



LOWER KOOTENAY BAND

3425 Hwy 21/Old Community Rd, Creston, BC V0B 1G2 Ph:250-428-4428

OFFICIAL MINUTES

Type of Meeting: Lower Kootenay Council Meeting		Date of Meeting: November 17, 2023	
Participants: Chief: Jason Louie Councillors: Cherie Luke, Robin Louie, Josie Fullarton Absent : Chad Luke Guests: Teck/Glencore		Chair: Director of Development Services, Curtis Wullum	Recorder: Administrative Assistant: Samantha Phypers
Location: LKB Council Room			

CALL TO ORDER

Time: 8:58

AGENDA

Review of Agenda:	Additions: 8g – Council Retreat Strategy Session	Deletions: N/A
Motion:	Moved By: Cherie Luke Seconded By: Jason Louie	THAT: Chief and Council approve the amended agenda Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/>

PREVIOUS MINUTES

Review of Minutes:	Discussion:	
Motion:	Moved By: Robin Louie Seconded By: Cherie Luke	THAT: Chief and Council approve the November 3, 2023 minutes. Carried <input checked="" type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/>

APPOINTMENTS

Name: Teck/Glencore	Discussion Topics: Teck/Glenmore Purchase <ul style="list-style-type: none"> The CEO Gary Nagle will remain in Switzerland but Glencore will continue to manage most of Elk Valley Resources from Canada through both the Vancouver head office and regional offices in Calgary and Sparwood Teck/Glencore is reminded that each of the Ktunaxa Bands has different priorities in terms of the stewardship of the land and different priorities for moving their memberships forward. YN is focused on the health of their membership and the creation of a fitness facility is of high priority. Mining takes up the largest share of Glencore’s business operations. They have significant investments across Canada.
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- Glencore confirms that it is committed to supporting First Nations communities around the globe.
- Gary Nagle is asked if he has any staff members that would be interested in doing a walk on the YN land? Gary Nagel and others agree.
- It is expected that the transition from Teck to Glencore will be complete between July-December, 2024.
- A comprehensive Relationship Agreement requires understanding of YN priorities and will take time.
- An interim agreement will be required in order to support the timely construction of the fitness center and there is a commitment to have a draft agreement provided to YN staff in the near future.
- Glencore does not plan to make big staffing changes and there will be consistency in the key people that YN has a history in working with.
- Another priority for LKB is to use our existing greenhouse facilities to expand into native plant propagation and be a player in the Teck/Glencore reclamation efforts with in the Ktunaxa territory.

DEBRIEFING OF APPOINTMENTS

Appointment Discussion:

Nil

NEW BUSINESS

8a – Castlegar Office Space at the Chamber of Commence Visitor’s Centre

Discussion: Options for Leasing Space

- The 3 options:
- Option 1 for \$1M: Lease for 48 years with option to review for 50 years
 - Exclusive (no other FN tenants)
 - 2 offices in south wing
 - Indigenization of the Visitor Center shared space
 - Indigenization of the landscaping
 - Right to fly YN flag
 - YN name on the exterior of the building or on the property
 - Permanent Donor Wall Recognition
 - Complimentary use of the boardroom for 6 day/annum
 -
- Option 2 \$750,000.00 Lease for 48 years with option to renew for 50 years
 - Not exclusive
 - 1 office in the south wing
 - Indigenization of the East side of Building facing Hwy 3
 - Indigenization of Visitor Center



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- Right to fly YN flag
- YN name on the exterior of the building
- Permanent Donor Wall Recognition
- Complimentary use of the Boardroom 4 days/annum
-
- Option 3 \$500,000.00: Lease for 48 years with option to review for 50 years
 - Not exclusive
 - No dedicated office
 - Indigenization of the Visitor Center
 - Indigenization of East side of building facing Hwy 3
 - YN name on the outside of the building
 - Permanent Donor Wall Recognition;
 - Use of board room 6 days/per annum
- Discussion of whether there could be a mural painted on the side of the building? This will require further discussion with the Chamber of Commerce.
- The exclusivity option is particularly significant to the declaration of YN territory

Motion:	Moved by: Robin Louie Seconded by Josie Fullarton	THAT: LKB Chief and Council agree to negotiate a lease agreement based upon the terms of Option 1 with the Castlegar Chamber of Commerce.
		Carried X Tabled Defeated

8b – Specific Claim Negotiation Protocol Agreement and BCR

Discussion:

- There is agreement tie together a number of smaller specific claims and to begin negotiations with Canada. These claims include the 1940 establishment of Kootenay River and Putnam Road on IR 1C; the 1968 revision of Kootenay River Road on Creston IR 1C; the 1955 Riverview Road taking on IR 1 and the Duck Lake Road on IR 5.
- Discussion about the involving elders and knowledge keepers to assist in gaining evidence to support new and existing specific claims.

