

Draft for Discussion

Solutions for a Sustainable Future:

**Options for Registration, Licensing
and Management of
Off-Road Vehicles in British Columbia**

APPENDICES

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**Coalition for Licensing & Registration
of
Off-Road Vehicles in British Columbia**

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Appendix A: Case Studies: Review of Licensing & Registration Systems and Management

A.1 New Brunswick

New Brunswick's Off-Road Vehicle Act <http://www.gnb.ca/0062/regs/o-01-5reg.htm> was amended in 2003 after considering the recommendations of the All-Terrain Vehicle Task Force <http://www.bcgrasslands.org/SiteCM/U/D/3512D5FA05DB379A.pdf>. A similar snowmobile task force was completed in 1997.

OVRs defined

- Any motor vehicle designed or adapted for off-road use including ATVs, dirt bikes, dune buggies, motorized snow vehicle or an amphibious vehicle – but does not include any vehicle designed for use in agriculture, forestry, mining or construction, any vehicle registered under the *Motor Vehicle Act* or any vehicle exempted from the application of this Act by regulation.

Registration

- Must be registered with clearly visible numbered metal plate (about one-third the size used for motor vehicles) mounted in rear of the vehicle; owner must be at least 16 years of age. Cost is \$41 for ATVs and snowmobiles and \$16 for dirt bikes and dune buggies. Note: dirt bikes are \$25 less because a dedicated fund has not been established.
- Registrar of Motor Vehicles is responsible for registration. Re-sale or transfer of ownership requires registration of change of ownership. Registered owners must notify Registrar regarding any change in address.
- Registration is required at the dealership; dealers generally do the paperwork on behalf of the Registrar; compliance is essentially 100% on the sale of new vehicles
- Overall, non-compliance is approximately 20-25% for snowmobiles and 40% for ATVs since (1) sale of used vehicles requires the new owner to register; and (2) some riders use ORVs primarily on private land (even though they are still required to register, some don't for this reason).

Licensing

- Registration is an annual process and therefore covers licensing; this is required on all land (public or private)
- A small decal is placed on the metal plate, similar to motor vehicles, to signify annual registration.
- About 12,000 snowmobiles are registered and about 32,000 ATVs registered.

Trust Fund

- The Trail Management Trust Fund is a separate account in the Consolidated Fund. \$15 of the registration fee for snowmobiles, and \$25 for ATVs is paid into the Fund (this is likely less for ATVs since the ATV trail system is less developed and there's

no requirement for a trail pass as is the case with snowmobile trails). Note: prior to the Trust Fund being established in 2002, \$10 of the registration fee went directly to the New Brunswick Federation of Snowmobile Clubs; this \$10 direct payment has since been retained and is in addition to the Trust Fund payment of \$15.

- The Trust Fund therefore generates about \$800 000 for ATV use and \$180 000 for snowmobile use (note: the snowmobile Federation also has access to about \$120 000 based on the direct \$10 payment and about \$1.5 million based on sale of trail permits)
- The ATV Federation develops budget plans for its portion of funding and Snowmobile Federation for its allotment; these are provided to the Advisory Board.
- The Minister of Natural Resources is trustee of the fund and approves how the funds are spent based on recommendations provided by Advisory Board.
- The Trust Fund can also accept gifts, donations, bequests and contributions (subject to conditions imposed by person providing it).
- The purpose of the fund is trail development and maintenance, education, safety, enforcement of Act, and travel expenses (no remuneration) for the advisory board.
- Advisory Board: the Minister appoints 10 members to the board who provide advise to the Minister on payments out of Fund: there are 5 voting members (2 representing ATV trail manager, 2 snowmobile trail manager, one RCMP) and 5 non-voting members from provincial agencies. The Minister appoints one of the non-voting agency representatives to chair the board. The board can establish its own rules of procedure.

Highway Use

- Managed ATV and snowmobile trails can include bridges, overpass, underpass, or roadway or railway crossing. ATV and Snowmobile trail managers need to obtain a highway usage permit for use of highway or any part of it as a managed trail.
- Subject to municipal by-laws, no person can operate an ORV within 7.5 metres of the traveled portion of a highway unless part of managed trail or necessary to unload vehicle from trailer or to cross the road.
- Any person 16 years or older may drive an ORV (e.g. snowmobile, ATV and dirt bike) across any roadway (including four lane highways), and any person 14 years or older may drive across a roadway that is not an arterial or collector highway, if the bring vehicle to complete stop before entering roadway, all passengers disembark and cross by foot, and operator drive directly across the roadway.
- Regulations may also designate a highway or part of a highway along or across which ORVs may be driven and prescribe rules regarding ORV use of highways

Trails and Trail Pass - snowmobiles

- There are approximately 9,000 km of managed (groomed) trails in NB; these are integrated with neighbouring provinces and states (e.g., a snowmobile can travel on snowmobile trails from Fredericton, NB to Thunder Bay, Ontario).
- The Minister of Tourism and Parks appoints the Trail Manager – which is the New Brunswick Federation of Snowmobile Clubs

- The Trail Manager establishes fees with approval of the Minister. Trails permit funds are not public money (not general revenue); it goes to snowmobile clubs for trail management
- A snowmobile trail pass or permit must be purchased by residents and non-residents; the price is \$135 before Dec 15th, \$185 after Dec. 15th, \$40 for one day, and \$110 for seven days
- About 10,000 resident riders purchase a trail permit and about 1,500-2,000 non-residents buy a trail permit
- About 85% of resident riders are members of the Federation and local clubs since membership is automatic with the purchase of a trail permit
- The permit can either be a decal or a permit attached to the ignition key
- The only motorized vehicles allowed on managed snowmobile trails from Dec. 1 to April 15th are snowmobiles except where the trail is on portions of a roadway or railway, or the machine is authorized by the trail manager

Trails – ATVs

- The Minister of Natural Resources appoints an ATV trail manager – which is the ATV Federation in New Brunswick
- A trail pass is not yet mandatory for ATVs; there are about 2000 to 3000 km of ATV trails

Conservation

- This is not addressed *per se* in the ORV Act – it is likely covered in other legislation that addresses protected areas and sensitive environments

Enforcement

- RCMP, municipal police force and Dept of Natural Resources have authority to enforce the ORV Act.
- No person shall operate an ORV without due care and attention or without reasonable consideration for persons and property.

Helmet Use

- Required

Liability Insurance

- Snowmobiles and ATVs require liability insurance as specified in the *Insurance Act*. (i.e., \$200 000) except if used exclusively on land owned by the ORV operator
- This is not obtained from the dealer at the time of purchase, but is acquired separately from a private insurance provider

Operator's License

- A safety course is required for all riders 16 and under

Age

- No person under 14 years of age shall drive an ORV unless supervised at all times within clear view of person 19 years of age or older.
- A safety course required for all riders 16 and under, as mentioned

Noise

- Must have a muffler and exhaust system in good working order, cannot equip an ORV with muffler cutout or by-pass, and must not cause excessive or unusual noise.

Out-of-Province riders

- Registration requirements from other jurisdictions are honoured
- A snowmobile trail permit must purchase to use managed snowmobile trails

Gas Tax

- Riders do not have access to marked (coloured) gas – likely only fishers and farmers can obtain marked gas

A.2 Nova Scotia

Nova Scotia's Off-highway Vehicles Act <http://www.gov.ns.ca/legislature/legc/> was last amended in 2002, and supporting regulations can be found at:

<http://www.gov.ns.ca/just/regulations/regs/ohvregs.htm>

<http://www.gov.ns.ca/just/regulations/regs/ohvsnow.htm>

<http://www.gov.ns.ca/just/regulations/regs/ohvfees.htm>

<http://www.gov.ns.ca/just/regulations/regs/trailreg.htm>

Recent recommendations in the *Final Report of the Voluntary Planning Off-highway Vehicle Task Force* (November 2004) www.gov.ns.ca/vp/ohv/index.htm have not yet resulted in legislative amendments. The summary below is based on existing legislation unless a Task Force recommendation is specifically mentioned.

Off-highway vehicle defined

- Refers to snow vehicle, ATV, motorcycle, mini bike, 4WD or low-tire-pressure vehicle, dune buggy, or vehicle designed as off-highway vehicle by regulations but does not include vehicles registered under the *Motor Vehicle Act* or vehicles exempted by regulation.

Registration

- Must have a certificate of registration (cost \$32) with a visible identification number
- For snowmobiles, a decal must be placed on either side of the machine
- The Registrar of Motor Vehicles is responsible for issuing certificates. Re-sale or transfer of ownership requires re-registration at a cost of \$10.65.

Licensing

(Called a registration permit)

- Registration is an annual process and therefore covers licensing; cost is \$10.65

Trust Fund

(No Trust exists yet in Nova Scotia; these are Task Force recommendations):

- The Task Force recommends a \$50 annual license (i.e., registration permit) with \$10 for administration and \$40 for an Off-highway Vehicles Infrastructure Trust Fund.
- 75% of the money collected (\$30 per permit) for the Trust Fund would go to trail development and maintenance, and to the core funding of rider organizations, and 25% of money (\$10 per permit) would be assigned to projects related to operator health and safety, education and training, self-policing on trails by users (not regular or special ORV work carried out by enforcement officials) and environmental demonstration projects.
- An executive committee (like an advisory board) would consist of rider and non-rider interests with non-voting agency representation. Voting representation would consist of representatives of ORV enthusiasts, medical/safety profession, environmental community, landowners and enforcement officials. The Sport and Recreation Division would be the Secretariat to the Trust Fund and executive committee.

- The executive committee would also have a general mandate to oversee government implementation of the Task Force recommendations.

Highway Use

A person with a driver's license may:

- Drive an off-highway vehicle across a highway at right angles if the person brings the vehicle to complete stop before entering the highway and yields to highway traffic, there is a clear view of the highway for a distance of 500 feet in each direction, and there are no passengers on the off-highway vehicle
- A person can load or unload their off-highway vehicle on a highway right-of-way (ROW) to the side of the roadway, and may operate their ORV on the ROW immediately adjacent to the area where loading/unloading takes place

All ORV riders (driver's license is not required) may:

- Ride in the "ditch" portion of a highway ROW; in daylight hours this can be with or against the flow of vehicular traffic, but from sunset to sunrise the ORV may only be driven in the same direction as the normal flow of the vehicular traffic on that side of the centre line of the highway.
- Ride on a highway this is impassable due to snow if not normally maintained with snow removal and if not within a municipal boundary.

Also:

- The Minister may authorize emergency use of an ORV on a highway including the paved roadway or shoulder portion of a highway
- A highway designated as a controlled access highway (e.g., major highways) under the *Public Highways Act* is closed to any ORV use
- Snowmobile operators must have a driver's license
- From sunset to sunrise a snowmobile operating on a highway must display a visible front and back light

The Task Force is recommending:

- Using highway ROW ditches as a potential component of designated trail network in accordance with conditions prescribed by Department of Transportation and Public Works
- Use of highways shoulders for short distances, and crossing of highways at well-signed locations, as part of designated trail under conditions set by Department of Transportation and Public Works, and to otherwise prohibit ORV use of public roads

Trails

- The Task Force recommends expanding the network of designated ORV trails, and limiting off-highway use on public lands to the network unless authorized by Department of Natural Resources issued permits.
- The Task Force recommends that the Sport and Recreation Division would be the lead government agency charged with overseeing the designated trail network.

Conservation

- No person shall operate an off-highway vehicle on a sidewalk, walkway, school grounds, utility service lane, cultivated land, private forest land, watercourse, campground, golf course, park, playground, beach, sand dune or any private property, without the permission of the owner or occupier
- Above does not apply to:
 - (a) crossing a sidewalk to leave or enter a permanent driveway;
 - (b) lawful parking, loading or unloading;
 - (c) authorized construction or maintenance;
 - (d) the operation of an off-highway vehicle on a frozen watercourse;
 - (e) the operation of an off-highway vehicle on a beach or sand dune for the purpose of lawful fishing, harvesting irish moss or sea plants, or clam-digging;
 - (f) an area where the operation of off-highway vehicles is permitted by
 - (i) the owner or occupier of the property, or
 - (ii) a designation of the area for that purpose by the council of a city, incorporated town or municipality of a county or district made with the consent of the owner or occupier.
- Regulations protect trails and the trail environment; additional rules can posted to protect trails and the trail environment, and trail attendants can provide additional direction to riders

The Task Force recommends:

- Prohibiting ORVs in the following specified sensitive ecosystems unless otherwise specifically allowed within designated trail network: coastal and plateau barrens; marine and freshwater beaches, bogs and marshes, streams and rivers, and other sensitive ecosystems defined by Department of Environment
- Prohibiting ORVs in domestic use water supply areas unless prescribed by the water authority

Enforcement

- Peace officers can enforce; trail attendants (appointed by Minister of Natural Resources) can issue trail-specific rules and directions to riders
- No person shall operate an off-highway vehicle
 - a) without due care and attention;
 - b) without reasonable consideration for other persons, including passengers, or property;
 - c) at an excessive rate of speed having regard to the conditions existing at the time;
 - d) so as to annoy or worry a domestic or farm animal or wildlife

Helmet Use

- Required

Liability Insurance

- The Task Force recommends required third-party liability insurance except for those who use their vehicle exclusively on their own property

Operator's License

- A driver's license is required for snowmobile riders who use a highway where it is legal to do so (see above)

Age

- No person under 14 years of age shall drive an ORV alone
- Persons under 14 must be supervised by an adult if riding on Crown land; they can ride unsupervised on private land owned by parent or guardian or by another owner if parent or guardian receives permission from that owner, provided that the parent or guardian grants permission to do so to the young rider

The Task Force is recommending:

- Young riders 14 and 15 years of age must have successfully completed an accredited ORV training course along with their parent or guardian, and must be riding under direct supervision (in company of and within sight of) the parent or guardian at all times when operating an ORV
- Children younger than 14 would be prohibited from operating ORVs on public or private land unless activities are conducted on a closed course under auspices of an accredited organization under specified conditions (e.g. mandatory parental supervision, trained officials present, trained medical personnel and ambulance on site, riders divided into different classes based on age, size and ability, etc)

Noise

- On a trail, a peace officer or trail attendant may give directions as necessary to prevent unnecessary or excessive noise or disturbance

The Task Force is recommending:

- That it be an offence to operate an ORV with a defective or modified exhaust system that does not meet established sound standards.

Out-of-Province riders

- Registration requirements in other jurisdictions are honoured

Gas Tax

To be determined

A.3 Ontario

Ontario's *Off-Road Vehicles Act*, last amended in 2002, applies to ATVs and dirt bikes:

http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90o04_e.htm,

and is supported by regulations last amended in 2003:

<http://www.e-laws.gov.on.ca:81/ISYSquery/IRL1996.tmp/2/doc>

The Motorized Snow Vehicles Act, last amended 2002, addresses snowmobiling:

<http://www.ofsc.on.ca/Permits/TheLaw.asp>

The Act and associated regulations are accessible at above website.

There are about 175 000 active operating snowmobiles in Ontario (usually similar to Quebec which has 160 000). The Ministry of Transportation has 360 000 registered snowmobiles on record but this likely includes many snowmobiles that have been retired. Permits require annual validation (see below). Compliance is generally high in southern Ontario but can be lower in northern Ontario depending on enforcement.

There are about 190 000 registered ATVs; with nearly 300 000 machines in total due to non-registration; with an estimated 2.8 riders per machine; therefore about 800 000 estimated ATV riders in Ontario. There are about 21 000 ATVs are sold per year.

OVR defined

- The *ORV Act* refers to an ORV as a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel, (a) on not more than three wheels, or (b) on more than three wheels and being of a prescribed class of vehicle. Regulations further define ORVs.
- The *Motorized Snow Vehicles Act* addresses snowmobiles

Registration (permit)

- The Registrar of Motor Vehicles is appointed under the *Highway Traffic Act*.
- Cost is \$35 for permit and numbered plate for ATVs; and \$30 for snowmobile
- A one-time decal or painted number is required on both sides of the cowling for snowmobiles

License (annual validation of permit)

- A license (called a permit) with a numbered plate must be displayed on the ORV except for operator's who ride exclusively on their own land
- Annually validation of the permit costs \$15 for snowmobiles – a small coloured sticker (like on a car) is provided and this is placed by the registration decal or painted number
- Licensing is apparently \$55 per year for motorcycles (this likely covers on-and-off-highway use).
- The permit is issued to the owner of an ORV, who must be at least 16 years of age
- Re-registration is required when ownership changes
- The owner must notify any change of address

- No other number can be displayed on the vehicle except the permit number – and the permit number must be kept clean and visible

Trust Fund

- No trust fund but the trail permit (see below) can be viewed as providing a similar role

Highway Use – Snowmobiles

- Public roads in Ontario include provincially designated highways and secondary public roads; the vast majority of public roads are the secondary public roads which include divided paved roads
- A snowmobile may cross a roadway at right angles for both types of public road
- A snowmobile can use any portion of a secondary road (even the paved surface) unless restricted from doing so via a municipal by-law
- There is no ROW use of provincially designated highways (other than crossings) without authorization from Ministry of Transportation; this is seldom needed or granted due to ability to use secondary public roads
- Municipal by-laws are often worded so that you can use municipal roads except for specified roads or for specified conditions
- Highway use (such as highway crossings) is restricted to riders at least 16 years of age with either a driver's license or a snow vehicle operator's license
- Speed limits for highway use apply as described below for ATVs; with municipalities or the Minister prescribing a different rate of speed
- Regulations designate portions of the highway for snowmobile use, along with restrictions
- Rules governing snowmobile use are detailed in the regulations, see http://192.75.156.68/DBLaws/Regs/English/900804_e.htm

Highway Use - ATVs

Under the *ORV Act*, a holder of a driver's license may drive an off-road vehicle,

- (a) directly across a highway; or
- (b) on a highway, if the vehicle is designed to travel on more than two wheels and bears a slow moving vehicle sign, and the driver is either: (i) a farmer using the vehicle for agricultural purposes, or (ii) a person licensed to trap furbearing mammals, if the person is using the vehicle for trapping purposes.

A regulation under the *Highway Traffic Act* was amended in 2003 to allow for more access to shoulders and paved portions of Ontario's highways

<http://www.mto.gov.on.ca/english/dandv/orv.htm>

- Generally, vehicles will be allowed. They are prohibited from using 400 series highways, i.e., the Trans-Canada Highway.
- Access is provided for highways 500 to 899, 7000 series highways and highways with low traffic volume.

- Provincial highways with a Summer Average Daily Traffic (SADT) level less than 5,000. Specific provincial highways where ORVs can travel are defined in the regulation schedules.
- Existing provisions for ORVs on roads in far Northern Ontario still apply. ORVs can operate on shoulder; move to travelled portion of highway if shoulder is impassable/unsafe
- Speed limits are lower than posted limits:
 - 20 km/h — highways where speed limit is 50 km/h or less;
 - 50 km/h — highways where speed limit is over 50 km/h.
- Not allowed on rights-of-way (e.g., medians) between opposing lanes of traffic.
- Cannot operate in a construction zone, on a closed highway, or within a provincial park unless allowed by the park.
- Municipalities may pass by-laws to decide if, where and when off-road vehicles can be used on local roads.

Vehicle Equipment Standards for Highway Use:

- ORVs must have the specified equipment (e.g., head lights, tail lights, working brakes, reflectors, low-pressure bearing tires).
- Width and weight restrictions appropriate to type of vehicle.

Other rules include

- Riders must have a driver's license
- Passengers are not allowed. May tow trailers.
- Driver's view in all directions must not be obstructed
- Riders must operate their ORV in the same direction as traffic.

FAQs regarding 2003 changes:

Why is Ontario increasing highway access for off-road vehicles?

- Stakeholders identified a need for increased access for recreational users of ORVs so that they could travel between trails and use their off-road vehicles to access locations where they can hunt and fish.
- Ontario's rural economy and quality of life will be enhanced by allowing off-road vehicles to have increased access to specific highways under safe circumstances.

How will this initiative promote road user safety?

- To promote safety for all road users, Ontario has developed detailed off-road vehicle safety regulations that allow off-road vehicles to have increased access to specific highways under safe circumstances.

What will the safety regulations accomplish?

Regulations have been developed that will identify:

- Types of off-road vehicles that will be allowed access to highways;
- Road schedule (list of highways on which they will be allowed access);

- Driver's licence and registration requirements;
- Rules of the road (speed, crossing, intersections, signalling, etc.);
- Vehicle equipment standards (headlights, tail lights, brakes, reflectors, size, weight); and
- Environmental protection measures (see *Conservation and Stewardship* below)

Trails and Trail Permit - Snowmobiles

- A Provincial Snowmobile Task Force, led by MLAs, held sessions in different parts of Ontario which led to changes in provincial trail pass system that have been effect for about 5 years
- Snowmobile riders require an Ontario snowmobile trail permit on prescribed (i.e. Ontario Federation of Snowmobile Club - OFSC) snowmobile trails
- By law the monies collected must be used for the trail system; by agreement, the OFSC issues the permit, collects the permit fees, and distributes funds for trail management
- Purchase of a permit automatically includes membership in the OFSC – a rider can decline membership if they choose to do so (e.g., by not receiving OFSC membership information) but still pays the membership fee
- Snowmobile trail use is restricted to operators who are at least 12 years of age and either have a driver's license or have a motorized snow vehicle operator's license; young riders (12 –15) with a license can operate alone on trails but cannot cross highways
- A motorized snow vehicle operator's license is issued by the Ministry of Transportation (like a driver's license); MOT contracts the safety course to the OFSC, and about 6000 young riders (12-15) take the course per year
- Snowmobile operators must have a trail permit on a prescribed trail except:
 - Peace officers; First Nations; tenants of Crown land or when accessing private land; forest, mining and other workers; licensed commercial users such as trappers, prospectors; and licensed hunters and anglers --- when engaged in these activities. http://192.75.156.68/DBLaws/Regs/English/010185_e.htm
- Trail permit is \$180 before Dec. 1st; \$230 after Dec. 1st; \$100 for 7-days; and \$35 for one day
- Cost of the trail permit has increased in part due to higher cost of providing insurance to clubs and volunteers who manage the trails; the cost was about \$5 per permit and has risen to about \$50 per permit; OFSC would like to see legislative changes that would limit liability risk to volunteers (their website provides more on this) to reduce costs
- The trail permit provides access to over 43,000 km (26,500 mi.) of maintained and interconnected trails. Ontario states that it has the longest network of recreational trails in the world. <http://www.snowmobileinontario.com/>
- The issue of sharing trails, for example, with ATVs is big issue; private land owners may be OK with snowmobile trails but are concerned about ATV use; this can cause landowner to close trail for fear of unauthorized summer ATV use; there is a need to get an ATV trail system in appropriate areas to lessen this threat to snowmobile trails

Trails and Trail Permit – ATVs

- ATVs require a trail permit via trail use agreements on private land which are a frequent component of ATV trails in southern Ontario
- An annual ATV pass is \$170 per year (effective April 1st); \$140 if purchased pre-season; with weekly and daily passes available.
- Trail passes apply on about 2,173 km of ATV trails managed by organized clubs; with about 1000 trail passes sold annually.

