



# **JUNIPER HEIGHTS COMMUNITY PERSPECTIVE ON PROPOSED LAND EXCHANGE IDENTIFIED IN CROWN LAND FILE #4406032**

Background information for RDEK Planning & Development  
Services Committee meeting on April 2<sup>nd</sup> 2020.

Final copy – March 30<sup>th</sup> 2020

## WHAT HAS BEEN DONE SO FAR...

- 31 members of the Juniper Heights community met on January 12<sup>th</sup> to learn about this proposed land exchange.
- Nextdoor (the leading community social networking platform) was set up to share information with our neighbours
- Emails were sent and comments were posted on the BC Government web site with our concerns
- Article & letters to editor were published in the Columbia Valley Pioneer
- An interview was aired on CBC Daybreak with Chris Walker
- A survey was initiated to consolidate feedback from the community

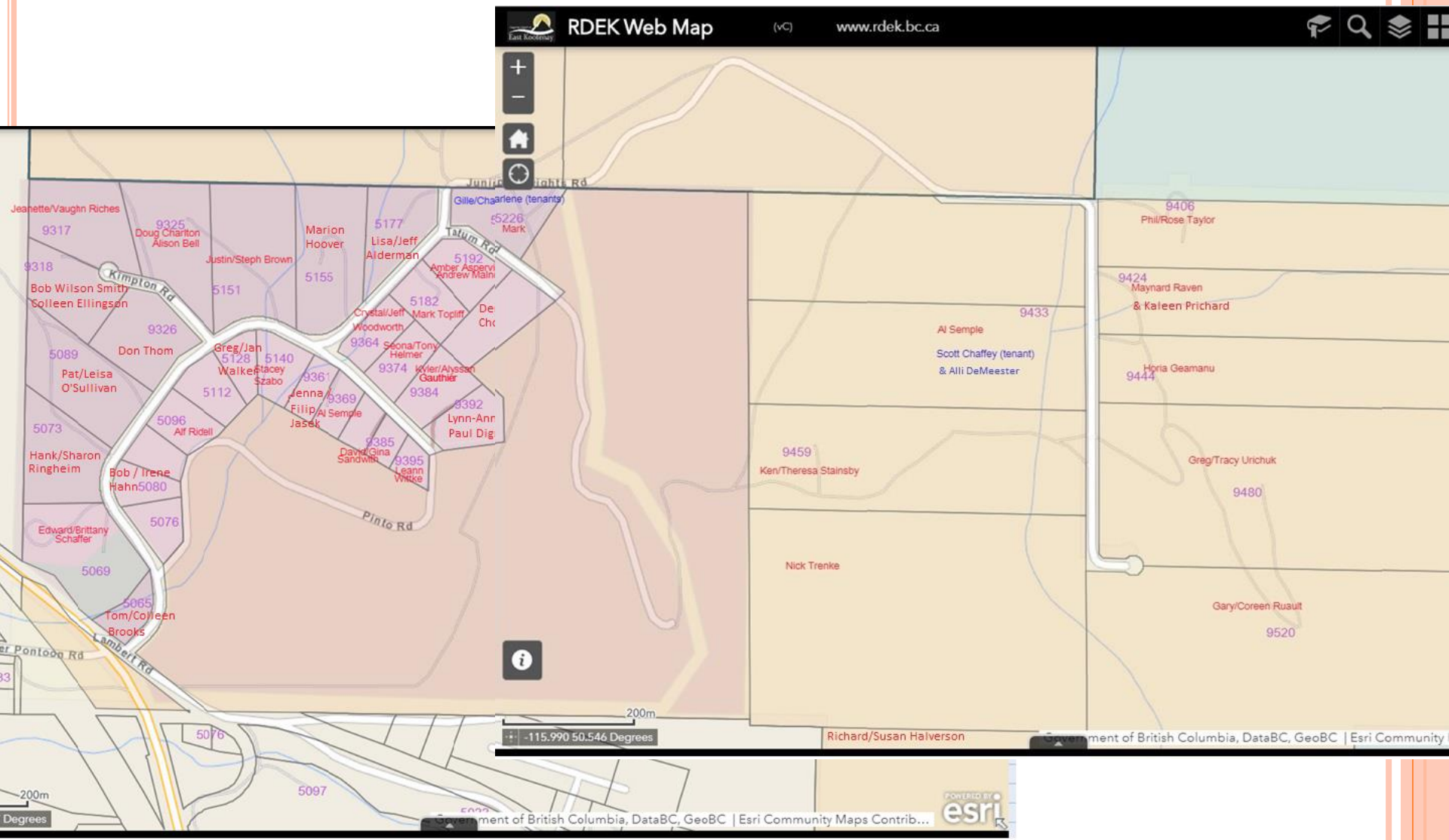


# SURVEY PARTICIPANTS

- A list of 64 contacts was compiled representing the 38 properties in Juniper Heights
  - 2 properties had no contact info
  - 3 properties had contacts without email address
  - 12 contacts were identified but had no email addresses
- A survey was emailed to 52 recipients representing the 36 properties
- The survey was completed by 26 recipients representing 18 properties



# JUNIPER HEIGHTS COMMUNITY MAP



# THE FOUR SURVEY QUESTIONS

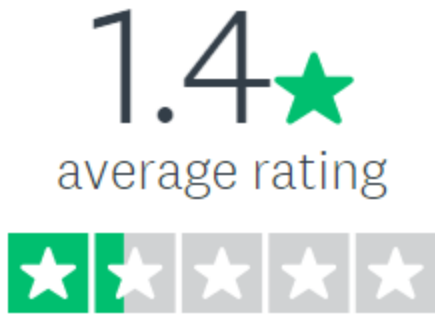
1. Satisfaction with MoTI Process
2. Support for alternative resolutions
3. Go beyond RDEK & MLA support
4. Seek legal counsel
5. Additional comments



# LEVEL OF SATISFACTION WITH THE FLNRORD/MoTI LAND EXCHANGE PROCESS

1) How satisfied are you with the MoTI process of consultation, communication and collaboration for engaging our community in the land exchange plan?

