

**Provincial Trails Advisory Body (PTAB)
In Person Meeting - Friday October 30, 2015**

DRAFT MINUTES

Members present

John Hawkings (co-chair)
Jeremy McCall (co-chair)
Tennessee Trent
Nick Heath
Bob Holland
David Oliver
Orville Smith
Allan Callander
Kirby Villeneuve
Evan Loveless

Affiliation

Director, Recreation Sites & Trails BC
Executive Director, Outdoor Recreation Council
Recreation Sites & Trails BC
Appointed by the Outdoor Recreation Council
Appointed by the Outdoor Recreation Council
BC Wildlife Federation (BCWF)
Appointed by the Outdoor Recreation Council
Ministry of Transportation & Infrastructure (MOTI)
BC Parks
Wilderness Tourism Association (WTA)

By phone (PM session only)

Tyler Kraushar

Appointed by the Outdoor Recreation Council

Regrets

Brian Farquhar
Andrew Drouin

BC Parks & Recreation Association (BCRPA)
Appointed by the Outdoor Recreation Council

Welcome: The meeting got under way shortly after 8 AM. Jeremy welcomed those present. They introduced themselves and stated their affiliations. John described the objectives for the meeting.

1. Approval of agenda

The Agenda was approved by consent with the addition of Item 8B - Natural Resource Roads Act.

2. Approval of minutes of June 18 meeting

Motion: Moved & seconded (OS/DO). That the minutes of the June 18 conference call meeting be approved. **Motion carried.** These minutes are posted on the PTAB page on the Outdoor Recreation Council (ORC) website at www.orcbc.ca

3. Review of terms of reference

- A. Review roles and responsibilities of PTAB members: John advised that the PTAB is getting to be better understood within the Ministry of Forests, Lands & Natural Resource Operations (MFLNRO).
- B. Review roles and responsibilities for co-chairs: Jeremy offered to take on some specific responsibilities rather than having his co-chair functions unstated. He suggested taking on the coordination of the agendas for meetings and preparation of the minutes. His offer was accepted.

4. Sub-committee reports

Action 9 - Legislation, regulations and policy to manage motorized use: John reminded all present that off-road vehicle registration will be compulsory from November 1 and that the Off Road Vehicle Act Regulation has been released. Some members present attended Minister Thomson's announcement in Victoria on October 26. Orville enquired about the Minister's statement that there could be dollars provided for a trail fund as part of the new Act. It was explained that provision has been made by way of a consequential amendment to the Special Accounts Appropriation & Control Act for a sub-account to be created called the Off-

Road Vehicle Management Sub-account. This account will be able to accept certain specified funds and can be used for the construction and maintenance of ORV trails. It is thought that this account would be similar to Park Enhancement Fund for BC Parks which can carry funds over from one fiscal year to another. It was also pointed out that monies from the \$48 registration fee paid by ORV owners will initially be required to pay for start-up costs for the new registration system at ICBC and that funds will be available for the ORV trail fund will only be available after those costs have been recovered. It is expected that the number of registrations will initially be very high but the numbers will decline as more and more ORV's in the Province get registered. Some other contributions may be made to the ORV trail fund in future. John compared the fund to the BC Arts Council. There was a general discussion about grants. John suggested that the PTAB should not wait to develop guidelines for making grants from the fund.

With respect to signage as it affects ORVs crossing highways, Allan advised that there is to be a meeting between ICBC and the Ministry of Transportation & Infrastructure at which Division 24 of the Motor Vehicle Act at which additional locations for stop signs would be discussed subject to the usual criteria. He said some rural roads can change from highways to forest roads and vice versa.

Action item: Allan to update PTAB about Division 24/signage at the next meeting.

Action 10 - Enhance recreation opportunities by reducing liability risk: Tennessee referred to the memo provided by ORC to explain liability issues affecting non-profit groups entering into partnership agreements with RSTBC for work on trails. This can be found by following the PTAB link on the ORC website at www.orcbc.ca There are about 350 partnership agreements outstanding between RSTBC and recreation groups managing trails or rec sites authorized under Section 56 of the Forest & Range Practices Act (FRPA). BC Parks has about 50 equivalent agreements outstanding. Most of the RSTBC agreements have now been updated to include the new wording which places limits on the extent to which recreation groups is required to indemnify the province. Jeremy enquired about the possibility of extending these agreements with their associated insurance benefits to recreation groups operating under Section 57. John responded that this would not be possible because of the difference between the concepts of Sections 56 and 57.

