

Bill #50

Raymond Plouffe

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Final Report of the Voluntary Planning Off-highway Vehicle Task Force

November 2004



**VOLUNTARY
PLANNING**

A Citizens' Policy Forum

Protected Wilderness Areas

- 34 Prohibit off-highway vehicle use by the public in existing protected Wilderness Areas. Allow three years for designated Snowmobilers Association of Nova Scotia (SANS) trails that are currently authorized through ministerial discretion to be phased out and replaced with alternate routes outside the affected protected Wilderness Area. Despite this target date of three years, under no circumstances deny access of SANS members to existing approved trails until alternate routes are available, as long as SANS continues to work in good faith on alternate routes.

Other Ecologically Sensitive Areas

- 35 Amend legislation to prohibit off-highway vehicles from the following sensitive ecosystems, unless otherwise specifically allowed within the designated trail network: a) barrens – coastal and plateau b) beaches (marine and fresh water) and dunes c) bogs and marshes d) brooks, streams and rivers e) other sensitive ecosystems as defined by the Department of Environment and Labour.
- 36 Amend legislation to prohibit all off-highway vehicle use by the public within official and posted supply areas for potable water (as defined by the municipality or provincially via designation as a Protected Water Area) unless otherwise prescribed by the responsible water authorities.

Third-party Liability Insurance

- 37 Introduce the requirement for off-highway vehicle drivers to carry third-party liability insurance, except for those who use their vehicle exclusively on their own property.

Vehicle Standards

Noise

- 38 Amend legislation so that it is an offence to operate an off-highway vehicle with a defective or modified exhaust system that does not meet established sound standards.

National Standards

- 39 Engage other provinces and the federal government in discussions to establish national off-highway vehicle standards on the following: a) better vehicle identification (accommodation for licence plates and or stickers); b) responsible advertising; c) power, speed, weight, size, and tire design; d) exhaust systems and noise; e) engine design, fuel efficiency, and pollution; f) common location for vehicle identification numbers; and g) additional safety and design features.

Off-highway Vehicle Ministerial Advisory Committee



P.O. Box 23, Margaree Centre, NS B0E 1Z0
Tel: (902) 248-2726 Fax: (902) 248-2710 Email: lcranton@ns.sympatico.ca Web: www.gov.ns.ca/natr/ohv

May 29, 2007

Dear Minister Barnet and Minister Morse:

The OHV Ministerial Advisory Committee, through full consensus at our May meeting, recommends that government remove ministerial discretion in the *Wilderness Areas Protection Act* that currently allows the Minister of Environment to issue permits for recreational vehicle use by the public in wilderness areas. The full consensus includes the support of the All Terrain Vehicles Association of Nova Scotia (ATVANS) and the Snowmobilers Association of Nova Scotia (SANS). Specifically, the Committee recommends that your government:

- Repeal Section 23 (5) of the *Wilderness Areas Protection Act* to remove the broad ministerial discretion that currently allows the Minister of Environment to issue permits for recreational OHVing and bicycling in protected Wilderness Areas.

The Committee requests that government prepare the legislative amendment as per your government's OHV Action Plan (October 12, 2005) item #34 in advance of and for delivery in the upcoming Fall 2007 legislative session. The Committee requests that we be provided with a draft copy of the amendment for review in advance. This will enable your government to receive sound advice toward this change within the 24 month commitment (by October 2007) of your Action Plan.

The Committee views a timely response by government to this recommendation as important. The OHV Ministerial Advisory Committee respectfully requests that a formal response to this recommendation be given to the Committee.

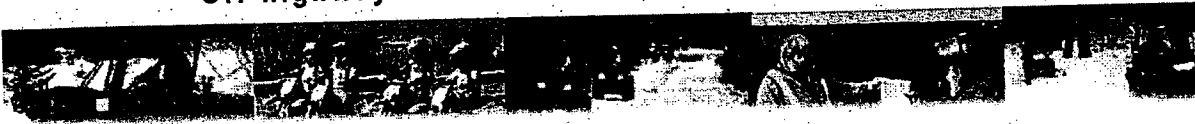
Thank you in advance for your consideration. I would happy to meet with you to discuss this recommendation at your convenience.

Sincerely,

Laurie Cranton
Chair

c. Ted Scrutton, Department of Health Promotion and Protection
Patricia MacNeil, Department of Natural Resources
Susan Hruszowy, Department of Natural Resources
Jennifer Annett, Department of Health Promotion and Protection

Off-highway Vehicle Ministerial Advisory Committee



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August 28, 2008

Dear Minister Parent:

Over the past several months the Off-highway Vehicle Ministerial Advisory Committee (MAC) has taken considerable time to review and discuss the proposed amendment considerations for OHV use in Wilderness Areas as presented to the Committee on April 23, 2008 by Peter Labor and yourself, the Honourable Mark Parent, Minister of Nova Scotia Environment.

