

**MINISTRY OF ENVIRONMENT  
INFORMATION NOTE**

May 25, 2015

File: 280-20

CLIFF/tracking #: 284350

**PREPARED FOR:** Honourable Mary Polak, Minister of Environment.

**ISSUE:** Since the Cabinet decision in 2011 to not support the proposed national park reserve in the South Okanagan, stakeholder groups and the public have remained divisive over the issue. A process to consider addressing interests in the area using provincial tools and designations has been initiated.

**BACKGROUND:**

In 2011, Cabinet considered a proposal for a national park reserve (NPR) in the South Okanagan that would represent the Interior Dry Plateau region of Parks Canada's system plan. Due to the level of opposition to the proposal, Cabinet did not approve the proposal moving forward. Since that time, there has been continued lobbying by some stakeholders to re-engage in negotiations with Parks Canada. Lobbying has resulted in continued media attention and continued resistance from stakeholders opposed to the proposed NPR and overall tensions in the area remain high over this issue.

In 2014, Minister Polak initiated discussions with stakeholder groups and the Okanagan Nation Alliance (ONA) as represented by the Penticton Indian Band, Osoyoos Indian Band and the Lower Similkameen Indian Band. The discussions were focused on interests of the parties in the area in an effort to find alternatives to the NPR using provincial designations, approaches and tools. A follow-up meeting, in April 2015 with ONA, further identified areas and topics of interest.

In these meetings, the Minister committed to working with parties (starting with ONA) to consider options for meeting interests identified. BC Parks has identified some potential key areas within the South Okanagan for consideration for enhanced protection.

**DISCUSSION:**

Prior to a follow-up meeting with ONA in June 2015, BC Parks has examined the list of interests and land areas identified to date that could be pursued. These include:

**Area 1: South Okanagan Grasslands Component:**

Area 1 is comprised of the southern component of the 2010 NPR proposal (does not include the Vaseaux Lakes area) and is approximately 27,400 hectares in area.

Portions of this area (approximately 9,400 hectares) are established as protected area under the *Environment and Land Use Act*. The designation has remained in place while the NPR discussions were in process, with the intent to either include the lands within an NPR or "upgrade" the designations to Class A park under the *Protected Areas of British Columbia Act* consistent with the recommendations of the Okanagan Shuswap LRMP. Of the remaining lands, about 1/3 of the total area are private lands and about 1/3 Crown lands. The Crown lands component could be considered for additional protection with

select private land acquisitions being added on a willing seller/willing buyer basis where funding is available. Some private lands (about 1,400 hectares) are owned by Nature Conservancy of Canada.

Adding Crown lands within this area would not result in a large contiguous area, but rather add protection in the vicinity of the East and West Chopaka sites and a large area north and contiguous with the Kobau site. Overall, the lands that would be protected would equate to what was being considered under the NPR.

Some further work on mineral claims occurring in the *Environment and Land Use Act* protected areas and on the Crown land portions is required and tenure expropriation with associated compensation may need to be contemplated if the existing protected areas are to be upgraded to Class A park and/or other Crown lands are to be protected. A No Registration Reserve (Conditional Reserve) is in place over the entire NPR concept area (2010) which prevents any new claims from being registered.

Ranching/grazing occurs within most of this area and provincial designations could continue to allow these activities. Forestry interests are expected to be low. Further work on other existing tenures (such as helicopter training) and encumbrances such as communications sites, roads and utility corridors would be undertaken, but these activities can be managed within provincial designations.

Ministry of Forests, Lands and Natural Resource Operations is undertaking a process to manage motorized recreation on Crown lands in the area (outside of provincial protected areas). Designated ORV sites and access management are being contemplated to help manage impacts from this activity on the environment.

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Lands surrounding Spotted Lake consist of existing protected area, Crown lands, and private lands. The federal government owns the sub-surface rights at Spotted Lake, secured in 2004 in cooperation with ONA, whereas the Province holds title to the lands (two surveyed lots) in which the lake is located. The Province could negotiate the transfer of the sub-surface rights to accompany the surface protection. Private lands may be considered on a willing seller/willing buyer basis where funding is available.

**Recommendation: s.13**

**s.13**

## **Area 2: White Lake Basin**

Area 2 is approximately 7,344 hectares in area including the existing White Lakes Grasslands Protected Area (approximately 3,700 hectares). As per the rationale for the

designation decision for South Okanagan Grasslands, White Lake was continued to be established under the *Environment and Land Use Act* pending the outcome of the NPR discussions. Of the remaining lands, about 10% of the total area is private lands and about 90% Crown lands (Provincial and Federal -- National Research Council).

