



**Land Use Operational Policy  
Adventure Tourism**

**NAME OF POLICY:** Adventure Tourism Policy

**APPLICATION:** The AT Policy applies to tourism operators who provide outdoor recreation activities for a fee or other form of compensation. Circumstances where the AT Policy would not apply are listed in Section 1.1 and 1.2 - Policy Application.

**ISSUANCE:** Assistant Deputy Minister, Tenures, Competitiveness and Innovation

**IMPLEMENTATION:** Ministry of Forests, Lands and Natural Resource Operations

**REFERENCES:** *Land Act* (Ch. 245, R.S.B.C., 1996); *Ministry of Lands, Parks and Housing Act* (Ch. 307, R.S.B.C. 1996); Crown Land Fees Regulation (BC Reg. 177/2003).

**RELATIONSHIP TO PREVIOUS POLICY:** This policy replaces the 2009 Adventure Tourism Policy.

**POLICY AMENDMENT:** Any formal request for an amendment to this policy is to be directed in writing to the Assistant Deputy Minister responsible for this policy.

**Dave Peterson**  
Assistant Deputy Minister,  
Tenures, Competitiveness and Innovation  
Ministry of Forests, Lands and Natural Resource Operations

March 19, 2013  
Date

<b>Approved Amendments</b>		
Effective Date	Briefing Note / Approval	Summary of Changes
September 11, 2009	MTCA DN 24780	<b>Adventure Tourism (AT) Policy</b> The Guided Adventure Tourism Policy is replaced with the AT Policy. Key updates include: better harmonization with BC Parks; temporary permits for special events and ADM approval required for any AT Policy updates or major policy variance requests.
May 26, 2011	FLNRO BN 175892	Policy and procedure update to reflect the reorganization of resource ministries.
August 3, 2011	FLNRO BN 178777	Revisions related to sled dog operators.
March 7, 2013	FLNRO DN 195960	A LEAN review and update of the AT Policy to improve administrative processes, consistency in policy interpretation and improve service delivery.
March 19, 2013	FLNRO DN 195968	Similar to the 2004 policy, aspects of Incidental Use have been re-introduced with conditions to describe situations where dispersed, occasional low-impact activities may not require authorization.
February 23, 2015	FLNRO DN 212423	The Adventure Tourism (Commercial Recreation) Policy replaces the March 19, 2013 Adventure Tourism Policy. Key updates to the AT Policy include: re-organizing the policy into core business areas (Intensive Use Sites, Guided Activities and Special Events); authorizing tourism activities, such as accommodations and docks, under this policy as opposed to the General Commercial Policy to ensure a fair and equal playing field among operators (e.g. pricing method for similar Improvements); increasing the upper threshold for Tenure terms and improving the approach to addressing non-compatible AT guide activities that overlap.

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## 1. POLICY APPLICATION

### 1.1 General

This Adventure Tourism Policy applies to:

- Commercial recreation/tourism operators and educational institutions who provide outdoor recreation/tourism activities on provincial Crown land (including land covered by water) – these activities include: training, transportation, adventure guiding, food services, entertainment and Improvements (e.g. lodge/cabin accommodations and docks), for compensation or reward, received or promised, from residents and non-residents of BC. These activities are hereafter referred to as Adventure Tourism (AT);
- Non-profit societies that organize public recreation/tourism special events on provincial Crown land that exceed the participant thresholds in the [Permissions Policy](#) or those below the participant thresholds in the Permissions Policy who voluntarily apply under the AT Policy; and
- Incidental Use of provincial Crown land for AT activities as described in Appendix 1.

This AT Policy does not apply to:

- AT activities on provincial Crown land administered under the *Park Act*;
- Other commercial activities authorized under the Commercial General Policy<sup>1</sup>;
- Guided hunting activities (including the transporting or packing of resident hunters) or angling guide activities authorized under the *Wildlife Act*;
- All seasons resort development projects, including alpine ski resorts, which are authorized under the All Seasons Resort Policy;
- Active resource roads for industrial vehicles that allow for public access, except for non-status forest roads and unploughed resource roads during winter conditions; and
- The development of public recreation sites or trails which must be authorized under Section 56 of the *Forest and Range Practices Act*.

### 1.2 Guide Outfitters & Freshwater Angling Guides

Specific considerations related to Guide Outfitters and Angling Guide Operators include:

- Commercial hunting and angling guide activities on provincial Crown land outside of parks are authorized under the *Wildlife Act* and are not applicable to this policy. As a result, an License of Occupation for an Extensive Use Area under the *Land Act* is not required for guided hunting or fishing. AT guide activities offered by a guide outfitter or angling guide that are not authorized under the *Wildlife Act* for hunting or fishing must be Tenured under this Policy.
- Any Improvements (e.g. lodges, cabins, camps) for the purpose of guided hunting or angling must be approved and Tenured under this policy as an Intensive Use Site. Minimal Impact Sites may be associated with an Intensive Use Site Licence of Occupation (refer to the definition of Minimal Impact Sites and sections 6.1.1 and 8.3).

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<sup>1</sup> Note: the General Commercial Policy no longer includes tourism Tenures, with the exception of commercial filming, golf courses and marinas.

- Intensive Use Sites Tenured under the *Land Act* as part of a Guide Outfitter operation are considered part of the Guide Territory and cannot be assigned separately from the Guide Territory Certificate area. As such, any Intensive Use Sites must be Tenured under the name of the Guide Territory Certificate holder. For more information, refer to Section 8.4.1 regarding assignments for hunt camps/cabins/lodges. In addition, refer to Section 6.1.2 and 6.1.3 for specific considerations related to a longer Tenure term for a base camp lodge.
- In terms of Incidental Use, please refer to Appendix 1.

## 2. PRINCIPLES

*Provincial government employees act in accordance with applicable legal requirements when making decisions. The Guiding Principles are a summary of key administrative and contract law principles which guide provincial employees.*

*This policy is part of a series of policies<sup>2</sup> that have been developed to help provincial staff use business and legal principles to achieve the government's goals with respect to the management of provincial Crown land in a manner that is provincially consistent, fair and transparent. To that end, this policy also serves as a communication tool to help the public understand how the Province of BC (Authorizing Agency) makes decisions respecting provincial Crown land.*

The Strategic Policy for [Crown Land Allocation Principles](#) provides guidance to the Authorizing Agency that is involved in decisions related to the allocation of provincial Crown land. This guidance is incremental to obligations under law, recognizes the statutory authority of other levels of government and guides the development of strategic and operational policy.

In addition to the Crown Land Allocation Principles, principles specific to the AT sector include:

- Providing continued access and Tenure certainty on provincial Crown land for the AT sector;
- Balancing the interests of existing AT Tenure holders with the interests of new AT applicants by ensuring there is diverse, responsible and sustainable growth in AT/nature-based tourism;
- Encouraging respect and cooperation between AT Tenure holders;
- Promoting safety for the public, AT Tenure holder and clients; and
- Encouraging sustainable tourism practices.

## 3. DEFINITIONS

**Adventure Tourism (AT)** refers to commercial recreation/tourism operators and educational institutions who provide outdoor recreation/tourism activities on provincial Crown land including: training, transportation, guiding, accommodations or other commercial recreation/tourism Improvements, food services or entertainment for compensation or reward, received or promised, from residents and non-residents of BC. The primary purpose of the accommodation must be for AT – ancillary commercial accommodations for other sectors, such as forestry or mining workers are permitted during the off-season.

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<sup>2</sup> Please note that the italicized text in this policy document represents information summarized from standard Crown land operational policies and procedures. This material has been inserted where it provides necessary direction or context. As well, website links offer access to the full text of the relevant operational Crown land policies and procedures. Text in standard font is applicable to this operational policy only. Text that is underlined contains a web hyperlink to the document.

**Assignment** refers to the transfer of the Tenure holder's interest in the land to a third party by sale, conveyance or otherwise. Assignment requires the prior written consent of the Authorizing Agency. The assignee must meet eligibility requirements. The Authorizing Agency may refuse the assignment of existing Tenures if the details of the assignment are not acceptable to the Province. Temporary permits cannot be assigned.

**AT Operator Input Form (ATOIF)** refers to the form in Appendix 9 used by the Authorizing Agency for new AT Tenure applications to ensure the existing AT Tenure holder has an opportunity to comment on a new applicant's TMP during the Tenure allocation process.

**Authorizing Agency** refers to the provincial government agency responsible for the program delivery of the Adventure Tourism Policy.

**Caretaker Accommodation** refers to the ancillary, modest<sup>3</sup> accommodation provided for one caretaker at a Primary IU Site where maintenance and security is required during the off-season of an AT Tenure holder. An off-season Caretaker Accommodation is only provided for where there is demonstrable need for the caretaker to be on site (e.g. there is no accommodation available within a half hour travel time). All caretaking activities must be included in the Tenure Management Plan.

**Client Day** is the basic unit of visitor traffic measurement for AT guided activities (i.e. Part B of this policy). It represents a single client, participating in any type and any number of guided activities on Crown land, for any calendar day or portion thereof. Examples of Client Day calculations include:

- one person participating in a ten hour guided hike on Crown land  
= (one person x one day) = one Client Day
- one person participating in a two hour guided hike on Crown land  
= (one person x one day) = one Client Day
- four individuals participating in a five hour guided hike on Crown land  
= (four people x one day) = four Client Days
- one person participating in a guided hike on Crown land that begins at noon of one day and ends by noon the next day = (one person x two days) = two Client Days

**Delegated Decision Maker (DDM)** refers to the Authorizing Agency's representative with delegated authority under the *Land Act* to authorize AT Tenures under the AT Policy.

**Diligent Use** refers to the use of Crown land for AT activities carried out by an AT Tenure holder as identified in an approved Tenure Management Plan associated with an existing Tenure. All AT Tenure holders must demonstrate that they are complying with the estimated type and Level of Use in the approved Tenure Management Plan. level of use refers to the number of participants (Client Days), frequency and nature/scope of the activities in specific areas of Crown land.

**Extensive Use Area** refers to a generally large area of Crown land used by an AT Tenure holder for dispersed and non-exclusive guided AT activities (e.g. guided hiking, wildlife viewing, horse-back riding, snowmobiling, ski-touring, heli-skiing, rafting, etc.). Extensive Use Areas are authorized under a non-exclusive Licence of Occupation as described in Part B of this policy.

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<sup>3</sup> An example of modest accommodations is a room in the main lodge.

**Improvements** includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under the land, and attached to it or intended to become a part of it.

**Incidental Use** – please refer to Appendix 1.

**Intensive Use (IU) Sites** are small areas of Crown land that are integral to the AT Tenure holder's operation and typically contain Improvements (e.g. cabin). There are two types of Intensive Use Sites: Primary IU Site and Secondary IU Site, which are based on the nature and scope of the Improvements on the land use:

**Primary IU Sites:** typically represented by one or more of the following criteria:

- generally located near urban/developed areas;
- involves substantial Improvements;
- requires primary services (e.g. utilities);
- operates on a continuous (year-round) basis;
- requires considerable administrative attention (e.g. Caretaker Accommodation for maintenance and security of Improvements).

**Secondary IU Sites** do not align with any criteria for a Primary IU Site and are typically represented by one or more of the following criteria:

- usually located in rural or remote areas;
- involving relatively minor/rustic or non-permanent Improvements;
- operating on a one season basis (less than 8 months);
- requiring moderate or minimal administrative attention.

**Joint Use Agreement (JUA)** means an agreement between two parties and is not part of an AT Tenure agreement. Under this policy, a JUA may be between an AT Tenure applicant and an existing AT Tenure holder referred to in Appendix 8 (note: JUAs are also applicable between an AT operator and a public recreation society – section 7.7.8). The content of a JUA may include information on how the parties will coordinate to safely use the shared terrain, reasonable fees/rents and how disputes will be resolved.

**Major Amendment** requires a new Tenure application – it refers to a change to the Tenure agreement that is not a Minor Amendment as described under the [Crown Land Fees Regulation](#) of the *Land Act*. For example, a proposed expansion of an existing Tenure that involves additional area or a change in use/purpose (e.g. adding a new AT activity for Extensive Use Area licences) would be considered a new application (note: sometimes referred to as a major modification).

**Mechanized** refers to guided AT activities where mechanized or motorized transport of clients (e.g., snowmobiles, motorcycles, all-terrain vehicles, etc.) is an integral part of the recreation experience offered to the clients. Motorized use includes vessels that use power as an integral part of the guided operation (e.g. go up and down a river, exceed the speed of the water flow, or are used as tour vessels which access Crown land for guided tourism purposes, such as jet boating). Vessels that use motorized propulsion only intermittently for control or safety purposes, vessels that provide a transport service to and from a water-based AT operation and pedal bikes are considered non-Mechanized for the purposes of this policy.

**Mechanized Ski Guiding** refers to guided ski activities in winter snow conditions where mechanized transportation is an integral part of the skiing experience, such as



transportation via a helicopter for heli-skiing, snowcat for cat-skiing or any other use of mechanized access to facilitate guided skiing (e.g. snowmobiles).

**Minimal Impact Sites** refer to small areas of Crown land that are intermittently used for non-exclusive, low impact recreation/tourism activities within an Extensive Use Area licence or b) associated with an Intensive Use Site license for the hunt guide activities of a Guide Territory Certificate holder; that contain minimal and temporary Improvements only (as described in a TMP). Use may include overnight camping or day uses such as staging, picnicking, and water access 'put-in' and 'take-out' sites. Minimal Impact Sites are not considered Intensive Use Sites and do not require additional Tenure under this policy.

Minimal Impact Sites must meet **all** of the following criteria:

- Ancillary to an authorized AT activity Tenured under this policy;
- Involve seasonal and intermittent use (i.e. not more than 50% occupancy, over no more than 6 months of the year);
- Contains only rustic 'low order', temporary Improvements such as fire pits, crude corrals, tent frames, outhouse, food caches etc. that may be easily removed during the off season (excluding docks and wharves);
- Involves the use of small areas of Crown land, normally less than  $\frac{1}{4}$  ha.; and
- Does not limit public access and is at least 200 meters away from popular public recreation areas and trails.

