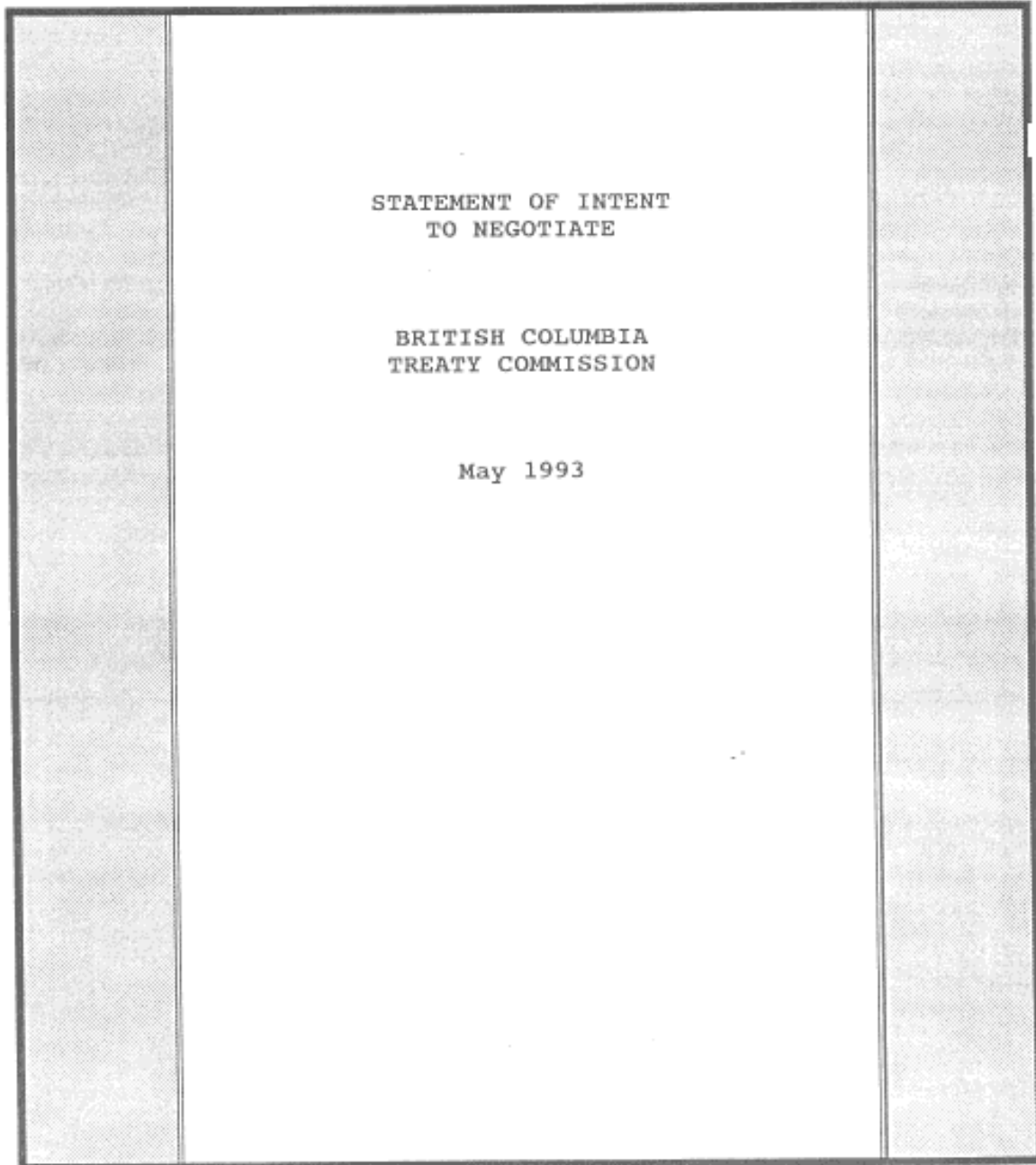


KTUNAXA/KINBASKET TRIBAL COUNCIL

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COLUMBIA LAKE

LOWER KOOTENAY

ST. MARYS

SHUSWAP

TOBACCO PLAINS

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1. INTRODUCTION

The Ktunaxa/Kinbasket Tribal Council (KKTC) represents (5) Indian Bands in southeastern British Columbia. The KKTC is preparing for a comprehensive land claim to be negotiated through the British Columbia Treaty Negotiations process. The traditional territory of the Ktunaxa Nation covers approximately 27,000 square miles in British Columbia, and historically included parts of Alberta, Montana and Idaho.