Conservation and Stewardship

- No person shall operate an ORV in such a way as to disrupt or destroy the natural environment including fish habitats, property and flora or fauna.
- Various conservation areas are identified in regulations <http://www.e-laws.gov.on.ca:81/> that specify additional provisions for environment protection related to ORV and other uses

Noise

- The manufacturer's standard with respect to mufflers is that it must be in good working condition and cannot be modified – applies to ORV and snowmobiles
- Some ATV clubs have a 96 decibel noise limit on trails that can be required for use on private land components of the trail system.

Enforcement

- Every person who drives an off-road vehicle without due care and attention or without reasonable consideration for other persons is guilty of an offence.
- A peace officer, or the owner or occupier of land, may stop any person driving an ORV
- Volunteers for the Ontario Federation of Snowmobile Club can complete a 3-year training program conducted by local police officers. Successful trainees become sworn Special Constables and Provincial Offences Officers – called STOP officers - who have the authority to enforce the *Motorized Snow Vehicles Act* of Ontario <http://www.gov.on.ca/opp/fieldtrafficsupport/english/saveandstop.htm>
- Ontario Provincial Police (OPP) have special teams assigned to snowmobiles and ORVs; they often team up with STOP officers for enforcement checks
- OFSC also have trail patrols who do not have the ability of STOP officer to issue tickets, but provide “eyes and ears” on the trail system; they wear bright vest like STOP officers so riders often wonder if they too are not enforcement officials

Helmet use

- Required

Liability insurance

- Liability insurance is mandatory as specified under the *Insurance Act*
- Cost of insurance has risen -- and availability was an issue but is less so now

Age

- ATV riders under 12 years of age must be under the close supervision of adult (except where riding on the land occupied by OVR owner)
- Must be at least 16 years of age with driver's license to use highways
- Snowmobile riders must be 12 or older with operator's license (as discussed) to ride on a trail; this requirement may be a general requirement for all riders "off their own property".

Operator Requirements

- Drivers' license is required for highway use

Out-of-province

- All ORVs used in Ontario on public land must either be registered in Ontario or registered/licensed in another jurisdiction. ATVs and dirt bikes from BC that are not registered or licensed cannot be ridden in Ontario.

A.4 Alberta

Alberta's *Off-highway Vehicle Act* and regulation were last updated in 2003:

<http://www.canlii.org/ab/laws/sta/o-5/20030217/whole.html>

<http://www.canlii.org/ab/laws/regu/1991r.70/20030225/whole.html>

Snowmobile regulations are summarized at:

<http://www1.travelalberta.com/content/wintermagic/snowmobiling-info.cfm#REGULATIONS>

The economic Impact of ORVs is summarized at:

http://www.altasnowmobile.ab.ca/news/economic_impact.php

OHVs defined

- means any motorized vehicle designated for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain. Without limiting definition, a list of vehicle types is provided including snowmobiles, ATVs and minibikes.

Registration

- Required for OHVs on public land; not required on private land where permission for use granted
- The minimum age required to register a snowmobile is 18 years.
- A license plate must be securely attached in a visible location on the front or rear of the OHV; plate is smaller than conventional auto plate; usually placed in back of sled and front of quad.
- Must re-register OHV upon change in ownership

Licensing

- Registration is an annual process and therefore covers licensing
- The annual registration fee is \$43
- There is no requirement to register if an OHV is used solely on private land
- Estimates:
 - 22 000 registered snowmobiles – with about 140 000 in total
 - 57 000 registered ATVs – with about 200 000 in total
 - 3920 registered dirt bikes – many more unregistered
- (Note: lack of funding going back to sport as well as low enforcement may have a bearing on the low levels of registration – since it is believed most riders do not use their machines exclusively on private land – another factor is the lack of required registration at the time of purchase at dealers)
- Government used to handle registration; now contracted out via private tender to insurance companies and retail outlets

Highway Use

- OHVs may cross a highway provided operator comes to a complete stop, all passengers disembark, rider yields to highway traffic, rider crosses highway in most direct and shortest route,
- The minister responsible may grant permission for highway use of OHVs
- Municipalities may authorize highway use through by-laws; municipalities include small rural towns; several by-laws have been passed to allow snowmobile access
- Snowmobiles can use a highway provided they obtain a RCMP operating permit from applicable detachments for each highway use and they are registered, licensed and insured. Often hours of operation are for daytime hours only.
- Alberta Snowmobile Association (ASA) is working with Transportation to allow for connectivity of trails along ROWs under specific conditions.

Trail Pass

- ASA Trail Pass is not yet recognized in legislation on, however, on private land where the ASA has received permission from the landowner for trail use, snowmobile operators without a Trail Pass may be charged with trespassing.
- ASA manages: \$70 for snowmobile trails pass (\$60 if purchased before Jan. 1st); about 3000 to 5000 trail passes are sold per year but many more use the trails; about 5000 km of integrated trails that link communities
- No ATV trail pass of any kind

Conservation and Stewardship

- Laws governing use of specific protected areas and special areas address OHV use
 - These are managed on a seasonal basis – i.e. winter snowmobile use and summer ATV/motorcycle use)
- New requirements have been introduced for recreational access (including OHV) access to agricultural public land
<http://www3.gov.ab.ca/srd/land/recaccess/publiclandaccess.html#recreationaluser>
- Low-impact advice provided at
http://www3.gov.ab.ca/srd/land/u_rec_heading_motor.html

Enforcement

- RCMP and conservation officers (Alberta Sustainable Resource Development) have authority to enforce the Act
- Municipalities may have by-laws covering highway use of snowmobiles and perhaps other OHVs within their municipal boundaries
- A person who operates an off-highway vehicle (a) without due care and attention, or (b) without reasonable consideration for other persons or property, is guilty of an offence and liable to a fine of not more than \$1000

Helmet use

- Not required

Liability insurance

- Required on Crown land; not on private land where permission for use granted
- Several private insurance providers offer coverage
- Minimum coverage is \$200 000 but \$1MM is commonly carried
- Liability insurance requirements waived for non-recreational (work-related) uses in regulation
- Alberta Snowmobile Association maintains third party liability insurance policy for club related activities

Operator License

- No operator license is required on private land or off-highway on public land
- Driver's license is required for highway use such as crossings (at 14 years of age a learner's permit can be issued).
- No snowmobile driver's license requirements

Age

- OHV riders must be at least 14 years of age to ride independently on public land or highway (where permitted).
- A rider younger than 14 must be accompanied by an adult, or closely supervised when receiving instruction on public land
- No age requirement on your own land or private land where access is permitted
- On private lands where the ASA has secured landowner permission, licensing, registration and age restrictions apply.

Noise

- No person shall operate an off-highway vehicle that is not equipped with an exhaust muffler consisting of a series of pipes or chambers that ensures that the exhaust gases from the engine are cooled and expelled without excessive noise and without the emission of any flame or sparks.
- No person shall drive or operate an off-highway vehicle when the muffler with which the vehicle is required to be equipped has been altered by having an attachment or device attached that increases the noise of the expulsion of the gases from the engine
- *Alberta Traffic Safety Act* may also have requirements.

Out-of-Province

- Registration provided in other jurisdictions honoured

Gas tax

- Paid by all motorized recreational riders
- No return to the associations

A.5 British Columbia

Motor Vehicle (All Terrain) Act last update in 1996:

http://www.qp.gov.bc.ca/statreg/stat/M/96319_01.htm

Snowmobile Regulation introduced in 1972, and was last updated in 1997

http://www.qp.gov.bc.ca/statreg/reg/M/65_72.htm

ORVs defined

The definition of an all-terrain vehicle in the Act is subject to regulations; the only regulation pertains to snowmobiles.

Registration

- There is no requirement to register ORVs except snowmobiles
- Snowmobiles must be registered one-time only at cost of \$10 using a decal
- Very restricted incidental snowmobile use of highways requires additional registration under the *Motor Vehicle Act*

Licensing

- There is no requirement for annual licensing of any ORV including snowmobiles
- The exception is very restricted incidental snowmobile use of highways, which requires licensing under the *Motor Vehicle Act* via a metal license plate

Trust Fund

- No Trust Fund exists for ORVs

Highway Use

- Recreational ATVs and dirt bikes cannot use any portion of a highway ROW including crossings or uses well off the roadway (agricultural/industrial ATVs can cross or use ROW, with restricted registration/license under the *Motor Vehicle Act*)
- Snowmobiles can use a highway provided they obtain a RCMP operating permit from each applicable detachment for each highway use and they are registered, licensed and insured for highway use under *Motor Vehicle Act* through ICBC.
- ICBC policy is that snowmobiles first obtain approval-in-principal for highway use from every applicable RCMP detachment; then apply for registration, licensing and insurance; and then formally apply for all relevant operating permits.
- Municipalities may have by-laws covering highway use of snowmobiles (but not other ORVs) within their municipal boundaries

Trails

- Trails on Crown land can be designated or authorized by the MOF
- The provincial BC Snowmobile Federation trail pass is not recognized in legislation; however it can be recognized for trails when setting fees for designated trails as determined by the MOF district manager
- The BCSF trail pass was \$50 in 2001.

Conservation

- Section 4 of *Act* sets out some provisions regarding environment and inappropriate use,¹ but problem is that the *Act* only applies to snowmobiles. Other legislation addresses protected areas and sensitive environments, but not always with respect to ORV impacts.

Enforcement

- RCMP and conservation officers have the authority to enforce the *Act*. It is an offence to contravene the *Act* or regulations (section 8); however the *Act* applies only to snowmobiles.

Helmet Use

- Not required for either on- or off-highway use

Liability Insurance

- Not required for off-highway use except:
 - \$200 000 requirement for ATVs to use Forest Service Roads
- Only required for very restricted legal incidental snowmobile use; full on-highway insurance then required from ICBC provided snowmobile is also registered and licensed under *Motor Vehicle Act*.

Operator's License

- No requirements except:
 - Driver's license required on Forest Service Roads for ATV use
 - Driver's license required for highway use by snowmobiles

Age

- No requirements except those associated with driver's license requirements (above)

Noise

- No requirements

Out-of-Province riders

- Registration requirements in other jurisdictions honoured

¹ Section 4 (1) A person must not operate an all terrain vehicle:

- (a) in a careless, reckless or negligent manner so as to endanger or cause injury or damage to a person or property of another,
- (b) in a tree nursery or planting, in a manner that may damage or destroy growing stock,
- (c) on the tracks of an operating railway,
- (d) on private property without the consent of the owner, lessee or occupant of it,
- (e) in such a manner as to drive, harass, chase, run over, injure or kill wildlife or a domestic animal, or
- (f) in areas, seasons or periods of time prohibited by the regulations

Gas Tax

- Paid by all recreational riders

A.6 Habitat Conservation Trust Fund (HCTF)

HCTF provides a model for a public/ private registration system.

Summary

The Habitat Conservation Trust Fund (HCTF) (www.hctf.ca) was created in 1996 by an amendment to the *Wildlife Act*; the governance of the Trust Fund was updated with a further amendment to that Act in 2005. The HCTF succeeded the Habitat Conservation Fund that operated from 1981-82 to 1995-96. The trust fund is supported primarily by surcharges on angling, hunting, trapping and guide-outfitting licences. Voluntary contributions, proceeds from the sale of education materials, and court awards provide additional revenue.

Annual revenue to the HCTF from licence surcharges is approximately \$5.2 to \$5.5 million. “The surcharge was first introduced in the 1984/85 fiscal year at \$C3 for Residents and Non Residents alike. It was increased in 1989-90 to \$C5 for Residents and \$C30 for Non Residents.” (Sun et al., 2003). In 2005 the trust fund surcharge was standardized at 20% for residents’ licences and 30% for non-residents’ licences. The change in surcharge rates did not affect the overall annual revenue going to the fund. Administration of the trust fund accounts for roughly 10% of expenditures, by direction of the Board of Directors.²

The HCTF is a proposal-driven organization; the Trust Fund invites funding proposals from anyone who has a good idea that seeks to benefit fish, wildlife and habitat in British Columbia. Since 2002, the trust fund has provided over \$22 million to support conservation, enhancement and stewardship projects throughout British Columbia; and since 1981, the trust fund and the Habitat Conservation Fund have provided almost \$81 million.³ Proposals outstrip the funds available by approximately three to one.⁴

Habitat Conservation Trust Fund	
Model	Public / private model
Board Makeup	Mainly representatives of fish and wildlife related associations, with some representation by conservation scientists
Budget	\$5.5 M+ annually
Administrative costs	Kept below 10% by direction of Board
Regulation and enforcement	Sections 111 to 117 of the <i>Wildlife Act</i> , as amended in 2005
Surcharge	Surcharge captured through sale of hunting and fishing licences In 2005 the trust fund surcharge was standardized at 20% for residents’ licences and 30% for non-residents’ licences

² Brian Springinotic, Manager HCTF, pers. comm. 13 June 2005.

³ Ministry of Water, Land and Air Protection, News Release 2005WLAP0030-000443, April 7, 2005 *Province Approves 116 Habitat Conservation Projects*.

⁴ Brian Springinotic, Manager HCTF, pers. comm. 13 June 2005.

Overview of HCTF

The HCTF came into existence because its major contributors (hunters, anglers, trappers, and guide-outfitters) were willing to pay for conservation work above and beyond that required for basic management of wildlife and fish resources. Unlike license fees that cover basic management costs, conservation investments funded by HCTF surcharges should benefit contributors by enhancing their opportunities to use and enjoy wildlife and fish resources.

The HCTF achieves this by investing in projects that help to acquire, restore, maintain, or enhance the habitats that support populations of native fish and wildlife. Hunted, fished, trapped, and potentially harvestable species are the focus of these conservation investments. Project proposals that benefit a broader diversity of species, including species at risk, may also be considered.

The HCTF also funds the work required to proceed with or ensure the success of eligible conservation projects, as described above. Examples include habitat assessments, easement negotiations, studies to obtain essential management information, and transplants of animals into restored or under-utilized habitats. In addition, the HCTF supports information, education and stewardship projects that enhance users' enjoyment of wildlife and fish or that foster human attitudes and behaviours, which are favourable to conservation.

While HCTF is supported primarily by hunters, anglers, trappers, and guide-outfitters, it welcomes donations from all people and organizations who wish to further its conservation goals. Although HCTF is not a registered charitable organization, it can issue tax receipts for donations received.

Mission Statement

The mission of the Habitat Conservation Trust Fund is to provide funds to proponents to assist in maintaining the health of natural ecosystems and the productivity and richness of species within these ecosystems, by preventing and mitigating the loss of habitat and native species of freshwater fish and wildlife in BC, for the benefits of all.

The Habitat Conservation Trust Fund funds the acquisition of land and interests in land, and supports projects not eligible for support from existing research funds or not within routine government responsibilities. Projects supported by the Trust Fund improve the management of species and habitats by improving knowledge, restoring or managing habitats appropriate to planning and landscape contexts, and enabling stewardship.

The uniqueness of the Habitat Conservation Trust Fund comes from its dedicated funding source - angling, hunting, trapping and guiding licence surtaxes, its provincial scope, its accessibility to common but committed citizens, its ability to fund acquisition of key habitats, and, for certain key projects, to fund up to 100% of the total cost of the project.

Strategic Objectives

The Trustee has approved the following strategic objectives of the Habitat Conservation Trust Fund based on the Legislative Authority: fish and fish habitat, wildlife and wildlife habitat, stewardship, and acquisition of key habitats.

Legislative Mandate

The Habitat Conservation Trust Fund derives its legislative authority from Sections 111 to 117 of the *Wildlife Act*, as amended in 2005 (see http://www.legis.gov.bc.ca/37th6th/1st_read/gov06-1.htm)

Trust fund board

The trust fund board consists mainly of representatives from associations with an interest in fish and wildlife resources, including representation by conservation scientists. Section 112 of the legislation sets out the specific make-up of the board as follows:

- S. 112 (1) The Habitat Conservation Trust Fund is continued.
- (2) Unless a trustee has been appointed by the board under section 115 (1), the Lieutenant Governor in Council may appoint a public officer as trustee for the purposes of this Part.
- (3) The Habitat Conservation Trust Board is established for the purposes of this Part.
- (4) Subject to subsection (5), the members of the board are
- (a) two individuals appointed by the minister,
 - (b) two individuals appointed by the British Columbia Wildlife Federation,
 - (c) one individual appointed by the Guide Outfitters Association of British Columbia,
 - (d) one individual appointed by the British Columbia Trappers Association, and
 - (e) four additional members appointed by the board.
- (5) For the purposes of subsection (4),
- (a) of the 2 members appointed under subsection (4) (b), one is to have demonstrated experience in fisheries and one is to have demonstrated experience in wildlife management, and
 - (b) each of the members appointed under subsection (4) (e) is to have demonstrated experience in one or more of the following:
 - (i) conservation science;
 - (ii) fish, wildlife or habitat conservation or management;
 - (iii) financial management;
 - (iv) business;
 - (v) law;
 - (vi) education;
 - (vii) communications.

Types of Projects Funded:

To qualify for funding consideration, projects must pursue habitat enhancement and restoration, species conservation, land stewardship, environmental education, or habitat acquisition within British Columbia. The largest part of the revenue for projects, about \$5 million annually, is contributed by conservationists through surcharges on angling, hunting, trapping and guiding licenses. As well, compensation funds from industry, donations, court awards, and cost-sharing funds from cooperating groups contribute to the work of the Trust Fund.

Range of Funding Available:

- \$100,000 +
- \$2,000 - \$200,000 per project; total funds available annually = \$5 million.

Lessons Learned

- The HCTF public/private model is well-received and respected by most stakeholders, largely because one-hundred per cent of the funds collected go into a dedicated fund
- Major contributors (hunters, anglers, trappers, and guide-outfitters) are willing to pay extra for conservation work above and beyond that required for basic management of wildlife and fish resources, if the funds are used to enhance their particular interests
- Unlike license fees that cover basic management costs, projects funded by HCTF surcharges are aimed at more directly benefiting the contributors by enhancing their opportunities to use and enjoy wildlife and fish resources
- Even a fairly modest surcharge from a fairly large number of contributors can amount to millions of dollars annually on a province-wide basis
- The credibility of the HCTF has resulted in receiving donations - of particular note was a recent \$6.5 M donation by the provincial government that more than doubled its normal annual budget of \$5.5 M for that year.

Contact:

Habitat Conservation Trust Fund,
PO Box 9354 Stn Prov Govt,
Victoria, BC V8W 9M1
TEL: 1-800-387-9853
www.hctf.ca

A.7 Canadian Cattle Identification Agency (CCIA)

CCIA provides a model for a private registration system.

Summary

The CCIA is a non-profit agency incorporated in 1998 with the mandate to develop and implement a system of individual identification for cattle in Canada. It was initially setup with an operating budget of \$1.4 million.⁵ The Agency is led by a Board of Directors composed of representatives from all sectors of the industry. Consistent with its mandate, the CCIA has developed an individual identification system for the identification of all cattle prior to departure from the herd of origin.

- The Canadian Cattle Identification Agency is an industry conceived, developed and run organization
- The Canadian Cattle Identification Program provides accurate and efficient trace back information in the event of an animal health or food safety situation.
- The agency is led by a Board of Directors made up of representatives from all sectors of the cattle industry
- This program is regulated and enforced by the Canadian Food Inspection Agency (CFIA)
- Cost of tags for Cattle RF ID is in the range of \$3.20-3.50 per piece, with 20 cents (approximately 6%) per tag collected by the CCIA to cover administrative costs
- Tags must meet national CCIA standards, including strict requirements for size, colour, identification numbers, etc.

Canadian Cattle Identification Agency (CCIA)	
Model	Private with government enforcement
Board Makeup	Industry focus
Budget	Start-up costs: roughly \$400,000, with additional support from federal government of roughly \$2 M
Administrative costs	Approx. 6% of funds collected go to administration
Regulation and enforcement	Regulated and enforced by Canadian Food Inspection Agency (<i>Health of Animals Act</i> and Regulations), penalties for non-compliance as high as \$4,000
Identification Protocol	Approved ear tags are manufactured and supplied by several private companies. Tags can be purchased throughout Canada where farm supplies are sold. Cost per tag is \$3.20-3.50, incl. 20 cents to CCIA
Database Management	CCIA controls access to the database. CCIA will provide information to CFIA at CFIA's request in the event of a health or safety concern. Any other request for access, including government departments other than CFIA, will have to be made through a legal process with the petitioner required to justify the need for access.

⁵ Pers comm., CCIA communications staff Megan Gauley, 17 June 2005.

Legislation and Regulations:

Enabling statute: *Health of Animals Act (Government of Canada, 1990)* and Health of Animals Regulations, specifically Part XV Animal identification, see <http://laws.justice.gc.ca/en/H-3.3/C.R.C.-c.296/131875.html>

Overview of CCIA program⁶

Introduction

The Canadian Cattle Identification Agency (CCIA) is a non-profit organization that was incorporated to establish a national cattle identification program to trace and eliminate sources of disease and food safety concerns in the Canadian cattle herd. This efficient trace back system also maintains consumer confidence and market access for the Canadian beef industry.

Implemented in 2001, the Canadian Cattle Identification Program requires the individual identification of all cattle moving beyond their herd of origin. A CCIA approved ear tag with a unique identification number, the number in a bar code or Radio Frequency Identification (RFID) code and CCIA logo must be applied to each animal at the time of leaving its herd of origin. The unique number of each individual animal is maintained to the point of carcass inspection where it is then retired from the CCIA database and the tag is destroyed.

A national database has been created to generate and store the unique identification numbers for each animal that moves beyond its herd of origin. With future enhancements, this database will be used to track all animal movements beyond the herd of origin and to provide essential information in the event of a necessary trace back situation. The move to electronic identification for the Canadian cattle herd will provide the industry with further assurance of the accurate and efficient collection, management, and retirement of data while facilitating timely processes within a trace back situation.

Board of Directors

The agency is led by a Board of Directors made up of representatives from all sectors of the cattle industry- The Canadian Cattlemen's Association, Livestock Marketing Association of Canada, Canadian Meat Council, Canadian Veterinary Medical Association, Dairy Industry, The Canadian Bison Association, Alberta Cattle Commission, Alberta Cattle feeders Association, Livestock Order Buyers of Canada, Manitoba Cattle Producers Association, Ontario Cattlemen's Association and ATQ. The Canadian Food Inspection Agency and Agri-Food Canada are ex officio members.

Tags and Database

Several manufacturers are approved suppliers of tags for the Program. Their distributors are located across Canada and are the same locations where producers currently purchase farm supplies.

When purchasing tags producers are required to provide their name, telephone number, address and postal code. The producer will be assigned a Personal Identification Number (PIN) which he or she will have the option of using to speed up tag purchases. No other information is recorded.

⁶ Excerpt from CCIA website, including CCIA (2004). *Standards, Procedures, and Testing Document, Radio Frequency Identification (RFID)*, Rep. No. Version 5.0. Canadian Cattle Identification Agency.

CCIA controls access to the information stored in the CCIA database. CCIA will provide information to CFIA at CFIA's request in the event of a health or safety concern. Any other request for access, including government departments other than CFIA, will have to be made through a legal process with the petitioner required to justify the need for access.

Primary producers are not required to keep records however recording information on lost tags and dead animals is encouraged.

