



**Forest  
Practices  
Board**

## **Motorcycles, Rare Frogs and Water Shrew Habitat at Kanaka Creek**

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*Complaint Investigation 080824*

**FPB/IRC/147**

February 2009

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# The Investigation

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On April 28, 2008, the Blue Mountain and Kanaka Creek Conservation Group submitted a complaint to the Forest Practices Board. They asserted that rare wildlife species and domestic water sources are being damaged by motorized recreation users in the Kanaka Creek watershed near Maple Ridge, including Kathryn Creek. The Kanaka Creek watershed area has sensitive amphibian habitat containing both red-legged frogs and coastal tailed frogs. The area may also contain Pacific water shrews. All three species are designated as ‘species at risk’ under the *Forest and Range Practices Act* (FRPA).

The complainants assert that the Ministry of Tourism, Culture and the Arts (MTCA) encourages motorized use of the area without protecting the rare species and habitat. Kanaka Creek and Kathryn Creek are within the Blue Mountain recreation site managed by MTCA.

This investigation describes the history of the issue, examines the FRPA requirements for protection of the environment, and reports on how MTCA is approaching the issues.

## Background

### Blue Mountain recreation site

The recreation site was originally established in 1980, in the Blue Mountain area. The Blue Mountain area has extensive trails located on Crown land, of which about 20 percent are in the recreation site. Although the site is legally established, it has not been developed nor actively managed for recreation by any government agency. Members of the public have created hiking trails, horse trails etc., at will. The use of the area by motorcycle riders and off-road/all terrain vehicle enthusiasts has also developed, displacing some of the other recreational uses.

### Coastal tailed frog, red-legged frog, and Pacific water shrew

The coastal tailed frog is small, tan or brown and about three centimetres long. It has wide, flat hind feet and a ‘tail’—both of which aid in identification. Coastal tailed frogs are found throughout the coastal mountains. Their habitat includes cool streams—preferably small channels shaded by vegetation—without fish. Adult frogs do not move far from a stream, but young frogs disperse from their hatching sites. Habitat concerns arise from forest harvesting and road construction, which remove forest cover, causing siltation of streams and disturbance of stream beds. Sedimentation fills in the spaces between rocks that frogs need for: shelter from the pebbles and small rocks that scour the streambed in the stream current; shelter from floods which can wash away eggs and hatchlings; and protection from predators. High levels of habitat disturbance, and fragmentation by road building and timber harvesting, are detrimental to tailed frogs.

The red-legged frog is a red-brown frog, about 7 to 10 centimetres long, that can be distinguished by the red, translucent underside of its hind legs. Its habitat includes a variety of moist environments including shallow ponds; shaded, slow streams; and treed wetlands. Importantly, adult frogs occupy damp areas quite a distance from water and often take shelter under forest debris or logs. The red-legged frog is found on Vancouver Island, the Gulf Islands and on the coastal mountains in the Fraser Valley. Risks to habitat include forest harvesting, if it affects wetland structure and function. Alterations to the coarse woody debris and forest cover can also have adverse effects. As well, road construction and subsequent use can disturb movement of the frogs and can interrupt connectivity of their habitat.

The Pacific water shrew is a large shrew, around 15 centimetres long, and its body and long tail are dark brown. Its habitat includes moist, well-canopied riparian forests adjacent to slow-moving streams. It prefers to be near running water because it eats aquatic insects, and clean water is important for insect production. The shrew also feeds or forages on the forest floor, if there is a well-developed litter layer with decomposed coarse woody debris. The mouse-like Pacific water shrew is endangered and extremely rare. It has only been found in British Columbia's lower mainland. Risks to its habitat include any activity that decreases water quality or physically disturbs the forest and wetland area. The shrew is susceptible to edge effects from roads and other disturbances, meaning that riparian reserves and riparian management zones need to minimize potential edge effects.

## **Motorized recreation**

The Blue Mountain area attracts recreation users, including those who ride motorcycles and all-terrain vehicles. Irresponsible use of off-road vehicles can easily damage soil, the foundation for many ecosystems. For example, repeatedly driving through a sensitive area, such as a wetland, or driving at certain times of the year in a sensitive area, can change the structure of the soil. Such changes can make seed germination, root establishment and growth, and overall plant growth difficult or impossible.

