

Downhill! Jasper Wilderness Valley Threatened

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Introduction

In spite of a strongly critical report from its own biologists, Parks Canada has approved guidelines for Marmot Basin Ski Hill in Jasper National Park allowing it to pursue the possibility of development in a pristine wilderness valley. This valley provides important habitat for the threatened woodland caribou. This could set a dangerous precedent for the future of the three ski hills in Banff National Park.

History

A century ago the federal government justified setting land aside for national parks as a way to bring in tourism dollars. These protected areas of spectacular landscapes became little islands open for business in what was then a sea of wilderness. At that time, little was known about wildlife and their habitat requirements.

As the parks grew in popularity, downhill skiing was welcomed as a winter attraction for tourists. In the 1950s, the national park ski hills – three in Banff and one in Jasper – were small-scale local businesses. But, by the 1970s, these had morphed into larger commercial operations and Canadians began to question what effects they were having on the parks and their wildlife.

In 2000 the government-appointed Panel on Ecological Integrity recommended the national park ski operations be managed as non-conforming uses, curtailing any aspects that affected ecological integrity. Expansions should be prohibited. Ski Area Management Guidelines laid out criteria for Long-Range Plans (LRPs) that would specifically outline each ski area's intentions for the following 10 to 15 years.

Parks Canada and the ski hills have not had an easy relationship. The four operations consistently delayed producing LRPs or even the required Vision Statements, preferring to pressure Parks Canada into allowing incremental development on the grounds of 'safety' or 'environmental concerns'. In many cases Parks acquiesced, seemingly disregarding

the cumulative effects of all this 'two-bitting'.

In pushing for more development the ski hills cited stiff competition from resort operations in adjacent provincial areas. They conveniently ignored that being located in a world-famous national park is an enormous asset in itself; they also acted as if they were unaware of the advertising that Parks Canada does on their behalf.

However, in 2006 a new Conservative government was elected in Ottawa and the Minister of Environment introduced 'refined' Ski Area Management Guidelines on the grounds the ones in place since 2000 were 'too restrictive'. Political winds were starting to blow favourably for the ski hills.

Both the 2000 and the new 2006 management guidelines allowed exceptions to policy by a *reconfiguration* of the lease in exchange for more development elsewhere on the lease providing there were '*substantial environmental gains*'. A '*substantial environmental gain*' is defined as "a leasehold reduction or reconfiguration that results in better protection of sensitive areas in exchange for development in less sensitive areas." This would seem to be a not unreasonable exchange...if followed in good faith. But, the 2006 guidelines also allowed for a *reduction* in the leasehold in exchange for new land adjacent to the lease. The new lands would be managed under a Licence of Occupation.

This change to the guidelines seems to fly in the face of the law. Section 36 (1) of the Canada National Parks Act states: "No lease or licence of occupation may be granted for the purpose of commercial ski facilities on public lands in a park except **within** a commercial ski area described in Schedule 5" (emphasis added). It will be interesting to see how Parks Canada gets around this inconvenience.

These changes to the guidelines sparked an interest from the four ski hills. Marmot Basin Ski Area in Jasper National Park was the first to prepare a Vision Statement – no doubt closely watched by the Banff ski hills.

Marmot Basin

Marmot Basin is a mid-size operation located 22 kilometres south-west of Jasper townsite. It is seen as a laid-back ski hill with 84 runs fairly evenly split between 'easy', 'intermediate' and 'advanced'. Its lease, negotiated in the 1960s, covers 678 hectares most of which is located in a bowl on the east slope of Marmot Mountain. But the lease area also contains an adjacent steep north slope leading down into the pristine Whistlers Creek Valley.

