

SNOWMOBILE BYLAW REPORT

City of Whitehorse



**Report prepared by
Bylaw Services Department
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ACKNOWLEDGMENTS

The City of Whitehorse would like to thank the following members of the Snowmobile Task Force for dedicating their time and sharing their thoughts and recommendations in order to assist with the future development of a Snowmobile Bylaw:

- Gabriele Watts/Richard Zral – Riverdale Community Association
- Jeff Marynowski – Porter Creek Community Association
- Mark Daniels – Klondike Snowmobile Association
- John Ryder/Stephanie Muckenheim – Department of Environment
- Maciej Stetkiewicz – Yukon Conservation Society
- Tom Wyer/Cst. J.M. Sauve – Royal Canadian Mounted Police “M” Division
- Brian Edelman – Listers Motor Sports
- Testola Smith – Ta’an Kwach’an Council

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Written submissions were received by the following individuals who also dedicated a considerable amount of their time in order to share their concerns and recommendations - Thank you for your submissions:

- Dorothy Lebel
- Keith Lay
- Kathryn Secord
- Hillcrest Community Association
- Peter Long

VOLUME “A” SNOWMOBILE REPORT

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VOLUME "B" Book OF APPENDICES

Please note that all appendixes are available on line at the noted web site or on the City of Whitehorse web site. There will be binders of the appendix noted below available for viewing at the Offices of Bylaw Services at 305 Range Road.

Due to the number of appendixes and the large size of some of those documents, copies of the appendixes will not be produced for the public.

DOCUMENT APPENDIX "1" – Written Submissions*

- Written Submissions – Dorothy Lebel
- Written Submissions – Keith Lay
- Written Submission – Peter Long
- Written Submissions – Hill Crest Community Association

APPENDIX "2" – Snowmobile Task Force Recommendations Draft April* 2011

APPENDIX "3" – Municipal Act - Yukon

APPENDIX "4" – Motor Vehicles Act – Yukon

APPENDIX "5" – Maintenance Bylaw – City of Whitehorse*

APPENDIX "6" – Parks and Recreation Bylaw – City of Whitehorse*

APPENDIX "7" – Protected Area Bylaw – City of Whitehorse*

APPENDIX "8" – Snowmobile Bylaw – City of Whitehorse*

APPENDIX "9" – 2010 Official Community Plan – City of Whitehorse*

APPENDIX "10" – Strategic Sustainability Plan – City of Whitehorse*

APPENDIX "11" – Trail Plan – City of Whitehorse*

APPENDIX "12" – Defining Ecologically- Based Significant Wildlife Areas for the City of Whitehorse*

APPENDIX "13" – Behavior Response of Woodland Caribou to Snowmobiles in a Mountain Environment*

APPENDIX "14" – Utilizing the Elaboration Likelihood Model to Generate Persuasive Communication for Off-Road Vehicle Management in the Yukon Territory *

APPENDIX "15" – Program Evaluation of the City of Whitehorse Bylaw Services Department

APPENDIX "16" – Select Committee on the Safe Operation and Use of Off-road Vehicles *

APPENDIX "17" – DataPath Survey – February 2011*

APPENDIX "18" - Tread Lightly pamphlet*

APPENDIX "19" – Southern Lakes Caribou Range (map)*

APPENDIX "20" - Location of rare elements within 10 km of Whitehorse centre (2011) (map)*

APPENDIX "21" – Public Survey results

APPENDIX "22" – City of Whitehorse map*

APPENDIX "23" – City of Whitehorse Trail Guide*

APPENDIX "24" – Public Survey*

*APPENDIX included in Council package

EXECUTIVE SUMMARY

The current municipal legislation regulating snowmobiles in the City of Whitehorse is the Snowmobile Bylaw that was passed in 1972. Comments and concerns have been received from the public on issues that usually fall into one or more of the three categories of; safety, environmental concerns, and/or nuisance operation. City Administration agreed that the current Snowmobile Bylaw needed to be updated. The City of Whitehorse Bylaw Services receives complaints from the public concerning snowmobile usage in residential areas and Protected/Environmental Sensitive areas within City Limits. The re-write of legislation concerning snowmobile operations within the City of Whitehorse is required in order to accommodate the needs and views of the City's growing population as well as to protect environmentally sensitive areas. To assist the city with updating its bylaw, the City employed the assistance of members of the community by striking a Snowmobile Task Force.

The purpose of the Snowmobile Task Force was to have a diverse group of organizations meet and share their thoughts and considerations regarding the use of snowmobiles within the City of Whitehorse from their group's perspective. The desired result was to have the Task Force make recommendations and share ideas with City Council. The Snowmobile Task Force members presented these recommendations to Council in April of 2011.

The Task Force met seven (7) times from January to April 2011 to discuss areas of concern and priority with regard to the use of snowmobiles in the City of Whitehorse. The Task Force took into consideration the City of Whitehorse Trail Plan, Snowmobile Bylaw, Protected Areas Bylaw, Sustainability Plan, Official Community Plan (OCP); and the *Motor Vehicles Act*.

In efforts to gather information from the community and stakeholders on the issues surrounding snowmobiles, the City set up three mechanisms to gather information and feedback. Those mechanisms were:

- 1) Strike a Snowmobile Task Force (the "Task Force") selected by Council for receiving the views and opinions of special interest groups/stakeholders in the community. Upon the completion of the Task Force meetings, administration prepared a draft report on the recommendations of the Task Force for review by Council.
- 2) Completion of a statistically valid survey on specific questions identified by Council about snowmobile usage in the City of Whitehorse, which was completed by Data Path.
- 3) The City of Whitehorse held an open house where the public provided comments on the Task Force recommendations, as well as, comments in general about snowmobiling within City limits.

BACKGROUND

Introduction

For the past several years City of Whitehorse Administration and Mayor and Council have heard growing concerns on the use of Snowmobiles and All Terrain Vehicles in the City of Whitehorse.

Concerns typically fall into one of three areas:

- Safety
- Environmental concerns
- Nuisance operation

In 2006, Bylaw Services conducted a Program Evaluation on the services it provides to the community. Stakeholder and public consultation was conducted to gain a better understanding of how our stakeholders and the public viewed the services that the Department was providing to the community. Upon completion of the Program Evaluation, there were seven recommendations provided for Bylaw Services to look at ways to better serve stakeholders and the public. One of those recommendations was the implementation of an increased role in All Terrain Vehicle and Snowmobile Bylaw enforcement.

All Terrain Vehicle and Snowmobile Bylaw enforcement generated significant discussion in the 2006 program evaluation and one public input session was accompanied by an 11-page submission on the subject of All Terrain Vehicle and Snowmobile use.

In the summer of 2010 Mayor and Council directed administration to look at the issues surrounding Snowmobile and All Terrain Vehicle use in the City of Whitehorse and to bring forward recommendations to deal with public concerns. In June of 2010, an internal working group of City Staff (Internal Working Group) comprised of Bylaw Services, Engineering and Environment, Parks and Recreation, Planning and Development, Public Relations Manager, Public Works, Senior Management and the Sustainability Coordinator was struck to start looking at the concerns surrounding Snowmobile and All Terrain Vehicle use in the City.

The Internal Working Group then proposed dealing with Snowmobile Bylaw and All Terrain Vehicle Bylaw separately. The groups were viewed by many as being different and feedback was that these groups wanted to be dealt with separately. The Internal Working Groups action plan was to deal with the Snowmobile Bylaw first, due to the long-standing presence of local snowmobile group, the Klondike Snowmobile Association (The KSA) in the community. The KSA had done several years of work and maintenance on a variety of trail systems within the City in consultation with both the community and the City of Whitehorse.

It was then determined by the Internal Working Group that a task force (Snowmobile Task Force) would be struck to deal with the Snowmobile Bylaw that would put forth recommendations to Mayor and Council for consideration when drafting future legislation dealing with snowmobiling in Whitehorse.

In December of 2010, the Snowmobile Task Force was struck comprising of members of the community selected by Mayor and Council. A total of seven (7) Snowmobile Task Force meetings took place between January, and April 2011.

The list of Snowmobile Task Force members with representation during the Task Force meetings were as follows:

- Gabriele Watts/Richard Zral – Riverdale Community Association
- Jeff Marynowski – Porter Creek Community Association
- Mark Daniels – Klondike Snowmobile Association
- John Ryder/Stephanie Muckenheim – Department of Environment
- Maciej Stetkiewicz – Yukon Conservation Society
- Tom Wyer/Cst. J.M. Sauve – Royal Canadian Mounted Police “M” Division
- Brian Edelman – Listers Motor Sports
- Testola Smith – Ta’an Kwach’an Council

In January of 2011, a statistically valid survey was completed by “Data Path” on a series of questions put forward by Administration and Mayor and Council.

In April of 2011, the Snowmobile Task Force Final report was provided to Mayor and Council and released to the public for comment. There was a public open house outlining the findings of the Snowmobile Task Forces final report. Public submissions were then collected until May 19th, 2011 regarding the Snowmobile Task Force report and snowmobiling in general.

Based on the information gathered and received, a final report was prepared for Mayor and Council. There have been a number of specific comments and or suggestions brought forward to Administration to deal with Snowmobiling in Whitehorse including, but not limited to , looking at models from other jurisdictions; signage and barriers; environmental protection; clearer designation for trails and trail use; more active patrols in the greenbelts; and increased enforcement on evenings and weekends.

In striving to fulfill the City’s Mission Statement, “We provide leadership as one of Canada’s best local governments that enables Whitehorse to be an exceptional community to live, work, and play”. The City of Whitehorse recognizes the importance of a multi-use trail network that is safe, accessible, and does not encourage environmental degradation.

It has been determined that the Snowmobile Bylaw needs to be updated since its enactment in 1972 in order to accommodate the citizens of the City of Whitehorse, including users and non-users of snowmobiles.

Purpose

The City of Whitehorse is a northern community with a large segment of its citizens pursuing outdoor activities within the community year round. Many of the outdoor winter activities include, but are not limited to:

- Skiing
- Hiking
- Walking
- Snowmobiling
- Ice fishing
- Running
- Cycling

The City of Whitehorse is hundreds of square kilometres in size. A large portion of this area is green space in which there are hundreds of kilometres of trails. The sensitive northern climate of Whitehorse means that the impact of all users is felt in the green spaces. Trails are easily created by users or wildlife and often quickly grow into larger trails. Many trails in the Whitehorse area have grown so large that they are accessible by vehicles such as large 4X4 trucks. Damage by users in our green spaces is apparent, and for the purposes of winter activity, the most visible environmental damage to landscape appears to happen in the shoulder seasons.

With such a large variety of users there are many competing interests for the usage of space in the green spaces. Many people will tell you that they live in Whitehorse to experience the outdoors. Experiencing the outdoors however means many different things to many different people. The feedback received by the City of Whitehorse has been that many people are active in our green spaces, and most users agree that there needs to be protection of the environment. As such, the purpose of the new Snowmobile Bylaw is to protect the environment as well as the public, while ensuring Snowmobiling activities are not a nuisance to the citizens of Whitehorse.

The Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles was quoted as reporting the following:

“What We Heard”

Opinions and suggestions (“what we heard”) about the safe operation and use of off-road vehicles were vastly diverse, ranging from very intense views at either end of the spectrum to everything in between. Some are strongly in support of off-road vehicle legislation while others are vehemently opposed.

One thing is clear: Yukoners are passionate about the issue. Comments tend to be emotionally charged and closely tied to what Yukon means to each individual. For example, some view Yukon as the last frontier and want it to remain so. For them it is about protecting their personal rights and freedoms and having the ability to choose. Others see it as a pristine, untouched wilderness experience. For them it’s more about respect and the principle that Yukon belongs to all of us and must be protected for future generations”.

It is important to point this out. Of the 2489 surveys received by the Select Committee on the Safe Operation and Use of Off-road Vehicles, 1767 of the responses were from Whitehorse; 60% of participants indicated they own or operate all terrain vehicles (ATV) in the territory; 52% identified themselves as snowmobile users; 45% indicated they own or operate both all-terrain vehicles and snowmobiles and 32% said they don't own or operate either one.

OTHER JURISDICTIONS

What are some things that are happening in some other jurisdictions?

British Columbia

Snowmobiles must be registered at which time they are issued a decal. Drivers must be 18 years of age or 16 years of age with the consent of a parent/guardian.

If snowmobiles are purchased new then the NIVIS must be surrendered at the time of registration. If a snowmobile is purchased privately then a bill of sale (with the vehicle identification number noted thereon) and the signature of both parties are required. Registration of a snowmobile must be within 10 days of purchase. Insurance is mandatory in British Columbia through ICBC.

Safety course is not mandatory.

Snowmobiles are not allowed on the roadways and are not allowed to cross a road. Trailer must take snowmobiles across a road.

Alberta

Snowmobiles must be licensed, registered and insured in Alberta. The minimum liability insurance is \$200,000.00 which is the same for any other motor vehicle. Registration to occur prior to riding the snowmobile.

Snowmobile operators must be a minimum of 14 years of age to ride unsupervised. However, the operator must have a valid driver's license if riding along a roadway or to cross a roadway.

Safety course is recommended but not mandatory.

Ontario

Snowmobiles must be registered in Ontario. If purchased new the dealer is required to register the snow vehicle within 6 days of purchase. If the snow vehicle is purchased privately then the owner must register the same within 6 days of purchase. Permit decal is then issued and must be placed on the snow vehicle. Fines range from \$200.00 - \$1000.00 for unregistered snow vehicles.

Trail permits are required and are issued when the snow vehicle is being registered. Trail permits must be displayed on the snow vehicle. Fines for failing to display a trail permit range from \$200.00 - \$1000.00.

Snow Vehicle Operator's Licence is required at 12 years of age. Insurance is mandatory and the same as insuring a motor vehicle.

Prince Edward Island

Snowmobiles must be registered in the Province of Prince Edward Island. Snowmobile registration costs \$25.00 annually versus other off-highway vehicles, which costs \$10.00 annually. Licence plates are issued.

Driver's licence is not required unless the snowmobile is driving along the highway (ditch) or crossing a highway. A driver's licence is not required if the driver has successfully completed an off-highway vehicle safety training course approved by the Registrar.

Insurance is not mandatory in this province.

Fines for unregistered snowmobiles range from \$75.00 minimum to \$100.00 maximum.

Jurisdiction/ Municipality	Driver's License Required	Liability Insurance	Registration Required	Registration Required at Point of Sale	Age Limitation	Safety Course
Saskatchewan	✓	✓	✓		12 – 16 yrs with a safety course	✓
New Brunswick		✓	✓	✓	16	Under 16
Nova Scotia		✓	✓		16	
British Columbia	✓	✓	✓	Within 10 days of purchase	18 yrs or 16yrs with parent consent	
Terrace BC	✓	✓	✓	Within 10 days of purchase	18 yrs or 16yrs with parent consent	
Prince George BC						
Fort St. John BC						
Ontario	✓	✓	✓	Within 6 days of purchase	12 years with a Motorized Snow Vehicle Operator's Licence	✓ must pass Motorized Snow Vehicle Operator's exam
Yellowknife, NWT	✓	✓	✓ Municipal		Under 12 years if not within City or on a hwy.	✓
City of Whitehorse	✓	✓	✓		16 yrs	
Manitoba	X	✓	✓		14 yrs	
PEI	✓ Must have driver's licence or successfully complete an off- highway vehicle safety-training course.	✓	✓	Within 14 days of purchase	Under 14 yrs must be supervised by adult with driver's licence	Mandatory if a driver's licence is not obtained
Alberta	✓	✓	✓		14 or 18 yrs for registration purposes	
Sylvan Lake Alta	✓	✓	✓			

RECOMMENDATIONS FOR NEW SNOWMOBILE BYLAW

It is important to note that of 247 surveys that were completed by the public after the release of the Snowmobile Task Force report, 52% of the surveys stated the current Snowmobile Bylaw needed to be amended with only 20% stating they felt the current Snowmobile Bylaw did not need to be amended.

Summary of Recommended Major Changes to be made to Snowmobile Bylaw

Areas of Change:

- Trails and Maps
- Legislation
- Education

Recommended Change	Supporting Data
Trails and Map	
<p>Out and away trails:</p> <p><u>Administration is recommending:</u></p> <p>Part of the of the new Snowmobile Bylaw be created that specifically deals with out and away trails as designated trails and to place significant penalties for persons found operating off of out and away trails or other trails outlined in the Bylaw.</p>	<p>The Snowmobile Task Force identified "The use of out and away trails when they reviewed area maps.</p> <p>The Snowmobile Task Force identified "Out and Away Trails" as an area requiring "Education".</p> <p>The Snowmobile Task Force identified "Recreation areas "as an area requiring "Education".</p> <p>Data Path survey – When snowmobilers were asked, "where do you drive most often?" 63% answered "on designated trails"</p> <p>Data Path survey – When asked if snowmobiling should be banned in certain areas in Whitehorse, 65% of those surveyed stated snowmobiling should be banned from sensitive areas.</p> <p>Data Path survey – Of those surveyed 73% stated that it was important to limit snowmobile use in residential neighbourhoods.</p> <p>Data Path survey – Of those surveyed 72% stated snowmobiles should have designated trails throughout the City.</p> <p>2011 Snowmobile Public Survey – In question 8 of the public survey, when asked what were the top three recommendations from the Task Force they would like to see considered 23/223 (10%) of surveys indicated out and away trails. This scored 4th highest in question 8 of the public survey.</p> <p>Part 2, Section 18.5.2 of the OCP states:</p> <p><i>"The Trail Plan recommends the creation of a map of "out and away" trails for motorized recreation vehicle usage. This map shall be designed to strongly discourage the use of all terrain vehicles on non-motorized trails and in environmentally sensitive areas. The map would be accompanied with physical upgrades such as signage. Work on this project shall be done in conjunction with groups such as the Klondike Snowmobile Association, Motor Vehicles Branch, and others."</i></p>

