

EXECUTIVE SUMMARY

Motorized Recreation in the Northumberland County Forest

Prepared by Paul Peterson, legal counsel,
for the October 25, 2007
Meeting of the Forest Advisory Committee.

The Issue: Whether the recreational use of off-road vehicles and snowmobiles in the Northumberland County Forest will comply with the *Oak Ridges Moraine Conservation Act, 2001* and the Oak Ridges Moraine Conservation Plan.

Conclusion: No Prohibition of Motorized Recreation

Motorized recreation including both off-road vehicles and snowmobiles is not prohibited and may be permitted under the Oak Ridges Moraine Conservation Plan ("ORMCP").

Two sections of the ORMCP allow for such recreational use:

- 1) Section 6 of the ORMCP allows for the continuation of land uses that were lawfully in existence on November 15, 2001. Since the Forest was lawfully used by recreational ORV's and snowmobiles on and before November 15, 2001, such use may be permitted to continue despite relevant prohibitions in the ORMCP that might otherwise apply.

Note however, that an expansion of the recreational use of ORV's and snowmobiles may be limited by the need to comply with other environmental protection provisions of the ORMCP (subsection 6 (7)).

- 2) The Northumberland County Forest lies within the Natural Core Area of the ORMCP. Section 11 of the ORMCP sets out the applicable land use policies and allows for the provision of "outdoor recreation opportunities" as one component of forest management. Since the ORMCP does not set out an absolute prohibition on motorized recreation within the Natural Core Area, section 11 should allow for traditional recreational uses within the Forest, including ORV's and snowmobiles.

Again however, compliance with the ORMCP will require consideration of the environmental impact of the proposed recreational activity on the Forest lands. For example, a recreational activity may not be permitted if it would result in significant or large scale modification of terrain or vegetation.

Environmental Protection

Environmental protection measures in the ORMCP deal with matters such as the protection, maintenance or restoration of key natural heritage features, hydrological features and other environmental values. A complete review of those provisions is beyond the scope of this summary. However, the Forest Advisory Committee and the County will have to consider the applicability of those ORMCP policies to the development of a Forest management plan in detail. That will include consideration of environmental impacts arising from motorized recreation and where appropriate, development of management prescriptions for the recreational use of ORV's and snowmobiles incorporating relevant environmental protection measures.

Assumptions

Road Allowances: Since the County does not have jurisdiction over the municipal road allowances which run through the Forest those road allowances are not considered to be part of the County Forest and the management and use of those road allowances is the responsibility of the local municipality.

Assumption Re Environmental Impact: It is assumed here that there is some level of recreational ORV use that can be permitted without causing unacceptable environmental impacts. However, foresters, biologists, environmental planners or the forest managers will be responsible for providing information and making recommendations on that assessment. Note that such assessment could lead to different conclusions or recommendations with respect to the environmental impact and acceptability of off-road vehicles as opposed to snowmobiles.

Conclusion

While the ORMCP does not prohibit the recreational use of ORV's or snowmobiles in the Forest, it does impose limits on new or expanded use and it does require that Forest managers plan to protect the most significant Forest resources from the impact of this and other recreational activities.

It is important to note that even though the ORMCP does not impose a blanket prohibition on the recreational use of ORV's, the County as owner of the Forest, is entitled to control access to its lands and to implement management measures to achieve its own management objectives and the objectives of the Oak Ridges Moraine Conservation Plan. Management measures such as closure of environmentally sensitive Forest areas to public recreational use, including recreational use of ORV's would be allowed or even encouraged under the ORMCP.