

<b>NAME OF POLICY:</b>	<b>Guided Adventure Tourism Policy (GAT)</b>
<b>APPLICATION:</b>	<p>This policy applies to outdoor recreation activities that are guided activities provided for a fee or other form of compensation, authorized by the Ministry of Tourism, Sport and the Arts and Integrated Land Management Bureau (MTSA/ILMB) to be carried out on provincial Crown land, with the exception of adventure tourism activities undertaken within a provincial park, recreation area or protected area, as defined in the policy. Examples of MTSA tenured GAT activities are listed below:</p> <ul style="list-style-type: none"><li>• Rafting, hiking, snowmobiling, heli-hiking, bear viewing, remote lodges, mountaineering, sea-kayaking, All Terrain Vehicle (ATV) tours, snow shoe tours.</li></ul> <p>This policy does not apply to:</p> <ul style="list-style-type: none"><li>• All seasons resort development projects; and</li></ul> <p>Activities of Guide Outfitters, Angling Guides, and Packers/Transporters as authorized or permitted by the Ministry of Environment under the <i>Wildlife Act</i>.</p>
<b>ISSUANCE:</b>	Ministry of Tourism, Sport and the Arts
<b>IMPLEMENTATION:</b>	Note all pricing and fees are under review in 2008.
<b>REFERENCES:</b>	<i>Land Act</i> (Ch. 245, R.S.B.C., 1996)
<b>RELATIONSHIP TO PREVIOUS POLICY:</b>	This policy replaces the Commercial Recreation Policy with the exception of sections 7.2.2 (Table 2), 7.2.5, 7.3 (Table 3) and 8.3.1.1. These fees are presently under review.
<b>POLICY AMENDMENT:</b>	Any formal request for an amendment to this policy is to be directed in writing to the Director, Strategic Policy, Ministry of Tourism, Sport and the Arts or Director, Adventure Tourism, Integrated Land Management Bureau.

PART ONE - GENERAL ..... 1

1 POLICY APPLICATION ..... 1

2 PRINCIPLES AND GOALS ..... 2

3 DEFINITIONS..... 3

4 ABBREVIATIONS ..... 10

5 APPLICANT ELIGIBILITY ..... 11

6 FORM OF LAND ALLOCATION ..... 11

    6.1 Investigative Permit..... 12

    6.2 Licence of Occupation (LO) ..... 12

    6.3 Lease ..... 14

7 PRICING OF GAT TENURES..... 16

    7.1 Administrative Fees ..... 16

        7.1.1 Application Fees and Fees for GAT Tenure Modifications ..... 17

    7.2 Annual Rent ..... 17

        7.2.1 Investigative Permit ..... 17

        7.2.2 Licence of Occupation – Extensive Use ..... 17

        7.2.3 Minimum Rent for Licence of Occupation – Extensive Use..... 18

        7.2.4 Lease..... 18

        7.2.5 Educational policy and a fee structure have been developed. The fee structure has not been approved. Both policy and fees will be posted upon approval..... 19

    7.3 Notification of Rent Changes ..... 19

    7.4 Payment Schedule Procedures ..... 21

        7.4.1 First year..... 21

        7.4.2 Subsequent years..... 21

        7.4.3 Reporting periods ..... 21

8 GAT TENURE ALLOCATION PROCESSES ..... 22

8.1 Competitive Process ..... 22

8.2 Planned Tenure Dispositions ..... 22

8.3 Applications..... 23

    8.3.1 Pre-Application Processing Considerations ..... 23

    8.3.2 Applying for GAT Tenures ..... 25

    8.3.3 Accepting GAT Tenure Applications..... 27

    8.3.4 Project Review Team ..... 29

    8.3.5 Application Processing ..... 30

    8.3.6 Approval of Tenure Management Plans ..... 33

9 TENURE ADMINISTRATION..... 34

    9.1 Insurance ..... 34

    9.2 Security/Performance Guarantee ..... 34

    9.3 GAT Tenure Holder Reporting Requirements..... 34

    9.4 Assignment ..... 35

    9.5 Sub-tenuring ..... 36

    9.6 Tenure Replacement ..... 37

    9.7 Tenure Management Plan Administration..... 38

        9.7.1 Review of Approved TMPs ..... 38

        9.7.2 TMP Compliance ..... 38

        9.7.3 Modification ..... 39

    9.8 Conversion of Multiple Tenures into a Single Multi-Region Tenure ..... 42

    9.9 Tenure Cancellation ..... 42

10 POLICY VARIANCE PROCEDURE ..... 42

PART TWO – WATER-BASED ACTIVITY POLICIES ..... 43

11 WATER-BASED ACTIVITIES ..... 43

11.1 Purpose ..... 43

11.2 Form of Land Allocation..... 43

    11.2.1 Licence of Occupation (LO)..... 43

    11.2.2 Lease..... 44

11.3 Allocation Processes ..... 44

    11.3.1 Applications for Sea Kayaking Tenures..... 44

    11.3.2 Multi-Region Tenure Applications..... 44

    11.3.3 Application Package ..... 44

    11.3.4 Clearance/Statusing ..... 45

    11.3.5 Archaeological Assessments..... 45

11.4 Tenure Administration..... 45

    11.4.1 Insurance..... 45

    11.4.2 Annual Reporting..... 45

APPENDICES..... 46

Appendix 1 - Adventure Tourism Tenure Holders Annual Diligent Use Report ..... 46

Appendix 2 – Overlapping GAT Tenure Application Procedures ..... 51

Appendix 3 - Tenure Management Plan Modification Log Template ..... 58

Appendix 4 – GAT Sea Kayaking Zone Boundaries ..... 59

Appendix 5 – ILMB Adventure Tourism Operator Input Form (ATOIF)..... 60

Appendix 6– Matrix to Assess the Compatibility of Summer Recreational Activities ..... 65

\* Referral to Transport Canada required..... 65

Appendix 7 – Matrix to Assess the Compatibility Of Winter Recreational Activities..... 66

Appendix 8 – Matrices to Assess the Compatibility of Tenured and Public-use Activities ..  
..... 67

## PART ONE - GENERAL

### 1 POLICY APPLICATION

This policy applies to outdoor recreation activities that are guided activities provided for compensation, authorized by the Ministry of Tourism, Sport and the Arts (MTSA) to be carried out on provincial Crown land (including Crown land covered by saltwater and freshwater). These activities are hereafter referred to as Guided Adventure Tourism (GAT).

**Tourism operators** and **educational institutions** who provide transportation, lodging, feeding, entertainment or educational services for compensation, or reward received or promised, from residents and non-residents on British Columbia's (B.C.) Crown land must be authorized by MTSA/ILMB and must hold a valid GAT tenure. This includes those activities that require:

- Crown land on which to carry out activities (e.g., backcountry horse pack trips, heli-skiing);
- Construction or improvement on Crown land or the foreshore (e.g., cabins, wharves, floats, ramps, storage sheds, horse corrals, trails, camps, etc.);
- Floating facilities anchored to Crown land covered by water, which are linked to an extensive tenure under the *Land Act* or *Wildlife Act* (angling guides and guide outfitters). This excludes facilities offering moorage spaces, such as commercial marinas, unless they are offering guided services not already authorized by the Ministry of Agriculture and Lands (MAL) or Department of Fisheries and Oceans (DFO). and/or
- Crown land in order to carry out educational activities for the purposes of education, training, and/or certification of students registered in their programs.

Application to Guide Outfitter and Angling Guide Operations:

Guide Outfitters and Angling Guides licensed under B.C.'s *Wildlife Act* do not require an extensive use tenure unless their business also offers GAT activities not related to hunting and fishing (e.g., wildlife viewing, boat tours, etc.). Lodgings and camping facilities related to hunting and fishing will only require authorization if improvements will be placed on the land (refer to definitions of Primary, Secondary and Temporary sites). For boat launch and take out sites, an intensive use tenure is required only if permanent improvements (e.g., boat ramp) will be made to the site.

For Guide Outfitters and Angling Guides practicing no-trace camping at a particular site on a regular basis, an intensive use tenure is recommended but not required.

This policy does NOT apply to:

- GAT activities on provincial Crown land and foreshore administered under the *Park Act*;
- Guided hunting activities (including the transporting or packing of resident hunters) or angling guide activities permitted under the *Wildlife Act*. However, the policy applies to certain intensive site uses associated with these operations as described above;
- GAT activities solely restricted to public forest roads designated as forest service roads or constructed / maintained under a road permit in accordance with the *Forest and Range Practices Act* (FRPA);
- All seasons resort development projects taking place on Crown upland and/or aquatic land, including alpine ski resorts, which are administered under the All Seasons Resort Policy;
- GAT activities on private land;
- Lands within National Parks or land managed by a Port Authority or Harbour Commission. Separate permits issued by the administering agencies may be required for access to some or all of these lands; and
- Adventure tourism activities on Indian Reserves and on First Nation Treaty Settlement Lands.

*Italicized text in this document provides greater direction and/or context as to MTSA's standard policies and procedures.*

Website links provide access to the full text of the relevant MTSA policies and procedures. Standard script text is specific to only this policy.

## **2 PRINCIPLES AND GOALS**

MTSA is the provincial ministry tasked with providing leadership to the tourism sector in order to foster job creation, business development, dynamic communities, and healthy, active citizens. This policy review was formulated through a joint effort of adventure tourism operators and adventure tourism managers throughout the province.

ILMB is charged with providing access to Crown land and water resources for GAT activities. It applies sound business principles with respect to managing GAT activities

on Crown land. MTSA's Service Plan <http://www.bcbudget.gov.bc.ca/2007/sp/tsa/> outlines the Ministry's principles and approach for managing these resources in a manner that is provincially consistent, fair and transparent.

This policy document supports the provincial government's direction given to all ministries.

In light of this direction, MTSA has developed an *Integrated Policy Framework* under which this GAT policy was developed. The goals and principles that were developed in the *Integrated Framework* have been applied in the development of the GAT policy. The goals from the *Integrated Policy Framework* include:

- Maintain and enhance existing resort, GAT and public recreation experiences; and
- Promote responsible growth in resort, GAT and public recreation experiences in a manner that does not unduly diminish existing experiences.

The principles from the *Integrated Framework* are as follows:

- Promote diverse, responsible and sustainable growth in tourism and outdoor recreation use;
- Promote respect, cooperation and partnerships;
- Promote sustainable environmental management;
- Promote safe use;
- Promote a fair return with broader socio-economic considerations; and
- Develop policy in a cooperative and consultative manner.

Furthermore, this policy is fully supportive of MTSA's Tourism Action Plan (2007).

### **3 DEFINITIONS**

Several terms are used throughout the policy. To clarify the intent and details of the policy, the intended meanings of these key terms are as follows:

**Guided Adventure Tourism (GAT)** refers to outdoor recreation activities that are guided activities provided for compensation. Specifically, those GAT activities that take place on Crown land and water, including the activities provided by tourism-based businesses that provide transportation, lodging, feeding and recreation services and products. It also includes the education, training and/or

certification of adventure tourism students provided by educational institutions.

**Adventure tourism fishing or hunting facility** is a primary site or ancillary facilities including satellite sites, or combinations thereof, that are used on a commercial basis by an GAT operator, licensed under the *Wildlife Act* (e.g., angling guide, guide outfitter).

**Adventure tourism student** is a person who is currently registered for education, training and/or certification in an educational institution that provides education, training and/or certification in outdoor recreation or adventure tourism programs.

**Assignment** is the transfer of a tenure holder's interest in the land to a third party by sale, conveyance or otherwise.

**Client day** is the basic unit of visitor traffic measurement for GAT activities. It represents a single client, participating in any type and any number of GAT activity(ies) on Crown land, guided by a tenure GAT operator, 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;
- three groups of six clients participating in a five hour guided hike on Crown lands on the same day = (six persons per group x three groups x one day) = 18 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;
- four people participating in a guided hike on Crown land that begins in the morning of one day and ends in the afternoon the next day = (four people x two days) = eight client days; and
- one person participating in multiple guided activities for ten hours on a single day (i.e., snowmobile, snowshoe, and dog sled) = (one person x one day) = one client day. (In this instance the applicable activity category with the highest client day rent is used for calculating rent).



