

**Lower Kootenay
Indian Band**

PROPOSED

Creston Landfill Settlement

Incremental Treaty Agreement

**Absolute Surrender of Lot 68
Creston IR #1**

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- A decorative graphic at the bottom of the slide showing a silhouette of a mountain range in shades of teal against a darker teal background.

Landfill Overview

- The Creston Landfill is located adjacent to Creston IR #1 and is situated on Provincial Crown Land;
- Natural attenuation landfill in operation since 1972;
- Landfill is well contained with minimal impacts;
- Landfill is operated through a Licence of Occupation by the Regional District of Central Kootenay and is regulated by the Municipal Waste Act;
- Current lifespan of the Landfill is estimated at 50 years. Dependent upon the 3 R's (Reduce, Recycle, ReUse);

Landfill Environmental

- Intensive Environmental Monitoring Program is in place with over 15 groundwater monitoring wells located down gradient of the landfill;
- Minor water quality impacts beyond property boundary
- The Regional District of Central Kootenay has designed and implemented an environmental monitoring program to assess the following:
 - Groundwater & Surface Water Quality,
 - Plant Tissue, Aquatic Sediments and Benthic Invertebrates on adjacent LKB Lands
- Annual Report with results from Environmental Monitoring are shared with LKB annually.
- Phase 1 Closure is completed;



Aerial picture of Phase 1 closure directly east of Creston IR #1



Aerial picture of Phase 1 closure directly east of Creston IR #1

Proposed Solution

- Following 18 years of negotiations, a multi-phased solution has been developed that will secure the long-term operation of the Creston Landfill in its present location.
- The solution will assist to ensure the activities and operations at the Creston Landfill site will be protective of human health and the surrounding environment;
- The parties involved in the development of the solution include:
 - Lower Kootenay Indian Band,
 - Regional District of Central Kootenay,
 - East Waste Management Committee,
 - Town of Creston,
 - Ktunaxa Nation Council,
 - BC Government (MOE) (MFLNRO) (MAAR)
 - Canada (AANDC)

- To secure the long-term, environmentally sound and economically efficient management of the landfill, the RDCK needs to acquire ownership of
 - (a) approximately 9ha of Creston IR#1 that is between the landfill and the highway;
 - (b) Crown land parcels surrounding the remaining perimeter of the landfill.
- The RDCK have offered \$300k for the 8.28 ha parcel on Creston IR #1 which is the Appraised Fair Market Value;
- The RDCK have also offered an additional \$300k to be utilized by LKB for Economic Development;
- **This surrender of IR lands needs to be approved through a Community Referendum.**

