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ALL GROUPS ARE MEMBERS OF THE OUTDOOR RECREATION COUNCIL OF BRITISH COLUMBIA

DECEMBER 2013

NATRUAL RESOURCE ROAD ACT

RECREATION SECTOR – UPDATE

On October 16 a workshop was sponsored by ATVBC on behalf of the Recreation Advisory Group to discuss the direction of the proposed Natural Resource Road Act (NRRA) and what the Recreational community would like to see. Our link to the development of this legislation is through Terry Wardrop as a member of the Senior Advisory Team which is made up of representatives of all the natural resource sectors which will eventually be affected by the proposed NRRA.

The workshop was attended by members of the steering committee and representatives of their respective executives as well as representative from the Outdoor Recreation Council. From government, presentations were made by Don Gosnell, Manager Resource Roads and Bill Marshall Director Recreation Sites and Trails (RSTBC) both from the Ministry of Forests Lands and Natural Resource Operations (MFLNRO).

This report discusses the concepts and ideas that came out of this workshop with the aim of giving the recreational sector and other users of Crown Lands a better understanding of the Natural Resource Road project.

The individual presentations from Don Gosnell and Bill Marshall will be summarized first followed by the highlights of the general discussions that took place in response to specific questions.

DON GOSNELL, MANAGER RESOURCE ROADS.
Ministry Forests Lands and Natural Resource Operations.

RECREATION USE OF CROWN LAND ROADS AND TRAILS

Don provided an overview presentation on how Public Recreation fits into the framework of the proposed Natural Resource Road Act.

One of the fundamental concepts guiding the development of this Act is the Governments Open Road Principle which can be summed up as follows.

> *A person's privilege to use resource roads and trails on Crown land should not be restricted other than as reasonably required for:*
>
> - *Mitigation of a safety or environmental risk;*
> - *Crown resource management;*
> - *To protect a granted right.*

Simply put there has to be a really good reason to close a resource road off to the recreating public. If possible these reasons should be identified in the Government's referral and decision making process.

The next big point of discussion was centered on the question "*What are we trying to achieve for recreational users?*"

- Assist in finding the optimum opportunities for recreation. This doesn't mean it is wide open but where possible and an obvious opportunity exists, the Ministry and the recreationist can work together to find the appropriate level of use.
- The safe and responsible use of resource roads and trails. The goal is to establish reasonable rules to enable use by all in a safe and responsible manner.
- To encourage a diversity of users and their methods of travel. Resource roads are shared. To achieve this, the approach to be taken is based on the level of risk. If there is low risk then the rules will be minimal but, as the risk increases, so will the requirement for further rules be needed. The underlying motivation is safety.
- The other guiding principle in the development of rules will be to incorporate a common sense set of rules to support personal accountability to other users as well as the environment. Translated we have to become personally responsible for our actions.

The next topic Don addressed was how we guide behaviour as Land Managers. The reality is that there are about 500,000 kms of old abandoned or active resource roads in this province. Right now of that number there are about 800 km's of managed trails managed by Recreation Sites and Trails and several 1000 km's unmanaged that are more of less controlled by this same division of Government.

Our challenge is:

- do we operate under the American system where they say you cannot operate unless we tell you where or
- do we operate under our currents system that says you can recreate anywhere unless we tell you, you can't.

Our system is more in line with our own way of thinking and requires fewer resources to manage. Caveat to this is we need to use the backcountry in a responsible and safe manner, thus it was felt that we need a general set of rules for behaviour. This is in line with the statement "*less risk less rules more risk more rules*".

The proposed Natural Resource Road Act (NRRA) is being designed to bring all resource roads under one piece of legislation. Right now old logging roads are considered crown land, and then there are the Forest Service Roads which are partially controlled for motorized traffic. Then you move on to the Petroleum Development Roads which contain all the provisions of the public highways and no unlicensed vehicles are allowed. Then on to the mining roads which run the whole gambit of no provisions of the motor vehicle act to those with all the provisions depending on the legislation that authorized the road. This is just a sample of the range but the NRRA will bring all these roads under one piece of legislation and only one set of rules.

The discussion moved to the potential Safety rules under the Proposed NRRA. While there may be a lot of ensuing discussion on this, the use of Natural Resource Roads like public roads is a privilege not a right. Under the Motor Vehicle Act a set of rules have been established and if you want to use public roads you are expected to abide by them. This approach will be the same with the Natural Resource Roads but the difference is that not all roads will have the same rules under the proposed legislation.

