IN THE MATTER OF
THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c. 43 (THE "ACT")

IN THE MATTER OF
AN APPLICATION FOR AN ENVIRONMENTAL ASSESSMENT CERTIFICATE
(THE "APPLICATION") BY

GLACIER RESORTS LTD. (THE "PROPONENT")

FOR THE

JUMBO GLACIER RESORT PROJECT

ENVIRONMENTAL ASSESSMENT CERTIFICATE TD04-01

Whereas,

A. The Proponent proposes to develop the Jumbo Glacier Resort Project (the "Project"), which comprises a year-round ski resort in the Jumbo Creek valley approximately 55 km west of Invermere;

B. The Project was a reviewable project on June 30, 1995 when the *Environmental Assessment Act,* R.S.B.C. 1996, c.119 (the former Act) was proclaimed;

C. Section 5 of the former Act required that a project approval certificate be obtained before a reviewable project can proceed;

D. Pursuant to section 93(5) of the former Act, Transition Order M 364 required that the Project be accepted for review under section 8(1) of the former Act and proceed in a review from the application review stage;

E. In June 1995, under the former Act, the Proponent submitted a five-volume document entitled *Jumbo Glacier Alpine Resort* in support of its application for a project approval certificate to develop the Project;

F. An assessment of the Project under the former Act began with the publishing of newspaper advertisements on July 14, 1995, announcing the availability of the submission for public review was in progress;

G. On August 2, 1995, the Jumbo Glacier Alpine Project Committee concluded that a second stage of the review process (the project report review stage) would be required because the review of the application was likely to reveal various unresolved issues with respect to the potential effects of the proposed development and confirmed this determination on October 18, 1995, and advised the Proponent that a project report would be required;

H. On December 13, 1996, Draft Project Report Specifications were issued and a 65-day public comment period on them was initiated by the Environmental Assessment Office from December 18, 1996 to February 20, 1997;

I. On May 20, 1998, Final Project Report Specifications were issued detailing the information required from the Proponent in order to complete the review of the application;

J. Final Project Report Specifications issued under the former Act on May 20, 1998 describe additional information required to identify and assess the potential effects of the Project;

K. On December 30, 2002, the *Environmental Assessment Act,* S.B.C. 2002, c.43 (the "Act") was proclaimed and Transition Order #02-09 was issued by the Executive Director indicating that: the Project required an environmental assessment certificate; the Proponent could not proceed without an assessment; the previous review process would be replaced by one to be identified in an order issued under section 11 of the Act; and the additional information described in the Final Project Report Specifications must be provided by December 31, 2003;

L. Section 51(3) of the Act requires that the assessment of the Project be continued and disposed of as an application for an environmental assessment certificate.

M. The Project is a reviewable tourist destination resort project under Table 15 of Reviewable Projects Regulation, B.C. Reg. 370/2002;

N. On December 30, 2002, the Executive Director, in accordance with section 4 of the Act, delegated certain statutory and regulatory powers and duties to the undersigned Project Assessment Director (the "Director");

O. On December 30, 2003, the additional information required to complete the assessment (the Project Report) was submitted by the Proponent;

P. On January 27, 2004, the Executive Director issued a Time Limit Extension Order to enable the Environmental Assessment Office to conduct a thorough and timely review and to extend the time limit for certain information described in the Final Project Report Specifications [A.3 #1, A.7 #2-4, D.1(B) #8, D.2(A) #4, D.2(B) #1 and E.5(A) #1 to February 13, 2004; and D.3(D) to July 15, 2004];

Q. On January 27, 2004, the Director issued an order under section 11 of the Act ordering the name of the Project to be changed from the Jumbo Glacier Alpine Resort to the Jumbo Glacier Resort and outlining the scope, procedures and methods for conducting the assessment;

R. On January 27, 2004, the Director determined that, pursuant to the Time Limit Extension Order issued by the Executive Director and the order issued under section 11 of the Act by the Director, the Project Report was accepted for review;

S. On January 28, 2004, the Director determined that the public notification and consultation measures undertaken and proposed by the Proponent were adequate;

T. On February 5, 2004, the Proponent submitted the Project Report containing the additional information, A.3 #1, A.7 #2-4, D.1(B) #8, D.2(A) #4, D.2(B) #1, E.5(A) #1 of the Final Project Report Specifications, as required by the Time Limit Extension Order issued by the Executive Director on January 27, 2004;

