



February 23, 2023

via email: nwhitehead@cariboord.ca

Cariboo Regional District
Suite D, 180 North Third Avenue
Williams Lake, BC, V2G 2A4

Attn: Nigel Whitehead, Manager of Planning Services

Dear Mr. Whitehead:

Re: ALC Application – Proposed Gravel Extraction from CRD Parcel 015-031-276

We write in response to an application (the “Application”) before the Agricultural Land Commission (“ALC”) that was deferred by the Cariboo Regional District, made by William Stafford, Ross Stafford, and James Stafford (the “Applicants”) with respect to gravel extraction on Cariboo Regional District Parcel 015-031-276 (the “Property”).

Background Information

Williams Lake First Nation (WLFN) expressed its concerns in a letter dated January 11, 2023. Those concerns have not yet been addressed, nor have the Applicants or their agent reached out directly to WLFN to address those concerns.

WLFN was copied on correspondence from the Applicants’ agent on February 2, 2023 (a copy of which is attached) and in response to that correspondence, we advise as follows:

1. **Destruction of cultural heritage resources:** there is an active and ongoing compliance and enforcement investigation related to the Applicants’ destruction of archaeological site FaRn-7 on the Property. The destruction of this arch site occurred as a result of the Applicants’ previous gravel extraction activities. WLFN has outlined a detailed course of action required to address this issue, but we are still awaiting a response from the provincial archaeology branch. Further, LiDAR imaging clearly shows a village site of large housepits across the Property, up to and including the gravel pit area. So, the extent of the WLFN cultural heritage resources on the Property goes beyond what has been formally recorded.

Based on available LiDAR hillshade data, a total of 522 individual depressions consistent with Secwépemc culture have been identified representing 15,202m² total of area within and adjacent to the subject property. Of these, 399 (or 13,517m²) can be definitively identified as cultural and the remaining 134 (or 1685m²) require in-field verification to confirm their cultural

nature. The visible depressions represent a total of 57 archaeological sites, of which 54 are newly identified and 3 (FaRn-3, FaRn-6, and FaRn-7) are previously recorded.

Cultural material has also been identified near the gravel pit associated with the ALC application. During a 2021 field visit by Sugar Cane Archaeology (SCA) to WLFN Chimney Creek IR #5 (located adjacent to the gravel pit), lithic material was identified via both surface inspection and subsurface testing. All lithic material identified during the field visit is associated with previously recorded archaeological site FaRn-7, which overlaps both WLFN IR #5 and the subject property. Although assigned legacy status by the BC Archaeology Branch in 2021, archaeological features and cultural material are still present at FaRn-7. As a result, WLFN is in the process of applying to the BC Archaeology Branch to remove legacy status from FaRn-7 and have it re-protected under the Heritage Conservation Act (HCA).

In addition to the above, WLFN has also identified the presence of a traditional trail associated with salmon fishing in close proximity to the gravel pit area. The presence of significant habitation and subsistence features, cultural material, and traditional travel routes at, and within proximity to, the gravel pit is a significant concern for WLFN.

2. **Trespass on adjacent IR lands:** Contrary to the suggestion made by the Applicants' agent, the damage to WLFN IR#5 was not caused by Borland Creek Logging.
3. **Denial of Access to adjacent WLFN lands:** The Applicants have not "cooperated fully" in an effort to address the access issue. The situation was summarized in an email sent by Kirk Dressler on February 3, 2023 (a copy of which is attached). WLFN remains fully prepared to have meaningful dialogue on this matter. It is our understanding that MoTI (and other BC government agencies) are also willing to discuss, but the Applicants have left BC and WLFN in a position where they are forced to contemplate more draconian steps to effect a resolution.

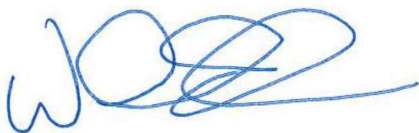
In the light of the above, WLFN remains firmly opposed to the proposed extraction activity, and will take whatever steps are necessary to protect its aboriginal and other legal rights.

Should you wish to further discuss the contents of this letter, please feel free to contact Kirk Dressler, WLFN Director of Corporate and Legal Services, at Kirk.Dressler@wlfm.ca, or 778-417-0193.

Sincerely,

WILLAMS LAKE FIRST NATION

Per:



Chief Willie Sellars

Feb 2, 2023

Attn: Kirk Dressler

Cc. Alice Johnstone Deputy CAO

As agent for the Stafford's please allow me address the concerns brought forth in the letter to Alice Johnston, Deputy CAO, CRD dated January 11, 2023, after researching the matter.

In order of presentation:

1) The alleged destruction archaeological sites occurred under the supervision of the Social Credit government who contracted a major project in 1967 of the construction of Highway 20 from Williams Lake to the Sheep Creek Hill bridge to Standard General Contracting Ltd..

In 1967 and 1968 this contractor and sub-contractors significantly disturbed approximately 12.5 hectares of the Stafford's private property (CRD Parcel 015-031-276) to the degree that any and all archeological sites, if present, would have been completely destroyed. Unfortunately this occurred in a time when the significance of the importance and preservation of archaeological sites was not understood nor appreciated. This was done in search of a large volume of suitable aggregate which was located on the above mentioned property. The Stafford's had no involvement in any of this activity.

Once the project had been completed in 1973 the 12.5 hectare pit of varying depths was returned to the Stafford's who have never expanded nor altered the perimeter boundaries in any way, shape or form as the aggregate is accessed by depth.

I am, by separate email, providing you with a letter dated January 6, 2021 from the Ministry of FLNRORD, Archaeology Branch which confirms the above outlined in paragraph two.

2) No one in the Stafford family nor ranch employee has ever even been near WLFN IR #5 on anything other than on horseback looking for stray cattle. It is suspected that the damage may have been inadvertently caused by heavy equipment used by FN's Borland Creek Logging to improve vehicle access for those wishing to attend a Sacred Ceremony for a band Elder held at IR 5 in 2018. It should be noted that this improved access was constructed on the Stafford's private land and gravel for the road was offered to the band at no charge to extend respect.

3) I have seen much correspondence regarding access to IR 5 dating back to 2008 from the band, the band's lawyers and government in which the Stafford's have cooperated fully in order to address this issue. This was last left with the Ministry of FLNRORD in January 2022, where it became dormant presumably due to other priorities. I have taken the liberty of contacting Susan O'Sullivan, the former

government lead on this and have asked her to reignite this process and I will email my correspondence with her to you as well.

As to the ALC I have advised them of the lack of response on your behalf.

Respectfully

Martin Sills P.Ag. (Ret.)

[REDACTED]

From: Kirk Dressler <Kirk.Dressler@wfn.ca>
Sent: February 3, 2023 11:49 AM
To: [REDACTED]
Cc: Susan.OSullivan@gov.bc.ca; Josh.Pressey@gov.bc.ca; Harold.Stolar@gov.bc.ca; Dawn.Drummond@gov.bc.ca; Jennifer.Thiagarasan-Flegg@gov.bc.ca; [REDACTED]
Subject: [REDACTED] Willie Sellars; Whitney Spearing; Aaron Mannella
FW: [External] IR5 Access

Mr. Sills,

WLFN will be responding to your correspondence of February 2nd in due course. In the interim, I feel inclined to provide a brief and immediate response to the email below regarding access to IR#5.

WLFN does not have “unfettered access to IR#5”. To be clear, what Mr. Stafford requires for someone to access IR#5 through his land is for the Chief to call Mr. Stafford directly and confirm who will be visiting IR#5, and when. I (along with other WLFN staff) participated in a meeting with Mr. Stafford where he further required that he would have to *visually* confirm that individuals attending the WLFN lands are Secwepemc. When Mr. Stafford was queried about how he was qualified to make that assessment, he vigorously asserted that he knew what Secwepemc looked like. Mr. Stafford also proceeded to inform the Chief that the origins of IR#5 were as a fishing reserve, and that nobody should be on the lands for any other purpose.

WLFN is an Indigenous government, with jurisdiction over almost 2000 hectares of reserve lands. WLFN now has a form of sectoral self government under the *Lands Management Act* and has full jurisdiction to make laws regarding the use and management its reserve lands (including IR#5). WLFN has more than 850 registered members and hundreds of non-member community residents.

The fact that someone would suggest that it is a reasonable or workable protocol for the Chief of a First Nation to make a personal call to the owner of private property to facilitate the movement of every individual attending WLFN lands is ludicrous. Would anyone ever consider suggesting that the Mayor of the City of Williams Lake would personally call a property owner to confirm that someone accessing municipal land is a “citizen of Williams Lake”? I think not. (I certainly don’t think someone would suggest that they can tell the difference between a citizen of Williams Lake and a citizen of Quesnel by eyeballing them).

Typically, if there is a legitimate interest in resolving matters like the IR#5 access issue it is easily done through the creation of an easement or right of way which gives clearly defined legal rights to the easement holder (and correspondingly, it can impose certain limitations and obligations on that easement holder). Alternatively, there could be the disposition of lands to allow for access to occur.

There is no logging road of which we are aware that could provide alternative access to IR#5. If such a road had been established, it would’ve required authorizations of which WLFN would have been made aware. It would also have made its way through archaeological sites, which would have required assessment.

Should there be a legitimate desire on Mr. Stafford’s part to find a resolution to the IR#5 access issue, WLFN is more than willing to participate in a conversation.

Kirk Dressler, BA LLB

Director of Legal and Corporate Services



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From: Martin Sills

Sent: Wednesday, January 18, 2023 7:13 PM

To: O'Sullivan, Susan LWRS:EX <Susan.OSullivan@gov.bc.ca>

Cc: Pressey, Josh P FOR:EX <Josh.Pressey@gov.bc.ca>; Stolar, Harold B FOR:EX <Harold.Stolar@gov.bc.ca>; Drummond, Dawn B TRAN:EX <Dawn.Drummond@gov.bc.ca>; Thiagarasan-Flegg, Jennifer IRR:EX <Jennifer.Thiagarasan-Flegg@gov.bc.ca>; Lyn Stafford [REDACTED]

Subject: IR5 Access

Thank you for your assistance in restarting this access situation Susan which has been sitting dormant since last January, the Stafford's are more than willing to cooperate in the process. Currently the WLFN's has, and always have had, unfettered access to IR5 through the Stafford's private land, this is subject to a courtesy call to the Stafford's so they know who is coming and they can ensure that the entrance gate on their property is open. There are other potential options perhaps for consideration including a recently constructed logging road which comes off of Highway 20 and accesses IR5, could this prove to be a viable option. While you are no longer directly involved it would most appreciated if you could ensure that this is actioned by the appropriate agencies.