

Managing Commercial Recreation on Crown Land: The Commercial Recreation Transition Plan for the Sea to Sky Corridor, BC

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Abstract: Monitoring and management of visitor flows in parks and recreational areas has traditionally focused on public recreation. However, there is a growing need to find management tools to address commercial operations as well as public recreation, and to manage activities outside of protected areas as well as within them. The implementation of a program to manage previously unregulated commercial recreation operations in the Sea to Sky Corridor, north of Whistler, British Columbia is described. It is argued that commercial recreation (CR) is not only different in kind from public recreation, but also offers significantly different challenges and opportunities with respect to visitor management.

INTRODUCTION

While a great deal of work has been devoted to developing management tools for public recreation in protected areas, rather less attention has been given to recreation that takes place outside of a formal protected or recreation area, or to recreation organised on a fee-for-service basis. In the case of the Sea to Sky area, north of Vancouver, British Columbia, a pressing need arose to develop a management framework for the rapidly developing commercial recreation industry.

However, as a result of a number of management challenges, the route taken to develop and apply a management framework was in many ways different from the standard models used for public recreation in protected areas. The focus of this paper on the implementation of a program to monitor and manage commercial recreation activities outside of a formal protected area is therefore likely to form a contrast with many of the other case studies presented at the conference. It is hoped that this will prove valuable, for the following reasons:

- As networks of protected areas approach completion in many countries, there is a growing need to find ways to manage recreation outside of those networks, to better protect both environmental and experiential values.
- Commercial recreation outside of a protected area can nonetheless have considerable impacts on an adjacent protected areas, so management activities outside the park will likely also have an impact on the park.
- Commercial recreation inside protected areas is also increasing in many countries, reflecting both trends towards finding non-tax revenues to support park management, as well as demands from business and local communities for

economic benefits from protected areas. Lessons learned from management programs outside of protected areas may prove useful for similar programs implemented inside protected areas.

- The demand for economic diversification in remote areas is increasing the need for models for the development and support of resource-based tourism, along with the need for management tools to protect the resource base it ultimately depends on.

LOCATION

The Sea to Sky Corridor in its strictest definition refers to a transport corridor running north from Vancouver through Squamish, Whistler and Pemberton in BC's Coast Mountains, a distance of approximately 120 kilometres. In the initial stages of planning for commercial recreation, this definition was expanded to include terrain extending some 50 kilometres west of the railroad and highway, and a narrower strip to the east of the valley bottom abutting the 200,000 hectare Garibaldi Provincial Park.

In later stages of CR planning, however, the area was further extended to include all Crown (public) land except parks in 100,000,000 hectare Squamish Forest District. In a practical sense, therefore, the Sea to Sky area has simply become an alternative term for the Squamish Forest District.

CONFLICT IN THE CORRIDOR

Tourism and recreation have developed rapidly in the Sea to Sky area, as a result of three main pressures. First is Whistler's continued growth as a ski resort and more recently as a four-season resort. Second is the continuing growth of tourism to the city of Vancouver, which includes its role a major

hub for the Northwest Coast's cruise ship industry. Finally is the growing pressure from residents of the Lower Mainland, and increasingly also from north-western Washington State, for wilderness recreation opportunities.

As defined by the Commercial Recreation on Crown Land policy from which the Commercial Recreation Strategy was developed, commercial recreation includes 'all forms of outdoor recreation activities ... on provincial Crown land ... on a fee-for-service basis'. The policy implies that water-based activities on both tidal and freshwater should be included in the definition¹, and also spells out that commercial hunting and fishing should be included. In practise, the most useful element of the definition was 'guided services', which helped distinguish the types of operation that need and need not apply for tenure under the policy.

The commercial recreation industry in the Squamish Forest District is very diverse, and this diversity was naturally reflected in the mix of operators applying for tenure under the program. However, since many operators offer a range of different recreational activities, it is not possible to simply list the number of operations in each category. Instead, table 1 is intended to give a flavour of the range of activities offered.

Finally with respect to defining the nature and scope of the commercial recreation industry in the study area, it should be noted that while commercial alpine ('downhill') skiing is in many ways the basis for the area's international popularity as a recreation area, it is not itself covered by the CR on Crown Land policy. Instead, that sector is covered by the Commercial Alpine Ski Policy, once again administered by the Land Management division of BC Assets and Land Corporation.

Table 2 summarizes some of the main conflicts apparent in the Sea to Sky Corridor prior to the implementation of the Transition Plan. These include the frequently reported conflicts between conservation and recreation goals, and conflicts between different user groups.

