

December 16, 2012

Dave McDonough
Banff Field Unit Superintendent
Banff National Park
Box 900
Banff, Alberta T0L 0C0

Re: Comments on Mt. Norquay 2012 Draft Long Range Plan

Dear Mr. McDonough,

On behalf of the Canadian Parks and Wilderness Society – Southern Alberta Chapter (CPAWS SAB), please accept these comments on the Mt. Norquay 2012 Long Range Plan. CPAWS SAB is part of a national non-profit organization dedicated to protecting Canada's wilderness. Since CPAWS SAB's inception in 1967, we have had a long history of involvement with many aspects of Banff National Park and its management and continue to champion ecological integrity as the first priority for park management as mandated by the *Canada National Parks Act*.

We have significant concerns about the Mt. Norquay Long Range Plan, and are opposed to the proposal to allow large scale summer use of the ski hill because of its likely impact on grizzly bears and other park wildlife.

Our key concerns about the Mt. Norquay 2012 Draft Long Range Plan are summarized as follows:

1. The proposal for large scale summer use of the Mt. Norquay ski area threatens the ecological integrity of Banff National Park, and in particular the security of important grizzly bear habitat.
2. There is inadequate evidence that the proposal will result in a "substantial environmental gain".
3. Allowing conservation offsets in exchange for development sets a dangerous precedent for national park management in Banff and in other national parks. For example, restoration of historic vegetation patterns should not be used to justify further development; rather should be done to achieve conservation goals.
4. Rigorous long-term ecological monitoring is essential to inform decisions about park management.
5. Reversal of the previous agreement to not allow summer use undermines public trust and confidence in long term agreements meant to protect park ecosystems.
6. The public consultation process is flawed. Having the proponent lead the public consultation process allows for significant bias in the communications, and does not represent the public interest in deciding on the future of our national parks. In addition, scheduling the consultations over the holiday season makes it difficult for the public to engage in the process.
7. Parks Canada should not be responsible for the economic viability of ski areas as this is not part of the Agency's mandate.
8. There is no evidence that visitors want the kinds of new recreational activities proposed in the Long Range Plan, such as via ferrata.

These concerns are explained in detail within this submission for your review and consideration.

1. The proposal for large scale summer use of the Mt. Norquay ski area threatens the ecological integrity of Banff National Park, and in particular the security of important grizzly bear habitat.

CPAWS SAB is fundamentally opposed to any increase in summer use of the Mt. Norquay ski area because of the direct threat it poses to the ecological integrity of the park. Currently there are low levels of human use at Mt. Norquay in summer (~ 300 people throughout the summer months). If the Long Range Plan is implemented, there could be 300 visitors on the mountain daily from mid June to mid Oct, or a total of approximately 10,000 people each summer. Mt. Norquay provides important summer habitat for grizzly bears, listed as a threatened species under the Alberta Wildlife Act. Further development and summer use will increase the pressure on the bears' habitat, and could result in a negative cumulative impact on this sensitive species.

Grizzly bears in Banff have the lowest reproductive rate documented for the species in North America, and grizzly bear mortality in Banff is higher than in any other Rocky Mountain Park, particularly in the Bow Valley where human development is the highest. The rate of female grizzly bear mortality in Banff exceeds the threshold for a sustainable population of 1.2% per year (ranging from 1.7% to 2.5% from 1990-2008). In Jasper National Park, the mortality rate of females has remained below the 1.2% threshold for the past 15 years. Because the Bow Valley is considered a mortality sink for bears within this larger landscape, any management actions that increase the risk of direct mortality run counter to the requirement to manage for ecological integrity as the first priority.

There is scientific evidence that grizzly bears are sensitive to human use and that increasing human use decreases grizzly bear habitat security. While habitat on the Mt. Norquay ski hill is already considered insecure due to its size and level of *existing* human use, it does offer some of the best habitat in the local area of the Bow Valley, where roads, the townsite, railway and recreational developments like Norquay limit the amount of secure habitat available. Resource selection function models for this area show some of the highest quality habitat available is directly below the Norquay chair lifts and adjacent to the Trans Canada highway. Grizzly bear location data shows bears are using the area right below the chair lifts more than the habitat adjacent to the highway.

