

GALLOWAY LANDS DEVELOPMENT
Keeping Lizard Creek Intact

George Greene, Chair of Board of Directors
Elk River Alliance

Presentation to RDEK Planning and Development Services Committee
May 12, 2022

 The Elk River Alliance uses science, education and community collaboration to ensure sustainable stewardship of the Elk River watershed
ERA recognizes that it works in the Traditional Territory of the Ktunaxa Nation

ERA recognizes and respects the rights of the Ktunaxa Nation and peoples
And that we are fortunate to work on

- Shared territory with
 - Yaq̓it ʔa·knuq̓i ʕit Tobacco Plains Band
 - Ktunanxa nation and peoples
- We note that Nasukin Heidi Gravelle will be presenting as well – and we are trying to not speak in any way for Yaq̓it ʔa·knuq̓i ʕit

ERA Staff and Board

Staff

- Chad Hughes (BSc, 8 years of consulting experience)
- Kaileigh McCallum (MSc)
- Evgeni Matveev (MSc)
- Anne-Caroline Kroeger (MSc)

Board

- George Greene (M.A.Sc.)
- Ashlee Jollymore (PhD, Resource Management)
- Danielle Wiess (BSc, 15 years in environmental sector)
- Lee-Anne Walker (MSc, Environment and Management)
- Stella Swanson (PhD, Limnology)
- Jason Gravelle (8 years in water quality & data management)
- Kevin Atherton (Mining Engineering)
- Nic Milligan (MA)



We are about working to ensure the health of the watershed

- We unite citizens and users of the Elk River **through shared values**
- **Promote safe and environmentally responsible use of the Elk River including responsible fishing**

Expert staff and Board with long-term local knowledge

George Greene

Here representing the Elk River Alliance - ERA

The ERA has a professional board who are experts in aquatic ecology, hydrology, water quality and community engagement. And strong full time staff team including a terrestrial ecologist, an aquatic ecologist and community education specialist.

I have long experience in conservation including with organizations who set standards for protected and conserved areas and am a property owner and RDEK tax payer

The ERA is coordinating the work of a Elk Watershed wide Monitoring collaborative involving conservation organizations, municipal governments and provincial environment agency, river recreational users and industry – this Collaborative not taking a position on the Galloway lands

Community Held Values of the Galloway Lands			
			
FISH AND FISHING	WILDLIFE	RECREATION	GOOD LAND STEWARDSHIP
Undisturbed, clean, clear, cold, aquatic habitat to spawn, develop and overwinter trout to feed Elk River angling	Healthy populations of grizzly, black bear, wolves, elk and moose	Wilderness setting with unobstructed access and views	Fernie Rod + Gun Club, Elk River Alliance, Fernie Nordic Society + participate in stewardship of Lizard Creek drainage

These natural assets have been maintained for years with the permission of the landowner

Let me start by saying that we saw only yesterday that the Galloway development application has changed - again and that the RDEK planning staff recommendation has changed as well – my presentation cannot possibly consider the suggested major changes to the proposed development - so I will continue with our intent to speak for lizard creek and conservation values

Given the importance of these lands, I am sharing again how the community sees and uses it I am thinking that all Directors in this committee – representing rural areas as well as cities and towns –value the natural assets of the lands in their areas – for hunting, angling, trail use, wildlife viewing - and more broadly for the wilderness settings and landscapes that they enjoy

Here in the Elk Valley residents have had the privilege to use and enjoy the Galloway lands over the past decades for

- For fish habitat and angling
- For wildlife
- For low impact recreational uses
- With all of these maintained through the active stewardship of a range of organizations that have conserved Lizard Creek drainage -- with the permission of the landowner

So our citizens will not want to see these conservation and recreational values lost – particularly in one of the few remaining intact properties

And let me say that we recognize that this is private land currently under land use and zoning rural resource use (forestry) and resort expansion permitting rural residential But the fact is that for 40 years it has been maintained by the landowner to support these community values

Threats to Lizard Creek		
<p>At the January meeting our ask was: Full assessment of the impact on fish and wildlife habitat before any decisions made to advance By-Laws 3102 and 3103</p>		
 <p>Risk to Westslope cutthroat trout habitat</p>	 <p>Effects on water quality in Lizard Creek</p>	
	Septic Fields	Decrease in Water Quality
	Stormwater – hard surface, construction	Effects on Riparian Habitat
	Roads/Stream Crossings	Increased Access Disturbance in Creek
	Informal Trails in Riparian	Increased Access/Fishing Pressure

As the Elk River Alliance our focus is on the watershed and particularly lizard creek fish habitat and water quality – given its high value as spawning habitat for Westslope Cutthroat Trout – as a largely undisturbed tributary of the elk – we provided data from our surveys in January presentation

