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**SUPPLEMENTAL TERMS AMENDING AGREEMENT  
FOR PERMIT FOR ELECTRICAL DISTRIBUTION WORKS**

**His Majesty the King in right of Canada**

**AND**

**Lytton First Nation**

**AND**

**British Columbia Hydro and Power Authority**

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**Seah Indian Reserve No. 5, excluding Lot 14 CLSR Plan 108791**

**Lytton Indian Reserve No. 5A, excluding Lot 4 CLSR Plan 108812**

**Nesikep Indian Reserve No. 6, excluding Lot 4 Plan 108813 CLSR**

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

**SUPPLEMENTAL TERMS AMENDING AGREEMENT FOR PERMIT FOR ELECTRICAL DISTRIBUTION APPLICABLE ONLY TO LYTTON FIRST NATION RESERVES: SEAH INDIAN RESERVE NO. 5, LYTTON INDIAN RESERVE NO. 5A, and NESIKEP INDIAN RESERVE NO. 6**

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

(“Permittee”)

**Background:**

- A. On January 26, 1976, *Canada* issued a permit under authority of subsection 28(2) of the *Indian Act*, RSC 1985 c I-5 (“*Indian Act*”) for electrical transmission and distribution works to the *Permittee* over certain reserve lands, including the *First Nation*’s Seah Indian Reserve No. 5, Lytton Indian Reserve No. 5A, and Nesikep Indian Reserve No. 6 (the “*permit*”). The *permit* is registered in the Indian Lands Registry under No. 48468;
- B. The *permit* also includes Towinock Indian Reserve No. 2 for the use and benefit of T’it’qet First Nation. This Supplemental Terms Amending Agreement does not apply to T’it’qet First Nation;
- C. 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 meaning of clause 1.1 of the *Framework Agreement*, that would apply to certain parts of its reserve lands (“*Lytton First Nation Land Code*”);

- D. Certain lands on Seah IR 5, Lytton IR 5A, and Nesikep IR 6 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*”);
- E. 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;
- F. 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*;
- G. The *First Nation* has by a resolution of the Council, a copy of which is attached as Schedule “1” 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 areas under the *permit* on Seah IR 5, Lytton IR 5A, and Nesikep IR 6 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 Seah IR 5, Lytton IR 5A, and Nesikep IR 6.
2. This Supplemental Terms Amending Agreement will be registered in the Indian Lands Registry System for Seah IR 5, Lytton IR 5A, and Nesikep IR 6.
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: Seah Indian Reserve No. 5, Lytton First Nation Land Code Lands - Land Description;
  - b. Schedule 2 A: CLSR Plan 108791;
  - c. Schedule 3: Lytton Indian Reserve No. 5A, Lytton First Nation Land Code Lands - Land Description;
  - d. Schedule 3 A: CLSR Plan 108812;
  - e. Schedule 4: Nesikep Indian Reserve No. 6, Lytton First Nation Land Code Lands - Land Description; and,
  - f. Schedule 4 A: CLSR Plan 108813.
5. Notwithstanding the area under the *permit* described in paragraph D. (a) and (b) of the *permit* and depicted in Appendix “B” of the *permit*, the *permit* applies to the part of the *First Nation*’s Seah Indian Reserve No. 5, the part of Lytton Indian Reserve No. 5A, and the part of Nesikep Indian Reserve No. 6 as described in Schedules 2, 3, and 4.
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, 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 <i>Permittee's</i> authorized	)	<b>British Columbia Hydro and Power</b>
signatory:	)	<b>Authority</b> , as represented by its authorized
	)	signatory
	)	
_____	)	_____
<i>(signature)</i>	)	<i>(signature)</i>
	)	
_____	)	_____
<i>(print name)</i>	)	<i>(print name)</i>
	)	
	)	_____
	)	<i>(print title)</i>
	)	
	)	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 “1”**  
**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.

**DATED** \_\_\_\_\_, 2023.

Quorum for the Council is 5 members.