The White Lake Basin is the epicentre for species and habitats at risk and contains significant conservation values and challenges. Future implications from the federal *Species at Risk Act* (SARA) may present themselves as pressures continue from development and climate change.

The federal government (National Research Council) holds notations of interest and OIC interests in lands in this area related to the Dominion Radio Astrophysical Observatory. Their interests are to limit the impact of development in the vicinity of the research centre and maintain a large buffer to the centre.

The Crown lands component could be considered for additional protection with select private land acquisitions being added on a willing seller/willing buyer basis where funding is available. Some private lands are held by The Nature Trust which operates a "biodiversity ranch" in the immediate vicinity.

Alternatively, this area (given the SARA considerations and the interests in the astrophysical centre) could be considered as a smaller counter-offer to the federal government for park purposes. In addition, the federal lands around Vaseaux Lake could be included if transferred from Environment Canada to Parks Canada. Under this option, the existence of any ranching tenures on provincial Crown lands needs to be identified and the Province would first ensure that any ranching tenures would be accepted with the same terms and conditions as currently held (consistent with provincial principles for LRMPs).

Outdoor recreation in this area has less motorized use and impacts. Forestry interests are also expected to be low given that the area is predominately a grassland/open forest ecosystem. Mineral tenures are numerous and need to be estimated should protection efforts trigger compensation. Overall, mineral activity in Area 2 is low and much of the area has not had mineral development pressures which may reduce compensation amounts. A No Registration Reserve (coal, placer, mineral) is in place over a large portion of Area 2 (White Lake Basin).

## s.16

Area 2 has potential for connectivity with Area 1 which effectively could create a large contiguous protected area on the west side of the South Okanagan from east of Osoyoos to east of Kaleden. Currently, there is mapping and analysis underway between Washington State and British Columbia on landscape connectivity to assist in climate change adaptation and migration of species. The South Okanagan is identified as a very important yet narrow corridor to maintain species. Larger areas of protection and the creation of protected corridors assist in meeting climate change objectives for flora and fauna migration.

**Recommendation: s.13**  
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**Additional Areas:**

Yellow Lake: Yellow Lake abuts Highway 3A west of Kaleden and could be captured under Area 2 proposal. The lake has specific interest by ONA as a place of healing and spiritual importance.

**Recommendation: s.13**

McIntyre Bluff: A commitment is underway to rename McIntyre Bluff to an aboriginal name.

**Recommendation:** Continue efforts to rename McIntyre Bluff to an Okanagan Nation (Sylx) name.

Goal 2 sites: The Okanagan Shuswap LRMP has remaining Goal 2 sites that have not yet been designated. Generally, all stakeholders support the designation of the Goal 2 sites to complete the implementation of the protected area recommendations of the LRMP. Proposed Area 1 does capture the Oliver Mountain Goal 2 site, with a proposed connectivity corridor that adjoins the balance of Area 1.

**Recommendation: s.13**  
**s.13**

The Land Conservancy: TLC is under a court order process to divest some properties. Three properties have been identified by ONA as desirable for acquiring - Peach Cliffs, Similkameen Pines, Lehman Springs. Some sites (such as Peach Cliffs) may not be suited as protected areas but could be managed in partnership between ONA and MFLNRO and designated using tools such as OIC *Land Act* reserves.

**Recommendation: s.13**  
**s.13**

The Osoyoos Desert Centre: The desert centre near Osoyoos is dedicated to nature interpretation of the southern Okanagan ecosystem and operates under a 30 year lease on Crown land. There are Crown lands around this site that could be included in a new protected area and the potential to connect to the existing Fields Lease Ecological Reserve. MLA Larson has proposed that this site be considered for World Heritage Site designation. Area 1 illustrates a proposed extension to capture the Osoyoos Desert Centre and environs.

**Recommendation: s.13**  
**s.13**

Seven Peaks Study Area: **s.13,s.16**  
**s.13,s.16**

This area is located immediately west of the Penticton Indian Band Reserve No. 1 and covers an area of approximately 62,500 hectares and is currently under a Notation of Interest held by MFLNRO. The Seven Peaks study area has a long standing history with respect to shared resource use and contains high traditional/spiritual value. There is still much work to determine the levels of forestry and other interests in this area.