We remain concerned about the range of threats the proposed development poses to water quality and to fish habitat

Inadequate Lizard Creek Protection Measures	
PROPOSED MITIGATION	ERA CONCERN
<p>Minimum 30m setback from the residential lots as per Riparian Areas Protection Regulation <i>(Implied Conclusion: The risk to Westslope Cutthroat Trout is very low due to the large setbacks provided from Lizard Creek and the retention of green space along the creek.)</i></p>	<ul style="list-style-type: none"> No full assessment of impact on fish and wildlife habitat. No assessment of adequacy of setback for fish habitat protection.
<p>Applying Best Management Practices for development through sediment and erosion protection, and Environmental Guidelines for Urban and Rural Land Development in B.C.</p>	<p>Existing developments in the area show inadequacy of controls: What is the enforcement record? What is RDEK capacity to monitor and enforce?</p>
<p>The installation of the septic systems for the Galloway Lands is regulated. Regulation to ensure constructed septic systems do not cause a health hazard</p>	<p>No cumulative septic contamination study- rely on adequacy of each homeowner septic system.</p>

We have reviewed the studies done by cascade environmental resource group and the mitigation measures proposed.

I ran an environmental consulting company for 20 years. and I respect the work of Cascade and the others. But it is all in the question and scope put to the consultant by the client. Here we have 1) rebuttals to concerns raised and in fairness 2) proposed mitigation measures

We also reviewed the reportS of environmental design group re conservation development and western water associates re well water supply and their report plus that of Mulyck consulting re septic system placement

we appreciate their recommendations and efforts to propose mitigation measures – but these are all based on good practice standards and in some cases generic regulations – but have not been based on in most part on local and area field data – existing or new where there are gaps

So we find them inadequate to protect lizard creek water quality and fish habitat

Loss of Conservation Lands	
CONSERVATION SUBDIVISION	INTACT CONSERVATION LANDS
	
Subdivision is better development design BUT it is <u>not conservation</u>	Can we reconcile current conservation landscape with the subdivision picture?
The primary purpose of conservation lands is to conserve and manage important habitats for significant fish and wildlife species	Conservation means sustaining ecological values <u>intact</u>

Here I must say not much has changed from the initial application

We remain concerned that carving up an intact - high-conservation value property into many small pieces - covered by a multitude of conservation covenants – cannot be considered conservation land

This does not meet the BC definition of conservation lands- those having a primary purpose to conserve and manage habitat for significant fish and wildlife – while concurrently providing for public access for recreational uses

So essentially, we are talking about a series of green set backs and small patches of estate green space and some narrow corridors

Covenants on private land parcels and stream setback and park buffer would be registered under a not-for-profit of 74 landowners and a few conservation and community user groups – not a very balanced vote. And “The RDEK shall also be named on these covenants to prevent discharge or modification” BUT to quote from your packag RDEK “has no obligation to enforce the covenants.”

This will NOT maintain INTACT the existing interconnected network of stream and lands along the Lizard Creek corridor

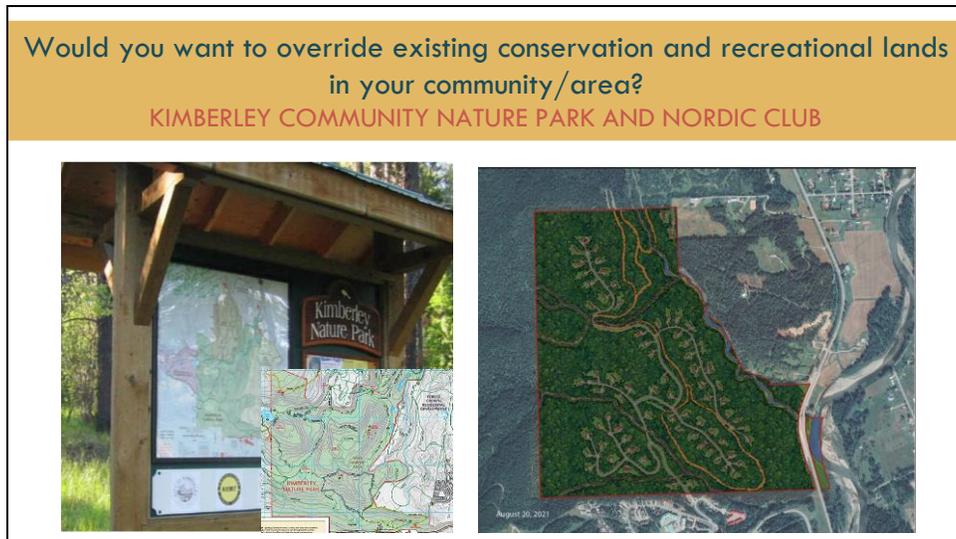
Would you want to override existing conservation and recreational lands
in your community/area?
ELKFORD NORDIC SKI CLUB + TRAILS



The image contains two maps. The left map is a topographic map titled "Boivin Creek Trail" with a green header. It shows a trail route in orange and yellow, with a legend for trail types (e.g., "TRAILHEAD", "TRAIL", "DIRT ROAD") and other features like "PHILLIPS PEAK" and "WILDCAT HUT". The right map is an aerial photograph with a red outline indicating a specific area of interest, dated August 20, 2021.

