



## Land Use Operational Policy Trapline Cabin

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**NAME OF POLICY:** Trapline Cabin Policy

**APPLICATION:** Applies to the positioning, construction and use of Trapline Cabins and associated Outbuildings on Crown land.

**ISSUANCE:** Assistant Deputy Minister, Tenures, Competitiveness and Innovation. Ministry of Forests, Lands and Natural Resource Operations.

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**IMPLEMENTATION:** Ministry of Forests, Lands and Natural Resource Operations

**REFERENCES:** *Land Act* (Ch. 245, RSBC 1996)  
*Ministry of Lands, Parks and Housing Act* (Ch. 307, RSBC 1996)  
*Forest and Range Practices Act* (Ch. 69, RSBC 2002)

**RELATIONSHIP TO PREVIOUS LAND POLICY:** Replaces all previous trapline cabin policies on Crown land, including:

- 1985 "Subsidiary Agreement on the Administration of Trapline Cabins".
- 1985 "Instructions for Mapping Trapline Cabins"

**POLICY AMENDMENT:** Any request to amend this policy is to be directed in writing to the Director, Land Tenures Branch. Ministry of Forests, Lands and Natural Resource Operations.

  
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Dave Peterson, ADM  
Tenures, Competitiveness and Innovation  
Ministry of Forests, Lands and Natural  
Resource Operations.

Date:           FEB 26 2016          

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**EFFECTIVE DATE:** December 11, 2013  
**AMENDMENT NO:** #1

**FILE:** \_\_\_\_\_

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Crown Land Use Operational Policy: Trapline Cabin Policy

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<b>APPROVED AMENDMENTS:</b>		
Effective date	Briefing Note /Approval	Summary of Changes:
May 3, 2014	FLNR DN #205239	Add statement of policy intent; clarify process, including variance; revise criteria for cabin size; clarify height restrictions and setbacks from water; expand application of the 1985 policy to include cabin replacements.
September 22, 2015	BN 217947	Land Act Reform phase 1 amendments
February 29 <sup>th</sup> , 2016	Email M. Porter	Shift responsibility to create the cabin identification tag from the Regulations Clerk to the Trapline Registrant. Revise S 7.5

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## 1. POLICY APPLICATION

This policy applies to the construction and use of Trapline Cabins and associated Outbuildings on Crown land.

The intent of the Trapline Cabin Policy is to support the construction and use of trapline cabins on Crown land that provide safety for an authorized trapper working a trapline and are considered essential to a registered trapline business. These cabins are small rustic structures that provide temporary accommodation for trapping, with minimal disturbance on Crown land.

This policy does not apply to

- Foreshore or aquatic Crown land.
- Crown land managed under the *Park Act* (such as parks, protected areas, conservancies and recreation areas).
- Federal Crown lands, including National Parks and Indian Reserves.
- Treaty lands.
- First Nation's people exercising aboriginal or treaty rights.

There is no *Land Act* tenure application and no tenure document issued under this policy.

## 2. POLICY OBJECTIVES

In British Columbia, the activity of trapping animals for commercial purposes is subject to the *Wildlife Act*. The Permit and Authorization Service Bureau and the Ministry's regional Fish and Wildlife Staff are responsible for the operational administration of Trapping Licences and Registered Traplines. This includes Trapline Transfer and Registration. The Hunting and Trapping Regulations Synopsis provides a summary of conditions under which trapping animals may legally occur across BC. Registration of a trapline under the *Wildlife Act* does not convey any legal rights regarding the construction or use of Trapline Cabins or their associated outbuildings on Crown land.

The construction of any Improvements on Crown land is subject to the *Land Act* and the *Ministry of Lands, Parks and Housing Act*. Normally, a *Land Act* tenure, such as a lease or licence of occupation, is required to authorize the use of Crown land.

The policy in BC has been to not enforce trespass laws in the normal course concerning the positioning, construction and use of Trapline Cabins on Crown land as long as the cabin and the user adheres to very specific conditions prescribed in policy. These cabins are not authorized under provincial statute, therefore no legal rights to the land are granted. There is no basis for a claim for compensation in respect of the removal or deconstruction of a Trapline Cabin or any related Improvements, or the loss of use of a Trapline Cabin Site.

