

LAND USE PLANNING OPPORTUNITIES AND LIMITATIONS FOR  
INDIAN RESERVES: SELECTED CASE STUDIES  
IN THE GREATER VANCOUVER AREA

by

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"Do not, I pray, make poor 'carbon copies' of white men out of us. At this crucial stage of our transition, from our own beliefs to those of your complex system, we need so much guidance; so much help; so much sympathy; for we must, of necessity, first regain our confidence once more." \*

"If you are planning for a year, plant rice, if you are planning for ten years plant fruit trees, if you are planning for longer, plant men." \*\*

\* George Clutesi, "Man with a Vision", The Beaver, Spring, 1962, page 5.

\*\* The Indian-Eskimo Association of Canada, Brief for the Parliamentary Committee on Indian Affairs, Ottawa, March, 1960, page 77.

## ABSTRACT

The Indian people of Canada are her fastest growing ethnic group. They are a people in cultural transition, adapting increasingly to the ways of the Canadian society as a whole; yet retaining elements of their traditional culture.

There are over 2,200 Indian Reserves in Canada, varying in size and location. In the Greater Vancouver area there are five such Reserves. Their semi-rural development contrasts sharply with the highly urbanized adjacent non-Indian communities.

To Indian people the reserve is more than just an area in which to locate a home. Its land is a unique and tangible heritage from the past, and it represents psychological as well as material security. Recent studies by anthropologists have shown that because of these implications, among others, the Indian Reserves will tend to remain part of the Canadian and American scene in the foreseeable future. The attitudes of Indian people seem to support this statement.

However, living in the midst of an urban environment, the Indian people are entitled to, and beginning to demand, some of the benefits of urbanization. The accommodation of this demand, as well as the orderly disposition of land, requires

land use planning. Planning is also essential to meet the requirements of surrounding municipalities, to whose development the Reserves often present an impediment.

This thesis sets out to demonstrate the relevance of land use planning to Indian Reserves; the amount of interest taken in it, and the degree of planning already taking place on some Reserves.

In the process of this study, a brief account is given of some of the distinctive qualities of the Indian society in transition. An examination is made of the special legal considerations that apply to Reserve lands. Maps and tables support the written material, and a glossary of special terms has been prepared.

A major method used in this study was the interviewing of various people in regards to their attitudes towards land use planning for Indian Reservations; the extent of co-operation between Indian Band Councils and the Indian Affairs Branch of the Federal Department of Citizenship and Immigration, on one hand, and the planning agencies on the other, in regards to planning; and the amount and type of land use planning already taking place or being proposed for Reserves.

In preparation for the interviews certain hypotheses were set up. On the basis of these, questionnaires were prepared for use in first interviews. The questionnaires were also useful in tabulating the information gained through

interviewing.

Interviews were held with several members of the Indian Affairs Branch; with Chiefs and Councillors of the five Indian Reserves in the Greater Vancouver area; with staffs from the Planning Agencies of the Municipalities which adjoin the Indian Reserves; with staff of the Lower Mainland Regional Planning Board and the Provincial Regional Planning Division. Several authorities on various aspects of Indian life were also interviewed. The information gained through the interviews is presented in tabulated form and its implication is discussed in the third chapter of the thesis.

An analysis of the material obtained through this study suggests certain conclusions. The Indian Reserves are here to stay as far as can be foreseen. Those within a generally urban environment are undergoing a considerable degree of urbanization, and there is some tendency towards co-operation with Municipal Planning Departments. Land use planning on Reserves is taking place within a very limited scope. Considerable interest in broader applications of land use planning is shown, but at present there does not appear to be either sufficient understanding of planning or sufficient contact between Indian authorities and appropriate Planning Agencies.

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## PREFACE

The choice of the subject of this thesis was stimulated by a longstanding interest in the North American Indian, and a desire to learn more of his past, and present, progress. This interest has grown out of many contacts with Indian people, both on an informal and personal basis, and also in connection with work, first as a land inspector in Alberta and British Columbia, then as a co-ordination officer for the Indian Affairs Branch in the Economic Development Study of the Blood Indian Reserve in Alberta during 1961.

The objectives of this thesis are to explore the potential value of land use planning for Indian Reserves, as well as problems and limitations confronting this process. It is hoped that this study may help to stimulate further interest and work in this area, which appears to be of vital importance to the future of Indian Reserves set in an urban environment.

I wish to acknowledge with gratitude the helpful guidance of Dr. H. Peter Oberlander, Head of the Department of Community and Regional Planning, in the preparation of this thesis; to Dr. J. N. Jackson of the same Department for his valuable suggestions. I am also indebted to Mr. W. S. Arneil, retired Indian Commissioner for British Columbia, and to members of the Indian Affairs Branch of the Department of Citizenship and

Immigration; to Indian Chiefs and Councillors of the Burrard, Capilano, Mission and Musqueam Indian Reserves; to the Directors and Staff of the Planning Department of the City of Vancouver, the Planning and Property Department of the Municipality of North Vancouver, and the Planning Department of the Municipality of West Vancouver; and to all other persons interviewed: for their patience and willingness to help in the gathering of material for this study. Special acknowledgement is due to the Planning Departments of North and West Vancouver Municipalities and to the Indian Affairs Branch Offices, Vancouver, British Columbia, for their assistance in supplying basic maps and statistics used in this thesis. Special thanks are due to Miss M. Dwyer for her help with the Bibliography, and to Mrs. M. Wise, for her care in typing the thesis. I am most grateful to my wife for her continued interest and encouragement.

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## CHAPTER I

### INTRODUCTION

There were just over 2,200 Indian Reserves in Canada in 1961, varying in size from a few acres to a third of a million acres. The locations of these Reserves also varied from isolated inland and seacoast sites to metropolitan city areas. In the Greater Vancouver area the Indian Reserves form islands of distinct land use differentiated physically and culturally from the rapidly growing metropolitan complex of concentrated residential, commercial and industrial development. Many questions may be raised by this sharp contrast in land use. It is the objective of this thesis to explore some of them.

To the casual onlooker the Reserve lands appear to be underdeveloped or misused, and interfere with the orderly development of the surrounding urban community as a whole. Regulations governing land use in adjacent communities do not, for the most part, apply to Reserve land which is under Federal jurisdiction.

Considerable land use planning has been done on the Reserves in the Greater Vancouver area. However, this has been limited to such projects as services and zoning. Long-range plans for land use have not been accepted at present. This shortcoming is related to social and economic forces which influence the lives

of the Indian people. Their culture is in a transitional stage; neither wholly adapted to the one of the majority of Canadians, nor a continuation of the ancestral way of life. The individual Indian person is not always certain as to the balance between the diverse cultural influences that he must work out for himself. The Reserve where he makes his home is a vestige and a refuge coming from his past way of living, which was changed by the coming of the white man. From the Reserve he ventures out, with varying degrees of certainty, into the non-Indian world around him.

This chapter discusses some of the salient problems relevant to Land Use Planning which are raised by the state of cultural transition in which the modern Indian community finds itself.

In Canada the Indians are the fastest growing ethnic group, with a growth rate of three per cent per year. The present Indian population is 185,000, and it is estimated that by 1970 it will be 230,000, out of a total population of twenty-three million.<sup>1</sup>

TABLE I  
CENSUS OF INDIANS: ARRANGED UNDER RESERVES,  
PROVINCE, AND CANADA TOTALS

	<u>1929</u>	<u>1939</u>	<u>1944</u>	<u>1954</u>	<u>1959</u>
Mission					378
Seymour Creek					---
Burrard		63	66	77	95
Capilano					224
Musqueam		143	154	222	258
British					
Columbia	25,107	24,163	25,515	31,086	36,229
Canada	108,012	118,378	125,686	151,558	179,126

SOURCE: Canada Department of Citizenship and Immigration,  
Census of Indians in Canada, Ottawa, 1939, 1944,  
1954, 1959.

D. C. Scott, The Administration of Indian Affairs in  
Canada, Ottawa, The Canadian Institute of International  
Affairs, 1931.

#### THE INDIAN IN CULTURAL TRANSITION: SOME SALIENT PROBLEMS

The majority of Indians live on Reserves where they are wards of the Federal government.

The administrative responsibility for Indian Reserves is found at three levels: the Federal Agency, which is the Indian Affairs Branch of the Department of Citizenship and Immigration; its Provincial offices; and its local representatives, the Superintendents for Indian Affairs, who are responsible for administration concerning the Indian Reserves in a given area.

The future of the Indian Reserve as a type of community seems assured for a long time to come. In 1955 a major study



of the British Columbia Indians was completed by two anthropologists and an economist, Drs. Hawthorn, Belshaw and Jamieson. In their conclusions they recommended that the Reserve system will be with us in perpetuity.

"Reserves do represent a material and psychological security to Indians and any threat to this security would have serious social and psychological repercussions ...recognize that the Reserve system has harmful effects in respect of development of responsibility and self-help, and we believe it should be modified to take care of this point." <sup>2</sup>

A similar suggestion came from American anthropologists during a conference of anthropologists at the University of Chicago in February, 1954. The general conclusion was the Indian groups living on Reserves will continue indefinitely as social units. It was further concluded that basic values and attitudes would tend to be preserved, though with continual adjustment to the non-Indian society.<sup>3</sup>

The question may be raised here, how does the above discussion relate to land use planning? The answer lies in the fact that the rapidly growing Indian population is and will be continually requiring more space for living and industry.

The special circumstances which surround Indian communities therefore require attention. As a group the Indian people are in a cultural transition between their ancient traditional way of life, and that of the Canadian people at large. In terms of everyday living this state presents social and economic problems involving, among other things, the use of their lands.

The change in population growth has been accompanied by changes in the various aspects of the daily life of the Indian, and in his place in the community as a whole. The physical aspect of the Reserves is beginning to change, as blacktop roads replace dusty trails, and as log cabins gradually give way to frame houses, with at least some modern services and television. For example, in 1961, the Blood Indian Council of southwestern Alberta recommended in their annual budget 14 new homes for Reserve residents who needed new housing. All of these are comfortable, painted bungalows which could be placed alongside conventional homes belonging to white men. However, homes like this are, in one community on that Reserve, situated on a dirt road. There is no sewer, street lighting, or proper water supply, and no park, playground or other community amenities. The single, dirt access road to the adjacent town of Cardston presents a grave hazard for both pedestrian and motor traffic.

One cannot over-emphasize the transitional nature of these changes in the life of the Indian, and the fact that they are begun but by no means completed. This process of cultural change poses many complex and sometimes painful problems for the individuals and groups undergoing them. This, of course, is not limited to Indian society. The Doukhobor people in Canada also represent a culture in transition whose problems have been dramatized by the Sons of Freedom sect.<sup>4</sup> In many ways the French Canadian people also illustrate a culture in transition.<sup>5</sup>

The Indian person still frequently tends to feel the insecurity that often accompanies the partial straddling of two very different cultures. It has been suggested<sup>6</sup> that the Indian Canadian is faced by two sources of social difficulties:

1. Some of his own values and concepts as to the relative importance of time, money, hygiene, communication and competition sometimes differ from those of the society as a whole.

2. The attitudes of the white society frequently reflect lack of understanding and acceptance. "We still look for white blood in his veins."<sup>7</sup>

Often the Indian person leaves the Reserve only to find himself unable to cope with life outside of it. Cultural differences, educational maladaptation and, sometimes, the prejudice of non-Indians can prove overwhelming. The Reserve then acquires new importance as a home "where nobody will stare at you". But although the Reserve is a place of refuge, it can be a source of frustration also, for the person who wishes to progress. The question then arises whether, besides being a sanctuary and a remnant of the past, the Reserve might also become a place of preparation for the world outside. If this is accepted as desirable, then land use planning can be a means to help the Reserve become a more integrated part of the surrounding region.

A balance must be drawn between what the planners might consider necessary, and what the Indians are prepared to accept

and support. Without consideration for the Indians' rights of decision here, land use planning could become a means of invading their last stronghold. Greater integration into the community at large seems desirable from both the standpoint of the Indian people and the country as a whole. Integration, however, does not necessarily mean assimilation. Many Indian leaders and organizations such as the Native Brotherhood of B. C. show a keen interest in maintaining at least some of their cultural heritage. The anthropologist, Philip Drucker, states the following, in his study of the Native Brotherhoods of British Columbia and Alaska:

"My intent is to stress the fact that a vital new culture exists, composed of interesting blends and mixtures of ancient Indian and twentieth century American and Canadian usages and attitudes".<sup>8</sup>

What balance is to be drawn between the acceptance of the ways of the dominant white culture and the preservation of the Indian heritage? What are the sources of problems in Indian-white relations that are sometimes so discouraging to the Indian individual? What is Government policy and practice towards various Indian problems? And what are Indian views on the dual culture they have inherited and the problems it brings them? These are but some of the questions that arise in considering the state of the Indian in cultural transition.

It is, of course, outside the scope of this thesis to be concerned with all of these complex problems. However, it

seems important to be aware of them, at least as a background to considering the role of land use planning for Indian Reserves. It is proposed in this thesis that land use planning can be of service to the Indian in helping him to utilize best the resources of his Reserve and to help make it a place of preparation for transition to activity in the community at large, and would also help the non-Indian community to accept him more readily. Perhaps the most valid argument for land use planning on Reserves is the fact that the Indian people so frequently express desire or outrightly demand services and facilities that are associated with the higher standard of living that comes with urbanization.

#### EXAMPLES OF ATTEMPTS AT LAND USE PLANNING ON INDIAN RESERVES

There have not been many major attempts at land use planning on Indian Reserves in Canada. One exception to this is in the Greater Vancouver area. The Municipality of West Vancouver adopted a land use plan for the Capilano Reserve, and the adjacent Provincial "cut-off" lands (Map 4). (This term refers to territory originally forming part of an Indian Reserve, but alienated without surrender by a Royal Commission and returned to the Provincial Government.)

Other studies and proposals for Indian Reserve lands have been made in Canada and the United States. Most of these have tended to follow a social and economic orientation rather than

systematic land use planning. The Hawthorn study, The Indians of British Columbia, and an economic development study of the Blood Reserve in Alberta, conducted during 1961 and 1962, are examples of such a social and economic approach. Two studies from the United States indicate some concept of land use planning, although again the major emphasis has been on social and economic planning.

#### Planning Study, Capilano Indian Reserve Number Five

On July 25, 1956, the Council of the Municipality of West Vancouver adopted formally, by resolution, a Planning Study on Indian Reserve Number Five.

"It is the intention of this report to explore as far as possible the potentialities of the area and to outline in general terms a pattern of land use which would be beneficial to the municipality and satisfactory to both present owners and future owners or lessees."<sup>9</sup>

The planning study makes the following observations as to the Indian Affairs Branch orientation towards the Reserve land: That there are no fixed ideas as to the ultimate type of land use and that the main concern appears to be that the land be developed in such a way as to obtain the largest revenue to the Indian Band.

On the other hand, the Municipal goals are stated in two main parts:

The first, and most important is that the whole of the Reserve and adjoining "cut-off" lands be developed according to an overall plan which seeks to make the most appropriate use of land, and aims at promoting development

in an orderly and harmonious fashion. The second goal is for the Municipality to reserve, in accordance with the overall plan, such lands as may be required for public use.<sup>10</sup>

It is apparent throughout this report that the land use study was evolved purely from a physical design approach in that the Reserve was treated as nearly vacant and unused area. This report does indicate interest in considering the views of the Indian Band Council in regards to land use planning for their Reserve. However, the proposed land use plan brought into consideration the overall road network and rail expansions and other urban uses in a systematic manner. In this limited way the land use concept appears to be a good one. More is said about this planning report in Chapter III.

#### The Blood Indian Reserve, Alberta.

The Blood Indian Reserve lies on the extreme southwest margin of the interior plains of Western Canada. The total land area of the Reserve is 540 square miles or approximately 350,000 acres. The Reserve is relatively isolated by being surrounded with a man-made reservoir-lake and rivers. Grain farming and stock-raising are practised within the Reserve boundaries.

