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VWS Reply to Zincton Proponent's "Summary of Public Comments and Preliminary Response"

The Mountain Resort Branch (MRB) recently declared the proposed Zincton Resort "feasible" and gave the developer permission to begin the planning phase of the application process. MRB's summary of public input to Zincton's Expression of Interest (EOI), entitled "What We Heard", says there were over 3,000 comments, but does not state the number in support versus opposition.

The MRB website provides a link to the proponent's website, where one can find a summary-of-public-comments-according-to-Zincton-development-company". Naturally this document tells us that there were many more supportive comments than negative. The public is left to believe that with no verifying information from the government.

"Feasible" means only that it is technically possible to do. The MRB website disavows any position on the proponents response, but it did, nevertheless, approve the project to go to the next level of planning. We would hope that the MRB made its determination based on the environmental and social context, yet it does not account for why it moved the proposal to the next stage, stepping over extensive evidence of serious environmental and social impacts in the submissions of the public and expert scientists.

The proponent's response to public comments fails to effectively address the major problems outlined in VWS's submission and those of other commenters. It is riddled with contradictions, and some of its assurances appear unreliable, in an attempt to portray the development as an ecological panacea — a "Tesla of ski resorts" we are told.

CUMULATIVE IMPACT ASSESSMENT IS URGENTLY NEEDED

The highway 31A corridor between New Denver and Kaslo is an area once ravaged by mining, and since subjected to ongoing clearcutting. Residents of the nearby towns have never opposed the logging, though maybe we should now. The Seaton, Sandon and Kane Creek watersheds at issue in the Zincton proposal have all been heavily affected, and they all empty into Carpenter Creek, which runs all the way to New Denver and Slocan Lake. Resource extraction has caused pollution of water by metals and sediment, high peak flows of water, landslides and stream channel instability.

VWS has documented hydrological damage along Sandon and Carpenter Creeks for some years. The downstream effects have included occasions of thickly muddy creek water, braiding at the mouth of Carpenter Creek that has caused flooding in New Denver, the transport of heaps of log debris to within the village boundaries, and loss of fish. There are residences along the creek, and bull trout and Kokanee

from Slocan Lake use Carpenter Creek. With the creek channel becoming increasingly unstable and running out of its banks within New Denver, in 2020 the Village had to seek disaster financial assistance from the government.

Besides the yearly snow melt, climate change will bring increasingly unstable weather. Last summer there was an unusually heavy storm that did extensive damage to roads and trails between Sandon and New Denver.

It is well known that ski resorts increase the amount of water runoff, peak flows, sedimentation and pollution. One study has found the amount of these effects to be much larger than those caused by logging. The impacts of sedimentation are often dismissed, especially since the village does not use the creek for drinking water. But sedimentation is a direct cause of channel instability, and doubtlessly contributes to Carpenter Creek's increasing inability to contain peak flows near where it enters Slocan Lake. Forest cutting, soil disturbance and soil compaction for and by skiing are thought to be some of the causes of increased sedimentation and water runoff from ski resorts. These impacts will be cumulative to those of logging and mining, yet no cumulative effects study has been done.

Due to the presence of Goat Range Provincial Park, and the proliferation of huckleberry patches, the highway 31A corridor has maintained a healthy population of grizzly bears and other wildlife at risk. But now, the proposed Zincton resort would bring into the corridor a third layer of impact: high numbers of people with their buildings, sewage, garbage, highway traffic and recreational activities. None of the proponent's carbon offsetting plans or other mitigation efforts could stop the deadly blow the resort would cause to biodiversity in our region. In a time when one million species are at risk of extinction we need to start asking what our priorities are and why government is allowed to ignore this dangerous truth.

Given the multiple new applications for commercial recreation in the corridor, VWS asks for a moratorium on all commercial permits in the area until a cumulative effects assessment can be done and a recreation plan created for the corridor. We note that the MRB policies include something called cumulative effects assessment, however, it appears that this applies only within the boundaries of a proposal. Cumulative effects assessment ordinarily refers to the combined effects of all resource activities in a broad area. With this submission VWS again requests a cumulative effects assessment that would include logging, mining, existing recreation and tourism, and how the impacts would be increased by the Zincton proposal.