The objectives of this policy are to:

- Support the spirit and intent of the Crown Land Allocation Principles, such as Crown land values are managed for the benefit of the public, the interests of

First Nations' communities are respected and environmental, economic and social needs and opportunities are addressed.

- Allow the construction and use of Trapline Cabins on Crown land to provide temporary, modest accommodation that facilitates safe and efficient operation of a trapline business.
- Deter the use of Trapline Cabin Sites and associated Improvements for purposes other than trapping (i.e. private residential, private recreational or commercial recreation).
- Define criteria for the positioning, construction and use of Trapline Cabins and associated Outbuildings on Crown land that will be tolerated without a *Land Act* tenure.
- Continue the existing policy of no fees, rents or taxes if there is compliance with the policy, recognizing that no legal rights to the land are granted and there is no basis for a claim for compensation.
- Minimize any adverse impacts on the public's use of Crown land, wildlife habitat and viability of other business sectors that pay fees, rents and taxes (i.e., avoid creating new road access and avoid foreshore areas within view of an ecotourism lodge or guided tourism activities).
- Establish an inventory of Trapline Cabin Sites, with location and contact information for the purposes of, for example, wildfire prevention/safety and compliance and enforcement.
- Ensure there is consistent interpretation and implementation of this policy across the province.

### 3. DEFINITIONS

**Authorized Trapper** means a person holding a valid Trapping Licence issued under the *Wildlife Act*.

**Fish and Wildlife Staff** means staff responsible for administering trapper/trapline-related policies under the *Wildlife Act*.

**Improvements** include anything made, constructed, erected, built, altered, repaired or added to, in, on or under the land, and attached to or intended to become part of it, and includes any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching of, in, on or under the land. Examples include Trapline Cabins and associated Outbuildings within a Trapline Cabin Site on Crown land.

**Ministry** means the ministry of the minister responsible for the *Land Act*, currently the Ministry of Forests, Lands and Natural Resource Operations.

**Ministry Lands Staff** means staff responsible for administering *Land Act* policies.

**Notation of Interest (NOI)** means an administrative tool that identifies possible interests on Crown land by flagging the area and noting a specific use. It is not a reserve, withdrawal or designation under the *Land Act*, and does not preclude the acceptance of land applications or disposition of Crown land. NOIs are

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considered in resource development and research as well as in land-use decisions. A NOI is not a legal instrument and does not convey any rights to Crown Land.

**Outbuilding** means a small, detached enclosure (such as a privy or storage shed), that is located on a Trapline Cabin Site. Section 8 defines criteria for Outbuildings. Wharves and docks are not Outbuildings.

**Public Access** means access by the public to provincial Crown land.

**Registered Trapline** means an area of Crown land for which registration is granted pursuant to section 42(1) of the *Wildlife Act*. The registration of a trapline does not convey any rights regarding the use or construction of Trapline Cabins or associated Outbuildings.

**Trapline Cabin** means a structure that is placed, constructed and used in conjunction with the operation of a Registered Trapline. Section 8 of this policy defines criteria for Trapline Cabins. A Trapline Cabin may be either a Base Cabin or Line Cabin, each of which is defined in Section 8.3b.

**Trapline Cabin Site** means the area of Crown land on which the Trapline Cabin and associated Outbuildings are located. The Trapline Cabin Site may be flagged with a NOI in the Crown Land Registry. Section 8.2 of this policy defines criteria for Trapline Cabin Sites.

**Trapline Registrant** is the holder, or holders of a registered trapline. The Trapline Registrant serves as the primary contact for the NOI.

#### 4. REQUIREMENTS OF THE TRAPLINE REGISTRANT

A Trapline Registrant wishing to construct and/or use a Trapline Cabin and Outbuildings should:

- Go to Front Counter BC to request that a NOI be established over the proposed or existing Trapline Cabin Site, prior to constructing or using any Improvements.
- Determine what laws apply to the positioning, construction and use of Improvements including, but not limited to local government zoning, roads, trails and water use, and comply with these laws, but need not comply with the requirement to obtain specific authorization to use Crown land if following this policy.
- Not cut, use or remove timber on or from the land without an authorization under the *Forest Act* and in accordance with the *Forest and Range Practices Act*. Authorizations may be granted through a “Free Use Permit” or “Occupant Licence to Cut”, depending on the circumstances and amount of timber involved.
- Ensure all Improvements on the Registered Trapline are in compliance with this policy.
- Affix a Trapline Cabin Identification Tag (section 7.5) in a conspicuous place above the main entranceway of all cabins.

