

Underwood, Victor TRAN:EX

From: Garna Feregotto <gferegotto@ktunaxa.org>
Sent: Wednesday, December 5, 2012 1:28 PM
To: Minister, ABR ABR:EX; Minister, CSCD CSCD:EX; Minister, FLNR FLNR:EX
Cc: Jason Louie; Transportation, Minister TRAN:EX; gjackman@kootenay.com; jrkettlejgalt@shaw.ca
Subject: Burdens Cut ITA Support Letter
Attachments: LaFrance Creek Burdens Cut ITA.pdf

Please see attached letter of support from the Ktunaxa Nation Council.



**KTUNAXA
NATION**

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Via: Email

December 4, 2012

Honourable Ida Chong, Minister of Aboriginal Relations & Reconciliation
ABR.Minister@gov.bc.ca

Honourable Bill Bennett, Minister of Community, Sport & Cultural Development
CSCD.Minister@gov.bc.ca

Honourable Steve Thomson, Minister of Forest, Lands & Natural Resource Operations
FLNR.Minister@gov.bc.ca

Dear Ministers:

RE: LaFrance Creek /Burdens Cut Interim Treaty Agreement (ITA)

I am writing this letter on behalf of the Ktunaxa Nation Council (KNC) to urge you to make a positive decision on this ITA as soon as possible. This is an extremely time sensitive matter that has been the subject of intense work by all levels of government for more than 15 years. The following provides some of the key factors that we believe that you should consider as you make your decision.

1. This ITA an essential component of a larger initiative that is addressing a multi-decade dispute between around the Lower Kootenay Band (LKB) and the Regional District of Central Kootenay (RDCK) regional landfill located in Creston. This landfill is directly adjacent to one of the LKB Indian Reserves and it requires immediate upgrading to fulfill regional waste management needs. Resolution of the LKB-RDCK dispute is essential to a long-term regional waste management plan.
2. Many levels of government (Canada, BC, RDCK, Creston, LKB, KNC) have invested countless hours and resources to come to an acceptable arrangement for regional waste management. Each level of government has had to go through complex approval processes to bring their respective contributions to the table and are now all awaiting the Province's decision on this ITA. Again, this ITA is an essential component of that arrangement: without the ITA there is no deal and regional waste management needs cannot be met.
3. Resolving the regional landfill issue through the envisioned intergovernmental partnership is a model of positive government-to-government relationships. The

Ktunaxa Nation has worked diligently with other governments to create these types of relationships and we are concerned that allowing this project to fail due to untimely decision making could compromise our collective work in this area.

4. The Ktunaxa have had a long-standing cultural relationship to Kootenay Lake. Unfortunately none of the Ktunaxa Indian Reserves were located along the Kootenay Lake, the entire east shore is private lands and there is no access to west shore. This effectively cuts off Ktunaxa access to the lake so gaining ownership for this parcel would be a home-coming of deep cultural and symbolic significance.
5. LKB envisions a cultural facility with associated development for the property. The lake portion of Burdens Cut (approximately 3 hectares) is within an established recreation reserve (UREP) however it has never been developed and access is difficult. Local government representatives have expressed their solid support for this ITA because this area's recreation use has been non-existent. LKB has no plans for development on for this portion of the parcel, other than improved access which we would expect to enhance the area's use and values.
6. Once treaty is settled this parcel will become Ktunaxa Lands (treaty settlement lands). For the interim the fee simple title will be held by the LKB.

I would again urge the province to address this matter before the January Treasury Board meeting. We all have so much to gain with a positive decision but we also all have an incredible amount to lose with a negative decision or indecision. Time is of the essence and this opportunity will be lost if we don't move quickly.

If you have any further questions, please contact my staff member, Garry Merkel at s.22 or s.22. Thank you for your timely attention to this matter.

Sincerely yours,



Kathryn Teneese
Chair, Ktunaxa Nation Council

Cc: Jason Louie, Chief, Lower Kootenay Band
John Kettle, Chair, Regional District of Central Kootenay & Chair, Ktunaxa Kinbasket Treaty Advisory Council
Garry Jackman, Director, Area A, Regional District of Central Kootenay
Honourable Mary Polak, Minister, Transportation & Infrastructure