



Natural Resource Road Act Project

Summary of Public and Stakeholder Feedback

February 2012

Phase 1

**NATURAL RESOURCE ROAD ACT PROJECT
SUMMARY OF FEEDBACK
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Natural Resource Road Act Project Website Feedback on the Policy Framework

Introduction

The comments contained in this document represent a broad cross-section of the feedback gathered during the public input phase of the province's Natural Resource Road Act (NRRRA) Project.

Between mid-October 2011 and mid-December 2011, the Ministry of Forests, Lands and Natural Resource Operations posted a discussion paper inviting public comment on seven framework principles and 26 framework policies identified for possible inclusion in new legislation.

The call for feedback generated more than 4,000 individual responses, many of which were collated into this document. While some of the comments below have been paraphrased, altered for privacy reasons or merged with similar statements to avoid repetition, the overall content offers an accurate snapshot of the ideas and themes expressed by stakeholders and members of the general public.

Over the spring and summer of 2012, a series of 14 working groups with members from across the province will use the feedback to shape a workable and fair piece of draft legislation that will be submitted for government's consideration in the fall.

The province's vast network of resource roads is currently governed by 11 separate pieces of legislation and shared by a diversity of interests, including the forest sector, oil and gas, mining, tourism operators, recreation groups, rural communities and many others. One of the primary goals of the NRRRA is to consolidate this cumbersome regulatory framework into a single Act that will benefit users several different ways.

Tentatively scheduled for introduction in the legislature in the fall of 2012, the NRRRA will streamline administration, improve safety, reduce environmental impacts, improve compliance and enforcement, set clear rules, and establish consistent standards for building, maintaining and using resource roads.

The material in this document has been organized by topic and in no way reflects government priorities or commitments moving forward.

Part 1: Feedback on Framework Principles

a. Decision making under the NRRRA will be integrated with related authorizations.

- The Agricultural Land Reserve Use, Subdivision and Procedure Regulation (section 3 (4) a) should be amended to exempt trails under FRPA just as roads under the Forest Act.
- There needs to be recognition of the Concurrent Permit regulation of EA.
- The benefits of this would be simple, one administration to deal with, and decisions on multiple, similar issues would get handled together making the process faster, less expensive and more efficient. As long as it would be handled fairly and all interested or more importantly, all affected parties would be notified to offer any counter arguments on the issue. The only issue that could

- This approach needs to be carefully done so that unnecessary roads are not created. Cumulative effects assessments will need to be a part of the authorization/decision making process. Without some balance, this policy could result in a large proliferation of roads on the landscape, with potentially significant impacts on other resources.
- For complex applications, the decision maker would need to be well versed in all of the regulations and legislation that may be impacted by the decision. To aid this, it may be put on the applicant to specifically address how their application conforms to all existing regulation and legislation. The decision-maker then simply has to address the content in the application.
- Road Location and Design would be as per the “Total Resource Plan” concept: All resource roads should be located to consider the long-term and all resources present within reason, that could or may be developed in the future in any particular area. Embracing the “Total Resource Plan” concept wherein development within an area, usually drainage, would consider the management and/or development of all resources present for the long term. While such a policy may initially be more costly, over the long term it would certainly be much cheaper and certainly would be more beneficial to all resource sectors

b. The regulatory framework is predictable, fair and consistent.

- Some discretion needs to be made in terms of what the road user is actually using the road for and so an unnecessary financial burden does not discourage smaller operators from accessing natural resources. For example a logging contractor with a multiple fleet of logging trucks needs to take a larger role in sharing the burden of maintenance.
- Consistency across the board needs to apply to all, regardless of professional reliance. For it to be consistent, minimum standards MUST be met.
- Safety must be the overriding principle - WorkSafeBC must have final authority
- All the power should be with government decision makers. No person or corporation should have so much control over public assets or crown land.
- Maintenance standards should also be consistent throughout on all the back roads no matter who is responsible for the road. Discretion should be used depending on the amount and type of traffic using the roads.
- Currently there is a vastly different approach to permitting roads between the various resource sectors. To produce a consistent approach will mean increased engineering costs for the forest sector, if the mineral / energy sector requirements are followed.
- The new Act should contain specific and generous conditions for allowing recreational access, even on private forest lands.

- Gov't must dedicate funds to ensure staff is well trained and that they have the necessary systems and internal infrastructure in place in order to facilitate efficient processing and approval of tenure applications.
- Consistency is extremely important for radio controls - safety on the roads must be the prime focus of the NRRRA.
- We currently have road use agreements throughout rural BC. They are different in each part of the province. The biggest difference is the North East. The oil companies force you to sign agreements that say "under the laws of Alberta".
- We would like to have the same rules, policy, approval and road use agreements throughout the Province. We would like to know the cost of using the road, before the expense of applying for a land use approval.
- As for treating everyone equally, it is a difficult proposition as well, after all a non profit organization attempting to obtain access to maintain a couple camp sites in the woods does not have the finances and cannot be held liable in the same way a multi-billion dollar company can.
- Road administration should be consistent to provide certainty for operators and the public, particularly for road use rules, compliance and enforcement as this might provide the greatest benefit for the public. Any variation from these rules should be transparent with clearly stated reasons
- This would be a big improvement. For instance the existing framework gives logging companies certain protections under the forest practices code (section 3.3) for active logging roads - But those same protections do not extend to active snow cat skiing operations using active snow cat roads.
 - The following comments for the Province of British Columbia's consideration:
 - Outline the consultation process in more detail
 - Be more definitive in who was consulted i.e.: industry, developers, back country enthusiasts, etc.
 - Be more specific on the process of seeking maintainers of the road
 - How will this impact local industry and have they been consulted?
- Decision makers must consider the initial intention of the road, the primary user, public and any commercial use prior to setting a designated user and weigh the ability of a single user to maintain a resource road especially if it is a small commercial backcountry lodge operator.
- Strongly suggest that the ORV Act not be stand alone and be incorporated into the NRRRA or into the upcoming NRRRA regulations.
- Licensing has further implications with regard to mandatory basic insurance and should continue to not be a requirement for operation on resource roads. Can the term "Licensing" please be clarified?
- There's no reason why the current \$200,000 Third Party Liability Insurance requirement for operating on a Forest Service Road (Forest Service Road Use Regulation (s. 12)) could not be applied to users operating on resource roads.

- This initiative needs to provide leadership in the definition of roads, trails, closures, deactivation and other related terms so that a common language is used by all.
- c. The Act will require that all roads be located, built and maintained with due consideration for the environment.**
- Govt must have ability to restrict access to identified (classified) sensitive ecosystems.
 - To enable the principle, the NRRRA framework should likely consider road categories based on primary use and life expectancy (i.e. permanent versus temporary, etc.)
 - Will there be definitions of 'unacceptable environmental impacts'? Will there be thresholds established?
 - It would be interesting to explore a principal that would result in "zero net gain" of new resource road construction as a link to sustainability principles. We use this principle for fish habitat so why not roads? With the amount of investment that is proposed for BC over the next few years I think there is an opportunity for industry to fund a pot of money so that non active roads or non status roads can be deactivated. The idea is that every time you build a new road, a contribution is made to the deactivation fund.
 - Some reference should be made to archaeological permits, perhaps under the heading Part 1(c) where archaeological sites could be listed as part of the environmental concerns that must be matched.
 - A weak link (in project evaluation and for C&E later) is lack of consistent documentation and submission of prepared plans. At what level are we expecting documentation, what is appropriate level required for review for new projects, and what "legacy" documents are required? (e.g. drawings; "Issued for Feasibility Study", "Preliminary - Issued for Review", "Issued for Construction", "As-Built").
 - To ensure best practices are in place the act should require the use of professionals where practicable and the ACT must be specific enough to allow effective monitoring and corrective action to take place. I.e. the act should be something between the restrictive former FPC and the much too wishy-washy FRPA.
 - I believe the standards for rehabilitation as applied to the Oil and Gas activities should be transferred to resource road deactivation
 - There must be areas designated as no motorized access and there must be funding to patrol them.
 - Stream crossings are being removed for a number of good reasons. We have growing amount of exploration activity from (Mining, O&G, etc.), commercial guides& outfitters plus hunters, and the general public all fording streams in an uncontrolled manner.
 - Key Points:
 - Recognize that we can't stop fording by non-commercial folks
 - It is difficult to stop or justify stopping commercial fording while we have hunters crossing in large numbers at the same point
 - Need to find a way to require "commercial" activity to armour the ford.

- It would be great if we had some mechanism to require armouring of the stream bed and approaches at the time of crossing removal.
- Part of the solution may be for govt to think about continuing use before structures are pulled, money for maintenance in the public good and educating those who use old roads about how to use them responsibly.
- If you had more money, do you think some of the user groups (Rod and gun clubs, ORV clubs etc), would be willing to partner with us to reduce stream damage? We are hoping the answer is yes.
- As an RPF I see huge gaps in best practices on roads authorized under provincial forest legislation for forest companies and those practices required by mining companies and gas companies authorized under federal laws. I once saw a gas company construction sitting idle until August when song birds were done nesting (a requirement of their permit under federal wildlife provisions) while a BC forest company was across the valley logging and building roads. The gas company was required to have extensive siltation devices completing cradling every stream crossing structure (bridges) yet forest companies do not. Some sections of federal Nation Forest roads in the US are paved - to reduce siltation, improve road user safety, reduce vehicle wear and reduce road maintenance costs. It was cheaper to pave a forest road every ten years than constantly maintain a gravel forest road. The standards for BC forest companies are lax...and standards for forest roads do not reflect best practices.
- Small companies, from independently owned woodlots to guide outfitters to back country lodges cannot even begin to afford to pay to maintain roads to these standards; although I feel they are important; we will be out of business the first year we have to replace a major culvert or small bridge.
- While the framework as outlined in the /NRRRA Discussion Paper/ has many good points that will help wilderness tourism and outfitting businesses who need and support maintaining or increasing road construction to sustain their businesses, it does not address the needs of those who need areas without roads. Two critical points, not mentioned in the /NRRRA Discussion Paper/, will give these businesses the security on the land base to operate long term:
 - *_Reclamation and Road Density Objectives_*
- ATVs do not damage watersheds. Free range cattle do way more damage and contaminate more water sources every year than an ATV does in 20 years. I do feel the penalties need to be strengthened for off roaders and 4 wheel drive trucks when they are caught in breach of the regulations. Stronger regulation on logging impacts as well.
- Reward good road managers with 'road work grants' to help fund their ongoing works; penalize poor managers (that have more failures) with 'repair orders' to upgrade and repair roads and structures that are posing an environmental hazard.
- First, it will be important that the Province follow its own environmental regulations regarding invasive species, fish and wildlife. Second, if resource roads fall within the regional districts, it will be important that all Official Community Plans and Zoning Bylaws are adhered to.

- Without reference to the specifics of each Act (Forest and Range Practices Act and the Oil and Gas Activities Act), if both provide for appropriate regulation of resource roads, then the highest and most stringent aspects of both pieces of legislation should be addressed and harmonized.
- Seismic lines cannot be considered a road.
- Seismic programs can have thousands of creek crossings on a single program that require the ability to operate in such areas quickly and efficiently under current environmental guidelines supplied by the Regulator OGC.
- As well seismic lines are given temporary access to riparian areas under existing regulation.
- In an analysis of road cumulative impact it would be important to address how close roads are to protected areas. Any new roads should be separated from protected area boundaries by a buffer of sufficient width to ensure that indirect disturbance effects do not impact the habitat within the park boundary. This guideline should also be applied to deactivated roads that are currently so close to protected area boundaries that an ecological impact is suspected.
- I think there needs to be more inspections to ensure that the unacceptable environmental impacts are not taking place.
- The Discussion Paper does not recognize that the environment and the public interest may be best served by the deactivation of roads, and by limiting the proliferation of roads into wilderness and environmentally sensitive areas (for example, by establishing and implementing limits on road density to maintain critical habitat for species like grizzly bear). Further, we are not reassured from the Discussion Paper that the potential of the Act to minimize some of the cumulative impacts of industry – a major concern for us – will be realised.
- In order to meaningfully give due consideration to the environment, scientifically-based benchmarks/ targets related to maintaining and where necessary restoring such values need to be legally established and spatially applied in order to provide meaningful direction to decision-makers under the NRRRA and otherwise.

d. Use of roads and control of use shall be commensurate with rights and authority.

- The criteria should be very specific regarding the restriction of access. This authority must be carefully monitored.
- I have a concern that a 'designated maintainer' i.e. a Road Permit holder - will use the permit as a revenue generator - by charging user fees, and transferring requirement of works/maintenance solely to users.
- Where the road is the only access to and from a community, any closures or restriction of traffic there should be consultation with the affected community so as to limit adverse effects and potential dangerous situations. The local Health Authority should also be contacted so alternate emergency plans can also be undertaken. Such as the need for ambulance. Fire and policing authorities should be made aware also.
- Where an access management plan is in place and is designed to control the type of recreational experience in an area (i.e. motorized vs. non-motorized), there should be a regulatory ability to do this easily.

- The users who have the capacity to cause damage are often the ones with off-road vehicles such as quads, ATVs, and dirt bikes. If used improperly these can cause severe damage to trails, meadows and wetlands. This type of use should not be used by owners as an excuse to restrict hikers and climbers and backcountry skiers.
- If I need an existing road, beyond a certain point, to access my private property, purchase a piece or pieces of heavy equipment to maintain that section of road, I think I should be able to restrict any motorized vehicular traffic that does not contribute to the maintenance of said portion of road.
- A designated maintainer must have as much control as required to maintain a safe structure suited to the highest level of impact as possible while reducing impacts on the environment. I don't believe that there should be some kind of onerous system in place where a maintainer must thoroughly document and support actions such as restrictions to traffic, but at minimum, they should be obligated to provide some kind of supporting documentation for reasons why a particular action was taken.
- In the case of a catastrophic event such as flooding or fire or other major issue, the maintainer should have the necessary controls in place to stop traffic appropriately. It should also be part of their regulatory duty to report all control-related actions to the central information infrastructure so the decision-makers and their support staff can act or react accordingly.
- For events such as off road races, adventures, group rides there should be opportunity to close off sections for safety purposes if all usage parties can come to agreements on when and how.
- The closure of a road to public use must only be done AFTER the maintainer provides adequate notice, and gives the rationale for such a decision. It must be stated WHEN the road will be re-opened in the notice.
- Local government is closest to the roads and the users. Recommendations from local government needs to be considered carefully especially on issues regarding closure, deactivation or maintenance standards.
- The maintainer of winter roads such as in the case of groomed snowmobile trails, the maintainer should have the authority to limit motor vehicle use.
- The designated maintainer should not have the authority to close a road, except in the case of carrying out required road repairs due to erosion or breakdown which are a hazard to user safety. In the case that the users are creating damage to the roads the maintainer should have authority to regulate types of vehicles using the roads.
- I am not concerned with these statements. Resource roads are the single largest liability that exists in our province both to public safety and environmental hazards. If I was a designated maintainer, I would require that I have the authority to temporarily close my road for any reason. I would expect to have the authority to require radio communication and post the channels (even CB channels) at the beginning of the road. I've seen too many accidents and close-calls on resource roads in my time that they should be managed with public safety in mind as the highest priority.

- We already have been seeing situations where the road tenure holder has blocked access citing safety concerns, when the concerns are largely unfounded. There needs to be a way of adjudicating this impartially. The designated maintainer must not be allowed to be discriminatory to other users, using vague safety or environmental concerns as a justification. Closure must be based on facts and a risk assessment process with known parameters.
- Concerns regarding the locations of roads to protected areas - road densities and the future use should be considered along with the proximity of these roads to protected areas. Future use and maintenance of roads that access near or to the borders of protected areas should reviewed based on the resources they may access or provide access to - species at risk, sub-alpine wetlands, wildlife and bird breeding areas or life-cycle specific habitat must be considered
- All the feedback that I am going to provide is based on use intended for snowmobile trails. The maintainer should have the authority to close the road when their season comes to a close or more importantly should have the authority to close the road to prevent uncontrolled access to their trails from other access points that allow users free access to the maintainers terrain. If you want us to pay for maintenance then we need to be able to fund it through trail fees. We need the authority to restrict access
- Specifically the watering of the Mining Right of Way Act is what frightens me. Specifically the threat of larger entities like an IPP or Forestry company denying access to a claim owner or expecting the little guy to bear an unfair portion of maintenance burden or even charging money for access to a claim. The erection of gates and unfair circus of hoops to jump through merely to get to ones mining claim to perform the expected work and responsibilities expected of a claim owner becomes an excessive burden if the larger entity using the road feels all powerful and making access difficult for the small operator.

e. Construct and maintain for intended use to allow for operational differences relating to scale/frequency and needs/impacts of that use.

- Minimum i.e. suitable to ensure road stability, standards need to be in place to guide resource professionals on prism stability, natural water course management, set-backs on fish-bearing water bodies. These standards need to be based on empirical and experience, depending on the climate and terrain.
- Build roads only to the standard required for the length of time of use then put them to bed. Builders will minimize the standard roads are built to due to economic reasons.
- Cattle guards on existing roads need to be part of maintenance, in order to meet their intended use CG should be cleaned out annually and/or after any significant event which causes them to fill in & become ineffective.
- Where the road is the only access to communities, the standard of maintenance should reflect the need for a higher safety and maintenance standard, even if the road is used primarily for industrial use.
- Consider using the Forest Road Engineering Guidebook from the Forest Practices Coded dated Sept 1995

- The contractor of any road network should be able to alter plans when they see an obvious way to make something better or safer. Things like location of bridges, width of bridges, switchbacks and grade of a road can be changed very easily to make the finished road much safer and efficient.
- An NRRA road should always have the requirement that it be built with the assumption of unrestricted public use subject to operational viability, whatever the standards required for the use of the principal user.
- Intended use construction standards must be developed and be consistent across the Province. Standards related to road grade, season of use, load sizes, pull outs, bridge load rating, culvert sizes, etc. Standards regarding the term of the road and the long-term use or deactivation plan must be identified prior to construction i.e.: temporary, permanent, seasonal, spur, skid road, trail, etc.
- It depends on what the baseline requirements are for safety, a forestry road may not be considered safe by oil and gas standards, and a forestry user should not be held to an oil and gas standard of construction and maintenance (i.e. double lane all season road).
- As RPF, with road layout experience, class 1 log truck driving experience, and log truck ownership experience I find these abuses everywhere on the coast:
 - 1) Coastal spur roads designed with outrageous steepness that is dangerous and unsafe for modern highway log trucks
 - 2) Switch backs that are too sharp for tridem trucks to safely manoeuvre
 - 3) Adverse grades that are too steep for trucks to pull under their own power using loaders to push loads up adverse grades is extremely dangerous and truck or loader can slip and push logs thru the cab of the truck ... this is common practice that has to stop
 - 4) Highway trucks break frames in rough spurs, being pushed or pulled thru deep mud, over rocks, thru ditches, etc, and unknowingly go onto public highways with truck problems that cannot be seen due to mud and truck can come apart at highway speeds that can be lethal to trucker and traffic.
- The majority of new resource road construction I would suspect is to support industrial activity. If so, then existing regulations concerning the construction of industrial roads (design speed, visibility, surface type, maintenance prescriptions, cut/fill depths, end-haul, etc) should be used as a baseline. These regulations provide for adequate safety and environmental protection.
- As long as there are pull-offs so that traffic can yield to logging trucks I think civilian and industry traffic can cope with each other (and have been doing so for years).
- Need to investigate use of fords where no high-value creeks are adjacent, parallel or near the road. Installation and removal of culverts is expensive and when a culvert blocks and washes out a road, high costs and impacts are delivered to maintainers, users and the environment.
- So, what I get from this is that if I am the builder, I don't need to talk to any other potential users about their interests before I start to build my road. If I am one of those other potential users, how can I even know a road is going to be built and how can I influence the kind of road that will be built?

- Access control structures (gates) must be capable of blocking ATVs if the road is not intended for their use. Often roads are gated to prevent environmental damage, but the gates don't stop ATVs and dirt bikes who are the worst offenders.
- Do not let them choose their own method they will cut corners.
- 1st builder builds road for light use. Second builder extends road and wants to use heavily first builders road is insufficient now what?

f. Any road lacking a designated maintainer may be subject to deactivation.