The philosophy being taken under the NRRA is that it is not the vehicle that defines the hazards it is how the vehicle is operated in any given circumstance and the use circumstances will define the risk factors. Basic road and trail safety will be a common thread under each use circumstance.

Three different circumstances or types of roads were discussed. Examples of common"rules" that would be applied in the lowest risk circumstance and as the base for higher risk road use classification would be:

- Drive according to conditions
- General vehicle maintenance
- Passing or overtaking another vehicle
- Obstructions to safe use
- Avoid Damaging Roads
- All parties may mitigate hazards
- Vehicle Identification
- Obey traffic control devices, flag persons, etc.
- No requirement for a drivers licence;
- No insurance requirements;

The next level of use circumstance would be those roads where mixed traffic such as highway licensed pickups "may" occur. In addition to the above these circumstances would require an increased set of "rules" such as:

- Obligatory Insurance
- Special conditions surrounding underage drivers and operators permits. Vehicle

Identification.

The final level of Active heavy haul roads would be those that experience heavy industrial traffic creating a use circumstance that would restrict motorized recreational l traffic. This would impose further “rules” such as

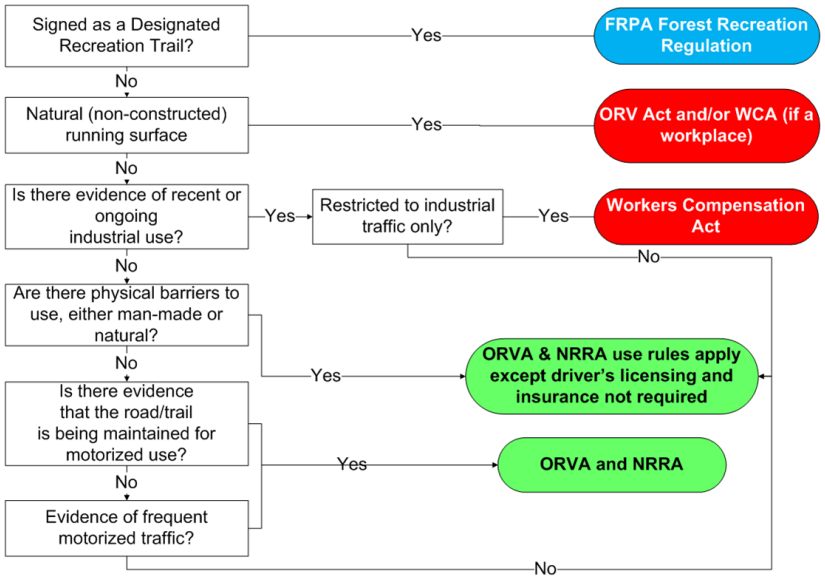
- Rules similar to those on public highways but adapted to accommodate “off-highway” traffic and adapted by use circumstance;
- Valid Driver’s Licence of appropriate class.

Safety provisions on Resource Roads are being recommended by multi-sector working group which is still in progress.

NRRA will integrate with the Off Road Vehicle Management Framework

- Off Road Vehicle (ORV) registration and safety laws apply everywhere on Crown land, including resource roads;
- ORV riders on an active resource road must comply with ORV laws for helmets and adult supervision of youth and NRRA safety requirements

Further the rules or need for different rules will be determined by the use circumstance. The following graphic will give an indication of how they anticipate handling this.



BILL MARSHALL, DIRECTOR RECREATION SITES AND TRAILS DIVISION
Ministry of Forest Lands and Natural Resource Operations.

RECREATION SITES AND TRAILS AND THE NATURAL RESOUCE ROAD ACT PROJECT

Bill provided an insight on how the proposed Natural Resource Road Act and the current recreation legistlation can and should interact.

Delivery of Recreations Sites and Trails programs, require the extensive use of Resource Roads to access their trails and recreation sites. Even beyond that if it wasn't for resource activities in the hinterlands we would not be able to get to areas we want for recreation, be that camping, hiking or any other outdoor recreational activity. They are the foundation of the majority of access for backcountry recreation. These roads provide not only opportunities for recreation activities such as ATV'ing, off road motorcycling, snowmobiles cycling, hiking equestrian use and others but are essential in accessing backcountry recreation in general.