The Economic Development Study (which is still underway) was initially prompted by the Indian Band Council. They wished to know what resources were available on their Reserve, and how these could be used to benefit their Band of approximately 3,100

people. The Economic Development Division of the Indian Affairs Branch functions as the planning agency and co-ordinator for the study, which also draws on the services of other Provincial and Federal Departments and Agencies.

Briefly, the study is progressing on three levels:

- (a) the gathering of information and data, field surveys and statistics;
- (b) the analytical stage; and
- (c) final recommendations and suggestions to be presented to Band Council.

The main emphasis is in the economic development of the resources which in turn will promote employment both on the Reserve itself and that outside.

As regards land use planning, the following studies presently in progress could lead to changes in the land use pattern on the Reserve. For example, the existing agricultural lease arrangements, the existing transportation network and its construction, present population and rate of growth and its concentrated location all are directly related to present and future land uses of the Reserve. The transportation network at present is constructed on a piecemeal basis, governed by the annual budget and the yearly demands of parents whose children approach school age. If new proposals are made, two major considerations should govern them: (a) the leasing of land for farming and grazing is an important source of income; (b) how



the leasing of these large blocks of land can affect the population distribution in the future.

The Blood Indian Reserve Study is primarily an approach in economic development, however, some consideration is being given to land use planning.

### Politics and Planning in a Dakota Indian Community

The study given the above title by Ernest Schusky was completed on the Lower Brule Reserve in central South Dakota, United States. The Lower Brule covers an area of 233,900 acres and lies on the west bank of the Missouri River. Ninety-five per cent of the land area is classified for grazing purposes. Approximately forty per cent of the Lower Brule Reserve is under multiple ownership of trust land which gives rise to many problems of administration. This situation has arisen through the policy of the allotment system. Here Indian lands were allotted to Indians and non-Indian users on a checkerboard principle, so that an Indian family would have a white neighbor. The Indian Bureau assumed that the Indians would copy the agricultural techniques and other ways of the white neighbors.

An economic planning program, not a land use planning program, was started when the Reserve was to be compensated for the flooding of approximately 8,000 acres of pasture and meadowlands. A land planning committee was established. Most of its members were non-Indian and did not reside on the Reserve. It

would appear that little effort was made to give the Indians a decisive voice in the proceedings, or to study their cultural and social needs in order to develop a planning program in accordance with these. The objective appeared to be one of re-educating the Indian to non-Indian ways. When the Tribe did outline a proposed planning program it was never followed up. As Ernest Schusky points out, the Indian Bureau apparently acted in what were considered to be the interests of the Indian people; but policy was modified to meet Government and pressure group demands.<sup>11</sup>

#### South Dakota State Planning Board

The South Dakota State Planning Board completed a fact-gathering study of the Indians of South Dakota. The study discusses the change in time from the first land policies and treaties to the coming of white settlers and the gradual dwindling in size of Reserve lands. The U. S. Allotment Act of 1887 was considered to be the direct cause of the Indians' losing most of their better agricultural lands. Another policy decision, that of the Fee Patenting Policy of 1900-1917, made absolute title rights apply to the Indian Allotment lands. Title given, the Indian could dispose of the land as he wished.

The fact-finding study also pointed out the contemporary land uses, and economic and social conditions of the Indian Reserves in the State of South Dakota. No policy plans or

recommendations were suggested in the study.

In summary, the alienation of Indian lands from the Reserve has been a major factor leading to the problems of economic and social conditions with which the Indians are confronted.

### The Declaration of Indian Purpose, and Task Force on Indian Affairs

Ninety tribes represented by 460 delegates met in Chicago in 1961 to voice their opinions as to the special status of Indians in the United States, and as to how to preserve their Indian heritage. Throughout the Conference no mention was made specifically of land use planning on Reserve lands. However, such topics as resource and economic development, health, welfare and education were considered. The interest of such a conference should be drawn to the possibilities that land use planning could offer the Indian people.

One of the first and most recent policy approaches to land use planning was illustrated in the Task Force report to the Secretary of the Interior (Federal Government, United States). The report recommended that:

"Resource surveys and master plans are essential to programs of reservation development and to the greatest possible extent the Bureau of Indian Affairs should be assisting tribes to conduct such surveys and prepare such plans."<sup>12</sup>

The Task Force Report<sup>13</sup> recommended that in a division of Economic development or community planning and development

studies pertaining to the use of land be considered. They suggest that a successful economic and industrial development requires a favorable community atmosphere as well as orderly provision of facilities.

Land use planning was not stated directly as one orderly approach to development. Nevertheless, it appears to be implied in other suggestions.

Thus far no land use policy for Indian Reserves has been formulated either through legislation or in practice. Such implementation of planning as has taken place is piecemeal rather than a part of any coherent general plan. Guidance within an urban and a regional context has not been given.

In studying land use planning possibilities for the five Indian Reserves under special consideration in this thesis, it seems important to consider attitudes towards land use planning on the part of the various people and agencies who would be involved in it.

A brief inquiry into the attitudes will be undertaken on the basis of interviews with Indian people in positions of authority, with members of Planning Agencies, and Indian Affairs Branch of the Department of Citizenship and Immigration.

This thesis will proceed along the lines suggested by the following hypotheses and propositions:

(1) That Indian Reserves are isolated from the main stream of municipal planning and that they sometimes impede the orderly

and rational land use planning which is taking place in the adjacent communities.

(2) That the Indian people are in a state of cultural transition and therefore may not be ready or willing to accept all aspects of such planning.

(3) That the responsibility of land use planning for Indian Reserves should be broached with the Indian Affairs Branch and should be introduced to the Indian people.

That, providing interest and consent are shown by the Indian Branch and Indian people, the Reserve lands then be treated as a one owner, within the framework of a larger governmental and administrative body. Land use planning should then proceed with a view to the regulations of the adjacent community but adapted to meet the changing requirements of the Indian people within their special cultural setting and the particular laws that apply to their lands. For instance, a balance should be maintained between the use of Reserve lands for lease purposes (a source of revenue) and for the future requirements of the growing Indian population. In considering land use planning for Indian Reserves within the non-Indian urban setting, the requirements and demands of the two communities must be considered, and, where interests clash, compromises must be sought.

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2 H. B. Hawthorn, C. S. Belshaw, S. M. Jamieson, The Indians of British Columbia, U. B. C., Vancouver, 1955, pp. 970-971.

3 J. Provinse and others, "The Indian in Transition", American Anthropologist, Vol. 56, No. 3, June, 1954, p. 389.

4 H. B. Hawthorn (ed.), The Doukhobors of British Columbia, Vancouver, University of British Columbia, 1955.

5 Everett C. Hughes in his book, French Canada in Transition, relates some of the problems that the French Canadian faces in the Anglo-American Society. With the expansion of industry mainly by English and American interests the French Canadian is being drawn into a new way of life from his original agrarian one. With this expansion Everett Hughes continues to say that, changes in social structure, ways of making a living, all bring on a minority feeling, especially when the society at large is English-American and not French. As with the French, the coming of industry through the non-French, the Indians' initial contact with the white man has brought about alteration in his traditional way of living.

6 National Commission on the Indian Canadian Conference, The Indian in the Community, Calgary, May, 1957, page 3.

7 Ibid.

8 Philip Drucker, The Native Brotherhoods: Modern Intertribal Organization on the Northwest Coast, Smithsonian Institute, Bureau of American Ethnology, Bulletin 168, Washington, 1958, page 4.

9 Corporation of the District of West Vancouver, Indian Reserve No. 5 Planning Study, West Vancouver, 1956, p. 1.

10 Ibid., page 7.

11 Ernest Schusky, Politics and Planning in a Dakota Indian Community, Institute of Indian Studies, State University of South Dakota, Vermillion, South Dakota, 1959, p. 61.

12 Task Force of Indian Affairs, Report to the Secretary of the Interior, Washington, 1961, p. 9.

13 The Task Force completed fifteen days of hearings and visited a number of Indian Reserves. In these hearings they contacted Indian Tribal authority and delegations, Indian Interest Organizations, Senate and House Representatives, Government personnel, and forwarded questionnaires to individual Indian people during the preparation of their report. This suggests an approach that could be taken by Planning Agencies concerned with Indian Reserve lands.

## CHAPTER II

### INDIAN RESERVE LANDS: USE AND POLICY

#### The Coast Salish Indians

The densely populated Greater Vancouver area contains five sparsely populated islands of Indian Reserve land. These lands belong to the Coast Salish Indian people whose ancestors lived there long before the white man ever settled them. The use of these lands and the improvements upon them reflect both the influence of the white man's culture on the Indian, and the fact that as yet the Indian is far from having completely accepted this culture as a substitute for his own.

The linguistic subdivisions of British Columbia Indians known as the Coast Salish may be subdivided into twelve ethnic groups. The two of these that are under consideration in the present study are the Squamish and the Musqueam Indians. The Musqueam group live on the Reserve of the same name on the site of their ancient villages on Point Grey, west of the City of Vancouver. The Squamish originally made their homes on the Squamish River at the head of Howe Sound. Some of them still live there, but most are found on the Capilano, Burrard and Mission Reserves. The uninhabited Seymour Creek Reserve also belongs to the Squamish Indians in North and West Vancouver (Map 1).



Before the advent of the white man the Coast Salish Indians had a sea and river culture. Because of the rough topography and the heavy forests and undergrowth, most of their way of life was directed towards the shoreline and the water. Settlements arose on the water's edge. Travel was mainly by canoe on river or sea. And these bodies of water were an important source of food: fish, shellfish, seaweed and fish oils. Within the sheltered Burrard Inlet area a moderate climate prevails. It attracted the Indians just as it appealed to the white settlers who followed them. The Squamish had their summer camp in this area.

Contact with white people may have begun for the Salish with Captain George Vancouver in 1792. With the Hudson's Bay Company traders, and, later, settlements of loggers and farmers, contacts became increasingly frequent and problems arose. A major source of problems was the question of land occupancy. White settlers claimed land which the Indian had always considered his own.

#### Brief Historical Sketch of the British Columbia Indian Land Question

The early history of land administration for Indians in British Columbia is somewhat different from the rest of Canada. Whereas in other provinces the general pattern was for tribes or bands to sign treaties with the Federal Government, ceding

their traditional hunting grounds in exchange for the guarantee of residence, education, annual cash payments, British Columbia appears to have denied any absolute rights to the land as such.<sup>1</sup> Thus, if the population of the Reserve becomes extinct or the land is no longer used, it can revert back to the Province.<sup>2</sup>

The Provincial Government allotted to the Indians small Reserves near white settlers on the basis of need and availability of land, rather than on any precise number of acres per person. This policy was influenced by B. C.'s isolation and unique topographical makeup, and frequently brought the British Columbia Indian settlements into closer proximity with their white neighbors, in contrast to the usual Canadian pattern of large, isolated Indian Reserves.

In 1858, Governor James Douglas was responsible for laying the foundation of Indian policy in British Columbia, and by 1859, all lands belonged to the Crown in fee. British Columbia denied any Indian title to Reserve lands, implying that these lands were subject to the Crown. Douglas' principles were developed to resist the pressures of settlers for encroachment on Indian land areas. Here the Provincial Government was able to protect their rights of hunting, fishing and settlement. After the initiation of the land survey in 1861, Governor Douglas suggested that large Reserves would encourage agriculture and the leasing of land for revenue purposes.<sup>3</sup> The revenue

thus obtained could, by means of a capital fund, be used to improve Indian communities and schools, decreasing dependence on Government assistance.<sup>4</sup> However, the Indian land title still remained with the Provincial Government.

After joining the Confederation in 1871, the Dominion and Provincial Governments sponsored legal land surveys and set aside Indian lands. The history leading to the settlements and the complaints (as to the acreages of Reserve land allotment) that followed are long and involved. To this day the Province claims the revisionary right to Indian lands.

Long before Confederation, encroachments by incoming settlers caused the Indian to question the white man's guardianship over his lands. From time to time this flared up into severe disagreements. In 1913 a Royal Commission was appointed to settle the Reserve boundaries and acreages in British Columbia. It had the power to adjust Reserve acreages through land survey. All claims as to the original title were continually raised so that they were referred to the Courts where the Indian claims were reviewed. The Commission ended the inquiry in 1916. The areas designated at this time were quite acceptable to both the Indian people and the Government.

In 1926-1927, a Special Committee of the Senate and House of Commons was organized in order to inquire into the claims of the Allied Indian Tribes as to the original title of Reserve lands. The Committee did not obtain any results, however, as

the Courts reached a unanimous decision that the Indians had not established a sound claim to the Reserve lands in British Columbia.<sup>5</sup> In February, 1961, this claim was renewed when two Members of Parliament, Frank Howard, for Skeena, and Harold Winch, for Vancouver-East, called for a judicial inquiry into Indian land rights in British Columbia.<sup>6</sup> As yet, no action has been taken to follow their suggestion.

In August 1961, and continuing to the present, the Squamish tribe and other Indian groups are defending what they consider to be their ancient foreshore rights. As secretary of the Band Council of the Mission Reserve, and spokesman for the Indian people, the late Andrew Paull suggested that in September of 1917 the Minister of Justice gave a quick claim deed to the Vancouver Harbor Commission without the knowledge of the Squamish Indians. This grant involved water lots fronting four Indian Reserves on the Burrard Inlet. The Vancouver Harbour Board to this day retains 50 per cent of the net revenue of these foreshore leases.<sup>7</sup>

In a similar controversy, recently, the following exclamation was made regarding the land rights of the Indian:

We've never signed a peace treaty with any government....  
We want our rights firmly established and we'll go to  
John Diefenbaker again, if we must!<sup>8</sup>

## Indian Affairs Branch Policy on the Use of Reserve Lands

The development of an Indian policy may be considered synonymous with permanent settlement of the country by white men. The Act of July 1, 1860, entitled "An Act respecting the Management of the Indian Lands and Property" was passed. Two aims have guided the Indian Affairs Branch of the Department of Citizenship and Immigration: protection and advancement. The Indian Affairs Branch has attempted to keep pace with the gradual transition from wardship to more fully responsible citizenship for the Indian people. The Department's general policy was stated by the present Minister of Citizenship and Immigration, Mrs. Ellen Fairclough, as follows:

The fundamental aim of the government's policy towards Indians is the gradual integration of our country's fastest growing ethnic group into the Canadian community.<sup>9</sup>

In the following pages certain policies of the Indian Affairs Branch towards the use of Reserve lands will be discussed and illustrated with supporting evidence. Some of these policies will have to be inferred since they are not stated directly (for a fuller analysis see Appendix II).

The present Indian Act was initially constituted under the Statutes of Canada, 1876. There is probably no other piece of legislation which deals with so many and varied subjects in a single Act.

The duties of the Indian Affairs Branch are to administer and protect the estate of the Indians and to carry out the policy of the government for their advancement toward civilization.<sup>10</sup>

This is more fully explained in the Hawthorn Report on the Indians of British Columbia:

The "immediate" objective of the Branch...is to create as far as is in its power conditions which will enable the Indian people to adjust further to Canadian Society in ways which are compatible with their freedom and welfare and with the recognition that Indians have an equal right to human respect....<sup>11</sup>

The law provides protection of properties, prevents exploitation of real estate and personal estate, provides for better education, for the administration of their funds, and finally arranged for franchise, enabling the Indian people to attain the full responsibility of citizenship. Since 1876 the Indian Act has been revised twice, in 1927 and in 1951. The extracted evidence within Appendix II was drawn from the revised Act of 1951.

From 1959 to 1961 the Joint Committee of the Senate and the House of Commons on Indian Affairs conducted an investigation of Indian administration and the social and economic status of the Indians. Members of the Indian Affairs Branch of the Department of Citizenship and Immigration, Indian Council Members, Indian Associations and private individuals presented evidence to the Joint Committee. The findings of this Committee will undoubtedly guide any further revision of the present Indian Act.

In Canada there are 2,217 Indian Reserves, totalling 6,022,794 acres<sup>12</sup> or three-quarters the area of Vancouver

Island. All of them fall within the jurisdiction of the Indian Act. Therefore there is no separate law for any one Reserve, excepting only the differences in interpretation by groups or individuals.

Very little information is available as to official policy on land use planning for Indian Reserves. Most of the examples presented have been inferred or evaluated by the particular Indian Affairs authority involved. Within the revised Indian Act of 1951, that is, within the sections and subsections dealing with land use, certain policy trends prevail.