- Deactivation does not end the potential for environmental damage. They require ongoing inspections.
- Once a road is in it is very hard to limit use. Gates, ditches, road blocks are only interesting challenges to 4x4 and ATV recreationalists.
- Many users have a problem with how some roads in BC are deactivated - cross-ditches are made so large and deep that vehicle access often becomes impossible.
- There are cases where it could be economically impossible for a business to maintain a road after a major user pulls out of an area. For example a back country lodge may not be able to maintain 20 km of road after a mine closes, especially if major bridges and culverts are removed. If we are to encourage economic development in BC there needs to be some sort of "Transitional Funding" to help keep some roads open.
- A better idea would be to put up signs indicating that the road has been deactivated and the users should use caution when proceeding to access these roads. These roads should be left alone, fallen trees and rocks will be moved out of the way by users.
- No deactivation should take place without citizen input and approval. These roads are our roads.
- At present the Land Title Act Regulation 334/79 (Section 15) provides for subdivision of land based on access via FSR. This implies long term existence and maintenance of the road. Transfer of this provision from current FSR to NRR must be considered.
- Deactivation should also be driven by the needs of species at risk, sensitive ecosystems, restoration of ecological connectivity and natural hydrological regimes.
- The issue of "environmental damage" has become so subjective and misinterpreted that users and clubs such as snowmobilers and ATV riders are constantly under the scrutiny of those who lack knowledge and simply wish to complain about any and all outdoor activities that occur in the back woods.
- There needs to be a way of not forcing government to automatically deactivate or have industry deactivates roads simply because a designated maintainer couldn't be found at the moment. This could be the biggest failing of the NRRA if this is not done carefully. A well built road should not be prematurely deactivated (at considerable expense often) simply because of a short delay in determining who the next designated maintainer should be.
- If the same money was spent stabilizing and maintaining a road its life as an asset would be greatly extended.

- If the risk of environmental damage is significant, for example a washout is likely to affect a salmon spawning stream, and then the road should be deactivated in such a way that it is impassable to all motorized traffic, including dirt bikes and ATVs. Deactivating in such a way that only cars and trucks can't pass puts the non-motorized recreational users (hikers, skiers) at a disadvantage for access.
- The Provincial Government collects thousands of dollars from hunters every year and thousands upon thousands of dollars from the miners every year. Do we not have some say of who is going to have the final say in the deactivation of these roads? Will there be any consultation or are we just going to arrive one day to find the road torn up?

g. Reflect existing road safety principles for public roads.

- Every user should be required to carry liability insurance, have a registered vehicle, and even have taken some type of safety course for operation of the vehicle they are using.
- Appropriate behaviour is something that changes often, depending on weather and even the amount of traffic, so the best option might be the aforementioned safety course and adopting the "Use at Your Own Risk" approach
- There should be a requirement for a driver's license in all circumstances involving work vehicles and equipment.
- The same requirement for recreational users would tend to keep families from enjoying motorized sporting activities. The proposed new ORV legislation will address requirements for this type of activity.
- Use the Forest Service Road Use Regulation requirements with respect to unlicensed operators. Slippery slope idea is to have a limited use licence for children under the direct supervision of a person over 25
- Unlicensed users should still be allowed to use deactivated roads and trails
- Roads that are industrial and controlled should not be designated under the MVA ; rather only "public Use Roads" should carry this requirement
- Appropriate signage warning of any hazards is all the gov't needs to do
- Signage needs to be placed at the beginning of roads indicating that there are hidden hazards. This is the nature of resource roads and users need to understand and accept it. Black ice and wildlife are both present on public roads and highways in the winter as well.
- Signage that indicates the types of uses that the road is designated for and use at own risk signage
- The Act should designate standard signage (shape and color) giving the road system status.
- Danger trees, avalanche hazard, road maintenance and traffic control are not items that can be left to temporary road users on an ad hoc basis.
- The legal and insurance position of licensed drivers in registered vehicles should not be compromised by the actions of unlicensed vehicles and/or drivers
- All users should be required to have liability insurance.

- Luckily, there are very few gates to contend with. Under the new Act, this could increase drastically.
- If it is a "Deactivated road it is "use at your own risk" and licensing shouldn't be needed. If it is an active maintained road licensing, liability insurance etc should be mandatory.
- A natural resource road rules booklet would be handy for users if it does not already exist. This booklet would outline the basic "rules of the road" such as calling your km's every one or two km, pulling off to the side of the road if a loaded logging truck is approaching, not exceeding a certain speed limit i.e. 50km/hr. etc.
- Enforcement of laws can only correct a certain percentage of those who wish to not comply. Public education programs need to be in place and actively employed through several means of communication. In some cases greater fines and jail sentences will need to be increased for grave incidents. There definitely needs to be better legislation around ATV and Off Road vehicle use of roads and licensing.
- A simple naming convention in combination with an education campaign might help the public to understand what to expect on a given resource road, whether it's logging trucks or cattle at large. Give information in the name and it will be in the public's mind if they are also properly educated.
- Licensing of off-road vehicles requiring a driver's license and insurance similar to Montana and Alberta.
- What I would be willing to endorse as a taxpayer to help fund education is a 'Resource Road Sticker'. \$10 for 2 years (to ease administration) and all of these moneys go towards education of resource road safety. The Four Wheel Drive Association of BC (4WDABC) is a very active organization that could be used as a catalyst for this education program. A similar program is used in Oregon for their OHV parks. This helps to promote education and safety of recreational users.
- If there is a crash, and the vehicle is not insured, the consequences should include fines, restitution, and even jail time.
- I would reduce speed limits on all resource roads. All drivers should carry insurance.
- Fines for people found with poorly maintained vehicles or ATV's on FSR's. e.g. If there's an incident, and a vehicle/ATV is in poor repair, that user should receive a large fine.
- Instead of issuing a "restricted" plate to the non working public why not make another designation such as a "recreational plate"; which will apply to ATV's, motorbikes, side x sides, etc. regardless the age of the driver. Put the mechanics in place that when the plate is issued the buyer/user signs that they are aware it is a "Use at Own Risk" and cannot sue anyone for their stupidity. It is time to start making people responsible for themselves and not the government.

Part 2: The Framework Policies:

1. Scope of Resource Roads

- Categorization of road subsets may be more efficient and identify road types that should likely be excluded (on-block roads, back spar/harvesting trails, etc.).
- Wilderness roads which are already designated as such should be exempt.

- Basically anything that is designated as a road used for extraction of resources and industrial activity should be included under NRRRA where there is a greater risk to safety.
- Under the authority of the Land Act 3 types of road authorization are typically granted:
 - A Works Permit: which allows a proponent to build and construct a road that must be open to the public. These are generally for short "driveways", providing access across Crown land to private property where no or inappropriate access exists. Terms are usually 2 yrs up to 10. These typically become non-status after construction.
 - A license of occupation: normally for non-exclusive use of a road, with 10 year terms; generally public access must not be impeded unless it interferes with use of the client. Sometimes these may be issued with provisions that specifically address public access issues (e.g. when access can or cannot be impeded, which other users may have access, etc).
 - A statutory right of way: issued for roads where public use must be excluded. These are issued for as long as required up to 30 years.
- For all of the above, the decision maker will normally consider factors such as the nature of the road use, the proponent's basis for seeking long term security or exclusive use, and the Province's interest in retaining more control, including over public & other access, when deciding which tenure / permit to grant and for how long. Local govt, FN's and provincial agencies are given referral on these applications. Rents are paid on licenses and Right of ways.
- The stat. R/W will have similar obligations to a license with respect to keeping the road in a safe, clean and sanitary condition. Other obligations may be added to address specific issues / values. This would typically be included in a management plan, attached to the Right of Way which would be prepared by the proponent. Road construction standards may also be included or a professional design and layout may be required - all depends on the nature of the road and intended use.
- Recognizing that vehicle types will vary from those licensed for public roads, to very large industrial equipment to very small off road vehicles, the rules for road use will need to reflect a greater diversity of traffic than that encountered on public roads. Therefore there must a system in place to communicate applicable rules. My concern is that without a system, a common suite of rights, obligations, rules of use and a single compliance and enforcement regime will be too difficult to effectively administer and will also put the bar at the highest level as opposed to the lowest level of requirements which would potentially be overkill for what is actually required. Off-road vehicle roads should not be considered under the NRRRA.
- There are roads that are very old and never used. Off road vehicles continue to use them safely, but an 18 wheel logging truck cannot. There needs to be provisions for such roads and by having everything "lumped" together, we may see these valuable assets disappear.
- Roads leading to areas of public interest should at least be open on weekends. Hours of access may be restricted (and closures for maintenance allowed as required).
- Public use of resource roads is secondary and must yield to the requirements of the commercial resource users!

- First concern is that public access may over ride needs of resource companies and second concerns is that it would make the company pay for the public's portion of the use of road, i.e., road maintenance.
- Roads that are deactivated and are suitable for Off-road use only (ATV, 4X4, Skidoo,) should not be considered resource roads.
- What type of roads should not be considered a resource road under the NRRRA?
- Roads that serve as primary or secondary access to rural communities or that offer emergency access to rural areas should be given special consideration.
- What will delineate the difference between a road and a trail? Currently it seems that road corridors are 5 meters and wider, while trails are about 4 meters or less (at the narrowest points). Given this some trails (which may have formerly been FSRs) are essentially used as roads. Do note that the widest versions of a trail are set aside for such uses as horseback riding and snowmobile use.
- Need definition of public and private roads. Private roads should be only roads built on private land. There should be no road on crown land that is deemed to be a private road.
- No concerns so long as requirements are clear and clear definitions are provided. Include BC Hydro roads as they are generally accessed off of Crown land resource roads.
- Type of roads: Include motorized trails that are accessed off of Crown land resource roads to ensure environmental impacts are minimized (i.e. currently trails are being constructed for ATV use that may cross fishing bearing streams without proper assessment of the impact).
- We need to make sure that active snow cat roads (for snow cat skiing operations) are included in this framework. There is a significant safety issue on these snow cat roads at present because of unregulated users sometime trying to use these active snow cat roads at the same time as the snow cats are using these roads. These roads are narrow and steep with no room for passing. The result is collisions - it is only a matter of time before there will be a fatality. Snow cat skiing operations need some rights over the snow cat roads that they construct. In the same way that on active FSR that it is not safe to have unregulated snowmobiles - for the same reasons it is not safe to have unregulated snowmobiles on active snow cat roads.
- We have many questions about this NRRRA - How roads on Treaty Settlement Lands (TSL) be classified, how consultation with our Nations regarding Crown Corridors thru TSL will be managed and how resource roads to our Communities affect our access, costs and obligations. We look forward to engaging B.C. on these issues in the near future.
- There needs to be legislation for roads under the mine act. It is appalling the number of mining related roads out on the land base that are not up to any standard and cross fish bearing streams unstable etc.
- The NRRRA will not include Private Roads. There may be private roads included in Woodlots that may need to be considered. Resource Roads that are constructed (new and existing) on Woodlot Licenses and Community Forests Licenses will need to be taken into consideration particularly if there are other tenures being accessed beyond these tenure boundaries.

- I am a cattle rancher in the B.C. interior. Over the years we have built and maintained a network of trails over our range tenure. I strongly object to the mislabelling and listing of these trails as "recreational trails". While I understand that the livestock industry does not have an exclusive use over our tenures in terms of access, there are many conditions where mixing the recreating public with cattle grazing is not compatible. Promoting trails to be part of a recreational inventory, when in fact they have been built and maintained for the purpose livestock movements, is a mistake. If it is necessary to plot trails on a map, they should, at the very least be labelled as "cattle trails". In this way there should be less confusion for the recreational user when they discover evidence livestock along the way.
- We are concerned with the exclusion of roads covered by a Mines Act permit; this will result in there still being differing mechanisms and rules for resource roads and undercut the utility of the consolidation.
- Roads that should not be considered a resource road are those that are temporary in nature and are only built to facilitate short term construction for projects. If such roads are to be considered, the Act (and the supporting policies and standards) will need to be flexible so as to not put an undue burden on proponents and government resources to plan, authorize, administer, construct, maintain, and deactivate such roads.
- Additional clarity on if/how this applies to OGC approved prescribed roads, seasonal winter access roads and temporary roads will be needed.
- The oil and gas industry is required to notify and consult prescribed persons under the Consultation and Notification (C&N) Regulation, under OGAA, for oil and gas activities. If oil and gas roads, under the NRRRA, are an oil and gas activity, then the C&N requirements will need to be clarified.
- Sample Definition
 - **Road:** An identifiable route with a constructed base built for the purpose of transporting resources by truck (including Forest Service Roads, roads on Private Managed Forest Land, those roads covered by the Industrial Roads Act that are primarily used for the transportation of resources) and any tote roads, trails, pits, quarries, landings or waste areas that are used in conjunction with the roads.
- Our recommendation is simply to state that a resource road is not included in the definition of a "highway" under the MVA. Looking forward, the roads covered by the NRRRA will need to be removed from the definition of "highway" that is presented in the Motor Vehicle Act and Commercial Transport Regulations. This will maintain the existing framework whereby industrial roads are excluded from all requirements of the MVA and Regulations except those that are specifically made to apply by adoption within the Forest Act and within the Industrial Roads Act (but will be a change to the existing framework where all MVA provisions apply except as excluded within the Petroleum and Natural Gas Act.)
- Also, consequential amendments to change references to "industrial road" in the MVA will be required (as would the reference to industrial road, forest service road and development road in the MVA s. 1 definition of an "industrial road").

- A large percentage of all resource road construction, maintenance and deactivation is carried out by the government and is currently regulated. This activity needs to be covered by the new legislation.
- For safety, we need to have exclusive rights to these snowcat roads when operating in the winter. We would need to have the same protections that logging companies have in the forest practices code Reg. 3.3.
- Guide Outfitter licences cover the majority of B.C.'s land mass. We recommend that Guide Outfitters be specifically referenced in the Resource Road Act as Commercial Operators, similar to our recognition in the Wildlife Act. Rights and responsibilities of Commercial Operators should be clearly defined in the Act.
- Road Classification in BC: A comprehensive classification system for all roads in BC should be developed. A system similar to that used to classify all streams (i.e. from Class 1 to 6) under the Forest Practices Code is recommended, with the Road Classes ranging from 1-15, or more as deemed appropriate.
 - For example: A system that used 15 (or more) classes could include the following:
 - Class 1-6 Roads: All public roads maintained by MOTI
 - Class 7-12 Roads: All other public Resource roads to be maintained by MRR (NEW MINISTRY OF RESOURCE ROADS)
 - (Classes 7-9 could be permanent; Classes 10-12, temporary)
 - Class 13-15: All private roads
 - Descriptors for each Class would be developed that include specified road standards listing applicable attributes for each class including R/W width, surface width, type of surface, maximum grades, design speed and loads, and whether permanent or temporary with a proposed deactivation schedule etc. Both the MFLNRO and MOTI already have several descriptors defining various Classes of Roads and Highways in place. This should be modified to fit a comprehensive Provincial Classification System as proposed above. Such a system would greatly simplify record keeping for each road relative to the designated Maintainer, costs, design specifications etc. Without such designation it will be virtually impossible to keep accurate track or records of all the roads present on the landscape in BC.

2. Planning

- Deactivation should only be considered when environmental values are at risk. Removing or backing up culverts with cross ditches but leaving the road passable is acceptable. Arbitrary road closures are unacceptable.
- Too much money is being spent on "environment" there for not enough money is being allocated to safety issues on high us roads such as:
 - A. Brushing for site distances
 - B. Grading.
 - C. Calcium Treatment for dust suppression.

- Commercial users of a resource road should be responsible to contribute to or maintain roads, but challenges exist to ensure the users continue to maintain. There is value in letting the resource companies know what is expected for future use and maintenance so that they can plan for this financially. The challenge will be with non-profit groups that use a road, generating funds for road maintenance would be very difficult, and unfortunately I do not have a solution....
- The topic of reducing road density is not approached anywhere in the discussion paper!
- Most roads should have a set life span, and then be closed (i.e. most new road development is not to be a permanent feature on the landscape).
- Govt must have ability to restrict access to identified (classified) sensitive ecosystems.
- If pre-existing access is cut-off by new construction then the resource road would have to replace the existing road or access to the old road maintained.
- Maintenance inspection schedules should be centrally recorded for all drainage structures, danger tree assessments on rights of ways and cut/fill slopes (stability) so that all designated maintainers are aware of when the next inspections are due. This will be especially important if the designated maintainers will be changing frequently.
- Any access management planning has to take into consideration the total users (berry pickers, wildlife viewing, hunting, Sunday drives in the forest, etc.)Not just professional users. Specifically the impact of deactivation in one area may lead to overuse in others as the recreational users are forced to all go the same general area.
- All roads need to be designed to minimum standards which will allow public access and minimize environmental consequences.
- When roads are put to bed with cross ditches or culverts removed then the policy should be very specific how this is done:
 - A. Cross ditches must not be deeper than the ditch line
 - B. Cross ditches must be done with a 1 to 8 ratio. That is if the ditch is 1 foot deep then the grade on the cross ditch would be 8 feet wide. This is to guard against the tank trap cross ditching.
- Safety for Drivers:
 1. Will the design of the road (spurs & landings) allow highway log trucks to manoeuvre all grades under their own power?
 2. Will the design of the road keep downhill grades for log trucks at levels that allow the truck to stop at anytime, anywhere on the grade, and park, allowing the driver to exit the truck should that be necessary?
- Will the road, spur, landing, bridges be maintained to a standard that will not unduly put vehicles at risk or damage trucks or vehicles using the roads? My main concern would be implementation & enforcement. There are numerous existing examples of FSRs being decommissioned or under maintained even when they are the sole access points to provincial parks or other designated public lands.
- Gov't cannot carry out effective and efficient monitoring without quality data. In addition, gov't must provide the necessary systems and applications required to collect and maintain these data.

- Human and other resources are needed to accomplish this major task. Is gov't committed enough to this to ensure that there is funding for this?
- Government should seek local community and regional input to gather information as to planning for future recreation and thru communicating with local business and users make decisions as to whether de activation can be delayed to allow for access but monitored for negative environmental impact.
- ATV use of resource roads has to better be defined. Throughout the Draft there is very little recognition of ATV use on these roads, rather it is referred to as "off road use. Other resource road users must be made aware that there are a variety of types of vehicles using these roads such as ATVs, UTVs, motorbikes, and countless others and to use the road accordingly. Can we presume the Off Road Vehicle Act will play an important part in ATV use of Resource Roads?
- Local government is closest to the roads and the users. Recommendations from local government needs to be considered carefully especially on issues regarding closure, deactivation or maintenance standards.
- Access mgt. planning is the key to ensuring an integrated approach towards sustainable management of the natural resources. A number of LRMPs in the province, notably the Skeena Region speak to access management but have failed to date with respect to its implementation.
- Access management is definitely required. Right now individual permittees decide where to build and to what standard without regard for other expected uses. Once built, roads are used by other resource extractors (mining, oil& gas) and for wildfire management and control. Integrated planning would help ensure road location and construction meet a broader range of needs.
- Current allocations of forest licensee stumpage revenues deducted for road expenses do not include road upgrades. This has resulted in forest licensees taking road networks out of permit through deactivation when they do plan to use the road system for future harvesting. This policy allows these companies to apply re-activation road building costs to be deducted from stumpage revenues at the next stage of harvesting. This issue needs to be addressed by allowing forest licensees to apply upgrade costs to a reduction in stumpage fees, as done for road construction. The current situation is inefficient and results in less overall stumpage revenues to the crown
- The rationale for the road does not end with the original requirement for the road; it simply changes to address other opportunities such as recreation or other minor business opportunities. The road will slowly deteriorate to a state that reflects the next user's needs.
- Provision must include the ability for Recreational Clubs and organizations to participate in the Planning process.
- There is a concern that as the transition to the NRRRA takes place that some users with limited resources (i.e. recreational users) will be forced to seek expensive "experts" to keep access to roads that they have been using for years, simply to prove that things are acceptable. There should be some sort of program to 'grandfather' in known formal recreational user groups, without immediately placing on them a paperwork burden that may not at all be justified. If a site level assessment is required for low impact recreational use, it should be a Do-It-Yourself as possible. Forcing people with limited resources to use over-priced consultants may be

counterproductive as it may put additional burdens on commercial or industrial user, while being prohibitive to private and recreational users.

