#### Lunan, Jessie LWBC:EX

From:

Sent:

Subject:

To:

> Hi Jessie, > Thank you for your note. We will forward all documents to you upon > completion. All are complete apart from our negotiations with CMH. Our > meetings will resume with them and be finalized in Sept. > Sincerly, > Marion > > marion >> ---- Original Message -----> > From: "Lunan, Jessie LWBC:EX" < Jessie Lunan@gems4.gov.bc.ca> > > Sent: Tuesday, July 16, 2002 10:34 AM > > Subject: CR Tenure 4400749 > > >> >>> Hi Al - I have just been assigned your file and I notice that the fee >>> schedule is incorrect as it doesn't include the lodge site rental. I >>> understand that the offer has been extended to expire October 31, 2002. >>> Prior to this date, please could you return the tenure documents in > order >>> that I can re-issue the documents with the correct fee schedule. >>> >>> Jessie Lunan >>> Land Examiner >>> Land and Water British Columbia >>> Phone: (250)489-8576 Fax: (250)489-8550 >>> mailto:jessie.lunan@gems4.gov.bc.ca > > http://www.lwbc.bc.ca >>> >>> >> >> >> > >

Sheila, Nordic Ski & Kayak Institute s.22

Wednesday, July 17, 2002 2:22 PM

Lunan, Jessie LWBC:EX

Fw: CR Tenure 4400749

### Lunan, Jessie LWBC:EX

From:

Lunan, Jessie LWBC:EX

Sent:

Tuesday, July 16, 2002 11:34 AM

To:

s.22

Subject:

CR Tenure 4400749

Hi Al - I have just been assigned your file and I notice that the fee schedule is incorrect as it doesn't include the lodge site rental. I understand that the offer has been extended to expire October 31, 2002. Prior to this date, please could you return the tenure documents in order that I can re-issue the documents with the correct fee schedule.

Jessie Lunan Land Examiner Land and Water British Columbia Phone: (250)489-8576 Fax: (250)489-8550 mailto:jessie.lunan@gems4.gov.bc.ca http://www.lwbc.bc.ca

#### Schmidt, Lorraine LWBC:EX

From: Schmidt, Lorraine LWBC:EX

Sent: May 10, 2002 1:00 PM
To: Fawcett, Robin LWBC:EX

Subject: RE: Referral on File 4400749

Robin, I agree, let's extend the time for acceptance to October 31st, but I would be reluctant to extend it again.

#### Lorraine

----Original Message----

From: Fawcett, Robin LWBC:EX Sent: May 10, 2002 10:52 AM To: Schmidt, Lorraine LWBC:EX Subject: FW: Referral on File 4400749

----Original Message-----From: Al Schaffer s.22

Sent: May 10, 2002 10:25 AM To: Fawcett, Robin LWBC:EX

Subject: Re: Referral on File 4400749

#### Hi Robin:

Thanx for your quick reply to my request. Reason for long time frame extension at my end - difficulty in getting together with CMH over the next 5 months. I move from Canmore to Ucluelet B.C this week-end till end of September - operating a sea kayak touring business - making it very difficult to meet with CMH. I know Dave has expressed similar situation at his end. We are so close to some form of arrangement - in principle - but need some time to put details together - time which I just do not have now. It was a long hard winter for our discussions with Dave - I do not want to rush the last bit. Appreciate your understanding here

He: the state indicate that indeed there is no overlap. I will once again correspond with him and attempt to clarify this situation.

#### Thanx

ΑI

#### Fawcett, Robin LWBC:EX

From:

Fawcett, Robin LWBC:EX

Sent:

May 10, 2002 12:36 PM

To: Subject: 'Al Schaffer' RE: Referral on File 4400749

Our preference is to have this completed as soon as possible. Under your circumstance we can see that the issue is being here to complete the discussions. We can leave it Oct 31st with the understanding that before is better and that for sure by Oct 31,2002.... Thanks.

----Original Message----From: Al Schaffer <sup>s.22</sup>

Sent: May 10, 2002 10:25 AM To: Fawcett, Robin LWBC:EX

Subject: Re: Referral on File 4400749

#### Hi Robin:

Thanx for your quick reply to my request. Reason for long time frame extension at my end - difficulty in getting together with CMH over the next 5 months. I move from Canmore to Ucluelet B.C this week-end till end of September - operating a sea kayak touring business - making it very difficult to meet with CMH. I know Dave has expressed similar situation at his end. We are so close to some form of arrangement - in principle - but need some time to put details together - time which I just do not have now. It was a long hard winter for our discussions with Dave - I do not want to rush the last bit. Appreciate your understanding here.

Re: the \$22\$

this week would

this week would indicate that <sup>s.22</sup> was confused on dates of his licence - which indicated that indeed there is no overlap. I will once again correspond with him and attempt to clarify this situation.

Thanx

ΑI

#### Fawcett, Robin LWBC:EX

From:

Fawcett, Robin LWBC:EX

Sent:

May 10, 2002 8:48 AM-

To:

'Al Schaffer'

Subject:

RE: Referral on File 4400749

We have talk about your request for a extension on our offer. We feel the October timeframe is too long. However, we can extend the offer acceptance timeframe to the end of July 2002. This should give you sufficient time to complete the discussions with CMH.

s.22

Just a reminder that you also need to meet with

Hope this is sufficient,

----Original Message----From: Al Schaffer s.22 Sent: May 09, 2002 9:55 PM To: Fawcett, Robin LWBC:EX

Subject: Re: Referral on File 4400749

#### Hí Robin:

Would like to request another extension on our licence of occupation application/acceptance to October 31. We are in some very productive discussions with CMH and feel very positive that an agreement can be eached - we just need some more time! Hope this request can be accommodated so we can solve this conflict on our own.

thanx for your consideration of above request.

Al Schaffer BLANKET GLACIER CHALET Nordic Ski & Kayak Institute Box 8150 Canmore, Alta. T1W 2T9 www.barkleykayakcentre.com (403)678-4102

#### Donald, Jo-Ann LWBC:EX

From: Donald, Jo-Ann LWBC:EX

Sent: Worlnesday, April 24, 2002 12:00 PM

To: ...chaffer'

Cc: Schmidt, Lorraine LWBC:EX

Subject: RE: file #4400749

Hi Al. I was able to photocopy a map for Heli Canada Adventures for your future adventures with s.22 I will put the map in the mail tomorrow. I was unable to locate a Health Permit on your file. If you have any questions regarding an extension for the Health Permit, please talk to Lorraine Schmidt, Senior Examiner (250-489-8580).

----Original Message-----From: Al Schaffer s.22

Sent: Wednesday, April 24, 2002 9:15 AM

To: Donald, Jo-Ann LWBC:EX Subject: re: file #4400749

Hi Jo-ann:

Some questions re: our licence of occupation renewal.

- \* would it be possible to get the map of area covered by licence of occupation from Heli Canada Adventures where their area lies just north of our licensed boundary. We are in process of discussing possibilities for some joint use.
- \* re: the security amount requested of \$3000,00 is this amt, designed for new licences only as we are renewing our licence of occupation would not our past security of \$1000,00 be acceptable?
- \* re: obtaining a Health permit (within 60 days of commencement date of agreement) could this be extended as we are attempting to get health official up to our chalet in the fall when we are next up at chalet and when all snow melted away. We will not be in operation this summer. Our 1st commercial use of chalet is mid-December and we will next be up at chalet in fall at which time we do our annual work and clean-up to get ready for ski season. Thank for some consideration here.

Al & Marion Schaffer BLANKET GLACIER CHALET Box 8150 Canmore, Alta. T1W 2T9 www.barkleykayakcentre.com (403)678-4102

### Donald, Jo-Ann BCAL:EX

To:

Subject: Schaffer Application

H Sorry for the delay in getting back to you. I had a conference call today which took up alot of my time. But I am back now. Thank you for your referral response which was received in our office March 8, 2002 by fax. As mentioned on the phone today (March 8, 2002), an offer was mailed out to the Schaffers on March 7, 2002 with a precondition that they come to an agreement with yourself and CMH.

If you have any further questions or need clarification on something, please do not hesitate to call myself or Robin.

Jo-Ann Donald Client Service Coordinator Land and Water BC 205 Industrial Road G Cranbrook BC V1C 7G5

Email: joann.donald@gems9.gov.bc.ca

Phone: 250-489-8543 Fax: 250-489-8550

"Land and Water BC - Allocating Crown land and water resources for the benefit of all British Columbians, www.lwbc.bc.ca"



# Ministry of Sustainable Resource Management

Land and Water British Columbia Inc. 205 Industrial Rd G Granbrook, BC V1C 7G5

Telephone No: 250-489-8580 Facsimile No: 250-489-8550

GST Registration No: R107864738

Your contact is: Lorraine Schmidt

Our file: 4400749

#### **TENURE OFFER**

March 7, 2002

ALLAN R. SCHAFFER MARION E. SCHAFFER Po Box 8150 Canmore, AB T1W 2T9

Dear Allan and Marion Schaffer:

Re: Your Application for a Tenure over Crown Land

Your application for a licence for guided ski touring and hiking purposes over:

Unsurveyed Crown land located in the vicinity of Blanket Glacier, Blanket Creek and Blanket Mountain, of Kootenay District and Osoyoos Division of Yale District, more particularly shown outlined in bold line on maps appended to the enclosed Licence of Occupation;

(the "Land") has been accepted by us subject to fulfillment of certain requirements. Accordingly, we are offering to you a licence on the terms and conditions set out in this letter.

This is to replace Licence of Occupation No. 401127.

The Land differs from what you applied for because the area within the Greenbush-Caribou Protected Area has been removed. If you wish to have the authority to operate within this Protected Area, you must contact Dave Richmond of BC Parks, Box 399, Summerland, BC V0H 1Z0

ENTERED MAN O T 2002

#### Deadline for Your Acceptance of this Offer

This offer may be accepted by you within 30 days of the date of this offer (unless this declimine is extended in writing by us). To accept this offer, you must complete and return to us the enclosed acceptance page by that time. If you do not wish to accept this offer, please check the applicable box on the acceptance page and sign and return the page to us so that we may record your rejection of our offer.

#### 1. Conditions of Offer

Enclosed are three copies of your licence. If you accept this offer by returning the acceptance page to us within the time set out above, you must then execute and return these documents to us within 90 days of the date of this offer together with all of the following:

#### Monies Payable

You must deliver to us the following amounts:

Licence Fee	*\$	2,194.00**
Documentation Fee	*\$	150.00
Annual Tenure Management	*\$	100.00
Fee		
GST Total	\$	<u>171.08</u>
Total Fees Payable	\$	<u>2.615.08</u>

<sup>\*</sup> denotes GST payable

<sup>\*\*</sup>Your Licence Fee for the first year of this Licence is calculated as follows:

1,694 estimated client days @ \$1.00 per day	\$1,694.00
Intensive Use Site Fee for Lodge Site	\$ 500.00
Total ·	\$2,194,00

Your cheque or money order must be payable to Land and Water British Columbia Inc. and be delivered to 205 Industrial Rd G Cranbrook, BC V1C 7G5. Please quote our file number when sending us your payment.

#### Security

We are currently holding \$1,000.00 security against your existing tenure. You are required to provide an additional \$2,000.00 in security, in a form as described in the enclosed instructions. The existing security will be transferred to your new Licence of Occupation once it has been fully executed.

-3-

#### Insurance

You must deliver to us a Province of British Columbia Certificate of Insurance for the insurance required to be maintained under the licence. A sample certificate is enclosed. The Certificate must confirm the following:

- (i) You have obtained, as required under the licence, a comprehensive/commercial general liability insurance policy with a limit of \$1,000,000.00 per occurrence;
- (ii) Her Majesty the Queen in Right of the Province of British Columbia, is an additional insured under the policy; and
- (iii) The policy includes cross-liability and blanket contractual liability clauses or endorsements.

#### Economic Impacts

You must complete and deliver to us the information requested in the attached questionnaire entitled "Economic Impacts Questionnaire".

#### Additional Requirements

You must enter into a shared use agreement for the Lands with Canadian Mountain Holidays and provide a copy of the agreement to us by May 30th, 2002.

You must enter into a shared use agreement for the Lands with sand provide a copy of the agreement to us by May 30th, 2002.

Please sign all of the enclosed tenure documents in the spaces provided on the signature page, and return all copies to our office.

If you sign the licence documents and return them to us within 90 days of the date of this offer (unless this deadline is extended in writing by us), together with each of the items listed in this section, the licence documents will be signed on behalf of the Province. We will then return an executed copy of the licence to you. If the licence documents and each of the items listed in this section are not returned to us within 90 days of the date of this offer, we will be under no further obligation to issue the licence to you and this offer will terminate.

### 2. Acknowledgments of the Applicant

By accepting this offer, you agree that:

- (a) This offer cannot be transferred to another person.
- (b) This offer and the licence do not guarantee that

- (i) the Land is suitable for your proposed use,
- (ii) the Land can be built on,
- (iii) there is access to the Land, or
- (iv) the Land is not susceptible to flooding or erosion.
- (c) This offer will survive the signing and issuance of the licence but if any contradiction exists between the terms of this offer and the licence, the terms of the licence will prevail.
- (d) This offer does not give you any right to use or occupy the Land for any purpose.
- (e) Under the Land Act, this offer is not binding upon the Province until the licence is signed by the Province.
- (f) Time is of the essence in this offer.

#### 3. Your Representations

(

By accepting this offer, you confirm that:

- You (or your authorized representative) have inspected the Land and are fully aware of its condition.
- (b) You have knowledge of all municipal and regional bylaws regulating the use and development of the Land.
- (c) You acknowledge that you have no right to use or occupy the Land unless and until the licence is issued to you under this offer.
- (d) You are a Canadian citizen or permanent resident of Canada and are 19 years of age or older.
- (e) You are aware that you must obtain a License to Cut from the Ministry of Forests before harvesting, clearing, cutting, burning or selling any merchantable or non-merchantable timber on the Land.
- (f) You are aware that the Land is located in an area of Crown land which has been set aside for natural resource management purposes, including without limitation:
  - (i) timber production, utilization and related purposes and forage production and grazing; and
  - (ii) forest or wilderness oriented recreation and water, fisheries and wildlife resource purposes.

~ 5 -

You are further aware that land adjacent to, or in the vicinity of, the Land which is being offered to you will, over time, likely be managed for a number of the purposes listed in this paragraph and the character of the area may be altered by planned management practices.

(g) You are aware that you must obtain and maintain in good standing during the term of the licence a Health Permit issued by the North Okanagan Health Region and within 60 days of the Commencement Date of the licence, deliver a copy of it to us.

#### Freedom of Information

Personal information is collected under the *Land Act* for the purpose of administering Crown land. Information on your application, and if issued, your tenure, will become part of the Crown Land Registry, from which information is routinely made available to the public under freedom of information legislation.

Yours truly,

1

Authorized representative

File No.: 4400749

-7-

### Acceptance of Offer of licence

File No. 4400749

Lar ' and Water British Columbia Inc. 205 Industrial Rd G Cranbrook, BC V1C 7G5

Dear Lorraine Sch	midt:
Re: Application f	or licence
	I/We accept the offer of licence made to me/us by way of a letter dated March 7, 2002 from the Ministry of Sustainable Resource Management as represented by Land and Water British Columbia Inc. and I/we agree to perform and abide by my/our covenants, acknowledgements and representations set out in that offer.
	I/We do not accept the offer of licence made to me/us by way of a letter dated March 7, 2002 from the Ministry of Sustainable Resource Management as represented by Land and Water British Columbia Inc.
DATED the o	f,
ALLAN R. SCHAFF	ER MARION E. SCHAFFER

PLEASE RETURN THIS PAGE AND THE ECONOMIC IMPACTS QUESTIONNAIRE ONLY. RETAIN THE BALANCE OF THIS OFFER LETTER FOR YOUR RECORDS.

# LAND AND WATER BRITISH COLUMBIA INC. "Economic Impacts Questionnaire"

In an effort to more fully appreciate the positive impacts of making crown land available for a wide variety of uses and to help us better understand the specific nature and extent of your proposal the following questionnaire must be completed in support of your application. This information is required before your application can be considered complete and ready for further processing.

APPLICANT NAME: ALLAN AND MARION SCHAFFER

Year 1 = ...

Investment Imp	acts: (Form A)
Estimate the others)	e capital cost of new fixed facilities (e.g. buildings, servicing infrastructure
Year 1	Final Build-Out – Year?
\$	\$(excluding year 1)
Estimate the	capital cost of new machinery and equipment.
Year 1	Final Build-Out
\$	\$(excluding year 1)
Estimate the people work	number of construction jobs based on person-days of employment (eg. ( ng for 120 days = 720 person days)
Year 1	Final Build-Out
	Final Build-Out(excluding year 1)
	1,43

"Your co-operation in completing this questionnaire is greatly appreciated"

• Estimate the number of part time, permanent jobs (number of person-months)

Estimate the number of seasonal jobs (number of person-days)

Final Build-Out (excluding year 1) = \_\_\_\_

Final Build-Out (excluding year 1) =

Final Build-Out (excluding year 1) =

# **MANAGEMENT PLAN 2001**

# **BLANKET GLACIER CHALET**

Box 8150 Canmore, Alberta T1W 2T9

[403] 678-4102

Submitted by:

Al Schaffer Owner/Operator BLANKET GLACIER CHALET October 2001

BC ASSETS AND LAND CORPORATION

MAR 0 4 2002

APPROVED MANAGEMENT PLAN

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BC ASSETS (PM) LAND CORPORATION

MAR 0 4 2002

APPROVED MANAGEMENT PLAN

### A. PROPONENT

#### Obřective:

Application for area based tenure to use Crown Land for purpose of operating a backcountry ski and hiking chalet to replace a license of occupation #401127. Your file #4400749.

### History:

Al and Marion Schaffer of Canmore, Alberta purchased Blanket Glacier Chalet from Ranier Glyckherr in 1986. Pursuant to the purchase, Mr. Glyckherr's license of occupation on the property was up for renewal. The Schaffers applied for and received a ten-year extension. Mr. Glyckherr had originally secured a license for the area in 1983 and operated the chalet for 3 seasons as a ski touring and hiking facility.

At the time of purchase, Al and Marion were operating "The Schaffers" NORDIC SKI INSTITUTE from their base in Canmore, Alberta.

Since 1980 Al and Marion had operated their Nordic ski touring business, utilizing a number of private chalets for cabin based ski programs, specializing in telemark clinics (based out of Mt. Norquay in Banff), and offering as well ski mountaineering expeditions and Avalanche Awareness programs. Since the purchase, Blanket Glacier Chalet has become the base of operations for the NORDIC SKI INSTITUTE, still based from a home-based office in Canmore.

Al and Marion Schaffer are the owner/operators, main guides and instructors for their ski camps and courses. Al is a certified ski guide with the ASSOCIATION OF CANADIAN MOUNTAIN GUIDES and a professional member of the Canadian Avalanche Association. As of December 2001, Al and Marion will be going into their 15<sup>th</sup> year of operating the BLANKET GLACIER CHALET.

Two educational institutions have been regular users of the Blanket Glacier Chalet over the past years. Vernon Secondary School has been renting our facility for a minimum of 4 weeks per winter since our original purchase in 1986. The University/College of the Cariboo based in Kamloops have offered their winter ski guide training for one week in January since 1990 as part of their Outdoor Adventure Guide Training Program. We feel that our type of facility and pricing offers a niche that such educational institutions are able to afford.

### SUMMER USE

Summer utilization (months of July – Sept.) of the Blanket Glacier Chalet has been limited to one or two weeks per year. Rental groups such as Art Colleges, hiking clubs, the University of Calgary and the Alpine Club of Canada (family camps) have been amongst some of the rental groups in the summer. As of last summer, the movie industry discovered our area and will certainly be considered a major renter in the future.

The area surrounding the Chalet does offer excellent summer hiking possibilities, a number of easy mountaineering routes, fishing and canoeing on the nearby lake, paragliding launch sites, and excellent summer glacier skiing. These activities are not unique themselves, but the fact that the terrain around the Chalet offers these activities in an area that is completely remote, undeveloped (no trails) and free of motorized intruders (dirt bikes, auto, atv's, etc.) easily makes the area around the chalet an excellent and unique summer recreational playground.

B. AREA

BC ASSETS AND LAND CORPORATION

MAR 8 4 2002

APPROVED MANAGEMENT PLAN

SIZE OF AREA APPLIED FOR: 32.3 sq. kilometres
(3233.38 heckares)

### Decription of Geolographical Area.

The area surrounding the Blanket Glacier Chalet is unique in that it offers the keen skier a lot of vertical ski opportunities in a very small area and all without travelling great distances. It is this feature along with the large amounts of snow each winter that attracts skiers each winter. The terrain also offers plentiful tree skiing (essential because of the many days of poor visibility the area experiences in the winter months). It also offers spectacular glacier runs in the spring when visibility improves as the weather becomes more settled. More than one half of available ski terrain is north facing, which extends the powder snow ski season into early May. For summer activities, the abundant and spectacular alpine meadows and flowers offer great hiking and viewing. Fishing, easy mountaineering routes over a variety of routes (no trail system as we encourage hikers to spread out as to not damage the fragile meadows). In the past we have offered summer and fall ski camps on Blanket Glacier. Original owner had licensed a summer rope tow system in place for alpine racing camps.

#### LOCATION.

All access to the Chalet is from Revelstoke via helicopter. All guests and supplies must be heli-lifted into the Chalet, as there are no roads or possibility of ATV's or snowmobiles to gain access to the area from the Columbia Valley. Snowmobiles however, have found their way into our area from the west – utilizing roads that have been kept open by a recently opened snow cat operator west of Blanket Peak. To date, they have only been successful in approaching our high country in the spring of the year when snow pack is more settled and offers easier travel. No individual has ever attempted to ski in or out of the area, due to the large number of unsafe avalanche chutes that must be crossed and the rugged canyon type of terrain encountered at lower elevations. In the summer, hikers have gained access to the area from the west and Greenbush Lake. For our summer activities, we utilize helicopters from Revelstoke.

Please see copy of Revelstoke map sheet 82/L16 included with this application for clearer indication of types and variety of terrain discussed here.

### C. ACTIVITIES

### Winter Use

From mid-December until May each year, the Blanket Glacier Chalet is operated as a ski touring facility. Al and Marion operate Telemark and Alpine ski instruction camps for a maximum of 4 - 6 weeks each season. Groups of 14 - 16 skiers register each week for the camps. Al and Marion organize all the logistics for these camps, including helicopter, tour leading and ski instruction. Groups are self-catered in the sense that each person has responsibility for putting on one meal for the week. This system differs from most existing ski touring businesses in the fact that the operators do not cater meals.

When Al or Marion are not at the Blanket Glacier Chalet, the facility is rented to groups of skiers (min. 14). The rental groups are charged a fixed fee per week and are self-catered and self-guided. A caretaker is present at the

facility for all rental groups if Al or Marion are not present. The caretaker is responsible for looking after the physical of a including building maintenance, supervising area and facility safety concerns, recording daily weather observat. In and coordinating all radio communications through our radio repeater system. The caretaker does not fill the role of guide but does co-ordinate ski activities of all rental groups. Guests are familiarized with the variety of terrain within day skiing proximity of the chalet and the location of various popular runs. Skiing may occur in any of the area within the red line added to the map sheet included in this application.

The Blanket Glacier Chalet is unique in the backcountry but industry in the fact that it caters to those individuals desiring a lower cost holiday week. It is operated along the lines that we normally associate with the Hostelling movement, where a facility is provided and users provide their own food. Most operators in the backcountry but and lodge business tend to offer fully guided and catered weeks, with prices that also reflect this extra level of service. Our prices tend to be less. We feel that we offer a niche in the industry that meets the needs of those individuals desiring a more moderately priced ski week.

### D. FACILITIES

Two major buildings occupy the licensed area. A three-story A-frame building 24 x 24 feet comprises the main chalet. The ground level main floor contains a kitchen area, large dining room and food storage area. It is equipped with a propane range and lights, furnace and wood fired heater. The upper two floors contain sleeping quarters for up to 20 individuals.

A second three story building 20 feet x 14 feet occupies an area ten yards to the east of the main chalet. This building has a sauna and large change room on the main floor, a firewood storage and workbench area on the bottom floor with guides/caretakers private sleeping for up to four individuals located on the top floor.

Two outdoor toilets comprise the toilet facilities. As we have been unable to secure information re: any best system to handle human wastes, we are monitoring the use of decomposting toilets that another backcountry lodge is initiating this year. If successful – we will do the same. We are also communicating with Michael Kerfoot of Sunenergy Systems Ltd. Re: feasibility of composting toilet technology in our climate. A modified septic system is in place for grey water for both buildings. A stream located west of the main chalet provides all drinking water, which is hauled into the chalet by bucket.

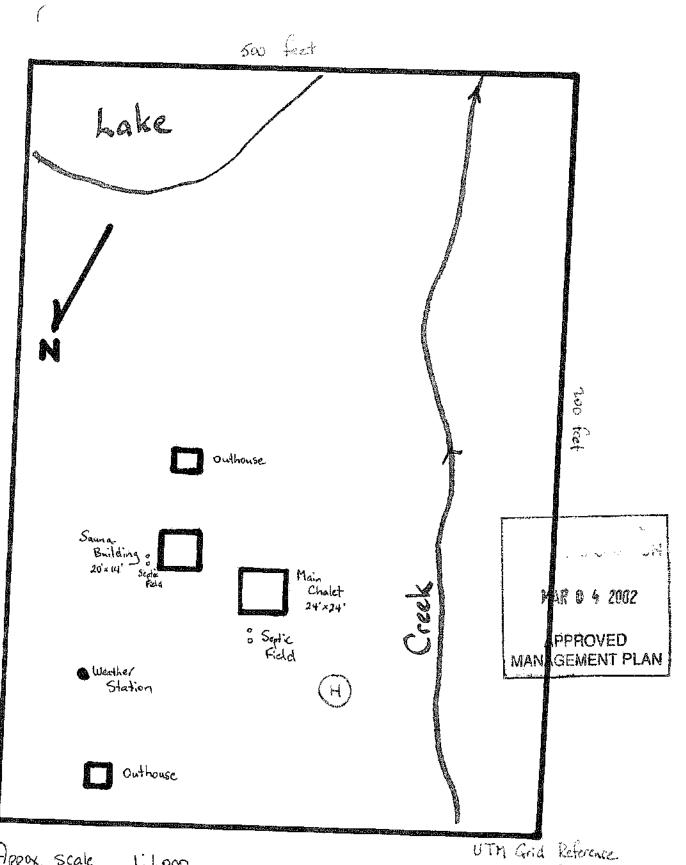
Firewood for chalet is flown in by helicopter.

GMA OTENNAL B MOHAROGROD GMAL

MAR 0 4 2002

APPROVED MANAGEMENT PLAN

Existing License of Occupation Area 0.25 Ha +/-



Appox. Scale 17,000

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### D. LEVELS OF USE/IMPACT/BENEFITS

THE HEATS AND LAND COMPORATION

MAR 0 4 2002

APPROVED MANAGEMENT PLAN

#### User Conflict:

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The area surrounding the Blanket Glacier Chalet is also under a mechanized ski license to Canadian Mountain Holidays. Most of the terrain that ski touring parties from the chalet use is also used for heli-skiing. In considering the boundaries of terrain applied for, all this area is easily accessed by ski touring parties. In many ways, it is a small area for ski touring, but its size is dictated by natural features such as steep valleys with dangerous avalanche chutes, unskiable steep glaciers and rock faces (i.e. the south side of Blanket Peak). Guests of the chalet have been annoyed by the noise of the large CMH helicopters that usually come into the area for a full day at a time and the fact that both user groups share many favourite ski areas. The heli-skiers can easily track up a major portion of our proposed area boundary in one ski day (average of 44 heli – skiers x min 6 runs = a lot of tracked up terrain). When we purchased the Blanket Glacier Chalet in 1986 we may have seen heli skiers in on average of once every 2 weeks. Over past 5 years, they have averaged 3 days per week in the Blanket Creek drainage (and not uncommonly - 5-6 times in one week) effectively tracking up a major segment of our limited ski touring area. CMH has also expanded their Revelstoke operation to include a private group, which utilizes one helicopter with one guide and up to 4 guests. This expansion has also added to extra usage in Blanket Creek drainage area and overlap with our ski touring parties.

This conflict between Canadian Mountain Holidays and the ski tourers of Blanket Glacier Chalet is a real concern for our future, as many of our user groups have been frustrated with this conflict (i.e. Alpine Club of Canada, Seattle Mountaineers, Vernon Secondary School) and will not return to the Blanket Glacier Chalet until this matter can be resolved (see enclosed letters from 2 of these user groups). A meeting in November of 1996 and March of 2001 between Al Schaffer and representatives from CMH failed to resolve this conflict. (See enclosed letter outlining general info from meeting in November of 1966).

For many years skiers from both CMH and the Blanket Glacier Chalet seemed to be able to coexist. This relationship has deteriated drastically in the past years. I feel that there is now is no respect on behalf of CMH towards our ski touring operation. This relationship has deteriated to point that in 1999 a ski touring, who felt that his personal safety was jeopardized, lodged a dangerous flying complaint against CMH to Transport Canada and was successful in his complaint. (See enclosed letter of complaint and conclusion.) A follow-up confrontation in February 2001 between Al Schaffer and a group of skiing he was guiding and CMH Revelstoke operating Manager has once again stirred the animosity between these two user groups (see enclosed letters).

As an example of amount of CMH use in our area – as well as the overlapping ski terrain – it is not unusual for CMH to completely ski out the terrain on the north side of chalet (which also includes all access and descent to any skiing on areas to north of chalet). When this area is skied – a heli pick –up is located a mere 100 metres from our chalet building – which means that all heli access is directly overhead or less than 10 metres to side of our building – which leads to a lot of heli noise to those folks who may be taking a rest day at our chalet! As well, because of the large helicopter flying overhead – the building and metal roofing just shakes! To complicate this matter even worse – when CMH flies in lunches every ski day with a smaller helicopter – it also lands either in an area less than 100 metres to north of our building or ½ way down on north ski slopes – right in our normal and only access or decent route from chalet whilst skiing on any of our slopes on north side of chalet.

The most obvious overlap between the heli-skiing and ski touring is the use of the same ski terrain and safety factors re: use ski terrain when heli skiers might land and ski a run directly above a ski touring party and the safety factor of a helicopter flying low and directly above a touring party.

Anyway – not to belabour this conflict – suffice to suggest that there is certainly a user conflict here. We feel that CMH has plenty of terrain for their use, even in the Blanket Creek drainage, without having to ski lines within boundary that we are applying for. From an economic point of view, considering at he small amount of land that we use for our ski touring operation, we feel that our skiers are as much an economic benefit to the Revelstoke area as the heli-ski company, considering the ratio of land base to skiers each user has. As many of our guests suggest –

CMH has plenty of other terrain to ski and the only reason they seem to keep returning to the Blanket Creek drainage is for economic reasons in that they can ski a lot of terrain in a small area and keep their flying times low – without consideration to the ski tourers.

The operators of the Durrand Glacier Chalet NE of Revelstoke had a similar conflict with another heli-ski company, and although a battle followed that eventually ensured exclusive rights to the ski touring operator, this is the route that we are recommending to ensure some form of operational safety and security in our Blanket Glacier area.

### Public Group Usage:

Have seen only 3 private parties (3-5 individuals) helicopter in and camp in our application area since 1986 – feel this will never be a high use public area as cost of flying in is very high and most outdoor recreationals will go out of their way to find areas that have no other skiers/hikers in area. The hike in for summer is very difficult (no trails – heavy bushwhacking at lower elevations) has kept out all prospective recreationalists. If any private parties use area in our application area, we realize that all land is on crown land and is open to anyone and they will be accorded a friendly welcome. Of the 3 private parties that we have observed, 2 had notified us in advance of their plans and were invited to stop by chalet for a visit – which they accepted. The only other public group noted in area was 2 groups of sledders and this situation is noted below.

### Snowmobile Usage:

Until 3 years ago – there was no evidence of snow machines entering into the Blanket Creek and Glacier areas. However, in the past 3 winters there have been 2 regular groups of sledders who have entered our ski area from the west (Greenbush Lake area) around the Easter time period. Needless to say – there certainly is a conflict between ski tourers and sledders! We contacted one of the sledder groups who were from the Vernon area – with no success when we asked them politely to stay away from our building site and ski runs. (see attached letter from one of our user groups from the University of Calgary and group leader Alf Skrastins and their comments on this conflict). We have since been in contact with the local Forestry Recreation Managers on this issue of sledding terrain and ski touring terrain - and hope we can come to some resolve as has the backcountry user groups in the Golden area.

### Other Tenures, Usage in Application Area:

Canadian Mountain Holidays has the mechanized ski license for same area as our application and as we have noted elsewhere in this application — are applying for BCAL to act as a mediator in this conflict. No other tenures in area or other applications on boundary of our application area from Kamloops Region.

No First Nation issues, private land, guide/outfitter or trappers working in our area of application. Also, no archaeological sites, mineral stakeholders, grazing or forestry plans have been discovered or planned in application area.

