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**Approved:**

ADM, BC Parks and Conservation Officer Services Division

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**Effective Date:** October 30<sup>th</sup>, 2015

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**Relationship to** This policy replaces any previous policy regarding Ski Resorts in Cypress, E.C.**Previous Policy:** Manning and Mount Seymour Parks

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## BC Parks Ski Resort Policy for Cypress, E.C. Manning, and Mount Seymour Parks

### Introduction

Cypress, E.C. Manning and Mount Seymour Parks are all Class A provincial parks that include major Ski Resorts within their boundaries. Class A parks are dedicated to the preservation of their natural environments for the inspiration, use and enjoyment of the public. A Class A park is Crown land designated under the *Park Act* or by the *Protected Areas of British Columbia Act* whose management and development are governed by the *Park Act*. Consistent with the *Park Act*, park use permits for the three Ski Resorts were issued to preserve and maintain the recreational values of these parks, which included alpine skiing and other forms of intensive public recreation.

BC Parks manages Class A parks using direction from Park Management Plans. Park Management Plans take into account existing recreational uses and existing rights, as well as intended land use within each park. Decisions on Park Management Plan direction recognize the values already existing within the park, or that may be developed in the future.

This policy was developed to provide direction for administration and operation of these three existing Ski Resorts, which are Cypress Mountain Resort, located within Cypress Park; Manning Park Resort, located within E.C. Manning Park; and Mt. Seymour Resorts, within Mount Seymour Park. The policy incorporates recommendations from the Report of the Cypress Park Special Planning Commission ('Williams Report') of 1995, and considers recommendations from the Legacy Project Panel (1998), both of which were developed following extensive public consultation. All of the recommendations from the Williams Report were adopted by the Province, and the development of a policy for ski operations within a park, which considers direction from policy for ski resorts on Crown lands, fulfills one of the commitments in the Report.

Recommendation # 38 stated that BC Parks should “review the applicability of CASAP<sup>1</sup> to ski areas in parks in consultation with CWSAA<sup>2</sup> with the intent that BC Parks would either modify that policy for the park environment or create their own policy”. This recommendation, along with recommendation #26 “that intensive recreation, both downhill and Nordic skiing, be recognized as valid and continuing uses in Cypress Provincial Park” was also considered in the drafting of this policy for Mount Seymour and E.C. Manning Parks.

This policy recognizes the Permittees’ role and their investment within Cypress, E.C. Manning and Mount Seymour parks. These Ski Resorts provide accessible public recreation opportunities for residents of the greater Vancouver and Fraser Valley areas, and other surrounding communities. The Ski Resorts serve as one of the largest employers in their respective areas, and contribute to the local and provincial economy through visitor expenditures and spending on goods and services. Providing certainty for continued operation and development of the Ski Resorts is necessary to ensure they continue to operate competitively to preserve or maintain the recreational value of these parks.

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<sup>1</sup> CASAP is an acronym for the Commercial Alpine Ski Area Policy, which was the policy in place for Crown land resorts within the province at the time the Williams Report was drafted. This policy has since been replaced by the All Seasons Resort Policy.

<sup>2</sup> CWSAA stands for the Canada West Ski Area Association.

## 1. Objectives

- To foster 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.
- To enhance business certainty and security for Permittees by establishing a well-defined process that enables BC Parks to make timely decisions on Ski Resort operational and development initiatives or proposals.
- To recognize the recreation objectives in each park that are achieved through public access, use and enjoyment of the park and Permit Areas.
- To promote land use that is consistent with the intent of park designations and park management intent, recognizing recreational, cultural and natural values.
- To ensure the fee for use of land within the park is fair and considers fees for other Crown land based commercial ski operations within BC.

## 2. Context

Historic recreational use of the ski areas by the public for winter recreation led to the first basic facilities being developed for alpine and Nordic skiing between the 1920s and 1950s. The provincial government subsequently developed and operated the three Ski Resorts in the 1960s and 1970s.

The historic use and recreation values in the Ski Resort areas were recognized for their value to the parks system. The management of these areas as high volume Ski Resorts resulted from the development of alpine and Nordic facilities within the parks to provide desired recreation services to park visitors. Intensive recreation within the Permit Areas for the Ski Resorts continues within these areas today. High levels of visitation and recreational activity require some control for safe and orderly use in these areas by the visiting public.