The sections of the Indian Act referred to below are the major ones pertaining to land use. Section 18 (1) briefly states that the Reserves are to be held for the use and benefit of the Indians. There is some evidence of discontentment with this policy. One clear statement of such discontentment came from a member of the Six Nation Reserve speaking before the Senate Committee:

"We have been issued certificates by the Government telling us that we have the right to "occupy and use" land. Why cannot the tribe own the land, such as the Hutterites and Mennonites? Time and time again we try to obtain an answer from the Government but no answer as yet."<sup>13</sup>

Limited authority has been vested in the Band Councils in regard to the use of their land. Band Councils are consulted on questions concerning the leasing of land, and they apportion house lots to individuals.

Evidence contained under Section 19 and Section 20 illustrates that the Indian Act does not recognize the individual

possession of Reserve land but only "...individual interest in lands short of lawful possession".

"Section 20 (1) provides a negative way for the allotment of land to an individual Indian. Lawful possession here is not defined, as opposed to the band interest in the same land. Band Council appear to wish to retain a greater measure of control. As a practical means of meeting wishes of Band Councils, we have had to recognize individual interest in lands short of lawful possession. For example, a Council refused to confirm ownership to a parcel of land, it did not question the rights of the Indian to occupy or use the lands, but it did not recognize the jurisdiction of the Indian Affairs or Canadian Parliament."<sup>14</sup>

There have been many contradictory opinions in that land should be individually owned or that ownership should be in common. For the most part the trend is toward the common land ownership for the present and future generations.

Under Section 28 (1, 2) the Indian Band or the individual Indian cannot permit a person other than a Band member to occupy or use the Reserve lands. Here authority has to be granted by the Minister of Citizenship and Immigration concerned with the Indian Affairs Branch.

Sections 35 (1), 37 and 38 infer that the Indian land is surrendered to the Federal Government, who in turn distributes to the municipalities concerned such lands for public purposes for road and rail right-of-way purposes, services, power and gas lines, whenever required. Through the briefs presented to the Senate Committee it was stated that no lands should be surrendered since such land cannot be recovered in the future:



"In reference to Section 37 of the Indian Act amended by deleting the words "except where this Act otherwise provides"...there is a feeling here that there should be no further absolute surrenders, if granted, they should be on terms that the land will eventually return to the Indian. <sup>15</sup>

An Indian speaker presents his views as follows:

"The Indians were given to understand that for as long as the sun shines, waters flow in the ocean, and grass grows, this treaty would remain as good as the day it was made.... If we give an outright surrender we will not be able to recover our lands under any deal that is being made."<sup>16</sup>

The Indian Affairs Branch does not encourage land sales of the Reserves because of future needs of the growing Indian population. It does encourage the leasing of surplus land not in use, with the consent of the Indian Band. Sections 53 and 58 deal with this aspect of leasing. Here lease conditions are rigidly overseen by a solicitor of the Indian Affairs Branch.

In summary, the Indian Affairs Branch Annual Reports give little or no comment on land use policy. The Indian Act, however, does suggest government guidance and controls as to the disposition of Indian lands. It may be inferred that there is little legislative guidance at the present time as to the land use planning policies on Reserve lands in Canada.

#### Land Use on Indian Reserves in the Greater Vancouver Area

The five Indian Reserves in the Greater Vancouver area have a total population of approximately 1,000, and a total of 1,127 acres of land. Only a small portion of this land is used by the Indians themselves; much more is leased or surrendered

to non-Indian individuals or communities, and approximately half of the land is not used at all at present.

TABLE II

## UNUSED RESERVE LAND IN THE GREATER VANCOUVER AREA - 1962

<u>Reserve</u>	<u>Total Acreage</u>	<u>Approx. Unused Acreage</u>	
		<u>No. of Acres</u>	<u>%</u>
Musqueam	416.53	110	26
Capilano	306.87	184	60
Burrard	261.75	237	90
Seymour Creek	106.46	46	43
Mission	<u>35.62</u>	<u>0</u>	0
Total	1127.23	577	
		(51% of Total Acreage )	

Most of this unused portion of land is potentially usable for various enterprises. Land use on the Reserves varies with their location and their natural resources. Thus, Seymour Creek Reserve, which has no scenic attraction and which is not particularly well-endowed from an agricultural standpoint, seems best suited for industrial land use. On the other hand, Musqueam Reserve has upland adjoining Vancouver City which is ideally suited for park and residential purposes. This Reserve also has a lowland area which has excellent agricultural potential.

The five Reserves under consideration have gradually been enveloped into the metropolitan milieu, and this tendency has accelerated with the growth of surrounding urban communities.

Indian housing, particularly on the Mission and the Capilano Reserves, is beginning to reflect the standards of the non-Indian community. Urban services are increasingly available on the Reserves. The land use pattern of the Reserves also reflects a gradual increase in the use of the Indian lands by non-Indians.

The earliest non-Indian lessees of Reserve lands were the Chinese gardeners, who at the end of the nineteenth century began leasing some of the lowlands on the Musqueam Reserve for market gardening. Such lease arrangements continue to this day.

In the 1920's and 1930's all of the Reserves in the Greater Vancouver area surrendered some of their lands to the Provincial Government for major roads. In 1943 a surrender of land from the Seymour Creek Reserve was made to the British Columbia Electric Company for a transmission line.

It is only in the 1950's that extensive leasing of land to non-Indian enterprises and communities has begun. In 1958, Capilano Reserve leased land to a firm dealing in gravel; Seymour Creek Reserve leased land for a marina; and Musqueam Reserve leased a large tract for the Shaughnessy Golf Course. In 1960 a large shopping centre was started on land leased from the Capilano Reserve. In 1962 a 35-acre lease for a proposed residential area is being negotiated between the Musqueam Reserve and a private developer.

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- 16 Ibid., No. 7, p. 221, p. 241.

## CHAPTER III

### CASE STUDIES OF ATTITUDES AND EFFORTS TOWARDS LAND USE PLANNING FOR INDIAN RESERVES

This chapter is primarily concerned with the description and analysis of information gained through personal interviews. These were obtained with Indian authorities of the Reserves under study; with the planning authorities of communities adjacent to the Reserves; as well as with members of the Lower Mainland Regional Planning Board; with the Provincial planning authority, and with representatives from the Vancouver Offices of the Indian Affairs Branch of the Department of Citizenship and Immigration. Other important persons, less directly involved with considerations of land use planning for Reserves, were also interviewed. Among them were anthropologists and a former Commissioner for Indian Affairs in British Columbia. Two questionnaires were developed and used: one for the Indian people, and the other for the various planning authorities. Samples are attached as Appendix III.

Essentially, both questionnaires attempted to explore the following basic considerations:

1. What interest in land use planning for Indian Reserves has been or is being shown by Indian Councils, the Indian Affairs Branch, or by local and regional planning agencies?

2. What land use planning measures have actually taken place or are projected for the Indian Reserves? Also, what are some of the problems involved in such planning?

3. To what degree are there outside influences (by business interests, local government) on the Indian Reserves to accept land use planning or to sell or lease land to non-Indians?

Since a preliminary survey of the material obtained indicates considerable variation in attitudes towards planning and amount of land use planning between communities, interview results from each area will be considered separately, and then, on a comparative basis. See detailed summary of interview material in Table III, on page 33.

#### A. PLANNING AUTHORITIES

##### City of North Vancouver, City Council

The Mission Reserve is located within the limits of the City of North Vancouver boundaries (Map 1). There is no planning agency so City Council is responsible for such planning measures as are taken. It would appear that little liaison exists between City Council and Indian Band Council, with only rare contacts between them, to deal with specific issues. In one instance, a proposed industrial road along the waterfront was discussed but no agreement was reached. The Indian Affairs Branch has not approached the City Council on land use matters

in recent years.

Despite scarcity of contacts, a cordial attitude appears to exist between the City Council and the Reserve, based on an mutual acceptance. This was apparent from conversations with City Clerk and Indian Band Secretary. Some time ago the City had a mayor who could speak the local Indian language. His influence may have helped to facilitate good inter-community relations.

Zoning, and in particular, industrial zoning, has been in effect in this city for some time. However, this has not extended to the Reserve lands. It appears that very little land use planning has taken place on the Reserve. Few problems related to land use appear to exist. Of these, the surface drainage problem, and an inadequate water works policy seem the most important. The City of North Vancouver would like the Federal Government to pay taxes for the Reserve in order to increase the city's tax base. This poses the question as to whether such payment of taxes might lead to increased urban services for the Reserve.

The Mission Reserve appears to have housing standards which are aesthetically acceptable to the surrounding community. This does not mean that these standards are identical to those of the surrounding community, however, some of the more glaring discrepancies, such as outhouses, are absent. In recent years the roads on the Reserve have become much better developed and

are now in the process of being paved. The North Vancouver City Council proposed a through route along the foreshore which would have facilitated vehicle movement through the City of North Vancouver. However, the Band Council rejected this proposal on grounds of traffic danger to children.

Little pressure from the City, individual enterprises or groups appears to be placed on the Reserve in regards to land use. The Reserve has almost reached its capacity for single family homes, so that little or no land is available for other uses. This saturation of the Reserve land may partially account for the generally passive attitude of the City concerning the Reserve lands and their use.

Summary: Little or no land use planning exists or is projected for the Mission Reserve. Little liaison appears to exist between the Councils of the City and the Mission Indian Band or the Indian Affairs Branch. The relatively high population density of the Reserve, the generally acceptable physical appearance of the Reserve, the cordial relations between the two communities, and the relative absence of problems in regards to services on the Reserve all may be contributing to a tolerant attitude on the part of the City.



Municipality of North Vancouver, Planning and Property Department

The District of North Vancouver has within its boundaries the Seymour Creek (Indian Reserve Number Two) and the Burrard (Indian Reserve Number Three) Reserves (see Map 1). Adjacent to the westerly boundary of the Municipality lies the Capilano Reserve (Indian Reserve Number Five). This particular Reserve will be discussed in connection with West Vancouver, as most of the Reserve is within that Municipality.

There has been no contact between the Indian Councils and the Planning and Property Department, which has not, as yet, been seriously concerned with any prospects of land use planning for the Reserves. When specific problems arise, related to leasing, servicing, subdivisions or school sites, the Vancouver Office of the Indian Affairs Branch is contacted.

In December 1961, the Superintendent of Indian Affairs of the Vancouver Indian Agency and one Indian representative asked for advice in reference to a subdivision plan for the westerly portion of the Burrard Reserve. The Planning Department appears to be well aware of the service implications for the Reserves. It has suggested after the residential requirements have been satisfied, that any surplus land should be part and parcel of the North Vancouver District Community. Here urban development could take place in conjunction with the surrounding community. The Burrard Band wish to dispose of such surplus land in order to

obtain revenue for its members.

It was stated by the planner interviewed that an objective of the Planning Department is to obtain the confidence of the Indian people and work closely with them in planning their Reserve.

The main pattern of the zoning by-law in 1951, that of light and heavy industry, has been established in the areas of the Seymour Creek and Burrard Reserves. It is important to note here that there is no legal basis for imposing such zoning or re-zoning regulations without the consent of the Indian Affairs Branch, as the Indian Reserves are under the administration of this Federal Agency. However, neither this agency nor the local Indian Band Council were approached previous to such blanketing of zoning regulations. Potentially, these regulations become governing factors in the type of urban activity, such as industry, that may wish to establish on the Reserve. Consequently this could have a bearing on the potential income to the Indian Band from the leasing of their land.

In recent times recreational developments, such as a marina on the Seymour Creek Reserve, have been started. The remaining portions of the Reserve will be developed for industrial uses (see Map 2). However, ideally, the zoning pattern that would finally be adopted within the Reserves would be part of the general plan for the North Shore of the Burrard Inlet. The Band Council has surrendered to the Federal Crown for leasing

purposes the remaining parcels on the Seymour Creek Reserve in the expectation of future industrial development as a source of revenue. An ideal lease arrangement, as expressed by one Indian Councillor, would be one which would provide employment opportunities for the local Indian population.

The Planning and Property Department of the Municipality of North Vancouver shows interest in developing preliminary land use plans for the Reserves. The approach would be to consider the Reserves as public property and to plan for them as part of the Municipality. For example, a preliminary subdivision layout has been completed for the Burrard Reserve on the initiative of the Planning Department (Map 3). It has been suggested that a replotting scheme could be instigated for Seymour Creek, as a preliminary measure to possible land exchange between Indian Reserve and the Municipality. In this case, the necessity of consulting with Indian Affairs Branch and the Indian Band Councils is recognized by the Planning Department.

There appear to be many major problems, of which some are related to supplying services, such as roads, sewers and water, to the Reserves. If policy were confirmed to include Indian Reserves within the Municipality, the Planning Department would definitely prepare land use plans for each of the Reserves in the Regional context. Difficulties arise as to the awkward (in terms of boundaries and location) land parcels on the Seymour Creek Reserve, which are a source of concern to the

Land Registry Office. This situation has been brought about by the haphazard breaking up of Reserve land (to accommodate highway building, B.C.E. Substation). Clearly, land-use planning did not take place! (Map 2) The location of roads and school sites is another major problem arising with increasing Indian, as well as non-Indian, populations.

Very little pressure or interference by non-Indians is exerted to use the Indian Reserve lands for urban requirements of the surrounding non-Indian community. All negotiations for land have been channelled through the Indian Affairs Branch Office at Vancouver. However, with increasing urban expansion, it appears possible that pressure for the use of vacant Reserve lands may occur in the future.

The Municipal Council does not appear to have raised any issues or made statements as to the formation of policy for Indian Reserves within their Municipality. However, interest has been shown in the servicing of adjacent Reserves, for reasons of creating more orderly development and enlarging the Municipality's tax base.

Various complications of servicing related to the topographical features of North and West Vancouver Municipalities resulted in exchange of land parcels. The Planner interviewed suggested that the portion of Reserve would be recognized under the zoning regulations of West Vancouver. However, there is no formal guarantee. It seems clear that the "acknowledgement" has

no value as a permanent safeguard of such regulations. Again, of course the Federal jurisdiction over the Reserve land would negate such zoning arrangements. In this exchange the Municipality of North Vancouver received a narrow strip of the Capilano Reserve. Neither the Indian Affairs Branch nor the Indian Council was consulted in this matter.

Summary: The Planning Department wishes to consider the Indian Reserves as part of the community as far as servicing and sequence of development are concerned. In the prepared preliminary subdivision plan for the Burrard Reserve strong consideration was given to retain the Indian enclave within the community at large. To a great extent this is due to the interest and initiative of the Planner. It appears that he views the Indian peoples' presence within the boundaries of the Municipality as a positive factor. There is strong interest to promote orderly development on the Reserves, possibly through replotting the present haphazard arrangement. The outlook for future co-operation between the Indian people and the Planning Department seems favorable. Little or no pressure appears to exist to develop the open lands on either the Seymour Creek or the Burrard Reserves. This is evident where the Burrard Reserve has advertised to lease a large tract of land - thus far little interest has been shown.

Municipality of West Vancouver, Planning Department

The Capilano Reserve (Indian Reserve Number Five) is situated within the southeast portion of the Municipality of West Vancouver (Map 1). Within the last month the Indian Band Council of this Reserve approached the Planning Department and asked for advice on re-zoning - no assistance was asked for a physical land use plan at this time. The Planning Department are under a strong impression that all matters related to Indian lands must be approached first through the Indian Affairs Branch, therefore no contacts were made with the Band Council. In the preparation of a plan for the Capilano Reserve in 1954-1955, all contacts were made with the Indian Affairs Branch. On the other hand, the Indian Affairs Branch has made little or no attempt to consult the Planning Department of West Vancouver. A residential subdivision plan was prepared in response to a request from the Indian Affairs Branch of the Vancouver Agency, but for unknown reasons it was not implemented.

There is indication that the Planning Department would prefer to contact the Indian Band Councils directly rather than through the Indian Affairs Branch, as this approach would give more information about the wants of the Indian people. The Capilano Reserve has been considered in the overall District of West Vancouver Plan and metropolitan setting. The balance of land uses has been taken into account: residential, recreational,

commercial and industrial uses as well as communications.