A copy of Wildlife Guidelines was forwarded to us and will be used as an important piece of backcountry etiquette and responsibility in our commercial backcountry ski/hiking operation.

BC ASSETS AT LAND CORPORATION

MAR 0 4 2002

APPROVED

MANAGEMENT PLAN

### Caribou:

A herd of caribou have been observed to winter in the vicinity of the Blanket Glacier Chalet, dating back to the time of our original purchase of the property. Neither the heli-skiers nor ski tourers seem to have had any noticeable effect on the herd as far as moving them out of the area for the winter. All guests of the Chalet are asked to do their best to willingly not disturb the herd and are requested not to bring in dogs in area in fear of them disturbing the caribou.

### Safety Plan:

In the case of an emergency at our chalet or whilst out skiing or hiking, we own and operate a VHF radio repeater site that allows us communication with emergency services. Our repeater site allows us to connect directly to the hanger of our present helicopter carrier (Selkirk Mountain Helicopters) who monitors our frequency. We also have a phone patch at our repeater site, which allows us to tie into the regular B.C. telephone system. Whilst our skiing or hiking – our guides/caretakers carry a hand-held radio, which enables phone calls to be made directly to emergency services in Revelstoke.

No cellular coverage is available at our chalet site although coverage is available above the 8600-foot elevation on either the north or south slope aspects above the chalet!

We have had great success with this radio system in that it has been down on only one occasion — and that was due to a frozen battery that was replaced as soon as we were able to get a helicopter up to our repeater site.

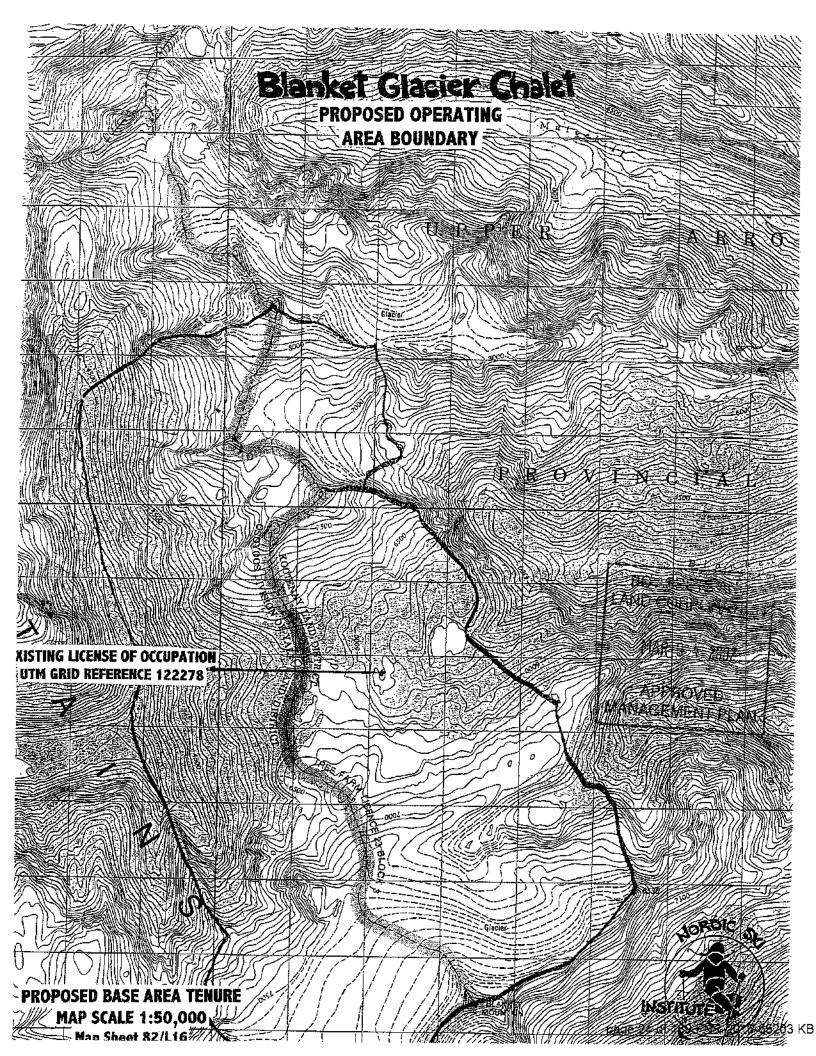
BC ASSETS AND LAND CORPORATION

MAR 0 4 2002

APPROVED MANAGEMENT PLAN Page 023

Withheld pursuant to/removed as

s.21





# NORDIC SKI - INSTITUTE --

Вон 8150 Canmore, ЯВ. TIW 2T9 (403) 678 - 4102

B C ASSETS AND LANDS CORP

NOV 9 4 2009

CRANDROOK, B.C.

November 12, 2001

MAR 0 4 2002

APPROVED
MANAGEMENT FLAN

Client Service Coordinator BCAL 205 Industrial Road G Cranbrook, BC V1C 7G5

Dear Jo-Ann;

Jo-Ann Donald

Am answering some of your additional questions on our Management Plan so your department can proceed with our application. If you have any additional questions - if it would speed our application - please e-mail me at \$.22 Thanx.

- Re: trapper information have requested information concerning trappers in our area. Having worked
  in our requested area since 1986 not aware of any trapping activity. Conversations with local
  outdoor types in Revelstoke indicated that there is no knowledge of any trapping in our applied for
  area.
- Re: Guide Outfitter information again there is NO guide/outfitter working in our application area.
- Re: environmental issues: most immediate concern is how to manage black water (human wastes)presently using outdoor toilets but monitoring the use of decomposting toilets that were installed at
  another backcountry ski lodge this past fall. If this system successful will install at our location. In
  conversations with other backcountry ski lodge operators this is an area that all are attempting to
  resolve does not seem to be any definite way to handle this concern. Since no definite solution to this
  concern we will attempt to be proactive in considering the decomposting toilet idea. Are also
  communicating with Michael Kerfoot of Sunenergy Systems Ltd. re: feasibility of composting toilet
  technology in our climate.

The other environmental concern is the resident herd of caribou that have exited in our area ever since our arrival in area in 1986. We feel we have been successful in not disturbing present herd by educating our guests of their presence and asking them not to go out of their way to disturb them. Our helicopter and that of Canadian Mountain Holidays does not seem to have any negative affect on them as they continue to browse in our areas every winter. We also insist that our guests do not bring in dogs - in an effort not to disturb caribou.

- Re: wildlife area the main species that we are aware of is the caribon and they have been observed in all areas in our application area. Have observed grizzly droppings in area around chalet on average of every 3<sup>rd</sup> or 4<sup>th</sup> season. No grizzly signs near our buildings. Plenty of pine marten tracks and even one wolverine track observed near treeline on north side of chalet past 3 winters. Although we have not spent more than 2 weeks during summer at chalet area in past 5 years have not observed signs of any other large mammals. We feel that by not leaving any food and flying out all garbage that our building site has not attracted any wildlife.
- Re: use of our application area by public groups have seen only 3 private parties (3-5 individuals) helicopter in and camp in our application area since 1986 feel this will never be a high use public area as cost of flying in is very high (no heli-dovetails) and most outdoor recreationalists will go out

of their way to find areas that have no other skiers/hikers in area. Hike in for summer is very difficult (no trails - heavy bushwhacking at lower elevations) has kept out all prospective recreationalists. If private parties use area in our application, we realize that all land is on crown land and is open to one and they will be accorded a friendly welcome. Of the 3 private parties that we have observed, 2 had notified us in advance of their plans and were invited to stop by chalet for a visit - which they accepted. The only other public group noted in area was 2 groups of sledders and this situation was mentioned to Revelstoke and Vernon Forest Recreation Manager Officers - they are presently working on this situation - especially since one of these groups were noted chasing caribou.

Re: other tenure in our area - CMH has mechanized ski license for same area as our application and as
we indicated in main body of our management plan - are applying for BCAL to act as a mediator in
this conflict (as per suggestion by Herb Hess in letter to us last April after several letters of complaint
re: heli-skiing were forwarded to his office). No other tenures in area.



- NO First Nation issues in our application area.
- NO private land within our application area.
- No need to remove any timber for summer trail construction. Have no plans OR existing summer trails in place. Since most hiking occurs in areas above chalet or in meadows below elevation of chalet encourage all hikers to spread out while hiking and not use one common hiking route in order that we protect fragile alpine meadows. Since most of area around chalet is still very wet until early July we plan to use area for hiking after mid-July to prevent soil erosion, etc. problems.
- Re: Wildlife Guidelines were forwarded to us and will be used as guideline in our commercial backcountry ski/hiking operation.
- Re: areas on map for summer/winter usage plan to use same areas for both seasons of use.
- No archaeological sites, mineral stakeholders, grazing or forestry plans in our application area.
- Re: other land tenures planned for our area NONE -based on telephone conversation with Kamloops Region.

• Client days per season projected: WINTER: 14 guests x 16 weeks x 7 days = 1568

SUMMER: 6 guests x 3 weeks x 7 days = 126

1694 client days

Heli - pad landing site indicated on map.

Hope the above information will help complete our application.

Yours truly,

Al Schaffer

MAR 0 4 2002

APPROVED
MANAGEMENT PLAN



## Commercial Recreation Report

Date: March 04, 02

FILE: 4400749

TYPE: NEW MODIFICATION REPLACEMENT REVIEW NON - PROGRAMMED

APPLICANT NAME: Allan R. Schaffer and Marion E. Schaffer

LEGAL: See legal on Yellow sheet for exacts -

PURPOSE: Commercial Lodge based ski touring and summer hiking

LOCATION: Vicinity of Blanket Glacier, South of Revelstoke.

32.3
SIZE: # sq. km. Plus a 50 meter x 50 meter lodge site, more or cess

Actual	3233.38 hechares	
POLICY REQUIREMENT	ON FILE/YES	COMMENTS
IN PROV. FOREST	Yes	Upper Arrow and Spallumcheen
A.L.R.	No	

INSPECTION DATE: DOF/ NFI AIR PHOTO:

### PROJECT DESCRIPTION:

The Schaffer's have held a License over the lodge site since approx. 1982. They provide accommodation and/or guides and accommodation to ski touring groups and summer hikers. The business has been successful for a number of years. This application is to authorise the stansive

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use area that has been utilized from the lodge since initial tenure was issued. There has been some conflict between this operation and Canadian Mountain Holidays (CMH). The two parties are working on an agreement as part of this application.

#### **VALUATION:**

### Extensive Use Rental

Ski touring and hiking- 1694 client days x \$1.00/client day = \$1694.00

### TOTAL EXTENSIVE USE RENTAL = \$ 1,694.00

Intensive Use sites Rental — Year round facility Type A, 7.5% of market value. (50 meters  $\times$  50 meters)  $\$5,500.00 \times 7.5\% = \$412.50$  therefore \$500.00 min applies.

TOTAL INTENSIVE USE SITE RENTAL = \$500.00

TOTAL RENTAL ENTENSIVE +INTENSIVE = \$2194.00
Plus \$100.00 tenure management fee

### REFERRAL COMMENTS

# Ministry of Water Land and Air Protection(WLAP)

- Must meet Health Act requirements for sewage discharge
- Refuse to be disposed of in an authorized landfill
- Any petroleum products used on site shall be stored in a manner to minimize the risk of accidental release into the environment
- Require a bear protocol
- Are groups guided?
- Contact WLAP if any Caribou-human conflict arise
- Want more info for the facilities.
- Want a brief description of the physical environment and wildlife in the tenure area and methods of avoiding.

### Ministry of Forests

- Amenable to proposal
- In operation for a number of years and is the cornerstone CR operation within the Revelstoke area
- Does not significantly affect public recreation now or in the foreseeable future

- We must approve any glading proposals.
- MOF Vernon Verbal no conflicts.

### BCAL Kamloops

Approval recommended

### • Arch Research

- No registered sites
- Archaeological potential for the project is low

### North Okanagan Health Region

- Requires the following;
- Permit for water usage
- Permit for sewage disposal system
- Surface water needs to be disinfected, system to be approved by health engineer

## Columbia Shuswap Regional District

- No zoning in place.
- Waste disposal and bear human conflicts should be worked on
- Planning should take place in the North Okangan area before tenures are issued.

#### KKTC

No response

### Shuwap Band

No response

### Okanagan Nation Alliance

• No response

### Spallumcheen Band

No response

### Shuswap Nation Tribal Council

- Standard letter
- Do not agree with the development and/or activities of this referral and cannot guarantee
  that the development and/or activities will not be impacted or stopped as we exercise our
  lawful title, jurisdiction, rights, and interests.

#### Mines

- Recommends approval
- Does not preclude staking etc over area.
- Make client aware that portions of the area have high potential for mineral activity.

#### Gold Commissioner

Interests unaffected

#### CMH

Working on agreement

#### s.22

Working on agreement

Advertising was completed in the Revelstoke paper in mid December and in the Gazette at the same time. No written responses were received.

Conditions will be dealt with under tenure provisos below.

Activity is not included in the list of concerns contained in Appendix 2 of the contaminated site policy of August 9<sup>th</sup> 2001 Draft.

### LAND USE SUITABILITY DISCUSSION

Al and Marion Schaffer have operated this business for the past 15 years. They purchased the business from an individual that operated for 3 years. The tenure that both parties had was just for the ski lodge. There was no policy of Gov't that would allow the legalization of the activity

that was based out of the lodge, 15 years ago. This application is for the legalization of that activity.

Applicant is not constructing any new facilities or trails. Use has been identified to be taking place in a protected area. That use should be discussed with BC Parks for the area. For the past few years there has been conflicts between applicant and Canadian Mountain Holidays (CMH). CMH hold a heli ski tenure over the same use area as the applicant. Before any tenure is granted a use agreement should be developed.

As this use has been taking place for some 15 years and continues to be utilized, the area is very suitable for this activity.

It is my opinion that this use will not interfere with any uses that may have traditional taken place in the area by 1st Nation people. It is also the writer opinion that any infringement on aboriginal use in the area, if any occurred, would have taken place at the time of the original cabin construction. Also, in the opinion of the Arch. Research group the potential for impact on regristered Arch sites is low.

### **RECOMMENDATION:** Approval

TENURE: License of Occupation for lodge based ski touring and summer hiking

TERM: 10 years ( Dec 15th to April 30th and July 1st to Sept. 15th )

CONSIDERATION: \$2194.00 plus \$100.00 tenure management fee

PERFORMANCE GUARANTEE: \$3000.00 (a) ready have \$1,500 to place)

#### PRE CONDITIONS:

- \$1,000,000 liability insurance, minimum.
- Shared area use agreement with CMH
- Shared area use agreement witl<sup>s.22</sup>

#### PROVISOS:

- Must obtain a license to cut from the Ministry of Forests for any tree removal
- A firewood permit is required.
- Must keep an acute lookout for wildlife at all times.

If wildlife is spotted in an area about to be utilized, select an alternate location, weather and/or snow condition possible.

- At any time, but especially during early spring, bears may be emerging from dens. If bears are spotted on any trails or routes the area should be avoided.

Guides and/or regristered parties should be aware of sensitive wildlife areas and the wildlife guidelines.

BLANKET GRACIER CHALET agrees that the outcome of a public planning process may materially affect the nature and extent of the activity/management plan of the tenure, and that the tenure will be subject to change based on the final approved recreation and Access plan.

BLANKET GRACIER CHALET agree that there may be incremental changes in management practices as a result of ongoing research and government management standard (policy) changes.

BLANKET GRACIER CHALET agrees that public access cannot be denied BLANKET GRACIER CHALET agree to work with other commercial operators in the area.

BLANKET GRACIER CHALET agree to abide by any local agreements that may be in effect over the area.

BLANKET GRACIER CHALET agree to keep accurate records of public and/or other commercial use in each operating area and in turn submit record to BCAL with annual rental.

 Must obtain a permit from the North Okanagan Health Region for sewage disposal and water use.

All surface water use must be disinfected and the system approved by Health All refuse to be disposed of in an authorized landfill

Any petroleum products used shall be stored in a manner to minimize the risk of accidental release.

If wolverine dens sites are located, all parties etc are to keep 2 km away when wolverines are present

Agrees that future mineral exploration and development may occur in the area.

Agrees to work with WLAP to develop a bear protocol and to supply more detail on the facilities and wildlife in the area to them.

Agrees to contact WLAP if any caribou human conflicts arise.

This license does not grant any authority for use within the Greenbush-Caribou Protected area. Any use within this area should be discussed with BC Parks in Summerland.

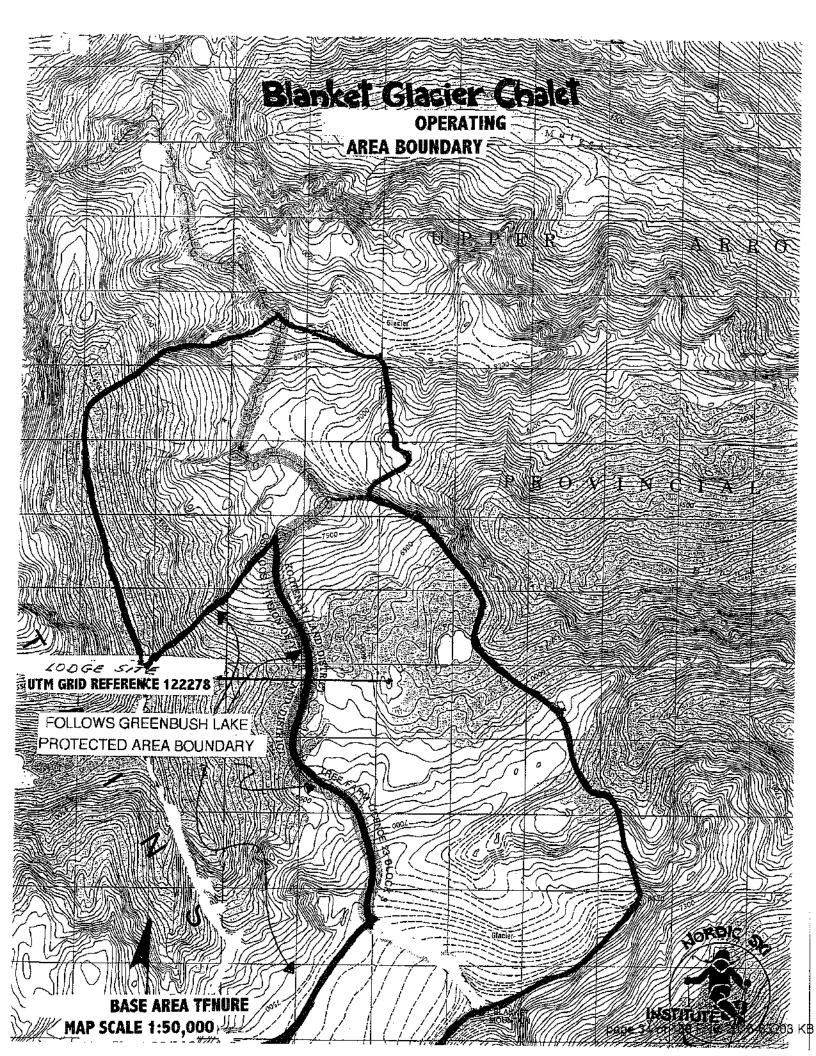
- Must abide by all Prov. Acts and Regulations.

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std 1

Robin Fawcett Land Officer



# **Aboriginal Interest Assessment Report**

#### **GENERAL**

File Number: 4400749

Report Completed By: RF

Date: 28/02/02

Recommendation: CLEAR APPLICATION FOR FIRST NATIONS ISSUES

Explain:

Signed by:

The provincial Consultation Guidelines (1998) and the Crown Land Activities and Aboriginal Rights Policy Framework (1997) were consulted in developing and completing this report.

### **PART A: Property Description**

BCAL Region:

Kootenay

**Project Name:** 

Location:

South of Revelstoke

Parcel Size:

45 sq kms

Zoning:

No zoning

**BCAL Project:** 

Legal Description:

Blender

Unsurvey Crown land in the vicinty of Borne Glacier, KD.

### Proposed Use and Project Description:

Lodge based ski touring and summer hiking

#### Site Description:

Alpine terrin with scattered forest cover.

#### Adjacent uses:

Forestry, and comercail heliski

Status:

DONE

**Ref. Map No:** 82 L 079/080/089

Attachments:

# RT B: Aboriginal Interest Assessment

### PHASE 1

- 3. Identify First Nations Potentially Interested in the Land
- a) What is/are the First Nation(s) with potential interest in the subject land? List:

### Are Referrals Required?

- b) Are First Nations referrals required? YES Comments:
- c) Was the ARLO consulted? NO Explain:
- d) Were First Nations referrals faxed? NO Date (if YES):
- e) Was the original First Nations referral letter mailed and a copy placed on the file? YES
   Date (if YES): 22/11/01
- f) Was the Sales Task List or Referral Summary Report Updated? NO
- g) Was a second First Nations referral letter sent? NO Date (if YES):
- h) What other referrals related to First Nations issues were sent and when? List: Archaeo Research Consultants
- 4. Review Referral Responses and Other Facts

#### Site Inspection

- a) Was a site inspection carried out? NO Date (if YES):
   Explain: (if NO) remote isolated area, that had an existing tenure since 1982
- b) Is the land suitable for hunting, fishing, plant gathering (including berries), settlement or other cultural activities, including those of a spiritual or ceremonial nature? YES

  Comments:

BCAL Aboriginal Interest Assessment Report - November 3, 2000

c) What cultural evidence, if any, was apparent during your site inspection? List:

## Nature of the Land

- d) What is the history of the land in question with regard to ownership? Describe: Crown
- e) What is the history of the land with regard to development? Describe: Forestry and mining
- f) What is the surrounding land like? Describe: same as subject
- g) Is there a significant amount of unalienated Crown land in the area? YES Comments:
- h) Where is the land located in relation to Indian Reserves, whether currently occupied or not? DISTANT Comments: remote backcountry location

## Nature of the Proposed Disposition

- i) What is the proposed type and term of the disposition? Explain: License of Occupation for 10 years
- j) Does the proposed disposition provide for exclusive use? Is it possible for other parties to still use the land? Explain: No exclusive use, and yes other can use the land

## **Studies**

- k) Has a Heritage Resource Overview (HRO) been completed over the land in question? NO
   If YES, what information was found, if any, relating to the land or vicinity? Comments:
- I) Has a Traditional Use Study (TUS) been completed over the land in question? NO If YES, what information was found, if any, relating to the land or vicinity? Comments:

Has any other study been completed? NO Comments (if YES):

## Referral Responses

- n) Was a referral response received from Archaeology Branch? NO Summarize (if YES):
- o) What responses were received from First Nations? Have the First Nations made a claim of aboriginal rights or title? What prima facie evidence was provided?

Summarize: Yes, Shuswap Nation Tribal Council, see referral on file

- p) Has the First Nation(s) taken action on lands related issues to date? NO Describe (if YES):
- q) Was a referral response received from the Ministry of Aboriginal Affairs regarding treaty issues? NO Summarize:
- r) Is the property subject to a Specific Claim? NO Summarize:
- s) Were any other referral responses relevant to First Nations issues received? YES

Summarize: Archeao Research provided comments

t) Did any other meetings or other communication occur? NO Summarize:

## Does Potential for Aboriginal Rights or Title Exist?

u)	Ar	e there any indicators against a potential for aboriginal title? (Check all
	tha	at apply below).
		Land was Crown granted to third parties in the past.
		Land was alienated on a long term lease to third parties in the past.
		Land is within an area subject to an existing treaty.
	$\times$	Land is already developed.
	$\boxtimes$	Land is distant from reserves, or areas with known aboriginal interests.
		Land is within an urban area or surrounded by development.
		No indication that an aboriginal group has maintained a substantial connection
		or special bond with the land since 1846.
	Cor	nments:

BCAL Aboriginal Interest Assessment Report - November 3, 2000

(,	Are there any indicators that favour a potential for aboriginal title? (Check all that apply below).  Title to the land has been continuously held in the name of the Crown  Land is near or adjacent to a reserve or former settlement or village sites  Land is in an area of traditional use or containing significant archaeological sites  Land is used for aboriginal activities  First Nation has made an assertion of interests/aboriginal title  Land is subject to a registered Specific Claim  Land is undeveloped, outside an urban area and/or close to known aboriginal use areas, ie. fishing, hunting, trapping, gathering or cultural sites  Comments:		
w)	v) Based on these indicators, and any other relevant factors, is there potential for aboriginal rights and/or title? NO Summarize:		
x)	If there is no potential, was a notification letter sent? NO Date (if YES): If potential exists, continue to Section 5.		
5. Assess Factual Basis for Potential Aboriginal Rights or Title			
a)	Are any additional studies needed? NO Explain:		
b)	Was the ARLO consulted NO Explain (if NO):		
	Is the Potential for Aboriginal Rights or Title Significant?		

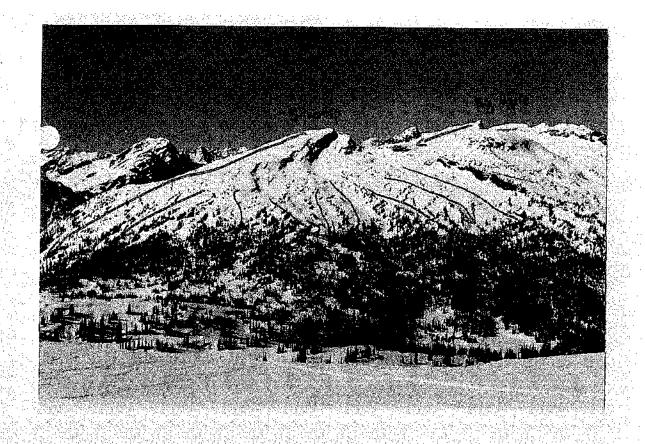
- Is the potential significant enough to warrant proceeding to PHASE 2? NO Explain:
- d) What is the recommended action? CLEAR APPLICATION FOR FIRST NATIONS ISSUES Explain:
- e) Are the ARLO and Project Manager or Land Officer in agreement with the recommendation? YES Comments:

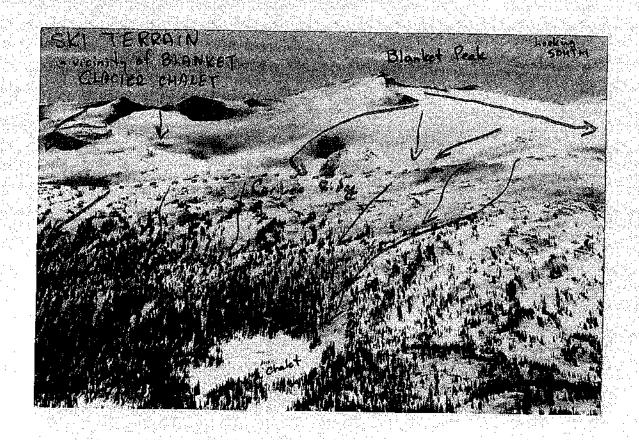
BCAL Aboriginal Interest Assessment Report - November 3, 2000

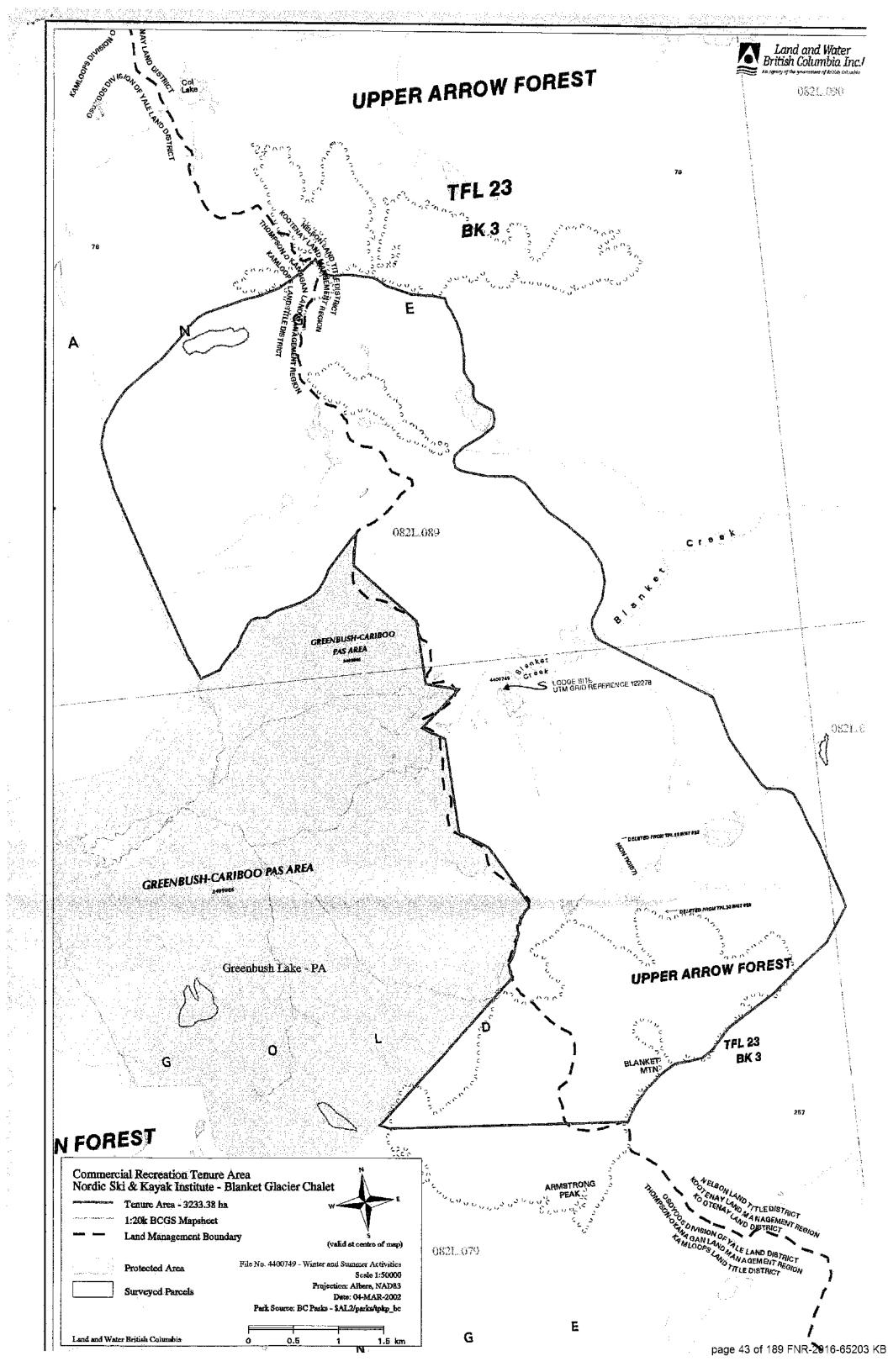
Was a Notification Letter sent? YES Date (if YES):

Page 041

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## Date Accepted: November 7, 2001

# File: 4400749 - Outstanding Referral Responses

- Ktunaxa Kinbasket Tribal Council
- Shuswap Band
- Okanagan Nation Alliance
- Spallumcheen Band
- s.22 working on it

SNIC Response.

CMH – working on it

Advertising: completed (copies on file)

## Fawcett, Robin BCAL:EX

4400749

From: Sent:

Al Schaffer s.22

To:

January 31, 2002 4:28 PM Fawcett, Robin BCAL:EX

Subject:

Re: Use agreement - Blanket Glacier Chalet

Hi Robin:

Have been meeting weekly with Dave Butler from CMH and hopefully can come to some arrangement shortly. Next meeting week of Feb. 11 - 15 should hopefully give us a better idea how things might end up. Will contact you as soon as I have something finalized.

Al Schaffer

> This is just a reminder that we need to have an agreement in place > or at least well underway on your shared use area.

*>* 

>

## Fawcett, Robin BCAL:EX

From: Sent:

Dave Butler [dbutler@cyberlink.bc.ca]

To:

January 31, 2002 2:30 PM Fawcett, Robin BCAL:EX; s.22

Subject:

RE: Use agreement

We're working very hard to put something together that will work for both companies, and are pleased with the frank and productive discussions we've had with Al to-date.

Cheers Dave Butler, RPF, RPBio. Director, Land Resources, Canadian Mountain Holidays dbutler@cyberlink.bc.ca Phone (250)426-3599 Fax (250)426-3517

----Original Message----

From: Fawcett, Robin BCAL:EX [mailto:Robin.Fawcett@gems7.gov.bc.ca]

Sent: January 31, 2002 11:28 AM

To; s.22

. dave butler (E-mail)

Subject: Use agreement

This is just a reminder that we need to have an agreement in place or at least well underway on your shared use area.

