



2-495 Wallinger Avenue Kimberley BC V1A 1Z6 • 250.427.9325 • info@wildsight.ca • wildsight.ca

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Dear Minister George Heyman and Minister Lana Popham,

CC: Brittney Anderson (MLA Nelson Creston), Minister Katrine Conroy (MLA Kootenay West), Minister Nathan Cullen, Minister Josie Osborne, and Minister Murray Rankin

Request for an Environmental Impact Assessment of the Zincton All-Season Resort development

The potential adverse impacts of the Zincton All-Season Resort are not mitigable and the effects of the development will significantly contribute to cumulative effects in an already impacted landscape.

Development of the Zincton proposal for an all-season mountain development in the Central Selkirk Mountains will have a significant impact on wildlife in the Selkirk system, reducing the amount of suitable and secure core habitat for sensitive species, limiting connectivity, and threatening already stressed wildlife populations. We are formally requesting an Environmental Impact Assessment of the Zincton development due to three concerns: wildlife issues, watershed issues including contamination from mobilization of old mine sediments and the local rock, which is high in heavy metal concentration and the total number of bed units in the proposed resort community.

Cumulative Effects And Further Fragmentation

The Central Selkirks are the most heavily tenured adventure tourism area of the province. This continues to lead to a situation where sensitive wildlife populations like mountain goats, wolverine and mountain caribou (Goat Range park - north) are being impacted by disturbance and displacement from intensive use recreation and backcountry development. It also continues to lead to increased user conflict in the region. Currently the proposed area overlaps with two existing tenures - Retallack cat skiing and Stellar Heliskiing. There are also pending applications for further tenure amendments (Retallack) and new tenure applications (Lyle Creek Lodge). Further development and fragmentation within this corridor will erode this landscape's ability to provide core habitat for sensitive species. A development of this scale and in this location is also likely to fragment the corridor to wide ranging carnivores like grizzly bears and wolverines.

Zincton is within an area that is managed for intermediate biodiversity under the Kootenay Boundary Higher Level Plan Order. The proposal area is also mapped as a key wildlife connectivity corridor under KBHLPO.

The Mountain Resorts Branch (MRB) is in possession of a cumulative effects report from the Ktunaxa Nation which was the result of consultation with the local accredited wildlife biologists working in the area: The aʔpu Project: A Ktunaxa Cumulative Effects Initiative and Evaluation for a Portion of ʔaʔpu ʔamakʔis (North Slocan).

Wildlife Issues: Impacts on Species of Management Concern

The proponent has failed to acknowledge both the wildlife and biodiversity values within the proposal area. Species of global conservation concern such as mountain goats (BC has more than half of the world's goats), wolverines, grizzly bears, and western toads are found within and adjacent to the proposal area. The area also has a significant role in regional connectivity as bears and wolverines move across the Highway 31A corridor with relative ease because of low vehicle traffic. The proposal is between two protected areas which are believed to act as source populations for regional grizzly bear and wolverines. Grizzly bears and wolverines in the neighbouring Goat Range Provincial Park, Purcell Wilderness Conservancy, and Kokanee Provincial Park disperse out and find new home ranges. For the long term persistence of wolverines and grizzly bear populations in the Central Selkirks, these populations cannot be hindered by fragmentation associated with permanent development, heavy recreational use, and fragmenting barriers such as high-traffic volume highways.

Wolverines

Wolverines are known to abandon dens from what are typically thought to be low impact activities such as a backcountry skier getting within 200m of a den. Female wolverines are extremely sensitive to human disturbance. A recent study illustrated that once recreational activities get above a certain level of usage, wolverines (particularly females) are displaced (Heinemeyer et al. 2019). This also can have reproductive costs.

Further studies have documented that wolverine density in the Columba region, including within the proponent's project area, is higher in protected areas, including Goat Range Provincial Park, and lower outside of protected areas and areas with high road density (Mowat et al. 2019). The cumulative pressures from industrial use, recreational activities and intensive development, may erode the capacity of an area to support wolverine populations, especially reproductive females (Heim et al. 2017; Kortello et al. 2019; Mowat et al. 2019).

The proponents proposed expansions would result in more skiers and users across the landscape. This increase in year round use has been quantified by the proponent at 1500 skiers per day and up to 1700 daily users year round. This intense development and usage will result in the area no longer being suitable for wolverines, especially females. This will

impact and likely displace sensitive species such as wolverines as they avoid areas with intensive use including winter recreation and development (Heinemeyer et al. 2019).

