

Response to Big White Resort's application for expanding its Controlled Recreation Area and its Master Development Plan.

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Near the beginning of the executive summary, one reads that the goals and objectives include “Respect the ***natural attributes of the mountain and the setting***, recognizing that these ***are Big White's primary attraction and currency***.” This suggests that Big White fails to realize (or at least clearly and consistently state) that the attractiveness and the enjoyment that the landscape it uses is not because Big White Resort exists. The facilities that Big White has invested in would have little value if it were not for the existence of the mountain landscape. Tenure arrangements, such as that Big White currently holds and proposes to expand, are opportunities we the people of British Columbia allow Big White to undertake, with the expectation that doing so serves the overall public good. As such, proposals like this need to be examined from the perspective of the impact on the public good, which includes the impacts on site and off of those things that the public has an interest in. It is particularly important to consider how the impacts are distributed across the public, as not all people will be impacted by this expansion in the same way.

A simplistic argument in favor of proposals like this is that the fees, the annual lease payments, and the price that the crown can sell land at for development are revenues collected by the government that it can then spend in the public interest. The weakness of this argument is revealed in the fact that there is an opportunity for public comment, and an at least spoken commitment to take seriously the comments that are made. That this is necessary is an acknowledgement of the fact that there have been and continue to be far too many cases where the public revenue generated by arrangements like that sought by Big White are not in fact used to ensure that those negatively affected are appropriately compensated for their loss. Recognizing this fact, it is important that if this application is approved, the terms of the tenure arrangement require Big White to take actions to directly offset the negative impacts on some of the affected publics. In this submission I will comment on two of these public impacts.

- 1) Current and future users of the proposed CRA expansion.
- 2) Environmental and recreational impacts off site.

Current and future users of the proposed CRA expansion.

Big White currently manages a controlled recreation area.

Mountain resort and community ski area operators are authorized to manage and direct public access within Controlled Recreation Areas year-round for the purpose of safe and orderly

operation of the resort and to conduct development and ongoing maintenance activities (<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/resort-development/public-access-and-controlled-recreation-areas>).

Big White is among a set of resorts known to interpret this privilege as conveying on it the right to exclude the public almost completely from engaging in any recreational activities that do not involve purchasing a lift pass from the resort. Given Big White's failure to find ways to accommodate safe public access to its terrain for recreational purposes, it is reasonable to expect that Big White will behave in the same way in regards to this proposed expanded CRA. It seems that Big White is interpreting its authority provided by the CRA as about protecting its guest experience and protecting itself from lawsuits for failing to appropriately protect the public from its activities.

The terrain outside Big White's present CRA are currently used by both motorized and non-motorized recreators. The adverse impacts on the motorized recreators is recognized in Big White's master plan, with the aim of offsetting this negative impact by providing staging areas and even a portion of its residential development for motorized recreators. Non-motorized recreators who currently use undeveloped terrain within the proposed CRA expansion are not considered.

Human powered recreators are an important group that will be adversely impacted by Big White's proposal. Human powered recreation, including adventure tourism, has seen significant growth. This growth is driven in part by the same technological innovations that have made resort skiing easier for people to learn. However, unlike lift assisted skiing, hiking and mountain biking, exclusively human powered recreation of these types is accessible to people who cannot (often) afford to purchase a lift pass. The way that Big White has effected its CRA management has amounted to exclusion of these people from a public resource that they would be able to enjoy if Big White did not exist.

It will certainly be argued that the additional provincial revenues generated as a result of expanding Big White would enable the province to develop alternative areas for human powered recreators who will be excluded from the Big White CRA. In principle, this is true. However, there have been significant reductions in public expenditures on provincial parks and on recreation facilities on crown land, and a lack of provincial expenditures on enforcement to ensure that recreators leave crown land in as good or better a state than they found it. There is no reasonable expectation that this will change as a result of Big White being granted an expansion of its CRA. Big White and its surrounding high elevation summits are the only easily accessible areas from Kelowna where back country skiing is practical, with Big White's planned buildout consuming most of this. Further, other somewhat less accessible areas that could provide at least some substitution for the human powered winter recreators are also sought after by commercial ventures, such as the Powder Renegades proposal for an area north of Grand Forks, on the south west side of Granby Provincial Park. The mountains that are included in the Powder Renegades proposal are visible from Big White, and currently see some motorized and non-motorized winter recreation.

