

May 8th, 2023

CPAWS Yukon
101-301 Hawkin St.
Whitehorse, YT
Y1A 1X5

Dear Mr. Draper,

For many years, the Yukon government has recognized that there are deficiencies in the system for regulating resource road activities. CPAWS Yukon is glad that the Yukon government is working to address many of these problems, and the forthcoming Resource Roads Regulation offers some positive steps forward. For example, the 2023 discussion paper speaks to decommissioning and reclaiming resource roads, as well as requiring financial security to help ensure that this actually happens. The discussion document also highlights the importance of limiting public access on resource roads, which would help limit the ecological impacts of resource roads. Maintaining and strengthening these elements is critical to the Resource Road Regulation being effective.

The Government of Yukon engaged the public on potential resource road regulations as early as 2013, again in 2018, and now in 2023. In spite of the time that has elapsed, there still appear to be flaws in the Yukon's approach to resource roads. Indeed, important aspects of the Yukon's proposed approach that were presented in 2018 appear to be missing from the latest discussion document. CPAWS Yukon would like to flag several omissions, and parts of the Resource Road Regulation that should be strengthened.

CPAWS Yukon and many other groups and governments raised a series of key issues during the 2018 consultations. Some of these issues do not seem to have been resolved in the proposed approach presented in 2023. These include managing environmental and safety concerns around resource roads, preserving the ability of First Nation citizens to access their traditional territories, and the need for updates to other legislation to address gaps that the Resource Road Regulation alone cannot solve. Several concerns are outlined below.

1. The proposed access framework leaves some questions unanswered.

CPAWS Yukon generally agrees with restricting public access on resource roads. However, the Yukon's proposed approach to resource roads is heavily reliant on gates. Gated access leaves two major problems. Firstly, gates can usually be bypassed by determined people, and gates would require permanent staffing to prevent unauthorized passage. Secondly, gates would make it more difficult for people who are permitted to use resource roads, but are not employees of a resource company, to access the road. Once again, gates would require 24-7 supervision to allow users through, unless a company planned on widely sharing keys or lock combinations.

There appear to be practical hurdles to implementing the Yukon's vision for access controls on resource roads. One option that is not considered in the 2023 discussion paper, but was raised during 2018 consultations, is using technological solutions to manage the use of resource roads. For example, the Yukon could install cameras at undisclosed locations along resource roads, and monitor the license plates of vehicles on roads. The owners of unauthorized vehicles could then be later warned, or fined. This deterrent along these lines could negate the need for gates, and require less on-the-ground enforcement.

CPAWS Yukon is not advocating for one type of deterrent over another, and different strategies would bring different strengths and drawbacks. Regardless of the Yukon's preferred alternative, it would be helpful to see a more detailed vision for the implementation and governance of access restrictions.

Several important pieces are missing from the current Resource Road Regulation framework.

Several critical issues are absent, or only covered partially in the 2023 discussion document on resource roads. One example is the environmental standards that resource roads would be required to meet. The 2018 discussion paper wrote that there are "currently no formal standards for resource roads" resulting in "varying levels of road construction standards and safety and environmental issues."

The 2018 discussion paper proposed developing environmental and safety standards, but there is no such proposal as part of the 2023 discussion paper. Road standards are only mentioned briefly in the context of construction, speed limits and signage, and environmental standards are not mentioned at all. It is important that the Final Resource Road Regulations address this gap, and specify environmental standards that roads must adhere to, such as not disturbing wetlands and peatlands, minimizing erosion, and not damaging fish habitat.

Another key priority issue raised throughout the 2018 consultations were safeguards for wildlife through mitigations such as hunting restrictions on resource roads, seasonal closures and speed limits. In some cases, this would require changes to the *Wildlife Act*, but there is no mention of these issues in the 2023 discussion paper.

Without amending other laws to work alongside resource road regulations, major holes in the Yukon's regulatory framework would remain. We do not see anything in the 2023 Resource Road framework that would limit hunting alongside resource roads for authorized road users. This leads to two problems. Firstly, unauthorized users who use resource roads for hunting purposes wouldn't contravene the *Wildlife Act*, and instead would only violate an access restriction under the Resource Road Regulation, likely a lesser offense. The second problem with the Yukon's approach is that there is nothing currently proposed that would prevent authorized road users from hunting from resource roads. These roads could therefore double as private hunting roads for the employees of resource companies. Resource Road Regulations

should be paired with updates to the *Wildlife Act* to prevent licensed hunters from hunting alongside roads, or using resource roads to access other hunting areas.

Lastly, CPAWS Yukon would like to note that the 2023 Resource Roads discussion document is short and somewhat sparse on details. The Minister of Energy, Mines and Resources has stated on several occasions that the Resource Road Regulations should be out this year, but the present document being engaged on is not a comprehensive draft regulation. Without seeing a more detailed proposal it is difficult to fully analyze and engage with the Yukon's Resource Roads framework. We hope there will be opportunities to review a more detailed draft regulation in the coming months.

Thank you,

A handwritten signature in black ink, reading "Malcolm Boothroyd". The signature is fluid and cursive, with the first name "Malcolm" and last name "Boothroyd" clearly distinguishable.

Malkolm Boothroyd
Campaigns Coordinator, CPAWS Yukon