

Muskwa Kechika Access Management Route Review Recommendations 2008

Introduction

The access management routes have been in existence since 1994 as an attempt by the agency now known as the Ministry of Environment to protect sensitive habitat in what is now known as the Muskwa Kechika Management Area. The routes were established under a Wildlife Act regulation and were chosen based on traditionally used routes, roads or trails by vehicles or all-terrain vehicles.

A review of the routes was undertaken by the Regional Manager of Environmental Stewardship and a team of government employees in 2003 with some changes to routes occurring. Consultation occurred with the public, government ministries and agencies and First Nations. This included public meetings, written submission by individuals and input from the Muskwa Kechika Management Board. Some input was provided by First Nations and attempts were made to meet with some specific families such as the MacDonald's but this was not successful.

Another review was conducted by the same Regional Manager in the spring of 2007. Some of the original team members were included in this review and one additional member from the Ministry of Tourism, Sports and the Arts. A notice was sent out in December 2006 to a number of groups, the MK Board, First Nations (Treaty 7 and Kaska Dena) requesting input via meetings, mail, email, etc. with a deadline of March 31, 2007. The notices that went out included maps of the routes. Open houses were held in Fort St John, Mackenzie, Toad River, and Fort Nelson. Attendance at the open houses varied with the highest at Fort Nelson. These meetings included the opportunity for individuals to write comments on the maps of the routes and people were also encouraged to send written submissions to the Regional Manager.

The Regional Manager also attempted to meet with the Kaska Dena and Treaty 8 but unfortunately he retired before this could occur. Attempts to contact the surviving members of the MacDonald family were also not successful.

Individuals were also asked if they wanted to view the final draft recommendations of the team and they were sent the draft for final comment. Only three persons responded with their final comments. This process also included the draft being sent to the Town of Fort Nelson for placement on their website and the MK Board.

Current Process

Myriad Consulting was contracted to prepare a report containing recommendations for changes to the AMA routes and recommending any new routes for consideration. Myriad has been working with the team and has met with some individuals and the Chief of the Halfway First Nation on the Cypress and Chowade routes. This came about as a result of concerns over the Cypress Trail and it overlapping with the NWMP Trail and the discovery of archeological sites on the trail.

Recommendations

As indicated above, input for changes to the routes came from many sources. The comments below on each route indicate what people had to say.

West Toad Corridor and Yedhe Creek

- Trail from Art Thompson's base camp to L3227 should be changed to light green (ATV and 10 meters)
- Close all access past Yedhe Creek Canyon to West Toad corridor be closed to all access at Yedhe Creek
- Close all access past Art Thompson's base camp
- All trails should stay open
- Need more access
- Access should be expanded to 400 meters on all trails
- Access should be terminated at the Yedhe Canyon on the Yedhe Creek Trail
- Trail from Art Thompson's base camp to L3227 should be changed to snowmobile only

Comments: This route currently allows vehicles with a 10 meter restriction on either side. The route was originally open for vehicles to allow the MacDonald family access to their lot on Moose Lake. The route has not been used for years and is currently in a state of disrepair and the MacDonald's access Moose Lake from the east side.

Recommendation:

That this route be changed to ATV's only with a 10 meter corridor.

Wokkpash Corridor

- Action Mineral gate is upstream of the end of the heavy road designated route (approx. 1 km too far) - The gate location was agreed to by MOE and is 400 meters from the actual separation of the vehicle/ATV border.
- Wokkpash corridor should be stopped at the Churchill Mine Site
- Due to fording of large streams, Wokkpash Corridor should be terminated at Wokkpash Creek to all vehicles.

- Close all access past Wokkpash Creek
- Reduce access from 400 m to 10m (there are no campsites more than 10m off route)
- Restrict to summer access- ATV
- Open up Dunedin Road
- Road behind Jeff Browne's 10 miles leave open
- Road access should be maintained at least to where the road crosses the Racing River
- Open Chaska Trail
- Leave Chaska Trail closed because it is too muddy

Comments:

There were a number of requests to open the Dunedin Road. Government agencies have expressed concern that this trail is in poor condition in many places and that there are no partnerships or anyone else to upgrade and maintain the trail.

