

**SUBJECT: Designation and Management of
Access Roads and Recreational
Roads in Class II Protected Natural
Areas on Crown Lands**



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1.0 Policy

1.1 Policy Statement

It is the policy of the Department of Natural Resources to permit the orderly development and maintenance of access roads and recreational roads within the bounds of Class II Protected Natural Areas (PNAs) on Crown Lands, subject to the provisions of this Policy and the *Protected Natural Areas Act*.

1.2 Background

Protected Natural Areas have been permanently set aside on behalf of the people of New Brunswick as nature reserves under the *Protected Natural Areas Act*. Class II PNAs have been set aside to protect examples of New Brunswick's biological diversity, while providing opportunities for education, scientific research, and low impact outdoor recreation consistent with that protection.

Together, the Act and regulations provide the authority to undertake certain activities within a Class II PNA. These activities include the designation of access roads to provide access to lands under lease in a PNA, adjacent private lands or infrastructure located within the bounds of a PNA. There are also provisions to designate recreational roads for specified motorized and non-motorized uses.

The negative impacts of roads and motor vehicles on biodiversity are well documented in the scientific literature. It is the department's intention to limit negative impacts of roads in Protected Natural Areas, principally by limiting the extent of road networks, but also by establishing and enforcing appropriate standards for road construction and maintenance.

1.3 Policy Objective

The objectives of this policy are to:

- Provide direction to Departmental staff and to the Protected Natural Areas Local Advisory Committees (LACs) in developing, approving and implementing the proposed management plans for the 10 Class II PNAs principally as it relates to access and recreational roads in PNAs.
 - Clarify the intent and meaning of access and recreational roads, and
 - Provide direction on the abandonment, designation, construction, management, maintenance and decommissioning of access and recreational roads.
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1.4 Specific Policy Statements

- There will be no network of roads designated within PNAs specifically for fire access. When available, abandoned or decommissioned pre-existing roads will be restored temporarily to access remote areas when required to suppress forest fires.
- In general, the construction and maintenance of roads, trails and bridges within a PNA shall be restricted to designated access roads or

recreational roads. All other pre-existing roads will be abandoned or decommissioned. Exceptions will be made for logging roads established and continued under a pre-existing agreement or commitment.

- An existing road that is subject to or part of a pre-existing agreement (e.g. Roads within the 2012 blocks, or existing haul roads through the PNA) cannot be designated under the PNA Act as either an access road or a recreational road until or unless the pre-existing agreement is cancelled or expires.
- In the absence of a subsequent designation under the PNA Act, these roads should be abandoned or decommissioned.
- Where possible, the designated roads within a PNA should occupy the footprint of pre-existing roads and accommodate multiple purposes to provide both access and recreation, where such uses are compatible, and within the limitations of the categories prescribed in the PNA Act.

2.0 Scope and Application

2.1 Policy Application

This Policy applies to all access and recreational roads within Class II PNAs on Crown Lands, as they are defined in the *Protected Natural Areas Act* and Regulation and this policy.

It does not apply to public highways administered by the Department of Transportation which may transect a PNA.

2.2 Legal Process

DNR will undertake the legal process of designating access roads and recreational roads in regulation and the granting of any Easement, Lease or Licence of Occupation associated with a designated road.

3.0 Definitions

3.1 Abandoned Pre-existing Road

Implies that no measures have been taken to maintain or keep open a pre-existing road within the PNA and nature is being allowed to take its course.

3.2 Access Road

A road or portion of a road designated in regulation as an access road for the purposes of accessing private lands, infrastructure, a recreational resource or opportunity, or other Crown obligations and commitments located within the bounds of a PNA. In general, access roads are available

for use by any member of the public.

3.3 All-terrain Vehicle (ATV)

An off-road vehicle, other than a motorized snow vehicle, that

- (a) operates or travels on 3 or more tires or has been adapted to operate on 4 tracks,
- (b) has a seat designed to be straddled by the operator of the vehicle, and
- (c) has handlebars for steering the vehicle.

Note: This definition and the definition of an "off-road vehicle" are dictated by the PNA Act. And Off Road Vehicle Act. Any broadening of the definition will require a legislative amendment.

3.4 De-Commissioned Pre-existing Road

Implies that active steps have been taken to prevent use of a pre-existing road within the PNA such as removal of bridges or culverts, or placement or construction of obstacles such as boulders or other barriers.

3.5 Designated Road

A road or portion of a road as defined in the *Protected Natural Areas Act* that is designated in regulation either as an access road or recreational road and may include a trail, bridge or boat landing.

3.6 Easement or Right of Way

A legal instrument issued by the Minister under authority of section 25 of the *Crown Lands and Forests Act*, giving an individual or group the right to occupy land for a specific purpose or purposes. In the case of a Right of Way, that right usually applies to the right to legally pass over the land. .

