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Barrister & Solicitor

October 15, 2026

VIA EMAIL

File No.: 01013

British Columbia Timber Sales (BCTS)

Grace Chomitz, Planning Officer

Township of Spallumcheen

Mayor and Council

City of Armstrong

Mayor and Council

Dear Mesdames/Sirs:

RE: Legal Submission in Support of Armstrong Spallumcheen Trails Society (ASTS) and Expert Submissions: Public Comment Period for Proposed BCTS Logging and Road Construction 2026/27 TA0495: Mt. Rose Swanson, N. Okanagan, BC (Mt. RS)

This letter is written in support of and on behalf of my client, ASTS. This legal submission also draws from my separate natural resource regulatory expertise, with particular emphasis on the importance of impact assessment (i.e. cumulative impacts), risk management and informed decision making.

In addition to BCTS, this letter is directed to the Township of Spallumcheen and the City of Armstrong as responsible authorities for public safety and impacts from the proposed logging on community interests and downstream values. This legal submission letter is not to be considered legal advice to the reader. I strongly encourage BCTS and these local governments to obtain legal advice regarding this matter and this letter.

The key takeaway for BCTS and the local governments is that the process and the impact and risk analysis, in particular, is deficient for this proposed project. What little has been provided to date in the way of relevant project information and impact analysis, which by BCTS's own admission is only "partial" in nature, along with engagement that does not provide the public the ability to meaningfully comment without technical and expert knowledge, is perfunctory at best – it shows and people feel it.

These components taken together degrade trust in BCTS and unfortunately, by association, the local governments in their reliance and/or support of this initiative without rigorous and adequate review for community interests and safety. The public is far from having the full and necessary story on public safety, downstream values, environmental and/or economic risks. Contrary to BCTS's unbacked suggestion that small cut blocks will have a low impact, the up-to-date science, from a multidisciplinary perspective, shows a very different picture.

To be clear, partial risk assessments (i.e. BCTS's assessments for hydrology and terrain stability) are just that, a partial and limited picture and dangerous if not validly based – BCTS's approach in this context is not validly based (wrong tool for the context) and open to challenge on a number of fronts, scientifically and legally.

This conclusion is backed by expert risk analysis being submitted on the record by ASTS. For ASTS frustration and concern builds to see development proceeding without reason, and without critical and evidence-based science. ASTS, through its member and public fundraising, has retained and gathered a group of independent and multi-disciplinary experts to review (including field review of Mt. RS) to better understand what is not being disclosed or analyzed by BCTS.

For example, a report for ASTS from the Adams Lake Indian Band (ALIB), drawn from ALIB's draft Holistic Cumulative Effects (CFx) Framework, speaks to the forest and cumulative risk factors and the significance of Mt. RS's mature forest cover as distinct and significant recruitment forest. ALIB shows how such development initiatives can be better assessed from a community-based, holistic perspective. ALIB's draft CFx Framework is being actively used and provides a model of note for consideration as well as a baseline to judge *inadequate* assessment. This expert analysis, including recommendations for further relevant and imperative assessment is telling.

As a result of this multi-disciplinary work, there is building foreknowledge and evidence for decision makers that the BCTS's approach is more than inadequate, and that a full and properly scoped assessment of the project and future logging must be understood from a risk/benefit perspective that incorporates the relevant valued components. This work is correlating the causes and effects.

While BCTS continues to state it has met the legal requirements, this evolving application of science to Mt. RS means that legal requirements such as BCTS's statutory requirements, are only a partial view of the story. Growing foreknowledge and any refusal to properly and effectively consider the relevant risk factors, when such analysis is put before BCTS and the local governments, expands legal responsibilities beyond statutory requirements¹. This building body of evidence that validly puts BCTS analysis and approach into question, in advance of a project, may be unique to BCTS prompting further consideration as responsibilities for decision makers expand.

To this point, Mt. RS is not a large area but it serves as an important natural asset that will only become increasingly important into the future. This importance needs to be understood as much as possible in the context of up-to-date evidence-based science and knowledge. This crown area of Mt.

¹ Tort liability exposure and administrative law challenges, for example.

RS in particular has been largely protected from human disturbance. Even small cut blocks (although the proposed area has more than doubled since proposed in 2021), with more to follow in the future, must be considered in the context of Mt. RS's importance and significance before non-adaptive and irreversible decisions are made. Small irreversible decisions lead to very significant, detrimental impacts for a small area that serves many intersecting purposes. The very fact that this group of experts, covering diverse but intersecting expertise, is raising red flags, demands critical attention.

Before this project proceeds, given the growing evidence of risk impacts and analysis indicating what is yet to be done, a proper and full impact assessment is required, properly scoped for Mt. RS.

