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Item No. 4
Halifax Regional Council
April 19, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by Director
Phillip Townsend, Director, Infrastructure & Asset Management

DATE: April 5, 2011

SUBJECT: Terence Bay Protected Area - ATV Use Petition

INFORMATION REPORT

ORIGIN

December 7, 2010 – Petition submitted by Councillor Adams regarding proposed amendments to the provincial *Wilderness Areas Protection Act* re: Terence Bay ATV Trails.

BACKGROUND

The Terence Bay Wilderness Area is located on the east side of the Chebucto Peninsula. The lands are provincially owned and are part of the Province's legislated commitment to protect 12% of the province by 2015. The lands were designated in 1998 with full protection under the *Wilderness Protection Act*. There are a number of private lands, termed in-holdings, within the Protected Area Boundaries. Access to these lands are along traditional routes and a seasonal ice road which utilizes overland routes and frozen lakes to make connections during the winter months.

DISCUSSION

The issue regarding access by motorized vehicles, including Off Highway Vehicles, across Protected Areas was discussed in 2004 and again in 2009. The Province engaged a number of stakeholders including the off road community. A compromise position was arrived at which resulted in changes to the *Wilderness Protection Act*. That Act does not permit general and uncontrolled access to Wilderness Protected Areas, as that would be counter to the objectives of these public lands. It does allow the Minister discretion in allowing landowners and camp lessees access to their properties over designated routes.

The Department of Environment, Protected Areas Branch, worked with this group to develop a solution to permit this type of access. Attachment 1 is an FAQ sheet from the Department of Environment aimed at outlining the results of working with and clarifying misinformation regarding what is permitted and not permitted as it pertains to OHV access through the Terence Bay Wilderness Area.

Since the effort was made by the Province of Nova Scotia to communicate rules, regulations and designations, the concerns of many citizens related to permitted access have been allayed. There have been no issues brought to the attention of the Department of the Environment this past winter pertaining to access and DOE staff considers the former concerns, by and large, to be addressed. The Province understands that the request to change the *Wilderness Protection Act* legislation is not required.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

N/A

ATTACHMENTS

Attachment 1: Vehicle Access in Terence Bay Wilderness Area

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Peter Bigelow, Manager, Real Property Planning 490-6047

Vehicle Access in Terence Bay Wilderness Area

Winter 2010

INTRODUCTION

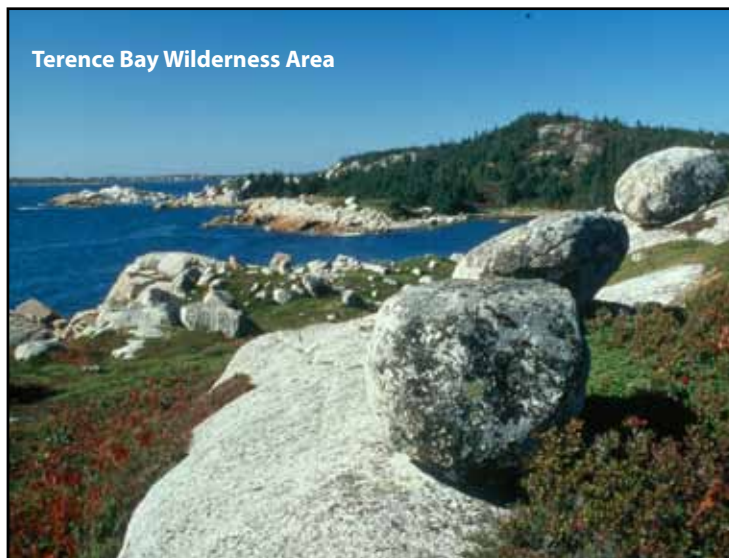
We have heard that there continues to be some confusion and concern about vehicle use in Terence Bay Wilderness Area. Over the past years, we have spoken with many people about these concerns.

This newsletter describes an approach to reduce the widespread impacts of illegal vehicle use, and allow controlled vehicle access within this wilderness area for accessing private land and campsite leases.

