

Rottluff, Kathleen FLNR:EX

From: Larden, Monica A FLNR:EX
Sent: Monday, December 14, 2015 8:51 AM
To: Rottluff, Kathleen FLNR:EX
Subject: FW: Adventure Tourism Operator Input Form from Nuk Tessli Wilderness Experience
Attachments: land overlap - yoho-signed.pdf

From: Doron Erel [<mailto:nuktessli@gmail.com>]
Sent: Saturday, December 12, 2015 4:48 AM
To: Larden, Monica A FLNR:EX
Subject: Adventure Tourism Operator Input Form from Nuk Tessli Wilderness Experience

To:
Monica Larden,
Senior Land Officer

Hi,

Enclosed is is my input form regarding the overlapping AT tenure application of Yoho Adventure Ltd (5407779)

If you have any further questions - please don't hesitate to contact me.

I hope my comments will be taken in to consideration

Best Regards.

Sela Bucovetsky

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Nuk Tessli Wilderness Experience

www.NukTessli.com
www.facebook.com/Nuktessli

APPENDIX 9: Adventure Tourism Operator Input Form (OIF)

This AT Operator Input form is provided to obtain input on proposed AT applications from Adventure Tourism (AT) Tenure holders Tenured under the Land Act or licenced guide outfitters and fishing guides Tenured under the Wildlife Act.

Information provided on this form will be used by the Delegated Decision Maker (DDM) as part of the process for reviewing AT applications with overlapping Tenure and does not imply a veto for AT Tenure holders. Input is requested on potential issues or resolution of issues associated with overlapping Tenure areas as a result of an AT application made by:

Name of AT Applicant:

Yoho Adventure Ltd.

AT Applicant's Crown land File Number:

5407779

Company name of the existing AT Tenure holder/licensed Guide Outfitter/Fishing Guide:

Nuk Tessli Wilderness Experience Ltd.

Crown land Tenure file number of AT Tenure holder/licensed Guide Outfitter/Fishing Guide:

5405914

Instructions: AT Tenure holders/ Guide Outfitters/Fishing Guides please respond to the specific questions relating to the proposed TMP (see attached) for this application. Please attach any additional information to this form if you require more space for a complete reply.

1. Within the areas of overlap, do you believe the AT applicant's proposed activities may affect the way in which you currently operate?

Yes

In the application, the applicant proposes guided hiking in the Wilderness Lake region using the fishing cabin on Wilderness Lake as their base with flight access to Wilderness, Fish or McInchy Lakes. However the application also includes Whitton Lake in spite of the fact that this lake is 12 kilometres and 1000 feet lower than the proposed tenure area at Wilderness Lake. This overlap of the tenure area of Nuk Tessli at Whitton Lake is for the express intent of using Whitton Lake as a "runway" for flying the applicant's clients in order to lower the applicant's transportation expenses. Although this intent is not expressly stated in the TMP, the applicant has been commercially guiding in the Wilderness Lake area for a few seasons and has expressly stated their intent to use Whitton Lake for their guests access point on a regular basis in order to lower their flight costs. In an email from July this year they stated: "Which has us having to pay Huge amounts of \$ to fly out of wilderness lake. And we don't want to do that"

Nuk Tessli operates an wilderness adventure company also offering guided hiking in the Wilderness area. Nuk Tessli's intensive use base is on Whitton Lake and it includes guest cabins and boating facilities on Whitton Lake and hiking trails in the lake's environs that are regularly used throughout the summer. Nuk Tessli does everything in its power to preserve the pristine remoteness of the Whitton Lake area in order to offer its guests a true wilderness experience and protect an ecologically untouched and fragile environment. **Flying the proposed 300 clients of the applicants via Whitton Lake would cause severe and unnecessary damage to Nuk Tessli's operation and to the Whitton Lake environs.**

The inclusion of Whitton Lake in the applicant's tenure application is not necessary for the objective stated in the application – hiking in the Wilderness Lake area – and would cause a serious conflict of interest and a detrimental effect on my operation. This overlap of territory is totally unnecessary to the proposed objective of the operation in the TMP and also contradicts the proposed access in the TMP that states that access will be Wilderness Lake directly or via Fish Lake and McInchy Lake only.

The applicant proposes a very intensive use of the existing tenure holder's area – 300 guests in a short period.

Although the application does also affect Nuk Tessli tenured operations in the Wilderness Lake region, a region that Nuk Tessli offers guided overland hiking, Nuk Tessli is willing to work to make the overlap work in the Wilderness area but the inclusion of Whitton Lake in the proposed tenure area of the applicant causes an insolvable conflict of interests and severely hurts the product that Nuk Tessli offers to its guests solely for the sake of lowering the applicants' own flight costs.