Past research has suggested that wolverines occupy this area of the Central Selkirks. Wolverines were detected at bait stations in the Kane Creek area (Kortello 2019, personal communications). Local sightings have also documented a wolverine mother crossing the Highway in the Three Forks area with two young kits in 2018. Reproductive females are very rare and sensitive to disturbance. The Selkirk range north of the Kaslo-New Denver highway has the highest density of wolverine relative to other ranges sampled in the West Kootenay region (Kortello, 2019, personal communications).

Increased vehicular traffic on Highway 31A could fragment the corridor for wolverines. Currently Highway 31A is not a major fragmentation barrier to wolverine populations (Kortello as per comms). High usage highways to the North such as the Trans Canada are fragmenting barriers to wolverine populations. Past research has suggested that as few as 300-500 daily vehicles in winter on a highway can fragment a wildlife movement area for wide ranging carnivores like wolverines (Alexander 2005). There is a significant risk that this development could isolate and fragment wolverine populations.

The proposed Zincton project appears to not have considered wolverine conservation in a robust and science-based manner.

Grizzly Bears

While the proponent has proposed a summer use grizzly bear wildlife corridor it's important to note that many of our concerns lie with permanent infrastructure and increased human presence in movement areas and in close proximity to high value grizzly bear habitat. In addition the entirety of London ridge will be open for high usage recreation. Low gradient ridges like London Ridge are typically used for movement and high usage recreation and tourism will have a major impact on grizzly habitat and movement in the area.

Grizzly bears populations to the North of Highway 31A are believed to be healthy. This area which includes both the Central Selkirks and Central Purcell mountains is unfragmented all the way to the TransCanada Highway near Rogers Pass. It forms one of the most important large core areas for grizzly bears in the region. Past estimates from Dr. Michael Proctor suggest that upwards of 600 grizzly bears inhabit this core area (Highway 3 and 31a north to Highway 1) and it is important for the long term future of the regional bear population that this large core area remain unfragmented (Trans-Border Grizzly Bear Project). The proposed project is within a critical movement area for bears. Currently the Highway 31A corridor does not pose a connectivity barrier for grizzly bear populations. With increased vehicular traffic, permanent settlement, and year round recreation the project would fragment a key north south movement corridor in the Central Selkirk Mountains.

Goat Range Provincial Park to the north acts as a source population for grizzly bears in the Selkirk system (Proctor et al 2008). For the long term persistence of grizzly bear populations in the Central Selkirks, the population must not be hindered by fragmentation associated

with permanent development, increased recreational use, and fragmenting barriers such as high-traffic volume highways like the Trans Canada or Highway 3. The proposed project could result in fragmentation from significantly increased vehicle volume on Highway 31A and permanent development in the middle of the Central Selkirk Mountains.

The long term viability and persistence of grizzly bear populations in their Southern range is directly linked to the amount and type of human activity on the landscape (Herrero 2005). The proposed tenure area occupies significant high value habitat for the Central Selkirk grizzly population. Female grizzly bears in particular select habitats within their home range that provide abundant food forage and minimize human disturbance and they avoid disturbed areas and slopes that have high human activity during daylight hours (Martin et al 2010).

Places like London Ridge area are important grizzly bear habitat areas. These areas provide vital foods like huckleberries, in addition to high value avalanche paths where early spring and late fall foods are found. This is the site of the lodge which is believed to be open year round.

Mountain Goats

Given the lack of site specific information on mountain goats in the proposed CRA, the proponent has failed to provide a basic understanding of local mountain goats and their habitats within and adjacent to the proposed CRA.

The proposed tenure area encompasses wintering habitat for Mountain Goats. The proposed backcountry lodge is within wintering habitat for goats. Portions of one of the proposed ski chair lifts crosses through wintering habitat for goats.

The province has conducted few goat inventories in this Management Unit. The goat population in this area (MU-4-18) was last estimated at 45 goats. Mountain goats are known to occupy alpine and subalpine areas near Mt Brennan, portions of Whitewater Creek and upper Goat Creek. These areas also overlap with recently drafted goat habitat maps done by FLNRO Habitat Biologists as core goat winter habitat and high capability winter range.

Mountain goats are extremely sensitive to human activity and disturbance. Goats in this area also likely deal with helicopter traffic from winter based helicopter skiing. During a high snow year mountain goat survival is already difficult in the deep snows of the Central Selkirks. Adding additional stress, disturbance, and intensive recreation will create a situation where their long term survival is precarious. The project will infringe on key goat wintering grounds particularly in areas such as Whitewater Creek and upper Goat Creek. The project will result in goats abandoning key winter habitat areas and could result in major population reductions in an already stressed, small, and somewhat isolated local goat population.

With 700-1336 daily skiers in the winter, this sort of high intensity recreation and disturbance can be linked to reduced reproduction, high rates of mortality, habitat

abandonment, making this small mountain goat populations' long term viability and persistence in the Central Selkirks precarious.