Answered: 25    Skipped: 1



	VERY DISSATISFIED	DISSATISFIED	AMBIVALENT	SATISFIED	VERY SATISFIED	TOTAL	WEIGHTED AVERAGE
☆	68.00% 17	28.00% 7	4.00% 1	0.00% 0	0.00% 0	25	1.36



# MINIMAL INITIAL COMMUNICATION

- Posting of the Land Act advertisement on Dec 19<sup>th</sup> was perceived by community as “sneaky” and “deceiving” due to:
  - 6 days before Christmas when focus is elsewhere
  - A fuzzy map that obscured the proximity to Juniper Heights
  - Lack of visibility with non-local recreation users (time of year) and limited publication
- Comments to be submitted on BC Gov web site
  - Vague description & image
  - Comment deadline by January 31<sup>st</sup>

Crown Land File: #4406032

## Geographic Shape Information (1 Shape)



## Shape ID: 968998

Type/Subtype: TRANSFER OF ADMINISTRATION/CONTROL / FED  
TRANSF OF ADMIN, CONTROL & BEN  
Area (ha): 124.15

## Legal Description

District Lot 5353, Kootenay District, except parts included in Plans 2945, 4063, 4062 & 4394; together with Sublot 100, District Lot 4596, Kootenay District, Plan X32, more particularly shown on the Legal Description Schedule and containing 124.15 hectares, more or less



## Land Act: Notice of Intention to Apply for a Disposition of Crown Land

Take notice that Ministry of Transportation and Infrastructure (MoTI) from the Southern Interior Region has applied to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), Kootenay Boundary Region, for a Land Exchange for Indian Reserve Lands purposes situated on Provincial Crown land located at District Lot 5353, except parts included in Plans 2945, 4063, 4062 and 4394 as well as Sublot 100, District Lot 4596, Plan X32.