**Diligent use** refers to the responsible use of Crown land for activities carried out by a GAT tenure holder that meet the requirements identified in the approved Tenure Management Plan associated with an existing tenure.

**Educational Institutions** in this policy are: 1) those institutions that require access to Crown land in order to educate, train and/or certify students registered for credit in Outdoor Recreation or Adventure Tourism programs; and 2) one of the following:

- Public Kindergarten – Grade 12 Educational Institutions are those legislated under B.C.'s *School Act*;
- Private Kindergarten – Grade 12 Educational Institutions are those legislated under B.C.'s *Independent Schools Act*;
- Public Post-Secondary Educational Institutions are those legislated under B.C.'s University Act, College and Institute Act, Royal Roads University Act, or Thompson Rivers University Act;
- Private Post-Secondary Educational Institutions are those registered and accredited institutions as defined in B.C.'s *Private Career Training Institutions Act*; or
- Non B.C. Educational Institutions that have been approved by the B.C. ILMB Adventure Tourism Director.

**Extensive use** is the generalized use of Crown land by a GAT tenure holder. It involves pursuits dispersed over large areas (e.g., hiking, trail riding, nature viewing, rafting, cross-country skiing, etc.). More dispersed and intermittent types of “no trace camping” are included as under the definition of “extensive-use”.

**Improvements** refer to anything made, constructed, erected, built, altered, repaired, added to, on, or under the land, and attached to it or intended to become a part of it (e.g., floating camp/dock). It also includes any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching, in, on or under the land.

**Intensive use sites or intensive use** areas are site specific uses of Crown land that are integral to the GAT tenure holder as staging areas for dispersed GAT operations conducted within an extensive use tenure. Three types of intensive-use areas exist based on the purpose and nature of the land use. They are:

**Primary site** is the main business location or staging area for a GAT operation.

Depending upon the type of GAT operation, the primary site may be utilized from four months to 12 months and may contain permanent or temporary improvements. A primary site, typically, is represented by one or more of the following conditions:

- Is active for six or more months (not necessarily concurrently) annually, or any period in three or more seasons for GAT purposes;
- Contains permanent improvements such as cabins, storage facilities, moorage facilities, etc.;
- Involves other, significant improvements such as tent frames, fire pits, outhouses, etc. Trail construction, site clearing and levelling and temporary storage and caching are examples of improvements. (Note: some GAT primary sites may be relatively undeveloped.); and
- Requires a high level of use exclusivity (e.g., limited or no public access) and may prohibit access to improvements (i.e., locked or gated).

ILMB will not approve the occupation of a tenured primary site area by any subsequent operator GAT tenure holder without prior consultation with the initial tenure holder.

**Secondary sites** are those areas used by GAT tenure holders that may be accessed and supplied from a primary site. Secondary sites typically:

- Operate for GAT purposes on a seasonal basis (up to six months or two seasons);
- Contain permanent improvements (e.g., bunkhouses, crude cabins, corrals, small sheds, permanent docks, cooking facilities, portable generators, fuel caches); and
- Require a lower level of exclusivity than primary sites, but may prohibit access to improvements (e.g., locked or gated) by non-tenure holders.

ILMB will not approve the use of a secondary site by a subsequent GAT tenure holder, without prior consultation with the initial tenure holder.

**Temporary sites** are normally accessed from primary or secondary sites. Temporary sites typically:

- Involve seasonal and intermittent use (e.g., once or twice per week on average);

- Contain 'low order' improvements (e.g., fire pits, very crude corrals, small wharves or boat launches, tent frames, outhouses) that can be removed during the off season;
- Do not convey exclusive use or allow lock up of improvements; and
- Involve the use of small areas (normally less than ½ ha).

ILMB may approve other GAT tenure holders to use temporary sites. ILMB also reserves the right to establish limits on the number of occupants for these sites.

**Interest** means a right or claim whereby tenured GAT holders are entitled to or are bound by certain legal privileges or restrictions associated with tenure and land use activities.

**Land-use report** is a report written by the Adventure Tourism Manager, or their designate, which outlines the results from the statusing and referrals investigation as well as the final application recommendation.

**Level of use refers to** the number of participants, frequency and nature of the use.

**Limits of acceptable change** system is a framework for establishing acceptable and appropriate resource and social conditions in recreation settings. The primary emphasis is on the conditions desired in an area, and how to manage impacts to sustain those desired conditions, rather than on how much use an area can tolerate.

**Major amendment** refers to a significant tenure modification (e.g., adding different activities within the same tenure area, extending tenure area, adding improvements).

**Market value** is the most probable value a property should bring in a competitive and open market under all conditions requisite to a fair sale and assuming the price is not affected by undue stimulus. Market value may be estimated by BC Assessment, internally by the authorizing agency, or by an independent land appraisal.

**Minor amendment** refers to changes related to insurance, security and bonds, minor extensions to the term of the disposition to meet survey requirements, and to other similar matters, but not including changes that substantially alter the terms and conditions of a tenure agreement.

**Motorized/mechanized activity refers to** GAT pursuits in which motorized transport of clients (e.g., helicopters, snow cats, 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

guided tour experiences. Vessels that use motorized propulsion only intermittently for control or safety purposes are considered non-motorized for the purposes of this policy. In addition, vessel(s) simply providing transport service to and from GAT operating sites (e.g., kayaking locations) are considered to be non-motorized activity.

**Minimal impact camping** refers to 'low impact' GAT camping pursuits that include: using durable surfaces, properly disposing of wastes, leaving the surroundings in the same condition as first encountered (e.g., leave what you find), minimizing campfire impacts, respecting wildlife, and being considerate of other visitors.

**Minimal impact camping sites** are those that incorporate no improvements and involve no land disturbances. These sites are used intermittently, on a first-come first-served and non-exclusive basis. No-trace camping is conducted within extensive-use areas. ILMB does not protect these sites from competing users, but may set maximum use levels as part of a GAT Tenure Management Plan. All no-trace campsites must be identified in GAT Tenure Management Plans. ILMB may require minimal impact campsites to be converted to intensive-use sites in response to land management and/or environmental issues.

**Public access** refers to the public's right to access and use an area of Crown land to the same degree as was available prior to the granting of a GAT extensive use tenure.

**Quiet enjoyment** means the right to exclusive use of a defined area.

**River corridor** means up to 30 metres parallel to and above the high water marks of both shorelines. Approvals for using Crown land in the course of river guiding activities apply to named river corridors; where practical, those corridors correspond with existing special provisions.

**River use** refers to those river-guiding GAT operations (e.g., river raft, dory, jet boat trips, river kayaking and canoeing adventures) that use Crown land for access, camping, picnicking, day hiking, etc.

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

**Statusing** refers to the process of determining rights, titles, or interests in a particular area or for a parcel of land by searching records, maps, and other documents for jurisdictions, tenures or expressed interests by other agencies or parties in the area in question.

**Tenure** is a disposition of Crown land under the *Land Act* as a specific form of land allocation. Forms of tenure allocated under the GAT policy include Investigative Permit, Licence of Occupation and Lease. These forms of tenure grant the right to carry out identified activities during the term of the tenure.

**Tenure Management Plan (TMP)** refers to a combination of text and maps that are components of the legal agreement between ILMB and the tenure holder. TMPs describe the specific nature of the GAT operation, including the boundaries within which it operates, as well as the conditions, provisions, restrictions and guidelines for the use of Crown lands.

**Tenure replacement** is a subsequent tenure document issued to the tenure holder for the same purpose and area.

**Term** is the length of time that a tenure holder's interests are in effect as assigned by ILMB.

**Transporting** refers to the transportation of people and/or their equipment or supplies, for compensation or reward received or promised. It may include providing accommodation, catering, and equipment services in the course of that transportation. All such activities where individuals are transported over Crown land for GAT purposes (other than the transporting (packing) of hunters as licensed under the *Wildlife Act*) are subject to the *Land Act* and may require extensive and/or intensive-use tenure under the GAT policy.

#### 4 ABBREVIATIONS

**GAT** – Guided Adventure Tourism

**AIA** - Archaeological Impact Assessment

**AOA** - Archaeological Overview Assessment

**B.C.** – British Columbia

**BCA** – BC Assessment

**CRA** – Commercial Recreation Area

**DFO** – Department of Fisheries and Oceans

**FCBC** – Front Counter BC

**ha** – Hectare

**JUA** – Joint Use Agreement

**ILMB** – Integrated Land Management Bureau

**LAC** – Limits of Acceptable Change

**LO** – Licence of Occupation

**LUP** – Land Use Plans

**LRMP** – Land and Resource Management Plan

**MAL** – B.C. Ministry of Agriculture and Lands

**MFR** – B.C. Ministry of Forests and Range

**MOU** – Memorandum of Understanding

**MTSA** – B.C. Ministry of Tourism, Sport and the Arts

**OIF** – Operator Input Form

**PRT** – Project Review Team

**RCMS** – River Corridor Management Strategy

**SRMP** – Sustainable Resource Management Plan

**TMP** – Tenure Management Plan

**TPG** – Tourism Peer Group

## 5 APPLICANT ELIGIBILITY

*Applicants for new tenures, tenure assignment, or tenure replacement 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*
- *Educational Institutions, 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 councillors 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 see [Eligibility and Restrictions](#).

## 6 FORM OF LAND ALLOCATION

Types of tenure available include investigative permits, licences of occupation (intensive and extensive), and leases. Each is fully described below. Table 1, at the end of section 6, summarises the forms and terms of GAT tenures.

Not-for-profit organisations planning to hold activities on Crown land are advised to consult a GAT Manager for assistance in tenure application.

For more detailed standard policy information, see [Form of Crown Land Allocation](#) .

## 6.1 Investigative Permit

*An investigative permit may be issued to any proponent requiring access to the land for appraisals, inspections, analyses, inventories, surveys or other investigations of Crown land or its natural resources, or where otherwise required. No buildings or other improvements may be placed on the land (except with special permission from the Adventure Tourism Manager). An investigative permit does not allow the permit holder to undertake GAT activities for compensation or reward received or promised.*

*The tenure holder must permit public access to the area without interference, and must recognize that government may authorize overlapping and layering of tenures.*

Prior to issuance of an Investigative Permit, the applicant must ensure that tenured GAT tenure holders are aware of their activities, and that due process is taken to minimize impacts on existing operations.

*The maximum term for an investigative permit is two years. An investigative permit is generally not replaceable; however, at the discretion of the GAT manager, a replacement tenure may be granted where the operator requires more time for investigation.*

## 6.2 Licence of Occupation (LO)

*A licence of occupation (LO) may be issued where minimal improvements are proposed, where there are multiple users of a site (e.g., communication sites), and in remote areas where survey costs are prohibitive. It may also be used to allow development to proceed while awaiting completion of survey requirements for a lease or right of way.*

*A LO conveys fewer rights than a lease. A LO:*

- *Conveys non-exclusive use for the purpose described;*
- *Is not a registerable interest that can be mortgaged;*
- *Does not require a survey;*
- *Allows government to authorize overlapping and layering of tenures; and*
- *Does not allow the tenure holder to curtail public access over the tenured area except where it would impact the GAT tenure holders' right to use the land as per the tenure document.*

The standard term for an **initial** LO is 30 years. The standard term for a **replacement** LO is also 30 years.



ILMB may deem that a shorter term for either the initial or replacement LO is appropriate. This decision is based on a consideration of relevant factors that may include, but are not limited to:

- The applicant's demonstrated business and financial needs;
- The applicant's past performance on an existing tenure;
- Whether all development contemplated in the TMP has been completed;
- Consistency with objectives of government approved land use plans;
- Future land use commitments (e.g., 2010 Olympic and Paralympic Winter Games, First Nations land claims);
- Pending land use planning, limits of acceptable change studies, or species at risk strategies that may affect future land use decisions;
- The results of site assessments associated with the proposed use;
- Whether requisite site assessments have been completed; and
- With respect to reports, fees and rents due, the applicant is in good standing.

A LO is the standard form of tenure for a GAT tenure holder's use of extensive areas, but can be used to authorize both extensive and intensive use of Crown land. A LO may:

- Take the form of a single area or multiple areas of Crown land separated by various distances;
- Lie within a single ILMB administrative region or cross regional boundaries; and/or
- Be for either motorized or non-motorized uses.