In 1984, the Province divested of its Ski Resort and recreation facilities in Cypress, E.C. Manning and Mount Seymour Parks through a request for proposals process. 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.

Changing visitor expectations of Ski Resort services and facilities will require park management to consider proposals for facility upgrades and new recreational opportunities. The process for obtaining the necessary approvals will be outlined by the framework set out in this policy, and will follow the terms of the Permits, and the *Park Act*.

### 2.1. First Nations Use and Interest

BC Parks is responsible for ensuring the Province's obligations to First Nations are met in the management of activities within parks. Provincial staff carry out consultation in accordance with the consultation guidelines of the Province to identify First Nation interests within the parks and Permit Areas. Where agreements have been developed with specific First Nations, such as a Collaborative Management Agreement, direction in those agreements for

consultation will be followed by BC Parks staff. BC Parks will follow these guidelines and seek to engage First Nations early on proposals that may affect their interests within the Permit Areas for the Ski Resorts.

The Permittees are encouraged to work with First Nations to maintain positive and productive working relationships.

## 2.2. Capacity and Visitor Management

Visitor management, including access to parks, is managed on a park by park basis, through management planning processes and operational implementation that considers the volume of visitors, rights of Permittees, public safety, and existing and potential operations in a park. Planning for capacity and managing visitation to parks, including Ski Resort areas, is part of the work that BC Parks does with each Permittee and for each park individually and is not within the scope of this policy. Rights and responsibilities for managing access through the Permit Areas are set in the Permit conditions for each of the Ski Resorts for the purpose of ensuring the safe and orderly use of the Permit Areas. The Permits will continue to grant rights for managing public access within and through the Permit Area, with the intent of providing safe and orderly use by all persons. Rights granted to the Permittee to manage access through the Permit Area will allow public access to park areas beyond the Permit Area subject to conditions that are required for safe and orderly passage. Conditions may include designated access corridors and other operational requirements.

## 3. Policy Management

### 3.1. Policy Parameters and Application

This policy has been developed in compliance with the *Park Act*, the terms and conditions of the three Permits and the recommendations of the Williams Report. It does not impact existing rights in the Ski Resort Permits, but will provide guidance on setting Permit conditions in the future. This policy will not be considered as establishing precedent for similar commercial developments in other provincial parks. This policy will apply only to the Ski Resorts currently authorized to operate within Cypress, Mount Seymour and E.C. Manning Parks.

### 3.2. Policy Update Procedure

The direction set out in this policy will be periodically reviewed by BC Parks, and may be updated as needed in consultation with the Permittees.

### 3.3. Definitions

**All Seasons Resort** for the purpose of this policy means a resort administered under the All Seasons Resort policy for the Ministry of Forests, Lands and Natural Resource Operations.

**Resort Activity** means any activity or service provided by the Permittee within the Permit Area as part of Ski Resort operation. This may include business activities or

services associated with sport, leisure, entertainment or similar opportunities, for which the Permittee may or may not charge fees.

**Event of Default** means an event of default as described in the Permit.

**Park Management Plan** is the approved document which provides strategic guidance for the management of a park.

**Permit** means a licence, issued under the *Park Act*, authorizing an activity or a course of behaviour or conduct, or the occupancy, use, development, exploitation or extraction of a natural resource on or in a park or conservancy. Park use permits are the principal instrument BC Parks has for managing commercial, industrial, and other land uses and activities in parks<sup>2</sup> and controlling the intensity and scope of these uses. The commercial Ski Resort operations are therefore authorized under the *Park Act* using park use permits, which are issued under section 20 of the *Park Act*.

**Permit Area** means that part or those parts of lands within the park described within the Permit.

**Permittee** means the entity to which a park use permit has been issued.

**Resort Improvement** means any improvement, development, or facility upgrade associated with the provision of sport, leisure, entertainment or similar recreation activities constructed in the Permit Area. Resort Improvements can include ski lifts, ski runs, ski trails, recreation trails, day use facilities, accommodation facilities, support service facilities, maintenance facilities and any other similar improvement as identified in the Ski Resort Development Plan.

