SUPPLEMENTAL TERMS AMENDING AGREEMENT FOR EASEMENT ELECTRIC POWER TRANSMISSION LINES

His Majesty the King in right of Canada

AND

Lytton First Nation

AND

British Columbia Hydro and Power Authority

Stryen Indian Reserve No. 9, excluding Lots 35, 38 and 41 CLSR Plan 108965 Lytton Indian Reserve No. 9A, excluding Lots 4 and 5 CLSR Plan 108961 Nkaih Indian Reserve No. 10, excluding Lots 1, 3 and 6 CLSR Plan 109082 Skwayaynope Indian Reserve No. 26, excluding Lot 10 CLSR Plan 108228 Lytton Indian Reserve No. 31, excluding Lot 1 CLSR Plan 108232

The effective date of this Supplemental Terms Amending Agreement is the date it is signed by Canada

SUPPLEMENTAL TERMS AMENDING AGREEMENT FOR EASEMENT FOR ELECTRICAL TRANSMISSION LINES APPLICABLE ONLY TO LYTTON FIRST NATION RESERVES: STRYEN INDIAN RESERVE NO. 9, LYTTON INDIAN RESERVE NO. 9A, NKAIH INDIAN RESERVE NO. 10, SKWAYAYNOPE INDIAN RESERVE NO. 26, AND LYTTON INDIAN RESERVE NO. 31

This Supplemental Terms Amending Agreement is made between the following parties:

His Majesty the King in right of Canada, as represented by the Minister of Indigenous Services

("Canada")

AND:

Lytton First Nation, a band within the meaning of the *Indian Act*, as represented by its Council

("First Nation")

AND:

British Columbia Hydro and Power Authority, a corporation continued under the *Hydro and Power Authority Act*, RSBC 1996, c 212

("Grantee")

Background:

- A. On November 17, 1970, *Canada* issued an easement under the authority of Order In Council P.C. 1069-596 further to section 35 of the *Indian Act*, RSC 1985 c I-5 ("*Indian Act*") for electrical power transmission lines to the *Grantee* over certain reserve lands, including the *First Nation's* Stryen Indian Reserve No. 9, Lytton Indian Reserve No. 9A, Nkaih Indian Reserve No. 10, Skwayaynope Indian Reserve No. 26, and Lytton Indian Reserve No. 31 ("*easement*"). The *easement* is registered in the Indian Lands Registry under No. 3307-88;
- B. Pursuant to the Framework Agreement on First Nation Land Management Act, SC 2022 c 19, s 121, which gives force of law to the Framework Agreement on First Nation Land Management entered between Canada and the signatory First Nations on February 12, 1996, and amended to include the First Nation in Schedule 1 on November 20, 2017 ("Framework Agreement"), the First Nation is developing a land code, within the

BC Hydro Supplemental Terms Amending Agreement Applicable only to Lytton First Nation Reserves: Stryen IR No. 9, Lytton IR No. 9A, Nkaih IR No. 10, Skwayaynope IR No. 26, and Lytton IR No. 31

meaning of clause 1.1 of the *Framework Agreement*, that would apply to certain parts of its reserve lands ("*Lytton First Nation Land Code*");

- C. Certain lands on Stryen Indian Reserve No. 9, Lytton Indian Reserve No. 9A, Nkaih Indian Reserve No. 10, Skwayaynope Indian Reserve No. 26, and Lytton Indian Reserve No. 31 are proposed to be excluded from the application of the *Lytton First Nation Land Code* because the exclusion is justifiable owing to the presence of road areas, pursuant to subclauses 4.1.4 and 4.1.6 of the *Framework Agreement* ("*Excluded Lands*");
- D. The parties acknowledge that the effect of subclause 4.1.6 of the *Framework Agreement* is to ensure that the administration of a lease, other interest or a right in the *Excluded Lands* only falls under one land management regime;
- E. The area under the *easement* extends into the *Excluded Lands*, and in order to comply with subclauses 4.1.4 and 4.1.6 of the *Framework Agreement*, the *easement* must be amended to prevent the application of more than one land management regime to the lands once the lands are under *Lytton First Nation Land Code*;
- F. This Supplemental Terms Amending Agreement does not affect and does not apply to any of the Indian Reserves described in the thirteen parts of the *easement's* Schedule, including any of the *First Nation's* reserves other than Stryen Indian Reserve No. 9, Lytton Indian Reserve No. 9A, Nkaih Indian Reserve No. 10, Skwayaynope Indian Reserve No. 26, and Lytton Indian Reserve No. 31.
- G. The *First Nation* has by a resolution of the Council, a copy of which is attached as Schedule "A" to this Supplemental Terms Amending Agreement, acknowledged, approved, and consented to the issuance of this Supplemental Terms Amending Agreement, subject to the terms and conditions hereinafter contained; and
- H. The parties wish to clarify which part of the area under the *easement* on Stryen Indian Reserve No. 9, Lytton Indian Reserve 9A, Nkaih Indian Reserve No. 10, Skwayaynope Indian Reserve No. 26, and Lytton Indian Reserve No. 31 will be administered under the Lytton First Nation Land Code once it is in effect.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, receipt of which is hereby acknowledged by each party, the parties agree as follows:

 This Supplemental Terms Amending Agreement applies only to Stryen Indian Reserve No. 9, Lytton Indian Reserve 9A, Nkaih Indian Reserve No. 10, Skwayaynope Indian Reserve No. 26, and Lytton Indian Reserve No. 31.

BC Hydro Supplemental Terms Amending Agreement Applicable only to Lytton First Nation Reserves: Stryen IR No. 9, Lytton IR No. 9A, Nkaih IR No. 10, Skwayaynope IR No. 26, and Lytton IR No. 31

