytton and Port Hammond)
- 1898** Harlan I Smith supplemental visits to the region in 1898, 1899. In 1899 he ventured into Nicola with James Teit
- 1898** Zoht Band – Shootoo Chief for life
- 1898** Indian Agent diaries report meetings with Chief and members to settle internal and external land disputes
- 1898** Agent Irwin reported freighting and packing was diminishing and more and more land is being cleared on the reserves for cultivation
- 1898** LeJeune mentions 700 Indians from Okanagan, Nicola and Lytton gathered to pick hops at the Coldstream Hop Fields
- 1898** LeJeune provides an outline of a "summary inquiry" into the organization of Indian camps. Each camp or band had a chief, a "captain" and "watchmen." Prior to the coming of the white men, there were greater and smaller chiefs. A whole tribe recognized the authority of the most influential chief, in case of a war with the neighbouring tribes. Although the chiefs' power and influence were reduced, with the influence of Christianity, the chief still had considerable authority over his band and was considered a great help to the missionary. The Captain's duty was second to the chief, to carry out his orders to the members of the band. The watchmen were the policemen and government agents appointed a number of them. Their duties were to gather band members for meetings. They went after those who were unwilling, and induced them to attend.
- 1899** Surrender approved - PCOC 927 approves Old Zoht surrender and exchange
- 1899** Charles Hill-Tout writes about Thompson and Okanagan people. Lists 62 Nlaka'pamux villages, including 9 in the Nicola Valley, These included Nicola Valley villages: Klukluuk - "a slide" (Klokowuk), Cqokung, "stony place", Nhothotkoas "place of many holes", Koaskuna, Petit Creek, Culuc "open face" (Shuluk), Ncickt "little canyon", Zoqkt {Shuta Creek}, Koiltcana {Quilchena}, Stcukosh {Red Place}. He listed the following Chiefs Hutlamelst of Shackan, Naweeshistan of Shuwak, Hykyiz and Zoat, Quomlquah of Tootsamen
- 1899** Harlan I. Smith publishes "Archaeology of Lytton"

- 1899** Naaik Band population 135 – grain, hay and other farm products; good horses; Zoht Band – population 30, mainly inferior bench land but good grazing lands on mountain slopes; Nziskat Band – population 20, mainly wild meadow and bench land; Hamilton Creek Band, population 38 – cattle and horse raising
- 1899** Landslide at Spence’s Bridge blocks the Thompson River ½ mile below Spence’s Bridge; water rose 20 feet
- 1899** La Grippe and pneumonia prevalent at Spence’s Bridge
- 1899** Teit finishes paper on Utamkt for Boas; Boas combined Teit’s two papers into one manuscript
- 1899** Teit describes the word Tmixw- The word tEmúx is used for earth, world, ground, nature & weather. They say ‘hatlstcáms a tEmúx kútLo xínkîn’ It has mercy on me the earth therefore I am long time. The Earth has mercy on me therefore I live long. Also ‘hatlstéia tEmúx kwonkwantkt’ Have mercy on us earth we are poor. They look upon the Earth in the nature of a deity and address their prayers to it. The Earth deity thus addressed is not considered in the sense of earth or ground but is nearest translated by the word nature
- 1900** Teit’s publication - Ethnologist J.A. Teit publishes The Thompson Indians of BC for the Jesup Expedition. Boas introduction - Of recent years their customs have somewhat changed owing to the influence of the white settlers. They have learned to build log cabins, and begin to till the soil. They also work to a considerable extent for wages on ranches and in pack-trains. Formerly they spent the winter in the valleys of Thompson and Fraser rivers, where they lived in small villages, most of which consisted of a few houses only. Teit identified 13 villages of the Nicola Band. This list includes N'a'iEk or N'e'iEk or "the bearberry" located near Nicola River, 39 miles above Spences Bridge. It also included Tsulu's or Sulu's, Near Nicola River, 40 miles above Spence’s Bridge. Pti'tEK or PEtu'tEK was about 41 miles above Spence’s Bridge. Nsi'sqEt "the little split or divide" and NtsLa'tko "cold water" were a few miles from the west end of Nicola Lake. ZuXt was near the west end of Nicola Lake, 50 miles above Spence’s Bridge
- 1900** Zoht population of 30, Shulus population 135
- 1900** Naaik better fenced than “any other in the agency”
- 1901** Zoht population of 31
- 1902** Indian School at Lytton
- 1902** Lower Nicola Band population of 364
- 1902** Lower Nicola Band has 13 reserves, encompassing 31,191 acres and population of 364; main occupation stock raising horse and cattle, farming, fishing, hunting & general labour
- 1903** LNIB population of 365. The Indians farmed and raised stock extensively. They had good herds and superior horses. Some of them can turn out as fine a four-horse freight team as can be found anywhere. They have some fine stallions and mares for breeding purposes. They have also a number of good cattle. Those occupying Mameet are among the most advanced in the agency in the cultivation of their land
- 1903** Teit described a hunting party and roles of hunters – One man in every Indian hunting party is always selected, or recognized for the time being, as chief hunter, and he directs all the operations of the party. The Indians who run along the ridges of a gulch to cut off the escape of

the deer that way are called “runners,” those who sit to intercept them at various points, or lie in ambush for them at such places as they might escape at are called “sitters” or “shooters,” and those who start the deer are called “drivers.”

- 1903** Teit works with Newcombe collecting from Nicola to Kamloops for the Chicago Field Museum
- 1904** John Marquart of Coutlee complains to McBride that the Natives from the reserve adjacent to his property continue to destroy his fences, claiming that this portion of his pre-emption is part of their range.; John Clapperton agreed with this viewpoint; matter to be taken up with CCLW
- 1904** William Hamilton Merritt request licence to mine for coal on reserve [Joeyaska IR 2]. 5 families continued to live on the site.
- 1904** J. Woodward wanted to operate a mine to extract coal on Nicola Mameet
- 1905** Railway Construction - NKS line from Spence's Bridge to Nicola to start construction. The line would pass through the Nicola Mameet reserve. Settlers along the line received \$100/acre for first class land, \$25/acre for second class land and \$2/acre for third class land
- 1905** Photo of five people in a dugout canoe on Nicola Lake, ca. 1905
- 1905** Blessing of new church at Shulus, over 700 natives from the Interior attend
- 1905** Game Amendment Act, 1905 establishes the Department for the Protection of Game and Forests
- 1906** Indian gathering at Kamloops (Ottawa/England)
- 1906** Forksdale established, later renamed Merritt
- 1906** Teit's The Lillooet Indians with some mention of Nlaka'pamux
- 1906** Thompson population 1850
- 1907** Roi.pellst Statement - Roi.pellst statement on fishing weir on Nicola River (I, from my boyhood, and my forefathers from time out of mind, have every fall erected a weir across the Nicola River...)
- 1907** LNIB population 363, raise stock extensively, fish, hunt and work as labourers. They have fine herds of cattle and horses; they keep good stallions and mares for breeding purposes; severe winter but well supplied with hay so losses were minimal; many families migratory seasonal labour; some stock raisers set up pre-emptions outside of reserve
- 1907** Armstrong's store moved from Lower Nicola to Merritt
- 1908** 1908 Petition - Chiefs of the Thompson Tribe meet at Kumcheen and sign petition (appropriation of land, restrictions on hunting and fishing, education, health care) Signatories included Thomas Peter Poghos, Sub Chief Suloos Band. Requested the removal of agent Irwin....The country is much [more?] settled by the Whites than formerly, the pasture and ranges are being fenced in, laws are being enforced restricting us in our fishing, and hunting and we are becoming much more restricted to, and dependent on our reserves
- 1908** Amendment to Provincial Land Act makes natives ineligible to purchase land from the Government
- 1908** Day school established at Shulus in August 1908