One of the main areas of concern impacting public recreation is the road deactivation process and its effect on recreational access with the potential to create a greater impact on motorized recreation. This process needs to be organized and coordinated to minimize the impact on recreation but still maintain the environmental stability of the road networks. It is also of importance to winter recreation as an uncoordinated deactivation can severely curtail the ability to groom winter trails for snowmobiling. For all types of use we need to look at all types of deactivation even to the point of reducing the load levels on bridges in order to retain access. This is something all interested parties' needs to work together on.

Currently the impact of the NRRA on public recreation is a bit grey and will become clearer as the program develops. Opportunities will become obvious as RSTBC works collaboratively with the administration of the NRRA in exploring mutually beneficial options. For an example if the NRRA makes provisions to enter into an agreement with stakeholders similar to what RSTBC uses for recreation sites and trails then there may be an increase in possibilities.

There is no question that agreement with stakeholders can and will be a useful tool in the management public recreation facilities and infrastructure. Discussions brought out that the intent of the NRRA is to compliment the current recreation legislation under the Forest Road Practices Act (FRPA). Under the NRRA a club would be able to enter into a maintenance agreement with the District Manager (DM) to mitigate environmental risk on old roads not covered by Section 56 or Section 57 of FRPA. They may also be able to enter into a road or trail permit for strictly recreational purposes with the DM instead of going the route of a Section 56 co-management

agreement with the Crown. These are options that are being looked at but the bottom line is that both pieces of legislation will complement each other.

As this legislation progresses the one thing to recognize is that the Recreation Officer will be the window available to the recreation community in accessing opportunities under the NRRA. There may be an opportunity to use the new volunteer agreements which can only be used on legally tenured projects. This will have to be explored. A key individual in this process will be the Recreation Officer.

In some cases the NRRA may be more efficient as the new legislation will be mainly concerned with the ``Rules of the Road`` as it provides access to recreational opportunities.

The main elements in both processes will be education. This will be accomplished through cooperation between all parties including both Government and the user.

DON GOSNELL, MANAGER RESOURCE ROADS.
Ministry Forests Lands and Natural Resource Operations.

NATURAL RESOURCE ROAD ACT PROJECT – MUSING READING ACCESS MANAGEMENT

Don made another presentation to the workshop on Access Management Planning. This presentation was to be made at a workshop on Access Management the next day in Manning Park. This provided an insight on how Access Management Planning (AMP) works today and how the committee would like to see it work under the proposed NRRA.

During the engagement process Access planning was a major concern expressed by the public and it became obvious that the process needed to address this in some manner. In the NRRA context Access Management is a process of managing conflict between people who interact with wilderness values or each other in a wilderness setting. Consistently the concerns expressed during the engagement process were:

- Have been the loss of high value recreation because of deactivation;
- Insufficient consideration of other resource values;
- Inadequate maintenance ;
- Safety and incompatible uses.

The conclusion was that Access Management Planning could mitigate 80% of the issues raised during the engagement process but will not address the lack of funding. It will though help manage expectations.

AMP is about more than getting together once in a while to talk about how to protect one resource value or another, or how to meet some land use objective. It is about collectively discussing values and if one can understand the reason why something is either needed or required then it can be more readily accepted.

Currently within BC there is no legislative authority to either regulate or require compliance with an AMP if developed. In general implementation of any plans is solely reliant on voluntary compliance, professional reliance and a commitment from all parties including government agencies, Industry, commercial recreation, the community at large and the general public. Under these conditions motivation to work together is nonexistent. If the plan actually had teeth then there is value in participation. As it sits now access management provincially can be described as:

- No clear owner of AMP
- No clear AMP policy
- Legal tools inappropriate
- Planning, monitoring and maintenance unfunded
- No guidelines for resolving conflicts
- No motivation for stakeholders to compromise

As stated before the only real way to achieve the goals within a plan are with voluntary compliance. We must enable activities not just regulate them.

Right now there are 8 pieces of legislation that may be used to enable an AMP only if there is a desire to carry it out but no single piece can be used to enable all elements of the AMP. These pieces of legislation must be coordinated using the individual legislated processes. This can be through the legislature, an order in Council or an order under legislation or by policy. Think if the resultant difficulties in trying to get all parties to agree.

Currently Land Use Planning within the province is a low priority and as such the current land use plans within the province have not been updated to reflect current needs and priorities even though they seemed to be used as a fall back or excuse to rationalize decisions that do make sense in this day and age. This is not to say the objectives in the land use plans are wrong it is the methods and interpretation of application. Sound Access Management Plans can be the tool to translate land use objectives into tactical constraints that guide operational decisions, acknowledge public and rights holder interest and mitigate concerns.