**Rent** means the fee paid annually by the Permittee to the Province, and which may be updated from time to time following review.

**Ski Resort** means a resort whose business includes the provision of alpine skiing/snowboarding through the use of lifts, in return for a user fee. A Ski Resort may also provide other recreation services, activities and amenities (including accommodation) on a year-round basis.

**Ski Resort Development Plan (SRDP)** means a description of the planned ski and recreation development, defining the location of all major elements of the Ski Resort, including all existing and planned future Resort Improvements or Resort Activities. Ski Resort Development Plan includes what may be termed as 'Controlled Recreation Area Master Plans' or 'Development Plans' in the existing Permits.

**Term** means a fixed and definite period of time during which a permit is issued or the period of time between the start of the commencement date and the end of the expiration date. “Mid-term anniversary” is the anniversary of the commencement date that coincides with the mid-point of the permit term (e.g. for a 60 year permit, the mid-term anniversary is the 30<sup>th</sup> anniversary of the commencement date).

#### **4. Park Use Permit Administration**

The Permittee may conduct Resort Activities and charge fees within the Permit Areas, subject to the terms of their Permit. Approval for proposed new Resort Activities or Resort Improvements in the Permit Areas will be considered based on contents of the approved SRDP, the Park Management Plan intent, the *Park Act*, and assessments provided as part of the proposal submission. BC Parks will also consider any applicable prior rights of other Permit holders or licensees within the Permit Areas.

##### **4.1. Park Use Permit Fees and Rents**

###### **4.1.1. Administrative fees**

Ski Resorts are subject to administrative fees as set out in the *Park, Conservancy and Recreation Area Regulation*.

###### **4.1.2. Rent**

Payment of Rent for occupation of park land to conduct year-round resort activities is required to be paid to the Province as a condition of the Permit.

##### **4.2. Term Length**

Permits for operation of the Ski Resorts will be issued for a Term of 60 years, to be consistent with the term granted for All Seasons Resorts on other areas of Crown land. Should policy on Term lengths for All Seasons Resorts on Crown land be revised, policy on Term lengths for Ski Resorts within provincial parks may also be revisited.

##### **4.3. Renewal**

The Permits for the Ski Resort operation are renewable pending an application to renew being received by BC Parks prior to the Permit expiry date. A Permittee may apply for a renewal of their Permit at any point following the mid-term anniversary of the Permit. Acceptance of renewal offers will follow the conditions set out in the current Permit held by the Permittee. Applications will include a summary of implementation to date of the SRDP, and conceptual plan for Ski Resort operation during the requested new Term.

Providing there is no Event of Default outstanding at the time of application, a Permit will be renewed on or after its mid-term anniversary in accordance with the specific terms and conditions as set out in the Permit. When a decision is made to renew a Permit the length of Term and other conditions contained in the renewal Permit will be consistent with current policy.

#### **4.4. Transfer and Assignment**

Assignment is the transfer of the Permittee's interest in the Permit to a third party by sale, conveyance or otherwise. Permits for Ski Resort operation are transferrable according to the terms and conditions regarding transfer and assignment set out in each Permit. Applications for transfers are subject to administrative fees set out in the *Park, Conservancy and Recreation Area Regulation* and require the prior written consent of BC Parks. The assignee must meet the following eligibility requirements:

- Either be incorporated or registered in British Columbia (under the *Business Corporations Act*); and
- Provide proof of financial capacity to manage operations.

The assignee will agree to operate and develop the Ski Resort in a manner that is consistent with the Permit conditions and the approved SRDP if applicable. Permits will be transferred in their current form with all the existing terms, conditions and rights.

#### **4.5. Liability Insurance**

The requirement for liability insurance to be held by each of the Ski Resorts is set out in the Permits. The amount of the insurance may be adjusted to be consistent with industry standards, and the insurance policy must name the Province as an additional insured.

#### **4.6. Other Jurisdictions**

Where there are questions of overlapping jurisdiction, BC Parks will work to clarify the extent of jurisdiction of the *Park Act*, and the interpretation and intent of any agreements it holds with other levels of government or provincial agencies. Where an issue or dispute arises regarding regulatory requirements for other jurisdictions, where the *Park Act* has over riding jurisdiction BC Parks will participate to resolve an issue relating to implementation of the SRDP or operations of the Ski Resort.