	<p>Section 3.2 of the Trail Plan outlines the use of out and away trails for motorized recreation vehicle usage. The Trail Plan states: The City of Whitehorse Trail Plan recognizes the wide variety of trail users and activities, including both non-motorized and motorized uses, and is committed to accommodating a diversity of activities in a healthy, safe and respectful manner. The City of Whitehorse Trail Plan recognizes the importance of the trail system to residents and visitors alike and is committed to including the public in determining guidelines for trail system development, use, preservation and maintenance.</p> <p>By limiting the use of snowmobiles in urban residential areas and keeping snowmobilers on designated trails until they are “out and away” will ensure there are less noise disturbances in residential areas.</p>
<p>Protection of environmentally sensitive areas:</p> <p><u>Administration is recommending:</u></p> <p>The Official Community Plan maps related to the identification of sensitive areas are adopted into the Snowmobile Bylaw and that snowmobiles not are permitted in these areas except upon signed designated motorized trails.</p> <p>Administration is also recommending that a system of public service announcements be put into place to advise snowmobilers when they can snowmobile off Trail in non restricted areas, this will ensure further degradation and damage to vegetation does not take place within City limits.</p> <p>Administration is also recommending that any</p>	<p>The Snowmobile Task Force identified “Access restrictions in City”, “Impact on Land”, Impact on Wildlife”, and “Impact on Water Bodies” as areas requiring “Education” and “Legislation”.</p> <p>Data Path survey – When asked if snowmobiling should be banned in certain areas in Whitehorse, 65% of those surveyed stated snowmobiling should be banned from sensitive areas. (The DataPath Survey asked the participants if snowmobiles should be banned from environmentally sensitive areas. 48% of snowmobile operators agreed to this statement versus 76% of non-snowmobile operators. When asked if snowmobiles should be banned from watersheds, 24% of the snowmobile operators agreed versus 46% of non-operators).</p> <p>Data Path survey – Of those surveyed 72% stated snowmobiles should have designated trails throughout the City.</p> <p>2011 Snowmobile Public Survey – when asked what were the three things people felt were most important from a list of 9 items as outlined in question 10 of the public survey. The public indicated 92/223 – 41% that there needed to be protection of sensitive areas (in particular – wildlife habitat). This scored the 4th highest in question 10.</p> <p>2011 Snowmobile Public Survey – when asked what were the three things people felt were most important from a list of 9 items as outlined in question 10 of the public survey. The public indicated 100/223 – 45% that there needed to be protection of sensitive areas (in particular – lakes, rivers and wetlands). This scored the highest in question 10 of the public survey.</p> <p>2011 Snowmobile Public Survey – when asked if environmental areas should be off limits as per the map in the Official Community Plan, which has identified sensitive areas, 113/203 (56%), responses were that these areas should be off limits to snowmobiles. With 47/203 (23%) these areas should not be off limits. This was question 11 of the public survey.</p> <p>2011 Snowmobile Public Survey – In question 8 of the public survey, when asked what were the top three recommendations from the Task Force they would like to see considered 40/223 (18%) of surveys indicated protection of environmentally sensitive areas. This scored 3rd highest in question 8 of the public survey.</p> <p>2011 Snowmobile Public Survey – In question 8 of the public survey, when asked what were the top three recommendations from the Task Force they would like to see considered 18/223 (8%) of surveys indicated education of environmental impacts for operators. This scored 5th highest in question 8 of the public survey.</p> <p>Section 1.1.1 of the Official Community Plan talks about environmentally sensitive areas, wildlife corridors and important water bodies within the City of Whitehorse and the</p>

trail development in the areas identified in Appendix "19" include the active participation of Yukon Government Environment.

protection of the same as follows:

"Environmentally sensitive areas, such as significant wildlife corridors and important water bodies, are found throughout the City and their protection is a priority. Every effort shall be made to preserve these areas through limiting disturbance, promoting compact development, and ensuring connectivity between significant areas. Proposed development or activities that may impact the ecology of these areas shall be examined through comprehensive planning processes. It is also recognized that development may need to cross these corridors. Mitigative measures shall be taken to ensure impact to wildlife is kept to a minimum".

Under Sections 1.1.3, 1.1.4 and 1.1.5 of the Official Community Plan, the development of trails is to be designed to avoid erodible areas and unstable soil, be developed in recognition of land use and planning must be done to reduce potential negative impact.

The Official Community Plan outlines a detailed map with sensitive areas around Whitehorse. Many months of work with the community, community stakeholders and physical identification of sensitive areas went into developing these detailed maps.

Section 3.2 of the Trail Plan outlines that the The City of Whitehorse Trail Plan recognizes the importance of a functional, well connected trail system to the liveability and sustainability of the City in a number of spheres – environmental protection, community building, alternative transportation, active living/wellness, fiscal responsibility, etc.

Section 6.1 of the Trail Plan states the importance, and that priority is to be placed on 1) Increase protection of environmentally-sensitive areas 2) Greenbelt protection and trails go hand-in-hand

Section 6.2 of the 2007 Trail Plan - Public Consultation "Additional Thoughts" talks about notable degradation of sensitive landscapes, slopes and wet areas within the City of Whitehorse due to inappropriate motorized traffic.

Section 9.2 of the Trail Plan -Protecting Natural Resources goes on to speak about the importance of the following: 1) Trail Infrastructure Management –trail facilities; trail construction/standards; signage; water quality protection measures; new trail routing re: key wildlife habitat, sensitive vegetation/communities, heritage & cultural resources; etc 2)Trail User Management – key habitat information; no trace education; seasonal trail closure; enforcement; use regulations/restrictions; etc 3)Protection/Restoration Management – monitoring; trail decommissioning/closure (permanent); timely repair; habitat restoration; etc

The Select Committee on the Safe Operation and Use of Off-road Vehicles states in its 14th recommendation: "THAT, off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. Ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas as necessary, to exclude off-road vehicles from specific types of land or habitats, and to have certain areas designated as access routes only"

In a report completed for the City of Whitehorse in 2000 significant work went into identifying sensitive areas within the City of Whitehorse. Much of this information and mapping is repeated in the Official Community Plan. Report and maps attached as APPENDIX "12".

APPENDIX "19" outlines Caribou Range east of Whitehorse.

APPENDIX "20" outlines locations of rare elements within 10 km of Whitehorse centre.

<p>Clear trail signage:</p> <p><u>Administration is recommending:</u></p> <p>Standards for clear trail signage are outlined in the Snowmobile Bylaw in conjunction with the Trail Plan (appendix III).</p>	<p>The Snowmobile Task Force identified "Signage" as an area requiring "Education".</p> <p>The Snowmobile Task Force reviewed the issue of trails and reviewed the maps of designated motorized trails. One comment frequently raised by Task Force members was the need for clearer and more trail signage.</p> <p>2011 Snowmobile Public Survey – when asked what were the three things people felt were most important from a list of 9 items as outlined in question 10 of the public survey. The public indicated 97/223 – 44% that trail signage was important. This scored the 3rd highest in question 10.</p> <p>2011 Snowmobile Public Survey – In question 8 of the public survey, when asked what were the top three recommendations from the Task Force they would like to see considered 49/223 (22%) of surveys indicated increased and clear trail signage. This scored 1st in question 8 of the public survey.</p> <p>Part 2, Section 18.2.1 of the OCP states:</p> <p><i>"The City may, in conjunction with other agencies and governmental departments, develop a trail signage program, which encourages trail use, and facilitates visitor appreciation of the City's natural, cultural, and historic attributes."</i></p> <p>2007 Trail Plan public consultation established that the citizens of Whitehorse felt they needed better trail signage clearly showing designated/non-designated trails and distances.</p>
<p>Accessing trails from residential areas:</p> <p><u>Administration is recommending:</u></p> <p>Snowmobiles would not be permitted to drive within residential areas including on roadways, and road way right of ways except on designated trails.</p> <p>Snowmobiles would need to be taken by trailer to a staging area along motorized trails to gain access to the trail system (snowmobile operators would not be able to operate their snowmobile by driving from their residence to a motorized trail)</p>	<p>The Snowmobile Task Force identified "Noise" as a priority of focus for "Education".</p> <p>Data Path survey – When asked if a person driving had ever encountered a snowmobiler on the road 91% of respondents stated they had.</p> <p>Data Path survey – Of those surveyed 73% stated that it was important to limit snowmobile use in residential neighbourhoods.</p> <p>Data Path survey – When snowmobilers were asked 80% of them stated they felt it was ok to ride their snowmobile from their house to the nearest trail but only at a slow rate of speed. 22% of those surveyed stated it was ok to drive from their house to the nearest trail at any speed as long as you are doing this safely.</p> <p>2011 Data Path Survey - 59% of citizens surveyed felt that snowmobile usage creates unwelcome noise in residential areas.</p> <p>2011 Snowmobile Public Survey – when asked what were the three things people felt were most important from a list of 9 items as outlined in question 10 of the public survey. Snowmobile noise came in at number 5th on the list.</p> <p>18.2.3 Of the Official Community Plan states: Where viewpoints are developed, they should be located at sites with connecting trails, and in areas not sensitive to human disturbance. These areas may also comprise <u>trail staging areas supplemented with appropriate trail signage.</u></p>

<p>Use of snowmobiles in residential areas:</p> <p><u>Administration is recommending:</u></p> <p>An amendment to the Protected Areas Bylaw so that Snowmobiles are classified as Motor Vehicles in the Protected Areas Bylaw. The Bylaw would restrict the operation of snowmobiles in the areas listed in the Protected Areas Bylaw except signed designated trails. This amendment should be made at the same time the Snowmobile Bylaw comes forward into the Bylaw process.</p> <p>Note, that Administration recommends the Protected Areas Bylaw should have an extensive review after both the Snowmobile Bylaw and All Terrain Vehicle Bylaw have been dealt with.</p> <p>Any new designated trails within residential areas are to be designated as outlined in the Trail Plan by a Trail Committee comprised of members of the community where the trail is being proposed.</p>	<p>Data Path survey – Of those surveyed 73% stated that it was important to limit snowmobile use in residential neighbourhoods.</p> <p>Data Path survey – When snowmobilers were asked 80% of them stated they felt it was ok to ride their snowmobile from their house to the nearest trail but only at a slow rate of speed. 22% of those surveyed stated it was ok to drive from their house to the nearest trail at any speed as long as you are doing this safely. This means 1 in 5 snowmobilers feel they can drive at any speed as long as they are doing it safely.</p> <p>2011 Data Path Survey - 59% of citizens surveyed felt that snowmobile usage creates unwelcome noise in residential areas.</p> <p>2011 Snowmobile Public Survey – when asked what were the three things people felt were most important from a list of from a list of 9 items as outlined in question 10 of the public survey. The public indicated 90/223 – 40% that snowmobile noise in residential areas needed to be considered. This scored the 5th highest of the items in question 10.</p> <p>2011 Snowmobile Public Survey – in an open-ended question 22/223 (10%) surveys stated noise was a problem in residential areas and needed to be enforced more. This was tied for 4th highest in question 7 of the public survey.</p> <p>The Protected Area Bylaw 426 does not restrict the operation of motor toboggans in protected areas; however, the operation of motor vehicles is prohibited in Protected Areas. Many of the current Protected Areas are located near residential areas and the operation of snowmobiles in these areas often causes noise, which disturbs area residents.</p> <p>City of Whitehorse Trail Plan - “When asked to prioritize, members of the public identified the issue of non-motorized trails near neighbourhoods as being a concern to them for trails and trail-related issues:</p> <p>6.1 Priority Issues: Trails-specific</p> <p>“Designate non-motorized trails near neighbourhoods”</p> <p>By limiting the use of snowmobiles in urban residential areas and keeping snowmobilers on designated trails until they are “out and away” will ensure there are less noise disturbances in residential areas.</p>
<p>Motorized and non motorized trail designation:</p> <p><u>Administration is recommending:</u></p>	<p>The Snowmobile Task Force identified “Trail Designation” as an area requiring “Education” and “Legislation”.</p> <p>The Snowmobile Task Force identified “Motorized and Non-Motorized Designation” as an area requiring “Education”.</p> <p>Data Path survey – Of those surveyed 72% stated there should be designated trails</p>

<p>That pursuant to the Official Community Plan that <i>"Where feasible, consideration be made to separate multi-use trails (which accommodate motorized and non-motorized recreation) from non-motorized trails."</i></p> <p>The Snowmobile Bylaw will outline for snowmobilers where to drive on motorized trails and the part of the trail other users are to utilize. (This will be the same as general rules of the road – keep right)</p>	<p>throughout the City.</p> <p>Data Path survey – When snowmobilers were asked, "where do you drive most often?" 63% answered "on designated trails"</p> <p>Data Path survey – Those surveyed that encountered snowmobiles on trails and on the roadway while driving stated 46% of those experiences were negative and 54% of those experiences were positive.</p> <p>Data Path survey – When snowmobilers were asked, "have you ever had a negative encounter with a pedestrian on a trail?" 19% stated they had.</p> <p>2011 Snowmobile Public Survey – In question 9 of the public survey, when asked what three things should be least considered from the Task Force recommendations 11/223 (5%) surveys indicated motorized and non-motorized trails should not be considered in any new Snowmobile legislation. This scored the 2nd highest in question 9 of the public survey.</p> <p>Section 18.5.1 of the OCP states: <i>"Where feasible, consideration shall be made to separate multi-use trails (which accommodate motorized and non-motorized recreation) from non-motorized trails. Future multi-use trail development shall avoid environmentally sensitive areas wherever possible."</i></p> <p>City of Whitehorse Trail Plan - "When asked to prioritize, members of the public identified the issue of separate motorized and non-motorized uses, or coexist with respect as being a concern to them for trails and trail-related issues: 6.1 Priority Issues: Trails-specific "separate motorized and non-motorized uses, or coexist with respect"</p> <p>City of Whitehorse Trail Plan - "When asked to prioritize, members of the public identified the issue of non-motorized trails near neighbourhoods as being a concern to them for trails and trail-related issues: 6.1 Priority Issues: Trails-specific "Designate non-motorized trails near neighbourhoods"</p>
<p>Legislation</p>	
<p><u>Administration is recommending:</u></p> <p>A new Snowmobile Bylaw be drafted to address matters brought forward by the Snowmobile Task Force and members of the public</p>	<p>In 2006, Bylaw Services conducted an evaluation of its services. The following information is a result of the work done in evaluating that service. Note that stakeholders, the public and administration were consulted for the Bylaw Services Program evaluation.</p> <p>Bylaw Services Program Evaluation Page 20 - <i>Main Issues from Perspective of All Focus Group Participants</i> - An analysis of all the participants over all the focus groups revealed the <i>main</i> issues around the Bylaw Services program were:</p> <p>1. Enforcement 2. ATV / greenbelt issues 3. Hours of service, and Education 2 ATV / Greenbelt Issues</p> <p>This issue generated significant discussion in the focus groups and in one session was accompanied by an 11-page submission. This is an issue that ties into enforcement and can be summarized by the following, main issue areas:</p> <ul style="list-style-type: none"> • Trail designation, management, and enforcement issues • Licensing and registration issues • Training and driver education issues <p><i>Many of the comments previously discussed in the survey and interview results validate this outcome</i></p> <p>There were a number of specific comments or suggestions, such as looking at models from other jurisdictions, having a better City focal point for complaints, signage and barriers, designation for trails and trail use, active patrols in the greenbelts, and enforcement on evenings and weekends.</p>

	<p>2006 Bylaw Services Program Evaluation, Page 23 - The Client Survey results suggest, overwhelmingly, that clients want Bylaw to have increased activity with respect to ATV/Snowmobile use. Based on the Client survey results, an increased role in ATV/Snowmobile enforcement would be welcomed by Whitehorse residents.</p> <p>Snowmobile Public Survey – 2011 – When asked if more enforcement was needed under the Snowmobile Bylaw, citizens indicated the following: (218 responses): 155 (71%) voted “Yes”; 62 (29%) voted “No”.</p>
<p>Speed Limits:</p> <p><u>Administration is recommending:</u> Speed limits are set for operating Snowmobiles within the City. <u>Designated Trails within residential areas:</u> (such as Hamilton Boulevard Trail) 30km/hr <u>Designated Trails not within residential areas:</u> km/hr</p>	<p>The Snowmobile Task Force identified “Speed Limits” as an area requiring “Legislation” and “Education”</p> <p>2011 Snowmobile Public Survey – in an open-ended question 34/223 (15%) surveys stated more needed to be done with speed limit enforcement. This scored highest in question 7 of the public survey.</p> <p>Note that should a speed limit of 50 km/hr be set in non-residential areas, operators would need to consider weather conditions, trail conditions, and trail design. The same rules that apply to driving a car on the roadway and driving appropriately considering all aspects would apply the same to driving a snow machine on trails. Snowmobilers using multi use trails must drive appropriately considering they could come across another trail user at any time on the trail including pedestrians.</p>
<p>helmets:</p> <p><u>Administration is recommending:</u></p> <p>Regulations are put in the Snowmobile Bylaw requiring all persons operating, riding or being towed by a snowmobile must wear an approved helmet.</p>	<p>The Snowmobile Task Force identified “Helmets” as an area requiring “Legislation” and “Education”</p> <p>Section 216(1) and (2) of the <i>Motor Vehicles Act</i> (Yukon) requires that all persons operating a snowmobile (including passengers) must wear a safety helmet securely attached to their head.</p> <p>2011 Snowmobile Public Survey – in an open-ended question 31/223 (14%) surveys stated helmets needed to be mandatory. This scored 2nd highest in question 7 of the public survey.</p> <p>2011 Snowmobile Public Survey – In question 8 of the public survey, when asked what were the top three recommendations from the Task Force they would like to see considered 48/223 (22%) of surveys indicated helmet use. This scored 2nd highest in question 8 of the public survey.</p> <p>City of Whitehorse Submission to the Select Committee on Off-Road Vehicle use</p> <p>Helmets Currently, the City of Whitehorse, as in most jurisdictions in Canada, requires helmets to be worn while operating ORVs. Having territorial legislation would help bolster this safety effort and provide a united message to the public on the importance of ORV safety.</p> <p>It is important to note that municipal legislation (Snowmobile Bylaw) may not supersede any senior legislation such as the Motor Vehicles Act of the Yukon. Currently the Motor Vehicles Act of the Yukon requires helmet use for snowmobile operation.</p>
<p>Liability Insurance:</p> <p><u>Administration is</u></p>	<p>The Snowmobile Task Force identified “Liability Insurance” as an area requiring “Legislation” and “Education”</p> <p>On October 9, 1990, the Snowmobile Bylaw was amended (Bylaw 90-52, 1990-10-09) to provide that</p>