CR Conflicts in the Sea to Sky area
Conservation goals (environmental carrying capacity)
'Wilderness' versus mechanized users, and commercial versus public users
Degradation of the 'Whistler experience' (social carrying capacity)
Impacts on adjacent protected areas, including helicopter overflights and increased access
Overlapping operations, both for existing tenures and for new applicants
Protecting First Nations interests in the absence of treaty agreements

¹ The term 'Crown land covered by saltwater and freshwater' is used in the policy. However, it has proved difficult for provincial agencies to manage water-based activities due to jurisdictional divisions with federal agencies.

Table 2: Commercial recreation conflicts in the Sea to Sky Corridor

Conflicts more particular to the Sea to Sky Corridor include commercial pressures for increased development and the need to protect the resource base ultimately behind Whistler's exceptional success as an international destination, and the different land-use values for the Crown land inside and outside of Garibaldi Provincial Park, which lies to the east of the transport routes along most of the corridor. Conflicts between unresolved First Nations claims to the land base and provincial development strategies also continue to be a feature of most backcountry developments in British Columbia.

MANAGEMENT CHALLENGES

In developing a management approach to the conflicts outlined above, a number of challenges were apparent. Many of these are particular to British Columbia, but the lessons learnt in implementing the program may nonetheless prove useful in other areas.

Absence of a planning framework

The Commercial Recreation on Crown Land policy covers only with lands outside of protected areas. Therefore, the integration of commercial recreation planning into broader parks management plans was not an option. Furthermore, while many areas of British Columbia have been the subject of Land and Resources Management Plan (LRMP) processes, providing a master plan for subsequent development, the LRMP for the Squamish Forest District is only now starting and may take several years to complete.

Jurisdictional complexity

While the land in the study area is almost entirely Crown (public) land, it is not exclusively administered by any one agency. Table 3 shows

Previous CR policies

Further complications arose due to the fact that several attempts had been made in the past to implement management regimes.

Pre-existing CR operations

Finally, a fundamental challenge for the Sea to Sky Commercial Recreation Strategy was the pre-existing base of CR operations. Land managers were not working from a 'clean slate', and it was not politically acceptable to close operations and ask them to apply over again.

Non-motorized	Water-based	Animal-based	Winter motorized	Summer motorized	Helicopter-based
<ul style="list-style-type: none"> • Nordic ski • Backcountry ski • Nature tours • Hiking • Rock climbing • Mountain-eering • Paragliding • Snowboard camp 	<ul style="list-style-type: none"> • Kayak tours • Canoe tours • Raft/float tours • Jetboat tours 	<ul style="list-style-type: none"> • Dogsled tours • Horseback tours 	<ul style="list-style-type: none"> • Snow-mobile tours • Snowcat skiing 	<ul style="list-style-type: none"> • ATV tours • 4x4 tours 	<ul style="list-style-type: none"> • Heli-ski • Heli-bike • Heli-picnic

Table 1: Summary of commercial recreation activities in the Sea to Sky area

some of the main provincial and federal agencies relative to commercial recreation.

Area of responsibility	Government agency
Commercial recreation	BC Assets and Lands Corporation
Public recreation	BC Ministry of Forests
Commercial forestry	BC Ministry of Forests
Tourism policy ²	BC Ministry of Small Business, Tourism and Culture
Tourism planning ³	BC Ministry of Small Business, Tourism and Culture
Whitewater raft safety licensing ⁴	BC Parks – BC Ministry of Environment, Lands and Parks
Wildlife protection ⁵	BC Ministry of Environment, Lands and Parks
Air and water navigation	Transport Canada

Table 3: Jurisdictional responsibilities relating to commercial recreation on Crown land in British Columbia

THE TRANSITION PLAN

To tackle the conflicts outlined above within the confines of these management challenges, a Transition Plan was developed requiring all commercial operations in the Sea to Sky area to hold a permit to use Crown land for business. The plan was to be implemented over a 14-month time period.

Prior to the launching of the Transition Plan, however, two important management and policy developments took place. First was the announcement of the new Commercial Recreation on Crown Land policy by BC's Ministry of Environment, Lands and Parks⁶. This policy was developed from the previous interim Commercial Backcountry Recreation (CBR) policy that had met with only limited success in implementation.

² Now BC Ministry of Competition, Science and Enterprise

³ Now BC Ministry of Sustainable Resource Management

⁴ Now BC Ministry of Water, Land and Air Protection

⁵ Now BC Ministry of Water, Land and Air Protection

⁶ Now split into two ministries, the BC Ministry for Sustainable Resource Management and the BC Ministry for Water, Land and Air Protection.

The second development was the formation of British Columbia Assets and Land Corporation as a Crown corporation to administer BC Land Act tenures and sales in the province. BCAL replaced the functions of BC Lands, a ministry department that had been significantly downsized in 1995, leading to the curtailment of efforts to implement the CBR policy across the province. In the Sea to Sky area in particular, hopes were high that the new organization and the new policy would prove effective in finally tackling the growing conflicts in the area.

