

**Southern Rocky Mountain Advisory Committee**  
**Meeting #4 Minutes**  
**Oct 7, 2004, 4:00 – 9:00 pm**  
**Senior's Drop-In Centre, Sparwood BC**

**Committee Attendance:**

Pam Cowtan, MSRM (Chair)	Raymond Myles, RDEK
Sangita Sudan, MSRM	David Hillary, Nature Conservancy
Kelly Lode, WLAP (Recorder)	Tom Swann, Nature Conservancy (alt)
Neil Shuttleworth, MOF	Casey Brennan, Ecosystems (alt)
John Bergenske, Ecosystems	Jim Thorner, Motorized Winter Rec
Kent Petovello, Rec Hunting	Peter Cunningham, EKRLUC
Al Pollard, BCTS	Paul Kramer, Chambers of Commerce
Doug Dean, Motorized Winter Rec (alt)	Mike Sosnowski, Motorized Commercial
Craig Robinson, Dist of Elkford	Rolf Schmitt, MEM
Pat Gilmar, Non-motorized Winter Rec	Bill Hanlon, Wildlands
Gordon Galloway, Summer Motorized	David Beranek, Guide Outfitters
Randy Byford, Galloway Lumber	John Birrell, Front Country Tourism
Bill Dolan, Parks Canada	Ross Stanfield, Exploration/Mining
Dave Wilks, Dist of Sparwood	Greg Yelland, Elk Valley Coal
Bev Bellina, Dist of Sparwood (alt)	Randall McNair, City of Fernie
Kevin Podrasky, Rec Hunting (alt)	Ken Streloff, Tembec

**Invitees/Presenters:**

Doug Ford, Shell Canada	Peter Williams, Shell Canada
Irene Teske, WLAP	Dave Dunbar, WLAP

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**1. Welcome and Introductions:**

Pam introduced Sangita Sudan as MSRM's new planner, replacing Dave Grieve. Alan Freeze has resigned as the RDEK representative of SRMAC stating concerns with government commitment to implementation and committee function. The Chair noted Al's contribution to the SRMAC. Ray Myles, the alternate for RDEK will take Al's place on the Committee.

Changes to agenda – 6(a) District of Elkford proposal moved up to 3(g) as this is business arising out of the previous minutes; Additions to agenda – Mapping errors will be dealt with under 3(c); Report on harvesting around Elkford added to new business.

**2. Approval of Meeting Minutes of June 9<sup>th</sup>, 2004**

Approved – no changes noted.

**3. Business arising out of June 9<sup>th</sup> meeting:**

**a) SRMAC – Fernie Free Press article**

A copy of a recent Fernie Free Press article on the SRMAC/SRMMP was distributed. The article had errors, most notably a list of the original Plan participants shown as SRMAC members. Errors have been pointed out to the paper.

**b) Legalization of objectives**

The Chair reported that she is continuing to work with Victoria on the issue of legalization of objectives, in particular the Recreation objectives. Many of the non-motorized areas are already legislated and managed by MOF and WLAP eg. Wiegert Ck AMA and Wigwam West Side Rd. The regulations for Land Amendment Act will not be available until at least the new year. Regardless, this Act is not intended to be used to legalize recreation access direction (SRMMP Chapter 7). The role of MSRM is to complete plans that provide strategic direction. Implementation of that direction will occur through other agencies (MOF, WLAP, LWBC). Some of the objectives in the Plan will be implemented through FRPA (OGMAs, Ungulate Winter Range).

A protocol agreement between MSRM and LWBC has been drafted at the corporate level. This agreement addresses planning including cooperation/communication and that LWBC will not issue new commercial recreation tenures while MSRM is working on a plan that provides specific direction in this area. The Chair felt that the LWBC regional office has been very cooperative and that they have been referring to the SRMMP and other plans, such as the Golden Backcountry Recreation plan, in their review of tenure applications. As well, they notify MSRM when proposed tenures have been approved for advertisement so SRMAC can be advised of the ad and upcoming public review.

Mike S pointed out that LWBC includes, in all tenure agreements, a clause that the operator "must follow SRMMP Plan".