Disturbance from vehicles can change the physical properties of the soil or the soil's ability to provide air or nutrients to plants. With any type of trail (foot trails, horse trails, motorcycle paths, ATV trails, etc.), plant loss on the trail path or tread is expected. Therefore, trails should be located in areas that minimize soil damage and should be properly designed.

Amphibians do not restrict themselves solely to stream sides; most use adjacent forests during their various life stages. Consequently, amphibians can be impacted by recreation traffic and changes to plant cover and soil degradation some distance alongside streams and into forest habitat. Introduction of silt and other material to streams also has a variety of effects on ecosystems. The material can interfere with the life processes of organisms and can affect physical properties of the stream's water and stream habitat. Changes to streams from their natural state (or their state before an event occurred) could alter the ecosystem. If species at risk, such as red-legged frogs, coastal tailed frogs, or Pacific water shrew, are within areas frequented by recreation vehicles, the potential for environmental damage is elevated.

## **Species at risk and the *Forest and Range Practices Act***

The red-legged frog, coastal tailed frog and Pacific water shrew are all designated as 'species at risk' under FRPA and, are 'identified wildlife.'

Under FRPA, it is assumed that most species are managed through general requirements for riparian areas, and through stand- and landscape-level biodiversity requirements. Species requiring greater management attention can receive additional management if designated by government as identified wildlife. FRPA contains forest practices restrictions on streams, and the *Identified Wildlife Management Strategy* (IWMS) provides management guidelines to minimize the effects of forest and range practices on identified wildlife, and to maintain their critical habitats.

The *Accounts and Measures for Managing Identified Wildlife* provides information on each species of identified wildlife, including specific guidelines for management of their habitats. To manage identified wildlife, government can establish wildlife habitat areas subject to objectives and general wildlife measures. However, government has not established wildlife habitat areas to protect the tailed or red-legged frog, or the Pacific water shrew, or their habitats, in the vicinity of Blue Mountain, Kanaka Creek or Kathryn Creek.

Furthermore, the IWMS addresses forest and range practices and their riparian impacts, but does not specifically apply to, or address, impacts from recreational use. The three species rely on aquatic habitat and adjacent forest habitats. The introduction of motorized vehicles within such habitats brings with it risks, which are not managed directly through the IWMS guidelines.

### **Previous Forest Practices Board investigation**

This is not the first time the Board has been asked to examine issues in the Blue Mountain area. The Board investigated a similar complaint about damage to sensitive habitat in its 2006 report entitled *Recreational Impacts in a Woodlot*. That complaint involved assertions that motorized and non-motorized recreational vehicles damaged cutthroat trout, coastal tailed frog and red-legged frog habitat, in a woodlot on Blue Mountain.

In that case, the Board found that there was a need to manage recreation on the woodlot. Specifically, the Board noted that, without discussions and agreements about recreational use in the Blue mountain area, conflicts would only get worse and could end in unfair restrictions on recreational use. As well, the Board stated that conflicts among recreation users, and mitigation of avoidable environmental impacts, require management of recreational activities and, if necessary, government imposition and enforcement of restrictions on some recreational uses in some areas. The Board recommended that the MTCA reactivate a 2003 recreation management strategy for the Blue Mountain Provincial Forest, and produce and implement a recreation management plan for the area.

In response to the Board recommendation, MTCA held meetings with the City of Maple Ridge and the Kanaka Creek Conservation group, and also planned to meet with two First Nations, recreation users, and woodlot licensees. MTCA wanted to get the groups united about creating a controlled staging area for motorized vehicles, as well as designated trails and restricted areas, but noted that the groups were very far apart in what they wanted to see on the mountain.

## Discussion

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The complainants' main concern is not recreation management, but damage to the environment from motorcycles. The complainants want MTCA to prohibit motorcycle use in the entire area, to eliminate damage by those vehicles. However, MTCA sees the issue as management of both recreational use and environmental damage.

This investigation examines:

1. What are the FRPA requirements for protection of the environment?
2. Is there evidence that motorized vehicles have damaged the environment?
3. What has been MTCA's response to the use of motorized vehicles in the area?
4. Was MTCA's response adequate?

### 1. What are the FRPA requirements for protection of the environment?

The complainants assert that motorized vehicles have caused environmental damage. FRPA specifically addresses environmental damage in section 46, which requires protection of the environment.

