



Federation of Mountain Clubs of BC

Accessing the backcountry one step at a time

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FMCBC Comments on Natural Resource Roads Act Discussion Paper

Introduction

The Federation of Mountain Clubs of British Columbia (FMCBC) is an umbrella organization of 24 outdoor recreation clubs having a total membership of about 3500 individual members dispersed throughout the province. Our members regularly use resource roads for recreation access throughout British Columbia. We hope that the new Natural Resource Road Act (NRRRA) will result in improved access for public recreation users. The key issues for public recreation users are public access and road deactivation.

Many people do not own high clearance 4x4s, so public access to actively maintained resource roads is especially important. Recreation user groups should be consulted to help develop access control policies that minimize impacts to public recreation (i.e. by carefully choosing locations for gates).

When roads are deactivated, public use for recreation will continue. Deactivation should be done in a way that permits driving the road with the widest range of vehicles possible. Recreation users often have to clear fallen trees, clear brush, or repair minor washouts and the NRRRA should permit this light maintenance work without incurring any liability or responsibility. Road signage should clearly indicate that the road is used at the user's risk

Our comments below, in which paragraphs are identified by the same letters/numbers as used in the Discussion Paper, are limited to the paragraphs in which we have some knowledge and experience.

Framework Principles Part 1

b) Road administration should be consistent to provide certainty for operators and the public, particularly for road use rules, compliance and enforcement as this might provide the greatest benefit for the public. Any variation from these rules should be transparent with clearly stated reasons for the variation.

c) Cumulative effects of all development must be considered, not just the incremental impact of one more road. Environmental effects should not only consider the effects of the road itself, but also the environmental effect of providing access to vehicles, especially off road vehicles (ORVs) which may have a negative impact on the environment in the vicinity of the road. This is especially important where roads provide ORV access to sensitive wetlands and alpine areas.

f) Benefits to public recreation should be considered when deciding whether to deactivate a road. Prior to deactivation, the government or the maintainer should assess recreation value by consulting BC Parks, Sites and Trails BC, and local recreational user groups, such as the Outdoor Recreational Council (ORC) Example: access to Evanoff Provincial Park has been cut off due to road deactivation. Perhaps there could be an interim step between maintenance and deactivation where certain local recreation users could undertake an informal "adopt-a-road" style maintenance that undertakes reasonable efforts to remove hazards so that the road can continue to be used as a road for public access to recreation areas.



g) Most of the safety rules that apply to public roads should also apply to roads administered by the NRRRA. These rules include requirements for skill testing and subsequent licensing of drivers, and annual registration of vehicles which must carry a clearly visible license/registration plate for ownership requirements. Insurance of both driver and vehicle should be mandatory, and owners/drivers may be held accountable for non-compliance.

Framework Policies Part 2

1. Communication tower access roads and roads on power-line, pipeline, communications, or penstock Right-of-Ways should be covered by the NRRRA? These roads were not built for resource extraction per se, but once established in some cases they have been adopted by resource extraction and other industries. Inevitably, these adopted roads deteriorate with no organization stepping-up to maintain.

3. The government should assess recreational use by consulting BC Parks, Sites and Trails BC, and local recreational user groups such as ORC, when setting objectives for road deactivation.

Provisions should be made for recreation groups to maintain deactivated roads perhaps as trails if the road condition is too deteriorated for light maintenance to follow the suggestion outlined in paragraph 1(f) above. Maintenance obligations of the recreational groups should be set within the capabilities of that group (i.e. a hiking club should not be expected to bring in machinery to repair a washout on a deactivated road turned trail.)

5. With the possible exception of protecting maintainer's temporarily stored equipment, e.g. during active resource extraction, or for public safety reasons, maintainers should not be permitted to restrict public access for recreational purposes.

If roads are closed to public use for environmental reasons, gate structures must be designed to block all vehicles. Presently many gates block regular 4x4s but do not block ATVs or dirt bikes. These gates fail to protect the environment from ORVs yet block other users such as hikers. Examples: Brohm Ridge (Cheekye FSR) and Black Tusk Microwave Road.