- I see HUGE costs making it prohibitive to keep any resource road open. Let's not price ourselves right out of the back country recreation market. Let's look at 3 levels of roadways. A. Car/RV suitable (expensive maintenance) b. 4 wheel drive suitable (moderate cost- mostly water erosion repairs required) C. Use at your own risk roads/trails for hikers, equestrians, ATVs, bikers. (Low cost - mostly signage)
- Again, if someone has built a small business with the understanding that a road would continue to be available, restricted access could have dire impacts. Consultation with tenure holders is important to ensuring this is fair.
- There is no strategy in the document on how objectives for roads will be established other than the Natural Resource Road Act (NRRRA) decision maker will turn to existing plans in making the decision. Resource roads are a valuable asset for the public to access crown land. A clear process and objectives are required to define and balance between:
 - A. recreation, tourism, fire suppression/public safety and other industrial objectives supported by access
 - B. Protecting wildlife fisheries habitat and other liabilities by limiting access.
 - C. The principles simply state the decision maker will make these decisions.
- Long term resource and public access planning should be conducted to identify roads without a primary user that need to be actively maintained using public funds.
- Recommends that the NRRRA empower the OGC as decision-maker for oil and gas roads
- The NRRRA must ensure alignment with the environmental regulation of the OGAA
- The OGC is establishing a Basin Management Approach 'tactical analyses for a number of basins in NE BC. The NRRRA and regulations should ensure alignment with the Basin Management Approach
- Ensure no misalignment with existing Land Use Plans (e.g., government approved land and resource plans or LRMPs and/or Sustainable Resource Management Plans or SRMPs) that currently exist in NE BC and provide strategic guidance for road.
- It may be an option to have the new NRRRA and/or regulations recognize a suite of roads for a development under one permit – or Regional Access Development plans. This approach is being piloted in other jurisdictions.
- Using a word such as “may” suggest to users and others that meeting the professional legislation in BC is discretionary. This is clearly not the case. The solution is to ensure there is an appropriate reference to the professional legislation in any potential NRRRA legislation and summary documents to reinforce the requirement for professional service.
- The definition of “qualified professional” does not incorporate the 2 fundamental elements of professional legislation, authority and competence. We recommend that the definition in the proposed Act use a definition that incorporates both elements. For example,

- A. Qualified professional means a person who,
 - a. is registered and in good standing with a professional body having the legislated authority to regulate the professional activities being carried out; and
 - b. has the education, training and experience necessary to carry out the professional activities required.
- Resource roads located in municipal or regional district watersheds need to have the highest environmental and maintenance standards
- There is need for local consultation so resource companies know where recreational values exist in their road planning. Consultation should be legally required.
- Up-to-date maps of resource roads are seriously required. The maps could be produced by the ministry administering the NRRRA or some other agency, or even a company. They should be produced to cover areas no larger than a forest district or the scale will be too small to be useful. Recreationalists would be happy to pay for up-to-date maps but if sales do not cover costs then the government should contribute money. Good maps and road info would certainly facilitate both backcountry recreation and tourism.
- Suggestions:
 - A. To ensure that the road application is considered, the applicant should have to demonstrate that the following have been met:
 - c. Consistency with existing plans (e.g. LRMPs)
 - d. Appropriate mitigation to ensure consistency with existing land use designations (e.g. FRPA general wildlife measures)
 - e. Minimum standards for planning, construction and maintenance
 - f. Standards may vary depending on the underlying resource value (e.g. VEC)
 - B. The discussion paper indicates that the use of qualified professionals would be appropriate in the mitigation process to determine acceptability, but recognition is required to ensure that this should be restricted to where there is known/defined mitigation options available (e.g. siltation) versus where mitigation options are not well defined (e.g. many species at risk). Risk based government oversight may be required at various levels of planning and approval.
 - C. In some areas access planning may be required (e.g. several resource users, significant existing road development, significant environmental values, etc.) prior to approval.
 - D. Use of the Wildlife Act, or similar provisions, is appropriate to restrict certain uses/users (e.g. timing of use, purpose for using road)
- The NRRRA should include enabling provisions for consideration of cumulative effects, including provision of additional information, during the approval process.
- The Regulations should require road users to seek utility companies' approval before undertaking any road construction activities on their corridors or rights of way.

- The draft legislation should require that Source Water Protection Plans and available Source Watershed Assessments be referenced in any approval process. In the case of roads within or within close proximity to community watersheds, adherence to these plans and assessments is fundamental.
- A referral mechanism should be integrated into the draft legislation ensuring there will be an opportunity for water-purveyor stakeholder input respecting any decisions made concerning roads management within or within close proximity to drinking-water-source watersheds. The Act needs to consider how Source Water Protection Plans will be referenced and utilized in the approval and ongoing management processes, and how individual Source Water Protection Plans will be upheld in the NRRRA decision making processes.
- Draft legislation needs to be definitive respecting the delegation of authority over, and the ongoing management of, existing non-status roads (NSR) within or within close proximity to community watersheds. NSR's are considered a critical issue with water purveyors in that the NSR's are typically undesignated, unmaintained, may be improperly (if at all) rehabilitated, and yet often times provide unfettered access into environmentally sensitive areas including community watersheds.
- Changes are needed so that the Crown's duty to consult First Nations is made explicit, and a process for consultation is established. This includes substantive consultation and accommodation prior to any decisions being made and ongoing consultation where there are incremental changes to existing activities. This is essential to protect our Treaty and Aboriginal rights, and prevent and manage cumulative impacts of resource development activities in the area.
- In order to meaningfully give due consideration to the environment, scientifically-based benchmarks/ targets related to maintaining and where necessary restoring such values need to be legally established and spatially applied in order to provide meaningful direction to decision-makers under the NRRRA and otherwise.
- Members of First Nations or the Public should be able to identify clearly from the proposed right-Of-way what roads are contemplated, where and when. Similarly, if road approvals or portions of road approvals remain valid for years after the road was originally proposed, then First Nations or the public may be unable to comment on changed circumstances should the holder of the approval finally decide to proceed.
- Road Location and Design would be as per the "Total Resource Plan" concept: All resource roads should be located to consider the long-term and all resources present which, within reason, could or may be developed in the future in any particular area. Embracing the "Total Resource Plan" concept wherein development within an area, usually a drainage, would consider the management and/or development of all resources present for the long term. While such a policy may initially be more costly, over the long term it would certainly be much cheaper and certainly would be more beneficial to all resource sectors.
- As far as reasonably possible the extent of Resource Roads in BC should be kept to the bare minimum. Adoption of this principle would recognize the need to protect and maintain BC's ecosystems and the resources contained therein. It would also respect and complement the Provincial Zero Net Deforestation Policy for BC which is currently under development.

- We propose that the legislation referentially incorporate existing protected areas such as ecological reserves, ungulate winter range, wildlife habitats and critical habitat as defined in the Species at Risk Act to identify areas where road construction is prohibited. Further, the legislation should also allow for the designation of First Nations cultural areas as zones in which new road construction is either prohibited or limited according to prescribed terms.
- Planning will have to have a public review process so that potential stakeholders can learn about where roads are going and they can look for ways to share costs with a proponent such that everyone benefits from reduced costs as much as possible.
- The topic of reducing road density is not approached anywhere in the discussion paper!
- Will there be definitions of 'unacceptable environmental impacts'? Will there be thresholds established?
- As an RPF with road layout experience, class 1 log truck driving experience, and log truck ownership experience I find these abuses everywhere on the coast:
 - Coastal spur roads designed with outrageous steepness that is dangerous and unsafe for modern highway log trucks
 - Switch backs that are too sharp for tridem trucks to safely manoeuvre
 - Adverse grades that are too steep for trucks to pull under their own power using loaders to push loads up adverse grades is extremely dangerous and truck or loader can slip and push logs thru the cab of the truck ... this is common practice that has to stop
 - Highway trucks break frames in rough spurs, being pushed or pulled thru deep mud, over rocks, thru ditches, etc, and unknowingly go onto public highways with truck problems that cannot be seen due to mud and truck can come apart at highway speeds that can be lethal to trucker and traffic.
- The majority of new resource road construction I would suspect is to support industrial activity. If so, then existing regulations concerning the construction of industrial roads (design speed, visibility, surface type, maintenance prescriptions, cut/fill depths, end-haul, etc) should be used as a baseline. These regulations provide for adequate safety and environmental protection.
- As long as there are pull-offs so that traffic can yield to logging trucks I think civilian and industry traffic can cope with each other (and have been doing so for years).

3. Road Use Objectives

- No road leading to a community or being the only road to a community should be decommissioned or downgraded to any less of a standard that would assure safe travel to and from that community Govt will have to consult the LOCAL public in order to make appropriate decisions.
- For major resource developments (Mines, hydro other) the obligation for site reclamation extends beyond a set number of years. The road may experience use by others, but the "owner" has not abdicated responsibility. The primary user must have control over the maintenance standard TO MEET THEIR REQUIREMENTS AND NOT THAT OF OTHER USERS.

- The advantages of a road into an area for fire suppression, rescue purposes.
- Intended use; build out; intended and projected use of the road; environmental impact if left in place vs. removal; local community needs and possible uses after primary use both during and after. A coordinated access plan would identify a lot of this.
- Should the designated maintainer not be made aware of what needs to be done to be relieved of their obligation in the beginning not at the end?
- Gov't must have high-level land and resource use objectives that are available to maintainers and the public in many formats so that the parties who have interest or financial stake in the tenure can study various impact scenarios.
- Objectives must include reduction or avoidance of environmental impacts; they must also include a cradle to grave vision of the road. Allowances or recognition of possible future uses for the road should be identified as part of the objectives and planning.
- Determine the use/value of the road to stakeholders: recreation, hunting, aboriginal, weekend outings. Determine monies needed to provide safe transportation for intended use. Seek source of maintenance funding. Determine degree of maintenance and deactivation required.
- Ongoing road use objective must not be able to be understated in order to provide a smaller bill to the primary user/previous maintainer. They should be obliged to foot the bill to bring back to original standard for their purpose of usage before being allowed to relinquish responsibility, unless specific off road designation is substituting the road usage in the future. The maintainer should not be part of the cost-determining body for their final bill; it is too biased and too great of risk for unfair decision making that will only benefit that user group and provide the opposite for other user groups
- Government should not be the only party determining the ongoing road use objectives. Local area committees composed of interested user groups such as recreational users should be involved in determining the on-going use objectives for the road.
- recreational users are willing to "pay to play"...a onetime purchase fee or a smaller yearly registration fee...pay good money to enjoy the outdoors but people are trying to shut out Canadians access to crown lands
- This is a must. Forest roads are littered with unmaintained culverts and crossing structures in various states of disrepair. At a minimum, culvert removal and cross ditching (west coast crossings) are needed to minimize future risks of culvert failures and environmental impacts.
- If the road accesses known public recreational terrain, the designated maintainer must post public notices regarding any proposed changes that might prevent public access using 2 WD ordinary vehicles.
- If the general public becomes the largest users of a road then the responsibility of the maintenance should fall back to government. Government would then become the commercial sector as the public needs to access resource roads will most likely also benefit the government. Whether it is fuel sales, licencing or licences (hunting, fishing etc) this becomes a revenue source for the government.

- The public has to be allowed to maintain roads on public lands, for example, cutting out brush and moving obstacles.
- Government objectives and requirements for roads should not adversely affect arrangements on private land.
- If a designated maintainer has an option to pay in lieu of required work, the “liability upon surrender” must be clarified.
- If the designated maintainer has the option to pay in lieu of the required work for the maintainer to be relieved of their obligations there should be specified conditions that require the Ministry to refund the maintainer all or part of the paid funds due to the following:
 - road is being used by another party,
 - another maintainer is identified,
 - Ministry does not or does not deactivate the road within a specified time frame, and/or,
 - Ministry deactivates the road to a lesser standard than the payment was based on.
- The draft legislation needs to include a mechanism for cost recovery of any expenses borne by water purveyors when those costs are associated with critical "must-have" referral reviews for NRR's within, or within close proximity to, community watersheds. Cost recovery should also extend to all functions related to a purveyor having to inspect, repair or remediate NRR's inadequately rehabilitated by maintainers after use.
- There needs to be some form of mediation process to which an aggrieved tenure holder can appeal.

4. Intended Use

- The concern is to "intended use" and how that is defined. Where the road is also used as access to and from a community, even if the roads intended use is industrial in nature, the public's use should be a determining factor in its maintenance and design.
- What does adequate mean in this clause? Bare minimal requirements or sufficiently meeting high environmental standards? The standards should be better publicised and open to review of the public much like this forum.
- Is there a set of specified environmental risks that the builders have to avoid? Without knowing their specificity it is hard to say whether it still be sufficient to protect the environment.
- Who governs the standards? Are they received yearly by an independent body, because they should be? As our knowledge of resources evolves there should be a system that can also evolve with this? Room for change and review yearly that gathers public and professional input and is transparent to the public eye.
- There has to be an option provided for non-standard designs based on the current professional reliance model in the Forest and Range Practices Act.
- These three tests are all beneficial, however it would also be beneficial for all roads should have a risk rating based firstly on environmental hazards along the corridor and potential consequences

of known environmental hazards. This would also promote effective inspection schedules based on risk ratings.

- I think "intended use" should be eliminated and replaced with "maximum load limits". The word "intended use" provides too big a loop hole and can be used to justify too many things such as access restrictions, restrictive standards, and obstructive maintenance practices.
- There needs to be provisions to designate and define the intended use of some roads as "Under Road Density Obligations Requiring Reclamation". This would clearly delineate the requirements of resource users to remove roads once extraction was complete, that the road is NOT considered a permanent structure, and that it must be built to minimize reclamation costs.
- Road use objectives MUST include road density and reclamation. Road density is absolutely critical to wilderness tourism opportunities in the province, and road density can only be achieved through road reclamation, not deactivation. Deactivation is insufficient to return an area to be previous wilderness condition.
- Concern would be that the builder/maintainer does not correctly identify whether the road is adequate for the intended use based on the type and number of vehicles.
- Bridge replacement decisions should include risk assessment of the extent of roads & liabilities behind, considering how you would access for maintenance with large equipment (if less than highway loading standards are being considered). Is there a role for government in the risk assessment and setting conditions for a replacement?
- Enforcement is difficult when there are no standards and the intended use varies widely over time (wilderness to active to wilderness. Enforcement then is likely only if there is a catastrophe.
- Where a road does not completely restrict the use by public vehicles, the road must be build to engineered public standard.
- Apply the standards to all roads and we can't fail.
- The question is what intended use? For the company with the authorization, or for the broader use envisioned (other commercial use, etc.) We have a situation where a road built for timber extraction is also concurrently being used by a mining company to haul ore. The combined use is pushing the road to its limits and there are not enough pull outs to accommodate the current level of traffic.
- Benefit is building and maintaining to your use, the problem is secondary users or industry
- Resource roads located in municipal or regional district watersheds need to have the highest environmental and maintenance standards.
- Safety for drivers:
 1. Will the design of the roads (spurs and landings) allow highway log trucks to manoeuvre all grades under their own power?
 2. Will the design of the road keep downhill grades for log trucks at levels that allow the truck to stop at anytime, anywhere on the grade, and park allowing the driver to exit the truck should that be necessary?
 3. Will the road, spur, landing, bridges be maintained to a standard that will not unduly put vehicle at risk or damage trucks or vehicles using the roads.

- It depends on what "adequate" means with regards to intended use. Industrial builders and maintainers such as forest licenses will use this vagueness to basically build the status quo roads that exist already. The Act must define these terms. Forest road standards must be improved in order to facilitate safer roads...i.e., road width must accommodate two-way traffic of the largest vehicle the road is designed for and road side barriers on side slopes must be half the height of the largest tire on vehicles the road is designed for. Laws governing mine roads in BC have requirements such as these. Industrial roads in BC whether for mining or forestry must be the same.
- There is a concern that for an intended use that is of low intensity some of the requirements of the Act and regulations may be a bit excessive with regard to design standards. There should be allowance for "equivalent solutions" especially in low risk and low impact use situations.
- Concern would be if they put in the signage standard. Industry cannot afford the current signage standard put into place in MoF Engineering Manual.
- Trying to apply a set of standards across all may not work. Off road vehicle roads would never meet the test environmentally or desirably to the user. There has to be set standards for the designated type of use.
- Concern: Road use (type and number of vehicles) may and will continually change from season to season or year to year based on weather conditions, commodity prices or natural events, or strength of a recreational club both in members and finances. These events are too frequent so I suspect that the 3 tests will not always be met and thus compliance is frequent. It will drain the enforcement types as there will be too many cases to deal with, in conjunction with all the other work they have.
- A concern is establishing a road standard to address the number of vehicles using a road where you do not have control. No one can plan for the number of recreational users on a new road or other industrial users that may require use of the road. Clearly, traffic co-ordination is the key as a road can easily handle 100 trips over 24 hours but not 100 trips over 8 hours.
- Remember that Environmental risk means more than physical issues - it can mean larger landscape scale environmental issues. For example, if the road is in a mountain caribou area, that may affect how and when the road is built and may expedite deactivation.
- Is the road short term for one industry, i.e. winter road, or road that can only be used in dry summer, or semi-permanent, or permanent road. These terms/classifications have to be spelled out along with the sub grade specifications, alignment, speed limit designation, signing of roads in a consistent manner. Signage is another huge cost when there is a lot of vandalism of signs, who pays for that?? Road can be built for one type of vehicle but used by many other bigger and smaller vehicles later.
- In combination with other potential changes, I could imagine a corporation building a road to be used by 20 pick-up trucks a day and then justifying closure of that road to recreational use because the road was not built to handle the additional traffic.
- Resource roads appear to meet Highway (on-road) standards creating an unreasonable expectation for road users.

- Issue: Notification of road users of maintenance standard for roads.
 - Ensure pre-existing roads maintained by other agencies do not devolve to Ministry of Transportation and Infrastructure through public interest claim.
 - Have the legislation allow for the transfer.
 - Allowance for transfer between ministries (recognition of change in intended usage).
- Proposal:
 1. Definition of intended road user -creates classification based on characteristics primarily based on operating speed(s) and mobility/sight distance requirements.
 - On Highway vehicles; multi-passenger vehicles, industrial users (insurable under X plates), personal vehicles
 - Off road vehicles; clearance and weight parameters create maximum gradients and turning/stopping movements
 - Non-motorized travel; pedestrian, horses and cyclists
 2. User Expectation
 - Consider a separate document for maintenance
 - Create seasonal road classification for level of maintenance expected based on the intended road user (summer class from 1 to 8, winter class from A to F) (note 8 and F are listed to establish ownership with no maintenance)
 - Create a list of maintenance activities based on eight (8) road elements; road surface, drainage, winter, roadside, traffic, structure, emergency and inspection
 3. Ownership
 - Allow for transfer to other jurisdictions/agencies
 - Consider a clause orphaned resource extraction roads not maintained since 19XX
 - May be reactivated under this legislation if a public interest can be established.
 - If the road is constructed and maintained to a higher level due to related scale/frequency and needs/impacts of future use any additional cost than what the current party requires it should not have to bear the additional cost. There should be a mechanism in place that will either provided the additional funding and in absence of that default to the level required for the proposed current use.
 - Three considerations:
 - 1) Need to make sure intended use is correct. While no builder wants to overbuild a road, if another user is going to use the road beyond the intended use (e.g. heavier trucks, summer vs winter, etc.) then there is significant potential for environmental or safety issues. Unless the act and C&E are effective in preventing this use (may be difficult to prevent an inappropriate use by someone who knowingly wants to circumvent the rules), then damage could occur. The forest sector deals with this through professional reliance - although this being said, professionals struggle with what the "future use" may be. It is unreasonable to build

roads to a much higher standard than "may" be needed if the external user is not willing to pay for it.

- 2) "Does the road adequately address "environmental risks" may be difficult to quantify since different people have a different perspective of risk - leaved room or interpretation.
- 3) Compliance with standards. Everyone should be working to the same requirements. FRPA is a good example that addresses this.

5. Open Roads

- We are concerned the policy to provide implied and unearned public right to use a road simply because it is on Crown land is not business friendly. A company that expends significant capital on roads should be extended privilege for its investment. Privilege ensures certainty of the resource, protection of the road asset, protection of plant, property and equipment on the road, the environment and users of the road. A policy that provides exemption will not function as well as a policy that provides privilege.
- After the primary industrial use of a road is complete and the road moves into secondary life uses, we (forest industry) have few objections to the notion of open public right.
- The ability to close a road by Government should not be limited in any way. Such actions are taken in times of emergency (extreme fire behaviour, floods, avalanches) and are done with due respect to the public's best interest and safety.
- I don't think a forestry company should be allowed to close any roads unless they are being actively logged and the closure is to secure equipment.
- This implies that Government will have the ability to enforce. Currently lack of resources is a significant factor event to inspect the road network and maintain records. The result is transfer of responsibility to industry and it is expected this will continue. Industry must have the ability to "enforce" adherence to road rules
- Only do that with the ability to control access and "choose" who has access to the specific area. Roads are designated radio controlled, where public systems are not.
- Limits should be placed on when the Government can close the road and "environmental concerns" need to be better defined. "Environmental Concerns" should generally apply to the road and road condition not the users of the road. For example The Ministry of Environment should not be able to close a road because they do not have the manpower to "police" an area.
- The Act should contemplate access to project areas where the designation of the road as "private" is in the interests of securing safety, protecting resource values, or securing asset protection.
 - a. Examples: Public Watersheds such as the GVRD watersheds for protection of water quality: public safety where access to an area may pose a public safety concern (mine tailings areas on LOO), public infrastructure that has high security requirements.
 - b. Additionally, allow road closure, adjacent to active areas, where realistic concerns exist re: theft, vandalism and loss-prevention.