- 1908** Pit house in Merritt photo by H. Priest. It was occupied until 1900 or later
- 1909** Special Commissioner McDougall, of McDougall Commission examines reserves (to 1910)
- 1909** Chief Peter Nawisistkin died after being sick for 4 years. He had a large amount of land, 75 head of cattle and 40 horses. His land had been cleared, some fenced and improved
- 1909** Will of Chief Peter Nawisistkin was not approved the Department
- 1909** Chiefs again meet at Kumcheen
- 1909** LNIB population 353. They have good herds of cattle and horses; they keep good stallions and mares, and raise a superior animal; since completion of Nicola railway freighting has declined greatly
- 1909** Secretary McLean on governance - Chiefs were to be appointed for an indefinite term, it being understood that the appointments must have the approval of a majority of the band. All appointments are made subject to the approval of the Department and had to be reported promptly
- 1909** Teit's The Shuswap mentions some Nlaka'pamux information
- 1909** YsitkiectcEn (Roipellst place) (Twall Valley) so named because a war party of Shuswap erected a log defence here. They shot arrows into an old woman who had gone out to meet other women digging roots at this place. First woman going to camp saw body of old woman full of arrows. Warned others & fled. Most of this Shus. party killed Inds. put holes in canoes on graves so enemy could not use them for crossing.
- 1910** Laurier Memorial signed by Shuswap, Okanagan and Nlaka'pamux (also known as Declaration) and presented to Sir Wilfrid Laurier at Kamloops calling for settlement of Indian Land Question
- 1910** Indian Reserve Commission dissolved. They reduced 54 reserves and established about 500 new reserves
- 1910** Death of Joseph Joaska, One-eyed Joe
- 1910** George Murray reports on Naaik - On one occasion I hastened to an Indian chief who while reciting grievances arising from encroachment upon what he considered his lands, displayed considerable oratorical ability. Some figures of speech which he used were beautiful and his gestures were singularly graceful and expressive
- 1910** Kettle Valley Railway line from Merritt to Ruby Creek discussed
- 1911** Interior Tribes of BC Memorial to Minister of Interior Frank Oliver after gathering of Interior Bands at Spence's Bridge. Issues raised included land claims and Indian Rights, reserves unsuitable for cultivation, water used by settlers, resources taken from lands. Memorial signed by 68 Chiefs
- 1911** Declaration of Lillooet Tribes signed by Chiefs of 17 Bands at Spence's Bridge
- 1911** Lower Nicola Band now in Lytton Agency under E.B. Drummond
- 1911** City of Merritt Incorporated

- 1911** Memo of the Lands Department states – reserves in the southern half of the province are inadequate, and in the north many Native peoples continue to live on tentative reserves not properly surveyed or allotted
- 1911** Water shortages on Nicola-Mameet IR 1 as a result of dams erected at the head waters of Greenstone Creek, Face and Big Fish Lakes.
- 1912** Teit publishes Mythology of the Thompson Indians/Traditions of the Thompson River Indians. Many of the stories shared by Chief Mischele of Lytton
- 1912** McKenna-McBride Commission established to examine the Indian Land Question (to 1916); Commissioner McKenna notes that although reserve allotments average 33 acres per capita, the distribution of land throughout the agencies was unequal
- 1912** Tom Peters Chief (to 1928)
- 1912** Spence's Bridge gathering where Indians meet with Governor General
- 1912** Indian Rights Association of British Columbia writes to Prime Minister Borden – mentions medals given by King George III a century ago as tokens of good faith. Signed by Nicola Chiefs
- 1912** P. McTavish of Conference of Friends of the Indians of British Columbia to Governor General of Canada regarding Indian Land Question
- 1912** Dispute re: western boundary of IR 1 and settler (DL 160 – originally Irwin, then Henry Lindley)... The Indian department say that the Indians have' been in possession of this land for thirty years, but comparative newcomers like myself, can remember that when the present Ten mile bridge was being built the deviation road ran exactly where Mr. Lindley's new house now stands
- 1912** Barbeau reports on the study of Can'm (mythical guardian, puberty training, dreams, visions) and songs of the Interior Salish. A delegation of Chiefs with Teit had gone to meet with the Dominion Government
- 1912** Teit's Mythology of the Thompson Indians had 52 Lower Thompson stories, 115 Upper Thompson stories
- 1913** Spence's Bridge gathering. Chiefs of the Interior Tribes issue statement to Prime Minister Borden regarding settlement. Chiefs concerned about the work of McKenna-McBride Commission and the lack of involvement in resolving the land question
- 1913** Hells Gate Slide
- 1913** LNIB population 360; principle occupation stock raising, continue to hunt and fish; one Nicola Valley Native sold 400 boxes of apples in Merritt
- 1913** Chief Peter provides testimony to Royal Commission - I am glad to see you people all here today. We have been waiting here for the Commission for some time to have everything in the right way that is why the Commissioners are here today. We have been sorry for quite a while for our own property. We have here today quite a few people who I think own quite an interest in the land. We know this is our property we want our own things (.) We don't want anyone to claim an interest and the Commissioners are here today to have these things settled. Chief Shuta testified. He asked for more land, and stated that 10 or more families lived on the reserve, with

50 head of cattle (including horses). He stated that the white man has tied everything up so that we cannot fish or hunt...

- 1913** First electric power service by the city of Merritt
- 1913** Nishga petition re: BC land claims
- 1914** First World War (to 1918). Veterans included Jimmy Major, William Frank, Tex Cloverdale, Roland Manim, Albert Sterling, Andy Garcia, Bob Charters, Reg Shuttleworth, Albert (Spike Gutierrez) and Winky Gutierrez
- 1914** Indian Agent diary reports visiting IRs to resolve internal and external land disputes...I find the great majority of the Indians of the Interior, especially those of the Kamloops Indian agency ...are making commendable effort in the cultivation of their land with the facilities at their disposal which in many cases are crude
- 1914** Large tribal gathering at Lytton where it was decided that hereditary Chief Billy Spintlum, the grandson of the late Chief Spintlum, would be sent to Ottawa and Victoria
- 1914** Gathering at Spence's Bridge. Statement of the Chiefs of the Interior Tribes of BC to Prime Minister Borden re: title and rights
- 1914** Chief Peter of Coutlee Band writes to the Chairman of the Indian Reserve Commission regarding land dispute with settler Lindley and states that Indian Agents Howse, McKay, Irwin and Smith had told them the land was reserve land, but Agent Graham told them it was not
- 1914** Member begins building 2 miles of fence and 2-3 miles of ditch at 8-Mile. Chief don't want me to work there he wants to give it some of his relations
- 1914** 27 male members of LNIB meet at the Chief's house to discuss 8-Mile. Issue of concern was that the member "did not ask permission for the land"
- 1914** McKenna McBride (Royal Commission) undertakes valuations of IRs and surveys populations -
 Lower Nicola IR No. 1 - Population 178, 39 couples, of which 32 had families. The members of this Band own between them 210 head of Cattle, 430 head of Horses, chickens and ducks. 6 moving machines, 19 harrows, 1 reaper and binder, 9 horse rakes, 8 wagons, 3 democrats, 6 driving sleighs, 4 boats, 6 canoes and 2 cultivators.

 Hamilton Creek IR 7 - Population 37, 8 couples of which 6 had families. The members of this Band own between them 23 head of Cattle and 181 head of Horses, and Chickens, 2 Wagons, 1 Cart, 2 Democrats, 6 ploughs, 6 harrows, 1 cultivator, 2 moving machines, 3 horse rakes and 2 driving sleighs.

 Joeyaska No. 2 - Population 37, 7 couples of whom 4 couples had families. The members of this Band own between them 15 head of cattle, 135 head of horses and chickens, 2 mowing machines, 3 wagons, 1 democrat, 6 ploughs, 6 harrows, 5 horse rakes, 1 buggy, 2 sleighs.