A consultant was hired to develop Strategic Planning for Commercial Recreation (Leavers 1999, 2000) for BCAL's Lower Mainland Region office. Through a two-phase process of literature review and stakeholder involvement, a proposed zonation for commercial recreation was developed.

A new BCAL field office was established in Whistler and a staff compliance and enforcement officer was hired to increase BCAL's profile in the area. A further consultant was hired to develop a communications plan, and a series of community media briefings was initiated.

The key terms of the Transition Plan were set out in an announcement circulated in October 2000:

- Existing commercial recreation operations without a permit to use Crown land were given a deadline of December 29 to submit an application.
- Applications already received (for existing as well as proposed operations) would also be considered under the plan.
- Decisions on applications for summer activities would be made by spring 2001, and for winter activities by fall 2001.
- No new applications would be considered until the end of the Transition Plan in November 2001.

Preparing for the applications

Meetings were held between BCAL land managers and key stakeholders and government agencies to explain the initiative, and to set deadlines to meet objectives. At the same time, contact with the media was initiated, and letters were distributed to all commercial recreation

operators identified in an inventory-building exercise. The standard BCAL application package was refined to explain what was required of the applicants, including a management plan outlining the nature of their activities, and mapping to illustrate the extent of those activities.

Some of the key issues to emerge at this stage are outlined below:

- GIS and data management capabilities of the management agency are crucial from the outset. The nature of commercial recreation activities is so diverse that techniques that may be appropriate for other program areas are stretched to their limit.
- Applicants were unclear exactly what was required of them, reflecting the difficulty of communicating with unpermitted operators, the diversity of operations, and the fact that CR operators may be drawn to the industry for lifestyle rather than business reasons.
- Many of the applications were of a lower standard than for other program areas administered by BCAL. In part, this reflects the issues outlined above. However, it is also likely that the fact that most applicants were already existing operators had a significant impact on their willingness to participate in the process, particularly given the background of uneven implementation of previous policy initiatives.

Initial review of the applications

A total of 53 applications were received by BCAL in advance of the first deadline. A first review of applications was intended to filter out inappropriate or incomplete applications prior to review by other agencies. An enormous amount of work was required to check all applications were complete, and to follow up with operators to provide missing information. A further logistical issue was the need to provide multiple copies of all management plans and mapping, which was greatly complicated by multiple revisions to plans during the process. After initial review, 7 applications were either cancelled, transferred to other regions or considered under alternative policies.

Some of the issues arising at this stage are outlined below:

- Already at this stage, human resource issues were becoming apparent. Administration of the Transition Plan involved almost every staff member of the regional office, and meant that other management priorities had to take a back seat for a while.
- Given the tight timelines and the political imperative to accommodate existing businesses as far as possible, not all applications that progressed to the next stage were entirely complete. This created management problems later on in the process.
- Provision for electronic submission of plans is being considered, including a proposal for

BCAL to develop suitable base mapping to be provided to applicants free of charge.

Evaluating the applications

At this stage, responses from provincial agencies, local governments, First Nations and other organisations were assessed. Main participants in the referral process are listed in table 4.

<p>Provincial agencies</p> <ul style="list-style-type: none"> • Ministry of Forests • BC Parks • Fish & Wildlife <p>Local government</p> <ul style="list-style-type: none"> • Squamish District • Resort Municipality of Whistler • Village of Pemberton • Squamish and Lillooet Regional District <p>First Nations</p> <ul style="list-style-type: none"> • Squamish • Mount Currie • In-Shuck-ch / N'Qatqua
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Table 4: Main participants in the Transition Plan for commercial recreation.

Broader public consultation was provided through advertisements in four community newspapers, and the placing of copies of management plans and mapping in community libraries. Finally, the status of the land covered by the application was checked for ownership and possibly conflicting tenures, before the application was progressed to a decision.

Issues arising at this stage are once again summarized below:

- Human resources challenges within BCAL were mirrored in similar challenges for referral agencies and other organizations.
- Incomplete applications continued to plague the process, and the fact that operators were already in existence meant that the option to simply reject the application was not available.
- Response times and the level of detail provided in responses varied greatly between different organisations. Additional complexity was introduced by the requirement for some operators to substantially modify their proposals, and the need to process these changes through the referral process again.
- Genuine involvement of First Nations in the process was limited. Engagement above and beyond formal ministerial and provincial guidelines, particularly face-to-face

negotiations, was necessary to provide any level of meaningful input.

- Jurisdictional issues were particularly important with respect to applications using Forest Service Roads (the management responsibility of the provincial Ministry of Forests) and those involving water-based activities (water transport being the responsibility of the federal Transport Canada).