U. On February 5, 2004, the Director accepted the Project Report filed by the Proponent for review, and established a 60-day public comment period on the Project Report running from February 13, 2004 to April 13, 2004;

V. On June 22, 2004, the Environmental Assessment Office provided public notice that a 9-day public comment period on the additional information, D3(D) of the Final Project Report Specifications, would be initiated and run from July 1, 2004 to July 9, 2004;

W. On June 28, 2004, the Proponent submitted the additional information, D3(D) of the Final Project Report Specifications (the "Project Report Supplement"), as required by the Time Limit Extension Order issued by the Executive Director on January 27, 2004;

X. On June 28, 2004, the Director accepted for review the Project Report Supplement, and established a public comment period on the document from July 1, 2004 to July 9, 2004;

Y. The Project Report and Project Report Supplement were reviewed by the public, and by representatives from provincial agencies and local governments;

Z. First Nations with asserted interests were provided the opportunity to review the Project Report and Project Report Supplement;

AA. The Director prepared a report on the potential effects of the Project, entitled "Jumbo Glacier Resort Project Assessment Report" (the "Assessment Report") and the Executive Director has recommended approval of the Application and issuance of an Environmental Assessment Certificate (the "Certificate") subject to certain conditions, and has given reasons for making that recommendation;

BB. The documentation and correspondence listed in Schedule A, in particular, the Proponent's "Table of Commitments and Assurances", dated July 27, 2004, includes acceptable commitments made by the Proponent during the environmental assessment of the Project, and is subject to Condition 1 of this Certificate;

CC. Pursuant to section 17 of the Act, the Executive Director has referred the Application, including the Project Report and Project Report Supplement, the Assessment Report and her recommendations, and the reasons for her recommendations, to the Minister of Sustainable Resource Management (the "Minister"), the Minister of Small Business and Economic Development (the "Responsible Minister"), and the Minister of Water, Land and Air Protection (collectively, the "Ministers"); and

DD. The Ministers have considered the Assessment Report and the recommendations and reasons given by the Executive Director, and other matters they consider relevant to the public interest.

Now Therefore,

The Ministers, pursuant to section 17(3) of the Act, hereby issue this Certificate to the Proponent subject to the following conditions (the "Conditions"):

Conditions

1. The Proponent must cause the Project to be designed, located, constructed, and operated in accordance with both the Conditions of this Certificate and the documents and correspondence listed in Schedule A in all material respects, and must comply with all of the Conditions of this Certificate to the reasonable satisfaction of the Minister.

2. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A, Condition 1 must be interpreted so that the contents of the later dated document will vary, repeal, rescind or supersede, as the case may be, the contents of earlier dated documents listed in Schedule A.

3. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and the Conditions which follow, these Conditions must take precedence over and supersede the contents of the documents listed in Schedule A.

4. Despite Condition 1 above, if prior to the Project being constructed and operations commencing, the Proponent proposes a material change to the design, location, construction or operation of the Project as described in the documents listed in Schedule A, and in the opinion of the Executive Director, the change may have the potential for significant adverse effects, the Proponent must then provide to the Executive Director:

   a) an application in writing to amend the Certificate, pursuant to section 19(1) of the Act; and

   b) plans, analysis, records and other information necessary for an effective assessment by the Executive Director of the proposed change.

5. The Proponent must enter into an Indemnity, acceptable to the Director of the Risk Management Branch, Ministry of Finance, to save harmless the Crown from any and all claims, liabilities, losses, damages arising out of the Province or its agencies granting to the Project a Master Development Agreement, lease, license or right-of-way over Crown lands in which R.K. Heli-ski Panorama Inc. holds a similar interest or tenure.

6. The Proponent must obtain the appropriate zoning and other necessary approvals for the Project from the Regional District of East Kootenay prior to the commencement of construction of the Project.

7. The Proponent must obtain a Master Development Agreement from Land and Water B.C. Inc. prior to the commencement of construction of the Project.

8. This Certificate does not constitute a permit, licence, approval or any other authority required under any other enactment that may be required by the federal, provincial or local government or their agents, for the construction or operation of the Project, in addition to requirements referenced in Condition 6 and 7.

