



Response Roll-up Report

FrontCounter BC

Referral Type: Adventure Tourism/Commercial Recreation
Reference Number: 267185
Legislated Only: No
Referral Number: 98541853
Referral Status: In Summary

Recommendations

Request	Other	
0	0	Interests unaffected.
2	0	No objection to approval of project.
2	0	No objection to approval of project subject to conditions outline below.
1	0	Recommend refusal of project due to reasons outline below.
1	0	N/A

Requests

Organization: Ministry of Energy Mines,
Kootenay/Boundary - Regional
Geologist
Request Number: 003
Respondent: Fiona Katay
Legislated: No
Closed By: Fiona Katay
Referral Level: Optional
Recommendation: No objection to approval of project.

Yes	No	N/A	Question
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does this application impact your agency's legislated responsibilities? If yes, how will the proposal impact your legislated responsibility and please identify the relevant legislation (section) and what mitigative measures will be required to address these impacts in the response text box at the bottom of the page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If the proposal proceeds, will the proponent require approval or a permit from your agency? If yes, please explain in response text box at the bottom of the page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will on-going compliance monitoring be required by your agency as a result of your legislated responsibilities? If yes, please explain what will be required in the response text box at the bottom of the page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will this application affect public use of this area? If yes, please explain in the response text box at the bottom of the page.

Explanation of Response

EMPR does not foresee any potential conflicts.

Organization: Columbia Shuswap Regional District -
Development Services
Request Number: 004
Respondent: Erica Hartling
Legislated: No
Closed By:
Referral Level: Mandatory



Recommendation: N/A

Yes	No	N/A	Question
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does this application impact your agency's legislated responsibilities? If yes, how will the proposal impact your legislated responsibility and please identify the relevant legislation (section) and what mitigative measures will be required to address these impacts in the response text box at the bottom of the page.
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	For Municipal/Regional Government Use Only: Is the application area zoned for the proposed purpose? If no, please provide the current zoning. In the event the applicant wishes to apply for re-zoning, please also provide the estimated time required for this decision. Your comments can be entered in the response text box at the bottom of the page.

Explanation of Response



CSRD Land Use Policy and Regulations:

The CSRD does not have an Official Community Plan or Zoning Bylaw in place for the subject area. No CSRD development permits or rezoning permission is therefore required.

The CSRD is in receipt of an Agricultural Land Reserve (ALR) non-farm use application over the proponent's adjacent private property (Parcel A (see W3242) of the south ½ of the southwest ¼ of Section 16, Township 25, Range 20, W5M, Kootenay District, Except Part included in Plan 17383 (PID: 006-389-376)). The proposed uses on the subject Crown land portion are directly related to the proponent's commercial operation on their adjacent private property. The proposed uses on Crown land will be dependent on the Agricultural Land Commission (ALC) decision over the proponent's non-farm use application.

CSRD Operations Management Department:

Environmental Health Services Comments

No concerns

Protective Services Comments

No concerns

Utilities Comments

No concerns

Community Services Comments

"Although CSRD Parks has no direct interest in the application we support the concerns raised by the Area Director and as importantly the concerns raised by the various stakeholders as described in the correspondence provided by the Area Director." - Ryan Nitchie, Community Services Team Leader.

Copy of Electoral Area A Director comments, which were emailed directly to the Referral Coordinator (Erin Keith) on March 2, 2018:

"As the Electoral Area A Director for Golden, I have been copied on all the comments from the variety of stakeholders regarding the tenure application for Columbia Outpost Lodge.

As you can read, there is serious concerns voiced by these stakeholders as the operational business model of this company. They are operating in a wildlife sensitive area and have received a number of complaints and complaint issues to date.

As the electoral Area A Director, I have serious concerns about this application moving forward without reassurance that this group has a plan in place that supports the sensitivity of the wetlands and policies in place to monitor their impact on the area – a management plan that supports - no activity in the area in bird breeding seasons for example. Happy to chat further with you on this file. Thank you." - Karen Cathcart,



Electoral Area A Director.

Organization: Ministry of Forests, Lands and Natural
Resource Operations - Columbia Forest
District - Revelstoke

Request Number: 005

Respondent:

Legislated:

No

Closed By:

Referral Level:

Optional

Recommendation: No objection to approval of project.

Yes	No	N/A	Question
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does this application impact your agency's legislated responsibilities? If yes, how will the proposal impact your legislated responsibility and please identify the relevant legislation (section) and what mitigative measures will be required to address these impacts in the response text box at the bottom of the page.
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Explanation of Response

Organization: Ministry of Forests Lands and Natural
Resource Operations - Rocky Mtn FD -
Rec Sites & Trails

Request Number: 006

Respondent:

Legislated:

No

Closed By:

Aina Cernenoks

Referral Level:

Optional

Recommendation: No objection to approval of project subject to conditions outline below.

Yes	No	N/A	Question
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Ministry of Forests, Lands,
Natural Resource Operations
and Rural Development

Cranbrook

Mailing Address:
1902 Theatre Road
Cranbrook, BC V1C 7G1

Phone: (250) 426-1766
Fax: (250) 426-1767
Toll Free: (877) 855-3222
Website:
FrontCounterBC@gov.bc.ca



Explanation of Response

Public use at public water front access points should not be limited by proposed commercial use.

Organization: Wildsight

Respondent: Wildsight

Closed By:

Recommendation: Recommend refusal of project due to reasons outline below.

Request Number: 008

Legislated: No

Referral Level: Optional

Yes	No	N/A	Question
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does this application impact your agency's legislated responsibilities? If yes, how will the proposal impact your legislated responsibility and please identify the relevant legislation (section) and what mitigative measures will be required to address these impacts in the response text box at the bottom of the page.
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Explanation of Response



Columbia Wetlands Outpost

Wildsight would like to emphasize that the application for commercial recreation tenure is within the Columbia Wetlands Wildlife Management Area. The area is managed in order to conserve a globally significant wetland area. The applicant has a poor track record of operating within the wetland and a history of environmental practices. As stated guiding principle in the Columbia Wetland Wildlife Management plan "all activities that occur in the Columbia Valley Wetland Wildlife Management area must have a neutral or positive impact on wildlife, fish and plant communities." The Columbia Wetlands Wildlife Management Area is managed to put wildlife, fish, and plant communities first and the applicants' track record shows that the operator is not adhering to that principle.

Potential Wildlife Impacts

The operations proposed activities within the Columbia Valley Wetlands will result in increased disturbance for sensitive species. The proposed winter activities will result in increased stress and disturbance for moose, elk, and deer who find vital ungulate winter range near or in the wetland area. Rare and endangered migrating bird habitat could be degraded as trail and structure development continues.

A history of Infractions

In the spring of 2012, representatives from MOE and the CO service conducted a site visit to the property. They found that a potentially unauthorized structure was built in fish habitat. The large log building was built on planks that are situated in a channel of the Columbia wetlands. It's our understanding that the proponent did not have the proper permits to build a structure in fish habitat which could constitute a violation of the Fisheries Act.

In early 2015, CWO was issued a stop work order for operating machinery near a known Great Blue Heron rookery. The Great Blue Heron is provincially blue listed and the latest local population inventories are showing a steep declines across the Columbia Valley. The proponent was clearing vegetation near a known Great Blue Heron breeding site. There are only 11 known breeding sites in the Columbia Basin. CWA was notified of the importance of the site years earlier, multiple site visits by provincial and independant biologists ocured between 2009 and 2015.

Provincial best management practices for Great Blue Herons recommend a 200m buffer zone from nests and not using loud machinery or disturbing the herons during their critical nesting period (March-August). Great Blue Herons are very sensitive to disturbance and will abandon sites due to forest structure changes, heavy machinery, and high human usage. The once occupied breeding site was likely abandoned by Great Blue Herons after the spring potentially due to vegetation changes, machinery usage, and disturbance.

Columbia Wetlands Outpost is mainly located on Agricultural Land Reserve land. CWO has thrown commercial events such as weddings during the summer months. It's our



understanding that the lodge does not have farm status under ALR and large gatherings are not allowed under their current status. It's also our understanding that they have yet to apply for a non-farm use permit for operations. It's unknown whether the landowners are currently in compliance with the Agriculture Land Reserve Act.

A Poor Precedent For Wildlife Management Areas

The proposed tenure does not fit the Columbia Wetland Wildlife Management area's goal of conserving and maintaining the function of the globally significant Columbia Valley wetland complex. The application and tenure does not align with the management of the Columbia Wetlands WMA. The area is managed in order to conserve a globally significant wetland area. Continued commercial and recreational development will degrade habitat and impact biodiversity in the Columbia Wetlands. The area must continue to be managed to conserve a globally significant wetland area.

Organization: Ministry of Forests Lands & Natural Resource Operations - Rocky Mtn Forest District - Cranbrook
Request Number: 010
Respondent: Bernie Hulstein
Legislated: No
Closed By: Catherine Hulstein
Referral Level: Optional
Recommendation: No objection to approval of project subject to conditions outline below.

Yes	No	N/A	Question
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Explanation of Response

Application is within the Columbia Wetlands Wildlife Management Area. The Client will need to communicate with staff from the Fish and Wildlife Branch and ensure any and all Fish and Wildlife requirements are met. No identified concerns relating to Crown Land timber tenures, roads, range, or BC Timber Sales conflicts.

Contact

FrontCounter BC

Ministry of Forests, Lands,
Natural Resource Operations
and Rural Development

Cranbrook

Mailing Address:
1902 Theatre Road
Cranbrook, BC V1C 7G1

Phone: (250) 426-1766
Fax: (250) 426-1767
Toll Free: (877) 855-3222
Website:
FrontCounterBC@gov.bc.ca



Contact: Erin Keith
E-mail: Erin.Keith@gov.bc.ca

Commercial Recreation

Columbia Wetlands Wildlife Management Area
File No. 39580-30/CWWMA/LoO/Wetland Wildlife Safaris

THIS AGREEMENT is dated for reference May 31st, 2008 and is made under the *Ministry of Environment Act*.

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA**, represented by the Minister of Environment, Parliament
Buildings, Victoria, British Columbia

(the "Province")

205 Industrial Road G
Cranbrook BC
V1C 7G5

AND:

Wetland Wildlife Safaris
Box 2292
Golden, BC V0A 1H0

(the "Licensee")

NOW THEREFORE in consideration of the promises and covenants set out in this Agreement the receipt and sufficiency of which is hereby acknowledged the parties agree as follows:

ARTICLE 1 - INTERPRETATION

1.1 In this Agreement,

"Agreement" means this licence of occupation;

"Commencement Date" means May 31st, 2008;

“Disposition” has the meaning given to it in the *Land Act* and includes a licence of occupation;

“Improvements” includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under the Licensed Area, and anything attached to it or intended to become a part of it, and also includes any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching, in, on or under the Licensed Area;

“Licensed Area” means only that part of the Wildlife Management Area identified in the diagram attached as Schedule A;

“Management Plan Schedule” means the management plan schedule attached to this Agreement as Schedule B;

“Term” means the period of time set out in section 2.2;

“we”, “us” or “our” refers to the Province alone and never refers to the combination of the Province and the Licensee: that combination is referred to as **“the parties”**;

“Wildlife Management Area” means the Columbia Wetlands Wildlife Management Area established under the *Wildlife Act* by Ministerial Regulation dated April 30th, 1996 and set out in Order in Council 0602; and

“you” or “your” refers to the Licensee.

- 1.2 In this Agreement, “person” includes a corporation, firm or association and wherever the singular or masculine form is used in this Agreement it will be construed as the plural or feminine or neuter form, as the case may be, and vice versa where the context or parties require.
- 1.3 The captions and headings contained in this Agreement are for convenience only and do not define or in any way limit the scope or intent of this Agreement.
- 1.4 This Agreement will be interpreted according to the laws of the Province of British Columbia.
- 1.5 Where there is a reference to an enactment of the Province of British Columbia or of Canada in this Agreement, that reference will include a reference to every amendment to it, every regulation made under it and any subsequent enactment of like effect and, unless otherwise indicated, all enactments referred to in this Agreement are enactments of the Province of British Columbia.
- 1.6 If any section of this Agreement, or any part of a section, is found to be illegal or

unenforceable, that section or part of a section, as the case may be, will be considered separate and severable and the remainder of this Agreement will not be affected and this Agreement will be enforceable to the fullest extent permitted by law.

- 1.7 Each schedule to this Agreement is an integral part of this Agreement as if set out at length in the body of this Agreement.
- 1.8 This Agreement constitutes the entire agreement between the parties and no understanding or agreement, oral or otherwise, exists between the parties with respect to the subject matter of this Agreement except as expressly set out in this Agreement and this Agreement may not be modified except by subsequent agreement in writing between the parties.
- 1.9 Each party will, upon the request of the other, do or cause to be done all lawful acts necessary for the performance of the provisions of this Agreement.
- 1.10 All provisions of this Agreement in our favour and all of our rights and remedies, either at law or in equity, will survive the termination of this Agreement.
- 1.11 Time is of the essence of this Agreement.
- 1.12 Wherever this Agreement provides that an action may be taken, a consent or approval must be obtained or a determination must be made, then you or we, as the case may be, will act reasonably in taking such action, deciding whether to provide such consent or approval or making such determination; but where this Agreement states that you or we have sole discretion to take an action, provide a consent or approval or make a determination, there will be no requirement to show reasonableness or to act reasonably in taking that action, providing that consent or approval or making that determination.

ARTICLE 2 – GRANT, TERM and FEES

- 2.1 We grant to you, on the terms and conditions set out in this Agreement, a licence to occupy the Licensed Area for the sole purposes set out in the Management Plan Schedule and you acknowledge that you do not acquire any exclusive right to use or occupy the Licensed Area by virtue of this Agreement.
- 2.2 The ten year (10) term of this Agreement commences on the Commencement Date and terminates on May 31st, 2018 anniversary of that date, or such earlier date provided for in this Agreement.
- 2.3 Fee: Annual fee \$500.00 + GST. Subject to change if a fee increase occurs during the term of the Permit.

ARTICLE 3 - MANAGEMENT PLAN

3.1 Despite any other provision of this Agreement, we may revise the Management Plan Schedule at any time, and from time to time, during the Term for any reason whatsoever provided we comply with the requirements of this Article. We may determine, in our sole discretion, whether there is reason to revise the Management Plan Schedule and the type and scope of the required revision. For the purpose of this Article a revision to the Management Plan Schedule may include any amendment, deletion, substitution or any other change whatsoever to the whole or any part of the Management Plan Schedule and may include the specifications of any area that will no longer constitute a part of the Licensed Area.

3.2 Subject to sections 3.3 and 3.4, a revision of the Management Plan Schedule must be made in accordance with the following procedure:

- (a) we must give you written notice (an "Initial Notice") of the proposed revision which notice must set out in reasonable detail:
 - (i) the reason for the revision;
 - (ii) the particulars of the revision;
 - (iii) the effective date of the revision; and

we must also specify in the Initial Notice a reasonable time period during which you may inform us of any comments or concerns that you have regarding the proposed revision;

- (b) following the time period specified in the Initial Notice we must deliver to you a written notice (a "Final Notice") advising whether we intend to proceed with the proposed revision as set out in the Initial Notice, and providing you with particulars of any changes to those matters dealt with in the Initial Notice; we must also specify in the Final Notice a reasonable time by which you may deliver to us a written notice (an Objection) setting out in reasonable detail any objections that you have in regard to the proposed revision;
- (c) if you do not deliver an Objection within the time required the Management Plan Schedule will be deemed to be amended as set out in the Final Notice;
- (d) if you deliver an Objection to us within the time required the Objection will be reviewed by a person acting at the level of regional manager, assistant deputy minister or other comparable senior level (a "Senior Executive"). The Senior Executive may decide in his or her sole discretion whether the Final Notice should be varied in any respect and will inform you of this decision in writing. Upon the delivery of the Senior Executive's decision to you the Management Plan Schedule will be deemed to be revised as set out in the decision;

- (e) unless you consent in writing, or unless section 3.3 applies, the effective date of a revision to a Management Plan Schedule must not be sooner than one year after the date that the Final Notice is delivered to you or, if a decision has been made under section 3.2(d) then one year after the delivery to you of that decision.
- 3.3 If we determine that there are urgent circumstances that require the Management Plan Schedule to be revised more quickly than the time allowed by section 3.2(e), which determination must, for greater certainty, be made by us acting reasonably, we must include with the Initial Notice reasonable particulars of such urgent circumstances and we may specify in the Initial Notice such shortened time period for revising the Management Plan Schedule as we determine to be reasonable in the circumstances. For the purpose of this section 3.3 urgent circumstances include, without limitation, the need to respond to public safety concerns, significant environmental concerns, or any other decision by us under which it is determined to be necessary in the public interest to restrict access to an area.
- 3.4 This Article does not preclude the parties from entering into any written agreement to vary the Management Plan Schedule from time to time, but any such agreement will not limit the application of this Article to the Management Plan Schedule as so amended, unless the other agreement expressly so provides.
- 3.5 You will not have any claim against us as a result of a revision of the Management Plan Schedule including, without limitation, any claim for damages or any other claim for compensation for losses, costs or expenses, of any kind that you may suffer or incur as a result of a revision of the Management Plan Schedule.
- 3.6 You will prepare updated or consolidated documents setting out the Management Plan Schedule for our approval if and when we so request.

ARTICLE 4 - COVENANTS

- 4.1 You must
 - (a) observe, abide by and comply with
 - (i) all applicable laws, bylaws, orders, directions, ordinances and regulations of any government authority having jurisdiction in any way affecting your use or occupation of the Licensed Area or the Improvements, and
 - (ii) the provisions of this Agreement;
 - (b) in respect of the use of the Licensed Area by you or by anyone you permit to use the Licensed Area, keep the Licensed Area and the Improvements in a safe, clean and sanitary condition satisfactory to us, and at our written

request, rectify any failure to comply with such a covenant by making the Licensed Area and the Improvements safe, clean and sanitary;

- (c) not commit any wilful or voluntary waste, spoil or destruction on the Licensed Area or do anything on the Licensed Area that may be or become a nuisance or annoyance to an owner or occupier of land in the vicinity of the Licensed Area;
- (d) use and occupy the Licensed Area only in accordance with this Agreement and for the purposes set out in the Management Plan Schedule;
- (e) not construct, place or affix any Improvement on or to the Licensed Area except as permitted in the Management Plan Schedule;
- (f) pay all accounts and expenses as they become due for work performed on or materials supplied to the Licensed Area at your request, on your behalf or with your permission, except for money that you are required to hold back under the *Builders Lien Act*;
- (g) if any claim of lien over the Licensed Area is made under the *Builders Lien Act* for work performed on or materials supplied to the Licensed Area at your request, on your behalf or with your permission, immediately take all steps necessary to have the lien discharged, unless the claim of lien is being contested in good faith by you and you have taken the steps necessary to ensure that the claim of lien will not subject the Licensed Area or any interest of yours under this Agreement to sale or forfeiture;
- (h) not cut or remove timber on or from the Licensed Area without
 - (i) our prior written consent, and
 - (ii) being granted the right under the *Forest Act* to harvest Crown timber on the Licensed Area;
- (i) not interfere with public access over the Licensed Area;
- (j) permit us, or our authorized representatives, at reasonable times, to inspect, copy and audit your books and records that in our opinion relate to the information you are required to report or provide to us under this Agreement;
- (k) deliver to us, as soon as reasonably possible, all reports we may request from you concerning your activities under this Agreement and all other matters related to this Agreement;
- (l) permit us, or our authorized representatives, to enter on the Licensed Area at any time to inspect the Licensed Area and the Improvements, provided that in regard to our inspection of the Improvements we take reasonable

steps to minimize any disruption of your operations;

- (m) indemnify and save us and our servants, employees and agents harmless against all claims, actions, causes of action, losses, damages, costs and liabilities, including fees of solicitors and other professional advisors, arising out of
 - (i) your breach, violation or non-performance of a provision of this Agreement, and
 - (ii) any personal injury, bodily injury (including death) or property damage occurring or happening on or off the Licensed Area by virtue of your entry upon, use or occupation of the Licensed Area,

and the amount of all such losses, damages, costs and liabilities will be payable to us immediately upon demand; and

- (n) ensure that your employees, agents, contractors, licensees and clients are familiar with:
 - (i) the *Wildlife Act* and the regulations made under it and all other laws and regulations affecting the Wildlife Management Area;
 - (ii) the terms of this Agreement as they affect public conduct on the Licensed Area; and
 - (iii) all natural hazards in the Licensed Area
- (o) on the termination of this Agreement,
 - (i) peaceably quit and deliver to us possession of the Licensed Area and, subject to paragraphs (ii), (iii) and (iv), the Improvements in a safe, clean and sanitary condition,
 - (ii) within 90 days, remove from the Licensed Area any Improvement you want to remove, if the Improvement was placed on or made to the Licensed Area by you and you are not in default of this Agreement,
 - (iii) not remove any Improvement from the Licensed Area if you are in default of this Agreement, unless we direct or permit you to do so under paragraph (iv),
 - (iv) remove from the Licensed Area any Improvement that we, in writing, direct or permit you to remove, other than any Improvement permitted to be placed on or made to the Licensed Area under another disposition, and
 - (v) restore the surface of the Licensed Area as nearly as may reasonably be possible to the same condition as it was on the Commencement Date, to our satisfaction, but if you are not directed or permitted to remove an Improvement under paragraph (iv), this paragraph will not apply to that part of the surface of the Licensed Area on which that Improvement is located,

and all of your right, interest and estate in the Licensed Area will be absolutely forfeited to us, and to the extent necessary, this covenant will

survive the termination of this Agreement.

- 4.2 You will not permit any person to do anything you are restricted from doing under this Article.

ARTICLE 5 - LIMITATIONS

- 5.1 You agree with us that

- (a) we are under no obligation to provide access or services to the Licensed Area or to maintain or improve existing access roads;
- (b) this Agreement is subject to
 - (i) all subsisting dispositions and subsisting grants to or rights of any person made or acquired under the *Coal Act*, *Forest Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act*, *Range Act*, *Wildlife Act* or *Water Act*, or any extension or renewal of the same, whether or not you have actual notice of them, and
 - (ii) the exceptions and reservations of interests, rights, privileges and titles referred to in section 50 of the *Land Act*;
- (c) without limiting subsection 4.1(m), you must indemnify and save us and our servants, employees and agents harmless from and against all claims, actions, causes of action, losses, damages, costs and liabilities, including fees of solicitors and other professional advisors, arising out of any conflict between your rights under this Agreement and the rights of any person under a disposition or under a subsisting grant to or right of any person made or acquired under the *Coal Act*, *Forest Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act*, *Range Act*, *Wildlife Act* or *Water Act* (or any prior or subsequent enactment of the Province of British Columbia of like effect), or any extension or renewal of the same, whether or not you have actual notice of them, and the amount of all such losses, damages, costs and liabilities will be payable to us immediately upon demand;
- (d) you release us from all claims, actions, causes of action, suits, debts and demands that you now have or may at any time in the future have against us arising out of any conflict between your rights under this Agreement and the rights of any person under a disposition or under a subsisting grant to or right made or acquired under the enactments referred to in subsection (c), and you acknowledge that this Agreement and your rights under this Agreement are subject to those grants and rights referred to in subsection (c) whether or not you have actual notice of them.
- (e) we may make other dispositions of or over the Licensed Area;

- (f) you will make no claim for compensation, in damages or otherwise, in respect of a disposition made under subsection (e), where such disposition does not materially affect the exercise of your rights under this Agreement;
- (g) subject to subsection (f), all of your costs and expenses, direct or indirect, that arise out of any lawful interference with your rights under this Agreement as a result of the exercise or operation of the interests, rights, privileges and titles reserved to us in subsections (b) and (e) will be borne solely by you;
- (h) you will not commence or maintain proceedings under section 65 of the *Land Act* in respect of any lawful interference with your rights under this Agreement that arises as a result of the exercise or operation of the interests, rights, privileges and titles described in subsections (b) and (e);
- (i) you will not remove or permit the removal of any Improvement from the Licensed Area except as expressly permitted or required under this Agreement;
- (j) any interest you may have in the Improvements ceases to exist and becomes our property upon the termination of this Agreement, except where an Improvement may be removed under paragraph 4.1(o) (ii), (iii) or (iv) in which case any interest you may have in that Improvement ceases to exist and becomes our property if the Improvement is not removed from the Licensed Area within the time period set out in paragraph 4.1(o)(ii) or the time period provided for in the direction or permission given under paragraph 4.1(o)(iii); and
- (k) if, after the termination of this Agreement, we permit you to remain in possession of the Licensed Area and we accept money from you in respect of such possession, a tenancy from year to year will not be created by implication of law and you will be deemed to be a monthly occupier only subject to all of the provisions of this Agreement, except as to duration, in the absence of a written agreement to the contrary.

