

WORKING TOGETHER TOWARDS A SAFER FUTURE



**A REPORT OF THE NEW BRUNSWICK
ALL-TERRAIN VEHICLE TASK FORCE**

A report of the New Brunswick All-Terrain Vehicle Task Force

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I. EXECUTIVE SUMMARY

Public Safety Minister, the Honourable Milton Sherwood, announced the establishment of an All-Terrain Vehicle (ATV) Task Force on November 30, 2000. The announcement was one of the commitments made by government in the Throne Speech.

A number of factors contributed to the call for the establishment of the Task Force including the increased number of deaths, unauthorized use of all-terrain vehicles, concerns about damage to the environment, greater exploitation of fish and wildlife, the threat to sensitive areas, endangered species and/or their habitat, increased opportunities for incidents of crime, trespass on private property and confrontations with private landowners and other recreational users.

The mandate of the Task Force was to discuss and make recommendations on the following issues: public safety, trail networking, environmental impact and legislative changes. The Department of Public Safety was the lead Department for the purpose of the Task Force and a number of non-government organizations and government departments appointed representatives from their respective areas to participate on the ATV Task Force.

Public input was solicited by way of news releases, and could be received in writing through fax, e-mail messages, or regular mail. Between December 2000 and June 2001, 56 submissions were received, which represented the views of 94 individuals and/or organizations.

The ATV Task Force met on nine (9) occasions between December 2000 and June 2001. In addition, a recommendations sub-committee met on one occasion. This Report is a summary of stakeholder consultation, research, presentations and submissions received from stakeholders and the general public who have a direct interest in the issues being addressed by the Task Force.

The registration of all-terrain vehicle units has increased by over 50 percent from 1997-1998 to 2000-2001, however there has not been a comprehensive study of all-terrain vehicle use in New Brunswick. While it is recognized that a number of government and non-government organizations and individuals utilize all-terrain vehicles in a work related capacity, the use of all-

terrain vehicles as a recreational activity was the primary focus of the ATV Task Force.

A survey on the importance of nature to Canadians found that New Brunswick residents spent a total of \$208.2 million on nature-related activities in 1996. It can be concluded that significant economic value is derived from participation in nature-related recreation. However, off-road vehicle use contributes only a small proportion of this very important economic activity but has the potential to inflict considerable damage to natural areas, negatively impacting on how they are currently being enjoyed for other nature related activities.

The Department of Health and Wellness reported a significant number of inpatients and day surgery patients related to all-terrain vehicle accidents, with a relative cost of \$252,378 for 1998-1999 and \$340,888 for 1999-2000. A retrospective review of the trauma data bank on all-terrain vehicle related admissions to the Saint John Regional Hospital found there were 106 all-terrain vehicle related admissions during the study period. All-terrain vehicle related admissions to the ICU (45) cost the Saint John Regional Hospital approximately \$128,297.00 for ICU costs, and it was estimated that seven (7) patients, who would require long term, ongoing care could cost the Province in the range of \$10.5 to \$28 million.

A common and recurring theme in submissions and presentations to the ATV Task Force was the issue of all-terrain vehicles illegally accessing private and public property; creating a nuisance, safety hazard, or causing serious property and environmental damage. One of the concerns of the Task Force is the level of frustration expressed by property owners in this regard and the potential for physical altercations that may occur as a result of venting these frustrations.

With the increase in sales of all-terrain vehicles in New Brunswick, there has also been an increase in the number of reported accidents, approximately 75% from 1996-2000. New Brunswick mean rates/100,000 for all-terrain vehicle hospitalizations based on age group surpassed the national mean rates for every age group. The highest mean rate/100,000 was for the 15-19 age group at 28.9. Canadian and U.S. studies revealed the following risk factors associated with off-road vehicle use: excessive

speed, improper apparel and non-use of helmets, inexperience, and alcohol abuse.

In addition to trespass and public safety concerns, all-terrain vehicles allow access to areas of the province that are not normally accessible by other motorized means of transport. This has a negative impact on the environment, fish and wildlife, and private property owners. Concerns and issues with respect to all-terrain vehicle use in the following areas were identified : agricultural/woodlot lands, coastal zones, endangered species, highway rights-of-way, noise and dust pollution, protected areas, sensitive areas, surface water, utility corridors, watercourses and wetlands.

The increased use of all-terrain vehicles is also raising concerns about the increased opportunities for incidents of crime, trespass on private property and confrontations with private landowners and other recreational users. RCMP calls for service for the *All-Terrain Vehicle Act* steadily increased by approximately 103.9% from 1995-2000 and 159.1% over the last four years (1996-2000). The Department of Natural Resources and Energy (DNRE) reported 660 violations of the *All-terrain Vehicle Act* for the 2000-2001 fiscal year, of which 606 were warnings. However, this data is skewed by the special snowmobile enforcement of the new mandatory trail permit legislation.

DNRE however, feels that this data is incomplete and is not a true measure of the extent of illegal activity related to all-terrain vehicle use. It is felt that enforcement personnel do not have the support of the legislation, the manpower, and/or the appropriate equipment to be able to effectively ensure compliance by all-terrain vehicle operators. Municipal Police and Canadian Wildlife Service reported similar enforcement challenges.

DNRE and the RCMP each considered the types of enforcement needs and proposed enforcement models. DNRE determined that if they were to assume responsibility to provide an adequate level of trails and environmental enforcement, they would require a total of twelve (12) additional FTE (full-time equivalent) positions to be distributed within four (4) regions. The RCMP, in an effort to determine a minimum service delivery model for a continuous, proactive and hands-on approach to enforcement on provincial trail systems proposes the following: a Provincial Trail Coordinator and Trail Enforcement Coordinator positions. Both

agencies note however, the added pressures that the Task Force's recommendations and the Government's response will have cannot be determined at this time.

Several submissions and presentations to the ATV Task Force argued that there is a need to make legislative and/or regulatory amendments to provide peace officers with the necessary tools for enforcement. In addition to the Criminal Code and other Federal legislation, several Provincial Laws are currently used for enforcement purposes relative to the operation of all-terrain vehicles and protection of the environment.

As a result of the submissions and presentations to the Task Force regarding the broad range of issues and concerns with all-terrain vehicle use, most Task Force members and presenters recognized the need for an approved all-terrain vehicle trail network. This would provide recreational all-terrain vehicle owners with a place to operate their vehicles legally, without impact to the environment and landowners, and reduce conflict with other trail system users.

The Task Force received and considered in excess of one hundred recommendations. A consensus-based approach was taken in arriving at key recommendations. The areas of intervention that were determined to be most practical in reducing the impact of all-terrain vehicle use fall into seven areas: public safety, environmental protection, enforcement, legislation, trail networking, education, and funding. Some of the recommendations can be achieved in the immediate future, however some will require further investigation by Government to determine their feasibility.

The Stakeholders strongly agree that the issues identified in this Report relative to all-terrain vehicle use in the Province of New Brunswick have been ignored by Government for far too long. They also agree that none of these areas by themselves will provide a solution to the problems identified, consequently the recommendations are numbered for ease of reference only. It is very important that Government consider the recommendations as a package, as by themselves they will not make a significant impact or be a credible solution. Following is a summary of the final recommendations of the ATV Task Force:

SUMMARY OF FINAL RECOMMENDATIONS

1. That the New Brunswick Government encourage the development of a private Trails and Greenways Authority.
2. That any program developed as an outcome of this Task Force should be developed with the appropriate performance measurement indicators to allow for evaluation.

PUBLIC SAFETY

3. That youth between the ages of 14 and 16 years be required to obtain an all-terrain vehicle learner's permit, for which they must have parental permission. The learner's permit should only be obtained under the following conditions:
 - must successfully complete a mandatory Canada Safety Council approved training course;
 - must be supervised at all times by a parent or legal guardian who has successfully completed a Canada Safety Council approved training course and has a valid drivers license; and
 - the size of the all-terrain vehicle being operated cannot exceed the size recommended for their age by the manufacturer.
4. That everyone 16 years of age and older be required to have a valid drivers license, with an additional class being added for all-terrain vehicles, and to successfully complete a mandatory Canada Safety Council approved training course, to be completed within three years of this provision being enacted.

Considering the volumetrics relative to the number of persons that would have to be CSC trained within three years of this provision being enacted, the Task Force could not reach consensus on grandfathering current all-terrain vehicle operators. It is recommended that Government should give further consideration to who should receive mandatory training.

5. That there be a requirement for mandatory personal liability insurance for all-terrain vehicles, unless the vehicle is being operated on land owned by the operator.

6. That no person shall operate an all-terrain vehicle unless it is equipped with appropriate headlamps and tail lamps, which must be in continuous operation.
7. That the original equipment regulating noise level on off-road vehicles should not be removed or replaced, recognizing there might need to be an exception for those vehicles used in connection with special all-terrain vehicle events.
8. That in New Brunswick, number plates should be standardized with lettering being consistent with the lettering and number plates used on all other motor vehicles, and mounted on the front and rear of the all-terrain vehicle.
9. That the Province of New Brunswick explore with other jurisdictions the feasibility of a standardized plate for all-terrain vehicles across Canada.
10. That no operator of an all-terrain vehicle shall carry a passenger or occupant when operating an all-terrain vehicle in the Province of New Brunswick unless:
 - a) the vehicle is designed and equipped by the manufacturer to carry more than one person; or
 - b) the person other than the operator rides on a seat attached to the vehicle that is designed or endorsed by the manufacturer of the vehicle upon which it is attached.
11. That a specific education and enforcement effort be developed and implemented immediately to reduce accidents and prohibit the use of all-terrain vehicles as "on-road" vehicles.
12. That an All-Terrain Vehicle Safety Committee be established with the New Brunswick All-Terrain Vehicle Federation Inc. and other stakeholders to coordinate and promote education and awareness initiatives.

13. That the Department of Health and Wellness work with the Health Care Corporations to collect and record data province-wide with respect to off-road vehicle accident injuries, emergency room visits, hospitalizations, and health care costs, being able to report on each type of off-road vehicle separately.

ENVIRONMENTAL PROTECTION

14. That the Province of New Brunswick restrict new trail development in potable watershed areas and potable wellfield areas.
15. That the Province of New Brunswick restrict new trail development in environmentally sensitive areas, having consideration for wetlands, wildlife, fish populations, natural areas, rare, endangered and threatened species, and coastal habitat.
16. That all-terrain vehicle use be legally restricted to designated trails, with legitimate exceptions, i.e., for enforcement, employment, search and rescue, fire suppression.
17. That an information and education program be developed with respect to environmental consequences as a result of all-terrain vehicle use.

ENFORCEMENT

18. That a dedicated enforcement program be developed and delivered with a mandate to act on the recommendations of the ATV Task Force.
19. That the Province clearly identify which agency (municipal, regional or provincial) has the lead in terms of enforcement of all legislation dealing with the issues identified by the ATV Task Force.
20. That enforcement agencies collect data with respect to violations committed in the operation of off-road vehicles, in order to more accurately assess enforcement results.
21. That a training program be developed and delivered to enforcement personnel which should include, but not be exclusive to, operator safety, environmental issues and legislation.

LEGISLATION

22. That the Province review the adequacy of the *All-Terrain Vehicle Act* and update it so that it is compatible with other relevant legislation.
23. That the Province review all existing Provincial legislation and policies as they apply to off-road vehicles and the issues brought to the Task Force.
24. That the Province define an all-terrain vehicle in legislation in order to recognize its unique operating characteristics versus snowmobiles and other off-road vehicles, taking into consideration appropriate size and weight restrictions.
25. That the Province examine and amend as necessary the definition of the term highway in the *All-Terrain Vehicle Act* to facilitate trail development.
26. That the Province consider granting municipalities, municipal authority to enact by-laws with respect to the use of highway right-of-ways within their boundaries.
27. That the Province enact new legislation to provide law enforcement agencies with the appropriate tools to effectively deal with the problems created by all-terrain vehicle use, including but not limited to the following:
 - a) allow for the issuance of tickets for all offences;
 - b) penalties that are a meaningful deterrent;
 - c) ensure that all penalties under this Act are linked to an operator's motor vehicle drivers license;
 - d) an off-highway vehicle operated in violation of this Act may be immediately impounded by a law enforcement officer;
 - e) require an owner of a vehicle to provide the name and address of an operator of a vehicle alleged to have committed an offence; and
 - f) link the responsibility for the operation of an off-highway vehicle in violation of this Act, to the parent or legal guardian of individuals under 19 years of age.

TRAIL NETWORKING

28. No person shall operate an all-terrain vehicle in the Province of New Brunswick without the documented permission of the landowner.
29. No person shall operate a motorized vehicle on lands not owned by the operator or owner of the vehicle or on any trail or non-highway road that is restricted to pedestrian or animal travel. A person is guilty of unlawfully operating a vehicle on a trail if he operates any motorized vehicle on a walking, hiking, bicycling, snow walking, cross country skiing, or equestrian trail, including but not limited to the Sentier NB Trail, Trans Canada Trail and International Appalachian Trail, without the documented permission of the landowner.
30. No person shall operate a motorized vehicle other than a snowmobile on lands which are managed snowmobile trail as defined in the Act, unless that use has been authorized by the New Brunswick Federation of Snowmobile Clubs Inc., or unless the use is necessitated by an emergency involving the safety of persons or property.
31. The designation/approval process for trail development should take into consideration appropriate standards, planning, environmental protection and public safety.
32. Standardized province-wide identification and mapping systems should be developed for all-terrain vehicle designated trails.
33. That the following areas be explored for use as part of an all-terrain vehicle trail system with appropriate planning and the documented permission of the landowner:
 - a) utilities/easements;
 - b) highway rights-of-way;
 - c) Crown lands;
 - d) Private lands;
 - e) Federal lands;
 - f) Corporate lands;
 - g) private rail lands; and
 - h) First Nations lands.

EDUCATION

34. That programs and initiatives be developed and delivered to address the education/training needs as identified above.
35. That manufacturers/dealers should be encouraged to promote the legal, safe and environmentally responsible use of all-terrain vehicles through their marketing and promotion advertisements.

FUNDING

36. That sufficient funding be provided for the above purposes and that Government and the New Brunswick All-Terrain Vehicle Federation Inc. consider the following means and/or any other means to secure the necessary funding:
 - a) increase in registration/license fees;
 - b) trail development rebate;
 - c) trail pass;
 - d) levy at point of sale;
 - e) surcharge on convictions;
 - f) all-terrain vehicle industry/manufacture support.
37. Considering the immediate need for an adequate level of enforcement, that Government give priority to funding for the development and delivery of a dedicated enforcement program with a mandate to act on the recommendations of the ATV Task Force.
38. Considering the immediate need for trail development, that a trail development fee be added to the registration fee and refunded to the New Brunswick All-Terrain Vehicle Federation Inc.
39. In addition to any funding that may be forthcoming from a registration rebate, that Government encourage the New Brunswick All-Terrain Vehicle Federation Inc. to explore other means for funding, including but not limited to:
 - a) Private grants or donations;
 - b) Municipal/Local Service Districts contributions.

1. INTRODUCTION

Public Safety Minister, the Honourable Milton Sherwood, announced the establishment of an All-Terrain Vehicle (ATV) Task Force on November 30, 2000. The announcement was one of the commitments made by government in the Throne Speech to encourage safe and environmentally responsible use of all-terrain vehicles.

A number of factors contributed to the call for the establishment of the Task Force. One such factor was the increased number of deaths associated with all-terrain vehicle accidents in New Brunswick; in 1999-2000 there were six (6) all-terrain vehicle related fatalities.

At present, the places where all-terrain vehicles may legally operate are very limited. The *All-Terrain Vehicle Act* prohibits all-terrain vehicle operation on or within 7.5 metres of any roadway or place that is used by motor vehicles. All-terrain vehicles are not allowed on the multi-purpose Sentier New Brunswick Trail (SNBT), leased New Brunswick Federation of Snowmobile Clubs Inc. (NBFSC) trails on Crown land or other managed trail system, and have limited authorized access to private land. The unauthorized use of all-terrain vehicles in these areas is a growing problem.

The increased use of all-terrain vehicles is also raising concerns about damage to the environment, greater exploitation of fish and wildlife, the threat to sensitive areas, endangered species and/or their habitat, increased opportunities for incidents of crime, trespass on private property and confrontations with private landowners and other recreational users. These concerns, in turn, generated a call for enhanced levels of enforcement, education and awareness.

Terms of Reference (Attachment A) were prepared and adopted by the ATV Task Force indicating that a final report to government would be submitted in June 2001. The mandate of the Task Force was as follows:

The ATV Task Force is mandated to discuss and make recommendations on the following issues: public safety, trail networking, environmental impact and legislative changes.

The Department of Public Safety was the lead Department for the purpose of the Task Force and provided all necessary support to facilitate the research and production of the final report. Mr. Michael Connolly, Assistant Deputy Minister, Safety Services Division was selected as Chairperson.

A number of non-government organizations and government departments were approached and appointed a representative from their respective areas to participate on the ATV Task Force (see Attachment B for a list of members). Other organizations, as well as the general public were also invited to express their concerns and make recommendations to the Task Force.

2. METHODOLOGY

CLARIFICATION OF TERMS

As defined by the New Brunswick *All-Terrain Vehicle Act*, an all-terrain vehicle means:

“any motor vehicle designed or adapted for off-road use and includes dirt bikes, dune buggies, motorized snow vehicles and amphibious machines but does not include any vehicle which is designed for use and is being used in agriculture, forestry, mining or construction, any vehicle registered under the Motor Vehicle Act or any vehicle exempted from the application of this Act by regulation.”

The primary focus of this Task Force in preparing this Report, is on 3¹ and 4 wheel all-terrain vehicles. Therefore, any reference to an all-terrain vehicle in this document is limited to these vehicles. Where the reference is meant to be inclusive of all vehicles defined as an all-terrain vehicle in legislation, it will be clearly indicated or the term off-road vehicle will be used.

INPUT TO THE TASK FORCE

Each member of the Task Force was asked to solicit input from their respective department or constituents and present them by way of verbal and/or written submissions. The Terms of Reference, which included the mandate of the ATV Task Force, were utilized by members of the Task Force to facilitate communication and to solicit input from their membership. The Chairperson requested formal presentations from members of the Task Force when necessary.

Public input was solicited by way of news releases that were posted on the Communications New Brunswick (CNB) website on two separate occasions, November 30, 2000 and March 2, 2001. Public input could be received in writing through the following means: fax, e-mail, or by making submissions to the Chairperson, Department of Public Safety through regular mail. Between December 2000 and June 2001, 56 submissions were received, which represented the views of 94 individuals and/or organizations (see Attachment C

for a summary of the issues, concerns, and recommendations as identified through these submissions). Each submission was acknowledged with a letter of appreciation from the Chairperson. Excerpts from these submissions will be used to reinforce and underscore the issues and concerns identified in this report, however the name(s) of the author will be withheld to protect their identity and privacy.

In addition to the organizations that were invited to make a presentation to the Task Force, a number of other organizations made requests directly to the Chairperson to present information and recommendations. The Task Force members specified that each presentation should be accompanied by a formal written submission. Attachment D acknowledges a list of organizations and departments, including Task Force members that gave formal written and/or oral presentations over a number of meetings.

The ATV Task Force met on nine (9) occasions between December 2000 and June 2001. In addition, a recommendations sub-committee met on one occasion. This Report is a summary of stakeholder consultation, research, presentations and submissions received from stakeholders and the general public who have a direct interest in the issues being addressed by the Task Force. However, it is not intended to be a comprehensive analysis of all issues relative to all-terrain vehicle use given the time frame allotted for completion of the study.

The Task Force received and considered in excess of one hundred recommendations with respect to all-terrain vehicle use in New Brunswick. The recommendations are categorized into seven broad areas: public safety, environmental protection, enforcement, legislation, trail networking, education, and funding. A consensus based approach was taken in arriving at key recommendations under each heading that the Task Force felt addressed the issues and concerns identified by participants, stakeholders and the general public.

¹ It is recognized that the sale of 3-wheel all-terrain cycles is banned in Canada, however that does not preclude that there are individuals who still own such vehicles.

3. OVERVIEW OF THE ALL-TERRAIN VEHICLE INDUSTRY

The all-terrain vehicle was first developed in Japan as a farm-to-town vehicle in isolated, mountainous areas as during spring thaws and the rainy season roads were often impassable with other vehicles. All-terrain vehicles soon became a recreational vehicle providing transportation to areas inaccessible by other motorized means of transportation. When the all-terrain vehicle first appeared in the United States in the 1970's, it was promoted and sold as a recreational vehicle².

All-Terrain Vehicle Manufacturers and Dealers

There are six (6) non-Canadian manufacturers of all-terrain vehicles including Arctic Cat, Honda, Kawasaki, Polaris, Suzuki and Yamaha. Bombardier, a Canadian company, also manufactures all-terrain vehicles. In the Province of New Brunswick, there are sixty-four all-terrain vehicle dealers.

REGISTRATIONS

The New Brunswick All-Terrain Vehicle Federation Inc. (NBATVF) produced a document titled "Sales, Revenues and Trends" using data from the NB Department of Transportation, Canadian All-Terrain Vehicle Distributors Council (CATV) and Statistics Canada. This document included all-terrain vehicle versus snowmobile registrations and all-terrain vehicle sales per capita. For those provinces identified, New Brunswick had the highest unit sales per thousand population at 6.5 in 1998-1999.

A report compiled by the Department of Public Safety provided the number of new/exchange units, renewals and total all-terrain vehicle registrations. The number of new/exchange units registered increased by approximately 16.0% from 1997-1998 to 1998-1999, 25.7% from 1998-1999 to 1999-2000, 4.6% to 2000-2001, **with an increase of 52.4% from 1997-1998 to 2000-2001**. The number of renewals increased by approximately 14.6% from 1997-1998 to 1998-1999, 20.6% from 1998-1999 to 1999-2000, 10.7% to 2000-2001, **with an increase of 53.0% from 1997-1998 to 2000-2001**.

The total number of units registered (including new/exchange and renewals) shows an increase of 14.9% from 1997-1998 to 1998-1999, 21.8% from 1998-1999 to 1999-2000 and an increase of 9.3% from 1999-2000 to 2000-2001, **with an overall increase in all-terrain vehicle units registered**

Table 1

All-Terrain Vehicle Registrations

Year	New/Exchange		Renewals		Totals	
	Units	Dollars*	Units	Dollars*	Units	Dollars*
1997-1998	4,490	\$73,762	15,005	\$240,149	19,495	\$313,911
1998-1999	5,207	\$84,779	17,192	\$275,018	22,399	\$359,797
1999-2000	6,544	\$106,006	20,735	\$331,680	27,279	\$437,686
2000-2001	6,842	\$111,248	22,961	\$367,286	29,803	\$478,534

* The dollar figure for New/Exchange includes the registration fee and new plate. The dollar figures for renewals include the registration fee only (may include new plate if needed).

² "Honda ATV History 101" (2000, April 14), *ATV Connection Magazine [Online]*. Retrieved 9/11/00 from the World Wide Web: <http://www.atvconnection.com/editor/feature/atvhistory/hondahistory.btm>

from 1997-1998 to 2000-2001 of 52.9%. See Table 1 below:

While the registration of all-terrain vehicle units has increased by over 50 percent from 1997-1998 to 2000-2001, the percentage increase from 1999-2000 to 2000-2001 dropped compared to the percentage increase in registrations in the previous years; especially for the registration for new/exchange units.

The economic impact to the Province is significant as shown in the table above, however it would be much greater if the Harmonized Sales Tax revenue was added³. The table does not show the Harmonized Sales Tax collected on the sale of new all-terrain vehicle units or the Province's portion of the Harmonized Sales Tax, which represents 8% of the 15%.

PROFILE OF ALL-TERRAIN VEHICLE USE

The New Brunswick All-Terrain Vehicle Federation Inc. (NBATVF) was incorporated in 1996 with a view towards promoting the safe and responsible use of all-terrain vehicles within New Brunswick. The number of recreational all-terrain vehicle riders who enjoy New Brunswick's provincial woodlands is now approaching 30,000. The NBATVF's role at the provincial level is to represent the interests of all all-terrain vehicle enthusiasts, ensuring that the sport continues to grow and is recognized as a safe and responsible form of all-season outdoor recreation.

The organization's executive committee consists of a President, a Vice President, an Executive Director, a Secretary, and a Director at large. The all-terrain vehicle community is subdivided into seven regions with each region having two volunteer directors.

There is currently 50 active clubs, of which 20 provide winter trail grooming.

Since there has not been a comprehensive study of all-terrain vehicle use in the Province of New Brunswick, provided for information purposes are some of the results of studies conducted in the Province of Québec and by the Consumer Product Safety Commission, Washington, DC relative to the profile of all-terrain vehicle use.

A 1996 study entitled « Étude sur le développement et la commercialisation touristique du Quad au Québec » reported on the Québec Quad activities⁴. At the time the Québec Quad structure consisted of 108 clubs and 23,000 members. It was estimated that there were between 185,000 to 225,000 quads in operation in Québec, of which nearly 148,000 were registered. At the time of the study, Québec had 14,127km of trails, of which 4,082km were accessible only in winter, and 7,260km only during the rest of the year.

The recreational Quad market in Quebec is based on two types of quadists:

- The excursionnists: all those quadists who absent themselves for more than two hours from their dwelling, without staying over night; and
- The tourists: those quadists who absent themselves and stay out for the night.

