

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: November 7, 2024

RE: RDOS Land Use Application for Emergency Infrastructure on N'Kwala Mountain

Administrative Recommendation:

THAT the Board support the RDOS Application Submission to Penticton Indian Band (PIB) for Continued Use of N'Kwala Mountain Lot for E -9-1-1 Fire Dispatch network

Purpose:

To seek Board support for RDOS to submit a land use application to the Penticton Indian Band (PIB) to secure continued access to N'Kwala Mountain for critical Emergency Communications infrastructure.

Background:

The Regional District of Okanagan-Similkameen (RDOS) has co-located critical infrastructure for emergency services on CBC's communication tower at Lot 482 on N'Kwala Mountain for approximately 15 years. This site plays a vital role in RDOS's emergency response capabilities, hosting essential equipment for the 911 Fire Dispatch network. The infrastructure housed here supports communication for regional fire, ambulance, and police services, forming an integral part of RDOS's public safety and emergency response network. Losing access to this site could significantly disrupt RDOS's ability to coordinate emergency responses and manage critical communications, leading to potential service interruptions and high relocation costs.

The ownership and right to use Lot 482 have recently come under review. Lot 482 is located on the Penticton Indian Band's (PIB) reserve land, and the land is overseen by Indigenous Services Canada (ISC). Historically, RDOS operated on this site under a co-location agreement with CBC, who previously held a land lease through Bell Media. However, the original land lease expired in 2023, and since then, both CBC and RDOS have continued operating on a month-to-month basis while CBC works with PIB and ISC to formalize their continued occupancy.

In recent months, CBC disclosed its sub-lease with RDOS to PIB. This revelation prompted PIB to clarify that any continued use of Lot 482 would require RDOS to apply separately for land access

under PIB's terms. Subsequently, PIB has advised RDOS that continued use of Lot 482 requires RDOS to submit an **Application for Use of Land** and a **28(2) Permit**.

Analysis:

Securing formal access to the N'Kwala Mountain site is critical for RDOS to ensure uninterrupted support for regional emergency services. Relocating RDOS's infrastructure from Lot 482 would entail considerable financial costs, including building a new communications tower and associated facility, obtaining permits, and reestablishing connections to emergency networks—a process similar to a complex relocation effort undertaken by RDOS at the same location over a decade ago.

In terms of the leasing structure, PIB has outlined two possible paths for RDOS:

- **5-Year Renewable Permit:** A renewable 5-year permit under the 28(2) provision, with the ability to renegotiate terms at each renewal. This option does not require a designation vote by the PIB community but would necessitate formal rental negotiations and compliance with the existing permit template.
- **10-Year Agreement:** A longer-term agreement of 10 years is an option that would provide RDOS with increased operational stability. However, a 10-year term would require a PIB designation vote, adding additional steps to the approval process.

Application Requirements

PIB has provided RDOS with the Application for Use of Land document to initiate the application process for land access. This application collects detailed corporate information, purpose of use, and term preferences, while also initiating credit and background checks as standard practice for companies applying for reserve land access. Additionally, the 28(2) Permit Template from ISC has been supplied for RDOS to complete. The 28(2) Permit would serve as a formal land access agreement under Indigenous Services Canada, detailing RDOS's permitted activities on the land, rental arrangements, and responsibilities toward site maintenance and compliance with environmental standards.

Financial Implications:

The 5-year permit will include negotiated fair market rent, with budgetary adjustments as needed. Relocating infrastructure, if required, would incur substantial costs.

Alternative:

- **Seek Alternative Sites:** If PIB does not approve the application, RDOS will need to explore other locations for emergency infrastructure, which would likely result in increased costs and potential service disruptions.

Communication Strategy:

Upon Board approval, RDOS will engage with PIB representatives to ensure clear communication of RDOS's intent and the importance of the N'Kwala Mountain site for regional emergency services. Updates on the application's progress and any negotiation outcomes will be communicated to the Board and relevant stakeholders.

Respectfully submitted:

"Sean Vaisler"

S. Vaisler, Emergency Services Manager

Endorsed by:

"Deborah Jones-Middleton"

Deborah Jones-Middleton, Senior Manager
Protective Services