

Southern Exposure

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Preserving the KVR for future generations

SAGE MESA - Residents here are concerned about the future of the Kettle Valley Railroad (KVR) right-of-way between Summerland and Penticton. A prime recreational corridor used by hikers and bikers alike, the property is presently the subject of a law suit brought against the federal government and Canadian Pacific Railway by the Penticton Indian Band.

In question is ownership of approximately 155 acres (62 hectares) of railbed property running from the Trout Creek-McCollough rail trestle southeast to Kaleden. The suit claims that between Dec. 14, 1914 and Jan. 13, 1932, the KVR and CP expropriated lands from the Penticton Indian Band Reserve under the Railway Act of Canada for expansion of its railway.

Band solicitor Ray Richardson says the suit is hinged on two key arguments.

"We're saying the federal government ought to have taken steps to have that land revert back to the Penticton Indian Band when the railway stopped using it for that purpose. We also believe the federal government should have made it an expressed term of the expropriation," said Richardson.

The Band initially filed its suit back in April 1995, but is now awaiting a similar decision in a case involving Molson Breweries and three bands - Musqueam, Burrard and Squamish Bands. That case, explained Richardson, involves disputed lands at the foot of Burrard Street in Vancouver.

"Those bands are claiming that land should revert back to them, since it's no longer being used for its original purpose. That's scheduled to go to trial in the spring of 1999.

"We've all been waiting for that decision to come down," said Richardson.

In the meantime, Richardson acknowledged he will continue to discuss the situation with CP and the Canadian government

to "try and resolve the matter," out of court.

Locally, a petition urging the provincial government to step in and purchase the property from CP Rail continues to gain momentum. Initiated by Carolann Perrie of Sage Mesa, the resident is attempting to gather the signatures of 3,000 people who support the purchase, which would create a permanent shared-used recreational corridor on the railbed.

In a recent letter to Summerland municipal council, Perrie emphasized the importance of the railbed to area recreationalists.

"The railbed is used extensively by our local citizens and contributes significantly to tourism for Penticton and Summerland, which directly benefits our economy. The beauty of the corridor is a breath-taking view of Okanagan Lake, wildlife, and gorgeous wildflowers to be enjoyed by all," said Perrie.

Consequently, Summerland council threw its support behind Perrie's petition, which can be found at Summerland Municipal Hall, and on a chair located along the KVR trail directly behind her residence.



CLOCKWISE TOP:

■ The Trout Creek KVR Trestle crossing.

■ Sage Mesa resident Carolann Perrie has begun a petition to have the KVR railbed from Summerland to Penticton preserved for recreational use into the future.

■ Greg Goldstone and Lorrie Bunko take time out of walking their dogs to sign Perrie's petition near Sage Mesa.