CONTEXT

Managing vehicle use in and around this wilderness area is complicated. The area is surrounded by rural and suburban communities. The wilderness area boundary encloses well-used private lands. The area includes several old roads, as well as winter ATV trails that connect frozen lakes.

The area is also highly valued for its wilderness qualities. It is a place to get away and enjoy nature. And, it is a place where we are leaving a natural legacy for future generations.



Terence Bay Wilderness Area

This 4,450 hectare (11,125 acre) wilderness area protects an exceptional part of our coast, between Sambro and Terence Bay. Lakes, wetlands and rugged woodlands extend inland to Hatchet Lake and Harrietsfield.

Along with 30 other wilderness areas, Terence Bay Wilderness Area was designated under the Wilderness Areas Protection Act in 1998, after a 10-year planning and province wide consultation process.

These lands:

(1) protect an example of the rugged, granite coastal and near coastal landscape of this part of Halifax Regional Municipality;

(2) provide wildlife habitat and a refuge for vulnerable species, such as rare lichens and the endangered mainland moose; and

(3) offer excellent opportunities for sport fishing, hiking, hunting, canoeing, camping, kayaking and other activities in a wilderness setting.

People enjoy this area because of its undeveloped woods, lakes, and coastlines. Terence Bay Wilderness Area is surrounded by development. Protection as a wilderness area ensures that these provincial lands will remain wild forever and available for a variety of compatible human uses.

Today, Nova Scotia has 37 wilderness areas managed by Nova Scotia Environment (NSE), in partnership with the Nova Scotia Department of Natural Resources (DNR). We also enter into agreements with community groups and other organizations.



Route between West Pennant & Ragged Lake

To help protect the environment, the *Wilderness Areas Protection Act* (the Act) generally prohibits vehicle use, but, vehicle use can be authorized in specific circumstances.

The Act does not apply to private land inholdings but can affect access to that land.

CAN I USE A VEHICLE TO ACCESS MY CAMPSITE LEASE OR PRIVATE LAND?

The Minister of Environment can licence vehicle use within Terence Bay Wilderness Area to access: (1) wilderness area campsites, and (2) private lands that are surrounded by wilderness area lands (“inholdings”). Such a licence must be issued in the name of the leaseholder or the landowner, but may allow vehicle access to other persons.

The three campsites on Crown islands at Ragged Lake are not within Terence Bay Wilderness Area and are therefore treated like inholdings. For the two campsites within the wilderness area at Lake Frederick,

vehicle access can only be licenced for maintenance.

Because of legal, geographic, private land, and camp ownership complexities, licences for vehicle access to private land inholdings and wilderness area campsites are not yet available.

UNTIL A LICENCING PROGRAM IS AVAILABLE, VEHICLE USERS CAN USE THE ROUTES SHOWN ON THE ATTACHED MAP TO ACCESS CAMPSITE LEASES AND PRIVATE LAND INHOLDINGS. THE ROUTE BETWEEN GRAND LAKE AND RAGGED LAKE IS FOR USE DURING WINTER MONTHS ONLY.

Vehicle users may be charged for using a vehicle on any other route in the wilderness area. Vehicle use signs will be posted in the coming months.

WHAT ABOUT RECREATIONAL ATV RIDING?

The Act does not allow for recreational ATV riding in Terence Bay Wilderness Area.

In newer wilderness areas, the Minister can designate trails or routes for vehicle use in special circumstances. Such designated routes must be essential links within a regional trail network, and must be managed through an agreement between Nova Scotia Environment and an organization. However, Terence Bay is not a new wilderness area and therefore the Act does not allow for the above.


WHAT ABOUT MOTORBOATS?

A licence can be issued under the Act to allow the use of a motorboat to access a campsite lease or private land, or to enable access for wilderness recreation, sport fishing, hunting or trapping.

Until we develop a licencing program, motorboats may be used in all wilderness areas for sport fishing during fishing season, except Tobetic Wilderness Area. You must carry a valid fishing licence.

Note: Lake Frederick, Brophys Back Lake, Grand Lake, and Ragged Lake are not within Terence Bay Wilderness Area – these special rules on motorboat use do not apply on those lakes.

