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## **Ktunaxa Nation Disappointed with BC Supreme Court Ruling**

*ᑭᓐᓕᓴᓴᓐᓴᓴᓐᓴᓴᓐᓴᓴᓐᓴᓴᓐ* /Cranbrook– The Ktunaxa Nation is deeply disappointed in the BC Supreme Court’s August 17, 2018 ruling which found unreasonable the former Minister of Environment’s decision terminating an environmental assessment certificate for a ski resort proposed to be located at an area sacred to the Ktunaxa.

“While our concerns about the proposed ski resort’s profound negative impacts to Ktunaxa spirituality, culture and identity remain paramount for us,” said Kathryn Teneese, Ktunaxa Nation Council Chair, “the court’s decision should concern all British Columbians given its potentially negative consequences for the environmental assessment process.”

“We also note that this court decision is not a green light for the project to proceed. The court merely asked the current minister to re-consider Minister Polak’s 2015 decision with more attention to ‘mitigating circumstances’.”

The decision under court review was the June 18, 2015 termination of the Jumbo Glacier Ski Resort’s EA certificate because the project had not been substantially started by October 12, 2014, a date identified in the certificate. The court said that the Minister had not adequately considered factors other than what the proponent had built on the ground.

Unless the Province appeals the court’s decision, the present Minister of Environment, George Heyman, must reconsider whether the project had been substantially started by the October 12, 2014 deadline. If so, the proponent may be able to build a large ski resort in Qat’muk, an area of profound spiritual and cultural significance for Ktunaxa citizens. Given the importance of the Minister’s decision, the Ktunaxa Nation looks forward to providing meaningful input, as it did when the first no substantial start decision was made in 2015.

“The irony of the situation is not lost on us,” Ms. Teneese commented. “In the past, the courts went to great lengths to try to justify the Province’s failure to even consider the Ktunaxa right to freedom of religion under the Charter of Rights and Freedoms regarding this ski resort. For the developer, however, the court was more than willing to cancel the Province’s decision because something wasn’t apparently adequately addressed in the Province’s decision.”

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*Lower Kootenay*

*Tobacco Plains*

Ms. Teneese added that the Ktunaxa remain adamantly opposed to construction of a ski resort at Qat'muk and will continue to work to protect the cultural, spiritual and environmental values of the area.

The Ktunaxa Nation Council will not be providing further comment on this matter.

**Background:**

Qat'muk is where the Grizzly Bear Spirit was born, goes to heal itself, and returns to the spirit world. For Ktunaxa, Grizzly Bear Spirit is a unique and indispensable source of collective as well as individual guidance, strength, and protection, and a necessary part of many Ktunaxa spiritual practices and beliefs. Qat'muk's spiritual importance is deeply connected to its biological significance for living grizzly bears now and in the future.

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