Given the growing demand for human powered recreation using landscapes like that Big White is currently using, the fact that we are not 'building any more' such landscapes, and the fact that existing landscapes appealing to human powered recreators are also sought after by competing commercial ventures, it is incumbent on the province to ensure that Big White operate its CRA in such a way that maximizes the ability of the public to continue enjoying recreational opportunities within this area, without having to purchase a lift pass or other permission from Big White.

Managing the risks to human powered recreators in a way that facilitates their use of the terrain should not be difficult. Excepting the use of lifts, skiers on the resort are human powered recreators. They are simply not using their own energies to climb the mountain. Big White already provides protection for its paying guests from the hazards that it is charged with protecting the public from in the course of its operations.

Significant public safety hazards are present within Controlled Recreation Areas throughout the year. For example, avalanche areas, rock fall areas, creeks/ponds, active construction sites, heavy equipment, operations vehicles and more are all examples of public safety hazards that could be present (<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/resort-development/public-access-and-controlled-recreation-areas>).

Big White closes areas like the Cliff when there is avalanche risk and when it is using explosives to control this risk. To deal with people who are climbing the hill, it would simply need to extend its fencing and signage around the bottom of the control area when necessary. Like construction sites, it could also implement a blast warning system to provide a clear indication that control activity is about to commence. Like public beaches, a flag warning system could also be used to provide a visual indication from a distance that control activity is likely to occur.

The hazards posed to climbing skiers and snow shoe hikers on the ski slopes is something Big White already manages. There is a walkway from the central village to the Snow Pines neighbourhood that crosses at least three busy ski runs. It is not unusual to see downhill skiers crossing this path at high speed, using the downhill edge as a jump. It is also not unusual for people to be walking this path who do not have an active lift pass and/or to be doing so when snow grooming activities using heavy equipment are underway. The risks associated with the public using this pathway are clearly within Big White's capacity to manage, and it would seem that this expertise could be applied to other parts of the resort.

The mixing of uphill and downhill skiers is also not entirely novel in British Columbia. The Poland Lake Trail, a popular snow shoe and cross country ski trail in Manning Park crosses through the downhill terrain used by Manning Park Resort. The risks related to mixing uphill human powered recreators and lift assisted skiers at this resort have been effectively managed for decades. Providing space for uphill skiers is also quite common at resorts in Europe, and facilitates the new sport of ski-mountaineering racing.

Experience elsewhere and at Big White clearly demonstrate that public recreational access to ski resort terrain can be managed effectively. It is incumbent on the provincial government to ensure that the terms of the current CRA agreement are interpreted so as to maximize public access to this public land. In any expansion of the CRA, this expectation needs to be clearly outlined with enforceable expectations on the resort. If Big White refuses to find ways to accommodate human powered recreators within its CRA, it should be required to remove lifts and return terrain to a form that is available for human powered recreators.

Environmental and recreational impacts off site.

This master plan clearly recognizes that Big White's expansion will have impacts off site. A couple of quotes illustrate this:

“... the surrounding Crown lands offer backcountry adventure opportunities for the Resort to capitalize on and cater to (p 22).”

“Preserve, enhance, and expand on snowmobile trails, with Big White acting as the primary staging location for the regional snowmobile market as well as accommodating snowmobile trail access from existing developments (p 24).”