The following covers key aspects of Mt. RS's unique significance, its size, location and history of conservation. This letter also speaks further to key aspects of deficiencies and the disconnection in BCTS's approach when considering the growing evidence provided by ASTS's multi-disciplinary group of experts: Dr. Alila, Forest Hydrology UBC, Michele Hill, RPBio, Hill Environmental, Edyta Marcisz and the ALIB and their report on Mt. RS regarding forest assessment, risks and the importance of integrating cumulative impact assessment to a project like this.

Mt. RS Background

For many years ASTS, a community-based organization, has been observing, using and advocating for Mt. RS, gathering evidence and local knowledge of Mt. RS's significance. Members have provided long term service – e.g. Marge Sidney, RPBio and President of ASTS, and her family have over 90 years of service relating to conservation, preservation and enjoyment of Mt. RS. ASTS has been working tirelessly for years on BCTS's plans and proposals to understand what the proposals mean for Mt. RS and the community.

Mt. RS has a history of significance that has evolved over time, informing modern community and area values that is growing, not diminishing. The state and continued existence of the largely undisturbed mature crown forest under consideration reflects the preservation and conservation efforts, and the importance of Mt. RS to the community. This natural asset/infrastructure, in part because of its limited size, surrounded by significant human disturbance, stands out as a place that still retains biodiversity. It has many valued roles for the communities that surround it. While there has been tree harvesting in the past in the area that makes up Mt. RS, the crown portion is almost fully intact mature forest cover.

However, consideration of Mt. RS is not just about the environment, but includes private interests, economics, other impacts on industry sectors, public safety and the important role that Mt. RS serves in keeping this in balance, deserving evidence-based assessment before a BCTS suggested small disturbance quickly turns into significant cumulative impacts on all the values at play.

Multi-Disciplinary Expert Reviews

This proposed logging and road construction for Mt. RS is unique in that a local group, ASTS, on its own initiative, is trying to set the record straight on missing evidence. ASTS is trying to fill in for what a proper and relevant impact assessment would look like, for this kind of project, in this location.

While large natural resource projects typically involve multi-disciplinary reviews and risk analysis, ASTS is demonstrating that such reviews are critical for projects that can degrade natural infrastructure that serve communities. Given the advancing science and what is known about cumulative impacts, it is becoming increasingly irresponsible to proceed with development of this nature without assessment of the broader, long-term impacts. This is about sound evidence-based risk/benefit analysis that supports decision making, not interest based political agendas that serve particular interests in isolation.

What is telling is that each of ASTS's experts, coming from different but intersecting disciplines, are raising significant questions, red flags and commentary on what needs to be considered for Mt. RS and this project, including BCTS indications of long term and additional logging plans.

These experts and scientists, individually and in combination, provide compelling evidence that should not and cannot be ignored.

Dr. Younes Alila – Forest Hydrologist (UBC)

Dr. Alila has an extensive history and experience in forest hydrology, and is providing advanced peer reviewed scientific basis and concern for outdated forestry practices in British Columbia in particular. He has conducted a review of Mt. RS, the proposed logging and road construction, which includes direct field work. He has reviewed BCTS's partial risk, limited scope, hydrology risk assessment and has pointed out a number of shortcomings to the assessment. Dr. Alila speaks to how Mt. RS should be considered and assessed for hydrology risks and provides conclusions about BCTS and its consultant's response to his concerns that do not reconcile or address the issues raised. Dr. Alila's field review and commentary on properly scoping and assessing Mt. RS, hydrologic risk is being finalized and is projected for the end of October.

Michele Hill, RPBio, of Hill Environmental

Michele Hill has direct scientific expertise combined with local knowledge of Mt. RS as a long-time resident of the area. Her professionalism and reputation as a scientist and professional biologist have made her a choice consultant for government and other sector interests in the area. For ASTS, she conducted both a desk and field review that raise concerns and questions about proposed logging of Mt. RS. She was also involved in reviewing the BCTS partial risk, limited scope hydrology risk assessment, raising significant questions about the scope and limits of the assessment. Likewise, she has provided her conclusions on BCTS and its consultant's written response to her questions and concerns for the record.

***Edyta Marcisz, Master of Science (Environmental Science) Cumulative Effects Program
Manager, Adams Lake Indian Band – Mt. Rose Swanson Cumulative Effects Assessment Report***

ALIB's project description and approach for Mt. RS draws from ALIB's draft Holistic Cumulative Effects (CFx) Framework developed for the South Thompson Watershed which includes the area of Mt. RS:

This project will use a cumulative effects (CFx) assessment to develop a holistic understanding of the multiple interacting stressors affecting Mt. Rose Swanson, including harvesting plans developed by BC Timber Sales (BCTS). The assessment considers key values and indicators such as forest age, provincially identified old-growth forest classes, wildlife history, wildlife habitat and connectivity, and past increases in agricultural land and human development in surrounding communities, recognizing that these values are interconnected and that impacts should not be considered in isolation. Particular attention will be given to the preservation of remaining older and old-growth forest, which provides important habitat and ecological functions and is increasingly limited by landscape disturbance and wildfire. The ASTS recognizes the importance of the mountain's trail network, ecosystems, and ecosystem services, particularly its role as a last remaining standing refuge for wildlife and biodiversity. The CFx assessment will provide an evidence-based foundation for understanding cumulative impacts and informing decisions about protection and management of Mt. Rose Swanson.

