

Submission to the Select Committee on the Safe Operation and Use of Off-road Vehicles

By TOYA (Trails Only Yukon Association)

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Introduction

The Yukon is our home. It is where some of us have been born and many of us have come to, heeding the call of adventure, longing the quiet solitude of the wilderness and finding a place of fragile beauty.

It is here, in this bountiful land with its generous peoples that we have raised our children, cherished our friends, and treasured our time in the pristine valleys and mountains that surround us.

It is also here in our wilderness that has been entrusted to us for one brief lifespan that change is taking place.

The change we are addressing in this submission involves the introduction and proliferation of ATVs, their use and misuse in the Yukon.

Our specific concerns are:

1. Damage to fragile alpine and wetlands
2. Harassment, disturbance and displacement of wildlife
3. Over- harvest in accessed areas
4. Cutting of new trails

We are including a brief history, indications of what the public wants, short vignettes, and an emphasis on finding a solution to a difficult and emotional issue.

We are also asking for immediate action in order to protect wildlife, habitat and leave a legacy our children will thank us for.

A) History of the Issue

1. Does the public want something done about the issue?

- Surveys, letters to the editor, people joining Toya and YORRA

2. What is the level of support for something to be done?

- 1981 hunter survey, of 1800 responses, 85.6% wanted ATV restrictions 43% wanted their use eliminated.
- 1997 Government Survey of resident sheep hunters, 26% wanted ATV's banned and another 39% wanted restrictions.
- 2008 Fish and Wildlife Management Board. 88% supported ATV restrictions.
- 2010 TOYA door to door survey, 713 contacted, 71% supported designated trails.

3. What are these machines capable of?

- Power, traction, terrain.

B) Vignettes and Examples From Summer 2010

1. What is happening out there right now?

- Excursions into the alpine.
- Cutting new trails.

2. How do people feel about it?

Vignette # 1

Several years ago, my daughter Stacey and I, along with three other friends took a magical journey into the Yukon wilderness. We took our horses, along with four pack horses and rode in to Rose Lake by way of Johnnie Johns' old horse trail off the Annie Lake Road. It was a difficult journey filled with challenges that only those who have done a trip like that can fully understand. The old trail was washed out by the river which required a difficult detour, a forest fire had caused many trees to topple criss-crossed across the trail, and there was a very challenging river crossing with a group of horses that had never crossed a river before. My daughter experienced a range of emotions from excitement to sheer terror. And she grew up before my very eyes over a space of 10 days.

After three days of hard riding, including one night of sleeping under the stars in the middle of the forest, we arrived at Rose Lake. For those who have not been there, it truly is one of the most spectacular settings in the world. The territorial government has taken ownership of Johnnie Johns' outfitter cabins and cleaned up the site to create a wonderful location which can be booked for use, free of charge. We spent five days there with the horses and it was a dream come true for Stacey. She got to ride her horse on the beach and swim with him in the lake. She learned so much about herself and her relationship with her horse that could not have occurred in our back yard. She also gained a confidence that is with her to this day.

This past summer, I mentioned to her that some fellows had decided to cut an ATV trail in to Rose Lake and I was struck by her response. She simply stated, "Oh dad, it takes the magic out of it!" Of course, she was right. Johnnie Johns had taken horses and guided hunters in that area for decades. People have flown in to Rose Lake and enjoyed world-class experiences for years. And now, they can anticipate mud bogs and a mess. The question that requires an answer lies before us - "Is it a mistake to think that every single place in the Yukon should be accessible by four wheeled vehicles?"