A LO may also be issued for intensive use sites such as primary sites and secondary (satellite) sites.

The GAT tenure holders/proponents and GAT managers will work together to set up and maintain a LO, based on the needs/realities of each business.

### **6.3 Lease**

*A lease should be issued where long-term tenure is required, where substantial improvements are proposed, and/or where definite boundaries are required in order to avoid conflicts. A lease is an interest in the land which may be registered within B.C.'s Land Titles system; once registered, the GAT tenure holder has a greater ability to access financing as a lease is mortgageable.*

*The tenure holder has the right to modify the land and/or construct improvements as specified in the tenure contract. The tenure holder is granted quiet enjoyment of the area (exclusive use).*

*A legal survey is always required at the applicant's expense to define the tenured area.*

*The standard term for a lease is 30 years.*

In limited situations shorter terms may be appropriate. Decisions to vary from the standard term should be based on a determination of factors such as those listed in section 6.2 above.

A lease is the standard form of tenure for a primary site and may be used for secondary (satellite) sites where precise boundaries are required because of the nature of development in an area.

Leases will be issued only where substantial improvements and investments are to be made in and on the land for permanent facilities, or on small sites that are absolutely critical to the operation. Leases are available for small parcels of Crown land, where the use is intensive, it is necessary to define specific boundaries for the use, and quiet enjoyment of the lessee and clients is required, or to minimize conflict.

At the discretion of the regional GAT manager, a short-term, standard licence can be issued until authorized permanent improvements on the area(s) are substantially complete and a legal survey is completed. At this time, and based on prior written agreement, the licence may be converted to a lease.

**Table 1: Summary of Permit, LO and Lease Rights and Responsibilities**

	<b>INVESTIGATIVE PERMIT</b>	<b>LICENSE OF OCCUPATION</b>	<b>LEASE</b>
<b>Purpose</b>	Authorizes short-term investigative uses.	Authorizes GAT use over extensive areas and/or intensive use of small sites.  If uses cover extensive area, they may be in one polygon or multiple polygons; within one ILMB administrative region or across boundaries of more than one ILMB administrative region.  Can be used to authorize primary, secondary, temporary, or no-trace campsites.	Authorizes intensive GAT use of small sites. Can authorize primary campsites.
<b>Applicability</b>	Uses are low impact and have low potential for conflict: <ul style="list-style-type: none"> <li>• Low usage levels (below limits of acceptable change)</li> <li>• No modification required as part of the investigation</li> <li>• No construction or placement of improvements or permanent or semi-permanent structures</li> <li>• Does not permit GAT activities for compensation or reward</li> </ul>	Uses may involve some impact and may have potential for conflict: <ul style="list-style-type: none"> <li>• Some modification or disturbance of the land</li> <li>• May involve construction or placement of improvements/ structures</li> <li>• Motorized and non-motorized uses</li> </ul>	Uses require construction or placement of permanent improvements/ structures, or need for defined boundaries and quiet enjoyment of land.
<b>Example</b>	Investigating a given area to assess ability to meet business needs.	Heli-ski operations; general mountaineering; sea-kayaking; river rafting; areas which include trail systems.	Remote lodge

	<b>INVESTIGATIVE PERMIT</b>	<b>LICENSE OF OCCUPATION</b>	<b>LEASE</b>
<b>Rights and Responsibilities</b>	<ul style="list-style-type: none"> <li>• Right to carry out specified investigative activity(ies) for short term</li> <li>• Must permit public access without interference</li> <li>• Overlapping and layering of tenures may occur</li> <li>• Insurance may be required</li> <li>• Security may be required</li> </ul>	<ul style="list-style-type: none"> <li>• Right to carry out specified activity(ies) for long term</li> <li>• Right to modify land, and/or construct improvements as specified in the TMP</li> <li>• Overlapping and layering of tenures may occur</li> <li>• Insurance/security required</li> </ul>	<ul style="list-style-type: none"> <li>• Right to carry out specified activity(ies) for long term</li> <li>• Right to modify land, and/or construct improvements as specified in the TMP</li> <li>• Right of exclusive use</li> <li>• Insurance/ security required</li> <li>• Survey required</li> </ul>
<b>Tenure term</b>	Up to 2 yrs	Up to 30 yrs	Up to 30 yrs
<b>Replacement</b>	GAT manager can allow replacement if more time is required for investigation	At mid-term for up to 30 years	At mid-term for up to 30 years
<b>Tenure Management Plan</b>	Generally not required	Required	Required
<b>Referrals</b>	Not generally required. Must contact existing GAT tenure holders.	Required. Extent depends on nature of proposal.	Required. Extent depends on nature of proposal.
<b>Advertising</b>	Not required	Required	Required
<b>Assignment</b>	Not permitted	May be permitted	May be permitted
<b>Sub-tenuring</b>	Not permitted	May be permitted	May be permitted

## 7 PRICING OF GAT TENURES

***All fees in this section are currently under review and fees that are currently proposed are subject to review by Treasury Board.*** This section discusses the administrative fees and annual rent for available GAT Tenures, payment schedule procedures and notification of rent changes.

### 7.1 Administrative Fees

*Various administrative fees are payable to the Minister of Finance. These fees are set out in the fee schedules contained in the [Crown Land Fees Regulation](#). Administrative fees include application, fees for GAT Tenure modifications, and replacement fees.*

**7.1.1 Application Fees and Fees for GAT Tenure Modifications**

**Application fees** for non-mechanized and mechanized tenures are \$250 and \$3300, respectively.

**Fees for GAT tenure modifications** (e.g., major and minor amendments, tenure expansions, modifications) are listed below:

- Minor amendment: \$100
- Major amendment: \$250

**7.2 Annual Rent**

Section 7.2 describes annual rent for Investigative Permits, Licences of Occupation, Leases and Educational uses.

**7.2.1 Investigative Permit**

Rent is \$250 per year, \$500 for two years.

**7.2.2 Licence of Occupation – Extensive Use**

The table below outlines the annual rent for Licences of Occupation – extensive use. The rents are calculated by Activity Category. Activity examples are provided.

**Table 2: Annual Rent for Licence of Occupation (extensive)**

<b>ACTIVITY CATEGORY</b>	<b>RENTAL</b>	<b>ACTIVITY EXAMPLES</b>
Non-motorized experience	\$1.00/client day	Hiking, backcountry skiing, climbing, horse back riding, canoeing, mountain biking, sea kayaking, paddle and oar rafting.
Motorized Experience where the main experience is the operation of a motorized vehicle.	\$6.00/client day	Snowmobile tours, ATV tours, dirt-biking.
Motorized experience where motorized modes of transport are either used repeatedly through a guest's visit or are an integral part of the experience	\$4.00/client day	Heli-skiing, heli-hiking, heli-biking, heli and floatplane viewing, 4x4 tours, boat tours, motorized rafting.

### **7.2.3 Minimum Rent for Licence of Occupation – Extensive Use**

**Licence of Occupation – Extensive Use** – Minimum annual rent for a LO is \$500 per year. The minimum rent will be remitted at tenure commencement. The actual per client day fees will be remitted at the end of season when submitting diligent use reports as per Section 7.4.2.

#### **7.2.3.1 Licence of Occupation - Intensive Use**

Rent for intensive use sites:

- Primary sites - 7.5 percent of BCA land value or \$500, whichever is greater;
- Secondary (satellite) sites - 4.5 percent of BCA land value or \$100 per site, whichever is greater; and
- Temporary sites - \$100 per site.

Where no BCA land value exists for intensive sites, ILMB will conduct an initial land valuation based on fair market value. This valuation will subsequently be provided to BCA.

**Note:** No trace camping is not considered an intensive-use. No separate fee is to be collected (i.e., it is included in the client day fee payable under the extensive-use license or permit).

### **7.2.4 Lease**

Rent for lease areas is as follows:

- Primary sites – 8 percent of BCA land value or \$500, whichever is greater; and
- Secondary (satellite) sites – 5 percent of BCA land value or \$100 per site, whichever is greater.

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

Each lease area must be a separate tenure. If, for example, three lease areas are part of the operation (e.g., two primary sites and a secondary site) then three tenures are issued.

**7.2.5 Educational policy and a fee structure have been developed. The fee structure has not been approved. Both policy and fees will be posted upon approval.**

**7.3 Notification of Rent Changes**

ILMB will give the tenure holder 18 months notice or less for an Intensive Use Site if the basis of the change is solely due to a change in policy (e.g., change to percentage of land value). For changes due to an increase or decrease in the Market Value of the Intensive Use Sites, ILMB will provide at least 15 days notice. Notwithstanding the 18 months notice, any applications for a modification or a replacement tenure may result in a fee or rent increase at the sole discretion of ILMB.

**Table 3: Summary of Adventure Tourism Tenure Pricing**

<b>Tenure</b>	<b>Term</b>	<b>Valuation</b>	<b>Pricing</b>
<b>Lease</b>	30 years	Appraised market value, BCA's actual land value, or fair market value as estimated by ILMB staff.	<p><b>Intensive use</b>                      Primary sites – 8 percent of land value or \$500, whichever is greater.                      Secondary (satellite) sites – 5 percent of land value or \$100 per site, whichever is greater.</p> <p><b>Extensive use</b> – not available with a lease.</p>
<b>Licence of Occupation</b>	30 years (initial) 30 years (replacement)	<p><b>Intensive use</b>                      appraised market value, BCA actual land value, or fair market value as estimated by ILMB staff.</p> <p><b>Extensive use</b></p> <ul style="list-style-type: none"> <li>• Revenue sharing</li> </ul>	<p><b>Intensive use</b>                      Primary sites - 7.5 percent of land value or \$500, whichever is greater.                      Secondary (satellite) sites - 4.5 percent of land value or \$100 per site, whichever is greater.                      Temporary sites - \$100 per site.</p> <p><b>Extensive use</b>                      Non-motorized: \$1 per client day.                      Motorized Experience (main experience is the operation of a motorized vehicle): \$6 per client day.                      Mechanized experience*: \$4 per client day.                      \$500 minimum rent in all cases.**                      Plus temporary sites - \$100 per site.</p>
<b>Investigative permit</b>	2 years	Fixed amount	\$250 for terms up to one year, or \$500 prepaid for two years

\* Motorized experience where motorized modes of transport are either used repeatedly or an integral part of the experience (e.g., heli-skiing, heli-hiking, boat tours).

\*\* The minimum rent will be remitted at licence commencement. The actual per client day fees will be paid at the end of season when submitting annual activity reports as per Section 7.4.3



## **7.4 Payment Schedule Procedures**

### **7.4.1 First year**

On the tenure commencement date, the tenure holder pre-pays the applicable fixed amounts:

- Rent for intensive use sites; and
- Minimum rent for extensive use areas.

### **7.4.2 Subsequent years**

For the second and subsequent years, in addition to the fixed amounts listed above, the tenure holder must pay the client day fees that are in excess of the pre-paid minimum rent for the previous year's reporting period.

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

A Diligent Use Form to determine payment for actual client-day fees for the reporting period that just ended (see Appendix 1) must be submitted with payment.

The client will submit the completed Diligent Use Form for the reporting period and the payment for the fixed amounts (as invoiced), plus the client day fees in excess of the minimum rent (as reported on the Diligent Use Form).

### **7.4.3 Reporting periods**

The reporting period will cover an 11-month period. The reporting period will start on the tenure commencement date and end the day before the anniversary of the commencement date.

GAT 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). Refer to Section 9.7.3 for further details on updating tenure document provisions.

## 8 GAT TENURE ALLOCATION PROCESSES

ILMB makes tenure allocation decisions by reviewing new applications. These applications may be a result of a competitive process, submitted in response to a government-planned tenure disposition, or unsolicited. ILMB also makes allocation decisions with respect to current tenure holders who want to modify their TMP as described in Section 9.7.3.

Section 11 of this policy describes specific requirements related to water-based activities.

### 8.1 Competitive Process

ILMB 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 the Adventure Tourism Manager/Director.

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);
- One or more are deemed to be a suitable land use; and where
- Two or more are deemed to be incompatible with each other, and/or they collectively exceed the acceptable limits of change on the land; or
- It is believed that multiple interests may exist; or
- ILMB wishes to use its discretion.

All competitors are required to submit an application as outlined in Section 8.3.

