

YUKON'S NEW OFF-ROAD VEHICLE MANAGEMENT AREA REGULATION:

What You Need to Know



Off-Road Vehicle Management Area Regulation

This booklet will familiarize you with the new regulation, show where off-road vehicle (ORV) management areas are located and direct you to more information as you navigate through the ORV management area proposal and permitting processes.

The regulation is designed to protect Yukon landscapes and habitats most at risk. As a result, the Government of Yukon may establish ORV management areas in specific areas of Yukon that will have restrictions or limitations for access. However, in most backcountry areas, Yukoners can continue to use ORVs on the existing network of trails, roads and in the backcountry as outlined in other existing regulations that apply to public land.



BACKGROUND

The Government of Yukon has been engaging with Yukoners on the issue of off-road vehicle (ORV) management in Yukon's backcountry since the release of the Select Committee Report on the Safe Operation and Use of Off-road Vehicles in 2011. While some level of management has been put in place in specific areas of Yukon over the last few years, there has been no overall approach to managing the effects of ORV use.

Yukoners have said they want the Government of Yukon to protect landscapes most at risk, and encourage more responsible ORV usage in the backcountry. (See the What We Heard document at yukon.ca/orv-management-areas.) Since 2018, the Government of Yukon has been developing a new regulation designed to protect designated environmentally sensitive areas and to manage the use of ORVs in those areas.

After extensive consultation with First Nations, stakeholder groups, the public and Renewable Resource Councils, Yukon now has a new Off-Road Vehicle Management Area (ORVMA) Regulation that will be in effect as of January 28, 2021.



PART 1: WHAT IS THE REGULATION AND HOW WILL IT WORK?

The new ORVMA Regulation provides the ability to establish ORV management areas which protect sensitive areas from extensive ORV use and resulting damage over time. The regulation may put in place:

- restrictions on use
- conditions for ORV operations in a designated area
- permit requirements and limitations
- requirements for development and approval of trail plans
- First Nations Consultation and public engagement requirements
- appropriate enforcement
- a list of designated ORV management areas

WHAT DOES THIS NEW REGULATION MEAN FOR ME?

Here are some common questions and answers about the new regulation.

1. When did the regulation come into effect?

The Off-Road Vehicle Management Area Regulation came into effect on January 28, 2021.

2. Which areas will be covered by the regulation?

Three ORV Management Areas are currently in place. Information on the location of ORV management areas can be found at yukon.ca/orv-management-areas.

In future, ORV management areas can be created as a result of land use plans or through proposals submitted by eligible organizations or governments.

Please note that this Regulation does not apply to First Nation Settlement Land, private property, federal land (e.g., national parks) and lands within municipal or community boundaries.

3. Does the creation of an ORV management area mean I can't ride in that area at all?

Some management areas may be completely restricted from ORV use. Other areas will be open to ORV use through some or all existing trails, while others require an ORV permit to access with an ORV.

This will be determined during the review of any proposed ORV management area, and will depend on the impact of ORV use and the ecological sensitivity of the area.

Many management areas will remain available for ORV use through the creation of a trail plan which will illustrate trails and roads that can continue to be used in the area. As a rule, any road that is considered a highway administered under the *Highways Act* can continue to be used by ORVs.

Maps identifying which roads and trails are open to ORV use in designated ORV management areas are available online and at the Land Management Branch, Department of Energy, Mines and Resources.

4. Do I need to register my off-road vehicles?

ORV owners are required to register off-road vehicles for operation on roads subject to the *Motor Vehicles Act*, but not on trails that are administered by Energy, Mines and Resources.

We do encourage you to register your off-road vehicle for ownership and insurance purposes.

5. What vehicles does this apply to?

ORVs subject to this Regulation include all vehicles that are considered all-terrain. This includes Jeeps, 4x4 pickups, ATVs, dirt bikes, ARGOS and side-by-sides. Currently, snowmobile use in a designated ORV management area is NOT affected.

6. How will the ORVMA Regulation affect my ability to use an ORV for hunting or firewood gathering?

You can continue to use an ORV on any area of public land that has not been established as an ORV management area.

Where ORV management areas are in place, roads administered by the Government of Yukon and trails identified for use in a trail plan can continue to be used for hunting or firewood gathering access. Some trails may be permanently or seasonally closed, or restricted from ORV use in some form (e.g., type of ORV).