Recommendations:

1. **That the Dunedin road not be opened as a new route until there is a firm commitment from partners or government to maintain this road.**
2. **That no other changes to the Wokkpash corridor are recommended.**

Drogheda Lake Corridor

- The access south of the airstrip should be eliminated
- Close all access except winter snowmobiles
- Leave to summer ATV access
- Improve signage so more people use in summer
- Re-open to vehicles
- Re-open Tok Road over Peterson

Comments:

There were conflicting recommendations received from those who provided input.

Recommendation:

That no changes be made to this route.

Racing River Trail

- Take out Racing River Trail
- Boundary for Toad River AMA exemption not shown on map (BUT DOES EXIST)
- Take off Toad River launch and no access downstream of Stone Mountain Ranch
- Close routes
- Don't close routes

- Leave Toad River boat launch
- Yash trail head should be left open- important for float trips down the Racing- guide just wants private access.
- Cut off trail at L2143 on Racing
- Racing River trail should be left open and private land sign taken down- better access across private land
- Leave boat launch open
- Leave trails open to summer access for ATV's
- Open trail from Racing River crossing-Churchill Copper (on west side of Racing River back towards Toad River should be opened.
- Trail that takes off at Tetsa Number one bridge (north side of hwy) up to Noname Lake should be open

Comments:

There are conflicting recommendations for this route and recommendations for new routes do not have maintenance included with them. With no partnerships or funding in place for new trails, maintenance of any new trail would quickly become an issue.

Recommendation:

That no changes be made to this route.

Nonda Creek

- Make 10 m restriction from Stone Mountain spur to Nonda Road
- Make ATV access only on Nonda Creek Road due to habitat destruction in higher elevation.
- Close ATV access into higher elevation
- Put gate on bridge for NW Tel access only
- Close the road- major habitat destruction and wildlife
- Mark access route "NW Tel Only" beyond Stone Mtn. Road
- No changes to route
- Take off Toad River launch road
- Leave Toad River launch road in- boat launch is needed

Comments: There were conflicting recommendations made on this route. The NW Tel site at the top of the mountain and end of road has seen violations of the current regulations resulting in permanent damage to the sensitive habitat in that area.

Recommendations:

1. **That no changes be made to this route.**
2. **That signage should also be developed for this route asking the public to report any violations to the regulations and in particular at the NW Tel site.**

Liard River Corridor

- Open old power dam road on Liard to the use of ATV's.

Comments:

This road is in good condition and there should be no problems with creating this as a new route. The road runs from the Alaska Highway and runs east to the site where BC Hydro was testing for a possible hydro electric dam on the Liard. This road is approximately 15 km long and has no bridges on it. It was recommended by Parks staff.

Recommendation

That this new route be approved (see attached map in Appendix B).

Graham River Trail

- Extend the trail to campsite at Emersland Lakes

Comments:

This suggestion was investigated in the previous review and it was felt that there would be challenges to implementing this suggestion. Parks was also opposed to this suggestion.

Recommendation:

That no changes be made to this route.

Cypress Creek

- Access at beginning of trail could be moved to road "trail" to south (logging trail)
- Make loops possibly back to vehicles so going in one area and come out on another trail
- More access needed

Comments:

As a result of concerns raised about this route from the Halfway River First Nation, ILM B and a group working on a proposal to give special status to the NWMP trail that overlaps with this trail at many locations, a meeting was organized by Andy Ackerman (Myriad Consulting) and Tim Bennett (MOSA) with the Chief, one of his Counselors, one of the HRFN land staff and a representative of Treaty 8 to discuss some of their concerns. This did not constitute formal consultation but rather an exploratory meeting to identify issues. The results of that meeting were:

- The Halfway First Nations have major concerns with this route. There are burial sites at both the top and bottom ends of this route. At the top end (eastern end) there could be as many as

300 burial sites. The western end (bottom) was a gathering site for many of the FN communities in the NE where up to 1000 teepees could be erected at any one time. There are also a large number of burial sites in this area and along the trail. These have not been identified yet. This foot and horse trail used to be a trail to the community at the west end of the trail. There has been archeological work done on this trail and more is to come in 2008.

- This trail also overlaps in many places with the historical NWMP trail which qualifies for historical status under provincial legislation. ILMB and MOTSA have been working with Pat Brady, Arthur Hadland and others on this project. It has received considerable press coverage.
- The Halfway FN do not want motorized traffic to continue on the trail and do not want any alternate routes established to accommodate industry and recreationalists.
- By declaring the NWMP trail a heritage trail, anyone wanting to use motorized access to the trail will require a permit.

