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The Quiet Urbanization of the Backcountry: Part I

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Commercial recreation ventures with permanent cabins and lodges are popping up in the backcountry, often without public knowledge and with a large amount of government discretion in their development. Rustic four-season resorts are replacing outfitter camps. Upscale trapper's cabins overlook prime vistas. Permanent wilderness camps leave heavy footprints on the land. Long-term commercial recreation ventures in the eastern slopes are being approved without long-term overall land planning in which ecological integrity is given priority over development.

Fifteen years ago, Dr. Herb Kariel and Dr. Dianne Draper studied the effects of tourism on mountain regions worldwide. No matter where they looked they found the same story – gradual urbanization of rural and wild areas by monied travellers lured by the beauty of the natural environment. “There is a finite amount of high quality natural environment available to attract tourists,” said Draper. “We don't seem to appreciate that our incremental decisions reduce both the quality of the landscape and our future options” (*Catalyst*, May 1990, University of Calgary).

In part one we look at how some simple summer outfitting base camps have metamorphosed into four-season resorts without public input and how difficult it is for the public to learn about them. In part two we investigate other types of backcountry developments that have sprung up, the history of commercial recreation in the Eastern Slopes, and what all of this means for our wilderness.

Panther River Adventures in Bulldozing

In May 2005, Terry Safron, owner of Panther River Adventures, a guiding and outfitting company, took a D6 caterpillar tractor into a non-motorized Forest Land Use Zone (FLUZ) for a construction project. He bladed a regenerating old trail into an obvious new dirt road, leveled a campsite and bladed access to it, and ripped up a meadow on public land opposite his base camp to make it unattractive to random campers. The meadow had a large “Tread Lightly” sign on it. He also crossed the Panther River a reported nine times over 15 kms.

Other users of the area were irate and one of them phoned AWA to complain. Why was an outfitter allowed to do this to the backcountry? Was he making or breaking the rules? Even the oil and gas industry has to meet certain standards before they can cross streams and blade new roads. Panther River flows eastward to meet the Red Deer River near the Forestry Trunk Road in the central foothills. Panther Road follows the river for a short distance, providing access up the river.

Panther River Adventures is one of several base camps along the Panther River; others are Barrier Mountain Outfitters and Sunset Guiding and Outfitting. They consist of 10-acre base camps that have sprouted a variety of amenities. They lie in a slim area along the Panther River that is zoned in the Eastern Slopes Policy as General Recreation. Management of this zone is supposed to emphasize maintaining the natural environment for a wide range of outdoor recreation opportunities, including such things as maintaining vistas or improving stream habitat for fishing.

The original intent of such camps was to provide commercial trail riding operators with a fenced area where horses could be held while waiting for the arrival of clients or at the end of a trail ride. They were meant to be unobtrusive and most facilities were to be removed at the end of the season, which runs from May 15 to September 30.





Soon small buildings were allowed at the camps for storing horseriding equipment. Then they started operating year-round with permanent housing and staff. Now they have metamorphosed into four-season resorts offering rental accommodation cabins, RV sites, restaurants, and a growing list of urban amenities that were never envisioned under the early concept of trail riding base camps.

Horses kept penned in the same site continuously have severely eroded the ground. There is concern that the river may be contaminated due to seepage from a growing number of human septic systems and accumulating horse manure and urine from these resorts that sit right on the banks of the river.

Panther River Adventures sports a range of permanent structures, including living quarters, in addition to 10 RV sites, horses, and equipment, including caterpillar and backhoe. They even advertised that they would board horses, but, according to Public Lands, their sign has now disappeared.

Public Lands says the pressure of providing year-round services is from contractors working for Shell and Suncor who want to stay near work, but don't live in company camps. Safron was even selling fuel to these contractors, until that operation was shut down. The situation has caused a great deal of conflict with Mountain Aire Lodge, the official lodge in the area, which lies in a Facility Zone on Highway 734 close to where the Panther River meets the Red Deer River. Facility Zones allow greater commercial development.

Safron was issued a temporary field authorization, with conditions, under the Public Lands Act by SRD Land Management Officer Norman Hawkes of the Crowsnest Forest District for much of the recent construction work. Public Lands refused to allow him to disturb the meadow, a condition that he ignored and for which he may be charged.

Safron also failed to get approval from the federal Department of Fisheries and Oceans (DFO) to disturb a river bed and fish habitat, even though at that time DFO had a fully functioning office in Calgary. That led to an investigation by DFO. A package was sent to DFO's legal section for a decision on charges. Then the axe fell on DFO, and the Calgary office, along with others recently established across the prairies, suddenly lost most of its employees. The Panther investigating officer was one of them. When AWA contacted the office this fall, we were told that charges were unlikely. Charges may still be laid regarding the unauthorized blading up of public land across the road from the Panther River Adventures resort.

Safron claimed he was simply trying to maintain existing trails and fix erosion problems. He said he spent about \$5,000 on the project and did only what he thought he was allowed to do. Public Lands is apparently satisfied with the road work, but not the work done at the camp. The purpose of changing a trail into a road was to allow horse-drawn wagons safe passage to the camps. Wagons allow people to bring in a large amount of gear, including, for example, floor boards for tents, electrical generators, beds, and building materials. It is not uncommon for these wagons to tip over into the Panther River, spilling their contents.

Public lands manager Rick Blackwood doesn't see these wagons as a problem, saying that outfitters were providing a wide range of experiences to fulfil the expectations of diverse clients. He argued that wagons cause at least as much damage to a river bed as a caterpillar. There are no policies or regulations governing the use of wagons in the Eastern Slopes.

