



The Snayckstx (Sinixt)
Confederacy

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The Confederated Tribes of
the Colville Reservation

June 25, 2025

VIA EMAIL – Elise.Matzanke@gov.bc.ca and Matthew.Scarr@gov.bc.ca

Elise Matzanke and Matthew Scarr
Project Assessment Directors
Environmental Assessment Office
836 Yates St.
Victoria, BC V8W 1L8

Dear Environmental Assessment Office:

Re: Review of Environmental Assessment Office draft report — Application to have the proposed Zinton All-Season Resort located on Sinixt traditional territory designated as a reviewable project

I write on behalf of the Confederated Tribes of the Colville Reservation (CTCR) and the Sinixt Confederacy in relation to our application under s. 11 of the *Environmental Assessment Act*, S.B.C. 2018, c. 51 [EAA].

We have reviewed the Environmental Assessment Office's (EAO) "Evaluation of an Application to Designate the Zinton All-Season Resort as Reviewable Under the Environmental Assessment Act (2018)" ("the Evaluation"). The Evaluation does not accurately reflect information contained in the Sinixt Confederacy's previous submissions. We have corrected the Evaluation in track changes in the attached document to ensure the Sinixt Confederacy's comments are accurately reflected.

In addition, we have identified a number of omissions in the draft report that should also be corrected to ensure our application is accurately presented to the Minister.

1. **Missing analytical step – "eligible project":** The Evaluation fails to explain the details of why, in the EAO's view, this project is an "eligible project" under s. 11 of the EAA. This is a key issue identified by the Sinixt Confederacy as well as the other applicant: it is our understanding that the Proponent's description of the number of bed units in the proposed project provided to the EAO does not align with how it has described the proposed project elsewhere. In response to a request for the source of the bed unit count, the EAO provided a single letter from the Proponent, and no supporting documentation.

The EAO must explain why it is relying on the letter provided by the Proponent, and how this can be squared with the Proponent's other descriptions of the Proposed Project, such that it is satisfied the Proposed Project does not trigger the production capacity threshold in the *Reviewable Projects Regulation* such that an environmental assessment is required by law.

2. **Failure to weigh a mandatory factor – s. 11(4)(a):** The Evaluation in s. 10 fails to consider or weigh s. 11(4)(a) of EAA, which provides that an application by an Indigenous nation should be given particular weight given the EAA's role in supporting reconciliation with Indigenous peoples by subjecting projects to robust, consent-based environmental review—something the MRB process simply does not do.

3. **Misunderstanding of the EAA – s. 11(4)(d):** The Evaluation contains the following statement in s. 8.5, in considering whether the project is consistent with the purposes of the EAO set out in s. 2 of EAA:

The EAO recognizes that designating the Project as reviewable could support reconciliation with First Nations. However, the intention of the environmental assessment is to capture major projects that could result in significant adverse effects without duplicating other regulatory processes.

[Emphasis added.]

This statement is a legal error. Section 2 of EAA does not specify that the statute is not intended to duplicate other regulatory processes.

To the contrary, EAA by its very nature parallels other regulatory processes. This is clear from the scheme of EAA, which makes no provision for the EAO process to be skipped where a Ministry has authority over a certain project (which it invariably will). This is also clear from the purposes set out in s. 2 and the need to seek consensus with Indigenous nations built into EAA, which demonstrate that EAA is intended to provide a more robust layer of protection for Indigenous rights and the environment than other, pre-existing review processes.

4. **Missing analytical step – s. 11(4)(d):** The Evaluation does not describe or analyze the differences in EAO and MRB legislative structures and how these are able to advance the objectives of advancing reconciliation and protecting the environment.

The report does not describe or analyze the difference between the obligation applying to both the EAO and MRB to interpret laws in a manner that protects section 35 rights and in line with the *Declaration on the Rights of Indigenous Peoples Act*, and the obligations in the EAA to specifically seek to achieve consensus with Indigenous nations. Unlike the EAO, MRB is not bound by any statutory framework that requires it to seek to achieve consensus, or that provides for dispute resolution options consistent with “recognizing the inherent jurisdiction of Indigenous nations” (EAA, s. 2(2)(b)(iii)(B)).

The draft report also fails to describe or analyze the differences between the EAO’s powers to monitor compliance with an EAC, and MRB’s powers at law. In particular, the Evaluation fails to have regard to the differing authorities of MRB and the EAO to regulate activities on private land, which are highly relevant to this project.

The above analyses must be added to the report to adequately address the Sinixt Confederacy’s application. We would appreciate the opportunity to review a revised report addressing these omissions.

Sincerely,



wiswawist (Long Walker)

Jarred Erickson

Chairman - Confederated Tribes of the Colville Reservation and Sinixt Confederacy

cc:



EVALUATION OF AN APPLICATION TO DESIGNATE THE ZINCTON ALL-SEASON RESORT AS REVIEWABLE UNDER THE ENVIRONMENTAL ASSESSMENT ACT (2018)

REQUESTED BY:

WILDSIGHT AND SINIXT CONFEDERACY

JUNE 17, 2025

Pursuant to Section 11 of the *Environmental Assessment Act*, S.B.C. 2018, c.51.



EAO

Environmental
Assessment Office

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1.0 PURPOSE OF THIS REPORT

The Environmental Assessment Office (EAO) received two applications requesting the designation of the Zincton All-Season Resort (the Project), located near New Denver, B.C., as a reviewable project under Section 11 of the *Environmental Assessment Act* (2018) (the Act).

The first application was submitted by Wildsight, an environmental non-governmental organization operating in British Columbia's Columbia and Rocky Mountain regions, on November 7, 2023. The second application was submitted by the Sinixt Confederacy, a representative of the U.S.-based Lakes Tribe of the Confederated Tribes of the Colville Reservation, on February 8, 2024.

This report provides the EAO's analysis of the applications, the input received from review participants, and an evaluation of the Project against factors that must be considered under Section 11 of the Act.

2.0 SECTION 11 OF THE ENVIRONMENTAL ASSESSMENT ACT

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

- (a) Whether the applicant is an Indigenous nation;
- (b) Whether the eligible project could have effects on Indigenous nations and their rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*;
- (c) Whether 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.

The list above is not exhaustive. If the Minister declines to designate the Project as reviewable, they must provide reasons for that decision to the Applicants.

3.0 ZINCTON ALL-SEASON RESORT PROJECT OVERVIEW

The Project is a backcountry ski resort located in the Central Selkirk Mountains, 8 kilometres (km) east of New Denver, B.C. and 38 km west of the Village of Kaslo. The Project would include a chairlift, an approximately 30-hectare, pedestrian only mountain village on privately owned lands above Three Forks, as well as a remote Backcountry Lodge midway along London Ridge. The proposed tenured area covers approximately 5,500 hectares. At full buildout, it is anticipated that the Project would have a resort capacity of approximately 1,200 guests per day. Based on use patterns from other ski areas, the Proponent indicated that the actual number of skiers per day would average 60 to 70 percent. In the summer, the resort would be used for controlled and sustainably managed hiking, sightseeing and lower elevation mountain biking.