These sites are on a first-come first-serve basis and are non-exclusive. They are considered ancillary to the authorized AT activity (e.g. snowmobiling, hiking, mountaineering, guide outfitting, rafting, etc.) and must be referenced in the Tenure Management Plan as part of the business operation. If the AT operator does not meet the definition and criteria for Minimal Impact Site or if public concerns are raised to the Authorizing Agency about the Minimal Impact Site, at the Authorizing Agency's discretion, the AT operator may be required to apply for an Intensive Use Site Tenure under this policy.

**Minor Amendment** refers to a change to the Tenure agreement as described under the [Crown Land Fees Regulation](#) of the *Land Act*.

**Non-mechanized** refers to self-propelled AT activities such as ski-touring, hiking, mountaineering, mountain biking, bear viewing, rafting, kayaking etc. In addition, vehicles/vessels that use motorized propulsion only intermittently for control or safety purposes, vehicles/vessels that provide a transport service to and from a kayak operation and pedal bikes are also considered non-Mechanized for the purposes of this policy.

**Other Mechanized/Motorized** refers to mechanized AT activities that are not Mechanized Ski Guiding (note: the distinction is used for the purposes of differentiating Client Day rent).

**Overlapping Use** means two or more Tenures or applications for Tenure on provincial Crown land (i.e. two or more AT activities occurring over the same specific area of Crown land).

**Pre-existing Tenure Holder** means a Tenure holder who holds an AT Tenure in good standing.

**Public Access** refers to the public's ability/privilege to access provincial Crown land.

**Shoreline Frontage** refers to the length of the natural shoreline.

**Special Events** refers to short-term organized AT events and may include both guided and unguided AT activities. Refer to Part C (section 6.7 to 6.8) of this policy.

**Sub-Tenure** – refer to Section 8.5 of this policy.

**Temporary Permit** means a short-term Licence of Occupation with a term no longer than 14 days over a 30 day consecutive period.

**Tenure Management Plan (TMP)** refers to a combination of text and maps that are components of the legal agreement between the Authorizing Agency and the AT Tenure holder. These plans describe the specific nature and scope of the AT operation, including the boundaries within which it operates, as well as the conditions for the use of Crown land. Note: once the TMP is approved by the Authorizing Agency, the TMP becomes part of the AT Tenure document.

**Tenure** means a *Land Act* disposition of provincial Crown land from an authorized provincial ministry or agency with the legislative mandate to issue such rights.

**Tenure Replacement** means a subsequent Tenure document issued to the Tenure holder for the same purpose and area.

#### 4. ABBREVIATIONS

AT	Adventure Tourism	ha	Hectare
BCA	BC Assessment	JUA	Joint Use Agreement
DDM	Delegated Decision Maker	TMP	Tenure Management Plan

#### 5. APPLICANT ELIGIBILITY

*Applicants must be:*

- *Canadian citizens or permanent residents 19 years of age or older; or*
- *Corporations which are incorporated or registered in British Columbia; or*
- *Registered partnerships, cooperatives, and non-profit societies which are formed under the relevant provincial statutes; or*
- *First Nations peoples applying through band corporations or Indian Bands and Tribal Councils. Band or Tribal Councils require a Band Council Resolution a) authorizing the council to enter into the Tenure arrangement, and b) giving the signatories of the Tenure document the ability to sign on behalf of the Band. For Tenures, which are to be registered in the Land Title Office, First Nations must apply through either a band corporation or trustees. Band members can elect 1 or more trustees to hold a Tenure on behalf of the Band. Verification of election must be by way of a letter signed by the Chief and councilors of the Band giving the full names of the trustees and stating that they were elected at a properly convened meeting of the Band. A Band Council Resolution is not required.*

*For more detailed standard policy information refer to the policy for [Eligibility and Restrictions](#).*

## 6. FORMS OF LAND ALLOCATION AND PRICING

*For more detailed standard policy information refer to the following policies for guidance:*

- [Form of Crown Land Allocation](#);
- [Pricing](#); and
- [Crown Land Allocation Principles](#).

The forms of land allocation for AT Tenures and associated pricing are described in three parts:

- Part A – Intensive Use Sites (section 6.1 to 6.3);
- Part B – Guided Activities (section 6.4 to 6.6); and
- Part C – Special Events (section 6.7 to 6.8).

## **PART A – INTENSIVE USE SITES**

Part A (Sections 6.1 to 6.3) is about the form of Tenure on provincial Crown land and associated pricing for Intensive Use Sites (which includes either a Primary IU Site or Secondary IU Site).

Examples of Intensive Use Sites include:

- Improvements (e.g. wilderness lodges, cabins, campsites);
- Water access/egress sites and key day use or camping areas related to water-based activities (e.g. kayaking, boating, canoeing, and river rafting);
- Floating AT Improvements anchored to provincial Crown land covered by water (e.g. commercial recreation docks and fishing lodges).

For information about the Tenure application process, refer to Section 7, “Tenure Allocation”, which includes consideration for a TMP. Also refer to Section 8, “Tenure Administration”, which describes requirements for insurance and security.

## 6.1 Form of Land Allocation – Intensive Use Site

This section describes the available forms of land allocation for the use of Crown land for Intensive Use Sites which includes Improvements related to the AT business operation. There are two sub-categories of Intensive Use Sites for Improvements: Primary IU Site and Secondary IU Site (refer to Section 3 definitions).

### 6.1.1 Licence of Occupation – Intensive Use Site

A Licence of Occupation for an Intensive Use Site may be issued for small site-specific areas of provincial Crown land for AT purposes where minimal Improvements are proposed or where there are multiple users of a site.

An Intensive Use Site licence may be associated with Minimal Impact Sites (refer to the definition and sections 6.2.1 and 8.3). If the proposed use does not meet the definition and criteria for a Minimal Impact Site or if public concerns are raised to the Authorizing Agency about the site the AT operator may be required, at the Authorizing Agency's discretion, to apply for an Intensive Use Site Tenure under this policy.

A Licence of Occupation for an Intensive Use Site (with a Primary IU Site or Secondary IU Site),

- conveys non-exclusive use;
- is not a registerable interest that can be mortgaged;
- does not require a survey;
- at the discretion of the DDM an Intensive Use Site licence may allow the Tenure holder to restrict public access to specific Improvements identified in the TMP (e.g. AT Tenure holders may lock the doors on cabins, storage sheds and secure fuel caches); and
- the Authorizing Agency may authorize overlapping and layering of Tenures.

Since a licence conveys fewer rights than a lease, a licence is not recommended for Intensive Use Sites with substantive Improvements such as a base camp lodge.

The term for a Licence of Occupation for an Intensive Use Site may be up to 45 years. The DDM has the discretion to establish the Tenure term. Also refer to section 6.1.3 for Tenure term considerations.

### 6.1.2 Lease – Intensive Use Sites

A Lease should be issued where substantial Improvements are proposed and is the recommended form of Tenure for a Primary IU Site with an AT base camp lodge. Note: a licence may be used to allow development to proceed while awaiting completion of survey requirements for a lease or right of way.

A lease for an Intensive Use Site grants the right to:

- modify the land and/or construct Improvements as specified in the Tenure;
- to exclusive use and quiet enjoyment of the area (e.g. ability to lock cabins/lodges and install fencing with locked access gates as per the TMP).

The term for an AT lease for an Intensive Use Site may be up to 60 years. The DDM has the discretion to establish the Tenure term. Also refer to Section 6.1.3 for considerations regarding Tenure terms.

With respect to Guide Territories, only one lease will be allowed in each Guide Territory Certificate area as described in the certificate as it existed on February 15, 2015. The lease will be for a Primary IU Site base camp lodge only. For clarity, this means that applications for a lease for a Primary IU Site base camp lodge, following any future subdivision of Guide Territory Certificate area will not be considered if the original Guide Territory Certificate area already contains a lease for a Primary IU Site base camp lodge for hunt guiding.

In terms of surveys,

- A legal survey will generally be required at the applicant's expense to define the Tenured area when there may be potential conflicts over boundaries.
- A legal survey is the standard required by the Surveyor General and is required to register a lease as an interest under the *Land Title Act*.
- At the Authorizing Agency's discretion, a survey may not be required where:
  - the area is remote and not adjacent to (i.e. not within 1 km) other Crown land Tenures or private land;
  - riparian rights of adjacent Tenure holders or landowners are not affected; and,
  - the description of the land under the lease clearly defines the boundaries.
- The lease agreement includes a provision allowing the DDM to require that survey be completed at the Tenure holder's expense anytime during the Tenure term.

Registered leases for a term of 30 years or more are subject to the *Property Transfer Tax Act (PTT)*. Un-registered leases are not subject to the PTT. For more information about the PTT and how it applies to *Land Act* leases, refer to the Ministry of Finance, [Information Sheet on Leases and Property Transfer Tax](#).

### 6.1.3 Considerations for Tenure Terms

Along with the direction in the Strategic Policy for Crown land Allocation Principles, DDM decisions on Tenure terms may be based on, but not limited to:

- a demonstrated business need;
- all land Tenures held by the same party are in good standing (e.g. with respect to use, fees/rents due and Diligent Use etc.);
- the area is generally no larger than required for Improvements;
- alignment with any current or proposed land use plan or decision;
- the result of referrals to other agencies; and
- the result of First Nations consultation.

The DDM may require additional business information to support an application for a longer term Tenure. In the case of an application for a lease for a Primary Site base camp lodge for up to 60 years, the DDM will require the following:

- For an application from an AT Tenure holder, a business plan and records which prove that the AT Tenure holder has:
  - held the existing AT Tenure in good standing for a minimum of 3 years;
  - an annual gross revenue of at least \$150,000 from AT activities; and
  - made a capital investment in the Improvements of at least \$200,000.
- For an application from a holder of a Guide Territory Certificate (under the *Wildlife Act*), a business plan and records which prove that the certificate holder:
  - holds a Guide Territory Certificate as it existed on February 15, 2015;

- has made business investments in the Guide Territory of at least \$200,000 (or alternatively the current market value of the Guide Territory is at least \$200,000); and
- has an anticipated annual gross revenue of at least \$200,000 from hunt guiding activities.

With respect to Guide Territories, only one lease will be allowed in each Guide Territory Certificate area as described in the certificate as it existed on February 15, 2015. The lease will be for a Primary Site base camp lodge only. For clarity, this means that applications for a lease for a Primary Site base camp lodge, following any future subdivision of Guide Territory Certificate area will not be considered if the original Guide Territory Certificate area already contains a guiding-related Primary Site base camp lodge lease.

## 6.2 Pricing – Intensive Use Sites

### 6.2.1 Administrative Fees

*Application fees for Tenures, and other administrative fees, are payable to the Province of BC. These fees are set out in the fee schedules contained in the [Crown Land Fees Regulation](#) under the Land Act.*

For new AT Tenure applications, the Tenure fee for Intensive Use Site licences or leases is \$250 (referred to as “Non-mechanized” in the Crown Land Fees Regulation).

The AT fees for Tenure modifications Tenure are:

- Minor Amendment: \$100
- Major Amendment is a new application: \$250

Note: if an AT application includes both Intensive Use Site/s and an Extensive Use Area (i.e. for AT guiding activities), application fees will be based on a Licence for an Extensive Use Area (refer to Section 6.5.1).

If a Minimal Impact Site is added to an existing Intensive Use Site licence, a new application would be required and the TMP updated.

### 6.2.2 Annual Rent – Licence of Occupation

Minimum annual rent for a Licence of Occupation is \$500.

Annual Licence of Occupation rent for a Primary IU Site is 7.5 % of BC Assessment (BCA) land value or \$500, whichever is greater. Annual License of Occupation rent for each Secondary IU Site<sup>4</sup> is 4.5 % of BCA land value, \$100 per site or \$500, whichever is greater. Refer to definitions for Primary IU Site and Secondary IU Site to ensure the appropriate rent is applied.

Where no BCA land value exists for Intensive Use Sites, the Authorizing Agency will conduct an initial land valuation based on fair market value. This valuation will be provided to BCA.

Note: for AT Licences with both an Intensive Use Site(s) and an Extensive Use Area, the rents from Part A and Part B of this policy will be combined to determine total annual rent payable (i.e.

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<sup>4</sup> In the case of existing Tenures for commercial recreation docks issued under the General Commercial Policy prior to February 15, 2015, the DDM may continue the prepayment option.

minimum annual rent for a licence with both an Intensive Use Site and Extensive Use Area is \$1,000). There is no annual rent for Minimal Impact Sites. ).

### 6.2.3 Annual Rent - Lease

Minimum annual rental for a Lease is \$500.

Annual Lease rent for a Primary IU Site is 8 % of BCA land value or \$500, whichever is greater. Annual Lease rent for each Secondary IU Site is 5 % of BCA land value or \$500 per site, whichever is greater. Refer to definitions for Primary IU Site and Secondary IU Site to ensure the appropriate rent is applied.

Where no BCA value exists, the Authorizing Agency will establish the initial land valuation based on fair market value. This valuation will subsequently be provided to BCA.

Each AT Lease area must be a separate Tenure. For example, if two Intensive Use Sites are part of the AT operation (e.g., two Primary IU Site) then two lease agreements are issued. In the case of the holder a of Guide Territory Certificate, only one Lease is available (refer to Sections 6.1.2 and 6.1.3)

### 6.2.4 Notification of Rent Changes

For rental changes due to a change in policy to the prescribed percentage rate of land value for Intensive Use Sites, the Authorizing Agency will provide the AT Tenure holder a minimum of 18 months' notice. Notwithstanding the 18 months' notice, any applications for a Tenure modification or a Replacement Tenure may result in a fee or rent increase in accordance with this policy.

For rent changes due to an increase or decrease in the market value (i.e. BC Assessment Value) of the Intensive Use Site, the Authorizing Agency will provide at least 30-day notice.

## 6.3 Non-Disturbance Agreements for AT Improvements

At the discretion of the Authorizing Agency, the Province may enter into consent and non-disturbance agreements (NDAs) with eligible lenders and Tenure holders, where lenders require the assignment<sup>5</sup> of Tenure rights for security purposes. These agreements are only to be used for capital intensive projects on Crown land. The decision to enter into such agreements will be made by the Authorizing Agency on a case-by-case basis. Criteria considered in making the decision to enter a NDA are provided in section 8 of the [Tenure Administration](#) Procedures.

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<sup>5</sup> For NDAs, the Crown land Fees Regulation Consent to Assignment fee for \$250 applies.