Animals that lose tags in transit are to be re-tagged at the next point of arrival. Beyond the herd of origin new owners are expected to keep a record of the re-tagged animal's tag number and any information available about its origin in the event of a later trace back.

There are no herd numbers. Each tag bears an individual ID number that is unique to the animal that wears that tag. That is sufficient to identify the herd and helps keep down the cost of tags.

Standards and requirements for Identification Tags

Effective immediately, the standard defined herein will be implemented and upheld for all manufacturers supplying RFID ear tags into the CCIA system. The specifications for RFID transponder (ear tag) technology described in this document are in accordance with the International Standards Organization (ISO) and Standards Council of Canada (SCC). To purchase copies of specifications, please contact one of these organizations.

All RFID tags that have previously been approved and accepted into the CCIA program will be subject to evaluation and the approval process at the discretion of the CCIA.

Audits will be conducted by CCIA to ensure that all CCIA approved RFID tags entering the marketplace maintain the same quality and characteristics as the submitted/ approved ear tags. Random tests will be conducted on RFID ear tags at auction marts, feed lots, and packing plants. Failed tags will be noted and the CCIA will endeavor to notify the applicable manufacturer of the failure. The CCIA will periodically tally the numbers of failed tags for each manufacturer. Based on the nature and number of tag failures, CCIA reserves the right to discontinue the approved status of a problematic tag.

How does the tracing mechanism work?

Ear tags are applied to cattle before leaving any ranch or farm. The tags are registered in the Canadian Cattle Identification Agency's database. In the event of a serious disease, chemical residue or food safety problem, the Agency provides the Canadian Food Inspection Agency with the origins of all the ear tagged cattle involved. This permits veterinarians from the Canadian Food Inspection Agency and its provincial counterparts to contact all owners as part of their investigation. (CFIA, 2003a)

How will the program be enforced?

The Canadian Food Inspection Agency is responsible for the enforcement of the Canadian Cattle Identification Program, in accordance with its responsibilities under the *Health of Animals Act* and Regulations. The compliance and enforcement strategy will comprise a combination of education, information and enforcement actions. The relative emphasis among the three will vary as the program matures. Penalties for non-compliance begin at \$500 and go as high as \$4,000. The need for assessing penalties is considered minimal as all industry sectors should be aware of the requirements and will be expecting compliance from their suppliers. (CFIA, 2003b)

Information and education were crucial enforcement vehicles during the period from January 1, 2001 to December 31, 2001. Accordingly, producer meetings, speaking engagements, newsletters, toll-free lines, posters, displays, websites and media interviews were given a high priority beginning in 1999. CFIA inspectors at auctions, abattoirs and other sites distributed pamphlets and answer questions while the industry acclimatized to the new requirements. During this 12 month period, producers who did not comply with the regulations received notices and warnings but further enforcement action was not taken. The purpose of this phase-in period was to provide all producers with an opportunity to fully understand the regulatory requirements of the program.

Full Enforcement began July 1, 2002

After July 1, 2002, the objective of the enforcement strategy was full compliance. Where non-compliance persists, the CFIA is proposing to implement administrative monetary penalties (AMPS) for violations of the Health of Animals Regulations pertaining to cattle ID. The proposed monetary penalty for the majority of ID violations will be \$500 per violation, or \$250 if paid within 15 days. Prosecution, however, remains an option and the CFIA reserves the right - for example, in the case of a violation that poses a significant risk to the health and safety of cattle or the public, or in the case of flagrant non-compliance which challenges the very credibility of the program - to proceed with a prosecution under the Health of Animals Act.

Enforcement Sites

Enforcement sites include farms and feedlots, auctions, abattoirs and the US border. CFIA inspectors routinely inspect production and marketing sites for disease control, humane transport and trade certification purposes. These inspections will provide a parallel opportunity for monitoring ID compliance. The ID program has been a collaborative venture from its outset, with input from the industry's service sectors. While these service sectors will not play an enforcement role, they will be encouraged to provide information during routine visits and to update producers with continuing information as the program matures.

Abattoirs: The Canadian Food Inspection Agency provides continual meat inspection services at all federally registered abattoirs, and on a contractual basis at federal-domestic abattoirs in British Columbia, Saskatchewan and Manitoba. Over 90 per cent of all cattle are slaughtered in abattoirs under federal meat inspection. The continual presence of CFIA staff at federal and federal-domestic abattoirs will permit full time enforcement of the ID program at those sites. CFIA inspectors will devote time every day at every abattoir to meet with producers, truckers and other service sector persons. They will continually monitor and report on ID program compliance. From July 1, 2001, it will become the responsibility of abattoir management to verify that cattle are individually identified upon arrival at the packing plant and to record and report instances of non-compliance to the CFIA.

The same requirements will apply at provincially inspected abattoirs. It is expected that provincial governments will accept a collaborative role in the program, although possibly at a reduced frequency of inspection. The Canadian Food Inspection Agency will periodically visit provincially inspected and uninspected abattoirs to monitor compliance.

When Canadian cattle cross the border into the United States, they are expected to bear a CCIA approved tag that will be read. In the case of slaughter cattle, the tags may be read either in the feedlot during regular processing or in the American abattoir provided arrangements can be made to do so. CFIA officials will collaborate with US import authorities concerning appropriate enforcement measures consistent with the development of the ID program.

Lessons Learned

- A privately conceived, developed and run organization can deliver a relatively large-scale registration system efficiently and effectively for a reasonable cost
- Government agencies can effectively partner with private organizations to provide regulatory and enforcement capacity, and are likely to do so if the private entity is developed by stakeholders in collaboration with public agencies
- Government is willing to provide additional funding if the partnership arrangement furthers regulatory and policy goals
- A privately-managed database can be developed to meet rigorous security standards
- Private manufacturers are willing to meet fairly strict standards to develop identification tags (and, likely, metal plates and decals) if there is sufficient potential for profit
- Existing distribution networks can help facilitate the delivery of a cost-effective and efficient program

Contact:

Canadian Cattle Identification Agency
#210, 6715 - 8 street N.E., Calgary, Alberta T2E 7H7
(403) 275-2083 Fax (403) 275-1668
Toll Free 1-877-909-2333 Web Site: <http://www.canadaid.ca>

A.8 Canada Firearms Program

The Canada Firearms Program provides a model for a public registration system.

Summary

The Firearms Program is a multi-departmental and multi-jurisdictional program for which the Canada Firearms Centre (CAFC) has lead responsibility. The CAFC funds its services and programs through operating expenditures and through contribution agreements.

The CAFC operates the electronic Canadian Firearms Information System (CFIS). It also administers the Chief Firearms Officer responsibilities in British Columbia, Alberta, Saskatchewan, Manitoba, Yukon, Northwest Territories, Nunavut and Newfoundland and Labrador. The Canada Border Services Agency is responsible for administering Firearms Program elements at Canada's borders. The Royal Canadian Mounted Police operates the Canadian Police Information Centre (CPIC), which interfaces with CFIS. Department of International Trade Canada plays a role in handling import and export permits.

The provinces of Ontario, Quebec, New Brunswick, Prince Edward Island and Nova Scotia administer the Chief Firearms Officer responsibilities within their jurisdictions, under direction from their provincial governments, in a manner consistent with the Firearms Act. These provincial operations are funded by the Government of Canada through contribution agreements entered into with the CAFC.

The goal of the Canadian Firearms Program is to help reduce firearm-related deaths, injury and crime and to promote public safety through universal licensing of firearm owners and businesses, and registration of all firearms in Canada. The law was originally supported by an alliance of 350 groups, including the Canadian Association of Chiefs of Police, the Canadian Public Health Association, the Canadian Association of Emergency Physicians, the Canadian Trauma Association, the YWCA of Canada, CAVEAT and Victims of Violence International.

To date, the CAFC has demonstrated a compliance rate approaching 90%. Nearly two million Canadians have valid firearms licences and nearly seven million firearms are registered in the Canadian Firearms Information System. (Government of Canada, 2005)

The CAFC recently completed its second year as a separate agency reporting within the Public Safety and Emergency Preparedness portfolio, reporting independently to Parliament. Annual funding for the Canada Firearms Centre currently stands at \$82.3 million dollars in 2005-2006, down by 59% from a high of \$200 million in 2000-2001. In 2005-2006 the costs for registration-related activities were capped at \$25M per annum.

Canada Firearms Program	
Model	Public model
Board Makeup	Program Advisory Committee (PAC), chaired by Commissioner of Firearms, with thirteen members, fairly broadly based in the areas of firearms, health and program administration
Budget	Government appropriation of \$82.3 M per year projected 2005-2008 Revenue forecast: \$11-23 M per year
Administrative costs	Approximately 4 to 7 times revenue generated

Regulation and enforcement	<i>Firearms Act</i> and Regulations (Revised Dec 2004)
Identification Protocol	Firearm Licences
Database Management	CAFC operates its information technology platform – the Canadian Firearms Information System – on the RCMP's secure computer network

Administrators of the Program⁷

Canada Firearms Centre

In 1996, the Canadian Firearms Centre was established as a division of the Department of Justice. In the summer of 2003, the CAFC was established as a separate agency within the portfolio of the Solicitor General, now the Minister of Public Safety and Emergency Preparedness Canada. As such, the CAFC receives funding voted by Parliament and is required to report directly to Parliament on the administration of the Program. The Commissioner of Firearms is responsible for the administration of the *Firearms Act* and the management of the Canada Firearms Centre.

The Canada Firearms Centre was designated to be the single point of responsibility and accountability for the implementation of the Canadian Firearms Program. The automated infrastructure (the Canadian Firearms Registration System) was developed and is maintained by the Canada Firearms Centre for the Program. Overall responsibility for policy, technology support, communications and the management of human resources also rests with the Canada Firearms Centre.

The Registrar of Firearms

The Registrar of Firearms (the Registrar) is responsible for the decision-making and administrative work related to the registration of firearms for individuals and businesses and for the issuance of international and interprovincial carrier firearms licences to businesses. The Registrar registers firearms to new owners when they are transferred.

The Registrar maintains and operates the Canadian Firearms Registry (the Registry). The Registry's primary role is the identification, classification and registration of firearms. Registry staff handle problematic application and eligibility issues, perform initial background checks on applicants on behalf of the Chief Firearms Officers, provide a technical advisory role to firearm owners and respond to queries from various sources. Staff provide policing agencies across Canada with affidavits for court purposes, assist these agencies with their investigations by outlining the complete registration history of a firearm, and appear as witnesses for court hearings as required. The Registry works closely with its partners to enforce the public safety element of the Canadian Firearms Program.

The Chief Firearms Officers

The Chief Firearms Officer has the legislative authority for the administration of the *Firearms Act* and its regulations in a particular province or territory.

Chief Firearms Officers are responsible for approving and revoking a firearm licence based on the firearm owner's eligibility. They also approve or revoke intraprovincial carrier firearms licences,

⁷ CAFC (2003). *The Registrar's Report to the Solicitor General on the Administration of the Firearms Act 2002*. Canadian Firearms Centre. http://www.rcmp-grc.gc.ca/cfr/cfr03_index_e.htm, Content created: 2003-11-04

authorizations to transport or carry firearms, shooting club and range approvals, and firearm transfers. They are also responsible for designating instructors for the firearms safety course.

The Chief Firearms Officer is a front-line service to firearm owners, providing essential Program information and assistance. Each jurisdiction is responsible for its own organizational structure and may include Firearms Officers, Provincial Firearms Officers and Area and Local Firearms Officers.

The Verifiers Network

The mandate of the Verifiers Network is to maintain and to manage a standardized national verifier network, to assist with the registration and transfer of firearms, to support the Canada Firearms Centre and to help with the safety of all Canadians (see the website http://www.cfc-ccaf.gc.ca/info_for-renseignement/verifiers/verifiers-network_e.asp).

Verifiers are an integral part of the Canada Firearms Centre and the Verifiers Network is made up of close to 5500 volunteers. The verifiers work with the Firearms Reference Table (FRT), which is an electronic database of firearm makes and models for use in the accurate identification of firearms. The FRT is the most comprehensive, single source of firearms information available.

Program Advisory Committee

The Program Advisory Committee (PAC) is a key element of the Action Plan that was announced in February 2003, by the Solicitor General of Canada and the Minister of Justice. The Committee is comprised of experienced individuals outside of government who provide ongoing advice on policy, program and administrative matters and who serve on a voluntary basis. The Commissioner of Firearms chairs the PAC. There are currently thirteen members, with substantial experience in firearms related matters, health, and public administration. (For a list of members see http://www.cfc-ccaf.gc.ca/about-nous/org/advisory_e.asp)

Database Management

Personal information collected by the Firearms Program is stored in the Canadian Firearms Information System (CFIS), a database controlled by the Canada Firearms Centre. The CAFC ensures strict procedures that allow only those employees with a need consistent with their duties to view personal information. For example, only a CFO or delegated firearms officer has authority to collect personal information during the course of an investigation in determining licence eligibility. Also, police officers verify firearms information to determine licence status before responding to a call; however, at no time are they able to view names of references, spouses or medical information.

Relevant Firearms Program information is disclosed only to federal and provincial public safety business partners that have legal authority to collect this information consistent with their public safety responsibilities. Program business partners include local and provincial police, the Royal Canadian Mounted Police, the Canada Border Services Agency and International Trade Canada. The Privacy Act requires that those agencies must have a use consistent with the purpose for which the information was collected.

CFRO - The Canadian Firearm Registration On-line consists of a subset of the information on CFIS. It is designed to provide a service to the Canadian police agencies that have access to CPIC. The information is available as a read only or query only. The information may be retrieved by authorized individuals of those agencies by licence number, by registration certificate number, by authorization number, by address and/or telephone number.

Police across Canada and other public safety officials have queried the CFRO database over 3.6 million times since it was launched on December 1, 1998, with an average of 2,000 queries on a daily basis.

Firearms Transfers

Between December 1998 and January 31, 2005, more than 838,319 transfers have been completed. 44,860 transfers have been processed through the Canada Firearms Centre Web site, since the service came on-line in July 2003 through January 31, 2005:

Licensing

A licence provides the authorization to possess and register a firearm and to obtain ammunition. Licences must be kept current for as long as a firearm is possessed in Canada. The types of licences are as follows:

For Canadian Residents 18 and Older:

The Possession and Acquisition Licence (PAL) is the only licence currently available to new applicants. It is renewable every five years. As a general rule, applicants must have passed the Canadian Firearms Safety Course. Firearms Acquisition Certificates (FAC) issued under the former law are considered to be licences. They need to be replaced with a PAL before they expire.

For Non-Residents Aged 18 and Older:

A Non-resident firearms declaration that has been confirmed by a customs officer is deemed to be a temporary licence for up to 60 days. Non-residents who have passed the Canadian Firearms Safety Course can apply for a five-year PAL.

For Individuals aged 12 to 17

A Minors' Licence will enable young people to borrow a non-restricted rifle or shotgun for approved purposes such as hunting or target shooting. Generally, the minimum age is 12 years, but exceptions may be made for younger people who need to hunt to sustain themselves and their families. Applicants must have taken the Canadian Firearms Safety Course and passed the test.

For Firearms Business

A Firearms Business Licence will permit a business to carry on only those firearm-related activities specified on the licence.

Any of the licences above will allow someone to possess a firearm and obtain ammunition in Canada. Only the Possession and Acquisition Licence will allow someone to acquire or permanently import a firearm.

Firearms Safety Training

The *Firearms Act* requires that individuals wishing to acquire non-restricted firearms must take the Canadian Firearms Safety Course (CFSC) and pass the tests or challenge and pass the CFSC tests without taking the course. Individuals who wish to acquire restricted firearms must also take the Canadian Restricted Firearms Safety Course (CRFSC) and pass the tests or challenge and pass the CRFSC tests without taking the course.

CAFC Financial and Human Resources

	2005-2006	2006-2007	2007-2008
Financial Resources	\$82.3 M	\$82.3 M	\$82.3 M
Full Time Equivalent	345	345	345

Resource Breakdown by Sub-Activity for 2005-2006 to 2007-2008 for the Centre Activity
(Government of Canada, 2005, see Table 2.2)

Sub-Activities	Financial Resources*			Human Resources*		
	2005-2006	2006-2007	2007-2008	2005-2006	2006-2007	2007-2008
Licensing	61.5	61.5	61.5	250	250	250
Registration	15.7	15.7	15.7	86	86	86
Justice System Support**	0.8	0.8	0.8	-	-	-
Border Control	1.7	1.7	1.7	2	2	2
International Initiatives	0.1	0.1	0.1	1	1	1
Public/Stakeholder Outreach	2.5	2.5	2.5	6	6	6
Total	\$82.3 M	\$82.3 M	\$82.3 M	345	345	345

* Financial Resources and Human Resources attributable to Corporate Services have been allocated within the Centre's sub-activities.

** Human Resources attributable to Justice System Support sub-activity are accounted within the Department of Justice's HR strength.

Sources of Non-Respendable Revenue (Government of Canada, 2005, see Table 5)

(\$ millions)	Forecast Revenue 2004-2005	Planned Revenue 2005-2006	Planned Revenue 2006-2007	Planned Revenue 2007-2008
Licensing activities				
Individual licences activities	9.9	17.6	22.7	22.6
Business licences activities	0.6	0.6	0.6	0.6
Registration/transfer activities*	0.5	0	0	0
Total Non-Respendable Revenue	11.0	18.2	23.3	23.2

Dept of Justice Spending Firearms Program

	2003 -04	2004-05	2005-06
Planned Spending	\$113.1 million	\$94.9 million	\$75.7 million

Note 1: Above planned spending amounts reflect the plan of action announced by the Minister of Justice on February 21, 2003. Declining planned spending is based on: steady state of licensing intake; implementation of ASD; administration efficiency measures and the passage of C-10A by the start of the 03-04 fiscal year.

Note 2: The Alternate Service Delivery contractor has indicated that the scope of work to achieve certification exceeds the estimated efforts, due to unanticipated requirements. The additional work may cost as much as \$15 million and is not included in the planned spending. The scope of this work and the potential costs are currently being reviewed by the government contract authority, Public Works and Government Services Canada.

Registration Activities and Functions

(Government of Canada, 2005, see Section 4.2)

In 2005-2006, CAFC has sought parliamentary approval to establish an initial funding base of \$15.7M for the new Operating Expenditures Vote related to registration activities and functions.

Financial Resources*

2005-2006	2006-2007	2007-2008
Vote 25, Registration \$14.6M	Vote 25 Registration \$14.6M	Vote 25 Registration \$14.6M
Statutory (EBP) \$1.1M	Statutory (EBP) \$1.1M	Statutory (EBP) \$1.1M
Total: \$15.7M	Total: \$15.7M	Total: \$15.7M

CAFC engaged KPMG to assist in the development of a costing methodology for registration related activities and functions to provide a basis for the differentiation of registration activity costs in a manner that is objective and transparent to Canadians and to Parliament. The costing methodology was developed in conjunction with officials from Treasury Board Secretariat and the Office of the Comptroller General.

The methodology identifies three types of cost elements as follows:

- Direct registration costs such as the Registrar of Firearms, Canadian Firearms Registry, Firearms Records Analysis and RCMP lab work;
- Indirect registration components that support two or more activities such as registration support activities conducted at the Central Processing Site, and the Canadian Firearms Information System; and
- Corporate management activities such as Communications, Finance, Human Resources, Policy, and executive management and Communications.

CAFC's total appropriation is \$82.3 M; the estimated amounts attributable to registration activities and functions are shown below:

Registrar	\$4.0M
Federal Chief Firearms Officers' (CFOs)	0.0
Provincial CFOs and Aboriginal and Other Communities/Organizations	0.0
Central Processing Site	3.0M
IT & Telecommunications	5.9M
Federal Partners	1.2M
Corporate Services	1.6M
Total: Registration Activities and Functions	\$15.7M

Lessons Learned

- The Canada Firearms Program is likely more complex than most Canadians realize, with the regulatory and security requirements and standards being stricter than they might

- anticipate (for example, over 3.6 million queries have been made to the CFRO database since it was launched in 1998, with an average of 2,000 queries on a daily basis)
- At the same time, a high percentage of Canadians see the program as inefficient, overly bureaucratic and much too costly, even at the current annual budget allotment of \$82.3 M (down by 59% from a high of \$200 million in 2000-2001)
 - Many contributors do not support the program and the licensing fee, because they don't perceive a genuine need for the program, and the funds collected are dispersed into general revenue without a direct benefit to the contributors
 - A public model would likely be better supported if: a) it is perceived as efficient and reasonably cost-effective, and b) the funds are collected in a dedicated fund and returned to the original contributors for the enhancement of their interests (this could also be said of the other two models: private and public/ private)

Contact:

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<http://www.cfc-ccaf.gc.ca/>

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Appendix B: Summary of Stakeholder Input on Potential Options for Regulation, Administration and Management of Off-Road Vehicles

B.1 BC Snowmobile Federation

Conference Call: Friday 27th May, 2005 1-4 pm

Pat Whiteway

Les Auston

Clayton Prince

Terje, George

Bob Zimmerman joined at 3 pm

BC Snowmobile Federation

- About 80,000 riders in BC based on sales
- 5% affiliated with BCSF (about 5,000 members)
- Less than 1% (~800) with insurance

Support for common goal statements?

Everyone expressed agreement with the statements

See Appendix 4 in ORV Coalition's Interim Report: link with ATVs, making sure that any legislation takes into account differences between summer use and winter use.

Other key BCSF positions described in Appendix 4

Statutory and regulatory framework for registration and licensing

ICBC requirement for any highway use.

- Support for one generic regulatory system, not dual
- Should apply to both on-highway and off-highway

Registration vs licensing

Q: Register for all use, for all owners, recreational or not? Eg, Ranch use, first nations

- Yes, support for everyone registering, with some flexibility on licensing
- Need to know who registered owners of all vehicles are regardless of use

Recreation use of snowmobiles on crown land.

- BCSF position: Licensing should be applicable to everyone on crown land, but not on private land.

Q: what about range holders doing work on their tenure?

- Commercial operators should not be exempt
- BCSF: All users of crown land, rec or non-rec, should be subject to registration and licensing.

Surcharge, funds over and above cost of administration goes to Trust Fund

Three options

- BCSF choice of 3 options: 1st choice is annual licensing, 2nd multi-year
- Annual licensing – better for collecting funds for trust fund

Q: Decal? Metal Plate?

- BCSF: first choice is a decorative decal, with some design flexibility,
- Plates wouldn't work in dust, dirt and snow when they get covered

Administrative framework

3 options:

BCSF Preferred choice Option 2: public/private

- Licensing administration could be done through BCSF, through insurance provider and/or dealer
- Should have snowmobile registered and licensed at dealer when purchased, front-end of the system should be the dealership
- Potential for phase-in – e.g. over short time period, licensing requirement as ORVs change hand.
- Public part – to be plugged into enforcement authorities, use existing ICBC for computer systems? Modify existing databases to provide access to private administrator.
- Use something similar to what RCMP have with ICBC
- BCSF would prefer private administration with link to public database

Q: how much would members be willing to pay on annual basis?

- If insurance is part of it, (consider this necessary), provided riders gain with legal highway/road for crossing/ROW use – ballpark \$110-125/ year including licensing.
- Realistic cost is \$35-50 for annual license fee
- Envision about \$15 of license fee going into the trust fund
- Willingness for riders to pay – tied-to opportunity for access and ability to cross/use roads.