It was reported that 91,541 persons in Québec were recreational Quad owners or users. Quad enthusiasts made an average of 6.6 Quad trips per year with an average length of 4.6 days per trip. In the study, a number of deductions were made based on the profile of recreational quadists including the following:

- the socio-economic status of excursionnists and tourists is more or less equal; blue collar, age about 40; the tourist category has the edge revenue-wise (couples, before taxes);

³ An attempt was made to obtain information from Service New Brunswick (SNB) and the Department of Finance with respect to tax collected on the sale of all-terrain vehicles in the province. However, their information systems record the collection of taxes under one account number and do not differentiate between tax collected from one motor vehicle to another.

⁴ Zins Beaubesne & Associates, PLURAM (1996, July). *Étude sur le développement et la commercialisation touristique du QUAD au Québec, Fédération québécoise des clubs motocyclistes associés (F.Q.C.M.A.)*. As opposed to using the term all-terrain vehicle, the Québec study referred to above utilizes the following terms to refer to 3 and 4 wheel all-terrain vehicles, 3 and 4 wheel all-terrain vehicle owners and operators, and 3 and 4 wheel all-terrain vehicle activities: quad, quadists and quadding.

- they have been quad adept for six (6) years at least – slightly more in the tourist category;
- they travel usually in pairs or in groups of less than five (5);
- four (4) quadists out of ten (10) carry a passenger;
- summer is the preferred season [68% of the time; winter, however, is preferred by federated members (69% of the time)];
- the excursionists spent more time quadding annually;
- quadists do not travel outside of Quebec.

In 1998, the Consumer Product Safety Commission, Washington, DC completed exposure surveys on all-terrain vehicle use to provide a description of current usage patterns⁵. Some of the results from this survey are as follows:

- 14% of all-terrain vehicle drivers are children under the age of 16 years;
- almost two-thirds of drivers are male;
- the mean level of driver experience is 9.6 years;
- 11% of drivers reported participating in an organized training program, another 12% said they had received some training by all-terrain vehicle dealers or sales people;
- 23% of drivers reported never carrying passengers;
- 35% of drivers reported always wearing a helmet, 32% reported never wearing a helmet.

EMPLOYMENT USE

It is recognized that a number of government and non-government organizations and individuals utilize all-terrain vehicles in a work related capacity. The 1998 exposure survey conducted by the Consumer Product Safety Commission cited above found that 74% of all-terrain vehicle users reported some non-recreational use, including farming or ranching, household chores, and occupational or commercial tasks. A submission received by the Task Force with respect to non-recreational use of an all-terrain vehicle expressed the following viewpoint:

“Since the development of the [all-terrain vehicle], trappers from all parts of New Brunswick have found this to be an indispensable tool in reaching remote and not so remote areas of their traplines on both Crown and freehold lands. We therefore would be very seriously opposed to any regulations which would restrict the trappers use of [all-terrain vehicles] when carrying out lawful [fur harvesting] activities.”

Consideration has been given to such uses when identifying recommendations.

USE AS AN OUTDOOR RECREATIONAL ACTIVITY

One submission to the Task Force stressed the importance of the use of all-terrain vehicles as a recreational activity and stated that “the uses are as varied as the imagination of the operator”. In 1996, a survey on the importance of nature to Canadians was conducted (referred to as the Nature Survey)⁶.

The Nature Survey drew on a partnership of 16 federal, provincial and territorial agencies and examined the popularity of nature-related recreational activities to Canadians. This included the percentage of Canadians participating in 17 specified outdoor activities in 1996, including off-road vehicle use, by province or territory of residence. Table 2 is based on the New Brunswick and National rates of participation in these 17 nature-related recreational activities:

⁵ Consumer Product Safety Commission. “All-Terrain Vehicles; Comment Request- -Proposed Resolution”. [Federal Register: September 9, 1998 (Volume 63, Number 174)], [Notices], [Page 48199 – 48204]. From the Federal Register Online via GPO Access [wais.access.gpo.gov], [DOCID: fr09se98 – 46].

⁶ Federal-Provincial-Territorial Task Force on the Importance of Nature to Canadians (1999). “The Importance of Nature to Canadians: Survey Highlights”. (Cat. No En 47-311/1999E). Ottawa, ON: Published by authority of the Minister of Environment. Also available on the Internet on Environment Canada’s Green Lane: <http://www.ec.gc.ca/nature/survey.htm>

Table 2**Participation Rates in Nature-Related Recreational Activities**

Activity	NB Rate (%)	National Rate (%)
Relaxing in an outdoor setting	32.0	32.4
Sightseeing in natural areas	30.1	31.1
Picnicking	25.5	26.0
Swimming / beach activity	23.0	23.7
Camping	19.9	18.8
Hiking / backpacking	16.5	18.5
Photographing in natural areas	13.9	15.9
Gathering nuts, berries, firewood	12.6	11.0
Canoeing / kayaking / sailing	10.2	9.9
Power boating	5.5	9.3
Cycling in natural areas	7.3	8.6
Downhill skiing	2.3	4.7
Climbing	3.5	4.3
x-country skiing / snowshoeing	2.8	3.5
Off-road vehicle use	5.2	3.4
Snowmobiling	3.3	2.5
Horseback riding	1.0	1.6

ECONOMIC IMPACT OF RECREATIONAL ACTIVITIES

Economic Impact Québec Study, 1996

The economic impact of Quad activity in Québec was \$32.4 million from taxation revenues in 1995, of which \$12.2 million came from licensing and sales and \$20.2 million came from use of vehicle (90% came from recreational and tourist activities).

The tax revenue for Québec was calculated from three basic Quad activities (utilitarian, recreational and touristic), as well as from the cost of using some trail maintenance equipment. The data obtained from the Fédération Québécoise des Clubs Motocyclistes Associés (F.Q.C.M.A.) and the Canadian Council of All-Terrain Vehicle Distributors indicated that, in total, quadding injected \$163

million dollars into the economy in various areas of Québec.

It was concluded therefore, that the increasing level of Quad spending from Québécois, combined with the contributions from quaddists from elsewhere, would no doubt bolster the economy of Québec in the years to come⁷.

Economic Impact Nature Survey, 1996

The 1996 Nature Survey cited in Table 2 on the importance of nature to Canadians sampled approximately 87,000 Canadians 15 years of age and over. A second report based on the results of this survey focused on the economic significance of nature-related activities⁸. The report also incorporated the results of an American survey on spending by U.S. visitors to Canada for nature-related activities.

⁷ See footnote number 4 for reference.

⁸ Federal-Provincial-Territorial Task Force on the Importance of Nature to Canadians (2000). "The Importance of Nature to Canadians: The Economic Significance of Nature-Related Activities". (Cat. No En 47-312/2000E). Ottawa, ON: Published by authority of the Minister of Environment. Also available on the Internet on Environment Canada's Green Lane: <http://www.ec.gc.ca/nature/survey.btm>. This survey was designed to derive reliable estimates of nature-related activities among Canadians by sampling a portion of that population. The data included in the tables and figures are estimates drawn from that sample. In general, the reliability of any of the estimates depends on an adequate number of Canadians with all relevant characteristics being included in the sample. The statistical reliability of all estimates in the tables and figures were assessed by examining the sampling variability of each estimate. Most estimates meet Statistics Canada criteria for a sufficiently low level of variability to be used with confidence.

The results of these surveys show that Canadian residents and U.S. visitors spent \$11.7 billion on nature-related activities in Canada during 1996. The report examined the economic impacts of these expenditures for Canada and the provinces/territories in terms of contributions to GDP, jobs sustained, and tax revenues. Since there has not been a comprehensive economic impact study of recreational all-terrain vehicle use in New Brunswick, some of the results of this economic impact study will be reported for information purposes.

During the study period (1996), \$11.0 billion was spent by 20 million Canadians in the pursuit of nature-related activities during special trips or around their homes. Of the total expenditures 28.4 percent was spent on equipment used primarily for nature-related activities, 23.5 percent was spent on transportation, 18.4 percent was spent on food, 12.7 percent on accommodation and 5.8 percent on other items such as entry fees. Other nature related activities accounted for the remaining 11.2 percent.

Canadians spent \$7.2 billion on outdoor activities in natural areas. For the purpose of the survey, outdoor activities were defined as trips taken to natural areas such as forests, water bodies and other areas for the main purpose of participating in one or more of the 17 activities previously identified. They also spent \$1.3 billion for wildlife viewing, \$1.9 billion for recreational fishing, over \$800 million for hunting, and \$1.2 billion for other nature-related activities including contributions to nature-related organizations, sustaining land for conservation and residential wildlife-related activities⁹.

A survey conducted by the U.S. Fish and Wildlife Service estimated that U.S. visitors to Canada spent over \$700 million on two nature-related activities: wildlife viewing and recreational fishing.

Nationally, the estimated economic impact from the \$11.7 billion spent in Canada on nature-related activities led to contributions of \$17.3 billion to gross business production and \$12.1 billion to Canada's gross domestic product (GDP). Further, \$5.9 billion in personal income was generated by the 215,000 jobs that were sustained by this economic activity, as well as \$5.9 billion in government revenue from taxes.

The survey shows that New Brunswick residents spent a total of \$208.2 million on nature-related activities in 1996. Of this, \$116.4 million was spent on outdoor activities in natural areas, as well as \$26.2 million on wildlife viewing, \$44.0 million on recreational fishing, \$32.6 million on hunting wildlife and \$32.6 million on other nature-related activities¹⁰.

Of the total expenditures approximately \$56.9 million (27.3%) was spent on equipment used primarily for nature-related activities, \$49.3 million (23.7%) was spent on transportation, \$37.7 million (18.1%) on food, \$20.4 million (9.8%) on accommodation, and \$11.3 million (5.4%) on other items such as entry fees. Contributions to nature-related organizations, sustaining land for conservation and residential wildlife-related activities accounted for the remaining \$32.6 million (15.7%).

⁹ Expenditures will not add up to \$11.0 billion, as the expenditures for wildlife viewing, recreational fishing and hunting are for main and secondary activities combined. That is, if off-road vehicle use is the main activity and wildlife viewing the secondary activity, it is impossible to add up the expenditures without some duplication.

¹⁰ Again, the expenditures will not add up to \$208.2 million for the same reason stated in footnote number 9.

The survey reports that the estimated economic impact for New Brunswick residents from participation in nature-related activities led to contributions of \$193 million to the provincial gross domestic product (GDP), and supported 3,800 jobs. Further, local and provincial levels of government received \$61 million in revenue from taxes.

As a local example, a submission received by the Task Force from an individual who has been running all-terrain vehicle tours in New Brunswick since 1985, and Newfoundland since 1993 will attest to the economic value provided by the sport.

"I do [all-terrain vehicle] tours and a few Snowmobile Excursions for as we all know that it's a very short season and not dependable at all but profitable for quite a few. Now on the other hand our [all-terrain vehicle] season is much [much] longer and a lot more dependable especially if [you're] doing any long range planning. I already have all my bookings confirmed for [all-terrain vehicle] tours across Newfoundland for the upcoming year and the one and only tour that I'll be doing in New Brunswick... I'm bounded to do more in the province but I don't want to push my luck or beg people like I did for years so I guess I'll just pack my bags and go to Newfoundland and leave approximately Two Hundred Thousand Dollars behind which they bend over backwards for."



There are also special weekends organized by ATV clubs in the Province that have a significant economic impact on the area. The economic impact of the 2000 ATV Jamboree was significant for the Sussex area.

It can be concluded that significant economic value is derived from participation in nature-related recreation. New Brunswick residents have shown a great interest in nature-related recreation, surpassing the national participation rates in a number of areas. However it should be noted that off-road vehicle use contributes only a small proportion of this very important economic activity but has the potential to inflict considerable damage to natural areas, negatively impacting on how they are currently being enjoyed for other nature related activities.

HEALTH CARE COSTS

Department of Health and Wellness

The Department of Health and Wellness reported a significant number of inpatients and day surgery patients related to all-terrain vehicle accidents (see Attachment E). The Department reported the relative cost to the Province related to these injuries as \$252,378 for the year 1998-1999 and \$340,888 for the year 1999-2000. The actual cost of injuries cannot realistically be monitored because of the many different types of treatments available to an injured person.

The relative cost is not a true dollar amount but rather a cost assigned which is calculated using a specific relative measure of expected patient resource utilization multiplied by a dollar value assigned by Hospital Services, Department of Health & Wellness.

Retrospective Review of Trauma Data Bank: all-terrain vehicle related admissions

A retrospective review of the trauma data bank on all-terrain vehicle related admissions was conducted by Dr. S. Walling, a neurosurgeon at the Saint John Regional Hospital, a Tertiary Care Facility. The purpose of the review was to describe the nature and severity of head and spine injuries sustained from all-terrain vehicle use. The results of this review were provided to the Chairperson of the ATV Task Force and permission was granted to use them in the report.

An overview of the health care costs will be addressed in this section, with a more in-depth presentation of the nature and extent of the injuries being addressed in the section on Public Safety.

The Saint John Regional Hospital¹¹ had 106 all-terrain vehicle related admissions, 45 of which were admitted to the intensive care unit (ICU), during the study period (March 1998 to April 2000). It was acknowledged that it was difficult to determine direct or an indirect cost, as the hospital does not track individual costs, only averages. However, they were able to determine that all-terrain vehicle related admissions to the ICU added up to 139 days. The average cost for an ICU bed, excluding operating room costs and investigations, is \$923/day. All-terrain vehicle related admissions to the ICU therefore, cost the Saint John Regional Hospital approximately \$128,297.00 for ICU costs alone.

Further, the author cites research whereby it is estimated that the lifetime cost for the care of a spinal cord injured patient in Canadian dollars is between \$1.5 and \$4 million. It is also thought that this estimate would apply to those who have suffered a severe head injury. Of the all-terrain vehicle related admissions, a conservative estimate indicated that there were 2 spinal cord injuries and 5 severe head injuries that would require long term, ongoing care and these individuals will likely never return to the work force. It was estimated that these 7 patients alone could cost the Province in the range of \$10.5 to \$28 million.

¹¹ Note that this data represents ATV related admissions to the Saint John Regional Hospital only and is not to be interpreted as provincial data.

4. ISSUES AND CONCERNS WITH ALL-TERRAIN VEHICLE USE

TRESPASS ON PRIVATE AND PUBLIC PROPERTY

A common and recurring theme in submissions and presentations to the Task Force was the issue of all-terrain vehicles illegally accessing private and public property; creating a nuisance, safety hazard, or causing serious property and environmental damage. Trespass on the Sentier NB Trail, where the use of an all-terrain vehicle is prohibited, was a primary issue of concern for a number of people as can be demonstrated through the following quote from a submission to the Task Force:

“This letter is a request to alter the Sentier NB Trail because of an incident regarding myself and my children...an [all-terrain vehicle] whipped by us in a cloud of dust spewing gravel all over my children (ages 2 and 4) and myself...after speaking to the RCMP...Department of Natural Resources, the Health and Safety Commission, my local MLA, the Department of Public Safety...the information I obtained from all of these offices was that even though this individual was breaking a law by being on the Trail I could not do anything to keep him off the trail in the future”.

One of the concerns of the Task Force is the level of frustration expressed by property owners in this regard and the potential for physical altercations that may occur as a result of venting these frustrations if nothing can be done to curb these illegal activities.

Concerns with respect to trespass and damage to property were also expressed in the report of the Wood Theft Working Group titled *“Theft and Trespass: Impact on Landowners and Industry”* (2000)¹². As a result of the growing problem of theft of wood from private woodlots and trespass problems/damage to woodlots and farms, the Wood Theft Working Group was established by Government in May 2000. A final report and recommendations were presented to Government in October 2000, and released to the public in February 2001.

The findings of the Working Group identified a serious and growing problem of theft of wood from Crown and private lands resulting in a loss of millions of dollars, inclusive of trespass and damage to private and agricultural lands and/or property. The findings also indicated a basic outright disrespect for the law and property rights throughout the province.

Stakeholders involved in the Wood Theft Working Group expressed concern that incidents of theft, trespass, vandalism, and damage to property and lands are facilitated by the increased use of all-terrain vehicles. It was also noted that there is no specific provision in the *All-Terrain Vehicle Act* that makes it an offence to operate an all-terrain vehicle on private property without the landowners permission. Landowners expressed frustration with the decline in respect for their property and fear of violent confrontations as they attempt to police their properties themselves. Indeed, it was reported to the Wood Theft Working Group that some landowners have begun to carry firearms.

A number of recommendations were presented to the Ministers of Justice, Natural Resources and Energy and Public Safety in the areas of enforcement, legislation, education and prevention, some of which addressed all-terrain vehicle use. In order not to prejudge the outcome of the work of the ATV Task Force, those recommendations with respect to all-terrain vehicle use specifically were deferred to the ATV Task Force for their consideration (see Attachment F).

¹² The Report is available Online at <http://www.gnb.ca/ps-sp/> or <http://www.gnb.ca/0078/index.htm>



In addition to trespass and the resulting damage on woodlots and farms, a submission was received from the New Brunswick East Coast (NBEC) railway with respect to all-terrain vehicle trespass on their property. This short-line railway operates a line from Campbellton to Moncton with a right-of-way of a minimum of 50 feet (15.2 metres). All-terrain vehicles illegally run along their property and cross the tracks at various locations.

While all-terrain vehicle trespass is a problem, the most serious problem as identified by NBEC is the operation of all-terrain vehicles parallel to the tracks along or near the ends of the “ties”. The continuous running of vehicles wears down the structure of the system by weakening the soil. Once the soil along the tracks is weakened, the lateral forces caused by the weight of the train causes movement of the tracks. This creates a serious situation that if not found and rectified, could cause a train derailment.

The Department of Transportation identified a similar problem with their highway rights-of-way wherein all-terrain vehicles illegally operating along highway shoulders and foreslopes have severely rutted these components of the highway infrastructure, creating environmental problems and a safety hazard for the motoring public.



The Maritime Road Development Corporation (MRDC) also provided a submission to the ATV Task Force with respect to the operation of all-terrain vehicles (all-terrain vehicles, snowmobiles, dune buggies, dirt bikes, etc.) on the Fredericton-Moncton Highway Project (F-MHP). MRDC staff have observed the use of all-terrain vehicles on the facility corridor, on both the open and under construction segments, and they expressed concern over some of the safety and environmental aspects of all-terrain vehicle operation on the highway corridor. The safety aspects will be addressed in this section whereas the environmental aspects will be addressed elsewhere in the document.

MRDC advised that they wrote to the Province in 1999 outlining their concern with sections 16 and 17 of the *All-Terrain Vehicle Act*. Section 16 prohibits the operation of an all-terrain vehicle within 7.5 metres of the traveled portion of a highway. However, notwithstanding section 16, section 17 includes provisions whereby an all-terrain vehicle may be driven across any roadway. It is MRDC’s opinion that these are dangerous practices on a high-speed traffic corridor and should not be permitted. Several reasons cited as support for this position in their submission included the following:

- “The design speed of the F-MHP is 120kph, and the clear zone requirements for the highway is 10.0 m to either side of the traveled lanes. The clear zone provides for the protection of errant vehicles leaving the highway and within this zone no fixed objects are allowed without guardrail or a crash attenuation device. Presently, [all-terrain vehicles] are legally allowed to operate within the clear zone.”
- “While the posted speed of the F-MHP is 110kph, it is well known that the average speed is significantly higher and that commonly vehicles exceed speeds of 140kph. At these speeds, highway vehicles traverse the length of a soccer field in under three seconds. The distance required for a vehicle to safely adjust their speed, stop or maneuver their vehicle to account for an unexpected [all-terrain vehicle] crossing is nearly 500 [metres] under ideal conditions, during reduced visibility this distance is significantly longer.”

- “While users of the F-MHP are varied, a high percentage are tourists who are unfamiliar with the facility and typically would not expect to encounter [all-terrain vehicles] crossing or using the facility as most other road authorities prohibit these maneuvers on high speed freeways.”
- “The operation of [all-terrain vehicles] at night facing oncoming traffic is a disturbing situation along the F-MHP. Lights from the [all-terrain vehicles] when facing oncoming highway traffic are disorienting to drivers and can disrupt driver visibility. This is of particular concern in non illuminated areas of the F-MHP due to the time required for the drivers eyes to readjust to the ambient light levels. This becomes even more of a concern to drivers who are unfamiliar with the highway.”



over half of the accidents are occurring along public highways. This points to a serious safety problem with off-road vehicles (snowmobile and all-terrain vehicles) illegally operating off-trail, along highways, roads, and on private property, as demonstrated by the following comment from a public submission:

“Yes, [all-terrain vehicles] are trespassing on private property in this community, and travel public roads with impunity.”

A closer look at the accident reports for 2000 indicated that almost 60% of the snowmobile and other all-terrain vehicle accidents involved losing control of the vehicle, falling off, flipping, overturning, or striking a fixed object. However, 28% of the accidents involved a collision with a parked or moving motor vehicle, 11% of the accidents involved collisions with another off-road vehicle, and close to 2% of the accidents involved collisions with pedestrians. These accident statistics again reinforce what the Task Force has heard regarding the many reports of illegal and dangerous operation of all-terrain vehicles in the province.

PUBLIC SAFETY

With the increase in sales of all-terrain vehicles in New Brunswick, there has also been an increase in the number of reported accidents. In the calendar year 1996 there were 40 snowmobile accidents recorded along with 87 accidents involving other all-terrain vehicles. In calendar year 2000, 48 snowmobile accidents were reported, and there were 153 accidents involving other all-terrain vehicles, an increase of approximately 75% from 1996 (see Table 3 below).

One of the more disturbing facts from the accident reports was that only about 12% of the snowmobile and other all-terrain vehicle accidents are actually occurring on recognized trail networks, whereas

Table 3
Accident Statistics¹³

Year	Snow Vehicle	All Terrain Vehicle	Total
1996	40	87	127
1997	72	68	140
1998	44	85	129
1999	39	118	157
2000	48	153	201

¹³ Accident statistics were obtained from the Department of Transportation’s Motor Vehicle and All-Terrain Vehicle Reports.

Department of Public Safety: Coroner Statistics

A team from the Department of Public Safety, including staff from the Coroner's Office, compiled data from the Coroner's files on all-terrain vehicle related fatalities. The Coroner data was drawn from two primary sources in the Coroner's file: the Coroner's Investigation Statement and the Police Report.

In addition to the information gathered for entry to the automated system, the Coroner's Investigation Statement will normally include some comments. These comments provide a more detailed explanation of the circumstances of the death, including the factors that may have led to the death. The Police Report also includes a commentary section and explanation of the circumstances.

The focus of the police investigation in a death is to eliminate concerns of foul play. Once this has been established, the coroner's role is to ensure that the cause and manner of death has been established and arrange for any medical expertise required to make that determination. Therefore, this summary does not purport to provide a complete explanation of all of the factors.

All accidental motor vehicle death files for the period 1997-1998 to 1999-2000 were reviewed. A number of details were recorded including the date of death¹⁴, region where the death occurred and certain demographic information. These are factors recognized by researchers as significant. Note that Coroner statistics are published based on fiscal year (April 1 – March 31), whereas the Department of Transportation statistics referenced above in Table 3 are based on calendar year. Further, the Department of Transportation accident statistics include both fatal and injury accidents whereas the Coroner statistics only include accidents that resulted in a fatality.

The Office of the Coroner accidental death statistics indicated that 2.8% of all accidental motor vehicle deaths in 1997-1998 were three and four wheeler deaths. In 1998-1999 three and four-wheeler accidental deaths accounted for 3.7% of all motor vehicle accidental deaths, and in the year 1999-2000 they accounted for 4.9%. The registration of all-terrain vehicles has increased considerably since 1996, which could account for the increase in deaths per year.

¹⁴ The date and time of the death does not necessarily coincide with the date and time of the accident.

¹⁵ There were four (4) deaths after hospital admission.

For the years reviewed, all of the all-terrain vehicle related fatalities involved male drivers. In 1997-1998 the average age of the victim was 47, with a range from 40-54 years old, the average age of the person was 50 in 1998-1999 with a range of 16-76 and in 1999-2000, the average age was 33 with a range of 12-67 years old. Reasons for the accidental deaths as recorded in the Coroner files included: helmets were not worn, lost control of the machine, speed, and alcohol. At least two of the fatalities involved a collision with another motor vehicle.

Department of Health and Wellness: Statistics

The Department of Health and Wellness provided statistics as recorded in the Hospital Financial & Utilization Management System (HFUMS). The HFUMS records data for inpatients and day surgery patients only. Therefore, the system is unable to provide statistics on emergency room visits and other outpatient visits, as the database does not capture the statistics for these areas.

The reports included discharges from New Brunswick hospitals. The hospital information does not record the exact type of off-road motor vehicle and, therefore, it could be a dirt bike, an amphibious machine, a snow vehicle, a farm tractor, a three or four wheeler, or a dune buggy.

The HFUMS databank recorded 88 injuries for the fiscal year 1998-1999 and 121 injuries for the fiscal year 1999-2000. As stated above, these injuries are inpatient and day surgery patients only and does not reflect the outpatients seen through emergency room visits. See Attachment E for more information on the data provided by the Department of Health and Wellness.

Retrospective Review of Trauma Data Bank: all-terrain vehicle related admissions

As previously noted, a retrospective review of the trauma data bank on all-terrain vehicle related admissions was conducted by Dr. Walling at the Saint John Regional Hospital. Local and provincial licensing boards were also contacted, and provincial statistics solicited from the RCMP. Attempts were made to conduct a follow-up interview with all survivors by telephone¹⁵. The purpose of the review was to describe the nature and severity of head and spine injuries sustained from all-terrain vehicle use.

