

Kerri-Lynn Grell

From: Naramata Fire Chief
Sent: March 30, 2022 7:33 PM
To: Nikita Kheterpal
Subject: RE: E2022.005-ZONE Agency Bylaw Referral
Attachments: E2022.005-ZONE Bylaw Referral Sheet.pdf

Thanks Nikita, no affect on our service. 😊

Dennis Smith, Fire Chief

Naramata Fire
Ph:250-496-5319 Cell:250-462-5023
naramatafc@rdos.bc.ca

From: Nikita Kheterpal
Sent: March 30, 2022 3:19 PM
To: michael.mcburnie@gov.bc.ca; Christina.Forbes@gov.bc.ca; Naramata Fire Chief <NaramataFC@rdos.bc.ca>; FBCLands@FortisBC.com; sd67@sd67.bc.ca; FLNRDOSReferrals@gov.bc.ca
Cc: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: E2022.005-ZONE Agency Bylaw Referral

Good afternoon,
Please find attached an OCP amendment bylaw referral for the following property in the Regional District of Okanagan-Similkameen:
2265 Naramata Road
Electoral Area "E"

Kindly send your responses regarding the bylaw amendment to planning@rdos.bc.ca by April 29, 2022.

Please let me know if you have any questions.

Regards,



Nikita Kheterpal

Planner I

Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4109 • tf. 1.877.610.3737 • f. 250.492.0063

www.rdos.bc.ca | nkheterpal@rdos.bc.ca

[FACEBOOK](#) | [YOUTUBE](#) | Sign up for [REGIONAL CONNECTIONS](#)

This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed

Kerri-Lynn Grell

From: McBurnie, Michael ALC:EX <Michael.McBurnie@gov.bc.ca>
Sent: March 31, 2022 12:30 PM
To: Planning
Cc: Fox, Alison AFF:EX
Subject: RE: E2022.005-ZONE Agency Bylaw Referral
Attachments: E2022.005-ZONE Bylaw Referral Sheet.pdf

Hi Nikita,

Thanks for forwarding this referral to the ALC. As the proposed tram is partially within the ALR, it would require a non-farm use application to the ALC. If an application is submitted, the ALC would review the merits of the proposal at that time.

If you have any questions, please let me know.

Michael McBurnie (he/him)
Regional Planner: North, Interior, and Okanagan Regions
Agricultural Land Commission
michael.mcburnie@gov.bc.ca | 236.468.3246

From: Nikita Kheterpal <nkheterpal@rdos.bc.ca>
Sent: March 30, 2022 3:19 PM
To: McBurnie, Michael ALC:EX <Michael.McBurnie@gov.bc.ca>; Forbes, Christina D AFF:EX <Christina.Forbes@gov.bc.ca>; Naramata Fire Chief <NaramataFC@rdos.bc.ca>; FBCLands@FortisBC.com; sd67@sd67.bc.ca; FLNR DOS Referrals CSNR:EX <FLNRDOSReferrals@gov.bc.ca>
Cc: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: E2022.005-ZONE Agency Bylaw Referral

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good afternoon,
Please find attached an OCP amendment bylaw referral for the following property in the Regional District of Okanagan-Similkameen:
2265 Naramata Road
Electoral Area "E"

Kindly send your responses regarding the bylaw amendment to planning@rdos.bc.ca by April 29, 2022.

Please let me know if you have any questions.

Regards,

From: Gary Dean garydeanyy1@gmail.com
Subject: Tram 1
Date: March 31, 2022 at 3:58 PM
To: garydeanyy1@gmail.com

<https://www.rdos.bc.ca/assets/PLANNING/AreaE/2022/005-ZONE/Feedback-Form.pdf>



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A 5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: E2022.005-ZONE
FROM: Name: CARY B. DEAN
(please print)
Street Address: [REDACTED]
Date: 30 MAR 2022
RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.

IN FAVOR OF THE PROPOSED ZONING.

Feedback forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237



Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: E2022.005-ZONE

FROM: Name: Kyle Aitchison
(please print)

Street Address: _____

Date: 01/April/2022

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

TO: Regional District of Okanagan Similkameen FILE NO.: E2022.005-ZONE

FROM: Name: Bradley Lynda Rozander
(please print)

Street Address: [Redacted]

Date: April 1/22

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.



Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2022.005-ZONE

FROM: Name: NEAL RUSSELL
(please print)

Street Address: _____

Date: APRIL 4 2022

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD

My comments / concerns are:

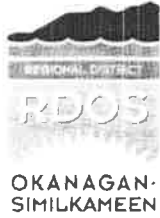
- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.

looks good!

