



## Whistler Recreation Trails Strategy

### Topic: Commercial and Event Uses

This topic covers how to balance commercial and event uses with environmental values, community priorities, and smart tourism.

#### 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. Develop a policy and review process for commercial and event use of Whistler's trails in collaboration with stakeholders that:
  - a) Aligns with the vision and objectives of the Recreation Trails Strategy
  - b) Aligns with and builds upon existing related initiatives including the Non-Exclusive Use Permit (NEUP).
  - c) Outlines proponent requirements and evaluation criteria in support of community objectives and related to environmental, trail and social management concerns
  - d) Establishes trail fees for commercial and event users that are clear, consistent, and comparable to other jurisdiction, based on potential impacts to the network.
  - e) Is suitable for the variety of land and trail managers as well as commercial and event proponents in the Whistler area
  - f) Determines acceptable levels of commercial and event use balanced with smart tourism objectives
  - g) Inventories the network in consideration of a broad range of event types and sizes, weather conditions and other unique considerations
  - h) Is clear, efficient and streamlined for all parties, defining expectations and requirement
  - i) Clearly identifies best practice management systems to monitor and encourage or enforce appropriate use levels
2. Develop a guide that helps commercial and event proponents adhere to the policy.

#### 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. The RMOW Non-Exclusive Use Permit (NEUP) helps to improve management and ensure responsible commercial use of trails through managed user dispersion across municipal



recreational features, anticipating user conflict points, improved communication, and ensuring the municipality is adequately protected against liability.

2. WORCA special events policy has been well received by commercial and event promoters. It directs events to use appropriate trails depending on the type and size of event and anticipated weather conditions. Fees associated with event use generally covers the cost of event mitigation and repair in addition to providing additional funds for other projects.
3. The RMOW consults with trail groups on appropriate use of the network for different types of commercial use and events, while also preventing use of select trails for environmental considerations.
4. Commercial and event use of trails in the Whistler valley has increased substantially with the growth and interest in outdoor recreation.
5. Supports local business and the economy.

### **Hindering Forces**

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

1. Multiple jurisdictional approval processes do not necessarily align and can cause confusion for event organizers
2. Commercial and event use can cause significant social, environmental and trail quality impacts to the network
3. Unpermitted and/or untenured commercial uses of trails
4. Expanding demand for commercial use of trail network can conflict with public use and environmental considerations
5. Not all community trail advocacy clubs have the resources to develop and administer a special events policy for trails within their management responsibility
6. Commercial and event use of trails in the Whistler valley has increased substantially with the growth and interest in outdoor recreation.

### **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.*

Commercial and event use of trails in the Whistler valley has increased substantially with the growth and interest in outdoor recreation. Commercial and event activity can range from coaching and guiding of hiking and mountain biking activities on Whistler trails network and special events such as outdoor recreation race events or social events. Commercial and event uses on recreation features in the Whistler valley is managed and authorized at a provincial, municipal and club level.

Provincial authorizations for use of recreation features for commercial and event use on Crown land is managed by:

- Referrals to First Nations, local and regional government
- FRPA through Section 16 of the Forest Recreation Regulation regulated by RSTBC
- *Land Act* under the Adventure Tourism Policy for commercial recreation regulated by the Ministry of Forests

At a municipal level

- RMOW's outdoor Non-Exclusive Use Permit (NEUP) intended for any organization operating in Whistler's parks or trail network without a fixed location.

Club level

- WORCA's Special Events Trail Policy

## **RSTBC-Forest Recreation Regulation Section 16**

Section 16 of the Forest Recreation Regulation (BC Reg 58/99) was established to aid RSTBC staff in managing certain uses on sites and trails to ensure that they are compatible with the resources, structures, services, and other visitor use.