Decision on the applications

After the information collected at the evaluation stage was collated, a decision on the application was made by BCAL, and the applicants were notified in writing. 32 applications were approved at the first phase, for those operations including summer activities in their proposals. A formal tenure offer was then prepared, taking into account the comments made at the referral stage in the form of conditions to the permits. While the Commercial Recreation on Crown Land policy allows for tenures to be granted for up to 20 years, the majority of the tenures offered were limited to three and five-year periods due to the concerns of participating agencies, and the upcoming sub-regional Land and Resource Management Plan process for the Squamish Forest District.

Responses to the offers were varied, and while some were accepted quickly, other operators expressed surprise at the conditions, at the pricing method, and at the need to make payments for a year in advance. Some offers required renegotiation to more closely meet the needs of the operator. The terms of the offers proved most challenging for water-based and heli-based activities, reflecting jurisdictional issues with the federal government.

Other key issues becoming apparent at this stage included:

- Greater outreach may be necessary to educate potential applicants about the program if it is to be extended to other areas of British Columbia.
- Greater efforts may also be required to communicate with applicants during the application process.

Monitoring and enforcement

The final stage in the Transition Plan consists of ongoing monitoring of both tenured and untenured operations, and enforcement efforts to counteract non-compliance. As mentioned above, a dedicated compliance and enforcement officer was hired as part of the plan, and this move has undoubtedly had a major impact on the program's effectiveness. An interesting development has been the strengthening of field-level linkages with enforcement officers of other agencies, particularly the conservation officers of the provincial Ministry of Forests and fisheries officers of the federal Department of Fisheries and Oceans.

Other issues of importance at this stage include the following:

- The definition of commercial recreation adopted in the Commercial Recreation on Crown Land policy appears not to apply to rental operations (for example, snowmobile rentals). Lack of compliance efforts against these operators has led to a perception in the community that BCAL efforts are not as comprehensive as they might be.
- The role of the compliance officer should, however, be seen as one of liaison and outreach as to one simply of policing.

NEXT STEPS

In terms of its narrowest aim, to ensure all commercial recreation operators using Crown land, the Transition Plan has proved broadly successful. While negotiations are continuing at the time of writing, the majority of operators who have been made tenure offers have accepted them, and monitoring efforts indicate that there are very few operators still outside of the Transition Plan.

However, a number of key issues remain outstanding, some of which are being tackled at present, and some of which remain as challenges for the future.

Evaluation of the Transition Plan

An evaluation of the Transition Plan is currently in progress, based on stakeholder responses to a questionnaire structured to reflect the objectives of the Commercial Recreation on Crown Land policy. Among these objectives are environmental stewardship, public access and First Nations considerations.

Outstanding policy issues

Several areas of the new policy require some clarification, probably in the form of policy directives. Some of the main issues include BCAL's ability to tenure Forest Service Roads (currently administered by the Ministry of Forests under the Forest Practices Code Act), and sector-specific guidelines on how to interpret the policy, particularly with respect to rental operations and water-based and airborne activities.

Resolving conflict between commercial and public users

A 'Backcountry Forum' is currently in progress to attempt to reach consensus on how to allocate Crown lands between conflicting recreational uses. This multi-stakeholder negotiation process was initiated by BCAL, with the prime intention of resolving winter conflict between skiers and snowmobile users. Interestingly, the key focus of the forum has become the tensions between mechanized and non-mechanized recreation, rather than simply between commercial and public recreation.

Extension of the program to other recreation sectors

The original intention of the policy was to convert pre-existing hunting and fishing tenure agreements to commercial recreation tenures. This was not attempted in the Sea to Sky area, due to the complexity of dealing with the non-tenured operators, and it is not clear whether attempts will be made in the future to incorporate those tenures into the CR program. The policy also makes a provision for activities on 'Crown land submerged by water' to be incorporated. However, extension of the reach of the transition plan to the growing 'eco-tour' operations on tidal waters may be limited by jurisdictional issues between the federal and provincial governments.

Carrying capacity

While a broad framework for initiating a carrying capacity study and a pilot application were developed as in the period immediately prior to the Transition Plan (Leavers 2000b, 2000c), work on implementing these plans has not progressed. One factor may be the change in government during the Transition Plan, and a guidance that BCAL is not a planning agency. Planning functions from a number of ministries have been relocated into the new Ministry of Sustainable Resource Management, although the shape of future planning initiatives remains to be seen.

LRMP for the Squamish Forest District

One of the challenges of implementing the Transition Plan was the absence of a district-wide plan within which to assess commercial recreation applications. The Sea to Sky LRMP process has since been launched, and it remains to be seen how well CR tenures issued through the Transition Plan can be integrated into that initiative.

Extension of the CR program across the province

A final issue with respect to the Transition Plan is its possible extension into other Forest Districts in the Lower Mainland Region, as well as across British Columbia. While it is expected that the majority of districts will not present the complexity of issues found in the Sea to Sky, thanks to its proximity to both Whistler and Vancouver, it is hoped that many of the lessons learned in the Transition Plan will be applicable to land managers in those areas.

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