Winter vehicle use
Some ATV riders rely on seasonal use of frozen lakes that are outside wilderness area boundaries. Vehicle users should exercise extreme caution when traveling in such conditions. Please refer to pages 26-30 in the OHV Riders Handbook for tips on winter riding. (www.gov.ns.ca/natr/ohv/riders_handbook)



Wilderness Area Management

NSE works closely with DNR to carry out day-to-day management of the wilderness area. Much of our effort has focused on posting signs, removing illegal camps, and seeking compliance with rules on vehicle use, hunting and fishing.

Enforcement for this wilderness area is provided by DNR Conservation Officers, in cooperation with Halifax Regional Police and the RCMP.

We have also worked with some private landowners. In a few cases, landowners wished to build roads across wilderness area lands to enable development of private lands. Instead, the province was able to acquire these properties, such as at Grand Lake Run and Upper Bar Harbour. These and other acquisitions help keep the area wild, while supporting continued public enjoyment.

Over the years, we have also led public educational hikes, worked with others to explore opportunities for hiking trail development, and supported research on lichens and other species.

HOW WERE THESE VEHICLE USE RULES MADE?

The Wilderness Areas Protection Act was enacted in 1998 to reflect recommendations of a public review committee that led a provincial consultation process in 1994-1995.

Because of public interest, the rules on vehicle use in wilderness areas have changed twice in the last decade.

Amendments to the Act were made in 2005, following Voluntary Planning's 2004 Task Force on Off-highway Vehicle Use. Additional amendments were made in 2009, with consensus support of the multi-stakeholder Off-highway Vehicle Ministers' Advisory Committee.

COULD THESE RULES BE CHANGED THROUGH A MANAGEMENT PLAN?

A management plan helps set priorities for managing a wilderness area. These priorities are shaped by public input, as the plan is developed or reviewed.

A plan cannot authorize activities that are prohibited by the Act, such as recreational ATV use within Terence Bay Wilderness Area. Existing rules on vehicle use could only be modified by changing the Wilderness Areas Protection Act.

Nova Scotia Environment intends to work with others to develop a management plan for Terence Bay Wilderness Area when, and as, resources permit.



Route from Grand Lake to Ragged Lake

WHERE CAN I RIDE MY ATV, IF RECREATIONAL RIDING IS PROHIBITED WITHIN TERENCE BAY WILDERNESS AREA?

An informal network of ATV trails exists on surrounding Crown and private lands. Nova Scotia Environment staff have, at various times, encouraged local OHV riders to form a club to develop a managed ATV trail system on other lands in the area. The province supports the development of ATV trails, but relies on the interest and initiative of organized groups to achieve this vision.

HOW CAN I GET MORE INFORMATION?