Q: Fee components – where one-stop shopping at dealer would be ideal:

- Admin cost of licensing
- Surcharge to trust fund
- Annual Trail Permit
- Insurance

Funding from Trust Fund for enforcement needed; also envision:

- About 50% for trail development
- About 20-25% administration fee

Fee for licensing and trust fund could send snowmobiling into decline, if too expensive

BCSF Issue: Trails all over BC have been developed by snowmobilers, don't need the same standard of trail development as summer users. Raises questions about amount trust fund spends on trail development (versus trail maintenance).

Provides an incentive to keep administrative costs to a minimum.

Trust Fund

BCSF considers closest model in BC is the Habitat Conservation Trust Fund
New Brunswick model is perhaps even better; also good model in Quebec

BCSF would have great difficulty with determination of use of money determined from outside the sport

New Brunswick: 2 reps from Snowmobile, 2 from ATVs, and one from enforcement
Parameters are well laid-out

Common goal statement: raises idea of proportionality of funds in proportion to the funds collected by snowmobiles, ATV, dirt bikes (e.g., if 33% each collected then money allocated to reflect those proportions)

Advisory board - 3 options?

- Make funding allocation decisions
- Just provide advice
- Input into funding allocation

Example: Conservation project needed, if environmental group offers to partner with BCSF – bring money to table, BCSF may be willing to match funds using trust fund

83 Snowmobile clubs need fair and equitable access to funds

Public relations potential: e.g. Ducks Unlimited (duck hunters) taking part in conservation activities

Very Sensitive issue: conservation groups are putting zero into trust fund, should not have access to the money.

Advisory board shouldn't dictate how BCSF spends its portion of money from the trust fund

BCSF: Structure, roles and responsibilities of the board is as important as the surcharge, and is key to getting coalition members on board.

Issues:

- Who appoints individuals?

Summary:

- BCSF wants to have proportional share of trust fund spent on BCSF projects
- Advisory board shouldn't interfere with proportionality, strictly advisory role
- If the board makes funding decisions, must have riders agreement

Q: Is there a need for further clarification on how the money is spent (over and above common goal statement)? Safety, enforcement, education, trails, conservation and stewardship?

- BCSF happy with keeping it at higher level, without further bullets that may describe what aspects of safety could get funded and what is not eligible
- With the emphasis on local club projects, how would provincial level initiatives get funding (training, enforcement, etc)?

BCSF OK with idea of charitable organization to collect money for Trust Fund

Management Issues

Top 3-4 issues

1. ORV Trails, trail pass system

- ORV trail – all season use
- Need to make distinction between specific uses in some areas (ATV, snowmobile, summer/winter use), don't want someone using designating snowmobile trails for other ORV uses (including ATVs, 4X4s) is not appropriate
- Issues around designating trails, E.G., worked with MOF to avoid merchantable timber, puts them in swampy areas. Need for a lot of signage. Turns out to be environmentally sensitive. ORVs follow in the summer, and they create a lot of environmental impact when they follow the signs through wet areas, high country.
- BCSF wants to reserve the right to restrict ATV / 4X4 use on snowmobile trails, because of damage to trail surface (i.e. damage to groomed trails)
- Sounds like the tools are in place under Forest and Range Practices Act
- 2 options: 1. existing system -- snowmobile clubs have the right to ask for trail use permit under management agreements with MOF. 2. mandatory trail pass system (preferred), provincial pass recognized throughout province, idea of sharing matrix to distribute funds fairly to small clubs with high out-of-town use

2. Highway crossings/ right of ways (# 1 issue)

- existing requirements for RCMP operating permit needs to change; minimum need designated highway use; prefer general use where safe to do so

3. Insurance – legal highway use (right-of-way or crossings)

- currently \$85 per machine for off-highway use through Capri
- on & off-road insurance through ICBC may be about \$500 (cost prohibitive for most riders – only about 100-200 riders have this)
- Capri insurance – have to be BCSF member to get insurance

- Preferences: mandatory in concert with registration and licensing, \$1 M liability, highway and off-highway, private vs ICBC
- Municipalities can pass a bylaw (e.g., Wells), RCMP operating permit can still required – currently very cumbersome process

4. Use restrictions to protect sensitive wildlife and ecosystems (how and who should determine this.

- BCSF already involved in land use planning processes across province
- Tara Moorhouse addressing access issues, and this will augment work of this project

4. Compliance & enforcement – needs priority attention to help ensure compliance with new licensing requirements

5. Treatment of agricultural, ranching, or industrial vehicles

- One-time registration should apply, with some flexibility in licensing
- Dealers? Needs to be dealt with, allowance for demonstrator use

Concerns over commercial use and tenure; using snowmobile trails

- Differential license rate and surcharge for trust fund needs to be considered for commercial snowmobile operators
- Trail being groomed by a snowmobile club, but used by guided operator

Phase-in legislation

- give people about 6 months notice that new requirements will be in effect; then have effective date apply to all riders.

***** Key Issue:** in the minds of BCSF, registration and licensing is tied to the right to cross/use highway ROW

- Without gaining right to cross highways there's no incentive for members to pay for registration and licensing.
- Need legal highway use/crossing as part of trail system that link communities; huge potential tourism benefits could accrue
- Similar issue is to have right to access forest service road (like ATVs); eg; part of designated trail system
- BCSF has drafted guidelines on snowmobile use on forest service roads

Anything else?

Quebec legislation is available in English

Les, to send proposed draft snowmobile legislation developed by BCSF to Terje/George

B.2 ATV/BC

Conference Call: Monday 30th May, 2005 6-9 pm

John Blinston
Pat McHugh
Bev Felske
Bill Hinde

Terje, George

ATV/ BC

- Q: Number of quad riders in BC: 5,000 new ATVs sold/year
- Something like 40-50,000 ATVs (shelf-life around 10 yrs)
- In ATV BC: 1,400 people

Support for common goal statements?

Yes, support voiced by all.

Statutory and regulatory framework for registration and licensing

Q: Do all quads need to be registered?

Yes. They also need to be re-registered with change in ownership.

- BC is the last jurisdiction in North America that does not require ATV registration
- No opportunity to register ATVs for highway use ; therefore any incidental use is technically illegal yet most riders need to cross highways as a small but important part of ATV use.
- There is an ICBC special use permit for ATVs used to clean highways but this does not apply to recreational use

Options:

- Support for annual licensing

Q: How to identify ATVs?

- Only place for sticker is in tank area which is covered by rider, so metal license plate on back is the most sensible place (up to operator to keep clean).

Administrative framework

- Role of ICBC? ICBC not interested, mandate is on-road vehicles, although ATV BC would prefer to have ICBC handle insurance – stable entity
- ATV BC lean toward private model, want a competitive rate
- Want one-stop shopping: buy ATV, with registration, license and insurance all taken care of at the same time at the dealership
- Dealers have to be registered to sell ATVs

Q: Any role for ATV BC?

- Preference is for dealers or insurance providers to handle registration & licensing not ATV BC

Q: How much potential on-highway use?

- Not legally allowed to cross highways or use ROW, however reality is that there may be 15,000 ATVs throughout the province on any day, with many if not most crossing roads and traveling along road allowance at some point during the day
- This activity needs to be legitimized

Q: Private / subsistence use

- Q: Ranching use on private land, aboriginal subsistence use? ATV BC ok with exemption from licensing in these cases.
- However, registration with visible plate for vehicle identification should be required of all ATV owners (no exceptions).

Trust Fund

Q: Your view of how trust fund would work?

- Support coalition objectives, but only if annual licensing fees go back to user groups
- New Brunswick model – best example: funds are collected, revenues divided into accounts (snowmobile, ATV, dirt bikes), funds returned to respective provincial ORV association for distribution for projects that support local clubs
- Have agreed to the five programs in common goal statement, plus administration of fund.
- Province sends cheques twice a year to provincial bodies (e.g., ATV BC) in proportion to amount collected by each type of sport.
- Advisory board plays audit role. Provincial bodies should be accountable to Advisory Board
- Feel all the program areas need to be funded each year but don't want a percentage requirement as needs can vary from year to year depending on priorities.

Q: Any value in being more specific than the 5 general programs?

- Leave open for first 5 years, and then review and evaluate

Q: Charitable donations to trust fund (e.g., Habitat Conservation Trust Fund). Would this work?

- Comment: Who would administer this? Who spends the money?
- Wouldn't say no to the money, but the odds are pretty slim anyone would contribute to a provincial trust fund; any donations would likely be targeted to local projects

Q: Advisory board make-up

- Q: How about having non-riding interests (eg, rancher, conservation interests) sitting on board in advisory capacity?
- Would only work in non-voting capacity, particularly with respect to funding allocation decisions, otherwise ATV BC would have a big problem with this!
- Each provincial association would have to decide how much is payable by each program – need to establish criteria for application by clubs
- At the local level, speaking with non-riders is important part of project referral and consultation
- Some acceptance that there may be a need for broader representation role at advisory board level but not spending authority decisions for local level club projects
- Other interests on advisory board ok as long as they are non-voting members with respect to funding decisions and provide a purely advisory role.
- Need to be clear about what advisory board members vote on
- Need to work on a five year development plan

Q: How much support or opposition for new fees?

- ATV BC currently envisions a \$40 annual licensing fee: \$15 for administration to province, \$25 to Trust Fund; this should be acceptable to riders if below is made clear
- ****Key Point:** In order to “sell” new fees, riders need to know that government in power cannot touch the funds; this has to be communicated clearly to all the riders in the province, that government can’t get their hands on the fund, it must be dedicated fund protected in legislation
- Has to roll-over from one year to the next with respect to any unspent funds
- Also recommend that license fee remain set for 5 years so people can get used to it, and it can be evaluated for next 5 year cycle.

Q: Is the long-distance trail network idea big?

- Yes, that’s a driving force behind this whole thing as far as ATV BC concerned
- On-highway use can include use of culverts under highways, or overpasses
- Need areas set aside for ORV riders (ORV parks); dedicated areas for families to ride together
- ATV riders want two things: 1. Trail networks and 2. Dedicated areas, to be able to teach kids to ride responsibly. Although don’t want to exclude 4X4s, there may be different areas of mixed use and some trails for sole purpose of different groups (e.g. narrow dirt bike trails versus wider ATV trails).
- Quebec ORV trail network excellent example but took 30-40 years to get there

Q: Position of ATV BC on using hardened surfaces vs areas that are undisturbed unless there’s a restriction?

- Want to see dedicated routes and trails throughout province, although want some use of wet areas dedicated for “mud-bogging”
- When networks improve, people tend to stay on the trails.
- Concerns about off-trail use could be mitigated with better trail networks

- Q: How do you get established trail systems? Allowed to open up old overgrown roads without permit; however new routes that need to be cleared to connect resource roads as part of a trail network need MOF authorization. ATV Clubs should get trails marked onto MOF maps, and work towards getting them designated (a few clubs have begun to do this).

Key Management Issues

1. Must wear helmets

2. Licensing/ operator safety / age requirements on various types of roads:

- See attached ATV position on age and safety course requirements for young riders
- Current requirements to have driver's license on Forest Service roads unclear; is learner's license (L) sufficient? Law unclear
- One problem is that you need to go on active FS roads to get to areas where you can teach kids to ride; need legislation so that kids with parent or guardian are covered
- No restrictions on age of drivers on Crown land under supervision of parent or guardian
- Unclear which resource roads are FS roads and which aren't; poor signage and maps; this affects existing requirements that only apply to FS roads (e.g. drivers license and liability insurance)
- Don't see a need for special operating license for ATVs beyond driver's license

3. Liability Insurance

- In favour of mandatory insurance (currently \$200,000), don't want a minimum which is less than required on FS roads
- Through Capri insurance you can get up \$500 k for use off FS roads (semi-deactivated road or private road) for young rider without valid drivers license; if you have valid driver's license you can get \$1 M insurance for \$170 yr; private insurance providers like Capri willing to take any new requirements for on-and-off-highway insurance for ORVs once legislation is in place that allows this
- ICBC does have off-highway liability insurance \$230/ year for \$200 k liability for 400 cc bike
- In Alberta it's \$50 for insurance; Quebec also has relatively low premiums as they have limited in law the amount than can be claimed
- Should be available to younger riders

4. Drugs and alcohol

- Recommend that penalty for driving under influence should be the same as for car drivers, and should go on driver's license.

5. Trail pass system?

- Trail pass fees being charged at two locations in BC for ATV riders (part of TCT near Grand Forks; in Kamloops area)
 - Some riders suggest that there be one trail pass fee for the entire province; other riders not so sure
 - Could detract from potential tourism industry, if there are too many fees
 - For snowmobilers most of the trail pass fee goes to grooming, which ATVs don't need – most of ATV trails cost are construction not maintenance
 - Perhaps a “toll” could be charged until trail project is completed
6. Issue of Trail Patrols; better policing of motorized recreation needed
- Lack of enforcement out in bush, people rarely get caught, they don't bother with insurance; fine of \$385 for non-compliance (e.g. liability insurance) on FS roads is seldom enforced
 - Better patrols brings better security to trails
 - Train people as auxiliary police officers
 - Train people as first aid attendants; part of patrol position
 - Money from Trust fund could go to training program for patrol officers
 - Summary: government provides training through RCMP, trust fund provides seed funding to deliver the training for volunteers to become part of ATV patrol
 - Issues like speed limits can be addressed by posting a sign which indicates rules that must be followed for a particular trail (legislation under MOF already allows this)
7. Huge potential for ATV use and tourism dollars, when BC compared to other jurisdictions
- Cited \$3.4 Billion in ATV tourism revenues for Tennessee alone
 - \$650 million in gross revenue generated from one trail alone in Alberta: the Ironhorse Trail this is a 5-day loop linking several communities
8. Want to ride decommissioned rail routes and mining roads
- Trails BC wants all rail routes non-motorized, ATV BC won't support that
 - Rail to trails are key ATV links to communities; this access allows for 'bush' trail use once at a new community
9. Trust fund
- ATV interested in partnering up with conservation groups and others bringing matching funding to table
10. Issue of off-highway (purple) fuel (devoid of highway taxes)
- ATV riders not allowed use of purple fuel like boaters, even though ATVs aren't allowed to use highways.
 - Want legislation that allows the use of purple fuel in ATVs OR tax money from regular gas comes back into trust fund (this seems unworkable to some) – best solution is to allow use purple fuel (saving about 10 cents/litre)

- This could make the registration/licensing/trust fund package more palatable in that there would likely be no incremental net cost if purple fuel could be used
- However, it wouldn't bother some ORV riders to pay highway fuel tax, if riders could ride alongside highway
- If trust advisory board had someone from Min of Highways, this could provide some linkage to the highway tax money
- If there's a highway crossing, the local club could make application to highways for funding based on highway tax money paid for by fuel
- Manitoba, Saskatchewan, Washington, Oregon and California apparently return highway tax based on ORV fuel consumption back to ORV projects; likely case in other jurisdictions as well

11. Treatment of out-of-province users.

- Notion of reciprocity, whatever recognized in other jurisdictions would be legally recognized here
- One idea; if you are an ATV BC member you don't pay for trail pass or you get a discount, if you don't belong you have to pay – encourages people to belong to local club

Anything else?

1. Phase-in one-year grace period before people receive penalties for non-compliance
2. Name of act should be changed to “off-road vehicle act”
 - Standard regulations for all – eg. Helmets
 - Specific regulations for specific rider groups
3. Trail construction guide for ATVs and snowmobiles – standardizing trails and bridges
 - Quebec guide being translated and will be mailed to consultants when available
 - The Quebec guide is a widely accepted standard
4. Can't enter provincial parks with ATV, if ATVs are registered and licensed want the right to enter parks and drive down road.
5. Two Key points as far as ATV BC is concerned:
 1. Voting-role for ORV groups on trust fund advisory board (non-voting role for other groups) particularly as it relates to funding allocations decisions; and
 2. Money from Trust Fund goes back proportionally to ORV groups who paid the money in the first place.

B.3 Conservation Interests

Conference Call: Monday 31st May, 2005 1-4 pm

Joan Best, Federation of BC Naturalists

Taylor Zeeg, GCC

Bruno Delesalle, GCC

Bev Ramey, Federation of BC Naturalists

Regrets:

Eva Riccius, Canadian Parks and Wilderness Society

Corrie Leung, Canadian Parks and Wilderness Society

Terje, George

Conservation Perspective

Support for common goal statements?

- Yes, remains a good starting point, all folks felt very comfortable with the statements
- Considerable effort over several months went into their development

Statutory and regulatory framework for registration and licensing

Terje clarified the distinction between registration and licensing, in response to questions.

“Common features” paragraph – concern about having visible license plate or decal

- Regardless of the option chosen, identification of the vehicle has to be visible and identifiable from a distance
- This is a key point for conservation interests; this is “why we’re at the table”
- In order to address this issue, want to identify vehicles at a distance.
- Want to make this as easy for riders as possible (multi-year vs annual)

From a conservation perspective, the 1st goal is to be able to identify vehicles at a distance.

- It is also important to have some means to communicate with owners and riders in order to provide information and education materials (in conjunction with motorized interests) about sensitive habitats, wildlife, seasonal impacts and the importance of riding on designated trails and areas.

In order to make this whole thing work, need the income for administering the system

Options:

- Option 3 (annual licensing) preferred, Option 2 (every 2 years but not every 5) might be reasonable; point is that there’s a need for regular updates.

Administrative framework

Q: Private use/ subsistence use?

- Need to have all vehicles registered, universal system
- Registration linked with visible identification, license numbers need to be easy to remember and make note of (not like complex system for boats)
- Important to get buy-in of ranchers, hunters and fishers; selling point is to use registry for tracking of stolen vehicles and as deterrent to poaching

Key points for conservation interests:

- Need some real teeth in legislation regarding damage to ecosystems, need the tools backed by enforceable regulations
- Law needs to enable the public to participate in the enforcement side of things.
- Want communities and associations to be the eyes and ears; enable an effective relationship between the public and enforcement officers

Options:

Goal is to engender overall trust in the system

- This would be option 2, public/private model
- Strong support for one-stop shop. Motor dealers council already has a system to register salespersons; problem selling used machines because they might be stolen. A registration system would help solve this problem
- More cost effective the better
- Need to have the infrastructure in place: e.g., BCAA is another model, already provincial in scope

RCMP and other enforcement officials need ready access to a registration/licensing computer database in order to enable timely enforcement action

Public access to database, important resource for getting messages out for information, education.

Q: how public should the database be?

- Should not be confidential, need to have limited access, at a minimum need to provide access for members of bona fide associations
- Board of directors or some body in charge of administering system of registration and licensing could act as the gatekeeper on who can access the information
- Membership (organizations that make up coalition) should have input

Trust Fund

The intent is for a trust fund to be established with an advisory board; must have balance so that not just riders represented on advisory board, but also conservation voice

Terje expressed views of riders re proportionality of trust fund going back to groups paying into the fund (e.g., 30% from ATV BC, they get proportional access to funds for expenditure in the identified program areas)

Conservation sector wants to ensure that not 100% of the trust fund is spent on trail development; need to ensure that some funds are allocated to restoration and education

Is it realistic to put minimum percentages on the four program areas?

One of the recommendations could be that the board develops an initial plan with some initial targets for the program areas.

One important principle that should be recognized: that the board aims for equitable distribution of funds without any program area falling below a certain level of funding (e.g., 10-15%)

Some fallacy in the thinking that it is strictly “ORV money” that goes into the trust fund, overlooks the impacts of ORV use on the habitat and the need to compensate for at least some of this impact; this is why some of the money needs to go into conservation and stewardship

ORV riders argue that trail networks have positive impacts on conservation/stewardship in that riders will more likely stay on designated trails when available and not ride off-trail

Couple of possible models for the board:

1. Trust fund board makes funding allocation decisions, rules about where the money is spent, along program lines and provincial as well as local priorities

- Motorized interests as voting members, and others in an advisory capacity, includes both ORV riders and non-riders (including conservation interests)

2. Broadly-based trust fund board with representation along the lines of the ORV Coalition...with a wide range of interests making collaborative decisions. Board plays an advisory and auditing role and provides funding guidelines, while actual funding decisions involving local clubs are made by provincial ORV associations

- Frees the provincial level advisory board from having to make local level funding decisions
- Need principles to provide guidance on funding
- There should be some funding allocated to provincial level initiatives (i.e., the invasive plant council); more efficient use of funds to address problems from provincial perspective in some cases (i.e., weeds, education, signage, etc)

No problem with \$300 K (for example) coming from snowmobilers and \$300 k going back to the snowmobile association, but need a strategic approach on funding all program areas at the provincial in addition to the local level

Can a provincial advisory board make detailed funding decisions at a local level?
Wouldn't it be better to have these decisions made by bona fide rider association?

With either option, a small percentage of funds should be allocated for provincial-level strategic initiatives (i.e., education, invasive plants, and other province-wide initiatives)

Need to stick to some principles when writing up report

Small sub-fund could deal with local level funding (like HCTF which has small pot for general public proposals) for non-riders to submit proposals for ORV projects like restoration

Key point: uncomfortable with not having conservation interests represented on the board; need to have conservation voice as well as rider voices, not just in an advisory, non-voting role.

Q: Charitable status for trust fund?

- Not much discussion, lower priority

Key Management Issues

1. Operator requirements:

- Value in having operator license with endorsements for each vehicle type, in addition to machine license; could be a special class on driver's license
- Implies that there's a process involved in obtaining a license; provides opportunity for training, awareness, and education; increases accountability.
- Should be some process for mandatory training

2. Link to best management practices (BMPs) for low-impact practices

- Need link to BMPs in regulatory framework and also through project funding
- Potential for partnership projects between ORV rider assoc and conservation groups

4. Enforcement issues:

- Is it possible to have club officials "deputized" so that patrol members have enforcement role?
- Idea of RCMP training patrol personnel, voluntary assistance to peace officers.
- Snowmobile patrol wardens have some links to RCMP, need to explore further

5. Access issues:

- Big concern is fragmentation and incremental loss of habitat with network of ORV trails
- Lots of examples of trails and roads being linked together
- One principle should be to avoid fragmentation
- Need for local level recreation access management planning to address some of these concerns

6. Treatment of out-of-province users

- Given the impacts from these users, there should be a day-use fee for non-resident motorized recreation
- This should be allocated strictly to provincial-level habitat restoration/conservation (alleviates the concerns of rider associations concerning disbursement of trust fund fees)
- How are BC riders treated in other jurisdictions? Issue of reciprocity. On the other hand, hunters from out-of-province need hunting licenses to hunt in BC. How do other jurisdiction deal with this issue?
- There is support for this from MLAs and senior managers in government.

Anything else?

Terje raises point that riders want the ability for snowmobiles and ATVs to cross public roads as part of this initiative (either at designated locations as part of trail networks or at random). Supports the need for an operator license or riders with driver's license

Support by conservation interests for coordination of liability insurance with registration and licensing

The idea was raised to license the operator instead of the vehicle; however licensing is linked to liability insurance; if there's no mandatory liability insurance and no trust fund why would you need annual licensing?

Need to consider how ORVs are defined: What about provisions for ORVs that haven't even been developed yet, e.g., amphibious vehicles. Need to make legislation adaptable to take these into account.

Regarding ORV play areas, including wetlands where restoration is difficult:

- There are concerns about sacrifice areas (e.g. designated mudbogging play areas); over time, even badly impacted wetlands and riparian areas can be rehabilitated to an extent.
- This issue of play areas could be more of an access-related issue that MSRM should address via land use decisions.

Essential components of package from conservation perspective:

- Visible vehicle identification
- Mandatory training and education (through licensing or whatever)
- Penalties for damage to the environment
- Registry of vehicles/operators for education/communication purposes
- Some funds for provincial level initiatives (i.e., education, invasive plants) where more efficient to address things at provincial level
- Strong conservation perspective on advisory board

B.4 “Other” Recreation Interests

Conference Call: Wednesday, June 1st 2005, 9-11 am

Norma Wilson, Outdoor Recreation Council (ORC)
Terje, George

(Murphy Shewchuk, Trails BC, did not attend but provided some perspectives by e-mail)

“Other” Recreation Perspective

Note: ORC represents a full range of public recreation interests including motorized and non-motorized users; since conference calls were held with motorized user groups, the purpose of this call was to get “other” recreation (e.g. non-motorized) perspectives.

Support for common goal statements?

- ORC voiced support
- Trails BC (Murphy Shewchuck) also indicates support

Norma strongly suggests that a copy of the common goal statement be posted on the website so people can download a copy, sign it, and fax or mail it in to Coalition.

Statutory and regulatory framework for registration and licensing

Discussed differences between registration and licensing

Options:

- If there’s registration and licensing, ORVs should be treated like other motorized vehicles; should be able to demonstrate annual licensing and insurance when used on public land.
- Not necessary for use on private land, but on crown tenures (e.g., cattle ranchers)
- Aboriginal subsistence use? Yes, they should still be licensed and insured, with visible identification. Although there may be some special consideration given by government.

Two main requirements:

1. Annual licensing and insurance, and
2. Visible identification

Administrative framework

From monitoring and enforcement perspective

- A public/ private system would likely be the preferred choice
- The key point is that all of the data collected is in public hands
- Needs to be at time of purchase, at dealership

One idea is to have provision of insurance contracted out to private agents; need competitive insurance premiums to keep costs low

Trust Fund

Serious concern from ORC perspective: Motorized riders want money collected returned to the groups; therefore ATV riders could potentially get lots of funding for building trails, as a result they could overwhelm non-motorized interests in building trails for motorized use because they have the money.

From the ORC perspective, there are two distinct groups of motorized users: 1. the responsible club members who largely ride on resource roads, and 2. a large “renegade” population of ORV riders who don’t stick to riding on roads and don’t worry about their impacts.

Many problems could be alleviated if a recreation access plan were prepared prior to any trail building, with designated zoning for motorized and non-motorized use. Any trail building would have to be consistent with plan.

- This would have to apply to everyone; both commercial and non-commercial

Lots of concerns from non-motorized recreation interests about motorized users having access to a large pot of money, which could then be used to develop motorized trails throughout the backcountry to access currently non-motorized recreation opportunities (e.g. by constructing a key bridge that opens up large new area of backcountry for motorized use).

Offsetting this concern to some degree, the money would go to the clubs and not the so-called “renegades,” which would put money in the hands of the more responsible parties.

Questions raised:

- Who signs the cheques?
- Who’s answerable about how the money is spent?
- ORC doesn’t support all of the trust fund money being returned to the riders. What about funding restoration of environmental damage caused by motorized use?

From a non-motorized recreation perspective, there needs to be access to the trust funds (e.g. if an existing non-motorized trail is being displaced by motorized use, then an alternative non-motorized trail may need to be constructed).

A provincial recreation strategy is required, not just an ORV strategy.

Some concern on the part of non-motorized recreation interests over one statement in the common goal statement: “This fund will be available for off-road vehicle recreation groups in proportion to their revenues generated to this fund.” Concern is that this is

leading motorized users to believe that they will have exclusive use of the funding, which is not consistent with the views of non-motorized groups.

Advisory board makeup:

Who's the board answerable to?

- Most likely it will ultimately be a Minister who's accountable, with the Advisory board providing advice

Three potential models for the Advisory board:

1. Option 1: Riders only as voting members.
2. Option 2: Riders and non-riders as voting members
3. Option 3: Middle ground: more broadly based advisory group with in the voting roles filled by the rider associations, non-riders in a purely advisory role, bulk of the funding going to bona fide rider groups, with some money going to initiatives identified by non-riders that address the impact of ORV use on other users or the environment..
 - To make this work would likely require clear rules on what constitutes a bona fide project, full consultation with other interests; e.g., letters of support from stakeholders including ranching interests, community interests, non-motorized recreation interests, etc.

ORC does not support an exclusive model, where only rider associations have access to the trust fund money.

Main concern is that motorized groups could greatly expand their access given an influx of cash afforded by the Trust Fund. Where there have been impacts from motorized access, non-motorized users want to be able to access funds in order to provide alternative access routes.

- Improved access on roads and trails is not a problem, but indirectly this improved access could result in greater opportunities for off-road and off-trail use to the backcountry by "renegades" would present a problem; issues with riders not staying on trails and question of who would enforce restrictions
- If non-motorized groups wanted to place signs directing riders, where would they access the money?
- Potentially make funding conditional on non-motorized representation being consulted having input into local projects. Riders need to demonstrate that before the funds are disbursed, they have the support of FN, conservationists, ranchers, non-motorized recreation interests, and other stakeholders; then they get credit to proceed with the project. Advisory board could audit projects based on the multi-stakeholder involvement and support. Cost of mitigating impacts of motorized access could be part of overall project costs.. Appropriate conditions on project approval might go a long way towards resolving non-motorized concerns.

Secondary concern is access to the money by non-motorized groups.

Key Management Issues

Management issues that may require legislative attention

1. Monitoring and enforcement
 - Why set up a system when the rules are never enforced?
2. Designating ORV trails for motorized use is required
3. Highway crossing by ORVs
 - Might make sense to use highway right-of-ways, don't see a problem with this
 - From non-motorized users it makes more sense to have the motorized use in the motorized corridor
 - Use of resource roads and incidental use of public highways (as part of designated trail network) would be supported by non-motorized groups as it keeps motorized use on the roads.
4. Safety concerns over motorized and non-motorized use on the same trails (see Trails BC position)
 - e.g., safety of horse-riders can be put at risk by motorized use: noise, etc.
5. Treatment of out-of-province motorized users
 - Need to think about who would be selling day-use permits, need to be easily available particularly on weekends and holidays
 - Trail pass systems for ORVs as well as snowmobiles makes sense
6. ORV patrols
 - Could provide "courtesy" ticket (e.g. like a warning ticket) on an official piece of paper for infractions
 - There could be a record of perpetual violators using vehicle identity
7. Need to define adverse ORV impact and ticketable offense
 - e.g., if ORV leaves hardened surface it would constitute a violation, unless this occurs in an approved area
 - Seems like a logical extension of ethical stance of rider associations
8. Designation of recreation trails (motorized and non-motorized)
 - Perspective from recreation groups is that there's a resource bias in MoF, such that the MOF system is aimed at restricting recreation trails and recreation use because they represent an impediment in accessing the timber resource.
 - Need to streamline approval process for designating trails – FS process is too cumbersome
 - Non-motorized users support the idea of designated motorized trail-network
 - Timely and consistent trail approval system needs to be developed in BC
 - Improved coordination of recreation development approval

- Better process of recreation planning badly needed to coordinate all recreation use: motorized, non-motorized, commercial, etc.
- Example of the Golden Forest District recreation access management plan is a good start, however implementation and approval by the FS is slow.

9. Options for phasing-in registration and licensing:

1. Over 4-6 months before enforcement applies
 2. One year grace period for existing vehicles
- ORC supports the second system; plus a system of graded fees, which would encourage people to register early by providing a lower fee. This could be combined with lower insurance costs, and other incentives to get vehicles registered and licensed.

10. A definition for ORVs that takes future designs into account

- 4X4s say they are already registered and licensed, don't need anything else to access the backcountry and restriction shouldn't apply; e.g., staying on designated motorized trails

11. Issues of summer vs winter use

- trails being built for winter use need to cognizant of impacts of potential summer use; e.g., going through wetlands

12. ORV parks

- Providing a destination for ORV vehicles

ORC position:

- Need a diversity of trails for a diversity of users
- Key thing is managing people's expectations
- Key to managing expectations is having designated trails and/or roads

One key solution is to have a district-level strategic recreation planning process with some teeth. It's not enough to just have plans, there also has to be proper enforcement and implementation capability.

Trails BC's perspective on Trans Canada Trail (provided by e-mail):

Our main concern is safety, specifically the potential of a collision between two motorized users and/or between motorized users and non-motorized users. While ATVer's have made arguments to the contrary, statistics used by the insurance industry suggest that non-motorized users would be the losers.

Our slightly secondary concern is the extreme cost of insurance if the Trans Canada Trail is open to full motorized use. Our insurance agent has given us a written quote that would see our public liability insurance jump from \$2,000 in 2004 to over \$45,000 per

year in 2005 if full motorized use was permitted. Trails BC does not have the resources to even consider such high insurance rates.

Regarding the "Common Goal Statement", we strongly support it and the need for improved ORV safety and accountability.

As we do not represent "motorized" users, we are not able to offer much in the way of comments with respect to most of the topics in your attached letter. The administration of the program is a complex subject that we have not studied and do not expect to have a direct benefit except in the resulting improved safety and possible reduction in liability insurance.

B.5 Cattlemen/Ranching Interests

Conference Call: Wednesday, 1st June 2005 1-4 pm

Dave Borth
Peter Bonter
Ron Trickett

Terje, George

Cattlemen & Rancher Perspective

Support for common goal statements?

- Statements are fine overall
- A couple of points need to be made, idea of 100% of funding going back to riders is raising some concerns
- Goal statement refers to mutual benefit of all organizations: consequently perspective of cattlemen needs to be taken into consideration

Some initial thoughts:

- Ought to be an offence to damage crown range resources with ORVs
- Funding for invasive plant species needs to be addressed
- Trail building concern in that it could lead to more ORV use and impacts

Cattlemen are part of the ORV coalition for a couple of main reasons:

- Secure our environment
- Get some teeth into the regulations covering those that would damage it

The Cattlemen's association is in favour of registration and licensing, even though some members aren't necessarily in favour of another layer of regulation and bureaucracy. There will likely be better buy-in if the benefits become more obvious.

Statutory and regulatory framework for registration and licensing

Terje outlined what was entailed with registration and licensing

- Support registration with the need for re-registration upon change in ownership
- Need annual licensing to ensure people are registered

Options:

Option 3 preferred: Registration (and re-registration with change of ownership) with annual licensing

Aim of ranchers and cattlemen is for ATVs to get treated like tractors. This might make it more beneficial for northern ranchers to come on-board.

- Should apply to work-related ranching as well as recreation use.

- There's a provincial sales tax agricultural exemption for work-related use of tractors that should apply to work-related use of ATVs; if this could be arranged as part of package, it could reduce some objections to new registration and licensing requirements and costs for ATVs by some cattlemen who are concerned about this.
- Currently pay roughly \$25-30 per year per tractor for licensing;

Nearly every rancher has ATVs for work use, extensively used for work on crown land tenures:

Licensing ATVs for agricultural use should receive the same benefits as other licensing: e.g., agricultural plate on a vehicle should be treated differently than on a commercial vehicle.

Two costs: 1. administration of registration and license program (say \$15)
 2. contribution to the trust fund (say \$25)

Possibility for ranchers using ATVs to pay fees associated with 1 and not for 2.

- Ranchers want to be fully involved in disbursement of fees from trust fund, therefore want to pay both costs, but would prefer to get a break on the amount – to reflect agricultural use

Issue of visible identification of ATVs – metal plate on either side of machine

- Most visible place on quads would be fore and aft, don't necessarily need to be metal
- Key issue is ID and visibility

Administrative framework

- The cattle ID model is a private model (Canadian Cattle Identification Agency CCIA <http://www.canadaid.com/>)
- Might be easier to start-up with government involvement/oversight
- Support the idea of one-stop shopping through dealer, don't see any problems

Option 2 is preferred model; public/private model.

- More acceptable to have an independent body administer the system, not ATV / BC or BCSF, for example.
- Need to have public database
- One possibility is for insurance brokers, as well as dealers, to look after registration/licensing and collect the fees

Key points:

- Ranchers would like reduced fees for agricultural use as part of the package of recommendations made by ORV coalition

- Needs to be arms length from rider associations; e.g., ranchers would strongly oppose having to go to ATV/BC for licensing.

If ICBC can deliver more cost-effectively than private business, this may be the preferred option

Potential Private model of Cattle ID

- Cost of tags for Cattle RF ID is \$3.20-3.50 per piece, which covers cost of administering the system by the Canadian Cattle Identification Agency

Ranchers don't want the hassle of a dual-licensing system, one for off-road and another for highway use, which also reflects the position of rider associations.

Trust Fund

Advisory board makeup:

Three potential models for Advisory board:

4. riders only as voting members, makes funding decisions
5. more broadly based, with riders and non-riders as voting members, make funding decisions
6. middle ground: broadly based advisory group with riders in the voting role and non-riders in advisory / shared audit role; should including cattlemen's interests
 - Could entail two components: provincial pot of money and proportional allocation for local initiatives
 - bulk of funding goes to bona fide rider groups, with some money going to non-rider initiatives.
 - Some funding could be held back for strategic provincial projects, e.g., noxious weeds
 - Advisory group makes recommendations to responsible Minister
 - Clear rules on what constitutes a bona fide project, has to be full consultation with other interests; e.g., get letter of support from ranching interests, community interests, non-motorized recreation interests, etc.
 - Nothing more irritating to those managing the land base than consultation after the fact, real consultation must occur prior to approval

BC cattlemen are only interested in providing strategic input, don't need to be directly involved in funding decisions. Keep advisory board small; not efficient to have 12 people on it.

Cattlemen are the only ones who are legally responsible for addressing resource conditions on crown range grazing tenures

Ranching / cattlemen interests/perspectives need to be represented on the advisory committee; BCCA likely not interested in being involved however in spending decisions wrt to local projects – just that spending authority process makes sure local ranching interests/concerns are addressed

- Need to ensure that a percentage of fund goes to provincial initiatives; in the case of ranchers this should specifically be in support of provincial weed management..

Public / rider education

- There's a cost factor involved in getting the message out
- For example, in order to lessen environmental impacts, best management practices could be tied to safety training and education
- This must be direct education, not just a bunch of pamphlets

Violations in case of environmental damage:

- Potentially, violations should involve a financial cost and/ or enrolment in a mandatory rider education program

Key Management Issues

Issues that need to be addressed through ORV legislation:

1. Use restrictions to protect environment and forage resources
 - Need some legislative clauses with teeth aimed at protection of the environment and range values; need to make these ticketable offences
 - Certain sections of FRPA come close to providing the type of wording needed
 - The main principle here is that those individuals responsible for significantly impacting the environment should be held accountable
 - Cattlemen are not comfortable with the level of intent in FRPA as it currently stands; the legislation is simply not strong enough

Q: Idea of riding only on hardened surface?

- Problematic defining environmental damage

2. ORV Patrols – good idea

- Has to be a defined violation or offence.
- If tied-in with existing policing this would add teeth; needs to be a program fully supported, by police for example and community
- Ticketing is an effective form of communication / education.
- Perhaps there's some linkage with crime watch program, which is already established

3. Required helmet use

- Cattlemen are generally more supportive of taking the education route over regulation
- Perhaps restrict this requirement to designated ORV trails, along with a driver's license
- At the same time, ranchers want riders to stay on ORV trails, so this might be counterproductive

- Another perspective is to focus on highway use/crossings
4. Operator license or requirement
 - Issue of age requirements; age vs minimal physical attributes/ strength (Manual for young riders) – cattlemen prefer physical requirements over age
 - Many young riders work on ranches (e.g. family members)
 5. Mandatory liability insurance?
 - Prefer this to be voluntary for ranchers rather than mandatory on Crown land; general liability insurance covers activities on ranches, including ORV use, anywhere on the business area or tenure and most ranchers have this insurance.
 - Therefore mandatory liability insurance for ranching use of ATVs should be waived as this would be duplicative insurance for most ranchers
 - Cattlemen have no problem with recreation users requiring mandatory liability insurance.
 6. Out of province users
 - Need stronger legislation around environmental damage
 - Make sure that there are effective laws that protect grasslands, rangelands, environment, with provision for ticketable offences
 - Without this, it doesn't really matter if they have out of province identification, doesn't carry any consequences
 7. Q: Trail pass system – cause any concern to ranchers?
 - Don't think so... basic idea is to identify and hold accountable
 8. How are non-motorized vehicles (e.g., mountain bikes) addressed?
 - Coalition is just going to address motorized use
 - Cattlemen interested in having environmental damage addressed in legislation, no matter the cause.
 - Have to be cautious about not recommending regulatory controls that involve any group that has been excluded from the discussions

Anything else?

We're looking for any enforceable statements that are particularly effective.

Big Issue is accountability: How are some teeth going to be put into this legislation?

Important components for putting teeth into the legislative package:

1. Need clear regulations that define restricted activities
2. Need to tie these into the Offences act, so they are ticketable offences
3. Not clear who takes the lead on ORV enforcement, needs to be some clarity on how the new ORV legislation is enforced
4. Volunteer patrol wardens – training to be the eyes and ears, in association with police

5. Training and education program
6. Identifiable vehicle and operator
7. Definition of environmental impact and application to any person.

B.6 Dirtbike Interests

Conference Call: Wednesday 1st June, 2005 6-9 pm

Ken McClelland
Terry Burke

Terje, George

Dirtbikers

- Hard to guess the number of dirtbikes in BC and there's no real estimate of riders
- Motorcycle and Moped Industry Council (MMIC) should know how many are being sold; there is a vehicle identification number (VIN) on dirt bikes
- Dirtbikers are often loners, and don't easily join clubs or form associations; still about 1,000 riders are members of clubs
- Dirtbikers are not well represented and need better organizations:
 - Pacific Northwest Motorcycle Assoc – act as an umbrella group, but not for entire province
 - BC Coalition of Motorcyclists – traditionally more road oriented

Support for common goal statements?

- Yes, support the statements
- As far as dirtbikers are concerned, the intent is for the majority of trust funds to come back to the rider groups in proportion to the money collected
- Want to keep cost at or below a \$50 annual fee (Nova Scotia is currently recommending \$50 with \$10 for admin, \$10 for enforcement, and \$30 for trust fund)

Benefits of registration and licensing, win-win for everyone:

- Dealers in eastern BC won't lose business to Alberta
- Would provide a central database that police from anywhere in Canada could access
- Provides the opportunity to identify registered owners
- If a bike stolen, there's a much better chance of recovery
- There could be great economic spin-offs from tourism
- The revenue generated would come back for the enhancement of the sport, and not into general revenue

Statutory and regulatory framework for registration and licensing

Purpose for registration and licensing outlined

Lots of grey areas in existing legislation

Visibility and identification is key:

- License plate would not work for dirtbikes, they can potentially become “legal knives” and would present a major safety hazard. Alberta made a big mistake in legislating the requirement for metal plates.
- Dirtbikers propose one decal on the front end. Other jurisdictions (CA, WA states) use a fairly large sticker. Not really visible from 100 feet, but this expectation is unrealistic. A large decal would also have user acceptance.

Enforcement currently is not working; need peer pressure and education; there’s much more peer pressure coming from fellow dirtbikers, than there is from other users like hikers

Licensing Options – Key points:

- Prefer annual license and a new decal each year, because they get banged up, and should be colour coded by year.
- Registration should be for the vehicle
- Licensing should only be required for riding on public land

Administrative framework

Options for administering system:

- Strong preference for public administration through ICBC
- ICBC may not want to take this on, but they are a Crown corporation and under government mandate
- They have everything in place with widespread agents throughout the province, just have to produce decals
- Dirtbikers indicate that dealers are probably too busy with sales to take this on and wouldn’t want to administer such a system.
- Onus should be on purchaser of insurance (bike owner) to go to agent
- Q: what if some dealers want to take it on? No problem, whoever wants to become an agent should be free to do so

Public/private model couldn’t happen instantaneously. ICBC has the central database, which is essential.

Whatever system is devised has to be accessible by Customs, RCMP – one of the benefits of being in a universal database

Under private administration there would likely be problems under the *Privacy Act* and raises questions about how such a system could be integrated into existing internationally secure public systems.

Bottom line: For this to work, government simply has to tell ICBC to administer the system

Q: If government is cautious or concerned, a public/private model might be more palatable to them; can you see a private partnership with government working?

- Can't really see how the consumers at the end of the day would have the same benefit as a public system under ICBC; many of the potential problems have to do with privacy.
- For example, information on every single ORV would be on the database. If criminals got hold of the database, they would know exactly where to find any bike they wanted to steal.

Trust Fund

Dirtbikers represent a minority group in the ORV associations

- There is talk about forming a provincial dirtbike association
- The main concern is for dirtbikers to get their proportional share of the funds
- Don't want other groups sitting on advisory group dictating how funds are disbursed; they shouldn't have a say. The people who have a say should be the ones paying the money.
- For example riders don't have say on how ENGO money is spent so ENGOs shouldn't dictate how moneys paid for by riders are spent
- Once the database is built, it becomes very easy to see where the money is coming from; going back to regions and areas that contribute to the fund
- Money would go back only to bona fide clubs and projects; this would encourage the formation of dirtbike clubs to promote the sport in order to access the trust fund money
- For example, if area X contributes \$10 000 to fund, they would need to form a club before make a proposal to access the funds; this has positive effect of getting clubs formed and responsible projects supported.

Q: hypothetical model: what if a relatively small percentage of trust fund money is put into provincial level initiatives; e.g., research how much money goes into tax base from ORV gas purchases, promoting tourism, motorcycle resource zone (resource management zone in the Okanagan),

- Have problems with some initiatives, such as the study of invasive plants – if this is the case, every hiker in the province should also pay a license fee.
- Concerned about off-loading – the trust fund should not have to pay for programs that government has been or should be doing
- Dirtbikers don't want to continue taking the brunt on many issues; e.g., spreading knapweed – animals and other factors contribute more to their spread than dirtbikes
- Industry does not pay for mitigation of all impacts they cause – would be cost prohibitive – this should not be expected of riders too
- Q: consider hypothetical case: invasive plant strategy – a number of things causing the spread, have a program to undertake cooperative partnership program to raise awareness? Dirtbikers response: government has cut back on enforcement in forest practices and range management, but industry continues to operate, but when problems crop up they turn to private individuals as the root

cause. There are major concerns about costs being off-loaded onto private individual dirtbikers by making them responsible through the trust fund.

- Dirtbikers concerned about having to defend themselves against unsubstantiated claims about environmental impacts
- Those who are paying into the trust fund should be the ones who reap the benefits; e.g., if conservation groups wanted to access the trust funds to repair environmental damage they should make proposal to advisory board, but should only access the funds if a motorized group accepts responsibility and isn't interested in rehabilitating it themselves.
- Responsible club members shouldn't be required to pay out of the trust fund to repair damage by "renegade" elements.
- For example, lack of appropriate action by government (not responsible club riders) has led to impacts by 'renegade' riders; responsible club riders should not have to pay through the trust fund for damage caused by 'renegades' that is due to lack of responsibility on part of government to protect public lands.

Advisory board makeup:

Potential model to consider

- Advisory group broadly based, including conservation interests, with riders in voting role and non-riders in advisory / shared audit role
- Trust fund could entail two components: relatively small percentage for allocation on provincial initiatives and proportional allocation for local initiatives

One view expressed is that conservation interests should not be on advisory board, because riders generate the funds, and riders should make funding decisions

- Code of ethics, don't mind conservationists as advisors, but don't want them to control the funding decisions
- See the need for a watchdog, as long as media not used for PR like some LRMP tables, members of advisory board need to sort out issues themselves at meetings

Another view expressed is that it's not constructive to foster animosity between dirtbikers and conservation interests, and that conservationists should be allowed to sit in an advisory, non-voting role

- Might open a two way street, if you sit at our table, perhaps we should be invited to sit at your table
- Can see benefits in collaborative provincial projects

Potential Solution: both views agree with the need for clear terms of reference for advisory group

Key Management Issues

1. Minimum age requirement would be a big issue
 - Don't believe there should be a minimum age if riding with parent or guardian
 - This could potentially be a "show stopper" as far as the dirtbikers are concerned

- Many families have young children and take family rides
 - OK with minimum ages if riding alone
 - Although there is pressure from medical community, don't believe ORV use accidents by young riders is out of proportion with other active sports
2. Safety equipment is a secondary issue; everyone recognizes the need for this
3. Q: Idea of Trail networks? Highway crossings?
- Most dirt bikers are not involved in long-distance rides but some are
 - Many riders nevertheless use highways such as crossings
 - Issues of headlights and signal lights for crossing highways
 - Need road crossing marked
 - Need legitimacy for dirtbikers
 - This is currently a legal grey area: some say you must turn off the engine and push the bike across the road, others say that the bike shouldn't be allowed on the road at all.
4. Compulsory off-highway liability insurance:
- Mixed views: if insurance was accompanied by right to cross-highways, it could be supported, but not for just riding on Crown land; if in place it needs to be a reasonable amount reflecting actuaries
 - On the other hand, don't necessarily support the requirement for third party liability insurance to cross the highways, why different from horses or cyclists on highway?
 - Nova Scotia has 3rd party liability that covers riding in ditch and crossing highway; costs about \$109/year
5. Q. Idea of ORV Parks
- Support the idea in principle
 - At the same time, don't want someone down the road saying that "you have ORV parks, so you can't ride outside the designated area."
6. Highway gas tax
- Washington state uses highway gas tax money paid by ORVs for ORV projects that promote riding areas and ORV parks; this funding is augmented by green stickers and use of prison labour (as well as volunteers)
 - BC riders contribute considerably to highway gas taxes but nothing goes back to sport
7. Q: Frustration of responsible dirtbikers over damage to environment, how to deal with a few bad apples?
- Government needs to give clubs some enforcement ability (see what they've done in Ontario – Special Constables; they can write a ticket and their authority stands up in a court of law). However, this could be a thorny issue with dirtbikers. Observe, record, report might be a better way and not as confrontational.

- Q: What's an example of a ticketable offence? FS recreation sites provide an example of how management regulations can be used in designated areas to establish ticketable offences
 - Need some backbone in the laws
 - Noise is a big factor and sound level enforcement would help; lots of people buy noisy mufflers and this brings many complaints; this is perhaps the biggest perceived enemy
8. Q: Would restriction on established trails and hardened surface be overly restrictive?
- No, with the trust fund in place for establishment of new trails there should be no reason for having to create your own new disturbance or trails without authorization
 - Keeping to established trails with proper signage, along with education might help keep areas open for motorized use, and potentially lead to re-opening areas previously closed.

B.7 Commercial Recreation, Local Government

Conference call: Thursday, 2nd June 2005 - 9am to noon

Brian Gunn, Wilderness Tourism Association
Dianne Lawson, Yamaha Dealer, Kamloops, BCSF
Marie Crawford, UBCM

Terje, George

Commercial Recreation Perspective

A BC Commercial Recreation Snowmobile Association has been recently formed

Commercial recreation operators will be holding an initial meeting June 21st regarding the question of carrying capacity and how it relates to commercial and non-commercial recreation use, environment impact, etc

Support for common goal statements?

- Everyone voiced support for the statements

Statutory and regulatory framework for registration and licensing

Differences between registration and licensing were outlined and discussed

- Registration verifies who owns ORV and can provide visible plate or decal
- Licensing of ORVs is considered essential for at least three reasons:
 1. Provides a system of collecting money for the trust fund
 2. Ensures that people are registered owners (i.e. re-registration in fact occurred if ORV sold)
 3. If insurance is mandatory, licensing ensures compliance

Issues:

- There are many thousands of under or uninsured riders
- Without mandatory regulation and licensing, there's no recovery program for stolen vehicles

Considering the three options:

There could be a new fourth option (variation on option 3: annual licensing):

- Many riders favour an option of having an operator license instead of a vehicle license on the machine
- Once a machine is registered, it would be the operator who receives annual licensing, not the machine
- This would be less costly for operators who own several ORVs

Administrative framework

Considering the three options for administering the system: Option 1: Private model, Option 2: Public/private model, and Option 3: Public model

Dealers (all salesmen) now have to be licensed; they've formed the Motor Dealer Council for consumer protection for on-road motorcycles

- However, dealers can't comply regarding off-road vehicles, because there's no regulation and licensing system in place for keeping track of them
- Consequently there is interest in registration and licensing for off-road vehicles

Q: Would dealers themselves be interested in doing the registration and licensing?

- Probably no interest by dealers, because registration/licensing too cumbersome for them
- There's a proven system already working through ICBC, the best solution is to integrate off-road vehicle registration and licensing with the existing ICBC framework

Trust Fund

Important issues:

1. Important that there be money set aside for habitat restoration; since tourists don't normally contribute to maintaining the habitat; ORVs should make some contribution to the conservation of habitat
2. With formation of bona fide rider associations there should be an advantage to members in the form of lower insurance rates
3. The spread of noxious weeds is a big concern for many ranchers and conservation interests, and this is associated with the use of ORVs
4. Small percent of irresponsible riders ruining reputation of majority of responsible riders; these 'renegades' cause most of the impacts; need strong enforcement to address this

Commercial ORV users (ranchers, loggers) have three priorities in following order ("3 E's"):

1. Enforcement, to keep track of those creating adverse impacts
2. Education, safety training, including question of age requirements
3. Economic development: encompassing designated trail networks, funds for trail maintenance, and trail permit fees – so that recreational riders stay on designated trails and do not cause off-trail damage to rangelands and the environment

Q: Considering various models for the trust fund, e.g., Habitat Conservation Trust fund

- Where would the money for enforcement come from?
- Some of the trust fund money could be used for RCMP to provide special training to trail patrol people, record, report, provide peer pressure
- Laws aren't clear about what damage to environment is a ticketable offence; need more teeth in legislation for protecting the environment

Propose the idea of having two separate components of the trust fund:

1. Registration and licensing as one system with funds dedicated to training and education, and
2. Provincial trail permit as a separate system with funding dedicated to trail maintenance and habitat conservation

Key Management Issues

Local government perspective:

1. Enforcement and identification of riders
2. Training and licensing of operators
3. Mandatory helmets and safety training
 - Bona fide associations and local clubs a big part of the solution in providing training
4. Mandatory insurance. The system should allow for discounts for safe responsible riders with training with high rates for unsafe riders.

From commercial recreation perspective:

- There are many renegade ORV operators, situation is totally out of control
- **Main aspects of total package:**
 1. Need system of registration and licensing so vehicles can be identified
 2. have to have legislation and regulations that are enforceable, and
 3. mandatory insurance
 4. designated trails based on appropriate referral
- Need a hotline 1-800 number to report infractions province wide
- Big concerns over conservation and habitat preservation; e.g., no wildlife, no guests.

Key solutions:

- Key to everything is getting the registration and annual licensing system in place
- Money should come back to each local club from provincial trail fee and from gas tax
- Provide trails between communities so motorized and non-motorized can co-exist; huge potential market for both types of users
- The legislative framework is the MOF trail designation system which involves referral to other stakeholders and First Nations consultation

Trail networks and provision of long-distance touring opportunities would create big economic benefit to local regions through tourism

Without registration and licensing, economic development is being hamstrung, since ranchers and others aren't willing to support trail networks until bad apples can be identified

- There isn't the trust that people will stay on trails, there aren't adequate laws to protect the environment.

There should be different trail networks for motorized and non-motorized; but don't want the situation too many separate trails for ATVs, snowmobiles, and dirtbikes

Two important issues:

1. Economic development
2. Highway crossing issue

Agree that there should not be a dual system, combine both on-road and off-road registration and licensing

- Support the idea of having an additional fee for off-road use (model used in Europe)

Species at risk and Wildlife Act

- Legislative requirements for enforcement

Q: Idea of ORVs being restricted to hardened surface

- Strong support for the notion of ORVs staying on designated motorized trail systems or pre-existing hardened surfaces such as existing roads and trails
- Issue of mixed-use on these trails; people have to be cognisant that motorized units are on trail and you use them at your own risk

Noise is a big issue:

- Two possible approaches: provincial and local (regional district, municipality) government noise limits. Need to explore the regulatory options, good examples of community bylaws (e.g., Revelstoke).
- Some do not feel a provincial noise limit is appropriate; leave to local government to decide
- Technology is moving from 2-stroke to 4-stroke motors, with lower emissions and less noise.

Anything else?

UBCM has made several resolutions on ORVs over the past decade... several have been appended to these summary notes.

Gas tax issue:

- Boaters can use cheaper purple gas that does not include the highway tax, however ORV riders can't
- Need to either allow ORV riders to use purple gas or return the highway tax monies collected back to sport such as Manitoba, Saskatchewan and Washington
- Need a similar system in BC, capturing gas tax money could amount to tens of millions that could go towards economic development, trail networks and trail maintenance

- About 200,000 ORVs in BC times average gas consumption per year times highway gas tax paid would yield amount that should be returned to sport

Other side of issue is the expenditures associated with ORV purchase and maintenance and tourism benefits

Selected UBCM resolutions related to ORV registration:

From the UBCM database at <http://acculogic.ca:591/> (home page www.civicnet.bc.ca)

2002

C6

Registration of ATVs, Dirt Bikes and Snowmobiles

Not admitted for debate

WHEREAS ATVs, snowmobiles and off-road motorcycles are often unregistered, making recovery of stolen property difficult;

AND WHEREAS these forms of vehicle are often purchased in Alberta, denying BC businesses the sales and denying the provincial government the PST;

AND WHEREAS many of these vehicles are uninsured with underage and poorly trained operators, creating liability and safety concerns:

THEREFORE BE IT RESOLVED that the UBCM petition the provincial government to require mandatory and highly visible registration of ATVs, snowmobiles and off-road motorcycles to address these concerns.

2002

B9

Licensing of Off-Road/All-Terrain Vehicles

Endorsed

WHEREAS the improper use of off-road and all-terrain vehicles has a detrimental impact on grassland areas and is one of the contributors to the introduction of noxious weeds;

AND WHEREAS property owners and/or regulatory agencies do not have the capacity or ability to identify the offending vehicles:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition the provincial government to amend the appropriate legislation and regulations requiring off-road and all-terrain vehicles be licensed in a manner similar to that required for snowmobiles.

RESPONSE OF: MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT

The Motor Vehicle (All Terrain) Act, at present, only applies to snowmobiles as these are

the only type of all terrain vehicles (ATVs) prescribed in regulations.

The Ministry is currently working with the BC Snowmobile Federation and the Insurance Corporation of British Columbia to develop a more effective licensing and registration system for snowmobiles. It is anticipated that this work will lead to a model that can be used for other ATVs in the future. To this end, the Ministry has initiated preliminary discussions with the ATV/BC Quad Riders' Association of British Columbia, an umbrella organization representing ATV owners.

1999

LR4

REGULATION OF ALL TERRAIN VEHICLES

Referred to UBCM Executive

WHEREAS the current Motor Vehicle (All Terrain) Act (RSBC 1996) Chapter 319 cites the definition of All Terrain Vehicles to be a vehicle that is propelled by motorized power and capable of travel on or off a highway as defined in the Highway Act, and that is designated as an all terrain vehicle by regulations;

AND WHEREAS the Motor Vehicle (All Terrain) Regulation cites that the above definition applies only to snowmobiles;

AND WHEREAS the damage of public and private property caused by all terrain vehicles is extensive both within and outside the boundaries of municipalities;

AND WHEREAS the vehicles in question are faster than snowmobiles and the operators of said vehicles are as young as five and six years old:

THEREFORE BE IT RESOLVED that the Minister of Environment, Lands and Parks, the Minister of Transportation and Highways and the Minister of Municipal Affairs be urged to support a regulation amendment to the Motor Vehicle (All Terrain) Act Regulations to expand the definition of "all terrain vehicles" to include quads, trikes, dirt bikes and all other terrain vehicles, in order that municipalities are able to regulate or ban their use within municipal boundaries, to alleviate property damage and the impediment they pose to pedestrian and other vehicular traffic.

RESPONSE OF: MINISTRY OF ENVIRONMENT, LANDS AND PARKS

The Motor Vehicle (All Terrain) Act and Regulation are assigned to the Ministry of Environment, Lands and Parks (MELP). However, ICBC is responsible for administering the provisions of the Act and Regulation such as registration and permitting of ATV's.

The UBCM resolution requests that the provincial government amend the definition of ATV in the Motor Vehicle (All Terrain) Regulation to include wheeled ATV's, so that municipalities may develop bylaws to regulate the use of wheeled ATV's within municipal boundaries. Local governments have raised concerns about road safety and property damage from the operation of ATV's within municipalities.

Currently the Act and Regulation apply only to snowmobiles and not to wheeled ATV's.

ICBC is responsible for the Motor Vehicle Act Regulations (Division 24) which regulates the operation of wheeled ATV's (used primarily for farm and industrial purposes) across a highway or on untravelled portions of a highway. The RCMP and municipal police forces have the authority to issue operation permits under this Regulation.

MELP uses provisions under the Wildlife Act to deal with ATV's that may be negatively affecting wildlife habitat on Crown land.

Road safety, licensing issues and damage to property from ATV's fall under the jurisdiction of ICBC or the RCMP and municipal police forces.

The Ministry of Environment, Lands and Parks is working with ICBC to clarify roles and responsibilities in dealing with this and other ATV issues.

1996

B16

REGULATION OF ALL TERRAIN VEHICLES

Endorsed

WHEREAS All Terrain Vehicles do not always use roadways and trails;

AND WHEREAS great damage can occur to ground cover by needless cross country use of All Terrain Vehicles:

THEREFORE BE IT RESOLVED that the UBCM petition the provincial government to take appropriate action to enact legislation whereby All Terrain Vehicles must be registered and licensed for identification; and that all operators of such All Terrain Vehicles require mandatory training and licensing.

RESPONSE OF: MOTOR VEHICLE BRANCH - ICBC

An ATV is a wheeled or tracked vehicle designed for recreational use on unprepared surfaces. There are approximately 150,000 ATV's in British Columbia; of this number, 50,000 are registered snowmobiles while the balance are unregistered vehicles.

The current Motor Vehicle (All Terrain) Act applies by regulation only to snowmobiles, and provides licensing standards, accident reporting regulations, and offense and penalty making authority.

Administrative authority of the Act lies with the Ministry of Environment, Lands and Parks, while licensing responsibility is with the Motor Vehicle Branch.

No decisions have been made in regard to possible future expansion of the regulations

pursuant to the Motor Vehicle (All Terrain) Act. However, the province will give further consideration to the request of UBCM in regard to this matter. Any review will have to be considered in the context of other traffic safety programs and the resource requirements of a registration and licensing system.

1993

B36

ALL-TERRAIN VEHICLES AND SNOWMOBILES

Amended & Endorsed

WHEREAS local government deems it expedient and imperative that safety and operational standards be established and enforced with the Province of British Columbia regarding the use of all-terrain vehicles and snowmobiles;

AND WHEREAS local government had in 1987 endorsed a similar resolution urging legislation be passed to license and register ATV's and snowmobiles to allow municipalities to accommodate residents' desires to have access and operation of ATV's and snowmobiles controlled:

THEREFORE BE IT RESOLVED that the provincial and federal governments take action to better control the misuse and disregard of property and safety by operators of all-terrain vehicles and snowmobiles on crown lands and public highways within the Province of British Columbia and that they consider licensing as a method of regulation and that operational training and safety programs be instituted for the operation of ATV's and snowmobiles.

RESPONSE OF: Ministry of Transportation and Highways

An ATV is a wheeled or tracked vehicle designed for recreational use on unprepared surfaces. There are approximately 150,000 ATV's in British Columbia; of this number, 50,000 are registered snowmobiles while the balance are unregistered vehicles.

The current Motor Vehicle (All Terrain) Act applies by regulation only to snowmobiles, and provides licensing standards, accident reporting regulations, and offence and penalty making authority.

Administrative authority of the Act lies with the Ministry of Environment, T Lands and Parks, while licensing responsibility is with the Ministry of Transportation and Highways.

No decisions have been made in regard to possible future expansion of the regulations pursuant to the Motor Vehicle (All Terrain) Act.

1992

B68

ALL-TERRAIN VEHICLES USAGE

Referred to UBCM Executive

THEREFORE BE IT RESOLVED that the government of British Columbia require that:

1. All mechanical propelled ATVs be insured under the Motor Vehicle Act, at least against personal and third-party risks, while operating other than on property owned or leased by the operator of such vehicle or by the parent, guardian or licensor of the operator of the vehicle.
2. Children under the age of 6 not be permitted to use such vehicles: and that children under the age of 10 not be permitted to use such vehicles exceeding 5 h.p.
3. The penalty for such offence under this legislation include the seizure of such vehicle, which will be sold at auction and the net proceeds returned to the offender.
4. All persons operating ATVs shall hold a valid operators licence and shall be required to wear protective clothing including helmets.
5. The operation of ATVs on environmentally vulnerable soils be prohibited.
6. The operation of ATVs in urban and other settled areas be restricted because of the noise and fumes generated, which unnecessarily add to the pollutants in the urban environment.
7. Motor bicycles be considered to be ATVs when not operating on the public highways.
8. The provincial government consider the advisability of designating limited areas in the settled areas of Southwest British Columbia in which ATVs may be operated for recreational purposes.

B.8 ATV Inter-Agency Policy Committee (IAPC)

Meeting: Monday, 6th June 2005: 1- 4 pm

Garth Webber Atkins, (Chair) Ministry of Sustainable Resource Management
Tara Moorhouse, (Coalition Liaison) Ministry of Sustainable Resource Management
Cindy Haddow, Ministry of Water, Land and Air Protection
Howard Joynt, Ministry of Agriculture, Food and Fisheries
Kate Greskiw, Ministry of Sustainable Resource Management
Mark Francis, ICBC
Holly Kincaid, ICBC
Kjerstine Holmes, Public Safety and Solicitor General
Kirk Rockerbie, Ministry of Transport
Spencer Manning, Attorney General

Terje, George

ATV IAPC - Committee Perspective

Support for common goals statement – general support voiced

Comments:

- 3rd statement “All motorized off-road vehicles” – provides a “very wide net” which goes beyond recreational use and captures commercial use and use on private land; for example, licensing may not be applicable on ORV use that is strictly on private land
- On private lands WCB kicks-in for employer/employees re: ORV use

Statutory and regulatory framework for registration and licensing

Need to include one more option; Status Quo option - no registration of ORVs

- ATV IAPC will not go to government without having a “status quo” option
- ORV coalition would likely want to supply implications for status quo option

Terje outlined rationale for both registration and licensing.

Feedback:

- Registration not necessarily proof of ownership, re-register on change of ownership
- License plate is an indication of having a license, not registration
- Letter from ICBC sent to Erik Gunderson; set out a number of issues (cc'd to ORV Coalition) for registration and licensing: ICBC is not interested in offering insurance for ORVs
- ICBC prefers that Coalition explore a non-ICBC model for registration and licensing
 - ICBC estimates it's cost to set up system; \$2 – 5 million to create the registry, before any information collected (if 200,000 ORV vehicles, roughly \$10-25 per vehicle to set up system)

- Vehicle Id Number (VIN) is the key to ICBC's registration system for vehicles, 17 digits for motor vehicles; likely different # of VIN digits for ORVs which contributes to set up costs
- Q: Ballpark price for yearly licensing from ICBC? Answer: roughly \$50-100 annually per vehicle to administer registration and licensing system (e.g. this includes \$9 transaction fee for brokers) on cost-recovery basis as required by BC Utilities Commission under current legislation
- Tractors and motor vehicles are not subject to these provisions thus the lower license fees
- ICBC has concern over what offence bad riders would be committing and what they could be charged with; that even with registration/licensing, no enforcement action could be taken if clearly enforceable laws are not in place
- ICBC opposed to on-highway use of ORVs; inherently high-risk uses could make highways less safe
- Different standards of ORV vehicle manufacture, makes it difficult to provide insurance for on-highway (i.e. paved surface) use as no standard to determine what is safe vehicle
- ICBC wonders if high expense of registration and licensing is worth it if enforcement tools are not in place or if there are other ways (than reg/lic) to address ORV impacts.

Q: Is there possibility of private registration system?

- ICBC would not have a problem with a private system, in fact would prefer that.

Q: Any comments regarding the physical attributes of license plate (metal or decals)?

- Short discussion, no real issues.

Idea discussed regarding licensing of the operator instead of the vehicle

Administrative framework

Q: Reaction to the basic model of "one-stop" shopping at the dealership

- no issues

ICBC has real reservations about the complexity and expense of setting up a registration and licensing system if ICBC-level standards regarding privacy/security and access to enforcement officials are expected – this can be very costly

- Even though BC is the last jurisdiction in North America to register ATVs, not all jurisdictions have an ORV registration system to ICBC's high standards
- Raises question: is there a low-budget system that would cover the bases?

Q: Any synergies for ICBC partnering with a private party who would look after the day-to-day registration and licensing? ICBC would prefer not to be involved; perhaps some database platform links with private model to assist enforcement officials

Out of Province use:

- Even with registration and licensing in other jurisdictions, BC enforcement officials can't really do anything about infractions by non-residents under Motor Vehicle Act – and this is likely an issue with ORVs too. There is no agreement between provinces where a non-resident is required to pay a violation ticket.
- Some reasons for reg/licensing: BC residents with ATVs cannot use them in Kananaskis Country, Alberta, because only registered vehicles are permitted. This may be case in other jurisdictions too.