 Zoht No. 4 - Population 31. There are 5 couples, 4 of whom have families. The members of this Band own between them 15 head of cattle, 60 head of horses, and chickens. 6 ploughs, 6 harrows, 1 mowing machine, 2 horse rakes, 2 wagons, 1 democrat and 2 sleighs.

- 1914** Indian Agent comments that a member wanting to make considerable costly but necessary improvements on IR 1 - ... and it is impossible for him to keep the amount of stock he has unless he has suitable land
- 1915** Memo on the cut off of reserves in BC - The Reserves were not given to the Indians to enable them to become Real Estate brokers...I do not wish to lay down any hard and fact rule. I prefer to allow each case to stand or fall under its own peculiar circumstances
- 1915** Local government agent advises Indian Agent against allotting additional land (Zoht IR 14) due to competition over water, increased contact with settlers - 4 families living at Zoht
- 1915** LNIB additional lands application for Zoht IR 14 considered, 900 acres recommended
- 1916** Final Report of McKenna McBride Commission
- 1916** Provincial Deputy Minister of Lands advises Royal Commission that some of the land wanted for Zoht IR 14 was crown granted mineral claims (63 acres)
- 1916** Zoht IR 14 (837 acres) was confirmed subject to survey
- 1916** Interior Tribes join with Allied Tribes on aboriginal title issues. Delegates travel to London England
- 1916** Nicola-Mameet reserve had a large crop of hay, grain and vegetables; many natives from Nicola Valley had volunteered to serve overseas, leaving their farms and families unattended; Inspector Megraw commented that the horse had become a symbol of wealth so that they acquired as many horses as possible
- 1916** Teit's European Tales from the Upper Thompson Indians contains stories that incorporate European concepts of wealth – paper money, jewelry, gold, silver, monetary reward
- 1916** Teit to Scholefield – wild tobacco seed scattered, transplanted bitterroot and Indian help, it was not until the 1830's that evidence of cultivation is found in the Thompson Region
- 1917** Teit's Folk-Tales of Salishan and Sahaptin Tribes has 67 Thompson tales, collected between 1906-1916 by Teit and 1888 by Boas
- 1917** Letter from Jimmie Ennis, George Bent, Charlie Mike, Chief Shuter, Chief Michel – "There are rumours going around here that we, the Indians of Nicola, of the Thompson Tribe, are to be deprived of our various land holdings in the Nicola valley and district, and are to be taxed and treated as the white population." "We do not care what Agency or Agent we may be placed under, but we do wish to have the same treatment, laws, and rules that were agreed to by treaty by the early Indians of British Columbia, and the British Government, at the time when the white people first came to this country"
- 1917** Meeting at Shulus to discuss selling timber off of reserve to obtain funds to construct some 10 miles of fencing on IR
- 1918** Chief Benedict of Boothroyd describes Spintlum's understanding of territorial boundaries (treat with respect and share lands) - The running water and the trees of the Forest, my children and your children will use these as they see fit, they shall share and share alike.

The Fish: This is ours, we are to fish at any time for our food in any stream or lake, and if your

children are in need of food they can do the same.

The Birds: That fly in the air and the animals in the forest these are ours also, we shall hunt and use these as our food.

Now all these things my children are to use, just as long as the world lasts.

He added:

I do not want any white man to enter, or break into our homes, nor tell us to move off our land to go and build elsewhere, we are to be left in Peace where we are.

Reportedly the Queen's Representative then said: Yes you have spoken well, and it shall be as you say, no man must break this agreement....As you have come such a distance to see me, I give you this knife and flags to show you that I agree to all you have said: and that we will be at Peace with one another

- 1918** Meeting at Shulus Reserve to discuss putting all the land on reserve under cultivation. List of members, acreage cultivated and to be cultivated (ranging from 4 acres to 95 acres). Resolution of some internal land disputes with agreements to divide lands
- 1918** Flu epidemic – Spanish Influenza in the Nicola Valley. Approximately 40 LNIB deaths (ages 0 to 87) in November 1918. Mass burials; Shulus Hospital reopened to treat over 50 people
- 1918** OIC passes forcing common law couples to marry
- 1918** Thompson River songs collected by Marius Barbeau, F.W. Waugh and James Teit between 1912-1918
- 1919** Zoht population of 46
- 1919** An Act respecting the Depasturing of Cattle upon Crown Lands (Grazing Act) allows for grazing commonages for settlers but not First Nations. This gives settlers and local ranchers additional grazing lands.
- 1919** Indian Affairs Settlement Act, ch. 32, SBC 1919 grants authority to carry out intent of McKenna-McBride Agreement
- 1920** British Columbia Indian Affairs Settlement Act, Ch. 51, SC 1920 grants authority to carry out intent of McKenna-McBride Agreement
- 1920** Ditchburn Clark Commission established (to 1923)
- 1920** 1920-1929 nominal census data collected for LNIB IRs
- 1921** Estate of Late Chief Peter becomes contentious, will could not be located. One party hired a lawyer to resolve the issue. Will had left traditional lands to heirs, and was not approved. Indian Act, Section 28 used to determine disposition of property
- 1922** Dispute between members over pasturing of horses on IR 7. Indian Agent Smith advises “...your horses have as much right to the pasture on the Reserve as any other Indian”
- 1922** Indian Agent Smith comments on Pipeaul IR 3 – 11 acres under cultivation but more could be cultivated “a little labor would have to be expended in clearing and draining”

- 1922** Indian Agent Smith agrees to a proposed land exchange of land on Logan's IR 6 for land in the vicinity of Hamilton Creek IR 7. In 1914 land had been allotted to a member, who in 1922 wished to facilitate the exchange with the Douglas Lake Cattle Company
- 1922** Land dispute between members on Joeyaska IR 2 –issue was who had right (based on kinship ties) to use the land. Indian Agent responded "...you have the right to make your home on the Reserve on which you are now living"
- 1922** Death of Little Louie. Estate in question.
- 1923** OIC 911 Schedule of IRs confirms reserves according to 1913 schedule
- 1923** Commissioner of Grazing proposed grazing commons for Indian stock, but did not mention any range for LNIB stock
- 1923** Member of Shulus hired lawyer to protect her estate interests. The member had been in dispute with a sibling, who had lost status but returned to IR 1
- 1923** Ditchburn considered the application for Zoht addition and on the recommendation of the Grazing Commissioner reduced the allowed acreage to approximately 280 acres, subject to survey
- 1924** Meeting to discuss proposal to send Indian horses from Douglas Lake and Shulus to Speous Creek. Four Nicola Valley chiefs discussed problems with the proposal and wished to meet with Ditchburn and the Grazing Commissioner to resolve the matter
- 1924** Indian Agent Dallin reported on several Shulus Indians, the land they owned, the improvements they and made and the household composition. Many of those listed had cattle and horses
- 1924** Meeting between Inspector of Indian Agencies, Indian Agent, Water Commissioner and Indians regarding grazing lands. Proposed land deemed poor for the purpose. Inspector of Indian Agencies felt "Indians had just as much right to live by horse raising as had the bigger cattlemen"
- 1924** Shulus Indians wish to put a fence around a graveyard but needed to move the fence line on the North side of the highway passing through IR 1. Several of the graves were on the property of settler William Smith [DL 131, KDYD], which needed to be acquired
- 1925** Prospectors near IR 1 sought permission to stake 200 feet within the reserve. Prospectors also interested in prospecting on IR 2
- 1925** OCPC 1265 – correspondence suggests IR 1 confirmed by Royal Commission at 6 acres less than that quoted in Royal Commission report [confirm]
- 1925** Three Interior Chiefs refused audience with King George in London. Delegation included Chief Tselaxitsa [Chillihitzia]
- 1926** Indian Agent Helmsing sends notice to all Indians regarding provincial grazing law. All horses and cattle were to be kept on reserve land, and were not permitted to graze on Crown land
- 1926** IR 1 residents express concerns over diversion of water from Guichon Creek and Mammette Lake "our lands are drying out this last 7 years"
- 1926** Allied Tribes petition parliament for special committee to settle title issues