- c. This does not mean closure of entire drainages, but reasonably-adjacent areas.
- It should not be necessary to spell out every reason to close a road. Situations need to be approached on a site-specific basis and the maintainer needs to have freedom to address them.
 - All secondary road users should enter into Road Use Agreements with the primary maintainer. If the secondary users do not uphold their responsibilities, the Crown shall revoke the authorizations to utilize the subject road.
 - One concern is that the maintainers should be permitted to close the road due to unforeseen events or weather-induced situations such as snow avalanche, rock fall, slides, floods.....this needs to be brought forward in the safety reasons agenda.
 - Unrestricted use is fine, as long as sporting events or recreational gatherings have a means to put up ribbons and signs if there happens to be larger groups using certain areas for events and group activities. This has worked fine in the past and can continue to work fine in the future.
 - I would like to see a strong emphasis that the intent of this act is to have public access for recreational purposes maintained and enhanced, and that any necessary closure is strictly limited to demonstrable requirements, and not mere convenience for the industrial user.
 - The following are my thoughts on Disabled Road Access.
 - Most disabled people are limited in back roads travel due to the lack of facilities that accommodate the disabled. In such cases road access for the disabled must be kept to a standard that allows for them to take an RV with them. Without an RV most disabled cannot stay overnight and toilet facilities are not to disabled standards. As well most disabled including myself cannot sleep in tents as we cannot get down onto or off ground level sleep facilities?
 - Where roads are reduced to travel by walking, riding a bike or riding a horse then they must be maintained at a level that allows for the disabled to utilize motorized transportation.
 - Where roads are closed to all vehicles without permits (Access Management Area or Vehicle Hunting Access Closure) or closed to those that are hunting yet a disabled hunter has been granted a permit to travel and hunt the closed road the road must be kept open to disabled hunter travel. This requires funds to be allocated by government to take care of these needs.
 - All resource roads are to be kept open to the disabled such as the Muskwa-Kechika special management area.
 - Closed roads in parks and wilderness areas that are used by park staff are to be kept open to disabled users.
 - To pay for general road maintenance by government needs to be done through the purchase of a resource user license. Those that hunt would need to buy tags, but no hunting license and those fishing would need to buy special waters license but no specific fishing licence. This would be those who are berry picking, camping, cutting firewood, scenic or wildlife viewing on resource roads would need a license. I would prefer this rather than an extra fee on license plates as this would mean tourist from elsewhere from Canada or the USA

- would help with the cost. Suggest \$50.00 for an annual fee or \$25.00 for a monthly fee.
 - If pre-existing access is cut-off by new construction then the resource road would have to replace the existing road or access to the old road maintained.
- When roads are put to bed with cross ditches or culverts removed then the policy should be very specific how this is done.
 - Cross ditches must not be deeper than the ditch line
 - Cross ditches must be done with a 1 to 8 ratio. That is if the ditch is 1 foot deep then the grade on the cross ditch would be 8 feet wide. This is to guard against the tank trap cross ditching.
- Government must budget to maintain roads from consolidated revenue.
- Many forestry roads are used for a short period of time for harvesting/ silviculture activities and then left to grow over until the road is required for future activities. Something needs to be in the act like the current wilderness roads where the designated user does not have to keep brushing the road or fully deactivate it between harvest entries.
- Consideration of rural residential access should be included. Their use could be daily while the DM use is seasonal. Provisions needed to preclude closure for long periods, e.g. spring thaw, where there are rural residential users.
- Two pieces of feedback:
 - Roads should not be closed for security reasons. If a company wishes to protect equipment, they should have to pay for appropriate security services; not cut off access to the backcountry for every other user-group. In the event that roads are closed for security reasons, the closures should be very limited in time and area.
 - Any planned road closure or deactivation must be posted with large signs ten days in advance. Otherwise, there is a risk of recreational users being trapped behind the closure. In addition, the activity should be posted on a government website to avoid major inconveniences.
- YES - absolutely... what you are asking is totally out to lunch. I use a rural road for a commercial business for a few weeks a year (for an outfitting business)... under this act, I would likely be the "designated maintainer" -- I have liability insurance and take full responsibility for the safety of my guests -- but I GET TO DETERMINE WHERE I SPEND THE MONEY to keep my guests safe. Yet under this act, I am going to be FORCED to pay money to fix the road to keep other users safe. If I have to pay for it -- I should determine who gets to use it... anything other than that just makes my blood boil! This is going to run people like me out of business... due to the heavy hand of the government.
- It would be nice to have signage like off road only or high clearance etc.
- Hopefully, this will take the gates off of back roads so we can enjoy our natural resources such as hiking, fishing, berry picking, camping, hunting, etc. God made this country for us to enjoy and

with a lot of the roads gated in our area - that is impossible. If there is a high fire hazard I can see the woods being closed; otherwise, we should be able to travel, responsibly, into the back country

- In keeping with Government's interest to have designated 'maintainers' of roads, there may be some potential to include a provision for organized recreational users (such as ATV Clubs, or Equine Clubs or whatever) to represent themselves and be accepted by Government as a designated maintainer...if only for modest brush & culvert clearing and for reporting the status of the road (such as status of a bridge...washout...or whatever).
- The initiative suggests that a “designated maintainer” cannot decide who is allowed to use a road. This will put our members in the untenable situation of being responsible for a road without any ability to manage or restrict public access. If we have a Crown tenure in place which provides us with the right of quiet enjoyment, and if we were to accept some responsibility for roads, then we should have the ability to manage or restrict public access.
- In the case of snow-cat roads developed by our snow-cat members, we suggest that a special category of road be created where these roads can be “built” at a standard that is appropriate for snow-cat use, that they are designated as “ploughed roads,” and that snowmobiles not be allowed to use them. This is a significant and growing public safety issue which has seen some very close calls over the years between public snowmobiles using snow roads created for snow-cats.
- Government will need to communicate to the public the expectations when using Resource Roads. For example, it should be clear that public/ recreational users do not require radios to travel on radio-controlled roads.
- Certainty of access RE Mineral Exploration. The Coal Act, Mineral Tenure Act and Mining Right of Way Act contain language that guarantees access to the provincial land base for exploration and access to titles once established
 - These legislated provisions must be preserved as they are recognized internationally as an asset and a competitive advantage unique to BC and therefore essential to the viability of mineral exploration in the province;
 - Sections 9 and 10 of the Coal Act, Sections 11, 11.1 and 19 of the Mineral Tenure Act and Sections 2,3 and 10 of the Mining Rights of Way Act currently define these provision and must be carried forward; and
 - Section 4 of Industrial Roads Act provides direction to road administrators to protect a mine from interference or damage and this provision must be carried forward.
- Many families in British Columbia enjoy riding their ATVs on resource roads. This includes youth, adults, and seniors. With the current legislation, a valid Driver’s License and Third Party Liability is required to ride on these roads making it near impossible to include young riders in these family activities. Above and beyond that, aligning the rules with those of the Motor Vehicle Act will possibly be a further burden on enforcement resources. We would like to see an option for younger riders to safely use these roads while riding an ATV that is sized appropriately for them. Possibly these young riders could be offered some sort of competency test that would allow them to safely ride on these roads.

- Regarding the concept of roads being open to the public, in order to support land management interests that BC Hydro is party to, BC Hydro supports the Ministry's existing authority to manage public access to Crown lands under section 58 of the Forest and Range Practices Act and under the Wildlife Act.
- The draft legislation should provide water purveyors with specific authority to control or prohibit off-road vehicle use/access, as detrimental actions of users may warrant, where NRR's and non-status roads are located within or within close proximity of community watersheds.
- Certainly safety is the primary reason for limiting vehicle use. The designated maintainer however has to respect the right of access of all other authorized tenure holders. A universal road user "code of conduct" is something that is needed for resource roads.
- Adequate enforcement. We may design a road for certain use such as "no heavy traffic when it is wet". We obviously can't go and put barricades up only when the road is wet, so we will be relying on signage to convey this message. How will we stop the small scale salvage guy from chewing up the road if there is no one monitoring/enforcing? Also, in areas with large amount of public use- protection of assets.
- We should be able to restrict use for certain types of use (i.e. road not closed to everyone, but not open for heavy traffic, for non-radio controlled traffic, or sensitive roads etc.) Should be avenue to restrict user not paying their user fees or simply do not have a RUA in place.
- Gov't has to have the ability to manage resources that are in the best interest in the crown (i.e. wildlife). How this is done needs to be explored
- This act does nothing to improve access to roads on crown land on Vancouver Island currently held by logging companies. They arbitrarily restrict access to land owned by the public. This act needs to address this access issue. Since liability is planned to be reduced by this act, there is no longer any reason to continue to allow restrictions to public access by these companies who are exploiting public resources on public land.
- Presumably the designated maintainer could set requirements such as the need for radios which would be enforceable or close roads for maintenance in some circumstances.

6. Liability for Damage

- Support the requirement to ensure users repair the damage they cause or better yet require that no damage occur, especially if the design requirements are not legislated and enforced.
- I would love to think that people might treat the roads better if they realized who maintains them and what the cost is if they don't treat the roads with care. Personally, I doubt there will be a change excluding the small percentage of people who are aware the situation and they probably treated the roads with care in the first place.
- Having the user pay for the damage unless party responsible for maintaining the road elects to let the user repair the road.
- If the damage is caused by poor or lack of maintenance, then the maintainer that has an agreement with Government to maintain the road on behalf of the Government should bear the cost and receive a penalty for noncompliance of the Act.

- If someone is able to cause damage to a road, then it implies a use outside of intended use. Then I agree that the user should repair the road. If however the user is within the intended use parameters, the owner (maintainer) should repair the road, as well as any damage to the user's equipment.
- Requiring the damagers to repair the road would just result in ad hoc patch jobs everywhere. The damage should be assessed by a qualified professional and then the culprit charged for the work.
- Reporting is of no use unless there is the will to enforce.
- Ministry [should] undertake the enforcement action and collection of all costs associated with repairing the damage rather than the designated maintainer.
- While we have no objection to subjecting a person found responsible to damaging a resource road to "enforcement action," we note that it is relatively rare to assign "liability for all costs associated" an offence through enforcement procedures. Such legal protection does not exist, for example, to water licence holders whose rights are compromised through violations of the Water Act or (for that matter) through inappropriate road construction. If this approach is adopted, we would suggest that those building, maintaining or using roads should also face possible liability for harming other resource users and/or the environment through non-compliance with the Act. To ensure compensation to industrial road users/designated maintainers, but to deny similar compensation to those negatively impacted by those road operations, is unfair
- Who will bear the cost of the damage if the person cannot be identified? Would the Crown assume the costs in these circumstances? It would be unreasonable to automatically have these costs shifted to the designated maintainer.

7. Safety Regime

- No one inspects or ensures that mechanical safety; load safety etc is enforced on Contractors. The Industrial Road Act and some portions of the Work Safe BC cover some of the mechanical standards of these vehicles.
- The ability to close a road by Government should not be limited in any way. Such actions are taken in times of emergency (extreme fire behaviour, floods, avalanches) and are done with due respect to the public's best interest and safety.
- One concern is that the maintainers should be permitted to close the road due to unforeseen events or weather-induced situations such as snow avalanche, rock fall, slides, floods.....this needs to be brought forward in the safety reasons agenda.
- DO NOT ELIMINATE THE INDUSTRIAL ROAD ACT without including most of its mechanical safety provisions.
- Qualifications, licensing and regulations should be no different than for any other public road.
- None should be restricted to ORV use only, though some roads are de-facto restricted to this kind of use, since highway vehicles are incapable of driving on them because of road width, vegetation, obstacles etc.
- The majority of public road rules do not apply to resource roads. Only the basic right of way type rules are needed.

- Unlicensed drivers should only be allowed to operate appropriately sized equipment under proper supervision. i.e., children on small ORV are travelling with adults.
- No roads should be restricted to off-road vehicles only as the concentrated use will lead to huge environmental impacts.
- Roads with industrial traffic could require a person with a valid driver's license be in the lead of ORVs used by underage / unlicensed users
- Radio frequencies to be province wide and kept to a min number of channels to make it easier and safer for all
- Back country users have coexisted for years with logging trucks. I would hope this would not change.
- The only place an unlicensed user should be allowed is in special areas that have been designated, and in active work areas. For example where a road passes through an active cut block, or mine site; however the area should be posted as a work area similar to a construction site on a public highway
- Again, keep it simple. I made comments earlier about a rules of the road booklet that perhaps all drivers should be required to study and write an exam during their drivers test OR have a separate off road drivers license (perhaps too bureaucratic and expensive??). I do not agree with restricting uses at different times or different roads. Again, it would be way too costly to administer and police this. Do not do this. Way too many roads and users to keep track of.
- Emergency situations (e.g. SAR) at the only circumstances where safety rules should be waived.
- When it comes to regulations, blanket rules seem to work best rather than establishing exceptions for specific users/times/vehicle types.
- As mentioned earlier it is "use at own risk" and side by side's and dirt bikes and cyclists will not have seat belts so why should 4 x 4's and other vehicles have to. "Own risk" is sufficient I believe. Now insurance and drivers licence should be necessary for liability and safety of shared users. A full sized vehicle can kill people and cause a lot of damage so it is imperative that insurance is provided by all parties.
- The only difference in rules would be that full sized vehicles require a licensed driver to insure no one is at a significant risk. Insurance should be required for all users, such as BCORMA, oasis or ATV club insurance. At least some type of coverage for all users in order to protect each other
- Many families in British Columbia enjoy riding their ATVs on resource roads. This includes youth, adults, and seniors. With the current legislation, a valid Driver's License and Third Party Liability is required to ride on these roads making it near impossible to include young riders in these family activities. Above and beyond that, aligning the rules with those of the Motor Vehicle Act will possibly be a further burden on enforcement resources. We would like to see an option for younger riders to safely use these roads while riding an ATV that is sized appropriately for them. Possibly these young riders could be offered some sort of competency test that would allow them to safely ride on these roads.
- The same rules should apply to all. Licenses, seat belts, insurance should apply to all. Perhaps a special off-road license for under 16 for off road vehicles could be implemented

- Different rules should apply to different vehicle types, again tied into the category of road in question
- I don't like the idea of vehicle and time restrictions....as a prospector I need road access
- I do not believe seat belts should be required on backcountry roads unless the speed limit exceeds 50 km/hr.
- Multi use off road is best...I am always looking out for other users...restricted use will be broken and that's when someone gets an unexpected surprise around the next corner...
- Roads can be shared with off-road vehicles.
- Liability Insurance - Government must ensure that ICBC has appropriate policies available for purchase. If insurance is not available for a 14 year old on an ATV (for example), then it shouldn't be required.
- Unlicensed operators (children supervised) should only be allowed in areas where vehicular traffic is not permitted. Therefore old unused roads should be left open for recreational purposes so that the young people (and old) have a place to go and enjoy the wilderness, no license required.
- All public rules should apply on resource roads except where a road is designated for family off-road use. In this case a parent or guardian must be present and accountable for the actions and safety of underage users.
- Designated maintainers MUST also be insured for 3rd party liability.
- The only restriction should be radio use on a radio controlled haulage road
- Some roads should be designated for non-motorized recreational use (trails, cross-country ski, snowshoeing, horseback riding) Consultation with organizations such as hiking clubs, Backcountry Horsemen of BC, etc would be useful in identifying candidate roads or sections of roads for this designation.
- A safety regime is required and should be adapted from the above acts as parts of all come into play on resource roads. If recreational users are to use the roads then the proposed Off Road Vehicle Act should also come into consideration. Maybe some form of requirement to have training and proof of training in the care and operation of an off road vehicle (e.g. ATV, Snowmobile) that would cover younger operators under the supervision of an adult.
- Public road rules should apply to all Resource Roads with VERY FEW exceptions which should be clearly identified so that public input can be obtained to support these exceptions, if appropriate. Ownership of all vehicles should be registered, with clearly visible license plates, liability insurance coverage, and all operators should be licensed after passing a skills test.
- Driving on gravel is a lot different than driving on pavement. Is driving on gravel road, part of the current road test? If not, will it be?
- I do not agree that resource roads should be subject to seatbelts etc for the recreational user. If a delivery person (like the UPS guy) that is in and out of his vehicle on frequent stops on a public road in the city or town is NOT required to wear a seat belt then why would a hunter or camper crawling through the back country on a resource road. WorkSafeBC BC already requires industrial workers to comply with specific safety equipment so they can police the industrial sector.

- Without government providing significant additional enforcement resources to this initiative, it is doomed to failure.
- Clarity from the government on resource road safety is required. Due to the absence of exclusive control, ultimate responsibility for all activities on resource roads should not lie with industry. This clarity must be aligned with all government departments, including Work Safe BC.
- Foresee any issues with a mines act change to clarify that excavating earth, gravel or rock for the purposes of building or maintaining a resource road does not constitute mining?
 - Yes - that is a safety issue that has been an issue for years. Any discussion in this area has to be with the Chief Inspector of Mines. I know that it is done at the moment through 'agreements' but the safety component in the area of excavation and the size of excavation remains a serious issue.
- Motor Vehicle Act provisions pertaining to seatbelts should apply on resource roads
- The IRA Regulations also provide for company-issued temporary permits for the operation of a motor vehicle on an industrial road, provided the vehicle does not cross, enter or operate on a highway. If the NRRA removes these allowances and requires all industrial vehicles to be licensed and all drivers to hold the appropriate class of licence for the vehicle they are operating, there would be impacts for BC companies making use of the current provisions.
- By having the driver licensing rules for industrial roads similar to highways, the NRRA may remove this allowance. This would impact resource companies that use this allowance for driver training purposes.
- The NRRA may eliminate this allowance if all industrial roads are treated equally, meaning that rules for operating a snowmobile on a forest service road would be the same as operating on a highway (requiring the operator to hold a valid and subsisting driver's licence and for the snowmobile to be registered and licensed under the Motor Vehicle Act).
- ATV safety courses for all users of these roads could be required. Youth use of the roads when under adult supervision.
- Safety must be the overriding principle - WorkSafeBC must have final authority
- Consistency is extremely important for radio controls - safety on the roads must be the prime focus of the NRRA
- As RPF, with road layout experience, class 1 log truck driving experience, and log truck ownership experience I find these abuses everywhere on the coast:
 - Coastal spur roads designed with outrageous steepness that is dangerous and unsafe for modern highway log trucks
 - Switch backs that are too sharp for tridem trucks to safely manoeuvre
 - Adverse grades that are too steep for trucks to pull under their own power using loaders to push loads up adverse grades is extremely dangerous and truck or loader can slip and push logs thru the cab of the truck ... this is common practice that has to stop
 - Highway trucks break frames in rough spurs, being pushed or pulled thru deep mud, over rocks, thru ditches, etc, and unknowingly go onto public highways

with truck problems that cannot be seen due to mud and truck can come apart at highway speeds that can be lethal to trucker and traffic.

- The majority of new resource road construction I would suspect is to support industrial activity. If so, then existing regulations concerning the construction of industrial roads (design speed, visibility, surface type, maintenance prescriptions, cut/fill depths, end-haul, etc) should be used as a baseline. These regulations provide for adequate safety and environmental protection.
- As long as there are pull-offs so that traffic can yield to logging trucks I think civilian and industry traffic can cope with each other (and have been doing so for years).

8. Use at Own Risk

- This may cause designated maintainers to relax their maintenance efforts, but again, keeping roads open rather than closing them to protect (recreational) users is what these users want.
- Furthermore, a designated maintainer, if not the builder, should not be held responsible for hidden defects in engineering and construction of the road.
- This policy will allow maintainers more leeway in the amount of time and effort required to maintain the road possibly resulting in more access being left open to the public.
- Environmental impact must be considered and what type of maintenance needs to be in place if altered use is to take place.
- Under NO CIRCUMSTANCES should maintainer incur Workplace Liability. As far as industrial use – allow Worksafe rules to govern the level of maintenance required to ensure a safe "workplace". Participation in Road User Groups if required
- Signage indicating "use at your own risk" policy needs to be present at the beginning of roads. A phone number or contact information should be included on these signs so that users can report missing or damaged signs.
- I think that for recreational use of these roads, the duty should be on the recreational user to be safe and aware of the risks. Putting too much burden on industrial users/maintainers, will only encourage the removal of more and more of these roads.
- I suspect that some users will behave recklessly or abusively (as they already do); that some maintainers will shirk their responsibilities (as they already do); and that some users will be tempted to sue for damages regardless of established policy. In other words: no change from status quo.
- As long as the road is maintained to a basic minimum standard, use at own risk is acceptable.
- Does this mean that all crown roads need to be posted "Use at Your Own Risk"...unless there is an expectation that BC government will maintain a monitoring system inspecting roads that are open for public use , I believe that the government leaves itself open to negligently creating a hazard by not having an adequate monitoring system in place for such roads....how are wash-outs going to be dealt with on roads where government allow to be open....is there emergency repair funding available where required...(i.e. BC access a weather station)
- I would hope that this would encourage the safe use of resource roads but there will always be those people who look to blame others for their own actions. These are also the same people

that will complain that the road has been blocked and break the law to access their favourite mud bog. Without the ability to enforce, there is no benefit to the NRRRA.

- If no maintainer exists, and the government is not required to repair the damage due to reasons not stated above, then a user may take it upon themselves to repair the damage at own risk, and future users would use the road at their own risk as well. The user should not be burdened with being appointed maintainer as that would make them liable and responsible for future possible damages that would be unrelated to their use.
- An unsafe driver should not be protected from the results of his actions if negligent.
- Would vehicle insurance cover incidents in this type of a situation?
- Behaviour of use will not change if there is no public education to notify the public of the change. With an effective and ongoing public education campaign, this policy should reduce road closures by designated maintainers and improve other user behaviour.
- Possible concerns are as follows:
 - What would be sufficient notification to users that a road is unsafe? Signage? Who is responsible for it?
 - What is an intentional hazard?

