



**KTUNAXA
NATION**

Ktunaxa Nation Council
7468 Mission Road
Cranbrook, BC V1C 7E5
tel: 250-489-2464
fax: 250-489-2438

visit us at:
www.ktunaxa.org

April 17, 2014

The Honourable Mary Polak
Minister of Environment
PO Box 9041 STN PROV GOV'T
Victoria, BC V8W 9E1

Re: Changes to Environmental Assessment Act

Minister Polak,

I am writing to you today to commend your government's decision to rescind its recent decision to exempt sweet gas plants and all-season ski resorts from the environmental assessment process.

As you are aware, the Ktunaxa Nation has vigorously opposed the development of the Jumbo Glacier Resort since its inception. The resort would be built in Qat'muk, an area of spiritual importance to Ktunaxa people.

As you are also aware, Jumbo Glacier Resort's Environmental Assessment Certificate (EAC) expires this year and cannot be further renewed under the current legislation. The EAC issued for Jumbo Glacier Resort clearly sets out 195 legally-binding conditions that the developer must meet in order for the resort development to proceed. I trust that the rescinding of the Order in Council obligates the developer of Jumbo Glacier Resort to meet all the conditions of its current EAC prior to the October 2014 'substantial commencement' deadline. I also trust that, should the Province decide in the future to amend the 'Reviewable Projects Regulation' to exclude all-season ski resorts, and the EAC for the Jumbo Glacier Resort project does expire, that all of the current certificate commitments will remain in force or the proponent will lose their right to develop the project.

The Transformative Change Accord, signed by the Province and the First Nations Leadership Council, called for the creation of a new, mutually beneficial relationship between the Province and First Nations in British Columbia based upon respect and understanding. Although the initial decision to amend the environmental assessment process was certainly a violation of the spirit and intent of the Transformative Change Accord, I hope we can continue to work together to further our goals of prosperity for First Nations and all citizens of British Columbia.

Taxa,

Kathryn Teneese
Chair, Ktunaxa Nation

cc: First Nations Leadership Council
Ktunaxa Nation Executive Council

Takitsjnak

Lower Kootenay

St. Mary's

Tobacco Plains



**KTUNAXA
NATION**

Ktunaxa Nation Council
7468 Mission Road
Cranbrook, BC V1C 7E5
tel: 250-489-2464
fax: 250-489-2438

visit us at:
www.ktunaxa.org

July 28th, 2011

HONOURABLE STEVE THOMSON

PO BOX 9049 STN PROV GOVT

VICTORIA BC V8W 9E2

Via mail and e-mail

Dear Minister Thomson,

Subject: Follow-up to our July 20th meeting

Thank you very much for meeting with representatives of our nation on July 20th in Cranbrook with respect to the Qat'muk area and the proposed Jumbo Glacier Resort project. We appreciate your careful and thoughtful consideration of the information provided to you during the meeting, and we understand that you will continue to consider this information (as well as other information we have provided to your ministry staff) carefully as you proceed towards a decision regarding the proposed resort project.

In retrospect, had we known of your intention to travel to the Jumbo area after our meeting, we would have appreciated an opportunity to provide you with a deeper, on-the-ground understanding of the Ktunaxa values which will be irreparably harmed if the resort project proceeds.

We had intended to provide the attached memo to you at the conclusion of our meeting. We apologize, and trust that you and your staff will give serious consideration to this additional information.

Yours truly,

per Kathryn Teneese
Ktunaxa Nation Chair

Cc: Honourable Ida Chong, MLA
Honourable Mary Polak, MLA
Honourable Pat Bell, MLA
Mr. Peter Walters, ADM, FLNRO
Ms. Kara Woodward, MCSCD

Encl(2)

Takisjnak

Lower Kootenay

St. Mary's

Tobacco Plains

MEMORANDUM

Date: July 20th, 2011

To: Honourable Steve Thomson, MLA
Minister of Forests, Lands and Natural Resource Operations

CC: Honourable Pat Bell, MLA
Minister of Tourism, Trade and Investment

Honourable Mary Polak, MLA
Minister of Aboriginal Relations and Reconciliation

Hon. Ida Chong, MLA
Minister of Community, Sport and Cultural Development

Mr. Peter Walters, ADM
Ministry of Forests, Lands and Natural Resource Operations

Ms. Kara Woodward,
Ministry of Community, Sport and Cultural Development

From: Kathryn Teneese, Chairperson, Ktunaxa Nation Council

Encl: (1)

Subject: ***Ktunaxa Constitutional Rights and the Jumbo Glacier Resort Project***

The purpose of this memo is to provide additional important information for your consideration in your decision-making with respect to the proposed Jumbo glacier resort project. In providing this information, we are not seeking to delay your decision, only to clarify some points previously communicated to Minister Krueger, Assistant Deputy Minister Walters (and others) and thus to assist you in understanding our position, including its legal, constitutional dimensions.

In particular, we wish to clearly articulate for you the linkage between Qat'muk, its cultural and spiritual-religious significance and our constitutional rights, both Aboriginal and Charter rights. By doing so, we wish also to help you to appreciate the significance of the threat that the resort poses to living beliefs and practices deeply embedded in our culture.

It has been with considerable reluctance that we have shared information about Qat'muk's sacred character with government officials and made public statements on the same. As you have likely been told, it is not our way to widely share our spiritual-religious knowledge and practices with outsiders or to publicly disseminate such information. Some of our reserve is the natural result of our negative experiences

stemming from the misuse and appropriation of our knowledge in those instances where we have shared it. But the deeper, traditional reason is that our spiritual-religious knowledge and practices involve responsibilities regarding what may and may not be shared and with whom it may and may not be shared. Violation of these responsibilities can be very serious. For example, a knowledge holder who shares information inappropriately may forfeit his authority and power. Generally speaking, we may *if circumstances require* it share some of our spiritual knowledge with outsiders or publicly, so long as we guard and keep the core to ourselves. With a core element of our distinctive and still vital spiritual-religious tradition threatened by the proposed Jumbo Glacier resort, this is what we have done – again, with considerable reluctance – in the case of Qat'muk.

We begin with a general description of our ancestral and ongoing connection to Qat'muk, most of which has been communicated to the BC government previously.

1. The Ktunaxa Nation's Connection to Qat'muk

As a Nation, we are striving to meaningfully maintain into the future our ancestral attachment to the whole of our traditional territory. Over and above our connection to the whole, we have special bonds with certain unique places within our traditional territory. Qat'muk¹ is one of these places: like Kootenai Falls in the United States, it is one of our most spiritually powerful and sacred places.

