



Reasons for Decision of the Chief Executive Assessment Officer

IN THE MATTER OF AN APPLICATION TO DESIGNATE THE
TRANQUILLE ON THE LAKE PROJECT AS REVIEWABLE UNDER THE
ENVIRONMENTAL ASSESSMENT ACT (2018)

JUNE 23, 2025

1.0 CONTEXT

I have considered the application (Designation Application) by Stk'emlúpsenc te Secwépemc Nation (SSN or the Applicant) requesting that the Minister of Environment and Parks designate the Tranquille on the Lake Project (the Project) as reviewable under Section 11 of the *Environmental Assessment Act* (2018) (the Act). The Minister has delegated the power to designate a project as reviewable to me, the Chief Executive Assessment Officer (CEAO) of the Environmental Assessment Office.

The Project has been planned by Ignition Tranquille Development Inc. (Proponent) on behalf of the property owners (BC Wilderness Tours Inc). The Proponent is proposing a mixed-use development with 1500 homes, a hotel or inn, a guest house, winery, farm and local amenities on approximately 190 hectares of fee simple land within the municipal boundaries of the City of Kamloops. Approximately 650 m² of Crown land is also required, which will be located below the surface of Kamloops Lake in Cooney Bay for horizontally drilled surface water access for potable water. There is also surface water pipeline infrastructure on fee simple land, approximately 150 metres to the west of the Tranquille River.

I recognize the unique importance of the Kamloops Lake for its recreational, economic, spiritual, and cultural value to nearby communities, residents, and First Nations. In making my decision, I have considered the EAO's Evaluation of Application to Designate the Tranquille on the Lake as Reviewable under the Act (Designation Report), as well as supporting information submitted by the review participants described in the Designation Report, posted to the EAO's Project Information Centre website, linked here: <https://projects.eao.gov.bc.ca/p/64f9f03e559cf40022effe76/project-details>.

This document sets out the reasons for my decision.

2.0 NATURE AND SCOPE OF THE DECISION

Section 11 of the Act gives the Minister the power to designate an 'eligible project' as a reviewable project. Eligibility refers to a project that is not substantially started and is not a reviewable project under the *Reviewable Projects Regulation* (RPR).

In deciding on a Designation Application for an eligible project, I must consider:

- a) Whether the applicant is an Indigenous nation;
- b) Whether the eligible project could have effects on Indigenous nations and the rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*;
- c) Whether the potential effects of the eligible project would be equivalent to or greater than potential effects of a project in the prescribed category of the RPR; and,
- d) Whether an assessment of the eligible project is consistent with the purposes of the EAO, as set out in Section 2 of the Act.

These factors are not exhaustive. That is, I may consider other matters relevant to the specific project in question.

In this regard, one of the key considerations with respect to my decision whether to designate the Project is the existence of a number of other regulatory processes that could address the concerns expressed by the Applicant; these are detailed in the Designation Report at some length. In this regard, I agree with what my predecessor said in her reasons with respect to an application to designate the Big White ski resort project as reviewable:

As I say above, the list of considerations under Section 11(4) is not exhaustive, and I have also considered the following additional matters in making my decision.

The intention of environmental assessment is to capture major projects with the greatest effects without duplicating other regulatory processes.¹

I consider the factors in section 11(4) and other matters in the reasons below.

A decision to decline to designate a project as reviewable does not authorize the project to proceed, as it would remain subject to permitting or authorizations processes appropriate for the type of project or activity.

3.0 THE EAO'S REVIEW PROCESS

The Designation Application was reviewed by the EAO, which engaged with the groups listed below. A particular focus of the review concerned whether the concerns raised by the Applicant were within the scope of existing municipal and provincial regulatory processes. The EAO's draft Designation Report was shared with all engaged parties and the Applicant and the Proponent to verify project information and ensure completeness and accuracy of content.

- Ministry of Forests, Archaeology Branch;
- Ministry of Forests, Regional Operations - Thompson/Cariboo;
- Ministry of Water, Land, and Resource Stewardship, Permitting Transformation Division;
- Ministry of Water, Land and Resource Stewardship, Biodiversity and Ecosystems Branch;
- City of Kamloops, Development, Engineering & Sustainability;
- Agriculture Land Commission;
- Ministry of Housing, Housing Targets Branch;
- Ministry of Environment and Parks, Environmental Protection Division;
- Ministry of Environment and Parks, Site Remediation;
- Ministry of Indigenous Relations and Reconciliation, Residential School Response;
- Ministry of Tourism, Arts, Culture and Sport, Heritage Branch;
- Ministry of Municipal Affairs, Local Government Division; and,
- Office of the Chief Coroner, BC Coroners Service, Ministry of Public Safety and Solicitor General.

