




# Regulating Off-Road Vehicles in Yukon

Proposal and Questions  
February 2019



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All photographs: Yukon Government

# Overview

## What is the problem we are trying to address?

**Off-road vehicles (ORV)** are used by Yukoners for subsistence activities, recreation, hunting, industrial activities (e.g., mining), and tourism and, in some communities, as a main mode of transportation. ORVs provide access to parts of Yukon that are not otherwise easily accessible.

As useful as ORVs are, they can also adversely impact the environment, especially when driven 'off-road', and especially in sensitive ecosystems. ORV use in the backcountry can result in:

- the proliferation of trails into pristine and fragile areas, increasing access into previously inaccessible areas;
- damaged soil and vegetation, which may negatively impact wildlife and fish habitat;
- increased hunting pressure in remote areas; and
- increased incidence of stressed, harassed and/or displaced wildlife.

The environmental impact of ORV use in Yukon has been increasing. Yukoners have been calling on government to regulate ORVs, as is done in other jurisdictions. Regulating ORV use in Yukon will help ensure safe, responsible ORV use and protection for our environment.

An "off-road vehicle" is defined, in the Territorial Lands (Yukon) Act, as:

*Any motorized vehicle that runs on wheels, tracks, air cushions or any combination of these and is designed or adapted for cross-country travel on land, marsh, swamp land or other natural terrain and includes, but is not limited to:*

- (a) an all-terrain vehicle;*
- (b) a dune buggy or sport buggy;*
- (c) a mini bike, dirt bike or trail bike; and*
- (d) a motor vehicle that is being driven elsewhere than on a highway, whether or not it is registered under the Motor Vehicles Act,*

*but does not include a snowmobile or snow machine.*





## Our Proposal

The Government of Yukon has been working on developing regulations for ORV use under Yukon's public land legislation. We are proposing a three-part approach:

- A. Develop an ORV regulation that would apply to ORV use on public land<sup>1</sup>.
- B. Incorporate ticketing and fines as additional enforcement tools (by amending the *Summary Convictions Regulation*).
- C. Require the registration of ORVs for use in the backcountry.

Our goal is to provide a complete and effective land-based regulatory regime to prevent or mitigate the environmental impacts of ORV use on public land, while recognizing the needs of responsible ORV users. Because this ORV regulation falls under Yukon's lands legislation, it will address only the environmental impacts related to land, which includes surface and subsurface materials (including soil), vegetation and habitat, but not to water, wildlife, or air.

## What is this engagement about?

This document outlines our proposed approach for regulating ORV use on public land in Yukon. We are inviting everyone (e.g., ORV users, non-ORV users, industry, business, non-government organizations, mandated boards and committees, other governments) to review our proposal and let us know what you think. The public engagement will run for two months from February 8 to April 8, 2019.

## Background

Discussions about an ORV regulation have been taking place for decades; however, formal public discussion has included the work of the Select Committee on the Safe Operation and Use of Off-road Vehicles, established in 2009 by the Yukon Legislative Assembly. The committee presented its findings and recommendations on the safe operation and use of all-terrain vehicles and snowmobiles in March 2011. This report (Select Committee Report) included 14 recommendations related to safe operation of ORVs and protection of the environment.

Recommendation #14 identified the adverse impacts of ORV use on the environment. While other recommendations were addressed through various program initiatives, policies and legislative changes (e.g., amendments to the *Motor Vehicles Act*), recommendation 14 was addressed by amending the *Territorial Lands (Yukon) Act* in 2013, which:

- applies to all ORVs, except snowmobiles;
- provides for the establishment of ORV Management Areas "if necessary for the protection of the ecological balance or physical characteristics of the area";

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1 The term public land in this document is meant to include all land administered by the Government of Yukon under its two pieces of public land legislation: the *Territorial Lands (Yukon) Act* and the *Lands Act*.

- enables the establishment of ORV Management Areas on mineral claims and in territorial parks;
- allows for these ORV Management Areas to be specifically regulated through restrictions and/or prohibitions of ORV use, operating conditions and permitting;
- authorizes the Minister, by order, to temporarily restrict or prohibit ORV use in an area for a period of up to 90 days “if necessary for the protection of the ecological balance or physical characteristics of the area”; and
- provides for the designation of enforcement personnel.

This proposal aims to implement environmentally related recommendations from the Select Committee report by establishing a new regulation under the *Territorial Lands (Yukon) Act*.

## Previous Public Engagements and Consultation

In 2015, the Department of Energy, Mines and Resources consulted with First Nations and engaged the public on a framework for ORV regulations. Significant feedback was received, resulting in the publication of a What We Heard document in 2016. First Nations, Renewable Resource Councils and most non-government organizations were critical of the reactive, complaint-driven approach proposed at the time, and suggested that government instead take a proactive and comprehensive approach to regulating backcountry ORV use.