The Lands File for this application is 4406032. **Written comments concerning this application should be directed by mail or email to Tammy Anderson, Senior Advisor, Indigenous Relations, Southern Interior Region, Ministry of Transportation and Infrastructure, at 342-447 Columbia Street, Kamloops, BC V2C 2T3, or Tammy.Anderson@gov.bc.ca.** Comments will be received by MoTI up to January 31st. MoTI may not be able to consider comments received after this date. Please visit the following website for more information: <https://comment.nrs.gov.bc.ca/>

Be advised that any response to this advertisement will be considered part of the public record. For information, contact the Freedom of Information Advisor at Ministry of Forests, Lands, Natural Resources and Rural Development's Office in the Kootenay Boundary Region of British Columbia.





# CONCERNS ABOUT THE LAND EXCHANGE PROCESS

- Juniper Heights residents felt excluded and minimized during the process
  - The FLNRORD process only provides notification to residents AFTER the decision has been made
- Timing and urgency of the proposed land exchange
  - For those who had not noticed the Dec 19<sup>th</sup> notice in Columbia Valley Pioneer, we were informed very late in the process (Jan 12<sup>th</sup> meeting) even though there had been discussions between SIB and the Province for over a year
- Secrecy around details of the land swap
  - Public notice details appear to be intentionally vague
  - MOTI would not share additional information to multiple questions posed. They stated that the information requested would only be provided under a Freedom of Information request.
  - 10 questions have been submitted but it will take 1-2 months to get answers)
- Confusion of what was actually being proposed:
  - Conflict between the MoTI statement of exclusion of parts of Juniper Heights Rd with the official parcel definition of DL4595 Sublot 100 in RDEK ArcGIS system.
  - Definition of the actual borders of the land exchange parcels will not be finalized until after FLNRORD approves the exchange
  - Inconsistency between reality and MoTI land exchange requirements of “equal size” and “equal value”
- Confusion of the procedures within the Land Exchange process
  - Conflict between published FLNRORD Land Exchange procedure which indicates: “first a cash offer, then if declined a land exchange based on FLNRORD identified parcels”, with MoTI’s statement that “according to Section 35 of Land Act that it must be land for land (no cash).”
- Missing steps that would be required if it was a private individual or company requesting the land
  - A government funded environmental impact assessment to determine the effects of this land exchange on the wildlife and the wildlife corridor
  - Water study to determine impact on local aquifers used by surrounding community
  - Public forums with community to communicate and seek input through consultation BEFORE the transfer is completed



