

Jumbo Glacier Resort Master Plan

Appendix 8-E

PROJECT REPORT VOLUME 1

Jumbo Glacier Resort Project Report

VOLUME 1

INTRODUCTION
PART A: GENERAL REPORTING REQUIREMENTS

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Jumbo Glacier Resort Project Report

VOLUME 1

INTRODUCTION

PART A: GENERAL REPORTING REQUIREMENTS

December, 2003

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APPENDIX TO THE PROJECT REPORT

Jumbo Glacier Resort Master Plan Concept:¹

- Volume 1: Introduction
- Volume 2: The Site
- Volume 3: The Environment
- Volume 4: Project Components
- Volume 5: Infrastructure
- Volume 6: Socio-Economic and Market Analysis
- Volume 7: Approval Process and Governance
- Volume 8: Map Volume

¹ The Master Plan is the primary Appendix to the Project Report. Because of its size, and the fact that it is applicable to all Volumes of this Project Report, it is published as a free-standing or “floating” document for ease of reading.

Part A: General Reporting Requirements

LIST OF APPENDICES FOR VOLUME 1 OF THE PROJECT REPORT

- Report from Kinsmen Trade Show in Invermere.....Appendix 1-A
- Letter to Stephanie Stephens re. Glacier Retraction.....Appendix 1-B
- Questions and Answers Resulting from Public Meetings..... Appendix 1-C
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- Letter to Martyn Glassman in response to Jumbo Creek Conservation
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- (CONFIDENTIAL) Disputed Studies: Traditional Use, First Nations
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(Reports by Michael Keefer and Mark Anielski
with responses by Pheidias Project Management Corp) Appendix 1-J
- Letter Re: CORE East Kootenay Land Use PlanAppendix 1-K
- Notes from Meeting with Shuswap First Nation,
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INTRODUCTION

The Project Report and the Master Plan concept: Why the Two Documents?

The *Project Report* and the *Master Plan* concept, and related Appendixes, for the Jumbo Glacier Resort project, are two mutually supporting documents that serve two distinctly different purposes:

1. The *Master Plan* concept is the document that explains the project. Although it is not a requirement of the Project Specifications issued by the Province of British Columbia in May 1998, it is an additional necessary document to deal with the questions of the Project Specifications in a clear and complete manner. It would have not been possible to respond to the questions in the Project Specifications with pieces of the Master Plan and letting the reader understand the concept trying putting together the pieces. There was also a need to update and revise the entire Master Plan of 1995, which had been hastily compiled following the Transition Order in 1995 and which had been criticized for being unclear.
2. The *Project Report*, which necessarily refers to the information provided as part of the Master Plan concept with regard to many questions, is a required legal document that contains the answers to the questions contained in the Project Specifications. For ease of reading the responses have been highlighted with a different background, and both the Project Specifications questions and the Project Committee's commentary that explain them have been included as a necessary preamble. Many questions have been responded to implicitly by the revised Master Plan, but the responses should clarify the Proponent's position. The Proponent will continue to offer written responses to questions requesting further clarifications on the Project Specifications and the responses.

The above noted documents will be completed by two other documents, which will outline the history of the project and of the controversy generated around it. These two documents are not a requirement of the Project Specifications and are planned to be issued later, following the completion of the public process.

How to Read the Project Report

This Project Report includes the text from Volumes 1 and 2 of the Project Specifications published by the EA Office. Volume 2 includes the discussions leading to the Draft Project Specifications which are a useful preamble outlining the work done by the Project Committee leading to the questions outlined in Volume 1: Reporting Requirements of the Project Specifications, published by the EA Office in May 1998. Volume 3 of the EA Office's Project Specifications is a free standing document reporting the public process and the questions and answers discussed by the Project Committee and by the Public Advisory Committee and did not need to be reproduced as part of this work.

Only the part derived from Volume 1, Reporting Requirements, clearly outlined at the end of each section, is a requirement issued by the Environmental Assessment Office that must be satisfactorily be responded to in order to qualify for a Certificate according to the Act. The format including both Volume 1 and 2 has been chosen in order to try to clarify the path and the

Part A: General Reporting Requirements

interpretations provided by the Project Committee and its Chair in their two and a half year process leading to the questions of the Reporting Requirements. It seems that including the commentary leading to the questions will help removing the ambiguities of the questions as much as possible and help responding in a pertinent manner. There are cases where the path leading to the questions includes parts of the answers.

In order to address the concerns raised in the approval process, the design of the Master Plan has been refocused on the fundamentals of the project and substantially revised. As a consequence it would not have been possible to itemize the revisions or to reproduce relevant portions of the Master Plan for each question for each Project Specification. For easier reading, portions of the Master Plan and of the Appendixes may be reproduced in the answers to the Project Specifications, but the Project Report must be read in conjunction with the Master Plan and the Appendixes. For clarity and background information most of the questions need to be referred directly or indirectly to the Master Plan and Appendixes, even if there are sections where part of the content of the Master Plan and the Appendixes will be repeated or summarized as a response.

All responses have been placed on a highlighted background for ease of identification.

PART A. GENERAL REPORTING REQUIREMENTS

Section A addresses various issues of general application to these specifications, as follows:

- scope of the project and its review - section A.1;
- project description - section A.2;
- mapping scales - section A.3;
- project scheduling and risk management - section A.4;
- organisation and structure of the project report - section A.5;
- complying with the project report specifications - section A.6;
- land use and land use planning - section A.7; and
- public and First Nations consultations - section A.8.

A.1 Scope of the Project and Its Review

EA Issues Profile

Topic

Aspects of project which are being reviewed under EA process.

Issues

Definition of project for purposes of EA process, including definition of following project components:

- on-site facilities
- off-site physical infrastructure in Toby/Jumbo Creek drainage; and
- on-site activities and services, and off-site activities.
- Itemising of types of potential positive and negative effects which are under consideration as part of EA review of project.
- on-site and off-site environmental, resource use and land use considerations;
- local and regional economic and community implications;
- implications for existing local and regional infrastructure and service delivery;
- First Nations issues; and
- resort governance

Part A: General Reporting Requirements

Relevant Project Components

All project components (on-site and off-site facilities, activities and services), and project's sphere of influence (neighbouring backcountry, local communities, First Nations, etc.).

Lead Agency

Jumbo Glacier project committee

Relevant Public Comments on Application and Draft Specifications

- Need environmental impact study of entire surrounding area, not just Jumbo Creek. (10b)
- Specs should require decommissioning plan.

Relevant Proponent Comments on Draft Specifications and Specifications Feedback

- Draft specs exceed intent of *EA Act*, hindering efficient, technically focused review.
- Draft specs should set requirements consistent with expectations for similar resorts (e.g. Panorama, Whistler, Silver Star and Lake Louise).

Additional EA Reporting Requirements?

None specific to this section; draft spec. A.1 #1 eliminated, duplicates requirements in other sections.

Evaluation

The purpose of this section is to clarify for all of the parties to this review process the scope of the EA review of the Jumbo Glacier project, as defined by the project committee. Section A.1 lists both the elements of the project which are subject to review and the potential effects issues which are considered to be within the scope of the review. When the proponent's project report has been reviewed, and the project committee is preparing its report and recommendations for ministers, it will consider itself to be in a position to report on all of the listed project elements and effects considerations.

The project committee wishes to make it clear that the listing of project components and effects considerations presented in this section must not be construed to imply that further reporting is required on all of these issues in the proponent's project report. For some issues, the project committee has concluded that no further reporting is required in order for the project committee to provide informed advice to ministers. Those issues for which the project

committee requires additional reporting are identified in the *Project Report Specifications* of each section.

Cross-referencing to Further EA Reporting Requirements

For each topic for which reporting requirements are identified in, the relevant project components from the listing below are noted at the beginning of the issue discussion (in each issue profile box – see heading *Relevant Project Components*), and the assessments and reporting which are required for that issue must be provided for all of the identified project components, except where the context clearly indicates otherwise.

Reviewable Project Components

For the purposes of the EA process, the Jumbo Glacier alpine resort project is deemed to consist of:

- the construction and operation of all on-site and off-site facilities which are installed exclusively or primarily for the benefit of this project; and
- associated activities related to (or attributable to) resort operations, including:
- the use of physical infrastructure built in the Toby/Jumbo Creek drainages;
- use of, or impacts on, infrastructure and services provided in the surrounding region; and
- impacts on First Nations traditional use of the area in the vicinity of the project.

A more specific listing follows.

On-site Facilities

Definition of the project is deemed to include the design, construction and operation of the following at the resort site itself:

- ski runs, including circulation corridors;
- ski lift system;
- ski run maintenance facilities;
- rescue facilities;
- ski lodge;
- ski village;
- hotels, condominiums, townhouses, chalets, single family dwellings;

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- on-site road system;
- water supply systems for all on-site components;
- solid waste disposal systems for all on-site components, including on-site (and if necessary, off-site) disposal facilities and systems;
- liquid waste disposal systems for all on-site components, including on-site (and if necessary, off-site) disposal facilities and systems; and
- relevant operational, environmental design and public safety considerations.

Off-site Physical Infrastructure in the Toby/Jumbo Creek Drainages

Definition of the project is deemed to include the design, construction and operation of the following off-site physical infrastructure:

- access road from Invermere to the proposed resort, with particular focus upvalley from the Panorama ski resort;
- bridges along the access road;
- related facilities such as gravel/borrow pits and maintenance yards (if any);
- proposed off-site parking facilities (e.g. near the Mineral King minesite);
- the proposed electric transmission line hook-up to the integrated grid;
- telephone communications;
- any other project components for which an off-site location is proposed; and
- relevant operational, environmental design and public safety considerations.

On-site Activities and Services and Off-site Activities

Definition of the project is deemed to include:

- activities based at, or originating from, the resort at each season, including those, if any, which would extend off-site to surrounding areas (e.g. cross-country skiing, hiking, etc. - the proponent will be responsible for identifying any such activities); and
- on-site services required to operate the resort community

Proponent's Note

The list indicates the necessity of issuing an updated Master Plan, even if this is not a requirement of the Project Specifications. The Master Plan provides the response to the detailed questions and will provide the preliminary answers that are available at this stage of design. The Master Plan is the primary Appendix to the Project Report and it is included under the title: "Jumbo Glacier Resort Master Plan Concept". Because of its size, and the fact that it is applicable to all Volumes of this Project Report, it is published as a free-standing or "floating" document for ease of reading.

A Note on Permanent Project Closure and Decommissioning

It should be noted (as stipulated in section 53(2) of the *Reviewable Projects Regulation*), that the EA process does not require the proponents of reviewable tourist destination resorts to develop (and assess the impacts of) plans for the permanent long-term dismantling or abandonment phases of their projects. The rationale for this stipulation is that the intent of resort proponents is normally to install a tourist facility with a multi-year life, and with operations lasting for the foreseeable future. Once begun, resorts are seldom entirely decommissioned, unlike a mine, for example. Thus, it is considered of relatively little value to focus in any detail on closure planning at the project proposal stage. Closure planning would be much more effectively addressed if and when, at some time in the future, actual decommissioning is contemplated. At that time, the prevailing policy and regulatory environment of that period can be brought to bear on closure approval decisions.

In stating this, it is recognised that ski resorts may well evolve over time, and that they may even experience temporary shutdowns (e.g. for marketing or financial reasons). The potential for shutdowns, and the management of any associated problems, are considered as part of the EA review of a resort, where appropriate.

Reviewable Potential Effects of the Project

The scope of the EA review of the Jumbo Glacier alpine resort project (as defined above in terms of its reviewable components), consists of an assessment of the project's potentially significant environmental, social, economic, cultural, heritage and health effects, both positive and negative, as provided for in the *Environmental Assessment (EA) Act*. The review includes consideration of measures proposed to avoid, mitigate or compensate for identified potential adverse effects, and also measures proposed to enhance project-related benefits.

On-site and Off-site Environmental, Resource Use and Land Use Considerations

The EA review includes consideration of relevant issues with respect to project-related use of, and potential positive and negative impacts on, the natural environment and associated resources and land uses found at the project

Part A: General Reporting Requirements

development site (including off-site infrastructure sites), and also in the zone of potential impact surrounding the sites of physical on-site facilities and off-site infrastructure, and activities associated with these facilities. More specifically, to the extent, if any, that they may be affected, the EA review is examining the potential implications of project development for on-site and adjacent:

- water quantity and quality;
- air quality;
- fisheries resources;
- terrestrial wildlife resources;
- forest resources;
- mineral resources;
- agricultural resources;
- outdoor recreational resource use and opportunities;
- existing resource tenureholders;
- other commercial and non-commercial users of resources in the area (including the general public); and
- the provisions made and goals set with respect to these factors in the *Kootenay/Boundary Land Use Plan – Implementation Strategy*.

Local and Regional Socio-economic and Community Implications

The EA review includes consideration of relevant issues with respect to the project's:

- viability and marketability;
- capital and operating costs;
- potential employment and income effects;
- potential economic development effects, both positive and negative;
- potential effects more specifically on tourism and related businesses in the region of development;
- potential implications for accommodation availability in the local area; and
- potential demographic and social implications for local communities (e.g. community stability and lifestyle issues).

Implications for Existing Local and Regional Infrastructure and Service Delivery

The EA review includes consideration of relevant issues with respect to project-related use of, and potential impacts on, infrastructure and services provided in the surrounding region, both positive and negative, including, more specifically:

- the creation of, or upgrading of, local and regional infrastructure and service systems for the project; and
- the incremental utilisation of, or other impact on, the following existing infrastructure and service systems, where directly attributable to project development:
 - existing local/regional transportation infrastructure, where used to move employees, visitors or goods in connection with resort operations, including public highways and airport facilities; and
 - existing local and provincial service delivery mechanisms, where these may be significantly affected, including:
 - health services;
 - education services;
 - day-care services;
 - policing;
 - social services;
 - public safety and emergency management services; and
 - local government services.

First Nations Issues

The EA review includes consideration of relevant issues with respect to potential positive and negative project-related impacts on First Nations communities and interests in the vicinity of the project, and more specifically:

- potential impacts on traditional and cultural resources and use of the area by First Nations (including archaeological resources); and
- the social and economic implications, including potential negative impacts and possible offsetting economic and social opportunities, associated with project development

Part A: General Reporting Requirements

Resort Governance

The EA review includes consideration of resort governance issues which are relevant to the assessment of the potential effects of the project, and to options for managing these effects.

Project Report Specifications – A.1

No EA reporting requirements specific to this item. See section A.1, for listing of reviewable project components and scoping of issues which are subject to EA review.

