A Framework for Regulating Motorized Recreation on Crown Land

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Background

Because almost 80% of Ontario's land mass is provincially owned Crown Land, any approach to manage recreational activity must carefully consider the nature, history and unique regulatory challenges that are associated with Crown Land. Although some Crown Land has land use categories that provide mechanisms to regulate certain uses (Parks, Conservation Reserves, Enhanced Management Areas etc.) the vast majority of Crown Land is designated for multiple use. In practice, this means that a wide range of activities, including forestry, mining, resource-based tourism, trapping and public recreation all occur on the same land base. Legislation that impacts upon these activities includes the Crown Forest Sustainability Act, which regulates how forests are managed and the Public Lands Act, which governs many aspects of Crown Land use.

The Ever Changing Land Base

By far the highest impact activity on the public land base is forestry. The processes of harvesting, renewal, and maintenance substantially change vast areas during the life cycle of a working forest. By far the most important and far reaching change to the land base is the construction of access roads. Roads must be built into previously inaccessible areas in order to harvest trees and subsequently prepare and regenerate the site. It is the construction of roads, rather than the actual harvesting or renewal activities that has the greatest long term impact on the future environmental, social and economic value of the site.

A Wide Variety of Users

Many other users, besides the forest industry, make use of Ontario's publicly owned forests. Other commercial resource industries include prospecting and mining, trapping, and baitfish harvesting. In addition, residents of Ontario engage in a wide range of recreational activities including hunting and fishing, hiking, canoeing, nature photography, bicycling, horseback riding, snowmobiling and ATV riding. Resource-based tourism operators provide these and other recreational activities on a commercial basis to both residents of Ontario and guests from outside the province.

The Value of Remoteness

In making management decisions regarding recreational use of Crown Land, it is important to understand how recreational users value various kinds of outdoor experience. Studies of the tourism industry have clearly shown that when a guest pays to go on a fishing trip in northern Ontario, he will pay 2 ½ to 3 times more for a remote fly-in experience than he will pay for an otherwise identical experience he can drive to. Clearly, "remoteness" is a measurable natural resource value that should be managed systematically.

If a road is built into a formerly remote area and recreational motor vehicle use is permitted on that road, the value of remote tourism facilities in the area may drop so dramatically that they become uneconomical to operate and are closed or demolished.

The issue of remoteness is by no means confined to fly-in operations. Remoteness exists on a continuum, and any shift in the level of remoteness is likely to directly influence value. Consider the example of a tourist lodge that is located at the north end of a 30 km long lake. It is accessed by means

of a 50 km gravel road, and is the only point of access to the lake. If a new logging road is built off the highway at the south end of the lake that permits residents of the adjacent town and other on the highway to easily launch their boats and travel by boat up the lake, the remoteness of this drive-in lodge has changed dramatically.

Competing Recreational Uses

Many local residents have come to expect the construction of new forest access roads to provide them with additional road-based recreation opportunities. A significant number of local recreational users own four wheel drive trucks or ATVs and use these vehicles to access hunting and fishing opportunities. As the quality of hunting and fishing declines due to excessive utilization pressure, these users often expect new areas to be continually made road accessible for their use. Unfortunately, this practice has led to an ever shrinking number of areas that provide high quality remote recreational opportunities.

User Conflicts

Most conflicts arise during the development of forest management plans, since it is forest operations that bring about the most significant changes on the land base. Furthermore, since the forest management planning process requires significant public consultation, this process becomes a lightning rod for conflict in many cases. This commonly leads to significant delays and higher costs for the forest industry. The tourism industry must also participate in this complex and expensive process in order to prevent decisions that will erode tourism values and damage business investment.

Separating Incompatible Uses

Experience has clearly demonstrated that conflicts and incompatibility are almost always around motorized vs. non-motorized recreation. A wide range of activities can readily co-exist within these two categories, while conflict is virtually inevitable between any two activities from outside their own category. A wilderness canoe route can function with little or no conflict with an adjacent trail that is used for hiking, mountain biking or even horseback riding. However, the addition of ATVs or other motor vehicles to the trail seriously erodes the remote canoe experience.

