

OUR LAND



OUR CULTURE



*"Our People have suffered and endured poor treatment from the non-Secwepemc for many generations now. We have seen our title and rights ignored, our way of life attacked, our lands damaged and fenced in, the fish, game and plants we depend on depleted, and we have seen our children suffer because of all this."*

**1998 Elders Message to Masayoshi Ohkubo, President, Sun Peaks Corporation**

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With the help of Skwelkwek'welt Protection Centre & Neskonalith Band materials and documents

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**Skwelkwek'welt  
Our Secwepemc Mountains**



**FOREWORD**

I am Chief Arthur Manuel, Neskonlith Chairperson of the Shuswap Nation Council, Chairperson of the Interior Alliance, Co-chair of the AFN Delgamuukw Implementation Strategic committee and the son of the late Grand Chief George Manuel. For generations our people have watched the depletion of plants and animals we depend on and the disturbances to the rivers and forests, due to the activities of relatively recent arrivals to our country. The environmental degradation has become so serious that we are now taking action and intervening to change the situation in the region.

The present land rights policy of the Canadian government subsidizes industries that use our land or extract natural resources from our traditional territories without considering our proprietary interest. Sun Peaks Ski Resort falls within the historic Neskonlith Douglas Reserve established in 1862. This is clearly a responsibility of the Federal Government under Section 91 (24) of the Canadian Constitution. We have raised and will continue to raise these matters before international trade tribunals. We continue to inform the International and National public of how unsustainable commercial and industrial use as well as mega-projects like the development and expansion of the Sun Peaks ski-resorts are and how they continue to destroy our traditional territories.

We would like to thank you for taking a moment to read through this booklet to inform yourself about Skwelkwek'welt and our efforts to save what is left of it. In this ever shrinking world, the biodiversity of the Earth's last intact areas will be necessary for the survival of all of our children, grandchildren and future generations. For this reason we ask for your support to ensure that we can continue to protect the many floral and faunal species that remain largely untouched in the Skwelkwek'welt watershed. We can achieve this through continued Traditional Use and communication and educational outreach, our international campaign and by maintaining our year around peaceful non-violent protests, but we need the help of sympathetic supporters to continue to protect the biotic and cultural ecology within our territory.

Thank you  
Chief Arthur Manuel



Figure 1. Chief Art Manuel, July arrests at the Protection Centre, photo by Cari St.Pierre



## The Secwepemc People & Skwelkwek'welt, our Sacred Mountain

**T**he Secwepemc People, known by non-natives as the Shuswap, are a Nation of 17 bands occupying the south-central part of the Province of British Columbia Canada., The Secwepemc territory extending from the Columbia River valley

westward to the Fraser district and south to the Arrow Lakes. The Secwepemc nation was traditionally a political alliance with communities that were separate and independent, but united by a common language – Secwepemctsin - and by a similar culture and belief system. The population of the Secwepemc Nation today is 7, 200. Our territory covers the drainage basins of the South Thompson River, Adams Lake, Shuswap Lake, Eagle River, Arrow Lake and adjacent parts of the Columbian River.

