

Sunnyside: Hashing out the details behind the RCA's new trail development.

Community collaboration can happen if parties work together proactively with intention to create solutions, not conflict. This article aims to provide the public with references and resources to build a thorough understanding of the processes behind recreational use of crown land, specifically how it relates to the Revelstoke Cycling Association's proposed new trail network, Sunnyside.

In a development called 'Sunnyside' the Revelstoke Cycling Association (RCA) has partnered with Recreation Sites and Trails BC (RSTBC) to construct a new trail network above the start of the existing Mount Cartier trail on the Southern flanks of Mount Mackenzie. Although the recent construction of the initial trail, Haulin' Daze – a blue, flow, jump trail similar to other RSTBC partnered trails like Half Nelson in Squamish and Turnstyles in Nelson – seemed to draw the first real public attention, the strategic and administrative work behind this development has been ongoing for several years.

Using the development of Sunnyside as a case study, this article aims to outline the process and give the community a better understanding of how Sunnyside has come to exist in the Revelstoke mountain bike trail repertoire. As it should be, the ability to build and maintain recreational facilities on Crown Land is heavily regulated – and requires much pre-planning, which has been the case since the initial proposal.

Public Use of Crown Land

"Crown land is land (or land covered by water like rivers or lakes) that is owned by the provincial government. This type of land is available to the public for many different purposes – from industry to recreation and research."¹

"Maintaining or developing recreation sites and trails on Crown land requires authorization by Recreation Sites & Trails BC (RSTBC), (branch of the Ministry of Forests, Land, Range and Natural Resource Operations)... Recreation site, trail and facility development must adhere to established principles and standards for planning, designing and construction activities."²

Mountain Biking on Crown Land in Revelstoke

While theoretically, any individual can apply to develop trails on Crown Land, the likelihood of isolated applications being accepted is low. Organizations like the RCA, which boasts over 800 members to date in 2019, have a much stronger engagement as they represent a larger segment of the local recreational community. Locally, the RCA has a long history (over 20 years) of collaboratively working with RSTBC to develop and maintain mountain bike and multi-use trails in the Revelstoke area. In fact, in 2018, the two

¹ <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land>

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<https://www2.gov.bc.ca/gov/content/sports-culture/recreation/camping-hiking/sites-trails/program/maintenance-development>

groups collaboratively completed a trail planning strategy that assessed the current trail assets, compared them to similar communities and identified threats to their sustainability.

In the summer, mountain bike trails are used by hundreds of local residents. The involuntary membership to the RCA has seen steady growth the past few years and currently sits at over 800 members and over \$ 12,000 of local corporate sponsorships. Evidenced as well by the increase in businesses providing mountain bike sales and services the mountain bike community in Revelstoke is a thriving and active sector of Revelstoke. And, although the RCA is a members focused association, it is important to mention the enthusiastic number of tourists who travel to Revelstoke to experience our well-maintained and thought out trails.

The Revelstoke Mountain Bike Trail Plan states that “two popular existing riding areas, Mount Macpherson and Boulder Mountain are well suited for cross-country and downhill biking, respectively. Moving forward, the RCA would like to reduce and manage potential conflict with logging companies in these areas, as well as continue to improve connectivity and maintenance of the existing trail networks. With the advent of the new ‘enduro’ style mountain bikes, riders are now looking for trails with moderately challenging and fun uphill but also feature filled, moderate to hard downhill trails as a reward for their uphill effort. ...Enduro style community events hosted by the RCA in the summer of 2017 were³ the most well received and had the highest turnouts of any local ‘Toonie’ race events in Revelstoke’s history.”⁴

The concept and location of Sunnyside was born out of the notable amount of mountain bikers who ride the historic Mount Cartier trail early in the spring each year. Mount Macpherson is on the dark side of the valley, and Boulder is higher in elevation. Sometimes mountain biking in Revelstoke is not an option until mid-May, which causes heavy use of this historic hiking trail. As an existing Recreation Site, and also within the Controlled Recreation Area managed by Revelstoke Mountain Resort, this area of Crown Land had previously been designated for recreational use. Other benefits of this location and drawbacks of others are outlined in the Revelstoke Mountain Bike Trails Plan.⁵

Authorizing Maintenance & Development of Recreation Sites and Trails

Once a plan is in place and a detailed application is submitted, a Section 57 letter of approval is the authorization required from the Minister to develop and maintain a recreation site and trail on Crown Land within B.C.⁶

“Prior to maintaining or developing a trail or recreation facility on Crown land the proponent must have the consent of the District Recreation Officer. Recreation maintenance and development activities may

³ Enduro races continue to be the most popular club event in 2019, drawing upwards of 80 riders each event.

