



COMMERCIAL OUTDOOR RECREATION ACTIVITIES AND DEVELOPMENTS ON CROWN RESOURCE LAND

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INTENT:

The purpose of this policy is to provide direction for commercial outdoor recreation activities and developments on Crown resource land administered by Saskatchewan Environment (SE). **This provincial policy does not apply to commercial outfitting (i.e. sportfishing and sport hunting) activities and associated physical improvements conducted on Crown resource land.**

CONSIDERATIONS:

1. Proponents of projects or activities, contemplated by this policy, which are *developments* as defined by section 2(d) of *The Environmental Assessment Act* (the EA Act), must satisfy the requirements of the EA Act and obtain ministerial approval before proceeding as described in this policy. Section 8(1) of the EA Act states that *Notwithstanding the requirements of any other Act, regulation or bylaw relating to any licence, permit, approval, permission or consent, a proponent shall obtain ministerial approval to proceed with a development, and no person shall proceed with a development until he has received ministerial approval.* Section 9 requires a proponent seeking such approval to conduct an environmental impact assessment.
2. COR will be administered primarily on the principle of conservation and protection of our public resources to maintain and protect environmental integrity using land and resources within their capacity to sustain use, and maintain biological diversity.
3. Existing resource users will be recognized in the process of assessing development proposals. COR development proposals will be considered on their own merits, particularly where operations are compatible and can co-exist with seasonal, operational separation. The integration of overlapping activities will be facilitated by limiting the overall number of COR developments in intensively-used areas in order to minimize conflict and to ensure conservation and sustainable use of resources.
4. The use and development of Crown resource land administered by SE is subject to *The Provincial Lands Act*, *The Resource Lands Regulations, 1989*, and the *Resource Lands Disposition Guidelines*. Much of the Crown resource land is held under lease, permit or licence agreements. However, unless a specific land lease is in place, individuals authorized to operate on Crown resource land cannot legally exclude other people from accessing the land. Other Acts and regulations, including *The Forest Resources Management Act* and regulations, also govern activity on Crown resource land.

5. Separate policies exist for COR activities on provincial park land and Crown agricultural land administered by Saskatchewan Agriculture, Food and Rural Revitalization (SAFRR)*. Efforts will be made to ensure that, when possible, the definitions and principles will be consistent between SE's provincial park land COR policy and SE's Crown resource land COR policy.
6. Policy and guidelines are currently in place for commercial hunting and fishing outfitting activities in Saskatchewan. Any COR proposals which have a hunting or fishing component (including catch and release angling) to them must be reviewed using the established outfitter policies (i.e. *Policy on Outfitting, 1997*).
7. COR activities are generally considered to be non-consumptive, however it is also recognized that these activities impact natural resources and the ecosystem.
8. Primary consideration will be given to COR developments that have the potential to enhance, strengthen, and diversify the economic infrastructures at the local and regional levels while respecting the environmental, non-economic (social) and economic capacity of the land.
9. SE will not approve developments without the consideration of existing aboriginal or treaty rights.
10. The Ecotourism Society of Saskatchewan (ESS) has developed an ecotourism accreditation program, which is setting the stage for industry self-regulation and may be of benefit for ecotourism operators.

POLICY AND GUIDELINES:

1. Allocated operating areas **will not** be provided for COR activities.
2. With the exception of leased land and Ecological Reserves, COR operators, who offer guided tours of an area, can use SE Crown resource land without receiving prior approval. Unlike commercial outfitting, SE will not license the use of Crown resource land for COR activities.
3. Special permission will be required for COR activities on Ecological Reserves.
4. COR development proposals will be reviewed through SE's internal process and through public consultation to involve other interests such as local and provincial government agencies, First Nations, Métis, advisory groups, and the general public, taking into account locally-established priorities and public interest, recognizing, however, that the Minister has the final decision making authority.

* SAFRR requires individuals and tour operators to acquire a permit or licence to use SAFRR administrated Crown land for ecotourism activities even if the land is unallocated. SAFRR Crown land already under lease agreements allow the lessee to control access for certain activities. Any further use of the leased land must have the permission of the existing leaseholder and the authorization of SAFRR.