#### Changes to section 46 of FRPA

In December 2005, the Board produced a special report entitled *Access Management in British Columbia - Issues and Opportunities*. In the report, the Board noted that provisions in FRPA and in the *Government Actions Regulation* that prohibit damage and ensure protection of the environment do not apply to recreational use or users. Only industrial forest activities were expressly prohibited from damaging the environment. As a result, government agencies could not enforce laws to ensure the environment was not damaged as a result of recreational use. The Board said that this gap in legislation should be examined and addressed by government.

In 2007, the government changed section 46 of FRPA to make it illegal for individuals, including recreation users, to cause environmental damage. The Board welcomed this adjustment and government agencies have been using this section for enforcement purposes.

## Definition of environmental damage in the Forest Planning and Practices Regulation

Driving an off-road vehicle, quad, or motorcycle in sensitive areas, such as a wetland, can cause environmental damage. A person can be warned, fined or convicted: violation tickets levy a \$575 fine and penalties can be up to \$100,000. Prosecutions carry maximum fines of \$100,000, up to one year in jail, or both.

However, to determine compliance, an enforcement agency must identify the person responsible. If no individual person is identified, no enforcement action can be taken.

For the purposes of section 46, section 3 of the *Forest Planning and Practices Regulation* (FPPR) defines damage. Two elements are required:

- i. There must be an event of the type specifically listed in section 3 of the regulation. These events include:
  - landslide; a gully process or fan destabilization on the Coast;
  - soil disturbance;
  - deposition into a stream, wetland or lake of a petroleum product, industrial equipment fluids or any other similar harmful substance;
  - a debris torrent that enters a fish stream; or
  - changes to soil.
- ii. There must be evidence that the event “adversely alters an ecosystem.”

An ecosystem is not defined. An ecosystem could be as small as a singular log complex containing rare lichens or as large as an entire meadow complex encompassing many acres. Defining the actual adverse effect that equates to altering an ecosystem is also challenging and is not addressed specifically in the regulation.

In summary, section 46 of FRPA prohibits damage to the environment, including damage from activities such as recreational use. However, to enforce section 46, an enforcement agency must identify the person responsible, determine that the event is one specifically listed in the regulation, and subjectively determine that the event has adversely altered an ecosystem.

## 2. Is there evidence that motorized vehicles have damaged the environment?

Board staff examined a portion of the area in May 2008 (see Appendix A), looking specifically at locations that the complainants say were representative of environmental damage from motorized vehicles.

The Board examined the area for evidence of an event, as defined in section 3 of the FPPR. Such an event could form the basis for a determination by an official that there has been damage to the environment.

However, the Board did not examine compliance with section 46 and section 3 of the FPPR due to two factors. First, there was no evidence to identify the responsible person. Second, section 3 of the FPPR requires a determination that an ecosystem has been altered. The legislation does not define what altered means, or what constitutes an ecosystem, nor does it provide a consistent standard to assess compliance against. Therefore, without such guidance and without a determination from a forest official that the events have altered an ecosystem, the Board could only examine whether there were events that could be considered damage if an official were to decide that the ecosystem had been altered.

The Board's field examination revealed:

- soil disturbance from motorcycle use on the trails;
- runoff from trails that flowed into the nearby forest, but did not reach any watercourses;
- trail erosion into Kathryn Creek and Kanaka Creek from trail approaches; and
- mitigation of damage to soils and creeks by the construction of walkways (bridges).

The rutted condition of the trails, the damage to soil and the erosion into the creeks did not occur from a single use, but from repeated use. Furthermore, poor trail and crossing design along with a lack of cross-drainage on the trails, contributed to impacts. Subsequently, there have been trail improvements and footbridge construction to reduce further damage.



Trail with inadequate surface drainage.



Soil disturbance, rutting, and water accumulating on trail.



