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July 27, 2014

Ms. Autumn Cousins  
Manager, Policy and Compliance  
BC Environmental Assessment Office,  
PO Box 9426 Stn Prov Govt  
Victoria, BC V8W 9V1

Dear Ms. Autumn Cousins and Mr. Andrew Milne,  
Re: Jumbo Glacier Resort Self-Report

I write this letter in regards to Jumbo Glacier Resort (JGR) project and the recently submitted self-report from the proponent, Glacier Resorts Ltd. outlining their compliance with the required pre-construction commitments in preparation for construction this summer. I note the importance of construction to the proponent this summer, given the looming expiry of the Environmental Certificate in October 2014, should substantial construction not begin, and the high possibility for rushing the compliance of these legally-binding conditions. I also note the importance of the recent Taku River Tlingit Nation decision in providing clarity as to the legal definition of *substantial construction*.

Though the self-report was published online, no supporting reports were attached. We therefore respectfully request copies of these supporting documents. These will be referenced below with each relevant proponent commitment.

Given the potential for significant environmental damage should construction proceed, the non-compliance to many of the pre-construction conditions, and the past performance of Glacier Resorts Ltd. during their tenure of the Farnham Glacier, we feel it imperative that construction not be permitted until such time as Glacier Resorts Ltd. has met all of the required proponent commitments.

Below is a comprehensive list of our concerns regarding Glacier Resorts Ltd.'s reported compliance. Of particular note and concern for Wildsight is the lack of detailed Environmental Management Plans (Commitment #45), the failure to conduct grizzly bear monitoring, including genetic surveys, prior to construction (Commitment #105), and the failure to conduct adequate water monitoring, including drilling and testing to prove adequate and sustainable groundwater extraction levels (#'s 57, 61, 64, 65, 72).

<b>Proponent Commitment #</b>	<b>Reported Status</b>	<b>Our comment</b>
<p><b># 45:</b> 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:</p> <ul style="list-style-type: none"> <li>• Erosion and Sediment Control Plan</li> <li>• Water Management Plan</li> <li>• Solid Waste Management Plan</li> <li>• Liquid Waste Management Plan</li> <li>• Stormwater Management Plan</li> <li>• Non-point Source Waste Discharge Control Plan</li> <li>• Vegetation Management Plan</li> <li>• Trail Management Plan</li> <li>• Grizzly Bear Management Plan</li> <li>• Outdoor Recreation</li> <li>• Air Quality Protection Plan</li> <li>• Spill Contingency Plan</li> <li>• Environmental Management Plan</li> <li>• Additional Monitoring Plans</li> </ul>	<p>In-compliance</p>	<p>The proponent states compliance, referring to documents in the Master Plan. These documents are high-level and do not provide adequate detail to address the management of the identified areas. Should more detailed management plans exist, we request to see all of these management plans, and would like to see documentation of the approval of the appropriate provincial agency.</p>

<p><b>#50:</b> 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.</p>	<p>Future Phase</p>	<p>Commitment #50 is a pre-development condition. Given the summer 2014 construction plans including lodge, this agreement must be finalized and in-place prior to any construction moving forward. This has</p>
<p><b>#51:</b> 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.</p>	<p>On track for Compliance</p>	<p>The proponent reports that these Environmental Management Plans (EMPs) are being developed by ENKON. We note that no construction should be approved until such time as all of these EMPs have been completed to the satisfaction of the relevant government agency.</p>
<p><b>#53</b> - to prepare and submit 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.</p>	<p>On track for compliance</p>	<p>Given plans for road construction this summer, we assume this would apply to road work, given onsite or mobile fuel storage. Glacier Resorts Ltd., has a history of fuel spills, as seen in the Farnham Valley under their License of Occupation. This document should be required prior to construction with the appropriate provincial agency signing off.</p>
<p><b>#54</b> - 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</p>	<p>Future compliance</p>	<p>Given plans for road construction this summer, we assume this would apply to road work, given onsite or mobile fuel storage. Glacier Resorts Ltd., has a history of fuel spills, as seen in the Farnham Valley under their License of Occupation. This plan should be required prior to construction with the appropriate</p>

Protection) prior to the start of site development work.		provincial agency signing off.
<p><b>#57:</b> 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:</p> <ul style="list-style-type: none"> <li>• additional sampling in Jumbo Creek to characterize sediment production during spring freshet (April 1 to June 30</li> <li>• additional sampling in Jumbo Creek to confirm the low level of mineralization in the basin, as suggested by the water chemistry data; and</li> <li>• an ion analysis component to the baseline water quality monitoring for Jumbo and Toby Creeks.</li> </ul>	On track for compliance	<p>We understand the proponent there is currently ongoing water monitoring taking place as of June 2014; we would like clarification as to whether this monitoring commenced in time for spring freshet as outlined here, from April 1-June 30?</p> <p>We request copies of all of the documents produced for review.</p>
<p><b>#61:</b> 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</p>	Future Compliance	<p>We are unaware of any drilling taking place to carry out a comprehensive groundwater investigation to determine if there are sustainable groundwater extraction rates. This should be completed prior to any construction moving forward. Given the plan to build a village site, it would seem necessary to determine if there was sufficient and sustainable groundwater to sustain such a community.</p>

