

Recreational Impacts in a Woodlot

Complaint Investigation 060707



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Executive Summary

A resident in the Fraser Valley complained that a local woodlot owner was allowing motorized and non-motorized recreational vehicles to damage the habitat of cutthroat trout, coastal tailed frogs and red-legged frogs. The complainant felt strongly that the habitat for these non-threatened, but sensitive, species should be protected from such damage.

The Crown land in this 400-hectare woodlot in Maple Ridge is in high demand for recreational uses, including for motorcycles, walking, hiking, horseback-riding and mountain biking. Over time, the various people using the woodlot for recreation were beginning to interfere with one another's enjoyment.

The Board found that government had retained a consultant in 2002 to develop a forest recreation management strategy. However, funding and government staffing were reduced, so the strategy was never finalized or implemented. Meanwhile, conflicts among recreational users continued to increase.

The Board concluded that the woodlot licensee is not responsible for managing recreation use on the woodlot, and has no authority to do so. Only government can restrict recreational uses on Crown land. The Minister of Forests and Range has the authority to restrict or prohibit recreational use if it is considered necessary to protect "recreation resources." However, delegation of that authority to the Minister of Tourism, Sports and the Arts is currently under way.

The Board confirmed that there is clearly a growing need to manage recreation on the woodlot. The social and environmental impacts must be dealt with, which would best be done by negotiation among the recreational users themselves. However, it would be helpful for government to facilitate such a process.

Board Commentary

There is public pressure for increased opportunities for recreational use of Crown lands, pressure that can be very intense when Crown land is near dense urban populations. There are also demands for commercial uses of Crown land and, being adjacent to private forest land, the commercial use near urban areas is frequently reflected in a woodlot licence.

Woodlot licensees can find themselves in very difficult positions. Licensees' forest practices can be highly visible to the recreating public, which logically assumes that the licensee is responsible for managing forest uses. However, woodlot licensees have no authority to restrict or even manage recreational access, therefore the entity that does have authority—the provincial government—must get involved as the need for management and coordination of recreation increases.

In the case of the 400-hectare Blue Mountain woodlot, government downsizing and reorganization had the unfortunate effect of leaving the recreational users and the woodlot licensee to try, for several years, to resolve their own conflicts. Resolution by consensus was not effective, so it is important that government re-engage to achieve some form of resolution.

While this issue emerged on the fringe of the dense urbanized population of the Fraser Valley, and conflicts are most apparent there, the Board has encountered similar issues in several other parts of the province. As populations increase and the technology providing public access to provincial forest lands improves, there is an increasing need for some agency in government to facilitate discussion and, if necessary, impose and enforce restrictions on some recreational uses in some areas.

Given that delegation of authority to manage recreation on Crown land is currently being transferred to the Ministry of Tourism, Sport and the Arts, that agency would appear to be the logical entity to take up the strategy initiated by the Ministry of Forests and Range.

Recommendation

The Forest Practices Board recommends that the Ministry of Tourism, Sports and the Arts reactivate the 2003 Recreation Management Strategy for the Blue Mountain provincial forest and produce and implement a recreation management plan for the area, and that the woodlot licensee amend the management plan for the woodlot, if necessary, to be compatible with that recreational management plan.

The Investigation

In January 2006, a local resident filed a complaint with the Forest Practices Board. The complaint was that two local woodlot owners (the Blue Mountain woodlot and another nearby woodlot, referred to here as the “BCIT woodlot”) were allowing motorized and non-motorized recreational vehicles (motorcycles, all-terrain vehicles and mountain bicycles) to damage the habitat of rare amphibians.

The complainant had taken part in a 2005 wildlife survey of riparian (streamside) habitats in and near both woodlots. The survey found several “blue-listed” species: species that are not threatened, but of concern because of characteristics that make them particularly sensitive to human activities or natural events. The survey found blue-listed cutthroat trout, coastal tailed frogs and red-legged frogs in and near the woodlots. The complainant felt strongly that the habitat for these non-threatened but sensitive species should be protected from habitat impacts of recreational vehicle use, especially motorcycles.

The Conservation Data Centre of the Ministry of Environment sorts species into groups with similar conservation risks into colour-coded groupings. The “red list” includes species that are endangered (at risk of extinction) or threatened (at risk of becoming endangered). The “blue list” includes species that are not threatened, but of concern because of characteristics that make them particularly sensitive to human activities or natural events.