#### **4.7. Communication for Ski Resort Activities**

The SRDP and amendments to the SRPD will be the vehicle by which proposed changes in Ski Resort operation will be communicated between the Permittee and BC Parks. At no longer than 5 year intervals BC Parks and the Permittee will meet to comprehensively discuss the progress on and status of the current SRDP.

The SRDP will also be used to communicate to the public the plans and operations of the Ski Resort.

The Permittee and BC Parks will meet annually to discuss scheduling of their respective operations for the ensuing year.

#### **4.8. Permit Review and Amendment**

The Permit may be reviewed from time to time to determine if there are changes required to be made to be consistent with changes in policy, including this policy,

or to consolidate any amendments that have been made. This review can be initiated by BC Parks or the Permittee, and any proposed changes may be undertaken by mutual agreement between BC Parks and the Permittee.

Amendments to the permit document may result from a Permit review, or from a new proposal put forward by the Permittee for a Resort Activity or Resort Improvement. Where a request for amendment to the Permit is submitted by the Permittee, fees for amendments will apply. Implementation of this policy, or any subsequent policy amendments, may necessitate Permit review and require Permit amendments.

#### **4.8.1. Fee Review**

Fees will be reviewed every 10 years for the life of the Permit, with the first review being completed within 1 year of the signing of this policy. BC Parks commits to reviewing the Rent required under each Permit, and that all reviews of Rent to be paid to the Province will consider current policy and rates for All Seasons Resorts.

## **5. Planning**

### **5.1. Ski Resort Development Plan**

#### **5.1.1. *Intent and Role of Ski Resort Development Plan***

The SRDP will set out the current state of the Ski Resort, including current Resort Activities, Resort Improvements (and state of Resort Improvements), and established capacity of the operation. This description will provide a snapshot of the current state from which future developments and improvements will be made. Planned future Resort Activities and Resort Improvements will be further set out in the SRDP, and where necessary will include development phases.

The SRDP will accompany the approved Permit for Ski Resort operation, and will be attached as a schedule to the Permit document. The SRDP will consider the park management intent set out in the Park Management Plan, and will be made public by the Ski Resort operator upon approval.

The content of approved SRDPs will be used to review proposals by the Permittee for new Resort Activities and Resort Improvements associated with the Ski Resort operation.

#### **5.1.2. *Ski Resort Development Plan Review and Approval***

BC Parks review of proposed SRDPs will consider whether the proposed plan will:

- benefit the park by providing recreation opportunities;
- support the long-term operation and viability of the Ski Resort;
- not be inconsistent with park management intent;
- minimize or mitigate the impacts of the operation; and
- consider the results of consultation.



### **5.1.3. Content of Ski Resort Development Plan**

In order to meet the intended role of the SRDP as stated above, and to allow for sufficient information for BC Parks to review a proposed SRDP, BC Parks and the Permittee will confirm which assessments, inventories or information will be required for the plan, which could include any of the following:

1. Mapping and Inventory
  - i. Site mapping
  - ii. Site inventory
  - iii. Environmental inventory
  - iv. First Nations cultural information
2. Assessments
  - i. Environmental and species impact assessments
  - ii. Hydrological impact assessment
  - iii. Visual quality impact assessment
3. Site Analysis
  - i. Slope analysis; elevation analysis; aspect analysis; climatological analysis; existing use; opportunities and constraints; etc.
4. Development Concepts and Plans
  - i. Mountain development concepts and plans (e.g. ski lift and trail alignments; design capacity of the skiing; circulation; summer use; etc.)
  - ii. Base area development concepts and plans (e.g. building locations and purpose; parking; roads; circulation; year round use; balance of facilities; architectural concepts; space use allocations; etc.)
  - iii. Lodge area concepts and plans consistent with Industry Standard planning (e.g. conceptual building footprints; architectural motif; Space Use Analysis; etc.)
  - iv. Support services development concept (e.g. building locations and purpose; roads; architectural concepts; space use allocations; any new proposed maintenance or staff facility footprints; etc.)
  - v. Infrastructure plans (e.g. water and power distribution systems; sewage and drainage plans; etc.)
  - vi. Phased development plans and implementation
  - vii. Environmental protection and mitigation plans
  - viii. Visitor capacity plan (i.e. capacity for Ski Resort)
  - ix. Access plans (i.e. access for Ski Resort)
5. Business Planning
  - i. Market summary
  - ii. Economic feasibility study
  - iii. Financial capability
  - iv. Management plans (i.e. specifics pertaining to the management of the Ski Resort: safety management, operation plans, etc.)

