

Stillwater Timberlands Community Advisory Group

February 25th 2004

Minutes

Brooks School

Attendance: refer to attached sheet

Quorum noted

6:07pm: Meeting called to order

Welcome and Introductions

Introductions were made – guests Kevin Lee from Land and Water BC. Members introduced themselves and gave brief outlines about the sector they represented.

Safety procedures

Facilitator informed guests and members of fire exits, first aid stations and attendants in the building.

Acceptance of Agenda

Agenda was reviewed and accepted.

Review of Minutes

Minutes of February 11th were reviewed and accepted as amended.

Correspondence

Incoming correspondence. - Note regarding the minutes of January 28th from Al Shaw. Discussion on whether the Ministry of Forests was under any obligation to pass on information regarding recreation applications. It was suggested that maybe CAG could be on the referral

list. Member noted that the Regional District is on the referral list and the meetings are open to the public. Members could attend public meetings to hear discussions. Member suggested that CAG should be asked to be included in the referral process. Rod noted that Weyerhaeuser would be pleased to write a letter of support.

ACTION – CAG will ask to be included in the referral process for Commercial recreation tenure applications.

Outgoing correspondence - Members discussed invitation to First Nations person who has worked with other Community Advisory Groups and has a broad perspective on issues of concern. Members discussed the correct protocol for First Nation communications. Members agreed that Sliammon should be consulted regarding this item.

Motion – Member moved that Chair should call Chief Maynard Harry as a courtesy regarding the invitation.

Passed – three opposed.

ACTION - Chair will contact Sliammon regarding above invitation.

Review of Action List

Action list from February 11th was reviewed. It was noted that some items were completed and some are still ongoing.

Company Updates – Rod Tysdal

Report on Symposium – Communities in transition Prince George

Dennis Fitzgerald will be leaving the company at the end of June – if members wish to communicate they should do so before that date.

Tom Holmes will attend CAG meeting in the spring

North West Hardwoods – discussion on forest license and location of office

Sales Report – handout of 2004 sales to date (74.1) was provided

Member asked whether cedar was available - yes

Post Office Mailbox – CAG mailbox may be closed if alternate arrangements can be

found. It was suggested that maybe CAG could share a mailbox with another group. It was noted that a very small volume of mail is sent to the mailbox. Closing the mailbox would save \$104 per year.

Re-planting policy – (item to be tabled for next meeting) – **ACTION** – *add* -Replanting policy to agenda for March 10 04

FERN report available by e-mail – hard copies available on request

UBC handout – notice of a one day value added workshop on marketing value added products - to be held March 12 2004 – Centre for Advanced Wood processing

Rainforest Action Network – campaign against Weyerhaeuser information available on website - link to be provided. Rod noted that BC is not included in the action because of the agreement that was made regarding the great bear rainforest

EMS training has been completed

Wildwood Ratepayers – Ratepayers received apologies at last meeting regarding traffic safety issues

Tree Planting – First crews have been sent out this week

Logging is going on all over at present

Question – Where is Larson’s landing? Is there a gate that is restricting access?

Answer – Upper end of Haslam Lake – Northwest Hardwoods block. Gate is to restrict public access to watershed at Haslam Lake

Indicators

Short discussion regarding helilogging indicator #49. Indicator to be noted and kept on file until further discussions. Three suggested indicators are still pending for discussion next time

Green – up

Access – (notice in writing to contractors)

Helilogging

Public Education

Member submitted an idea for public education activities that includes a forestry quiz with a game-show format.

Handout outlining ideas was provided. It was noted that anything that creates an interest is good. Members discussed ideas and agreed that they would like to see a pilot and to explore examples to support this type of activity. Member noted that examples of other quizzes can be found on the website www.logscaling.com

Break 7:25pm – 7:38pm

Open to the Public

Welcome and Introductions

Chair welcomed members of the public and introduced guest Kevin Lee from Land and Water BC Inc.

Chair asked CAG members if there was any objection to the filming of proceedings. No objections.

Code of Conduct

Facilitator read out the Code of Conduct.

Safety procedures

Facilitator informed guests and members of fire exits, first aid stations and attendants in the building.