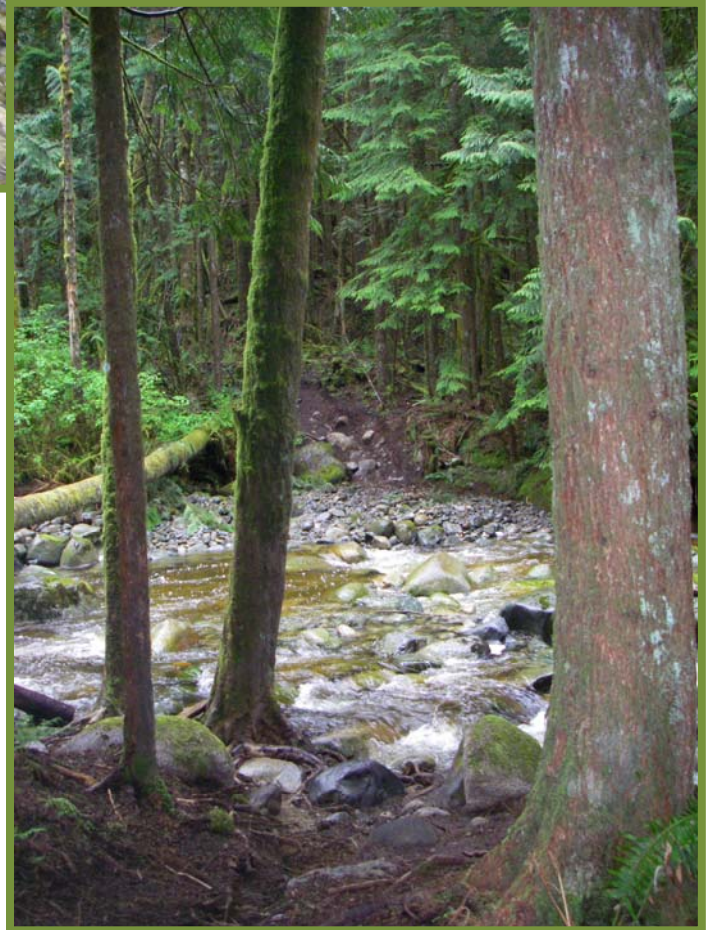
There is evidence that motorized vehicle use has damaged soil and introduced material to streams at the Kanaka Creek ford and at the Kathryn Creek crossing. Damaged soil and introduction of material into streams are events listed in section 3 of the FPPR, meeting the first of two elements of the regulation that define damage to the environment.



Trail approach to walkway introduces silt and soil to Kathryn Creek.



Accumulation of silt and soil on walkway over Kathryn Creek.



Erosion from trail approach to Kanaka Creek ford.

### **3. What has been MTCA's response to the use of motorized vehicles in the area?**

In 2006, MTCA assumed responsibility for the Blue Mountain recreation site from the Ministry of Forests and Range (MFR). MTCA has been working with the variety of stakeholders to manage recreation. MTCA staff identified three ways it is managing recreation and protecting the environment in the recreation site:

1. mapping the existing trails and resources;
2. working collaboratively with a local motorcycle club to deactivate trails, reconstruct bridges, walkways and trail treads; and
3. restricting motorized recreation within sensitive areas.

#### **Mapping the existing trails and resources**

MTCA stated that a critical first step in managing the recreation site is to develop a database of existing trails and resource features. However, this process is hampered somewhat because MTCA has limited funds to map the existing trails and identify known resource features. Mapping existing facilities and resources will enable them to identify recreational use overlaps and environmental concerns, and begin to plan use of the trails. Once that database is complete, MTCA intends to examine the area and designate recreation zones by type of use (i.e., multi-use trails, ATV, motorcycle, horse and hiking trails).

MTCA reported that their Recreation Sites and Trails Branch is now working with the Integrated Land Management Bureau to identify and map the trails in the Blue Mountain area, as an initial step towards developing a trail management plan. MTCA anticipates that this work will be completed in March 2009.

#### **Working collaboratively with a local motorcycle club to deactivate trails and reconstruct bridges, walkways and trail treads.**

Though most motorized vehicle use is unorganized, there is a local motorcycle club that is working with MTCA. The club has been promoting responsible use of the area by its members by constructing bridges, closing trails, and maintaining existing trails.

MTCA has met with this motorcycle club and discussed trail use, existing trail locations, restricted use areas, rehabilitation, and new trail and bridge construction. In 2008, MTCA and the club agreed that closing the area east of McNutt Road could be reasonable, given the small number of trails and significant issues on site. As well, closure could deter the use of old trails in sensitive riparian areas. Subsequently, MTCA directed closure of trail segments and re-routed trails away from the riparian areas. MTCA stated it would consider closing the whole area if riparian areas continue to be affected.

Further to this, the motorcycle club constructed an information kiosk to provide riders with information on trail construction, deactivation, and closures. As well, they closed a portion of the Joe Poke Trail because it was rutted and was channelling rain water; they rerouted the Diez Dubaze Trail to allow removal of one crossing of Kanaka Creek; and they extended decking on bridges over Kathryn Creek. However, the complainants state that the relocated trails are still within shaded, moist areas with sensitive soils which are used and then abandoned when rutting makes motorcycle use impossible.

