



DISPOSITION

PROVINCE OF ALBERTA

PUBLIC LANDS ACT

R.S.A. 2000, c.P-40, as amended

DISPOSITION TYPE

MISCELLANEOUS LEASE

DISPOSITION NUMBER

DML 100011

PURPOSE

SKI DEVELOPMENT

ACTIVITY

DISPOSITION HOLDER

FORTRESS MOUNTAIN HOLDINGS LTD.

EFFECTIVE DATE

July 31, 2020

TERM

EXPIRY DATE

July 30, 2045

PLAN NUMBER

126193 MS

PLAN VERSION DATE

2014/03/12

Pursuant to the *Public Lands Act*, R.S.A. 2000, c. P-40 and its regulations, the Director issues to the Disposition Holder this disposition, a miscellaneous lease, which is issued subject to the attached definitions, terms and conditions.

Corinne.Kristensen Digitally signed by Corinne.Kristensen
Date: 2020.07.31 19:51:19 -06'00'

Designated Director, *Public Lands Act*

ADMINISTRATIVE CONDITIONS

Interpretation and Definitions

- 1 The headings used throughout this Disposition are inserted for convenience of reference only and do not form part of the Disposition.
- 2 A reference to any federal or provincial law or regulation or to any municipal bylaw shall be deemed to be a reference to the law, regulation or bylaw as may be amended, revised, repealed and replaced, or substituted from time to time.
- 3 Should any term of the disposition be invalid or not enforceable, it shall be severed from the Disposition and the remaining terms of the disposition shall remain in full force and effect.
- 4 All definitions in the *Public Lands Act*, RSA 2000, c P-40 and its regulations apply except where expressly defined in this Disposition.
- 5 In this Disposition,
 - “**Act**” means the *Public Lands Act*, RSA 2000, c P-40, as amended;
 - “**Activity**” means the construction, operation, use and reclamation associated with the purpose for which this disposition has been granted.
 - “**Director**” means the “director” duly designated under the Act;
 - “**Disposition**” means this disposition, granted pursuant to the Act, which includes this document in its entirety, including all recitals, indices and Schedules;
 - “**Effective Date**” means the date referred to as such on the first page of this Disposition;
 - “**Expiry Date**” means the date referred to as such on the first page of this Disposition;
 - “**Lands**” means that portion of public lands described in Appendix A and further identified in the plan which forms part of this Disposition;
 - “**Regulation**” means all regulations, as amended, under the Act.
 - “**Regulatory Body**” means the Department of Environment and Parks;
 - “**Term**” means the period of time commencing on the Effective Date and ending on the Expiry Date unless otherwise changed in accordance with the Act, subject to any dates specified in writing by the Department to the Lessee, which dates limit the Term in each calendar year.

Grant of Disposition

- 6 The Regulatory Body issues this Disposition to the Disposition Holder, namely an amended Miscellaneous Lease, being a formal disposition, in accordance with section

26(a) of the Act subject to the terms and conditions contained in this Disposition.

- 7 The Disposition Holder shall only use the Lands for a winter alpine and ski resort facilities; specifically
- a) Restaurant ;
 - b) Lounge;
 - c) Ticketing area;
 - d) Temporary accommodations for staff and visitors;
 - e) Administrative offices;
 - f) Alpine and ski equipment rental and sales centre;
 - g) Retail facilities;
 - h) Maintenance garages;
 - i) Safety systems;
 - j) Snowmaking facilities;
 - k) Winter sports education and training facilities;
 - l) Emergency medical facilities;
 - m) Parking lots;
 - n) Access roads.

- 8 Notwithstanding any references in this Disposition, the Act, or the Regulation, this Disposition is not intended to be, nor shall it be interpreted as or deemed to be a lease of real property at common law.

Term

- 9 The term of this Disposition means the period of time commencing on the Effective Date and ending on the Expiry Date, unless otherwise changed in accordance with the Act and the Regulations (the "Term").

Disposition Fees and Other Financial Obligations

- 10 The Disposition Holder shall pay all fees, rents, charges, security and other amounts payable in accordance with the Act and Regulations.
- 11 The Disposition Holder shall be responsible for the payment of, and shall pay promptly and regularly as they become due and payable, any tax, rate or assessment that is duly assessed and charged against the Disposition Holder, including but not limited to property taxes and local improvement charges with respect to the municipality in which the Lands are located.

Notwithstanding that this Disposition has expired, the Disposition Holder remains liable for the amount of the property taxes and local improvement charges.

Notwithstanding that this Disposition has been cancelled, the Disposition Holder remains liable for the amount of the property taxes and local improvement charges, as calculated on a pro-rated basis from January 1st of the last year of the Term to the date of cancellation of the Disposition.

- 12 The Disposition Holder shall be responsible for the payment of all costs to the appropriate service provider or to the Regulatory Body with respect to the supply and consumption of any utility services and the disposal of garbage.

Compliance

- 13 The Disposition Holder shall enter on and occupy the Lands only for the Activity.
- 14 The Disposition Holder shall obtain federal, provincial, municipal, and other permits and approvals, as applicable, with respect to activities that may take place on the Lands.

Condition of the Lands

- 15 The Disposition Holder accepts the Lands on an "as is" basis.

Impact on Other Disposition Holders

- 16 The Disposition Holder shall be responsible for damage to improvements or to the Lands in which prior rights have been issued, including damage to traps, snares or other improvements.

Province's Use of the Lands

- 17 The Province may reconstruct, expand or alter its facilities on the Lands in any manner. The Disposition Holder shall, if directed by the Province in the Province's sole discretion, relocate the Disposition Holder's improvements at the Disposition Holder's expense in order to facilitate reconstruction, expansion or alteration or removal and reclamation of the Province's facilities.
- 18 The Disposition Holder acknowledges that:
 - a. the Regulatory Body may issue additional dispositions to any person authorizing that person to enter onto, use and occupy the Lands for various purposes including, but not limited to, the extraction and removal of merchantable resources, or to conduct development, including, but not limited to mineral resource development;
 - b. the Regulatory Body may retain revenues from such additional dispositions; and
 - c. the Disposition Holder is not entitled to any reduction in its fees, rents, charges or other amounts payable on the basis that additional dispositions relating to the Lands have been issued.

Assignment, Subletting and Encumbrances

- 19 The Disposition Holder shall not:
 - a. Permit any builder's liens or other liens for labour or material relating to work to remain filed against the Lands; or
 - b. Register, cause or allow to be registered, or permit to remain registered any caveat or encumbrance against the title to the Lands, without first obtaining the prior written consent of the regulatory body, which may be arbitrarily withheld.

