

# **A Brief, for information purposes only, to be presented to Council of the Municipal District of Pincher Creek regarding Castle Mountain Resort Area Structure Plan**

**December 11th 2001**

Rationale for Brief at this time

Comments on the CMR ASP

CCWC position regarding MD Lands on East Side of West Castle River

CCWC position regarding any suggested extension of Highway 774

Appendices:

#1 Summary of incremental development since 1993, and comparison of VAC and CMR “end points” at “build out”

#2 CCWC letter to Ms. Jillian Flett, Director, Environmental Assessment Division, Alberta Sustainable Resource Development

#3 Background notes from the NRCB Decision Report

The purpose of this brief to Council is to provide Council with a clear statement of the *Castle-Crown Wilderness Coalition's* (CCWC) concerns regarding the *Castle Mountain Resort* (CMR) expansions, and to lay out for Council CCWC's areas of interest and concern with respect to environmental protection issues affecting Public Lands that are of mutual concern to the MD and CCWC. Our hope, in doing this, is that we can establish a new relationship of civility and mutual respect with Council that can benefit all parties.

## **Rationale**

As you may be aware, relations between CCWC and previous MD Councils have been prejudiced by a number of issues that have arisen regarding the management of Public Lands in this area since the *Castle River Consultation Group* (formed to implement the recommendations of the 1993 NRCB Decision) was

disbanded and the Order in Council accepting the *NRCB's Decision Report on Westcastle Expansion* was rescinded in 1995.

Amongst the areas of contention have been:

- the structure and terms of reference for the Special Places 2000 Local Coordinating Committee that were out of line with the Provincial Coordinating Committee's agreed upon process, resulting in
- the reluctance by CCWC, the Alberta Wilderness Association and the Canadian Parks and Wilderness Society to accept the recommendations of that committee, resulting in
- ongoing concerns regarding incremental development at the Westcastle site and particularly the sewage lagoon project.

There have also been

- the matter of the Judicial review of the Sartoris Road project
- the most recent matter of the Public Health Order regarding the Castle Falls road.

Exacerbating these tensions since 1993 have been the significant jurisdictional changes that have taken place in recent years: the transfer of ID # 6 Lands to the MD, the sale of Public Lands to WDA /CMR/MD, the dissolution of the Oldman River Planning Commission and its replacement by ORISA, the 1994 Municipal Government Act, the new Water Act and the ever ongoing "restructuring" of the Provincial Environmental Protection Department, now Alberta Sustainable Resource Development.

The result, no less for CCWC as for other parties concerned in these realignments, has been a period of confusion as to how environmental concerns are being addressed, and where the appropriate points of entry are for CCWC's particular concerns.

For your information we have attached a copy of a letter that CCWC has just sent to

Ms Jillian Flett, Director of Environmental Assessment, Alberta Sustainable Resource Development, that articulates more fully CCWC's concerns with this plan in the overall context of the Castle Integrated Resource Plan. (Appendix 2)

Additionally (Appendix 3) we have provided a selection of quotes from the NRCB Decision Report that may help Council understand "where CCWC is coming from". Given the changes that have taken place since 1993, CCWC would not necessarily expect Council members to agree with these but we would expect Council, who are now the Planning Authority for the area, to give due consideration to that Decision Report which, up to this date, is the only planning document in the public record that directly addresses the environmental impacts of various development scenarios in the Westcastle Valley.

**The CCWC's position regarding the ski hill has not changed since 1993.**

**We accept, and many of our members support, the presence of a viable local ski hill on the same conditions advanced by the NRCB, and most particularly their recommendation for the creation of a Wildland Protected Area. In the absence of any such protected area, the CCWC is opposed to any expansion of the footprint of the ski hill, either in its terrain or its associated real estate developments at the base.**

## **Castle Mountain Resort Area Structure Plan**

Council now has before it a plan for the Westcastle ski hill site that is playing catch-up with the planning process to secure legitimacy for developments at the hill that have already taken place, based on the 1998 Concept Plan and Base Development Plan, which were themselves playing catch-up with developments that had already taken place by 1998.

We have provided a simplified summary of this incremental development since 1993 as an appendix, with the original Vacation Alberta Corporation's (VAC) proposal (as it related to ski hill and base) for comparison (Appendix1)

As Council may be aware, CCWC is not the only party to be concerned with this outcome. VAC has its case in the courts claiming damages from the Provincial Government and it is to be expected that the adoption of CMR's Area Structure Plan could well be the trigger that will set that process in motion.

Understanding that the MD Council has the key role to play in these matters, CCWC offers these comments on the Plan itself.

### **General Comments**

CCWC's starting point is that the NRCB Report contemplated the "cost-sharing, phased-in approach" to resort development as the most likely scenario and recommended land use management changes for the Castle "whether or not this project proceeds". To date, despite the Special Places designation of the Castle as a "Special Management Area", no significant changes have been incorporated into the Castle IRP, with the exception of the Wetlands Ecological Reserve designation at the base of the ski hill and now adjacent to a sewage lagoon.

Contrary to NRCB recommendations, the planning process has shifted from the Public Lands Act to Municipal Govt Act by virtue of the land transfers that have taken place, with the inevitable effect that the planning horizon in terms of time, landscape scale and definitions of "the public interest" has significantly shifted. ("With respect to the sale of public lands, the Bd has concluded that the public interest is unlikely to be served by placing lands of obvious environmental value into private hands."NRCB Decision report,12.1 p12-10)

It has to be recognised that the financial interests of shareholders now become the driving force behind all developments at the hill, and we have already seen how real estate development is the key driver in this, with real estate development capitalising the improvements for the past five years. CMR's Goals ( C2 p7) clearly articulates CMR's view of "sustainable development" in these terms. The spiralling synergistic feedback loops interacting between the ski terrain development and the real estate development to "create demand for complementary services" is recognised ( 7.H "Sequence of Development and Redevelopment, p33).

To the MD's credit, and to CMR's credit (and we will take some credit ourselves) the ASP has shown consideration for certain recommendations of the NRCB Report as they effect site-specific issues of the development, but the wider issues identified by the NRCB appear now to be nobody's concern, hence CCWC's letter to the Director of Environmental Assessment.

### **Stakeholder input**

CCWC is encouraged to see the cautious position taken by MD Council, as reported in the ASP Appendix 3, but has serious problems with how the end point envisioned in item "h" ("Development is required to allow the resort to move from a marginal ski operation to a quality resort complementary to Southern Alberta Tourism") can be reconciled with some of the other references to maintaining a "pristine environment" (sic) and minimising impacts on other natural resources. This is particularly a concern when set alongside the Economic Development and Tourism interest in developing CMR as part of a "recreation corridor".

In CMR's Executive Summary of Stakeholder Priorities and Issues (p6,2c) CMR perpetuates the "conflicting positions" approach to this development. Where the NRCB saw complementarity, through land use zoning, CMR sees only the either/or scenario and appears to see the preservation of wildland values in the surrounding area as prejudicial to their development, rather than an asset. CCWC is encouraged to see the provisions recognised in 2d (pp6/7) that show regard for some of the site-specific recommendations of the NRCB Report (See Below, Environmental Considerations)

Regarding stakeholder consultation with Environmental and Conservation Groups, it would be useful to have a list of those that have been consulted and the nature of the "consultation". We reference this concern in our letter to the Director of Environmental Assessment.

### **Environmental Considerations**

CCWC's concerns for issues in the Castle beyond CMR's immediate footprint have been alluded to and will continue to colour any input that we may make on the ASP. CCWC has not yet had the opportunity to have the Area Structure Plan reviewed in detail by any of its scientific advisors, so these remarks are necessarily general in nature.

### **"Winter only"**

Of major concern to CCWC is CMR's presentation of their proposal as having only a 4 month winter impact. This is patently unreasonable, given their focus on real estate development and given the already considerable activities that take place year-round either on the ski hill itself (ongoing maintenance and construction activities) or in association with the properties already developed/developing in the resort area. CMR is now operating a resort that explicitly focusses on the winter season, but whose environmental impacts extend year-round. Any commercial facilities will want to

maximise their potential in that scenic location and will continue to put pressure on the area; the residential population will act similarly. Already there is extensive motorised recreation, particularly quads and bikes in summer and snowmobiles in winter, associated with the residential population, as well as the daily traffic on Sec Hwy 774 that links the ski hill through Public Land to the Alberta Forest boundary west of Beaver Mines.