### **5.1.4. Ski Resort Development Plan Approval Process**

The SRDP, including updates, replacements and amendments, is the responsibility of the Permittee to produce, including all required assessments. BC Parks is responsible for review of the proposed plan, and approval of the plan as part of the Permit authorizing the activities of the Permittee. Prior to undertaking the SRDP process, BC Parks and the Permittee will meet to determine required plan content, what assessments will be

required as part of the plan, as well as timelines for submission, referrals, and consultation with the general public and First Nations. The general process will involve the following steps:

- Preparation of all required assessments from 5.1.3 above, and submission of the draft SRDP to BC Parks;
- Referral of the draft plan to relevant agencies and stakeholders by BC Parks;
- Consultation with First Nations on the proposed plan;
- Public consultation including, but not limited to, web based public review and public meetings held with both the Permittee and BC Parks staff in attendance prior to the final draft of the SRDP being submitted for decision.

#### **5.1.5. Ski Resort Development Plan Amendments**

The SRDP may be amended at the request of the Permittee, or as a result of processing a proposal for new Resort Activity or Resort Improvement where the Regional Director has determined the SRDP requires amendment. When an amendment is required, BC Parks and the Permittee will agree upon the process to be undertaken.

The process required to amend an SRDP will reflect the scale of the proposed changes, where amendments may range from clarification on existing language or intent, to amendments for the addition of new or re-located development or activities, or replacement of an entire SRDP.

At 5 year intervals BC Parks will discuss with the Permittee whether the SRDP requires updating. As the plan is implemented, it will serve as a communication tool for what projects may be upcoming in the next 5 year period. The Permittee may request an update to the SRDP whenever they feel it is necessary.

#### **5.2. Park Management Plan**

The Park Management Plan is developed by BC Parks through consultation with the Permittees, First Nations, the general public, and stakeholder groups to provide management direction for a particular park or parks. This planning process may be used to determine visitor capacity, and if any limits for visitation are determined the Park Management Plan will set those limits. The planning process also determines what and where general types of activities may be authorized within the park.

The management intent of the Park Management Plan will be used by BC Parks when evaluating proposed SRDPs, as well as any new proposals for Resort Activities or Resort Improvements submitted by the Permittee. Where an SRDP approval or amendment process will involve a major change to the use in the park, a Park Management Plan amendment may be undertaken in concert with the SRDP process.

#### **5.3. Plan Coordination**

Permittees will inform BC Parks at the earliest possible date that they will be initiating review, development, or amendment of the SRDP. BC Parks and the Permittee will then meet to discuss any potential areas of inconsistency with the existing Park Management Plan. BC

Parks will determine within 45 days of meeting with the Permittee if the proposed SRDP direction will be materially inconsistent with the Park Management Plan. This assessment will consider whether in the opinion of BC Parks an existing Park Management Plan provides valid direction.

Where an SRDP proposal is found to be materially inconsistent with an existing Park Management Plan, and the Park Management Plan is considered to provide valid direction, BC Parks will decide whether or not to engage in an amendment of the Park Management Plan.

Where a decision is made by BC Parks not to engage in Park Management Plan development or amendment process, the proposed SRDP will still be considered and reviewed based on the assessments and results of consultation on the proposal.

Where a decision is made by BC Parks to engage in Park Management Plan development or amendment, the process will be coordinated where practicable with the process for SRDP development or amendment.

Where a Park Management Plan does not exist or is not considered by BC Parks to provide valid direction, and a decision is made by BC Parks not to engage in a concurrent Park Management Plan development or amendment process, BC Parks will use the best information available when evaluating a proposed SRDP or SRDP amendment. This may include, in addition to the criteria listed in 5.1.2, Land Use Planning direction, decisions for designation of the parks, and any joint agreements on park management.