ARTICLE 6 - INSURANCE

6.1 You must

- (a) without limiting your obligations or liabilities under this Agreement, at your expense, effect and keep in force during the Term Comprehensive/Commercial General Liability insurance protecting us as an additional insured in an amount of not less than \$5,000,000.00 inclusive per occurrence insuring against liability for personal injury, bodily injury (including death) or property damage, and claims for liability

assumed under contract, arising from all accidents or occurrences on the Land or the Improvements; and

ARTICLE 7 - ASSIGNMENT

- 7.1 You must not sublicense, assign, mortgage or transfer this Agreement, or permit any person to use or occupy the Licensed Area, without our prior written consent, and a request for such consent will be assessed by us in accordance with applicable laws and policy at the time of the request and in the absence of applicable laws and policy consent will not be unreasonably withheld.
- 7.2 For the purpose of section 7.1, if you are a corporation, a change in control (as that term is defined in subsection 2(3) of the *Business Corporations Act*) will be deemed to be a transfer of this Agreement.
- 7.3 Section 7.2 does not apply to a corporation if the shares of the corporation which carry votes for the election of the directors of the corporation trade on a stock exchange located in Canada.
- 7.4 Prior to considering a request for our consent under section 7.1, we may require you to meet certain conditions, including without limitation, that you submit to us a "site profile", "preliminary site investigation" or "detailed site investigation" (as those terms are defined in the *Environmental Management Act*) for the Licensed Area or other similar type of investigation of the Licensed Area.

ARTICLE 8 - TERMINATION

- 8.1 You agree with us that
- (a) if you
 - (i) default in the payment of any money payable by you under this Agreement, or
 - (ii) fail to observe, abide by and comply with the provisions of this Agreement (other than the payment of any money payable by you under this Agreement),and your default or failure continues for 60 days after we give written notice of the default or failure to you,
 - (b) if, in our opinion, you fail to make diligent use of the Licensed Area for the purposes set out in this Agreement, and your failure continues for 60 days after we give written notice of the failure to you;
 - (c) if we cancel another disposition made to you for a purpose set out in the Management Plan Schedule, because of your default or failure under that

disposition;

- (d) if you
 - (i) become insolvent or make an assignment for the general benefit of your creditors,
 - (ii) commit an act which entitles a person to take action under the *Bankruptcy and Insolvency Act* (Canada) or a bankruptcy petition is filed or presented against you or you consent to the filing of the petition or a decree is entered by a court of competent jurisdiction adjudging you bankrupt under any law relating to bankruptcy or insolvency, or
 - (iii) voluntarily enter into an arrangement with your creditors;
- (e) if you are a corporation,
 - (i) a receiver or receiver-manager is appointed to administer or carry on your business, or
 - (ii) an order is made, a resolution passed or a petition filed for your liquidation or winding up;
- (f) if you are a society, you convert into a company in accordance with the *Society Act* without our prior written consent;
- (g) if this Agreement is taken in execution or attachment by any person; or
- (h) if we require the Licensed Area for our own use or, in our opinion, it is in the public interest to cancel this Agreement and we have given you 90 days' written notice of such requirement or opinion;

this Agreement will, at our option and with or without entry, terminate and your right to use and occupy the Licensed Area will cease.

8.2 If the condition complained of (other than the payment of any money payable by you under this Agreement) reasonably requires more time to cure than 60 days, you will be deemed to have complied with the remedying of it if you commence remedying or curing the condition within 60 days and diligently complete the same.

8.3 You agree with us that

- (i) you will make no claim for compensation, in damages or otherwise, upon the lawful termination of this Agreement under section 8.1; and
- (ii) our remedies under this Article are in addition to those available to us under the *Land Act*.

ARTICLE 9 - DISPUTE RESOLUTION

9.1 If any dispute arises under this Agreement, the parties will make all reasonable

efforts to resolve the dispute within 60 days of the dispute arising (or within such other time period agreed to by the parties) and, subject to applicable laws, provide candid and timely disclosure to each other of all relevant facts, information and documents to facilitate those efforts.

- 9.2 Subject to section 9.5, if a dispute under this Agreement cannot be resolved under section 10.1, we or you may refer the dispute to arbitration conducted by a sole arbitrator appointed pursuant to the *Commercial Arbitration Act*.
- 9.3 The cost of the arbitration referred to in section 9.2 will be shared equally by the parties and the arbitration will be governed by the laws of the Province of British Columbia.
- 9.4 The arbitration will be conducted at our offices (or the offices of our authorized representative) in Cranbrook, British Columbia, and if we or our authorized representative have no office in Cranbrook, British Columbia, then our offices (or the offices of our authorized representative) that are closest to Cranbrook, British Columbia.
- 9.5 A dispute under this Agreement in respect of a matter within our sole discretion cannot, unless we agree, be referred to arbitration as set out in section 9.2.

ARTICLE 10 - NOTICE

- 10.1 Any notice required to be given by either party to the other will be deemed to be given if mailed by prepaid registered mail in Canada or delivered to the address of the other as follows:

to us

MINISTRY OF ENVIRONMENT
205 Industrial Road G
Cranbrook, BC V1C 7G5

to you

WETLAND WILDLIFE SAFARIS
Box 2292
Golden, BC V0A 1H0

or at such other address as a party may, from time to time, direct in writing, and any such notice will be deemed to have been received if delivered, on the day of delivery, and if mailed, 7 days after the time of mailing, except in the case of mail interruption in which case actual receipt is required.

- 10.2 In order to expedite the delivery of any notice required to be given by either party

to the other, a concurrent facsimile copy of any notice will, where possible, be provided to the other party but nothing in this section, and specifically the lack of delivery of a facsimile copy of any notice, will affect the deemed delivery provided in section 10.1.

- 10.3 The delivery of all money payable to us under this Agreement will be effected by hand, courier or prepaid regular mail to the address specified above, or by any other payment procedure agreed to by the parties, such deliveries to be effective on actual receipt.

ARTICLE 11 - MISCELLANEOUS

- 11.1 No provision of this Agreement will be considered to have been waived unless the waiver is in writing, and a waiver of a breach of a provision of this Agreement will not be construed as or constitute a waiver of any further or other breach of the same or any other provision of this Agreement, and a consent or approval to any act requiring consent or approval will not waive or render unnecessary the requirement to obtain consent or approval to any subsequent same or similar act.
- 11.2 No remedy conferred upon or reserved to us under this Agreement is exclusive of any other remedy in this Agreement or provided by law, but that remedy will be in addition to all other remedies in this Agreement or then existing at law, in equity or by statute.
- 11.3 The grant of a sublicense, assignment or transfer of this Agreement does not release you from your obligation to observe and perform all the provisions of this Agreement on your part to be observed and performed unless we specifically release you from such obligation in our consent to the sublicense, assignment or transfer of this Agreement.
- 11.4 This Agreement extends to, is binding upon and inures to the benefit of the parties, their heirs, executors, administrators, successors and permitted assigns.
- 11.5 If, due to a strike, lockout, labour dispute, act of God, inability to obtain labour or materials, law, ordinance, rule, regulation or order of a competent governmental authority, enemy or hostile action, civil commotion, fire or other casualty or any condition or cause beyond your reasonable control, other than normal weather conditions, you are delayed in performing any of your obligations under this Agreement, the time for the performance of that obligation will be extended by a period of time equal to the period of time of the delay so long as
- (a) you give notice to us within 30 days of the commencement of the delay setting forth the nature of the delay and an estimated time frame for the performance of your obligation; and
 - (b) you diligently attempt to remove the delay.

11.6 You agree with us that

- (a) we are under no obligation, express or implied, to provide financial assistance or to contribute toward the cost of servicing, creating or developing the Land or the Improvements and you are solely responsible for all costs and expenses associated with your use of the Land and the Improvements for the purposes set out in this Agreement; and
- (b) nothing in this Agreement constitutes you as our agent, joint venturer or partner or gives you any authority or power to bind us in any way.

11.7 This Agreement does not override or affect any powers, privileges or immunities to which you are entitled under any enactment of the Province of British Columbia.

The parties have executed this Agreement as of the date of reference of this Agreement.

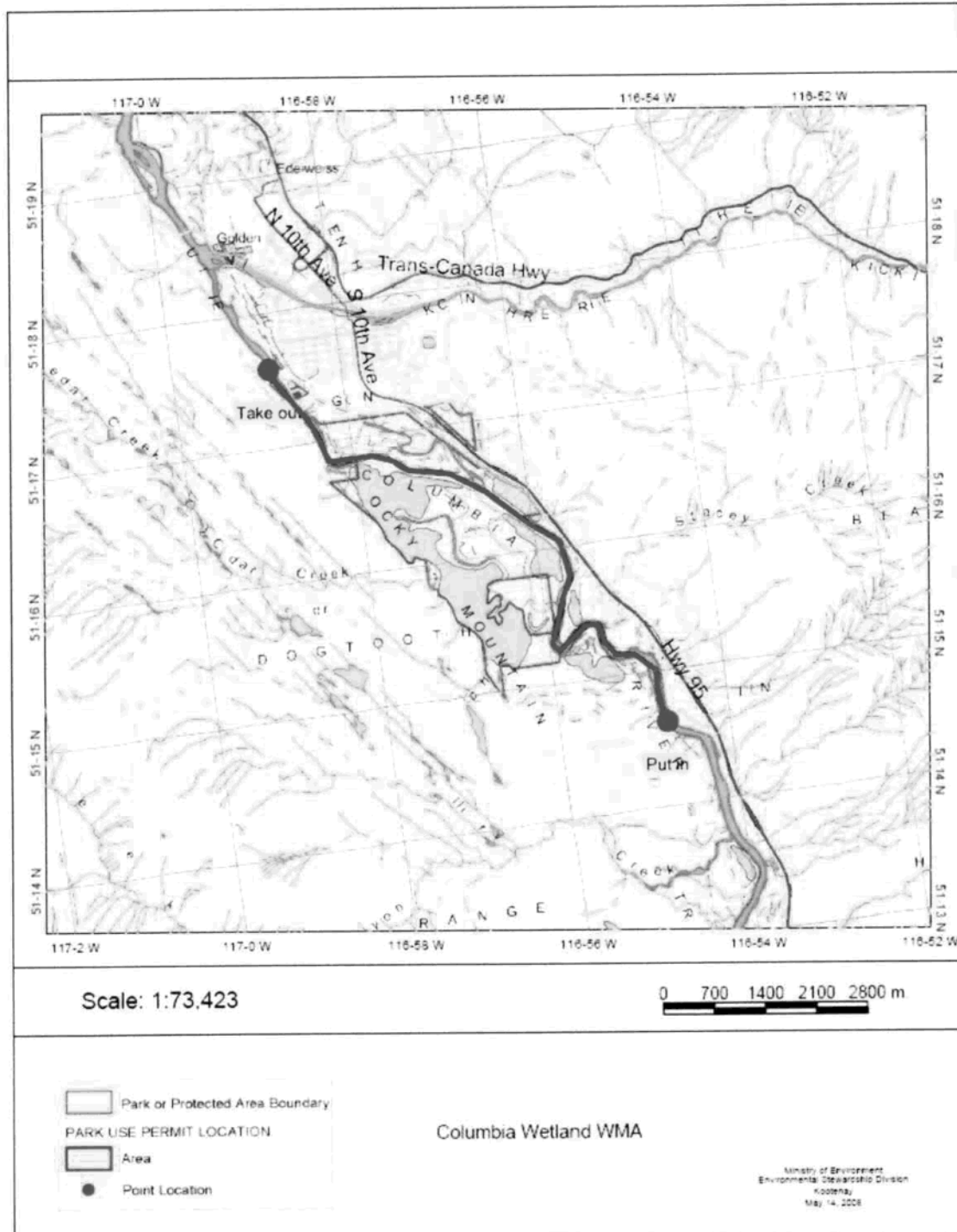
SIGNED on behalf of **HER MAJESTY
THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA**

Minister of Environment
or the minister's authorized representative

SIGNED on behalf of
Wetland Wildlife Safaris
by a duly authorized signatory

Authorized Signatory

SCHEDULE A – Licensed Area



SCHEDULE B MANAGEMENT PLAN SCHEDULE

LICENSED AREA DESCRIPTION

The Licensee is authorized to enter the Licensed Area described below, and highlighted in red on Schedule A

The Licensee will operate on the main channel of the Columbia River. The tour will commence with the put in point at the Nicholson Bridge, located within the town of Nicholson, BC. Following the main channel only, the vessel will travel in one direction (downstream) for approximately 13 km. The take out point is located on the north side of the Columbia River, adjacent to the Golden Airport in Golden, BC.

TERMS OF AGREEMENT

- The Licensee, Wetland Wildlife Safaris, may enter upon and use the Licensed Area solely for the purposes of offering interpretation, identification of species and outdoor experiences through an eco-educational boat tour. All activities performed by Wetland Wildlife Safaris must have a neutral or positive effect on wildlife, fish and plant communities within the Columbia Wetlands Wildlife Management Area (CWWMA).
- Endangered or threatened species will receive special consideration, and as such, any activity performed by the Licensee incurring negative impacts upon these species or habitat, will result in alteration of the agreement accordingly as requested by the Ministry. The Ministry reserves the right to amend the licensed agreement to reflect these potential changes, in order to ensure that the objectives, values and regulations of the WMA are met.
- The Licensee agrees to comply with *Section 4(4) of the Wildlife Act*, "*Despite any other enactment, a person may not use land or resources in a wildlife management area without the written permission of the regional manager*".
- The Licensee agrees to adhere to all WMA objectives and values, including the regulations as set out in the Wildlife Act.
- The Licensee agrees to operate in the designated licensed area only, without stopping in the CWWMA or floating off the main channel of the Columbia River. Boat guests will not be permitted off the vessel until the end of the tour when access and washrooms are available at the facilities provided across from the take out at the Golden Airport.

- The Licensee is responsible to observe, record and report any suspicious or illegal activities in the WMA during their term of the agreement.
- The Licensee will ensure that the facilities at the take out location, across from the Golden Airport within the CWWMA are maintained in a safe and clean manner complying with WCB requirements
- The Licensee will ensure that the First Aid requirements of their operators comply with WCB standards.
-

WETLAND WILDLIFE SAFARIS OPERATIONAL OUTLINE

Travel Route: Nicholson Bridge to the Golden Airport

Direction: One way, downstream, north

Distance: Approximately 13 km

Access Points: Put in at Nicholson Bridge, take out at Golden Airport

Season of Operation: May through October

Departures: 9am and 6pm daily

Operational Vessel: 18' inflatable cataraft, 12 passengers plus guide, electric motor (12v, 55lbs thrust, no noise, no emissions, no wake)

Tour Details: An eco-educational tour offering interpretation, identification of species and outdoor experiences, suitable for a wide spectrum of ages and abilities

Guiding Certifications: First Aid, CPR, River Rescue, Class 1 BC River Guide, Class 4 Driver's License

Main Office: 210 Fisher Road, Golden Municipal Airport, Golden, BC

Facilities: Administration, parking, washrooms and off-season storage for equipment (open year round)

WETLAND WILDLIFE SAFARIS REPRESENTATIVE

- Larry Sparks

MINISTRY REPRESENTATIVE

- Columbia Revelstoke Area Supervisor

SPECIAL PROVISIONS

1. Annual Operating Meeting

At least 60 days prior to the start of each anniversary of the commencement date, the Licensee shall arrange for an Annual Operating Meeting if any significant change is proposed to the Management Plan Schedule.

2. Use Statistics

The Licensee shall submit to the Area Supervisor by December 31 of each year of the Term,

A report citing the number of people who have used the services of Wetland Wildlife Safaris in the CWWMA during the previous season.

3. Inspections

The Province may, from time-to-time, in its sole discretion, wish to inspect the Licensed Area. When this is deemed necessary, the inspecting officer or officers will contact the Licensee to agree on a schedule for such an inspection that will dove-tail with regularly scheduled Licensee trips.

4. Responsibility for clients, employees and agents

The Licensee shall be responsible for the actions and conduct of all their employees and agents both on and off duty while within the Wildlife Management Area and any breach of the provisions of this Agreement by an employee or by an agent of the Licensee shall be deemed to be a breach by the Licensee.

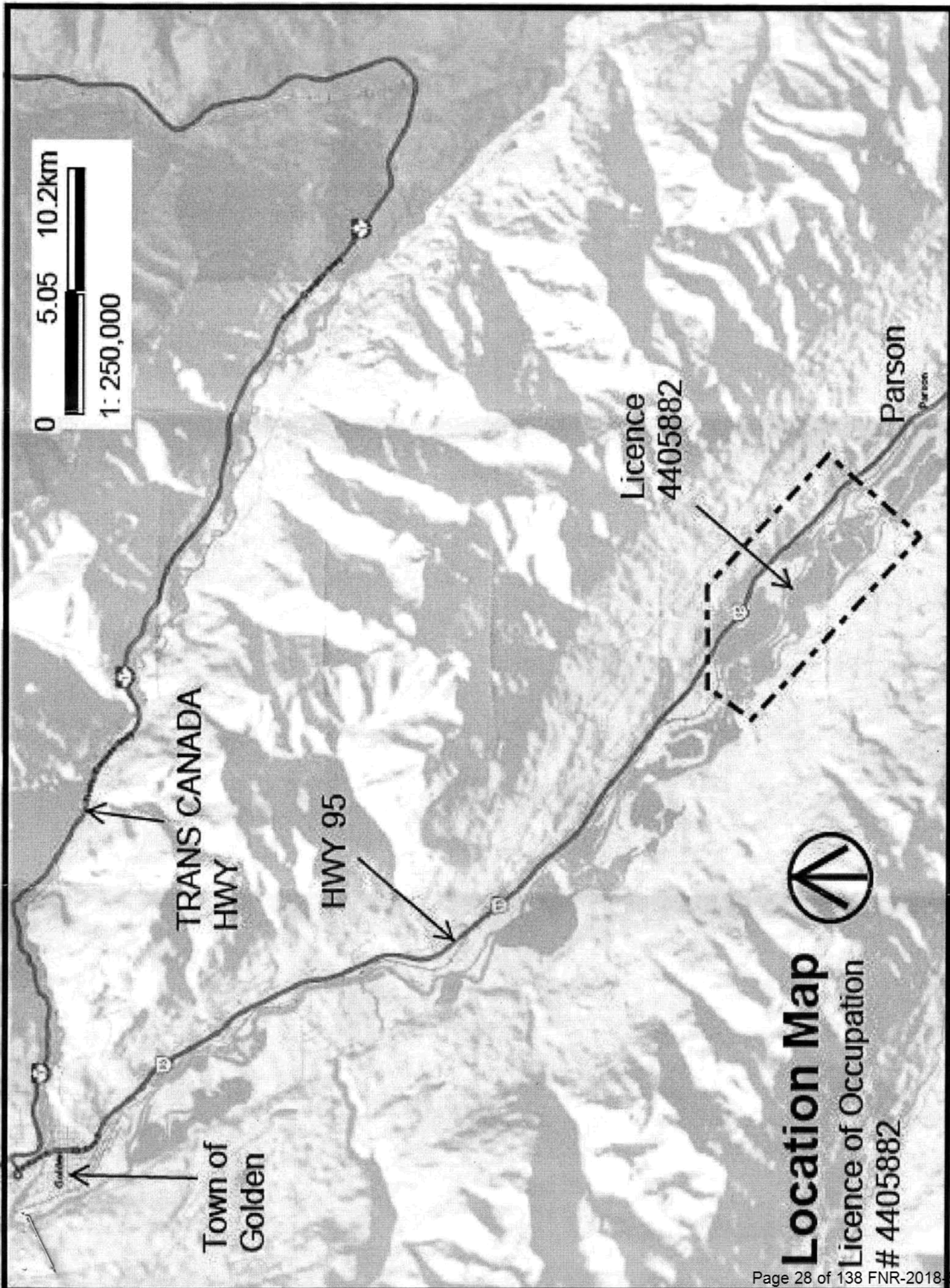
5. Environmental Impact Monitoring

Where environmental issues arise directly relating to the Licensee's activities on the Licensed Area, the parties will work together to discuss how best to address the issue, to discuss what is happening (research, monitoring, etc.) in other areas relative to that issue, to discuss the role of each party, and an approach to best address the issue. In this context the Licensee may be required to undertake the relevant work at the Licensee's expense.