Commercial Recreation Tenure –

Kevin Lee, RPF, RPBio. – Commercial Recreation Manager, Land and Water BC Inc.

Kevin thanked CAG for the invitation and thanked members of the public for their attendance.

Handout was provided "*Commercial Recreation Tenure Incentive Program – General Information Sheet*"

Kevin noted that a joint industry steering committee now exists as a forum to work on commercial recreation issues. Industry representatives provided input into the development of the incentive program. It was noted that further information can be found on the website www.lwbc.bc.ca/applying_for_land/CRTI/

Presentation on Commercial Recreation Tenure Program – Power point slide show was shown outlining steps for the new program. Copies of presentation will be made available.

Are you aware of Land and Water BC (LWBC)?

Are you aware of the LWBC Commercial Recreation Program?

What is Commercial Recreation?

Examples of activities – nature viewing – river rafting – sea kayaking – horse back trips – off road cycling tours – heli/cat-skiing – snowmobiling

Does the Commercial Recreation Policy apply to your operation? –built/maintained using Crown land improvements such as trails, campsites, cabins, lodges, outhouses, food caches, picnic areas, camp areas, transport clients by air, land or water to Crown land and then drop then pick them up to partake in any outdoor activity, offer power boat or sail charters on freshwater and /or saltwater and provide access to Crown land where clients can explore or partake in an outdoor activity. If any activities are offered for a fee for service activity, tenure is required

Benefits of tenure to tourism operators – wider ability to apply for and access financing, business certainty over the long term, protection of investment in land improvements, process to deal with trespassers and conflict issues, LWBC will enforce legislation, valid uses status in land use and First Nations Treaty Negotiation process, carrying capacity issues better addressed

Existing untenured operators can take windows of opportunity to avoid penalties and back rent charges 1st window – apply before October 31 2003 – 2nd window apply between November 1st 2003 but before March 31 2004. After March 31 2004 maximum penalties will apply.

Tenure Incentive Program (TIP) incentives offered during LWBC adjudication of existing operator applications – no back rent charged if no existing structures, significantly reduced back rent for intensive areas where improvements are in place, avoidance of other penalties and fees, continuance of business

Not all applications will result in tenure

After October 31 2003 – strict penalties will be enforced for untenured operators conducting business on Crown land

After October 31 2003 – businesses that fail to apply, or whose application is denied,

will no longer be allowed to operate on Crown land

After October 31 2003 – penalties range from back rent, fines, disqualification from future consideration for a license to seizure of equipment

In order to ensure a tourism industry which is sustainable, environmentally responsible and respectful of the rights of its members, TIP was developed with support from – Council of Tourism Associations, Wilderness Tourism Associations, Guide Outfitters Association of BC, BC Helicopters and Snowcat skiing Operators Association, Sea Kayak Guide Alliance of BC.

By offering TIP, LWBC with support from the commercial recreation tourism industry will lead to resolving the outstanding problems and conflicts which plagues the commercial tourism business

TIP will resolve commercial conflicts by the following – untenured operations are illegal and will be fully enforced by LWBC by penalties, fines and seizure of equipment – an increase in the number of tenured operators by a vast majority of untenured operations – most operators already co-exist and so issues with overlapping tenures will not be major

Further TIP benefits – resolution of issues between motorized and non-motorized operators by clarifying geographical and chronological arrangement of types of use (e.g. Sea-to-Sky LRMP commercial recreation plan) – Applying operators can continue business – fair return to the Crown for the use of its resources – increased accountability for use of public lands – while ensuring that public recreationalists can pursue their activities, tenuring allows for exclusive rights to improvements held under leases

It was noted that some applications that are in the Powell River area have been received and are under review – Fifty-three applications have been received altogether for other areas.

Destiny River Adventures

Columbia Bible College

Powell River Kayak

Alpha Adventures and Education

Malaspina Ranch Resort

Natural West Coast Adventures

Terracentric Coastal Adventures

Terracentric Coastal Adventures

Young Life

Young Life

Awesome Wilderness Adventures

Kevin urged all commercial recreation operators to apply as soon as possible

End of presentation

Questions and Answers

1. Question - What is the difference between a lease and tenure?

Answer – Lease would provide fairly exclusive use and could be one hectare or less e.g. application for 4.7 hectares for a campsite (Natural West Coast Adventures) may be a lease.