The importance of this habitat is reinforced by the fact that it is being used. If there was higher quality habitat available the bears would be using it instead. With limited amounts of secure habitat in the National Park, the highest quality habitat is likely occupied by dominant males, making the more modest, but relatively secure habitat at Norquay particularly important for sustaining sub-adult and female grizzly bears. Further reducing habitat security at Norquay will likely have a particularly significant impact on these sub-adult and female grizzly bears, which are critically important to restoring a self-sustaining population in the Bow Valley and Banff National Park as a whole.

With increased disturbance from summer use of the chair lifts, wary bears could be displaced from Mt. Norquay, but where would they go? There are few secure alternatives. Norquay summer use could increase bear tolerance and lead to an increased risk of these more tolerant, or even habituated bears entering Vermillion Lakes, Minnewanka loop, and the Town of Banff. This would

further increase the risk of human-bear encounters, potentially result in more “problem bears”, and increase grizzly bear mortality in the park.

The Environmental Impact Assessment (EIA) frequently compares the proposed summer use at Mt. Norquay to the on-going summer use at the Lake Louise ski area when discussing potential impacts to grizzly bears. However, there are significant differences between the two areas, and so the validity of the comparisons is limited. Lake Louise has much higher quality bear habitat, is a much bigger area, and has a back side of the mountain with less human use. And it should be noted that there has been no ongoing monitoring at Lake Louise since the Banff-Bow Valley study in 2002.

In spite of mitigation efforts at Lake Louise, impacts to grizzly bear habitat use have been observed. It is our understanding that wary bears have been observed being displaced from high quality grazing during hours of human use and that people have been observed yelling and throwing things down from the chairlift onto the grizzly bears grazing below (while this may not happen frequently, it's important to keep these kinds of direct impact events in mind when managing based on the precautionary principle). It is our understanding that frequent traffic and speeding on the maintenance road has also been observed to displace grizzly bears from roadside forage.

Lake Louise is often referred to as a nursery for grizzly bears because many reproducing females use this habitat despite its high level of human use. However, there is evidence that few to none of these females' cubs survive to sexual maturity and they are therefore not contributing to grizzly bear population growth in Banff National Park. These cubs higher mortality risk is likely because they are born into an area of higher human use and thus display increased tolerance of human activity, which is directly linked to increased mortality risk.

Finally, the comparison to Lake Louise does not account for the cumulative effects of having more human activity overall in important grizzly habitat in Banff National Park during summer months.

The Environmental Impact Assessment of the Mt. Norquay draft Long Range Plan suggests the negative impacts on bear habitat can be mitigated by controlling human use through fencing and interpretative guides. Electric fencing at Lake Louise has been successful in limiting direct human-bear conflict and restricting human access to certain parts of the ski hill. These measures will likely prevent direct interactions with bears on the mid-slope area of the Norquay ski hill as well, but they will not reduce the noise from the chairlift running all day, or the increased noise and disturbance created by having 10,000 people or more present on the mountain each summer. From years of summer use at Lake Louise it has been observed that some bears are displaced from this high quality habitat when the chairlift is running. These less tolerant bears are forced to become more crepuscular or nocturnal in their foraging behaviour thereby reducing the available high quality forage in time and space for the animals. In this case, mitigative efforts may make the best of a bad situation, but they do not completely prevent negative impacts on the bears.

The environmental impact assessment considers cumulative effects at the local scale (i.e., Norquay ski hill, Trans Canada highway, railway, Town of Banff, Minnewanka loop). This is, however, too small a scale to consider cumulative effects on grizzly bears. At the very least, cumulative effects should be considered at the grizzly bear home range scale. It is essential to understand what other habitat of equal quality is available for displaced non-tolerant grizzly bears. Given Norquay's proximity to the boundary of the National Park, this cumulative effects assessment should also consider what challenges grizzly bears will face when their home range includes provincial lands.

