

Off Road Vehicle Regulations Workshop

*Finding the right balance between responsible ORV use and
protecting the environment*

High Country Inn

Whitehorse, Yukon

December 5 & 6, 2017

Workshop Summary Report

Prepared by:

Bob Kuiper, Workshop Facilitator

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EXECUTIVE SUMMARY

This report summarizes the results of a two-day workshop held in December 2017 that discussed the development of Off Road Vehicle (ORV) regulations in Yukon. The workshop was organized and hosted by Government of Yukon. Day one was attended by participants from First Nations. Day two included participants from Renewable Resources Councils, Boards and Councils, Local Advisory Councils, and non-government organizations.

The purpose of the workshop was to review the progress made to date on identifying and addressing ORV issues in Yukon, and to engage with First Nations and invited groups to identify issues and priorities that should be considered in developing Yukon ORV regulations.

During the morning plenary discussions, the following key issues were identified:

Key ORV Issues

- Recognition that ORVs have a place in Yukon. In some communities, they are essential transportation.
- ORVs can cause serious environmental damage to sensitive areas, habitats, wetlands, alpine areas, trails and heritage areas.
- ORVs can disturb and displace wildlife and increase hunting pressure.
- The continual expansion of unplanned and unauthorized ORV trails is a major problem.

The afternoon table discussions covered six topics, which resulted in the following input.

Yukon Wide Regulations

- Strong support was expressed for a proactive and comprehensive Yukon-wide approach to ORV management.
- The strategy needs consistent standards and definitions for ORV use in the whole territory.
- ORV regulations should be able to respond to regional differences.
- ORV regulations should be simple, practical and enforceable.
- Communication, consultation and local engagement is essential.
- Government needs to work with RRCs, First Nations, communities, and NGOs.
- Need to work with experts and use good scientific information.
- Different types of ORVs have different impacts and should be managed differently.
- Yukon Government and First Nations should collaborate on developing ORV regulations and plans.
- ORV management should be coordinated both on and off Settlement Lands.

Areas Closed to ORVs

- Most participants felt that alpine areas and wetland areas should be closed off to ORVs.
- Many participants felt ORVs should be restricted in critical and vulnerable wildlife habitats.
- Many felt seasonal ORV restrictions should be used to protect wildlife during critical periods.
- Closures should be considered in Special Management Areas, Habitat Protection Areas and Parks.
- Many participants felt ORVs should not be allowed in pristine and untouched wilderness areas.

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- Many participants noted that clear objective criteria need to be developed for defining and identifying alpine, wetland and critical wildlife areas.
- Some noted that more research needs to be done on the impacts of ORVs on different environments.

Areas Open to ORVs

- Participants noted ORV users need clarity on where they can and cannot operate. Keep it simple.
- Many participants supported a corridor approach, to limit and control ORV access from highways.
- Most (but not all) participants felt that ORVs should only be allowed on established and designated trails in the majority of the territory, especially in highly used areas.
- Most (but not all) participants felt that there should be a prohibition on creating any new ORV trails, unless they are planned, assessed and authorized in advance.
- Designated ORV trails should be clearly mapped, marked and signed with applicable trail rules.
- Many people supported designating some limited areas for unrestricted off trail ORV use.

Registration and Operator Licensing

- Strong support was expressed for mandatory ORV registration throughout Yukon.
- Registering ORVs should be made easy, affordable and accessible.
- Strong support was expressed for the current requirements for operator licences and insurance in the City of Whitehorse and on maintained Yukon highways, as per existing regulations.

Compliance and Enforcement

- Almost all participants noted the importance of education in encouraging responsible ORV use.
- Education should be ongoing, territory-wide, local, and accessible in all communities.
- Education should include workshops, school programs, signage, pamphlets and on-line information.
- Enforcement needs to be adequately resourced, effective and coordinated between governments.
- Penalties and fines need to be strong enough to deter ORV users from breaking the law.

Coordination with jurisdictions outside of the *Territorial Lands (Yukon) Act*

- All relevant Yukon government legislation needs to be coordinated to consistently manage ORVs.
- Yukon government needs to work closely with municipalities, Local Advisory Councils and First Nation governments to coordinate ORV management regulations, policies and enforcement.
- Many participants supported the idea of a separate Off-Road Vehicles Act, similar to British Columbia.

During the final plenary discussions, the following top priorities were identified:

- **Day 1 Priorities: First Nations**
 - Work in partnership with communities and First Nations.
 - Strong education approach.
 - Co-management with First Nations and Yukon government on ORV management and enforcement.
 - Protect sensitive areas.
 - Document and map trails and trail use to enable decisions on where to allow ORVs.

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- **Day 2 Priorities: Boards and Councils, RRCs, LACs and NGOs**
 - Identify areas that should be permanently closed, especially alpine areas.
 - Manage and control access.
 - Require Yukon-wide registration, make it easy.
 - Education.
 - Establish seasonal closures.

1.0 INTRODUCTION

This report summarizes the results of a two-day workshop held in Whitehorse on December 5 & 6, 2017, to discuss the development of Off Road Vehicle (ORV) regulations in Yukon.

The workshop was organized and hosted by the Government of Yukon. Day one included invited participants from Yukon First Nations, Transboundary First Nations and CYFN. Day two included invited participants from Renewable Resources Councils (RRCs), mandated boards and councils, Local Advisory Councils, and non-government organizations (NGOs).

The purpose of the workshop was to:

- review the progress made to date on identifying and addressing ORV issues in Yukon;
- build on the work previously done by Yukon Government, including the:
 - *Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles* (March 2011);
 - *Off-road Vehicle Regulation Discussion Paper* (2015);
 - *Summary of Comments on Off-road Vehicle Regulations* (January 2016), and;
 - *Act to Amend the Territorial Lands (Yukon) Act* (2013); and
- engage with First Nations and invited groups to identify issues and priorities that should be considered in developing Yukon ORV regulations.

This report is a summary of the workshop discussions only. It identifies the key points made during plenary and table discussions. While this report captures all the main themes raised, it does not include every single comment made during the two days.

