

JUMBO GLACIER RESORT PROJECT (the "PROJECT")

RECOMMENDATIONS OF THE EXECUTIVE DIRECTOR AND REASONS FOR RECOMMENDATIONS

Pursuant to section 17 of the *Environmental Assessment Act* S.B.C. 2002, c. 43, the Executive Director of the Environmental Assessment Office (the "EAO") provides the following recommendations and reasons relating to the Project. In preparing this document, the following documentation has been considered:

- Jumbo Glacier Resorts Ltd.'s (the "Proponent") Application, including Project Report and Project Report Supplement, for an Environmental Assessment Certificate (the "Application"); and,
- The EAO's Jumbo Glacier Resort Project Assessment Report (the "Assessment Report").

The Executive Director recommends that an Environmental Assessment Certificate for the Project be issued for the following reasons:

1. The environmental assessment was carried out in accordance with the scope, procedures and methods identified in the section 11 order, issued on January 27, 2004.
2. The environmental assessment of the Project addressed the effects identified in the Final Project Report Specifications issued on May 20, 1998 including, the potential effects on, and implications for: Project feasibility; avalanche and wildfire control; waste management; water quality, water quantity and management; fish and wildlife including grizzly bear habitat and mortality; birds; access road and transmission line; other resources such as forestry, mining and agriculture; community social and economic benefits; recreation and tourism including R.K. Heli-Ski Panorama Inc.; visual and noise; land use and land use planning; infrastructure and services; accommodations; resort ownership and management; governance; First Nations and archaeology; and monitoring.
3. Measures relating to the distribution of information, identification of public views and interests and obtaining local governments' responses to the Project, have been carried out in accordance with the section 11 order, including the holding of open houses and meetings with interested parties.
4. The Project falls into the asserted traditional territories of the Ktunaxa Nation, as represented by the Ktunaxa/Kinbasket Tribal Council (K/KTC). One of its member's, the Shuswap Indian Band, made its own independent assertions. Measures relating to the distribution of information about the Project to First Nations have been carried out by the Proponent in accordance with the section 11 order, including providing Project documentation at various points in the review process, and being available to meet with First Nations who wished to be consulted.
5. The K/KTC and two of its members, the Shuswap and Columbia Lake Indian Bands were invited to participate on the technical advisory committee set up by the EAO to

advise on the Project, although only the Shuswap Indian Band did so. All First Nations were provided with information on the Project by the EAO, including the Proponent's Application, Project Report and Project Report Supplement. The Shuswap Indian Band played an active role in the review of the Project as a technical advisory committee member and provided information (current and traditional uses, economic benefits) as well as comments on the Project. The K/KTC, which had participated in the early stage of the review (1995-1998), did not participate on the technical advisory committee but did provide comments on part of the Project Report as well as on measures proposed to address issues identified by them. The K/KTC also participated in meetings with the EAO and the Proponent to discuss its issues.

6. Issues identified by the public, and provincial agencies and local governments, that fall within the purview of the EA review of the Project, have been considered, and the Assessment Report identifies and discusses the key issues, which included:
 - impacts on grizzly bears;
 - impacts on water quality;
 - impacts on wildlife;
 - impacts on R.K. Heli-ski Panorama Inc.
 - impacts on recreational and backcountry use;
 - cost of the Project to taxpayers;
 - global warming effects on glaciers;
 - Project feasibility; and
 - impacts on other resorts.
7. Issues identified by the First Nations that fall within the purview of the EA review of the Project have been considered, including duties associated with asserted aboriginal rights and title. The Assessment Report identifies and discusses the key issues asserted by First Nations, which included:
 - potential impacts to identified cultural interests;
 - potential impacts that reduce ability to hunt;
 - impacts on Grizzly bears which are considered sacred by the K/KTC;
 - impacts on Wildlife;
 - cumulative effects of further developments arising as a result of the Project;
 - Aboriginal rights and title.
8. All potential significant adverse environmental, economic, social, heritage and health effects identified by the public, local governments and provincial agencies that fall within the purview of the environmental assessment of the Project, are considered to be manageable to an acceptable level through:
 - the implementation of Proponent commitments to mitigation identified in the Application (including the Project Report and Project Report Supplement) and the Compendium of Proponent Commitments;
 - compliance with the conditions of the Environmental Assessment Certificate; and,
 - compliance with subsequent statutory permits, licences and approvals and other authorization requirements including zoning and approvals from the Regional District of East Kootenay and a Master Development Agreement from Land and Water B.C. Inc.
9. All potential significant adverse environmental, economic, social, heritage and health effects identified by First Nations that fall within the purview of the environmental

assessment of the Project are considered to be manageable to an acceptable level. Practicable legal duties owed to First Nations are considered to have been met through compliance with the conditions of the Environmental Assessment Certificate and the implementation of the Proponent commitments to mitigation identified in the Application (including the Project Report and Project Report Supplement) and the Compendium of Proponent Commitments, and since:

- Appropriate consultations were carried out by the Proponent and the EAO;
- The Proponent has conducted, and will continue to conduct, appropriate consultation with First Nations, if First Nations are willing to participate;
- Issues identified by First Nations during the review were carefully considered and were addressed to the degree possible by means of impact mitigation measures;
- Where possible, and to the extent that information on those values was shared, practical means have been identified to prevent or reduce to an acceptable level any potential significant adverse residual effects of the Project on First Nation interests, including any effect on, or change to, asserted current use of lands and resources for traditional purposes by aboriginal persons; and
- The opportunity exists for any residual effects of the Project on First Nations interests to be addressed by the Proponent through an Impact Management and Benefits agreement which the Proponent has committed to attempt to negotiate and which could include economic benefits and employment, training and/or contracting opportunities or other benefits.

10. The Project is in the broad public interest in that it provides significant economic benefits to government and the region.

Joan Hesketh

for
Joan Hesketh
Executive Director and Deputy Minister
Environmental Assessment Office

Dated: August 3, 2004