

## Viveiros, Natalia CSCD:EX

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**From:** Weich, Rika I CSCD:EX  
**Sent:** Thursday, July 23, 2015 1:03 PM  
**To:** Edmondson, Marijke CSCD:EX  
**Cc:** Hawkins, Sylvia E CSCD:EX  
**Subject:** FW: Jumbo Glacier Resort Project (288246)  
**Attachments:** 2015-07-22 LT MOE Jumbo.pdf

Hi Marijke,

Could you please review the correspondence addressed to Minister Polak, and advise me if your branch can draft response?

Thanks!

Rika

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**From:** Correspondence Unit ENV:EX  
**Sent:** Thursday, July 23, 2015 12:50 PM  
**To:** Weich, Rika I CSCD:EX  
**Subject:** FW: Jumbo Glacier Resort Project (288246)

Hi Rika,

Can CSCD respond to this one obo MOE and CC MMP and EAO's Associate DM (Kevin Jardine) if possible?

Thanks much!

Greg

Greg Visco

Coordinator | Correspondence Unit

Ministry of Environment

250-387-9885

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**From:** Minister, ENV ENV:EX  
**Sent:** Thursday, July 23, 2015 9:55 AM  
**To:** Correspondence Unit ENV:EX  
**Subject:** FW: Jumbo Glacier Resort Project

**From:** Jodi Appleton [<mailto:jodi.appleton@mountainclubs.org>]  
**Sent:** Wednesday, July 22, 2015 10:01 AM  
**To:** Minister, ENV ENV:EX  
**Subject:** Jumbo Glacier Resort Project

Dear Minister,

Please see the attached letter from the Federation of Mountain Clubs of BC regarding your decision on whether the Jumbo Glacier Project was substantially started. We appreciate your time and look forward to your response.

Sincerely,



# Federation of Mountain Clubs of BC

Accessing the backcountry one step at a time

PO Box 19673 Vancouver, BC V5T 4E7  
fmcbc@mountainclubs.org  
www.mountainclubs.org  
Tel: 604.873.6096

July 22, 2015

By Email: [ENV.Minister@gov.bc.ca](mailto:ENV.Minister@gov.bc.ca)

The Honorable Mary Polak, M.L.A  
Minister of Environment  
PO BOX 9047 STN PROV GOVT  
VICTORIA, BC V8W 9E2

Dear Minister,

**Re: Substantially Started Determination Decision for Jumbo Glacier Resort Project**

I am contacting you on behalf of the Federation of Mountain Clubs of BC (FMCBC). We are a province-wide organization representing over 5000 individuals from 34 outdoor clubs across B.C. Our membership is comprised of outdoor recreation users including hikers, mountaineers, rock climbers, paddlers, trail runners, backcountry skiers and snowshoers. For over four decades, we have worked on behalf of this community to maintain and improve access to quality, non-motorized, backcountry recreation for both our members and the general public to enjoy.

I am writing to you today to inform you that our members were very pleased when they heard your determination that the Jumbo Glacier Resort project has not been substantially started and that Glacier Resorts Ltd's Environmental Assessment Certificate for the project has now expired. We can understand the challenges of making such a decision when faced with strongly held views both for and against this project and appreciate the objectivity with which you made your final determination. It is our hope that Glacier Resorts Ltd. will not pursue the project further, but if they do, the FMCBC would like to state our continued opposition.

Our members and the local communities have been opposed to development of a commercial ski resort in the Jumbo area for over two decades. There is strong opposition from the local community due to the potential negative impacts it poses to the environment and existing outdoor recreation in the area. Our organization has two specific concerns with the project which would directly impact the outdoor recreation community we represent.

Firstly, in its current state, the Jumbo area and surrounding peaks are located in a relatively wild and pristine mountainous range which draws backcountry recreation visitors from across BC, Canada and the world. Development of a commercial ski resort in this area will permanently damage the ecology of the Jumbo area resulting in a significant reduction in the quality of the area for non-motorized, backcountry recreation. If the Jumbo area is developed into a commercial ski resort area, the wilderness value of the area will be lost forever.



## Federation of Mountain Clubs of BC

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fmcbc@mountainclubs.org  
www.mountainclubs.org  
Tel: 604.873.6096

Secondly, backcountry recreationists utilize public lands for much of their activities. The resort would take currently public lands and designate them as a Controlled Recreation Area (CRA). This will result in reduced public access which is of major concern to our members who strive to maintain and increase public access to the backcountry. This removal of public lands into CRA's has happened with other commercial ski developments and causes persistent problems for public access.

We feel that there is already an overabundance of ski resorts in the region and that the government should not consider another one, especially one which does not have support from the local community and which would cause significant environmental and recreational problems in the area. We hope to see the Jumbo Resort Municipality dissolved as a first step towards protecting the Jumbo area from resort development in the future.

We would like to request a response to this letter especially any information regarding whether there are plans for the Jumbo Resort Municipality to be dissolved.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jodi Appleton', with a long horizontal line extending to the right.

Jodi Appleton  
Executive Director  
Federation of Mountain Clubs of BC  
604-873-6096  
[www.mountainclubs.org](http://www.mountainclubs.org)

## Viveiros, Natalia CSCD:EX

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**From:** Pratt, Terry FLNR:EX  
**Sent:** Friday, August 21, 2015 11:52 AM  
**To:** Rasmussen, Simon CSCD:EX; Hamilton, Chris EAO:EX  
**Cc:** Marotz, Nicola CSCD:EX; Edmondson, Marijke CSCD:EX; Mueller, Brent CSCD:EX; Hunter, Bill FLNR:EX  
**Subject:** Jumbo Judicial Review Update

Further to your question regarding a judicial review for Jumbo Glacier Resort, we have received written notification from the proponent that they intend to file a judicial review of Minister Polak's substantial start decision but we haven't received formal notification of a filing yet. Your contacts at JAG can confirm receipt or not. Jay Kirkland is our JAG contact for Jumbo. Any other Jumbo questions, please give Bill Hunter of our office a shout.

Regards,

Terry  
**Terry Pratt** | A/Executive Director

Mountain Resorts Branch | Ministry of Forests, Lands & Natural Resource Operations  
510-175 2nd Avenue, Kamloops, BC V2C 5W1

Direct: 250-371-3934 | Fax: 250-371-3942 | [Mailto:Terry.Pratt@gov.bc.ca](mailto:Terry.Pratt@gov.bc.ca)

• If you are having trouble viewing this e-mail, please click here

## Viveiros, Natalia CSCD:EX

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**From:** Thomas, Marilyn CSCD:EX on behalf of Minister, CSCD CSCD:EX  
**Sent:** Wednesday, July 8, 2015 12:46 PM  
**To:** s.22  
**Cc:** 'Mark.Read@jgmmr.ca'  
**Subject:** Ref # 158584: Jumbo Official Community Plan

Ref: 158584

s.22

Dear <sup>s.22</sup> :

Thank you for your email of June 10, 2015, regarding the Jumbo Glacier Mountain Resort Municipality Official Community Plan.

First, I wish to acknowledge your views on the development of the Jumbo Glacier Resort. I assume you have made these views known to the Council of the Jumbo Glacier Mountain Resort Municipality.

The Minister of Community, Sport and Cultural Development had a central role in the creation of the municipality. However, the *Local Government Act* and the Letters Patent which incorporated the new municipality, do not assign a role for the Minister in the approval of the Official Community Plan.

You raise some important environmental issues. Please be assured that Government takes its environmental responsibilities seriously and no development will take place on this site which is not in accordance with the law.

In this regard, on May 18, 2015, my Colleague, Honourable Mary Polak, Minister of Environment, determined that the proponent had not achieved a substantial start to the project, thereby nullifying the Environmental Assessment Certificate.

Government remains committed to the growing of tourism in the Province but development of this site will have to be in accordance with all provincial laws.

Thank you again for writing.

Sincerely,

Coralee Oakes  
Minister of Community, Sport and Cultural Development

**From:** <<sup>s.22</sup> >  
**Date:** June 10, 2015 at 2:07:41 PM PDT  
**To:** <"Mark.Read@jgmmr.ca"@birch.itsd.gov.bc.ca>, <Coralee.Oakes@gov.bc.ca>, Bill

Routley <[bill.routley.mla@leg.bc.ca](mailto:bill.routley.mla@leg.bc.ca)>

**Subject: Jumbo Official Community Plan**

Hi,

I am appalled to see the farce of the Jumbo – Glacier Mountain Resort Municipality (JGMRM) Official Community Plan. The plan states that the Core Values of the JGMRM include, "Respect for the environment, wildlife, and natural areas" but how can you respect the environment, wildlife and natural areas when you dump a modern ski resort in what is currently an important part of the natural areas of British Columbia. This area borders the Purcell Wilderness Conservancy and is adjacent to the internationally famous Bugaboo's. It is an important Grizzly Bear habitat and has a variety of natural hazards that make building a resort a very risky proposition. I understand that foundations for the new lodge have been poured in an avalanche path in their haste to get something established before their environmental permit expired.

In addition, a resort that depends on visitors coming from "away" and depends on snow and glaciers is not responsible in the face of climate change. We need to protect our wilderness areas to maintain as much ecological resilience in the face of an uncertain future climate. I trust you will not approve this sham of an OCP and that you will work to remove the threat of the JGMRM from our important wilderness area.

Sincerely,  
s.22

Page 07 to/à Page 08

Withheld pursuant to/removed as

DUPLICATE

## Viveiros, Natalia CSCD:EX

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**From:** Paget, Gary CSCD:EX  
**Sent:** Thursday, June 18, 2015 2:16 PM  
**To:** Marotz, Nicola CSCD:EX  
**Subject:** Fw: Jumbo Decision  
**Attachments:** Jumbo\_Reasons for Determination\_18June2015\_Final.pdf

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Craven, Paul EAO:EX  
**Sent:** Thursday, June 18, 2015 2:06 PM  
**To:** Paget, Gary CSCD:EX; Lee, Norman FLNR:EX; Lorimer, Mike TRAN:EX; Kittleson, Christian ABR:EX  
**Subject:** Jumbo Decision

Hello all:

The Jumbo Glacier Resort substantially started decision was made by the Minister and announced at 2pm today. She concluded the project was not substantially started. If you have questions – please do not hesitate to call.

Please find below the link to the Reasons for Minister's Determination.

<http://tinyurl.com/q93nzon>

For your convenience, I have attached a pdf of the reasons and also included the link to the Jumbo Glacier Resort Project's main page on the EAO website.

[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_project\\_home\\_18.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_18.html)

Paul



**Dick, Joan L CSCD:EX**

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Monday, June 15, 2015 5:13 PM  
**To:** Mitschke, Matt ENV:EX  
**Subject:** Jumbo

Matt:  
MCO is looking for something (an IN perhaps?) that describes the circumstances going forward based on the decision MMP is announcing on Thursday. s.13

s.13  
  
Got anything that speaks to the decision MMP has to make and what is involved in the options?  
J.

**Dick, Joan L CSCD:EX**

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Tuesday, June 16, 2015 7:11 AM  
**To:** Rhodes, Gillian GCPE:EX  
**Subject:** Jumbo

G:

Do we have a note on Jumbo? I am aware that currently there is a decision before MMP. My understanding is that she is releasing that on Thursday. What I am looking for is background. MCO is asking for information on s.13

s.13

s.13 Did we get any notes on this from the MENV comm shop?

What can you send me?

Thanks,

J.

Sent from my iPad

## Dick, Joan L CSCD:EX

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Tuesday, June 16, 2015 7:24 AM  
**To:** Kapac de Frias, Martina E FLNR:EX  
**Subject:** Fwd: Jumbo

Martina:  
FYI, s.22  
s.22  
Thanks,  
Joan

Any help you can be would be much appreciated.

Sent from my iPad

Begin forwarded message:

**From:** "Dick, Joan L CSCD:EX" <[Joan.Dick@gov.bc.ca](mailto:Joan.Dick@gov.bc.ca)>  
**Date:** June 15, 2015 at 5:12:37 PM PDT  
**To:** "Mitschke, Matt ENV:EX" <[Matt.Mitschke@gov.bc.ca](mailto:Matt.Mitschke@gov.bc.ca)>  
**Subject:** Jumbo

Matt:

MCO is looking for something (an IN perhaps?) that describes the circumstances going forward based on the decision MMP is announcing on Thursday. s.13

s.13

Got anything that speaks to the decision MMP has to make and what is involved in the options?  
J.

**Dick, Joan L CSCD:EX**

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Tuesday, June 16, 2015 8:34 AM  
**To:** Oakes, Coralee CSCD:EX  
**Subject:** Jumbo  
**Attachments:** IN\_Jumbo Decision\_June 18\_draft.docx

CEO:

Attached please find the current note our shop has on this issue. I have asked for materials from MENV and am still waiting for those. I will be getting an update by the end of day tomorrow along with some Qs&As.

s.13

J.

June 10, 2015

**JUMBO GLACIER MOUNTAIN RESORT**  
**MUNICIPALITY DECISION**

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June 10, 2015

s.13



June 10, 2015

***Environmental assessment certificate expiration:***

- The Environmental Assessment Office is currently reviewing whether the Jumbo Glacier Resort Project has met its conditions towards “substantial completion” of requirements under its Environmental Assessment Certificate. Those recommendations will go to the Minister of Environment for decision.
- In the fall of 2014, concerns were raised about whether the day lodge and service building were located in an avalanche zone.
- EAO Compliance & Enforcement (C&E) investigated whether the partial structures at the day lodge and service building locations are in compliance with condition 36 of the EA certificate. Condition 36 states that “...residential and commercial structures will be located completely outside the avalanche hazard area.”
- On March 21, 2015, the EAO received Glacier Resort Ltd.’s “Snow Avalanche Risk Zoning for a Day Lodge and Service Building” report, composed by Alan Jones, P.Eng.
- On April 24, 2015, EAO C&E concluded the investigation and determined that the project is out of compliance with condition 36.
- Now that a compliance determination has been made, the process to determine whether the project is substantially started has resumed.
- The EAO will be providing a draft report to the company, Ktunaxa Nation Council and the Shuswap Indian Band for comment before submitting it to the Minister of Environment for her consideration.
- The minister’s determination is anticipated by early to mid-June.
- The process for making the decision will be fully transparent. All of the records associated with the decision will be publicly available.
- The Jumbo Glacier Mountain Resort Municipality is a separate entity from the resort corporation and its project, and its status is not impacted by the pending Environmental Assessment Certificate decision.

***Court Challenges:***

- On February 18, 2013, the West Kootenay Community Eco-Society (Eco-Society) petitioned for a review under the *Judicial Review Procedure Act* of the Province’s decision to incorporate the Jumbo Glacier Mountain Resort Municipality.
- The petition made a number of legal assertions, the most important of which is that the province did not have legal authority to incorporate a municipality in the absence of people. The Province responded to the petition on June 12, 2013.
- On August 5, 2014, the Eco-Society filed an amended petition which is under review. The amended petition clarifies some of the assertions made in the original petition as well as the orders being sought (essentially that the incorporation be quashed).
- The Province filed an amended response on August 13, 2014. The amended response opposes the additional orders being sought by the petitioner in the amended petition.
- The Eco-Society petition will be heard by the BC Supreme Court beginning February 23, 2015.
- The Eco-Society’s petition is distinct from the Ktunaxa First Nation’s challenge of FLNRO’s signing of the MDA.



June 10, 2015

- The Ktunaxa First Nation’s challenge was based on an assertion that consultation in relation to the MDA (essentially the approval of the ski resort) was inadequate.
- The Ktunaxa petition was dismissed on April 3, 2014, but is currently under appeal and may be impacted by the William (Tsilhqot’in) Decision.

***Additional background:***

- Glacier Resorts (the developer) has an agreement with the Province to acquire Crown land with certain development rights. The Master Development Agreement (MDA) sets out a variety of terms and conditions, and in accordance with these the developer is permitted to proceed with construction. The Mountain Resort Branch at FLNRO is responsible for monitoring the development and release of Crown lands.
- The MDA stipulates timelines and what in broad terms; the developer can or must build in order to acquire land rights. The MDA requires the developer to obtain permits and conform to the applicable land use bylaws and procedures of the local government – Jumbo Glacier Mountain Resort Municipality.
- The municipality is responsible for land use bylaws, building permits, governance and servicing (if applicable). The municipal land use bylaws must be generally consistent with the MDA. The municipality adopted a zoning bylaw for the Farnham Glacier on May 21, 2013 which provides zoning for the area. The issuance of building permits is subject to the statutory requirements of both the LGA and the municipality. The bylaw was subject to statutory process that included a public hearing on the matter, as laid out in the *Local Government Act (LGA)*.
- The original deadline for the adoption of the Official Community Plan by Jumbo Glacier Mountain Resort Municipality is February 28, 2015. In order to ensure that the municipality is able to undertake comprehensive referral process and meet the statutory requirements of the Local Government Act, the Letters Patent have been amended to give the municipality an extension until Dec. 31, 2015. By statutory requirement, the amendment was published in the BC Gazette on February 19, 2015.
- Jumbo’s councillors and mayor were reappointed for a four-year term from Dec. 1, 2014 to Dec. 3, 2018.
- The municipality received \$200,000 in 2013 when it was incorporated to assist with associated costs of setting up a new municipality. It is normal practice for the province to provide start-up assistance for a new municipality. The municipality also received a \$200,000 Small Community Grant in 2014, which it was entitled to as a result of its incorporation.
- Examples of start-up assistance for recent incorporations include:

<b>Project</b>	<b>Year of Incorporation</b>	<b>MCSCD Total Start up Grant</b>
Sun Peaks	2010	\$59,400
West Kelowna	2007	\$7,125,000
Barriere	2007	\$450,000
Clearwater	2007	\$612,500
Canal Flats	2004	\$140,000

***Incorporation:***

June 10, 2015

- In early May 2012, government amended the *Local Government Act* to clarify the Province's authority to incorporate a mountain resort municipality whether or not there are residents in the area at the time of incorporation.
- The incorporation of a mountain resort municipality for Jumbo Glacier was requested by the Regional District of East Kootenay in 2009. The purpose of the incorporation of a resort municipality for Jumbo is to provide the most appropriate form of governance for the resort.

#### ENVIRONMENT'S BACKGROUND

- The \$450 million project is a year-round ski resort in the Jumbo Creek Valley, 55 km west of Invermere. The project would provide up to 6,250 bed-units, including 750 for staff, and would create 3,750 person-years of construction employment and 750-800 permanent full-time jobs.
- The company was issued an environmental assessment (EA) certificate on October 12, 2004.
- The Environmental Assessment Office (EAO) granted a five-year, one-time only extension to the certificate in 2009, after consultation with the government agencies and First Nations that participated in the original EA, including the Ktunaxa Nation.
- In March 2012, the Ministry of Forests, Lands and Natural Resource Operations (FLNR) approved a Master Development Agreement for the project.
- On November 20, 2012, the then-Minister of Community, Sport and Cultural Development announced that the Province had approved the incorporation of Jumbo as a mountain resort municipality.
- The EAO is working with FLNR in compliance oversight of EA conditions, the Master Development Agreement and other authorizations.
- The EA certificate requires that Glacier Resorts Inc. submit a compliance self-report 30 days before starting construction. Glacier Resorts submitted the self-report on May 7.
- The EAO has received correspondence outlining concerns and asking questions about the self-report and the project's compliance status from a number of parties, including members of the public, First Nations, MLAs and various non-governmental organizations.
- The company began construction in late August 2014. The project must have substantially started construction by October 12, 2014 or its EA certificate will expire.
- The EAO has conducted an administrative inspection to review whether Glacier Resorts has met key pre-construction conditions. The Ktunaxa Nation Council has identified specific conditions of concern, which the EAO has incorporated into the administrative inspection.

Communications Contact:	Alison Giles	250 356-6305
Program Area Contact:	Gary Paget	250 953-4129

## Dick, Joan L CSCD:EX

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Tuesday, June 16, 2015 1:11 PM  
**To:** Mitschke, Matt ENV:EX  
**Cc:** Kapac de Frias, Martina E FLNR:EX  
**Subject:** RE: Jumbo

Yes. J.

---

**From:** Mitschke, Matt ENV:EX  
**Sent:** Tuesday, June 16, 2015 12:55 PM  
**To:** Dick, Joan L CSCD:EX  
**Cc:** Kapac de Frias, Martina E FLNR:EX  
**Subject:** Fw: Jumbo

Hey Joan, attached is our general IN, I will have to call you on this because I will need to clarify some things for MCO. Are you available around 315?

Sent from my BlackBerry 10 smartphone on the TELUS network.

---

**From:** Leake, Greg EAO:EX <[Greg.Leake@gov.bc.ca](mailto:Greg.Leake@gov.bc.ca)>  
**Sent:** Tuesday, June 16, 2015 9:24 AM  
**To:** Mitschke, Matt ENV:EX  
**Subject:** RE: Jumbo

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**From:** Mitschke, Matt ENV:EX  
**Sent:** Tuesday, June 16, 2015 9:22 AM  
**To:** Leake, Greg EAO:EX  
**Subject:** Fw: Jumbo

Do we have a generic Jumbo note I can flip Oakes cos

Sent from my BlackBerry 10 smartphone on the TELUS network.

---

**From:** Dick, Joan L CSCD:EX <[Joan.Dick@gov.bc.ca](mailto:Joan.Dick@gov.bc.ca)>  
**Sent:** Monday, June 15, 2015 5:12 PM  
**To:** Mitschke, Matt ENV:EX  
**Subject:** Jumbo

Matt:  
MCO is looking for something (an IN perhaps?) that describes the circumstances going forward based on the decision MMP is announcing on Thursday. s.13

s.13

J.

**Dick, Joan L CSCD:EX**

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Friday, June 19, 2015 7:54 AM  
**To:** Mills, Shane LASS:EX; Ok-Stone, Angella CSCD:EX; Southern, Evan PREM:EX  
**Subject:** Re: Jumbo

Shane:

The only doc I have is s.13

I'll resend that.

Yesterday certain conversations were had on what we would do w/MCO today. She is available to do media 10:30 - noon. Challenge will be cell coverage where she is. Because of that we will have a statement to send if calls don't go through. Last night Gillian Rhodes was working on something but sent an email saying we wouldn't see it until this morning s.13

I haven't received anything yet.

J.

Sent from my BlackBerry 10 smartphone on the TELUS network.

**From:** Mills, Shane  
**Sent:** Friday, June 19, 2015 7:36 AM  
**To:** Dick, Joan L CSCD:EX; Ok-Stone, Angella CSCD:EX; Southern, Evan PREM:EX  
**Subject:** Jumbo

Hey Joan

Do we have MCSCD specific Q&A and/or statement? Can you flip?

If I missed it, apologies.

Shane

Sent from my BlackBerry 10 smartphone on the TELUS network.

**Dick, Joan L CSCD:EX**

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Friday, June 19, 2015 10:48 AM  
**To:** Oakes, Coralee CSCD:EX  
**Subject:** RE: Jumbo

s.13

As soon as it comes back I will forward to you.

As regards media, currently only one request. It is from Bill Metcalfe at the Nelson Star. His deadline is 4 pm today.  
J.

-----Original Message-----

**From:** Oakes, Coralee CSCD:EX  
**Sent:** Friday, June 19, 2015 10:45 AM  
**To:** Dick, Joan L CSCD:EX  
**Subject:** Jumbo

Do you have a statement for me to approve?

What is status for media?

Sent from my iPad

**Dick, Joan L CSCD:EX**

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Friday, June 19, 2015 5:28 PM  
**To:** Mills, Shane LASS:EX; Southern, Evan PREM:EX  
**Subject:** RE: Jumbo

No.  
MCO did not like the one that was drafted. She gave direction on a new one that she is prepared to use on Monday. Unfortunately by Monday things may have changed and mean that we need to have an update drafted. I have a bit more to say.  
Perhaps you could call me?  
J.

---

**From:** Mills, Shane [<mailto:Shane.Mills@leg.bc.ca>]  
**Sent:** Friday, June 19, 2015 5:17 PM  
**To:** Dick, Joan L CSCD:EX; Southern, Evan PREM:EX  
**Cc:** Ok-Stone, Angella CSCD:EX  
**Subject:** Jumbo

Hi Joan

Do we have statement yet?

Thanks  
Shane

Sent from my BlackBerry 10 smartphone on the TELUS network.

## Dick, Joan L CSCD:EX

---

**From:** Mitschke, Matt ENV:EX  
**Sent:** Tuesday, June 16, 2015 12:55 PM  
**To:** Dick, Joan L CSCD:EX  
**Cc:** Kapac de Frias, Martina E FLNR:EX  
**Subject:** Fw: Jumbo  
**Attachments:** IN\_EAO\_Jumbo Glacier Resort avalanche and Sub Start\_24Apr2015-2.doc

Hey Joan, attached is our general IN, I will have to call you on this because I will need to clarify some things for MCO. Are you available around 315?

Sent from my BlackBerry 10 smartphone on the TELUS network.

---

**From:** Leake, Greg EAO:EX <[Greg.Leake@gov.bc.ca](mailto:Greg.Leake@gov.bc.ca)>  
**Sent:** Tuesday, June 16, 2015 9:24 AM  
**To:** Mitschke, Matt ENV:EX  
**Subject:** RE: Jumbo

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**From:** Mitschke, Matt ENV:EX  
**Sent:** Tuesday, June 16, 2015 9:22 AM  
**To:** Leake, Greg EAO:EX  
**Subject:** Fw: Jumbo

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**From:** Dick, Joan L CSCD:EX <[Joan.Dick@gov.bc.ca](mailto:Joan.Dick@gov.bc.ca)>  
**Sent:** Monday, June 15, 2015 5:12 PM  
**To:** Mitschke, Matt ENV:EX  
**Subject:** Jumbo

Matt:  
MCO is looking for something (an IN perhaps?) that describes the circumstances going forward based on the decision MMP is announcing on Thursday. s.13

s.13

J.

**JUMBO GLACIER RESORT:** s.13

s.13

s.13

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## Background:

- Glacier Resorts Ltd. was issued an environmental assessment (EA) certificate on October 12, 2004 and a five-year, one-time only extension to the certificate in 2009.
- The Jumbo Glacier Resort Project must have substantially started construction by October 12, 2014 or its EA certificate will expire. Such situations are assessed on a case-by-case basis.
- In the fall of 2014, concerns were raised about whether the day lodge and service building were located in an avalanche zone.
- Environmental Assessment Office (EAO) Compliance & Enforcement (C&E) investigated whether the partial structures at the day lodge and service building locations are in compliance with condition 36 of the EA certificate. Condition 36 states that "...residential and commercial structures will be located completely outside the avalanche hazard area."
- The term "avalanche hazard area" is not defined in the EA certificate; however, the *Guidelines for Snow Avalanche Risk Determination and Mapping in Canada* from the Canadian Avalanche Association set out the generally-accepted standard for evaluating avalanche risk.
- On December 11, 2014, based on advice from the Ministry of Transportation and Infrastructure, the EAO requested an engineering avalanche risk evaluation with a zoning plan consistent with the guidelines to verify if the partial structures at the day lodge and service building locations are compliant with condition 36. An engineering avalanche risk evaluation is a risk assessment tool that considers factors like frequency, predicted impact pressures and destructive potential of avalanches.
- On December 11, 2014, the EAO sent letters to the company advising of the investigation of condition 36 and describing the delay in the substantial start determination process. The EAO also sent letters to the Ktunaxa Nation Council and the Shuswap Indian Band advising of an updated substantially started process.
- On March 21, 2015, the EAO received Glacier Resort Ltd.'s "Snow Avalanche Risk Zoning for a Day Lodge and Service Building" report, composed by Alan Jones, P.Eng.
- On April 24, 2015, EAO C&E concluded the investigation and determined that the project is out of compliance with condition 36. The Alan Jones Report states that:
  - "The majority of the Service Building is located within the Red Zone (high risk); the remainder is located in the Blue Zone (moderate risk)."
  - "The majority of the Day Lodge foundation is located in the Blue Zone, which represents moderate avalanche risk. The remainder is located in the White Zone (low risk)."
- EAO C&E has determined it is appropriate to phase enforcement of this matter given that there is no immediate risk to the environment or human safety. The details of the enforcement may change depending on:
  - the results of the substantial start determination; and
  - whether GRL seeks, and successfully receives, an amendment to allow structures to be built in these two locations subject to constraints to address human safety.
- The company's proposed use of the Day Lodge Location and Service Building Location are non-compliant unless Glacier Resorts seeks, and successfully receives, an amendment to the EA certificate that allows commercial structures in one or both of these locations subject to mitigation to address human safety.
- As a first phase of enforcement, the EAO ordered that construction cease for any structures at those locations under Section 34 of the *Environmental Assessment Act*. The EAO will determine the second phase of enforcement after the minister determines if the project is substantially started.

- Now that a compliance determination has been made, the process to determine whether the project is substantially started has resumed.
- The EAO has provided a confidential draft report to the company, Ktunaxa Nation Council and the Shuswap Indian Band for comment by May 29, 2014 before submitting it to the Minister of Environment for her consideration.
- The minister's determination is anticipated by early to mid-June.

Communications Contact:	Greg Leake	250-387-2470
Compliance Contact:	Autumn Cousins	250-888-2020

**Dick, Joan L CSCD:EX**

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**From:** Mitschke, Matt ENV:EX  
**Sent:** Thursday, June 18, 2015 1:10 PM  
**To:** Fraser, John Paul GCPE:EX; Gleeson, Kelly T GCPE:EX; Gordon, Matt GCPE:EX; Sweeney, Neil PREM:EX; Chin, Ben PREM:EX; Cadario, Michele PREM:EX; Southern, Evan PREM:EX; Mills, Shane LASS:EX  
**Cc:** Hancock, Tom ENV:EX; Dick, Joan L CSCD:EX; Strongitharm, Bruce FLNR:EX; Petrie, Cynthia MEM:EX; Campbell, Carolyn ABR:EX  
**Subject:** Fw: Final Comms Materials -- Jumbo Announcement  
**Attachments:** SpeakingPoints\_Jumbo\_Sub Start Decision\_16JUN15.docx; Roll Out Plan\_Jumbo\_Sub Start Decision\_16JUN15.docx; QA\_Jumbo\_Sub Start Decision\_16JUN15.docx; IB\_Jumbo\_Sub Start Decision\_16JUN15.doc

Please find attached MMP's materials for the Jumbo announcement at 2 PM today. MMP will be announcing that the project is not substantially started. As a result the project will have its EA certificate cease to exist as of October 12, 2014.

Call me if you have any questions.

Matt

Sent from my BlackBerry 10 smartphone on the TELUS network.

---

**From:** Leake, Greg EAO:EX <[Greg.Leake@gov.bc.ca](mailto:Greg.Leake@gov.bc.ca)>  
**Sent:** Thursday, June 18, 2015 12:57 PM  
**To:** Mitschke, Matt ENV:EX  
**Subject:** Final Comms Materials -- Jumbo Announcement

As requested.

Greg Leake  
Director, Client Communications & Engagement  
BC Environmental Assessment Office  
250.387.2470

**Speaking points  
Jumbo Glacier Resort  
Substantially Started Determination Announcement  
Media Availability  
3:00 pm, June 18, 2015**

*Introduction*

- Good afternoon. For your information, I have Kevin Jardine, the Associate Deputy Minister of the Environmental Assessment Office on the phone to help me answer your questions.

*Opening Remarks*

- Today I issued a determination that the Jumbo Glacier Resort project is not substantially started.
- Every environmental assessment certificate has a deadline by which the project must be substantially started, in the reasonable opinion of the Minister.
- In the case of the Jumbo Glacier Resort, that deadline was October 12, 2014.
- If I had determined that the project was substantially started, then the environmental assessment certificate, including any conditions, would remain in effect for the life of the project.
- However, I determined that the project had not been substantially started, and therefore the environmental assessment certificate is deemed to have expired on October 12, 2014.
- There is no specific formula to determine if a project is substantially started. The practice of the Environmental Assessment Office is to consider each situation case-by-case in its particular context.