In order to be prepared for the Treaty Negotiations, research is being done to substantiate the Ktunaxa Nation land claim. This work was begun in the late 1970s, prior to the filing of a comprehensive land claim with the federal government. Research work was suspended for much of the late 1980's due to lack of finances. With the creation of the KKTC Department of Land and Resources, work on the land claim was resumed. This "Statement of Intent to Negotiate" addresses the critical need for further financial resources through the British Columbia Treaty Commission in order to complete preparation for the Treaty Negotiations.

Section 2 briefly describes the history of the Ktunaxa people in Canada and the United States, and the evolution of the KKTC. Section 3 describes the geographical boundaries of the Ktunaxa traditional territory. In Section 4, the past work related to the land claim is documented; Section 5 discusses the mandate of the KKTC Department of Land and Resources, now responsible for land claims preparation. Section 6 outlines the work priorities of the Department for the coming year, while Section 7 lists the activities specific to Treaty Negotiations. Section 8 presents the budget request for funding by the B.C. Treaty Commission, and Section 9 concludes the proposal with a list of Contacts within the Department.

2. DESCRIPTION OF KTUNAXA NATION

2.1 The Ktunaxa Nation

The Ktunaxa Nation consists of several communities in southeastern British Columbia, northern Idaho and northwestern Montana who have shared traditional lands, culture and language for many centuries. The Ktunaxa Nation is also known as the Kootenay or Kutenai Nation.

The Ktunaxa people lived a nomadic lifestyle, living off lands east and west of the Rocky Mountains in present day Canada and United States. Ktunaxa names for landmarks throughout this area and numerous archaeological and heritage sites attest to Ktunaxa use for over 10,000 years.

The Ktunaxa land base was greatly reduced by non-native settlement and the imposition of the reserve system in the late 19th century. Reserves were first surveyed in the 1880's and then reduced further in size in the early 1900's. All these land actions by the government were done without the consent of the Ktunaxa people.

The reserve system and the passing of the Indian Act led to the creation of the present permanent communities or Indian Bands in Canada. There are now seven Bands in traditional Ktunaxa territory - five in British Columbia and two in the United States.

The locations of the five Canadian member Bands are:

Columbia Lake - Windermere, BC
Lower Kootenay - Creston, BC
Shuswap - Invermere, BC
St. Mary's - Cranbrook, BC
Tobacco Plains - Grasmere, BC

The locations of the Ktunaxa Bands in the United States are

Kootenai Tribe of Idaho - Bonner's Ferry, Idaho
Confederated Salish and Kootenai Tribe - Elmo, Montana

2.2 Ktunaxa/Kinbasket Tribal Council

The Ktunaxa /Kinbasket Tribal Council (KKTC) was initially formed as the Kootenay Indian District Council in 1970 to collectively promote the political and social development of the Ktunaxa Nation. In 1974, the re-named Kootenay Indian Area Council (KIAC) began program and service delivery to the five member Bands.

In 1991, the KIAC changed it's name to the Ktunaxa/Kinbasket Tribal Council to reflect the origins of the two language groups in the traditional territory. The majority of the members of the five Canadian Bands originate from the Ktunaxa or Kootenai culture. However, the Shuswap Band contains descendants of the Kinbasket family who moved to the Invermere area in the 19th century from territory of the Shuswap Nation.

