### **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 < Naramata FC@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 <a href="mailto:planning@rdos.bc.ca">planning@rdos.bc.ca</a> 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 garydeanyyl@gmail.com &

Subject: Tram 1

Date: March 31, 2022 at 3:58 PM To: garydeanyyl@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@rdcs.bc.ca

10:	Regional District o	GARY B. DEAN	FILE NO.: E2022.0	05-ZONE	
FROM:	Name	(please pr	unt)	_ ^ /	JADA
	Street Address:	4			
	Date:	30 MAR 2012			
RE:	Electoral Area "E 2265 Naramata R	OCP Amendment Bylaw No. 2458. oad — Lot 1, Plan KAP16214, Distric	18 ct Lot 206, SOYD		
My commi	ents / concerns are:				
T	do support the prop	osed rezoning of the subject parcel	No. of the Contract of the Con	ded.	
EV	do support the prop	osed rezoning of the subject parcel,	subject to the comments in	steo	
	below.		rel		
	do not support the f	roposed rezoning of the subject par	Cen		
	Written submissions Regional District	received from this information mee Board prior to 1" reading of Amend	ting will be considered by t ment Bylaw No. 2458-18.	he	
	N FAJOUR	OF THE MOPOSED	CONING.		
	N PAUCOL				
	•			The second second	
-	/				
	Feedback Fo	rms must be completed and returned to	o the Regional District District Board meeting.		

prior to noon on the day of the applicable Regional District Board meeting.

Indexing and present oftendom is an objection the highest Enters of Duringer-Southament Libra stribute. Our practice, have been drogated to enter compliance with the privacy processor of the freedom of observation of Process Act (Senior Colembia, (1994)). Any process or entering with processor of the privacy processor and freedom of observation and FRAS (Senior Street, Procedure, 1994). Any processor or entering with processor of the content of the content of the privacy of processor of the entering about the collection, one or discharge of the entering page of the entering of the entering page of the entering of t



### 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 Similkameer	FILE NO.:	E2022.005-ZONE
FROM:	Name:	Kyle	Aitchison	* <u> </u>
FROIVI.	ivaille.	(a)	(please_print)	
	Street Address:			
	Date:	01/Ap	ori1/2022	
RE:		OCP Amendment Bylav pad — Lot 1, Plan KAP16	v No. 2458.18 5214, District Lot 206, SDYD	ı
My comr	ments / concerns are:			
X	I <u>do</u> support the propos	sed rezoning of the subj	ect parcel.	
	I <u>do</u> support the propo below.	sed rezoning of the subj	ect parcel, subject to the co	mments listed
	I <u>do not</u> support the pr	oposed rezoning of the	subject parcel.	
	Written submissions re Regional District B	eceived from this inform loard prior to 1 <sup>st</sup> reading	nation meeting will be consi g of Amendment Bylaw No.	dered by the 2458.18.
-				
( <del></del>				
:				
9				

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

Tel: 250-492-0237 / Email: planning@rdos.bc.ca	Regional District of Okanagan Similkameen FILE NO.: E2022.005-ZONE	Bradley alynda Rozander	1 Address: April 1 J A 2 1 2 1 1 1 A 2 1 1 1 A 2 1 1 1 A 2 1 1 A 2 1 1 A 2 1 1 A 2 1	Electoral Area "E" OCP Amendment Bylaw No. 2458.18 2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD	lents / concerns are: I <u>do</u> support the proposed rezoning of the subject parcel. I <u>do</u> support the proposed rezoning of the subject parcel, subject to the comments listed below. I <u>do not</u> 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.	Foodback Forms
SIMILKAMEEN Tel: 250-492-023	TO: Regional District of Ok	FROM: Name:	Street Address:	RE: Electoral Area "E" OCP 2265 Naramata Road –	My comments / concerns are:      do support the proposed rect     do support the proposed rect     below.	Written submissions receive Regional District Board	



### **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: LEAL RUS	SOU   lease print)	
	Street Address:	2022	
RE:	Electoral Area "E" OCP Amendment Bylaw No 2265 Naramata Road — Lot 1, Plan KAP16214		
My comr	ments / concerns are:		
abla	I <u>do</u> support the proposed rezoning of the subject p	parcel.	
	I $\underline{do}$ support the proposed rezoning of the subject polaries.	parcel, subject to the con	nments listed
	I <u>do not</u> support the proposed rezoning of the subj	ect parcel.	
	Written submissions received from this information Regional District Board prior to 1 <sup>st</sup> reading of A	_	=
	woks Good l		
2			

