



*Land and Water
British Columbia Inc.*

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*Sent by e-mail
April 16/03*

April 15, 2003

File: 3401023 Silver Star General

John Trehitt
North Okanagan Area Supervisor
Protected Areas Section
Ministry of Water, Land & Air Protection
Penticton, BC

Dear John;

Re: Silver Star boundary adjustment

Thank you for the written summary of the meeting between Parks and Silver Star Ski Resort March 25, 2003. It appears as if Silver Star is not inclined to support a boundary adjustment which would locate the Lars Taylor Way trail entirely within the park.

I understand that all involved parties agreed to the changes during the time of the previous ownership of Silver Star. It is unfortunate that the timing did not allow the western boundary adjustments to be included in the OCP amending the Controlled Recreation Area and the park.

When the new owners purchased the resort and subsequently were assigned all Land Act tenures, they were provided with a map and legal description that showed the boundary to be in its present location. This boundary is also shown in their Master Development Agreement (MDA) with the Province.

Section 17.10 of the Silver Star MDA reads:

"The Province reserves the right to grant other dispositions of the land comprising the Controlled Recreation Area, or any part of it, with the prior consent of Silver Star, which consent shall not be unreasonably withheld..."

Further, in 17.11:

*"...Silver Star shall be deemed to have reasonably withheld its consent if a grant to be made under that section would
(a) materially affect Silver Star's exercise of any of its rights under this agreement; and*

(b) be incompatible or in competition with Silver Star's use of or business in and on the Controlled Recreation Area."

Silver Star may be able to make a convincing argument under this section. We would certainly rather negotiate a compromise between the resort and the cross-country ski group than force a confrontation.

Please let me know what you consider next steps to be. As we discussed on the phone, it's probably time to get the two interested parties together in a room to clarify their concerns and requirements. If you feel comfortable facilitating such a meeting, I see no need for me to be present at that meeting, but call me if you need further information.

Thanks, John.

Yours truly,

A handwritten signature in black ink, appearing to be the initials 'PB' with a stylized flourish.

Psyche Brown
Regional Ski Program Manager