### 8.2 Planned Tenure Dispositions

*Planned tenure dispositions involve ILMB actively investigating and developing opportunities for Crown land tenures, followed by announced openings within specific geographic areas. Under a planned disposition project or study, ILMB will allocate Crown lands in accordance with standard application procedures or by competitive process.*

All competitors are required to submit an application as laid out in Section 8.3.

### 8.3 Applications

For more detailed standard policy and procedures regarding the application process see [Application](#)

#### 8.3.1 Pre-Application Processing Considerations

In addition to the standard procedures for accepting and processing a GAT application, ILMB should first consider if the application falls under the following application types: multi-region applications; applications for areas crossing provincial parks; applications from educational institutions and, applications with Shoreline Frontage. A detailed description of each follows.

##### 8.3.1.1 Applications for Multi-region Licence of Occupation

**Note:** Fees for multi-regional applications are under review at this point in time (November 2007). Commercial Recreation Policy (August 16, 2004) fees currently apply.

Multi-region applications apply to those situations where a GAT tenure applicant plans to conduct activities in more than one ILMB administrative region. In those situations, FCBC will accept the application and forward it to the GAT manager in the ILMB office nearest to receipt of the application. This GAT manager will contact the GAT managers in the other involved regions. Together they will designate a single 'coordinating' office, which will be primary the 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 GAT tenure holder's activities occur (not necessarily the office that receives the application). In some minor cross-boundary situations, one region may handle the entire application process.

In addition to coordinating the application process with other regions, the primary tasks of the coordinating office are: to maintain and keep the original file; be the main client contact; administer the tenure; carry out statusing; issue tenure documents; and invoice and manage accounts.

The land-use report and tenure document should be available to all ILMB regions.

The **referral process** will be co-ordinated amongst the ILMB staff of the involved regions. They will collectively decide how the referral process will be handled (i.e. which agencies and stakeholders get referrals). The coordinating office may send out referrals and request that the responses be returned to them. Alternatively, the coordinating office may send out referrals and request that the responses are returned to the GAT manager in the involved regions. In this latter case, the regional office(s) will return the referral responses and their recommendations to the coordinating office.

**First Nations consultation** is to be co-ordinated amongst affected regions as per the preceding section (see Section 8.3.5.3.3 for details on First Nation consultation responsibilities).

Where required, applicants must advertise their application for multi-region tenure in newspapers that circulate in each community in which the land is situated. The coordinating office and affected regions will decide how the advertising will occur and whether public responses will be sent to the coordinating office or to the nearest ILMB office. If responses are sent to the latter, they are forwarded to the coordinating office for review.

The final disposition decision concerning the multi-region application requires input from the GAT managers in the involved regions. GAT managers 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 with ILMB's decision.

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

ILMB or BC Parks may receive an application for an activity that crosses park or recreation area boundaries into other areas of Crown land. In these cases, the agency (ILMB or BC Parks) will inform the other of receipt of the application. Both agencies will work cooperatively to adjudicate the application. Where possible, tenure documents will be synchronized. If tenure is granted, separate tenures will be required to authorize use under the *Land Act* and the *Park Act*. Tenure holders must follow BC Parks' policy while operating within BC Parks. When operating outside of provincial parks on Crown land, the tenure holder will abide by the GAT policy.

### **8.3.1.3 Application with Shoreline Frontage**

The lake, river or sea shoreline frontage of a single or combined parcel(s) of land occupied by a GAT operation may not exceed 200 metres.

The ability to issue licences 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.

#### **8.3.1.4 Applications from Educational Institutions**

Educational institutions that provide training, education and/or certification for registered students and who use Crown land in order to educate, train and/or certify these students, must apply for tenure under the GAT Policy. The overlapping tenure policy will apply to educational institutions as it does to all other tenure holders.

#### **8.3.2 Applying for GAT Tenures**

*Applications for GAT tenures must be complete before they can be accepted for processing. A complete application package will include all the material defined in the Application Checklist.* [\[Application\]](#)

A TMP is an integral component of an application package. Specific TMP requirements follow in Sections 8.3.2.1.

##### **8.3.2.1 Tenure Management Plans (TMP)**

A TMP is required for the following tenure applications: LO and Leases. While a TMP is not normally required for investigative permits, ILMB may require the GAT tenure applicant to submit reports on levels of use, locations of use and interactions or conflicts with other GAT tenure holders or public users. In addition, information on features of the operating area such as wildlife sightings or populations may be requested by the GAT Manager.

The TMP must:

- Specify and justify the proposed area(s), purpose, terms and conditions;
- Establish level of use, including number of clients on a monthly and annual basis;
- Specify measures to eliminate or minimize conflicts with existing interests in the area; and
- Specify measures to protect environmental integrity; ensure public access is maintained; ensure affected parties' interests are protected; and minimize/mitigate impacts on other resource users.

TMPs for an extensive area require GAT tenure applicants to identify, as precisely as possible, all of the trails, ski runs, stopovers, no-trace camps, etc. to be used by the GAT tenure applicant. The specific nature of the uses (purpose, location, number of client days, etc.) and land areas required for the activity is also needed. For further information on these requirements, refer to the TMP template and example provided at [Sample TMP](#).

In reviewing the size and configuration of an application area, ILMB must be satisfied that the TMP:

- Relates to the nature and type of activities to be undertaken;
- Relates to the activities that will be undertaken in the near future (usually required to be within the initial 5 years) as identified in a justifiable implementation strategy contained within the TMP;
- Relates to the location and nature of facilities or improvements and to access points and routes;
- Excludes or addresses areas of significant environmental, social, cultural or land use concerns; and
- Minimizes potential conflicts with other users of Crown land (including the public).

GAT Manager may identify additional specific information requirements for applications. Monitoring criteria, standards and programs may also be developed in response to applications which give rise to complex issues or resource management challenges in the planning or administration of the GAT tenure. ILMB will work closely with the proponent and stakeholders to develop monitoring indicators and standards. These should be:

- Simple and regular;
- As inexpensive and practical as possible;
- Related directly to the identified issue; and
- Linked directly to the activities proposed or undertaken by the applicant.

This set of indicators and standards 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 GAT use may occur on the basis of this monitoring. Both the GAT tenure holder and ILMB must have a clear understanding of what action can or will be taken with respect to the monitoring outcomes.

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

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

Section 11 of this policy describes specific TMP requirements for those GAT tenure holders using water-based settings.

### **8.3.3 Accepting GAT Tenure Applications**

*New applications are to be submitted to FCBC 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 ILMB staff. Applications that are not accepted will be returned to the applicant.*

ILMB evaluates applications to ensure that the proposed uses are appropriate as determined by the level of acceptable change indicators created through processes such as LUPs, LAC studies, etc.

More specific considerations for application acceptance follow.

#### **8.3.3.1 Assessing the Ability of the Land to Support Use**

##### **8.3.3.1.1 Assessment Process**

Applications for new or modified GAT tenures will be assessed for the ability of the land to support the new or modified use. In situations where no clear information concerning the acceptability of environmental or experiential changes resulting from proposed GAT activities exist, ILMB in consultation with other agencies and stakeholders, may develop tenure management objectives to facilitate adjudication of GAT applications.

Information contributing to the development of tenure management objectives may be provided from:

- Directions in land-use plans and existing land-use designations;
- Referral responses from government agencies, local government, First Nations; and
- Consultation with industry and key stakeholder groups, including public recreation users.

To meet an area's tenure management objectives, ILMB may consider the impact of (as appropriate) the activities, levels of facility development, and the level of client use outlined in the application package in relationship to the following:

- Effect on the existing and future mix of GAT and public recreation;
- Compatibility with other GAT tenure holder pursuits; and

- Impacts on quality of experience from a GAT client perspective.

ILMB will continue to review TMPs and consider the issuance of tenures to GAT applicants in areas where there are significant concerns that the tenure management objectives set for an area are being exceeded (or are not being met).

#### **8.3.3.1.2 Sensitive Areas**

Sensitive areas are those susceptible to disturbance from both water- and land-based activities. Sensitive areas may be identified through a planning process, during a revision of a TMP or during the application process (i.e., referral). Where appropriate, ILMB may establish specific management requirements and use limits for sensitive areas, or segments thereof in consultation with industry representatives and other stakeholders. ILMB will endeavour to develop tenure terms and conditions that balance use with environmental protection. The development of criteria will reflect an appropriate strategy to balance specific concerns. High-use areas may require limits to the number of licences issued and/or client days authorized. In establishing these limits, ILMB will work with industry representatives to consider economic viability, tenured GAT tenure holders, previous levels of use and activities, areas of First Nations' cultural significance, archaeological concerns, land use conflicts, and social and environmental concerns. GAT tenure holders may be required to provide evidence of the previous levels of use (e.g., signed waivers, bus log books) to determine allocation levels.

#### **8.3.3.1.3 Resource Corridor Management Strategy (RCMS)**

Resource corridor management strategies (RCMS) may be established through planning or other consultative processes. Where there is real and documented concern regarding the activity level for a particular river corridor, mountain range or other geographically defined area, or portion thereof, ILMB will be guided by industry best practices and consultation with stakeholders to determine the need for the development of a RCMS. ILMB may solicit input and assistance from other agencies as appropriate. When a RCMS is contemplated or concluded:

- Applications for new GAT tenures will be reviewed by the planning committee which will make recommendation to ILMB as to whether the committee believes this application should proceed during the RCMS process. ILMB will consider those recommendations before making a decision or disallow the new application.
- Where a RCMS has been completed and additional tenures can be entertained, a tenure may be issued based on standard processes for addressing overlapping tenures and;



- Where a RCMS recommends a reduction in activity levels it will normally be applied on a proportional basis to all GAT tenure holders licensed within that resource management area. ILMB will take into consideration Diligent Use data and other factors when apportioning reduction limits. Implementation of activity reduction requirements will take place in accordance with procedures outlined in Section 9.7, Tenure Management Plan Administration, of this policy.

### **8.3.3.2 Assessing Overlapping GAT Tenures and Applications**

Individual applications for GAT tenures will be assessed during the pre-application stage (Section 8.3.1) to determine whether a proposed GAT tenure spatially and temporally overlaps with a non-exclusive GAT tenure.

See Appendix 2 for detailed procedures on assessing and dealing with overlapping tenures.

### **8.3.3.3 Applications on Hold**

If necessary, in the opinion of ILMB, tenure applications may be put on hold pending the outcome of land use planning or assessments that address Crown land recreation/tourism opportunities. If this action is taken, notification will be sent to applicants affected.

In some cases where land use planning incorporating recreation/tourism values is underway but not yet completed, ILMB may consider issuing tenures. Such circumstances may include situations where:

- No significant issues have been raised with respect to the use proposed by the application; or
- The proponent demonstrates the support of the land use planning table and participants.

If an application is on hold the applicant is prohibited from conducting those GAT activities outlined in their proposed TMP.

### **8.3.4 Project Review Team**

A Project Review Team (PRT) is an advanced referral method that may be used for complex applications. The team is chaired by ILMB and comprised of recognized agencies and groups that review and comment on specific *Land Act* applications.

A PRT may be established by ILMB for a GAT application. An application for a GAT project that may have a significant impact on the environment or the recreation and resource use of a particular area of Crown land may be more effectively reviewed by an inter-agency committee at the regional or district level to determine:

- A recommendation on whether the application should proceed to the next stages of the review process;
- Environmental, resource or land use issues;
- A non-exhaustive list that identifies all other government permits, licences and approvals required for the operation; and
- The most appropriate form of consultative process to use for the application.

Example: A PRT may be established where a lodge (under 100 bed units) is proposed for an environmentally sensitive area. A PRT may also be established for a motorized activity where the ability of the land to support its use is of concern.

### **8.3.5 Application Processing**

Once an application is accepted for processing, FCBC on behalf of ILMB will: undertake a detailed land status; solicit comments from recognized agencies and groups; notify the applicant of advertising requirements; consult with First Nations; and, where applicable, conduct field inspections (See Section 8.3.5.3.4). It is at this point that the client service clock (known as TATT) starts. Each step of the process is described in the following sections.

#### **8.3.5.1 Clearance/Statusing**

*After acceptance of the application, FCBC on behalf of ILMB undertakes a detailed land status of the specific area under application to ensure all areas are available for disposition under B.C.'s Land Act and to identify potential issues.*

All types of tenure require statusing. Section 11 of this policy describes specific requirements related to water-based activities.

