



April 2014

**Proposed Trail Approval Process for
Environment and Sustainable Resource
Development**

1.0 Introduction

The Alberta Off-Highway Vehicle Association recognizes the role the Government of Alberta has the ultimate trail approval authority. However at the present time there appears to be reluctance by trail managers to grant approval although a land access plan may have been approved.

The AOHVA and partnerships through the creation of the DAO could perhaps expedite this process. The following proposed trail approval process takes into consideration the current Government of Alberta Land Use Criteria. The DAO would not have responsibility for approving trails. However, their role would be to bring forth recommendations for trail development for both motorized and non-motorized user groups.

The AOHVA as stated in other documents supports the concept that access to trails is a privilege and not a right. With this privilege comes responsibility for respect for the natural environment in which these trails are established.

2.0 Challenges in Trail Development

- There is no single Government department that approves trails;
- Public Land Use Zones – trails approved by Environment and Sustainable Resource Development
- Wildland Parks – trails approved by Tourism, Recreation and Parks
- Heritage Ranchlands – trail development approved by both government departments
- Two separate pieces of legislation impact trail development:
 - Public Lands Act
 - Provincial Parks Act

3.0 Trail Development User Conflicts and Environmental Issues

Listed are some user conflicts versus environmental issues.

- Non-motorized recreationalists are displaced by noise.
- Ranchers face damage to fencing and from trespass onto private land.
- The resource industries face OHV traffic to facilities and potential liability for hazards.
- Environmental impacts are felt on land, water, and wildlife.
- Natural water storage and filtration systems can be compromised by trail braiding.
- Silt runoff from improper trail design could damage fish habitat.
- Terrestrial species may experience habitat fragmentation and disrupted life cycles.

4.0 Recreational Trail & Facility Application Planning

The AOHVA strongly supports a collaborative approach to address conflicts/ issues. This approach would require involvement by the following in the planning and approval process:

- Primary Service Delivery Providers (AOHVA,ASA,TrailNet)
- AOHVA Trail Planners and there member clubs
- ASA Trail Planners and there member clubs
- TrailNet Trail Planners and there member clubs
- DAO staff that would have access to GOA landscape map overlays and GIS Software Technology
- DAO Staff and Service Delivery Trail Planners to ensure as much compliance as possible with the guidelines in the Alberta Recreation Corridor& Trails Classification System
- Government of Alberta Departments that are in the referral process
- Municipalities or towns that may be included in some trail layouts
- Advisors were deemed appropriate
- Once a Service Delivery Providers Trail or Facility proposal is complete it could then be sent to the GOA Departments that are in the referral process with a defined turnaround time for recommendations.
- When a plan has been approved then the responsible Primary Service Delivery Provider prioritizes, funds and project manages to completion for the member club.

Under the Enhanced Approval Process (EAP), the following Integrated Standards and Guidelines (IS&G) are benchmarks in the planning process and are listed below.

4.1 Pre-application requirements and information – identifies pre-application requirements and pertinent information that applicants need to understand prior to applying for dispositions under the EAP. Some approval standards and operating conditions are dependent on the information presented in this document. This document does NOT identify federal requirements, other Alberta ministry requirements, or municipal requirements for land use in Alberta.

4.2 Approval Standards – provide siting, timing and site related requirements. Applications that meet all standards will follow an expedited approval process. Applications that do not meet all standards will undergo field referral to identify mitigation measures for the missed standards. Approval standards are subject to compliance assurance and enforcement action.

4.3 Operating Conditions – describe the construction, maintenance and operational practices that must be followed once an activity has been approved. These operational conditions are non-negotiable and must be adhered to for activities in the field. Operating conditions are subject to compliance assurance and enforcement action.

4.4 Best Management Guidelines - recommended operating practices. Guidelines provide information to assist with planning and preparation of applications, and with implementing operating practices. Guidelines are designed to inform industry of desired practices while planning activities and operating on public land. Guidelines are provided for information only, are not mandatory, and are not subject to compliance assurance and enforcement action.

