



Governance Advisory Committee

Sicamous-to-Armstrong Rail Trail Corridor

Friday, Mar. 15th, 2019, 9:00 am - 12:00 pm

Hosted at Splatsin Community Centre – Room #3 (5767 Old Vernon Rd, Enderby)

Version Updated: March 27, 2019

MINUTES

Meeting Purpose: to provide policy direction relative to the planning, development, management and governance of the Rail Trail Corridor project.

Objectives:

- To review and recommend approval of the MoU Master and Terms of Reference (see below)
- To recommend activation of the Technical Operational Committee and secretariat facilitation
- To review Lease, Encroachment, Utility, and Crossing agreements, and delegate staff to review/extend/issue agreements in the interim and develop policy recommendations.
- To confirm the regular Governance Advisory Committee meeting schedule
- To update on grants, funding, and identify priorities for upcoming meetings
- To direct a joint news release to update the public

Attending: appointed inter-jurisdictional representatives (one designate from each of the 12 jurisdictions within the two regional districts, plus two Splatsin representatives), as well as additional staff representation including CAOs and/or designates. **Attending/Regrets:** See attendance list (attached)

Secretariat/Facilitation: Phil McIntyre-Paul (Shuswap Trail Alliance) – interim secretariat to the Governance Advisory Committee (Contact: phil@shuswaptrails.com, 250-804-1964)

Meeting Minutes:

1. **Welcome, Secwepemc Acknowledgement (Splatsin), and Introductions** – Kukpi7 Christian welcomed everyone to Splatsin and Secwepemc Nation Territory and shared words of encouragement. He spoke of breaking trail together – patience – working together – doing something not seen anywhere else – First Nations and regional/municipal governments working together – “we’re going to work together to showcase where we live, and how we can work together and support our economy – care for the land – we will see in 5 – 10 years something very significant for the region. Breaking trail – be patient with each other – pull together in the same direction (as with a team of horses) – harness up and let’s get going.”

Introductions were shared around the room.



2. **Appointment of Chair and Vice-Chair** – David Sewell suggested Kupki7 Christian might consider role of chair given his leadership to date. Kupki7 Christian agreed to let his name stand for nomination.

Motion: THAT: the Governance Advisory Committee appoint Kupki7 Christian to assume the role of Chair for the Committee.

Moved: Councillor Elliason; **Seconded:** Mayor Acton.

Approved: by consensus.

Vice-Chair – Charles Hamilton suggested someone might volunteer, noting that the formal role of chair and vice-chair will be formalized at the next meeting once the Splitsin, RDNO, and CSR D Boards formally approve the draft Terms of Reference. Director Fairburn suggested a possible dual role appointment, one from CSR D and one from RDNO. Could change the ToR to reflect this. Sicamous Councillors Mallmes and Acting Mayor Makayev affirmed on behalf of Mayor Rysz that he would be willing to stand as Vice-Chair, and Mayor Acton said he would be willing, noting he also sits on the Central Rail-Trail Advisory.

Motion: THAT: the Governance Advisory Committee appoint a joint vice-chair (one from CSR D and one from RDNO), and that Mayor Acton and Mayor Rysz fill those joint roles.

Moved: Mayor Pieper; **Seconded:** Councillor Eliason.

Approved by consensus.

(Note: these positions will be formalized at the next Governance Advisory Committee meeting following Splitsin/RDNO/CSR D approval of the ToR)

3. **Review Vision/Direction to date** (See: In Camera Board Reports, Aug. 10/18; Preliminary Concept Design Report, Jan. 19/19)

The committee reviewed the attached meeting documents. David Sewell spoke to the direction to date and the In Camera report. Noted the only variation between the CSR D and RDNO In Camera reports is RDNO inclusion that development of the rail-trail corridor should be non-tax payer funded, in consideration of the process of the CN rail-trail efforts which have used fund-raising efforts and sourcing of grants. Other than that, the two reports are identical.

Charles Hamilton noted the In Camera Report was intended to create a road-map to formalize the governance and technical process, secretariat and proposal to appoint the Shuswap Trail Alliance to serve in that capacity to assist in this role. A second part of the report proposed the STA assume the role of project manager – but he recommends tabling this until status of the BCRDP grant is known.