Letter of Support for Columbia Wetlands Outpost

Summary and background	<p>Columbia Wetlands Outpost has submitted a Crown Land Tenure Application in regards to their guided adventures in the Columbia Wetlands, north of Parson BC. (see map attached) This application is in effort to continue offering high quality experiences in an environmentally sensitive manner, focusing on education and low impact, soft adventure-type tourism.</p> <p>The link to the government website is: https://arfd.gov.bc.ca/ApplicationPosting/viewpost.jsp?PostID=54462</p> <p>The application number is: 4405882</p>
Action Supported	<p>We, the undersigned, have knowledge of the applicant and/or have visited the business location personally.</p> <p>We offer our support of Columbia Wetlands Outpost and their application for a Crown Land Tenure.</p>

Printed Name	Signature	Email	Comment	Date
s.22	s.22	s.22	I visit the Columbia wetlands since 7 years and will go again for all my life.	16/02/18
s.22	s.22	s.22		22/02/18

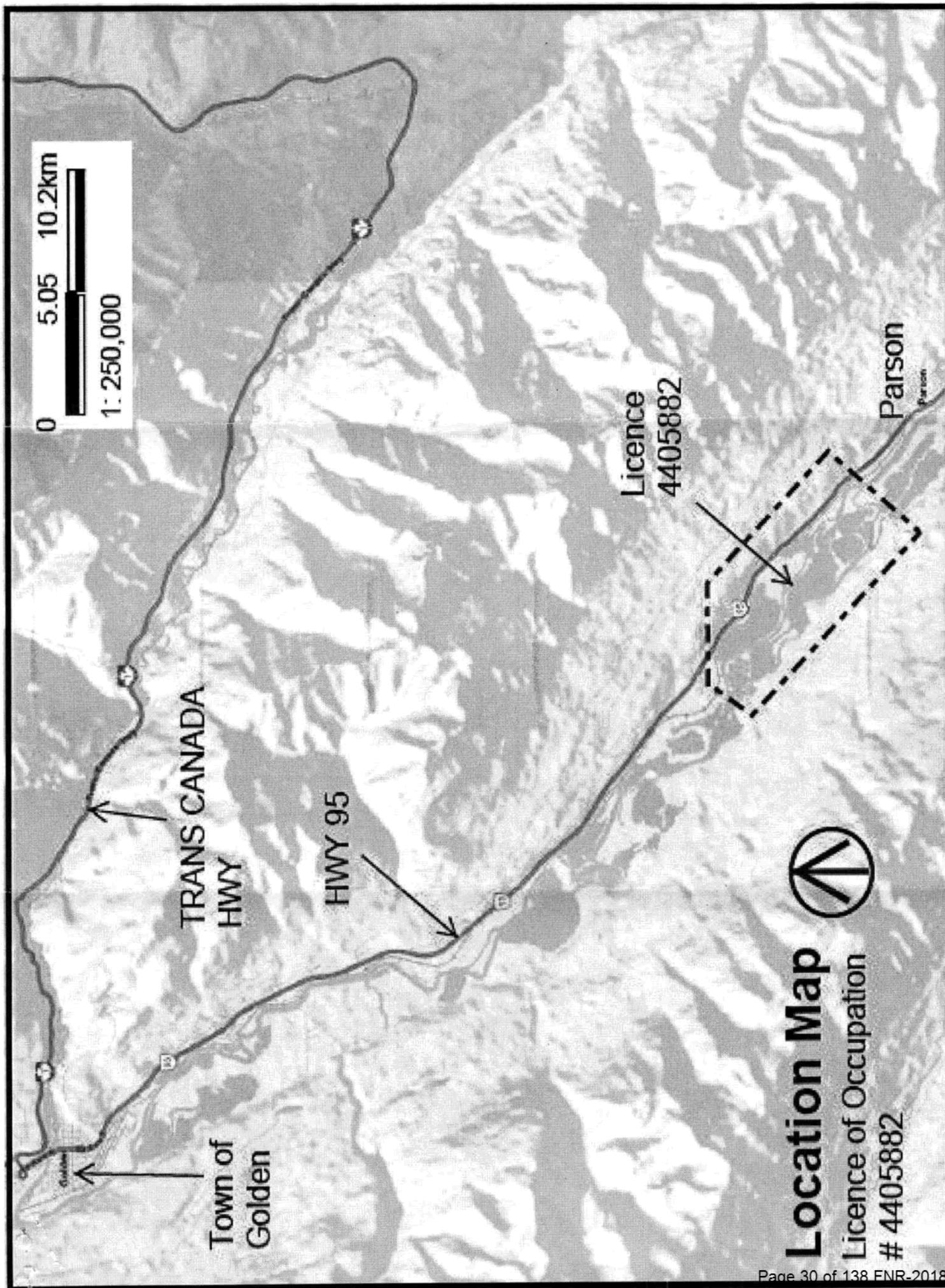


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Action Supported	<p>We, the undersigned, have knowledge of the applicant and/or have visited the business location personally.</p> <p>We offer our support of Columbia Wetlands Outpost and their application for a Crown Land Tenure.</p>

s.22

Printed Name	Signature	Email	Comment	Date
				Feb 16/18
				"
				FEB 16/18
				Feb 20.
				Feb. 20/18
				Feb 24/18
				Feb 24/18
				Fe 24.18



Location Map
Licence of Occupation
4405882

PROVINCE OF
BRITISH COLUMBIA

MAR 08 2018

RECEIVED
CRANBROOK, BC

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Tuesday, March 6, 2018 8:37 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [mailto:do-not-reply@arfd.bc.ca]
Sent: Monday, March 5, 2018 9:42 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

To whom it may concern:

This letter is being written in reference to the commercial recreation tenure application, File: #4405882.

s.22

s.22 they have become masters of the old saying... it is easier to ask forgiveness than permission. They are well aware of the lack of bylaws and enforcement in CSRD Area A and have taken full advantage of this for their own personal economic gain. They claim to be an eco-tourism operator with a 'no trace' philosophy, but this is a grand example of the dishonesty that lies on the surface of their application. It is not a matter of whether their commercial business will negatively effect the wildlife of the Columbia Wetlands, it already has.

Here are some examples of unsustainable behavior that the proponents have engaged in. In 2012, before they began operating Columbia Wetlands Adventures, they stated s.22 they believed their extensive bridge and dock system in the wetlands had not caused any negative effects on the adjacent heron rookery, but that their presence was actually causing the heron population to increase in numbers. A few years later, the herons completely abandoned the rookery. Three years ago they spoke s.22 about plans to stock the adjacent shallow water wetland (in the WMA) with trout in hopes of the heron returning. There is also an old mattress in the trees of the rookery, which was placed by s.22 Teasdale employee as a desperate attempt by the Teasdale's, as they thought that this would somehow help the declining heron population.

The proposed management plan asks if the project will cause any soil disturbance, to which they have answered no. Perhaps they already caused much of the soil disturbance through the construction of docks, suspension bridge, a pirate ship, and rental cabin that have already been in place for years. In regards to waste management, they stated in their application that the only washroom facility is on private land away from the water. However they have failed to mention or include the culvert style outhouse down at the edge of the side channel, and again play the 'no trace philosophy' card. They claim to 'promote the stewardship' of the wetlands, yet after last year's federal ruling to exclude any type of motorized use in the side channels and sloughs of the Columbia River, they operated a whole season using an electric motor to go upstream with guests on their guided wetland tours. s.22

s.22

s.22

The application also claims that the only noise disturbance to wildlife and their neighbors is the generator. s.22

s.22 This commercial recreation business in combination with their

wedding business (which is not in line with the Agriculture Land Reserve Act), also adjacent to the wetlands is
atrociously loud s.22

s.22

s.22 The pedal boat rental portion of their business that operates in the shallow water wetland/marsh s.2
s.22 I the many birds and other wildlife that inhabit it. s.22
s.22

Sadly, I could go on giving many more examples as to why these unsustainable activities can not be allowed to continue. I will close by asking the provincial government to hold true to what is right and not allow the economic gain of one family and a handful of employees to stand ahead of the wildlife and resources of the Columbia Wetlands in the false name of eco -tourism. They have already proven they should not be given the opportunity to continue as ' stewards ' of the world renowned Columbia Wetlands. Reject this tenure in its entirety. Yes, tourism is growing in our area, but there are a lot of tourism opportunities already in the Golden area. The sustainable ones will continue to grow in concert with the development of the CSRD led process the Golden Recreational Trail Strategy, so that development can be done the right way.

Thank you,
s.22

Attention:

March 5, 2018

Erin Keith: erin.keith@gov.bc.ca

Christine Lohr: christine.lohr@gov.bc.ca

Ariana McKay: Ariana.McKay@gov.bc.ca

John Krebs: John.Krebs@gov.bc.ca

Karen Cathcart: KCathcart@csrd.bc.ca

Wayne Stetski: wayne.stetski@parl.gc.ca

Re: Land File application 4405882, Columbia Wetlands Outpost/Columbia Wetlands Adventures/Columbia Outpost Lodge

Tracking number 100234064 for Crown Land Tenure Application entitled Crown Land Use License of Occupation from Columbia Wetlands Outpost

Dear Sir/Madam:

The Golden Outdoor Recreation Association (GORA) is strongly opposed to the granting of this proposed tenure in the Columbia Wetlands Wildlife Management Area. GORA represents the interests of the non-commercial, non-motorized outdoor recreationists. GORA is a member of the Columbia Wetlands Stewardship Partners.

Guiding principle #1 in the Columbia Wetlands Wildlife Management Plan states that "all activity that occurs in the WMA must have a neutral or positive effect on wildlife, fish and plant communities." We believe that the purpose of the CWWMA is very clear.

We believe that this proposed tenure will have a very negative consequence for wildlife and wildlife habitat and that the applicant has already demonstrated a disregard for wildlife habitat and for the regulations governing the CWWMA and for federal regulations.

Some of our major concerns are listed below:

The applicant did not demonstrate concern for the heron rookery at his property. He disregarded the information from the lead heron researcher, Marlene Machmer, about the impact of disturbance during the breeding season in spring and continued with an excavator hauling logs for a boardwalk across an active railway line. He was involved in brush clearing at the rookery and construction of a boardwalk below the high water mark of the Columbia Wetlands for two consecutive years (2015 and 2016) and was issued a stop work order and a trespassing ticket.

The applicant has built infrastructure in the wetlands; signs, docks bridges, a boathouse and many are not on his own property. We believe that motorized vessels were used in the wetlands to facilitate construction. Adding infrastructure should not be permitted. It tends to concentrate human use in specific areas which is alienating wildlife habitat. We believe that all infrastructure on Crown Land should be removed immediately.

The applicant currently advertises guided cataraft tours to the "heart of the wetlands." This is in contravention of the Federal Boating regulations. Motorized vessels are only allowed in the main channel!

We are concerned about the number of people entering the wetlands at this specific site. The applicant rents canoes, kayaks, stand up paddleboards and pedal boats. The protected waters of "Loon Lagoon" are advertised for less confident paddlers. The photo on the applicant's website shows docks, boardwalks, the cataraft, stand up paddlers and more boats in the background. It seems clear that with this level of use there will be soon be no loons or other waterfowl nesting in this lagoon.

The applicant proposes a great increase in intensity of human use in a relatively small area of the wetlands. An additional 2237 users to a 10km stretch of river/wetlands will reduce the availability of this area for wildlife and block connectivity of the entire floodplain in that part of the CWWMA. Loss of habitat and human disturbance is causing decreasing bird populations everywhere. We have a beautiful, protected and productive bird breeding area in the CWWMA. Let's not destroy it by overuse. Anyone who observes birds in the wetlands sees the parents swimming with their chicks from one side of the river to the other, utilizing different side channels and feeding areas. This proposed increased use can't help but cause nesting failure, or predation as

chicks are separated from parents. It will force the adult birds to search for other sites and in nature most areas are already being used to capacity.

There is a proposal for snowshoeing and skiing in the wetlands in winter. This is prime winter range for elk. They should not be forced to use fat reserves to avoid humans. The photo on the website advertising winter activities shows an unleashed dog running on a trail. Dogs are the bane of wildlife in winter.

We are opposed to granting tenure to this applicant. We believe that to even be considered for any type of commercial activity in a Wildlife Management Area an applicant should have a past record of exemplary behavior in regards to activities impacting wildlife and should have demonstrated utmost respect for the values, rules and regulations of the CWWMA. No one has a "right" to be granted a tenure. It is clear to GORA that this applicant has not demonstrated a willingness to abide by the Acts designed to protect this Ramsar site and its biodiversity. This is a place where biodiversity, ecological stewardship and respect for habitat and Federal and Provincial regulations must take precedence over personal plans or profit. We urge that Columbia Wetlands Outpost's application for commercial tenure be denied.

Further comments:

GORA has been a strong supporter of all federal and provincial protections for the CWWMA. We supported the 20 hp regulation for the main channel. We advocated that the entire wetland complex be off limits to motorized vessels. Our main goal was and is protection of this incredible wetland and river with its richness of animal and plant communities.

We do not support additional commercial activity in the wetlands. We want to see them remain a rich, functioning ecosystem into the future.

We oppose granting new tenures in the wetlands. Increased human use means less space for wildlife to carry on natural behaviours. There is shrinking habitat for wildlife and increased pressure for outdoor recreation. Let's not destroy the CWWMA through overuse.

We strongly oppose increasing the human footprint in the wetlands or the river with any docks, signs, building, hardened campsites, trails or anything which serves to concentrate human activity in a specific area.

Thank you for considering these comments and concerns.

Respectfully,

Maryann Emery

GORA representative , Columbia Wetlands Stewardship Partners.

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, March 5, 2018 8:48 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Saturday, March 3, 2018 9:55 AM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

To whom it may concern,

Thank you for taking the time to read my letter of support regarding the tenure application of Columbia Wetlands Outpost.

s.22

s.22

Columbia Wetlands outpost has also been involved in a number of events such as: Wings Over the Rockies and field trips for schooled age children. By hosting these events they have helped educate many people about the Columbia Wetlands and its delicate ecosystem. I would like to use the following analogy to emphasise the importance of such education. It is no secret that children love candy. Parents may try and ban their children from consuming such sugary treats, however kids will always find a way to sneak a bite. If this continues, children may have higher risk of cavities. But if parents teach their children about the effects of candy on the human body and proper dental hygiene such risk diminish. The Columbia Wetlands is much like candy in this example. It is no secret humans are attracted to beautiful places, it is only a matter of time before people from all over the world flock to see the beauty of the Columbia Wetlands. Columbia Wetlands Outpost provides the perfect opportunity to educate tourists on this delicate ecosystem.

s.22 in the Columbia Valley, there was little access and information about the Columbia Wetlands until Columbia Wetlands Outpost opened their doors. Since then, they have been providing crucial information about this fragile ecosystem to locals and visitors from all over the world.

Sincerely,

s.22

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, March 5, 2018 8:48 AM
To: Keith, Erin FLNR:EX
Subject: FW: File 4405882

Forwarded from the ARFD Inbox,

From: s.22
Sent: Sunday, March 4, 2018 12:07 AM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: File 4405882

To who it may concern,

Please accept this e-mail as a strong endorsement for the above tenure application. s.22

s.22 of this location and believe the area benefits greatly from the increased appreciation for the Columbia River wetlands complex that this focused operation generates. Observing the excitement of tourists from literally around the world when they visit reminds me regularly of our own good fortune to live in the area.

The Teasdale's careful approach to sharing their property has set a high bar in the area for ensuring safe eco-tourism experiences while minimizing environmental impacts. Their approach of restricting access and noise in specific areas during important times such as breeding and nesting seasons is one example of their commitment to combine outdoor appreciation, environmental education and fun for their guests.

It is my opinion that the area has benefited from this operation and I hope you will approve this application for its continued operation.

Kind regards,

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, March 5, 2018 8:49 AM
To: Keith, Erin FLNR:EX
Subject: FW: File 4405882

Forwarded from the ARFD Inbox,

From: s.22
Sent: Sunday, March 4, 2018 12:17 AM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: File 4405882

I wish to support the Teasdale's application for commercial recreation/multiple use for their property, File 4405882 for the following reasons:

- The property's use for recreational/eco tourism fits well in this area - to my knowledge this is the only business of this type on the Columbia River wetlands between Radium and Golden.
- The recreational business is designed for very low impact on the wetlands and the area. Canoes, kayaks and paddle boards are rented. The only motorized boat besides a small workboat is a larger tour boat that uses an electric motor (backup engine used only under emergency situations) that is quiet and non intrusive.
- The area between Nicholson and Radium has very little in the way of businesses that provide income to the people in the area. The ecotourism initiative run out of this property also fits well with the tourism businesses in the area.
- The Teasedales have initiated some scientific research of the wetlands as a result of their business and started bringing in school children from Golden to learn about the wetlands at their facility.

I think the area has benefited considerably from having this operation in the area and strongly support the approval of this application.

sincerely
s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, March 5, 2018 8:49 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Sunday, March 4, 2018 9:24 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

I highly endorse this application for tenure use. As an avid user of the wetlands I thoroughly believe that Columbia Wetlands Outpost (CWO) promotes conservation through education and experience.

s.22 I have been learning about the power of conservation through education and experience. The tourism in Golden, BC has been steadily increasing in the summer months and I believe that allowing visitors to the area to experience the magic of the Columbia Wetlands with the guidance from the maps and guides at CWO to ensure that the area is used in a safe way for people, wildlife, and the waterways is an excellent way to help visitors to the wetlands use the area in a safe and sustainable way.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, March 5, 2018 8:47 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Thursday, March 1, 2018 10:07 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

I am writing in support of Columbia Wetlands Adventures, application 4405882.

I have had the pleasure of being guided through the wetlands on a number of paddling adventures through this company and appreciate what they have to offer for access and education to this area. It is an amazing experience to witness nature from this perspective and not feel disruptive to the habitat. I very much appreciate having this company a part of our community, and look forward to many more adventures on the river with them.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Thursday, March 1, 2018 8:12 AM
To: Keith, Erin FLNR:EX
Subject: FW: File 4405882

Forwarded from the ARFD Inbox,

From: s.22
Sent: Tuesday, February 27, 2018 8:39 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: File 4405882

Date: 27/02/2018
Re: **File 4405882**

To whom it may concern;

s.22

s.22 I always admired the wetlands from the highway but was disappointed it was lined with private properties with no easy public access. As an amateur bird watcher, I was then happy to find out I could explore the wetlands through the Columbia Wetlands Outpost.

My friends and I rented kayaks and was impressed with the wetlands staff's taking their time to share with us the do's and don'ts on the water in respect to the wetlands and the environment. We loved being able to experience and observe the wildlife quietly in our kayak and be part of the wetlands. We have been a big fan ever since.

I talk to the local community regularly through my job, and find most people who visited the wetlands all loved the opportunity to be able to meander the river to observe the birds and the wildlife, especially their kids. We talk about how important it is to provide a revenue for kids to learn about their environment and their own backyard first hand, rather than from social media and internet.

Conservation should not about be fencing off nature from people. Nature should be experienced, we should be part of it, as long as we do it with environmental consciousness. It would be sad to lose this valuable slow pace nature experience for the local community. I offer my support whole heartedly to Columbia Wetlands Outpost's recent tenure application in their effort to share the wetlands and inspire people to care about the wetlands.

Kind Regards,

s.22

Attention:

February 28, 2018

Erin Keith: erin.keith@gov.bc.ca

Christine Lohr: christine.lohr@gov.bc.ca

Ariana McKay: Ariana.McKay@gov.bc.ca

John Krebs: John.Krebs@gov.bc.ca

Karen Cathcart: KCathcart@csrd.bc.ca

Wayne Stetski: wayne.stetski@parl.gc.ca

RE: Land File application 4405882, Columbia Wetlands Outpost/Columbia Wetlands Adventures/Columbia Outpost Lodge

Dear Sir/Madam:

We are opposed to the granting of tenure to this applicant. We believe that to receive a commercial tenure in the Columbia Wetlands Wildlife Management Area an applicant should have a past record of exemplary behavior in regards to activities impacting wildlife and should have demonstrated utmost respect for the values, rules and regulations of the CWWMA. It is a privilege, not a right, to operate in the CWWMA.

We will outline some of our major concerns below.

The applicant did not demonstrate concern for the heron rookery at his property. He disregarded the information from the lead heron researcher, Marlene Machmer, and continued with an excavator hauling logs for a boardwalk across an active railway line. He was involved in brush clearing at the rookery and construction of a boardwalk below the high water mark of the Columbia Wetlands for two consecutive years and was issued a stop work order and a trespassing ticket. You can only claim ignorance once, if at all. It is unclear if the herons have returned to nest after the disturbances two years in a row during the breeding season. Herons are very sensitive to

disturbance and his actions displayed an alarming unconcern about anything except his own plans.

The applicant currently advertises guided cataraft tours to the "heart of the wetlands." This is in contravention of the Federal Boating regulation:

<http://laws-lois.justice.gc.ca/eng/regulations/sor-2008-120/page-5.html#h-14>

Item 100 under BC:

All motorized vessels are prohibited in waters of the Columbia River and tributaries within the floodplain of the Columbia River except the main channel (singular!) of the Columbia River and tributaries and Windermere Lake. Item 100.1 plus note 4:

In the main channel of the Columbia and tributaries (within the floodplain of the Columbia), you cannot operate a motorized vessel unless it has less than 15KW (20hp).

The applicant has built infrastructure such as signs and docks in the CWWMA. It is our understanding that construction was undertaken without permits. We believe that motorized boats were taken into the wetlands to facilitate this construction.

The applicant previously advertised using their boats in the CWWMA for celebrations such as birthdays and weddings. The photo has since been removed from the applicant's website, but just the fact that "a fun afternoon of splashing around in our boats" was advertised demonstrates a lack of appreciation for the values of the CWWMA.

We are concerned about the number of people entering the wetlands at this specific site. The applicant rents canoes, kayaks, stand up paddleboards and pedal boats. The protected waters of "Loon Lagoon" are advertised for less confident paddlers. We believe that scientific studies should be undertaken to determine the carrying capacity of the wetlands before an undetermined number of people are encouraged to enter this relatively small area of the CWWMA, especially during the spring breeding season. At present, breeding birds may encounter only occasional disturbance. However, if large numbers of people are consistently in a small wetland area, the impact on birds could be very significant and result in nesting failure

and predation as chicks are separated from the parents. We are paddlers and we do not enter the wetlands during the breeding season except for an occasional short paddle to reach the river. Until a threshold for use can be established we are opposed to granting any commercial tenure in the CWWMA. We could "love it to death."

We note that the applicant is advertising cross-country skiing and snowshoeing. The photo on the Columbia Wetlands Outpost features a lovely photo of an unleashed dog on a winter trail. Is commercial guided skiing and snowshoeing part of their permit? The Columbia Wetlands provides essential winter habitat for ungulates such as elk and deer, as well as habitat for many smaller mammals. Any activity that causes an animal to move threatens its fat reserves and makes survival through the winter more difficult. Unleashed dogs are a particular hazard. Since the creation of the CWWMA winter activity in the wetlands has diminished, providing ungulates with a better chance of survival and less snow compaction from snow machines. Once again, it is essential to establish the impacts on wildlife before any tenure for winter activities is permitted.

Guiding principle #1 In the Columbia Wetlands Wildlife Management Plan states that "all activity that occurs in the WMA must have a neutral or positive effect on wildlife, fish, and plant communities." We believe that the purpose of the CWWMA is very clear. The Management Plan is also created to put wildlife first.

It is clear to us that "actions speak louder than words" and that past actions offer a good prediction of future actions. To us it is clear that the applicant has not demonstrated a willingness to abide by the Acts designed to protect this Ramsar site and its biodiversity. This is a place where biodiversity, ecological stewardship and respect for habitat and Federal and Provincial regulations must take precedence over personal plans or profit. We urge that Columbia Wetlands Outpost's application for commercial tenure be denied. It would be wrong to reward their record of poor ecological stewardship. It would also set a terrible precedent for future tenure applications, since if this is approved it would seem that all you would need to do is contravene existing rules and regulations and then apply for tenure.

Thank you for considering our comments and concerns.

Sincerely,

s.22

Erin Keith, P.Ag.
Authorizations Officer
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
1902 Theatre Road
Cranbrook, BC V1C 7G1
Tel: 250-426-1782
erin.keith@gov.bc.ca<<mailto:erin.keith@gov.bc.ca>>

Ariana McKay MSc, RPBio
Habitat Biologist, Kootenay Boundary Region
Ministry of Forests, Lands, Natural Resource Operations, and Rural Development
205 Industrial Rd. G, Cranbrook, BC, V1C 7G5
Phone: 250-489-8557
Ariana.McKay@gov.bc.ca

Mike Knapik, R.P.Bio
Section Head, Habitat Management
Kootenay Boundary Region
Ministry of Forests, Lands and Natural Resource Operations
phone: (250) 354-6354 fax: (250) 354-6332
#401 - 333 Victoria Street, Nelson, B.C. V1L 4K3
[Mailto:Mike.Knapik@gov.bc.ca](mailto:Mike.Knapik@gov.bc.ca)

Karen Cathcart
Area A CSRD
KCathcart@csrd.bc.ca

February 27, 2018

Re: FLNRORD
File 4405882
Client 0773340 BC Ltd

To Whom it may concern,

The Proposal to use the Wetlands near Parson has the potential to have a direct, and potentially serious, impact^{s.22}

s.22

s.22

SAFETY CONCERNS:

People unfamiliar with wetlands may encounter the following when they get off their watercraft, which they do, for a variety of reasons.