**Recommendation: s.13,s.16**  
**s.13,s.16**

#### **Additional Considerations:**

One of the primary interests expressed by all three groups (FN, pro-NPR, anti-NPR) was to see a growth in tourism opportunities, in particular all-season/off-season opportunities. Working in close partnership with the ONA to develop cultural tourism as a key feature of any new protected area could provide a new focus for area tourism and support the economic and cultural aspirations of the ONA. The potential also exists to find space for a federal component in a South Okanagan parks complex near Vaseaux Lake, allowing the Province to leverage funding and marketing opportunities

**Attachment 1:** Summary tables of areas

**Attachment 2:** Maps of areas.

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## Attachment 1

### Summary Tables of Areas

Table 1: Summary of Issues/Opportunities: Area 1, Area 2, Seven Peaks

<b>Issue Opportunity</b> s.13,s.16	<b>Area 1 (Southern Grasslands)</b>	<b>Area 2 (White Lake Basin)</b>	<b>Seven Peaks Study Area</b>
<i>Aboriginal tourism</i>	<p>Sites would be appropriate for aboriginal tourism, education and awareness.</p> <p>Could include traditional harvesting, land management and cultural awareness</p>	<p>Sites would be appropriate for aboriginal tourism, education and awareness.</p> <p>Could include traditional harvesting, land management and cultural awareness</p>	<p>Sites may be appropriate for aboriginal tourism, education and awareness.</p> <p>Could include traditional harvesting, land management and cultural awareness</p>
<i>Tourism</i>	<p>Tourism associated with larger protected areas and diversity of activities would assist enhancing overall tourism in the region.</p> <p>May be opportunities to expand trails, campsites.</p>	<p>Tourism associated with larger protected areas and diversity of activities would assist enhancing overall tourism in the region.</p> <p>If federal government establishes NPR, addition marketing opportunity at national level.</p>	<p>Generally unknown, but larger protected areas and diversity of activities would assist enhancing overall tourism in the region.</p>
<i>Conservation</i>	<p>High concentration of species and habitat at risk. Current range practices (through Crown tenuring is impacting values).</p> <p>Existing partnerships with private conservation organizations (NCC, TNT)</p>	<p>High concentration of species at risk.</p> <p>NRC (National Research Council) holds significant land interests in an effort to keep development at a minimum.</p> <p>Existing partnerships with private conservation organizations (TNT)</p>	<p>Higher elevation (sub-alpine and alpine environment), much of which remains unprotected in this portion of the region.</p> <p>Source of numerous watersheds.</p>

<b><i>Motorized recreation</i></b>	Controlled by provincial park regulation in existing sites, yet largely unmanaged outside of existing protected areas. Requires an access management plan.  NCC and TNT lands restrict motorized use.	Controlled by provincial park regulation in existing sites, yet largely unmanaged outside of existing protected areas.  Requires an access management plan.	Medium use by ORV's in summer seasons. New illegal trail development threatens alpine environment.  High use of snowmobiles in winter season.  Requires an access management plan.
<b><i>Non-motorized recreation</i></b>	High use in spring, early summer and fall. Areas of concentration are Mt. Kobau, Kilpoola and Blue lakes.	High use in all seasons. Areas of concentration are Mahoney Lake, Mt. Kocgan, White Lake Basin.  Significant popularity for wildlife viewing.	Low to medium use. Brent Mtn Protected Area and Apex Mountain Resort draws hikers and mountain biking.  Highly popular Nickel Plate Nordic Centre.
<b><i>Ranching</i></b>	Several home ranches hold tenure for grazing (Elkink, Pendergraft, Schneider, Thompson). Home ranches are also land owners within Area 1.	Range is largely within lands owned by TNT and operated under lease. The balance as Crown range.	Range use is dissipated. First Nations hold range tenure within the area.  Significant range impact issues with wildhorses.
<b><i>Hunting</i></b>	Permitted on all provincial protected lands within Area 1 with the exception of NCC held properties.	Permitted on all provincially protected lands within Area 2 with the exception of Mahoney Lake Ecological Reserve.  Hunting within TNT lands is by permission only.  NRC lands (OIC and map reserve held) no hunting permitted.	No hunting within the boundaries of the Apex Mountain Resort, all other Crown areas are open to hunting.
<b><i>Helicopter use</i></b>	Park Use Permits issued for select areas provincial protected area sites within Area 1. Additional use on Crown land outside of PPAs.	Use on Crown land outside of PPAs and on conservation lands held by TNT.	Unknown
<b><i>Forestry</i></b>	No commercial resource use within existing PPA.  Low number and size of cutting permits due to grassland topography/ dispersed tree cover and poor growing conditions.	No commercial resource use within existing PPA.  Low number and size of cutting permits due to grassland topography, dispersed tree cover and poor growing conditions.	Cutting permits concentrated in higher elevation ESSF.  High concentration of extraction along the eastern boundary of Brent Mtn Protected Area.