The Ktunaxa Nation's special bond with Qat'muk is based on the crucial role that Grizzly Spirit has within our founding laws and our Ktunaxa way of life, including our spiritual/religious life. We express our relationship with and reliance on Grizzly Spirit both individually (e.g. in seeking Grizzly Spirit's guidance in vision quests) and collectively (e.g. in participating in certain spiritual-religious ceremonies invoking Grizzly Spirit's power and guidance). For countless generations, our people have looked to Grizzly Spirit as a spiritual Chief, particularly as one who combines perfectly strength and wisdom. We look to Grizzly Spirit to protect and guide us with the right combination of strength and wisdom needed to carry on our lives.

Grizzly Spirit and Qat'muk are inseparable. Acknowledged in our founding law (the foundation of our authority in regard to our territory), Qat'muk is Grizzly Spirit's home and refuge for grizzly bears.² As such, our relationship to Qat'muk is subject to particular laws and protocols of respect. But it cannot be Grizzly Spirit's home and

¹ The name "Qat'muk" is related to "Qat'mukinik", the name of the group of Ktunaxa people who maintained a permanent settlement near the mouth of Toby Creek. By sacred covenant, and our founding law, Grizzly Spirit removed to higher elevation, leaving the lower to the Ktunaxa.

² Within the Ktunaxa legal, including land tenure, system, Grizzly Spirit has rights. There is no inconsistency in saying that the Ktunaxa collectively hold Aboriginal title under Canadian law and that Grizzly Spirit holds Qat'muk under our founding law. Indeed the Ktunaxa land tenure system informs the Ktunaxa perspective on our pre-sovereignty occupation and use of Qat'muk. According to the Supreme Court of Canada, our perspective should be reflected in determinations of Aboriginal title as well as Aboriginal rights.

grizzly bears' refuge and also a place where humans live. Transforming the remaining heart of Qat'muk into a place where many people live would violate our founding law. It would also fundamentally disrupt the role and power of Grizzly Spirit in Qat'muk and beyond and thus in our vision quests, our prayers, our songs and dances – in a word, in our lives. The very purpose and meaning of these cultural practices would be impaired and changed. Thus, even if they were to continue, they would have become mere performances, imitations of once real and living things.

The power of Grizzly Spirit is embodied in Qat'muk. The power Grizzly Spirit manifests in our lives – especially in the spiritual transformation in ceremony from grizzly to Ktunaxa and back – arises from Qat'muk. Despite the fact that previous developments (e.g. Panorama) have infringed upon its sacred character, Qat'muk has maintained its living meaning and Grizzly Spirit power in our lives. But now the heart of Qat'muk is threatened. If the Jumbo Resort goes ahead, the loss to our lives, culture and identity will be incalculable, irreversible, wholly unnecessary and unjust.

2. Aboriginal Title

Taking in the Toby-Jumbo watershed and portions of the surrounding area, Qat'muk falls squarely within Ktunaxa traditional territory. More particularly, it falls squarely within an area which at Britain's assertion of sovereignty in 1846 was – as it had been for countless generations before – held, controlled, and occupied by our Nation exclusive of all neighbouring tribes or nations. Historically we welcomed into our Ktunaxa communities persons from neighbouring tribes or nations. Clearly, these acts were never concessions of territory or authority to the tribes or nations from which they came. Prior to, at, and for some time after the Crown's claim of sovereignty,³ the Ktunaxa possessed both the intention and capacity to exercise exclusive control over the area. We have continued to occupy, use and rely on the area, including Qat'muk, to the present day. Having never surrendered title, we still hold Aboriginal title to Qat'muk.

But to speak only of our people's ancient occupation and use of the area risks missing the depth of our connection to Qat'muk. Our ancestors didn't simply occupy and use Qat'muk as land; they loved, respected and cared for it as the home of Grizzly Spirit.

At and prior to British claims of sovereignty, Qat'muk was of central significance to our distinctive culture. This was due principally to its spiritual-religious significance. Secondly, and in conformity with the first, Qat'muk was also used for sustenance (e.g. berry picking, medicinal plant harvesting, and hunting), east-west travel and transportation, and other associated values (e.g. transmission of knowledge and culture). We Ktunaxa people have kept our attachment, with our traditional focus on our spiritual-religious attachment, to Qat'muk down to the present day. It is our right and intention to continue it into the future.

³ The Crown's effective control of the general area came later.

Qat'muk is not only land and natural resources. It is a spiritual-religious resource for our Nation, and we continue to rely on it as such. Although the government's previous decisions in favour of development have diminished this unique and precious spiritual-religious resource, it remains sufficiently intact, especially at its heart, to continue as a vital part of our distinctive way of life into the future.

Aboriginal title is the modern right that best, but not completely captures our Nation's many interests in the area at and since sovereignty down to the present day – interests grounded in our spiritual-religious connection to Qat'muk. As a matter of both fundamental Ktunaxa law and the common law on Aboriginal title, our past, present, and future occupation, use, and reliance on Qat'muk are governed and thus limited by our spiritual-religious relationship with Qat'muk. Although we may still do many things on the land, neither law permits us to build such a resort in Qat'muk, much less at its heart, where the Jumbo Resort is proposed. To do so would violate Ktunaxa law, which acknowledges and respects Qat'muk as Grizzly Spirit's home. To do so would also violate Aboriginal title by severing the very attachment to the land on which our title is based. What we are prevented from doing by both Ktunaxa law and common law Aboriginal title should not – as a matter of the Crown's honour – be permitted to others.⁴

As part of our Aboriginal title to Qat'muk, and as part of our human right as an indigenous people to possess and enjoy our ancestral lands, we have the associated right to the preservation of the heart of Qat'muk in the interim prior to the final resolution of our competing jurisdictions through treaty or other means and beyond for our future generations. The Qat'muk Declaration is our solemn public affirmation of this.

3. Aboriginal Rights

As described above, we believe that our relationship with Qat'muk is best translated into the right of Aboriginal title. We are also of the view that our title to the area is strongly supported by the available historical and oral history evidence.

Nonetheless, because we want to ensure that Qat'muk is afforded every protection available through Section 35(1). In the event that Qat'muk or some portions of it might be found, contrary to our view, not subject to Ktunaxa title, we want to outline for you our other Aboriginal rights in the area, short of title.⁵

⁴ This should not be confused with a right of stewardship as a right ancillary to Aboriginal title. The right of stewardship accruing to a holder of Aboriginal title is exercised and enjoyed within the limits set by the underlying attachment to the land. Maintaining the underlying attachment is better described as a requirement of Aboriginal title than a right (like stewardship) ancillary to title. As the Supreme Court of Canada made clear in *Delgamuukw*, severance of the attachment destroys title's basis.