Robin Fawcett **BCAL Kootenay Region** 

Visit our NEW web site at <a href="http://www.bcal.bc.ca/">http://www.bcal.bc.ca/</a> B.C. Assets & Land Corporation -- the provincial agency responsible for making Crown land available for environmentally responsible economic growth and public benefit

## Donald, Jo-Ann BCAL:EX

From: Fawcett, Robin BCAL:EX

Sent: ( ecember 07, 2001 3:54 PM

To: 'dave butler'

Cc: Al Schäffer; Donald, Jo-Ann BCAL:EX

Subject: RE: Referral on File 4400749

Thanks for your note. Glad talks have started. I don't think we need the agreement to be finalized by the end of the referral timeline. However, before a tenure is issued, it will need to be resolved. As we are being tracked in Victoria on our processing time of applications we need to be sure it is done well in advance of 100 days into the process so we can complete within 140 days. I believe Al your application was entered into the system on +/- Nov 22 therefore the agreement needs to be completed by at least March 10th/2002.so we can complete your

----Original Message----

From: dave butler [mailto:dbutler@cyberlink.bc.ca]

Sent: December 07, 2001 2:18 PM To: Fawcett, Robin BCAL:EX

Cc: Al Schaffer

Subject: Referral on File 4400749

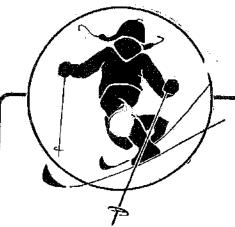
Robin - we have begun meeting with Al to develop a comprehensive working agreement between the two companies. I think we're all confident that we can pull something together that will work.

Because we're all at the start of our busy season, I'm not sure that we'll get it all done in time to respond to the referral by the deadline (Dec 22.) While we both want to solve it quickly, can you please confirm that nothing will happen with the file until we can sort this out?

Thanks.

Cheers.

Dave Butler, RPF, RPBio. (dbutler@cyberfink.bc.ca) Director, Land Resources, Canadian Mountain Holidays 816 30th Ave S., Cranbrook, BC V1C 4Y9 Phone (250) 426-3599 Fax (250) 426-3517



October 15, 2001

Herb Hess Regional Manager B.C. Assets & Land Corporation Cranbrook, B.C. V1C 7G5

# NORDIC SKI - INSTITUTE -

Вон 8150 Canmore. AB. TIW 279 (403) 678 - 4102

B C ASSETS AND LANDS CORP

OCT 2 3 2001

CRANBROOK, B.C.

Dear Herb:

I am enclosing a management plan and application for an area based CR tenure for our existing license of occupation at the Blanket Glacier Chalet. Our present tenure is scheduled to expire in February 2002. I applied in 1996 and was advised that my interest could not be addressed because of lack of government capacity.

Over the past ski season, our relationship with another user group (Canadian Mountain Holidays) in our joint operating area has deteriorated to the point where I would request some facilitation on behalf of BCAL to help both parties accommodate their business needs.

As well as enclosing an application for a CR tenure, I am also forwarding copies of correspondence that occurred after a conflict with CMH last February; findings from a Transport Canada civil aviation tribunal hearing that found CMH in contravention of safe flying regulations with regard to flying elevation above a group of ski tourers; and 2 representative letters of complaint re: heli- ski /ski touring conflict I have received that has affected our future ability to operate a successful business in the Blanket Glacier area. I hope that these letters will offer you a better insight into problems that we are experiencing in our ski touring business.

In closing, I appreciate your attention to above request of CR tenure application and would appreciate your earliest consideration in order to attempt to resolve this issue prior to our winter operating season.

Yours truly,

Al Schaffer

(Owner/operator

BLANKET GLACIER CHALET)



File: 4400749

4496100

June 20, 2001

s.22

Please find enclosed a recent letter that addresses the concerns you brought forth in your correspondence to our office.

Yours truly,

Herb Hess Regional Manager

Enclosure

HH/klw



File: 4400749 4496100

Ref: 4413

April 24, 2001

s.22

## Dear Backcountry Enthusiasts:

I am writing this response to a number of letters sent or copied to the BC Assets and Land Corporation (BCAL) regarding an incident between commercially guided helicopter and self-propelled skiers in the mountains south of Revelstoke near Blanket Peak. Some of the letters are directed at Canadian Mountain Holidays (CMH) with copies to various agencies of government.

I have also received information from CMH about the incidents. I am also told, confirmed by one of the letters, that they have either undertaken or will be undertaking direct communication with some of the parties.

.../ 2

The Province continues to work on improving recreation management of crown land. Commercial recreation management was limited to guide outfitters under the Wildlife Act and Heli and Cat skiing under the Land Act until the adoption of the commercial backcountry recreation policy in 1998. Issues include negative interactions between public and commercial recreation users; competition between recreation such as snowmobiling and backcountry skiing; conflicts between recreation and resource extraction and conflicts between recreation and wildlife interests. Addressing these issues is a complex, time consuming social and government challenge.

Issues are raised when the Province is considering a new commercial proposal; considering a tenure for an existing business or reviewing an incident between existing users (public/commercial, tenured or not). The issues are often intensely emotional and are affected to a large degree by perceptions and strongly held values about our backcountry, values that are often dramatically different between different users. When conflict arises it is common for parties to search for an entity that may act to support their particular point of view. Where two commercial operators are in conflict the responsibility rests with this agency.

All government agencies spend an inordinate amount of energy on avoiding, minimizing or reducing conflict. When it occurs there is a tendency to search for a "right" or a "wrong" and often there is either limited or conflicting information on what took place. However conflicts in the outdoors can be difficult if impossible to reconcile in a positive way. Ultimately all users are recreation enthusiasts that choose to enjoy the backcountry in different ways.

To address conflicts government and its agencies have begun to develop some tools to address these pressures. The major tool is the management and tenuring requirements of the Commercial Backcountry policy. The backcountry skiing, snowmobiling report adopted strategies to bring user groups together to resolve use overlaps. Facilitators/Mediators have been used where issues are in dispute or areas of limited recreation capacity have been tendered between competing parties. Government agencies continue to work together on initiatives such as recreation planning for the Whistler corridor and integrated public/commercial recreation/access planning. However such plans are time consuming, expensive and will take years to implement on the entire crown land base.

The Province believes that both Backcountry skiing and Helicopter Skiing have a legitimate place on crown land but cannot always take place at the same time and place. Both activities contribute in different ways to backcountry outdoor recreation experiences. Both uses have a long tradition in British Columbia.

I do not intend to conduct an investigation into the circumstances surrounding the incident near Blanket Peak. CMH does have an area-based tenure and pays rent for use of the ski run involved in the incident. However part of their stated management approach is to avoid backcountry skiing parties as helicopters have a far greater terrain reach than self-propelled skiers. I believe that generally this practice is followed based on anecdotal evidence. I do understand that Heli-Skiing does have needs related to bad weather and this year was a particular difficult year for avalanches and lack of snow.

Blanket Glacier Chalet does not have an area-based CR tenure so there is no formal record of their activity pattern. Instead Blanket Chalet has a long-standing tenure for the lodge site. Blanket Chalet applied for CR tenure in 1996 and were advised that their interest could not be addressed because of lack of government capacity. BCAL erred in not getting back to the chalet in 1998 when existing operators were able to apply. A CR management plan may have avoided this incident.

I am not proposing to make any findings about the conduct of the parties during the incident. Instead I suggest to both parties they recognize the need for co-operation based on the principle that Heli-Ski and Backcountry ski touring are important commercial opportunities for the Province and the Revelstoke area.

We suggest that Al Schaffer of Blanket Glacier Chalet develop a management plan and then apply for an area based CR tenure to bring the business into compliance with the current program. I further suggest that CMH give the greatest possible consideration to finding a way for the Blanket Glacier business to operate successfully within this area. BCAL encourages the parties to work together to find a way to accommodate both of their business needs with respect and fairness. BCAL is prepared to support facilitation of the management plan development and discussion between the parties. The management plan and application will also have to be advertised and meet the interests of other interests such as the wildlife management guidelines.

I apologize for the length of this response but feel it is important to speak to and air some of the fundamental issues that drive these situations and outline a process for moving forward. Further I invite both parties to respond to this office about the suggested directions. We are very willing to consider alternate forms of resolution if the parties so desire.

Yours truly;

Original signed by Herb E. Hess'.

Herb Hess Regional Manager

pc: Mark Kingsbury, President, CMH, Banff
Al Schaffer Blanket Glacier Chalet
Jack Hall, Vice President, BCAL Victoria
Derek Thompson, Deputy Minister, Ministry of Environment, Lands & Parks, Victoria
Scott Benton, Regional Director Ministry of Environment, Lands & Parks, Nelson Ed Conroy, Minister of Agriculture, Food and Fisheries, Victoria
Outdoor Recreation Council of BC
City of Revelstoke

HH/klw

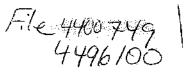
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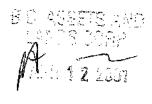
Dear Dire Bacon, This winter I spent a week at AI Shaeffer's was told about some of the land issues of the area. Speaning from my personal experience, I was suprised to be testening to helicopters most days, and irritated to boot. Granted, we arrived by helicopter, but for the next & days there were no choppers taking us up the mountain. Perhaps instead of Saying yes to so much TRAFFIC in the mountains, we ought to consider more responsible and respectful use of the area. I support backcountry use of the area, but feel that the present amount of helitopter traffic is too high, and must be disruptive to wildlife. Perhaps CMH ought to slow down and leave some ferrain to quiet users like self-properled spiers and caribon. Manks, 5,22

> File: CMH. Kevelstoke-no addens Cage 54 of 189 FNR-2016-65203 KB

# ROBERT D. BOTT

WRITER, EDITOR AND COMMUNICATIONS CONSULTANT 641 Third Avenue N.W. Calgary, Alberta, Canada T2N 0J2 Phone and fax (403) 283-7560 E-mail bottr@cybersurf.net





CRANBROOK, B.C.

April 7, 2001

5 4 17

Minister of Agriculture, Food and Fisheries, PO Box 9120, STN PROVGOVT, VICTORIA, BC, V8W 9B4

Minister of Environment, Lands and Parks, PO Box 9360, STN PROV GOVT, Victoria BC V8W 9M2

Dear Ministers:

I think that you will find the enclosed letter, especially the discussion on pages 3-5, raises questions and issues that need to be addressed by you and your departments. Thanks in advance for your consideration.

Sincerely,

Robert D. Bott Calgary

End:

Letter to B.C Assets and Land Corp.

What I But

Appendix A: excerpts from noise pollution media coverage

Appendix B: comparative greenhouse gas emissions from various skiing options

B.C. press release on greenhouse gas emission reduction

Ski Magazine article



April 20, 1998

Your File:

Our File: 4400749

Allan R. Schaffer and Marion E. Schaffer Box 1050 & 150 Canmore, Alberta, T1W 2T9

Attention: Allan and Marion Schaffer

Dear: Allan and Marion Schaffer;

Re: Heli - ski incident Blanket Glacier area

It has been brought to our attention that a group of Heli-skiers, accompanied by yourselves, skied in an area held under license by Canadian Mountain Holidays(CMH).

As a member of the public you enjoy a privilege of accessing Crown land. Commercial operators, on the other hand, must apply and obtain tenure for the rights to run a business on tracts of Crown land. You are no doubt aware, CMH has obtained the rights to Heli-ski in the area where the reported trespass heli-skiing has occurred. As, another commercial operator in the area, you should know how incidents like this, effect the appearance and "bottom line" of the effected company.

We are hoping that we are only dealing with an isolated private occurrence, where the communication between yourselves and CMH broke down. If the activity was of a commercial nature, we cannot treat it lightly, and must advise, that you where in trespass, and that fines of up to \$20,000 could be justifiable if it happens again.

Robin Fawcett

Land Officer

ec: Buck Corrigan, CMH, Revelstoke

4400749

## Fawcett, Robin

From:

dave butler

To:

Herb Hess

Cc:

Robin Fawcett; McPhail, Murray

Subject:

Fw: Trespass heli-skiing at Blanket Glacier

Date:

Thursday, April 16, 1998 3:02PM

Further to my last note, please note that Schaeffer admits that this is NOT the first time that he has illegally heli-skiled out of the Blanket Chalet. While some at CMH would like to see his License revoked, I hope that his inability to "stick to the rules" will be considered at your end. Maybe a nice visit from the Conservation Officers ....??

#### Cheers

Dave Butler, R.P.Bio., R.P.F. (dbutler@cyberlink.bc.ca) Phone (250) 426-3599 Fax (250) 426-3517

From: dave butler <dbutler@cyberlink.bc.ca>

To: Herb Hess <herbhess@cranbrook.env.gov.bc.ca>

Cc: McPhail, Murray <MUMCPHAIL@cranbrook.env.gov.bc.ca>; Robin Fawcett

<rfawcett@cranbrook.env.gov.bc.ca>

Subject: Trespass heli-skiing at Blanket Glacier

Date: April 16, 1998 3:42 PM

Herb - I just received the following from Diny Harrison, our Assist. Manager at CMH Revelstoke. Her note is self-explanatory.

I spoke to Al Schaeffer just moments ago, and questioned him on the incident. He did not deny it. He suggested that: he thought CMH was finished for the season; and (2.) he said it was for he and his family; and (3.) he apologized and said that it woUld not happen again without prior contact with us.

BC lands files: 4400749 (Schaeffer) and 4496100 (CMH RE)

I will pick the photos up in Revelstoke next week, and will bring them in to you.

"On Tuesday April 14th we were skiing with groups in the Blanket area. When we arrived there was a set of nine ski tracks down the center of one of our runs "Geronimo". A fly by confirmed that the skiers were lifted by a small helicopter to one of our landings, it landed by our flags. The tracks converge at the bottom of the run where the skiers then toured up the south side of "Cariboo Ridge" and skiied down the other side to the Blanket Hut. There is no doubt that the ski tourers were staying at the hut.

I spoke to s.22 a new pilot this year with Selkirk Mountain Helicopters of Revelstoke. He confirmed that he was the pilot and that Al Schaeffer, the owner of the blanket hut, had asked him to fly them (Al, family and company) to the top of the run Geronimo. He told the pilot that he had done this before and that it was an acceptable thing to do.

One of our guides, s.22 , took photos (prints) from the front of our helicopter of the skid marks on the landing, the ski tracks on the run and the ski tracks climbing up Cariboo ridge. These are being developed this week can forward copies to you when available.

Geronimo is a frequently used run and has been in our leased area for longer than Mr. Schaeffer has owned the Blanket Hut. This is not the first time that Mr. Schaeffer has done this, he has been made aware of his restrictions in land use of this area and therefore was well aware of his transgression in asking a new pilot to take him to the run "Geronimo". I feel that this conduct is unprofessional and that it demonstrates an unwillingness to cooperate or accept our respective operational guidelines in the use of this area.

Sincerely Diny Harrison Assistant Manager CMH Revelstoke\*

I DON'T THINK ANY ACTION IS NECESSARY AT THIS TIME, BUT I WOULD ASK THAT THIS NOTE BE PLACED ON FILE SO THAT IT CAN BE CONSIDERED AS PART OF THE RECORD WHEN THEIR APPLICATION FOR AN AREA-BASED TENURE IS RECEIVED. Thanks.

Cheers.
Dave Butler, R.P.Bio., R.P.F. (dbutler@cyberlink.bc.ca)
Phone (250) 426-3599 Fax (250) 426-3517

## Fawcett, Robin

From:

Hess. Herb

To:

McPhail, Murray; Fawcett, Robin

Subject:

Fw: Trespass heli-skiing at Blanket Glacier

Date:

Thursday, April 16, 1998 6:25PM

I would appreciate your comments on what response we should take in regard to this incidence. Thank you.

From: dave butler To: Herb Hess

Cc: Robin Fawcett; McPhail, Murray

Subject: Fw: Trespass heli-skiing at Blanket Glacier

Date: Thursday, April 16, 1998 3:02PM

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To: Herb Hess <herbhess@cranbrook.env.gov.bc.ca>

Cc; McPhail, Murray <MUMCPHAIL@cranbrook.env.gov.bc.ca>; Robin Fawcett

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## Fawcett, Robin

From:

dave butler

To:

Herb Hess

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Dave Butler, R.P.Bio., R.P.F. (dbutler@cyberlink.bc.ca) Phone (250) 426-3599 Fax (250) 426-3517



February 12, 1998

Your File:

Our File: 4400749

Nordic Ski Institute Ltd. Box 8150 Canmore AB T1W 2T9

Attention: Allan and Marion Schaffer

Dear Allan and Marion Schaffer:

Re: Blanket Glacier Chalet

I am returning your application for Crown land under our Ministry's CBR policy for an area-based tenure for your ski touring operation in the vicinity of the Blanket Glacier and your \$107.00 application fee.

The Lands and Water Program section of this Ministry has been re-structured, resulting in a reduction in staffing resources. As a result, various land programs delivered by the Ministry have been reviewed and prioritized in an effort to manage our work load. Applications are being screened based on the availability of alternatives to use of Crown land; socio-economic significance and benefits derived from the proposal; and public and environmental health and safety issues.

You have a license of occupation for your hut. Regrettably, given our current workload and on the basis of our screening, your request is not seen as a high priority. Therefore, I must inform you that we are unable to consider your proposal at this time.

We are sorry for any inconvenience and advise your to inquire about your interest in acquiring an area-based tenure at a future date, staff time and workload permitting.

If you have any questions concerning this letter, please call me at 250-489-8582.

Yours truly,

Murray McPhail Land Officer

Murray McRail

4400749

97-04-03

Al Schaffer Nordic Ski Institute PO Box 1050 Canmore AB TOL 0M0

Dear Al Schaffer:

Thank you for your February 3, 1997 letter about an area based tenure for your ski touring operation for the Blanket Hut. I would like to apologize for my tardy response.

It is unfortunate that you have not reached an agreement with CMH who also have interests in your operating area. While I understand your proposal for an exclusive operating area for ski touring, I also recognize the long term interest and tenure by CMH. This office is committed to ensuring that both enterprises are viable, integrated and continue to meet the increasing demand for backcountry recreation products.

The proposal that you have been working on has been received in this office. However, we do not consider it to be at the "application stage" until the matter with CMH is settled and a completed draft management plan that covers all the issues is presented and accepted. I would therefore ask you continue to work with CMH to reach agreement and incorporate into your draft management plan how the two activities should co-exist. Once you reach agreement, we would be pleased to proceed with consideration of your proposal.

I should also make you aware that reduced staffing has made it necessary for this office to rely increasingly on applicants to solve problems without our participation. I would therefore encourage you to seek solutions with CMH or obtain the assistance of outside third party mediators that can recommend options for consideration of yourselves, CMH and this agency.

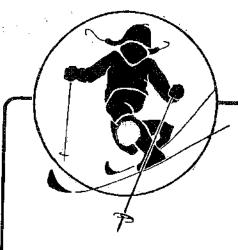
Yours truly,

Herb Hess Assistant Manager, Lands

HEH/jd

cc: Canadian Mountain Holidays, Banff

Dave

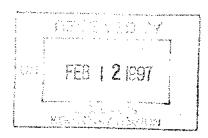


# NORDIC SKI - INSTITUTE

Box 1050 Canmore, AB. Tol. OMO (403) 678-4102

February 3, 1997

Ministry of Environment, Lands and Parks Kootenay Region 828 A Baker St. Cranbrook, B.C. VIC 1A2



Dear Sir:

This letter is to confirm our CBR application for the operation of the BLANKET GLACIER CHALET. Our application has been in your office since last summer and according to our telephone conversation with Dave Butler, our application has been accepted, except for a user conflict with CMH. Dave asked the two parties, ourselves and CMH to attempt to resolve this matter on our own. Unfortunately, we have not been able to resolve this matter (see enclosed letters re: these meetings) and I am thereby requesting that your department consider my original application with my requested exclusive use area surrounding the BLANKET GLACIER CHALET.

My relationship with CMH has been amicable and I wish it to remain so. However, I have noted significant increased usage by CMH of the ski terrain in the Blanket Creek drainage over the past few years. The use of the terrain and sound of helicopters directly over the chalet obviously impacts on the enjoyment of the chalet by our guests and ourselves.

We have no objections to CMH using the areas surrounding our chalet, except for ski runs that pick-up near the lakes and terrain directly adjacent to our buildings. It seems to me that the best way to accomplish this is for the Government to give our operation an exclusive use to the specificied area as outlined in our application.

I submit that we should be granted exclusive use of the area for these reasons:

1. It is obviously not as enjoyable for our guests when we ski runs that CMH has previously tracked up and there is the constant safety concern for our skiers coming down the only two main ski routes back to the chalet that have been heavily skiled out by CMH.

2challe,

- 2. The CMH helicopters have been flying directly overtop and beside our chalet for skier pickups. The increased ( turbulance of the larger helicopter than the smaller size that we utilize increases problems to our buildings (i.e. roofing materials, supplies stored outside buildings) and noisy inconvenience to our guests who might be spending a day off from skiing relaxing in chalet.
- 3. It appears that the Government will be taxing our operation on a per head/per diem basis in the future. I feel that if we are to be taxed we should have the benefits of some ski terrain without the above mentioned problems.

I trust that this outlines my position and I look forward to receiving your reply.

Yours truly,

At Schaffery

Al Schaffer

NORDIC SKI INSTITUTE LTD.

July 26, 1996

Al Schaefer
Th( Ordic Ski Institute
Box 1050
Canmore Alberta
TOL 0M0



Re: Blanket Hut

Dear Al,

Following your meeting with him, <sup>s.22</sup> asked me to write you in regard to your application under the CBR Policy for the operation at the Blanket Hut. I refer also to our many discussions over the past few years, and to the summary of our meeting with <sup>s.22</sup> last October 2, 1995 (copy enclosed).

On the strength of the historical facts, which include:

- a) our run-based license effective for the period 1978 to 1989,
- b) our area-based tenure effective from 1989 to 2009.
- c) the critical importance of the Blanket as a Primary Intensive Use Area and Bad Weather Use Area for our Revelstoke heli ski operation,
- d) our demonstrated use of the area consistently since 1978, and
- e) the circumstances of the establishment of the hut and subsequent events, we cannot support your request for an area based tenure within our area.

Specifically, we object to any form of exclusive, area-based tenure being granted for a ski touring operation from the Blanket Hut. We also object to any "higher rights" being granted to the ski touring operation over the heli ski operation, asserting that the heli ski rights take precedence.

We do support a license being issued which embodies the historical operating arrangements under which you and Buck have worked successfully for many years. These have yet to be drafted. Further, we would support an effort on your part to relocate the hut and ski touring operation to a new area that does not conflict with the heli ski operation.

We urge you to draft an agreement with <sup>s.22</sup> that captures the essence of your working arrangement in a way that will outlive the individuals and operators presently involved. When it is mutually acceptable, you can submit it to BC Lands for incorporation into a license document.

Trusting this to be satisfactory.

Yours truly,

Canadian Mountain Holidays Inc.

Walter Bruns

Chief Operating Officer

CC s.22

Dave Butler, BC Lands

Summary of Meeting: Al Schaefer, \$2

## Banff Oct 2/95

## Re: Blanket Hut and CMH Revelstoke

- 1. Initial permit for Blanket Hut obtained by s.22 in 1983 through MoF 1 year S 11 P renewable annually.s.22 wrote letter to Ministry at the time; looking for a copy in Victoria. s.22 attempted unsuccessfully to break out an area from CMH Revelstoke. At bought the hut from s.22 in 1986 with a 10 year lease on the 50x50m site.
- 2. All has made 2 applications to BC Lands for a licence under the interim CBR policy. These have been returned for further information. Lands suggests that All resolve overlapping use with CMH directly.
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- 4. stated that the entire area is crucial to his operation as primary bad weather terrain. His groups ski in the area 1-2 days per week on average, and sometimes 3 or even 4 days in a given week when conditions are adverse s.22 equires this option to run his operation safely and viably. He stated that there is pressure from guests and guides to ski there more frequently. He mentioned the economic factors associated with his operation as compared to ski touring.
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- discuss buyout of Al (if possible) and be seen as using financial clout to accomplish the same thing;
- negotiate an agreement for shared use of the area which results in net loss to CMH and gain for Al.
   Very difficult to find a non zero-sum solution that is acceptable to both parties.

### Resolved:

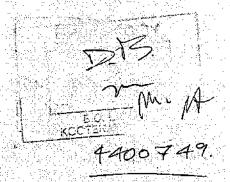
All accepts the idea to hold off with his application. All and size arrangements this fall towards a written agreement for shared use of the present area. All and size investigate size suggestion to collaborate on a relocation of the hut and ski touring operation to a non-conflicting new area.

**cc** J<sup>s.22</sup>

July 26, 1996

Al Schaefer
The "ordic Ski Institute
Bo 050
Canmore Alberta
TOL 0M0





## Re: Blanket Hut

Dear Ai,

Following your meeting with him, s22 asked me to write you in regard to your application under the CBR Policy for the operation at the Blanket Hut. I refer also to our many discussions over the past few years, and to the summary of our meeting with s22 last October 2, 1995 (copy enclosed).

On the strength of the historical facts, which include:

- a) our run-based license effective for the period 1978 to 1989,
- b) our area-based tenure effective from 1989 to 2009,
- c) the critical importance of the Blanket as a Primary Intensive Use Area and Bad Weather Use Area for our Revelstoke heli ski operation;
- d) our demonstrated use of the area consistently since 1978, and
- e) the circumstances of the establishment of the huf and subsequent events, we cannot support your request for an area based tenure within our area.

Specifically, we object to any form of exclusive, area-based tenure being granted for a ski touring operation from the Blanket Hut. We also object to any "higher rights" being granted to the ski touring operation over the heli ski operation, asserting that the heli ski rights take precedence.

We do support a license being issued which embodies the historical operating arrangements under which you and Buck have worked successfully for many years. These have yet to be drafted. Further, we would support an effort on your part to relocate the hut and ski touring operation to a new area that does not conflict with the heli ski operation.

We urge you to draft an agreement with \$22 that captures the essence of your working arrangement in a way that will outlive the individuals and operators presently involved. When it is mutually acceptable, you can submit it to BC Lands for incorporation into a license document.

Trusting this to be satisfactory.

Yours truly,

Canadian Mountain Holidays Inc.

Walter Bruns

Chief Operating Officer

\_ s.22

Dave Butler, BC Lands

god

### Banff Oct 2/95

## Re: Blanket Hut and CMH Revelstoke

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   Very difficult to find a non zero-sum solution that is acceptable to both parties.

### Resolved:

Al accepts the idea to hold off with his application. Al and \$22 or draft their historical operation arrangements this fall towards a written agreement for shared use of the present area. Al and to investigate \$22 suggestion to collaborate on a relocation of the hut and ski touring operation to a non-conflicting new area.

3314/W RMS SERVICE NO: 0759 New May 4400749 Document No. 401127 Inspire No. 95/12/31 Суметиен года , Dira Date 96/02/15 ALAN AND MARION SCHAFFER RECEIVED PLEASE ENTER ADDRESS CHANGES BELOW: STF T ( T (45) CITY 535.00 POSTAL CODE \_\_\_\_ PHONE NO. Balance Oying S Registral office use only ENVIRONMENT, LANDS AND PARKS 828A BAKER STREET CRANBROOK B.C. V1C 1A2 PH: (604) 426-1414 ENTER AMOUNT OF PAYMENT ESA EST.

DRIGINAL

95-09-14

Allan Schaffer PO Box 1050 Canmore AB TOL 0M0

Dear Allan Schaffer:

Re: Commercial Backcountry Recreation (CBR) Policy

Further to our last letter that accompanied the CBR application package, this is to keep you posted on our progress in implementing the CBR Policy in the Kootenay Region.

Many existing tenured CBR operators have contacted us and have begun to prepare draft CBR applications. Please feel free to contact one of us if you have any questions about producing a draft management plan for the CBR activities that you offer that are not already tenured.

As you may be aware, one of the commitments made by government in the recent Kootenay-Boundary Land Use Plan was to provide an additional staff member in our office to expedite new CBR applications in the region.

For your information, we are now filling this position, and will soon be accepting applications from those CBR operators in the Kootenays who have been waiting to start a new CBR business. This is a change from our original approach, but we will continue to process applications from existing CBR operators such as yourself. The addition of this new staff member to our office should not significantly affect the amount of time it will take to process the application for your existing CBR operation, which is estimated at about 12 month.

Allan and Marion Schaffer Nordic Ski Institute Ltd. 1046 Rundkview Drive PO Box 1050 Canmore AB TOL 0M0

Dear Allan and Marion Schaffer:

### Re: Application for Crown Land

Thank you for your recent application for Crown land. A review of the information supplied in support of your application has revealed that it lacks certain information needed for us to properly assess your proposal. As we are unable to process your application further without this information, I am returning your application together with your application fee.

Listed on the attached are a number of items which are commonly omitted by individuals/corporations when applying for Crown land. An "X" beside any item listed indicates that this information was not included with your application or was incomplete.

We would be pleased to have you reapply to this office once you have gathered the necessary information and assembled it into one complete package.

I invite you to contact me if your require any clarification concerning this letter.

Yours truly,

Dave Butler, R.P.F. Senior Land Officer

DJB/jd Enclosure

# FILING CBR APPLICATIONS FOR CROWN LAND

Ple	ease p	rovide additional details in the following area(s):	
	No	n-refundable application fee missing (\$100.00 plus 7% G.S.T.).	
	App	olication form not signed (by person with signing authority).	
	For	m of tenure/intended land use and/or period required missing.	
	Dat	e land staked missing.	
	For	n 1 (Notice of Intention to apply for Crown land) missing.	
	Forr	n I not posted on the land.	
	Nan	ne of individual, company or organization needs additional clarity to establish eligibility.	
The area under application not clearly identified:			
		metes and bounds for intensive license area (camp(s)) not complete or included; should only be applying for area vecessary to enclose inprove the need additional points (by NTS grid or latitude/longitude) to clarify the location of the proposed operating area; see is not complete.  area (ha.) of proposed operating area and/or intensive site(s) not included.	
Additional detail in your mapping to:			
	ď	identify the location of all proposed facilities, improvements, trails/access routes, etc.;	
	œ	clarify the location of all proposed activities within the operating area boundary;	
	O .	provide detailed site plans for the intensive use sites (camps) at 1:2,000 or better, showing the location of all facilities.	
Addit	tional d	letails in text necessary to describe:	
	<b>1</b>	proposed CBR activities and where they will occur on the land;	
		nature of the products and services to be offered, including an implementation schedule for stages to be completed over time (where relevant);	
		time of year for activities;	

95-02-10

Allan Schaffer PO Box 1050 Canmore AB TOL 0M0

Dear Allan Schaffer:

We are pleased to advise you that the long awaited interim Commercial Backcountry Recreation (CBR) Policy has been approved. I would like to thank you for your patience and co-operation with what we feel is an exciting policy for backcountry operators, BC Lands and the people of this province.

The Ministry has chosen to introduce the new policy as an interim policy to allow for 'fine tuning' over the next 12 months. The primary issue of pricing will not be finalized until 1998. The Ministry, prior to 1998 and with industry involvement, plans to conduct a detailed pricing analysis. The results of the analysis will aid in determining a fair and equitable pricing guideline.

Here in the Kootenays, we will be taking a staged, low-key approach to implementing this policy. The first stage of this implementation plan is to invite you, as a tenured backcountry operator, to submit a formal application for your existing CBR activities. Existing activities are defined as untenured activities that were being provided to clients one full season prior to the May 1991 moratorium on new applications for CBR uses. At this point in time we will not be accepting applications for new activities.



File: 4404209 (4496100)

2003-12-05

Dave Butler
Canadian Mountain Holidays
816 – 30<sup>th</sup> Avenue South
Cranbrook BC V1C 4Y9

Dear Dave Butler:

Land and Water British Columbia Inc. (LWBC) in Cranbrook would like to advise you that we have received an application under our Commercial Recreation Policy that overlaps with your tenured area.

You will be receiving a registered letter from the applicant, with a copy of their management plan, map(s) and an operator input form (OIF). As there may be management issues associated with this application, we ask that you complete and return the OIF with your comments, to the LWBC office processing the file, within 30 days of receipt of the forms. The OIF does not constitute a veto, but offers you the opportunity to provide specific information on how the proposed use may impact your operation and/or any ideas you have regarding possible joint use of the land. This information will aid LWBC staff in the application adjudication process.

If you require information regarding the process being followed please refer to our Web page under Commercial Tenure Incentive Program, at <a href="http://lwbc.bc.ca/applying">http://lwbc.bc.ca/applying</a> for land/commercial recreation.htm.

Yours truly,

Robin Fawcett Commercial Recreation Manager

RF/jd

Southern Service Region -- Cranbrook Field Office 1902 Theatre Rd. Cranbrook, BC V1C 7G1 Tel: (250) 426-1766 Fax: (250) 426-1767 Website: www.lwbc.bc.ca





File: 4400749

4496100

June 20, 2001

s.22

Please find enclosed a recent letter that addresses the concerns you brought forth in your correspondence to our office.

Yours truly,

Herb Hess Regional Manager

Enclosure

HH/klw



File: 4400749 4496100

Ref: 4413

April 24, 2001

s.22

## Dear Backcountry Enthusiasts:

I am writing this response to a number of letters sent or copied to the BC Assets and Land Corporation (BCAL) regarding an incident between commercially guided helicopter and self-propelled skiers in the mountains south of Revelstoke near Blanket Peak. Some of the letters are directed at Canadian Mountain Holidays (CMH) with copies to various agencies of government.

I have also received information from CMH about the incidents. I am also told, confirmed by one of the letters, that they have either undertaken or will be undertaking direct communication with some of the parties.