<p><u>recommending:</u></p> <p>Legislation is put in the new Snowmobile Bylaw requiring public liability insurance within the City of Whitehorse for Snowmobile operators. (This is in the current Snowmobile Bylaw).</p>	<p>every owner of a motor toboggan must take out and maintain a policy of public liability insurance whether operating on a highway or not within the City.</p> <p>Data Path survey – When snowmobilers were asked, “if their machine was registered and insured, 37% stated they were. With 49% stating they were not.</p> <p>Data Path survey – When snowmobilers were asked, “Would requiring insurance limit your snowmobile use?” 36% stated it would limit their use. (2011 Snowmobile Public Survey – In question 9 of the public survey, when asked what three things should be least considered from the Task Force recommendations 22/223 (10%) surveys indicated impact on employment and sales of snow machines. This scored the highest in question 9 of the public survey).</p> <p>2011 Snowmobile Public Survey – in an open-ended question 25/223 (11%) surveys stated registration and insurance needed to be mandatory. This scored 3rd highest in question 7 of the public survey.</p> <p>Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles – one of the recommendations contained within the report was:</p> <p style="padding-left: 40px;">THAT, all off-road vehicles that travel on or cross over any Yukon road or highway be subject to registration and liability insurance and require that operators hold a valid Class 5 driver’s licence.</p> <p>The City of Whitehorse prepared a Submission to the Select Committee on Off-Road Vehicle Use. The City of Whitehorse had outlined several points to the Select Committee for their consideration. One of the points raised with the Select Committee was that all ORVs be adequately insured for public damage and personal liability.</p> <p>In a survey of 2489 The Select Committee on the Safe Operation and Use of Off-road Vehicles asked the question - Do you think snowmobile users should have to carry liability insurance? 55% of respondents support mandatory liability insurance for snowmobile users, 42% do not support mandatory liability insurance, and 3% of participants did not answer this question. Urban respondents were more likely than rural respondents to support mandatory liability insurance with 59% in support.</p> <p><i>City of Whitehorse Submission to the Select Committee on Off-Road Vehicle use</i></p> <p><i>Insurance</i></p> <p>Currently, many ATVs are not insured. In the event that an accident occurs and results in personal injury and/or damage to property the only recourse to pursue compensation is through legal action.</p> <p>2008 data on hospital admissions:</p> <ul style="list-style-type: none"> • ATV/Snowmobile 134 • Motor Cycle 69
<p>Registration:</p> <p><u>Administration is</u></p>	<p>The Snowmobile Task Force identified “Registration” as an area requiring “Legislation” and “Education”</p> <p>Data Path survey – When snowmobilers were asked, “Would requiring your snowmobile to be</p>

<p><u>recommending:</u></p> <p>Legislation be put in the new Snowmobile Bylaw requiring snowmobiles be registered with the Department of Motor Vehicles.</p>	<p>registered limit your snowmobile use?" 29% stated it would limit their use.</p> <p>2011 Snowmobile Public Survey – In question 9 of the public survey, when asked what three things should be least considered from the Task Force recommendations 22/223 (10%) surveys indicated impact on employment and sales of snow machines. This scored the highest in question 9 of the public survey.</p> <p>Data Path survey – When snowmobilers were asked, "if their machine was registered and insured, 37% stated they were. With 49% stating they were not.</p> <p>DatePath Survey – respondents were asked if Snowmobiles should be required to be licensed and registered before they are allowed to leave a dealership. The results were 46% Agree; 38% Disagree. Snowmobile Operators were more likely to disagree to this statement (61% versus 22%)</p> <p>2011 Snowmobile Public Survey – Question #6. Do you feel the existing Snowmobile Bylaw needs to be amended? - Yes and Why? – 79 individuals agreed that snowmobiles should be registered (also includes insurance and licensing). This was the highest score for question 6.</p> <p>Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles – one of the recommendations contained within the report was:</p> <p style="padding-left: 40px;">THAT, all off-road vehicles that travel on or cross over any Yukon road or highway be subject to registration and liability insurance and require that operators hold a valid Class 5 driver's licence.</p> <p>The City of Whitehorse prepared a Submission to the Select Committee on Off-Road Vehicle Use. The City of Whitehorse had outlined several points to the Select Committee for their consideration. One of those points was the requirement for all ORVs to be registered with the Department of Motor Vehicles at point of sale.</p> <p><i>City of Whitehorse Submission to the Select Committee on Off-Road Vehicle use</i></p> <p><i>ORV Registration and License Plate</i></p> <p>This is the single most important amendment to the legislation being sought by the City of Whitehorse. Currently, it is extremely difficult to identify offenders, as their vehicles have no license plate. Drivers are difficult or impossible to identify. City Bylaws are near impossible to enforce under the current circumstances.</p> <p>In a Survey The Select Committee on the Safe Operation and Use of Off-road Vehicles asked the question - Do you think snowmobiles should have to be registered?</p> <p>Overall 55% of respondents support registration of snowmobiles, 43% do not support snowmobiles having to be registered, and 2% of participants did not answer this question. Urban respondents were more likely than rural respondents to support mandatory registration of snowmobiles with 58% percent being in support.</p> <p>Having vehicles registered with the department of Motor Vehicles and required to contain a plate would allow City Bylaw officers or citizens who witness an offence to record the license plate, which allows for future follow up.</p>
<p>Drivers License Requirement/ Age Restrictions:</p>	<p>The Snowmobile Task Force identified "Drivers License" as an area requiring "Education".</p> <p>The Snowmobile Task Force identified "Age Limitation" as an area requiring "Education" and "Legislation".</p>

Administration is recommending:

A set age limit for snowmobilers as outlined in the Motor Vehicles Act for having a driver's license.

Data Path survey – Of those surveyed 74% stated operators should be at least 16 years of age.

Data Path survey – Of those surveyed 54% felt that operators under the age of 16 were a problem.

2011 Snowmobile Public Survey – in an open-ended question 22/223 (10%) surveys stated age restrictions of 16 years of age needed to be enforced more. This was tied for 5th highest in question 7 of the public survey.

Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles – one of the recommendations contained within the report was:

THAT, all off-road vehicles that travel on or cross over any Yukon road or highway be subject to registration and liability insurance and require that operators hold a valid Class 5 driver's licence.

City of Whitehorse Submission to the Select Committee on Off-Road Vehicle use

Drivers License

The City responds to a number of complaints over ORV use that involves minors operating a motor vehicle. A valid driver's license would help ensure driver education was obtained and help prevent minors from riding ORVs.

In a Survey The Select Committee on the Safe Operation and Use of Off-road Vehicles asked the question - Do you think all snowmobile users should have to have a driver's licence?

38% of respondents support a driver's licence requirement for snowmobile operators, 60% do not support a driver's licence requirement, and 2% of participants did not answer this question. The breakdown of responses by urban and rural Yukon indicates slightly less support for a driver's licence requirement from rural Yukoners with 40% of urban respondents in support of a driver's licence requirement.

Education

Note: All items identified by the Snowmobile Task Force in "Education" are listed within the appropriate sub categories of this chart.

Snowmobile Safety Course:

The Snowmobile Task Force identified "Safety Course" as an area requiring "Education" and "Legislation".

Administration is recommending:

Legislation in the new Snowmobile Bylaw requiring any operator of a snowmobile to have taken an approved snowmobile operators course. (Note that the person must also have a valid driver's license as outlined in the Motor Vehicles Act).

Data Path survey – Of those surveyed 71% stated they felt there was a need for more safety education for snowmobile operators.

Data Path survey – Of those surveyed 58% stated they felt all snowmobile operators should be required to take an operator training course.

2011 Snowmobile Public Survey – when asked what were the three things people felt were most important from a list of 9 items as outlined in question 10 of the public survey. The public indicated 98/223 – 44% that education was important. This scored the 2nd highest of choices provided in question 10.

2011 Snowmobile Public Survey – In question 8 of the public survey, when asked what were the top three recommendations from the Task Force they would like to see considered 18/223 (8%) of surveys indicated education of environmental impacts for operators. This scored 5th highest in question 8 of the public survey.

In a survey of 2489 The Select Committee on the Safe Operation and Use of Off-road Vehicles asked the question - Do you think snowmobile users should have to have driver training?

Their findings were that there was an even split in the overall responses for mandatory driver training for snowmobile operators:

- 49% of respondents are supportive of mandatory driver training;
- 49% do not support mandatory training; and
- 2% of respondents did not answer

The breakdown of responses by urban and rural Yukon is relatively consistent with slightly more support for driver training among urban Yukoners at 51%.

Of the 1222 respondents that support mandatory driver training for snowmobile operators, 41% felt that training requirements for minors should be different than training requirements for adults and 51% felt that training for both, minors and adults, should be the same. 8% of participants did not respond to this question. 35% of Snowmobile operators support driver training, while 75% of non-operators support driver training.

The City of Whitehorse Trail Plan outlines the following related to education and the Tread Lightly approach to education:

"It is recommended that the Tread Lightly! Programs and materials form the core of a new, comprehensive approach to trail-related communications, education and training. Tread Lightly's practical, straightforward, highly ethical yet decidedly non-preachy tone makes their approach the perfect companion piece to the Minimum Tool Rule. The early adoption of this program would be a definitive sign for trail users that the City is embarking on a new path in managing and mitigating potential adverse impacts and user conflicts."

METHODOLOGY

The design for an evaluation effort includes:

1. A set of quantitative measurements (for example DataPath Survey and Client Survey results) and/or qualitative measurements (for example Snowmobile Task Force)

Quantitative is defined as: a) relating to, concerning, or based on the amount or number of something. b) capable of being measured or expressed in numerical terms.

Qualitative is defined as: relating to or based on the quality or character of something, often as opposed to its size or quantity.

2. The quantitative and qualitative measurements answer key questions about snowmobile use within the City of Whitehorse from the information received from the public and the work done by the Snowmobile Task Force.

Overview of Qualitative and Quantitative Tools

Many tools exist to help answer questions on the use of snowmobiles within the City of Whitehorse. The qualitative evaluation tools used include:

- Bylaw Services 2006 Program Evaluation(public client survey, public open house);
- DataPath Survey;
- Snowmobile Task Force Recommendations
- Recommendations and survey results from the Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles;
- Public open house April 2011; and
- Snowmobile public survey April/May 2011.

Quantitative measures were also looked at including:

- reviewing and comparison of legislation and bylaws from other jurisdictions;
- Adopted council policies and plans;
- Input from the Snowmobile Task Force with members of special interest groups/stakeholders in the community;
- City of Whitehorse staff members; and
- Written submissions.

OVERVIEW OF CURRENT MUNICIPAL AND TERRITORIAL LEGISLATION

Territorial Legislation

- Municipal Act (Government of Yukon Enabling Legislation)
- Yukon Territory *Motor Vehicles Act*

Yukon *Municipal Act*

The *Municipal Act* of the Yukon is the legislation, which allows the City of Whitehorse to pass bylaws concerning Snowmobiling. The *Municipal Act* states the following:

Whereas Section 265 (a) of the Municipal Act provides that council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and welfare of people and the protection of persons and property, and

Whereas Section 265 (i) of the Municipal Act provides that council may, subject to the Motor Vehicles Act pass bylaws respecting the use of motor vehicles or other vehicles on or off highways, and the regulation of traffic, parking, and pedestrians

Whereas Section 265 (m) of the Municipal Act provides that council may pass bylaws for municipal purposes respecting nuisances, unsightly property, noise and pollution and waste in or on public or private property.

Yukon *Motor Vehicles Act*

The *Motor Vehicles Act* is a senior piece of legislation to City Bylaws, which outlines what the City of Whitehorse may regulate by passing a bylaw concerning Snowmobiling. The *Motor Vehicles Act* states the following:

Whereas Section 124 (1) of the *Motor Vehicles Act* provides that, a municipality may pass bylaws with respect to highways subject to its direction, control and management.

Whereas Section 126 (1) of the *Motor Vehicles Act* provides that a municipality may pass bylaws with respect to highways under its direction, control and management, not inconsistent with this Act and on matters for which no provision is made in this act, for the regulation and control of vehicle, animal, and pedestrian traffic.

The *Motor Vehicles Act* of the Yukon is a Territorial Act, which prescribes many laws that must be followed while operating a vehicle in the Yukon, one such law is the requirement of a person to possess a driver's license to operate a vehicle on a highway. There are many other regulations within the *Motor Vehicles Act* dealing with the operation of vehicles on a highway. Two other sections of the *Motor Vehicles Act*, which have generated many questions and comments, are the restriction of

persons under 16 not being permitted to operate a snowmobile on a highway and the requirement of persons operating a snowmobile to wear a safety helmet.

It is important to note that municipal legislation (Snowmobile Bylaw) may not supersede any senior legislation such as the Motor Vehicles Act of the Yukon.

Section 5(1) of the *Motor Vehicles Act* (Yukon) states: that no person shall operate a vehicle on a highway unless that person is the holder of an operator's licence authorizing them to operate that class of vehicle.

Section 212 of the *Motor Vehicles Act* (Yukon) states: "No person under the age of 16 years shall operate a motor cycle, moped, or snowmobile on a highway."

Section 216(1) and (2) of the *Motor Vehicles Act* (Yukon) requires that all persons operating a snowmobile (including passengers) must wear a safety helmet securely attached to their head.

Municipal Legislation

There are four City of Whitehorse Bylaws, which have legislation dealing with the operation of snowmobiles, they are as follows:

- Maintenance Bylaw 92-60 (Noise violations which can be dealt with under both the current Snowmobile Bylaw or Maintenance Bylaw)
- Parks and Recreation Area Bylaw 92-15 (designated snowmobile trails)
- Protected Area Bylaw 426 (can operate a motor toboggan anywhere)
- Snowmobile Bylaw 370

Maintenance Bylaw

There is mention in the Maintenance Bylaw of noise which bothers persons in a neighbourhood. This is another area of the new Snowmobile Bylaw which will require re wording and higher fines to ensure residents are not unnecessarily disturbed.

"Maintenance Bylaw 92-60"

Section 22(1) "Everyone who makes or causes noises or sounds in or on a highway or elsewhere in the City which disturbs or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity, shall upon warning from any Peace Officer cease making or causing such noises forthwith, or shall be deemed to have contravened the provisions of the bylaw."

Parks and Recreation Area Bylaw

The Parks and Recreation Area Bylaw have two sections which speak directly to a few of the concerns raised by the public and the Snowmobile Task Force.

One area of concern was the damage to the environment. Currently there is an offence under section 15 of the Parks and Recreation Bylaw for damaging the environment. The fine for this offence is 75.00. A section for damaging the environment will need to be separately outlined in the Snowmobile Bylaw with a significantly higher fine.

There is also mention in the Parks and Recreation Bylaw of motorized vehicles (This includes snowmobiles within the context of the Parks and Recreation Bylaw). It will be important to clearly outline in the Snowmobile Bylaw what areas and what trails snowmobiles are permitted to travel on. There will also need to be a significant increase to the fine for these violations outlined in the Snowmobile Bylaw.

"Parks and Recreation Area Bylaw 92-15"

Section 15 states: "No person shall damage or in any way injure any tree, shrub, bush, plant or turf and every person causing such damage shall be liable for the costs of repairing such damage". (Fine - \$75.00)

Section 23 states: "Motorized vehicles shall be prohibited from any developed park, playground or trail (excluding designated snowmobile trails and designated parking areas), except when such vehicle is:

- (1) Used for maintenance purposes;
- (2) Used for law enforcement purposes;
- (3) Used for emergency and fire protection purposes; or
- (4) Other uses as permitted by the Recreation Department providing that prior written approval is received from the Manager. The intent of use, including access, shall be at the discretion of the Department."

(Fine - \$75.00)

Protected Area Bylaw

The current municipal legislation regulating protected areas in the City of Whitehorse is the Protected Area Bylaw, which was passed in 1975. The City of Whitehorse has changed significantly since the inception of the Protected Area Bylaw. Upon reviewing the maps in the Protected Area Bylaw, most protected areas are those immediately surrounding many of the subdivisions around Whitehorse in 1975. With data that are more recent and a stronger commitment to protect the environment within the City limit boundaries, a more detailed map of sensitive areas has been established through the Official Community Plan.

The current Protected Area Bylaw 426 does not restrict the operation of motor toboggans in protected areas. However, the operation of motor vehicles is prohibited in these areas. Many of the current protected areas are located near residential areas and the operation of snowmobiles in these areas often causes noise, which disturbs area residents. The Protected Area Bylaw will need to be amended or re-written to meet the current needs of the community.

"Protected Area Bylaw 426"

"motor toboggan" means a motorized vehicle weighing less than fifteen hundred (1500) pounds that is designed or intended to be driven primarily upon snow or ice or both.

"motor vehicle" means a vehicle not run upon rails that is designed to be self-propelled, but does not include a motor toboggan. For the purposes of this bylaw, "motor vehicle" does not include a vehicle operated by a Peace Officer on duty, an emergency vehicle or a utility service vehicle.

Section 3 states: "No person shall operate a motor vehicle on public lands within any protected area except;

- (1) upon a highway in accordance with the provisions of the Motor Vehicles Ordinance of the Yukon Territory and the City Traffic Bylaw; or
- (2) Within an access corridor when signs which designate an area as an access corridor have been erected by the City and are on display."

<u>Authority</u>	<u>Ticket Description of Offence</u>	<u>Penalty</u>
Section 3	Operate vehicle in protected area	\$ 100.00

Snowmobile Bylaw

The current municipal legislation regulating snowmobiles in the City of Whitehorse is the Snowmobile Bylaw, which was passed in 1972. The City of Whitehorse has increasingly been receiving comments and concerns from the public that the current legislation is not adequate to deal with some of the current needs of the community, most notably:

- Safety
- Environmental concerns
- Nuisance operation

The nature of the complaints and concerns most commonly received by the City of Whitehorse Bylaw Services are:

- speeding (safety)
- noise created by snowmobiles (nuisance)
- lack of respect to residential properties (nuisance/safety)
- lack of respect for protected and sensitive areas
- trail designation (Environmental concern)

On November 27, 1972 the Council of the City of Whitehorse passed Bylaw 370 (cited as the "Snowmobile Bylaw") to regulate the control, use, and operation of motor toboggans within the City limits.

On October 9, 1990, the Snowmobile Bylaw was amended (Bylaw 90-52, 1990-10-09) to provide that every owner of a motor toboggan must take out and maintain a policy of public liability insurance whether operating on a highway or not within the City.

The current Snowmobile Bylaw has old definitions such as "motor toboggan" and "highways" which are just two of many items that will need to be reviewed to make the new Snowmobile Bylaw more up to date.

"Snowmobile Bylaw 370"

- "highway" includes any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, and maintained as such;
- "motor toboggan" means a motorized vehicle weighing less than 1,500 pounds that is designed or intended to be driven primarily upon snow or ice or both;

Section 3 of the Snowmobile Bylaw 370 deals with an amendment to the Snowmobile Bylaw in 1990 requiring snowmobile operators to have public liability insurance. As with many other jurisdictions across Canada, the issue of registration and insurance will need to be reviewed and appropriate legislation added as a new Snowmobile Bylaw is drafted.

Section 3(1) states: "Every owner of a motor toboggan who operates a motor toboggan within the City shall take out and maintain in force a policy of public liability insurance in respect of the operation of his motor toboggan whether on a highway or not, for an amount in accordance with the Motor Vehicle Act of the Yukon Territory, for bodily injury or death of any one person and for loss or damage to property resulting from any one accident."

Section 14(1) of the Snowmobile Bylaw 370 deals with nuisance operation and is another area of concern raised by many residents as a part of the Bylaw that needs better regulation as a new Snowmobile Bylaw is drafted.

Section 14(1) states: "No person shall operate a motor toboggan within the City in such a manner as to constitute a nuisance or create annoyance to residents or other persons in the City."

