

CARLA R. CONKIN

Barrister & Solicitor

March 4, 2025

VIA EMAIL: mail@spallumcheentwp.bc.ca ; info@cityofarmstrong.bc.ca

File No.: 01013

Township of Spallumcheen
4144 Spallumcheen Way,
Spallumcheen BC, V4Y 0N1
Attention:
Doug Allin, Chief Administrative Officer
Cindy Webb, Corporate Officer

City of Armstrong
3535 Bridge Street, PO Box 40,
Armstrong BC, V0E 1B0
Attention: Acting Chief Administrative Officer

**RE: Spallumcheen Trails Society (“ASTS”) – Mt. Rose Swanson Initiative (“Mt. RS”) -
Expert Impact Assessment -Missing Science**

I am writing in follow up to the Joint Council Meeting with the City of Armstrong and the Township of Spallumcheen (the “Township”), held on Tuesday, February 25, 2025. I understand that ASTS provided their 2024 Year in Review and there was some discussion about ASTS work regarding Mt. RS conservation. As a result, there was some inquiry by CAO, Doug Allin of the Township, regarding whether there was information that I could provide regarding this initiative.

By way of background, I was initially retained by ASTS in early 2023, with financial support from West Coast Environmental Law and the Environmental Dispute Resolution Fund, to consider the environmental legal landscape for preservation and protection of Mt. RS from deforestation impacts, including cumulative impacts. I have a long background in impact assessment and regulatory reviews of natural resource projects, environmental law and the need for adequate science and evidence, including Indigenous Knowledge to provide for effective and sound decision making.

Given the context, the history of Mt. RS and its value components, there are building questions and concerns about BCTS plans to log portions of Mt. RS.

Concerns include:

- *Lack of Process Transparency and Informed Decision Making* – Despite the *appearance* that the public is engaged in the process (e.g. one-time public notices for comment), there is a lack of transparent BCTS processes to effectively involve local knowledge to substantively inform decision making. There is minimal and poorly timed public engagement that makes the engagement difficult and consequently of limited or no value, except perhaps to show that a box was ticked. Licensees are also left to largely self regulate, conduct their own assessments and provide assurances that environmental protection is in place. This breeds distrust that economic value components are being balanced with environmental value components. We know enough now that if we wait for the damage to occur and try to redress later, the ability to reverse or restore the environmental balance may not be possible. When environmental considerations are not accounted for sufficiently, this irreversible damage includes inaccurately weighing short sighted/short term economic advantage to the detriment of long term economic costs, (e.g. for local areas - water security, drought, floods, fire).
- *Missing Scientific Impact Assessment* – There are BCTS indications that there will be site assessments, of an undisclosed nature and scope, later in the process – a process that is either unknown or unclear. There is little to no track record of impact assessment being done, using evidence-based science. There is little to no track record of cumulative impacts assessment being conducted. This approach raises the risk significantly that forestry focused, economic driven decisions will become short sighted when considered against the long term environmental/economic costs (including economic opportunity costs) that could have been understood and avoided.
- *Mt. RS as “natural infrastructure” and a “natural asset”*– As evidence-based climate science, biodiversity, and the import of watershed science grows, local areas and government perception and policy is changing regarding the import of “natural assets”. Of course, to understand the import, evidence-based science is needed. Mt. RS is deserving of a further look and assessment before significant deforestation occurs given its history of value for environmental and recreational components, There is building evidence-based science that disturbance or removal of the forest cover creates impacts on watershed capacity and quality and impacts biodiversity in significant ways that can and will put pressure on local and area communities to address, such as drought, flood, fire and water quality and security. Local and regional scientific assessment is key to ensuring that local governments, responsible for sustainable infrastructure and resources, have the adequate information to make evidence-based decisions short and longer term. From a biodiversity, wildlife/flora/fauna and watershed protection stand point, it is not clear that there has been any evidence-based impact assessment for Mt. RS.

With these continuing and building concerns in mind, it became apparent for ASTS that the focus needs to be ensuring that the impact science is in place, and to advocate for informed decision making. ASTS is not advocating for a narrow special interest, it is an organization that sees that the key evidence is missing, and that local interests and the broader value that Mt. RS provides for the North Okanagan, will be undermined if decisions for Mt. RS are based on inadequate information, and without sufficient regulatory oversight.

One scientific component that ASTS has not yet been able to raise funds to address is the critical missing science as it relates to wild fire impact assessment of Mt. RS. BCTS has indicated that logging will simply address or mitigate risks by removing the timber fuel. However there is growing science that indicates that rather than removing the risk, logging practices could in fact exacerbate wild fire risk and damage.

We know that the Province's approach to timber extraction remains commercially focused. There are no legal requirements to assess or consider cumulative effects of forest practices in most watersheds in BC. In the 2021 'Blueberry Case'¹ the BC Supreme Court confirms that there are continuing problems and significant and unacceptable time lags in understanding environmental impacts, cumulative impacts in particular.

As such, and as a result of these science gaps that are not being otherwise addressed, ASTS has chosen to lead the initiative to obtain independent scientific evidence to inform the plans for deforestation of Mt. RS. Hence, ASTS is retaining experts in the fields of biology and forest hydrology to provide independent input and assessment so that this information is known before significant steps are taken.

ASTS also aims to share the scientific information and continue collaboration with supporters, shared interest holders and government to ensure that informed decision making occurs. Independent evidence-based science, local knowledge, Traditional Indigenous Knowledge are all necessary to understand the impacts of deforestation, including the cumulative impacts.

¹ Yahey v. British Columbia, 2021 BCSC 1287(CanLII)

Should the Township or City of Armstrong wish to discuss this further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carla R. Conkin', is positioned above a vertical line that extends downwards.

Carla R. Conkin, LL.B.

carlaconkin@protonmail.com

cc. Marge Sidney, President, ASTS via email