RESPONSE – A.1

This Project Report, which includes a revised and updated Master Plan conceptual proposal, and their Appendices include all the specialist consultants' work of the past thirteen years, leading to the project concept as presented in these documents, which provide a complete answer to the Project Specifications.

A.2 Project Description

EA Issues Profile

Topic

Definition of project for review purposes.

Issues

- Requirements for presentation of project description in project report.
- Role of that version of project description in reaching final EA certification decision on project acceptability.

Relevant Project Components

- All components (on-site, off-site, socio-economic and community-based, First Nations).

Lead Agency

Jumbo Glacier project committee

Related Issues and Relevant Specifications

- Section A.2 outlines general project description expectations which will form context for proponent's reporting on issues identified in sections B through H of specs.

Additional EA Reporting Requirements?

Yes – see below.

Evaluation

The proponent is expected to present in its project report an up-to-date plan for the proposed resort (including the required off-site infrastructure, as noted in section A.1, above). The plan may be modified later, but both the project committee, and ultimately ministers, need to understand the exact development concept for which the proponent is seeking an EA process approval at this time.

For the purposes of the EA process, the proponent is not required to present the resort plan in the level of detail which would be necessary to make an approval decision on a ski area master plan under the Commercial Alpine Ski Policy (CASP). The final details of the proponent's ski area master plan would only be submitted for *Land Act* approval (to MELP [BC Environment and Lands]) if the project is granted a project approval certificate at the conclusion of the EA review. For the purposes of EA review, the required development plan could be considered a preliminary draft of a ski area master plan.

Clarification

Under specification A.2 #2, the proponent is not expected to provide final layout plans or final engineering designs or final technical specifications in the project report for individual project components. This level of detail is seldom necessary to complete the impact assessments required to support an informed EA certification decision. The only exceptions would be those rare instances where final layout and design details are necessary to resolve uncertainties about the acceptability of a specific project design component, feature or mitigation measure where the impact potential is considered very significant. If there were any such instances, they would be explicitly identified in the project report specifications, but the project committee has not identified any issues of this type.

Project Report Specifications – A.2

In the project report:

1. The proponent must present an up-to-date project description, supported by objective scientific and technical information and analysis on those issues which are considered outstanding, as documented in these project report specifications. **The project**

Part A: General Reporting Requirements

description presented in the project report will be deemed to be the final form of the project proposal for which a project approval certificate is being sought under the EA Act.

2. Any uncertainties about whether or not the proponent plans to proceed with specific components of the overall development proposal must be clarified. Any changes to the project description, as it has been understood and reviewed to date under both the CASP and EA processes, must be clearly explained. To facilitate public understanding of the project proposal, the proponent must reaffirm all changes to, and clarifications of, the nature and scope of the project which it has provided to the project committee since filing its application in mid-1995.

3. The sites (or site options) for individual project components must be located with enough precision that the impact assessments of individual project components required in these specifications (e.g. assessments of technical feasibility, site suitability, costs or potential impacts and their manageability) can be conducted in a meaningful site-specific manner, taking account of local conditions. This applies to facilities to be located within the primary resort development area, as well as to the off-site infrastructure. Where the proponent has still not selected a preferred site for a specific project component, each site option still being considered must be identified (see also specification A.6#2).

RESPONSE – A.2

A well detailed preliminary Master Plan was included in the five volume report issued in June 1995, which included a detailed resort and ski area layout, deemed ready for completion of the CASP process at that time. The 1995 Master Plan included preliminary volumetrics of all the buildings and was accurately to scale. A diagram was provided showing measurable dimensions of the resort, and proving, among other things that the size of the project was grossly misrepresented. The revised and updated Master Plan Concept fulfils the required Project Description Report, including the revisions that further respond to the additional concerns noted as a result of the public process and the studies undertaken since that time. The Executive Summary in Section ES.1.2.19 of Volume 1: Introduction of the updated Master Plan Concept includes an overview of some of the important design changes introduced since the 1995 Master Plan. A list of significant changes to the Master Plan has been included in the Project Report in the response to Specification A.8 #1.

A.3 Mapping Scales

EA Issues Profile

Topic

Mapping scales for use in project report

Issues

- Appropriate mapping scales for different presentation purposes
- Distinction between level of detail required for EA review and subsequent permitting.

Relevant Project Components

- All components (on-site, off-site, socio-economic and community-based, First Nations).

Lead Agency

Jumbo Glacier project committee

Relevant Public Advisory Committee Comments on Draft Specifications

- Larger mapping study area, when required, should include all of Purcell ecosystem.

Relevant Proponent Comments on Draft Specifications and Specifications Feedback

- In what way are maps in application unclear in describing project?

Related Issues and Relevant Specifications

- Re. other aspects of project description requirements, see section A.2 - *Project Description*.
- While section A.3 identifies general mapping scale guidance for proponent's reporting on issues identified throughout specs, more specific mapping scale guidance may also be provided in other sections of reporting requirements.

Additional EA Reporting Requirements?

Yes – see below.

Review of Application/Evaluation

Numerous maps are included in the application. These maps provide much useful information, and many are at scales which are suitable for EA review purposes (see below for discussion). Interpreting some maps has raised difficulties. In some cases, detailed project layout information is shown only on large-scale maps which show few, if any, of the regional landmarks (e.g. names of streams and mountains and other geographical features). Thus it can be difficult to locate specific resort components such as ski lifts, runs, the lodge and the single-family lots in relation to regional landmarks. The project committee recommends that maps which more clearly relate project components to regional landmarks be included in the project report. This mapping should utilize a conventional base map comprising contours, rivers and streams, existing roads, glaciers, topographic features, park boundaries and appropriate annotation, preferably in color to facilitate clarity.

Past Experience

No one mapping scale will meet all needs in performing adequate assessments for the project report. Based on experience with existing formal EA processes in British Columbia over the last 20 years, in order to perform adequate environmental assessments, mapping of the project development site, off-site development areas and surrounding areas in the zone of potential impact typically needs to range in scale between 1:20,000 and 1:5,000, depending on such factors as the size of the project, or the type of landscape feature or impact issue or project component being mapped. Smaller-scale mapping may be appropriate to portray regional values (e.g. a scale of 1:50,000, or even 1:100,000), while larger-scale mapping may occasionally be needed to facilitate resolution of an impact concern focused on a site-specific design issue (e.g. 1:2,000-scale horizontal/

1:200-scale vertical drawings may be necessary to address concerns at a particularly sensitive stream crossing site).

EA Reviews of Ski Resorts

For ski developments which are subject to the EA process, proponents are typically expected to provide a comprehensive plan of the proposed resort development in the project report at a level of detail comparable to that required for the 'vision stage' of the CASP process - 1:20,000-scale mapping with 20-meter contour interval. The plan which is developed for EA review purposes is, in effect, a preliminary ski area master plan, presented in more generalised terms.

The project committee is expecting information for all phases of the development in enough detail to enable meaningful impact assessments to be conducted. In this respect, it is appreciated that information for the first phase will be available in greater detail than for subsequent phases, which, if the project proceeds, could well be subject to adjustment over

time, as the resort's management responds to changes in the economy, technology, markets and government regulatory requirements.

For the Jumbo Glacier project, a basic presentation scale of 1:20,000 with 20-meter contour interval is expected to be sufficient to meet most impact assessment requirements under the EA process for the proponent's development plan. The proponent's application did include some mapping at similar scales, so that this requirement should not entail significant new base map development.

If the ski resort is approved at the conclusion of the EA process, the proponent will then be required to submit a formal, more detailed ski area master plan to MELP (BC Environment and Lands) for approval under the *Land Act*, prior to actual project development. Mapping for this so-called 'concept stage' of planning is expected to be presented at a scale of 1:5,000 with 5-meter contour interval for the ski terrain, and 1:1,000 with 1-meter contour interval for the base development.

Post-EA CASP and Permitting Requirements

Should a project approval certificate be issued, final engineering designs will then be required for the various permit applications which will have to be filed by the proponent in order to obtain the necessary authorisations to construct and operate the certified project. Often, the scale of mapping necessary to support permit applications is significantly greater than 1:5,000 (e.g. scales of 1:1,000 or 1:500 or 1:200).

If the proponent decides to avail itself of the provisions of the *EA Act* which allow a proponent to apply for permits at the project report review stage of the EA process, final engineering design detail may then be required concurrently with the EA review in order to support the permit applications. The proponent has signalled its intent to seek concurrent permitting for its liquid effluent waste management permit, and possibly others.

Project Report Specifications – A.3

1. The scale used to conduct surveys and present mapped information in the project report must be carefully selected to ensure that the level of analysis will be sufficient to address the issues raised in these specifications. A basic inventory and map presentation scale of at least 1:20,000, with 20-meter contour interval or better, should normally be sufficient to present information on the location and layout of proposed on-site and off-site facilities, and in support of assessments of the impacts of these facilities. For presentation of information intended to establish a regional or sub-regional context for assessment, a mapping scale of 1:50,000 or better will normally be adequate for EA review purposes.

2. The direction in specification #1, above, is intended to be generally applicable, but there are instances where the project committee has stipulated a specific scale of

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mapping and form of analysis as part of the reporting requirements to address a particular issue. In such cases, the stipulated mapping scales supersede the more general direction provided in specification #1.

RESPONSE – A.3

The mapping scales utilized in the Project Report, the Master Plan and the Appendices respond to the requirements outlined above for the EA process in the Project Specifications. The Master Plan utilizes scales appropriate for the level of planning of the Master Plan.

Maps are located throughout the Master Plan, Project Report and their Appendices. These maps are included in an 11 x 17 format for ease of duplication and electronic transfer. A collection of full-size maps (including maps of a scale of at least 1:20,000, with 20-meter contour interval or better presenting information on the location and layout of proposed on-site and off-site facilities) has been assembled and can be found in a separate volume (available in printed form through the Environmental Assessment Office) of the Master Plan – *Volume 8: Map Volume*.

A.4 Project Scheduling

EA Issues Profile

Topic

- Overall staging of project development
- Synchronising of project development schedule with requirements for services and infrastructure.

Issues

- Staging and scheduling of resort development and corresponding scheduling of necessary infrastructure and service delivery requirements as resort development proceeds.
- Contingency plans to deal with incomplete development.

Relevant Project Components

- All components (on-site, off-site, socio-economic and community-based, First Nations).

Lead Agency

Jumbo Glacier project committee

Comments also Received From

Ministry of Employment and Investment (MEI)

Relevant Public Advisory Committee Comments on Draft Specifications

- Add a spec – all arrangements to be completed before final project approval/rejection.

Relevant Proponent Comments on Draft Specifications and Specifications Feedback

- Projected scheduling of 'each component' within 20+-year time frame? "...Role of individual project components in creating demand for infrastructural facilities and services?..." "...Contingency plans created by incomplete project developments?..." How many permutations?
- Re. draft spec. #3 - interferes with phased development, which is

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fundamental part of project strategy to minimise impacts.

- Re. draft specs. #3 and #4 - management and liabilities are negotiated in master development agreement.

Related Issues and Relevant Specifications

- See individual subsections of section E.7 - Specific Infrastructure and Service Requirements.
- See section E.8 - Infrastructure, Government Services and Revenue Impacts.
- See section F.1 – Resort Ownership and Management.

Additional EA Reporting Requirements?

Yes – see below; draft specs. A.4 #2-#4 eliminated; considered premature, or duplicate requirements in other sections – more effectively addressed at ski area master plan stage of CASP.

Evaluation

Project Scheduling

A project approval certificate authorises a proponent to proceed with the certified project, subject to obtaining other necessary statutory authorisations, but does not make completion of the overall development obligatory (although completion of certain project components may be deemed mandatory for impact management purposes, such as environmental protection works). Where a project is not fully developed, it may be that the proponent has been unable to implement the entire project as approved because of changes in market conditions or other factors.

The Jumbo Glacier proposal entails the phased development of a broad array of facilities and services, including sewage treatment, environmental protection works, commercial, transportation and recreational facilities, and also creates a demand for an array of services to cater to the needs of the resort and its employees and visitors. In the project report, the proponent should update the information in the application on the relationship between the scheduling of the overall resort development and the demand for, and provision of, physical infrastructure and service requirements. Information on the scheduling of these requirements will allow government to better appreciate the staging requirements of the development, and the degree of inter-dependency of the various project components.

Ultimately, if the project is granted a project approval certificate at the conclusion of the EA process, staging-related stipulations may be

incorporated into the certificate. For example, a certificate may stipulate that commencement of certain project components is contingent upon first completing other project components satisfactorily (e.g. works considered necessary to assure adequate environmental protection, such as sewage control systems).

Contingency Planning

Contingency planning to deal with incomplete development or unexpectedly protracted development progress is not required for EA review purposes. This issue will be addressed to whatever extent is deemed necessary by MELP and RDEK during the post-EA development of a ski area master plan and negotiation of a master development agreement. At that stage of project review, the respective responsibilities of the parties for the management of such problems, and any related liabilities, are also determined. Ski area development proceeds in phases on an annual basis, with complete stages and operational increments being built over one or two seasons. In BC during the last 25 years of significant ski area development or expansion, delays in implementing a resort's development schedule have not, by themselves, caused significant problems, because of the carefully synchronised staging of facilities and services.

Project Report Specifications – A.4

1. The project report must provide an update of any changes to the project phasing information which was presented in the application, indicating the projected scheduling of each component of the overall development within the 20(+)-year development schedule, as well as identifying any project components for which scheduling is optional or uncertain. The scheduling information must be integrated into a single system of phases for the entire project, covering all on-mountain, base area and infrastructure development, and significant related service demand.

RESPONSE – A.4

1. Project scheduling and preliminary phasing are illustrated in the Master Plan in Volume 4, Sections 4.2 and 4.3. For projects that are not funded by Government and that depend on public response in the form of market absorption and utilization, anything beyond an initial five years' planning projection will represent only approximate targets. In the Master Plan concept the First Phase is expected to take three to six years (4 years is the time span in the Projected Operating Statement spreadsheets), the Second Phase is expected to take five to seven years (7 years in the above noted spreadsheets) and the Third Phase is expected to take five to nine years (9 years in the above noted spreadsheets).

It is necessary to understand that due to the process chosen by Government since 1990 the life span of several of the initial investors, and of some of the consultants, will have reached its conclusion before the project is completed. In this regard it is necessary to note that both the

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investors and the consultants feel it is rather ironic that some of the people who have pushed for the delays that have been experienced in processing the project have accused the investors of “greed”, as their investment will have produced a recreational opportunity and mountain experience for the North American public that they will not be able to see fully completed. The process has generated a project in which the original investors cannot hope to see and enjoy the full result of the project plan and of their vision in their lifetime.