.../ 2

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The Province continues to work on improving recreation management of crown land. Commercial recreation management was limited to guide outfitters under the Wildlife Act and Heli and Cat skiing under the Land Act until the adoption of the commercial backcountry recreation policy in 1998. Issues include negative interactions between public and commercial recreation users; competition between recreation such as snowmobiling and backcountry skiing; conflicts between recreation and resource extraction and conflicts between recreation and wildlife interests. Addressing these issues is a complex, time consuming social and government challenge.

Issues are raised when the Province is considering a new commercial proposal; considering a tenure for an existing business or reviewing an incident between existing users (public/commercial, tenured or not). The issues are often intensely emotional and are affected to a large degree by perceptions and strongly held values about our backcountry, values that are often dramatically different between different users. When conflict arises it is common for parties to search for an entity that may act to support their particular point of view. Where two commercial operators are in conflict the responsibility rests with this agency.

All government agencies spend an inordinate amount of energy on avoiding, minimizing or reducing conflict. When it occurs there is a tendency to search for a "right" or a "wrong" and often there is either limited or conflicting information on what took place. However conflicts in the outdoors can be difficult if impossible to reconcile in a positive way. Ultimately all users are recreation enthusiasts that choose to enjoy the backcountry in different ways.

To address conflicts government and its agencies have begun to develop some tools to address these pressures. The major tool is the management and tenuring requirements of the Commercial Backcountry policy. The backcountry skiing, snowmobiling report adopted strategies to bring user groups together to resolve use overlaps. Facilitators/Mediators have been used where issues are in dispute or areas of limited recreation capacity have been tendered between competing parties. Government agencies continue to work together on initiatives such as recreation planning for the Whistler corridor and integrated public/commercial recreation/access planning. However such plans are time consuming, expensive and will take years to implement on the entire crown land base.

The Province believes that both Backcountry skiing and Helicopter Skiing have a legitimate place on crown land but cannot always take place at the same time and place. Both activities contribute in different ways to backcountry outdoor recreation experiences. Both uses have a long tradition in British Columbia.

I do not intend to conduct an investigation into the circumstances surrounding the incident near Blanket Peak. CMH does have an area-based tenure and pays rent for use of the ski run involved in the incident. However part of their stated management approach is to avoid backcountry skiing parties as helicopters have a far greater terrain reach than self-propelled skiers. I believe that generally this practice is followed based on anecdotal evidence. I do understand that Heli-Skiing does have needs related to bad weather and this year was a particular difficult year for avalanches and lack of snow.

Blanket Glacier Chalet does not have an area-based CR tenure so there is no formal record of their activity pattern. Instead Blanket Chalet has a long-standing tenure for the lodge site. Blanket Chalet applied for CR tenure in 1996 and were advised that their interest could not be addressed because of lack of government capacity. BCAL erred in not getting back to the chalet in 1998 when existing operators were able to apply. A CR management plan may have avoided this incident.

I am not proposing to make any findings about the conduct of the parties during the incident. Instead I suggest to both parties they recognize the need for co-operation based on the principle that Heli-Ski and Backcountry ski touring are important commercial opportunities for the Province and the Revelstoke area.

We suggest that Al Schaffer of Blanket Glacier Chalet develop a management plan and then apply for an area based CR tenure to bring the business into compliance with the current program. I further suggest that CMH give the greatest possible consideration to finding a way for the Blanket Glacier business to operate successfully within this area. BCAL encourages the parties to work together to find a way to accommodate both of their business needs with respect and fairness. BCAL is prepared to support facilitation of the management plan development and discussion between the parties. The management plan and application will also have to be advertised and meet the interests of other interests such as the wildlife management guidelines.

I apologize for the length of this response but feel it is important to speak to and air some of the fundamental issues that drive these situations and outline a process for moving forward. Further I invite both parties to respond to this office about the suggested directions. We are very willing to consider alternate forms of resolution if the parties so desire.

Yours truly;

Original signed by Herb E, Hess

Herb Hess Regional Manager

pc: Mark Kingsbury, President, CMH, Banff Al Schaffer Blanket Glacier Chalet

Jack Hall, Vice President, BCAL Victoria

Derek Thompson, Deputy Minister, Ministry of Environment, Lands & Parks, Victoria

Scott Benton, Regional Director Ministry of Environment, Lands & Parks, Nelson

Ed Conroy, Minister of Agriculture, Food and Fisheries, Victoria

Outdoor Recreation Council of BC

City of Revelstoke

HH/klw

JUN 122007/MME 8 2001

Dear Dave Bacon, This winter I spent a week at AI Shaeffer's bdge mar the Blanket Glacier, and was told about some of the land issues of the area. Speaking from my personal experience, I was suprised to be testening to helicopters most days, and sirritated to boot. Granted, we arrived by helicopter, but for the next 6 days there were no choppers taking us up the mountain. Perhaps instead of Saying yes to so much TRAFFIC in the mountains, we ought to consider more responsible and respectful use of the area. I support backcountry use of the area, but feel that the present amount of heliopter traffic is too high, and must be disruptive to wildlife. Perhaps CMH ought to slow down and leave some terrain to quiet users like self-properled Spiers and caribon. Thanks, 522

File: CMH Revelstoke - no addens dege 87 05 189 FD5 2016,65203 KB

## 1716 4400 749 4496100

# ROBERT D. BOTT

# WRITER, EDITOR AND GOMMUNICATIONS CONSULTANT

641 Third Avenue N.W. Calgary, Alberta, Canada T2N 0J2 Phone and fax (403) 283-7560 E-mail bottr@cybersurf.net

B C ASSETS AND LANDS CORP

April 7, 2001

CRANBROOK, B.C.

Minister of Agriculture, Food and Fisheries, PO Box 9120, STN PROVGOVT, VICTORIA, BC, V8W 984

Minister of Environment, Lands and Parks, PO Box 9360, STN PROV GOVT, Victoria BC V8W 9M2

#### Dear Ministers:

I think that you will find the enclosed letter, especially the discussion on pages 3-5, raises questions and issues that need to be addressed by you and your departments. Thanks in advance for your consideration.

Sincerely,

Robert D. Bott Calgary

Encl:

Letter to B.C Assets and Land Corp.

What It Butt

Appendix A: excerpts from noise pollution media coverage

Appendix B: comparative greenhouse gas emissions from various skiing options

B.C. press release on greenhouse gas emission reduction

Ski Magazine article

# ROBERT D. BOTT

# WRITER, EDITOR AND COMSULTANT

641 Third Avenue N.W.
Calgary, Alberta, Canada
T2N 0J2
Phone and fax (403) 283-7560
E-mail bottr@cybersurf.net

April 7, 2001

B.C. Assets and Land Corp. 205 Industrial Road G Cranbrook, BC V1C 7G5

[copies to individuals and organizations listed at end]

Dear land managers:

I apologize in advance for the length of this missive. It began as a complaint about a particular series of incidents, but as I researched the issues involved, the scope broadened to include a more general discussion of the sustainability of helf-skiing (and similar motorized recreations) in wilderness areas. I hope you will bear with me, and address the points that fall within your purview.

Based on observations during 30 years of backcountry skiing, as well as my consulting work, I have concluded that heli-skiing raises fundamental issues about noise, environmental impacts and wilderness ethics that need to be addressed by you as responsible stewards of Crown land. At the very least, I believe that this activity needs to be regulated much more strictly by the relevant aviation authorities and land managers. My main intent is to begin debate of these issues.

I should also emphasize here that I am writing on my own behalf, not at the behest of Al Schaffer, the owner of Blanket Glacier Chalet, or any other backcountry facility operator. Somewhat ironically, the only access to many of these ski-touring facilities is by helicopter. However, there is a huge difference between ski-touring and heli-skiing. In the former, a small helicopter shuttles people and equipment to a hut or lodge, located at or below tree line, and then they tour on their own power for a week; the helicopter trip is analogous to a bus ride. Heli-skiing, by contrast, uses a large helicopter as a ski lift, operating continuously for about six hours a day, six days a week, and often intrudes into alpine terrain above tree line.

#### The incidents

On the week of Feb. 25-March 3, I joined 17 others at Blanket Glacier Chalet, in the Monashee mountains about 25 kilometres south-southwest of Revelstoke, for what I hoped would be a week of peace and tranquility, telemark ski-touring in pristine terrain far removed from the noise and pollution of city life. However, this hard-earned respite was repeatedly disrupted by raucous invasions of Canadian Mountain Holidays (CMH) heli-skiers. Al Schaffer, owner of Blanket Glacier Chalet and one of our two guides that week, had informed us of the overlap between his limited land tenure and that of CMH. However, I was surprised that CMH Revelstoke, which advertises 220,000 hectares of terrain and 200 runs, found it necessary to spend much of the week in the relatively small area around Blanket.

I was not present for the direct encounter Feb. 27 between members of our group and CMH Revelstoke manager T.S. (Buck) Corrigan on the glacier run known as Glider, west of Blanket Peak, but I gather our party was under the impression that CMH would not be returning to that area until later in the day, and Mr. Corrigan chose to land there anyway and threaten them with legal action rather than deal with the situation in a polite, co-operative and neighbourly manner. Later that day, he led a party that gratuitously "ski-ed off" our Home Run back to the chalet.

● Page 2 April 7, 2001

On March 2, Mr. Corrigan "buzzed" us in the small helicopter used to deliver funches to CMH's pampered clients — circling repeatedly over a party of our skiers, including myself, in marginal weather conditions — and then landed dangerously close to, and upslope of, several skiers. The purpose of this stull as supposedly to hand-deliver a letter to Al Schaffer while he was guiding, which struck me as a particularly stupid way to waste helicopter fuel. Has this guy heard about climate change and greenhouse gas emissions? Did he consider what it is like to be halfway up a hill white a helicopter roars overhead? The only reason I did not confront him at the time was that I knew from radio traffic that a rescue had been underway for one of the CMH group who had been buried in an avalanche, and I naively thought they might be enlisting Al's assistance as a fellow guide. I thought Mr. Corrigan's behaviour was inappropriate for a licensed ACMG/IFMGA mountain guide, certainly lacking in common courtesy.

I have been visiting the Blanket each year for eight years, and I have noticed that this lack of consideration, verging on harassment, appears to have escalated in recent years. On my previous visit, in February 2000, I was with a party of ski-tourers descending from Blanket Peak when a CMH helicopter landed on the collinear the peak and began disgorging skiers who proceeded to ski down and overtake some of our party. This action was not only impolite, it was a violation of basic backcountry ethics since landing the helicopter and launching skiers increased the possibility of the slope avalanching on the party below. In that instance, the guide and pilot acknowledged their error and tried to make amends by offering our party a free lift to the top of the nearby Vortex run. To my chagrin, most of our party accepted this "bribe" and skied the Vortex. Personally, I refuse to condone heli-skiing in any way, so I stayed below. I would have preferred to lodge a complaint with the company and government authorities. I have been told that a similar incident later in the 2000 season led to a formal complaint being filed with Transport Canada.

#### **CMH response**

At least three members of our group subsequently communicated their concern about these incidents to CMH, but to date they have received no apology or explanation. At Schaffer also discussed the events in early March with CMH senior management in Banff, and, although he was given a sympathetic hearing, he reports that there has been no change thus far in CMH's day-to-day communications and co-ordination with ski-tourers. He says the CMH Revelstoke operation continues to make heavy use of the Blanket area, a small portion of its total licensed territory, and the helicopters and skiers continue to spend a disproportionate amount of time in close proximity to ski-tourers.

On return to Calgary, I shared my concerns with friends in the mountaineering community, including former and current CMH guides. One guide, who was working for CMH Revelstoke during the week in question, asserted that unusual snow conditions and high avaianche hazard this year made it necessary to spend so much time on the relatively safe terrain near Blanket. This may well be true, but it does not condone rudeness and intimidation, nor certainly does it excuse a dangerous and unnecessary landing on the pretext of delivering a letter.

At my friends' suggestion, I sent an early draft of this letter to CMH, which led to correspondence and conversation with the company's land resource manager, Dave Butler, including an hour-long meeting with him in Calgary on March 20. Mr. Butler conveyed the impression that CMH had already dealt with my safety and operational concerns. I was therefore very disappointed to hear subsequently from Mr. Schaffer and other recent Blanket ski-tourers that there has apparently been no noticeable change in CMH practices.

Because of my professional experience in corporate environmental reporting and sustainable land-use management, Mr. Butler was much more interested in discussing longer-term issues and the company's intention to publish a report on its environmental performance. Based on what I have seen, I think a truly rigorous examination would reveal that heli-skiing, as currently practised, is not sustainable. Following are some of the arguments for this opinion.

#### Noise

"Nr 3," writes Garret Keizer in the cover story of the March 2001 Harper's Magazine, "has been link. I to heart disease, high blood pressure, low birth weight, gastrointestinal disorders, headaches, fatigue, insomnia — in short, to nearly every known byproduct of stress. (Anti-stress medications are actually tested by exposing experimental subjects to loud sounds.) Noise deafens us, aurally and — there is strong evidence to suggest — morally as well. People subjected to high levels of noise are less likely to assist strangers in difficulty, less likely to recommend raises for workers, more likely to administer electric shocks to other human subjects."

Aha, I thought on reading those words. That explains so much about why heli-ski operators (like the users of snowmobiles, personal watercraft and powerboats) seem so physically and morally "deaf" to the sensibilities of other people who see wildemess as the last refuge from the clamour of modern life. And surely the constant din of these big helicopters (reminding me of "Apocalypse Now" gunships) must be as distressing for the caribou, birds and other wildlife as it is for humans. Caribou may actually be clever enough to realize that the noise scares off their predators, which could explain the ambiguous results of the few studies that have attempted to determine caribou response to overflights. For most species, most of the time, there is no question that noise equals stress. (I have heard that the B.C. government is planning to relocate a second herd of the endangered woodlands caribou to the Blanket area, increasing the pressure on the delicate ecosystem.)

Helicopters are among the noisiest machines in common use. Even "quiet" helicopter designs produce sound levels of 80 decibels – similar to a pneumatic drill, electric alarm clock buzzer or police siren – and some research suggests the characteristic "rotor clatter" causes stress and annoyance equivalent to sounds three to 20 decibels louder than the measured sound levels. The industry is trying to develop quieter and less polluting machines, but it appears these are unlikely to be commercially available before about 2015. Meanwhile, a media search reveals scores of articles about communities and wilderness users complaining of helicopter noise impacts (see examples in Appendix A). The U.S. National Park Service has recognized that environmental values to be protected in its management plans include "solitude, space, scenery, clear night skies, sounds of nature and natural quiet."

In addition, the scientific literature on wildlife impacts from aircraft overflights includes these references: collision with aircraft (Burger 1985, Dolbeer et al. 1993); flushing of birds from nests or feeding areas (Owens 1977, Kushlan 1979, Burger 1981, Anderson and Rongstad 1989, Belanger and Berad 1989, Cook and Anderson 1990); alteration in movement and activity patterns of mountain sheep (Bleich et al. 1990); decreased foraging efficiency of desert big horn sheep (Stockwell and Bateman 1991); panic running by barren ground caribou (Calef et al. 1976); decreased calf survival of woodland caribou (Harrington and Veitch 1992); increased heart rate in elk, antelope, and rocky mountain big horn sheep (Bunch and Workman 1993); and adrenal hypertrophy in feral house mice (Chesser et al. 1975). Over 200 published and unpublished reports can be found on the subject. These reports range in scientific validity from well-designed, rigorous studies to professional natural resource manager and pilot reports.

## Energy conservation and greenhouse gas emissions

CMH claims to be an environmentally responsible company – bragging on the Web site about its energy-efficient light bufbs and optional linen changes – but thus far neither this company nor its corporate parents, Alpine and IntraWest, have seen fit to join the 760 other Canadian corporations that have pledged to limit their greenhouse gas emissions through the Voluntary Challenge and Registry program. I am appending a news release from the B.C. government in 1998 in which it lays out a strong policy of greenhouse gas reduction (also available at <a href="http://www.elp.gov.bc.ca/main/newsrel/fisc9798/january/nr128.htm">http://www.elp.gov.bc.ca/main/newsrel/fisc9798/january/nr128.htm</a>) but apparently this policy has not yet diffused to recreational land use management.

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 April 8, 2001

However, it is worth noting that some ski resorts have begun to take the issue seriously – see Ski Magazine, March 2001 (http://www.skirnag.com/article/skilife.cfm?alias\_id=1755). Aspen Snowmass ski area in Colorado actually publishes an estimate of its greenhouse gas emissions, approximately 35 kild — ms of carbon dioxide equivalent per skier day. Aspen Snowmass hopes to reduce this figure at least 10 per cent by 2010. This is a worthy goal, because Colorado gets almost all of its electricity from fossil fuels. In British Columbia, where most electric power comes from hydroelectric generation, downhill resort figures for greenhouse gas emissions per skier day would likely be lower.

In the absence of published data from CMH, I did a rough calculation based on a Beli 212 helicopter consuming 330 litres per hour of jet fuel for six hours a day to provide heli-skiing for 44 guests. Assuming 2.58 kilograms of carbon-dioxide-equivalent greenhouse gas emissions per litre of fuel consumed – based on UN Environment Program conversion factors at <a href="http://www.climnet.org/pubs/Unepghg.pdf">http://www.climnet.org/pubs/Unepghg.pdf</a> – this works out to 116.1 kilograms of CO2-equivalent emissions per skier day. These are very conservative figures, based on a straight carbon conversion, and do not allow for helicopters' significant emissions of nitrogen oxides. One of the nitrogen oxides (N2O) is more than 300 times as potent a greenhouse gas as carbon dioxide; a little over 8 grams of N2O emitted per litre of fuel would double the warming potential of the helicopter emissions. Nor does the calculation include the use of a Bell 206 helicopter to deliver the heli-skiers' lunches.

I have not done a detailed analysis of emissions per skier day for Blanket Glacier Chalet, but some back-of-the-envelope calculations indicate direct emissions are about six or seven kilograms per skier day, perhaps twice that if one allows for the helicopter transport of supplies, work crews and firewood. (Note, however, that the 116.1-kg per skier day guesstimate for CMH does not include related emissions for skiers' ground transportation, food and accommodation during their week in Revelstoke.) In any case, backcountry lodge ski-touring emissions are certainly an order of magnitude lower than for heli-skiing and likely less than those for downhill skiing at a resort. Downhill ski resorts cause other environmental impacts, including loss of wildlife habitat and carbon-sequestering forest cover, which should also be taken into account.

Even if we ignore the greenhouse gases, inefficient and unnecessary consumption of refined oil products may soon prove to be economically and socially unsustainable. The world currently produces (and consumes) about 75 million barrels per day of crude oil, and many industry experts believe geological, engineering, financial, environmental and political constraints will make it impossible to produce more than 80-90 million barrels per day in any foreseeable future. However, based on current trends (including more efficient use), the International Energy Agency predicts that world oil demand will reach 115 million barrels per day by 2020. This means there will be major increases in oil prices and constraints on oil consumption, as early as 2008. Communities that become too dependent on recreational fossil fuel consumption are in for a rude shock in the near future.

## Wilderness ethics and sustainability

belief that you should earn your ski runs — i.e., ski up what you ski down. Even among my fellow ski-tourers, this is a somewhat eccentric and anachronistic view. However, it does minimize the impacts on fellow users and the wilderness environment. At the opposite extreme, heli-skiing (like heli-hiking and snowmobiling) destroys the very qualities of quiet, purity and remoteness that make the alpine areas such special treasures:

This conundrum creates a difficult dilemma for all the people who have become economically dependent on activities such as heli-skiing — and for everyone who has become addicted to the thrill of "powder up your nose." So where do you draw the line? If it were up to me, tree line would be the limit. Multiple-use, including appropriate harvest, is a well-established principle in forested areas of British Columbia. The delicate alpine ecosystem, including its special qualities of silence and solitude, should be spared from mechanized intrusions.

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I recognize that CMH has engaged in heli-skiing operations around Revelstoke for about 20 years, and longer elsewhere, since a time when many environmental concerns such as climate change were naspent or non-existent. If it were proposed as a new enterprise today, I doubt heli-skiing (or its ugly suffer step-sister, heli-hiking) would survive the scrutiny of an environmental impact assessment. I find it particularly ironic that so many Europeans, who love to brag about their pro-activity on greenhouse gas emissions at home, come over here to burn jet fuel in a profligate manner for mere entertainment, contributing to our emissions total while sparing their own. Europeans also lead the world in noise legislation, yet seem oblivious to the din they create here. We would all be healthier and happier if they adopted the Johansson philosophy. And the mountain guides and innkeepers would still have jobs.

#### Conclusion

By copy of this letter, I plan to raise these issues with institutions and organizations such as Environment Canada, B.C. Environment, Lands and Parks, Transport Canada, the Alpine Club of Canada, et al. According to their stated goals and policies, they should not be encouraging such unsustainable activities. I think the Association of Canadian Mountain Guides also needs to add some provisions about backcountry ethics and environmental responsibility to its charter. The most recent environmental assessment that I could find, by the U.S. Forest Service in 1997 on heli-skiing in Utah's Wasatch range (http://www.fs.fed.us/wonf/wpg/09\_23\_rod.pdf), put strict limitations on the activity. Note in particular this provision regarding user conflicts:

WPG [the operator] will practice good backcountry ethics, including: a) allowing ski mountaineers who arrive at a particular ski location before WPG an opportunity to ski first, and b) avoiding, when practicable, flying through passes and along ridges occupied by other backcountry users.

For decades, polls have been showing the public claims to love the environment, and scientists have been saying we damn well better treat it better, but citizens have not yet brought these beliefs and this knowledge home to their daily lives. Governments meanwhile have made all sorts of commitments to sustainable development, at Rio and Kyoto and elsewhere. Now the time has come to put our money, and our lifestyles, where our mouths are. I am sure you noticed the very weird weather conditions across North America this winter, the reports of melting permafrost in the Arctic, the increased forest fire frequency, the retreating glaciers, and so on. Does this not require some fundamental rethinking of our environmental responsibilities?

Finally, allow me to quote from the agreement signed May 8, 2000, between the B.C. ministers of Agriculture, Food and Fisheries and Environment, Lands and Parks:

Recognizing the special environmental sensitivities of the backcountry wilderness in B.C., and

Recognizing the Government of B.C.'s commitment to environmentally sustainable economic development,...

The following principles are adopted to guide commercial recreation tenures on Crown land:

Environmental Guidelines

MELP [Ministry of Environment, Lands and Parks] will develop environmental guidelines addressing how key environmental values will be maintained with respect to specific Crown land activities. The agencies will work with industry and environmental organizations to continue to develop environmentally sustainable business practices for commercial backcountry activities.....

So, the question is, have such guidelines been developed, including noise issues and global as well-as local and regional impacts, and do such guidelines allow for loud, intrusive, polluting act. ...es such as heli-skiing and heli-hiking?

Sincerely,

Robert D. Bott

Writer, editor and communications consultant

Mut 17 Bet

Copies to:

CMH Heliskiing, 217 Bear St., P.O. Box 1660, Banff, AB TOL 0C0

Minister of Agriculture, Food and Fisheries, PO Box 9120, STN PROVGOVT, VICTORIA, BC, V8W 984

Minister of Environment, Lands and Parks, PO Box 9360, STN PROV GOVT, Victoria BC V8W 9M2

Hon, David Anderson, Minister of the Environment, Ottawa: david anderson@ec.gc.ca

Transport Canada, Environmental Affairs, sattars@tc.gc.ca

Alpine Club of Canada, Canmore: alpclub@telusplanet.net

Association of Canadian Mountain Guides: acmg@acmg.ca

Climate Action Team, David Suzuki Foundation, cat@davidsuzuki.org

Sally Grimes, executive director, Winter Wildlands Alliance, sally@winterwildlands.org/

James Little, Editor, Explore Magazine, jameslittle@explore-mag.com

Outdoor Recreation Council of BC, orc@intergate.ca

Derek Thompson, deputy minister, MELP, Derek.Thompson@gems4.gov.bc.ca

Canadian Parks and Wilderness Society - BC Chapter, Executive Director: Bob Peart, info@cpawsbc.org

Federation of BC Naturalists, fbcn@intergate.bc.ca

Federation of Mountain Clubs of British Columbia, fmcbc@mountainclubs.bc.ca

# Trails Society of BC, trailsbc@trailsbc.ca

Editor, Outside Magazine, letters@outsidemag.com

Editor, Rockies Magazine: editor@insiderockies.com

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 April 7, 2001

### Appendix A

Some recent excerpts from Noise Pollution Clearinghouse - http://www.nonoise.org/

Helicopter Tour Operators in Juneau, Alaska Ask for Increase in Permitted Ice Flow Landings; Residents and Hikers Say Noise From the Flights Is Already Too Much

PUBLICATION: Anchorage Daily News

DATE: July 18, 1999 SECTION: Metro, Pg. 1B BYLINE: Robert Kowalski

DATELINE: Thunder Mountain, Alaska

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# Helicopter Convention Includes Retrofits to Reduce Noise Footprint, Inspired By Noise Problems Over Grand Canyon National Park

PUBLICATION: Aviation Week and Space Technology

DATE: January 31, 2000

SECTION: World News & Analysis; Vol. 152, No. 5; Pg. 44

BYLINE: Edward H. Phillips DATELINE: Las Vegas, Nevada

● Page 9 April 7, 2001

# New Zealanders Look to Preserve Natural Quiet in National Parks; Helicopter Buzzing is Main Concern

PUBLICATION: The Press (Christchurch, NZ)

DATE: June 27, 1998

SECTION: Features; General; Pg. 8; Weekend

BYLINE: Seth Robson

DATELINE: Christchurch, NZ

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## Virginia City, Nevada Says No to Noisy Helicopter Tours

PUBLICATION: Associated Press

DATE: April 7, 2000

SECTION: State And Regional DATELINE: Virginia City Nevada

Copyright

# Outdoor Enthusiast Champions Victory for Failed Helicopter Tour Scheme on a British Isle

PUBLICATION: The Daily Telegraph

DATE: June 28, 1997 SECTION: Pg. 14

BYLINE: Stephen Venables

DATELINE: Skye Island Scotland

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# NEWS RELEASE

For Immediate Release 330-30:ELP97/98-128 January 30, 1998

Ministry of Environment, Lands and Parks

# **B.C. Presses Federal Government For Strong** Action On Greenhouse Gases And Climate Change

# - B.C.'s lead should be followed nationally - McGregor

VICTORIA - B.C. today called for strong action on climate change and urged the federal government to follow the lead that B.C. has set to reduce greenhouse gases.

Environment, Lands and Parks Minister Cathy McGregor is returning to B.C. after attending the two-day national environment ministers meeting in St. John's, Nfld., where discussion on climate change and greenhouse gas reductions took place.

"Climate change is a serious issue for all Canadians," said McGregor. "The commitments made by Canada in the Kyoto agreement represent a challenge to all parts of society. The federal minister of environment needs to respond to that now and provide leadership that will benefit the nation.

"British Columbia has brought in a clean vehicles and fuels program and has set emissions standards for new vehicles," she said. "We challenge the federal government to follow our lead and jump-start progress nationally to reduce greenhouse gases and emissions.

"Decisive action should be part of a comprehensive national greenhouse gas action plan - one that that all governments can support and implement co-operatively."

McGregor said that in British Columbia has already initiated a number of programs to begin reducing greenhouse gas emissions while protecting air quality. Among the proposals urged by British Columbia for national implementation that will provide early benefits are:

- firm resolve to promptly adopt tough national vehicle emission standards;
- mandatory sales targets for low emission vehicles across the country;
- national vehicle fuel efficiency standards;

Page 2 of 2

- more effective consumer information including mandatory labeling on new vehicles to show consumers the amount of emissions and the impact on air quality;
- national standards for gasoline fuel;
- · standards and grants to encourage use of alternative fuel;
- · a comprehensive national "green" energy program;
- a natid greenhouse gas emissions reduction trading program.

As part of its efforts to reduce greenhouse gas emissions, British Columbia, along with key industry partners, announced last November the launch of a pilot program for emissions reduction trading to encourage business and industry to find solutions to lowering emissions.

B.C.'s Motor Vehicle Emissions Reduction Regulation, announced in December 1995, provides B.C. residents with a guarantee that the auto makers will, by 2001, provide for sale new lower emissions technologies in this province. As a start, B.C. has targeted that in 1998, two-per-cent of vehicles offered for sale be low emissions vehicles, especially those vehicles that reduce greenhouse gas emissions.

"If we are to make progress on the climate change issue, all Canadians will need to be active participants. It is only through a well co-ordinated national program that we can have a measurable effect in reducing greenhouse gases."

McGregor said she expects further discussion and response on these proposals when national environment and energy ministers meet in Vancouver in March.

- 30 -

Contact: Alex Dabrowski, (250) 387-9423 Media Relations Victoria

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We hope you find this service useful and welcome your comments at: www.mail@puhaffair.env.gov.bc.ca

Information Disclaimer and Copyright Notice



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File: 4400749 4496100

Ref: 4413

April 24, 2001

## Dear Backcountry Enthusiasts:

s.22

I am writing this response to a number of letters sent or copied to the BC Assets and Land Corporation (BCAL) regarding an incident between commercially guided helicopter and self-propelled skiers in the mountains south of Revelstoke near Blanket Peak. Some of the letters are directed at Canadian Mountain Holidays (CMH) with copies to various agencies of government.

I have also received information from CMH about the incidents. I am also told, confirmed by one of the letters, that they have either undertaken or will be undertaking direct communication with some of the parties.

.../ 2

The Province continues to work on improving recreation management of crown land. Commercial recreation management was limited to guide outfitters under the Wildlife Act and Heli and Cat skiing under the Land Act until the adoption of the commercial backcountry recreation policy in 1998. Issues include negative interactions between public and commercial recreation users; competition between recreation such as snowmobiling and backcountry skiing; conflicts between recreation and resource extraction and conflicts between recreation and wildlife interests. Addressing these issues is a complex, time consuming social and government challenge.

Issues are raised when the Province is considering a new commercial proposal; considering a tenure for an existing business or reviewing an incident between existing users (public/commercial, tenured or not). The issues are often intensely emotional and are affected to a large degree by perceptions and strongly held values about our backcountry, values that are often dramatically different between different users. When conflict arises it is common for parties to search for an entity that may act to support their particular point of view. Where two commercial operators are in conflict the responsibility rests with this agency.

All government agencies spend an inordinate amount of energy on avoiding, minimizing or reducing conflict. When it occurs there is a tendency to search for a "right" or a "wrong" and often there is either limited or conflicting information on what took place. However conflicts in the outdoors can be difficult if impossible to reconcile in a positive way. Ultimately all users are recreation enthusiasts that choose to enjoy the backcountry in different ways.

To address conflicts government and its agencies have begun to develop some tools to address these pressures. The major tool is the management and tenuring requirements of the Commercial Backcountry policy. The backcountry skiing, snowmobiling report adopted strategies to bring user groups together to resolve use overlaps. Facilitators/Mediators have been used where issues are in dispute or areas of limited recreation capacity have been tendered between competing parties. Government agencies continue to work together on initiatives such as recreation planning for the Whistler corridor and integrated public/commercial recreation/access planning. However such plans are time consuming, expensive and will take years to implement on the entire crown land base.

The Province believes that both Backcountry skiing and Helicopter Skiing have a legitimate place on crown land but cannot always take place at the same time and place. Both activities contribute in different ways to backcountry outdoor recreation experiences. Both uses have a long tradition in British Columbia.

I do not intend to conduct an investigation into the circumstances surrounding the incident near Blanket Peak. CMH does have an area-based tenure and pays rent for use of the ski run involved in the incident. However part of their stated management approach is to avoid backcountry skiing parties as helicopters have a far greater terrain reach than self-propelled skiers. I believe that generally this practice is followed based on anecdotal evidence. I do understand that Heli-Skiing does have needs related to bad weather and this year was a particular difficult year for avalanches and lack of snow.

Blanket Glacier Chalet does not have an area-based CR tenure so there is no formal record of their activity pattern. Instead Blanket Chalet has a long-standing tenure for the lodge site. Blanket Chalet applied for CR tenure in 1996 and were advised that their interest could not be addressed because of lack of government capacity. BCAL erred in not getting back to the chalet in 1998 when existing operators were able to apply. A CR management plan may have avoided this incident.

I am not proposing to make any findings about the conduct of the parties during the incident. Instead I suggest to both parties they recognize the need for co-operation based on the principle that Heli-Ski and Backcountry ski touring are important commercial opportunities for the Province and the Revelstoke area.

We suggest that Al Schaffer of Blanket Glacier Chalet develop a management plan and then apply for an area based CR tenure to bring the business into compliance with the current program. I further suggest that CMH give the greatest possible consideration to finding a way for the Blanket Glacier business to operate successfully within this area. BCAL encourages the parties to work together to find a way to accommodate both of their business needs with respect and fairness. BCAL is prepared to support facilitation of the management plan development and discussion between the parties. The management plan and application will also have to be advertised and meet the interests of other interests such as the wildlife management quidelines.

I apologize for the length of this response but feel it is important to speak to and air some of the fundamental issues that drive these situations and outline a process for moving forward. Further I invite both parties to respond to this office about the suggested directions. We are very willing to consider alternate forms of resolution if the parties so desire.