The following sections are a list of the current fines and offences in Snowmobile Bylaw 370:

<u>Authority</u>	<u>Ticket Description of Offence</u>	<u>Penalty</u>
Section 3(2)	No insurance	\$ 100.00
Section 3(5)	Fail to produce insurance card	50.00
Section 4	No identification numbers	50.00
Section 7	Obliterated identification number	50.00
Section 10	Fail to notify City of transfer	50.00
Section 11(1)	No rigid tow bar	50.00
Section 11(2)	Towing - no tail light	50.00
Section 11(3)	Riding on towed toboggan	50.00
Section 12(1)	No brakes	50.00
Section 12(2)	Improper brakes	50.00
Section 13	No headlight	50.00
Section 14(1)	Nuisance operation	100.00
Section 14(2)	Dangerous operation	100.00
Section 14(3)	Harass animals	100.00
Section 15	Altered exhaust system	50.00
Section 16(1)	Exceed 15 mph	50.00
Section 17	Operate on private property	100.00
Section 18	Fail to yield right-of-way	50.00
Section 19	Travel side by side	50.00

Section 20	More than three riders	50.00
Section 21	Unlawful operation	50.00
Section 22	Unsafe highway crossing	50.00
Section 23	Unsafe towing	50.00
Section 24(1)	Drive on sidewalk	50.00
Section 24(2)	Not on right side of road	50.00
Section 25	Operate on ski trail	50.00
Section 26	Operation after permitted hours	50.00
Section 27	Operation in restricted area	50.00
Section 31(1)	Fail to stop when signalled	100.00
Section 31(2)	Fail to provide requested information	100.00
Section 31(3)	Fail to remain stopped until permitted to leave	100.00

The current Snowmobile Bylaw will need to be re-written with new legislation and appropriate fines to deal with the concerns raised throughout this document as well as addressing the needs of all Whitehorse residents, both snowmobilers and non-snowmobilers.

Definitions

All Terrain Vehicle:

Within the All Terrain Vehicle Bylaw, the definition of "all terrain vehicle" (ATV) means a wheeled or tracked vehicle designed and used primarily for off-road use, and includes two, three, four, and six wheeled motor cycles. This does not include snowmobiles.

Motor Toboggan:

Within the Snowmobile Bylaw, the definition of "motor toboggan" means a motorized vehicle weighing less than 1,500 pounds that is designed or intended to be driven primarily upon snow or ice or both.

Highway (*Motor Vehicles Act*):

The definition of "highway" under the *Motor Vehicles Act* (Yukon) means any cul-de-sac, boulevard, thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, ice-road, trestle way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

Highway (*Snowmobile Bylaw*):

The definition of "highway" under the Snowmobile Bylaw 370 any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, and maintained as such.

COUNCIL POLICIES

- Whitehorse 2010 Official Community Plan
- The Whitehorse Strategic Sustainability Plan
- City of Whitehorse 2007 Trail Plan

City of Whitehorse 2010 Official Community Plan

Section 278 of the *Municipal Act* (R.S.Y. 2002) provides that a municipality shall by bylaw adopt an official community plan in accordance with Part 7, Division 1 of the *Act*.

Section 279 of the *Municipal Act* provides that an official community plan shall address the future development and use of land, the provision of municipal services and facilities, environmental matters, the development of utility and transportation systems, provisions for the regular review of the official community plan and the zoning bylaw, and any other matter the council considers necessary.

Section 279 (1) (a) of the *Municipal Act* states:

“An official community plan must address the future development and use of land in the municipality”

Section 279 (1) (c) of the *Municipal Act* states:

“An official community plan must address environmental matters in the municipality”.

On October 12th, 2010, the City of Whitehorse adopted the “OCP Adopting Bylaw”. At this time the Official Community Plan (2010) policy document and its appendices (the “OCP”) was adopted.

In early 2009 the 2010 OCP review process was started. Many public consultation events were held as well as online questionnaires. Workshops were conducted throughout the City neighbourhoods in order to have Community Associations and residents of the City get together to discuss their own OCP plan. This was an exercise for discussion purposes only and to let the public know that their input was acknowledged.

In March 2009, three Community Cafes were held to discuss the top 10 topics, which could not be dealt with through the online questionnaire. Two of the top 10 topics were:

1. Park Reserve Designated Areas; and
2. Outdoor Recreation Areas

The OCP addresses many concerns with respect environmentally sensitive areas including wildlife habitat, rivers, streams, water bodies, forested and exposed slopes, escarpments and highly sensitive

sites. A Green Space Network Plan (Map 1 attached to the OCP) was developed to show the environmentally sensitive areas as well as the valued recreation areas within the City.

According to the City's snowmobile public survey the citizens were asked the questions "What are the top three recommendations from the Task Force you would most like to see considered?" Out of ten options, the protection of environmentally sensitive areas scored high at number three.

With respect to environmentally sensitive areas, Part 2, Sections 1.1.1, 1.1.3, 1.1.4 and 1.1.5 of the Official Community Plan states:

"1.1.1 Environmentally sensitive areas (primarily shown on Map 1), such as significant wildlife corridors and important water bodies, are found throughout the City and their protection is a priority. Every effort shall be made to preserve these areas through limiting disturbance, promoting compact development, and ensuring connectivity between significant areas. Proposed development or activities that may impact the ecology of these areas shall be examined through comprehensive planning processes. It is also recognized that development may need to cross these corridors. Mitigative measures shall be taken to ensure impact to wildlife is kept to a minimum.

1.1.3 In examining interpretive opportunities, development shall be directed to locations that are most able to tolerate potential disturbance. Any trail or associated development shall be designed to avoid areas of erodible and unstable soils.

1.1.4 Proposed trails shall require detailed planning and be developed in recognition of land use, topographic and soil constraints. Any trail shall be designed to avoid areas of erodible and unstable soils. Where routes have the potential to impact wetlands, appropriate mitigative measures shall be followed.

1.1.5 Trail enhancement in areas of environmental sensitivity may be limited to upper areas, which may include lookout platforms that minimize stream bank damage. Careful trail planning shall be done to reduce potential negative impacts".

With respect to steep slopes Part 2, Section **1.2.2** of the OCP states:

"1.2.2 New development near escarpments that have a slope in excess of 30% shall be set back at a site-specific distance. In no case shall new development be less than 15 metres from the top or the toe of the slope in order to reduce the impact of erosion and slumping. The only exception is for trails and viewpoints."

Riparian, Wetland and Wildlife Areas

According to the City's snowmobile public survey, the citizens were asked a question about what they considered most important. Out of nine options, the protection of riparian, wetland and wildlife area scored the highest at number one.

Part 2, Sections 1.3.1(c) and 1.3.5 of the OCP states:

"1.3.1 A 30-metre riparian setback along both sides of all rivers, streams, lakes, and wetlands, year-round or seasonal, shall be protected from development and remain in a natural condition, with the following exceptions, on a site-by-site basis: non-motorized trails;

Environmental regulations and applicable bylaws must be followed in all cases. Where encroachment is required, it shall be minimal, and impacts shall be mitigated.

1.3.5 Wetlands are important to maintain diversity, water quality, and water quantity within city limits to help maintain the overall health of our green spaces. All future development will strive to reduce impacts on wetlands during development planning phases. Where proposed development may negatively impact wetlands, the following actions shall be considered the priority for mitigation:

- 1. Avoidance of wetlands.*
- 2. Minimize the effects to wetlands; and*
- 3. Compensate for the loss by restoring other degraded wetlands or riparian areas."*

Section 12 of the OCP talks about "Improved Transportation" to promote the benefits of low cost travel, healthy lifestyle as well as being environmentally friendly. This section also explains the importance of trails that connect neighbourhoods, destinations and activity centres in promoting active transportation.

In Section 12 of the Official Community Plan there are comments made as to the trail systems within the City of Whitehorse. Most notably the following:

"12.1.1 Active transportation and pedestrian movement within the City shall be promoted through infrastructure development, where feasible. Examples include the development of sidewalks, bike lanes, trails and shared streets. Universal design shall be considered in the development of all transportation infrastructure.

12.1.2 An Active Transportation map for the entire City shall be created. Trail improvements shall be implemented as funds allow and in conjunction with implementation of the City Trail Plan.

12.1.3 Active transportation links, including trails, pedestrian corridors, and bicycle lanes shall be integrated into subdivision or neighbourhood level planning. Links to the City's active transportation network, where possible, shall be identified as part of any development proposal in order to create a more walkable community.

12.1.5 There is one vehicular river crossing, the Robert Campbell Bridge, which connects Riverdale and the Whitehorse General Hospital with the rest of Whitehorse. The City shall explore upgrades to the Bridge that encourage active transportation, safer

pedestrian and cyclist access, and connections to the existing trail network. Secondary access across the Yukon River may eventually be provided.”

12.3 Highway Transportation and Landscaping (OCP)

12.3.1 The Alaska Highway functions as the main artery of transportation in the City of Whitehorse. It shall accommodate all modes of transportation, including vehicles as well as pedestrians, cyclists, and other modes of active transportation. Provision for safe movement of non-vehicular traffic both along and across the Highway may be examined and implemented. This must be done in conjunction with the Yukon Government.

Objective 18: Promote Active Living (OCP)

18.2 Trail Development

The City’s snowmobile public survey asked the citizens of Whitehorse the questions “What three recommendations from the Task Force would you most like to see?” The recommendation, which came out on top, was increased and clear signage. It is also important to note that the comments section of the survey brought forth the fact that although there may be signage some individuals will just ignore the signs and either on occasion the signs are vandalised or removed.

Part 2, Section 18.2.1 of the OCP states:

“The City may, in conjunction with other agencies and governmental departments, develop a trail signage program, which encourages trail use, and facilitates visitor appreciation of the City’s natural, cultural, and historic attributes.”

According to the OCP blocking of established trails is to be avoided. There have been instances where non-motorized trails needed to be blocked off with barricades or boulders in order to keep motorized vehicles from gaining access to the non-motorized trail system in residential areas. In the past, this has caused concern because motorized vehicles continue to use the trails by going around the barricades and thus causing further damage to the surrounding environment.

Part 2, Section 18.2.2 of the OCP states:

“Every effort shall be made to maintain or enhance current recreational trails in the Whitehorse area. Blocking of established trails is to be avoided, and a contiguous trail system that links neighbourhoods and activity areas together shall receive priority. Any new development shall be reviewed in relation to trail continuity and access to recreation areas. Where appropriate, greenbelt buffers shall be integrated to protect wildlife corridors or to protect important landscape features. In some cases, existing trails may need to be relocated to allow new development to take place. This shall be the responsibility of the developer.”

18.2.3 Where viewpoints are developed, they should be located at sites with connecting trails, in addition, in areas not sensitive to human disturbance. These areas may also comprise trail staging areas supplemented with appropriate trail signage. Where viewpoints are established in wetlands, such viewpoints should be constructed on elevated structures, which limit physical intrusion into the wetland area (e.g. by viewing towers or decks). Structures must take into consideration seasonal water fluctuations, water velocity and ice build-up. Picnic benches and interpretive signage could be provided.

Many citizens do not enjoy having snowmobiles on multi-use trails. Due to the speed at which they travel, age of the driver, exhaust fumes and driving practices some citizens have communicated they do not feel safe when using these trails.

Part 2, of the OCP deals with motorized recreation within the City. The separation of multi-use trails from non-motorized trails is mentioned in Section 18.5.1 which states:

18.5.1 "Where feasible, consideration shall be made to separate multi-use trails (which accommodate motorized and non-motorized recreation) from non-motorized trails. Future multi-use trail development shall avoid environmentally sensitive areas wherever possible."

The snowmobile public survey, which was conducted, posed the question "Which of the following do you view as most important concerning snowmobile usage in the City?" Citizens were asked to choose three out of nine options. The "Out and Away Trails" came in at number 9 being low on the list of priorities.

Part 2, Section 18.5.2 of the OCP states:

"The Trail Plan recommends the creation of a map of "out and away" trails for motorized recreation vehicle usage. This map shall be designed to strongly discourage the use of all terrain vehicles on non-motorized trails and in environmentally sensitive areas. The map would be accompanied with physical upgrades such as signage. Work on this project shall be done in conjunction with groups such as the Klondike Snowmobile Association, Motor Vehicles Branch, and others."

Section 18.5.4 of the OCP states:

"The City is prepared to work with the Yukon Government to coordinate regulations to control the usage of motorized recreational vehicles."

Whitehorse Strategic Sustainability Plan

In May 2007 the City of Whitehorse hosted a visioning session to identify what the vision for the City of Whitehorse is. One of the visions mentioned is:

*"Whitehorse residents value the natural beauty and the closeness to nature"
The Yukon River runs through Whitehorse and Whitehorse is surrounded by mountains.
Our residents value the nearby access to the wilderness. Residents value the wildlife,
green spaces and trails in our neighbourhoods and the connections to other
neighbourhoods. We value clean air and clean water."*

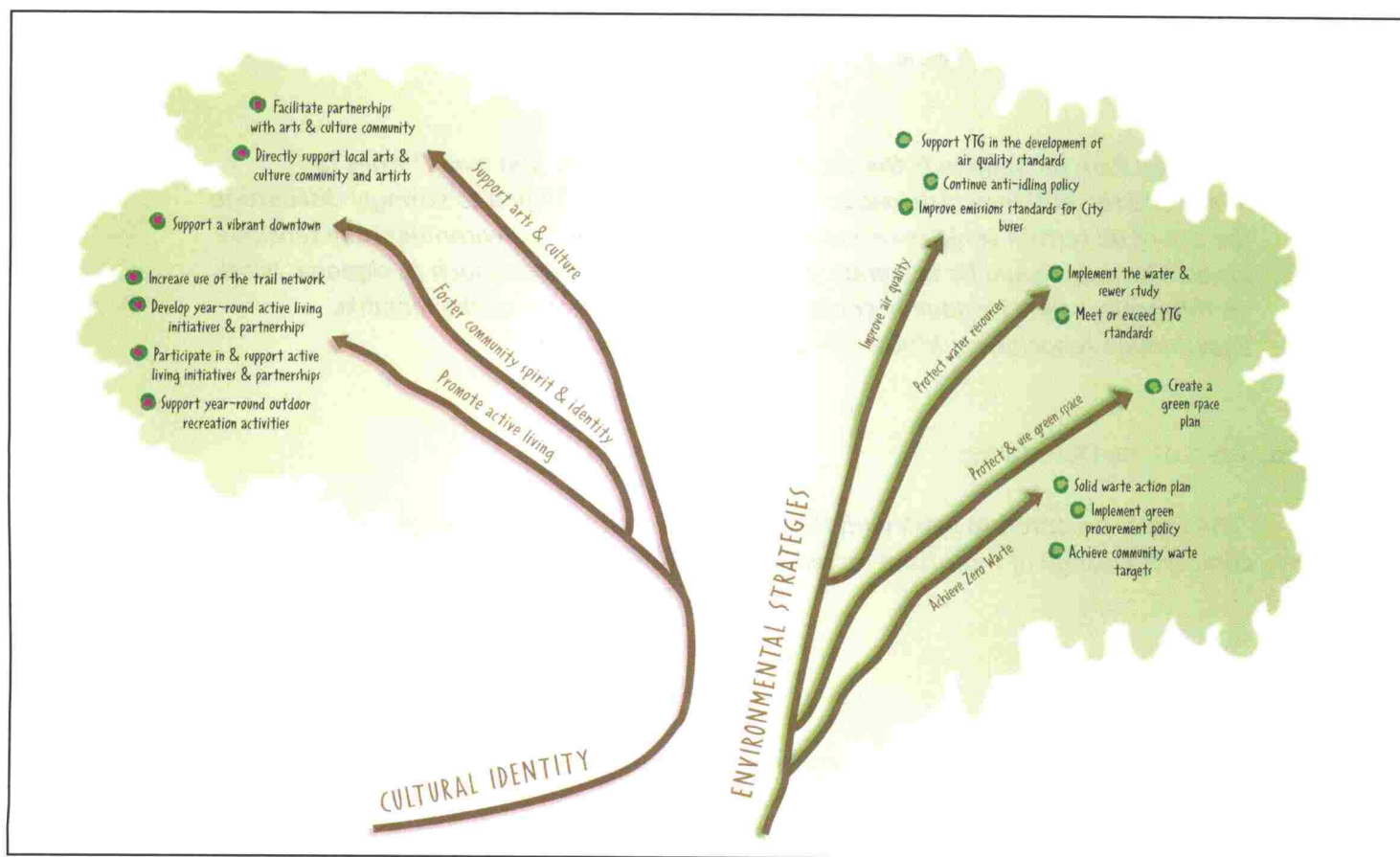
Principles

There are seven principles that guide the City of Whitehorse's Strategic Sustainability Plan. Each Sustainability Principle provides a basis from which the City of Whitehorse will make decisions for the future. Each principle is also a theme for specific strategies and actions for the City over the next seven years. Here are two of the seven principals as they relate to the environment:

"Thriving enviroment": Stewardship of the natural environment and recognition of its intrinsic value and importance for quality of life."

(78% of the City's land mass is dedicated to park and/or identified as protected from development)

"Cultural Identity": We celebrate cultural diversity that strengthens the uniqueness of our northern community."



City of Whitehorse 2007 Trail Plan (the "Trail Plan")

There are approximately 150 km of designated motorized multi-use trails and 700 km of designated and default non-motorized multi-use trails within the City of Whitehorse which are designed to link neighbourhood communities, provide access to the hinterlands and facilitate public movement throughout the City.

The City of Whitehorse trail network is used year round by citizens of all ages that pursue a variety of recreational activities from walking, biking, running, all terrain vehicle use, snowmobiling, mountain biking, skiing, snowshoeing, skateboarding.

Due to the amount of activity, which occurs, on the trails there have been conflicts between users when it comes to trail designation. Multi-use trails include the operation of snowmobiles as well as non-motorized activities.

During the public consultation phase of the Trail Plan, information was gathered in order to discuss the nature of the conflicts and any solutions, which may be available to solve user conflict. Chapter 6 of the Trail Plan shows what the public's priority issues are as follows:

"When asked to prioritize, members of the public identified the following themes and issues as being of most concern to them for trails and trail-related issues":

6.1 Priority Issues:

Trails-specific

- *Designate non-motorized trails near neighbourhoods*
- *Separate motorized and non-motorized uses, or coexist with respect*
- *Do not limit motorized use*
- *Need clearer trail hierarchy and linkages*
- *Trails are essential links between community facilities and points of interest*
- *Increasing level of conflict between trail users*
- *There are seasonal concerns with use, maintenance, etc*
- *Certain well-used trails should be designated as "core" trails*
- *Trails maintenance, safety are very important issues; more coordinated effort needed between jurisdictions, departments*

Parks & Open Space

- *Create designated greenbelts around existing neighbourhoods that are protected from development*
- *Increase protection of environmental-sensitive areas*
- *Greenbelt protection and trails go hand-in-hand*
- *Fire protection and safe access/egress are increasing concerns*

Information & Education

- *Need better trail signage – clearly designated/non-designated, distances*
- *Need education for users – trail etiquette, permitted uses, results of damage*
- *Need trail maps available to public*
- *Want more interpretation of interesting places and things*

Enforcement

- *Community groups could help but need support from Bylaw Services*
- *Need to enforce existing rules, not make new ones*
- *Need more monitoring of known trouble spots*

Community Planning

- *Show parks, trails, greenbelts and future development areas clearly on subdivision plans and signs*
- *Walkability is important to the overall quality of life in our community*

Public Participation

- *Establish Trail Committee with members from community associations, etc*
- *Ensure fair representation from all interested groups*

6.2 Additional Thoughts

In addition to the priorities detailed above, it became clear from the public meetings that certain neighbourhoods were experiencing greater issues with user conflicts, particularly between motorized users (reportedly, often youth) and nonmotorized users (walkers). What remains unclear is whether these neighbourhoods in fact experience higher-than-average levels of motorized use, leading to conflict, or whether it is a case of the level of goal interference being accentuated by marked differences in values.