For a complete record of all comments recorded at the workshop, refer to the attached document: *ORV Regulations Workshop: Transcriptions of Flip Chart Notes and Recorded Comments*.

Unless otherwise indicated, this summary reflects the combined results of both days of the workshop. On most issues, participants in both days shared similar concerns and interests. Where there were significant differences in Day 1 and Day 2 discussion results, these differences are noted.

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2.0 WORKSHOP FORMAT

The workshop included presentations by government officials, plenary discussions facilitated by an independent facilitator, and table discussions facilitated by government staff.

The morning session started with an opening welcome and round of introductions, followed by a brief presentation on the history of Government of Yukon involvement in ORV matters in the territory. This was followed by a facilitated plenary discussion on key ORV issues in Yukon, using the issues identified to date by Yukon government as a guide.

The remainder of the morning included two presentations with questions and answers. The first reviewed current Yukon legislation that needs to be considered in addressing ORV issues in the territory. The second presentation reviewed the British Columbia experience on how that province has addressed ORV regulations, including the development of a stand-alone ORV Act.

The first part of the afternoon included small table discussions where participants were invited to engage in detailed discussions on six different topics. Each table had an assigned topic and facilitator to lead the discussion. Facilitators recorded comments on a flip chart. Each discussion period lasted 20 – 25 minutes, after which participants were asked to join another table and provide input on another topic. In this way, each participant was able to provide input on most of the topics identified.

The second part of the afternoon focused on identifying priorities. Each facilitator was asked to identify the top five key messages they heard at their tables and present these to the plenary group. These top five messages were written on flip charts and taped to the wall. After all six facilitators finished their presentations, each workshop participant was given a strip of 12 “sticky dots”, and invited to place a dot beside the messages they felt were most important. This system of “voting” was used to identify the top priorities of the group.

The workshop ended with a facilitated plenary discussion on the identified priority issues, and a workshop closing.

3.0 PLENARY DISCUSSION: ORV ISSUES

To initiate discussion in the morning plenary session, a brief presentation was done on the ORV issues that have been noted to date, as identified in previous consultation exercises done by the Government of Yukon. These issues are noted in Appendix 7.2 Discussion Guides.

Participants were then asked to comment on these issues, identify additional issues, identify priorities, and add other points of view. The following key points were made.

General Comments on ORVs and ORV Users

- It is important to recognize that ORVs have a place in Yukon.
- ORV are often used in communities for essential transportation.

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- Don't paint all ORV users as bad.
- Recent sales of ORVs in Yukon have decreased. The total numbers of ORVs in the territory, however, are unknown.

ORV Impacts on the Environment

- ORVs can cause environmental damage to:
 - Sensitive areas
 - Habitats
 - Wetlands
 - Alpine areas
 - Trails
 - Heritage areas
- ORVs can create problems with pollution, litter and invasive species.

ORV Impacts on Wildlife:

- ORVs can disturb wildlife causing stress.
- ORVs can displace wildlife from their preferred habitats.
- ORVs increase human and predator access to wildlife and increase hunting pressures.

Trails

- A major problem is the continual expansion of ORV trails that are unplanned and unauthorized.

Process for ORV Management Planning

- Yukon needs a proactive and comprehensive approach to managing ORVs.
- Two-way communication is key.
- The process needs to involve Renewable Resources Councils, First Nations, non-government organizations, municipalities, industry and other stakeholders.
- Good plans and regulations will provide certainty and should not only be punitive.
- The process should recognize that different communities and regions have different ORV issues and needs.
- To start, there needs to be good baseline information on ORV use and existing trails.

Not all ORVs are the same

- Different types of ORVs have different impacts and should be managed differently.
- Snowmobiles, although not included in Yukon government's definition of ORVs, also have impacts on wildlife, by disturbing wildlife and creating trails for predators.

Need for Closures

- There is a need to close off sensitive areas to ORVs. These areas may include: Special Management Areas, Habitat Protection Areas, territorial parks, mineral licks, wetlands, critical habitats, and headwaters.

Enforcement

- It will be difficult to enforce a new ORV regime.
- YG will need to commit to increased resources and capacity for enforcement.

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First Nation concerns

- How regulations will impact general ORV use on and across Settlement Lands is a major concern.
- How regulations will impact First Nation use of ORVs and Aboriginal hunting rights is a concern.



ORV Regulations workshop: Presentation on Legislation impacting ORV use

4.0 TABLE DISCUSSIONS

At the table discussions, participants provided detailed input on six specific ORV topics:

1. Yukon-wide regulations
2. Areas closed to ORVs
3. Areas open to ORVs
4. Registration and Operator Licensing
5. Compliance and Enforcement
6. Coordination with jurisdictions outside of the TLYA

For the most part, discussions at each table focused mainly on the topic identified. However, as can be expected, participants also often made comments on other ORV related topics. These “off topic” comments were also recorded.

For the purposes of analysing participant input and presenting results in this report, these “off topic” comments are included according to their topic area, rather than according to the table they were

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recorded at. For example, if comments regarding “education” were made at the discussion table on “Closed Areas”, for the purposes of tabulating results for this report, these comments were considered and analysed as part of the “Compliance and Enforcement” section, which is the section that addresses education, rather than as part of the “Closed Areas” section.

4.1 Yukon Wide Regulations

The table facilitator initiated the discussion with a review of issues and options identified to date on this topic. (See Appendix 7.2 Discussion Guides). Following this review, workshop participants made the following points:

Yukon Wide Approach

- Strong support was expressed for a proactive and comprehensive Yukon wide approach.
- Some regulations will need to apply to the whole territory.
- The regulation needs an overarching vision on what is responsible ORV use.
- ORV management needs to be considered holistically. Thought needs to be given to how managing ORVs in one area may impact ORV use in other areas.
- The strategy needs consistent standards and definitions for use in the whole territory.
- Regulations should be simple, practical and enforceable. If too complicated, they won’t get buy-in.