The Zincton Mountain Village, base area, community services, and amenities would be located on adjacent private lands. The Proponent describes the Zincton Mountain Village as a compact, pedestrian-oriented village with a design that emphasizes low-impact, sustainable living. Accommodations would include mountain cabins and residences; no large hotels or condominiums are being proposed. The Zincton Mountain Village would also include a community center with restaurants, retail, a general store, equipment rentals, guest services and a small dining hall.

The proposed backcountry lodge would accommodate up to 50 guests. It would be designed to be self-sufficient, using renewable energy, rainwater collection, and a septic field for wastewater treatment.

4.0 KEY CONCERNS RAISED BY THE APPLICANTS

The Applicants raised the following concerns in their Applications:

- Cumulative effects and further fragmentation in the Central Selkirk mountains due to intensive use and backcountry development;
- Impacts to species of concern, including caribou, mountain goat, wolverine, grizzly bear, and western toad, as well as to big game and predator species
- Impacts to the watershed due to mobilization of potential contaminants from historic mining during construction and change in drainage/runoff patterns;
- Proposed number of bed units;
- Concerns regarding the backcountry lodge and increased traffic;
- Limited assessment of development proposed on private property; and,
- Potential significant increase in human traffic year-round.

5.0 THE EAO'S DESIGNATION REVIEW PROCESS

The EAO reviewed the Applications provided by the Applicants following their receipt in November of 2023 and February of 2024. The EAO requested additional information from the Proponent on the number of proposed bed units before determining whether the Project was eligible to be considered for designation. In accordance with Section 11 of the Act, the decision maker may only designate a project or a modification of an existing project as a reviewable project if the project has not substantially started and is not a reviewable project under the RPR.

On January 27, 2025, the Proponent confirmed the bed units for the Project will not exceed 1,700 – meaning it will not require a project notification under Section 10 of the Act and does not meet the threshold for reviewability.

The EAO determined that the Project is an eligible project as defined in the Act, as the Project has not been substantially started and does not itself meet the threshold that would automatically require an environmental assessment. Therefore, the Project can be considered for designation under Section 11 of the Act.

The EAO formally confirmed commencement of the designation review with ~~the Applicants Wildsight~~ and the Proponent on February 14, 2025. The EAO confirmed commencement of the designation review of the Sinixt Confederacy's application on June 5, 2024.

On March 12, 2025, the EAO met with the Sinixt Confederacy, who confirmed that their February 8, 2024 submission outlines their concerns and should inform this report. On May 15, 2025, the Sinixt Confederacy wrote to the Minister expressing concern that the EAO portal stated Wildsight had received a draft report for review, and they had not, despite being another applicant under s. 11 of the Act. On May 29, 2025, after being provided with a draft report that again did not identify the Sinixt Confederacy as an applicant, the Sinixt Confederacy submitted a letter to EAO confirming that the February 8, 2024 letter to Ministers was intended as a Section 11 Application under the Act sent a letter requesting a draft report that addressed their application. This letter also identified additional summarized potential impacts on Sinixt~~their~~ Section 35 rights, also identified in the Sinixt Confederacy's February 8, 2024 letter, which are outlined in sections 7.0 and 8.3 of this report.

On February 14, 2025, the EAO consulted the following First Nations that may be impacted by the Project and sought comments on the Application:

- Adams Lake Indian Band;
- Skwłāx te Secwepemcúfecw;
- Neskonlith Indian Band;

- Shuswap Band;
- Ktunaxa Nation Council;
- Okanagan Nation Alliance; and
- Okanagan Indian Band.
- Sinixt Confederacy (also an applicant).

The EAO received a response from Shuswap Band, Ktunaxa Nation Council, Okanagan Indian Band and Skwłāx te Secwepemcūfēcw. Information regarding these responses is provided in Sections 7.0 and 8.3 of this report.

On March 20, 2025, the EAO met with Ktunaxa Nation Council to discuss the Designation Request process and some of their concerns regarding the Project. Ktunaxa Nation Council stressed the importance of this Project being reviewable under the Act but emphasized that they hold a firm stance of non-consent for the approval of the Project overall due to the potential for significant cumulative effects in the North Slokan area and potential impacts on their Section 35 Rights.

Ktunaxa Nation Council provided the EAO with their cumulative effects assessment regarding the Project: [ʔaḡpu Project Final Report: A Ktunaxa Cumulative Effects Initiative and Evaluation for a Portion of ʔaḡpu ʔamakʔis \(North Slokan\)](#) (Ktunaxa Nation Council's Cumulative Effects Report) submitted to the Minister of Forests and the Minister of Tourism, Arts, Culture and Sport, which provides an evaluation of the existing and proposed land use activities within a portion of ʔaḡpu ʔamakʔis (Wolverine's Land), an area spanning the Highway 31A corridor located in south-west B.C.

On February 14, 2025, the EAO notified the Mountain Resorts Branch (part of the BC Ministry of Tourism, Arts, Culture and Sport) of the Application and solicited comments to inform its recommendation for the designation decision. On February 13 and March 20, 2025, the EAO met with staff from MRB to discuss their review process, previous consultation and engagement with the public and First Nations and how their process may consider or address the Applicants' concerns.

On February 14, 2025, the EAO sent notifications to the following local governments seeking comments on Wildsight's Application:

- Regional District of Central Kootenay (RDCK);
- The Village of New Denver;
- The Village of Kaslo;
- The Village of Silverton; and
- The Village of Nakusp.

The EAO received responses from RDCK, the Village of Kaslo and the Village of Nakusp. Further details on these responses can be found within sections 7.0 and 8.0 of this report.

On April 23, 2025, the EAO provided this report in draft form to Wildsight and the Proponent for review and comment.

On ~~DATE~~ June 17, 2024, the EAO provided this report in draft for to Sinixt Confederacy for review and comment.

6.0 REGULATORY HISTORY AND STATUS

MRB, is responsible for the review of resort development proposals in B.C. MRB is responsible for the administration of Regional and Destination Mountain Resorts on Crown land under the [All-Seasons Resort Policy](#) which aims to develop B.C. as a world-class all-seasons resort destination.

Environmental, socio-economic, cultural heritage, health and other implications of the proposal are progressively assessed by MRB throughout a three-stage resort development planning process. The first stage is the Expression of Interest which aims to screen potential resort concepts and determine whether they merit further evaluation. The second stage is the Formal Proposal which evaluates the feasibility and impacts of the resort concept in more detail. The third and final stage is the Master Plan and Master Development or Operating Agreement which finalizes the resort design and secures land tenure. All relevant material, including information received from the proponent, First Nations, local and provincial government agencies, referral responses, stakeholders and the public are considered during decision making.

The process to review, approve, and issue Resort Master Plans and Master Development or Operating Agreements takes place in accordance with the All-Seasons Resort Policy and Guidelines (Chapter I and Chapter II), administered by MRB. It is a policy-based approach that applies the Provincial Environmental Mitigation Policy to avoid and minimize adverse environmental impacts that may result from resort developments. In comparison, the EAO's environmental assessment process is administered in accordance with the Act.

A review and assessment by MRB is required for all resorts located either fully or partially on Crown land, including resorts that meet the criteria in the RPR and require an assessment under the Act. The Project would be required to undergo review and assessment by MRB regardless of whether an environmental assessment under the Act is required.

