
2.0 REGULATORY CONTEXT

2.1 CEAA and BC Parks Cooperation

This Environmental Assessment Report (EAR) reflects the Terms of Reference for a Screening Report under the *Canadian Environmental Assessment Act (CEAA)*. These Terms of Reference provide the Scope of Assessment as determined by Canadian Heritage pursuant to Sections 15 and 16 of *CEAA*. Canadian Heritage and the British Columbia Ministry of Environment have agreed to conduct a cooperative environmental assessment to generate the type and quality of information and conclusions on environmental effects required by *CEAA* and the BC Parks Impact Assessment process.

2.2 Existing Environmental Assessment and Review Process

The Project is subject to an environmental assessment under *CEAA* and to a Level 2 review (Detailed Screen) under the BC Parks Impact Assessment process. Both the federal and provincial responsible authorities (i.e., Canadian Heritage and BC Parks) have agreed to a cooperative environmental assessment review. As a result, the environmental assessment requirements of both federal and provincial legislation will be met through a single environmental assessment document. However, both the federal and provincial governments are required to make separate decisions. Canadian Heritage will provide a screening report with its decision and BC Parks must issue a Decision Statement regarding the final approval of the Project.

For a screening conducted under *CEAA* and within the BC Parks Impact Assessment process there are no legislated timelines for the assessment review process. Although, under *CEAA*, Canadian Heritage, as the responsible authority (RA), is designated as the Federal Environmental Assessment Coordinator and is the point of contact for all federal authorities during the assessment process. They can also coordinate actions of federal authorities with those of provincial governments and other bodies (e.g., First Nations).

An agency working group (AWG) was selected that is comprised of technical specialists from various federal, provincial and municipal agencies and First Nations. The AWG includes representation from the following organizations:

- British Columbia Ministry of Environment
- Canadian Heritage



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- Fisheries and Oceans Canada
 - Environment Canada
 - Health Canada
 - District of West Vancouver
 - Tsleil Waututh Nation
 - Musqueam Nation
 - Squamish Nation
 - Sto:lo Nation

The AWG reviewed copies of the draft environmental assessment report to ensure that the environmental assessment is sufficient to satisfy both the federal and provincial agencies under the cooperative process.

2.3 Park Planning

Skiing on the North Shore mountains dates back to the 1920s, when ski enthusiasts used the historic Hollyburn Lodge as a restaurant and for equipment storage. In the mid-1970s, the British Columbia Provincial Government designated the area surrounding Black Mountain, Mount Strachan and Hollyburn Mountain as Cypress Provincial Park. The B.C. Provincial Parks Branch of the Ministry of Environment operated the cross-country and downhill ski areas for several years but in 1984 the facilities were offered for sale by tender. Cypress Bowl Recreations Limited (CBRL) began operating the ski facilities as Cypress Mountain in November 1984 after purchasing the business venture and acquiring a 50-year renewable park use permit from BC Parks. The permit encouraged development and improvement of the alpine and Nordic ski area.

A Master Plan for Cypress Provincial Park was completed by CBRL, BC Parks and other stakeholders in 1997. This Master Plan received the highest level of public input ever afforded a plan for a park in British Columbia's provincial park system. Over 15,000 people have directly helped to shape the plan for the park. The plan was approved by the province of BC in June of 1997. This Master Plan was amended in 2002 to allow for new base facilities, the installation of a new high speed chairlift on Black Mountain and the addition of new parking and site infrastructure in exchange for the deletion of an equal or greater amount of other land within the Controlled Recreation Area.



2.3.1 Cypress Provincial Park Master Plan

The Master Plan for Cypress Provincial Park defines the role of the park and established the objectives and desired actions to guide the management and development in the future. The Master Plan relies on current information relating to park resources, recreation uses and activities occurring on surrounding lands. Information is obtained from park managers, government agencies, CBRL, public interest groups and the general public. The Master Plan forms the basis of the management framework which also relies on a number of other documents including:

- The Park Act and Regulations;
- Park policies
- Park use permit
- MOU between the Ministry of Environment, Lands and Parks and the Ministry of Transportation regarding the administration of public roads;
- 1995 Report of the Cypress Park Special Planning Commission; and
- CBRL's approved Controlled Recreation Area Master Plan.

The plan clearly describes the public's expectations for the park including support for the recognition and conservation of old growth, unique plant life, history, special features, visual qualities and the provisions for numerous recreation opportunities such as hiking, alpine and Nordic skiing and nature appreciation. Park zoning and facility development is based on protecting the park's natural and visual resources. The park is divided into four zones: Special Features, Natural Environment, Wilderness Recreation and Intensive Recreation. Implementation of the Master Plan and park management occur with ongoing discussions between BC Parks, CBRL, the District of West Vancouver, interest groups and the general public.