## **PART B – GUIDED ACTIVITIES**

Part B (Sections 6.4 to 6.6) is about the form of Tenure and associated pricing for guided AT activities on provincial Crown land. The form of Tenure is a non-exclusive Licence of Occupation for dispersed AT guiding delineated within an Extensive Use Area. Examples of AT guide activities include mountaineering, heli-hiking, catskiing, heliskiing, snowmobiling, snowshoeing, ski touring, nordic skiing, ATVing, mountain-biking, rafting, kayaking, bear viewing, wildlife viewing, horseback riding, dog-sledding etc.

For information about the Tenure application process, refer to Section 7 (Tenure Allocation) which includes consideration for a TMP and risk management. Appendix 8 provides details about the overlapping Tenure application process for guided activities. Also refer to Section 8 (Tenure Administration) which describes requirements for insurance and security.

## 6.4 Form of Land Allocation – Guided Activities

The form of AT Tenure available for guided AT activities on provincial Crown land is a non-exclusive Licence of Occupation for an Extensive Use Area. Leases are not available for guided AT activities.

### 6.4.1 Licence of Occupation for an Extensive Use Area

A non-exclusive Licence of Occupation for an Extensive Use Area is the standard form of Tenure obtained by an AT operator to conduct dispersed AT guide activities over large areas of Crown land (e.g. rafting, horseback riding, wildlife viewing, snowmobiling, ski touring, heli-skiing etc.).

An Extensive Use Area licence may be associated with Minimal Impact Sites (refer to the definition and sections 6.2.1 and 8.3). If the proposed use does not meet the definition and criteria for a Minimal Impact Site or if public concerns are raised to the Authorizing Agency about the site the AT operator may be required, at the Authorizing Agency's discretion, to apply for an Intensive Use Site Tenure under this policy.

A Licence of Occupation:

- conveys fewer rights than a lease;
- conveys non-exclusive use for the purpose described;
- is not a registerable interest that can be mortgaged;
- does not require a survey;
- does not allow the Tenure holder to restrict public access over the licence area; and
- the Authorizing Agency may authorize overlapping and layering of Tenures.

This Licence of Occupation may:

- take the form of a single Extensive Use Area or multiple Extensive Use Areas separated by various distances,
- lie across multiple administrative regions, and
- be for a range of Mechanized and/or Non-Mechanized AT guide activities.

The term for a Licence of Occupation for an Extensive Use Area may be up to 45 years. The DDM has the discretion to establish the Tenure term. Refer to Section 6.1.3 for considerations related to Tenure terms.

## 6.5 Pricing – Extensive Use Areas

### 6.5.1 Administrative Fees –Extensive Use Areas

*Application fees for Tenures, and other administrative fees, are payable to the Province of BC. These fees are set out in the fee schedules contained in the Crown Land Fees Regulation.*

The application fees for a Licence of Occupation for an Extensive Use Area are as follows:

- Non-Mechanized AT guiding: \$250
- Mechanized AT guiding: \$3,300

Note: Intensive Use Site/s and an Extensive Use Area being applied for under a single application will be charged the Extensive Use Area application fee.

The fees for Tenure modifications are:

- Minor Amendment: \$100

- Major Amendment is a new application: \$250 for Non-Mechanized AT guiding or \$3,300 for Mechanized AT guiding.

If a Minimal Impact Site is added to an existing Extensive Use Area license, a new application would be required and the TMP updated.

### 6.5.2 Annual Rent - Extensive Use Areas

Minimal annual rent for a Licence of Occupation with only an Extensive Use Area is \$500.

Rent is calculated by the minimum annual rent for a Licence of Occupation Extensive Use Area or total Client Days, whichever is greater. Refer to Appendix 7 for examples of how to calculate rent.

Note: There is no annual rent applied to Minimal Impact Sites.

Please refer to the Section 6.5.4 - Payment Schedule Procedures.

#### 6.5.2.1 Client Day Rates

Client Day rates for AT guide activities are:

- \$1 for Non-Mechanized;
- \$4 for Mechanized Ski Guiding; and,
- \$6 for Other Mechanized/ Motorized.

### 6.5.3 Notification of Rent Changes

For rental changes due to a change in policy to Client Day fees for Extensive Use Areas, the Authorizing Agency will provide the AT Tenure holder a minimum of 18 months' notice. Notwithstanding the 18 months' notice, any applications for a Tenure modification or a Replacement Tenure may result in a fee or rent increase in accordance with this policy.

### 6.5.4 Payment Schedule Procedures – Extensive Use Areas

#### Payment - First year

On the Tenure commencement date, the Tenure holder pre-pays the minimum rent for the Extensive Use Area Licence of Occupation (as well as any rents owing for Intensive Use Site Tenures).

#### Payment - Subsequent Years

Not less than two weeks prior to the anniversary of the commencement date (payment due date), the Authorizing Agency will send the client an invoice for the fixed amounts listed above.

AT Tenure holders must also pay the Client Day fees that are in excess of the pre-paid minimum rent for the previous year's reporting period. A Statutory Declaration Form (see Appendix 3) is used to determine payment for actual Client Day fees for the reporting period that just ended. The client will submit the completed Statutory Declaration Form for the reporting period and the payment for:

- the fixed amounts as invoiced; and,
- the Client Day fees in excess of the minimum rent (as reported in Statutory Declaration).

## Reporting Periods

AT Tenure holders with Extensive Use Areas are required to complete the Diligent Use Report (Appendix 2) and Statutory Declaration Form annually (Appendix 3). The reporting period will cover a one-year period. Specifically, the reporting period will start on the Tenure commencement date and end the day before the anniversary of that date.

AT Tenure holders may request to have the reporting period, and consequently the invoicing date, modified to coincide better with their operating season (i.e. to report and be invoiced at the end of the operating season).

## 6.6 Harmonizing AT Reporting Periods with Park Use Permits

Tenure holders may request that the commencement date for Extensive Use Areas under an AT Licence of Occupation (issued under the *Land Act*) and Park Use Permits (issued under the *Park Act*) be aligned for the purposes of coordinating invoicing and reporting. Appropriate modification fees (i.e. Minor Amendment) and rent will apply. It may not be possible to harmonize completely based on different maximum terms between AT Licences of Occupation and Park Use Permits.

For operators with both an AT Licence of Occupation and a Park Use Permit, where commencement dates on both the Tenure and the permit are synchronized, the Tenure/permit holder will only be required to submit a single Diligent Use report and Statutory Declaration form covering guided activities. In these cases, a harmonized template form will be provided by the Authorizing Agency responsible for administration of the AT licence and permit.

## **PART C – SPECIAL EVENTS**

Part C (Sections 6.7 to 6.8) is about form of authorization and associated pricing for AT and public recreation/tourism special events. In the case of public recreation/tourism special events, they are organized by non-profit societies that exceed the participant thresholds in the Permissions Policy or those below the participant thresholds in the Permissions Policy who voluntarily apply under this policy.

## 6.7 Form of Land Allocation – Temporary Permits

A Temporary Permit for short-term AT or public recreation/tourism special event activities conveys non-exclusive use of provincial Crown land for the purpose described and does not allow the permit holder to curtail public access over the area. The Authorizing Agency may authorize overlapping and layering of Tenures.

The term for a Temporary Permit for Special Events is 14 days in a 30-day consecutive period and includes either an Intensive Use Site and/or Extensive Use Area.

An AT 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.

Temporary Permits authorize:

- Guided and unguided AT special events; and
- Non-profit societies that organize public recreation/tourism special events on Crown land that exceed the participant thresholds in the Permissions Policy or those below the participant thresholds in the Permissions Policy who voluntarily apply under the AT Policy.

In the case of non-profit societies that organize public recreation/tourism Special Events only, the primary purpose and benefit of voluntarily obtaining a Temporary Permit for Special Events is to address safety, ensure the Crown land access route and location is available on the day/s of the event, minimize impacts on AT Tenure holders, avoid substantive conflict with AT operators, public recreationists or the general public, and minimize impacts on the environment and disturbance to wildlife.

For information about the application process, refer to Section 7, “Tenure Allocation”, which includes consideration for a TMP and risk management<sup>6</sup>. Special Event applicants may be required to contact overlapping AT Tenure holders and in some cases have an Operator Input Form (Appendix 9) completed to ensure that the proposed activities minimize the impact on the operations of existing AT Tenure holders. Also refer to Section 7.7.8 for Special Events that may require additional authorization if the event overlaps established Recreation Sites or Trails on Crown land.

Proof of insurance may be required (refer to section 8.1 for the appropriate amount). A security or bond may also be required (i.e. for large events). Please refer to Section 8, “Tenure Administration” for additional information.

### 6.7.1 Variance – Special Event Notification

The Regional Executive Director has the discretion to allow a variance to section 6.7 of this policy by accepting a Special Event Notification from the non-profit society organizing public recreation/tourism Special Event. The Special Event Notification must be delivered to the Authorizing Agency at least 30 days prior to the event and in the form established by the Authorizing Agency.

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<sup>6</sup> In the case of snowsport special events, an Avalanche Risk Management Plan is required.

## 6.8 Pricing - Temporary Permits for Special Events

### 6.8.1 Administrative Fees – Temporary Permit for Special Events

*Application fees for Tenures, and other administrative fees, are payable to the Province of BC. These fees are set out in the fee schedules contained in the [Crown Land Fees Regulation](#).*

The AT application fee for a Temporary Permit for Special Events is \$250.

### 6.8.2 Rent - Temporary Permit for Special Events

Minimum rent for a Temporary Permit is \$125.

For AT guiding: rent is calculated as the total Client Day fee for the period, or \$125, whichever is greater. Refer to Section 6.5.2.1 for Client Day rates.

For Intensive Use Sites: rent for temporary Improvements is calculated as \$100 for each Intensive Use Site.

## 7. TENURE ALLOCATION

### 7.1 Applying for AT Tenures

*Applications must be complete before they can be reviewed for processing. A complete application package will include all the material defined in the Application Checklist.*

Depending on the type of operation being applied for, applicants are directed to the appropriate application requirements checklist:

- [Application Requirements/Checklist for Intensive Use Sites](#);
- [Application Requirements/Checklist for Extensive Use Areas](#);
- [Application Requirements/Checklist for both Extensive & Intensive Use Areas](#).

An Extensive Use Area application for proposed AT activities that overlaps the AT activities of an existing AT Tenure holder that is identified as “Not Compatible” will be considered an incomplete application without a Joint Use Agreement and will not be accepted by the Authorizing Agency. For more information, refer to Appendix 8: Overlapping AT Tenure Application Guidelines.

At the discretion of DDM, additional requirements and criteria may be applied to proposals that enter a competitive process.

#### 7.1.1 Preparing a Tenure Management Plan (TMP)

A TMP is an integral component of an AT Tenure application package and is required for:

- Temporary Permits for Special Events;
- Licences of Occupation; and
- Leases.

Refer to the AT application requirements/checklists documents for additional information required for a TMP.

In reviewing the applicant’s proposal, the DDM must be satisfied that the TMP:

- describes the nature and scope of proposed AT activities within specific geographic areas (i.e. specific Client day estimates for proposed AT activities in specific named areas);
- describes AT activities that will be undertaken in the near future (usually within 5 years);
- describes location, nature and scale of Improvements;
- identifies specific access routes/trails and, if applicable, any proposed trail development;
- excludes or addresses areas of significant environmental, social, cultural or land use issues;
- in the case of guided AT activities, includes an Extensive Use Area of sufficient size to allow flexibility in patterns of use to accommodate potential changes to the land-base as a result of environmental factors and overlapping authorizations;
- Incorporates the overlapping Tenure guidelines described in Appendix 8; and,
- Avoids or minimizes potential conflicts with other users of Crown land (including the public).

### 7.1.2 Preparing a Risk Management Plan

A Risk Management Plan to address safety, that meets or exceeds approved AT industry standards, must be completed as part of the application process, and be made available to the Authorizing Agency upon request. Acceptance of the Risk Management Plan by the Authorizing Agency is not tantamount to approval of the plan and does not represent formal endorsement. The Risk Management Plan is required in addition to a TMP; it is not attached to and does not form part of the Tenure.

All AT applications proposing backcountry snow sport activities in avalanche terrain (e.g., heli-skiing, cat-skiing, snowmobiling, ski touring etc.) are also required to have an Avalanche Risk Management Plan.

In the case of sled dog activities, please also refer to Section 8.7.1 and Appendix 4.

## 7.2 Accepting AT Tenure Applications

New AT applications are to be submitted to the Authorizing Agency and will be reviewed for acceptance based on application package completeness, compliance with policy and program criteria, preliminary statusing, and other information that may be available to the Authorizing Agency. The acceptance review is to be typically completed within 7 business days. Applications that are not accepted will be returned to the applicant.

Please refer to Appendix 8 regarding overlapping Tenures. The Land Tenures Branch is piloting a new approach to addressing overlapping AT Tenure issues for AT guide activities within Extensive Use Areas. AT Tenure applications that include Non-Compatible overlapping AT guide activities will be considered incomplete by the Authorizing Agency without a Joint Use Agreement from the existing AT tenure holder (for the specific area of overlapping AT guide activities).

## 7.3 Application Processing

Once an application is accepted for processing, the Authorizing Agency will:

- undertake a detailed land status of any Intensive Use Sites;
- undertake a preliminary land status of any Extensive Use Areas to confirm the area is available for application;
- provide the AT Tenure applicant with a list of existing AT Tenure holders in good standing within their application area and the AT Operator Input Form (Appendix 9) that is to be provided to each of the existing AT Tenure holders;
- solicit comments from recognized agencies and groups;



- notify the applicant of advertising requirements;
- consult with First Nations; and,
- where applicable, conduct field inspections (Section 7.13).

## 7.4 Land Status

*After acceptance of the application for an Intensive Use Site, the Authorizing Agency undertakes a detailed review of land encumbrances on the specific area under application to ensure all areas are available for disposition under the Land Act and to identify potential issues.*

Extensive Use Areas (including Minimal Impact Sites) are identified and mapped for Tenure referral and use management purposes only and do not require a detailed land status since a Licence of Occupation for an Extensive Use Area is non-exclusive (a status using the Integrated Land and Resource Registry will still be required to identify private land, *Land Act* Section 15 reserves and Section 16 withdrawals, Leases, etc.).