POTENTIAL IMPACTS CITED IN THE EOI SUBMISSIONS OF VWS AND OTHERS

- Two prominent, independent grizzly bear biologists sent the MRB submissions that predicted heavy loss of grizzly bears and other species, and a loss of wildlife connectivity between Goat Range and Kokanee Glacier Parks, with potential loss of grizzly bear populations further south.
- Damage to the wetland ecosystems along the highway, including loss of wildlife and danger to people, due to greatly increased traffic.
- Cumulative damage to existing recreation and tourism assets from heavy use, and damage to visitor experience by overcrowding. These assets include Goat Range Provincial Park; a system of outstanding hiking trails around the park boundary; 18.5 kilometres of mountain bike trails in the Zincton area alone; a roadside picnic area and toad interpretive display at Fish Lake; an old-growth interpretive site, and the Idaho Peak interpretive trail. These developments, in some cases by local people volunteering or having small contracts from government, were for the public interest. These developments were not meant for a big mega-developer to set up camp in the midst of them, using them to market second homes. The Whitewater grizzly bear viewing trail would become the diamond in Zincton Resort's ring, as its residents and visitors, by force of overcrowding, drive away both bears and the wilderness-seeking people who go to watch them.

- Low water periods are of equal concern as high water, and can be expected to increase and become more severe with climate change.
- Over the years a majority of local residents has repeatedly asserted that we wanted low-impact, nature-based tourism, not the high-impact tourist development that would overwhelm the character of our towns and lifestyles. It is notorious that high-impact tourism development (with buildings, roads, and ski developments) can have devastating economic and social impacts on small town residents.
- Worsening loss of public access and control of public land – continuation of a trend of commercial operations taking over popular recreation areas to the extent of driving away non-commercial users looking for a natural experience.

ZINCTON'S RESPONSE TO PUBLIC COMMENTS

Important new information in the proponent's response:

- **“Zincton will provide up to 60 on-hill apartments to accommodate seasonal Staff and family members, allowing local communities to add housing as required at their own pace.”**
- **“Each residence on Zincton Mountain Village will offer its own guest rental suite(s), enjoying accommodation revenue while also eliminating dark homes.”**
- **“Residents in the Zincton village will not be run or managed by the resort, but by each owner-operator. The role of the Zincton Lift Company will be limited to lifts, roads, safety, marketing, and reservations.”**

It is clear that the major part of this proposal is a huge real estate deal to build vacation homes for wealthy people and entice buyers with a ski hill. The buyers will be able to recoup the cost of their expensive homes by renting out the “guest rental suites” via the online vacation home rental system. *The development company, under its new name “Zincton Lift Company”, intends to limit its responsibility to running the ski hill and marketing.* This calls into serious question whether the proponent will be accountable for things such as garbage management, use of pesticides and fertilizers, or the building of mountain bike trails.

“eliminating existing fossil fuel-based recreation”

The intent is clearly to sell vacation homes to people travelling, usually by fossil fuels, from distant places, including overseas. Zincton proposes that having a village with permanent residents at the resort will reduce traffic on Highway 31A, compared to a mere ski hill with no residents:

“as much as 60% of daily skiers will reside “on-hill” during both the winter and summer season. Compared to a project with zero on-hill residents, this alone will limit any increases in commuter traffic along Highway 31A between New Denver and Kaslo.

Zincton also plans to operate hydrogen buses from Kaslo and New Denver to the Zincton Base-camp ... The private cars eliminated by the buses will reduce vehicle traffic on Highway 31A...”

Whoever dreamed of building a community of several thousand people so confined to their immediate area that there will be less traffic than if there were no residents? VWS approved Retallack Resort's first application on a number of conditions that were not kept. Either entrepreneurs scrap promises, or they apply for expansions, or develop their operations and sell them for a profit to new owners who know and care nothing about the promises as they expand and squeeze out Grizzly Bears and local recreationists.

Zincton

Some commenters have misinterpreted the proposed Zincton concept as “Large”, envisioning extensive development and guest visitation. This simply is not the case. For comparison, Zincton’s proposed buildout Balanced Resort Capacity (BRC) (1,750) is half of the approved BRC for Whitewater Mountain Resort (3,500) and a fifth of approved BRC for Red Mountain Resort (7,800), and 5% of the BRC of Whistler/Blackcomb (33,490). We acknowledge that the Zincton EOI study area is large in size, but it is important to note that proposed visitation more closely resembles a community ski hill, not an international destination resort.

