



July 23, 2018

To: Mike Draper, Energy Mines and Resources

Cc: Assistant Deputy Minister Manon Moreau, Energy Mines and Resources

Re: Developing a Resource Road Regulation

Dear Mr. Draper,

The Canadian Parks and Wilderness Society (CPAWS) is pleased to submit recommendations to support the development of a Resource Road Regulation. This letter summarizes our comments submitted through the online survey. We thank you for the multiple opportunities that were made available to participate in this process.

1. Resource Roads vs. Public Roads

CPAWS Yukon generally agrees with the definition of resource roads as non-public roads that primarily provide access for industry users. As noted by many participants during the July workshop, it would be preferable to regulate all non-public roads under one road strategy and regulation, including forestry roads and non-temporary roads leading to infrastructure such as communications towers.

Given the number of former resource roads that are now public roads, the transfer of an existing road to a resource road should generally be allowed to utilize already disturbed linear corridors. However, CPAWS Yukon is concerned that improvements to the roadway for resource use, such as widening or surface improvements, will provide much easier land access to backcountry areas if the road is then again transferred to a public road. The ecological impacts of access improvements should be considered when managing these roads.

We agree that a formal public review should precede changes in road status. EMR is likely well aware that there will be a very vocal segment of the population that will always oppose road decommissioning or reclamation. While the recreational value of these roads should be considered during public review, the cumulative environmental effects of allowing for public access must also be considered.

Conservation science clearly shows that roads with public access have a much higher impact on wildlife than do restricted-access roads. Public road access increases hunting and poaching pressure and often leads to the creation of informal off-road vehicle trails. According to a recent study (Proctor et al. 2018, source available below), public access negatively impacts grizzly bear habitat use, home range selection, movement, survival and reproductive success. In short, the negative ecological impacts of a road do not end once the road is constructed, they are also linked to human use of the road.

Finally, CPAWS Yukon understands that this regulation is only intended to address new roads. However, provisions to decommission public roads should be developed in order to close roads for conservation purposes. For example, road closure may be a key management tool for species recovery plans under the federal *Species at Risk Act*, or where linear disturbance exceeds thresholds in future regional plans. The Yukon could look to the example of other jurisdictions such as British Columbia, where gates have been legally implemented under the authority of the *Motor Vehicle Prohibition Regulation of the Wildlife Act*.

Source:

Proctor et al. 2018. Resource Roads and Grizzly Bears in British Columbia and Alberta. Canadian Grizzly Bear Management Series, Resource Road Management. Trans-border Grizzly Bear Project. Kaslo, B.C. Canada. Available at <http://transbordergrizzlybearproject.ca/research/publications.html>

2. Controlling Access

We agree that resource road use should be limited to permitted users only.

3. Managing Shared Use of Resource Roads

CPAWS Yukon agrees with shared use of resource roads, particularly where it would limit additional construction of redundant road infrastructure. As voiced by multiple participants at the stakeholder workshop, the government should mediate the creation of shared-use agreements to set transparent and consistent terms. In general, we do not support shared-use agreements that would permit recreational use, given the expected ecological impacts.

5. Road Standards

For ease of regulation, road standards should be the same for on-claim and off-claim roads. Road standards should incorporate environmental considerations, such as environment type (e.g. alpine versus forested), proximity to water bodies and courses, invasive species control, and special-status species.

6. Closure and Decommissioning of Resource Roads and Security

CPAWS Yukon agrees that security should cover the full cost of decommissioning and potential environmental damage of roads. Security should be of a form that is guaranteed to be available to remediate environmental damage, should a company go bankrupt and the paramountcy of the federal *Bankruptcy and Insolvency Act* be triggered. After road closure, a portion of the security should be retained for a duration of time (determined by subject matter experts) to monitor the effectiveness of reclamation.

Yukon Government could consider establishing a fund, through a levy on industry, to provide financial resources in the event that a smaller operator (e.g. placer miner) is unable to pay for decommissioning, reclamation or compensation.

7. How will the Permitting Work?

CPAWS Yukon agrees that resource roads must be consistent with approved land and resource management plans. However, given that only one regional plan has currently been approved, this leaves an obvious policy vacuum. We suggest that, in the absence of an approved land use plan, roads and trails should not exceed a density exceeding 0.6 km/km². This density is a general threshold for sustainable female grizzly bear survival rates (Proctor et al. 2018). In areas where habitat quality is lower and grizzly populations are at risk, a threshold of 0.3 km/km² should be used (Proctor et al. 2018).

Density thresholds introduce an obvious need to inventory Yukon's existing road and trail footprint. CPAWS Yukon recognizes that this is a large task and suggests triaging the inventory, perhaps based on known hotspots of linear disturbance, proposed resource activity and sensitive wildlife populations.

8. Compliance and Enforcement

CPAWS Yukon fully supports the introduction of additional compliance and enforcement tools, including ticketing. We suggest that fines should be set high enough to effectively deter non-compliance, including non-permitted use of resource roads. Given the remoteness of many of these locations, the risk of getting caught is quite low and effective deterrence will rely on a high cost of getting caught.

10. How will the Resource Road Regulation work with other legislation?

CPAWS Yukon notes that the Resource Road Regulation will need to consider the forthcoming Wetland Policy.

Sincerely,

Randi Newton

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