In other areas of the City, there has been some notable degradation of sensitive landscapes and habitats such as slopes and wet areas due to inappropriate motorized traffic. The issue of “greenspace protection” came to the fore during this process, and it became clear that there needs to be a greater degree of integration between the various planning processes which fall under the auspices of the different departments.

Section 11 of the Trail Plan refers to an American non-profit organization called “Tread Lightly!” This organization promotes responsible use of all motorized and non-motorized activities, including

snowmobiling, through educational materials and programs as well as stewardship initiatives. Website (www.treadlightly.org).

Section 11.0 of the Trail Plan states:

“Walking the Talk (and Treading Lightly! While We Do It)”

Key components of the incremental Minimum Tool Rule include peer pressure, education, community involvement and training. All of these components are found in one neat package in the programs and outreach materials of Tread Lightly!.

Tread Lightly! (the proper name includes the exclamation mark) is an American non-profit organization that promotes responsible recreation through its comprehensive educational materials and programs, as well as stewardship initiatives. Its mandate is the protection of access for recreationists to public lands. Closures of public lands to recreationists are commonplace in parts of the United States, so TL! plays an important and highly visible role in helping to preserve access to a broad range of recreational opportunities – most of which are directly trail-related.

Tread Lightly!’s principles are summarized in The Tread Pledge:

Travel & Recreate with Minimum Impact

Respect the Environment & the Rights of Others

Educate Yourself, Plan Ahead & Prepare Before You Go

Allow for Future Use of the Outdoors, Leave it Better Than You Found It

Discover the Rewards of Responsible Recreation

Tread Lightly offers programs for both motorized and non-motorized recreation, for adults and for children. Available resources include a series of brochures entitled Tips for Responsible Recreation. As well, there is a complete series of activity-specific guidebooks, which further explore the issues and techniques specific to each sport.

It is recommended that the Tread Lightly! Programs and materials form the core of a new, comprehensive approach to trail-related communications, education and training. Tread Lightly’s practical, straightforward, highly ethical yet decidedly non-preachy tone makes their approach the perfect companion piece to the Minimum Tool Rule. The early adoption of this program would be a definitive sign for trail users that the City is embarking on a new path in managing and mitigating potential adverse impacts and user conflicts.

OTHER SUPPORTING DOCUMENTS

Yukon Studies on Environment

Defining Ecologically-Based Significant Wildlife Areas for The City of Whitehorse (Applied Ecosystem Management Ltd. 2000)

In 2000 a report was completed by Applied Ecosystem Management Ltd. for *YTG Department of Renewable Resources, Wildlife Viewing Program* and *City of Whitehorse Planning Department*. The study opens by stating the City of Whitehorse Planning Department should be applauded for having the foresight to recognise the importance of soil, terrain and ecological information as a foundation for land use planning within the City of Whitehorse. In order to provide such opportunities now and into the future, Significant Wildlife Areas within the City need to be identified, described and recognized within the City of Whitehorse Official Community Plan.

The major objective of this project was to identify important wildlife habitats within the City of Whitehorse and to provide a rating of ecological sensitivity to each. A series of maps were prepared illustrating the different Wildlife Areas and their associated wildlife values and environmental ratings. Terrestrial Ecosystem Mapping was completed for approximately 50 percent of the City of Whitehorse land base.

The report states that in some situations, adjacent land uses or intensive recreational activities have the potential to negatively affect the wildlife and habitat values of significant wildlife areas within the City.

Ecosystem units considered critical to the continued long-term use of the area by significant levels of wildlife and that have a high level of environmental sensitivity. Many high value wildlife habitats within the City of Whitehorse, due to their ecological attributes, also have a high environmental sensitivity – a similar situation that is found throughout much of the boreal forest in northwest Canada. In some cases, large water bodies, such as Schwatka Lake or widening of the Yukon River, have been subdivided to highlight the location of the highest wildlife values and correspondingly sensitive areas. Disturbance, both in the form of development or high levels of human use, could potentially disrupt the short-term wildlife use of these areas or impact their long-term ecological integrity. These areas are typically used during important life stages such as spring/fall waterfowl staging areas, as forest bird nesting and foraging areas, or travel corridors for larger mammals.

Environmental sensitivity ratings are subjective but based on expert opinion of soil/terrain specialists and ecologists. The identification of environmentally sensitive areas, based on the definitions used in this report, should provide a strong foundation for the development of future land use zoning and activity planning.

Behaviour Response of Woodland Caribou to Snowmobiles in a Mountain Environment (Northern Research Institute 2004)

Funding was received from the City of Whitehorse Environmental Grant Fund to assist with the assessment and mitigation of the effects snowmobiling has on a caribou herd that occurs partly within City of Whitehorse boundaries. This project is a multi-partner project and is part of a long-term caribou recovery plan and education effort aimed at assisting this caribou herd to recover sufficiently in number to be sustainable and to allow the people of Whitehorse to view, understand and appreciate this herd while engaging in activities that are compatible with the herd's long-term health.

"Yukon experiences disturbance from snowmobiles". Winter recreation activity in this region is forecast to grow. Given the herd's proximity to a large urban centre and an elaborate network of trails throughout its highly scenic winter range, the ICH (Ibex Caribou herd) is exposed to the highest levels of snowmobile activity of any caribou population in Yukon.

Caribou changed their behaviour on average of 500m from an approaching snowmobile and ran on average at 300m from an approaching snowmobile. The maximum killing rate of a searching predator depends on the rate of detection of encountered prey and the likelihood of a successful capture. This may influence caribou population more than actual disturbance effects in a region where multiple snowmobile trails cross caribou winter range.

Wolf use of snowmobile trails was extensive and likely alters the predator-prey relationship in this region. Implementing set back distances of 500m from caribou and keeping riders on established trails will reduce effects of winter recreation on caribou. Therefore, using established trails rather than off trail riding reduce encounters with caribou and other wildlife. It also reduces the amount of trail available for wolves.

Utilizing the Elaboration Likelihood Model to Generate Persuasive Communication for Off-Road Vehicle Management in the Yukon Territory (Robert D.M Yeomans 1999)

The majority of ORV users in this study viewed certain actions as necessary or unavoidable and viewed some associated ecological impacts as insignificant and/or temporary. It is this understanding of specific actions and impacts that form the challenging aspects of the ORV user's initial attitude towards environmentally responsible use. They seem to view actions such as going off-trail or approaching wildlife as acceptable providing these actions do not produce extensive visual impacts.

Participants often referred to themselves as conscious and respectful of the environment, wildlife and the wilderness. They noted their desire to be in the wilderness and the enjoyment they get from being there, indicating that this was a strong and consistent self-perception. It would therefore be difficult for an individual with this self-perception to admit to an action that would be directly in contrast or in conflict with their attitude scheme.

Snowmobile users saw little relevance to recommendations regarding stream crossings or the need to stay on existing trails. While staying on existing snowmobile tracks does significantly limit the extent of environmental impact, the audience seemed to associate the plea with summer travel only.

The ability of regional management bodies and government to implement local or specific restrictions based on environmental concern may also help strengthen the degree of personal relevance, personal responsibility and personal consequence related to responsible ORV use.

Recommendations that would assist with the indirect management of ORV use include:

- Develop a series of educational initiatives that respond to some of the misconceptions that surround the environmental impact of ORVs. The more the ORV population is informed about sensitive terrain, environmentally safe riding techniques, and potential impacts of specific actions the more likely they may be to elaborate upon future messages in the intended direction.
- Set up a registration and licensing system for all ORVs in the Yukon. This would allow for accurate numbers of ORV users, allow for Yukon-based ORV specific statistics and assist with determining the needs of the ORV population. Such a system would also instil more personal responsibility among riders. If set up similar to regular vehicle registration, the system would also prove valuable in being a starting point for the dissemination of ORV specific information pertaining the responsible use.

Full report available online by searching: "Robert Yeomans off-road vehicle management"

Summary of Bylaw Services Program Evaluation

In 2006, the Bylaw Services Department conducted an evaluation of its programs. This evaluation looked at all the activities conducted by the Bylaw Department. In evaluating the activities of the Bylaw Department, a survey was conducted with the Public (Client Survey) and with stakeholders. The Client Survey consisted of 239 surveys along with there being 18 stakeholder surveys for a total of 257 surveys. All 257 completed surveys were then consolidated, compiled, analyzed and compared. After reviewing the information it was found there were 7 (seven) areas of specific recommendations for the Bylaw Department, most notably for the purposes of the Snowmobile Report was "Implementing an increased role in ATV/snowmobile enforcement".

The specific list of recommendations was as follows:

1. Conducting a cost / benefit analysis on implementing department driven versus complaint driven activities
2. Conducting a costing for longer hours of operation
3. Implementing an increased role in ATV/snowmobile enforcement
4. Implementing training and programs to explain the rationale behind bylaws or why a specific bylaw was created [as well as enforced]
5. Creation of a Traffic Task Force between RCMP, Bylaw, and other key players to work out traffic issues
6. Review of the phone procedures and allocate resources to improve response time
7. Creation of new graffiti legislation

The Client Survey respondents were asked whether the programs and services should be department driven (i.e. action initiated within Bylaw) or complaint driven (i.e. action initiated because of complaints made by the public or stakeholders) with most respondents indicating they felt ATV/Snowmobile compliance should be both complaint driven and department driven.

Client's View of a New Direction for Bylaw Services

A slightly different picture of a future Bylaw emerges from the Client Survey than that which arises from the Stakeholder Survey. While an enhanced role in traffic is suggested by clients, this group puts much less of an emphasis on education and places much more of an emphasis on increased enforcement, especially with respect to ATVs/Snowmobile compliance and maintenance compliance (noise, etc...).

The following table depicts the number of clients (in percent) who feel Bylaw should be paying more attention (read enforcing) to given activities:

Activity	% of Clients
ATV/Snowmobile	51%
Traffic Enforcement	48%
Maintenance Compliance	47%
Skateboard/ Bicycle	28%
Animal Control	28%

Parks and Recreation	18%
Parking Meters	1%
Other	11%

The survey results suggest, overwhelmingly, that clients want Bylaw to have increased activity with respect to ATV/Snowmobile use. Based on the survey results, an increased role in snowmobile enforcement is recommended and would be welcome by Whitehorse residents.

As is true with the Stakeholder Survey, clients believe there is an increased role for Bylaw with respect to traffic enforcement. Major concerns about traffic include ATV/snowmobile traffic, traffic congestion, speed and running red and yellow lights (in that order). When asked what respondents' specific concerns about traffic were, a wide range of answers were given - from speed of drivers to cyclists running lights to ATVs and snowmobiles "running roughshod over trails".

- 1) As was outlined in the Snowmobile Task Force Recommendations, the majority of respondents felt that ATV/Snowmobile efforts were not producing adequate results.

It was not surprising that the majority of respondents felt that ATV/Snowmobile was not producing adequate results. The 1998 recommendations suggested these areas be treated as low priorities - to be enforced mainly through education.

Other areas in which stakeholders feel that Bylaw could do more included patrolling greenbelts to watch for dumping; controlling noise at night; and enforcing ATV and snowmobile regulations.

When looking at the overall customer survey results, Traffic Enforcement was an issue that approximately 48% of respondents thought Bylaw should be paying more attention to; second only to ATV / Snowmobile issues.

Currently, the lowest priority enforcement is on ATV / Snowmobiles. ATV / Snowmobile enforcement is complaint driven only and there was little to no active patrolling prior to 2008.

The Client Survey results suggest, overwhelmingly, that clients want Bylaw to have increased activity with respect to ATV/Snowmobile use. Based on the Client survey results, an increased role in ATV/Snowmobile enforcement would be welcomed by Whitehorse residents.

Similarly, it is not surprising that the majority of Stakeholder respondents feel that ATV/Snowmobile and Bicycle/Skateboard compliance are not producing adequate results. The 1999 recommendations suggested these areas be treated as the lowest priorities. The Stakeholders now feel the Bylaw Department can be doing more to enforce ATV and snowmobile regulations. This finding was echoed in the Focus Groups and in one case generated an 11-page submission.

City of Whitehorse submission to the Select Committee on Off-Road Vehicle Use

Note: The City had made several requests for consideration to the "Select Committee" which would aid the City of Whitehorse as it moved forward at reviewing its current snowmobile legislation.

There were a total of 2489 surveys completed for the Select Committee to review, with a total of 1767 (71%) surveys being completed by Whitehorse residents.

Background Information

The Yukon Legislative Assembly held meetings with stakeholders on Off-Road Vehicle (ORV) use in the territory.

As an authority responsible for the enforcement of All Terrain Vehicle and Snowmobile Municipal Bylaws, the City of Whitehorse met with the committee to provide input with the aim to have legislation updated to assist the City's Bylaw Department with its enforcement efforts.

In order for the City to be able to enforce current and future bylaws, legislative change is required.

Overview

The City of Whitehorse is facing increasing complaints over the use of Off Road Vehicles (ORVs) within municipal boundaries. For the purposes of this submission, ORVs are defined as ATVs, snowmobiles, dirt bikes, dune buggies etcetera.

While the municipality does, have the ability to create its own bylaws, it has been extremely difficult to enforce the current bylaws and their provisions as offenders are difficult if not impossible to identify.

In line with the Yukon Government's review of ORV legislation the City has several requests for amendments that would enable City officials to identify offenders and adequately enforce bylaw provisions.

The City is requesting that the following amendments be made to ORV legislation:

1. Require all ORVs be registered with the Department of Motor Vehicles at point of sale.
2. Require all drivers of ORV vehicles hold a valid driver's license.
3. Require all ORVs be adequately insured for public damage and personal liability.
4. Requiring all ATV and Snowmobile fines be paid before obtaining or renewing registration or driver's license.
5. Provide Municipal authorities with the authority to seize ORVs.
6. Allow the Municipality the ability to set the standard for signage as it relates to off road vehicles.
7. Require all ORV riders in the territory be required to wear a helmet when operating an ORV.

Other Items that should be considered as part of this submission include:

1. Head lights and tail lights
2. Update on access to information agreement between City of Whitehorse and Government of Yukon to include access to information for licence plates on an ORV for offences committed under City Bylaws.
3. Requirement for ORV users to successfully complete a course prior to being permitted to operate.

Summary of explanation of requested amendments made to the Select Committee on the Safe Operation and Use of Off-road Vehicles

ORV Registration and License Plate

This is the single most important amendment to the legislation being sought by the City of Whitehorse. Currently, it is extremely difficult to identify offenders as their vehicles have no license plate and drivers are difficult or impossible to identify. City Bylaws are near impossible to enforce under the current circumstances without ORV registration.

Having vehicles registered with the department of Motor Vehicles and required to display a plate would allow City Bylaw Officers or citizens who witness an offence to record the license plate, which allows for follow up.

Drivers License

The City responds to a number of complaints over ORV use that involves minors operating a motor vehicle. A valid driver's license would help ensure driver education was obtained and help prevent minors from riding ORVs.

Insurance

Currently, many ATVs are not insured. In the event that an accident occurs and result in personal injury and/or damage to property the only recourse to pursue compensation is through legal action.

2008 data on hospital admissions:

ATV/Snowmobile 134

Motor Cycle 69

Fine Payment

In 1995, the Commissioner in Executive Council ordered that motor vehicles that had outstanding fines attached to them, including Traffic Bylaw fines, could not be re-registered until those fines were paid. Extending these provisions to ORVs would ensure that any municipal fine applied to an ORV operator would carry with them the appropriate weight.

Seizure of Vehicles of ORV

Where bylaw officers have reasonable or probable grounds to believe an offence may continue or a threat to public safety exists, being able to seize a vehicle (for offences such as not having insurance) would provide officers with the appropriate authority to enforce the bylaw and promote public safety. It would also provide more incentive for operators to ensure their vehicles are in good working order, are properly operated and insured.

Standard Signage

Providing the municipality with the ability to set signage standards would allow the municipality to adequately inform the public as to bylaw provisions, such as prohibited areas, designated trails, and associated fines, excetera.

Helmets

Currently, the City of Whitehorse, as in most jurisdictions in Canada, requires helmets to be worn while operating ORVs. Having Territorial Legislation clearly outlining a requirement to wear a helmet would help bolster this safety effort and provide a united message to the public on the importance of ORV safety.

Explanation of additional items of consideration:

Headlights and Brakes

This is a safety request. ORVs without lights are difficult for pedestrians to spot on trails and difficult for motorists to spot at vehicle crossings. Currently, there a number of ORVs that operate in Whitehorse without these safety features. Having regulations of when such ORVs may operate will provide enforcement personnel the ability to deal with these situations as they are identified.

Access to Information Agreement between Government of Yukon and City of Whitehorse

An update to the access to information agreement between the City of Whitehorse and the Government of Yukon to include access to information for licence plates on ORVs for offences committed under City Bylaws would be required in order for the City to locate offenders. Currently the agreement allows the City to access motor vehicle registration information for the purposes of enforcing the Motor Vehicles Act, Traffic Bylaw and for limited situations as it relates to the Vehicle for Hire Bylaw (Taxi Bylaw).

Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles

The Consultation Process

Pursuant to the Select Committee's terms of reference, the Committee undertook public consultations for the purpose of receiving the views and opinions of Yukon residents on the safe operation and use of all-terrain vehicles and snowmobiles in the territory.

The Committee agreed to consider requests for public meetings where there was sufficient interest and accepted requests for public meetings until September 30, 2010. The deadline for written submissions and opinion surveys was October 31, 2010.

It was pointed out that, had Yukon addressed the ATV/snowmobile issue ten or even twenty years ago, the broad conflicts that exist today between off-road vehicle (ORV) users and non-users would not be as acrimonious as witnessed in public meetings, surveys and submissions.