Site visits by AWA in June revealed that more was at stake than the integrity of the river and a backcountry trail. Previous letters of concern in the past two years had received unsatisfactory responses. This time a letter was sent to Minister David Coumts with 18 specific questions about the bulldozer operations done by the owner of Panther River Adventures, and under what regulations base camps could become four-season resorts. A month later only two questions, and not key ones, were





answered. AWA sent another letter, and another month later SRD's reply only partly answered a few more questions.

One unanswered question is why the Panther Corners area, which forms the southern portion of the Bighorn Wildland, is now administered out of Blairmore, when it has traditionally been part of the Clearwater Forest administered from Rocky Mountain House. Norman Hawkes, the Blairmore officer contacted by Panther River Adventures, did not know the ramifications of his decision when he granted Panther River Adventures a "temporary field authorization" for bulldozer trail maintenance; nor did he know the local fury it would create. In fact, Hawkes says he will never give such authority again. AWA has requested that the minister readjust boundaries so that all of the Bighorn lies within one jurisdiction.

Forced to FOIP

AWA was told by Don Livingston, the land management officer for the Clearwater Forest Region, that we must make a FOIP (freedom of information) request for further information on the lease arrangements. The price for documents on two Panther Corners sites and two other new backcountry operations in which we are interested was a hefty \$1,862.19. We appealed for a fee waiver, which involves meeting 13 criteria that are set out in the Information and Privacy Commissioner's Order 96-002. The main question was, would the release of information be in the public interest?

Although we were told we had handled the criteria impressively, SRD wrote, "After careful consideration the department has determined that your request for a fee waiver does not meet waiver criteria." There was no further explanation – an unacceptable, but not surprising, response. But SRD called to negotiate. They offered AWA options such as half price for half the files. But AWA believes we have a right to this information for free. On October 20, 2005 we launched an appeal with the Information and Privacy Commissioner, which will not be reviewed until January 2006.

In 1999 the Information and Privacy Commissioner waived the fees for a request made by well-known Rocky Mountain House veterinarian Martha Kostuch (Order 99-015). The Commissioner found that Kostuch "serves both a public education function and an environmental watchdog function. As such, a broad public would benefit from the Applicant" having the information requested, in this case Sunpine's annual operating plan, which Alberta Environment refused to make publicly available. Kostuch has also received other fee waivers.

Laws and Policies

Commercial trail riding operations are governed by the Commercial Trail Riding Dispositions. Regulations were originally developed in 1979 following the formulation of the 1978 *Commercial Trail Riding Policy for the Green Area of Alberta* (Alberta Energy and Natural Resources, Report No. 67). In 2000, various public lands regulations were streamlined and consolidated into the Disposition and Fees Regulation following a government-wide regulatory reform process, but the policy still applies.

Operators must obtain a permit, good for one year, for trail riding in a designated Trail Management Area and submit an annual operating plan. Those with a good record can obtain five-year permits. Operators in a single operator trail ride management area requiring a base camp can obtain a five-year base camp lease. Other requirements for base camps are spelled out in the policy.

Prior to the policy, operators were required to obtain a Licence of Occupation for base camp sites. They had a term of one year and had limited conditions of operation. The policy noted that because of limited requirements and standards, and little assurance of continued tenure, "trail ride facilities and services have tended to be of a lower than desirable quality." By bringing control and stability to the industry, the policy aimed to encourage higher quality.





The policy established base camp areas of a maximum of 10 acres, increased the lease term to five years, and gave the lessee exclusive possession of the base camp site. These Miscellaneous leases were governed by the *Public Lands Act* and the Miscellaneous Lease Regulations. In addition, it was the operator's responsibility to maintain all trails used to "ensure reasonable safety to the user and protection to the environment." Base camps were not allowed on environmentally sensitive lands in the Prime Protection Zone.

Base camps were required to comply with Alberta Forest Service standards, including permanent corrals, approved feed storage, feeding and watering facilities for horses, and approved toilets and garbage disposal facilities, all to be located more than 150 metres from a watercourse. All horses and facilities except tent frames, feed storage facilities, and toilets had to be removed from the base camp 15 days after the close of every season, which ran from May 15 to September 30, unless written approval was obtained from the Forest Superintendent. However, the policy also mentions that the operator shall maintain all buildings and improvements erected in a satisfactory condition.

We asked, "Under what authority have these 'base camps' been turned into year-round resorts?" The government replied, "Under the *Public Lands Act*, Disposition and Fees Regulations, year-round commercial/recreational activities have been approved by issuing a miscellaneous lease." However, this is not clear at all from either the regulations or the policy.

A miscellaneous lease, which is normally issued for 10 years with a maximum renewable term of 25 years, allows the minister to make carte blanche decisions on our public lands without any notice to or input from the public. Such a lease allows the holder to then sell "improvements" for whatever the market will bear. In fact, Sunset Guiding and Outfitting is currently up for sale for a hefty price. Most of the rules governing these leases are now covered by policy, rather than the spare regulations.

The commercial trail riding policy does not allow year-round operations, but much, clearly, is being left to the Minister's discretion. Operations requiring permanent structures and long-term tenure are now generally required to go through the Alberta Tourism Recreation Leasing process, which may also allow for public review.

Commercial backcountry recreation can be viable and environmentally friendly when carefully planned. But AWA sees current developments as a growing threat to the well-being of publicly owned lands and resources in the Eastern Slopes watersheds, wildlife habitats, and wilderness landscapes. We are seeking remedies for both protection from the urbanization of the remaining Eastern Slopes wilderness and for greater democracy in decisions about public lands policy.