Currently ATVs not allowed on Highway ROW, because all vehicles have to be registered, licensed, and insured and drivers need valid driver's license; and ATVs are not eligible

- Exception is farming and commercial use; operators can obtain Police Operation Permit, under Division 24 *Motor Vehicle Act*, to cross a highway, but not to operate an ORV on the highway itself

Reasons for annual licensing:

- Changes in ownership may not get caught otherwise
- Provides a system for collecting money for the trust fund
- Decals on some vehicles get worn out quickly and need to be replaced
- Links with liability insurance (whether mandatory or optional)

Trust Fund

Advisory group makeup:

- Not much comment

Agriculture has a number of Trust funds – advisory board can make decision on funding up to a certain percentage of the fund; these funds are in dedicated accounts

- How to provide contact(s) to consultants
- Consultants to contact Garth given her current involvement in trust funds

Issues:

- How to set up the legislative framework for collecting the funds
- Question of a tax or a fee: essentially charging for a regulatory system is considered a fee and raising revenue is considered a tax

Key Management Issues

1. Highway use (related to issue of long-distance trail networks)

- ICBC consulting with police, re Div 24 *Motor Vehicle Act* vehicles, both RCMP and BC Assoc of Chief's of Police (Traffic Safety Committee) opposed to the general idea of highway use
- Example of engineered crossing for ATVs on Gold Rush Trail, snowmobiles can cross if they have RCMP operating permit, registration, license and insurance. If there's a group they need a flag-person. Signs installed to highways

specifications. No safety issues to date, although many riders are crossing without getting the required RCMP permits or ICBC reg/lic/insurance.

- Q: Workability of designated crossing from Min of Transport perspective? Not just a simple crossing, these are engineered crossings, with license and insurance requirements. May be possible to have designated highway crossings; however MOT doesn't want to see a lot of them. Trails would have to meet certain standards on ROWs. Engineering would be approved at HQ; but private parties could prepare engineering plans and submit to MOT
- Real concern about worst-case scenario of accident with riders not having insurance.
- Designated crossings could be done as a license of occupation (type of tenure)? ROW licensed for many purposes other than highway, involves a decision-making process that already exists.
- RCMP permits to use the ROW; designated crossings could eliminate need for permits with legislative change.

There are distinctions between three kinds of highway use:

1. Highway crossings,
2. ROW -- parallel use – on ditches, etc off road surface
3. Surface use – must meet safety standards on vehicle to meet basic requirements, lights, horns. Farm equipment; ranchers can get permit for “implement of husbandry”. ORV riders not really interested in this category except for bridge crossings. However this is an issue on the Gold Rush Trail where about 14 km of on-surface use may be needed as part of this long-distance trail.

Overall Ministry of Transport perspective: blanket permission for ORVs to cross highways is not feasible from MoT perspective, but designated crossings may be possible.

- MOT looks at duty of care and safety issues, involving complex group decisions with other agencies (e.g. PSSG and RCMP) with the objective of looking after users of the road. Have a very high standard of duty-of-care.

2. Insurance:

- Riders want one insurance provider for on- and off-highway insurance. Private insurance providers currently offer off-highway, but are not allowed to provide on-highway component which ICBC covers
- Possible legislative implications to enabling on-highway liability provision to be offered by private insurance providers to ORV's; also issue wrt to ICBC accord with brokers
- ICBC currently can provide off-road insurance for snowmobiles but not really interested in being involved in off-road insurance
- Are 4X4s insured off-road? A: Short answer. Yes, they are covered, as ICBC does not restrict travel.

Anything else?

1. Ranchers are preparing Environmental Management Plans, and this may be one avenue for addressing impact of ORV use

2. ORV patrols and idea of courtesy tickets

- RCMP prefers not to deal with off-road activities.

3. Regulatory teeth: people want legal provisions that are enforceable and clear: *Land Act* (e.g., s. 59 and 60) and other enactments provide legislation for dealing with improper impacts on the land; however, not clear if the legal provisions clearly apply to ORV impacts. This issue needs attention.

Two potential legal approaches:

- Require ATVs and dirt bikes to stay on hardened surfaces and designated trails – a possible example for putting some teeth into the legal provisions.
- Another approach would be to focus on damage to the environment; by defining what this entails and regulating any infractions.

4. Access management:

ORV coalition not addressing access management issues; MSRM is addressing this via Tara and Garth – i.e. what is government's role? This is big concern to all users.

5. Issue of purple gas (and highway tax):

- ORV riders pay highway gas tax without access to highways. If they did have access to highways, they probably wouldn't mind paying the tax.
- If ORVs could use purple gas, the cost savings could potentially offset registration, licensing and insurance costs
- Need to consult with Consumer Taxation Branch and Ministry of Finance; the Ministry of Provincial Revenue administers registration for the use of purple gas

6. What's in it for government? (i.e., registration/licensing and rest of "package")

- Helps riders achieve their vision of having long-distance trails and ORV parks, thereby providing substantial economic benefit to communities
- If the opportunities aren't available in BC, riders tend to go to other jurisdictions where they are
- Well-marked, groomed and well-signed designated trail systems tend to attract a growing number of riders including non-residents thereby helping to grow tourism – a government strategic objective
- Club riders feel most riders would use designated trails and a trail network would result on lower off-trail use and impact

7. Noise issues:

- Couple of options: 1. set provincial decibel limit, or 2. determine at local government level

8. Tools other than registration and licensing to address some of these issues, including ORV impacts, need to be fully explored.

- This is within purview of the Government IAPC, not the ORV coalition or consultants

B.9 Government staff

Conference call: Wednesday, 8th June 2005: 9- 11 am

Steve Flett, MSRM, Nelson
Jennifer Eastwood, MOF, Kamloops

Terje, George

Government Agency Perspective

Support for common goals statement

- Support voiced; agree on focus for Coalition as registration and licensing

Comments:

- Discussion on issues of compliance, enforcement and access management as they relate to this project
- Has to be recognized that government has the authority to manage the land base with input from stakeholders, including the ORV Coalition.

Statutory and regulatory framework for registration and licensing

Terje outlined purpose and distinctions regarding registration and licensing

Why vehicle licensing is important:

- Changes in ownership may not get caught otherwise
- Provides a system for collecting money for the trust fund
- Links with liability insurance (whether mandatory or optional)
- Decals on some vehicles get worn out quickly and need to be replaced

Comments:

- Everybody, including stakeholders on an SRMP access committee in East Kootenays, in full agreement with the need for registration of all ORVs
- Bottom line is the need for visible identification for all machines

Q: any comments re physical attributes of plate/decal?

- Pros and cons discussed re metal plates

Q: Comments re Options 1-3?

- General support for annual licensing, with proviso from riders at SRMP tables that all or portion of money comes back to the trust fund
- Perhaps some flexibility required for licensing use on private land only, ranchers, etc; special licensing consideration for working machines vs recreational use

Administrative framework

Discussed options for public/private models:

- ICBC model has more benefits than the other options; there's already a proven, established system
- Discussed ICBC's strong reservations about setting up a registration / licensing system for ORVs; with high costs related to ICBCs high standards of data management, privacy, etc
- Example of Nova Scotia discussed; proposing \$50 registration/licensing system, with \$10 for administration, \$ 10 for enforcement, and \$30 to Trust fund
- Important to try and keep the cost below \$100 per year; \$40-50 likely more realistic as far as riders are concerned
- One-stop shopping idea at dealerships makes sense

Everyone wants to avoid dual registration licensing for off-highway and potential on-highway use

Trust Fund

There's little debate about the 5 proposed program areas, with support for the idea of keeping these areas fairly broad, difficult to have enough latitude for projects otherwise.

Options presented, including emerging third option:

1. Option 1: Riders decide how trust fund money is spent, NB model for advisory board with primarily riders on board; money basically returned to riders to be spent in the five program areas. Must be a dedicated account with all of the money coming back to advance the sport.
2. Option 2: Broadly based advisory board with riders and non-riders represented; non-riders want some say on strategic approach; but may not want the same on project-base funding decisions at the local club level
3. Option 3: Broadly based advisory board plays audit role, majority are riders but non-riders also represented. Bulk of funds go to provincial rider associations, associations make the decisions on how money is disbursed to clubs based on programs and rules established for trust. Some money reserved for strategic provincial projects where advisory board is involved in spending decisions

Comments:

- Support for the third option; ensures a broader consideration, leads to a more balanced approach; allows everyone to step back and take a more strategic approach, potential synergies with other groups
- Need to factor in due-diligence; consistency with land-use plans, and system of referrals to relevant stakeholders
- Role of government would need to be resolved

Key Management Issues

1. Issue of renegade riders, without any laws providing for sufficient enforcement
 - Existing legislation doesn't have enough teeth for protecting rangelands, environment

Some possible solutions:

 - Look at what constitutes environmental degradation, and establish legislation and regulations that are enforceable
 - Deal with these issues up front: e.g., cooperative management plans
 - Tenures through LWBC
 - Need some kind of legislation that allows for clear designation of a land use zone and who would be involved in enforcement
2. Idea of restricting ORVs to hardened surfaces
 - Draft SRMP in Kootenays confines ORVs to hardened surfaces in sensitive habitat such as alpine, grasslands and wetlands
 - However political direction given to MSRM that ORVs need to be given off-road access in less sensitive habitat
 - Given this approach, need to educate off-road riders on environmental impacts through programs such as Tread Lightly
 - Hardened surfaces have been defined in the SRMP; however further work may be needed on this
3. ORV legislation
 - Strong support for one piece of all-encompassing legislation that covers registration / licensing and addresses most of the issues regarding requirements for ORV use, including enforcement implications and obligations for government agencies.
4. Enforcement issues
 - Support the idea of ORV patrols trained by and working with police
 - Examples exist for snowmobile patrols who inform and educate, helps government at time of lack of resources, increases buy-in on part of riders
 - Need a 2-3 pronged approach, with volunteer rider patrols being the first prong and beefed up government enforcement capability the second prong.
 - Government needs to get better organised in coordinating efforts so that ORV enforcement is more effective, e.g., RCMP, conservation officers and forest service enforcement staff working together
 - Currently, in a large part, appropriate regulations don't exist
5. Role of tourism and recreation
 - Tourism and outdoor recreation is to some extent being compromised without sufficient ORV compliance and enforcement; with tens of millions of dollars of economic benefit in jeopardy in many regional areas

- This revenue sector could begin to decline without some effective management of renegade riders
6. Trail building/ trail networks
 - If there are no designated trails for these activities, riders will go everywhere and create their own trails.
 - At least there's a process in place for building and maintaining designated trails through forest legislation
 7. Age requirements for riders
 - Concerns about young riders not having the maturity, responsibility, or physical strength to handle powerful ORV machines; however there are mini-quads designed for young riders
 8. Helmet use
 - Need helmets for all riders
 9. Highway crossings/ use of FS roads
 - ORV use of FS roads presents some problems, e.g., snowmobile use of plowed FS roads
 - Trail networks in BC are currently not working, e.g., Gold Rush Trail may not be properly maintained by clubs due to lack of funding (perhaps Trust Fund will help provide the needed funding)
 10. Out of province riders
 - Has to be some kind of fee-for-use that applies to out-of-province users that could be directed to the trust fund; these users are not paying their fair share given the environmental impacts and maintenance implications
 - Idea of a trail pass is one way to address this issue
 - These ideas might work with trail systems, but what about riders not on designated trails?
 - Hopefully out-of-province users would tend to gravitate towards established trail networks
 11. ORV parks/ intensive use areas
 - Some of these areas are needed to focus environmental impacts; notion of sacrifice areas for mudbogging may be needed to focus activity and help protect other wetlands

Anything else?

Need to encourage riders to join bona fide clubs and associations in the interests of sustainable management of ORVs

It would be beneficial to broaden the scope of the ORV Coalition even further; e.g., including mining, forestry, fish & wildlife interests

- Use of roads have growing implications to resource industries; cooperation could be enhanced through efforts such as Coalition
- Ranchers have big issues with ORV use

Addendum: Stakeholder Position Statements:

ATV/BC

I. Registration & Licensing Policies, Rules and Regulations

Submitted by ATV/BC Past President with the consent and Approval of the Board of Directors of the Quad Riders ATV Association of British Columbia. (ATV/BC) May 27, 2005.

1. We wish to retain the right to continue to use crown land and Provincial Parks for recreation
2. We wish to retain the right to use forestry roads both activated and deactivated, mining roads and abandoned rail beds thought out the Province
3. We propose that the government support and designate a Provincial Wide Motorized Trail System through out the Province it should be called a Multi-Use Motorized Trail System. Using the logging roads in our Province.
4. We propose that the government support the use of dedicated sections of crown land be used for Motorized Recreation; in the states they are called Off Road Vehicle Parks. We wish to have these as well as a trail system in order to recreate as a family and have a place where children may ride safely.
5. We propose that the on road motor vehicle act be changed to allow ATVs to cross roads under the following conditions: Rider must have a driver's license or have passed an official Canada ATV Safety Council Course or equivalent.
6. We propose that ATVs are legally allowed to travel in the ditches of roads in order to allow the rider to access a trail or logging road on the other side of the road.
7. ATV Safety Courses are mandatory before a child (15 & under) is allowed to ride an ATV.
8. We propose that Children ages 12 to 15 will be allowed to cross a road or ride a ditch under guardian or adult supervision. Children under 12 must have their parent or guardian take the ATV across a road or ride the ditch.
9. All persons riding must have liability insurance, to protect themselves and the general public. MOF already has this in place.
10. All persons riding must wear a DOT approved motorcycle or snowmobile helmet and have some form of eye protection.
11. We would like to see the ATV ACT updated to reflect today's modern thinking.
12. We Recommend the ACT be called The Off Road Vehicle Act.
13. The new ORV act is divided into sections: Mandatory Rules that are for all off road vehicles and specific sections for ATVs, Snowmobiles, Dirt Bikes, Miscellaneous vehicles. Rules pertaining to each section to be defined by the appropriate Provincial Organization and government.
14. We propose that the ATVs are registered once at the time of sale, or transfer of ownership, but that mandatory annual licensing fees are charged and held (see #15)
15. A Public Private Partnership does registration and Licensing. Registration is cost neutral. Licensing fees are to be collected and placed in an ORV trust fund after the processing fee is removed and paid to the Private Partnership. Fees are collected and designated in proportion to their revenues generated to this fund. In other wards ATV

fees collected go into the ATV portion of the trust fund, all snowmobile fees collected go into the Snowmobile portion of the trust fund.

16. We recommend that the one time Registration Fee be \$15.00
17. We recommend that the Annual Licensing Fee be \$25.00 plus the processing fee \$15.00 totaling \$40.00 per ATV.
18. We recommend that the Annual Licensing Fee once set remain the same for a period of five years.
19. We recommend a one-year grace clause to ask ATV owners to register their machines that are not new.
20. We propose that ATVs are to have a license plate on the back for identification and enforcement purposes.
21. Trust Fund: we propose that the funds be designated for Education, Safety, Trail Development including maintenance and enhancement, Enforcement and Conservation & stewardship and administration of the fund.
22. We propose that a Trust Fund Advisory Board be developed (see attached)
23. We propose that the Provincial Off Road Organizations (ATV/BC) (BCSF) and the (Dirt Bikers) are the only groups to receive any monies paid into the trust fund and are accountable to the TFAB on how the funds are spent.
24. Trust Fund: we propose that the Provincial Organization (ATV/BC) be authorized to disperse funds after an administration fee has been charged by ATV/BC, to the clubs based on the regulations for the five programs to the clubs. Rules to be set up by ATV/BC and approved by Advisory Board. (This would eliminate a need for a regulatory body. The Provincial Organizations are working already on promoting ATV recreation in the five programs.
25. We propose that the user groups develop a program to work with other groups for the betterment of our sport and the Province using the funds from the Trust Fund for the five Programs. (Sledders, conservation interests and ATVers using the same trail put some monies into it)
26. We propose that the ATV/BC will develop a program for fund dispersal after developing some rules to it. That the Provincial Organization will be responsible to develop a Provincial Education, Safety, Trail Development maintenance and enhancement, Enforcement and Conservation and Stewardship Programs.
27. ATV/BC recommends the following:
 1. ATV/BC receives the funds from the Advisory Board.
 2. Provincial Programs monies are taken out for the Programs and administration.
 3. Monies remaining are for regional programs 36%, clubs 32% and membership per club 32%. (See table attached)
28. ATV/BC recommends that the Programs designated be all funded based on the needs of the Provincial Organization. WE do not want to see a set amount per program because the needs dictate more could be spent on one program than another. WE feel that all programs should be funded each and every year
29. We propose that the Provincial Organization that does not allocate funds in those programs that the Provincial Advisory Board with hold the funds for the next year until the Provincial Body has in place a mechanism to make sure that all programs are funded.

30. Only clubs Incorporated under the Societies Act and members in good standing for a minimum of 12 months with ATV/BC are eligible to apply for funding for projects.
31. We propose that clubs in good standing with ATV/BC will be given a credit of \$\$\$\$ funds for regional projects, club projects based on membership numbers. (See attached)
32. All eligible clubs would have to apply for funds under the one or more of the designated programs of the trust fund.
33. Clubs would not receive monies until after the project is approved and completed excepting for very large regional projects. Clubs will be allowed to draw funds for approved large projects upon presenting ATV/BC a bill for specified work on the project.
34. Clubs who do not complete an approved project are not eligible for any funding re any project for a minimum of one year.
35. Driver's requirements – we recommend that all riders age 16 and over be required to have a driver's license or a CSC ATV Safety Certificate or equivalent.
36. We recommend that all children be required to take a CSC ATV Safety program designed especially for them before being allowed to ride any ATV. It is our feeling that a driver's license is required for any adult to drive a small car or a 40' motorhome on road that the driver's license is sufficient to drive a ATV. We feel that a special license is not necessary and a lot of time and money would be wasted setting up this program for regulations that are not needed.
37. Drugs & Alcohol: we recommend that anyone driving an ATV under the influence be charged and that the penalties be the same as the Motor Vehicle Act. The penalty will go on the persons drivers license if convicted.
38. Safety Program – we recommend that safety programs be offered by the Provincial Body through the CSC or equivalent. ATV/BC already has this program in effect and has trained five instructors, with funds from the Trust Fund this program could be accelerated and more instructors could be trained. (Cost to train an instructor is \$1000.00 per that is what has been keeping our program at a stalemate.
39. Enforcement: ATV/BC will develop a TRAIL PATROL Program based on a five-year plan. Year one – volunteers who observe, record & report to Conservation Officers and RCMP. We do not want to be policeman only friendly helpers to all persons on the trail as well as being the eyes and ears to report forest fires. We will plan a program so that by the fifth year Trail Patrollers could if they wished become Auxiliary Policeman or just remain the eyes, ears, and helpers to people on the trail.
40. Education: we want to fund educational programs on safety, trail development, riding and conservation, a program would be set up by ATV/BC for all programs.
41. Children Riding an ATV: ATV/BC supports the manufacturers recommendations for size and age and CC for children riding ATVs.
42. Trail Pass –
43. Trail Signs – ATV/BC recommends that we adopt the standard ATV signs that are used in other Canadian Provinces.
44. Tourism Opportunities: ATV/BC recommends that we work with others to develop a multi-use motorized trail system for internal and external tourism to grow.
45. ORV Parks – we support the development of ORV parks where families with children being allowed to ride, without limiting our access to crown land. No on road vehicles

allowed except in parking lots. We also support children from the age of 12-15 being allowed to ride trails and logging roads, only after taking a safety course and under adult supervision.

46. Environment Protection – we support wherever there has been a restriction on riding in protected areas to protect wildlife, ecosystem and Habitat that we will honor those restrictions as long as they are not limiting our access to crown land. We wish to have a corridor either along side the Protected area or through it in the least invasive route. We find that having old railway trails declared non motorized after we have been riding them for years unacceptable.
47. Implementation of Five-Year Plan: ATV/BC will develop five-year plans on all programs.
48. Internal Programs – ATV/BC will define what a club is and when they are eligible for funding. Clubs will be accountable to ATV/BC to ascertain that all funds are spent on the five programs. ATV/BC will be accountable to the Advisory Board.
49. Solving Conflicts between motorized and non- motorized groups, ATV/BC recommends that the user groups of the land meet with the government ministries and each other to resolve conflicts.
50. First Nations: ATV/BC recommends that all groups work together with First Nations to Promote opportunities for both groups for outdoor motorized recreation.

II. Off Road Vehicle (ATV) Trust Fund Advisory Board

Introduction –

Recent amendments to the All Terrain Act being suggested by the Registration and Licensing Coalition include a Trust fund advisory board.

Contents -

This document contains draft terms of Reference for the ORV (ATV) Trust Fund advisory Board in respect of the following items:

- Establishment of the ORV (ATV) Trust Fund Advisory Board
- Composition of the ORV (ATV) Trust Fund Advisory Board
- Terms of Appointment for Board Members
- Rules of Procedure for Meeting
- Constitution of a Quorum
- Duties and Responsibilities of the Board
- Allocation of Funds
- Meeting Requirements
- Reimbursement of Travel and Other expenses
- Reporting of Minutes and Year End

Establishment of the ORV (ATV) Advisory Board

The ORV Trust Fund Advisory Board is established under the British Columbia All Terrain Vehicle Act.

The Minister of Forests is responsible for the administration of the board and appointment of board members.

Composition of the ORV (ATV) Advisory Board

Voting Members

The voting members of the ORV Advisory Board will consist of:

- Two members of the Quad Riders Association of British Columbia (ATV/BC)
- Two members of the Provincial Dirt Bikers Association
- Two members of British Columbia Snowmobile Federation
- One member of the RCMP until such time as another organization is identified to replace the RCMP as a voting member.

Non-voting Members

The non-voting members of the ORV Trust Fund Advisory Board will consist of:

- One representative from conservation interests
- One representative from ranching/cattlemen interests
- One representative from Ministry of Forests
- One representative from Ministry of Sustainable Resource Management
- One representative from Ministry of Water, Land and Air Protection
- One representative from Ministry of Small Business, Tourism and Enterprise
- One representative from Ministry of Transportation
- One representative from the Ministry of Public Safety

Chairperson

The non-voting person representative from the Ministry of Forests shall act as chairperson.

Vice Chair Person

The Advisory Board from among the remaining non-voting members of the board will designate the Vice-Chairperson. The Vice-Chairperson shall act as chairperson in the absence of the Chairperson or the inability of the Chairperson to act.

Terms of Appointment for Board Members

1. The minister may appoint members to the ORV (ATV) Advisory Board for a term not exceeding three years and members may be reappointed by the Minister at the Ministers Discretion upon expiry of a term
2. The minister, at his or her discretion, revokes a member's appointment.
3. A member of the ORV Advisory Board shall remain in office until the expiration of the member's term unless the member resigns, the position is vacated or the Minister revokes the member's appointment.

Rules of Procedures for Meeting

Selection of Rules

The members of the ORV Trust Fund Advisory Board will, subject to approval by the Minister, select and adopt rules of procedure for the following duties:

1. The application form and process by which funding applications are made;
2. The evaluation of proposals and funding applications;
3. The process by which funds are disbursed to applicants; and
4. The preparation of minutes, reports and statements to the minister on activities, financial or otherwise of the board.

Constitution of a Quorum

Minimum for a Quorum will be three of the voting members of the ORV Trust Fund Advisory Board one of whom is a member of the Quad Riders Association of British Columbia (ATV/BC), one is a member of the Dirt Bikers Association of British Columbia and one is a member of the British Columbia Snowmobile Association must be present in order to constitute a quorum.