Q.1. With areas greater than 1 hectare, the tenure is generally that of a license of occupation, intensive use.

2. Question – If a lease is at the head of the lake and guests use roads, what happens if logging shuts down some of the roads – does tenure guarantee access?

Answer – It would be up to the commercial operator to work with Ministry of Forests and the forest licensee for access.

3. Question – What's the point of all this - is it just for money?

Answer – Government has decided that there will be a charge for the right to use crown land for commercial reasons

Q. 3. Not only is it a situation of collecting rent for use of Crown land, it is also to ensure that all CR operators are working on the same playing field. Each tenure has a certain expectation of rights to ensure that their business is protected from trespass operators operating illegally on Crown land.

4. Question – For sites of less than one hectare – e.g. the mountain climbers' cabin, is there a provision for public access?

Answer – If lease for the area is applied for, the Ministry will take a close look at application. Ministry has a mandate to manage public recreation. If Lessee bars public access, it should be made known to LWBC.

5. Question – Is there a second "kick at the can" for public input?

Answer – There is the opportunity for public to write in to the LWBC

6. Question – Was every business informed between April 30 and October 31 2003?

Answer – Extensive advertising was done – phone calling was done and letters were sent to operators inviting them to apply. Information was also put out on the LWBC website. All operators may not have been located but attempts were made to contact them

7. Question – Will there be any compensation for businesses that may be put out of business?

Answer – No compensation planned, but we acknowledge that that may happen. LWBC is encouraging businesses to apply - users of crown land are required to pay a form of rent.

8. Question – Many recreation facilities have been built by volunteers and they have been happy to have the public enjoy them. Volunteer groups find it offensive that the public may be charged and that the dollars will not be kept in the community. PRPAWS supports the control of commercial recreation and fees, but fees that are collected in Powell River should go back to the volunteer groups. Many hours of volunteer labour have gone into the area and funds should be re-directed back into the area for maintenance. It is unfair for the government to keep funds for general revenue.

Answer – That is a fair comment. Government has set up system and the Treasury Board has decided that funds go back into general revenue. There is a formula for Ministry of Forests and public recreation clubs. If you have a trail – that needs to be authorized by the Ministry of Forests – there are partnership agreements where dollars collected go back into the maintenance of the trail. That is happening with the Squamish snowmobile trail. Partnership agreements can be set up with recreation groups and the Ministry audits how fees are used. Commercial operators will pay rent for use of Crown land.

Q.8. The Treasury Board has established what fees and rents that LWBC can charge. The funds that are collected go back into general revenue. This is different from the fees that the Ministry of Forests can charge on the use of recreation facilities in the Provincial Forest. It is a way to recover

costs that goes into the maintenance of the recreation facilities (no profit is made). The Ministry of Forests should be contacted for further information.

9. Comment – Facilities will fall into disuse and volunteers will no longer be willing to maintain.

Answer – Commercial operators may have to look at asking for some kind of maintenance fee.

Q.9. If CR operators are using these facilities perhaps the Ministry of Forests and its partner could look at compensation for use of these facilities.

10. Comment – Volunteers have built the trails and facilities and will be asking the government to re-direct a % of the funds back to the community – maybe through the Regional District.

11. Question – What about business requirements as far as public access and what about liabilities?

Answer – Tenure holders will have non-exclusive use. e.g. Sea to Sky snowmobile trails are groomed for own and public use. Tenure holders are required to carry liability insurance (between \$1 and 5 million)

Q. 11. Public has always right of access to Crown land that has not been alienated.

12. Question – If tenures are given out over a number of years, and too many are doing the same thing will it be "last in – first out"?

Answer – LWBC is not well equipped to deal with this situation and "carrying capacity" is not known. Where Land Use Planning is in place there would be some guidelines, but not in this area. If areas became overloaded LWBC would have to look at the situation.

13. Question – Is the pay scale based on the level of impact?

Answer – Fee structure is based on the number of client days and whether motorized or non-motorized. Motorized charge is \$6, non-motorized charge is \$1.