The final report from ALIB is projected for the end of October, 2026. In the interim, the draft findings show that the forest cover on Mt. RS, given its forest age, is distinct and serves as important recruitment forest, and includes an assessment of other intersecting risks, such as habitat connectivity and linear disturbance from the cut blocks and road construction that should be considered further.

ALIB's report and ALIB's draft Holistic Cumulative Effects (CFx) Framework also provide modelling and approaches for consideration for properly impact assessing development on Mt. RS, including present and future logging and road construction, of the crown portion in particular on Mt. RS. As part of the project, Edyta Marcisz has included availability for a presentation to further explain the report once finalized and submitted.

Individually and together this expert analysis points to problems with the inadequacy, undefendable outdated science, which diminishes the credibility of BCTS analysis and disclosure to date. These experts have indicated what needs to be taken into consideration and have offered important insight on how to effectively reconcile the issues.

BCTS's approach and analysis disclosed to date is squarely deficient and needs to be reconsidered, especially in light of this information and risk analysis. Similarly, the local governments with community responsibilities should carefully consider its current reliance and/or support for this BCTS initiative and analysis provided thus far.

BCTS's Approach and Analysis – Short-comings and Deficiencies

Hydrology Risks Disclosed by BCTS – Limited Scope - Partial Risk Assessment

BCTS's commissioned hydrology risk assessment (Hydrology Risk Assessment) ² was completed at the end of December of 2025. Despite promises by BCTS to share it as soon as it was completed, ASTS and others, including the Township of Spallumcheen, did not see this assessment until at or around the commencement of the public comment period in late May of 2026.

From the start, there are major questions about the scoping and limitations of the BCTS Hydrology Risk Assessment. To start, it did not assess the proposed BCTS logging and road construction plans. The Hydrology Risk Assessment is further limited in scope to a "partial risk" assessment of a defined area of Mt. RS. Use of a "partial risk assessment" may have valid purpose, depending on the context. However, used for Mt. RS where baseline does not exist, raises serious questions about the scope's validity – use in this context arguably creates high potential for skewed, unreliable conclusions, that degrade the value of the assessment.

Missing Risk Analysis for Downstream Values including Public Safety and Community Interests

The BCTS Hydrology Risk Assessment specifically excludes an assessment of downstream values and impacts. This is presumably left to others, such as the local governments with responsibility for community interests, to conduct a risk/benefit analysis? The problem is that there appears to be no disclosure of any such risk analysis being done. The concern is that there is reliance that each government is looking to the other to cover off the bases for this. Based on available information, there is a building concern that this necessary risk impact analysis could fall through the cracks, with no government taking responsibility. This only increases the legal risk and exposure for such government(s), given the foreknowledge that is accumulating.

BCTS and Consultant's Response to ASTS and Experts' Questions and Concerns – Poor Responses

BCTS and its hydrology consultant also provided written responses (October 1, 2026) to ASTS concerns and questions, as well as responding to Dr. Alila and Michele Hill's review and comments. In many instances the questions and concerns were not addressed at all. Few issues were credibly addressed by BCTS and their hydrology consultant. It was also concerning that the response read as if it was reframing the Hydrology Risk Assessment into other than what it stated directly. The hydrology consultant noted that this was intended to be a "proactive" assessment in advance of and to guide forest planning. This begs the question of when the actual risk assessment will assess the proposed cut blocks and road construction and how the public will be made aware of this necessary risk analysis. It also made the response circular in nature and raised issues of 'double-speak' and evasion. When asked about the missing economic cost/benefit analysis, BCTS limited its response to commenting on economic benefits of the logging – there was no reference to how other valued

² Watersmith, "Hydrologic Risk Assessment for Rose Swanson Watersheds", December 23, 2025

interests may be impacted for better or worse. The responses from BCTS and its hydrology consultant were not compelling and reduced credibility of their analysis overall.