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

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Councillor

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Councillor

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Councillor

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Councillor

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Councillor

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Councillor

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Councillor

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Councillor

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Councillor

## **SCHEDULE 2**

### **SEAH INDIAN RESERVE No. 5**

#### **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 Seah Indian Reserve No. 5 as bounded by the rectilinear boundaries as shown on Plan 78861, recorded in the Canada Lands Surveys Records (CLSR), and the natural boundary of the reserve shown as Field Notes on Plan 78860 CLSR;

Save and except all that portion of land more particularly described as: Lot 14 as shown on Plan 108791 CLSR; Total Lands containing by admeasurement 137 hectares (339 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 108791 CLSR**

**PLAN OF SURVEY OF LOT 14  
SEAH INDIAN RESERVE No. 5  
KAMLOOPS DIVISION YALE DISTRICT  
BRITISH COLUMBIA**

BCGS 921.042

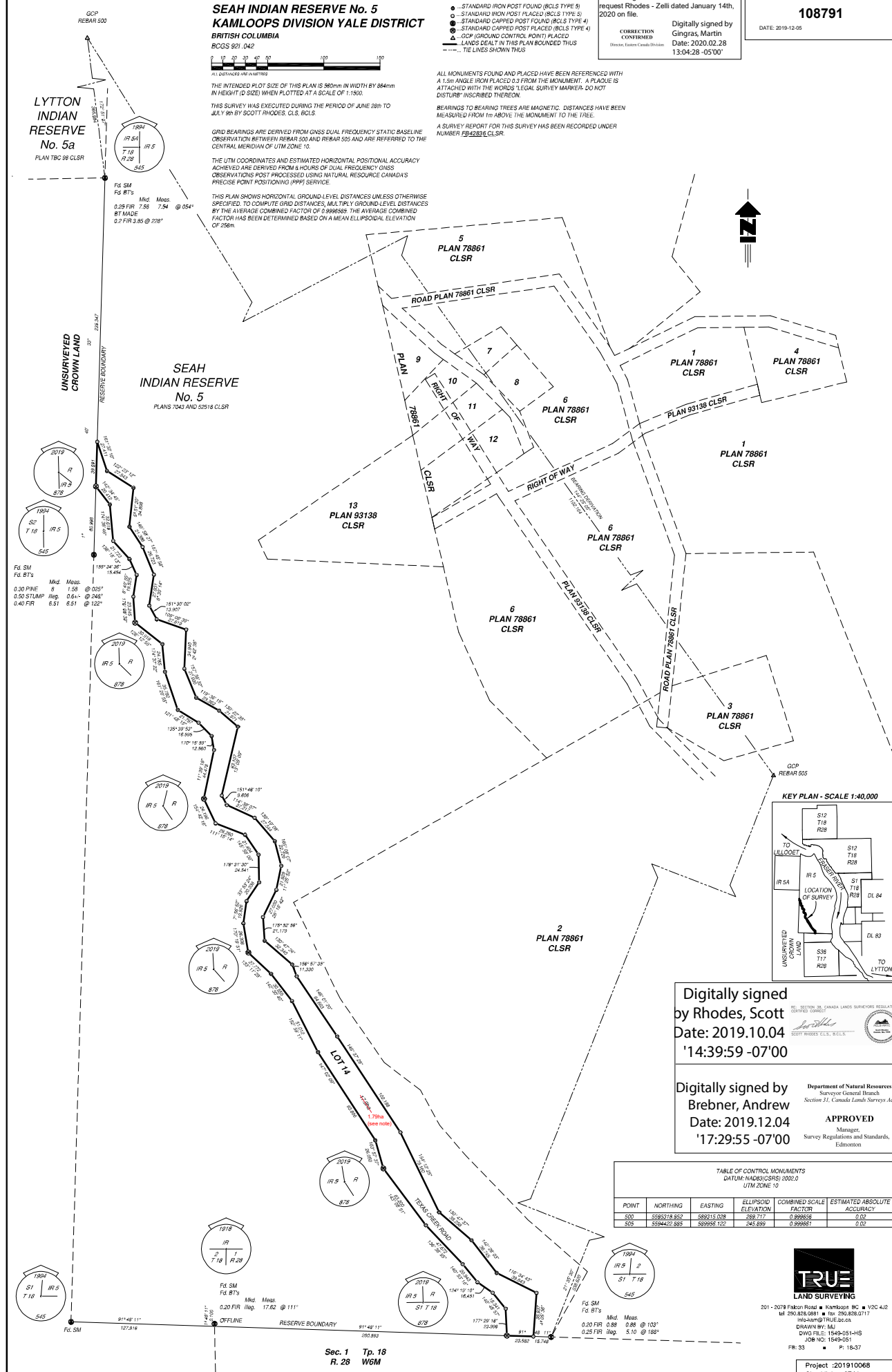
**LEGEND**

- STANDARD IRON POST FOUND (BCLS TYPE 5)
- STANDARD IRON POST PLACED (BCLS TYPE 5)
- STANDARD CAPPED POST FOUND (BCLS TYPE 4)
- STANDARD CAPPED POST PLACED (BCLS TYPE 4)
- ▲ GCP (GROUND CONTROL POINT) PLACED
- LINES DEALT WITH IN PLAN BOUNDED THUS
- TIE LINES SHOWN THUS