The goals of the KKTC include promotion of native language and culture, community and social development, wellness, self-government and land management. The KKTC is presently organized into the following service areas:

Administration and Operations Wellness Community and Economic Development Culture and Language Land and Resources Education Justice

3. AREA OF TRADITIONAL TERRITORY

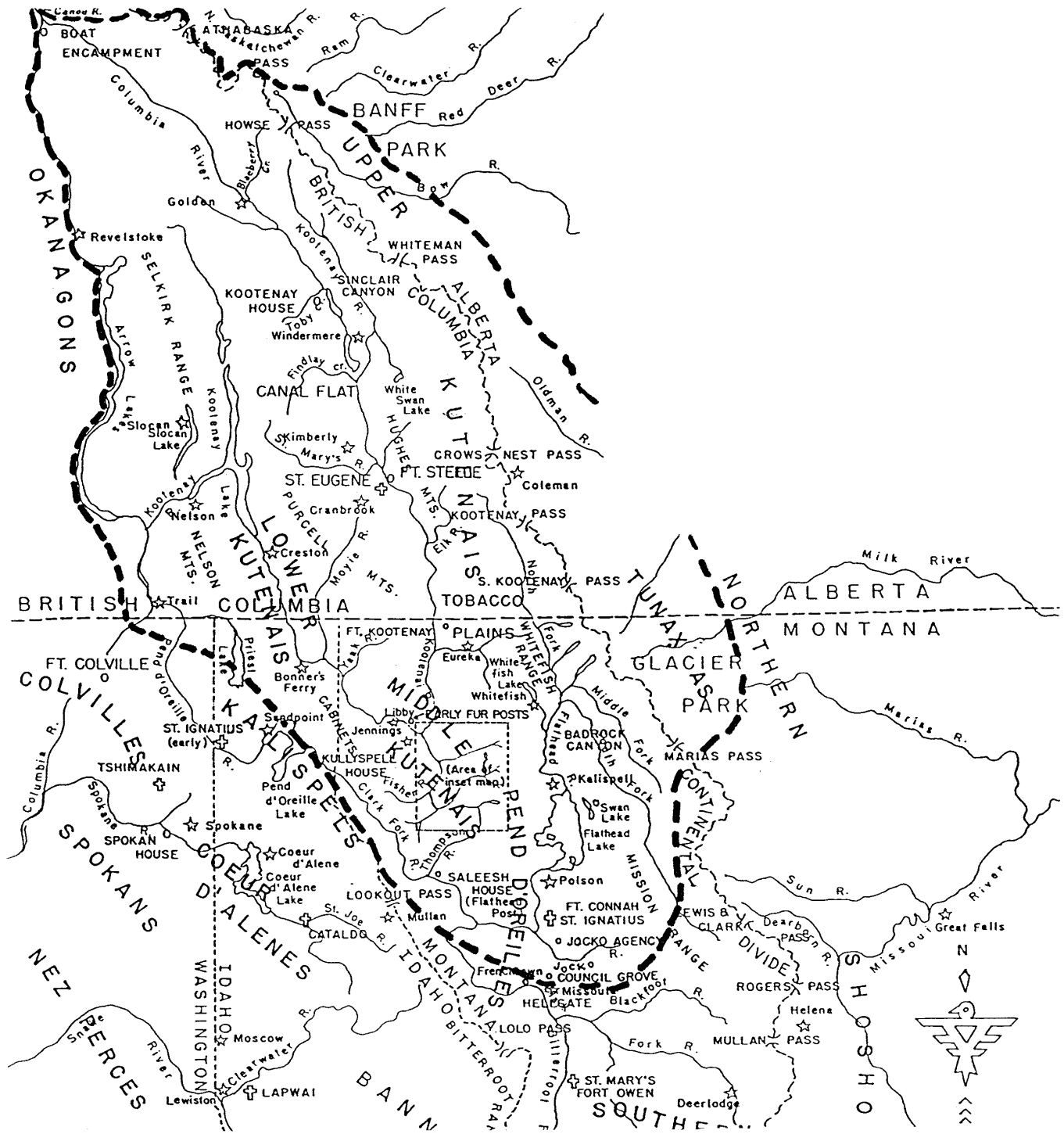
We, the Kootenay Nation, consisting of various Bands of Kootenay, have since a time in the vast geological distance, occupied those lands adjacent to the Kootenay River: from the Big Bend of the Columbia River north of Donald Station, thence southerly, including all of the Kootenay sinuosities, to that part of Montana, USA, known as Missoula; thence westerly to the Bonner's Ferry area of Idaho, USA; thence northerly to the upper Arrow Lakes of British Columbia, Canada; thence easterly across the Big Bend of the Columbia River to the eastern slopes of the Rocky Mountains."