9. The Proponent must negotiate with the Ktunaxa/Kinbasket Tribal Council and attempt to conclude an Impact Management and Benefits Agreement prior to submission of the final Ski Area Master Plan.

10. The Proponent must submit to the Executive Director reports on the status of compliance with the Conditions of this Certificate, and the commitments made in the Proponent's Table of Commitments and Assurances, as cited in Schedule A, one month prior to the start of construction of the Project.

11. This Certificate is of no force or effect until signed by the Ministers.

12. The Proponent, except in connection with granting security to Project lenders or other financing entities or financing facilities, must obtain the written consent of the Minister, such consent not to be unreasonably withheld, prior to disposing, whether legally, beneficially or otherwise, of:

    a) this Certificate, or any right, title or interest conferred by this Certificate, or

    b) the Project.

Duration of Certificate

13. The Proponent, in the reasonable opinion of the Minister, must have substantially started the construction of the Project within five years of the date of issue of this Certificate, and if not, then pursuant to section 18(5) of the Act, this Certificate expires.

14. Pursuant to section 18(4), the Minister or the Executive Director, after considering an application from the Proponent pursuant to section 18(2), may extend the time specified in Condition #13 for substantially starting construction of the Project, on one occasion only, for not more than 5 years.

Suspension and Cancellation of Certificate

15. This Certificate may be subject to cancellation, suspension in whole or in part, amendments, or the attachment of new Conditions, for any of the following reasons:

    a) the Minister has reasonable and probable grounds to believe that the Proponent is in default of:
        i. an order of the Courts under section 35(2), 45 or 47 of the Act;
        ii. an order of the Minister made under section 34 or 36 of the Act; or,
        iii. one or more requirements of Conditions of this Certificate,

    b) the Proponent or its officers or employees when acting on behalf of the Proponent, have been convicted of an offence under the Act, with respect to the Project or

    c) an order is made or a resolution is passed, for the winding up, or dissolution of the Proponent, or the Proponent is in receivership or bankruptcy proceedings, without such order or resolution being rescinded or stayed.

The Conditions of this Certificate are agreed to by the Proponent this

3rd day of August, 2004



Representative of Glacier Resorts Ltd.

Oberto Oberti
President
Glacier Resorts Ltd.

Honourable George Abbott
Minister of Sustainable Resource Management

Honourable John Les
Minister of Small Business and Economic Development

Honourable Bill Barisoff
Minister of Water, Land and Air Protection

Issued this 12th day of October, 2004, in Victoria, British Columbia

SCHEDULE A

DOCUMENTATION AND CORRESPONDENCE FOR THE JUMBO GLACIER RESORT PROJECT PREPARED BY OR FOR THE PROPONENT

1. June 2, 1995: Jumbo Glacier Alpine Resort: a study in compliance with the Commercial Alpine Ski Policy and in compliance with the requirements for the Project Report according to the Environmental Assessment Act of British Columbia (Volumes 1 and 2). Prepared by Pheidias Project Management Corporation.

2. June 2, 1995: Jumbo Glacier Alpine Resort, Volume 3 (Appendices A – O). Prepared by Pheidias Project Management Corporation.

3. June 2, 1995: Jumbo Glacier Alpine Resort, Volume 4 (Appendix P). Prepared by Pheidias Project Management Corporation.

4. June 2, 1995: Jumbo Glacier Alpine Resort, Volume 5 (Appendix P con't). Prepared by Pheidias Project Management Corporation.

5. February 5, 2004: Jumbo Glacier Resort Project Report (Volumes 1 to 5). Prepared by Pheidias Project Management Corporation (December 2003).

6. February 5, 2004: Jumbo Glacier Resort Master Plan Concept (Volumes 1 to 8). Prepared by Pheidias Project Management Corporation (December 2003).

7. February 18, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Robert Whetham (Regional District of East Kootenay) Re: Jumbo Glacier Resort Project.

8. April 2, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort Project. Attachment: Grizzly Bear Cumulative Impact Assessment Road Closure Mitigation Option: Jumbo Glacier Resort.

9. April 20, 2004: Letter from Glenn Stewart (ENKON Environmental Limited) to Martyn Glassman (EAO) Re: Response to Sinixt Nation – Jumbo Glacier Resort Proposal – Objection.