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- 1926** Closure of Fort Kamloops recommended due to deteriorated relations with surrounding native populations
 - 1927** Indian Act changes make it illegal to pursue land claims
 - 1927** LNIB population of 426, with 786 horses and 252 cattle
 - 1927** Indian Commissioner Ditchburn wrote to the Secretary, DIA regarding grazing. He felt that each horse required 19 acres and each cow required 13 acres. For the Lower Nicola Band, he stated that they had 31,191 acres, 5,000 suitable for grazing and 700 acres cultivated, leaving 25,491 acres wooded and cleared but unfit for grazing. Additional acreage was required for grazing
 - 1927** Special Joint Commission Inquiry (Senate and Commons) to hear claims of Allied Indian Tribes of BC. The claim was rejected
 - 1928** Chief Tom Peters died
 - 1928** Will of Chief Shutah. Included were property and possessions on Zoht. The will was approved
 - 1928** Chief Shutah (Old Shutah) died
 - 1928** Inspector Pragnell visited proposed Zoht IR 14 and noted a small acreage of it is cleared and used as hay meadow but felt water would be an issue as Nicola Stock Farm had water rights
 - 1928** [date to be clarified] Sometime between 1928-1935 Louie Charlie must have been either appointed or elected Chief, as in 1935 the Indian Agent noted Louie Charlie retired and Blair Peter replaced him
 - 1928** Teit – The Middle Columbia Salish (posthumous) describes how the Thompson Indians came to be
 - 1929** Scott Cathcart Agreement examines reversionary interests in Railway Belt
 - 1929** Pennask Lake Lands hearing in Merritt. George Bent testified that they had a fishery (45,000 - 50,000 fish per year) camp ground at Pennask Creek [DL 3755, KDYD] and asked for a reserve
 - 1929** Census of Nicola Indian Agency
 - 1930** PCOC 208 – Schedule of Indian Reserves in the Railway Belt and Peace River Block in BC includes Pispseul, Speous, Nooaitch Grass, Shackan, Soldatquo and Papsilqua
 - 1930** Trapline correspondence between 1930-1940 indicates that Blair Peters, George Toodlican, Toontice (Quantish), Tommy Peters, Charlie Swakum, Jack Swite, Willie Stewart, Louis Harry had applied for traplines; some were refused due to conflicts with other trappers. By 1938 traplines are being passed along – Old Major's to his son or grandson; Maurice Swakum
 - 1930** Tattooing and Face and Body Painting of the Thompson Indians (posthumous Teit); painting common prior to contact but fell into decline as cultures changed after contact
 - 1931** 1931 nominal census for LNIB IRs. Populations were Shulus 194; Zoht 27; Joeyaska 22
 - 1933** 1933 nominal census for LNIB IRs. Populations were Shulus 180; Zoht 26; Joeyaska 22
 - 1934** 1934 nominal census for LNIB IRs. Populations were Shulus 195; Zoht 27; Joeyaska 21; Hamilton Creek 15

- 1935** Indian Agent Barber advised that department accepted the resignation of Chief Louie Charlie and the appointment of Blair Peters
- 1935** Tommy Peters died. One member expressed concern about the estate [Pipseul IR 3] “You know yourself us Indian the way we are acting if any of our friends died we always trying to make a [hog?] of ourselves to claim everything”
- 1935** Member advises Indian Agent Barber of their right to claim property on Shulus Indian Reserves and dispute against another member using property considered theirs. Agent responded that member of estate died without a will and did not recognize the members claim to the estate
- 1936** Fencing recommended to resolve land dispute between members on IR 1
- 1936** Member dispute over estate. Widow maintained they had cleared the land and built a home on the land along with traditionally adopted child
- 1936** Member dispute over land on IR 1 outlined genealogy, oral will with witnesses and fear of “old Indian doctor”
- 1936** Nominal census lists the following populations: Shulus 202; Zoht 26; Joeyaska 23; Hamilton Creek 16
- 1936** More Thompson Indian Tales (Teit posthumous)
- 1937** Measles outbreak
- 1937** Timber logged on IR 1 to replace 10 miles of fencing
- 1937** Indian Agent Barber recommends purchase of additional land adjoining IR 7 as the land had been cultivated, irrigated and used by the Band for 40-50 years. This land was never purchased [likely the land previously referenced in proposed 1922 exchange of Logan’s IR 6 for land adjacent to Hamilton Creek IR 7]
- 1938** OIC 1036 – 1,536 reserves in BC
- 1938** Member writes to Indian Agent Barber - ...you know where I was registered before and you told me to keep away from there. But you know when a man can’t find a real place to stay. He can always try to find a real place to stay. But at the present time I am stand at the same stand. I would like to find a real place where to get good care. That’s why I said now, I’ll find this out later on, and I’ll go up to see you...
- 1938** Member from Shulus visited Inspector Pragnell wanting to buy an old building in Merritt and move it to the IR as a home for his family. Agent reluctantly agrees.
- 1938** Complaint about settler’s goats trespassing on reserve and damaging irrigation ditch
- 1938** Member raising racehorses for sale
- 1938** Plan showing proposed irrigation ditch for Nicola Stock Farm through Zoht IR 4
- 1939** Second World War (to 1945). Veterans included Mike Bob, Antoine Moses, Gaylord Blankenship, Peter Martin, Dave Shuter, Tim Voght, Henry Swakum, Alfonse Garcia, Smith Bent and Freddy McDougall
- 1939** Zoht IR 4 Retracement survey by O.B.N. Wilkie – shows four shacks, stables, corrals, fields and roads

- 1939** Blair Peter Chief (to 1952) [note that he was appointed in 1935 with the resignation of Chief Louie Charlie]
- 1939** Nicola Stock Farm applies for Right of Way over Zoht IR 4
- 1939** Application by Nicola Stock Farm Ltd. for a Right of Way for irrigation ditch through Zoht IR 4. The Band agreed and a surrender signed by the residents of Zoht IR 4 (Jenny Sam, Madeline Shuter, Mrs. Annie Tom McGee. The surrender was witnessed by Jimmy Major
- 1939** Member dispute regarding clearing ditch on Eight Mile Creek. We cleaning ditch now and we try to get [member] to give us a help on cleaning Ditch and he says no he would help anybody he have a piece of land to use the water for and besides he pastures his horses up there now and the horse drank on the ditch
- 1939** O.B.N. Wilkie, on resurveying Zoht IR 4, notices an old blue print with a 10-acre parcel at the foot of Nicola Lake that was to be part of Zoht IR 4 (Tootch or DL 115, KDYD), he asks about it. Chief Blair Peter said it gave Indians access to Nicola Lake where they fished
- 1939** Hay merchants interested in buying 23 tonnes of hay from member, IR 1
- 1939** Plan BC 959 by E.O. Wood showing western boundary of IR 1 in relation to DL 160, KDYD
- 1940** Member sold 22 tons of Hay to Hay merchants
- 1940** IR 1 – agreement between 2 members to work the land and cut the hay for the 1940 season with shares on a 50-50 basis.
- 1941** Crerar-Grey Agreement gives province authority to deal with cut-off lands
- 1942** Nicola Ranchers concerned over “wage fixing meeting” by Indians of Naik reserve. Indian agent reports re: meeting of February 24, 1942 where wages were discussed. Women \$2.00 per day and board, men \$2.50 plus board or \$5/day with team and wagon. 8 hour days....Many Indians complained of the low wages last year offered by the Chinese potato growers
- 1942** 29 trappers/hunters from Lower Nicola Band, population 337
- 1944** List of trappers in Merritt area includes LNIB members
- 1945** End of Second World War
- 1946** Nominal Census for Various reserves
- 1946** Death of Alec Harry, Shulus
- 1946** Small pox outbreak in Washington
- 1946** Water Power Board Irrigation projects on IR 1 completed by January 1947 allowing greater acreage to be brought under cultivation; Proposed pumping of water from a small lake to irrigate 10 acres on IR 1; later this was deemed unnecessary and that 17 acres could be cultivated if water brought along an old ditch [Antoine Moses irrigation system?]
- 1946** IR 1 area to be drained to be planted with alfalfa or clover, wild hay grew in swampy areas; 100 acres of land cultivable if drained
- 1947** Memorandum on Zoht IR 4 - There are 112 acres of irrigable land in the northern portion of the reserve of which approximately 66 acres were cultivated. The land was served by FL 9002, which