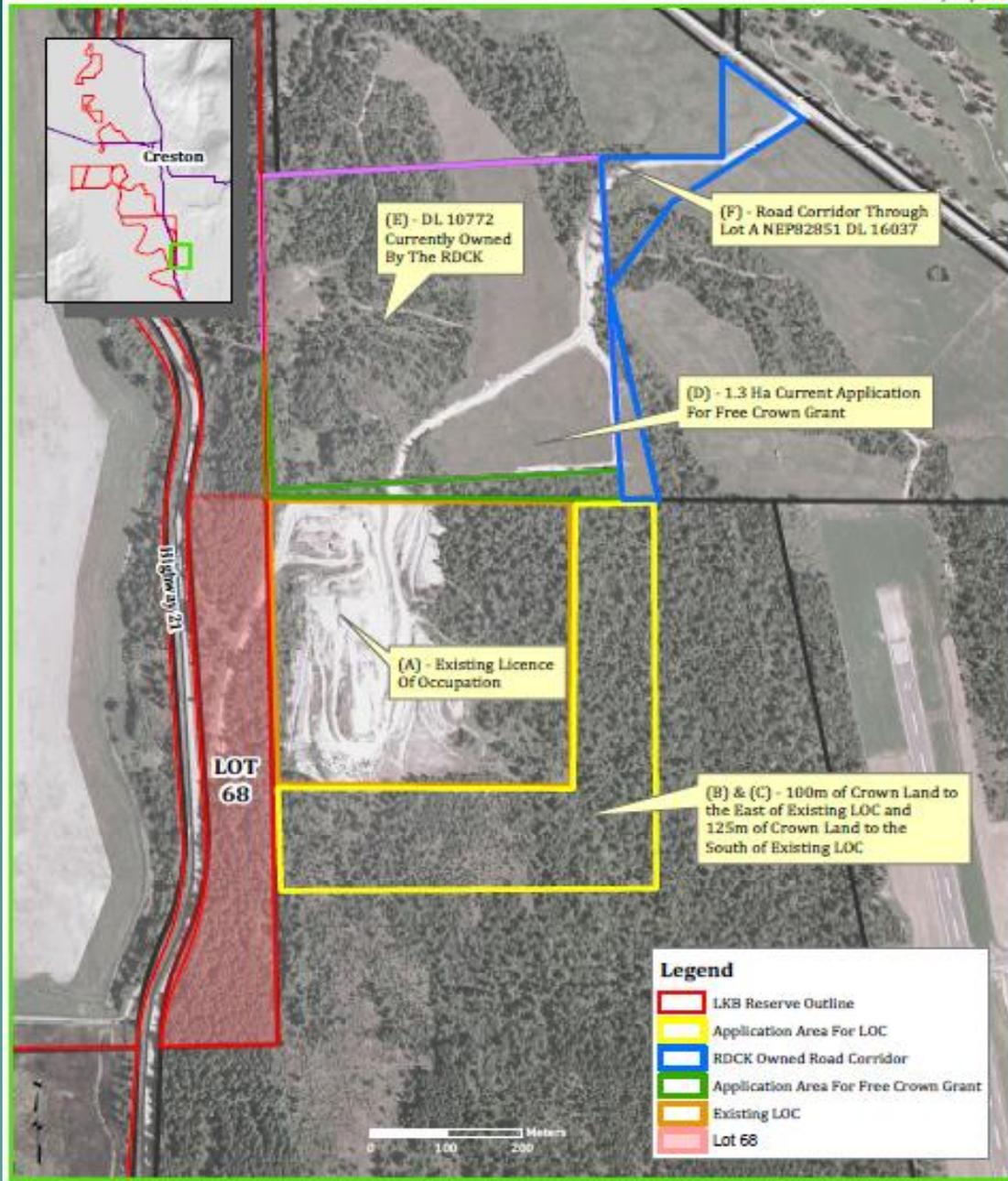


Option 1

Panel B/C A

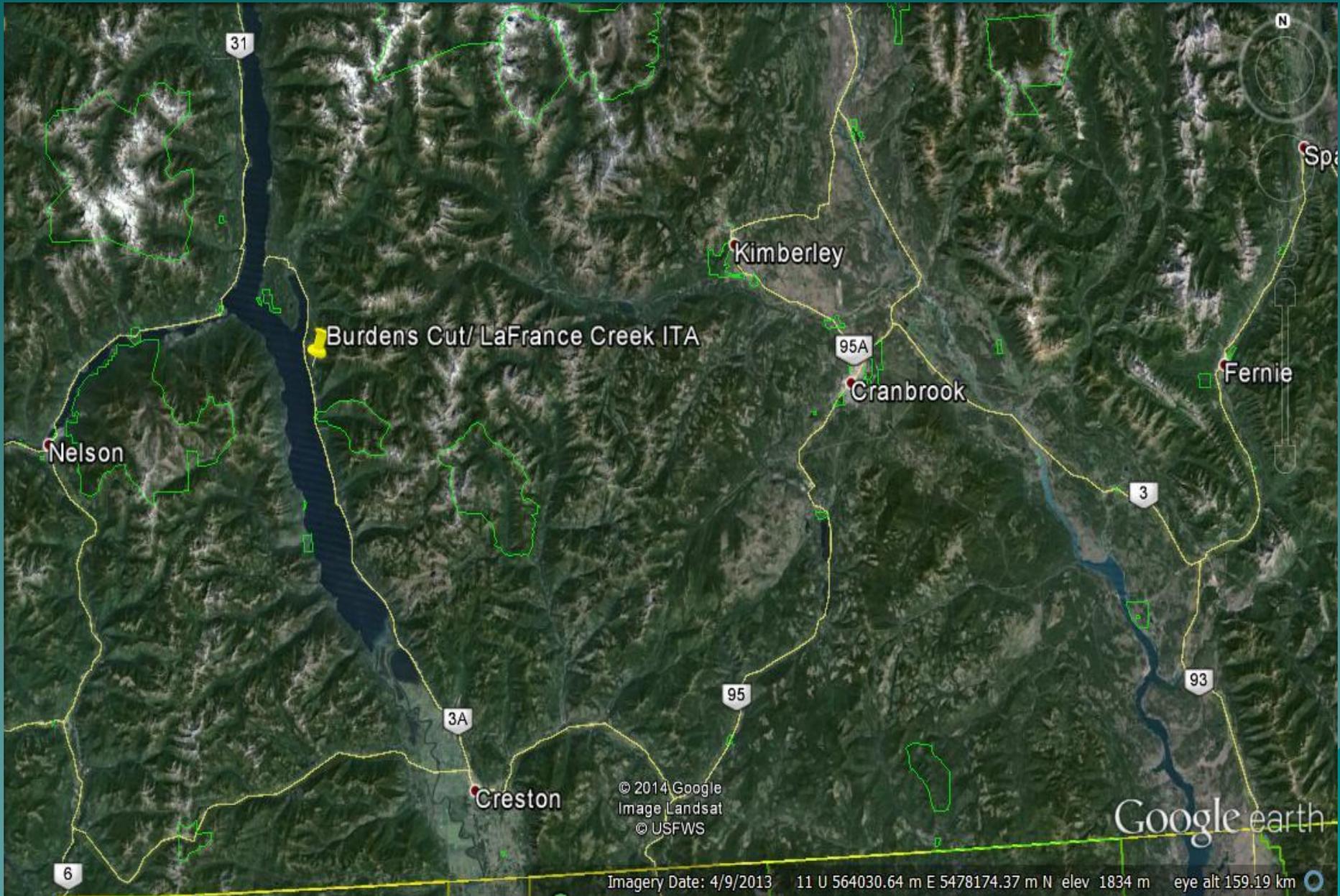
Appendix A, Lot 68 Creston IR No. 1

Lower Kootenay Band
27/05/2015



Incremental Treaty Agreement

- The LKB Incremental Treaty Agreement (ITA) is another part of the agreement developed for the Creston Landfill and is offered by BC;
- The ITA will see the early transfer of 176 ha (435 acres) of Crown Land at Burdens Cut/ LaFrance Creek to a company owned by the Lower Kootenay Band
- The Land will be transferred “fee simple” (private land);
- ITA is supported by C&C from all communities as well as the KNC Executive Council;
- The final transfer of ITA Lands is dependent upon a number of terms, covenants and conditions:



Burdens Cut/ LaFrance Creek ITA

Nelson

Kimberley

Cranbrook

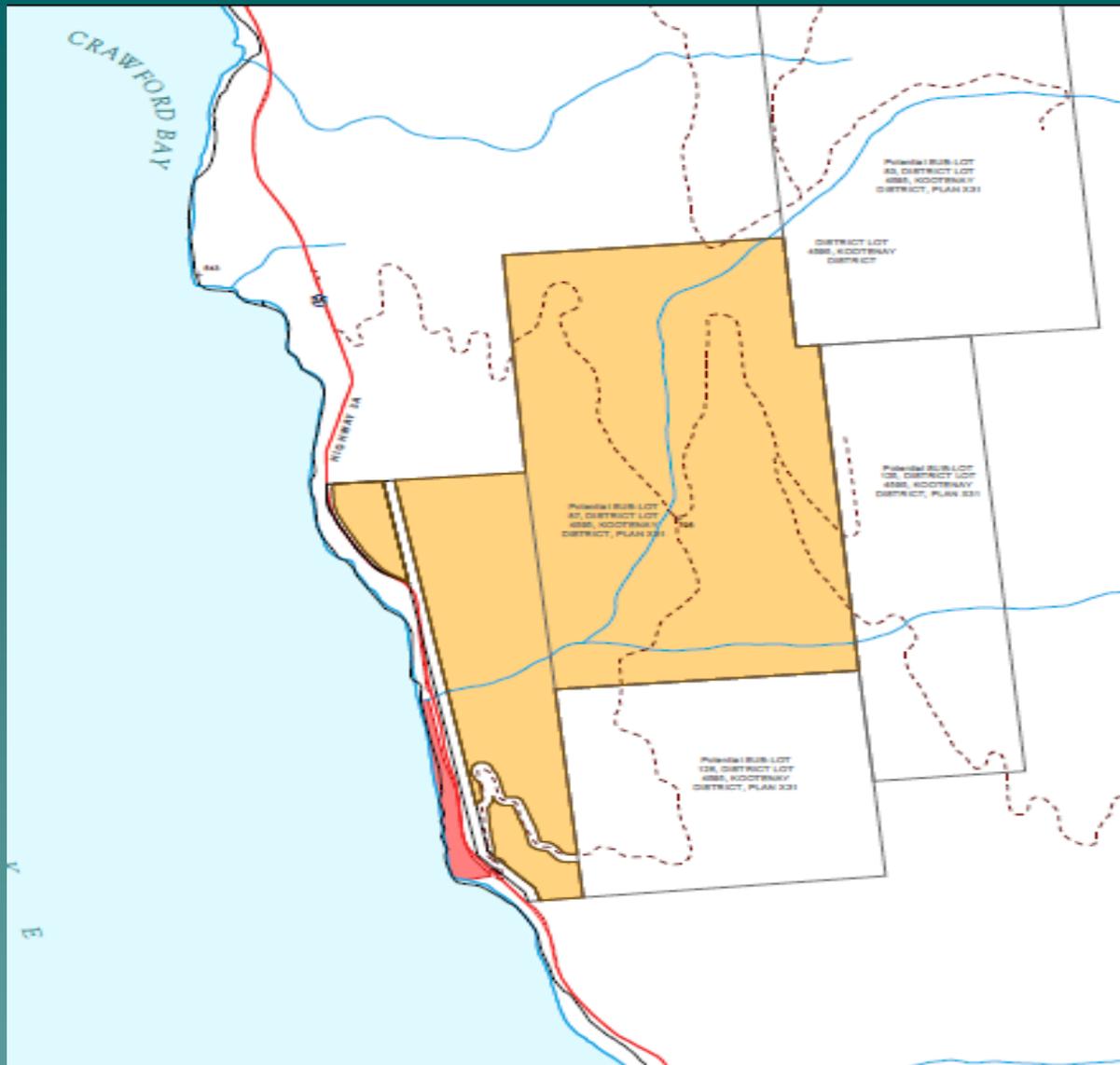
Fernie

Creston

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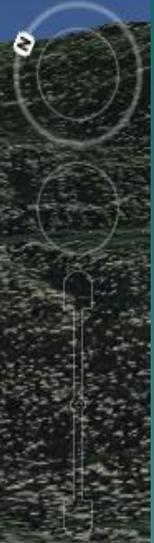
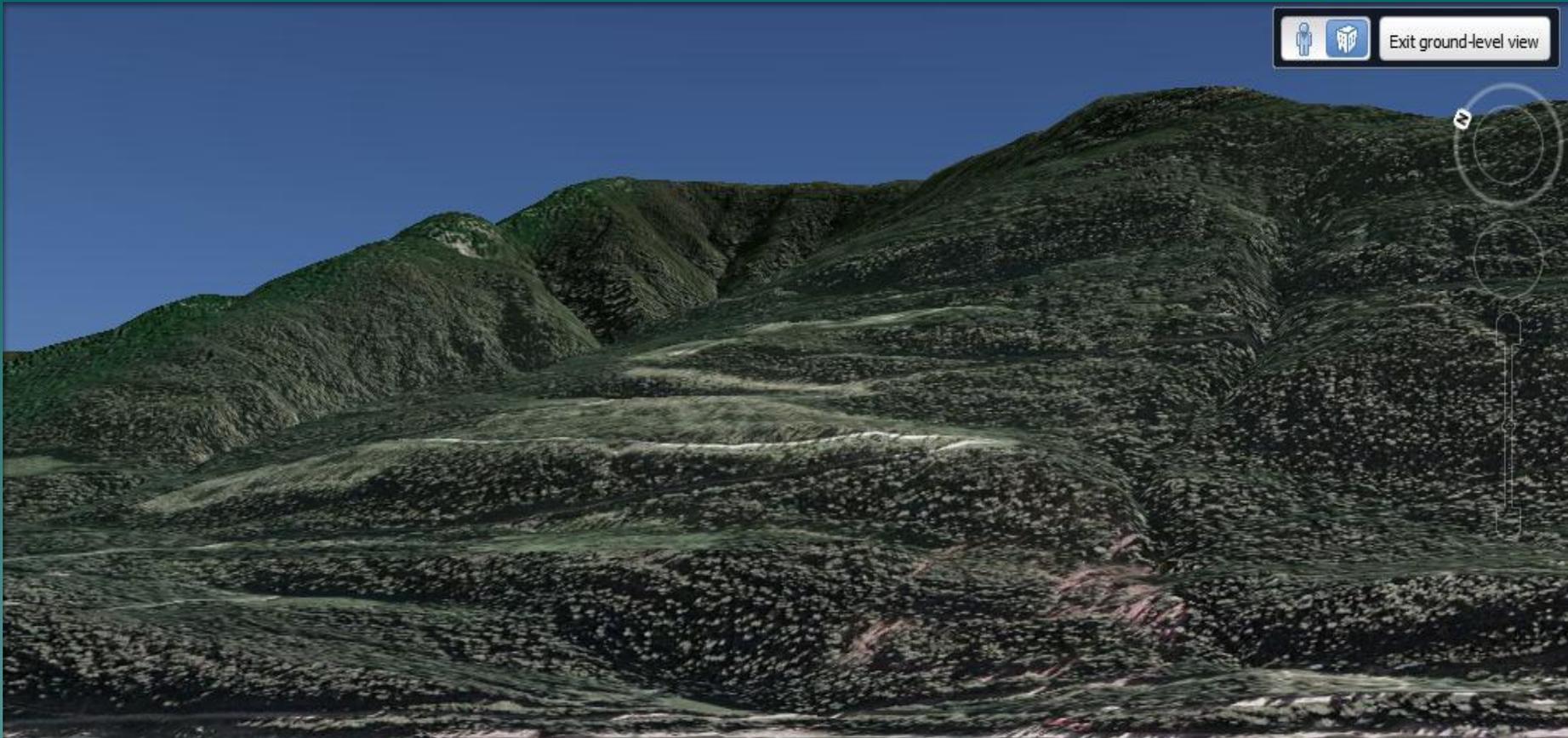
Google earth

Imagery Date: 4/9/2013 11 U 564030.64 m E 5478174.37 m N elev 1834 m eye alt 159.19 km



ITA lands are in Brown and Red.

Exit ground-level view



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Image Landsat
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Google earth

2011

Imagery Date: 4/9/2013

eye alt 536 m

Terms, Covenants and Conditions

- The Lower Kootenay Band complete the legal survey of “the lands”;
- LKB and AANDC providing written confirmation that an absolute surrender of approximately 9 hectares of the Creston Indian Reserve #1;
- The Land is accepted ***“as is”***.
- LKIB or the Designated Company will pay all applicable Property Taxes. The RDCK has the ability to waive Property Taxes. We can negotiate this separately with the RDCK.
- LKB cannot make these lands “reserve lands” in the future;

- LKB agrees that we will not dispose (sell, transfer) of the lands for at least 10 years to preserve the possibility of the Lands becoming “Ktunaxa Lands” in accordance with the Final Treaty Agreement;
- The Lands are subject to all applicable government laws in the development of the land and will require licences and permits from the applicable governments in order to develop the land.
- We can use the land as “equity” with a financial institution.
- The lands will become “Ktunaxa Lands” in the context of Treaty once a Treaty is signed and in effect. If not they will remain “fee simple” lands held by the LKB Company;



View from ITA lands overlooking Kootenay Lake



View from ITA lands overlooking Kootenay Lake



Proposed ITA lands



Beach on proposed ITA lands

Potential Uses

- **Campground** to be used by all Ktunaxa Citizens;
- **Cultural Camp**: This camp would be used as an investment in the advancement, development, preservation and protection of the traditions, values, culture, language and identity;
- **Kootenay Lake Eco Resort** with Lodge and RV Park