

2019
Jurisdictional Scan: Off Road Vehicles (AU)

Does your jurisdiction have procedures for managing motorised recreation in parks and forests, specifically side by side vehicles?

JURISDICTION	REPLIED	YES/NO	CONTACT NAME
QUEENSLAND PARKS AND WILDLIFE SERVICE	Inquiring Jurisdiction		Todd Kelly

Original Email:

I am writing from the Queensland Parks and Wildlife Service in Australia seeking advice on the management of motorised recreation in parks and forests in Canada. Your contact details were provided to me by my Deputy Director General, Mr Ben Klaassen.

We are specifically interested in the management and use of vehicles which are referred to here in Australia as side by side vehicles, or what I believe in Canada are called UTV's or ROHV's. The picture below provides an example of the vehicle type I am enquiring about.

Currently these vehicles are not allowed to operate for recreational purposes on public roads, including those in national parks and State forests in Queensland. This is because they do not meet the necessary road safety standards required to operate on public roads (roads and tracks in parks and forests are public roads and subject to the same legislative framework for vehicle use as paved streets and highways).

Recently an off road recreational user group, backed by manufacturers has been lobbying government to open access to forest roads. They have indicated that such vehicles are able to be used in Canada for recreational purposes and I am seeking advice on how such vehicle use is managed in parks and forests.

I would greatly appreciate it if you could direct me to someone in Parks Canada who could advise me in detail on management of such use, I have a few questions to ask.

Prior to Ben providing your details I did also send this request to the general information email address for Parks Canada – apologies for the double up.

B.C PARKS	X		
ALBERTA PARKS	✓	YES	Nancy MacDonald

COMMENTS:

Note the province of Alberta has 8 separate parks classifications that fall under 3 different pieces of legislation. Outside of Alberta Parks is known as public land and it has its own rules within public land use zones, linked below.

The Provincial Parks Act prohibits random recreational off-highway vehicle (OHV) use in Wildland Parks, Provincial Parks and Provincial Recreation Areas, and permits their use only

by exception on trails specifically designated and signed for such use. Pursuant to the Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act, the use of a recreational motorized vehicle is prohibited in Wilderness Areas, Ecological Reserves and Heritage Rangelands.

In Alberta Parks where off-highway vehicle (OHV) use is allowed, some activities or access may be restricted to protect sensitive areas and species or to address public safety or wildlife management issues. Where it is allowed, riders must stay on designated OHV trails and obey all signs. Some parks have OHV riding opportunities on vacant public land in the vicinity.

OHV use is permitted on trails in approved areas in [public land use](#) zones. Please see the Alberta Environment & Parks website for information about motorized recreation on public land.

Alberta's Provincial Parks Act recognizes the *Traffic Safety Act* to define the types of vehicles that are off-highway vehicles.

The chart below summarizes the specific Alberta Parks classifications in which OHV use may occur.

Activity / Classification	Provincial Recreation Areas	Provincial Parks	Natural Areas	Wildland Provincial Parks	Willmore Wilderness Park	Heritage Rangelands ¹	Ecological Reserves	Wilderness Areas
Use is NOT compatible with classification								
Use normally permitted if suitable site, subject to conditions								
Use may be considered in some specific sites								
M Use permitted for management purposes only (Agencies and Disposition Holders)								
Recreational Uses								
Existing Off-Highway Vehicles ⁶								
New Off-Highway Vehicles ⁶								

1. Recreational access to grazing leases in Heritage Rangelands is by permission of the lease holder within predetermined access conditions.

6. On designated trails or areas only. New motorized use is permitted within the classification but may not be permitted or suitable in all sites based on site values and objectives.

SASKATCHEWAN PARKS	X		
MANITOBA PARKS	X		
ONTARIO PARKS	✓	YES	Brad Steinberg / Brendan Shepherd

COMMENTS:

Attached is an answer to the information request regarding off road vehicle information in

Ontario, Canada. Thanks to Brendan Shepherd for pulling this together.