On the other hand, trail networks that permit motorized vehicle use can generally easily accommodate a range of motorized activities, from snowmobiles through ATVs and off-road motorcycles. Furthermore, recreational users who use vehicles to access other activities like fishing or hunting generally have a clear personal preference for either a remote or road accessible experience. A person who uses a float plane to access a remote lake will not accept motorized activity in the area, though other aircraft, canoeists or hikers are not seen as degrading the remote experience.

Current Regulatory Structure

Public Lands Act

Although the Public Lands Act generally permits people to access public lands and waters, provisions in the Act allow MNR to impose restrictions on the public use of forest access roads. When these issues are discussed, both MNR and many users describe the issue as one of “access”. In fact, this terminology is

misleading, since we are usually not talking about denying or restricting "access" to an area, but rather are talking about what modes of access will be permitted.

The RSA Process

The process of negotiating Resource Stewardship Agreements between the forest and tourism industries may lead to the development of forest management plans that either carefully select appropriate road locations or close portions of roads to public access in order to protect tourism values. This process is generally highly localized, and is subject to the mandatory public review that is required by the forest management planning process. In addition, it deals only with the development of new access roads.

Land Use Planning

Land use planning designations can be used to place restrictions on various forms of access. Parks and other forms of protected area commonly have various restrictions placed on their use. However, this approach is not necessarily suited to the very large General Use Areas where forestry, recreation and many other activities commonly take place.

There is an additional land use category that exists on Crown land – Enhanced Management Areas or EMAs. There is a Remote Access EMA designation that has had some limited use in managing for remote recreational values. Experience to date, limited that it is, indicates that this designation can be useful in reducing conflict during the public consultations associated with the forest management planning process.

A Plan for Recreational Trails on Crown Land

Managing a Single Parameter

In order to allow simple implementation and minimal adverse impact on the wide range of users, a plan for recreational trail use on Crown Land should manage one thing, and one thing only – ***the recreational use of motorized vehicles***. Authorized natural resource activities would continue to be permitted. The forest industry, along with trappers, prospectors, baitfish harvesters and other licensed resource users would continue to enjoy full, unrestricted motor vehicle use of the roadways. Recreational users, whether tourists or local residents, would be prohibited from operating motor vehicles in these areas.

Two Simple Recreational Use Categories

This approach would create two simple recreational use categories – ***Road Based Recreation Areas*** and ***Functionally Roadless Areas.*** The term "roads" is used here to simply mean areas that permit the use of motorized vehicles, whether these vehicles are cars and trucks or "off-road" vehicles such as ATVs and snowmobiles.

Although ***functionally roadless*** areas might very well have a network of old rail beds, former logging roads etc. these areas would be considered ***functionally roadless*** in the sense that recreational motor vehicles would not be permitted. The trails created by these existing roadbeds could be fully available for non-motorized recreational use. Furthermore, motor vehicles engaged in authorized resource business activities would continue to have unrestricted access.

Managing for Remoteness

Northern Ontario is one of very few areas left in North America, or indeed, the world, where relatively large remote areas with significant recreational value continue to exist. Virtually all of the continental United States is roaded, as is much of the rest of Canada. The recreational opportunities available in the remote areas of northern Ontario are uniquely different from those anywhere else in the world, and tourism industry experience has clearly demonstrated that consumers will pay a premium price for that experience.

Managing identified areas in order to maintain and enhance the quality and range of remote recreational opportunities will provide expanded economic opportunities through tourism. Because tourism experiences will command price points 2 ½ to 3 times higher, the employment and economic benefit to local communities will be significantly enhanced. Of course, tax revenues to all levels of government will rise, as well.

Remote recreation also represents an important social and lifestyle benefit for the people of Ontario. It provides significant health and fitness opportunities, and represents a significant factor in attracting professionals and business investment to smaller northern communities. Simply stated, the quality and range of outdoor recreational opportunities helps northern communities attract doctors, nurses, teachers, business people and others to live and work in places where the direct economic return may be lower.