In response to this, the Yukon government has been developing a new approach to ORV regulations. To gather additional input from First Nations and stakeholders, the Department of Energy, Mines and Resources hosted an ORV workshop in December 2017. A summary report of the workshop was published, and distributed, and has been used to develop this regulatory proposal.

## How do I participate?

We want to know your perspective on our proposed approach to regulating ORV use in Yukon. Please fill out the questionnaire on [engageyukon.ca](https://engageyukon.ca).

If you have any questions, please contact Mike Draper:

Phone: Whitehorse (867) 667-3185  
Outside Whitehorse 1-800-661-0408 (ext. 3185)  
Email: [Michael.Draper@gov.yk.ca](mailto:Michael.Draper@gov.yk.ca)

## How will my input make a difference?

Your input will let us know whether we are proceeding in the right direction and will help us determine what will go into the new ORV regulation.

## What about my privacy?

We are seeking and collecting your input to understand what you think of our regulatory proposal.

The online questionnaire is designed to be confidential. We will summarize the input we receive into a *What We Heard* document, and may include some of your comments, but no personal attributes will be included in order to retain anonymity. The input you provide is protected by the *Access to Information and Protection of Privacy Act* and the *Statistics Act*.

## What's Next?

Once the public engagement phase is complete, we will compile and analyze all input and post a summary on the Yukon government's [Public Engagement website](#). The next phase will be the drafting and approval of the regulation, which we expect to be completed in 2019.

## Relevant References

[Report of the Select Committee on the Safe Operation and Use of Off-road Vehicles \(2011\)](#)

[Territorial Lands \(Yukon\) Act](#)

[A Summary of Comments on Off-Road Vehicle Regulations](#) (from 2015 consultation)

[ORV Workshop Summary Report — Off Road Vehicle Regulations Workshop \(January 2018\)](#)





# Proposed Regulatory Framework: Proposal and Questionnaire

Continue reading and please go to the [engageyukon.ca](https://engageyukon.ca) website to complete the online survey.

## 1 What and who would an ORV regulation apply to?

We heard that there is public interest in having an ORV regulation apply to all public land, including the public land surrounding communities. However, it is also recognized that not all areas in Yukon are impacted by the use of ORVs in the same way and not all areas need ORVs to be restricted. For example, there are more environmental impacts from using ORVs ‘off-road’ than using them on existing roads and trails.

The proposed regulation would not apply on maintained and unmaintained roads that are considered “highways” and regulated under the *Highways Act*. A “highway” is:

- a) used for the passage of cars, trucks and other vehicles;
- b) surveyed for use as a public highway, road or street; or
- c) declared to be a highway under the *Highways Act*.

There has also been strong public support for any ORV regulations to apply to everyone equally. This was also one of the recommendations from the Select Committee Report. There have been questions regarding how existing rights pertaining to access will be impacted by an ORV regulation, including treaty/Aboriginal rights and authorized resource users, such as for mining exploration.

### Proposed Approach

1. ORV use would be regulated only within designated ORV Management Areas. These areas would have management tools in place, such as restrictions or prohibitions on the use of ORVs.  

☐ Disagree                      ☐ Neutral                      ☐ Agree                      ☐ Don't Know
2. A new ORV regulation would apply to all ORV users (subject to treaty and Aboriginal rights). Persons with pre-existing legal rights within specific ORV Management Areas (e.g. owner of cabin) would have their access needs and interests addressed through area-specific provisions.  

☐ Disagree                      ☐ Neutral                      ☐ Agree                      ☐ Don't Know

Comments .....

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## 2 How would ORV Management Areas be established?

The *Territorial Lands (Yukon) Act* allows the Yukon government to establish ORV Management Areas (on public land) if necessary for the protection of “ecological balance” and “physical characteristics”. However, the Act does not provide details of how these areas are to be established and managed. There has been strong interest in ensuring that the process of area designation involve the public and First Nations and that it be evidence-based.

### Proposed Approach

1. A proposal to designate an ORV Management Area can originate from many sources:
  - through a public (individual or organization) or First Nation request;
  - from within government; or
  - from a government-approved land or natural resource management plan (e.g., regional land use plan, special management area plan).

☐ Disagree                      ☐ Neutral                      ☐ Agree                      ☐ Don't Know
2. The process for designating an ORV Management Area would be led by the Yukon government. The process would be subject to public review and decisions would be based on evidence, expertise, and input from First Nations, stakeholders and the public.

☐ Disagree                      ☐ Neutral                      ☐ Agree                      ☐ Don't Know
3. Criteria to help determine which areas should be designated as ORV Management Areas would be set by policy, rather than being included in the regulation.

☐ Disagree                      ☐ Neutral                      ☐ Agree                      ☐ Don't Know
4. The ORV regulation would enable an ORV Management Area to be divided into different geographic sections reflecting different rules for each section, if needed.

☐ Disagree                      ☐ Neutral                      ☐ Agree                      ☐ Don't Know

**Comments** .....

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### 3 How would rules (restrictions or prohibitions) be established within ORV Management Areas?

