

From: McCammon, Alan W ENV:EX <Alan.Mccammon@gov.bc.ca>
Sent: Tuesday, April 25, 2023 3:00 PM
To: Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>
Cc: Fiona Titley <ftitley@rdos.bc.ca>; Correspondence Unit ENV:EX <Correspondence.Unit@gov.bc.ca>
Subject: FW: Referral Request - X2023.004-ZONE

Hello Fiona,

Hopefully providing a helpful re-direct of your referral.

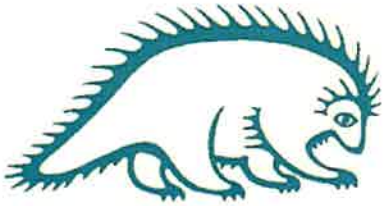
ENV Land Remediation – the program I work for – makes no comment about the proposed WDP Update.

Regards,

Alan W. McCammon, MSc PGeo | Manager, Site Information | Land Remediation | **Ministry of Environment and Climate Change Strategy** | 200 - 10470 152nd Street, Surrey BC V3R 0Y3 Canada
| (236) 468-2238 | www.gov.bc.ca/siteremediation

From: Fiona Titley <ftitley@rdos.bc.ca>
Sent: Friday, April 21, 2023 10:45 AM
To: McCammon, Alan W ENV:EX <Alan.Mccammon@gov.bc.ca>
Subject: Referral Request - X2023.004-ZONE

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Okanagan Indian Band

12420 Westside Road • Vernon, BC, • V1H 2A4

Telephone: 250-542-4328 • Facsimile 250-542-4990

Email: okibreferrals@okanagan.org

"This correspondence will not be construed so as to to prejudice, limit, or derogate from any rights, claims or interests in respect of any Aboriginal title, rights and interests of Okanagan or Syilx Nation recognized and affirmed under Section 35 of the Constitution Act, 1982 and nothing in this letter indicates acceptance by Okanagan of federal or provincial Crown jurisdiction over or ownership of land, water or other resources within the Territory."

Project Name:

Watercourse Development Permit Area Update - Timelines

FN Consultation ID:

X2023.004-ZONE

Consulting Org Contact:

Chris Garrish

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Thursday, April 6, 2023

Attention: Chris Garrish

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band ("OKIB") has conducted a desktop review of the project. The location of the project to which the referral relates is within Syilx (Okanagan Nation) territory, and may have impacts on Syilx Aboriginal Title and Rights, which OKIB holds as part of the Syilx. However, the project is located outside the OKIB's Area of Responsibility as a member of the Syilx. At this time, we defer to the Penticton Indian Band, Osoyoos Indian Band and Lower Similkameen Indian Band for a more in depth review. Please keep us informed of any updates or changes to the project as this may change our assessment and our view on the need for further consultation with OKIB.

liml?mt | Thank You

Julie Richard

Referrals Management Clerk

Territorial Stewardship Division

Okanagan Indian Band

12420 Westside Road

Vernon BC, V1H 2A4

Office: 250-542-7132

Cell: 250-309-5217



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:

Watercourse Development Permit Area Update - Timelines

FN Consultation ID:

W-230411-X2023.004-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Thursday, April 6, 2023

April 11, 2023

WITHOUT PREJUDICE

Attention: Planning RDOS

File number: X2023.004-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was received on 2023-04-06T00:00:00.

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.

limlám̓t,

Madison Terbasket

Office Administrator

Penticton Indian Band

Natural Resources

email: referrals.clerk@pib.ca

work: (250) 492-0411

address: 841 Westhills Drive S 80 C 19

Lauri Feindell

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: April 12, 2023 9:46 AM
To: Fiona Titley
Subject: RE: Referral - X2023.004-ZONE

Fiona

As the ALC is not supportive of excessive regulation over the clearing of land for agricultural activities, it has no objection to bylaw amendments as the Regional District has proposed, which lift, and/or moderate regulations imposed upon farmers in the ALR for a Watercourse Development Permit.

Ideally the ALC prefers that ALR property owners be exempt from the necessity of acquiring a Watercourse Development Permit when clearing adjacent to watercourse for agricultural cultivation (if this is not already the case).

Regards

Martin Collins, Regional Planner, ALC
Ph. 604 953 6673

From: Fiona Titley <ftitley@rdos.bc.ca>
Sent: Thursday, April 6, 2023 12:03 PM
To: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; 'jcvitko@sd53.bc.ca' <jcvitko@sd53.bc.ca>; 'sd67@sd67.bc.ca' <sd67@sd67.bc.ca>; 'bross@sd58.bc.ca' <bross@sd58.bc.ca>
Subject: Referral - X2023.004-ZONE

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Re: Project No. X2023.004-TUP
Development Procedures Amendment Bylaw No. 2500.32, 2023
Electoral Area "A", "C", "D", "E", "F", "H", & "I" OCP Amendment Bylaw No. 3008, 2023

Please find attached a Referral sheet for the Watercourse Development Permit (WDP) Update - Timelines amendment bylaws, along with a link to our web page with the relevant documentation.

Please review and if you have any questions contact Fiona Titley, file manager.

If you could forward your comments/concerns to planning@rdos.bc.ca by May 5, 2023.

Kind Regards,