



Penticton Indian Band

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OFFICE REVIEW REJECTION

June 15, 2022

Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation
Room 323 Parliament Buildings
Victoria, BC V8V 1X4
IRR.Minister@gov.bc.ca

ATTENTION: Honourable Murray Rankin

Re: Proposed development within syilx Territory: 1050 Spiller Road

The *syilx* (Okanagan) Nation holds unextinguished Indigenous Rights and Title to all lands and resources within *syilx* Territory. Canadian Horizons has proposed a residential development at 1050 Spiller Road, Penticton, BC (“the proposed development”), within an area of cultural importance to the *syilx* people. The proposed development is within the vicinity of *kʷsəlxwíkʰ*, *syilx* Territory and is therefore subject to *syilx* Title, jurisdiction, Rights, interests, and Penticton Indian Band (PIB) decision making and responsibility. All proposed activities within PIB area of responsibility and throughout *syilx* Territory are taken very seriously and carefully considered by PIB. The province has notice of our Title and Rights.

PIB has expressed our strong non-consent for the proposed development multiple times since 2018, including via a letter to your office on November 10, 2020. We have carefully reviewed the information associated with the latest proposal for the proposed development and determined that there are permanent adverse impacts that will result from the proposed development, therefore the development remains unacceptable.

kʷsəlxwíkʰ has been and is currently a highly significant and culturally important area for PIB, identified by PIB, *syilx* legends, and *syilx* knowledge. The area of the proposed development has been utilized for hunting and gathering purposes for hundreds of generations. Chief and Council and PIB community engagement have confirmed that constitutionally and Supreme Court of Canada protected *syilx* Food, Social and Ceremonial Rights (FSC) continue to be practiced within the proposed development area. Current hunting practices cannot coexist with the proposed development. There is no doubt that the proposed development will directly, permanently, and significantly adversely impact *syilx* Nation/PIB FSC protected Rights.

The province of BC does not have the right or jurisdiction to dispose of our lands without acquiring consent from PIB, *syilx* Nation. The illegal disposition of our lands continues to have a devastating impact on our people, our culture, and our way of life. The province of BC has systematically, purposefully, and strategically acted to prevent our people from utilizing, managing, and benefiting from our lands as is our right as members of the sovereign *syilx* Nation.

PIB's position remains firm and will not change. We will not stand by while the province of BC excludes our members from yet another critical hunting, gathering and ceremonial area. We do not consent to the proposed development or to the proposed amendments to the City of Penticton Official Community Plan; we will not allow the proposed development to proceed on our unceded *syilx* Title lands. We will not allow our members to be excluded from the use and enjoyment of their lands, their waters, their resources, their cultural spaces. PIB Chief and Council are now seeking legal advice in the event that we need to prepare for a legal challenge. It is now time to discuss the protection of these lands, they must be removed from their fee simple status and the underlying *syilx* Title of these lands must be recognized and honoured by the crown.

Time is of the essence, please contact me at chief@pib.ca or 250-493-0048 to further discuss proper engagement protocols and next steps associated with the proposed development.

limlɛmt,



Chief Greg Gabriel
Penticton Indian Band

cc:

City of Penticton Mayor and Council
John Vassilaki, Mayor
john.vassilaki@penticton.ca

Regional District of South Okanagan Similkameen
Mark Pendergraft, RDOS Board Chair
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Minister of Forests, Lands, Natural Resource Operations and Rural Development
Honourable Katrine Conroy
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