Yours truly;

Herb Hess

Regional Manager

pc: Mark Kingsbury, President, CMH, Banff

Al Schaffer Blanket Glacier Chalet

Jack Hall, Vice President, BCAL Victoria

Derek Thompson, Deputy Minister, Ministry of Environment, Lands & Parks,

Victoria

Scott Benton, Regional Director Ministry of Environment, Lands & Parks, Nelson

Ed Conroy, Minister of Agriculture, Food and Fisheries, Victoria

Outdoor Recreation Council of BC

City of Revelstoke

HH/klw

B C ASSETS AND LANCES CORE

s.22

AFR 1 9 2001

CRANBROOK, B.C.

David Bacon B.C. Assets & Land Corp. 205 Industrial Rd. G Cranbrook, V1C 7G5

Dear Sir:

Having just spent a week at Blanket Glacier Chalet we found our nordic skiing holiday was unnecessarily compromised by helicopter traffic. Nordic skiers usually want a wilderness experience and by their very nature their ability to travel distances to find fresh snow is limited. Heli skiers are not so limited in their scope, yet so often we find them making low passes over the chalet when they could easily go around or even ski elsewhere. The intrusive noise of the helicopter certainly compromises any peaceful wilderness experience that we came for. When the helicopter is directly overhead the noise is so invasive it vibrates inside one's chest; when it is two km away it is simply annoying. No other chalet we have stayed in has been affected by this problem.

It is interesting that CMH guarantees so much vertical to its clients yet the Nordic skiers cannot even count on quiet skiing

Since CMH has for the most part many other ski areas to choose from and Blanket Glacier based skiers are obviously more limited in their skiing scope it then seems reasonable to set aside a no fly zone of say 20 sq. km around the chalet. I understand this would not really affect CHM's business, yet it would tremendously improve the wilderness experience for the nordic skiers.

Sincerely,

s.22

Cc Chris Schreiber

# Robert D. Bott Writer, editor and communications consultant

641 Third Avenue N.W. Calgary, Alberta, Canada T2N 0J2 Phone and fax (403) 283-7560 E-mail bottr@cybersurf.net

April 9, 2001

B.C. Assets and Land Corp. 205 Industrial Road G Cranbrook, BC V1C 7G5

[copies to individuals and organizations listed at end]

Dear land managers:

I apologize in advance for the length of this missive. It began as a complaint about a particular series of incidents, but as I researched the issues involved, the scope broadened to include a more general discussion of the sustainability of heli-skiing (and similar motorized recreations) in wilderness areas. I hope you will bear with me, and address the points that fall within your purview.

Based on observations during 30 years of backcountry skiing, as well as my consulting work, I have concluded that heli-skiing raises fundamental issues about noise, environmental impacts and wilderness ethics that need to be addressed by you as responsible stewards of Crown land. At the very least, I believe that this activity needs to be regulated much more strictly by the relevant aviation authorities and land managers. My main intent is to begin debate of these issues.

I should also emphasize here that I am writing on my own behalf, not at the behest of Al Schaffer, the owner of Blanket Glacier Chalet, or any other backcountry facility operator. Somewhat ironically, the only access to many of these ski-touring facilities is by helicopter. However, there is a huge difference between ski-touring and heli-skiing. In the former, a small helicopter shuttles people and equipment to a hut or lodge, located at or below tree line, and then they tour on their own power for a week; the helicopter trip is analogous to a bus ride. Heli-skiing, by contrast, uses a large helicopter as a ski lift, operating continuously for about six hours a day, six days a week, and often intrudes into alpine terrain above tree line.

#### The incidents

On the week of Feb. 25-March 3, I joined 17 others at Blanket Glacier Chalet, in the Monashee mountains about 25 kilometres south-southwest of Revelstoke, for what I hoped would be a week of peace and tranquility, telemark ski-touring in pristine terrain far removed from the noise and pollution of city life. However, this hard-earned respite was repeatedly disrupted by raucous invasions of Canadian Mountain Holidays (CMH) heli-skiers. Al Schaffer, owner of Blanket Glacier Chalet and one of our two guides that week, had informed us of the overlap between his limited land tenure and that of CMH. However, I was surprised that CMH Revelstoke, which advertises 220,000 hectares of terrain and 200 runs, found it necessary to spend much of the week in the relatively small area around Blanket.

I was not present for the direct encounter Feb. 27 between members of our group and CMH Revelstoke manager T.S. (Buck) Corrigan on the glacier run known as Glider, west of Blanket Peak, but I gather our party was under the impression that CMH would not be returning to that area until later in the day, and Mr. Corrigan chose to land there anyway and threaten them with legal action rather than deal with the situation in a polite, co-operative and neighbourly manner. Later that day, he led a party that gratuitously "ski-ed off" our Home Run back to the chalet.

Page 2 April 9, 2001

On March 2, Mr. Corrigan "buzzed" us in the small helicopter used to deliver lunches to CMH's pampered clients -- circling repeatedly over a party of our skiers, including myself, in marginal weather cond s -- and then landed dangerously close to, and upslope of, several skiers. The purpose of this stunt was supposedly to hand-deliver a letter to Al Schaffer while he was guiding, which struck me as a particularly stupid way to waste helicopter fuel. Has this guy heard about climate change and greenhouse gas emissions? Did he consider what it is like to be halfway up a hill while a helicopter roars overhead? The only reason I did not confront him at the time was that I knew from radio traffic that a rescue had been underway for one of the CMH group who had been buried in an avalanche, and I naively thought they might be enlisting Al's assistance as a fellow guide. I thought Mr. Corrigan's behaviour was inappropriate for a licensed ACMG/IFMGA mountain guide, certainly lacking in common courtesy.

I have been visiting the Blanket each year for eight years, and I have noticed that this lack of consideration, verging on harassment, appears to have escalated in recent years. On my previous visit, in February 2000, I was with a party of ski-tourers descending from Blanket Peak when a CMH helicopter landed on the coll near the peak and began disgorging skiers who proceeded to ski down and overtake some of our party. This action was not only impolite, it was a violation of fundamental backcountry ethics since landing the helicopter and launching skiers increased the possibility of the slope avalanching on the party below. In that instance, the guide and pilot acknowledged their error and tried to make amends by offering our party a free lift to the top of the nearby Vortex run. To my chagrin, most of our party accepted this "bribe" and skied the Vortex. Personally, I refuse to condone heli-skiing in any way, so I stayed below. I would have preferred to lodge a complaint with the company and government authorities. I have been told that a similar incident later in the 2000 season led to a formal complaint being filed with Transport Canada.

#### CMH response

At least three members of our group subsequently communicated their concern about these incidents to CMH, but to date they have received no apology or explanation. Al Schaffer also discussed the events in early March with CMH senior management in Banff, and, although he was given a sympathetic hearing, he reports that there has been no change thus far in CMH's day-to-day communications and co-ordination with ski-tourers. He says the CMH Revelstoke operation continues to make heavy use of the Blanket area, a small portion of its total licensed territory, and the helicopters and skiers continue to spend a disproportionate amount of time in close proximity to ski-tourers.

On return to Calgary, I shared my concerns with friends in the mountaineering community, including former and current CMH guides. One guide, who was working for CMH Revelstoke during the week in question, asserted that unusual snow conditions and high avalanche hazard this year made it necessary to spend so much time on the relatively safe terrain near Blanket. This may well be true, but it does not condone rudeness and intimidation, nor certainly does it excuse a dangerous and unnecessary landing on the pretext of delivering a letter.

At my friends' suggestion, I sent an early draft of this letter to CMH, which led to correspondence and conversation with the company's land resource manager, Dave Butler, including an hour-long meeting with him in Calgary on March 20. Mr. Butler conveyed the impression that CMH had already dealt with my safety and operational concerns. I was therefore very disappointed to hear subsequently from Mr. Schaffer and other recent Blanket ski-tourers that there has apparently been no noticeable change in CMH practices.

Because of my professional experience in corporate environmental reporting and sustainable land-use management, Mr. Butler was much more interested in discussing longer-term issues and the company's intention to publish a report on its environmental performance. Based on what I have seen, I think a truly rigorous examination would reveal that helf-skiing, as currently practised, is not sustainable. Following are some of the arguments for this opinion.

#### Noise

"Note writes Garret Keizer in the cover story of the March 2001 Harper's Magazine, "has been linked to heart disease, high blood pressure, low birth weight, gastrointestinal disorders, headaches, fatigue, insomnia -- in short, to nearly every known byproduct of stress. (Anti-stress medications are actually tested by exposing experimental subjects to loud sounds.) Noise deafens us, aurally and -- there is strong evidence to suggest -- morally as well. People subjected to high levels of noise are less likely to assist strangers in difficulty, less likely to recommend raises for workers, more likely to administer electric shocks to other human subjects."

Aha, I thought on reading those words. That explains so much about why heli-ski operators (like the users of snowmobiles, personal watercraft and powerboats) seem so physically and morally "deaf" to the sensibilities of other people who see wilderness as the last refuge from the clamour of modern life. And surely the constant din of these big helicopters (reminding me of "Apocalypse Now" gunships) must be as distressing for the caribou, birds and other wildlife as it is for humans. Caribou may actually be clever enough to realize that the noise scares off their predators, which could explain the ambiguous results of the few studies that have attempted to determine caribou response to overflights. For most species, most of the time, there is no question that noise equals stress. (I have heard that the B.C. government is planning to relocate a second herd of caribou to the Blanket area, increasing the pressure on the delicate ecosystem.)

Helicopters are among the noisiest machines in common use. Even "quiet" helicopter designs produce sound levels of 80 decibels —similar to a pneumatic drill, electric alarm clock buzzer or police siren — and some research suggests the characteristic "rotor clatter" causes stress and annoyance equivalent to sounds three to 20 decibels louder than the measured sound levels. The industry is trying to develop quieter and less polluting machines, but it appears these are unlikely to be commercially available before about 2015. Meanwhile, a media search reveals scores of articles about communities and wilderness users complaining of helicopter noise impacts (see examples in Appendix A). The U.S. National Park Service has recognized that environmental values to be protected in its management plans include "solitude, space, scenery, clear night skies, sounds of nature and natural quiet."

In addition, the scientific literature on wildlife impacts from aircraft overflights includes these references: collision with aircraft (Burger 1985, Dolbeer et al. 1993); flushing of birds from nests or feeding areas (Owens 1977, Kushlan 1979, Burger 1981, Anderson and Rongstad 1989, Belanger and Berad 1989, Cook and Anderson 1990); alteration in movement and activity patterns of mountain sheep (Bieich et al. 1990); decreased foraging efficiency of desert big horn sheep (Stockwell and Bateman 1991); panic running by barren ground caribou (Calef et al. 1976); decreased calf survival of woodland caribou (Harrington and Veitch 1992); increased heart rate in elk, antelope, and rocky mountain big horn sheep (Bunch and Workman 1993); and adrenal hypertrophy in feral house mice (Chesser et al. 1975). Over 200 published and unpublished reports can be found on the subject. These reports range in scientific validity from well-designed, rigorous studies to professional natural resource manager and pilot reports.

### Energy conservation and greenhouse gas emissions

CMH claims to be an environmentally responsible company – bragging on the Web site about its energy-efficient light bulbs and optional linen changes -- but thus far neither this company nor its corporate parents, Alpine and IntraWest, have seen fit to join the 760 other Canadian corporations that have pledged to limit their greenhouse gas emissions through the Voluntary Challenge and Registry program. I am appending a news release from the B.C. government in 1998 in which it lays out a strong policy of greenhouse gas reduction (also available at <a href="http://www.elp.gov.bc.ca/main/newsrel/fisc9798/january/nr128.htm">http://www.elp.gov.bc.ca/main/newsrel/fisc9798/january/nr128.htm</a>) but apparently this policy has not yet diffused to recreational land use management.

◆ Page 4 April 9, 2001

However, it is worth noting that some ski resorts have begun to take the issue seriously – see Ski Magazine, March 2001 (<a href="http://www.skimag.com/article/skilife.cfm?alias\_id=1755">http://www.skimag.com/article/skilife.cfm?alias\_id=1755</a>). Aspen Snowmass ski d in Colorado actually publishes an estimate of its greenhouse gas emissions, approximately 35 kilograms of carbon dioxide equivalent per skier day. Aspen Snowmass hopes to reduce this figure at least 10 per cent by 2010. This is a worthy goal, because Colorado gets almost all of its electricity from fossil fuels. In British Columbia, where most electric power comes from hydroelectric generation, downhill resort figures for greenhouse gas emissions per skier day would likely be lower.

In the absence of published data from CMH, I did a rough calculation based on a Bell 212 helicopter consuming 330 litres per hour of jet fuel for six hours a day to provide helf-skiing for 44 guests. Assuming 2.58 kilograms of carbon-dioxide-equivalent greenhouse gas emissions per litre of fuel consumed – based on UN Environment Program conversion factors at <a href="http://www.climnet.org/pubs/Unepghg.pdf">http://www.climnet.org/pubs/Unepghg.pdf</a> – this works out to 116.1 kilograms of CO2-equivalent emissions per skier day. These are very conservative figures, based on a straight carbon conversion, and do not allow for helicopters' significant emissions of nitrogen oxides. One of the nitrogen oxides (N2O) is more than 300 times as potent a greenhouse gas as carbon dioxide; a little over 8 grams of N2O emitted per litre of fuel would double the warming potential of the helicopter emissions. Nor does the calculation include the use of a Bell 206 helicopter to deliver the heli-skiers' lunches.

I have not done a detailed analysis of emissions per skier day for Blanket Glacier Chalet, but some back-of-the-envelope calculations indicate direct emissions are about six or seven kilograms per skier day; perhaps twice that if one allows for the helicopter transport of supplies, work crews and firewood. (Note, however, that the 116.1-kg per skier day guesstimate for CMH does not include related emissions for skiers' ground transportation, food and accommodation.) In any case, backcountry lodge ski-touring emissions are certainly an order of magnitude lower than for heli-skiing and likely less than those for downhill skiing at a resort. Downhill ski resorts cause other environmental impacts, including loss of wildlife habitat and carbon-sequestering forest cover, which should also be taken into account.

Even if we ignore the greenhouse gases, inefficient and unnecessary consumption of refined oil products may soon prove to be economically and socially unsustainable. The world currently produces (and consumes) about 75 million barrels per day of crude oil, and many industry experts believe geological, engineering, financial, environmental and political constraints will make it impossible to produce more than 80-90 million barrels per day in any foreseeable future. However, based on current trends (including more efficient use), the International Energy Agency predicts that world oil demand will reach 115 million barrels per day by 2020. This means there will be major increases in oil prices and constraints on oil consumption, as early as 2008. Communities that become too dependent on recreational fossil fuel consumption are in for a rude shock in the near future.

#### Wilderness ethics and sustainability

I share .s.22 belief that you should earn your ski runs — i.e., ski up what you ski down. Even among my fellow ski-tourers, this is a somewhat eccentric and anachronistic view. However, it does minimize the impacts on fellow users and the wilderness environment. At the opposite extreme, heli-skiing (like heli-hiking and snowmobiling) destroys the very qualities of quiet, purity and remoteness that make the alpine areas such special treasures.

This conundrum creates a difficult dilemma for all the people who have become economically dependent on activities such as heli-skiing – and for everyone who has become addicted to the thrill of "powder up your nose." So where do you draw the line? If it were up to me, tree line would be the limit. Multiple-use, including appropriate harvest, is a well-established principle in forested areas of British Columbia. The delicate alpine ecosystem, including its special qualities of silence and solitude, should be spared from mechanized intrusions.

I recognize that CMH has engaged in heli-skiing operations around Revelstoke for about 20 years, and longer elsewhere, since a time when many environmental concerns such as climate change were

Page 5
 April 9, 2001

nascent or non-existent. If it were proposed as a new enterprise today, I doubt heli-skiing (or its ugly summer step-sister, heli-hiking) would survive the scrutiny of an environmental impact assessment. I find inticularly ironic that so many Europeans, who love to brag about their pro-activity on greenhouse gas emissions at home, come over here to burn jet fuel in a profligate manner for mere entertainment, contributing to our emissions total while sparing their own. Europeans also lead the world in noise legislation, yet seem oblivious to the din they create here. We would all be healthier and happier if they adopted the Johansson philosophy. And the mountain guides and innkeepers would still have jobs.

By copy of this letter, I plan to raise these issues with institutions and organizations such as Environment Canada, B.C. Environment, Lands and Parks, Transport Canada, the Alpine Club of Canada, et al. According to their stated goals and policies, they should not be encouraging such unsustainable activities. I think the Association of Canadian Mountain Guides also needs to add some provisions about backcountry ethics and environmental responsibility to its charter. The most recent environmental assessment that I could find, by the U.S. Forest Service in 1997 on heli-skiing in Utah's Wasatch range (http://www.fs.fed.us/wcnf/wpg/09\_23\_rod.pdf), put strict limitations on the activity. Note in particular this provision regarding user conflicts:

WPG [the operator] will practice good backcountry ethics, including: a) allowing ski mountaineers who arrive at a particular ski location before WPG an opportunity to ski first, and b) avoiding, when practicable, flying through passes and along ridges occupied by other backcountry users.

For decades, polis have been showing the public claims to love the environment, and scientists have been saying we damn well better treat it better, but citizens have not yet brought these beliefs and this knowledge home to their daily lives. Governments meanwhile have made all sorts of commitments to sustainable development, at Rio and Kyoto and elsewhere. Now the time has come to put our money, and our lifestyles, where our mouths are. I am sure you noticed the very weird weather conditions across North America this winter, the reports of melting permafrost in the Arctic, the increased forest fire frequency, the retreating glaciers, and so on. Does this not require some fundamental rethinking of our environmental responsibilities?

Finally, allow me to quote from the agreement signed May 8, 2000, between the B.C. ministers of Agriculture, Food and Fisheries and Environment, Lands and Parks:

Recognizing the special environmental sensitivities of the backcountry wilderness in B.C., and

Recognizing the Government of B.C.'s commitment to environmentally sustainable economic development,...

The following principles are adopted to guide commercial recreation tenures on Crown land:

Environmental Guidelines

MELP [Ministry of Environment, Lands and Parks] will develop environmental guidelines addressing how key environmental values will be maintained with respect to specific Crown land activities. The agencies will work with industry and environmental organizations to continue to develop environmentally sustainable business practices for commercial backcountry activities.....

So, the question is, have such guidelines been developed, including noise issues and global as well as local and regional impacts, and do such guidelines allow for intrusive, polluting activities such as heli-skiing and heli-hiking?

Sincerely,

Robert D. Bott Writer, editor and communications consultant

#### Copies to:

CMH Heliskiing, 217 Bear St., P.O. Box 1660, Banff, AB TOL 0C0

Minister of Agriculture, Food and Fisheries, PO Box 9120, STN PROVGOVT, VICTORIA, BC, V8W 9B4

Minister of Environment, Lands and Parks, PO Box 9360, STN PROV GOVT, Victoria BC V8W 9M2

Hon. David Anderson, Minister of the Environment, Ottawa: david.anderson@ec.gc.ca

Transport Canada, Environmental Affairs, sattars@tc.gc.ca

Alpine Club of Canada, Canmore: alpclub@telusplanet.net

Association of Canadian Mountain Guides: acmg@acmg.ca

Climate Action Team, David Suzuki Foundation, cat@davidsuzuki.org

Saily Grimes, executive director, Winter Wildlands Alliance, saily@winterwildlands.org/

James Little, Editor, Explore Magazine, jameslittle@explore-mag.com

Outdoor Recreation Council of BC, orc@intergate.ca

Derek Thompson, deputy minister, MELP, Derek.Thompson@gems4.gov.bc.ca

Canadian Parks and Wilderness Society - BC Chapter, Executive Director: Bob Peart, info@cpawsbc.org

Federation of BC Naturalists, fbcn@intergate.bc.ca

Federation of Mountain Clubs of British Columbia, fmcbc@mountainclubs.bc.ca

Trails Society of BC, trailsbc@trailsbc.ca

Editor, Outside Magazine, letters@outsidemag.com

Edl , Rockies Magazine: editor@insiderockies.com

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#### Appendix A

Soil ecent excerpts from Noise Pollution Clearinghouse -- http://www.nonoise.org/

Helicopter Tour Operators in Juneau, Alaska Ask for Increase in Permitted Ice Flow Landings; Residents and Hikers Say Noise From the Flights Is Already Too Much

PUBLICATION: Anchorage Daily News

DATE: July 18, 1999 SECTION: Metro, Pg. 1B BYLINE: Robert Kowalski

DATELINE: Thunder Mountain, Alaska

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 April 9, 2001

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# Helicopter Convention Includes Retrofits to Reduce Noise Footprint, Inspired By Noise Problems Over Grand Canyon National Park

PUBLICATION: Aviation Week and Space Technology

**DATE: January 31, 2000** 

SECTION: World News & Analysis; Vol. 152, No. 5; Pg. 44

BYLINE: Edward H. Phillips DATELINE: Las Vegas, Nevada

Copyright

# New Zealanders Look to Preserve Natural Quiet in National Parks; Helicopter Buzzing is Main Concern

PUBLICATION: The Press (Christchurch, NZ)

DATE: June 27, 1998

SECTION: Features; General; Pg. 8; Weekend

BYLINE: Seth Robson

DATELINE: Christchurch, NZ

Page 115

Withheld pursuant to/removed as

April 9, 2001

# Virginia City, Nevada Says No to Noisy Helicopter Tours

PUBLICATION: Associated Press

DATE: April 7, 2000

SECTION: State And Regional DATELINE: Virginia City, Nevada

ACTIVISTS, INDIVIDUALS, AND GROUPS MENTIONED: Cynthia Kennedy; John Tyson

• Page 12 April 9, 2001

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# Outoor Enthusiast Champions Victory for Failed Helicopter Tour Scheme on a British Isle

PUBLICATION: The Daily Telegraph

DATE: June 28, 1997 SECTION: Pg. 14

BYLINE: Stephen Venables

DATELINE: Skye Island, Scotland

ACTIVISTS, INDIVIDUALS, AND GROUPS MENTIONED: Stephen Venables

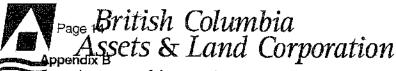
April 9, 2001

Page British Columbia

Assets & Land Corporation

praying on Skye, and last year, one of their local employers suggested there might be a market 1801 the envergence of Writish the world pany's finance director, agreed and said the vould be good potential for local jobs. Wood added, "The trouble with all you environmental types is that you seem to think that making money is a terrible, wicked thing to do." But, the editorial writer says, the indirect economic benefit from hillwalkers and climbers visiting remote areas year-round has now been well-documented, and is much more valuable to Scotland than making the hills more accessible to seasonal visitors. The writer says if the flights had gained approval, there would have inevitably been some background noise in the Cuillin -- "only an irritant, perhaps, but still a mechanical intrusion into one of the last wild sanctuaries of silence." If people want to see the Cuillin, the writer says, let them see it silently, on foot, treasuring the solitude and silence.

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An agency of the government of British Columbia

A c arison of skiing options for Calgarians (adapted from a submission to the Calgary section,

Alpin Club of Canada, newsletter)

### SIX DAYS SKIING - AT WHAT COST?

The following figures are based on these assumptions:

- -- Auto transport at 10 litres per 100 kilometres (for truck or large SUV, increase by one-third; for very efficient compact, reduce by one third).
- -- Two people per vehicle (double for one person; reduce by one-third for three people in vehicle; halve for four people in vehicle).
- -- Heli-skiing with Bell 212 carrying four groups of 11 guests plus guide, six hours per day, at 330 litres jet fuel per hour.
- -- Backcountry hut or lodge serviced with Bell 206 carrying four people plus gear, at 100 litres jet fuel per hour (Bell 206 is also used to deliver heli-skiers' lunches, but I didn't include that little extravagance in the computation); average of 14 skiers per week, exchanged during two hours of shuttle flying from valley to chalet.
- -- Jet fuel converted to carbon dioxide-equivalent greenhouse gases at 2.58 kilograms CO2E per litre (this is a straight carbon conversion; actual emissions, including helicopters' nitrogen oxide emissions during takeoff and landing, are likely higher)
- -- Gasoline converted to CO2E at 2.22 kilograms per litre (straight carbon conversion).
- -- Downhill resort skiing at 35 kilograms CO2E per skier day (based on figures for Aspen Snowmass in Colorado, which like Alberta gets almost all electricity from coal-fired generation).
- No allowance for incidental and indirect emissions due to goods and services such as food and lodging.
- -- Skiers based in Calgary.

Per person emissions:

Daily commuting (160 km each way) for six days touring, Smith-Dorien area in Kananaskis: 213 kilograms CO2E

Daily commuting (230 km each way) for six days touring, Bow Summit/Wapta area: 306 kg CO2E

Daily commuting (185 km each way) for six days lift skiing at Lake Louise: 456 kg CO2E

April 9, 2001



An agency of the government of British Columbia

Driv 185 km to Lake Louise, stay and lift ski for six days: 251 kg CO2E

Drive 180 km to Mt. Shark area and stay six days self-propelled touring (Engedine Lodge or Assinibolne): 40 kg CO2E

Drive 230 km to Bow Summit/Wapta area and stay six days self-propelled (hut or hostel): 51 kg CO2E

Drive 350 km to Roger Pass area and stay six days self-propelled (hut or hotel): 78 kg CO2E

Drive 425 km to Revelstoke, helicopter to backcountry lodge for six days self-propelled: 131 kg CO2E

Drive 425 km to Revelstoke, helicopter ski for six days: 791 kg CO2E (not counting lunch delivery)

Mark Kingsbury Canadlan Mountain Holidays Inc, Box 1660, Banff, AB, TOL OCO Tel: 403-762-7112 Fax: 403-762-7192 emaîl: markkingsbury@emhinc.com





To: Herb Hess

From: Mark

Fax: 25

250-489-8506

Pages:

Date: April 9, 2001

Dear Herb,

This is the heads up on an incident that happened up on the Blanket Glacier just south of Revelstoke. Our side of the story is of course different. We are working with AI to find a solution and communicate with his guests so we can bring this thing under controle.

Sorry to cause any unnecessary work on your part to deal with this.

Best Regards,

harh.

Mark

ID:604-932-6151

APR 06'01 STIP ROD BUG

14:26 No.002 P.01

s 22

10.0140

441-44-14V

28 March 2001

Snowshop Resort P.O. Box 10, 1 Snowshoe Drive Snowshoe, WV 26209

Attention:

Mr. Bruce Pittet

Post-It" Fax Note 7671E	FIDELL 6/UI PAROLE
To Kim Lange	From KARLEN FURL OTTE
Co Part.	CO. ITW ROS
Phone & 767,7100	Phoha 49387317_
T6376Z7192	Fazor+9326151

. Dear Mr. Pittet.

I wish to inform you that I have canceled my winter and summer vacations at Snowshoe due to a hostile encounter I experienced with Canadian Mountain Holidays (CMH). Intrawest Corporation, which owns Snowshoe, owns 45% of CMH.

One of CMH's guides harassed my party while we were backcountry skiing in British Columbia. The guide wrongly accused me of intentionally interfering with his operation. The encounter took away from the tranquillity I was seeking during my week long stay in the backcountry. If you wish more information about this encounter, I suggest you contact Mr. Mark Kingsbury, President OMH, Banff, AL. I have sent Mr. Kingsbury's detailed account of the incident.

I realize that Snowshoe Resort played no part in this incident. However, I believe Intrawest must be held accountable for the actions of other companies in which they own a substantial share.

I have enjoyed skiing and biking during weekend stays at your resort for the last three years. I hope your parent company, intrawest, can resolve the conflicts between helicopter and backcountry skiling caused by CMH.

Mr. Kingsbury, President, Canadian Mountain Holldays, Box 1650, Benff,

AL Canada TOL OCD

Mr. Joe Houssian, General Manager and CEO, Intrawest Corp., 200 Burrard St., Suite 200, Vancouver, BC, V6C 3L6

HS&ET

图 001

s.22

26 March 2001

B.C. Assets and Land Corporation 205 Industrial Road G. Cranbrook, B.C. V1C 7G5 CANADA.

Attention: Mr. Dave Bacon

Dear Mr. Bacon.

I wish to recount hostile actions by Canadian Mountain Holidays (CMH) on 27 February 2001. Contrary to an agreement reached between our group and CMH minutes earlier, a CMH helicopter landed atop Glider Run while our group was still in the area. Later, a CMH guide accused me of intentionally interfering with CMH's operation by lingering at the top of the run. Mr. Bacon, I was at the top only long enough to change skins and clothes. I believe CMH—and specifically guide Buck Corrigan—was attempting to intimidate our group of backcountry skiers. Let me explain what happened.

I had been climbing with a group of 11 others to the top of Glider run, approximately 3200 vertical feet from our starting point, Blanket Glacier Hut. We ate lunch and rested for 20-30 minutes near "the moat", which is several hundred vertical feet below and in view of the top of Glider. I bring this up so you know it. was obvious that we were heading up to Glider. After lunch, when we were climbing within 200 vertical feet of the top, a CMH helicopter landed above us to let off some skiers and a guide. On their ski down, the guide (not Mr. Corrigan) told several members of my party that subsequent helicopter flights to the top of Glider would return later in the day, after we finished skiing the run.

We reached the top and turned left and away from the area where the helicopter. landed minutes ago. We removed our climbing skins and divided into a group of four and a group of eight. I was in the group of four, which left last. After the first helicopter left, a second and third helicopter (perhaps the same helicopter on return trips) landed directly at an alternate location, what and a few hundred vertical feet lower than the top of Glider. I believe that the direct use of this alternate location (meaning they did not circle near the top first) confirmed what the guide had told us minutes earlier—the helicoptars would return to the top after we left.

I was the last of our entire party to leave. I adjusted gear as I waited for my skiing partner to get ready. During this time, a fourth helicopter came onto the scene (again, perhaps the same helicopter on a return flight). The helicopter made two circles in airspace to the north of us (close enough to see people through the helicopter windows but not close enough to see details on faces). At the time, I assumed this fourth helicopter would use the alternate landing site.

At about the time my skiing partner began skiing down Glider, the helicopter (now on a third circle) landed at the top of Glider (where the first helicopter landed). I was still 50 to 100 meters away making last-minute adjustments to my ski poles when the helicopter landed. (I was at the top of Glider for less than 10 minutes.) I then skied towards the rest of my party, several hundred vertical feet below.

Although landing the helicopter in my proximity was distressing, it is what happened next that prompted this letter. A CASH guide, later identified to me as Mr. Buck Corrigan, skied to our location. Mr. Corrigan bellowed that we were intentionally interfering with CMH's heli-ski operation by lingering at the top. We replied that we were changing our climbing skins and outer clothing at the top to go down. We spent no more time (less than 10 minutes) than is necessary or customary. We politely said that if he had any questions or concerns, he should talk to Al Shaffer, our guide. We pointed out Al Shaffer to him who was several hundred vertical feet below and in view of us. Still, he continued to badger us. Mr. Corrigan was either unaware of or chose to ignore our earlier agreement with CMH.

I learned from others in my party that Mr. Corriged's hostility resurfaced later in the week—this time where the safety of his actions dame in to question. Intimidation by heli-ski guides towards other usors should not be tolerated under any direumstance. This is a classic David and Goliath struggle, with Goliath wielding rotor blades.

I have thoroughly enjoyed backcountry skiing in British Columbia for the last five years. I wish you the best of luck is sorting out the complexities of multiple-use in the backcountry. I urge you to take a strong and pure we stance against hostile tactics by heli-ski operators that threaten the tranquility and safety other backcountry users seek.

s.22

PM 403 762 7/17

cc: L. Mr. Kingsbury, President, Canadian Mountain Holidays, Box 1660, Banff,

AL Canada Tree of o

Mr. Al Schaffer, Box 8150, Canmore, AL T1W 2T9 Canada



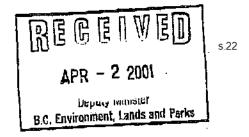
Ministry of Environment, Lands and Parks Executive Branch PO Box 9339 Str Prov Govt 5th Floor-2975 Jutland Road Victoria BC V8W 9M1

FAX SHEET

DATE: April 3, 2001	PAGES SENT (INCLUSIVE); 3
TO: Scott Benton	
MINISTRY/ORGANIZATION;	
FAX # (250) 354-6332	•
PHONE #	
•	
FROM: Lori Hudson, Administrative Assistant	for Derek Thompson
FAX # (250) 387-6003	
PHONE # (250) 387-9870	
,	
SUBJECT: CMH Manager of Revelstoke Opera	tion
MESSAGE:	
	copy-Herb Hess
	· <del></del>
Mailed original to follow: Yes _x_ No	

If this message is ittegible, incomplete or pages are missing, please telephone the sender immediately.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL TO US BY POSTAL SERVICE AT THE ABOVE ADDRESS AT OUR COST. ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION BY ANYONE OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED. THANK YOU.



ce. Cassia Dogle Scott

Mr. Mark Kingsbury, President, CMH Ltd., Box 1660, Bauff, Alta. Tol. 0C0

March 26, 2001

Dear Sir,

Re: Threats and intimidation from CMH Manager of Revelstoke operation

--- during telemank ski camp run by Al Schaffer at Blanket Glacier Chaler —

I took part in a telemark ski camp at Al Schaffer's Blanket Glacier Chalet during the period Feb. 25th - March 3rd 2001 and was present during 2 unpleasant encounters with Buck Corrigan, CMH Manager of the Revelstoke operation:

- 1. February 27th on a ski run called 'glider' below Blanker Peak:
  - a) Mr. Corrigan skied down to our group and without first exchanging any pleasantries demanded we tell him if Al Schaffer was in our group. When Al indicated his presence, Mr. Corrigan began a lecture to Al in front of our group:
    - Stated that our group had stopped for lunch in front of their designated helicopter landing site below Blanket Peak marked by red flags and consequently obstructed their access.
    - Our action is in strict violation of federal air maffic regulations. He intimated a complaint would be filed with Transport Canada.
    - Mr. Corrigan would contact their lawyer and Al would hear from him. In addition, Mr. Corrigan
      would mail to Al a copy of the federal air traffic regulations and request they be posted in the
      the chalet.
    - Will report this incident also to the provincial government Lands Branch.