5. SE may get involved in the management of COR when over-use, or perceived over-use, causes a significant impact on the resource base or in areas deemed to be significant or sensitive (i.e., a river popular for canoeing).
 - When the over-use of resources is perceived, SE may complete a specific management plan for the area (i.e. Pasquia-Porcupine Land Use Plan). If necessary, SE may utilize actions necessary to curtail activities during the planning process.
 - A management plan will specify actions and any required legislative/regulatory changes to control use or minimize impact. Actions could range from introducing designated viewing sites, trails or campsites to controlled management of an area involving establishment of user limits in an area.
 - Any zoning requirements or guidelines developed within an integrated land use plan pertaining to COR developments, that address the expectations and concerns of the local residents, will be supported within the planning area.
 - If access to a specific area is limited to COR operators, the opportunity to use and develop the area for commercial outdoor recreation may be tendered.
 - If it is deemed necessary to limit use or introduce management to an area, all interested parties will have the opportunity to represent their interests.
6. COR operators can not restrict the public and other land users from accessing Crown resource land, or infringe on existing aboriginal or treaty rights.
 - Operators may promote COR activities in conjunction with another commercial activity, such as outfitting or rental accommodations. However, a commercial licence does not guarantee an outfitter the exclusive use of an area for commercial outdoor recreation; the general public and other commercial outdoor recreation operators are free to use this area.
7. While COR operators do not require licences or permits to access the land, permits or leases are required for physical improvements on Crown resource land. Any physical improvements proposed in conjunction with a COR proposal must adhere to the existing policy and guidelines.
 - Physical improvements or developments on Crown resource land may be subject to certain standards or guidelines (i.e. *Uniform Building Accessibility Standards Act*).
 - Individuals receiving approval for constructing physical improvements or development on Crown resource land will be advised that they do not have exclusive access to resources outside the approved lease area and may be subject to controls in the future if significant negative impacts on the resource base are perceived.
8. COR operators, intending to use a specific area for conducting ecotours and other activities, are encouraged to meet with other resource users operating in the area, such as trappers, outfitters and other COR operators, to avoid potential conflicts. This is not meant to give existing resource users status but merely ensures that the touring public does not disrupt existing resource users or tour in areas where they may be in danger.

EVALUATION:

This policy will be evaluated in May 2003, and in subsequent years as required, by the Sustainable Land Management Branch in SE on the basis of the following criteria:

1. Is the policy easily accessible to SE staff and the public and is it easy to understand? Are COR operators aware of the policy?
2. Is the policy being applied fairly, equitably and consistently?
3. Are the needs and requirements of other resource land disposition holders, First Nations, Métis and the general public compromised as a result of the policy? Are proper consultations conducted prior to COR development approval? Are improvements to the consultation process required?
4. Is more involvement in the management of commercial outdoor recreation through licencing or permitting required from SE?
5. Are there many disputes between commercial outdoor recreation operators and other users of the resource land? If so are the disputes being resolved by the parties involved?
6. What are the economic implications of the policy for government and COR operators?
7. What are the social, environmental and economic costs and benefits of the policy and of COR activity and developments in general? Are there amendments to the policy that can be made to mitigate or resolve negative impacts?

DEFINITIONS:

1. **Commercial Outdoor Recreation (COR)**

The provision of a product or service to the public*, which is centered around a leisure activity that is primarily non-consumptive, and has a minimal or limited impact on the resource base and takes place on Crown resource land or provincial park land. COR activities refer to the event or endeavor such as hiking, bird watching, canoeing, horseback riding, or snowmobiling. COR developments refer to the physical improvements that are constructed to facilitate the activities such as warm-up shacks, lodges or trails. Categories of commercial outdoor recreation may include:

- a) Ecotourism - An enlightening nature travel experience that contributes to the conservation of the ecosystem and the cultural and economic resources of the host communities (as identified by the accreditation standards adopted by industry). Ecotourism can include activities like birdwatching, cross-country skiing, wildlife viewing, photography, natural history tours, hiking, and canoeing and can involve support services such as accommodation, transportation, food, guiding and interpretation services.
- b) Adventure Tourism - Leisure activity that tends to be associated with higher levels of activity by the participants, including experiences varying in degrees of risk, excitement and tranquility (i.e. white water rafting, mountain biking, snowmobile and ATV touring).
- c) Indigenous Tourism - Leisure activities organized by businesses that are owned and/or operated by Indigenous people with the intention of promoting cultural revival and experiences through education, admiration and enjoyment of both historical and modern day lifestyles and practices of First Nation and Métis peoples and cultures of

* Although this policy is focused on COR operators who provide services to the public on a for-profit basis, the non-commercial aspects of this policy also extend to non-profit groups and institutions such as Nature Saskatchewan and the Boy Scouts of Canada who organize COR activities on Crown resource land and provincial park land.

Saskatchewan. This form of tourism encourages communication and interaction with the rest of the world and may involve visiting historic and archaeological sites, cultural centres, communities or participating in events connected to First Nations and Métis.