Another complaint had been filed by a local natural history organization about protection of riparian (streamside) habitats on the BCIT woodlot, so the BCIT woodlot was the subject of two complaints, while the Blue Mountain woodlot was named in only one. The recreational uses on the two woodlots were slightly different due to access attributes. The main recreational impact on the BCIT woodlot was from mountain bicycles, whereas the main recreational impact on the Blue Mountain woodlot was from motorcycles. To avoid duplication, the BCIT woodlot complaint was narrowed to address only the impact of forest practices on riparian areas. This complaint investigation examined both motorized and non-motorized recreational impacts.

Background

The 400-hectare Blue Mountain woodlot is located 15 kilometres east of downtown Maple Ridge in the Fraser Valley, and is included within the municipal boundary. The woodlot is at the lower end of the 4,400-hectare Blue Mountain provincial forest, which has been logged for about 80 years.

Created in 1986, the woodlot consists entirely of Crown land, although it is separately managed from the rest of the provincial forest. Prior to designation as a woodlot, the land had a history of neglect; stolen cars were left and burned on old logging roads, household litter was dumped indiscriminately, the roads were not maintained, and all-terrain vehicles damaged sensitive soils and streams. The area was also the site of disruptive activities such as shooting, partying, liquor consumption and vandalism.

Although these disruptive activities continued unchecked, the licensee managed the woodlot for sustained timber supply, collecting and removing debris and garbage while harvesting some 3,500 cubic metres per year (130 truckloads). Over time, gates and barriers were installed by the Ministry of Forests and Range¹ (MOFR) and the Ministry of Transportation and Highways, and vandalism began to decline.



Figure 1. Household litter was dumped indiscriminately (J. Coles photo, 1992).

Concurrently, the demand for recreational uses of the area increased significantly. There was an increase in motorized use, primarily by motorcyclists, due to closure of access to many other Lower Mainland forest areas. Other recreational pursuits—including walking, hiking, horseback-riding and mountain biking—also increased as the local population grew. There was demand for access by four-wheel and all-terrain vehicle users as well, but the gates and barriers erected by the government restricted that.

By 2000, the various people using the woodlot for recreation were beginning to interfere with one another's enjoyment. In particular, motorized vehicle users and mountain bikers were reducing the recreational values for walkers and horse-riders. In response, the MOFR Chilliwack Forest District retained a consultant to bring user groups together to define issues and develop a forest recreation management strategy for the entire Blue Mountain provincial forest.

¹ Formerly called the Ministry of Forests.

Some groups refused to participate in the strategy because they thought conservation (non-use) was not being considered or because the membership seemed biased toward active, higher-impact users rather than passive, low-impact users. Others did not consider "recreational management" to be an option that could effectively control the environmental impacts generated by some users such as all-terrain vehicle riders. For example, though trails created by motorcycle riders were not sanctioned by government, some groups suggested that government should charge user fees for access to them and use the funds to maintain these trails. Others strongly objected to the creation of the trails in the first place and were against legitimizing them in any way in a recreation management strategy.

The consultant produced a proposed strategy for Blue Mountain in early 2003.² The proposed strategy did not apply to the woodlot area because the woodlot already had an approved management plan. However, the woodlot owner had participated in development of the strategy and has used it as a guide when planning forest practices. The woodlot owner also made efforts to reduce user-group conflicts by erecting informational signs and trying to get the various user groups to cooperate by avoiding each others' trails.

Recreational users that tended to cause environmental damage, such as motorcyclists, were asked to avoid rutted sections and to build bridges over streams to avoid sensitive streamside areas. Many obliged, directing traffic across user-constructed bridges and along rock-armoured trails, allowing some damaged areas to stabilize.

However, despite the strategy, several local groups remained opposed to logging activities. They wanted the Blue Mountain provincial forest, including woodlots, protected as a park. At the other extreme, two local First Nations groups, the Kwantlen and the Katzie, began negotiating for a new woodlot licence and a non-replaceable forest licence on Blue Mountain.

² Enfor Consultants Ltd., 2003, *Blue Mountain Provincial Forest - Forest Recreation Management Strategy*.