Additionally high visitation in summer in areas such as Upper Goat Creek and Whitewater Creek could push goats into areas with reduced forage capability and reduced escape terrain.

The proponent has failed to provide basic baseline data on mountain goat population, habitat use and preference within the study area. The proponent has not proposed any requirements for mountain goat disturbance impact and population monitoring as well as response and mitigation plans. The proponent has not committed to a cumulative effects assessment that considers landscape-level cumulative impacts on species such as mountain goats in the study area.

The proposed Zincton project appears to not have considered Mountain Goat conservation in a robust and science-based manner.

Western Toads

Western Toads are federally listed under the Species at Risk Act as a species of special concern. Western Toads are also extremely vulnerable to threats and declines, 95 percent of females only breed once in their lifetime (COSEWIC 2013). Western Toads are extremely vulnerable to habitat loss and fragmentation due to human settlement and transportation corridors, which can isolate sub-populations, leading to increased risk of extinction (COSEWIC 2013). Another risk to their survival is road mortality during their mass migrations to and from breeding sites.

The Fish and Bear Lake areas and upland areas within the proposed project area are critically important habitats for Western Toads. The annual toad migrations in this area results in high mortality due to the motorized Highway 31a corridor. Adding high levels of vehicular traffic in this corridor will result in significantly increased mortality, habitat loss, and potential population declines. In addition, heavy recreational usage from mountain bikers and hikers in lower elevations will result in increased mortality in upland toad habitats as they utilize human trails.

Watershed Issues:

The proposed Zincton Village area and the ski tenure have old mine sites and tailings that could contain high levels of heavy metals. This is from the proponent's environmental overview submitted to MRB (2021):

Geochemical Stream Survey sediment samples collected under the Regional Geochemical Survey (RGS) within the proposed Zincton CRA and within the surrounding 3 km study area are derived from sediment to capture select subbasins. These samples showed exceedances in comparison to BC's working water quality guidelines for freshwater aquatic life. Sample sites downstream of past producing mines and within the drainage basins of O.K. Creek and McEllis Creek, Kane Creek,

Watson Creek, Goat Creek, Whitewater Creek all showed exceedances of Lead (Pb), Zinc (Zn), Cadmium (Cd), Nickel (Ni), Arsenic (As), Chromium (Cr) and Manganese (Mn). However, high concentration of elements which exceed the water quality guidelines were also detected upstream of all known past producing mines on Kane Creek upstream of the confluence with O.K. Creek. Conversely sample sites down stream of the confluence of Seaton Creek and Carpenter Creek showed no exceedances despite the presence of several upstream and upslope past producing mine sites.

Kane and Seaton Creeks join Carpenter Creek at Three Forks, and Carpenter Creek flows into Slocan Lake. Three Forks is also where the ski lift system would begin, where there would be a parking lot, where the day lodge would obtain water and where drainage from the lift serviced part of the ski area would end up. We note that the ski village on the proponents adjoining private land, and its proposed housing and shops have been removed from the formal proposal to MRB. This is an artificial separation as the ski hill would not be economically viable without the village, and the combined effect of ski hill operations and village could be profound on area hydrology. There should be an independent hydrological assessment of how water taken from Kane Creek will affect fish, aquatic life and wetlands during the low flow months. How will climate change affect flow? Heavy metals are trapped in the wetlands of Seaton Creek (Quamme et al., 2016) (Quamme et al, 2021). Roads and buildings will increase runoff and erosion, especially if severe weather events are more common. How will this affect water quality and flooding downstream? Where will the parking lot be situated in relation to floodplains and wetlands? These are precipitous valleys with little flat land and it seems essential to know where the tailings are in relation to the proposed infrastructure. The environmental overview paid for by the proponents was limited and did not address these questions with firsthand studies or reference to local experts.

In summary, any construction of any sort has the potential to mobilize sediments from old mines and the local rock and contaminate local watersheds. Adding a permanent village with roads and roofs will change the drainage and runoff patterns and potentially affect stream flow. All could adversely affect local fish populations, the western toad, and of course all birds and animals that consume the fish. The province of BC is responsible for mine waste cleanup, and the Crown Contaminated Sites Program has already significantly invested in the nearby Whitewater Mine site. Therefore we believe there is a need for an EIA to examine watershed effects related to heavy metals contamination and changes to flow patterns.