⁵ We do this with the Supreme Court of Canada's admonition in *Haida Nation* in mind: "To facilitate this determination, claimants should outline their claims with clarity, focussing on the scope and nature of the Aboriginal rights they assert and on the alleged infringements [36]." As the word "outline" suggests, our articulation of our rights here should not be taken as our complete or final statement as to their nature or scope.

Our Aboriginal rights in Qat'muk include:

1. the right to continue to practice and benefit from our spiritual-religious relationship with Grizzly Spirit, individually and collectively, in our traditional ceremonies, songs and dances;
2. the right to continue the tradition of vision quests and other spiritual-religious practices seeking and benefitting from Grizzly Spirit's special guidance, whether for the sake of the individual or the community;
3. the right to continue to journey, individually and collectively, to Grizzly Spirit's home to experience his presence and power, and take away and share the benefits of the experience;
4. the right to maintain our people's kinship with grizzly bears and to continue our traditional practices expressing our kinship;
5. the right to continue to join, individually and collectively, with our brother and sister grizzlies at Qat'muk, whether in times of celebration or in times of difficulty; and
6. the right to transmit cultural knowledge and practice regarding Grizzly Spirit, grizzly bears and other related matters associated with Qat'muk and particularly to transmit such knowledge and practice in those places within Qat'muk best suited for these purposes.

Taken individually and collectively, these practices are integral to our distinctively Ktunaxa way of life. Despite having lost so much because of residential school and other social/cultural assaults, these practices have survived the destruction and remained vital and integral parts of our way of life. It is our Nation's intention and right to maintain and revitalize these practices.

However, the fate of these practices depends upon the fate of Qat'muk. Because of previous development in the area, Grizzly Spirit has – and consequently grizzly bears have – been displaced from portions of Qat'muk. These portions have lost their living meaning as Grizzly Spirit's home – and grizzly bears' homeland or refuge. In other words, the portions already seriously compromised by human habitation are no longer effective parts of Qat'muk. Because human occupancy breaks our sacred covenant and bond with Grizzly Spirit, these parts of Qat'muk have been stripped of their spiritual power and meaning. The area of the Panorama Ski Resort, in particular, no longer supports Grizzly Spirit's presence. If the Jumbo resort goes ahead in its most sacred heart, Qat'muk's sacred character, its spiritual-religious contribution to Ktunaxa life, and thus our distinctive Ktunaxa identity and culture will be seriously and irreversibly harmed.

Because the living meaning of the practices underlying our Aboriginal spiritual and/or religious rights depends upon the living meaning of Qat'muk, these Aboriginal rights include rights similar to easement, necessarily both positive (i.e. as to what we may do) and negative (i.e. as to what the Crown and/or those who act with its blessing may not do). Whether described as an Aboriginal property right or as a necessary concomitant of the foregoing Aboriginal spiritual and/or religious rights, we have a right of easement in regard to Qat'muk generally and in regard to the proposed site of the Jumbo resort particularly. This right of easement entails, among other things, that the BC government may not permit the remaining heart of Qat'muk to be turned into a place of permanent human habitation.

Along with the foregoing Aboriginal spiritual and/or religious rights, we also hold and continue to exercise our Aboriginal sustenance rights within Qat'muk, including:

7. the right to hunt deer, elk and other animals;
8. the right to fish;
9. the right to harvest berries; and
10. the right to harvest medicinal plants and materials.

As exercised within Qat'muk, in Grizzly Spirit's home, these rights are informed by and inseparable from Qat'muk's spiritual-religious significance. Thus, by virtue of threatening our Aboriginal spiritual and religious rights in regard to Qat'muk, the Project would also threaten the nature of our Aboriginal sustenance rights as exercised therein.

In connection with all of the Aboriginal rights mentioned above, we also have within Qat'muk

11. the right to access and temporary occupation.

We also have an Aboriginal spiritual and/or religious right to hunt and harvest grizzly bears for ceremonial purposes. Although it is a right collectively held, it is only exercisable by certain authorized individuals, and not within Qat'muk.

4. Charter Rights

Overlapping the Aboriginal rights, including title, that the Ktunaxa Nation have in regard to Qat'muk, we also enjoy an associated Charter right to freedom of religion. Briefly stated, if the BC government allows the Jumbo Glacier Resort to go ahead, it will thereby infringe our fundamental freedom of religion, which includes our right to practice – and not merely perform – our traditional ceremonies connected with Grizzly Spirit. In

our view, the infringement of our religious freedom posed by the Resort would not be constitutionally justifiable.

The historical record and our oral history provide evidence that strongly supports the foregoing Aboriginal rights, including the Aboriginal spiritual-religious rights, in regard to Qat'muk. In other words, we say that the evidence supports a very strong prima facie claim.

Moreover, the same historical record and our oral history provide evidence that strongly supports Ktunaxa title to Qat'muk, including the location of the proposed resort. Although out of caution we have stated them separately, our right of title to Qat'muk includes all of the Aboriginal rights mentioned above. Thus, the evidence that supports them also supports title. We say, then, that the evidence also supports a strong prima facie Aboriginal title claim.

If the Provincial government disagrees with our assessment of the strength of the evidence in support of Ktunaxa title and rights in regard to Qat'muk, we ask you to let us know. Recently we commissioned an expert historian's report on Ktunaxa title in regard to Qat'muk. With the report now virtually complete, we are confident in speaking about the strength of the evidence in support of Ktunaxa title there. And so, if you disagree with our assessment, we are willing to see what we can do to confirm our position with you.

As for the potentially adverse impacts of the proposed resort on our rights and interests, we say they are very significant, serious, irreparable, and irreversible. As before, if the provincial government disagrees with our assessment of the significance of the resort's potentially adverse impacts, we ask you to let us know.

5. Concluding Remarks

It is our understanding that the decision regarding the Master Development Agreement is yet to be made. Having provided you with this memorandum clarifying our position, we again urge the Crown to reject the Jumbo Glacier resort. In the face of our Nation's history and traditions, our people's ancient and continuing attachment to Qat'muk, the nature, scope and significance of the rights we claim in regard thereto, the strength of the evidence in support of our claims, the nature and seriousness of the adverse impacts posed by the Resort, and the absence of any sufficiently redeeming socio-economic or other features – in these unique circumstances, the honour of the Crown, we again urge, calls for the project's rejection. We also urge that the Province join with us in discussions focused on the protection and use of Qat'muk as envisioned in the Ktunaxa Nation Council's *Qat'muk Declaration* (attached), which I had the privilege of presenting at the Legislature on November 15, 2010.