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<http://www.sitesandtrailsbc.ca/resources/REC2462/documents/Revelstoke%20Mountain%20Bike%20Trail%20Plan.pdf>

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<http://www.sitesandtrailsbc.ca/resources/REC2462/documents/Revelstoke%20Mountain%20Bike%20Trail%20Plan.pdf>

⁶ http://www.bclaws.ca/Recon/document/ID/freeside/00_02069_01#section57

occur only at recreation sites and trails established under Section 56 or at trails and recreation facilities authorized under Section 57 of the *Forest and Range Practices Act (FRPA)*.⁷

In order to apply for a Section 57 authorization, the submission is made through Front Counter BC, which is the main public access point for any applications under FRPA. This standardized process allows the group applying to make their request known to the District Recreation Officer (DRO) with RSTBC and provides a detailed application including GPS location data. The DRO is responsible for evaluating the application for its ability to meet the greater recreation needs of the area and identify any stakeholders or environmental impacts that should be addressed through a referral process before approval is granted, or if not feasible for any of these reasons, denied.⁸

The referral process is similar to what happens within the City limits for a development permit. Stakeholders within the area with registered interest in the land are sent a letter explaining the intended development and giving the stakeholder a chance to respond. In a situation like Sunnyside, the process includes First Nations consultation, environmental consultation with MFLNR staff, tenure holders for recreation and industrial use, and water licensees, among others. While Sunnyside falls in an area with very few identified areas of concern for most of the referrals sent, the one issue that was identified was with neighbours using streams for domestic water on the hillside.

Section 57 Applications for Mount Cartier

The Section 57 application by the RCA to develop mountain bike trails on the southern slopes of Mount Mackenzie was prefaced by a roughly 20 year partnership with RSTBC and was submitted while the two groups were also working together to create a greater mountain bike trails strategy for the surrounding area of Revelstoke. There was much thought put into the needs of the area compared to the ridership, assets of similar communities, and greater mountain biking trends. The strategy includes an in-depth evaluation of existing networks and discusses the identification of the Mount Cartier area as a suitable location for a network to fill the gaps in the local trail assets. Released in March 2018, this document was a public demonstration of the potential for the area.

The RCA had previously submitted a Section 57 application for a looped trail in the area, which was approved by RSTBC, however the approval was not carried out as further investigation on the ground discovered that the path of the proposed trail intersected many wet and rocky areas of the mountainside that would not have been sustainable to build or maintain a trail in. The RCA went back to the drawing board for a better plan.

The RCA's is not the first application to develop the area made to RSTBC by a public group. In 2014, the original historic trail received a reroute through a Section 57 letter approving a proposal by the owners of a neighbouring property who were concerned about the proximity of the trail to their private property. The approval of this application granted the neighbour permission to reroute the historic trail away from their lot line and its original gently climbing path to a more direct route up the hillside, which has since created ongoing issues where the lower section converges with a source of ground water.

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<https://www2.gov.bc.ca/gov/content/sports-culture/recreation/camping-hiking/sites-trails/program/maintenance-development>

⁸ <http://www.frontcounterbc.gov.bc.ca/apps/app139.html>

Water Licensing and Rights

“The Water Sustainability Act is the principal law for managing the diversion and use of water resources.”

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Water in B.C. is a plentiful and important resource to maintain for ecosystem health and downstream users’ needs. However, there is the ability for the public to apply to divert a stream for use by applying for a water.

“Water licences and approvals allow people to divert, use or store surface water or groundwater, or to make changes in and about a stream.

Water licences and approvals are issued for water use purposes supporting agriculture, commerce, domestic household requirements (surface water only), habitat conservation, industry, natural resources development, power production, water storage and water supply.

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) authorizes licences and approvals, and holders must comply with provincial, local and in some cases federal regulations.”¹⁰

The challenge in water licenses is that they are not mandatory to obtain for diversion of surface water for domestic use under the Water Sustainability Act.¹¹ Although it is not required, domestic users are encouraged to license their point of diversion as this creates a record of their water use and helps to ensure that their use is considered by decision makers dealing with other licence applications. Licensing a domestic water intake literally puts the point of diversion on a map that is available by government offices and the general public.¹²

It is this map that is used by RSTBC when identifying water licenses that require a referral for developments. Without a license, the water usage is not easily identified.