<https://elkfordnordicskiclub.ca/>
+ Boivin Creek Trail

A ski trip to the Boivin Hut affords the skier an opportunity for fresh air and exercise along with incredible mountain views. Round trip is approximately 7 km and 150m vertical elevation. Continue on to the Wildcat Hut and back to the trailhead - 14 km and 300m vertical. Following logging in the mid-2000's, the forestry company turned over the logging road to the ski club. This road (referred to as the "Upper Trail") is maintained by the Club Spectacular views of Phillips Peak are afforded from the Upper Trail



<https://www.kimberleynaturepark.ca/>

The Kimberley Nature Park protects important wildlife habitat and provides exceptional opportunities for ecological education and non-motorized recreation. Located inside the City of Kimberley, the 840-hectare nature park contain more than 50 kilometers of trails linking forested hillsides, panoramic viewpoints, pockets of old-growth cedar, rugged talus slopes and numerous small ponds and streams. The largest municipal park in British Columbia is managed by the non-profit Kimberley Nature Park Society, which has a mandate of conservation, education and recreation.

<https://www.kimberleynordic.org/>

Extensive winter x-country trail system adjacent to the Nature Park



The Nature Trust of British Columbia, one of the province's leading non-profit land Conservation organizations, together with Fairmont Hot Springs Resort, a year-round destination resort located in in the Columbia Valley, announce that 143 acres of ecologically important land located near Fairmont Hot Springs Resort has now been protected from development and will be conserved as a natural wetland.

- The property known as The Hoodoos – Columbia Wetlands, is adjacent to The Nature Trust's Hoodoos Conservation Complex, and a portion of the Columbia Wetlands Wildlife Management Area. The purchase of this property from Fairmont Hot Springs Resort by The Nature Trust of BC, adds to a continuous area, over 11,000 acres of relatively undisturbed wetlands, riparian, and grassland habitat
- **Vivek Sharma, CEO, Fairmont Hot Springs Resort** - Fairmont Hot Springs Resort was pleased to enter this valuable partnership with The Nature Trust of BC. Protecting the wetlands preserves the natural habitat of our community, which we are dedicated to supporting now and in the future.

Bounded by The Nature Trust's Hoodoos **Conservation Complex on one side and the Columbia Wetlands Wildlife Management Area** on the other, Hoodoos – Columbia Wetlands contributes to the resilience of a continuous conservation area totaling 4,496 hectares.

The Columbia Wetlands is a very large wetland and river system located on the Upper Columbia River, in the East Kootenay portion of BC. Several major communities are located along the edge of the river and wetlands.

They are recognized as a wetland of international importance by the United Nations under the RAMSAR Treaty. The system stretches 150 km from Canal Flats and Invermere in the south, to Golden in the north.

A VIABLE ALTERNATIVE



**KEEP THE GALLOWAY LANDS
INTACT FOR:**

LIZARD CREEK /FISH PROTECTION

CONSERVATION VALUES

RECREATIONAL USES

*The land-use decision rests with
RDEK Directors*

There is much that can be learned from the examples I have just shown – involving private land holders, communities, governments and not-for-profit organizations – working to meet conservation and community use needs.

ERA recognizes that the land is currently under an agreement for sale to the Galloway lands developer – but presume this is subject to a decision by the RDEK Directors to amend the OCP and zoning of the property

And, we understand the interest of the landowner to get fair value if he sells the land

BUT REMEMBER The decision on the best use – most appropriate use - of these lands rests with you – the Directors of the RDEK

- Looking at other similar land parcels in other RDEK areas/ municipalities...
- to decide in favour of citizen interests and the community values held by your constituents throughout the RDEK

A NEW APPLICATION FOR THIS LAND



WHAT IS NEEDED?
Full review of new application including environmental assessment, with proper time frames

Finally I must comment on the last minute and substantive changes to the development application.

We note the RDEK staff's useful review comments –in terms of transparency and recognition of the need for due process i.e., good governance. And the staff proposed measures we have just seen may have merit – but they can't be quick last minute fixes

We are calling for a proper and full new application to be submitted to allow staff and APC review. And, calling for substantive staff and community review period and proper referrals to agencies – 6 months + would seem the minimum.

This will allow for proper environmental assessment to be done