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: E2022.005-ZONE

FROM: Name: Andrea Becking
(please print)

Street Address: _____

Date: April 6, 2022

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.

As a mother with young children, ~~this~~ I support
this project as it is the safest way to provide access
to our beach while causing the smallest amount of
impact to the natural wildlife & their habitat.

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen

FILE NO.: E2022.005-ZONE

FROM: Name: Charlene Becking
(please print)

Street Address: _____

Date: 04/06/2022

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.

Would really enjoy to be able to get down to the beach with my family to enjoy the lake when we visit.

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: E2022.005-ZONE

FROM: Name: Jim and Rebel Solley
(please print)

Street Address: _____

Date: April 6, 2022

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below. Text
Text
Text
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.

The proposed development is directly adjacent to our property.

As indicated in the QEP report, the construction of a tram from the top of the bank to the foreshore has a very minor environmental impact that can be mitigated easily. In contrast, other permitted methods of access such as a trail or road pose a high risk of erosion and damage to the riparian area and fish habitat. An electric tram is an environmentally-friendly solution for waterfront access and eliminates motor vehicle use at the lake level. Where no other safe route exists for owners to fully enjoy their property, forward-thinking solutions like this should be encouraged by the RDOS.

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



Feedback Form

OKANAGAN
SIMILKAMEEN

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: E2022.005-ZONE

FROM: Name: Russell Brown
(please print)

Street Address: _____

Date: April 6th / 2022

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.

We support this proposed rezoning, as we feel this
would be a low-impact way to access the beach

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237

Nikita Kheterpal

From: McBurnie, Michael ALC:EX <Michael.McBurnie@gov.bc.ca>
Sent: April 7, 2022 2:10 PM
To: Nikita Kheterpal
Cc: Fox, Alison AFF:EX
Subject: RE: E2022.005-ZONE Agency Bylaw Referral

Thanks for the update, Nikita. If the tram is no longer in the ALR, then an ALC application is not required.

As the drawing states the tram is for the landowners' personal use, I don't foresee any conflicts with the adjacent ALR land. If in the future the tram becomes a commercial use, I would recommend at that time considering the setback and buffer requirements outlined in the Ministry of Agriculture's [Guide to Edge Planning](#).

Michael McBurnie (he/him)
Regional Planner: North, Interior, and Okanagan Regions
Agricultural Land Commission
ALC.Referrals@gov.bc.ca (**New**) | 236.468.3246

From: Nikita Kheterpal <nkheterpal@rdos.bc.ca>
Sent: April 7, 2022 1:55 PM
To: McBurnie, Michael ALC:EX <Michael.McBurnie@gov.bc.ca>
Cc: Fox, Alison AFF:EX
Subject: RE: E2022.005-ZONE Agency Bylaw Referral

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Michael,

I wanted to note that the applicant has updated their proposal and site plan so that the tram does not encroach into the ALR.

Please let me know if you have revised comments.

Application webpage: [E2022.005-ZONE | RDOS](#)

Regards,



Nikita Kheterpal

Planner I

Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4109 • tf. 1.877.610.3737 • f. 250.492.0063
www.rdos.bc.ca | nkheterpal@rdos.bc.ca

[FACEBOOK](#) | [YOUTUBE](#) | Sign up for [REGIONAL CONNECTIONS](#)



Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2022.005-ZONE

FROM: Name: Jeffery T. Briggs
(please print)

Street Address: _____

Date: April 8, 2022

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.

These comments are written in support of the development of a hillside tram at 2265 Naramata Rd:

A review of the application, including analysis of the engineering and environmental assessments clearly indicate it is the best option available to provide necessary access to the shoreline. Such access is

desireable for reasons of personal and public safety and environmental stewardship.

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: E2022.005-ZONE

FROM: Name: WILLIAM WEBSTER
(please print)

Street Address: [REDACTED]

Date: APR 13/22

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.18
2280 Naramata Road - Lot 1, Plan KAP16214, District Lot 208, SDVD

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.18.

I SUPPORT MY NEIGHBOR USING A TRAM TO ACCESS THE
FRESH AIR.
IT SEEMS LIKE A LOGICAL, RATIONAL SOLUTION AND
I CONGRATULATE THEM FOR THIS INITIATIVE.