Interestingly enough, although the water usage by private entities is called a water right, there are no real protections in place for these users. The Licenses are in place to protect the water they are using, and there is no guarantee of quality or quantity of water for domestic users diverting water from Crown Land. This is very different from the designation of a Community Watershed, an area of land that sheds

⁹ <http://www.bclaws.ca/civix/document/id/complete/statreg/14015>

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<https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals>

¹¹ <http://www.bclaws.ca/civix/document/id/complete/statreg/14015>

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https://j200.gov.bc.ca/pub/ams/Default.aspx?PossePresentation=AMSPublic&PosseObjectDef=o_ATIS_DocumentSearch&PosseMenuName=WS_Main

water into the source of water for an entire community, which is “defined under the *Forest & Range Practices Act* (FRPA) as all or part of the drainage area that is upslope of the lowest point from which water is diverted for human consumption by a licensed waterworks. Community watersheds must also be designated under the Government Actions Regulation.”¹³

There is an online map of all the designated community watersheds in B.C. with Revelstoke having three which shed into the Illecillewaet River, above the intake for the community water source in Revelstoke.¹⁴

Water Licenses on Sunnyside

While there is currently one point of diversion licensed downhill from the Sunnyside, who was given a letter of referral when the application was submitted, there are two other unlicensed points of diversion that are now known to RSTBC and the RCA. One of these points of diversion has existed downstream of the historic Cartier Trail since the water use began. However, even before the RCA had submitted the Section 57 application and the formal referral process began, the resident who was licensed quickly alerted the neighbour of the proposed development in the area and they both approached the RCA with their concerns at a town hall meeting held in the Spring of 2018.

When building recreation trails, the Water Sustainability Act (WSA) provides sufficient guidelines to protect the health of streams. As per the WSA, there would be a license required to divert the flow of a stream – however there were no stream diversions planned for the Sunnyside area as mountain bike trails are easily bridged over any flowing water as to not interrupt the flow.

In the WSA, there is a prohibition on introducing foreign matter into stream, which would protect any stream from a development impacting the water:

46 (1) *Unless authorized under this or another enactment or excepted under subsection (2), a person must not*

(a) introduce debris, refuse, carcasses, human or animal waste, pesticides, fertilizers, contaminants or another matter or substance into a stream, a stream channel or an area adjacent to a stream, or

(b) cause or allow debris, refuse, carcasses, human or animal waste, pesticides, fertilizers, contaminants or another matter or substance to be introduced into a stream, a stream channel or an area adjacent to a stream

in such a quantity or in such a manner as to cause a significant adverse impact to

(c) the stream or stream channel,

(d) the existing uses of the water from the stream,

(e) the property of riparian owners on the stream,

(f) an aquifer that is hydraulically connected to the stream or the existing uses of the water from that aquifer, or

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<https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-quality/community-watersheds>

¹⁴ <https://catalogue.data.gov.bc.ca/dataset/community-watersheds-current>

(g)the aquatic ecosystem of the stream.¹⁵

Luckily, protection of streams and ground water is not only an important regulation to follow, it is also beneficial for mountain biking trail quality since water erosion and runoff destroys the trails. When building trails the Forest Planning and Practices Regulation requires in Section 47 for Stream Riparian class S6 (3m or less in width) that they be built more than 20m from any banks.¹⁶ This excludes crossings which can be built perpendicular to streams, as long as the crossing is bridged by an acceptable means to minimize any impact to the water flowing below – which in Sunnyside’s case resulted in wood bridges the width of the trail bed.

There is no further regulation requiring additional minimum distance from water licensees’ water intakes. However, in the case of Sunnyside, the RCA took neighbour concerns quite seriously. The RCA is mandated to follow the appropriate regulations for recreational trail development on Crown Land, but as a community organization the intention of the club is to address community concerns individually to ensure the acceptance and longevity of the site. Immediately after concerns were raised and the club learned about these other points of diversion, licensed or otherwise, the neighbours were met for several site walk throughs of built and proposed trails that approached their water sources. Since that initial point of contact, they have had a designate from the board of directors assigned for ongoing communication by phone and email.

After acknowledging with the residents that the trail was planned to approach very close to their intakes, it was in consultation with a hydrologist that RSTBC and the RCA decided it would be reasonable to reroute the trail bed to keep a higher standard for minimum distance than the existing 20m.