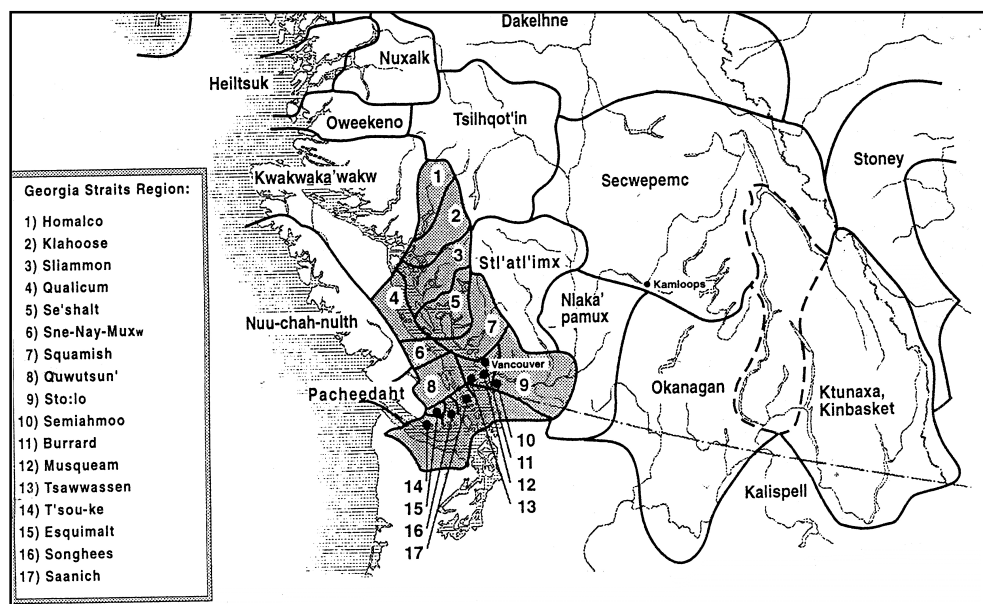


Figure 2. 1994 UBC Museum of Anthropology, First Nation's language map

**S**kwelkwek'welt (Skwel – kwek- welt) is a Secwepemc place name, which means high Alpine mountains. Skwelkwek'welt is the area encompassing Mt. Todd, Mt. Cahilty and Mt. Morrisey, which include McGillivray Lake, Morrisey Lake, Cahilty Lake, Eileen Lake and all watershed systems within this area.

Skwelkwek'welt has always been a valuable provider for Secwepemc and as such was surveyed as a Douglas Reserve for the Neskonlith People in 1862. Skwelkwek'welt provides us with a variety of plant foods such as roots, berries, plant stalks, mushrooms and lichens, as well as other foods like deer, moose, fish and birds. We use this land to gather medicines, practice our spiritual traditions, and collect basic necessities for life. With ongoing urban and rural encroachment, Skwelkwek'welt is one of the last places in our territory where we can still hunt for food, gather medicines and continue to practice other Secwepemc cultural traditions. This area is particularly important for our children and youth who have been continually learning, practicing and returning to many of our Secwepemc cultural practices, many of which are dependent on our access to and use of our land.





# The Skwelkwek'welt Land Conflict

## *History of the Conflict*

In mid 1992 devastation came to our last unspoiled and sacred place. Mr. M. Ohkubo of the Japanese corporation Nippon Cable purchased, what was until then a modestly intrusive ski resort, established in 1961 as Tod Mountain. In 1993 the NDP Provincial government, without consulting the First Nations whose Specific Claim and Traditional Use Studies were ongoing and whose Title Claims had not been addressed, negotiated a long-term development contract with Nippon. We have never given our consent to the present development nor the massive expansion project-taking place in our territory. We remain adamantly opposed to all further development within this area and other traditional use areas.

Figure 3. Sun Peaks, courtesy of the Skwelkwek'welt Protection Centre



Since Nippon has bought and expanded the Tod Mountain ski area, Skwelkwek'welt has been severely impacted upon by the negative effects of this macro-development. Sun Peaks has already damaged our gathering, hunting, and fishing areas as well as limited our access to sacred sites. In 1998, elders asked for a meeting with Mr. Ohkubo to explain to him how the government did not have the right to lease this land to him until the Land and Title issues in Canada had been addressed or meaningful consultation had occurred between the Band, the Government and the BC Assets and Lands Corporation (BCAL). Mr. Ohkubo ignored the sensitivity of the Land Question here in Canada and BC with the First Nations, and went ahead and initiated an additional 70 million dollar expansion plan. This additional expansion to Sun Peak's current environmentally and culturally unsound macro development will:

- 🌲 Clear-cut 3 more mountains for ski runs, to total 5 mountains, depleting our vital snow packs, topsoil and animal and flora habitats. Mt. Morrisey is a particularly significant cultural and traditional resource use area to the Neskonlith.
- 🌲 Develop on the drainage basin for commercial and residential real estate, polluting and limiting access to important creeks and streams, such as Mc Gillvray Creek where townhouses are to be constructed.
- 🌲 Deplete our pure, filtered water supply to make snow.
- 🌲 Expand a 9-hole golf course into an 18 golf course, further destroying an expansive habitat area.
- 🌲 Construct a mega Delta Hotel, which will encourage further pressure and negative impacts on the limited natural resources in the area.



