

**Neskonlith Indian Band**

Box 608, Chase, BC V0E 1M0  
Phone (250) 679-3295 Fax (250) 679-5306



December 13, 2001

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Inspector Sam MacLeod  
District of Operations (West)  
Royal Canadian Mounted Police  
Southeast District  
2611 Norris Road  
Kelowna, BC, V1X 7M1  
Canada

**Open Letter**

Dear Sirs and Madame:

**RE: DESTRUCTION OF SWEAT LODGES, SACRED OBJECTS AND HOME  
AT SKWELKWEK'WELT AND THE REMOVAL OF SNOW ROADBLOCKS  
ON THE ROAD BETWEEN NESKONLITH INDIAN RESERVE AND  
MCGILLIVRAY LAKE**

Please find enclosed a copy of a letter sent to Inspector Sam MacLeod regarding what took place on December 10, 2001, the International Human Rights Day. The Tension was very high at Sun Peaks on December 10, 2001. I had to personally meet with the

Secwepemc peoples at the Skwelkwek'welt Protection Centre and at McGillivray Lake. The tensions created by the enforcement of two injunctions were very sad for me as a Chief in the year 2001. It was like I was caught in a Rod Sterling - Twilight Zone – rerun of an old out of date “cowboy and Indian movie” but what I was experiencing was real.

I personally had to talk to my Elders, land users and youth and convince them to abide by the injunction despite their very high emotional feelings that what was being done to them was wrong. Indeed the Justice that wrote the Sun Peaks Skwelkwek'welt Protection Centre only imposed the injunction from December 10, 2001 to May 15, 2002. Furthermore, the injunction respecting the McGillivray Lake was very unclear about the destruction of the private home at McGillivray Lake and it did not sanction the bulldozing of the women and men's sweat lodges near McGillivray Lake. And it did not indicate to remove the sacred bundles and other objects from the trees near McGillivray Lake site.

Indeed, Mr. C.E. Forgues, Sergeant, Royal Canadian Mounted Police was specifically informed by Mrs. Beverly Manuel that certain objects at the McGillivray Lake site were very sacred and would have to be dealt with the next day by appropriate Elders. Mr. C.E. Forgues said he would inform the British Columbia Assets and Lands Corporation (BCAL) about this matter. Indeed these matters still need to be dealt with by our Elders and medicine people. Your assistance in this matter would be helpful but not necessarily essential. I do feel however that that my peoples whose feelings in this matter are deeply hurt by the insensitive and destructive way their faith and beliefs were treated by the government and the Sun Peaks Ski Resort.

In particular I would like to know if the several snow roadblocks between Neskonlith Indian Reserve and McGillivray Lake will be removed or will we have to do that ourselves. It is apparent that several snow roadblocks were created by a Sun Peaks contracted excavator and prevented my people from driving back to McGillivray Lake on December 11, 2001 - 4<sup>th</sup> Anniversary of the Delgamuukw Decision. In fact Nicole Manuel, her 2 year old and 10 year old son had to walk 5 kilometers back to their home site. This was a very difficult and painful walk. The snow roadblocks clearly illustrate that BCAL and the Sun Peaks Ski Resort does not care about the safety of Secwepemc Children.

The reason Nicole and her family returned to McGillivray Lake was to properly grieve the serious loss she just experienced and to give a report to our Elders about what needed to be done about our sweat lodges and sacred objects. Needless to say Nicole and her children were totally heart broken when they saw everything they loved, including the religious things they were part of destroyed over night. Nicole and her children were so sad that they fell on the ground and wept in each others arms. When Nicole reported this back to the Elders, one of them said when did we ever go into their Churches and destroy the things that clean and help their hearts?

I am writing you this note to inform you that we will be returning to McGillivray Lake to deal with our sacred matters and I want to know if we can expect any violence or trouble

from BCAL, Sun Peaks Ski Resort or the Royal Canadian Mounted Police. In addition I need to know if I have to secure forces to remove the BCAL and Sun Peaks snow roadblocks.

Your immediate response on this urgent matter would be very helpful.

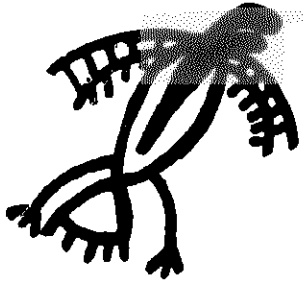
Yours sincerely,

NESKONLITH INDAIN BAND

A handwritten signature in black ink, appearing to be 'A. Manuel', with a large loop at the start and a horizontal line extending to the right.