A.5 Organisation and Structure of the Project Report

EA Issues Profile

Topic

Organising/structuring project report.

Issue

- Importance of presenting information in orderly, systematic and integrated manner in project report to simplify cross-referencing with specs, and to facilitate detailed technical review.

Relevant Project Components

- All components (on-site, off-site, socio-economic and community-based, First Nations).

Lead Agency

Jumbo Glacier project committee

Relevant Public Comments on Application and Draft Specifications

- What is needed is 10-35 page summary, written concisely and produced by EA Office or other government agency. (1e)

Relevant Proponent Comments on Draft Specifications and Specifications Feedback

- Answers are in application, need to take time to read it.
- Do not disagree with format requirements, but concerned that project report could be rejected on this basis, with content remaining unread.
- In what way are maps in application unclear in describing project?

Related Issues and Relevant Specifications

- Intent of general guidelines presented in section A.5 is to ensure ready cross-referencing between all sections of specs and proponent's project report.

Additional EA Reporting Requirements?

No – project committee has opted to replace all draft specs. with guidelines.

Evaluation

Organisation of Application

The proponent has relied primarily on its five-volume application submission, supplemented by summary hand-outs and display material, as the primary reference source for distributing information on the project in its discussions with the project committee and other parties to the review. The project committee is satisfied that the proponent's five-volume application presents information on the project in sufficient detail for the application review stage. It contains a detailed project description and considerable relevant information on the project's potential effects, and in many respects, the level of reporting goes well beyond the basic minimum requirements for an initial application. However, organisation of this information could have been more logical and systematic, and it requires some effort to locate pertinent information on some topics in the submission. Interpreting maps also raised some difficulties. Detailed project layout information tends to be shown only on large-scale maps which identify few, if any, of the regional landmarks (e.g. names of streams and mountains and other geographical features). Thus it can be difficult to locate specific resort components such as ski lifts, runs, the lodge and the areas proposed for single family lots in relation to regional landmarks.

Submission of Additional Information

The project committee also notes that, in a constructive attempt to clarify its perspective on many of the issues raised by this project, the proponent has provided a considerable amount of additional relevant information in detailed responses to specific issues and concerns in numerous documents. These documents include individual letters and mini-reports to the project committee, as well as letters to members of the public and public interest groups, members of First Nations and other government agencies. At times, the project committee has found it difficult to keep track of this additional input, some of which has had the effect of modifying the project proposal in more or less significant ways. Understandably, this has been more difficult still for the public and other parties to the review.

For this reason, in a few instances, the project committee has requested

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the incorporation of some of this additional information in the project report. Inclusion of selected post-application information, or at least summaries and conclusions derived from that information and reported in a convenient consolidated form, will be helpful in presenting complete and well-organised assessments of issues, and thereby, facilitating public review of that information in the project report.

The project committee wishes to be clear that it is not expecting the proponent to re-submit every item of information which it has filed in the period since it submitted its application. However, a key intent of the project report is to present the proponent's assessments of impact concerns and related impact management proposals in a clear and straightforward manner.

Moreover, it is important to note that, in some cases, this additional information appears, to government reviewers, to materially change the status of previously identified issues. Indeed, in some cases, this information has served to resolve issues, either partially or entirely. At the same time, the public has not had a formal opportunity to comment on this information. Where reviewers consider that more recent information is material to the public's understanding of a revised government position on an issue, they have requested in the specifications that the proponent incorporate either existing submissions or some sort of summary of the information now available, so that the public has the intended opportunity for formal comment on the information. Where lead agencies have revised their positions on issues, they have provided a suitable update of the status of their views on the issues in their appropriate section(s).

Proponent's Note

The Proponent had been given assurance that following CORE the project would have been reviewed under CASP without putting the project through a new and untried review process. The CORE Commissioner, Stephen Owen, confirmed in writing (letter dated December 13, 1994 included as Appendix 1-K) that his recommendation did not mean that the environmental review process had to be done under the new EA Act rather than under CASP. However, despite the previous assurances and the written requests of the Proponent's representatives to complete the CASP process without further complications and change of staff, Government staff advised the Proponent's representatives that the project would be "transitioned" into the new process. At the time of the transition from CASP and CORE into the new EA Act process in the Spring of 1995, the Proponent was given less than eight weeks to organize and present the work of the previous five years. Two weeks were required for the printing and assembly of the reports. The five volumes presented at the end of June 1995 evidence the difficulty of the sudden transition and the above noted observations confirm the need to issue an updated and reorganized document as an updated Master Plan.

Guidelines for Planning the Project Report Documentation

It will be important at the project report review stage to ensure that the information which the public, First Nations and government agencies must review, and which will ultimately form the basis for the project committee's final report and recommendations to ministers, is presented in an orderly, systematic and integrated fashion. Logically, this approach would be expected to facilitate the consideration of issues, and to contribute to a more timely overall scheduling of the project report review stage.

The project committee has opted to provide the following guidelines to the proponent for the preparation of its project report, rather than setting formal specifications in this regard (as had been suggested in the draft specifications):

- The project report should be a fully integrated submission, with tables of contents for all volumes, and detailed cross-referencing between the main text and any appendices, and also between volumes, if the project report is a multi-volume submission. It should be made available in hard copy, and also, if possible, in electronic format for ease of distribution, and for the purpose of posting on the EA Office's web site to allow Internet access.
- The project report should be structured around the topics and issues identified in the listed specifications in order to facilitate, firstly, the initial screening of the project report by the project committee, and subsequently, the in-depth review of the project report by all parties.
- Although not essential, if the document is to be organised into more than one volume, the proponent should consider the option of creating volumes which individually address major components of these specifications, such as:
 - project description;
 - environmental assessment;
 - socio-economic and community issue assessments; and
 - First Nations studies.
- The project report should contain an Executive Summary, which ideally should also be available on a stand-alone basis for wider distribution, and which should be suitable for distribution via the Internet.
- The project report should include clear maps which place the project within both its regional (Kootenay region) and sub-regional (e.g. Columbia River valley, Purcell Mountains, etc.) context, as well as its

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local setting (Jumbo/Toby Creek drainage).

- The project report should contain easily understandable summaries of mitigation plans and commitments, either at the end of each assessment section, or at the end of the complete document.

As work on the project report proceeds, the proponent is welcome to consult with the EA Office, project committee members and other review agencies about report organisation.

Project Report Specifications – A.5

The project committee has opted to provide guidelines, rather than set formal specifications, with respect to the organisation and structure the project report.

RESPONSE – A.5

The Proponent's project team has gratefully accepted that the project committee provided guidelines only with respect to the organisation and structure of the project report. For the sake of clarity the project report has been structured to be complemented by a new and revised Master Plan as an appendix that more fully explains the project. It was felt that it was not possible to just introduce in the responses in a piecemeal fashion the changes and the applicable aspects of the Master Plan for each question and answer, especially in view of the confusion generated by the disinformation campaign that has preceded and accompanied every presentation of this project. There was a concern that people would go back to the 1995 or earlier drafts of the Master Plan without any appreciation of the steps taken to resolve the controversies that have been generated and of the clarifications provided and changes made. It is therefore **important that the Project Report and the Master Plan document attached to it be used together**, and that the responses provided to the Project Specifications be read with reference **to the current Master Plan, which is presented as an essential part of the response to the Project Specifications.**

A.6 Complying with the Project Report Specifications

EA Issues Profile

Topic

Generally obligatory nature of project report specs, and provisions for special reporting situations.

Issues

- Legislated requirement to comply with finalised project report specs, conducting complete assessment of issues raised.

- General EA focus on identifying magnitude and significance of potential impacts and proposing possible impact management measures.
- Special circumstances which dictate need to identify conditional specs.
- Specific provisions with respect to reporting of project alternatives.
- Contingency planning for potentially serious impacts.
- Provisions governing co-operative assessments, involving proponent and other parties.
- Implications of future legislative initiatives for possible amendment of these specs.

Relevant Project Components

- All components (on-site, off-site, socio-economic and community-based, First Nations).

Lead Agency

Jumbo Glacier project committee

Relevant Public Comments on Application and Draft Specifications

- Little attention given to impact of resort on environment. (10a)
- All appropriate groundwork and environmental impact work seems to be in place for project. (10c)
- Environmental impacts have only been addressed in cursory fashion, and there are no substantiated mitigation or monitoring plans. (10d)
- Specs should require all outstanding data to be acquired before EA decision.
- All studies should be by impartial third parties.
- No specific framework for EA approach cited, no stipulation of how much mitigation is needed for project acceptability.
- Impacts must be eliminated, not merely minimised.
- Specs have potential to go beyond reasonable limits – what information is needed for EA decision?
- EA process should not serve narrowly focused coalition of anti-development groups.

Relevant Public Advisory Committee Comments on Draft Specifications

- Re. draft spec. #7 - change beginning to read "...Where significant risk from failure of proposed mitigation measure(s)..." and change "...after the development is underway..." to "...before the development is underway..."

Relevant Proponent Comments on Draft Specifications and Specifications Feedback

- Draft specs reflect problems with public advisory committee, and fact that anti-development groups control public input.
- Draft specs attempt to please views expressed by radical activists, both in government and outside, and do not set standards of minimum requirements according to government policies and regulations.
- Entire draft specs section needs rewriting to clarify intent of EA process. What are 'acceptable levels' or standards?
- Concerned at disproportion between study requirements and size and type of project.
- Re. draft spec. #5 - if project is approved under master development agreement, it will operate like other ski resorts which are controlled by their provincial agreements.
- Re. draft specs. #6 to #8 - Unnecessary; specs do not deal with potential impacts of project, but try to resolve, in advance, detailed administrative procedures that have different responses in different circumstances, and that are already covered in current business practices and legal requirements.

Related Issues and Relevant Specifications

- Section A.6 characterises general framework and expectations for proponent's reporting on all issues identified in these specs.
- More specific guidance is usually also provided in individual issue sections.

Additional EA Reporting Requirements?

Yes – see below; draft specs. consolidated, simplified, duplication with requirements in other sections removed.

Evaluation

Compliance with Project Report Specifications

Under the *EA Act*, it is primarily the responsibility of the proponent to conduct the necessary studies and assessments upon which an EA

certification decision will be based. The *EA Act* also provides that the project report must comply with the reporting requirements stipulated in the finalised specifications if it is to be accepted for formal detailed review by the project committee. It is important that the proponent adhere to the specifications to avoid project review delays at the project report stage, and to permit the project committee and the public to complete the project report review in a timely and efficient manner.

When the proponent is ready to submit the project report, it must first be submitted to the EA Office for a screening by the project committee. The intent is to determine whether or not the project report has generally addressed all of the issues identified in the project report specifications. Screening entails a preliminary preview of the document. Acceptance of the report for formal detailed review does not imply either that the project is acceptable or that detailed review might not reveal data gaps, analytical deficiencies or other reporting problems which require further attention as the review of the project report progresses.

The project committee has endeavoured to make its comments on the nature of its concerns and the related project report specifications as clear and detailed as possible, although it is not the project committee's responsibility to develop final terms of reference in the detail needed to commission the proponent's additional assessments.

Approach to Impact Assessments

The desired approach is stipulated for each issue for which assessments are required in. As a general rule, the approaches which are outlined below are recommended.

Where, in the specifications, reporting is requested with respect to management of a potential effect of project development, the project report should evaluate the magnitude and significance of the impact potential of the project, identify any affected parties and/or affected properties, lands or resources, outline proposed mitigation measures which are technically feasible and economically affordable (or compensation proposals for those impacts which cannot be mitigated), identify the party which has impact management responsibility (where not the proponent), and identify proposals for necessary follow-up/ monitoring programs for the construction and operations phases of the project, should the project proceed.

The level and type of evaluation which is required will vary, depending on the issue under consideration, and the proponent needs to ensure that an appropriate degree of attention is given to each issue. In some cases, an adequate response will require the presentation and/or analysis of new data or information. In other cases, an appropriate response may entail simply providing a clear outline of company policy, or a description of specific elements of the project and its phases, or of relevant standards and/or practices which must be followed for project development, together

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with some discussion of how these relate to the issue raised. For still other issues, the best approach may be to present or document the experiences of similar resort developments, or other types of developments in similar settings, with some analysis and discussion of why similar or differing experiences are predicted for this project. In the project report specifications, the project committee has attempted to signal the level of response required, but where in doubt, the proponent should contact the lead agency(ies) identified for each issue in for clarification. The proponent is encouraged to discuss approaches to issues raised in the specifications with relevant project committee members and other review agencies in advance of completing the project report.

Contingency Measures

During the course of the proponent's assessments for the project report, significant doubt may arise with respect to the effectiveness of proposed mitigation measure(s) in reducing any potentially serious adverse effects of the Jumbo Glacier project to acceptable levels. Where there is a high degree of risk, the proponent is advised to consider and document practicable contingency measures which could be adopted after the development is underway, in the case of a failure of the intended impact management measures to achieve their objectives. Depending on the issue of concern, suitable measures could include relocation of facilities, installation of backup facilities, revised development scheduling, revised design specifications, or changes in operational practices. Where review agencies have anticipated such a possibility, they have identified this requirement at the appropriate point in the specifications.

The proponent is advised to consult appropriate review agencies in circumstances where uncertain of the need for contingency measures of this sort.

Conditional Specifications

The project committee has tried to be explicit about the issues which need to be addressed at the project report review stage, whether in the proponent's project report or by other means. However, where the circumstances surrounding some aspect of the project or some element of government policy relevant to the project are subject to change, and this is anticipated at the time of release of these specifications, conditional specifications have been noted. **The intent of a conditional specification is that it becomes an obligatory reporting requirement only if certain conditions are met, and these conditions are clearly stated.**

For example, the specifications to satisfy CEAA reporting requirements for the Jumbo Glacier project are conditional (see sections H.2 and H.3 of these specifications), and only come into effect if the federal EA process is triggered. This is understood to be most likely to be associated with

road access location/design, but details of the proposed access road alignment cannot be confirmed without a route study conducted by the proponent (see section E.6.C of these specifications).

Future Legislative Initiatives

While the project report specifications are intended to be firm, they could be modified if a relevant enactment (either a new statute or a regulation or an amendment of an existing statute or regulation) comes into legal force before the project report is screened and accepted for formal detailed review. This is because the release of project report specifications in final form does not have the effect of grand-parenting projects from the applicability of subsequent legislative enactments under other statutes.

One possibility is that a particular specification may no longer be consistent with the legislative context for the issue in question. Alternately, the new enactment could conceivably create a need for assessment and reporting which did not previously exist. In such a case, the EA Office or the project committee would notify the proponent that the project report specifications need to be amended.