For water-based activities, a detailed land status is normally required only for those areas identified as Intensive Use Sites. Minimal Impact Sites and areas for unscheduled stops (e.g. safety) do not require a detailed land status. The DDM has the discretion to request that Minimal Impact Sites also be identified on a map, for example, to help facilitate the referral process.

### 7.4.1 Adventure Tourism Use Zones

At the discretion of the DDM, AT Use Zones may be established for Tenure administration purposes and applied to AT Tenure holders in order to better manage AT use within smaller geographic areas. AT Use Zones support the review of Diligent Use for Client Days, specific geographic areas with patterns of use may need to be delineated (i.e. by watershed with specific trails, mountain with specific ski runs, and sections of a river used for staging areas and put-in/take-outs etc.).

The coastal Sea Kayak Zones are shown as an example of a broad AT Use Zone (see the [AT Policy webpage](#) for an example of AT Use Zones for Sea Kayaking). AT Use Zones are not intended to replace the detailed location and use information required in a TMP or reporting requirements in a Diligent Use Report.

Approved land use plans, regional growth strategies, referral responses and applicable studies will be used to guide the DDM in the establishment of AT Use Zones. The DDM will engage with AT Tenure holders in the area prior to establishing AT Use Zones.

## 7.5 Referrals

*Referrals are a formal mechanism to solicit written comments on an application from recognized agencies. Referrals are initiated as per legislated responsibilities and formal agreements developed with other provincial and federal government agencies. Referrals may also be used to address the interests of local governments and First Nations. Referral agencies provide their responses to the Authorizing Agency within 30 days. In terms of consultation with First Nations, the response period may be 45 days or as described in an agreement with the Authorizing Agency (i.e. Strategic Engagement Agreements).*

The extent of referrals should be consistent with the nature and scope of the AT Tenure application proposal. Since the nature of a Licence of Occupation for dispersed guided AT

activities within an Extensive Use Area is non-exclusive; the nature of the impact on other overlapping uses of Crown land is anticipated to be minimal and similar to public recreation. Referrals to Transport Canada may be required for AT guide activities undertaken on navigable waters or via air transport (e.g. heli-skiing or floatplane access to foreshore wilderness lodges).

### **7.5.1 Project Review Team**

*A Project Review Team (PRT) is an advanced referral method, which may be used for complex applications. It is a team chaired by the Authorizing Agency and comprised of recognized agencies and groups which meet to review and comment on specific Land Act applications.*

A Project Review Team may be established by the DDM for an AT Tenure application. An application for an AT Tenure that may have a significant impact on the environment, other users or other applications may be more effectively reviewed by an inter-agency Project Review Team at the regional or district level to determine:

- a recommendation on whether the application should proceed to the next stages of the review process;
- land and resource use issues (i.e. highest and best use considerations);
- a non-exhaustive list that identifies all other authorizations and approvals required for the operation; and
- the most appropriate form of consultation to use for the application.

### **7.5.2 Advertising/Notification**

*At the time of application acceptance, the Authorizing Agency notifies applicants if advertising is required and provides the necessary instructions.*

Advertising is required for Licences of Occupation and Lease applications. Advertising is generally not required for Temporary Permits for Special Events, but may be required at the discretion of the DDM (i.e. for events with a large number of participants).

Advertisements must clearly describe the Tenure location, types of activity proposed, and the type of Tenure under application. If required, advertising should be consistent with the scale of the proposal and its potential for impacts and conflicts.

### **7.5.3 Upland Owner Consent**

*Owners of waterfront property have certain common law “riparian rights” which include the right of access to and from the upland. The Authorizing Agency will advise applicants if there is a need to obtain a letter indicating the upland owner’s consent to their application.*

### **7.5.4 Adjacent Owner Notification**

*New applications to Tenure foreshore adjacent to privately owned property, including Indian Reserves, are brought to the adjacent property owner’s attention through referrals or direct contact. In certain circumstances, the Authorizing Agency may advise applicants that there is a need to obtain a letter indicating adjacent owner’s consent to their application.*

## **7.6 Aboriginal Interests Consideration**

The Province of British Columbia has a legal obligation to consult and, where required, accommodate First Nations when a Crown activity or decision may adversely impact claimed or proven Aboriginal rights and title, as well as, a treaty right. When consulting with First Nations, the

Authorizing Agency is guided by the document titled “Updated Procedures for Meeting Legal Obligations When Consulting First Nations”. These procedures do not replace or supersede treaties, consultation process agreements or other agreements – where applicable, such agreements will guide consultation.

While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, proponents may be involved in the procedural aspects of consultation (see Guide to Involving Proponents When Consulting First Nations). AT operators are encouraged to engage with First Nations communities prior to seeking an AT Tenure application.

### **7.6.1 Archaeological Impact Assessments**

At the discretion of the DDM, an Archaeological Overview Assessment and/or Archaeological Impact Assessment may be required. Either assessment may be required for proposed Intensive Use Sites and Minimal Impact Sites above the seasonal high water mark and, to a lesser extent, Minimal Impact Sites below the seasonal high water mark.

## **7.7 Additional Application Considerations**

In addition to the standard procedures for accepting and processing AT applications as described in sections above, there are additional considerations for applications that:

- cross multiple regions;
- cross provincial parks;
- include water-based activities;
- include Shoreline Frontage;
- cross boundaries of land use plans or local government regional growth strategies;
- overlap areas with existing guided AT Tenures;
- include sensitive areas; or
- overlap established Recreation Sites, Trails or Interpretive Sites.

Each of the above-listed considerations is explained in the following Sections.

### **7.7.1 Applications that Cross Multiple Regions**

Multi-region applications apply to those situations where an AT Tenure applicant plans to conduct AT guide activities in more than one of the Authorizing Agency’s administrative regions.

In terms of processing a cross region AT Tenure application, the Authorizing Agency will accept the AT Tenure application, then forward a copy to the Authorizing Agency in the other region/s. Together they will designate a single ‘coordinating’ regional office, which will be the primary Authorizing Agency contact for the applicant. Typically, the coordinating office will be located in the same region as the applicant’s main office or where the majority of the AT Tenure applicants AT activities occur.

In addition to coordinating the application process with other regions, the primary tasks of the coordinating office include:

- maintaining and keep the original file;
- being the main client contact;
- administering the Tenure;
- carrying out land status reviews;
- issuing Tenure documents;
- reviewing of Diligent Use; and

- invoicing and managing accounts.

The Land Use Report, Aboriginal Interest Consideration Report, Tenure document and TMP should be made available to all the applicable Authorizing Agency regions (i.e. upload all documents into Tantalus).

The final decision concerning the multi-region application requires input from the DDMs in the involved regions. DDMs will provide the coordinating office with recommendations on any proposed use within their region in a “sub-report”. They will also discuss issues concerning the multi-region application. The coordinating office will make the final decision and is responsible for contacting the applicant regarding the DDM’s decision.

At the time of Tenure replacement, the coordinating office will notify involved regions that the Tenure is under consideration for renewal and provide a timeline for response. If the involved regions have comments or recommendations regarding Diligent Use to support Tenure replacement, information should be provided to the coordinating office within the timelines indicated in the notification.

### **7.7.2 Applications for Areas Crossing Provincial Parks**

The Authorizing Agency will receive an application for a guided AT activity within an Extensive Use Area that crosses into park boundaries. Both authorizing bodies (i.e. Land Authorizations and BC Parks) will work cooperatively to process the AT Tenure application. If Tenure is granted, separate Tenures will be required to authorize use under the *Land Act* and the *Park Act*. Where possible, Tenure documents will be synchronized. Tenure holders must follow conditions of the *Park Act* authorization while operating within BC Parks. For additional information, refer to Section 6.6, “Harmonizing AT Reporting Periods”.

### **7.7.3 Applications for Water-Based Activities**

Water-based activities that use Crown land require Tenure under the *Land Act*, and determination of whether an activity will require an Intensive Use Site Tenure or Extensive Use Area Tenure will follow the same criteria used for land-based activities.

Minimal Impact Sites (e.g. day sites, low impact put-ins and take outs, etc.) are not subject to a detailed land status. Any proposed Improvements beyond what is provided in the definition of “Minimal Impact Site” (Section 3), either above or below the seasonal high-water mark, must be identified as Intensive Use Sites.

Refer to Section 7.4 for further information on mapping and land status requirements for water-based activities.

### **7.7.4 Applications with Shoreline Frontage**

The ability to issue Tenures with Shoreline Frontage is restricted by Order-in-Council (OIC) 467/1982. This OIC precludes issuance of Tenures other than permits for all unsurveyed islands and islets lying south of the 51<sup>st</sup> parallel and east of the 129<sup>th</sup> meridian, and all unencumbered and unalienated islands, less than 64.75 ha in size, within the coastal tidal waters lying north of the 51<sup>st</sup> parallel, without the approval of the Lieutenant Governor in Council.

The freshwater (i.e. lakes, rivers) or marine Shoreline Frontage of a single or combined Intensive Use Site under a Licence of Occupation or Lease occupied by an AT operation may be up to 200

meters. The AT Tenure application must demonstrate the rationale for the length of shoreline frontage. The DDM has the discretion to prescribe a much smaller shoreline frontage (i.e. for Secondary IU Site with a few small cabins or as a result of First Nation consultation).

### **7.7.5 Applications within Land Use Plans/Regional Growth Strategies**

Land use plans provide direction for the management and allocation of public lands and resources over a defined area. Land use plans help to form the foundation for balanced land and resource solutions that meet economic, environmental and social requirements throughout the Province. Land use plans guide not only the Authorizing Agency, but also those seeking natural resource development opportunities.

A regional growth strategy is a local government strategic plan to promote human settlement that is social, economic and environmentally healthy and that makes efficient use of public facilities, land and other resources. A regional growth strategy gives long range planning direction for regional district and municipal official community plans and assists with decisions regarding implementation of provincial programs in the area.

Approved land use plans and regional growth strategies will be considered by the DDM in the adjudication of an AT Tenure application and the consideration of any TMP modifications.

### **7.7.6 Applications that Overlap with Existing AT Tenures**

Refer to Appendix 8 for guidelines on overlapping AT guide activities. For guiding and/or non-guiding AT activities, the AT Operator Input Form is used by the DDM in the review of AT Tenure applications – refer to Appendix 8, Section 7.2 and 7.3.

In general, the following three potential impacts are considered during the land allocation process related to overlapping AT activities between an AT tenure applicant and an existing AT tenure holder:

- impact on the quality of the guest experience provided by the AT Tenure holder;
- impact on the manner in which a AT Tenure holder must run their business; and,
- impact on safety and risk.

### **7.7.7 Applications within Sensitive Areas**

Sensitive areas are those susceptible to disturbance from both water and land-based AT activities. Sensitive areas may be identified through a land and resource planning process, during a revision of a TMP or during the application process (i.e., result of referral with ministries/local government and/or consultation with First Nations). Where appropriate, the DDM may establish specific management requirements and AT use thresholds for sensitive areas, or segments thereof, in consultation with industry representatives and other stakeholders. High-use areas may require limits to the number of licences issued and/or Client Days authorized.

In establishing these limits, the DDM will consider economic viability, other AT Tenure holders, previous levels of use and activities, areas of cultural or heritage significance, known archaeological sites, land use conflicts, and social and environmental concerns. Existing AT Tenure holders may be required to provide evidence of the previous levels of use (e.g., Diligent Use Report for Client Days, signed waivers, bus log books) to help determine allocation levels.

### 7.7.8 Applications that Overlap Established Recreation Sites/Trails

The DDM will ensure there is diverse, responsible and sustainable growth in both AT and public recreation use on Crown land. In terms of guidance to the DDM, if a proposed AT activity is the same or similar as the existing public recreation activity, the impact of the activities are considered to be neutral.

At the discretion of the DDM, for areas of Crown land outside of established Recreation Sites and Trails, the AT Tenure applicant may be required to make reasonable efforts to obtain a JUA with an organized public recreation group.

In addition to a *Land Act* authorization, any proposed AT applications that overlap recreation sites, trails or interpretive sites established under Section 56 of the *Forest and Range Practices Act (FRPA)* also require authorization from the District Recreation Officer for AT activities as per Section 16 of the *Forest Recreation Regulation*.

Referrals to the District Recreation Officer are required for new AT Tenure applications that overlap an established recreation site or trail. Authorization by the District Recreation Officer to use an established recreation site, trail or interpretive site (*FRPA* Section 56) is typically addressed during the referral response during the AT Tenure application process carried out by the Authorizing Agency.

## 7.8 Assessing the Ability of the Land to Support AT Use

Applications for a new AT Tenure or a Minor Amendment to a Tenure will be assessed for the ability of the land to support the AT applicant's proposed use. Along with the principles described in Section 2, available information used to assist the DDM in their assessment of the land to support the AT applicant's proposed use may include, but are not limited to:

- nature and scope of overlapping AT activities;
- AT Operator Input Form responses;
- referral responses from government agencies;
- consultation with industry and key stakeholder groups;
- responses from the public (e.g. as a result of advertising);
- vicinity of sensitive areas;
- consultation with First Nations
- vicinity of known archaeological sites;
- Diligent Use by the existing At Tenure holder;
- nature and scope of public recreation use;
- land use plans and regional growth strategies; and
- existing land and resource studies.

At the discretion of the DDM, in situations where no clear information exists concerning the acceptability of environmental, cultural or experiential changes as a result of a proposed AT application, the DDM may develop Tenure management objectives or criteria to facilitate the adjudication of an AT Tenure application using the best available information (i.e. to support the review of Diligent Use, identify projected Client Day numbers for specific AT activities in specific areas of Crown land).

## 7.9 Aboriginal Interest Consideration Report

The DDM or their designate prepares the Aboriginal Interest Consideration Report in response to a AT Tenure application and consultation with First Nations. For more information, refer to Section 7.6 “Aboriginal Interest Considerations”.

## 7.10 Approval of Tenure Management Plans

If issues raised during the AT Tenure application review have been addressed through modifications to the proposed operation, AT Tenure applicants will be required to submit for approval an updated TMP before Tenure is granted. Where an AT Tenure applicant is unable or unwilling to make changes to a final TMP required by the DDM, the AT Tenure application will be rejected (e.g. information about Client Days for each AT activity in specific areas is not provided to support the review of Diligent Use).