This route currently allows vehicle access with a 400 meter corridor.

Recommendation:

That the status of this trail be changed to ATV only with a 10 meter corridor until further archeological studies and work on the NWMP trail be completed.

Halfway River Trail

- Extend access to Robb Lake

Comments:

- There is major concern that extending the route to Robb Lake would result in further damage to the sensitive habitat of this area as there are already individuals who currently violate the regulations for this route and drive off the current trail to Robb Lake. The route currently stops many kilometers before Robb Lake.
- There is also a potential new access available via a road system that could connect from the south of the current trail just west of the Blueberry FN lodge. This would mean crossing the Halfway River.
- The Halfway FN also identified a lot of burial sites near Elbow Creek.
- The trail built by the Ministry of Forests many years ago to bypass the private property owned by the Blueberry FN is now in major disrepair.

Recommendations:

1. **That no changes be made to this trail**
2. **That more work be done on the access route around the Blueberry FN lodge to make it more stable.**

Sikanni River

- Extend route to Trimble Lake
- Don't extend route to Trimble Lake
- Re-route Sikanni Crossing on Marian Trail
- Examine existing road and trail network in bottom of valley to be able to use
- Gate needs to be re-done to allow easier access for ATV's
- Loop Marion Lake Trail to Halfway
- Move gate back to Hammett's

Comments:

- Parks Branch does not agree with extending the trail to Trimble Lake. This route is best used in winter only as it is very soft and covered with water for the rest of the year. ATV's in this area would cause extensive environmental damage.
- The trail to Marion Lake is swampy and is not passable except when the ground is frozen.
- Mike Hammett, the Guide Outfitter in the area, has spent considerable time and cost maintaining the trail behind the gate and is opposed to moving the gate closer to his ranch. He also has friends and relatives who would like to be able to drive to the ranch to visit him.

Recommendations:

- 1. That no changes are made to the Sikanni trail including leaving the gate in its current location.**
- 2. That the trail to Marion Lake be closed for winter use (snowmobiles) only**
- 3. That the permit for Mike Hammett is reviewed to reflect the current needs of the Hammett's.**

Redfern Lake

- Continue route to the wash on Redfern Lake
- Trail into Fairy Lake (walking)
- Open to Trimble Lake
- Loop Redfern Trail to Sikanni Trail via Trimble Lake or even Cranswich/Bertha
- Loop back through Chicken or Millett to get back to vehicles
- Implement recommendations to improve the trail
- Extend trail along North side of Redfern Lake, over the cat trail to its end

Comments:

- Parks Branch concurs with the recommendation to continue the route to the wash at the end of Redfern Lake but no further. There are some Parks campsites along this portion of the route with the park. Parks also do not want access to meadows at the end of the trail.
- There was a comprehensive report written on the Redfern Trail in 2006 containing a number of recommendations to improve the trail.

Recommendations:

- 1. That the Redfern Trail is extended to the wash at the end of Redfern Lake and that access within the park off the trail is restricted to parks campsites.**
- 2. That the report written on this trail is reviewed and the recommendations be implemented.**

Chowadee

- Join access to Graham Trail to create a loop (see * mark on map where this could occur)

Comments:

- The Halfway FN has concerns with garbage along this trail and with minimal enforcement of the current access management regulations. They also feel that the 400 meter corridor is too much for most of the route, especially where it passes along the base of the mountains.
- They would also like to see this route be changed to no motorized vehicles of any kind.
- This area is known as “Stony” by many of the elders in the HRFN so there is considerable historical value to this area.
- The HRFN also have a Treaty Entitlement claim in the area near the head of the trail on the eastern end.

Recommendation:

That the status of this trail be changed to ATV only with a 10 meter corridor.

Mackenzie Side

- No recommendations at this time but could be in the future
- Need to recognize traditional trails when designating routes

New Route – Alaska Highway to Tetsa River

An access route that already is used for access off Mile 369 or Km 564 of the Alaska Highway to the Tetsa River for camping has been recommended by staff from the Ministry of Forests and MOTSA. This route is in good condition and is already being used. A map is attached to this report in Appendix A.

Recommendation:

That this new route is approved.

Definition of ATV

As ATV's grow larger in size every year, it is a challenge for government to change the regulation to keep current. The most recent review prior to this one resulted in a change to the current 500kg weight restriction and there are now ATV's being used on a constant basis that are heavier than that.