9. Road Suitability Assessment

- This would be almost impossible to do. How would someone who is out in the bush be able to find out who is the designated maintainer and how would they get in touch with them to report. If I am 75 km north of Ft. St. James and the designated maintainer is in Toronto, how can I possibly get in touch with them? Completely unworkable.
- I believe it is the maintainer's responsibility to maintain the road for intended use. The intended use category should be clearly indicated at the beginning/end of the road (or road segment). It is then the user's responsibility to know the intended use categories, and the rules applicable for each. If there's a situation which is outside of the category parameters, info should be passed on to the maintainer for action. Perhaps a toll-free call number and central info centre should be established.
- For industrial roads the companies for which the road is intended for need to have a program in place to identify suitability, etc. The Government of BC does this now for highways and have inspection capabilities in place. The government could expand this service on a fee basis. Environmental concerns and human safety need to top the list.
- Info should be gathered from regular road inspections from an outside party (BC Gov employee?) and then maintenance recommendations submitted to the maintainer. Maintenance should then be completed in a set amount of time or face a penalty.
- A website could be set up for reporting hazards or trouble spots and info signage about the websites and reporting could be posted. It might already but this website could have a link to report hazards and trouble spots on resource roads.

- Who will assess for recreational users? You need a certain level of experience and training to be able to do this, right? Most Not for Profit Clubs could not say or, would not be willing to take on the responsibility of saying, if it was or was not safe.
- Updating should be real time, similar to the Drive BC website for short term closures. Make it available on face book/twitter? Design so people could set up alerts for areas/roads they are interested in. Designated maintainers could set up alerts for their roads.
- How do you know if a bridge will hold your vehicle unless it is inspected by proper testing equipment and skilled technicians? I certainly can't tell visually.
- Maintainers MUST do and document inspections (particularly for bridges) and evaluate and repair deficiencies using the services of qualified professionals.
- Also consider placing this information in Fishing and Hunting regulations and on licences.
- An assessment check list would be necessary to make a decision on suitability of a road. To timely report road hazard information, a contact list of designated maintainers must be compiled with contact information. If a user has a concern with a road, how can they report that? Will there be a reporting service setup?
- If there is a data base formed by the maintainer in conjunction to the road construction standards then the maintainer would be able to recommend to the intended user if the superstructure is suitable for his expected road use. A simple topographical type map with color coded roads superimposed on it could correlate with the type of restrictions (weight restrictions, bridge dimensions, grades etc.) and that information could be readily available on the maintainer/government website.
- Reporting should be available through the same website to be forwarded immediately to the maintainer if the maintainer cannot be reached through conventional communication methods.
- The province needs to ensure that proper signage is placed on the roads (and all branch roads) so that those who have responsibility for each road are identified and can be contacted
- A database of the roads and their designated maintainers would be a good first step to shorten and strengthen this process. In terms of providing information, if there was a standard method of providing updates (such as an on-line database), then it would be possible for others to input photos, descriptions, etc of road conditions.
- Who is responsible for signage?
- Further to the comments regarding road suitability assessments in the discussion paper, the Act should require users who pay maintenance fees to provide reports on the condition of the road to the designated maintainer. This will ensure known hazards are quickly identified and addressed as well as facilitate adjudication of 'if and when damage occurred.' It could be something as simple as a video of the road or a written report
- Efficient arbitration process in place to handle conflicting assessments and/or difference assessment recommendations.
- A road user "code of conduct" could include the obligation to report unsafe road conditions.
- To report damage would suggest the need for on line as well as a phone or address contact points where information could be directed to. Would also need some form of identification of roads to

assist in getting the correct location of the damage. There should be some way to encourage a user to clear and advise that the culvert was cleared or report a plugged culvert so action can be taken.

- One of the conditions for use of the road should be the requirement to report road information, particularly hazards, to the designated maintainer.

10. Designated Maintainers

- We have concern that a policy that anyone can be a maintainer will serve as a barrier to recover/remove private assets used in the road. Firstly, it must be acknowledged that certain improvements such as bridges and culverts are private assets of the builder. Secondly, a privilege that must be provided in the NRRRA is that builders have the sole right to remove their assets. It would be unacceptable for a third party to be deemed a maintainer, without requiring purchase of these assets from the builder first as these are significant values. This would set up a condition where by the maintainer could then deactivate in effect stealing the assets from the builder.
- What stops a given maintainer from simply walking away from its obligations? Surety or performance bonds or Capital Development Charges/Permits or similar devices are required.
- A designated maintainer must be able to be relieved of the obligation so long as the condition of the road is as good as or better than when the declaration was made. Incremental obligations cannot be imposed on the designated maintainer.
- Need to clearly delineate what is considered "routine maintenance", and how costs are divided for any work considered beyond routine.
- The designated maintainer's standard of maintenance should be tied to their intended use of the road, a higher use of the road should trigger a review of the designated maintainer .
- Needs to be set maintenance guidelines and a way to enforce those guidelines.
- Maintainer should be that individual who is most active, holds the longest term interest, and who utilised that road the furthest back ideally.
- Need to have mechanism to force all road users to "come to the table" transparently, and equitably to ensure road is maintained to a certain standard. Currently when issuing a RUP, the expectation that road users are to enter into a cost sharing maintenance agreement, is very difficult to enforce.
- Not all road users have the ability to "appraise" any costs associated with road maintenance or improvements, therefore there it might be perceived as inequitable?
- Maintenance standard needs to be clearly spelled out and definable making it easily enforceable.
- This will be an administrative burden on government to manage and assign costs to all that need to be fully understood before the act is adopted. For the 500,000KM of resource roads in BC the costs could be significant, the practicality limited and the benefits may not be realised.
- Forced designation is sound to ensure that all roads are maintained.
- To handle complex roads; The Act should allow for the setting up of "Road Utilities" where an independent body could be set up to take over the maintenance of a road or road system. For

example a mainline road system which services a remote community, two or more logging operations, a mine and a independent power producer; may be better served by a "Road Utility". I call it a utility because it is an alternative to a P3. The act would set certain maximum returns on investments, level of service, and duration of the utility. This would allow entities to borrow against the road assets, conduct upgrades and maintenance work, and encourage growth in the region. Future economic risk would be the risk of the utility. Some provision may be made for tolling public users, non-industrial users, or users that do not contribute in some other way.

- If the public has access to the road, the maintainer needs to access support \$\$\$ from the public. The maintainer should be able to access the gas tax pot of \$\$, or other similar public funds, commensurate with impacts caused by the public. I.e. if the public use costs 5% of total maintenance, then the public should pay 5% of the maintenance.
- In theory, where you have a large scale & long term industrial user(s), and roads that do not cross (not "loops" or multiple access points) the DM concept is good. But it is an administrative nightmare for gov't (re-assigning DM status) and the designated maintainer where you have intermittent, under capacity or short term users.
- If a 4 wheel drive club agrees to become designated maintainer for a popular backcountry road that no longer has industrial users. Can the gov't provide funding for maintenance of the road?
- A designated maintainer should have demonstrated experience in road construction and/or maintenance
- A designated maintainer should be responsible for maintaining the road for its intended use. A maintainer should report annually to the government all works completed by road name and dollars spent.
- Local User Groups should be considered in specific situations to assume the responsibility to function as the designated maintainer, where the planned use is limited to recreational public use.
- In these circumstances, the designated maintainer will usually have limited finances and access to equipment, but through working groups and hand equipment, can provide sufficient resources to maintain the roads and trails to a suitable standard to ensure safety and environmental standards.
- There needs to be a mechanism for keeping the total funds tied up in security deposits for recreational groups who are involved with several roads and tenures of Crown land to a minimum reasonable level. If we pooled all our deposits together it may be possible to do more with less.
- Furthermore, a designated maintainer, if not the builder, should not be held responsible for hidden defects in engineering and construction of the road.
- If a requirement is in place to maintain resource roads, then a reputable contractor like a Highways Maintenance contractor should be hired by the government. Private industry does not have manpower, equipment, or skill set to maintain roads.
- This strategy must be implemented with caution and with a thorough consultation and planning process that recognizes:
 - The capacity of users

- Small business operations should have road maintenance costs deducted from license user fees paid to the government
- The need to maintain a level of road condition that matches type of use as government expectations must be realistic in determining minimum standards specific to each user
- The need for assessment of current condition and upgrade to standards before new designated maintainer assumes responsibilities. It would not be fair to pass on a road in disrepair to a new maintainer
- The ability and resources of the designated user in regards to their capacity to repair unpredictable mass wasting events as government assistance may be required.
- The amount or percent of tourism use that benefits the public, such as access to remote parks and use of the road for hunting, fishing, hiking, sledding and skiing. These uses contribute to local economy, in some case as much or even more than use of the road for forestry. There should be a strategy in place that provides public funding for appropriate portion of maintenance expenses.
- Current allocations of forest licensee stumpage revenues deducted for road expenses do not include road upgrades. This has resulted in forest licensees taking road networks out of permit through deactivation when they do plan to use the road system for future harvesting. This policy allows these companies to apply re-activation road building costs to be deducted from stumpage revenues at the next stage of harvesting. This issue needs to be addressed by allowing forest licensees to apply upgrade costs to a reduction in stumpage fees, as done for road construction. The current situation is inefficient and results in less overall stumpage revenues to the crown
- It appears that government would have the ability to unilaterally name a “designated maintainer” for roads or sections of roads, and to make unilateral decisions on road use objectives and standards. This proposed approach has the potential to immediately shift the capital, maintenance and liability costs for those roads onto tourism licensees in many areas
- The potential for uninformed or inexperienced government staff making decisions about the standards to which tourism licensees will be forced maintain roads is unfair and unacceptable
- The current provincial road regime has been largely built on the existence of a range of cost allowance mechanisms, particularly in forest management and mining. In essence, capital, maintenance and liability costs have been captured through a range of allowances against resource revenues. The tourism sector has no such cost allowance mechanisms in place. To suggest that government can unilaterally designate a tourism licensee as a “designated maintainer” in the absence of those mechanisms puts us at a significant disadvantage to other resource sectors
- Roads will need to be maintained to a suitable environmental and safety level designated by a qualified resource professional. If suitable levels are not maintained, the user’s road use agreement should be revoked. If the Crown is not confident in an operator’s capacity to conduct and complete maintenance activities, a security deposit should be a requirement of the permit issuance

- The process of designation needs to be transparent.
- The NRRRA should enable a dispute resolution process with the statutory decision maker(s) when agreements are unable to conclude in a timely manner.
- Current resources of Provincial agencies appear to be inadequate to address concerns going forward, what roles might the public and local government play in deciding which roads should be maintained or alternately, deactivated
- What about a deposit system before road work? i.e.: Maintainers deposit money and don't get it back until the work is done.
- Where one user or set of users cannot be identified, maintenance could be shared jointly by the Province, federal, municipalities, regional district and First Nations governments. The resources of each group should be considered when examining ability to pay
- Non-status roads must remain active regardless of whether a non-government group is willing to provide maintenance service
- Beneficial if the designation of maintainer could be administratively easy to transfer from one user to another. And Government should be a party that can be a designated maintainer for roads that may not be currently used but have value for future uses (this reduces unnecessary deactivation and would reduce costs). There should also be a default provision in the event that a user declines the government's designation as a designated maintainer.
- Will this Power allow the Province to order Local Governments to become designated maintainers? If this is the case, we would appreciate clarification for Regional Districts around how the Province intends to fund the transfer of responsibility and more specifically how the Province would delegate authority to Regional Districts to raise revenues to fund the new responsibilities.
- Under NO CIRCUMSTANCES should maintainers incur Workplace Liability. As far as industrial use-allow Work safe rules governing the level of maintenance required to ensure a safe "workplace". Participation in Road User Groups if required
- Professional inspections of infrastructure maintenance.
- The understanding between Snowmobile Clubs with Government agencies and Licensee's is documented through processes like LRMP's and other written and verbal agreements covering off use and maintenance of many of these roads which are an integral part of the a trail system which are used by many recreation users. Some Snowmobile clubs have maintained many resources roads for years, at a cost to the club. Once a club has invested resources into these roads a sense of ownership occurs and in most cases is supported by other users and the industrial companies.
- Road Maintenance for permanent Resource Roads should be conducted by independent contractors similar to those operating under the jurisdiction of MOTI. This would identify, consolidate and greatly simplify the maintenance responsibilities for everyone involved. Criteria should be developed, or adapted from those already existing within the MOTI, outlining the requisite qualifications for one to be, or become, a "Designated Maintainer" for Resource Roads. RFPs should then be developed and advertized seeking qualified "Designated Maintainers" to maintain specified Resource Roads located in particular areas of BC.

- Maintenance of Temporary Resource Roads would be the responsibility of the entity constructing or and/or using them.

11. Limited Obligation

- This implies the need for an arbitration type process to evaluate the requests and make determinations. Staff resources at government are limited and those in industry that would be absorbed in this process add no value to the industry cost structure. It only adds costs for administration. The differing handling of admin costs by industry must be levelled. For Forest sector these costs are adjudicated in the appraisal system; whereas for other industries these are non recoverable losses.
- Any damage incurred should be the responsibility of the govt if the maintainer was changed temporarily
- In the case where a roads requires a higher level of maintenance to assure the safe travel to and from communities and work is done by a secondary maintainer, when the road is transferred back to the primary maintainer is it maintained to the upgraded standard?
- What if the new user has far lower standards, e.g. a mill, than the present maintainer deems acceptable? It costs us a lot of money to operate our vehicles on these terrible road surfaces, but I do not see one thing in this wonderful new act to address this, the most important issue of all. Slow down you say. 4 hours to travel 100 kms. Is our time worth nothing? To say nothing of the safety issues created by abusing vehicles like this.
- Standard contractual obligations should apply.
- What measures will be in place to limit the powers of the maintainer to place unrealistic conditions on other users?
- As long as there is a well documented maintenance program, schedule and historical record then altering maintainers should not be a problem. If environmental concerns change or road use then the plan must change with associated costs identified.
- What stops a given maintainer from simply walking away from its obligations? Surety or performance bonds or Capital Development Charges/Permits or similar devices are required.
- As long as they were not able to restrict your use out of spite or whatever they want to call it afterwards. Also if you are in the midst of a long term project regarding the road, it may have to come to a halt waiting all the time and resources invested. There should have to be a lieu period to allow for a smooth transition of responsibility.
- The transfer to another maintainer is not an issue, as long as there is a fair and equitable (legislated) way that we are able to get a road use agreement with the new maintainer. In Road Use Agreement charges it should set the maximum value to be charged and the maintainer has the option to reduce (i.e. road use agreement with a recreation user may be in-kind support).
- Some Maintainers are now charging rates to help their bottom line and do no maintenance
- I run ATV, snowmobile, dogsled, jeep and snowshoe tours. We have invested probably 1/2 a million into building nice quaint tight trails ... that appeal to tourists. I have concerns that a heavy industry user could come along, take over the maintainer role and brush or log the sides,

straighten out the tight trails and wreck the appeal that the trails were designed to have. Big steel or concrete bridges would also harm the tourism appeal. We have had this happen to us twice already.

- The draft legislation should provide water purveyors with a mechanism for reporting and/or addressing any concerns regarding designated maintainer maintenance which may have a detrimental effect on the watershed and/or the quality of water within the watershed. Cost recovery to the water purveyor needs to be assured if the work is required to be done by the purveyor in instances where time is of the essence in carrying out the work to assure the integrity of the watershed or the water quality within it.

12. Contributing to Maintenance

- Maintainer should not be able to use contributions as a revenue source.
- Contributors should have a say in level of maintenance.
- Need to have way to report fees collected from contributors.
- Sharing of maintenance costs should be legislated to eliminate tying up courts with lawsuits.
- What measures will be in place to limit the powers of the maintainer to place unrealistic conditions on other users?
- Approval of a subdivision that creates residential lots accessed by an NRR: would maintenance obligations be a requirement for subdivision approval?
- If a user causes noticeable or significant wear of a maintained road they should start to contribute accordingly. If a maintainer is one establishment and there is another using the roads 40% of the time and adding wear that is equivalent or more then they should contribute accordingly. Occasional public use such as off-highway vehicles or other that use the road rarely should not be held accountable for the use, unless it is a single user and it is frequent and causes increased wear.
- If additional costs are incurred because of additional users, which can be proven by maintenance costs before and after, then the additional user should pay for additions or percentage used.
- Yes, like in all situations, when a reasonable solution cannot be found by the individuals, the government should appoint a counsellor and a solution should be found. Until it is found that the new user has increased the costs of maintenance, the entire cost should rest with the maintainer. The new user should not be expected to contribute any amount greater than the increased cost of maintenance when proven.
- If they are a user generating any revenue from crown land operations they should contribute. Factors could be level and type of use.
- Contributors to the cost of maintenance should include:
 - 1) The Maintainer
 - 2) Registered BC Corporations authorized to use the road
 - 3) General public by way of user fees, if pressure on road is significant enough to warrant (for example, campsite fees at the end of a road could be put towards road maintenance)

- The option (which I'm not so sure is a good one) that is being tried in Washington state is to have all vehicles using state land pay an annual fee. This money would then be available for road maintenance in theory.
- Commercial users of a resource road should be responsible to contribute to or maintain roads, but challenge exists to ensure the users continue to maintain. There is value in letting the resource companies know what is expected for future use and maintenance so that they can plan for this financially. The challenge will be with non-profit groups that use a road, generating funds for road maintenance would be very difficult, and unfortunately I do not have a solution....
- The road use permit should be written so that the BCTS TSL deposit maybe used to address outstanding road use maintenance issues.
- Develop User day's payment system for Recreational users (commercial only?) To contribute to maintenance costs how do you address historic roads we continue to do?"
- Make sure Ranchers, BC Hydro, C.N. Rail etc are included ""How do you keep track of who is using the road(s)? i.e.: "Small Scale Salvage Operators do not currently require RUP's "".
- Opportunity for Road Use Committees. How do capitalized roads fit in (when does government get involved if repairs/ replacements beyond the ability of primary?)?
- Is the small placer miner, who has one or two low bed's a year going to have to pay a portion on a road that is used by many logging trucks a day? Hard to find a formula that would work for all situations.
- Rural resorts and cabin owners are not in a position to contribute to the maintenance costs of existing resource roads.
- This will be impossible to establish for huge numbers of roads that have high levels of public use for hunting, fishing, recreation and tourism. At the end of the day this is again a very stupid idea. Certain resource roads need to be assigned to the government or MoF it's as simple as that. This idea of a designated maintainer for many roads is not going to fly with the public at all.
- This becomes cumbersome and full of issues. Easiest and best way to ensure this is done well is to include fees in permitting of industrial activity so that government can perform maintenance.
- A separate rate per km for heavy industrial use, another rate/km for moderate industrial /commercial use and a slight, affordable rate for non profit recreational groups. The contributions of each would then be put into a special management fund administered by government but not accessible as general revenue for use when maintenance is required or is not done or a company goes bankrupt etc.
- Maintenance agreements are fine if payment is forth coming or paid in advance. However Many operators fail to get the agreement and operate on the road. Presently no gov't official will do anything about it. The legislation should force the users to get a maintenance agreement before permission is granted for use. In the forest Industry Capital costs should not be included in the rate if the cost shows up in the appraisal system. Bridges and roads are appraised however things like minor culverts grading, brushing should be in the cost as they are short term and use related charge. I disagree with one very large Forest tenure method of reaching agreements. They charge

an over the top rate and do minimal maintenance. A \$60000 maintenance charge resulted in about \$10000 worth of grading. The govt should have a formula and a dispute mechanism

- I suggest the legislation simply states the principle, let the businesses sort out what works for them.
- Take a 'relativity' approach: i.e. how much use compared to that of the maintainer (i.e. infrequent trapper / firewood gatherer using an active forest licensee haul rd vs. same user on road system maintained by low frequency backcountry lodge operator).
- Some discretion needs to be made in terms of what the road user is actually using the road for and so an unnecessary financial burden does not discourage smaller operators from accessing natural resources. For example a logging contractor with a multiple fleet of logging trucks needs to take a larger role in sharing the burden of maintenance.
- Creating a situation where government unilaterally imposes cost-sharing, user groups will be driven underground.
- A dispute resolution process should be in place, not involving government (except where it is involved in cost sharing), to resolve issues where companies cannot come to an agreement themselves.
- In the case of parks and protected areas, it has been our experience that BC Parks has not come to the table when cost-sharing is being discussed, even though park users may be the greatest proportion of vehicle traffic. The province must be ready and willing to share the costs of access to the full range of these provincial assets.
- Shared maintenance cost should be based on road usage, which considers the level of wear and tear that is put on the road. A minimum threshold trigger would therefore not be required.
- The following factors shall be considered in determining a formula for road maintenance:
 - Usage
 - Level of required maintenance
 - Wear and tear being placed on road (Loading)
 - Seasonality of road use.
 - Condition of drainage structures
- Due to the number of variables that need to be considered it may be worth considering guidance documentation for costs, rather than outlining this in legislation or accompanying regulation.
- The sharing of roads and costs associated with use and maintenance is already a well established practice in the oil and gas industry - between our users and other industries. Capital cost recovery is established by industry. Regulation should ensure that these practices can still be followed.
- A program that places a levy (amount/annum to be determined) on those industries that are resource extractors i.e. timber, natural gas, commercial operators etc., at a few cents/metre, tonne, etc., which is non-incremental to industry stumpage or royalties; and that these fees are 100% deposited into a Provincial Road Maintenance Fund.