Voluntary Information Requests

In a few cases in these specifications, the project committee has noted its interest in the proponent's views on an issue, in addition to, or as an alternative to, setting formal reporting requirements – see headings entitled *Voluntary Information Requests* in some sections. The proponent's views are invited on a voluntary basis in such cases, and this is clearly stated. Discretionary reporting requests often reflect project committee or public interest in a matter for which there are no firm government policy expectations of the private sector.

Co-operative Assessments

Where, in these specifications, the preference of the project committee is that the proponent should work jointly or co-operatively with other party(ies) in collecting information or conducting assessments for the project report, this is clearly stated. Such stipulations typically reflect the project committee's view that the other identified parties are particularly knowledgeable with respect to the issues in question, and that reporting which is based on co-operative exchanges with them would increase confidence in the findings.

However, the possibility is recognised that, for whatever reason, a satisfactory co-operative working relationship with the cited parties may not be achievable within a reasonable timeframe, and in such circumstances, the project committee notes that the reporting requirements are ultimately the responsibility of the proponent – see specification A.6 #3.

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The specifications for the First Nations study program include a special dispute resolution mechanism, designed to address any problems of this nature – see specification G.1 #5.

Information Required for the Post-Certification Permitting Stage

In the project report specifications, the application information requirements have been identified by some review agencies for some of the licenses and permits which would have to be obtained to construct and operate the project, if it is certified at the conclusion of the EA process.

By way of clarification, and to avoid any misunderstanding, it should be clear that this material is presented in the specifications only as advice for the information of the proponent and other parties to the EA review of the Jumbo Glacier project. **This information is not intended to be, and does not constitute, an obligatory part of the proponent's reporting requirements at the project report review stage.**

Ongoing Consultations

It is a normal part of the EA process for the proponent to meet with individual agencies to clarify and refine the intent of project report specifications, once finalised, and this is encouraged. Such meetings may be especially helpful once the proponent has drafted provisional terms of reference for the commissioning of studies which may be needed to fulfill the requirements of the specifications.

If the public has questions with respect to the intent of the specifications, these may be communicated to the responsible agency, either directly or through the EA Office, and a response will be arranged, either in writing or, where warranted, through meetings between the public and relevant agency staff.

Project Report Specifications – A.6

Obligatory and Conditional Reporting Requirements

1. The project report specifications are obligatory reporting requirements for the proponent, unless the context clearly indicates otherwise (i.e. except where assigned as the responsibility of another party, or where reporting requirements are conditional upon the occurrence of events or the presence of circumstances which do not materialise). A conditional specification becomes an obligatory reporting requirement if the condition stipulated in the conditional specification is met.

Reporting on Alternatives

2. Where the proponent has considered options for the type, design or location of project components or features, and especially where it was noted in the application that options were being considered, detailed impact assessment and reporting requirements need to be met *only* for the proponent's preferred alternative(s). A summary explanation of the basis for selecting the preferred option(s) over other options (e.g. a comparative table) will suffice to address the other options.

Conditional Project Report Specifications – A.6

Co-operative Assessments

3. Where the proponent is unable to establish a satisfactory co-operative working relationship with an identified party in respect of a particular issue for which the project committee has recommended a co-operative approach to assessment, the proponent, to the best of its ability, is to make its assessment independently, and to provide the required information on that basis. Before adopting this course, either the Executive Director of the EA Office or project committee chair must be satisfied that, despite reasonable efforts made in good faith by the proponent, a co-operative working relationship with the other party is not possible.

New Legislative Initiatives

4. If a relevant new enactment (either a new statute or a regulation or an amendment of an existing statute or regulation) comes into legal force before the project report is accepted for formal detailed review, the EA Office and the project committee reserve the right to amend the project report specifications to the extent necessary:

- either to establish consistency between earlier specifications and the new legislated regime;

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- or, where the new legislated regime creates a new compliance issue, to add appropriate new specifications.

RESPONSE – A.6

Noted, and the Proponent's consultants have followed the above noted directions in the preparation of the Project Report, Master Plan and Appendixes.

However, the above noted observations regarding the fact that information required for the permits and licences necessary to construct and to operate the project *is not part of the Proponent's requirement at the Project Report review stage* contradicts the fact that much of the discussion, controversy and review in this process has been about the main aspects of such information.

For example, there has been an on going controversy regarding the potential design and permit process for the services for the project, such as liquid waste treatment, which are clearly required to be designed and proven to the satisfaction of government and public prior to the construction and start of any operations. The discussion has been on going in the public sphere for twelve years as if there were no permits at all, and if the services were to be destined to be insufficient or to fail.

The Proponent's consultants have attempted to describe both the conceptual designs and the Government permit process ahead of time, but the very implication that the Proponent's consultants may design an infrastructure incapable of delivering adequate services and yet obtain permits for such infrastructure is absurd and is at the root of the disinformation campaign that has conditioned the review process of this project.

Another example is shown at Specification D.2.(A)4, where it is recognized that drilling wells is not required at this stage and yet there is the implication that the underground water quantity and location should be proven now (which is impossible in absolute terms and can only be determined in a general manner by geotechnical analysis of probable conditions), as if there was a risk that the project might proceed and obtain the various subdivision, operations and occupancy permits, without sufficient water supply. The absurdity of the controversy should be even more obvious when one realizes the geographic location of the project, which is in one of the drainages among the mountains and glaciers that supply the Columbia River.

A.7 Land Use and Land Use Planning

EA Issues Profile

Topic

Current land uses in vicinity of project site, and land use planning context for review of project.

Issues

- Need for integrated description and mapping of land uses in vicinity of project site.
- Need to assess compatibility of proposed resort with government-approved regional and zone-specific management directions, guidelines and objectives (and supporting strategies), as they apply to Jumbo-Upper Horsethief Special Resource Management Zone (SRMZ) and surrounding areas.

Relevant Project Components

- All on-site and off-site project components located within Jumbo-Upper Horsethief SRMZ.

Lead Agency

Jumbo Glacier project committee

Comments also Received From

Land Use Co-ordination Office (LUCO)

Relevant Public Comments on Application and Draft Specifications

- Challenge of future is to 'integrate' all values within a particular landscape. (2a)
- Project is test case on whether alpine/subalpine zone is permanently reserved for exclusive use of elite environmental interests, or is available for broader public use. (2b)
- Negative attitude toward development is manifested in different ways (e.g. elite and vocal minority oppose any development in name of environment). (2b)
- Project cannot meet SRMZ criteria (i.e. cannot provide enhanced levels of management for wide-ranging carnivores, connectivity and migratory routes)

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for wildlife, and buffer for Purcell Wilderness Conservancy). (2d)

- Those who advocate backcountry developments have little regard for intent of establishing 'protected areas' (parks or wilderness areas). (2e)
- East Kootenay CORE Table specifically excluded rural and urban settlement from this SRMZ. (2g)
- CORE process was long and arduous, was participated in by many East Kootenay residents, and project would nullify their efforts. (2h)
- No decisions should be made on project until management guidelines are set for this area, arising from CORE's work. (2j)
- In East Kootenays, people want sustainable development that does not compromise their children's economic or environmental future. (3a)
- Current proposal is too large. Smaller project could be model of environmentally responsible recreation and tourism. Should be three smaller villages, not one larger village. (4a, 4b)
- Project is located in area where encroachment already exists. (14f).
- Jumbo valley is not pristine, has been extensively logged, and experienced much human activity. Architecturally aesthetic resort will enhance valley. (14g)
- Development should not overtake BC's natural areas, as elsewhere in world. (14k,l)
- Regional policy emphasises clustering of residential and commercial developments. (21l)
- Government should suspend review until land use/management guidelines are in place. Review seems to be proceeding on basis that current land management regime is adequate. There is no indication of government's land stewardship policy or sustainability goals.
- Specs should assess wider area than Jumbo-Upper Horsethief SRMZ; draft specs make no mention of impacts on Glacier Creek area.

Relevant Public Advisory Committee Comments on Draft Specifications

- Re. draft spec. #1 - add Glacier Creek to summary of historical and current land uses in vicinity of project site.
- Re. draft conditional spec. #4 - add Upper Glacier SRMZ to wording following Jumbo-Upper Horsethief SRMZ.

Relevant Proponent Comments on Draft Specifications and Specifications

Feedback

- Many express unfounded concern that project will ruin Jumbo Pass, Lake of the Hanging Glacier and Glacier Creek; e.g. many argue that project site and Jumbo Pass are pristine wilderness, should be protected. Argument is not rational – BC has 1,000's of similar areas.
- Project is designed to have insignificant impacts and, in many respects, to enhance and improve Jumbo Creek valley environment, which lost its pristine character earlier this century, and has yet to regain it.
- CORE made clear statement on approval of project, subject to EA review; land use decision for Jumbo valley stated that ski resort is acceptable use, pending results of EA review; thus, opposition to new ski developments in Purcells conflicts with government policy, and with views of most people.
- CORE implicitly endorsed site as unique for year-round access to skiing, but not for any other value, by giving Tourism values the highest rating in Jumbo valley.
- EA Office involved itself in land use issue without direction, disregarding CORE Commissioner's documented conclusions and decisions. EAO should insist that land use is decided, and not subject to ongoing review.
- Re. draft spec. #1 – 'vicinity' must be more clearly defined.
- Re. draft conditional spec. #4 - seems to indicate that process may never end; EA process needs to conclude in context of existing land use decision.

Related Issues and Relevant Specifications

For land use:

- Re. waste disposal, see section D.1 - *Waste Management*.
- Re. water use, see section D.2.A - *Water Supply*.
- Re. forestry activity, see section D.4 - *Forest Resources*.
- Re. mining activity, see section D.5 - *Mineral Resources*.
- Re. agricultural activity, see section D.6 – *Agricultural Resources*.
- Re. recreation and tourism activity, see section E.5 - *Recreation and Tourism Impacts*.

For land use planning, see below, this section, *Relevant Related Reporting Requirements*

Additional EA Reporting Requirements?

Yes – see below; draft spec. A.8 #4 is updated to reflect Cabinet approval of land use plan management objectives in June 1997.

Land Use

Various sections of these specifications focus on issues which arise from the proximity of other government-approved tenures and/or operating approvals which permit use of land and resources. While it has proved convenient for the project committee to address these issues on a sector-by-sector basis, there is a need to provide some consolidated reporting on the array of land uses at, and in the vicinity of, the project site.

Thus, in the project report, the proponent is asked to provide a consolidated summary of historical and current land uses in the vicinity of the project site. To complement this, the proponent is also being asked to provide consolidated mapping of the various tenures and operating approvals which exist in the vicinity of the project site at the time of filing of the project report, so as to assist the project committee and the public to appreciate the complex of existing land uses in the area. This information is available from the appropriate provincial ministries. The proponent's land use mapping should also indicate any applicable local government zoning designations in the area.

Land Use Planning

Planning Context

The background to the development of what is now termed *the Kootenay/Boundary Land Use Plan* is documented in the *Preface* - see section 4.3 (*Planning Context for Project Review*), which, in summary, indicates that:

- the project is located within the Jumbo-Upper Horsethief SRMZ, a land unit originally delineated as part of the 1993-1995 CORE planning process for the Kootenay region, and subsequently confirmed in the March 1995 land use planning decisions of government;
- within SRMZs, a full range of resource uses are permissible, where they respect sensitive natural and cultural values; and
- in July 1997, government approved *the Kootenay-Boundary Land Use Plan - Implementation Strategy (KBLUP-IS)*, which identified general resource management direction applicable across the entire region (Chapter 2), resource management guidelines applicable to specific geographic areas (Chapter 3), and site-specific management objectives and strategies for certain resource management zones, including the Jumbo-Upper Horsethief SRMZ (*Appendix 5*).

Assessing Implications of Project for Achieving Planning Objectives

Since Cabinet has now approved the regional management directions, geographically applicable management guidelines and those management objectives which are specific to the Jumbo-Upper Horsethief SRMZ and surrounding areas, the project committee will be expected to take these various directives, guidelines, objectives and strategies into account in developing its report and recommendations for ministers. More specifically, the project committee will be expected to evaluate the extent to which the achievability of any of these guidelines, objectives and strategies could be affected or inhibited if the project proceeds.

Relevant Reporting Requirements

The project committee has drafted specifications which are intended, in part, to ensure that the effects of the project on the key natural and cultural values which occur in this SRMZ are assessed. The project committee will similarly assess the effects of the project on any potentially affected values in the Upper Glacier Creek SRMZ, and on the achievability of approved management guidelines, objectives and strategies for the values in these two SRMZs. In reviewing the proponent's project report, reviewers will have to be cognisant of the fact that management guidelines for specific issues may have been set at any of the three levels (general regional, geographically specific, SRMZ-specific).