MRB offers a one-window approach to oversight and coordination for the planning, development, and operation of mountain resorts in B.C. Key regulatory functions include:

- Consideration of new resort and ski area Master Development and Operating Agreements under the *Ministry of Lands, Parks and Housing Act*;
- Delivery of authorizations through delegated Ministerial authorities under the *Land Act*, *Forest Act*, *Forest and Range Practices Act*, *Resort Timber Administration Act* and the *Ministry of Lands, Parks and Housing Act*;
- Coordination of consultation with First Nations, government agencies, stakeholders, and the public on all resort/ski area land and forest harvesting applications and Master Plan reviews;
- Identification of key concerns, conflicts and issues associated with applications and gathering relevant information to support the review and consultation;
- Development of proposed mitigations, proponent requirements and performance conditions which address and accommodate the interests of First Nations, including [Economic and Community Development Agreements](#) for revenue sharing, community access agreements and land transfer agreements;
- Continued regulatory oversight for contractual requirements and obligations, resort operations and phased development over time; and,
- Collection of government revenue from resort and ski areas on public land.

MRB shared key principles with the EAO on how it reviews resort projects, including identifying issues and impacts, consulting First Nations, engaging the public, using expert advice, and addressing risks and potential negative effects. As part of the MRB project review, First Nations consultation and structured phases of public review are conducted. Like the EAO's Technical Advisory Committee, MRB also establishes a Technical Review Team composed of subject matter experts from local and provincial governments, First Nations, and regulatory agencies.

In May of 2020, The Proponent initiated MRB's major project review process with the submission of the [Zincton All-Season Resort Expression of Interest](#). The Project is currently in the Formal Proposal stage, which is the

second of three stages of a major project review. The review and issues resolution are ongoing within the review process until the risk of potential negative impacts and critical issues are sufficiently addressed. After the Formal Proposal review is complete, MRB will prepare recommendations for the final Formal Proposal decision. If the Formal Proposal is approved, the Proponent would be invited to enter the third stage of the major project review process and submit a draft Master Plan. The major project review process has been suspended while the EAO completes the review of the designation applications.

7.0 DETAILS OF REVIEW GIVEN THE ISSUES RAISED

The following section outlines how the EAO's review of the Applications considered the issues raised.

7.1. Cumulative Effects

7.1.1. Issue(s) raised by the Applicants

In their Application Wildsight stated:

- The Central Selkirk Mountain region is a heavily used adventure tourism area and is experiencing increasing environmental and user conflict issues due to intensive recreation and backcountry development.
- Sensitive wildlife species like mountain goat, wolverine, and mountain caribou are being disturbed and displaced.
- The Project overlaps with existing adventure tourism tenures (Retallack cat skiing and Stellar Heliskiing) and other pending applications, further threatening habitat connectivity.
- Concern that expanding development could further fragment critical wildlife corridors, particularly affecting wide-ranging species like grizzly bear and wolverine.
- The Project area should be designated for intermediate biodiversity protection under the Kootenay Boundary Higher Level Plan Order and identified as a key wildlife corridor.

In their Application Sinixt Confederacy stated:

- The Environmental Overview Report (EOR) prepared by the Proponent for its application focuses only on the potential impacts of the project in terms of the Controlled Recreation Area (CRA) and does not include a discussion or review of potential impacts associated with the development on private property that will occur if the project moves forward. All impacts associated with the project must be considered to have a properly informed review and decision-making process.
- The project will potentially have impacts, or limit recovery, on five main wildlife species (mountain goat, wolverine, grizzly bear, southern mountain caribou, and western toad). These impacts would be year-round as the project will be an all-season resort.
- Although a proposed Commercial Summer Closure Area (CSCA) has been suggested as a mitigation option (primarily for grizzly bear) within a known wildlife corridor, it is unclear how the establishment of a CSCA will be of benefit to wildlife. In light of the fact that this is a proposed all-season resort, we have concerns that there will still be a significant increase in the human traffic in the CRA year round, even with the implementation of a CSCA.

The Sinixt Confederacy further emphasized that:

- The project will have cumulative impacts to species and habitats from additional tourism development (Retallack cat skiing and Zincton) and year-round use on the same area, which will affect the s. 35 rights of the Sinixt to hunt and steward the wildlife population and deprive the Sinixt of their food, social, and ceremonial practices. Impacts could be seen from:

- Increased human foot-print and use;
- Increased motorized and non-motorized use of the area;
- Increased human-wildlife interactions);
- Increased disturbance to habitat (including noxious weed) and including garbage or other human-related waste; and
- Construction and maintenance of roads, trails, ski/bike lifts, electricity needs, radio equipment, etc.

7.1.2. Review Participant Comments

7.1.2.1. Comments from Ktunaxa Nation Council

The Ktunaxa Nation Council highlighted key concerns regarding cumulative effects in their Cumulative Effects Report dated June 2023, with a focus on the combined impact of the Project and the Mount Brennan backwoods recreation tenure on the ecological and cultural integrity of the North Slokan area. Ktunaxa Nation Council raised concerns relating to how overlapping land use pressures—such as habitat fragmentation, increased human activity, and infrastructure development—could irreversibly damage ecosystems, disrupt wildlife (especially the Central Selkirk caribou herd), and degrade water and soil quality. Additionally, Ktunaxa Nation Council emphasized that these cumulative impacts threaten their ability to exercise Ktunaxa Rights, including land stewardship, cultural practices, and traditional resource harvesting. In their comments, Ktunaxa Nation Council calls for a comprehensive environmental assessment that fully accounts for these long-term, interconnected effects. Further details on Ktunaxa Nation Council's Cumulative Effects Report and its findings can be found in Sections 7.2.2.2 and 8.3.2 of this report.

7.1.2.2. Comments from Okanagan Indian Band

In Okanagan Indian Band's submission to the EAO on April 9, 2025, they state that the proposed scale of development, including the total number of bed units, raises concerns about the long-term sustainability of the region. The Okanagan Indian Band is concerned that increased human activity, infrastructure expansion, and resource demands could lead to cumulative environmental degradation, which calls for thorough assessment and mitigation strategies.

7.1.2.3. Comments from the Regional District of Central Kootenay

In its February 24, 2025, submission to the EAO, the RDCK expressed concerns about cumulative effects in the area, noting that it had previously requested a cumulative effects study in its 2021 response to MRB—a study they believe has not yet been completed. The RDCK also expressed dissatisfaction with the lack of detail in the Proponent's Formal Proposal submitted to MRB surrounding potential environmental issues and mitigation measures. RDCK states that an environmental assessment is critical in ensuring an adequate understanding of environmental impacts and how to proactively mitigate impacts before they occur rather than after impacts occur.

7.1.2.4. Comments from the Mountain Resorts Branch

MRB is aware of the potential for cumulative effects as a result of the Project. MRB has conferred with Provincial government staff with expertise in cumulative effects and they have reviewed the Ktunaxa Nation Council's Cumulative Effects Report. MRB has recorded cumulative effects as an issue that requires additional investigation.

In similar instances where cumulative effects are identified as a concern, MRB would work with First Nations and subject matter experts to understand the impacted values and apply the [Cumulative Effects Framework](#). The resulting information can then assist decision makers in their review of the Project.

