

# Response To Scott Fraser

## Access Report Oct. 16 2018

Atten: Scott Fraser MLA

Thank you for allowing me to participate in the discussion on backcountry access. Please find below my comments and further suggestions to your access report from Oct. 16 2018.

Bill Holcombe

1 Our office would like to share the following proposed solutions with the Provincial Government, through the Ministry to Forest, Lands, Natural Resource Operations and Rural Development (FLNRORD).

- investigate amending the Private Forest land to include recreational use

**Bullett-1 Amend to include Forest Act and any other applicable acts**

Place covenants on future land sales for public access

**Bullett-2 Covenant is a formal binding agreement. Will this apply to the sale of all land, crown (public) land, or just private forest land.**

Investigate the use of legislation for access to provincial parks

**Bullett-3 agree to investigate and implement**

Investigate possible legislation created to further protect companies from liability laws. An example would be Denmark's common sense law.

**Bullett-4 Disagree, don't know what Denmark's common law states.**

Investigate possible tax breaks for land owner companies for costs associated with maintaining and managing public access.

**Bullett -5 Agree**

Look at possible purchase or acquisition of land for parks and access to parks.

**Bullett-6 Agree, with access provisions.**

Look into treating mainlines to provincial parks as crown land.

**Bullett-7 could be forest service controlled right of way.**

Look into management of the back country paid by the public via taxes.

**Bullet-8 Would this be in the form of a backcountry licence, or taxes from general revenue? Hunters, fisherman, trappers and guides already pay a licence.**

2 Our office would like to share the following proposed solutions with the local government, through municipalities, regional districts and first nations;

- look into waiving dump fees on a regular basis (weekly, monthly, bi-monthly) to avoid illegal dumping in the back country

**Bullett-1 Garbage is a societal problem and disposal should be paid through taxation. Free dumping would encourage less unauthorized dumping. Commercial dumping could face a dumping fee.**

Look into modifying existing dumping laws to increase fines, use this increase to offer incentives for people to report illegal dumping.

**Bullett-2 Agree, but we need more enforcement officers in the field.**

3 Our office would like to share the following proposed solutions with companies;

- investigate making designated user access areas

**Bullett-1 Agree, like forest service style camping, boat launches, wood cutting areas mushrooming areas etc.**

- Update signage with a reporting hotline for people who witness abuse on their lands.

**Bullett-2 Amend to say "Update signage with a reporting hotline for people who witness illegal or non-compliance issues on private lands".**

- Look into implementing a new and improved reporting system for non-compliance

**Bullett-3 Agree, but report to whom; company, Conservation officers, RCMP?**

- Investigate bringing back the light systems on logging roads; red, means active logging, amber means possible activity-proceed with caution, and green means okay to proceed

**Bullett-4 Active Logging signs should be sufficient. Port Alberni area has never had a light system.**

- Investigate the possibility of a registry where members of the public, register their vehicle information with the company which promotes accountability.

**Bullett-5 Disagree strongly: Encourages private companies to collect personal information, and may be against privacy acts!**

4 Our office would like to share the following proposed solutions with the companies and FLNRORD to:

- look into providing individuals to long term permits for camping and recreational use.

**Bullett-1 Agree: Guide Outfitters, Trappers and Prospectors may need long use permits. Permits should also be available to organised groups such as fish and game clubs, Boy scouts etc.**

- Work together to provide education to the public and user groups about safe access issues concerning seasonal usage and logging practices.

**Bullett-2 Agree**

- Investigate the use of a dedicated corridor through private land to give access to provincial parks. This access would be 24/7 access, with consideration to fire season

**Bullett-3 Agree: Public access to public resources should be absolute top priority!**

5 Our office would like to share the following proposed solutions with companies FLNRORD and local governments.

- ensure that gates on roads used for emergency routes are left open all year around,

**Bullett-1 Agree: Top priority for public safety reasons**

- Investigate the use of access agreements with a larger scope. Instead of an access agreement with user groups, the access agreement would be either the regional district, local council, or provincial government.

**Bullett-2 Agree: Public access agreements should be for everyone not select individuals or groups.**

6 Our office would like to share the following proposed solutions with the companies and user groups to work together to;

-explore the option of implanting a trail patrol program similar to citizens on patrol. These patrols would help monitor and manage the back country. The patrols would also assist with clean up and enforcement of safety measures. This would include utilizing the various user groups to be the eyes and ears to report problem users.

**Bullett-1 Any citizen group should be educational and monitoring (record and report) only. Managing and enforcement should be left up to professionals.**

- Identify which access points are most utilized. This would end with the companies possibly restricting the number of main access points and support these points with cameras and/or security.