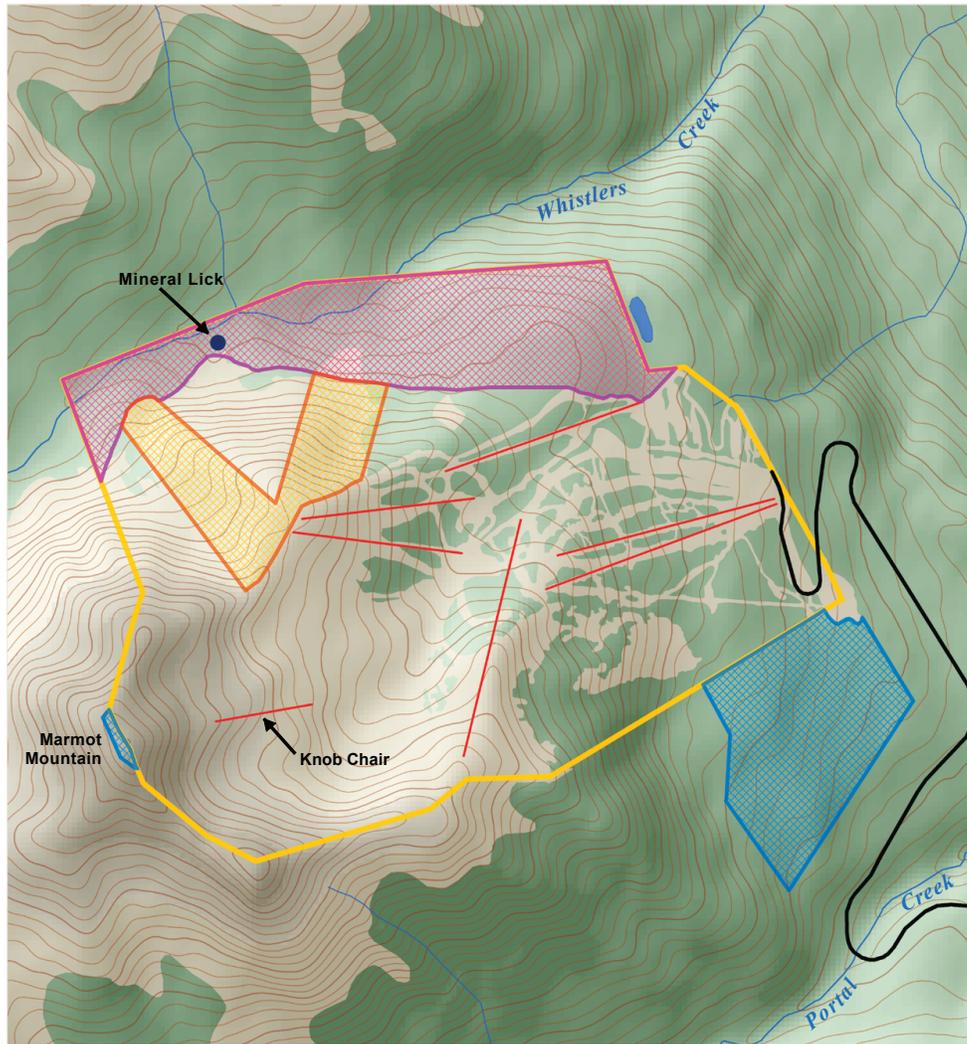
The ski area's leasehold is listed as Zone IV (Recreational). However, it is surrounded on all sides by lands designated as Zone II (Wilderness). These lands provide important habitat for wildlife – including the threatened Southern Mountain Woodland Caribou.

At the time of Marmot Basin's first planning proposal, in the late 1970s, the highest chair lift – the Knob Chair – ended about 600 metres below the summit ridge of the bowl and there was no development on the north slopes into Whistlers Creek Valley. In the proposal, Marmot wanted to extend the Knob Chair towards the summit, opening the possibility of giving skiers access to the valley where it hoped in the future to develop ski lifts.