VWS: This is infuriating. Ski hills don’t have 60 apartments and an untold number of homes with attached rental suites. The large size that commenters have complained about stems from the proposed population three times the size of New Denver, the attachment of 4,500 hectares of Crown land, and the fact that Mr. Harley himself has stated publicly that the resort would be “bigger than Whistler and Blackcomb combined”. (Valley Voice, May 21, 2020) This is the same size that has so devastated the Banff Grizzly Bear population.

Grizzly bear impacts are NOT mitigated

Zincton has offered a number of changes to mitigate impact on grizzly bears. They include:

“The backcountry lodge has been relocated west — out of high-value wildlife habitat — to the centre of London Ridge...”

“Exclude mountain biking in the alpine.”

“Working with other commercial operators, Zincton would look to establish the Wildlife Corridor Protection Zone to minimize commercial recreation activities between May to November (when Grizzlies are out of hibernation. Non-mechanized public recreation would continue as it does now.”

Certainly the low pass from London Ridge into the Kane Creek drainage would have heightened the danger to bears and humans, but the MRB has had two prominent independent grizzly bear experts (Wayne McCrory, RPBio, who specializes in bear-human interactions, and Dr. Michael Proctor, who leads the Trans-border Grizzly Bear Project) warn that the *whole* of London Ridge is exceptionally high-value Grizzly Bear habitat, and that the development would pose significant danger to bears and people. Dr. Proctor’s submission stated:

“The entire resort area overlays, and would compromise, what is one of the very best all-season grizzly bear habitat areas that includes highly important huckleberry patches.

“[There is] the very real potential for human safety/injury/fatal accidents with mountain bikers and grizzly bears.

“This proposal will upend and overwhelm one of the local and regional hiking treasures in the Whitewater Valley known for grizzly bear viewing.

Wayne McCrory, RPBio, who has assessed the ridge habitat up to the alpine in the past, stated:

“The development will be a sinkhole for the Grizzly Bears of Goat Range Provincial Park, which range outside the park. Population decline will result from bear-human conflicts including mortality, displacement, and diminished reproduction due to stress. Over time the development would decimate, not only those grizzlies in the park, but also those that travel from a wide area, attracted by ex-

tensive berry patches as well as garbage and lawns in the resort. The overall cumulative effect combined with existing logging, roading and Highway 31A traffic levels will fracture the grizzly bear connectivity corridor that exists between the Central Selkirks and struggling grizzly populations to the south into the U.S., breaking apart important gene flow needed for the viability of the smaller populations.”

VWS’s response to Mr. Harley’s mitigation measures:

1. It is false and misleading for the proponent to claim that the new location of the proposed lodge is “out of high-value wildlife habitat”; it is certainly not out of high-value Grizzly Bear habitat.
2. Relocating the lodge does nothing to mitigate the effects of garbage odors and lawns in the village and the lodge that will attract Black and Grizzly Bears.
3. Bears use the whole elevation range of the area and are seen every year along the highway. Visibility is best in the alpine, worst in the forest. Excluding mountain biking only from the alpine alone does little to mitigate the danger of Grizzly Bear and human mortalities.
4. Zincton Lift Company intends to have little control over the residents and visitors it would bring in. People from communities are notorious for building networks of their own mountain bike trails, with or without a permit, as has happened locally at Whistler.
5. Once the Crown land is leased to Zincton, the private corporation will have control over formerly public wildlife and outdoor recreation. Unless the MRB backs up the Wildlife Corridor Protection Zone in the lease agreement, *and with enforcement on the ground* (which is very unlikely), the Protection Zone is at the discretion of Mr. Harley and his fellow resort owners. That would be the loss of public control over public land incarnate. It is speculative at best that Harley could get agreement from other commercial operators. Most importantly, the “non-commercial public recreationists” who could continue to use the Protection Zone would include the residents, staff and visitors of Mr. Harley’s resort, over whom he will have no control. This is a Fantasy Wildlife Protection Corridor that is likely to evaporate sooner rather than later and have little if any benefit to Grizzly Bears and other wildlife.