Low Value, Proforma Hydrology Risk and Terrain Stability Risk Assessments

Both of these documents provide little substantive evidentiary value. Both are partial risk assessments which are perfunctory in nature and do not overcome the integral and missing baseline information that is needed to inform valid risk conclusions and responsive mitigative strategies. Both rely on BCTS to conduct the substantive risk analysis and management into the future. The Terrain Stability Assessment leaves the real risk management to occur once BCTS starts construction and encounters issues. Both assessments suffer from arbitrary, unclear scope setting by BCTS. BCTS is ultimately responsible for a defensible risk assessment and setting its parameters

Cut Block by Cut Block Assessment - Project Splitting

Of particular relevance to Mt. RS, given its small area and significant value to the surrounding communities, is the BCTS practice of piecemealing its planning to downgrade risks. In a natural resource context, this approach is often called project splitting because it skews the risk and impact scoping, leading to minimized, inaccurate conclusions about impacts.

BCTS has indicated that there is future logging planned but not determined at this stage. For a small area such as Mt. RS, given the mature forest cover, which appears to be distinct recruitment forest, there is heightened need to impact assess current and future logging plans at the outset, to legitimately understand cumulative impacts/risks on intersecting valued components for the long term.

BCTS makes assurances that all of this development will have ongoing five-year reviews. Unfortunately five-year reviews can be misleading, giving the impression that someone is watching over the situation. The problem in this context is that five-year reviews become damage control, chasing the damage *after* extraction has occurred, diminishing the value of Mt. RS systematically over time.

Mt. RS Sensitive Area Order – Outdated Order, Objectives and Planning

Mt. RS has had a history of consideration for different levels of protection. In the early 1990s, with support from the Township of Spallumcheen, provincial park status was considered but the criteria was not met, leaving the matter for potential regional park status.³ Mt. RS was downplayed at that time by the then Ministry of Forests for its value which informed its treatment and the designation. Mt. RS was considered within the context of the time.

Ultimately as a result of continuing community interest in preserving and conserving Mt. RS, a Sensitive Area Order was made in 1997. The Sensitive Area Order requirements, relating to recreational value components is reproduced and incorporated into the Forest Stewardship Plan 771 (as amended).

³ Letter from Ministry of Parks to Township of Spallumcheen, March 21, 1991 (FOI Request)

Of note, the Sensitive Area Order contemplated a Sensitive Area Management Strategy/Plan (Management Plan), whose purpose would adapt to the evolving land use management context for Mt. RS over time. In 2006 the Management Plan was cancelled. In 2014, the Ministry of Forests indicated that the original Order and the legislation would be sufficient and did not support an ongoing Management Plan, despite the concerns and Council motion to consider reviewing/updating the Management Plan.⁴ Later in 2014, Ministry of Forests indicates Mt. RS is a "...major tourism attraction for the local economy as well as an important community watershed" but there was no support for reactivating the Management Plan despite Township Council recommendations.

This history is important because today BCTS maintains that its compliance with the Sensitive Area Order is a basis to say it has met all legal requirements. The problem is that the Sensitive Area Order is out of date, does not align with growing knowledge of area values, or the risks informed by advancing science and would have had little to no understanding of cumulative impacts as a result of area values at the time. As such, relying on the Sensitive Area Order is insufficient and misleading to the public. The Rose Swanson Management Strategy/Plan however could have been and could still be a land use management tool and approach to assist the evolving context for Mt. RS.

Conclusions

Mt. RS is on the cusp of BCTS decisions, as early as this November, to commence road construction and to harvest a significant crown forest without adequate risk analysis.

ASTS has gathered experts to assist in filling the gaps and science that are specific to Mt. RS which informs the short-comings of the BCTS approach and analysis. These expert reports must be properly considered for defensible decision making.

The right question is whether Mt. RS should be logged by BCTS at all. This can only be informed by the relevant risk analysis and up to date science that addresses valued components and cumulative impacts. ASTS's retained experts are raising red flags about this proposed development.

BCTS and local governments have responsibilities that cannot be covered by what BCTS has relied upon to date. This letter sets out serious short-comings and deficiencies that must be addressed before this project proceeds.

Beyond the risk analysis that ALIB provides, their modelling and holistic approach provides a pathway for the Province and local governments to consider to inform and demonstrate defensible decision making. Likewise reactivation or implementation of a Mt. RS management plan is available to oversee use of Mt. RS into the future.

To be clear, this matter is not concluded at the end of the public comment period. Next steps include review of the ASTS commissioned expert reports, ALIB's presentation of its findings, and continued

⁴ Letter from Ministry of Forests to Township of Spallumcheen, April 11, 2014 confirms cancellation and refers to the Council motion (FOI Request)

public engagement on land use management of Mt. RS for this proposed development and the future of Mt. RS.

Sincerely,


A handwritten signature in blue ink, appearing to read 'Carla R. Conkin', is positioned above a faint, light blue rectangular stamp or watermark.

Carla R. Conkin, LL.B.

carlaconkin@protonmail.com

cc.

Marge Sidney, President of the Armstrong Spallumcheen Trails Society
Alida Morris, West Coast Environmental Law