- diverted water from Shuta Creek. The Indians were using an intake from a cancelled Final Licence FL 4529 that was held by the Nicola Lake Stock Farms Ltd. In the southern portion of the reserve there are 50 acres of irrigable land of which 12 acres were cultivated
- 1947** Influenza epidemic at St. George's
- 1947** Death of Lena Blair
- 1947** Shulus Day School had poor attendance in September due to parents being at the Hop yards and up in the mountains after huckleberries. Gardens were just fair with some being very weedy due to families going away during midsummer on expeditions to hop fields
- 1947** The younger men can now see the value of cattle, compared to horses on the range. The older men still faithful to their first love (the horse) and will fight against clearing the ranges of all unused horses
- 1948** Students in Kamloops Indian Residential School kept at School due to epidemic....The construction of a drainage ditch is under way on Lower Nicola I.R. No. 1 at "The Springs" by Dominion Water and Power Branch which should add greatly to the productivity on some 50 acres of land
- 1948** St. George's and Kamloops Indian Residential Schools full... are full leaving several children unable to attend. I am trying to get as many as I can into White Day Schools or near as possible to their Reserves.... A large number of the Indians have returned from the Hop yards at Sumas and Agassiz
- 1948** Member repair flume for FL 11585, Steffens Creek irrigates his land
- 1949** Flooding and frost damage to crops on IRs 1, 2, 4, 7
- 1949** Large number work in hop yards. Some students transferred from Shulus Day School to KIRS
- 1950** Will of Chief Blair Peter
- 1950** Efforts made by Indian Superintendent to enroll grades 4 and up in Merritt School unsuccessful
- 1950** After the gardens are planted, [families] migrate to the berry fields in the Lower Fraser Valley and across the line into Washington State
- 1951** The matter of payment of Grazing fees that caused us so much trouble and time last year will have to be gone through again unless this matter is straightened out once and for all by an agreement with the Provincial Government. The Indians firmly maintain their old rights to grazing and I feel that even while trying to collect, the Provincial Forestry see justice in the Indian claim
- 1951** The Indians of Nicola Mameet have at last started to dispose of surplus horses and during the winter sold three car loads as fox meat
- 1951** Anti-potlatch law dissolved
- 1951** Indian Act revisions – could now acquire land, water and mining rights in BC
- 1951** Chief Blair Peter, Councillors Cyril Moses, Tommy Swakum, Jack Swite, Charlie Stewart
- 1952** Indian Act – 1 chief, 1 councillor for every 100 people

- 1952** A resolution passed regarding interest payment proposed Blair Peters, Cyril Moses, Tommy Swakum, Jack Swite and Charlie Stewart represented Indians that were the owners of Lower Nicola Reserves No's 1 to 8 and 14, but it appears that it was asked that Indians from IRs 4 and 7 be excluded from Trust Account 220
- 1952** BCR granting Trans Mountain Pipeline a Right of way across Zoht IR 4, IR 5 and Joeyaska IR 2
- 1952** [Revised] Will of Louie Charlie
- 1952** Chief Blair Peter died
- 1952** 3 trap lines bought from settlers for Nicola Indian Agency. Meetings was held at IR 1 regarding Band lists and new elective system
- 1952** Grasshopper infestation
- 1952** Some work is being done on the construction of new homes
- 1953** Chief Jack Swite
- 1953** LNIB passes BCRs recognizing land owners on IR 2, 4 and 5 with holdings crossed by Trans Mountain Pipeline Right of Way
- 1953** OCPC 1953-378 agrees to Trans Mountain Pipeline over LNIB reserves (2, 4, 5)
- 1953** Indians picking berries in Mission. The new ditch to serve the Moses and Swakum fields from Steffin's Creek is completed. The pipe is on the ground to put in the new intake for the Tommy Dick works on Lower Nicola #7 as well as the pump and pipe for the Willie Mike works on the same Reserve....The survey of Shulus Village has been completed with the object of a Domestic Water System to serve the homes....I was given authority to do the rock work along the river on Lower Nicola No. 1 and with four trucks a little cat and a ½ yard shovel we put in 2150 yards of rock covering a river frontage of close to 1200 feet. The rock was moved two and three quarter miles
- 1953** Underhill plans of Trans Mountain Right of Way through IRs 4, 5 and 2 signed by Surveyor General
- 1953** Mary Spy accepts payment for damages from Trans Mountain Pipeline for damages to her property on IR 2. BCR also declares Billy Hall, Arthur Shuter and Jimmie Gilmore (Zoht IRs) and Albert Sterling, Jimmy Spahan and Mary Spy (IR 2) entitled to compensation for damages
- 1953** Repairs to irrigation system of Lizette Mike Estate
- 1954** None of the homes of the original locators at Nicola were still standing
- 1954** 8 families put in electric lights in Nicola Indian Agency
- 1954** Commission of Investigation into Membership in the area held a hearing in connection with Nicola Indians at Shulus. 160 members attended, the largest gathering of Indians ever convened at Merritt. 9 protests were dealt with
- 1954** Indians went to USA in summer to pick berries....It is unfortunate that they are able to cross so readily and leave their crops and gardens at the season when their farms need attention. Only those who remain at home ever have decent gardens....The engineering branch made several surveys during the quarter. They completed the Lower Nicola Village domestic water survey; a