7.1.3. Proponent's Proposed Mitigations

As part of the Proponent's review of a draft of this report on April 24, 2025 (-when the report addressed Wildsight's application but not the Sinixt Confederacy's application), including the concerns raised regarding cumulative effects, the Proponent acknowledged concerns raised by the Applicants Wildsight, local government and First Nations regarding cumulative effects in the North Slokan area.

The Proponent stated that a Controlled Recreation Area (CRA), once established, authorizes exclusive use by the resort and limits user conflicts and ongoing impacts in the area. Under an Operating Agreement with MRB, operators have exclusive rights to manage, control, and regulate use and development of the CRA year-round, including public access. The Proponent intends to control the use of the tenure to exclude uses that would be harmful to wildlife and the environment such as motorized access in designated locations.

The Proponent stated they have been working diligently with overlapping tenures and proposed tenures. As a result of these efforts, the Mount Brennan backwoods recreation tenure application was withdrawn, resulting in decreased potential cumulative effects identified in Ktunaxa Nation Council's Cumulative Effects Report.

The Proponent plans to establish a Wildlife Corridor Protection Zone (10,000 acres) within the CRA to limit and avoid disturbance and displacement of wildlife species such as mountain goat, grizzly bear, wolverine and mountain caribou that could arise from continued unmanaged use. The Wildlife Corridor Protection Zone would prioritize biodiversity protection over recreational use during select months. The Proponent has also been working with forest licenses to avoid traditional tree harvesting and harvesting of Old Growth areas.

As part of the Master Plan review with MRB, the Proponent will have a Qualified Environmental Professional complete an updated Environmental Review (which will include cumulative effects), along with an Environmental Mitigation Plan, which will include a Wildlife Management Plan, with recommendations that will follow the B.C. Environmental Mitigation Policy. In addition, the Proponent will develop a backcountry access management plan to manage public recreation and to ensure that recreation does not negatively impact wildlife movement and habitat.

The Proponent stated they will work with First Nations and qualified professionals to gather additional wildlife data, traditional knowledge and where beneficial, to understand the impacted values and support the application of the Cumulative Effects Framework. The Proponent will continue to engage with MRB on valued components during the Master Development Planning stage.

The Proponent also stated that any socio-economic analysis performed for the Project will be inclusive of cumulative effects.

7.2. Wildlife and Species of Concern

7.2.1. Issue(s) raised by the Applicants

The Applicants both raised significant concerns about Project impacts on wildlife, emphasizing potential habitat fragmentation and species displacement. The Applicants stated the area supports globally significant species like mountain goat wolverine, grizzly bear, caribou, big game, predator species and western toad. Specific concerns included:

- **Wolverine:** Wildsight and Sinixt Confederacy indicated this species is extremely sensitive to human disturbance (especially reproductive females) and avoids high-use areas. Studies indicate that increasing recreational activities and infrastructure, such as the proposed development, would likely lead to population decline by displacing wolverines from key habitats. Increased traffic on Highway 31A could also fragment their movement corridors.
- **Grizzly Bear:** Wildsight and Sinixt Confederacy indicated the proposed project area is a crucial movement corridor between protected areas for grizzly bears, supporting a large and healthy grizzly

population. Increased human presence, permanent infrastructure, and vehicle traffic could disrupt bear movement and reduce habitat quality, threatening long-term population stability.

- Mountain Goat: Wildsight and Sinixt Confederacy indicated the proposed development overlaps with key wintering habitat for mountain goats, an already small and vulnerable population. High-intensity recreation and human disturbance could lead to habitat abandonment, reduced reproduction, and increased mortality, further endangering the species.
- Western Toad (a species of concern): Wildsight indicated the Western Toad is highly susceptible to habitat fragmentation and road mortality. Increased vehicle traffic and recreation associated with the Project could exacerbate declines, especially during annual migrations.
- Caribou: Sinixt Confederacy indicated that the Project borders the Southern Caribou Critical Habitat and as a historic or current travel corridor. Increased access and habitat manipulation may increase predation risk.
- Big Game (e.g. deer, moose, elk): Sinixt Confederacy indicated that tree removal will create "edge" habitats which have the potential to increase predation risk to these species.

Wildsight also criticized the Proponent for lacking thorough, science-based conservation planning, failing to assess cumulative effects, and not proposing adequate mitigation strategies to protect these sensitive species.

The Sinixt Confederacy raised concerns about the potential effects of the Project on wildlife, emphasizing that, as a proposed all-season resort, the Project could result in year-round impacts. They noted this may hinder the recovery of mountain goat, wolverine, grizzly bear, southern mountain caribou, and western toad populations. The Sinixt Confederacy also expressed concern that the Summer Wildlife Closure Protection Zone proposed by the Proponent provides unclear benefits to wildlife. Given the nature of the resort, the Sinixt Confederacy remains concerned about the increased year-round human activity in the area.

7.2.2. Review Participant Comments

7.2.2.1. Comments from Shuswap Band

In Shuswap Band's submission to the EAO on February 24, 2025, they expressed concern that the Project would introduce infrastructure, ski runs, road and increased human activity that would potentially have significant effects on water quality, ecosystems and wildlife corridors. Shuswap Band also stated that the region supports key culturally important species such as elk, deer, grizzly bear, and caribou, and that increased tourism threatens the integrity of their habitat.

7.2.2.2. Comments from Ktunaxa Nation Council

In Ktunaxa Nation Council's June 2023 Cumulative Effects Report for the North Slokan area, Ktunaxa Nation Council presented key findings on grizzly bear, wolverine, mountain goat, moose, huckleberries, old forest, western toad, aquatic health, as well as combined grizzly and wolverine habitat quality. The report states that grizzly bear populations in southeastern B.C. are already fragmented and that mountain biking at the Project poses a significant disturbance comparable to motorized traffic. It projects a decline in habitat quality for female grizzlies and anticipates that further development will likely reduce both habitat quality and bear density. Winter recreation also poses risks by disturbing denning bears, potentially causing den abandonment and lowering reproductive success.

The Ktunaxa Nation Council's Cumulative Effects Report states that wolverines are extremely sensitive to human activity, and that recreation impact models show greater degradation near trails. Future projections suggest a continued decline in habitat quality. It also notes that data remains limited on mountain goat in the area, but ongoing GPS tracking shows they prefer open forest areas near the treeline, especially around Mt. Brennan. Again, increased recreational access proposed by the Project raises concerns about potential disturbances.

The wetlands along Highway 31A are identified as critical feeding grounds for moose. Increased access may lead to further fragmentation and disturbance of their habitat.

Old forests are described as essential for biodiversity and ecological function, and the Project area suffers from a substantial old forest deficit, failing to meet legal and ecological targets. Additional development would exacerbate this issue.

The Ktunaxa Nation Council's Cumulative Effects Report states that the Project tenure overlaps areas where western toadlets have been observed, threatening western toads along Highway 31A due to road mortality and habitat disturbances. It further states that aquatic health is at risk, as water quality, flow, and temperature directly impact species like bull trout and westslope cutthroat trout. Both development and climate change are likely to alter streamflow patterns, elevate water temperatures, and reduce watershed resilience to extreme weather events.

Additionally, a combined analysis of grizzly bear reproductive habitat and wolverine habitat quality shows projected declines ranging from 23.5 percent to 55.9 percent under future scenarios, indicating potentially significant cumulative impacts from the Project.