Figure 2. Trail rutting by all-terrain motorcycles.

The strategy recommended that the MOFR implement the proposed actions. However, funding and government staffing were reduced, so the actions were not implemented. In June 2005, the Ministry of Tourism, Sport and the Arts (MOTSA) was created and made responsible for tourism and resort development. The new ministry's mandate included recreation, but the recreation management function was adopted slowly, in stages. In January 2006, MOTSA took over responsibility for some recreation in provincial forests (at sites and trails) from MOFR. However, it did not acquire authority to generally control recreation on Crown land until mid-2006, which required delegation from the Minister of Forests and Range. As a result, neither agency has taken on the task of implementing the Blue Mountain recreation strategy; therefore the strategy has remained suspended and conflicts among recreational users continue to increase.

Relevant Legislation

A woodlot licence is a legal agreement between MOFR and a licence holder under the *Forest Act*. It requires the licensee to manage the woodlot for sustainable forestry. Woodlot licences are awarded through an advertised, competitive application process, for up to 20 years. A woodlot

licensee must manage the woodlot in accordance with provincial forestry legislation—the *Forest and Range Practices Act* (FRPA).³

Section 13 of FRPA states that a woodlot licence plan must specify the intended results or strategies of any objectives set by government, including land-use objectives for recreation where they exist, and any site-specific objectives for interpretive forest sites, recreation sites and trails.

FRPA also has several sections that deal specifically with recreation, although they are primarily directed at recreation sites and trails, not regulation of recreational use. However, section 58 lets the minister restrict or prohibit recreational use on Crown land, if that is necessary to manage public recreation or to protect recreation resources.

Discussion

The investigation examined three issues:

1. Who is responsible for managing recreation use on the woodlot?
2. What is required to protect riparian features?
3. Is there actually a need to manage recreation on the woodlot?

1. Who is responsible for managing recreation?

The complainant assumed that a licensee must have some responsibility for managing the activities that occur on a woodlot. However, the only right provided by a woodlot licence is the right to carry out forest practices, including harvesting Crown timber. There is no right to other resources. Specifically, a woodlot licensee has no right to restrict public recreational uses of Crown land.

There has been a recent evolution in government's responsibility for management of recreation on Crown land. MOFR has established recreation sites and trails, and objectives for them, but it is MOTSA that now manages the 1,240 recreation sites and 575 recreation trails in the province. However, none of those objectives apply to the woodlot. Elsewhere on Crown land, the Minister of Forests and Range still has the authority to restrict or prohibit recreational use if it is considered necessary to protect recreation resources or to manage public recreation. Delegation of that authority to the Minister of Tourism, Sports and the Arts is currently under way.

³ The *Forest and Range Practices Act* includes transition requirements from the previous *Forest Practices Code of B.C. Act*, but that transition does not affect this complaint.

2. What is required to protect riparian features?

FRPA requires set widths for reserves and imposes activity restrictions along streams, depending upon fish presence or absence and the width of the streams. However, those reserves restrict only forest practices—timber harvesting, road and bridge construction and maintenance, and road use for forestry and reforestation. The reserves do not restrict use or access for other uses of the forest, such as recreational activities. Therefore, if riparian features require protection from impacts of recreational activities, the recreational users themselves must be controlled.

3. Is there a need to manage recreation on the woodlot?

The complainant has identified a serious, and worsening, forest land use problem. The population of Maple Ridge went from 48,000 in 1991 to 63,000 in 2001, a 30 percent increase in just ten years. It is projected to reach 110,000 by 2030.⁴ This urban population wants forest recreational opportunities (such as walking, cycling, hiking, bird-watching and any number of other pursuits), which puts extreme and increasing pressure on accessible areas of Crown land. In addition, there are local attractions such as Kanaka Creek Regional Park close to the woodlot. It has a network of trails running the length of the park and includes Kanaka Falls, a spectacular water canyon popular as a picnic spot. While the park accommodates some recreational users, it also attracts others who want to enjoy other nearby Crown land, including that on the Blue Mountain woodlot. Some of the recreational uses can have serious environmental impacts, especially on sensitive areas such as riparian habitats for blue-listed species.