The Indian Affairs Branch at Vancouver was given a copy of the plan (Map 4). Thus far there has been an approximate conformity with the suggested plan of 1956 and the subsequent revised plan of 1960 insofar as land use by lessees is concerned. There remains the problem of implementation of such land use plans on long-range issues. Before the Planning Department recommends industrial activity adjacent to the Reserve, the full consent and knowledge of the owner must be obtained. In this case the owner may be considered to be the Capilano Indian Band. However, it is imperative to consider the role of the Indian Affairs Branch as an administrative body with jurisdiction over Indian lands.

The Planning Department is most willing to develop plans for the Capilano Reserve. This has been illustrated by the preparation of a proposed land use plan in 1956 and a subsequent plan in 1960.

In the years 1953 and 1954 there was concern by the West Vancouver Council that the Capilano Indian Band would be leasing their Reserve lands in a haphazard fashion. The West Vancouver Council then recommended that the area be zoned as residential. The Indians themselves do not necessarily have to conform to this residential zoning, but could develop land as they wished. The preceeding and the following comments were brought out in an interview with the Planner of West Vancouver Municipality.

On the other hand, any non-Indian lessee must apply to the Planning Department for rezoning. For example, the developers of the Park Royal Shopping Center had to take this procedure. This use of zoning on the Reserve appears to be a protective measure to reduce nuisance factors to the adjacent Municipality. This was emphasized by the Municipal Planner.

One of the major problems of prospective land use planning for the Capilano Reserve is that of communication between the West Vancouver Municipality, the Indian Band Council, and the Indian Affairs Branch Office at Vancouver. The foreshore boundary dispute between the Reserve and the National Harbours Board has added to the problem of developing an overall land use plan for the Reserve and adjacent Municipality. The foreshore boundary has not been settled, at least the Indian Councillor interviewed appeared to be reluctant to acknowledge any other owner of land at the foreshore. It is foreseen that a major east-west road will present a difficulty. Future lessees will require access through the Municipality as well as railway crossings. Not only do these more specific problems present difficulties, but also a major block of land area (the so-called cut-off lands) administered by the Provincial Department of Lands complicates such considerations (Map 4). It is often difficult to reach agreement between the Provincial Land Department and the Municipality, as to the future land uses of the cut-off lands because of conflicting ideas as to the best use of these lands. Here



the Provincial Government was given full authority over the land through the McKenna -McBride Agreement. To this day the Lands Branch holds strong ideals as to their authority and subsequent disposition of the cut-off lands. For example, the Municipality has proposed a park area within the cut-off lands, however, as yet no agreement has been reached on the subject.

According to the Planner interviewed, it would appear that the West Vancouver Municipal Council favors an intensive development of the Capilano Reserve. Such a development would carry two advantages for the Municipality: it could mean a wider tax base and orderly development on the Reserve, and, if properly controlled, it would minimize nuisance factors such as poor roads and pollution. The same factors of potentially higher income from leased lands, and of improved services, would also benefit the Indians. This may be sound policy for the Municipality, but how much action has occurred in obtaining the Indian view?

Summary: It is evident that the Planning Department of West Vancouver Municipality has given much consideration to land use planning for the Capilano Reserve. It is possible that the relatively wealthy status of this community, with its high standards of housing and services, may be a factor in encouraging aesthetically acceptable uses of Reserve lands. There is also strong interest in increasing the tax base by attracting prospective lessees through making services available on Indian lands.

It seems obvious that a firm is more likely to lease land where access, power, water and sewers are available. The Planning Department has zoned as well as designed a plan for the Capilano Reserve. Before it can be fully implemented, however, much more contact with the Indian Band Council and the Indian Affairs Branch would appear necessary.

#### City of Vancouver, Planning Department

The Musqueam Indian Reserve (Indian Reserve Number Two) is situated within Vancouver City. Geographically the Reserve has two distinct features: a well-drained upland area, and a lowland area with poor and often impeded drainage (Map 5). Chinese market gardens, Indian residential areas and unused lands represent the land use pattern of the lowland portion.

Since the Reserve is within City limits, any consideration of land use development proposed by non-Indians is the responsibility of the City. The City is also concerned with service connections to the Reserve.

The Chief of the Musqueam Reserve has contacted the City Planning Department for advice as to the development possibilities of a proposed residential subdivision on the Reserve. It appears that plans for this subdivision will be considered in the best interests of the Indian people. The initiative and interest of the Chief, and the receptiveness of the City Planning Department, indicate the beginning of a good working relationship. On the other hand, the Indian Affairs Branch

Office at Vancouver has never contacted the City Planning Department concerning Musqueam Reserve; the proposed subdivision mentioned above has not yet been discussed between the two agencies. The Planning Department has approached the Indian Affairs Branch in regards to the possibility of establishing a garbage disposal area on the Reserve.

Interest has been shown by the City Planning Department to discuss basic ground rules for the Reserve lands; that is, zoning regulations, road networks and maintenance, power, sewer and housing developments. In this way the Musqueam Reserve would be considered in the same category as the Canadian Pacific Railway land, that is, privately owned land within the City boundary.

It has been proposed by the Planning Department to develop the lowland areas into park and recreational use. Here the park area will join the existing green belt of the University Endowment Lands. The Reserve has been zoned as agricultural on the lowland ( $RA_1$ ), and single family ( $RS_1$ ) on the upland area. Any prospective lessee must conform to zoning bylaws or else ask for re-zoning. Again this is a case where a planning agency has done limited planning outside its area of authority, and without consulting with Indian Affairs Branch and the local Band Council.

At present, there appear to be no serious problems with the Reserve located within the City's boundaries. However, a number of minor problems has been inferred. The dyke near the

easterly boundary of the Reserve has caused some flooding into the City. There are problems concerning the servicing of the area south of Marine Drive, because of boundary peculiarities involving three different landowners: the Provincial Government, the City, and the Reserve. The boundary question also raises a problem as to policing jurisdiction - are City police or the Royal Canadian Mounted Police to be used, or both? The City has a garbage disposal problem which it has sought to solve by proposing to use part of the lowland area of the Reserve, and to resettle Indian residents from the lowland to the upland. This proposal has not been accepted by the Indian people (the proposal was made through a representative of the Indian Affairs Branch). This proposal, although advantageous to the City, would have several disadvantages to the Indian Reserve. The proposed dump would mean increased heavy traffic; interference with access to the Fraser River; plus the possibility of nuisance factors, such as vermin and odors.

At present it seems apparent that few pressures exist to lease or sell Reserve lands. Prospective lessees realize the restrictions of the zoning regulations. However, some individual non-Indian interest has been shown, and the Planning Department is prepared to recommend purposes for the upland area. It is suggested that the lowland area of the Reserve be considered for future public use such as park, golf course, marina, all with due consideration of Indian needs and rights to this land.

Summary: The Vancouver City Planning Department is faced with the problem of having the Musqueam Indian Reserve within its boundaries. The Reserve functions both as a private owner and as a source of land with a potential for public use. It appears that to some extent the future needs and interests of the Indian people have been considered. The beginnings of a co-operative relationship have been established between the Indian Chief and the Planning Department. The question arises, has there been enough contact between planning officials and Indian people, for each to gain sufficient understanding of their common points of interest, such as improved services, the minimizing of nuisance factors, most advantageous (to both) uses of Reserve lands. Will the proposals already made by the Planning Department (such as the park area, the garbage disposal area) be of benefit to the Musqueam Band as well as to the City of Vancouver? As yet, the Indian Affairs Branch has not contacted the Planning Department.

Provincial Department of Municipal Affairs, Regional Planning Division, Victoria

The Regional Planning Division of the Provincial Government has jurisdiction over all unorganized territory within the Province of British Columbia. Indian Reserves are considered part of this territory, however, a special complication arises that Indian lands are under Federal jurisdiction. Indian Band Councils have never approached this Agency in regards to land

use planning. This Regional Planning Division and the Indian Affairs Branch have each made limited contacts with the other. Several years ago the Indian Affairs Branch of the Indian Commissioner's Office contacted the Regional Planning Division in regards to a subdivision layout for an Indian Reserve at Fort St. James. This was in response to a local Superintendent of Indians Affairs Branch who suggested that subdivisions should be developed within the Fort St. James and Burns Lake Reserves to accommodate the nomadic Babine Indians who come to winter in these communities. At Fort St. James a prepared subdivision plan was turned down by the non-Indian community on grounds of shortage of water supply, and apparent discrimination by non-Indians. This latter view was expressed by an Indian Affairs Branch Official. However, at Burns Lake an attractively designed subdivision plan (prepared by an Engineer working for the Indian Affairs Branch) was accepted by both the Indians and the Village of Burns Lake. It would appear, that despite an initial contact, the Regional Planning Division had actually little to do with the subdivisions proposed for Fort St. James and Burns Lake.

In 1955, on behalf of the City of Penticton, the Planning Division approached the Indian Commissioner with reference to the uncontrolled development of an adjoining Indian Reserve, and appealed for some form of orderly planning for this Reserve. However, no response was made to the appeal.

The Regional Planning Division would be willing to develop plans for Indian Reserves, and to place the Reserves within improvement districts. For example, a community plan has been prepared from Campbell River southward, which includes all the Reserves. The Regional Planning Division is in favor of some degree of land use control on Indian Reserve lands. Municipalities are encouraged to include Indian Reserves within their boundaries. The Reserves can then purchase municipal services, whereas the Municipalities can gain taxes in the case of non-Indian lessees of Reserve land. Also, such an inclusion would offer some control of nuisance factors which arise from inadequate services and zoning. The nuisance factor can be a major problem to a Municipality. Its solution is closely related to the establishing of co-operative relations between Municipal and Indian authorities.

Some of the major problems relating to Indian Reserves in an urban complex include differences in standards of land use, as in the case of the Penticton controversy; land requirements for highways; and access routes to Reserves for fire protection. For example, a Fire Chief in Victoria asked the Indian Affairs Branch to construct proper access roads to an adjacent Reserve.

Summary: There appears to be no overall policy to guide the Regional Planning Division in the consideration of the Indian reservations within any regional or local plan. Although there has been contact with the Indian Affairs Branch, it has been

only sporadic, and, to date, has not produced any concrete results.

### Lower Mainland Regional Planning Board

The Lower Mainland Regional Planning Board consists of one member of Council from each municipality within the planning area. In turn the Board employs professional planning personnel to do community planning work for the member municipalities. It prepares specific planning reports for the municipalities within its region which contains several Indian Reserves. Indian Band Councils have not contacted this planning agency, which, as in the case of the Regional Planning Division, is not surprising in view of the fact that most people are unfamiliar with the functions of these specialized agencies. The Lower Mainland Regional Planning Board would not contact the Indian Band Council regarding its land use on the Reserve, as such contacts would be outside their scope under the present distribution of planning responsibility.

It is assumed that any contact with the Reserves should be made from the municipalities adjacent to them, as, in terms of regional orientation, the Reserves belong within the sphere of influence of these municipalities. The Indian Affairs Branch asked for a private consultation regarding the Capilano Number Five Reserve, mainly in reference to the validity of the planning proposals which have been made for that Reserve. The Lower Mainland Regional Planning Board's purpose is to determine and plan



without any administrative boundaries, the urban and rural land uses in the Lower Mainland of British Columbia; and to advise municipalities in the strategy of growth. For example, the regional industrial studies for the lower mainland included the Reserves in conjunction with the adjoining municipalities.

There is no standard method of approaching an unorganized area or the organized areas under municipal jurisdiction, where Indian Reserves are located. The Lower Mainland Regional Planning Board considers that Indian Reserve lands should be approached as a special category, within a regional context. However, insofar as specific planning for Reserves is concerned, it is outside of the jurisdiction of the Lower Mainland Regional Planning Board. Not only are the Indian Reserves under Federal jurisdiction, but also the Board is responsible to the municipalities.

#### Department of Lands and Forests, Lands Branch

The Lands Branch of the Provincial Department of Lands and Forests is concerned only with the Reserve "cut-off" lands arranged by the McKenna-McBride Agreement of 1912 and modified by the Amendment of 1954. This agreement infers that the Provincial Government has the right to sell, lease and manage cut-off lands. In the case of sale, or lease, 50 per cent of the revenue is added to Band funds, while the remaining 50 per cent is added to the Provincial Crown Treasury. An Indian Band

in the Campbell River area made a strong complaint concerning the alienation of cut-off lands to the Lands Department.

This direct approach by an Indian Band is exceptional. Normally, contacts are made regarding sale or lease between the Lands Branch and the Indian Affairs Branch, which, in turn, contacts the Indian Band Council. Compromise solutions are usually worked out. It should be borne in mind, however, that the Indians have not accepted as yet the justice of the cut-off land legislation as defined by the McKenna-McBride Agreement as cited above. Considerable feeling still remains that these lands rightfully belong to the Indian. Conflict also sometimes rises between the Lands Branch and some municipalities; each claiming jurisdiction over the cut-off lands and the accruing taxes.

Summary: The Lands Branch has the legal right to administer the Indian Reserve cut-off lands. It takes a purely administrative approach in regard to disposition of these lands, and appears to show no concern for land use planning. Such contacts as do occur between the Lands Branch and the Indian Affairs Branch appear to be purely administrative.

## B. INDIAN AUTHORITIES

### Mission Reserve

The Mission Reserve is the main residential area for the Squamish Tribe (see Map 1). The tribal council chamber is located here. The most common services of water, sewer, power, fire protection and others of the surrounding City of North Vancouver are available to the Reserve (see Table III for details). However, door-to-door mail delivery is not extended as yet, though interest is shown by Indian residents in having it.

Since the Mission Reserve is primarily a residential area, at present, little other use of land is possible without major changes. However, the establishment of a sea-food processing plant along the foreshore is under consideration by a non-Indian firm. The question of foreshore rights is as yet unsolved. The future of this Reserve seems to hold one of two choices: either it shall remain a residential area, or, providing a large corporation should make an attractive offer, the Reserve may be leased, and residence taken up on another Reserve. The Band Council has a land committee to process all prospective lessees as well as Indian residential land needs. Consideration is given to the future land needs of the expanding population. The main criterion in this consideration seems to be the availability of living area for future generations.



Plate 1



Plate 2

MISSION RESERVE

- 1 Residential lots - a view
- 2 New home on major through road

The view has been expressed by Indian Councillors that the proposed industrial road, to be located along the south portion of the Reserve, would benefit the City more than the Indians. The proposal was turned down. Little or no help is sought from the City of North Vancouver; however, recently a major issue has been discussed between Band and City Councils, concerning water works construction and charges to be levied.

The majority of the Indian residents favor band ownership of the Reserve lands with the exception of the individual plots on which homes are located. Historically Indian people chose their plots of land for their family and to this day the heritage has carried on. Advice is given by the Indian Affairs Branch on lessee and lease arrangements. Interest has been expressed by a member of the Band Council in the preparation of a land use plan for the Reserve. However, this interest is only mild as yet, and the functions of a planning agency are not too clearly grasped. The Band Council feels that it should be given more authority in dealing with the land issues. The wish was also expressed that correspondence dealing with land should be directly addressed to the Band Council rather than the Indian Agency.

The Indian Affairs Branch proposed to subdivide the Reserve into residential lots so that future extension of services could be constructed in an economical manner. This proposal was rejected by the Indians on the grounds that proposed lot lines

would entail the moving of some of their homes.

Summary: The Mission Indian people have rejected the proposed subdivision. To the onlooker, the arrangement of homes on the Reserve appears orderly enough. However, it would no doubt be more difficult and expensive to service it in its present state. The Band Councillors are concerned with the future use of their lands, especially in view of their growing population. Some interest has been shown in having a land use plan made by a planning agency in consultation with the Band Council. Certain disputes continue to exist and are as yet unsolved.

#### Seymour Creek Reserve

The Seymour Creek Reserve land is primarily under lease tenure and also under surrender to a utility company and the Department of Highways. The Indian Affairs Branch has asked the Band to surrender the remaining portions of the Reserve for future leases, and the suggestion has been accepted by Band Council (Map 2). Since the Reserve is not inhabited by Indian people, only the minimum services of sewer, water and power are available there.