Default and Termination

- 18** The Regulatory Body may cancel this Disposition immediately if:
- a. a creditor lawfully seizes any of the Disposition Holder's property on the Land;
 - b. the Disposition Holder is adjudged bankrupt or makes a general assignment for the benefit of creditors;
 - c. a receiver of any type is appointed for the Disposition Holder's affairs;
 - d. in the regulatory body's opinion, the Disposition Holder is insolvent;
- 19** The Regulatory Body may, upon written notice to the Disposition Holder of not less than 60 days, cancel this Disposition or withdraw any part of the Lands from this Disposition as the Province considers necessary to construct necessary works, including but not limited to banks, drains, dams, ditches, canals, turnouts, weirs, spillways, roads or other structures necessary or incidental to those works.
- 20** On or before the expiry or termination of this disposition, the Regulatory body, in its sole discretion, may order the Disposition Holder to:
- a. Remove all equipment, personal property, fixtures, structures, buildings or improvements of any sort that the Disposition Holder constructed, erected, placed, or brought onto the Lands or that the Disposition Holder caused or allowed to be constructed, placed, or brought onto the Lands (the "Holder's Items"), failing which the Holder's Items shall become the property of the Province;
 - b. Vacate the Lands and any of the Holder's Items not removed free from any encumbrance;
 - c. Reclaim the Lands to an equivalent land capability, as defined in the Regulation; and
 - d. Vacate the Lands

Indemnification and Limitation of Liability

- 21** The Disposition Holder shall indemnify and hold harmless the Province and the Regulatory Body, its employees, and agents against and from any and all third party actions, claims, or costs (including legal costs on a solicitor-client basis) to the extent arising from:
- a. the Disposition Holder's breach of this Disposition, or
 - b. any actions or omissions, negligence, other tortious act, or wilful misconduct of the Disposition Holder, or of those for whom the Disposition Holder is legally responsible, in relation to the exercise of the rights, powers, privileges or duties under this Disposition.
- 22** The Disposition Holder is not entitled to any damages, costs, losses, disbursements, or compensation whatsoever from the Province or the Regulatory Body, regardless

of the cause or reason therefore, on account of:

- a. partial or total failure of, damage caused by, lessening of the supply of, or stoppage of utility services or any other service;
- b. the relocation of facilities or any loss or damage resulting from flooding or water management activities;
- c. the relocation of facilities or any loss or damage resulting from wildfire or wildfire management activities;
- d. any damage or annoyance arising from any acts, omissions, or negligence of owners, occupants, or tenants of adjacent or contiguous property; or
- e. the making of alterations, repairs, improvements or structural changes to the utility services, if any, anywhere on or about the Lands, provided the same shall be made with reasonable expedition.

Insurance

- 23** The Disposition Holder must at all times during the Term, at its own expense and without limiting the Disposition Holder's liabilities under the Disposition, insure its Activity conducted on the Land as follows,
- a. general liability in an amount not less than \$5,000,000 inclusive per occurrence, insuring against bodily injury, personal injury, and property damage including loss of use thereof;
 - b. automobile liability on all vehicles owned, operated or licensed in the name of the Lessee and used on or taken onto the Lands or used in carrying out the Activity authorized under this Disposition in an amount not less than \$2,000,000
 - c. forest fire fighting expenses endorsement; and
 - d. such additional insurance in an amount and of a type as directed in writing by the Regulatory Body.
- 24** The Disposition Holder shall require that each of its contractors and third parties hired by the Disposition Holder to do any of the Activities allowed under this Disposition on the Lands maintains liability insurance in the amounts and of the type required to be held by the Disposition Holder under this Disposition.
- 25** The Disposition Holder must on request of the Regulatory Body, provide the Regulatory Body with a detailed certificate of insurance and a copy of each required insurance policy.
- 26** The Disposition Holder must have each insurance policy required under this Disposition endorsed to provide the Regulatory Body with at least 30 days advance written notice of cancellation or material change.

Notices

- 27** The Disposition Holder must:
- a. I maintain current contact information with the Regulatory Body and
 - b. must immediately notify the Regulatory Body of any change in the Disposition Holder's telephone number, address and email address.

General

- 28** The Disposition Holder shall comply with the terms of the attached appendices, schedules and addendums, including:
- a. Administrative Conditions
 - b. Schedule A – Operating Conditions
 - c. Appendix A – Legal Land Description
 - d. Schedule B – Land Standing Report
 - e. Plan
 - f. Construction Plan
- 29** The Disposition Holder shall notify the Regulatory Body ten days prior to commencing construction.
- 30** The Disposition Holder shall submit a progress report to the Regulatory Body by June 1st and December 1st of each year describing:
- a. Planning / construction work completed since the last reporting period;
 - b. Progress in meeting the specified timelines listed in Condition 31.
- 31** The Disposition Holder must:
- a. By June 1, 2021, have submitted a construction plan to the Regulatory Body;
 - b. By December 31, 2021, submit a Development Permit Application package to the Kananaskis Improvement District Subdivision Development Authority for review;
 - c. By July 31, 2022, have the Development Permit acquired;
 - d. By August 31, 2022, have the demolition and removal of old assets completed,
 - e. By September 30, 2023, have the major elements of the alpine resort installed.
 - f. By December 31, 2023, open the resort to the public including ski lift facilities.

SCHEDULE "A" OPERATING CONDITIONS

1. The Disposition Holder must manage the Lands and the Activity on the Lands in accordance with the written direction from the Regulatory Body.
2. The Disposition Holder shall not cut standing trees, disturb the surface of the land, use any herbicide or pesticide, or make any improvements to the Lands without the prior written consent of the Crown, which consent may be arbitrarily withheld, and in any event do so in compliance with applicable laws.
3. The Disposition Holder shall at its own cost, indemnify and save harmless the Crown with respect to potential or extant environmental damage on the Lands.
4. The Disposition Holder shall at its own cost, indemnify and save harmless the Crown with respect to potential or extant environmental damage on the Lands occurring during the Term for which the Lessee is legally responsible.
5. The Disposition Holder shall at its sole risk and expense be responsible for the conduct of its employees, contractors, agents and invitees in respect of the Lands.
6. The Disposition Holder must obtain federal, provincial, municipal, and other permits and approvals, as applicable, with respect to the Activity.
7. The disposition holder must submit to the Director within 2 years of the issuance of this disposition a legal survey of the Lands conducted by, and signed by an Alberta Land Surveyor registered and in good standing with.
8. The Disposition Holder shall not allow any open fires on the Lands.
9. The lessee shall post public notices at each entrance to the Lands a list of all hazards, dangers, and of all permitted and prohibited conduct in respect of the Lands.
10. The Lesse shall not bring, keep, sell, store, offer for sale, give away, or otherwise use, handle or dispose of any merchandise, goods, materials, effects, or things onto the Lands which may for any reason be deemed objectionable by the Crown.
11. The lessee shall not create, permit, or suffer any act or thing upon the Lands which is a nuisance, or which may be deemed a nuisance by the Crown.
12. The Disposition Holder shall ensure public access is maintained to all common recreational and cultural facilities as approved under this disposition, as deemed reasonable by the Regulatory Body.

