

BC Parks Ski Resort Policy

Intentions Paper

I. Introduction

The Ministry of Environment, BC Parks, intends to establish a policy for the management of the three existing major ski resorts within provincial parks. This policy will help guide the management and administration of the park use permits (permits) which authorize the activities of the ski resorts, as well as the communication and planning processes for BC Parks and ski resort operators within park boundaries.

The policy will apply to the three existing ski resorts within Cypress, Mount Seymour, and EC Manning parks: Cypress Mountain Resort, Mt. Seymour Resorts, and Manning Park Resort.

1.1 Background

In 1984, the Province sold its ski resort and recreation facilities in Cypress, EC Manning and Mt. Seymour parks to private ownership and management through a request for proposals process. The successful proponents purchased ownership of all facilities and equipment and entered into fifty year renewable park use permits which contemplated the long term operation and development of the ski areas.

When the ski facilities in these parks were put under permit to the three companies in 1984, the permits did not foresee several factors that have impacted all ski resorts over the ensuing 30 years. Those factors include ever increasing public interest for year-round use; the need for frequent major infrastructure investments; changes in recreational opportunities (e.g. rise in popularity of mountain biking and snowshoeing); and changes in climate affecting ski conditions.

Although a provincial policy for management and development of Crown land resorts has been in place for many years (currently referred to as the [All Season Resort Policy](#)), a policy for management of ski resorts in parks has not been developed. This has resulted in inconsistencies between the three permits, as well as inconsistency between requirements and management of resorts on Crown land in the province and requirements in parks.

BC Parks renewed discussions in 2012 with resort operators from Cypress Mountain Resort, Manning Park Resort, and Mt. Seymour Resorts to identify priority areas to be addressed through a ski resort policy for parks. An MOU was signed in February of 2012 committing BC Parks and the resort operators to complete the process of policy development. The Mountain Resorts Branch from the Ministry of Forests, Lands and Natural Resource Operations, as well as the Canada West Ski Area Association, has also provided advice and recommendations on proposed policy direction.

1.2 Objectives

Any proposed policy will meet the following goals:

1. Continued public use, enjoyment and access to the park and the permit areas in a manner that considers public safety, is consistent with designated recreation objectives, and respects and meets the permit rights of the three ski hills.
2. Land use that is consistent with the intent of park designations and park management objectives, recognizing recreational and environmental values.
3. A cooperative long term relationship between BC Parks and the permittees, based on long-term commitment to effective communication and clearly defined roles and responsibilities.
4. Enhanced business certainty and security for permittees by establishing a well defined process that enables BC Parks to make timely operational and development decisions.
5. The administration of permits for the ski resorts is consistent with governing policies of other provincial agencies for similar resorts.

II. Priority Policy Areas

The following sections provide information on priority areas that will be included in the BC Parks ski hill policy.

2.1 Permit Administration

Permit administration, including fees, terms, renewals, and other administrative conditions, is currently guided by provisions that were included in ski resort permits. As each permit is unique, this has resulted in some inconsistency in BC Parks' administration of the three permits, as well as a lack of certainty where the permits did not speak to a particular area, such as opportunities for permit review or length of term for a renewal permit.

The provincial policy for resorts on Crown land outside of parks, the All Season Resort Policy, has also been updated since the permits for resorts within parks were drafted.

The policy for ski resorts in parks intends to set out clear direction on when a permittee may apply for a renewal, transfer, or amendment of their permit, and what length of term will be standard when the Province decides to issue a renewal. Review of the All Season Resort Policy has resulted in recommendations for the BC Parks ski resort policy for permit administration similar to provisions for Crown land resorts:

- There is currently no policy on required insurance policies to be held by the resort operators. The permits for the resorts each contain a requirement for liability insurance to be held. This does not address requirements to be included if a renewal permit is issued, or confirm that insurance requirements will be the same for all three resort operations. Consistent with the All Season Resort policy, BC Parks intends to set out

requirements for liability insurance to be held by an operator. Requirements for liability insurance to be held reflect current permit requirements.