This description of the traditional Ktunaxa territory comes from the opening lines of the Kootenay Nation Land Claim and Declaration endorsed by the elected representatives of the five Canadian Indian Bands in 1981. The map in Figure 1 outlines this territory.

At one time the Ktunaxa people hunted regularly across the Rocky Mountains on the Great Plains in both Canada and the United States. When salmon still migrated up to the headwaters of the Columbia River, the Ktunaxa people travelled to this area for their yearly supply of fish. Decimation of the buffalo on the plains and of the salmon in the river systems changed forever the yearly pattern of harvest for food. Confinement of the Ktunaxa people to Indian reserves also restricted access to much of the traditional territory.

The neighbouring tribes to the Ktunaxa or Kutenai people are also shown on Figure 1:

East	- Blackfeet, Stoney (Alberta)
South	- Flathead, Pend D'Orielle (Montana) , Kalispell (Idaho), Colville (Washington)
West	- Lakes-Okanagan (BC)
North	- Shuswap (BC)



4. COMPREHENSIVE LAND CLAIMS RESEARCH 1979-1989

4.1 Alaska Highway Pipeline Research

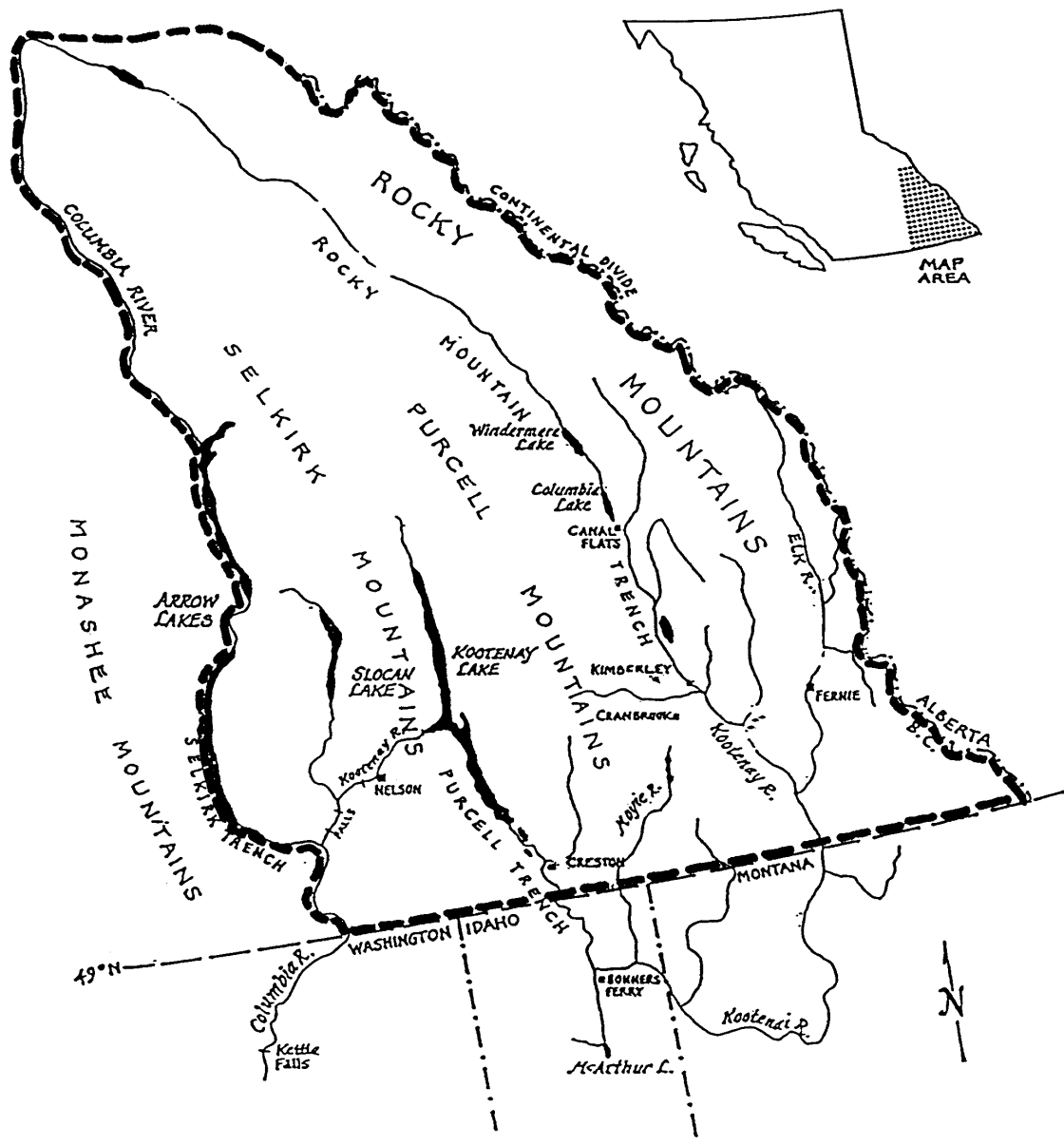
The Kootenay Indian Area Council first began to assert their aboriginal title and rights to their traditional territory in the late 1970's. The Alaska Highway Gas Pipeline was proposed for construction through northeastern and southeastern B.C. The Union of B.C. Indian Chiefs received federal moneys to research the impacts of the pipeline on Indian communities in B.C. The KIAC was able to receive training and funds from the UBCIC to conduct their own research and prepare for a public hearing concerning the pipeline.