The In Camera reports were presented and approved last fall by CSR D, RDNO, and Splitsin Councils. Today's meeting agenda is structured to create some efficiency reviewing resolutions that arise directly from the In Camera report.



David noted the Concept Design report has not had as much review, but recognized it was developed to allow a means for approaching and applying to Provincial and Federal funding opportunities.

It was noted Township of Spallumcheen Mayor Christine Fraser recommended incorporating wording to ensure agricultural values are addressed in the overall objectives. The importance of including the Agricultural Land Commission (ALC) early in the planning process was also acknowledged.

4. **Memorandum of Understanding (Master Agreement), Terms of Reference (Governance Advisory), Terms of Reference (Technical Operational Committee)** – (See: Drafts Oct. 30, 2018)

The following resolutions were presented for consideration. . .

Resolution #1: ***THAT: The Committee recommends that the Boards of the Columbia Shuswap Regional District, Regional District of North Okanagan and SPlatsin Band Council approve the Memorandum of Understanding setting out the general agreement of the three lead agencies of the Sicamous to Armstrong Rail Trail.***

Resolution #2: ***THAT: The Committee recommends that the Boards of the Columbia Shuswap Regional District, Regional District of North Okanagan and the SPlatsin Band Council approve the Terms of Reference for the Governance Advisory Committee for the Sicamous to Armstrong Rail Trail.***

Resolution #3: ***THAT: The Committee recommends that the Boards of the Columbia Shuswap Regional District, Regional District of North Okanagan and the SPlatsin Band Council approve the Terms of Reference for the Technical Operational Committee for the Sicamous to Armstrong Rail Trail.***

Discussion:

Question re MoU and Committee Decision Making – It was clarified owner jurisdictions refer to CSR, RDNO, and SPlatsin, and stakeholder jurisdictions refer to the municipalities and regional areas included in the inter-jurisdictional representation. Also clarified the intent is to include technical staff from municipalities in technical operational committee to ensure matters of relevance to the member municipalities are addressed.

Question re process if there is a disagreement – Charles Hamilton acknowledged this is an important issue that still needs to be developed. **Recommendation:** that Dispute Resolution be set as a priority for a future meeting.

Confirmed – the Technical Operational Committee will make recommendations to the Governance Committee.



Question re ALC role given the Rail Corridor is already established. Mike Fox reported on similar experience with the CN rail-trail corridor. Because development of a rail-trail is considered a change-of-use it requires review and ALC approval. **Recommendation:** forming a relationship early with the ALC.

Kukpi7 Christian acknowledged the work of Ray, Charles, and David to get us to this point.

Motion: THAT: the Governance Advisory Committee adopt resolutions #1, #2, and #3, with the caveat that wording be included in the Objectives to address the ALC, farming community, and agricultural values along the rail-trail corridor.

Moved: Councillor Eliason; **Seconded:** Mayor Acton.

Carried: by consensus.

5. Activate Governance Advisory Secretariat and Technical Operational Committee

The next three resolutions were presented. . .

Resolution #4: ***THAT: The Committee recommends that the Boards of the Columbia Shuswap Regional District, Regional District of North Okanagan and the Splat'sin Band Council approve appointment of Shuswap Trail Alliance on an interim basis to serve as Secretariat to the Inter-jurisdictional Governance Advisory Committee to support and facilitate the work of the committee.***

Resolution #5: ***THAT: The Committee agrees that the Technical Operational Committee be immediately activated to commence responsibilities as described in the Terms of Reference.***

Resolution #6: ***THAT: The Committee tables the appointment of the Shuswap Trail Alliance as the Project Manager for the project to the next Governance Advisory Committee meeting pending current grant funding announcements.***

Discussion: CSRD CAO, Charles Hamilton, spoke to the recommendation.

Motion: THAT: the Governance Advisory Committee approve Resolutions #4, #5 and #6.

Moved: Mayor Acton; **Seconded:** Councillor Eliason.

Carried: by consensus.

