



June 24, 2014

Ms. Autumn Cousins
Manager, Policy and Compliance
BC Environmental Assessment Office,
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Victoria, BC V8W 9V1

via Email to autumn.cousins@gov.bc.ca

TIME SENSITIVE

Dear Ms. Cousins;

We write with respect to a number of “pre-construction commitments” that are included in the Jumbo Glacier Resort EA Certificate. We understand that Glacier Resorts Ltd. is planning to undertake construction activities in 2014. Our review of the proponent commitments indicates that the items below are to be completed prior to commencement of construction (where relevant, notes and questions specific to each item are in *italics*), and that the proponent has submitted a self-report on all commitments. We submit this letter in the public interest of ensuring adherence to those commitments.

#40 - to complete a Fire Protection Plan to Ministry of Forests’ standards prior to commencing construction. The plan is to address, in detail, the design of the community and associated roads and emergency vehicular access, among other topics.

We note that this item in the GRL self-report is listed as a “future phase” commitment. However, it would seem that only one definition of “construction” can be applied to the EA certificate and the associated proponent commitments. We would understand, therefore, that this item would either a.) need to be completed prior to commencement of road construction if the proponent is arguing that road construction should be considered as meeting the requirement for having substantially started construction prior to the Oct. 2014, expiry date for the EA Certificate; or b.) conversely, we would argue that some tree clearing for future road development does not reasonably constitute having substantially started construction of a \$1billion resort.

Either way, we believe that a definition of having substantially started construction needs to be provided by the EAO and that all proponent commitments with time sensitive terminology about “pre-, during, after construction” be held to that same definition as the EAO assesses the status of compliance to the proponent commitments and the terms of the EA certificate expiry.



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#45 - to complete Environmental Management Plan(s) (EMP) to the reasonable satisfaction of the appropriate provincial government agency **prior to construction** start-up to include, as relevant, an:

- Erosion and Sediment Control Plan;
- Water Management Plan;
- Solid Waste Management Plan;
- Liquid Waste Management Plan;
- Stormwater Management Plan;
- Non-point Source Waste Discharge Control Plan;
- Vegetation Management Plan;
- Trail Management Plan;
- Grizzly Bear Management Plan;
- Outdoor Recreation Management Plan;
- Air Quality Protection Plan;
- Spill Contingency Plan;
- Environmental Monitoring; and
- Additional Monitoring Plans.

We would like to see all of the EMPs and would like to know (in each case) whether the 'appropriate provincial government agency' has found them 'reasonable', that is, has approved them.

#50 - to enter into agreement with the Regional District of East Kootenay on solid waste disposal **prior to construction** if required by both the Ministry of Water, Land and Air Protection and the Regional District.

#51 - that site-specific detailed Environmental Management Plans (EMP) for Non-Point Source (NPS) control (Stormwater Management Plan, Sediment and Erosion Control Plan, Spill Contingency Plan, etc.) will be completed to the satisfaction of the Ministry of Water, Land and Air Protection Regional Manager (Environmental Protection) during detailed design, or after detailed design but **before construction**, as appropriate.

We would like to see all of the EMPs and would like to know (in each case) whether the 'appropriate provincial government agency' has found them 'reasonable', that is, has approved them.

#52 - that an Environmental Impact Study of the wastewater treatment system for the Project will be completed in compliance with the process under the Municipal Sewage Regulation.

#53 - to prepare and submit a detailed information listed in Final Project Report Specification D.1(C) to the Ministry of Water, Land and Air Protection Regional Manager (Environmental Protection) for approval **prior to any site development/construction activity** being undertaken.

Because of onsite or mobile fuel storage and refueling we assume that this applies for road works in the Jumbo valley – please clarify.



#54 - to prepare a Spill Prevention Plan for the construction phase and a general Spill Contingency Plan for approval by the Ministry of Water, Land and Air Protection Regional Manager (Environmental Protection) **prior to the start of site development work.**

#57 - to conduct and submit to the Ministry of Water, Land and Air Protection Regional Manager (Environmental Protection) additional baseline analyses **before any site development/construction activity/well drilling program is undertaken**, including:

- additional sampling in Jumbo Creek to characterize sediment production during spring freshet (April 1 to June 30); *was this sampling started? We understand that the first samples for 2014 were taken May 21 2014. Also, what is the baseline year for sampling?*
- additional sampling in Jumbo Creek to confirm the low level of mineralization in the basin, as suggested by the water chemistry data; and
- an ion analysis component to the baseline water quality monitoring for Jumbo and Toby Creeks.

#61 - to develop and implement an adequate groundwater investigation program that will include, but not be limited to, drilling and pump testing wells to determine sustainable groundwater extraction rates. This investigation must take place **prior to construction of each phase of development** (including the drilling and developing groundwater wells that will be used to supply the resort).

We are not aware of any well drilling that has taken place – can the resort construction proceed in the absence of proven quality ground water and compliance with #64 and 65 below?

#64 - to conduct adequate monitoring to determine whether there are any adverse groundwater/surface water interactions resulting from the withdrawal of groundwater to supply the proposed resort. The Ministry of Water, Land and Air Protection (Environmental Stewardship) should be consulted during the development of terms of reference for any monitoring program involving fish and fish habitat assessment. Details of this monitoring program are to be **developed after a drilling and pump testing program has been completed.**

#65 - that, if the groundwater option does not prove to be feasible, the Proponent will, **prior to any resort construction**, conduct appropriate investigative work to assess and determine the environmental impacts of the surface water option, as well as to propose any needed mitigation measures to deal with identified impacts. Terms of reference for this work should be signed off by appropriate Ministry of Water, Land and Air Protection (Environmental Protection and Environmental Stewardship) staff prior to any work taking place.