At a September 16, 2008, meeting with the complainants, MTCA said it was preparing information signs to: advise motorized users to keep to designated trails; describe the sensitive habitats and species; and describe consequences of damaging the environment from motorized vehicle use. MTCA says that if riders do not heed the signs, fail to stay on established trails and cause significant damage to the environment, the ministry could close the area to motorized vehicles.



The complainants object to the sign because it refers to the motorcycle club. The objection is that, by including a reference to the motorcycle club, the sign may be interpreted as 'unofficial.' The complainants want signs indicating the authority of the provincial government. They also want the signs to clearly state that the Kathryn and Kanaka Creek watersheds are home to the Pacific tailed frog and red-legged frog, and are the source of the drinking water for the residents of Whonnock. The complainants say that such signs would be more persuasive in keeping motorcyclists out of sensitive areas.

The sign posted on the site provides advice, accurately references the legislation and states that the area is within a community watershed.

In December 2008, MTCA hosted a trail workshop at Blue Mountain to demonstrate proper trail building, maintenance, and closure techniques.

In summary, MTCA is working collaboratively with a local motorcycle club to close poorly constructed or located trails, reconstruct bridges, build walkways and locate new trails.



New boardwalk over wetland area with previous ATV or motorcycle impacts

## Restricting motorized recreation within sensitive areas

MTCA recognizes that sensitive riparian areas with moist, soft soils provide habitat for amphibians and are prone to soil disturbance and damage. MTCA has been monitoring sections of motorcycle trails that have unduly disturbed the soil or that cross streams.

Section 58 of FRPA provides a tool to protect a recreation resource or to manage public recreational use. Under section 58, the Minister of Tourism, Culture and the Arts may restrict or prohibit either non-recreational use or recreational use. Restrictions can be limited to sensitive areas or they can apply to larger areas, such as landscape units.

FRPA also contains restrictions for forest practices restrictions near streams and riparian areas, and the IWMS contains management guidelines that regulate forest practices to minimize damage to streams and rare species. However, these restrictions do not specifically apply to, or address, recreation. MTCA stated that it would consider the 'content and spirit' of the IWMS guidelines and the forest practices restrictions if, and when, MTCA finds it necessary to impose

orders restricting recreation to protect rare species and habitats. The orders under section 58 can be applied to any Crown land and are not restricted to a recreation site.

Outside of the recreation site, MTCA is prepared to use recreation orders to restrict and/or prohibit motorized vehicle use in sensitive riparian areas adjacent to Kathryn Creek, Kanaka creek and their tributaries. However, at this time, MTCA has not yet found the need to use recreation orders under section 58.

Within the recreation site, MTCA can manage trail location and use through signage. MTCA considered the IWMS guidelines and other FRPA regulations pertaining to streams, to inform its direction to the club for routing of the existing trails outside of riparian areas.

In summary, MTCA is not using section 58 orders at this time to restrict recreational use within sensitive areas in the Kanaka Creek and Blue Mountain watersheds. Instead, MTCA intends to monitor the effects of the recent trail relocations and maintenance to see if the working relationship with the various user groups is effective. However, should there be future damage to sensitive habitat, MTCA is willing to restrict motorized recreation through the use of FRPA orders that reflect the intent of the FRPA forest practices regulations and IWMS guidelines.

### **Was MTCA's response adequate?**

The complainants assert that MTCA encourages motorized vehicle use in the area without taking adequate steps to protect the rare species and habitat.

Impacts to Crown land from motorized recreation are not uncommon. There are many areas on Crown land that have been subject to the impacts of ill-informed motorized recreation vehicle users. In this case, the Blue Mountain area has been used for years for a variety of recreation. Trails exist throughout the area, and there are also some boardwalks and small bridges, which have not been formally authorized by government. The recreation site does not have designated trails nor is there a guiding plan for recreational use. In a previous complaint investigation, the Board recommended that planning was needed to resolve recreation conflicts, and MTCA has taken some steps toward this.

MTCA noted that, in 2007, it had found poorly located and maintained trails at Blue Mountain. It also noted that proper stream crossings were needed and those crossings already in place were poorly built. MTCA discussed its concerns with the local motorcycle club, telling it that some trails may need to be closed, and the club indicated that it was willing to help maintain the area.