This responsibility becomes even more urgent when the potential population growth over the next ten years is considered. Even a modest increase in population will see a significant increase in back country use by all citizens and the conflicts between user groups will continue to escalate. There were many stories of ATVs racing past and nearly hitting hikers or skiers and of non-motorized users throwing objects or threatening riders with ski poles. This apparent intolerance and unwillingness to share is becoming a serious safety concern for both groups.

The Committee heard over and over again that education is critical. There were many calls for education and enforcement of existing rules before new or additional regulations are considered. There were calls for education on the safe and respectful operation of ATVs and for education on respectful and responsible environmental stewardship. The Committee also heard that education alone is not the answer; that it must be paired with efficient and effective infrastructure, regulation and enforcement.

While many Yukoners believe the focus of any rules or regulations pertaining to the use of off-road vehicles should be safety, many felt that "off-road" use shouldn't be subject to licensing, registration, and insurance. "On-road" use was considered a different issue. Most people agreed that if an ATV or snowmobile is to be driven on Yukon roads or highways, it should be subject to the same rules and regulations as any other motorized vehicle.

There was a large bloc calling for legislation to protect Yukon's fragile environment. The Committee heard about ongoing environmental devastation and wildlife being forced from its breeding grounds and natural habitats. At the same time, if access to some areas is to be restricted in the name of environmental protection, there are those who believe that all access should be restricted – motorized and non-motorized alike. Environmental protection legislation which penalizes damage to the environment rather than type of user was suggested by many.

The Committee heard that the majority of off-road riders are responsible and respectful people. However, small numbers of irresponsible off-roaders will have a lasting effect on Yukon's delicate

ecosystems. Many Yukoners feel that additional regulations will only serve to further restrict and punish the law-abiding responsible users and, that without strict enforcement and serious consequences, new rules will have little impact on the irresponsible thrill-seekers who will likely continue to wreak havoc on the environment.

The Committee heard that this is an urban versus rural issue. There were repeated calls for more stringent regulations in residential areas and in Yukon campgrounds with less need for increased regulation identified for the back country. Many Yukoners believe this is a "Whitehorse only" issue and that any legislation or additional regulations should be community specific.

And finally, lack of enforcement of existing laws and the potential inability to enforce any new laws also came up over and over again. There were numerous calls for increased enforcement in and around the Whitehorse area. Yukoners repeatedly commented on the futility of enacting more laws that can't or won't be enforced. Suggested methods of enforcement included the RCMP, bylaw officers, conservation officers, water inspectors and possibly even a program similar to Turn in Poachers

The Yukon Government prepared a Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles. The recommendations contained within the report were as follows:

Recommendations

1. THAT, legislation and regulations governing the use of off-road vehicles are inclusive of all and do not exclude anyone to the advantage of another.
2. THAT, there is consistency throughout all legislation and regulations governing the use of off-road vehicles in the territory.
3. THAT, government undertake an extensive advertising/educational campaign to raise public awareness of any and all existing restrictions on off-road vehicle use along with penalties and means of enforcement.
4. THAT, government undertake an educational campaign which, in addition to existing laws and regulations, focuses on the safe, responsible and respectful operation of off-road vehicles as well as environmental stewardship.
5. THAT, legislation governing "on-road" use of off-road vehicles (ORV) be provided for through amendments to Yukon's Motor Vehicles Act.
6. THAT, as it pertains to "on-road" use, provisions in the Yukon government's existing policy regarding the operation and registration of all-terrain vehicles be given the force of law and enshrined in legislation.
7. THAT, all off-road vehicles that travel on or cross over any Yukon road or highway be subject to registration and liability insurance and require that operators hold a valid Class 5 driver's licence.

8. THAT, government consider the issues of registration, operator licensing, and insurance for "off-road" use and that government look at how other jurisdictions have approached these issues prior to determining the best approach for Yukon.

9. THAT, the definition of "highway" in the Motor Vehicles Act be clarified and THAT, the terms "on-road" and "off-road" be clearly defined in the Act.

10. THAT, government encourage and support voluntary driver training on the safe and environmentally responsible operation of ATVs and snowmobiles.

11. THAT, the issues of age requirements, underage riders, adult supervision, and age vs. size of machine be addressed in legislation and/or regulation and that government consider how other jurisdictions have approached these issues in determining the best approach for Yukon.

12. THAT, helmet use be mandatory when operating an off-road vehicle or snowmobile on-road. The Committee did not reach consensus on helmet requirements for "off-road" use.

13. THAT, legislation address the needs of municipalities in identifying offenders and enforcing their bylaws.

14. THAT, off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. Ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas as necessary, to exclude off-road vehicles from specific types of land or habitats, and to have certain areas designated as access routes only;

THAT, environmental and access restrictions be implemented in areas where problems exist or are developing and, when not required for wildlife or environmental protection, efforts be made not to reduce access to existing use areas;

THAT, government review penalties for environmental damage caused by any method, motorized or non-motorized means, to ensure penalties are appropriate. The Committee further recommends that government take steps to improve public awareness of these penalties; and

THAT, government consider separate environmental protection legislation that targets and penalizes environmental damage rather than restricting specific users.

Conclusion

While Yukon currently has some protected areas, legislation, and management plans in place that impose certain restrictions or limitations on outdoor recreational use within the territory, Yukon is the last jurisdiction in Canada without legislation specifically governing the operation and use of off-road vehicles.

This issue is important to Yukoners and to the Yukon. There will be some tough decisions to be made and, given the vast diversity in public opinion, it will not be possible to please everyone.

The Committee believes that legislative tools and education programs that discourage poor practices, prevent ecological degradation, and teach ecological stewardship is required. Yukon's regulatory framework must be established and implemented in an objective and unbiased fashion. All users, motorized and non-motorized alike, and the scale of environmental impact must be considered when developing operational, safety and environmental standards. Our approach must not only be responsible and progressive, it must be respectful of all Yukon citizens.

The Committee believes that implementation of its recommendations is an important step in ensuring the respectful and responsible operation of these vehicles.

DataPath Survey 2011

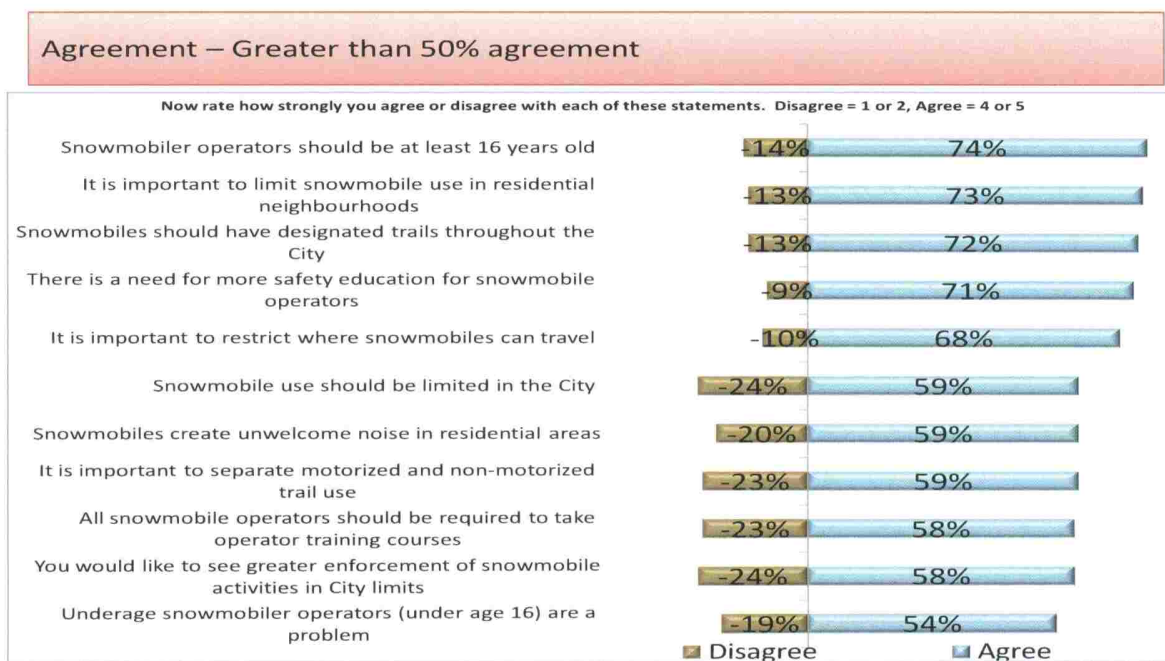
This survey method was employed to aid in answering several questions such as:

- To determine how many citizens use snowmobiles on the trails within the City limits;
- What kind of activities are the trails being used for (i.e. cycling, walking, etc.);
- Protection of the environment;
- Should snowmobiles be registered and insured; and
- Trail designation;

The DataPath Survey (see Appendix **) consisted of a series of questions related these and other topics and was completed by 210 citizens.

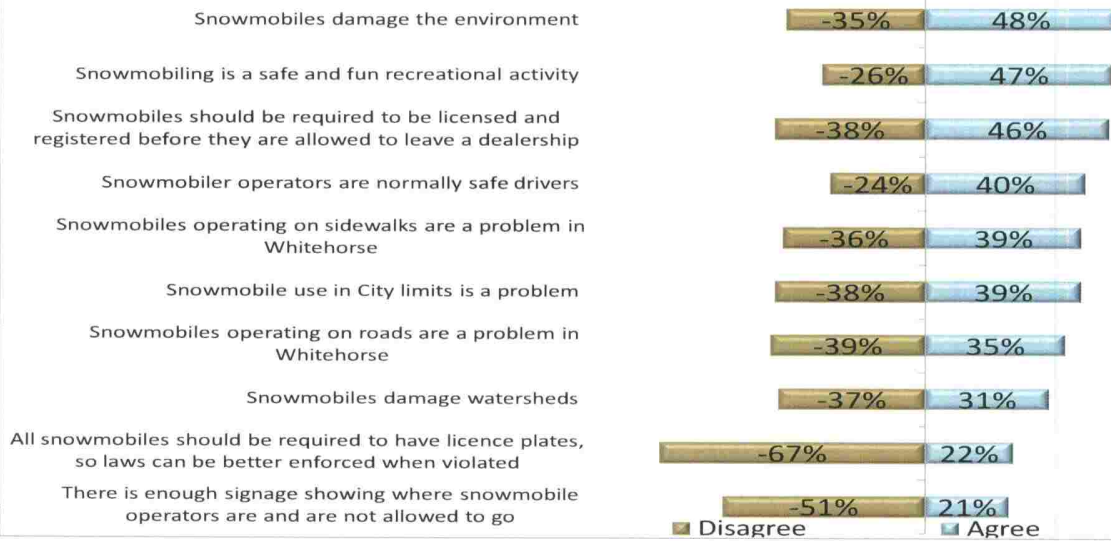
DataPath Survey results

The DataPath Survey compiled the data from 210 Whitehorse residents at which time the Whitehorse Snowmobiling Study – Feb 2011 was prepared (see Appendix *).



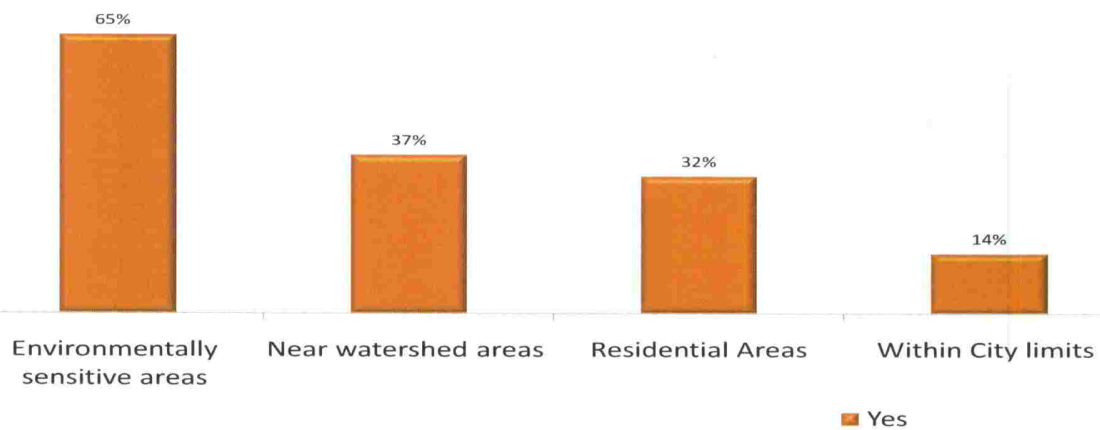
Agreement – Less than 50% agreement

Now rate how strongly you agree or disagree with each of these statements. Disagree = 1 or 2, Agree = 4 or 5

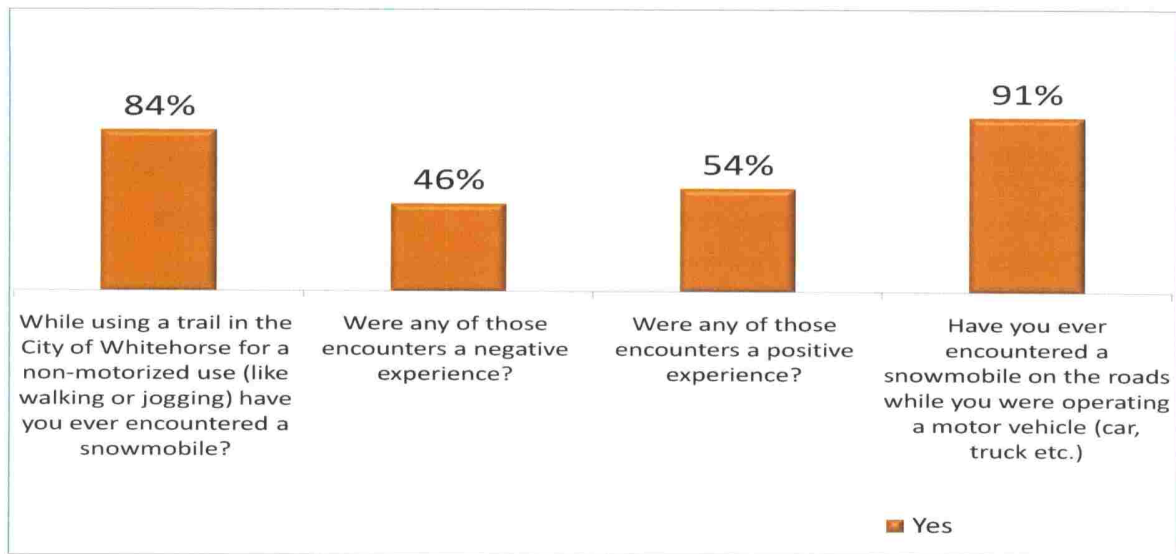


Banned

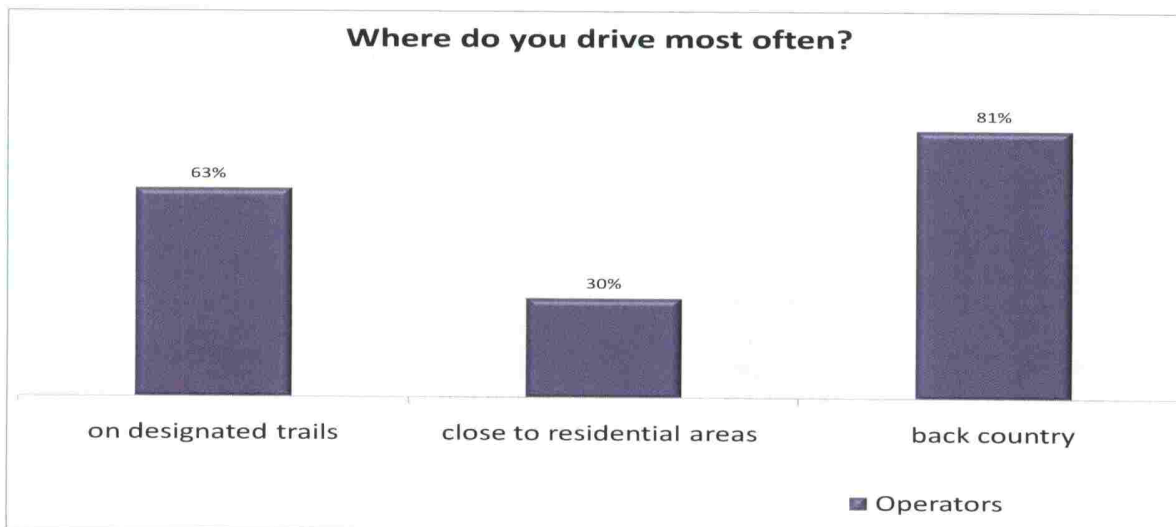
Do you think snowmobiling should be banned completely in:



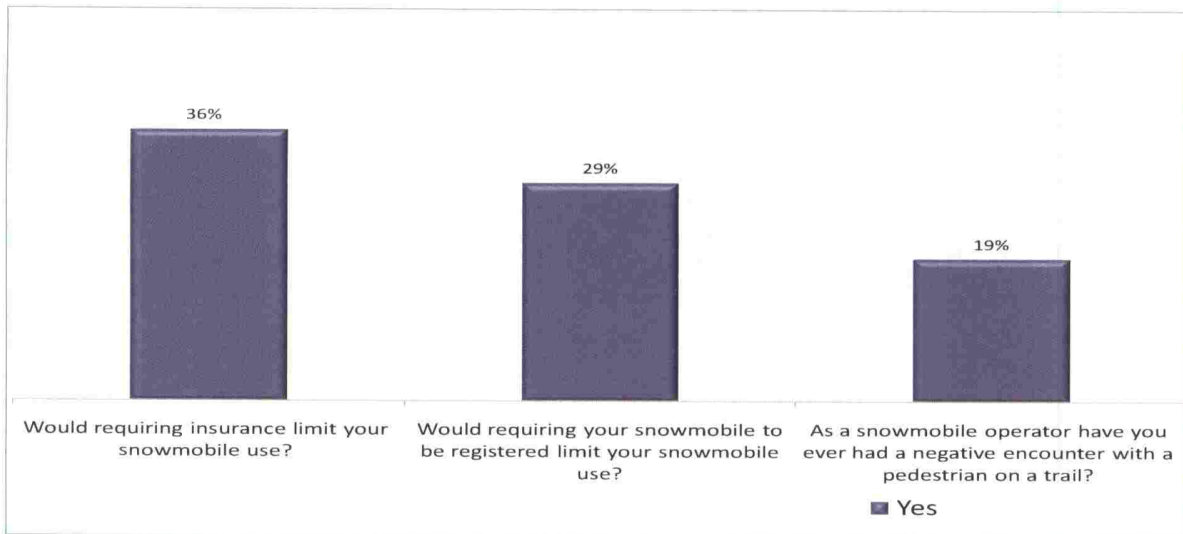
Experiences



Profile of Operators

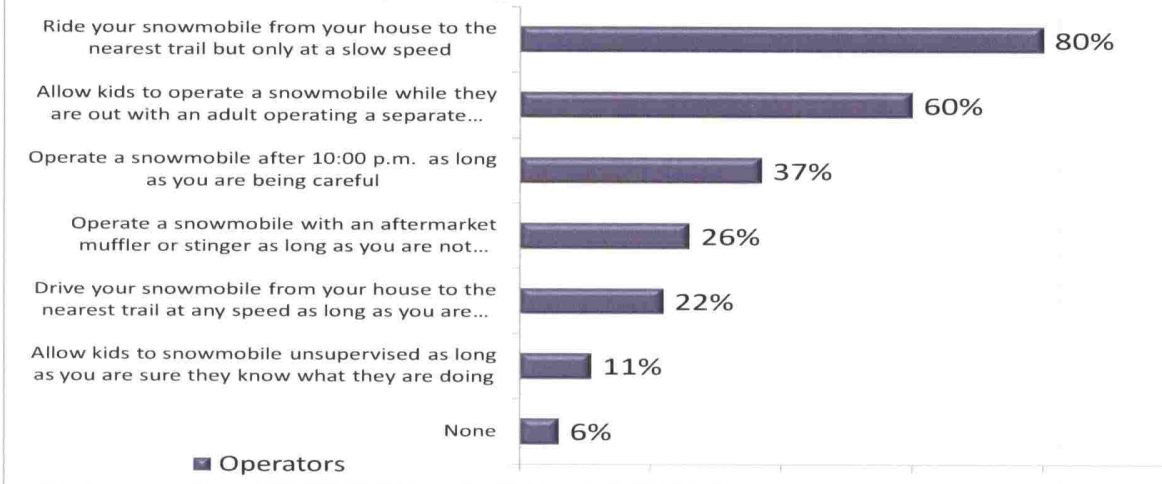


Profile of Operators

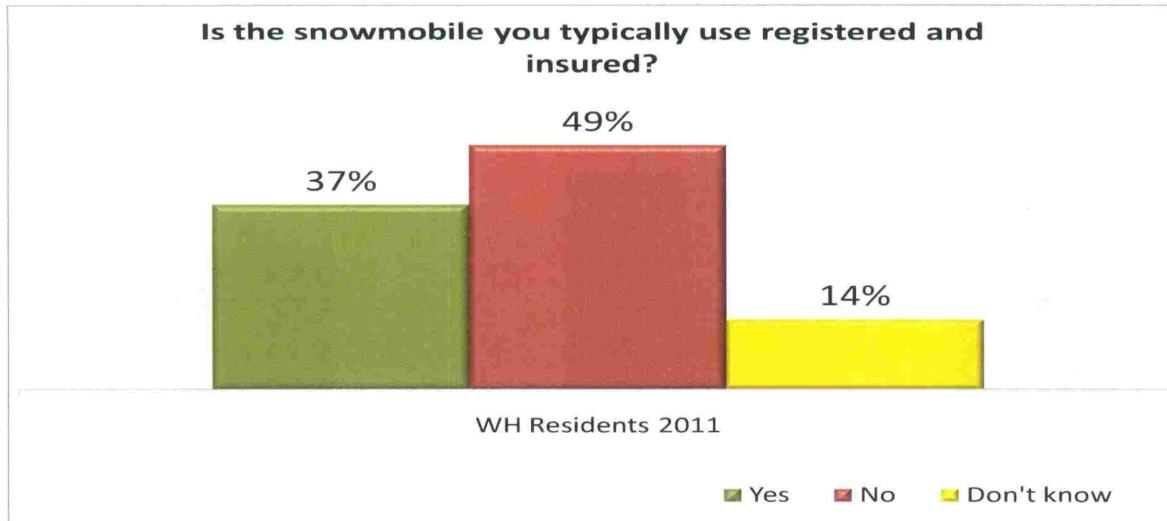


Profile of Operators

Which of the following do you feel is OK to do while operating snowmobile



Profile of Operators



Comparing Operators vs. Non. Snowmobiles should be banned. (% yes)

- In residential areas (12% vs 47%)
- In environmentally sensitive areas (48% vs. 76%)
- Near watersheds (24% vs. 46%)
- Within City Limits (6% vs. 19%)

Evaluation Criteria for Snowmobile Task Force

The City of Whitehorse has three plans which have been adopted by City Council. Those plans are the Official Community Plan, the Trail Plan and the Sustainability Plan. The following list of items were provided to the Snowmobile Task Force as the “Evaluation Criteria”, as per the adopted plans by City Council, when looking at issues surrounding snowmobiling within the City of Whitehorse:

- Impact on water bodies or wetlands;
- Impact on identified environmentally sensitive areas (City Green Space Plan);
- Impact on wildlife;
- Respects motorized and non-motorized trail designations;
- Impact on existing motorized recreational use of trails;
- Impact on existing non-motorized recreational use of trails and/or green areas;
- Provides opportunity for snowmobile riders to reach “out and away” areas;
- Does not contravene current legislation (speed limit, age limit, helmet bylaw, insurance etc.);
- Not likely to endanger driver or other members of the public;
- Not likely to damage public or private property;
- Does not create unnecessary noise levels in or close to residential areas; and
- Limits the possibility of conflicting use (public safety will take precedence)

Snowmobile Task Force Summary

Focus Groups

The City of Whitehorse employed the assistance of members of the community who made up a Snowmobile Task Force.

The purpose of the Snowmobile Task Force (the “Task Force”) was to have a diverse group of organizations meet and share their thoughts and considerations regarding the use of snowmobiles within the City of Whitehorse from their group’s perspective. The desired result is to have the Task Force make recommendations and share ideas with City Council. These recommendations were presented to Council for their consideration when providing direction to Administration on the development of a new Snowmobile Bylaw.

The Task Force met to discuss areas of concern and priority with regard to the use of snowmobiles in the City of Whitehorse. The Task Force took into consideration the City of Whitehorse Trail Plan, Snowmobile Bylaw, Protected Areas Bylaw, Sustainability Plan, Official Community Plan (OCP); and the *Motor Vehicles Act*.

In efforts to gather information from the community and stakeholders on the issues surrounding snowmobiles, the City set up three mechanisms to gather information and feedback. Those mechanisms were:

- 1) Strike a Snowmobile Task Force (the “Task Force”) selected by Council for the purpose of receiving the views and opinions of special interest groups/stakeholders in the community. Upon the completion of the Task Force meetings, administration prepared a draft report on the recommendations of the Task Force for review by Council.

Each Snowmobile Task Force Member was asked to provide their three biggest issues and three biggest challenges. From the points brought forward by the Task Force Members, the issues were categorized into the following four themed meetings for the Task Force to discuss further:

- 1. Review of Area Maps**
- 2. Legislation**
- 3. Education**
- 4. Economic Impact**

- 2) Completion of a statistically valid survey on specific questions identified by the Task Force about snowmobile usage.
- 3) Hold a public input session (by open house) where the public provided comments on the Task Force recommendations, as well as, comments in general about snowmobiling within City limits.

Snowmobile Task Force Recommendations

The Snowmobile Task Force recommendations were as follows:

Review of Area Maps

The majority of the Snowmobile Task Force members agreed as follows:

- The use of out and away trails - (Riverdale and Porter Creek subdivisions were specifically mentioned). A bridge to allow snowmobilers to get out from behind Riverdale and access the trail systems on the west end of Whitehorse).
- Protection of environmentally sensitive areas - (Paddies Pond, McIntyre Creek and Caribou habitat were specifically mentioned)
- Clearer trail signage was required

Legislation

The Task Force agreed on the following for the “Importance of Enforcement” as well as the areas that were a “Priority of Enforcement”:

Importance of Enforcement

- Access restrictions in City
- Trail designation
- Speed limits

- Helmet required
- Liability insurance
- Registration
- Impact on land
- Impact of wildlife
- Impact on water bodies
- Safety Course
- Age limitation

Priority of Enforcement

- Helmet required
- Impact on land
- Impact of water bodies
- Impact on wildlife
- Trail designation
- Speed limits
- Access restrictions in City

Education

When asked to identify if current education programs were sufficient, in all cases and categories education was found to be lacking. The Task Force agreed on the following for the issues they felt were “Important for Education” as well as the areas that were a “Priority of Focus for Education”:

Important for Education

- Helmet required
- Access restrictions in City
- Impact on land
- Speed limits
- Recreation areas
- Impact on water bodies
- Impact on wildlife
- Liability insurance
- Trail designation
- Driver’s license required
- Registration
- Age limitation
- Safety course
- Out and away trails
- Motorized and non-motorized designation
- Signage

Priority of Focus for Education

- Trail designation
- Safety course
- Signage
- Speed limits
- Helmet required
- Impact on land
- Impact on wildlife
- Access Restrictions in City
- Noise

Economic Impact

When the Task Force was asked to write down the top 3 positive economic impacts of the snowmobile industry and the top 3 potential costs of the snowmobile industry that the City should consider when drafting a new bylaw respecting snowmobiling, as it relates to the group they are representing. The Task Force agreed on the following “Positive Economic Impacts” and “Potential Costs”:

Positive Economic Impact

- Secondary Business/Jobs
- Tourism
- Investment in infrastructure, improvements & development

Potential Costs

- Bylaw Enforcement
- Reclamation associated with damage to habitat vegetation, erosion, water quality, pollution, etc.
- Signage

Public Open House

A Public Open House was conducted by the City of Whitehorse with some Snowmobile Task Force members present on April 20th, 2011. The recommendations of the Snowmobile Task Force were put on display and questions from the public were answered along with input being sought via public survey. Copies of the Snowmobile Bylaw, Yukon *Motor Vehicles* Act and draft Task Force Report were on hand in the event anyone had questions.

The Public Survey (April-May 2011)

The public survey method was the method employed to seek public input after the release of the Snowmobile Task Force Recommendations. The survey included questions to gather information on the following:

- How many citizens use snowmobiles on the trails within the City limits;
- What kind of activities are the trails being used for (i.e. cycling, walking, etc.);
- Protection of environmentally sensitive areas;
- Licensing, registration and insurance;
- Protection of wildlife and waterways;
- Noise in residential areas;
- Designated trails for motorized and non-motorized users; and
- Out and away, trail designation.

The survey (Appendix **) was posted on the City of Whitehorse website. All residents of Whitehorse had access to the survey and were made aware of the survey by various advertising methods. The Snowmobile Task Force recommendations were also put on display at the Canada Games Centre from April 21st, 2011 to May 19, 2011. Survey forms were also made available to the public at this location. 239 surveys (Appendix 2).

The number of public surveys completed was large enough to provide comfort that the conclusions drawn from the survey are reflective of the general population of Whitehorse. As well, the fact that the data collected via the DataPath Survey reinforces the data from the public survey.

It is worthy of note that where there were similar type questions or topics, the survey results from the Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles are in many cases generally similar to results in both the data path survey and public survey which adds validity to all the information gathered.

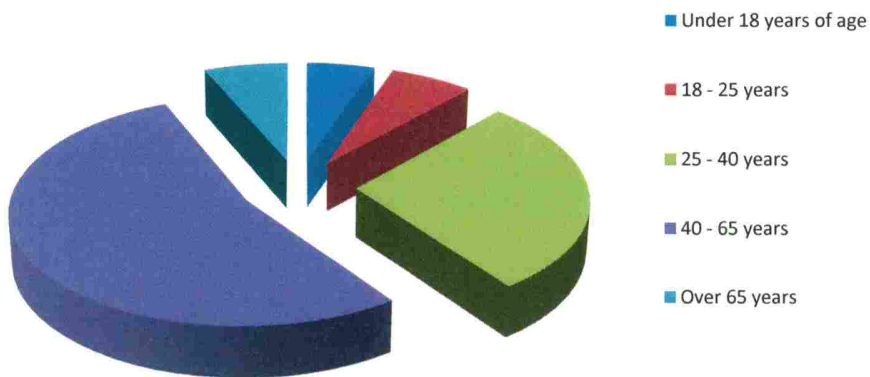
Results of public survey after the release of the Draft Snowmobile Task Force Report

Question 1 Your age Range?

Age Range

Under 18 years of age	13
18 - 25 years	16
25 - 40 years	70
40 - 65 years	132
Over 65 years	16

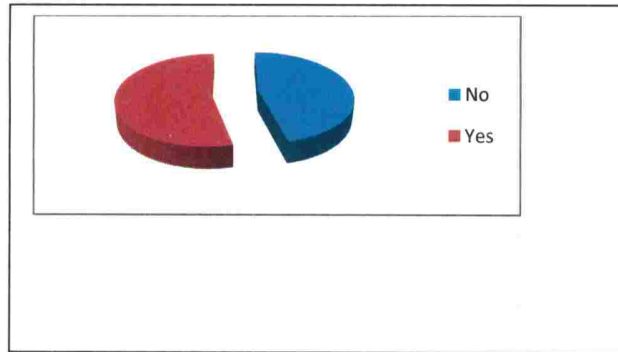
Total: 247



Question 2 Have you operated a snowmobile in the last 12 months?

Operated snowmobile in last 12 months

No	109
Yes	127

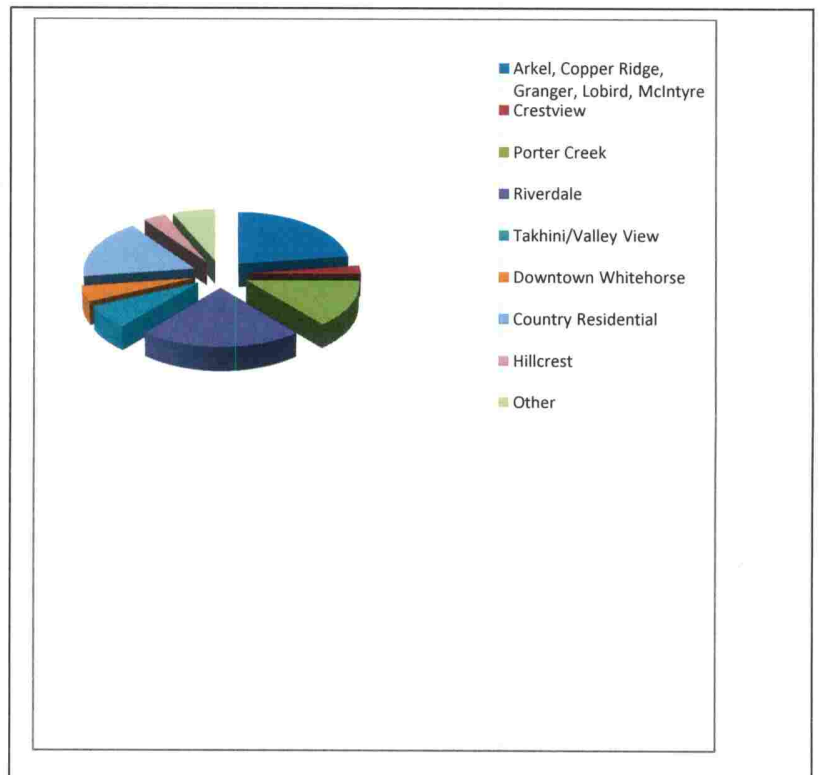


Question 3 Which area best describes where you live?

Subdivision

Arkel, Copper Ridge, Granger, Lobird, McIntyre	59
Crestview	6
Porter Creek	36
Riverdale	58
Takhini/Valley View	18
Downtown Whitehorse	12
Country Residential	45
Hillcrest	9
Other	17

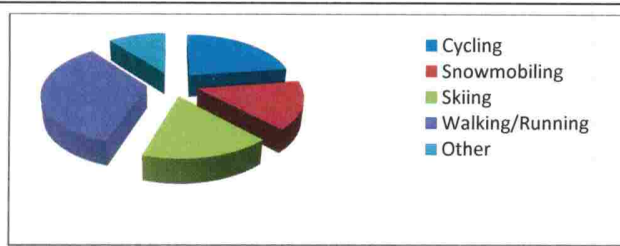
59
6
36
58
18
12
45
9
17



Question 4 How do you use the trails within Whitehorse?

Trail Use

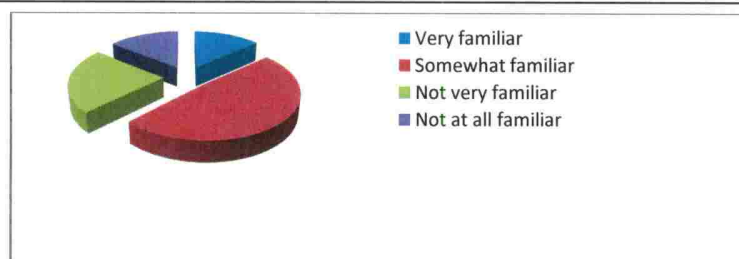
Cycling	143
Snowmobiling	96
Skiing	106
Walking/Running	218
Other	67



Question 5 How familiar are you with the legislation governing the operation of snowmobiles in the City of Whitehorse?

Familiar with Legislation

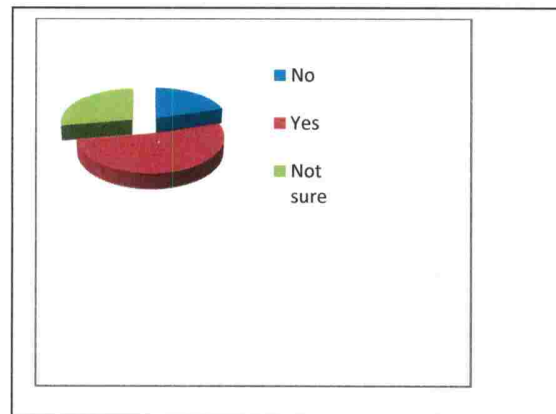
Very familiar	32
Somewhat familiar	116
Not very familiar	55
Not at all familiar	34



Question 6 Do you feel the existing City of Whitehorse Snowmobile Bylaw needs to be amended. Why?

Does Snowmobile Bylaw need to be amended?