## 7.11 Decision/ Report

*The applicant will be notified in writing of the DDM's decision. DDM's Reasons for Decision can be found on the Authorizing Agency's website.*

### 7.11.1 Additional Monitoring Considerations

The DDM may identify additional specific information requirements for applications. Monitoring criteria and standards may be developed in response to applications which give rise to complex issues or resource management challenges in the planning or administration of the AT Tenure. The DDM will work closely with the AT Tenure applicant and stakeholders to develop monitoring criteria/indicators and standards that are:

- simple;
- reasonable;
- as inexpensive and practical as possible;
- related directly to the identified issue; and
- linked directly to the activities proposed or undertaken by the AT Tenure applicant.

This set of criteria/indicators should be accompanied by a clear scheme that outlines the frequency and standards to be employed in monitoring and reporting. Changes to levels, type or timing of AT use may occur on the basis of this monitoring. Both the AT Tenure holder and DDM must have a clear understanding of what action can or will be taken with respect to the monitoring outcomes.

Where the AT Tenure holder is required under the TMP to perform monitoring, the cost will be borne by the AT Tenure holder.

## 7.12 Issuing Tenure Documents

*If the application is approved, an Intent to Offer is issued. All preconditions must be satisfied prior to the Authorizing Agency signing the documents. It is the applicant's responsibility to obtain all necessary approvals before placing Improvements or commencing operations on the Tenure.*

## 7.13 Field Inspections

*Field inspection means the on-site evaluation of a parcel of Crown land by provincial staff. The need to conduct a field inspection will vary and the decision to make an inspection ultimately lies with the Authorizing Agency.*

The Authorizing Agency will provide reasonable notice of the inspection to the AT Tenure applicant or AT Tenure holder. The AT Tenure applicant or the existing AT Tenure holder may be required to provide the Authorizing Agency representative with safe transport to remote sites and to cover the cost of the field inspection.

## 7.14 Competitive Process

*The Authorizing Agency may initiate one of a number of different competitive processes (e.g., public auction, request for proposals) where permitted by program policy and when deemed appropriate by provincial staff.*

A competitive process may be established where:

- multiple applications are received for the same general area (by coincidence or as a result of expressions of interest received through advertising or the ATOIF);
- one or more applications are deemed to be a suitable land use; and where
- two or more applications are deemed to be incompatible with each other, and/or they collectively exceed the acceptable limits of change on the land or Client Days; or
- it is believed that multiple interests may exist; or
- the DDM wishes to use its discretion.

Also refer to the [Crown Land Allocation Procedures and Competitive Process](#) Policies.

## 7.15 Planned Tenure Dispositions

*Planned Tenure dispositions involve the Authorizing Agency actively investigating and developing opportunities for Crown land Tenures, followed by announced openings within specific geographic areas. Under a planned disposition project or study, Crown lands will be allocated by the Authorizing Agency in accordance with standard application procedures or by competitive process.*

# 8. TENURE ADMINISTRATION

For more details about standard Crown land policy and procedures, refer to the [Tenure Administration Procedure](#).

## 8.1 Insurance

*A Tenure holder is required to purchase, and is responsible for maintaining during the term of the Tenure, a minimum level of public liability insurance specified in the Tenure document. The Authorizing Agency may make changes to the insurance requirements and request copies of insurance policies at any time during the term of the Tenure (e.g. proof of insurance attached to the Annual Diligent Use Report or Statutory Declaration for Rent).*

A minimum of \$2 million third party liability insurance is required for most AT Tenures. In the case of heliski AT Tenure holders, a minimum of \$5 million third party liability insurance is required.



Tenure holders may also require other types of insurance depending on the nature and scope of their operation. Minimum aircraft liability insurance is \$10 million and watercraft liability insurance is \$2 million.

Waivers will not be accepted by the Authorizing Agency in place of the above minimum insurance requirements for each AT activity.

## 8.2 Environmental Protection Considerations

The need for an environmental schedule or additional insurance requirements will be considered on a case by case basis by the DDM when processing new or replacement Tenures, or Tenure Assignments. Circumstances that may warrant an environmental schedule or additional insurance requirements include sites where there is a known or high risk of contamination or environmental impacts due to current or past activities; or a high risk of contamination or environmental impacts occurring in the future as a result of the Tenure holder's activities.

## 8.3 Security or Performance Guarantee

*A security deposit or bond may be required to be posted by the Tenure holder where any Improvements on, or changes to, the land are proposed. The security deposit is collected to insure compliance and completion by the Tenure holder of all the obligations and requirements specified in the Tenure, including clean-up or reclamation of an area, and/or to ensure compliance with development requirements.*

The DDM may determine whether to require a security deposit or bond and decide the amount of such a security deposit. The amount is determined by the DDM as per the [Tenure Administration Procedure](#). A minimum of \$1,000 is normally required for Licences of Occupation and Leases.

The security on an AT licence may be applied to cover the associated Minimal Impact Sites (refer to definition and Sections 6.1.1 and 6.4.1).

Where the DDM requires a security and where operations span both Crown lands and a park, a single security/performance guarantee may be available.

## 8.4 Assignment

*Assignment refers to the transfer of the Tenure holder's interest in the land to a third party by sale, conveyance or otherwise. Assignment requires the prior written consent of the Authorizing Agency. The assignee must meet eligibility requirements. The Authorizing Agency may refuse the assignment of existing Tenures if the details of the assignment are not acceptable to the Province. Temporary permits cannot be assigned.*

Conditions of the DDM's consent to assignment include, but are not limited to:

- the concurrent transfer of all Tenures necessary to support the operation and that the assignee is aware of Tenures requirements;
- the awareness of the assignee of Tenure requirements and agreement to commit to, and be responsible for, operating under the terms and conditions of the original Tenure(s), including all provisions of the TMP;
- the assignee meets eligibility requirements (Section 5);
- the assignee complies with Section 1.2 and 8.4.1 of this policy regarding hunt camps;
- First Nations consultation, as required; and,

- The details of the assignment are acceptable.

The DDM will make reasonable efforts to accept or reject the assignment application within 45 business days of the Assignment request.

#### 8.4.1 Assignment of Hunt Camps

Licenses of Occupation and Leases for Intensive Use Sites (e.g. Improvements for hunt cabins) Tenured under the *Land Act* which are part of a Guide Outfitter operation are considered to be tied to the Guide Territory and cannot be assigned separately from the Guiding Territory Certificate holder. As such, any Licences or Leases for Intensive Use Sites being assigned must be assigned under the name of the new Guide Territory Certificate holder.

### 8.5 Sub-Tenuring

Sub-tenuring means an interest in Crown land may be granted by an AT Tenure holder (the tenant) of that Crown land rather than the Authorizing Agency (the owner/Province) to a third party for a period of time less than the term of the original Tenure and only for the purposes specified in the AT Tenure agreement and described in the approved TMP. Temporary Permits cannot be Sub-Tenured.

The AT Tenure holder must meet all eligibility requirements for a Sub-Tenure. Sub-Tenuring requires the prior written consent of the Authorizing Agency (the Province). Any Sub-Tenuring activities that occur without the prior written consent of the DDM are considered a Tenure default subject to the terms and conditions of the Tenure, including possible termination.

The Authorizing Agency supports added business certainty for the AT sector by providing an AT operator with an opportunity to receive land rights directly from the Authorizing Agency (via an AT Tenure application) rather than a sub-Tenure. For AT guiding activities within Extensive Use Areas, the preference of the Authorizing Agency is to have a direct relationship with Crown land AT operators via an AT Tenure.

Specific eligibility requirements in order for the DDM to consider a consent to Sub-Tenure under an AT Tenure includes, but are not limited to:

- The AT Tenure and other *Land Act* Tenures issued to the AT Tenure holder or the potential sub-Tenure holder are in good standing.
- The Sub-Tenure is in the public interest.
- A Sub-Tenure holder must comply with the approved Tenure agreement and TMP of the AT Tenure holder - any new activities that deviate from the approved Tenure agreement or TMP will require prior approval from the DDM and likely result in an amendment to the AT Tenure and/or TMP or a new application.
- The Sub-Tenure is acceptable to the Authorizing Agency including but not limited to the following conditions:
  - the term of the Sub-Tenure expires prior to the term of the Tenure;
  - the Tenure holder accepts the terms and conditions the DDM may put on consenting to the Sub-Tenure in writing; and
  - rents charged to the Sub-Tenure holder are reasonable in relation to the fees being paid under the AT Tenure.

Before consenting to Sub-Tenure, a revenue-sharing agreement may be required by, and negotiated with, the Authorizing Agency reflecting appropriate consideration for some sub-

Tenured uses. The AT Tenure holder may be required to submit financial statements to the Authorizing Agency which also account for the finances of the sub-tenant.

For additional general information about Sub-Tenuring, refer to the [Tenure Administration Procedure](#) document. Where the AT sub-Tenure policy conflicts with the Tenure Administration Procedure document this AT policy prevails.

## 8.6 Tenure Replacement

A Tenure Replacement refers to a subsequent Tenure document issued to the Tenure holder for the same purpose and area. AT Tenure replacements are considered to be new AT Tenure applications, with the exception of referrals to existing AT Tenure holders. An AT Operator Input Form and/or Joint Use Agreement is not required for an AT Tenure Replacement if the AT Tenure is in good standing and the AT Tenure holder has demonstrated Diligent Use.

Upon receipt of an application, DDM considerations include, but are not limited to:

- the Tenure is in good standing;
- the Tenure holder has demonstrated Diligent Use in the Tenured area as described in the approved TMP, and
- the Tenure application is deemed to be in the public interest.

For Licences of Occupation, the Tenure term may be up to 45 years. In the case of Leases, the Tenure term may be up to 60 years. The DDM has the discretion to establish the Tenure term.

## 8.7 AT Tenure Holder Annual Reporting Requirements

Tenure holders with Extensive Use Areas must complete the Annual Diligent Use Report (Appendix 2) and Statutory Declaration (Appendix 3) annually.

The Annual Diligent Use Report will be used to monitor Diligent Use of the Tenured area by the Tenure holder and to adjudicate overlapping Tenure applications. The Statutory Declaration will be used for rental purposes. For operations with both AT Tenures and Park Use Permits, only a single Annual Diligent Use Report and statutory declaration is to be submitted covering activities under both their AT Tenure and Park Use Permit. In these few cases, a harmonized template form will be provided by the Authorizing Agency.

In order to support the highest and best use of the land, and to provide opportunity for other AT businesses, the DDM may cancel or decline replacement of an Licence of Occupation with an Extensive Use Area if it has not been diligently used for three consecutive years (e.g. 3 years after Tenure issuance, the Tenure holder has not initiated the operation or provided annual Statutory Declarations to the Authorizing Agency).

### 8.7.1 Annual Reporting Requirements for Sled Dog Tenures

For sled dog operators only, a second Statutory Declaration (Appendix 4) must also accompany the Annual Diligent Use Report (Appendix 2). It is not required that a copy of the veterinarian's assessment report be included with the Statutory Declaration. It is the responsibility of the veterinarian involved to submit their report to the SPCA if they are of the opinion that a dog is being mistreated or if the SPCA representative confiscates a dog suspected of being mistreated – this would be done in a manner consistent with the standards and practises of their professional organization.

The Statutory Declaration for sled dog operators includes a table for recording what has happened to dogs assessed the previous year but are not present for the current assessment. If upon receipt of the Statutory Declaration the information in the table reasonably suggests a dog may have been mistreated, the Authorizing Agency is responsible for reporting this to the SPCA.

## 8.8 Tenure Management Plan Administration

This section describes how Tenures and TMPs may be modified by the Tenure holder or DDM.

Once the TMP is approved by the Authorizing Agency, the TMP becomes part of the Tenure document. Any subsequent applications for changes to the Tenure document, which includes the TMP, may result in either a minor amendment or a new application (i.e. a Major Amendment).

A Major Amendment requires a new AT Tenure application (see definition section 3.0). It refers to a substantial change to the Tenure agreement (it is not considered a Minor Amendment as described under the [Crown Land Fees Regulation](#) of the *Land Act*). For example, substantial changes refers to a proposed expansion of an existing AT Tenure that involves additional area or a change in use/purpose (e.g. adding Minimal Impact Sites or a new AT guide activity to an Extensive Use Area Licence).

After the Tenure is granted, the TMP for an:

- Extensive Use Area Licence may be reviewed every five years by the DDM or periodically at the request of either party.
- Intensive Use Site Licence or Lease may be reviewed as described in the Tenure Agreement or when the Tenure holder applies for an assignment or replacement of the Tenure, or to modify or revise the TMP.

The need to modify the TMP may follow these reviews.

### 8.8.1 Modification of the Tenure by the Tenure Holder

AT Tenure holders may request to have their Tenures modified which may result in a new application if not a Minor Amendment.

### 8.8.2 Modification of the TMP by the DDM

In cases where the Tenure holder applies for an assignment or replacement of an AT Tenure or to modify or revise the TMP the DDM may request that the TMP or Tenure be amended.

DDM considerations related to TMP amendments includes, but are not limited to:

- public safety;
- approved land-use plans;
- extent of Diligent Use (e.g. low or no Client Day numbers for three consecutive years in the absence of clear and compelling reasons for this from the operator);
- acceptability of environmental changes (e.g., protection of species at risk);
- results of First Nations consultation.

#### **Procedure for TMP Modification by DDM**

The Tenure document for a Licence of Occupation with an Extensive Use Area for guiding describes the process for a modification to the TMP. In those cases where the DDM decides to modify an AT Tenure holder's TMP the Authorizing Agency representative will contact the AT Tenure holder to inform them that the DDM is considering a TMP modification. They will also be

informed that a consultation process will occur with the DDM once the AT Tenure holder has reviewed the proposed changes.

An “Initial Notice” (or advance notice) of the proposed TMP changes will be delivered to the Tenure holder by registered mail so as to confirm receipt by Tenure holder. This notice will include (but not be limited to) the following:

- Tenure reference information;
- reason for TMP review;
- proposed revisions to the TMP;
- proposed effective date of revision;
- the Authorizing Agency contact person; and,
- time period for consultation with the Authorizing Agency.

