



## Penticton Indian Band

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**MARCH 10, 2023**

### **Honourable Murray Rankin**

Minister of Indigenous Relations and Reconciliation  
Room 323 Parliament Buildings  
Victoria, BC V8V 1X4  
[IRR.Minister@gov.bc.ca](mailto: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.

*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 residential development. There is no doubt that the proposed development will directly, permanently, and significantly adversely impact *syilx* Nation/PIB FSC protected Rights.

PIB has expressed our strong non-consent for the proposed development multiple times since 2018, including via letters to your office on November 10, 2020 and June 15, 2022. As we have mentioned previously, PIB has ongoing concerns that the Province of BC is not taking the necessary steps to implement your commitments to the *United Nations Declaration of the Rights of Indigenous Peoples* (UNDRIP) and the *Declaration of the Rights of Indigenous People Act* (DRIPA) as it relates to the management for forests, lands, range, water, fish and wildlife, archaeology permits and authorizations. The cumulative effects of resource extraction and development approved by your government, without our Free, Prior and Informed Consent (FPIC) continues to have an adverse impact on our Title lands and is an infringement of our Rights. The province of BC does not have the right or jurisdiction to dispose of our lands without acquiring FPIC 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 have never consented to the proposed development or any amendments to the City of Penticton Official Community Plan which support it; 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 working with our legal teams in the event that we need to prepare for a legal challenge. We must 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, contact me at [chief.ggabriel@pib.ca](mailto:chief.ggabriel@pib.ca) or 250-493-0048 to further discuss proper engagement protocols and next steps associated with the proposed development.

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Chief Greg Gabriel  
**PENTICTON INDIAN BAND**

cc: City of Penticton Mayor and Council  
Julius Bloomfield, Mayor  
[julius.bloomfield@penticton.ca](mailto:julius.bloomfield@penticton.ca)

Regional District of South Okanagan Similkameen  
Mark Pendergraft, RDOS Board Chair  
[mpendergraft@rdos.bc.ca](mailto:mpendergraft@rdos.bc.ca)

Minister of Forests  
Honorable Katrine Conroy  
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Minister of Land, Water and Resource Stewardship  
Honorable Josie Osborne  
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Okanagan Nation Alliance  
Nation Members Bands

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