The Saint John Regional Hospital had 106 all-terrain vehicle related admissions, 45 of which were admitted to the intensive care unit (ICU), during the study period (March 1998 to April 2000). The mean age of those admitted with all-terrain vehicle related injuries was 32.7 years, with a range from 3 - 83 years old. Males outnumbered females 8 to 1. The incidence was higher in the spring and summer months and 87% of all injuries occurred between 12 noon and midnight.

Of the 45 ICU admissions, 20 were admitted with head injuries and there were 2 spinal cord injuries (1 quadriplegic and 1 paraplegic), as well as 3 cervical spine, 4 thoracic spine and 7 lumbar spine fractures. All-terrain vehicle related trauma accounted for 7.6% of all trauma admissions during the study period with 40% of the admissions going to the neurosurgical service, 35% to orthopedics and 25% to general surgery. Forty-six (46) percent of the admissions had multi-system injuries. Also of note, 13% of those who sustained all-terrain vehicle related injuries and were admitted to the hospital did not wear a helmet and alcohol use was present in 21.6% of the cases.

As part of the study, the injury severity score (ISS) for each case was calculated. The ISS is an anatomically based tool used to measure overall injury severity and probability of survival and was developed to provide a simple numerical method for ranking and comparing injuries by severity. An ISS greater than 12 is considered a severe injury. All 45 of the individuals admitted to the ICU had an ISS score greater than 12. Although not statistically significant the following trends were noted:

- mean ISS of those who wore a helmet and did not consume alcohol was 13.08
- mean ISS of those who did not wear a helmet was 16.5
- mean ISS of those who did not wear a helmet and consumed alcohol was 17.9

During follow-up telephone interviews, excluding the 2 spinal cord injury and 5 severe head injury patients, 17 of the patients admitted to ICU were contacted. These patients reported an average of 139 days or 27.8 weeks before being able to return to work. Of the 61 patients not admitted to ICU, 27 were successfully contacted. Five (5) or 8% still had not returned to work and the remainder reported a loss of 125 days or 25 weeks of work.

Health Canada

A publication obtained from the Health Canada web site titled "*All-terrain Vehicles are Not Toys*"¹⁶ provides some data on all-terrain vehicle-related injuries to children. Based on Canadian data (excluding the territories, PE and NB) from the Canadian Institute for Health Information as cited in this document, 440 children were admitted to hospital following all-terrain vehicle accidents in 1996.

In 1996, by age, the hospital admission rates for all-terrain vehicle accidents were 0.8 per 100,000 for children aged 1 to 4 years, 2.4 per 100,000 for children aged 5 to 9 years, 9.8 per 100,000 for children aged 10 to 14 years, and 9.8 per 100,000 for 15 to 19 years old youth. However, it was felt that rural residents were probably under reported in this data. Health Canada's Canadian Hospitals Injury Reporting and Prevention Program (CHIRPP) collects emergency room data from 10 pediatric and 5 general hospitals across Canada, and the bulk of data comes from pediatric hospitals in major cities.

In a review of the data, it was found that all-terrain vehicle injuries were most common among male children and in children aged 15 to 19 years. Further, it was found that approximately half of the all-terrain vehicle related injuries occurred in the summer months (June to August) and on the weekends, with the most common time reported for accidents occurring being between 4pm and 8pm. Based on this analysis, it would suggest that most accidents occurred during recreational use as opposed to non-recreational use of the vehicle.

¹⁶ Health Canada. "*All-terrain Vehicles are Not Toys*". *Farm Family Health: Vol 8 No. 1 Spring 2000 [Online]*. Retrieved 6/12/01 from the World Wide Web: http://www.bc-sc.gc.ca/bpb/lcdc/publicat/farmfam/vol8-1/ff8-1a_e.html

Included in this document were the recorded descriptions of a number of all-terrain vehicle related accidents involving children. These descriptions are as follows:

- A 15-to-19-year-old male passenger caught his leg in the fender. He was thrown from and then dragged by the vehicle and suffered a concussion, fracture and abrasions.
- A 10-to-14-year-old boy was riding an all-terrain vehicle up a steep hill. The vehicle flipped over onto the boy, breaking his arm.
- A 10-to-14-year-old female was a passenger on an all-terrain vehicle that lost control and hit a pole. She suffered a broken femur and broken cheekbone.

Perhaps most disturbing are the following descriptions of all-terrain vehicle related accidents involving children under 10 years of age:

- A 1-to-4-year-old boy who was a passenger on the back of an all-terrain vehicle jumped off while it was moving, broke his leg and suffered abrasions to his back.
- A 5-to-9-year-old boy driving an all-terrain vehicle crossed a road without lights and was hit by a car. His injuries included a skull fracture, concussion and cuts to his face.
- A 5-to-9-year-old girl driving an all-terrain vehicle lost control while travelling 65 km/h. She suffered a lung hemorrhage, bruising of the abdomen and a broken wrist.

Several presentations and submissions to the Task Force reported young children as passengers and drivers of all-terrain vehicles, including the following:

“...little children seven [years] old and younger are operating these [all-terrain vehicles]. They put children 3 or 4 [years] old on the back of them”.

“Children under the age of sixteen driving [all-terrain vehicles] (most of the time without helmets on).”

While the above data from the article “*All-terrain Vehicles are Not Toys*” did not include New Brunswick, Prince Edward Island or the territories, Health Canada provided some information to the Chief Coroner for the Province of New Brunswick on hospitalizations and deaths associated with all-terrain vehicles¹⁷. The hospitalization data are for fiscal years and the deaths are based on calendar years.

The data provided included the total counts and mean rates/100,000 (5-year mean rates, fiscal years 1994-1995 to 1998-1999) for all-terrain vehicle hospitalizations, by sex and province/territory. New Brunswick had the highest mean rate/100,000 at 18.8 for males, whereas the New Brunswick mean rate for females was second highest at 4.1. For males and females combined, New Brunswick had the second highest mean rate/100,000 at 11.4, surpassing the National mean rate of 4.7.

New Brunswick mean rates/100,000 for all-terrain vehicle hospitalizations based on age group surpassed the national mean rates for every age group. The highest mean rate/100,000 was for the 15-19 age group at 28.9. This is consistent with the data presented above from the article “*All-terrain Vehicles are Not Toys*” which found that all-terrain vehicle injuries were most common among male children and in children aged 15 to 19 years.

Also provided was data on the total counts and mean rates/100,000 for all-terrain vehicle deaths (calendar years 1994 to 1998), by sex and province/territory. During this time there was a total of 7 all-terrain vehicle deaths (all males) in New Brunswick. At a mean rate/100,000 of 0.37 this was the second highest rate for males and the third highest mean rate for males and females combined at 0.19. The National mean rates/100,000 were 0.17 for males, 0.02 for females and 0.10 for males and females combined.

Based on age group, the New Brunswick mean rates/100,000 were 0.39 for the 10-14 age group, 0.37 for youth aged 15-19, 0.36 for the 20-24 age group, 0.34 for those aged 25-34 years, 0.21 for those 65 years and older and 0.16 for the 35-44 age group. See Attachment G for more information on all-terrain vehicle related hospitalizations and deaths.

¹⁷ *All-terrain vehicle hospitalization results (total counts and mean rates/100,000) were based on Health Canada analysis of data from the Canadian Institute for Health Information. All-terrain vehicle deaths (total counts and mean rates/100,000) were based on Health Canada analysis of Statistics Canada data.*

Risk Analyses

Recommendations from the Canadian Task Force on Preventive Health Care were finalized in November 1992¹⁸. The Task Force examined high-risk behaviours that might lead to injuries and fatalities including off-road vehicle use. Canadian and U.S. studies revealed the following risk factors associated with off-road vehicle use: excessive speed, improper apparel and non-use of helmets, inexperience, and alcohol abuse. By wearing safety helmets, persons who operate or ride on motorcycles or all-terrain vehicles can reduce their risk of injury or death from head trauma in the event of a crash. In regions where their use is required by law, such helmets have been shown to reduce mortality by about 30%.

In 1998, the Consumer Product Safety Commission, Washington, DC completed an injury and risk survey on all-terrain vehicle use to provide a description of current hazard patterns¹⁹. See Attachment H for details on the injury survey. Below are some of the important results of the risk survey:

- risk of injury declines with age;
- risk for children is about 2.5 times the risk of drivers aged 16-34, and about 4.5 times the risk for drivers aged 35-54;
- risk declines with driving experience;
- risk declines with the percentage of time that all-terrain vehicles are used in non-recreational (as opposed to recreational) activities;
- risk is higher for males than for females;
- holding all other factors constant, risk is 2.5 to 3 times higher on the three-wheel all-terrain vehicles than on four-wheel all-terrain vehicles.

ENVIRONMENTAL DAMAGE

All-terrain vehicles allow access to areas of the province that are not normally accessible by other motorized means of transport. This has a negative impact on the environment, fish and wildlife, and private property owners. Following is an overview of some of the issues and concerns as identified to the Task Force relative to the impact of all-terrain vehicle use on the environment.

Agricultural / Woodlot lands

A joint submission to the Task Force from the New Brunswick Federation of Woodlot Owners Inc., New Brunswick Federation of Agriculture Inc., and la Fédération des agriculteurs et agricultrices francophone du Nouveau-Brunswick Inc. stated that their concerns center on vehicle trespass on agricultural and woodlot lands, and the associated damages. The Task Force heard evidence of damage caused by irresponsible vehicular trespassers including:

- destruction of crops, fields and plantations;
- damage to soil structure, erosion;
- damage to and destruction of infrastructure (e.g. fences, roadways);
- harassment or accidental release of livestock;
- hazardous and unsightly littering;
- illegal dumping, which can include environmental hazards (paints, lubricants, etc);
- breaches of bio-security protocols;
- theft

Coastal Zones

There are approximately 5,501 kilometers of coastline in New Brunswick (including islands) divided between the Gulf of St. Lawrence coast and the Bay of Fundy coast. Ninety (90) percent of New Brunswick's land above the ordinary high water mark is freehold land, while over ninety percent of land below the ordinary high water mark, typically known as submerged lands, are provincial Crown lands. Provincial parks and park reserves make up about 67 kilometers of coastline, and approximately 51 kilometers of coastline are within National parks.

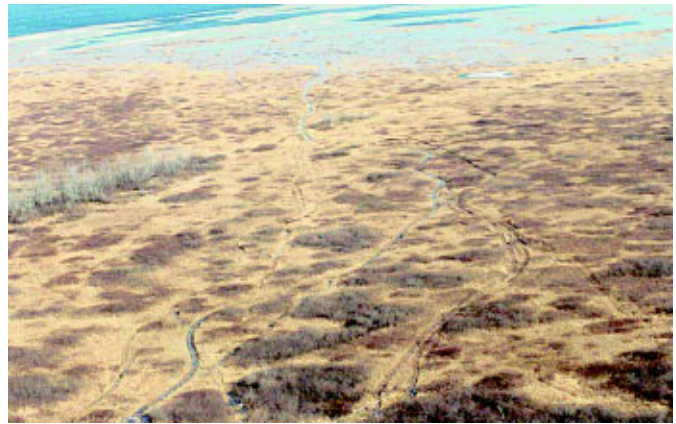
¹⁸ *Canadian Task Force on Preventive Health Care (1992, November). "Prevention of Motor Vehicle Injuries". Retrieved 9/11/00 from the World Wide Web: http://www.ctfphbc.org/Full_Text/Cb44full.htm*

¹⁹ *See footnote number 5 for reference.*

Coastal lands are important social, economic, cultural and natural assets to New Brunswick. Coastal areas contain the main concentrations of population and are the focus for a diverse range of recreational and tourism activities. Coastal industries including fishing, aquaculture, forestry, and agriculture also rely on the quality and sustainable utilization of our coastal lands or gain direct economic benefits from a coastal location. At the same time it is important to protect the unique features and ecosystems of natural coastal areas from inappropriate development, which would degrade habitat.

Over the past few years the province has been developing a provincial land use policy to address the management of New Brunswick's Coastal Lands. The fundamental aim of this policy is to protect the character and territory of coastal lands while maintaining a commitment to the sustainability of New Brunswick's coastal communities.

Any proposed policy response would need to establish provincial minimum standards to manage growth and development of coastal lands equitably throughout the province. Issues related to the establishment of appropriate public access to the shore as defined by the community, and setting aside lands as natural coastal habitat are also being considered. Building flexibility into any proposed policy response to deal with special circumstances and existing land uses through the use of exemptions will also need consideration.



Coastal lands include beaches, dunes, coastal marshes, mud flats and other areas influenced by surface salt water. All-terrain vehicle trespass into coastal lands typically results in:

- disruption and destruction of sensitive floral and faunal species;
- degradation of critical and sensitive habitat;
- failed breeding attempts, and death of young birds (a serious problem for the endangered Piping Plover);
- breaches of dune systems causing instability to the dune leading to flooding and coastal erosion.

Endangered Species

Ms. Diane Amirault prepared a submission to the ATV Task Force on behalf of the Eastern Canada Piping Plover Recovery Team and the Canadian Wildlife Service, Atlantic Region. The Piping Plover Recovery Team includes representation from five provincial jurisdictions, two Canadian Wildlife Service regions, Parks Canada, non-government conservation organizations and academics. The Recovery Team is focused on the recovery of the Piping Plover in the region since it was listed as an Endangered Species in 1985. The Canadian Wildlife Service also has a mandate for the protection of migratory birds, their nests and eggs.

The Piping Plover is a small shorebird that nests on coastal beaches in Eastern Canada. New Brunswick is particularly significant in respect of the large number of Piping Plovers that nest on the province's coastal beaches. They were listed as an endangered species in 1985 as a result of many natural and human induced threats; these threats reduce chick survival rates and increase adult mortality. Natural threats are difficult to mitigate, therefore considerable effort has been devoted to minimizing the impacts of human induced threats.

The impact of all-terrain vehicles on Piping Plovers has been well documented and can include direct and indirect impacts²⁰. All-terrain vehicles on beaches can directly impact the birds by destroying nests or eggs, and contribute to the mortality of adults and flightless chicks. Indirectly they cause such impacts as disruption of courtship and territorial behaviour, abandonment of nest sites, degradation of feeding habitat and beach ecosystems, and the need for greater energy expenditures to conduct routine activities such as feeding and brooding. An example of habitat degradation caused by all-terrain vehicles are the ruts created in the sand. These ruts pose a significant impediment for movement to and from feeding areas for small chicks who, when becoming trapped in the depression in the sand, are easy prey for gulls and crows.

Other submissions to the Task Force elaborated on other species that inhabit or breed in streams, rivers, ponds, marshes or bogs that may be negatively impacted by all-terrain vehicle use. These include the two-lined and Dusky salamanders, the Red-bellied Snake, Gray Tree Frogs, Wood Turtles, Southern Bog Lemmings, and various fish and aquatic species.

Highway Rights-of-Way (R.O.W.)

A submission from the Department of Transportation indicated that they have developed an Environmental Protection Plan and Field Guide to assist in ensuring the natural environment is protected when highway infrastructure and rights-of-way are initially developed and maintained on an on-going basis. Environmental protection measures initiated by Department of Transportation can be damaged and rendered ineffective by other authorized and unauthorized users of highway infrastructure and R.O.W.

The Maritime Road Development Corporation (MRDC) also noted in their submission to the ATV Task Force that among the many challenges in constructing and operating the Fredericton-Moncton Highway Project (F-MHP), the environmental management of the project are some of the most challenging. MRDC identified a number of environmental concerns as a result of all-terrain vehicle use (all-terrain vehicles, snowmobiles, dune buggies, dirt bikes, etc.), including:

- “The slopes and embankments along the highway are designed to support the roadway structure and provide for drainage while preventing erosion or slope failure from weathering. Annually, during the spring of the year these embankments and slopes are vulnerable to damage as the groundwater table is high and the vegetation, which stabilizes the slopes, is dormant or not fully developed. During these periods, when [all-terrain vehicles] traverse and run on the slopes, they cause significant damage which leads to erosion, slope slips and even whole scale slope failures. This damage unfortunately creates sedimentation in the water runoff which enters waterways and fish habitat along the road corridor and contributes to culvert and ditch siltation.”
- “Another area of concern are plunge pools and reconstructed fish habitat within the highway corridor which have been designed and constructed to minimize the impact of the highway facility on the fish population at culverts along the highway. Staff have observed these areas being repeatedly used by [all-terrain vehicles] as trails or as areas to clean their machines. It should be noted that many of these streams are fish habitat that required Federal authorization to allow the highway to cross and are being regularly abused by [all-terrain vehicles].”
- “During the construction of the F-MHP many areas have been seeded and mulched to minimize runoff and sedimentation. Many of these areas have been damaged by [all-terrain vehicles] traversing and meandering across newly re-vegetated areas.”

²⁰ Ms. Amirault provided a number of references on the impact of all-terrain vehicle use on the Piping Plover, the list is available on request.

Noise and dust pollution

Several submissions to the Task Force noted the significant noise and dust pollution associated with all-terrain vehicle use. This hinders others enjoyment of nature, wildlife, and their own property. Others expressed concern because of health problems (respiratory allergies and



sensitivities). Some comments received from the general public in this regard are as follows :

"I live adjacent to the Trans Canada Trail... The trail crosses our driveway. I have respiratory allergies and sensitivities and all-terrain vehicle traffic on the trail increases my health problems... The dust raised when they pass makes it impossible to stay outside without wearing a mask or suffering ill effects. It is ironic that we moved to the country so I would be exposed to fewer air quality problems. We never dreamed a dirt road would be constructed by our front door".

"...biking on the NB Trail... We heard (and saw) an [all-terrain vehicle] approaching... and moved completely off the trail to give it room to pass. The driver never slowed down which makes us wonder if he even saw us. In all, there were 6 [all-terrain vehicles] and there is definitely no way the following 5 machines could ever have seen us with the amount of dust that was being produced... I did not appreciate my clothing being covered with dust and the fact that my eyes and mouth were full of it.

"I am a homeowner with four acres directly bordering the Sentier NB Trail... Soon a steady stream of [all-terrain vehicles] were droning by our property, from dawn until late at night. In

dry weather conditions the dust makes it impossible to open windows facing the trail. The straight, smooth sections of this trail just beckon [all-terrain vehicle] riders to see how fast they can go. In the summer of 1999 the dust from these trail abusers coated our vegetable garden located 400 feet from the trail! Imagine what this dust did to the plant life located beside the trail.

Similar to the last comment cited, other submissions also noted the impact of noise and dust pollution on sensitive plants and wildlife species during critical periods of growth, reproduction and migration. Wildlife and/or plant species may not adapt to the noise and dust caused by all-terrain vehicles and could leave the area or die.

Protected Areas²¹

A proposal for developing a comprehensive network of protected areas for New Brunswick was commissioned by the Department of Natural Resources and Energy in 1997. Dr. Louis LaPierre completed the study and published his findings in a report titled *A Protected Areas Strategy for New Brunswick*. This report identified twelve (12) potential candidate sites for the coarse filter component of the protected areas network for New Brunswick. Subsequently the report was released by the Minister of Natural Resources and Energy for public information, review and comments in September 1998.

Early in 1999, Dr. LaPierre held 20 public meetings across the province to receive submissions and presentations on the proposed plan for *A Protected Areas Strategy for New Brunswick*. A report summarizing the comments received and making recommendations to the Minister of Natural Resources and Energy regarding the final strategy was prepared. This report included fifty (50) recommendations, which supported in principle the proposal to establish a comprehensive system of protected areas in New Brunswick.

This report also contained a summary of the major issues and concerns as expressed by New Brunswickers with respect to this proposal. For the purposes of this Task Force, the issues and concerns expressed with respect to recreational access and use and off road motor vehicle and snowmobile use in the proposed protected areas are of the most interest. Some comments from the

²¹ All reports on the Protected Areas Strategy are available Online at <http://www.gnb.ca/0078/index.htm>

“comments summary“ with respect to recreational access and use are as follows:

“People expressed the greatest interest and concern about hunting and fishing, snowmobiling and all-terrain vehicle use, and the enjoyment of hunting and fishing camps”.

“Others expressed the importance of providing high quality opportunities for activities such as canoeing, biking and the enjoyment of nature. These submissions emphasized the importance of minimizing potential impacts of recreational use on the natural environment, as well as avoiding conflicts between different recreational activities“.

“Despite differing views on which recreational activities are appropriate in protected areas, there was widespread support for planning and consultation processes that provide for the effective input of all interested parties when decisions are being made about the management of individual areas“.

Further, some comments about off road motor vehicle and snowmobile use from the “comments summary“ include:

“The opinion was expressed frequently by presenters representing the various all-terrain and snowmobile clubs that they should be allowed to travel within the protected areas, at least on existing trails. “

“Conversely, others expressed the opinion that there should be limited motorized travel in protected areas because of negative impacts on the environment or on the quality of the wilderness experiences of other users. “

“Those advocating the use of snowmobiles and all-terrain vehicles in protected areas stressed that these vehicles facilitate access for other recreational purposes such as scenic viewing, hunting and fishing. “

“Many supporters of these activities, particularly the members of the off road and snowmobile clubs, also expressed a willingness to accept some restrictions, such as limiting use to designated trails or relocating trail alignments to avoid environmentally sensitive areas, in the event of a possible future protected area designation. “

As a third component of the process to define *A Protected Areas Strategy for New Brunswick*, a Protected Areas Strategy Stakeholders’ Committee was established to review Dr. LaPierre’s findings and recommendations. The Committee’s mandate was to review all fifty recommendations in the 1999 report “Summary of Public Hearings and Recommendations“ and develop an action plan to see the network of protected areas implemented by 2005. Also included as part of the Committee’s mandate was finalization of the boundaries and land uses for the proposed sites.

Working on a consensus based approach, the Protected Areas Strategy Stakeholders’ Committee finalized their report in June 2000, followed by its release to the public in August 2000. The Committee proposed that the following activities should be permitted within the protected areas:

- ecotourism activities;
- hiking;
- non-motorized boating, e.g., canoeing;
- wilderness camping;
- fishing (hook-and-release);
- existing campsite leases only;
- access via motorized means to existing campsite leases;
- access via snowmobiles, all-terrain vehicles and on-road vehicles only where a road/trail crosses the protected area and is a main thoroughfare. These will be designated for each site.

Further, they proposed that the following land uses should not be permitted:

- new roads;
- new trails for motorized vehicles;
- new hydro development and utility corridors;
- forestry or mining operations;
- motorized travel (including boats, snowmobiles and all-terrain vehicles) except as described above;
- new infrastructure (buildings, parking lots, etc.).

On May 24, 2001 the Provincial Government announced the establishment of ten (10) protected areas in New Brunswick. These areas represent 2% of New Brunswick's land base and are in addition to the 1.4% of the land base already under some form of existing protection. An Implementation Plan has been developed which clearly identifies which activities are permitted and which are prohibited within the protected areas. Vehicular access including trucks, cars, all-terrain vehicles, snowmobiles, motorbikes, etc., will be permitted but only on designated routes. Activities which are prohibited include forestry, mining, aggregate extraction, new utility corridors, new infrastructure (including roads or trails for vehicular use) and new Crown leases.

In addition, providing sufficient interest exists, a local advisory committee will be established for each site. The intent is that by representing local interests and concerns, these committees may make recommendations to the Minister in regard to such things as designated routes, allowed or prohibited uses, etc.

Sensitive Areas (flora and fauna)

A number of submissions to the Task Force spoke of environmentally sensitive areas and the long-term damage caused by all-terrain vehicles. They note that these areas are particularly vulnerable during the spring, summer, and fall months when all-terrain vehicle activity is at its peak.

The submission from the New Brunswick Federation of Naturalists outlined a number of rare and threatened species of plants, for example, the Gulf of St-Lawrence Aster, Bathurst Salt Marsh Aster, Anticosti Aster, Perker's Pipewort and Southern Twayblade. The Furbish's Lousewort inhabits a few areas along the Saint John River, and exists nowhere else in the World.

Surface Water

In New Brunswick, about 40% of the population obtain their water supply from surface watersheds. That is, an area of land that drains to a system of streams, lakes and rivers. One contaminated watershed can mean undrinkable water for thousands of people.

The area directly adjacent to the water supply reservoirs, lakes and the streams which flow into them, is the most critical, and therefore land use in these areas can have a direct impact on the water. Although not always immediately apparent, land development activities such as site preparation, construction of dwellings, and the installation of essential services, can have an impact on the environment. The cumulative effect of several homes or an entire subdivision can be quite significant.

In recognizing the need to control development in areas where the source of potable water is lakes, streams, and rivers, the Watershed Protection Program was developed (see Attachment I for an in-depth description of the Watershed Protection Program). Under this program development activity within 75 m of a protected watercourse is regulated.



Utility corridors

A submission from the Department of Natural Resources and Energy noted that there are approximately 430 km of established natural gas pipeline corridor in New Brunswick. Approximately 210 km of pipeline is installed in Crown land. There are issues associated with all-terrain vehicle access along the easements issued for the Maritimes and Northeast Pipeline including damage to these installations and to affected watercourses, wetlands and other sensitive areas for wildlife.



Indeed, a submission received from Maritimes and Northeast Pipeline (M&NP) identified concerns in a number of areas along the pipeline corridor including environmental impacts. According to M&NP, they have taken all reasonable steps to protect the environment during and after construction of their pipeline including protecting the integrity of the watercourses and their approaches, integrity of the wetlands, and the need for the easement to be left undisturbed in order for natural and planted vegetation to re-establish. All three of the aforementioned objectives have been negatively impacted by all-terrain vehicle traffic on the easement.

Rutting and erosion from all-terrain vehicle traffic is identified by M&NP as having the most significant impact to the easements. This has a compounded effect including disrupting re-vegetation, inhibiting re-growth through soil compaction, as well as transporting surface water down the easement, often towards watercourses, instead of across the easement and into the adjacent forested areas as intended.