No problems appear to exist between the Reserve and the Municipality of North Vancouver. The Planning Department has not approached the Squamish Band Council (including Councillors from Capilano Reserve) as to the preparation of a land use plan.



Plate 3



Plate 4

SEYMOUR CREEK RESERVE

3 Marinaland lease

4 Surrender - now the freeway

Recently the Band Council has taken the initiative to contact the Planning Department on land issues, and appears to be interested in a land use plan for the Reserve. The Indian Affairs Branch has not prepared any land use proposals for future lease distribution. At present the Seymour Creek Reserve lands do not appear to be in demand beyond the present uses.

Summary: The Seymour Creek Reserve is not a residential area, since the Indian inhabitants who had lived there moved to the Mission Reserve. The Band Council consider it primarily as potential industrial area. It may be noted that the past pattern of land use distribution on this Reserve indicates a haphazard, unplanned approach, both on the part of the Indian Affairs Branch and of the Indians. There appears to be excellent opportunity for land use planning on the Reserve in conjunction with the adjacent North Vancouver Municipality. Some Indian interest has been shown in this direction.

#### Burrard Reserve

The Burrard Reserve is located away from the concentrated urban activities within the District of North Vancouver. The Reserve is used for residential purposes, but the greater portion of it is idle and unused land. The Indian Band, within the last year, surrendered<sup>\*</sup> 100 acres to the Indian Affairs

\* "Surrendered Lands" means a Reserve or part of a Reserve or any interest therein, the legal title to which remains vested in Her Majesty, that has been released or surrendered by the band for whose use and benefit it was set apart.





Plate 5

BURRARD RESERVE

Highway - a hazard to pedestrians



Plate 6

CAPILANO RESERVE

Modern home and new pavement

Branch so that the area could be made available for lease purposes. Some of the basic services are available on the Reserve, but others, among them fire protection, garbage collection and sewers, are not yet available. There is much interest on the part of the Band to receive such services. Representation has been made by the Band Council to the British Columbia Department of Highways to widen the Dollarton Highway. This proposed as a safety measure, as the traffic now presents a hazard to pedestrians, especially the Indian school children. The Band Council has initiated the development of a playground for their children adjacent to the residential area.

The Planning and Property Department of the District of North Vancouver has not attempted any contacts with the Indian Band Council, while the latter appears to have been unaware of the existence of the planning agency. The Band Council is mindful of the necessity of retaining sufficient land for their growing population. However, previous to such a time that the Reserve may become more heavily settled, it would seem that planning help should not be considered necessary.

Summary: Thus far, the Burrard Reserve land has not been in demand for development by outside interests. Even in population, this Reserve is by far the smallest of the Indian communities in the Greater Vancouver area. The Band Council has shown interest in obtaining for the Reserve the vital services which

it now lacks. Leases of Reserve land are considered desirable because they are a source of income. However, how the leases are to be distributed and developed does not appear to concern the Council, and there have been no contacts with the Planning Department of the adjoining Municipality of North Vancouver. At the present time the Burrard Reserve Band Council would seem to be the least progressive in their thinking of all the Band Councils in this area.

#### Capilano Indian Reserve

The Capilano Reserve, like the Mission and Seymour Creek Reserves, belongs to the Squamish Tribe. The present land uses on this Reserve include that of two main residential areas, park and school areas, leases and permit holders such as gravel leases and small golf range permit. A large land area remains unused (Map 4). Services available on the Reserve are similar to those of the adjoining white community. The Band Council favors the leasing of their lands as a major source of income. However, in anticipation of the future land needs of the Reserve's growing population, certain permits are issued for short-term periods only (ten or fifteen years). At the end of such a short term, the land may revert to the Indian Band, if necessary.

Through Band Council recommendations, uniform residential lots are in the process of being planned. There appears to be a general acceptance of such regular house lots. The Council



Plate 7



Plate 8

CAPILANO RESERVE

7 New shopping center under construction

8 A gravel lease

encourages Indian residents to go into their own businesses, especially in the area along Marine Drive, though as yet none have been established. Interest is shown in the possible establishment of the proposed Indian Museum and Tourist Bureau on Capilano Reserve.

No serious problems appear to exist in relation to the Municipality of West Vancouver. However, the ownership of foreshore land is still in dispute between the Indian Band and the National Harbours Board, a Federal agency. Strong feeling also appears on the subject of ownership of "cut-off" lands.

The Band Council has taken the initiative, recently, to contact the West Vancouver Planning Department to request rezoning for a portion of the Capilano Reserve. Band ownership of land is generally favored on this Reserve, with individual possession of house lots. Requests for land leases are usually considered in terms of the acreage applied for by the lessee. The final lease area is decided by the Band Council. Often, fee appraisers are consulted for market values and lease possibilities.

The Chairman of the Band Council stated his belief that a planner should be consulted to prepare a land use plan for the Reserve. He suggested that this would be valuable in illustrating the potential resources of the Reserve, and in interesting the young Indian people in its possibilities.

The Indian Affairs Branch have available the land use plan

for the Capilano Reserve. However, no long-range land use proposals appear to be considered for the Reserve at present.

Prospective lessees for the Reserves are interviewed through the Indian Affairs Branch and are referred to the planning agency of the adjoining municipality for information on zoning regulations.

The Municipalities of North and West Vancouver may be said to have exerted pressure upon the Capilano Reserve. For example, when the boundary exchange between the two Municipalities occurred, 5.15 acres of the Capilano Reserve were assigned to North Vancouver Municipality, where it could be subject to different zoning regulations (Map 4). Neither the Indian Affairs Branch nor the Capilano Band Council were consulted in this matter.

Summary: The Capilano Indian Band Council appear to be progressive in their approach to land use issues, and have shown some interest in the possibilities of land use planning. They have contacted the West Vancouver Planning Department for re-zoning. As yet, no long-range land use planning projects are in view for the Reserve, though interest has been demonstrated both on the part of the Indians and the Planning Department. No serious problems are present between the Indian Community and the adjoining Municipality. Controversies continue between the Indian Council and the National Harbours Board, as well as

the Provincial Department of Lands, on questions of rights to land claimed by both parties.

### Musqueam Reserve

The present land uses of the Musqueam Reserve are residential and multi-use lease areas. The land survey pattern on the Reserve historically illustrates an unplanned approach (Map 5).

The Chief of this Reserve, and through her initiative, the Council, appear to understand to some degree the land potential of their Reserve. Certain past decisions are now looked upon as poor ones; for example, the grant of 162 acres lease to Shaughnessy Golf Course is now regarded by the Council as excessive in size. Also, the income from the Chinese gardens is considered to be relatively low. It is thought that other uses of that land might bring higher returns to the Reserve.

Most of the City services are available on the Reserve, but mail delivery and an adequate sewer system are still needed and asked for by the Band Council. The road system requires more maintenance work. A new residential subdivision is being appraised independently and it appears that the area will be leased for residential purposes to a non-Indian group.

The Indian Band Council would like to set aside enough land area for their future population. Interest in planned subdivisions for future Indian residential areas is shown. The Chief



Plate 9



Plate 10

MUSQUEAM RESERVE

- 9 Indian homes and Chinese gardens  
- an orderly use of lowland
- 10 Shaughnessy golf course lease



and Council conduct all business and make decisions for the Reserve, especially business concerning the leasing of land. The Indian Affairs Branch has not proposed any overall land use plan for the Reserve. However, power and water works projects were constructed, and dykes were rebuilt.

The City Planning Department has approached the Band Council on land use issues. Their proposal for a garbage disposal area on the Reserve was presented to the Band Council through the Indian Affairs Branch, but was rejected. As on other Reserves, the Musqueam Indians favor Band ownership of land, except for individual ownership of building lots.

Prospective lessees tentatively outline the acreage and area desired for the lease. The proposal is then brought before the Band by the Council for discussion. It appears that in the future advice on such land issues may be sought from the City Planning Department. Partly through the effort of the Chief of the Musqueam Reserve, the beginnings of a good working relationship have been established. Interest has been indicated in having land use plans prepared for the Reserve, in conjunction with the Band Council.

Certain pressures to lease the Musqueam Reserve appear to exist, on the part of the City. The proposal for a garbage dump on the lowland of the Reserve is but one example. A group wishes to build a private school on the Reserve, and a riding club wishes to establish a riding trail on Reserve lands.

It would be a mistake to regard all such proposals as unwelcome however, as the leasing land provides an important source of revenue.

Summary: Through the initiative of the Musqueam Reserve Chief, advice has been sought from the Vancouver City Planning Officials, especially on the new subdivision proposal. The City Planning Officials appear to be most willing to help the Band Council with advice on land issues. The Band Council are interested in the potential of their land resources, and are also interested in acquiring for the Reserve other City services, as well as planned residential subdivisions in the future.

#### GENERAL SUMMARY

The questions with which the study for this chapter began will now be restated, and the answers gathered for them will be reviewed and compared.

Question I: What interest in land use planning for Indian Reserves has been or is being shown by Indian Councils, the Indian Affairs Branch, and by Planning Agencies?

From the information obtained it may be inferred that all but one (Burrard) Indian Band Council in this study show some interest in land use planning for their Reserves. In most cases such interest had been present before the interview. In a few cases it seems that interest was further stimulated

by the interview concerning land use planning. Two factors must be borne in mind concerning the above conclusions. The first is that only a small number of individuals was interviewed, and they could not be said to represent the unanimous opinion of their Councils. The second factor to remember is all the Indian persons interviewed have, as yet, only an elementary understanding of the functions of a planning agency, and of the implications of land use planning.

The information obtained from the Indian Affairs Branch also suggests a generally limited understanding and application of land use planning on the part of that Branch, although this varies greatly between individual Indian Affairs officials. In general it would appear that only limited use of help from planning agencies is made.

The Municipal Planning Departments all show willingness to prepare land use plans for the Indian Reserves within their areas. Much of the reason for this willingness appears to be municipal interest in broadening the tax base, as well as desire to assure orderly development on the reserves, and a minimizing of nuisance factors. Where the municipalities are in the position of needing to lease or use Indian lands, interest in planning for the Reserves appears to be stimulated. Some individual planners also show interest in the special needs and interests of the Indian people.

The Lower Mainland Regional Planning Board and the

Provincial Regional Planning Division consider land use planning for Reserves to be outside their scope of activity. However, there is a generally understanding attitude towards the special problems of the Reserves. The Provincial Lands Branch is concerned with Indian lands only to the limited extent of dealing with the controversial "cut-off" lands.

Question II: What land use planning measures have actually taken place or are projected for the Indian Reserves? Also, what are some of the problems involved in such planning?

All the inhabited Reserves has the basic services available in the adjacent municipalities, and, where there are some lacking, a desire is expressed for them by the Indian people.

One land use plan for a Reserve and certain other concrete proposals have been worked out by the municipal planning agencies. However, this work was not done in consultation with either the Indian Affairs Branch or Indian Band Councils, and the proposals have not become effective. A subdivision design was requested of the West Vancouver Planning Department by the Indian Affairs Branch and was prepared. Recently, two Indian Band Councils have sent representatives to planning agencies for limited advice. Contacts between Indians and the Indian Affairs Branch on one hand, and the planning agencies on the other, are the exception rather than the rule.

All the Band Councils show a definite interest in leasing

land for revenue purposes. However, they are sensitive to encroachment on their rights. The Indian Affairs Branch takes the lead in concluding lease arrangements, however, there is no systematic approach to the location of leases.

Question III: To what degree are there outside influences (by business interests, local government) on the Indian Reserves to accept land use planning or other implementations of the standards of the surrounding communities?

Few pressures appear to be applied to Indian Reserves to lease their lands, by business groups or individuals. On the other hand, municipalities seem to be in a position to exert such influence occasionally.

Considering the Reserves under study, one by one, it is noticeable that unequal pressure is exerted by surrounding municipalities. The Municipality of North Vancouver takes little interest, at present, in the lands available for leasing on Seymour and Burrard Reserves. The same is true of North Vancouver City and the adjacent Mission Reserve (here, however, little free land is actually available).

By contrast, the Capilano and Musqueam Reserves, which both have large quantities of unused land, are strategically located within densely populated and expanding non-Indian communities with exceptionally high material standards. Both the City of West Vancouver and Vancouver City show considerable interest in

acquiring right of use to Indian lands. It must be remembered, however, that this interest is by no means totally unacceptable to the Indian people, who are interested in leasing their land as a source of revenue. When conflict of interest arises, it is not on the question of leasing in general, but on what areas to lease, and for what purpose.

## CHAPTER IV

### CONCLUSIONS AND EVALUATIONS

This thesis commenced with the presentation of certain hypotheses concerning Indian reservations in the setting of a non-Indian urban environment. In summary, these hypotheses are as follows:

(1) That Indian Reserves are isolated from the main stream of municipal planning and that they sometimes impede the orderly and rational land use planning which is taking place in the adjacent communities.

(2) That the Indian people are in a state of cultural transition and therefore may not be ready or willing to accept all aspects of such planning.

(3) That the responsibility of land use planning for Indian Reserves should be broached with the Indian Affairs Branch and should be introduced to the Indian people.

In considering the implications of these hypotheses, and in testing for their validity, three general approaches were taken.

The first approach was to gain some insights into the sociological differences between Indian Reserves and surrounding non-Indian communities. Various readings (as noted in the bibliography) were useful, as were certain interviews with

people who have had long experience in studying or otherwise dealing with Indian people. Interviews with a professor of anthropology and with a former Commissioner for Indian Affairs in British Columbia were particularly valuable. The Hawthorn Reports on the Indians and the Doukhobors of B. C. were most helpful as background material on cultural transition. E. Schusky's book, Politics and Planning in a Dakota Community, was useful on the subject of land use planning for Reserves. The Indian Act in the Revised Statutes of Canada was indispensable for learning about the laws governing Indian lands. The Minutes of Proceedings and Evidence of the Joint Committee of Senate and House were invaluable in studying conflicts concerning Indian land use.

The second approach was to study in detail those sections of the Indian Act which pertain to land use, and to survey legal controversies over land ownership or control of Indian lands in recent years.

The third approach was to study what land use planning has already taken place or is being considered for the Indian Reserves in the Greater Vancouver area. Authorities on Indian affairs, planners, Indian councillors, and members of the Indian Affairs Branch, were interviewed. Some passing attention has also been paid to land use planning for Reserves in other areas, such as the Blood Indian Reserve in Alberta, and Reserves at Fort St. James and Burns Lake, British Columbia.



The hypotheses stated in the first chapter of this thesis may now be reconsidered, section by section, within the framework of background material and the analysis of the information gained through interviews.

(1) "That the Indian Reserves are isolated from the main stream of municipal planning, and that they sometimes impede this planning." By and large, this assumption has been substantiated. Since Indian Reserves come under Federal Crown jurisdiction, and the administration of the Indian Affairs Branch, they are not normally subject to the local municipal regulations, or Provincial legislation. It may be said that Indian Reserves are in the way of orderly planning for the surrounding community (although this does not always create a services problem). For example, access problems have had to be dealt with in the planning of through routes for highways and easements. All the municipal planning agencies in the Greater Vancouver area have had some problems in connection with servicing the adjoining Reserves, again, in part, because of jurisdictional problems.

Certain municipal zoning regulations are applicable to the non-Indian lessee or purchaser of Indian lands. Where a considerable portion of Reserve land has been leased or purchased, the municipality gains a measure of control over land use development on the Reserve, as, for the duration of the lease, the leased land ceases to be treated as Reserve land. On the other hand, certain acreage leases or purchases of Reserve land that

have been granted by the Indian Affairs Branch and Band Councils, may not necessarily be desirable from the standpoint of municipal servicing and overall land use planning by the municipalities. For example, the awkward lot assignments to the Chinese gardens on Musqueam Reserve make the extension of services into that area difficult. On the other hand, the location of the B.C.E.R. Substation (chosen without reference to future possible uses of surrounding land) on the Seymour Creek Reserve, has complicated the future development of any other enterprise which might require a large land lease in the area.

(2) "That the Indian people are in a state of cultural transition, and therefore, may not be ready or willing to accept all aspects of land use planning."