It is with a full consensus that the MAC recommends the following actions be taken and these recommended actions are contingent on the government repealing Section 23(5) of the Wilderness Areas Protection Act as previously recommended.

With respect to the primary trails being considered for amendments the MAC recommends the following based on the criteria provided by Nova Scotia Environment.

Economy River Wilderness Area, River Phillip Road

The actions are accepted with the following change.

Adjoining lands be added to the protected area by purchasing land from other adjacent landowners and or adding additional crown lands to the Wilderness Area. The other adjacent land owners are Neenah Paper and Irving.

Bonnet Lake Barrens Wilderness Area, the Queensport Road, be accepted as proposed.

Jim Campbells Barren Wilderness Area, new bypass trail be accepted as proposed.

Terence Bay Wilderness Area, Brookside Road, the MAC recommends it not be considered as it is felt opening this road would do little to address issues in this area and it is not deemed to be an essential connecting trail.

With respect to the additional proposed changes, the camp site leases, the moose hunt and the bicycle use the MAC recommends that these proposed amendments should go forward as presented.

Should changes be made to this proposed action by the Executive Council the MAC requests it be given an opportunity to review and comment.

**OFF-HIGHWAY VEHICLES IN NOVA SCOTIA
PROVINCIAL DIRECTION AND ACTION PLAN**



October 12, 2005

**Actions Currently Underway or Complete
(Complete within Six Months)**

* #34 Amend the *Wilderness Areas Protection Act* (enforce the current law in the interim) to prohibit public OHV use in wilderness areas except under the following circumstances:

a) OHV use in wilderness areas may be considered when a vehicle access licence or an agreement is issued by the Minister for:

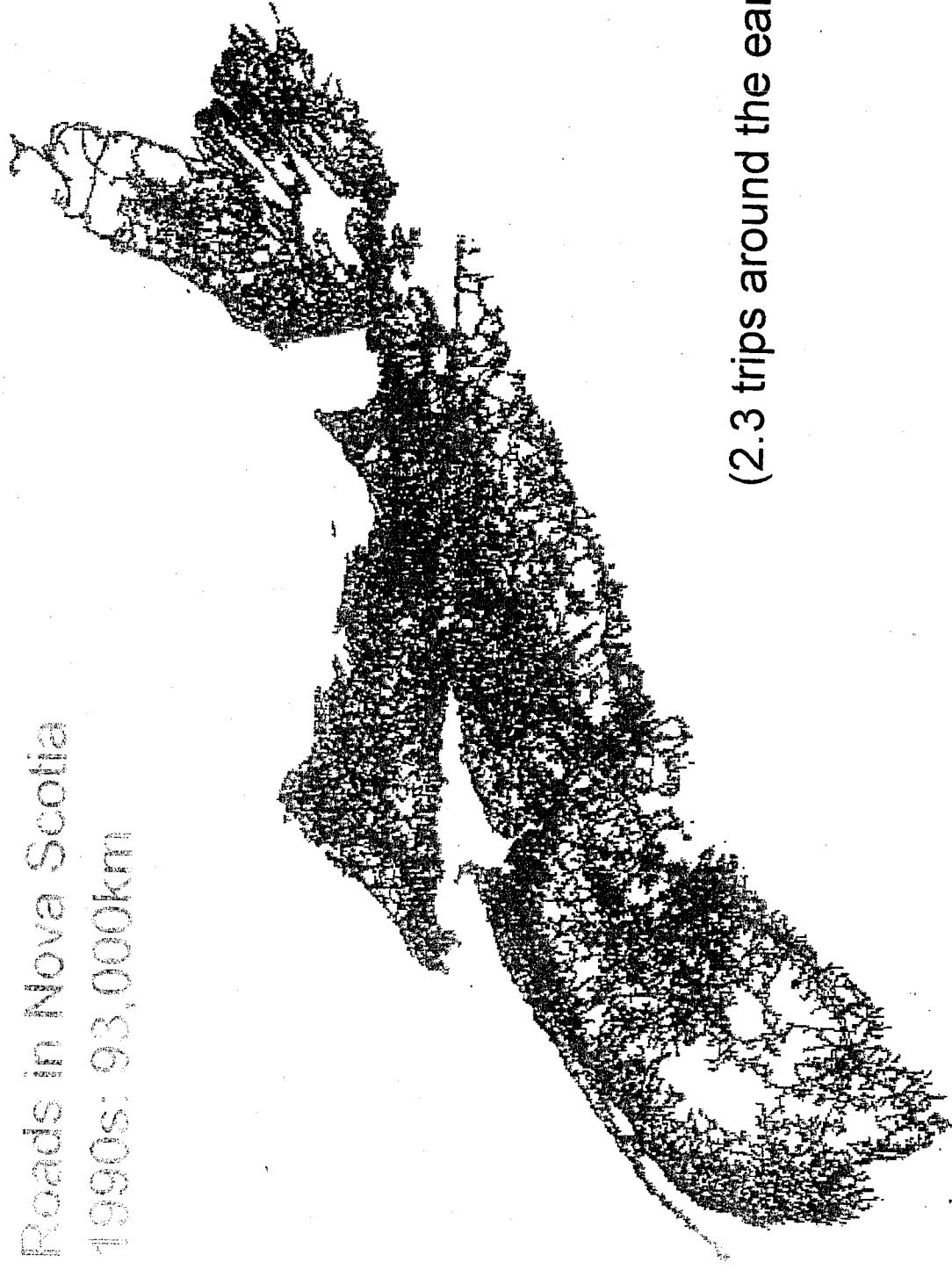
- accessing a private land in-holding
- accessing a pre-existing legal interest, including maintaining campsite lease structures
- management or research purposes
- on existing designated snowmobile trails, with the long-term goal to relocate the trail to an alternate location outside the wilderness area, or near the wilderness boundary where adverse environmental effects will be minimal;