Bullett-2 This is the issue of contention, ACCESS! Dedicated **OPEN** access would be preferable to the complete closure, and/or inconsistent access the public is now encountering. Monitoring would be at the discretion of the land holder.

Prepared and Submitted by:

Bill Holcombe

Oct. 24 2018

# Forest Act

## Forest Service Right of Way

Providing access to Crown land is an important responsibility of the Ministry of Forests. Legal forest access is provided in accordance with the Forest Act.

While most FSRs do not impact private land, there are situations where a road must cross private property because of geophysical restrictions or road design requirements. When this occurs, the ministry establishes a FSR right-of-way.

A right-of-way is a strip of land on which a FSR exists or will be constructed to provide access for approved logging operations. ( **Note:** should be amended to include the words, **and public access to Crown lands, parks and waters.** )

The process for securing legal access to Crown land through private land right-of-way is guided by the Forest Act and other forest management priorities of the Crown.

Therefore I strongly recommend that Section 121 of the Forest Act be amended so as to obtain a **Forest Service Right-of-Way** for public access to Crown or publicly owned land.

Submitted By:

Bill Holcombe

March 24 2018

# Private Lands Access Presentation

## ( Island Timberlands Operations )

March 24 2018

Hello, my name is Bill Holcombe. My grandfather came to the Alberni Valley in 1897. I am 70 years old and have lived my entire life, here in the Alberni Valley, where I am currently retired. I think of myself as a resource user. I earned my livelihood from working in the forest industry, and I am a hunter, fisherman, berry picker, hiker, photographer, and all round outdoors person. Access to the lands surrounding Port Alberni is very important to me. As you are probably aware Port Alberni is almost 100% surrounded by private land owned by Western Forest Products and managed by Island Timberlands Operations.

The privatization of the lands in question started in 1871 as part of the terms of union, when British Columbia joined Canada in confederation. The private lands were created by the Provincial Government in 1875 when it granted public land to the Dominion Government of Canada, under the Esquimalt and Nanaimo Railway Act of 1875. The Esquimalt and Nanaimo Railway Act was amended in 1883 to allow land for a right of way for a railway. The lands, about 300,000 hectares, was transferred to the Esquimalt and Nanaimo Railroad Company owned by Robert Dunsmuir, with the stipulation he would build a railway from Esquimalt to Nanaimo. The railway was later extended to Courtenay and sold to the CPR in 1905 and a railway line was then built from Parksville to Port Alberni.

Allowance for roads to or through these lands can be traced as far back as Privy Council Order # 1887 of 1877 and Privy Council Order #1509 of 1918. This shows that as early as 1877 that access to and through these lands could be made available. The road allowance was set out in the E&N Land Act in the amount of: " each quarter section of 160 acres shall be subject to 3 acres in each for allowance ".

In the late 1950's a system of logging under tree farm licences was introduced by the B.C. Government ( Social Credit Party ). The E&N private lands surrounding Port Alberni were included in the TFL system. This was a benefit to logging companies of the day and also gave the B.C. government input, and greater control over the management of these lands. In January of 2007, the liberal government, lead by forest minister Rich Coleman allowed these lands to be removed from the TFL system and revert to private land management. This removal benefitted the logging companies by removing complex government rules being applied to logging in TFL's and also resulted in the loss of previous access commitments. It is clear that the Liberal Government did not act responsibly to protect and retain, for the people of B.C. and Port Alberni, public access to or through these lands.

Going forward I make the following recommendations to the current B.C. Government ( NDP ):

1) Immediately secure 24/7 access through the lands in question, on the following roads or routes.

a) from Port Alberni City boundary south, to Franklin River, known as the Sarita/Bamfield Road.

b) the roads known as Cameron Main Line and Pass Main, to provide unrestricted access to Mount Arrowsmith Regional Park, which belongs to the people of B.C.

c) from Port Alberni City boundary, via McCoy lake Road, the logging roads which lead to MacTush Camp Grounds and all crown land in the Nahmint/Hendersen Lake watersheds.

d) the logging roads known as the Comox Trail, from the end of Beaver Creek Road through to Courtenay/Cumberland.

2) I also suggest and recommend that the Government create a **Private Lands Trust Fund**. The money in this fund to be used to purchase desired private lands, on a willing seller willing buyer basis, and return these lands to crown land public ownership.

3) Last, I would propose that the railway corridor which is currently owned by the Island Corridor Foundation, be made available as a bike cycling route similar to the Kettle Valley/Myra Canyon route in the Okanagan. This would not only provide access through these private lands, but would create a tourist opportunity for the city of Port Alberni and in particular McLean Mill Historic Site.

Respectfully submitted by:

Bill Holcombe

Information Sources;

The Great Land Grab Dogwood

Crown Land Grants - LTSA by W.A. Taylor 1975