## **6. Approval for New Resort Activities or Resort Improvements**

The Permittee may submit proposals to conduct new Resort Activities or Resort Improvements to the Regional Director for BC Parks.

The Regional Director will review the proposed new Resort Activity or Resort Improvement and make a determination of its consistency with the Park Management Plan, the SRDP and the Permit. Based on that review, the Regional Director will assign the proposed new Resort Activity or Resort Improvement to one of the following categories: Category 1, Category 2, or Category 3.

The Regional Director will assign a category to a proposal submitted by the Permittee within 30 days of their receipt of the proposal, and at that time will review with the Permittee if additional information is required for their decision.

### **6.1. Category 1**

Category 1 proposals are facilities, improvements or activities specifically approved in an existing SRDP, or replacement or maintenance of existing facilities or improvements. The proposals may require additional information, assessments, or consultation prior to being carried out. BC Parks Regional Director will consider Category 1 proposals upon submission or completion of the following (if applicable and requested by the Regional Director):

- A capital budget for proposal implementation and evidence that the Permittee has the financial capacity to implement the project or activity;
- A construction and implementation schedule;
- A site specific impact assessment and mitigation plan, in respect of the construction of the improvement, or conduct of the activity, which will minimize impact on and provide reasonable mitigation for adverse effects both during and after the construction or conduct of the activity; and
- specific plans and specifications for construction and/or implementation if not included in the SRDP in accordance with industry standards for projects or activities of a similar nature.

Once a complete submission for a Category 1 proposal has been received, the Regional Director will provide a final response indicating their decision to the Permittee within 30 days. However, if BC Parks identifies that other legal obligations must be fulfilled prior to making a decision, the Regional Director will provide an initial response within 30 days outlining the nature of these obligations and an expected timeframe for a decision. Approval of a Category 1 proposal will require written consent in the form of a letter signed by the Regional Director.

## 6.2. Category 2

Category 2 proposals are not addressed in an existing SRDP and involve a minor new Resort Activity or Resort Improvement. These proposals are considered to be minor where they have a scope and magnitude which:

- will have limited impact or modification to existing public use or access of the Permit Area; and
- are within the existing facility or developed area footprint or will impact < 2 hectares of undeveloped Permit Area and will not have significant adverse impacts on park natural, recreational or cultural values as determined through required assessments.

Examples could include:

- relocation of an existing ski lift within an existing Permit Area;
- tree clearing within an existing run to maintain and/or enhance the ski run;
- a summer activity that requires temporary installations within the developed Permit Area; or
- a new activity within the Permit Area that does not require new facility development.

Category 2 proposals will be considered by the Regional Director based on the following:

- BC Parks and the Permittee have agreed on the terms of reference to assess the proposal based on the size and scope of proposed minor new Resort Activity, or Resort Improvement. The terms of reference may range from a simple project description to a more comprehensive analysis including many of the requirements of an SRDP or SRDP amendment.
- The Permittee has undertaken and completed the requirements of the terms of reference.

Once a complete submission for a Category 2 proposal has been received, the Regional Director will provide a final response indicating their decision to the Permittee within 30 days. However, if BC Parks identifies that other legal obligations must be fulfilled prior to making a decision, the Regional Director will provide an initial response within 30 days outlining the nature of these obligations and an expected timeframe for a decision. Approval of a Category 2 proposal will require written consent in the form of a letter signed by the Regional Director.

### 6.3. Category 3

Category 3 proposals are not specifically addressed in an existing SRDP and involve a major new Resort Activity or Resort Improvement. These proposals are considered to be major where they have a scope and magnitude which:

- may have a substantial and long lasting impact or modification to existing public use or access of the Permit Area;
- will substantially increase the approved skier carrying capacity or room accommodations;
- are located within the Permit Area but outside the existing facility footprint (within undisturbed areas and requires cutting vegetation or clearing and ground disturbance of an area generally > 2 hectares);
- may have significant impacts on park natural or cultural values that may include but are not limited to wildlife, vegetation, hydrology, special features, and/or archeological sites;
- are materially inconsistent with the intent of the existing Park Management Plan as determined by BC Parks; or
- require development of facilities or improvements outside the Permit Area and would require a Permit Area boundary modification.