13. The Disposition Holder shall not cause surface disturbance in coulees or through river benchland areas excluding access, pipelines and linear easements crossing the watercourse feature.
14. The Disposition Holder shall take necessary precautions to prevent contamination of land, water bodies and the air with particulate and gaseous matter, which, in the opinion of the Regulatory Body, is or may be harmful.
15. The Disposition Holder shall submit to the regulatory body a Construction plan and receive approval for this plan prior to any disturbance taking place pursuant to this authority.
16. The Disposition Holder shall comply with the Construction Plan.
17. The Disposition Holder shall suspend all activities during adverse ground conditions.
18. The lessee shall ensure that all equipment and procedures comply with all applicable provincial, federal, and municipal regulatory standards respecting the environment, water, health, workplace health and safety and any other thing, and submit proof of such compliance to the Crown upon request.
19. The Disposition Holder shall clearly mark all off-highway vehicles used by the disposition holder with the Disposition Holder's name.
20. The Disposition Holder shall only permit qualified staff and emergency response volunteers to operate off-highway vehicles and machines, and ensure that all such operators and machines used on the Lands are licensed and insured.
21. The disposition holder must not use anything other than tracked or low ground-pressure wheeled vehicles on any part of the Land except on approved roads and trails.
22. The Disposition Holder shall ensure any mobile recreational vehicle units remain on wheels, are insured and ready for legal transport, meeting all requirements of the *Traffic Safety Act*.
23. The Disposition Holder shall maintain all activities to ensure the proper drainage of surface water.
24. The Disposition Holder shall prevent erosion (surface and subsurface) and sedimentation on the Lands.
25. Where a risk of surface erosion exists, the Disposition Holder shall install and maintain sediment control structures to dissipate the flow of water and capture sediment prior to it entering a watercourse or waterbody.
26. The Disposition Holder shall salvage all merchantable timber and haul to the location of end use unless a waiver is first approved in writing under the *Forests Act*.

27. The Disposition Holder must slash, limb and buck flat to the ground all woody debris and leaning trees created by the Activity. The length of slashed woody debris shall not exceed 2.4 metres.
28. The Disposition Holder shall obtain the appropriate timber authority for the removal of timber from this disposition.
29. The Disposition Holder shall not place any cut timber in any area where there is standing timber.
30. The Disposition Holder shall allow timber permit holders and licence holders access for the purpose of removing timber or other related timber activities, as authorized by the Government of Alberta.
31. The Disposition Holder shall remove all garbage and waste material from the Lands.
32. The Disposition Holder shall place all waste remaining on site overnight in secure bear-resistant containers.
33. The Disposition Holder shall empty all waste containers on a regular basis to avoid excess garbage being present on the Lands or when the disposition holder will be off the land for more than two days.
34. The Disposition Holder is required to conduct a wildlife sweep of the immediate area (site plus 100 metres) prior to entry and construction to identify wildlife features. All observations must be reported to the regional AEP Wildlife Biologist, the issuing regulatory body, and entered into the Fisheries and Wildlife Management Information System (FWMIS).
35. The disposition holder shall follow the industrial practices in the Bear-Human Conflict Management Plan for Camps as amended for any camps operating on the Lands.
36. Where snowberms on linear activities are higher than 75 centimetres during construction, the disposition holder must create breaks within the snowberm every 400 metres to allow for wildlife passage.
37. The disposition holder shall not conduct any activities within 400 metres from an individual or group of sheep or goats.
38. The Disposition Holder shall immediately report to the Regulatory Body any problem wildlife, wildfires, and any other incidents that reasonably relate to the environment, plants or wildlife on the Lands;
39. The disposition holder must not use soil sterilants on the Lands.
40. The Disposition Holder must not seed or plant any legumes on the Land.

41. The disposition holder shall re-vegetate activities, associated facilities and clearings after construction is completed to species compatible and consistent with the adjacent vegetation type (i.e., when the features are reseeded, reclaimed or partially restored).
42. The disposition holder shall not deposit or place debris, soil or other deleterious materials into or through any watercourse and/or waterbody, or on the ice of any watercourse and/or waterbody.
43. The disposition holder shall keep watercourse crossings free of accumulated debris or ice that will impede the flow of water.
44. Where crossings have been removed, the disposition holder shall immediately stabilize the bank or shoreline of all affected watercourses and/or waterbodies and/or make alterations or modifications to the bank or shoreline to restored to native vegetative species found in the adjacent area.
45. The disposition holder through the installation of watercourse crossing structures, including bridge abutments, shall not constrict the normal watercourse channel. Bridge spans shall extend beyond stream banks and abutment walls.
46. During watercourse structure maintenance, the disposition holder must install sediment and erosion control measures.
47. The disposition holder may construct and utilize native timber bridges on small permanent or intermittent watercourses or ephemeral draws, provided that:
 - a. Bridge abutments do not restrict watercourse channel.
 - b. A brow log is installed on both sides of the bridge deck to prevent soil from entering the watercourse.
 - c. No equipment enters the watercourse channel.
 - d. Timber of suitable size and strength is available for construction.
 - e. The span extends beyond watercourse bank and abutment walls.
 - f. A geo-textile separation layer must be used between soil cap and timber that prevents foreign material from entering the watercourse.
48. Prior to disturbance, the Disposition Holder shall submit a written reclamation plan to the Regulatory Body for approval.
49. The Disposition Holder shall not remove any soil from the Lands unless otherwise authorized in writing by the Director.
50. The Disposition Holder must not bury topsoil on the disposition area.
51. Where soil disturbance occurs from site construction or linear trenching of a minimum of 12 inches or greater, the disposition holder must salvage all topsoil (topsoil includes the leaf litter layer (LFH) and the A horizon) as follows:
 - a. Where two-lift stripping occurs, topsoil and part or all of the upper subsoil (B horizon) must be stripped and stored separately.
 - b. Where topsoil is less than 15 centimetres, conservation shall include the topsoil plus part of the upper subsoil (B horizon) up to a total depth of 15 centimetres.