Multiple First Nations have asserted rights in the Project area. I understand that the EAO sought comments on SSN's Application from the following Nations:

1. Nlaka'pamux through the Nlaka'pamux Nation Tribal Council representing:
 - Oregon Jack Creek Band;
 - Lytton First Nation;
 - Skuppah Indian Band; and,
 - Boothroyd Indian Band

Nlaka'pamux through the Nlaka'pamux Nation Tribal Council did not respond to the EAO's request for comment.

¹ Reasons for Decision of the Chief Executive Assessment Officer in the Matter of an Application to Designate the Proposed Expansion of Big White Ski Resort as Reviewable under the Environmental Assessment Act (2018) by Westbank First Nation (July 17, 2023) ("Big White").

2. Neskonlith Indian Band

Neskonlith Indian Band did not respond to the EAO's request for comment.

3. Whispering Pines/Clinton Indian Band (Pelltiq't)

The EAO received a response from the Whispering Pines/Clinton Indian Band on November 24, 2023, indicating that upon review of the information provided, the Whispering Pines/Clinton Indian Band would respectfully defer to Tk'emlúps te Secwépemc and that no further comments would be provided.

I extended the timelines for a decision beyond the 30-day application review period time limit under Section 38 of the Act to facilitate a deep level of engagement with the Applicant, respond to additional incoming questions and information requests, and allow for sufficient time for review and feedback of the Designation Report by the Applicant.

4.0 KEY CONSIDERATIONS

4.1. If the Project is an Eligible Project

To consider if the Project can be designated as a reviewable project, I must first consider if the Project is an eligible project for the purpose of Section 11 of the Act.

Section 11(1) of the Act defines an "eligible project" as a project that is not substantially started and is not a reviewable project under a regulation under section 9 of the Act, namely the RPR. Only an eligible project can be designated as a reviewable project under Section 11.

I agree with the conclusion in Section 8.3 of the Designation Report and the November 14, 2023 letter from Todd Goodsell, Executive Project Director of the EAO that the proposed Project is an eligible one. With respect to it being a reviewable project under the RPR:

- The Project is primarily a housing development with agricultural elements, which is not a prescribed category under the RPR.
- To have been a resort, which is a category in the RPR, the project must meet all criteria in Table 14 of the RPR, including that it caters to tourists and offers $\geq 2,000$ tourist-oriented bed units, which the Project does not.
- Although the Project includes resort-like features, it does not qualify as a "resort development" because most (about 95 percent) of the proposed bed units are permanent residences, not tourist-focused temporary lodging.

As outlined in the Designation Report, the Project has also not substantially started.

Section 11(4) Factors

With respect to the matters relevant to my decision, I have considered the EAO's analysis of the factors set out in Section 11(4) of the Act.

4.1.1. Section 11(4)(a) – Whether the Applicant is an Indigenous Nation

The Applicant is an Indigenous nation. This was an important consideration for my decision. The Designation Application includes assertions that the Project will cause serious impacts to the SSN and its Section 35 Rights. I also note SSN's concerns regarding the lack of meaningful consultation by the City of Kamloops and the Province undertaken to date respecting statutory decisions required for the Project to proceed. I have weighed these concerns bearing in mind that the SSN is an Indigenous nation.

4.1.2. Section 11(4)(b) – Whether the eligible project could have effects on Indigenous Nations and Section 35 Rights

I agree with the EAO's view that many of the issues raised by SSN pertaining to the private land that constitutes the Project site (restricted access, a lack of decision making authority for land use decisions on the Project site, and diminished ability of SSN to obtain economic benefit from the Project site) result from the Crown's past use and disposition of the land and historic impacts would be best addressed through other processes rather than an environmental assessment.

I also agree that the potential disturbance of unmarked graves of Secwépemc or other Indigenous peoples at the Tranquille site would constitute a serious impact on SSN and its Section 35 Rights. While there is no conclusive evidence confirming the presence of unmarked graves of Secwépemc or other Indigenous peoples, the 2007 Archaeological Impact Assessment acknowledged the reasonable possibility of additional burial remains and recommended mitigation if the site is disturbed. While the information in this regard is uncertain, I think it is appropriate to give the potential presence of unmarked graves at least some weight as part of my decision. I have considered the potential impact of the Project, alongside SSN's assertions of the potential presence of unmarked graves at the Project site, and the cultural and spiritual importance of protecting ancestral remains, as a potential adverse effect on SSN. I acknowledge that the EAO is not able to conclude that unmarked graves exist at the Project site, nor the identities or history of the individuals in such graves based on the sparse evidence made available to the EAO.