- muskrat tunnels in banks and hummocks which are hard to spot and may collapse when stepped on
- roots, snags, metal from logging equipment, rotting rafts, rusting traps and discarded farming equipment may be lodged in or just below the surface of the wet soil.

In the winter there is the added danger, for those unfamiliar with the terrain, of soft spots throughout the marsh and riparian areas on our property. Though the snow looks solid it can disguise springs and warm currents that keep the water and ground below thawed. We have not been able to gauge the size and depth of these holes. Snow shoeing and hiking through here has it's hazards.

This property is a high traffic wildlife corridor. Depending on the season they use the banks of the Back Channel, the open wetland, the riparian areas.

s.22 , Trespassers should be prepared to encounter packs of coyotes, herds of elk, wolves, cougars, bears (both black and grizzly) and skunks.

There is no cell service in much of this area.

LIABILITY CONCERNS:

s.22

ENVIRONMENTAL ISSUES:

Water and soil contamination as well as erosion of the banks of the Back Channel are real concerns. With the increase of visitor's who do not have a vested interest in maintaining the integrity of the Wetlands this fragile resource is at risk.

We already observe an increase in the number of days the water has a high petroleum sheen on it's surface. This has appeared around the same time as we see the river otters in the DU Channels.

Over the last five years there has been a marked increase in the number of pairs of geese using the Ducks Unlimited Project nesting mounds on the south end of the serpentine ditches. Unfortunately the north end has been drained by erosion where the Project meets the Back Channel. Further human activity in this area has the potential to drain the marsh to the south of the Channel.

While doing the CWS we have observed several 'rare' birds s.22 on their migratory journeys. (bitterns, western bluebirds, phalaropes) A heron rookery survived here for two years then was abandoned. The last few years turkey vultures have spent a couple of weeks in the riparian area in mid-late summer.

Meanwhile the frogs who were numerous on the edges of the Wetlands are gone. We no longer see moose. The Lady Slippers along the edge of Thomas Road are gone and the wild clematis are getting harder and harder to find.

CONCLUSION

Change is coming.

Last year a property for sale on the wetlands on highway 95 called the slough contained on it a lake. It has been sold; apparently to be developed as a corporate retreat center.

The way the CWO Application is handled will be a signal to other property owners and developers. It will set the standard for all property owners who may decide to capitalize on the natural resources of the Columbia Wetlands.

The effects of choices regarding the approved uses for the Wetlands will be far reaching. This area, which has been a sanctuary for us for over twenty years, may become just another abused part of the planet. Over the long term we will no more be able to contain the garbage dumped into our wetlands than the Nepalese Government can clean up the garbage on Mount Everest.

It is not possible to isolate the consequences of abusing this resource.

However development may be directed in a more environmentally friendly way.
Passive observation stations on the Wetlands are one thing; active overutilization is another.

Responsible Economic Development is a good thing.
People who have demonstrated responsible stewardship should be encouraged to display the natural beauties of this area to others. Quality standards for any commercial operations near the Wetlands should be high. Staff and client behavior should be closely monitored.

If a project can not be proven to be a net asset to the whole community who share the Columbia Wetlands in this area, it should not be approved.

s.22

Feb. 24, 2018

To: Whom it May Concern

Re: Columbia Wetland Outpost Tenure Application #4405882

My name is s.22

s.22, we would like to add our support to the Tenure Application being made by Columbia Wetlands Outpost.

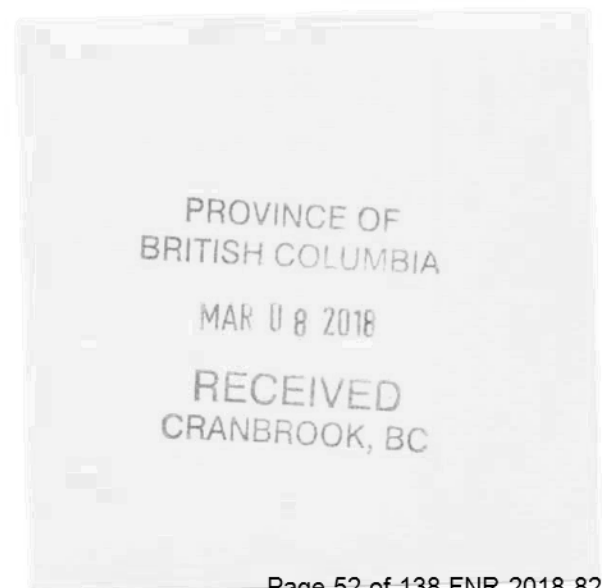
We have known Mark s.22 and have watched him develop his property and business to where it is now. s.22, and a conscientious business owner.

We have appreciated Mark's efforts in maintaining a s.22 and support him in his business efforts with Columbia Wetland Outpost.

If you have any questions please contact us and we would be happy to share more.

Thanking you for your time,

Sincerely,
s.22



Feb. 23, 2018

To: Whom it May Concern

Re: Columbia Wetland Outpost Tenure Application #4405882

s.22 I would like to add my support to the Tenure Application being made by
Columbia Wetlands Outpost.

I have known Mark for s.22 and have watched him develop his property and business to where it is
now. I s.22 and a conscientious business owner.

I find Mark to be approachable, and would not hesitate to contact him about any concerns that I might
have – whether it was a business issue or a neighborly concern.

s.22

s.22 found they addressed my request immediately, and feel that my concerns were respected.

I have appreciated Mark's efforts in maintaining a s.22, and support
him in his business efforts with Columbia Wetland Outpost.

Kind Regards,

s.22

PROVINCE OF
BRITISH COLUMBIA
MAR - 1 2018
RECEIVED
CRANBROOK, BC

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Wednesday, February 21, 2018 11:32 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Wednesday, February 21, 2018 9:02 AM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

I have enjoyed slow floats and canoeing with this company. I feel there is little to no impact on the wetlands. The slow floats are quiet and the wildlife is not disturbed. The best part is that it brings awareness to the wetlands in a positive educational way. It make one realize why it is protected from high speed boats and other high horse recreational vehicles.

What a beautiful way of allowing tourists to experience one of BC's wonders.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Wednesday, February 21, 2018 11:33 AM
To: Keith, Erin FLNR:EX
Subject: FW: File 4405882

Forwarded from the ARFD Inbox,

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

From s.22

Sent: Wednesday, February 21, 2018 9:12 AM

To: FLNR Cranbrook ARFD FLNR:EX

Subject: File 4405882

To whom it may concern,

I understand Columbia Wetlands file 4405882 is applying for tenure.
I sincerely hope it is granted.

I have lived in Golden for s.22 when I went on a slow float with Columbia Wetlands I had never been on the Columbia river. Up until then I thought of the wetlands as a swampy breeding ground for mosquitoes. I knew the wetlands were important, but until I experienced the tour did I truly see why the wetlands are so important.

The importance of people getting to see the wetlands in this non- invasive way, is so important in the education of protection this very important ecosystem.

The experience of the tour with the Columbia Wetlands has forever changed my view and new found appreciation of the Columbia river wetlands.

Sincerely,

s.22

Sent from my iPad

Keith, Erin FLNR:EX

From: s.22
Sent: Wednesday, February 21, 2018 9:27 AM
To: Keith, Erin FLNR:EX
Cc: KCathcart@csrd.bc.ca
Subject: Columbia Outpost Application Response from s.22
Attachments: Columbia Outpost Application - Is.2 letter.pdf; Columbia Wetlands Outpost_complaint summary_July25_2017.pdf

Hello Erin:

Attached are my comments in response to the Columbia Outpost Tenure Application. The website only allows for input comments, rather than a letter attachment, so I am hoping you can direct this to the appropriate party.

Thank-you for your attention to this matter!

s.22

Attn: Erin Keith, P. Ag.
Authorizations Officer, MFLNROD
1902 Theatre Road, Cranbrook, BC V1C 7G1
Tel: 250-426-1782
erin.keith@gov.bc.ca

Karen Cathcart, Golden BC
CSRD Area "A" Director, Golden, BC
Cell 250-344-8357
KCathcart@csrd.bc.ca

February 19, 2018

s.22

RE: Columbia Wetlands Outpost Crown Land Use License of Occupation Application

Dear Sir/Madam:

I am writing to express my opposition to the aforementioned crown land use application submitted by Columbia Outpost. s.22

s.22
s.22

s.22

(after a breeding site occupied by listed great blue herons was reported active in the wetlands right below Mr. Teasdale's property). s.22

s.22 the sensitivity of herons and the need to minimize disturbance during the breeding period (i.e., March to early August). s.22

s.22

s.22

i. From 2009-2017,

, and it was abundantly clear that disturbance and habitat alteration increased markedly over that period. A variety of new infrastructure (i.e., bridges and suspension bridges, docks, boat houses, walkways, etc.) was established, and very disruptive activities (e.g., construction with heavy equipment and power tools, tree and vegetation clearing with chainsaws and brushsaws, tree modification via constructions of blinds with ladders, use of motor boats, ATVs, etc.) were being conducted during the peak breeding period for herons and other sensitive wildlife. Indeed, Mr. Teasdale's persistent disturbing actions in close proximity to active nests appear to be directly linked to heron nest failure and abandonment at this site in at least two years (2014 and 2015). This occurred despite letters, emails, site visits, as well as warnings and the threat of charges under the *Fisheries and Wildlife Acts* from government biologists and conservation officers (Justyn Bell, Conservation Officer and FLNRO Biologist Peter Holmes; pers. comm.).

A litany of infractions and unauthorized activities from 2008 to 2017 are detailed in the attached letter to FLNRO, so I will not reiterate them here. However they do outline a consistent pattern of blatant disregard (persisting over a decade) for the protection of rare ecological values. This track record of poor environmental stewardship has persisted despite repeated commitments made by Mr. Teasdale to minimize disturbance during the breeding season. There is no reason or evidence to suggest that anything (other than the company name and high environmental standard claims posted on the website) has

changed with respect to Columbia Outpost. It would therefore be irresponsible to grant this company a permit to continue and/or expand operations.

With respect to the current management plan, I have a number of comments based on my own experience, in addition to enquiries I have made with affected parties:

- The management does not provide any information on wildlife use or species at risk (SAR) use either (a) in the primary operation tenure area, or (b) in the surrounding secondary areas of the Columbia Wetlands, where the operator will run a shuttle service and also use put-ins and take-outs. The Columbia Wetlands is a RAMSAR site of international significance, due in part to its high wetland habitat and wildlife values and an unprecedented diversity and concentration of sensitive species at risk. The following federal and provincial terrestrial vertebrate species at risk have been documented in and adjacent to the wetlands in the vicinity of primary operation (IDFdk5 biogeoclimatic subzone/variant near Parson, BC): American badger, American bittern, American avocet, American golden-plover, American white pelican, barn swallow, bank swallow, black swift, bobolink, California gull, common nighthawk, eared grebe, flammulated owl, great blue heron, horned grebe, Lewis's woodpecker, little brown myotis, long-billed curlew, re-introduced northern leopard frog, olive-sided flycatcher, painted turtle, peregrine falcon, prairie falcon, red-necked phalarope, sandhill crane, short-eared owl, surf scoter, Swainson's hawk, Townsend's big-eared bat, tundra swan, western grebe, upland sandpiper, western toad, and yellow rail. In addition to these species, there are a diversity of listed invertebrates, fish, plants and rare plant communities also found locally. These species are all federally and/or provincially listed as a result of population declines and habitat loss and their continued occurrence in the wetlands requires a precautionary approach development activities, including recreation. At a minimum, the operator should have listed the above species at risk and commented on their local habitat use, sensitivity to disturbance, and mitigation measures that would be employed to avoid impacts. The operator should have also admitted known management conflicts and documented impacts to the herons that he was made aware of in writing and verbally. The lack of any acknowledgement of past impacts to wildlife and species at risk indicates a lack of transparency and willingness to operate in a responsible manner.
- Great blue herons are in steep decline in the Columbia Basin, with numbers of active nests reduced by 50% during the last 14 years of monitoring. They are very sensitive disturbance (visual/auditory) within several hundred meters of breeding sites and Columbia Outpost's current operations (including walkways, designated trails, clearing of all trees and shrubbery, construction of tree blinds with ladders, etc.) are ≤ 50 m from the breeding site. The application mentions that "brush clearing will be done by hand (during the least impact windows for herons). Brush clearing in the riparian zone should not be done at all near such sensitive sites, because it has detrimental impacts on the riparian/wetland ecosystem and it exacerbates disturbance to herons and other listed and sensitive species. When visual screening is removed, sensitive species see and hear clients, which causes ongoing disturbance and increases susceptibility to displacement, nest failure and abandonment. What the application does not mention is that major changes to the riparian zone (i.e., infrastructure construction, removal of most trees and brushy vegetation) have already occurred at this location to facilitate recreation and this is not acceptable. The applicant mentions "best management practices for sound"; what are these practices and why are there any walkways and/or tree/vegetation removal being conducted within 200 m, if the operator is serious about reducing impacts on wildlife and species at risk??? In the past, vegetation management, walkway maintenance and other disruptive activities have been conducted during the breeding season (March to August), which has led to habitat degradation, disturbance, nest failure and abandonment. The application says nothing about herons foraging

throughout the mapped primary area and being displaced as soon as they see/hear disturbance, thereby impairing their ability to feed their young. The failure to acknowledge past impacts and propose reasonable mitigation is problematic, given the legacy of poor stewardship.

- The application refers to “450 cars” parking on site for the primary operation in the “summer months”. Assuming each car supports an average of 3-4 people/vehicle (often there are buses and vans, so this is conservative), 1350-1800 people would be expected to use the primary operation in “summer” (which is not defined in the application). Curiously, a lot of CWA past business has been in spring, coinciding with visitors attending the Wings Over the Rockies festival, as well as school groups visiting before summer break, etc. This is precisely the time when many SAR and wildlife are initiating breeding and are most sensitive to disturbance, yet this is not even acknowledged in the application. It does not mention spring (March 21-June 21) use, although this is when I noticed intensive use. Nor does the use estimate include people from other put-ins and take-outs using the shuttle service, or other people from the local area floating independently, all of which will interact cumulatively to disturb and displace wildlife and SAR. The proposed “continual growth and expansion to include winter season” coupled with spring, summer and fall use will all interact to increase risk and impacts.
- The application repeatedly emphasizes the fact that the primary operation is on “private land”. This is rather misleading in that all of the proposed activities (rafting, canoeing, kayaking, skiing, snowshoeing, etc.) occur below the high water mark on crown lands within a sensitive RAMSAR site of international significance. Furthermore with few exceptions, all of the put-ins and take-outs are in the wetlands, on crown land, or on private land owned by others. The only activities occurring on Mr. Teasdale’s private land are various events (e.g., weddings, concerts, parties, etc.) hosted by CWO in the ALR, which are disruptive and generally not compatible with stewardship of listed species. Curiously, the management plan makes no mention of these concurrent events, which are in direct conflict with stewardship of sensitive values.
- The application states that “all put-ins and take-outs at neighbour's properties are fully supported with neighbour consent.” However, I have learnt from some affected parties that this is in fact not the case (i.e., some marked put-ins and take-outs in the application figure are on private lands where Mr. Teasdale does not in fact have landowner permission). I expect that further details regarding this particular issue will be forthcoming in writing from the affected parties directly, so I will not pursue it further here.

In summary, there are serious concerns with this operator based on past infractions and ongoing impacts to listed species and riparian/wetland habitat, despite repeated warnings on the part of biologists and conservation officers. Furthermore, the current management plan demonstrates a continuing lack of transparency and environmental stewardship. The #1 guiding principle in the Columbia Wetlands Wildlife Management Plan states that “all activities that occur in the WMA must have a neutral or positive effect on wildlife, fish and plant communities.” This is clearly not the case for this operation, hence I urge the Ministry to apply the precautionary principle and deny this application. Please feel free to contact me for any additional information.

Kind regards

s.22



KOOTENAY ROCKIES TOURISM
1905 Warren Avenue
Kimberley, BC V1A 1S2
CANADA
T 250-427-4838
F 250-427-3344
Info@KootenayRockies.com

February 20, 2018

To: Whom It May Concern

Re: Columbia Wetlands Outpost

Kootenay Rockies Tourism would like to extend support to Columbia Wetlands Outpost (aka, Columbia Wetlands Adventures) as they seek tenure to continue operating their outstanding business of eco-friendly wetland tours on the Columbia River.

Tourism is an extremely important economic driver in the Kootenay Rockies region, generating just over \$1 billion dollars in revenue in 2017. As we lose other industries, tourism has risen up and it is primarily made up of small to medium size businesses and entrepreneurs who have a significant challenge getting up and running in many cases and once they do, face many obstacles to continue, such as what the Teasdales are facing currently.

The type of visitor experience they offer is unique and of a high quality. It also shows people a quieter side of nature and brings an appreciation to our visitors of the wetland ecosystem.

To lose this business would be a terrible loss to the area and would send a message to other operators that are considering operating in this region, that it is very difficult to move forward with business plans. This would be a blow for our industry in this region.

We hope you will support their effort to gain tenure and will see the value of this operation being able to continue with minimal disruption to their business. Our Kootenay Rockies Tourism Board is in support of operation being able to continue.

Thank you,

Mike Smith, Chair
Kootenay Rockies Tourism
Mctoogles@gmail.com

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 19, 2018 10:14 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Sunday, February 18, 2018 11:28 AM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

This Columbia Wetlands operation provides important social, economic, and educational roles in the Columbia Valley. They do an amazing job providing a beautiful and unique recreational experience for their clients. As an environmentalist I appreciate how each activity has a very low or no impact on the ecosystem and habitat. You cannot experience the Columbia Valley and not fall in love with it; this organization no doubt creates many more people who love and will want to protect wetlands. Since wetlands are a deteriorating and often destroyed crucial ecosystem and habitat we need to ensure that we are supporting economic opportunities that help take care of and protect wetlands. I have no doubt that Columbia Wetland Adventures plays, and will continue to play, an important role in creating the stewards the Columbia Valley needs. Their educational boardwalk is beautiful and inspiring. It's a great way to get school groups out on the wetland.

Everyone knows the forestry and resource economy in the valley is diminished (despite the fact that our wood lots are still logged at the same levels, mind you). The valley needs tourism more than ever and we need tourism that connects people to the land and to nature. Operations such as this provide great opportunities for tourism operations to work together and create interesting and unique tourism economies for the Golden area and the Columbia Valley in general. This organization has well-established partnerships with other local hospitality and tourism businesses in the Golden area. It is important to have well-linked and collaborating tourism businesses to ensure a diverse, stable, and reliable local tourism economy.

One criticism I've heard is the worry about protecting crucial blue heron nesting habitat. There were nesting herons near their site one season. I saw the rookery and I also saw the huge Golden Eagle sitting on top of their rookery. I believe the following season the herons moved their rookery. I can't imagine how a quiet boat floating by could have scared them off. To me the natural predator would be the likely cause. Furthermore, while I respect the need to protect their habitat I question how sound the evidence is that they are bothered by low-impact human activity. In Victoria there is a legendary and well-established rookery in the busiest, most tourist-filled park on Vancouver Island (Beacon Hill Park). The only time the rookery seems to be disturbed is when the eagles raid their nests. Even still they eventually come back. Similarly there is a healthy and thriving population of herons in Tsawwassen. If herons can thrive in urban populations, I'm sure they can also thrive on the Columbia River with one tourism operation providing quiet and low-impact recreational activities.

I look forward to seeing this project get the full support of the BC government and receive tenure on this Crown Land.

Warmly,
s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 19, 2018 10:09 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Thursday, February 15, 2018 10:02 AM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

I would like to add a comment on this. The Wetlands adventures business has been using powered boats in the wetlands, where powered boats are not allowed. I talked to a conservation officer one day, and he informed me they are little motors, and that was okay, but the law states no motors, regardless of the size. And one day one of their employees s.22 they were okay with motors, as long as the water was moving. It seems to me they make up their own rules, and have for years. Also when they built their suspension bridge, they had a machine out in the wetlands, that buried pieces of steel, as anchors for the bridge, which I would consider very questionable for the wetlands.

So I think the past history of this company ignoring all the laws, should be considered with their application.

I would say what the advertise as being ECO, and what they do are not close at all.

Thanks

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 19, 2018 10:14 AM
To: Keith, Erin FLNR:EX
Subject: FW: : 4405882

Forwarded from the ARFD Inbox,

From: s.22
Sent: Thursday, February 15, 2018 9:39 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: FW: : 4405882

From: s.22
Sent: February 15, 2018 9:38 PM
To: 'mailto:AuthorizingAgency.Cranbrook@gov.bc.ca' <<mailto:AuthorizingAgency.Cranbrook@gov.bc.ca>>
Subject: : 4405882

s.22

Feb 15, 2018

To whom it may concern,

Please accept this letter of support for application #4405882. s.22 fully support this Land Use Application. If you have any questions regarding our support of this proposal please call us at the above number. s.22 believe that agri-tourism is very important.

Thanks very much

s.22

Keith, Erin FLNR:EX

From: s.22
Sent: Monday, February 19, 2018 4:51 PM
To: Keith, Erin FLNR:EX
Cc: kcathcart@csrd.bc.ca
Subject: Adventure Tourism Proposal in Parson, BC area

Hello,

I am writing to say that I am completely against proponent 0773340 BC Ltd's proposal for a tenure license (File #4405882). I am dismayed that Columbia Wetlands Outpost have been operating in this area already for the past few summers without a proper license. It would be highly disturbing to the wildlife that call this area home in the winter, including the elk who use this as a refuge, to have a business operating there with people regularly going through this wild area. There are more than enough places around already where winter wildlife is being disturbed, please don't allow this to be another one of them.

Sincerely,

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 19, 2018 10:12 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Thursday, February 15, 2018 3:23 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

We usually send guests out to Columbia Wetlands during summer and they come back very happy.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 19, 2018 10:09 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Thursday, February 15, 2018 9:57 AM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

Columbia Wetlands is a highly valued s.22

s.22 The
guests are very interested in it and totally amazed of whats out there. s.22 it is very
important for me to have such tourism attractions which entertains our common guests.

Columbia Wetlands has always been a very friendly, cooperative s.22 I always had
happy guests returning from their tours.

Don't hesitate if you do have any further questions.

Warm regards

s.22

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 19, 2018 10:15 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Sunday, February 18, 2018 4:25 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

s.22 we support the application.

The owners of the proposed tenure provide a valuable tourist experience and we need more businesses like this in the area.

Its good for the economy and have a very low impact on the environment.

s.22

Subject: Land Application Comments [File #4405882].

They have tried to build a dock by using a large machine to take telephone poles over the railway line without permission and as such the rail line was closed down for a few hours when CPR found out.

Now they want to start winter activities down in the wetlands. They have had a long history of allowing there many dogs to chase cars on the highway and wildlife out in the wetlands during the winter. On at least one occasion the Conservation Officer has been notified and a file created (RAPP Report Jan.3rd 2016- Enforcement Recording Sheet 15-6193) when the dogs were seen chasing Elk. Here lies my most recent concern. If they are allowed to expand their business and include winter activities will dogs be allowed out there? Will they be track setting out in the wetlands? This season the Teasdale's have not been out on the wetlands. s.22

In closing the Teasdale's proposit to be doing eco friendly tourism and this is far from it. There track- record is abominable and they should NOT be allowed to continue.

s.22

February 15, 2018

Re: Columbia Wetlands Outpost

FILE NO: 4405882

To whom it may concern,

I am writing a letter in support of Columbia Wetlands Outpost's Crown Land Tenure Application.

s.22 of the Teasdale's, and Columbia Wetlands Outpost, I have had the opportunity to witness the development of the business and the management of guests on the Columbia River s.22. I firmly believe that the business is responsible and their management practices are environmentally sound.

