

Michael Draper,
Manager, Program Support
Land Management Branch (K-320)
Energy, Mines and Resources Yukon government
Box 2703 Whitehorse,
Yukon Y1A 2C6

June 17th 2015

Dear Michael Draper,

Please accept these written comments from Yukon Conservation Society (YCS) in addition to our response to the questions asked on the Off Road Vehicle (ORV) discussion paper (attached).

General comments:

YCS shares the concerns around the impact of ORVs evident in the submissions to the Select Committee on the Safe Operation and Use of Off-road Vehicles. Considering the wide ranging consensus that ORV use has been damaging sensitive habitat, harming wildlife populations and causing conflict with other users of the land, it should be fairly straightforward to develop regulations and land use strategies to mitigate these effects.

It is noted that the absence of Regional Land Use Plans is a complicating factor in this issue.

ORV Management Areas:

The Discussion Paper circulated by YG focuses on ORV Management Areas as the prime tool to restore habitat damaged by ORV use. It is contemplated as a complaint driven process, where once damage is observed, a recommendation that an ORV Management Area be created may be made to Cabinet by an as yet unspecified route. YCS is concerned that this approach will not work. Many of the sensitive habitats damaged by ORV use are very slow to recover; some take decades or more to recover. YCS respectfully suggests that a pro-active rather

than a reactive approach will work better to prevent damage to sensitive habitats, reduce land use conflicts and better protect vulnerable wildlife. Therefore, **YCS recommends adoption of regulations around ORV use for the entire Yukon, rather than for discrete Management Areas.** In essence, the approach YCS advocates is that instead of awaiting a complaint and for a process that may or may not lead to restrictions on where and how ORVs may be used, the onus should be put on ORV users to justify why they should be allowed to use a certain place. This is consistent with the Discussion Paper, which states: “ORV Management areas are areas that need better management and protection from damage by off-road vehicles”. YCS takes the view that all of Yukon is vulnerable to damage by ORV users and should therefore be managed, just as we manage so many other activities.

Estimates of the established back roads and trails available to ORV users ranges from 10,000km (TOYA) to 50,000km (Yukon 4x4 & ATV users against aspects of YTG off-road vehicle legislation). This is a considerable distance, and should provide adequate scope for the enjoyment of ORVs. **YCS recommends that existing trails be grandfathered, with possible exceptions for sensitive areas. YCS further recommends that no NEW trails be developed without a permit.** Currently, any trails wider than 1.5m already require a land use permit. Many ORVs are wider than 1.5m, and in any case, almost all ORV impact swathes are wider than 1.5m. Therefore, technically, many ORV trails are illegal. The Dempster Highway is managed by the Dempster Corridor Development Act, originally intended to protect a pipeline, but the effect has been to restrict off road access outside the snow season to a couple of grandfathered trails. This model is readily enforced, uncontroversial and accepted by the Yukon public and protects the landscape through which the Dempster passes. **YCS recommends we restrict ORV access by applying the model of the Dempster Development Corridor Act across the Yukon.**

Yukon is divided into management zones in a multitude of ways: hunting has Game Management Zones, RLUPs have Landscape Management Units, Forests



are managed according to watersheds, Traditional Territories are worked out politically. We certainly do not need yet another way of dividing Yukon. Happily, ORV management does not require landscape divisions any more than does the liquor act. **YCS recommends that ORV users be managed pan-territorially and that the concept of ORV Management Areas be dropped.** Thus, no one will be uncertain about the rules in any particular area.

Some places in Yukon are particularly sensitive: alpine, wetland and riparian areas warrant special protection. Yukon is the only jurisdiction in Canada without wetland protection, but until this void is addressed, the ORV regulations can greatly reduce damage to wetlands. **YCS recommends that wetlands, riparian areas, tundra and the sub-alpine be off-limits to ORVs except under special circumstances.**

Sincerely,

A handwritten signature in black ink that reads "Sebastian Jones". The script is cursive and somewhat stylized.

Sebastian Jones for Yukon Conservation Society