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

Kerri-Lynn Grell

From: FLNR DOS Referrals CSNR:EX <FLNRDOSReferrals@gov.bc.ca>
Sent: April 14, 2022 4:49 PM
To: Nikita Kheterpal
Subject: E2022.005-ZONE Agency Bylaw Referral - MFLNRORD District Okanagan Shuswap comments

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I did not see authorization from RAPR in the provided documents. Without RAPR support, we would not be able to consider Land Act or Water Sustainability Act applications.

The Site Plan depicts a landing structure that appears to be located below the Present Natural Boundary (PNB). To occupy Crown Land, a tenure would be required. This is a very long process. In addition, if any work "in and about a stream" (in this case the lake is a stream), a Water Sustainability Act application could be required. This also should be reviewed if there will be heavy equipment on the foreshore. To gain our support, we would like to see the Site Plan better delineated as to where the landing structure is located "above" a PNB.

Regards,
Mary Ellen

DOS Lands Team
Mary Ellen Grant, Lands NR Specialist, 250-558-6273, MaryEllen.Grant@gov.bc.ca

From: Nikita Kheterpal <nkheterpal@rdos.bc.ca>
Sent: March 30, 2022 3:19 PM
To: McBurnie, Michael ALC:EX <Michael.McBurnie@gov.bc.ca>; Forbes, Christina D AFF:EX <Christina.Forbes@gov.bc.ca>; Naramata Fire Chief <NaramataFC@rdos.bc.ca>; FBCLands@FortisBC.com; sd67@sd67.bc.ca; FLNR DOS Referrals CSNR:EX <FLNRDOSReferrals@gov.bc.ca>
Cc: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: E2022.005-ZONE Agency Bylaw Referral

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good afternoon,
Please find attached an OCP amendment bylaw referral for the following property in the Regional District of Okanagan-Similkameen:
2265 Naramata Road
Electoral Area "E"

Kindly send your responses regarding the bylaw amendment to planning@rdos.bc.ca by April 29, 2022.

Please let me know if you have any questions.



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
Fax: 250-493-2882

Project Name:

E2022.005-ZONE

FN Consultation ID:

W-220330-E2022-005-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

Regional District of Okanagan Similkameen

Date Received:

Wednesday, March 30, 2022

March 31, 2022

Attention: Planning RDOS

File number: E2022.005-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was received on 2022-03-30T00:00:00.

This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, the Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 40 days from the existing timeline.

Most recently, the Supreme Court of Canada in the Tsilquot'in case confirmed that the province has been applying an incorrect and restrictive test to the determination of Aboriginal Title, and that Aboriginal Title includes the exclusive right of a First Nation to decide how that land is used and the right to benefit economically from those uses.

Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

lilmlmt,

Heather McDougall

Referrals Clerk

Natural Resources Department

Penticton Indian Band

P: 250-492-0411

Referrals.clerk@pib.ca



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
Fax: 250-493-2882

Project Name:

E2022.005-ZONE

FN Consultation ID:

W-220330-E2022-005-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Wednesday, March 30, 2022

File number:

E2022.005-ZONE

March 31, 2022

Attention: Nikita Kheterpal

We are in receipt of the above referral. This proposed activity is within the PIB Area of Interest within the Okanagan Nation's Territory, and the lands and resources are subject to our unextinguished Aboriginal Title and Rights.

The Supreme Court of Canada in the *Tsilhqot'in* case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right to benefit economically from the land and resources. The Court therefore concluded that when the Crown allocates resources on Aboriginal title lands without the Indigenous peoples' consent, it commits a serious infringement of constitutionally protected rights that will be difficult to justify.

PIB has specific referral processing requirements for both government and proponents which are integral to the exercise of our management right and to ensuring that the Crown can meet its duty to consult and accommodate our rights, including our Aboriginal title and management rights. According to this process, proponents are required to pay a \$500 processing fee for each referral. This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be reviewed.

1. Invoice Number: W-220330-E2022-005-ZONE

Referrals Processing Fee

Sub Total \$ 500.00

Tax \$ 0.00

Total \$ \$500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque or cash payable to Penticton Indian Band. re: P.C.132. Mail payment to ATTN: Heather McDougall, Penticton Indian Band Natural Resources Department 841 Westhills Drive, Penticton, British Columbia, Canada V2A 0E8. Please include this letter when sending.

Upon receipt of the processing fee, we will commence our review. You may then expect to receive a letter from us notifying you of the results of our review of potential impacts of the project within 30 to 90 days.

If the proposed activity requires a more in-depth review, PIB will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

limlɔmt,

Heather McDougall
Referrals Clerk
Natural Resources Department
Penticton Indian Band
W: 250-492-0411
Referrals.clerk@pib.ca