### **“Environmental management plan”**

The ASP makes frequent reference to the guidance of an “Environmental Management Plan”. No such Plan has been articulated in the document, hence it is impossible to judge whether it has any merit in terms of controls, mitigation of effects, or monitoring of activities.

### **“Environmental Impacts and Mitigative Measures”**

CCWC view the ASP’s table of Environmental Impacts and Mitigative Measures (pp16/17) as a somewhat simplistic approach to these matters, given the limited “winter season only” context and the absence of any documentation regarding an Environmental Management Plan. A simple example to illustrate this point would be that there is no mention of the “Huckleberry Festival” that CMR promotes widely throughout Southern Alberta, attracting possibly hundreds of people to the area, at the height of the berrypicking season. If CMR has genuine concern for mitigating its effects on the bear populations in the Castle and surrounding region this event would be discontinued.

CMR’s table includes reference to Sec Hwy 774, that “CMR proposes no upgrade at this time”. CCWC notes that this road has been steadily upgraded since 1993 and that the remaining unpaved section from the South Castle River Bridge to the Ski Hill is “priority #3” in the MD’s road projects for 2002.

### **Lands on the East Side of the West Castle River**

As noted above, CCWC is encouraged to see that no development is contemplated for the lands on the east side of the West Castle River and some recognition has been given to the importance of maintaining a physical corridor for wildlife through the valley floor, but would point out, as a cautionary note, that according to a number of studies dealing with habitat effectiveness for different species, the level of activity already present at CMR may already be limiting the use of that physical space by some species.

### **CCWC’s position with regard to the lands currently held by the MD of Pincher Creek on the east side of the West Castle River, and supposedly committed to “development” under the Provincial Government’s terms of sale.**

CCWC deplored the annexation of these lands from Public Lands and petitions the MD of Pincher Creek to set these lands aside from any development options by whatever legal instruments they can find. A creative approach to the “development” requirement is needed and CCWC is interested to help find a solution here. For instance,

would a conservation easement attached to other “developed lands” held by the MD circumvent the provincial requirement? or the provision of a “natural area” in association with the ski hill with restrictive permitted activities?

### **Expansion of Licence of occupation**

Contrary to the statement referenced item “4.j” in the Stakeholder Consultation Appendix 3 , CCWC has serious concerns about the expansion of CMR’s Licence of Occupation intended for skiing terrain and for “cat skiing and guided back country skiing” and the claim that these are “lands that historically have been intended for ski terrain expansion”(p9).

### **Subdivision and Zoning Issues**

CCWC continues to hold the position that the objectives of balancing environmental considerations with ski hill expansion would require some of CMR’s commercial and accommodation “needs” to be met off-site. With the possibility of a fully paved and maintained highway already contemplated by the end of 2002, the feasibility of shuttle service from Pincher Creek (or Crowsnest Pass) accommodations is realistic and could well be to the financial advantage of the Pincher Creek and area business community, at the same time as lessening the environmental footprint of the resort.

### **Secondary highway 774 “Extension to South of resort”**

**CCWC is adamantly opposed to any extension of Hwy 774.**

# Appendix #1

## Summary of incremental ski hill developments and comparison of VAC and CMR “end points” at “build out”

Ski hill developments and associated infrastructure

### **1992 Existing**

Max Capacity 900 skiers per day

36 ha of terrain on Gravenstafel Mountain

508m vertical

3 T bar ski tows

No snowmaking

Primitive Day Lodge

Low Budget ancillary buildings for ticket office and ski rentals

Maintenance shop

Parking for about 550 vehicles

40 +/- Mobile homes

### **1992 VAC proposal**

Max capacity 3,400 skiers per day, estimate set at 2,500

Expansion of terrain to Haig Ridge

4 new lifts

Snow making to extend season from Dec 1 to mid April

New day lodge

Upgrade water system

Replace waste water system with a Sewage Lagoon

Upgrade Hwy 774 from Beaver Mines

Develop on-site Accomodation: 2 x 100 Room Hotels

288 units for overnight or weekly rental

72 RV Parking

Staff housing for 24

Parking for 700 vehicles

**2001 CMR proposal (elements in brackets are already completed or underway)**

Max capacity 3,000 skiers per day

CMR's "Comfortable Carrying Capacity" 2,500 skiers per day

Expansion of terrain to Haig ridge

Applying for expanded LOC on both ridges

1 new lift to access Haig Ridge (**this brings # of New lifts since 1992 to 3**)