52. The Disposition Holder shall store reclamation materials (topsoil, subsoil,) separately on the Lands, such that it can be distributed evenly for progressive and/or final reclamation. LFH and coarse woody debris are suitable for storage with topsoil.
53. Reclamation materials must not be buried.
54. The disposition holder shall not place reclamation material in encroach into standing timber.
55. The disposition holder shall conduct progressive reclamation and interim clean-up for constructed activities and all associated disturbances (log decks, remote sumps, campsites, borrow sites, etc.) of that disposition as per External Directive SD 2010-02 Progressive Reclamation and Interim Clean up, as amended.
56. The Disposition Holder shall utilize natural recovery, on all native landscapes for all areas of the site, not required for operations or padded with clay. Assisted natural recovery is allowed on high erosion sites, sites prone to weeds, agronomic invasion, or padded sites.
 - a. During assisted natural recovery when reseeding with herbaceous seed native to the Natural Subregion or agronomic annuals and seed mixes as approved by the regulatory body, shall be free of the species listed in the *Weed Control Act*. A seed certificate (under the rules and regulation of the *Canada Seeds Act*) for each species shall be provided to the regulatory body upon request.
 - b. Assisted natural recovery can be used for planting woody species for the purpose of accelerated reclamation. The woody species must be native to the Natural Subregion and follow the Alberta Forest Genetic Resource Management and Conservation Standards as amended.
57. The Disposition Holder shall complete interim reclamation within 24 months of construction. This includes site and debris clean-up, slope stabilization, recontouring with subsoil, and spreading of all applicable surface material (e.g. topsoil, woody debris and vegetation propagules/root mats) progressively and concurrently with operations.
58. Upon abandonment or as directed by the regulatory body, the disposition holder shall reclaim the disposition to the pre-disturbance land use unless a change in land use is approved in writing by the regulatory body.
59. During construction only the disposition holder may operate temporary work camps providing overnight accommodation, meals and services if each of the following requirements are met:
60. No more than 200 employees at a time are accommodated in the work camp; and the temporary work camp is located entirely on the Lands.
61. Prior to any person occupying a work camp, the disposition holder must first obtain approval from the appropriate Regulatory Agencies which exercise jurisdiction over work camps in the Province of Alberta.

62. The disposition holder shall submit a copy of the approval described in clause (insert number) at least 10 days prior to any person occupying the work camp.
63. At all times, the Disposition Holder must comply with the requirements of:
 - a. the *Public Health Act*, R.S.A. 2000, c. P-37, as amended from time to time;
 - b. and the *Work Camps Regulation*, Alta. Reg. 218/2002, as amended from time to time.
64. Once construction is completed, the Disposition Holder shall disassemble and remove the work camp and in any case only until December 31, 2023 unless authorized in writing by the Regulatory Body.
65. By the last day of each month, the Disposition Holder must provide to the Crown a written employee information statement, containing the following information:
 - a. with the name and business contact number of a site supervisor;
 - b. the names and terms of residence of any Company Director or employee residing on the Lands; and
 - c. what changes in this information have occurred since the preceding written employee information statement;
66. The Disposition Holder may allow one employee, contractor, or agent, to reside on the Lands during the winter ski season, only if that person or agent is providing security and maintenance services on the Lands, unless otherwise approved in writing by the Regulatory Body.
67. The Disposition Holder must locate the year-round employee's residence on the Lands as shown in Appendix A attached to this Disposition.
68. The Disposition Holder may place a trailer, mobile home other similar unit on the Lands for use as the Custodian's Residence until such time as a permanent Custodian's Residence is constructed, and in any case only until December 31, 2023 unless authorized in writing by the Regulatory Body.
69. The Disposition Holder shall not rent any accommodations unless the accommodation is in a structure that is permanent and has a fixed roof.
70. The Disposition Holder shall not permit motor homes, recreational vehicles, trailers or any other similar unit that is designed to be mobile and to be used as permanent or temporary residence on the Lands at any time.
71. The Disposition Holder shall not permit timeshares or any functionally similar programs wherein rights vest in one or more owners to use accommodations located on the Lands for a specified period of time each year, or any programs which in the opinion of the director pursuant to s.44 of the *Public Lands Act* are functionally similar to a timeshare program.

Appendix A
Legal Description
for
DML 100011

EP Plan No: 126193 MS
LTO Plan No:
Purpose: SKI DEVELOPMENT

Affected Lands (Meridian-Range-Township-Section-1/4Section-Legal Subdivision-Quadrant-Quarter-Quadrant)

LAND	HECTARES	ACRES	DETAILS
W5-09-021-28-NE			
W5-09-021-28-NW			
W5-09-021-32-NE			
W5-09-021-32-SE			
W5-09-021-33-NW			
W5-09-021-33-SW			

AREA SUMMARY

The total lands herein described contain 95.800 HA (236.73 ACRES) more or less.

SUBJECT TO

The authorizations and dispositions listed on the attached "Schedule B", if any, have been issued on the quarter sections of land on which your disposition has been issued and may be prior and subsisting authorizations and dispositions to your disposition and may relate to and affect your disposition and the land on which your disposition has been issued.

Supplementary Information

(LTO) - Land Titles Office
(AE) - Alberta Environment/Land Administration Division
(ATS) - Alberta Township System
(HA) - Hectares
1 Hectare = 2.471054 Acres
2020-07-31 1:48:43 PM
Submitted by: CCOPITHO

DISCLAIMER

THIS STANDING REPORT IS PROVIDED SUBJECT TO THE CONDITION THAT HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ALBERTA AND HER EMPLOYEES:

- (1) HEREBY DISCLAIM AND ARE RELEASED FROM ANY AND ALL RESPONSIBILITY FOR THE INFORMATION IN, AND ANY OMISSION OF THE INFORMATION FROM, THIS REPORT;
- (2) SHALL NOT BEAR ANY RESPONSIBILITY FOR ANY LOSS OR DAMAGE OF ANY KIND ARISING FROM OR IN RESPECT OF ANY ABSENCE OF INFORMATION OR ANY ERRORS OR OMISSIONS (WHETHER THE AFORESAID OCCASIONED BY NEGLIGENCE OR OTHERWISE) IN OR AFFECTING THIS REPORT OR THE INFORMATION THEREIN.

THIS REPORT DOES NOT SHOW CAVEATS, BUILDERS' LIENS, OR OTHER INSTRUMENTS, IF ANY, REGISTERED AT LAND TITLES OFFICE IN RESPECT OF ANY LANDS OR INTERESTS THEREIN. PERSONS ARE ADVISED TO ALSO EXAMINE RECORDS AT LAND TITLES OFFICE TO ASCERTAIN WHETHER OTHER INSTRUMENTS THAT MAY CONCERN THE LANDS OR INTERESTS THEREIN HAVE BEEN REGISTERED.

