



**Forest
Practices
Board**

Off-road Vehicle Management in the Kamloops Forest District

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The Complaint

In July 2009, a resident of Kamloops submitted a complaint about motorcycle and other off-road vehicle use resulting in vegetation and habitat destruction across the province. The complainant identified the Sonora Road area east of Kamloops as an example, asserting that off-road vehicle (ORV)¹ use has caused:

- Extensive soil disturbance
- Erosion
- Potential for slope destabilization
- Disturbance of wildlife
- Damage to aesthetics
- Conflicts with hiking and wildlife viewing
- Destruction of rare dryland vegetation
- Destruction of key wildlife habitat

Background

The complainant gave several examples of substantive and obvious alteration of the environment by ORV users. For example, in the Sonora Road area, sagebrush areas have been impacted by ORV users driving in ever-increasing circles in formerly undisturbed meadows—either flattening the sagebrush or uprooting it entirely. In addition, the complainant experienced a dirt bike unexpectedly jumping over his moving truck, and instances where such bikes have passed within four feet of him at highway speed. However, without any identification on the offending vehicle, it is almost impossible to effectively report reckless incidents to the police. The complainant believes that ORV users that engage in irresponsible or unsafe behaviour are rarely held accountable for their actions because the vehicles carry no licence plates. Hence, the operator is only occasionally identifiable. Furthermore, the machines are highly mobile; some ORV users told the complainant that they respond to increased local enforcement by simply relocating to other areas.

The complainant wants government to require ORV licensing so that riders can be identified; the Ministry of Tourism, Culture and the Arts (MCTA) to prohibit off-road travel by vehicles except on designated trails or areas; and the Ministry of Forests and Range (MFR) to undertake an aggressive compliance and enforcement campaign to curtail unauthorized construction of off-road trails.

¹ ORV is a broad category of vehicles that usually includes snowmobiles. ORV in this report refers only to all-terrain vehicles, quads, off-road motorcycles (dirt bikes) and some four-wheel drive trucks.

Discussion

The complainant identified the Sonora Road area as an example of ORV-use issues, but emphasized that the problems are provincial in scope. During the investigation, MTCA and MFR provided other examples of ORV use elsewhere in the Kamloops Forest District: Tunkwa Lake, Duffy Lake, Barnhartvale, Noble Creek and Lac du Bois. Therefore, the Board chose the Kamloops Forest District as a logical unit for investigation. Rather than attempt to quantify the impact of ORV use, the Board considered:

1. How MTCA manages ORV use in the Kamloops Forest District.
2. How MFR in the Kamloops Forest District enforces FRPA (*Forest and Range Practices Act*) requirements regarding damage to the environment and trail construction.
3. Provincial initiatives relevant to ORV use.

How MTCA Manages ORV Use in the Kamloops Forest District

The management of motorized recreation on Crown land outside of established recreation sites and trails is a responsibility that MTCA shares with several government agencies. For example, through various Acts and regulations, the Ministry of Environment (MOE) can restrict motorized vehicle use to protect wildlife and habitat; the Ministry of Agriculture and Lands can restrict motorized vehicle use on Crown land; and MFR can restrict motorized vehicle use to protect range and the environment.

MTCA's aim is to protect and manage present and future recreation resources on Crown land outside of parks and settled areas, in collaboration with other responsible agencies. As a result, MTCA monitors ORV use and identifies damage to the environment, directs enforcement to trouble areas, and cooperatively works with public groups and agencies to manage ORV use through planning.

MTCA considers ORV use in the Kamloops area to be a significant issue because of the sensitive grassland and wetland ecosystems. Many grassland areas in the district have unofficial trail networks coupled with easy access and so are camping destinations for ORV enthusiasts. MTCA reported that there are several areas in the forest district where the level of use is creating both environmental damage and user conflicts. For example, MTCA estimated that there are hundreds of kilometres of unauthorized trails in the Tunkwa, Duffy Lake and Barnhartvale areas. In 2008, MTCA and MFR did an aerial survey of the Tunkwa and Duffy Lake area to monitor the impacts. The ministries photographed damaged and undamaged wetlands for future comparison, but subsequent budget cuts have since prevented follow-up monitoring. On the May 2009 long weekend, MTCA estimated that 1,000 people were in the Tunkwa and Duffy Lake area. Such concentrated use concerns MTCA.

MTCA also said that public complaints about environmental damage and conflict caused by ORV use are increasing. Consequently, MTCA receives many requests to restrict or close areas

to ORV use. FRPA provides for certain recreation restrictions and closures, but MTCA approaches use of the provisions with caution; one dilemma is that closing a popular area for ORV use can simply displace that use to neighbouring areas.