There are several types of protected areas in Ontario, including National, Provincial (state) and municipal protected areas. The two types that Ontario Parks manages are called Provincial Parks and Conservation Reserves. Conservation Reserves are generally free use, while provincial parks often have fees, infrastructure, and dedicated staff.

In the province of Ontario, side-by-side vehicles are generally permitted in conservation reserves and prohibited in provincial parks. Their use in the province is regulated by provincial legislation including the *Highway Traffic Act*, *Off-Road Vehicles Act*, and *Provincial Parks and Conservation Reserves Act, 2006*.

For provincial parks, side-by-side vehicle use is prohibited by the [Provincial Parks: General Provisions Regulation](#) made under the *Provincial Parks and Conservation Reserves Act, 2006* unless the park superintendent gives written authorization or the vehicle is used in an area of the park operated for the purpose of off-road vehicle use. For these exceptions, park superintendents are guided by the considerations to be made under section 34 of the Provincial Parks: General Provisions Regulation as well as the [provincial park's management direction](#). In the case of Ontario's 8 wilderness class provincial parks, mechanized travel is additionally restricted in those parks by [Ontario Regulation 346/07](#).

For conservation reserves, side-by-side use is generally permitted by the [Conservation Reserves: General Provisions Regulation](#) on existing roads and trails. Side-by-side use is also permitted on ice, or elsewhere in the conservation reserve for the purpose of retrieving harvested game, or with written authorization of the conservation reserve manager. Conservation managers are guided by the considerations to be made under paragraph 13 (1) (iii) of the Conservation Reserves: General Provisions Regulation as well as the [conservation reserves' management direction](#).

The use of side-by-side vehicles on public highways, including within provincial parks and conservation reserves, is regulated by [Part X.3 of the Highway Traffic Act](#) and [Ontario Regulation 316/03](#) made under that Act, as well as subsection 2 (2) of the [Off-Road Vehicles Act](#). These statutes set out when and where side-by-sides can be operated on public highways, the equipment and operation requirements and exemptions that apply to parts of the province, public works functions, farmers and trappers, or crossing a highway.

If there's anything else we can help with please don't hesitate to reach out to Brendan (Brendan.Shepherd@ontario.ca) or myself.

SEPAQ (QUEBEC)	X		
NEWFOUNDLAND & LABRADOR PARKS	X		
NOVA SCOTIA PARKS	X		
PARKS NEW BRUNSWICK	X		
P.E.I PARKS	X		

GOVERNMENT OF NORTHWEST TERRITORIES PARKS	X		
NUNAVUT PARKS	X		
YUKON PARKS	X		
PARKS CANADA	X		

Response Rate: 2/13 for **15%**

Key Findings:

- Too few responses to provide broader findings.
- Responding jurisdictions did have in depth legislation for the management of Off Road Vehicles such as side by sides.
- Responding jurisdictions noted that permittance of Off Road Vehicles varied for different conservation areas, i.e vehicles may be permitted in less sensitive areas but not permitted in more sensitive areas.

Future Questions to Ask:

- Revisit this question in the future to gain better understanding of provincial approaches to Off Road Vehicles - very pertinent and important question to explore.
- Can Off Road Vehicle users play an important role in conservation of certain areas?
- Does your jurisdiction have a partnership/relationship with local Off Road Vehicles user groups? What does this relationship look like/has it benefited your park(s)?

Links to Resources:

- [Alberta Public Land Use](#)
- [Ontario Provincial Parks: General Provisions Regulation](#)
- [Ontario Provincial Park's Management Direction](#)
- [Ontario Regulation 346/07](#)
- [Ontario Conservation Reserves: General Provisions Regulation](#)
- [Ontario Conservation Reserves' Management Direction](#)
- [Ontario Part X.3 of the Highway Traffic Act](#)
- [Ontario Regulation 316/03](#)
- [Ontario Off-Road Vehicles Act](#)