During times of the year when the water in the Columbia River is low, s.22
s.22 The owners and their employees have always behaved respectfully and responded in a courteous way to all requests that I have made towards their use of s.22
s.22 and support their application for a Crown Land Tenure to facilitate the continuation of their business.

The Teasdale's have been good s.22 I have always felt that they operate their business thoughtfully, treat their guests with integrity, and promote environmentally responsible use of the wetlands.

Sincerely,

s.22

PROVINCE OF
BRITISH COLUMBIA

FEB 27 2018

RECEIVED
CRANBROOK, BC



COLLEGE OF
THE ROCKIES

Copyright

ATBO students learning about environmental
stewardship at Columbia Wetlands Outpost

February 13, 2018

RE: Columbia Wetlands Outpost

To whom it may Concern,

As the Course Program Co-ordinator of the Adventure Tourism Business Operation Diploma Program (ATBO) for the College of the Rockies (COTR) Golden Campus, I would like to take this opportunity to affirm Columbia Wetlands Outpost's phenomenal ongoing support to the College of The Rockies.

As an integral part of the ATBO Diploma Program, it is important for our students to be educated not just in the classrooms, but learning first hand from our local businesses. Columbia Wetlands Outpost has generously donated their time in collaboration with our teachers to host many field trips for our students, providing opportunities to learn about entrepreneurship, marketing, sustainability, and outdoor adventure skills.

One of the key tenets we teach in our Environmental Stewardship class is that people will only look after and support those natural areas that they have formed a connection to. A key benefit to adventure tourism experiences, is that they offer a chance to give people a positive and enjoyable experience in nature, and to teach them a little bit about that environment. Once people appreciate, and care about the environment, they will be more inclined to help preserve it.

Columbia Wetlands Outpost has provided a vital asset to the care and stewardship of the Columbia Wetlands through their dedication of creating a connection to, and an education of, the Columbia Wetlands when sharing the wetland with its community and its visitors.

Sincerely,

Dave Wan

Coordinator, ATBO Diploma

Golden Campus. 1305 9th Street South. PO Box 376, Golden. BC V0A 1H0
Phone 250-3448901 Toll Free*. 1-877-489-2687 Fax: 250-344-745 www.cotr.bc.ca email: golden@cotr.bc.ca

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Tuesday, February 13, 2018 8:45 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]

Sent: Sunday, February 11, 2018 3:48 PM

To: FLNR Cranbrook ARFD FLNR:EX

Subject: Land Application Comments [File #4405882].

I've worked in s.22

My experience with Columbia Westlands Outpost was very positive. They have developed a low-impact, immersive experience that helps people connect with the Columbia Valley Wetlands. Adding guided trips will be a new way to educate people about the importance of wetlands and necessary conservation. I feel it is a compatible use of the land and will bring independent tourists into the Golden area with resulting financial gains for local and small businesses.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Tuesday, February 13, 2018 8:46 AM
To: Keith, Erin FLNR:EX
Subject: FW: 4405882 Columbia Wetlands Outpost/Golden B.C.

Forwarded from the ARFD Inbox,

From: s.22
Sent: Monday, February 12, 2018 11:37 AM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: 4405882 Columbia Wetlands Outpost/Golden B.C.

To who it may concern;

This is a letter of support for the Columbia Wetland and Out Post in Golden B.C.

s.22

We truly believe this operation is one of the least intrusive ways to enjoy and educate guests from around the world.

From Columbia Lake to Donald is a network of highway, rail lines, airports , private property and motorized transportation. A small section of the wetland and Columbia area which this business has the privilege to operate and educate a very small percentage of the travelling public.

If one has ever done a float , canoe or paddle board down the Columbia wetlands river system ,the observation of the natural beauty, the peacefulness grounding us to our natural state of tranquility.

This experience also makes people very aware of how lucky we are as humans , to respect and enjoy time out from the hectic and fast-paced world we live in.....

Kind regards,

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Tuesday, February 13, 2018 8:47 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [mailto:do-not-reply@arfd.bc.ca]
Sent: Monday, February 12, 2018 2:19 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

As an s.22 , B.C. I am very grateful for Columbia Wetlands Adventures. The staff and owners are truly engaged with the stewardship of the land and want to share the beauty of our valley with tourists, students, and locals. It is important to me that s.22 places in our community that respect the land and educate us on how to preserve and care for it. s.22 have spent the day there with a Wetlands biologist who shared the many wonders of the Columbia Wetlands and created a sense of appreciation for this treasured ecosystem.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Tuesday, February 13, 2018 8:44 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]

Sent: Sunday, February 11, 2018 2:29 PM

To: FLNR Cranbrook ARFD FLNR:EX

Subject: Land Application Comments [File #4405882].

s.22 we understand there are many draws for visitors coming to explore the Columbia Valley. There are a great many outdoor extreme adventures like white water rafting and skydiving, but not many slower paced, child and senior friendly activities available. CWO is seeking an opportunity to provide enjoyable, informative, and inclusive experiences for tourists to our area. s.22 I personally agree that this is a very acceptable proposal for allocation of use of Crown Land that can be beneficial to many. s.22 support this application, and we appreciate your consideration.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Friday, February 9, 2018 3:33 PM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Friday, February 9, 2018 12:52 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

I support 4405882 application. The wetlands are an intricate part of the Columbia valley. The service they provide to tourism cannot be measured. The docks are always clean and I never see any garbage or signs of abuse to and around the docks. s.22 the wetlands are an amazing place for tourist to visit. Losing this service would be a detriment to the Columbia valley.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Friday, February 9, 2018 3:32 PM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFX inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Friday, February 9, 2018 12:52 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

I support 4405882 application. The wetlands are an intricate part of the Columbia valley. The service they provide to tourism cannot be measured. The docks are always clean and I never see any garbage or signs of abuse to and around the docks. s.22 the wetlands are an amazing place for tourist to visit. Losing this service would be a detriment to the Columbia valley.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Friday, February 9, 2018 3:30 PM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD inbox,

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

From: do-not-reply@arfd.bc.ca [<mailto:do-not-reply@arfd.bc.ca>]
Sent: Wednesday, February 7, 2018 9:14 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

I feel that based on the sensitivity of the area to which the proposed development area is to be developed, that the application for tenure should be denied. The Columbia Wetlands are one of the worlds most sacred kept area. There is a large population of birds that migrate through the Columbia River channel. It is a wildlife sanctuary, and this application for tenure should be denied.

The ski hill in Golden will bring enough tourism to the area. Please remember that loss of habitat is one of the first leaders in extinction. Please help us protect the wetlands and surrounding area.

The applicant can find land elsewhere.

s.22

s.22

February 7, 2018

Re: File # 4405882

To whom this concerns;

I am writing this letter as someone who wears several hats; a person who since the inception of the Wildlife Management Area on the Columbia has written letters to support the motorized restrictions on the Columbia, s.22 understands the significance of outdoor education, s.22 and someone who enjoys recreating on the wetlands, canoeing, paddle boarding, skiing, snowshoeing and bird watching. As such, I am writing a letter in support of Columbia Outposts Wetlands Adventures (COWA) application for tenure over the area shown and for the purpose explained in their application.

I have been on a COWA guided tour to watch wildlife and especially birds. My guide was knowledgeable, respectful and an advocate for the wetlands. At that time all I could think was what a great way to promote protecting the wetlands for nature's sake.

s.22 And in doing so, we refer to the stretch of wetlands between Donald and Invermere as the Serengeti of British Columbia. The clients return raving about the experience, and I quote 'the highlight of our holiday,' and 'we learnt so much about the wetlands from our guide.'

COWA is filling a niche, as the only tourism operator I can think of who offers a soft, outdoor experience that is inclusive for seniors, young children and those with mobility issues. In doing so they are supporting the motorized restriction and educating their clients about the wetland ecosystems and the wildlife that uses it.

At times when s.22, we have rented paddleboards from COWA and after an orientation, including respecting wildlife and the wetland environment, have ventured out on the water. Mys.22 raving about the scenery, the environment and how important it is to ensure these areas remain intact.

At other times I have canoed or paddle boarded from public boat launched along the Columbia. Here I see signs of; improper launching resulting in eroded banks, garbage and places where canoeists and boarders are not respecting marsh areas.

For the more independent individual, including tourists, who choose to venture off on their own from COWA on a paddle board or canoe, COWA educates their clients about the importance of the wetland ecosystem and the wildlife within it. This doesn't happen when such a service is not available. Instead

people, borrow or rent canoes and paddle boards from shops and launch them from wherever possible. Even paddling into marshes and nesting areas without considering their impacts.

I believe this same principle can apply to COWA proposed winter use. Designated trails, will keep humans to designated areas, rather than random trails being established at easy access points (likely access for wildlife) where users are unaware of their impacts.

I believe that COWA tenure can be a “win win” situation for the wetlands, the tourism community, the Province and COWA. All one needs to do is search the web for “why outdoor environmental education is important” and you will find over 20 million hits related to the topic, mainly in favour of doing so. This proposed tenure like the Creston Valley Wildlife Centre, Reflection Lake Viewing Station and Chilliwack Blue Heron Reserve, will focus humans in one area rather than dispersing them throughout the entire area, while promoting good stewardship and providing environmental education through an outdoor experience.

In supporting this application, I do understand that there are limitations for carrying capacity, and there must be considerations to ensure the least harm within a prescribed carrying capacity, with any tenure. However I trust these details will be based on credible research and dealt with in a formal manner in the tenure agreement, and that COWA will work with the Province to ensure that the terms of the agreement are met. As I know of no evidence to support otherwise.

s.22

February 7, 2018

Re: File # 4405882

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s.22

✓ ✓

FYI. DID ATTEMPT SEVERAL TIMES
TO SUBMIT THIS ON LINE.

PROVINCE OF
BRITISH COLUMBIA

FEB 20 2018

RECEIVED
CRANBROOK, BC

PLEASE ENQUIRE WHY NRS DOES NOT
ACCEPT ATTACHMENTS, ON THEIR
WEBPAGE, FOR SUBMISSIONS. ?

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 19, 2018 10:12 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [mailto:do-not-reply@arfd.bc.ca]

Sent: Thursday, February 15, 2018 6:54 PM

To: FLNR Cranbrook ARFD FLNR:EX

Subject: Land Application Comments [File #4405882].

s.22

February 7, 2018

Re: File # 4405882

To whom this concerns;

I am writing this letter as someone who wears several hats; a person who since the inception of the Wildlife Management Area on the Columbia has written letters to support the motorized restrictions on the Columbia, a

s.22 understands the significance of outdoor education, s.22
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s.22

TOURISM GOLDEN
Box 20181
521 9th Avenue North
Golden
B.C. V0A 1 H0



Tel: 250-439-1111 | E-mail: info@tourismgolden.com

February 2nd, 2018

RE: COLUMBIA WETLANDS OUTPOST

To whom it may concern,

Tourism is one of three primary industries in Golden and CSRD Area A, generating an estimated \$70 million annually in visitor spend on accommodation, activities, dining, weddings and events, and other incremental spend in the local economy. It is a valuable in bringing tourist dollars, and creating employment in the community.

Most of our tourism businesses are small, owner-operated businesses, all of whom contribute to the range of experiences that Golden offers as a credible vacation destination. When we lose one or more of our products, it impacts the entire industry.

Our 2016 Visitor Study indicates that 9% of visitors cite nature and wildlife, and 3% cite weddings, as their primary reason to visit Golden. Furthermore, 8% of visitors' state that they visited the Columbia Wetlands during their visit.

Columbia Wetlands Outpost (aka, Columbia Wetlands Adventures) provide not only high-quality experiences that are therefore very valuable to Golden as a tourism destination, but do so in a manner that is sensitive and respectful of the unique wetlands environment in which they operate.

As members and stakeholders of Tourism Golden, they are extremely supportive of our PR efforts; regularly hosting media and travel trade groups, which results in increased awareness of Golden as a destination, increased visitation, and ultimately a broader education and understanding of the diversity, and incredible environmental importance of the Columbia Wetlands. To lose Columbia Outpost products, and the Teasedales as supporters and advocates for the tourism industry, would be a significant blow to the local tourism industry.

Yours sincerely,

Joanne Sweeting

Executive Director

Tourismgolden.com

Higham, Nicole M FLNR:EX

From: Higham, Nicole M FLNR:EX
Sent: Thursday, January 11, 2018 12:04 PM
To: Dailey, Sharon H FLNR:EX
Cc: Oestreich, Allana FLNR:EX; Lucas, Brent M FLNR:EX; McKay, Ariana FLNR:EX; Krebs, John A FLNR:EX; Knapik, Mike B FLNR:EX
Subject: RE: Columbia Wetlands Adventure site visit

The application was submitted December 21, 2017 and assigned to Barry. It was re-assigned to me a couple of days ago.

Nicole Higham
Natural Resource Specialist
Ministry of Forests, Lands, Natural
Resource Operations and Rural
Development
FrontCounter BC
Phone: (250) 426-1776
Fax: (250) 426-1767



From: Dailey, Sharon H FLNR:EX
Sent: Thursday, January 11, 2018 12:03 PM
To: Higham, Nicole M FLNR:EX
Cc: Oestreich, Allana FLNR:EX; Lucas, Brent M FLNR:EX; McKay, Ariana FLNR:EX; Krebs, John A FLNR:EX; Knapik, Mike B FLNR:EX
Subject: RE: Columbia Wetlands Adventure site visit

Nicole can you advise?

From: Krebs, John A FLNR:EX
Sent: Thursday, January 11, 2018 12:02 PM
To: Dailey, Sharon H FLNR:EX; Knapik, Mike B FLNR:EX
Cc: Oestreich, Allana FLNR:EX; Lucas, Brent M FLNR:EX; Higham, Nicole M FLNR:EX; McKay, Ariana FLNR:EX
Subject: RE: Columbia Wetlands Adventure site visit

Thanks Sharon

Not to ne nitpick but can you advise when exactly the application was submitted?

From: Dailey, Sharon H FLNR:EX
Sent: Thursday, January 11, 2018 11:59 AM
To: Knapik, Mike B FLNR:EX; Krebs, John A FLNR:EX
Cc: Oestreich, Allana FLNR:EX; Lucas, Brent M FLNR:EX; Higham, Nicole M FLNR:EX
Subject: RE: Columbia Wetlands Adventure site visit

Hi guys,

Just letting you know that the application is in the door. Not sure which Land Officer it is assigned to you; Nicole just came to me with it with a few questions. I have to told her to accept it and you will be receiving an E-referral soon. Any question about the application and/or process, please ask Nicole.

Thanks,
Sharon

From: Desjardins, Alexandre ENV:EX
Sent: Wednesday, November 1, 2017 11:17 AM
To: Knapik, Mike B FLNR:EX; Keith, Erin FLNR:EX; Krebs, John A FLNR:EX; Lucas, Brent M FLNR:EX
Cc: Dailey, Sharon H FLNR:EX; Oestreich, Allana FLNR:EX
Subject: RE: Columbia Wetlands Adventure site visit

Hello all,

I just got off the phone with Maggie Romuld. Maggie is a biologist under Teasdale's employ, she is helping him with his tenure application. Maggie stated that the application stalled due to a busy fire season (Teasdale also operates a Forest Management and Silviculture Services company). She ensured me that she would contact Mike in the coming days.

Conservation officer Alex Desjardins

Columbia Kootenay zone | Conservation Officer Service | Ministry of Environment and climate change strategy
Box 1303 | Golden B.C. V0A 1H0
Phone: 250 344-7704 | Fax: 250 344-7501

From: Knapik, Mike B FLNR:EX
Sent: Thursday, October 5, 2017 3:23 PM
To: Keith, Erin FLNR:EX; Krebs, John A FLNR:EX; Lucas, Brent M FLNR:EX
Cc: Dailey, Sharon H FLNR:EX; Oestreich, Allana FLNR:EX; Desjardins, Alexandre ENV:EX
Subject: FW: Columbia Wetlands Adventure site visit

Greetings. I just noticed Teasdale's commitment to notify FLNRO by Aug 31st with a firm timeframe for submission of his application (yellow highlight below). Have any of you been notified by Teasdale? If no timeframe has been provided, RMD will be sending a letter defining the deadline to receive an application.

Mike Knapik, R.P.Bio

Section Head, Habitat Management
Kootenay Boundary Region
Ministry of Forests, Lands and Natural Resource Operations
phone: (250) 354-6354 fax: (250) 354-6332
#401 - 333 Victoria Street, Nelson, B.C. V1L 4K3
[Mailto:Mike.Knapik@gov.bc.ca](mailto:Mike.Knapik@gov.bc.ca)

From: Krebs, John A FLNR:EX
Sent: Thursday, August 24, 2017 4:52 PM
To: Knapik, Mike B FLNR:EX; Oestreich, Allana FLNR:EX
Subject: FW: Columbia Wetlands Adventure site visit

should review this and perhaps have con call with Alex

From: Desjardins, Alexandre ENV:EX
Sent: Thursday, August 24, 2017 12:54 PM
To: Krebs, John A FLNR:EX
Subject: Columbia Wetlands Adventure site visit

John,

Here are the findings of my site visit with Mark Teasdale. Mark was very cooperative and his genuine willingness to work with FLNRO was obvious. As you will read, there might be a few issues to address but in totality, I believe Mark's operation is on the right track. Please call me to discuss next steps, I will be working until 4 then off till next week.

Alex

Conservation officer Alex Desjardins

Columbia Kootenay zone | Conservation Officer Service | Ministry of Environment and climate change strategy
Box 1303 | Golden B.C. V0A 1H0
Phone: 250 344-7704 | Fax: 250 344-7501

2017-08-24 1000 Desjardins met with Teasdale on his property adjacent to the Wildlife Management area. Desjardins advised Teasdale that he was investigating non-compliance of the Wildlife act and the Land act in regards to his business Columbia Wetlands Adventures.

Desjardins asked about the status of his tenure application. Teasdale detailed the process from about 2008 when he purchased the business from its previous owner Larry Sparks. Teasdale's accounts of the events are consistent with Desjardins' fact gathering beforehand. Teasdale stated the following:

- He is 9/10th completed his tenure application
- Biologist Maggie Romuld is working with Teasdale to submit his application
- He is fully committed to working with FLNRO to obtain his tenure

Land encroachment in the WMA

- He has six small navigational signs in the WMA. Signs contain a number used with a map for reference. Signs are on existing pilings or on stakes.
- He has no other structures in the WMA, there are three docks (swim platforms) that "have always been there". Teasdale states that he invites the guests to use them but did not build or install them.

HP restriction infractions

- Teasdale uses a small car topper with an (aprox. 5hp) engine and an electric powered cataraft for his tours. Teasdale argues that they are being operated in the main channel of the Columbia river.

Teasdale showed Desjardins his property. The inspection was focused on the area bordering the WMA. Between the railroad tracks and the property boundary, Teasdale has built a series of boardwalk and interpretive panels.

The first area visited (1) was the main launching dock into the Columbia river. Desjardins noted a dock in the channel with 6 canoes and one 12' aluminum boat powered by a small (aprox. 5hp) engine. When asked about the motorized boat, Teasdale states that this is one of the main channels as it separates upstream. Desjardins consults on Google earth but is unable to confirm.

The second site visited (2) is North of the first. It consists of a narrow boardwalk that leads to a small platform where three non-motorized paddleboats are moored. According to Teasdale, the installations are well within his property.

After the site visit, Desjardins explains the importance of submitting the tenure application without further delay. Desjardins also informs Teasdale that he may have to remove the signs and the docks even if he does not own them in order to remove hurdles in the application process.

Teasdale agrees to contact FLNRO staff by August 31st at the latest with an update and a firm timeframe for the submission of his tenure application. Desjardins provided two business cards and stated that he could meet with Maggie Romuld to help facilitate the process and answer any questions.

(1) 51.126249N 116.742122W

(2) 51.129003N 116.744477W

Conservation officer Alex Desjardins

Columbia Kootenay zone | Conservation Officer Service | Ministry of Environment and climate change strategy

Box 1303 | Golden B.C. V0A 1H0

Phone: 250 344-7704 | Fax: 250 344-7501

Dailey, Sharon H FLNR:EX

From: Holmes, Peter N FLNR:EX
Sent: Monday, June 5, 2017 8:02 AM
To: Caravetta, Joe ENV:EX; Kruger, Greg ENV:EX
Cc: Saigeon, Lyle FLNR:EX; Knapik, Mike B FLNR:EX; Oestreich, Allana FLNR:EX; Dailey, Sharon H FLNR:EX
Subject: Fw: Land Act Authorization

FYI

From: Holmes, Peter N FLNR:EX
Sent: Tuesday, January 17, 2017 1:36 PM
To: Mark Teasdale; maggie romuld
Subject: RE: Land Act Authorization

Thanks Mark.

From: Mark Teasdale [<mailto:mark@columbiaextreme.com>]
Sent: Tuesday, January 17, 2017 12:09 PM
To: Holmes, Peter N FLNR:EX; maggie romuld
Subject: Re: Land Act Authorization

Hi Peter,

I have hired Maggie Romuld, MSc, PBIol, RPBio to help with our application. She has been working with our draft application. Maggie and I have had a few meetings to discuss the process and where we are to date with things. She is very helpful person and she will be contacting you soon before we submit our application. Your thoughts before we submit I thought would be best.

Thanks for touching base.

Mark Teasdale

On Tue, Jan 17, 2017 at 11:01 AM, Holmes, Peter N FLNR:EX <Peter.N.Holmes@gov.bc.ca> wrote:
Hi Mark,

I was under the impression you would be submitting an application this winter for authorizing your commercial operations but I haven't seen anything come across my desk. Have you submitted this yet?

Thanks,

Peter Holmes
Habitat Biologist
Habitat Management Section
Ministry of Forests, Lands and Natural Resource Operations
P.O. Box 2949
Invermere, B.C.
V0A 1K0

Phone: 250.342.4269

Fax: 250.342.4262

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Columbia Extreme Contracting Ltd

Telephone: 1-250-348-2234

Fax: 1-250-348-2237

Mailing Address:

Box 164,

2629 Hwy 95,

Parson, BC, V0A 1L0



Keith, Erin FLNR:EX

From: s.22
Sent: Friday, March 16, 2018 2:18 PM
To: Keith, Erin FLNR:EX
Subject: Fwd: Concern regarding Columbia Wetlands Adventures

Hello Erin Keith. Please find below a copy of concerns I have regarding a tenure application just south of Golden. s.22 and sadly missed the on-line comment period, but I would still like to submit my opposition to this tenure proposal. I hope it does not go through. Thank you.

Sincerely, s.22

----- Forwarded message -----

From: Director Cathcart <KCathcart@csrd.bc.ca>
Date: Fri, Mar 16, 2018 at 12:39 PM
Subject: Re: Concern regarding Columbia Wetlands Adventures
To: s.22

Hi s.22

Thank you for your email. As you are probably aware I have received numerous emails from folks quite concerned about this tenure application.

I have also sent my concerns to Erin Keith.

Could you please forward your concerns to Erin as well.

The email is erin.keith@gov.bc.ca

Thank you s.22
Karen

Karen Cathcart
CSRD Area "A" Director
Cell [250-344-8357](tel:250-344-8357)
Sent from my iPhone

On Mar 16, 2018, at 11:17 AM, s.22

wrote:

Dear Director Cathcart, greetings! As my CSRD Area A Regional Director, I would like to notify you of my deep concern regarding recent applications made for profit on the Columbia Wetlands, specifically by Columbia Wetlands Adventures for a tenure to operate. My understanding is that part of this commercial operation would involve the use of land that has been designated for ALR. I feel strongly against using any such lands or waters for individual profit.