The Chair met with Irene Teske and Neil Shuttleworth to discuss implementation options for Chapter 7 Recreation. Issues of reduced staffing and resources for enforcement in both Ministries and limitations of available legal tools, affect the ability to move forward on legalization of the recreation access direction. Neil S noted that a recreation site or trail could be designated under FRPA if a club was willing to sponsor it and where there is community and public support.

As follow up to the SRMAC request June 9<sup>th</sup> for a map showing all the commercial backcountry tenures in the plan area, LWBC advised that this is a high priority for them once they fill their GIS position.

**c) Interim Areas Working Group-report from June field trip**

The minutes from the June 26<sup>th</sup> field trip were provided to SRMAC. The Chair summarized and noted that there was one area of agreement, ie. creation of a non-motorized zone at the end of the hard trail on North Fork Ram Ck extending to the alpine. The purpose of this was to protect goat and sheep habitat. General agreement was also reached that the Storm/Leslie Ck road should be motorized as shown on the Plan Map 7.1.1. The Storm/Leslie Ck road crosses Storm Ck which is Tailed Frog habitat, a red-listed species. Peter C noted that the crossing is a ford and there may be an opportunity to put in a better crossing. Doug Martin (WLAP) had advised on the field trip that crossing Storm Creek causes siltation but there is also siltation coming from the

cutbanks on either side of the crossing. A lot of the surrounding area is also bare ground because of the recent fire and a concern for erosion. It was suggested that remedial action needs to be taken at the crossing if the road is going to continue to be motorized beyond it. Some expressed concern that zoning the area/road motorized beyond the creek contravenes the intent of the Plan, ie. that roads/road systems are not open to recreational traffic when access is available only by driving through watercourses, which, by so doing, results in environmental degradation. John Bergenske pointed out that this creek is different from others because it is Tailed frog habitat and we would be adding more siltation by driving through creek. Some argue that there will be more siltation from heavy rains than there would be from vehicles crossing the creek. There was general agreement to show this direction on the first production run of the brochure. The Chair suggested that the WLAP species at risk biologist be asked to visit the site and provide a recommendation. Some felt that access is not a problem, it is just the creek crossing that is a concern and the Committee is getting bogged down these discussions. Recreation access is only one part of the plan and SRMAC is not gaining much ground with the plan. It was suggested that the Committee needs to spend some time reviewing the language so everyone is familiar with it.

It was agreed that the issue be referred back to the Interim Motorized WG for further discussion with WLAP and that a meeting date be set up.

**Action: Interim Motorized Group to meet, including WLAP staff, to further discuss Storm/Leslie Ck zoning and continue work on the other interim areas. A tentative date of Nov 2<sup>nd</sup> was set pending WLAP's availability. Mike S to check on meeting arrangements at the Chamber of Commerce.**

Mapping Errors: Kent Petovello and Don Patterson have identified mapping errors on the Snowfree Recreation Map (7.1.1). These were provided to MSRM and have been reviewed by Steve Flett, who agreed that they were plotting errors, not amendments. The Chair reviewed these errors with the SRMAC and the changes will be/have been incorporated on the brochure map and included when Map 7.1.1 is next amended.

#### **d) Signs and Brochure Working Group report**

Draft signs and the brochure were made available to Committee members. Sangita reported that she had been working with the Signs and Brochure group to get these items ready for production. The signs are ready for endorsement by SRMAC and, if agreed, can be produced by November. There are 4 signs – snowfree motorized and non-motorized and snowbound motorized and non-motorized. Stickers will be applied to the appropriate sign where there are specified temporary/seasonal restrictions eg. open for snowmobiles after Mar 15. It was suggested that a green sign with date closures stated on it would give a first impression to the public that the area is open and they may not stop to read the dates. They would be more likely to stop if it was a red sign and read the details. There was discussion of the wording to be shown on the signs respecting hard surface travel. Suggestions included, "On existing hard track",

“Existing hard trail only”, “Existing hard surface only”, while others thought the word ‘road’ was more suitable than ‘trail’. It was pointed out that “hard surface” was used to limit environmental damage. Most believed that meant roads, not cross-country. It was agreed to use “Existing Hard Surfaces Only” as that would be consistent with what is stated in the plan. Volunteers are needed to put up signs. Signs stating ‘prohibited area’ should go up first. The Working Group will coordinate this and decide on priority areas.