2.3.2 Controlled Recreation Area Master Plan

The Cypress Mountain Master Plan is intended to guide the development within the Controlled Recreation Area (CRA) of the park. The Controlled Recreation Area Master Plan was created with the input of BC Parks and the District of West Vancouver, among other regulatory agencies, interest groups and stakeholders. The plan is developed as per the conditions in the Park Use Permit 1506, which obligates CBRL to provide public recreation within the park in keeping with accepted British Columbia industry standards of ski area development.



The Intensive Recreation Zone is the focal point for alpine and Nordic ski development within the CRA. Eighty percent of the Intensive Recreation Zone is occupied by the CRA. Impact assessments and mitigation plans, which consider key park values and resources, ensure that the construction and location of new infrastructure in the CRA minimizes the impact on natural and cultural resources. The alpine and Nordic ski areas are being developed under the approved Park Use Permit 1506. This will ensure that the park's special natural features will be protected and that the intensive recreation facilities will be developed in an aesthetically and environmentally sensitive manner.

In 2002 the CRA Master Plan was amended based on the proposal in 2001 by the Vancouver 2010 Bid Corporation to use the Cypress Mountain ski area for Olympic Freestyle skiing and Snowboard events. The facilities and recreation improvements laid out in the CRA Master Plan, including the amendments includes:

- A new alpine and Nordic base area facility to service visitors which would include restaurant/cafeteria facilities, retail, ski school and other guest and public service functions;
- Replacement of existing chairlift, of which two have already been replaced, with state of the art equipment along with the installation of a new high speed chairlift on Black Mountain.
- An additional Terrain Pod on the east slope of Black Mountain
- Reclamation of existing trails (which includes the Windjammer Run), limited new trails and replanting of other areas within the alpine and Nordic ski recreation areas;
- Additional parking and site infrastructure in both the alpine and Nordic areas;
- Expanded snowtubing facilities; and
- Addition of new mountain bike park for summer 2005 to be located on the north face of Black Mountain, serviced by the Eagle Express high-speed quad chair.

As part of the amendment process a Preliminary Screening under the BC Parks Impact Assessment process was completed by CBRL (ENKON 2002c).



2.4 Permits, Licences and Authorizations – Current Regulatory Regime

Development of the Project will involve a number of distinct undertakings and activities, requiring authorizations from a variety of federal, provincial and municipal agencies. Table 2-2 provides a listing of permits, licences, and authorizations that are required to develop the Project.

Table 2-2 Comprehensive list of approvals, permits and licences required for the Cypress Venue to proceed

Approval/Permit Licence	Legislation	Agency	Project Component
PROVINCIAL			
Approval /Notification for changes in and about a stream	Water Act section 9 & Water Regulation Part 7	Ministry of Environment	Construction of impoundment structure for snowmaking.
Water Licence	Water Act Section 2(1)	Ministry of Environment	Impoundment of water and subsequent withdrawal for snowmaking
Land Use/Occupancy Park Use Permit	Park Act section 16	BC Parks	For construction approval and development in areas not already covered in the Cypress Mountain Master Plan
Dam Safety Review	Water Act - BC Dam Safety Regulations	Ministry of Environment	Snow making reservoir
Archaeological Permit	Heritage Conservation Act	Ministry of Tourism, Sports and the Arts – Archaeology Branch	Archaeological Impact Assessment
Tree removal approval	Cypress Master Plan Amendment 2004	BC Parks	Removal of trees for the proposed Freestyle facilities
OTHER			
Approval for constructional		Cypress Mountain Ski Area	

2.5 Public Consultation

Since August 2005, VANOC has initiated a public consultation process with respect to the Cypress Venue development with local stakeholders, including First Nations. Public information sessions were hosted by VANOC on the Cypress Venue at the District of West Vancouver Municipal Hall on December 8, 2005 and February 8, 2006. VANOC provided an overview of the venue concept, progress on the Project to date and a description of the environmental assessment review process that



included a review of EA work to date and work to be completed, BC Parks Impact Assessment process, CEAA screening, as well as public and First Nations consultations.

Meetings were held with First Nations (Appendix G) and other stakeholders (i.e., Friends of Cypress Provincial Park) to further discuss the venue designs and options to reduce effects to the environment. Major concerns that were expressed by the public included the effects to

- old growth forest;
- park use regarding public enjoyment and safety;
- the Park's biodiversity; and
- access to the top of Black Mountain.

Based on concerns raised by the public, VANOC has explored several other venue design options within Cypress Mountain ski area. In keeping with its sustainability principles, VANOC has committed to addressing the public concerns and minimizing the effects to the environment.