Once an area is designated as an ORV Management Area, the Yukon government can establish (through regulation) the kinds of restrictions to be put in place within that area. These regulations can include ORV restrictions or prohibitions and/or ORV operating conditions. There are currently no processes or guidelines in place to determine how this will be decided. There is strong interest in ensuring that First Nations and the public have input into this process and that decisions are informed by evidence. There was also strong public support for the Yukon government taking responsibility for establishing the ORV rules that would apply to these areas.

#### Proposed Approach

1. The process of determining restrictions or prohibitions within ORV Management Areas would be led by the Yukon government. The process would be subject to public review and decisions would be based on evidence, expertise, input from First Nations, stakeholders and the public and subject to treaty and Aboriginal rights.

☐ Disagree

☐ Neutral

☐ Agree

☐ Don't Know

2. Restrictions and prohibitions for ORV Management Areas could also originate from a government-approved land or natural resource management plan that includes ORV-related recommendations (e.g., local area plan, habitat management plan).

☐ Disagree

☐ Neutral

☐ Agree

☐ Don't Know

3. An area-specific regulation would specify some elements to be included in the permitting process, including:

- General permit required to use an ORV in an ORV Management Area;
- Special permit for users with certain rights/authorizations to use an ORV in a specific ORV Management Area with customized terms and conditions;
- Duration of permit (e.g., annual, multi-year);
- Permit fees;
- Application requirements;
- Scope of permit terms and conditions; and
- How permits are issued.

☐ Disagree

☐ Neutral

☐ Agree

☐ Don't Know

Comments .....

.....

## 4 Establishing Regional ORV Restrictions or Prohibitions

There has been some support to designate some ORV Management Areas immediately upon the implementation of the ORV regulation. This could include areas that have been identified as environmentally sensitive (e.g., alpine, wetlands, etc.) and would be supported through a process informed by internal and external expertise.

### Proposed Approach

1. Include (in the ORV regulation) the immediate designation of one or more ORV Management Areas where certain management tools such as prohibitions and/or restrictions would apply. For example, an approved regional land use plan may include an area where ORV use is restricted and this could become an ORV Management Area that we designate at the same time as the new ORV regulation comes into force.  

☐ Disagree                      ☐ Neutral                      ☐ Agree                      ☐ Don't Know
2. If you have any suggestions for OVR Management Areas, please note them in the comments section below.

Comments .....  
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## 5 ORV Registration

In order to enforce any new ORV regulations, it is important to be able to identify specific ORVs. This is usually done through registration and license plates. Under Yukon's existing motor vehicle and land legislation, options for requiring ORV registration are limited. We are exploring options for broader registration requirements.

### Proposed Approach

1. In the near term, require the registration of all ORVs that are to be used in a designated ORV Management Area.  

☐ Disagree                      ☐ Neutral                      ☐ Agree                      ☐ Don't Know

Comments .....  
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# 6 Compliance and Enforcement

An ORV regulation will need to include offences, penalties and other enforcement provisions to ensure compliance. Currently, there are offences and penalties under the *Territorial Lands (Yukon) Act*, but they are somewhat limited. The public has asked for effective enforcement measures and for fines to be high enough to deter ORV users from committing offences. We plan to undertake a public education campaign prior to, and during the implementation of the regulation.

## Proposed Approach

1. The ORV regulation would include prohibitions and offences, such as including the rule that no one is allowed to operate an ORV within an ORV Management Area unless their ORV is registered.

☐ Disagree

☐ Neutral

☐ Agree

☐ Don't Know
2. The ORV regulation would outline powers of enforcement officers, such as the power to stop an ORV, to issue a ticket.

☐ Disagree

☐ Neutral

☐ Agree

☐ Don't Know
3. The ORV regulation would clarify that the Minister can appoint enforcement officers (within the Yukon government), including from the Department of Energy, Mines and Resources (i.e., Natural Resource Officers) and Department of Environment (i.e., Conservation Officers and Parks Officers).

☐ Disagree

☐ Neutral

☐ Agree

☐ Don't Know
4. Penalties in the ORV regulation would include:

- Tickets and fines to be set between \$100 and \$800, depending on the offence; and
  - Permit cancellation.

☐ Disagree

☐ Neutral

☐ Agree

☐ Don't Know
- Comments .....  
.....
- 9



## 7 Anything Else?

1. Have we missed anything?

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2. How did we do with this engagement process?

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Are you representing a government or an organization?

☐ Yes ☐ No

Type (select one):

<input type="radio"/> Federal government	<input type="radio"/> Municipal government	<input type="radio"/> Business/corporation
<input type="radio"/> Territorial government	<input type="radio"/> Non-government organization	<input type="radio"/> Other
<input type="radio"/> First Nation government		

Are you a Yukon resident?

☐ Yes ☐ No

Which community?.....

Please provide your input to us by April 8, 2019.

**Thank you for participating.**