Section 16 of the regulation (BC Reg 58/99) states:

*"Unless authorized by a designated forest official, a person must not use*

- (a) a recreation site, recreation trail, interpretive forest site or wilderness area for:*
  - (i) a competitive sporting event, or*
  - (ii) a business or industrial activity, or*
- (b) a recreation site as:*
  - (i) part of a gathering of 15 or more persons, or*
  - (ii) a place of temporary residence while engaged in a business or industrial activity outside the site"*

If an event or commercial activity is proposed on a RSTBC recreation trail or site feature a Section 16 Authorization application must be submitted to the local Recreation Officer for approval.

Applications forms are available from RSTBC website for each of the following recreation uses/activities requiring authorization:

### **Competitive Sporting event:**

A competitive sporting event is a sporting event that takes place on a recreation site, recreation trail, or interpretative forest site. Competitive sporting events are events where participants compete against others towards a common objective (e.g. the fastest time, longest distance, etc.). Participants may be required to pay an entrance fee and may be awarded a prize because of participation. E.g. mountain bike competitions, trail running competitions.

### **Business Use:**

Business use is described as a one time or limited use of a recreation site, recreation trail or interpretive forest site for a business purpose. E.g. coaching or guiding on a designated provincial RSTBC trail.

**Gatherings of 15 people (recreation site only) or more:** A gathering of 15 people or more people at a recreation site is described as a one time or limited recreational use of a recreation site for a non-commercial purpose, for a group of 15 or more persons e.g. recreation club social events

## **Section 16 Review Process**

The Section 16 authorization follows a similar application process to the Section 57 trail authorization description described previously and is set out below

- 1) **Initial Review:** The application will be reviewed to ensure the application form and package is complete. Mapping may be required if for commercial and event uses using a large area and will consist of a location map and detailed map to support the application.



- 2) **Adjunction:** The application will be reviewed by a recreation officer and determine whether additional information, consultation or assessment is required target processing time is **45 days**.
- 3) **Issuance of Authorization:** If the Recreation Officer determines an authorization will be made an authorization letter will be produced with conditions and measures to manage or mitigate impacts to the recreational values in which the commercial activity or event will occur.

Authorization applications can be denied if

- The proposed use or activity does not support recreation objectives proposed in higher level plans or is inconsistent with any ministerial orders in place for special management.
- The proposed use or activity is deemed likely to result in unacceptable impacts to recreation values
- The Applicant has failed to abide by the conditions of authorization of previously granted Section 16 authorizations (only applicable to returning applicants)

### **Fees**

No fees are associated with a Section 16 application and authorization. However, the Recreation Officer can make a certain fee for the use of the trail or area within the conditions of the authorization.

### **Land Act Crown Land Tenure for Adventure Tourism**

Commercial recreation and adventure guiding activities that occur on Crown land is regulated under the *Land Act* and Adventure Tourism Crown Land Policy. A *Land Act* tenure is required for recreation operators on provincial Crown land if activities involve compensation or reward, received or promised, from residents and non-residents of B.C. Commercial recreation activities that could occur on the Whistler trail network requiring a *Land Act* tenure include hiking and mountain bike guiding and mountain bike coaching.

### **Commercial Guiding Activities**

The Adventure Tourism Policy details the forms of land allocation for land tenure and the application process and fees. Previously commercial recreation guide operators applying for land act tenure in the Whistler valley have applied for a license of occupation extensive use land allocation over trail corridor alignments. The licence of occupation extensive use land allocation is non-exclusive and cannot preclude public access use on the tenured crown land trails.

### **Special Events**

A temporary use permit for short term Adventure Tourism or public recreation/tourism special event can be issued for use of Crown land for a term of 14 days in a 30-day consecutive period. A temporary use permit application will be required to be submitted prior to the scheduled event.

An Adventure Tourism tenure application for a Licence of Occupation with a longer term is recommended for Special Events that are expected to occur in the same location/s over multiple years.

A temporary use permit is also expected if a non-profit society organizing an event exceeds the participant threshold in the permissions policy as detailed below



## Non-Profit Societies Organized Events

Non-profit societies that organize public recreation/tourism special events on provincial Crown land do not require an authorization under the *Land Act* or AT policy if they meet the conditions for organized events in the Crown land [permissions policy](#).