#### **8.3.5.2 Referrals**

*Referrals are a formal mechanism to solicit written comments on an application from recognized agencies and groups. Referrals are initiated as per legislated responsibilities and formal agreements (i.e., MOU's, protocol agreements) developed with other provincial and federal government agencies. Referrals may also be used to address the interests of local governments and First Nations.*

The extent of referrals should be consistent with the nature of the proposal.

### **8.3.5.3 Advertising/Notification**

*At the time of application acceptance, FCBC on behalf of ILMB notifies applicants if advertising is required and provides the necessary instructions.*

Advertising is required for licences of occupation and lease applications. It is generally not required for investigative permits.

If required, advertising should be consistent with the scale of the proposal and its potential for impacts and conflicts.

Advertisements must clearly describe the tenure location, types of activity proposed, and the rights under application.

#### **8.3.5.3.1 Upland Owner Consent**

*Owners of waterfront property have certain “riparian rights” that include the right of boat access to and from the upland (see [Riparian Rights and Public Foreshore Use In the Administration of Aquatic Crown Land](#)). ILMB will advise applicants if there is a need to obtain a letter indicating the upland owner’s consent to their application.*

#### **8.3.5.3.2 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. ILMB may advise applicants that there is a need to obtain a letter indicating adjacent owner’s consent to their application.*

#### **8.3.5.3.3 Aboriginal Interests Considerations**

ILMB is responsible for ensuring the Province's obligations to First Nations are met in the disposition of Crown land. Provincial staff carry out consultations in accordance with the consultation guidelines of the Province to identify the potential for aboriginal rights or title over the subject property and to determine whether infringement of either might occur.

Tenure documents must be consistent with treaty negotiations, and where applicable Interim Agreements and other “government to government agreements” with First Nations. These negotiations and agreements will be considered in the adjudication of all tenure applications.

#### **8.3.5.3.4 Field Inspections**

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

ILMB will provide reasonable notice of the inspection to the tenured operator and where possible schedule it for a mutually acceptable time. The GAT applicant/tenure holder may be required to provide transport to remote sites and the cost of the field inspection.

#### **8.3.5.4 Decision/Report**

*The applicant will be notified in writing of ILMB's decision. A link to the [Reasons for Decision](#) can be found on ILMB website.*

##### **8.3.5.4.1 Single Application**

Where only one application is being considered, the application can be:

- Accepted as proposed;  
<http://www2.lwbc.bc.ca/ApplicationPosting/index.jsp>
- Accepted as a suitable land use with modifications or conditions to address the concerns and interests identified during the referral process, and which have been specified in writing to the applicant by ILMB; or
- Rejected as an unsuitable or conflicting land use.

##### **8.3.5.4.2 Multiple Applications**

Where more than one application is considered for the same general area, the applications may be reviewed to determine:

- If any of the received proposals are considered acceptable and suitable land uses; and
- Which application(s) provides a more suitable use of land, and is (are) more compatible with existing uses.

If a competitive process (Section 8.1) is necessary to identify which application(s) is (are) most suitable. A competitive process may be required as a result of:

- Incompatibility between applications; or

- If there is a potential to significantly impact the environmental, social and economic resource values if all the applications were approved.

In these cases, a competitive process (Section 8.1) may be necessary to identify which application(s) is (are) most suitable. In all cases, ILMB will provide written reasons for their decision to the applicants.

### **8.3.6 Approval of Tenure Management Plans**

If the application has initially been deemed a suitable land use, and if issues raised during the application review have been addressed, GAT tenure applicants will be required to prepare a final approved TMP before tenure is granted. A final approved TMP will:

- Address all the issues deemed to be relevant by ILMB that were raised during the land use acceptability review (e.g., statusing, referrals, overlapping tenures) and/or the competitive process (See Section 8.1);
- Identify how operating conditions, standards or criteria identified during earlier stages of the application process will be met; and
- Be compatible with existing public recreation use (where relevant) and expected growth in use over time.

To properly evaluate a final TMP, studies or assessments of anything new or unclear may be required (at the expense of the applicant). In general, all clarification regarding a GAT tenure holder's intentions should have been sought and received by ILMB well before the approval stage.

As deemed necessary by ILMB and before a tenure may be issued, the final TMP may be reviewed by:

- Relevant agencies of government where this need has been identified in the initial referral of the application;
- The public;
- Other licence holders in the area;
- Affected parties; and/or
- Advisory groups.

Where a proponent is unable or unwilling to make changes to a final TMP required by ILMB, the proposal may be rejected.

If all conditions are generally satisfied, an offer will be made to the applicant (subject to a satisfactory revised TMP being received and approved by ILMB), after which a *Land Act* tenure(s) will be issued.

The final approved TMP will be signed off by the GAT Manager and form a part of the tenure documentation. It will include all operating conditions and standards resulting from the review process.

## **9 TENURE ADMINISTRATION**

For more detailed standard Crown land policy and procedures see [Tenure Administration](#)

### **9.1 Insurance**

*A tenure holder is generally 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. ILMB may make changes to the insurance requirements and request copies of insurance policies at any time during the term of the tenure.*

A minimum of \$2 million third party liability insurance is required for most GAT tenures.

A minimum of \$5 million third party liability insurance is required for heli-ski GAT tenure holders.

Waivers will not be accepted by ILMB in place of minimum insurance requirements.

### **9.2 Security/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 ensure the tenure holder completes all obligations and requirements specified in the tenure. Examples where a security deposit may be used include: paying for clean up or reclamation of an area as a result of a tenure holder's negligence; or to ensure compliance with development requirements.*

*ILMB may determine whether to require a performance bond for an investigative permit, licence of occupation or lease tenures, and may decide the amount of such a bond.*

### **9.3 GAT Tenure Holder Reporting Requirements**

Tenure holders must complete the Annual Report for Diligent Use form (Appendix 1) on an annual basis. The form will be used to monitor Diligent Use of tenure holders and in adjudicating overlapping tenure applications.

All GAT tenured operators offering backcountry snow sport activities (e.g., skiing, snowshoeing, snowmobiling, backcountry lodging) are required to have an Avalanche

Risk Management Plan, which must be made available to ILMB staff upon request. This plan is required in addition (not attached) to their TMP.

#### **9.4 Assignment**

Consent of ILMB is required for assignment of all tenures (with the exception of investigative or special events permits, which cannot be assigned).

In consenting to assignment, ILMB must be satisfied that the separate assignment of related GAT *Land Act* and *Wildlife Act* tenures will not lead to a proliferation of intensive use sites in those areas where such proliferation negatively impacts the environment or other GAT businesses.

Conditions of ILMB's consent to assignment include:

- The concurrent transfer of all permits necessary to support the operation and that the assignee is aware of permit requirements;
- The awareness of the assignee of permit 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 listed under Section 5 above of this policy; and
- The details of the assignment are acceptable to ILMB.

Assignments may be subject to First Nations consultation.

ILMB will not unreasonably withhold assignment. ILMB will make every effort to accept or reject the assignment application within 30 days of the assignment request.

### **9.5 Sub-tenuring**

As a general operating policy, ILMB prefers to address multiple use GAT activities under the overlapping tenure policy in Section 8.3.3.2, rather than engaging in sub-tenuring.

Sub-tenuring means an interest in the Crown land granted by a tenant of that Crown land rather than the owner (the Province). Written consent of ILMB is required prior to sub-tenuring of all tenures (with the exception of investigative permits, which cannot be sub-tenured) if the activity is not identified in the TMP. Conditions of ILMB's consent to sub-tenuring include:

- The sub-tenure holder meets the eligibility requirements as listed under Section 5 of this policy;
- In the case of a lease, the current lease holder must demonstrate that they need to retain exclusive use of the leased area irrespective of their application to sub-tenure;
- The sub-tenure holder recognizes that they will not have higher priority than other GAT tenure holders and that ILMB is not precluded from granting overlapping tenures to other GAT tenure holders (i.e., there is no implicit agreement that the tenure holder will be the only GAT tenure holder in an area approved to sub-tenure; and there is no agreement that ILMB will not tenure other users);



- Sub-tenure holder must adhere to their approved/signed tenure agreement and TMP. Any activities that deviate from the approved TMP will require approval from ILMB and likely result in an amendment to their tenure agreement; and
- Details (financial and otherwise) of the sub-tenure are acceptable to ILMB.

ILMB reserves the right to withhold approval of sub-tenure until they are satisfied the agreement is in the public's best interest.

Without exception, all requirements for the sub-tenant(s) are the responsibility of the tenure holder.

### **9.6 Tenure Replacement**

In most cases, tenure holders may apply for a tenure replacement at any time following the mid-term of the agreement. Replacement of tenures is at ILMB's discretion. ILMB may decline to replace a tenure, or may alter the terms and conditions of its replacement, if:

- The existing tenure is not in good standing with ILMB in terms of their approved TMP;
- Development contemplated in an approved management/development plan has not been completed; or
- Replacement is not deemed to be in the public interest.

**Investigative permits** are not generally replaced. In the case of investigative permits, a further two years may be provided (at ILMB's discretion), when there is a legitimate requirement for a longer investigative period.

**Licences of occupation** will normally include an option for replacement after mid-term of the current licence. For some situations, a mid-term replacement option may not be appropriate. ILMB will consider factors such as those given under Section 6.2 in determining whether to include a mid-term replacement option.

A replacement **lease** may generally be applied for after mid-term of the tenure.

## **9.7 Tenure Management Plan Administration**

### **9.7.1 Review of Approved TMPs**

After the tenure is granted, the TMP will be reviewed every five years or periodically at the request of either party. Modification of TMP may follow these reviews.

### **9.7.2 TMP Compliance**

This section applies to the utilization of Crown land by tenured operators who are not in compliance with their tenure conditions.

Upon receipt of information of a GAT tenure holder utilizing Crown land in conflict with their TMP, GAT managers may take appropriate actions to address the non-compliance. Where a GAT manager becomes aware that a GAT tenure holder's performance is not in compliance with the terms of their tenure or TMP, ILMB may:

- Order the operator to cease operations immediately; or
- Submit an application justifying the need to modify their tenure/management plan.

If the non-compliance does not cease, or if an acceptable application is not received, the GAT manager 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.

#### **9.7.2.1 TMP Monitoring and Enforcement**

This section deals with tenure terms and conditions, including requirements contained in approved tenure management/development plans, which act as the basis for monitoring and enforcing specific performance requirements over the life of the tenure.

Tenure terms and conditions include "Diligent Use" (see Definitions) of the tenured area(s), environmental management and reporting. The GAT manager will acknowledge receipt of TMP reports submitted by tenure holders by commenting on "Diligent Use" of the tenured areas and by providing a copy of their comments to the tenure holder.

The extent and type of monitoring and enforcement will be based upon TMP content.

### **9.7.3 Modification**

This section describes how tenures and/or TMPs may be modified at the preference of the tenure holder or by ILMB.

#### **9.7.3.1 Modification by Tenure Holders**

GAT Tenure holders, who wish to take advantage of new or modified tenure provisions, may request to have their tenures modified. Such a tenure holder must contact ILMB to discuss their proposed modification as requests for significant changes may require a revised TMP. Approval for such modifications will depend on the impact of such changes on:

- Levels of acceptable change indicators created through processes such as LUPs, LAC studies, etc.;
- The viability of the operation itself; and
- Other GAT tenure holders or resource users in or adjacent to the tenure area.

If extensive modifications were implemented since the original tenure was issued, ILMB staff may decide that the existing document should be amended into an updated tenure document (N.B. This is not the same as a tenure replacement or premature renewal). For this updating, the tenure modification fee will apply unless other changes are being made to the tenure, in which case the appropriate administrative fee will be charged.

#### **9.7.3.2 Modification by ILMB**

Tenures issued after February 23, 2005, may include a provision that allows ILMB to modify TMPs during the term of the tenure under certain conditions as described in the following section. Modifications may be necessary to address concerns about public safety, land-use planning, extent of diligent use, acceptability of environmental or experiential changes, and other similar issues.

In cases where the applicant applies for an assignment, replacement or modification, ILMB may request a change to the tenure and/or the TMP.