The proponent’s mitigation measures for Grizzly Bears show a very typical entrepreneurial mindset: take most of the habitat and leave the bears a scrap. Grizzly bears don’t survive with scraps. The bears need the range outside the Goat Range Park. The MRB has shown a shocking disregard of this situation, described as it is in the expert Grizzly Bear submissions.

“It is important to again emphasize the rapid growth in backcountry touring/skiing market demand and limited supply. Backcountry skiing is a significant segment of the broader skiing marketplace and has been growing by approximately 20-40% per year.”

Zincton’s choice of words relates to “backcountry” only as an object to exploit for high profits. If Mr. Harley really wants to teach people backcountry skiing, he can build a lodge for a group of about 10 people in New Denver, sell them skiing equipment, and use his hydrogen-powered bus to transport them to his property at Three Forks, where they can access backcountry on their skis, or from the highway at any point of their choosing. As it stands, his claim to provide “backcountry” skiing is fake. Backcountry skiing means small groups of people enjoying wilderness landscapes with untracked snow. By his own accounts Mr. Harley will have 1,550 skiers per day on the slopes, with 80% in the area serviced by ski lifts, and 20%, totaling about 350 people, in the so-called “backcountry”. The backcountry will be gone.

Water Impacts

Mitigation will include: following the Province's *Riparian Area Protection Regulation* and the *Water Sustainability Act*. Zincton Lift Company will develop stormwater management practices during construction and a stormwater management plan for the Mountain Village.

“The significant elevation and setback of the Mountain Village above both Kane and Seaton Creeks will further reduce the potential risks to these existing waterways.”

The elevation and setback of the village from the creeks means very little. With due respect to the proponent, the provincial government is responsible for fostering the idea that “setbacks” from water protect it from the hydrological processes of mountains. Unfortunately water runs downhill, from the top of a mountain all the way to the bottom, and in this case, all the way to Slocan Lake. And it is a mistake to think that the excessive water runoff, peak flows and sedimentation would come solely from the housing development; these impacts would come from soil disturbance, soil compaction and removal of tree cover over much of the proposal area.

We urge the MRB to carefully consider the damage that New Denver is incurring due to impacts from excessive water runoff and sedimentation of Carpenter Creek. A stormwater management plan will not address sedimentation. An expert hydrologist has assured VWS that putting in a single culvert can increase sedimentation for years to come. Due to sediment, Carpenter Creek moves bigger and bigger rocks and debris every year, destabilizing the stream channel.

Low water levels in the creeks

Zincton will be using Silversmith Electric's independent power plant for part of its electricity. In the past Silversmith, operating at 50% of promised capacity at a time of low water, de-watered two local creeks, which killed resident trout. (letter of Fisheries and Oceans Canada to VWS, April 18, 2012). Silversmith has likely upgraded its operation since then, and now says it has much power to spare. But that power depends on water, and creeks in the area are already small at low water. This raises serious questions whether the ski resort would, in fact, be able to maintain itself on Silversmith's power.

The problem of low water levels will be exacerbated by climate change, and if Zincton starts making artificial snow, both the water and electricity demand would skyrocket, not to mention the likely use of fossil fuels to pump the water up the mountain for snow-making. While the area is noted for deep snow, VWS's analysis, by the former owner of Valhalla Mountain Touring, told the MRB that many of the slopes are south-facing and would be crusted over for much of the ski season. This could lead to a short operating season and a need to make artificial snow.

Low water levels in the creeks could kill fish and fish eggs. It could result in damming the creeks or creating ponds to store water, which would multiply the damage.

Damage to Fish Lake

Zincton's map now shows a parking lot next to Fish Lake. There is already an ample pullout there used in winter by skiers, but the Zincton development will likely create a need for a formal parking lot, which is unthinkable next to Fish Lake. It isn't only the Western Toads and the government investment in VWS's road mortality mitigation project that are at risk. The lake attracts two species of amphibians, moose, bears, a range of waterfowl species and small mammal species. The lake is highly popular with tourists, and in summer the parking space is seldom unoccupied, with families using the picnic tables or fishermen wetting a line. This is the best of what the BC highways department has to offer highway travelers — which in many cases may be their main experience of SuperNatural BC.

Mining Contamination

“Zincton will not pursue any summer season recreation activities within the former mining sites until a formal review and remediation of widespread legacy mining contamination has been completed using resources available through the ‘1% for the Planet’ environmental action organization.”

