



Valhalla Wilderness Society

Box 329, New Denver, B.C.

V0G 1S0

www.vws.org

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Natural Resource Officer
FrontCounter BC
1902 Theatre Rd
Cranbrook BC V1C 7G1

Re: Application by Rilor Wilderness Commercial Recreation (Mountain Biking) Management Plan

Although the Valhalla Wilderness Society supports recreational mountain biking and a certain level of appropriate commercial mountain biking **we do not support this application for the following reasons:**

- a). Much of the wildlife/environmental data is inadequate and inaccurate. False statements have been made concerning wildlife, endangered and rare species, trail use and so on. There will be greater impacts than the proponent indicated.
- b). The proponent has used background support information from individuals and organizations that we have found to be false and misleading, which makes us very suspect of his claims to operate his business in the area in a manner that respects both the environment, other trail users, wildlife, domestic watersheds and private property.
- c). Certain components will have adverse impacts on other trails recreational use by the public, grizzly bears, mountain goats and other wildlife. This includes the potential for collisions with hikers and bears. The applicant falsely states “*For the most part the trails used by RW are exclusively used by mountain bikers.*” 45 to 50% of users of the Galena Trail are pedestrian. Hikers use the Old Sandon Road, the Alamo Wagon road, and the Wakefield, which was originally opened as a hiking trail and has never been upgraded to IMBA standards for mountain biking. Also the Alamo Wagon Road is seeing increased usage by riders riding up the Alamo wagon road, as it is a non-motorized route to Idaho peak.

d). Some trail areas proposed for this business are far steeper than the guidelines recommended by the IMBA (International Mountain Biking Association).

e). We are opposed to heli-biking due to its high disturbance regime to grizzly bears and other wildlife and other recreational users. This sets a bad tourism precedence.

Overall, while we recognize that a certain amount of mountain biking trails for the public and for commercial use fit into the valley landscape, the scope of the application is for quite intensive commercial use for “extreme” mountain biking activities, including heli-biking as compared to the generally low key recreational and commercial mountain biking that occurs today. The proponent, Rilor McIntosh has already carried out illegal trail building and use on Crown Land, causing conflicts with adjacent private land-owners and/or current recreational users. This has resulted in him being reported to authorities several times who have shut down his activities, and in one instance he was ticketed for illegally building a bike trail and cutting live trees on Crown Land adjacent to private property. Thus, if approved in its current format we expect this business will result in the continuation of considerable further “riling” and long-term conflicts with private landowners, the community and other recreationists.

1.0 Background

For several decades now, the Valhalla Wilderness Society and local residents have worked closely with government agencies on a carefully developed recreation trail infrastructure in the Upper Slovan Valley that provides residents with a variety of world-class hiking experiences while minimizing intrusion into prime grizzly bear habitats in order to provide bears with adequate “space” and to minimize serious bear-people encounters. This has included working with BC Parks to leave three major grizzly bear valleys in Valhalla Park undeveloped such as Nemo Creek (except for a short, lower trail). A similar proactive program has been implemented in Kokanee Glacier Park. Similar proactive work has been done with the Ministry of Forests involving bear hazard assessments of trails in prime grizzly habitat. For example, the old mine trail in Whitewater Creek was closed to hiking as it went through prime grizzly habitat and a new trail built on the opposite side by the Ministry of Forests and the Valhalla Society to provide for much safer hiking and safe opportunities to view grizzly bears in the flower meadows across the way. One of our directors has also worked with the local mountain bikers on development of a number of old mine trails as low-key mountain bike trails. Overall the results of developing a world-class local trail system have benefited not only the public and the grizzly bears, but local tourism businesses.

Currently, this outdoor recreation infrastructure of trails and old mine roads is at capacity in our opinion in terms of a balance between recreation needs of the public and commercial users keeping key grizzly bear habitats free of human intrusion, and any further developments will lead to conflicts and habitat displacement involving grizzly bears, that are provincially blue-listed.

2.0 Wildlife and Rare and Endangered Species Concerns

Regarding wildlife the applicant falsely claims that there are “no areas of concerns” over existing trail routes and that there are no endangered species of concern. We found the application to be highly deficient in terms of impacts of wildlife, client safety, and cumulative effects. How can the applicant claim to be designing bike trails to “minimize environmental impact” when so much baseline information is missing from the document? For example, the proposal covers significant areas of grizzly bear and wolverine habitats and both of these species are blue-listed in the province.

