



Whistler Recreation Trails Strategy

Topic: Trail Approval Processes

This topic covers municipal and provincial trail authorization processes, challenges, and timelines, and includes how things might be streamlined.

Initial Directions

These 'initial directions' are being considered for implementation as next steps after the development of the RTS. They were developed based on the force field analysis and the background information below in this document, and with input from staff and these RMOW committees: the Trails Planning Working Group, the Whistler Bear Advisory Committee, the Forests and Wildlands Advisory Committee, and the Recreation and Leisure Advisory Committee.

1. Review upcoming changes to the provincial authorization process to understand the implications on future trail development proposals and opportunities within Whistler, and address implications as needed.
2. Develop a municipal trail development authorization process for reviewing trails within Whistler that aligns with the provincial process regarding environmental review, First Nations consultation, and referrals to appropriate stakeholders. This process would ideally consider and resolve provincial requirements prior to application submission to the Province to decrease review processing time.
3. Review and update the terms of reference for the Trail Planning Working Group to include reviewing and commenting on new trail development applications.

Force Field Analysis

Helping Forces

Helping forces are the positive internal and external factors affecting this topic area, including internal strengths/assets and external opportunities/levers.

1. Formal Section 57 process requires review by Provincial Ecosystem Biologists, referrals to First Nations for consideration of Rights and Title issues, other crown land tenure holders, the RMOW and other relevant stakeholder groups
2. Establishment of a recreation trail under Section 56 allows additional consideration on Crown land from competing industrial land uses such as forestry or mining, in addition to signing of formal partnership agreements for ongoing maintenance, management and fee collection
3. The RMOW facilitates a Trails Planning Working Group (TPWG) to coordinate the planning of recreation trail development to build consensus and achieve efficiencies

Hindering Forces

Hindering forces are the negative internal and external factors affecting this topic area, including internal weaknesses/gaps and external threats.



1. Provincial authorization process is subject to significant delays due to volume of applications, workload, and staffing issues, which leads to challenges for trail groups to effectively plan funding and resources
2. Multi-year approval process has led to situations where trail development proposals by trail groups are delayed such that unsanctioned trails have been built in target areas in the interim and may contribute to local resident conflict or environmental concerns
3. Trail builders that act independently from clubs and associations often build unauthorized trails in frustration with what they perceive to be the complicated Section 57 trail authorization process with RSTBC,. This creates situations that can lead to conflict with First Nations, landowners, managers, residents and other user groups
4. Lack of established Municipal trail planning processes can result in ad-hoc development that sometimes appears to lack a coherent approach to the network to the public
5. Potential upcoming changes to Provincial authorization processes have not yet been communicated and the implications are not yet understood

Trail Approval Processes – Background Information

This background information has informed the Force Field and Initial Directions. It has been reviewed by staff and the four RMOW committees (listed above) and refined based on their input.

Legislation for Crown land Trail Approval

Recreation trails are authorized and established on Crown land through the Provincial *Forest and Range Practices Act* (FRPA). This public network of trails is managed and maintained on behalf of the Province of BC by Recreation Sites and Trails BC (RSTBC) a branch of the BC Ministry of Forests. Crown land consists of a myriad of different designated land uses from forestry, natural resource, mining, and indigenous values. Unlike recreation trails within BC Provincial Parks, recreation trails that exist on this shared Crown land base in many instances are not protected and are influenced by these other stakeholders on the land.

Three relevant legislations of the FRPA related to trails authorizations include

- FRPA Section 57 Authorizations
- FRPA Section 56 Establishments
- FRPA Section 118 Agreement

Section 57 Authorization Process:

Authorization is required under Section 57 of the FRPA for construction, rehabilitation or maintenance of a trail or recreation facility on Crown land.

Recreational trail activities that do not require a Section 57 authorization: include

- Basic access or travel through the forest or across the land ex: hiking
- Route finding or route marking
- Minor, piecemeal, or incidental clearing of brush or downed trees on or off established trails



- Emergency repairs to a trail or recreation facility to prevent imminent damage to the environment, trail, or the facility

Activities that require authorization:

Trail or recreation facility construction, rehabilitation, or maintenance

- Ground disturbance, clearing or cutting of vegetation
- Construction of structures: water bars, stairs, bridges, signs – other significant structures of a long-term or permanent nature

Proponents wishing to build a trail must submit an application to the local RSTBC district office through the BC Provincial Natural Resource Online Services Portal [FrontCounter BC](#).

Section 57 Review Process

The Section 57 follows the general review Steps as below:

1) Initial Review;

Once the application is received by RSTBC an initial review of the trial proposal application is conducted to ensure there are no showstoppers ensuring:

- The trail proposal is conducted entirely on Crown land (no overlaps with private land, municipal, federal, I.R. lands or Provincial Parks)
- No major conflicts with other land use plans and objectives e.g. (Sea to Sky Land and Resource Plan)
- No overlaps with Crown land reserves or Crown leases
- A detailed and complete application as set out below

2) First Nations Consultation and Agency Referral:

If the recreation officer finds the Section 57 application passes the initial review the application will be sent out to First Nations for referral. The Province has a duty to consult with First Nations regarding land-use decisions that may infringe on Indigenous title and rights. First Nations usually have 60 days to respond to an application.

Referral for comments will also be sent to other recognized stakeholders of the land the trail proposal overlaps including recreation clubs, Crown land tenure commercial operators, natural resource license holders, and municipal and provincial agencies. Agencies and stakeholders usually have 30 days to respond to the application.

3) Adjudication of Agency and First Nations Comments

A technical review is completed by the recreation officer once all of the comments and/or objections are received from the consultation and referrals process. Additional information may be required by the applicant to address comments from the referral process to ensure any identified problems are successfully addressed.