6. Review Lease, Encroachment, Utility, and Crossing Agreements

Charles Hamilton provided a review of the complex lease, crossing agreements, and encroachments that need to be considered along the corridor. He acknowledged most are within the Sicamous/CSRD section, noting many calls coming in from owners and lawyers seeking approvals and decisions. There are many non-compliant existing docks. He affirmed the intent of Resolution #7 is not to effect the long-term



integrity of the contiguous corridor. The goal is to include termination provisions, but also ensure it does not burden jurisdictional staff. Any decisions under this resolution will be made following consultation with the owner jurisdictions and stakeholder municipalities, and within a 3-year period. It allows the Technical Operational Committee to address issues of concern by adjacent property owners.

The following omnibus resolution was presented. . .

Resolution #7: THAT: The Committee recommends that the Boards of the Columbia Shuswap Regional District and Regional District of North Okanagan formally authorize and delegate to their respective CAO's the authority to execute land tenure agreements based on the following:

- 1. The Agreements are to be subject to approval by both CAO's;**
- 2. The Agreements shall not exceed three years (other than statutory rights of way in favour of utilities, upland owner consents and assignments of existing agreements) and the rates payable, if applicable, shall be continued as per any existing agreement ;**
- 3. The Agreements shall be subject as well to approval of the relevant local jurisdiction where the lands that are the subject of the Agreement are located ; and**
- 4. The following Agreements may be approved under this delegated authority:**
 - a. Statutory rights of way in favour of utility companies, where there are existing works and/or existing agreements in place that are being converted to a right of way;**
 - b. Upland owner consents;**
 - c. Assignment of any existing crossing agreements , licenses or recreational use agreements;**
 - d. Renewals of any existing crossing agreements , licenses or recreational use agreements; and**
 - e. Replacement of expired crossing agreements, licenses or recreational use agreements.**

Discussion:

Similarly complex agreements were noted in the Vernon-to-Kelowna CN rail trail corridor. Delegating this to the technical staff was affirmed, but noted the importance of a clear exit clause. Affirmed this creates consistency for applications. Clarified the application requirements for property owners to gain the legal right for tenure requires approval of the upland owner of the rail-trail corridor.

Clarified the reason for the 3-year clause, noting that land leases greater than 3 years require registration with land titles. The 3-year limit allows short-term decisions to be made on a case-by-case basis while the Governance and Technical Operational committees work on long-term permanent policies. Provides interim relief. Balances the need to make some technical progress and move forward, but also have sufficient flexibility to consider long-term decisions as to what the corridor will look like.



Sharen Berger reported there are over 200 known agreements along the corridor. There are also a number of agreements that are not known, and encroachments where there are no agreements in place.

It was acknowledged these agreements do not supersede Splatsin First Nations title and rights.

ALC requirements still need to be determined. Most of the agricultural crossings and leases are primarily within the RDNO.

It was also acknowledged adjacent industrial users in RDNO Area F, and MoTI acquisition interests will be addressed going forward.

MOTION: THAT: the Governance Advisory Committee approve Resolution #7.

Moved: Councillor Eliason; **Seconded:** Councillor Baird.

Carried: by consensus.

7. Confirm the regular Governance Advisory Committee meeting schedule:

Discussion: Regular monthly meetings on the third Friday of each month from 9 am to 12 Noon were suggested. Charles Hamilton noted, however, the decisions today go a long way to allow the Technical Operational Committee and staff to move forward, suggesting the next meeting only needs to happen once funding announcements are known and further technical work has happened. A confirmed meeting schedule every second month was recommended acknowledging the difficulty getting everyone’s schedules to align.

A friendly amendment was made to remove April, June, August, October dates from the meeting schedule, leaving

- i. Friday, May 17
- ii. Friday, July 19
- iii. Friday, Sept 20
- iv. Friday, Nov 15

Location: acknowledged Splatsin Centre is a good central meeting point, but didn’t want to put unfair burden on one partner. Agreed to rotate locations – TBA each meeting.

MOTION: THAT: the Governance Advisory Committee schedule regular meetings on Friday, May 17, July 19, September 20, and November 15 in 2019 from 9 am to 12 Noon, with a two-week cancellation notification period to allow time for rescheduling.

Moved: Councillor Eliason; **Seconded:** Mayor Acton.

Carried: by consensus.