Work completed in preparation for the hearing included traditional and current land use and occupancy mapping, education regarding land claims and aboriginal rights, and interviews of the Elders on the reserves nearest to the pipeline route. Although the pipeline was not stopped, the KIAC members gained concessions in terms of employment, and more importantly, experience in working as a Nation to protect their own territory.

4.2 Comprehensive Land Claim

Concern about repatriation of Canada's Constitution in 1981 caused the KIAC to actively begin research into their land claim. With the information base from pipeline research, the KIAC prepared the Kootenay Nation Land Claim and Declaration. Further work was done to establish the boundaries of the traditional territory. The Declaration and Territory Map were signed by the Ktunaxa Chiefs in July of 1981, and presented to the federal government. A copy is attached in Appendix 1.

The federal government requested further information to substantiate the Ktunaxa land claim. In 1984-85, Justus/Simonetta Consultants completed an extensive Land Use and Occupancy Research Project for the entire traditional territory. With the addition of this information, the federal government accepted the Ktunaxa - KIAC land claim for negotiation in early 1986. Figure 2 shows the traditional territory involved in this claim. Active community land claims work continued until 1989 when funding ended.



5. MANDATE OF KKTC LAND AND RESOURCES DEPARTMENT

During the 1980s, the B.C. provincial government refused to negotiate aboriginal rights or title with any B.C. First Nations. This refusal -prevented any real progress for the KIAC in their land claim. This impasse ended in 1990 when the federal and provincial governments and B.C.'s First Nations began discussing a new Treaty Negotiations process to deal with outstanding land claims. In 1991 a new NDP Government was elected with a mandate to begin negotiations; in 1992 the BC Treaty Commission Agreement was signed to create the process for treaty negotiations with B.C.'s First Nations.

