

# FAQ on Incidental Use

## 1. When does Incidental Use apply? Who is eligible for Incidental Use?

Incidental Use only applies in the following situations (As per section 3 of the [Adventure Tourism policy](#)):

1. Temporary commercial recreation activities conducted by a tenured operator outside the tenured area to address safety matters during unforeseen environmental events;
2. Temporary staff training activities conducted by a tenured operator outside the tenured area due to unfavourable environmental conditions;
3. Activities which are ancillary to the primary activity under tenure, which use the same facilities and modes of transport as the primary tenured activity. This includes adventure tourism activities carried out by a Guide Territory Certificate Holder within their Guide Territory area.
4. Low impact hiking, climbing and ski-touring activities, which includes occasional motorized air access, carried out in a dispersed manner by members of the Association of Canadian Mountain Guides (ACMG); and,
5. Outdoor education or AT training activities which are no more than 3 consecutive days in length (with a maximum of 21 days total in a calendar year).

## 2. What are the conditions that must be met when undertaking Incidental Use activities?

As per section 1.2 of the Adventure Tourism policy, if an operator meets one of the circumstances described above, they are eligible to conduct incidental activities without additional tenure under the policy if all of the following conditions are met. An operator must:

- Belong to the appropriate recognized provincial or national association for the incidental activity, or at a minimum comply with the operational, safety, experiential and service standards (i.e. best practices) for the activity;
- Obtain appropriate liability insurance for the proposed activity as per Section 9.1 of the [policy](#);
- Adhere to the desired behaviors in the [Backcountry Recreation/Tourism Wildlife Guidelines](#);
- Keep the group size to a maximum of 15 participants, to minimize any damage to the environment and disturbance to wildlife;
- Avoid popular public recreation areas and trails;
- Construct no improvements, make no modification or changes to the land (including vegetation);
- Notify tenured AT operators in writing of the proposed Incidental Use activity within a reasonable time-frame prior to commencing the proposed activity (Note: If a tenured AT operator does not support an Incidental Use activity being proposed within their tenure area, for example due to issues related to safety, client experience or unfair competition, they are encouraged to contact the authorizing agency).

An operator must apply for tenure under the AT Policy prior to carrying out AT activities on Crown land if they do not comply with the definition and above conditions for Incidental Use.

An operator undertaking 'Incidental Use' activities has no tenure – they will be treated the same as public recreation and will not be given any consideration for comment or referral when new *Land Act* applications or modifications are being reviewed, beyond what is done for the general public.