The management guidelines, objectives and strategies found in the *KBLUP-IS* have been helpful to the project committee in flagging the key values which need to be considered. The general categories of economic, social and conservation values and related resource and land use considerations for which management guidelines, objectives and strategies have been approved are listed below, together with cross-references, where applicable, to both potentially relevant *KBLUP-IS* provisions and the pertinent specifications for the EA review of the Jumbo Glacier project:

- *timber* (*KBLUP-IS*, sections 2A [*Economic*] and 3.11) - for reporting requirements associated with the project's potential effects on timber supply, see the following section of the specifications:
 - section D.4 (Forest Resources);
- *mineral and coal* (*KBLUP-IS*, sections 2C [*Economic*] and 3.14) - to the best of the project committee's knowledge, there are no known coal resources within the zone of potential physical impact of the project; for reporting requirements associated with the project's potential effects on mineral resources, see the following section of the specifications:
 - section D.5 (Mineral Resources);
- *agriculture* (*KBLUP-IS*, sections 2D [*Economic*], 2D (Conservation) and 3.10)

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- for reporting requirements associated with the project's potential effects on grazing and other agricultural activities, see the following section of the specifications:

- section D.6 (Agricultural Resources);
- *commercial tourism (KBLUP-IS, section 2E [Economic]; Appendix 5, Jumbo-Upper Horsethief SRMZ)* - the project is itself a commercial tourism initiative - for reporting requirements associated with the project's potential effects on other commercial tourism opportunities and current commercial tourism activities (in the backcountry and elsewhere), see the following sections of the specifications:
 - section E.5.E (Commercial Tourism - General Context);
 - section E.5.F (Commercial and Non-commercial Fish and Wildlife Recreation);
 - section E.5.G (Implications for R.K Heli-Ski Panorama Inc.'s Operations);
- *access management (KBLUP-IS, sections 2G [Economic] and 3.12; Appendix 5, Jumbo-Upper Horsethief SRMZ)* - for reporting requirements focused on the project's potential implications for access to the area around the project site, and the associated access management issues raised by the project, see the following sections of the specifications:
 - section E.5.A (On-site and Adjacent Outdoor Recreational Use);
 - section E.5.B (Use of Purcell Wilderness Conservancy Provincial Park [PWC]); and
 - section E.6.B (General Public Use of the Access Road);
- *heritage/culture (KBLUP-IS, section 2A [Social])*- for reporting requirements associated with the project's potential implications for First Nations, and related cultural and heritage issues, see the following section of the specifications:
 - section G.1 (First Nations Study Program);
- *communities (KBLUP-IS, sections 2B [Social] and 3.13)* - for reporting requirements associated with the community development issues raised by the resort proposal, and with the project's potential implications for other local communities, see the following sections of the specifications:
 - various components of section E (*Socio-economic and Community Issues*), including:
 - ==> section E.1 (Socio-economic Profile of Potentially Affected Communities and Region);

==> section E.2.B (Employment and Income Effects);

==> section E.10 (Demographic and Social Effects); and

==> section E.11 (Lifestyle Impacts);

- *recreation (KBLUP-IS, sections 2C [Social] and 3.9; Appendix 5, Jumbo-Upper Horsethief SRMZ; Appendix 6, Upper Glacier SRMZ)* - the project is itself a recreation initiative - for reporting requirements associated with the project's potential effects on other commercial and non-commercial outdoor recreational opportunities and activities, see the following sections of the specifications:
 - all subsections of section E.5 (*Recreation and Tourism Impacts*);
- *general ecosystem health and biodiversity (KBLUP-IS, sections 2A and 2B (Conservation), 3.2 and 3.3; Appendix 5, Jumbo-Upper Horsethief SRMZ; Appendix 6, Upper Glacier SRMZ)* - for reporting requirements associated with the project's potential implications for the management of general biodiversity, regional connectivity and threatened or endangered species, see the following sections of the specifications:
 - section D.3.B (*Wildlife Resources*); and
 - section D.3.C (*Grizzly Bears*);
- *ungulates (KBLUP-IS, sections 2B (Conservation), 3.5 and 3.6; Appendix 5, Jumbo-Upper Horsethief SRMZ)* - for reporting requirements associated with the project's potential effects on ungulates, notably elk, moose and goats, see the following sections of the specifications:
 - section D.3.B (*Wildlife Resources*);
- *wide-ranging carnivores (KBLUP-IS, sections 2B (Conservation) and 3.4)* - for reporting requirements associated with the project's potential effects on grizzly bears, see the following sections of the specifications:
 - section D.3.B (*Wildlife Resources*); and
 - section D.3.C (*Grizzly Bears*);
- *fisheries (KBLUP-IS, sections 2E [Economic] and 2B (Conservation))* - for reporting requirements associated with the project's potential effects on water quality and fisheries, see the following sections of the specifications:
 - section D.1.D (Water Quality Issues);
 - section D.3.A (Fisheries Resources); and
- *air quality (KBLUP-IS, section 2C (Conservation))* - for reporting requirements associated with the project's potential implications for local air quality, see the

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following sections of the specifications:

- section D.1.E (Air Quality Issues);

For completeness, the project committee notes that provisions in the KBLUP which have little or no relevance to the EA review of the project include the following:

- *energy resources* (KBLUP-IS, sections 2B [*Economic*] and 3.14) - not believed applicable - to the best of the project committee's knowledge, no oil, natural gas or geothermal resources have been identified within the zone of potential physical impact of the project;
- *settlement* (KBLUP-IS, sections 2F [*Economic*] and 3.13) - not applicable, since the resort was not addressed as a settlement issue in the planning process, and the project committee is not aware of any existing or proposed permanent rural or urban settlement in the vicinity of the project;
- *visible areas* (KBLUP-IS, sections 2D [*Social*] and 3.8) – focus is on front country visual quality, and therefore not directly relevant to the project, which is located in a backcountry area; for reporting requirements associated with the project's potential visual effects, see the following section of the specifications:
 - section E.5.C (Visual Impacts of Development); and
- *community watersheds* (KBLUP-IS, section 3.7) - the project committee is not aware of any expectation that the project will have significant implications for the community watersheds of other communities - for reporting requirements associated with the project's own community water supply needs, see the following section of the specifications:
 - section D.2.A (*Water Supply*);

Further Advice to Proponent

The *KBLUP-IS* is a valuable source of information on the management context and guidelines which are currently applicable to specific types of values in the Kootenay region in general, and in the Jumbo-Upper Horsethief SRMZ and surrounding lands in particular. The *KBLUP-IS* management directions, guidelines and objectives represent official government policy on resource management in the Kootenay/Boundary region. The information about the distribution of values and the management issues associated with them will help to provide a broader resource management context for the specific assessments which are required from the proponent for the project report.

Project Report Specifications – A.7

Land Use

1. In the project report, the proponent must provide a consolidated summary of historical and current land uses within the zone of potential impact of the project.

2. In the project report, the proponent must include consolidated mapping of the aerial extent of all government-issued tenures and operating approvals which authorise the use of land and resources in the Jumbo Creek valley and in all immediately adjacent drainages, including, but not limited to:

- water licences and approvals (if any);
- waste management permits and approvals (if any);
- forestry tenures and operating approvals;
- subsurface resource tenures and operating approvals;
- agricultural and/or grazing tenures;
- recreational land designations (including reserves);
- guide/outfitting territories;
- traplines (if information is available from MELP);
- heli-ski tenures; and
- other miscellaneous tenures (e.g. issued under the *Land Act*).

3. The mapping referred to in specification #2 must also indicate any applicable local government zoning designations for the same area.

Land Use Planning

4. The proponent must evaluate the implications of project development for the achievement of all resource management directions, guidelines, objectives and strategies which are applicable to the project area, as outlined in the June 1997 *Kootenay/Boundary Land Use Plan – Implementation Strategy* (including its Appendices), with special focus on the values present in the Jumbo-Upper Horsethief and Upper Glacier Creek SRMZs.

RESPONSE – A.7

1. Historical and current land uses within the zone of potential impact are summarized in the Master Plan in Volume 2, Section 2.7.

2. Information on government-issued tenures and operating approvals, including consolidated mapping is available as follows:²

- Water licenses – see Master Plan Volume 5, Section 5.3.9 and Appendix 5-C (specifically Map WL1);
- Waste management – see Master Plan Volume 2, Appendix 2-E Land Use Mapping (Map LU8) and Master Plan Volume 5, Section 5.4.1;
- Forestry tenures and operating approvals – see Master Plan Volume 2, Section 2.7.2.8 and Appendix 2-E, maps LU1 and LU2 (see also Project Specification D.3(B) and Appendix 3-L: Supplementary Forestry Information);
- Subsurface resource tenures – see Master Plan Volume 5, Section 5.3.5 and Master Plan Volume 2, Section 2.7.2.9 and Appendix 2-D, maps P7 and P8;
- Agricultural and/or grazing tenures – see Master Plan Volume 2, Appendix 2-E, map LU7;
- Recreational Land – see Master Plan Volume 2, Appendix 2-E, maps LU3, LU4, LU9, and LU10; see also response to Project Specification E.5(A) #1;
- Guide/outfitting territories – see Master Plan Volume 2, Section 2.7.2.6 and Appendix 2-E, map LU5;
- Traplines – see Master Plan Volume 2, Section 2.7.2.7 and Appendix 2-E, map LU6;
- Heli-skiing – see Master Plan Volume 2, Section 2.7.2.1 and Appendix 2-E, map LU3.

3. Zoning is marked on all Land Use mapping (Master Plan Volume 2 Appendix 2-E). The present zoning of the proposed development lands is "Rural Resource Zone" (A-1). Zoning and governance issues are discussed in the Master Plan in Volume 2, Section 2.7.3 and Volume 7, Section 7.5.

² For ease of distribution and reproduction, mapping is provided at a reduced scale (11 x 17 format) in the various Appendices of the Master Plan. Full-scale mapping (typically 1:50,000 for Land Use Planning) is located in Volume 8: Map Volume of the Master Plan.

4. The June 1997 Kootenay/Boundary Land Use Plan - Implementation Strategy includes the following applicable section, which is an outgrowth of the CORE deliberations and which has been among the basis of all the studies and reports filed for this project:

Jumbo-Upper Horsethief			
I-S07			
Objective	Strategy	Landscape Units	
Commercial Tourism			
1. Maintain and enhance opportunities for resorts and commercial backcountry recreation.	1.1	Subject to the outcome of the current Environmental Assessment process, provide Crown land, as necessary, for Jumbo Glacier resort.	
Access Management			
1. Access for the proposed Jumbo Creek Resort will be decided through the Environmental Assessment process. In the event the Jumbo Creek Resort proposal does not go ahead, ensure the range of objectives and strategies are integrated throughout the unit, particularly as they relate to access for any further proposed development.	1.1	All proposals for new road development or expansions will be evaluated through either: <ul style="list-style-type: none"> an enhanced referral process as described in the Access Management Guidelines, Chapter 3, section 3.12, or special measures which, because of imminent development, require immediate attention. 	
Recreation			
1. Maintain a range of recreational opportunities from roaded resource land to semi primitive non motorized.	1.1	The Lake of the Hanging Glacier basin should be designated as a Sensitive Area under the <i>FPC Act</i> .	1-26
2. Maintain non-commercial public opportunities for backcountry recreation in the Lake of the Hanging Glacier basin.	2.1	Commercial Backcountry Recreation applications will be reviewed for their ability to maintain or enhance non-commercial public backcountry recreation opportunities.	1-26
General Biodiversity			
1. Maintain the regional connectivity corridor between the East and West Kootenays through the Purcell Wilderness Conservancy, to support the Purcell Wilderness Conservancy and to serve as habitat linkage for the seasonal migration of grizzly bears.	1.2	Apply the connectivity guidelines within the regional connectivity corridor as indicated in Chapter 3, section 3.3.	
2. Retain attributes for old growth dependent species and fur bearers.	2.2	In establishing priorities for Old Growth Management Areas, consideration should be given to Spruce and Balsam throughout unit.	
Ungulates			
1. Maintain the abundance of elk, moose and Rocky Mountain Goats within the sustainable carrying capacity of their habitat.	1.1	Maintain summer alpine habitat for elk in the Jumbo and Stockdale Creek drainages and for goats throughout the unit through application of biodiversity emphasis options under the FPC and access management as identified in the access section for this Resource Management Zone.	

In particular, as is referenced above, Chapter 3, Section 3.3, Management for Regional Connectivity contains the principles that have been among the major planning policies followed throughout the project studies. It is discussed in the environmental sections of the Project Report, particularly at D.3.(C) and its Appendixes, including the Grizzly Bear Management Plan. The response to the Backcountry Recreation Management Guidelines is in the Ski Area Master Plan, which includes a review of recreation activities, the trail plans and preliminary management plan.

However, we must also note some of the deficiencies of the June 1997 Kootenay/Boundary Land Use Plan – Implementation Strategy, which remains largely at the level of generic policy

Part A: General Reporting Requirements

statements and is not based on any detailed and accurate information of the valleys being reviewed, as our studies have proven since the time of the CORE meetings. The representation of tourism values in particular, which have been reported by means of a large scale computerized model responding to elevations rather than environmental, field and market analysis about potential uses, poorly reporting existing uses, is of marginal practical value. It appears that the work was undertaken by LUCO without the resources necessary for the ambitious plan, and without paying much attention to the complex information that is available for the drainages where substantial field work and related information had been undertaken, such as for the area of the project being discussed.

It is noteworthy also that the majority views that came to light during the CORE process, partially reflected in the CORE Report for the local land use plan, seem to have been overlooked without comment by LUCO's work and in the June 1997 Kootenay/Boundary Land Use Plan - Implementation Strategy. The independent report issued by the majority of the East Kootenay Table representatives, who in March 1995 issued a majority report under the name Land Use Plan by "The Coalition For An East Kootenay Solution" has also been neglected without comment.

During CORE 18 sectors out of 22 voted to classify the Jumbo Creek drainage for Integrated Use with Tourism Resorts as the highest value and the most recommended land use. The Commissioner chose instead to classify the drainage as Special Management, according to the minority choice, but with Tourism, including resorts, as the highest value for the drainage, followed by Grizzly Bear habitat management. The Commissioner's report is as follows:

"The commission recommends that:

75. The approval process for a resort development in Jumbo Creek include an environmental assessment under the provincial Environmental Assessment Act.

This assessment should identify potential impacts and mitigative measures to address impacts prior to development approval. The process should also include public involvement to ensure that all values and perspectives are fully considered in a final decision. If this development proposal is approved, it should include a condition that no road access linking the East and West Kootenays through Jumbo Pass will be permitted."³

In a letter dated December 13, 1994 (attached as Appendix 1-K), however, following the above noted report, the Commissioner confirmed that the requirement of the environmental assessment could have been met also under the existing project review process previously established by CASP. The majority independent report issued as the March 1995 "Land Use Plan" by "The Coalition For An East Kootenay Solution" reports the Jumbo Creek drainage as "Integrated Use".

LUCO was initially in contact and had meetings with the Proponent's consultants at the beginning of its work in 1995 and 1996, but then it seemed to concentrate its subsequent work on the impact of the forest industry and never did any specific evaluation of the abundant information available regarding the environmental data collection on the Jumbo Creek drainage and the tourist industry

³ Page 110, East Kootenay Land Use Plan, October 1994.

values of that drainage and its surroundings.

The consequence has been that not only the Land Use Strategy seems to ignore the work and the recommendations of the East Kootenay CORE Table with regard with this area, but it appears also to ignore the geography and the history of the valley with a generic interests in protecting the region from the impacts of industry, primarily forestry.

The Kootenay –Boundary Higher Level Plan Order Draft of June 29, 2000, clearly indicates that the document is supposed to serve as a basis for the implementation of the Forest Practices Code. It shows an unfortunate lack of appreciation for the relevance and potential of the work done to pioneer other sectors such as the resort industry and tourism, which could complement forestry and mining as a vital and sustainable industry for the Province. An example of this inadequate approach is map 9.1, Scenic Areas, which might have some use for the forest industry, but is useless for the tourist industry, excluding all scenic areas that include high mountains, which are one of the biggest attractions of the B.C. Rockies, currently accessed primarily by helicopter and consequently little known.

The Proponent's Master Plan reflects a level of knowledge that goes beyond the generic statements of the Kootenay Boundary Implementation Strategy originating the Higher Level Plan. The special management objectives established by the Land Use Plan and by the Implementation Strategy are responded to at Specification D.3 of this Project Report regarding the environmental and wildlife objectives and in the Master Plan regarding the tourism resort objectives.