Ken Taylor

Vignette # 2

Having hunted Yukon sheep for 35 years, I could always say to others who'd taken up that pursuit, successful or not, you've been somewhere very special, and done something extraordinary. Sadly, given the last few years' experience, I'm not sure this is true any more. Favourite spots of the past that rewarded hard work and challenging climbs with good populations of rams, are quickly becoming interlaced with the rutted trails of ATV enthusiasts, and the growing numbers of competing hunters who previous to the technology that got them there, would never have considered expending the effort a good ram required, and deserved. Not surprisingly, the easy access has had the predictable effect on the numbers and quality of the rams that remain. I've just returned from what was to be a sheep hunt in an area I know well. Hiking 10 km. up Isaac Creek to set up a base camp, then climbing 3400 ft. to terrain that has always rewarded me with sightings of many ewes and lambs, several elusive, legal rams and caribou as well, I was instead treated to empty alpine meadows with a blue Argo and two occupants trundling across the terrain at 6800 feet. Without taking a step, anyone with the right toy can go from the shores of Aishihik Lake to the peaks of prime sheep habitat. A retreat to Sekulmun Lake and the lower caribou meadows showed all the signs of the same disease, but no sign of the abundant game once there. As they've always done when subjected to increasing stress, the caribou have moved. Will anywhere be far enough or high enough? My aging body tells me that my mountain hunting days are diminishing, but I'm sad for the youngsters just now taking an interest in the wild country. Do they have a hope of experiencing the same level of joy that true wilderness has brought to friends and me over the years? Or is it a sad truth as a recently departed mentor always told me, "We've seen the best of it."

Wolf Riedl

Haines Junction, Yukon

3. Are there eye witness reports of trail cutting?

- Report from ATV rider of asking individuals to cease and desist cutting a trail into Harrison Lake – He was ignored.
- Report and pictures of aerial view of ATVs cutting new trail into Long Lake.
- Aerial observation of new trails being pushed into the Alpine at Mudd Lake.

C) ATV Impact Pictures

1. What does the damage look like?

- See damage picture booklet included in submission.

D) Solutions

1. What does our solution look like?

- Mapped Trails with GPS coordinates for start and endpoints.
- Similar to what is currently in place in the Ruby Range.
 - Ruby Range maps are already available at environment offices and the Internet.
 - See attached map of Cultus Bay area.

2. How is this already working in the Yukon?

- Off road vehicle use is already restricted on the Dempster and in the Cultus Bay area.
 - Dempster corridor remains relatively free of ATV trails.
 - Cultus Bay area trails have not been extended past designated endpoints.
 - There is still significant access to the above areas.

3. Is it Complicated?

- Expertise for trail selection is already in place.
 - Conservation Officers already have an extensive data base of trails.
 - Field staff at Environment Yukon have a large database of wildlife key areas and habitat.
 - GIS section of Environment Yukon has capability and has produced maps with the above information.
- Precedent is already set at Cultus Bay and on the Dempser.

STEPS Needed

- a) Ask Conservation Officers and Field Personnel to draw up trail maps using GIS data already in place.
- b) Renewable resources Councils and residents review maps
- c) Revise and fine tune maps.
- d) Final decisions made by wildlife officials with special consideration given to wildlife and habitat issues.

4. Is it Practical?

- Designated trails make for clear enforceable boundaries of what is acceptable.
- Downloadable maps can be produced off the internet or loaded directly onto navigational devices.
- Resources are already in place to define trails and produce maps.

E) Other Jurisdictions

1. What are the experiences of other jurisdictions?

- Every jurisdiction in Canada except Yukon has some form of ATV/Off Road Vehicle legislation.
- Generally what works in other jurisdictions is a combination of safety rules, registration and insurance in concert with prohibitions for use in specific areas.
- For the Yukon TOYA advocates for designated trails which already occur here in the Ruby Range near Kluane Lake and in the Dempster Highway area. These trail designations have worked quite well in the Yukon and are respected by the vast majority of the public and are enforceable.
- Designated trails could be expanded in the Yukon as per the mentioned examples.

2. Is it expensive?

- It is anticipated there will be initial costs to implement designated trails.
- Considerable data exists within various Yukon Government Departments that can be used to identify appropriate designated trails.
- Natural Resource Officers, Conservation Officers, Parks Officers and the RCMP already have various enforcement mandates and would be competent and in a position to enforce any rules respecting ATVs /ORVs.

3. Is it enforceable?

- Most Yukoners respect rules and regulations but they must have rules that are clear and easy to understand.
- Education would be required to explain new rules respecting ATV/ORV use.
- The Turn in Poachers program could be used as a method for the public to turn in offenders similar to poachers and polluters.