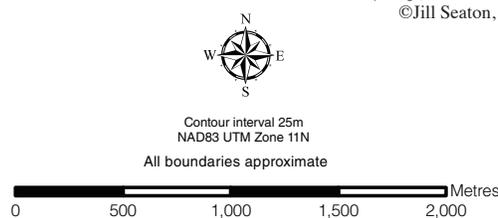
Following an environmental assessment, Parks Canada concluded in 1981 that "any lift proposals that would ease the present difficulty for humans to gain access to any place on the Marmot Mountain skyline and beyond will constitute an unmitigable impact for goats and caribou". The Whistlers Valley slopes and the upper portion of the Marmot bowl were therefore excluded from development considerations. Unstable soils and the adverse effect on the view from the summit above the Jasper Tramway on the far side of the valley were also causes for the rejection.

For the next 20 years Marmot expanded its development in the bowl below the Knob Chair. In 2004 it had nine ski lifts and three lodges and was planning to install snow-making facilities. But there was no sign of the required LRP and

Marmot Ski Hill Lease Area With Proposed Expansion



-  Existing Lease Boundary
-  Surrendered Area
-  Licence Of Occupation Areas
-  Potential Lift Areas
-  Existing Lift Lines
-  Access Road



incremental additions continued.

Then, in 2005 when LRP negotiations were stalled once again, Parks Canada introduced the idea of potential development in the protected Whistlers Creek Valley.

The logjam broke. Negotiations between Parks and Marmot got under way and in January 2006. Marmot produced a Vision Statement setting out its 'wish list' for the next 10 to 15 years including two ski lifts in the protected valley and substantial projects both inside and outside its present developed footprint. It also indicated that summer use was needed to "strengthen the

certainty of Marmot Basin's economic sustainability".

Whistlers Creek Valley

Whistlers Creek Valley is an undisturbed valley running parallel to the busy, dangerous east-west transportation corridor. It lies over a steep ridge to the south of the corridor and serves as a refuge and safe wildlife movement area from the important montane habitat of the Athabasca Valley through to the Tonquin Valley and British Columbia.

The valley provides important – possibly critical – habitat for the woodland caribou. Animals from

the struggling Tonquin herd of the Southern Mountain Woodland Caribou population use the lichen-rich higher slopes just outside the Marmot bowl and groups of them are often sighted there in winter. Historically they used the bowl itself but, as development increased, they were pushed out. Now only their name graces the bowl and ski hill facilities: 'Caribou Ridge', 'Caribou Knoll', 'Caribou Lodge' and 'Caribou Chair'.

Woodland caribou are now a threatened species under the federal *Species At Risk Act* (SARA). The act clearly states: "Canada's protected areas, especially national parks, are vital to the protection and recovery of species at risk".

Other important species in the valley include the sensitive wolverine and grizzly bear – both listed as species 'of concern' by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), as well as mountain goats, lynx, moose, wolves, black bears and white-tailed ptarmigan.

The proposed deal

Marmot offered to 'surrender' 119.6 hectares of pristine land on its northern border at the bottom of its lease in the Whistlers Creek Valley. This 'surrendered' land is a narrow, heavily forested strip of spruce-fir 250 to 600 metres wide and approximately 2,500 metres long; it includes a short stretch of Whistlers creek.

In exchange the ski hill wants 222 hectares of new lands for development including:

- greatly increased development in its footprint
- a 60-ha licence of occupation for Nordic skiing and beginners' area outside its south-east boundary
- an extension of the Knob Chair to the summit ridge of Marmot Peak necessitating another licence of occupation (0.6 ha) for the upper terminal tower
- two ski lifts into Whistlers Creek Valley

In spite of Parks Canada having done no monitoring in the area for the past thirty years and admitting to more than forty knowledge deficiencies, and in spite of strong objections from conservation



Woodland caribou, Jasper National Park

PHOTO: P. SUTHERLAND

groups, the draft guidelines were approved, virtually unchanged. They would allow consideration of the Knob Chair extension and the two Whistlers Creek valley ski lifts dependent on a two-year 'Caribou Risk Assessment'. Parks Canada, Marmot Basin and 'an objective third party' will set the terms-of-reference for this assessment. A mountain goat specialist also will carry out a three-year mountain goat study in the area.