*** END OF REPORT ***

SCHEDULE B

Geographic Land Information Management and Planning System

Req: 0001023581

Activity Standing Search

LSRC580D

Report Date: 2020-07-31 Time: 13:49:05

Requested by: CCOPITHO

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Selection Criteria

Grouping/Rollup

Group By: Activity
Rollup: Y

Selected Sections

Geo-Administrative Area: Y
Requested Lands: Y
Title Information: NA
Activity Details: Y
Subdivisions: NA
Client List: N

Selected Activities

Surface Dispositions	Y	Status:	All
		Types:	All
Geophysical	N	Status:	None
		Types:	None
Reservations	Y	Status:	All
		Types:	All
Encumbrances	Y	Status:	All
		Types:	All
Land Postings	Y	Status:	All
		Types:	All

Activity Numbers

DML 100011

Activity Standing Search

Requested Land

Requested Land	Ownership Status	Administered By	Titled Status	Survey Status	Area in Hectares		Area in Acres		Water
					Land	Title	Land	Title	
W5-09-021-28-NW	Crown	TPR	Titled	Unsurveyed	64.750	0.000	160.00	0.00	No Water Coverage
W5-09-021-28-NE	Crown	FLW-TPR	Untitled	Unsurveyed	64.750	0.000	160.00	0.00	No Water Coverage
<i>Remarks: FLW LAND COVERED BY LOC 2433 & LOC 2562 TPR BALANCE SPRAY VALLEY PROVINCIAL PARK O.C. 365/00</i>									
W5-09-021-32-SE	Crown	FLW-TPR	Untitled	Unsurveyed	64.750	0.000	160.00	0.00	No Water Coverage
<i>Remarks: FLW LAND COVERED BY LOC 2433 & LOC 2562 TPR BALANCE SPRAY VALLEY PROVINCIAL PARK O.C. 365/00</i>									
W5-09-021-32-NE	Crown	FLW-TPR	Untitled	Unsurveyed	64.750	0.000	160.00	0.00	No Water Coverage
<i>Remarks: FLW LAND COVERED BY LOC 2562 TPR BALANCE SPRAY VALLEY PROVINCIAL PARK O.C. 365/00</i>									
W5-09-021-33-SW	Crown	FLW-TPR	Titled	Unsurveyed	64.750	0.000	160.00	0.00	No Water Coverage
<i>Remarks: FLW LAND COVERED BY LOC 2433, MLL 2777 & MLL 790140 TPR BALANCE SPRAY VALLEY PROVINCIAL PARK O.C. 365/00</i>									
W5-09-021-33-NW	Crown	FLW-TPR	Untitled	Unsurveyed	64.750	0.000	160.00	0.00	No Water Coverage
<i>Remarks: FLW LAND COVERED BY LOC 2562 TPR BALANCE SPRAY VALLEY PROVINCIAL PARK O.C. 365/00</i>									
TOTAL					388.500	0.000	960.00	0.00	

Geo Administrative Areas

ALBERTA ENERGY REGULATOR W5-09-021	SOUTH REGION		Code: AER-S
COAL DEVELOPMENT REGION W5-09-021	EASTERN SLOPES		Code: CDR-3
ENVIRONMENT CORPORATE REGION W5-09-021	SOUTHERN		Code: ENV-1
ENVIRONMENT CONS. & RECL. DISTRICT W5-09-021	NO. 19		Code: ERD-019
EASTERN SLOPE ZONE W5-09-021			Code: ESZ
FOREST MANAGEMENT UNIT W5-09-021-28 W5-09-021-32 W5-09-021-33	SOUTHWEST	B11 SOUTHERN ROCKIES	Code: FMU-B-11
FOREST RESERVE W5-09-021	ROCKY MOUNTAINS		Code: FR-001
FISH & WILDLIFE ADMIN REGION W5-09-021	EASTERN SLOPES REGION	KANANASKIS	Code: FWA-3-01
FISH AND WILDLIFE DISTRICT W5-09-021	EASTERN SLOPES REGION	KANANASKIS	Code: FWD-3-08
GENERAL LANDS CLASSIFICATION W5-09-021	GREEN		Code: GLC-G
GRAZING ZONE W5-09-021	A2		Code: GRZ-A2
IMPROVEMENT DISTRICT W5-09-021	KANANASKIS IMPROVEMENT DISTRICT		Code: ID-005
INTEGRATED RESOURCE PLAN W5-09-021	KANANASKIS COUNTRY		Code: IRP-K1
LAND USE AREA W5-09-021	SOUTHWEST 1	CALGARY	Code: LUA-SW1-1

OPERATIONAL APPROVAL DISTRICTS	South Saskatchewan Region	South Saskatchewan District	Code: OPD-5-1
W5-09-021			
PROVINCIAL PARK REGION	KANANASKIS COUNTRY		Code: PPR-KC
W5-09-021			
PROVINCIAL PARK	SPRAY VALLEY		Code: PRP-S7
W5-09-021-28-NW	EXCL. LOC 2433, LOC 2562 & MLL 790139		
W5-09-021-28-NE	EXC. LOC 2562 & LOC 2433		
W5-09-021-32-SE	EXCL. LOC 2433 & LOC 2562		
W5-09-021-32-NE	EXCL. LOC 2562		
W5-09-021-33-SW	EXCL. MLL 2777, MLL 790140 & LOC 2433		
W5-09-021-33-NW	EXCL. LOC 2562		
RANGELAND DISTRICT	SOUTHWEST	ROCKY MOUNTAIN FOREST RESERVE CENTRAL	Code: RLD-SW-3
W5-09-021			

End of Geo Administrative Areas

Activity Standing Search

Activities and Titles

Activity Land	Status/Type	Date	Expiry	Client Metes and Bounds Remarks	Total Area	
					Acres	Hectares
CSL910047	REGISTERED	1991-11-14				
W5-09-021-33-04					(0.00)	(0.000)
W5-09-021-33-05					(0.00)	(0.000)

CSL910048	REGISTERED	1991-11-14				
W5-09-021-28-10					(0.00)	(0.000)
W5-09-021-28-15					(0.00)	(0.000)
W5-09-021-28-NW	PT				(0.00)	(0.000)
W5-09-021-32					(640.00)	(259.000)
W5-09-021-33-NW	PT				(0.00)	(0.000)
W5-09-021-33-SW	PT				(0.00)	(0.000)