Again, we assume that construction will be consistently applied between the EA certificate and the proponent commitments.



#72 - to a biological, physical habitat and continuous water volume and quality sampling program to be implemented pre-and post-development.

#78 - to conduct adequate monitoring surveys to identify goat winter habitat polygons and to determine whether the potential exists for disturbance to wintering goats in the area in proximity to the proposed Farnham Glacier summer chair lift alignment. Staff from Ministry of Water, Land and Air Protection (Environmental Stewardship) should be consulted during the development of terms of reference for any monitoring program involving goat habitat assessment.

We would like to see terms of reference for this monitoring program.

#80 - to conduct wildlife monitoring (as per Environmental Management Plan section 13.2) and, as required, to install appropriate out-of-bounds signs and cliff barriers.

Has any wildlife monitoring taken place to date? If so, we would like to see the associated reports.

#88 - to prohibit recreational use of all-terrain vehicles.

This was to come into effect upon the signing of Environmental Assessment Certificate TD04-01 which was issued on October 12, 2004. Given the inadequacy of the GRL gate in Farnham, as per communications to your office from other parties, what measures were taken to accomplish this commitment and has there been any report, or requirement for reporting on efficacy of measures taken to date?

#96 - that clearing of habitats will not occur during the critical April 1 to July 31 breeding bird period for birds unless a nest survey is conducted and a management plan is developed by a qualified wildlife biologist.

If the proponent is planning road works during this period, we request copies of nest surveys and management plans.

#99 - to halt all land development activities in the vicinity of any active raptor nests found within the construction area until a management plan is developed with the cooperation of regulatory agencies.

#104 - to monitor the potential direct and indirect effects of the Project on the Central Purcell Mountains Grizzly bear population through genetic testing to predict, detect, and assess any change (if any) in Grizzly bear numbers and distribution. The monitoring program is to include field collection of hair samples from Grizzly bears within the area of direct and indirect impacts **before construction**, at the **end of each phase of construction** and at appropriate intervals in the following 10 years, or until such time as the Ministry of Water, Land and Air Protection determines that it is no longer required.



Were baseline studies done and approved that would be necessary to inform studies on the “direct and indirect effect of the project”. If so, may we please receive copies of those studies?

#105 - to implement (in consultation with the Ministry of Water, Land and Air Protection and Land and Water BC Inc.), at its own cost, an adaptive management program, as outlined in the Project Report, to evaluate the success of measures for mitigating impacts to Grizzly bears. The adaptive management program will include the identification of performance measures and targets, a decision protocol for the adjustment of mitigation programs to the fullest extent possible when resort-related impacts to Grizzly bear populations or habitat use are evident, and a mechanism for resolving adaptive management disputes.

We would also like to know who sits on/participates in the Grizzly Bear Management Committee; and how membership on the committee is determined, and by whom.

#106 - to establish and participate in a Grizzly Bear Management Committee to oversee implementation of the Grizzly Bear Management Plan as proposed in the Project Report, including a monitoring and adaptive management program and associated management practices (decision protocol, reporting, and a dispute resolution mechanism).

#118 - to conduct additional bird surveys **prior to construction** and to implement a monitoring and adaptive management program for birds, appropriate with the type and size of the Project, during construction and operations.

Were baseline studies done and approved that would be necessary to inform studies on the “direct and indirect effect of the project”. If so, may we please receive copies of those studies and the adaptive management program?

#119 - to implement and fund ongoing threatened and endangered wildlife monitoring, including the Least chipmunk, in the preconstruction/construction phase of the Project.

Were baseline studies done and approved that would be necessary to inform studies on the “direct and indirect effect of the project”. If so, may we please receive copies of those studies?

#125 - to provide to the Ministry of Forests, **prior to commencing construction**, written confirmation that enhanced visual management along the access corridor will not be pursued.

#127 - to provide to the Ministry of Energy and Mines, **prior to commencing construction**, written confirmation that enhanced visual management not be pursued from any location related to the resort.



#132 - to conduct, at its own cost, annual monitoring and reporting (to Land and Water BC Inc.) of socio-economic impacts.

#146 - to monitor, at its own cost, unsupervised public recreational use (including use by resort construction and operations employees, resort visitors and resort residents) and other use of roads which link to Highway #95 at Invermere. This monitoring will be undertaken before construction, during initial construction (i.e., prior to commercial scale resort operations), and during commercial-scale operations. Monitoring results will be reported to the Ministry of Water, Land and Air Protection Regional Manager (Environmental Stewardship).

#169 - to design the road to minimize exposure to avalanches and to facilitate the monitoring and an avalanche prevention program.

#170 - to submit a detailed avalanche management program prior to start of operations in accordance with the Master Development Agreement.

#186 - to detailed design in cooperation with the Ministry of Transportation to achieve mutually acceptable phased solutions based on the Route Study and the correspondence with the Ministry.
We would like to receive copies of the detailed road design.

We request that the EAO advise us of the status of each of the commitments listed above, with supporting documentation. Also, please advise as to whether or not the EAO is satisfied that the proponent has met all of the commitments that are required in the EA Certificate prior to construction, and also provide us with an update as to status and timing of the EAO's review of the proponent self-report on their progress toward meeting the commitments. We also request clarification as to what the EAO considers to be "construction" – do preliminary road works constitute construction for the purposes of the EA Certificate and the proponent commitments?

Thank you for your consideration of this request, your response to which will allow the JCCS, our membership, and the public to stay accurately informed. We trust that the EAO is committed to upholding the letter and intent of the 195 proponent commitments that are tied to the EA Certificate for this controversial resort proposal.

On behalf of the Jumbo Creek Conservation Society Board of Directors

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