Watercourses

Many submissions spoke of damage to watercourses from all-terrain vehicle use including soil erosion from driving along banks, and the runoff and siltation that can result from driving on the beds of streams and rivers. A submission from the New Brunswick Wildlife Federation concluded that



“...all crossing of watercourses must be strictly controlled and all bridges or other structures constructed for the use of ATV traffic must be authorized by the [Department] of Environment, while always keeping in mind the fish habitat provisions of the Federal Fisheries Act. “

The siltation of pebbly spawning areas may limit or prevent certain fish and aquatic species from reproducing. It may also impact the species of invertebrates that inhabit streams. And, as noted in the submission from the New Brunswick Federation of Naturalists, “declines in aquatic insects and larval forms of terrestrial species that inhabit bodies of water have an effect on the entire aquatic food chain“.

There are many sensitive areas along streams and rivers that are also cause for some concern if all-terrain vehicles continue their pattern of use. Over time, continuous all-terrain vehicle use may damage and alter the entire biodiversity of a stream or river.

Wetlands

Some of the typical impacts on wetland habitats as a result of all-terrain vehicle use, as identified in a submission from DNRE include:

- compaction and destruction of vegetation which can easily change the topography of the wetland, resulting in micro-habitat impacts due to changes in the amount of available water;
- changes to vegetative species composition;
- potential changes to hydrology;
- reduction in water quality (caused by sedimentation and erosion);
- compaction of soils (Where all-terrain vehicle goes, nothing grows);
- a disruption of wildlife use, greater exploitation;
- significant impacts to rare species habitat.



ENFORCEMENT

As previously noted, the increased use of all-terrain vehicles is raising concerns about the increased opportunities for incidents of crime, trespass on private property and confrontations with private landowners and other recreational users. These concerns generated a call for enhanced levels of enforcement. In order to attempt to give a picture of the extent of the problem in the province, statistics were solicited from a number of enforcement agencies.

Statistics were solicited from municipal/regional police forces and the RCMP with respect to all-terrain vehicle related calls and complaints. Attachment J provides statistics on the number and nature of all-terrain vehicle related calls and complaints from municipal/regional police forces, and calls for service and charges under the *All-Terrain Vehicle Act* from the RCMP. RCMP calls for service for the *All-Terrain Vehicle Act* steadily increased by approximately 103.9% from 1995-2000 and 159.1% over the last four years (1996-2000). The number of charges processed under the *Act* has similarly increased by 55.1% over the last five years and 113.4% in the last four years. Further, increases are also reflected in the number of persons charged with offences, an increase of 61.2% from 1995-2000 and 118.3% over the past four years.

The Department of Natural Resources and Energy also reported violations of the *All-terrain Vehicle Act* as they relate to all vehicles covered by the legislation (see Attachment J). For the 2000-2001 fiscal year there were 660 violations of the *All-Terrain Vehicle Act* recorded. Of this total, 606 warnings were issued. However, this data is skewed by the special snowmobile enforcement of the new mandatory trail permit legislation, which accounted for 431 of the warnings. For the purpose of this Task Force, it is noteworthy that 123 of the warnings were for failure to comply with the order of a peace officer and 27 were issued for operating an all-terrain vehicle on the managed snowmobile trail.

The Department Natural Resources and Energy advises however, that all-terrain vehicle related complaints are not tracked adequately or consistently throughout the province. Therefore, DNRE feels that this data is incomplete and is not a true measure of the extent of illegal activity related to all-terrain vehicle use. The Department also feels that the public is not calling to report illegal activity and trespass, in part due to the fact that trespass in protected or sensitive areas may not always be obvious, many people may not be aware of the restrictions placed on motorized vehicles in these areas, and many people are frustrated by the perceived lack of response by enforcement agencies.

The Department of Public Safety provided data with respect to the number of fines issued under the *All-Terrain Vehicle Act* and monies collected, which is as follows:

Table 4

Fines Issued under the *All-Terrain Vehicle Act*

Year	Number of fines	Monies collected
1997-1998	629	\$38,474.80
1998-1999	721	\$44,353.00
1999-2000	1,013	\$64,716.20

The New Brunswick Trails Council Inc. also advised the Task Force that they receive complaints on a daily basis with regard to all-terrain vehicle use on the Sentier NB Trail system, on which all-terrain vehicle use is prohibited. Submissions from the general public identify a number of issues and concerns relative to all-terrain vehicle use. Approximately 45% of the submissions mention the need to enforce the prohibition on all-terrain vehicle access in unauthorized areas including the Sentier NB Trail system, as well as other illegal activities facilitated by all-terrain vehicle use (see Attachment C).



The nature and scope of enforcement problems was discussed a number of times during the meetings of the ATV Task Force. Several presenters and public submissions also alluded to enforcement problems, as indicated by the following quote from a submission to the Task Force:

“There is no evidence of anything resembling law enforcement of any kind that I or my neighbours have seen in the past 3 1/2 years. Any machine, safe or not, any speed, any time, any age is the daily rule.”

Following are some of the factors attributed to the lack of adequate enforcement during the discussions of the Task Force:

- Lack of adequate resources to enforce problems with respect to all-terrain vehicle use, enforcement may be secondary or incidental to the enforcement of other legislation;
- Lack of enforcement personnel who have taken an all-terrain vehicle training course as required by police policy before operation;
- Police have to consider a number of factors before initiating a hazardous pursuit;
- Many all-terrain vehicle operators will not stop for police;
- Full-face helmets prevent identification;
- Some all-terrain vehicles are not registered;
- Registered vehicles might have muddy, small, illegible license plates that prevent identification;
- All-terrain vehicles versus police cruisers, all-terrain vehicle operators can elude police by going off-road.
- Enforcement personnel are sometimes confused as to the specific Act the violation has occurred under, depending on the nature of the violation and the location (public versus private property);
- Lack of clear understanding of who has enforcement authority relative to the various pieces of legislation that regulate all-terrain vehicle use;
- Police and public attitude toward these types of activities and enforcement thereof; this type of recreational activity might be an accepted part of the local culture in some areas.

That is, it is felt that enforcement personnel do not have the support of the legislation (i.e., necessary tools for enforcement), the manpower, and/or the appropriate equipment to be able to effectively ensure compliance by all-terrain vehicle operators.

Department of Natural Resources and Energy Enforcement Model

The Department of Natural Resources and Energy considered the various categories of enforcement relative to the operation of an all-terrain vehicle that would be required, including safety, trails, environmental, private land, criminal code, administrative and municipal enforcement. The Department determined that if they were to assume responsibility to provide an adequate level of trails and environmental enforcement²², they would require a total of twelve (12) additional FTE (full-time equivalent) positions to be distributed within four (4) regions. At a rate of \$65,000 per FTE, DNRE would require additional funds in the amount of \$780,000. DNRE has indicated that their enforcement role however, would not extend to Criminal Code offences or to trespass on private property.

It should also be qualified however, that there are a number of factors that would have an impact on enforcement operations that cannot be determined at this time. This includes any new legislative requirements proposed by the Task Force, as well as any consideration of a joint forces operation that would be in addition to the enforcement requirements considered in their model. Any education/training costs required for DNRE personnel would also be in addition to enforcement operating costs.

Royal Canadian Mounted Police Enforcement Model

The RCMP also considered the need to administer policing related services that offer a continuous, proactive and hands-on approach to providing an adequate level of safety to the public throughout the New Brunswick trail systems in an effort to ensure that the trail systems are used only for authorized purposes.

Presently, RCMP personnel employed under the Provincial Police Services Agreement take enforcement action aimed at all-terrain vehicles and despite limited resources and volunteer hours on patrol, the rate of enforcement has steadily increased. As noted above, calls for service, the number of charges processed and number of persons charged with offences under the *All-Terrain Vehicle Act* have increased significantly over the last 4-5 years. Calls for service on the trails relative to public safety have included, but are not limited to, the unauthorized use of all-terrain vehicles on designated trails, impaired and dangerous operation of all-terrain vehicles, fatal and injury accidents and crimes such as theft and/or damage to property, theft of wood, trespassing and arson.

As trail systems continue to develop and the number of trail users increase, greater pressures will be brought to bear upon the existing limited Provincial RCMP resources. The added pressures that the Task Force's recommendations and the Government's response will have on RCMP resources cannot be determined at this time. The RCMP however, in an effort to determine a minimum service delivery model for a continuous, proactive and hands-on approach to enforcement on provincial trail systems proposes the following: a Provincial Trail Coordinator and Trail Enforcement Coordinator positions.

The Provincial Trail Coordinator would be located at "J" Division Headquarters and would be responsible to continuously coordinate the development and implementation of training, safety and public awareness/education programs relating to recreational trail enforcement throughout RCMP jurisdictions. The Trail Enforcement Coordinators would be strategically located throughout the province (as determined by "J" Division Headquarters) and would work continuously with primary stakeholder groups in the coordination and implementation of training, safety and public awareness/education programs relating to recreational trail enforcement throughout RCMP jurisdictions.

²² They would also consider some incidental enforcement of safety and administrative provisions.

Based on current factors and the need to provide both proactive and reactive service delivery to the New Brunswick trail systems on an on-going basis, the minimum RCMP costs for the first year would be approximately \$2,528,141. Thereafter, minimum per annum costs would be approximately \$1,346,045 in addition to any adjustments for salary increases and equipment and clothing replacement costs.

Municipal/Regional Police Forces

Municipal and Regional Police, while generally having higher officer per population ratios and more restricted and accessible geographic areas to police, are facing similar enforcement challenges as those providing enforcement in rural areas.

Canadian Wildlife Service/Department of National Defence

Canadian Wildlife Service (CWS) with an enforcement mandate in coastal areas, and the Department of National Defence (DND) Military Police with an enforcement mandate on DND properties engage in all-terrain vehicle enforcement incidental to their primary roles.

All enforcement agencies support legislation that would provide for ticketing for violations under the *All-Terrain Vehicle* and *Trespass Acts*.

LEGISLATION

Several submissions and presentations to the ATV Task Force argued that there is a need to make legislative and/or regulatory amendments to provide peace officers with the necessary tools for enforcement. Whereas, others expressed opposition to any further regulations being placed on all-terrain vehicle operators. Some of the comments received include:

“I can...assure you that, in my opinion, there is now and has been for some time, a critical need for a show of leadership accompanied by a commitment of resources aimed at improving legislation and enhancing regulatory compliance.”

“Make some laws to protect property owner’s from [noisy], trench digging, dust stirring [all-terrain vehicles]!”

“...I am deeply concerned that government legislation may eliminate, or mitigate my right and privilege to enjoy nature through restrictions placed on the use of [all-terrain vehicles].”

“I am [adamantly] opposed to any type of new or further regulations that will inflict more financial burdens on the [all-terrain vehicle] users in this province.”

Before making recommendations for legislative and/or regulatory amendments it is necessary to provide a brief overview of the Provincial legislation used for enforcement purposes relative to the operation of all-terrain vehicles and protection of the environment.

In addition to the *Criminal Code* and other Federal legislation, several Provincial Laws are currently used for enforcement purposes. Following is a brief synopsis of relevant Provincial legislation²³:

All-Terrain Vehicle Act

The *All-terrain Vehicle Act* is administered by the Department of Public Safety and legislates certain rules relating to the operation of all-terrain vehicles. Herein, reference is being made to an all-terrain vehicle as per the legislation, which includes any motor vehicle designed or adapted for off-road use including dirt bikes, dune buggies, motorized snow vehicles and amphibious machines.

The Act includes provisions for mandatory registration, mandatory equipment, age restrictions for operation, and mandatory liability insurance (for motorized snow vehicles only). The Act states pursuant to section 16 that “no person shall operate an all-terrain vehicle within 7.5 metres of the travelled portion of a highway”.

A comparison of the New Brunswick All-Terrain Vehicle Act with the all-terrain vehicle or off-road vehicle legislation in other provinces on specific provisions relating to all-terrain vehicles is attached (Attachment K).

²³ New Brunswick’s Provincial legislation and regulations are available online at the Department of Justice web site: <http://www.gnb.ca/justice/index.htm>

Clean Environment Act

The *Clean Environment Act* allows the Minister of Environment and Local Government to control or reduce the amount of contaminant or waste incorporated into or upon the environment for any given period of time. This Act allows the government to eliminate the release of waste, alter the manner of its release or the practices involved in its release and to carry out appropriate clean up procedures. The *Clean Environment Act* ensures that no person shall release a contaminant if that contaminant will affect the natural, physical, chemical or biological quality of the environment, if the contaminant will endanger the health or safety of humans or animals or cause damage to property or plant life.

To provide a legislative framework for environmental planning, New Brunswick's Regulation on Environmental Impact Assessment (87-83) under this legislation is designed to identify the environmental impacts associated with development proposals prior to their implementation. The Environmental Impact Assessment (EIA) process allows for, and provides the opportunity for, government agency technical specialists and the general public to provide input into specific development proposals (see Attachment L for a more in-depth description of the process). Final approval from the government of New Brunswick is required before any project subject to EIA can proceed.

The regulation requires that individuals, companies or public agencies, proposing certain types of projects, register information about the proposed project with the Minister of the Environment in the early stage of the planning schedule.

Clean Water Act

The purpose of the *Clean Water Act*, administered by the Department of Environment and Local Government, is to protect ground and surface water from potential contamination by chemicals, fertilizers, construction activities and farm animals. The rules outlined within the Act allow the government to control the types of activity occurring on vital pieces of land and therefore the amount of waste produced.

In an effort to help protect New Brunswick's surface water resource from the effects of activities such as constructing poorly planned buildings, uncontrolled landscaping and forestry activities, and the installation of dams or other such water obstructions, the Watercourse Alteration Regulation permit program was established. Attachment M provides a more in-depth explanation of this program.

Wetlands throughout the Province (including coastal marshes) are considered watercourses and any person working within 30 metres of a wetland is required to obtain a Watercourse Alteration permit. The program applies to all open channels, natural or artificial, that hold or carry water for any part of the year. Lakes, ponds, rivers, streams, brooks and wetlands are clearly watercourses, as are reservoirs, canals and ditches. It is important to inquire about the need for a Watercourse Alteration Permit before doing any vegetation clearing, trail construction/maintenance, soil excavation, and construction or landscaping activities within 30 metres of a watercourse.

Crown Lands and Forests Act

The *Crown Lands and Forests Act* is administered by the Department of Natural Resources and Energy and regulates the administration and management of Crown Lands and its resources. The Act includes provisions for access to and travel on Crown Lands, harvesting and renewal of timber resources on Crown Lands, habitat for the maintenance of fish and wildlife populations, forest recreation of Crown Lands and rehabilitation of Crown Lands.

Ecological Reserves Act

The Department of Natural Resources and Energy administers the *Ecological Reserves Act*. The purpose of the Act is to reserve areas for ecological purposes. The legislation states, notwithstanding any other Act and subject to the regulations, that "no person shall hunt, fish, trap, conduct forestry, agricultural or mining operations, conduct exploration or boring, prospecting, leveling, or construction work in an ecological reserve; and in general, works of a nature that may alter any part of the terrain or of the vegetation and any acts of a nature that may disturb the fauna or the flora are forbidden". This would prohibit all-terrain vehicle activity and trails in ecological reserves.

The legislation also provides that the Lieutenant-Governor in Council shall designate the environmental council as an advisory council for the purpose of the Act.

It is expected that the designation of the ten (10) protected areas announced by Government on May 24, 2001 will be encompassed within the *Ecological Reserves Act*.

Endangered Species Act

The *Endangered Species Act* is administered by the Department of Natural Resources and Energy and includes provisions to protect endangered species or regionally endangered species, endangered species of fauna or regionally endangered species of fauna, and the critical habitat of a member of an endangered species or regionally endangered species.

Fish and Wildlife Act

The *Fish and Wildlife Act* is administered by the Department of Natural Resources and Energy and regulates the administration and management of fish and wildlife resources. As per subsection 3(1), “the property of all wildlife and fish within the Province, while in the state of nature, is hereby declared to be vested in the Crown in right of the Province, and no person shall acquire any right or property therein otherwise than in accordance with this Act and the regulations”. The legislation prescribes a number of offences relative to fish and wildlife for illegal hunting, trapping, snaring or angling or the illegal sale and possession of fish and wildlife. The Act also expressly prohibits the use of vehicles to herd wildlife.

Further, the *Fish and Wildlife Act* regulates wildlife refuges and wildlife management areas in the province. The *Trespass Act* prohibits trespass by means of a motor vehicle in any area designated as a wildlife refuge or a wildlife management area under this Act.

Fisheries Act (Federal)

The federal *Fisheries Act* was enacted to protect fish, fish habitat and water frequented by fish. The Department of Fisheries and Oceans (DFO) administers the habitat protection provisions (Section 35) of the *Fisheries Act*, while Environment Canada, under a MOU with DFO, administers those provisions of the *Act* dealing with the control of pollution (Section 36).

Section 35 of the *Fisheries Act* states that no person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat. Fish habitat is defined as “spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes.” Section 36 prohibits the deposition of deleterious substances in waters frequented by fish. Under this *Act*, silt is considered a deleterious substance. The use of all-terrain vehicle in or near watercourses can cause erosion leading to siltation and destruction of fish and aquatic habitat

Parks Act

The Provincial *Parks Act* is administered by Business New Brunswick and the Department of Natural Resources and Energy and includes provisions for the establishment and maintenance of provincial parks. The Lieutenant-Governor in Council, pursuant to subsection 16(2) may make regulations prohibiting or regulating activities within provincial parks including “prohibiting or regulating pedestrian, vehicular, boat or air traffic”.

Accordingly, subsection 11(1) of Regulation 85-104 states that “no person shall operate a motorized snow vehicle, off-road vehicle, all-terrain vehicle or all-terrain cycle in a provincial park other than in an area designated by a park warden for the use of such vehicles”.

All of the lands under DNRE’s administration and control, incorporated into the Sentier NB Trail, are held under the *Parks Act*. It is important to note that other than the automatic designation of all police officers as *ex officio* Park Wardens, all other persons undertaking enforcement activities on Parks lands must be designated as a Park Warden by the Minister.

Provincial Offences Procedures Act

The *Provincial Offences Procedures Act* is administered by the Department of Justice and legislates penalties where an Act makes an offence punishable under this Act as a category A, B, C, D, E, F, G, H, I or J offence. Sanctions may include release without penalty, fines, imprisonment, and probation orders.

The *Provincial Offences Procedures Act* includes provisions for a ticketing procedure. Section 9 states that “a police officer or authorized person who believes, on reasonable and probable grounds, that a person has committed a prescribed offence may serve that person with a ticket in prescribed form²⁴”. Part V of the Act also sets out a peace officer’s²⁵ powers of search and seizure.

Trespass Act

The *Trespass Act* is administered by the Department of Justice and provides for the control of areas where motor vehicles are permitted to be operated and makes it an offence to drive motor vehicles on lands that are sensitive to environmental damage. Sensitive lands include wildlife and ecological reserves, watercourses (except at designated crossing points), lakeshore areas (25m above and 25m below high water mark), ocean shore areas (from low tide mark to 300m above high tide mark), and saltwater and freshwater marshes. Motorized vehicles are also prohibited on agricultural lands.

This Act does not apply to lands that are Crown Lands as defined in the *Crown Lands and Forests Act* except where the lands are referred to in subsection 2.1(1) or section 2.2. Under subsection 2.1(1), these lands include any area designated as a wildlife refuge or a wildlife management area under the *Fish and Wildlife Act*; an ecological reserve established under the *Ecological Reserves Act*, or any area designated by regulation as an area in need of protection from environmental damage. Section 2.2 refers to land that is being cultivated or managed for the production of food for humans or livestock, an orchard that is being cultivated or managed, a pasture, a Christmas tree plantation, or a plantation of seedlings and saplings.

²⁴ A police officer includes a member of the RCMP and a police officer as defined in the New Brunswick Police Act. An authorized person means a person authorized by regulation to perform a specified function under the Provincial Offences Procedure Act.

²⁵ A peace officer means a “police officer” and “any other person who is made a peace officer by an Act and who is acting in the performance of that person’s statutory duties or in relation to an offence or suspected offence under that Act”.

TRAIL NETWORKING

As a result of the submissions and presentations to the Task Force regarding the broad range of issues and concerns with all-terrain vehicle use, most Task Force members and presenters recognized the need for an approved all-terrain vehicle trail network. This would provide recreational all-terrain vehicle owners with a place to operate their vehicles legally, without impact to the environment and landowners, and reduce conflict with other trail system users. As one submission proposed:

“If the task force were to help in creating and connecting safe [all-terrain vehicle] trails between communities and the provinces, I am sure there would be a snowballing affect including, tourism, jobs, [all-terrain vehicle] and related sales, food establishment, and most of all government would regain respect and support from the 20,000 [all-terrain vehicle operators] in N.B.”

All-Terrain Vehicle Trails

The New Brunswick All-Terrain Vehicle Federation Inc. wants to build their own trail system primarily by using designated woods roads on Crown land and private property through land-use agreements, and on abandoned rail beds that are not being developed for other trail users in New Brunswick.

A license of occupation for Crown lands was signed and renewed in February 2001 with the Department of Natural Resources and Energy, however no trails have been officially designated for all-terrain vehicle use to date. The license of occupation does not grant exclusive use of designated trails to the New Brunswick All-Terrain Vehicle Federation Inc. Combined with the existing network of New Brunswick Federation of Snowmobile Clubs Inc. trails on Crown land, the Department of Natural Resources and Energy must assess the impact on general public access, existing claims and commitments, the environment, and the effect on potential Crown land use before trail designations can occur.

The Department of Natural Resources and Energy is developing a broad policy regarding off-road vehicle use on Crown land under the administration and control of the Department of Natural Resources and Energy. The policy requires further consultation and investigation to satisfy environmental, liability and safety concerns before a final determination can be made as to where to designate off-road vehicle trails on Crown land. The policy may require legislative or regulatory changes in order to implement.

The New Brunswick All-Terrain Vehicle Federation Inc. states that all-terrain vehicle enthusiasts recognize that the thousands of kilometres of woods roads on Crown land throughout the Province are being used as an unofficial “trail” network for recreational all-terrain vehicle activity.

To further their cause, the New Brunswick All-Terrain Vehicle Federation Inc. is working on the development of partnerships with all levels of government, private landowners, other trail-user organizations, environmental organizations, and enforcement agencies. In this regard, they have indicated a desire to share some of the infrastructure put in place on the Sentier NB Trail and the Snowmobile trail, such as bridges, shelters, highway crossings, and others.

The New Brunswick Aboriginal Peoples Council Inc. raised the issue of Aboriginal Title in their submission. It is their view that the legitimate ownership of the land must be taken into account before designating trail systems. The First Nations people have entered into Treaties that did not cede any land other than a couple of small pockets of land for settlement. This is an issue that must be treated with due respect, as any trail development will eventually become subject to a future Comprehensive Land Claim Process.

A well-designed trail system may prove very beneficial to decreasing adverse impacts of several non-organized mazes of trails across the Province. The trail system would assist in drawing traffic off many of the existing side routes. The snowmobile trails system, as an example, has successfully channeled much of the snowmobile side traffic onto the managed trail system.



The concept of shared trails (all-terrain vehicle/snowmobile) has been proposed by a number of individuals making submissions to the Task Force. Some of the submissions received from the general public referred to the sharing of trails by the New Brunswick Federation of Snowmobile Clubs Inc. and the New Brunswick All-Terrain Vehicle Federation Inc., stating they should “stop the insanity” and “get it together”. While first impressions may suggest this is a solution, this however, is strongly discouraged by safety experts in the snowmobile industry, as well as by the snowmobile insurance industry, both stressing the incompatibility of the two modes of transportation on the same, snow covered, trail system.

Snowmobile Trails

The New Brunswick Federation of Snowmobile Clubs Inc. is working with and providing their advice on trail development to New Brunswick All-Terrain Vehicle Federation Inc. In 1999, an agreement between the New Brunswick Federation of Snowmobile Clubs Inc. and the New Brunswick All-Terrain Vehicle Federation Inc. was signed and witnessed by the Minister of Natural Resources & Energy. Herein the two Federations acknowledge that snowmobiles and all-terrain vehicles must not use the same trails (clause 1.5), except where it may be necessary to permit joint use of certain limited sections or infrastructure such as bridges, etc. (clause 1.6).

The position of the New Brunswick Federation of Snowmobile Clubs Inc. in their submission is that the ideal situation would be to have two separate trail systems with each group taking responsibility for their own infrastructure. The two organizations would share the bridges and shelters along with financial support for any destruction or vandalism caused by snowmobiles or all-terrain vehicles.

Sentier NB Trail

The vision for the Sentier NB Trail is to establish a 2000km multi-purpose, all season recreational trail connecting communities throughout the province. The use of this trail is limited to five core user group activities: walking, cycling, horseback riding, cross-country skiing and snowmobiling (where permitted). Where snowmobiling is permitted in the winter, use of the trail is restricted to this user group, as mixing motorized and non-motorized activities on the Sentier NB Trail is not permitted.

The New Brunswick Trails Council Inc, as well as the general public and other groups argue that the public's safety is jeopardized when all-terrain vehicles are allowed on the trails with pedestrians, cyclists, and hikers at the same time.

The law prohibits the use of an all-terrain vehicle on the Sentier NB Trail. Some of the potential negative impacts of all-terrain vehicle use of the Trail could include:

- Damage to trail surface, facilities, and signs by all-terrain vehicle and operators – trails/bridges were not designed for all-terrain vehicle use.
- Safety impacts on other users – fear, dust, noise, rough surface, and danger of collisions.
- Criminal access to properties.
- A general negative effect that hinders attempts to secure private landholders' agreements.