Participation of the club is important to MTCA for two reasons. First, educating the riders may prevent some future problems. Second, MTCA does not have sufficient resources to fully deal with the situation. For example, MTCA noted that there are approximately three kilometres of trail that need rehabilitation, but MTCA does not have resources for that.

In terms of enforcing section 46 for protection of the environment, MTCA is aware that the section could apply to motorized vehicle use. However, MTCA itself cannot enforce section 46. MFR and Ministry of Environment (MOE) are authorized to do so, but MTCA would have to pay for those services. However, the Chilliwack MTCA district does not have funds for additional enforcement; MTCA noted that its current level of funding only allows management of recreation sites and trails that have major safety issues. In this case, MTCA has not identified a compelling safety issue, and, therefore, does not have a budget to fund patrols or enforcement on the site. Should there be escalating examples of motorized use causing environmental damage, MTCA would notify MFR and MOE so that those agencies can enforce section 46 of FRPA.

Section 57 of FRPA requires that all trail construction be authorized; therefore, a person building a trail without authorization might not only be in contravention of FRPA section 57, but might also be in contravention of section 46 if it is determined that the construction has caused environmental damage. While MTCA has discussed trail issues with the local motorcycle club, and used the club to address some of those issues, MTCA has not formally authorized the construction of any new trails or structures. However, in November 2008, MTCA provided the motorcycle club with an application package for authorization to build trails. The purpose was to assist in understanding which activities require the consent of a recreation officer, and how to apply for authorization. MTCA expects that any future trail construction will have to be authorized. Failure to get authorization could result in MTCA enforcing, either or both, section 57 and section 46.

MTCA's approach to managing the existing trails and resources includes:

1. working collaboratively with the local club to deactivate trails, reconstruct bridges, walkways and trails;
2. monitoring motorized recreation within sensitive areas; and
3. monitoring the need for funding MOE and MFR patrols of the recreation site.

MTCA is aware of the present and past damage to the area from inappropriately located trails, but recognizes that identifying individual parties responsible for significant incidents is nearly impossible. Even so, MTCA needs to assert its management authority in the area by ensuring that future trail construction is done only with its authorization. Furthermore, MTCA needs to report any evidence of FRPA contraventions to MFR or MOE for enforcement.

The Board finds MTCA's current approach to be appropriate in the circumstances, even though it has not yet prevented environmental damage from use of motorized vehicles. MTCA has taken measures to reduce the risks of further infractions and degradation of the area.

# Conclusions

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## 1. What are the FRPA requirements for protection of the environment?

Section 46 of FRPA prohibits damage to the environment, including damage from activities such as recreational use. To enforce section 46, an enforcement agency must identify a person responsible and the event or damage must meet a two-part test: (1) the event must be specifically listed in the regulation; and (2) it must meet a subjective test that the event has adversely altered an ecosystem.

## 2. Is there evidence that motorized vehicles have damaged the environment?

There is evidence that motorized vehicle use has damaged soil and introduced material to streams at the Kanaka Creek ford and the Kathryn Creek crossing. This investigation does not identify who is responsible, nor does it conclude on whether an ecosystem has been adversely altered by such damage.

## 3. What has been MTCA's response to the use of motorized vehicles in the area?

MTCA has been working with a variety of stakeholders, including a local motorcycle club and other government agencies, to manage recreation. Actions they are taking include mapping existing trails and resources; working collaboratively with the motorcycle club to deactivate trails and reconstruct bridges, walkways and trail treads; and restricting motorized recreation within sensitive areas, by directing new trail construction away from riparian areas and deactivating troublesome trails.

## 4. Was MTCA's response adequate?

MTCA's current approach is appropriate in the circumstances, even though this approach has not yet prevented environmental damage from use of motorized vehicles. MTCA has taken measures to reduce the risks of further infractions and degradation of the area.

MTCA is aware of the present and past damage to the area from inappropriately located trails, and recognizes that identifying individual parties responsible for significant incidents is nearly impossible. Nevertheless, MTCA should assert its management of the area by ensuring that any future trail construction is done only with its authorization. Furthermore, MTCA needs to report possible FRPA contraventions to MFR or MOE for enforcement.