##### **9.7.3.2.1 Procedure**

In those cases where ILMB wants to modify a GAT tenure holder's TMP, an ILMB representative will contact the GAT tenure holder to inform them that ILMB is considering a TMP modification. They will also be informed that a consultation process will occur with ILMB once the GAT 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;
- ILMB contact person; and
- Time period for consultative process with ILMB.

The standard period will be 60 days from receipt of notice during which time staff will be available for consultation.

In the case of **urgent circumstances** the initial response/consultation period may be shortened (see below).

Once the GAT tenure holder receives the initial notice, an ILMB representative will schedule a consultation meeting to discuss the proposed changes. At this time, the GAT tenure holder should be prepared to discuss:

- Proposed TMP revisions;
- Potential impact of the proposed TMP revisions on their business; and
- Possible mitigation strategies.

ILMB staff will consider all information obtained during the initial notice period and consultation process with the tenure holder, as well as information obtained from other sources. ILMB staff will take reasonable steps to minimize impacts of TMP changes and work with the GAT 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 ILMB’s decision with regard to the TMP modification, will be sent via registered mail to the tenure holder. The Final Notice will include (but not be limited to):

- Advisement whether ILMB intends to proceed with the proposed revision as set out in the Initial Notice; and
- Particulars of any changes (if any) to those matters dealt with in the Initial Notice.

The 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 (see Section 9.7.3.2.2).

A tenure holder may submit a **written, formal objection** to ILMB's decision with supporting rationale to the Director, Adventure Tourism Program (address to be provided by ILMB). Under normal circumstance, the maximum time period for objections to be received by ILMB will be 60 days from the day of receipt of the final notice sent by registered letter. The registered letter is deemed to be received on the fifth day after it is mailed. A shorter period may be stipulated by ILMB in the event of urgent circumstances. If a formal objection is not received within the specified timeframe, the proposed change will be enacted on the effective date provided in the notice.

#### **9.7.3.2.2 Urgent Circumstances**

Certain situations may necessitate making revisions to TMPs 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, such as:

- Significant environmental concerns (e.g., degradation of sensitive habitat, new closures under the *Wildlife Act* or other legislation);
- 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 (e.g., if geological/seismic activity creates a new hazard).

#### **9.7.3.3 Tracking Modifications to TMPs**

To ensure that all 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 (refer to Appendix 3 - Tenure Management Plan Modification Log Template).

If an original TMP becomes difficult to follow due to several modifications made during the term of the tenure, ILMB may request the tenure holder provide an updated TMP for ILMB's approval.

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

Clients may request to have existing multiple tenures, which are currently established within different regions, combined into a single tenure. This request may be made if the existing tenures are related to the same operation. The request may be processed at replacement (See Section 9.6) or during a tenure modification. If the request occurs during a tenure modification, a new tenure document will be necessary and standard administrative fees would apply.

### **9.9 Tenure Cancellation**

In addition to the cancellation procedure set out in Section 9.7.2 - TMP Compliance, ILMB may cancel licences of occupation or permits if:

- Government requires the tenured land for its own use; or
- In ILMB's opinion, it is in the public interest to cancel the tenure.

ILMB must send a notice by registered mail notifying the licensee/permit holder of government's intention to cancel the tenure. In such cases, ILMB will follow the TMP Modification procedure outlined in Section 9.7.3.2.

## **10 POLICY VARIANCE PROCEDURE**

*The Assistant Deputy Minister, Tourism and Resort Development Division, the Director of Strategic Policy, MTSA and/or the Director of Adventure Tourism Program, ILMB must make any decisions that would vary from this policy.*

## **PART TWO – WATER-BASED ACTIVITY POLICIES**

### **11 WATER-BASED ACTIVITIES**

#### **11.1 Purpose**

The purpose of this supplement to the GAT policy is to direct water-based activities that use provincial Crown land outside of parks or protected areas. It applies to all water-based activities related to GAT use where these activities use Crown land for access, camping, picnicking, day hiking, etc.

#### **11.2 Form of Land Allocation**

Approval for intensive and extensive uses can be issued under either a single tenure document or two separate documents. The use of sites with major improvements or where complex land use issues exist may be authorized under a separate tenure document (i.e., separate from the extensive use). If more than one document is used, all documents must be cross-referenced to ensure effective tenure management.

All related camping, water access, and day excursions that may take place as part of the overall water-based activity trip along river corridors, lakeshores or the ocean are included in one tenure and do not require additional licensing.

##### **11.2.1 Licence of Occupation (LO)**

A LO will be the standard tenure to authorize extensive and intensive use of Crown land by water-based GAT operations.

A LO for a sea-kayaking tenure may apply to a single or multiple management zone(s), as described on the zone map (see Appendix 4). Based on the information presented in an approved TMP, the LO will specify a maximum number of client days by management zone. It will also specify operating limitations such as overnight areas, day use and restricted areas.

A LO for activities along a river will follow river corridors. LOs are to be issued for the sections of a river, or sections of more than one river, that are used by a GAT tenure holder as part of the regular guiding operations. The standard practice will be to include all river sections under one tenure document.

Extensive use LOs enable non-exclusive use of Crown land for beach access, launch sites, lunch stops, day hikes, temporary stops, and upland campsites where minimal impact activities are occurring.

Intensive use LO authorizes an operator to construct improvements to the land that may consist of permanent or temporary structures. In high use areas, intensive use sites may not be available unless determined suitable through a planning process or otherwise agreed to by the Director, Adventure Tourism Program, ILMB. Businesses seeking an intensive use LO for sites may also require an extensive use LO if the GAT operator intends to use Crown land beyond the intensive use area.

### **11.2.2 Lease**

A lease may be issued over small intensive use sites where there is a need for the development of major improvements such as a lodge site. Careful consideration must be given to issuing any lease tenures within the 200-year flood plain and high-use areas (i.e., areas with multiple users that would preclude providing exclusive use to one GAT tenure holder).

## **11.3 Allocation Processes**

### **11.3.1 Applications for Sea Kayaking Tenures**

Applications for Sea Kayaking operations located within Management Zone 2 (Strait of Georgia) will be coordinated between ILMB's Surrey and Nanaimo offices to ensure that management issues can be addressed.

### **11.3.2 Multi-Region Tenure Applications**

Sea Kayak GAT tenure holders can make multiple-zone applications under a single application. Zones can be in one or more regions. Multi-region applications are to be processed in accordance with the general procedures given in Section 8.3.1.1.

### **11.3.3 Application Package**

In addition to TMP requirements outlined in Section 8.3.2.1 of the GAT policy, the TMP for a Sea Kayaking Tenure shall contain the following:

- A map showing the management zone in which the company is proposing to operate.
- Maps showing proposed routes, specific location of all campsites, alternate campsites, hikes and other landing sites. This information should include BC Parks or MTSA recreation sites and private sites. Map data should be presented on Navigational Charts, NTS 1:50,000 or TRIM 1:20,000 base maps and where possible accompanied by GPS coordinates. and



- A kayaking activity report that cross-references the map to site locations and identifies proposed client days and type of use at each of those sites. For replacement permits, actual user days must also be included. Information about frequency of use may also be required.

#### **11.3.4 Clearance/Statusing**

A land status is normally required only for Crown land areas identified for day or overnight use and put in/take outs. For operations along rivers, a status of the river corridor(s) may be considered with the above day/overnight use where complex land use/ownership patterns are present. A land status will not normally be required on areas of use that are submerged for portions of the year.

#### **11.3.5 Archaeological Assessments**

Based on studies and publications about First Nations in B.C., many freshwater and marine foreshore areas were traditionally used by First Nations and may contain archaeological materials. An Archaeological Overview Assessment (AOA) or Archaeological Impact Assessment (AIA) may be required for proposed improvements on Crown land near foreshore areas.

Based upon specific concerns raised by First Nations during the referral process and/or reference material indicating the close proximity of known archaeological sites, ILMB may require further study be conducted before proceeding with the review of any application. In general, minimal impact campsites below the high water mark or brief minimal impact day-use sites for safety or meal purposes above the high water mark are the least likely to require an AIA or AOA; however, ILMB reserves the right to request an assessment if necessary.

### **11.4 Tenure Administration**

#### **11.4.1 Insurance**

Applications for new licences and renewals must demonstrate a minimum of \$2,000,000 liability insurance per licence, and no less than the amount required under the Federal *Marine Liability Act*. ILMB may consult with the Risk Management Branch to ensure that the level of insurance required is commensurate with the risk posed by the activity.

#### **11.4.2 Annual Reporting**

At the end of each operating season, tenure holders must submit an activity report in the format provided by MTSA/ILMB (see Appendix 1). An activity report and site use form, and a guide for completing each form are available on MTSA/ILMB's website [Forms and Guides](#).

**APPENDICES**

**Appendix 1 - Adventure Tourism Tenure Holders Annual Diligent Use Report**

Completion of the Annual Diligent Use Report by the Adventure Tourism Tenure Holder (Licensee) and ILMB Adventure Tourism Manager is in accordance with the Adventure Tourism Policy. The Licensee is to complete the attached form and return it to his/her regional GAT manager. For multi-region tenures the report should be sent to the coordinating office. The coordinating office will forward a copy of the report to the other regions as required (see section of 8.3.1.1 of the GAT policy for determining the GAT coordinating office). Upon receipt of the completed document, the GAT Manager will sign the received form and add comments as appropriate. A copy of the signed document will be returned to the Licensee and the original copy will be kept by ILMB and attached to the Licensee's file.

This section to be completed by the GAT Licensee

Reporting Period
Date of report: _____(month day, year)
For period beginning: _____ending: _____(month, day, year)
Contact Information
Company Name: _____ Contact Name (if different): _____
ILMB File #: _____ Licence of Occupation #: _____ Years in Operation: ____yrs

This section to be completed by ILMB Adventure Tourism Manager

Date report received from Licensee by ILMB: _____(month, day, year)
Date copy of signed report returned by ILMB to Licensee: _____(month, day, year)
I _____ (Name of ILMB AT manager) believe this company is using the land responsibly and in accordance with their approved management plan?
Yes No (Circle one)
ILMB Comments (note successes and/or suggestions for improvements; use additional paper if necessary)
Signature and date: _____

This section to be completed by the GAT Licensee

A) Description of Changes in your Operation Describe changes in your operation from previous years. Include any suggestions from ILMB from previous years' Diligent Use report. Include any relevant descriptions of future plans (short and long term).

B) Annual Report on Client Days (Identify per polygon if operating in more than one. Note additional polygons on back of form or on separate, attached paper)

Area (Polygon)	Location of Polygon (ILMB#)	Number of Client Days – Current Report Period	Number of Client Days – Previous Report Period	Comparison of targets set in approved MP (actual client days less target client days)
1				
2				
3				
4				
5				
Total Client Days				

C) Identify any special circumstances relevant to the period of this report (Identify by polygon if applicable).

Environmental conditions (e.g., snow pack, river level, etc.)

Change in market demand as a result of other influences (terrorism, health scare, other GAT activities, etc.)

Other

D) Community involvement Describe the relationship and the commitment by your company to (the) local community(ies) and region(s), including specific initiatives that have resulted from your activity in this tenure. Consider the economic, environmental, social and cultural influence as appropriate.

E) Environmental Identify any changes that you have noted in the condition of the polygon(s) in which you operate over the past year (do they remain the same, improved, worsened). If applicable, describe specific environmental stewardship initiatives that you have undertaken during this reporting period (are there new or continuing efforts, are they planned for next reporting period).

F) Optional Miscellaneous Information - Include other relevant information that you feel may influence a Diligent Use determination or that your management plan requires you to report on.

Include note that Insurance is valid.

Signature \_\_\_\_\_ GAT Tenure Holder

**STATUTORY DECLARATION**

CANADA: }

PROVINCE OF BRITISH COLUMBIA: IN THE MATTER OF FILE NO. «File»  
 «Licence» LICENCE NO.

TO WIT:

I,

of «Company»

«Address1»

«City» «PostalCode»

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

Between \_\_\_\_\_ and \_\_\_\_\_ the following client days were recorded:

Activity (Specify)	Operating Dates (from/to)	Client Rate	x	No. of Client Days	=	Total Client Day fees


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

Plus 7% GST \$ \_\_\_\_\_

Sub Total \$ \_\_\_\_\_

Less annual rent paid  
(minimum rent amount) \$ 535.00

Total Client Day fees (to be submitted with declaration  
and invoice payment) \$ \_\_\_\_\_

And 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.