The Columbia Wetlands are unique and amazing for many diverse reasons, and one is in the fact that remain fairly pristine and remote, a sanctuary to the animals and few people who use them. This amazing area belongs to all users as part of a larger public trust, and the solitude and quietness the area offers to visitors should not be doomed to the profit of business operations.

I do not support this application and ask that it not be approved.

Thank you for your time and consideration.

Sincerely^{s.22}

s.22

"The real responsibility resides with those who remain silent; they are allowing others to prevail." -Martin Luther King Jr.

Keith, Erin FLNR:EX

From: Knowlan, Lauren FLNR:EX
Sent: Wednesday, March 14, 2018 8:57 AM
To: Keith, Erin FLNR:EX
Subject: FW: Columbia Wetlands Outpost Referral Application 4405882

Please see below, looks like it came through to FrontCounter,

Lauren

From: FCBC Cranbrook FLNR:EX
Sent: Wednesday, March 14, 2018 8:54 AM
To: Knowlan, Lauren FLNR:EX
Subject: FW: Columbia Wetlands Outpost Referral Application 4405882

Hey Lauren,

Tried to look this up in ATS with the File # but no luck.

Could you forward to the appropriate land officer?

Thanks!

Lindsay

From: FrontCounter BC FLNR:EX
Sent: Tuesday, March 13, 2018 12:16 PM
To: FCBC Cranbrook FLNR:EX
Subject: FW: Columbia Wetlands Outpost Referral Application 4405882

Please see below



Amber-Dawn Nadeau

Contact Centre Representative

FrontCounter BC | Ministry of Forests, Lands, Natural Resource Operations and Rural Development

FrontCounter BC Website | Toll Free Phone: 1-877-855-3222

Tell us about your experience with FrontCounter BC: [Complete an Online Comment Card](#)

From: Richard Hoar S.22
Sent: Monday, March 12, 2018 7:56 PM
To: FrontCounter BC FLNR:EX
Subject: Columbia Wetlands Outpost Referral Application 4405882

Attention: Front Counter BC
1902 Theatre Road

Please find below a response by the Lake Windermere District Rod & Gun Club to the referral application # 4405882 for a management plan proposal by Columbia Wetlands Outpost, Parson, BC and registered to 0773340 B.C. Ltd.

Columbia Outposts Management Plan proposal has plans for wildlife viewing, ski touring which the management plan considers along with other activities to which section 5.6.5 of the current management plan does not reflect upon. The overlying guiding theme throughout the management plan for the Columbia Wetlands Wildlife Management Area (WMA) is mentioned in 5.6.5 is "a positive or neutral impact on wildlife values that will comply with the goals and guiding principles of the WMA". The goals and guiding principles are found on Pages 4 -6 of the WMA management plan and must reflect on what it is Columbia Wetlands Outpost proposes to carry out in the WMA and whether those proposals should occur. Added to this is how these wetlands have evolved since coming under protection and regulated as a wildlife management area. The wetlands are an international important area to earth and received the prestigious designation as a RAMSAR site. The eyes of the world are upon us and this is not to be taken lightly. It has required us to take a higher ground in how we manage these wetlands and to not forget they are a wilderness area in our backyard. Not out of sight as so many wild areas are but in our everyday observations.

Of worthy mention is how the Columbia Wetlands came to the forefront as an important/special area deserving of the protection it has. In 1994 the Commission on Resources and Environment (CORE) made it clear in the East Kootenay Land Use Plan how the Columbia Marshes were viewed and why they should receive special management and protection. This is outlined in Pages 103 and 106. The CORE document is the backbone of land use planning in the province to this day and continues to be used in decision making. When it comes to tenures only existing grazing tenures could continue. No other types of tenures were permitted however traditional fish, wildlife and recreational uses could continue. The important word here is **traditional** which needs to be reflected upon as it was at the time of the handing down of the land use plan.

The Lake Windermere District Rod & Gun Club (Rod & Gun Club) does not support the granting of a tenure to Columbia Outpost. This not to say we are against use of the wetlands by the company in a positive and neutral impact way. It needs to be pointed out not only did the CORE document only allow for one tenure type (grazing) but it should be noted the guide outfitter industry agreed to pull back their tenure boundaries from the wetlands and it remains that way to this day. This is not only a significant gesture but shows how significant the wetlands are to the community.

The applicant proposes to use the wetlands throughout the year with varied uses according to the season i.e. summer vs winter. The applicant does not mention an Invasive Species plan for his overall operation, yet the operation will see foot traffic and boat use within the wetlands. There is great concern about the introduction of invasive species into the wetlands and the adjacent lands. The provincial government has an extensive water craft inspection and education program in place. Several jurisdictions require boots to be scrubbed down and personal gear checked and cleaned prior to entering sensitive wildlands. All commercial operations planning to carry out activities in our wildlands must be required to have an invasive species plan in place. As well trails require maintenance for invasive weeds to assure none are present or removed on a regular inspection basis throughout the year. A proper inspection, wash down and cleaning station must be installed and operated by the applicant during daily use of the wetlands if the applicant is given a business license to operate. The applicant requests the use of a motorized watercraft within the wetlands both on the Columbia River mainstem as well on side channels. A long public discussion over 6 years in length reviewed motorized use within the wetlands. The result was motorized craft of 20 hp or less would be allowed on the mainstem of the Columbia River which is under federal jurisdiction and the wetlands outside the main stem (provincial

jurisdiction) would see no motorized use. There is no support by the Rod & Gun Club for allowing motorized use within the wetlands outside of the main stem Columbia for this applicant.

Of great concern is how the applicant plans to work around the many important timing windows involving the wildlife use of the wetlands seasonally and throughout the year. When one speaks of wetlands the thought of migratory water birds immediately come to mind. A wildlife management area as large as the Columbia Wetlands has varied species of wildlife using and visiting the area for breeding, rearing and residing within year around that require special consideration regarding human interaction. The applicant has either skipped over these needs or is quite unaware as he only mentions herons. This lack of concern and/or poor research alone should be grounds for denying this application until proper guidelines are in place. To give some sense of critical timing windows not addressed:

- Ungulate birthing and rearing – mid-May – July.
 - Bear movement corridor and summer habitat needs June – October.
 - Elk wintering – December – April.
 - Birds of prey – osprey, bald eagles breeding and on the nest rearing – April - August
 - Birds at risk – several species breed and raise their young within the wetlands and require varied use areas according to water levels as the applicant plans to use some of these areas.
- April – September.

This is not to say the applicant is not allowed to operate during these critical times, but it does mean certain areas and times of days there will be no business carried out and/or in some cases operation may be carried out but how close patrons can come or enter areas need to be established. What this means if a business license is granted it must be subject to operating guidelines as set out by the Columbia Wetlands Wildlife Management Area authority.

The Rod & Gun Club does not support the construction of any private structures including docks with the WMA. Those dock structures proposed must meet the needs of the WMA and those within the Columbia River must also meet federal standards concerning navigable waters. The Rod & Gun Club is aware of some docks and structures the applicant has built within the wetlands and along the Columbia River and cannot find any permits for these. This must be addressed by the Crown before any further use of the wetlands by the applicant is granted.

The applicant mentions an interpretative trail along a water channel within the wetlands and a requirement for maintenance and brushing. The Rod & Gun Club do not support trail construction within the wetlands due to the rising threat of invasive species both on disturbed ground and within the wetted areas. We do not believe the applicant could carry out a large scale invasive species cleanup brought on by his operations over the area of planned operation.

Lastly the request to post directional signs within the wetlands. In keeping with a wilderness area, the public has requested no signage appear within the management area. The Rod & Gun Club supports this stance and believes it should be kept that way going forward. It is difficult to understand the need by the applicant for this as he speaks of guided trips throughout the application. As for those wishing to strike out self guided the Columbia Wetlands Stewardship Partners website offers and very good river guide of the entire wetlands with maps broken down into sections. The applicant could as well invest in handheld GPS units with routes well laid out and readily available. This is common practise with many tour operators throughout North America and around the world.

Thank you

Richard Hoar – President

Keith, Erin FLNR:EX

From: Director Cathcart <KCathcart@csrd.bc.ca>
Sent: Tuesday, March 6, 2018 3:33 PM
To: Keith, Erin FLNR:EX
Cc: Erica Hartling; Director Cathcart
Subject: RE: Columbia Outpost Lodge Tenure Application

Thank you Erin for your email. I believe it is the concern of monitoring and being compliant all costs. I am very concerned with this application. Too many issues to date.

Cheers
Karen

Karen Cathcart
Electoral Area A Director
Columbia Shuswap Regional District
250-344-8357
kcathcart@csrd.bc.ca

From: Keith, Erin FLNR:EX [<mailto:Erin.Keith@gov.bc.ca>]
Sent: Monday, March 5, 2018 9:00 AM
To: Director Cathcart <KCathcart@csrd.bc.ca>
Cc: Erica Hartling <EHartling@csrd.bc.ca>
Subject: RE: Columbia Outpost Lodge Tenure Application

Hello Karen,

Thank you for your comments, they will be taken into consideration in the adjudication of this file. At this time, the application is still in referral and consultation stage, no decisions have been made. The proponent will be asked to address the habitat and wildlife concerns that are being raised, I am just not yet certain what that will look like at this time.

I will be in touch should I have any further questions.

Thank you for your time,
Erin



Erin Keith, P.Ag.
Authorizations Officer
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
1902 Theatre Road
Cranbrook, BC V1C 7G1
Tel: 250-426-1782
erin.keith@gov.bc.ca

From: Director Cathcart [<mailto:KCathcart@csrd.bc.ca>]
Sent: Friday, March 2, 2018 5:52 PM
To: Keith, Erin FLNR:EX
Cc: Director Cathcart; Erica Hartling
Subject: Columbia Outpost Lodge Tenure Application

Good Evening Erin

As the Electoral Area A Director for Golden, I have been copied on all the comments from the variety of stakeholders regarding the tenure application for Columbia Outpost Lodge.

As you can read, there is serious concerns voiced by these stakeholders as the operational business model of this company. They are operating in a wildlife sensitive area and have received a number of complaints and complaint issues to date.

As the electoral Area A Director, I have serious concerns about this application moving forward without reassurance that this group has a plan in place that supports the sensitivity of the wetlands and policies in place to monitor their impact on the area – a management plan that supports - no activity in the area in bird breeding seasons for example. Happy to chat further with you on this file.

Thank you

Karen Cathcart
Electoral Area A Director
Columbia Shuswap Regional District
250-344-8357
kcathcart@csrd.bc.ca

February 26, 2018

Dear Erin Keith,

RE: 4405882, Application for License of occupation by Columbia Outpost Adventures

I am writing to strongly urge government to deny this application based on the past questionable and unacceptable behaviour of the applicant, the incomplete and shoddy application, and proposed uses in the management plan and in the application.^{s.22}

s.22

s.22

the current

headquarters of Columbia Wetlands Outpost, and I am intimately aware of the escalation inhuman impacts on the wildlife in the area. Over the years, I have

s.22

s.22

The Columbia Wetlands were evaluated by the 1990s Protected Area Strategy among the highest representatives of biodiversity for the region and the province.^{s.22}

s.22

s.22

s.22

a restriction on all motorized boating in the wetlands portions of the WMA in 2009 and a restriction to 20 horsepower or less for any watercraft on the main channel of the Columbia River through the CWWMA, enacted October 2016.s.22
s.22

s.22

s.22 the wetlands were considered by many locals as a nuisance, a mosquito infested swamp. While there are no fewer mosquitoes now than there were half a century ago, most people have certainly changed their opinion about the Columbia Wetlands s.22
s.22

There has obviously been a major shift in public opinion when it comes to the wetlands and people in general understand and value the important place the CWWMA holds in maintaining biodiversity and wildlife populations for the East Kootenay and more important for the planet. Residents have shown, in their comments on the boating regulation during the Gazette 1 process that they fully understand and support the concept of "wildlife-first" and are prepared to sacrifice their own recreational pursuits if demonstrated to have ill-effects on wildlife in the Columbia Wetlands WMA.

I have taken your time to introduce myself in order to better justify and quantify the comments that will follow.s.22

s.22 Columbia Outpost Adventures and have witnessed first hand and been told by many residents about the continued, chronic bad behaviours and disregard for the identified values of the CWWMA by Columbia Outpost Adventures.

You will hear from many people who have had direct encounters with the proponents and beseeched them on numerous occasions to desist in obviously damaging and deleterious behaviours that have been linked to nest abandonment by great blue herons, among other species.

s.22 conservation officer in March of 2016, after observing an excavator moving logs over the CPR track and into the wetlands well after some

migratory birds had returned. I was aware that the proponents were well informed about the negative impacts of this kind of work carried out without permit or permission, yet went ahead and did it anyway. Later that spring, I was personally alarmed by a forest fire started by the proponents on a day when no one with a shred of common sense would have chosen to burn, following a prolonged dry spell and with high winds. ^{s.22}

s.22 While this fire was started on their private property, it reflects directly on the lack of responsibility and kind of bad behaviour and disregard for the environment that Columbia Outpost Adventures has consistently displayed

The scope and numbers of the proposed uses are unacceptable. The winter use proposed is very likely to disturb the Elk that depend on the Wetlands for their winter sustenance during a critical and energy-challenging time in their breeding cycle. Over 90% of the regions Elk population are estimated to rely on the Columbia Wetlands. (Pedology et al,1983). The scope and numbers proposed for winter use in the Wetlands will necessarily negatively impact the Elk and other ungulates, along with other mammals relying on winter use of the wetlands.

Historically, numbers of winter users have been low, with snowmobiles banned since 1997 and wildlife populations have adapted to that reality. Introducing large numbers of skiers and others into the wetlands during the energy critical winter period would necessarily cause negative impacts.

The summer use proposed in the management plan is confusing. The proponents state that they have permission from Landowners for put-ins and takeouts but I have been told by ^{s.22}

that they do not have permission. This shuttle service which they gloss over in a paragraph has large impacts, letting loose, in many cases, inexperienced boaters who are observed behaving badly and allowing dogs to run free in the Columbia Wetlands. Uncontrolled dogs are a known negative factor for breeding birds and should not be allowed during breeding and rearing season.

The applicant made a deficient application back in 2012. Why did it take six years for them to reapply? I would argue the current application is also deficient.

Under the BC Wildlife Act,

4 (4) Despite any other enactment, a person may not use land or resources in a wildlife management area without the written permission of the regional manager.

Yet for years, Columbia Outpost has been using, altering, establishing signs, building infrastructure without the permission of the Regional manager. Now they are asking for sanction of un-permitted and unauthorized behaviour after the fact.

During the nesting season, party boats have been encouraged. The photos documenting these outings were on the company's website until recently when it became obvious that these activities might not look good in light of what they claim in their application. They have continued to take a motorized vessel in the back channels and wetlands despite the restrictions in the 2009 boating regulation. *"1. A prohibition on the operation of power-driven vessels and vessels driven by electrical propulsion in the wetlands of the Columbia River."*

Talk is cheap. I ask that you judge this application based on documented and general evidence of past disregard for the ecological and wildlife values of the wetlands. The ability to have tenure on public land must be a privilege granted to those who have displayed a high level of consideration for the ecological values and this requirement must be even stricter in a WMA, land that has been set aside for the good of Wildlife.

I call your attention to the number one guiding principle for the Columbia Wetlands WMA:

From the Management plan for the CWWMA

Principle 1: All activity that occurs in the WMA must have a neutral or positive effect on wildlife, fish and plant communities.

We urge you to apply the Precautionary Principle in your determination. The precautionary principle denotes a duty to prevent harm, when it is within our power to do so, even when all the evidence is not in. (<http://www.cela.ca/collections/pollution/precautionary-principle>).

I realize you will receive a number of submissions in support of the application. Certainly, to a tourist or party goer experiencing what the proponents are offering,

the service seems benign. However, you, as a decision-maker, have a unique and profound responsibility, to sort through the comments and evaluate this application in light of the identified and clearly stated guiding principles of the CWWMA and the well documented instances of bad behaviour, illegal construction, and warnings and sanctions from BC Environment and the Conservation Officer service.

Granting this tenure will set a terrible precedent and send the wrong message to other applicants that no matter how badly you behave, or how flagrantly you flaunt the identified values in a protected area, you will get approved. Decision makers including yourself must adopt the principle that the most important and foremost consideration is protection of the wildlife and biodiversity values of the Columbia Wetlands, in light of which all other demands and uses are secondary.

I ask that you deny this application in full for the many reasons that are raised in this submission.

Thank you

s.22

cc. (by email)
Ariana McKay MSc, RPBio
Habitat Biologist, Kootenay Boundary Region

Mike Knapik, R.P.Bio
Section Head, Habitat Management
Kootenay Boundary Region
Ministry of Forests, Lands and Natural Resource Operations

Christine Lohr, RPF
Land Officer
Crown Lands Authorizations Division / Kootenay Boundary Region

Karen Cathcart
CSRD Area A Director

John Krebs
Director, Resource Management

Appendices

This Act is current to February 14, 2018

See the Tables of Legislative Changes for this Act's legislative history, including any changes not in force.

Wildlife Act

[RSBC 1996] CHAPTER 488

Power to designate wildlife management areas

4 (1) In this section, "park", "conservancy" and "recreation area" have the same meanings as in the Park Act.

(2) With the consent of the Lieutenant Governor in Council, the minister may, by regulation, designate as a wildlife management area land that is under the minister's administration and is not in a park, a conservancy or a recreation area.

(3) The designation of land under subsection (2) does not affect any rights granted before the designation.

(4) Despite any other enactment, a person may not use land or resources in a wildlife management area without the written permission of the regional manager.

Damage to land set aside for wildlife

7 (1) A person commits an offence if the person

(a) alters, destroys or damages wildlife habitat, or

(b) deposits on land or water a substance or manufactured product or by product in a manner that is harmful to

(c) wildlife, or

(d) wildlife habitat

in a wildlife management area, except as permitted under section 4 (4) or by the regulations or a permit.

attachments:

Ramsar application

Columbia Wetlands Brochure



Box 25 Golden BC V0A 1H0 • ph 250.344.5530 • e golden@wildsight.ca

February 22, 2018

RE: Commercial Recreation/Multiple Use application by Columbia Wetlands Outpost (Client: 0773340 B.C. Ltd.)

To Whom It May Concern,

Wildsight Golden works to maintain biodiversity and healthy human communities in the Columbia Valley. Our focus is on protecting the high ecological values of the Columbia River headwaters. We participate in government and community processes to promote the protection of clean air, forests, water, and overall biodiversity.

Wildsight Golden has reviewed the tenure application submitted by the Columbia Wetlands Outpost and strongly recommends that the application in its entirety be denied.

Operation of any commercial activity in a BC Wildlife Management Area requires special due diligence and a willingness to work closely with regulators to ensure the protection of wildlife and their habitat in the long term.

Poor Record of Environmental Stewardship

Unfortunately, the proponent, Columbia Wetlands Outpost (CWO), has a track-record of demonstrating poor environmental stewardship in the Columbia Wetlands and disregard for the need to put wildlife ahead of commercial opportunity. Examples include the following:

1. In March 2016, CWO was observed transporting logs over the railway in order to build a boardwalk immediately adjacent to a Great Blue Heron (at-risk species) rookery and below the high water mark during the heron breeding season.
2. CWO hired an excavator to haul long hydro poles across the active railway in order to build a second boardwalk below the high water mark of the Columbia Wetlands, this was after a previous 'stop work order' was delivered by the Conservation Officer and MFLNRO the previous spring (March 2015) for this same type of work on another boardwalk adjacent to the heron rookery.
3. In March 2016, CWO was issued a warning by the Conservation Officer Service that the excavator operator stop all activities below the high water mark. Additionally, CWO was issued a trespassing ticket and corresponding fine against the Railway Act in March 2016.

4. The proponent started a 2-hectare forest fire on April 16, 2016 due to brushing activities on their private land. This fire was started during a very dry period and when better judgement would have precluded any deliberate burning.
5. CWO has been operating commercial adventure tourism activities and a wedding business on their private land located in the Agricultural Land Reserve, which is in contravention of the *Agricultural Land Commission Act*.
6. There have been further violations under the *Fisheries Act* for building unauthorized infrastructure in fish habitat. Peter Holmes (former habitat biologist with MFLNRO) was involved with this.
7. The chain-sawing and boardwalk construction by the heron breeding site during the spring in 2015 (which resulted in heron abandonment) was another possible violation under the *Wildlife Act*.
8. Operation of motorized vessels during guided tours on a side channel of the Columbia River is in contravention of federal boating regulations.

Insufficient Information and Management Planning in the Tenure Application

The tenure application is ambiguous on a number of points. In Section 1.2 of CWO's proposed Management Plan, it states that "*Existing MoE License of Occupation needs to be canceled and New Crown Land Tenure issued. Jessie Lunan, Senior Portfolio Administrator from Ministry of Forests, Lands and Natural Resource Operations confirmed by email on 21 June 2011 that the old Environment License of Occupation will be kept in good standing until the Land Act License of Occupation is issued.*" The proposed CWO Management Plan also states that "*Wetland Wildlife Safaris granted a license of occupation (File No. 39580-30/CWWMA/LoA/Wetland Wildlife Safaris) Nicholson to Golden Airport.*" However, the proponent's area of extensive use has been located around the Parson area, not between Nicholson and the Golden Airport.

Was the license of occupation changed to accommodate for their use in Parson? Did they have a legitimate license to operate a commercial recreation business in the Parson reaches of the Columbia Wetlands from 2011-2017?

In Section 1.2 of the Management Plan it states that CWO made an application to MFLNRO in 2012, but that it was deficient and they were expected to reapply. What was the process involved with allowing the proponents to operate extensively in the Parson area between 2012 and 2017? Were they operating without a permit/license of occupation/tenure during that period? The proponent's track record of operating on Crown land in a Wildlife Management Area for 7 years without any First Nations or public consultation, and potentially without any proper government consultation, needs to be recognized.

In terms of the proposed CWO Management Plan there is little detail on their operations, or how they would monitor, or mitigate impacts to wildlife. They do mention avoiding conducting trail maintenance during the "Least Impact Window: Herons." However, there are approximately 250 bird species that

rely on the Columbia Wetlands for stopover habitat during the migration and/or for breeding sites, including numerous at-risk species that require Columbia Wetlands as stopover and/or breeding habitat (see Table 1). The proponent is operating in marshes of the Columbia Wetlands that have been shown through recent scientific research (Columbia Wetlands Marsh Bird Monitoring Project) to have high numbers of sensitive breeding marsh birds present (especially Route 1). Emergent vegetation (e.g. cattail marsh) is used extensively by breeding marsh birds (May 1-July 15). Commercial operations in or near important breeding habitat types, such as the cattail marsh, should not be permitted due to impacts on breeding birds.

A wide range of potentially detrimental behavioural patterns have been documented for waterbirds in response to recreationists. Examples include reduced foraging and resting periods, increased nest abandonment and egg loss, discouragement of late-nesting pairs from breeding and disruption of pair bonds and parent-offspring bonds (Liddle & Scorgie, 1980; Korschgen & Dahlgren, 1992). Repeat disturbances during critical breeding times eventually cause ducks to nest elsewhere or not at all (Korschgen & Dahlgren, 1992). Other studies have shown that human disturbance can cause increased flushing, flight times and energy expenditure by birds and reduce their overall energy intake. Birds are sensitive to disturbance wherever they are present during periods of migration when they need to rest and feed.