Chief Arthur Manuel

c.c. Chief Ronnie Jules, Adams Lake Band  
Chief Stewart Phillip, Union BC Indian Chiefs  
Chief Dan Wilson, Okanagan Nation Alliance  
Interior Alliance Leaders Council  
National Chief Matthew Coon Come, Assembly of First Nations  
Hereditary Chief Dave Quilt, Chilcotin National Congress  
Mr. David Dennis, West Coast Warriors Society  
Native Youth Movement  
The Right Honourable Jean Chretien, Canada  
The Honourable Gordon Campbell, British Columbia  
Church Organizations  
International Human Rights Organizations  
Mrs. Louise Mandell, QC, Mandell Pinder



## Neskonlth Indian Band

Box 608 CHASE, B.C. V0E 1M0  
Telephone 679-3295 Fax 679-5306



December 9, 2001

Inspector Sam MacLeod  
District Operations Officer (West)  
Royal Canadian Mounted Police  
Southeast District  
2611 Norris Road  
Kelowna, B.C., V1X 7M1  
Canada

Fax: (250) 491-2381

Dear Inspector MacLeod:

### **RE: URGENT MATTER REGARDING SUN PEAKS SKI RESORT**

I am writing with respect to two court orders the *McGillivray Lake Court Order*, namely, Her Majesty The Queen in Right of the Province of British Columbia as Represented by the British Columbia Assets and Land Corporation and the Attorney General of British Columbia vs. Sun Peaks Resort Corporation, Janice Billy, Sarah Denault, Amanda Soper, Nicole Manuel, John Doe, Jane Doe and Persons Unknown acting in concert with them, Kamloops Registry No. 32177, Wednesday the 5<sup>th</sup> day of December 2001 and the *Sun Peaks Base Court Order*, namely, Sun Peaks Resort Corporation vs. Janice Billy, Amanda Soper, Nicole Manuel, John Doe, Jane Doe and other persons unknown to the Plaintiff acting in concert with them, Kamloops Registry No. S013235, Wednesday, the 5<sup>th</sup> Day of December, 2001.

In respect to the *McGillivray Lake Court Order* the Secwepemc peoples have a number of specific concerns and that involves clarification regarding a number of items plus the immediate disposition of the cord wood house that is erected at McGillivray Lake.

In regard to the first matter the questions my peoples have are in respect to paragraph one of the decisions. This reads as follows:

1. The Defendants, John Doe, Jane Doe, and persons unknown acting in concert with them, and anyone who has notice of this Order are enjoined until further Order of this Court from occupying without authorization from the Plaintiff, British Columbia Assets and Land Corporation, the area of unsurveyed Crown land at McGillivray Lake, Kamloops, British Columbia, encumbered by License of Occupation No. 337506, recorded in the Crown Land Registry, and shown on the map attached hereto as CMRC 3400525, Site 1 (the "Site");

The first question arises from my Secwepemc peoples not having a clear understanding of what is meant by "occupying". The definition of this word was raised in court when the decision was made and both sides made comments on the term "occupying" but it was unclear what the final definition was or if a final definition was made. In this respect I would like to call upon you to enquire with both Ms. Louise Mandell our Counsel and Crown Counsel in terms of what is meant by "occupying".

The second question arises from clearly defining the area covered by the court order on the ground. The maps are helpful but unless both the RCMP and the Secwepemc peoples understand the exact dimensions on ground trouble could erupt because of our different understanding of the exact dimensions covered by the court order. I therefore ask that you contact the British Columbia Assets and Lands Corporation (BCAL) and Mrs. Janice Billy, Skwelkwek'welt Protection Center and ribbon off the area covered by the court order.

The third question I have is in respect to the cord wood house located at McGillivray Lake. The cord wood house was not specifically dealt with in the court order. Indeed, the cord wood house is an established building and does precede the court order that comes into effect on Monday, December 10, 2001. In this regard it is the feeling of the Secwepemc peoples that they are entitled to daily access to the cord wood house. It seems only fair that if Sun Peaks Ski Resort has a day cabin at McGillivray Lake and it is only appropriate that the Secwepemc peoples also have a day cabin at McGillivray Lake also.

Nevertheless, it is the Secwepemc peoples' position that under no circumstances can the cord wood house be destroyed until the substantive legal issue of the BCAL Trespass and Seizure Notices vis-à-vis Aboriginal title and rights are dealt with by a court of law. In the Kamloops Daily News, December 7, 2001 said "RCMP will move in next week to enforce the injunction with BCAL officials also expected to remove a small cabin at McGillivray Lake".