Internal re-organization of the Ktunaxa/Kinbasket Tribal Council in 1991 produced the Land and Resources Department. In response to the changing situation at the provincial level, the Departmental mandate is based on renewal of the Ktunaxa Nation land claim. The mandate is described below:

"To work with the Ktunaxa Nation (Tribal Council, Band Councils and membership) to develop and implement strategies and plans that will:

- 1. Negotiate and settle the Ktunaxa Nation comprehensive land claim;**
- 2. Prepare the Ktunaxa Nation for the responsibilities associated' with the settlement of the comprehensive land claim;**
- 3. Build an organization that will assume land use and resource management responsibilities after the settlement of the comprehensive land claim.**

Specific areas of responsibility related to the mandate of the Department include:

- Organizational development
 - Nation building
 - Interim measures
 - Negotiations research and settlement
 - Resource protection
 - Education and training

6. LAND AND RESOURCES WORK PRIORITIES 1993-94

6.1 Organizational Development

The focus of organizational development is the building of capacity at both the Tribal Council and Band levels for assuming land and resources management responsibilities. This process must be started well in advance of negotiation and settlement of the comprehensive land claim. Self government can begin with the building of organizations that will take on management responsibilities. Priorities for the coming year include:

- A. Hiring of Land and Resource Field Workers at each Band of f ice, to assist the Tribal Council with community development and treaty negotiation research.
- B. Acquiring GIS computer technology for the Tribal Council to allow mapping of natural and cultural resource information for management purposes.
- C. Working with other KKTC Departments and Band Councils to improve cooperative working relationships **and continue** common planning processes.

6.2 Nation Building

The nation-building process involves bringing the membership of the Ktunaxa Nation together with a common vision and strategy for the future. This common vision will be fundamental for the development of the treaty negotiations positions and for self-governing structures. Priorities for the year include:

- A. Developing the Ktunaxa Nation Constitution and Citizenship Code.
- B. Producing and distributing public information materials that increase awareness of the Ktunaxa Nation and culture.
- C. Working with other KKTC Departments and Band Councils to increase individual and family health and wellness.

6.3 Education and Training

An important task of the Department is the education and training of Ktunaxa members - education on the land claims and self-government processes, and training of members for the work that will come in taking over land and resource management. In addition, presentations are regularly made to the general public and 'other organizations on the progress on the Ktunaxa Nation land claim. Priorities for the year include:

Preparation of educational materials and presentation of information on land claims and self-government at the Band level.

Continuation of the general public education program for government and non-government organizations.

Hiring and training of Land and Resources Field Workers for each Band.

- d. Creating other employment opportunities, with accompanying training, in various aspects of land and resource management.

6.4 Treaty Negotiations

To prepare a Ktunaxa Nation position for the Treaty Negotiations, research and information gathering is being done in the following areas:

Archaeology;

Ethnography and Language;

Genealogies and Kinship;

Laws and Governing Institutions;

Land Ownership;

Land Use;

Natural Resource Inventory;

origins and History;

- Territory Borders and Mapping.

Priorities for the coming year include:

- a. Working with the Band Councils and membership to prepare a common position for treaty negotiations.
- b. Research and tabling of Specific Claims on Loss of Kootenay National Park Revenues and Loss of Columbia River Fisheries. .

Continuing background research to establish Ktunaxa occupancy and use of the traditional territory.

6.5 Interim Measures

In order to build organizations and increase the capabilities of the KKTC and the Band Councils, new relationships must be established with other governments and groups. Interim measures can involve negotiations of agreements on resource use and protection, projects to increase employment and participation in local economies, and establishment of Ktunaxa organizations that take on government responsibilities. Priorities for the year include:

Building the Canadian Columbia River Intertribal Fisheries Commission with the Shuswap and Okanagan Nations.

- b. Establishing the Ktunaxa/Kinbasket Archaeological Referral System and Heritage Resources Management program.