<p>(including the drilling and developing groundwater wells that will be used to supply the resort).</p>		
<p><b>#64:</b> 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.</p>	<p>On track for compliance</p>	<p>While we are aware of the ongoing water monitoring, we are unaware of any drilling an pump testing program that took place prior to water monitoring, as specified in the proponent commitments. Please advise whether or not there a drilling and testing program has been completed to the satisfaction of the relevant provincial government agency.</p>
<p><b>#65:</b> 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</p>	<p>On track for compliance</p>	<p>We note the proponent reports that they expect the groundwater option to be successful; however, this needs to be confirmed through a drilling and testing program and signed off by the appropriate provincial ministry.</p>

and Environmental Stewardship) staff prior to any work taking place.		
<b>#72:</b> To a biological, physical habitat and continuous water volume and quality sampling program to be implemented pre-and post-development.	On track for compliance	While the proponent is currently undertaking water monitoring in the Jumbo Creek, their description of monitoring does not address this commitment, but instead reiterates Commitment #57. #72 requires biological, physical habitat and continuous water volume and quality sampling both pre and post-development. We do not see this addressed in the proponent's current water monitoring program.
<b>#74:</b> That only native vegetation will be used for landscaping in the resort base. No noxious weeds will be used and no non-native plants capable of becoming weeds will be permitted.	On track for compliance.	The proponent reaffirms its commitment to not use non-native plants in the self-report but does not commit to using only native vegetation.
<b>#78:</b> 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.	Not reported on in self-report.	We would like to see the proposed monitoring program to assess impact on goat habitat in the Farnham Valley and proof that the Environmental Stewardship division has participated in the creation of said monitoring plan. The Jumbo Glacier Resort will have a large impact on the winter habitat of resident mountain goats.
<b>#88:</b> To prohibit recreational use of all-terrain vehicles.	In compliance.	We have undertaken frequent monitoring of the Farnham Valley over the recent years and have not once found the gate to be closed or locked. Photo documentation

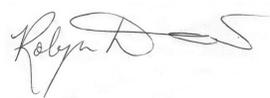
		of this has been submitted to both the Mountain Resort Branch and the EAO. We note that in a trip on June 29, 2014, we again found the gate open and encountered numerous ATVs accessing the Farnham Glacier beyond GRL's open gate. The proponent is not in compliance.
<b>#104:</b> To monitor the potential 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.	On track for compliance	We note the requirement for genetic sampling to take place PRIOR to any construction. We interpret this to include road construction. Please advise how this will be satisfied prior to any road construction taking place this season.
<b>#105:</b> 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	On track for compliance	We note that this references the Grizzly Bear Management Plan from 2003. We now have much more data and knowledge on the grizzly bear population of the Purcell Mountains. Dr. Michael Proctor has published extensively on the grizzly population of the Purcell and Selkirk Mountains, stating: "Keeping this [Central Jumbo] core anchor sub-population healthy, intact and unfragmented is likely essential to maintaining the long-term sustainability of the larger Canadian regional Purcell-Selkirk grizzly as well as maintaining the international grizzly bear distribution extending directly south into the US" (Proctor, 2010). It is simply not

<p>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.</p>		<p>adequate to reference such a dated document when new science is available.</p>
<p><b>#106:</b> 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).</p>	<p>On track for compliance</p>	<p>We would like to know the composition of the suggested Grizzly Bear Management Committee and whether or not this composition has been approved by the appropriate government agency.</p>
<p><b>#118:</b> 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.</p>	<p>On track for compliance</p>	<p>The proponent notes that bird surveys took place in 2004, however those surveys were during the environmental assessment process and were what led to the establishment of this commitment. Additional bird surveys need to be conducted prior to any road construction or resort base construction taking place</p>
<p><b>#119:</b> To implement and fund ongoing threatened and endangered wildlife monitoring, including the Least chipmunk, in the preconstruction/construction phase of the Project.</p>	<p>On track for compliance</p>	<p>The proponent comments that it will provide a checklist to construction workers. This is highly unsatisfactory and does not come close to satisfying their requirement to implement and fund monitoring in the preconstruction and construction phase of the project.</p>
<p><b>#125:</b> To provide to the Ministry of Forests, prior to</p>	<p>In compliance</p>	<p>We note the proponent says the letter was submitted. It is possible to receive a copy</p>

<p>commencing construction, written confirmation that enhanced visual management along the access corridor will not be pursued.</p>		<p>of this letter to confirm its contents?</p>
<p><b>#146:</b> 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).</p>	<p>On track for compliance</p>	<p>The proponent reports that a) this commitment may not be undertaken by them, and that b) employees will be provided with a hand-book to document public recreation use. Neither of these satisfies their requirement to monitor in the pre-construction phase the unsupervised public recreational use of the roads from the Jumbo Valley which link to Highway 95 at Invermere and report this monitoring to the relevant provincial ministry.</p>
<p><b>#170:</b> To submit a detailed avalanche management program prior to start of operations in accordance with the Master Development Agreement.</p>	<p>Not reported on in self-report.</p>	<p>Given the variability in plans for both the road and construction of the JGR, this management plan should be submitted prior to any construction moving forward. Numerous avalanche paths cross the Jumbo FSR – it was blocked with extensive avalanche debris until recently. At the beginning of the year, road construction was to begin on the new road, branching off at KM 6 on the Jumbo FSR; recently the plan switched to road work on the existing Jumbo FSR, including installing a permanent bridge. Avalanche plans need to be developed and submitted prior to any road construction.</p>

I appreciate your attention to this important matter and look forward to your response. I reiterate that the Jumbo Valley is an area of high biodiversity, with scientifically documented importance to the grizzly bear population of the Purcell and Selkirk Mountains, and with extremely high value to Kootenay residents and with high cultural significance to the Ktunaxa Nation. It is in all of our best interests to ensure adherence to the proponent commitments outlined and agreed to in the Jumbo Glacier Resort Environmental Certificate prior to any construction taking place.

Sincerely,

A handwritten signature in black ink, appearing to read "Robyn Duncan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robyn Duncan,  
Acting Executive Director

Cc:

Minister Thompson, FLNRO  
Minister Polak, Environment  
Norm Macdonald, MLA Columbia-River Revelstoke  
Michelle Mungall, MLA Nelson-Creston