Their application is misleading in that they do not expressly state this usage but only mentions in the overlap issues that Whitton Lake would be used as an access point solely for emergency use. Obviously there is no reason to include Whitton Lake in the tenure application for emergency use only! In an emergency a pilot would use any lake for landing regardless of tenure rights.

I have put a lot of time, effort and money in refurbishing the cabins on Whitton Lake and in marketing Nuk Tessli as a remote, pristine wilderness area. Nuk Tessli is a permanent site offering guest accommodation throughout the summer season, while the applicant is offering hikes in the Wilderness Lake region as one of the many options they offer in various venues in New Zealand and the Canadian Rockies. The potential damage to my business therefore is very substantial.

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2. Within the areas of overlap, are there ways in which you and the AT applicant could both operate that would help minimize any changes to your current operation? For example, operating at different times, using different areas for activities that are Non-Compatible, etc.

Yes

If Whitton Lake would be excluded from the lakes that the applicant would be allowed to have access for transportation of their clients.

The TMP proposes access to and from lakes in the Wilderness Lake area exclusively and if the applicant's access would be limited to these lakes, the conflict would be limited.

3. If there are ways in which you and the AT applicant could both operate that would help minimize any changes to your current operation, are the services of Authorizing Agency staff still needed to help address overlapping area issues?

Not applicable - as the applicants inclusion of Whitton Lake in their tenure application is solely for transporting their guests by using Whitton Lake as a runway for float planes, an activity that conflicts directly with my tenure objectives and would severely damage my operations attractiveness as an adventure tourism operation.

4. Within the areas of overlap, do you believe this AT applicant's proposed activities may negatively affect the kind of experience that you currently offer to your guests?

Yes Definitely

Nuk Tessli Wilderness Experience offers a unique experience of an inaccessible wilderness area that is truly remote and pristine and I am during everything in my power to preserve this sense of remoteness and environmentally untouched experience. My business is dependent on preserving that quality for our guests at Whitton Lake guest cabins and the trails in the area and preserving the pristine quality of Whitton Lake and its environs.

The applicant proposes a particularly high rate of usage – 300 guests in the space of a month and a half – that would not only severely damage my guest's sense of remoteness and wilderness but would adversely effect my operation due to increased noise and water pollution, and of course it is detrimental to the wildlife population in the Lake area.

5. Within the areas of overlap, are there ways in which both you and the AT applicant could operate which would minimize any changes to the experience you currently offer your guests?

No

As the applicant has included Whitton Lake in their tenure application solely to facilitate transporting their guests by using Whitton Lake as a runway for float planes, an activity that conflicts directly with my tenure objectives. As this activity will fully overlap the period that Nuk Tessli operates in the summer, and the proposed operation is intensive, there is no way to minimize the damage.

6. Within the areas of overlap, do you believe the AT applicant's proposed activities may affect safety or risk management efforts associated with your business?

Yes

The use of Whitton Lake as a runway for float planes providing transportation for the applicant's guests at unknown and uncoordinated times would be a safety hazard to our guests who would regularly be using Whitton Lake for canoeing and fishing activities.

7. Within the areas of overlap, what ways would you suggest both you and the AT applicant may operate that would help minimize any changes to the safety or risk management practices associated with your business?

No

8. With respect to this AT application, are there any concerns related to activities that would occur adjacent to your Tenure boundaries?

☐ No ☐ Yes please explain.

9. With respect to this AT application, are there any concerns that may prevent your operation from modifying your Tenure (Client Days, approved uses)? If so, please explain.

The application would prevent Nuk Tessli from increasing guest capacity and client days


Signature of AT Tenure holder

December 12 2015
Date (month/day/year)

Sela Bucovetsky – Nuk Tessli Wilderness Experience Ltd.
Print Name

Please send completed OIF to the Authorizing Agency at the following address:
<<Regional Office Mailing Address>>

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December 1, 2015

File: 5406852

0778523 B.C. Ltd.
PO Box 616
Whistler BC V0N 1B0

Dear Sir/Madam:

Re: Annual Diligence Report and Statutory Declaration

As of this date we have not received the required Annual Diligence Report and Statutory Declaration for 2012, 2013 and 2014.

If you have already mailed the required paperwork to this office please disregard this notice.

If not please fill out the attached Report and Declarations, have the declarations notarized and return the paperwork to this office.

If you have any questions about the Annual Diligence Report or the Statutory Declaration please contact me at (250) 751-7256.

Yours truly,

Barbara Biss
Portfolio Administrator

Enclosure

Ministry of Forests, Lands and Natural Resource Operations	West Coast Region	Mailing Address: Suite 142 2080 Labieux Road Nanaimo, BC V9T 6J9	Telephone: 250-751-7220 Facsimile: 250-751-7224
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