Qat'muk Declaration

We, the Ktunaxa, have lived in our territory since time immemorial and have a deep spiritual connection to the animal world and, in particular, to the grizzly bear. Qat'muk is a very special place where Klawia Tukubok'is, the Grizzly Bear Spirit, was born, goes to heal itself, and returns to the spirit world. The Grizzly Bear Spirit is an important source of guidance, strength, protection and spirituality for the Ktunaxa. Qat'muk's importance for the Grizzly Bear Spirit is inextricably interlinked with its importance for living grizzly bears now and in the future. The Ktunaxa have a stewardship obligation and duty to the Grizzly Bear Spirit and Qat'muk.

Given the importance of Qat'muk, the Ktunaxa Nation Council, on behalf of the Ktunaxa Nation:

Affirms that having been created in interdependence with the land, its living things, and the spirit world, the Ktunaxa possess and are entitled to enjoy our inherent and preexisting sovereignty over our land and our lives thereon;

Affirms that the United Nations Declaration on the Rights of Indigenous Peoples supports the Ktunaxa Nation's right to: (a) manifest, practice, develop and teach our spiritual and religious traditions, customs and ceremonies and to maintain, protect, and have access in privacy to our religious and cultural sites (Article 12); and (b) maintain and strengthen our distinctive spiritual relationship with our traditionally owned or otherwise occupied and used lands, territories, waters and other resources and to uphold our responsibilities to future generations in this regard (Article 25);

Emphasizes that the Ktunaxa have never consented to the developments and desecrations that have occurred within Qat'muk;

Asserts that we will not agree to any further development or sale of land associated with Qat'muk that would result in irreparable and irreversible harm to this sacred place and our spiritual connection with it;

Affirms that the Creator gave the Ktunaxa covenants, one of which is to protect, honour, and celebrate what the Creator has given us;

Reaffirms that our Law, Tachumug'it, requires the protection of this sacred place for ourselves, our children, and our grandchildren;

Recognizes that the Ktunaxa language does not translate well into other languages and consequently our spiritual relationship with Qat'muk may not be fully understood by others;

Affirms that we are strong, as we have maintained our cultural connection to our land, language, and spirituality;

Reaffirms that we are of one heart and one mind to protect Qat'muk from desecration;

Intends that we will strengthen and revitalize the Ktunaxa Nation through our spiritual connection to Qat'muk;

Invites other governments, non-governmental organizations, business proponents, local communities, and others to support and respect our spiritual traditions and practices linked to Qat'muk, and to help protect it against desecration and destruction.

Proclamation

The Ktunaxa Nation Council, on behalf of the Ktunaxa Nation, hereby proclaims, on this date:

That Qat'muk is the home of the Grizzly Bear Spirit and is the unique and proper place to celebrate and honour this spirit;

That Qat'muk includes the entirety of the Toby-Jumbo watershed and the uppermost parts of the South Fork Glacier Creek, Horsechief Creek and Eaglehorn Creek watersheds;

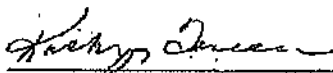
That, to fully protect the most sacred core of the Qat'muk area, a refuge area consisting of the upper part of the Jumbo valley is hereby established;

That a buffer area consisting of the remainder of the Jumbo watershed is hereby established so that the Grizzly Bear Spirit, as well as grizzly bears, can thrive within and around Qat'muk;

That the Ktunaxa Nation will share Qat'muk with non-Ktunaxa when such use is respectful of Ktunaxa spiritual values and consistent with our Qat'muk Stewardship Principles; and

That the Ktunaxa Nation Council will prepare a management plan for the refuge and buffer areas based on the Qat'muk Stewardship Principles and in consultation with other governments and stakeholders.

November 15, 2010



Kathryn Torreso, Ktunaxa Nation Council Chair
on behalf of the Ktunaxa Nation Executive Council



Qat'muk Stewardship Principles

The Ktunaxa creation story states that Ktunaxa people were created in our territory, where we will remain as keepers of the land. The creation story also speaks to our obligation to care for and respect the land and all things on it, living and non-living. These teachings come together in Ktunaxa law.

Ktunaxa Law

Taknumu/ññit is our word for the law given to the Ktunaxa by the Creator. It is a powerful word and speaks to why we were put on this land. We were born into this land and someday we will return through death. The Creator put us here for a reason and that purpose is to take care of the land and its resources.

The law of the land, *Taknumu/ññit*, is the law for survival. The law protects the values inherent in the land. The land gives us the resources to survive, and in return, we uphold our covenant with the Creator to protect and not overuse the land.

The law is grounded in the fact that all things are connected and must be kept in balance. It is also the foundation of our spirituality – that of being humble in our limited understanding and of being respectful of our role within nature and with other creatures, as well as being respectful and acknowledging the Creator and our ancestors.

Stewardship Philosophy: The Ktunaxa Relationship with the Land

The foundation of the Ktunaxa's philosophy of stewardship of lands and resources is our recognition that we are part of the land. Our understanding of our connectedness requires that we have respect for all things as anything that affects one affects everything else.

The Ktunaxa have terms that address the natural world and how people are a part of it. *Takuk/pukam* speaks to anything that gets life from the earth through roots. *Takuk/pukamam* adds the human dimension whereby the earth's life is translated into human life. That is, the Ktunaxa have roots that tie them to the territory, and that we are of the earth. In other words, what we do to the earth, we do to ourselves.

The Ktunaxa phrase that captures the interconnectedness and the stewardship concepts applicable to land management is *Puqut Hunkuññit na Tawak*. This phrase translates to "our people care for the land, the land cares for our people." It is about our relationship with the land.

Stewardship Principles

Ktunaxa stewardship values will:

- Contribute to the betterment of future generations;
- Balance the economic use of land with cultural and spiritual values;
- Follow natural law of taking only what is needed;
- Ensure that long-term sustainability and ecological integrity take precedence;
- Ensure access to, and protection of, traditional foods, medicines, resources, and spiritual sites;
- Maintain, protect, manage and restore healthy and diverse ecosystems;
- Ensure land, air, and water are and will be clean and healthy.

Special requirements for Qat'muk

Qat'muk is a place to celebrate, protect and honour Grizzly Bear Spirit.

We invite other governments and stakeholders to participate in developing a management plan for Qat'muk, including the refuge and buffer areas, which reflect our Stewardship Principles.

We will continue to share the designated refuge area and buffer areas with non-Ktunaxa when such use is respectful of Ktunaxa spiritual values and consistent with our Qat'muk Stewardship Principles.

The refuge and buffer areas will not be shared with those who engage in activities that harm or appropriate the spiritual nature of the area. These activities include, but are not limited to:

- The construction of buildings or structures with permanent foundations;
- Permanent occupation of residences.

To further safeguard spiritual values, no disturbance or alteration of the ground will be permitted within the refuge area.





Ref. 27659

JUN 10 2011

Kathryn Teneese
Chair
Ktunaxa Nation Council
7468 Mission Road
Cranbrook BC V1C 7E5

Dear Kathryn Teneese:

Thank you for your letter of April 21, 2011, regarding an opportunity to meet with both the Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations and I to share information about the Ktunaxa Nation's attachment to Qat'muk. Minister Thomson's office will respond directly to you regarding your request for a joint meeting regarding the Jumbo Glacier Resort Master Development Agreement. I have also been asked to respond on behalf of Premier Christy Clark to the correspondence mentioned in your April 21 letter.

In your letters, you point out that the Ktunaxa Nation has a long history of working collaboratively with the Province. I wish to acknowledge the many contributions that you and other members of the Ktunaxa Nation have made to numerous significant provincial initiatives in the social and natural resource sectors that are helping to build positive relationships with the Ktunaxa Nation and with other First Nations communities.

In the past year alone, the Ktunaxa Nation and the Province have completed and are now implementing a Strategic Engagement Agreement; significantly advanced the negotiation of the Agreement in Principle for the Ktunaxa Nation Treaty, including the tabling of a revised treaty land and cash offer; implemented a Ktunaxa Regional Governance Initiative with the social sector agencies; and, initiated Economic and Community Development Agreement negotiations to address revenue sharing. These important initiatives clearly attest to the value of the Ktunaxa Nation's commitment to work collaboratively with the Province.

.../2

Ministry of
Aboriginal Relations
and Reconciliation

Office of the
Minister

Mailing Address:
PO Box 9051 Stn Prov Govt
Victoria BC V8W 9E2
e-mail: ABR.Minister@gov.bc.ca
website: www.gov.bc.ca/arr

Telephone: 250 953-4844
Facsimile: 250 953-4856

With respect to the implementation of the Qat'muk Management Plan Framework, I understand that you have been contacted recently by Pam Cowtan, Manager, Negotiations and Regional Operations Division, Cranbrook, to inform you that she and several regional representatives from the Ministry of Forests, Lands and Natural Resource Operations are available to meet with you and other members of the Ktunaxa Nation Council to engage in a discussion of the proposed framework. I encourage the Ktunaxa Nation Council to utilize the provisions of the Strategic Engagement Agreement to facilitate these discussions.

Again, thank you for writing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Polak".

Mary Polak
Minister

pc: Honourable Christy Clark
Premier

Honourable Steve Thomson
Minister of Forests, Lands and Natural Resource Operations



KTUNAXA
NATION

Ktunaxa Nation Council
7468 Mission Road
Cranbrook, BC V1C 7E5
tel: 250-489-2464
fax: 250-489-2438

visit us at:
www.ktunaxa.org

Via e-mail

April 21, 2011

Honourable Mary Polak
Minister of Aboriginal Relations and Reconciliation
PO Box 9100
STN PROV GOVT
Victoria, BC V8W 9B1

Dear Minister Polak,

I am writing as follow up to earlier correspondence that I have sent to Premier Christy Clark and the Minister of Forests and Natural Resource Operations, the Honourable Steve Thomson outlining our concerns about the proposed Jumbo Glacier Resort.

On March 8, 2011, we wrote Premier Clark requesting that, prior to the finalization of any decision on the Jumbo Glacier Resort Master Development Agreement, we are afforded the opportunity to meet with Government representatives. The purpose of the meeting would be for us to share spiritual and cultural information about our deep attachment to Qat'muk – information that is very private to the Ktunaxa Nation.

In her letter of April 14, 2011 Premier Clark indicated that she has referred this issue to you and Minister Thomson. We would like to arrange a joint meeting with you and Minister Thomson at your earliest convenience. Please contact me by phone^{s.22} or e-mail (kteneese@ktunaxa.org) to arrange a mutually convenient date, time and location to meet.

Yours truly,

Kathryn Teneese
Chair
Ktunaxa Nation Council

Encl: (1)

cc: Ktunaxa Nation Executive Council

Takitsjnuuk

Lower Kootenay

St. Mary's

Tobacco Plains

Ref. CLIFF 27979

June 13, 2011

Kathryn Teneese
Ktunaxa Nation Chair
Ktunaxa Nation Council
7468 Mission Road
Cranbrook, BC V1C 7E5

Dear Kathryn Teneese:

Thank you for your letter of June 8, 2011 regarding the Forest Consultation and Revenue Sharing Agreement (FCRSA) which is currently being negotiating with the Ktunaxa Nation.

The two issues you have raised concerning the FCRSA revenue calculation formula are valid concerns and I fully appreciate your position. I recognize and value the Ktunaxa's hard work, and the time invested, to refine and expand its relationship with the province and to build nation-level governance.

The issue of the calculation using the Nation boundary is a complex one that affects overlapping First Nations and we are currently working to consider how we might be able to address your concerns. I understand that your Forest Opportunities Agreement (FRO) expired June 6th and staff are working diligently to respond as soon as possible.

Further, I am aware of the letter you sent to my Assistant Deputy Minister Julian Paine respecting the 4% proposed by BC negotiators. This letter has been forwarded to Assistant Deputy Minister Charles Porter as the FCRSA program falls within his division in my Ministry. Your request for the higher percentage based on the level of reconciliation built between Ktunaxa and the province is under consideration.

I hope you can appreciate that a new program such as this one presents challenges to deliver with fairness and consistency to all First Nations in BC. My staff are doing their best to consider all possible options and respond back to you in a timely way.

Again, I thank you for writing and raising these important and valid concerns with me.

Sincerely,

Mary Polak
Minister

pc: Chief Cheryl Casimer, SMIB
Chief Lorne Shovar, AFN
Chief Jason Louie, LKIB
Chief Mary Mahseelah, TPIB
Bob Luke – Economic Sector Council Chair
Bea Stevens – Traditional Knowledge and Language Sector Council Chair
Jim Whitehead – KNC Lands & Resources Sector Council Chair
Rob Eneas – KNC Social Sector Council Chair
Ray Warden – KNC Director of Lands and Resources
Marty Osberg – Assistant Negotiator, MARR
Charles Porter – Assistant Deputy Minister, MARR
Julian Paine – Assistant Deputy Minister, MARR
Shane Berg – Regional Director, MARR
Monica Perry – Director, MARR
Pam Cowtan – Kootenay Boundary Manager, MARR

bc: Pam Cowtan

Drafted by: /Edited by: /Proofed and packaged by:

Pathway:



**KTUNAXA
NATION**

Ktunaxa Nation Council
7468 Mission Road
Cranbrook, BC V1C 7E5
tel: 250-489-2464
fax: 250-489-2438

visit us at:
www.ktunaxa.org

June 8, 2011

Minister of Aboriginal Relations and Reconciliation
PO BOX 9051
STN PROV GOVT
Victoria BC V8W9E2

Re: Forest Consultation and Revenue Sharing

Dear Honourable Mary Polak;

British Columbia (BC) and the Ktunaxa Nation Council (KNC) are currently negotiating a Forest Consultation and Revenue Sharing Agreement (FCRSA) with the aim to conclude negotiations before the end of June.

While the KNC has a good working relationship with the BC negotiating team, I feel it important to express my deep disappointment and frustration with the policy drivers that inform the substance of the negotiating mandate of the BC provincial negotiators.

BC's current model to address shared territories in terms of sharing of forestry revenues is not only woefully inadequate in terms of a solid policy rationale, but it also serves to frustrate the relationship between First Nations and BC and will have the effect of creating further conflicts between First Nations.

There are four BC Forest Districts that overlay the Ktunaxa territory. BC's revenue sharing formula is to average two years of stumpage and resource rent revenues and apply a ratio of the traditional territory over the Timber Harvesting Land Base (THLB) to establish a net applicable revenue base for sharing purposes. BC then applies a 3, 4 or 5% sharing formula depending on BC's interpretation of the depth and maturity of the inter-governmental relationship. We have already taken issue with the 4% proposed by BC negotiators and have outlined our concerns and rationale in a letter to your Assistant Deputy Minister (copy attached)

These ratios are then "netted down" by merely taking the number of First Nation claimants in the area and dividing the THLB by that number.

For example, in the Rocky Mountain Forest District, BC applies the territorial boundaries of the Ktunaxa Nation, which represents four individual First Nations, and one other First Nation and divides the THLB by two. This results in a revenue share for our four communities that is the same as the one other First Nation claimant. This approach does not even consider BC's own current strength of claim analysis in determining the application of the revenue sharing model.

Taklaikan

Lower Kootenay

St. Mary's

Tobacco Plains

In the Rocky Mountain Forest District example, by considering the collective KNC as one First Nation, it results in a THLB portion of 49.99% for KNC and the same percentage for the other individual First Nation. This, in effect, means that four communities must share 49.99% and one community receives 49.99%

Even the most rudimentary analysis would indicate that the THLB should be divided by five, representing the four KNC communities and the other First Nation claimant. This approach would mean that the KNC communities would have an 80% territorial share of the THLB.

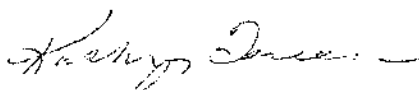
The Rocky Mountain Forest District is the most egregious example of the application of the BC formula. Similar circumstances exist in the remaining three Forest Districts within our traditional territory.

BC's approach penalizes those First Nations that are acting as a Nation, a collective of communities, with a governing structure. Furthermore, it has the potential to create further animosity between First Nations with overlapping claims. It flies in the face of the government-to-government relationship we have been trying to achieve through the many years of treaty negotiations and through the recently signed Strategic Engagement Agreement. Finally, it does not reflect solid thinking on the part of BC about equitable and meaningful sharing of revenues from resources in First Nations traditional territories and instead speaks of an 'efficiency model' designed and driven by how the numbers work best on a page.

The Ktunaxa created an opportunity for the province to openly discuss potential policy and program changes with the Ktunaxa through the Provincial Engagement Request mechanism set out in Appendix B, Section 8(5), of the SEA. It is unfortunate that BC did not take this opportunity and work with the Ktunaxa to forecast the implications of its actions into the future.

You must understand that this inequitable treatment will not be accepted by our communities. I urge you to instruct your negotiators to construct a reasonable interim solution that will enable us to renew our forestry agreements until a permanent solution acceptable to all of the affected First Nations can be achieved.

Sincerely,



Kathryn Teneese
Ktunaxa Nation Chair

Pakebiquat

Lower Kootenay

St. Mary's

Tobacco Plains

cc: Chief Cheryl Casimer, SMIB
Chief Lorne Shovar, AFN
Chief Jason Louie, LKIB
Chief Mary Mahseelah, TPIB
Bob Luke - Economic Sector Council Chair
Bea Stevens – Traditional Knowledge and Language Sector Council Chair
Jim Whitehead - KNC Lands & Resources Sector Council Chair
Rob Eneas - KNC Social Sector Council Chair
Ray Warden - KNC Director of Lands and Resources
Marty Osberg - Ministry of Aboriginal Relations and Reconciliation
Charles Porter - Assistant Deputy Minister

Pakizingwaht

Lower Kootenay

St. Mary's

Tobacco Plains

MINISTRY OF ABORIGINAL RELATIONS
AND RECONCILIATION
BRIEFING NOTE

Date: July 27, 2011
Ref. No.

File: 280-20
FNCE 25100-25/611A FCRSA KNC

I Prepared for the **DECISION** of Honourable Mary Polak, Minister.

II ISSUE:

Signing of the Ktunaxa Nation Forest Revenue Sharing Agreement (FRSA).

III BACKGROUND:

The Ktunaxa Nation has approximately 1020 members and has communities located near Cranbrook, Tobacco Plains, Creston and Invermere in the southeast area of the Province. The Ktunaxa Nation traditional territory is located within the Kootenay Boundary Region in the following forest districts: Arrow-Boundary, Columbia, Kootenay Lake and Rocky Mountain.

Consultation occurs through the Ktunaxa Strategic Engagement Agreement (SEA) signed between Ktunaxa Nation Council and the Province October 22, 2010. As such, this agreement is referred to as a "Forest Revenue Sharing Agreement" (FRSA) as opposed to a "Forest *Consultation and* Revenue Sharing Agreement" (FCRSA).

Ktunaxa Nation and Ministry of Aboriginal Relations and Reconciliation (MARR) are currently negotiating a prototype comprehensive approach to revenue sharing which includes different revenue streams (eg. mineral tax, major resort, forests). The Ktunaxa FRSA has been developed to achieve consistency with this comprehensive revenue agreement and is replaceable upon it's signing.

During FRSA negotiations, the Ktunaxa submitted two letters to MARR executive with concerns respecting FRSA revenue calculations:

- The calculation methodology which "counted" them as a single First Nation although they have four Indian Bands (communities). This resulted in a much lower revenue share and penalized them for their nation-level relationship with government.
- Ktunaxa SEA and other agreements with the Province achieve Reconciliation Agreement (RA) objectives and, as such, the revenue sharing percentage should be based on the percentage provided to First Nations with RA's, ie. 5% not 4%.

IV DISCUSSION:

On July 22, 2011 the Ktunaxa Nation signed a Forest Revenue Sharing Agreement (FRSA). A Year 1 manual calculation was done to address the Ktunaxa concern that

they had been treated as a single First Nation rather than four communities. MARR is working to address this issue, which is not specific to Ktunaxa, for Year 2 calculations. Further, MARR is considering the Ktunaxa request for the higher percentage and this may be factored into future year's forest revenue calculations.

The Ktunaxa FRSA includes revenue sharing of \$401,923 in the 2011/12 fiscal year. They will receive this total amount divided in two separate equal payments to occur on September 31/11 and March 31, 2012. The agreement is for three years with fluctuating revenue sharing each year based on a percentage of gross revenues collected by government from forest activity within the Forest Districts in the Ktunaxa Nation's traditional territory.

The Ktunaxa FRSA provides the province the following benefits:

- Acknowledgement by the Ktunaxa Nation that the benefits provided through this Agreement are an accommodation of their aboriginal interests and these benefits contribute to achievement of its socio-economic objectives; and,
- A commitment to work with the province towards maintaining stability on the land base for forestry operations

V RECOMMENDATION:

Minister to approve and sign the Ktunaxa Nation FRSA.

Honourable Mary Polak, Minister
Ministry of Aboriginal Relations and Reconciliation

Date

Approved/Not Approved

Attachment: Ktunaxa Nation Forest Revenue Sharing Agreement

Paul Kerr, Negotiator
Telephone No. (250) 356-1953
Pamela Cowtan, Kootenay Regional Manager, MARR
Telephone NO. (250) 489-8587

April 6, 2011

Chair KATHRYN TENEESE (Ktunaxa Nation Council)

CONTACT INFORMATION:

PROTOCOL NOTE: Contact the Chair of Ktunaxa Nation Council prior to contacting Ktunaxa band chiefs

Chair KATHRYN TENEESE

s.22

Ktunaxa Nation Council

Pronunciation: (too-nah-kha)

MARR Region: Kootenay Boundary

SPEAKING POINTS:

- I want to recognize the significant leadership Ktunaxa Nation Council provides to many social-sector and land stewardship initiatives in BC that support the province's efforts to improve its relationship with Aboriginal people.
- I understand that the Ktunaxa Nation is making good progress at the treaty table.
- Congratulations on the recent signing of a Strategic Engagement Agreement with BC.
- I understand negotiations are proceeding very well with Ktunaxa Nation Council to develop a new approach to Economic Community Development Agreements (ECDA) with the province.
- I understand Ktunaxa delivered the Qat'muk declaration to the BC legislature November 2010.

BACKGROUND:

- Re: contact protocol: Note that the Ktunaxa do not view member bands as separate First Nations. It is one nation, the Ktunaxa Nation, comprised of 4 Ktunaxa communities, ie. ?Akisq'nuk (formerly Columbia Lake); St. Mary's; Tobacco Plains; and Lower Kootenay.
- BC and Canada presented a revised land and cash offer Oct 22, 2010. Ktunaxa is reviewing the offer, developed through a collaborative process, with Ktunaxa citizens.
- The ECDA model being developed with the province provides an agreement that will incorporate current and future revenue sharing. Revenue sharing for mine expansions in the Elk Valley coalfields, forest revenues and major resort expansion revenues are all being considered for inclusion in the ECDA.
- Qat'muk Declaration speaks to the sacred nature of the Jumbo Valley and Ktunaxa's very strong opposition to the proposed Jumbo Glacier Resort.
- KNC is working collaboratively with Provincial social agencies and service groups to develop an integrated approach to deliver social services to all Aboriginal people within the Ktunaxa territory.
- Nature Conservancy of Canada (NCC) has an agreement to purchase DL 48, the only privately-held parcel on the east side of Columbia Lake, and has requested BC funds to

April 6, 2011

assist. The Ktunaxa strongly support the purchase. This issue will likely be raised since the Ktunaxa believe that BC has withdrawn from the purchase discussions with NCC.

April 6, 2011

Chief LORNE SHOVAR (?Akisq'nuk)

CONTACT INFORMATION:

PROTOCOL NOTE: Contact the Chair of Ktunaxa Nation Council (Kathryn Teneese) prior to contacting Chief Shovar

Chief LORNE SHOVAR

s.22

?Akisq'nuk (Pronunciation: a-kiss-ka-nook)

MARR Region: Kootenay Boundary

SPEAKING POINTS:

- I understand that ?Akisq'nuk Band Council and Administration provides high-quality essential social services including a health centre, learning centre and daycare.
- Congratulations on the many activities of ?Akisq'nuk Development Corporation including interpretive tours and guide outfitting business
- I understand that the east side of Columbia Lake is a sacred area for Akisq'nuk and all Ktunaxa citizens and that the most recent treaty land and cash offer includes a commitment to ensure its long term environmental stewardship.

BACKGROUND:

- Re: contact protocol: Note that the Ktunaxa do not view member bands as separate First Nations. It is one nation, the Ktunaxa Nation, comprised of 4 Ktunaxa communities, ie. ?Akisq'nuk (formerly Columbia Lake); St. Mary's; Tobacco Plains; and Lower Kootenay.
- The social services provided are on reserve and available to all Aboriginal people in the area, including Metis.
- ?Akisq'nuk has exclusive rights to guide hunters in an 82,000 hectare guide outfitting territory. Pedley Cabins were built by the previous guide outfitter to support the business however; they occupy Crown land without tenure and were sold to the Shuswap Indian Band. ?Akisq'nuk has requested that the province take action to remove the cabins. Shuswap Band is not willing to have the cabins moved unless an alternative location to their satisfaction is found. Discussions by the province with ?Akisq'nuk have taken place and efforts to resolve the issue of the cabins are underway.
- Nature Conservancy of Canada (NCC) has an agreement to purchase DL 48, the only privately-held parcel on the east side of Columbia Lake, and has requested BC funds to assist. ?Akisq'nuk and the Ktunaxa Nation strongly support the purchase.

April 6, 2011

Chief JASON LOUIE (Lower Kootenay)

CONTACT INFORMATION:

PROTOCOL NOTE: Contact the Chair of Ktunaxa Nation Council (Kathryn Teneese) prior to contacting Chief Louie

Chief JASON LOUIE

s.22

Lower Kootenay

MARR Region: Kootenay Boundary

SPEAKING POINTS:

- Congratulations on being elected as Chief on January 28, 2010.
- I understand Lower Kootenay is engaged in a collaborative discussion with Regional District of Central Kootenay, Ministry of Environment and my ministry to develop a long term strategy for waste recovery for the region.
- I understand Lower Kootenay is participating in the Kootenay Lake Stewardship Partnership with federal and provincial agencies to address your interest in protecting the aboriginal fishery.
- I understand that Lower Kootenay owns a guide-outfitting territory in the Goat River and that a large portion of the watershed has been included in the recent treaty land and cash offer presented to Ktunaxa Nation in October 2010.

BACKGROUND:

- Re: contact protocol: Note that the Ktunaxa do not view member bands as separate First Nations. It is one nation, the Ktunaxa Nation, comprised of 4 Ktunaxa communities, ie. ?Akisq'nuk; St. Mary's; Tobacco Plains; and Lower Kootenay.
- Management of the Creston land fill site located immediately adjacent to the Lower Kootenay Indian Reserve has been a contentious issue for many years because of the concern re: leachate from the landfill contaminating reserve lands. MARR is facilitating development of options to address this issue.
- Lower Kootenay is concerned about cumulative impacts of a continuous stream of land decisions and subdivision developments on critical fish habitat and their aboriginal rights to fish. The Partnership (Department of Fisheries and Oceans, Ministry of Forests, Lands and Natural Resource Operations Ktunaxa) was formed to develop a management strategy.
- Lower Kootenay has a strong interest in forestry, holds direct award forest tenures, is interested in acquiring a First Nations Woodlands License through a Forest Tenure Opportunities Agreement, and its development corporation operates a log sort yard and small sawmill.

April 6, 2011

Chief CHERYL CASIMER (St. Mary's)

CONTACT INFORMATION:

PROTOCOL NOTE: Contact the Chair of Ktunaxa Nation Council (Kathryn Teneese) prior to contacting Chief Casimer

Chief CHERYL CASIMER

s.22

St. Mary's

Pronunciation: St. Mary's

MARR Region: Kootenay Boundary

SPEAKING POINTS:

- I want to recognize the huge contribution that several of your members have made to the treaty process as well as significant provincial social, health and education initiatives that are important to all Aboriginal people.
- Congratulations on all your important relationship building initiatives.

BACKGROUND:

- Re: contact protocol: Note that the Ktunaxa do not view member bands as separate First Nations. It is one nation, the Ktunaxa Nation, comprised of 4 Ktunaxa communities, ie. ?Akisq'nuk; St. Mary's; Tobacco Plains; and Lower Kootenay.
- Several prominent members of the St. Mary's have contributed significantly to provincial initiatives: Sophie Pierre, past Chief of St. Mary's is currently serving as Chief Commissioner of the BC Treaty Commission, Kathryn Teneese founding member of the First Nation's Summit and Gwen Phillips is a leader in developing a model for integrated aboriginal social services and launching an "Operation Street Angel" program, to provide outreach to Cranbrook's street involved people.
- Initiatives: Ktunaxa Olympic podium was made out of western larch, unique to Ktunaxa territory with BC and was harvested from the Ktunaxa Nation Community Forest, (2) The Reconciliation Sculpture was unveiled at Cranbrook airport on National Aboriginal Day last year. The event marked the recognition of past injustices and a significant step in the reconciliation between Ktunaxa and non-Ktunaxa, and (3) The City of Cranbrook and St. Mary's are collaboratively managing a regional park on the St. Mary's River.
- The St. Eugene Golf Resort & Casino (<http://www.steugene.ca/>) is located on the St. Mary's Reserve. This resort is in the refurbished former St. Eugene Residential School and is a significant business venture of the Ktunaxa Nation Council.

April 6, 2011

Chief MARY MAHSEELAH (Tobacco Plains)

CONTACT INFORMATION:

PROTOCOL NOTE: Contact the Chair of Ktunaxa Nation Council (Kathryn Teneese) prior to contacting Chief Mahseelah

Chief MARY MAHSEELAH

s.22

Tobacco Plains

Pronunciation: To-back-co Plains

MARR Region: Kootenay Boundary

SPEAKING POINTS:

- Congratulations on providing a Tobacco Plains-milled Western Larch podium for the 2010 Olympics. I understand it has recently returned to your territory.
- I understand Tobacco Plains is very interested in access to range tenure, as well as forest tenure to supply your mill.
- I understand that you are concerned about management of the Flathead watershed and implementation of the Southern Rocky Mountain Management Plan.
- Congratulations on your development of the Big Springs recreation site.

BACKGROUND:

- Re: contact protocol: Note that the Ktunaxa do not view member bands as separate First Nations. It is one nation, the Ktunaxa Nation, comprised of 4 Ktunaxa communities, ie. ?Akisq'nuk; St. Mary's; Tobacco Plains; and Lower Kootenay.
- The Southern Rocky Mountain Management Plan was approved by government in 2005 and covers the Flathead valley among others within Ktunaxa territory. A stakeholder committee meets regularly to discuss implementation and relevant issues. Government has requested Ktunaxa involvement however, to date, Ktunaxa have not actively engaged in plan implementation.
- The Ktunaxa Nation Council was witness to an MOU between BC and Montana to cooperate on issues of environmental protection, climate change and energy including in the Flathead Valley. Ktunaxa Nation Council is currently considering ways to implement their involvement in the MOU.
- Tobacco Plains interests in range and forest tenures will be explored at the Nation level.
- Tobacco Plains is a partner in a collaborative land use planning process with the Regional District and the province on Lake Koocanusa. Outcome will be land use zoning bylaws, and direction of provincial land use decisions, which reflect Ktunaxa aboriginal interests.
- Tobacco Plains recently acquired the ownership of a former recreation site, Big Springs, and area of significant heritage value and is being operated for tourism purposes.