Evidence seems to point to the contrary on this part of the hypotheses. The Indian Band Councils show interest in increased urbanization of Reserves. For example, there is a general demand for the major services that are available in the adjoining municipalities. However, the Indian Councillors also are anxious to retain ultimate rights to their land, and demand a share in the making of decisions concerning it. The desire to safeguard land for the future needs of the growing Indian population was frequently voiced in interviews. The Indian Affairs Branch no longer encourages outright sales such as were sometimes possible in the past. Here the emphasis has been placed on land leases instead. However, leasing of Reserve

lands in a haphazard fashion can lead to complications of future availability of land. On the whole, the developmental potential of Reserve lands is not fully recognized; and therefore adequate measures to utilize this potential by means of land use planning are not being taken by the Indian Affairs Branch. Most of the Indian Reserves considered in this study have such unplanned distribution of land.

Interest was shown by most Indian Councillors in having a land use plan developed as a means of helping to control the use of the Reserve land for the future, as well as having a more desirable use of their land at the present. Simultaneously, interest was shown in participating in the creation of such a plan.

(3) "That the responsibility of land use planning for Indian Reserves should be broached with the Indian Affairs Branch." In general, the Indian Affairs Branch policy suggests only a limited understanding of the possibilities of land use planning. However, such a limitation is not confined to this Agency alone, as Community and Regional Planning is a relatively new discipline. More education as to the broader implications of land use planning appears to be necessary. A limited application of land use planning appears to be accepted by the Indian Affairs Branch at present; the construction of urban services, zoning regulations and subdivision considerations all suggest this limited application of land use planning.

It was suggested in the first chapter that if Indian authorities so desire, Reserve lands should be treated as one owner propositions within the regional framework: and that planning for them should be approached with a view to the special cultural and legal status of the Indian people, as well as the regulations of adjacent non-Indian communities.

Interviews with Indian Councillors in the Greater Vancouver area indicate a general agreement on the principle of band ownership of land with individual possession of house lots. (This individual possession implies the right to use in perpetuity, but not to sell.) This would confirm the proposition that Reserve lands be treated as one owner. It must be stressed, however, that although the Indian Band is the owner of the Reserve land, this land is also under the trusteeship of the Indian Affairs Branch, and under special Federal jurisdiction. In regards to any land use planning measure, both the Band Council (representative of the "owner"), and members of the Indian Affairs Branch (representative of the Federal Government, or "trustee"), must be consulted.

Indian Reservations are slowly, but distinctively, becoming part of the urban scene as a whole. There is a degree of mutual dependence between the Indian and non-Indian communities. The Reserves are requiring more of the benefits of urbanization, while the non-Indian communities tend to need the use of some Reserve lands, or some control over the type of use being made

of them. In this situation there is scope for both friction between interests, and co-operation to accommodate them.

Application of land use planning can be beneficial here, in at least two different ways: technically, and administratively.

From a technical standpoint, land use planning can facilitate servicing and land survey work, as well as reduce its cost. More orderly and attractive development can be facilitated.

From an administrative standpoint, land use planning could have the following objectives:

(1) To assure that adequate land in desirable locations is kept for residential requirements.

(2) To assure orderly land use development so as to reduce waste of land such as occurs when development proceeds in a piecemeal fashion.

(3) To plan areas for lease in such a way as to get maximum value in income from leased land. The concept of the industrial park could be a useful one here.

(4) To plan lease areas to be in harmony with the residential areas of both the Reserve and the adjoining non-Indian community.

(5) To encourage any such agricultural or business enterprises as the Indian people might wish to establish on Reserve lands.

A proper implementation of these objectives would proceed in consultation with the Indian Affairs Branch; it would encourage

and take into account requests and suggestions expressed by the Indian people of a given Reserve.

As has been suggested in the preceeding pages, the application of land use planning to Indian Reserve lands in an urban setting (it can, of course, also be applied profitably in a non-urban setting), could offer several advantages to the Indian community as well as to adjoining non-Indian ones. However, such planning can only take place effectively if a high degree of mutual understanding and of willingness to co-operate is maintained between the Federal, Indian, municipal and planning authorities involved.

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## APPENDIX I

## GLOSSARY

BAND	<p>"Band" means a body of Indians.</p> <p>(i) For whose use and benefit in common, lands, the legal title for which is vested in Her Majesty, have been set apart before or after the coming into force of this Act.</p> <p>(ii) For whose use and benefit in common, moneys are held by Her Majesty, or</p> <p>(iii) declared by the Governor in Council to be a band for the purposes of this Act.</p>
INDIAN	<p>"Indian" means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian, that is the descendants of the original inhabitants, together with wives and children.</p>
RESERVE	<p>"Reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band.</p>
MINISTER	<p>"Minister" means the Minister of Citizenship and Immigration.</p>
SURRENDERED LANDS	<p>"Surrendered Lands" means a reserve or part of a reserve or any interest therein, the legal title to which remains vested in Her Majesty, that has been released or surrendered by the band for whose use and benefit it was set apart.</p>

- CUT OFF LANDS Through the Royal Commission of 1913-1916 land areas were deleted from and allotted to chosen Indian Reserves in British Columbia. These deleted or "cut off" lands then came under the jurisdiction of the Government of British Columbia.
- INDIAN AFFAIRS BRANCH Means the Indian Affairs Branch of the Department of Citizenship and Immigration, a Federal portfolio.
- POSSESSION A form of land tenure on Indian Reserves allotted by Indian Band Council to individual Indians with the approval of the Minister of Citizenship and Immigration.
- LAND USE PLANNING Land Use Planning, as part of a larger process of City Planning, is concerned with the orderly location, intensity, and amount of land development required for the various space using functions of urban life.
- SOURCES: F. Chapin Jr., Urban Land Use Planning, Harper and Brothers, New York, 1957.
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## APPENDIX II

EVIDENCE AS TO THE INDIAN AFFAIRS BRANCH POLICY  
FOR LAND USE ON INDIAN RESERVES

The evidence presented was considered within three major categories in the following sequence:

A. Sections and subsections of the Indian Act dealing with Land Use.

B. Indian Affairs Branch Annual Reports pertaining to the years during which transactions concerning Indian Reserve lands were carried out.

C. Briefs submitted by Indian and non-Indian groups, Indian Affairs Branch Officials and others on the controversial aspects of the Indian Act legislation concerning land use.

\* \* \* \*

Reserves to be held for use and benefit of Indians	Sec. 18 (1) Subject to the provisions of this Act, reserves shall be held by Her Majesty for the use and benefit of the respective bands for which they were set apart, and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are used or are to be used is for the use and benefit of the band.
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## EVIDENCE A

## ANNUAL REPORTS OF THE INDIAN AFFAIRS BRANCH

- 1917 - There were no surrenders of land within the year.  
(Shortly after the Royal Commission of 1916)
- 1941 - Policy of strictly limiting sales of Indian land surplus to Indian needs continues.
- 1942 - A reduction in land sales in accordance with the policy of the Indian Affairs Branch to retain possession of all suitable lands to meet future needs.

Briefs Presented:

- |  |   |
|--|---|
| The Qu'Appelle<br>Indian Advisory<br>Council of Chiefs<br>Southern Sask.     | Section 18 (1) be amended by deleting the words after word "surrender" and substitute The Band in Council shall determine whether any purpose for which lands in a reserve are to be used or are used is for the use and benefit of the band. (1)                                     |
| Oka Band<br>Part of Six<br>Nations   | We have been issued certificates by the government telling us that we have the right to "occupy and use" land. Why cannot the tribe own the land, such as the Hutterites and Mennonites? Time and time again we try to obtain an answer from the government but no answer as yet. (2) |
| Grand Council<br>North American<br>Indian Brotherhood<br>Chief Ben Christmas | The Indian reserves have been reserved to be the home and sanctuary for our Indians. Ben Christmas suggests that Section 18 of the Indian Act remotely touches that ancient Indian right that reserves are for the benefit and use of Indians. (3)                                    |
| Chief Mathias Joe<br>Squamish Band   | The Indian agent makes the resolution himself, that's why we have no power to lead the way, it should be done the righteous. (4)  |
| Chief John<br>Ashinola Indians,<br>B. C.                                     | The Indian agent has given a permit to somebody to log off the lower part of the reserve on the east side towards the river. (5)  |

Andrew Paull  
Grand Council  
North American  
Indian Brother-  
hood.

In 1907 the Mission No. 1 reserve legal posts were on the water lots as well as the reserve. The Royal Commission of 1916 reported that these lots were the property of the Squamish Indians. In September, year 1917, without knowledge of the Squamish Indians, the Minister of Justice gave a quick claim deed to the Vancouver Harbour Commission to the water lots fronting the North Shore reserves. Now only 50% of net revenue of the leases returns to the reserves. (6)

In considering the above Section 18 (1) of the Indian Act it does appear that there is a considerable amount of discontentment with the inferred policy. The annual reports did not explain or detail land use data except in a very broad terms across Canada.

\*

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Minister may  
authorize surveys  
and sub-divisions

Sec. 19 The Minister may -  
(a) Authorize surveys of reserves and the preparation of plans and reports with respect thereto,  
(b) Divide the whole or any portion of a reserve into lots or other sub-divisions,  
(c) Determine the location and direct the construction of roads in a reserve.  
1951 c. 29 S. 19.

#### EVIDENCE B

#### ANNUAL REPORTS OF THE INDIAN AFFAIRS BRANCH

- 1938 - Emphasis has been placed on housing conditions within the Indian Reserves of B. C. vicinity of Vancouver and Victoria (closer in touch with civilization).
- 1939 - A continued emphasis on housing. There is a growing trend toward individual holdings of lands within the reserve. "This enables boundaries to be permanently fixed, title disputes and accurate description of holdings made possible." p. 229.

- 1943 - Special attention continues to be given to the improvement of Indian homes.
- 1955 - An extensive survey program of Indian reserves and surrendered lands was instigated. Priorities were given to sub-division of reserves or parts of reserves into forming of village lots and retracing original boundaries. With the greater emphasis on sub-division surveys in turn has helped to introduce the individual land holding system.

### Briefs Presented:

Personal Observation Engineer's Section Indian Affairs, Vancouver	Mission Reserve No. 1. A future residential sub-division is already mapped out. Apparently Indian people do not agree that these lots should be surveyed as soon as possible. Furthermore they were not consulted where they would like the future lots sub-divided. Nevertheless, consideration was given to existing land marks such as church, community center, chief's house and lot boundaries were traced to enclose these uses.
Thunderchild Band Saskatchewan	This particular band has asked that an arrangement be made with the Provincial government for the construction of good market roads on the reserve. A similar case exists today on the Blood Reserve, Cardston, Alberta. This problem is not so severe within the North Shore or Musqueam reserves since paved public roads pass adjacent or through the reserves.
Qu'Appelle Indian Advisory Council of Chiefs, Southern Saskatchewan	This group has suggested an amendment to the above section 19. After the word "may" insert "with the consent of the Band in Council". The present wording of this section gives no recognition to the rights and powers of a band. (7)

The Park Royal Shopping Center has leased 41.68 acres of the northwest portion of the Capilano Reserve No. 5. From this area Band members were moved to surveyed lots west of the Lions Gate Bridge.



Possession of lands in a reserve	Sec. 20 (1) No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the Council of the band.
Temporary possession	(4) Where possession of land in a reserve has been allotted to an Indian by the Council of the band, the Minister may authorize the Indian to occupy the land temporarily and may prescribe the conditions as to use and settlement that are to be fulfilled by the Indian before the Minister approves of the allotment.

### EVIDENCE C

#### ANNUAL REPORTS OF THE INDIAN AFFAIRS BRANCH

- 1952 - New Indian Act Sept. 1951. Indian may be granted possession of lands in a reserve by issue of certificate of possession which has been allotted to him by council of the band (not in the former act of 1927). This section now issues a degree of control by the band council in the allotment of lands.
- 1955 - Band councils should approve the transfer of individual holdings on reserves from one individual to another and also the allotment of vacant land.

#### Briefs Presented:

Qu'Appelle Brief	Under sections 20 to 29 of the Indian Act should be amended to repeal the wide discretionary powers granted the Minister and council of a band. Powers given to the Minister should be with the consent of the band in council. (8) The theme appears to be able to maintain for the benefit of the present and future generations ownership of land in common.
Bathune, W. C. Chief Reserves and Trusts Division Indian Affairs	Sec. 20 (1) Provides a negative way for the allotment of land to an individual Indian. Lawful possession here is not defined, as opposed to the band interest in the same land. Band Council appear to wish to retain a greater measure of control. As a practical means of meeting wishes of Band Councils, we have had to recognize individual interest in

lands short of lawful possession. (9)  
For example, a Council refused to confirm ownership to a parcel of land, it did not question the rights of the Indian to occupy or use the lands, but it did not recognize the jurisdiction of the Indian Affairs or Canadian parliament.

Many reserves in Western Canada...strongly opposed to the allotment system. "We feel that if provision was made for conditional allotments for example, that the locatee should be required to continue to occupy and use the land, or develop it to certain stage, before he gets complete title...."  
(10)

Final Report  
Joint Committee  
July 8, 1961

"The Indian Act should be amended to permit Indians to be formally recognized as in lawful possession of land, despite lack of a formal allotment by band council." (11)

This amendment refers to Sec. 20, although it was not stated as such. Will this promote more use of the reserve lands by the individual, especially where agriculture or grazing may be practised?

\* \* \*

Grants, etc. of  
reserve lands void

Sec. 28 (1) Subject to subsection two, a deed, lease, contract, instrument, document or agreement of any kind whether written or oral, by which a band or a member of a band purports to permit a person other than a member of that band to occupy or use a reserve or to reside or otherwise exercise any rights on a reserve is void.

Minister may  
issue permits.

(2) The Minister may be permit in writing authorize any person for a period not exceeding one year to occupy or use a reserve or to reside or otherwise exercise rights on a reserve. 1951, c.29 S-28.

#### EVIDENCE D

The Annual Reports did not appear to deal with this section.

Briefs Presented:

Bethune, W. C.  
Indian Affairs

"Our feeling is that individual Indians might in many instances, be authorized to negotiate their own leases within specified limitations, and collect their own rents." (12)

This statement is not clear except that "specified limitations" suggests that the Indian is not capable for individual transactions with the non-Indian.

There appears to be no objection to transfer the Indian Affairs authority to the band councils themselves.

\* \* \*

Local authorities  
may take lands  
with consent of  
Governor in  
Council

Sec. 35 (1) Whereby an Act of the Parliament of Canada or a provincial legislature Her Majesty in the right of a Province, a Municipal or local authority or a Corporation is empowered to take or to use lands or any interest therein without the consent of the Governor in Council and subject to any terms that may be prescribed by the Governor in Council, be exercised in relation to lands in a reserve or any interest therein.

Payment

(2) Any amount that is agreed upon...of the compulsory taking or using of land... shall be paid to the Receiver General of Canada for the use and benefit of the band or...any Indian who is entitled to compensation....

### EVIDENCE E

### ANNUAL REPORTS OF THE INDIAN AFFAIRS BRANCH

1955 - There has been an increased volume of Right of Way over Indian Reserves, for roads, power transmissions, telephone and pipelines. The surrender of Kitsilano Reserve No. 6 to the City of Vancouver to Dept. of Public Works for purpose of a Fisherman's Wharf (\$88,325) is a good example.

Bethune, W. C.                Where lands are required by the Federal  
Indian Affairs                Government for public purposes surrender  
is essential. (13)

Table E in the Appendix designates the extent of the activity of such surrenders by reserves to the province, district and City of North Vancouver, power and sewer right-of-ways.

\*                    \*                    \*                    \*

No sale, etc.  
until surrender                Sec. 37. Except where this Act otherwise provides, lands in a reserve shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to Her Majesty by the band for whose use and benefit in common the reserve was set apart, 1951, C. 29, S-37.

Band may  
surrender                      Sec. 38 (1) A band may surrender to Her Majesty any right or interest of the band and its members in a reserve.

Absolute or  
qualified                      (2) A surrender may be absolute or qualified, conditional or unconditional.