- Minimize any adverse impacts on claimed or proven aboriginal or treaty rights, use of Crown land by the public, fish and wildlife habitat, and other business sectors.
- Keep the Trapline Cabin Site/s and associated structures in a safe, clean and sanitary condition.
- Check-in with Front Counter BC to update contact information as necessary.

## 5. NOTATION OF INTEREST

Refer to the [Crown Land Use Operational Policy: Reserves, Withdrawals, Notations and Prohibitions](#) for information on NOIs.

A NOI for a Trapline Cabin Site enables the creation of a reliable, up-to-date inventory of trapline-related Improvements. This inventory provides contact information for emergency services, enforcement and land-use referrals. NOIs are considered in resource development and research as well as in land-use decisions.

The Crown may authorize tenures that overlap the Trapline Cabin Site. Reasonable efforts should be made to contact the Trapline Registrant as part of the referral process and consider the trapper in the decision-making process. As a result of a decision to issue a land tenure, the trapper may have to move the Trapline Cabin Site and Improvements.

## 6. PRICING POLICY

Fees and rents are not applicable.

## 7. ADMINISTRATIVE PROCESS

### 7.1 Proposal for a Notation of Interest

Prior to constructing any improvements, the Trapline Registrant should contact Front Counter BC in writing to propose that a NOI be established over the Trapline Cabin Site. The proposal should include:

- The trapline registration number,
- The Trapline Registrant's name, permanent address and contact information,
- GPS map of the Trapline Cabin Site (with the south-west corner identified) and
- Photos of all Improvements.

FrontCounter BC should complete a land status of the specific area, confirm support for the NOI with Fish and Wildlife Staff and forward the information to Ministry Lands Staff. Review of mapped information regarding land tenures, parks, provincial forest boundaries, local government jurisdiction, etc. ensures that the area is available and aids in the identification of legal encumbrances and potential issues or conflicts.

If established, the NOI will be issued in the name of government's fish and wildlife branch on behalf of the Trapline Registrant.

Ministry Lands Staff have the sole discretion to enter a NOI in the Crown land registry. Each situation is unique in its impact on other values and may trigger the need to conduct further investigation or reconsider the planned location. Stating may identify a possible conflict between Cabin use and other interests. Ministry Lands Staff may disallow the proposal to establish a NOI for the Trapline Cabin Site. The term of the NOI is at the discretion of Ministry Land Staff.

## **7.2 Referrals/Advertising**

There are no referral or advertising requirements under this policy.

## **7.3 Aboriginal Interests Consideration**

The Province has a legal obligation to consult and (where required) accommodate First Nations when a Crown activity or decision may adversely impact claimed or proven aboriginal or treaty rights. When consulting, government officials are guided by the interim Updated Procedures for Meeting Legal Obligations When Consulting First Nations. The procedures do not replace or supersede treaties, consultation process agreements or other agreements – where applicable, such agreements will guide consultation.

While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, proponents may be involved in the procedural aspects of consultation (see Guide to Involving Proponents When Consulting First Nations). Trapline Registrants are encouraged to engage with First Nations communities prior to seeking a NOI for a Trapline Cabin Site.

## **7.4 Field Inspection**

The need to conduct a field inspection or onsite evaluation of the existing or proposed Trapline Cabin Site varies. The decision to make an inspection ultimately lies with the Ministry.

## **7.5 Trapline Cabin Identification Tags**

If the proposal for a NOI is accepted, Ministry Lands Staff should forward the notice of establishment of NOI to the Registered Trapper. The Registered Trapper must clearly identify the trapline cabin by displaying the trapline registration number in a conspicuous place above the main entranceway of all cabins. The numbers must be highly visible, at least from a point 4.5 meters (15 feet) from the cabin. Pre-existing, government-issued brass identification tags are acceptable.