There only guidance within FRPA or the previously stated acts that regulate distance of construction from water intakes is the one for construction of roads within a Community Watershed:

- 60** *(1)An authorized person who carries out a primary forest activity must ensure that the primary forest activity does not damage a licensed waterworks.*
- (2)An authorized person must not harvest timber or construct a road in a community watershed if the timber harvesting or road construction is within a 100 m radius upslope of a licensed waterworks where the water is diverted for human consumption, unless the timber harvesting or road construction will not increase sediment delivery to the intake.¹⁷*

¹⁵ <http://www.bclaws.ca/civix/document/id/complete/statreg/14015#section46>

¹⁶ <http://www.bclaws.ca/civix/document/id/complete/statreg/14015#section46>

¹⁷ http://www.bclaws.ca/Recon/document/ID/freeside/14_2004#section60

This section refers to the intake for a community watershed, which is a designated term for the watershed flowing into the water intake for an entire community, such as the Greeley watershed for Revelstoke.¹⁸

As a community watershed is held to much higher standards, and the consequences of building a road in terms of size and traffic is much greater than a non-motorized trail (i.e. risks of fossil fuel traffic rather than bicycles and foot), the 100m standard deemed by the hydrologist seemed to be a responsible standard to follow and led to a careful reroute of the proposed trail layout to maintain these distances. As constructed today, the closest point of trail is 106m from the nearest water intake to the trail.

In addition, due to the general concern about water sustainability and impact on streams on the mountainside, RSTBC wrote in the approval of the RCA Section 57 letter, issued earlier in the spring of 2019 that the current path of the lower Cartier hiking trail be deactivated. This section of trail, rerouted under a Section 57 in 2014 intersected with a source of groundwater causing trail erosion and sustainability issues, so in keeping with the concerns of the public it would be rerouted so hikers use the new, one-way for biking, climb section of the mountain bike network and ease the impact on the groundwater flowing through the old trail.

What is Sunnyside's Future?

For those following along, the new Sunnyside trails still remain closed. The RCA and RSTBC is working hard to finish the last few tasks that will allow the recreation site to be safe and sustainable for public use. Recent installations include an outhouse at the parking lot, clearing of dangerous debris at the trailside and signage throughout the network to direct and inform hikers, runners and bikers using the area. The final work will include consultation with professionals to enact a revegetation plan to reduce the newly built appearance of some sections of trail – however this work will be ongoing with the help of nature during this fortuitous lush and wet summer season we are experiencing.

The RSTBC and the RCA will be monitoring the need for increased parking although there are plans set for is and when the parking exceeds the network's capacity. The RCA encourages all riders to warm up their legs on Airport Way and ride to the trails to minimize the traffic at the trailhead.

There are currently no plans to build anymore machine built trails in the style that was constructed this spring, however the RCA will be spending time laying out plans for hand built trails that will need to be applied for and approved by RSTBC before they are built. If anyone is interested in this process, has input on trails, or would like to be informed of future development, please contact us.

Throughout the build process, the RCA has learned that area residents would have appreciated more consultation in the planning and development of this network. We have not experienced this type of interest from the community in past developments, which have simply followed the RSTBC required referral process. However, now that we understand this, we will be careful to inform residents of Airport Way of any future applications.

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The historic Cartier trail to the lookout remains as before except for the reroute lower down on the trail. Once open, we also welcome all users to take the new climb trail, Sunnyside Up, to a secondary lookout with incredible views of Begbie views. It is important to note that the machine built, downhill trail named Haulin' Daze is for downhill biking traffic only for safety reasons.

What Happens Next?

We encourage any concerned residents to contact us directly, as we take each concern very seriously. It is the intention of the RCA to maintain a positive relationship with all community members; however, it is important that you reach out and make sure we hear your voice. Please contact us directly, with a positive voice and solutions in mind, knowing that we will work with you for a resolution. We have not heard many concerns directly which makes them very difficult to address.

Our board is made of dedicated volunteer members of the mountain biking and greater community of Revelstoke. We want to collaborate with our whole community and hope the community will do the same with us. We encourage you to become informed and understand the government regulations that we work within before offering criticism of processes. If you or your community organization have a specialty and you think you could help us do better, please get in touch! These developments can only be improved by community groups working together.

As for Sunnyside, the rain this season has provided the network with a good solid base of trail bed and despite the wet weather, the trail has proved its quality of build and is setting up to be a sustainable, responsibly built hallmark of the Revelstoke trail network. We hope to soon announce it as open for you all to enjoy.