8. Update on grants, funding, and identify priorities for upcoming meetings

- a. **BC Rural Dividend Program** – Evan Parliament reported on the BCRDP grant application focused on leveraging \$500,000 for a regional approach to moving project management and planning forward. Includes logistical planning, consultation with communities, open houses, and technical design work. District of Sicamous and CSR D Area E leveraged funding to make this possible. No announcement has been made at this point. Expecting to hear soon and feels hopeful. Suggests if we are not successful, we should turn around and resubmit it to the next intake.

Appreciation from the other jurisdictional partners was expressed for the financial support of the District of Sicamous and CSR D Area E who jointly contributed \$300,000 to leverage the BCRDP grant application on behalf of all the inter-jurisdictional partners. Sicamous/CSR D Area E asked their contribution be acknowledged as a contribution going forward, but have no concerns about being paid back. See it as a contribution to support moving forward.

Re: current lease revenues from the rail-trail corridor (approx.. \$80,000/year) – these funds will be held and shared between CSR D and RDNO. It is anticipated these funds will assist the ongoing obligations as joint property owners. Charles referred to pages 12 and 13 in the In Camera report, which provides background on the BCRDP grant application.

Recommendation for next agenda: discuss how to assemble seed money to leverage further grants. Lay out a plan to get on with fundraising. It was acknowledged there are many opportunities to pursue funding.

- b. **Canada-BC Investing in Canada Infrastructure Program**

Ryan Nitchie (CSR D Director of Community Services) provided background on the Infrastructure Program grant application. A grant for \$12.9 million has been submitted through the CSR D on behalf of the Inter-Jurisdictional partners to the Northern and Rural Communities stream that allows communities under 5000 to apply for up to 100% funding support. (See Preliminary Concept Design Report – Sicamous to Armstrong Rail Trail Corridor, Jan. 17, 2019)

Question re per/meter costing projection – Evan Parliament provided background on the costing projections used for the BCRDP grant application, and Ryan Nitchie and Phil McIntyre-Paul provided background on the updated costing used for the Infrastructure grant. Noted the additional costs that were factored into this grant application to account for erosion mitigation, drainage and ditching, five bridge structures, highway crossings, amenities, and annual cost increases since the initial costing projections were done. A hard surface design specification was used to cost for preferable long-term objectives. Probable costs were also used for engineering and environmental design work. Also noted costing has been based on research and design work to-date, and is consistent with other rail-trail cost projections in the province.



Question – is there an opportunity to leverage the friendship agreement between Splitsin, Sicamous, and Enderby for additional grant funding? Evan Parliament confirmed there are funds that can be applied to support national Indigenous opportunity funding.

It was noted these grant applications do not allow for land acquisition, and there was a suggestion the corridor get a designation as a utility corridor.

Question re: what multi-modal means – Councillor Mallmes (Sicamous) suggested multi-modal might include motorized off-highway recreational vehicles (OHV/Motorbikes/ATVs) on the rail-trail. It was confirmed that the consensus of the Inter-jurisdictional partners is that the recreational trail will be non-motorized. The term multi-modal refers to longer term transportation solutions that may emerge throughout the Shuswap Okanagan corridor in the future. This is consistent with the wider rail-trail corridor connecting south between Vernon and Kelowna. Mike Fox confirmed that the CN section is non-motorized, but policy is being developed for accessibility scooters, e-bikes, and other emerging modes of travel like Segways.

c. Follow-up with Federal and Provincial Ministers of Infrastructure

Kukpi7 Christian reported on his ongoing work to speak with the Federal Minister of Infrastructure and recent conversation with MP Terry Beech also attended by Rhona Martin. Recommends forming a plan to meet with the Federal Minister of Infrastructure and other ministers including Tourism in Quebec City. Mayor Acton suggests Minister of Environment be included. The local MP and MLAs have been kept informed on these discussions.

The need to also include a meeting with the Provincial Minister of Transportation and Infrastructure was affirmed.

Timing is tight prior to the June call for election. These meetings will need to happen within the next two months.

MOTION: THAT: the Governance Advisory Committee direct Splitsin Kukpi7 Christian, RDNO Chair, Mayor Acton, and CSRD Chair, Rhona Martin, to form a plan to meet with the Federal Ministers of Infrastructure and other ministers including Tourism in Quebec City, and Provincial Ministers in Victoria.

Moved: Mayor Acton, **Seconded:** Councillor Delisle.