- survey for a large new irrigation system on Lower Nicola No. 1; a survey for the replacement of flume on Lower Nicola I.R. No. 10 (Nooaitch Band). They also repaired the break in the new Moses Ditch at 8-Mile Creek and looked over works on Cooks Ferry, Coldwater and Upper Nicola Reserves
- 1954** One Indian from Lower Nicola Band now heads a crew of log fallers for the biggest operators in the Interior of B.C. This man who is a Veteran owns and operates 10 power saws and employs all Indian sawyers...Farming is carried out in this Agency by 160 family heads on their own separate holdings. The cultivated acreage in the Agency is approximately 6,500 acres. Indian owned livestock amounts to about 700 horses and 2,000 head of cattle
- 1954** More problems with Moses Ditch requiring repair
- 1954** New river channel diversion of Nicola River for member's land to address erosion
- 1954** Member complaint that beaver were flooding his meadow
- 1954** Agreement signed by voting members of Lower Nicola Band stating they were in favour of building a new irrigation ditch to bring water from 4-Mile Lake for storage, costs paid from Band funds; BCR dated April 22, 1954 approved, 200 acres of land to be irrigated
- 1955** DIA recognizes land owners on IR 2, 4 and 5 with holdings crossed by Trans Mountain Pipeline Right of Way
- 1955** OCPC 1955-12/84 the order in council suggested that for many years the Lower Nicola Tribe had lived as three distinct groups with its own Council and trust funds and recognized as owners of specific reserves of the 14 in total allotted to the Lower Nicola Tribe. On September 10, 1954 at the request of the tribe, the Lower Nicola, Nooaitch and Shackan Bands were constituted pursuant to subsection (1) of Section 17 of the Indian Act
- 1955** The Indians on Lower Nicola No. 1, did a good job of building a new head gate on the main ditch. They made this one concrete and built a good gate to control the flow. Mr. Bowen from our Engineering staff ran a survey on this main ditch and has asked for about 350 ft. of metal flume to enable him to by-pass a very bad section of ditch that is subject to slides. He asked for this one weeks ago but no action has been taken on it to date. We would also like a further survey on a higher ditch known as the Skookum Billy ditch which has been in disuse for some years. If we are not going to get the new 4 mile storage we could do well to have this old system put in shape again as by its use we can gain considerable acreage....During the last week of the quarter we had our usual exodus across the line to the berry fields. I would estimate that close to 200 men, women and children [from Nicola Agency] have gone over into Washington to date
- 1955** The *Indian Estate Regulations*, 1955 laid out the regulations governing Indian estates. Notice of death was to be issued as soon as feasible, an inventory of real and personal property was to be undertaken, if no will was left, an application for administration would be submitted, advertisements made for creditors, heirs and other claimants, and debts would be settled
- 1955** DIA approved resolutions recognizing owners of lands crossed by Trans Mountain Pipeline as including Mary Spy, Albert Sterling, Jimmie Spahan, Billy Hall, Jimmie Gilmore and Arthur Shuter
- 1955** Lease of land on IR 7 to Nicola Stock Farm

- 1955** ...I am pleased to advise that we have been able to secure from the Councils of the various Bands, jointly owning the above mentioned reserves, waivers of any claim to ownership to both the lands comprising the reserves and funds acquired through use or disposition of their reserve assets in favour of the group known as the Coldwater Band. Resolutions from the Chief and Councillors of the following listed Bands are attached; [not on file]: Lower Nicola; Spuzzum; Siska; Boston Bar; Boothroyd; Upper Similkameen. I would recommend that the Coldwater group of Indians be constituted a Band in accordance with the provisions of Section 17 of the Indian Act, and that three reserves above mentioned, together with funds in Trust account No. 354, be allotted for their use
- 1956** Chief Jack Swite
- 1956** Lease of land on IR 7 to Nicola Stock Farm (Saxi Field)
- 1956** Construction of gas pipeline causing bother to irrigation system. Preference is given to Indians for work
- 1956** Flume on the main ditch on Lower Nicola I.R. No. 1, started last fall has been completed and a very fine system of flumes, head gate and ditch has been put in higher up. This will be a great asset to the Indians on the East side of the Reserve and when extended next year will serve the very south-east corner of Lower Nicola I.R. No. 1.
- This was an old system put in many years ago that had fallen into a bad state of repair but now the whole system was redesigned by Mr. Bowden and the work carried out by Mr. Ulrich of the Engineering staff....We have a good number of children now enrolled in Merritt Elementary School. Fourteen of these are from Grade 4 and up from Lower Nicola No. 1 and 10
- 1957** Additional Trans Mountain Pipeline Right of Way discussed at Band Council Meeting
- 1957** 3 new homes started on IRs 1 and 2
- 1957** West Coast Energy purchase land on IR 1 for metering site, member estate compensated but estate unsettled due to not having the land measured out in metes and bounds. When estate was finally probated it would be distributed amongst the heirs
- 1957** Meeting at Shulus to discuss bull pasture at Eight Mile Creek (Old Jonah Place). Helen Basil agreed that the property known as the old Jonah place should be included in the square mile that was to be fenced for a bull and beef pasture. Resolutions were signed for the proof of owner ship of the individual parcels of land situated on the West Coast Transmission Right of Way
- 1957** Opportunities for work opened up during the quarter and mostly with Pipe-Line construction outfits. Some of the local Indians are working on the Westcoast Transmission Gas Pipe-line as far north as Williams Lake....A large number of Indians have gone across the Border to the Berry Picking. We have very few men on Provincial highway work....We have several problems with our program of brining children to the white school in Merritt, and in some cases will be asking that they be allowed back in Residential Schools in September....Members of the Engineering staff were in the Agency during April and May putting the New irrigation works on Lower Nicola Indian Reserve No. 1 into service. It required a lot of attention to insure its not leaking out through the length of the earth ditches

- 1957** Claims and counterclaims by members regarding land on IR 1 discussed at Band Council Meeting.
- 1957** Measles in the Nicola Agency....At present we are able to find gainful employment for quite a few families gathering Fir and Pine cones for the Re-forestation Service
- 1957** The Trans Mountain Oil Pipe Line Company wanted an easement to place an additional pipe line within the lands of Coldwater IR 1, Zoht IR 4, Zoht IR 5 and Joeyaska IR 2. For the 60 foot Right of Way they would pay \$1 for each lineal rod crossed
- 1957** Flu in Nicola Agency....The Engineering Branch have carried out several irrigation jobs on Lower Nicola No. 1 and 7...
- 1957** Superintendent Sharpe felt that the land and equipment of the late Chief Shutah was settled by Alfred Barber in August 1928, with the land and equipment divided between members, resident on the reserve. Both were married with large families
- 1957** Band Council meeting held at Shulus to discuss Trans Mountain offer
- 1957** Indian Agent Sharpe informed Indian Commissioner that Band had agreed in principle to granting additional Trans Mountain Pipeline Right of Way (IR's 2, 4, 5) but The Indians are quite concerned about damages to cultivated land and would like to be assured that the land would be restored to its original state before the contracting company leave the area I have several unfinished Estates that are held up for the necessary surveys of boundaries. Several of these can be submitted as soon as I receive the Survey plan of Lower Nicola I.R. No. 1, made last summer by Mr. Fox from the Ottawa Survey Staff
- 1957** Ian Malcolm Douglas Fox, DLS surveys IR 1 in summer
- 1958** Chief Alex Swakum
- 1958** Fox Survey Plan of IR 1 – Plan 4900, shows 47 individual land holdings on IR 1, it had not yet been approved by the Surveyor General as additional data on roads was being inserted [provincial roads, including 8-Mile Road and Coutlee Mountain Road]
- 1958** Superintendent E.J. Underwood felt that LNIB had no "properly elected council" and difficulty in "getting together a representative group willing to deal with matters of this sort". Re: Fox's plan, no acreages of individual holdings were shown, and "some boundaries are quite vague". No bearings or distances are shown
- 1958** Resolution signed by the head men of the Lower Nicola Band consenting to the issuance of a permit to the Westcoast Transmission Co. Ltd. for a ground bed rectifying site on the George Toodlican property adjacent to the Gas Meter Station. Written consent of some heirs of the estate
- 1958** Nicola Agency Superintendent Underwood – LNIB still no properly elected council. Several important matters are being held up at the present time because no individual or group of individuals is willing to take the responsibility of making decisions on behalf of the band without knowing whether or not they have the support of the majority of band members. Attempts were made to hold two meetings with this band during the quarter, but in both cases the attendance was so poor that the meetings were cancelled. We expect that our election will be held during the next quarter and hope that the formation of a band council will cause this band

to take a quarter interest in the management of its affairs...There is a great deal of work to be done in connection with the many unconcluded estates on file. In most cases these have been held up for the lack of confirmation of land ownership. Very few of the individual land holdings have been confirmed and it will be necessary to measure and prepare sketches of the land involved in these estates. Wherever possible, we plan to prepare sketches of all the individual holdings in a section of a reserve rather than sketch each parcel separately. When the sketches have been completed and approved, we can then deal with the estates in each section....Work being done on Mamette Lake dam