An Easement or Right of Way does not provide for exclusive use.

3.7 Lease

A legal instrument issued by the Minister under authority of sections 23 and 24 of the *Crown Lands and Forests Act*. A lease provides for the exclusive use of Crown Lands, buildings or property for a specified time and for fixed rental payment.

3.8 Legal Agreement

For purposes of this Policy, an Easement, Lease, Licence of Occupation or Right of Way granted under authority of the *Crown Lands and Forests Act* or Minister's agreement under s.21 of the *Protected Natural Areas Act*.

3.9 Licence of Occupation

A legal instrument issued by the Minister under authority of section 26 of the *Crown Lands and Forests Act*. It cannot be transferred, sold, willed, deeded, exchanged, or given as a gift to another individual without permission of the Minister.

**3.10 Local
Advisory
Committee
(LAC)**

A committee made up of local residents and interest groups who represent a broad spectrum of interests, whose main role is to provide advice to the Minister of Natural Resources respecting the management and conservation of resources pertaining to a particular PNA.

Committee members contribute local knowledge, concerns and interests towards the development of a management plan for each PNA, and are involved in public education and stewardship programs.

**3.11 Pre-
existing Road**

A road that is located within the bounds of a PNA and constructed prior to the establishment of the PNA.

As part of the PNA management plan process, pre-existing roads within a PNA may be abandoned, decommissioned or designated in regulation as an access road or recreational road.

**3.12 Provincial
Advisory
Committee
(PAC)**

A committee made up of representatives from organizations that have province-wide interests including the chairs of the other PNA Advisory Committees. Its main role is to provide advice to the Minister of Natural Resources on the overall protection and management of the provincial network of PNAs.

**3.13
Recreational
Road**

A road or trail, including any bridge, within the bounds of a PNA whose primary purpose is a recreational pursuit.

The road or trail will be designated appropriately in regulation as a recreational road under one of the following categories as described in s.8(2) of Regulation 2004-57:

- (a) Category 1: walking, hiking, skiing or snowshoeing;
- (b) Category 2: walking, hiking, bicycling, skiing, snowshoeing or dog sledding;
- (c) Category 3: riding a horse, donkey, mule or llama, or using any such animal as a draught or pack animal;
- (d) Category 4: the activities referred to in paragraphs (a), (b) and (c);
- (e) Category 5: operating a motorized snow vehicle;
- (f) Category 6: operating an all-terrain vehicle (ATV);
- (g) Category 7: operating a motor vehicle, other than an off-road vehicle; and
- (h) Category 8: the activities referred to in paragraphs (e), (f) and (g).

**3.14
Thoroughfare**

A road or trail that passes entirely through the PNA, and continues on either

side of the PNA.

4.0 Designation of Roads

4.1 Responsibility for Designation of Roads

4.1.1 Local Advisory Committees (LAC)

The Local Advisory Committees, established to propose management plans for the Class II PNAs will, as part of that management planning process, recommend to the Minister roads to be designated within their respective PNA as either access or recreational roads.

In the case of recreational roads, the LAC will recommend the appropriate category of recreational road.

4.1.2 Provincial Advisory Committee (PAC)

The Provincial Advisory Committee will review the proposed management plan prepared by the LAC and, as appropriate, forward it to the Minister of Natural Resources with the recommendation of the PAC regarding its adoption.

4.1.3 Minister of Natural Resources

The Minister will review the proposed management plan, including any proposed road designations and, as appropriate, approve, amend or reject the management plan. Roads approved by the Minister will then be designated in regulation.

The Minister may also, pursuant to s.17 of the *Protected Natural Areas Act* and irrespective of any management plan, designate a road in a PNA as an access road or recreational road.

Note: At the time of establishment of the Class II PNAs, certain roads within the PNAs were identified as access roads and will be designated as such by regulation. These roads are recorded with the Department of Natural Resources.

4.2 Criteria for Designation of Roads

4.2.1 Principles for Designation of Recreational Snow Vehicle & ATV Roads

In general, only thoroughfares across a PNA that are necessary to connect existing managed snow vehicle or ATV trails outside of a Class II PNA shall be considered for designation as recreational roads for such use and purposes.

Managed ATV and snow vehicle trails may be located within a proposed or established PNA only where there is an approved plan for the area that

specifically permits a thoroughfare ATV or snow vehicle trail and only in locations permitted by the plan.

Note: Managed all-terrain vehicle (ATV) and snow vehicle trails are as defined by the Off-Road Vehicle Act.