Carried: by consensus.

d. Other Priorities/Land Acquisitions

Land Acquisition – Lansdowne to Armstrong: It was recommended a first priority be land acquisition of the Lansdowne-to-Armstrong section still owned by CP Rail prior to finalizing the design specifications and beginning construction.



Re: question why the Lansdowne-to-Armstrong section wasn't acquired – David Sewell shared that when negotiating purchase, CP Rail indicated the CN railway in Armstrong is still being used and this section might be needed for siding use. In hindsight, it doesn't look like it is going to be used.

Re: securing funding and beginning design/development before sections have been acquired – Mike Fox shared that in the CN corridor money was secured for the entire corridor and is being held in reserve as remaining sections get finalized. Design/development of the corridor was able to proceed even as these remaining sections were dealt with.

MOTION: THAT: the Governance Advisory Committee request RDNO to proceed with approaching CP Rail to put them on notice we have an interest in acquiring the Lansdowne-to-Armstrong section of rail corridor.

Moved: Councillor York; **Seconded:** Mayor Pieper.

Carried: by consensus.

Agricultural Lands – there was further discussion on the needs and requirements to address agricultural land values and interests along the rail trail corridor.

MOTION: THAT: the Governance Advisory Committee direct the Technical Operational Committee to initiate a process ensuring there will be no development of the rail trail corridor until there is a strategy in place to address agricultural interests along the corridor.

Moved: Councillor Mallmes; **Seconded:** Councillor York.

Carried: by consensus.

9. Joint news release to update the public

- a. Resolution #8: ***THAT: The Technical Operational Committee prepare a Communications Strategy and release a joint news bulletin to update the public on progress to date.***

Discussion: it was asked who the Splatins point of contact should be in order to prepare a joint news release. Kukpi7 Christian confirmed he would act as the primary contact for this.

MOTION: THAT: the Governance Advisory Committee approve Resolution #8.

Moved: Mayor Acton; **Seconded:** Councillor Baird.

Carried: by consensus.

10. Summary and Next Steps

Kukpi7 Christian – would like to conduct a physical tour on the ground to see some of the issues on the ground from a Splatins, CSR D and RDNO perspective, as well as to experience first hand the spectacular



nature of the corridor.

Technical Operational Committee – CAOs of the jurisdictional partners will initiate the TOC meeting.

Leases, Crossings, etc – are being worked on by CSR D, RDNO, and Splitsin staff. Governance Advisory Committee members offered themselves to act as resource, as needed.

Budget Considerations – budget updates should be part of the regular Governance Advisory meetings.

11. Next Meeting: Friday, May 17, 2019, 9 am – 12 Noon – Location: CSR D Board Room.

MOTION: to adjourn

Moved: Councillor Baird; **Seconded:** Councillor York.

Carried: by consensus

Summary of Actions from Minutes:

Task or Action	Responsibility	Timeframe
Develop dispute resolution process	Governance Advisory	Next meeting
Follow up with Agricultural Land Commission	Technical Operational Committee	ASAP
Add wording to MoU and ToR Objectives to address the ALC, Farming community, and agricultural values along the rail-trail corridor.	Technical Operational Committee	ASAP
Approval of Memorandum or Understanding, and Terms of Reference for Governance Advisory and Technical Operational Committee	Splitsin Band Council, RDNO Board, CSR D Board	ASAP
Execute interim land tenure agreements as per Resolution #7	Splitsin, RDNO, and CSR D CAOs	ASAP
Draft long-term land tenure agreement policies for review	Technical Operational Committee	Ongoing
Lay out plan to assemble seed money and leverage further grants and fundraising opportunities	TOC and GAC	Next meeting
Form a plan to meet with Federal Ministers in Quebec City, and Provincial Ministers in Victoria	Splitsin Kukpi7 Christian, RDNO Chair Mayor Acton, CSR D Chair Director Rhona Martin	Meeting to be held within next two months
Approach CP Rail to acquire Lansdowne-to-Armstrong section of rail corridor	RDNO and TOC	ASAP
Develop strategy to address agricultural interests along the corridor	Technical Operational Committee	Ongoing