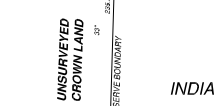
Correction Note: The area of Lot 14 has been changed from 17.9ha to 1.79ha. See request Rhodes - Zelli dated January 14th, 2020 on file.

Digitally signed by  
Gingras, Martin  
Date: 2020.02.28  
13:04:28 -05'00'

CANADA LANDS SURVEYS RECORDS  
ARCHIVES D'ARRENTAGES DES TERRES DU CANADA  
**108791**  
DATE: 2019-12-05



Fd. SM  
Fd. BT's  
Mkd. Meas.  
0.25 FIR 7.58 7.54 @ 054°  
BT MADE  
0.2 FIR 8.85 @ 228°



Fd. SM  
Fd. BT's  
Mkd. Meas.  
0.20 PINE 8 1.58 @ 025°  
0.20 STUMP 8.64 @ 248°  
0.40 FIR 6.51 6.51 @ 122°



Fd. SM  
Fd. BT's  
Mkd. Meas.  
0.20 PINE 8 1.58 @ 025°  
0.20 STUMP 8.64 @ 248°  
0.40 FIR 6.51 6.51 @ 122°



Fd. SM  
Fd. BT's  
Mkd. Meas.  
0.20 PINE 8 1.58 @ 025°  
0.20 STUMP 8.64 @ 248°  
0.40 FIR 6.51 6.51 @ 122°



Fd. SM  
Fd. BT's  
Mkd. Meas.  
0.20 FIR 17.62 @ 111°

Digitally signed  
by Rhodes, Scott  
Date: 2019.10.04  
'14:39:59 -07'00'

Digitally signed by  
Brebner, Andrew  
Date: 2019.12.04  
'17:29:55 -07'00'

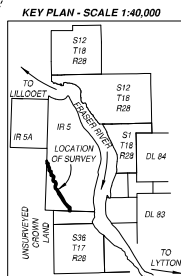


TABLE OF CONTROL MONUMENTS  
DATUM: NAD83(CSRS) 2011.0  
UTM ZONE 10

POINT	NORTHING	EASTING	ELLIPSOID ELEVATION	COMBINED SCALE FACTOR	ESTIMATED ABSOLUTE ACCURACY
S00	5593178.862	899312.038	289.717	0.999956	0.02
S09	5594422.885	899985.122	245.689	0.999987	0.02



201 - 2078 Falcon Road • Kamloops BC • V2C 4J2  
Tel: 250-878-0881 • Fax: 250-828-2117  
info@true.bc.ca  
DWO FILE: 1549-051-HS  
JOB NO: 1549-051  
FR-33 • P. 18-37

Sec. 1 Tp. 18  
R. 28 W6M

Project : 201910068  
Checklist : 6741

### **SCHEDULE 3**

#### **LYTTON INDIAN RESERVE No. 5A**

#### **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 Lytton Indian Reserve No. 5A as shown on Plan 78861, recorded in the Canada Lands Surveys Records (CLSR);

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

Lot 4 shown on Plan 108812 CLSR;

Total Lands containing by admeasurement 45.6 hectares (113 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 108812 CLSR**



**PLAN OF SURVEY OF LOT 4  
LYTTON INDIAN RESERVE No. 5a  
KAMLOOPS DIVISION YALE DISTRICT  
BRITISH COLUMBIA**

BCGS 801.002 & 301.042



THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 864mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:500.

THIS SURVEY WAS EXECUTED DURING THE PERIOD OF JUNE 28th TO JULY 8th BY SCOTT RHODES, CLS, BCLS.

GRID BEARINGS ARE DERIVED FROM GNSS DUAL FREQUENCY STATIC BASELINE OBSERVATION BETWEEN REBAR 500 AND REBAR 508 AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ACHIEVED ARE DERIVED FROM 6 HOURS OF DUAL FREQUENCY GNSS OBSERVATIONS POST PROCESSED USING NATURAL RESOURCE CANADA'S PRECISE POINT POSITIONING (PPP) SERVICE.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.999968. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON A MEAN ELLIPSOIDAL ELEVATION OF 258m.

**LEGEND**

- ... STANDARD IRON POST FOUND (BCLS TYPE 5)
- ... STANDARD IRON POST PLACED (BCLS TYPE 5)
- ... STANDARD CAPPED POST FOUND (BCLS TYPE 4)
- ... STANDARD CAPPED POST PLACED (BCLS TYPE 4)
- ▲ ... GCP (GROUND CONTROL POINT) PLACED
- ... LANDS DEALT IN THIS PLAN BOUNDARY THUS
- - - ... THE LINES SHOWN THUS

ALL MONUMENTS FOUND AND PLACED HAVE BEEN REFERENCED WITH A 1.5m ANGLE IRON PLACED 5.3 FROM THE MONUMENT. A PLAKE IS ATTACHED WITH THE WORDS 'LEGAL SURVEY MARKERS DO NOT DISTURB' INSCRIBED THEREON.

BEARINGS TO BEARING TREES ARE MAGNETIC. DISTANCES HAVE BEEN MEASURED FROM 1m ABOVE THE MONUMENT TO THE TREE.

A SURVEY REPORT FOR THIS SURVEY HAS BEEN RECORDED UNDER NUMBER FB42847 CLSR.

CANADA LANDS SURVEYS RECORDS  
ARCHIVES D'ARRENTAGE DES TERRES DU CANADA  
**108812**  
DATE: 2019-12-10

Correction Note: The area of Lot 4 has been changed from 13.2ha to 1.32ha. See request Rhodes - Zelli dated January 14th, 2020 on file.

**CORRECTION CONFIRMED**  
Digitally signed by Gingras, Martin  
Date: 2020.02.28 13:05:21 -05'00'  
Director, Eastern Canada Division

Digitally signed by Rhodes, Scott  
Date: 2019.10.04  
'14:41:03 -07'00'

Digitally signed by Brebner, Andrew  
Date: 2019.12.10  
'15:45:12 -07'00'

REG. SECTION 36, CANADA LANDS SURVEYORS REGULATIONS  
CERTIFIED CORRECT

Department of Natural Resources  
Surveyor General Branch  
Section 31, Canada Lands Surveys Act  
**APPROVED**  
Manager,  
Survey Regulations and Standards,  
Edmonton

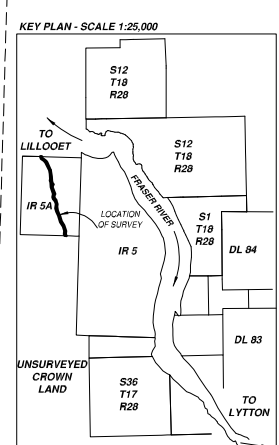
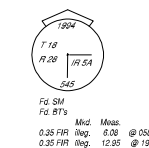
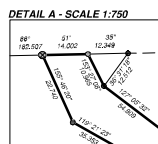
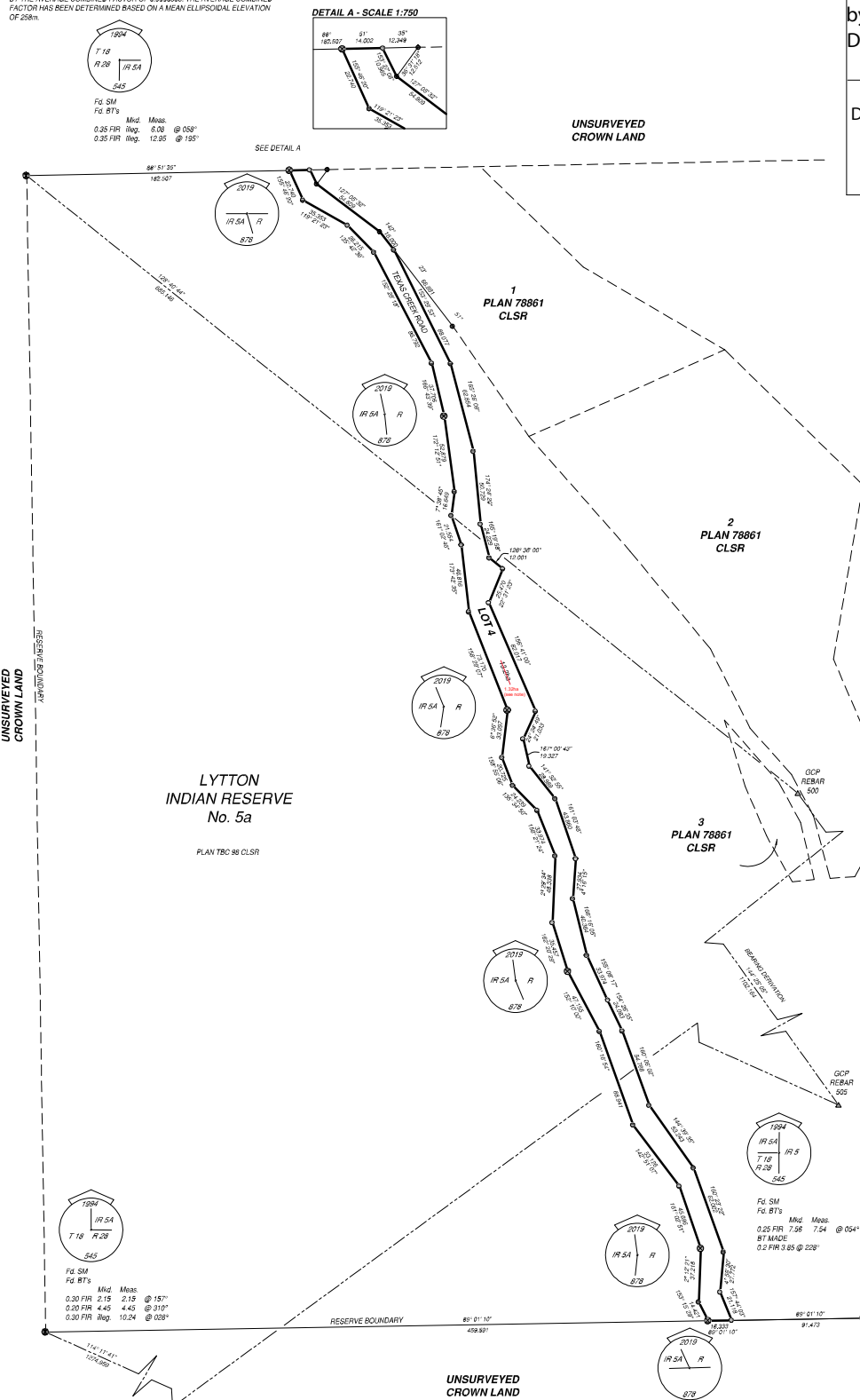


TABLE OF CONTROL MONUMENTS  
DATUM: NAD83(2011) 2002.2  
UTM ZONE 10

POINT	NORTHING	EASTING	ELLIPSOID ELEVATION	COMBINED SCALE FACTOR	ESTIMATED ABSOLUTE ACCURACY
500	5565312.850	589215.019	280.717	0.999968	0.07
505	5594422.855	589056.122	246.389	0.999961	0.02

SEAH INDIAN RESERVE No. 5  
PLANS 7043 AND 8018 CLSR  
**TRUE LAND SURVEYING**  
201 - 2079 Fabron Road ■ Kamloops BC ■ V2C 4J2  
tel: 250.838.0981 ■ fax: 250.838.0177  
info@true.bc.ca  
DRAWN BY: MJA  
DWG FILE: 1543-051-HS  
JOB NO: 1543-051  
FR: 33 ■ PR: 19-37  
Project :201910069  
Checklist : 6742

## SCHEDULE 4

### NESIKEP INDIAN RESERVE 6

#### 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 those lands shown as Nesikep Indian Reserve No. 6 on Plan BC90, recorded in the Canada Lands Surveys Records (CLSR);

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

Firstly, Lytton-Lillooet Highway shown on Plan 52375 CLSR,

And

Secondly, Lot 4 shown on Plan 108813 CLSR.

Total Lands containing by admeasurement 539 hectares (1332 acres), more or less.

**The above described Reserve Lands outside the railway belt are subject to:**

The rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry as No 8042, as amended by Order in Council 1969-1555, registered in the Indian Lands Registry as No 4111-118.

**The above described Reserve Lands within the railway belt 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 108813 CLSR**