The New Brunswick Trails Council Inc. has stated that they are willing to negotiate an agreement for the sharing of bridges and shelters with the New Brunswick All-Terrain Vehicle Federation Inc.

Trans Canada Trail

The Trans Canada Trail is a nation wide trail connecting east to west, and is part of the Sentier NB Trail network. It is also a multi-purpose trail with the same five core trail users as noted above. It is a millennium project and was officially inaugurated in June 2000.

International Appalachian Trail

The International Appalachian Trail begins at Mount Katahdin, Maine. It then travels across to Perth-Andover where it will then follow along the Sentier NB Trail over to Mount Carleton. From there the International Appalachian Trail resumes and travels north to Quebec until it reaches its final point of Cap Gaspé in Quebec. The section that is not Sentier NB Trail is only accessible to hikers.

Public versus private land

The New Brunswick Trails Council Inc. and the New Brunswick Federation of Snowmobile Clubs Inc. have expressed a concern with all-terrain vehicles using their established trail system without proper consent agreements with private landowners. Both organizations indicate that this has had a major impact on their attempts to secure land use agreements with private landowners, and also has had an impact on some existing agreements. A submission to the Task Force demonstrates the potential for this situation to occur:

“The ‘Sentier N.B. Trail’...has been constructed in our community on, and for the majority of its length, private land. The only way we were able to obtain the permission from these private landowners was to assure them that motorized vehicles would not use the trail...The amount of [all-terrain vehicles] and motorcycles using the trail...is increasing, almost on a weekly basis. Based on this fact, it will not be too long before the landowners revolt and refuse the passage of the ‘Trail’ across their property.”

Some of the reasons indicated by landowners for not renewing or not allowing a trail on their land are the same as identified throughout the document including noise, dust, safety concerns, damage to property, trespass, and incidents of crime.

Trail location

The New Brunswick All-Terrain Vehicle Federation Inc. and the Department of Natural Resources and Energy are working on identifying certain Crown land access roads for the development of all-terrain vehicle trails. Some of these roads may fall under the definition of a “highway” under the *All-Terrain Vehicle Act*. These roads will have to be redefined through legislation before the development of all-terrain vehicle trails can occur.

It has been suggested that abandoned railway beds that have not been designated for the exclusive use of the New Brunswick Trails Council Inc. could also be used for the development of all-terrain vehicle trails. This may not be an option in some areas because some of the railway beds were returned to the owners of the land. The New Brunswick All-Terrain Vehicle Federation Inc. will have to request permission and obtain a signed agreement from the landowner.

The Department of Natural Resources and Energy has expressed some concern in their submission with respect to all-terrain vehicle use in pits and quarries and the potential for accidents and liability issues. The location of future off-road vehicle trails in the designation process will be important in minimizing the potential for accidents and liability issues. Education and signage may, in part, be a solution to this problem.

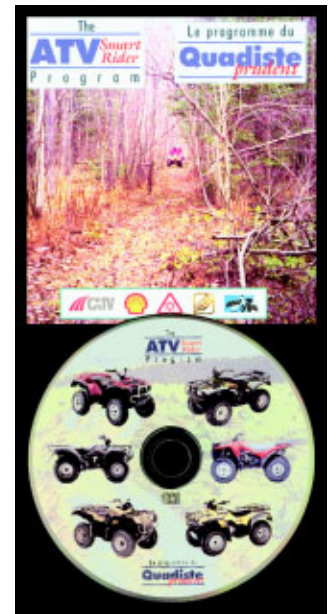
EDUCATION

New Brunswick Safety Council Inc./ Canada Safety Council

The New Brunswick Safety Council Inc. (NBSC) offers, through a cooperative arrangement with Canada Safety Council (CSC)²⁶, a training program entitled the “ATV Rider Course”. Course instructors have to meet a number of pre-requisites and attend a five-day “Train the Trainer” session delivered by Canada Safety Council’s Chief Instructor Trainer.

The ATV Rider Course is a one-day program that offers both in-classroom and practical training on the following topics:

- Introduction to Safety Awareness
- Preparing to Ride
- Getting familiar with your ATV
- Starting your ATV
- Turning
- Quick Stops and Swerves
- Riding Strategies
- Riding over Obstacles
- Riding over Hills
- Safe Riding Practices



Canadian All-Terrain Vehicle Distributors Council

The Canadian All-Terrain Vehicle Distributors Council (CATV)²⁷ is a national, non-profit association which represents the interests of a number of parties including major all-terrain vehicle distributors, manufacturers, distributors and retail outlets of all-terrain vehicle-related products and services, and individual owners and riders of these vehicles in Canada. The CATV also provides logistical and financial support to the Canada Safety Council rider training program.

²⁶ For more information on the ATV Rider Course and other training programs see the New Brunswick Safety Council Inc. web site online at <http://www.nbsafety.com>, or the Canada Safety Council web site online at <http://www.safety-council.org/> <http://www.safety-council.org/>.

²⁷ Wheaton, Amy. “Campaign begins this week to promote responsible ATV use”. *Telegraph Journal*, June 18, 2001. Retrieved online 6/18/01 from <http://www.nbnews.com/telegraphjournal/>. See also the Canadian All-Terrain Vehicle Distributors Council web site online at <http://www.catv.ca>.

CATV is currently conducting an advertising and public awareness campaign to promote the industry's "ATV Smart Rider Program" as a pilot project in New Brunswick and Nova Scotia over the summer of 2001. The campaign will include television ads, as well as posters and public relations encouragement. New Brunswick and Nova Scotia were chosen for the pilot as industry research indicates that organized recreational all-terrain vehicle riding is especially high in these provinces.

The CATV feels that while the majority of all-terrain vehicle operators are responsible, the rapidly growing industry increases the risk of injuries and

damages to public and private property, primarily by new, inexperienced and unskilled riders. Therefore, the intent of the promotional campaign is to make all-terrain vehicle riders aware of the consequences of riding irresponsibly, to stay on trails, to ride safely, and not to cause damage to the environment. Interestingly, the ATV Task Force had a similar mandate to encourage safe and environmentally responsible use of all-terrain vehicles.

The CATV ATV Smart Rider Program includes all-terrain vehicle rider courses, CDs and booklets. The CD provides information along with visual graphics on the following topics:

- Safety Awareness
- ATV & the Law
- Ownership and Responsibility
- Operator Responsibility
- Review and Safety Check



5. RECOMMENDATIONS

The ATV Task Force met between December 2000 and June 2001 to discuss issues and concerns relative to all-terrain vehicle use in New Brunswick, receive presentations and submissions from stakeholders and the general public, and develop specific recommendations for consideration by Government.

The Task Force received and considered in excess of one hundred recommendations. A consensus based approach was taken in arriving at key recommendations in a number of areas that the Task Force felt addressed the issues and concerns identified in this Report. It was also the consensus of the Task Force that the more detailed recommendations that were considered should be included as an attachment to the Report to serve as a reference for those tasked with acting on the recommendations (see Attachment N).

The areas of intervention that were determined to be most practical in reducing the impact of all-terrain vehicle use fall into seven areas: public safety, environmental protection, enforcement, legislation, trail networking, education, and funding. Some of the recommendations can be achieved in the immediate future, however some will require further investigation by Government to determine their feasibility.

The Stakeholders strongly agree that the issues identified in this Report relative to all-terrain vehicle use in the Province of New Brunswick have been ignored by Government for far too long. They also agree that none of these areas by themselves will provide a solution to the problems identified, consequently the recommendations are numbered for ease of reference only. It is very important that Government consider the recommendations as a package, as by themselves they will not make a significant impact or be a credible solution.

In addition to the recommendations falling into the above noted areas, the ATV Task Force recommends:

1. That the New Brunswick Government encourage the development of a private Trails and Greenways Authority.
2. That any program developed as an outcome of this Task Force should be developed with the appropriate performance measurement indicators to allow for evaluation.

PUBLIC SAFETY

Whereas with the increase in sales of all-terrain vehicles in New Brunswick, there has also been an increase in the number of reported accidents, a 75% increase from 1996 to 2000;

And whereas a retrospective review of the trauma data bank on all-terrain vehicle related admissions to the Saint John Regional Hospital found there were 106 all-terrain vehicle related admissions during the study period. All-terrain vehicle related admissions to the ICU (45) cost the Saint John Regional Hospital approximately \$128,297.00 for ICU costs, and it was estimated that seven (7) patients, who would require long term, ongoing care could cost the Province in the range of \$10.5 to \$28 million.

And whereas Coroner records on accidental motor vehicle deaths indicate that the percentage of deaths associated with three and/or four-wheel all-terrain vehicle has increased from 2.8% in 1997-1998, to 3.7% in 1998-1999, to 4.9% in 1999-2000;

And whereas over one-half of the reported all-terrain vehicle collisions are occurring while driving on roads and highways, and close to one-third of the accidents involve a collision between an all-terrain vehicle and an "on-road" vehicle;

And whereas in a review of data from the Canadian Institute for Health Information, it was found that all-terrain vehicle injuries were most common among male children and in children aged 15 to 19 years. Further, it was found that approximately half of the all-terrain vehicle related injuries occurred in the summer months (June to August) and on the weekends, with the most common time reported for accidents occurring being between 4pm and 8pm. Therefore, this would suggest that most accidents occurred during recreational use as opposed to non-recreational use of the vehicle;

And whereas Canadian and U.S. studies have revealed the following risk factors associated with off-road vehicle use: excessive speed, improper apparel and non-use of helmets, inexperience, and alcohol abuse;

And whereas a risk survey completed by the Consumer Product Safety Commission, Washington, DC identified the following risks associated with all-terrain vehicle use:

- risk of injury declines with age;
- risk for children is about 2.5 times the risk of drivers aged 16-34, and about 4.5 times the risk for drivers aged 35-54;
- risk declines with driving experience;
- risk declines with the percentage of time that all-terrain vehicle are used in non-recreational (as opposed to recreational) activities;
- risk is higher for males than for females;

And whereas the Canada Safety Council (CSC) has developed a rider training program that is supported logistically and financially by the Canadian All-Terrain Vehicle Distributors Council (CATV), which is being promoted throughout the summer of 2001 in New Brunswick and Nova Scotia through an advertising and public relations campaign;

And whereas the Task Force members recognize that full-size vehicles are not appropriate for children under the age of 16 years and most manufacturers recommend 16 years as the minimum age of operation;

The ATV Task Force makes the following recommendations with respect to public safety:

3. That youth between the ages of 14 and 16 years be required to obtain an all-terrain vehicle learner's permit, for which they must have parental permission. The learner's permit should only be obtained under the following conditions:
 - must successfully complete a mandatory Canada Safety Council approved training course;
 - must be supervised at all times by a parent or legal guardian who has successfully completed a Canada Safety Council approved training course and has a valid drivers license; and
 - the size of the all-terrain vehicle being operated cannot exceed the size recommended for their age by the manufacturer.
4. That everyone 16 years of age and older be required to have a valid drivers license, with an additional class being added for all-terrain vehicles, and to successfully complete a mandatory Canada Safety Council approved training course, to be completed within three years of this provision being enacted.

Considering the volumetrics relative to the number of persons that would have to be CSC trained within three years of this provision being enacted, the Task Force could not reach consensus on grandfathering current all-terrain vehicle operators. It is recommended that Government should give further consideration to who should receive mandatory training.

5. That there be a requirement for mandatory personal liability insurance for all-terrain vehicles, unless the vehicle is being operated on land owned by the operator.
6. That no person shall operate an all-terrain vehicle unless it is equipped with appropriate headlamps and tail lamps, which must be in continuous operation.
7. That the original equipment regulating noise level on off-road vehicles should not be removed or replaced, recognizing there might need to be an exception for those vehicles used in connection with special all-terrain vehicle events.

8. That in New Brunswick, number plates should be standardized with lettering being consistent with the lettering and number plates used on all other motor vehicles, and mounted on the front and rear of the all-terrain vehicle.
9. That the Province of New Brunswick explore with other jurisdictions the feasibility of a standardized plate for all-terrain vehicles across Canada.
10. That no operator of an all-terrain vehicle shall carry a passenger or occupant when operating an all-terrain vehicle in the Province of New Brunswick unless:
 - a) the vehicle is designed and equipped by the manufacturer to carry more than one person; or
 - b) the person other than the operator rides on a seat attached to the vehicle that is designed or endorsed by the manufacturer of the vehicle upon which it is attached.
11. That a specific education and enforcement effort be developed and implemented immediately to reduce accidents and prohibit the use of all-terrain vehicles as “on-road” vehicles.
12. That an All-Terrain Vehicle Safety Committee be established with the New Brunswick All-Terrain Vehicle Federation Inc. and other stakeholders to coordinate and promote education and awareness initiatives.
13. That the Department of Health and Wellness work with the Health Care Corporations to collect and record data province-wide with respect to off-road vehicle accident injuries, emergency room visits, hospitalizations, and health care costs, being able to report on each type of off-road vehicle separately.

ENVIRONMENTAL PROTECTION

Whereas several stakeholders have concerns with respect to vehicle trespass on agricultural and woodlot lands, and the associated damages; an issue that was brought to Government and resulted in the establishment of the Wood Theft Working Group in May 2000;

And whereas the unrestricted use of all-terrain vehicles has resulted in severe environmental damage, including but not limited to habitat destruction and fragmentation, and soil compaction and erosion which requires extensive and costly restoration;

And whereas several presentations to the Task Force identified the impact of all-terrain vehicle use on species that inhabit or breed in streams, rivers, ponds, marshes or bogs, and on beaches including the Piping Plover which has been on the endangered species list since 1985;

And whereas about 40% of New Brunswick’s population obtain their water supply from surface watersheds, and the area directly adjacent to the water supply reservoirs, lakes and the streams which flow into them, is the most critical, and therefore land use in these areas can have a direct impact on the water quality;

And whereas the Province of New Brunswick is unique in that it manages Crown Lands covering approximately half of the province. Therefore, it is necessary to protect its substantial investment in public property and to safeguard the property of its citizens;

The ATV Task Force makes the following recommendations with respect to environmental protection:

14. That the Province of New Brunswick restrict new trail development in potable watershed areas and potable wellfield areas.
15. That the Province of New Brunswick restrict new trail development in environmentally sensitive areas, having consideration for wetlands, wildlife, fish populations, natural areas, rare, endangered and threatened species, and coastal habitat.

16. That all-terrain vehicle use be legally restricted to designated trails, with legitimate exceptions, i.e., for enforcement, employment, search and rescue, fire suppression.
17. That an information and education program be developed with respect to environmental consequences as a result of all-terrain vehicle use.

ENFORCEMENT

Whereas the increased use of all-terrain vehicles is raising concerns about the environment, increased opportunities for incidents of crime, trespass on trails and private property, thus leading to confrontations with private landowners and other recreational users;

And whereas people are frustrated by the lack of an effective response by enforcement agencies with respect to illegal activity and trespass by all-terrain vehicles;

And whereas there is a need to clearly identify which agency is the lead authority in terms of enforcing legislation pertaining to off-road vehicle use;

And whereas all-terrain vehicle related complaints are not tracked adequately and consistently across the province;

The ATV Task Force makes the following recommendations with respect to enforcement:

18. That a dedicated enforcement program be developed and delivered with a mandate to act on the recommendations of the ATV Task Force.
19. That the Province clearly identify which agency (municipal, regional or provincial) has the lead in terms of enforcement of all legislation dealing with the issues identified by the ATV Task Force.
20. That enforcement agencies collect data with respect to violations committed in the operation of off-road vehicles, in order to more accurately assess enforcement results.
21. That a training program be developed and delivered to enforcement personnel which should include, but not be exclusive to, operator safety, environmental issues and legislation.

LEGISLATION

Whereas there is a need for legislative and/or regulatory amendments to provide enforcement agencies with the necessary tools for enforcement;

And whereas the Union of Municipalities of New Brunswick has previously petitioned “the Minister of Transportation to deal with the issues within the *All-Terrain Vehicle Act*, to enable municipalities to accommodate all terrain vehicles within their boundaries if and where they desire in a legal, safe and liability free manner” (Resolution U-97-03). While subsection 37(1) of the *All-Terrain Vehicle Act* provides for by-law enactment, Ministerial approval for all-terrain vehicle travel on provincially designated highways in municipalities is restricted by other sections of the *All-Terrain Vehicle* and *Motor Vehicle Acts*;

And whereas the Department of Natural Resources and Energy has made a formal request to the Department of Public Safety to amend the *All-Terrain Vehicle Act* to allow for the designation of all-terrain vehicle trails on Crown land;

And whereas the issues identified to the Task Force resulted in a heightened awareness of the need for legislative changes:

The ATV Task Force makes the following recommendations with respect to legislation:

22. That the Province review the adequacy of the *All-Terrain Vehicle Act* and update it so that it is compatible with other relevant legislation.
23. That the Province review all existing Provincial legislation and policies as they apply to off-road vehicles and the issues brought to the Task Force.
24. That the Province define an all-terrain vehicle in legislation in order to recognize its unique operating characteristics versus snowmobiles and other off-road vehicles, taking into consideration appropriate size and weight restrictions.

25. That the Province examine and amend as necessary the definition of the term highway in the *All-Terrain Vehicle Act* to facilitate trail development.
26. That the Province consider granting municipalities, municipal authority to enact by-laws with respect to the use of highway right-of-ways within their boundaries.
27. That the Province enact new legislation to provide law enforcement agencies with the appropriate tools to effectively deal with the problems created by all-terrain vehicle use, including but not limited to the following:
 - a) allow for the issuance of tickets for all offences;
 - b) penalties that are a meaningful deterrent;
 - c) ensure that all penalties under this Act are linked to an operator's motor vehicle drivers license;
 - d) an off-highway vehicle operated in violation of this Act may be immediately impounded by a law enforcement officer;
 - e) require an owner of a vehicle to provide the name and address of an operator of a vehicle alleged to have committed an offence; and
 - f) link the responsibility for the operation of an off-highway vehicle in violation of this Act, to the parent or legal guardian of individuals under 19 years of age.

TRAIL NETWORKING

Whereas Task Force members and presenters recognize the need for an all-terrain vehicle trail system to provide recreational all-terrain vehicle owners with a place to operate their vehicles legally, without significant impact to the environment and landowners, and to reduce conflict with other trail systems users;

And whereas the location of future off-road vehicle trails in the designation process will also be

important in minimizing the potential for accidents, liability issues and environmental damage;

And whereas several submissions to the Task Force noted the significant noise and dust pollution associated with all-terrain vehicle use, which hinders others' enjoyment of nature and wildlife and greatly impacts on their ability to enjoy their property, as well as exacerbates some health problems;

And whereas all-terrain vehicles illegally operating along highway shoulders and foreslopes have severely rutted these components of the highway infrastructure, and operating parallel to railway tracks wears down the structure by weakening the soil, creating serious safety hazards;

And whereas all-terrain vehicles are illegally operating on the Sentier NB Trail and managed snowmobile trail leading to public safety hazards, and conflicts with other trail users;

The ATV Task Force makes the following recommendations with respect to designated trail networking:

28. No person shall operate an all-terrain vehicle in the Province of New Brunswick without the documented permission of the landowner.
29. No person shall operate a motorized vehicle on lands not owned by the operator or owner of the vehicle or on any trail or non-highway road that is restricted to pedestrian or animal travel. A person is guilty of unlawfully operating a vehicle on a trail if he operates any motorized vehicle on a walking, hiking, bicycling, snow walking, cross country skiing, or equestrian trail, including but not limited to the Sentier NB Trail, Trans Canada Trail and International Appalachian Trail, without the documented permission of the landowner.
30. No person shall operate a motorized vehicle other than a snowmobile on lands which are managed snowmobile trail as defined in the Act, unless that use has been authorized by the New Brunswick Federation of Snowmobile Clubs Inc., or unless the use is necessitated by an emergency involving the safety of persons or property.

31. The designation/approval process for trail development should take into consideration appropriate standards, planning, environmental protection and public safety.
32. Standardized province-wide identification and mapping systems should be developed for all-terrain vehicle designated trails.
33. That the following areas be explored for use as part of an all-terrain vehicle trail system with appropriate planning and the documented permission of the landowner:
 - a) utilities/easements;
 - b) highway rights-of-way;
 - c) Crown lands;
 - d) Private lands;
 - e) Federal lands;
 - f) Corporate lands;
 - g) private rail lands; and
 - h) First Nations lands.

EDUCATION

Whereas education and awareness programs and initiatives are required with respect to safe operating practices to reduce all-terrain vehicle related accidents;

And whereas education and awareness programs and initiatives are required with respect to the environmental consequences of all-terrain vehicle use to reduce environmental damage;

And whereas education and awareness programs and initiatives are required with respect to the Provincial Legislation regulating all-terrain vehicle use to clearly identify enforcement authority;

And whereas education and awareness programs and initiatives are required with respect to trail access;

And whereas there is a requirement for a training program for enforcement personnel with respect to all-terrain vehicle use;

And whereas advertisements are depicting irresponsible use of all-terrain vehicles including environmentally damaging and unsafe operating practices;

The ATV Task Force makes the following recommendations with respect to education:

34. That programs and initiatives be developed and delivered to address the education/training needs as identified above.
35. That manufacturers/dealers should be encouraged to promote the legal, safe and environmentally responsible use of all-terrain vehicles through their marketing and promotion advertisements.

FUNDING

Whereas the success of the aforementioned recommendations hinges on the need for funding;

And whereas funding is needed for:

- a) enforcement;
- b) public safety;
- c) environmental remediation;
- d) trail development;
- e) education and awareness initiatives

And whereas the New Brunswick All-Terrain Vehicle Federation Inc. has previously requested a rebate similar to the arrangement with the New Brunswick Federation of Snowmobile Clubs Inc.;

And whereas the ATV Task Force endorses the principle of **user-pay** for the development of a designated all-terrain vehicle trail network;

The ATV Task Force makes the following recommendations with respect to funding:

36. That sufficient funding be provided for the above purposes and that Government and the New Brunswick All-Terrain Vehicle Federation Inc. consider the following means and/or any other means to secure the necessary funding:
- a) increase in registration/license fees;
 - b) trail development rebate;
 - c) trail pass;
 - d) levy at point of sale;
 - e) surcharge on convictions;
 - f) all-terrain vehicle industry/multi-manufacturer support.

- 37. Considering the immediate need for an adequate level of enforcement, that Government give priority to funding for the development and delivery of a dedicated enforcement program with a mandate to act on the recommendations of the ATV Task Force.
- 38. Considering the immediate need for trail development, that a trail development fee be added to the registration fee and refunded to the New Brunswick All-Terrain Vehicle Federation Inc.
- 39. In addition to any funding that may be forthcoming from a registration rebate, that Government encourage the New Brunswick All-Terrain Vehicle Federation Inc. to explore other means for funding, including but not limited to:
 - a) private grants or donations;
 - b) Municipal/Local Service Districts contributions

ATTACHMENT A

TERMS OF REFERENCE ATV TASK FORCE WINTER 2000

INTRODUCTION

In August of this year, the Honourable Milton Sherwood, Minister of Public Safety announced that the Department would consider the value of establishing an All Terrain Vehicle (ATV) Task Force. On November 14, 2000, the Government's Throne Speech identified that an ATV Task Force would be established to encourage safe and environmentally responsible use of all-terrain vehicle's.

The Task Force is mandated to discuss and make recommendations on the following issues: public safety, trail networking, environmental impact and legislative changes.

In order to meet this mandate, the **Task Force** will:

1. identify issues and concerns relative to public safety, trail networking, environmental impact and analyze the nature and scope of enforcement problems;
2. research and review all-terrain vehicle legislation in other jurisdictions;
3. identify the economic impact of all-terrain vehicle use in New Brunswick, i.e., ;
 - sales
 - tax revenue
 - registration fees
 - tourism potential
 - costs

4. develop a profile of the average all-terrain vehicle user in the Province of New Brunswick;
5. research safe operating practices, safety training and education/promotional material available in New Brunswick and other jurisdictions;
6. request and receive input from the general public by way of written submissions;
7. consider the recommendations of the Wood Theft Working Group which were deferred to the ATV Task Force;
8. propose solutions and make recommendations to address the issues and concerns identified by stakeholder groups and the general public;
9. submit a formal report to Government by June 2001.

PROJECT MANAGEMENT

The Department of Public Safety will be the lead Department for the purpose of the Working Group. Mr. Michael Connolly, Assistant Deputy Minister, Safety Services Division will act as Chairperson.

TIME FRAME

The ATV Task Force will meet regularly from December 2000 to June 2001. It is anticipated that there will be approximately five (5) meetings, tentatively scheduled for the following dates:

December 5, 2000

February 15, 2001

March 15, 2001

April 12, 2001

May, review of final draft of the report, schedule meeting if necessary

TASK FORCE COMPOSITION

New Brunswick All Terrain Vehicle Federation Inc.
 Royal Canadian Mounted Police
 New Brunswick Federation of
 Snowmobile Clubs Inc.
 Department of Public Safety
 New Brunswick Safety Council Inc.
 Department of Business New Brunswick
 New Brunswick Trails Council Inc.
 Department of Natural Resources & Energy
 New Brunswick Aboriginal Peoples Council Inc.
 Department of Environment & Local Government
 Conservation Council of New Brunswick Inc.
 Department of Justice
 New Brunswick Association of Chiefs of Police
 Department of Transportation

BACKGROUND

All-terrain vehicle use is increasing. As of March 31, 1999 there were 22,000 all-terrain vehicle's registered with the Department of Public Safety. The number of deaths associated with all-terrain vehicle accidents in NB this year at six (6) has surpassed the typical annual total for the province.