CSL910049	REGISTERED	1991-11-14				
W5-09-021-28-NE					(0.00)	(0.000)
W5-09-021-28-NW					(0.00)	(0.000)
W5-09-021-32-SE					(0.00)	(0.000)
W5-09-021-33-SW					(0.00)	(0.000)

CSL910050	REGISTERED	1991-11-14				
W5-09-021-28-NW					(0.00)	(0.000)
W5-09-021-33-SW					(0.00)	(0.000)

CSL910051	REGISTERED	1991-11-14				
W5-09-021-33-SW					(0.08)	(0.032)

Activities and Titles

Activity Land	Status/Type	Date	Expiry	Client Metes and Bounds Remarks	Acres	Total Area Hectares
W5-09-021-28-NW					(0.00)	(0.000)
DML 2777	Cancelled - Outstanding Obligation		2031-08-11	THE BANFF RAIL CO. INC. LOTS 1 & 5A LOTS 1 & 5A Converted from MLL 2777	4.94	1.998
ACTIVITY DETAIL INFORMATION						
OPTION TO PURCHASE (Y/N): N		WITHIN 100M OF WATERBODY (Y/N): N		PURPOSE: SKI DEVELOPMENT		
DIMENSION: IRREGULAR		CLIENT FILE NO:				
PLAN NO	LTO PLAN NO	ITEM	VERSION DATE(S)			
3493 GEN		A	2001-07-30			
3493 GEN			1980-08-01			
W5-09-021-33-04					(0.00)	(0.000)
W5-09-021-33-05					(0.00)	(0.000)
DML 060153	Active/Disposed	2007-05-17	2027-05-16	THE BELL TELEPHONE COMPANY OF CANADA OR BELL CANADA LA COMPAGNIE DE TELEPHONE BELL DU CANADA OU BELL CANA Converted from MLL 060153	0.06	0.023
ACTIVITY DETAIL INFORMATION						
OPTION TO PURCHASE (Y/N):		WITHIN 100M OF WATERBODY (Y/N): N		PURPOSE: Communications - Tower Site		
DIMENSION: 15.24M X 15.24M		CLIENT FILE NO:K-11-11(BW6502(K-11-11))				
PLAN NO	LTO PLAN NO	ITEM	VERSION DATE(S)			
112326 MS			2006-10-27			
W5-09-021-33-NW					(0.06)	(0.023)

Activities and Titles

Activity Land	Status/Type	Date	Expiry	Client Metes and Bounds Remarks	Acres	Total Area Hectares
DML 100011	Land Amendment Application	2014-03-12	2031-06-30	FORTRESS MOUNTAIN HOLDINGS LTD. Converted from MLL 100011	236.73	95.800
ACTIVITY DETAIL INFORMATION						
OPTION TO PURCHASE (Y/N):		WITHIN 100M OF WATERBODY (Y/N): N		PURPOSE: SKI DEVELOPMENT		
DIMENSION:		CLIENT FILE NO:				
PLAN NO	LTO PLAN NO	ITEM	VERSION DATE(S)			
126193 MS			2014-03-12			
W5-09-021-28-NE						
W5-09-021-28-NW						
W5-09-021-32-NE						
W5-09-021-32-SE						
W5-09-021-33-NW						
W5-09-021-33-SW						

DML 190055	Active/Disposed	2019-10-25	2023-10-24	FORTRESS MOUNTAIN HOLDINGS LTD.	0.07	0.030
ACTIVITY DETAIL INFORMATION						
OPTION TO PURCHASE (Y/N):		WITHIN 100M OF WATERBODY (Y/N):		PURPOSE: Storage - Commercial		
DIMENSION: 15m x 20m		CLIENT FILE NO:				
PLAN NO	LTO PLAN NO	ITEM	VERSION DATE(S)			
147525 MS			2019-06-14			
W5-09-021-33-SW				(0.07)	(0.030)	

Activities and Titles

Activity Land	Status/Type	Date	Expiry	Client Metes and Bounds Remarks	Total Area			
					Acres	Hectares		
DML 790139	Cancelled - Outstanding Obligation		2031-08-11		10.82	4.379		
				THE BANFF RAIL CO. INC. LOTS 2, 4, 7 & 8 LOTS 2, 4, 7 & 8 Converted from MLL 790139				
				ACTIVITY DETAIL INFORMATION				
				OPTION TO PURCHASE (Y/N): N DIMENSION: IRREGULAR				
				WITHIN 100M OF WATERBODY (Y/N): CLIENT FILE NO:				
				PURPOSE: Commercial Development				
				PLAN NO	LTO PLAN NO	ITEM	VERSION DATE(S)	
				3493 GEN			1980-08-01	
				W5-09-021-28-NW			(0.00)	(0.000)
				W5-09-021-33-SW			(0.00)	(0.000)

DML 790140	Cancelled - Outstanding Obligation		2031-08-11		0.08	0.032		
				THE BANFF RAIL CO. INC. Converted from MLL 790140				
				ACTIVITY DETAIL INFORMATION				
				OPTION TO PURCHASE (Y/N): N DIMENSION:				
				WITHIN 100M OF WATERBODY (Y/N): CLIENT FILE NO:				
				PURPOSE: RESIDENCE				
				PLAN NO	LTO PLAN NO	ITEM	VERSION DATE(S)	
				3493 GEN			1980-08-01	
				W5-09-021-33-SW	(LOT 3)		(0.08)	(0.032)

Activities and Titles

Activity Land	Status/Type	Date	Expiry	Client Metes and Bounds Remarks	Total Area	
					Acres	Hectares
DRS110001	Active/Disposed	2011-06-22	2021-06-21	EDMONTON OFFICE - OPERATIONS DIVISION, DEPT OF ESRD 0557 : REMOTE DEVICE 4 : NO SURFACE DISPOSITION 710 : SEE COMMENTS	0.62	0.250
<p>THIS DRS IS FOR THE PROTECTION OF ALBERTA SURVEY CONTROL MARKER (ASCM) 486340 WHICH IS A CANADIAN BASE NETWORK PILLAR WITHIN THE ALBERTA/CANADIAN SPATIAL REFERENCING SYSTEM. NO CONSTRUCTION OF ABOVE GROUND STRUCTURES IS ALLOWED WITHIN THE 50 METRE BY 50 METRE SURVEYED AREA SURROUNDING THE PILLAR. THE ONLY EXCEPTION IS THE T-BAR LIFT LINE AND TOWER APPROXIMATELY 25 METRES WEST OF THE PILLAR.</p>						

ACTIVITY DETAIL INFORMATION

PLAN NO	LTO PLAN NO	ITEM	VERSION DATE(S)	Acres	Hectares
129355 MS			2011-02-14		
W5-09-021-33-NW				(0.62)	(0.250)

EZE 2653				20.91	8.462
		FORTISALBERTA INC.			