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



#### Regional District of Okanagan Similkameen

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 Beck	se print)	
	Street Address:		#P train
	Date:	2022	
RE:	Electoral Area "E" OCP Amendment Bylaw No. 2- 2265 Naramata Road — Lot 1, Plan KAP16214, Di		
My com	ments / concerns are:		
V	I do support the proposed rezoning of the subject pare	cel.	
	I $\underline{do}$ support the proposed rezoning of the subject parabelow.	cel, subject to the co	mments listed
	I <u>do not</u> support the proposed rezoning of the subject	parcel.	
	Written submissions received from this information m Regional District Board prior to 1st reading of Ame		
A	s a mother with young ch	ildren, the	I support
this	project as it is the safest	- way to p	provide access
to o	ur beach while causing the	smallest an	rount of
impa	ct to the natural wildlife	s their hab	tat.
-			
			*

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



### 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.:	E2022.005-20INE
FROM:	Name:	Charlene Becking		- F
		(ple	ease print)	
	Street Address:	<u>U</u>		_ =
	Date:	04/06/2022		
RE:		" OCP Amendment Bylaw No. Road — Lot 1, Plan KAP16214,		
My com	ments / concerns are:			
$\square$	I <u>do</u> support the prop	osed rezoning of the subject pa	arcel.	
	I <u>do</u> support the prop below.	osed rezoning of the subject pa	arcel, subject to the cor	nments listed
	ا <u>do not</u> support the ب	proposed rezoning of the subject	ct parcel.	
		received from this information Board prior to 1 <sup>st</sup> reading of Ar		
Would r	eally enjoy to be able to	get down to the beach with m	y family to enjoy the lak	ce 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.



### Regional District of Okanagan Similkameen

OKANAGAN. SIMILKAMEEN 101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

.005-ZONE	FILE NO.: E2022	of Okanagan Similkameen	Regional District	TO:
	EDCE e print)	DOWNA LAW (ple	Name:	FROM:
7 A	YOHINI	APRIL 6, 2022	Street Address:	
		E" OCP Amendment Bylaw No. Road — Lot 1, Plan KAP16214, I		RE:
			ments / concerns are:	My com
	el.	osed rezoning of the subject pa	I <u>do</u> support the prop	$\mathbf{X}'$
sted	el, subject to the comments	oosed rezoning of the subject pa	I <u>do</u> support the prop below.	
	parcel.	proposed rezoning of the subjec	I <u>do not</u> support the p	
he		received from this information Board prior to 1 <sup>st</sup> reading of An		9
<del></del>				-
				-
				•
	el, subject to the comments parcel. eeting will be considered by	proposed rezoning of the subject pa proposed rezoning of the subject	I do support the prop below. I do not support the p	

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



### Regional District of Okanagan Similkameen

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

TO:	Regional Distri	ct of Okanagan Similkameen	FILE NO.:	E2022.005-20NE
FROM:	Name:	Jim and Rebel Solley		
		(ple	ease print)	
	Street Address	; , <del></del>		
	Date:	April 6, 2022		
RE:		"E" OCP Amendment Bylaw No. a Road — Lot 1, Plan KAP16214,		
My com	ments / concerns are	:		
V	I <u>do</u> support the pr	oposed rezoning of the subject pa	arcel.	
	I <u>do</u> support the probelow.	oposed rezoning of the subject pa Text Text	arcel, subject to the co	mments listed
	I <u>do not</u> support th	e proposed rezoning of the subje	ct parcel.	
		ns received from this information ict Board prior to 1 <sup>st</sup> reading of Ar		
The propos	sed development is directly	adjacent to our property.		
		struction of a tram from the top of the bank to st, other permitted methods of access such a		
to the ripar	ian area and fish habitat. Ar	n electric tram is an environmentally-friendly	solution for waterfront access	and eliminates motor
vehicle us	e at the lake level. Where no	other safe route exists for owners to fully e	njoy their property, forward-thi	nking solutions like this
should be	e 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.



