

Aug. 30, 2024

Cassandra Enns & Tori Meeks
Mountain Resorts B.C.
Ministry of Tourism, Arts, Culture & Sport

Cassandra/Tori:

Thank you once again for your prompt response to our conversation on August 20, 2024. Perhaps better late than never, but that may depend on what happens next.

We are conditionally willing to enter into discussions with your office, as well as the Smithers Mtn. Bike Association (SMBA) and Hudson Bay Mountain Resort (HBMR) about proposals to revise, mitigate and repair damage created by the current proposed mountain bike route. However, before starting such discussions we want to receive written assurances that the work on this trail has now halted and will not be resumed until we have had a chance to enter into such discussions and try to reach agreement. We would also like a 60 days-notice before any work resumes.

In this regard, we note that it is our understanding that necessary water crossing permits have not yet been obtained and that, therefore, the work cannot go ahead at this time in any event. We have identified approximately 9 locations beyond the current place where work has ceased where there are creek or watercourse crossings that may need such permits and/or potentially pose a risk to the red listed NW water fan that grows on and adjacent to the alpine prairie. This is in addition to a number of marmot dens identified adjacent to the flagged trail.

Also, in this regard, we note that the "approval" document from your office which you sent to us on August 21, 2024 is dated July 24, 2024. We find this quite extraordinary since at that time the trail building had been underway for about 1 month and had already reached the alpine prairie area. Thus, significant damage had occurred apparently without any prior approval. Moreover, such an after-the-fact approval has no legitimacy in our eyes, but only serves to prove our point which is that this project required approvals which have never effectively occurred.

Once we have written assurance regarding cessation of works, we will then provide specifics about locations and environmental concerns, as well as re-routing and other potential mitigations within the Controlled Recreation Area (CRA).

Thank you for your attention to this matter.

Len Vanderstar & Jay Gilden on behalf of concerned citizens and user groups

Mtn. Resorts B.C.
Cassandra Enns, Aug 6, 2024:

"HBMR's MDA conveys legal rights to operate an all-seasons resort and develop recreation infrastructure within the CRA (*Controlled Recreation Area*). The entirety of the CRA has a blanket Licence of Occupation associated with it which allows HBMR to construct recreation infrastructure, such as roads and trails, and to undertake activities necessary for the resort to develop in accordance with its approved Master Plan. Biking is an approved use within the CRA under the Master Plan."

Response: This provides clarity that biking and associated trails are part of HBMR's recreational infrastructure (facility). A facility is a place for doing something, or a place that facilitates an activity. <https://en.wiktionary.org/wiki/facilitate>

"HBMR is required to ensure that activities are being undertaken in accordance with the resort's MDA."

Response: HBMR did not comply with its Master Plan as noted below

S. 2.7, p 31: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/all-seasons-resorts/hbma_final_masterplan_may302008.pdf

The Bulkley LRMP designates Hudson Bay Mountain as Special Management Zone 2, and references the recreational and wildlife values, along with forestry and mining activities. The Special Management Zone 2 includes the ski area and states that “no facilities or motor vehicles will be operated on the grassy tundra portion of the prairie, west of the existing ski boundary”. HBMA is cognizant of this land use designation and is fully aware that portions of its proposed development (e.g. Terrain Pod E) are in conflict with the existing land use designation (restrictions on non – motorized use in certain designated areas of the mountain). Development of these areas, including Terrain Pod E, is contemplated in a future phase, and prior to consideration of that phase of mountain expansion, HBMA will submit additional information to MTSA, who will initiate an agency and public review of the proposed development. Part of the additional assessment for development of this terrain pod will include further discussions and an application to amend the LRMP designation as part of the approval for expansion of the resort in this section of the CRA.

Reference to the existing ski boundary, at that time of LRMP gov’t signed off approval, did not include the CRA 2008 expansion onto the alpine prairie (see map on p. 41 of the Master Plan).

S. 3.9.2 of the Master Plan also states:

Summer – Fall Activities and Attractions

*Additional planning **and subsequent approvals will be required** to identify suitable areas within the resort’s CRA for these activities:*

....

- *Mountain biking with link to the regional trails system*

S.3.9.3 of the Master Plan also states:

Multi Season Trails Use

At present there are well established trails throughout the region, including those developed on Hudson Bay Mountain by the NESTG (insert: now BV Backpackers) (see Figure 2 – 12). In the future, HBMA will be working with the NESTG, and other groups to produce a trails network map

Bulkley Summer RAMP Agreement (2013) states:

Sub-unit 10-3: Ski Smithers (SM2) Objective: To encourage commercial and public recreation in this area subject to visual quality constraints. Biodiversity and Access Direction: **No facilities** or motor vehicles **will be operated on the grassy tundra portion of the prairie, west of the existing ski boundary**. The road to the ski facility may be maintained and improved as necessary, subject to visual quality constraints.

With respect to the RAMP, the RAMP committee made an oversight error in citing “existing ski boundary” with the intent that it was the original CRA boundary and not the 2008 expanded CRA boundary. Perhaps the RAMP committee referred to the original RAMP document for this direction and did not catch the mistake.