- d) Cultural Tourism - Leisure activity that tends to be associated with enlightening cultural experiences. The activities may involve visiting historical and archaeological sites, museums, buildings, and cultural events connected to any of the various cultures that make up Saskatchewan's ethnocultural and multicultural mosaic.

2. **ACrown Agricultural Land@**

The Crown land in the surveyed portion of the province administered for leasing and sale by SAFRR, which is available for sustainable and integrated uses while providing opportunities for diversification and economic growth. Used primarily for agricultural uses like cultivation, haying and grazing. As of February 2001, there were 4.05 million hectares of Crown agriculture land.

3. **ACrown Resource Land@**

Crown land in Saskatchewan administered by SE and used for a variety of activities such as forest-harvesting, trapping, hunting, outfitting, recreation, non-renewable resource activities, and cottaging. This includes almost all of the Northern Administration District, provincial forests, Wildlife Development Fund Land but EXCLUDES provincial park land (SE Crown land includes Crown resource land PLUS provincial park land). As of February 2001, there were approximately 37 million hectares of Crown resource land.

4. **AOutfitting@**

An Aoutfitter@ is a person who provides an outfitting service. An Aoutfitting service@ means the provision of guiding services or guiding services and equipment where they are provided for the purpose of assisting a person in hunting, taking or catching wildlife in angling, taking or catching fish and with the promise or expectation of remuneration, economic or material gain, business or employment benefit or any other benefit or gain (*The Outfitter and Guide Regulations, 1996*).

5. **APhysical Improvements@**

Developments on Crown land including, but not limited to, cabins, campgrounds, lodges, horse barns and corrals, parking lots, access roads, boat docks, new trail developments for snowmobiling/hiking/horseback riding, toilets, and warm-up shacks. Use of existing trails or minor improvements to existing trails to accommodate users are not considered to be physical improvements.

6. **AProvincial Park Land@**

Includes all Crown land designated pursuant to *The Parks Act* and relevant regulations. As of December 2000, provincial park land comprised 34 Provincial Parks, 22 Protected Areas, 137 Recreation Sites, 8 Historic Sites, and 26 Parkland Reserves for a combined total of 1, 273, 292 hectares.

7. **AResource Allocation@** - a managed approach to granting resource use privileges on a sustainable basis to meet the needs of various users.

8. **ACommercial Lease@** - any agreement creating a bona-fide tenancy between the Crown as landlord and a tenant in respect of Crown resource land, and any buildings or infrastructure constructed thereon, to be used exclusively for an enterprise directed at the provision to the public of a product or service for the purpose of economic or material gain.

PROCEDURES:

1. Individuals who are interested in conducting a COR activity on Crown resource land are not required to obtain a licence or permit, but it is recommended that they contact the Regional Land Manager (RLM) in their EcoRegion to inquire about other activities in the proposed area. If an inquiry is made at the district level the inquiry should be forwarded to the RLM.
2. If the proposed COR activity requires the development of physical improvements (including trails) the individual must contact their local SE office regarding the completion of an Application for Crown Land Disposition form and a Commercial Outdoor Recreation form (attached as Appendix A). If hunting or angling activities are associated with the COR activity, applications for an outfitter's licence and outfitting allocation area must be completed. Applicants are encouraged to provide as much information as possible and supplement their application with a detailed written proposal and a 1:50,000 topographical map of the proposal area.
3. Applications will be reviewed at the district, regional and ministerial level, with the RLM coordinating the review. When required the application will also be reviewed by the local rural/urban municipality, Chief and Council from local First Nations, Métis, and the local advisory committee or co-management board. The Minister of Environment has the final decision making authority. No new developments will be approved where there is a Treaty Land Entitlement selection, unless the First Nation involved grants approval. When reviewing the application SE officials will consider the principles of sustainability, integrity, community economic development, and the proposal's compatibility with other activities.
4. Once the review of the application is completed, a written notification of the decision will be provided to the applicant by the RLM.

ADMINISTRATIVE INFORMATION:

1. Legislation Reference/Authority:
The Provincial Lands Act
The Environmental Assessment Act (sections 2,8,9,15 and 16)
2. Forms (not required unless the COR operator intends to construct physical developments):
C Application for Crown Land Disposition Form
C Commercial Outdoor Recreation Form
3. Reference Material:
C *Policy on Outfitting 1997*
C *The Outfitter and Guide Regulations, 1996*
C Resource Lands Disposition Guidelines
C Saskatchewan Ecotourism Accreditation System
C Commercial Outdoor Recreation Strategy 2000 (unpublished)
C SE's Aboriginal Consultation Guidelines 2000
4. Contact:
Sustainable Land Management Branch
520 - 3211 Albert Street
REGINA SK S4S 5W6
Phone: 787-1348