



DEVELOPMENT APPROVALS
PRELIMINARY BYLAW
COMMUNICATION

Your File #: X2017.157-Zone
Large Holdings 3
Review
eDAS File #: 2018-01007
Date: February 27, 2018

Regional District Okanagan-Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

Re: Proposed Text Amendment Bylaw 2455.30 for Area D

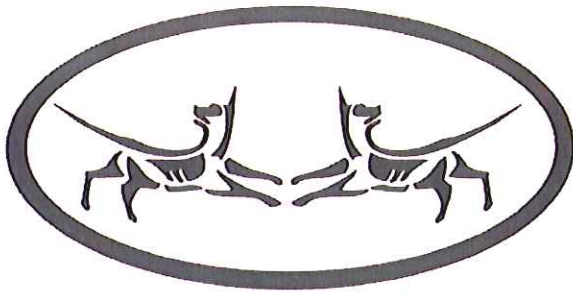
Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte
District Development Technician

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231



Penticton Indian Band

Natural Resource Department
R.R. #2, Site 80, Comp.19
Penticton, British Columbia
Canada V2A 6J7
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

March-05-18

Regional District of Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

RTS ID: 3021

Referral Date: February-20-18

Referral ID: 2018-02-20 ZON 3011

Reference ID: BL2603.12 & 2455.30 D2017.157-Zone

Summary: Bylaw Referral - Large Holdings Three (LH3) Zone Review - RDOS Electoral Area "D-2" (D2017.157-ZONE).

Attention: Christopher Garrish

The Penticton Indian Band acknowledges receipt of your referral dated February-20-18. The PIB has insufficient information to begin review of your referral. Please provide the information indicated below.

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.

- KMZ file for area of interest
 - Shape files of are of interest
 - Proponent contact info
- Please provide : name, phone, email, address

Without this information, we cannot make an informed decision and we would have no other alternative but to reject the proposed activity/development. We look forward to your response.

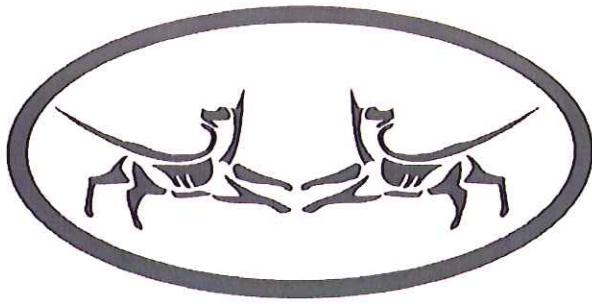
If you require further information or clarification, please do not hesitate to contact me.

Limlømt,

Lavonda Nelson
Referrals Administrator

RTS ID: 3021

CC: Penticton Indian Band (jpepper@pib.ca),ONA (nrmanager@syilx.org)



Penticton Indian Band

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ATTENTION: Christopher Garrish

We are in receipt of the above referral. The proposed activity is located within Okanagan Nation Territory and the PIB Area of Responsibility. All lands and resources within the vicinity of this referral 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.

Penticton Indian Band has specific referral processing requirements for both government and proponents which are integral to the exercise of our Rights to manage our lands and resources and to ensuring that the Crown can meet its duty to consult and accommodate our Rights, including our Aboriginal Title and management Rights. There is a cost associated with PIB referral processing and engagement. In accordance with PIB policy, proponents are required to pay a 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 fully reviewed.

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.

¹The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982



If the proposed activity requires a more in-depth review, Penticton Indian Band 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.

Invoice Number: 954

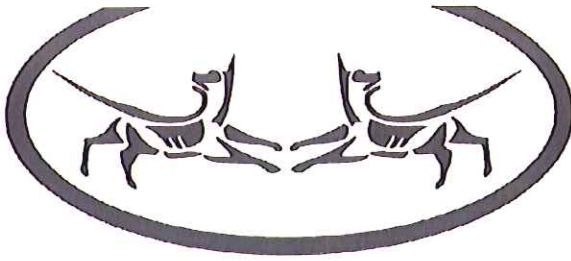
	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project Technican)	\$ 110.00	\$ 0.00	\$ 110.00
R.T.S. Data Entry (Technical Services)	\$ 80.00	\$ 0.00	\$ 80.00
Referral Assessment (Band Administrator)	\$ 67.50	\$ 0.00	\$ 67.50
Referral Coordination (Referrals Coordinator)	\$ 190.00	\$ 0.00	\$ 190.00
Total	\$ 500.00	\$ 0.00	\$ 500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00
 Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #3021

limlɛmt,

Lavonda Nelson
 Referrals Administrator
 P: 250-492-0411
 Referrals@pib.ca

RTS ID: 3021
 CC: Penticton Indian Band (jpepper@pib.ca), ONA (nrmanager@syilx.org)



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773 Westhills Drive | R.R. #2, Site 80, Comp.19
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Attention: Christopher Garrish

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on March-05-18. 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, Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 60 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 economical 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.

Limlɛmt,
Lavonda Nelson
Referrals Administrator

RTS ID: 3021

CC: Penticton Indian Band (jpepper@pib.ca),ONA (nrmanager@syilx.org)