Snow making to extend season from Dec1 to mid April (w/electric upgrade)

**(New Day Lodge - done)**

**(Upgrade water system - done)**

**(Replace waste water system with Sewage Lagoon - done)**

**(Upgrade Hwy 774 - done, with blacktop to the Castle River Bridge. Bridge to Ski Hill is listed as "Priority #3" for the MD of PC 2002 Road Improvements)**

Expand on-site accomodation to 225 housing Units (approx 750 –900 "pillows")  
**(partially done)**

1 - 60 Room lodge-style hotel

1 - 15 room hostel

Expand existing commercial space from 22,000sq ft to 28,000 sq ft

Expand parking (from 500+) to accomodate 700 +/- day vehicles plus 186 Core residential parking, plus 10 Bus stalls

## **Improvements since 1993 (carried out by WDA, CMR, or MD of PC)**

Expanded ski terrain on Gravenstafel Mountain

1,600 acres of runs

863m vertical

2,500 ha leased under LOC from Forestry on Gravenstafel and Haig

2 New Chair lifts (1 triple, 1 double) in addition to the 3 T Bars

New 12,000 sq ft Multi-purpose Day Lodge

Three storey rental, retail and residence complex

1,500 sq ft restaurant/bar

Total commercial space now developed: 22,000 sq ft

Phased out mobile homes

Developed 88 Leasehold lots

50 RV spaces

Staff accomodation for 28 people

Current on-site accomodation: approx 436 (conservative estimate)

Parking for 500+ vehicles

Upgraded water system

Installed new waste watersystem with sewage lagoons

Hwy 774 and power utility upgraded

## **Appendix #2**

**CCWC letter to Ms. Jillian Flett, Director, Environmental Assessment Division, Alberta Sustainable Resource Development**

Ms Jillian Flett

Director, Environmental Assessment

Alberta Sustainable Resource Development

15th floor, 9820 - 106th St

Edmonton

T5K 2J6

Dec 6th 2001

Dear Ms Jillian Flett,

re. Castle Mountain Resort Area Structure Plan.

Further to our conversation on Friday, November 30th, I am writing to you on behalf of the Castle-Crown Wilderness Coalition (CCWC) to express the concern that our organisation has with respect to the ongoing incremental development at the "Westcastle" ski-hill site, and specifically the Area Structure Plan recently put forward by Castle Mountain Resort.

In the interests of brevity I will not burden the narrative of this letter with the detailed documentation of references that I believe to be relevant to this discussion, but I have provided some of the significant ones as an "Annex" to this brief.

Background comments, and CCWC's bias.

I do not have to belabour the background details of the history of the Westcastle Ski Hill leading to the NRCB Review nearly ten years ago. The CCWC was the lead NGO in the *Westcastle Ecosystem Coalition* that made intervention to that process and has remained intimately involved in the various government initiatives and multi-stakeholder processes that have come this way since the *NRCB's Decision Report* was released in December 1993 (Annex #8)

As you no doubt recognise, the NRCB's exhaustive "one time event" review of the state of land management in the Castle and its eminently fair *Decision Report*, that can only be described as the model of compromise and possibly a template for the implementation of Alberta-style "sustainable development", was a defining moment for those of us committed to conservation values in this region. The Board was commended for bringing conservation science into the decision-making process and recommending land use changes that were required for environmental protection "whether or not the project proceeds". The subsequent failure by all levels of decision-makers to live up to the potential of that report, culminating in the abject failure of the *Special Places* process to deliver meaningful protection, has been a recipe for the continuing ecological degradation of the Castle.