Cumulative effects assessment should also consider the social dynamics of grizzly bears; understanding the location of dominant male home ranges will help to understand what habitats are available to females and sub-adult bears in the area. CPAWS SAB recommends that this portion of the EIA should be re-done taking into account a larger scale more appropriate to grizzly bears.

2. There is inadequate evidence that the proposal will result in a “substantial environmental gain”.

The Mt. Norquay Long Range Plan identifies an approximate 40% reduction of its lease area in return for expansion of both winter and new summer activities. What is not stated is that the area being relinquished from the lease is too steep to develop for skiing and is of relatively low habitat value. As such, this exchange does not equate to a “substantial environmental gain”.

Furthermore, parts of this lease reduction are now being proposed to be licensed back to the ski area under a license of occupation for avalanche control and installation of a via ferrata. So despite not having property rights to the lease area, the proponent would continue to use this area and wants to develop it for summer use with over 2 km of trail. If approved, this area which currently sees virtually no human activity, would be subject to thousands of people annually. It is totally inappropriate to conclude that these changes will result in a net environmental gain. It is the development and use of the lands, not the administration arrangement that determines the environmental impact.

3. Allowing conservation offsets in exchange for development is incompatible with an ecological integrity-first park management model, and sets a dangerous precedent for national park management.

CPAWS SAB feels strongly that the concept of environmental offsets should not be used as a way to justify further development in a national park. Approval of Mt. Norquay’s draft Long Range Plan sets a very dangerous precedent for park management, including the development, growth and intensification of use for other ski areas in the national park.

CPAWS SAB appreciates that Parks Canada is engaging in several habitat enhancement initiatives to improve wildlife habitat away from areas of higher human use. However these programs should be considered general operations and management to maintain and restore ecological integrity in the Park; they should not be used as justification to allow summer use at Mt. Norquay.

The idea that Parks Canada should rationalize further harmful development by offsetting impacts with prescribed fire is inappropriate. As part of its responsibility to maintain or restore ecological integrity, Parks Canada should be managing to its stated ecological objective of mimicking the long-term fire cycle. It is far from achieving this goal. Parks Canada has pulled back from the prescribed fire program in Banff because it has invested instead in other program areas. Habitat in the park should be protected or restored to achieve the Agency’s conservation responsibilities – not restored to rationalize damage to other habitat areas that will result from permitting increased development.

Furthermore, from a practical perspective, creating the appropriate habitat to sustain females and sub-adults will be extremely difficult. If the fire is successful at creating high quality bear habitat away from human presence and use, it is likely to be occupied by dominant male bears, not provide the suboptimal habitat that is needed to sustain sub-adults and females.

The prescribed burns are also unlikely to improve overall habitat quality within the timeline needed for the Long Range Plan. Even if they successfully created appropriate habitat, prescribed fires will not deliver immediate results. It could be 10 years before the burned areas become high quality bear habitat, leaving a significant time gap between the time bears could be displaced from the ski hill and the availability of appropriate new habitat.

The proposed offset strategy lacks adequate evidence that it will work. In essence the Plan proposes to offset damage to important existing grizzly bear habitat in a national park, with a highly risky strategy to try to create alternative habitat that may or may not sustain bears in the future. This does not constitute a management approach that puts ecological integrity first in decision-making.

4. Proposed mitigating measures do not justify the risk of the proposed development

There is little certainty or evidence that the proposed mitigating measures will be effective. For example, measures to mitigate impacts to the Cascades wildlife corridor from traffic on the Mt. Norquay road may be successful in reducing the amount of new traffic on the road. However, without closing the road to private vehicle traffic, there is little evidence that these efforts will actually reduce overall traffic volumes from their current levels.

