

Jonker, Jennifer B ENV:EX

From: Minister, ENV ENV:EX
Sent: Wednesday, March 26, 2014 12:35 PM
To: 'lands@oib.ca'
Cc: Minister, ABR ABR:EX
Subject: RE: Water Sustainability Act
Attachments: 20131116012538465.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Reference: 199518

March 26, 2014

Chief Clarence Louie
and Council
Osoyoos Indian Band
Email: lands@oib.ca

Dear Chief Louie and Council:

Thank you for your letter of November 14, 2013, regarding the provincial government's *Water Sustainability Act* Legislative Proposal consultation activities. I apologize for the delay in responding.

Since 2009, government has engaged widely with British Columbians. In the third phase of engagement this past fall, government received more than 3,000 submissions on the *Water Sustainability Act* Legislative Proposal, and more than 13,000 visits to the *Water Sustainability Act* website and blog. Government reviewed all the comments received on the *Water Sustainability Act* Legislative Proposal when preparing the new legislation, which was introduced in the Legislature on March 11 as Bill 18.

I acknowledge the short timelines last fall and the request of many First Nations communities and other organizations to extend the most recent review period, provide resources to participate and schedule additional meetings. In addition to the recent Legislative Proposal, government has provided previous engagement opportunities for First Nations including a moderated blog, website, discussion papers, policy proposal and regional workshops including three held specifically for First Nations.

Much of the detail in the proposed new legal framework, including groundwater licencing, water objectives, sustainability planning and water governance, will be further developed and clarified in Regulations—work that has not yet been initiated. I acknowledge this lack of detail is a source of concern for the Osoyoos Indian Band and Okanagan Nation Alliance. Ministry of Environment staff are exploring options for further engaging with First Nations as the work on Regulations progresses. The Ministry is also working with the First Nations Leadership Council to explore future opportunities to work together on water.

Thank you again for taking the time to help us modernize the rules around our most precious natural resource.

Sincerely,

Mary Polak

Minister

From: Joseph Linkevic [<mailto:lands@oib.ca>]

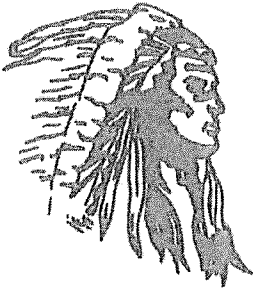
Sent: Friday, November 15, 2013 1:28 PM

To: Minister, ENV ENV:EX

Subject: Water Sustainability Act

Letter as attached from Chief Clarence Louie

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OSOYOOS INDIAN BAND

1006 McKinney Road PHONE: 250.498.3444 ~ FAX: 250.498.6577 OLIVER, BC V0H 1T8

November 14, 2013

VIA EMAIL

Ministry of Environment
PO Box 9047 Stn Prov Govt
Victoria, B.C. V8W 9E2

Attention: Honourable Mary Polak
 Minister of the Environment

RE: *Water Sustainability Act* Legislative Proposal

We confirm our support for the November 14th, 2013 letter from the Okanagan Nation Alliance with regard to the above-noted subject.

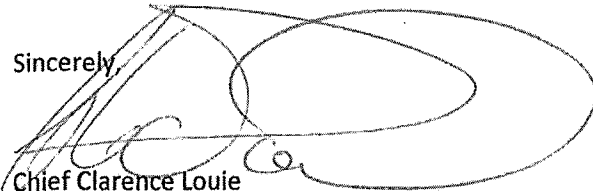
We also wish to confirm the fact our Band lands and Traditional Territory will be severely impacted by this proposed legislative change. We also confirm no adequate, in fact, no consultation has been sought by the Province of British Columbia with our Band for this very important proposed change.

Therefore we must categorically reject the proposal in its entirety. Without even having proposed draft legislation in our hands for our review and comment, we find the actions of the Province to be reprehensible. This is further aggravated by the fact the proposal was released for comment on October 18th, 2013 with a review deadline of November 15th, 2013.

The Province of British Columbia is obligated, by law, to adequately consult and accommodate our Rights, Title and Interests on those lands impacted by any decision prior to the decision actually being made. This is in keeping with the principle of the Free, Prior and Informed Consent process we feel is necessary to meaningfully approach our governance on these matters. To this end the Province of British Columbia is woefully negligent.