At present, the places where all-terrain vehicles may legally operate are very limited. *The All Terrain Vehicle Act* prohibits all-terrain vehicle operation on or within 7.5 meters of any roadway or place that is used by motor vehicles. All-terrain vehicle's are not allowed on the multi-purpose Sentier New Brunswick Trail (SNBT), leased Snowmobile Federation trails on Crown lands and have limited access on private lands.

The increased use of all-terrain vehicle's is raising concerns about damage to the environment, the greater exploitation of fish and wildlife, increased opportunities for and incidents of crime, trespass on private property and confrontations with private landowners and other recreational users.

The Department of Natural Resources and Energy has worked with the New Brunswick All Terrain Vehicle Federation (NBATVF) to develop a framework for the designation of NBATVF trails on Crown lands. Government directed the Department of Natural Resources and Energy to assist the NBATVF by designating Crown woods access roads as all-terrain vehicle trails. The NBATVF was issued a License of Occupation under the Crown Lands and Forest Act authorizing the non-exclusive use of designated Crown woods access roads as NBATVF trails. An interim policy was established, but to date, no trails have been designated. A legal opinion received from Justice recommended a regulation change to the all-terrain vehicle legislation permitting access to Crown woods roads.

ATTACHMENT B

ATV TASK FORCE PARTICIPANTS

Mr. Ross Antworth	General Manager, New Brunswick Federation of Snowmobile Clubs Inc.
Mr. Stuart Blair	Vice-President, New Brunswick Federation of Snowmobile Clubs Inc.
Mr. Jim Burns	Senior Policy Advisor, Department of Justice
Mr. Michael Connolly (Chairperson)	Assistant Deputy Minister, Safety Services Division, Department of Public Safety
Ms. Jocelyne Gagnon	Policy Advisor, Department of Public Safety
Mr. Frank Graham	President, New Brunswick All Terrain Vehicle Federation Inc.
S/Sgt. Brian Griffiths	Criminal Operations, Royal Canadian Mounted Police
Ms. Karen Hughson	Policy Advisor, Department of Public Safety
Mr. Gary Jocheman	Executive Director, Business New Brunswick
Mr. Kenton Kinney	Planner, Department of Environment & Local Government
Mr. Barry LaBillois	New Brunswick Aboriginal Peoples Council Inc.
Mr. Scott Macdonald	Executive Director, New Brunswick Trails Council Inc.
Mr. Rino Martin	Executive Director, New Brunswick All Terrain Vehicle Federation Inc.
Mr. Brian McEwing	Director of Planning and Land Management, Department of Transportation
Mr. Kevin McKeen	Policy Analyst, Department of Natural Resources & Energy
S/Sgt. Dave Parks	Saint John Police Force, New Brunswick Association of Chiefs of Police
Mr. David Peterson	President, New Brunswick Trails Council Inc.
Mr. Carl Smidt	President, New Brunswick Federation of Snowmobile Clubs Inc.
Mr. Tom Sproull	Program Manager, New Brunswick Safety Council Inc.
Mr. David Thompson	Project Coordinator, Conservation Council of New Brunswick Inc.

ATTACHMENT C

SUBMISSIONS: ISSUES, CONCERNS AND RECOMMENDATIONS

There were fifty-six (56) submissions to the Task Force on behalf of ninety-four (94) individuals and/or organizations. From these fifty-six submissions, a summary of the broad issues and concerns identified and the percentage of times they were mentioned was calculated. Each submission may have addressed more than one issue.

- 4% concerned all all-terrain vehicle operators are portrayed as irresponsible trespassers
- 18% promote and/or practice safe and responsible all-terrain vehicle use
- 25% noted the economic benefits (for the Province and secondary industries) from this recreational activity
- 14% noted that all-terrain vehicle owners contributed tax dollars to the development of the various trail systems and feel they have the same right to access them
- 25% supported equal, shared use of trails by all users
- 20% supported the need for a separate all-terrain vehicle trail system
- 5% opposed new restrictions on all-terrain vehicle owners/operators
- 34% cited public safety concerns such as speed, no helmets, no lights, children as operators or passengers, and the mix of motorized and non-motorized uses on the same trail
- 45% cited issues such as illegal access (private property, Sentier NB Trail, managed snowmobile trail and public roads) and illegal activities facilitated by all-terrain vehicle use
- 38% cited environmental issues and damage (including fish and wildlife)
- 25% advocated the need for mandatory training and education for all parties, mandatory licensing requirements and age of operation, and mandatory safety equipment
- 38% argued for the need for guidelines/controls/laws with respect to the operation of all-terrain vehicles, and cited concerns with the current level of enforcement and the need for tools for law enforcement

ATTACHMENT D

PRESENTATIONS & FORMAL SUBMISSIONS TO THE TASK FORCE ORGANIZATIONS AND DEPARTMENTS

Mr. Adrian Coleman	Manager, Legislative & Member Services, Canadian All-Terrain Vehicle Distributor's Council
Mr. Chris Steeves	President, New Brunswick Ground Search and Rescue Association Inc.
Mr. Kevin McKeen	Policy Analyst, Department of Natural Resources & Energy
Mr. David Olmstead	The Keswick River Society Inc.
Mr. Rino Martin	Executive Director, New Brunswick All Terrain Vehicle Federation Inc.
Mayor Raymond Murphy & Ms. Yvonne Gibb	President & Executive Director, Union of Municipalities of New Brunswick
Ms. Pierette Mercier	New Brunswick Federation of Naturalists Inc.
Mr. Barry LaBillois	New Brunswick Aboriginal Peoples Council Inc.
Ms. Diane Amirault	Wildlife Biologist, Species at Risk Program, Canadian Wildlife Service, Environment Canada
Mr. Ross Galbraith	Migratory Bird Enforcement Coordinator, NB and PE, Canadian Wildlife Service, Environment Canada
Mr. Brian McEwing	Director of Planning and Land Management, Department of Transportation
Mr. David Peterson	President, New Brunswick Trails Council Inc.
Mr. Carl Smidt & Mr. Ross Antworth	President & General Manager, New Brunswick Federation of Snowmobile Clubs Inc.
Mr. Peter DeMarsh & Mr. Bruce Oliver	New Brunswick Federation of Woodlot Owners Inc., New Brunswick Federation of Agriculture Inc., and la Fédération des agriculteurs et agricultrices francophone du Nouveau-Brunswick Inc.
Ms. Roberta Clowater	NB Protected Natural Areas Coalition
Ms. Sharon Kingston-Eldridge	New Brunswick Wildlife Federation
Mr. Mike Whalen	General Manager Operations, Maritimes & Northeast Pipeline
Dr. S. Walling	Neurosurgeon, Department of Neurosurgery, Saint John Regional Hospital
Mr. Jean Claude Santerre	Superintendent of Transportation, New Brunswick East Coast railway
Mr. Michael Gorman, P. Eng.	President, MRDC Operations Corporation

ATTACHMENT E

**HEALTH CARE COSTS
DEPARTMENT OF HEALTH AND WELLNESS – HFUMS**

1998-1999

Number of injuries for the fiscal year	88
Average number of days spent at the hospital	4
Average age of patient	30
Number of drivers	58
Number of passengers	13
Unknown	17
Relative cost*	\$252,378

1999-2000

Number of injuries for the fiscal year	121
Average number of days spent at the hospital	5
Average age of patient	25
Number of drivers	80
Number of passengers	13
Unknown	28
Relative cost*	\$340,888

** The relative cost provided, is not a true dollar amount but rather a cost assigned which is calculated using a specific relative measure of expected patient resource utilization multiplied by a dollar value assigned by Hospital Services, Department of Health & Wellness.*

ATTACHMENT F

THEFT AND TRESPASS: IMPACT ON LANDOWNERS AND INDUSTRY

REPORT OF THE WOOD THEFT WORKING GROUP

October 2000

Recommendations deferred to the ATV Task Force for further consideration

Recommendation No. 8(b)(i) Provide an examination of the enforceability of Regulation 90-55 under the Trespass Act (blue disks) and Regulation 89-106 under the Fish and Wildlife Act (red and yellow disks).

It is recognized that there is a need for greater public education and promotion with respect to property rights. Circumstances relative to trespass have changed with the prevalence of all-terrain vehicle use. Only the issue of public education and promotion of property rights has been deferred to the Task Force. A separate committee chaired by DNRE is looking into the enforceability of the aforementioned regulations (blue, red and yellow disks).

The issue of education and awareness programs and initiatives with respect to a number of issues related to the operation of all-terrain vehicles has been addressed in the following recommendations of the ATV Task Force: numbers 12, 17, 21, 34, and 35.

Recommendation No. 8(f) Amend the ATV Act to create an offence for operating an ATV on private land without the owner's permission.

The issue of landowner permission has been addressed through the following recommendations of the ATV Task Force: numbers 16, 22, 23, 27, and 28.

Recommendation No. 12(c) Require ATV operators to take the ATV Rider Course before being able to register their ATV if convicted of an offence under the Trespass Act. The ATV Rider's course is a 5 1/2 - 7 hour training program operated by CSC certified instructors.

The issue of mandatory training has been addressed through the following recommendations of the ATV Task Force: numbers 3 and 4.

ATTACHMENT G**HEALTH CANADA DATA*****All-Terrain Vehicle Hospitalizations***

Fiscal years 1994-1995 to 1998-1999, By sex and Province/Territory
(total counts and mean rates/100,000)

Province/Territory	Male		Female		Combined	
	Total	Mean rate	Total	Mean rate	Total	Mean rate
Canada	5,750	7.8	1,267	1.7	7,017	4.7
Newfoundland	209	5.0	47	3.4	256	9.2
Prince Edward Island	9	2.7	1	0.3	10	1.5
Nova Scotia	229	10.0	25	1.0	254	5.4
New Brunswick	352	18.8	77	4.1	429	11.4
Quebec	1,591	8.9	339	1.8	1,930	5.3
Ontario	1,228	4.5	231	0.8	1,459	2.6
Manitoba	263	9.4	79	2.8	342	6.0
Saskatchewan	237	9.4	61	2.4	298	5.8
Alberta	886	12.5	218	3.1	1,104	7.9
British Columbia	713	7.4	174	1.8	887	4.6
Yukon	5	6.1	2	2.7	7	4.5
Northwest Territories and Nunavut	28	16.0	13	8.1	41	12.2

All-Terrain Vehicle Hospitalizations

Fiscal years 1994-95 to 1998-99, By age group, Canada and New Brunswick
(total counts and mean rates/100,000)

Age group	ATV – Canada		ATV – NB	
	Total	Mean rate	Total	Mean rate
0-9	372	1.9	10	2.1
10-14	1,052	10.4	55	21.3
15-19	1,163	11.5	78	28.9
20-24	762	7.5	60	21.8
25-34	1,286	5.4	85	14.5
35-44	934	3.7	56	9.0
45-54	615	3.2	40	8.1
55-64	399	3.1	24	7.5
65+	434	2.4	21	4.5

All-Terrain Vehicle Deaths

Calendar years 1994 to 1998, By sex and Province/Territory
(total counts and mean rates/100,000),

Province/Territory	Male		Female		Combined	
	Total	Mean rate	Total	Mean rate	Total	Mean rate
Canada	123	0.17	18	0.02	141	0.10
Newfoundland	3	0.21	4	0.28	7	0.25
Prince Edward Island	0		0		0	
Nova Scotia	3	0.13	1	0.04	4	0.09
New Brunswick	7	0.37	0		7	0.19
Quebec	48	0.27	9	0.05	57	0.16
Ontario	19	0.07	1	<0.01	20	0.04
Manitoba	5	0.18	0		5	0.09
Saskatchewan	9	0.36	0		9	0.18
Alberta	17	0.24	0		17	0.12
British Columbia	11	0.11	3	0.03	14	0.07
Yukon	0		0		0	
Northwest Territories and Nunavut	1	0.57	0		1	.30

All-Terrain Vehicle Deaths

Calendar years 1994 to 1998, By age group, Canada and New Brunswick
(total counts and mean rates/100,000)

Age group	ATV – Canada		ATV – NB	
	Total	Mean rate	Total	Mean rate
0-9	12	0.06	0	
10-14	14	0.14	1	0.39
15-19	19	0.19	1	0.37
20-24	12	0.12	1	0.36
25-34	17	0.07	2	0.34
35-44	24	0.10	1	0.16
45-54	14	0.07	0	
55-64	15	0.12	0	
65+	14	0.08	1	0.21

ATTACHMENT H

CONSUMER PRODUCT SAFETY COMMISSION, WASHINGTON, DC INJURY SURVEY

Some of the results of the injury survey are as follows:

- 47% of the injuries occurring during the study period involved children under the age of 16;
- 95% of injured children were driving all-terrain vehicles larger than recommended for their age;
- an estimated 54,500 all-terrain vehicle-related injuries were treated in hospital emergency departments during 1997;
- 25% of the injuries were to passengers;
- 75% of the injuries occurred to males;
- 22% of injuries involved the head (concussion or brain injuries), at least 65% of the persons suffering head injuries were not wearing helmets;
- the largest injury diagnosis categories were contusions and abrasions (27%), and fractures and dislocations (26%);
- 37% of the injuries involved the arm region; 28% involved the leg region;
- 13% of the emergency department injuries were hospital admitted (compared to 4% of all product-related injuries);
- about 4% of drivers involved in injury incidents reported formal all-terrain vehicle training or training by a dealer or sales person.

A similar analysis of the New Brunswick data for injuries reported by the Department of Health and Wellness was conducted, the following information was extracted from the reported injuries of inpatients and day surgery:

- 20% of the injuries involved children under the age of 16;
- 52% of injured persons were driving the all-terrain vehicle ;
- an estimated 112 all-terrain vehicle-related injuries were treated as inpatients and day surgery patients during the fiscal year 1999-2000;
- 28% of the injuries were to passengers;
- 24.1% of injuries involved the head (concussion or brain injuries) (it is unknown if these people were wearing helmets);
- 18% of the injuries involved the arm region; 27% involved the leg region;
- 29% of the injuries involved the back/abdominal region (including internal organs, clavicles, ribs, and vertebrae).

ATTACHMENT I

WATERSHED PROTECTION PROGRAM DEPARTMENT OF ENVIRONMENT AND LOCAL GOVERNMENT

There are three key features of this program;

- Designated watersheds, watershed areas that supply municipal drinking water for the province.
- Setback zone, protected area around each designated watershed. This area consists of the entire zone within 75 m back from the banks of most watercourses within the watershed.
- Watercourse Setback Designation Order defines the setback zones, and what can occur within them.

The Watercourse Setback Designation is written in such a way that all developments, activities, or things not described are prohibited within a protected area.

WHAT IS A PROTECTED AREA:

The protected area, as designated under the Watercourse Setback Designation, is an area within a horizontal distance of 75 metres from the bank of watercourses.

This protected area serves to prevent sediments, pollutants, and contaminants from reaching rivers, streams and lakes within the watershed.

WHAT PROPERTIES ARE AFFECTED BY THE WATERCOURSE SETBACK DESIGNATION:

For a property to be affected by the Watercourse Set Designation, the property must be contained within one of the designated watershed listed in the accompanying table.

Although watercourses include lakes, rivers and most streams within a watershed, some very small seasonal brooks, ditches, and wetlands may not be included. The 75 metre setback applies only to watercourses which are specifically identified on plans contained in the general register of protected areas (setback zones) maintained in the office of the Minister of the Environment and Local Government.

Maps showing the designated watersheds and selected watercourses can be obtained from either the Department of the Environment and Local Government, or Geographic Information Corporation Office (Land Information Centre).

List Of Designated Watersheds

Municipality		Watershed
Baker Brook	A1	Ruisseau à Zépherin Watershed
Bath	A2	Watershed Of Unnamed Tributary to Saint John R.
Bathurst	A3	Carters Brook Watershed
	A4	Middle River Watershed
Campbellton	A5	Prichard Lake – Smith Lake Watershed
Clair	A6	Ruisseau Thompson Watershed
Dalhousie	A7	Charlo River Watershed
Edmundston	A8	Ruisseau à Blanchette Watershed
	A9	Rivière Iroquois Watershed
Eel River Crossing	A10	Eel River Watershed
Moncton	A11	Turtle Creek Watershed
	A12	McLaughlin Road Reservoir Watershed
Perth-Andover	A13	Huds Brook Watershed
Petit-Rocher	A14	Nigadoo River Watershed
Plaster Rock	A15	Tobique R. Watershed downstream of the mouth of Two Brooks
Riverside-Albert	A16	Arabian Vault Brook Watershed
Rivière Verte Branch Green River	A17	Green River Watershed downstream of the mouth of Little Forks
Rothsay	A18	Carpenter Pond Watershed
Sackville	A19	Ogden Mill Brook Watershed
Saint-Basile	A20	Watershed of Unnamed Tributary to Ruisseau des Smyth
Saint-François-de-Madawaska	A21	Watershed of Unnamed Tributary to Saint John River
Saint-Hilaire	A22	Ruisseau à Félix-Martin Watershed
Saint-Jacques	A23	Rivière à la Truite Watershed
	A24	Watershed of Unnamed Tributary to Madawaska River
Saint John	A25	Lock Lomond Watershed
	A26	East and West Musquash Watershed
	A27	Spruce Lake Watershed
Saint-Quentin	A28	Five Fingers Brook Watershed
St. Andrews	A29	Chamcook Lake Watershed
St. Stephen	A30	Dennis Stream Watershed
Verret	A31	Ruisseau Trois-Miles Watershed

WHAT ACTIVITIES ARE PERMITTED:

As long as all existing applicable municipal, provincial and federal laws are adhered to, proper permits are obtained, care and concern for the watershed water quality are exercised and no contaminant is added to any watercourse, a municipality, person or corporate body may do the following within a protected area (setback zone) (All other developments and activities are prohibited):

x. enjoy access for primitive recreational uses:

These include such things as study of wildlife, hunting, fishing, trapping, canoe portaging, cross-country skiing and snowshoeing. Harvesting of wild crops by non-motorized mechanical means is also permitted;

y. operate a motorized vehicle on provincial highways existing as of November 8, 1990;

z. survey and post signs;

aa. carry out emergency operations conducted for the public health, safety or general welfare; Included are natural resource protection, law enforcement and search and rescue operations;

bb. rebuild, maintain, renovate or make additions to existing single family dwellings:

However, such residences must have on-site sewage disposal facilities that meet the requirements of the Department of Health and Community Services. Existing residential buildings **cannot be converted to increase the number of family units**. Where an existing dwelling has been damaged or destroyed it may be rebuilt, after notifying the Minister, as long as it is no closer to the watercourse than the existing dwelling was and no additional buildings are built. Measures to prevent the discharge of sediments into the watercourse must be undertaken.

Routine residential property maintenance may be carried out. Additional landscaping may also be carried out provided that the landscaping is at least 5 metres from the banks of the watercourse and no trees are cut within 15 metres from the banks of the watercourse. Landscaping does not include major structures such as garages, swimming pools and ponds. Maintenance or upgrading of existing septic systems is also permitted;

cc. on residential properties only, remove dead and blown down trees within 15 metres of the banks of a watercourse;

1. within 1 kilometre upstream of a surface water supply intake, carry out tree planting activities between 30 and 75 metres from the banks of the watercourse;

2. at a distance greater than 1 kilometre upstream of a surface water supply intake, carry out tree planting activities between 15 and 75 metres from the banks of a watercourse;

dd. within 1 kilometre upstream of a surface water supply intake, selection cut by mechanical or by non-mechanical means between 30 and 75 metres from the banks of a watercourse:

Cutting within this zone must only occur from January 1 to March 31 of each year south of the Village of Bath; and only from November 1 to March 31 of the following year north of the Village of Bath. During any five year period, no more than 30 percent of the stems, or up to 30 percent of the volume, may be removed on any property within the protected area.

1. at a distance greater than 1 kilometre upstream of a surface water supply intake, selection cut by mechanical or non-mechanical means between 15 and 75 metres of a watercourse;

Cutting within this zone must only occur from January 1 to March 31 of each year south of the Village of Bath, and only from November 1 to March 31 of the following year north of the Village of Bath. During any five year period, no more than 30 percent of the stems, or up to 30 percent of the volume, may be removed on any one property OR the volume of trees cut is cut in accordance with the forest management plan prepared by a Registered Professional Forester.

A selection cut means a method of cutting trees such that:

- a. a well-distributed stand of trees and other vegetation is maintained,
 - b. the trees cut are limited to 10 centimetres or more in diameter at 1.36 metres above ground level, and
 - c. no opening greater than 300 square metres are created in the forest canopy.
- ee. within 1 kilometre upstream of a surface water supply intake, carry out existing agricultural activities between 30 to 75 metres from the banks of a watercourse;

Within this zone, plowing or tilling must be contoured across the slope, and cannot occur on slopes greater than 5 horizontal to 1 vertical, without construction of diversion terraces. Surface runoff from each field must not flow directly into the watercourse. Fields used for livestock grazing must have a suitable fence constructed, in order to keep livestock at least 30 metres from the watercourse. Green manuring or incorporation of green plant material, other than the primary crop, into the soil, is also required within the zone, in addition to inorganic fertilizing;

- 1. at a distance greater than 1 kilometre upstream of a surface water supply intake, carry out existing agricultural activities between 15 and 75 metres from the banks of a watercourse;

Within this zone, plowing or tilling must be contoured across the slope, and cannot occur on slopes greater than 5 horizontal to 1 vertical, without construction of diversion terraces. Surface runoff from each field must not flow directly into the watercourse. Fields used for livestock grazing must have a suitable fence constructed, in order to keep livestock at least 15 metres from the watercourse. Green manuring or incorporation of green plant material, other than the primary crop, into the soil, is also required within the zone, in addition to inorganic fertilizing;

- 2. at a distance greater than 1 kilometre upstream of a surface water intake, hay removal is permitted up to 5 metres from the bank of a watercourse;

- ff. within 1 kilometre upstream of a surface water supply intake, spray pesticides between 30 and 75 metres from the bank of a watercourse;

Any person who sprays pesticides within this area must hold a Class B level 4 or other appropriate certification under the Pesticides Control Act:

- 1. at a distance greater than 1 kilometre upstream of a surface water intake, spray pesticides are permitted between 15 and 75 metres from the bank of a watercourse; Any person who sprays pesticides within this area must hold a Class B Level 4 or other appropriate certification under the Pesticides Act:

gg. construct roads at approved watercourse crossings provided that guidelines as specified in the Watercourse Setback Designation are followed:

These guidelines help prevent the direct discharge of sediment into a watercourse by specific construction methods designed to minimize ground disturbance and prevent erosion;

An approved watercourse crossing is a watercourse crossing that has been approved by the Minister of the Environment under the Watercourse Alteration Regulation;

hh. install and operate electrical pump stations, provided that they conform to the standards specified in the Watercourse Setback Designation;

ii. install and operate fuel powered pumps, provided that they conform to the standards specified in the Watercourse Setback Designation, only between 30 and 75 metres of the banks of a watercourse;

jj. undertake underground exploration/development work or mineral extraction if the work is at sufficient depth not to influence the watercourse;

kk. drive motorized recreational vehicles at approved watercourse crossings;

ll. use existing public beaches:
This includes beaches on both public and/or private land on which the general public have access to the purpose of swimming;

mm. use existing public boat launching areas;

nn. construct and operate substations, terminal stations and any part of a transmission line at approved watercourse crossings;

oo. undertake sugar bush operations:
However, no mechanical equipment or sap processing may occur within 30 metres of the watercourse;

1. conduct watercourse bank protection activities in accordance with a permit issued under the Watercourse Alteration Regulation;

pp. undertake certain surface mineral exploration activities, including establishing grid lines, prospecting, surveying, surveys and mapping;

qq. construct and operate the intake structure and conveyance works associated with a commercial aquaculture facility.

COMPLYING WITH THE WATERCOURSE ALTERATION SETBACK DESIGNATIONS

There will, of course, be developments or activities presently existing within the 75 metre setbacks which will not conform with the conditions of the Watercourse Setback Designation. The Minister of the Environment and Local Government has three options in addressing these situations;

1. to grant exemptions with specific conditions;
2. to refuse a request for exemption; or
3. to acquire all or a portion of the land.

Anyone owning or who is developing, constructing, operating or maintaining, within a protected area, an activity or thing which is prohibited, controlled, limited or otherwise affected by the Watercourse Setback Designation, and feels they are not able to comply with the requirements of the Watercourse Setback Designation, must request an exemption from the Minister of the Environment, in writing.