The proponent is indeed a member of 1% for the Planet. But the organization states that its program concerns member companies donating to nonprofit partners. 1% for the Planet does not partake of the donations. The nonprofits must have “a strong environmental focus in order to become an approved partner.” How would this help fund remediation of mining contamination? VWS notes that:

"In Canada, the remediation of an abandoned mine is the financial responsibility of the federal government if the mine was permitted prior to 2003. Those that received permits after 2003 are the responsibility of the provincial or territorial government.."

<https://investingnews.com/innspired/alexco-environmental-remediation/>

VWS has several times asked the MRB: does the approval of the EOI mean that the government is favourable towards participating with Zincton in remediating mining contamination? Does the proponent's offer make the proposal more “sustainable” and thus more likely to be approved by the government? Or is this promise a lure for public approval that has no real substance in government interest behind it? Harley proposing to donate 1% of his profits to an endeavor that is the responsibility of the federal and provincial governments — at a time when his permit application is under review — is complex in our view. MRB has not responded.

THE MOUNTAIN RESORT BRANCH'S MANDATE

The MRB's mandate is a BC Resort Strategy that was created in 2004 by a past government administration that was notorious for its intent to exploit BC natural areas with commercial development to the maximum degree possible. The aim of the Resort Strategy is to “enhance British Columbia's competitive edge in resort development and lead to the creation and expansion of all seasons resorts in this province.” Its Action items include to “Identify and eliminate barriers to resort development, creation and expansion.”

VWS also reviewed an updated 2019 All Seasons Resort Policy. It appears to ratify the same goals as the 2004 Strategy, for instance, “Maintain and enhance BC's competitive edge in resort development and expansion” with some important additions, such as a principle of sustainability and planning for climate change.

The purpose of the Resort Strategy was to increase tourism income and jobs in BC with resorts, but neither the Strategy nor the updated Policy include other forms and sources of tourism, or the ways that increasing resorts may damage them. The government administrations that created these policies saw only industrial-scale tourism, and provided no protection for the small tourism operators that alone would provide true sustainability.

Successive BC governments have marketed this ecologically destructive form of tourism development as “sustainable”, and marketed BC as “SuperNatural” — and yet it has prioritized nature-destroying tourist traps to bring in maximum dollars, and has encouraged big resort developers to harness their investments to develop BC. Truly sustainable tourism does not consume its natural resource base with villages, apartments, ski lifts and pistes denuded of trees.

The BC Resort Strategy is radically out of date and terribly one-sided in its failure to recognize the large desire of travellers for a truly natural experience. Even the Zincton proponent advised that people are de-

parting overdeveloped resorts and seeking “backcountry” recreation, which he represented as a fast-growing economic opportunity.

What if communities like New Denver have already spent decades cultivating a truly sustainable tourism base, with developments that do not consume the natural values of its surrounding wildlands? What if the community already attracts large numbers of international tourists by doing this? The BC Resort Strategy is calculated to ignore, exploit and crassly degrade our past positive achievements, and hollow out our area’s reputation as a place of high natural amenities that have not been crowded and de-natured by efforts to wring maximum dollars out of tourists.

The MRB website does not provide a complete inventory of BC resorts. Our latest information from a BC ski resort website is that there are 16 major ski resorts (including Whitewater only 2 hours down the highway from Retallack); plus 20 ski hills (including Summit Lake a half hour drive from New Denver) and smaller resorts. A map on the MRB website shows 31 ski resorts and ski hills. *However, this out of date tally omits a number of skiing businesses in the area around New Denver and Kaslo.* Nowhere does the government information include Retallack Resort, which is literally across the highway from the area proposed by Zincton; and it doesn’t include genuine backcountry ski operations in the Slocan Valley such as Valhalla Mountain Touring.

Lastly, no one should believe that the size, population and impacts of the proposed resort will remain as Mr. Harley has promised and as the MRB requires in the lease. It is notorious that resorts expand and expand as marketing brings more and more jet-setting, carbon-consuming international clientele who will need and demand more facilities. And if anyone thinks that what we are asked to review in the planning stage is what we will have a dozen years from now, consider that expanding existing resorts is in the mandate and policy of the MRB. By the time an expansion is sought, the Grizzly Bears may be mere remnants, if they exist at all.