Accommodate for Regional Differences

- Many participants noted that different communities and regions have different issues and needs.
- Regulations should be able to respond to regional differences.

Communication, Consultation and Local Engagement

- Most participants felt that government needs to work closely in consultation with communities, RRCs, NGOs and other levels of government (First Nations, municipalities, Local Advisory Councils).
- Many First Nation participants felt it was critical for Yukon government and First Nations to have effective two-way communications and work together on ORV matters.
- Consult with local communities and listen to local input.
- Work with local people to build trust and buy-in.

Process for Developing ORV Management Areas and Plans

- Work with RRCs, First Nations, communities, and NGOs to identify areas for ORV planning.
- Other processes, such as Regional Land Use Planning, Local Area Planning, or municipal plans can also be used to identify ORV management rules.
- Focus on problem areas where wildlife and habitat disturbance are a problem.
- ORV management areas need to be planned at the local or regional level.
- Work with government agencies to identify key species, sensitivity thresholds and habitat issues.
- Work with experts and use good scientific information.
- Gather data on how and where ORVs are being used (for business, recreation or hunting).
- Research the impacts of ORVs on wildlife and wilderness.
- Understand the social science on what motivates ORV users and non-users.

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- Use evidence-based decision-making.

Consider Different Types of ORVs

- Different types of ORVs have different impacts on the environment, and should be considered differently.
- Type of ORV (dirt bike, quad, side by side, tracked vehicle, Argo, etc.) size, weight, tire tread, tire pressure, and noise levels were all noted as being important considerations.

Include Snowmobiles

- Many participants, especially First Nations, noted that snowmobile trails and activities have negative impacts on wildlife in the winter.
- Many First Nations participants felt snowmobiles should be included in the ORV regulations.

Coordination with First Nation Governments, Settlement Lands and Enforcement Capacity

Many First Nation participants noted that:

- Yukon government and First Nations should collaborate on developing ORV regulations and plans.
- It is important to coordinate ORV regulations both on and off Settlement Lands. Where appropriate, consideration should be given to developing consistent ORV rules.
- Protocols should be developed between First Nations and Yukon government to enable capacity building and coordinated enforcement of ORV regulations.

4.2 Areas CLOSED to ORVs

The table facilitator initiated the discussion with a review of issues and options identified to date on this topic. (See Appendix 7.2: Discussion Guides.) Most (but not all) participants at this table agreed with the issues and options reviewed. Additional points made included the following.

Alpine Areas

- Most participants felt alpine areas should be closed off to ORVs.
- Some participants felt ORVs should be allowed in alpine areas but only on authorized trails.
- A small number of participants felt that a small number of ORVs, if very carefully operated, could be acceptably used in alpine areas off trail, and that this would have less impact than creating trails.

Wildlife and Wildlife Habitats

- Many participants felt ORVs should be restricted in critical and vulnerable wildlife habitats.
- Special wildlife areas such as mineral licks should be closed to ORVs.
- Many participants felt that ORV access to sheep hunting areas should be restricted.

Wetland and Riparian Areas

- Most participants felt wetlands should be closed to ORVs.
- Many participants felt high value riparian areas should be closed to ORVs.

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Seasonal and Temporary Closures

- Many participants felt seasonal or temporary ORV restrictions should be used to protect lambing, spawning, calving and rutting activities.

Special Management Areas

- Closure areas should also be considered in Special Management Areas, such as Habitat Protection Areas, parks, and heritage areas.

Pristine Wilderness Areas

- Many (but not all) participants felt that ORVs should not be allowed in pristine and untouched wilderness areas.

Size of Closure Area

- Many participants felt the size of the area to be closed was important. Both minimum and maximum sizes should be considered.

The Need for Improved Criteria, Definitions and Information on Alpine, Habitat, and Wetland Areas

- Many respondents noted there are many different types of alpine, wetland and wildlife areas in Yukon. Their characteristics vary considerably from region to region. There are no clear criteria currently in use that define these areas.
- Wetland, alpine and wildlife areas are not normally marked on public maps. This makes it difficult for ORV operators to know exactly when they are in an area that is considered an “alpine area” or a “wetland area” or a “wildlife area”. This also makes it difficult to know which areas on a map should be subject to restrictions.
- Many participants noted that clear objective criteria need to be developed for defining alpine, wetland and wildlife areas.
- Some people noted that since there are many variations in the types of alpine areas and wetland areas, they should not all have to have the same types of restrictions.
- Some participants noted that further research needs to be done on the topic of carrying capacity and appropriate restrictions for these types of areas.
- Regarding timing for research, some participants felt that government should err on the side of caution, and protect vulnerable areas first before ORV damage is done, and then conduct research as required.

Process for Determining Areas Closed to ORVs

- See comments in section on “Yukon-Wide Regulations”.

4.3 Areas OPEN to ORV’s The table facilitator initiated the discussion with a review of issues and options identified to date on this topic. (See Appendix 7.2: Discussion Guides.) During the table discussions, the following points were made.

General Comments

- OVR users need clarity on where they can and cannot operate. Keep it simple.
- Create destinations to encourage ORV use where it is acceptable.

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- Give “ownership” to ORV groups to make good ORV destinations.
- Encouraging safe and responsible use will enable areas to stay open for ORV use because people will use the areas responsibly.
- Focus ORV use in areas that are already impacted.

ORV Access Management

- Many participants noted that ORV access management is key.
- Many participants supported the concept of a corridor approach, similar to the Dempster Highway, to limit and control ORV access from highways.
- Many participants suggested there should be defined ORV staging areas and access points to direct ORV users to designated trails.
- Many participants noted that new roads that made for other resource projects, such as forestry or mining, should be rehabilitated and closed off to ORVs, so that they do not become new access points for ORVs.

Trail Use and Development

- Most (but not all) participants felt that in the majority of the territory, especially in highly used areas, ORVs should only be allowed on established and designated trails.
- Most (but not all) participants felt that there should be a prohibition on creating any new ORV trails, unless they are planned, assessed and authorized in advance.
- Some participants noted that in remote areas with limited ORV use, trail development is not as big an issue as it is in highly used areas, and a more flexible approach is appropriate.
- Some people noted that the current Yukon government regulation allowing unauthorized cutting of trails up to 1.5 metres wide should be reviewed and revised.