The proposed Natural Resource Road Act may be the tool needed to provide the legislative tools to make Access Management Planning have meaning and be the key to motivating all parties to enter into the process. In providing the authority it may enable the setting of access management orders at the local level under these potential conditions:

- Consultation with affected parties is a prerequisite
- Applies to everyone
- All wilderness access issues that are:
  - ✓ appropriate for temporal and spatial application
  - ✓ long term, seasonal solutions
  - ✓ short term, one off solutions

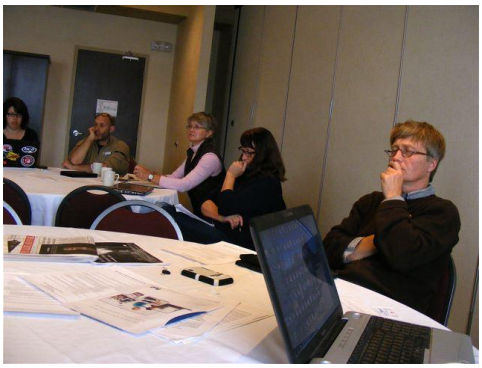
Additional AMP implementation points are:

- The process would be upfront and transparent.
- NRRA need not be the legislation to enable the new tool. Other initiatives including work on cumulative effects and strategic land management could and likely should come together and house AMP.
- We all know the value of a balanced AMP but must recognize that the Province has limited capacity to initiate the process. Local leadership is needed to initiate the AMP but if you start it, they will come....
- Good information is hard to ignore and everyone is looking for solutions.

WORKSHOP SESSIONS:

SESSION 1.

How public recreation sees the NRRA as presented as a tool that will benefit Public Recreation as a whole and what is needed further to make it work.



Vigorous thought provoking dialogue took place during the discussions. These will be brought together by the committee and a position paper will be developed. The following points were made:

- Public information is an absolute must.
- Need better liaison between planners, recreation and the decision maker.
- Further information on the development of the NRRA is needed on a regular basis.
- A condensed version is needed for public recreation.
- What do other users think?
- Management agreements
    - How will they be used?
    - What will they contain?
- Volunteer agreements, can they be used within the NRRA structure?
- Need more dialogue between all users in particular between recreationists is paramount.
- Establish the economic, health and social value of trails to the Province which in turn need to be incorporated into the various levels of planning and decision making.
- Deactivation ---How and when and style. It must be planned and a pro-active opportunity for recreation to contribute has to be engrained in the process.
- Need better liaison with Recreation Sites and Trails, not only existing sites and trails but dispersed back country recreation.
- Snowmobiles – Trails lack registration and recognition.
- Snowmobile issue should be part of framework document.
- Targeted Recreation Planning similar to that of the 1990's
- Need to sound our own horns.
- Can NRRA provide an alternative to FRPA?
- What is the status of Section 57 under NRRA?
- Needs to be compensation for lost trails.
- Bring back funding levels that RS&TBS had previously.

SESSION 2

How the group sees the NRRA as an effective tool for implementing the Provincial Trails Strategy and as a means to assist RSTBC in formalizing and recording the vast trail network within this province.

Points made by the participants:

- Include backcountry tourism as a component with the NRRA.
- Formalize all key Trails using either section 56 or by a new tenure under the NRRA.
- Assist volunteers to manage trails - agreements.
- Create a Trails community. Need to bring everyone together.
- Integrate trails planning into transportation networks.
- Better legislative tools to approve trails
- Better sharing of info between government and recreational groups.
- Info sharing between recreation groups.
- Trails Marketing.
- Central repository for trails info from all sectors.
- Work towards putting together a consortium to sell trails to Gov't ----- trails tourism
    - Stand alone
    - Not competiting with ORC
    - Finite life.

Action Plans
↓
Funding by sector
↓
From Tourism
↓
Goals/Objectives
↓
Strategy
↓
Sectors

AFTER THOUGHTS – WHERE DO WE GO FROM HERE?

The recreation community as a whole needs to come together to create a common front to ensure our children and grandchildren are able to enjoy this beautiful province in the same manner we do. We must respect each other even if it is to just agree to disagree. In the last few years great progress has been made in coming together and under the umbrella of the Trails Strategy We see an opportunities continuing to build.

These types of updates will continue on a periodic basis but in the interim feel free to contact any member of the Advisory committee and if your question can't be answered directly it will be brought forward to the Senior Advisory Team for discussion.

Terry Wardrop
Senior Advisory Team, Natural Resource Road Project
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