b) OHV use in new wilderness areas (established after 1998) may also be considered on designated regional connector trails when:

- the trail existed prior to wilderness designation, and is an essential link in a regional trail network
- continued use will have a minimal impact on the wilderness area
- a group enters into a stewardship-based agreement to manage use and maintain the trail and
- the long-term goal is to relocate the trail to an alternate location outside the wilderness area, or towards the wilderness area boundary where adverse environmental effects will be minimal.

Status: While amendments will take 12-24 months to complete, the current legislation will be enforced to restrict access to wilderness areas.

Roads in Nova Scotia
1990s: 93,000km



(2.3 trips around the earth!)

Poll supports area limits on ATVs

By DAVID JACKSON
Provincial Reporter

Three out of four Nova Scotians don't think people should be taking all-terrain vehicles in protected wilderness areas for fun, suggests a recent poll.

The Ecology Action Centre added the question to Corporate Research Associates' Atlantic quarterly survey in August. It asked, "All things considered, do you support or oppose the recre-

ational use of all-terrain vehicles in protected wilderness areas in Nova Scotia?"

Of 415 people surveyed, 24 per cent said they do support their use, 73 per cent said they don't, two per cent said it depends, and one per cent didn't know or didn't answer. The poll is considered accurate within 4.3 percentage points, 95 per cent of the time.

The action centre is using the numbers to renew the call for the govern-

ment to close a legislative loophole that could allow the environment minister to issue a permit to an ATV for recreational use in a wilderness area.

"The poll confirms that the public wants those protected areas to truly be protected," wilderness co-ordinator Raymond Plourde said Tuesday.

Though no minister has issued such a permit, Mr. Plourde said the possibility exists and should be removed, as promised in a government "action

plan" on off-highway vehicles released a year ago.

Then-environment minister Carolyn Bolivar-Getson said in March that cabinet decided the current legislation was adequate, and the wilderness recreation mentioned in the Wilderness Areas Protection Act referred to non-motorized activities.

Environment Minister Mark Parent was unavailable for comment Tuesday. (djackson@herald.ca)

Poll: forbid ATVs from entering protected areas

ENVIRONMENT

By Brian Flinn - The Daily News

Almost three quarters of Nova Scotians want to ban all-terrain vehicles from the province's protected areas, according to a new poll by Corporate Research Associates.

The survey, paid for by the Ecology Action Centre, asked 415 Nova Scotians if they support or oppose the recreational use of all-terrain vehicles in protected wilderness areas. It found 24 per cent support recreational ATV use, while 73 per cent oppose. Two per cent said it depends, and one per cent didn't know or did not answer.

"The public understands that protected means protected," said Raymond Plourde, the wilderness co-ordinator for the Ecology Action Centre. "Now the government needs to understand that."

New restrictions

The Tory government introduced a list of new restrictions on off-highway vehicles last year, after an independent report called for a crackdown on ATV use.

It has not acted on a recommendation to keep ATVs out of wilderness areas. Conservationists say the province has done too little to stop ATV access, and the environment minister still has a right to issue special permits for recreational ATV use.

bflinn@hfxnews.ca

OCT. 11/06

- Ecology Action Centre -

TABLE B12:

The use of all terrain vehicles or ATVs is generally prohibited in protected wilderness areas.

All things considered, do you support or oppose the recreational use of all terrain vehicles in protected wilderness areas in Nova Scotia?