ATTACHMENT J**ENFORCEMENT STATISTICS***Statistics from Police Forces throughout the Province*

Police Force	Year	Number of complaints	Nature of complaint(s)
Saint John	1999	74	Driving on roadway
	2000	30	Driving on private property Driving on school property Driving on playground
Rothesay Regional	1999	28	Driving on roadway
	2000	46	Driving on private property Driving on school property Driving on playground Walking trails and parks
Miramichi	1999-2000	57	Unauthorized use of all-terrain vehicles on walking trails and parks.
Edmundston	1999	34	
	2000	30	2 accidents in 2000
Sackville		75-100 per year	Driving on roadway Driving on « Rails to Trails » Property damage 1 serious accident in 1998
St. Stephen	1999	13	Driving on roadway
	2000	13	Trespassing across private land
Woodstock	1999-2000	40	Driving on Sentier NBTrail Driving on roadway Accessing private property

*Department of Natural Resources and Energy***Violations of the All-Terrain Vehicle Act, April 1, 2000 – March 31, 2001**

Region	Convictions	Not completed	Not proceeded	Warnings	Withdrawn	Total
1	12	7	4	118	4	145
2	2	1	0	57	0	60
3	0	1	9	165	0	175
4	1	0	5	117	0	123
5	5	2	1	149	0	157
Total	20	11	19	606	4	660

"J" Division RCMP

Calls for Service (1) & Charges, All Terrain Vehicle Act

	1995	1996	1997	1998	1999	2000
Actual # of Calls	793 (2)	624	702	955	1360	1617
Total Charges (3)	432	314	302	424	614	670
# of Persons Charged	363 (4)	268	262	358	533	585
All-terrain vehicles	156	111	78	85	159	128
Snowmobiles	44	13	25	24	9	10

Based on District reports submitted for the period, Jan - April 2001, there was a minimum of 1219 hours enforcing the All Terrain Vehicle Act. During this time in excess of 2000 snowmobiles were checked, 86 P.O.P.A. tickets issued and 143 warnings administered. In addition, persons responsible for 4 break and enters into camps/cottages were apprehended and charged, one stolen all terrain vehicle was recovered, and joint RCMP / DNRE patrols for wood theft and camp checks were conducted.

- (1) Includes requests for patrols, complaints and charges.
- (2) There has been a 103.9% increase from 1995 to 2000, and a 159.1% increase since 1996.
- (3) These represent charges under the *All-Terrain Vehicle Act* for all types of all terrain vehicles. From 1995 to 2000 there has been a 55.1% increase in the number of charges laid, with a 113.4% increase since 1996.
- (4) The number of persons charged has increase 61.2% from 1995 to 2000, and 118.3% since 1996.

ATTACHMENT K

LEGISLATIVE COMPARISON: PROVINCIAL/TERRITORIAL ALL-TERRAIN VEHICLE LEGISLATION²⁸

Alberta	Off-Highway Vehicle Act
BC	Motor Vehicle (All Terrain) Act
Manitoba	The Off-Road Vehicles Act
New Brunswick	All-Terrain Vehicle Act
Newfoundland	Motorized Snow Vehicles and All-Terrain Vehicles Act
Northwest Territories	All-Terrain Vehicles Act
Nova Scotia	Off-highway Vehicles Act
Nunavut	All-Terrain Vehicle Act ²⁹
Ontario	Off-Road Vehicles Act
PEI	Off-Highway Vehicle Act
Québec	An Act Respecting Off-Highway Vehicles
Saskatchewan	The All Terrain Vehicles Act
Yukon	Motor Vehicles Act
City of Yellowknife	All-Terrain Vehicles By-Law

DEFINITION ATV

Alberta

All-terrain vehicle means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland

does not include a snow vehicle, implement of husbandry or construction machinery

BC

All-terrain vehicle means a vehicle that is propelled by motorized power and capable of travel on or off highway as defined in the Highway Act, and that is designated as an all terrain vehicle by regulation

Manitoba

All-terrain vehicle means an off-road vehicle that operates or travels on three or more low-pressure tires, has a seat designed to be straddled by the operator of the vehicle, and has handlebars for steering the vehicle

New Brunswick

All-terrain vehicle means any motor vehicle designed or adapted for off-road use and includes dirt bikes, dune buggies, motorized snow vehicles and amphibious machines

Newfoundland

Vehicle means all motorized vehicles designed and constructed for travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including four-wheel drive or low-pressure-tire powered vehicles, low-pressure-tire motorcycles and related two-wheel vehicles, snowmobiles, amphibious machines, ground effect or air-cushioned vehicles, but does not include a motor vehicle

Northwest Territories

All-terrain vehicle means a motorized vehicle that runs on wheels, tracks, skis, air cushions or any combination thereof and is designed for cross-country travel on land, water, snow, ice, marsh, swamp or on other natural terrain and includes an amphibious vehicle, a snow vehicle, a motorized vehicle mounted on three wheels, a pedal bicycle with motor attachment and any other vehicle prescribed to be included.

Special all-terrain vehicle means an all-terrain vehicle that operates on **three or four wheels**

Nova Scotia

Off-highway vehicle means a snow vehicle, three-wheel or four-wheel all-terrain vehicle, motorcycle, mini bike, four-wheel-drive or low-tire-pressure vehicle, dune buggy or vehicle or class of vehicle designated as an off-highway vehicle by regulation

Nunavut

This Act applies to any motorized vehicle that runs on wheels, tracks, skis, or air cushions and is designed for cross-country travel on land, water, snow or ice and weighs less than 900 kilograms. The Act also applies both inside and outside of communities

Part III of the Act makes rules for “special” ATV’s, those that have three or four wheels. For special ATV’s there are rules which apply on all highways, both inside and outside of the community

Ontario

Off-road vehicle means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel on not more than three wheels or on more than three wheels and being of a prescribed class of vehicle

²⁸ Most legislation was obtained online through the Provincial/Territorial Government’s web site and might not have been the official version.

²⁹ This information was taken from a Summary of Nunavut’s All-Terrain Vehicle Act that was available online, and not the official legislation.

PEI

All terrain vehicle means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces such as open country and marshland, but does not include a snow vehicle, implement of husbandry or construction machinery

the definition of an off-highway vehicle includes all terrain vehicles

Québec

This act applies to the following off-highway vehicles: snowmobiles, motorized all-terrain vehicle equipped with handlebars and at least two wheels, that is designed to be straddled, and such other motorized vehicles designed to travel off a public highway as are determined by regulation

Saskatchewan

All terrain vehicle means a self-propelled vehicle that is designed primarily for the movement of people or goods on unprepared surfaces, and has wheels in contact with the ground and includes a restricted use motorcycle, a mini-bike and an all terrain cycle

does not include a golf cart, snowmobile as defined in The Snowmobile Act, an agricultural implement or special mobile machine as defined in the Highway Traffic Act, or any vehicle that is required to be registered pursuant to the Highway Traffic Act

Yukon

The Motor Vehicles Act includes definitions of the following types of vehicles: air cushion vehicle, commercial vehicle, moped, motor cycle, motor vehicle, private vehicle, snowmobile and vehicle but does not include a definition of an all-terrain or off-highway vehicle.

City of Yellowknife

All-terrain vehicle means a motorized vehicle that runs on wheels, skis, air cushions or any combination thereof and is designed for cross-country travel on land, water, snow, ice, marsh, swamp or other natural terrain and includes an amphibious vehicle, snow vehicle, a motorized vehicle mounted on three or more wheels, a pedal bicycle with motor attachment, a motorcycle, moped or scooter that otherwise is not eligible for registration as a motorcycle pursuant to the Motor Vehicles Act, and any other vehicle prescribed to be included

OPERATION ON HIGHWAYS

Alberta

No person shall operate an off-highway vehicle on any portion of a highway, unless authorized under another provision of the act

BC

Unless he or she holds a valid and subsisting driver's licence issued under the Motor Vehicle Act, a person must not operate an all terrain vehicle on or across a highway as defined in the Highway Act or on any portion of the right of way of a highway, except as authorized under another provision of the act

Manitoba

Except as may be authorized under another provision of the act or under the regulations, no person shall operate an off-road vehicle upon or across a roadway or the shoulder thereof, on or across the median of a divided highway, or on the right-of-way of an interchange

New Brunswick

Subject to the regulations and any municipal by-law enacted under section 37, no person shall operate an all-terrain vehicle within 7.5 metres of the travelled portion of a highway, unless authorized under another provision of the act

Newfoundland

Except as permitted by this Act and the regulations, a person shall not drive a vehicle upon a highway unless that person is the holder of a class of driver's licence issued under the Highway Traffic Act and in the case of a person under 19 years of age, that person or the vehicle being driven is insured in the manner provided in the regulations

Northwest Territories

No person who owns an all-terrain vehicle shall permit any other person to, and no person shall, operate or otherwise be in control of an all-terrain vehicle on a roadway or shoulder of a roadway **lying outside a municipality or regulated area**

Subsection 3(1) provides general rules for operation on a roadway

Nova Scotia

Except as provided by this section or as authorized by the Minister pursuant to Section 13, no person shall operate an off-highway vehicle upon a highway, upon the shoulder adjoining the travelled portion of a highway or upon the median of a highway

Nunavut

No person under the age of 14 may operate a special ATV on a highway.

Ontario

This act does not apply in respect of off-road vehicles being operated on a highway.

PEI

No person shall operate an off-highway vehicle on any portion of a highway, unless authorized under another provision of the act.

Québec

An off-highway vehicle may be operated on lands in the public domain, subject to the conditions, restrictions and prohibitions imposed

an off-highway vehicle may be operated on roads and private roads open to public vehicular traffic. However, the owner of the road or the maintenance authority may prohibit off-highway vehicles or restrict their operation

an off-highway vehicle may be operated on the trails of an off-highway vehicle club. However, the club may prohibit off-highway vehicles or restrict their operation

no off-highway vehicle shall be operated on a public highway, unless authorized under another provision in the act

Saskatchewan

No person shall operate an all terrain vehicle on the travelled portion of a highway, unless authorized under another provision of the act

City of Yellowknife

The By-law sets out provisions whereby an all-terrain vehicle can operate on a highway

AGE OF OPERATION

Alberta

No person under the age of 14 shall operate an off-highway vehicle in a public place unless supervised by an adult person seated next to them or in close proximity while giving instruction

BC

May be prescribed by regulation

Manitoba

No person under the age of 14 years shall operate an off-road vehicle unless supervised and accompanied by and at all times within clear view of the person's parent or a person the age of 18 years and authorized by the parent

New Brunswick

No person under fourteen years of age shall drive an all-terrain vehicle unless supervised and accompanied by and at all times within the clear view of a person nineteen years of age or older

Newfoundland

Unless otherwise prescribed in the regulations, a person under the age of 16 years shall not drive a vehicle unless accompanied by a person who is 16 years of age or order and if, under the age of 19 years, is properly insured, or on whose behalf there is proper insurance for the operation of that vehicle in accordance with the regulations

Northwest Territories

No person under the age of 14 years shall operate a special all-terrain vehicle on a highway

Nova Scotia

No person who is under the age of fourteen years shall operate an off-highway vehicle and no person who owns or has control of an off-highway vehicle shall permit the operation of the off-highway vehicle by a person under the age of fourteen years, except

an off-highway vehicle may be operated by a person who is at least ten but less than fourteen years of age where the off-highway vehicle is operated by a child on private property of a parent or guardian of the child, or on private property of another person where the parent or guardian obtains permission for the child to operate the off-highway vehicle there or the operation is directly supervised by a person who is at least the age of majority

an off-highway vehicle may be operated by a person under the age of 10 years where...same as above

Nunavut

no person under the age of 14 may operate a special ATV on a highway

Ontario

No owner of an off-road vehicle shall permit a child under the age of twelve to drive the vehicle

this provision does not apply where the child is driving the vehicle on land occupied by the vehicle owner or under the close supervision of an adult

PEI

May be prescribed by regulation

Québec

Every operator of an off-highway vehicle must be 14 years of age or over

If the operator is under 16 years of age, he must hold a certificate obtained from an officer authorized by Government and that attests that the operator had the competence and knowledge required to operate an off-highway vehicle

Saskatchewan

No person under the age of 16 years shall operate an all terrain vehicle, unless authorized under another provision in the act

City of Yellowknife

No person under 14 years of age shall operate an all-terrain vehicle in the City of Yellowknife

INSURANCE REQUIREMENTS

Alberta

An insurer who issues a policy in respect of an off-highway vehicle shall also issue a financial responsibility card for each person who commonly drives the vehicle and for each off-highway vehicle in respect of which the policy is issued

BC

If a person applies for written permission to operate an all-terrain vehicle or a registration or transfer of registration of an all-terrain vehicle, the Insurance Corporation of British Columbia may refuse to issue the document sought by the applicant if the corporation is not satisfied that the vehicle is insured as required by regulations made under section 7(2)(i)

Manitoba

An off-road vehicle, other than an off-road vehicle of a dealer, shall not be registered unless the insurance premium prescribed in the regulations under the Manitoba Public Insurance Corporation Act has been paid for insurance against liability arising from bodily injury to or the death of one or more persons or loss of, or damage to property occasioned by the use or operation of an off-road vehicle at least to the limit required of an owner under those regulations

New Brunswick

No owner of an all-terrain vehicle shall drive it or permit it to be driven unless, if it is a **motorized snow vehicle**, it is covered by a motor vehicle liability insurance policy

Newfoundland

A person shall not drive, cause, allow or permit to be driven a vehicle unless that vehicle is registered and insurance requirements, as required by this Act and the regulations, are complied with

Northwest Territories

No person shall park a special all-terrain vehicle on a highway, other than a privately owned area that is designed and primarily used for the parking of vehicles, or operate a special all-terrain vehicle on a highway unless there is a motor vehicle liability policy that is in force for the vehicle and the evidences a contract that insures at least to the limits required by section 144 of the Insurance Act

Nunavut

All special ATV's operated on a highway must have a licence, insurance and registration

Ontario

No person shall drive an off-road vehicle unless it is insured under a motor vehicle liability policy in accordance with the Insurance Act

PEI

May be prescribed by regulation

Québec

The owner of an off-highway vehicle shall hold a civil liability insurance contract in an amount of not less than \$500,000 that covers bodily injury and property damage caused by the vehicle

Saskatchewan

No person shall operate an all terrain vehicle on a highway, whether the travelled or untravelled portion of it, or on any public land unless there is, in respect of the operation of an all terrain vehicle, a subsisting contract of automobile insurance insuring the owner and every person who operates the vehicle in an amount of not less than the prescribed amount against liability imposed by law on the insured named in the contract or that other person for loss or damage resulting from the ownership of the all terrain vehicle and resulting from bodily injury to or the death of any person, and damage to property

City of Yellowknife

No person operating an all-terrain vehicle in the authorized areas within the City shall do so unless there is in force a policy of motor vehicle insurance and a minimum \$500,000 public liability insurance on the all-terrain vehicle

TRESPASS

Alberta

A person who operates an off-highway vehicle without due care and attention or without reasonable consideration of other persons or property is guilty of an offence

BC

A person must not operate an all terrain in a careless, reckless or negligent manner so as to endanger or cause injury or damage to a person or property of another...on private property without the consent of the owner, lessee or occupant of it

Manitoba

No person shall operate an off-road vehicle on privately owned land without the express or implied consent of the owner or lawful occupier of the property

New Brunswick

No person shall operate an all-terrain vehicle without due care and attention or without reasonable consideration for persons and property

Newfoundland

A person who operates a vehicle without due care and attention, without reasonable consideration for other persons or property, or while under the influence of intoxicating liquor, narcotics or habit forming drugs is guilty of an offence

Nova Scotia

No person shall operate an off-highway vehicle on a sidewalk, walkway, school grounds, utility service lane, cultivated land, private forest land, watercourse, campground, golf course, park, playground, beach, sand dune or any private property, without the permission of the owner or occupier

PEI

Every person who operates an off-highway vehicle without due care and attention or without reasonable consideration for other persons or property is guilty of an offence

Québec

An off-highway vehicle may be operated on private land, subject to the express authorization of the owner or lessee

Saskatchewan

No person shall operate an all terrain vehicle on any private land not owned or occupied by him or a member of his immediate family or Crown land used or occupied otherwise than by the Crown without the permission of the owner or occupant of the land

City of Yellowknife

No person shall operate an all-terrain vehicle on private property without first obtaining consent from the owner of the property

ATTACHMENT L

ENVIRONMENT IMPACT ASSESSMENT

DEPARTMENT OF ENVIRONMENT AND LOCAL GOVERNMENT

WHAT TYPE OF PROJECT REQUIRES REGISTRATION:

The types of proposed undertakings that require registration are listed in Schedule A of the regulation (see below). It is also necessary to register any project intended to modify, extend, rehabilitate, abandon or demolish an undertaking that was completed before the regulation came into force.

SUMMARY OF THE PROCESS:

Before any work on the actual project proceeds, the proposal must be registered with the Minister of Environment and Local Government on a form provided by the Department. The project is then reviewed to determine whether an EIA is warranted. In some cases, the Minister may request additional information from the proponent before deciding whether an EIA for the proposed undertaking is necessary.

When sufficient information relating to the proposal has been received, a maximum of thirty days is allowed for examination of this material to evaluate the environmental issues surrounding the proposed project. If an EIA is not necessary, the Minister will notify the proponent that the undertaking may be carried out, subject to terms or conditions established by the Minister.

If the Minister decides that an EIA is warranted, the proponent will be required to conduct an Environmental Impact Assessment study prior to proceeding with the undertaking. The first and most important requirement of the Environmental Impact Assessment Regulation is to formally register the details of the proposal with the Minister of the Environment.

SCHEDULE A - UNDERTAKINGS

- a. all commercial extraction or processing of a mineral as defined in the Mining Act;
- b. all electric power generating facilities with a production rating of three megawatts or more;
- c. all water reservoirs with a storage capacity of more than ten million cubic metres;
- d. all electric power transmission lines exceeding sixty-nine thousand volts in capacity or five kilometres in length;
- e. all linear communications transmission systems exceeding five kilometres in length;
- f. all commercial extraction or processing of combustible energy-yielding materials, except fuelwood;
- g. all offshore drilling for, or extraction of, oil, natural gas or minerals;
- h. all pipelines exceeding five kilometres in length, except water, steam or domestic wastewater pipelines;
- i. all causeways and multiple -span bridges;
- j. all major highway projects involving either a significant length of new highway alignment or a major upgrading or widening of an existing highway resulting in a change in its intended use or classification;
- k. all facilities for the commercial processing or treatment of timber resources other than fuelwood, except maple sugaries, shingle mills and sawmills producing less than one hundred thousand foot board measure annually;
- l. all programs or commercial ventures involving the introduction into New Brunswick of plant or animal species which are not indigenous to New Brunswick;
- m. all waste disposal facilities or systems;
 1. all disposal, destruction, recycling, reprocessing or storage of waste that originates outside New Brunswick and all facilities or systems for the disposal, destruction, recycling, reprocessing or storage of such waste;

- n. all sewage disposal or sewage treatment facilities, other than domestic, on-site facilities;
- o. all provincial or national parks;
- p. all major recreational or tourism developments, including developments which consist of changing the use of land so that it is used for recreational or tourism purposes;
- q. all ports, harbours, railroads or airports;
- r. all projects involving the transfer of water between drainage basins;
- s. all waterworks with a capacity greater than fifty cubic metres of water daily;
- t. all major residential developments outside incorporated areas;
- u. all enterprises, activities, projects, structures, works or programs affecting any unique, rare or endangered feature of the environment;
- v. all enterprises, activities, projects, structures, works or programs affecting two hectares or more of bog, marsh, swamp or other wetlands;

- w. all facilities for the processing or radioactive materials.

REGISTRATION GUIDE

Pursuant to Section 5(2) of The Environment Impact Assessment Regulation 87-83 Clean Environment Act, this guide prescribes the nature and sequence of the information required to register an undertaking. In preparing a registration, the proponent should follow the format of this guide in order to provide all the required information. Where possible detailed and accurate descriptions of project location, activities, and potential impacts are required. Clear site mapping of location, structures and physical features must be provided on appropriately scaled diagrams.

NAME OF UNDERTAKING:

PROPONENT:

- i. Name of Proponent:
- ii. Address:
- iii. Chief Executive Officer:

Name:
Official Title:
Telephone No.:

- iv. Principal Contact Person for purposes of Environmental Impact Assessment:

THE UNDERTAKING:

- i. Nature of the Undertaking:
- ii. Purpose/Rationale/Need for the Undertaking:

DESCRIPTION OF THE UNDERTAKING:

Under Sections (I), (ii), (iii), and (iv) below, the proponent shall provide complete information concerning the preferred choice of location, design, etc., together with additional information on any alternatives which are being considered, or which have been considered and rejected, but which may still be regarded as viable. Brief statements of the reasons for the rejection of those alternatives should be included.

i. Geographical Location:

- Written description of the proposed site, including boundaries if possible.
- Attach large-scale (1:12,500) preferred -1:50,000 acceptable) original base map(s) and/or recent airphoto(s) clearly indicating the site location relative to existing communities and transportation facilities, and showing the proposed route of access. The appropriate National Topographic Survey edition should be affixed to the map(s).

ii. Physical Features:

- major physical features of the undertaking, e.g., large buildings, other large structures, roads, pipelines, transmission lines, marine transport facilities, etc.
- area to be affected by undertaking, e.g., description of local environment including topography, watercourses, adjacent landuse.
- Attach an artist's conceptual drawing, if available.

iii. Construction (if applicable)

- Construction procedures
- Approximate total construction period (if staged, please list each stage and its approximate duration).
- Proposed date of first physical construction - related activity on site.
- Potential sources of pollutants during the construction period(s), including airborne emissions, liquid effluents and solid waste materials.

iv. Operation:

- Description of the operation.
- Estimated period of operation.
- Potential sources of pollutants during the operation period, including airborne emissions, liquid effluents and solid waste materials.

v. Project-Related Documents:

- Provide a bibliography of all project-related documents already generated by or for the proponent.
- Provide one copy of any reports on environmental work already performed by or for the proponent.

ATTACHMENT M

WATERCOURSE ALTERATION REGULATION PERMIT PROGRAM

DEPARTMENT OF ENVIRONMENT AND LOCAL GOVERNMENT

WHEN IS A PERMIT REQUIRED:

Activities for which a Watercourse Alteration Permit is required are as follows:

- Construction of structures on or in the watercourse, such as retaining walls, breakwaters, bridges, culverts or wharves.
- Installing or modifying a dam or other water level control structure, or installing or modifying a pipeline crossing.
- Carrying out repairs to existing structures on or adjacent to a watercourse that result in a change in the size, shape, materials or alignment of the structure, or involve construction or excavation. This includes building or maintaining a drainage ditch or roadway within 30 metres of a watercourse.
- Driving or operating any machinery on the bed of a watercourse, or operating heavy machinery within 30 metres of its banks.
- Disturbing ground within 30 metres of the banks of a watercourse.
- Removing vegetation from the bank or bed of a watercourse, or the harvesting of trees within 30 metres of its banks.
- Depositing or removing any material such as fill, sand, mud, gravel rocks, debris, etc. from a watercourse, or land located within 30 metres of a watercourse.
- Draining, pumping, or otherwise taking water from a watercourse.
- Creating or altering a pond connected to a watercourse, or that is within 30 metres of a watercourse.

TYPES OF PERMITS:

The Department of the Environment and Local Government issues two types of Watercourse Alteration Permits: the “Standard Permit” and the “Provisional Permit”. The Standard Permit applies to projects large enough to involve design or investigation by a professional engineer. Examples of such projects would include bridges, dams or large culvert installations. The Provisional Permit applies to smaller projects such as landscaping or vegetation removal.

HOW TO APPLY FOR A PERMIT:

When applying for a permit, it is necessary to describe the project. The description should include the project plan, location and how the work will be undertaken. Department staff will review the information and advise the applicant of the most appropriate manner for completion of the work ensuring minimal effect on the stream.

The permit application forms are available from any office of the Department of the Environment and Local Government, and at all Service New Brunswick Centres. Assistance with completion of the application form is available from staff of Department of the Environment and Local Government. In most cases it will be necessary to attach to the application form, a map of the area and a sketch of the proposed work plan.

WHEN WILL THE PERMIT BE ISSUED:

While a small job is likely to get prompt approval, more ambitious projects can take as long as two months. Some larger projects require consultation with other Departments such as the Department of Fisheries and Oceans, or the NB Department of Natural Resources and Energy.

HOW IS THE REGULATION ENFORCED:

Department of the Environment and Local Government carries out periodic inspections of watercourse alteration work sites to ensure that only the work described in the Watercourse Alteration Permit is being carried out, and that it is done in accordance with the conditions specified.

If the terms of the permit are not followed or if work is being done without a permit, the Minister of the Environment and Local Government may issue a stop work order and/or an order to remove or repair the work that has been done.

Finally, legal proceedings may be undertaken against anyone who violates the Act, the Regulation, or Ministerial orders. If convicted of an offence under this Regulation, an individual may be fined up to \$50,000 whereas the fine for corporations may be as high as \$1,000,000.

ATTACHMENT N

CONSOLIDATION OF ALL ATV TASK FORCE RECOMMENDATIONS BY AREA

PUBLIC SAFETY

1. That all ATVs be considered motorized vehicles in the same class as motorcycles and motor vehicles;
2. In order to ensure that all-terrain vehicle use happens in a responsible way, any person operating an all-terrain vehicle must be in possession of an operator's license;
3. No person shall be issued a license to operate an all-terrain vehicle unless that person has successfully completed a vehicle safety education, training and skills demonstration program, passed the knowledge and skills test and otherwise complied with such procedures as have been established by the Registrar;
4. No person under sixteen (16) years of age shall operate an off highway vehicle anywhere in New Brunswick, at any time or under any circumstances;
5. No ATV shall be operated unless that vehicle has insurance coverage for public liability and property damage. Proof of insurance shall be required for ATV registration;
6. No person shall operate an all-terrain vehicle unless the vehicle is registered, with the licence plates properly attached;
7. The number plates for all-terrain vehicles should be clearly displayed on the front and rear of same and similar size decals should be displayed on both sides of the front section of snowmobiles;
8. The number plates and decals should be similar to the number plates used on all other motor vehicles but the size of the licence plates must be increased;
9. Licence plates must be clean, unbent, unaltered, and in good condition whenever an all-terrain vehicle is being operated;

10. No operator of an all-terrain vehicle shall carry a passenger or occupant when operating the vehicle within the Province of New Brunswick unless:
 - (a) the vehicle is designed and equipped by the manufacturer to carry more than one person; and
 - (b) the person other than the operator rides on a seat attached to the vehicle and designed to carry a passenger (Newfoundland regulation).
11. No person shall operate an all-terrain vehicle unless equipped with appropriate headlamps and tail lamps;
12. Mufflers and spark arresters to be made mandatory on all motorized vehicles used off road;
13. All motorized vehicles used off road to be equipped with air pollution control devices that meet the same standards set for automobiles;
14. Establish an ATV Safety Committee to develop, review and implement safety/educational programs that could reduce accidents and fatalities.