Regulations should define how much of a road may be closed for safety or to protect equipment. We are concerned that a large road network may be completely closed when active resource extraction is only in progress on one spur, unnecessarily blocking recreation access.

When access control is used, it may be appropriate to allow public recreation use on weekends on a formalized sign up / key basis. Many logging companies currently do this, offering keys to responsible users. Such programs should be encouraged and expanded when access control is being used. Users who have given their name and contact information are highly unlikely to vandalize equipment or damage the environment. A key signup system allows both public access and access control objectives to be achieved.

7. Public road rules should apply to all Resource Roads with VERY FEW exceptions which should be clearly identified so that public input can be obtained to support these exceptions, if appropriate. Ownership of all vehicles should be registered, with clearly visible license plates, liability insurance coverage, and all operators should be licensed after passing a skills test.

8. Provided there is oversight to ensure the maintainer complies with the NRRRA rules, this should enable the public to obtain more unrestricted use of roads than at present, and possibly save the maintainer the costs of deactivation if a public user becomes the designated maintainer at a point when its use of the resource road is sufficient to meet that designation.



10. If the road is no longer used for resource extraction but has a continuing use to access recreational terrain, e.g. a park or recreation area, prior to taking any de-activation measures the government should seek public input should as to the best approach, which may be in accordance with paragraphs 1(f) and 2 (3) above. For heavily used access roads to provincial parks, volunteer efforts may be inadequate in which case the maintainer should be an appropriate government agency. In some case road maintenance will cost a lot less than deactivation.

11. After resource extraction in an area which has recreational opportunities, the designated maintainer may transfer its maintenance obligations to an appropriate government agency which then maintains the road for public recreation similarly to suggestions in paragraph 2(10) above .

13. If a road is not to be deactivated due to continued access needs for public recreation, the road should be left in a condition suitable for use by the public's ordinary 2WD vehicles, particularly if the road accesses a provincial park.

A provision should be made to allow a secondary user to take over the road maintenance obligations, but the secondary user has to be able to afford to take over the maintenance without incurring onerous financial obligations. If the secondary user later decides to discontinue maintenance of the road, it would fall upon the original road user to pay for the deactivation.

14. If a road in good condition accesses an area with recreational potential, the road should not be deactivated. Instead an appropriate government agency should be notified so that possible deactivation can be prevented if the agency can locate a body to assume maintenance responsibility.

Road deactivation should be subject to results based standards, such as:

- passable to stock 4x4s (if recreation access is desirable)
- passable on foot (may require pedestrian bridges if vehicle bridges have been removed)
- impassable to ATVs and dirt bikes if environmental protection is desirable)

18. Results-based regimes require verification that the results have been achieved. In the case of access control, verification is an ongoing task as ORV users may construct bypass trails around access control gates. Verification of results should be undertaken by the government or an independent third party. Public reporting of results should be permitted, but not relied upon.

19. The Act should define the tests government would apply to determine whether a party is likely to be successful under a results-based regime. Among others, these tests could include financial ability and/or experience in such matters.

21. For a road which provides access to areas with recreational potential, the designated maintainer should be accountable for managing and providing access based on public usage and vehicle type. The government can provide oversight and direction with input from the public.

23. An independent public watchdog is essential to ensure that there is adequate compliance with the NRRRA relating to environmental protection and maintaining public access if considered appropriate. The existing oversight agencies do not seem to have sufficient capacity to take on this extra work.



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24. Once installed, the bridge should be considered an integral part of the road and therefore it should be a Crown asset. If vehicle bridges are removed, they should generally be replaced with pedestrian bridges to maintain access for recreational use. If the government wishes to minimize environmental impact, gates should be installed at bridges to prevent ORV access.

Other issues

Informal maintenance of roads by the public should be permitted whether they are the designated maintainer or not. Examples: clearing fallen trees, brushing out vegetation, modifying cross ditches to make them passable to vehicles, etc.

Conclusion

In summary, members of the FMCBC and the public who use the backcountry for recreation require usable resource roads to provide access to the backcountry. This access is not just to Crown land but also to many Provincial Parks that otherwise would be essentially out of reach for many people. We appreciate this opportunity to have our concerns heard, and look forward to more opportunities to provide our input as this project progresses.

Yours sincerely,

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