7.2.2.3. Comments from Okanagan Indian Band

In Okanagan Indian Band's April 9, 2025, submission to the EAO, concern was expressed regarding the proposed Project's location in a sensitive habitat corridor that is crucial for the survival of threatened species. Okanagan Indian Band is concerned that the loss of core habitat, disruption of migration patterns and increased human activity will further stress local wildlife populations which are already facing habitat fragmentation and climate pressures.

7.2.2.4. Comments from Regional District of Central Kootenay

The RDCK raised similar concerns regarding potential effects of the Project on wildlife as that raised by the Sinixt Confederacy. RDCK stated that the overall impact of an all-season resort is likely significantly greater than that of a ski resort that only operates in the winter, and that a good understanding of the potential environmental impacts of the Project is lacking. RDCK contends that a cumulative effects study would help to build this understanding and support decision-making.

7.2.2.5. Comments from the Village of Kaslo

In their submission to the EAO on February 28, 2025, the Village of Kaslo also expressed concern regarding the potential impacts of the Project on wolverines, mountain goats, and western toads due to habitat loss, fragmentation (due to the blockage of a critical wildlife corridor between two provincial parks) and increased human activity.

7.2.2.6. Comments from MRB

MRB stated in their submission to the EAO on February 27, 2025, that they are aware of the wildlife concerns noted in the Applications and the potential impacts that may occur on the species of concern listed in the Applications. MRB has confirmed the potential effects of the Project on wildlife will be assessed and has liaised with provincial government specialists on this matter.

7.2.3. Proponent's Proposed Mitigations

In the Proponent's Formal Proposal submitted to MRB in September of 2021, the Proponent stated they are committed to a range of mitigation measures to minimize impacts on wildlife in the Project area including:

- Retention of mature and old-growth forest to maintain wildlife corridor connectivity;
- Comprehensive surveys to identify rare and endangered species, wildlife trees that support species at risk, and important wildlife features such as mineral licks and huckleberry patches;

- In the event that rare or endangered species are detected, the Proponent will implement appropriate best management practices;
- Additional studies will be completed during the Master Plan phase of MRB's review process—if the project is invited to proceed—and species-specific management and mitigation plans will be developed in collaboration with local conservation organizations for species including western toad, mountain goat, grizzly bear, southern mountain caribou, and wolverine; and,
- Efforts will be made to identify potential grizzly bear and wolverine den locations within the proposed tenure area.

Beyond these measures, the Proponent has committed to complying with, and where possible exceeding, all relevant federal and provincial legislation related to wildlife, wildlife habitat, forests, and aquatic environments. These considerations will also be integrated into staff training, guided services, and educational programming for visitors. The Proponent has also committed to limiting the extent of summer activities within the CRA. Mountain biking will be constrained to the 'lift-serviced zone', Zincton Mountain Village private lands, and Rail Trails in the valley bottom. Similarly, hiking trails would be limited to the lift-serviced zone and a ridgeline trail to the proposed backcountry lodge.

Furthermore, the Proponent states they will work closely with First Nations, government agencies, commercial operators, and local user groups to establish a 10,000-acre Summer Wildlife Corridor Protection Zone from May to November and to support remediation efforts in the historic Retallack mining district.

The Summer Wildlife Corridor Protection Zone is described by the Proponent in their Formal Proposal as covering high-value wildlife habitat. The Zone would allow continued public access, guided by a Backcountry Access Management Plan co-developed with local user groups. The plan would include programs to manage public use in the summer to limit impacts to wildlife and support the objectives of the Wildlife Corridor Protection Zone. The Proponent would work with other operators to reduce and limit commercial use in the Project area, including decommissioning existing high elevation trails. The intent would be to maintain and restore the current north-south wildlife corridor, ensuring the movement and migration patterns critical to resident wildlife.

7.3. Impacts to the Watershed

7.3.1. Issue(s) raised by Wildsight

In their Application Wildsight stated:

- Concerns about the potential for heavy metal contamination and hydrological impacts from the Project. The area contains old mine sites and tailings with elevated levels of lead, zinc, cadmium, arsenic, and other metals, which could be disturbed by construction and runoff. Key waterways, including Kane Creek and Seaton Creek, feed into Carpenter Creek and ultimately Slocan Lake, making water quality a major concern.
- The proposed ski village, though removed from the formal proposal to MRB as it is proposed on adjoining private land, is essential for the ski hill's economic viability, meaning its combined impact on the watershed must be considered. Wildsight further states that increased infrastructure, such as roads and buildings, could alter drainage, increase erosion, and worsen flooding, especially with climate change-driven extreme weather. Wildsight's concerns also include how water extraction from Kane Creek will affect fish, wetlands, and aquatic life during low-flow months.
- The Proponent's environmental overview lacked firsthand studies and local expertise.
- The Province has already invested in mine waste cleanup in the region, and further development risks mobilizing contaminants, threatening fish, wildlife, and overall watershed health.

Wildsight conducted their own limited water sampling in the area and provided a summary of their findings to the EAO on February 24, 2025. In the summary of their findings, Wildsight indicated concerns regarding the Proponent's claims of remediating historical mining pollution. While the Project's [Environmental Overview Assessment](#) found high levels of lead, zinc, and arsenic even in areas unaffected by mining, Wildsight's independent water sampling in fall of 2024 found that samples from the Lucky Jim mine tailings pile were mostly within water quality guidelines, except for zinc. However, an upstream sample (unaffected by mining waste) had zinc levels 64 times higher and exceeded guidelines for arsenic, copper, and silver, suggesting natural sources of contamination.

Wildsight stated that the findings indicate that undisturbed sediments do not necessarily leach harmful metals at concerning rates but disturbing them through construction could increase water pollution. Wildsight argues that the Proponent's remediation claims should be critically assessed, as an inadequate study could lead to more harm than good.

7.3.2. Review Participant Comments

7.3.2.1. Comments from Okanagan Indian Band

Okanagan Indian Band also expressed concern regarding the watershed and contamination risks in their April 9, 2025, submission to the EAO stating that the Project area includes legacy mining sites with known contamination and that the mobilization of old mine sediments pose a risk to water quality, aquatic ecosystems and downstream communities. They state that without the proper assessment and mitigation planning, these potential impacts could result in long-term environmental harm.

7.3.2.2. Comments from MRB

In MRB's February 27, 2025, submission, MRB stated that they are aware of the issue with existing water contamination and sees no barrier to including it in their issues tracking such that it is resolved through their decision-making process.

7.3.3. Proponent's Proposed Mitigations

To address potential impacts on the watershed, the Proponent's Formal Proposal submitted to MRB in September of 2021 has outlined several key mitigation measures:

- Water for the resort will be sourced from Kane Creek, for which the proponent has secured a water license, and all water will be processed through a central treatment facility to ensure compliance with provincial standards;
- For wastewater management, the Backcountry Lodge will utilize a septic field system, with its final location to be determined through further site-specific planning;
- The Proponent will carry out riparian area protection assessments in any areas of disturbance near watercourses to establish appropriate setbacks, ensuring the protection of fish habitat and water quality; and,
- To further safeguard the watershed, the Proponent will develop and implement both a sediment and erosion control plan and a stormwater management plan, which will guide construction and operational activities to protect soils and local watercourses.