ACTIVITY DETAIL INFORMATION

PLAN NO	LTO PLAN NO	ITEM	VERSION DATE(S)	Acres	Hectares
1455 T			1858-11-17		
W5-09-021-28-NE				(0.00)	(0.000)
W5-09-021-28-NW				(0.00)	(0.000)
W5-09-021-32-NE				(0.00)	(0.000)
W5-09-021-33-NW				(0.00)	(0.000)
W5-09-021-33-SW				(0.00)	(0.000)

Activity Standing Search

Activities and Titles

Activity Land	Status/Type	Date	Expiry	Client Metes and Bounds Remarks	Acres	Total Area Hectares
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TFA 193263 Active/Disposed 2019-10-31 2020-10-31
 FORTRESS MOUNTAIN HOLDINGS LTD.

ACTIVITY DETAIL INFORMATION

OPTION TO PURCHASE (Y/N): DIMENSION: WITHIN 100M OF WATERBODY (Y/N): CLIENT FILE NO: PURPOSE: Access - Temporary - Commercial

NO PLANS

W5-09-021-28-NE	(0.00)	(0.000)
W5-09-021-28-NW	(0.00)	(0.000)
W5-09-021-32	(640.00)	(259.000)
W5-09-021-33-NW	(0.00)	(0.000)
W5-09-021-33-SW	(0.00)	(0.000)

TFA 193900 Active/Disposed 2019-07-16 2020-12-31
 FORTRESS MOUNTAIN HOLDINGS LTD.

ACTIVITY DETAIL INFORMATION

OPTION TO PURCHASE (Y/N): DIMENSION: WITHIN 100M OF WATERBODY (Y/N): CLIENT FILE NO: PURPOSE: Waiver - Alternate Uses of Disposition

NO PLANS

W5-09-021-28-NE	(0.00)	(0.000)
W5-09-021-28-NW	(0.00)	(0.000)

Activity Standing Search

Activities and Titles

Activity Land	Status/Type	Date	Expiry	Client Metes and Bounds Remarks	Acres	Total Area Hectares
TFA 194809	Active/Disposed	2019-10-24	2020-12-31	FORTRESS MOUNTAIN HOLDINGS LTD.		

ACTIVITY DETAIL INFORMATION

OPTION TO PURCHASE (Y/N): WITHIN 100M OF WATERBODY (Y/N): PURPOSE: Waiver - Alternate Uses of Disposition
 DIMENSION: CLIENT FILE NO:

NO PLANS

W5-09-021-28-NE	(0.00)	(0.000)
W5-09-021-28-NW	(0.00)	(0.000)

TFA 202803	Active/Disposed	2020-07-16	2020-10-31	FORTRESS MOUNTAIN HOLDINGS LTD.		
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ACTIVITY DETAIL INFORMATION

OPTION TO PURCHASE (Y/N): WITHIN 100M OF WATERBODY (Y/N): PURPOSE: Access Permit - Organized Event
 DIMENSION: CLIENT FILE NO:

NO PLANS

W5-09-021-28-NE	(0.00)	(0.000)
W5-09-021-28-NW	(0.00)	(0.000)
W5-09-021-32	(640.00)	(259.000)
W5-09-021-33-NW	(0.00)	(0.000)
W5-09-021-33-SW	(0.00)	(0.000)

DISCLAIMER

THIS STANDING REPORT IS PROVIDED SUBJECT TO THE CONDITION THAT HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ALBERTA AND HER EMPLOYEES:

- (1) HEREBY DISCLAIM AND ARE RELEASED FROM ANY AND ALL RESPONSIBILITY FOR THE INFORMATION IN, AND ANY OMISSION OF THE INFORMATION FROM, THIS REPORT;
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*** END OF REPORT ***

PLAN OF SURVEY
 SHOWING
FORTRESS MOUNTAIN SKI HILL
DEPARTMENT MISCELLANEOUS LEASE
 AFFECTING THE
THEORETICAL N.1/2 SEC.28,
E.1/2 SEC.32, W.1/2 SEC.33 AND
INTERVENING THEORETICAL
GOVERNMENT ROAD ALLOWANCE
TWP.21, RGE.9, W.5M.
KANANASKIS IMPROVEMENT DISTRICT, ALBERTA

BY H.D. MacAULAY, A.L.S., 2012

SCALE = 1:5000



LEGEND:

- STATUTORY IRON SURVEY POSTS FOUND ● Fd. I.
- STATUTORY IRON SURVEY POSTS PLACED ○ Pl. I.
- 2 METRE LONG METAL MARKER POST Mp.
- ALBERTA SURVEY CONTROL MARKER (A.S.C.M.) ▲
- HECTARES ha.
- SECTION SEC.
- TOWNSHIP TWP.
- RANGE RGE.
- GLOBAL POSITIONING SYSTEM G.P.S.
- MARKED Mkd.
- CERTIFICATE OF TITLE C. of T.
- MISCELLANEOUS LEASE M.L.L.
- DEPARTMENT MISCELLANEOUS LEASE D.M.L.
- DISPOSITION RESERVATION D.R.S.
- LICENCE OF OCCUPATION L.O.C.
- DEPARTMENT LICENCE OF OCCUPATION D.L.O.

NOTES:

DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF AND ARE BETWEEN SURVEY MONUMENTS UNLESS SHOWN OTHERWISE.
 BEARINGS AND COORDINATES ARE GRID, BASED ON NAD83(CRS) DATUM, UNIVERSAL TRANSVERSE MERCATOR PROJECTION (ZONE 11), REFERENCE MERIDIAN 117° WEST LONGITUDE AND ARE DERIVED FROM G.P.S. OBSERVATIONS.
 A COMBINED SCALE FACTOR OF 0.999477 CAN BE APPLIED TO REDUCE DISTANCES TO MEAN SEA LEVEL AND THE PROJECTION PLANE FOR CALCULATION OF UTM COORDINATES.
 STATUTORY IRON POSTS PLANTED ARE MARKED 'P193'.
 AREA AFFECTED BY THIS PLAN SHOWN BOUNDED THUS: _____
 AND CONTAINS 95.8 ha.
 THE GEO-REFERENCE POINT IS ALBERTA SURVEY CONTROL MARKER 486340 ▲ RP
 THE PUBLISHED UTM COORDINATES OF THE GEO-REFERENCE POINT ARE
 NORTHING: 5632323.082
 EASTING: 626744.902
 THIS PLAN HAS BEEN PREPARED TO REVISE THE BOUNDARIES OF D.M.L. 100011 SHOWN ON PLAN 126193 M.S.