- 1958** Superintendent Underwood suggests Fox plan not suitable for describing ILHs.
- 1958** [November] an election under Section 73 of the Indian Act was held. Underwood thought it was the first election in this Band since 1935.... Our quotas at both St. George's and Kamloops Indian Residential Schools are full and a few children are still truant. Unfortunately, there is no available school for these truants. [Note: Other documents suggest in 1935 the Indian Agent noted Louie Charlie retired and Blair Peter replaced him as Chief and that Blair Peter was Chief in 1939 to his death in 1952]
- 1958** Lower Nicola came under the Indian Act for election purposes on September 24, 1958 to November 24, 1994 when LNIB reverted to a custom election system.
- 1958** Agent requests regulation of Skookum Billy Ditch
- 1959** At a meeting Band discussed whether or not a parcel on west boundary of reserve was on reserve. Underwood investigates. Indian Commissioner believed it was original reserve but had been removed as it had been used by non-Indians for years.
- 1959** Preliminary sketch of parcels impacted by Inland Natural Gas Co pipeline, IR 1, prepared
- 1959** Band meeting to discuss ownership of lands impacted by Inland Natural Gas Co pipeline, IR 1. Several pieces of land were confirmed to their owners by the Council. Discussion was also heard on one other portion of land but no settlement could be arrived at as the ownership of the remaining piece.
- 1959** BCR (ILRS Instrument 20821) recognizing member as owner of the entire south half of IR 3
- 1959** Indian Superintendent Underwood reported We have commenced work on mapping of individual land holdings on our reserves. This is being done by the use of 30" x 30" air photos. We are very favourably impressed by this method for sketching individual land holdings and feel that it saves us considerable time. By this method we hope to get a number of our reserves mapped this summer
- 1959** It would appear that there is a possibility of our being able to enter into an agreement with the Merritt School District regarding the education of the children from Nicola-Mameet reserve. In our opinion this would be very desirable
- 1959** Indian Commissioner informs Indian Superintendent that area on western boundary of IR 1 under question was part of DL 160, and not part of IR 1 [Plan BC 959 by E.O. Wood]
- 1959** Surveyor Fox meet with Nicola Superintendent. Mr. Fox informs us that the irrigation ditches and most of the boundaries of individual properties are considered fairly accurate but also states that when he made the survey he had only two of the younger Indians from the reserve

- to point out the individual holdings to him. We have found that a number of the individual holdings are not correct and that some that are shown as one property actually belongs to two or more people. Mr. Fox has suggested that we mark in pencil on our plan any errors of which we become aware and that we ask to have this reserve placed on the schedule for next summer. He intends to call in late this fall to determine how many errors we have found and will then be in a position to estimate the time involved to make a workable plan. As a rough estimate he suggested that two weeks be allowed for this work
- 1959** Supplemental indenture for Trans Mountain Pipeline additional Right of Way through IR's 2, 4, 5 [ILRS Instrument 3113-80]
- 1959** Housing survey, Shulus – 306 members, 201 on reserve, 51 family units, lack of interest in houses, 14% of population members of other bands living out of wedlock with resident members, to some Shulus a place of temporary residence where a family may rent an old house very cheaply and enjoy the proximity of the village to the town of Merritt
- 1960** Band meeting at Agency Office in Merritt – BCR requesting Department complete a preliminary survey of ILH on IR 1
- 1960** Memo with plan re: IR 1, Shulus Village housing conditions and proposed improvements. There were 35 dwellings and a population of 150 on IR 1. 109 buildings were listed including schools, barns, houses, sheds, etc.
- 1960** Recommended that completion of the preliminary survey on Nicola Mameet Indian Reserve No. 1 be given priority. Morris Swakum, William Jack and William Stewart were paid for labour on Shulus survey, but Chief and some of the Councillors felt the survey was made without their knowledge
- 1960** 60's scoop sees Indian children taken away from communities and put into foster care
- 1960** Chief Alex Swakum. Councillors Jimmy Peters, Dennis Sam, David Shuter
- 1961** Horses not removed from the range would be shot or sold. Shulus Indians upset as horses need to eat on range
- 1962** Superintendent Underwood was planning roadwork on IR 1 and noted some survey stakes were missing from survey work
- 1962** Surveyor General sends Plan and Field Notes of subdivision of part of Nicola-Mameet IR No. 1 (Plan 51052) to Indian Commissioner
- 1962** Chief Wayne Shuter. Smith Bent, Maynard Joe and Alex Swakum on Council
- 1964** Band meeting – Band expenditures included range fees, irrigation ditches and improvements to the ball field
- 1964** Band meeting – Housing would be built for Band members. BCR signed
- 1964** Chief Wayne Shuter. Alex Swakum, David Shuter, Maynard Joe Council
- 1965** Roger McDonnell Thesis on Land tenure among the Upper Thompson Indians. It was concluded in the examination that the official system of land tenure was focused on land which was for the benefit of the band as a whole, and this land was for the most part uninhabited. Noted that individual land issues had considerable variations in land tenure being allowed to evolve. Factors

- included availability to individual wage labour, accessibility of the Indian to the administrator, and vice-versa, and the relative proximity of the various residential sites to the town of Lytton
- 1966** Chief Felix Moses
 - 1968** Indian Brotherhood formed
 - 1969** Union of BC Indian Chiefs hold 1st meeting in Kamloops
 - 1969** Chief Fred Sterling. Donald Moses, Mack Shuter, Wainright Shuter council
 - 1969** Trudeau and Chretien present White Paper to erase status
 - 1969** David Wyatt undertakes archaeological survey of the Nicola Valley- 40 sites between Spence's Bridge and Douglas Lake recorded
 - 1970** Red Paper drafted in response to White Paper – asserts rights to land and self- determination
 - 1970** Chief Donald Moses. John Jackson, Mabel Joe, Robert Sterling Council
 - 1970** David Wyatt – Working Paper for Nicola Valley Indian Museum – ideas for building a native-run museum
 - 1972** Chief Donald Moses. Willie Basil, John Jackson, Fred Sterling Council
 - 1972** Calder decision – SCC rules aboriginal rights and title exist in BC
 - 1973** Federal comprehensive claims policy established
 - 1974** Office of Native Claims established
 - 1974** Chief Donald Moses. Mary June Coutlee, John Jackson, Melvin Joe, Frederick Sterling Council
 - 1974** LNIB population of 391, 92 living off reserve
 - 1974** City of Merritt proposes dump site adjacent to east boundary of Joeyaska IR 2, need for fireguard would have required clearing of large portion of reserve
 - 1974** Nicola Valley Indian History Association in existence
 - 1975** In the mid-1970s NVIA alliance with ranchers to undertake a comprehensive study of the Nicola Watershed
 - 1976** Chief Donald Moses. Melvin Joe, Frederick Sterling, Dennis Sam, Felix Moses Council
 - 1977** Discussions regarding publishing David Wyatt's History of the Nicola Valley. Committee formed with Herbie Manuel, Barney Shackelly, Don Moses and Pat Collins
 - 1978** Chief John Jackson. Dennis Sam, Dan Joe, Robert Sterling, Gene Moses on Council
 - 1978** Series of letters on erosion problems on reserves along Coldwater, Hamilton and Nicola Rivers
 - 1978** Domestic Water Systems described: IR 2 – 3 wells and pump set up, one serving 3 homes, 2 homes without water, 2 miles of road; Zoht IR 4 – 3 wells and pumps serving 5 homes and 2 under construction; Nicola Mameet IR 1 – 6 miles of dirt road, 8 miles of open ditch fed from Guichon Creek and supplied by Band owned water storage dam at Mameet Lake; Hamilton Creek IR 7 – 3 homes on reserve with private water supply, 7 miles of road, 3 bridges, 1 owned and maintained by a Band member