Number of Beds Units

The Environmental Assessment Act requires an environmental assessment for any project defined as “reviewable”. Regulations under the Act indicate that a ski resort is “reviewable” if it involves 2,000 or more one-person, overnight accommodations. The Act also requires that a project which does not meet the reviewability threshold, but is in a potentially

reviewable category (i.e. ski resort), submit a notice regarding the project to the Environmental Assessment Office (EAO). The regulation requires that projects which would meet the reviewability thresholds must submit a Project Notification if those thresholds were reduced by 15%, which would be 1700 one-person, overnight accommodations.

Through an FOI request we have obtained the Zincton subdivision plan on the proponent's private land, submitted to MOTI. We've learned that the resort could easily exceed 1700 beds at full build out. Using the details found in the subdivision plan and letters written by the proponent to the Valley Voice newspaper we have conservatively calculated 1860 beds at full build out. Because this project falls into a prescribed category and meets the thresholds specific to its category it is a reviewable project and requires an assessment under the Reviewable Projects Regulation (RPR).

For transparency here are our calculations:

There are four large parcels on the plan. One parcel contains 150 cabins, 2 bedroom (4 bed units) plus rental in the basement, according to a letter from the proponent to the Valley Voice newspaper. To be conservative, we shall assume only 2 more bed units in the rental suite, so 6 bed units per cabin x 150 cabins = 900 bed units.

A second parcel contains 145 strata building lots. We can assume the other 145 individually titled strata lots will have structures of similar size at minimum. So 145 units x 6 bed units = 870 bed units. Given the development expense most people will build larger structures for rentals that can sleep 4-6 in a rental suite managed by a local property manager, plus their own personal portion of the structure with 2 bedrooms. So 870 bed units is quite conservative.

The commercial area on a third parcel will have staff accommodation and a backcountry lodge. The staff accommodation is listed at 60 bed units, but the proponent has written letters to the Valley Voice saying that it will be 90 beds so that employees can buy their condo "and our kids will be able to afford housing". However, we used the conservative estimate with 60 beds of staff housing. The backcountry lodge on the actual tenure has been listed at 30 beds. The third parcel would then have 90 bed units.

If we total this all (900+870+90) it conservatively equals 1860 bed units at full build out, well over the 2000 bed – 15% for potential review level of 1700 beds. We feel that the Ministers responsible should be aware that the number of bed units is not addressed in the full proposal submitted to MRB. In fact, details of Zincton Village on the adjacent private land have been excluded from the full proposal. The subdivision plan the proponent submitted to MOTI reveals the larger scope of the proposal.

Methodology, Backcountry Lodge and Traffic Concerns

It appears that very little or no fieldwork has been done to quantify or assess impacts within the proposed CRA area and the larger Central Selkirks in the environmental overview. Very little can be properly quantified or assessed without significant time on the ground and nor could there be an understanding of localized biodiversity, ecosystems, and the local and regional movements of wildlife, and their core habitats.

A few questions about the proposal stand out. The remote backcountry lodge does not appear to have a ski lift going to it. How will guests access this lodge? Will snowmobiles be used to transport guests to the lodge from the lifts? Will the access track between the lodge and the lifts be maintained by a snowcat? How will supplies be moved from the lifts to the lodge in both summer and winter?

In section 4.4.2 of the EOA the proponent makes it clear that day users will have a parking lot for personal vehicle traffic to access the resort. In addition overnight users will also have vehicle parking available on site. This contradicts much of what has been publicly stated by proponents who have stated on numerous occasions that there will be no significant increase in vehicle traffic on Highway 31A. According to the figures provided by Zincton

They anticipate that upwards of 40 percent of total users will drive to Zincton using personal vehicles. Even if only a fraction of these users drive personal vehicles this will greatly increase traffic volumes on Highway 31A and result in significant impacts to local wildlife populations. Currently Highway 31A is not a major fragmentation barrier to wide ranging species like wolverines and grizzly bears.

Conclusion

Development of the Zincton proposal for an all-season mountain development in the Central Selkirk Mountains will have a significant impact on wildlife in the Selkirk system, reducing the amount of suitable and secure core habitat for sensitive species, limiting connectivity, and threatening already stressed wildlife populations. The Controlled Recreation Area proposal excludes the development plans on private land which is an artificial separation given that the ski resort is not economically viable without the village. The cumulative impacts of developments on both private and public land must be considered especially in this instance where heavy metals are known to exist in the rock on site and any construction would have the potential to negatively impact the watershed. While the CRA proposal with the stated number of bed units does not trigger an environmental assessment independently, when combined with the development on private land the full scope of the proposed resort is revealed and crosses the threshold at 1800+ per night and is considered a reviewable project.

Due to the issues detailed in this letter, we urge you to submit the Zincton All-Season Resort CRA for a full environmental impact assessment.



Jenna Schulhof

Columbia Valley Conservation Coordinator

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