Tennessee "demystified" the 1998 amendment to the Occupiers Liability Act (OLA). He explained how the Act now provides that landowners, as occupiers, will not be liable for injury or damage to persons who willingly assume the risk of entering their lands for a recreational activity, provided they do not accept payment and subject to certain obvious exceptions such as the landowner creating a danger with intent to do harm to the person or acting with reckless disregard for the safety of such a person. While the OLA requires that an occupier exercise a certain duty of care for persons on the property, there is a lower standard of care in the case of the recreational user. Tennessee referred to the case of Skopnik v. BC Rail Ltd. which discusses a number of the factors which determine liability under the OLA. The first decision was made in favour of Mr Skopnik in the BC Supreme Court, but that decision was overturned in a split decision in the BC Court of Appeal.

Action item: Tennessee will distribute a flow chart and copies of the two Skopnik decisions to PTAB members.

Action 12 – Catalogue of funding sources: With Andrew absent this was tabled.

Action 13 – Consolidate existing trail standards, guidelines and best practices and ensure they are communicated: Jeremy, John, Tennessee and Kirby had one conference call. Jeremy distributed a memo to PTAB members summarizing his own brief review of standards in use by BC Parks, MFLNRO/RSTBC and Parks Canada. He suggested that they have been mainly established for use by trail builders and managers because they are described in terms of numbered types which have no intuitive meaning for trail users. He advocated something similar to the Alberta Recreation Corridor & Trails Classification System, first published in July 2009 and based on work by Justin Ellis of Stantec Engineering. The Alberta system classifies trails in a three stage sequence. The trails is first described as Single/Multi or Mixed (motorized and non-motorized) Use, then by the types of user intended for that trail, and thirdly by whether the trail is Primitive, Semi-Developed or Developed. The specifications appropriate for each type of trail, needed by the builders and managers, then flow from the classification which is intuitive for users. Jeremy suggested that the Alberta system could be simplified.

This proposal stimulated considerable discussion. The PTAB's government members acknowledged that ministry classifications are not user-friendly. John said it is important to distinguish between classification and standards. Specifications are always necessary for estimating and grant applications. There was a discussion about routes. It was agreed that comprehensive trail descriptions like the Alberta model might pose signage challenges, but the use of symbols similar to ski slopes and bike trails can solve those issues. Evan referred to the Oregon system. Nick said difficulty ratings pose problems because of local differences. The difference between primary and secondary use was noted.

Action item: Jeremy will distribute the link for the Alberta system and check its status with his Alberta contact Linda Strong-Watson. Evan will join the sub-committee.

Action 14 – Education programs to foster responsible trail use: Tabled

Action 15 – Compliance and enforcement: Tabled

Action 16 – Integrate recreation use into resource roads: Jeremy reported on his call with Lyle Knight the previous day. Lyle is Manager of Resource Roads with MFLNRO and is responsible for the Natural Resource Roads Act (NRRA) project. He is based in Vernon. Lyle is considering whether to get recreation stakeholder input from the PTAB or from the Joint Advisory Group (JAG) which was formed to provide input for the ORV Management Framework. Jeremy suggested to him that the PTAB would be suitable but a need for stakeholders to sign confidentiality agreements might arise when legislation is being drafted. Lyle said the BC Off Road Motor Cycling Association were concerned because they do not have a representative on the PTAB. John reported that he has asked Lyle to keep the PTAB informed about the progress with this important legislation. Evan said Scott Ellis has been the Wilderness Tourism Association's representative for stakeholder discussions. David said he expects the ORV JAG to continue for some time and he asked whether the PTAB would get involved with area closures. Tennessee said the PTAB would not get involved nor would it get involved with conflict issues.

(Lunch break)

Action 19 – Undertake comprehensive survey of trail users: Jeremy distributed the results of the survey undertaken by the Working Group formed after the 2010

National Trails Round Table meeting in Banff. He suggested that a new survey designed to obtain answers on PTAB actions and initiatives should wait until the PTAB has achieved some of its objectives. John said two surveys were discussed at the recent Mountain Bike Tourism Symposium in Williams Lake (Pete Larose and North Carolina). Orville said the Horse Council recently completed a survey.

Action 7 – Reduce Red Tape: Bob reviewed the Forest & Range Practices Act (FRPA) and especially Sections 56 & 57. He provided an overview followed by a detailed description of the application process with references to BC Government websites and his comments.