# CONCERNS ABOUT THE LAND EXCHANGE

## POSSIBLE CONSEQUENCES

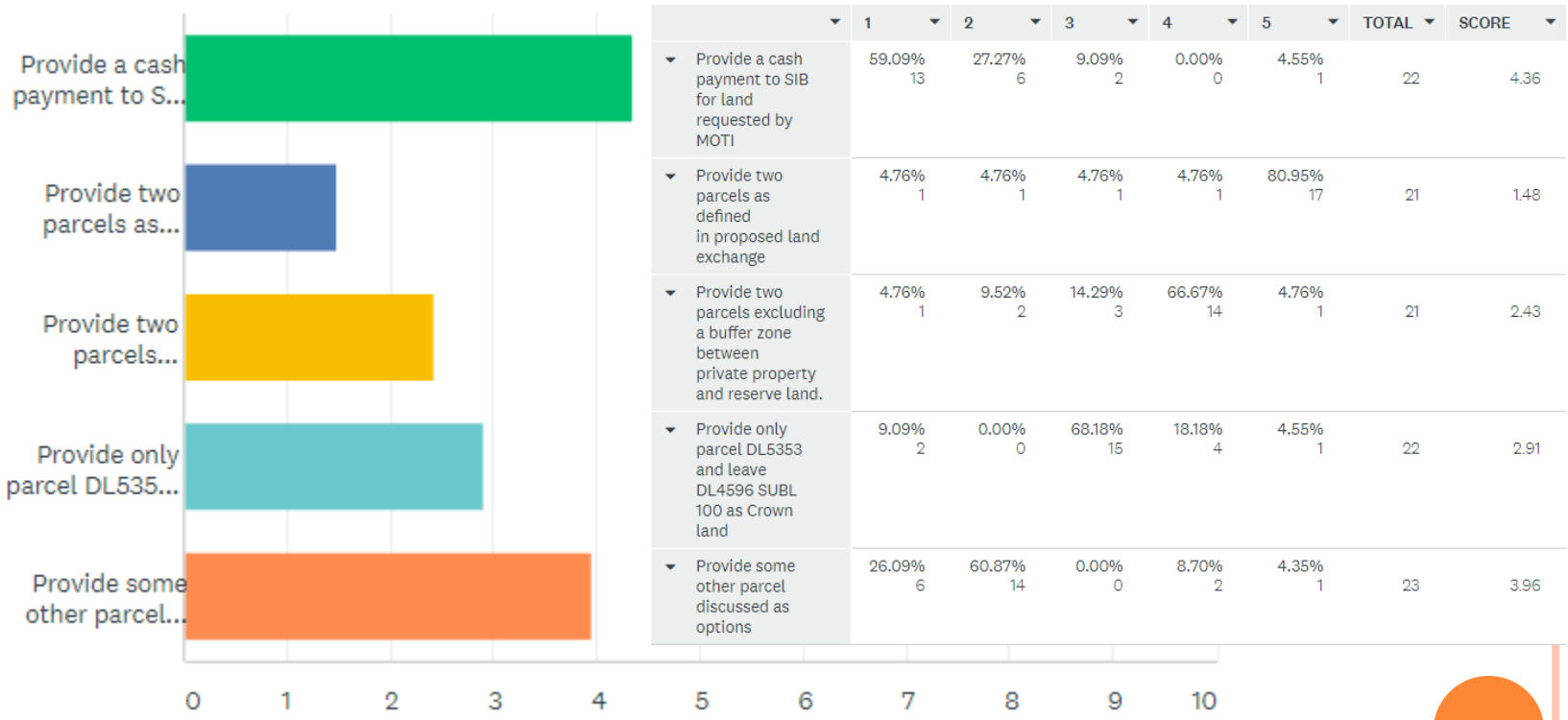
- Loss of access to the land depriving the residents of recreational use which is one of the many reasons we moved here.
- Loss of access to the trail network for hundreds of cyclists and hikers across Western Canada. This is one of the few trail systems with primarily easy to intermediate trails which attract young families, the elderly and novice mountain bikers.
- Loss of commerce for local businesses due to the loss of recreational visitors
- No control or input of land use decisions by the SIB (sub-division development, hunting, motorized vehicle access etc)
- Land value depreciation of private land in the community, especially those directly adjacent to the Crown land
- Possible access restriction/blockade of the sections of Juniper Heights Rd included in the DL4596 Sublot 100 which would impact nine properties at the end of the road.
- Agreements reached with the current band chief and councilors may be overruled by the next elected chief (or hereditary chiefs)
- Serving as a precedent for additional land seizures of crown land adjacent to the two parcels of land being exchanged.