The proposed CWO Management Plan states that CWO has experienced continual growth, but no actual numbers are given other than approximately 450 cars are parked on private property in a given year. There are no planned limits on use or any statements for how many people will be out in the wetlands at any given time. Significant numbers of people recreating commercially in the Columbia Wetlands will have negative impacts on migratory birds.

In Section 4.2.1 the proponent states that there will be no sound from their operations that would disturb wildlife or nearby residents. This is simply not true. Over the period of operation to date, there have been many observations of noise disturbance and a high level of concern among adjacent landowners. Numerous wildlife species are affected by noise coming from people participating in tours (Figure 1) and some neighbors are being significantly affected by CWO operations. Furthermore, the CWO take-out and put-in locations in the proposed Management Plan have a strong reliance on neighbours' docks. These docks are likely not authorized by MFLNRO and ownership of the properties where docks are located can change and should not be relied upon. At least one of the floating docks that CWO has established in the wetlands near Parson is diverting natural water flow (Figure 2).

Special Consideration Needed for Any Tenures in the Columbia Wetlands

The Columbia Wetlands is a vast wetland ecosystem that stretches for approximately 180 kilometers. These extensive wetlands of the upper Columbia River are one of the longest continuous wetlands in North America and are the only remaining natural portion of the Columbia River. The Columbia Wetlands have been recognized as a Ramsar site, which means that the wetlands have been recognized as a wetland with international significance.

A 2016 report entitled 'The State of North America's Birds' reports that even common bird populations are in decline and that one-third of all North American bird species are in need of urgent conservation action (North American Bird Conservation Initiative, 2016). Birds are facing global declines, and the Columbia Wetlands are considered to be an important migration stopover (resting and feeding) habitat for birds (Darvill, 2017; Kaiser, McKelvey & Smith, 1977), a vital component of the Pacific Flyway and numerous at-risk bird species require the Columbia Wetlands for breeding habitat. Cougar (*Puma concolor*), Wolf (*Canis lupus*), Coyote (*Canis latrans*), Black Bear (*Ursus americanus*), Grizzly Bear (*Ursus arctos*), Beaver (*Castor Canadensis*), Muskrat (*Ondatra zibethicus*), many small mammals, fish and at-risk amphibians also use the area. Additionally, several ungulates find vital habitat here, especially in winter when they are very sensitive to human disturbance. Commercial activities should not be permitted during winter in the Columbia Wetlands.

Half of the world's wetlands have already disappeared since 1900 from impacts such as commercial development, drainage schemes, extraction of minerals and peat, overfishing, tourism, siltation, pesticide discharge and more. The entire Columbia Wetlands ecosystem and its habitat value to birds are under cumulative stress. For instance, climate change is expected to have broad and negative impacts across Bird Conservation Region 10: Northern Rockies (where Columbia Wetlands reside), particularly in alpine and wetland habitats where there will be more fluctuating water levels due to severe weather events (Environment Canada, 2013). Certain species of marsh bird [e.g. Pied-billed Grebe (*Podilymbus podiceps*), Red-necked Grebe (*Podiceps grisegena*), Horned Grebe (*Podiceps auritus*)] are especially sensitive to fluctuating water levels during the breeding season. **In some regions of the southern interior valleys of BC, the main threat to wetlands is intensive recreational use** (BC Ministry of Sustainable Resources Management, Ministry of Water, Land and Air Protection, n.d.). An increased level of non-motorized recreational use in the Columbia Wetlands is problematic for waterfowl and marsh bird species particularly during sensitive periods such as migration and breeding. Small, incremental changes in land use leads to habitat disturbance to avian communities, which leads to further population declines.

Anthropogenic pressures are high in the Columbia Valley (e.g. valley-bottom and transportation corridor) and agriculture is of special concern (e.g. cattle trampling on vegetation used for breeding/food, water extraction for irrigation, use of fertilizers may pollute or add nutrients. Managers of areas that have significant waterfowl populations (such as MFLNRO with the Columbia Wetlands) need to be duly aware of the impacts that human disturbance can have on bird populations; facilities that increase public appreciation of waterfowl and important habitat need to be carefully planned (Korschgen & Dahlgren, 1992). The Province of BC MFLNRO should do what is possible to reduce threats to this significant ecosystem and prevent further disturbance leading to population declines of birds already at-risk. Rejecting this tenure application is a reasonable measure to help conserve significant wildlife habitat values of the Columbia Wetlands.

Wildsight Golden strongly recommends that the tenure application being proposed by Columbia Wetlands Outpost be denied in its entirety due to the proponent's poor track record with regards to the

environment, their disregard for and violation of the provisions of existing environmental protection acts and regulations, and our collective need to protect the habitat for species-at-risk and other sensitive species.

Sincerely,

The Board of Directors with Wildsight Golden

Joan Dolinsky, BSc., Branch President

Annette Luttermann, PhD

Meg Langley, BSc., MSc.

Rachel Darvill, BSc., MSc.

Ellen Zimmerman

Jill Dewtie

Leah Gardner

Jill Holland

English name	Scientific name	Provincial	BC List	SARA Status	COSEWIC status	Conservation Priority in BC	IUCN Red List Category	IUCN population trend
Western Grebe	<i>Aechmophorus occidentalis</i>	S1B,S2N (2015)	Red	1-Special Concern (2017)	Special Concern	1	Least Concern	decreasing
Horned Grebe	<i>Podiceps auritus</i>	S4B (2015)	Yellow	n/a	Special Concern	4	Vulnerable	decreasing
Eared Grebe	<i>Podiceps nigricollis</i>	S3B (2015)	Blue	n/a	n/a	4	Least Concern	unknown
Tundra Swan	<i>Cygnus columbianus</i>	S3N (2015)	Blue	n/a	n/a	4	Least Concern	unknown
Great Blue Heron	<i>Ardea herodias herodias</i>	S3? (2017)	Blue	n/a	n/a	2	Least Concern	increasing
American Bittern	<i>Botaurus lentiginosus</i>	S3B (2015)	Blue	n/a	n/a	2	n/a	n/a
Rough-legged Hawk	<i>Buteo lagopus</i>	S3N (2015)	Blue	n/a	Not-at-Risk (1995)	2	Least Concern	stable
Barn Swallow	<i>Hirundo rustica</i>	S3S4B (2015)	Blue	1-Threatened (2017)	Threatened	2	Least Concern	decreasing
Bank Swallow	<i>Riparia riparia</i>	S4B (2015)	Yellow	1-Threatened (2017)	Threatened	2	Least Concern	decreasing
Long-billed Curlew	<i>Numenius americanus</i>	S3B (2015)	Blue	1-Special Concern (2005)	Special Concern (2011)	5	Least Concern	decreasing
Surf Scoter	<i>Melanitta perspicillata</i>	S3B,S4N (2015)	Blue	n/a	n/a	4	Least Concern	decreasing
American White Pelican	<i>Pelecanus erythrorhynchos</i>	S1B (2015)	Red	Not-at-risk (1987)	n/a	1	Least Concern	increasing
California Gull	<i>Larus californicus</i>	S2S3B (2015)	Blue	n/a	n/a	4	Least Concern	decreasing
Peregrine Falcon	<i>Falco peregrinus anatum</i>	S2?B (2010)	Red	1-Special Concern (2012)	Special Concern (2007)	2	n/a	n/a
Bobolink	<i>Dolichonyx oryzivorus</i>	S3B (2015)	Blue	1-Threatened (2017)	Threatened	2	Least Concern	decreasing
Common Nighthawk	<i>Chordeiles minor</i>	S4B (2015)	Yellow	1-Threatened (2010)	Threatened (2007)	2	Least Concern	decreasing
Olive-sided flycatcher	<i>Contopus cooperi</i>	S3S4B (2015)	Blue	1-Threatened (2010)	Threatened	2	Near threatened	decreasing
Rusty Blackbird	<i>Euphagus carolinus</i>	S3S4B (2015)	Blue	1-Special Concern (2009)	Special Concern (2017)	2	Vulnerable	decreasing
Swainson's Hawk	<i>Buteo swainsoni</i>	S2B (2015)	Red	n/a	n/a	2	Least Concern	stable
Lewis's Woodpecker	<i>Melanerpes lewis</i>	S2S3B (2015)	Blue	1-Threatened (2012)	Threatened (2010)	2	Least Concern	decreasing
Black Swift	<i>Cypseloides niger</i>	S2S3B (2015)	Blue	Endangered (2015)	n/a	2	Least Concern	decreasing
American Avocet	<i>Recurvirostra americana</i>	S2S3B (2015)	Blue	n/a	n/a	2	Least Concern	stable
Red-necked phalarope	<i>Phalaropus lobatus</i>	S3S4B (2015)	Blue	n/a	Special Concern (2014)	2	Least Concern	decreasing

Table 1. Bird species-at-risk that utilize Columbia Wetlands habitat.

Copyright

Figure 1. Pictures that were on Columbia Wetlands Outpost website promoting their tours for celebrations and events.



Figure 2. Image showing one of the Columbia Wetlands Outpost docks, which has a build-up of woody debris that has altered the natural flow of a side channel. Photo taken from a helicopter on October 8, 2017.

References

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- Darvill, R. (2017). *Columbia Wetlands waterbird survey 2015-2017: Progress report*. Retrieved from http://wildsight.ca/wp-content/uploads/2016/01/Columbia-Wetlands-Waterbird-Survey_2017-Progress-Report_FINAL_Dec2017.pdf
- Environment Canada (2013). Bird conservation strategy for bird conservation region 10 Pacific and Yukon Region: Northern Rockies. Retrieved from: <https://www.ec.gc.ca/mbc-com/B0E2C86B-57E6-419A-B3E9-E1CD1808ADFE/BCR-10-PYR-FINAL-Abridged-Feb2013.pdf>
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- Korschgen & Dahlgren (1992). *Human disturbances of waterfowl: an annotated bibliography* (No. 188). US Fish and Wildlife Service.

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Tuesday, February 6, 2018 8:19 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD Inbox,

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

From: do-not-reply@arfd.bc.ca [mailto:do-not-reply@arfd.bc.ca]
Sent: Monday, February 5, 2018 1:21 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

We feel that Columbia Wetland Tour is a valuable tour to learn about nature in Columbia River Valley. They do it in a way that has very low impact to natural life there. We did the tour in the summer but we feel that winter experience will be as valuable.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 5, 2018 8:19 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD inbox,

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

From: do-not-reply@arfd.bc.ca [mailto:do-not-reply@arfd.bc.ca]
Sent: Saturday, February 3, 2018 3:17 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

| s.22

s.22

our clients to experience the Wetlands either on their canoes or their float boat. Regularly I receive comments that this experience is the highlight of their holiday and a magical experience in the wilderness of Canada.

It is important to not provide our guests thrilling adventure experiences such as white water rafting, skiing or snowmobiling but to quietly educate them on the benefits of our wilderness and the bird population. The Teasdale have put their hearts and souls into making this a location that people can enjoy while respecting nature and the environment.

We highly support this application and would be pleased to discuss further with you.

Sincerely,

s.22

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 5, 2018 8:16 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD inbox,

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

From: do-not-reply@arfd.bc.ca [mailto:do-not-reply@arfd.bc.ca]
Sent: Friday, February 2, 2018 4:30 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

I was fortunate enough to have experienced a tour last summer. It was a gloriously beautiful evening. I learned so much about the area and it's inhabitants while on the tour. It was one of the highlights of my summer. An experience I will not soon forget. One seldom gets a chance to experience unspoiled nature like that and to have someone very familiar with the region guide our tour made it all the more educational and enjoyable.

s.22

Keith, Erin FLNR:EX

From: FLNR Cranbrook ARFD FLNR:EX
Sent: Monday, February 5, 2018 8:20 AM
To: Keith, Erin FLNR:EX
Subject: FW: Land Application Comments [File #4405882].

Forwarded from the ARFD inbox,

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

From: do-not-reply@arfd.bc.ca [mailto:do-not-reply@arfd.bc.ca]
Sent: Saturday, February 3, 2018 5:25 PM
To: FLNR Cranbrook ARFD FLNR:EX
Subject: Land Application Comments [File #4405882].

We are fully supportive of Columbia Wetlands Tours proposal to continue accessing the crown land along the Columbia River and to expand their business to include winter activities. When we are visiting Golden, we regularly participate in both self guided and guided tours. The tranquil experience on the river, and the education received from the guides, is second to none. The guides and the operators, are very thorough in their explanation of the habitat and the precautions their guests need to take to preserve the area in its natural state. If there were winter activities, we'd return to the area more often.

s.22

Attention:

July 25, 2017

John Krebs, Director Resource Management
MFLNRO, Cranbrook, BC
250 489-8547
John.Krebs@gov.bc.ca

Alex Desjardins | Conservation Officer
Columbia Kootenay zone | Ministry of Environment, Golden, BC
250 344-7704
alexandre.desjardins@gov.bc.ca

Roland Persinovic | Compliance and Enforcement Officer
Agricultural Land Commission, Burnaby, BC
Main Desk: 604-660-7000
roland.persinovic@gov.bc.ca

Hayden Mydansky | Roadmaster
CP Rail, Invermere, BC
Cell 250-341-7001 | Office 250-342-6727
Hayden_Mydansky@cpr.ca

Karen Cathcart, Golden BC
CSRD Area "A" Director, Golden, BC
Cell 250-344-8357
KCathcart@csrd.bc.ca

RE: Commercial Operator of Columbia Wetlands Outpost/Columbia Wetlands Adventures/
Columbia Outpost Lodge (<https://www.columbiawetlandsoutpost.com/>)

Dear Sir/Madam:

This letter documents a number of past and current unauthorized activities on the part of Columbia Outpost Lodge (2581 Highway 95 South, Parson, BC) and Columbia Wetlands Adventures (2526 Highway 95 South, Parson, BC). These activities are of serious concern and several may represent potential infractions under the BC Wildlife Act, the BC Water Sustainability Act, the Federal Migratory Birds Convention Act, the BC Agricultural Land Commission Act, the Federal Fisheries Act, and/or the Federal Railway Act.

Columbia Wetlands Adventures - This commercial operator/landowner currently does not have an approved tenure to operate in the Columbia Wetlands with Columbia Wetlands Adventures, but it is our understanding that they have been granted a permit to operate until they submit a formal tenure application. According to Peter Holmes s.22 Habitat Biologist with

MFLNRO), the commercial operator was expected to submit a tenure application in the fall of 2016, which would have triggered an opportunity for public comment on the application. To the best of our knowledge, there have been no limitations or conditions of use specified on their current permit, and significant numbers of people are being brought into the wetlands via the CP Rail active railway by Columbia Wetlands Adventures (CWA). CWA offer canoe rentals, paddle boards, paddle boats, and also guided tours involving motorized trips on both the main and side channels of the Columbia Wetlands. The use of motorized boats in side channels is a contravention of the Federal Boating regulation, as there are two items in the regulation table: <http://laws-lois.justice.gc.ca/eng/regulations/sor-2008-120/page-5.html#h-14>

Item 100 under BC:

All motorized vessels are prohibited in waters of the Columbia River and tributaries within the floodplain of the Columbia River except the main channel (singular!) of the Columbia River and tributaries and Windermere Lake.

Item 100.1 plus note 4:

In the main channel of the Columbia and tributaries (within the floodplain of the Columbia), you cannot operate a motorized vessel unless it has less than 15KW (20hp).

The commercial operator also has a new brochure being distributed in Golden, which states that they also offer guided snowshoe tours in the Columbia Wetlands. We kindly request clarification as to whether this use is approved under their current permit.

Columbia Outpost Lodge – The landowner's business (Columbia Outpost Lodge) is located in the **Agricultural Land Reserve**, which is where wedding events and other large gatherings are held, and for which the landowners charge fees. On July 10th, 2017, the Agriculture Land Commission (ALC) stated that the landowners are in contravention of the Agricultural Land Commission Act, but the ALC also has said that they are "working to bring the landowners into compliance". They are apparently also waiting for information from MFLNRO and the Conservation Office Service regarding other issues with the landowners. In the interim, the landowners continue to operate their wedding business and host large events/gatherings.

According to Policy L-22 of the Agricultural Land Commission Act ([click here for policy](#)), Section 3(4) states:

The following non-farm uses are permitted in an agricultural land reserve and must not be prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government: (k) **gathering for an event, if all of the following conditions are met:**

- i. the farm must be located on land classified as a farm under the Assessment Act;
- ii. permanent facilities must not be constructed or erected in connection with the event;
- iii. parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;
- iv. no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;
- v. the event must be of no more than 24 hours duration;
- vi. no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.

According to the BC Assessment office and website, the landowners land is NOT classified as farm. See link: <https://evaluatebc.bcasessment.ca/property.aspx? oa=QTAWMDBTNkpCWQ==> Rather, the land on which Columbia Outpost Lodge lies is classified as '2 storey house-standard.' The Outpost Lodge also has permanent facilities erected and/or renovated specifically for wedding events, and they have created a permanent gravel parking area. The landowners are therefore not in compliance to operate and charge for hosting large-scale gatherings on their land (located in the ALR and Columbia Wetlands WMA), and this sets a poor example and precedent for others. If the property owners were in compliance with ALC Policy L-22, then they would need the farm classification and could have ten gatherings/events per year. Thus far in 2017, there have been nine documented large gatherings at the Red Barn on the Columbia Outpost Lodge property, with more weddings scheduled through summer and fall of 2017.

The proponents have made no attempt to communicate with affected neighbors regarding their business ventures, and highly disruptive all day/late-night wedding parties are decreasing the quality of life on rural farmlands for adjacent landowners. These large commercial events are associated with excessive noise pollution, which put nesting birds at high risk, and may be in contravention of the Migratory Birds Convention Act. The proponent has also made no attempt to limit disturbance to breeding and migratory birds or other listed and sensitive species in the Columbia Wetlands WMA.

The Columbia Wetlands Outpost website states the following: *"Each element of Columbia Wetlands Outpost has been carefully and sympathetically crafted to connect people with our natural surroundings while minimizing impact. The number of visitors is intentionally limited so that guests to the wetlands can appreciate incredible peace and serenity. The team working at Columbia Wetlands Outpost embrace this deep respect for the environment and delight in opening this magical world for others to enjoy. Universally dedicated to environmental stewardship, the Columbia Wetlands Outpost team hopes you will feel the connection too!"*

Documented Past Events/Activities at the Outpost Lodge in 2016/17:

July 22, 2017 – Red Barn – wedding event with ~40 people. Camping with several trailers and RV on-site.

July 21, 2017 – Red Barn – large gathering of about 25-35 people. Likely a pre-celebration with the wedding date to follow, music until at least midnight. Camping with several trailers and RV on-site.

July 15, 2017 – Red Barn – Wedding party with loud music, hooting and hollering and loud wedding speeches given over loud speaker. 5pm - ~midnight. Camping with several trailers and RV on-site.

July 13, 2017 – Red Barn – Large gathering with hooting and hollering for 3-4 hours in the later evening.

July 8, 2017 – Red Barn - Large wedding party with loud hooting, hollering and music blasting until 2:30am. The RCMP was called and two officers went to ask if they have the required permits. RCMP officers were told by Columbia Wetlands Outpost staff (shuttle driver to town) that they had all the necessary permits, the owner Mark Teasdale was away, and that there would be a lot more weddings in the future. Neighbors were told that the RCMP cannot issue a warning or ticket since there are no noise bylaws in place for CSRD Area A. RCMP told neighbors to direct concerns to the Regional District.

July 7th 2017 - Red Barn - Pre-wedding party event at the Red Barn at Outpost Lodge. Music with hooting/hollering until beyond midnight, but not as loud as the party on July 8th.

July 6th, 2017 - Red Barn – Large gathering, pre-wedding party event at the Red Barn at Outpost Lodge.

June 24, 2017 – Red Barn – Large gathering at Outpost Lodge reported by one of the neighbors. Additionally, this day, neighbors saw a motor-powered paraglider flying just above the water of the Columbia Wetlands for a couple of hours during the breeding season over a sensitive cattail marsh (significant breeding habitat for sensitive marsh bird species, such as Virginia Rail, Sora, Pied-billed Grebe; nests of these species were known to be active at this site on this date).

May 19, 2017 – Columbia Wetlands Adventures property - Many kids on school tours with much shouting and noise. Dip netting beside marshland as a current known breeding site with active nests for sensitive birds such as Virginia Rail, Sora, and Pied-billed Grebe.

May 2017 – Excavating, clearing and erecting tepees at the Outpost Lodge property.

April 15th, 2017 - Red Barn - First wedding event – Large fireworks display at 10pm.

March - April 2017 – Excavator digging for days for installation of a large septic tank for their new wedding facilities at the Red Barn. Major renovations to the Red Barn with kitchen installed to host large-scale wedding events.

Fall 2016 - Bridge built across Carbonate Creek and a road on the ALR, so that there two properties can be connected. Unclear if they had any permits for bridge construction across the creek. They also built new permanent dirt roads on the Outpost Lodge property (one on lower property and one at upper), as well as a gravel parking area at the Outpost Lodge.

Summer 2016 – Columbia Wetlands Adventures set up multiple remote camps on a multi-day trip within the CWWMA for European tourists on a catered paddle trip. s.22

s.22 they used a jet boat to access remote areas of the wetlands to set up camps for this group at the end of each day. This contravenes federal boating regulations.

2016-2017 – Ongoing land clearing, forest clearing, brush pile burning, renovations to barn for weddings and renovations to house for use as a B&B.

Ongoing – A number of wooded signs have been placed in the wetlands to guide people around and small floating docks have been placed within the Columbia Wetlands Wildlife Management Area, which as far as we know are not authorized or permitted. See image 1.

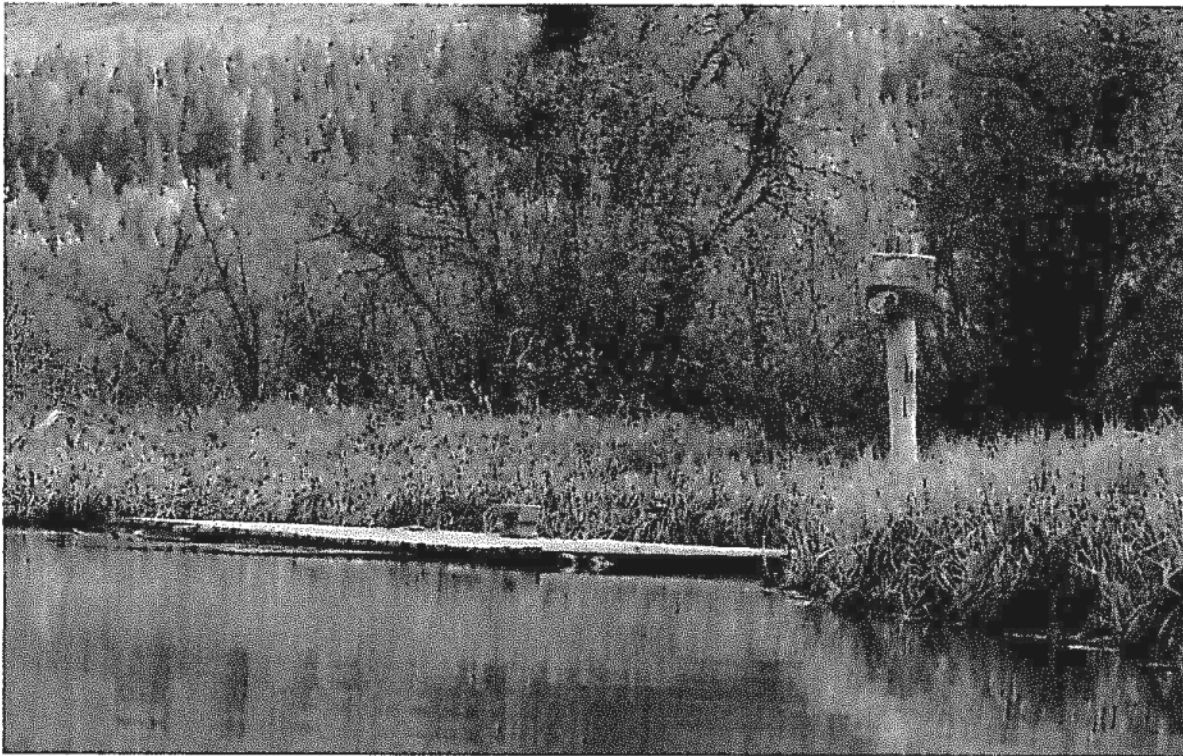


Image 1. Columbia Wetlands Adventures floating dock and sign at side channel in the Columbia Wetlands Wildlife Management Area (location: 51.097731; -116.707751)

Ongoing - Columbia Wetlands Adventures has been promoting and has hosted float parties in the CWWMA and people from the community of Golden have reported being on such stagette floats. CWA have since removed this information from their website, but the content on their former website (including images 2 and 3 that follow) that describes these events is provided below:

Birthday Parties, Celebrations

Columbia Wetlands Adventures provides the perfect space to celebrate while soaking up the natural beauty of the surrounding mountains and wetlands. Plan a fun afternoon of splashing around in our boats, or an overnight adventure complete with BBQ, fire pit, and camping facilities.