**Action: Signs will indicate motorized travel to occur on “Existing Hard Surfaces Only”. The Final draft will be reviewed and approved by the Working Group prior to production.**

Sangita noted it is important that all the amendments that were agreed to are on the brochures and that the text of the brochure makes sense to the public. Sangita borrowed text from Golden Backcountry Plan and Castle Mountain brochures. The BC/Alberta border and relief coloration will be shown on the final brochure. Sangita asked that Committee members please go through the brochure and provide edits to her by showing those edits directly on the brochure. She also would like to know which roads to show on private land (Elkview Coal, NCC, Tembec). Ken S noted that some main roads through Tembec land are missing and the Tembec contact number needs to be changed. Date errors were noticed on the brochures. The Working group will make corrections and meet again before taking to production. Final copy will be sent out by email to SRMAC before production. Brochures will be done Nov/Dec. after Sangita returns from her vacation.

**Action: SRMAC members will review the brochure and provide edits to Sangita S. Final draft will be sent by email to all Committee members to review prior to the brochure going to production.**

#### **e) Expansion of SRMMP**

The Chair summarized the issue. The Minister, in the approval letter for the SRMMP, directed that the Plan be expanded into the West Bull and East Elk. Most agree that this should occur, that the plan should include whole, not half, watersheds. Galloway and Elk Valley Coal representatives have expressed reluctance to do this and feel we don’t have a good handle on the plan so why make it larger.

The Chair indicated that there are insufficient staff resources in MSRM to expand all chapters this fiscal and she has put expansion in the 2005/06 Ministry Service Plan. She would like the table to consider expanding Chapter 7 only (Recreation) into west Bull and east Elk this fiscal. The RMS East Elk map is available and is on the agenda. The West Bull RMS will be completed shortly through the RMS West process. The expansion would not be shown on the brochure at this point. Maps need to be corrected before being added to the brochure. Randy B asked if it was government’s intent to expand by chapter. The Chair responded that this was the initial intent of

Sustainable Resource Management Plans. Concern was stated that it would be confusing for anyone using the plan if it was expanded by chapter.

**f) East Elk RMS**

Copies of the East Elk RMS maps (winter and summer) were presented to the group. These are the final maps that resulted from the RMS East consultation process, had public review through the SRMMP, and were presented to the RMS Stakeholder table in June 2003. The Chair noted that some mapping errors have been noted and these need correction. Kent P feels the RMS East process was never finished. The Chair advised that the RMS East process is finished and further work on the East Elk will be done by SRMAC. She suggested that a new or existing working group review and discuss the maps, and bring changes back to SRMAC. If substantial changes need to be made the maps would have to go to public review. Kent P suggested that the maps be reviewed by the Interim Motorized Working Group.

**Action: The RMS East Elk maps will be electronically sent out to SRMAC members prior to Nov. 2<sup>nd</sup>.**

**g) Implementation, monitoring and enforcement**

The Chair noted that many of the implementation projects in App.3.0 of the SRMMP are underway or completed. Enforcement was again flagged as an issue for public recreation (chapter 7). The SRMMP is government policy with no legal force. Both WLAP and MOF have limited resources to enforce access in legal closures (*Wildlife Act* AMAs and *FPC* Sec. 105). The importance of enforcement to the success of the plan was stressed. Voluntary compliance through education (signs/brochure) is a critical part of implementation but needs to be backed up with legal objectives and enforcement. In Alberta summer students are hired to help enforce. Registration of ATV's/snowmobiles is needed. The Chair said that MSRM is working with MoF and MWLAP on this issue and a meeting is scheduled in November with the Policy Director from Victoria.

SRMAC agreed that the plan should be legalized and that local government send letters to government voicing their support for plan legalization. Tourism is being promoted with no backcountry management. It was suggested that the table invite the MLA to discuss, however, it was felt that the MLA is aware of this problem and the discussion needs to be with the Minister of SRM. MSRM provides strategic direction and other agencies implement the plan. Kent and Kevin will draft up letter asking for legislation and options for enforcement.

Neil S stated that MOF has the ability to manage public recreation through Sec. 105 (*FPC*) to establish recreation sites and trails. He noted that the recreation program is limited in size and scope. MOF will entertain new sites and trails as long as clubs enter into a management agreement.