# WE AGREE THAT THE SIB SHOULD BE FAIRLY COMPENSATED, JUST NOT WITH THE PROPOSED LAND PARCELS

## 2) Rank your support for alternative solutions to reimburse SIB for MoTI land trespass

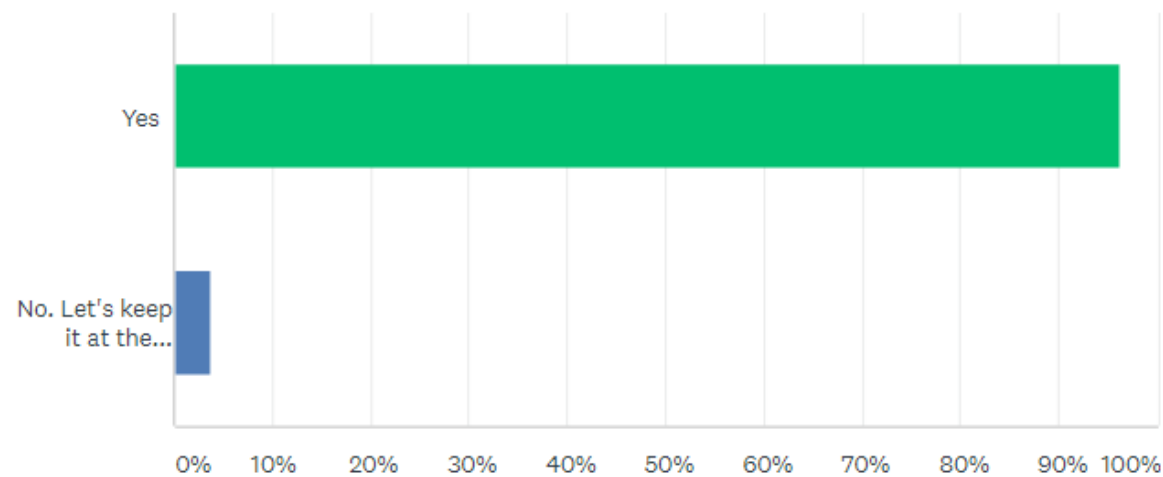
Answered: 23   Skipped: 3



# REQUEST SUPPORT OUTSIDE RDEK & MLA

3) Should we solicit support from our MP (Rob Morrison) with the land exchange dilemma ?

Answered: 26    Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	96.15%	25
No. Let's keep it at the province/district level	3.85%	1
TOTAL	26	

Comments (4)



# ADDITIONAL COMMENTS FOR QUESTION 3



Yes out is federal. I assume Aboriginal affairs is involved

3/10/2020 8:17 PM

[View respondent's answers](#)

[Add tags](#)



Let's solicit support from whomever is able to provide it

1/28/2020 7:21 PM

[View respondent's answers](#)

[Add tags](#)



Tell his office, that first priority after retaining legal council, will be to expand the media coverage to better inform rural land owners across Canada. About how quickly their situations can change, by unobstructed Government control. Without public consultations or input.

1/26/2020 7:48 AM

[View respondent's answers](#)

[Add tags](#)



This should be part of the National Park to provide safe passage for wildlife as a top priority and recreational area for people.

1/25/2020 5:26 PM

[View respondent's answers](#)

[Add tags](#)



# DO WE FEEL WE HAVE THE SUPPORT OF OUR ELECTED OFFICIALS?

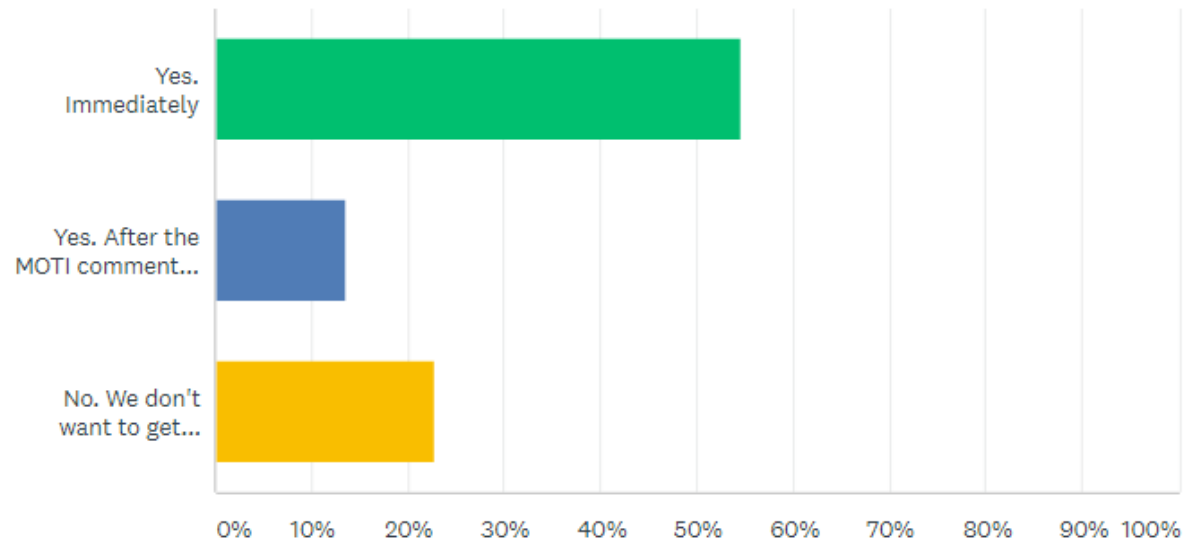
- RDEK Electoral Area F Director
- RDEK Planning & Development Committee
- MLA
- MP