## Commentary

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The Board previously investigated a complaint about damage to sensitive habitat in the Blue Mountain area in its 2006 report entitled *Recreational Impacts in a Woodlot*. At that time, the Board recommended that MTCA reactivate the 2003 recreation management strategy for the Blue Mountain provincial forest and produce and implement a recreation management plan for the area. MTCA's response to these recommendations was that it had held meetings with participants, but that the groups were still very far apart in what they wanted to see on the mountain.

This second investigation found that MTCA is continuing to work with the local motorcycle club to improve motorized trail use and management in the Blue Mountain area. Activities have included: closing trails that are contributing to environmental damage; upgrading viable trails; improving stream crossings; and installing signs to educate riders about responsible and safe use of the trails. To assist in making riders aware of some of the sensitivities in the area, the signs also indicate that the trail network lies within a community watershed and that the area is home to several 'species at risk.' Riding guidelines encourage users to cross creeks at designated crossings, avoid trail use during heavy rains, stay on existing trails and avoid creating new trails.

The complainants state that, since the previous investigation, MTCA had not met with their group, nor is any planning occurring. The Board previously asked MTCA to plan recreational use. Due to lack of funds and/or resources, MTCA has not done so.

Nevertheless, planning can help to resolve conflicts and locate the various recreational activities in appropriate areas. Without planning, recreational use will continue to be unstructured, resulting in continued conflict and some environmental damage. The Lower Mainland residents' appetite for off-road vehicle areas will inevitably increase as the population increases. As the Blue Mountain area is located so close to the Lower Mainland, the Crown land is a focus of that recreation demand. In 1980, a portion of this Crown land was established as a recreation site. However, 28 years later, government has still not managed the recreational use. This investigation documents that the unregulated use of motorized vehicles can result in environmental damage to the recreation site and the adjacent Crown land on Blue Mountain.

Recently, MTCA indicated that government has taken a renewed interest in the issues surrounding Blue Mountain. Previously when MTCA attempted to get First Nations and other stakeholders to agree on a process for developing a recreation management plan for Blue Mountain, there was no consensus. Now, the South Coast Management Committee (SCMC), which represents the resource management agencies, is discussing the need for a planning process. Specifically, the SCMC is considering joint participation with other government agencies to encourage a broad-based approach to developing a management plan for the area. The Board notes that this is a very positive development, but this possibility of a management



planning process is only in the discussion phase. At present, there is still no project plan or commitment to a planning process. In the interim, MTCA plans to continue to work with all parties involved to ensure user conflicts and environmental issues/damages are kept to a minimum, until a formal recreation management plan for the area is developed.

In 2007, the government changed section 46 of FRPA to make it illegal for individuals to cause environmental damage. Now, section 46 prohibits damage to the environment from a forest practice, a range practice or another activity, so this now includes recreation users. The Board commends the government for its modification of section 46 of FRPA. However, there is more work to be done. First, government should provide guidance on the interpretation and application of section 46 of FRPA and section 3 of the FPPR. Second, in areas of high motorized recreational use and sensitive environments, public education is required. This could include signs that describe appropriate use of the trails, signs that mark the trail locations, and information about the possible enforcement repercussions if users do not stay on designated trails. Education could also include provision of informational pamphlets to recreational vehicle retailers, emphasizing proper trail etiquette and the FRPA requirements for protection of the environment. MFR has such a pamphlet entitled *Protect our Forests and Rangeland* – May 2008.<sup>1</sup>

This single investigation does not provide the basis for formal recommendations to rectify the concerns raised about damage to the environment and recreation management over the entire province. However, the Board stresses that government has recreation management issues, particularly in the heavily-populated Fraser Valley, that require its attention.

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<sup>1</sup> The pamphlet can be found at [http://www.for.gov.bc.ca/hen/site\\_files/otherPublication/Brochure%20-%20Protect%20our%20Forests%20and%20Range%20Land.pdf](http://www.for.gov.bc.ca/hen/site_files/otherPublication/Brochure%20-%20Protect%20our%20Forests%20and%20Range%20Land.pdf)



**Forest  
Practices  
Board**

PO Box 9905, Stn Prov Govt  
Victoria, BC, Canada V8X 9R1

Tel. 250.387.7964 | Fax 250.387.7009 | Toll Free 1.800.994.5899

For more information on the Board, please visit our website at: [www.fpb.gov.bc.ca](http://www.fpb.gov.bc.ca)