The standard period will be 60 days from receipt of notice during which time the DDM will be available for consultation. In the case of urgent circumstances the initial response/consultation period may be shortened, as described in the provisions of the Tenure document.

Once the AT Tenure holder receives the Initial Notice, the Authorizing Agency representative will schedule a consultation meeting to discuss the proposed changes. At this time, the AT Tenure holder should be prepared to discuss:

- proposed TMP revisions;
- potential impact of the proposed TMP revisions on their business; and,
- possible mitigation strategies.

The DDM will consider all information obtained during the initial notice period and consultation process with the AT Tenure holder, as well as information obtained from other sources. The DDM will take reasonable steps to minimize impacts of TMP changes and work with the AT Tenure holder to offset losses. If significant new information is received during that time, this information may be shared amongst interested parties for review and comment. If analysis of information results in significant changes to the proposed TMP modification as set out in the initial notice, then Step 1 of the procedures may be repeated.

A “Final Notice”, which outlines the DDM’s decision with regard to the TMP modification, will be sent via registered mail to the AT Tenure holder. The Final Notice will include, but not be limited to, advisement on whether or not the DDM intends to proceed with the proposed revision as set out in the Initial Notice.

The AT Tenure holder will normally receive a minimum of 12 months from the day the registered letter is received before the Effective Date for revised components of the TMP. If urgent circumstances apply, the date could be set at less than 12 months.

### **Urgent Circumstances**

Certain situations may necessitate making revisions to a TMP sooner than the standard 12-month implementation timeframe. The actual timeframe will be determined on a case-by-case basis. Urgent circumstances are those that involve matters of public interest, which includes but is not limited to:

- significant environmental concerns;
- specific government direction to close an area or restrict use that requires compliance within 12 months (e.g., through the implementation of a land use plan); or
- public safety concerns.

### **Tracking Modifications made to the TMP**

To ensure that all minor TMP modifications are noted and all parties can easily identify the most current approved TMP, a standard “Amendment Log” form will be attached to the TMP on file.

If an original TMP becomes difficult to follow due to several minor TMP modifications made during the term of the AT Tenure, the DDM may request the AT Tenure holder provide an updated TMP for the DDM’s approval.

## **8.9 Conversion of Multiple Tenures into a Single Multi-Region Tenure**

Clients may request to have multiple existing Licences of Occupation, which are currently established within different regions, combined into a single Tenure (note: this option is not available for leases). This request may be made if the existing Licences of Occupation are related to the same operation. The request may be processed at Tenure Replacement or during a Minor Modification. If the request occurs during a Minor Modification, a new Licence of Occupation document will be necessary and standard administrative fees would apply.

## **8.10 Compliance and Enforcement**

*Tenure terms and conditions, including requirements contained in approved management and development plans, act as the basis for monitoring and enforcing specific performance requirements over the term of the Tenure.*

Where a DDM becomes aware that a AT Tenure holder’s performance is not in compliance with the terms of their Tenure or TMP, the DDM may:

- order the AT Tenure holder to cease operations immediately; or
- require the AT Tenure holder to submit an application justifying the need to modify their TMP.

If the non-compliance does not cease or if an acceptable application is not received, the DDM will take the appropriate compliance action. Action may range from a warning letter, modification to Tenure conditions, to possible cancellation of Tenure. If the non-compliance requires immediate action, a trespass notice pursuant to the *Land Act* may be issued.

## **9. POLICY VARIANCE**

Any major variances from this policy must be approved by the Assistant Deputy Minister responsible for the AT Policy. Decisions on Minor Variances are made by the DDM in consultation with the Regional Executive Director of the Authorizing Agency. Refer to the [Policy Variance Procedure](#) for more information.

Decisions on any variances under the AT Policy must be submitted to the Land Tenures Branch (LTB) within 30 days to assist the LTB in its periodic review of the effectiveness of the AT Policy and to support the rationale for any future policy updates.

## APPENDICES

### APPENDIX 1: Incidental Use for AT Guiding Purposes

Incidental Use refers to intermittent and dispersed AT guiding activities on provincial Crown land, recognizing the minimal impact on the land. Specifically, Incidental Use refers to:

- Temporary AT guiding activities conducted by an AT Tenure holder outside their Extensive Use Area to address safety matters during unforeseen environmental events;
- Temporary staff training activities conducted by an AT Tenure holder outside their Extensive Use Area due to unfavorable environmental conditions within the Tenure area;
- AT activities which are ancillary to the primary AT activity under Tenure and use the same facilities and modes of transport as the primary Tenured activity. This includes AT activities carried out by a Guide Territory Certificate Holder within their Guide Territory area.
- Temporary AT tent camping up to 14 consecutive calendar days<sup>7</sup>; or
- Untenured AT operators under the following circumstances:
  - AT outdoor education or training activities which are no more than 3 consecutive days in length and occur with a maximum of 21 days total in a calendar year, or
  - low impact hiking, climbing and ski-touring activities, which includes occasional motorized air access, carried out in a dispersed manner by members of the Association of Canadian Mountain Guides or the Canadian Ski Guides Association. Note that motorized access (e.g. helicopter) cannot be the foundation of the business model or used as a regular mechanism to transport clients for the service offered. If motorized access is foundational to the business model, application must be made for an License of Occupation for an Extensive Use Area.

The Incidental Use activities listed above will not require Tenure under this policy if **all** of the following conditions are met. An operator must:

- Belong to the appropriate recognized provincial or national association for the incidental activity, or at a minimum comply with the operational, safety, experiential and service standards (i.e. best practices) for the activity.
- Obtain the appropriate liability insurance for the proposed activity;
- Adhere to the Backcountry Recreation/Tourism Wildlife Guidelines;
- Keep the group size to a maximum of 15 participants to minimize any damage to the environment and disturbance to wildlife;
- Avoid popular<sup>8</sup> public recreation/tourism areas and trails;
- Construct no Improvements<sup>9</sup>; and
- Notify AT Tenure holders in writing of the proposed Incidental Use activity within a reasonable time-frame (preferably 14 days) prior to commencing the activity.

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<sup>7</sup> For the purposes of calculating 14 consecutive days, a period of consecutive days is cumulative unless the person and their vehicle and equipment, as the case may be, are not present on the site for a period of at least 72 consecutive hours.

<sup>8</sup> 'Popular public recreation/tourism areas on Crown land' are not defined solely by high use numbers – for example, in remote areas 'popular' recreation/tourism areas are expected to have low interactions with other people and contain a key recreation resource feature, such as a sand beach, waterfall, hot spring etc.

<sup>9</sup> Temporary tent camping is permitted.

An AT operator must apply for Tenure under the AT Policy prior to carrying out activities on Crown land if they do not comply with the definition and above conditions for Incidental Use.

An AT operator undertaking 'Incidental Use' activities has no Tenure for those activities and no rights to the land – they will not be given any consideration for comment or referral when new *Land Act* Tenure applications or modifications are being reviewed beyond what is done for the general public.

If there are substantive concerns raised with the Authorizing Agency related to an Incidental Use activity (e.g. unfair competition issues raised by the overlapping AT Tenure holder) the AT operator may, at the Authorizing Agency's discretion, be directed to cease the Incidental Use activities and apply for an Licence of Occupation for an Extensive Use Area under this policy.



**APPENDIX 2: Annual Diligent Use Report**

**Annual Reporting Requirements for Adventure Tourism Tenure Holders**

The Adventure Tourism (AT) Tenure holder is required to complete the attached Annual Diligent Use Report and the Statutory Declaration For Rental Purposes and have the document notarized by a Commissioner for taking Affidavits for British Columbia or a Notary Public. The AT Tenure holder is to submit the notarized document, along with payment of any associated 'Client Day' fees, to FrontCounter BC. For a list of locations, please go to [www.frontcounterbc.gov.bc.ca](http://www.frontcounterbc.gov.bc.ca) or call 1-877-855-3222.

File # \_\_\_\_\_ Licence of Occupation #: \_\_\_\_\_

Date of report: \_\_\_\_\_ (month, day, year)

For period beginning: \_\_\_\_\_ ending: \_\_\_\_\_ (month, day, year)

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Name (if different than Company): \_\_\_\_\_

**COMPLETE THE FOLLOWING TABLE.**

- Break down 'Client Day' activity and Client Day numbers by specific geographic areas of Crown land.
- If you require more space than is provided in the table, attach an additional table to this document.

Area / Location (i.e. name of trail, river, mtn etc)	Type of AT Activity	# of Client Days Current Period	# of Client Days Previous Period	Target client days set in TMP

Note: the above details will be used in the review of Diligent Use and applications for overlapping AT activities.

**PLEASE SELECT ONE:**

- My 'Client Days' are consistent with the 'Client Day' estimates in my TMP;
- My 'Client Days' are NOT consistent with the 'Client Day' estimates in my TMP;

Describe any inconsistency and your impression of the reasons for it: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PLEASE CIRCLE YES / NO:**

**Yes / No** There have been special circumstances / environmental factors impacting my operation over the past year (e.g. weather events, change in demand, changes to the landbase, impact of other users)  
Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Yes / No** There have been changes to my operation from previous years (e.g. new Improvements, new activities, shift in business focus, etc and part of a Tenure modification).  
 An update to my Tenure Management Plan is required to reflect changes in my operation.  
 An update to my TMP is NOT required for the following reason:  
DESCRIBE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE CONFIRM THE FOLLOWING BY CHECKING THE BOXES BELOW:**

- I confirm that my commercial general liability insurance and any other insurance requirements for my Adventure Tourism business is valid and in accordance with the requirements of my Tenure.
- I confirm that I am complying with the desired behaviors described in the May 2006 Tourism Wildlife Guidelines for Backcountry Tourism / Commercial Recreation.
- I confirm that I have a current Risk Management Plan and, for winter snow-sport activities, a specific Avalanche Risk Management Plan.
- If I undertake dog sledding under an AT Tenure, I confirm that a veterinary statutory declaration has been completed by a veterinarian and is submitted with this report (this is an annual reporting requirement).
- I am not Sub-Tenuring any of my Tenure (*Unless prior written consent provided by the Authorizing Agency*).

*All of the above boxes must be checked off in order for the Diligent Use Report to be considered complete.*

Please use this space or attach a concise document to this report to provide any other relevant information that you feel may influence a Diligent Use determination or that your TMP requires you to report on:

\_\_\_\_\_  
SIGNATURE OF TENURE HOLDER:

\_\_\_\_\_  
PRINTED NAME:

\_\_\_\_\_  
DATE:

### APPENDIX 3: Client Day Statutory Declaration for Rental Purposes

Province of British Columbia, in the matter of Client Days in the Licence for an Extensive Use Area under AT Tenure File Number \_\_\_\_\_ and AT Document Number \_\_\_\_\_

TO WIT:

I, \_\_\_\_\_  
 <<Printed legal name of Tenure holder>>  
 of «Company» \_\_\_\_\_  
 «Address » \_\_\_\_\_

In the Province of British Columbia, do solemnly declare the following:

Between dates <<MM/DD/YYYY>> \_\_\_\_\_ and \_\_\_\_\_ the following Client Days were recorded:

Specific AT Activity Type	Geographic Area Name / General Location	Client Day Rate \$	X	Client Day Numbers	=	Sub Total of Client Day Fees
			X		=	
			X		=	
			X		=	

(Note: if you require more space for above information, please attach an additional table to back of page)

Total Client Day fees: \$ \_\_\_\_\_

+ General Sales Tax \$ \_\_\_\_\_

**(1) Sub-total:** \$ \_\_\_\_\_

**(2) Minimum annual rent paid (incl.GST)** \$ \_\_\_\_\_

**Total Client Day fees minus Minimum annual rent paid (1) – (2) \*:** \$ \_\_\_\_\_

*\*to be submitted with Statutory Declaration Form and invoice*

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath and by virtue of the “Canada Excise Act” and “Evidence Act”.

Declared before me at the \_\_\_\_\_ of \_\_\_\_\_,

in the Province of British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_

\_\_\_\_\_  
 Commissioner for taking Affidavits for British Columbia  
 or Notary Public in and for the Province of British Columbia

\_\_\_\_\_  
 Signature of Tenure Holder

## APPENDIX 4: Statutory Declaration for Sled Dog Health Purposes

Province of British Columbia, in the matter of AT Tenure File Number \_\_\_\_\_  
and AT Document Number \_\_\_\_\_

TO WIT:

I, \_\_\_\_\_  
<<Printed legal name of Tenure holder>>

of «Company» \_\_\_\_\_

«Address » \_\_\_\_\_

In the Province of British Columbia, do solemnly declare that:

- On \_\_\_\_\_ (date of assessment), the health and condition of each dog that was then under  my care **OR**  the care of \_\_\_\_\_ in connection with the use of the Land under File No. \_\_\_\_\_ was assessed by a licensed veterinarian or constable of the BC Society for the Prevention of Cruelty to Animals.
- The following table contains a record of the status of each dog that has been under  my care **OR**  the care of \_\_\_\_\_ in connection with the use of the Land under \* No. \* but which was not under  my care **OR**  the care of \_\_\_\_\_ at the time of the assessment described in paragraph one.

Name	Breed	Sex M/F	Age of Dog at Last Assessment	Identification Number (if available)	Current Location and/or Circumstance

«\*If you require additional space, please attach a separate page »

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath and by virtue of the "Canada Excise Act".