10. April 20, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Troy Sebastian (Ktunaxa/Kinbasket Treaty Council) Re: Jumbo Glacier Resort Project.

11. April 28, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort Public Consultation Activities.

12. May 14, 2004: Email from Tommaso Oberti (Pheidias Project Management Corporation) to Alan Calder (EAO). Subject: Public and Agency Comment Responses. Attachment: Agency Comments Tracking Documents.

13. May 14, 2004: Letter from Glenn Stewart (ENKON Environmental Limited) to Martyn Glassman (EAO) Re: Response to Ministry of Water Land and Air Protection, Environmental Protection Division, Kootenay Region.

14. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to April 23, 2004 comments from WLAP – Air and Water Quality Issues.

15. May 14, 2004: Letter from Glenn Stewart (ENKON Environmental Limited) to Martyn Glassman (EAO) Re: Response to Ministry of Water Land and Air Protection, Environmental Stewardship Division, Kootenay Region.

16. May 14, 2004: Letter from Glenn Stewart (ENKON Environmental Limited) to Martyn Glassman (EAO) Re: Response to "A Review of the Project Application for the proposed Jumbo Glacier Alpine Resort based on the potential impacts to Grizzly Bears".

17. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to May 3, 2004 e-mail from B. Grieve, MEM.

18. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to Brian McLaughlin – JGR Comment No. 17190.

19. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to April 27, 2004 letter from B. McLaughlin, DOI.

20. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to April 27, 2004 letter from T. Wideski, MOF.

21. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to May 5, 2004 fax from C. McGowan, RDCK.

22. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to April 27, 2004 letter from K. Laxton, CAWS.

23. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to April 22, 2004 letter from D. Carsen, CAWS.

24. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to April 22, 2004 letter from R. Popoff, Interior Health.

25. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to April 22, 2004 letter from D. Hazzard and R.Bard, Interior Health.

26. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to March 3, 2004 letter from D. Brooks, Health Services.

27. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to April 23, 2004 letter from Jack Bennetto, MOT.

28. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to March 9, 2004 e-mail from D. Hutchcroft, SRM.

29. May 14, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to April 28, 2004 e-mail from Dwain Boyer, WLAP.

30. May 21, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Joan Hesketh (EAO) Re: Jumbo Glacier Resort.

31. May 21, 2004: Fax from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort – Letter from Golder Associates Ltd.

32. May 23, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Responses to MSBED.

33. June 3, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Alan Calder (EAO) Re: Jumbo Glacier Resort.

34. June 2, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Kathryn Teneese (Ktunaxa/Kinbasket Treaty Council) Re: Jumbo Glacier Resort Project.

35. June 3, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Alan Calder (EAO) Re: Jumbo Glacier Resort.

36. June 3, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort Project.

37. June 3, 2004: Email from Glenn Stewart (ENKON Environmental Limited) to Alan Calder (EAO) Re: Jumbo Grizzly Bears.

38. June 11, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort.

39. June 11, 2004: Letter from Glenn Stewart (ENKON Environmental Limited) to Martyn Glassman (EAO) Re: Response to Canadian Columbia River Inter-Tribal Fisheries Commission.

40. June 24, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort.

41. June 25, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort.



42. June 28, 2004: Project Report Supplement: Migratory and Non-migratory Birds Jumbo Glacier Resort Development (Sub-Section D.3 (B): Wildlife Resources). Prepared for Glacier Resorts Ltd. by ENKON Environment Ltd. (June 2004).

43. July 23, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort.

44. July 26, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort – Response to Kathryn Teneese's Letter. Enclosures: Table entitled Jumbo Glacier Resort Project: Final KKTC Comments on 'Measures Proposed to Address Issued Identified by the Ktunaxa Nation'; July 26, 2004 letter from Glenn Stewart (ENKON Environmental Limited) to Martyn Glassman (EAO) Re: Response to Ktunaxa/Kinbasket Tribal Council; and July 26, 2004 letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Response to M. Anielski's "Review of JGR Socio-Economic Impact Assessment".

45. July 28, 2004: Letter from Oberto Oberti (Pheidias Project Management Corporation) to Martyn Glassman (EAO) Re: Jumbo Glacier Resort. Attachment: Compendium of Proponent Commitments.