There is no mention whatsoever that some of the trails such as the existing Wakefield Trail pass through high quality grizzly habitat and a bear travel corridor at higher elevations, or that the higher speed of mountain bike travel engenders an enhanced risk of a bear encounter or a collision with wildlife or with hikers. On some lower mainland trails jointly used by mountain bikers and hikers, hikers have been injured when hit by mountain bikers going too fast.

Much of the lower elevation areas proposed by the applicant are black bear habitat, with some spring grizzly bear habitat. On the main Whistler-Blackcomb mountain bike trail, two collisions with black bears were recorded over several years (McCrory 2005).

In terms of rare and endangered species, the applicant claims to have consulted with Emily Nielsen of The Land Conservancy and that this person surveyed the Tunnel Vision Trail. When we contacted this person, they said they did no such field survey and referred the applicant to the provincial database on endangered species instead.

3.0 Specific Trail Concerns re- McIntosh Application

In terms of the application we are opposed to ILMB letting any Licence of Occupation for commercial mountain biking on the following trails or proposed trails as listed by the applicant:

1. **Idaho Peak Area - Wakefield Trail**. This old mine trail was opened up in the early 1990's by the Silverton Historical Society and the Ministry of Forests as a **hiking trail**. Subsequently in 1992 a bear hazard study done for MOF by local bear biologists Wayne McCrory and Erica Mallam identified a moderate-high risk of encounter with grizzly bears due to the trail crossing subalpine habitat below the Idaho Lookout Parking Lot. Two grizzly bear rub/mark trees were located along the trail. It was recommended that the trail be kept brushed out to maintain good line of sight and also that a warning sign be posted at each trailhead. A survey of the ridge area to the east of the Wakefield Trail showed excellent summer grizzly bear habitat and the biologists recommended to Ministry of Forests that no new trails be built on the ridge. MOF decided not to build a new trail to the east.

The Wakefield Trail was opened to hiking standards and is used by hikers contrary to the applicant's statements under trail user conflicts. It is also used by local mountain bikers. Current use can reach as high as 100 persons per day from mid July to the end of August.

This trail has never been cleared nor brought up to IMBA standards for mountain biking. Sight lines are very poor so that bikers and hikers will not see each other within adequate time to take avoidance measures. Many parts of this trail fall far below IMBA standards. Many sections are very technical including the numerous tight switchbacks and the consistent 20 % gradient that this trail descends at. IMBA describes, "*downhill trails as single use one way trails with technical trail features designed for the sport of mountain biking. These trails should not be shared with other users unless those users know and accept that mountain bikers will be riding the trail at high speeds. Downhill trails should be separated from trails designed for other uses to avoid conflict.*" The Wakefield trail doesn't meet any of the requirements of an IMBA down hill trail.

We do not recommend this trail be used for commercial mountain biking for the following reasons:

- relatively high risk of grizzly bear encounters, esp. with the fact that commercial mountain biking proposed by the applicant are in the "extreme" (fast descent) category and so descend faster than hikers and are more likely to not see a grizzly bear ahead.
- the upper trail bed substrate is susceptible to erosion that typifies mountain trail use on steep, unstable terrain. Mountain bikes create serious erosion problems.
- high risk of colliding with hikers on the narrow sections of the trail. Current public use can reach as high as 100 visitors per day.

In 2009 the applicant described on his website about all the fabulous trails he had built and maintained and was offering guided tours including riding the Idaho Peak Trail and down the North Ridge to the Alamo Wagon Road. VWS and others filed a complaint about the illegal trail riding and commercial use to Ministry of Tourism. The applicant was informed that the Idaho Trail and North Ridge was a no bike zone and he would be fined if caught on the trail with a bike.

2. **Lower Wakefield** – this route is unnecessary as riders already ride to Silverton along existing mining and logging roads. There is an abundance of trails and roads on these slopes so no new trail work should be authorized. Also there is potential for private land conflict along this proposed route.

3. **Mount Aylwin, Proposed Big Owl Trail**

We strongly recommend this proposed heli-bike trail be disallowed.

This is an alpine/subalpine area connected to Kokanee Glacier Park, well known for its grizzly bear population. Mt. Aylwin is also important mountain goat habitat.