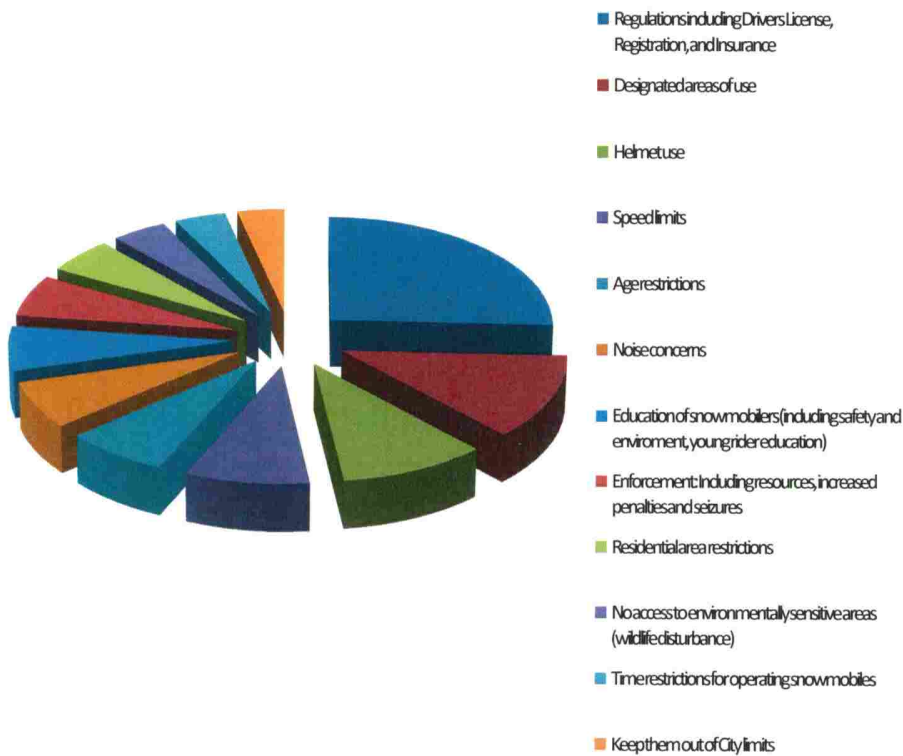
No	45
Yes	116
Not sure	62



Question 6 continued

Top 12 general reasons people stated why Snowmobile Bylaw needs to be amended.

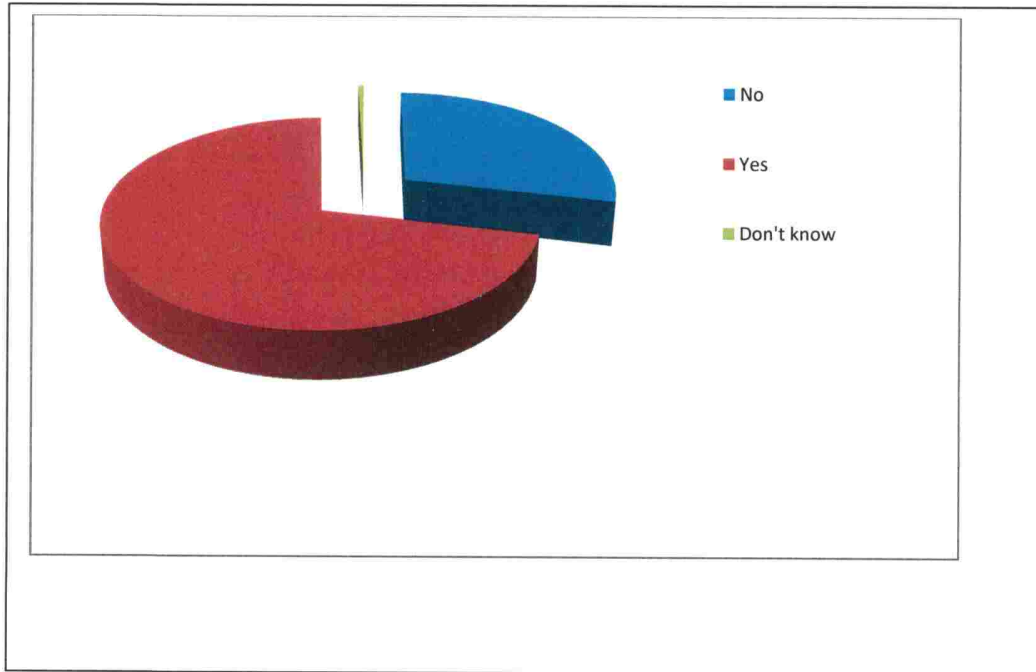
Regulations - Drivers License, Registration, and Insurance	79
Designated areas of use	38
Helmet use	31
Speed limits	26
Age restrictions	22
Noise concerns	21
Education of snowmobilers (including safety and environment, young rider education)	20
Enforcement: Including resources, increased penalties and seizures	19
Residential area restrictions	16
No access to environmentally sensitive areas (wildlife disturbance)	13
Time restrictions for operating snowmobiles	12
Keep them out of City limits	11



Question 7 Do you feel there needs to be more enforcement of Snowmobiling activities?

Do you feel there needs to be more enforcement

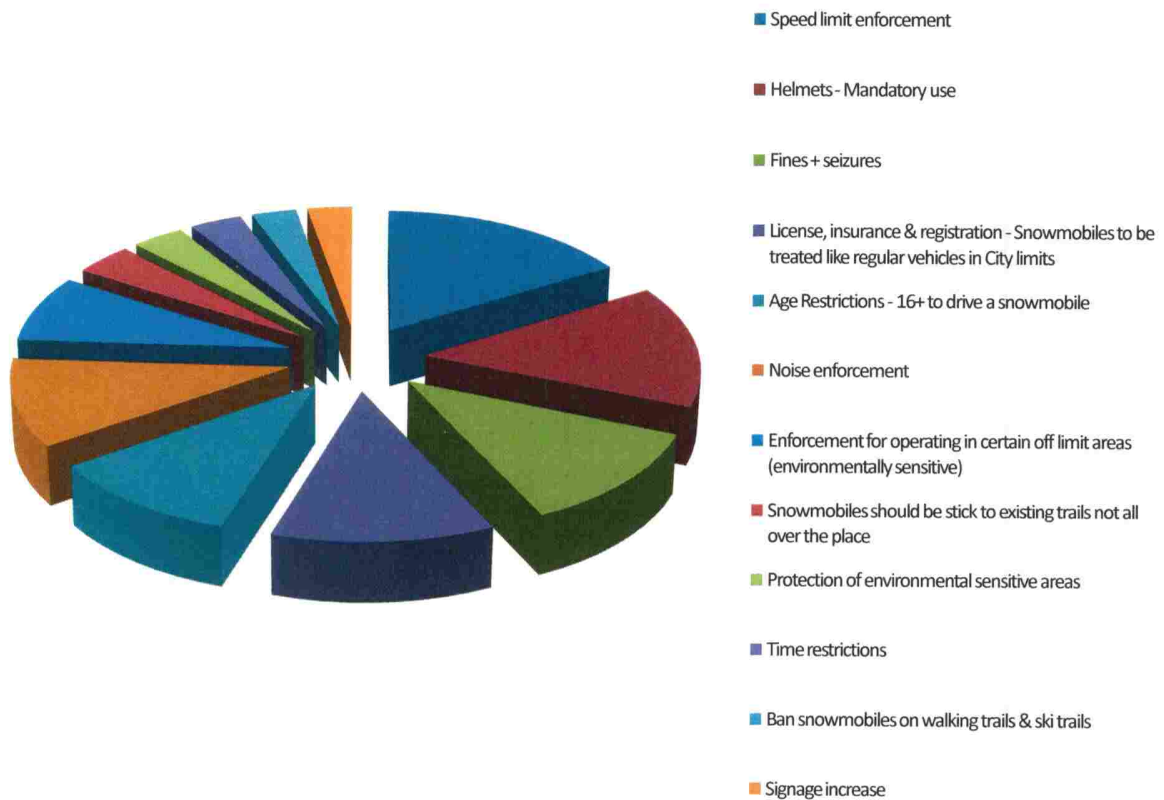
No	62
Yes	155
Don't know	1



Question 7 continued.

Top 12 general reasons people stated need more enforcement.

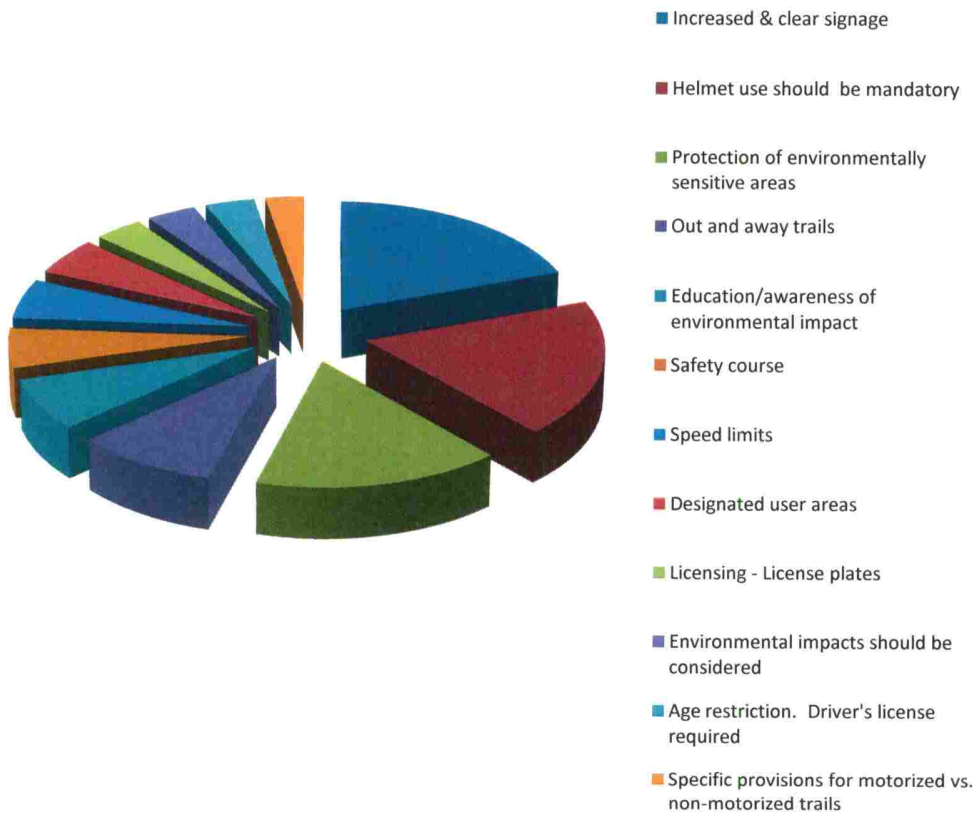
Speed limit enforcement	34
Helmets - Mandatory use	31
Fines + seizures	25
License/insurance/registration	25
Age Restrictions - 16+ to drive a snowmobile	22
Noise enforcement	22
Enforcement for operating in certain off limit areas (environmentally sensitive)	17
Snowmobiles should be stick to existing trails not all over the place	8
Protection of environmental sensitive areas	7
Time restrictions	7
Ban snowmobiles on walking trails & ski trails	6
Signage increase	6



Question 8 What were the three Task Force recommendations you would most like to see considered?

Top 3 recommendations from Task Force YOU WOULD MOST LIKE TO SEE considered?

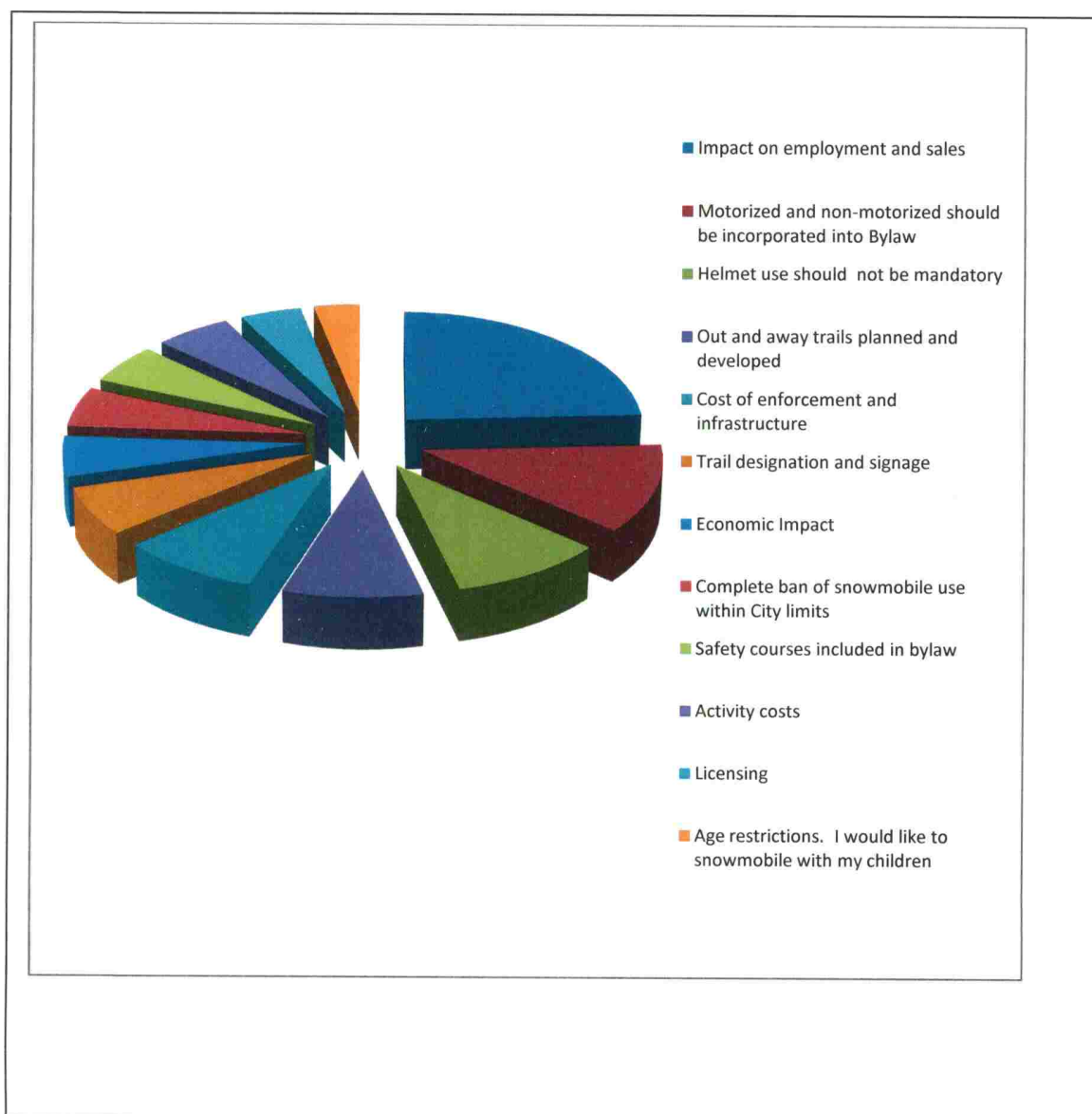
Increased & clear signage	49
Helmet use should be mandatory	48
Protection of environmentally sensitive areas	40
Out and away trails	23
Education/awareness of environmental impact	18
Safety course	14
Speed limits	14
Designated user areas	13
Licensing - License plates	9
Environmental impacts should be considered	9
Age restriction. Driver's license required	9
Specific provisions for motorized vs. non-motorized trails	7



Question 9 What three Task Force recommendations would you least like to see considered?

Top 3 recommendations from Task Force YOU WOULD LEAST LIKE TO SEE

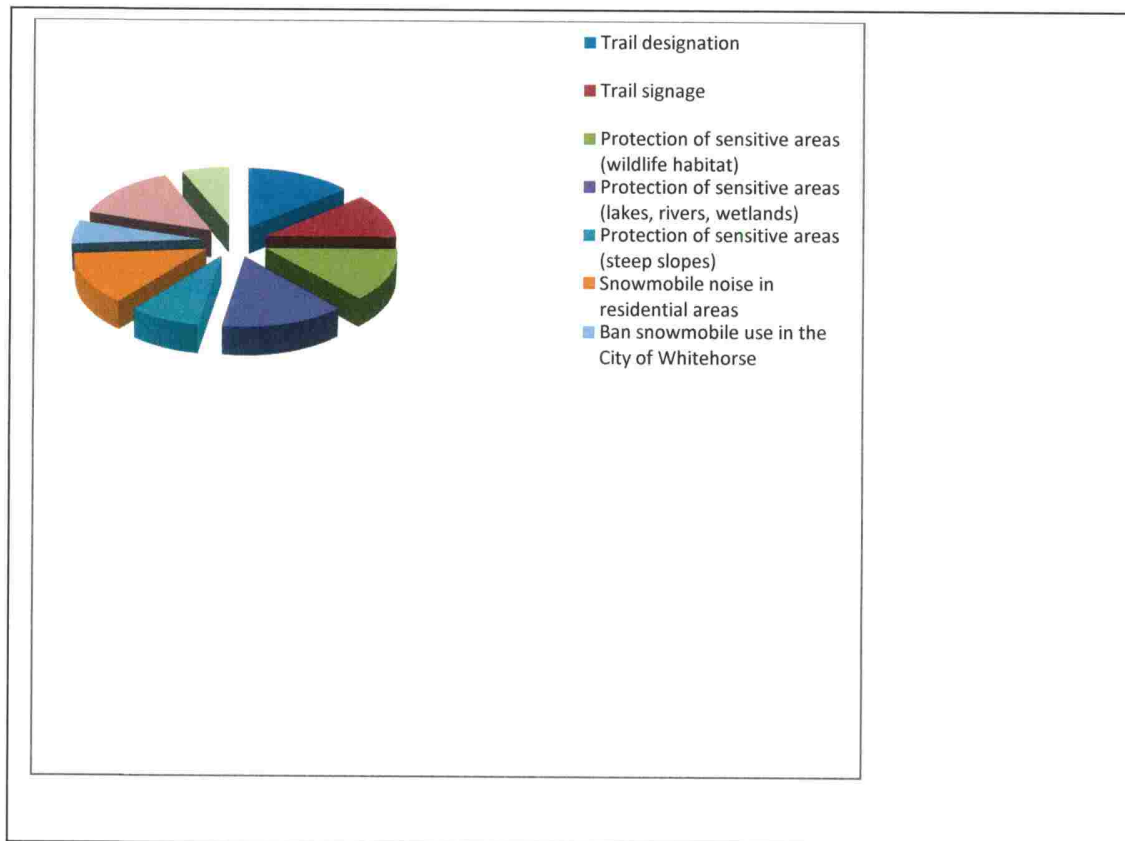
Impact on employment and sales	22
Motorized and non-motorized should be incorporated into Bylaw	11
Helmet use should not be mandatory	9
Out and away trails planned and developed	8
Cost of enforcement and infrastructure	8
Trail designation and signage	6
Economic Impact	5
Complete ban of snowmobile use within City limits	5
Safety courses included in bylaw	5
Activity costs	5
Licensing	4
Age restrictions.	3



Question 10 Which of the following do you view as most important concerning snowmobile usage in the City? (Nine options provided, respondents asked to select three)

Most important concerning snowmobile usage (choose 3)

Trail designation	97
Trail signage	78
Protection of sensitive areas (wildlife habitat)	92
Protection of sensitive areas (lakes, rivers, wetlands)	100
Protection of sensitive areas (steep slopes)	57
Snowmobile noise in residential areas	90
Ban snowmobile use in the City of Whitehorse	42
Education	98
Out and away trails	44



Question 11 Do you feel the environmentally sensitive areas identified in the Official Community Plan should be off-limits to snowmobiling?

Environmentally sensitive areas off limits to snowmobiles

No	47
Yes	113
Not sure	41
Sort of	2