(Mechanized skiing is \$4). Intensive use sites are charged depending on size - \$500 minimum and for temporary sites charge would be \$100 per year. Pricing policy is available on the website.

Q. 13. Rental fees are calculated two ways: either charged per client day such as for mechanized use \$6 (except for mechanized skiing which is \$4) and non motorized \$1, and/or percentage of appraised value of the area being used against a minimum of \$500/year whichever is less, and/or temporary camps rented at \$100/year.

14. Comment – Unencumbered access to Crown land is the right of way of all Canadians. With 64 applications, revenue will be around \$64,000 per year

(barely enough to pay one enforcement officer and vehicle to deal with safety and environment issues). Many foreshore leases are empty because they are too expensive. Some businesses will find leases too expensive and will be forced out of business

Answer – Those are fair comments – LWBC is investment- oriented and wants to ensure that businesses will stay in operation. There will be spin-offs for tourism.

15. Question – The system looks like a hornet's nest and seems very convoluted. What does the government intend to do about salal and mushroom pickers?

Answer – Ministry of Forests has no mandate yet

Q. 15. Ministry of Forests has a mandate on botanical forests products, but LWBC has no mandate in this area unless it is done for a commercial recreation purpose.

16. Question – Would CAG be able to be part of the referral process? For the Stillwater Pilot Project, CAG helped with recreation zones for the TFL

Answer – Maybe possible, but tricky. "Sea to Sky" had a forum that was a powerful force behind recreation planning. Person to contact would be the Regional Office Manager for LWBC.

ACTION – CAG to write to Regional Office Manager at LWBC to ask to be part of the referral process.

17. Comment – Weyerhaeuser has paid for maintenance of the canoe route and the local BOMB squad has made improvements. \$90,000 has been spent; we feel that some money should come back to the community

18. Question - Who can apply for tenure and what is the assessment process? Is it limited to Canadians or can out of country businesses apply?

Answer – Anyone who has a legitimate business license in BC can apply

Q. 18. CORRECTION: The eligibility requirements are set out in the Commercial Recreation Policy. To be eligible, applicants must be: (i) Canadian citizens or permanent residents 19 years or older, or (ii) corporations that are incorporated in B.C. or registered under the laws of Canada, or (iii) a registered partnership.

19. Comment – Stated objectives are cobbled – no one believes they can be carried out. If government has only one conservation officer - that will be useless.

Answer – Respect you comments. Enforcement is complex, and there are many levels. We will look to the area residents and public to pass on information to LWBC. Senior staff, conservation officer and DFO officers will do compliance enforcement, and will do spot checks. LWBC will have alliances with operators and there will be a network of people participating to help legitimate businesses trying to make a profit.

Q. 19. The question was how can LWBC ensure compliance and enforcement of its mandate. LWBC depends a network of people to assist it in enforcing compliance. The public can contribute by ensuring that illegal CR operators are reported, or tenured CR operators conducting themselves illegally are also reported on. Other businesses, including CR operators, can complain if their businesses are being unfairly impacted on by CR operators (trespass or not). Government agencies with compliance and enforcement mandates such as Ministry of Forests, Ministry of Water, Land and Air Protection, Fisheries and Oceans, Coast Guard, etc. may report illegal actions by CR operators out there. When these get reported to LWBC, our compliance and enforcement staff would do inspections and investigations if they are warranted. These occur at any time.

20. Question – Members of the Powell River Alpine Club requested information from Ministry office and couldn't get it. Management plans and maps were requested. Verbal requests were refused. Access to information policy does not seem to be in place. Is there a proper public consultation program?

Answer – No. Staff in office was in error to refuse information.

21. Question – Is it confidential information?

Answer - Concerns of applicants are valid - if information is leaked out to other competitors (e.g. River operators). It's a question of balance. Access to some

information is allowed. Some is confidential. One could talk to staff about how what level of access to information is allowed.

22. Question – It is only fair that the fees collected here come back to Powell River. This area does not have an LRMP and no hope of getting one so we are severely disadvantaged. Without the LRMP we are unable to create a commercial recreation plan under the higher level planning process.