- The allocation of any fee must be commensurate with the use of the road including factors such as frequency use, vehicle type and weight, travel scheduling, actual road usage (e.g. the first 3 km of the road vs. the exploration project at the end of the road)
- Information on road usage fees must be transparent as these additional costs are required for budget preparation
- It may be necessary to establish user maintenance fee schedules. A fee schedule can factor in the quality and status of the road, amount of use and rate differentials between commercial and industrial users. It may also include fees for public usage where required or appropriate. A fee schedule could be used as the basis for determining cost sharing amongst users.
- A designated maintainer may need the right to require a deposit or upfront payment of user fees. All too often those required to pay user fees finish their work and disappear, leaving the designated maintainer having to invest time and money to chase them down.
- Fair contribution of cost of maintenance should also apply to those activities (i.e. dangerous tree falling, brushing, and post break-up re-establishment of drainage structures) that may have been undertaken prior to the use of the other user(s) in which those users may incur a benefit. Fair contribution to maintenance costs also needs to recognize the cost of maintaining those access structures over time of (even to a wilderness standard) of periods of little or no use when applicable to the designated maintainer. This needs to be clear because most users may only contribute to activities that are being undertaken at the time of use. The process must allow for regular timely payments to the maintainer.
- Snowmobilers would like to have the opportunity to be involved in a user pay annual fee system to access Crown Land including Natural Resource Roads. A portion of funds collected could be utilized for funding Safety, Compliance and Enforcement, and Trail Maintenance. It is important that any user pay system have the funds dedicated versus flowing to general revenue
- As small tourism operators, guide outfitters have limited capacity to accept the burden for maintaining resource roads within their guide territories. Furthermore, the possibility of incurring additional costs to use existing roads is of great concern to our membership.
- Minimal threshold. If there is another user on the road, they should contribute -period. This should include ranchers and possibly Parks | Resorts | Irrigation districts requiring access to dams etc. Comes down to Use type, duration and timing.

13. Relief Conditions

- This is problematic as it is unclear why a person deactivating a road would have to potentially upgrade it, if it has met requirements for use or the wilderness standard if not in use. If government deems ongoing need for the road in question, government should be obliged to pick up the tab.
- Referring back to road use objectives -must have avenue for maintainer to relieve themselves of this responsibility fairly once they are complete with their activities. Should government be able to close a road where the designated maintainer accepts the risk/cost for fixing it assuming there is no environmental risk? Should government be able to permanently close a road for reasons

- What stops a given maintainer from simply walking away from its obligations? Surety or performance bonds or Capital Development Charges/Permits or similar devices are required.
- There needs to be a set of acceptable standards for a road to be left in so that we who live out here are not forced to destroy our vehicles because the mill left the road in such awful condition. And yes we are forced to drive on these roads because they have completely destroyed the old existing public roads.
- Can a licensee request relief every time a cut block is harvest complete and then re-apply 6 months later when they will use the road again? This could result in a significant administrative burden to the Ministries.
- It should be left in such a condition that a two wheel drive vehicle with reasonable clearance can use it. One recognizes that road conditions deteriorate with time, sometimes rapidly, because of erosion, fallen trees, falling rocks, etc. But a hiker can always walk up the last few km of a road that has deteriorated.
- Should include local communities in process and need to consider in isolated cases if road should be maintained because the designated maintainer is still operating in the area (i.e.; under a major forest licence).
- Relief conditions are important. Currently too many roads are just walked away from by the user, leaving a negative and costly environmental legacy.
- Relief conditions may be that the designated maintainer be required to advertise the intention to stop maintaining the road.
- Before a company can be allowed to make a declaration to be relieved of maintenance an inspection should be made that the road is left in good condition with no damages. At that time after passing this inspection they should then only be allowed to pass this grant.
- The road should be hydrologically stable. Seeded to prevent weed spread and erosion and planted if not required for use within a 10 year period of time. Before granting relieve, the stakeholder must understand the potential environmental hazards and allow for stakeholder input.
- Obligations undertaken when they initially assumed designated maintainer status; obligations developed through the access planning process conducted before they took on the designated maintainer role (so they were aware of the future responsibilities). It would be left in a condition identified by the access plan.
- Before a designated maintainer is relieved of a maintenance obligation they must show that they no longer have an interest in any tenure that is dependent on that access, presently or in the future.
- Govt. should take over as designated maintainer to guarantee public access. Resource roads are public assets.
- The Act requires provisions whereby appointed maintainers can extricate themselves from the designation; perhaps when road is acceptable condition and with 30-days written notice, upon

- A lower level of deactivation to accommodate ATV or ORV use should be the minimal objective of any deactivation whenever recreational use can occur. The road should be left in the best possible condition when the 'maintainer' is relieved of that position.
- The draft legislation should include a provision for referral to water purveyors to ensure that granting relief to maintainers of roads within or within close proximity of community watersheds is contingent on a review by the water purveyor to confirm that the state in which a road is proposed to be left will not detrimentally impact the watershed.

14. Deactivation

- Agree with this objective and it should carry through to elimination of fee-in-lieu of deactivation. If a road is deemed necessary by government such a fee should not enter the picture.
- When roads are put to bed with cross ditches or culverts removed then the policy should be very specific how this is done.
 - Cross ditches must not be deeper than the ditch line
 - Cross ditches must be done with a 1 to 8 ratio. That is if the ditch is 1 foot deep then the grade on the cross ditch would be 8 feet wide. This is to guard against the tank trap cross ditching.
- My concern is that the government will not adequately address the concerns of minor users such as trappers and guide outfitters with legal rights to crown lands and hence the resource roads through them. Many of the roads used are beyond regular usage by large operators needs and therefore a designated maintainer may choose to simply close off roads that are required for business purposes by others (trappers / guides) to a much lesser degree but nonetheless have legal rights to use.
- Deactivation should only be considered when environmental values are at risk. Removing or backing up culverts with cross ditches but leaving the road passable is acceptable. Arbitrary road closures are unacceptable.
- Any planned road closure or deactivation must be posted with large signs ten days in advance. Otherwise, there is a risk of recreational users being trapped behind the closure. In addition, the activity should be posted on a government website to avoid major inconveniences.
- Referring back to road use objectives -must have avenue for maintainer to relieve themselves of this responsibility fairly once they are complete with their activities. Should government be able to close a road where the designated maintainer accepts the risk/cost for fixing it assuming there is no environmental risk? Should government be able to permanently close a road for reasons such as habitat protection when a user still has legitimate access needs for silviculture, etc. There may other acceptable measures such as temporary blockages, gates, etc. that could be effective without resorting to permanent closure.

- Concern that deactivation approvals will result in issues of certainty of expectations, issues of government discretion, extra administration, approval delays caused by public referral, increased operational costs, full or partial loss of culvert and bridge assets, loss of operational flexibility.
- While it is government's prerogative to manage existing infrastructure for future needs, the approval for deactivation in most cases must be done at the front end of the planning process to ensure operational and cost efficiencies.
- Both an environmental risk and consequence analysis. The analysis should dictate the level of deactivation - i.e. high risk and consequence = permanent deactivation - moderate risk low consequence = minimal deactivation (at least 4X4 or off road vehicle access) - low risk mod consequence = no deactivation.
- Current allocations of forest licensee stumpage revenues deducted for road expenses do not include road upgrades. This has resulted in forest licensees taking road networks out of permit through deactivation when they do plan to use the road system for future harvesting. This policy allows these companies to apply re-activation road building costs to be deducted from stumpage revenues at the next stage of harvesting. This issue needs to be addressed by allowing forest licensees to apply upgrade costs to a reduction in stumpage fees, as done for road construction. The current situation is inefficient and results in less overall stumpage revenues to the crown
- Vehicle use needs to be considered when deactivating roads. It is entirely possible to deactivate a road and remove culverts while maintaining vehicle access. Too often "tank trap" style ditches (too deep and steep to negotiate using off-road recreational vehicles) are built at the bottom of a road while little or nothing is done above. Roads still erode away and washouts occur. This comes off as trying to restrict vehicle access rather than addressing any environmental concerns.
- Mineral tenure holders rely on the provincial road networks to access and carry out work on their tenure. Deactivation of roads will severely impact their ability to carry out this work and directly affect mining investment in the province
- Road deactivation must follow a process that includes opportunity for local (Regional District and neighbouring municipalities) participation in the decision and may not be unilaterally deactivated by bureaucratic decision.
- Deactivation is very important from a fish and wildlife habitat restoration perspective. Deactivation needs to be defined well so that it includes restoration of the road prism back to natural condition.
- Advertised and promoted public access websites to comment on specific roads and their need to remain open
- If a road is too far neglected for repairs to be made within reasonable costs to the government they should be signed for off-road use only, still allowing ATV and snowmobiles to use the deteriorating road. But allow a lot of public consultation.
- The main road structure should remain intact in consideration of future long range planning, unless the area is being closed as part of a larger Public Planning Process.
- This type of ongoing use is costly both within the mandate of this legislation, as well as outside the scope of legislation.

- Need to clearly recognize that existing NSRs are not included until they are under tenure.
- The government should be responsible for maintaining mainline Forest Service roads. It is ludicrous to expect a small time fishing or hunting guide to afford road maintenance expenses. Road maintenance expenses are an unreasonable burden to small rural communities trying to make a go of backcountry tourism opportunities.
- Mining claims in the area, whether placer or mineral, should be an automatic requirement that the road NOT be deactivated. Mineral Titles Online has all appropriate maps for this purpose. If there is a mining claim in the area the road stays active with Use at Own Risk sign and that's that. Mining trumps all.
- The NRRRA Discussion Paper indicates government intends to allow more roads to remain open for public use but does not provide assurance that either public or environmental values will be considered in such decision-making.
- The State of our Forests 2010 report clearly documents the dramatic loss of unroaded areas in BC over the last decade. BC's globally-unique ability to offer a 'wilderness' experience and the value of this to our society must be recognized.
- A government "decision-maker" will decide the fate of roads; no mechanism for scientific input is indicated. This will create more uncertainty and conflict. This must not be the case. Scientific input must go above all other concerns if we are to protect our precious wildlife resources.
- It needs to be clear who is responsible for funding the deactivation process. If a maintainer cannot afford to properly deactivate, who will be responsible for ensuring it is done properly. Removal of bridges and culverts can be expensive for some smaller maintaining groups.
- The other consideration is that you deactivate these roads, and then have to spend taxpayers' dollars putting them back in to access forest fires - what has been gained?
- You want tourism to flourish, yet do everything possible to impede it! There are lots of responsible recreational users who enjoy taking their camper/motor homes out into the backwoods (not at the government recreational sites as to many of them are just party heaven and downright dangerous if you're not with that group). With the number of washouts that will not be repaired those tourist dollars will just go elsewhere.
- This section needs a clear definition of the difference between deactivation and access restricting a resource road.
- The objectives established for the roads will drive the prescriptions for both maintenance and deactivation. We suggest that clear guidelines around road deactivation practices be adopted and included in the proposed legislation. Unacceptable environmental impact and safe deactivation are not defined. Lack of definitions will result in different approaches driven by personalities rather than a consistent approach supported by the policy framework.
- We believe government has a responsibility to maintain no-longer-used resource roads to a level that meets access objectives yet allowing public use. The gradual loss of these roads without due process is not good management.
- How will input be provided and notification occur? Public hearings will become adversarial between users and agendas

- The decisions do not have a process of review or appeal to a body such as the Environmental Appeal Board. Any dispute resolution process is directed at mediating the costs of road maintenance between government and industrial users established by order. The need for a Public Watchdog exists for both objectives and practises.
- To suggest that roads will be deactivated, if a designated maintainer cannot be found, has the potential to negatively affect communities and community tourism strategies across the province. In light of the fact that not all roads can be kept open simply from a cost perspective, we suggest that in many areas, collaborative planning processes will be necessary. This may take us back to some of the old “access management plans
- The absence of a designated maintainer is only one criteria to determine if a road should be deactivated. Others include the risk to the environment (significant or not), the safety risk to users (over and above other risks in the area which the users accept on roads with designated maintainers), and the ability to inspect the road with continued access. The last item – the ability to cost-effectively inspect the road if access is maintained – is a relevant objective and approach for roads where the potential risk may not be significant and where removal of structures or road fill pullback would require considerable costs to re-establish the road when it is needed in the future
- If no one is willing to be responsible for carrying out maintenance a road should be deactivated. But deactivation should focus on mitigating environmental risk. There are many roads that have had simple cross drain cups dug out of them. These are low risk roads and the possibility of negative impacts associated with leaving these structures in are minimal. Focus deactivation on high risk roads with stream crossings and potential instabilities. Deactivating these roads should be done with other access needs considered.
- Deactivation does not prevent hunters on ATVs from using resource roads, the proliferation of roads that were built to accommodate the logging that is causing ongoing impacts to the environment, long after logging and replanting have occurred, wolves use the roads to prey on moose and the snow is packed down by snowmobiles
- Reclamation, that is the planting of trees on the road-bed, would be of great benefit, not only to wildlife and the environment in general, but it would also serve to reclaim a sizable portion of the timber harvesting land-base for the future.
- Provincially set criteria for road densities would be an important tool for addressing many negative impacts to the environment. The reclamation of resource roads would play a crucial role in meeting road density targets. These targets should cover the spectrum of recreational opportunity and still allow for the extraction of timber, but should require road planners to include road reclamation as a means of meeting provincial road density objectives.
- The framework as outlined in the NRRRA Discussion Paper ... does not address the needs of those who need areas without roads. Two critical points, not mentioned in the NRRRA Discussion Paper, will give these businesses the security on the land base to operate long term: Reclamation and Road Density Objectives
- Suggested Standard for Road Density Objectives

- Preserved Wilderness - Objective-Access is non-motorized, low frequency of recreational user interaction, road density is 0/100km(squared). To meet the objective, road planners must plan the reclamation of the new road within 2 years. Roads closed to vehicles not related to resource extraction activities until reclamation.
 - Retained Wilderness - Objective-Access to most of the area is non-motorized, with limited motorized access, low frequency of recreational user interaction, road density is 2km/100km(squared). To meet the objective, road planners may construct new road up to this density or they must remove an existing road before they construct new road up to this density, or they must plan the reclamation of the new road within 2 years. Roads exceeding density must be closed to vehicles not related to resource extraction activities until reclamation.
 - Partially Retained Wilderness - Objective-Access is equally motorized and non-motorized, average frequency of recreational user interaction, road density is 5km/100km(squared). To meet the objective, road planners may construct new road up to this density or they must remove an existing road before they construct new road up to this density, or they must plan the reclamation of the new road within 5 years. Roads exceeding density must be closed to vehicles not related to resource extraction activities until reclamation.
 - Modified Wilderness - Objective -Access is primarily motorized, with limited non-motorized areas, above average frequency of recreational user interaction, road density is 10km/100km (squared). To meet the objective, road planners may construct new road up to this density or they must remove an existing road before they construct new road up to this density, or they must plan the reclamation of the new road within 5 years. Roads exceeding density must be closed to vehicles not related to resource extraction activities until reclamation.
 - Closed to vehicles not related to resource extraction activities until reclamation.
- Deactivation should also be driven by the needs of species at risk, sensitive ecosystems, restoration of ecological connectivity and natural hydrological regimes
 - Without some mechanism to prevent it, the de-activation of a resource road with continued use by vehicles would bring the road into the MVA definition of a highway (refer MVA s.l) . We recommend that deactivated roads be deemed in legislation as "not a highway" unless specifically designated as a highway under existing Transportation Act mechanisms (e.g. s.56(3)) or new mechanisms.
 - The designated MUST be granted relief of maintainer obligations without a road deactivation requirement. There MUST be an annual public process for review of all roads that are planned for

permanent deactivation. Based on public input Government becomes the designated maintainer and relief is granted and permanent deactivation is forgone

- There should be strict requirements for all resource road operators to consult with both the government agencies responsible for Crown land recreation (BC Parks and Rec. Sites and Trails) and local recreation groups prior to any road de-activation.
- Allow for access control structures to be used, in conjunction with enhanced monitoring and maintenance to meet FRPA road deactivation (i.e. crossing structure removal) that may not be required or practical in the short to medium term.
- Recognize deactivation, rehabilitation and reclamation of 'orphaned' roads as an offset to new road development.
- Performance bonds should be considered to ensure deactivation in environmentally sensitive areas.
- Most roads should have a set life span, and then be closed (i.e. most new road development is not to be a permanent feature on the landscape)
- Some future resource roads may be built over pre-existing recreational trails, including bridges. How will MFLNRO ensure that when the roads are deactivated, the previous trails and bridges are restored for recreational use?
- Is there an option for a deactivated NRR to be reclassified as a trail, and subsequently an option that trail standards apply for maintenance requirements?
- It is requested that NSR's within or within close proximity to community watersheds be specifically identified and included under this principle. Further, use of the word "deactivation" needs to be replaced with "rehabilitation" when referring to the planned decommissioning of roads within community watersheds. It is oftentimes critical to the wellbeing of a watershed that roads no longer required for use be properly rehabilitated to a natural state including natural drainage course restoration and road bed replanting according to established best practices. Again, water purveyors need to be included in the decision making processes respecting any planned rehabilitation of a road within or within close proximity to a community watershed.
- Water purveyors should be provided assurances that rehabilitated roads will be closed to off-road vehicle use when located within a community watershed.
- Any potential major road deactivation should have a detailed geologic assessment program done by the Geological Survey of BC or Geoscience BC and be put into the public record
- Where possible we would hope that the industrial users will be responsible for deactivation of their roads, but also for the deactivation of the significant back-log roads that already exist on Crown land, where those roads access the same areas as a new road, or are otherwise linked to the current or past operations of an identifiable industrial user. In the same way that the Contaminated Sites provisions of the Environmental
- Management Act cast a wide net for parties that are responsible for past contamination; we would support a wide net for the parties responsible for deactivating historic roads. While there will doubtless be cases in which the Crown does need to step in to deactivate roads, this should not be a given.

- The discussion seems to contemplate that so long as a user is willing to accept responsibility for maintaining a road, the road will likely remain open. This ignores the environmental impacts caused in many cases by simply having a road open
- No road leading to a community or being the only road to a community should be decommissioned or downgraded to any less of a standard that would assure safe travel to and from that community Govt will have to consult the LOCAL public in order to make appropriate decisions.
- Again, if someone has built a small business with the understanding that a road would continue to be available, restricted access could have dire impacts. Consultation with tenure holders is important to ensuring this is fair.
- Standardized definitions of various levels of deactivation should be established. Exclusion of all vehicles should never be the objective of deactivation. If exclusion is incidental to the objective of mitigating environmental risk, it may be acceptable.
- Please don't under estimate the dual sport motorcycle crowd. The seldom used roads in Canada are what make these user groups tick. The tourism dollars to the small towns is rather significant. Although not vocal, this user group brings in a lot of tourism dollars, just something to consider when you decide a road is not "popular".

15. Integrated Decision-Making and Authorizations

- NRRRA as a one stop shop for roads should include ability to grant rights found under other Acts today, such as the right to cut Crown timber. What is suggested appears to discuss authorizations would draw from different Acts opposed to including the content in the Act itself?
- Is it the intent that all roads would be built under NRRRA and none under other Acts such as a under a CP granted under the Forest Act? This will result in extra cost if intended admin reform does not offset it.
- I think OGC offers a model to create a single document with multiple authorizations and OGAA provide the "how to" specific enactments. If this approach was to be taken consideration needs to be given to all the players rolls and responsibility
- For mining exploration one document issued by the ministry of mines is all that should be required.
- My concern is that environmental assessment will be delegated to a decision-maker who does not have the time, resources, skills, or motivation to take that assessment seriously. In this era of looming environmental collapse, EA should not be "streamlined".
- The authorizations should be separate because the use/timeframes in this example are different. The LOC is required long term, the LTC is a short one time only authorisation and the road authorization may change if another user appointed as the designated maintainer.
- To have all of them in one authorization will require amendments which does not resolve or reduce the bureaucratic process.
- Each separate entity has its own values and expertise. It is not in the public interest to have one business-focused authority ramming through projects against the wishes of the public.

- Authorizations will need to be phased to reflect the different stages of development. We would also recommend that for roads licensed under the NRRRA, there be no requirement for Water Act Section 9 authorizations as these would be covered by the assessment and decision to issue the road license (similar to how Water Licenses currently function).
- It is critical for the oil and gas industry that the OGC will continue to authorize/permit oil and gas activity roads on Crown land under the new NRRRA.
- Separate documentation. In many cases, it is necessary to build a road before the other authorizations are required. Having all the authorizations together could cause unacceptable delays to the road permitting process.
- One document would help reduce the potential for contradicting requirements under separate Acts and the information is centrally located.