In their Formal Proposal, the Proponent acknowledges the lasting environmental damage from historic mining in the Goat Pass area, including un-remediated tailings and toxic runoff. Through the Zincton Institute and initial funding from its 1 percent for the Planet environmental action fund, the Proponent states they aim to support the remediation of contaminated land and water. In support of this effort and the proposed Wildlife Corridor Protection Zone, the Proponent will aim to reduce all summer activities—such as hiking and mountain biking—in the impacted area and remains committed to contributing to long-term remediation efforts.

The Proponent committed to coordinate its work with the BC Crown Contaminated Sites Program with the shared goal to identify and address potential harms to local wildlife and communities resulting from the historic Whitewater Mine.

7.4. Access to Backcountry Lodge and Traffic Concerns

7.4.1. Issue(s) raised by Wildsight

Wildsight raised concerns that the Proponent's environmental overview lacks fieldwork to properly assess impacts on local biodiversity, ecosystems, and wildlife movement in the Central Selkirks.

They question how guests and supplies will reach the remote backcountry lodge, expressing concerns over potential snowmobile or snowcat use. Additionally, they highlight contradictions in the Proponent's statements about vehicle traffic. While the Proponent has publicly claimed there will be no major increase in traffic on Highway 31A, their own figures suggest that 40 percent of users will drive, leading to significant traffic growth. Wildsight states this could fragment important wildlife corridors, particularly affecting species like wolverine and grizzly bear.

7.4.2. Review Participant Comments

7.4.2.1. Comments from the Village of Kaslo

The Village of Kaslo also expressed concern regarding increased traffic indicating that the large number of visitors will increase highway traffic, restricting access to land that local recreationists have used for decades.

7.4.2.2. Comments from the Regional District of the Central Kootenays

RDCK also expressed concern regarding how roadway traffic from New Denver to the Project parking lot via Highway 31A as well as EV shuttle bus traffic from the ski hill to the Zinton Mountain Village may impact western toad migration routes.

7.4.3. Proponent's Proposed Mitigation

The Zinton All-Season Resort Expression of Interest and Formal Proposal states that any increase in traffic that is realized will be during the winter months when vehicle trips along Highway 31A are historically at their lowest. Vehicle access will be limited to the periphery of the Zinton Mountain Village, only serving to allow guests to access the Zinton Mountain Village from Highway 31A. It also states that the priority in design has been placed on walkability, eliminating the need for vehicles use within the Zinton Mountain Village.

To reduce vehicle traffic, an EV Bus Service is proposed to provide a shuttle system between the Village of New Denver, the Project and the Village of Kaslo. The Proponent will be developing a traffic management plan that will require approval from the Ministry of Transport and Transit. The Proponent also noted that Western Toad migration from Fish and Bear Lake are currently managed by erecting barriers that direct them to a safe culvert crossing under Highway 31A. The Proponent has committed to address impacts to potential upland habitat and hibernacula for western toad in all future Construction Environmental Management Plans.

7.5. Proposed Number of Bed Units and Development on Private Land

7.5.1. Issue(s) raised by the Applicants

Wildsight asserts that the Project meets the criteria for a reviewable project as provided by the RPR but has not been properly assessed. The RPR threshold for ski resorts is 2,000 bed units, and ski resort projects that exceed 1,700 bed units must provide a project notification to the EAO.

Through a Freedom of Information request, Wildsight states they obtained the subdivision plan for the Project and conservatively calculated 1,860 bed units at full build-out, exceeding the 1,700-bed unit project notification

threshold. Despite this, the Proponent's Formal Proposal to MRB omits these details, separating the Zincton Mountain Village on private land from the rest of the ski resort.

In Sinixt Confederacy's Application, they raised concerns that the Proponent had not assessed the potential impacts associated with the Project on private land, and that all impacts associated with the Project must be considered to inform the decision-making process.

7.5.2. Review Participant Comments

7.5.2.1. Comments from the Regional District of Central Kootenay

In RDCK's submission to the EAO on February 24, 2025, they express skepticism around the reliability of the Proponent's proposed number of bed units. They stated that the Proponent aspires to reach Resort Municipality status, and that this goal along with a strive for financial viability, may incentivize future expansion and increase human impact unpredictably.

7.5.2.2. Comments from the Village of Kaslo

The Village of Kaslo also expressed concerns regarding the proposed development on private land stating that the Proponent is exploiting public land to benefit their private land.

7.5.2.3. Comments from the Mountain Resorts Branch

The MRB stated that its primary statutory authority (the *Ministry of Lands, Parks and Housing Act*) applies only to Crown land. However, the Resort Master Plan review of the Project would consider project impacts more broadly (i.e., Crown and private land). If the Resort Master Plan is accepted, it may result in an Operating Agreement between the province and the landowner (the Proponent) but also include other approaches to the private land component like covenants which could be used to restrict Bed Units. The MRB also noted that, since the Project is in the early stages of the review process and remains largely conceptual, the most appropriate approach to managing potential impacts on private land has not yet been fully determined. Additional discussions with stakeholders, First Nations and subject matter experts may guide that decision.

7.5.3. Proponent Response

In the Proponent's letter to the EAO on January 27, 2025, the proponent confirmed the bed units for the Project will not exceed 1,700 – meaning it will not require a project notification under Section 10 of the Act and does not meet the threshold for reviewability.

8.0 EVALUATION OF PROJECT AGAINST SECTION 11 OF THE ACT

The Minister must consider the factors under Section 11 of the Act in their decision to designate or not, including:

- Section 11(1) - whether the project is an eligible project for designation;
- Section 11(4)(a) - whether the applicant is an Indigenous nation;
- Section 11(4)(b) - whether the eligible project could have effects on an Indigenous nation and the rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*;
- Section 11(4)(c) - if the eligible project is in a category of project described in the Reviewable Projects Regulation, whether the potential effects of the eligible project will be equivalent to or greater than the potential effects of projects in that category that are reviewable projects; and
- Section 11(4)(d) - whether an assessment of the eligible project is consistent with the purposes of the EAO set out in Section 2 of the Act.

Section 11(6) states that the Minister may designate an eligible project that is subject to a prescribed regulatory process only if the Minister is satisfied that the designation is in the public interest.

The EAO's evaluation of the Project against each of these Section 11 factors is outlined below.

8.1. Whether the Project is an Eligible Project

Since the Project has not been substantially started and the Project is not a reviewable project under the Reviewable Projects Regulation, the EAO views the Project as an eligible project for designation consideration under Section 11(1) of the Act.

8.2. Whether the Applicant is an Indigenous nation

One of the Applicants, Sinixt Confederacy, is an Indigenous nation; whereas the other, Wildsight, is not. In their Application, the Sinixt Confederacy stated that, following the 2021 Supreme Court of Canada decision, they were recognized as an Aboriginal people of Canada, granting them constitutionally protected rights to hunt and to be consulted on developments affecting their traditional territory.

The EAO understands that on April 23, 2021, the Supreme Court of Canada (SCC) recognized that the Lakes Tribe of Confederated Tribes of the Colville Reservation is a modern-day successor of the Sinixt and an Aboriginal people of Canada. We understand that the Lakes Tribe, via a resolution of the Confederated Tribes of the Colville Reservation (Washington State, USA), has authorized the Sinixt Confederacy to represent them in relations with the Province of British Columbia.