- This Supplemental Terms Amending Agreement will be registered in the Indian Lands Registry System for Stryen Indian Reserve No. 9, Lytton Indian Reserve 9A, Nkaih Indian Reserve No. 10, Skwayaynope Indian Reserve No. 26, and Lytton Indian Reserve No. 31.
- 3. Italicized words as defined in the Background clauses have the meaning ascribed to them and apply to the substantive clauses of this Supplemental Terms Amending Agreement.
- 4. In paragraph (a) of the *easement*, insert the following words after the word "Schedule" and before the words "attached hereto":

and Schedules 2, 2 A, 3, 3 A, 4, 4 A, 5, 5 A, 6 and 6 A

- 5. The following Schedules are added to the *easement*:
 - a. Schedule 2: Stryen Indian Reserve No. 9, Lytton First Nation Land Code Lands Land Description;
 - b. Schedule 2 A: Plan 108965 CLSR, Plan 108860 CLSR and Plan 53583 CLSR;
 - c. Schedule 3: Lytton Indian Reserve No. 9A, Lytton First Nation Land Code Lands Land Description;
 - d. Schedule 3 A: Plan 108961 CLSR, Plan 108575 CLSR, and Plan 53583 CLSR;
 - e. Schedule 4: Nkaih Indian Reserve No. 10, Lytton First Nation Land Code Lands Land Description;
 - f. Schedule 4 A: Plan 109082 CLSR, Plan BC786, and Plan 53583 CLSR;
 - g. Schedule 5: Skwayaynope Indian Reserve No. 26, Lytton First Nation Land Code Lands - Land Description;
 - h. Schedule 5 A: Plan 108228 CLSR, Plan BC1035 CLSR, and Plan 53617 CLSR;
 - i. Schedule 6: Lytton Indian Reserve 31, Lytton First Nation Land Code Lands Land Description; and
 - j. Schedule 6 A: Plan 108232 CLSR, Plan BC1033 CLSR, and Plan 53617 CLSR;

BC Hydro Supplemental Terms Amending Agreement Applicable only to Lytton First Nation Reserves: Stryen IR No. 9, Lytton IR No. 9A, Nkaih IR No. 10, Skwayaynope IR No. 26, and Lytton IR No. 31

- 6. Notwithstanding those parts of a transmission line right of way according to Plan 53583 CLSR on the reserve lands described in the Fifth and Sixth paragraphs in the Schedule in respect of Stryen Indian Reserve No. 9, Lytton Indian Reserve No. 9A, Nkaih Indian Reserve No. 10, Skwayaynope Indian Reserve No. 26, and Lytton Indian Reserve No. 31, the right of way on the part of Stryen Indian Reserve No. 9, the part of Lytton Indian Reserve No. 9A, the part of Nkaih Indian Reserve No. 10, the part of Skwayaynope Indian Reserve No. 26, and the part of Stryen Indian Reserve No. 31 is as described in Schedules 2, 2 A, 3, 3 A, 4, 4 A, 5, 5 A, 6 and 6 A
- 7. Any notice that is required to be given to the *First Nation* under or in respect of any of the terms of the *easement* and this Supplemental Terms Amending Agreement may be given by as follows:

Lytton First Nation

| Attention: | Chief and Council |
|------------|-----------------------------------|
| Address: | PO Box 20 Lytton BC V0K 1Z0 |
| Telephone: | (250) 455-2304 |
| Fax: | (250) 455-2291 |

- 8. This Supplemental Terms Amending Agreement will take effect on the date signed by *Canada*.
- 9. The parties agree to take such other steps as may be necessary to give effect to this Supplemental Terms Amending Agreement.
- 10. The *easement* continues, as amended by this Supplemental Terms Amending Agreement, in full force and effect.
- 11. This Supplemental Terms Amending Agreement may be executed in one or more counterparts, each of which is considered to be an original but all of which together constitute one and the same document. Each party will promptly deliver its originally executed Supplemental Terms Amending Agreement to the other parties.

BC Hydro Supplemental Terms Amending Agreement Applicable only to Lytton First Nation Reserves: Stryen IR No. 9, Lytton IR No. 9A, Nkaih IR No. 10, Skwayaynope IR No. 26, and Lytton IR No. 31

AS WITNESSED BELOW, the parties are signing this Supplemental Terms Amending Agreement.

|))) | His Majesty the King in right of Canada, as represented by the Minister of Indigenous Services |
|-------------|---|
|))) | |
|))) | (signatura) |
|))) | (signature) |
|)) | (<i>print name</i>) Manager, Lands Operations, ISC BC Region |
| | DATE: |

[Signature page to the Supplemental Terms Amending Agreement between Canada, Lytton First Nation, and BC Hydro]

| Witness as to the <i>First Nation's</i> authorized signatories: |)))) | Lytton First Nation, as represented by its authorized signatory |
|---|-------------|--|
| (signature) |))) | (signature) |
| (print name) |))) | (print name) |
| |)) | (print title) |

[Signature page to the Supplemental Terms Amending Agreement between Canada, Lytton First Nation, and BC Hydro]

| Witness as to <i>Grantee</i> 's authorized signatory: |)))) | British Columbia Hydro and Power Authority, as represented by its authorized signatory |
|---|------------------|--|
| (signature) |))) | (signature) |
| (print name) |))) | (print name) |
| |) | (print title) |
| |) | I have the authority to bind the corporation. |

[Signature page to the Supplemental Terms Amending Agreement between Canada, Lytton First Nation, and BC Hydro]

SCHEDULE "A"

RESOLUTION OF COUNCIL

BAND COUNCIL RESOLUTION - PLACEHOLDER

WHEREAS:

- A. We have negotiated a Supplemental Terms Amending Agreement to be entered into between His Majesty the King in right of Canada and the Lytton First Nation to which this resolution is to be attached as a schedule; and
- B. The terms used in this resolution that are defined in the Supplemental Terms Amending Agreement have the same meaning as in the Supplemental Terms Amending Agreement.

BE IT RESOLVED that the Council, on behalf of the Lytton First Nation:

- A. has read and understood the Supplemental Terms Amending Agreement terms;
- B. has been advised by Canada to receive independent legal advice about the Supplemental Terms Amending Agreement before executing it and has been advised to continue to obtain such advice about the First Nation's rights and obligations;
- C. consents to the execution of the Supplemental Terms Amending Agreement on its terms; and
- D. authorizes any one member of the Council to execute the Supplemental Terms Amending Agreement on behalf of the First Nation.

DATED____, 2023.

Quorum for the Council is 5 members.

Chief

Councillor

STRYEN INDIAN RESERVE No. 9

LYTTON FIRST NATION LAND CODE LANDS - LAND DESCRIPTION

Reserve lands within the Province of British Columbia, Canada In Kamloops Division, Yale District, more particularly described as:

All of the transmission line right of way as shown on Plan 53583 CLSR within Stryen Indian Reserve No. 9 as shown on Plan 108860, recorded in the Canada Lands Surveys Records (CLSR);

Save and except:

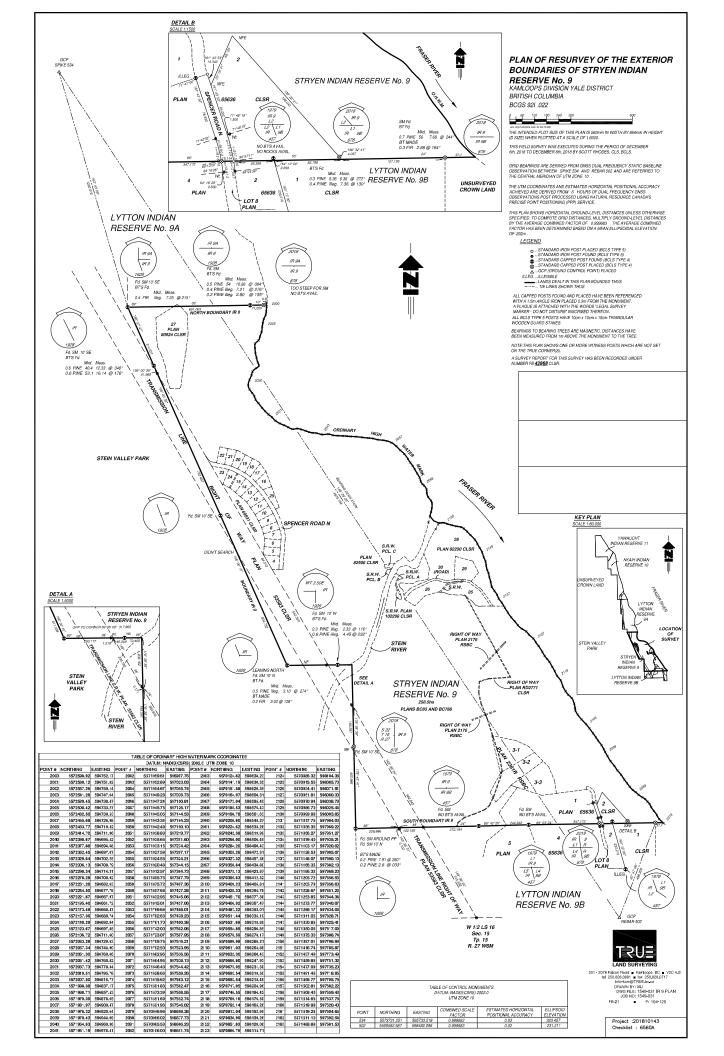
Lot 35, 38 and 41 as shown on Plan 108965 CLSR.

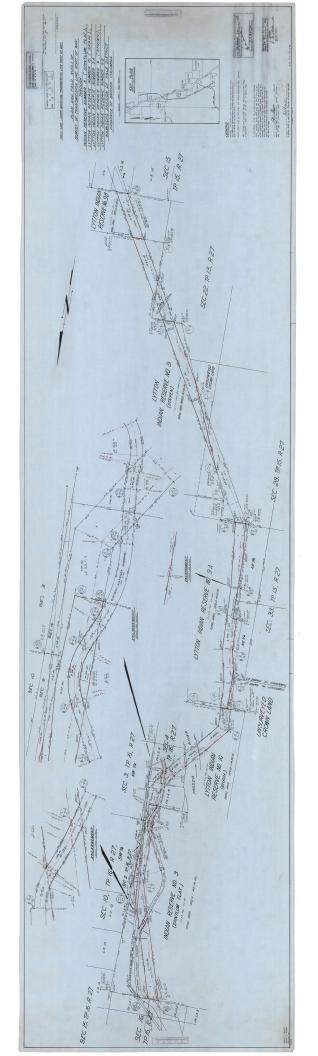
Total Lands containing by admeasurement 17.4 hectares (43.0 acres), more or less.

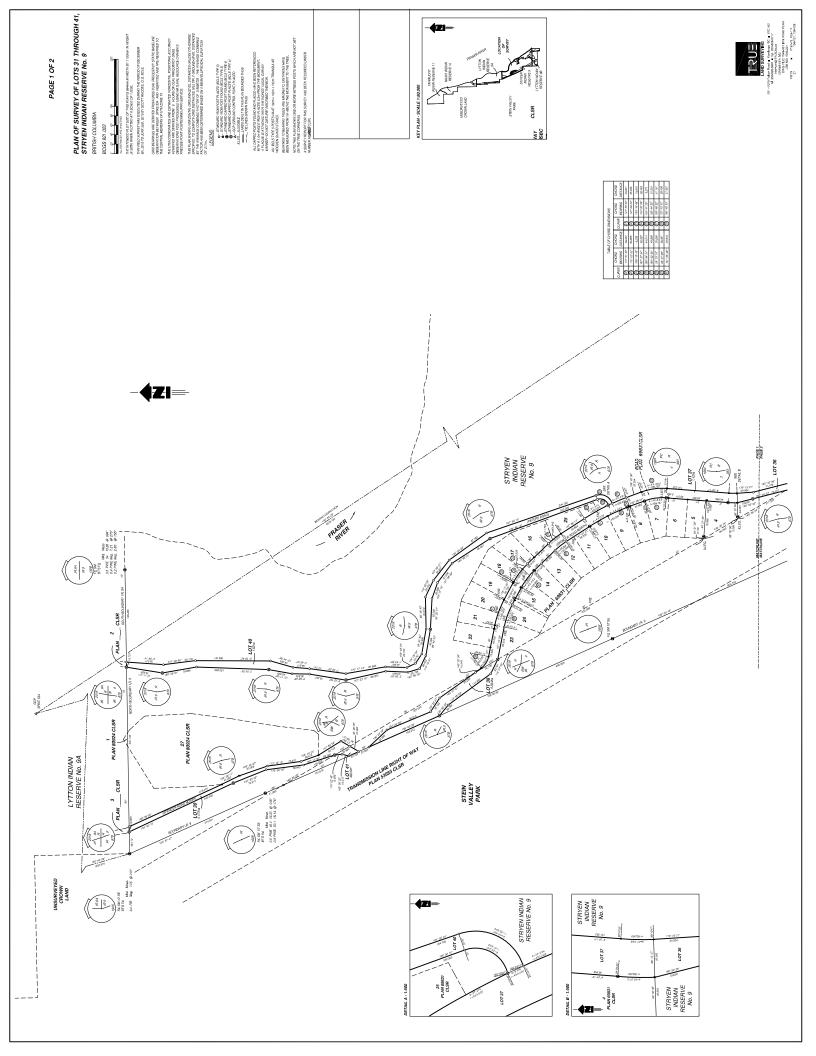
The above described Reserve Lands are subject to:

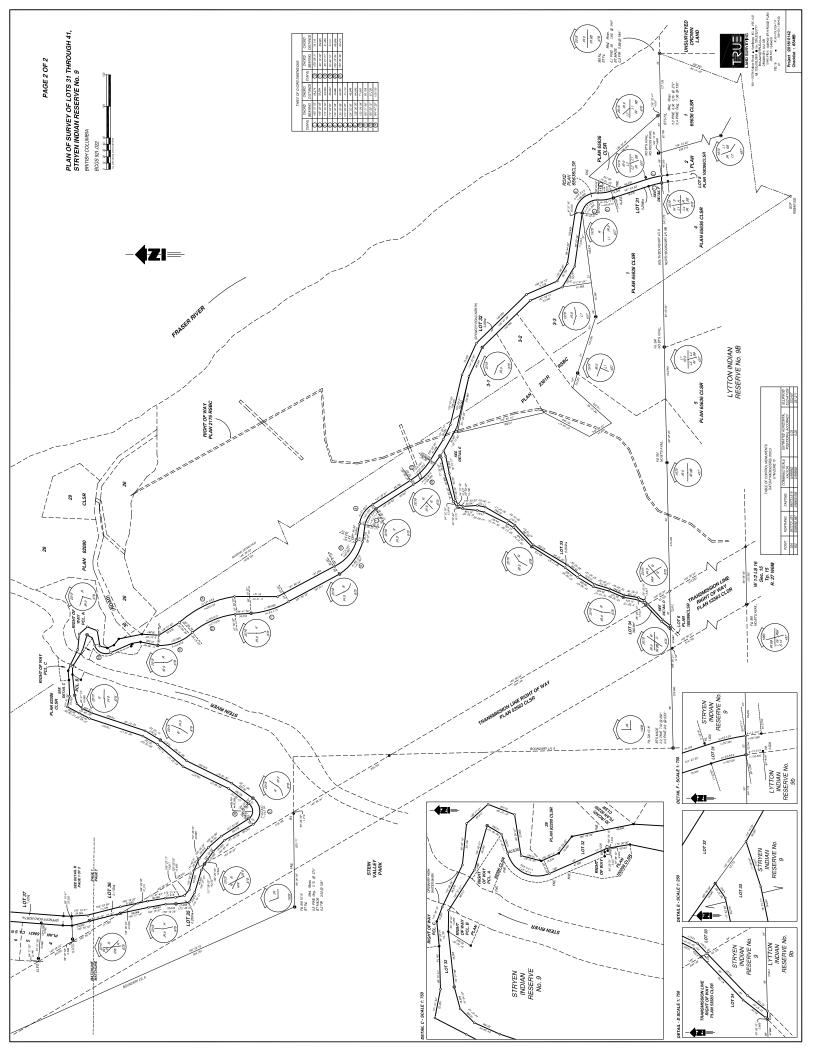
The terms and conditions set out Federal Order in Council 1930-208, registered in the ILRS as No. 15203.

SCHEDULE 2 A Plan 53583 CLSR Plan 108860 CLSR Plan 108965 CLSR









LYTTON INDIAN RESERVE No. 9A

LYTTON FIRST NATION LAND CODE LANDS - LAND DESCRIPTION

Reserve lands within the Province of British Columbia, Canada In Kamloops Division, Yale District, more particularly described as:

All of the transmission line right of way as shown on Plan 53583 CLSR within Lytton Indian Reserve No. 9A as shown on Plan 108575, recorded in the Canada Lands Surveys Records (CLSR);

Save and Except:

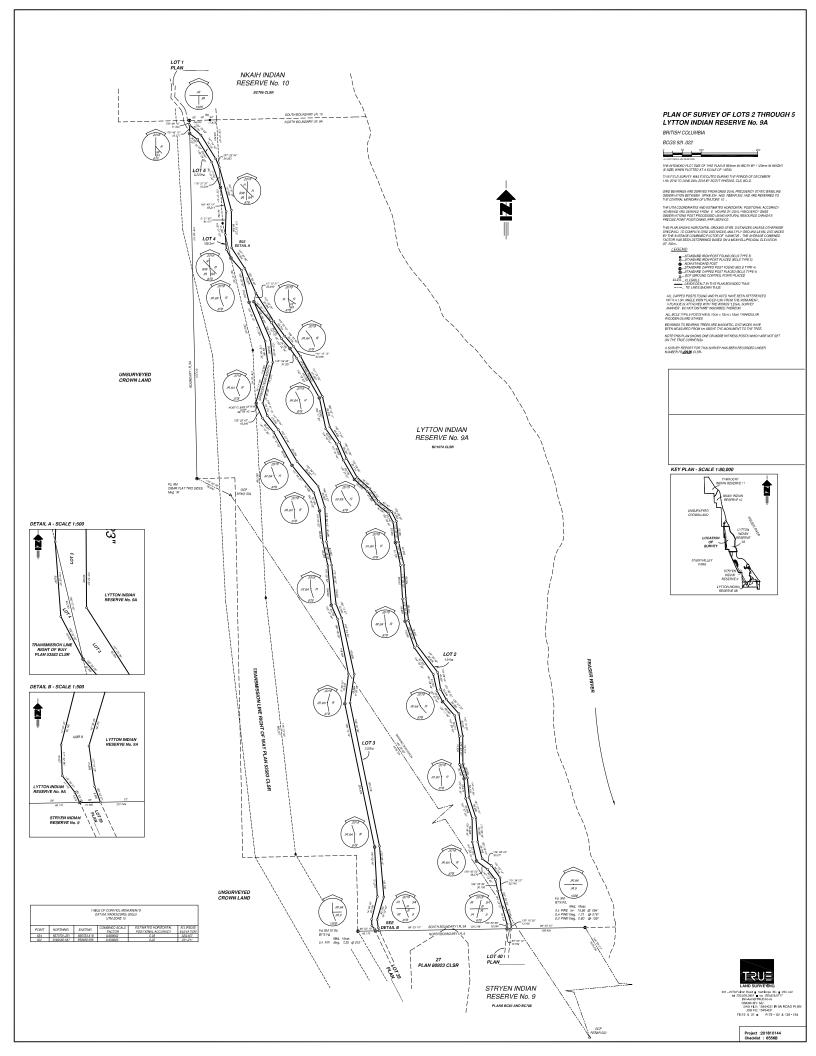
Lots 4 and 5 as shown on Plan 108961 CLSR.

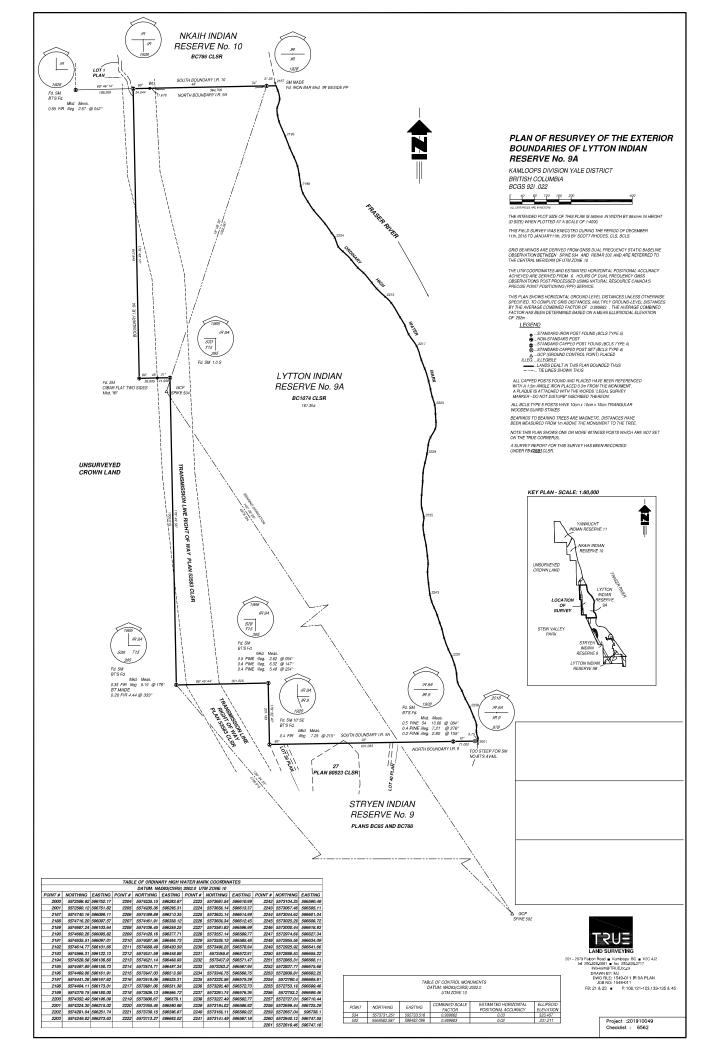
Total Lands containing 18.0 hectares (44.5 acres), more or less.

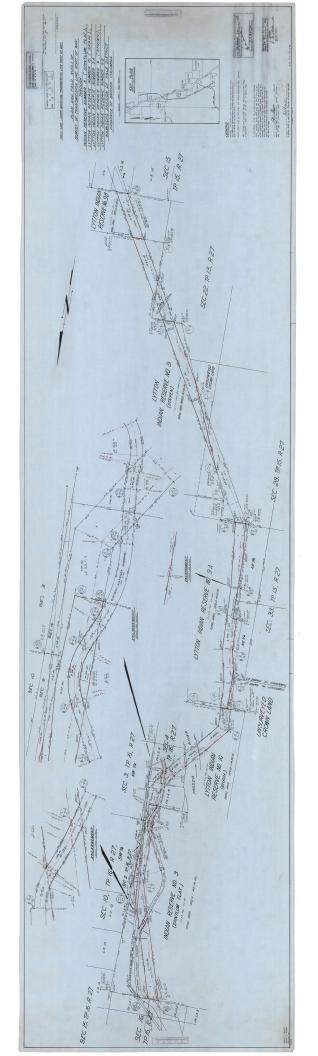
The above described Reserve Lands are subject to:

The terms and conditions set out Federal Order in Council 1930-208, registered in the Indian Land Registry System (ILRS) as No. 15203.

SCHEDULE 3 A Plan 53583 CLSR Plan 108575 CLSR Plan 108961 CLSR







NKAIH INDIAN RESERVE NO. 10

LYTTON FIRST NATION LAND CODE LANDS - LAND DESCRIPTION

Reserve lands within the Province of British Columbia, Canada In Kamloops Division, Yale District, more particularly described as:

All of the transmission line right of way as shown on Plan 53583 CLSR within Nkaih Indian Reserve No. 10 as shown on Plan BC786 recorded in the Canada Lands Surveys Records (CLSR);

Save and except:

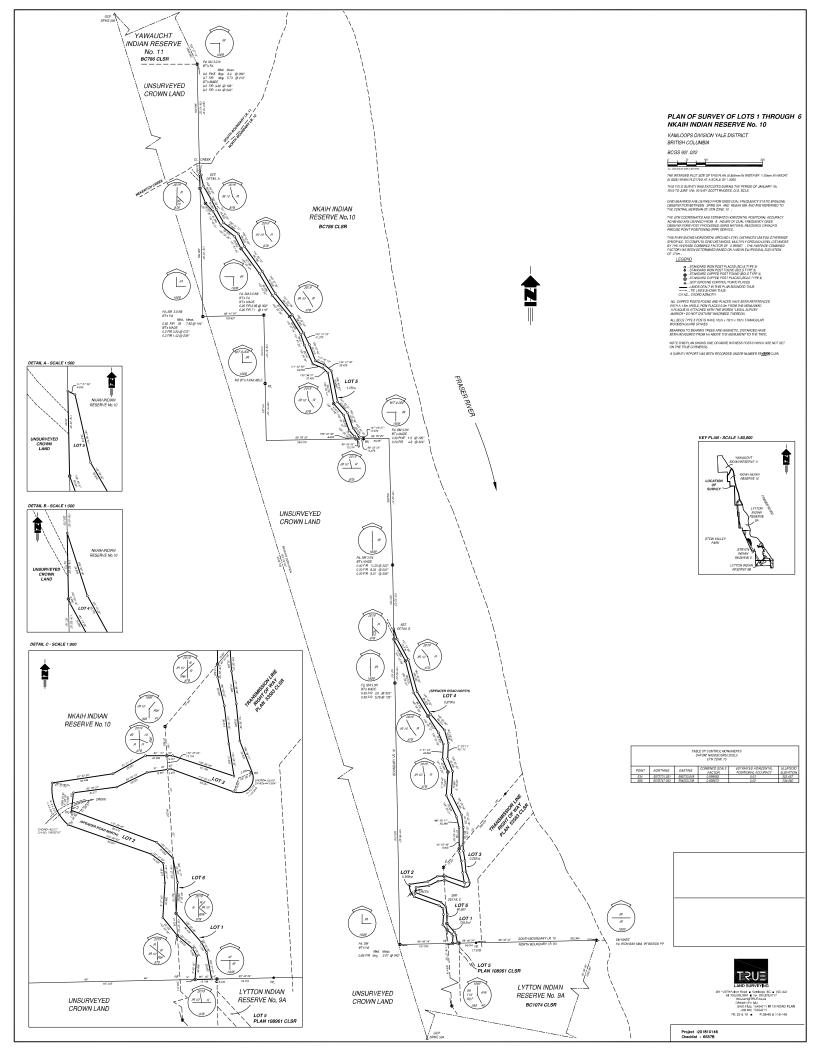
Lots 1, 3, and 6 as shown on Plan 109082 CLSR;