4) Decision

A decision will be made by a designated RSTBC decision-maker weighing all information gathered throughout the application process and if the application is successful a section 57 approval under the FRPA will be granted to the applicant in writing.



Section 57 Application Requirements

Proponents must provide an application using the appropriate form and contents including;

- 1) General Proposal Description
- 2) Detailed Trail Description
 - a. Approximate length of proposed works – new construction and maintenance of existing trails
 - b. Proposed width of new or rehabilitated trail
 - i. Refer to trail construction guidelines and standards identified in this document
 - c. Specify proposed work initiation and completion dates
 - d. Identify primary user of the trail
 - i. Guides construction standards
 - e. Do the proposed works fall in a community watershed?
 - f. Describe trail construction guidelines or standards that will be followed – relate to specific user type
 - g. Describe any significant water features
- 3) Mapping requirements
 - a. three styles of maps
 - i. Overview map, general location map, specific location map
 - b. GPS data:
 - i. Provide digital GPS data for each proposed trail
 - ii. Derived from field collected GPS data
- 4) Additional requirements
 - a. Recorded communications with potentially impacted stakeholders, interest holders of First Nations regarding the proposal
 - i. Assists in completing the district recreation officer in completing the referral and consultation process
 - b. Describe your organizations capacity and commitment for ongoing maintenance of the proposed trail or recreation facility
 - i. Helps in assessment of the capacity for long term management/maintenance

Section 56 Establishment Process

Section 56 of the FRPA provides authority to establish a recreation trail as a Provincial recreation site or trail and will usually occur after a Section 57 authorization has been granted. Essentially the establishment of a recreation trail under Section 56 allows additional protection on Crown land from competing land uses like forestry or mining. If a recreation trail only receives a Section 57 authorization there is no legal requirement for a stakeholder to make referral to that Section 57 holder when exercising their tenured rights.



A Section 56 establishment of a provincial recreational trail or site will require other competing land-use stakeholders a more formal referral process when using the land and allows the holder to establish a partnership agreement with the province under a Section 118 Agreement.

A Section 56 application follows the same application flow as the Section 57. A Section 56 application is filed via an application to the local RSTBC district office through the BC Provincial Natural Resource Online Services Portal [FrontCounter BC](#).

Section 118 Agreement

If a recreation trail is established under a Section 56 an organization must enter into a partnership agreement (Section 118) with the Province to take on responsibility for the maintenance and safety of the trail.

Section 118 Provides authority for a designated organization to enter into an agreement to develop, expand, maintain, repair or close a recreation site or trail.

Agreement holders are responsible for managing recreation sites and trails to the standards specified in their partnership agreement. RSTBC is responsible for administering and monitoring agreement holders to ensure they carry out the responsibilities defined in the agreement. Partnership agreements can allow the organization to charge fees for providing a service e.g. camping at an enhanced site (cleaned and maintained on a regular basis).

A Section 118 is usually established when a Section 56 Establishment is applied for.

RMOW Processes

Trails Planning Working Group

The RMOW facilitates a Trails Planning Working Group (TPWG) to coordinate the planning of hiking and mountain biking trails close to Whistler and within the Recreation Trails Strategy's study area. The working group encourages local trail user groups and land managers to discuss trail issues and ideas, to coordinate planning and resources, and to seek formal approval for trails. The working group includes representatives from:

- Resort Municipality of Whistler (RMOW)
- Alpine Club of Canada – Whistler (ACC-W)
- Whistler Off Road Cycling Association (WORCA)
- Trials 99 trials motorcycle organization (T99)
- Recreation Sites and Trail BC (RSTBC)
- Association of Whistler Area Residents for the Environment (AWARE)
- Squamish Lillooet Regional District (SLRD)
- Cheakamus Community Forest (CCF)
- Whistler Blackcomb

Through this group proposed trails and related initiatives are discussed and reviewed at length. The TPWG can consider individual trail proposals or a more comprehensive area “master plan” of trails representing the wishes different community organizations. The TPWG can provide a letter of support (or not) to the reviewing agency, although this is not considered a formal municipal sign off.

It should be noted that the TPWG's current official mandate requires a significant update. That said, the group continues to meet twice per year, adding value to the broader trail subject.



Trails Proposed on Crown Lands

Trail proposed to be located upon Crown lands require submission of a comprehensive application to RSTBC as outlined in section 2.7 above. RSTBC then refers the application to the municipality for formal review and comment.

Once received by the municipality, the proposal is reviewed internally by various departments including but not limited to Environmental Stewardship, Resort Parks Planning and Resort Operations. Depending on the scope of the proposal, it may be referred to Committees of Council for input including the Whistler Bear Advisory Committee, the Forest and Wildlands Advisory Committee and the Recreation and Leisure Advisory Committee. Inputs can be supportive of the proposal or not. At the end of the process comments are collected and returned to RSTBC for consideration in their broader referral process.

Occasionally, community groups will seek a letter of support from the municipality to accompany a Section 57 application. In these instances, the municipality initiates an internal review process similar to what is outlined in the preceding paragraph.

Trails Proposed on Municipal Lands

Historically, trails proposed on municipal lands have been through the guidance of the Resort Operations department. Trails such as the Valley Trail and Zappa networks in Lost Lake Park were constructed in this manner. The municipality does not allow for non-municipal trails on municipal lands.

Moving forward a referral and review process needs to be developed that aligns with other review processes and the ESG's

Outside of Trails Planning Working Group, municipal processes described are evolved practices without formalized or documented policies or procedures.