If this presents a problem with BCAL then we ask that nothing be done to the cord wood house until it is dealt with according to paragraph 3 of the court order. That reads as follows:

3. Any person affected by this Order may apply to modify it or set it aside on two clear day's notice to the Plaintiff;

In regard to the *Sun Peaks Base Court Order* it is also felt that a clear understanding of the base area is worked out by our respective legal counsel and on the ground. We feel that in order to prevent any problems over the course of the court order which commences December 10<sup>th</sup> 2001 until May 15<sup>th</sup> 2002 that a similar walk about happen and that BCAL and the Skwelkwek'welt Protection Center ribbon off the area.

In regard to dismantling the Skwelkwek'welt Protection Center it was brought to my attention that snow has been piled up at the entrance of the area where the paved Sun Peaks road and the McGillivray Lake dirt road separate. Our Elders have had to walk an extended distance from that snow barrier created by Sun Peaks to the Skwelkwek'welt Protection Center for the last several weeks. Needless to say if we were going to stay at this location snow removal would have been a minor problem but now it is. The tent, stove, camping equipment and wood frame protection for the tent are extremely heavy therefore nothing has been done to remove the Skwelkwek'welt Protection Center. I would like to understand how you think we could proceed with this matter.

Generally speaking the emotions and feelings of my people regarding this particular injunction and the un-dealt with substantive legal matters respecting Aboriginal title and rights and the expansion of Sun Peaks Ski Resort is very high. This kind of tension has in my opinion escalated because of the position taken by the provincial government. The situation facing you as a police officer are the same questions being dealt with in regard to the civil case respecting the late Dudley George, Ontario Provincial Police and the Premier of Ontario. When and how police officers should be used in competing civil matters regarding legitimate legal disputes regarding Aboriginal or treaty interests' vis-à-vis Crown lands is an urgent "peace and security" issue for us.

In that particular situation the use of force in a highly emotional situation got out of hand and Dudley George was killed. The same kind of situation can happen in the situation we are dealing with. I believe that is what the Supreme Court of Canada was trying to redress when they recognized Aboriginal title in the Delgamuukw case on December 11, 1997. The Supreme Court of Canada wanted to find the legal means to deal with very deeply felt feelings and give them a safe and peaceful means to be negotiated in good faith. Ultimately they wanted us as indigenous peoples and settlers to understand that we are both here to stay. Sadly we are a long way from that reality.

What we will be doing over the next few days will be a test to us, to see if we can work with the inaccurate tools we have and produce peace in the end. Forcefully removing my Elders, land users and my youth is not an easy job but ultimately I must work within this legal process. Our different values and understanding of our common history, law and the Constitution will make the emotions and feelings of both our forces be on edge. In saying this I clearly see in my mind's eye the extremely high tension of the reading of the BCAL Seizure Notices at the Skwelkwek'welt Protection Center and at McGillivray Lake. I only hope that we have the ability to understand that this situation is not going to go away.

The unanimous decision of the Justices of the Supreme Court of Canada knew that when they recognized Aboriginal title. They hoped that Canada and British Columbia governments would follow through with their legal decision in a political manner acceptable to indigenous peoples. What will be happening as this injunction takes effect is how Aboriginal title and Crown title are "politically forced" to aggressively cope with each others interests, where there is no acceptable federal or provincial policy or process to deal with these competing proprietary interests.

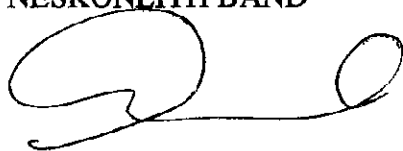
In this regard the voices that I listen to with regard to Aboriginal title comes from my Elder and land users. The Native Youth merely learn and support the position of the Elders and land users. The Native Youth nevertheless feel most emotional and short changed by the lack of an effective Aboriginal policy and process because it is their future we are dealing with.

In closing I would like to thank you for dealing with this very sensitive file with a degree of balance between the two competing Aboriginal and Crown proprietary interests. I feel that negotiations on this matter using the police are not the best method to precede but given the fact that there is no acceptable federal or provincial policy and process to deal with this issue, the RCMP (formerly North West Mounted Police) are caught managing Canada's so called Indian Affairs once again. Under these adverse conditions between indigenous peoples and settlers the use of armed members of the Canadian settler police force will continue to create high tension as opposed to peace at Sun Peaks Ski Resort at Skwelkwek'welt.