Prepare a communications strategy and joint news bulletin to update the public on progress to date	Technical Operational Committee	ASAP
Conduct a physical site tour to see issues from Splatstsin, CSR D and RDNO perspective and experience corridor	Governance Advisory	Spring
Prepare budget updates for Governance Advisory review	Technical Operational Committee	Ongoing
Coordinate Technical Operational Committee meeting	Secretariat	Immediately

Abbreviations: GAC (Governance Advisory Committee), TOC (Technical Operational Committee)

Meeting Documents: (Note: linked to Dropbox)

1. [In Camera Board Report, CSR D, August 10, 2018 \(File No: 8650-03\)](#)
2. [Memorandum of Understanding \(Master Agreement\) between CSR D, RDNO, and Splatstsin](#) in respect of the rail trail initiative
3. [Terms of Reference for the Governance Advisory Committee – Sicamous to Armstrong Rail Trail Corridor – Version 2](#) (with addition of agricultural values and Agricultural Land Commission to objectives)
4. [Terms of Reference for the Technical Operational Committee – Sicamous to Armstrong Rail Trail Corridor](#)
5. [Planning, Development, and Consulting Services Contract DRAFT with the Shuswap Trail Alliance](#)
6. [Preliminary Concept Design Report – Sicamous to Armstrong Rail Trail Corridor \(Jan. 17, 2019\)](#)
7. [Overview Map – Rail Corridor](#)
8. [Corridor Maps showing existing leases, encroachments, docks, and crossings](#)

Secretariat Contact: Phil McIntyre-Paul at phil@shuswaptrails.com, 250-804-1964 (on behalf of the Inter-Jurisdictional Governance Advisory)



Attendance: Sicamous-to-Armstrong Rail Trail Governance Advisory Committee – March 15, 2019

Acting Governance Representative at Meeting:

- Chad Eliason – City of Salmon Arm – Councillor – Appointed Rep
- Chris Pieper – City of Armstrong – Mayor – Appointed Rep
- Denis Delisle – RDNO Area F – Director – Appointed Rep
- Jeff Mallmes – District of Sicamous – Councillor – Alternate Rep
- Kevin Acton – Village of Lumby – Mayor/RDNO Chair – Appointed Rep
- Kukpi7 Christian – Splat sin – Kukpi7 (Chief) – Appointed Rep
- Paul Demenok – CSRD Area C – Director – Appointed Rep
- Rene Talbot – CSRD Area D – Director – Appointed Rep
- Rick Fairbairn – RDNO Area D – Director – Appointed Rep
- Shawn Tronson – Splat sin – Councillor – Alternate Rep
- Todd York – Township of Spallumcheen – Councillor – Alternate Rep
- Tundra Baird – City of Enderby – Councillor – Appointed Rep

Alternate Representatives (Observing):

- Brad Case – City of Enderby – Councillor – Alternate Rep
- Gord Buschell – District of Sicamous – Councillor – Alternate Rep
- Randal Ostafichuk – District of Lumby – Councillor – Alternate Rep
- Shirley Fowler – City of Armstrong – Councillor – Alternate Rep

Staff:

- David Sewell – RDNO – Chief Administrative Officer
- Evan Parliament – District of Sicamous – Chief Administrative Officer
- Jennifer Graham – City of Armstrong – Corporate Officer
- Melinda Smyrl – District of Sicamous – Planner
- Mike Fox – RDNO – General Manager of Community Services
- Ryan Nitchie – CSRD – Team Leader, Community Services
- Sasha Bird – Township of Spallumcheen – Manager of Engineering
- Sharen Berger – CSRD/RDNO – Rail Corridor Lease Agreements (Contractor)
- Tracy Hughes – CSRD – Communications

Other: Brian Schreiner – City of Enderby – Councillor/RDNO Trail Committee - Observer

- Malcolm Makayev – District of Sicamous – Councillor/Acting Mayor – Observer
- Neil Brookes - Observer

Regrets:

- Christine Fraser - Township of Spallumcheen – Mayor – Appointed Rep
- Jay Simpson – CSRD Area F – Director – Appointed Rep
- Rhona Martin – CSRD Area E – Director and Board Chair – Appointed Rep
- Terry Rysz – District of Sicamous – Mayor – Appointed Rep
- Theresa William – Splat sin – Councillor – Appointed Rep