



December 15, 2011

Natural Resource Roads Act Project Team,
Ministry of Forests, Lands and Natural Resource Operations
Box 9049 Stn Prov Govt
Victoria, BC V8W 9E2

Dear Project Team,

Natural Resource Area Roads Act Project Comments

Thank you for the opportunity to comment on the draft Natural Resource Roads Act Project. The draft document has been read and discussed by the BC Nature Conservation Committee and we offer the following comments. We are using this letter format rather than making an on-line submission as the on-line format does not make it easy for a group such as ours to add or adjust comments from our individual members.

Our primary interest in responding to this proposed Act is to ensure that the natural values of our province are not compromised further. The proliferation of resource roads in all corners of British Columbia has led to impacts on the special natural values we hold dear, especially in areas where off-road vehicles obtain uncontrolled access. Roads have a long-lasting and significant effect on biodiversity, such as impacts on wildlife movements, interruptions to or loss of bird habitats, changes to wetlands, ponds and small streams.

The issue of resource roads has been on-going for our members across the province and we welcome the effort to create an overall piece of legislation that brings those concerns to the fore. However we have many concerns with the present draft document and hope you will take our concerns into consideration in developing your program.

We have one overarching question that does not fit any sections of the Discussion Document: "Why are mining roads not included as Resource Roads under this Act?". In the present climate of high mineral values, many new mining roads have been developed or could be developed as more mines are approved in unroaded areas. The impact on the local landscape and on habitats could be profound.

Part 1: Framework Principles

Page 6. c. The Act will require that all roads be located, built and maintained with due consideration for the environment.

What this means: Roads are to be **managed** to mitigate unacceptable environmental impacts ranging from geophysical (siltation of streams, landslides, loss of productive land) to biophysical (such as invasive plants, fish passage, species at risk and ungulate winter range).

BCN: The phrase "*located, built*" from **c.** above is missing in "*What this means*". Surely there needs to be a commitment first that roads will be built in the best location and as well as possible in the first place, and maintained regularly, to prevent "unacceptable environmental impacts".

Part 2: The Framework Policies:

Page 6: g. Reflect existing road safety principles for public roads

"The NRRA will provide for some roads to be managed specifically for off-road vehicles."
and page 15: Glossary:

"Off Road Vehicle means a motorized vehicle (e.g. motorcycle, All Terrain Vehicle, snowmobile) that is **not licensable for use on public roads and is typically used on trails.**"

BCN: We have been consistent in our requests for licensing of Off-Road Vehicles (ORVs) for more than 30 years. We thought there was finally agreement about the need for such licensing. But there is confusion in this document about whether ORVs will need a license for use on public roads to go on Resource Roads (RRs) or what the distinction will be between RR's designated for ORVs and other RR's. It is also not at all clear if all vehicles CAN go on all RR's even though there will be specific ones for ORVs. This issue is very confused/confusing. BC Nature is committed to the Off-Road Licensing campaign and would like to see it come to fruition before this Act is finalised. Without licensing, offenders cannot be identified, and without identification, who pays for restoring the damage caused by ORVs? A date for implementation of the Off-Road Vehicle Act is needed **before** this proposed Act is finalised.

Page 7: 2: Reference to Strategic Plans:

#2. "Planning: Operational planning will reflect environmental values, user needs, and risks likely to be influenced by the road. A person seeking an authorization will not need to complete additional strategic planning under the NRRA.

What this means: NRRA decision-makers will rely on existing strategic land and resource plans that support the administration of resource roads. Those plans may influence the location of new roads, the design, construction and maintenance of those roads and restrictions of use."

BCN: This will only apply to a very small area of the province as there are only about 10 approved strategic land and resource plans still in force. May we remind government that many more plans have been allowed to lapse - and urge that they and/or the funds for the LRMP implementation committees be reinstated in order to implement this very critical element of the present document.

Page 8: 8: Use at Own Risk:

"Liability to third parties will be limited to instances of misfeasance.

What this means: Unless a designated maintainer or the government has intentionally or negligently created a hazard that causes another user injury or vehicle damage, there will be no recourse compensation. This policy will encourage government to allow more roads to remain open for public use (instead of being deactivated) when the designated maintainer no longer requires the road. It is also intended to encourage safer behaviour on resource roads."

BCN: We cannot support a policy that does not encourage the closing of roads not needed by the designated maintainer. Government should be working towards reducing the number of roads on the landscape and thereby reducing their impacts on our natural environment.

Page 9: 13: Relief Conditions:

In cases where Resource Roads are the primary or only access to Provincial Parks, the NRR Act should require the industrial user(s) to leave the road in a useable condition when the latter is no longer using it. There are parks in the province where the loss of the access road's maintenance limits or prohibits the public access to the park or encourages people to create their own, often environmentally damaging, access routes. .

Page 11: 18. Results-based:

Who will check to make sure that the work is done correctly if the companies are responsible for that work? Compliance and enforcement measures appear to be absent here.

Page 12: 23: Public Watchdog

We support the Forest Practices Board as the oversight body for Resource Roads. They have the most direct involvement in this sort of issue, and the wherewithal to conduct enquiries if necessary.

Page 13. 24: Ownership and Control of Bridges

BCN: We prefer **Option b)**: "Once installed on Crown land, a structure forms part of the road and becomes a public asset. Control then transfers to the Crown."

A park access road in the South Okanagan valley has been closed because a bridge has been deemed unsafe for travel and the company responsible for maintaining the road and bridge structure has declined to replace the bridge as they are not at present using that road. At least if the bridges, etc. belong to the Crown, they can be repaired or replaced if needed for access even if the taxpayer pays.

Page 13: 26 Noxious Weeds

BCN: We agree that any road building permit must include requirements for invasive weed control via revegetation with site-appropriate seeds and other preventive measures. The same requirement must apply to deactivation of roads.

We would like to register our support for the 14 December joint submission by John Bergenske, Wildsight and Joe Scott, Conservation Northwest.

Thank you for the opportunity to comment on such a critical piece of legislation. We look forward to the next steps in this process.

Yours in nature,

A handwritten signature in black ink, appearing to read "John Neville". The signature is stylized and cursive.

John Neville
President, BC Nature

cc Hon. Steve Thomson -Minister of Forests, Lands and Natural Resource Operations
cc Hon. Rich Coleman - Minister of Energy and Mines