4.2.2 Snow Vehicle Trails

All snow vehicle trails within Class II PNAs for which a Crown Lease was in place at the time of declaration of the PNA Act may be designated as Category 5 recreational roads.

4.2.3 Boat Landings

Existing landings will be evaluated in the respective PNA management planning process for purposes of retention, alteration or decommissioning. New boat landings will be considered only when an existing boat landing is to be decommissioned and access continues to be required by lessees, landowners or other approved users within the PNA

5.0 Design and Construction of Designated Roads

5.1 Road Design and Construction Standards

The design and construction of access roads and category 7 and 8 recreational roads shall, where applicable¹, follow the appropriate road design and construction standards set forth in department's Forest Management Manual for NB Crown Lands. Gravel or other aggregate used in road construction cannot be obtained from within a PNA.

The design and construction of categories 1-6 recreational roads shall be according to the terms and conditions of any applicable legal agreement and the standards appended to this Policy.

5.2 Signage

Placement of signs on designated roads in PNAs may be allowed under the terms and conditions of legal agreements. Signs and sign placement must conform to the Crown Lands Sign Policy.

6.0 Maintenance of Designated Roads

6.1 Maintenance of

Where access roads cross through a PNA to reach private property or to access leasehold property within a PNA, the private landowner or the

¹ In some cases, access roads need not be passable by trucks or automobiles, in which case they may be maintained to a lower standard, compatible with the access required by the approved users.

Access Roads leaseholder(s), through legal agreement, may be assigned responsibility for access road maintenance under the terms and conditions of the agreement. The terms and conditions of the agreement will specify the standards for such maintenance as determined by the Minister.

Where no legal agreement exists and with written approval from the Minister, landowners or leaseholders may be allowed to add gravel or other aggregate over the footprint of access roads leading to private property or leased land for the purpose of maintaining the access.

6.2 Maintenance of Recreational Roads In the case of recreational roads that are under legal agreement, the terms of the agreement may assign maintenance activities to those who are party to the agreement with DNR. This will apply to, but not be limited to, Category 5 and 6 Recreational Roads.

Maintenance activities on other categories of recreational roads, such as grooming trails and cutting back overgrowth may be allowed under the terms and conditions of a legal agreement and must conform to the same standards (where they exist) that apply to leased trails on Crown Lands outside of PNAs.

6.3 Winter Road Maintenance Except as required for its own purposes, DNR will not provide winter maintenance of any department managed access or recreational road that exists within the bounds of a PNA.

However, the Minister may issue written approval to lessees, private land owners and others to carry out snow removal or grooming on roads in order to maintain access or recreation, as necessary.

6.4 Inspection and Monitoring of Road Repairs and Upgrading Concerns will be reported, via the Regional Director (DNR) or the Local Advisory Committee, to the Manager of the Protected Natural Areas Program.

6.5 Use of Gravel for Maintenance of Roads Gravel and other aggregate used in the maintenance of roads within PNAs cannot be obtained from within a PNA. In addition, because certain sources of gravel or other aggregate may contain contaminants that could threaten the biodiversity within the PNA, persons authorized to undertake maintenance of roads within PNAs that involves the use of such material must identify the source.

6.6 Boat Landings Existing boat landings will be maintained or decommissioned in accordance with standards established or approved by the department.

7.0 Approvals and Legal Agreements

7.1 Application for Legal Agreement Applications for a legal agreement and other approvals referenced in this policy will be coordinated and processed by the Crown Lands Branch in consultation with the Manager of the Protected Natural Areas Program.

Applications will be directed to the Crown Lands Branch Land Use Application Service Center, P.O. Box 6000, Fredericton NB, E3B 5H1, Information: 1-888-312-5600 or cltc@gnb.ca.

7.1 Applicable Legislation Unless superseded by the *Protected Natural Areas Act*, all applicable federal and provincial legislation applies with a PNA.

8.0 References

8.1 Crown Lands Roads & Watercourse Crossings

- Forest Management Manual for NB Crown Lands.
- Guidelines for Roads and Watercourse Crossings.

8.2 Signs

- Crown Lands Sign Policy - No. CLM 010 2003.
- Policies, Planning, Layout, Production and Installation, April 2001 (in draft form).

8.3 Snow Vehicle Trail Standards

- Snow vehicle trails on Crown Lands Operational Guidelines, 2006 (in draft form)

8.4 ATV Trail Standards

- ATV Trails on Crown Lands Operational Guidelines, 2006 (in draft form)
- To be determined.

8.5 Category 1, 2, 3 and 4 Recreational Road Standards

- (in draft form)

9.0 Inquiries

9.1 Policy and Planning Branch

Inquiries concerning this Policy may be directed to the Manager of the Protected Natural Areas Program, Policy and Planning Branch. 453-2684.