The present proponents of the CMRAS have claimed that the *NRCB Decision Report* has no status in the present planning process. The *NRCB Decision Report* is largely considered to be irrelevant because its recommendations were not adopted by the Cabinet of the day, or because the Vacation Alberta Corporation project was “totally different” from anything else proposed for the area. This has effectively diverted focus away from the intent of AEPEA: to provide for environmental protection, within a context of “sustainable development”, at whatever geographical scale is relevant. In addition, the perception that the *NRCB Decision Report* does not have status undermines the mandate of the NRCB, “to provide for an impartial process to review projects that will or may affect the natural resources of Alberta in order to determine whether, in the Board's opinion, the projects are in the public interest, having regard to the social and economic effects of the projects and the effect of the projects on the environment.”. The presence or absence of golf courses is hardly to be seen as the determining factor in this scenario. The relative similarities of the projects “at build out” have been provided in Annex #1, and it is worth restating that, from the environmental view of AEPEA, it is the similarity of environmental impacts on the landscape that is the issue, not the strict inventory of whether the VAC proposal or CMR’s has the most “pillows” at the site.

Others have suggested that the designation of the Castle River Wetlands adjacent to the ski hill as an Ecological Reserve, and the whole Castle region as a “Special Place” under a Forest Land Use Zone, Castle Special Management Area title, adequately addresses the adverse environmental impacts and cumulative effects posed by the ski-hill development reviewed by the NRCB. Even a cursory reading of the Decision Report dispels that suggestion. (See Annex #5) Additionally, the CCWC would point out that the existence of the Ecological Reserve adds to, rather than detracts from, the need to address environmental impacts. That is recognised by AEPEA and the NRCB.

In response to CMR’s view of the NRCB’s role, the CCWC would point out that at least one other government regulatory agency, the Alberta Energy and Utilities Board, recognises that the scenario of environmental degradation suggested by the 1993 *NRCB Decision Report #9201*, has validity (See Annex #6 *AEUB Decision Report 2000-17 Screwdriver Creek*).

### Castle Mountain Resort (CMR) Area Structure Plan

After several years of procrastination, during which time even the Municipal Council of Pincher Creek was getting impatient with CMR, we now have a document that is playing catch-up with the many elements of development that have proceeded since 1993, and an articulation of the end point “at build out”. Without getting into all the details, that end point is not significantly different from the end point envisioned by the grandiose Vacation Alberta Corporation (VAC) proposal in terms of the ski hill base, resort area and terrain improvements. Where VAC proposed a maximum daily carrying capacity of 2,500 for the ski hill, CMR is looking at 2,400 (with their Consultant’s Report suggesting a maximum capacity of 3,000). Significant comparison of the details of the proposals are provided in the Annex. Interestingly, when challenged by the M.D of Pincher Creek at a council meeting a couple of years ago, a principal in

CMR suggested that the MD should be grateful for CMR's approach which would save the MD the hassle of having to go through "another hearing".

What has been disturbing to the CCWC and other conservation groups and conservation-minded individuals, is the extent of the incremental development that has already taken place since the NRCB Review both in terms of the on-site base township developments and the expanding ski terrain. While the *NRCB Decision Report* identified the "phased in" approach as a more realistic one for the Westcastle Ski Hill, the approval that was issued was still conditional on securing protection of surrounding natural resources. (See Annex #2 for those improvements since 1993).

Section 5 of the NRCB Act, as I am sure you are aware, states that: "no person may commence a reviewable project unless the Board, on application, has granted an approval under this Act in respect of the project." Watching from the sidelines it has seemed to CCWC for the past number of years that the activities taking place at the ski hill, notwithstanding the various permits and approvals issued by other jurisdictions, such as are referred to in Section 5, have essentially been in contravention of the Act.(Annex #3)

The expansion of the ski hill was deemed to be a "reviewable project", and at the end of the day, after all the political wrangling, no approval was issued. The fact that jurisdictional changes have taken place, the transfer of ID #6 lands to the M.D of Pincher Creek, the adoption of the new Municipal Government Act, the dissolution of the Oldman River Planning Board and the sale of Public Lands to a private developer (in direct contrast to the recommendations of the *NRCB Decision Report*, see Annex #4), none of this changes the fact that there is currently no approval in place under AEPEA and the NRCB Act for expansions at the Westcastle site. CCWC would submit that skilled counsel (beyond CCWC's financial budget) could find reasonable grounds for petitioning for a "stop" order from the NRCB under Section 5.2 of the NRCB Act (See Annex #3). CCWC will be seeking clarification from Legal Counsel at NRCB regarding this matter.