In conclusion, the implications of project development for the achievement of all resource management directions, guidelines, objectives and strategies which are applicable to the project area have been evaluated in the studies reflected in the Master Plan concept attached to this Project Report and assessed as follows, with specific reference to the values recognized in the Jumbo – Upper Horsethief Special Resource Management Zones:

Commercial Tourism:

The opportunities for resorts and commercial backcountry recreation will be significantly enhanced by the proposed project.

Access Management:

The Route Study and related work of the consulting team including Enkon Environmental Ltd., McElhanney Consulting Ltd., Chris Stethem and Associates and Golder Associates indicate that the impacts and hazards of the enhanced access can be mitigated to an acceptable and nearly insignificant level, which is comparable or less than low traffic access to nearby resorts.

Recreation:

The proposed project will maintain or enhance the current range of recreational opportunities and avoid impacting the other drainages, particularly those of the Lake of the Hanging Glacier and of Glacier Creek, as explained in the Master Plan concept and particularly by the outline of the Controlled Recreation Area proposed for the project. In the Controlled Recreation Area there will be a minor impact on hiking opportunities, which will be replaced by the opportunity to access the mountain tops by means of lifts.

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General Biodiversity:

The project has been studied to maintain the regional connectivity corridors and in particular to maintain the habitat linkages for the potential seasonal migration of grizzly bears. Old growth has been considered and the impact minimized through an appropriate location of the project in the previously logged areas.

Ungulates:

The project has been studied to maintain habitats and to minimize the impacts; in particular alpine habitat for elk and for goats will be maintained avoiding any significant alterations of the natural landscape.

For the Upper Glacier Creek area the objectives to maintain wilderness recreation and tourism values, wildlife values, connectivity to the east Kootenays and visual quality have been maintained.

The CRA, the location of the lifts, the layout of the hiking trails and the footprint of the project development area have been carefully designed to achieve the land use objectives, particularly regarding habitat protection, mitigation of impacts and maintaining connectivity.

The conclusive assessment is that the project has been designed following a lengthy review of the land use planning objectives and of all existing resource management directions, guidelines, objectives and strategies and surpasses the requirements of the stated objectives, as shown by the design and the reports submitted to date. The detailed design for the permitting stage will provide further proof of the design intent.

A.8 Public and First Nations Consultations

EA Issues Profile

Topic

Public and First Nations consultation for review of project report.

Issues

Requirements for documenting in project report:

- Outcome of proponent's public and First Nations consultation since release of finalized specs; and
- Proponent's proposals for public and First Nations consultation at project report review stage.

Relevant Project Components

- All components (on-site, off-site, socio-economic and community-based, First Nations).

Lead Agency

Environmental Assessment Office (EA Office)

Comments also Received From

Jumbo Glacier project committee

Relevant Public Comments on Application and Draft Specifications

- Public meetings have shown strong opposition to project. Does public opinion count anymore? (1a)
- At September 14, 1995 public meeting in Invermere, proponent had no opportunity to clarify and deal with exaggerated claims of opponents. (1c)
- Public at large needs organised body to represent its concerns. Intervenor funding is required now, so that public can obtain independent expert evaluation of impacts. (1f)
- Inconsistencies in proponent's proposals demonstrate need for public advisory committee representing both East and West Kootenays. (1g)
- Public are not very aware of project review in Kootenays – need full public hearing.
- Need referendum of local people to clarify public opinion.
- Why does EA review continue, given strong public opposition?
- EA process seems to presuppose project approval.
- PAC membership is too narrow – no one represents West Kootenay mountaineering community.
- PAC is not demographically representative – cannot equate public interest groups with views of Kootenay citizens.
- Not clear how project committee deals with public letters; why has project committee not agreed to pursue some issues of public concern? In *Appendix A* of draft specs, only 47% of questions were answered – need rest of the answers.

Relevant Proponent Comments on Draft Specifications and Specifications

Part A: General Reporting Requirements

Feedback

- Public input is meaningless, since EA Office and project committee do not correct record in response to misinformation campaign of organised anti-development groups; unfounded views of opponents, objecting on land use grounds, dominate project documentation.
- Most letters from opponents characterise project as exceedingly large, and fail to demonstrate understanding of proponent's application.
- Most submissions to EA Office are from West Kootenays; only 50 of 350 submissions are from Fairmont to Radium area; many submissions are from different members of same family.
- CORE divided planning issues between East and West Kootenays; CORE Table decided that project was only East Kootenay Table issue; this was endorsed by CORE Commissioner.
- Most letters portray image of most people in region and province being fanatically opposed to development, but known provincial opinion polls show 60% to 70% of people are pro-development.
- Meaningfulness of PAC is challenged; a majority of its members are anti-development, and actively engaged in misinformation campaign; most PAC members ignore proponent's numerous letters; some PAC members would oppose protection for Lake of the Hanging Glacier if it facilitated project review.
- Continuous misreporting of supporters' views reflects anti-development bias of EA process, has discouraged supporters from participating.
- Consultation requirements in draft specs not appropriate for this project, given review duration and degree of involvement of opponents; draft specs would entail tabulation of years of meetings to appropriately reflect history of project – this is already in public record.

Related Issues and Relevant Specifications

- Re. public views and issues, see *Appendix A* of the December 13, 1996 draft specifications, and also charts prepared by project committee to respond to public and PAC comments on draft specs (referenced in sections 5.4 and 5.5 of *Appendix B*).
- Re. First Nations concerns, see also section G.1 - *First Nations Study Program*.

Additional EA Reporting Requirements?

Yes – see below; draft specs. modified to focus on consultation following release of finalized specs.

Evaluation

One of the key objectives of the *EA Act* is to ensure that the public and First Nations have adequate opportunity for meaningful participation in the review of projects. The *EA Act* contains numerous provisions intended to ensure this. At the time of release of the draft specifications for public review and comment in December 1996, the EA Office, in consultation with the project committee, also released a document entitled: *Assessment of the Adequacy of Measures Being Implemented for Public and First Nations Notification, Access to Information and Consultation*, dated December 18, 1996, and prepared in accordance with section 14(1)(a) of the *EA Act*. That document evaluated the notification, access to information and consultation efforts of both the proponent and government to date, and outlined future requirements for the review of the Jumbo Glacier project.

With respect to consultations and collaboration with First Nations during the implementation of the First Nations study program, see also section G.1 of these specifications.

The reporting expectations for the proponent's project report with respect to public and First Nations consultations are based on this assessment, and include a requirement to document the proponent's past consultation activities, and to propose a consultation program for the project report review stage.

Once the project report has been screened and accepted for formal detailed review by the project committee, the EA Office and the project committee will evaluate the proposed public and First Nations consultation programs, and may request modifications and additions to the program at that time. At the same time, the EA Office will also confirm for the proponent the public and First Nations advertising and notification requirements for that review stage, and will identify any additional public and First Nations notification and access to information measures which it wishes to implement itself. The EA Office and the project committee will also determine the form and timing of any consultations which they will themselves undertake (e.g. public meetings), and may request the proponent to participate in consultations which they sponsor.

Project Report Specifications – A.8

Public Considerations

1. In its project report, the proponent must include a summary of all public consultations which it conducts subsequent to the release of these specifications and prior to submitting the project report, providing details of:

- the dates and locations of meetings and discussions (with attendance);
- the nature of the views expressed by the general public and public interest groups; and

Part A: General Reporting Requirements

- measures proposed by the proponent to address public concerns - either to reduce adverse effects of project development or to enhance associated project benefits (Note – These measures may be documented either as part of this reporting or by means of specific cross-references to other relevant sections of the project report).

2. In its project report, the proponent must propose a public consultation program for the review of the project report, providing for open houses and one-on-one sessions with key public interest groups, including those represented on the public advisory committee. The proposed public consultation program must be consistent with the stipulations in the EA Office/project committee document entitled: *Assessment of the Adequacy of Measures Being Implemented for Public and First Nations Notification, Access to Information and Consultation* (dated December 13, 1996). (Note - Since the EA Office and the project committee will be intending to sponsor meetings with the public at that stage, a decision about whether or not the proponent should also sponsor organised public meetings for the project report review stage will be made at the outset of the project report review.)

First Nations Considerations

3. In its project report, the proponent must include a summary of all First Nations consultations which it conducts subsequent to the release of these specifications and prior to submitting the project report, providing details of:

- the dates and locations of meetings and discussions (with attendance);
- the nature of the views expressed by First Nations representatives and members of Aboriginal communities; and
- measures proposed by the proponent to address First Nations concerns - either to reduce adverse effects of project development or to enhance associated project benefits. (Note – These measures may be documented either as part of this reporting or by means of specific cross-references to other relevant sections of the project report.)

4. In its project report, the proponent must propose a First Nations consultation program for the review of the project report, and is advised to seek advice from First Nations members of the project committee in developing the program proposal. The proposed First Nations consultation program must be consistent with any relevant stipulations in the EA Office/project committee document entitled: *Assessment of the Adequacy of Measures Being Implemented for Public and First Nations Notification, Access to Information and Consultation* (dated December 13, 1996).

RESPONSE – A.8

1. Public Consultations:

The Proponents' prime consultant has been, since the beginning of the project, Pheidias Project Management Corporation. Its president, Oberto Oberti MAIBC, has led the public consultation process since the beginning, for the last thirteen years.

The Proponent does not believe that there has been a tourism resort project that has been subjected to more "public consultation" than this one. The investors have found the process unstructured and unfair, without any accountability by those that were intent on causing damage with innuendo and repeated false representations of the project. One of the particularly offensive strategies of the special interest groups opposed to the project has been that of creating a barrage of false representations about it ahead of each phase of the public process, implying that anybody who has good values is against such a bad project, and thus intimidating the general public so that the Proponent's consultants never have a chance of obtaining the attention of the public and of correcting the disinformation.

Although many members of the client group have visited the region, they have not attended any of the meetings involving the public and have delegated to the consulting team led by Pheidias the task of following the public process as well as the approval process.

This has made the task more difficult, as the role played by Pheidias was confused with that of the clients, both by members of the public and of Government staff. In this regard it is noteworthy that the Draft Project Specifications named Pheidias as the Proponent, instead of Glacier Resorts Ltd, the General Partner of the Glacier Resort Limited Partnership and the legal owner of the project under the terms of the Interim Agreement. Even as late as March 16, 1998, a month before the Project Specifications were finalized by the EA Office, the Ministry of Forests, Invermere office, was still writing to Alberto Oberti, Principal, Pheidias Development Corp., seven and a half years after having been introduced to Pheidias Project Management Corporation, and its President, Oberto Oberti MAIBC, as the prime consultant and designer by Bill Lloyd of R-Dac in Invermere, and after the extensive public consultation process that involved them, as well as Oberto Oberti and Pheidias Project Management, from the beginning.

The public consultation process started in 1991 according to the Commercial Alpine Ski Policy at the initiative of the B.C. Lands office in Cranbrook, and following that the Proponent's consultants participated for two years in another public process, CORE. These years were important for the public process, as well as the first years of the Environmental Assessment Act process, but the Project Specifications require the Proponent to report only a summary of the public consultations conducted subsequent to the release of the specifications and prior to submitting the project report as noted above in the specifications. A history of the Government application and review process and of the controversy generated by it since the beginning of the project will be prepared and submitted separately.

At the time of the release of the draft Project Specifications, Pheidias was also involved with a related project on the West Bench near Golden, B.C., for a different client and investor group. This project was then known as the Golden Peaks Resort project proposal, and it is now known as Kicking Horse Mountain Resort. It is relevant to note that through the intense public process of that project, Pheidias and the other consultants involved in both projects gained a great deal of

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information on the public response and its expression regarding related issues. Golden is the nearest incorporated Town after the District of Invermere and the Village of Radium. The Town of Golden and Area A of the Columbia Shuswap Regional District held a properly run referendum by secret ballot on September 20, 1997, for a project of a similar kind and conceptually half the size of Jumbo Glacier Resort, which was presented over a three month period as this project should have been presented in 1991. The public voted 93.8% in favour of the development, with a 33% greater voter turn out than at the previous political elections.

This result was significant because it was a vote of confidence in the project team of Pheidias Project Management Corporation even if in February 1996, in Golden, at the Annual General Meeting of the East Kootenay Environmental Society (the leading opponent group to JGR), there was a vote not to permit the renewal of membership in the Society by Pheidias. At the time, it was rather intimidating for Pheidias to be so publicly ostracized, and the events leading to the new project and the referendum in the same town contributed to re-establish a balance in the self confidence of the project team.

On May 10, 1997, public participation in the Kinsmen Tradeshow in Invermere was organized, and the project was displayed once more to the public. Glenn Stewart of Enkon Environmental Ltd. managed the booth at the tradeshow and provided a report to Pheidias and to the Environmental Assessment Office (attached as Appendix 1-A).

On February 12, 1998, an information meeting inviting the local business leaders was held at the conference centre at the Springs at Radium. The meeting took the form of a round table discussion and public forum by invitation and was entitled "After CORE: The Challenge of Economic Diversification in the Columbia Valley – The Role of Tourism." The forum was moderated by Dr. Alan Artibise, a professor of planning and the past head of the School of Community and Regional Planning of the University of British Columbia, and a collaborator of Pheidias in several major planning projects. The topics addressed at the forum were as follows:

1. Forestry, Mining, Tourism: Three important industries for the Province; there is a need for a new consensus to move forward. What are the effects of a standstill on our economy and the environment?
2. How to move from controversy to problem solving. Where to go? What to do? A prime client provides a mandate to find the ideal, sustainable, well planned ski resort; what do we do with it?
3. A study was done in 1982 at public expense to identify the future of tourism in the Kootenays: "The B.C. Rocky Mountain Tourism Region". Study after study shows the need for new tourism initiatives and for new destination resorts. The Federal Government creates the Canadian Tourism Commission and a fund for this purpose, the Federal Development Bank program for destination resorts. What is our response?
4. Public opinion: where is it? What is it? How is it created? The politics of public opinion.
5. Government policy versus process. How much process? Who benefits from process? What are the intended effects?
6. A way out of controversy. Problem solving rather than problem creation.

The meeting was attended by approximately fifteen local business leaders, was co-sponsored by

the International Union of Operating Engineers, and was very supportive, but the indication was that the project would not get a fair hearing in the inflamed atmosphere that had been generated by the process to date.

A meeting with the mayors of Invermere and of Radium was held on April 21, 1998. On December 2, 1998, the project was featured in a debate for and against development on the Knowledge Network with Oberto Oberti, Mrs. Colleen McCrory (Executive Director of the Valhalla Wilderness Society and current Green Party Chair) and project opponents.