PURPOSE OF ACTIVITY:

SKI HILL OPERATIONS

APPLICANT:

FORTRESS MOUNTAIN HOLDINGS LTD.

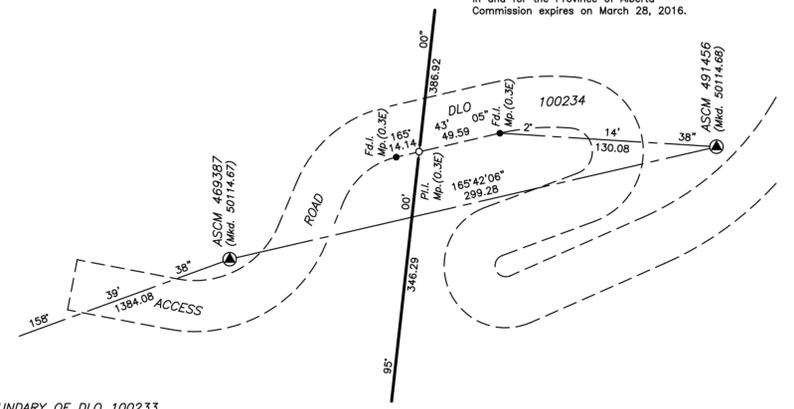
SURVEYOR'S STATUTORY DECLARATION:

I, H.D. MacAulay, Alberta Land Surveyor, solemnly declare that
 the survey represented by this plan was made under my personal supervision,
 the survey was made in accordance with good surveying practices and in accordance with the provisions of the *Surveyors Act*,
 the survey was performed between the dates of July 31 and October 19, 2012, and that this plan is true and correct, and is prepared in accordance with the provisions of the *Public Lands Act*,
 and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

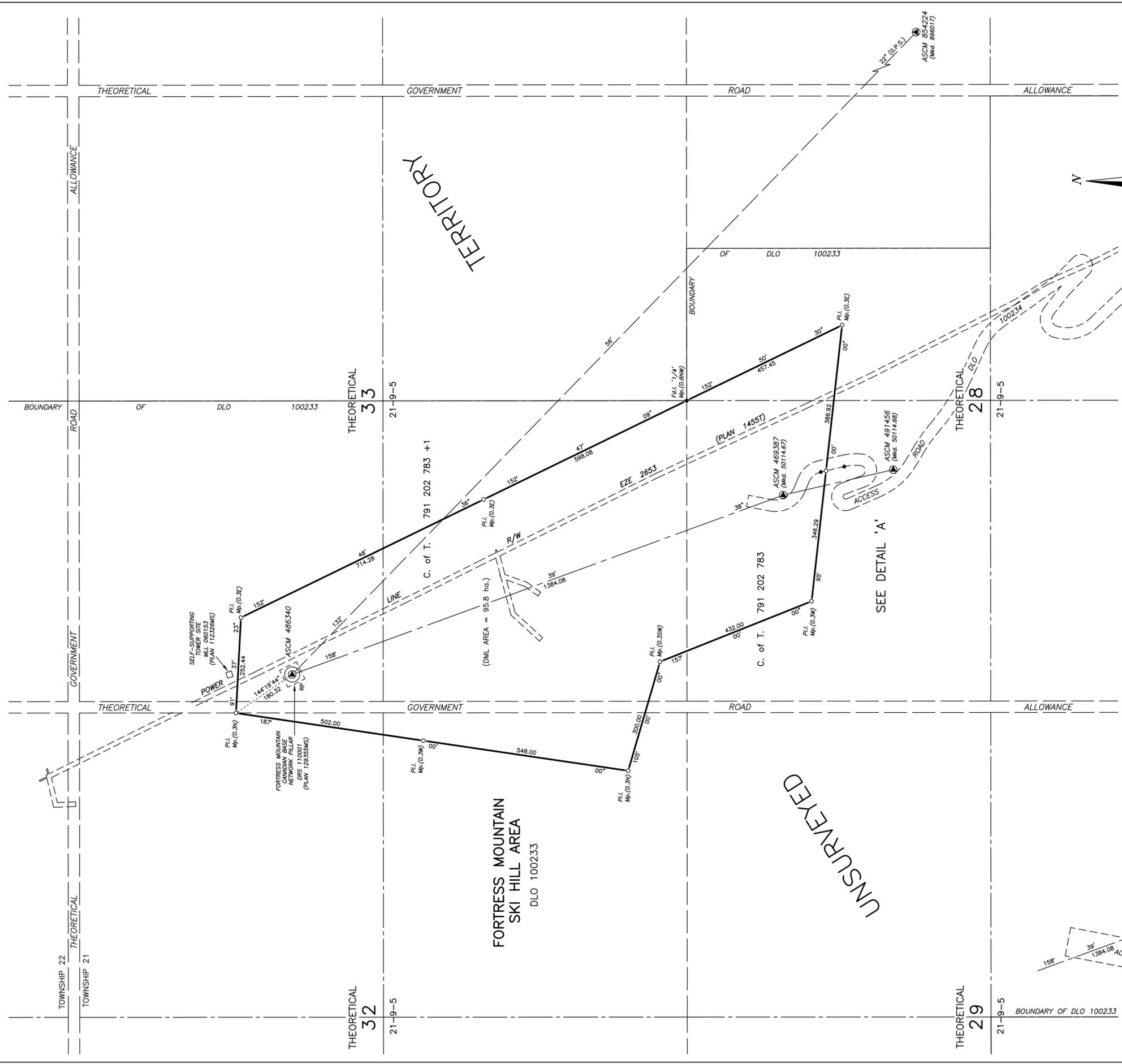
Declared before me at the Town of Canmore
 this 13th day of June, 2013.

Paul C. Stoliker
 Paul C. Stoliker
 A Commissioner for Oaths
 in and for the Province of Alberta
 Commission expires on March 28, 2016.

Richard M. Colman
 Richard M. Colman
 Alberta Land Surveyor



DETAIL 'A'
 SCALE = 1:2000



UNSUREYED

TECHNICAL SERVICES BRANCH

McElhanney
 Consulting Geomatics Services Ltd.
 116A, 1151 SIDNEY STREET, CANMORE, ALBERTA T1W 5G1
 PH (403) 678-6363, FAX (403) 678-5128
 FILE: 12-091