Mike S spoke with Premier Campbell about the licensing of snowmobiles and didn't feel that it was a high priority to him. Some expressed that a commitment from government to legalize the plan is needed or continuing the Committee is a waste of time. The Chair emphasized how much work this table has accomplished to date.

Respecting road signs, some felt it will be a waste of money if there is no legislation and enforcement but others felt the signs will help educate and there will always be people who don't comply whether or not the plan is legislated.

**Action: SMRAC members will take forward for support to their sector the resolution: "Whereas people of the Elk Valley have worked for 3 years on the SRMMP to achieve the objectives of the SRMMP, the plan requires provincial legislation and enforcement. Therefore the SRMAC requests that the provincial government immediately enact legislation or use existing legislation and provide resources to meet the objectives of the SRMMP"**

## **5. Plan amendments**

### **a) Heli-landing sites LU C25**

Powder Cowboys has a Commercial Backcountry Recreation (CBR) tenure in Little Sand (LU C25) for cat-skiing. They have applied for an amendment to their management plan to create 7 heli-landing sites for emergency purposes only. WLAP has recommended approval providing that the number of helipads be restricted to the number required for safety purposes, and that they only be used for emergency situations. Further the company would advise LWBC of any situations necessitating the use of helicopters for emergency purposes. The plan states that LU C25 is designated RH2 with specific landing sites to be identified consistent with SRMMP objectives.

John Birrell noted that the landing sites are very small, there are no associated structures, there will be minimal removal of trees, and the sites were chosen to reduce the impact to vegetation. He said that helicopters could land in an emergency without the pads, but it is better to have landing sites prepared in advance. Some are concerned that this will lead to the use of helicopters for other types of recreation in the area. A concern was expressed over impact on other tenure holders. It was generally felt that the sites should be specified in the plan as "emergency heli-landing sites" so it is clear that they are not being created as access for recreation purposes.

Pat G. supported having the sites and said helicopters will be used for emergencies, whether officially or unofficially. Must be monitored to assure it isn't being abused.

Kevin P. pointed out that, during the RMS process, it was stated that helicopter landing is a federal jurisdiction, outside of the control of the SRMMP. His concern is, once sites are created, others will use them for recreation access.

**Action: Discussion will be communicated to LWBC and recommend to Regional Director, MSRM, that sites, for emergency purposes only, be noted in plan.**

## 6. New business

### a) District of Elkford proposal

The District of Elkford has proposed 4 motorized routes in *Wildlife Act* AMAs in the Elk Valley. A copy of the proposal was provided to SRMAC in advance of the meeting. One of the routes lies within the SRMMP, the others are in AMAs adjacent to the plan area. SRMAC discussion will be considered in MSRM recommendations to government respecting the proposal. Since Weigert is within the SRMAC, it can make a recommendation to amend the plan to accommodate the proposed Weigert route. The other 3 proposed routes lie outside the plan area, so SRMAC may provide input through discussion to the review process. MSRM is leading the process to review the proposal and make recommendations to government. The review will include inviting public comment, SRMAC discussion, and a review of wildlife impacts done by WLAP. Process and timelines were described by the Chair.

Peter C, presented the proposal to the Committee and explained rationale. He noted that there is limited ATV access on Crown land adjacent to Elkford as a result of motorized closures under the *Wildlife Act*, and there are opportunities for tourism development if additional access can be created. Coal companies have been involved in these proposals.

Irene Teske, WLAP biologist, presented a power point presentation of the wildlife impacts review and answered questions. Not all AMA's are totally restricted to motorized – most have designated access routes through them. If there has been traditional access in these areas, the AMA will likely provide some level of access into that AMA. WLAP is concerned because level of Crown land recreational use has risen in past years and they want to maintain these areas of low level use because of their high wildlife values. Appreciation for the work and presentation from WLAP was noted.

**Action: WLAP Wildlife Report and PowerPoint presentation to be emailed out to SRMAC and posted on the comments website.**

General discussion followed. There is no access from Elkford to Weigert Creek – must go on main road. It is all private property through there and it is illegal to ride in ditches. There are some serious concerns over Weigert Ck proposal. The closure was put in for a reason. It was pointed out that, when the RMS process began 3 yrs ago, participants were told AMA's were not negotiable. With no legislative availability to enforce, why would we consider compromising the legislated closures?