Most of the snow mobile recreation that Big White seeks to ‘capitalize’ on will occur outside of the CRA. This will increase stress on those areas that are environmentally sensitive. Research results show that fields and marshes (such as found in the Greystokes) are adversely affected by snow mobile traffic (Keddy et al, 1979). This damage is somewhat reduced when the snow pack is deep (Fassnacht et al, 2018). Big White’s expansion plans are intended to increase snow mobile traffic on the surrounding crown land and Greystokes Provincial Park is explicitly mentioned. From the management plan for the Greystokes:

The Graystokes Protected Area protects a unique complex of swamps, meandering streams and meadows as well as old growth spruce and sub-alpine fir. The area contains important grizzly bear (a provincially blue-listed species) habitat (<https://bcparks.ca/planning/mgmtplns/graystokes/graystokes-pa-mds-20030331.pdf?v=1614014403644>).

While snow mobile recreation is an important activity in the Greystokes, the cited research suggests that this recreation needs to be appropriately managed so that the environmental values of the park are preserved. Big White’s expansion plans will put additional pressure on these areas. As the provincial government does not have the capacity to effectively manage use, a condition of Big White’s expanded CRA and master development plan should include ongoing financial contributions dedicated to the monitoring of snow mobile impacts in the Greystokes and its environmental preservation objective. Further financial contributions as needed to achieve the management objective of the park to protect its environmental values. This may include educating snow mobile riders staging from Big White about the impacts their activity can have on sensitive environments, and the need to stay on designated trails. Beyond these staging areas, it may include supporting BC Parks in maintaining signage and the tools necessary to enforce the reduction in rider numbers and closures when snow conditions do not permit low impact snow mobile use of the area.

Another sensitive area is the ecological reserve north of Big White mountain. Big White is not proposing an expansion of the CRA into this area. However, this area is frequented by non-motorized winter recreators, and sometimes by snow mobile riders. The area is closed to motorized users. With Big White’s intention to support increased snow mobile riding, it is likely that more riders will find their way into this ecological reserve. Given that this area is proximate to Big White, Big White should bear the full responsibility of ensuring that motorized users do not enter the protected area. This should begin with clear signage at snow mobile staging areas, signage at the boundary of the protected area along routes likely to be used by snow mobiles, and supporting detection of and charging of violators.

Conclusion

There are many appealing things about Big White’s expansion plans. As a skier and a seasons pass holder at Big White, the prospect of exploring the expanded terrain is appealing. However, I also

participate in a range of human powered recreation activities, and have been thwarted in engaging in these activities – particularly ski touring - on and around Big White by Big White staff. The times when this has happened were mostly when the resort was closed, with no risk to myself beyond those inherent in the sport itself. This, from my perspective, is a significant over-reach by Big White of the purpose of the Controlled Recreation Area agreement. I think that it is important that this not continue.

Big White did not build the mountain. Big White has been given the right to use the mountain and surrounding landscape to operate a business and to facilitate residential and commercial development of the resort community. There are some benefits the province receives as a result. However, there are important publics that are negatively impacted by the way that Big White is currently applying the authority given it under its CRA, and publics that will be negatively impacted both directly and indirectly by the expansion of the CRA and the implementation of the master plan. Where these impacts can be identified and mitigated, Big White should be required to take the mitigation actions. It is likely that additional impacts will emerge over the duration of the CRA. It must be clear in the terms of the CRA that as new issues are identified, additional mitigation measures will be required by Big White. In this submission I have outlined some of those negatively impacted and suggested some mitigation measures. I think they are practical measures that Big White can easily integrate into their plans, and in doing so reduce some of the adverse impacts of its expansion.

References

Keddy, Paul A., A. Jane Spavold, and Cathy J. Keddy. "Snowmobile impact on old field and marsh vegetation in Nova Scotia, Canada: An experimental study." *Environmental Management* 3.5 (1979): 409-415.

Fassnacht, Steven R., et al. "Snowmobile impacts on snowpack physical and mechanical properties." *The Cryosphere* 12.3 (2018): 1121-1135.