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

A Commissioner for taking Affidavits for British Columbia or  
A Notary Public in and for the Province of British C

## Appendix 2 – Overlapping GAT Tenure Application Procedures

### 1. Purpose

To provide guidance and information to ILMB on the principles and procedures used to adjudicate new applications for GAT tenures over areas with existing tenured GAT operations.

### 2. Background

Under the authority of the *Land Act* and in keeping with the existing policies and the principles of integrated management, MTSA/ILMB authorizes non-exclusive use of Crown land to GAT operators via licences of occupation and permits. As the GAT sector grows in all regions of the province, and activities compete for the same land base, ILMB must make complex adjudication decisions. The following prioritized set of issues should be considered during the adjudication process:

- Safety risk to tenure holders' staff, guests, or the public;
- Quality of the guest experience provided by GAT tenure holders;
- Significant changes in the manner in which a GAT tenure holder must run his/her business;
- Harm to the environment; and
- Nature of public recreation.

As outlined in section 8.3.3.2 of the GAT Policy, tenure proponents are required to contact and inform GAT tenure holders of the specifics of their application and TMP. The preferred outcome is for the proponent and GAT tenure holder to reach agreement through modifications to the proponent's TMP or a joint use agreement (JUA). However, it is recognized that this may not always be possible. This appendix provides tools to assist MTSA/ILMB staff where an agreement cannot be reached between the proponent and the tenure holder.

In cases where two or more applications are received over an area not previously tenured by a GAT operation or where there is temporal separation from current tenures, ILMB staff may initiate a competitive process.

ILMB **does not hold or reserve Crown land** for GAT operators who may want to extend the geographic boundaries of their existing tenures or to expand their business operations at a future date beyond what has been approved in their TMP.

ILMB acknowledges that **not all applications for overlapping tenure will result in tenure**. There will be situations where tenures will not be issued, such as:

- Where uses are incompatible and suitable operational practices or mitigation strategies cannot be used;
- When cumulative use exceeds the limits of acceptable change indicators;
- If the proposed overlap of use creates a risk to sensitive wildlife areas, water quality, etc. which cannot be eliminated or mitigated; or
- Where a proposed overlap of use creates an unacceptable level of risk to public safety.

### **3. Assessing Impact of New Applications on Tenured GAT Holder Modification**

If a GAT tenure holder, who is responsibly using the land, believes that the approval of the new tenure application will restrict the modification of the existing business (i.e., increasing client days or approved uses) within the authorized area of the tenure holder, ILMB will provide that tenure holder with an opportunity to make an expansion request (Section 9.7.3.1). If the GAT tenure holder wishes to modify, the business must submit an expression of interest to ILMB within 30 calendar days of being notified. Nothing prevents a tenure holder from notifying ILMB earlier in the process (e.g., after being approached by the new proponent).

From the date ILMB receives an expression of interest, the GAT tenure holder(s) will have 60 additional calendar days to submit a formal application for tenure modification. If the GAT tenure holder applies to modify their tenure, ILMB will initiate a competitive process (see Section 8.1). Note: the competitive process applies only to the modification of the tenure holder's operation, not the current use of an existing tenured area.

If either of the above time frames is not satisfied, or if the GAT tenure holder chooses not to apply to modify their tenure, ILMB will continue to process the new overlapping application as if it were not a competing application.

ILMB does not hold or reserve Crown land for GAT tenure holders who may want to extend the geographic boundaries of their existing tenures or to modify their business operations at a future date beyond what has been approved in the TMP provided by the GAT tenure holder.

### **4. Procedure for Adjudicating Applications**

The procedures below outline the process ILMB uses to adjudicate applications for overlapping GAT tenures. It describes the responsibilities of the proponent, GAT tenure



holders, and ILMB when an application is received and overlaps with an existing GAT tenure. The process is divided into four sequential steps. The goal is to reach a resolution at the earliest stage possible. ILMB staff will implement the next step if the previous step proves unsuccessful in producing an agreeable outcome.

At all stages in an overlap process the designated decision maker and/or recommending body should make an effort to understand the nature of the overlap and the concerns expressed by an existing operator. Overlaying tenures can have subtle yet significant effects on existing businesses, which may not initially be apparent.

**STEP 1:** In the initial step, the primary responsibility to reach a resolution lies with the proponent. The roles of ILMB, the proponent and the existing tenure operator are described below.

**FCBC Responsibilities** – Upon receiving a tenure application, FCBC will provide the proponent with a list of overlapping GAT tenure holder names and copies of the GAT Operator Input Form (OIF) (see Appendix 5).

**GAT Proponent Responsibilities** - The GAT proponent is responsible for:

- Notifying GAT tenure holder(s) by registered letter of the following:
  - The application for overlapping tenure;
  - Any management issues associated with the new application;
  - The requirement, if no agreement is reached between the existing GAT operator and the proponent, for the existing operator to complete and submit the OIF to the regional FCBC office within 45 days of receipt of the forms (as noted by the tenure holders signature on the registration letter);
- Sending an OIF and a copy of their TMP to each of the GAT tenure holders on the list, via registered mail, within seven days of receiving the list from FCBC; and
- Contacting and discussing the GAT tenure holder's proposal and TMP and ideally, reaching an agreement with the tenure holder(s) on their proposed TMP. Agreement can take the form of a signed JUA (which may also include agreed upon changes to a proponents and/or existing GAT holder's TMP).

Within 60 days, a proponent must provide ILMB with either:

- An agreement signed by the proponent and the GAT tenure holder (this could take the form of a JUA or a modified TMP with the existing operator's consent);

OR if not resolved,

- A detailed description of:
  - The steps the proponent took to meet with the GAT tenure holder(s);
  - The mitigative actions proposed by the proponent to resolve the overlap situation with the GAT tenure holder(s); and
  - The areas of disagreement between the proponent and the GAT tenure holder(s).

Failure of the proponent to meet the requirements as outlined above and the associated timelines may result in disallowance of the application.

**GAT Tenure Holder Responsibility** - The GAT tenure holder is responsible for:

- Meeting with GAT proponent, considering their proposal and attempting to reach an agreement in good faith; and
- If the GAT tenure holder does not reach agreement with the proponent, he/she is responsible for completing and returning the OIF to FCBC within 45 days of receipt. These forms do not constitute a veto to GAT tenure holders but offer the opportunity to provide specific information on how the proposed application will impact their operations to aid ILMB in the adjudication process.

Where there is limited potential for conflict identified in the OIF (e.g., uses are clearly separated by time or geography, and/or there are no improvements, noise impacts, etc. that would affect either tenure holder) or a JUA exists with tenure holder(s), then the application will be evaluated (e.g., land status, referrals) with no further consideration to overlapping boundaries.

**STEP 2:** Where an agreement is not reached between the proponent and tenured operator and overlap issues are identified, ILMB may employ a more rigorous process to determine if the application should be accepted for processing. This process is as follows:

In addition to the prioritized set of issues outlined in Section 2 of this Appendix, ILMB staff will use the following to aid the assessment of tenure compatibility:

- Responses to the OIFs from GAT tenure holder(s);
- Matrices for Assessing the Compatibility of GAT and public activities (Appendices 7, 8 and 9);

- Both the GAT tenure holder's and the proponent's TMPs;
- Guidance from existing Land Use Plans (e.g., LRMP, SRMPs) and CRAs and consultation with other stakeholders; and
- Other information provided by the proponent and/or tenured operator, including the Diligent Use Form.

With this information ILMB staff will attempt to resolve the overlap issue to the satisfaction of the proponent and tenured holder. If the GAT Manager is unsuccessful in this attempt they may form and seek advice from a tourism peer group (TPG) panel, as outlined in Step 3.

**STEP 3:** If ILMB staff cannot resolve the issue to the satisfaction of the proponent and tenure holder they may activate a TPG panel.

In order to facilitate an efficient process, each GAT region will assemble a list of possible TPG members located within the region. The list of TPG members should be updated regularly to ensure that a panel could be quickly formed when an overlap conflict is identified. A specific TPG panel will be formed from the TPG members list for each unresolved overlap situation. The panel should consist of three to four individuals and at minimum should include: 1) a representative(s) from appropriate government agencies; 2) a tourism operator that is familiar with the region and types of products being offered by the proponent and tenured operator; and 3) an independent member of a local tourism marketing agency, local economic development office, or other suitable agency/association.

The TPG panel should use the five prioritised issues described in Section 2 of this Appendix to form their recommendation. They will have 30 days to:

- Review the proponent's and tenure holder's management plans, the OIF (if completed), and any other documentation that may be informative to the overlap issue;
- Interview the proponent and tenured operator (if required); and
- Write a recommendation with respect to the GAT application.
- The TPG panel has no decision-making power; however, the GAT Manager will use the TPG panel's recommendations to assist in evaluating the application. The TPG panel's recommendations may also be referred to in determining what, if any, modifications would be required to the proponent's TMP. The GAT Manager will inform the proponent and tenured operator as to whether evaluation of the application will continue.

- **STEP 4:** If a GAT tenure holder or proponent does not agree with the decision, they have 14 days to submit an appeal to the Director of Adventure Tourism once they have received written notice of decision. The application should not be processed to an offer until a decision on the appeal has been made. The Director holds the final decision making power. The Director will review all available material. The Director has 30 days to inform the GAT Manager of their decision. The GAT Manager should, in turn, inform the proponent and tenured operator of the decision in writing.

## **5. Compatibility Definitions**

The following definitions are designed to provide context to the matrices in Appendices 7, 8 and 9 and aid overlapping tenure decision making for GAT Managers, and where required, the TPG panel and Director of Adventure Tourism.

### **High Compatibility**

High compatibility uses are those activities:

- Where the addition of the proposed activity is unlikely to:
  - Pose a safety risk to GAT tenure holder staff, guests, or the public;
  - Compromise the quality of the guest experience provided by GAT tenure holders;
  - Create significant changes in the manner in which a GAT tenure holder must run his/her business; or
  - Create unacceptable levels of harm to the environment.

If ILMB deems that compatibility concerns can be reasonably addressed, the application may be processed without the support of the GAT tenure holder(s) (see above).

### **Moderate Compatibility**

Moderate compatibility activities are those activities:

- Where the addition of the proposed activity may:
  - Pose a safety risk to GAT operator staff, guests, or the public;
  - Compromise the quality of the guest experience provided by GAT tenure holders;

- Create significant changes in the manner in which a GAT tenure holder must run his/her business; or
- Create significant harm to the environment; AND,
- Where those impacts can be readily mitigated through:
  - Using timing or geography to separate the activities;
  - Altering the party size and/or frequency of the new activity to protect “client experience” and the environment;
  - Requiring a particular mode of access or transportation to minimize or eliminate conflicts; and/or
  - Changing the location or lowering the level of facility development proposed in the TMP, if necessary, to be compatible to existing operations.