	NOVA SCOTIA %	REGION			GENDER		INCOME			AGE			EDUCATION			
		Metro	Cape Breton	Rest of mainland	M	F	L.T. \$50K	\$50- <\$75K	\$75K+	18- 34	35- 54	55+	L.T. H.S.	Grad H.S.	Some P.S.	Grad P.S.
Support	24	25	24	23	30	19	26	23	22	31	26	15	26	26	21	23
Oppose	73	71	74	75	66	79	70	77	75	65	71	83	69	71	78	75
Depends	2	2	2	2	3	1	2	1	2	2	2	2	3	2	2	2
Don't know/No answer	1	2	0	0	1	1	2	0	0	2	1	1	1	2	0	1
WEIGHTED SAMPLE SIZE (#)	415	165	67	183	197	218	186	91	94	115	171	129	71	110	33	198
UNWEIGHTED SAMPLE SIZE (#)	415	163	61	191	195	220	188	89	93	90	179	146	74	115	33	191

- (k) dump or deposit any litter, garbage or refuse other than in containers provided or designated by the Minister for that purpose;
- (l) light or maintain a fire;
- (m) create a nuisance or act in a manner or do anything that may be, or may cause, a nuisance; or
- (n) carry on an activity that is restricted or prohibited by the regulations. 1998, c. 27, s. 17.

Exemption

18 Section 17 does not apply to an enforcement officer, an employee of the Department or any other person to whom a delegation has been made pursuant to subsection 6(3), while performing that person's duties, if the activity in which the person is engaged is necessary for the performance of that person's duties. 1998, c. 27, s. 18.

Permitted activities

19 The Minister may carry out, or authorize the carrying out of, activities within a wilderness area, including activities that would otherwise be prohibited pursuant to Section 17, for the responsible management, preservation or restoration of indigenous biodiversity of a wilderness area, including the protection of property, the health or safety of humans and the suppression of forest fires. 1998, c. 27, s. 19.

Permitted activities

20 The Minister may undertake or provide for environmental, educational and natural history interpretation in a wilderness area and, where these are undertaken or provided for, shall do so in a manner consistent with this Act, the regulations and any applicable management plan and they shall not contribute to degradation of the wilderness area. 1998, c. 27, s. 20.

Licence for scientific research

21 The Minister may issue a licence authorizing scientific research within a wilderness area, including the carrying out of activities necessary to such scientific research that would otherwise be prohibited pursuant to Section 17 without contributing to the degradation of the wilderness area. 1998, c. 27, s. 21.

Wilderness recreation

22 (1) In wilderness areas, the public may engage in wilderness recreation that is undertaken in a manner consistent with this Act, the regulations and any applicable management plan.

(2) Notwithstanding subsection (1), the Minister may make an order temporarily restricting or prohibiting activities in a wilderness area to protect property, the environment or the health or safety of humans. 1998, c. 27, s. 22.

Certain recreational activities

23 (1) Tenting, camping, lighting a fire or maintaining a fire are permitted within a wilderness area only at sites designated by the Minister or, where no sites are designated, pursuant to such terms and

access for moose hunting.

(5) The Minister may issue a licence permitting the holder of the licence to use a vehicle or bicycle on a trail or route within a wilderness area to enable access for wilderness recreation, sport fishing or traditional patterns of hunting or trapping if

(a) the wilderness area is included in a Schedule to this Act and the trail or route existed before February 9, 1993; or

(b) in any other wilderness area, the trail or route existed before the area was designated as a wilderness area,

and, in the opinion of the Minister

(c) the continued use will have a minimal environmental impact on the wilderness area; and

(d) no reasonable alternative exists to enable the access.

(6) The Minister may require a trail or route in a wilderness area to be realigned or re-routed as necessary to minimize the environmental impact on the wilderness area.

(7) A licence issued pursuant to this Section shall designate specific routes for use within the wilderness area and may contain such other terms and conditions as are considered necessary, in the opinion of the Minister, for the protection of the wilderness area. *1998, c. 27, s. 23; 2005, c. 56, s. 18.*

Permitted activities

24 (1) In wilderness areas, the public may engage in

(a) sport fishing; and

(b) traditional patterns of hunting and trapping,

that are undertaken in a manner consistent with this Act, the regulations and any applicable management plan and in accordance with any applicable laws.

(2) Notwithstanding subsection (1), the Minister may make an order temporarily restricting or prohibiting the sport fishing, hunting or trapping referred to in subsection (1) or related activities, structures or facilities in a wilderness area to protect property, the environment or the health or safety of humans. *1998, c. 27, s. 24.*

Existing interests

25 (1) Where a person other than Her Majesty, before

(a) February 9, 1993, with respect to land in a wilderness area included in a Schedule to this Act; or

(b) the date of wilderness area designation with respect to any other land,

held any of the following interests: