# SUPPLEMENTAL TERMS AMMENDING AGREEMENT FOR PERMIT FOR TELECOMMUNICATION WORKS

### His Majesty the King in right of Canada

**AND** 

### **Lytton First Nation**

**AND** 

### **TELUS Communications Inc.**

Nickeyeah Indian Reserve No. 25, excluding Lots 3 and 4 as shown on Plan 108372 CLSR

Skwayaynope Indian Reserve No. 26, excluding Lots 9, 10, and 11 as shown on Plan 108228 CLSR

Papyum Indian Reserve No. 27, excluding Lots 14 and 15 as shown on Plan 108802 CLSR

Papyum Indian Reserve No. 27A, excluding Lot 6 as shown on Plan 108806 CLSR

The effective date of this permit is the date it is signed by Canada

# SUPPLEMENTAL TERMS AMENDING AGREEMENT FOR PERMIT FOR TELECOMMUNICATION WORKS APPLICABLE ONLY TO LYTTON FIRST NATION RESERVES: NICKEYEAH INDIAN RESERVE NO. 25, SKWAYAYNOPE INDIAN RESERVE NO. 26, PAPYUM INDIAN RESERVE NO. 27, AND PAPYUM INDIAN RESERVE NO. 27A

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:

TELUS Communications Inc., a corporation under the laws of British Columbia

("Permittee")

### **Background:**

- A. On August 19, 1975, *Canada* issued a permit under authority of subsection 28(2) of the *Indian Act*, RSC 1985 c I-5 ("*Indian Act*") for telecommunication works to the *Permittee* over certain reserve lands, including the *First Nation's* Nickeyeah Indian Reserve No. 25, Skwayaynope Indian Reserve No. 26, Papyum Indian Reserve No. 27, and Papyum Indian Reserve No. 27A (the "*permit*"). The *permit* is registered in the Indian Lands Registry under No. 61812;
- B. Pursuant to the *Framework Agreement on First Nation Land Management Act*, SC 2022 c 19, s 121, which gives force 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

- 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 Nickeyeah Indian Reserve No. 25, Skwayaynope Indian Reserve No. 26, Papyum Indian Reserve No. 27, and Papyum Indian Reserve No. 27A 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 subclause 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 *permit* extends into the *Excluded Lands*, and in order to comply with subclause 4.1.4 and 4.1.6 of the *Framework Agreement*, the *permit* 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. 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
- G. The parties wish to clarify which part of the *permit* area on Nickeyeah Indian Reserve No. 25, Skwayaynope Indian Reserve No. 26, Papyum Indian Reserve No. 27, and Papyum Indian Reserve No. 27A 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:

- 1. This Supplemental Terms Amending Agreement applies only to Nickeyeah Indian Reserve No. 25, Skwayaynope Indian Reserve No. 26, Papyum Indian Reserve No. 27, and Papyum Indian Reserve No. 27A.
- 2. This Supplemental Terms Amending Agreement will be registered in the Indian Lands Registry System for Nickeyeah Indian Reserve No. 25, Skwayaynope Indian Reserve No. 26, Papyum Indian Reserve No. 27, and Papyum Indian Reserve No. 27A.

- 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. The following Schedules are added to the *permit*:
  - a. Schedule 2: Nickeyeah Indian Reserve No. 25, Lytton First Nation Land Code Lands Land Description;
  - b. Schedule 2 A: Plan BC1035 CLSR, Plan 51520 CLSR, Plan RR1128A CLSR, Plan 108372 CLSR, Plan 108933 CLSR;
  - c. Schedule 3: Skwayaynope Indian Reserve No. 26, Lytton First Nation Land Code Lands Land Description;
  - d. Schedule 3 A: Plan BC1035 CLSR, Plan 51520 CLSR, Plan 108228 CLSR;
  - e. Schedule 4: Papyum Indian Reserve No. 27, Lytton First Nation Land Code Lands Land Description;
  - f. Schedule 4 A: Plan 53153 CLSR, Plan 108802 CLSR;
  - g. Schedule 5: Papyum Indian Reserve No. 27A, Lytton First Nation Land Code Lands Land Description; and,
  - h. Schedule 5 A: Plan BC1078 CLSR, Plan 108806.
- 5. Notwithstanding the area under the *permit* described in paragraph (a) and (b) of the *permit* and depicted in Appendices "A" of the *permit*, the *permit* applies to the part of Nickeyeah Indian Reserve No. 25, the part of Skwayaynope Indian Reserve No. 26, the part of Papyum Indian Reserve No. 27, and the part of Papyum Indian Reserve No. 27A as described in Schedules 2, 3, 4 and 5.
- 6. Any notice that is required to be given to the *First Nation* under or in respect of any of the terms of the *permit* 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

- 7. This Supplemental Terms Amending Agreement will take effect on the date signed by *Canada*.
- 8. The parties agree to take such other steps as may be necessary to give effect to this Supplemental Terms Amending Agreement.
- 9. The *permit* continues, as amended by this Supplemental Terms Amending Agreement, in full force and effect.
- 10. 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.

**AS WITNESSED BELOW**, the parties execute this Supplemental Terms Amending Agreement.

His Majesty the King in right of Canada, as represented by the Minister of Indigenous			
Services			
(signature)			
(print name)			
Manager, Land	ds Operations, ISC BC Region		

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

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

Witness as to <i>Permittee's</i> authorized signatory:	<ul> <li>TELUS Communications Inc., as</li> <li>represented by its authorized signatory</li> <li>)</li> </ul>
(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 TELUS]

# SCHEDULE "A" RESOLUTION OF COUNCIL

### BAND COUNCIL RESOLUTION - PLACEHOLDER

#### WHEREAS:

- A. We have negotiated the following instruments to be entered into between His Majesty the King in right of Canada, BC Hydro and the Lytton First Nation, to each of which this resolution is to be attached as a schedule:
  - a. Supplemental Terms Amending Agreement for Easement for Electric Power Transmission Lines applicable only to Lytton Reserves: Stryen IR 9, Lytton IR 9A, Nkaih IR 10, Skwayaynope IR 26, and Lytton IR 31;
  - b. Excluded Lands Permit for Electrical Transmission Works applicable only to Lytton Reserves: Stryen IR 9, Lytton IR 9A, Nkaih IR 10, Skwayaynope IR 26, and Lytton IR 31;
  - c. Supplemental Terms Amending Agreement for Permit for Electrical Distribution Works applicable only to Lytton First Nation Reserves: Seah IR 5, Lytton IR 5A, and Nesikep IR 6;
  - d. Excluded Lands Permit for Electrical Distribution Works applicable only to Lytton Reserves: Lytton IR 5, Lytton IR 5A, Nesikep IR 6;
  - e. Supplemental Terms Amending Agreement for Permit for Electrical Distribution Works applicable only to Lytton First Nation Reserves: Stryen IR 9, Lytton IR 9B, Nickeyeah IR 25, Skwayaynope IR 26, Papyum IR 27, Papyum IR 27A, Lytton IR 27B, Lytton IR 31; and
  - f. Excluded Lands Permit for Electrical Distribution Works applicable only to Lytton First Nation Reserves: Stryen IR 9, Lytton IR 9B, Nickeyeah IR 25, Skwayaynope IR 26, Papyum IR 27, Papyum IR 27A, Lytton IR 27B, Lytton IR 31.
- B. We have negotiated the following instruments to be entered into between His Majesty the King in right of Canada, TELUS, and the Lytton First Nation, to each of which this resolution is to be attached as a schedule:
  - a. Supplemental Terms Amending Agreement for Permit for Telecommunication
    Works applicable only to Lytton First Nation Reserves: Lytton IR 9B, Papyum IR
    27, and Lytton IR 27B;
  - b. Excluded Lands Permit for Telecommunication Works applicable only to Lytton First Nation Reserves: Lytton IR 9B, Papyum IR 27, and Lytton IR 27B;
  - c. Supplemental Terms Amending Agreement for Permit for Telecommunication Works applicable only to Lytton First Nation Reserves: Nickeyeah IR 25, Skwayaynope IR 26, Papyum IR 27, and Papyum IR 27A; and

- d. Excluded Lands Permit for Telecommunication Works applicable only to Lytton First Nation Reserves: Nickeyeah IR 25, Skwayaynope IR 26, Papyum IR 27, and Papyum IR 27A.
- C. The terms used in this resolution that are defined in the instruments have the same meaning as in the instruments.

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

- A. has read and understood the above listed instruments;
- 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 instruments listed above; and
- D. authorizes any one member of the Council to execute the above listed instruments on behalf of the Lytton First Nation.

<b>DATED</b> , 2023.	
Quorum for the Council is 5 members.	
Chief	
Councillor	Councillor
Councillor	Councillor
Councillor	Councillor

	_	
	-	
Councillor	_	Councillor
Councillor	-	Councillor
Councillor		Councillor

### **SCHEDULE 2**

### NICKEYEAH INDIAN RESERVE No. 25

### 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 Nickeyeah Indian Reserve No. 25 bounded on the North and West as shown on Plan BC1035, recorded in the Canada Lands Surveys Records (CLSR); And bounded on the South of said reserve as shown on Plan 51520 CLSR; And bounded on the East of said reserve as shown on Plan RR1128A CLSR;

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

Firstly: Lots 3 and 4 as shown on Plan 108372 CLSR,

Secondly: Lot A as shown on Plan 108933 CLSR.

Total Lands containing by admeasurement 73.5 hectares (181.6 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 BC1035 CLSR,
Plan 51520 CLSR,
Plan RR1128A CLSR,
Plan 108372 CLSR,
Plan 108933 CLSR

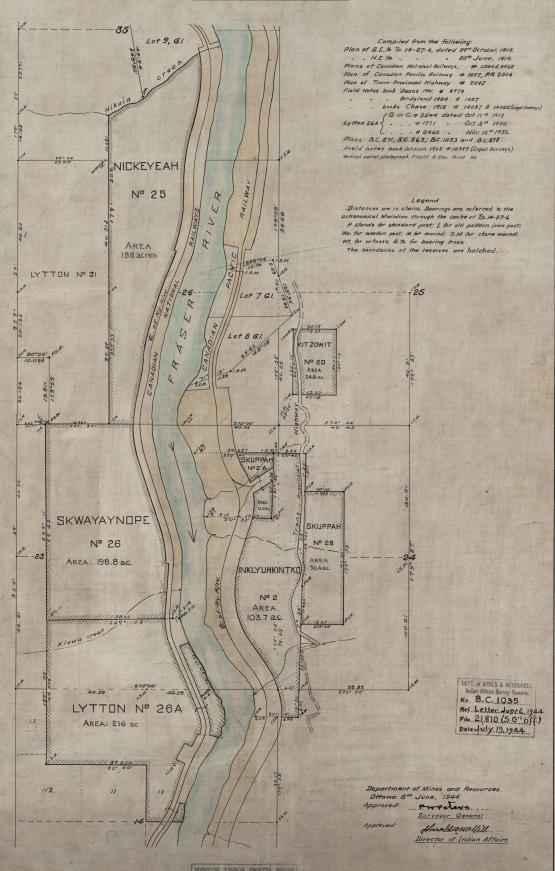
Compiled by C.R. 6/5/44. Checked by J.D.B. 3-7-44

Complished ARE LEYEY BEORDS

INKLYUHKINTKO N° 2, KITZOWIT N° 20, LYTTON N° 26A, NICKEYEAH N° 25, SKUPPAH N° 2A, SKUPPAH N° 2B AND SKWAYAYNOPE N° 26 INDIAN RESERVES

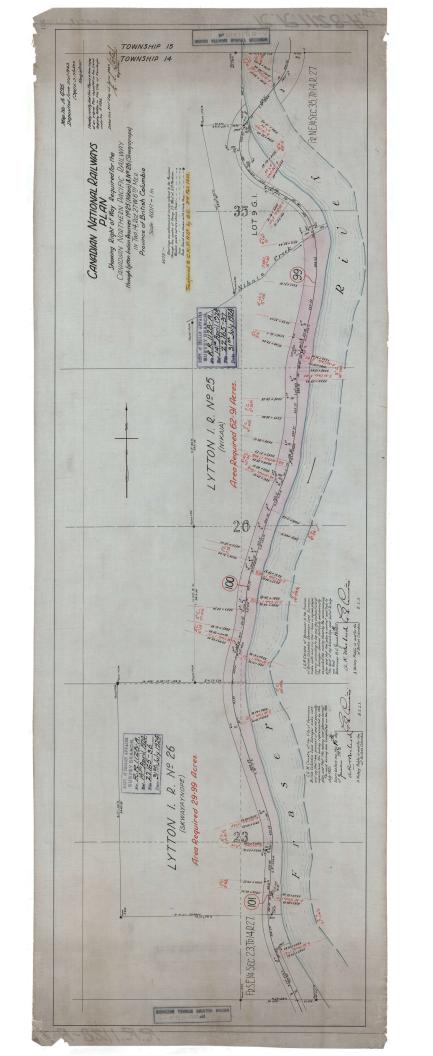
TOWNSHIP 14, RANGE 27 WEST OF 6\* MERIDIAN
DISTRICT OF KAMLOOPS
PROVINCE OF BRITISH COLUMBIA

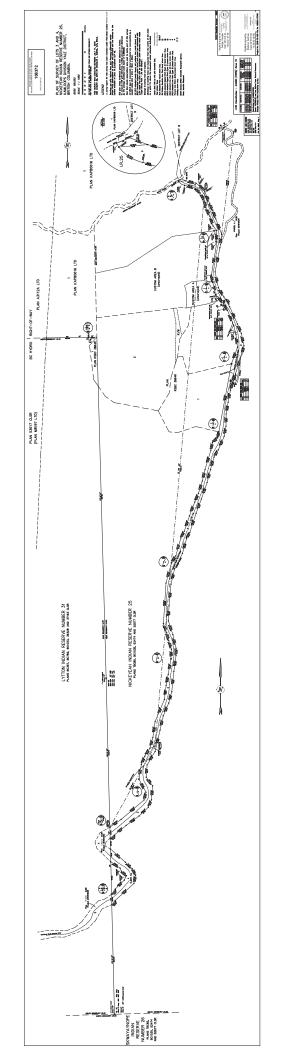
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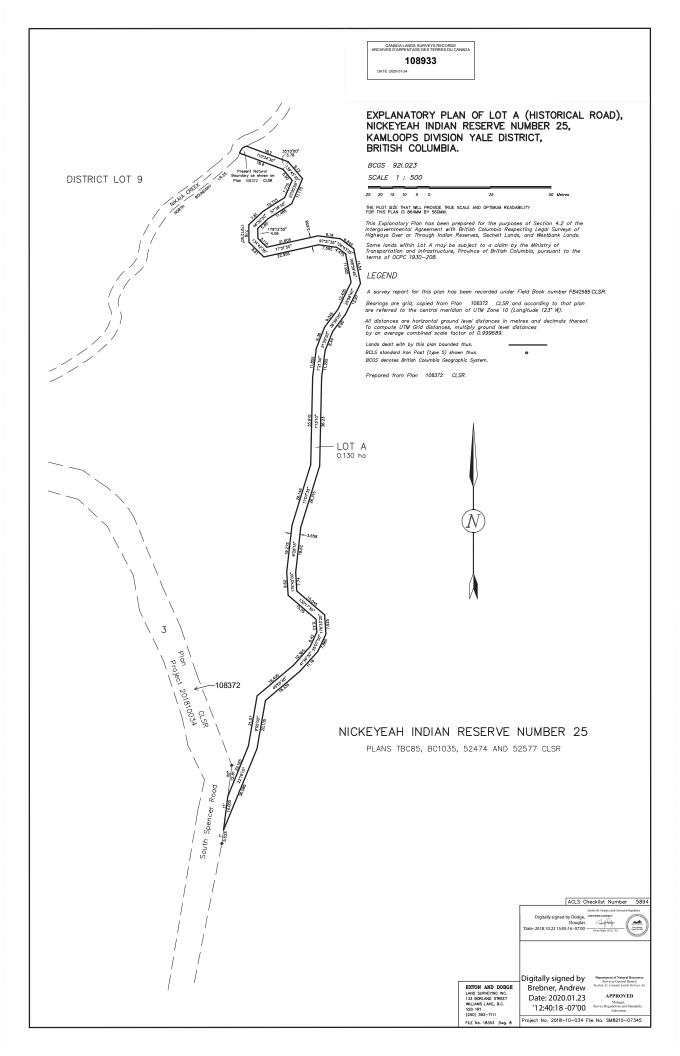


B.C. 1035









### **SCHEDULE 3**

# 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 Skwayaynope Indian Reserve No. 26 as shown on Plan BC1035 recorded in the Canada Lands Surveys Records (CLSR),

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

Firstly, the Right-of Way shown on Plan 51520 CLSR;

And

Secondly, Lots 9, 10, and 11 shown on Plan 108228 CLSR.

Total Lands containing by admeasurement 75.7 hectares (186.96 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 3 A:
Plan BC1035 CLSR,
Plan 51520 CLSR,
Plan 108228 CLSR

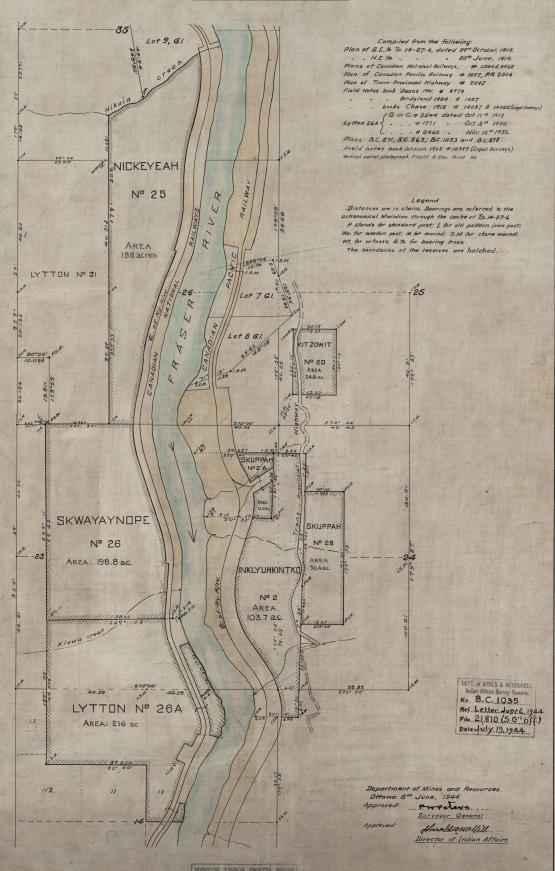
Compiled by C.R. 6/5/44. Checked by J.D.B. 3-7-44

Complished ARE LEYEY BEORDS

INKLYUHKINTKO N° 2, KITZOWIT N° 20, LYTTON N° 26A, NICKEYEAH N° 25, SKUPPAH N° 2A, SKUPPAH N° 2B AND SKWAYAYNOPE N° 26 INDIAN RESERVES

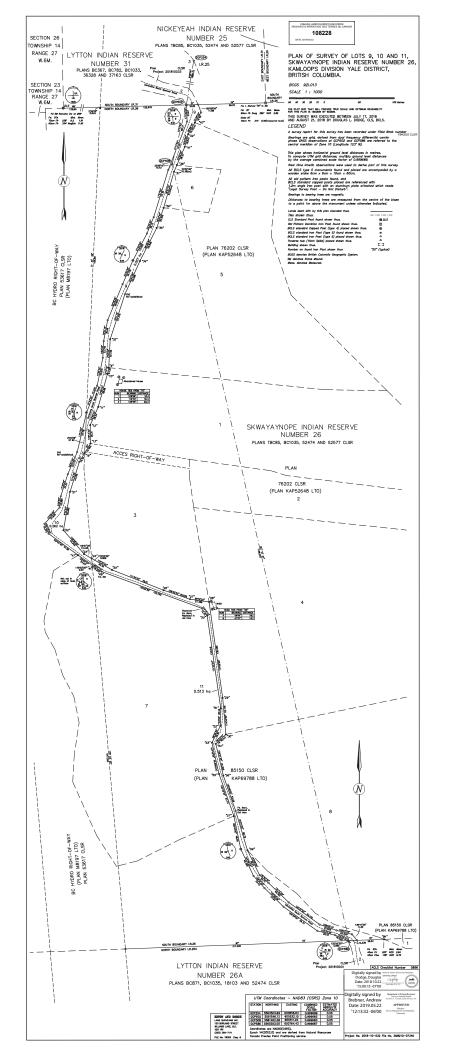
TOWNSHIP 14, RANGE 27 WEST OF 6\* MERIDIAN
DISTRICT OF KAMLOOPS
PROVINCE OF BRITISH COLUMBIA

Scale: 10 chains to I inch



B.C. 1035





### **SCHEDULE 4**

### PAPYUM INDIAN RESERVE No. 27

### 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:

Papyum Indian Reserve No. 27 as shown on Plan 53153, recorded in the Canada Lands Surveys Records (CLSR);

Save and except:

Lots 14 and 15 as shown on Plan 108802 CLSR.

Total Lands containing by admeasurement 49.6 hectares (123 acres), more or less.

### The above described Reserve Lands are subject to:

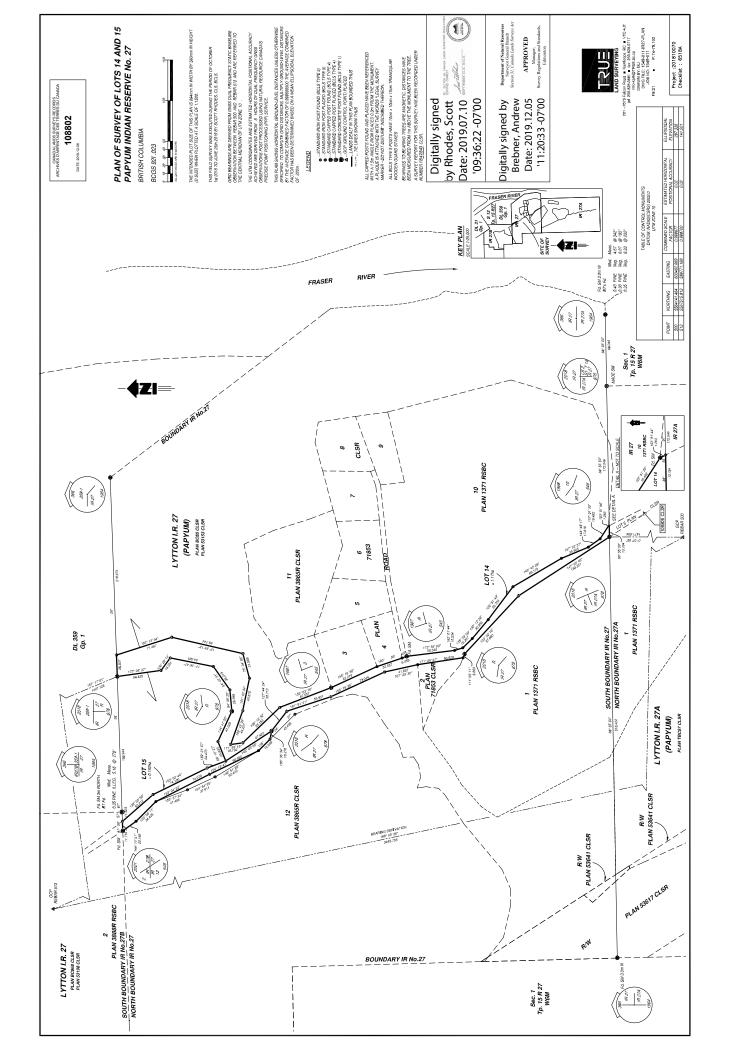
The terms and conditions set out Federal Order in Council 1930-208, registered in the ILRS as No. 15203.

**SCHEDULE 4 A:** 

Plan 53153 CLSR,

**Plan 108802 CLSR** 

IN SECTION 1, TOWNSHIP 15, RANGE 27 PLAN AND FIELD NOTES OF RESURVEY PAPYUM INDIAN RESERVE NO. 27 OF THE EXTERIOR BOUNDARIES OF WEST OF THE SIXTH MERIDIAN Scale: I Inch = 200 Feet KAMLOOPS DISTRICT BRITISH COLUMBIA LYTTON AGENCY CANADA LANDS SURVEYS RECORDS
Dail 17 NOV. 1966 Swarn before me at libracourse. The 6th day of January 1966 Lor 359 G1 PAPTUM IR NO. 274 PAPYUM I.R. NO.27 LYTTON I.R. NO. 27B



### **SCHEDULE 5**

### PAPYUM INDIAN RESERVE No. 27A

### 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 Papyum Indian Reserve No. 27A as shown on Plan BC1078, recorded in the Canada Lands Surveys Records (CLSR);

Save and except Lot 6 as shown on Plan 108806 CLSR.

Total Lands containing by admeasurement 83.4 hectares (206 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 BC1078 CLSR, Plan 108806 CLSR

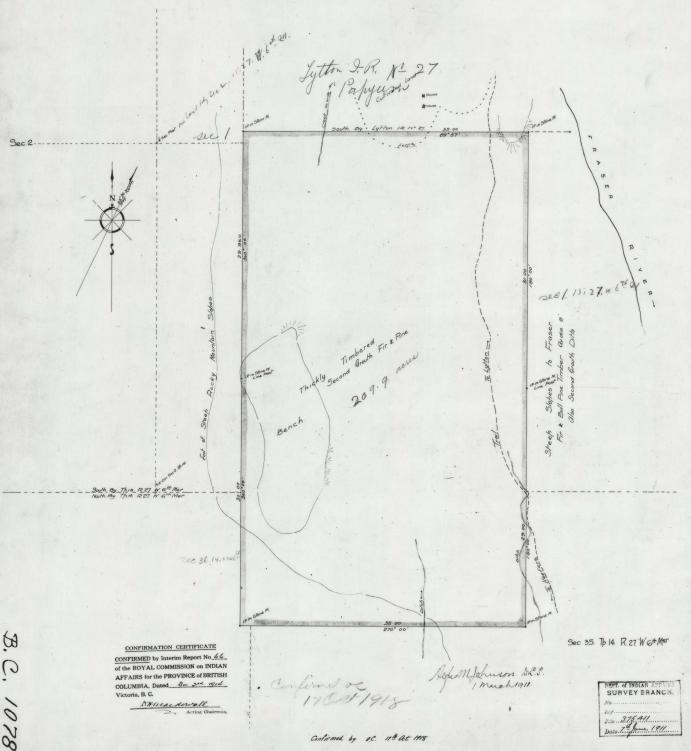
# No.BC1078

PLAN OF

## LYTTON IR Nº 27A

AREA . 209.9 AC.

Scale: 4 Chains to an Inch.



B.C. 1078

SE01 28.