Motion:	Moved by: Robin Louie Seconded by: Cherie Luke	THAT: LKB Chief and Council approve the BCR accepting and approving the terms of the NPA and which authorizes and instructs Nasukin Louie to sign the NPA in the name of, and on behalf of, the Lower Kootenay Band for the purpose of the negotiating the Claims.
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		Carried X Tabled Defeated
8c – Rykerts Property		
Discussion: Consideration of Placing Offer on the Rykerts Property The Rykerts property has been appraised at \$1.5M. We can either make an offer or articulate to the seller that we are not interested in the property.		
Motion:	Moved by: Robin Louie Seconded by: Josie Fullarton	THAT: LKB Chief and Council approves the BCR authorizing LKDC, on behalf of the Lower Kootenay Band to submit an offer to purchase the Rykerts property up to a maximum of amount of \$1.4K inclusive of costs including the property purchase tax and legal fees.
		Carried X Tabled Defeated
8. d – CV Wetlands Management Board Board Appointment		
<ul style="list-style-type: none"> CVWMA has offered Lower Kootenay Band a seat on its Board. Robin Louie has put his name forward to sit on the Board. 		
Motion:	Moved by: Jason Louie Seconded by: Cherie Luke	THAT: LKB Chief and Council appoint Robin Louie as the LKB representative on the CVWMA Board.
8. e - RDCK Mutual Aid Services Agreement for Signature		
Discussion: Emergency Services Agreement <ul style="list-style-type: none"> The RDCK and LKB will be present to provide each other emergency services if so required. 		
Motion:	Moved by: Jason Louie Seconded by: Cherie Luke	THAT: LKB Chief and Council agree to enter into the Emergency Services Agreement with the RDCK.
		Carried X Tabled Defeated
8. f- Draft BC Parks Foundation Letter of Support		
<ul style="list-style-type: none"> Robin Louie and Curtis Wullum will draft a letter of support 		
8 g - Council Retreat Strategy Session		
Discussion: <ul style="list-style-type: none"> Arrangements to be made in January/ February, 2023 for a Council Retreat The preference would be to stay close to Creston. Ainsworth is a consideration. It may be most convenient to schedule the retreat on a Wednesday/Thursday/Friday Key staff members should be selected to participate in the retreat. Stan Chung seems to be the best choice for a facilitator. 		



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8. h – Teck Compliance Agreement – Next Steps

Discussion:

- Teck has been fined \$16M by the BC Provincial government for failing to have a water treatment facility ready, by a required date, to limit emission of nitrate and selenium from its Fording River operations in the Elk Valley
- Teck has initiated the Appeal Board process. It has also advised the Ktunaxa First Nations, KNCS and ENV that it would like to negotiate a Compliance Agreement as an alternative to the penalties.
- Based upon current information, there are two main options for consideration:
 1. Continuing support for the BC Provincial Government legislative and enforcement process. This would entail working with ENV to support the penalties through the Appeal Board process. This option leverages existing processes and legislation and would likely require a commitment of Ktunaxa time and resources to the appeal process over a possible two-year timeframe. There is the possibility that negotiations with ENV could be result in the penalty payment being allocated to ?amak?is Ktunaxa.
 2. Alternatively, explore developing a Compliance Agreement with Teck and ENV. This would entail negotiating an agreement that would resolve the current penalties and end the Appeal Board process. Allocation of funds to Ktunaxa or ?amak?is Ktunaxa would also be on the table. There is no anticipated timeframe for this work, though we would expect that ENV and Ktunaxa Leadership would likely want a Compliance Agreement to be developed in a timely manner.

IN CAMERA

Motion:	To Go In Camera: 11:29am Moved By: Robin Louie Seconded By: Cherie Luke	To Go Out Of Camera:11:59am Moved By: Josie Fullarton Seconded By: Robin Louie
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ADJOURNMENT

Next Meeting:	December 1, 2023
Adjournment:	Jason Louie – 12:13 p.m.