Answer – An adaptive management model whereby LWBC could oversee carrying capacity in the area could be used.

Q. 22. Outside of the carrying capacity determinations normally associated with LRMP and subsequent planning processes which occur after, LWBC would consider an adaptive management model where depending on the area and the number of CR operators sharing overlapping tenures, there may come a point where the use levels viewed collectively by the group and public is too high to maintain the recreational experience. To add another tenure, would require a scrutiny. This may involve issuing a temporary permit over a period of time. There would be a review of this permit to see if a longer term tenure could be issued.

23. Comment – Maybe instead of government being that directly involved, there could be some creative way to empower some group (maybe CAG or other groups) to speak for our community. In that way we would not be alienated from all decision making.

24. Comment – The Regional District Board is on record as being "not happy" with the process

25. Comment - The Regional District is a referral agency and public meetings are held once a month.

Answer – Yes - that is another avenue for public involvement.

26. Comment – Members of the BOMB squad have built many miles of trails and bridges, and then the forestry takes over. Weyerhaeuser has provided materials. If money collected will not be handed back to the community, who will look after the maintenance? This system will kill the volunteer industry. Trails and bridges will disintegrate. Money should come back into the community.

Answer – That is a fair comment. Money from rent goes into general revenue – that is set up by the treasury board. The best place to voice these comments is to the provincial government.

27. Question – If a person wanted to organize a small group to go out once a year and charge \$10, would they have to register?

Answer - Incidental use in the commercial recreation policy is defined as less than fourteen trips a year. If more than fourteen trips a year then the person would have to apply for tenure.

Q. 27. CORRECTION: Incidental use is defined as less than 14 days in a 6 month period.

28. Comment - Maybe it could be called a donation instead of a fee?

29. Comment – 99% of operators will shut down, they are not going to co-operate with the program. It will cause harm to this community. It may work in other areas but not here.

30. Question – What about people who offer accommodation, when tourists ask for assistance with mountain biking, hiking etc?

Answer – If a fee is charged then it's a commercial recreation business.

31. Question – Cedar Lodge was asked to apply for application because there is a trail from Cedar Lodge to the Sunshine Coast trail. Owner cannot use and will shut down trail.

Answer – If not specifically providing commercial recreation activity, I don't think the above applies.

32. Question – What about campground operators – who sometimes give advice on guided walks etc.

Answer – It's not commercial recreation just to give directions

33. Question - Is there an increase in application fees?

Answer – Application fees will increase on June 1st 2004. Application fee is \$250 plus GST and \$3,300 plus GST for mechanized (snowmobiles, ATV's, 4x4's etc.)

Q. 33. CORRECTION: Application had changed as of June 1, 2003, not 2004 as recorded. Non-mechanized CR application is \$250 plus GST, and mechanized after November 1, 2003 is \$3300 plus GST.

34. Question - What type of penalties are there and what breaks?

Answer – Penalties breakdown is on the handout and information available on

the website www.lwbc.bc.ca/applyingforland/CRTI

35. Question – If business is on land and they are transporting people to land would they have to apply for a license?

Answer – Yes - If guided recreation and if charging for the service

36. Question – How can they justify going back to other years when there is no policing?

Answer – Discussion have been held- Formation of policy goes back to 1998, but was not enforced until last year. Policy applies if conducting business on Crown land

37. Question - When renting out kayaks - what if they are launched from private property to water?

Answer – Rent only applies if crown land is used

38. Question – If charging back rents – will there be any compensation to people who have improved the land and maintained it for public use (e.g. Weyerhaeuser etc)?

Answer – LWBC wants to ensure fair business practices. If the users are commercial recreation operators there will be some questions

39. Question – Does the government have a mechanism set up for PST/GST? Seems like they are trying to sell tenures to people who have businesses but are also hammering the "little guys."

Answer – It depends. All commercial recreation operators will have to pay.

40. Question – As a member of the team that built the Knuckleheads cabins – they were built by volunteers and were meant to be free for the public of Powell River. Volunteers don't want to charge their neighbours to stay there. What about a fee system for their upkeep?