The growing recreational use of the area has reached the point where control of recreational impacts is required. One way to do that would be to make the provincial forest, including the woodlot, into a protected area such as a park. Some local groups have put considerable effort into advocating for this, but it appears as though this option has been rejected by the provincial government.

The government considered the protection of the Blue Mountain provincial forest in the development of its Protected Areas Strategy in the 1990s. However, government's objective of protection of 12 percent of Crown land in the Lower Mainland was achieved without its inclusion. As well, there has been significant pressure to withdraw land from timber production throughout the Fraser Timber Supply Area, which has increased demand for timber production on the Crown land that remains available.

Recent decisions suggest that government has decided to continue to manage the Blue Mountain area as a provincial forest. Two local First Nations groups are currently finalizing negotiations for timber supply in the area. The Kwantlen First Nation has been offered an 800-

⁴Municipality of Maple Ridge. (March 2004). "Demographic Analysis and Population and Housing Projection for Maple Ridge, 2001-2031", <http://www.mapleridge.org/municipal/departments/planning/ocp/demographics-march04.pdf>.

hectare woodlot licence and the Katzie First Nation is negotiating for a non-replaceable forest licence to harvest 65,000 cubic metres of timber.

As mentioned, another option to control the impacts of recreational access is that of collaborative planning and management among the various recreational users. However, three years after the completion of the Blue Mountain Forest Recreation Management Strategy, it still requires implementation, which could require funding for site maintenance or rehabilitation such as gate maintenance; signage; construction of erosion/sedimentation control structures such as bridges, berms and riprap; and rehabilitation of roads and trails. User fees may be necessary.

In addition to funding, dealing with the issues requires an organization to coordinate the implementation. Until 2002, the MOFR was taking on that task. Thereafter, implementation was abandoned by the MOFR, but has not yet been taken up by another arm of government.



Figure 3. "Bridge" built by all-terrain motorcycle users to avoid stream damage.

Without discussion, negotiation and agreement, the conflicts among the many recreational users on the Blue Mountain woodlot—and the entire Blue Mountain provincial forest—will only get worse. The noise and environmental impacts of the more disruptive recreational users, such as motorcyclists, will, in the short term, inevitably drive out less disruptive users. In the long term, complaints from the less disruptive users may cause the Blue Mountain provincial forest to be closed to some recreational uses, as has happened elsewhere in the Fraser Valley. Both results could be unfair; the public should be allowed to responsibly share Crown land use.

Conflicts among recreational users and mitigation of avoidable environmental impacts require management of recreational activities. There continues to be a need for government to identify an agency that can facilitate discussion and, if necessary, impose and enforce restrictions on some recreational uses in some areas.

Given that delegation of the authority to MOTSA to manage recreation on Crown land is slowly progressing, that ministry would appear to be the logical entity to take up the strategy where MOFR left it.

Conclusions

In terms of who is responsible for managing recreation use on the woodlot, the woodlot licensee clearly cannot do so. Only government can restrict recreational uses on Crown land.

As for what is required to protect riparian features, forest practices are already controlled by regulation. Only some recreational practices have appreciable environmental impacts, and clearly those must be controlled.

There is a definite need to manage recreation on the woodlot. The demand for recreational uses on Crown land, including woodlots, continues to increase along the urban fringe in the Fraser Valley. The demand will continue to grow, and many of the recreational uses are already in conflict, which will be aggravated the longer recreational use remains unmanaged.

It does not appear that government will designate significant portions of the Blue Mountain provincial forest as a protected area, so the social and environmental impacts of recreational activities must be dealt with through negotiation among the recreational users themselves. However, it would be helpful for government to facilitate such a process and, if necessary, impose restrictions when recreational users cannot agree.

A strategy to help recreational users determine how best to manage the social and environmental impacts of recreational activities in the Blue Mountain provincial forest was initiated by government, but abandoned due to government cutbacks and reorganization. There is a steadily-increasing need for government to re-engage in refining, implementing and, if necessary, enforcing a recreation management plan for the Blue Mountain provincial forest.

Recommendation

The Forest Practices Board recommends that the Ministry of Tourism, Sports and the Arts reactivate the 2003 Recreation Management Strategy for the Blue Mountain provincial forest and produce and implement a recreation management plan for the area, and that the woodlot licensee amend the management plan for the woodlot, if necessary, to be compatible with that recreational management plan.