

**Ktunaxa Nation Opposes Fairmont Hot Springs Resort Proposal
To Alter the Boundaries of Columbia Lake Provincial Park
Media Backgrounder
August 9, 2005**

Who are the Ktunaxa?

Ktunaxa (pronounced 'k-too-nah-ha') people have occupied the lands adjacent to the Kootenay and Columbia Rivers and Arrow Lakes of British Columbia for more than 10,000 years. The Traditional Territory of the Ktunaxa Nation covers approximately 70,000 square kilometres (27,000 square miles) within the Kootenay region of south eastern BC.

Why was Columbia Lake Provincial Park established?

Columbia Lake Provincial Park was established in 1988 to protect the rare grassland ecosystem and wetlands habitat along the east side of Columbia Lake. The park is a highly sensitive and critical habitat for a number of threatened, vulnerable and endangered species of plants and wildlife including the bluebunch wheatgrass-junegrass plant community, the great blue heron, flammulated owl, Rocky Mountain bighorn sheep, bull trout, grizzly bear and badger. The park lies at the very origin of the Columbia River which flows 2,000 kilometres from Columbia Lake to the Pacific Ocean.

Why and how can provincial park boundaries be altered?

In past the provincial government could not accommodate a request to alter a provincial park boundary due to legislated park protection. In July 2004 the government created the "Provincial Park Boundary Adjustment Policy - Process and Guidelines" designed to consider such requests. The Fairmont Hot Springs Resort (FHSR) request will be the first test for this recently introduced parks policy enabling the altering of provincial park boundaries.

The park boundary policy states that proposals to adjust provincial park boundaries will be considered where the "public interest may warrant modifying the park boundaries to remove the affected area from the park." The Ktunaxa Nation believes that the principal interest in the FHSR proposal is the financial interest of a private developer and not that of the public interest.

The park boundary policy also states that decisions to alter provincial park boundaries must be based on "principles for maintaining the integrity of park values". The Ktunaxa Nation believes that the widening and paving of the existing Columbia Lake Provincial Park dirt road will significantly undermine, or cause irreparable harm to, the ecological values which are intended to be protected by the park.

Has the Government of BC ever discussed provincial park management with the Ktunaxa Nation?

On February 8, 2005, the Ktunaxa Nation and Hon. Bill Barisoff, then Minister of Water, Land and Air Protection, signed a Memorandum of Understanding (MOU) to establish an effective government-to-government working relationship for the management of provincial parks. Some of the objectives of this MOU are to cooperatively and meaningfully discuss plans to add or delete areas from provincial parks and to plan and manage provincial parks in a manner that protects ecological and natural resources as well as cultural, recreational and historical values. (To review the complete MOU go to www.ktunaxa.org under the Lands and Resources section of the site.)

Does the Government of BC have a duty to consult with the Ktunaxa in this matter?

The recent *Haida* and *Taku* Supreme Court decisions make it clear that the Crown's duty to meaningfully consult with First Nations cannot be delegated to third parties. Meaningful consultation with the Ktunaxa Nation is especially critical in this case given the close proximity of the Columbia Lake Provincial Park to the ?Akisq'nuk First Nation, the fact that this area is central within the Nation's Traditional Territory and of extreme ecological and cultural significance, and the fact that the Ktunaxa Nation intends to address this area in treaty negotiations.

How has the Ktunaxa Nation voiced its opposition to development in this area in the past?

In November 1997 the Ktunaxa Nation drafted a Treaty Negotiations Interim Measures Proposal which demonstrates the significance of this area to the Ktunaxa and illustrates how the Ktunaxa have undertaken research and made repeated attempts to protect this area. As the BC First Nation Summit described in 1996, "interim measures are necessary in order to facilitate the successful negotiations of treaties by protecting and enhancing lands, waters, air and resources which might form part of a treaty settlement, and by protecting and enhancing Aboriginal rights, title and interests pending treaty settlement."

In May 2005 Ktunaxa Nation signed a Resolution stating that "given the extremely high cultural and spiritual significance on Columbia Lake East Side to the Ktunaxa Nation, the Chief's Council opposes any proposed development consistent with the Interim Measure dated 1997."

In June 2005 the ?Akisq'nuk First Nation signed a Resolution stating that "given the extremely high cultural and spiritual significance on the East side Columbia Lake to the Nation, the ?Akisq'nuk First Nation opposes any proposed development on the East Side of Columbia Lake consistent with the recommendations from the Interim Measure Proposal dated 1997."