



AR 60814

February 11, 2015

Ms. Brittany Verbeek
Conservation Specialist
Alberta Wilderness Association
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Dear Ms. Verbeek:

As a follow up to our meeting of January 14, 2015, the following is a written summary of our discussions regarding the Alberta Wilderness Association's concerns and questions about the Off-Highway Vehicle events within the Livingstone Porcupine Hills.

Based on working knowledge of the area, Environment and Sustainable Resource Development (ESRD) is aware that Motorcycle events have taken place in the Livingstone Porcupines Hills for over 25 years, and prior to 2011, they were not required by legislation to have any form of authorization. In 2010 the Public Lands Act (Revised Statutes of Alberta 2000 Chapter P-40) came into force, with the Public Lands Administration Regulations (AR 187/2011) coming into force in 2011. These two pieces of legislation made it a requirement that an access permit be obtained to use vacant public land for commercial purposes. An access permit is a temporary authorization that expires after 14 days. Currently there is no directive on access permits and until one is developed, we have been issuing Temporary Field Authority (TFA) for this purpose.

The TFA allows a form of control of the event in that the location of the course must be provided by the proponent in the form of a GPS track. There are also conditions on the TFA such as:

- 1) Notification prior to the event and when the event is completed.
- 2) The event is to take place on existing clearings/trails. No new trails are authorized.
- 3) The activity must be suspended if there are adverse ground conditions that are likely to cause unacceptable damage.
- 4) Temporary single span bridges are to be placed over water crossings.

- 5) The holder is required to remove all garbage and waste material from the site. If the garbage is to remain overnight then it must be stored in bear proof containers.
- 6) The event holder is also required to notify Grazing permit holders within the area.
- 7) The TFA also states that it is the responsibility of the permit holder to ensure that they follow and obtain all other Federal and Provincial permits. For example Species at Risk and Department of Fisheries and Oceans approvals.

From 2011 to 2014 a total of 11 applications were received and 11 TFA's were issued for Commercial Motorcycle Events within the Livingstone Porcupine Hills. Below is a breakdown of the number of TFA's issued:

- 1) 2011, 2 events
- 2) 2012, 3 events
- 3) 2013, 4 events
- 4) 2014, 2 events

These numbers do not show an increasing trend of applications for these types of events and based on local knowledge these numbers are consistent with what has been observed on public land within the Livingstone Porcupine Hills prior to 2011.

Since, 2011 ESRD has been taking an educational approach with the Motorcycle clubs regarding the requirements for permits and introducing new changes in legislation. These changes include: the new Public Lands Act; how the Water Act applies to these events; timing policies for commercial and industrial activities and the most recent being the Westslope Cutthroat Trout Recovery Plan.

No courses have been approved within the Prime Protection area (Zone 1) as defined in the Livingstone Porcupine Hills Sub Regional Integrated Resource Plan. Timing restrictions as per the biodiversity zones are also observed. Unless otherwise identified the timing restrictions for no construction south of highway 1 and west of Highway 2, fall between December 15th and April 30. We have not received any applications for these events that fall between these dates.

Water Act authority has not been required in the past as single span temporary bridges are part of the TFA conditions and these bridges are exempt from the Water Act and the Code of practice as they are within the Green Zone.

As mentioned in our meeting, the application is reviewed and some pre-event audits of the course are conducted as well as post-event audits. This is a risk based audit approach as we do not have the resources to complete an inspection of the entire course. If problems are noted staff will meet with the event organizers to address the issues and discuss how they can improve planning for the future events. During 2013 and 2014, flood related applications and approvals became our priority and as a result, not all events were audited.

Currently there is one on-going investigation for an event that was not authorized.

It is agreed that a compliance presence is required on public land. Currently our Ministry is working with the Solicitor General and our Parks Division to address this.

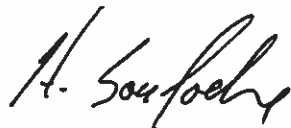
During our meeting, the AWA brought forward some noteworthy ideas however these ideas would be difficult to implement due to existing policy constraints. Examples of these ideas:

- 1) Security deposits
- 2) Performance bonds
- 3) Fees for these events
- 4) Qualified Aquatic Specialists

We are currently in the planning phase for a Recreation Management Plan for the Porcupine Hills and will soon be in the planning phase for a Recreation Management for the Livingstone Area. ESRD recognizes Alberta Wilderness Associations interest in these areas and will ensure that you will be contacted once the public consultation and engagement processes for these plans have been defined.

Your interest in the Livingstone Porcupine Hills is appreciated, and we welcome your views and participation in the Porcupine Hills Recreation Management Plan. This plan is a requirement as per our commitment to the South Saskatchewan Regional Plan 2014, and will offer the opportunity to add input into how recreation activities are managed into future. If you are still interested in providing recommendations to the recreation management plan for this area, please contact Marina Irwin (Land and Resource Management Forester) at 403 562 3131 or email: Marina.Irwin@gov.ab.ca. For any other inquiries you can contact Michael Taje (Land Management Specialist) in Blairmore at 403 562 3142 or email: mike.taje@gov.ab.ca.

Sincerely,



Henri Soulodre
Approvals Manager – Lands
Environment and Sustainable Resource Development
South Saskatchewan Region

cc. Marina Irwin – ESRD Resource Management
Michael Taje, ESRD Lands Approvals