Mr. Corrigan then proceeded to ski down the slope - he did not ask Al any questions relating to this incident.

- b) I was personally offended by Mr. Corrigan's conduct because he did not my to verify if he had the correct facts before he raised his accusations and threats.
  The real facts are as follows:
  - Earlier that day, after lunch at the moat below Blanket Peak, we continued to climb up the ridge when we were approx. 400 ft. below the col. a helicopter flew above us and landed at the col. Shortly thereafter, a female heliguide skied down to us and talked to Al. She mentioned to him that her group of heli skiers would ski down the 'glider' run, and other groups would be dropped off further down the ridge and they would only fly back up to the top of the ridge at the end of the day. During our continued climb up the ridge, we observed a helicopter dropping off a group of heli skiers below the rocky ridge.
  - Upon reaching the col, we traversed below the area marked with 3 red flags (referred to by Mr. Corrigan as a heli port) and stopped approx. 50 yards to the left of the flags. Here we took off our climbing skins from our skis then 4 of our group skied back down the way we came up and the rest of our group skied down the 'glider' run.

#### 2. My 2nd - on Cariboo Ridge

- a) I was part of a small group with Al at the bottom of a run on the Cariboo Ridge when a helicopter came up from the valley below and then disappeared up the hill above us in foggy conditions. Subsequently, Mr. Corrigan skied down the hill towards our group (due to the poor visibility we had not been able to observe that the helicopter had landed on the ridge) and in a very abrupt manner asked if Al Schaffer was in our group. Once Al indicated his presence, Mr. Corrigan handed him an envelope containing the Transport Canada regulations relating to heliports and a plastisized letter outlining rules that should be observed around heliports which he requested be posted in the chalet. Mr. Corrigan then proceeded to ski down towards the chalet where presumably the helicopter picked him up.
- b) When we got back to the chalet we learned that two of our group who were skiing up the ridge felt very uncomfortable by having a helicopter buzz less than 100 yards above them and then land nearby to drop off Mr. Corrigan. There is no doubt in my mind that Mr. Corrigan of CMH-was about overzealous in making a delivery of a poster for the chalet despite the poor flying conditions! If this is not evidence of intimidation by a large company against a small operator, I don't know what is! Why could be not just have delivered the package to the chalet? Is CMH using these tactics to try and convince the provincial government that Al Schaffer's license to operate the Blanket Glacier Chalet should not be renewed when it expires next year?

In summary, I am disappointed how CMH is using its corporate might to try and gain an advantage. I hope that Al Schaffer is giving the opportunity to obtain a renewal of the lease so that backcountry enthusiasts can continue to enjoy backcountry ski touring at an affordable price. I am particularly saddened by the action of one of your employees as my wife and I participated in the mid seventies for three years in a row in CMH cross country ski trips using the Assinaboine Lodge as a base and were impressed at that time with the manner in which CMH operated these trips.

I would be pleased to hear from you.

s.22

c.c. Dave Bacon, BC Assets & Land Corporation, 205 Industrial Road G, Cranbrook, B.C. V1C 7G5

Al Schaffer, Box \$150, Canmore, Alta., T1W 2T9

Derek Thompson, Deputy Minister, Dept. of Environment, Lands & Parks, P.O.Box 9360, Stn. Prov. Gov't, Victoria, B.C. V&W 9M2

Association of Canadian Mountain Guides, acmg@acmg.ca

Transport Canada, Environmental Affairs, sattars@tc.gc.ca

26 March 2001

B.C. Assets and Land Corporation 205 Industrial Road G Cranbrook, B.C. V1C 7G5 CANADA

APR - 6 2001

B-C ASSETS AND LANDS CORP

Attention:

Mr. Dave Bacon

CRANBROOK, B.C.

Dear Mr. Bacon,

I wish to recount hostile actions by Canadian Mountain Holidays (CMH) on 27 February 2001. Contrary to an agreement reached between our group and CMH minutes earlier, a CMH helicopter landed atop Glider Run while our group was still in the area. Later, a CMH guide accused me of intentionally interfering with CMH's operation by lingering at the top of the run. Mr. Bacon, I was at the top only long enough to change skins and clothes. I believe CMH—and specifically guide Buck Corrigan—was attempting to intimidate our group of backcountry skiers. Let me explain what happened.

I had been climbing with a group of 11 others to the top of Glider run, approximately 3200 vertical feet from our starting point, Blanket Glacier Hut. We ate lunch and rested for 20-30 minutes near "the moat", which is several hundred vertical feet below and in view of the top of Glider. I bring this up so you know it was obvious that we were heading up to Glider. After lunch, when we were climbing within 200 vertical feet of the top, a CMH helicopter landed above us to let off some skiers and a guide. On their ski down, the guide (not Mr. Corrigan) told several members of my party that subsequent helicopter flights to the top of Glider would return later in the day, after we finished skiing the run.

We reached the top and turned left and away from the area where the helicopter landed minutes ago. We removed our climbing skins and divided into a group of four and a group of eight. I was in the group of four, which left last. After the first helicopter left, a second and third helicopter (perhaps the same helicopter on return trips) landed directly at an alternate location, west and a few hundred vertical feet lower than the top of Glider. I believe that the direct use of this alternate location (meaning they did not circle near the top first) confirmed what the guide had told us minutes earlier—the helicopters would return to the top after we left.

I was the last of our entire party to leave. I adjusted gear as I waited for my skiing partner to get ready. During this time, a fourth helicopter came onto the

scene (again, perhaps the same helicopter on a return flight). The helicopter  $m \to \infty$  is two circles in airspace to the north of us (close enough to see people through the helicopter windows but not close enough to see details on faces). At the time, I assumed this fourth helicopter would use the alternate landing site.

At about the time my skiing partner began skiing down Glider, the helicopter (now on a third circle) landed at the top of Glider (where the first helicopter landed). I was still 50 to 100 meters away making last-minute adjustments to my ski poles when the helicopter landed. (I was at the top of Glider for less than 10 minutes.) I then skied towards the rest of my party, several hundred vertical feet below.

Although landing the helicopter in my proximity was distressing, it is what happened next that prompted this letter. A CMH guide, later identified to me as Mr. Buck Corrigan, skied to our location. Mr. Corrigan bellowed that we were intentionally interfering with CMH's heli-ski operation by lingering at the top. We replied that we were changing our climbing skins and outer clothing at the top to go down. We spent no more time (less than 10 minutes) than is necessary or customary. We politely said that if he had any questions or concerns, he should talk to Al Shaffer, our guide. We pointed out Al Shaffer to him who was several hundred vertical feet below and in view of us. Still, he continued to badger us. Mr. Corrigan was either unaware of or chose to ignore our earlier agreement with CMH.

I learned from others in my party that Mr. Corrigan's hostility resurfaced later in the week—this time where the safety of his actions came in to question. Intimidation by heli-ski guides towards other users should not be tolerated under any circumstance. This is a classic David and Goliath struggle, with Goliath wielding rotor blades.

I have thoroughly enjoyed backcountry skiing in British Columbia for the last five years. I wish you the best of luck is sorting out the complexities of multiple-use in the backcountry. I urge you to take a strong and punitive stance against hostile tactics by heli-ski operators that threaten the tranquility and safety other backcountry users seek.

s.22

cc: Mr. Kingsbury, President, Canadian Mountain Holidays, Box 1660, Banff,

AL Canada

Mr. Al Schaffer, Box 8150, Canmore, AL T1W 2T9 Canada

Mr. Mark Kingsbury Presi CMH Box 1660

Banff, Alberta, Canada

TOL OCO

March 12, 2001

B C ASSETS AND LAMDS CORP

AFR - 6 2001

Mr. Kingsbury:

CRANBROOK, B.C.

I wish to report an incident with CMH operations and a CMH employee during our recent trip to Canada which I believe resulted in an endangerment to my wife and myself and damaged the reputation of your company. During our trip I believe a CMH employee, Buck Corrigan, intentionally harassed our party and unnecessarily endangered my wife and myself.

First, a bit of background. For the past several years I have organized ski vacations with my wife, children, and several friends in western Alberta or British Columbia. While we enjoy the downhill runs as much as your clients do, we also enjoy the backcountry and uphill part of the experience. This was our second year in the Blanket Creek drainage, terrain that we found particularly pleasing. We were staying as clients of Mr. Al Schaffer as part of a weeklong telemark clinic.

Let me recount the events that occurred during the week of February 25 to March 3 and lead to my complaint. At about 1:45 p.m. on February 27 a group of 12 backcountry skiers staying at the Blanket Glacier Chalet were climbing on skis near the top of a run known as Glider at about 9000' elevation when one of your helicopters landed about 100 yards ahead and above us and discharged a group of skiers. We were approached by a CMH guide (a woman who's name I believe was Allison) who informed Mr. Schaffer and several of our party that their intent was to ski the far (western) side of the slope and that no additional landings would be made at that spot until later in the day after we had moved on. If we were to ski the near part of the slope (eastern) there would be no interference. While it was disturbing to have the helicopter land so close and directly in our path after a morning long climb, the actions of the guide seemed to be polite and considerate of all needs and were appreciated.

The group of helicopter skiers/boarders proceeded down the hill while we continued to climb 75 yards or more past the landing point where we removed our skins and prepared to ski down. One group led by Mr. Schaffer immediately descended while I remained with a group of four who were preparing to ski more toward the east to complete preparations for descent. As our group was completing our preparations, another helicopter surprised us by circling and then landing in the aforementioned landing zone. We started to ski down when we were approached by one of your employees, who I later learned was Buck Corrigan. Mr. Corrigan was very impolite, berating our group for interfering in landing operations by standing too close to the landing zone and threatening a variety of legal actions. While we found his behavior most unprofessional and upsetting, we reasoned that he had not had communication with the guide we had talked with previously and suggested that he discuss the matter with our host, Mr. Schaffer.

With this event as a backdrop I must relate the very unsettling events of Mar 2. There had been about 30 cm of fresh snow on the evening of Mar 1. Snow conditions were somewhat unstable that morning as there were other small slides on steeper slopes in the area and we heard via radio that CMH had experienced a small slide burying a skier and injuring another. As a result, we were being very careful of conditions. During the morning we observed helicopters in the area to the west of us. At about 12:30 a.m. my wife and I were climbing the west end of Caribou Ridge at about 7000' elevation in low visibility conditions when a helicopter landed about 75 yards directly above our position. While we were wearing brightly colored parkas, I was quite concerned that we could not be seen well and that it was not in our best interests given the snow stability to land a helicopter directly above us. As evidence of the visibility

concern, the bright yellow suit that the guide was wearing was only intermittently visible in the blowing snot. I low visibility after he exited the helicopter. When the guide skied in our direction, I recognized him as the same person who approached our group on Feb 27. I asked him to stop and inquired why it was necessary to land so close and directly above us, exposing us to potential danger. Once again, he was very surly and impolite and basically said that the closeness of the landing was not an issue. When I inquired he identified himself as "Buck" and his employer as CMH. I later learned that the purpose of the landing on March 2 was to deliver a letter regarding the incident on Feb 27 to our guide Al Schaffer, who was in the valley below us. It is ironic that in landing to deliver a letter complaining about the closeness of our group of four skiers to the CMH landing area on Glider, that Mr. Corrigan would direct the helicopter to land closer to my wife than our group was to the landing area on Feb 27 and in a much more dangerous position.

Frankly Mr. Kingsbury, I am convinced that the events of Mar 2 were an intentional act of harassment of my wife and myself directed by Mr. Corrigan. It is inconceivable that delivery of a letter to Mr. Schaffer was so important that it was necessary to land directly upslope of us and so near us in low visibility conditions. I later learned that these encounters are growing in frequency as users clash in the area.

Based on reputation and advertising it appears that CMH wishes to represent itself as a quality organization that is attuned to the needs of the public and environment. As an environmental manager with over 30 years of experience representing a manufacturing company including my current position as global director of environmental compliance and policy, I know how hard it is to build and maintain a good public reputation and how quickly a good reputation can erode. Therefore, I wanted to address this letter of complaint to your attention for immediate action.

The events of February 27 and March 2 are clearly not attuned to the needs of the backcountry ski tourist. Given the area available to the CMH helicopter ski operations, it seems that a simple attempt by CMH operations to provide some communication and common courtesy could easily avoid landing a helicopter directly in front of a group after a long climb. And the harassment of my wife and myself on March 2 was simply dangerous and inexcusable and could easily have been avoided with a simple stamp on the letter or landing in a alternate spot rather than employing "bully boy" tactics.

I have sent a copy of this letter to the British Columbia Assets and Land Corporation for their information and possible action. If it is not possible for your organization to work cooperatively with other users to achieve a reasonable solution to multiple use without harassment or endangering innocent parties, then some regulatory action is clearly necessary.

Please advise us as to how you intend to address this ccs.22

Copies to:

Dave Bacon
BC Assets and Land Corporation
205 Industrial Road G
Cranbrook, BC Canada VIC 7G5

Al Schaffer Box 8150 Canmore, Alberta Canada T1W 2T9

## Dailey, Sharon H FLNR:EX

From:

Dailey, Sharon H FLNR:EX

Sent:

Thursday, March 10, 2016 11:39 AM

To: Subject:

'Dave Butler' RE: 4400749

Hi Dave,

I've just gone through the two volumes of files and there is lots of communication between you and Robin back in 2002 when the application came through for the area based licence and there is a Joint Use Agreement on file signed by you in November 2004.

Sharon

Sharon Dailey
Section Head, Land Authorizations
Kootenay Boundary Region
Ministry of Forests, Lands and Natural Resource Operations
Tel: 250,426,1752

Tel: 250-426-1753

Email: Sharon.dailey@gov.bc.ca

From: Dave Butler [mailto:dbutler@cmhinc.com]
Sent: Wednesday, March 2, 2016 10:15 AM

To: Dailey, Sharon H FLNR:EX

Subject: 4400749

Hope you are well, Sharon.

Could I please speak with you and other staff who might have been involved in issuing the L/O (404660) to Al and Marion Schaffer?

It seems to have gone from a license over just their hut, to a 3200 ha area-based license that overlaps ours (4496100) without any apparent communication with us. This is a significant concern for us, and I'd like to find out what happened.

Thanks.

Dave

**Dave Butler, RPF, RPBio.**, Director of Sustainability CMH Heli-Skiing & Summer Adventures T: 250-426-3599 | F: 1-250-426-3517

#cmhheli | crnhski.com | cmhsummer.com

<u>WATCH THE LATEST STOKE</u> »

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# **Adventure Tourism Replacement Report**

Ministry of Forests, Lands and Natural Resource Operations

File:

4400749

**Inspected Date:** 

Not field inspected

Reported By:

J.H. Mitchell

Report Date:

December, 2012

**Phone Number:** 

250 426-1718

**Complexity Level:** 

1 - low

Applicant:

Allan R. Schaffer and Marion E. Schaffer

Dba Nordic Ski and Kayak Institute

PO Box 8150

Canmore AB T1W 2T9

ph 403 678-4102 .

Decision: Offer replacement tenure

Application Type:

Replacement

LMM Policy:

Adventure Tourism (AT)

Purpose:

Guided Ski touring

Sub-Purpose:

Guided hiking

Type:

Licence

Sub-Type:

Licence of Occupation

Commencement

June 1, 2012

Term:

30 years

ENTERED LA 25 200

Date:

Purpose Statement:

Non mechanized – Guided ski touring and summer hiking

BCGS Map Sheet:

Various

Replacement Area:

Replacement

3,278 ha

Extensive Area:

Replacement Intensive Area(s):

ant O--

One intensive use, ski lodge is associated with this file. The existing lodge site is

mapped as 0.9 ha within the extensive area...

Location:

Blanket Glacier - southwest of Revelstoke BC.

Current Legal Description:

Unsurveyed Crown land located in the vicinity of Blanket Glacier, Blanket Creek and Blanket Mountain, of Kootenay District and Osoyoos Division of Yale District; except for those parts of the land that, on the Commencement Date, consist of highways (as defined in the *Highway Act*) and land covered by water.

Land Use

Purpose: Guided ski touring and hiking - non-mechanized.

Existing Operation: No changes proposed. Continuous operation for last 25 years. Season of Use: December to May for skiing. July, August and September for hiking.

Location: Blanket Glacier.

Access: Remote lodge and terrain. Helicopter access only. Terrain/Vegetation: Various forested and sub alpine and alpine.

Description of Existing Improvements: Existing lodge is well constructed and maintained. Tenure and

lodge are well managed with established business.

<u>Land and Resource Plans:</u> No LRMP or recreation access type plans are in place for the bulk of the tenure. Some of the tenured area does fall into the Okanagan LRMP. The existing operation is consistent with the Okanagan LRMP.

Resource/Public Use interests: Very remote and high elevation area with limited resource interest at this time. There is very limited public hiking and ski touring in the area. The tenure holder and CMH Reveistoke operate within an area.

of overlap, until approximately 2002 the relationship was very acrimonious. An agreement signed in 1992 has improved local management of the area significantly. Both Schaffer and CMH continue to work very hard to make the arrangement work. There are very few issues brought forward resulting from this tenure overlap at this time.

Forestry, and mining and other tourism interests are present in the lower valley reaches, outside of this tenured

#### First Nations Interests:

This is a replacement to an existing tenure for an established guided ski tour and summer hiking tour business. The remote lodge is at elevation and is generally deemed inaccessible. The interest from MFLNRO to replace the existing tenure has been referred to the; Okanagan Nation Alliance, Penticton Indian Band, Lower Similkameen Indian Band, OIB, Shuswap Band, and the Splats'in First Nation.

The referral effort has been reviewed and is considered adequate.

No issues of significance were anticipated for this area. Splats'in First Nation staff have identified this area as a concern of potential for archaeological resources, this issue can be accommodated by requiring the licencee to complete future archaeological assessment if a tenure amendment is considered in the future that could affect the arch resource. The Shuswap Band has responded that there are no issues.

The tenure area being evaluated for replacement is not being considered for treaty settlement and the considered replacement will not affect ongoing treaty negotiations.

A formal consultation record has been completed and has been fully reviewed by the SDM.

Advertising: Not required for replacement.

Tenure Management Plan Approval: A Tenure Management Plan (TMP) has been previously submitted and approved for this tenure. I have reviewed the approved TMP and find that it is somewhat dated but still relevant and suitable for managing any known local issues. I will advise the licencee that an updated TMP for the extensive use area / lodge site and appended working agreement with CMH Revelstoke, could be considered as a best practice to keep the tenure management new and relevant but an update is not a condition of replacement.

#### Discussion

Existing remote lodge guided ski tour and summer hiking tenures with high elevation improvements (lodge and out buildings) are considered to be an excellent blend of economic opportunity and sustainable tourism in this area of the province. The tenure holder is long established and is an exemplary backcountry lodge owner. There are no known recent conflicts of significance among the few resource users in this area. The previous conflicts with CMH Revelstoke over ski use of the extensive tenure are on a low ebb and both parties seem committed to working together. The tenured area and intensive use sites have never been brought to my attention as having negative issues by the recreating public, First Nations or other resource agencies. The licencee is an excellent steward of the backcountry.

The tenured area is within the long existing Mountain Caribou Reserve for Adventure Tourism activities (tenure file 4404314). A review of the Mountain Caribou reserve conditions does allow me to consider replacement tenures where there is no known conflict with herd management and stewardship. This tenure holder is known to be diligent and is an excellent steward of the local area. The tenure holder is well aware of Mountain Caribou local herd issues and does their best to report issues. Recent Diligent Use Reports submitted by the tenure holder have local herd numbers down.

Existing remote lodge guided ski touring and summer hiking operations generally have little or no impact on known Rights and Title of local First Nations. However the Splats'in First Nation is interested in restricting further development in the area where there is evidence of archaeological values or potential to impact archaeological values. The tenure holder is not known to be considering any further build out of the intensive use sites at this time.

I have determined that the policy standard 30 year replacement Licence of Occupation for the extensive use area is an appropriate term.

I believe a tenure replacement for this licencee is a suitable balance of business opportunity and responsible resource use.

I am delegated authority under Section 11 of the Land Act.

### Recommendation: Proceed with tenure replacement

Tenure Type: Licence of Occupation Tenure File: 4400749

**Term: 30**, Jars, commencing on June 1, 2012. Due to other work priorities, this tenure was not replaced by the licensor in a timely manner.

Liability Insurance: \$2 million required. Note existing is \$1 million.

Security Deposit: Can be maintained at \$3,000.

#### Pricing and Area:

Extensive Rate: Guided ski tour and summer hiking (non-mechanized) client day fee remains at \$1/client day.

Intensive Rate: The long existing lodge structure, according to our current records, has not been previously identified for tenure rental billing, and should now be identified and billed appropriately.

The Blanket Glacier Lodge sits on a previously identified 0.9ha intensive use site.

The Blanket Glacier Lodge is used annually for skiing in December - May and for hiking in July - September. The lodge site is now adjudicated as a Primary Site and should be charged accordingly as; the greater of 7.5% of BCA Value (no current value available) or \$500, whichever is greater.

#### Review of Existing tenure (for PA information):

I have reviewed the terms and conditions of the previous document. A replacement document can be generated with standard terms and conditions for AT tenures, non mechanized winter use. The tenure should have only extensive use identified.

For tenure picks:

```
Optional 290 1 – Cut or remove timber – 1st option – right under Forest Act only 5.16 )
Mandatory – 360 1 – Restore surface – 3<sup>rd</sup> option – June 1, 2002. 5.16 )
Mandatory – 420 1 – 1st Option – this agreement – 5.4
```

#### Conditions of Replacement (for information):

The current tenure is without benefit of an up to date Tenure Management Plan (TMP). The previous TMP, although very well done, is well dated and does not address current and evolving resource issues. We suggest an updated Tenure Management Plan be provided for approval by the licensor.

#### A TMP update must contain at a minimum:

- 1) Retain justification of the purpose, terms and conditions for the extensive and intensive use (lodge) areas.
- 2) Update levels of use, including number of clients on a monthly and annual basis.
- 3) Updated specific measures to eliminate or minimize conflicts with existing interests in the area. Including an updated agreement with CMH Revelstoke if available. Considerations for managing the irregular snowmobile traffic to the area should also be discussed.
- 4) Specify measures to; protect environmental integrity, ensure public access is maintained, ensure affected parties' interests are protected, and minimize / mitigate impacts on other resource users, specifically recreational snowmobilers in the area.
- 5) You are strongly encouraged to acknowledge and abide by the "2006 Wildlife Guidelines for Back Country Tourism / Commercial Recreation in BC".

Future lodge or intensive use expansion applied for under tenure amendment, could be restricted due to proximity to archaeological sites.

#### Tenure Management Plan

As required by AT Policy Section 9.7.1, the approved TMP shall be reviewed by the licensor after five years. Please place a work event into the system.

**Revised Legal Description:** All that unsurveyed Crown land in the vicinity of Blanket Glacier and Blanket Mountain, Kootenay District and Osoyoos Division of Yale District, containing 3,227.93 hectares, more or less.

#### ATTACHMENTS:

Tenure map and LD schedule for 4400749.

# **Economic Benefits**

This well established tenure continues to provide significant economic benefit to the local area.

## Replacement Report prepared and approved by:

page 137 of 189 FNR-2016-65203 KB

### Mitchell, Harry FLNR:EX

From:

Mitchell, Harry FLNR; EX

Sent:

Monday, December 31, 2012 10:50 AM

To:

Luxton, Laura FLNR:EX; Donald, Jo-Ann FLNR:EX; Pasqua, Kathy FLNR:EX

Subject:

Replacement Decision - 4404749

Attachments:

4400749 Schaffer replacement 2012,docx

Ladies

File 4404749

I have determined that a 30 tenure replacement is appropriate for tenure file 4400749.

The reported area is 3,227.93 ha. The August 12 LL mxd may be used as legal and the RAT updated.

FN Consultation was signed off by the SDM on Dec 28th / 12.

Please note that the Blanket Glacier Lodge (0.9ha IU Site) has never been billed as an IU site for this file or any other Kootenay File as near as I can determine. This seems to have been a confounded error started before 2006. Please now commence the billing for the intensive use site as denoted in the LU Replacement Report (attached). The IU site is within the extensive reported area.

The file is signed out to KP and is in her inbox. LU Report and FN Consultation record hard copies are signed and on file

Please see me with any questions.

#### Harry Mitchell, R.P.F.

Authorizations Manager Kootenay / Boundary Region

## Ministry of Forests, Lands and Natural Resource Operations

my office: 250 426-1718 office fax: 250 426-1767

my cell: 250 421-3504

email to: harry.mitchell@gov.bc.ca

To learn more about "Authorizations" within the Ministry of Forests, Lands and Natural Resource Operations, it is best to access government services through the **FrontGounter BC** portal:

http://www.frontcounterbc.gov.bc.ca

# Fawcett, Robin ILMB:EX

From:

Al Schaffer s.22

Sent:

ber 14, 2003 11:25 AM

To:

Fawcett, Robin LWBC:EX

Subject: re: Blanket Glacier Chalet

Hi Robin:

Attachments that I refered to in an earlier e-mail.

thanx

Al Schaffer

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Agreement Between Canadian Mountain Holidays Inc. ("CMH") and Nordic Ski and Kayak Institute Ltd. ("NSKI") Regarding Resolution of Issues in the Vicinity of Blanket Chalet (the "Chalet")

June 9, 2003

In order to resolve the long-standing issues between the two companies in the vicinity of Blanket Chalet and to ensure that guests from both companies enjoy a quality ski experience in the area, we hereby agree to the following:

TIMING: that this agreement will apply from December 1 to May 15 annually, for the term of any area-based (extensive) Licenses of Occupation held by NSKI.

**ACTM11ES:** that this agreement relates to the non-mechanized backcountry ski-touring undertaken by NSKI, its staff and its guests, and to the commercial mechanized ski guiding undertaken by CMH, its staff and its guests.

GEOGRAPmC AREA INVOLVED: that the agreement relates to the area shown on the attached 1:50,000 map. Further, that the two companies will use the run names as shown on the attached map in all communications between them.

**OPERATING PRACTICES:** that the area shown in bold black will be a "no-ski" zone for CMH, and that over-flights within that area will be no less than 500 meters a.g.l. unless in an emergency or constrained by weather conditions.

Further, subject to the area-based License of Occupation held by NSKI, it is agreed that NSKI has access to ski terrain outside the area shown in bold black, but that this area (being part of a larger area for which CMH has prior rights) may be skied or over-flown at any time by CMH (subject to below) at its sole discretion

Further, it is agreed that CMH will do all that it can not to over-fly the Chalet, and will only do so when weather conditions give it no other options but to do so.

Further, it is agreed that CMH and NSKI will meet in the fall of 2003 to discuss and locate a higher pick-up for the run *Pollux*. Both parties are aware that this must be discussed with pilots from Alpine Helicopters to ensure that any new pick-ups that may be proposed for use are safe and acceptable.

COMMUNICATIONS BETWEEN CMB AND NSKI: that the two companies will communicate as follows:

senior staff from CMH and NSKI will meet in Revelstoke no later than two weeks prior to December I each year to review and confirm the operating practices for the coming year;

senior staff from CMH and NSKI meet in Revelstoke no later than two weeks after May 15 each year to review, discuss and resolve the previous season's successes/failures;

prior to each operating week, NSKI guides and/or group leaders will visit CMH Revelstoke to speak with the manager or lead guide to confirm plans and practices for the coming week; CMH will make the CMH radio frequency available to NSKI;

NSKI will have a radio on at the Chalet and/or with each party's guide (or leader) daily during the period of the agreement that is capable of receiving and transmitting, and that will be answered when any calls come in from CMH on that frequency;

CMH Revelstoke will contact NSKI and Monashee Powder on a daily basis during operations (no earlier than 7 a.m. and no later than 8 a.m. local time) to exchange weather, snow and/or avalanche conditions; CMH Revelstoke will advise NSKI in the daily a.m. radio call if and when CMH plans to ski in the Blanket area that day. If that occurs, NSKI can expect to see and hear helicopters and encounter heli-skiers in the area (except in the area in bold black as above);

when necessary, CMH will advise NSKI by radio as soon as their plans change. This means that CMH could move to the Blanket area when they may have already advised NSKI in the a.m. exchange that they were going elsewhere. NSKI will advise CMH where they are or will be slight on the

exchange that they were going elsewhere. NSKI will advise CMH where they are or will be skiing on that day, and CMH will not ski on or fly over the same run, regardless of whether it is in or out of the area in bold black;

CMH will contact NSKI by radio at least once each day on their first approach to the Blanket area to confirm the location of NSKI parties;

on days when CMH is skiing in the Blanket area, NSKI to contact CMH by radio to advise them when they are off a CMH tenured run and/or back at the Chalet so that CMH has full access to all potential ski lines for jump-runs at the end of the day;

both companies agree to contact each other immediately (on the same day) to resolve any issues that may arise in a given day. This includes notification of emergency situations or unanticipated weather circumstances which may have required a deviation from the agreement.

CONSISTENCY WITH FEDERAL, PROVINCIAL AND LOCAL STATUTES AND REGULATIONS: that both companies agree to operate their businesses in the subject area in a way that is in full compliance with all federal, provincial and local government statutes and regulations.

GUEST EXPECTATIONS: that NSKI will ensure that all staff and guests that stay at, or ski from the Chalet will be advised in writing - and asked to sign a written confirmation - prior to booking space at the Chalet indicating that they are aware they will be in an active heli-ski area, that they may see and hear helicopters and encounter heli-skiers, that they are aware that a joint use agreement has been agreed-to and signed by the two parties, and that they will abide by that agreement. A copy of this agreement will be posted in the Blanket Chalet and at CMH Revelstoke.

**JOINT RESCUE/EMERGENCY PLAN:** that both companies agree to work together to develop a joint rescue / emergency plan prior to the winter of 2003/2004.

MAINTENANCE OF RADIO REPEATER: that CMH agrees - when in the area - to continue to service batteries and clear the solar panels (as needed) for the NSKI repeater on Mt Cartier. The cost of batteries, other equipment or any additional maintenance flights over and above CMH's needs are to be borne by NSKI.

CORPORATE COMMITMENT TO TillS AGREEMENT: that both companies will do everything necessary to ensure that each and every staff member, helicopter pilot and guest behaves in a manner that is in full compliance with the intent and substance of this agreement. In order to make this happen, NSKI will consider the employment of ACMG or equivalent (IFMGA) guides for all parties at the Chalet.

TENULES: that this agreement will only take effect when it becomes part of any and all area-based License(s) of Occupation - issued to either party - that relate(s) to the subject area. Further, that CMH will not oppose the application by NSKI for an area-based License of Occupation on the understanding

that this eement will be an integral part of the management plan attached to that License. Further, both parties understand that this agreement is subject to approval by the Province of BC (as represented by Land and Water BC), and that this agreement is null and void if it breaches any provisions of the Licenses of Occupation held by either company. Further, the agreement cannot be transferred or assigned by NSKI without the consent of CMH. Further, both parties agree that no future claims for loss can be made by one against the other as a result of any activity that is in compliance with this agreement.

NON-COMPLIANCE WITH THIS AGREEMENT: that while both parties will do all that they can to make this agreement a success and will act reasonably and in good faith, it is understood that problems or disagreements may arise from time-to-time. CMH and NSKI agree to attempt to re-olve these potential differences amongst staff within the two companies using good faith and respect, but - where necessary-also agree to equally share the cost of a third-party arbitrator (chosen and agreed-to by both parties) to recommend changes to resolve outstanding issues.

BINDING EFFECT: that this agreement shall enure to the benefit of and shall be binding upon CMH and NSKI and their respective executors, administrators, successors and assigns.