The team looked at some options and received recommendations from ATV users which included banning mud tires and using foot poundage instead of weight. Foot poundage is used in the NWT to control vehicles on sensitive tundra areas and FP is on the specs for every ATV.

Another option was to change the definition of ATV that would separate it from a motor vehicle as defined under the Motor Vehicle Act. The current regulation under the Wildlife Act (187/203) that defines an ATV still leaves an opening for those wanting to get around the regulation with small SUV's. It does not address someone using a non-licenced motor vehicle on the routes. This could be resolved by changing the wording of the regulation slightly to read "(b) a motor vehicle that is licensed *or could be licensed* for highway travel under the Motor Vehicle Act". We would also drop the 500kg restriction.

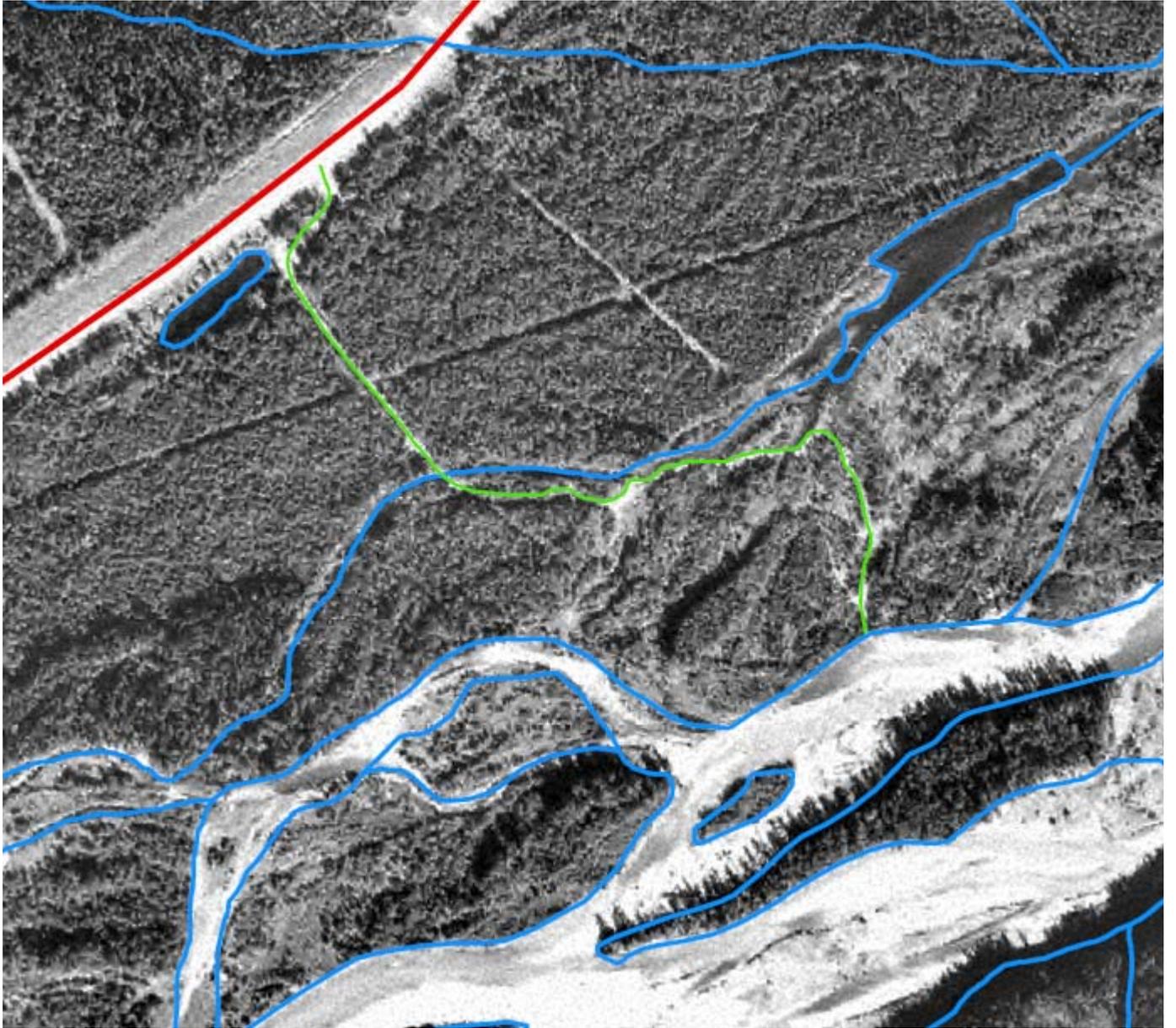
Recommendation

- 1. That the definition of ATV be changed as suggested below. Refer to Appendix C for the current regulation.**
- 2. That the 500kg restriction is removed.**