Developing the Ktunaxa/Kinbasket Sustenance Hunting and Fishing Management policies.

6.6 Resource Protection

Before treaty negotiations, the KKTC will take steps to protect resources in the traditional territory. By becoming involved in resource management and protection now, the KKTC will asserting their sovereignty and building their governing capabilities. Priorities for the year include:

a.

Taking over the management and protection of Ktunaxa heritage resources and sites in the traditional territory.

7. TREATY NEGOTIATIONS WORKPLAN 1993-94

7.1 Workplan Activities

The following work will be undertaken in relation to preparation for B.C. Treaty Negotiations:

- a. Work with the membership to develop the common goals and principles to guide negotiations, and to prepare the treaty negotiations position;
- b. Develop methods to pass information and to solicit feedback from the Ktunaxa Nation membership regarding the treaty negotiations process;
- c. Continue to collect background information to establish occupancy and use within the traditional territory;
- d. Seek funding to hire and train (5) Community Land Claim Workers to work on land claim and treaty issues at the Band level;
- e.
- f.

Meet with adjacent Tribal Councils (Shuswap Nation TC, Okanagan TC) to discuss and resolve overlapping claim areas;

Meet with the USA Tribes in the Ktunaxa Nation to discuss the evolution of the Ktunaxa Nation's Constitution;

Develop a Ktunaxa Nation Membership Code and Membership List to register all eligible land claim beneficiaries;

- h. Continue to prepare and distribute information to the general public on the Ktunaxa Nation land claim and treaty negotiations.

Consolidate existing research and resources information into a catalogued library in co-operation with the KKTC Language Program.

8. Budget Request 1993-94

The Land and Resources Organizational Chart is shown in Figure 3. The existing staff in the Department are underlined. At present, the research work and preparation for Treaty Negotiations are the responsibility of the Assistant Director and the Treaty Negotiations Coordinator.

The focus of work must shift from the few core staff to the community level in order to move to the next phase of preparation. Community Land Claim Workers are the key to this task: they will assist with the important work of education of both the Band members and non-native public regarding the implications of the Treaty Negotiations process; they will be responsible for contact with Band members for ongoing collection of information needed to substantiate the land claim. The Community Workers will be the liaison between the central KKTC staff and the Bands; without this point of contact, the community preparation for the land claim will continue to be a slow and difficult task.

In addition, Community Workers will monitor current resource development activities and assist with the preparation of the Ktunaxa Nation negotiations position. Successful preparation for the negotiations will not be possible without resources for the Community Field Worker positions.

Below are two budgets - one for core Department activities, and a separate budget for the staffing needs at the Band level. Both of these budgets are in need of financing from the federal or provincial levels in order to complete the numerous tasks laid out in the Workplan.

CORE BUDGET

a.	Assistant Director - Land and Resources		
	Salary		\$37,000
	Benefits (23%)		\$ 8,000
b.	Treaty Negotiations Coordinator		
	Salary	\$37,000	
	Benefits	\$ 8,000	
c.	Travel	\$10,000	
d.	Administrative overhead	\$10,000	
		Sub-Total	\$110,000

COMMUNITY BUDGET

a.	Community Land Claim Workers (5 positions)		
	Salary (5 x \$20,000)	\$100,000	
	Benefits (23% of \$20,000 x 5)	\$ 23,000	
b.	Training Costs (5 x \$2,000)	\$ 10,000	
c.	Travel Costs (5 x \$2,000)	\$ 10,000	
d.	Administration (Phone, Fax, etc.)	\$ 10,000	
		Sub-Total	\$153,000

TOTAL BUDGET

\$263,000

9. CONTACTS - LAND AND RESOURCES DEPARTMENT

Ktunaxa/Kinbasket Tribal Council
Land and Resources Department

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Fax: 489-5760

KKTC Administrator: Sophie Pierre

Director: Garry Merkel

Assistant Director: Lexine Phillips

Treaty Negotiations: Thomas Munson