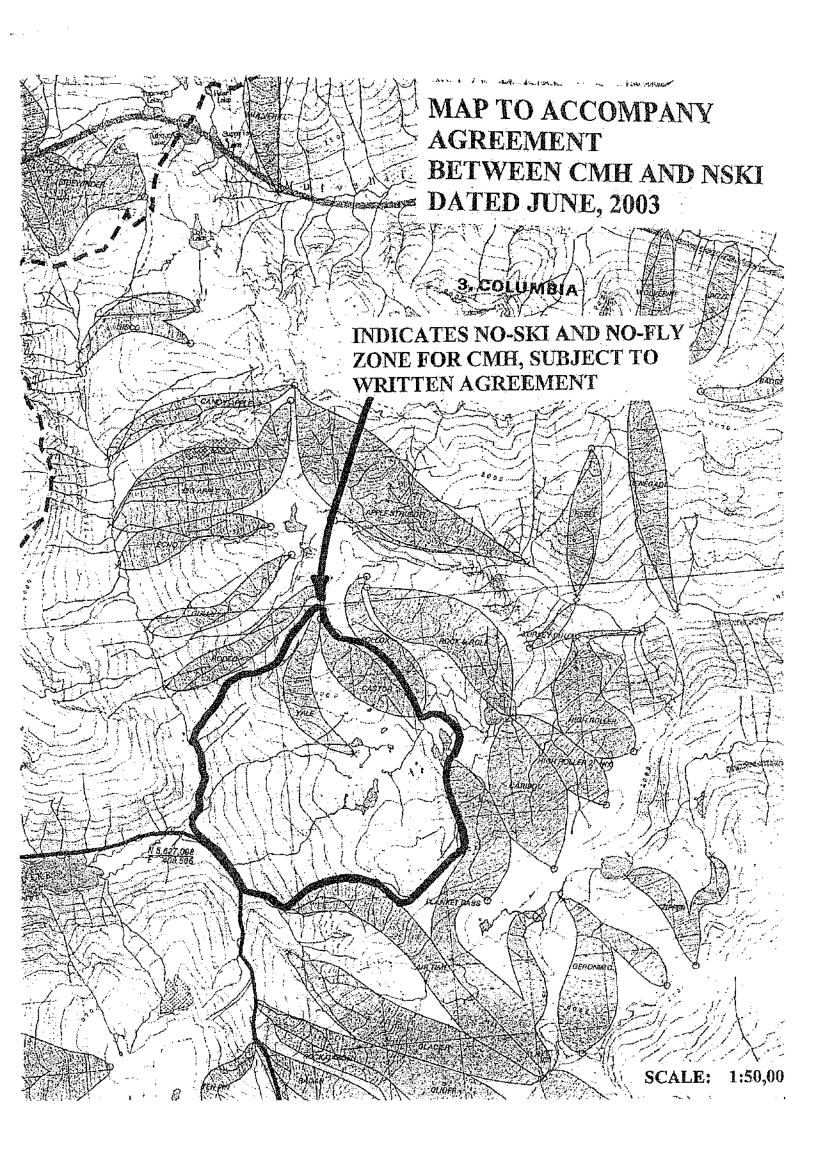
ENTIRE AGREEMENT: that this agreement constitutes the entire agreement between the parties with respect to the subject matter hereof-and supersedes all prior agreements, understandings, negotiations and discussions, whether written or oral. There are no conditions, covenants, agreements, representations, warranties or other provisions, express or implied, collateral, statutory or otherwise, relating to the subject matter hereof except as provided for in this agreement.

GOVERNING LAW: that this agreement shall be governed by and constrict in accordance with the laws of the Province of British Columbia which shall be deemed to be the proper law hereof.

Both parties agree that this agreement is subject to a final review by legal counsel.

Signed,

Walter Bruns Date Al Schaffer Date Canadian Mountain Holidays Inc. Nordic Ski and Kayak Institute Ltd.



Mr. Mark Kingsbury, President, CMH Ltd., Box 1660, Banff, Alta. T0L 0C0

B C ASSETS WAT LANDS CORP

MAR 3 0 2004.

March 26, 2001

Dear Sir.

**-** - - :

CRANBROOK, B.C.

Re: Threats and intimidation from CMH Manager of Revelstoke operation during telemark ski camp run by Al Schaffer at Blanket Glacier Chalet

I took part in a telemark ski camp at Al Schaffer's Blanket Glacier Chalet during the period Feb. 25th - March 3rd 2001 and was present during 2 unpleasant encounters with Buck Corrigan, CMH Manager of the Revelstoke operation:

- 1. February 27th on a ski run called 'glider' below Blanket Peak:
  - a) Mr. Corrigan skied down to our group and without first exchanging any pleasantries demanded we tell him if Al Schaffer was in our group. When Al indicated his presence, Mr. Corrigan began a lecture to Al in front of our group:
    - Stated that our group had stopped for lunch in front of their designated helicopter landing site below Blanket Peak marked by red flags and consequently obstructed their access.
    - Our action is in strict violation of federal air traffic regulations. He intimated a complaint would be filed with Transport Canada.
    - Mr. Corrigan would contact their lawyer and Al would hear from him. In addition, Mr. Corrigan
      would mail to Al a copy of the federal air traffic regulations and request they be posted in the
      the chalet.
    - Will report this incident also to the provincial government Lands Branch.

Mr. Corrigan then proceeded to ski down the slope - he did not ask Al any questions relating to this incident.

b) I was personally offended by Mr. Corrigan's conduct because he did not try to verify if he had the correct facts before he raised his accusations and threats.

The real facts are as follows:

- Earlier that day, after lunch at the moat below Blanket Peak, we continued to climb up the ridge when we were approx. 400 ft. below the col, a helicopter flew above us and landed at the col. Shortly thereafter, a female heliguide skied down to us and talked to Al. She mentioned to him that her group of heli skiers would ski down the 'glider' run, and other groups would be dropped off further down the ridge and they would only fly back up to the top of the ridge at the end of the day. During our continued climb up the ridge, we observed a helicopter dropping off a group of heli skiers below the rocky ridge.
- Upon reaching the col, we traversed below the area marked with 3 red flags (referred to by Mr. Corrigan as a heli port) and stopped approx. 50 yards to the left of the flags. Here we took off our climbing skins from our skis then 4 of our group skied back down the way we came up and the rest of our group skied down the 'glider' run.

- 2. March 2nd on Cariboo Ridge
  - a, was part of a small group with AI at the bottom of a run on the Cariboo Ridge when a helicopter came up from the valley below and then disappeared up the hill above us in foggy conditions. Subsequently, Mr. Corrigan skied down the hill towards our group (due to the poor visibility we had not been able to observe that the helicopter had landed on the ridge) and in a very abrupt manner asked if AI Schaffer was in our group. Once AI indicated his presence, Mr. Corrigan handed him an envelope containing the Transport Canada regulations relating to heliports and a plastisized letter outlining rules that should be observed around heliports which he requested be posted in the chalet. Mr. Corrigan then proceeded to ski down towards the chalet where presumably the helicopter picked him up.
  - b) When we got back to the chalet we learned that two of our group who were skiing up the ridge felt very uncomfortable by having a helicopter buzz less than 100 yards above them and then land nearby to drop off Mr. Corrigan. There is no doubt in my mind that Mr. Corrigan of CMH was a bit overzealous in making a delivery of a poster for the chalet despite the poor flying conditions! If this is not evidence of intimidation by a large company against a small operator, I don't know what is! Why could he not just have delivered the package to the chalet? Is CMH using these tactics to try and convince the provincial government that Al Schaffer's license to operate the Blanket Glacier Chalet should not be renewed when it expires next year?

In summary, I am disappointed how CMH is using its corporate might to try and gain an advantage. I hope that Al Schaffer is giving the opportunity to obtain a renewal of the lease so that backcountry enthusiasts can continue to enjoy backcountry ski touring at an affordable price. I am particularly saddened by the action of one of your employees as my wife and I participated in the mid seventies for three years in a row in CMH cross country ski trips using the Assinaboine Lodge as a base and were impressed at that time with the manner in which CMH operated these trips.

I would be pleased to hear from you.

s.22

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c.c. Dave Bacon, BC Assets & Land Corporation, 205 Industrial Road G, Cranbrook, B.C. V1C 7G5

Al Schaffer, Box 8150, Canmore, Alta., T1W 2T9

Derek Thompson, Deputy Minister, Dept. of Environment, Lands & Parks, P.O.Box 9360, Stn. Prov. Gov't, Victoria, B.C. V8W 9M2

Association of Canadian Mountain Guides, acmg@acmg.ca

Transport Canada, Environmental Affairs, sattars@tc.gc.ca

Mr. David Bacon, Commercial Recreation Project Manager, B.C. Assets& Land Corporation, 205 Industrial Rd. G, Cranbrook, B.C. V1C 7G5

IS C ASSETS AND LANCER CORP

MAR 2 9 2001

Dear Sir:

CRANISHOOK, B.C.

Re Blanket Glacier

Recently I had the pleasure and privilege to attend a telemark ski camp at Blanket Glacier Hut in the Monashees.

We were blessed with new powder, sunny skies, animal tracks galore and the occasional woodland caribou seeking lichen from the fir trees just outside the hut.

our week was marred by the presence and noise of heli-skiers from CMH on 3 of our 6 days! Some of the skiers were so close we could converse and some shredded slopes just north of the hut that made it difficult for a novice telemark skier like myself to enjoy the last run down to the lake.

I am aware that both Al Schaffer and CMH share the same terrain, but to listen to the noise of helicopters for half our time in the wilderness was somewhat excessive. I'm sure CMH with their resources could ski a little farther away.

s.22

1

c.c. Al Schaffer

#### Fawcett, Robin

From: Hess, Herb

**Sent:** [ 5h 09, 2001 12:20

To: dave butler

Cc: lan; Robin Fawcett
Subject: RE: Blanket Glacier

I take it that you do not need further follow up at this point?

----Original Message----

From: dave butler [mailto:dbutler@cyberlink.bc.ca]

Sent: March 9, 2001 1:10 PM To: Herb.HESS@gems4.gov.bc.ca

Cc: Ian; Robin Fawcett Subject: Blanket Glacier

Hi. For your file...

Further to the correspondence that we dropped off at your office earlier this week, we met with Al Schaffer on Wednesday in Banff.

We have agreed to work more closely together, and Al has agreed to keep well away from all of our identified landing locations. This, I hope, will defuse the tension and get us back to a solid working relationship.

Cheers.

Dave Butler, RPF, RPBio. (dbutler@cyberlink.bc.ca)

Phone (250) 426-3599 Fax (250) 426-3517

### Hess, Herb

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Sent: ( 5h 9, 2001 1:10 PM

To: Herb.HESS@gems4.gov.bc.ca

Cc: Ian; Robin Fawcett
Subject: Blanket Glacier

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#### Cheers.

Dave Butler, RPF, RPBio. (dbutler@cyberlink.bc.ca) Phone (250) 426-3599 Fax (250) 426-3517



BIC ASSETS AND LANDS CORP

MAH - 7 2001

CRANBROOK, B.C.

March 6, 2001

BCALC Files: 4400749, 4496100

To:

Herb Hess

Regional Manager, BCALC

From: Dave Butler

Re: Recent incidents involving ski-tourers at Blanket Glacier Chalet

Herb: the attached information from Buck Corrigan (from our Revelstoke operation) should be self-explanatory.

This is the latest of many incidents (please see previous correspondence on your files). You'll note that the situation has now regressed to the point where, in our opinion, Mr. Schaffer and his ski-tourers have begun to act in a way that is - aside from being far from the cooperative approach that we have tried to use over the years - inconsistent with federal law.

I ask that you take a close look at this situation. It is clear to us that, at the very least, failing to observe federal laws and regulations can and does create significant safety hazards for our guides, pilots and guests, as well as for the staff and guests from Blanket Chalet. Failure to observe federal law may also put them in contravention of the provisions of their Land Act License of Occupation.

I look forward to hearing from you or one of your staff on this matter.



Fi .8th, 2001

BIG ASSETS AND LANDS CORP

MAR - 7 2001

Mr. Herb Hess B.C. Assets and Lands Corporation 205 Industrial Rd. G. Cranbrook, B.C. V1C 6H3 CRANBROOK, B.C.

Dear Mr. Hess;

I am writing to make you aware of two specific incidents that have occurred in the past year in the Blanket Glacier area, involving Mr. Al Schaffer and ski tourers from the Blanket Glacier Chalet.

On March 29<sup>th</sup>, 2000, at around 15:00 hrs., CMH Revelstoke attempted to land a group of skiers on a licensed ski run to the east of Blanket peak. The run is known locally as "Vortex". And listed on our early licensed run maps as #'s 95-98.

On approach to the landing, the pilot observed a ski touring party climbing towards the landing flags marking the landing at Vortex. As the helicopter continued, using the standard approach to this run, the pilot noticed people standing at the site where the helicopter would normally land. Realizing the potentially dangerous situation, the pilot aborted the landing and flew our skiers to another location.

Approximately 10 minutes later the pilot returned with the second of four groups. At this time it was assumed that the party of ski tourers would be skiing on the run and gone from the landing site, and we would be able to land at Vortex. However, the ski touring party was still occupying the landing site and, again, the landing was aborted. The ski touring party continued to occupy this marked landing long enough to make it impossible to land any of the four groups at this site. On that particular day, the weather in the area was cloudy, with poor visibility and the groups were working their way from Greenbush Creek to the east side of Blanket pass on the way home. This run "Vortex" is often used as a "jump run" to bring groups home for the day.

Later in the year, a complaint was filed with Transport Canada by one of the ski touring party, a s.22 His contention was that on March 29<sup>th</sup>. 2000, s.22 had endangered him and the touring party as well as deliberately harassed him by flying too close as the helicopter approached the landing at Vortex.



The case went to Tribunal at Kelowna B.C., on October 13<sup>th</sup>, 2000. Numerous members of the ski touring party including Mr. Schaffer gave evidence concerning the incident, as did I. The pilot Arnie Viedeman defended himself, and an expert witness on mountain flying from Canadian Helicopters, s.22 , provided information in defense of s.22

The review determination concluded that, "on a balance of probabilities the respondent did not contravene the Canadian Aviation Regulations as alleged"

A complete copy of the review determination is available if you are interested.

į."

At that time it was recommended to Alpine Helicopters by counsel that charges should be laid against Mr. Schaffer and party for obstructing an aircraft attempting to land at a known landing site. After some discussion it was decided not to lay charges for fear of starting a "war" over the issue.

I relate this incident for the purpose of background information concerning a recent incident of similar nature.

On Feb. 27<sup>th</sup> 2001 at approximately 1:30 in the afternoon, a group of skiers, guided by one of our Mtn.Guides, Alison Andrews, landed on a run in the Blanket Glacier area. This run is listed on our initial run license maps as run #100. The landing is marked by three landing flags, and had been shoveled level for the purpose of landing the helicopter.

A party of ski tourers was observed in the area ascending the glacier in the same general direction as our landing site. Approx. 10 minutes later the second of four groups approached the landing site, where, according to the guide, Kevin Boekholt, the ski touring party was now too close to the landing site. Mr. Boekholt decided that landing at this location would be potentially dangerous to the touring party. A short time later the third guide, Jorg Wilz, flew to the site and was also not able to land. By this time there were approximately ten people on or around the landing. I flew to the site shortly after, and circled over the landing four times indicating that I wished to land at that location.

Eventually the party skied off the landing and I landed my group at the site. I was informed by radio that the party was guided by Mr. Al Schaffer. The touring party then split into two groups. I skied to the closest group of four skiers and informed them that obstructing aircraft attempting to land was a federal offense. I then skied to Mr. Schaffer's location and informed him and his group that occupying our landing sites was illegal, and that obstructing aircraft attempting to land was also an offense under the Canadian Aviation Regulations.



I find it interesting that even though the ski touring party must have been aware that we were actively using this particular landing, as evidenced by our first party to land at the site, they chose to continue to the site and to occupy it. Their actions forced two of our groups to land at an unmarked location nearby, a site that was not level, and certainly less than ideal in order to ski our licensed run.

In both instances Mr. Schaffer led his touring party directly under the known helicopter approach path, during periods when it was known by him that we were actively skiing in the area. His activities put his guests at risk of serious injury by leading them to landing sites that are active, and create potentially dangerous situations for all concerned. In the case on Vortex, his up-track followed directly the path used by the pilots for the approach to the landing site and continued to the exact spot used by the helicopter for landing. This approach path was marked by at least 10 landing flags posted specifically for wind and visual reference and could not be mistaken by him for anything other than the approach to our licensed landing site and ski run.

I believe that Mr. Schaffer is deliberately obstructing our helicopter landing sites in order to force us to ski in other locations when he is ski touring in the area. Mr. Schaffer is a professional guide and has many years of experience in the Blanket Glacier area. He is well aware of the significance of the flags marking our landing sites. It may be that he now thinks he can obstruct our landings, and if necessary, file complaints with MOT as a weapon to keep us from using these licensed landings.

I have written a letter to Mr. Schaffer (copy enclosed) to be sent by registered mail, indicating our displeasure with his activities, and also informing him of the Canadian Aviation Regulations relating to "aerodromes" which by definition, these landing sites certainly are.

I am enclosing for your information copies of the applicable Canadian Aviation Regulation dealing with these matters. I have also asked him to post, in a conspicuous public place in his hut facility, a notice that the Blanket Glacier Area is an active, licensed heli-ski area, and that interference with helicopters at landing sites is both dangerous and illegal. (also enclosed).

It is certainly not our intention to harass Mr. Schaffer, in fact, over the past years we have gone out of our way to foster good relations in this area. We have given ski touring parties "a lift to the top" on numerous occasions. We have flown out injured guests from the Blanket Glacier Chalet at no charge. We have assisted him in establishing a radio communications link at out licensed repeater site on Mt. Cartier. In fact the antenna for his radio system is on the CMH antenna tower!! His solar panels and batteries have been regularly serviced by CMH personnel while servicing our repeater system, all at no charge!



I realize that B.C. Assets and Land Corporation is not in the business of enforcing the Canadian Aviation Regulations, however, it is important for you to know what is going on between holders of Licenses of Occupation on Crown Lands. In my opinion, Mr. Schaffer is acting in bad faith, and attempting to block us from using our licensed ski runs in the Blanket Glacier area.

At this point we will not charge Mr. Schaffer with obstruction. We will, however, notify Transport Canada of his activities and advise of any further developments.

It is my sincere hope that by informing Mr. Schaffer of the Canadian Aviation Regulations, and advising him that his actions to date have been dangerous, ill advised, and illegal, he will cease such activities.

We will carefully monitor this situation and advise your office of any further developments.

Best Wishes,

s.22

T.S. Buck Corrigan, Manager CMH Revelstoke Heli-Skiing Box 2519 Revelstoke B.C., V0E 2S0



# PLEASE NOTE

Canadian Mountain Holidays is the operator of numerous aerodromes in the Blanket Glacier area for the purpose of Heli-Skiing. These aerodromes are identifiable and are marked for our use by the presence of black marking stakes (landing flags) having red flagging material at the top to indicate wind direction and visual reference to an approaching aircraft. They are posted at our aerodromes and maintained by us for our exclusive use under our License of Occupation with the Govt. of British Columbia, #401641.

#### Chapter A-2, Canadian Aeronautics Act.

"aerodrome" means any area of land, water (including the frozen surface thereof+) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith;

Canadian Aviation Regulations, Subpart 1- Aerodromes, 301-8, Prohibitions,

No Person shall;

(

- (a) walk, stand, drive a vehicle, park a vehicle or aircraft or cause an obstruction on the movement area of an aerodrome, except in accordance with permission given,
  - (1) by the operator of the aerodrome.

Removing these marking flags, changing their position, or otherwise interfering with our landing flag markers will be considered a contravention of,

#### Canadian Aviation Regulations 301.8

- (e) knowingly remove, deface, extinguish or interfere with a marker, marking, light or signal that is used for the purpose of air navigation, except in accordance with permission given,
- (1) by the operator of the aerodrome

Persons standing, sitting or otherwise occupying these aerodromes, and / or, preventing our helicopter from landing to unload skiers at these aerodromes will be considered by us to be causing an obstruction.

We will in the future file charges against any person or persons obstructing our aerodromes, as defined by the Canadian Aviation Regulations.



John of Letter John HAND Jool AND Jool MARCH AND Jool

F Jary 28<sup>th</sup>, 2001

Mr. Al Schaffer Blanket Glacier Chalet Box 1050 Canmore, Alberta T1W 2T9

Dear Mr. Schaeffer;

Your activities on the 27<sup>th</sup>, of Feb. 2001 at or around 1:30 PM on the Blanket glacier require that I write you this letter.

By the nature of your activities on that day, that is, by skiing to, and occupying our active helicopter landing site on that day, you created a potentially dangerous situation for yourself and your clients. As well, because of your group remaining on this landing site, our helicopter was forced to land twice at a less than ideal location to allow our skiers to access a ski run licensed to Canadian Mountain Holidays.

I am also obliged to inform you that there are federal regulations concerning these landing sites.

I am enclosing for your reference, copies of <u>Chapter A-2</u>, <u>Canadian Aeronautics Act</u>. Please pay close attention to the definition of an "aerodrome" as cited in the Aeronautics Act.

"aerodrome" means any area of land, water (including the frozen surface thereof+) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated thereon or associated therewith:

Please note as well, Canadian Aviation Regulations, Subpart 1- Aerodromes, 301-8,

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Be advised by this registered letter, that Canadian Mountain Holidays is the operator of numerous aerodromes in the Blanket Glacier area for the purpose of Heli-Skiing. These aerodromes are identifiable and are marked for our use by the presence of black marking stakes (landing flags) having red flagging material at the top to indicate wind direction and visual reference to an approaching aircraft. They are posted at our aerodromes and maintained by us for our exclusive use under our <u>License of Occupation with the Govt.</u> of British Columbia, #401641.

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Persons standing, sitting or otherwise occupying these aerodromes, and / or, preventing our helicopter from landing to unload skiers at these aerodromes will be considered by us to be causing an obstruction.

We will in the future file charges against any person obstructing our aerodromes, as defined by the Canadian Aviation Regulations.

We will immediately notify, in writing, Transport Canada, as well as the British Columbia Assets and Lands Corporation of your activities on the 27<sup>th</sup> of Feb. 2001.

We have notified our lawyers, as well as Alpine Helicopters legal counsel of your recent activities.

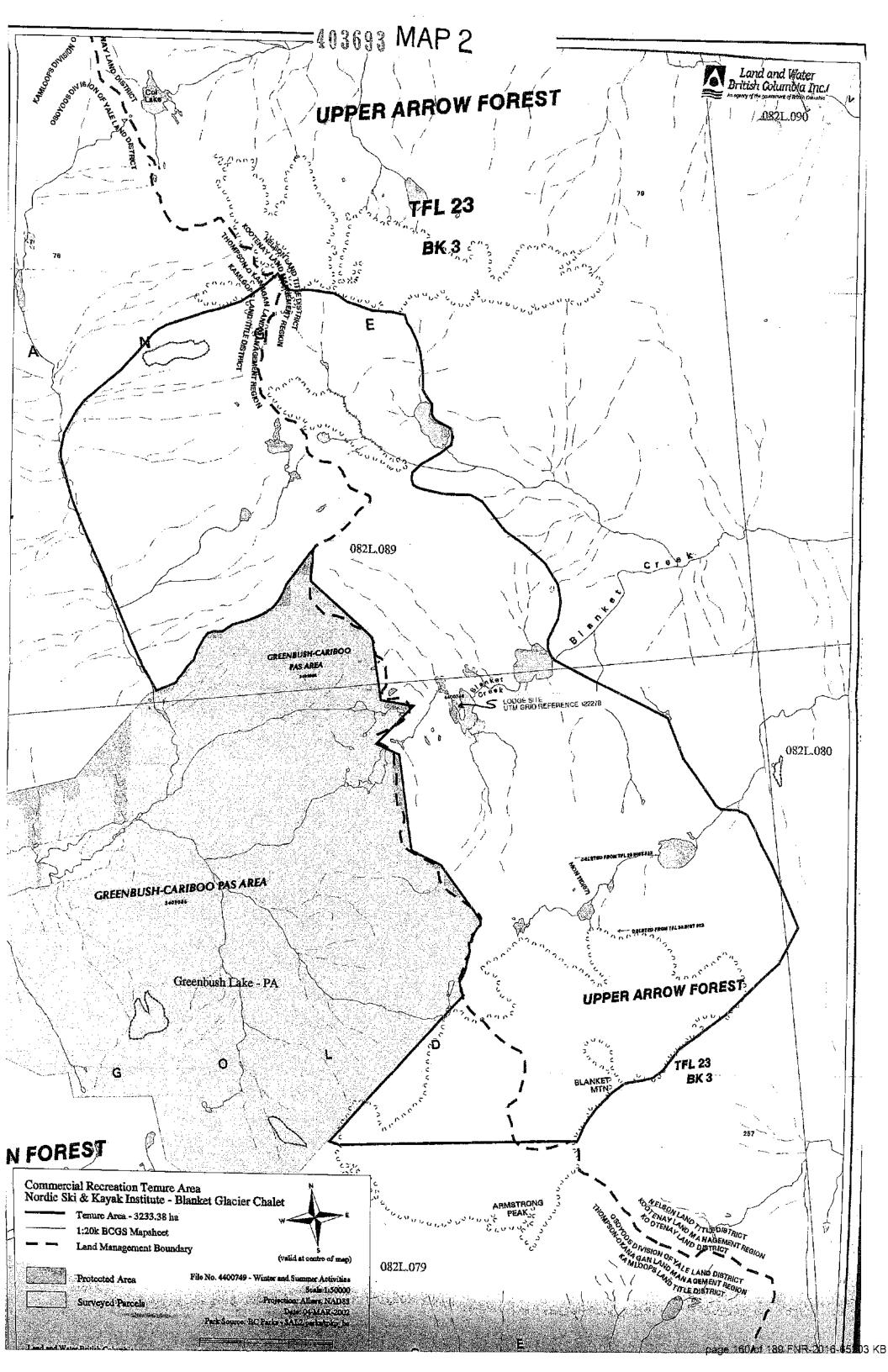


It is not our intention to restrict your access, or your right to ski, anywhere in the Blanket Glacier area, or for that matter, anywhere in the Province of B.C. We do, however, insist that you not obstruct or occupy our landing sites when we are actively operating our Heli-Skiing business in the Blanket Glacier area. Should this type of incident occur again, we will file charges.

We take this matter very seriously, and as such I would advise you to post a copy of the enclosed notice in a public place in your facility so that other ski tourers will understand the potential danger and seriousness of this type of action.

Best Wishes,

T.S. Buck Corrigan, Manager CMH Revelstoke Heli-Skiing Box 2519 Revelstoke, B.C., V0E 2S0



April 4, 2004

Canadian Mountain Holidays 217 Bear St. Box 1660 Banff, Alberta, T1L 1J6

Attention: Mr. Walter Bruns, President CMH

LAND AND WATER BRITISH COLUMBIA INC.

CRANBROOK BO

APR 1 4 2004

Dear Sir.

Re: CMH Revelstoke Operations

Heli-Skiing in the Blanket Creek Area near Revelstoke, BC

March 14-21, 2004

I was a client of the Blanket Glacier Chalet during the week of March 14-21, 2004. It is a small cabin for 14 ski-touring guests located a short flight from Revelstoke up the Blanket Creek drainage. During that time we were set to enjoy ski touring in what would turn out to be 90cm of fresh powder for the week.

We experienced a CMH heli-ski group for the entire week in the area surrounding the lodge. For 6 days out of 7 we heard the constant noise of the Bell 212 helicopter throughout all our touring areas for most part of the day. Escape from industrial noise is one of the reasons I choose to ski in the backcountry. Having this incessant noise while touring was not pleasant.

On our first day in the area (Sunday, March 14<sup>th</sup>) myself and two other skiers proceeded to the east end of Caribou Ridge. We had completed our first run and had skinned back up the main gully to the point we had started our previous run. We had heard the helicopter in the area, however, the heli-skiers were skiing the runs to the east of us, which are not typically skied by the Blanket Chalet clients. As we were deskinning for our second run of the day the helicopter flew directly over us and landed on top of the ridge. As we got ready to ski down we saw the CMH group preparing to start the run immediately above us. We motioned for them to take the unskied chute next to us. The CMH guide chose to ignore our shouting and gesturing and proceeded to guide his clients down the chute approximately 10 meters to the east of us, waving to us as he passed by. After the effort of skinning up 800 vertical feet this was rather disheartening and our

anger towards the guide and CMH is understandable. Immediately after we sta dour run the second CMH group proceeded down the same slope.

The second major incident occurred on Thursday March 18<sup>th</sup> on the slopes above Greenbush Lake. This area is not skied by CMH and is used exclusively by the Blanket Chalet clients. Our entire group chose to ski this area as the powder was good and there is lots of terrain to ski. After my second run I was skinning back up our uptrack at 2:20 pm (PST) and 5700 ft when the CMH helicopter flew directly over my head. The area is treed and the trees are approximately 75 feet high. The helicopter was maybe 100 feet above the trees. Flying this close to me when I am on a steep slope and avalanche conditions are considerable is a serious safety concern. Fortunately for CMH I did not have my camera in my hand and this occurred only once. The excuse that the pilot did not see any of us is not valid as there were 28 tracks down the slope along with an uptrack and a track into the area. At the time there were 8 other skiers on the slope in the immediate vicinity. The weather conditions at this time were partly cloudy and visibility was good.

I was also a client at the Blanket Chalet from February 1-7, 2004. During that week the area was only used by CMH once, which is acceptable. On the first day at the Chalet I was on top of Caribou Ridge while CMH was using the area on Blanket Glacier and the east end of Caribou Ridge, which is also acceptable. However, the unacceptable part is when the helicopter flew directly over our heads as we stood on the top of the ridge in an open area. As the helicopter returned I proceeded to get out my camera and take a photo, however, the pilot, seeing that I had a camera in my hand, took a wide berth around us.

These three incidents show me that the CMH Revelstoke operation has a brazen lack of respect for other people in the backcountry. This is also a direct contradiction to one of your Sustainability Goals in which you state the following:

"Strive to act as responsible stewards of the environments and communities in which we live, work and play."

(http://www.cmhski.com/about/stewardship/goals/)

As a young professional who enjoys the backcountry there is a very high possibility that I will eventually become a client of CMH's. However, as long as the previously mentioned incidences continue to occur I will choose not to heli-ski with CMH. Anyone who asks me about heli-ski operations in Canada will not get a referral to use the services of CMH. Furthermore the terrain that was continuously hammered by CMH during the week is moderate heli-ski terrain at

best and as a CMH client I would not be satisfied with having to constantly ski that art of terrain. Given the large amount of terrain available to the CMH Revelstoke operation there is no need to ski this small area to death, regardless of weather conditions. Doing so only leads me to believe that CMH is doing this to spite us as ski tourers and clients of the Blanket Glacier Chalet. The notion that CMH would resort to such childish acts is repulsive and is not befitting a corporation the size and prestige of CMH and its owners, Alpine Helicopters and Intrawest.

These actions are also in direct contravention of the BCHSSOA Best Practices for Sustainability of which you are a member and contributor. Specifically on pg. 41, Section V.2 (a) one of the recommendations states:

"Recognize that the economic diversification creates important economic resilience for the communities within, or adjacent to, our operations. We commit to working towards complementary land uses as well as fostering entrepreneurial activities within these communities."

From the BCHSSOA Operations Guidelines, Section 4: Preservation of Terrain Guideline 4.2 states the following:

"Discretion should be exercised, so as not to interfere unreasonably with the activities of ski touring groups"

Given my experiences at the Blanket Glacier Chalet I question the amount of discretion used by CMH. The activities of CMH have unreasonably interfered with my ski touring and thus contravene Guideline 4.2.

By continuing to unrelentingly ski the area around the Blanket Glacier Chalet and providing incessant helicopter noise you are driving clients from the Blanket Glacier Chalet. A very simple solution to this situation is to minimise CMH use of the terrain used by the Blanket Chalet clients. This would be a very small concession to make on the part of CMH and would significantly improve the standing of CMH in the eyes of Blanket Glacier Chalet clients.

Allow me to quote from a letter posted on your website and written by yourself.

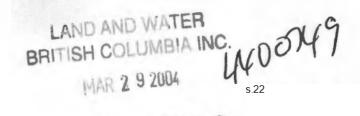
"We take great pride in sharing our enduring enthusiasm with all those that would venture into the mountains with us."

(http://www.cmhski.com/about/)

Thenk-you for sharing your enduring enthusiasm and helicopter noise with me. It has been a most pleasant experience.

s.22

Cc: Robin Fawcett, Commercial Recreation Manager Peter Schlunegger, Standards Chairman BCHSSOA



CRANBROOK, BC

Mr. Walter Bruns, President Canadian Mountain Holidays Box 1660 Banff, AB T1L1J6 762-7100

Dear Mr. Bruns;

### RE; HELI-SKIING IN THE BLANKET CREEK AREA MARCH 14-21

I was a client of the Blanket Glacier Chalet during the week of March 14-21. It is a small cabin for 14 ski-touring guests located a short flight from Revelstoke. During that time we were set to enjoy ski touring in what would turn out to be 90cm of powder for the week. About half our group had never visited before. Except for the first and last day, the weather for the week was snowing with low visibility.

We experienced a CMH heli-ski group for the entire week in the Blanket creek area surrounding the lodge. From Sunday up to and including Saturday (except for a no-fly Tuesday) we heard and saw the constant whap-whap of the big 212 helicopter throughout all our touring areas for the most part of the day. On a fair-weather Sunday afternoon at the east end of Caribou Ridge, the helicopter flew directly over our party and landed on the ridge above. A first group of heli-skiers descended on their skis within approximately 70 metres of our party and as we were taking our skins off to ski the run, the heli-skiers waved as they passed us and skied the fall lines that our group had climbed to the top to achieve. This was notwithstanding our motioning them not to do so. A second group followed shortly thereafter.