### *Failure to Consult or Negotiate with the Neskonalith Peoples*

To date the Federal Minister of Indian and Northern Affairs, the Honourable Robert D. Nault has refused to engage in negotiations involving in the ongoing Aboriginal Title land dispute in Skwelkwek'welt / Sun Peaks. The Minister claims that Sun Peaks is not his responsibility as it falls under Provincial jurisdiction. In fact this is very much Federal jurisdiction as it falls within the legislative capacity of the Parliament of Canada under s. 91 (24) of the Constitution Act, 1867, and was first articulated by the Supreme Court of Canada in *Delgamuukw*, and has been applied by the B.C. Court of appeal in *Paul v. British Columbia (Forest appeals Commission)* [2001] B.C. No. 1227. In Paul's Case the court points to the jurisdiction of Canada as the only jurisdiction, which can be exercised to establish a tribunal whose function is to determine Aboriginal Title and rights in the context of decisions involving resource management in the Province. Most recently the Provincial Attorney General and Minister responsible for Treaty Negotiations, Geoff Plant has unilaterally closed discussions with the Neskonalith after only one month of initiating them on Oct 2 2001.



Figure 4. Kamloops protests at the local MLA office.

Un-addressed and without the inclusion of the Indigenous groups who have inherent Title Rights to this land, Sun Peaks expansion will cause a myriad of negative, irreversible effects on the ecosystem and to the species who depend upon its diversity. In addition, mass tourism that does not consider cultural needs will have further profound and negative socio-cultural impacts upon our Secwepemc peoples and their ability to continue traditional land use activities or pass them on to the next generations.

This is why we have protest camps on Skwelkwek'welt, and this is why we need to maintain local, public and international pressure on this issue until Nippon and the Provincial and Federal Governments acknowledge our rights, include us in all future developments in our traditional territory, and honour the rights surrounding the Neskonalith Douglas reserves.



Figure 5. Elder Irene Billy arrested at e Sun Peaks protest camp.



## Neskonlith Land Question History

**S**ecwepemc oral history traces the our people in this area from at least the last 8, 000 years, since the receding of the glaciers. Much of Secwepemc territory was never visited or seen by Europeans until the gold rush of 1858 when approximately 30,000 miners, most from California and different areas of the US moved into the interior and settled onto our lands. Often through hostility, these prospectors and others who followed forced Secwepemc families from their traditional village and winter sites. As tension in the Interior and elsewhere in the Province grew, Sir James Douglas as Governor and Chief Factor of the Hudson Bay Company sent William Cox to survey lands to be protected for the First Nations Peoples.



Figure 6. Above, Pictograph from the Secwepemc Nation, courtesy of the SNTC web site: [www.shuswapnation.org/indexmain](http://www.shuswapnation.org/indexmain)

