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From: Stephen Rybak <[REDACTED]>

Sent: Wednesday, November 8, 2023 12:26 PM

To: Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Ben Mabblerly <bmabblerly@islandstrust.bc.ca>

Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: Groundwater Sustainability Project - draft exemption 4.6.p - rationale

Could one of the Local Trustees please provide a rationale for the proposed exemption "P" to the list of land use exemptions in the Draft Groundwater Development Permit Regulations.

The proposed exemption, which first appears in the 14 March Staff report on the project reads "land owned by a person with federal indigenous status living within their traditional territory with proof of indigenous family lineage". The legal implications of including this exemption was addressed in a report summarized in the minutes of the 10 October meeting of the LTC. That report and discussion noted the need for clarification but none has been forthcoming.

As I understand, the exemption would ensure that traditional indigenous land use practices would not be affected by the proposed groundwater development permit regulations.

If that is the case, what are the traditional indigenous land uses that would be protected by the exemption? If those land use practices can be identified, then include those specific indigenous land use practices in the 16 land use exemptions already identified and listed in Section 4.6 of the draft land use regulation.

Are those indigenous land use particles not already protect by superior Federal and Provincial statute? If so then the LTC may wish to refer to these statutory protected indigenous land uses within the list of specific exemptions.

By creating and adopting a specific, narrowly defined land user classification, the LTC might well open itself to costly, drawn-out litigation - as the legal opinion acknowledges.

As it stands, without a further, more detailed rational for including a class of landowner within a series of land use exemptions, the LTC may well be undermining its land use regulations, which now apply to all land owners on Galiano Island.

The LTC has a series of workable, legally supported land USE regulations: Do not go down the slippery slope creating specific land USER regulations.

Maintain the continuity and integrity of your existing, proven land use regulatory regime.

STEPHEN Rybak
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Galiano Island