It appears that the EAP process was created as an adaptive model which allows for Continuous Improvement of Enhanced Approvals Content and Process, (refer to Appendix A). This would allow for the introduction of or amendment to existing disposition types to include uses not originally envisioned, such as recreational trails, bridges, facilities and staging areas.

5.0 Application Approval and Issuance of Disposition

Alberta Environment and Sustainable Resources define a disposition as the authority granted by the department to use public land for specific purposes and activities. A disposition is any instrument executed pursuant to the *Public Lands Act* and includes conveyance, assurance, sale, lease, licence, permit, contract or agreement. Details regarding specific disposition types can be found in the *Dispositions and Fees Regulation* under the *Public Lands Act*.

Dispositions on lands under AESRD jurisdiction are managed through the Enhanced Approval Process. The issuance of recreation trail and facility dispositions under the EAP utilizes an existing protocol and thus does not require a new process.

It is proposed that two new purposes be added existing disposition types under the current EAP process:

- Trails and Bridges (added to the LOC type)
- Facilities and Trailheads (added to the MLL type)

It is further proposed that a GPS location plan be the requirement for Trails and a survey plan be the requirement for Facilities and Trailheads. This is consistent with the requirements for LOC's and MLL's.

There are over 30 purposes that the LOC disposition type is used for; examples are ski hills, air strips and access roads. The LOC disposition type is used for many purposes including access corridors, which recreational trails would fall under.

There are also over 30 purposes that the MLL disposition type is used for; examples include golf courses, hunting/fishing lodges, shooting ranges and, campgrounds. The MLL disposition type is primarily used for close proximity developments and includes a myriad of recreational uses. Recreational facilities and trailheads (i.e. staging areas), would also be included.

6.0 Compliance

The AOHVA feels strongly about compliance by ensuring trail projects and facilities are constructed in strict compliance with the terms and conditions of the disposition they were issued under. A self-audit and reporting process will be implemented to confirm these objectives are met not only after construction is complete, but also on an ongoing basis thus ensuring maintenance objectives are also met.

Within the proposed DAO Business Plan, it was suggested that four trail planners be hired with assigned responsibilities within a designated region within Alberta. When trail projects and facilities are designated for the particular region, the trail planner will take on the additional duty as Project Compliance Manager. This individual will have responsibility for monitoring and submitting a Compliance Report at the conclusion of the project. This report will include:

- Information on compliance with all government – provincial and/or municipal approved issuances such as dispositions or licenses;
- Information on the implementation of IS & G;
- The number and details of any complaints, including a summary of the main areas of complaint, action taken, response given and intended strategies to reduce recurring complaints;
- Any other matter relating to compliance with respect to the disposition or as requested by the DAO Board or AESRD.

Under the EAP, aspects of planning, approval and compliance are inherently built into the process. There is a self-auditing/compliance requirement as well as an ESRD inspection/reporting component.

7.0 Conclusion

The AOHVA strongly supports the ESRD Enhanced Approval Process as the mechanism for approving Recreational Trails, Trailheads and Facilities. Advantages of the EAP process are listed below.

- The EAP is an existing and functioning mechanism for disposition approval, thus does not require a new process. Furthermore, additional disposition types are not required.
- The EAP outlines the required criteria for the planning, approval and compliance phases of disposition issuance. These site specific yet are consistent in process across the province and by usage type. Again existing protocol and processes exist under the EAP, thus does not require a new process be created.
- Provides a fixed and standardized process for Application, Approval and Compliance. This enables projects to be approved and completed in a reasonable time frame.
- The EAP is the same process that industry, commercial and many other recreational interests (i.e. ski hill, lodges, golf courses) must adhere to access land under AESRD jurisdiction. It is logical to include recreational trails and facilities under the same process.

Utilizing the EAP process will certainly have incremental costs over the existing approval mechanism for recreational trails and facilities. However, when DAO legislation is passed the funding to prepare disposition applications and ensure compliance will be available.