### Regional District of Okanagan Similkameen

OKANAGAN-

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:	118 81	+
	Date: April 6th /2022	· <i>J</i> ·	
RE:	Flortown Aven "F" OCR Avenue		
NE:	Electoral Area "E" OCP Amendment Bylaw No. 2458.18 2265 Naramata Road — Lot 1, Plan KAP16214, District Lo	+ 206 SDVD	
	dot 1, Fidit Not 10214, District Ed	1 200, 3010	
My comments	s / concerns are:		
1 <u>do</u>	support the proposed rezoning of the subject parcel.		
	support the proposed rezoning of the subject parcel, subje	ect to the com	ments listed
	not support the proposed rezoning of the subject parcel.		
	not support the proposed rezoning of the subject parcel.		
Wri	tten submissions received from this information meeting v Regional District Board prior to 1 <sup>st</sup> reading of Amendment	will be conside Bylaw No. 24!	red by the 58.18.
We.	support this proposed rezoning, o	u we fee	1 the
would	be a low-impact way to access	the beac	<u>L</u>

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

#### Nikita Kheterpal

From:

McBurnie, Michael ALC:EX < Michael. McBurnie@gov.bc.ca>

Sent: To:

April 7, 2022 2:10 PM

Nikita Kheterpal Fox, Alison AFF:EX

Cc: 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

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: <u>E2022.005-ZONE | RDOS</u>

#### 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



### Regional District of Okanagan Similkameen

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

E2022.005-ZONE FILE NO.: Regional District of Okanagan Similkameen TO: Jeffery T. Briggs FROM: Name: (please print) Street Address: April 8, 2022 Date: Electoral Area "E" OCP Amendment Bylaw No. 2458.18 RE: 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. X 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.



### 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
	1 1 /2/2 2000
FROM:	Name: (please print)
	Street Address:
	Date: April 8/2012.
RE:	Electoral Area "E" OCP Amendment Bylaw No. 2458.18
	2265 Naramata Road — Lot 1, Plan KAP16214, District Lot 206, SDYD
	ts / concerns are:
	o support the proposed rezoning of the subject parcel.
	lo support the proposed rezoning of the subject parcel, subject to the comments listed low.
П	o not support the proposed rezoning of the subject parcel.
W	ritten submissions received from this information meeting will be considered by the Regional District Board prior to 1 <sup>st</sup> reading of Amendment Bylaw No. 2458.18.
1	AND THE RESIDENCE OF THE PARTY

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



Regional District of Okanagan Similkameen 101 Martin Street, Penticton, BC, V2A-519

	The same of the sa	-0237 / Email: plan		FILE NO.:	£2022.005-20N
TO:	Regional District o	of Okunagan Simila	ameen	HILE HOL:	
FROM	Name:	WILLIAM	(please pri	nt)	
	Street Address:	1			
	Date:	APRIL 13	/22		
RE:	Electoral Area "E 2265 Naramata R	OCP Amendmen load — Lot 1, Plan	t Bylaw No. 2458.1 KAP16214, District	8 Lot 206, SDVD	
My com	ments / concerns are:				
U	I do support the prope				
0	I do support the proper below.	osed rezoning of ti	ne subject parcel, se	ubject to the co	numents listed
	I do not support the p	roposed resoning	of the subject parci	4	
	The same of the sa	received from this	information meeting	ng will be cons	idered by the
	Regional District	Board prior to 1 <sup>d</sup>	THE PARTY		
_	Regional District	Board prior to 1 <sup>d</sup>	ING A TRAM		
_	Regional District	Board prior to 1 <sup>e</sup> o	ING A TRAM	70 AC	cess THE
F	Regional District  SUPPORT My N  GRESHER  SUBMIS LIFE	Board prior to 1* 1 Voicepéise & US	ING A TRAM	70 AC	cess THE
F	Regional District	Board prior to 1* 1 Voicepéise & US	ING A TRAM	70 AC	cess THE
F	Regional District  SUPPORT My N  GRESHER  SUBMIS LIFE	Board prior to 1* 1 Voicepéise & US	ING A TRAM	70 AC	cess THE
F	Regional District  SUPPORT My N  GRESHER  SUBMIS LIFE	Board prior to 1* 1 Voicepéise & US	ING A TRAM	70 AC	cess THE
F	Regional District  SUPPORT My N  GRESHER  SUBMIS LIFE	Board prior to 1* 1 Voicepéise & US	ING A TRAM	70 AC	cess THE
F	Regional District SUPPORT MY A WESHER SOUMS LIFE COMMUND THE	Board prior to 1 <sup>st</sup> in Control of the Control of t	ING A TRAM	70 AC	CESS THE

Protecting your personal education is an obligation the Regional District of Chamagan Similkamenn takes seriously. Our practices have been designed to ensure considence with the privacy processor of the Freedom of Internation and Protection of Protection of Protection of Columbia (\*1974\*). Any personal or properties information pre-processor to personal or or disclosure of this enternation please contact. Manager of Legislative Services, ROCK, SOS Martin Stores, Personal, DC V2A-SS, 250-482-0227.

### **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.

limləmt,

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.

limləmt,

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