- This makes sense given the wide range of projects reviewed under the Environmental Assessment Act.
- Before I go any further, I want to stress that my role here was limited to the question of whether the project has been substantially started and not in any way to reassess its merits.
- There are clearly strongly-held views both for and against this project, but these views were entirely irrelevant to the question of whether the project is substantially started and they were not part of my determination.
- I am also aware that there are implications for the role of the resort municipality and for the master development agreement, but I did not take those questions into account when making my determination. The appropriate ministries will address the implications as necessary now that a determination has been made.
- To reach a determination, I considered a number of sources of information.
- They were:
  - the submissions of Glacier Resorts Ltd., the Ktunaxa Nation Council and the Shuswap Indian Band;
  - guidance from the court in *Taku River Tlingit First Nation v. British Columbia*;
  - a report from the Environmental Assessment Office; and
  - my own observations during a site visit on October 11, 2014.
- I considered the submissions of the Ktunaxa Nation Council and the Shuswap Indian Band because the Jumbo Glacier Resort project is in the asserted traditional territory of both Aboriginal groups.
- In making my decision, I focused on the physical activities that had taken place at the project site.
- While it is clear that some construction has been started, I was not convinced that the physical activity undertaken as of October 12, 2014 meets the threshold of a substantially started project.

- Before I conclude my remarks, I would like to touch on the question of the location of the day lodge and the service building and the compliance with the so-called avalanche condition of the environmental assessment certificate.
- In April of this year, the Environmental Assessment Office Compliance and Enforcement team concluded an investigation and determined that the day lodge and the service building were not in compliance with condition 36.
- I reached my conclusion about whether the project had been substantially started taking into account the fact that the building locations are non-compliant with the environmental assessment certificate.
- In effect, I gave them less weight than I would have had they been fully compliant.
- But I also considered the question of whether the project would be substantially started if the buildings were compliant.
- I concluded that even if these partially-constructed structures were fully compliant, the work undertaken would still not be sufficient to meet the substantially started threshold.
- I would like to point out that all of the submissions, the report from the Environmental Assessment Office and my Reasons for Decision are available on the EAO website at: [eao.gov.bc.ca](http://eao.gov.bc.ca).
- I'd be happy to answer any questions that you have now.

**Jumbo Glacier Resort  
Substantially Started Decision Announcement  
Roll-Out Plan  
June 18, 2015**

**Public Announcement:**

- *Information Bulletin:*
  - 2:00 p.m. on day of announcement
    - Information Bulletin announcing the result of the substantially started decision is released
    - Documents related to the decision will be published on the EAO website (the IB will link to this documentation)
    - A “What’s New” blurb on the main page and project-specific RSS feed will be posted on the EAO website
    - Ongoing media responses will be coordinated between EAO, ENV, CSCD, MARR, and FLNRO Communications, as appropriate
  
- *Media Availability:*
  - 3:00 p.m. on day of announcement
    - MMP by teleconference from PVO
  - 3:30 p.m., following teleconference, MMP available for TV scrum

**Notification of Pending Announcement – Notification Plan for Certificate Holder, Aboriginal Groups:**

- *Notification of Pending Announcement:*
  - 1:30 p.m. (30 minutes before the posting of information):
    - EAO representatives call the certificate holder, the Ktunaxa Nation Council and Shuswap Indian Band (see contacts list below) to let them know of the pending announcement
  
- *Post-Announcement:*
  - Immediately following (i.e. 2:05 p.m.):
    - EAO contacts the certificate holder, the Ktunaxa Nation Council and Shuswap Indian Band to provide them with the decision materials.

## Contact List

Organization	Contact Name	Phone Number	E-Mail Address
Glacier Resorts Ltd.	Oberto Oberti	Cell: s.22 Gen'l Office: 604-662-8833	ooberti@obertiarchitecture.com
	Tomaso Oberti	Cell: s.22	
Ktunaxa Nation Council	Kathryn Teneese, Chair	Cell: s.22	BGreen@ccrffc.org
	Bill Green, Director	250-420-2744	
Shuswap Indian Band	Barbara Cote, Chief	250-341-3678	administration@shuswapband.net



***DO NOT DISTRIBUTE***

**Advice to the Minister  
Jumbo Glacier Resort Project  
Announcement of Substantially Started Decision  
June 18, 2015**

s.13







Program Area	Associate DM	Comm. Director
Paul Craven 387-6748	Kevin Jardine 356-7475	Greg Leake 387-2470

Page 39

Withheld pursuant to/removed as

s.13

## Dick, Joan L CSCD:EX

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**From:** Mitschke, Matt ENV:EX  
**Sent:** Thursday, June 18, 2015 1:59 PM  
**To:** Gordon, Matt GCPE:EX; Fraser, John Paul GCPE:EX; Gleeson, Kelly T GCPE:EX; Sweeney, Neil PREM:EX; Chin, Ben PREM:EX; Cadario, Michele PREM:EX; Southern, Evan PREM:EX; Mills, Shane LASS:EX  
**Cc:** Hancock, Tom ENV:EX; Dick, Joan L CSCD:EX; Strongitharm, Bruce FLNR:EX; Petrie, Cynthia MEM:EX; Campbell, Carolyn ABR:EX  
**Subject:** Re: Final Comms Materials -- Jumbo Announcement

Yes MMP lead in media today.

Sent from my BlackBerry 10 smartphone on the TELUS network.