Managing for High Quality Road-based Recreation

Despite the demonstrated higher value attached to remote recreation, road based recreation is an important part of the economic and social fiber of the north, and brings significant benefits to communities. This exercise should not be about developing one form of recreation at the expense of another, but rather aim at improving the quality and range of both remote and road-based recreational opportunities.

Pressure from local recreational users for increased road access is usually due to declining resource quality, such as hunting and fishing opportunities in road accessible areas. Many of these problems can and should be addressed through more effective planning and management. However, it is also clearly possible to identify and create new road-based recreational opportunities as resource access roads are planned. Forestry planners generally avoid locating new roads near lakes, where possible, since access issues surrounding lakes is a common source of conflict and planning delay. However, if the forest industry knows in advance that the creation of new road accessible recreational opportunities is not only permitted, but encouraged, many new opportunities for recreational access can be developed. Once a road is constructed to provide a road-based opportunity, signage, boat launches, parking and possible stocking programs are tools that can be considered to enhance these new opportunities.

Benefits to the Forest Industry

The forest management planning process is a lengthy and complex exercise that generally requires about two years to complete. Several stages of public consultation are a mandatory part of the process and the industry expends significant resources to develop forest management plans. Objection to a proposed plan or aspects of it from environmental groups, the tourism industry or other members of the public can lead to costly delays both for the industry and the government involved in processing issue resolution and environmental assessments requests.

Issues surrounding recreational motor vehicle access are by far the most common cause of objection and delay. In the absence of an overall plan for recreational road use, the same overall issues play out again and again in the development of each forest management plan.

Although the vast majority of crown land where forestry takes place is designated as general use, a few areas have the land use categorization of ***Remote Access Enhanced Management Area.*** This type of land use category provides for the restriction of recreational motor vehicle use. Although the use of Remote Access EMAs has been limited to date, comments from the forest industry indicate that the designation significantly reduces conflict during the forest management planning process. This provides strong support for the argument that a comprehensive recreational motor vehicle use strategy would significantly reduce conflict and delays in forest planning and the associated costs.

Managing Larger Areas

Past attempts to manage remoteness have generally attempted to protect individual, identified or point tourism values, such as an outpost camp on a remote lake. These efforts have been extremely localized in scale (doughnuts around lakes) and aimed at specific business interests.

In order to be successful, we believe that a recreational access strategy must plan over a much broader land area. Creating separate "zones" for motorized and non-motorized recreational use will provide for much more effective planning for all sorts of activities, and minimize the potential for ongoing conflict at the borders of the zones. This level of planning certainty will undoubtedly lead to greater investment confidence on the part of the tourism industry, and more effective planning over the range of recreational opportunities on the land base.

Summary

Although previous land use planning exercises, such as Ontario's Living Legacy have attempted to protect these remote values, this protection has largely been in the form of parks and other protected areas. As important as these exercises are, they can only address a small portion of the Ontario land base. Our natural resources are simply too important economically and to the survival for northern communities to set aside ever increasing blocks of land from resource extraction and other economic activity.

A significant aspect of this proposal is that it does not hinder important industrial activities such as forestry or mining, but simply manages "remoteness" as a natural resource value along side these other undertakings. It has been clearly shown by consumer spending preferences that "remoteness" is every bit as real a natural resource as a board-foot of lumber or an ounce of gold. This planning approach simply provides a framework to effectively manage remoteness as a natural resource value on the intervening landscape outside parks and protected areas in order to enhance the social and economic benefit derived from it for the people of Ontario.

It is also worth noting that this approach does not attempt to protect tourism interests separately from other recreational interests. Tourism and recreation are, in many ways, a single entity. Some recreational activities are provided by commercial enterprises, some by government entities, like provincial parks, and others are accessed independently by users. All provide varying combinations of social and

economic benefit to individuals and communities. The aim of this exercise is to provide a planning framework for optimizing these benefits, while minimizing user conflicts.

Finally, it should be noted that the approach advocated here can probably be accomplished within the existing regulatory and policy framework. This is not about creating new legislation, regulation or even policy. It is simply an attempt to connect a variety of existing legislative and policy directions in a coordinated way so that recreational and tourism opportunities can be enhanced, user conflicts reduced and important industries such as mining and forestry protected.