#### EVIDENCE F

#### ANNUAL REPORTS OF THE INDIAN AFFAIRS BRANCH

- 1940 - Increase in Indian population during the past decade. Further sales of lands are not encouraged since future needs must be estimated of the band membership.
- 1947 - Increase demand for farm land and consequently Indian lands. A 41,000-acre block of agricultural land was let out on a lease basis finally in 1949 on the Blood Reserve, Alberta.
- 1952 - New Indian Act Sept. 1951. The sections dealing with reserves and surrendered lands have been simplified and clarified.

1956 - Portions of Seymour Creek No. 2 sold as site for power station for \$71,000. Also a small portion of the Kitsilano No. 6 was sold for \$66,000.

Briefs Presented:

- Qu'Appelle Brief      In reference to sec. 37 of the Indian Act - amended by deleting the words "except where this Act otherwise provides". (14) There is a feeling here that there should be no further absolute surrenders, if granted, they should be on terms that the land will eventually return to the Indian.
- Chief John Gambler      "The Indians were given to understand that for as long as the sun shines, waters flow in the ocean, and grass grows, this treaty would remain as good as the day it was made." (15) "If we give an outright surrender we will not be able to recover our lands under any deal that is being made." (16)
- Bethune, W. C.      Mr. Bethune refers to Indian reserve lands in that they may only be sold if they are surrendered for sale by the band. He suggests that no attempt is made to induce the Indian to sell their reserves. It appears that in practice an agreement is made with the Indians before any recommendation goes before the Governor in Council.
- Senator Smith:      "Do you review or approve all leases that the band enter to?"
- Bethune:      "All leases have to be signed on behalf of the Minister at Ottawa. They are signed by the director."
- Senator Smith:      "Is there a maximum term for leasing?"
- Bethune:      "There is no maximum term. For example, we have issued a lease in West Vancouver for 80 years...." "In a lease of this kind we require that the band surrender the area for leasing and that they agree to the terms." (17)

Disposition of surrendered lands	Section 53 (1) The Minister or a person appointed by him for the purpose may manage, sell, lease or otherwise dispose of surrendered lands in accordance with this Act and the terms of surrender.
Uncultivated or unused lands	<p>Section 58 (1) Where land in a reserve is uncultivated or unused or remains uncultivated or unused for a period of two years, the Minister may, with the consent of the council of the band,</p> <p>(a) improve or cultivate...,</p> <p>(b) where the land is in the lawful possession of any individual, grant a lease...for the benefit of the person,</p> <p>(c) ...not in lawful possession of any individual grant for the benefit of the band a lease....</p>

#### EVIDENCE G

#### ANNUAL REPORTS OF THE INDIAN AFFAIRS BRANCH

- 1928 - The sales of Indian land and collections of payment on account of previous sales showed a decided improvement during the year. No mention was made of the Special Committee of the Senate and House of Commons 1926-27 reports within the year 1928.
- 1939 - The policy of the Branch leans toward the leasing of land surplus to immediate needs, rather than an outright sale. Consideration is also given toward the conservation of Indian land assets against the future needs of a steadily increasing population.
- 1945 - Land sales increase.
- 1960 - With the approval of the Squamish Band of Indians, 41.68 acres of the Capilano No. 5 reserve have been leased to Park Royal Shopping Centre Ltd. for 80 years from April 1, 1960.

Briefs Presented:

- Qu'Appelle Brief      That sec. 53 (1) be deleted and the following substituted: - The Minister or a person appointed by him for the purpose, may manage or lease lands surrendered in accordance with this Act and the terms of surrender. (18)
- Jones, Director of Indian Affairs      "There is not much land sold anymore. There is more leasing...but more rigidly overseen, to comply with the provisions of the Indian Act." (19)
- Bethune, W. C.      "The conditions vary from one reserve to another with respect to policy of leasing. It is usually quite flexible so that it may be adapted to local conditions. Generally Indian Affairs Branch encourage without promoting the leasing of idle lands not being used or not likely to be used for the time being by the Indians." (20)

\*                      \*                      \*

## BRIEF CONCLUSIONS

The Annual Reports of the Indian Affairs with respect to the above sections in the "Indian Act" gave little or no comments on policy. The reports are not broken down into the respective reserved lands so that little information could be gathered. The years taken for evidence purposes are the only years stating land use. However, it may be inferred that there are no fixed ideas as to the present or future land use, other than project development.

The recent Minutes, Proceedings and Evidence Reports of the Senate and House of Commons (1959-1961) have shown to be

the most fruitful from the standpoint of an approach to policy on land use.



## REFERENCES

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- 2 Ibid., 1961, No. 1, p. 12; No. 8, p. 214.
- 3 Ibid., 1960, No. 15.
- 4 Ibid., 1959, No. 7, p. 262.
- 5 Ibid., 1959, No. 7, p. 265.
- 6 Ibid., 1959, No. 15, pp. 592-593.
- 7 Ibid., 1961, No. 7, p. 214.
- 8 Ibid., 1961, No. 7, p. 219.
- 9 Ibid., 1961, No. 12, p. 462.
- 10 Ibid., 1961, No. 12, p. 470.
- 11 Ibid., 1961, No. 14, p. 605.
- 12 Ibid., 1961, No. 12, p. 462.
- 13 Ibid., 1961, No. 12, p. 461.
- 14 Ibid., 1961, No. 7, p. 220.
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- 16 Ibid., 1961, No. 7, p. 241.
- 17 Ibid., 1961, No. 12, p. 468.
- 18 Ibid., 1961, No. 7, p. 220.
- 19 Ibid., 1961, No. 8, p. 278.
- 20 Ibid., 1961, No. 12, p. 462.

## APPENDIX III

## QUESTIONNAIRES

## Indian Authorities

1. Do you have a committee for looking after land matters, such as a welfare or housing committee?
2. What are the Council's future plans for the use of your lands?
3. How do you see the leases on your land to be used in the future?
4. How does the Band Council decide as to the acreage that should be leased?
5. Do your people favour band ownership or individual ownership of Reserve land?
6. What are the Band Council's views on the Municipality next door?
7. Do you feel the Municipality can help you? What way?
8. Have you ever asked for advice from the Planning Department of the Municipality next door?
9. Would you be interested in having a qualified person, such as a Planner, prepare a Land Use Plan for your Reserve?
10. What use is being made of your land at the present time?
11. Do you have the following services on your Reserve?

(a) Water	(f) Road Maintenance
(b) Power	(g) Garbage collection
(c) Sewer	(h) Ambulance
(d) Policing	(i) Mail delivery
(e) Fire protection	(j) Milk, bread delivery

12. Do many individuals, groups, business enterprises wish to lease, purchase, or make other uses of your Reserve?
13. Has the Indian Affairs Branch suggested any Land Use plans or proposals for your Reserve?
14. Has the Planning Department ever approached you for the purpose of developing Land Use Plans or Land Use Studies for your Reserve?

#### Planning Authorities

1. Has the Band Council of the adjacent Reserve ever approached the Planning Department for advice? For design layout?
2. Have you approached the Band Council regarding the use of any portion of Indian lands or for Land Use Planning of them? The Indian Affairs Branch?
3. Has the Indian Affairs Branch approached you for any specific Land Use Planning measures for Reserves?
4. What is the attitude of the Planning Department as to the adjacent Indian Reserve?
5. Would you be willing to develop a Land Use Plan for the Reserve?
6. Do you automatically zone the Indian Reserve to conform to zoning by-laws of your Municipality?
7. What are some major problems related to land use planning where Indian Reserves are located within or adjacent to your Municipality?
8. Is there pressure by individuals, business groups to do away with Indian Reserves? The desire to zone portions of Reserve for certain uses?
9. Would you recommend industrial activity, or re-zoning adjacent to Indian Reserves before contacting Indian Affairs Branch or Band Councils?

## APPENDIX IV

ROYAL COMMISSION 1913-1916:

TABULATION OF LAND USE EVIDENCE ON  
INDIAN RESERVES IN THE GREATER VANCOUVER AREA

TABLE A

## REFERENCES AND GENERAL CONDITIONS

Tribe	Reserve	No.	Occupied or Unoccupied	Visitation & Inspection	Acreage	Per Capita Acres	General Condition	Community Buildings	Access Facilities	Value	Special
Musqueam	Musqueam	2	Occupied	June 24, 1913	392.50	4.11	Village site on suburban tract on the right bank of the North Arm of the Fraser River at its mouth & contiguous to Vancouver City; suitable for intensive farming or industrial sites.	R. C. Church, Council Hall	Marine Drive and water	\$246,000.	
Squamish	Seymour Creek	2	Occupied	June 21, 1913	147.00	16.59	Semi-arable tract on the North Shore at Burrard Inlet	None	Road and water	\$125,000.	
Squamish	Mission	1	Occupied	June 13 & 20, 1913	38.00	16.59	Village site on the north shore of Burrard Inlet, adjoining & virtually forming part of the City of North Vancouver.	R. C. Church, Priest house, Band Hall	Rail, Road and water	\$728,500	Has water system, st. lighting, side-walks etc.
Squamish	Burrard Inlet Band	3	Occupied	June 23, 1913	275.00	16.59	Semi-arable area on north shore of Burrard Inlet 2 miles east of No. 2.	R. C. Church	Road and water	\$15,000	
Squamish	Capilano Capilano Band	5	Occupied	June 21, 1915	425.50	16.59	Village site & fishing station at the mouth of Capilano River opposite City of Vancouver.	R. C. Church	Road, rail and water	\$315,000	



TABLE B

## PHYSICAL CONDITIONS, RESERVES

Reserve	No.	Character of Soil	Estimated Proportion		Chief Products	Proportion Timbered	Grade of Timber	Stock, etc.	Remarks
			Utilized						
			Indians	Agent					
Musqueam	2	Generally good if cleared, approx. 1/3 low & marshy, good if drained, balance in densely wooded benches	150 Ac.	10 Ac. of bench-lands cultivated, 70 Ac. additional benchland arable; 100 Ac. in all cultivated, exclusive of 30 Ac. leased to Chinese gardeners *	Vegetables & fruit	60%	Fir, Cedar, Hemlock: part merchantable & part firewood.	8 gas launches, row & sail boats 2 horses, 3 cows implements, vehicles	* Lease arranged in order that Indians might learn market gardening from Chinese, lease period now expiring & Indians will continue to work highly developed gardens
Seymour	2	Part tidal flat subject to overflow, part timbered highland, arable except foreshore	Hay fields & Gardens	40 Acs.	Vegetables Hay & fruit	Northern Part of Reserve	Semi-merchantable	3 gas launches, horses, cattle, poultry & implements	
Mission	1	Good high land	Gardens	Gardens	Vegetables & fruit	None		20 gas launches, boats, canoes, 4 horses	
Burrard	3	Patches of hay land with wooded high land	35 Acs.	25 Acs. in gardens	Vegetables & fruit	Small	Semi-merchantable	5 gas launches, 6 horses, boats, canoes, implements & vehicles	
Capilano	5	Generally gravelly, one-third subject to overflow	40 Acs.	30 Acs.	Fruit, hay & vegetables	80%	Crabapple, alder, willow, tamarack, firewood size	6 gas launches * 4 horses, 2 cows implements & vehicles	* Indians say 2





TABLE C

## POPULATION, SOCIAL CONDITIONS

<u>Reserve</u>	<u>No.</u>	<u>Population</u>	<u>Heads of Families</u>	<u>Youths Over 18</u>	<u>Widows</u>	<u>Orphans</u>	<u>Chief Occupations</u>	<u>Condition of Indians</u>	<u>Educational Facilities</u>	<u>Indians' Views Re Education</u>	<u>Remarks</u>
Musqueam	2	Agent: 113 or 115 Indians: 63	46		2		Fishing, logging, gardening, hop picking & basket- making	Fairly pros- perous but generally in- dolent & non- progressive	Kuper Is. Indus- trial School, Coqualeetza Insti- tute, St. Mary's Mission & Indian School, one child at New West. Convent.	Accommodation inadequate at the Mission & at Coqualeetza Institute while whites object to Indian pupils in public schools	
Seymour Creek	2	18 or 19	5				Working for wages; fishing; hop- picking; logging, gardening	Comfortably well-to-do	R. C. Boarding School at Mission Reserve	None expressed	
Mission	1	266 *					"	"	R. C. Boarding School adjoining Reserve	"	* 182 perma- nent resi- dents, agent gives Tribe population as 384
Burrard	3	37 or 48 Agent: 42					"	Industrious & fairly well-to-do	R. C. Boarding School at Mission Reserve	"	
Capilano	5	Agent: 142 Indians: 71	10 17		4		Fishing, hunting, gardening, towing, hop-picking & working for wages	"	"	Desire Indian Day School & facilities for manual training	



TABLE D  
CORRECTION OF INDIAN RESERVES -  
NEW WESTMINSTER AGENCY

<u>Reserve</u>	<u>No.</u>	<u>Acreage Shown by Schedule of I.R. 1913</u>	<u>Acreage as Passed by Commission</u>	<u>Remarks</u>
Musqueam	2	392.50	416.82	Plan of survey shows 416.82 Acres
Seymour Creek	2			
Mission	1	38.00	33.62	Less allowed public wharf site
Burrard	3			
Capilano	5	444.00	423.50	Less allowed R/W P.G.E. R. Co.

TABLE E  
CONFIRMATIONS OF RESERVES -  
NEW WESTMINSTER AGENCY

<u>Description</u>	<u>Acreage</u>	<u>Date of Confirmation</u>
New West. District on right bank of the north arm of the Fraser River at its mouth	416.82	April 11, 1916
New West. District, on north shore of Burrard Inlet at the Second Narrows	147.00	May 13, 1916
New West. District on north shore of Burrard Inlet.	33.62	May 13, 1916
New West. District on north shore of Burrard Inlet near the North Arm	275.00	"
New West. District on the northern shore of Burrard Inlet at First Narrows	423.50 less reduction of 130.00 Acs. & 11.89 Acs. P.G.E.R. R/W - 281.61	"

SOURCE: Canada. Royal Commission on Indian Affairs for British Columbia. Report. Vol. 3. Acme Press Ltd., 1916, Victoria.



APPENDIX V

LAND USES ON INDIAN RESERVES TO 1961:

GREATER VANCOUVER AREA

LAND USES ON INDIAN RESERVES 1959-1961: GREATER VANCOUVER AREA

SURRENDERS IN EFFECT					LEASES IN EFFECT				
<u>Reserve</u>	<u>Purpose</u>	<u>Acres</u>	<u>Term</u>	<u>Remarks</u>	<u>Purpose</u>	<u>Acres</u>	<u>Lessor</u>	<u>Term</u>	<u>Remarks</u>
Musqueam - 2 Pop. 258 Acs. 416.58	Road R/W	0.29	Infinity	Dom. order in Council Mar. 1933	Commercial	1.9	Mrs. G. James Band	1/4/57 5 years	H.M. Eddie & Sons Ltd. North Fraser Harbour Comm.
	Power R/W	.614	"	B.C.E. Co. Dec. 1/54		162	Band	1/1/58	Shaughnessy Hts. Golf Club
	Power R/W	4.13	"	B.C.E. Co. July 22/52		.19	A. Charles	1/5/58	UBC Archaeology Research
	Sewer R/W		"	Gr. Van. Sewerage & drainage district		80	Band	4 years	8 Chinese truck gardeners (average 8 acres)
						35	Band		New Subdiv. (in negotia- tion)
Seymour Creek - 2 Pop. nil Acs. 106.46	Transmission	4.57	Jan. 19/43	B.C.E. Co.	Commercial		Band	1/3/58	Lynwood Marina
	"	.54	"	"				60 yrs.	
	"	.84	Jan. 5/27	"		11.48	Band	1/7/56	Highland Sand & Gravel
	R/W	1.40	"	"				5 years	
	Road R/W	1.42	Nov. 15/28	To province		2.21	Band	25/5/55	Capilano Lbr. Co.
	" "	.14	Jul. 15/27	"				10 yrs.	
	" "	2.50	Nov. 15/28	"		0.50	Band	1/5/57	BCE-Gas Holder Site
	R/W	7.54	Oct. 5/23	Burrard Inlet Bridge, Tunnel				4 years	
	R/W	2.68	May 22/49	B.C.E. Co.					
	R/W			B.C.E. erect poles					
		24.01	Sept. 5/55	B.C.E. Co.					
Mission - 1 Pop. 378 Acs. 35.62	Road R/W	2.44		Rd. City N. Vanc.	Residential		W. W. Joseph	1/7/58	A. A. Lewis
	Power R/W	.65	Jun. 24/54	B.C.E. Easement	Lot 88			1 year	
	" "	2.38	Jan. 14/53	" "					
	" "	.08	-	" "					
	Sewer R/W	.83	Apr. 3/57	City N. Vancouver Easement					
Burrard - 3 Pop. 95 Acs. 261.75	Road R/W	8.79	May 8/31	Province O/C	Nil				
	" "	4.65		Dist. N. Vanc.					