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**From:** Gordon, Matt GCPE:EX  
**Sent:** Thursday, June 18, 2015 1:31 PM  
**To:** Mitschke, Matt ENV:EX; Fraser, John Paul GCPE:EX; Gleeson, Kelly T GCPE:EX; Sweeney, Neil PREM:EX; Chin, Ben PREM:EX; Cadario, Michele PREM:EX; Southern, Evan PREM:EX; Mills, Shane LASS:EX  
**Cc:** Hancock, Tom ENV:EX; Dick, Joan L CSCD:EX; Strongitharm, Bruce FLNR:EX; Petrie, Cynthia MEM:EX; Campbell, Carolyn ABR:EX  
**Subject:** RE: Final Comms Materials -- Jumbo Announcement

Confirming plan today is let MMP lead and handle media today?

MCO and MST can address their areas effective tomorrow? If today, I'll have shops stack calls to start (if they come in this quick) and will run past messaging prior.

Expect MCO in particular will be approached quickly on her area of responsibility. NOTE – CSCD is double checking their QA with JAG... I go back and check status

**Matt Gordon**  
**Assistant Deputy Minister**  
Strategic Planning & Public Engagement  
Government of British Columbia  
250 356.7398 office  
s.17 mobile

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**From:** Mitschke, Matt ENV:EX  
**Sent:** Thursday, June 18, 2015 1:10 PM  
**To:** Fraser, John Paul GCPE:EX; Gleeson, Kelly T GCPE:EX; Gordon, Matt GCPE:EX; Sweeney, Neil PREM:EX; Chin, Ben PREM:EX; Cadario, Michele PREM:EX; Southern, Evan PREM:EX; Mills, Shane LASS:EX  
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Call me if you have any questions.

Matt

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**Subject:** Final Comms Materials -- Jumbo Announcement

As requested.

Greg Leake  
Director, Client Communications & Engagement  
BC Environmental Assessment Office  
250.387.2470



## Dick, Joan L CSCD:EX

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**From:** Mitschke, Matt ENV:EX  
**Sent:** Thursday, June 18, 2015 2:02 PM  
**To:** Dick, Joan L CSCD:EX; Fraser, John Paul GCPE:EX; Gleeson, Kelly T GCPE:EX; Gordon, Matt GCPE:EX; Sweeney, Neil PREM:EX; Chin, Ben PREM:EX; Cadario, Michele PREM:EX; Southern, Evan PREM:EX; Mills, Shane LASS:EX  
**Cc:** Hancock, Tom ENV:EX; Strongitharm, Bruce FLNR:EX; Petrie, Cynthia MEM:EX; Campbell, Carolyn ABR:EX  
**Subject:** Re: Final Comms Materials -- Jumbo Announcement

Yes sorry, <sup>s.22</sup> but am available now

Sent from my BlackBerry 10 smartphone on the TELUS network.

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Thursday, June 18, 2015 1:39 PM  
**To:** Mitschke, Matt ENV:EX; Fraser, John Paul GCPE:EX; Gleeson, Kelly T GCPE:EX; Gordon, Matt GCPE:EX; Sweeney, Neil PREM:EX; Chin, Ben PREM:EX; Cadario, Michele PREM:EX; Southern, Evan PREM:EX; Mills, Shane LASS:EX  
**Cc:** Hancock, Tom ENV:EX; Strongitharm, Bruce FLNR:EX; Petrie, Cynthia MEM:EX; Campbell, Carolyn ABR:EX  
**Subject:** Re: Final Comms Materials -- Jumbo Announcement

Thanks Matt. Was in a meeting when you called. Assume it was just a heads up.  
J.

Sent from my BlackBerry 10 smartphone on the TELUS network.

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**From:** Mitschke, Matt ENV:EX  
**Sent:** Thursday, June 18, 2015 1:10 PM  
**To:** Fraser, John Paul GCPE:EX; Gleeson, Kelly T GCPE:EX; Gordon, Matt GCPE:EX; Sweeney, Neil PREM:EX; Chin, Ben PREM:EX; Cadario, Michele PREM:EX; Southern, Evan PREM:EX; Mills, Shane LASS:EX  
**Cc:** Hancock, Tom ENV:EX; Dick, Joan L CSCD:EX; Strongitharm, Bruce FLNR:EX; Petrie, Cynthia MEM:EX; Campbell, Carolyn ABR:EX  
**Subject:** Fw: Final Comms Materials -- Jumbo Announcement

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**Sent:** Thursday, June 18, 2015 12:57 PM  
**To:** Mitschke, Matt ENV:EX  
**Subject:** Final Comms Materials -- Jumbo Announcement

As requested.

Greg Leake  
Director, Client Communications & Engagement  
BC Environmental Assessment Office  
250.387.2470

**Dick, Joan L CSCD:EX**

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**From:** Southern, Evan PREM:EX  
**Sent:** Wednesday, June 17, 2015 8:32 PM  
**To:** Dick, Joan L CSCD:EX  
**Cc:** Mills, Shane LASS:EX  
**Subject:** Re: KM\_Jumbo\_substantial start-no start- FLNRO CSCD draft 3

Yes, to my knowledge. That is what Matt told me.

Sent from my BlackBerry 10 smartphone on the TELUS network.

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**From:** Dick, Joan L CSCD:EX  
**Sent:** Wednesday, June 17, 2015 8:31 PM  
**To:** Southern, Evan PREM:EX  
**Cc:** Mills, Shane LASS:EX  
**Subject:** KM\_Jumbo\_substantial start-no start- FLNRO CSCD draft 3

E:  
Probably you have already rec'd this from MFLNRO.  
I note that the announcement is scheduled for 2 pm tomorrow.  
Is it IMs intention that MMP be the spokesperson on this tomorrow? Exclusively?  
J.

Sent from my iPad