



# Reasons for Decision of the Chief Executive Assessment Officer

IN THE MATTER OF AN APPLICATION TO DESIGNATE THE ZINCTON  
ALL-SEASON RESORT AS REVIEWABLE UNDER THE  
*ENVIRONMENTAL ASSESSMENT ACT* (2018) BY WILDSIGHT AND  
SINIXT CONFEDERACY

JULY 24, 2025

## 1.0 CONTEXT

I have considered the designation applications (the Applications) submitted by Wildsight and Sinixt Confederacy (the Applicants), requesting that the Minister of Environment and Climate Change Strategy—now the Minister of Environment and Parks (ENV)—and the Minister of Tourism, Arts, Culture and Sport (TACS) designate the Zincton All-Season Resort (the Project) as reviewable under Section 11 of the *Environmental Assessment Act* (2018) (the Act).

The Minister of ENV has delegated the powers and duties under Section 11 to the Chief Executive Assessment Officer (CEO) of the Environmental Assessment Office (EAO).

The Project is a backcountry ski resort located in the Central Selkirk Mountains, 8 kilometres (km) east of New Denver, British Columbia (B.C.) and 38 km west of the Village of Kaslo.

In making my decision, I have considered the EAO's Evaluation of an Application to Designate the Zincton All-Season Resort as Reviewable under the Act (Designation Report), as well as supporting information submitted by the review participants described in the Designation Report. This document outlines the reasons for my decision.

The Applications were reviewed by the EAO who engaged with the following groups:

- Adams Lake Indian Band;
- Skwlāx te Secwepemcúlcw;
- Neskonlith Indian Band;
- Shuswap Band;
- Ktunaxa Nation Council;
- Okanagan Nation Alliance;
- Okanagan Indian Band;
- Sinixt Confederacy;
- Regional District of Central Kootenay;
- The Village of New Denver;
- The Village of Kaslo;
- The Village of Silverton;
- The Village of Nakusp; and,
- Mountain Resorts Branch of BC Ministry of Tourism, Arts, Culture and Sport.

## 2.0 NATURE AND SCOPE OF THE DECISION

In deciding on a Designation Application for an eligible project, the Minister must consider:

- (a) Whether the applicant is an Indigenous nation;
- (b) Whether the eligible project could have effects on an Indigenous nations and their rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*;
- (c) Whether the potential effects of the eligible project would be equivalent to or greater than potential effects of a project in the prescribed category of the Reviewable Project Regulation (RPR); and,
- (d) Whether an assessment of the eligible project is consistent with the purposes of the EAO, as set out in Section 2 of the Act.

A decision to decline to designate a project as reviewable would not authorize the project to proceed, as the project would continue to be subject to permitting processes appropriate for the type of project or activity.

## 3.0 REVIEW PROCESS

I understand that the EAO worked closely with the Mountain Resorts Branch, part of the Ministry of TACS, to confirm whether the concerns of the Applicants were within the scope of the Mountain Resorts Branch Major Project Review

process. The draft Designation Report was shared with the Proponent and Applicants to verify the accuracy of the Project information and ensure that all key concerns were captured in EAO's review of the Applications.

I am confident the EAO conducted its review in accordance with established processes and legal obligations. Consultation with Sinixt Confederacy, Ktunaxa Nation Council, Okanagan Nation Alliance, Okanagan Indian Band, Shuswap Band, Skwł̓x̓ te Secwepemcúlecw, Neskonalith Indian Band, and Adams Lake Indian Band was undertaken in good faith through a fair, open, and transparent process. Throughout the review, the EAO addressed questions, provided updates, and incorporated feedback. All First Nations were given adequate time and opportunity to participate, including time extensions to support consultation.

I extended the timelines for a decision beyond the 30-day application review period time limit under Section 38 of the Act to allow First Nations and local governments sufficient time for review and feedback of the Applications.

## 4.0 KEY CONSIDERATIONS

### 4.1. If the Project is an Eligible Project

I agree with the conclusion in Section 8.1 of the Designation Report that the Project is an eligible project for consideration under Section 11 of the Act. As outlined in the Designation Report, the Project has not substantially started and is not a reviewable project under the RPR.

### 4.2. Section 11(4) Factors

With respect to the matters relevant to my decision, I have considered the EAO's analysis of the factors set out in Section 11(4) of the Act.