Another mitigating measure discussed in the EIA is the construction of wildlife trails to make the Cascade wildlife corridor more effective. While this is a creative idea, there is no science to suggest this approach will work and that these new trails will be used by wildlife in a way that significantly increases the corridor's functionality. Currently all "environmental gains" are based on speculation at best. We should not be approving developments in our national parks based on speculative mitigation proposals; we should be making decisions based on science and a precautionary approach to protecting and restoring ecological integrity.

5. Monitoring is required to track impacts and inform decisions about park management.

Ecological monitoring is key to inform management decisions in our National Parks to fulfil the legal requirement to manage for ecological integrity. The ecological monitoring program should both track the health of park ecosystems over time, and assess the impact of specific management decisions. Before any developments are approved in national parks, there needs to be a commitment and resources in place to monitor the impact of the development. This monitoring should include measuring the potential impacts identified in the EIA (from vegetation and water impacts to wildlife movement habitat use impacts).

CPAWS SAB recommends that in the case of the proposed Long Range Plan, Mt. Norquay should be responsible for providing the necessary resources for Parks Canada to monitor the impact of summer use on animal behaviour, habitat use, and effectiveness of the Cascade wildlife corridor. Monitoring data should be collected annually for the length of the LRP (10 years), and the results assessed by Parks Canada on an annual basis. These results should be made publicly available shortly after their completion each year – an annual update report would serve this function. Should monitoring show that adverse impacts are occurring, there must be provisions in the Long Range Plan that detail how use would be reduced to avoid these impacts as well as an exit clause that enables Parks Canada to revoke Mt. Norquay's business license for summer use. The cost of any remediation of the site should be the responsibility of the proponent who should be required to

post a letter of credit to guarantee that they have the financial capacity to restore habitat to their base-line state. The agreement should also state that Parks Canada is not responsible for compensating business for any reduction in revenue if they have to pull back to prevent impacts to wildlife or the overall ecological integrity of the park.

6. Reversal of previous agreement undermines public trust and creates an environmental loss for Banff

In 1988, the former owners of Mt. Norquay (Banff Lifts Ltd.) indicated a need for more intermediate terrain on the ski hill. As a result, they negotiated a trade with Parks Canada to give up summer use in exchange for a significant expansion of the ski area onto Mystic Ridge. The trade was seen as achieving a “net environmental gain” because summer use would no longer be permitted. The Mystic Ridge area development ensued.

Subsequently, Mt. Norquay was sold and the new owners went on to legally challenge Parks Canada to reinstitute summer use at Mt. Norquay. They sought to overturn the Superintendent’s decision to deny a business license to reinstate summer use of a chair lift at Mt. Norquay (*Peter White Management Ltd. V. Her Majesty the Queen in Right of Canada et al., (1997 FTR89)*). It was decided that the Superintendent had the legal discretion to refuse the business license by the Federal Court of Canada, and the business license was denied. During this legal process, the 1988 former owner of Mt. Norquay clarified the circumstances that led to the relinquishment of summer use:

(We) realized that we had to make some concessions in the overall operations if we were to be able to convince Parks Canada of our need to expand the winter ski operations...The only way we could advance our ski area proposal was to promise a reduction of impact on environmentally sensitive areas...by sacrificing our summer operations...The assertion that giving up summer use was simply a business decision we made independent of Parks Canada demands is misleading. We had to give something in order to get the additional terrain we needed for our expanded winter operations. Summer use was all we had to trade. (Peter White Management Ltd. V. Her Majesty the Queen in Right of Canada et al., (1997 FTR89))

In 1989 the approved long-range plan for Mt. Norquay outlined this agreement and in 1997, the new Banff Park Management Plan documented the prohibition against summer use in this area. Given the history of this decision, CPAWS SAB believes the recent policy reversal and re-introduction of summer use in the park management plan is unacceptable.