Declared before me at the \_\_\_\_\_ of \_\_\_\_\_,  
in the Province of British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_

\_\_\_\_\_  
Commissioner for taking Affidavits for British Columbia  
or Notary Public in and for the Province of British Columbia

\_\_\_\_\_  
Signature of Tenure Holder

## APPENDIX 5: Summary of AT Tenure Types and Responsibilities

Tenure Type	TEMPORARY PERMIT FOR SPECIAL EVENTS	LICENCE OF OCCUPATION		LEASE
		Intensive Use Sites	Extensive Use Areas	Intensive Use Sites Only
Purpose	Authorizes short term Special Events on Crown land.	Authorizes non-exclusive use over Intensive Use Sites with improvements for small, areas of Crown land.	Authorizes non-exclusive use over Extensive Use Areas for AT guiding. Extensive Use Areas typically cover large areas of Crown land.	Authorizes quiet enjoyment of an Intensive Use Site with substantive improvements for small site-specific areas on Crown land. (i.e. Primary IU Site with a base camp lodge).
Applicability	Proposed activities vary from low impact to high potential for impact depending on the type of AT activity and number of participants	May involve construction or placement of improvements/ structures on Crown land  Some modification or disturbance of the land.	Proposed guiding activities may be low to moderate impact and potential for conflict varies.  Motorized and non-motorized uses.	Proposed activities may have a moderate to high impact and the potential for conflict varies.  Uses require construction or placement of improvements/ structures, or need for defined boundaries and restrict public access to the land.
Example	Organized AT events (e.g.. mountain bike races, snowmobiling), musical events	Improvements include cabins, storage facilities, hunt camps, corrals, etc.	Includes AT activities such as guided hiking, heliskiing, cat skiing, horseback riding, and snowmobiling.	Base camp lodge site with substantive improvements.
Tenure Rights and Responsibilities	Non-exclusive right to access Crown land for specified activities (i.e. guiding). Access to carry out specified activities for a short-term period. Overlapping Tenures may occur. Insurance is required. Security may be required.	Where applicable, right to modify land, and/or construct Improvements as per TMP  Overlapping Tenures may occur  Insurance and security required	Non-exclusive right to access Crown land for specified activities (i.e. guiding).  Where applicable, right to modify land, and/or construct Improvements as per TMP.  Overlapping Tenures will occur.  Insurance and security required.	Right to carry out specified activities within a small area of Crown land.  Right to modify land or construct improvements as per TMP.  Right of exclusive use (“quiet enjoyment”).  Insurance and security required.  Survey required for registered leases. Note: the timing for when a survey is required may vary.
Term	14 days in a 30-day consecutive period.  The DDM has the discretion to set the term.	May be up to 45 years.  The DDM has the discretion to set the term	May be up to 45 years.  The DDM has the discretion to set the term.	May be up to 60 years.  The DDM has the discretion to set the term
TMP	Required and approved by DDM.	Required and approved by DDM	Required and approved by DDM	Required and approved by DDM
Referrals	May be required at discretion of the DDM. Lower threshold since use is temporary (this includes temporary Improvements).	Required - extent depends on nature and scope of proposal.	Required - extent depends on nature and scope of proposal.	Required - extent depends on nature and scope of proposal.
Consultation with First Nations	Required. Impact is generally low.	Required. Impact varies.	Required. Impact varies.	Required. Impact varies.

Tenure Type	TEMPORARY PERMIT FOR SPECIAL EVENTS	LICENCE OF OCCUPATION		LEASE
		Intensive Use Sites	Extensive Use Areas	Intensive Use Sites Only
Advertising	Generally not required.	Required.	Required.	Required.
Assignment/ Non-Disturbance Agreements	Assignments not permitted.	Assignments, including Non-Disturbance Agreements, permitted at the discretion of the DDM.	Assignments, including Non-Disturbance Agreements, permitted at the discretion of the DDM.	Assignments, including Non-Disturbance Agreements, permitted at the discretion of the DDM.
Sub-tenuring	Not permitted.	May be permitted by DDM subject to eligibility requirements and any conditions.	May be permitted by DDM subject to eligibility requirements and any conditions.	May be permitted by DDM subject to eligibility requirements and any conditions.

**APPENDIX 6: Summary of AT Tenure Pricing**

Tenure	Valuation	Pricing (Rental)
<b>Lease</b>	Appraised market value, BCA's actual land value, or fair market value as estimated by the DDM.	<p><u>Intensive Use Site</u>: - minimal annual rent is \$500                      Primary IU Site – 8 % of land value or \$500, whichever is greater.                      Secondary IU Site – 5 % of land value or \$500 per site, whichever is greater.</p> <p><u>Extensive Use Area</u>: not available with a Lease.</p>
<b>Licence of Occupation</b>	<u>Intensive Use Site</u> : appraised market value, BCA actual land value, or fair market value as estimated by the DDM.	<p><u>Intensive Use Site</u>: - minimal annual rent is \$500                      Primary IU Site - 7.5 % of land value or \$500, whichever is greater.                      Secondary IU Site - 4.5 % of land value or \$100 per site, whichever is greater.</p>
	<u>Extensive Use Area</u> : Fixed revenue sharing	<p><u>Extensive Use Area</u>: - minimal annual rent is \$500                      Non-Mechanized: \$1 per Client Day.                      Mechanized ski guiding: \$4 per Client Day.                      Other motorized: \$6 per Client Day.  <u>Minimal Impact Site</u>: \$0</p>
	<u>Intensive Use Site/s AND Extensive Use Area</u>	<p><u>Intensive Use Site/s AND Extensive Use Area</u>                      As above, with minimum annual rent being \$1,000.</p>
<b>Temporary Permits for Special Events</b>	<u>Intensive Use Site</u> : Fixed Amount	<p><u>Intensive Use Site</u> – minimal rent is \$125                      - \$100 per site.</p>
	<u>Extensive Use Area</u> : Fixed Revenue sharing	<p><u>Extensive Use Area</u> – minimal rent is \$125                      Non-Mechanized: \$1 per Client Day.                      Mechanized ski guiding: \$4 per Client Day.                      Other motorized: \$6 per Client Day.  <u>Minimal Impact Site</u>: \$0</p>
	<u>Intensive Use Site/s AND Extensive Use Area</u>	<p><u>Intensive Use Site/s AND Extensive Use Area</u>                      As above, with minimum annual rent being \$125.</p>

## APPENDIX 7: Examples of Rental Calculations

### 1. Licence of Occupation with Extensive Use Area and Intensive Use Sites

Assumptions: This is year 3 of an operation. 4500 Client Days of non-Mechanized guided activity occurred in the previous year. The operation has Intensive Use Sites: 1 Primary Site and 2 Secondary IU Site. Land value is \$10,000/ha; Primary Site is 2 ha in size; Secondary Site are 1 ha.

Client Day fees: based on actual from previous yr = **\$ 4500**  
 1 Primary Site: 7.5% x (1 x \$20,000) = **\$ 1500**  
 2 Secondary Site: 4.5% x (2 x \$10,000) = **\$ 900**  
**Total Annual Rent: \$ 6,900**

### 2. Licence of Occupation with Extensive Use Area and Intensive Use Sites (small operator)

Assumptions: Year 3 of an operation. 400 Client Days of non-Mechanized guided activity in previous year. Operator has 3 Intensive Use Sites: Secondary IU Site. The land value is \$4000/ha. Each site is .5 ha in size. Note that if the calculated rent (% x land value) does not exceed the minimum rent, then the \$500 minimum applies.

Client Day fees: 400 X \$1 (minimum rent is \$500) = **\$ 500**  
 Secondary IU Site: 4.5% x (3 x 2000) (Min rent is \$500) = **\$ 500**  
**Total Annual Rent: \$ 1000**

### 3. Licence of Occupation, Intensive Use Sites Only

This would, for example, apply to guide outfitters who do not pay Client Day fees for guided hunt purposes approved under the *Wildlife Act* and who has Intensive Use Sites. Note that if the calculated rent (% x land value) does not exceed the minimum rent, then the \$500 minimum applies. Assumptions: one Primary Site, and 3 Secondary IU Site. The Primary Site is 2 ha, Secondary Site 1 ha; land value is \$5,000/ha.

Client Day fees: **not applicable**  
 Primary Site: 7.5% x (1 x \$10,000) = **\$ 750**  
 Secondary Site: 4.5% x (3 x \$5,000) = **\$ 675**  
**Total Annual Rent: \$ 1,425**

### 4. Special Event Permit with Extensive Use Area and/or Intensive Use Sites

Rent for a Special Event permit is based on Client Days and a minimum rent payable of \$125/permit for up to 14 days within a consecutive 30 day period.

**Operator 1:** Assume an operator offers guided non-Mechanized hiking activities, has 175 Client Days and 2 Minimal Impact Sites

Client Day fees: 175 x \$1 = **\$175**  
 Minimal Impact Site x 2 = **\$0**  
**Total Rent: \$ 175**

**Operator 2:** Assume an operator is offering overnight camping, unguided water sport activities and has 1 Secondary Site

Intensive Use Site: 1 x \$100 = **\$100**  
 (Minimum rent applies) **Total Rent: \$ 125**

**Operator 3:** Assume an operator offers guided sea kayaking, has 230 Client Days and 3 Intensive Use Sites.

Client Day fees: 230 x \$1 = **\$230**  
 Intensive Use Site: 3 x \$100 = **\$300**  
**Total Rent: \$530**



## APPENDIX 8: Guidelines for Overlapping AT Guiding Activities

### I. Purpose

The purpose of the Guidelines for *Overlapping AT Guiding Activities* is to provide guidance and information to the DDM when considering an application for a non-exclusive Licence of Occupation for AT guiding activities in an area where there are existing AT Tenure holder/s. The AT Tenure applicant has the primary responsibility to make reasonable efforts to address overlapping guided AT activities; these guidelines are subject to any existing agency resolution processes or procedures.

The Land Tenures Branch is piloting a new approach to address overlapping AT Tenure issues for guide activities within Extensive Use Areas. In cases where the proposed activity is identified as Non-Compatible with the Tenured AT activity (refer to Table 1 and 2 in this Appendix), AT Tenure applications will require a Joint Use Agreement (JUA), otherwise the application will be deemed incomplete and will not be accepted.

It is the expectation of the Authorization Agency that both the AT Tenure applicant and the AT Tenure holder(s) will be reasonable in their negotiations for a third party JUA. At the discretion of the DDM, considerations for being reasonable include, but are not limited to: the fees being requested for a JUA; whether the AT activities occur within the same geographic location; specific Diligent Use of the AT Tenure holder..

The success of this approach will be reviewed in fall 2017 or earlier as issues arise. In the interim, any issues regarding the *Overlapping AT Extensive Use Area Application Guidelines* are to be directed to the Manager responsible for this policy, Land Tenures Branch.

These guidelines are consistent with Ministry strategic principles for all *Land Act* dispositions. Although this guidance focuses exclusively on overlap of AT activities, it is intended to complement other overlapping Tenure resolution processes administered by other agencies and/or statutes (e.g. overlap concerns related to forestry, mining, oil & gas, etc.). Guidance on addressing overlap with other natural resource sector activities is available in the reference document [A Practical Guide to Effective Coordination of Resource Tenures](#), available online.

### II. Principles

The principles set out in these guidelines flow from the strategic [Crown Land Allocation Principals](#), and incorporate the ideals of administrative fairness, fair return to the Crown, highest and best use of the land and sustainable environmental management.

These guidelines are intended to provide clarity and transparency in the application and review process for overlapping AT guiding activities during a Tenure application process.

### III. Context

Under the authority of the *Land Act* and in keeping with the existing policies and the principles of integrated management, the DDM authorizes use of Crown land to AT operators for non-exclusive guided AT activities within an Extensive Use Area under a Licences of Occupation.

This procedure outlines the process for application adjudication when there is one or more pre-existing AT Tenure holders within the application area at the time of the Authorizing Agency's receipt of a new AT application for guided activities. AT applicants are required to inform existing AT Tenure holders of the specifics of their application and how they propose to resolve overlap issues. The preferred outcome is for the AT applicant and AT Tenure holder to reach agreement through modifications to the applicant's TMP or a JUA. However, it is recognized that this may not always be possible.

It is important to note that not all AT applications that overlap an existing Tenure holder will result in Tenure. At the discretion of the DDM, applications that have low compatibility with an existing Tenured AT operator may be denied a Tenure. Applications for activities deemed 'Non-Compatible' with existing AT Tenures will be required to obtain a JUA from the existing AT Tenured holder; otherwise the Tenure application will be viewed as incomplete by application review staff.

#### **IV. Compatibility Criteria**

The intent of compatibility criteria for overlapping AT guiding activities is to provide context on overlapping Tenure considerations for the DDM. Considerations in the development of the criteria rankings include safety and risk, quality of the guest experience and business impact on the existing operator. These considerations were applied to each of the possible overlap scenarios and ranked as either Compatible, Limited Compatibility or Non-Compatible. These classifications are described below and reflected in the compatibility matrices (refer to Table 1 and 2).

##### **(a) Compatible:**

A 'Compatible' ranking indicates the proposed AT Tenure application has neutral or minimal potential to impact the activity of the existing AT Tenure holder's operation. The proposed TMP demonstrates that compatibility issues identified in the Operator Input Form have been adequately addressed. Tenure overlap issues are not a major consideration. A JUA between the existing Tenure holder and the applicant is not required. Minimal impact may be defined by the following:

- Timing of peak seasons or use patterns naturally separates the activities; or
- The proposed activities represent a minimal/negligible impact on the quality of guest experience provided by the Tenured operator; or
- The proposed activities will not require any significant changes to the manner which the Tenured operator conducts their business (e.g. no need to modify use patterns/group size, amend their TMP, etc.); or,
- There are no known safety or risk considerations related to overlap of the two activities.

##### **(b) Limited Compatibility:**

A 'Limited Compatibility' ranking indicates that the proposed AT Tenure application has the potential to moderately impact the activity of the existing AT Tenure holder's operation. The proposed management plan demonstrates that compatibility issues identified in the AT Operator Input Form have been adequately addressed. A JUA with the existing AT Tenure holder is recommended but not required. Moderate impact may be defined by the following:

- The proposed activities are likely to have some impact on the quality of guest experience provided by the Tenured operator; or

- The proposed activities may require changes to the manner which the Tenured operator conducts their business (e.g. modification of use patterns/group size to protect client experience, amendments to their TMP, etc.); or,
- Any safety or risk considerations related to overlap of the two activity types may be mitigated through requirements/commitments in the AT Tenure applicant's TMP (note that specific safety and risk considerations must be assessed on a file-by-file basis, as conditions will vary from location to location. Safety between the guided activities is considered in the context of expected public activities).

Impacts associated with Limited Compatibility activities may be mitigated by the applicant by:

- using timing or geography to separate the proposed and existing activities;
- altering the party size and/or frequency of the new activity to protect client experience;
- requiring a particular mode of access/transportation to minimize or eliminate conflicts; and
- changing the location or lowering the level of facility development proposed in the management plan to improve compatibility with existing operations.