CCWC's position re: the CMR ASP

It may be noted to CMR's credit that they have taken into consideration some of the site-specific recommendations of the *NRCB Decision Report*, particularly with respect to the need to maintain the wildlife corridor on the east side of the West Castle River. Understandably they have chosen not to consider the wider recommendations of the report as their concern. They have chosen to review their environmental impacts strictly within the context of their own footprint and almost exclusively to the winter season, choosing to ignore the year round impacts of construction activities at the base and on the hill, as well as the now year-round residential impacts- exactly some of the impacts of greatest concern to the NRCB in the context of the wider ecosystem.

Although the *ASP* document alludes to consultation with "environmental groups" and specifically references selected comments made during a public meeting in Pincher Creek

in May 2000 (Appendix 3.4), CMR refused to meet with the CCWC Board or Executive to discuss these developments, claiming that the Executive and the Board did not represent the membership (personal communication from Murray Pritchard, late winter 1998)(See Annex #7) The comments chosen in CMR's Appendix, while touching on some concerns shared by the CCWC, by no means represents the position of either CCWC, the Alberta Wilderness Association or the Canadian Parks and Wilderness Society, who all presented environmental evidence before the Natural Resources Conservation Board Hearing in 1992. CCWC is not aware of CMR's direct consultation with any or all of these other groups, or with Trout Unlimited or Federation of Alberta Naturalists who were also parties to the Westcastle Ecosystem Coalition's intervention before the NRCB.

CCWC would be prepared to document its many concerns with many aspects of the development scenario as it currently exists and as it is proposed "at build out", but in the absence of any recognition by CMR for the validity of a Wildland Protected Area in the Castle, CCWC is not about to act as volunteer environmental consultant to CMR.

The CCWC's position regarding the ski hill has not changed since 1993.

We accept, and many of our members support, the presence of a viable local ski hill on the same conditions advanced by the NRCB, and most particularly their recommendation for the creation of a Wildland Protected Area. In the absence of any such protected area the CCWC is opposed to any expansion of the footprint of the ski hill, either in its terrain or its associated real estate developments at the base.

To petition for a full EIA and public hearing process would seem to be superfluous today - "been there, done that"- yet the environmental circumstances seem even more compelling now than they were in 1992, and CCWC is prepared to argue the case for such a Review. Further, as a matter of process in law the present incremental development appears to CCWC to flagrantly circumvent the provisions of the NRCB Act, given that the expansion of the ski hill was deemed to be a "reviewable project".

The CCWC therefore petitions your office to advance the process for the establishment of the Wildland Protected Area onto a fast track in your review of CMR's current Area Structure Plan proposal, so far as it is within your capacity to do so. A full review of the Castle River IRP is still overdue and the AEUB (who is a major player in the environmental decision-making process in the area) has stated its willingness to see a better resolution of issues than can presently be obtained by reference to the IRP.

The Board of Directors of the CCWC, or the Executive, would be happy to discuss these matters further at your convenience.

Yours truly,

James Tweedie, Past President, CCWC

## **Appendix #3**

### **Quotes from the NRCB Report, for consideration in Planning process**

#### **Purpose of NRCB Act**

2 The purpose of this Act is to provide for an impartial process to review projects that will or may affect the natural resources of Alberta in order to determine whether, in the Board's opinion, the projects are in the public interest, having regard to the social and economic effects of the projects and the effect of the projects on the environment.

#### **Section 5 NRCB Act**

##### **Application for review**

5(1) Notwithstanding any licence, permit, approval or other authorization granted or issued under an Act, regulation or by-law or otherwise under any other law, no person may commence a reviewable project unless the Board, on application, has granted an approval under this Act in respect of the project.

(2) The Board may, before or after an application is made, order that no licence, permit, approval or other authorization may be issued or granted

(a) under any other enactment,

(b) by a Government department,

(c) by a municipality, or

d) by any agency of the Government or a municipality to any person with respect to a reviewable project until such time as an approval in respect of the project has been granted under this Act.

#### **re the sale of Public Lands**

5.1.1 "The evidence before the Bd indicated that the issue of the sale of public lands is very contentious"

10.4 p10-13 "The Bd believes that, should the project proceed, the sale of public lands..can equitably and practically be replaced by long-term leases....Further, the existing WDA fee simple holding should be changed to conform."