CPAWS SAB feels strongly that this previous decision, that already implemented a trade-off to allow for more development, should be upheld to maintain public credibility in the decision-making process. The development of the Mystic Ridge area in addition to future development of more intermediate ski terrain, along with the re-instatement of summer use (without decommissioning and reclamation of Mystic Ridge) would result in a net environmental loss to the Mt. Norquay area, and a betrayal of public trust.

7. The public input process, led by the proponent, appears biased.

CPAWS SAB views the current public consultation process as being severely flawed, and we are concerned that this is becoming a trend, as we experienced a similarly flawed process a year ago for the proposed Glacier Discovery Walk in Jasper.

Once again, the open house and public input process is being run by the proponent, with the proponent in full control of the communications and publicity about the public process, leaving it completely open to biased communications in favour of the project. And the description of the project reads like a marketing campaign, not an unbiased description of a development proposal. In addition, we again see that public consultation efforts are focused on the local Banff area. This is a decision that impacts a National Park important to all Canadians. Public consultations should be held across the Country, providing all Canadians the opportunity to participate meaningfully.

The Long Range Plan proposal is currently buried on the proponent's website. As a result, how would anyone know about this process and be encouraged to participate in the public discussion. Have there been efforts to solicit feedback from a broad range of Canadians and visitors? Are visitors being informed at the park gate? Our understanding is that the answer is no.

Timing is also an important and limiting factor. The public consultation on the Norquay Long Range Plan is being held over the Christmas holiday season which makes it much less likely that the public will engage in feedback.

To protect the public interest, and ensure an unbiased, accountable and transparent process, public consultations regarding the future of our treasured national parks should be the responsibility of, and conducted by Parks Canada, and should be timed to encourage not discourage public participation.

8. Parks Canada should not be responsible for the economic viability of ski areas as this is not part of the Agency's legal mandate.

The economic sustainability of commercial operations within the parks lies outside of Parks Canada's mandate. Economic sustainability goals for private enterprises will often be in direct conflict with Parks Canada's legal responsibilities to manage for ecological integrity as a first priority. Parks Canada needs to be empowered to respond to proposals by commercial operators in a way that clearly represents the public interest in protecting national parks.

9. There is no evidence that visitors want the kinds of new recreational activities proposed in the Long Range Plan, such as via ferrata.

There is no evidence of demand from park visitors for additional activities like via ferrata. To the contrary, the 2011 Banff National Park Visitor Information Program Survey found that visitors feel recreational activities are 'doing well' and gave the current offer a green light rating. The survey also showed that 85.5% of visitors supported protection of the park environment and 81% thought that knowing that their children and grandchildren will be able to enjoy the park AS IT IS TODAY is important. We also understand that Banff is achieving increases in visitation as identified in the management plan. CPAWS SAB believes that the draft Long Range Plan identifying further development (particularly summer use) for the Mt. Norquay ski area is incongruent with visitor expectations for national park protection, or with what visitors want for the national park.

Conclusion:

Because of the significant risks posed by this proposal to the ecological integrity of Banff National Park, and in particular grizzly bears and other park wildlife, CPAWS SAB is opposed to the plan to allow large-scale summer use at Mt. Norquay. We also have significant concerns about the overturning of the previous agreement between Parks Canada and Mt. Norquay that prevented large-scale summer use; the use of offsets to rationalize further development in national parks; and about the public consultation process being conducted by the proponent.

Thank you for providing CPAWS SAB this opportunity to comment, and for the continued long-term collaborative relationship that CPAWS SAB has with Parks Canada. Please contact me (403-232-6686) or amsyslak@cpaws.org if you would like to discuss any of these comments in further detail.

Sincerely,



Anne-Marie Syslak
Executive Director CPAWS SAB

Cc: Alan Latourelle, CEO Parks Canada
Peter Kent, PC, MP Environment Minister
Kirsty Duncan, MP Liberal Environment Critic
Megan Leslie, MP NDP Environment Critic
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