Overview: Many non-profit organizations are not equipped to meet the objectives of Section 56 & 57 applications. They do not have the level of expertise or access to information of larger organizations. The process needs to be simplified. Bob then used a quote from the Forest Practices Board to illustrate his point: *“Most people will rely on the internet to obtain information. Unfortunately, the information on government websites about resource roads is often inconsistent, easily misconstrued, out of date or simply wrong. Given that many people get their information from government websites, it behooves government to ensure that what little information is provided is at least clear, consistent and correct.”* FPB/SR/49-7 Bob recommended that this type of information be made easier to find, that the amount of red tape be reduced and that adequate time be spent to critique the current set-up.

Application process, supporting documents and comments: The extensive notes prepared by Bob are attached to these minutes as an appendix.

Recommendation: Bob recommended that the RSTBC official responsible for the RSTBC website maintenance review how to make the documents available to the general public within Government policy guidelines

Action 7 - Discussion: Kirby said BC Parks does not have equivalent applications. Jeremy suggested that information be posted on the PTAB web page. Allan said applications often require unnecessary information. Tennessee referred to the environmental screening tool on the RSTBC website. Bob said that BC Maps (or imaps) is especially difficult. John acknowledged that the names of the different imap layers are not intuitive. Tennessee said that RSTBC has only one GIS technician but there are others in MFLNRO.

5. Trails Strategy Review – Timing and process for review and evaluation

John reminded members that the Trails Strategy is now five years old so it is time to review its relevance (the Tourism Action Plan was recently updated). For example is anything missing, such as conflict resolution. Jeremy said that the PTAB should get some Actions completed. Tennessee suggested that Actions 3 and 4 should be addressed. Bob said the linkage between public access and resource features is missing. Tyler said a way needs to be created for recreation groups to take over resource roads to which John said that is a major part of the NRR process but it needs to be reviewed because of changes and because of the need to consult First Nations. Orville said the Trails Strategy should be reviewed no later than 2017 so the time to start is now. John commented on the time it would take for recreation organizations to review the Strategy and get their comments approved at their annual general meetings. Tyler said it would be important to provide focus for a review and not just review the whole Strategy. Tennessee suggested posing five questions for focus. John said a review should follow the distribution of a report card

on progress to date and it might be necessary to do another print run of the Strategy for distribution to groups. He said the PTAB should produce the report card in time for its next meeting.

Action item: PTAB members from the BC Government agencies to prepare a report card in time for the next meeting.

6. Brainstorming: How to increase the profile and functionality of the PTAB

John acknowledged that the PTAB got off to a slow start because it had to establish its profile. Alan said it is important to talk to people in government. Tyler said recreation groups need to become more familiar with the PTAB. Jeremy repeated a former plea for more bodies such as the ORC Trails Committee to carry out some of the PTAB's work. Bob suggested that the PTAB is muzzled by its Terms of Reference but this view was not supported as its actions are not confidential. Orville said he distributed the PTAB's Media Release to the Horse Council's clubs and he received lots of feedback. Tyler thought working groups could be useful given the PTAB's limited resources, so long as they have a PTAB chair. The discussion moved to the possible use of social media with the possible establishment of a PTAB Facebook page. It would be important to keep it fresh.

7. Conflict Resolution Mechanisms

It was decided at the June meeting (Item 6) to put this item on the agenda. Orville referred to the following paragraph on page 11 of the Trails Strategy:

Key issues include:

Conflict between users: given the disproportionate nature of impacts between different types of users, it is particularly important to resolve conflicts so that all trail users can enjoy a high quality trail experience of their particular type of use.

Orville questioned why this was not made one of the Actions listed in the Strategy. John said the Recreation Trails Strategy Committee decided it did not want to identify it as an over-arching issue and it was unable to develop a framework which could have been applied to the whole Province. He also referred to Action 3 which states:

Action # 3: Collaboratively develop local, regional and provincial trail system plans that secure opportunities for all trail users in balance with environmental, cultural and social values.

Tennessee commented that in every conflict there tend to be some unreasonable people and that education and moral suasion are needed to overcome conflicts. David suggested that implementing trails standards in accordance with Action 13 should address many conflicts. Evan suggested that the PTAB could act as a peer group for recreation decision makers. Jeremy reminded members about the 2010 workshop entitled "*Working together: finding solutions to regional and community trail issues*" and organized by ORC, as well as the annual Share the Trails workshops initiated by the Horse Council and now sponsored by the Horse Council and ORC. In response to Orville, who asked what the position of RSTBC is when two groups are managing trails in the same area, John replied that Rec Officers try to be neutral.