#### Low Compatibility

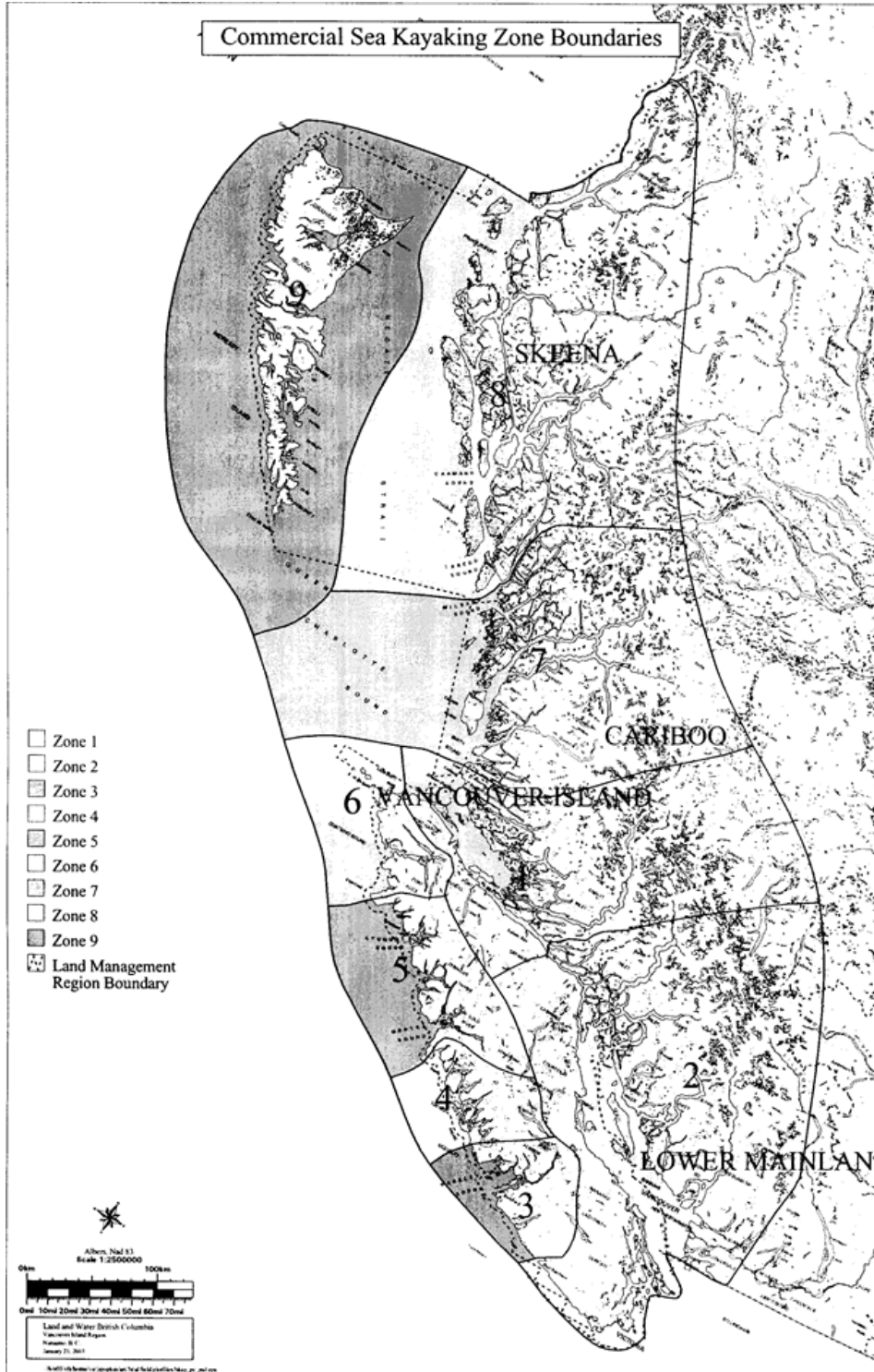
Low compatibility activities are those activities:

- Where the addition of the proposed activity is likely to:
  - Pose a safety risk to GAT operator staff, guests, or the public;
  - Compromise the quality of the guest experience provided by GAT tenure holders;
  - Create significant changes in the manner in which a GAT tenure holder must run his/her business; or
  - Create significant harm to the environment; AND
- Where mitigative strategies may exist but are likely to require significant communication between ILMB, the proponent, and the tenure holder and/or modification of TMPs.

### Appendix 3 - Tenure Management Plan Modification Log Template

APPROVED TENURE MANAGEMENT PLAN MODIFICATIONS – Document Number:		
Effective Date	Entered by	Summary of Changes

### Appendix 4 – GAT Sea Kayaking Zone Boundaries



## Appendix 5 – ILMB Adventure Tourism Operator Input Form (ATOIF)

This form is provided to obtain input from Guided Adventure Tourism (GAT) tenure holders tenured under the *Land Act* or licensed Guide Outfitters tenured under the *Wildlife Act*.

Input is required on the potential issues or resolution of issues resulting from the application (see attached application and management plan) by \_\_\_\_\_ (Name of GAT proponent) for a GAT tenure that overlaps with that of \_\_\_\_\_ (Name of GAT tenure holder/licensed Guide Outfitter).

Information provided on this form will be used by **MTSA** as part of the adjudication process for reviewing applications for overlapping tenure and does not imply a veto to GAT tenure holders.

Company name of the GAT tenure holder/licensed Guide Outfitter:

---

Crown land tenure file number of GAT tenure holder/licensed Guide Outfitter:

---

GAT tenure holders please respond to specific questions relating to the proposed management (see attached) for this application. Attach information to this form if you require more space for a complete reply.

1. With respect to the areas of overlap, do you believe the proponent's proposed activities will affect the way in which you currently operate?

No – Please go to question 2.

Yes – please explain how it will affect your current operations.

---

---

---

---

---

---



1a. Are there ways in which you and the proponent could both operate within this area of overlap that would eliminate or minimize any changes to your current operation? For example, operating at different times, using different areas for activities that are not compatible, etc. If so, please list.

---

---

---

---

---

1b. If there are ways in which you and the proponent could both operate within this area of overlap that would eliminate or minimize any changes to your current operation, are the services of ILMB staff required to help this process?

No – Please go to question 3.

Yes – Please explain the role the ILMB staff may play to assist you with this.

---

---

---

---

---

2. With respect to areas of overlap, do you believe this proponent's proposed activities negatively affect the kind of experience that you currently offer to your guests?

No – Please go to question 3.

Yes – Please explain how it will affect the experience that you currently offer your guests.

---

---

---

---

---

2a. Are there ways in which both you and the proponent could operate within this area of overlap which would eliminate or minimize any changes to the experience you currently offer your guests? If so, please list.

---

---

---

---

---

---

3. With respect to the areas of overlap, do you believe the proponent's proposed activities affect the level of risk and/or liability faced by your guests and/or business?

No – Please go to question 4.

Yes – Please explain how it will affect the level of risk and/or liability faced by your guests and/or business.

---

---

---

---

---

---

3a. Are there ways in which both you and the proponent could operate within this area of overlap which would eliminate or minimize any changes to the level of risk and/or liability faced by your guests and/or business?

---

---

---

---

---

---

4. With respect to the areas of overlap, do you believe the proponent's proposed activities will affect the scope and scale of public recreational use of the area?

No – Please go to question 5.

Yes – Please explain how it will affect the scope and scale of public recreational use of the area.

---

---

---

---

---

4a. Are there ways in which both you and the proponent could operate within this area of overlap which would eliminate or minimize any changes to the scope and scale of public recreational use of the area?

---

---

---

---

---

---

5. With respect to areas of overlap, do you believe this proponent's proposed activities would significantly affect the natural environment?

No – Please go to question 3.

Yes – Please explain how it will affect the natural environment.

---

---

---

---

---

---

5a. Are there ways in which both you and the proponent could operate within this area of overlap which would eliminate or minimize any changes to the natural environment of the area?

---

---

---

---

---

6. With respect to this GAT application, are there any concerns related to activities that would occur outside your tenure boundaries? If so, please explain.

---

---

---

---

7. With respect to this GAT application, are there any concerns related to this application that would prevent your operation from modifying your tenure (client days, approved uses)? If so, please explain.

---

---

---

---

---

\_\_\_\_\_  
Signature of GAT tenure holder

\_\_\_\_\_  
Date

Please send completed ATOIF to FCBC \_\_\_\_\_ at the following address:

### Appendix 6– Matrix to Assess the Compatibility of Summer Recreational Activities

This is a tool used by GAT managers to guide their decision-making process with respect to the adjudication of Guided Adventure Tourism (GAT) tenure applications. Existing activities are shown in the column at the left. To find compatibility rating between an existing activity and a GAT activity proposed for overlapping tenures; select an existing activity from the column on the left, and then read across the row to find the cell that intersects with the proposed activity at the top of the table. The level of compatibility is noted as high (H), moderate (M), or low (L). (Example: to identify if an application for a sea kayaking tenure is compatible with an existing fly-in-hike tenure, identify ‘fly-in-hike’ cell in the left column and look across page until you intersect with cell under ‘marine, non-motorized.’ In this example, the two activities have ‘high’ compatibility).

Existing Activity \ Proposed Activity	Hike	Fly-in-hike	Horse/Llama	Mountain Bike	ATV	Fresh Water - Non - Motorized	Fresh Water - Motorized	Mountaineering / Climbing	Bear Viewing	Marine, Non-motorized	Marine motorized
Hike	H	M	M	M	L	H	H	H	M	H	H
Fly-in-hike	M	L*	M	M	L	M	M	H	M	H	H
Horse/Llama	H	H	M	L	L	H	H	H	H	H	H
Mountain Biking	M	M	M	L	L	H	H	H	H	H	H
ATV	M	M	M	M	L	H	H	H	H	H	H
Permitted GO	M	L	M	M	L	M	M	M	L	M	M
Fresh Water – Motorized	H	H	H	H	H	L*	M	H	H	H	M
Fresh Water – Non-motorized	H	H	H	H	H	M	L*	H	H	H	H
Mountaineering / Climbing	H	M	H	H	H	H	H	M	H	H	H
Bear Viewing	L	L	L	L	L	L	L	H	L	L	L
Marine, Non-motorized	H	H	H	H	H	H	H	H	H	M	M
Marine, Motorized	H	H	H	H	H	H	H	H	H	M	M

\* Referral to Transport Canada required.

## Appendix 7 – Matrix to Assess the Compatibility Of Winter Recreational Activities

This is a tool used by GAT managers to guide their decision-making process with respect to adjudication of the Guided Adventure Tourism (GAT) tenure applications. Existing activities are shown in the column at the left. To find compatibility rating between an existing activity and a GAT activity proposed for overlapping tenures; select an existing activity from the column on the left, and then read across the row to find the cell that intersects with the proposed activity at the top of the table. The level of compatibility is noted as high (H), moderate (M), or low (L). (Example: to identify if an application for a snowshoe tenure is compatible with an existing ski tour tenure, identify 'ski tour' cell in the left column and look across page until you intersect with cell under 'snowshoe.' In this example, the two activities have 'high' compatibility).

Existing Activity \ Proposed Activity	Heli-ski	Ski-tour	Cat-ski	Snowmobile/ ORV	Snowshoe	Nordic ski	Dog sled	Mountaineering/ Climbing
Heli-ski	L*	M	M	L	H	H	H	H
Ski tour	L	M	L	L	H	H	H	H
Cat-ski	L	M	L	L	H	H	H	H
Snowmobile/ ORV	M	H	M	L	M	M	M	H
Snowshoe	M	M	M	L	H	H	H	H
Nordic ski	M	M	M	L	H	H	M	H
Dog sled	M	M	M	L	M	M	L	H
Mountaineering/ Climbing	M	M	M	M	H	H	H	M

\*Referral required to Transport Canada. .

## Appendix 8 – Matrices to Assess the Compatibility of Tenured and Public-use Activities

Summer and winter public activity matrices are included to ensure that they are considered in the adjudication process. Where a proponent’s application has a low compatibility with a public activity a GAT manager should, where possible, send a referral to one or more public groups that might best represent that activity in that area.

### Summer Activities

Proposed GAT Activity \ Existing Public Activity	Hike	Fly-in Hike/ fish	Horse/ Llama	Mountain Bike	ATV	River Day Use	River Use Expedition	Mountaineering/ Climbing	Wildlife Viewing	Sea Kayaking	Ocean Boat Tours
Hike	H	L	M	L	L	M	M	M	M	H	H
Horse/Pack	H	L	M	L	L	M	M	M	M	H	H
Mountain Bike	L	M	L	M	L	M	M	M	L	H	H
ATV	L	M	L	M	H	L	L	L	L	M	M
Mountaineering/ Climbing	H	L	M	M	M	M	M	L	M	M	M
Wildlife Viewing	H	L	H	M	L	H	H	M	H	H	H
Sea Kayaking	H	M	H	M	M	M	M	M	M	M	M

### Winter Activities

Proposed GAT Activity \ Existing Public Activity	Heli-ski	Ski-tour	Cat-ski	Snowmobile or ORV	Snowshoe	Nordic ski	Dog sled	Mountaineering/ Climbing
Ski-tour	L	M	L	L	H	H	M	M
Snowmobile	L	L	L	L	L	L	L	L
Snowshoe	L	H	L	L	H	H	H	H
Mountaineering/ Climbing	L	M	L	L	M	M	M	L