- Most of the public in the Slocan Valley prefers low key tourism, not heli-tourism as this would be.
- The applicant states that 80% of this trail would be on pre-existing mining trails and road. We are unaware of any old mine trails or roads on the proposed route, except on the other face of the mountain.
- At higher elevations the trail would be in prime mountain goat and grizzly bear spring-summer-fall range. Disturbance will be high to mountain goats and grizzly bears from helicopter access and biking activities that will start in the alpine and traverse a number of subalpine basins and meadows that are important to these wildlife. Both species are very susceptible to helicopters and human intrusion into high quality habitats. [See McCrory 2005a for a literature review of the effects of aircraft and other access on grizzly bears, mountain goats and other species].
- The bottom quarter of this proposed trail would be impossible to build as mapped as it passes through extensive bands of rock bluffs and cliff faces incised with very steep narrow gullies. This is also mule deer spring and fall/winter range.
- If we use RW's figures the average grade of this trail would be $2000\text{m} (6500') / 7600\text{m} (7.6\text{k table 1.3.3}) \times 100 = 26.3\%$ which is not sustainable under IMBA guidelines even for a downhill trail. The incongruity of these figures demonstrates a lack of knowledge and credibility of RW.

4. Galena Trail

The Galena Trail is a well-known and well used public hiking and biking trail. People travel it in both directions and numbers reach over 100 people per day during July and August. The applicant's literature suggests that he intends to use the Galena Trail to enable his clients to get to their pickup point in downtown New Denver. He only identifies his use of this trail in a downhill direction. This would become a downhill cruise for his clients after coming off steeper and more challenging rides from Idaho Peak. This means that his clients could be traveling at high speeds on a trail used by people of all ages and abilities. The Galena trail should be closed to the applicant, as another route exists on the Old Sandon Road that will deliver the applicant's clientele to the Valhalla Pure pickup point in New Denver. If this section of the permit is granted the applicant's access to the Galena Trail should be restricted during July and August. At all times he and his clientele must yield the right of way to all other users and the use of excessive speed restricted. The applicant should be prohibited from doing any maintenance or construction of structures along this trail as this is a Regional District Park and is maintained by the RDCK.

5. Tunnel Vision

This is in a domestic watershed. We are opposed to any mountain bike trails being built in domestic watersheds due to the risks of erosion and contamination. In addition to the work illegally done on tunnel vision McIntosh proposes the construction of a 10' by 10' deck on crown land. This is excessive and not needed and will require continual maintenance. This should be denied. Is McIntosh depositing any type of security deposit in the event of bankruptcy and government has to decommission his structures? Is anyone going to inspect these structures for a safety rating?

6. Pump Track

McIntosh proposes building a pump track on crown land. This proposal should be denied and built within the 20 acres of private land that his headquarters are located on. Any work that McIntosh proposes on crown land should be restricted to hand tools and tree cutting should be kept to a minimum. Is McIntosh aware that all work that he performs on Crown land is available for public use? Who is responsible for inspection and maintenance of structures in the event of McIntosh's default?

7. Other trails

North Place Trail (Existing)

The applicant identifies this as an existing trail in table 1.3 but no one locally knows of its existence. Once the mapped route leaves the plateau surrounding Ottawa Hill it descends through a horrendous elevation drop on cliff slopes without any switchbacks to break the grade. This so called trail drops 1,200 metres in elevation over a 3000 m slope distance for an average slope of 40% or a 20° slope. The bottom 2/3's or 850 vertical metres of this trail has an average slope of 61% or 30°. It passes through an area of extensive cliff bands and as mapped this route is not rideable.

Robb Ridge (Retallack)

Restrict all trail work to hand tools. Even though the old mine road appears to be currently unused mineral claim holders should be notified and no trail structures should be built that impede prospector's access.

Excavator (Enterprise Creek)

Restrict all trail work to hand tools. All trail structures should be built in such a way as to not impede vehicular access when utilizing old mining trails and roads. Possibly there are active mineral claims in the area and the claimholders should be notified.

Salisbury (Argenta)

This proposed trail runs through ungulate winter range. Restrict construction to use of hand tools as slope is already fragmented by extensive forest access roads.

Little Tim (Existing)

This is an old mining trail crossing active mineral claims that may cross some private land (Lot 5406) in Enterprise Creek. To our knowledge the upper part of this trail from Ottawa hill is nonexistent and merely a mapped route on paper only. The old trail on the Enterprise Creek side hasn't been used for mountain biking and may not even be open for hiking use. VWS first reopened this section of the old mining trail in the 1980's for hiking use. *"RW defines existing trails as ones that have been there and been used for five years or more."* This hardly qualifies as an existing trail even by the applicant's definition.

Monster (Existing)

This trail, built off the Buchanan Fire Lookout, is known locally as 'Hell on Wheels'. To our knowledge several riders have been medi-vac'd off of this trail, one requiring helicopter evacuation. This trail traverses dangerously close to cliff faces. It can hardly be considered an intermediate trail and comes nowhere near meeting IMBA standards. This trail has extremely steep grades that cannot be maintained sustainably. This trail also passes through rich areas of huckleberry, which means bear habitat for both grizzly and black bear.

