



January 29, 2013

MLA Rob Fleming
Opposition Critic for Environment
1020 Hillside Avenue
Victoria, BC V8T 2A3

rob.fleming.mla@leg.bc.ca

Dear MLA Rob Fleming:

Re: Off Road Vehicles and Proposed Legislation

On behalf of BC Nature, I would like to thank you for addressing our Fall General Meeting in Parksville. Your presentation and knowledgeable responses to our many questions were appreciated.

I write now on the matter of Off Road Vehicles (ORVs) and the proposed legislation to better manage the machines referred to as quads, snowmobiles, motorized trail bikes and others. Attached to this letter is a backgrounder that provides an outline of the very slow progress towards legislation to enable better management of ORVs.

From the information in the backgrounder, you will appreciate the strong and growing sense of frustration felt by all who have worked for so long towards achieving legislation for ORVs. We hope that, should the NDP form the government in 2013, we may look forward to expedited introduction and passage of this long-awaited legislation.

Our questions to you regarding your intention for this legislation are:

- 1) Does the NDP support implementing legislation to better manage ORVs, and in particular one time licensing with display of a visible decal or plate?
- 2) Would the NDP place a high priority on reviewing the legislation which has been drafted by government staff, and introduce the Bill to the Legislative Assembly at the earliest possible date?

Thank you in advance for your consideration and response.

Regards,

John Neville, President
Federation of BC Naturalists (BC Nature)

cc MLA Adrian Dix, leader of the NDP adrian.dix.mla@leg.bc.ca
Norm Macdonald, Opposition Critic for Forests, Lands and Natural Resource Operations
norm.macdonald.mla@leg.bc.ca

Backgrounder: Progress towards Legislation to Better Manage ORVs

Prepared by BC Nature, January 2013

Off Road Vehicles (ORVs) often damage the environment and harass wildlife when driven off a road or trail and especially when operated in sensitive habitats such as wetlands and alpine meadows. Though most ORV riders recognize this and act responsibly, it only takes a few irresponsible riders to cause significant damage. BC Nature has, since the 1960s, consistently encouraged governments to introduce regulations that would result in better management of these vehicles and, specifically, to require a visible decal or plate through which offenders could be identified and reported.

As ORVs proliferated and their damage to the environment became more visible, concerned organizations such as the Grasslands Conservation Council, ATV/BC (Quad Riders of B.C.), and others brought into being in 2002 a group comprised of a very wide representation of outdoor recreation interests. The group thus formed, the Coalition for the Licensing and Registration of Off-road Vehicles (ORVs) in British Columbia, and on which BC Nature has been represented since its inception, worked for five years to reach consensus on a document setting out points for government to consider that would result in better management of ORVs. This document was presented to government in January of 2006.

www.bcgrasslands.org/what-we-do/stewardship-a-planning/orv-coalition

In 2008, work commenced by Ministry of Forests, Lands and Natural Resource Operations staff to create the necessary legislation. A committee of Cabinet Ministers and MLAs, the Implementation Committee, was struck to oversee the work of the Off Road Vehicle Management Framework. At BC Nature's AGM in Kamloops in 2010, we were promised by MLA Kevin Krueger that this new legislation would be enacted by November 2011.

BC Nature participates on the government appointed Joint Advisory Group (JAG) to advise and consult on this process. The JAG group includes a wide range of stakeholders, including representatives from ATVs (quads), motorized trail bikes, and snowmobilers, as well as the BC Wildlife Federation, dealership representatives, Union of BC Municipalities, the Conservation Officer Service and ICBC. All JAG members have signed a Confidentiality Agreement that precludes giving information to the general public not already posted on the website. www.for.gov.bc.ca/mof/orv

Progress towards new legislation has been ably coordinated by staff from the Ministry of Forests, Lands and Natural Resource Operations. JAG members participate in regularly scheduled conference calls and occasional in-person meetings. Except for two issues yet to be settled, the JAG stakeholder group supports the proposed legislation. Those issues yet to be worked out are whether the ORV legislation will apply to private land. (The legislation is currently drafted to apply only to Crown land, but there are good arguments that it should also apply to private lands; however through regulations this extension could be made in subsequent years.) The other unresolved issue is the sales tax for owners of used vehicles where sales tax should have been documented for past transactions when second hand ORVs were purchased or sold. This issue is outside the scope of JAG, however.

Opposition to the legislation may be expected from the many ORV riders who do not belong to an organized group, so there is the need for public education on the value of this proposed legislation: to improve safety, to reduce impact to wildlife habitat, to reduce theft of vehicles and to improve recovery of stolen vehicles. Timing from introduction of the Bill, approval and through to implementation of the regulations must allow for public education.

BC Nature is supportive of the legislation as it would require the display of a visible license plate or decal that would identify the ORV and enable better reporting of the few offending vehicles ridden where they should not. Because the one-time registration is to be handled through ICBC, and thus linked to driver's licenses, progress for implementation of regulations is aimed to follow the completion

of ICBC's system upgrade for the handling of registration and any fines levied. The proposed fee for one-time registration will be as modest as possible. There is greater acceptance of the registration today than in past, because many of these motorized vehicles are expensive and owners want an identifiable license that would reduce theft and enable tracking of stolen vehicles. Even the BC Wildlife Federation is supportive of the one-time registration, but do not want to see annual registration which would require a yearly fee. All other provinces in Canada do have some form of mandatory vehicle registration for Off Road Vehicles.

BC Nature is frustrated with the delays in implementing this legislation, especially as we were promised in May 2010 that it would be in place by fall 2011.