

Natural Resource Road Act Progress Report – March 2012

Introduction

Currently, resource roads in British Columbia are administered through provisions found in up to eleven different laws, many of which regulate a specific industry or activity. Often, resource roads are built for a specific purpose, but used by multiple industries as well as businesses, First Nations and the public.

The B.C. government intends to consolidate resource road legislation into a single act – the Natural Resource Road Act (NRRA). In doing so, the government is committed to sound environmental stewardship while improving industrial competitiveness, supporting rural economic sustainability and reducing the administrative cost borne by taxpayers. The NRRA will support these goals by streamlining administrative processes; clarifying and standardizing rights, obligations and environmental risk mitigation; improving safety and providing greater certainty for new and existing businesses.

Because of the wide variety of uses, the government is providing the citizens of BC with an opportunity to inform the policy development process in order to make the legislation as fair and reasonable as possible for everyone.

A team was established from across affected ministries to undertake this project. That team is supported by a diverse and representative group of non-government individuals who are volunteering considerable time to the project.

Three Phases of the NRRA Project

The NRRA Project is divided into three phases (see Appendix). Each phase has its own goals as well as participants. The anticipated timeframe for all three phases is approximately 2.5 years.

- **Phase 1** was about confirming what is working well and identifying the opportunities for improving existing legislation. This phase ran from mid-October to mid-December 2011. It consisted of information sessions with interested parties across the province, public feedback on the online discussion paper, and a three-day workshop with stakeholders.
- **Phase 2** is now underway and is about developing new policy based on the learnings from Phase 1. Government staff and volunteers from forestry, utilities, transportation, agriculture, oil and gas, mining, tourism, and recreation are working together to identify possible solutions to the problem. Those policy options are then considered by Government and direction is provided to those drafting the new Bill.

- **Phase 3** is concerned with drafting the legislation for approval by the Legislative Assembly. A small group from outside government will be asked to review in confidence draft versions of the new Bill to help the government team ensure the Bill truly reflects the policy direction and to help identify any unintended consequences that can occur as policy gets translated into legislative language. Sometimes it takes several draft and review cycles before the Bill is ready for the Legislature.

Phase 1

To raise awareness of the project and the opportunity to comment, information sessions took place in regional centres across the province. A project website was established and populated with background information, a discussion paper and invitation to comment (www.for.gov.bc.ca/mof/nrra/).

The Ministry received more than 4,000 comments and written submissions in response to the discussion paper. The ideas and concerns expressed in these submissions have been distilled into the “Natural Resource Road Act Project – Summary of Feedback” report available on the NRRRA website.

Feedback received during Phase 1 of the NRRRA project is informing Phase 2 of the project. The NRRRA project team would like to thank all Phase 1 respondents for their generous feedback.

Key Themes that Emerged from Phase 1

Following is a distillation of the major recurring ideas and themes from Phase 1. It is not an exhaustive list of the feedback that is being considered, nor is it necessarily reflective of the policy decisions that will be made.

- There is general support for the NRRRA’s goal of increasing fairness and consistency in business practices.
- The public is interested in providing input into decisions regarding deactivation and maintenance of resource roads.
- There is general support for expanded enforcement and greater clarity of obligations. Current levels of enforcement and obligations are seen to encourage bad behaviour and add costs to the “good” operators.
- There is interest in how road maintainers are designated and how they will communicate with commercial and recreational users.
- There is general agreement that maintainers should be able to close roads for safety and environmental reasons; however, many users groups do not favour deactivation and closure as the standard practice following industrial use.
- Small businesses and local government are concerned they may be required to contribute to, or take on, maintenance of roads they depend on.
- People like the idea of consistent standards across resource roads. Users would like to see a consistent safety regime that addresses underage and unlicensed users.
- There is wide-spread belief that either government or industry should be responsible for maintaining resource roads regardless of the level of use and who those users are.

- There is strong support for the creation of an information sharing system to give road users information about the condition of roads, who the maintainer is and when industry is active on them.
- There is general support for the principles of “use at your own risk” if it means more roads will be kept open.
- There is wide support for a resource road watchdog under the NRRA. While the Forest Practices Board (FPB) is seen by many as the logical choice, industry is concerned about the potential cost of supporting FPB activities.
- Those parties that do maintenance would like a cost recovery mechanism that reflects the public benefit (having open roads) from their efforts.

Phase 2

The feedback received from the engagement phase of the NRRA project was consolidated and fourteen broad issues were identified as requiring further study. To explore these issues in more depth, fourteen working groups were formed by representatives of government, industry, business and private citizens.

Phase 2 started with a three-day workshop held in December 2011. Approximately 80 people from a variety of sectors (i.e. forestry, utilities, transportation, agriculture, oil and gas, mining, tourism, recreation, hunting, fishing and trapping) participated in the workshop. The objectives for the workshop were to set the stage for Phase 2 and identify those who were willing to participate.

The fourteen working groups are comprised of representatives from government ministries and stakeholder groups. Stakeholders come from the forestry, utilities, oil and gas, mining, recreation, tourism, hunting and fishing sectors. Participation in the working groups is time-consuming and done on a volunteer basis. If you feel your group needs greater representation in the process, please email us at NRRoadAct@gov.bc.ca.

To ensure a consistent approach to the analysis of the fourteen issues, working groups are following the same project principles and analysis model. The work produced by the working groups will inform decisions made by government as the project moves forward.

Phase 3

The legislation development phase of the NRRA project will involve drafting legislation, including regulations. A small team consisting of both government and non-government individuals will review the proposed legislation to ensure it follows the project principles; aligns with the policy direction set out in Phase 2; and does not trigger any unintended consequences. The goal of the project is to have legislation in place by fall 2013.

Appendix – NRRA Project Phases