Examples could include:

- Development of a new ski lift in a new area;
- Ski run or base area expansion within a Permit Area but outside of a current delineated ski area boundary, requiring tree clearing;
- Development of a snowmaking system requiring water storage capacity;
- Development of an alpine slide, or similar facility requiring significant above surface infrastructure, as a new summer activity; or
- Development of new cabin facilities or daylodge expansion to increase accommodation capacity.

Category 3 proposals will be considered by the Regional Director based on the following:

- BC Parks and the Permittee have agreed on the terms of reference to assess the proposal based on the size and scope of proposed major new Resort Activity, or Resort Improvement. The terms of reference may include a proposal and review process that is consistent with the process required for an SRDP amendment. The review process generally will require public consultation, an environmental impact and mitigation study consistent with general park policy (including impact assessment policy), a capital budget and operating plan, and other submissions consistent with what would be required for approval of similar developments according to industry standards.

- The Permittee has undertaken and completed the requirements of the terms of reference.

Once a complete submission for a Category 3 proposal has been received, the Regional Director will provide a final response indicating their decision to the Permittee within 90 days. However, if BC Parks identifies that other legal obligations must be fulfilled prior to making a decision, the Regional Director will provide an initial response within 30 days outlining the nature of these obligations and an expected timeframe for a decision. Approval of a Category 3 proposal will require written consent in the form of a letter signed by the Regional Director and may, in some cases, also require Permit amendment.

#### **6.4. Permits for Activities Outside the Permit Area**

Where an activity is proposed by the Permittee outside of their Permit Area, but they do not wish to amend their primary Permit, they may submit an application for a separate, shorter term Permit. The application for the activity, and review of the application, will follow the standard requirements for all Permit applications. Application fees and annual fees will apply, and standard time frames for decision on a new application will be followed.

### **7. Permits for Third Parties**

#### **7.1. Third Party Operators**

BC Parks recognizes that the Permits for the three Ski Resorts are unique within the provincial parks system, and the capital investments that the Ski Resort operators have made in providing public recreation facilities and services. When evaluating any applications from third party operators for commercial recreation, research, or land use/occupancy activities within the Permit Areas, BC Parks will consider the terms and conditions of the individual Ski Resort Permits, and whether an application is inconsistent with the SRDP or the Park Management Plan when making a decision on a third party permit application.

In considering, among other factors, the prior rights held by the Permittees, and the need to preserve the viability of the Ski Resorts, the Permittee may reasonably withhold consent where an activity proposed by a third party would affect the exercise of their pre-existing rights, or be incompatible or in competition with their use of or business in the Permit Areas. It is the intent of this policy to harmonize the consideration of proposals by third party operators with the process that is followed for All Seasons Resorts.

#### **7.2. Filming**

For commercial filming applications, where and when the Permittee has exclusive rights, BC Parks requires conceptual consent from the Permittee for the filming activities prior to issuing a commercial filming permit. Where filming occurs outside of areas or times when the Permittee has exclusive rights, but where filming activities may impact resort operations or will make use of the resorts facilities and services, commercial film applicants will be required to work directly with the resort operator to mitigate the impacts and/or reach a mutual agreement for compensation on use of resort facilities or services used.

## **8. Resolution of Issues**

Where issues arise for either the Permittee in carrying out operations under their Permit, or for BC Parks in carrying out operations related to general park management, both parties will bring the issue to the attention of the other as soon as possible, and will jointly and in good faith seek to resolve the issue in a timely manner.

Where a decision on a Permit must be made by BC Parks (e.g. proposed SRDP, application for renewal, etc.), BC Parks will work with the Permittee to ensure that all relevant information is presented prior to a decision being made. The Permittee will be given a full and fair opportunity to present the supporting information for their application, and also the opportunity to respond to any concerns BC Parks may have with the proposal prior to a decision being made.

If issues are not resolved jointly for matters of Ski Resort operation, or if a decision on a Permit is made by BC Parks that the Permittee wishes to dispute, either party may seek arbitration as set out in the Permit. It is the intent of this policy to harmonize the arbitration process described in the Ski Resort Permits with the process that is followed for All Seasons Resorts.