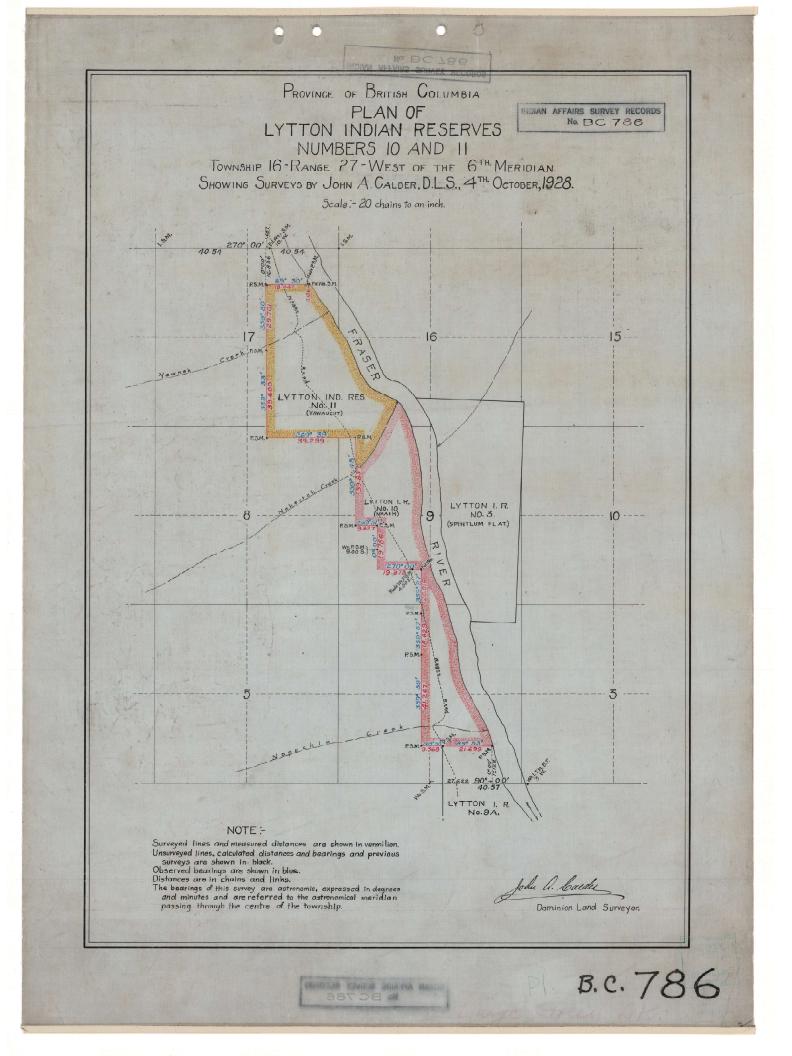
Total Lands containing by admeasurement 5.65 hectares (13.96 acres), more or less.

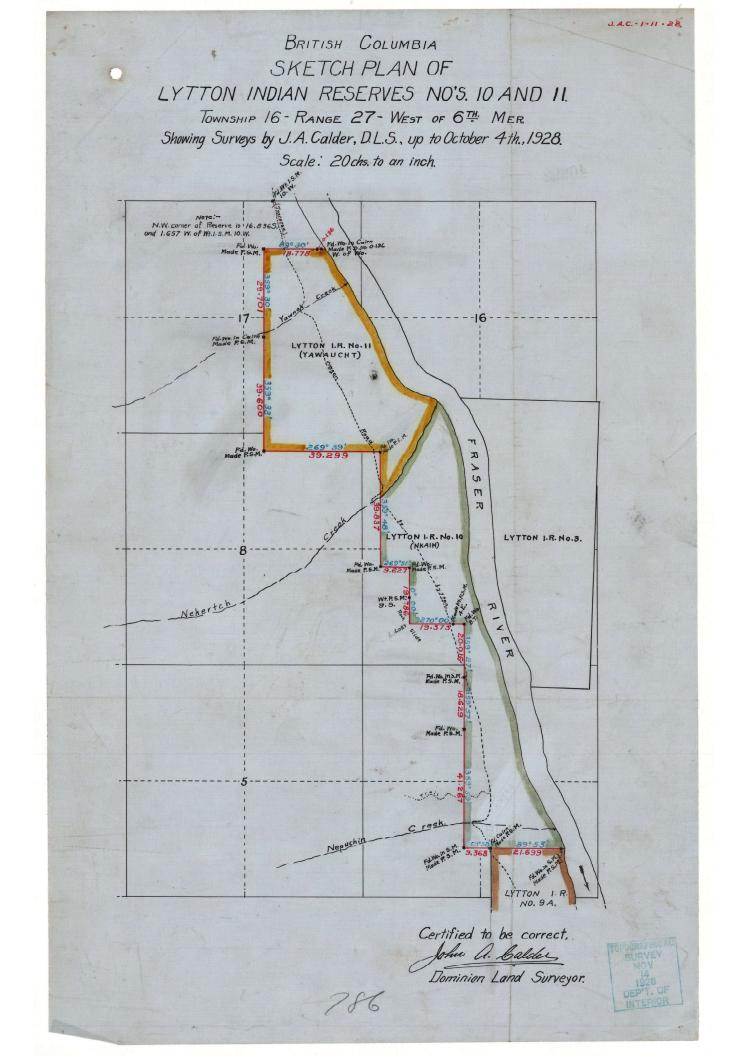
The above described Reserve Lands are subject to:

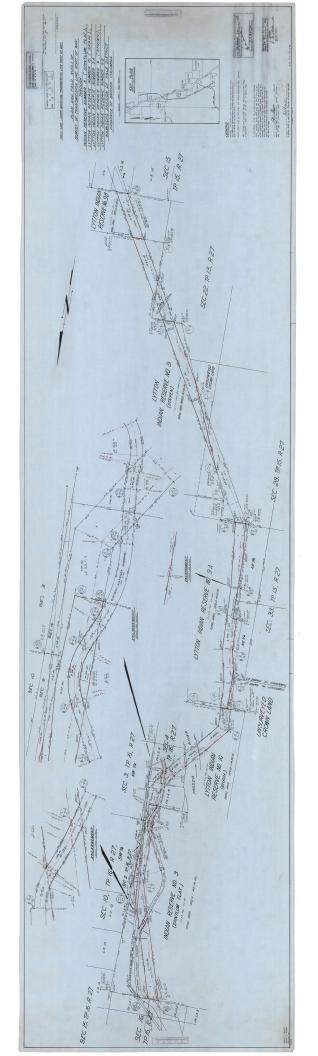
The terms and conditions set out Federal Order in Council 1930-208, registered in the ILRS as No. 15203.