I hope that any Royal Canadian Mounted Police action taken after December 10, 2001, which incidentally is the "International Human Rights Day", will be peaceful without any one getting hurt. I strongly feel that the kinds of tragic incidents that happened at Oka, Ipperwash, Gustafsen Lake and Burnt Church must be avoided. In order to prevent these kinds of situations from repeating themselves I would like an immediate response to this letter. I can be reached on my cell phone (250) 314-7179.

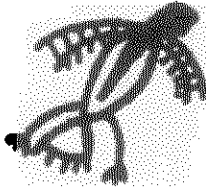
Yours truly,

NESKONLITH BAND



Chief Arthur Manuel  
Secwepemc Nation

c.c. National Chief Matthew Coon Come, AFN  
Chief Stewart Phillip, UBCIC  
Chiefs of the Shuswap Nation  
The Right Honourable Jean Chretien, Canada  
The Honourable Gordon Campbell, British Columbia  
Ms. Louise Mandell, QC, Mandell Pinder  
BCAL  
Sun Peaks Ski Resort  
Church Organizations  
International Human Rights Organizations



**Neskonlith Indian Band**

Box 608, Chase, BC V0E 1M0  
Phone (250) 679-3295 Fax (250) 679-5306



December 9, 2001

Mr. Bill Valentine  
President and Chief Executive Officer  
British Columbia Assets and Lands Corporation  
5<sup>th</sup> Floor – 609 Broughton Street  
Victoria, B.C., V8W 1C8  
Telephone: (250) 356-1282

SENT VIA FAX: (250) 356-0105

Dear Mr. Valentine:

**RE: CORD WOOD HOUSE AT MCGILLIVRAY LAKE**

According to Mr. C.E. (Cam) Forgues, Sergeant, Royal Canadian Mounted Police, NCO I/C Kamloops Major Crime Unit, Kamloops, BC, that BCAL and Crown Counsel have interpreted that the December 5<sup>th</sup>, 2001 Court Order provides authority to destroy the cord wood house at McGillivray Lake. It is the position of Neskonlith Indian Band and the Secwepemc peoples who attended BC Supreme Court injunction hearing that that was not the case. It is their opinion that this matter needs to be clarified.

It is the position of the Neskonlith Indian Band that this matter must be dealt with appropriately or it will cause greater hardship on our already strained relationship. We believe that there was no clear decision by Madame Justice Beames regarding the status of the cord wood house. We will be seeking advice from our lawyer Ms. Louise Mandell, QC, in to order arrive at some mutually understood solution.

There were many important issues touched on during the injunction but were not dealt with under the balance of convenience test. Furthermore it is our position that the Court Order issued by the Supreme Court of British Columbia on December 5, 2001 does not specifically deal with the status of our building. It is our position that the cord wood house is subject to the validity of the Trespass and Seizure Notices issued by your office.

In this regard we defend our right to maintain the finished cord wood house based upon our continued use of McGillivray Lake based on our Aboriginal title and rights.

The Neskonlith Indian Band would like to make it clear to the British Columbia Assets and Lands Corporation (BCAL) that we issued a Building Permit for the construction of the cord wood house at McGillivray Lake. The Adams Lake Indian Band also issued a similar Building Permit. I have attached these Building Permits for your examination. It is the position that these Building Permits must be considered in view of the Trespass and Seizure Notices issued by your office in an appropriate court of law if BCAL.

Please accept this letter as notice that we wish to deal with this matter under paragraph 3 of the December 5, 2001 Court Order, which states:

“Any person affected by this Order must apply to modify it or set it aside on two clear day’s notice to the Plaintiff.”

In particular, we as Secwepemc peoples and as parties affected by the Order hereby provide you with notice that we will apply to modify the Court Order. Please inform our legal counsel on this matter.

Our legal counsel is Ms. Louise Mandell, QC, Mandell Pinder and can be reached at (604) 681-4146 or Fax: (604) 681-0959.

Yours truly,

NESKOLITH BAND



Chief Arthur Manuel

c.c. Ms. Louise Mandell, QC, Mandell Pinder  
Chief Ronnie Jules, Adams Lake Band  
Chief Stewart Phillip, UBCIC  
Shuswap Chiefs  
Inspector Sam MacLeod, RCMP  
Mrs. Janice Billy, Skwelkwek’welt Protection Center  
Church Organizations  
International Human Rights Organizations