

31 March 2012

Dear Ms. Dunbar,

Re: Request for comment on new trail and site proposals

The ramp table has asked for comment on the question “How can we deal with proposals for new sites and trails.” This question needs to be answered before the other two questions you posed can be appropriately dealt with. The following is my contribution.

Sites and trails are collectively referred to here as trails. Evaluating a new trail proposal requires the consideration of many factors such as the environmental impacts, and land use designations. Here attention will be drawn to two neglected considerations: stakeholder impacts, and trail proponent responsibilities. As recent events have shown these aspects should play a significant part in the proposal evaluation process to ensure that trails don’t become divisive issues or result in unacceptable impacts after a proposal is approved.

Stakeholders and their rights.

Trails have impacts on the rights or expectations of tenure holders, other non tenured land users, first nations, residents who are “trail neighbours”, alternate users of the land etc. *Those holding these interests are collectively referred to here as stakeholders.* Stakeholders may or may not be trail users.

Although trails have many positive benefits, the interests of stakeholders must be represented, respected and protected in the evaluation of trail proposals. The following examples illustrate some of the direct and collateral reasons why.

- Trails or access to them may cross or be adjacent to private property.
- Environmental impacts from trail construction, use and maintenance on domestic water supplies, community watersheds, and special places that are used or valued by stakeholders.
- Trail heads and even trails themselves do become the focus for inappropriate behaviour including garbage dumping, littering, partying late at night, noise at all times of the day and night from vehicles and people, migrating and expanding parking lot boundaries, etc.
- The nearest neighbours and tenure holders end up being the people to tidy up the mess and manage the fallout, to be the stewards, often with no help or support from the trail users or the regulatory agencies.
- Opening or encouraging of inappropriate access to areas adjacent to trails that are of value to stakeholders.
- The inappropriate or prohibited use and expansion of a trail.

Trail proponent responsibilities

Evaluating trails proposals should include the recognition that approving a proposal results not only in the proponent acquiring rights but also responsibilities. Thus evaluation should ensure that the trail proponents recognises these responsibilities and demonstrates the willingness plus ability to fulfill them over the long term. These responsibilities include the following.

- The trail proponent should demonstrate that they have recognised and addressed potential impacts on stakeholders before a trail authorization is issued or any construction begins. Consultation is part of this process.
- Their responsibility includes not only direct but also the collateral impacts their trails might cause over both the short and long term.
- The proponent should have in place a person and mechanism to deal with complaints arising from the trail.
- The proponent should be responsible for designing, constructing and maintaining their trail in such a manner that the impacts, including collateral effects are reduced. Where this is not possible the proponent will have a process to take care of these effects in a routine manner over the long term, eg responding to inappropriate use.
- The proponent should demonstrate the capacity and resources to deactivate a trail as required once they can no longer fulfill their obligations.
- Proponent-specific responsibilities should be provided as conditions to an approved application.
- The public should be notified of any changes in the responsible party or in trail use.

Notes

The following would help ensure that these and the other aspects of evaluating a proposal are met.

- A process for second sober opinion to check that issues, especially long term of potential rather than obvious ones, are caught in the early stages of a trail proposal, eg check the design of trails to reduce potential collateral effects, check stakeholder issues have been addressed.
- The Ministry of Environment's hierarchy of values/protection should apply.
- An independent conflict resolution and complaint process to which stakeholders or proponent can call if the proponent's resolution process is unsuccessful or the proponent is not fulfilling their obligations.
- A mechanism for ensuring proper deactivating of trails in the event that the proponent can no longer fulfill their obligations.
- A mechanism to deal with illegal trails.
- Stakeholder rights and proponent responsibilities taken into account during recreation land use designations.
- Mechanisms to identify and deal with "rogue" users, who are the people that all parties commonly blame for most inappropriate activities.

I hope you find these comments useful in ensuring that the recreational use of our lands is a pleasant experience for all.

Sincerely

J. Knight.