# DO WE NEED EXTERNAL ASSISTANCE ?

## 4) Should the community consider retaining legal counsel?

Answered: 22 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes. Immediately	54.55%	12
Yes. After the MOTI comments submission website is closed (Jan 31)	13.64%	3
No. We don't want to get lawyers involved at all	22.73%	5
TOTAL		22

Comments (4)



# ADDITIONAL COMMENTS FOR QUESTION 4



**Definitely, do not get lawyers involved!**

2/3/2020 4:08 PM

[View respondent's answers](#)

[Add tags](#) ▼

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**I am not sure.**

1/26/2020 1:42 PM

[View respondent's answers](#)

[Add tags](#) ▼

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**Not yet**

1/26/2020 1:04 PM

[View respondent's answers](#)

[Add tags](#) ▼

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**Only way I see for our concerns to be taken seriously by MOTI and SIB**

1/25/2020 5:26 PM

[View respondent's answers](#)

[Add tags](#) ▼





# OTHER COMMENTS AT END OF SURVEY...



I would like to see this last week before the deadline more focused on continuing to promote letter writing. It is our one and only chance to "rally the troops".

1/26/2020 1:43 PM

[View respondent's answers](#)

Add tags ▼



Is it possible to buy more time, to mount a better defense?

1/26/2020 7:48 AM

[View respondent's answers](#)

Add tags



I'm getting the sense that MoTI views this as something JH residents should be unconcerned about. There are questions as to the entire process currently being followed by the Ministry and I don't get a sense that the MLA is taking a stand

1/25/2020 5:20 PM

[View respondent's answers](#)

Add tags



# RDEK CALL TO ACTION

- The members of the Juniper Heights community request that the members of RDEK Planning & Development Services Committee vote to NOT SUPPORT the referral letter pertaining to the Land Exchange as proposed in Crown Land File #4406032



# APPENDIX A – 10 QUESTIONS ASKED UNDER FREEDOM OF INFORMATION REQUEST

The following 10 questions were originally asked of MoTI during the comments stage, but were informed that this information would only be made available by submitting a request through FOI process.

Note: Freedom of Information is not FREE. We have been charged \$270 for our public servants to look this information up for us ☹

1. When was the initial request made by MoTI?
2. When did FLNRORD respond with list of Crown exchange land alternatives?
3. In addition to the two parcels adjacent to Juniper Heights, what were the other alternatives offered by FLNRORD?
4. Can we see the Land status report completed by MoTI?
5. Can we see the Land Appraisal and appraisal reviews for both the reserve land being acquired by MoTI and the crown land being offered as exchange?
6. In addition to RDEK who else received the Referral letters?
7. Who within the affected Juniper Heights community received a referral letter?
8. In the appraisals of all land considered, what are the market value and size of the land exchange alternatives?
9. What is contained in the environmental assessment report?
10. What are the costs set aside to compensate third parties (ie the Juniper Heights community members)?