Duties and Responsibilities of the Board

The ORV Trust Fund Advisory Board will:

1. Recommend a funding policy to manage and distribute the funding from the trust fund.
2. The Trust Fund revenues collected shall be available only to the Provincial Off Road vehicle groups in proportion to their revenues generated to this fund.
3. Trust Fund revenues will be designated for:
 - Safety
 - Education
 - Trail Development, Maintenance & Enhancement
 - Enforcement
 - Conservation and Stewardship
 - Administration of the Fund

Each program designated above must receive a minimum amount each year. The Board must have the flexibility to designate more funds to a particular program because of start up costs, and what the needs are for British Columbia.

4. The ORV Advisory Board will distribute funds to each Provincial Association or Federation twice each calendar year.
5. Evaluate proposals and request for funding to the ORV Trust Fund and make recommendations to the Minister of Forests for payments out of the fund for the following purposes and uses:
 - Development of a ORV public safety program by each ORV Association or Federation;
 - Development of a ORV educational program by each ORV Association or Federation;
 - Development, maintenance & enhancement of motorized trails for each ORV Association or Federation.
 - Development of an Enforcement Program by each ORV Association;

- Development of a Conservation & Stewardship Program relative to the impact of ORVs on the land.
 - Purchase, rental and maintenance of equipment needed for trails;
 - Development of Signage for all trails;
 - Set up and funding of an Administration program to administer the fund.
6. The ORV (ATV) Advisory Board may also, with the approval of the Minister;
- Initiate and carry out fund raising activities for the ORV Advisory Board, and carry out other duties as may be assigned by the Minister from time to time.

Allocation of Funds

1. Upon receipt of funds from the ORV (ATV) Advisory Board Trust Fund each ORV Provincial Association or Federation will hold in trust all funds and will ensure that all funds are spent on the Trust Fund Designation Paragraph #3- Duties & Responsibly.
2. Each ORV Provincial Association will develop regulations regarding eligibility and distribution of the ORV Trust Fund monies.
3. Each ORV Provincial Association will submit a financial report yearly to the ORV Advisory Board

Meeting Requirements

The ORV Advisory Board shall meet a minimum of once per year and maximum of no more than three times per year unless directed by the minister.

Reimbursement of Travel and Other Expenses

The members of the ORV Advisory Board shall not receive remuneration but are entitled to be reimbursed for traveling and other expenses incurred by them in the performance of their duties.

Reporting of Minutes and Year End

The ORV (ATV) Advisory Board will:

- Provide the minister with minutes of each Board meeting to be submitted within 30 business days following the meeting, and
- Provide the Minister with an annual statement on the activities of the Board.

British Columbia Cattlemen's Association (BCCA)

BCCA Position Statement on ATV Licensing and Registration

The BCCA appreciates the opportunity to participate with other resource user and conservation groups to jointly address the issues and opportunities presented by the proposal to establish ATV licensing and Registration in British Columbia.

- First, the BCCA agrees with the Grasslands Conservation Council's call for mandatory ATV licensing and registration. Some of our members already make use of restricted permits to allow for highway use of ATVs and have had some experience with some regulation of ATV use. ATVs are another piece of necessary ranch equipment and licensing may be a hassle for our members but if it assists in protecting the resource and provides a means to deal with offensive ATV use, then we feel licensing is worthwhile and would encourage ranchers to support it.
- Second, the BC Cattlemen's Association believes that regulations prohibiting damage to grasslands are also necessary in order to really deter potential offenders. Landowners are disheartened to find rangeland degraded by careless off-road activity, yet when the damage is reported it is even more frustrating to find that no Ministry has the authority to deal with the problem. Authorities need to have more explicit regulations than the public mischief or damage to public property provision currently in the law.
- Third, continued education about grasslands, the impact of noxious weeds, and the use of ATVs is essential. Education campaigns should be targeted not only to the general public and purchasers of the ATVs but also to the manufacturers, advertisers and dealerships that currently highlight reckless use. We believe these people also have a role in promoting responsible motorized recreation.
- Fourth, ATVs have become an indispensable farm tool but are an expense to doing business. The implication of mandatory licensing and registration is that more producers will be subject to payment of Provincial Sales Tax, increasing the cost of this business input. Currently the agriculture industry is exempt from payment on a lengthy list of exempted farm inputs. The BCCA would be seeking the addition of ATVs to the Provincial Sales Tax Agricultural Input Exemption List. There may be other options to reducing the sales tax impact and additional bureaucracy including restricting the licensing provisions to new ATVs and/or a single registration.

The BCCA believes that the committee must work toward consensus on a timely basis to achieve the objectives of the group. BCCA participation is contingent on continued progress toward that goal; and accommodation by the group to meet our interests, if not the positions laid out in this paper. BCCA representatives will negotiate in good faith for the duration of our participation in the group. Any final agreement by the committee will require endorsement by the BCCA Board of Directors prior to BCCA reps signing a request for legislation on behalf of the committee.

British Columbia Snowmobile Federation (BCSF)

Statement of Co-operation and Mutual Support: BCSF & Coalition for Licensing and Registration of Off Road Vehicles

In May 2004, the British Columbia Snowmobile Federation and the Coalition for Licensing and Registration of Off Road Vehicles entered into the following agreement:

The British Columbia Snowmobile Federation (BCSF) and the Coalition for Licensing and Registration of Off Road Vehicles (the Coalition) are pursuing changes in legislation and regulation for better management of off road motorized recreation vehicles in British Columbia.

1. The Coalition and the BCSF agree on the following:
 - To work together in an environment of trust and co-operation to achieve a common goal for the benefit of the general public and for the mutual benefit of our organizations.
 - The BCSF and the Coalition will collaborate to ensure that British Columbia adopts effective legislation that requires enforceable registration and annual licensing (with the possibility of multiple year licensing) of all motorized off road vehicles.
 - New or revised legislation will address, in an appropriate way, the respective differences in impacts and terrain uses between major vehicle types, namely snowmobiles, ATVs, dirt bikes, and other vehicles. Legislation must acknowledge that there are differences.
 - Both the BCSF and the Coalition are developing management strategies and that the licensing and registration of motorized recreation vehicles will support the respective strategies, including the BCSF annual “Snowmobile Permit” system used for ongoing trail maintenance.
 - Licensing and registration is the cornerstone of each groups’ proposed management strategy and that the respective management strategies are essential for self-sustaining, economically viable management of summer and winter off road motorized recreation in British Columbia.
 - Both the BCSF and the Coalition recognize and respect our needs and agree that fund pooling will be allocated proportionately.
 - Both the BCSF and the Coalition agree to develop an acceptable set of roles and responsibilities for a board that would oversee the proportionate funding administration.
 - The BCSF and the Coalition will collaborate to send a clear message to government that licensing and registration and better management of all motorized off road vehicles is long overdue in British Columbia
2. Background to the British Columbia Snowmobile Federation Process

The BCSF has been working with the provincial government on reform issues since approximately 1999, when it was invited to the Premier's Summit by the 100 Mile House local government to make a presentation on winter tourism opportunities. The tourism concept presented was well received by the government of the day, and later that year, a protocol agreement was reached wherein it was agreed that the government and the BCSF would work together to make the changes needed to make this tourism initiative become a reality. The Land Use Coordination Office (LUCO) representative, Terje Volde was the primary contact, and some good progress was made.

Following the change of government, a new protocol agreement was reached, this time with the Ministry of Sustainable Resource Management, the primary contact being Gordon Goodman. Following public stakeholders' meetings, the Gold Rush Snowmobile Trail Pilot Project has been achieved, and this initiative is being used as a trial for evaluating many of the inter-connecting trail concepts.

Since 1999, the BCSF has been working towards a number of reforms which are outlined in Appendix Four [of the Interim Solutions Report] as a prioritized list of requests to government. Many of the BCSF's requests parallel the requests of the Coalition, particularly the desire for vehicle licensing and registration, and the desire for a system that returns a portion of the registration/licensing fee to the users for programs to manage and support the sport, make it safer, reduce its impact and make it more environmentally sustainable. While there are differences between the needs of snowmobiles and other ORVs (mostly having to do with differences in impacts between the two kinds of vehicle), there are many commonalities which are highlighted in Appendix Four.

3. Prioritized List of Changes Requested by the BC Snowmobile Federation

The following is a prioritized list of changes needed to develop inter-community connecting trails.

Point 1 - A registration system that works - the current system is not fully functional and isn't enforced. (only accessible during business hours – after hours, holidays/weekends excluded)

Status of 1 - This is related to licensing. The current system is antiquated and is not effective - again government does not seem to be willing to invest the dollars. This needs to be put into law – we are working with the Coalition.

Benefit to Government – The registration system needs to be enforceable, if it become the same for off road vehicles as it is for automobiles, it will generate sales taxes on sale of used equipment and discourage cross border purchases that avoid paying taxes. This will reduce thefts therefore it will lessen the burden for RCMP investigations.

Areas that are common to ORVs and snowmobiles – There is a common need for all ORVs to be registered and licensed. Those who choose to act irresponsibly

will become identifiable and will be less likely to do things that are unlawful. Sales tax would be paid making it less likely for vehicle to be purchased out of province. Thefts would be reduced, as vehicles would be harder to sell and/or use.

Point 2 - Annual Licensing (50% going back to the Federation for distribution to clubs for capital investment in trails)

Status of Point 2: This appears to be the same as the request of ATV BC and the coalition - it has been our request from the start. In discussions it appears that government is unwilling to spend the dollars to put this in place. In discussions we had with MSRM, there was some interest in contracting this out, in other words some private or provincial organization such as the BC Snowmobile Federation - it never got beyond discussion. We are now working with the "Coalition for Licensing and Registration of Off Road Vehicles". The Coalition seeks a portion of the annual licensing fee would be pooled and go back to the respective users who generated the funds.

Benefit to Government – If implement as motorized recreation recommends, this will cause transfer of ownership to be maintained – will generate sales taxes on sale of used equipment and discourage cross boarder purchases that avoid paying taxes. Fewer thefts will reduce the burden for RCMP investigations.

Areas that are common to ORVs and snowmobiles Stated above.

Point 3 - Mandatory "Off Road" Liability Insurance. Today, there is no legal obligation to carry this coverage, so many do not. (If it became legal to cross roads and ICBC would permit other liability insurance to be valid - our insurance company would extend the "Off Road" policy immediately to cover snowmobiles while crossing roads/highways as well as for off road use. ONE POLICY)

Status of Point 3: This is one of the most difficult areas - ICBC is the exclusive provider of insurance for "on highway use" and seem unable or unwilling to move. In essence we are not riding on roadways, we are conveying our snowmobiles from one side to the other. Technically we are riding the surface to get across but we have no right to travel along the roadway or for that matter the right-of way at this point. This is a "show stopper" and we must find a solution in order to develop inter-connecting trails. This is critical to providing a tourism product that would be marketable.

Benefit to Government – If disabling injuries, there will be less a burden on government to provide long-term care.

Areas that are common to ORVs and snowmobiles. This would be the same for ORVs should summer touring tourism be developed in British Columbia. Right now insurance is required for ATVs if they choose to run on FSRs in the province – this only the case in the Gold Rush Snowmobile Trail (GRST) Pilot Project in the Cariboo. This is needed to develop snowmobile touring in BC. There are greater safety concerns in winter months compared to summer ORV use. The GRST is in trial and up for review this summer to look at progress, use and safety issues.

Point 4 - We suggested that mandatory liability insurance (“On Road” or a combination coverage) could be required in the managed areas under the Forestry Management Agreements.

Status of Point 4: Liability in managed areas - as trails are connected in managed areas; where this involves active FSRs - insurance is required – in time this will cause more and more people to get this coverage.

Benefit to Government – Would provide a better means for enforcement of all snowmobiles involved in crossing public roads, FSRs and riding road right-of-ways to carry appropriate insurance coverage.

Areas that are common to ORVs and snowmobiles. Same thing, these do link, it would be the same for ORVs should summer touring tourism be developed in British Columbia.

Point 5 - The ability to legally cross highways at right angles. (in the beginning; at designated crossings - always at right angles) Again, if it became legal to cross roads and ICBC would permit private liability insurance to be valid - our insurance company and others would extend the “Off Road policy” immediately to cover snowmobiles crossing roadways, right-of-ways in addition to off road use.

Status of Point 5: Work has done by The Ministry of Transportation to set standards for the placement of signs – distances to accommodate and identify crossings. The ability to cross roadways has been put in place for the Gold Rush Snowmobile Trail – the snowmobile must be registered within the Motor Vehicle Act, licensed with an auto plate (restricted use plate) and insured through ICBC in addition to carrying off road insurance (2 Policies). The registration and licensing is over and above the requirement to register a snowmobile through the government agent’s office (in essence the vehicle is registered twice).

Benefit to Government – This is needed to improve touring trails that will attract tourism to British Columbia – Hotel, air-fair, fuel, food, entertainment, repair and accessory will generate taxes.

Areas that are common to ORVs and snowmobiles. Same thing, these do link, it would be the same for ORVs should summer touring tourism be developed in British Columbia.

Point 6 - The ability to legally travel on road allowances where it was safe to do so. - In some places, because of BC's terrain, this may require bridge crossings)

Status of Point 6: The ability to do this has been put in place specifically for the Gold Rush Snowmobile Trail.

Benefit to Government – This is needed to improve touring trails that will attract tourism to British Columbia – Hotel, air-fares, fuel, food, entertainment, repair and accessories will generate taxes.

Areas that are common to ORVs and snowmobiles. Same thing, these do link, it would be the same for ORVs should summer touring tourism be developed in British Columbia.

Point 7 - The ability to legally travel on FSRs (Forest Service Roads)

Status of Point 7: - The ability to do this has been put in place specifically for the Gold Rush Snowmobile Trail. There are concerns regarding safety and liability issues among industry contractors. We share safety concerns and would suggest that this be allowed in designated areas that are deemed acceptable. Virtually every other jurisdiction in Canada deals with industry use mixed with recreation use issues. If tourism is to be in British Columbia this must be resolved.

Benefit to Government – This is needed to improve touring trails that will attract tourism to British Columbia – Hotel, air-fares, fuel, food, entertainment, repair and accessories will generate taxes.

Areas that are common to ORVs and snowmobiles: Same thing, these do link, it would be the same for ORVs should summer touring tourism be developed in British Columbia. The difference here is ATVs can do this legally now with insurance coverage. Here there may have to be an approvals system based on safety criteria for FSRs and winter use.

Points 1 – 7 are all related. We would like to see three options that would cover off road use on public land, private lands and use on roadways. Keeping in mind that we must keep the sport affordable to the average person because these are the demographic that mostly participate in the sport.

A: Make mandatory; a 3rd party liability policy that would cover off road use on public lands but also available as an option for coverage on private lands.

B: Make available; a 3rd party liability policy that would cover roadways crossings and highway right-of-way travel – this is mandatory now for roadway crossings.

C: Make available; a 3rd party liability policy that would cover both A & B uses under one policy.

BCSF Sled-Safe Insurance: Today, if it became legal to cross roadways and travel highway right-of-ways – our “Sled Safe” policy would cover A & B uses at a cost that is reasonable \$100.00 for 1 million 3rd party liability coverage – this is affordable for the average person and, if mandatory, would likely be further reduced.

Areas that are common to ORVs and snowmobiles: Same thing, these do link, it could be the same for ORVs should summer touring tourism be developed in British Columbia.

Points 1 & 2; Specifically, there should be one step process for registration and annual licensing with part of the licensing fees going directly back into the sport for capital investment in trails and to fund safety, environment/wildlife and enforcement issues. This is administered directly by other provincial snowmobile/ATV organizations with accountability and should be the same in British Columbia.

Point 8 - Mandatory “Snowmobile Permits” – BCSF snowmobile permit needs to be recognized throughout the province as a standard fee structure for use on managed trails.

Status of Point 8: - We are working with forestry and have met with Bill Marshall and have developed a “Management Agreement” template that is intended for use in the province and does have the BCSF Snowmobile Permit recognized.

Management Agreements are being negotiated with Forestry today - with Forestry's down sizing of their recreation component, this is going ahead very slowly - we realize staff are working as hard as possible to get these agreements in place. The importance here is to give clubs the right to collect a fee for improvements to trails – user pay. A secondary consideration is the cost of insurance - motorized sport liability coverage is expensive all across Canada. With the management agreements and government’s liability coverage that is offered - this allows more dollars to go back into trail improvements.

Benefit to Government – This will provide self-sustaining funding to improve touring trails that will attract tourism to British Columbia – Hotel, air-fares, fuel, food, entertainment, repair and accessories will generate taxes.

Areas that are common to ORVs and snowmobiles: This is different for snowmobiling because of the grooming component that is needed to keep trails smooth and safe. All across North America snowmobile organizations are involved in grooming programs. It requires that people pay their way to support grooming. Forestry personnel have expressed a suggestion that OVR groups may sign onto existing snowmobile management agreements and work within these existing agreements rather than separate. NOTHING FORMAL TO DATE – discussion only.

Point 9 - Snowmobile trails that are groomed, need to be for the exclusive use of snowmobiles during the winter season. Other vehicles operating on these trails make travel by snowmobile unsafe - ruts freeze up and virtually make them impassable for children and new riders.

Status of Point 9: - Exclusive use of groomed trails - has not been dealt with yet – we expect this can be addressed in the Forestry Management Agreements.

Benefit to Government – Less conflict resolution processes to oversee and resolve.

Areas that are common to ORVs and snowmobiles: This is different for snowmobiling because of the grooming component, obviously there is a cost to grooming – where snow is apt to be softer, ruts created safety issues and lessen the experience for snowmobiling.

Points 10 – 16 – Would be eventual goals that would make the sport safer and more socially acceptable for families that participate in this form of recreation. They are not items that would stall development of touring trails.

Point 10 - A person at a minimum age of 12 through the age of 15 having passed an approved safe operator's course could travel in the accompaniment of an adult who holds a valid driver's license while crossing a road/highway.

Status of Point 10: Still outstanding.

Benefit to Government - This is more of a social issue but today in BC, there are no rules that determine minimum ages for the operation of off road vehicles – This is needed to improve touring trails that will attract tourism to British Columbia – Hotel, air-fair, fuel, food, entertainment, repair and accessory will generate taxes.

Areas that are common to ORVs and snowmobiles: There is no minimum age for Snowmobiles or ORVs – this needs to be addressed – we have put this on the table as a place to start.

Point 11 - A challenged person having passed an approved safe operator's course could travel in the accompaniment of an adult who holds a valid driver's license while crossing a road/highway.

Status of Point 11: Still outstanding.

Benefit to Government - This is more of a social issue but today, there are no rules that determine minimum ages for the operation of off road vehicles – This is needed to improve touring trails that will attract tourism to British Columbia – Hotel, air-fares, fuel, food, entertainment, repair and accessories will generate taxes.

Areas that are common to ORVs and snowmobiles: There is no means to accommodate this for Snowmobiles or ORVs – this needs to be addressed – we have put this on the table as a place to start.

Point 12 - We have asked that there be a distinction in section 105 closures so it does not automatically include snowmobiles when an area closure was imposed.

Status of Point 12: Section 105 is seldom used by Forestry District Managers - this is not the same issue today as it was when we first presented this in 1999.

Benefit to Government – Often a broad conflict description that included all motorized forms would be imposed causing a great public outcry and argument over areas that may not have been affected by a particular use. Management agreements should be able to sort this out.

Areas that are common to ORVs and snowmobiles: Each use should be responsible for its use – it could be a wildlife issue that requires snowmobile access management – this should necessarily exclude ORVs or vice versa as stated above. Impacts on the land often are very different pending the ORV use – each situation needs close scrutiny.

Point 13 - That FSRs could have a dual designation; road/trail. The thought was to lessen the burden for the road to be maintained to Forest Practices specifications. Industry would have preference for use. (deactivation often destroyed travel ways that were or could be used for trails - we have asked for a dual designation)

Status of Point 13: Dual designation for unused roads is less important today but deactivation still takes place with little communications. With many clubs entering management agreements this will become less of an issue.

Benefit to Government - This will make better use of roads and trails in BC's backcountry and will help in the development of touring trails – less Government (provincial, regional and municipal) developmental investment in multi-use trail infrastructure.

Areas that are common to ORVs and snowmobiles: As much of touring and riding corridors are on unused logging/mining roads, the need is the same for all ORV use. De-activations are expensive and most often are not well coordinated with recreation uses.

Point 14 - Mandatory Helmets - this is common sense.

Status of Point 14: - this has been put into place in the Forestry Act - (within the Forestry sections covering specifically the Gold rush Snowmobile Trail "Pilot Project"). This needs to become mandatory everywhere.

Benefit to Government – Far less burden on our health system

Areas that are common to ORVs and snowmobiles: All OVR sports should be required to wear helmets in British Columbia.

Point 15 - Create a "Snow Vehicle Act" or an amended ATV Act; with distinctions to better deal with vehicles that operate on Public Lands in all seasons. (as mentioned earlier in these requests, the government of the day stated that we would likely only see changes in policy and regulation in the short term) We agreed that if we could accomplish changes in regulation and policy that would further our objectives - we would be pleased. We have never to our knowledge held a position that demanded a "Snowmobile Act" - sure we would like or even prefer this but the bottom line is, we want changes that will allow us to develop touring trails.

Status of Point 15: Since entering into discussions, at an early stage we realized that if a snowmobile act were to come about, it would be in the future - we support accomplishing changes where every they can be done most effectively. (Emphasizing that snowmobiles are very different than "wheeled" off road vehicles - winter impacts are virtually non-existent)

Benefit to Government – Eventually this will help government manage specific uses that do recognize seasonal impacts.

Areas that are common to ORVs and snowmobiles: All ORV sports face the same difficult challenges in British Columbia, a means to define differences whether though individual acts or in policy and regulation is most important.

Point 16 - Lessen the hardship in getting approvals for trail planning and building.

Status of Point 16: Forestry is genuinely working with clubs as much as possible to overcome hardships - this is vastly improving.

Benefit to Government – Streamlined process would require less staff commitment.

Areas that are common to ORVs and snowmobiles: Same thing, both sports face the same difficult challenges in British Columbia due in most part to very little effective regulation that can be enforced.

Insurance Corporation of BC (ICBC)

ICBC's position on registration and Licensing of ORVs

ICBC does not support the part of the common goal that calls for legislation requiring licensing and registration of all motorized off-road vehicles in BC, including the prominent display, on the vehicle, of a vehicle licence and/or decal for the following reasons:

- The problem of environmental (both public and private property) damage has not been quantified from a geographical or financial perspective such that it justifies the leading solution being a mandatory registration and licensing program, in light of the costs of such a solution. A previous high level estimate indicated that the creation of a registry alone would be in the range of \$2 to 5 million.
- Resources are not available to enforce a registration and licensing program either from a general compliance, or wreckless use (whatever the offence is that captures the 'damaging' riding - eg. is it by location or driving style such - speed/without due care...).
- There would be significant costs to develop and administer a complementary driver licensing model.
- ICBC has no interest in offering insurance for ATVs, based on the inherent high risks of off-road recreational vehicle use.
- Such a program is outside of ICBC's legislated mandate.

Similarly, we would have concerns with respect to the apportionment of licensing fees collected through a registration and licensing program, assuming an ICBC managed model, as it would represent a significant departure from the current use of vehicle licence fees.