



April 9, 2019

Honourable Ranj Pillai, Minister of Energy, Mines and Resources
Government of Yukon
Box 2703
Whitehorse, Yukon
Canada, Y1A 2C6

To Minister Pillai,

Re: Management of Off-Road Vehicles regulations

This letter is intended to be a submission on behalf of the Yukon Fish and Wildlife Management Board to the Department of Energy, Mines, and Resources regarding the development of off-road vehicle (ORV) regulations for Yukon. As per the Umbrella Final Agreement and the Yukon First Nations Final Agreements, the Board is the “primary instrument of Fish and Wildlife management in the Territory” (UFA 16.7.1), and as such has a responsibility to engage with Yukon Government on any issues related to fish and wildlife and their habitat. Specifically, this submission is being made as per the Board’s responsibility to “make recommendations to the Minister, to Yukon First Nations and to the Councils, on all matters related to Fish and Wildlife management, Legislation, research, policies, and programs.” (UFA 16.7.11)

The Board has been actively involved in the pursuit of ORV management in Yukon since its formation in 1993, and has produced several reports on the issue of access to fish and wildlife populations over the years (*Off-road Vehicle Use and Issues in Yukon* (2000) & *Report on ORV Management Strategies, Activities, Successes and Failures in Other Jurisdictions* (2000), *Down the Road: The Effects of Road and Trails on Wildlife* (2003), and *Yukon Wildlife: A 20:20 Vision* (2009)). As per the Board’s mandate to “make provisions for public involvement in the development of its decisions and its recommendations” (UFA 16.7.6), these reports reflected an urgent and continued desire by Yukoners to have off road access to wilderness areas managed. The Board sincerely appreciates the Yukon Government’s recent efforts to develop regulations for ORV use, and hopes that the long history of this process demonstrates that this issue cannot be delayed any longer.

Firstly, the Board would like to indicate its support for the general direction of the proposed regulation and would like to commend the Yukon Government staff whose hard work in the last few years has brought us to this point. The Board has identified three key areas of feedback at this stage in the ORV regulation process, which are explained below.

Looking at ORV management from the perspective of fish and wildlife

From the Board's perspective, ORV management is first and foremost a fish and wildlife issue. Irresponsible ORV use destroys habitat and increases hunting and angling access (and therefore mortality) to fish and wildlife populations (wl disturbance). The Board believes this regulation is an essential starting point in addressing these impacts on Yukon's fish and wildlife, to ensure they remain on the landscape for future generations. The Board would like to see fish and wildlife population health and habitat use and significance included as criteria in the evaluation of potential ORV management areas under this proposed framework.

The Board always endeavours to look at any recommendations and decisions from the perspective of fish and wildlife, whose voices need to be represented at the table. Through conversations with RRCs and First Nations, who know their local areas best, the Board has heard strong support to identify all alpine areas (above treeline) and wetlands as general ORV management areas due to their ecological significance and sensitivity – basically these should be “no-go zones”.

The Board would also like to see the use of trapline trails covered in the ORV management framework, specifically that trapline trails should only be used for trapping purposes by those authorized to do so. This could be implemented with signs and significant fines, or other enforcement measures. The Board has frequently heard this issue raised around our table, with many trappers seeing their trails and cabins used without permission by members of the public on ORVs.

Local input in creation of ORV management areas

Ultimately, the way the proposed ORV management framework will be successful is through the support and local input of communities. The Board supports the proposed framework for establishing ORV management areas that is outlined in the February 2019 document *Regulating Off-Road Vehicles in Yukon* and looks forward to seeing the details of how this framework will be implemented, but we implore EMR to consider local interface with First Nations and RRC's prior to implementing any measures that influence local management.

Assessment and decision-making for potential ORV management areas must include local knowledge holders, RRCs, and First Nations, who know the trails, habitat, and special places in their areas. The success of implementation of ORV management areas rests on the compliance with restrictions and prohibitions.

Additionally, education campaigns for new ORV management areas and the rules associated with them will need to be consistently undertaken across Yukon, as many ORV users travel from the Whitehorse area to access the wilderness, often to the detriment of the rest of Yukon's communities.

Partnerships in regulation creation and implementation

The Board recognizes that the proposed ORV regulations would fall under Yukon's public land legislation, and as such the regulating Department is the Department of Energy, Mines, and Resources. However, the Board feels that it is impossible to separate this issue from the mandate of the Department of Environment, and as such the two Departments should be working closely together to ensure fish and wildlife and habitat interests are captured in the design and implementation of these regulations. The Department of Environment should be involved in developing how assessment of ORV management areas would be created and establishing how infractions would be enforced (potentially through Conservation Officer Services).

The Board is also mindful that this proposed regulation puts First Nations governments in a difficult position, as ORV restrictions would not apply to settlement land, thus potentially leaving these lands open to increased access and damage by ORV users who are no longer able to access nearby areas under restrictions. The Board feels that sustained and meaningful involvement of First Nations governments in the assessment and establishment of ORV management areas in their traditional territories is not only necessary as per the UFA 6.2.0 and 16.4.2, but also an important part of local compliance and support.

Ultimately, the management of off-road vehicles is an issue that is long overdue – we know there are areas in the Yukon that have already been subject to the destructive impact of irresponsible ORV use. The opportunity to implement this proposed regulation cannot be lost – establishing this framework is an essential starting point to having bigger conversations about protection, conservation, and the future of land and wildlife in Yukon. The Board expects this regulation to be adaptive and receptive to new knowledge and information as the process unfolds.

Thank you for your time in considering this submission, and please contact the Board's Executive Director Graham Van Tighem with any questions (executivedirector@yfwmb.ca or 867-667-5335).

Sincerely,



Carl Sidney, Interim Chair

cc: Honourable Pauline Frost, Minister of Environment, Government of Yukon

Michael Draper, Legislation Advisor and Negotiator, Energy, Mines and Resources, Government of Yukon

Christine Cleghorn, Director, Fish and Wildlife Branch, Environment, Government of Yukon