- The permits were issued for a term of 50 years in 1984, and although they are able to be renewed, there is no mention in the permits of what length of term a renewal permit would be issued for. This creates uncertainty for both the resort operators and BC Parks as to what length of term should be considered when issuing a permit. Length of term is proposed to follow standard term lengths in the All Season Resort policy of 60 years.
- Currently, the three resort permits do not allow the resort operators to apply for a renewal until at least the 40th year of the permit term. This creates difficulties for operators to be able to invest in replacement and upkeep of infrastructure as they have no guarantee that they will be able to operate long enough to recoup their investment. Because of the need for frequent infrastructure investment (lift replacement, utility maintenance, lodge replacement and renovation) to keep the resorts viable and functioning, and provide safe and reliable recreation opportunities for the public, allowing operators to apply for a renewal earlier than 40 years would help to encourage continual investment in the resorts. Renewals are proposed to adopt the timing (renewal applications may be submitted after 30 years) and conditions (operator is in good standing, terms and conditions of renewal offers will reflect current policy) contained in the All Season Resort Policy.
- There have been a few situations since the ski resorts were put under permit 30 years ago where the resort has been sold or assigned and a transfer has been required. BC Parks proposes to set out in the policy what will be required and considered for a transfer or assignment. Transfers are proposed to follow BC Parks' standard requirements for permit transfers, including a condition that the potential new owners agree to current operating and development plans, are able to do business in B.C. according to the *Business Corporations Act*, and in addition provide proof of financial capability to manage the resort operations.

2.2 Resort Planning

BC Parks recognizes that recreation opportunities, environmental conditions and visitor needs change over time and that a planning process will help the resorts adapt and thrive. Each of the three resort permits currently contemplate being guided by a resort development plan, but do not provide direction on how plans may be updated over time.

In order to establish a consistent process that considers objectives for the policy, BC Parks is proposing to have a process for Ski Resort Development Plan amendments and updates that follows the criteria for resorts on Crown land in the province. This process will include public consultation through meetings held jointly between BC Parks and the resort operator, as well as referrals to other provincial agencies and consultation with First Nations. This public process for Ski Resort Development Plans will help define appropriate areas for alpine recreation in all seasons, while ensuring that public uses and interests are considered. Creating a Ski Resort Development Plan will provide an opportunity for resort operators to identify appropriate activities for year-round use within the resort area. The decision to approve a Ski Resort Development Plan will remain with BC Parks.

Because the Ski Resort Development Plan would contain information on proposed changes, it can be used as a communication tool between BC Parks and the resort operator to communicate on upcoming projects or maintenance activities.

Because BC Parks also conducts public planning processes for Park Management Plans, the policy will detail how the Park Management Plan will relate to the Ski Resort Development Plan. The objectives and zoning of a Park Management Plan will be considered by BC Parks when approving a Ski Resort Development Plan.

2.3 Approval Process for New Activities

It is BC Parks' intention that the approved Ski Resort Development Plan be used to review proposals for activities and developments associated with the ski area and resort operation. If an activity or development has been included in the approved Ski Resort Development Plan, BC Parks may provide written consent for the resort operator to proceed with the plan, provided that any required assessments and schedules for construction have been completed.

If an activity or development has not been included in an approved Ski Resort Development Plan, BC Parks will consider whether the proposal will impact the infrastructure or use of the resort, and public access and use outside of the park. Where a proposal has identified impacts, BC Parks and the resort operator will agree on a process for review consistent with the process required for a Ski Resort Development Plan.

2.4 Other Activities in the Resort Area and Park

Currently, resort operators are required to manage activities within their resort areas for public safety and liability, while allowing the public to pass through to other areas of the park. Given safety concerns with operating the ski resort area, and consistent with requirements for resorts on Crown land, the operators will continue to be responsible for managing access through their resorts. They will also continue to allow other park visitors to pass through to other parts of the park. The Ski Resort Development Planning process will help identify how access will be maintained, and how the operators will manage the resort area for public safety.

BC Parks may consider applications from other businesses or individuals for activities within the park or resort area, such as for filming activities. Where it is demonstrated that an application will impact the existing rights of the resort operator, the application will not be approved.

III. Providing Comment on the Proposed Intentions

Comments regarding BC Parks' intentions are being solicited and will be carefully considered in drafting policy for decision. Comments will be treated confidentially, but may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

This intentions paper and a response form based on the proposed policy direction are available on the BC Parks web site at <http://www.env.gov.bc.ca/bcparks/permits/consultation/ski-hill-policy.html>.

Those interested are invited to submit comments on BC Parks' intentions. BC Parks encourages associations to distribute this intentions paper among their members. All submissions will be reviewed for inclusion in a consultation summary report and results of the final policy decision will be publicly available.

Comments to the ministry should be made on or before June 29th, 2014.