We state we are willing to work with the Province on this matter to ensure the proposed legislation will achieve its goal of modernizing the provincial water laws in a manner that fully and completely respects First Nations values, Rights, Title and Interests in a meaningful way.

Sincerely,



Chief Clarence Louie

Jonker, Jennifer B ENV:EX

From: Minister, ENV ENV:EX
Sent: Tuesday, December 3, 2013 4:22 PM
To: s.22
Subject: RE: Indian Arm PUP change to lease Deadline October 18,2013

Follow Up Flag: Follow up
Flag Status: Flagged

Reference: 198929

December 3, 2013

s.22

Dear s.22

Thank you for your email of October 3, 2013, regarding your park use permit (PUP) in Indian Arm Provincial Park.

In August, you were sent a package from staff in the South Coast Region of BC Parks offering you a new PUP with a 30-year term. This term is a considerable exception from standard policy, which offers only a 10-year term for park use permits and 15-year term for recreational Crown land leases. Permittees were offered this long-term permit to provide them with enhanced certainty as the lands are transitioned from the administration of BC Parks to the administration of the Ministry of Forests, Lands and Natural Resource Operations.

For permittees like yourselves, who are not in a permit renewal process, this was an offer only. If a permittee did not accept this extended permit, the current permit continues until it expires. When that occurs, permittees will be offered a new permit based on the policy and terms of the day.

Please note that any new tenure offered will not include a compensation clause, as this is inconsistent with policy, and the term will be based on the policy at the time of renewal (for example, 15-year term). The Province will not consider a longer permit term, nor will we consider a guaranteed renewal clause as this is inconsistent with Cabinet policy and would set precedent.

I understand that you have responded to the BC Parks South Coast Region confirming your acceptance of the offer of a 30-year term, based on the new lease template. Ministry staff will be contacting you in the near future regarding the next steps.

If you have any questions regarding the process, please contact Ms. Jennie Aikman, Regional Director with the Ministry of Environment, by email at Jennie.Aikman@gov.bc.ca.

Thank you again for writing and sharing your concerns.

Sincerely,

Mary Polak
Minister

From: [REDACTED]
Sent: October 3, 2013 2:38 PM
To: Polak.MLA, Mary
Subject: RE: Indian Arm PUP change to lease Deadline October 18,2013

Mary Polak,
MLA, Minister of Environment,
#102-20611 Fraser Hwy.,
Langley, B.C.,
V3A 4G4

October 3, 2013

Good Afternoon;

[REDACTED] have been residence of Langley Township since the early [REDACTED] in our fast growing community. About [REDACTED] we purchased property by way of PUP within the BC Parks on the Indian Arm and [REDACTED] proceeded to build our family cottage for all to relax and enjoy.

Recently, along with approximately 21 other lease holders, we received notice that the BC Parks proposes to change the conditions of our current lease. These changes will greatly reduce the value of our properties & also come with a fast approaching deadline of October 18th, 2013.

We are writing with concern to the proposed change to our park use permits for permittees in the Indian Arm Provincial Park area. Our main concern is the removal of the improvements compensation clause from the newly proposed park use permit. It is our feeling that substantially changing the terms unilaterally, by removing the compensation clause, is an unjust enrichment approach that the government is taking.

If a new park use permit is entered into by a third party on a new property we understand that the government may elect to set different conditions on a new permit and the proposed new tenant has the option to accept and act accordingly to the conditions of the permit. In our case we as tenants have purchased and/or built up and made substantial investments in improvements to the properties relying on the terms of the current park use permits and the improvements compensation clause that is written into them. This compensation clause has allowed permittees to invest in property improvements with knowledge that should the government elect to not renew a permit that their investment in improvements will not be lost.

To correct the issue we feel that the government needs to offer the new permit with the compensation clause, or extend the terms far beyond the 30 years that is proposed, or offer a permit with a Guaranteed Renewal Clause. This would help cease the erosion of investment value in improvements that the permittees will endure under the current terms of the newly proposed permit.

We have a pending deadline of Oct 18, 2013 to accept the proposed new permit, and a group of Indian Arm permit holders have scheduled a meeting at the office of Doug Horne, MLA for the Coquitlam-Burke Mountain riding for [REDACTED] to discuss the details of the proposal.

Please let us know your thoughts on the situation. We look forward to hearing from you. Thank you in advance. Should you wish to contact me, I can be reached on my cell @ [REDACTED]

Sincerely,

s.22