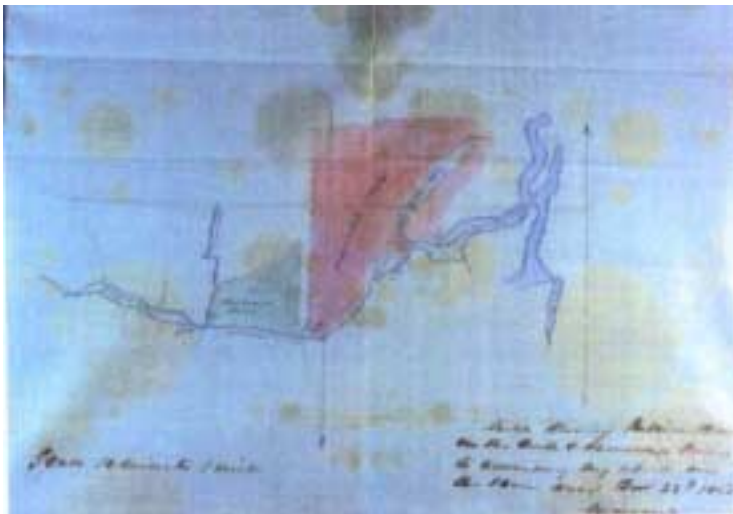


Figure 7. Left, 1862 Douglas Reserve map including Tod Mountain

The following reserve was surveyed by William Cox in 1862, for the Neskonlith Peoples under Douglas's general policy that no reserve should be less than 100 acres and that each reserve should meet the hunting, family and agricultural needs of each tribe (Mr. William McColl's Report, 16 May 1864, p. 43). In 1862 there is record of 3 stakes being pounded into the ground to represent the boundary of this reservation and trespasser notes posted by the Secwepemc Chiefs.

### HISTORY FACTS:

**1864** After Douglas retired in 1864 Joseph Trutch became Chief Commissioner of Lands and Works and is said to have greatly influenced Governor Seymour's land decisions. Immediately after Douglas retired, reserve policy shifts were witnessed. Particularly noticeable were statements made by Trutch in 1867 that land isolated in reserves should be open to pre-emption (the sale of land to non-native colonists).

**July 1865** A Mr Nind puts forward a concern to the Colonial Secretariat that the Shuswap are claiming too much land "all the land on the North side, between the foot of the Great Shuswap Lake...[and]...all the available land on the North River, extending northward many miles above the mouth, which also possess attraction to the settlers". Nind, argues that since the Shuswap are not using the land in the manner expected of a European, i.e. cultivating it, they are not using it and do not need it. Instead he argues, the reserve should be smaller allowing people like Mr. Todd to pre-empt the "land close to the Nisquaimlth's camp" (this is the chief of the Neskonlith at this time. (Mr. Nind to the Honourable the Colonial Secretary, Lytton, 17<sup>th</sup> July, 1865)

**1865** By fall in 1865 Mr Moberly is tasked by Trutch to return to the interior for the purpose of reporting on whether "arrangements can be made to reduce the limits of these reserves, so to allow land uselessly shut up in these reserves to be thrown open for pre-emption." (Trutch instructions to Mr. Moberly, New Westminster, October 10<sup>th</sup> 1865.)



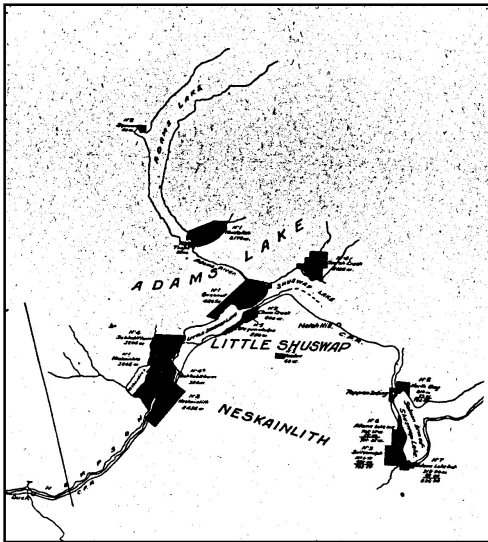


Surveyor Dewdney in 1866 re-surveyed the area and re-staked it allowing the Neskonlith and Adams Lake a mere portion of the reserve that is allocated in Cox's maps or was described by Nind in July 1865. The difference between these two descriptions, when including Cox's map is that it overlaps the Tod Mountain area. This area is where Mr Tod, who was described as an old Kamloops resident, wanted to

purchase more land overlapping the Nisquaimlth camp (Mr. Edgar Dewdney to the Chief commissioner of Lands and Works, New Westminster, BC, Nov 8<sup>th</sup> 1866). Within a mere few years the Trutch policy for reserves illustrated the prejudice of the colonies at this time, as colonists were encouraged to pre-empt 100 acres per family, the general equation for Indian reserve allotments was approximately 10 acres per Native family and any Native land in excess of this was often re-allocated as being available for colonial pre-emption (Trutch to O'Reilly, 1868, August 5<sup>th</sup>).