16. NRRRA Authorizations

- I am against the elimination of road use permits, as many BC residents (and foreigners) use roads for all kind of illegal activities. Road use permits for gated/closed roads should only be issued to guide outfitters.
- Without a RUP, how will the maintenance obligations be defined and enforceable? Currently, RUP clearly spells out what the holder is responsible for, regardless if they are considered the Primary or Secondary? Is it then up to the "maintainer" to manage who then uses the road? Could be a second job trying to track-down everyone and manage their use?
- The decrease in Permit numbers is positive. Additional information regarding the draft language of the Act and Regulations is required. The decrease in "permit" numbers may be lost through the obligation to obtain a road use agreement from the "primary". As the use of roads can have many "volume" differences.
- Disagree with this approach. There needs to be a road permit in place after construction to give legal presence and control over the right of access on/to crown land.
- If a road permit is not required, what cutting authority and timber mark will be used to liquidate R/W timber from road re-construction or danger tree removal projects?
- "Existing right of way" needs to be clarified. Will this lead to NRRRA issuing permits for access to MoTI roads? This may lead to the question of "whose road is this". There needs to be clarification so that the public can have access to information on the jurisdiction of a single road and therefore be able to decide if another permit is required.
- In an era of non land based tenures, and for short term or intermittent users, the NRRRA should expect repeated turnover of the Designated Maintainer. For ease of decision making in whether to grant relief, or deactivate, or transfer of the DM, industrial and commercial users should be required to "register" their interest in a road system, and renew it (annually, or a term?). Whether this is a RUP or a "Register", there should be something.
- Another concern is that some proponents may require certainty of long-term access to a project site by way of a resource road. How will this been accommodated?

- Hard to imagine how the administrative overhead can be reduced without devolving most of the enforcement responsibility to the users... and that is usually an invitation to relaxation of standards.
- Remediation of non-compliance must be enforceable by government not the maintainer.
- Be sure to consult with First Nations!
- Concerns may also arise on First Nations territory; are these roads considered 'public' or are they resource roads?
- The Act should contain dispute resolution language between parties.
- Our so called forest professionals have already proved under FRPA that they cannot be trusted and to hand them a document like this is environmental suicide.
- While the one authorization model appears streamlined, the obligations of other users must be made explicit.
- The public needs to know who is tracking this information and also the public needs access to the information to at least generate reports for their needs.
- If ALL users are advised of all conditions of use and treatment, signs providing all this information can then be considered to have served notice of these requirements.
- Existing signage in road right of ways will be grandfathered.
- Do we really need authorization to erect signs?
- The only challenge would be for a third party to identify who is the maintainer for the road. If there was an easy way to get this information, then fine, otherwise people will have to go to the Gov't to get this info in case they want to use a tenured road outside of its current design and maintenance parameters.
- Will there still be referrals to recreation users of say a trail that the road crosses?
- Arguments by the maintainer as to their sole responsibilities with regards to other users of the road and causing maintenance needs.
- How will other users be able to identify the designated maintainer in order to establish a maintenance agreement? How will the designated maintainer be aware of other users?
- Forest Service Roads will no longer exist under the NRRRA correct? The government should still maintain a record of who the designated maintainer is so there is no confusion. A road use agreement will still be required with the maintainer but it should be easy to obtain if set up well in legislation. Not sure why we would need authorization to put up a sign (i.e. it's already done without approval – the traffic control sign at the start of the road required by WorkSafeBC).
- As long as a designated maintainer is named, I think this is a good thing. Provided that a maintainer is able to withhold access and road use from anyone for reasonable cause. This must be in the legislation otherwise you'll have very few volunteer maintainers!
- Permits for construction should be required as it regulates building and lessens environmental damage.
- Disagree with this approach. There needs to be a road permit in place after construction to give legal presence and control over the right of access on/to crown land.

- If a road permit is not required, what cutting authority and timber mark will be used to liquidate R/W timber from road re-construction or danger tree removal projects?
- In an era of non-land based tenures, and for short term or intermittent users, the NRRRA should expect repeated turnover of the Designated Maintainer. For ease of decision making in whether to grant relief, or deactivate, or transfer of the DM, industrial and commercial users should be required to "register" their interest in a road system, and renew it (annually, or a term?). Whether this is a RUP or a "Register", there should be something.
- This spells really bad news for the public and a single permit again must be vetted through a referral process prior to granting. Any new works must also be vetted through this same process. Carte blanche given to the designated user is going to pose major safety issues and could elevate conflicts between users.
- Roads built on Crown land should be inspected by government before and after use starts.
- Make all non public roads- Use at your own risk - That way the person or persons using the roads will have to make their own decisions whether to use the road or not.
- There is also the possibility that members of the public will want to know what is going on when a maintainer suddenly becomes very active after several years of inaction. With the current system government is aware and can field questions from the public.
- Concern is that recreational users, both organized clubs and Joe Public will be forgotten when the rights and obligations of other users is incorporated into the act and regulations.
- There must be a guideline available to the user for an existing roadway for what "use" or 'category of use' a specific road has been constructed for; is environmentally safe for, so they can ascertain whether their proposed road use complies with Provincial expectations.

17. NRRRA Orders

- Orders should be issued at the local level to ensure efficiency
- Process open to abuse - arbitrary assignments without consultation are not in the interest of the parties or the government
- Administratively cumbersome
- vast number of resource roads are difficult to track
- potential for long lag times, expensive staffing resource requirements for field verification, monitoring, etc
- the road builder/maintainer should have some kind of obligation to inform the public etc that they intend to apply for relief of obligation
- Orders need to be tracked accurately and updated as required by the users to prevent overlapping of user/maintainer responsibilities or to apportion responsibilities as required.
- The order must be first discussed, reviewed and appealable with the designated maintainer. Reasonable expectations depending on the intended road use should prevail. Crown natural resource revenue can be factored into this maintenance agreement order by both crown and applicant.

18. Results-Based

- If standards and administration are consistent across sectors and across the province the desired outcome should be achieved results based or otherwise. Need to clarify in this section that not unlike FRPA the proponent has the option to achieve a result using a strategy that works for them versus selecting the default option which prescribes what to do.
- Minimum standards must be set to ensure natural drainage patterns are maintained, for crossings of any fish-bearing water bodies, and for wildlife habitat reserves.
- This process does not work at all and in the case of small users there is no process for mitigation or dispute resolution between licensed users. The so called professionals cannot be trusted to do anything but what the licensee want them to do. This absolutely should not be part of the act.
- Results-based regimes are risky because often there is no independent oversight to ensure that the legislated results have in fact been attained, and the constructor/maintainer is also the inspector with biases. An independent body, with enforcement authority, is essential in any regime, but particularly in this regime.
- Unrealistic for smaller operators, historically not enforced on large operators.
- Results based works well - as long as management objectives are clear.
- Verification of results should be undertaken by the government or an independent third party.
- This is another absurd comment. Roads and bridges have to be professionally engineered to be WCB certified. Without strict standards, safety of users cannot be assured.
- Subject to review by qualified professionals, employed by the government, with power to order improvements.
- The end result of a failure of a drainage structure could lead to significant impacts to the environment, the resource road asset as well the safety of the resource road users. Perhaps the answer is to move towards a more prescriptive type of legislation and regulation for resource roads.
- Road Classification in BC: A comprehensive classification system for all roads in BC should be developed. A system similar to that used to classify all streams (i.e. from Class 1 to 6) under the Forest Practices Code is recommended, with the Road Classes ranging from 1-15, or more as deemed appropriate.
 - For example: A system that used 15 (or more) classes could include the following:
 - Class 1-6 Roads: All public roads maintained by MOTI
 - Class 7-12 Roads: All other public Resource roads to be maintained by new Ministry of Resource Road
 - (Classes 7-9 could be permanent; Classes 10-12, temporary)
 - Class 13-15: All private roads
 - Descriptors for each Class would be developed that include specified road standards listing applicable attributes for each class including R/W width, surface width, type of surface, maximum grades, design speed and loads, and whether permanent or temporary with a proposed deactivation schedule etc.

Both the MFLNRO and MOTI already have several descriptors defining various Classes of Roads and Highways in place. This should be modified to fit a comprehensive Provincial Classification System as proposed above.

- Such a system would greatly simplify record keeping for each road relative to the designated Maintainer, costs, design specifications etc. Without such designation it will be virtually impossible to keep accurate track or records of all the roads present on the landscape in BC.
 - All new roads would be built according to one of the designated standards and maintained or deactivated accordingly as defined by the particular Class of Road involved.
- It is critical that biodiversity and wildlife concerns, as well as hydrological issues all be closely reviewed by professionals with expertise in those fields--- also that decisions stem from access management plans that have accounted for these values as primary considerations
 - There are challenges in a pure results based approach. A measurement of results at the end of an obligation requires a strong audit and monitoring system is in place that incorporates professional service.
 - Standards of maintenance are potentially problematical, unless clear and consistent categories are established
 - Issues with water quality and protection of drinking water to jive with construction and maintenance standards
 - Will need to be clear what the expected outcomes are so that it can be monitored and enforced relative to the standards. All fish stream crossing structures need to allow fish passage.
 - Unilateral decision making, combined with the limited reporting requirements, and feeble compliance and enforcement mechanisms, creates significant potential for mismanagement of natural resource road projects. Once the road is built or work has been done, we will have lost our opportunity to engage in meaningful consultation and obtain accommodation of our Treaty rights.
 - If results are used (either exclusively or in combination with other tools), the legislation should impose a clear legal responsibility to collect base-line data. Such data should be publicly available, and is a pre-condition to assessing whether the prescribed results are being achieved. It should also be the case that security is required, to be claimed by the government if environmental results are not achieved.
 - While qualified professionals can play a role in achieving environmental standards, we are of the view that legal standards are required to provide accountability and transparency for such professionals. Such requirements could include:
 - Ensuring that professionals perform functions where there is a clear consensus within the profession, and are not used for functions where no such consensus exists or where they are effectively making subjective value judgments.
 - Providing for government to intervene when professionals are failing to follow legal requirements or where the environment or public safety is at risk;

- Clarifying that professionals who carry out public functions of this type are co-retained by the Province, and owe duties of care to the Province (notwithstanding that they are paid by a private party); and
- Imposing liability and sanctions on professionals who falsify data or who are negligent in their work, including liability for environmental damages.

19. Exceptions to Results-Based

- The Act needs to be clear whether exceptions are possible or not
- Liability for construction and/or maintenance a concern
- A risk ranking process should apply
- A test of competency should apply
- Close government supervision is required
- Risk to the environment a concern
- Collecting securities are both supported and NOT
- Is an "insurance" type fund an option for addressing non performance?
- Despite there being a desire to treat everyone equal; not everyone is equal in terms of their skill set, knowledge and resources. I think a prescriptive regime is appropriate for non industrial use.
- Environmental concerns are noted. I think a risk ranking process needs to be available to guide decision makes (issuers) and the proponent. Terrain stability concerns, water intakes, fish streams, etc.
- Compliance and Enforcement a factor. There is never much appetite to C & E the ma and pa operations. I'd try to keep C & E limited to the bigger ticket items (fish streams - causing a landslide)
- Nobody really differentiated between construction and maintenance. I think there should be. (A range client might be able to grade a road over a 2000mm culvert but not necessarily properly install one).
- Securities. Someone might be interested in the financial implications. I don't see taking these small operators to task even when they probably should be. I think it needs to be an option. No security if the risks are low (no streams, simple terrain, etc.) However, if the terrain is difficult and stream crossings are a concern, there should be an option to include a security that would enable use rather than denying the use.
- The Act should define the tests government would apply to determine whether a party is likely to be successful under a results-based regime? Among others, these tests could include financial ability and/or experience in such matters.
- If no maintainer exists, and the government is not required to repair the damage due to reasons not stated above, then a user may take it upon themselves to repair the damage at own risk, and future users would use the road at their own risk as well. The user should not be burdened with being appointed maintainer as that would make them liable and responsible for future possible damages that would be unrelated to their use.

- Yes, securities should be adequate to address potential environmental risks.
- For non industrial users - such as commercial recreation - the rules should be set out in their management agreements - along with any security requirements. Security should be related to the costs of repair for failure to meet obligations.
- There are issues of having public groups maintaining roads. As government represents the public interest the idea of groups partnering with government or other organizations to help achieve a goal is sustainable. However government letting groups take over their responsibility for maintaining access to Crown land that do not have the organizational, financial or technical ability to do so puts long term public access in jeopardy . We are opposed to this offloading of this government responsibility. We believe it is a short term fix that will result in a greater loss of access in the long term.
- The Act should define tests to determine if a party is qualified to operate in a results-based capacity. One test criteria should be the option to employ the services of qualified help who can meet the Results Based criteria
- The Act should clearly define the test government is going to use to determine a proponents success under a results based regime. Such factors as: previous experience, resource professional team and track record should be considered when determining a party's success under a results-based regime
- Commercial operators such as ranches should be exempted. For the most part, they are seasonal, periodic users of resource roads. In addition, the equipment used on these roads is small in size compared to industrial users.

20. Compliance and Enforcement

- While the principle of having C & E oversee all resource roads it must be made clear to the resource sectors as to application of specific legislation.
- The enforcement actions taken by C&E officers MUST be linked to licenses (for license holders e.g. a Forest License held by a logging company) or to individual's insurance requirements i.e. same as a violation ticket issued to a vehicle operator on a highway - non-payment of fines results in no ability to obtain/renew insurance for the operator.
- What makes you think new rules will change anything? There are good existing rules that are not being followed and government has chosen to so limit the powers of C+E as to render them redundant. Again, meaningless feel good exercise in PR on the governments part
- What stops a given maintainer from simply walking away from its obligations? Surety or performance bonds or Capital Development Charges/Permits or similar devices are required.
- The enforcement of the RRA needs to have teeth for non-residents including USA that if they abuse or break the laws enforcement can seize all assets including quads, snowmobiles and vehicles. This is no different than present day speeding laws where a vehicle can be seized.
- All secondary road users should enter into Road Use Agreements with the primary maintainer. If the secondary users do not uphold their responsibilities, the Crown shall revoke the authorizations to utilize the subject road.

- Adequate enforcement. We may design a road for certain use such as "no heavy traffic when it is wet". We obviously can't go and put barricades up only when the road is wet, so we will be relying on signage to convey this message. How will we stop the small scale salvage guy from chewing up the road if there is no one monitoring/enforcing? Also, in areas with large amount of public use- protection of assets.
- Reward for good performance. Maintainers, who can demonstrate year-over-year reduction in road failures, ensure that safety measures are in place on roads could be granted up to \$100 per km of road maintained to assist with road maintenance after 5 years. Instances of safety violations (poor or missing signage, brushing, surface degradation) or road failures (washouts, failed side cast, etc) would be counted against the road grants.
- Allow Conservation Officers to suspend ORV licences on the spot. Impound or confiscate ORVs belonging to offenders.
- Clearly defined standards for bridges, roads, drainage and reclamation will maximize compliance.
- Without government providing significant additional enforcement resources to this initiative, it is doomed to failure
- Perhaps the Act should convey some C&E authority to the designated maintainer such as being able to:
 - Set restrictions for road use.
 - Issue a Stop Work Order for certain reasons, e.g. stop the use of a road if user fees haven't been paid, prevent the spread of invasive plants, etc.
 - Close a road due to a safety concern, fire hazard, need to respect a cultural or traditional practice, or other just reason.
- Penalties must be equally enforceable on residents and non-residents
- Monitoring needs to be recognized as a priority during annual work plan development.
- Staffs with monitoring responsibilities need to be appropriately trained to determine if an environmental harm is occurring (e.g. fish passage, siltation, etc).
- Monitoring can be simplified if the 'rules' are precise (e.g. no use of Road 112 from May 1 to May 30).
- Precise rules are likely more effective where non-technical users are involved, and where the risk level is higher.
- Recognizing that vehicle types will vary from those licensed for public roads, to very large industrial equipment to very small off road vehicles, the rules for road use will need to reflect a greater diversity of traffic than that encountered on public roads. Therefore there must a system in place to communicate applicable rules. My concern is that without a system, a common suite of rights, obligations, rules of use and a single compliance and enforcement regime will be too difficult to effectively administer and will also put the bar at the highest level as opposed to the lowest level of requirements which would potentially be overkill for what is actually required. Off-road vehicle roads should not be considered under the NRRRA.
- People keep using deactivated roads anyway
 - Will need education for some users.

- Incentives could work - e.g. open up more roads to off road vehicle use if the user groups are shown to be policing themselves adequately
- Use suspensions.
- Consider link with Worksafe/CVSE to promote enforcement of maintenance issues and management issues as related to safety

21. Information Sharing and Reporting

- It would be very helpful to have a map of the resource roads and the associated road channel for these roads.
- Government should continue and expand the current Forest service district updates to road conditions on the district websites.
- Deactivations whether natural or planned. Information on the extent of the deactivation, i.e. whether a 4x4 vehicle can use the road or whether limited to an ATV or motorbike.
- Most importantly being bridge inspection reports and slide potentials/concerns.
- There is no data management system currently available. The cost implications are undefined and should have draft language to assess the impact.
- Stakeholders principally should be creating and updating information while gov't plays the role of gathering and maintaining the truth of the data while also being required to provide access to the data electronically and otherwise.
- All information should be shared, position, locations, specifications, bridge limits and construction, that way any future maintainers will know exactly what they have to deal with. Also accurate maps can be comprised for the use of the public and private needs.
- The maintainer should be responsible for organizing the information of the work they reformed and sharing it.
- Road Registry: The MOTI and the Ministry of Resource Roads (new Ministry which I think should be created) would develop and maintain an electronic record of all roads in BC under their respective jurisdictions with such information consolidated into a Provincial "Road Registry". Or, this could be managed by "Drive BC" with regular input from the MOTI and MRR.
- There will be a need for a significant information sharing portal where all licensees and public users can access information about roads, road objectives and designated maintainers. This will need to be in a simple and easy-to-access format (not "sharepoint" or the ILRR) so that it is easily accessible to all users
- Under the professional reliance model, a maintainer should be completing road and bridge inspections on all roads except FSRs. It is the MOFNRO responsibility to conduct road and bridge inspections on FSRs. If other users are sharing maintenance responsibilities, they should be provided with this information. It is critical that all bridge inspections and load ratings be passed and posted for all users.
- The government should be responsible for providing a tracking system that will house road and bridge inspection data. A similar system is currently in place for forest licenses tracking of

silviculture responsibilities, which is called RESULTS. Road users should be responsible for tracking inspections in a similar style of database

- Reporting requirements should be consistent with current reporting requirements for oil and gas roads.
- The designated maintainer, compliance costs, radio frequencies and other information should be easily accessible preferably via web download and tagged to specific road;
- The draft legislation should include a provision for information dissemination to water purveyors in any instance where it involves a NRR within or within close proximity of a community watershed.
- Orders need to be tracked accurately and updated as required by the users to prevent overlapping of user/maintainer responsibilities or to apportion responsibilities as required.

22. Efficiencies

- "Can have streamlined administration, but all aspects must work for all parties - cost efficient - gov't must intervene when a third party refuses to pay - gov't authorizes third parties so must accept some responsibility."
- "Create a standard data model and have all data from all sources be collected to a similar standard. As an example, there could be a common road naming convention as well as how to define and name branches of roads. Currently branches can be called anything that suits the applicant. That makes it more difficult to use the data for higher-level analysis because it's a lot harder to normalize. This would make it easier to maintain and report out on the information collected."
- Road inventory/access planning can be confusing when trying to roll up different types/status of roads let alone the variety of naming /numbering conventions (especially Road Permit amendments and sections).
- "The approval process for any road built or maintained under NRRRA will be the same".
- Question, will NRRRA be tied to FRPA requirements or have the same exemptions? Because currently most stream crossing works done under FRPA are exempt from Water Act notification and authorizations, and if not FRPA then Water Act will apply."
- "Operational people involved in writing the Regulations need to realize that there are different road users in different areas of the province" ex: Northeast Oil & Gas / Coal vs. Southern Interior Forestry and Mining.
- Standardize map types and scale, web based administration. Make things very user friendly especially for those not in government or industry who may not have computer skills or mapping capability.
- Create a website for access to information for potential builder/maintainers, for information on existing roads, changes or access to start the process with NRRRA. Included should also be a page or pages for reporting problems to existing maintainers or the Government by the user.
- Would like to acknowledge the need to consider and preserve the intent of OGC Basin Development approaches when designing the Act and regulations.