The first formal meeting after the formal issuance of the Project Specifications was on the occasion of the Annual General Meeting of the local Chamber of Commerce, on November 29, 2001, held in Invermere at the new Chamber of Commerce building on Highway 93. Oberto Oberti brought the audience up to date on the project concept development and the Government review process. The meeting was chaired by Paul Roggeven, incoming President, and was attended by thirty to forty people. The audience included Councillor Bob Campsall, who has been a leading opponent of the project, and Stephanie Stevens of the Valley Echo.

Most of the questions focused on the glaciers, partly because there had been an earlier meeting of the Jumbo Conservation Society at which the Proponents' consultants were not invited. Oberto Oberti learned through some of the questions and an earlier Valley Echo report that it was implied that skiing the glaciers is questionable, that Commander Glacier may not be skiable, that the crevasses represent an insurmountable hazard and that the glaciers are retreating so rapidly that it makes no sense to ski on them.

Oberto Oberti responded to these questions and then confirmed them in a letter prepared in consultation with Peter Lev and with Max Maxwell of Golder Associates and addressed to Stephanie Stevens, included as Appendix 1-B, dated January 08 2002, which restates the answers for the record. The answers and the letter, however, were never published by the Valley Echo.

At the meeting Oberto Oberti displayed maps of the project and a large picture given to him by Roger Madson in 1997 showing Roger and a group of heli-skiers skiing Commander Glacier from the Jumbo summit. A member of the audience noted that he had been skeptical about the project but that he had been impressed by the Kicking Horse Mountain Resort, that he would watch Oberto Oberti's performance there and based on that project he may support this one. Oberto Oberti expressed gratitude for the compliments, but noted that the performance of the Kicking Horse Mountain Resort project was in the hands of the owners and their managers, and that he could only take credit for the initial creation of the project and for design of the Master Plan and most of the buildings, directly or indirectly.

Oberto Oberti explained the approval process and the evolution of the design in response to the earlier public process. The meeting was generally quite supportive.

As a follow up of the discussions at the meeting and in response to the questions raised two demonstration trips were then undertaken. The first one, on February 25, 2002, included Peter Lev, the mountain guide and avalanche and meteorology consultant whose background is reported elsewhere but who, among other feats, completed the first ascent of the North face of Mount Robson, Troy Jungen, the man who skied down the North face of Mount Robson, Troy Hunter of the St. Mary's First Nation, David Milne from Invermere, George Koch from Ski Canada magazine and Peter Cernowski, who is preparing a movie on the Kicking Horse Mountain Resort.

Part A: General Reporting Requirements

The group reviewed Jumbo and Commander Glacier from the air, but skiing was done in cooperation with R.K. Heli-ski and Mr. Madson, the owner-operator, decided to have the group ski Glacier Dome instead.

On the second trip, following the closure of the heli-ski season, on April 29, 2002, the group utilized John Christensen's helicopter from Invermere and Dan Griffith as a Canadian guide. The group was able to ski Commander Glacier and to document the ski run with an abundance of pictures and videos. George Koch, Troy Hunter, Troy Jungen and David Milne could not participate. Instead the invitation was extended to a journalist from Golden, Greg Bethel, Scott Fullmer of Banff, and Peter Cernowski of Vancouver.

Following the demonstration trip Peter Lev met with the editor of the Valley Echo and this ski event was reported by the Valley Echo, as well as some of Peter Lev's views, including some confidential comments that Peter Lev had not authorized for publication and which offended Roger Madson.

The Proponent's consultants have continued informal meetings during the visits to the area and have collected through an extensive list of Questions and Answers the comments received from concerned individuals and groups (see Appendix 1-C).

In addition, the Proponent's consultants have further addressed the concerns that have been expressed with a simplified and clarified Master Plan and more specifically with the following changes introduced between the 1995 Master Plan and the current Master Plan:

- Removal of the lift into the Horsethief Creek drainage (lift 1.8 of 1995 Master Plan) and confirmed the lack of any visual contact or physical access into that drainage.
- Removal of two lifts (lift 2.4 and 2.5 of the 1995 Master Plan) and ski runs at the south end of the project, in order to remove the notion of a visual or physical potential conflict with recreational use of the Jumbo Pass area, both in summer and in winter.
- Provided visual analysis demonstrating that the feared visual intrusion of the resort was misunderstood. It has also been confirmed that the resort area is not visible from Jumbo Pass and from most of the trail because of a shoulder of the mountain and of the height of the trees along the trail.
- Reduced by approximately ten times (from detachable lift to a fixed grip 200 person per hour lift) and limited the use of the lift providing access from lower Jumbo Creek to the top of Farnham Glacier (lift 4.1 of the 1995 Master Plan) for the CODA sponsored and other Canadian ski training, and removal of the major day skier parking area previously connected with this lift in the final phase of the 1995 Master Plan.
- Reduction of the Controlled Recreation Area by approximately 60% and removing the entire lower Jumbo Creek area from it.
- Removal of any potential ski runs into lower Jumbo Creek, except for a safety evacuation trail.
- Simplification and reduction of lift system and of carrying capacity. **Comfortable Carrying Capacity reduced to less than half.**
- Removal of the parking area and bus access facilities at the Mineral King Mine site.
- Making the resort area even tighter and smaller than before, with all future parking and access to the lifts starting at the entry of the resort base in Upper Jumbo Creek. **The total resort**

development area has been reduced to approximately 104 hectares at build out.

- Providing **all employee housing at the resort**, and phasing it with the resort growth.
- Deleting the Glacier Dome Lodge initial phase at the base of Glacier Dome, and starting the first phase in the resort base area at the abandoned sawmill site, so that the entire development is contained in the one area.
- Removal from the Controlled Recreation Area of the lower Jumbo Creek area that has been perceived as having greater visitation potential from Grizzly Bears.
- Designing the resort so that on completion it can hypothetically be enclosed by a fence so as to act as a self contained ship in the wilderness relative to wildlife's territory encroachment.
- Design of road improvements for a 50km/hr access road in order to minimize environmental impacts, reduce traffic speed and the risk of wildlife kills and to avoid loss of connectivity of wildlife territory that could be caused by a fenced higher speed road. Management is to encourage the use of shuttle buses from Panorama and Invermere/ Fairmont/ Radium, which is currently proposed to be provided free of charge to the resort clients from the first day of operation of the Jumbo Glacier tram, but which may be provided to everyone from the beginning.
- Selection of road alignments almost entirely along existing forestry and mining roads to minimize environmental impacts and to avoid the use, reconstruction or relocation of bridges.

The public consultation process and the opposition of local special interest groups has been kept alive by the local paper, the "Valley Echo", which has given on going exposure and credence to the views of the opponents providing fuel to the fire of a controversy, as if there were no solution. This activity included running a self-administered "referendum" in the early summer 2003, before this Project Report and the public process of the EA Act would be available, in which 99% of the respondents were totally opposed to the yet to be presented project. Most of the local residents known to the Proponent's consultants did not know of or would not respond to the "referendum" and it would appear that the type and conditions of the "referendum" were far from being representative or objective, but the editor of the paper still publicized the results as an indication of non-support for the project.

The Proponent's representatives attended a Council meeting of the District of Invermere on October 28, 2003 and delivered a letter to the Mayor and Council asking the Council members to wait to give the Proponent an opportunity to submit the Project Report and the revised Master Plan and to review the documents before criticizing the project. A copy of the letter to Martyn Glassman including the response to the pamphlet of the Jumbo Creek Conservation Society was also presented. The Proponent has been informed that a presentation by project opponents followed at the same Council meeting.

This latest event again fuelled the fire of the controversy in the local paper, which wrote extensively on the arguments of the project opponents before the Project Report could be available. The Project Report, the Master Plan and the Appendixes fully respond to the allegations publicized by the paper.

The Jumbo Creek Conservation Society pamphlet and its responses (see Appendices 1-H and 1-I), and the Questions and Answers in Appendix 1-C represent a good summary of the controversy and on the views of opponents and supporters as requested in the Project Specifications.

Part A: General Reporting Requirements

The current events appear to be a repeat of the Spring 1995 campaign, when the East Kootenay Environmental Society widely distributed pamphlets misrepresenting the project months before the project was actually ready and presented according to the EA Act process. The controversy generated ahead of the public process produced the effect that very few people ever read the reports or came to the Open Houses to gain factual information.

In view of the relentless distribution of erroneous information by those opposed to the project even during the period when the project responses, revisions and additional information have been prepared according to the EA Act between public consultation periods, the Proponent's representatives have offered to secure a booth and participate at a ski industry event held by the Cranbrook Advertiser on November 23, 2003, and have distributed to the public a summary of project facts. Presentations to various community groups are also being arranged in the Invermere area. Grant Costello, on December 3, 2003, held a presentation for the Proponent's project team in Invermere advertised through the local Chamber of Commerce and attended by approximately thirty people. Grant Costello's notes are as follows:

- 30 people attended representing broad cross-section of business community, including construction, accommodation, legal, real estate, consulting, food & beverage, automotive, rv parks
- 25 strongly supportive of Proposal – many wrote letters of support in early 90's
- 5 JCCS members attended – asked lots of questions – were challenged by supporters concerning their misinformation campaign
- Most agreed to write letters and attend future open houses and to forward names of family, friends and employees who are also strong supporters

For the Proponent and its representatives it has continued to be disheartening that the EA Act and its administration failed to ensure that a fair process be followed. A tremendous amount of time and energy has been spent by the Proponent's representatives to clarify issues that simple, authoritative and categorical statements from government staff, through the media, would clarify once and for all.

One example, alluded to before, is the frequent accusation and misrepresentation by project opponents that the project would discharge sewage into Jumbo Creek polluting the stream. A clear statement by government staff indicating that there is no project in B.C. that will have a permit for a sewer contaminating a creek, that there is a rigorous permitting and controlling process by the B.C. Government, and that such accusations to this Proponent are clearly false, designed to create unjustifiable fear among the public and to unjustly tarnish the reputation and prospects of the Proponent, would clarify any public misperceptions and would avoid years of innuendo, fear and controversy.

In summary, meetings and media attention have continued since the issuance of the Project Specifications. Project opponents and their main organization, the Jumbo Creek Conservation Society have been continuously active, and the Invermere paper, the Valley Echo, has kept an on going pressure on the Proponent's representatives and on the EA Office giving ample space to the project as a centre of controversy.

The Assessment of the Adequacy of Measures Being Implemented for Public and First Nations, Notification, Access to Information and Consultation (dated December 13, 1996) was reviewed

when it was issued and more recently at the conclusion of this part of the process in order to evaluate the years gone by and the consultation process ahead. It would seem that the combined efforts of the Proponent and of the EA Office have produced a massive, even if at times not clearly directed, public and media information campaign, consultation and response to the project that, in conjunction with the consultation ahead, will surpass the recommendations of the above noted document.

In particular:

The dates and locations of meetings and discussions have been reported, and the nature of views expressed by the public and public interest groups have been presented and responded to over the years in correspondence with the EA Office and reviewed in a variety of forms, including a response to the Jumbo Creek Conservation Society's pamphlet and an on going exchange with the EA Office and with the local paper. The "Valley Echo" on November 5, November 12 and November 19, 2003 published a series of three articles summarizing project opponents' views. A questions and answers summary outlining some of the issues is included in Appendix 1-C.

A brief summary of the views extensively discussed is that the project has been seen as a major skiing opportunity and as a tourism industry beacon, but also as a threat to grizzly bear populations, to the quality of water and of the environment in a variety of aspects, and as an intrusion into the backcountry to the detriment of hikers and of the exclusive access currently afforded to heli-skiers. The Project Report and the revised Master Plan address these issues with extensive environmental, engineering, planning and socio-economic reports regarding potential impacts and the adequacy of available measures to mitigate the impacts.

The future program is designed to complete the public consultation process as follows:

2. Future Public Consultation Program:

In general terms, the future public consultation program will include:

- Project Display: The Proponent plans to secure space in an appropriate location in Invermere for the display of project information, to hold various Open Houses to meet the public and to continue to disseminate project information.
- Additional Meetings with Individuals and Groups: The Proponent is planning to meet all special interest groups who are willing to meet, especially those that have opposed the project, to provide presentations, information and discussions. In the past special interest groups that have opposed the project have refused to allow the Proponent's consultants to present their design and information, but the Proponent hopes that this time there will be an opportunity to disseminate correct information about the project. Grant Costello, who is based in Invermere, has been in touch also with representatives of the Jumbo Creek Conservation Society and has asked on behalf of the Proponent an opportunity for a formal presentation and discussion with the Directors and the members of the Jumbo Creek Conservation Society, and it is hoped that an appropriate opportunity will be granted.
- Meetings with Local Governments Representatives: Presentations to the East Kootenay Regional District, the District of Invermere and the Village of Radium will be arranged at a time of their choice.
- Open House(s): Formal Open Houses will be held as suggested by the EA Office.

Part A: General Reporting Requirements

A preliminary working program for future public consultation has been outlined as a 4 stage process:

Stage 1: The Proponent will:

- Establish a public consultation plan and review and receive approval with the Government;
- Complete an executive summary of the 2003 Master Plan Concept and the Project Report;
- Place the updated Master Plan Concept, the Project Report and their Appendices and executive summaries on the BC Government and Jumbo Glacier Resort project websites.

Stage 2: Key Stakeholder Groups, the proponent will:

- Establish a contact list for each of the stakeholder groups in the region;
- Place ads in regional newspapers to allow other public/groups to come forward at the Open House and to be part of process;
- Arrange Key Stakeholder Meetings by contacting key stakeholders and arrange “one-on-one” meetings over the public process period; this could be with individuals; board of directors; monthly group meetings, etc.;
- Meet with Key Stakeholders – introduce the stakeholder to the 2003 reports and record the feed back received from them; mail summaries of meetings to the stakeholders;
- Summarize all of the information received from all stakeholders and mail summaries to stakeholders; it should be noted that if stakeholder(s) refuse to meet to review the project that this will be recorded.

Stage 3 – Community Dialogue Meeting; the Proponent will:

- Invite roughly 10 to 12 individuals who represent a mix of the community stakeholder groups to a 1/2 day “round table” meeting;
- The meeting will be a formal structure with a facilitator. Government and Proponent will have a seat at the table. Meeting will be recorded and summarized;
- Summary of Community Dialogue meeting will be sent to all attendees; stakeholders and will an appendix in the Master Plan.

Stage 4 Formal Open House – the Proponent will:

- Hold an open house;
- Advertise and send letters to all of the stakeholders;
- Public feedback from the open house will be summarized, sent to stakeholders and placed in appendix of the Master Plan.

The final details of the public consultation program will be advertised in conjunction with the Environmental Assessment Office, and it is expected that the advertising process will be in the first week of February , 2004. In addition to the voluntary meetings, dates and locations will be publicized for formal Open Houses in March 2004.