Image 2 and 3. Photos posted on Columbia Wetlands Adventures website to promote celebrations on the Columbia Wetlands.

April 18, 2016 – Forest Fire – There was substantial tree removal and land clearing at the Columbia Outpost Lodge property in summer/fall 2016 and spring 2017 with brush piles burnt; it is unknown whether permits were in place for burning. On April 18, 2016, the landowners started a forest fire that spread to 2 hectares in size. The fire was reported by concerned neighbors, and a helicopter water bomber from Revelstoke was then called, which was used to put out the fire for three hours. The helicopter collected water for firefighting from a sensitive breeding bird area with cattail marsh during the breeding period. We are unsure if the landowners received a fine or were required to cover the cost for fighting this fire.



Image 4. Picture of the helicopter water bomber putting out the fire at the Columbia Outpost Lodge property on April 18, 2016.

On March 11, 2016 – CWA were observed transporting logs over the railway in order to build a boardwalk bedside a Great Blue Heron rookery and below high water mark during the bird breeding season. Landowners hired an excavator to haul long hydro poles across the active railway in order to build another boardwalk (they also built boardwalks without authorization in 2015) below the high water mark of the Columbia Wetlands, even after a previous stop work order was delivered by the Conservation Officer and MFLNRO the previous spring (March 2015) for this same type of work. Pleading ignorance a second time after regulations were clarified directly with the proponent is not acceptable.

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

From: s.22

Sent: Friday, March 11, 2016 9:37 AM

To: Peter N FLNR:EX Holmes <Peter.N.Holmes@gov.bc.ca>

Cc: s.22

s.22 ; Norm Macdonald.MLA <Norm.Macdonald.MLA@leg.bc.ca>

Subject: excavator in the wetlands

Importance: High

Dear Peter, I just received a report and called the RAPP line to report of an excavator working in or adjacent to the CWWMA, very near the heron nest trees at the Teasdale residence, 2625 Highway 95, south of Golden. This has reached a critical point, and it is really reprehensible that damage will occur before any steps are taken to prevent that damage.

There must be some kind of sanctions that can be levelled on the Teasdales (Columbia Wetland Adventures) for their bad behaviour. The fact is they don't give a damn about the wildlife that might be impacted. If they have a permit to operate in the CWWMA to run tours, etc, this should be pulled immediately. Please Peter, see that something is done about this. It is really vexing that they can continue to promote themselves as a green business that cares about the environment and there are no consequences for their abuse of the CWWMA. Surely, there must be some recourse?

s.22

March 22, 2016

s.22

Speaking with our CPS member in Golden the owner was issued a trespassing ticket and corresponding fine against the railway act, he also issued a letter of apology to both the CO and Canadian Pacific for his actions.

I'm awaiting a follow up with our land rights group in Calgary about all the local crossing agreements in that area, who has the rights and correct insurances for public use or private.

s.22



Image 5. Excavator hired by landowner to bring poles across active railway line, or order to build a boardwalk below the high water mark of the Columbia Wetlands. This is in contravention of the Railway Act and the Water Sustainability Act.

On Fri, Mar 11, 2016 at 2:39 PM, Holmes, Peter N FLNR:EX <Peter.N.Holmes@gov.bc.ca> wrote:

Hi,

CO Desjardins, based in Golden attended the site this morning and had a discussion with Mr. Mark Teasdale. He issued a warning to Mr. Teasdale and the excavator operator to stop all activities below the high water mark (west of the railroad). Mr. Teasdale agreed to cooperate and obtain the proper authorizations before proceeding any further. If anyone observes machine activity within this area please contact the RAPP line.

Thanks for your assistance with this matter.

Peter Holmes
Habitat Biologist
Habitat Management Section
Ministry of Forests, Lands and Natural Resource Operations
P.O. Box 2949
Invermere, B.C.
VOA 1K0

Additional Infractions Previous to 2016:

Spring 2015: s.22 contacted Mark Teasdale in response to brush saws and chainsaws operating directly adjacent to a Great Blue Heron (species-at-risk) breeding site in March 2015. s.22 explained how disturbing it would be to the heronry to operate this machinery during the sensitive breeding period (when herons would be returning to nesting site) and requested that the work adjacent to the rookery end until after the breeding season was complete. Mark Teasdale explained to s.22 that he thought that it would be okay to operate because the herons were not present. However, s.22 explained that the herons may be avoiding the site due to loud ATV/saw operations used to build the boardwalk. Columbia Wetlands Adventures continued on with the works after this conversation, until subsequently the Provincial Government/CO office followed up two days later and issued a stop work order to Mark Teasdale.

In 2014, Maureen Teasdale had told s.22 that they wanted to introduce fish into the wetlands marsh behind their property (part of the Columbia Wetlands WMA) to encourage heron's back to the rookery (which was already suffering a decline in numbers by that time). During the same conversation with Mark Teasdale in 2015, s.22 explained that introducing fish into the WMA would be an infraction under the Fisheries Act. Mark Teasdale said that he did want to introduce fish, but that there would be a lot of hoops to jump through, so it wasn't a priority to stalk the marsh with fish right away.

In terms of previous offences, we believe there were two violations under the Fisheries Act that Peter Holmes (former habitat biologist with MFLNRO) was involved in (for building unauthorized infrastructure in fish habitat; images 6 and 7). In the first case, there was a warning issued, and in the second instance, Compliance and Enforcement opted not to press

charges, perhaps due to uncertainties around getting a successful conviction (Peter Holmes, pers. comm.). Peter Holmes would be the best person to comment on these violations, since he followed them up with the CO. Mark's chain-sawing and construction by the heron breeding site during the spring in 2015 (which resulted in heron abandonment) was another possible violation under the Wildlife Act, however Mark Teasdale claimed ignorance, although he had received brochures regarding what is and is not an appropriate activity around a heron breeding site.



Image 6. Boathouse constructed in wetlands (left). Image 7 (right). View of heron nest site with much of the dominant vegetation cover cleared to improve views of site; some nearby trees have viewing platforms established.

s.22 first visited the site in 2008, when the heron rookery was reported
s.22 A heron landowner brochure and business card was provided to landowner Mark Teasdale at that time. The next visit to the site was in spring 2009. This is an extract from a 2009/2010 review report submitted to the FWCP:

"During the site visit to the Carbonate Creek rookery north of Parsons on April 30, 2009, a walkway was detected within 150 m south of the breeding site and additional walkways were obviously under construction. Neighbors were complaining about a dock and boat house also planned for construction in summer 2009, s.22 stopped in to talk to landowner Mark Teasdale and provided him with a brochure and some information regarding the heron rookery and disturbance impacts of his activities. Further complaints were received s.22 February to March 2010 regarding construction (walkways, docks) activities and ongoing disturbance (ATV use,) underway in the wetlands to the north of the Carbonate Creek heron rookery. After receiving these complaints s.22 contacted Conservation Officer Justyn Bell who investigated with Peter Holmes (MOE, Invermere) during a flight over the wetlands. The boathouse was found to be in violation of the Fisheries Act and Justyn Bell and Peter Holmes conducted a site visit with Mark Teasdale. He was also made aware of the potential disturbance impacts to the heron breeding site and he made a commitment to minimize further disturbance

during the breeding season (Justyn Bell, pers. comm.). s.22 have agreed to continue monitoring the site and to provide any information regarding disturbance.”

Visits were conducted at least twice annually in subsequent years (2011-2017). The 2014 heron report states “Increased disturbance was noted s.22 again in April 2015 and Peter Holmes was again called to speak with Mark Teasdale directly on April 21, 2015.”

A copy of a letter sent s.22 via email (and hard copy) to Columbia Wetlands Adventures on April 24, 2015 states the following:

From s.22

Sent: Friday, April 24, 2015 2:52 PM

To: 'Columbia Wetland Adventures'

Cc: 'Manley, Irene FLNR:EX'

Subject: heron breeding site on Carbonate Creek

Dear Mark Teasdale:

I am contacting you on behalf of the Fish & Wildlife Compensation Program in regards to the heron breeding site in the attached photo, which is adjacent to your property at Carbonate Creek.

You may recall that we met years ago (2011-2012) when I came to speak to you about this rookery and its sensitivity to disturbance. I also dropped off a heron stewardship brochure (see attached) and left some contact information.

I have been monitoring this site for many years, along with all of the other occupied breeding sites in the Columbia Basin. Great blue herons are blue-listed in BC and in 2014, there were only 11 breeding sites (and 191 nests active) in the whole basin (East and West Kootenay from border to Robson Valley). This is about half the nests we had when monitoring started in 2003. Reproductive success is lower than it has ever been, and disturbance from people and bald eagles, coupled with habitat loss/encroachment is the culprit. In this sense, ensuring that the breeding sites that are still active are not disturbed is absolutely critical.

To accommodate the herons and ensure that they do not fail at Carbonate Creek, the breeding period (March to early August) should be regarded as a “no disturbance window” within a 200 m buffer of the site. People should be discouraged from walking too close to the site, which can also cause abandonment.

I understand that you operate a Columbia Wetland Adventures from that location and I would assume the heron rookery is one of many highlights on the tours. Given the sensitivity of the site, it would be prudent for any tours or activities (i.e., brushing, tree-cutting or construction) to keep an appropriate buffer distance away (≥200 m), to minimize the probability of nest disturbance and/or risk of abandonment.

Your cooperation is appreciated and will benefit the herons.

Thank you,

s.22

In summary, ever since provincially blue-listed herons first initiated nesting at the Carbonate Creek breeding site on Mark Teasdale's property in 2007, he has been engaged in expansion of his commercial tenure through various development activities (i.e., construction of walkways,

bridges docks, buildings, suspension bridges, as well as adding boats to his parked fleet). He has been clearing vegetation within the riparian portion of his property (including cottonwood and coniferous trees, shrubs and brush, and vegetative screening required for the heron rookery), and installing viewing structures (ladders, platforms, walkways, etc.) to promote heron nest visibility and accessibility for his commercial venture. The construction and vegetation clearing work starts in early spring (March) of each year, as soon as he can get access on snow, and it persists throughout the season, involving chainsaws, brushsaws, grinders, excavators, and other construction equipment, as well as ferrying equipment through the wetlands by power boat, etc. All of these activities (and associated noise and loss of vegetative screening) are extremely disruptive to herons and other sensitive wildlife. Despite being reminded of the implications of his disturbing actions to herons and other sensitive wildlife by neighbours, biologists, conservation officers, etc., he has persisted with these activities throughout the breeding season (when herons are sensitive to abandonment and/or nest failure). Indeed, his activities appear to have been linked to abandonment of this breeding site in both 2014 and 2015, although this cannot be proven conclusively.

Closing Remarks and Requests:

Guiding principle #1 in the Columbia Wetlands Wildlife Management Plan states that *“all activity that occurs in the WMA must have a neutral or positive effect on wildlife, fish and plant communities.”* Clearly, as documented in this summary, Columbia Wetlands Adventures has not been abiding by principle #1 and they are setting a precedent for what a commercial operator can get away with in the CWWMA. The whole point of WMA status and the associated Management Plan is to put wildlife first and this commercial operator, who has been in contravention of multiple provincial/federal Acts, has not adhered to this basic principle.

Therefore the signatories on this letter respectfully request the following:

- (1) That the Agricultural Land Commission make the Columbia Outpost Lodge stop hosting large gatherings/events on the ALR until such time that landowners are brought into compliance with the Agricultural Land Commission Act;
- (2) That the ALC stop landowners from hosting wedding events due to unacceptably high noise levels (including fireworks) that are unrelated to farming activities, and which are impacting wetland values and species (including listed and migratory breeding birds); and
- (3) That the commercial recreational tenure application that is currently being prepared by Columbia Wetlands Adventures for submission to MFLNRO be denied, due to their well-documented poor track record of ecological stewardship while operating within a world-class Ramsar site with significant and sensitive biodiversity values, including a number of species-at-risk.

We thank you for your consideration of this matter and we look forward to your response.

Kind regards,

s.22



Date: March 9, 2018

Referral Number: 4405882

Referral Type: License of Occupation

Referral Location: Columbia Wetlands Wildlife Management Area near McMurdo

Summary of Habitat comments:

The proposed tenure is within the Columbia Wetlands Wildlife Management Area (CWWMA), which was designated under the *Wildlife Act* in 1996 to protect regionally and internationally significant fish and wildlife species, and their habitats. **Conservation and management of fish, wildlife, and their habitats is the provincial priority in the WMA.** This area is part of the Pacific flyway (international bird migration route), it is a large continuous habitat corridor which is important for migrating species, and it supports a diversity of resident species (several species-at-risk) including birds, big game, predators, fish, amphibians, and reptiles.

The Columbia Wetlands are designated as a RAMSAR Site (international importance) and wildlife management is a shared responsibility between the Canadian Wildlife Service and MFLNRORD. As well, the CWWMA is bordered by federal lands, conservation properties, a provincial park, and First Nations lands. Given the partnerships and neighbouring parcels in the area, MFLNRORD must uphold high management standards in this protected area.

The CWWMA Management Plan (2004) was developed with extensive discussions and input from stakeholders. The plan provides direction for the management of the WMA: consider the first principle: *All activity that occurs in the WMA must have a neutral or positive effect on wildlife, fish and plant communities.* MFLNRORD habitat management branch upholds the responsibility to protect the values in the CWWMA. The enclosed comments are guided by CWWMA management plan, provincial data and mapping, and information from local experts.

Main concerns:

- 1) Proposed motorized use outside of the main channel;
 - this does not comply with Federal Regulations (*Canada Shipping Act*).
- 2) Proposed recreation outside of main channel;
 - although non-motorized use is proposed, some of the proposed areas are sensitive to disturbance especially given that the proposed recreation season overlaps with sensitive timing windows. Additional information is required.
- 3) Proposed levels of use;
 - additional information is required on levels of use.
 - motorized use beyond the cataraft and mechanized use should not be permitted (e.g., mountain biking).
- 4) Proposed winter use in core ungulate winter range;
 - wildlife are very sensitive to disturbance during the winter season. In the Columbia valley wildlife are restricted to core winter range the narrow valley bottom. Additional information is required.
 - no motorized or mechanized use should be permitted anywhere in the proposed tenure area during winter.

Application Deficiencies:

While the proposed recreation is low-impact, the application does not adequately demonstrate that the operation will have a positive or neutral impact on wildlife values. Until the data gaps are sufficiently addressed to inform fish, wildlife, and habitat values/concerns, MFLRNORD habitat management branch cannot provide thorough recommendations on this proposal. Ideally, the applicant would hire a qualified professional to assess habitats within the proposed tenure to determine values and the levels/timing of recreation that could be supported, and inform the impacts/mitigation of recreation. However, such an assessment would not guarantee application approval. The following list details deficiencies in the application:

- 1) Section 4.1.1- vegetation removal references the freshwater timing window and least impact window for Herons; however, the timing for bull trout and kokanee does not align with the least impact window for Heron. Please clarify the timing proposed for this activity.
- 2) Section 4.1.3. -the application proposes activities during the least impact window specifically for Heron. Please clarify proposed mitigation for other bird species (consider general nesting periods, incidental take, etc.).
- 3) 4.1.7- construction methods and materials- this section should address existing docks, platforms, boat house, walkways, etc.
- 4) Section 4.4.1- the applicant states that the project will not result in adverse effects to wildlife or wildlife habitat. Yet, the Guidelines for Wetland Protection and Conservation in British Columbia (2009) state that recreational activities can have many impacts on wetlands, such as:
 - **Disturbance to wildlife:** The simple presence of people and pets can disturb wildlife, including nesting birds. Noise and exhaust from vehicles, increased road access to wetlands, and road crossings of riparian areas can further disrupt fish and wildlife migration movements. People, animals and vehicles can accidentally crush bird, amphibian or reptile eggs.
 - **Soil compaction:** Compaction can occur when soils are repeatedly subjected to foot, hoof, or vehicle traffic. Compaction reduces the amount of water that can enter the soil, in turn reducing the amount of moisture in the soil that is available to plants and micro-organisms; as well as reducing habitat quality and availability for fish, amphibians and invertebrates. It can also lead to increased surface runoff, which impact the cycles of flooding and drying of wetlands.
 - **Changes in vegetation:** Loss of vegetation due to trampling or soil compaction can cause erosion of wetland edges and loss of wildlife habitat.
 - **Changes in water quality:** Siltation from erosion and introduced pollutants can degrade water quality.
 - **Introduction and spread of invasive species:** Invasive species such as purple loosestrife or yellow-flag iris can be spread from one wetland to another by on the feet, hooves, or wheels of recreationists.

The application should address the Guidelines for Wetland Protection and Conservation in British Columbia (2009) and develop appropriate mitigation. These guidelines provide additional information for minimizing recreational activity impacts such as trail design, construction and maintenance, responsible recreation measures, minimizing invasive plant spread, and boating.

As well, the application should address Tourism Wildlife Guidelines

(<http://www.env.gov.bc.ca/wld/twg/activities.html>) which inform disturbance to wildlife from winter and boating activities, and provides recommendations for minimizing negative impacts. Lastly, the application should address the CWWMA management plan principle that “all activity that occurs in the WMA must have a neutral or positive effect on wildlife, fish and plant communities”. This guidance will inform responsible wetland recreation, and should be adopted into the applicants ‘environmental policies’ noted on the applicant’s website. This policy should be included in a revised application, and if tenure is granted should be incorporated into the tenure.

- 5) Table 1.1 ‘level of guided activity’- please describe how this table was developed, how were full capacity estimates developed, etc. and provide additional information such as number of people per day.
- 6) The applicant should clarify how timing of activities considers sensitive timing windows for fish and wildlife (including migratory birds). The regional nesting period is considered April to Mid-August (Government of Canada, general nesting periods of migratory birds), yet the application proposes use May-September. Monitoring for nesting birds within the proposed tenure area or mitigation strategies to prevent harm to nesting birds should be addressed in the application.
- 7) What is the official agreement with neighbouring parcels for put in/take out access? How will the proposed activities be adapted if the neighbours sell their land or decide to revoke the agreement? What is the plan to address maintenance of infrastructure used on neighbouring parcels?
- 8) Please clarify approvals for existing infrastructure such as ramps, docks, platforms, boat house, etc. What is the plan for maintaining this infrastructure? Was a habitat assessment conducted prior to installing this infrastructure?
- 9) Application lacks information about users remaining in the watercraft in the CWWMA to ensure sensitive wetland components are not disturbed. Please address how this is handled.
- 10) Overnight use is not proposed in this application, however camping gear rentals are advertised on the CWO website. Please clarify – are camping locations recommended to guests in the CWWMA? Please also clarify if campfires are occurring in the CWWMA.
- 11) The website references use of “best available practices for sustainable tourism, development, and operation”. Please clarify the source and content of these practices.
- 12) Purely from a safety standpoint, how do guests safely cross the train tracks, and was this approved by CP rail?

From: [McKay, Ariana FLNR:EX](#)
To: [Keith, Erin FLNR:EX](#)
Cc: [Oestreich, Allana FLNR:EX](#); [FLNR Cranbrook Referrals FLNR:EX](#)
Subject: RE: referral for Columbia Wetlands Outpost
Date: Friday, March 9, 2018 5:09:55 PM
Attachments: [image001.jpg](#)
[MFLNRORD Habitat Management Branch Comments.pdf](#)

Hi Erin,

Please find my comments attached.

Internal comments (please do not share with applicant):

- ****Any approvals in the WMA need to come from the Director of Resource Management (John Krebs).**
- The CWWMA Management Plan was developed with extensive discussions and input from stakeholders. The plan provides direction for the management of the WMA and is currently under revision as some information is outdated and does not reflect current levels of use/threats. The revised management plan will better address recreation and levels of use, which will include updating the goals and guiding principles to reflect recreational pressures. Under previous management (MoE- BC Parks) of the CWWMA recreation was somewhat promoted. However, under management of FLRNO habitat management branch this area will be actively managed for fish, wildlife and habitat conservation values given current impacts and levels of use. Revision of the management plan will better reflect this direction.
- As you are well aware, there is an active Stewardship group in this area- the Columbia Wetlands Stewardship Partners (CWSP). Many members strongly feel that commercial tenures have a negative effect on wildlife, fish, and plant communities. Their comments and knowledge should be weighed carefully as they are local experts and consistent users of the resource. Many of their studies are higher-level than current government information.
- I'm lacking clarity on how can we permit access from neighbouring docks that are not part of the tenure. Just thinking about potential changeover in real estate or neighbours revoking their access agreements and how that could impact the tenure.
- As for the concerns raised about compliance history with the applicant... that all predates my position with FLRNO so my only comment is that I am a bit skeptical about future compliance and unfortunately we lack capacity for compliance monitoring. There are many sensitive timing windows given the diversity of species that use the CWWMA, and Conservation Officer staff cannot keep up with this.

I'm happy to discuss any of my comments with you. Good luck with this one ☺

Ariana McKay MSc, RPBio

Habitat Biologist, Kootenay Boundary Region

Ministry of Forests, Lands, Natural Resource Operations, and Rural Development

205 Industrial Rd. G, Cranbrook, BC, V1C 7G5

Phone: 250-489-8557

From: Keith, Erin FLNR:EX
Sent: Thursday, February 22, 2018 9:21 AM
To: McKay, Ariana FLNR:EX
Cc: Knapik, Mike B FLNR:EX

Subject: referral for Columbia Wetlands Outpost
Morning Ariana,

I am not certain why you haven't received this one as you were on the recipient list, I apologise for that!

Please find attached the referral package for your review.

Let me know if you have any questions. We have received a huge amount of public response on this one, I am curious to see all of the agency responses.

Thank you! Have a great weekend!

e

Description:

Proponent: 0773340 BC Ltd

Tenure Type: Licence of Occupation

Intended Land Use/background context: Adventure Tourism, Multiple Use winter and summer

BCGS Mapsheet: 82N.017

Legal Description: Unsurveyed Crown land in the Columbia Wetlands, north of Parson, BC

Size (approx.): 26.7 Km (trail based)

Schedule/Term Of Proposal: 30 years



Erin Keith, P.Ag.

Authorizations Officer

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

1902 Theatre Road

Cranbrook, BC V1C 7G1

Tel: 250-426-1782

erin.keith@gov.bc.ca