MTCA considers it pointless to exclude ORV use in specific areas without also providing areas where such vehicles can be used. To that end, MTCA is taking a cooperative approach with local clubs and organizations to designate specific areas for ORV use near Kamloops, including Lac du Bois and Duffy Lake. The Duffy Lake project is a partnership with a local motorcycle association. In the Noble Creek area, MTCA has been working with MFR, MOE's Conservation Officer Service (COS) and a local rancher to map existing trails. The Sonora Road area is not currently part of a planning process.

On a broader scale, MTCA noted that a district-wide plan is also needed to address recreation trail issues. Such a plan would accurately map and communicate to the public the location of established trail networks, and identify existing trails that need to be closed and rehabilitated in sensitive areas. A district-wide plan could also lead to designation of other areas for ORV use. However, as yet, no funding or framework is in place to develop a district-wide plan. In the interim, MTCA intends to address ORV issues on a case by case basis.

How MFR in the Kamloops Forest District Enforces FRPA Requirements Regarding Damage to the Environment and Trail Construction

In 2008, government announced a new approach to coordination of natural resource management across several ministries, the Resource Management Coordination Project (RMCP). An initial priority of the project is compliance and enforcement (C&E). In general, MFR remains responsible under FRPA for investigations of environmental damage, illegal timber harvesting (trail clearing) and trail construction.

Each year, the Kamloops Forest District creates a plan for C&E activities as part of the RMCP, involving timber harvesting, roads, silviculture, fire protection, and other tasks, such as recreation use and trail construction. Any work that may result in environmental damage is a top priority. In addition to its planned activities, the district also has an objective to respond to public complaints within 24 hours.

For recreation, including illegal trail-building, the district focuses its C&E efforts on areas where there are high concentrations of people, previous damage to Crown resources, or sensitive environments, such as alpine, grassland and wetland ecosystems.

The district treats damage to the environment and ORV use as priority issues. However, it says that there are many priorities and few staff. As such, the district directs its enforcement efforts to situations when there will be high recreation use so it can encounter and educate many riders. The Tunkwa Lake area is a high priority for MFR because of its sensitive grasslands and popularity with ORV users. On the May 2009 long weekend, the district conducted an educational patrol there.

In addition to patrols, the district also monitors wetland sites for evidentiary purposes (should they become damaged) and documents existing damage for potential restoration. MFR also distributes information pamphlets to local ORV dealerships and periodically posts signs that advise against irresponsible ORV use, but said that such signs are frequently vandalized or taken away.

MFR said the most difficult aspect of ORV-related enforcement is identifying the individuals involved. Without vehicle licences, the identification of helmeted operators can be difficult. Furthermore, MFR reports that many ORV users will not stop to be identified.

MFR also said that enforcing section 46 of FRPA is problematic. Except in specified circumstances, section 46 prohibits a person from carrying out a forest or range practice or engaging in any activity (including recreation) that results in damage to the environment. Proving damage to the environment under section 46 requires that an individual has damaged the environment. In many cases, it is the repeated use of grassland trails or wetlands that alters the ecosystem. MFR can issue tickets for environmental damage, but it is difficult to prosecute ORV users for damage to the environment when it is not clear that the individual user wholly caused the damage, or that the particular activity resulted in an adverse alteration of the ecosystem.

MFR noted that apprehending individuals who build illegal trails is similarly difficult. In successful cases, witnesses were willing to make a statement, the offender or their vehicle was photographed, a suspect admitted guilt, or MFR staff saw the infraction occur.

Provincial Initiatives Relevant to ORV Use

The complainant expressed several concerns about ORV use. Coincidentally, those concerns are currently being considered by government. On a provincial basis, three government initiatives are relevant. They are:

1. Clarification of the definition of environmental damage under FRPA.
2. Development of the Recreation Trail Initiative.
3. Implementation of ORV licensing through an ORV Management Framework.

Clarification of Environmental Damage under FRPA

In response to a 2009 Forest Practices Board report,² MFR set out to clarify FRPA section 46, which deals with protection of the environment. MFR is writing a bulletin to clarify what is considered environmental damage and how to enforce section 46. The bulletin is expected to be completed by summer 2010.

² Forest Practices Board report *Motorcycles, Rare Frogs and Water Shrew Habitat at Kanaka Creek*, February 2009.
See: <http://www.fpb.gov.bc.ca/content.aspx?id=3842&terms=kanaka>

MTCA Recreation Trail Initiative

In May 2007, MTCA, BC Parks, and the Ministry of Transportation and Infrastructure undertook to develop a *Recreation Trails Strategy for British Columbia* (trails strategy).

Those ministries recognized that there was a variety of agencies and organizations managing trails under various Acts, regulations and policies. A coordinated trail strategy would provide a framework, guiding principles and management plan to strengthen BC's trail system.