## **7.6 Transfer of Registered Traplines**

Fish and Wildlife Staff administer trapline-related policies under the *Wildlife Act* and are responsible for the transfer of registered traplines, including First Nations consultation. First Nations will be informed of the presence, or possibility of trapline-related Improvements at the time of the requested transfer.



## 8. CRITERIA FOR TRAPLINE CABIN SITES & IMPROVEMENTS

### 8.1 Use of Trapline Cabins and Associated Outbuildings

Trapline Cabins and associated Outbuildings are only to be used by Authorized Trappers and individual(s) that accompany the Authorized Trappers for purposes directly associated with trapline-related activities.

- Trapline Cabins must not be occupied as a permanent residence.
- Associated Outbuildings may not be used as accommodation at any time.
- Neither the Trapline Cabin nor the associated Outbuildings may be rented, sublet or otherwise used for financial benefit (including: rental to guide outfitters, other trappers, hunters, commercial or public recreation) or for recreational purposes.
- Public access over the Trapline Cabin Site may not be restricted; however, the Trapline Cabin and associated Outbuildings may be locked to secure equipment and pelts.

### 8.2 Positioning Criteria for Trapline Cabin Sites

- a) Trapline Cabin Sites must be no larger than 50 m x 50 m.
- b) Trapline Cabin Sites must not be closer than 20 km apart.
- c) The Trapline Cabin and associated Outbuildings must be located entirely within a Trapline Cabin Site:
  - Only one Trapline Cabin is allowed per Trapline Cabin Site
  - No more than three associated Outbuildings are allowed per Trapline Cabin Site.
- d) Trapline Cabin Sites must not be located:
  - in areas extensively used by the public;
  - within 50 km from the Trapline Registrant's residence by road, unless there is a demonstrated need based on legitimate safety concerns or in situations where the Cabin is pre-existing and the incoming Trapline Registrant lives closer than 50 km to the trapline;
  - on terrain that requires significant disturbance of the land (e.g., steep slopes);
  - in areas specifically identified by the Ministry as being excluded due to other interests in the area or potential conflicts.
- e) Trapline Cabin Sites must be setback from foreshore areas.
  - Setbacks from rivers and creeks (greater than 1.5 m channel width), like waterways, coastline and lakes with residential or commercial development or high potential for recreational use along the shoreline (at the time of construction of the cabin) must be at least 100 m as measured on a horizontal line from the high water mark.
  - Setbacks from rivers and creeks (less than or equal to 1.5 m channel width), marshland, bogs, small ponds, springs, like waterways and lakes without residential or commercial development or a high potential for recreational use along the shoreline (at the time of construction of the cabin) must be at least 30 m as measured on a horizontal line from the high water mark.

- f) The impact of the Trapline Cabin Site and Improvements on other land uses/interests should be minimized through careful site selection (e.g., no or low potential impact on claimed or proven aboriginal or treaty rights, cultural values or cultural sites; not adjacent to other uses; not visible from lakes, rivers or like waterways).
- g) The location of the Trapline Cabin site must be as reported to Front Counter BC office and flagged with a NOI. The NOI will be described using a GPS point on the SW corner of the site and a metes and bounds description for the remainder of the boundary.

### 8.3 Construction Criteria for Trapline Cabins and Associated Outbuildings

- a) All Trapline Cabins and associated Outbuildings must
  - be located on a Trapline Cabin Site,
  - be single-story, not exceeding 5m in height measured from the top of the finished main floor to the highest point of the cabin,
  - be built on non-permanent foundations,
  - be constructed with minimal ground disturbance, and
  - have no permanent servicing (e.g., power lines by commercial power producer, natural gas, water wells etc.).
- b) A Trapline Cabin may refer to a Base Cabin or one of two Line Cabins.
  - i. Criteria for a Base Cabin
    - One Base Cabin is allowed per Registered Trapline, including all pre-existing cabins or structures, independent of their condition.
    - A Base Cabin must not exceed 39.5 m<sup>2</sup> (approximately 425 ft<sup>2</sup>) floor area, as measured from the inside of the exterior wall.
    - The deck on the Base Cabin to run on one side of the cabin only and not to extend further than 2.5 m (approximately 8 feet) out from the cabin.
  - ii. Criteria for a Line Cabin
    - Two Line Cabins are allowed per Registered Trapline, including all pre-existing cabins or structures, independent of their condition.
    - A Line Cabin must not exceed 20 m<sup>2</sup> floor area, including deck space.
- c) Associated Outbuildings: The cumulative floor area of the associated Outbuildings on each Trapline Cabin Site must not exceed 20m<sup>2</sup>.