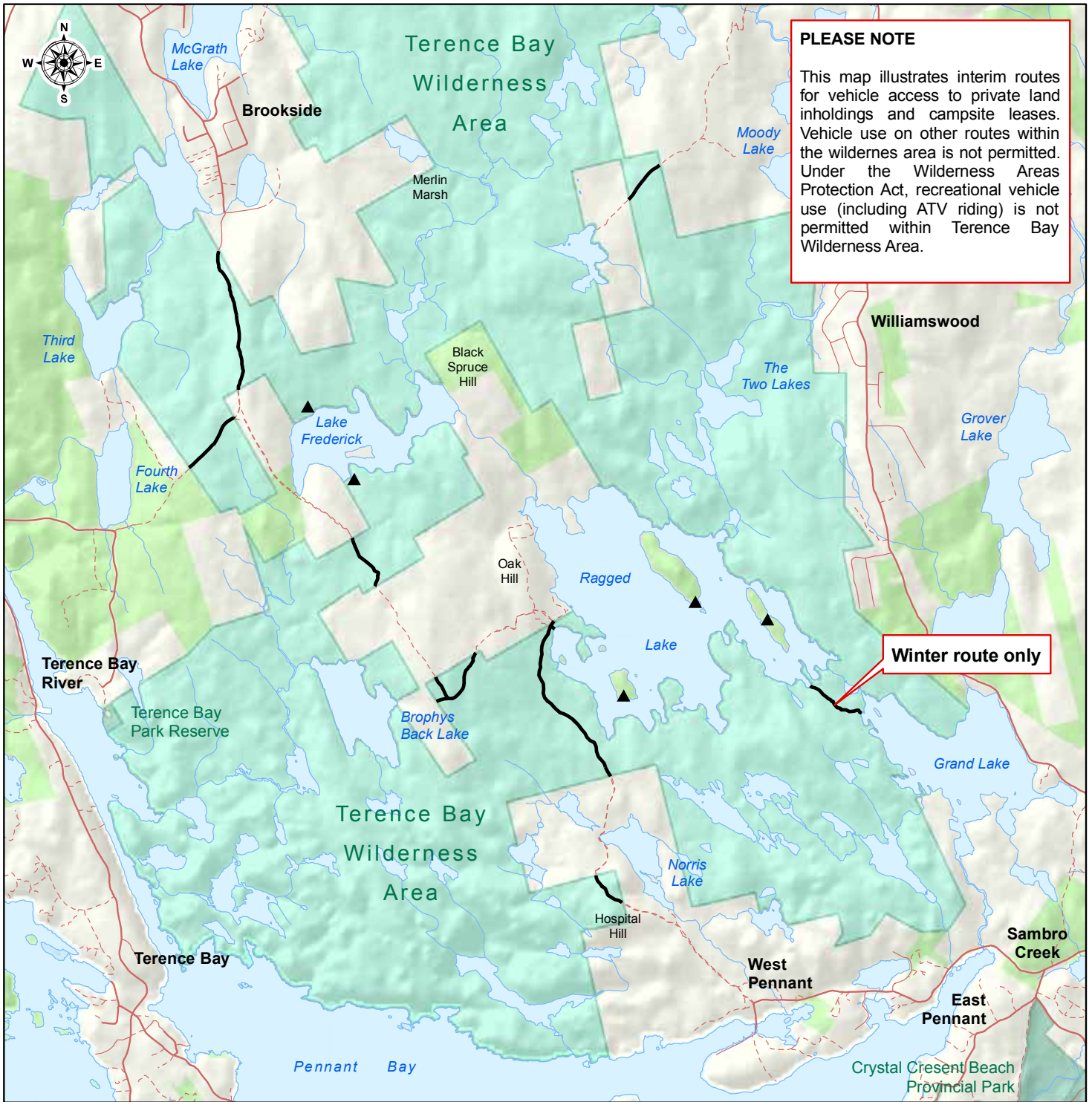
More information is available in print and online.

- Keep it Wild - A Guide to Low Impact Recreation in Nova Scotia's Wilderness Areas
- Protecting Wilderness - A Summary of the Wilderness Areas Protection Act
- Wilderness Area FAQ
- OHV Riders Handbook

Individuals or groups are also welcome to contact Nova Scotia Environment to discuss anything related to Terence Bay Wilderness Area or to meet with staff.

For more information on Terence Bay Wilderness Area please contact:

Protected Areas Branch - Nova Scotia Environment
Box 442, 5151 Terminal Road, Halifax, NS, B3J 2P8
Tel: (902) 424-2117 Fax: (902) 424-0501
email: protectedareas@gov.ns.ca
www.gov.ns.ca/nse/protectedareas



PLEASE NOTE

This map illustrates interim routes for vehicle access to private land inholdings and campsite leases. Vehicle use on other routes within the wilderness area is not permitted. Under the Wilderness Areas Protection Act, recreational vehicle use (including ATV riding) is not permitted within Terence Bay Wilderness Area.

Winter route only

Terence Bay Wilderness Area: Interim vehicle access for private landowners and campsite lease holders

Map produced by the Protected Areas Branch of NS Environment, December, 2010.

The information shown here was obtained courtesy of the NS Geomatics Centre (SNSMR) and the NS Department of Natural Resources.

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This map is a geographic representation only. NS Environment accepts no responsibility for any errors or omissions contained herein.



- Interim Access Route Inside Wilderness Area
- Connecting Route on Private Land
- Campsite Lease
- Crown Land
- Wilderness Area
- Provincial Park