12.1 p12-10 "With respect to the sale of public lands, the Bd has concluded that the public interest is unlikely to be served by placing lands of obvious environmental value into private hands." (followed by more detailed proposal

for returning lands to the public domain in order to have a simpler procedure under the Public lands Act)

10.3 p10-12 “The proposed development is located in the Rocky Mountain Forest Reserve, an area containing only unpatented lands except for the WDA parcel, thus the planning process of the Public Lands Act is dominant.” (and again, statement that “the process would be less complex, more efficient and a benefit to all if only the approval mechanisms of the Public Lands Act applied.”)

#### **re.Access Management Plan**

10.5 p10-15 “The plans represent some five years of 22 diverse groups working together...Signing the document indicated a “joint best effort” and not necessarily agreement”.

“The Board notes that the AMP dealt only with the location and the use of access in winter or summer but not with the intensity or management of the many uses. The Board believes both these factors must be dealt with having more regard for the environmental impacts and cumulative effects on the regional ecosystem before the plan can be finalised.”

#### **re. Provincial Parks “Consultative Notation”**

p10-15/16 reference to the 1974 Provincial Parks Service “Consultative Notation” that designated much of the surrounding public lands for a possible future Provincial Park, and that such a park “would achieve the intent of the Castle River IRP, as well as ensuring the protection of significant natural values.”

#### **re.Land Use Planning**

10.2 p 10-11 “The Bd is concerned that the concept of integrated resource management set out in the Eastern Slopes Policy and other public lands planning and policy documents may create unrealistic expectations by the public that we can “have it all,” particularly where relatively small geographical areas are concerned.”

p12-6 “The Bd view land use controls as being essential to the mitigation of the potentially adverse environmental effects of the proposed resort on surrounding ecologically important lands.....The Bd therefore concludes that the region should be re-zoned on a more restrictive basis to appropriately mitigate environmental impacts”.

The Board also noted that this would be consistent with the intent of the Special Places 2000 Policy, where the definition of Protected Areas was “places that are explicitly legislated and managed to protect important natural features.”

p10-11 The Board contested the appropriateness of the Special Places 2000 Policy statement that “sustainable development will be achieved through an integrated resource management philosophy.”

p10-16 “The Bd noted that it was the existing intensity of land use and associated environmental impacts and cumulative effects that was a cause for concern” ...”The general prognosis by some participants was that if the existing intensity of land use continued important ecological features could be lost.”

10.6 p10-17 “The Bd believes that the existing land use zones would not achieve a sufficient level of land use control that would appropriately mitigate the potentially significant adverse environmental impacts of the resort on the public lands surrounding it.”

On the basis of the extensive documentation noted on pp10-18/19 the Board outlined its proposals for Waterton-Castle Wildland Recreation Area, which would be a combination of Wildland Protected Area, Recreation Area and Resort Area Zones.

**In summary: the Board devoted almost 40 pages of its report (Sections 10 and 11, *Resort Impact Mitigation through Land Use Controls and Ongoing Management of the Proposed Waterton-Castle Wildland Recreation Area*) to addressing how best to achieve the stated intent of environmental protection and sustainable development set out in the various policy documents that the Board reviewed.** Their summary assessment can be found under section 10.9 pp10-29/30. And also in Section 12, *Summary of Overall Conclusions and Decision Respecting the Public Interest*, where the mitigation of adverse environmental impacts is central to the Board’s concern for assessing “the public interest”.

12.1 p12-3

The Board recognised that the more realistic approach to development at the Westcastle site was through “a phased approach”, but it is important to point out that in their Decision Section (12.2) their approval of any development was still conditional upon the creation of the WCWRA, or something “substantially similar”. p12-13: “no construction of the development may commence unless an area substantially similar in location and land use to the WCWRA as described by the Board has been designated as a special area for wildland recreation purposes”.

Further in their decision: “The Board is aware that the project may not proceed for a number of reasons beyond its control. the Board would recommend that in any event the area the Board has described as the proposed WCWRA should be protected and land uses should be established for it as described by the Board, whether or not the project proceeds. Regional management on an ecosystem basis is necessary.” p12-13