In the fall of 2008, a Trails Strategy Committee released a draft trails strategy for public comment. That report describes an action plan for developing and managing a sustainable network of recreation trails. The ministries stated that the draft strategy would be adjusted to consider public input, and would be followed by a short period of inter-agency review prior to final approval by government. To date, the strategy has not been approved.

The draft strategy identifies six components of a sustainable trail program:

1. collaborative planning
2. good governance
3. sustainable resources
4. effective management
5. comprehensive information
6. strategic marketing.

Each component identifies specific actions to achieve the committee's vision. There are 17 actions, some of which are relevant to the complainant's suggested improvements to ORV management:

First, the complainant suggested that legislation be created to require licensing of all ORVs. Proposed Action #4 of the strategy is to:

Improve legislation, regulations and policy to better manage motorized trail use.

Legislated changes could include ORV licensing, and government recently announced, through another initiative (discussed below), that such licensing will soon occur.

Second, the complainant suggested that off-road travel with vehicles should be prohibited, except on designated trails or areas.

The trail strategy's proposed Action #1 states:

Collaboratively develop provincial and local trail system plans that secure opportunities for all trail users.

Action #1 identifies that trail system plans help to prevent environmental damage and reduce conflicts by classifying trails (and presumably areas) according to the most appropriate uses. The action item notes that such plans will require a provincial 'champion' to provide leadership and support for trail planning.

Proposed Action #3 is to:

Develop a communication and education strategy to better inform trail users about the existing governance framework.

The action item identifies that, under FRPA, it is now illegal for individuals to cause environmental damage, and therefore illegal for trail use activities to recklessly damage sensitive rangelands and wetlands. The action goes on to identify that communication and education is required to help trail users comply.

Third, the complainant proposed that MFR undertake an aggressive C&E campaign to curtail the widespread construction of unauthorized trails. Trail strategy Action #9 is to:

Ensure the BC Trail Program is well integrated with interagency compliance and enforcement services.

The strategy identifies that multiple agencies have a role in C&E and stresses a cooperative approach. Recently, MTCA signed an agreement with the COS, MFR and the Royal Canadian Mounted Police to better utilize their services for recreation management—dependent on the funding that can be provided to those agencies.

ORV Management Framework

In November 2009, MTCA announced implementation, over the next two years, of an ORV management framework. An ORV Implementation Committee, comprised of Cabinet and Caucus members, oversees implementation of the framework. It seems likely that the 2008 draft trails strategy will be an essential component. In addition, it appears that land use planning by the Integrated Land Management Bureau (ILMB) may occur in some areas to help resolve conflicts between recreation activities. The framework has several elements, three of which are relevant to this complaint:

1. Registration and Licensing

The framework includes mandatory vehicle registration and a more visible licence plate or decal for all ORVs at sale or resale, whether private or commercial. Registration and licensing will help make irresponsible ORV users identifiable and accountable for their actions.

2. Environment

The framework contains improved muffler standards for ORVs to reduce noise disturbance to wildlife and recreationists, and spark arrestors to help reduce the risk of wildfire. In addition, the framework includes standards consistent with the federal government's proposed *Marine Spark-Ignition Engine and Off-Road Recreational Vehicle Emission Regulations*.

3. Compliance and Enforcement

Under the framework, a provincial ORV compliance and enforcement strategy will be developed, and will include an education component to help achieve voluntary compliance.

Conclusion

The complainant wants government to require ORV licensing so that riders can be identified; MCTA to prohibit off-road travel by vehicles except on designated trails or areas; and MFR to undertake compliance and enforcement to curtail unauthorized construction of off-road trails.

Government has recently decided to implement an ORV management framework, several elements of which are relevant to the complainant's concerns; registration and licensing, protection of the environment, and compliance and enforcement. In addition, MFR is writing a bulletin to clarify what is considered environmental damage and how to enforce section 46 of FRPA. In the Kamloops Forest District, MTCA works with other agencies and partners to monitor and manage ORV use in several areas but notes that, to be more effective, a district-wide plan for recreation trails is needed. MFR coordinates its activities with other agencies as well; it places a high priority on investigating incidents of environmental damage, conducts educational/enforcement patrols and monitors the condition of sensitive sites. All of these actions are commendable.

The Board considers that government is embarking on an ORV management framework that contains the right elements for success. Better recreation management lies in coordination, focus and commitment. ORV and trail management is the responsibility of several ministries through several Acts and regulations. Therefore, the Board is pleased that government is taking a cross-ministry approach to implementing its ORV management framework.

However, success will require trail system plans that are part of other existing land-use planning processes and will thus require a provincial champion to provide leadership. MTCA, MFR and the ILMB each have key roles to play; these agencies should be that champion. Effective, collaborative planning can help to resolve conflicts between recreational users, prevent or mitigate environmental damage, and ensure that recreational activities are located in appropriate areas.



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