8. Round Table

A. New and emerging issues in public recreation that PTAB should be aware of:

- Tyler said that working with First Nations is not happening at any level. Orville responded that they are “on board” in Prince George, also that the Tabor Mountain Recreation Society and AimHi (a group for the disabled) are working together.
- Tyler commented that major closures of Crown land are being effected without public consultation and with little communication.
- Allan advised members about Bike BC, in which MOTI is expending \$6 million a year to promote cycling, especially bicycle commuting and tourism. The program has an urban focus and MOTI is working with municipalities and regional districts on infrastructure, including potential rail trails such as Vernon to Kelowna, for which the railway right of way was recently purchased by the BC Government. Kirby advised that BC Parks is developing a mountain bike policy and that a working group has been formed.
- Evan commented on access to trails in the context of Actions 19 and 20 of the Trails Strategy and said a study of trails is being conducted for Destination BC.
- Nick said Destination BC has been involved with the BC Marine Trail in Howe Sound. He said the BC Marine Trail Network Association is advocating overnight use by boaters and kayakers of coastal log sort sites when they are not being used by industry, sometimes for periods of many years.
- Tennessee said there could be an uplift in trail funding. He referred to Avalanche Canada and said there has been support for a non-motorized section of the Christina Lake section of the Kettle Valley Railway by a local ATV club.

9. Next meeting and adjournment

The next meeting will be a conference call meeting and will be scheduled for late January or early February. The meeting was adjourned at 4 PM.

Draft 1
jm
Nov. 6/15

APPENDIX

Action 7 - Application Process – Bob Holland

What information is available to an individual or group to prepare an application and where can it be found

- **BACKGROUND SUPPORTING DOCUMENTS**
 - References to Forest and Range Practices Act (FRPA) Section 56 and 57. FRPA document available at http://www.bclaws.ca/civix/document/id/complete/statreg/02069_01
 - Forest Recreation Regulation. This regulation is available at www.bclaws.ca/civix/document/id/complete/statreg/16_2004
 - Document titled: “**Outdoor Recreation and the Forests & Range Practices Act.**” Available at www.sitesandtrailsbc.ca/documents/outdoor-rec-and-frpa-2005-03-17.doc does a thorough job of explaining the act, regulations and their impact on recreation. A good resource.

- Document titled “**The Forest & Range Practices Act, Section 57 and the Application Process Information Package**”. Filed under “Information Package Trails registration.pdf”. Status of public access to this document not known.
- Document filed under “S57-Application_Form.docx” and titled “**PROPOSAL FORM FOR TRAILS AND RECREATION FACILITIES**” is a simplified Section 57 Application form. The link to this document is <https://www.for.gov.bc.ca/ftp/dck/.../S57-Application%20 form.doc> This form also contains an 8 page information package that helps to explain the process
- Provincial Trail Strategy – a link to the Provincial Trail Strategy is available at www.sitesandtrailsbc.ca/about/provincial-trail-strategy.aspx
- Chapter 10: Recreation Trail Management. A link to this document can be found at www.sitesandtrailsbc.ca/about/site-and-trail-maintenance.aspx. Access is restricted to the document folder within the sites and trails web site and therefore not available to most users.
- Document Titled “**Application Information and Guidelines for Proposal Form for Trails and Recreation Facilities**”. Filed under “S57-Appliction-Info-Guides.PDF” or possibly “Application Information and Guidelines_Revised-Feb-2012.docx”. Status of public access to this document not known.
- Document titled “**Proposal Form for Trails and Recreation Facilities**”. Filed under “Trails and Recreation Facilities Proposal Form-Jan-2012.docx”. Status of public access to this document not known.
- **APPLICATION PROCESS**
 - **Part 4 of Forest Recreation Regulation establishes trail application process**
 - (1) For the purposes of section 57 (1) of the Act, a person who is required to obtain the authorization of the minister before constructing, rehabilitating or maintaining a trail or recreation facility on Crown land must deliver a proposal regarding the matter to the minister.
 - (2) A proposal must contain
 - (a) the name and address of the person making the proposal,
 - (b) the description of the proposal, including the purpose, location and date of the proposed work, and
 - (c) the action requested of the minister.
 - (3) A person submitting a proposal must satisfy the minister that the proposal will not cause one or more of the following:
 - (a) significant risk to public safety;
 - (b) unacceptable damage to the environment;
 - (c) unacceptable conflicts with other resource values or users.
 - (4) The minister must notify the person named in the proposal of the minister's determination to grant, or to refuse to grant, the authorization that is the subject matter of the proposal.