7. How are First Nations traditional harvesting rights affected by ORV management areas?

First Nations asserting traditional subsistence harvesting rights will have access to certain areas as is their right, according to the Yukon First Nation Final Agreements and Self-Government Agreements.

8. How will the regulation be enforced?

Yukon's Natural Resource Officers are the key enforcement officials. The Government of Yukon is also exploring ways that Yukon First Nations can assist in monitoring ORV management areas within their traditional territories. Enforcement officials will have the ability to issue on-site fines for non-compliance with the Regulation or terms and conditions of a permit.

9. Can I be fined if I ride on a prohibited trail in an ORV management area?

Yes. If you choose to use an ORV on a prohibited trail or area, you could be ticketed and fined by a Natural Resource Officer.

10. I heard I may need to get a permit that allows me to use trails that have restricted access as identified in a trail plan. Is that possible?

Yes. You can make an application for a permit to gain access to a trail that has restrictions. These permits are limited and only issued on a case-by-case basis subject to review and approval by the Government of Yukon.

11. How will ORV management areas affect my ability to access my property?

If your property is adjacent to or located near a designated ORV management area, your access will not be affected if you are using a public highway. If you are using a trail accessible only by ORVs, the Government of Yukon should be notified as part of the review of a proposed ORV management area or during the development of any trail plan.

12. Who can I speak with if I have any questions?

If you have any questions, contact the Government of Yukon's Land Management Branch at 867.667.5882 or toll free at 1.800.661.0408 ext. 5882.

PART 2: ESTABLISHING ORV MANAGEMENT AREAS AND TRAIL PLANS



HOW CAN YUKONERS ESTABLISH ORV MANAGEMENT AREAS?

ORV Management Areas can be established under two circumstances:

1. As a result of recommendations coming out of a land use planning process, such as:

- a land use plan developed under Chapter 11 of the Final Agreement of a Yukon First Nation
- a management plan developed under Chapter 10 of the Final Agreement of a Yukon First Nation for a special management area
- a plan for a habitat protection area designated under the *Wildlife Act*
- a territorial park designated under the *Parks and Certainty Act*
- a local area plan developed under the *Area Development Act*
- an Official Community Plan, such as the one produced and approved by the City of Whitehorse

Proposals will not be accepted in areas:

- subject to land use planning processes
- where a land use planning process is currently under development

This will allow for the land use process to develop and operate as intended.

2. In areas of Yukon where land use plans are not yet initiated, a government or a public organization can identify areas where ORV Management Areas may be required to protect specific ecologically sensitive areas from damage due to ORV use.

A request for temporary ORV restrictions may originate from one of the following:

- Government of Canada
- Government of Yukon
- Yukon First Nation Government
- Yukon Fish and Wildlife Management Board
- Renewable Resource Council
- Local Advisory Council
- Municipal Government

Proposals must be sponsored/supported by at least one of the groups above, and preferably by more. Areas that are immediately adjacent to or near community boundaries and that are well known for community recreation or hunting should also have support of the local community governments, including town and municipal councils.

An established ORV management area can:

- restrict ORV use entirely
- provide an approved trail plan outlining which roads and trails can continue to be used on a year-round basis or will be subject to seasonal restrictions of certain types of ORVs
- allow ORV use on restricted trails with an approved permit

The Government of Yukon will establish ORV management areas through a review process that includes consultation with First Nations and engagement with the public (communities and organizations).

Before the Government of Yukon reviews a proposal, it must contain the required information as outlined in the ORV Management Area Proposal Guidelines. A temporary restriction on ORV use may be considered if it is determined that the environmental values in the area require **immediate** protection.

The Government of Yukon will conduct an internal review on all proposals it receives. If the proposal meets the requirements, it will be recommended for approval. If the proposal doesn't meet the requirements it will be returned to the applicant.

The approval process for establishing designation of an ORV management area is outlined in the ORV Management Area Proposal Guidelines, available at yukon.ca/orv-management-areas.

Please note that on January 28, 2021 (the date the regulation comes into force), three ORV management areas will be designated. These are for the Ddhaw Ghro Habitat Protection Area, Land Management Unit 4 in the Peel Watershed Region and all alpine areas on lands administered by the Government of Yukon located at an elevation of 1400 metres and higher. The first year of the regulation will be used as a pilot to ensure our management approaches are working properly. We will begin accepting proposals for new management areas on January 29, 2022.

