



September 29, 2015

Honourable Wade Ischenko  
Minister, Yukon Department of Environment  
Yukon Government  
Box 2703  
Whitehorse, Yukon Y1A 2C6

Honourable Scott Kent  
Minister of Energy Mines and Resources  
Yukon Government  
Box 2703  
Whitehorse, Yukon Y1A 2C6

Dear Minister Ischenko and Minister Kent:

Re: Off-Road Vehicle Regulation Discussion Paper

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The Carcross Tagish Renewable Resource Council (CTRRC) appreciates that extension of the comment period to September 30, 2015, which has allowed the Council to review the discussion document and provide input and comments.

Government is to be commended for taking the initiative to address the long standing and divisive issue of ORV use on fish and wildlife habitat and populations and natural environments in the Yukon. Under the UFA and FNFA's, RRC's have responsibility for regional fish and wildlife populations and their habitats as well as for forestry management and the comments in this submission will reflect this mandate.

The development and effective implementation of ORV regulations in the Yukon at this time requires a strategic planning approach, in part for the following reasons:

- The use of ORV's in the Yukon on public land is extensive and has been unregulated for many decades and is part of the lifestyle of many Yukoners not only for recreation but for licenced and permitted activities such as trapping, Outfitting, exploration, timber and firewood harvesting etc.
- By nature and definition, ORV's are operated mainly in remote backcountry and wilderness areas where effective enforcement is difficult if not impossible. So a high level of broad voluntary compliance is essential for effective implementation supplemented by periodic spot enforcement in problem areas. Voluntary compliance can be very effective, if people know what the laws are and what the rationale is for the laws as most of the public are law abiding do not want to break laws.

It also allows for peer oversight so that compliance becomes a responsibility of everyone who cares about protection of fish and wildlife habitat and the environment and also those that have a stake in continued ORV operation on public land and not just a handful of enforcement personnel.

- Voluntary compliance involving a large number of users requires extensive education and simple and easily understood regulations and requirements with clear rationales so ORV operators know what their rights and responsibilities are. A large number of special management areas with very specific rules and regulations where ORV users are not sure whether they are in a SMA and exactly what the rules are does not facilitate voluntary compliance and responsible use and operation.
- Thus general rules and regulations that apply everywhere and to everyone operating ORV's on public land (except for specific licenced and permitted land uses where ORV rules can be specified as conditions of those licences) are preferable to many area specific regulations and requirements.
- For reasons outlined above successful and effective implementation of the ORV rules and regulations and responsibilities will require a high and ongoing level of education that must involve all levels of government – territorial, First Nation and municipal as well as management boards and RRC's who actually have the mandate for protection of fish and wildlife and their habitats.

### **Recommendations**

1. In general the most important over-reaching regulation would be to restrict ORV's to established roads and trails on public land. This would ensure that all users would know when they are in compliance i.e. when they are on an established road or trail. Licenced or permitted users of public land (trappers, outfitters, timber and firewood cutters, prospectors and mining exploration etc.) who needs to operate ORV's off road/trail could be authorized to do so with specific conditions of their authorization. This would also facilitate the placement of signage along roads and trails for management areas and habitats where specific rules (e.g. seasonal restrictions) are required.
2. Restrict the operation of ORV's in sensitive habitats (e.g. alpine areas, wetlands, waterfowl staging and nesting areas, fording rivers in lake outflow areas where fish spawn and overwinter, fording salmon spawning and rearing streams) without special authorization. Such areas have readily identifiable physical features and would not normally need extensive signage.
3. Involve all governments (YG, First Nations, municipal and LAC's) that have a mandate or interest in ORV management and fish and wildlife habitat protection but particularly RRC's and management boards in the development and implementation of regulations and programs. RRC's in particular, will have a critical role in effective regional and local implementation and user compliance and could be involved through joint workshops to allow for coordinated discussion and input. This role is particularly critical in the identification of special management areas and sensitive habitats that require specific management measures for ORV's and the effective implementation of such measures.

September 30, 2015

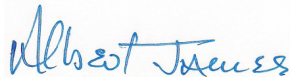
Re: Off-Road Vehicle Regulation Discussion Paper

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4. Unlike legislation, regulations and programs are relatively easily to change and amend if they are not working or are inadequate. As this is an entirely new but important initiative for Yukoners that will involve achieving a balance between ORV use and fish and wildlife and environmental protection an Adaptive Management approach to implementation is recommended. This would involve monitoring and assessing what is working and what is not with the involvement of all interested parties as outlined above and making changes as necessary.

In summary, the development and implementation of effective regulations and programs for the operation of ORV's in the Yukon for the protection of fish and wildlife populations and habitats and the integrity of the environment will be a challenge. But it is not an insurmountable challenge if a strategic planning approach as outlined above is adopted.

Sincerely,



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Albert James, Co-Chair



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Ken Reeder, Co-Chair

cc: Bob Dickson, Chair, YFWMB  
Chief Dan Cresswell, CTFN