SCHEDULE 4 A Plan 53583 CLSR Plan BC786 Plan 109082 CLSR









SKWAYAYNOPE INDIAN RESERVE No. 26

LYTTON FIRST NATION LAND CODE LANDS - LAND DESCRIPTION

Reserve lands within the Province of British Columbia, Canada In Kamloops Division, Yale District, more particularly described as:

All of the transmission line right of way as shown on Plan 53617 CLSR within Skwayaynope Indian Reserve No. 26 as shown on Plan BC1035 recorded in the Canada Lands Surveys Records (CLSR);

Save and except:

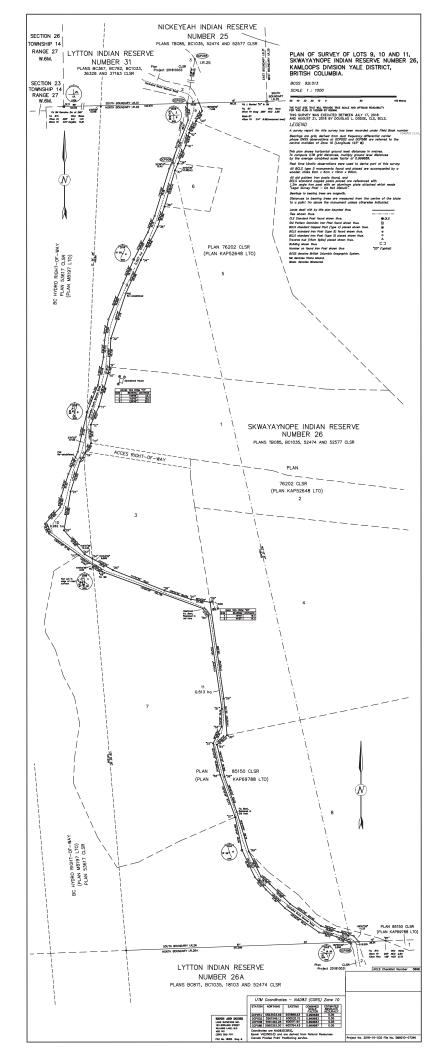
Lot 10 on Plan 108228 CLSR.

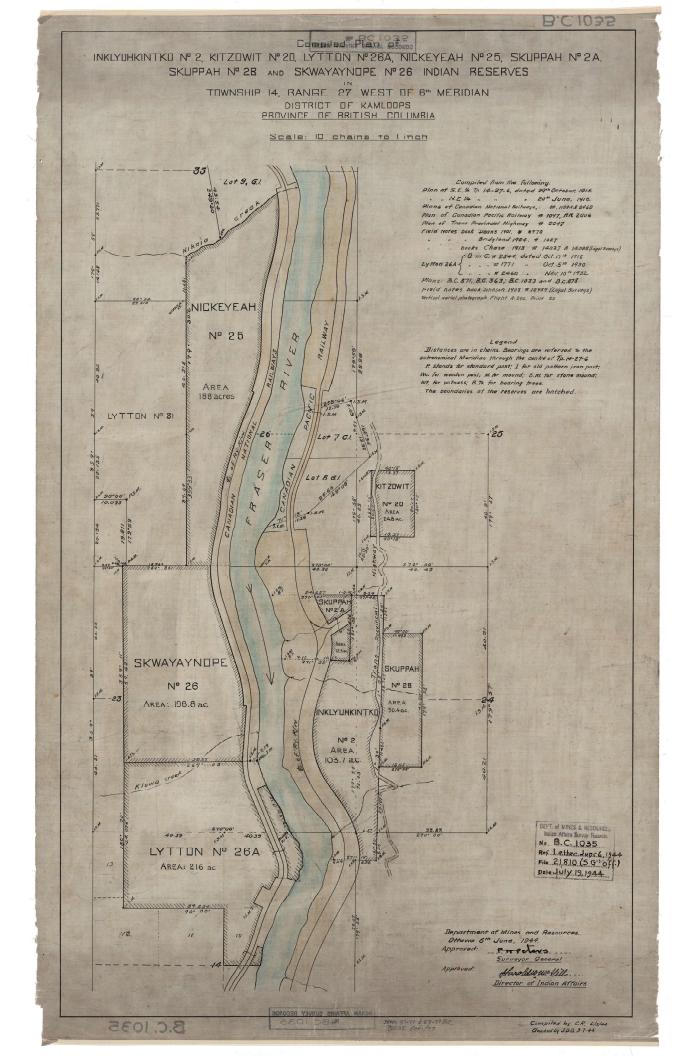
Total Lands containing by admeasurement 12.6 hectares (31.1 acres), more or less.

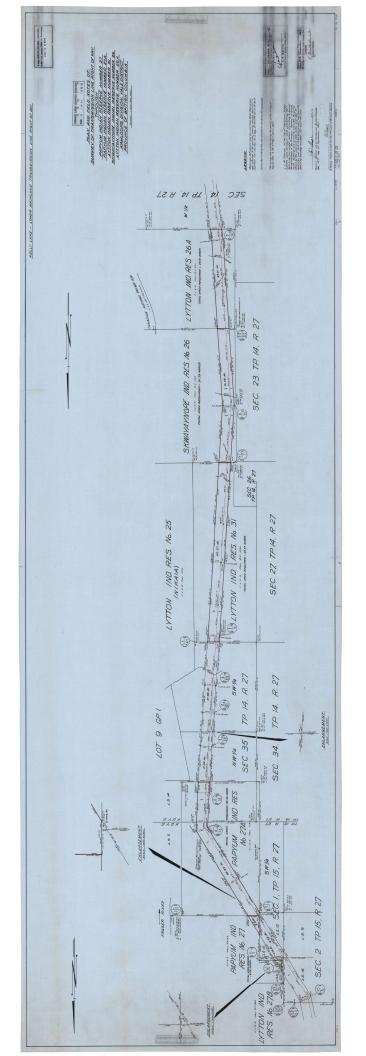
The above described Reserve Lands are subject to:

The terms and conditions set out Federal Order in Council 1930-208, registered in the ILRS as No. 15203.