3. First Nations Consultations:

First Nations have always been firm in indicating that official consultations should be part of the Treaty process and should be conducted with representatives of the Province, not with the Proponent, but they have been willing to meet the Proponent on an informal basis and from the point of view of furthering business interests of the First Nations.

The Proponents' consultants have met with local First Nations since 1990, originally being introduced to the Shuswaps by Bill Lloyd, and meeting Chief Paul Sam and his son Dean Martin, who became the Economic Development Officer, as well as meeting several other Band members. The project was discussed, advice sought, and the Chief was kept up to date on the progress of the project.

Records and dates of the early years have been hard to reconstruct, but it appears that the first visit to the Shuswap First Nation's office in Invermere was on August 5, 1990, with Bill Lloyd, followed by meetings on October 11, 1990 and on March 17, 1991. Dates of meetings between 1992 and 1995 have not been fully reconstructed. There is a record of a visit on September 22, 1993, also with Bill Lloyd. The relationship with the Shuswaps was marked by friendship from the beginning and the entire range of topics regarding the project was discussed on an on going basis.

On August 26, 1994, there was a meeting with Hugh Taylor and a presentation at the Columbia Band office. In 1994 the Proponent's consultants were introduced to a native consultant, Beverly O'Neill, and discussions were held at various times regarding First Nations issues. On February 28, 1995 Alan Artibise and Oberto Oberti met with Beverly O'Neill to discuss the project and First Nations interests. During this period of time it became apparent that misleading information regarding the project in terms of size, location, infrastructure and impacts was preceding the project team presentations to the First Nations.

Visits were made to the Tribal Council offices in St. Eugene, starting from a meeting on July 19, 1995, with Helder Ponte, Bill Green, Hugh Taylor and others, and making presentations to the Tribal Council.

A meeting was held on August 2, 1995 with Dean Martin at the Shuswap Band Office in Invermere. The office of the Columbia Lake Band was also visited, meeting Chief Alfred Joseph on August 23, 1995.

On September 18, 1995, the Proponent's consultants including Oberto Oberti, Glenn Stewart and Fernand Beaulac met with Chief Paul Sam and with Dean Martin to update the Shuswaps on the progress of the Master Plan and the Environmental Assessment Office's review.

On September 20, 1995, there was a meeting with Bill Green and Corky Evans in Nelson, covering both project issues and First Nations environmental concerns.

On October 27, 1995 there was a meeting with Dean Martin and the Shuswap Band's consultants at the Shuswap's Invermere office. The project was further discussed over the telephone with Bill Green on November 1, 1995.

On February 1, 1996 there was a meeting with Dean Martin at the Shuswaps' office in Invermere and on February 2, 1996, a meeting with Chief Sophie Pierre at the Tribal Council offices at St. Eugene. On February 28, 1996, the project was formally presented to the Xtunaxa Kinbasket

Part A: General Reporting Requirements

Tribal Council at their office in St. Eugene.

On March 15, 1996, the project was discussed over the telephone with Bill Green and with Troy Hunter, in separate calls. On March 23, 1996, the project was discussed over the telephone with Beverly O'Neill and on March 25, 1996 with Dean Martin.

On April 10, 1996, there was a conference call with Oberto Oberti, Fernand Beaulac (a civil engineer of the UMA KPA group), and Bill Green, and on April 18, 1996, a telephone review with Troy Hunter and with Dean Martin, in separate calls, and with Dean Martin again on April 22, 1996. On April 24, 1996, Pheidias received a draft proposal for a Traditional Use Study from Troy Hunter on behalf of the Ktunaxa Kinbasket Tribal Council.

On May 2, 1996, Oberto Oberti, Ray Crook and Martyn Glassman met with Chief Sophie Pierre and a group headed by Bill Green and Kim Gravel to review terms of reference for a Traditional use Study.

Oberto Oberti met with Dean Martin at the Shuswaps office on May 29, 1996, and Kim Gravel and Troy Hunter at the Tribal Council offices in St. Eugene on May 30, 1996.

Oberto Oberti met with Troy Hunter in Invermere on May 31, 1996, and .skied on the proposed summer glacier ski runs from Glacier Dome and into Jumbo Creek with Troy Hunter, Jose Sparovec and others from Alpine Canada on June 4th, 1996.

This was followed by a project and Traditional Use Study terms of reference telephone discussion with Troy Hunter on August 7, 1996. On September 20, 1996, Pheidias received a letter from Bill Green with a new draft proposal for a Traditional Use Study, and on October 30, 1996, Oberto oberti reviewed the new draft over the telephone with Troy Hunter. Oberto Oberti met Dean Martin in Invermere on October 9, 1996, on February 27, 1997, and on April 30, 1997.

On September 18, 1997, there was a meeting on Glacier Dome with First Nations representatives and Ray Crook, and on October 9, December 8, 1997, and January 11, 1998, there were other visits to the Shuswaps' office in Invermere.

On April 24, 1998 there was a telephone project review with Troy Hunter. On May 2nd, 1998 there was a visit to the Shuswaps' office in Invermere. On May 14, 1998, there was a telephone call to the Tribal Council's office at St.Eugene to clarify the First Nations' view of the Project Specifications, without success. The draft proposal of the Traditional Use Study was not finalized when the Project Specifications were issued by the EA Office in May 1998.

Following site visits there were visits at the Shuswaps' office on May 5, 1999, on August 2, 1999, on October 27, 1999, on January 24, 2000, on April 6, 2000, on September 19, 2000, on November 6, 2000 and on February 28, 2001, to keep Dean Martin and Chief Paul Sam up to date.

Oberto Oberti met again with Dean Martin to discuss specific joint venture and cooperation proposals with the local First Nation and Dean Martin arranged for Oberto Oberti an Open House presentation of the project at the Shuswaps' Office meeting hall in Invermere, which took place on November 19, 2001. It was well received and the Chief commented that he would have welcomed Oberto Oberti back for discussions of cooperation.

On April 18, 2002, Oberto Oberti met with Chief Sophie Pierre, Chief Paul Sam and Troy Hunter to review the concepts of collaboration with the First Nations developed over the previous decade and to seek guidance regarding how to present them to the Tribal Council. The two Chiefs gave an open invitation to Oberto Oberti to speak to the Tribal Council, but suggested to speak first to Thomas Manson and to the Tribal Council's office staff to clarify the conceptual proposals with them. The meeting with Thomas Manson was arranged for August 22, 2002 and Troy Hunter also attended the meeting. Following the meeting Thomas Manson approached the Tribal Council and reported to Oberto Oberti that the position seemed to be that there was no support for the resort but there was support for an Interpretive Centre in that location. Oberto Oberti explained to Thomas Manson that it would not be possible for the Proponent to do an Interpretive Center without the resort, and asked for an opportunity to speak to the Tribal Council.

Oberto Oberti wrote a letter outlining concepts of cooperation and joint venture opportunities to Chief Sophie Pierre (see Appendix 1-D). in preparation of a meeting with the Tribal Council and Troy Hunter wrote a letter of support (see Appendix 1-E).

The meeting with the Tribal Council took place on January 23, 2003. The presentation was by Oberto Oberti and David Milne to the entire Council and was concluded by the chairperson with a direction to speak about the project proposals with Vic Clement and Thomas Manson and to commission an up to date archeological/traditional use study to Wayne Choquette.

Following previous letters requesting an appointment and the presentation at the Tribal Council meeting Oberto Oberti stopped at the Shuswap's First Nation's office in Invermere on January 24, 2003, where he had written requesting an opportunity to meet, but the office was officially closed and the lady in charge only suggested that Oberto Oberti leave some literature and a message, which he did .

Oberto Oberti met with Diana Cote, Wayne Choquette and Thomas Manson to discuss the study proposal on March 11, 2003. Troy Hunter also attended the meeting. Oberto Oberti undertook to arrange a presentation by Glenn Stewart, the manager of the environmental studies for the project consulting team since 1990, for the Tribal council and staff.

Glenn Stewart met with Tribal Council representatives and with Diana Cote, Thomas Manson and Wayne Choquette on April 30, 2003 (see Appendix 1-F).

On June 3, the Traditional Use and Archeological Overview Study Proposal for Jumbo Glacier Resort was received by Pheidias Project Management Corporation, which authorized the work on behalf of Glacier Resorts Ltd by letter dated June 6, 2003.

On June 4, 2003, Oberto Oberti met with Dean Martin on the question of provision of utility services by the Kinbasket Development Corporation and a cooperation and partnership agreement with the First Nations. These meetings and discussions were followed by a draft agreement in principle, which was discussed with Dean Martin on July 11 and with Councillor Clarissa Stevens and with Matthew Ney of the Kinbasket Development Corporation on July 16. Following the meeting the Shuswap First Nation Councillors signed the agreement for the "Jumbo Glacier Resort Utilities / Strategic Implementation Programme", which was returned executed by Glacier Resorts Ltd. to the Shuswap First Nation on August 1, 2003. Although the agreement is confidential, a provision was made to allow the E A Office to have a copy. Discussions are under way to refine and expand the agreement, including joint ownership of project components and

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employment and training programs.

On July 16, 2003, Oberto Oberti and Grant Costello met with representatives of the group involved with the Traditional Use Study (notes included in Appendix 1-G). Prior to the meeting they were surprised to see that the meeting was preceded by an encounter of the group with Bob Campsall of Invermere, a leading representative of the Jumbo Creek Conservation Society. Grant Costello reported that he was driving down from the sawmill site on July 29, 2003, when he encountered a dozen vehicles with some forty passengers that included most of the people involved in the Traditional Use Study, seemingly proceeding to a site visit for the Study. The group included again a car driven by Bob Campsall and several vehicles had the Save Jumbo bumper stickers sold by the Jumbo Creek Conservation Society. On September 25, 2003, Grant Costello, Thomas Palmer and Oberto Oberti met the group involved with the Traditional Use Study at the Columbia First Nation's office and gave a brief presentation of the changes to the Master Plan since 1995. The Proponent's representatives were surprised to see a pamphlet prepared by the Jumbo Creek Conservation Society (never seen before by the Proponent's consultants) on the participants' chairs. This pamphlet and the response letter to Martyn Glassman are included in Appendix 1-H. A fact/fiction response to the JCCS pamphlet is included as Appendix 1-I. The Traditional Use Study and the Proponent's response are included in confidential Appendix 1-J.

The Proponent's representatives were invited to give a presentation to the Shuswap First Nation on Saturday, November 15, 2003. At this meeting, which included the Shuswap First Nation's Council and which was well attended and well received by the local Shuswap population, Oberto Oberti and Grant Costello explained the content of the Agreement signed by Glacier Resorts Ltd. and the Kinbasket Development Corporation of the Shuswap First Nation. This is a first step towards the formation or the expansion of a utility company owned by the Shuswap First Nation providing water and sewer and potentially all the services required by the resort, towards the creation of development projects paving the way for the Shuswaps into the hospitality industry with the first condotel at the resort, the creation of an Interpretive Centre including an Environmental Monitoring Function, and employment opportunities in a variety of resort activities. Details of these opportunities are presented in Volume 6 of the Master Plan (Section 6.3.10.3) and in the response to Project Report Specifications E.1 and G.1. The meeting afforded also an opportunity to provide an update on the progress of the design work and of the approval process. Notes of the meeting are included in Appendix 1-L.

The Project Specifications include a request to contact the Sinixt First Nation. The purpose of this request is not clear to the Proponent's consultants, because the Sinixt First Nation has no recorded history or known tradition of any involvement with the Upper Jumbo Creek valley and the glaciers above it. It is reported that the few remaining members of the Sinixt First Nation are currently west of the Kootenay Lake and of the Duncan Lake drainages. However, with the assistance of the Environmental Assessment Office, a name and an address has been located and project information has been sent to the identified representative of the Sinixt First Nation, with a request to remain in touch with Pheidias Project Management Corporation in order to receive an electronic copy of the Project Report and of Master Plan for comment as soon as they will be finalized. It is the intent of the Proponent to include representatives of the Sinixt First Nation in the consultations with First Nations noted below in item 4, if possible.

The Project Specifications included a requirement that the Proponent commission a Traditional Use and Archaeological Study. Terms of reference received on June 3, 2003 by Pheidias Project Management Corporation from Michael Keefer on behalf of the Ktunaxa Kinbasket Tribal Council were quickly accepted and the study has been undertaken by the staff of the Ktunaxa Kinbasket

Tribal Council. However the study did not follow the expectations created by the terms of reference and became a position paper to block the project as an intrusion into the backcountry and into land to be subjected to treaty negotiations between the Province and the First Nations. The Proponent has not accepted the report as a traditional use and archaeological study. This study, and the responses to it are included in Confidential Appendix 1-J.

Pheidias, the prime consultant, is continuing to expand its involvement with the First Nations and is working to develop a concept and a project that can be endorsed and partnered by the majority of the local First Nations. The Shuswap First Nation not only is the one that is in closest physical proximity to the project, but it also represents a significant component of the local native population. The Proponent hopes that the Agreement in Principle signed by the Proponent with the Shuswap First Nation (included in Confidential Appendix 5-A) will be seen with favour by the other First Nations and represent a significant step towards support by the Tribal Council representing the five First Nations.

4. First Nations consultation program for the review of the Project Report:

Following the review and acceptance by the Environmental Assessment Office, the complete Project Report and Appendixes will be forwarded to the designated representatives of the First Nations for their review and comment. The completion of the consultation program is expected to meet the guidelines of the Assessment of the Adequacy of Measures Being implemented for Public and First Nations Notification, Access to Information and Consultation (dated December 13, 1996) and will follow a formal program:

1. The Proponent's project team will make appointments for joint reviews and discussions of the documents with representatives of the Ktunaxa Kinbasket Tribal Council and prepare a formal presentation of the revised Master Plan and of the Project Report to the Ktunaxa Kinbasket Tribal Council.
2. A meeting will be arranged to provide a presentation of the Project Report and Master Plan to representatives of the Sinixt First Nation, and to seek their comment.
3. Formal presentations to the Columbia Lake and to the Shuswap First Nations are also planned, on dates to be arranged after consultation with their representatives.

Specific efforts will be made to explain the social significance of the project, the uniqueness of the tourism opportunity and the efforts made to ensure the sustainability of the project relative to environmental and community values and First Nations traditions.

Following the presentations and the input from the First Nations the Proponents' project team will complete an updated assessment of the project. In the meantime it is expected that progress will be made in the refinement of the agreements for areas of cooperation, along the directions already established and indicated in the Project Report and the Master Plan in Volume 6, Section 6.3.10.