Conclusion

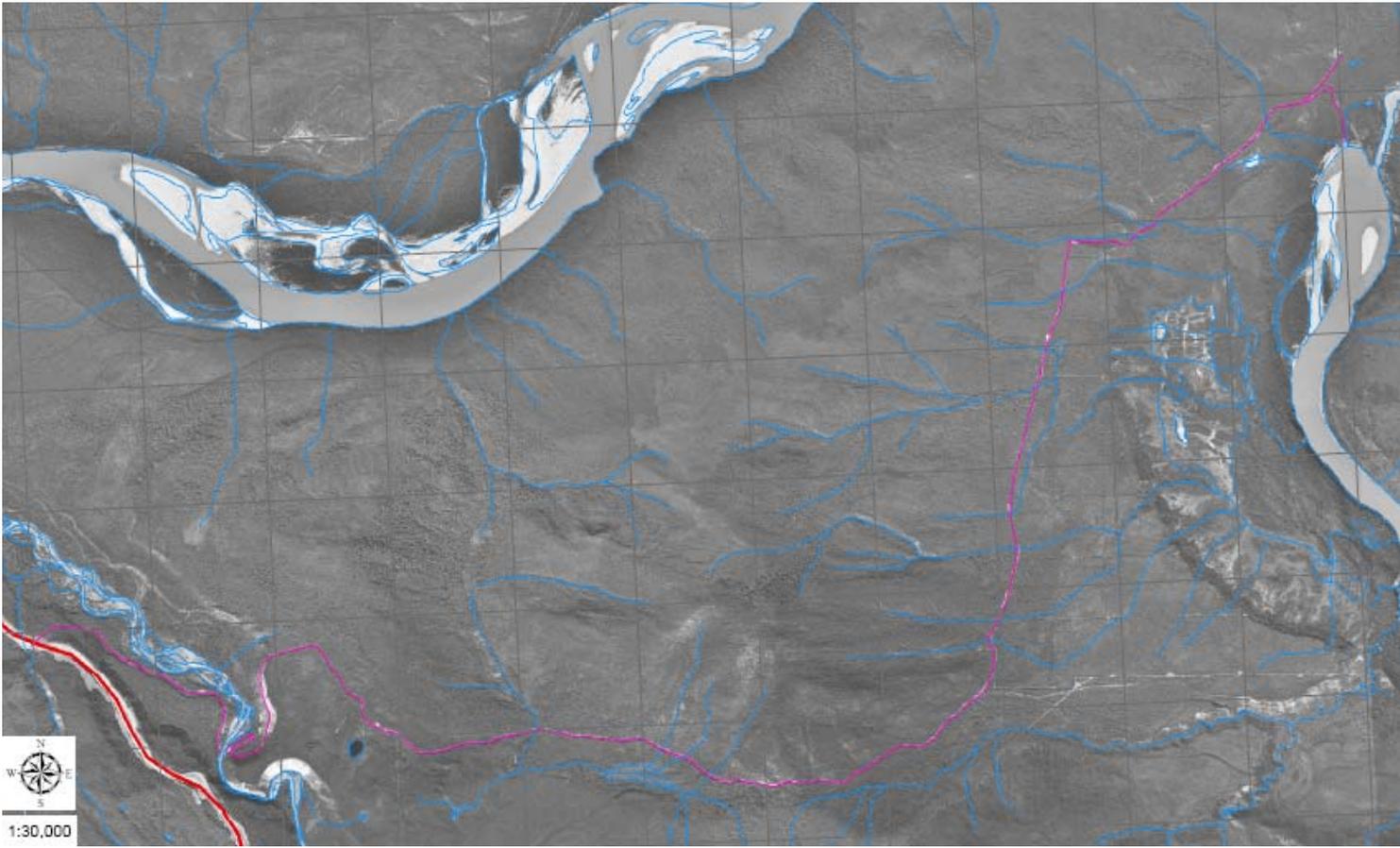
It is acknowledged that these recommendations will not appease those who want more areas open for vehicles and ATV's nor those who want less areas accessible to motorized vehicles. What is important is that these regulations were originally approved by government to protect the sensitive habitat of the Muskwa Kechika while allowing some access to recreationalists, land owners and industry.