It is my view that requiring an environmental assessment for the purpose of investigating whether children from the Kamloops Indian Residential School were sent to Tranquille facilities and whether unmarked graves exist on the site, is not appropriate, particularly in light of the uncertain information in this regard. I agree with the EAO's views stated in Sections 7.1.6 and 8.5 of the Designation Report that the existing regulatory framework is sufficient to address SSN's interest as further information becomes available regarding the possible presence of unmarked graves on the Project site.

I also acknowledge that the Project area, which is adjacent to the Tranquille River and its confluence with the Thompson River, is biodiverse and ecologically important to the region. I agree with the EAO's conclusion that the City of Kamloops' rezoning application review process can consider potential biophysical impacts and may require mitigation measures if the rezoning application is authorized.

4.1.3. Section 11(4)(c) – Whether potential effects of the eligible project will be equivalent to or greater than those of a reviewable project

I agree with the EAO's conclusion stated in Section 8.6 of the Designation Report that the potential effects of the Project cannot be compared to the effects of another reviewable project because it is not a type of project within a prescribed category in the *Reviewable Projects Regulation* and therefore that Section 11(4)(c) of the Act does not apply.

4.1.4. Section 11(4)(d) - Whether an assessment of the eligible project is consistent with the purposes of the EAO

I have considered the conclusion in the EAO's report on whether an assessment of the eligible project is consistent with the purposes of the EAO, as set out in Section 2 of the Act. These purposes include:

1. Promoting sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities; and
2. Supporting reconciliation with Indigenous peoples in B.C.

I agree with the conclusions in Section 9 of the Designation Report and the recommendation not to designate. While designating the Project could support sustainability and reconciliation—both key purposes of the EAO—these goals can also be addressed through municipal land use planning and other regulatory processes. I also agree that the intention of

environmental assessment is to capture major projects with the greatest effects without duplicating other regulatory processes.

I specifically note that:

- An environmental assessment could promote sustainability, but this could be said for many developments and can be addressed, in the case of the Project, through municipal land use planning (e.g., phased development agreements, housing agreements), plans (regional growth strategies, Official Community Plans) and zoning requirements as described in Section 8.7 of the Designation Report.
- Designating the Project as reviewable would support reconciliation with SSN; however, again, there are other processes that can address the SSN's concerns.

I note that the City of Kamloops is advancing reconciliation with T'kémelúps te Secwépemc by making commitments to engage with T'kémelúps te Secwépemc during updates to the Official Community Plan, amongst engagement on other foundational plans that will guide how land development decisions will be made in the city. I also note that the City of Kamloops may choose to enter a Heritage Revitalization Agreement to preserve historic buildings if considered appropriate and that SSN has not yet reached out to the City of Kamloops to make this request.

4.2. Other Matters

During the EAO's review of the Designation Application, SSN asserted that, in deciding whether to designate a project under Section 11, the CEO should consider, and draw a conclusion as to, whether the designation is in the "public interest". In my view, the question to be decided under Section 11 is whether an eligible project should be designated. In making that decision, I must consider the mandatory factors under Section 11(4) and any other relevant factors. While those factors may include public interest considerations, I am not required to determine whether the designation is in the public interest. In particular, I note that Section 11(6) does not apply to this application because no regulatory processes have been prescribed for the purposes of that subsection.

SSN also cited examples of housing developments reviewed by other agencies in B.C. and in eastern provinces to support its designation request. I want to acknowledge this and also note that such assessments reflect different legislative frameworks and do not, in and of themselves, justify review under B.C.'s laws.

5.0 CONCLUSION

I am satisfied with the level of engagement and consultation that the EAO conducted with the Applicant (SSN) and the Proponent during the designation application review process, including how the EAO responded to the Applicant's concerns in the sections above, and as described in the Designation Report.

Having considered the EAO's Report, the submissions provided by the Applicant and Proponent, the EAO's review process, the factors set out in Sections 11(4) and 2 of the Act, and existing regulatory processes, I have decided to not designate the Project as reviewable under the Act.



Alex MacLennan Chief Executive Assessment Officer and
Associate Deputy Minister

Signed this 23 day of June, 2025.