<b>Mining</b>	<p>No Registration Reserve is in place over Area 1. No new claiming allowed.</p> <p>Older claims still in place but very low number of works outside of PPA's.</p>	<p>No Registration Reserve is in place over 70% of Area 2. No new claiming allowed.</p> <p>Older claims still in place but very low number of works outside of PPA's.</p> <p>High level of uranium within bedrock.</p>	<p>High concentration of active claims mostly centred on the former Nickel Plate Mine (now owned by Barrick Gold Inc.).</p> <p>High level of uranium in bedrock.</p>
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Table 2: Specific Sites of Interest

<b>Site</b>	<b>Management Approach</b>
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<i>McIntyre Bluff</i>	A commitment is underway to rename McIntyre Bluff to a Syilx name.
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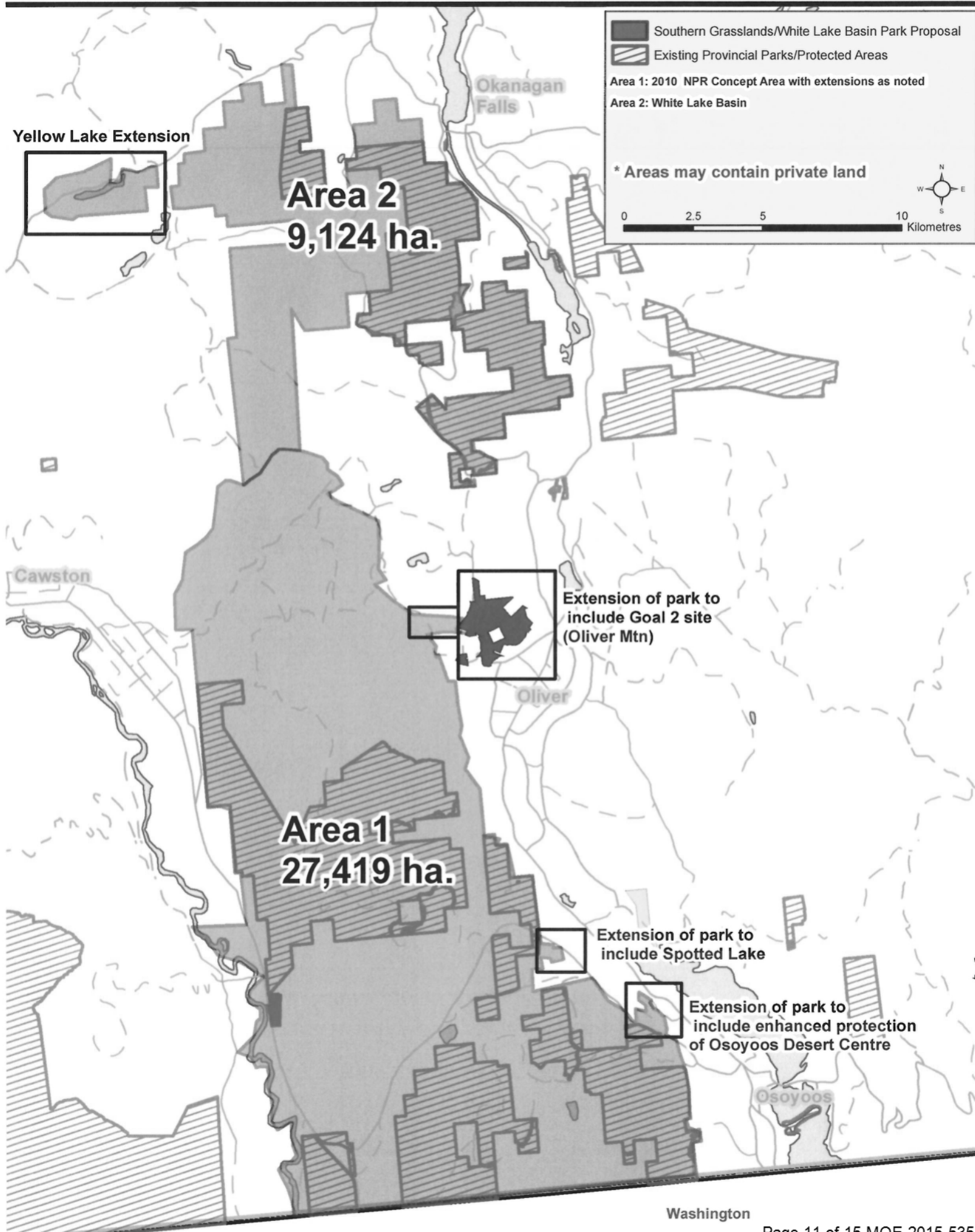
<i>Osoyoos Desert Centre</i>	Pursue protection for the Crown lands within and around the Desert Centre. This area could be protected as part of the broader park under Area 1.
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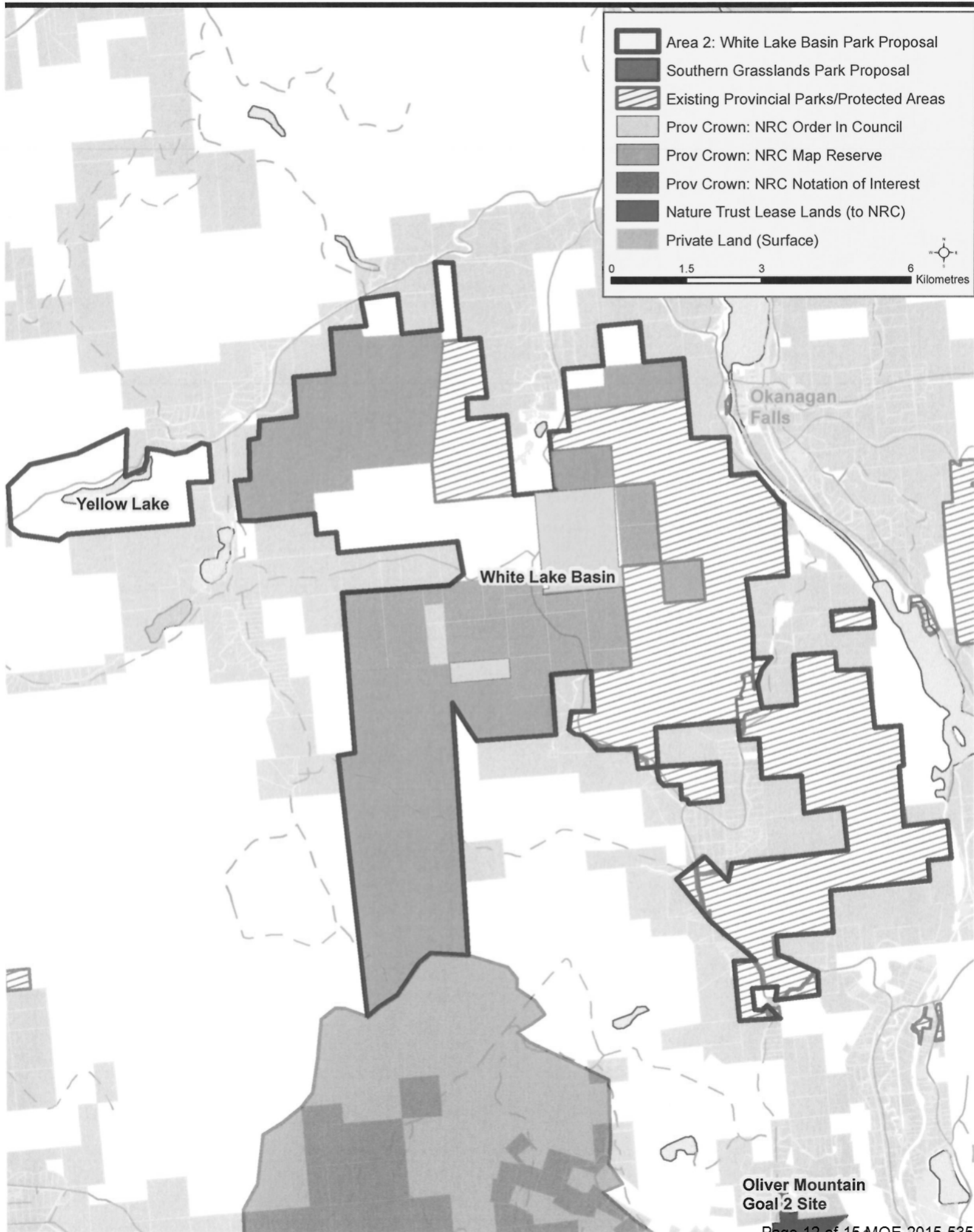