- 1980** Chief Gene Moses
- 1980** Constitutional Express to Ottawa and London England re: aboriginal title and rights
- 1980** Water Quality Survey Program describes Nicola Watershed as encompassing 2,432,000 acres of which 80,000 acres was used by the Indians as IRs or 3.29% of the total watershed
- 1980** 5,800 spring salmon counted at Nicola River
- 1981** Lower Nicola Population 326
- 1981** Western Indian Agricultural Corporation Limited describes conditions on IR 1 and 7
- 1981** Tentative plan to use Nicola Valley for pilot project – new aerial photos from which legal boundaries and as built maps would be developed
- 1982** Chief Arthur Dick
- 1982** Canada Constitution Act
- 1982** LNIB population 431
- 1982** Nlaka’pamux population 3274
- 1982** NNTC formed by 16 Nlaka’pamux Chiefs
- 1982** Collection and selling of pine mushrooms to highest bidder discussed at Nicola Valley Indian Area Council meetings – Tillie Oppenheim complained “it’s against our culture to ship them away and sell them”, Gordon Antoine replied that Indian culture has been changing for thousands of years.
- 1982** NVIA conducting research into band council elections
- 1982** Correspondence regarding road Right of Way, IR 1
- 1983** Pasco CNR case
- 1983** LNIB population 429
- 1983** LNIB position paper on proposed Coquihalla Highway – concern over destruction of hunting, camping and natural food resources. It is common knowledge that our tribal members have traditionally utilized this location as our own tribal territory permits according to our own tribal laws
- 1984** Chief Arthur Dick
- 1984** Declaration of the Nlaka’pamux Nation; Nlaka’pamux Nation Land Claim submitted to Office of Native Claims on July 17, 1984
- 1984** LNIB population 438
- 1984** Flood damage in Nicola Valley – applications for damage assessment submitted by LNIB, Shulus Cattle Co., Dennis Sam, Earl Joe, Donald Moses, May Moses, Mary (Shuter) Coutlee, John Shuter, the Shahan’s (Coldwater)
- 1984** Robert Sterling and Yvonne Hebert on Non-Authority in Nicola Valley Indian Culture – conclude expectations to conform cannot be determined by authority alone; compliance based on agreement

- 1985** Nlaka’pamux Nation claim filed
- 1985** Bill C-31 women could not loose status
- 1985** LNIB population 448
- 1986** Chief Francis Shuter
- 1986** LNIB population 462
- 1986** Nlaka’pamux population 3494
- 1986** Meeting (Upper Nicola, Lower Nicola, Kamloops, Bonaparte) re: Hihium Lake IR 6 for long-term planning
- 1986** Series of letters on erosion problems on reserves along Coldwater, Hamilton and Nicola; Dennis Sam showed 3 sites on IR 1; Jeffery Sam showed 2 sites on IR 7
- 1986** Coquihalla Highway opens
- 1987** LNIB considers decentralizing from NVIA
- 1988** Chief Heather Trosky
- 1988** Land Use Committee and Land Use Policy Draft mentioned at Band meeting
- 1988** List of survey projects for IR 1 (LTS funding available to 2005)
- 1990** Comprehensive land claim meeting, Nlaka’pamux Nation; claim prepared in October 1990
- 1990** Chief Don Moses
- 1991** LNIB population 684
- 1991** LNIB requests INAC do detailed research on the history of land ownership, IR 2
- 1992** Chief Victor York
- 1992** Modern Treaty process begins in BC
- 1992** John Warren Policy – Procedures, application, band meetings
- 1992** Members start to submit CP applications under the Warren Policy
- 1992** Billboards on IR 2 leasing issue (ownership/decision-making become issues)
- 1992** West Coast Energy Right of Way, IR 1 is an issue; Johan field discussions at Band meetings
- 1992** Band begins to prioritize surveys
- 1993** Public forum on Traditional Family Ownership of Lower Nicola Indian Band meeting.
- 1994** Lower Nicola, which had come under the Indian Act for election purposes on September 24, 1958, reverted to a custom election system on November 24, 1994 and adapted Custom Election Rules
- 1994** Band considers developing North Joeyaska and starts designation process
- 1994** Chief Victor York
- 1995** LNIB population 836, 324 living off reserve

- 1995** Gustafsen Lake standoff
- 1995** Lands manager drafts report on IR 2 land issues
- 1995** LNIB Conflict of Interest Policy approved by Council
- 1996** Joeyaska Resolution Committee active
- 1996** Report of the Royal Commission on Aboriginal Peoples report
- 1996** IR 1 population of 385. Total of 135 dwellings, with 60% built between 1981-1996
- 1997** Delgamuukw Decision
- 1997** Shirley Sterling – Grandmother Stories
- 1998** Chief Victor York
- 1998** LNIB amends the 1994 Custom Election Rules
- 1988** Residential Land Allocation Policy developed to regulate residential land allotments
- 1999** Joeyaska-Sterling Advisory Committee in existence
- 1999** Series of meetings on IR 1 land issues with community
- 1999** Council approves the creation of a new Lands Committee
- 1999** Traditional Land Holdings Internal Band Issues Resolution Concept Discussion Memorandum
- 2000** Motion passed at Band General Meeting to assemble Heads of Family to address land claims; first meeting held – 32 band members included on initial list
- 2000** Development of the John Rich Policy
- 2000** Lands Resolution Process Steering Committee – establish Rules of Order/Protocol, Terms of Reference, Budget, refined application procedure and application. \$25 fee required
- 2000** Drafting of LNIB Policy on Membership Claims to Land, followed by addendum considering due process, steering committee, tribunal of outside persons, council of elders and heads or appointees of major families
- 2001** LNIB population 927, 397 were living off reserve
- 2001** Chief Arthur Dick
- 2002** Chief Arthur Dick
- 2003** Nlaka’pamux Writ filed with BCSC with map
- 2004** Chief Arthur Dick
- 2006** Drafting of Terms of Reference for Land Committee
- 2007** Tsilhqot’in Nation v. British Columbia establishes evidentiary requirements for proving title (occupation, exclusivity, continuity)
- 2007** Development of the John Warren Policy – TOR, Rules of Order and Application and Procedures developed
- 2007** Land Code of the LNIB drafted

- 2007** Chief Don Moses
- 2009** NNTC Dispute Resolution Process
- 2010** Sir Wilfred Laurier Memorial at Spence’s Bridge
- 2011** Andrea Laforet report on Highland Valley summarizes traditional land, decision-making and governance
- 2011** Beatrice Anderson’s thesis on Grandmother Teachings introduces 8 transformation principles
- 2012** Idle No More
- 2013** Between January – March 2013, 5 meetings held with membership to discuss proposed amendments to the Custom Election Rules. Amendments approved by 2/3 of eligible voters at the Special Meeting held June 6, 2013.
- 2014** NEB testimony
- 2014** Tsilhqot’in Decision
- 2015** Wrapping our Ways Around Then – ShchEma-mee.tkt Project 4 key principles
- 2015** LNIB Moratorium on Biosolids based on traditional principles
- 2016** Nicola Tribal Association Tribal Leadership Model
- 2017** LNIB votes to sign Kinder Morgan Trans Mountain Pipeline MBA
- 2017** LNIB Dispute Resolution Process work with Four Directions using stories and case briefing methodology. Workshops held in community
- 2018** LNIB Cultural Heritage Policy – 3 principles **yémes**, **sʔémit** and **lúmuʔstn** or “respect”, “responsibility” and “the relationship between our land, water, air and resources” are at the core
- 2019** Bill C-91 An Act Respecting Indigenous languages and Bill C-92 An Act respecting First Nations, Inuit and Metis children, youth and families assented to (Trudeau White Paper 2.0)