8.3. Whether the Project could have effects on an Indigenous nation and Section 35 Rights

The Minister must consider whether the eligible project could have effects on an Indigenous nation and the rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*. The EAO has concluded that the Project could have potential effects on Indigenous nations and the rights recognized and affirmed by *Section 35 of the Constitution Act, 1982*.

The following sections summarize the comments received by the EAO from potentially affected First Nations (as outlined in Section 5) during consultation on the Applications as well as Sinixt Confederacy's Application and May 9, 2025 letter to the EAO.

8.3.1. Sinixt Confederacy

As detailed in section 7.0 of this report, Sinixt Confederacy's May 29, 2025, letter highlighted the potential impacts on Sinixt Confederacy Section 35 rights including: cumulative impacts to the species and habitats from an additional year-round use of the area, as well as year-round, seasonal impacts to multiple species at unknown levels including mountain goat, caribou, wolverine, grizzly, big game and predator species. Sinixt Confederacy also raised concern regarding lack of discussion around the potential impacts associated with the proposed development on the private land component of the Project.

In the EAO and Sinixt Confederacy's meeting of March 12, 2025, the Sinixt Confederacy confirmed that the Project would impact their Section 35 Rights and that they support an environmental assessment of the Project.

8.3.2. Shuswap Band

In their submission to the EAO, Shuswap Band asserts its Section 35 Rights over the Secwepemc Traditional Territory, emphasizing the need for Free, Prior, and Informed Consent as outlined in the United Nations Declaration on the Rights of Indigenous Peoples, the *Declaration on the Rights of Indigenous Peoples Act*, and Bill C-15. Shuswap Band has stated the Project threatens traditional practices such as hunting and plant gathering while increasing risks of soil erosion, wildfires, and climate-related degradation. Shuswap Band also confirmed their support for an environmental assessment to ensure environmental and Indigenous rights protections, aligning with similar large-scale projects. They stress that without an environmental assessment, Indigenous governance and knowledge would not be considered in regulation of the Project.

8.3.3. Ktunaxa Nation Council

In Ktunaxa Nation Council's submission to the EAO on March 20, 2025, as well as in a meeting with the EAO on the same date, Ktunaxa Nation Council stressed the importance of the Project being reviewable under the Act due to the potential significant cultural and ecological impacts expected, as outlined in their June 2023 Cumulative Effects Report.

Their Cumulative Effects Report highlights that the Project poses a significant threat to Ktunaxa rights by potentially restricting access to traditional lands used for cultural practices, resource harvesting (such as huckleberry picking), and knowledge transmission. It states the Project's development could alter ecosystems and disrupt wildlife populations, directly impacting Ktunaxa stewardship responsibilities and their ability to maintain a way of life rooted in their connection to the land.

Ktunaxa Nation Council also raised about other cumulative environmental effects, including water quality, soil health, and habitat destruction, which could further impact the Ktunaxa Nation's ability to exercise their rights.

8.3.4. Skwłāx te Secwepemcúłecw

In Skwłāx te Secwepemcúłecw's March 27, 2025, submission to the EAO, they recommend that the Project be designated as reviewable under the Act. Their submission states that the Project has the potential to adversely impact Skwłāx te Secwepemcúłecw's Section 35 Rights through potential impacts to plants, soil and lifeforms and/or water integrity. Specifically, they emphasize the need to consider broader management objectives, such as protecting the Central Selkirk caribou herd, which inhabits the area. They question whether developers might bypass the 2,000 bed unit threshold to avoid an environmental assessment and raise concerns about the Project's potential future expansion which could further impact their Section 35 Rights.

8.3.5. Okanagan Indian Band Views

In Okanagan Indian Band's April 9, 2025, submission to the EAO, they strongly recommend that the Project undergo a full environmental assessment due to the potential for serious ecological and environmental impacts. Their primary concerns include wildlife impacts (due to fragmented habitats, disrupted migration patterns, and human activity), watershed and contamination risks (due to the potential release of toxins from old mining activity into waterways), as well as cumulative effects.

Along with their April 9, 2025, submission, Okanagan Indian Band attached their Okanagan Nation Water Declaration from July 31, 2024, which articulates the Syilx People's deep spiritual, cultural, and legal relationship with water (*siwłkʷ*). The declaration strongly criticizes the mismanagement and degradation of water systems by colonial governments, whose actions have led to pollution, ecological damage, and spiritual harm. The Syilx commit to upholding their responsibility to safeguard *siwłkʷ* for current and future generations, affirming their sovereignty, their connection to the land, and their authority as water stewards.

8.4. Whether Potential Effects of the Project are Equivalent to or Greater than Potential Effects of a Reviewable Project

The EAO considered whether the potential effects of the Project would be equivalent to or greater than those of a reviewable ski resort project, as defined under the RPR. Under the RPR, a reviewable ski resort project is defined as a new proposed resort with 2,000 or more bed units (where a "bed unit" is defined as the accommodation required for one person to stay overnight, including both night-by-night and permanent residential accommodation). The Proponent confirmed that the Project will include fewer than 1,700 bed units—at least 15 percent below the RPR reviewability threshold described by Part 8 of the RPR.

In the EAO's February 14, 2025, letter to reviewers, the EAO requested the reviewers' perspective on whether or not the potential effects of the Project could be equal to or greater than the effects of other major projects

that typically require environmental assessments. RDCK, the Village of Nakusp, and MRB provided their perspectives as summarized below.

In RDCK's submission to the EAO on February 27, 2025, they question the adequacy of the ski resort thresholds in the RPR and whether the 2,000 bed unit threshold was established with the seasonal nature of ski resorts taken into consideration. RDCK's perspective is that the impact of an all-seasons resort is likely significantly greater than that of a ski resort that only operates in the winter, especially when considering the species of management concern and watershed issues that the Applicants have highlighted in their Applications. Based on these considerations, RDCK stated that it is possible that the potential effects of the Project would be equal to or greater than the effects of a reviewable ski resort.

In their submission to the EAO on February 26, 2025, the Village of Nakusp provided their perspective that the Project is unlikely to have environmental effects equal to or greater than other major projects that typically require an environmental assessment. They note that ski resorts have a relatively small village footprint and rely on gondolas and ski lifts, which use electricity instead of fossil fuels and have less impact than roads. Additionally, the Project plans to use hydroelectric power from Silversmith Power, an established local renewable energy source. The Village of Nakusp also states that unlike the current unregulated motorized recreation in the area, which includes ATVs, trucks, and dirt bikes, the resort would provide oversight and potentially restrict access to sensitive areas such as grizzly habitat and archaeological sites. Most of the land would remain in a natural state, except for trail building, and the Project could lead to better protection and management of the environment.

In MRB's February 27, 2025, submission to the EAO, they stated that, while all projects differ in respect to local values, potential impacts and the applicability of mitigation measures, the Project is similar in scope and potential effects to other resort proposals that MRB has reviewed and continues to regulate. Based on the proposed number of bed units the Project is comparable to Whitewater (1,017 BU), Saddle Mountain (1,870 BU), Valemount Glacier Destination Resort (1,997 BU) and Powder King (2,636 BU)¹. These resorts did not undergo an environmental assessment by the EAO.