41. Comment – Government asked people to begin tourist businesses and kayaking business was set up – there are liabilities for anyone who enters Crown land. Tourism operators are struggling. More fees will just kill all incentives to other new businesses

Answer – Great that cabins were built for the people of Powell River – but what happens if others come and use the facilities?

42. Comment - Tourists come from all over and spend their money in town

Answer – Commercial recreation operators may come into Powell River and pay their fair share, helping tourism and to make a livelihood for themselves

43. Comment – There should be some compensation to fix, repair and maintain facilities from commercial recreation operators

44. Comment - Part of the fees charged should come back into the community that volunteers helped to build

Q. 44. Refer to my clarification for Q. 22. Compliance and enforcement depends on a network of people who are interested in ensuring that CR operators are conducting themselves legally and that the public enjoyment of recreation has not been jeopardized by the CR operators.

45. Comment- Tenures are all used by the public now – it will be too crowded - don't give out any more!

46. Question - How will tenures be monitored and enforced?

Answer – Compliance and enforcement officers – Ministry of Forests, Fisheries and conservation officer. Other agencies out there would report back to LWBC. Surprise audits would be done – there are different ways of getting information

47. Comment – The backcountry of Powell River covers large area- Usually users go to the wilderness to be alone

Answer – Agree, there are trappers and others – if there are unreasonable operations, there will be enforcement

48. Question – Is there a status outside of LWBC to prevent cabin being used. Municipality and other societies helped to build it. Is there a section 16 in the Forest Range Practices Code that can say, "Not authorized for business use"?

ACTION - Check new Forest Range Practices code for rules

49. Question – What about the "Regional Land Reserve" – public domain with no other tenure?

Answer – Some reserves were created, and set aside as parks – not sure whether they are still protected. They could be "grand-fathered"

Q. 49. The reserve that may be referred to is a map reserve referred to as UREP (Use, Recreation and Enjoyment of the Public). At some time in the past, these notations of interest were recorded to ensure that any resource management activity would take these into account.

50. Question – Is there a provision for designation for Recreational Land Reserve- only for public use?

Answer – Maybe - Not known whether there is – this could be flagged for notification of interest

Chair thanked Kevin for coming to Powell River and for answering many questions. If any further question, members were asked to e-mail secretary and answers will be forwarded.

Summarizing the meeting – it was noted that the overall feeling was that it is not a good idea for the government to get rich from the volunteers of Powell River.

Meeting adjourned 9:40pm

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Stillwater Timberlands Advisory Group

Feb 25th 2004

Attendance

Name	Position	Member Seat
<u>PRESENT</u>		
Eagle Walz - Chair	Primary	Recreation
Ken Jackson - Vice-Chair	Primary	Recreation
Jane Cameron	Primary	Member at large
Patrick Brabazon	Primary	Local Govt (Regional)
Michael Conway-Brown	Primary	Environment/ Access
Nancy Hollmann	Primary	Environment
Joanne Cameron-Nordell	Primary	Local Business

George Ferreira	Alternate	Local Business		
Lorne Marr	Alternate	Recreation		
Debby Waslewski	Primary	Citizens		
Paul Goodwin	Primary	Forest Dependent		
Kevin McKamey Alternate Contractor				
Kathleen O'Neil	Primary	Education		
Russell Storry	Primary	Local Govt (Municipal)		
Dave Rees	Alternate	Tourism		
13 seat represented ABSENT Terry Peters	Alternate	Citizens		
John Passek	Alternate	Motorized Recreation		Local Govt (Municipal)
Paul Holbrook	Alternate	Forest Dependent		
Andrew Pinch	Primary	Tourism		
Rory Maitland	Primary	Contractors		
Dianne Mason	Alternate	Education		
Sonny Rioux	Primary	IWA		
David Gabelhouse	Alternate	Local Govt. Municipal		
Bill Maitland	Alternate	Forest Dependent		
Jack McClinchey	Primary	Motorized Recreation		
Christine Hollmann	Alternate	Environment		
Resource – others				

PRESENT		
Rod Tysdal	Stillwater	Weyerhaeuser
Guest	Kevin Lee	Land and Water BC
Cathy Bartfai	Facilitator	
Pam Dowding	Secretary Members of the Public	