## 9. COMPLIANCE AND ENFORCEMENT

Trapline Cabins and associated Outbuildings, even if they comply with this policy, are technically in trespass under the *Land Act*. These Improvements are not authorized under provincial statute, therefore no legal rights to the land are granted. There is no basis for a claim for compensation in respect of the removal or destruction of a Trapline Cabin or any related Improvements, or the loss of use of a Trapline Cabin Site.

It is the policy of the Ministry responsible for the *Land Act* to oversee the government's interest as landowner according to the Trapline Cabin Policy. In

other words, the Ministry may tolerate the construction and use of trapline-related Improvements on Crown Land without tenure if they adhere to this policy. In cases of non-compliance, the ministry's Compliance and Enforcement Procedures will be used to guide enforcement of any trespass activities.

If removals of trapline-related Improvements are required by government, notice should be given by compliance and enforcement staff as soon as possible and should include consideration of relevant factors (such as seasonal conditions).

Improvements built or used contrary to the Trapline Cabin Policy may result in immediate enforcement action for trespass under the *Land Act*. A person who constructs or uses non-compliant Improvements on Crown land may also be in violation of other statutes (e.g., *Occupiers Liability Act*, *Wildlife Act*, *Forest and Range Practices Act* etc.) leading to enforcement action.

## **10. TRAPLINE CABINS EXISTING PRIOR TO IMPLEMENTATION OF THE 2013 POLICY**

Trapline cabins that are registered in the Crown Land Registry and either

(1) existed prior to the effective date of this policy, or

(2) are built on, and do not expand the footprint of an original cabin,

are to be included under this policy but using the 1985 construction and positioning criteria/specifications (please refer to Appendix I). With those two exceptions, all aspects of the 2013 policy apply to all Trapline Cabins.

## **11. VARIANCE**

Requests for variance from this policy must be made by the Trapline Registrant, in writing, to the Regional Executive Director, Ministry of Forests, Lands and Natural Resource Operations.

## APPENDIX I: 1985 TRAPLINE CABIN USE, PLACEMENT AND CONSTRUCTION SPECIFICATIONS

**The following criteria for the use, placement and construction of trapline cabins in the “1985 Subsidiary Agreement on Administration of Trapline Cabins” are no longer in effect and have been replaced by the Trapline Cabin Policy:**

### 1.0 Use

1.1 Use of trapline cabins is restricted to actual trapping activities including trapping, trail making, other trapline cabin construction, cubby building and other trapping related improvements. Trapline cabins are not to be occupied as places of permanent or semi-permanent residence (i.e. for more than 6 months of the year) unless they are authorized under licence from the Ministry of Lands, Parks and Housing.

### 2.0 Placement and Construction

2.1 Trapline cabin size – New trapline cabins shall be constructed to the smallest possible size. The floor area of out buildings shall, in total, be no greater than 200 square feet (19m<sup>2</sup>). Out buildings may be used only for a horse barn, food cache, woodshed, outhouse, doghouse, and boat storage. Cabin and out buildings are to be located within a 150 feet by 150 feet area (50m x 50m).

2.2 All trapline cabins built after July 1, 1985 shall be 300 feet or more (100 m) from lake or stream banks.

2.3 Only one (1) trapline cabin may be built per site.

2.4 Two trapline cabin sites are allowed for the first 100 square miles (258 km<sup>2</sup>) of trapline area. One additional trapline cabin site is permitted for each additional 100 square miles (258 km<sup>2</sup>) of trapline area or part thereof.

2.5 The trapline cabin identification tag is to be placed near the apex of the roof, above the cabin door.

2.6 Cabins constructed after July 1, 1985 which do not meet the above specifications will be considered in trespass under the *Land Act* and may be subject to remedial action by the Ministry of Lands, Parks and Housing.