4.0 New Trail Construction standards (Section 1.1.3)

The application states: *"in all new trail construction cases RW will try and adhere to IMBA and Whistler Trail Standards trail building methods."* In the case of new trail construction a condition of this permit must be that RW will adhere to IMBA guidelines at a minimum.

The IMBA has published a 275-page guide titled "Trail Solutions" identifying recommended trail building recommendations. This guide recommends that the maximum sustainable trail grade should be 10% or less. They allow that maximum grades of 15 – 20 % can be accommodated on short sections greater than 10 feet in length. We know that two of the trails that RW proposes to use, the Wakefield and Monster, do not meet these recommendations.

RW states that it intends on maintaining and upgrading 51.7 km of existing trails and building 11.5 km of new trail by the 2011 operating season. The maintenance on the 51.7 km alone would require a full time trail crew as well as a separate crew full time building the 11.5 km of new trail. Despite this RW hasn't identified any trail crew staff in his staffing requirements in Section 1.1.5. **This indicates that RW intends to continue using the existing trails as they are in the hope that volunteers will continue to maintain them.**

APPENDIX 1.

Questionable and False statements found throughout this application.

The following represent more than a dozen instances of incorrect and misleading statements made by McIntosh in his application for Crown Land Tenure. These statements demonstrate a level of sloppy workmanship and incompetence by McIntosh. Will he bring the same level of sloppy workmanship to his trail building and maintenance? If McIntosh cannot competently fill out an application form with truthful statements can he be trusted to competently guide clientele over hazardous terrain on steep mountain slopes on Crown Land? **We urge that ILMB deny this application for tenure on Crown Land.**

- Executive summary.
The applicant states that Pat Williams of Dirt Tours in Nelson will be one of the guides. Recent communication with Williams revealed that he was not, and will not be guiding for or with R. McIntosh, that he only agreed to rent McIntosh a 15 person van.
- Executive summary.
McIntosh falsely states that he has been maintaining trails in this area for eight years, given he is a young age of twenty-five he would have started when he was 17. Most of the trails that McIntosh proposes to use commercially were old roads and trails opened and maintained by local riders. None of these local riders and trail workers have ever seen McIntosh doing any trail work or maintenance aside from the Tunnel Vision trail adjacent to his headquarters. This work was done illegally on Crown land and McIntosh was ticketed. There seems to be a large incongruity between McIntosh's age and the amount of experience that he claims he has.
- McIntosh's mission statement is *"to offer high end mountain bike trails that are not being shared with hundred's of other riders each day."* Two of the trails that McIntosh proposes to use, the Galena and the Wakefield see over a hundred users a day during peak season. This indicates a lack of research from McIntosh. He then contradicts this statement by saying *"The most obvious mountain bike destination in the immediate area is Idaho Peak; it has seen thousands of mountain bike user visits over the last decade. The main trails ridden are Choices, Wakefield, Alamo Wagon Road, and the Galena Trail."* If we are getting thousands of user visits then these trails could be at maximum carrying capacity and have no room for a commercial operator.
- McIntosh states that RW is advertising its level of difficulty at 'intermediate' yet one of the trails that McIntosh proposes to use, the Wakefield is rated as a black diamond or maximum difficulty. Another trail, the Monster, has had a mountain biker helicopter evacuated off it. These are not intermediate trails.