SCHEDULE 5 A Plan 53617 CLSR Plan BC1035 CLSR Plan 108228 CLSR







LYTTON INDIAN RESERVE No. 31

LYTTON FIRST NATION LAND CODE LANDS - LAND DESCRIPTION

Reserve lands within the Province of British Columbia, Canada In Kamloops Division, Yale District, more particularly described as:

All of the transmission line right of way as shown on Plan 53617 CLSR within Lytton Indian Reserve No. 31 as shown on Plan BC1033 recorded in the Canada Lands Surveys Records (CLSR);

Save and except all those portions of land more particularly described as:

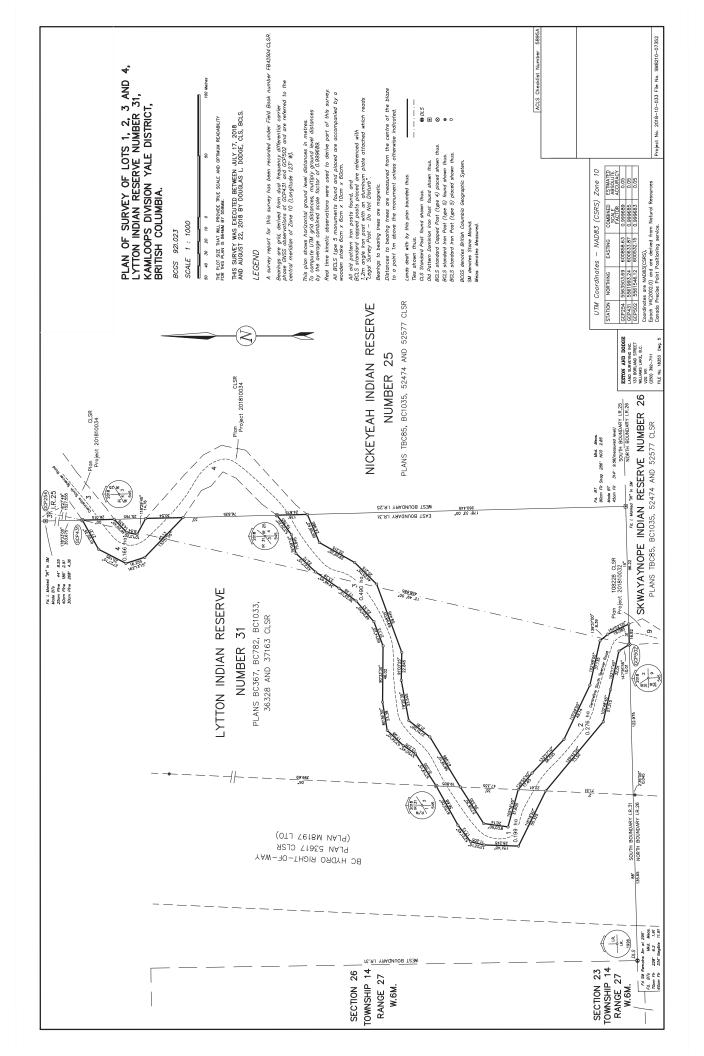
Lot 1 on Plan 108232 CLSR.

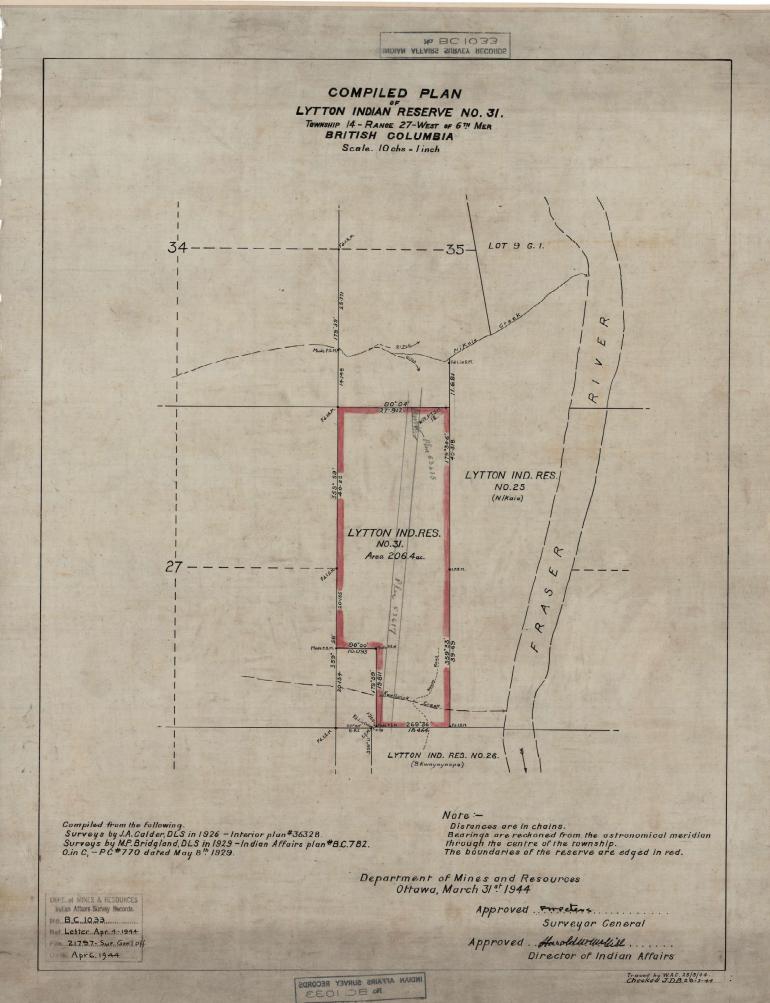
Total Lands containing by admeasurement 17.0 hectares (42.0 acres), more or less.

The above described Reserve Lands are subject to:

The rights and reservations contained in Federal Order in Council 1929-770, registered in the ILRS as No. X13381.

SCHEDULE 6 A Plan 53617 CLSR Plan BC1033 CLSR Plan 108232 CLSR





B.C. 1033

