

Proposed Resource Roads Regulation

Discussion document

This document is meant to give you background on the proposed Resource Roads Regulation the Government of Yukon is developing.

Read this document, then share your thoughts by filling out the online survey: [Yukon.ca/resource-roads-regulation](https://www.yukon.ca/resource-roads-regulation).

The basics of resource roads

What is a “resource road”?

A resource road is a road that accesses, or is intended to access, a resource. It is not a public road. Existing public roads may be transferred to being a resource road through a process that includes a public review and First Nations consultation.

What is defined as a “resource”?

A resource, for the purposes of the Resource Roads Regulation, is:

- mines;
- minerals;
- oil and gas;
- aggregate material (gravel);
- coal; and
- energy generation on public lands, where the output is greater than 50 kilowatts, from:
 - water (hydro);
 - wind;
 - heat from the earth (geothermal);
 - sunlight; or
 - biomass.

What is a “resource use authorization”?

A resource use authorization is a Government of Yukon authorization to explore for, extract or use a resource (for example, a Quartz Mining License). Applicants for a resource road must hold one of these to receive a resource road permit. In this way, we ensure resource roads are only constructed to authorized resource projects.

What is not a “resource road”?

A resource road is not:

- a road on or intended to access private property;
- a road on or intended to access First Nation Settlement Lands;
- a trail on public land not intended for the passage of vehicles;
- a forest resource road managed under the *Forest Resources Act*;
- a maintained or unmaintained highway managed under the *Highways Act*;
- any road on public land not used, or intended to be used, for accessing a resource; and

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- any road within the footprint of a resource development project. For example, roads constructed on claims within a mine or mineral exploration project.

Will the Government of Yukon build resource roads?

No, the Government of Yukon will not build resource roads. Private proponents who are eligible for a resource road permit may obtain authorizations to construct resource roads.

Will resource roads comply with approved land use plans?

Yes. It is a requirement that a proposed resource road must comply with any approved land use plan prior to a permit being issued.

Will resource roads be reclaimed at the end of their use?

Yes. The intent of the Regulation is to ensure that resource roads are properly decommissioned and reclaimed at the end of their intended use.

Users

Who are the authorized users of a resource road?

There are two types of permits proposed for access on resource roads. A primary permit allows for the construction, use, modification, maintenance, closure, decommissioning and reclamation of a resource road. The primary permit authorizes the permit holder's employees, contractors and service providers to use the road as necessary.

Access permits allow other resource use authorization holders to use existing resource roads. This minimizes the number of new resource roads that might otherwise need to be constructed.

Employees of various levels of government carrying out their employment responsibilities and responders to emergency situations do not require a permit to use a resource road. All other users will require authorization under the Regulation to use a resource road.

Researchers permitted under the *Scientists and Explorers Act* and Citizens of a First Nation exercising their asserted Aboriginal or treaty rights in the area can be issued access authorizations to use a resource road.

Can someone apply to build a resource road starting from another resource road?

Yes, it is a condition of every resource road primary permit that the holder allow other authorized resource users (i.e., those with Government of Yukon-issued access permits) to utilize existing resource roads. This ensures the use of existing roads are maximized before new roads are constructed.



Access

Why are access restrictions important?

There are many reasons to restrict access of non-resource users to resource roads, including road safety, liability, impacts to wildlife populations and cumulative environmental impacts of long-term public use. A company who builds a road under a resource road permit is responsible for maintaining the road and is liable for activity that takes place on the road. They are also accountable for workplace safety, and unregulated public traffic on resource roads can result in unsafe road usage.

What forms of access are restricted?

A person without a permit or authorization must not enter on land used by a resource road. This includes, but is not limited to, travel by motor vehicle, foot, bicycle, off-road vehicle, snowmobile, heavy equipment or horseback.

Existing roads

How will existing roads become regulated resource roads?

Following a public review and First Nation consultation, the Government of Yukon may designate an existing road on public land as a resource road if there has been an application by a proponent to use an existing road as a resource road, or resource road designation is required to be consistent with an approved land use plan.

If the road is an unmaintained highway, it must first be closed by the Department of Highways and Public Works using the existing process under the *Highways Act*.

Will financial security be required for resource roads?

Yes, security will be required before a primary permit is issued and may be required from access permit holders in some circumstances. The security may be used by the Government of Yukon to undertake maintenance or carry out decommissioning and reclamation activities should a permittee not complete their permit obligations.

Enforcement

How will access restrictions be enforced?

Permit holders will be required to put up gates, signs and implement other access control measures outlined in their operational plans.

Enforcement officers may stop people found entering on resource roads and request they produce identification and a permit or access authorization. Unauthorized users may be warned or charged.

Who will enforce compliance with the Regulation and permits?

Enforcement officers designated under the *Territorial Lands (Yukon) Act* will enforce the Resource Roads Regulation. Natural resource officers with the Department of Energy, Mines and Resources will be the primary enforcement officers.

Enforcement officers will be empowered to inspect resource roads, issue directions to permit holders to resolve non-compliance, seize evidence of offences and lay charges.



What about applicants with a history of non-compliance?

Resource road permits may be suspended or terminated for non-compliance.

The Government of Yukon has the discretion to refuse to issue a resource road permit to an applicant that has previously been found guilty of a natural resource offence, if there are outstanding reclamation issues on another project for which they hold the permit or if they are currently in non-compliance with another existing permit.

Operational plans, classes and permits

Can the Government of Yukon establish classes of roads?

Yes, the director of Land Management Branch may establish classes of roads (e.g., winter roads, one lane, two lanes, etc.) and require specific design and construction standards for each class as well as specify that a standardized operational plan be used for each class.

These plans may include elements such as:

- speed limits;
- requirements for radio-controlled access;
- traffic volumes; and
- signage requirements.

Compliance with operational plans as well as construction and design standards will be conditions of each resource road permit.

How long will a resource road permit be valid for?

The length of a resource road permit will be tied to the length of the resource use authorization the road provides access to. For example, if a land lease for a renewable energy project is issued for a 30-year term, the resource road permit will be for a 30-year term.

Resource road permit renewals will be processed alongside renewals or extensions of the resource use authorization.

Can the Government of Yukon amend permits?

Yes, an operational plan or permit may be amended when necessary to protect the safety of users or the environment, to conform to a new land use plan, or when there are adverse effects on asserted Aboriginal rights and title or treaty rights that need to be mitigated.

Online survey

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