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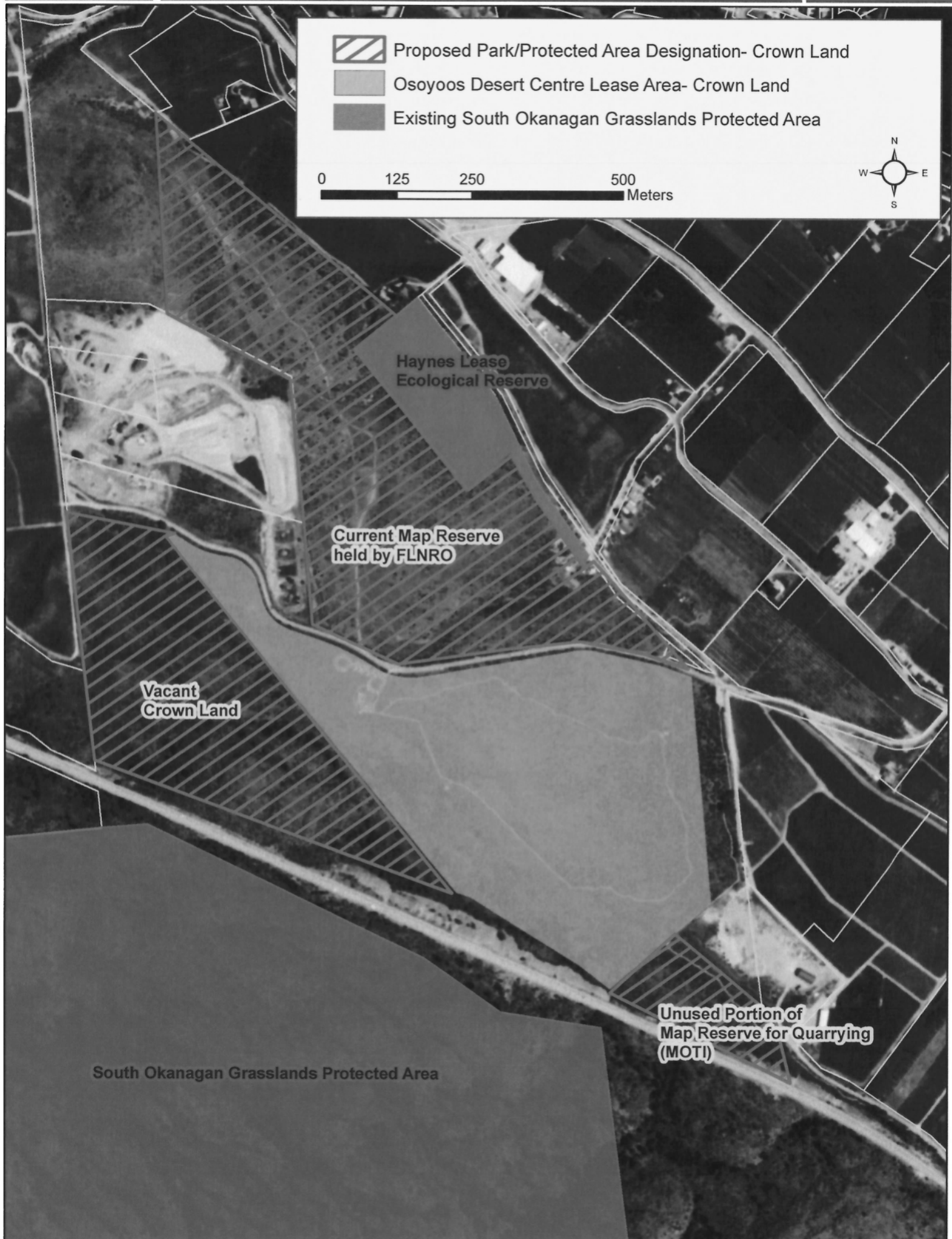
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# Area 2 Detail: White Lake Basin Park Proposal



# Osoyoos Desert Centre- Enhanced Protection Proposal





# Spotted Lake- Enhanced Protection Proposal

- Possible Acquisitions (based on undeveloped property-private)
- Spotted Lake Provincial Crown Lots- to park/protected area status
- Existing South Okanagan Grasslands Protected Area
- Extent of Current Section 16 Map Reserve

0 125 250 500 Meters



Spotted Lake