- One of our concerns is that the Ministry's "streamlined" approach will lead to decisions which lack substantive First Nation input and fail to address the cumulative effects of natural resource roads. Orderly planning of natural resource roads requires more broad planning and consultation before authorizations are granted. We suggest that applicants be required to contact other current and potential resource users in the area to plan and coordinate access... we expect the Ministry engage in meaningful consultation and reasonable accommodation for potential infringement to Aboriginal and Treaty rights... Such consultation and accommodation occurs in a structured, formal manner, independent of any stakeholder process or environmental assessment process
- In terms of the suggestion of dispute settlement, we would recommend that such a mechanism extend not just to competing industrial road users, but also to members of the public concerned about recreational use, environmental impacts or the impacts on other resources.

23. Public Watchdog

- This issue continues to be problematic from a forest sector perspective given that the NRR is supposed to bring all resource roads under a common set of standards and administration. Solution is simple, either all resource roads, regardless of sectors are brought under the mandate of the Board or the forest sector is removed from the Board's mandate.
- Why spend tax dollars on other independent oversight when the FPB has a good reputation and voice? Give them some quicker remedial authority though.
- The FPB has proven to be advantageous to the forest sector and with the majority of resource roads constructed by the industry, and with the broad spectrum of review the FPB undertakes in the sector; it is possible to leave the mandate based on industry segment.
- I think it is time for a Natural Resources Practises Board to look at and resolve issues concerning use of the natural resources. There could easily be 2 or 3 panels under the one umbrella that review situations for defined responsibilities.
- Perhaps looking at organizations like the Four Wheel Drive Association, ATV Associations or Outdoor Recreation Council, to become a "watchdog". The organizations already exist and are already looking out for the wellbeing of trails, roads, campsites, access, etc.
- Suggesting that the Office of the Auditor General or Ombudsperson could carry out such a mandate makes no sense at all. Those bodies have totally different mandates - financial & performance audits and administrative fairness respectively
- This should be the role of the local committee and board. In addition the use of C&E staff to help oversee and monitor compliance as well as receive user/public complaints. I would suggest a board of local representatives be established in each district which would be the "watchdog" as well as an advisory group that oversees the implementation of an integrated access plan.
- The cross section of board members should/could include each industry as well as government ministries as well as specific local interests and stakeholders. Site specific issues which apply to a specific road can and should be managed best if done this way and prevent "cookie cutter" rules made provincially causing improper/unnecessary and impractical results in the field. This is

needed to reduce conflict between users and local users such as trappers, recreation and between resource road users. Each board would correspond with a central government agency.

- The Forest Practices Board is dominated by consultants and big government so extra bureaucracy benefits them. There is no support for them in their current form.
- A roads ombudsperson - should oversee the operations of the administering body.
- An independent public watchdog is essential to ensure that there is adequate compliance with the NRRRA relating to environmental protection and maintaining public access if considered appropriate. The existing oversight agencies do not seem to have sufficient capacity to take on this extra work.
- If the Forest Practices Board is already in place and already has the knowledge base regarding roads and their construction/maintenance then it is redundant to create another Board. However they should be used in conjunction with a complaint process that is easily accessed by the public (E.G. an easily found website page that directs presumed violations to them for investigation.)
- If similar standards are applied across all resource roads, possibly. My concern is that standards are different between resource agencies and the most stringent, not most lenient should apply
- Employing the professional reliance model and utilizing qualified resource professional, will avoid the need for a third party “public watch dog”. It is recommended that the Permitting Agencies undertake the Compliance and Enforcement activities, as opposed to the Forest Practices Board which has a different mandate and accountability.
- The OGC has an effective compliance and enforcement regime that will ensure practices are followed. The OGC is subject to audits from the office of the Auditor General. The Auditor General already has the ability to review road permits issued by the OGC.
- If the legislation ties this Act to the Forest Practices Board there will be no need to create entirely new body. Ministry of Forests, Lands and Natural Resources and BC Safe Company Association are also another parties that the public can go to if there are any issues or concerns that are raised associated with the resource roads.
- The true question, therefore, is whether to continue the Forest Board's mandate under the new legislation. This would mean that the Board would have the authority to audit--and investigate complaints about--the road practices of other resource industries, in addition to its current authority to audit and investigate the practices of forest licensees and government. There are sound reasons--environmental, public safety, economic and good governance reasons--to do so. This would support BC's goal of leadership in sustainable environmental management, provide assurance to markets, support government's new business model for natural resource ministries, help sustain public confidence, support thriving resource industries, and support the relationships between government and First Nations.
- Because the majority of resource roads under the new legislation would be forestry roads, the incremental increase in cost to government of continuing the Forest Practices Board mandate would be small.
- Building and maintaining forest roads in British Columbia is a challenge due to steep terrain, heavy rainfall and the presence of important resources such as fish streams. Around one in five audits

identifies an issue--either a significant non-compliance or area for improvement--with roads and bridges. Five out of 23 audits reported in 2008 - 2010 identified at least one significant issue related to roads and bridges. Many audits identify numerous smaller issues.

- Credible, independent audits under the Natural Resource Roads Act would be an important external validation of British Columbia's commitment to sustainable resource development.
- Conversely, because the Forest Practices Board currently audits forestry roads, which are a significant portion of all resource roads, not including a watchdog in the new legislation could be viewed as a step backward.
- The work undertaken by the FPB is commendable but lengthy. In order to prevent fragmentation and ensure a timely process, it would be preferred to have a restructured board that includes members from industry and resource ministries that have broad base of expertise.

24. Ownership and Control of Bridges

- For forest licensees, they are compensated for construction of such structures as part of the Appraisal Manual and those structures should become a public asset. If temporary access is contemplated, compensation should be for the installation only, not the structure itself.
- We have concern that a policy that anyone can be a maintainer will serve as a barrier to recover/remove private assets used in the road. Firstly, it must be acknowledged that certain improvements such as bridges and culverts are private assets of the builder. Secondly, a privilege that must be provided in the NRRRA is that builders have the sole right to remove their assets. It would be unacceptable for a third party to be deemed a maintainer, without requiring purchase of these assets from the builder first as these are significant values. This would set up a condition where by the maintainer could then deactivate in effect stealing the assets from the builder.
- Bridges (and roads) have to be considered in short and long term and transition. And the legislation will have to be flexible enough to consider changing access management needs, and capacity of the users and the limited appetite government will have to purchase.
- In the short term the builder/permit holder should be able to take his bridge and go, but it should be tied to a decision to deactivate. Consider requiring bond or cash deposit equivalent to estimated deactivation costs for the road (to be indexed to inflation) that would be forfeited if they are given "relief", which could be accessed for the cost of acquiring the engineered structures.
- In the long term there are many problems with builders owning & having ability to remove
 - (a) they are on crown land & may already amortized and written off
 - (b) others may have contributed to maintenance, improvements, construction,
 - (c) over time, more users materialize because of the existence of the road, many of who will not have the capacity to buy or replace a road system of bridges.
 - (d) administrative problems tracking all of the above as designated maintainers change

- (e) If they are to be compensated you will have to be able to track by bridge, who is the owner, and whether they have received contributions to the capital cost (from government and other users) so that fair valuation can be done.
 - (f) Increasing liability for government if compensation is required (in many cases where there are smaller users with limited capacity, government will be responsible for valuation and for “buying” the bridge when relief is granted).
- In transition, will the current or designated maintainer become the owner of existing bridges (an FSR issue)? Will they be forced to "buy" them, or if transferred without payment, will they be allowed to sell them? Or remove them"...tracking must be done over time on a structure by structure basis because replacements will be done over time by different parties.
- Once a bridge is installed it should form part of the road and cannot be removed or deactivated without the authority of the government.
- Forfeiture would encourage builders to build less durable, less expensive bridges as they are guaranteed to lose the bridge. Likely means that concrete and steel bridges will be used less frequently as the builder is guaranteed to lose the materials.
- Common law - anything affixed to the land transfers with the land and belongs to the land owner. The crown owns the structure but its maintenance is part of the DM obligations. The crown could always negotiate to return/sell it to the original installer, or others, if deemed to no longer required.
 - An exception to this is any bridge defined as 'portable'. These do not affix to the land and remain the property of the installer.
- Whoever controls the bridge controls the road beyond. If it is removed the road beyond is effectively removed from use as well.
- If the bridge is written-off against the stumpage appraisal then it is a Crown asset.
- The bridge, culvert, etc. should be considered an integral part of the road system and not be removed but maintained as such. Yes a Crown Asset.
- If we are to maintain public access then bridges must become part of the road and a Crown asset
- Consider the dilemma if a party decides to "take his bridge and go home" in order to "get his way" or eliminate some competition. If it becomes a "crown asset" the crown should compensate for it.
- Major infrastructure such as bridges is a capital investment by the entity that installed the structure, and therefore is rightly their possession. It may be practical to have clauses around keeping the bridge in place for varying situations.
- I think the builder can remove it at their discretion, with plenty of warning. Someone got stuck behind a pulled culvert this past summer...it could have been extremely serious. There was no signage or warning that the road was going to be deactivated.
- I think it's important to grant the maintainer the right to determine what the best use of road assets are, whether it is bridges or signage. If the government takes the position of 'controlling bridges', then this would also carry with it liabilities for inspections, maintenance, etc that quickly blur the line between the government and the maintainer's obligations for road care.

- There needs to be some form of road designation "Road use objective" which defines temporary from long term and single use from integrated resource use. From that set of criteria a proper and fair determination can be made which is based upon whether bridges are a temporary asset retained by a company or a long term asset which should be purchased and maintained by government as they now are for major forestry roads.
- We feel the answer is 'B' as long as the user was fully reimbursed through the appraisal system.
- Ownership and Control of Bridges - Option B: believe this option works way better for possible softwood lumber issues if the crown owns the bridge.
- Yes once a bridge is installed it should become a crown asset. We ran tours across a bridge for years and then a power plant came along, took the bridge we installed out and then put their own bridge in. They later removed it and didn't replace ours. This forced us to close our operations along this trail meanwhile the power plant profited and we lost.
- If there are any users other than the tourism licensee beyond bridges (including the public) and access can't be restricted, then we would suggest that the province should fully reimburse the tourism licensee for the cost of bridges and their (re)placement.
- Ownership of all Resource Roads and Bridges etc. should always remain in the hands of the Crown. Public funds should be used to build them and the transportation infrastructure in any country or Province should always remain in public ownership.

25. Capital Cost Recovery

- Capital cost recovery should be a commercial agreement between the associated parties. No role for gov't in the process.
- Sharing by use.
- Industry provides the investment on a ROI basis for a project. The ability to recover the asset cost from others should be established as a primary tenant of the Act and Regulations. This tenant should apply to government where the decision maker requiring retention of a road for other uses, must evaluate the cost of transfer into the decision.
- This allows for the recoverable cost to be used for tax purposes should a road or road system be transferred to government for non industrial uses (such as wilderness)
- Planning will have to have a public review process so that potential stakeholders can learn about where roads are going and they can look for ways to share costs with a proponent such that everyone benefits from reduced costs as much as possible.
- Information exchange is key.
- Should also include sharing of rehabilitation costs. I'm not an accountant but sharing costs of this sort is fairly common and should not be much of an obstacle.
- NOT FOR NEW CONSTRUCTION. Leave the decision to build a road to a single user who has identified a way to amortize costs in his business plan without other users (or if he has other users willing to help establish the road, the agreement is outside legislation). Then, if there are subsequent needs for improvements (e.g. alignment upgrades or widening that is tied to additional road use) that could be subject to Capital Cost Recovery.

- It may be helpful to the Province to look to similar capital cost recovery structures in sharpening this policy.
- Industry can claim the CCR in the years they use the bridges and roadways. Once they leave, they can "sell" the bridge to the road (Government) for its depreciated value by way of a tax credit/break.
- Ideally capital cost sharing should apply to industrial use only and be consistent for either forestry or mining (across sectors). Non-industrial capital costs should be carried 100% by the government and not passed onto the maintainer. This assumes that there is no revenue or opportunity for revenue for a maintainer of a non-industrial resource road.
- Cost sharing should only be applied if it is a benefit to other users. e.g.. if a bridge is being replaced because it is not sufficient for the size of vehicles that the user needs to move across it but none of the other users need a bridge of that size then the cost should be borne by the installer.
- Seems this can only be applied to users who pay user fees to the government - same scenario as current forest company appraisal allowances for stumpage fees. Capital cost recovery could simply be apportioned according to portion of costs for each user (i.e. 20% of cost = 20% of cost recovery).
- The Act should provide for full cost reimbursement by the province if there are any users beyond bridges or other major structures other than the tourism licensee.
- Currently the Energy Sector does not have any method for capital cost recovery pertaining to roads and bridges. Under the stumpage appraisal system forest licenses have provisions to construct access through a reduction in stumpage paid to the Crown. These provisions are as follows:
 - Allowance for the construction of new roads
 - Allowance for the installation of drainage structures (Bridges and Culverts)
 - Road reconstruction
 - Road maintenance
 - Right-of-way clearing
- Consideration should be given to establishing a suitable method of compensation to the Energy Sector to ensure a level playing field is established
- Recommends that where owners and users are unable to conclude an agreement, the NRRA should enable capital and operational cost recovery through a dispute resolution process with the statutory decision maker(s).
- Support a policy framework that would include provisions for capital cost recovery from other users if the party that put in the capital did not or could not recover all or even part of its capital investment from the government (i.e. funding the work through the stumpage system however, unable to fully recover costs through this system (i.e. negative stumpage) or there were no other or inadequate sources source of government funding for reimbursements available).

26. Noxious Weeds

- It would be difficult to prove that the source is the maintainers responsibility/obligation when the road is open to all users (public/other industry)...it places the government responsibility for weed management on the maintainer of the road when government may be getting all the benefits from other users (industry/recreational/hunting)...i.e. an active road has been deactivated but for 5 years six weeds have been noticed which are not related to the maintainer does he have the responsibility to control the weed.
- Right now the Onus is on the Licensee, which isn't fair. Most of it is brought in by recreational vehicles but Licensees have to bear the cost of controlling it.
- The control of noxious weeds needs to be stronger. Mandatory cleaning of equipment prior to transport and rinsing upon arrival is just a start. Best practices lead to desired results.
- As elsewhere, enforce the existing legislation and the problems will solve themselves.
 - (Check what is in FRPA? Will it apply to NRRRA? If it does, will Act make it responsibility of designated maintainer, or the person who introduced it, and how do you prove it, or is it ultimately a government responsibility?)
- Legislation should look at a "Best Practices" model to direct road builders/designated maintainers toward effective revegetation efforts to control noxious weeds.
- Current legislation is not strong enough. The road maintainer must include noxious weed control as part of its maintenance program.
- The road builder should not be responsible for the control of invasive plants.
- This falls into the category of rehabilitation rather than just de-activation. This should be included. The oil and gas industry is under this obligation, so should anyone else be who having built the road, should also be prepared to pay part of the cost for removing the affects of the road if it is to be removed. Look to the standards used for the Oil and Gas industry.
- (check what O&G are doing)
- There should be a reasonable amount of revegetation on any disturbed ground that is not a necessary part of the road surface or ditches or structures, regardless if it is in the vicinity of range land.
- Areas that are susceptible to invasive plants may need more planning and dialogue to come up with best practices for that area, but these weeds are the responsibility of everyone who uses the roads and adjacent land owners.
- The act should include provision for reclamation including the reconstruction of the road right of way to its natural state and rehabilitation of the right of way including habitat and vegetation to its natural state.
- Current FRPA Act require operational plans, and grandfathers responsibility back (even if licenses and permits are cancelled (see Invasive Plan Section 47 of FRPA Act))....except SUP are not a Forest Act Permit and would not apply.

- O&G requires "...prevent invasive plants from becoming established, revegetate disturbed areas using seed of ecologically suitable species" (see Invasive Plants Section 15 of O&G Environmental Protection & Management Reg)
- Range or not, noxious weeds negatively impact the natural environment and mitigation should be the responsibility of the road builder. Hydro-seeding of cut and fill slopes can reduce establishment of weeds and stabilize the slope.
- In my opinion, it is necessary for all invasive weeds to be controlled on the sides of roadways. The current approach where funding is only available for knapweed is insane. We have goats beard, oxeye daisy, hawkweed etc rampant and destroying not only cropland but crown land as well. The problems all start with roadways, vehicle traffic. Fairness is not part of the equation. This is a problem that needs to be addressed in a manner that ensures it is mandated and complied with. Our road network is far to large to have to have someone driving all over the place to see if objectives have been met. This process takes forever and weeds wait for no one. The window of opportunity is almost gone. DO SOMETHING while we can. I personally would like to continue viewing ungulates: purchasing good quality hay; keeping our native plant species; living in a healthy, diverse, ecosystem.
- If soil is disturbed for construction it should be seeded appropriately and within specific times to prevent weed spread. If the weeds are already there a road maintainer should be required to report and if possible to treat the land before they dig up any more of it and encourage. If weed control was rewarded by the government instead of discouraged amongst industrial users, we all would benefit.
- Enforce current provisions in Land Act etc. regarding depositing foreign material on Crown Land. There is plenty of law regarding this topic, just very little enforcement, as I believe the enforcement agents don't understand all the law themselves or have 'bigger fish to fry'.
- Noxious weeds/invasive plants should be the responsibly of the maintainer within the road allowance.
- Leave the noxious weeds to nature; it should be no one's responsibility but the governments.
- Agree with soil re-vegetation. In terms of noxious weeds/invasive plants, current legislation only requires you control the spread of existing populations, so that would need to be expanded for new populations.
- If noxious weeds are introduced to nearby rangeland, each range manager should be responsible for their eradication. It is "their" land, they should be willing to maintain it
- Current legislation can be made more effective with ongoing and effective public education. The designated maintainer accepts the other risks of public use of the permitted road and must accept the risks associated with noxious and invasive plants.
- In the case of roads built to service the proliferation of power lines, closures, and proper enforcement of the closures are the most effective way to control the spread of noxious weeds in range land.
- Don't let ranchers use this as an excuse to keep people away. They feel that they own everything because their cattle have grazed there. So many ranchers abuse their position to keep crown land

for their own use. They commonly post no trespassing signs on crown land in an attempt to keep people away.

- Costs for soil revegetation and noxious weed control must be funded by the resource revenue provided by the commercial user. Road construction must include revegetation of soil erosion sites during construction and by the builder.
- Noxious weeds are an issue across the Province and require provincial legislation that supersedes all jurisdictions.
- Natural Resource Roads form an integral part of cattle/agricultural operations throughout the Province. It is therefore imperative that the owners of agricultural land and the tenure holders of range land be tied/involved via the policy/act in any decision making regarding NRR in their area.
- All construction and maintenance equipment should be washed before being moved on site. All ditches berms and overcast should be seeded ASAP to prevent weed spread. Government should continue to monitor and control all noxious weeds on orphaned roads while the maintainer should be required to do this on their roads
- The current Weed Control Act along with the requirement to manage invasive species under FRPA is sufficient. The NRRRA should have clearly defined responsibilities to manage the threat of invasive species.
- A simple requirement to revegetate all scalped soils would be helpful. All seed used should be certified to ensure invasive seed is not introduced. Also the requirement to do some level of post construction monitoring for invasive plants should be required.
- Our communities have expressed serious reservations about the use of herbicides and pesticides, especially when applied aurally or in mass quantities. There are concerns with respect to the effect of herbicides and pesticides on medicinal plants, berries, and other food crops as well as species that rely on leaves, willows, clover, and other green vegetation to survive... The cultural impact of spraying goes further: some Elders refuse to go onto land which has been treated with herbicides. They believe that it has been contaminate forever. Given the impacts of spraying, designated maintainers must consult with First Nations before doing so and experience consequences if our directions are ignored.
- Pest Management in BC is supposed to be based upon Integrated Pest Management, which requires that ecosystems be managed in such a way as to prevent pest species from arising in the first place. This means (a) minimizing roads that may act as corridors for the spread of noxious weeds; (b) measures to prevent the spread of weed species on roads that are built (i.e. inspections of vehicles entering wilderness areas, limitation of access); (c) adjustment of industrial practices to limit cleared areas which are susceptible to invasion, and to maintain healthy ecosystems, which are not, etc.

27. Other

- Construction Costs: Neither of the Government's discussion papers addresses this topic; it is essential that this matter be addressed within the NRR Act.

- Recommendation: Funding to operate and maintain the two Road Systems in BC (i.e. those under MOTI and/or MRR) would be as per the following;
- MOTI roads would continue to be funded via current budget allocations to MOTI.
- Resource Roads designated as permanent roads via their classification would be funded in the same manner.
- Rationale: The people of BC ultimately already pay for the construction and maintenance of all roads in BC. A formal budget allocation for such work would allow everyone to know the true costs of building and maintaining these roads and would also allow for public input via legislative review and public debates. This would dissociate road construction costs from timber stumpage reductions or mineral development grants or reduced royalty payments which would significantly increase government revenues derived from these natural resources.
- Funds for the construction of such roads could also be partially derived from a new or additional fuel or carbon tax.
- Resource Roads designated as Temporary Roads would be funded as per the following:
 - Appraisal allowances as per current procedures for new roads developed initially and primarily for timber removal
 - Industry funded such as for mining operations
 - Other sources and/or mechanisms, e.g. a developer constructing a road to provide public access to a subdivision would absorb all costs for same.