

Regional District of Central Kootenay

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File No. 6300-CRE-20

September 18, 2014

Chief J. Louie
Lower Kootenay Indian Band
830 Simon Road
Creston, BC V0B 1G2

Dear Chief Louie:

RE: AGREEMENT TO PURCHASE AND USE OF INDIAN RESERVE LANDS ADJACENT TO THE CRESTON LANDFILL

In conjunction with the related Agreements being moved forward through the Ktunaxa Nation Council, Indian and Northern Affairs Canada and the Province of British Columbia as they pertain to the properties comprised of and adjacent to the Creston Valley Landfill, the following outlines the confirmations and commitments to reach an agreement between the Regional District of Central Kootenay and the Lower Kootenay Indian Band to purchase and use of Indian Reserve lands adjacent to the Creston Landfill.

1. ACQUISITION AND CONSOLIDATION OF LANDFILL LANDS

It was agreed that in recognition of historic and existing impacts on Crown and Reserve Lands, due to the operation of the Creston Valley Sub-Regional Landfill, an effort would be made to secure affected lands to allow the RDCK to continue to provide this Waste Management Service for the benefiting area. The lands required to ensure the long term viability of this service are presently identified as being Crown and Reserve Land.

1.1 CROWN LANDS

The RDCK will make formal application for a sponsored Crown Grant for lands including:

- 1.1.1 The existing License of Occupation lands containing the landfill footprint.
- 1.1.2 The 'wedge'.
- 1.1.3 A 100 meter wide strip bordering the southern boundary of the landfill and a 125 meter wide strip bordering the eastern landfill boundary to allow for future closure, monitoring and maintenance activities.

2. RESERVE LANDS

The LKIB/INAC and RDCK have agreed to negotiate a purchase of approximately 22 acres of Reserve Lands located between the western toe of the landfill and Highway #21 with the purchase price based on an independent and professional evaluation of the property.

Furthermore the LKIB/INAC and RDCK have agreed to negotiate an access permit/non-exclusive lease of Reserve Lands located between Highway #21 and the Kootenay River, for the purpose of ground water monitoring, based on an independent and professional evaluation of the property.

The following are offered for consideration of the Ktunaxa Nation Council, the Kootenay Indian Band Council and the Department of Indian and Northern Affairs:

- 4.1 Purchase of 22 acres of IR Lands. – Based on the independent market evaluation submitted by *Linda Hastings, AACI, P.App.* of E.K. Appraisals the RDCK is prepared to offer the greater of **\$300,000.00** (market value) or **\$13,638.00/acre** (market value) for the purchase of approximately 22 acres identified in Appendix 3 to this document.



- 4.2 Access Permit for Purpose of Groundwater Monitoring. – The Regional District of Central Kootenay requires access to the lands located downgradient of the landfill, lying west of Highway 21 and east of Kootenay River. Four monitoring wells have been constructed and have been added to the RDCK Environmental Monitoring Program (EMP). Access is required on a quarterly basis for a period of less than 2 days/quarter or a period not exceeding 8 days/year.

It is intended to carry out the program with minimum disruption to existing activities on the site. It is estimated that the land area affected by the monitoring activity is less than 2 acres but it is also recognized that additional affected areas may be identified throughout the monitoring process.

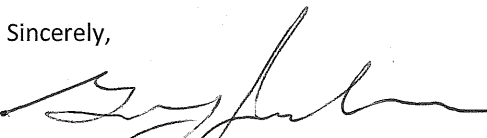
Based on the independent market evaluation submitted by *Linda Hastings, AACI, P.App.* of E.K. Appraisals the RDCK is prepared to offer **\$809.38/year** (market value) for permission to access its groundwater monitoring wells located on IR lands. This permit fee will remain in effect for a period of five (5) years at which time the collected data will be evaluated by an independent and mutually agreed upon professional, and the permit fee re-negotiated to reflect the findings of this evaluation.

3. PARTNERSHIPS

A number of additional Shared Interests (SI) have been identified during our on-going discussions. The RDCK and the LKIB have agreed to explore ways to stimulate and support Economic Opportunity within the Lower Kootenay Indian Band community and to involve the Lower Kootenay Indian Band in the governing process within the Creston Valley.

The Regional District is prepared to commit up to \$300,000.00 to sponsor the activities of a joint LKB—RDCK Economic Development Committee to examine opportunities for Band initiatives. The details of this program will be discussed and formalized through future discussions.

Sincerely,




Garry Jackman, Chair
East Resource Recovery Committee
Director, Electoral Area C



John R. Kettle
Director, Electoral Area B



Larry Binks
Director, Electoral Area C



Ron Toyota
Town of Creston

GJ/uw/sme

cc: Marty Osberg, Ministry of Aboriginal Relations and Reconciliation
RDCK Board of Directors