'Substantial environmental gain'?

The two ski lifts would be on slopes directly above and adjacent to the 'surrendered' strip. The potential for snowmobile access to evacuate injured skiers, the noise of avalanche control and machinery as well as summer maintenance will ensure, to my mind, that wildlife will not remain there. Within metres of the upper edge of this contentious strip lies a mineral lick vital to the local – and possibly the regional – population of mountain goats.

Further, an extension of the Knob Chair to the summit of the bowl will allow skiers access to the back side of Marmot Peak into the caribou habitat at the west end of the valley. They also will be able to ski round to the two new ski lifts. In short, Whistlers Creek Valley will be open for business.

The strip is presently fully protected by Parks Canada's 1981 decision. This raises the question as to how the proposed exchange can possibly be '*a positive change in key ecological conditions*' as stipulated by the 2006 Ski Area Management Guidelines. Senior Parks Canada managers justify this exchange by stating that surrendering the strip would provide 'certainty' that it would **never** be developed. In their view this sleight-of-hand represents the required '*substantial environmental gain*'.

If Parks Canada can circumvent Section 36 (1) of the Canada National Parks

Act to establish licences of occupation outside the ski area boundary, then future managers could also do it – making the word 'certainty' no more than a hollow convenience.

Jasper's specialists disagree

Jasper National Park's biologists and other specialists disagree with Parks Canada managers. Their report – obtained through federal Access to Information legislation – lists their many concerns with the exchange. These include the loss of high-quality mountain caribou habitat, increased predator access, displacement of caribou and other wildlife species and adverse effects on the mineral lick and habitat for goats.

They conclude that "a lease reduction involving removal of the entire Whistlers Creek drainage would be considered a substantial environmental gain and a preferred option. Removing only a portion of Whistler's Creek would not be a significant environmental gain given the proposed increase in development."

Summer use

Summer use of the basin is also on the negotiating table. This is grizzly habitat. Allowing human use there will either mean the bears will no longer use the area or they will become habituated to the human presence and increase the danger of human/wildlife conflict. Summer use also will increase wildlife mortality on the 10 kilometre access road. In 1999 when assessing Marmot's new Eagle Ridge Chair, Parks Canada took "special note that a summer visitor use program is not being proposed. This is a very important aspect of minimizing direct disturbance and alienation of secure habitat for wary wildlife." Nothing has changed in the intervening years to allow Parks Canada to ignore its previous statement.

Who makes the final decision?

The Marmot process is half completed but Parks Canada is now attempting to persuade the Canadian Environmental Assessment Agency (CEAA) that a final Comprehensive Study should be replaced by a simple screening assessment for all the national parks ski hills' LRPs, thereby removing CEAA from the equation and leaving Parks Canada as the sole decision-maker. (The Environmental Law Centre opposes this effort by Parks Canada. The Centre's comments may be seen at <http://elc.ab.ca/pages/InformationResources/BriefsSubmissions.aspx?id=1048>)

Conclusion

A decision on Marmot's proposed projects cannot be made by Parks Canada until the caribou and mountain-goat studies are completed. Even if the results are unfavourable for Marmot the projects could still be approved with 'mitigations' – with Parks Canada likely lacking both the staff and the money needed to enforce them.

Canadians still have an opportunity to speak out against this travesty. Under the Canadian Environmental Assessment Act, Parks Canada will be obliged to seek public input when the environmental assessment is finalized.

However much Parks Canada protests to the contrary, this whole exercise with Marmot Basin – particularly the spurious 'substantial environmental gain' – indicates that local commercial interests now trump nature in the minds of Parks Canada managers in Ottawa. This creates a dangerous precedent not just for the three Banff ski hills but also for other management decisions regarding Canada's mountain national parks and World Heritage Site. 🐾