The Secwepemc people's refusal to accept the injustice of the Trutch's land reductions of our territory without any form of treaty or agreement has continued since the 1900's when a delegation of interior Chiefs met with Prime Minister Wilfred Laurier in Kamloops to petition the government over the land reserves.

Figure 8. 1916 Kamloops Agency map, Province of British Columbia. Neskonlith Reserve after the reductions.



Today, the Provincial and Federal Governments continue to ignore not only the title rights of the Secwepemc peoples but also the acknowledgment that they have never honoured the land reserved under Governor Douglas. In 1996, the Neskonlith, Adams Lake and Little Shuswap Bands submitted a joint Specific Claim on the land in question. Ottawa has rejected the Secwepemc Specific Claim, as it has rejected so many other Douglas Reserve Claims in the past. Further, the Liberals have failed to fulfill their election promises of instituting an independent claims body to ensure that Specific Claim like the Tod Mountain area are judged outside of any conflict of interest by government or Crown interests.

After the provincial government failed to consult with the Neskonlith in 1993 prior to giving Mr Ohkubo the long term contract on disputed Crown Land, and after elders negotiations broke down with Ohkubo in 1998, we the Neskonlith people had no other option but to begin protesting the destruction of our sacred mountain. Since our peaceful non-violent protests began in 1999, we have faced constant violence and destruction of our camps.



Figure 9. Arrests July 2001, photo by Cari St. Pierre

#### CHRONOLOGY OF INJUSTICE:

- ⊗ Niki Manuel assaulted by Sun Peaks visitor, June 2001
- ⊗ Traditional cedar bark lodge destroyed, and cabin burned down, June 2001
- ⊗ Elders arrested when first injunction ordered to dismantle the Protection Centre, July 2001.
- ⊗ Nault and Federal Government refuse to help in the conflict. August 2001.
- ⊗ Racist youth gangs converge on Chase inciting violence against Band youth, Sept 2001.
- ⊗ Plant and Province unilaterally decide to close negotiations with the Neskonlith after one month, November 2001.
- ⊗ McGillvary Lake camp cabin seized under BC Land Act, November, 2001.





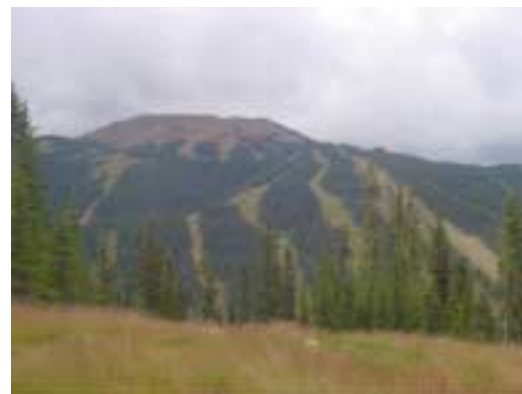
## Funding Needs

Since the summer of 2000, Secwepemc and their supporters have been maintaining a peaceful protest on and around Sun Peaks, government offices and BCAL. Throughout this time elders, community members and supporters have been arrested. In addition to mounting legal and research expenses, our community has carried the cost of our National and International campaign and communication outreach programs for the last year and a half. Increasingly, the burden of these costs are effecting the efficiency of our people to continue to protect our watershed from further wide spread destruction by the major international corporation Nippon Cable and by Mr. Ohkubo.

Figure 10. Sun Peaks / Skwelkwek'welt, courtesy of the Protection Centre

- 🌲 Donations for legal costs
- 🌲 Donations for research
- 🌲 Donations for communications
- 🌲 Donations for International & National campaigns / boycotts

This destruction was negotiated and encouraged by the past Provincial Government without our consultation or agreement, although this land was part of a Specific Land Claim. The current Provincial Government and Attorney General has only further inflamed this situation and closed down all communications with the Protection Centre and Neskonlith Band.



**Boycott  
Delta Hotels and Resorts  
for Your Next Conference  
or Function**

## Contact Information

### Please Contact:

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