Elkford has no motorized recreational access because of industry, AMA's, etc. There is nowhere for the tourists to go with ATVs and this limits tourism opportunity around Elkford. The District wants opportunities for motorized and non-motorized recreation. There is social value to open some of these trails so the motorized sector has somewhere to go. There has to be somewhere for motorized backcountry tourism. The District of Elkford's intent of this proposal was for economic development. Motorized routes might make it more attractive to people who are thinking of moving to Elkford. Mines own much of the land base around Elkford and there is no activity

allowed. It was asked why the District of Elkford didn't just apply for tenure instead of getting involved by going this route that makes it very political.

Elkford calls itself, the "Wilderness Capital of BC". Kent P. noted that he has concerns about the District using the word "Wilderness" in their slogan since wilderness is a place you go to for solitude, peace and quiet. Elkford, with its mining, logging and the added ATV tourism is not, in his opinion, the "wilderness capital" anymore.

Peter C. noted that there is an aging population living in Elkford asking for a small amount of reasonable opportunity.

About 10% of road surfaces are in AMAs. 'Limits of acceptable change' – was not part of the original planning process where participants all fought for individual wants/needs. Bill H. noted that adjacent areas in Alberta are non-motorized. He felt that motorized users won't stay on the routes proposed and will go off trail in the sensitive alpine area. As well, the routes will provide increased levels of use. He also noted that some of the routes shown in the proposal are not existing trails and are not viable for ATV travel. John Bergenske commented that these AMAs are special wildlife areas of extremely high value, areas that other communities would work to keep that way.

It was stressed by some table members that tenure holders need to be contacted.

It was asked who makes the final decision? Since AMAs are established under the *Wildlife Act*, the Minister of WLAP will need to approve any changes to the AMAs. Other Ministers, if signatories to the original regulation, may also need to approve, eg. Minister of Highways.

Weigert Ck – WLAP's proposal recommendation is to gate the trail and open it for ATV use for the month of August. Important to determine the end of the trail since motorized use is already occurring past the point agreed to for the permit issued last summer.

**Action: There is wide support for the recommendations from WLAP for Weigert.**

The Website will be open October 14<sup>th</sup> – 29<sup>th</sup> for public comment and to access copies of the proposal, WLAP report, background and process. Address for the website is <http://srmwww.gov.bc.ca/kor/ev/elkvalley.htm>. Written comments can also be submitted to the MSRM office in Cranbrook via mail or fax.

#### **b) Wigwam access**

West side road in Wigwam drainage is a Sec 105 (*FPC*) closure that restricts public motorized access, but not industrial access. Since a Guide Outfitter (GO) is deemed to be industrial, the previous GO used this road to transport hunters. Resident hunters are strongly opposed to this and want the issue addressed. Pam and Neil met with the current GO and he has indicated that he wants to use this road only to supply his camp before hunting season and to use it for emergency situations. The GO wants to cooperate with MOF and others to ensure that the closure is retained.

Kent P suggested that the east side road should be closed and open the west side road for everyone to use. Some have witnessed the current outfitter abusing his privileges of that road. This should be monitored. Dave B. suggested that MOF issue the GO a permit that allows him a certain time frame in which to access and supply his camp.

**Action: Neil S. will look into a permit for the GO.**

#### **7. Feedback and issues from sectors**

- Mike S. recommended that Carrying Capacity studies be done in the plan area. As a tenure holder he is seeing more overlapping tenures that can negatively impact existing tenures and the land base. **Action: K.Weaver commissioned a CC study (Beardmore). Chair will look into.**
- Exploring other jurisdictions – need to look at what other jurisdictions are doing to manage backcountry recreational use/access
- Kent P. would like an update on the Flathead Park Proposal for the next meeting
- Next meeting – suggest agenda item Elk River Angling Mgmt Plan – 5 rivers
- Al Pollard gave a heads-up to the table that BCTS will be removing beetle-killed timber from Bear hill and that it will probably be a big clear cut.

#### **8. Next meeting: Jan 19, 2005**

**Dinner presentation: Doug Ford and Peter Williams - Shell Canada**