Relevant Conditions include

- A cap of 200 participants for non-motorized recreation events.
- The organized event cannot occur for longer than 72 hours, including time required to set up the activity and restore the Crown land to a safe, clean and sanitary condition.
- Adequate insurance coverage must be organized for the event

## Fees

### Land Act Tenures

- The application fees for a Licence of Occupation for an Extensive Use Area for Non-Mechanized AT guiding activities are: \$250
- Rent is calculated by the minimum annual rent for a Licence of Occupation Extensive Use Area or total Client Days, whichever is greater
- Minimal annual rent for a Licence of Occupation with only an Extensive Use Area is \$500.
- Client day rates for AT guide activities is \$1 for Non-Mechanized. Client Days = # trips x number of clients x # days of trip e.g. 20 day trips of 15 clients(20x15x1) = 300 client days

### Temporary Permits for Special Events

- AT application fee for a Temporary Permit for Special Events is \$250
- For AT guiding: rent is calculated as the total Client Day fee for the period, or \$125, whichever is greater. See *Land Act* Tenure section for client day fees.
- Minimum rent for a Temporary Permit is \$125.

### RMOW Non-Exclusive Use Permit

The RMOW Non-Exclusive Use permit (NEUP) was created for organizations operating without a fixed location in RMOW parks and trails. Organizations can include mountain biking groups, outdoor camps, training programs, tours, and guided hiking groups. The RMOW NEUP was developed in response to increased use of Whistler's parks and trails and will help balance large group access to public land. Permits are required for groups scheduled between May 15 and October 15. The fees charged help offset the operating costs of the parks and trails.

The RMOW NEUP must be obtained for programs that operate in land owned, managed, or controlled by the RMOW. The purpose is to help better disperse use of RMOW recreational features, reduce user conflicts, ensure the municipality is properly protected against liability, and to improve communication channels. Applicants must reapply annually as the permit is only valid for select number of dates.

The RMOW NEUP does not include recreational trails managed by WORCA, ACC, 99Trails, SLRD, RSTBC and BC Parks.

## Fees

- An administration fee of \$50 applies to all applicants
- \$50 = minimum fee for groups under 250 applicants
- User fees are based on total user visits





- Reduced fees are in place for non-profit groups and children's programs

Note that this program is currently in a trial format and future changes may occur.

### **WORCA Special Events Policy**

The WORCA special events policy was created to provide a framework for creating positive working relationships with event organizers. It is based around the principle of sustainably managing WORCA-maintained trails for all stakeholders over the long term, while continuing to support the use of our trails for Special Events.

- Organizers must present their suggested course to trails committee – suitability will be assessed based on intended format of event, skill level of racers, conditions of the trails, and ability of the trail to withstand volume/riding ability
- Enduro events with more than 300 participants and require multiple laps of same trail will only be allowed to hold one event stage on WORCA trails.

### **Fees and Compensation**

Event organizers will be expected to provide compensation to WORCA for the use of WORCA-maintained trails using the following standards:

- All funds intended for compensation for WORCA-maintained trail use will be directly donated to WORCA. No third-party intermediaries.
- A compensation amount will be agreed upon before the event so that WORCA can plan and designate labor towards preparation and remediation work.
- A minimum of \$5 per racer, per lap, per stage will be required for each enduro-style event. It is estimated that two practice laps and one race lap will be completed by each participant such that each registered racer will require a total \$15 contribution per stage by the event organizer (e.g. a race event of 400 participants would cost the organizer \$6,000 per stage at 3 laps x 400 racers x \$5 per lap).

### **Incorporation of Course Marshalls**

WORCA advises that event organizers appoint a WORCA trail member to be a Course Marshal with Enduro races to assist in setup and tear down to return public trails to their original condition after the race.

- The Course Marshal will be charged at a rate of \$300 per day for a minimum of 3 days (minimum two days pre-race and one day post-race). The cost of this appointment is to be covered by the event organizer and the amount paid will be in addition to the compensation for trail use.