#### Section 11(4)(a)

One of the Applicants, Sinixt Confederacy is an Indigenous Nation. This was an important consideration for my decision. Sinixt Confederacy's Designation Application includes assertions that the Project will have impacts on their rights under Section 35 of the *Constitution Act, 1982* including: cumulative impacts to species and habitats from additional year-round use of the area, including seasonal effects on mountain goat, caribou, wolverine, grizzly bear, and other species. Sinixt Confederacy also raised concern regarding lack of discussion around the potential impacts associated with the proposed development on the private land component of the Project. I have weighed these concerns bearing in mind that Sinixt Confederacy is an Indigenous nation.

#### Section 11(4)(b)

I agree with the assessment in Section 8.3 of the EAO's Designation Report that the Project could potentially adversely impact Indigenous nations and their rights under Section 35 of the *Constitution Act, 1982*. However, I also agree that, as described in Section 6.0 of the EAO's Designation Report, the Mountain Resorts Branch is responsible for assessing the impacts of the Project through their Major Projects Review process. This process includes the development of mitigation measures, proponent requirements, performance conditions that can accommodate potential adverse impacts to First Nations' rights, and implementation of various regulatory requirements to ensure the proponent remains in compliance with their Resort Master Plan. Affected First Nations will continue to have the opportunity to participate in the Mountain Resorts Branch's regulatory process, which includes extensive consultation to ensure their values and concerns are considered before the Project is referred to the relevant statutory decision maker.

#### Section 11(4)(c)

I agree with the conclusion in Section 8.4 of the Designation Report that the potential effects of the Project would not be equivalent to or greater than potential effects of a project in the prescribed category of the RPR.

To automatically require an environmental assessment in this category of the RPR, a Ski Resort Project must be a new proposed resort with 2,000 or more bed units.

As proposed, the Project will have less than 1,700 bed units. If it were to exceed 2,000 bed units in the future, the Project would become reviewable under the Act. Under [Section 8](#) of the Act, no approvals—such as those required from the Mountain Resorts Branch—may be issued to construct or operate a reviewable project unless the Proponent holds a valid Environmental Assessment Certificate or exemption. Any approvals issued contrary to this requirement are without effect.

While the Project could cause effects on multiple valued components and First Nations Section 35 rights, these effects can be adequately considered by the Mountain Resorts Branch under the review process required by the All-Seasons Resorts Policy.

#### Section 11(4)(d)

I have considered the conclusion in the Designation Report on whether an assessment of the eligible project is consistent with the purposes of the EAO, as set out in Section 2 of the Act. These purposes are:

1. Promoting sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities; and,
2. Supporting reconciliation with Indigenous peoples in B.C.

I agree with the conclusions in Section 8.5 of the Designation Report and the recommendation not to designate. While designating the Project may promote sustainability, the Mountain Resorts Branch's established process, policies, regulatory authority, and expertise in this type of development position it well to review and regulate the Project.

With respect to supporting reconciliation, as outlined in the Designation Report, I agree that designating the Project as reviewable would have limited value, given that the Mountain Resorts Branch process is required to fulfill the Crown's legal obligations to consult and, where necessary, accommodate potentially affected First Nations prior to decision-making. Even if a project does not undergo an environmental assessment under the Act, the requirements of the *Interpretation Act*, which states every Act and regulation must be construed as being consistent with the United Nations Declaration on the Rights of Indigenous Peoples, remains applicable in subsequent permitting processes. Reconciliation commitments are integral to the Mountain Resorts Branch's processes, ensuring that First Nations' rights and interests are considered throughout the Project's lifecycle.

## 5.0 CONCLUSION

I am satisfied with the level of engagement and consultation that the EAO conducted with the Applicants, First Nations, local government, and the Proponent during the designation application review process, including how the EAO responded to the Applicants' concerns as described in the Designation Report.

Having considered the EAO's Designation Report, the feedback provided by review parties, and the factors set out in Section 11(4) of the Act, I have decided not to designate the Project as reviewable under the Act. I am satisfied that the Major Projects Review process led by the Mountain Resorts Branch can fairly, effectively, and appropriately address the concerns raised in the Applications, and that a review under the Act would be duplicative and is not required.



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Alex MacLennan  
Chief Executive Assessment Officer and  
Associate Deputy Minister

Signed this 24<sup>th</sup> day of July, 2025