**(c) Non-Compatible:**

A 'Non-Compatible' ranking indicates that the proposed AT activity has significant potential to negatively impact the activity of the existing AT Tenure holder's operation. Significant negative impact may be defined by the following:

- The proposed activity will likely directly and substantially impact the quality of guest experience provided by the Tenured operator; and
- The proposed AT activities will likely require the Tenured operator to substantially modify the manner in which they conduct their business operations (e.g. new access/travel routes, altering frequency and timing of activities, relocating Improvements); or
- The nature of the two overlapping AT activities being conducted over the same terrain may pose a higher safety/risk that cannot be readily mitigated through 'best practices' or other management actions.

The proposed AT activity is not considered compatible with the existing Tenured AT activities without a JUA. A JUA must be submitted as part to the Tenure application or the application will be considered "incomplete" and will not be accepted by the Authorizing Agency.

**Additional Considerations for Safety and Risk**

The criteria listed in these guidelines provide generalized information related to safety and risk. However, even in cases where the activity overlap is considered to have Limited Compatibility, safety and risk is considered on a file-by-file basis, as conditions vary from location to location. Safety between guided AT activities is considered in the context of expected public activities. DDM considerations for safety and risk between an existing Tenured AT operator and a proposed overlapping AT operator may include but are not limited to, the review of:

- An existing AT Tenure holders TMP;
- AT applicant's proposed TMP;
- AT Operator Input Form responses; and
- Industry advice.

## V. Adjudicating Overlapping AT Applications

The guidelines below outline the process the DDM may use to make decisions about applications for overlapping Extensive Use Areas under an AT Licence of Occupation. They describe the responsibilities of the AT applicant, AT Tenure holders, and the Authorizing Agency when an application is received that overlaps with an existing AT Tenure. The goal is to reach a resolution at the earliest stage possible. At all stages in an overlap process, both the Authorizing Agency and the applicant should make an effort to understand the nature of the AT activity overlap and the concerns expressed by an existing AT Tenure holder.

### **Submission of overlapping application**

In the initial step, the primary responsibility to reach a resolution of overlap conflict lies with the AT applicant. The roles of the Authorizing Agency, the AT applicant and the existing Tenure operator are described below.

**AT Applicant Responsibilities:** Prior to application submission, the applicant must review whether or not their application area overlaps with an existing AT Tenure (based on the list of overlapping AT Tenure holders provided by the Authorizing Agency). If so, the applicant should review the compatibility matrix to assess the compatibility ranking between the existing activity and their proposed activity, then outline in their proposed TMP the nature of the overlap and how this overlap may be addressed.

**For overlap with ‘Compatible’ and ‘Limited Compatibility’ activities:** The AT Tenure applicant is responsible for contacting the AT Tenure holder(s) to inform them of their proposed AT guide activities described in the TMP.

After receiving the list of overlapping Tenures from the Authorizing Agency, the AT Tenure applicant must send the following items to the list of AT Tenure holder provided by the Authorizing Agency:

- A letter that describes the application for overlapping Tenure and any management issues associated with the new application.
- A copy of the proposed TMP which includes details on how to resolve the overlap in activities.
- The AT Operator Input Form, with directions for how and when to submit the form.

For Limited Compatibility overlap activities, a JUA with the existing AT Tenure holder is recommended but not required. The applicant must receive and deliver to the Authorizing Agency, written confirmation from the list of existing AT Tenure holders that the above items were received. Alternatively, if written confirmation cannot be obtained, sending the above items by registered mail will also satisfy the requirements.

Within 60 days of the acceptance of an AT Tenure application by the Authorizing Agency, the applicant is expected to provide the Authorizing Agency with either:

- Evidence that the items above were received by each existing AT Tenure holder;
- A letter/email of support signed by the applicant and the AT Tenure holder; or
- If there is no response, provide a written summary of the steps the applicant took to meet with the AT Tenure holder(s).

**For overlap with ‘Non-Compatible’ AT activities:** Prior to the submission of an AT Tenure application, the applicant is expected to review whether the proposed AT activities overlap with a ‘Non-Compatible’ AT activity of an AT Tenure holder. A ‘Non-Compatible’

ranking indicates that the proposed AT activity is not considered compatible. As a result, a JUA must be submitted as part to the Tenure application or it will be considered “incomplete” and not accepted by the Authorizing Agency.

If an application is submitted that includes overlap with a ‘Non-Compatible activity’, the Authorizing Agency will notify the applicant that the application is incomplete without a JUA with the specified existing Tenure holder. If the JUA approach is not considered a viable option, this may be remedied if geographic areas that overlap incompatible activities are removed from the Tenure application.

### **Responsibilities of the Authorizing Agency**

Prior to accepting an AT Tenure application the Authorizing Agency will conduct a preliminary status of the application area. If, during the preliminary status, the application is found to overlap with an AT Tenure listed as a Non-Compatible activity, the Authorizing Agency will notify the applicant that the application is incomplete. The Authorizing Agency will advise the potential AT Tenure applicant that a JUA is required and will provide the applicant with a list of all overlapping AT Tenure holders and pre-existing applications.

Overlaps identified as Compatible or Limited Compatibility will be accepted by the Authorizing Agency. The AT Tenure applicant will be provided with a list of all overlapping AT Tenure holders and pre-existing applications, and copies of the Operator Input Form. The applicant should have the listed Tenure holder complete the form and submit it to the Authorizing Agency. The application will not be processed until these forms are received.

Additionally, where possible, Diligent Use of the land by the pre-existing AT Tenure holder(s) should be confirmed by the DDM. Where it is determined that Diligent Use is not met, the Authorizing agency will need to address the issue. The authorizing agency may also consider Diligence Use in its decision to allow or restrict overlap.

In addition to the ranking shown in the overlapping Tenure matrix tables for summer and winter AT activities, the DDM may use the following to aid the assessment of the compatibility of the proposed and existing AT activities:

- responses to the AT Operator Input Forms from AT Tenure holder(s);
- matrices for Assessing the Compatibility of AT activities;
- both the AT Tenure holder’s and the AT applicant’s TMPs;
- guidance from existing Land Use Plans and consultation with other stakeholders;
- previous Diligent Use Reports filed by the existing Tenured operator(s);
- other information provided by the AT applicant and/or Tenured operator; and
- consider guidance from an AT professional in the sector/s involved.

### **Expectation of the Existing AT Tenure Holder**

For applications that score as ‘Compatible’ or ‘Limited Compatibility’ the AT Tenure holder is encouraged to review the AT Tenure applicants’ TMP and return the AT Operator Input Form or its equivalent to the Authorizing Agency within 45 days of its receipt.

If the AT Tenure holder does not return the AT Operator Input Form, or its equivalent, to the Authorizing Agency within 45 days of receipt, the DDM may proceed with the application.

### **Competitive Process**

In cases where two or more Tenure applications for AT guiding are received and there is an overlapping area of Crown land, the DDM may initiate a competitive process.

**VI. Compatibility Considerations**

**AT Compatibility Matrix**

The AT Compatibility Matrix is a tool used by the DDM to guide decision-making on adjudication of new AT Tenure applications. It is based on various compatibility considerations related to guest experience, safety, and impact on the pre-existing operator. The matrix is intended to provide decision-support, and is not intended to restrict the ability of the DDM to approve or disallow AT Tenure applications, with the exception of the ‘NC’ category. An ‘NC’ category indicates that these commercial activities require a JUA with the AT Tenure holder. A JUA must be submitted as part to the Tenure application or it will be considered “incomplete” and not accepted by the Authorizing Agency.

To find the compatibility ranking between an existing AT activity and a proposed AT activity, select the existing activity from the column on the left and read across to find the cell that intersects the proposed activity at the top of the table. Compatibility is ranked Compatible (C), Limited (L), or Non-Compatible (NC).

Ranking and Description	
<b>C</b>	<b>Compatible:</b> the proposed activity of the Tenure applicant has a neutral/minimal potential to impact the activity of the existing AT Tenure holder’s operation. The proposed TMP demonstrates that compatibility issues identified in the AT Tenure Operator Input Form have been adequately addressed. Tenure overlap issues are not a major consideration. A signed JUA between the existing Tenure holder and the applicant is not required.
<b>L</b>	<b>Limited Compatibility:</b> the proposed activity of the Tenure applicant has the potential to moderately impact the activity of the existing AT Tenure holder’s operation. The proposed TMP demonstrates that compatibility issues identified in the AT Tenure Operator Input Form have been adequately addressed. A JUA with the existing AT Tenure holder is recommended but not required.
<b>NC</b>	<b>Non Compatible without a JUA:</b> the proposed activity of the Tenure applicant has a high potential to impact the activity of the existing AT Tenure holder’s operation. The proposed AT activity is considered not compatible and, if it is to be considered further will require a JUA with the existing AT Tenure holder(s). A JUA must be submitted as part to the Tenure application or the application will be considered “incomplete” and not accepted by the Authorizing Agency.

**Table 1:** Compatibility Matrix for Winter AT/Snow Sport Activities

Existing Activity: \ Proposed Activity:	Heliski	Cat-ski	Ski tour	Snowmobile or other ORV	Snowshoe	Nordic ski	Dog sled	Mountaineering	Trail building to support AT activity
Heliski	NC	NC	NC	NC	L	L	L	C	NC
Ski tour	NC	NC	NC	NC	L	L	L	C	NC
Cat-ski	NC	NC	NC	NC	L	L	L	L	NC
Snowmobile or other ORV	NC	NC	NC	NC	L	L	NC	L	NC
Snowshoe	L	L	L	L	L	L	L	C	NC
Nordic ski	L	L	L	L	L	NC	L	C	NC
Dog sled	L	L	L	NC	L	L	NC	C	NC
Mountaineering	C	L	C	L	C	C	C	L	NC

**Table 2:** Compatibility Matrix for Summer AT Activities (or seasons with no snow on ground)

Existing Activity: \ Proposed Activity:	Hike	Fly-in-Hike	Horse/Llama	Mountain Bike	Off-Road Vehicle	Mountaineer Climb	Wildlife Viewing	Bear Viewing	Fresh Water non-motorized	Marine Non-motorized	Fresh Water Motorized	Marine - Motorized	Trail building to support AT activity
Hike	C	L	C	L	L	C	C	C	C	C	C	C	NC
Fly-in-hike	L	NC	L	L	L	C	L	L	C	C	C	C	NC
Horse/Llama	C	L	NC	NC	L	C	C	C	C	C	C	C	NC
Mountain Bike	L	L	NC	L	NC	C	C	C	C	C	C	C	NC
Off-Road Vehicle (ORV)	L	L	L	NC	NC	C	L	L	L	L	L	L	NC
Mountaineer/Climb	C	C	C	C	C	C	C	C	C	C	C	C	NC
Wildlife Viewing	C	C	C	L	L	C	L	L	C	C	L	L	NC
Bear Viewing	C	C	C	L	L	C	L	L	C	C	L	L	NC
Freshwater non-motorized	C	C	C	C	NC*	C	C	C	L	L	NC	L	NC
Marine non-motorized	C	C	C	C	NC*	C	C	C	L	L	L	NC	NC
Freshwater motorized	C	C	C	C	L*	C	L	L	NC	L	L	L	NC
Marine - motorized	C	C	C	C	L*	C	L	L	L	NC	L	L	NC

\* ORVs are Non-Compatible in foreshore areas where freshwater and marine non-motorized activities occur. ORVs have Limited Compatibility in foreshore areas with freshwater and marine motorized activities occur.

## APPENDIX 9: Adventure Tourism Operator Input Form (OIF)

This AT Operator Input form is provided to obtain input on proposed AT applications from Adventure Tourism (AT) Tenure holders Tenured under the Land Act or licenced guide outfitters and fishing guides Tenured under the Wildlife Act.

Information provided on this form will be used by the Delegated Decision Maker (DDM) as part of the process for reviewing AT applications with overlapping Tenure and does not imply a veto for AT Tenure holders. Input is requested on potential issues or resolution of issues associated with overlapping Tenure areas as a result of an AT application made by:

**Name of AT Applicant:**

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**AT Applicant's Crown land File Number:**

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**Company name of the existing AT Tenure holder/licensed Guide Outfitter/Fishing Guide:**

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**Crown land Tenure file number of AT Tenure holder/licensed Guide Outfitter/Fishing Guide:**

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**Instructions: AT Tenure holders/ Guide Outfitters/Fishing Guides please respond to the specific questions relating to the proposed TMP (see attached) for this application. Please attach any additional information to this form if you require more space for a complete reply.**

**1. Within the areas of overlap, do you believe the AT applicant's proposed activities may affect the way in which you currently operate?**

No  Yes  (please explain how it will affect your current operations).

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**2. Within the areas of overlap, are there ways in which you and the AT applicant could both operate that would help minimize any changes to your current operation? For example, operating at different times, using different areas for activities that are Non-Compatible, etc.**

No  Yes  (please explain).

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**3. If there are ways in which you and the AT applicant could both operate that would help minimize any changes to your current operation, are the services of Authorizing Agency staff still needed to help address overlapping area issues?**

No  Yes  (Please explain the role the Authorizing Agency may play to assist you with this).

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**4. Within the areas of overlap, do you believe this AT applicant's proposed activities may negatively affect the kind of experience that you currently offer to your guests?**

No  Yes  (Please explain how it will affect the experience that you currently offer your guests).

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**5. Within the areas of overlap, are there ways in which both you and the AT applicant could operate which would minimize any changes to the experience you currently offer your guests?**

No  Yes  Yes (please list).

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**6. Within the areas of overlap, do you believe the AT applicant's proposed activities may affect safety or risk management efforts associated with your business?**

No  Yes  (Please explain how it will affect your safety and risk management efforts).

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**7. Within the areas of overlap, what ways would you suggest both you and the AT applicant may operate that would help minimize any changes to the safety or risk management practices associated with your business?**

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**8. With respect to this AT application, are there any concerns related to activities that would occur adjacent to your Tenure boundaries?**

No  Yes  please explain.

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**9. With respect to this AT application, are there any concerns that may prevent your operation from modifying your Tenure (Client Days, approved uses)? If so, please explain.**

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**Signature of AT Tenure holder**

\_\_\_\_\_  
Date (month/day/year)

\_\_\_\_\_  
**Print Name**

**Please send completed OIF to the Authorizing Agency at the following address:**

<<Regional Office Mailing Address>>