LEGISLATION

1. Introduce separate Off Road Vehicle, Snowmobile and NB Trails Acts;
2. Implementation of stiff, mandatory penalties for serious violations such as failure to stop, driving to endanger, transporting minors without helmets, speed limits, administrative sanctions linking ATV violations to Motor Vehicle Act provisions regarding impaired operation;
3. Stiff penalties should be enacted for operating an ATV within a prohibited area and for violations of endangered species legislation. Penalties to include heavy fines, loss of operator's licence, and seizure of vehicle;
4. That consideration be given that any operator who uses an ATV to chase, molest or hunt for game using an ATV, severe penalties be imposed with a view to protecting the habitat of all species;
5. That provisions respecting trespass on coastal land environments are strengthened with the view to protecting beaches, dunes, coastal marshes and rock platforms;

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6. If an offence is committed during the operation of an ATV, that such offences are considered violations under the Motor Vehicle Act with appropriate penalties;
7. That anyone convicted of alcohol/drug possession or of drunk driving/operating under the influence of drugs (illicit or prescription), their ATV operators licence should be suspended the same as if they were convicted of the same offence when driving their motor vehicle;
8. That supplementary sentencing options be enacted in the ATV/Trespass Acts as follows: When imposing a penalty against a person convicted of an offence under the ATV or Trespass Acts or the regulations, a judge may, after considering the nature of the offence and the circumstances surrounding its commission, in addition to any other penalty that may be imposed, make an order directing the person to do one or more of the following:
 - (a) to refrain from doing anything that may result in the continuation or repetition of the offence,
 - (b) to take any action the judge considers appropriate to remedy any harm to any species of fish, wildlife or flora, or their habitats that has resulted, is resulting or may result from the act or omission that constituted the offence,
 - (c) to perform community service,
 - (d) to pay money for the purpose of promoting the proper management and control or conservation and protection of fish, wildlife, flora, or their habitats,
 - (e) to post a bond or pay money into court in an amount that will ensure compliance with any order made under this section, or
 - (f) to comply with any other direction or condition the judge considers appropriate in the circumstances
9. Need to open up the Trespass Act and define the terms “road” and “interest” to ensure that both enforcement officers and the public understand where vehicle traffic is, in fact, permitted by law;
10. Amend the All-terrain Vehicle Act to be entitled the Off Highway Vehicle Act and to change all references to “all-terrain vehicle” to read “off highway vehicle”;
11. Add a new definition of “all-terrain vehicle” as follows:

“all-terrain vehicle - means an engine driven device which has a net weight of 650 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on three or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of six inches, which is designed to be mounted on a rim with a maximum diameter of twelve inches and which is designed to be inflated with an operating pressure not to exceed six pounds per square inch as recommended by the manufacturer”;
12. Amend the All-terrain Vehicle Act sections 3(1)(c), 3(2)(b), 3(7), 24(1)(d), 25(1)(b)(iv), 31.1 and 35(b) by adding after the words “motorized snow vehicle” the words “and all-terrain vehicle”;
13. Amend the All-terrain Vehicle Act sections 3(4) and 3(5) by adding after the words “motorized snow vehicles” the words “and all-terrain vehicles”;
14. Amend the All-terrain Vehicle Act section 17 as follows: add a comma after roadway in line three and delete the words “ and a person fourteen years of age or older may drive an all-terrain vehicle across a roadway that is not an arterial or collector highway”;
15. Amend the All-terrain Vehicle Act section 18(1) by deleting the words “of sixteen years of age or older” and substituting therefore the words “of sixteen years of age or older and with a valid drivers license”;
16. Amend the All-terrain Vehicle Act by deleting section 19;

Where a judge makes an order under paragraph (1)(d) directing a person to pay money, the money shall be deposited to the credit of the Environmental Fund (or Wildlife Trust Fund);

17. Amend the All-terrain Vehicle Act by deleting section 19.1;
18. Amend the All-terrain Vehicle Act section 24(1) by adding a new paragraph (e) to read as follows: “(e) to produce proof of having written permission to operate an off road vehicle on public or private property”;
19. Amend section 16 to allow ATVs closer to the roadway, but limited to someone’s own property. Thus allowing for cleaning out of driveways after snowstorms since many people use their four-wheelers to plow snow. Some also use these to mow their lawns;
20. Amend the All-terrain Vehicle Act by deleting section 17(b). Getting passengers to cross on foot is probably more hazardous than giving them the option of crossing on the machine. For the very young, the very old or the person with disabilities, getting off and crossing on foot can be difficult. If we were to choose to repeal this part of the act, those who believe it is safer to cross on foot can still do it;
21. Recommendation No. 8(f) Report of the Wood Theft Working Group: amend the ATV Act to create an offence for operating an ATV on private land without the owner’s permission;
22. No person sixteen (16) years of age or older shall operate an off highway vehicle within this province unless the person satisfies one of the following conditions:
 - (a) the person is operating the vehicle as part of a prescribed vehicle safety education, training and skills demonstration program and is under the direct supervision of a certified off highway vehicle instructor; or
 - (b) the person holds a valid and subsisting driver’s license issued by this province under the Motor Vehicle Act or issued under the authority of another province or state of the United States of America; provided, however, that an operator’s license issued under the authority of another province or state of the United States of America shall only be valid in this province if the Registrar of Motor Vehicles has previously certified that said province or state’s licensing requirements are substantially comparable to those of New Brunswick;
23. Every off highway vehicle operated in New Brunswick shall be equipped with an adequate and operating muffler device which shall effectively blend exhaust and motor noise in such a manner so as to preclude excessive noise at a level of 82 decibels or below on the “A” scale at 50 feet under testing procedures as established by the regulating authority;
24. Any owner of an off highway vehicle, any person who gives or furnishes an off highway vehicle to any person and any parent or guardian responsible for the care of a minor under nineteen (19) years of age shall be jointly and severally liable with the operator for any damages caused in the operation of the vehicle or by this minor in operating any off highway vehicle;
25. If an operator is living with and as a member of the family of the owner, or is employed by the owner, the owner is conclusively deemed to have permitted the operator to operate the off highway vehicle;
26. If loss or damage is sustained by a person because of the use or operation of an off highway vehicle, the onus of proof that the loss or damage did not arise entirely or solely through the negligence or improper conduct of the operator is on the owner or operator;
27. Any person, who owns an off highway vehicle, is guilty of unlawfully permitting the operation of an off highway vehicle if that vehicle is operated by another person in violation of any section of this act. A person is guilty of unlawfully permitting the operation of an off highway vehicle, if he is the parent or guardian responsible for the care of a minor under nineteen years of age who operates an off highway vehicle in violation of this act;
28. Every operator of an off highway vehicle shall, immediately upon being signaled or requested to stop by an enforcement officer, bring the vehicle to a stop and keep it at a stop until directed to proceed by an enforcement officer;

29. Every operator who, having been signaled or requested to bring his vehicle to a stop by an enforcement officer, fails to stop and willfully continues to avoid an enforcement officer who is recognizable as such and who is pursuing him, commits an offence;
30. Where an offence is alleged to have been committed in respect to the operation of an off highway vehicle, the owner of the vehicle shall on request of the Register or a peace officer, furnish within twenty-four hours the name and address of the person operating such vehicle at the time of the alleged offence, and on failure to do so shall be guilty of an offence, unless he establishes that the off highway vehicle was being operated by a person whose identity was unknown to him and without his knowledge or consent;
31. A peace officer may immediately impound an off highway vehicle operated in violation of this Act. Such impounded vehicle shall be stored by the pertinent enforcement agency pending the identification of the owner and notice of such impoundment. The enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner. The owner of the "off highway vehicle" utilized in violation of this law may redeem the same upon satisfactory proof of ownership and payment of the prescribed redemption fee;

(Note: The redemption fee shall include all costs incurred by law enforcement in the extraction of machines and operators from remote areas.)

(Note: Where used to safeguard the damages caused by the increasing illegal use of all-terrain vehicles, impoundment and the collection of redemption fees has acted as a deterrent to such use.)

32. Any business organization, including, but not limited to, any individual, dealer, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association or other entity of any kind who sells or offers for sale an "off highway vehicle" to any person, within the Province of New Brunswick for compensation, shall disclose, in writing, the restrictions set forth in sections and by conspicuously posting a statement of these restrictions at each point of sale (all capital letters not less than five centimeters in height on a contrasting background). The purchaser shall be provided with a written copy of this statement by the seller at the conclusion of the purchase of the vehicle. This statement shall read as follows:

IT IS UNLAWFUL TO OPERATE AN OFF HIGHWAY VEHICLE ON PUBLIC OR PRIVATE PROPERTY IN NEW BRUNSWICK. WRITTEN CONSENT OF THE PROPERTY OWNER IS REQUIRED.

Note: This notice requirement may include additional restrictions that should be provided to the purchaser in very plain and understandable language.

TRAIL NETWORKING

1. The ATV Federation establish a standard policy on the process and protocol respecting trail planning, development and maintenance activities having particular regard for: designated surface watershed and wellfield potable water supply, Environmental Impact Assessment reviews, Watercourse Alteration Permits, a Crown Lands review and planning for such undertakings and require all ATV user groups to use such in their local operations. This will ensure that environmentally sensitive habitats are avoided and that permits are obtained for fording watercourses at designated locations;
2. That trail approval be done in a consistent manner with regard to safety, liability, the environment, fish and wildlife resources, adjacent landowners, impact on general public access, existing claims and commitments and the effect on potential Crown land use;

3. That the ATV Federation and all associated local clubs or groups establish a policy of forwarding plans for the development of trail systems and related infrastructure to the Department of the Environment and Local Government and District Planning Commissions for review at the early stages or concept development stage of planning to ascertain the best route and any formal regulatory requirements necessary for the undertaking;
4. Develop an All Terrain Vehicle land use action plan on Crown Lands that specifically outlines:
 - (a) When ATV Activity is Permitted (Times of Year)
 - (b) Where ATV Activity is Permitted (Designated Areas);
5. Establish a single trail network throughout the Province that is constructed in a manner that all users can enjoy in a safe and friendly environment;
6. That consideration be given to the concept of shared trails for ATV, snowmobiles and other OHV. This would ease the strain on limited Crown and freehold land bases. Having one trail system for all motorized recreation would also reduce environmental impact and facilitate enforcement. May be more palatable for landowners to have one trail rather than two;
7. Continue to reserve the Sentier NB Trail for non-motorized recreation, especially near populated areas;
8. No person shall operate an off highway vehicle, on lands not owned by the operator or owner of the vehicle or on any trail or non highway road which is restricted to pedestrian or animal travel. A person is guilty of unlawfully operating a vehicle on a trail, if he operates any off highway vehicle on a walking, hiking, cycling, snow walking, cross country skiing or equestrian trail, including but not limited to Sentier NB Trail and the Trans Canada Trail;
9. That serious consideration be given to restricting the use of ATV only on "approved trails/roads" designed and designated for motorized recreation on both Crown and private land. Factors such as a thorough environmental assessment, safety, liability, nuisance concerns and other legal restrictions should be included in the approval process. Some exceptions would apply;
10. Trails should be located on approved and recognized roads, signage and promotion of the trail system on such roads and as part of an education process will reduce risk for accidents;
11. Trails should be located on accesses where trail sharing, with other motorized and non-motorized activity, can be practiced and as long as both activities can enjoy their practices in a respectful manner;
12. Recommend that DOT allow and recognize ATV's as a motorized activity on their secondary and non-designated roads system;
13. Recommend that DOT allow and recognize ATV's as a motorized activity on roads under municipal jurisdiction. Access to be studied and approved by the municipalities;
14. Recommend that SNBT recognize and grant the use of ATV's in areas where the Local Trail Sponsor is in favour of controlled ATV access on their respective local trail system;
15. Recommends that DNR&E remove and turn over to the NBATVF and the NBFSC any portions of railbed currently under Parks Jurisdiction that were scheduled for SNBT walking and mountain biking activities. Railbeds that have not yet generated revenues and are currently being rarely used or not used at all by walkers and cyclists due to their location in remote areas. To consider the portions of current SNBT as follow:
 - 1- Railbed between Kedgwick and St-Quentin
 - 2- Trail system located on Crown land between St-Quentin and Plaster Rock
 - 3- Railbed between Plaster Rock and Perth-Andover
 - 4- Railbed between Woodstock - Millville - Keswick
 - 5- Railbed between Fredericton City Limits and Grand Bay City limits
 - 6- Railbed portions between Alma - Riverview

- 7- Railbed between Memramcook - Cap Tormentine
- 8- Railbed between Caraquet - Bathurst
- 9- Railbed between Miramichi and Marysville
and allowing our activity on other railbed portions acquired by the Department of Natural Resources not currently being developed for a trail system by SNBT such as the Havelock, Bouctouche and Bathurst lines. Recreational use is to be recognized and promoted as the 5 core activities of SNBT plus ATV use. The use of the railbeds will be under the NBATVF and the NBFSC jurisdictions and both groups will manage the trail as per the 1999 agreement between both parties;
16. Signs of Trail Crossing Ahead and Trail Crossing should clearly indicate exactly where the crossings are taking place;
17. Prohibit the establishment of an ATV trail system on the Maritimes & Northeast Pipeline easements.
18. Prohibit off-highway vehicle activity on any private property on which an ATV operator (owner) or the NBATVF do not have express written consent from the landowner to operate. There shall be a rebuttable presumption that the operator of an "off highway vehicle" on private property in New Brunswick lacks the consent to operate the "off highway vehicle" if the operator cannot produce the written consent from the property owner. Such consent shall be on the operator's person while operating such vehicle;
19. No person shall operate an off highway vehicle, on lands not owned by the operator or owner of the vehicle, in any area or in such a manner so as to expose the underlying soil, or to create an erosion condition, or to injure, damage or destroy trees, growing crops or other vegetation;
20. No person shall operate an "off highway vehicle" on public property in the Province of New Brunswick unless it is specifically designated for such use by posted signs and / or on an all-terrain vehicle trail approved by the Department of Natural Resources and Energy;

21. No person shall operate an off highway vehicle, other than a snowmobile, on lands which are designated as snowmobile trails and which are managed and financed in whole or in part by the New Brunswick Federation of Snowmobile Clubs Inc., unless that use has been authorized by the New Brunswick Federation of Snowmobile Clubs Inc. or unless the use is necessitated by an emergency involving the safety of persons or property;
22. No person shall operate an off highway vehicle within 100 meters of a dwelling (except his own), hospital, nursing home, convalescent home or church;
23. Ensure accurate maps of trail systems are developed.

ENVIRONMENTAL ISSUES

1. That public/operator safety and protection of the environment should be the overriding principles of ATV use and ATV trail development in the Province (should this be included in the preamble leading up to the recommendations as opposed to being a specific recommendation?);
2. Recognize the fundamental incompatibility of recreational ATV use with the outdoor recreation of others and with the integrity of the environment, particularly watercourses and wetland;
3. The Government of New Brunswick undertake a thorough study of the economic and environmental impact of off-road vehicle use on wildlife, fish populations and natural areas and the impact that expanding off-road vehicle use may have on nature related activities such as those studied in 1996;
4. Require the New Brunswick All Terrain Vehicle Federation to prove that it has made an effort to ensure that its established trails and the behaviour of ATV users will have the least possible impact on wildlife, including rare, endangered and threatened species;
5. ATV trails shall be established only after an environmental impact assessment, with full public review;

6. Given the small portion of New Brunswick that is already in parks and other legally protected areas (1.4%), and the small amount proposed to be added soon (an additional 2%), it would be best for the protection of the ecosystems within protected areas if ATVs are not permitted in them. If Government decided that ATVs would be permitted in protected areas, they should only be strictly limited to certain existing trails;
7. Motorized vehicles be excluded from areas of fragile, rare, relict or vanishing vegetation; areas where erosion or other soil or resource damage will occur with their use; wildlife sanctuaries and sensitive areas; areas of fragile natural features or scientific interest; and areas where speed would adversely affect other users of natural areas;
8. Prohibited Areas –
No person shall operate an ATV on :
 - (a) A bog
 - (b) A fen
 - (c) A salt or fresh water marsh
 - (d) A sand dune
 - (e) A beach (except for commercial purposes)
 - (f) The intertidal zone (except for commercial purposes)
 - (g) A river or stream bed
 - (h) Within 30 metres of any river or stream.
 - (i) Within 30 metres of high water along tidal shoreline;
9. The development of new trails and access on lands within Designated Watersheds is prohibited;
10. The development of new trails and access on lands within Designated Wellfield Protection areas is prohibited;
11. The development of new trails and access on lands containing Environmentally Significant Areas is prohibited;
12. That ATV and other motorized vehicles (except for emergencies) not are permitted to “ford” watercourses;
13. Access be granted on an approved existing trails and roads within Designated Watersheds;
14. If areas or routes are not found unsuitable for vehicle use because of environmental impact or user interference reasons, two additional tests should be made:
 - (i) Are the route boundaries self-enforcing? (Areas and routes from which it would be difficult for irresponsible vehicle operators to stray are preferable)
 - (ii) Is the vehicle use area or route appropriate for the overall area? (Areas may allow limited use - many routes used by vehicles may be inappropriate) Several closely parallel routes should not be allowed;
15. Develop guidelines for cases where vehicle use is required in order to retrieve fishing gear or for other collection purposes (i.e., vehicles will travel close to the waters edge at low speed and will respect any signage or symbolic fencing placed to delineate Piping Plover nesting zones);
16. That the definition of: “freshwater marsh” and “saltwater marsh” under the Trespass Act be redefined under one definition as follows:
“wetland” means lands transitional between terrestrial and aquatic systems where the water table is at or near the surface or the land is covered by shallow fresh or salt water at some time during the growing season. Wetlands are also characterized by poorly drained soils and predominately hydrophytic or water tolerant vegetation.
17. That serious consideration is given to restricting the use of ATVs in all fishing and harvesting activities;
18. Recommend involvement of ATV Federation in Piping Plover Working Group;
19. Need to support the efforts of local community projects that proactively reduce the incidence of vehicle traffic by placing physical barriers at access points to beaches and provide public parking facilities and boardwalks that allow for access to coastal areas in an environmentally sustainable fashion;

20. Ban commercial advertising depicting illegal ATV use, such as operation in streams and wetland.

FUNDING

1. that government consider partnering with the ATV industry to assess the impact of all-terrain vehicles on the province (economic, health and environmental);
2. To ensure that sufficient new resources are provided to the RCMP to allow them to; 1) carry out any recommendations coming forth from the Task Force that affect their service delivery and 2) provide an adequate level of enforcement on the trails to ensure the public's safety year round;
3. That sufficient funds be made available to the DNRE by way of ATV registration fees to cover the cost of enforcing ATV issues and legislation in order to protect natural and environmentally sensitive resources and to provide NB Trails enforcement. DNRE requires an additional 12 FTE positions to achieve an adequate enforcement level;
4. That a system of user-pay funding be developed to support the All-Terrain Vehicle Federation. Possibly a trail pass system similar to snowmobile system. There are benefits to DNRE and private landowners to having such an umbrella organization in place. Funding would assist Federation with trail development, maintenance and education activities;
5. The Registration Fee for the registration of 3 and 4 wheeled ATC's and ATV Quads is increased by \$10 to \$26, effective as of December 2001. The additional funds will be rebated to the New Brunswick All Terrain Vehicle Federation for operational and trail development costs;

6. Increase the ATV Registration fees to a level which will provide funding allocations for:
 - (a) Enforcement Programs
 - (b) Public Safety (Education, Awareness & Training) Programs
 - (c) Trail Construction & Infrastructure Maintenance
 - (d) Environmental Damage Correction
 - (e) Sustainability of NBATVF;
7. All motorized vehicles used off road pay a license fee of sufficient amount to be placed in a fund designated for the following purposes:
 - to repair environmental damage caused by vehicles;
 - to provide personnel and equipment for patrol and law enforcement;
 - to provide educational services;
 - to monitor and study the effects of off road vehicles on wildlife, vegetation and other elements of the environment disturbed by their use;
8. Proposes a \$25 - \$50 levy on all new ATV units sold in the Province of New Brunswick for the funds to be allocated in the areas of enforcement, education and environmental concerns;
9. that an environmental fund be establish from the point of sale of new units "\$25 or \$50" for:
 - a) ATV Recreation education purposes
 - b) Funds allocated for ATV trail improvement and erosion control device.
 - c) Funds allocated for training of staff in early detection and environmental awareness
 - d) Funds allocated for training of staff for recognition, promotion and marketing of Natural and Sensitive areas;

10. That an environmental fund be established to:

repair or remediate damage done to private land or to the environment on or off an “approved trail”,

to provide education services and

to monitor and study the effects of motorized recreational vehicles on wildlife, vegetation, etc.

The fund could be administered under or be part of the *Wildlife Trust Fund* and be contributed to by manufacturers and purchasers of ATV at each point of sale on a one-time basis.

EDUCATION

1. That Government establish an inter-departmental, inter-government, industry, manufacturer and stakeholder Committee to develop a work plan and identify funding needs for ATV education and awareness issue;
 2. Promote and encourage self-propelled recreational activities and discourage machine-based recreational activity;
 3. That the Province of New Brunswick work in conjunction with all Aboriginal and non-Aboriginal Peoples to identify sensitive areas for spawning of fish, winter grounds for wildlife with a view to educating the public about the importance of protecting these areas for all wildlife, fowl and fish so that those resources are not placed in further jeopardy;
 4. Provincial government should insure that a consistent message is provided to the public, so that one department does not promote inappropriate uses of all-terrain vehicles while another department is attempting to curb inappropriate uses;
5. Promotion of an “ATV User Ethic” regarding the responsible use of ATVs relative to the environment, landowners and other recreationalists. This code could involve an education and stewardship aspect, and be promoted through the ATV Federation and associated clubs. The development and distribution of a brochure and/or public announcements (i.e., posters, media spots) outlining current regulation and environmentally ethical use of all-terrain vehicles would assist in implementing this recommendation. Examples of illegal and legal use of all-terrain vehicles should be included;
 6. The Registrar of Motor Vehicles develop a safety, training and skills program for all-terrain vehicle operators that includes all-terrain vehicle familiarization, operating procedures, off highway vehicle laws, loading and towing procedures, ethics, safety hazards and environmental consequences;
 7. The ATV Federation in conjunctions with local ATV clubs or associations develops with the Department of Environment & Local Government, an formal education strategy and associated programs for their members on stewardship of the environment and best management practices with particular regard for information and education regarding:
 - a) Watercourse Alteration Permitting process to all local ATV clubs or groups.
 - b) Inland Freshwater wetlands
 - c) Designated Wellfield Protection Areas,
 - d) Designated Watershed Protection Areas, and,
 - e) The protection of coastal land habitats including beaches, dunes, coastal marshes and rock platforms;
 8. That law enforcement agencies, in addition to NB Safety Council ATV Rider Course safety training, provide to their officers education concerning the environmentally responsible use of ATV while conducting enforcement;

9. Recommendation No. 8(b)(i) Report of the Wood Theft Working Group: provide an examination of the enforceability of Regulation 90-55 under the Trespass Act (blue disks) and Regulation 89-106 under the Fish and Wildlife Act (red and yellow disks). It is recognized that there is a need for greater public education and promotion with respect to property rights. Circumstances relative to trespass have changed with the prevalence of ATV use. Only the issue of public education and promotion of property rights has been deferred to the Task Force. A separate committee chaired by DNRE is looking into the enforceability of the aforementioned regulations;
10. Designate the New Brunswick ATV Federation as the organization responsible for educating ATV users in general about ATV trail identification, construction and maintenance practices, and trail behaviour at certain times of the year in order to ensure the best possible protection for wildlife and habitats;
11. That manufacturers be required to promote safe and environmentally responsible use of ATV by providing in writing to each purchaser at point of sale all safety manuals, as well as documentation on the full extent of provincial and local restrictions governing the use and operation of ATV;
12. That ATV manufacturers be educated to ensure that they do not promote the illegal use of ATV in their advertising photos;
13. Address the ATV culture of abuse through advertising.

ENFORCEMENT

1. In addition to the RCMP and Municipal Police, the Department of Natural Resources and Energy should be mandated to enforce provincial laws and regulations relating to off highway vehicle laws, in particular as they relate to Crown Lands, managed snowmobile trails and Sentier NB Trail;
2. An effective enforcement program should be established, with dedicated enforcement officers and equipment;
3. Law enforcement agencies to more strictly enforce existing legislation to augment the level of compliance with all-terrain vehicle restrictions;
4. That all Provincial law enforcement officials be allowed to issue POPA tickets and to summon persons to court with POPA tickets for all Provincial Statutes;
5. That consideration be given to the establishment of joint forces operations to provided targeted enforcement of motorized recreation in problem areas;
6. Where there is no shared use agreement increase law enforcement on the SNBT as a deterrent to ATV use;
7. Encourage the ATV community to organize and police themselves to ensure compliance with all-terrain vehicle restrictions;
8. Encourage private landowners to assert themselves and support them. Currently, they feel powerless because of perceived official indifference to the problem.