(continued)

[illegible]

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Number of hauls	<i>P. setiferus</i> (%)	<i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%)	<i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%)
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2	~35	~35	~35
3	~55	~55	~55
4	~65	~65	~65
5	~70	~70	~70
6	~75	~75	~75
7	~78	~78	~78
8	~80	~80	~80
9	~82	~82	~82
10	~85	~85	~85

1. *Phragmites australis* (Cav.) Trin. ex Steud.

A 4x4 grid of 16 small, square, black-and-white photographs. Each photo shows a different person or group of people in various poses and settings, likely from a film or television production. The photos are arranged in four rows and four columns.

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LAND USES ON INDIAN RESERVES 1959-1961: GREATER VANCOUVER AREA (Continued)

SURRENDERS IN EFFECT

<u>Reserve</u>	<u>Purpose</u>	<u>Acres</u>	<u>Term</u>	<u>Remarks</u>
Capilano - 5	Bridge R/W	9.51	Infinity	Fed. Nav. Bridge Co.
Pop. 224	Road R/W	18.50	"	Province O/C
Acs. 306.88	Road R/W	3.48	Apr. 19/12	Dist. North Vancouver
		4.30	"	W. C. Davis 1947
	Bridge R/W	1.63	"	Wider approach
	Power R/W		May 13/57	B.C.E. Co. Easement
	"	1.58	Sept. 22/54	" " "
	Road R/W	2.08		Marine drive
	"	.56		Widening

LEASES IN EFFECT

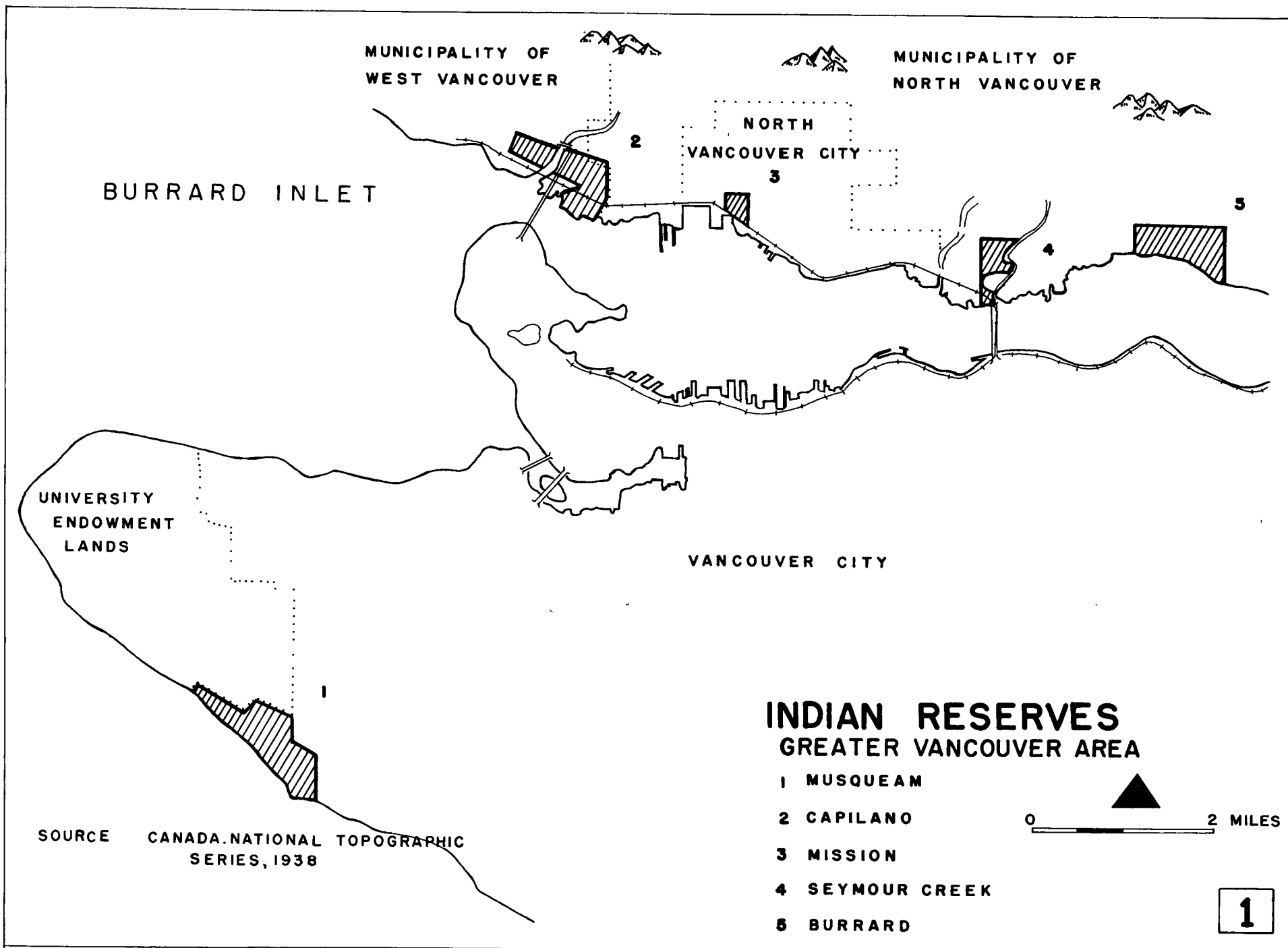
<u>Purpose</u>	<u>Acres</u>	<u>Lessor</u>	<u>Term</u>	<u>Remarks</u>
Residential		Band	1/1/59	J. A. McKee 6 mos.
Commercial	3.79	Band	1/2/55	Superior Concrete 5 yrs.
	17.42	Band	1/10/58	Routledge Gravel 2 yrs.
	15.00	Band	15/10/58	Rainbow Trout Resorts 5 yrs.
Residential	.16	Band		J.S. & F. MacKee
	.18	Band		" "
	.175	Band	1/8/57	Dr. J.A. Folinshee 5 yrs.
Commercial	5.44	Band	1/11/58	Capilano Crushing 1 yr.
R/W Easement	.85	Band	1/9/49	Dist. West Vancr. 20 yrs.
R/W Water				
Main	.45	Band		Dist. North Vancr.
R/W Easement				B.C.E. Gas Pipeline
Commercial	41.68	Band	Apr. 1/60	Park Royal Shipping Center Ltd. 80 years

Area south of P.G.E.R. now under negotiation for lease purposes.

SOURCE: Indian Affairs Branch, Annual Reports, Indian Affairs Branch Commissioner's Office, Vancouver, B. C.



Handwritten text in a cursive script, likely a ledger or account book. The text is organized into columns and rows, with some entries appearing to be dates or numerical values. The handwriting is somewhat faded and difficult to decipher in many places.



Map 1

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map 1  
C.1

RESPONDENTS	MISSION RESERVE	CITY OF NORTH VANCOUVER	SEYMOUR CREEK RESERVE	BURRARD RESERVE	DISTRICT OF NORTH VANCOUVER MUNICIPALITY	CAPILANO RESERVE	DISTRICT OF WEST VANCOUVER MUNICIPALITY	MUSQUEAM RESERVE	CITY OF VANCOUVER	INDIAN AFFAIRS BRANCH
QUESTIONS ASKED										
I. INTEREST IN LAND USE PLANNING										
1 Do you have a committee for looking after land matters, such as a welfare or housing committee?	YES		YES, same as Mission Reserve	NO. Chief and two Councilors handle all matters.		YES, same as Mission Reserve		NO - Chief and two Councilors handle all matters		
2. What are the Council's future plans for the use of your lands?	Residential, but may consider leasing of whole reserve to a large firm.		Lease all of the Reserve for revenue, not a living area	No overall plans. Complete park. Keep land for our children. Lease 100 acres, also foreshore leases		- Retain land for future population, permit some. Lease most land for revenue. Encourage own business.		Retain land for future population. Lease more land. Individual gardens and homes.		
3. How do you see the leases on your land to be used in the future?	May consider large firm		Industry - we have surrendered remaining areas for leasing	Residential - White.		For future income. Some land revert to Indian Residential areas		Continuous leases for future income. Chinese gardens to revert back to Band		
4 How does the Band Council decide as to the acreage that should be leased?	Usually set by prospective lessee - then before people.		Mistake here, land all broken up	By Band Council 100 Acres would give us enough money		Prospective lessee sets acreage, then brought before people. Have appraisal of lease and lessee made		Prospective lessee sets acreage, then before people - acreage usually given e.g. 162 acres golf course		
5. Do your people favour band ownership or individual ownership of Reserve land?	Band ownership but individual possession of home lots		Band ownership	Band ownership - all wild land. Individual possession home lot		Band ownership. Individual possession of home lot		Band ownership.		
6 What are the Band Council's views on the Municipality next door?	Try to push us at times, e.g. waterworks and new through route		No problems	Do not bother us.		No problems with Municipality.		White must understand us. Good impression of City Planning Department.		
7. Do you feel the Municipality can help you? What way?	NO - usually come to us except waterworks system. Foreshore dispute		YES, zoning help - Not satisfied with separate pieces of land tenure	YES, road widening, garbage service, outgoing mail boxes, new waterworks, fire protection		YES, zoning, Park area, Cut-off lands and foreshore dispute		YES, grade our roads at least to the Chinese lessees who pay taxes. Mail delivery		
8 Have you ever asked for advice from the Planning Department of the Municipality next door?	NO - City NO - District of North Vancouver.		YES - recently regard the broken up land tenure of Reserve. Normally NO	NO		YES, only recently regard zoning south portion of F.G.E. Railway		YES - Director of Planning regard subdivision		
9. Would you be interested in having a qualified person, such as a Planner, prepare a Land Use Plan for your Reserve?	YES.		YES.	Let subdivider develop land.		YES - gives us idea of potential of our Reserve and for future plans.		YES.		YES - good idea
10 Has the Band Council or the adjacent Reserve ever approached the Planning Department for advice? For design layout?		Very seldom - City usually goes to the Band Council			NO generally, first time in December 1961 regard zoning on Seymour Creek Reserve		NO generally YES - March 1962 regard re-zoning portion of Capilano Reserve.		YES. Advice on new subdivision. No contact on Golf course	Band Councils not too receptive to ideas.
11 Have you approached the Band Council regarding the use of any portion of Indian lands or for Land Planning of them? The Indian Affairs Branch?		YES - proposed industrial through road			NO - little pressure on Indian Reserves. We have enough work as it is.		NO - Band Council YES - Indian Affairs, led to believe must approach Indian Affairs.		NO, regard garbage disposal problem. YES, Indian Affairs.	YES - Mission Reserve do not accept our subdivision plans
12. Has the Indian Affairs Branch approached you for any specific Land Use Planning measures for Reserves?		NO.			YES - first time in December 1961.		YES - did a subdivision layout for Capilano Reserve number of years ago (not used)		NO - no formal contacts.	
13 What is the attitude of the Planning Department as to the adjacent Indian Reserve?		Respect status of Indian Good group of dancers. Would like Federal government to pay taxes on the whole Reserve.			Reserves should be related to overall sequence of development - service problems. Surplus land not in use by Indian should be part of Municipality. Discuss with Band Council immediate and future requirements, schools, roads		Would like better contact with Indian Band Council. Leasing arrangements on Capilano so far conforming to suggested plan of 1956		Part of City of Vancouver. We are responsible for proper development, e.g. services to Musqueam Reserve.	
II. WHAT LAND USE PLANNING MEASURES HAVE TAKEN PLACE OR ARE PROJECTED FOR INDIAN RESERVES?										
1 What use is being made of your land at the present time?	Residential only		Leases, purchases. Surrender to Provincial Highways	Residential only. Wild land for lease purposes.		Leases, permits. Indian residential		Living area (residential). Lease to Chinese gardeners, golf course, new subdivision, booming.		
2 Do you have the following services on your Reserve? a. Water b. Power c. Sewer d. Policing e. Fire protection f. Road maintenance g. Garbage collection h. Ambulance i. Mail delivery j. Milk, bread delivery	YES YES YES YES, Call if needed. YES YES YES YES YES, only on 3rd Avenue YES		YES YES NO, trunk sewer room YES YES YES YES NO NO	YES - own supply YES YES, call if needed. YES, main highway NO YES YES		YES YES YES YES YES YES YES YES		YES YES YES YES YES NO, Poor. NO, Poor on parts of Reserve. NO YES		
3 Would you be willing to develop a Land Use Plan for the Reserve?		---			YES - own initiative preliminary subdivision plan completed, working on Seymour Creek Reserve. Wish to contact Band Council		YES - own initiative. Land Use Plan completed, 1956		YES - Would treat as C.P.R. land. Would like a large area for park, waterfront purposes.	Projects for sewer, water, roads, power planned in detail to minimize cost.
4. Do you automatically zone the Indian Reserve to conform to zoning by-laws of your Municipality?		NO, zoned to Reserve boundary only			NO - no legal authority to zone. Would treat as all public lands. For non-Indian leases zoning occurs.		YES - zoned single family - a protective measure for municipality can be re-zoned by non-Indian lessees.		YES - now zoned RA - lowland agriculture, RS - upland single family	
5 What are some major problems related to land use planning where Indian Reserves are located within or adjacent to your Municipality?		Few problems. Waterworks extension, proposed industrial road not accepted by Indians			Servicing - roads, garbage. Haphazard land use on Seymour Creek. Must accept Indian Reserve within municipal boundary then plan		Lack of communication. Split authorities. Roads to lessees on Reserve. Major east-west road (proposed) Cut-off lands.		No contact with Indian Affairs. Upkeep of services - University Endowment Lands. Dyke on easterly boundary of City Parks Board asking for land	Little reception to land survey. Evaluation of land difficult and placing land for tender. No building code and location of houses.
III PRESSURES ON INDIAN RESERVES TO CONFORM TO THE STANDARDS OF THE ADJACENT COMMUNITY										
1 Do many individuals, groups, business enterprises wish to lease, purchase or make other uses of your lands?	Some - City of North Vancouver and proposed road, otherwise NO.		NO pressure.	NO - little pressure, may be in time with new second narrow bridge		YES - promoters only, Prospective lessees contact Indian Affairs Branch		YES. Promoters for subdivision Golf range. Private school Park Board.		
2 Has the Indian Affairs Branch suggested any Land Use plans or proposals for your Reserve?	YES, Subdivision into individual home lots and other services		NO - Surrender land area only	YES - Preliminary subdivision layout along highway		YES - subdivision layout		YES. Very little waterworks. Dyking project.		
3. Has the Planning Department ever approached you for the purpose of developing Land Use Plans or Land Use Studies for your Reserve?	NO. Would like to see plan prepared		NO.	NO.		NO.		NO - through Indian Affairs, garbage disposal area and park proposal		
4 Is there pressure by individuals, business groups to do away with Indian Reserves? The desire to some portions of Reserve for certain uses?		NO.			Very little, few contacts with prospective lessees		Very little - most developers know conditions of lease and zoning regulations		Very little - prospective lessees understand conditions of re-zoning. Endeavour to make best arrangement for Reserve.	Very little - send prospective lessee to Town Planner regard zoning regulations.
5. Would you recommend industrial activity, or rezoning adjacent to Indian Reserves before contacting Indian Affairs Branch or Band Councils?		Zoned industrial some time ago. No need to contact Band Council			YES - zoned for many years. Would adopt zoning pattern in conformity of general plan.		NO - contact Indian Affairs first. Would like to see intense development - more tax money, reduce nuisance.		NO.	

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Table III