DEVELOPMENT OF TRAIL PLANS

Once an ORV management area is designated, a trail plan may need to be developed. Trail plans must consider recommendations from approved land use plans that encompass the ORV management area. A trail plan may include identification of designated routes that can be used, areas that have year-round or seasonal restrictions, areas where there are restrictions on certain types of ORVs or whether trails should be closed to ORV use.

Development of trail plans is subject to public review and First Nation consultation. Once First Nation consultation and public engagement are complete, a trail plan recommendation can then be advanced for approval.

As ORV management areas and trail plans are approved, the Government of Yukon will make this information available. This information includes maps showing where approved ORV management areas are located, what routes and trails can continue to be used and what trail restrictions are in place. In some cases, limited use permits can be issued to ORV users in areas and on trails that can support some ORV activity.

Please check the interactive map at yukon.ca/orv-management-areas to determine where ORV management areas are located. Many parts of Yukon will not be subject to ORV management areas nor ORV restrictions.

HOW CAN YUKONERS CREATE IMMEDIATE AND TEMPORARY ORV RESTRICTIONS IN UNPROTECTED AREAS?

In some cases, governments, groups and organizations may see a need to provide immediate protection of an undesignated area that could be damaged or has been previously damaged because of ORV activity.

Temporary ORV Restrictions

The *Territorial Lands (Yukon) Act* provides authorization for the Government of Yukon to temporarily restrict ORV use up to 90 days in cases where **immediate** protection of sensitive areas from ORV use is necessary. This provision can be used for two scenarios:

- 1. temporary ORV restrictions for areas in specific short-term circumstances**
- 2. temporary ORV restrictions for areas during the evaluation of an area proposed for long-term protection**

A request for temporary ORV restrictions may originate from one of the following:

- Government of Canada
- Government of Yukon
- Yukon First Nation Governments
- Transboundary First Nation Governments
- Yukon Fish and Wildlife Management Board
- Renewable Resource Councils
- Local Advisory Councils
- Municipal Governments

Temporary ORV restriction proposals must be sponsored/supported by at least one of the groups above, and preferably by more. Any area proposed within a community boundary must be sponsored or supported by the municipality.

The Government of Yukon will consider and decide whether an order will be established.

ORV MANAGEMENT AREA PERMIT REQUIREMENTS

Permits will be required in circumstances where ORV activity has been restricted. Restrictions on ORV use are put in place in areas particularly sensitive to ORV activity. The requirement for a permit will be determined during the evaluation of an ORV management area proposal (including public engagement and First Nation consultation) and development of a trail plan, if required.

Permits will include terms and conditions for ORV use in the designated area. Permittees are expected to comply with any terms and conditions associated with the permit, as well as according to operating conditions identified in the ORVMA Regulation. Deviation from permit terms and conditions or operating conditions will be viewed as offences under the Regulation and subject to ticketing and fines.

You can find permit application forms and more information on the application process for obtaining ORV permits outlined in the ORV Management Area Guidelines at yukon.ca/orv-management-areas.

ORVMA REGULATION AND FIRST NATIONS

The ORVMA Regulation is Government of Yukon legislation and as a result, First Nation Settlement Land is not impacted. However, Yukon First Nations can create ORV-related regulations for Settlement Lands as part of their self-governance powers.

ORV users should be aware there are provisions contained in Yukon First Nation Final Agreements that encourage ORV users to use existing trails while travelling on Settlement Land, and that no damage is to occur to Settlement Land if accessing with an ORV. While some of the road networks running through Settlement Land are excluded, there are trails subject to Chapter 6 access provisions in Yukon First Nation Final Agreements as they are located on Settlement Land. If you have questions about whether or how to access First Nations Settlement Land via ORV, please contact the applicable First Nation resource management office.

First Nations will be consulted as part of the review of any proposed ORV management area. This input will be important when determining the location of existing trails, where damage from ORV use is occurring, potential impacts of proposals on asserted Aboriginal and treaty rights, and how First Nations use ORVs in their traditional harvesting.

The Government of Yukon is also working with First Nation governments to determine how they may play a role in monitoring ORV management areas on public land.

DESIGNATED ORV MANAGEMENT AREAS

Areas currently designated as ORV management areas can be found at yukon.ca/orv-management-areas.

Government of Yukon

867.667.5882

Toll Free: 1.800.661.0408 ext. 5882