- In the table in Section 1.1.5 McIntosh states that he has had 10 years experience as a guide. Nowhere does he state that he has achieved any formal certification levels as a guide. What are his formal qualifications for a mountain bike guide?
- McIntosh notes that “*RW recognizes that the ‘North Ridge Trail’ descending from the actual Idaho Peak fire tower is closed to Mountain Bike traffic.*” This is only a partial recognition as all trails from the parking lots on Idaho Peak excepting the Wakefield are closed to Mountain Bike traffic. Since McIntosh has violated this restriction in the past as evidenced by pictures on his website that have since been removed McIntosh should have a covenant on his permit. It should state that he will not facilitate in any way the use of these restricted trails by his clients, friends or associates. It should be worded appropriately to prevent him from transporting people to either parking lot and letting clients, friends or associates find their own way down from Idaho Peak.
- Big Owl. McIntosh states that Big Owl “would offer guests the experience of riding the biggest vertical descent in Canada (6500 vertical feet)” Either McIntosh cannot read a map or he is incapable of simple arithmetic or both. Slocan Lake’s elevation is 1772 feet and if you add this to McIntosh’s claim of 6500’ descent the height of his departure point would have to be at 8272 feet elevation. The very peak of Alywin is only 7874 feet. So McIntosh’s claim of a 6500 foot descent is impossible.
- Page 10, line 10. In terms of rare and endangered species, the applicant claims to have consulted with Emily Nielsen of The Land Conservancy and that this person surveyed the Tunnel Vision Trail. When we contacted this person, they said they did no such field survey and referred the application to the provincial database on endangered species instead and to consult local biologists.
- Page 3, line 6. “*riders will be guided by Riley McIntosh and Pat Williams of Dirt Tours from Nelson.*” Williams states that he has never agreed to guide with McIntosh.
- Page 3, line 13. “*and Riley McIntosh has been personally maintaining them as a hobby for 8 years.*” None of the persons active in opening and maintaining these old existing trails have ever seen McIntosh doing any maintenance work whatever aside from the new trail (Tunnel Vision-built in 2009) that he built in trespass and has been ticketed for.
- Page 6, line 4. “*RW wants to keep trails as low angle (eg. Not too steep) as possible by traversing slopes and contouring terrain to avoid steep trails that are hard on both riders and the ground surface...*” In relation to the proposed Big Owl trail and the falsely claimed existing North Place trail this condition is impossible to meet because of extremely steep and broken terrain that includes rock bluffs and cliff faces.

- Page 7, line 35. McIntosh demonstrates his lack of research in the following statement: *“lunch will be either packed, the group will return to the lodge, or in some cases the group will visit a local restaurant such as the Raven’s Nest in New Denver or the Wild Rose in Rosebery.”* The Raven’s Nest is a clothing Boutique and does not serve any description of food and the Wild Rose only opens for evening meals.
- Page 8, line 1. *“The objective is to tour the guests on trails that are not especially challenging”*. Most riders would find the Wakefield extremely challenging, Choices very challenging and the Alamo Wagon Road challenging.
- Page 10, line 2. *“For the most part the trails used by RW are exclusively used by mountain bikers.”* This statement is false for the trails in the New Denver area. Up to 100 people a day use the Galena Trail and close to half of them are hikers. Hikers regularly hike the Wakefield trail, the Old Sandon Road and the Alamo Wagon Road.
- Page 10, line 17. McIntosh states that he *“attended the IEP (Integrated Environmental Planning Technology Diploma Program) at Selkirk College from 2004-2006 and conducted survey of Species and Habitat Risk study for his 2nd year Biology Class in 2004”*. Did McIntosh successfully complete this program and receive his diploma?
- Page 10, line 23. McIntosh states *“RW did not find any endangered species or habitats within the general use area”*. Grizzly bears and wolverines are blue listed and many of RW’s trail cross through known habitat for these species.
- Page 10, line 25. *“RW is not aware of any of the trails proposed for commercial recreation use crossing private land except for the land owned by Bulmer’s Pointe”*. Has McIntosh conducted any title searches and has he documentation of such? Has he contacted mineral claim holders where his trails cross mineral claims? Klondike Silver for one is active in the area of the Choices trail and have raised safety concerns with local cyclists. It appears McIntosh has not done adequate research. Idaho Peak is blanketed with crown granted mineral claims many of them still maintain their surface rights. Without an accurate mapping of the proposed trails it is difficult to determine which lots are crossed by his commercial operation. His mapped route for the Alamo Wagon Road appears to cross Lots 736, 2293, 458, and 215. Choices appears to enter L210, and the Wakefield extension appears to cross L564, 2606, 2608, 718, 2532, 2536. Has the status of these lots been ascertained and have the trail beds been surveyed for position in relation to these lots?
- Page 12, Table 1.3. RW identifies North Place trail as existing, but no one locally knows of its existence. McIntosh also identifies the Little Tim as existing and again no one locally knows of its existence as mapped.

- Page 28, Map #7. John Creek is incorrectly labeled as Deception Creek on RW's Map. If a simple matter of reading a map and identifying a creek cannot be done accurately then how accurate is McIntosh's location of the Deception trail?

Literature Cited

McCrory, W. and E. Mallam. 1992. Grizzly bear habitat/hazard assessment of recreation trails in Marten Creek and Idaho Lookout area. Report to Ministry of Forests, Castlegar, B.C.

McCrory, W. 2005a. Proposed access management plan for Xeni Gwet'in First Nation Caretaker Area, Chilcotin, B.C.

McCrory, W.P. 2005b. Proposed bear-people conflict prevention plan for Resort Municipality of Whistler.