Then came Tuesday, Wednesday, Thursday and Friday. Every day was the same incessant buzzing of the big chopper all around us, in the distance, circling nearby, sometimes directly overhead at tree top level (especially Thursday in the Greenbush lake drainage area), and all day (typically from about 11am to 4pm). I have been at the Blanket Chalet in bad-weather periods in the past, but had never experienced the degree of use by your company on that week. When the helicopters buzzed us so low, the wash of the blades created a sonic vibration that concerned us, especially in the high avalanche hazard we were skiing in. We tended to stay to the trees, but as you know, there are many smaller, convex slopes in the trees that can let go and bury someone easily as a result of the helicopter vibration. That danger was not lost on us as we heard at least three good sized avalanches come down that Thursday in the Greenbush Lake drainage.

Finally, on the Friday I skied out from the cabin to talk to the guide and CMH clients gathered at the pick-up area located a short distance from the Chalet. I expressed our

collective dismay at the situation and our disappointment that CMH obviously felt they had no choice but to hammer this specific area. I explained our group also deserved to have a 'pe' experience with some semblance of backcountry solitude and silence. We continued to talk in a polite manner and the guide and clients were polite in return. I asked whether they would fly the area on Saturday. The guides response was, "probably not". Then Saturday dawned sunny with low winds. Well guess what? The CMH choppers did three or four runs in the same area, landing near the lodge each time! Well, I guess that showed us who is the boss, eh? That really told all of us something about CMH.

At the end of the week, each of the 6 new persons had the same sentiment; "Great place , but I am not coming back here. There are too many other places where we don't hear the choppers all day long." So, if CMH wants to put the Blanket Glacier out of business, this is a very effective way to achieve that end. And that would be more than a shame. Given the clout and size of the CMH operations, it would be unfair.

Now, I can understand that CMH may have limited terrain to ski on bad weather days. And I can even try to understand that with only 200 runs to choose from in the Revelstoke lease area, those would be the only ones on the menu. However, if I were a CMH client and that was the extent of available bad-weather terrain, I would not have only asked for my money back but next time I would have chosen alternative CMH lodges or go shopping for another operation.

I too have a dream to go heli-skiing and I hope to do so one day. But if I were a client and I understood the situation, I would feel embarrassed to steal someone else's fall line. I would feel embarrassed that I would be imposing industrial-strength skiing on people who are willing to climb up the hill to get a fraction of the turns but want to experience the solitude and peace of backcountry day tours. I know for a fact many of your employees cherish backcountry values as well – the silence, the solitude, the reward of a sweet powder run after a long climb. So put yourself in our position. Would you not be as upset as we are? Would you not question the insensitive harassment CMH exhibited? Is this typical behaviour by your corporation? I would have hoped that the size and scope of the CMH operations would have allowed CMH to act as a good corporate citizen rather than the schoolyard bully.

I understand that CMH and the Blanket Chalet share a lease area and there is a draft agreement between the owners of the Chalet and CMH to mitigate this unfortunate situation. Frankly, I am stunned that the Province as the landlord of the mountains would let it drag on this long!

Finally, I would ask that you please explain to me why there was no other choice in location fold at week's skiing and when do you expect to have this agreement in place?

s.22

cc;



- Robin Fawcett, Commercial Recreation Manager
   1902 Theatre Rd, Cranbrook BC, V1C7G1
- Al and Marion Schaffer Box 8150
   Canmore, AB
   T1W 2T9



Our File: 4400749

November 26, 2004

Allan R. Schaffer and Marion E. Schaffer doing business as Nordic Ski & Kayak Institute PO Box 8150 Canmore, AB T1W 2T9

Dear Marion and Allan Schaffer:

Enclosed is an originally executed copy of Licence of Occupation No. 403693 covering:

Unsurveyed Crown land located in the vicinity of Blanket Glacier, Blanket Creek and Blanket Mountain, of Kootenay District and Osoyoos Division of Yale District.

This licence is issued in your name for a term of 10 years commencing on June 1, 2002 for guided ski touring and hiking purposes.

We acknowledge receipt of rental for the first year of your tenure ('02/'03). Since the licence was not instated at the time of its commencement, occupational rental is now owing for the second ('03/'04) and third ('04/'05) operating years. Please pay at your earliest convenience, the minimum rental of \$600.00 per year, for a total of \$1,284.00, including GST.

Along with this payment, please complete and return the enclosed Statutory Declaration form with your client day numbers for the preceding '03/'04 season. The next payment due will be on June 1, 2005 for the '05/'06 operating season, and will be based on your actual client day numbers as supplied on this form.

Should you have any questions regarding your tenure, please contact Robin Fawcett, Commercial Recreation Manager. Should you have any questions regarding your fees or payments, please contact Kathy Pasqua, Financial Assistant.

Yours truly,

Wendy Walsh

Land Administration Technician.

**Enclosure** 

cc: BC Assessment Authority, Vernon

Regional District of Columbia Shuswap, Salmon Arm

Ministry of Forests, Vernon

Kathy Pasqua, Financial Assistant

Southern Service Region – Cranbrook Field Office 1902 Theatre Road, Cranbrook, BC V1C 7G1 Tel: (250) 426-1766 Fax: (250) 426-1767 Website: www.lwbc.bc.ca



### Fawcett, Robin LWBC:EX

From: y 11 Schaffer s.22

**Sent:** November 24, 2004 4:37 PM

To: Fawcett, Robin LWBC:EX

Subject: Re: License offer - Blanket Glacier Chalet

#### Hello Robin:

Yes, we agree to S22 letter of March 7/02. The main area of discussion with S22 was the start up date of his summer tenure - which according to your office was in May. S22 had earlier indicated that his summer tenure commenced in April - but as your office indicated - this was date of his application - otherwise there would be winter terrain overlap with ourselves and CMH.

thanx again for your patience and understanding as we worked things out with CMH.

#### Al Schaffer

We have received your signed copies of the License., Great.. Took some time but we got it done.. Good job. Part of the offer also included a joint use agreement with \$.22 We received a letter dated March 7,2002 from \$.22 that outlined a number of issues/concerns, which was co'ed to you. If you agree with this we can use this letter as the joint use agreement... Please advise... Thanks.

S. Robin Fawcett
Commercial Recreation Manager
Southern Service Region
Cranbrook Field Office
Land and Water Management Division
Land and Water British Columbia Inc.
Ph. 250-426-1764
Fax.250-426-1767



LAND AND WATER
BRITISH COLUMBIA INC

NOV 8 2004

217 Bear Street, Box 1660, Banif, Alberta, Canada, T11 1/6-Phone (463) 762-7100 Fax (403) 762-5879 Toll-Free 1-800-661-0252

November 4, 2004

CHANBROOK, BC

www.CanadianMountainRolidays.com

LWBC Files: 4400749 and 4496100

Land and Water BC Inc. 205 Industrial Road G Cranbrook, BC

Attn: Robin Fawcett

Commercial Recreation Manager

Dear Robin,

Re: Agreement between CMH, Nordic Ski and Kayak Institute and Al and Marion Schaffer

On behalf of Al and Marion Schaffer, I am pleased to advise you that we have come to an agreement with respect to the long-standing issues between our two operations in the vicinity of the Blanket chalet.

The enclosed pages are the operational portion of a larger agreement which was signed by the parties yesterday in Banff. We understand that you need a confirmation of this agreement to proceed with the new area-based tenure for the Blanket chalet.

Please contact either Al or myself if you have any questions.

Sincerely,

Dave Butler

Director, Land Resources

Encls.

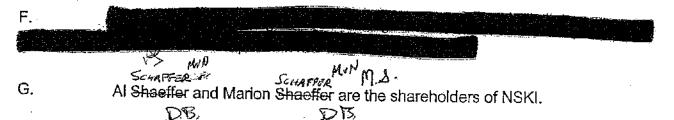
.cc Al Schaffer

THIS AGRE	EMENT made as of the 2 day of November	, 2004.
BETWEEN:		•
	CANADIAN MOUNTAIN HOLIDAYS INC., 217 Bear Street, Box 1660 Banff, Alberta T1L 1J6	
	(hereinafter called "CMH")	
-		OF THE FIRST PART
AND:		
	NORDIC SKI & KAYAK INSTITUTE LTD. P.O. Box 8150 Canmore, Alberta T1W 2T9	
	(hereinafter called "NSKI")	
	· ·	OF THE SECOND PART
AND:	AL SHAEFFER SCHAFFER M. D.	
	(hereinafter called the "Shareholders")	
		OF THE THIRD PART
WHEREAS:		
CMH holds a License of Occupation issued by the Province of British Columbia to operate its mechanized ski guiding business on Crown land at or near Revelstoke, British Columbia (the "CMH Area").		
3.	NSKI carries on or intends to carry on a no	on-mechanized ski touring

business in parts of the CMH Area and has a chalet "Blanket Chalet" (the "Chalet") in the

area.

- C. NSKI no longer has a License of Occupation to carry on its business.
- D. The Province of British Columbia will reissue a License of Occupation to NSY vith the consent of CMH.
- E. CMH has agreed to consent to the issuance of a License of Occupation to NSKI if it enters into this agreement.



NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of CMH consenting to the issuance of a License of Occupation to NSKI and the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out:

- 1. NSKI and CMH agree that this agreement shall be in effect for the term of any area-based License of Occupation held by NSKI.
- NSKI covenants and agrees with CMH as follows:
  - (a) It shall restrict its business to non-mechanized back country ski guiding. This restriction will only apply from December 1 May 15 in each year.
  - (b) It shall operate its business in the area defined by its License of Occupation excluding flagged landing and pick up areas identified as "aerodromes". These areas shall not be used by NSKI for any purpose.
  - (c) To operate their businesses in the subject area in a way that is in full compliance with all federal, provincial and local government statutes and regulations. Specifically, NSKI agrees to bring all of its facilities and operations at Blanket Chalet in full compliance with government legislation and regulations by December 1, 2004, 2005

Mr. D.D.

- (d) NSKI will ensure that all staff and guests that stay at, or ski from the Chalet will be advised in writing and asked to sign a written confirmation in a form approved by CMH prior to booking space at the Chalet indicating that they are aware they will be in an active heli-ski area, that they may see and hear helicopters and encounter heli-skiers, that they are aware that a joint use agreement has been agreed to and signed by CMH and NSKI, and that they will abide by that agreement. A Notice in a form approved by CMH and NSKI setting out the provisions of this clause will be posted in the Chalet and at CMH Revelstoke.
- 3. CMH covenants and agrees as follows:
  - (a) It will not carry on its business within the area shown outlined in red on plan attached hereto (the "NSKI Area") as Schedule "A" except as set out in clause 3(b) and (c).
  - (b) CMH flights over the NSKI Area shall be no less than 500 meters a.g.l unless in an emergency or necessitated by weather conditions as determined by CMH.
  - (c) CMH shall not fly over Blanket Chalet except in an emergency or necessitated by weather conditions as determined by CMH.
  - (d) There shall be no flight restrictions on CMH outside the NSKI Area.
  - (e) To continue to service batteries and clear the solar panels (as needed) for the NSKI repeater on Mt. Cartier. The cost of batteries, other equipment or any additional maintenance flights over and above CMH's needs are to be borne by NSKI.
  - (f) That NSKI has access to ski terrain outside the area shown in bold black, but that this area (being part of a larger area for which CMH has prior rights) may be skied or over-flown at any time by CMH at its sole discretion.
  - (g) CMH understands that the same meteorological conditions that restrict the skiing program for CMH's operations will also restrict the ski program for NSKI and

that CMH and NSKI will work together to coordinate their activities in a way that will mutually benefit their respective operations.

When weather conditions force CMH's helicopter to land near the Chalet they will attempt to warn the hut occupants before they land at the meadow by the hut.

- NSKI and CMH both agree to the following:
  - (a) This agreement shall be in effect for the term of any area-based License of Occupation held by NSKI.
  - (b) Senior staff from CMH and NSKI will meet in Revelstoke no later than two weeks prior to November 15 in each year to review and confirm the operating practices for the coming year.
  - (c) Senior staff from CMH and NSKI will meet in Revelstoke no later than May 30 in each year to review, discuss and resolve the previous season's successes/failures, and to develop revisions to this agreement as necessary.
  - (d) Prior to each operating week or combination of operating weeks, NSKI guides and/or group leaders will visit, or communicate with CMH Revelstoke to speak with the manager or lead guide to identify themselves and to confirm plans and practices for the coming week(s). This contact shall occur on or about Friday at 6 p.m. PST and/or Saturday at 8:30 p.m. PST.
  - (e) Senior staff of CMH and NSKI shall meet in the fall of 2004 to discuss and locate a higher pick-up for the run *Pollux*. Both parties are aware that this must be discussed with pilots from Alpine Helicopters to ensure that any new pick-ups that may be proposed for use are safe and acceptable.
  - (f) In communications between them both parties shall use the run names shown on Schedule "A".
  - (g) CMH shall make the CMH radio frequencies (Tx and Rx) available to NSKI to comply with this agreement.

- (h) NSKI shall have a radio on at the Chalet and with each party's guide (or leader) daily during the period of the agreement that is capable of receiving and transmitting, and that will be answered when any calls come in from CMH on the appropriate frequency. NSKI shall ensure that all caretakers, guide and group leaders are familiar with proper radio protocols, and that they will be held responsible for proper communications with CMH.
- (i) CMH Revelstoke shall contact the relevant NSKI caretaker, guide or trip leader on a daily basis during operations (contact with NSKI to occur at 6:30 a.m. PST on CMH frequency) to exchange weather, snow and/or avalanche conditions.
- (j) CMH Revelstoke shall advise NSKI in the daily a.m. radio call if and when CMH plans to ski in the vicinity of the NSKI Area that day. If that occurs, CMH has priority use of ski runs or ski lines as identified by the CMH lead guide (other than the NSKI area). As a result, NSKI can expect to see and hear helicopters and encounter heli-skiers in the area (other than in the no-ski, no-fly zone as above) and shall revise its plans to ensure no conflict or interaction.
- (k) When necessary, CMH will advise NSKI by radio as soon as their plans change. This means that CMH could move to the vicinity of the NSKI Area when they may have already advised NSKI in the a.m. exchange that they were going elsewhere. In those cases, CMH recognizes that NSKI will have already established, and committed to its skiing plans for the day. NSKI will advise CMH of the specific ski lines they will be skiing on that day, and will advise CMH on an on-going basis of where their groups are located. NSKI agrees to do what it can to keep multiple ski-tour groups in the same general vicinity to minimize potential overlaps with heli-skiing. CMH will attempt not to ski on or fly over ski lines occupied by ski-tourers, regardless of whether it is in or out of the area in bold black (except in emergency/bad weather conditions).
- (I) CMH shall contact NSKI by radio (using NSKI Blanket frequency) at least once each day on their first approach to the vicinity of the NSKI Area to confirm the location of NSKI parties.
- (m) On days when CMH is skiing in the vicinity of the NSKI Area, NSKI shall contact CMH by radio (on CMH frequency) to advise them when they are off a

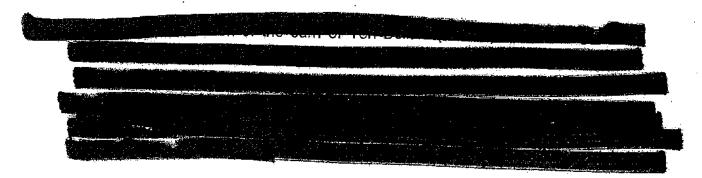
CMH tenured run and/or back at the Blanket Chalet so that CMH has full access to all potential ski lines for jump-runs at the end of the day.

(

- (n) To contact each other immediately (on the same day) to resolve any issues that may arise in a given day. This includes notification of emergency situations or unanticipated weather circumstances which may have required a deviation from the agreement.
- 5. (a) It is agreed that the intent of this agreement is to work together in and around each other's operations in a mutually beneficial and responsible manner and to develop cooperation and communication such that the two businesses can successfully operate in the vicinity of the NSKI Area for the long term. Both companies agree to do everything necessary to ensure that each and every staff member, helicopter pilot and guest behaves in a manner that is in full compliance with the intent and substance of this agreement. Both companies agree to ensure that relevant staff (and, in some cases, guests) are aware of the intent and content of this agreement, and that they will be held responsible for ensuring its success.
  - (b) That this agreement shall only take effect when NSKI acquires area-based License(s) of Occupation for the NSKI Area and/or an intensive License of Occupation for the Chalet site. CMH will not oppose the application by NSKI for an area-based License of Occupation on the understanding that this agreement will be an integral part of the management plan attached to that License. Both parties understand that this agreement is subject to approval by the Province of BC (as represented by Land and Water BC), and that this agreement is null and void if it breaches any provisions of the Licenses of Occupation held by either company. This agreement cannot be transferred or assigned by NSKI without the consent of CMH. Both parties agree that no future claims for loss can be made by one against the other as a result of any activity that is in compliance with this agreement.
- 6. If a dispute arises between the parties relating to between the parties relating to this agreement the parties agree to use the following procedure as a condition precedent to any party pursuing other available remedies:
  - (a) Either party may notify the other by written notice ("Notice") of the existence

of a dispute and a desire to resolve the dispute by mediation.

- (b) A meeting will be held promptly between the parties, attended by individuals with decision-making authority regarding the dispute, to attempt in good faith to negotiate a resolution of the dispute.
- (c) If, within 14 days after such meeting or such further period as is agreeable to the parties, the parties have not succeeded in negotiating a resolution of the dispute, they agree to submit the dispute to mediation and to bear equally the costs of mediation.
- (d) The parties will jointly appoint a mutually acceptable mediator, seeking assistance from the British Columbia International Commercial Arbitration Centre, if they have been unable to agree upon such appointment within 20 days following the conclusion of the negotiation period.
- (e) The parties agree to participate in good faith in the mediation and negotiations related thereto for a period of 30 days following appointment of the mediator, or for such longer period as the parties may agree. If the parties are not successful in resolving the dispute through mediation, or if the mediation has not commenced within twenty-one (21) days following the delivery of the Notice, then the parties agree that the dispute will be settled by a single arbitrator in accordance with the Commercial Arbitration Act, B.C. as amended. The decision of the arbitrator will be final and binding and will not be subject to appeal on a question of fact, law, or mixed fact and law.
- (f) The costs of mediation or arbitration will be shared equally between the parties. Costs will not include costs incurred by a party for representation by counsel.



- The parties hereto shall execute such further assurances and other documents and instruments and do such further and other things as may be necessary to implement and carry out the intent of this Agreement.
- 9. The provisions herein contained constitute the entire Agreement between the parties and supersedes all previous expectations, understandings, communications, representations, and agreements whether verbal or written between the parties with respect to the subject matter hereof.
- 10. If any provision of this Agreement is unenforceable or invalid for any reason whatever, such unenforceability or invalidity shall not effect the enforceability or invalidity of the remaining provisions of this Agreement and such provision shall be severable from the remainder of this Agreement.
- 11. Any notice required to be given hereunder by any party shall be deemed to have been well and sufficiently given if mailed by prepaid registered mail, mail service or facsimile to or delivered at, the address of the other party hereinafter set forth:

TO: Canadian Mountain Holidays Inc.

217 Bear Street, Box 1660 Banff, Alberta T1L 1J6

TO: Nordic Ski & Kayak Institute Ltd.

P.O. Box 8150

Canmore, Alberta T1W 2T9

or at such other address as the other party may from time to time direct in writing, and any such notice shall be deemed to have been received, if mailed, telexed or telegraphed, 48 hours after the time of mailing, or 24 hours after the time of telexing or telegraphing, and if delivered, upon the date of delivery. If normal mail service, force majeure or other cause, a notice sent by the impaired means of communication shall not be deemed to be received until actually received, and the party sending the notice shall utilize any other such services which have not been so interrupted or shall deliver such notice in order to ensure prompt receipt thereof.

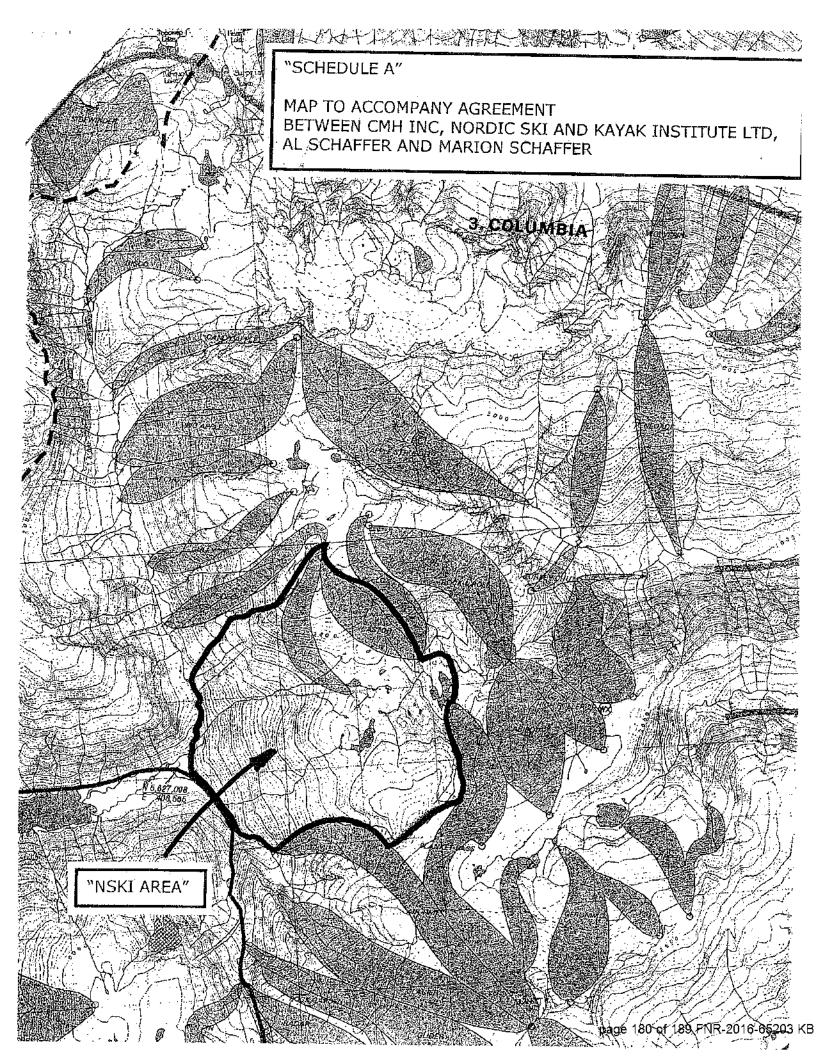
- Time shall be of the essence hereof.
- 13. This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia.

- 14. The headings in this Agreement, if any, form no part of this Agreement and shall be deemed to have been inserted for convenience only.
- 15. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective personal representatives, successors and permitted assigns.
- 16. Where the singular or the masculine is used herein the same shall be deemed to include the plural or the feminine or the body politic or corporate where the context or the parties so require.

IN WITNESS WHEREOF the parties hereto have executed these presents as of the day and year first above written.

CANADIAN MOUNTAIN HOLIDAYS INC.	
Authorized Signator	
Additionage originatory	· · · · · · · · · · · · · · · · · · ·
NORDIC SKI & KAYAK INSTITUTE LTD.	
Authorized Signatory /	
Authorized Signatory	<del></del>
SIGNED, SEALED AND DELIVERED )  3.22 in the presence of )	s.22
) ) )	AL SHAEFFER V
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MOUSTAIN EVINE ) Occupation s.22 (as to both signature	MARION SHAEFFER
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## Fawcett, Robin LWBC:EX

From:

Fawcett, Robin LWBC:EX October 1, 2003 4:13 PM s.22

Sent:

To: Subject:

Tenure offer of March 7,2002

Allan , we need to get this finalized.... It has been well over a year since the offer went out. I understand that you are very close to getting agreements in place with CMH.

Please advise as to where this is at. And can we get this cleaned up by Oct. 17.2003 please.

Thanks for your time.

¹∹nan, Jessie LWBC:EX

Sent:

...ay 16, 2003 9:55 AM-

To:

'A Schaffer'

Subject: RE: : Commercial Rec Tenure 4400749 Blanket Glacier Chalet

I will extend the offer - however you should get this in place as soon as possible as fees are increasing in the next year and if I have to cancel your application you will have to reapply under the new program. Lets go to June 15th.

----Original Message-----

From: A Schaffer [mailto:s.22 Sent: May 15, 2003 8:50 PM To: Lunan, Jessie LWBC:EX

Subject: : Commercial Rec Tenure 4400749 Blanket Glacier Chalet

#### HI Jessie:

Re: the above tenure application renewal - we were granted an extension until today (May 15) to attempt to come to some user agreement between ourselves and Canadian Mountain Holidays. We have a proposal into CMH for their consideration and have not heard back from them.

I am forwarding this message to Dave Butler who is representing CMH and hopefully Dave can get back to ourselves and your department as to their position on our proposal.

I am therefore requesting another extension on above until we we hear from Dave.

#### Thank-you

Al Schaffer BLANKET GLACIER CHALET

差unan, Jessie LWBC:EX

Sent:

ംപ് 28, 2003 10:02 AM

Subject: RE: 4400749 Commercial Rec Tenure

Yes I will bf it till May 15.

----Original Message----From: Al Schaffer s.22

Sent: April 28, 2003 8:57 AM To: Lunan, Jessie LWBC:EX

Cc: dave butler

Subject: Re: 4400749 Commercial Rec Tenure

Subject: 4400749 Commercial Rec Tenure

#### HI Jessie:

Re: above tenure application - would like to apply for an extension until May 15. Had a meeting with CMH (Walter Bruns & Dave Butler on Friday, April 25) to attempt to come together to resolve our user conflict in area. Both parties are working towards a common resolution and request some extra time to attempt to put final pieces together.

Thank for your consideration in this matter.

AJ Schaffer Nordic Ski & Kayak Institute BLANKET GLACIER CHALET Box 8150 Canmore, Alberta T1W 2T9 (403) 678-4102

Allan or Marion - this tenure expired in August 2002. An offer was mailed to you on March 7, 2002 and you requested time to conclude negotiations with CMH until October 31. We allowed this and then extended it again until December 31, 2002. It is now March and I have heard nothing from you. If you cannot comply with the requirements of this offer by April 11, 2003, I will cancel the offer. If you have any questions in regards to this, please call me at the phone number below or respond by email.

Jessie Lunan

Land Examiner

Southern Service Region - Cranbrook Field Office

Land and Water Management Division

Phone: (250)489-8576 Fax: (250)489-8550

mailto:jessie.lunan@gems4.gov.bc.ca

http://www.lwbc.bc.ca

From:

A Schaffer (s.22)

Sent:

aril 1, 2003 8:16 AM

To:

Lunan, Jessie LWBC:EX

Subject: Re: 4400749 Commercial Rec Tenure

#### Hi Jessie:

This note is to request permission to extend our time to April 30th for ourselves and CMH to come to some argreement re: joint use in the vicinity of our tenure application. We have a proposal for CMH to consider - but both parties are unable to arrange a meeting time - we are in our busy ski guiding season and CMH has other

We will be shutting down our ski chalet for the winter by April 23 - after which time we plan to meet with CMH. I realize we have been granted many extensions in the past - but appreciate your understanding here as we request

Jessie, I do not know if you are aware of history of our situation - but if it would offer you some better understanding - would appreciate some time to explain to you (via phone or personal meeting). It has been a very different we are our family business (Marion & myself) are attempting to negotiate a shared use agreement with a very large conquent who have many resources available to them that we do not have.

If we are unable to come to some agreement - what happens next?

I will be in office until April 11 before heading back into chalct until April 23.

Appreciate your understanding in above matter.

Al Schaffer Nordic Ski & Kayak Institute Box 8150 Canmore, Alberta T1W 2T9 (403) 678-4102

Subject: 4400749 Commercial Rec Tenure

Allan or Marion - this tenure expired in August 2002. An offer was mailed to you on March 7, 2002 and you requested time to conclude negotiations with CMH until October 31. We allowed this and then extended it again until December 31, 2002. It is now March and I have heard nothing from you. If you cannot comply with the requirements of this offer by April 11, 2003, I will cancel the offer. If you have any questions in regards to this, please call me at the phone number below or respond by email.

Jessie Lunan Land Examiner Southern Service Region - Cranbrook Field Office Land and Water Management Division Phone: (250)489-8576 Fax: (250)489-8550 mailto:jessie.lunan@gems4.gov.bc.ca

http://www.lwbc.bc.ca

### Fawcett, Robin LWBC:EX

From: Lunan, Jessie LWBC:EX

Sent: 1, /il 1, 2003 3:42 PM

To: Fawcett, Robin LWBC:EX

Subject: FW: 4400749 Commercial Rec Tenure

This is a heads up that Alan Schaeffer is having trouble negotiating an agreement with CMH. They will try again and let us know the outcome by April 30. I had given them a deadline to submit all the offer requirements otherwise I would cancel the offer.

----Original Message----

From: A Schaffer [mailtos.22 Sent: April 1, 2003 8:16 AM To: Lunan, Jessie LWBC:EX

Subject: Re: 4400749 Commercial Rec Tenure

#### Hi Jessie:

This note is to request permission to extend our time to April 30th for ourselves and CMH to come to some argreement re: joint use in the vicinity of our tenure application. We have a proposal for CMH to consider - but both parties are unable to arrange a meeting time - we are in our busy ski guiding season and CMH has other commitments.

We will be shutting down our ski chalet for the winter by April 23 - after which time we plan to meet with CMH. I realize we have been granted many extensions in the past - but appreciate your understanding here as we request one final extension.

Jessie, I do not know if you are aware of history of our situation - but if it would offer you some better understanding - would appreciate some time to explain to you (via phone or personal meeting). It has been a very difficult time as our family business (Marion & myself) are attempting to negotiate a shared use agreement with a very large company who have many resources available to them that we do not have.

If we are unable to come to some agreement - what happens next?

I will be in office until April 11 before heading back into chalet until April 23.

Appreciate your understanding in above matter.

Al Schaffer Nordic Ski & Kayak Institute Box 8150 Canmore, Alberta T1W 2T9 (403) 678-4102

Subject: 4400749 Commercial Rec Tenure

Altan or Marion - this tenure expired in August 2002. An offer was mailed to you on March 7, 2002 and you requested time to conclude negotiations with CMH until October 31. We allowed this and then extended it again until December 31, 2002. It is now March and I have heard nothing from you. If you cannot comply with the requirements of this offer by April 11, 2003, I will cancel the offer. If you have any questions in regards to this, please call me at the phone number below or respond by email.

Jessie Lunan

Land Examiner
Southern Service Region - Cranbrook Field Office
Land and Water Management Division
Phone: (250)489-8576 Fax: (250)489-8550
mailto:je Junan@gems4.gov.bc.ca
http://www.lwbc.bc.ca

From: A Schaffer s.22

Sent: 🛝 📈 1, 2003 8:16 AM

To: Lunan, Jessie LWBC:EX

Subject: Re: 4400749 Commercial Rec Tenure

#### Hi Jessie:

This note is to request permission to extend our time to April 30th for ourselves and CMH to come to some argreement re: joint use in the vicinity of our tenure application. We have a proposal for CMH to consider - but both parties are unable to arrange a meeting time - we are in our busy ski guiding season and CMH has other

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Subject: 4400749 Commercial Rec Tenure

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Jessie Lunan
Land Examiner
Southern Service Region - Cranbrook Field Office
Land and Water Management Division
Phone: (250)489-8576 Fax: (250)489-8550

mailto:jessie.lunan@gems4.gov.bc.ca

http://www.lwbc.bc.ca

From:

✓ Schaffe<sup>s.22</sup>

Sent:

.arch 21, 2003 4:01 PM

To:

Lunan, Jessie LWBC:EX

Subject: Re: 4400749 Commercial Rec Tenure

Hi Jessie:

RE: our commercial rec tenure - we have a proposal into CMH and are waiting their reply. Thank- you for your patience with our tenure and am hoping for a response from CMH based upon your deadline.

Al Schaffer

Allan or Marion - this tenure expired in August 2002. An offer was mailed to you on March 7, 2002 and you requested time to conclude negotiations with CMH until October 31. We allowed this and then extended it again until December 31, 2002. It is now March and I have heard nothing from you. If you cannot comply with the requirements of this offer by April 11, 2003, I will cancel the offer. If you have any questions in regards to this, please call me at the phone number below or respond by email.

Jessie Lunan

Land Examiner

Southern Service Region - Cranbrook Field Office

Land and Water Management Division

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mailto:jessie.lunan@gems4.gov.bc.ca

http://www.lwbc.bc.ca

APRIL 1, 2003
PLEASE EXTEND DISCUSSIONS APRIL 30, 2003
USER CONFLICT W/ HELISKI à, SKI TOURING.

From: Sent: Lunan, Jessie LWBC:EX March 21, 2003 2:18 PM

To:

s.22

Subject:

4400749 Commercial Rec Tenure

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Jessie Lunan
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