Appendix A



Proposed Tetsa River Route

Appendix B



Proposed route on Liard River Corridor

Appendix C

Wildlife Act

PUBLIC ACCESS PROHIBITION REGULATION

[includes amendments up to B.C. Reg. 259/2003]

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Definitions

1 In this regulation:

"atv" means a wheeled or tracked vehicle propelled by motorized power and capable of travel on or off a highway, including a motorcycle but not including

(a) a snowmobile, or

(b) a motor vehicle that is licensed for highway travel under the *Motor Vehicle Act*;

"highway" has the same meaning as in the *Motor Vehicle Act*;

"management area" means the Muskwa-Kechika Access Management Area described in section 2;

"motorcycle" has the same meaning as in the *Motor Vehicle Act*;

"motor vehicle" means a device in, or by which, a person or thing is being or may be transported or drawn and which is designed to be self propelled, and includes an atv or snowmobile, but does not include

(a) a device designed to be moved by human, animal or wind power,

- (b) a device designed to be used exclusively on stationary rails or stationary tracks,
- (c) a boat propelled by motorized power, or
- (d) any type of aircraft;

"snowmobile" means a vehicle designed primarily for travel on snow or ice, having one or more steering skis, self propelled and using one or more endless belts or tracks driven in contact with the ground.

Muskwa-Kechika Access Management Area

- 2** (1) A person commits an offence if he or she uses or operates a motor vehicle within the area outlined in black and shaded in green as shown on the attached Map No. MK-03.
- (2) Despite subsection (1), a person does not commit an offence if he or she uses or operates a snowmobile weighing less than 500 kg within the management area during the period November 1 to April 15.
- (3) Despite subsection (1), a person does not commit an offence if he or she uses or operates a motor vehicle on or within 10 m of a road delineated by a thin red line on the attached Map No. MK-03.
- (4) Despite subsection (1), a person does not commit an offence if he or she uses or operates a motor vehicle on or within 400 m of the midline of a road delineated by a thick red line on the attached Map No. MK-03.
- (5) Despite subsection (1), a person does not commit an offence if he or she uses or operates an atv weighing less than 500 kg on or within 400 m of the midline of a road or trail delineated by a thick green line on the attached Map No. MK-03.
- (6) Despite subsection (1), a person does not commit an offence if he or she uses or operates an atv weighing less than 500 kg on or within 10 m of a road or trail delineated by a thin green line on the attached Map No. MK-03.

Klingzut Mountain closed area

- 3** (1) A person commits an offence if he or she uses or operates a motor vehicle within the Klingzut Mountain Closure shaded in beige on the attached Map No. MK-03.
- (2) Despite subsection (1), a person does not commit an offence if he or she uses or operates a motor vehicle on or within 400 m of the midline of the road shown in red within the Klingzut Mountain Closure on the attached Map No. MK-03.
- (3) Despite subsection (1), a person does not commit an offence if he or she uses or operates an atv on or within 400 m of the midline of the road shown in green within the Klingzut Mountain Closure on the attached Map No. MK-03.

Toad River exemption

4 The prohibitions described in section 2 do not apply in the following portion of the management area:

Commencing at the northeast corner of Block A, District Lot 2144, Land District 43; thence in a generally northwesterly direction along bearing $330^{\circ} 05' 51''$ for a distance of approximately 6 178 metres to the centreline of the Toad River; thence in a generally southwesterly direction along the centreline of the Toad River to the point of confluence of the Toad River and Wood Creek; thence in a generally southeasterly direction along bearing $137^{\circ} 03' 13''$ for a distance of approximately 3 749 metres to the height of land; thence in a generally southeasterly direction along bearing $119^{\circ} 33' 52''$ for a distance of approximately 3 175 metres to the height of land; thence in a generally northeasterly direction along bearing $60^{\circ} 24' 49''$ for a distance of approximately 2 450 metres to the point of commencement, which is outlined and shown in the inset as the Toad River AMA Exemption on the attached Map No. MK-03.