4. Are there other options available?

- The issue of ATVs/ORVs is about 25 years old in the Yukon and yet no rules have been established to date with regard to use and operation of these vehicles.
- The time has arrived to finally tackle the issue in a meaningful and fair way.
- Continuing to do nothing is not an option.
- While some believe education is the possible solution, education in isolation will not work, as evidenced in the experience of other jurisdictions.
- Society demands acceptable behavior which is why many of our current rules exist. The public at large requires rules that establish what is acceptable and what is not.

F) Taking Action

1. Is doing nothing an option?

- No – the issue is not going away.
 - More machines with ever increasing capacity.
 - Greater chance of serious conflict.
- Increasing impact on wildlife and habitat.
- Increasing use by outfitters.
 - Example of outfitter in Hess River area using argos and charging non-residents for the privilege of tracking up our wilderness.

2. What would our Children and Grandchildren want us to do?

- Children make decisions to live here and raise their families because of the access to unspoiled wilderness areas.
- Are counting on us to be good stewards and leave a legacy for them.

G) Benefits for MLA's

1. How will taking action of this issue benefit MLA's?

- Since the Yukon is populated by hunters, trappers, fishermen, hikers, photographers, back county skiers, paddlers, miners, tour operators, and thousands who use the wilderness in a variety of other ways. All these people are concerned about and are affected by ATV use. These are your constituents. They are looking to you to do something. Taking action is what is expected of you.

H) Case for Moratorium

1. What are the benefits of an immediate moratorium on the creating of new trails?

- Provides a "breather space" to enable legislators to act in a responsible educated manner.
- Puts an immediate stop to the damage currently being done.

I) Possibilities

1. What are some of the powers the Government already has?

- Power to make laws of general application under the Yukon Act
- The government as owner of the land has the power to tell people not to cut trails and can penalize those who do.
- Power to enforce existing laws regarding damage to habitat
- Power under section 8b of the Land Use Regulation under the Territorial Lands (Yukon) Act - operation of a vehicle off a public road
- Power over most areas above tree line (most settlement lands do not include areas above tree line.

J) Moving Forward

1. What do we see as a way forward?

- A moratorium on the creation of new trails
- Strike a technical committee with representation from associations to hold hearings and present possible solutions for legislation
- Develop reasonable and sensible legislation
- Implement the legislation
- Ongoing education and fine tuning

K) Summary

We have summarized the history of the ATV issue in the Yukon highlighting a long standing desire for action to be taken in order to protect wildlife, habitat and leave a legacy for future generations.

We have presented short vignettes from Yukoners deeply troubled by what is happening.

We have seen pictures, evidence of what continues to take place on public land, the land that belongs to us all.

We have presented solutions that are practical, reasonable and sensible.

We have stated that an informed, responsible citizenry will obey clearly defined law and provide the best means to enforce it.

We have identified other jurisdictions that have a wealth of practical experience dealing with ATV use in the wilderness.

We are asking for a moratorium on the creation of any new trails until new ATV legislation is implemented.

We are asking the government to use the powers it has to implement this action.

We have suggested a way to move forward during the moratorium and engaging Yukoners in finding a lasting solution to a difficult and emotional issue.

L) Submission Conclusion

As a conclusion to our submission let us focus first on what this issue is not about:

This is not about me and my machine.

This is not about me and my rights.

This is not about me and my Yukon.

The heart of the matter is this:

This is about all of us together and our collective responsibility to be good stewards of this beautiful and bountiful land, this land that has been entrusted to us for one, short, lifespan.

This is about our collective duty to the next generation.

This is about courage and character.

This is about doing the right thing.

Most of us here are or will be fathers and grandfathers.

We all want what's best for our kids.

There is no greater gift than to leave a legacy our children and grandchildren can thank us for.

We ask you, as our elected representatives to take leadership on this wilderness issue.

We ask you, as fathers and grandfathers to do the right thing.

We ask you to be men of courage and wisdom.

Your children and grandchildren will thank you for it.