Trail Management

- Designated ORV trails should be clearly mapped and marked.
- Trails should be signed with applicable trail rules and restrictions.
- Trail conditions should be monitored.
- Research should be done on the impacts of different types of ORVs and trails and trail use.
- If required, trails should be maintained with gravel, etc.
- Some existing ORV trails may need to be closed and rehabilitated.

Designated Recreational ORV Areas Where “Anything Goes”

- Many participants supported the concept of designating some areas as wide open for ORV use where “anything goes”.
- These recreational areas could encourage ORV users do their “rip it up” activities in areas designated for that purpose, and discourage them from doing these activities in areas where it is not appropriate.
- These areas should be limited in size.
- These areas should be in locations that have minimal environmental values.
- These areas should be accessible near to population bases.

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Process for Determining Areas Open to ORVs

- See comments in section on “Yukon Wide Regulations”.



ORV Regulations Workshop: Table Discussion: December 6, 2017

4.4 Registration and Operator Licensing

The table facilitator initiated the discussion with a review of issues and options identified to date on this topic. (See Appendix 7.2: Discussion Guides.) During the table discussions, the following points were made.

Registration

- Almost all participants expressed support for mandatory ORV registration throughout Yukon. No comments were recorded in opposition this.
- Registration should include getting a licence plate that is attached to the ORV.
- Registration should identify ORV ownership. If ownership changes, the registration also should change.
- Registration will allow governments to have better information on ORV numbers and use in Yukon.

Make Registration Easy

- Most participants noted that registering ORVs should be made easy, affordable and accessible.

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- Many participants supported the concept of one-time ORV registration with a one-time fee.
- Some participants noted that some communities or people may need special accommodations to enable easy registration, especially in cases where communities are isolated (e.g. Old Crow) or in cases where people are unable to read.
- Some participants noted that if current owners do not have the required documentation to prove ownership, signed declarations could be sufficient.

Operator Licensing

- Participants had a range of opinions on operator licensing.
- Generally, people agreed with the current requirement for mandatory operator licences when operating in the City of Whitehorse or while on (or crossing) a maintained Yukon highway.
- Some participants noted that commercial ORV users should be licensed.
- Some participants felt that licences should not be required for operating an ORV in the remote back country.
- Some participants noted that operators under 16 should be required to wear helmets and be supervised by an adult.

ORV Insurance

- Participants voiced a range of opinions on insurance.
- Generally, people agreed with the current requirement for mandatory ORV insurance when operating in the City of Whitehorse or while on (or crossing) a maintained Yukon highway.
- Many participants noted that insurance was recommended, but should not be mandatory, if not operating in areas where it is not mandatory.
- Some participants noted that commercial ORV users should have insurance.
- Many participants noted that insurance is more important in heavily used areas and less important in remote areas.



ORV use in the backcountry

4.5 Compliance and Enforcement

The table facilitator initiated the discussion with a review of issues and options identified to date on this topic. (See Appendix 7.2: Discussion Guides.) During the table discussions, all participants expressed strong support for the “3 E’s”: Education, Encouragement and Enforcement. The following points were also made.

Education: General Comments

- Almost all participants emphasized the importance of education in encouraging responsible ORV use.
- Education gives people the information and awareness to change their behaviour.
- Education should be ongoing, territory-wide and positive.
- Education should be locally based and accessible in all communities.
- Education should target all user groups, including youth, recreational users, hunters and the business sector.

Education: Methods to use

- ORV workshops geared to the various user groups.
- School programs targeting youth.
- Culture camps.
- Outreach programs.
- Face-to-face community meetings.
- Brochures and pamphlets.
- Signage on trails.
- On-line information and apps with geo-referencing capabilities.

Education: Topics to be covered

- Understanding the relevant ORV regulations (Yukon regulations, municipal regulations, designated open and closed areas, trail use rules, etc.).
- Safety training.
- Responsible ORV use.
- Environmental impacts of ORV use, especially in wetlands, wildlife areas and sensitive areas.
- Best management practices for ORV use.
- ORVs and hunting.
- Understanding Aboriginal rights, Traditional Territories, Settlement Lands and traditional land use.

Encouraging compliance

- Many participants noted voluntary compliance should be emphasized.
- It was noted that parents have an important responsibility to show their kids how to use ORVs safely and responsibly.
- Local leadership can help promote sustainable stewardship.
- First Nations have an important role in encouraging compliance with their members.
- Good behaviour should be rewarded.

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Enforcement: General Comments

- A powerful system of enforcement is required to make the education and encouragement work.
- Enforcement and adequate resourcing should be tied in with the regulations.
- Enforcement should be consistent and coordinated across the territory.

Enforcement: Need for coordination

- Many participants noted enforcement should be coordinated and shared amongst governments.
- Municipalities (by-law officers), Yukon government (natural resource officers, conservation officers, park officers) and First Nation governments should work together on enforcement.
- It was noted that different enforcement officers should have consistency in training, resourcing, enforcement powers and enforcement approach.
- Most First Nations participants noted it is important to have a coordinated and consistent approach to enforcement on both Settlement Land and Non-Settlement Land.
- Some First Nation participants suggested a formal MOU or agreement between Yukon government and First Nations should be established to set the terms of reference for coordinated ORV enforcement.
- Anyone should be able to report ORV problems and infractions, similar to the TIPP program.

Enforcement: Need for Additional Resources

- Many participants noted that resourcing for effective enforcement may be an issue.
- Increased funding will be needed for enforcement training, patrols and follow up.
- First Nations capacity for enforcement will need to be increased and funded.

What to enforce

- ORV regulations.
- Environmental standards and environmental degradation.
- Seasonal closures.
- Compliance with road and trail closures.

Fines

- Many participants noted there needs to be consequences for not adhering to the rules.
- There should be firm fines for negative impacts on wildlife and the environment.
- Many participants noted that fines need to be high enough to deter ORV users from breaking the law.
- It was noted that summary convictions would be a valued tool.

4.6 Coordination with legislation and regulations outside of the *Territorial Lands (Yukon) Act*

The table facilitator initiated the discussion with a review of issues and options identified to date on this topic. (See Appendix 7.2: Discussion Guides.) During the table discussions, the following points were made.

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General Comments

- Most participants noted the need for all tools (legislation, regulations, and policies) to work towards the same ORV management vision.

Coordination between Different Levels of Governments

- Yukon government needs to work closely with municipalities, Local Advisory Councils and First Nation governments to coordinate ORV management regulations, policies and enforcement.
- Many First Nation participants supported the concept of developing a co-management agreement between First Nations and the Yukon government for the purpose of managing and enforcing ORV regulations both on and off Settlement Lands.

Coordination within Yukon Government Legislation and Policies

- Most participants agreed that all pieces of Yukon government legislation (such as the *Territorial Lands (Yukon) Act*, the *Environment Act*, the *Wildlife Act*, the *Highways Act* and the *Motor Vehicles Act*) need to be coordinated to ensure a consistent approach to managing ORVs.
- Many participants noted the importance of clarifying definitions and the applications of the *Highways Act* and the *Territorial Lands (Yukon) Act* regarding ORV management on public highways, maintained trails and unmaintained trails in the territory.
- Many participants noted that Yukon's *Wildlife Act* should be examined for its potential to manage hunting so it can address some the issues raised by the use of ORVs for hunting.
- Some participants noted that some Yukon government policies could be developed to address ORV management in the territory, such as a possible future Yukon Wetlands Policy.
- Some participants noted the need to coordinate ORV regulations with the needs of commercial operators operating under other Yukon authorizations, such as miners, loggers, commercial wilderness operators, big game outfitters and trappers.

Separate ORV Act

- Many participants supported the idea of a separate off-road vehicles act, which is the approach that has been used in British Columbia.



5.0 PLENARY DISCUSSION: IDENTIFYING PRIORITIES

In the workshop's final plenary sessions, each table facilitator listed the top five messages from their discussion table, presented these to the group, and taped a flip chart with these top messages on the wall. Each workshop participant was then given 12 sticky dots to put beside the messages they felt were the most important. Through this method, the group as a whole was able to identify the priority messages.

Appendix 7.4 contains the various "top five messages" exactly as they were taped to the wall and the number of sticky dots that each message received.

The sections below synthesize and summarize the key priority messages for each day of the workshop. They are listed in the order of how many dots each priority received. In cases where different messages on different flip charts had the same basic theme (for example the importance of education) the messages and the dots were combined to more accurately reflect the message and its priority.

5.1 Day 1: Workshop Priorities: First Nations

- **Work in partnership with communities and First Nations (40 dots)**

 - Each community has unique challenges. Local involvement builds better buy in.
 - Build local relationships. Use a team approach.
 - Adopt community developed solutions.
 - Have a joint field presence.
 - Have joint inspections and patrols.
- **Strong Education Approach (40 dots) *******
 - Education to promote responsible ORV use.
 - Brochures, signage, workshops, hunting reg summary doc, schools, cultural camps, summer programs, training, working with community, FNs and industry.
- **Co-management with First Nations and YG on ORV (19 dots) *******
 - Co-enforcement of regulations on YG and Settlement Lands.
 - Build FN & YG capacity to the same standard.
- **Protect Sensitive Areas (19 dots) *******
 - ORVs should be restricted in wetlands, alpine areas, riparian, heritage, critical wildlife habitat, SMAs. HPAs, parks, headwaters.
- **Document and map trails and trail use to enable decisions on where to allow ORVs (17 dots) *******

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- **Registration is required for enforcement (12 dots) *******
 - Should be territory wide and easy to do.
- **Work with other governments (11 dots) *******
 - Work with each community.
- **Communication (7 dots) *******
 - Need better communication with FNs and other user groups.
- **Coordinate the Yukon Legislative Landscape (6 dots) *******
 - Clarify interpretations.
 - Development of agreements & terms of reference.
 - Develop enforcement provisions.

5.2 Day 2: Workshop Priorities: Boards and Councils, RRCs, LACs and NGOs

- **Identify areas that should be permanently closed: (49 dots) *******
 - Alpine areas, wetlands, riparian areas, important wildlife habitats.
 - SMAs, THPs, parks, cemeteries.
 - Areas to be restored.
 - Areas that are undamaged without trails.
- **Manage and control access (31 dots) *******
 - Stop proliferation of access.
 - Restrict new areas and plan for controlled access.
 - Designate ORV trails.
- **Require Yukon-wide registration, make it easy (27 dots) *******
- **Stay out of the alpine (in addition to the above 49 dots) (20 dots) *******
- **Education (17 dots) *******
 - Include signage on trail systems.
 - Encourage responsible use and best management practices.
 - Make a long-term commitment to education.
 - Extend existing programs such as TIPP, schools, RRC.
- **Establish seasonal closures (13 dots) *******
- **Development of measurable degradation criteria (10 dots) *******

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- **FN/YG/municipal coordination on ORV management is critical (seven dots) *******
- **Use BC model of a separate ORV Act (seven dots) *******
- **Size of closure areas (seven dots) *******
 - Take a regional approach.
 - Closure area could vary in size depending on issue.
- **Planning (four dots) ******
 - Need FN & stakeholder consultation.
 - Provide clear direction to ORV management.
- **Keep some areas completely open for recreational users (three dots) *****

6.0 CONCLUSION

This two-day workshop had good attendance from invited participants. Both plenary discussions and table discussions were effective in getting important feedback and input from groups concerned with ORV use in the territory. This summary highlights the key messages received from the workshop. It is hoped that this information will be useful for the Government of Yukon and other parties in the development of effective policies and regulations for ORV management in the territory.

APPENDICES

APPENDIX 7.1 – AGENDA

AGENDA

9:00	Opening and Introductions
9:20	YG Progress to date on ORV Regulations
9:40	Plenary Discussion: ORV Issues
10:15	BREAK
10:30	Current YG Legislation
11:15	The BC Experience
12:00 – 1:00	LUNCH
1-3:15	Table Group Discussions
3:30	Plenary Discussion
	Table Reports
	Priorities
4:30	Closing

APPENDIX 7.2 – DISCUSSION GUIDES

Flip charts: For Morning Plenary Discussion

ORV Issues Raised to Date

- **Damage to Natural environment:**
 - Sensitive areas
 - Wetlands
 - Alpine areas
 - Riparian areas
 - Ruts, erosion, braided trails
- **Disruption of Wildlife:**
 - Increased hunting pressure
 - Habitat disturbance
 - Wildlife displacement
- **Increasing use of ORVs:**
 - New trails created frequently
 - Increased ORV use by out-of-territory operators
 - Reduction of Yukon wilderness
- **CONFLICTS between ORV users and non ORV users:**
 - On trails
 - In the back country
- **WIDE range of opinions on if or how ORV should be regulated**
- **Restrictions will affect Yukoners' freedoms and way of life**
- **Introduction of new regulations and enforcement is huge new task for Yukon**
- **There are many issues to address:**
 - Limitation of the TLYA
 - Impacts on commercial ORV users
 - Impacts on aboriginal users

1) Yukon Wide Regulations

FLIP CHART 1

PROBLEMS/ISSUES with unregulated ORV use:

- Damage to the natural environment.
- Disruption of wildlife
- Conflicts between ORV users and non-users
- Out-of-territory users
- Different types of ORVs have different impacts
- Large territory, different users and different communities
- Diverse range of opinions on if or how ORVs should be regulated
- Restrictions will affect Yukoner's freedoms and way of life

FLIP CHART 2

POSSIBLE SOLUTIONS/OPTIONS:

- Need proactive and comprehensive plan for entire territory
- Need clear objective criteria for types of areas where ORVs should be restricted.
- Suggestions to date: wetlands, riparian areas, stream crossings, alpine areas, critical habitats, heritage areas.
- Define restrictions by ORV type, weight and capability
- Different communities/areas may have different conditions re: ORV restrictions.

FLIP CHART 3

DISCUSSION QUESTIONS:

- 1) **Issues**: Have we identified them all? Are there others? Which are priorities?
- 2) **Options**: Have we identified them all? Others? Which are priorities?
- 3) **Implementation**: How can YG implement the options?

2) Areas CLOSED to ORVs

FLIP CHART 1

PROBLEMS/ISSUES with current ORV use:

- Damage to sensitive areas (wetlands, heritage areas, alpine areas, etc.)
- Wildlife disturbance
- Increased hunting access/depletion of wildlife
- Ever increasing trail density, braided trails, trail widening
- Over-used areas
- Land use and trail use conflicts

FLIP CHART 2

POSSIBLE SOLUTIONS/OPTIONS:

- Close off specific identified areas to ORVs. Suggestions to date:
 - Critical wildlife habitats
 - Alpine areas, wetlands, riparian areas
 - High pressure & overused areas
 - Areas of high land use/trail use conflicts
- Identify closed areas on maps and on the ground
- Establish trail heads where ORVs must stop; only proceed on foot beyond.
- Seasonal closures: e.g. spring, fall, lambing, calving etc.
- Temporary and/or voluntary closures.

FLIP CHART 3

DISCUSSION QUESTIONS: *(Budget time to focus on questions 2 & 3)*

- 1) Issues: Have we identified them all? Are there others? Which are priorities?**
- 2) Options: Have we identified them all? Are there others? Which are priorities?**
- 3) Implementation: How can YG implement the options?**

3) Areas OPEN to ORVs

FLIP CHART 1

PROBLEMS/ISSUES with unregulated ORV use:

- Damage to sensitive areas (wetlands, heritage areas, alpine areas, etc.)
- Wildlife disturbance
- Increased hunting access
- Land use and trail use conflicts
- Ever increasing ORV use, trail density, braided trails, trail widening
- Reduction of undisturbed wilderness

FLIP CHART 2

POSSIBLE SOLUTIONS/OPTIONS:

- ORVs should only be allowed on designated trails
- Allow ORV use on all existing trails
- Don't allow new trails
- Create trail plans with identified operating conditions (may include closing off some trails)
- Have ORV permitting system: specific conditions/restrictions for specific classes of ORVs
- More regulations needed in high use areas (e.g. urban areas, campgrounds etc.)
- Don't regulate all Yukon.
- Regulations not needed in remote areas
- Educate – don't regulate. Encourage best ORV practices

FLIP CHART 3

DISCUSSION QUESTIONS: *(Budget time to focus on questions 2 & 3)*

- 1 Issues: Have we identified them all? Are there others? Which are priorities?**
- 2 Options: Have we identified them all? Are there others? Which are priorities?**
- 3 Implementation: How can YG implement the options?**

4) Registration and Operator Licensing

FLIP CHART 1

CURRENT SITUATION

- ORV use in Whitehorse and on the maintained portion of Yukon highways
 - MANDATORY: Registration, operator license, insurance
- All other areas:
 - No requirements for registration, licensing or insurance

PROBLEMS/ISSUES with current situation:

- Without ORV registration and licensing, regulations are almost impossible to enforce.
- Most current ORVs are unregistered
- Many current ORV owners may not have ownership documents needed for registration
- Views on registration vary widely amongst current ORV owners

FLIP CHART 2

POSSIBLE SOLUTIONS/OPTIONS:

- ORVs should be registered
- ORV operators should be certified or licensed
- ORV owners should have insurance
- Different options may be considered for different communities/users

FLIP CHART 3

DISCUSSION QUESTIONS: *(Budget time to focus on questions 2 & 3)*

1) Issues: Have we identified them all?

2) Options: Are there other options?

3) Implementation: How can YG implement the options?

5) Compliance and Enforcement

FLIP CHART 1

PROBLEMS/ISSUES

- Currently there is no regulation or enforcement of ORVs
- Introduction of new regulations and enforcement is huge new task for Yukon
- Not feasible to regulate all ORVs in all Yukon
- Many ORV operators will not be aware of the new regulations
- Some ORV operators will not support new regulations or take them seriously

FLIP CHART 2

POSSIBLE SOLUTIONS/OPTIONS: The three “E’s”

Educate:

- Provide public notification and information on new ORV regulations
- Clearly identify designated trails, operating conditions and closure areas on maps
- Use government web sites and publications.
- Use both printed and electronic media

Encourage:

- Promote responsible use of ORVs, best practices and environmental stewardship
- Public education on regulations, enforcement and penalties
- Encourage driver training

Enforce:

- Designate enforcement officers
- Establish and enforce penalties that are large enough to be effective
- Support public reporting of infractions (similar to TIPP)

FLIP CHART 3

DISCUSSION QUESTIONS: (Budget time to focus on questions 2 & 3)

1) Issues: Have we identified them all? Are there others?

2) Options: Have we identified them all? Which are priorities?

3) Implementation: How can YG implement the options?

6) Coordination with Areas & Regulations outside of TLYA.

FLIP CHART 1

CURRENT SITUATION

- TLYA regulations apply to territorial land only.
- TLYA does not apply to federal lands and First Nation Settlement Lands.
- TLYA regulations may apply to mining claims and territorial parks.
- Municipalities can develop their own ORV regs
- Responsibility for non-maintained highways: both TLYA and *Highways Act*.
- ORV regulations will not legally restrict aboriginal hunting rights.
- *Wildlife Act* can also be used to manage hunting & habitat issues

PROBLEMS/ISSUES

- Gaps in ORV regulatory coverage (especially on Settlement Lands)
- ORV regulations may not apply to aboriginal hunters
- ORV use by commercial operators: miners, trappers, big game outfitters, wilderness operators, etc.
- Dual responsibility for regulations on non-maintained highways

FLIP CHART 2

POSSIBLE SOLUTIONS/OPTIONS:

- Coordinate ORV management re: Settlement Lands & adjacent areas
- Encourage voluntary compliance with First Nation hunters
- Coordination with ORV regulations on mining claims
- Coordination with commercial ORV users
- Collaborate with Highways and Public Works re: managing non-maintained highways
- Collaborate with ENV re: addressing wildlife issues.

FLIP CHART 3

DISCUSSION QUESTIONS: (*Budget time to focus on questions 2 & 3*)

- 1. Issues:** Have we identified them all? Are there others?
- 2. Options:** Have we identified them all? Which are priorities?
- 3. Implementation:** How can YG implement the options?

APPENDIX 7.3 -- WORKSHOP PARTICIPANT LIST

Workshop Organizers

Mike Draper – Workshop Organizer

Bob Kuiper – Workshop Facilitator

Guest Speaker

Vera Vukelich – Government of BC: Lands

First Nations

CTFN – Cory Edzerza, Patrick James

CYFN – Shailyn Drukis

FNNND – Maureen Huggard

IRC – Charles Klinkenberg, Manny

GTC – Stephen Charlie, Erika Tizya-Tramm

KDFN – Don Rogers

KFN – Adam Humphrey

LFN – Shirley Lutz

RRDC – Mary Maje

TH – Kirsten Scott

TKC – Cody Bateman and Phil Emerson

TTC – Richard Dewhurst and Randy Keleher

VGFN – Darius Elias

LAC and RRCs

Alsek RRC – John Trotter

Carcross RRC – Patrick James

Dawson District RRC – Dan Reynolds

Laberge RRC – Russell Giesbrecht

Mt. Lorne LAC – Lisa Chevalier

Selkirk RRC – Jerry Alfred

Teslin RRC – Minnie Clarke, Adam Grinde, Sandy Smarch

YFWMB – Graham VanTighem (am), Jim King (pm)

NGOs

Association of Yukon Communities – Bev Beckway

City of Whitehorse – Kyle Morrison

CPAWS – Joanna Jack

Ducks Unlimited – Jamie Kenyon

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Outfitters – Tim Mervyn, Dave Dickson
TOYA – Phil Merchant, Ken Taylor
Wilderness Tourism Association – Kalin Pallett
Wildlife Conservation Society Canada – Hillary Cooke
Wildlife Management Advisory Council – Kelly Milner
Yukon Conservation Society – Christina MacDonald
Yukon Fish and Game Association – Gord Zealand
Yukon Fish and Wildlife Management Board – Graham Van Tighem
Yukon Outfitters Association – Brian Wojciechowski, Neil Cosco

YG Employees

EMR - Brian Bell (Table Facilitator)
EMR - Fred Privett
EMR - Jonathan Leger (Table Facilitator)
EMR - Manon Moreau (Table Facilitator)
EMR - Richard Potvin (Table Facilitator)
EMR - Rod Jacob – Dec 6
Environment - Heather Clarke - Dec 6 (Table Facilitator)
Environment - Heather Onsong (Table Facilitator)
Environment - Jen Meurer- Dec 5 (Table Facilitator)
Environment - Lars Jessup - Dec 5 (Table Facilitator)
Environment - Shawn Taylor - Dec 6 (Table Facilitator)
HPW - Sandra Rose (Table Facilitator)
HPW - Tharian Botting (Table Facilitator)
Tourism & Culture - Denise McCann and Rebecca Jansen

Other

Brian Edelman – Lister's Motorsports

APPENDIX 7.4 -- TOP FIVE MESSAGES FROM EACH DISCUSSION TABLE

Day 1: Top five messages from each discussion table

1 Yukon Wide Regulations

- Work with other governments (11 dots) *****
 - Managing and monitoring go hand in hand
 - Education and training
- Environmental impacts that matter (three dots)***
 - Snowmobiles and commercial users
- Not so restrictive that takes away from local context and land use planning (two dots) **
- There are restrictions and requirements we could apply (one dot) *
 - Alpine
 - Combination (tires) can be defined
 - Registration
- Restrict Access
 - Designation & reclamation to prevent proliferation of trails

2 Areas CLOSED from ORVs

- Sensitive Areas (19 dots) *****
 - Wetlands, alpine areas, riparian, heritage, critical wildlife habitat, SMAs, HPAs, parks, headwaters.
- Education Tools (15 dots) *****
 - Brochures, workshops, hunting regulation summary doc, schools, cultural camps, summer programs, training, working with community and FNs, signage.
 - Tools for FN to enable ORV restrictions on Settlement Land.
- Communication (seven dots) *****
 - Need better communication with FNs and other user groups
- Preventing the spread of trails and overuse of areas, shifting use to new areas. (two dots) **
 - Fire breaks
- Transportation of ORV by boats and other large machinery (snow cats) (one dot) *

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3 Areas OPEN to ORVs

- Documenting / mapping trails and trail use to enable decisions on where to allow ORVs (17 dots) *****
- Community developed solutions to managing ORVs: Each community has unique challenges and local involvement builds better buy in of solutions (nine dots) *****
 - Can identify this through existing planning processes
- Education and promoting responsible ORV use. Most people want to do the right thing (seven dots) *****
- Must allow for ORV opportunities and can potentially enhance destinations and trails

4 Registration and Licensing

- Work in partnership with communities and First Nations (14 dots) *****
- Registration is required for enforcement (eight dots) *****
 - Should be territory wide
 - Work with each community
- Education and training are key and should be accessible (five dots) *****
- Make registration easy (four dots) ****
- One time registration fee (like BC model) (two dots) **

5 Compliance and Enforcement

- Cooperative Approach (17 dots) *****
 - Field presence
 - Joint inspections and patrols
 - Build local relationships
 - Team approach
- Strong Education Approach (13 dots) *****
 - Communities & information sessions
 - Schools
 - Training programs
 - Youth programs
 - Educate the public and industry
- Legislative Landscape (six dots) *****
 - Interpretation
 - Development of agreements & terms of reference
 - YG conduit between Department of Justice and First Nations enforcement provisions
- Establishment of Education and Rehabilitation Fund (three dots) ***
- Recognition of traditional pursuits with communities (three dots) ***

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6 Coordination with matters outside the TLVA

- Co-management with First Nation and YG on ORVs (19 dots) *****
 - co-enforcement of regulations on YG and Settlement Lands
 - Have FN & YG capacity to the same standard
- Invasive species should be included (four dots) ****
- Better definition of road vs trail (two dots) **
 - Harmonize with departments of Highways and Public Works and Energy, Mines & Resources
- YG departments to talk to each other (one dot) *
 - e.g. - Local Advisory Council

Day 2: Top five Messages from each discussion table

1 Yukon Wide Regulations

- Access Management (15 dots) *****
 - Stop proliferation of access
 - Restrict new areas and plan
 - Trail designation
 - Look at Muskwa Kechika model
- Education (five dots) *****
 - Trail system
 - Responsible use
 - Values (heritage)
 - Signage “fish bearing stream”
 - All comes to intent
- Planning (four dots) ****
 - Directions to ORV management
 - Need FN & stakeholder consultation
- Vision (three dots) ***
 - Consultation on what we want and what we value
 - All legislation & policy working towards same vision of management
 - Dovetail
 - Licences conditions attached
- Mixed Views re: Yukon-wide restrictions
 - Regional specific nuances
 - Alpine: on existing trails

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2 Areas CLOSED from ORVs

- Identify areas that should be permanently closed: (25 dots) *****
 - Special Management Areas
 - Timber harvesting permits
 - Parks
 - Areas to be restored
 - Areas that are undamaged without trails
 - Cemeteries
- Sensitive areas (24 dots) *****
 - Wetlands
 - Riparian areas
 - Important wildlife habitats
 - Alpine
- Seasonal closures (13 dots) *****
 - Timing windows driven by issue
- Size of closure areas (seven dots) *****
 - Areas that are ecologically different
 - Take a regional approach
 - Could vary depending on issue
- Education and communication
 - Brochures
 - Schools
 - Youth programs
 - Culture camps
 - Apps with geo-reference capabilities
 - Target user groups
 - Best practices
 - Hunter Education and Ethics Development program, etc.
 - Signage

3 Areas OPEN to ORVs

- Stay out of alpine (20 dots) *****
- Keep some areas completely open for recreational users, close to access. (three dots) ***
- Simplicity of management for:
 - Regulations
 - Enforcement
 - Education (trail head signs, agreement best practices) (three dots) ***
- Social Science (two dots) **
 - Different users

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- Different motivation/compliance/interests
 - Want people to “own” solutions
 - Not hearing from some users
- Differences in trail creation and impacts and use by recreational and hunters (seasons, areas, impacts)

4 Registration and Licensing

- Require registration and make it easy (14 dots) *****
 - One-time registration
- Insurance not mandatory in back country crown land
- Licensing not required for ORV use on Crown land
- Under 16 years old: training and supervision

5 Compliance and Enforcement

- Simple registration process will lead to greater compliance (10 dots) *****
- Development of measurable degradation criteria (10 dots) *****
 - Specifications
 - Best management practices
- Education (No presence) (nine dots) *****
 - Reliance on existing programs
 - Influence culture
 - Long term commitment
 - Extension of existing programs such as TIPP, schools, RRC
- Territory wide registration (three dots) ***
- Clarification of affected agencies (two dots) **
 - Consistent interpretation and implementation
 - Clear measurable significant enforcement provisions

6 Coordination with matters outside the TLYA

- ORV access regulation is a more practical tool than permit hunting in areas or resident hunting (16 dots) *****
- FN/ YG / Municipal coordination on ORV management is critical (seven dots) *****
- Use BC model (seven dots) *****
 - ORV Act
 - Coordinate all tools into one act
- User licence, not just vehicle (one dot) *
 - Registration: hold user to certain standards & conditions of use