Instead, impacts were assessed through the MRB's multiphase review process and regulated through various mechanisms, including contractual commitments with the proponent and ongoing compliance monitoring. MRB regulates resorts in accordance with the [All-Seasons Resort Policy](#), which outlines several Operating Goals—among them, the promotion of sustainable land use that commits to social responsibility, environmental stewardship, and the consideration of climate change impacts. MRB stated that, after careful consideration, they are confident in their ability to address the concerns raised in the Applications and have not identified any limitations in their mandate or authority to regulate the Project.

The EAO acknowledges that the Project could cause effects on multiple valued components and First Nations Section 35 Rights. However, upon reviewing the Applications and analyzing submissions from engaged parties, the EAO found that the potential effects of the Project would not be equal to or greater than those typically expected from a reviewable ski resort. Therefore, the EAO holds the view that the potential effects of the Project can be adequately considered by the MRB under the review process required by the All-Seasons Resorts Policy.

8.5. Whether an Assessment is Consistent with the Purposes of the EAO

Based on its analysis, the EAO concludes that an environmental assessment of the Project may be consistent with the purposes of the EAO set out in Section 2 of the Act.

¹ Note: While the Powder King bed units exceed the threshold for review under the current Reviewable Projects Regulation, the project predates the regulation and therefore was not subject to an Environmental Assessment.

Section 11(4(d) of the Act requires the Minister or their delegate to consider whether or not an environmental assessment of the Project would be consistent with the purposes of the EAO as set out in [Section 2 of the Act](#), which 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.

The EAO holds the view that designation of the Project as a reviewable project may be consistent with the purposes of the EAO but that there are other regulatory processes available for this type and scale of project that can meet these purposes without the need for designation. The EAO's consideration of these factors is as follows:

8.5.1. Promoting sustainability by Protecting the Environment

Conducting an environmental assessment of the Project may align with the EAO's purpose of promoting sustainability. However, this could likely be said for many developments. In this case, the EAO is of the view that the question of whether a specific project can promote sustainability can be considered by the MRB as well as through municipal land use planning. The EAO understands that MRB has a robust and well-defined process for assessing potential project impacts and has the authority to incorporate substantive mitigation measures into its regulatory decisions. MRB has undertaken two stages of review on the Project and has worked with local governments, technical experts, First Nations, and the public to identify environmental values that may be impacted by the Project and topics of concern and is able to assess and determine appropriate management responses for the issues raised.

The EAO is of the view that the MRB review process offers a thorough, transparent, and impartial assessment of the Project, considering environmental effects, First Nation rights, cumulative impacts, the economy, and other relevant factors. While designating the Project may promote sustainability, MRB's established process, regulatory authority, and expertise in this type of development position it well to review and regulate the Project.

8.5.2. Supporting Reconciliation with Indigenous Peoples

The EAO recognizes that designating the Project as reviewable could support reconciliation with First Nations. However, the intention of the environmental assessment is to capture major projects that could result in significant adverse effects without duplicating other regulatory processes. The EAO understands that MRB must fulfill the Crown's legal obligations to consult and, if required accommodate, potentially affected First Nations prior to decision making. MRB has consulted with the potentially affected First Nations to date, and consultation will continue throughout the Project's review process. If the Project progresses to the Resort Master Plan stage, a Project Review Team will be assembled, which can include First Nations representatives, to assist in the review and assessment of the resort proposal. It is therefore EAO's view that the designation of the Project as reviewable to support reconciliation may have limited value when there are other processes available to consider the concerns raised.

9.0 WILDSIGHT'S CONCERN'S WITH EAO'S CONCLUSIONS

As noted in Section 5.0 of this report, on April 23, 2025, the EAO provided a draft version of this report to Wildsight for review and comment. On May 1, 2025, Wildsight submitted a letter to the EAO outlining concerns with the EAO's conclusion that the potential effects of the Project can be adequately addressed through MRB's review process and that an environmental assessment is not necessary. Specifically, Wildsight argues that the Project, due to its ecological sensitivity, year-round scope, and potential cumulative impacts require the more rigorous, independent review that only an environmental assessment can provide.

Wildsight also emphasizes that the MRB process lacks the mandate to assess biodiversity thresholds, climate impacts, and First Nations rights. Further, Wildsight disagrees with comparisons between Zincton and other resort proposals that did not undergo an environmental assessment and stresses that multiple First Nations have expressed support for an environmental assessment of the Project, making the EAO's analysis inconsistent with the province's reconciliation commitments.

9.1.1. EAO's Response

The EAO respectfully holds a different view from Wildsight regarding MRB's mandate and regulatory responsibilities with respect to the Project. In a [letter to the EAO dated February 27, 2025](#), MRB confirmed it has compiled all concerns raised in the Applications and identified actions to further understand these issues. Immediate concerns have been prioritized, while others may be addressed in later review stages if the Project proceeds.

Concerns raised by both Applicants and participants of this designation application review process fall within MRB's regulatory process, and subject-matter specialists have been identified to support the ongoing review of the Formal Proposal and will be engaged for technical advice during the review of the Master Resort Plan. MRB has received technical input from First Nations and scientists to inform its understanding of potential effects. Ultimately, these topics will inform final decision-making on the proposal, and MRB is of the view that it has access to the required expertise to complete a thorough review of these values and potential effects.

Regarding Wildsight's concern about comparisons between Zincton and other resorts, MRB noted that while potential impacts and applicable mitigation measures vary amongst resort projects, the Zincton proposal is similar in scope to other applications it has previously reviewed. In those cases, impacts were assessed and managed through MRB decision-making, contractual commitments, and ongoing compliance monitoring.

As outlined in Sections 7.0 and 8.5.2, MRB confirmed it will evaluate potential impacts, and fulfill the Crown's duty to consult and, if required, accommodate potentially affected First Nations. Even if the Project does not undergo an environmental assessment under the Act, the [Interpretation Act](#) requires all B.C. legislation to align with the *United Nations Declaration on the Rights of Indigenous Peoples*. As a B.C. government agency, reconciliation commitments are central to MRB's process, ensuring meaningful consultation and consideration of First Nations rights and interests throughout the project review.

10.0 CONCLUSIONS

In developing this report, the EAO considered the Applications as well as information and feedback provided by review participants (including First Nations, the Proponent, provincial agencies and local governments). The EAO concludes that:

- The Project is an eligible project for consideration by the Minister or delegate for designation;
- Effects on Indigenous nations and their Section 35 Rights are likely but that there are other regulatory requirements and/or processes that can consider these potential effects, including MRB's major project review process which must fulfill the Crown's duty to consult and align with the *United Nations Declaration on the Rights of Indigenous Peoples*;
- That the potential effects of the Project are not greater than what would be expected from a project that meets or exceeds the thresholds set out in the RPR and are appropriate for review and management under MRB's major project review process; and
- That conducting an environmental assessment of the Project may align with the EAO's purpose of promoting sustainability and supporting reconciliation with Indigenous peoples, but that MRB's established process is well positioned to undertake a thorough, transparent, and impartial assessment of the Project which will consider environmental effects, First Nation rights, cumulative impacts, the economy, and other relevant factors.

DRAFT