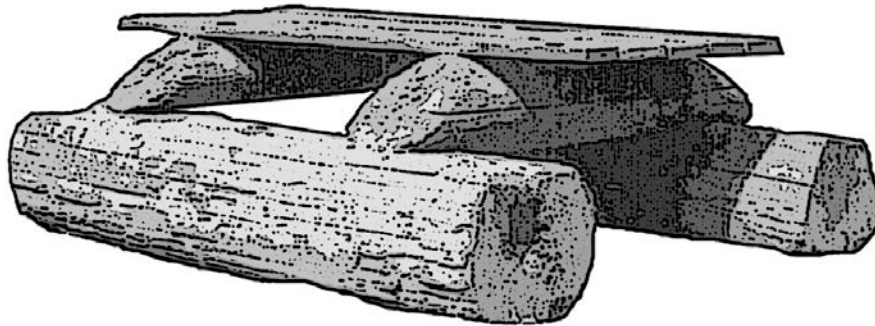


# Outdoor Recreation and the *Forests & Range Practices Act.*



Forest Practices Branch  
Range and Integrated Resources Section  
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## Introduction

Government has introduced the *Forest and Range Practices Act* (FRPA), which initiates the transition to a results-based forest practices framework in British Columbia. The new framework is intended to maintain environmental standards, while reducing administrative requirements and encouraging innovative, cost-effective forest and range practices. Under the results-based framework, tenure holders will be held accountable for results and strategies in operational plans that must be consistent with government objectives and on-the-ground practice requirements.

In December 2002, streamlining amendments to the *Forest Practices Code of British Columbia Act* and regulations came into effect. These amendments reduce the administrative requirements of the Forest Practices Code for a transition period until the new *Forest and Range Practices Act* is fully implemented in December 2006. This transition period allows resource managers to gradually gain experience in working under a results-based forest and range practices regime.

One of the key changes worth noting between FRPA and the Forest Practices Code is that approval for most decisions now rests with the Minister (as opposed to an independent statutory decision maker within the ministry). The Minister can, however, delegate that authority and provide binding direction. The delegated decision maker model is intended to foster more consistent decisions across administrative boundaries.

This document has been prepared to give Forest Service staff and interested members of the public a better understanding of the legislation and regulations of the *Forest and Range Practices Act* as they apply to outdoor recreation in British Columbia. The document also incorporates the recreation components of the *Forest Planning and Practices Regulation* and the *Government Actions Regulation*. Only those sections of the Act and regulations that pertain directly to recreation are included. A summary of the *Forest Recreation Regulation* is also provided.

The information presented here is intended as reference material only, and is not to be considered legal advice or opinion. For technical advice on the Act or regulations, please contact the nearest Forest Service office.

# FRPA Operational Planning Framework

## What are the operational planning requirements under FRPA?

There are four types of operational plans under FRPA:

- **Forest Stewardship Plans** – Forest stewardship plans replace the forest development plan under the Forest Practices Code. Forest stewardship plans are required prior to harvesting timber or constructing roads on a forest development unit, and must be submitted to the Ministry of Forests for approval. A forest stewardship plan must identify the boundaries of the forest development unit, and specify intended results or strategies that are to be consistent with objectives set for forest values, including legally established objectives through land-use plans. The term of a forest stewardship plan is five years, with the option of extending the term for another five years. Holders of a forest stewardship plan are also required to prepare a site plan, which is not an operational plan as it is not approved by the ministry. Site plans identify the approximate locations of cutblocks and roads, and indicate how the intended results and strategies set out in the forest stewardship plan will apply to the site.
- **Woodlot Licence Plans** – Woodlot licence plans are required prior to harvesting timber or constructing roads on woodlot licences, and must be submitted to the Ministry of Forests for approval. A Woodlot licence plan must identify the boundary of the woodlot licence, and specify intended results or strategies that are to be consistent with objectives set for forest values, including legally established objectives through land-use plans. Due to their small size, woodlot licences do not need to meet some broad landscape objectives, such as old-growth requirements, and are not required to produce site plans. The specific location of proposed harvest areas and roads are not identified in woodlot licence plans to allow flexibility to meet market demands and address forest health issues on these small licence areas. The term of a woodlot licence is 10 years, with the option of extending the term for another 10 years.
- **Range Use Plans and Range Stewardship Plans** – One of these two types of range plans are required prior to grazing livestock or cutting hay on Crown lands. **Range use plans** must identify the area pertaining to the plan, specify the times and locations for cattle use or hay cutting on Crown land, and conform to prescribed requirements that are consistent with government objectives. **Range stewardship plans** provide agreement holders who have demonstrated good performance with the option of proposing alternative results or strategies provided they are consistent with objectives set by government (e.g., limiting the spread of invasive plants). Both plans must be submitted to the ministry for approval. The term of range use plans and range stewardship plans is five years, with the option of extending the term for another five years.

All four operational plans under FRPA provide for public review and comment, consider First Nations interests, and, where applicable, and address potential impacts on other agreements/tenures.

## How are objectives for recreation resources incorporated into operational plans?

Under FRPA, the purpose of setting objectives is to trigger an obligation for operational plans to

provide results or strategies that are consistent with the objectives established for resource values.

There are three types of objectives under FRPA. Type 1 is land-use objectives, which were formerly called higher-level plan objectives (legal, strategic land-use objectives) under the Forest Practices Code. Land-use objectives for recreation exist for some areas, and are enabled or continued under FRPA through sections 3 to 5 of the *Forest Practices Code of British Columbia Act*. The authority for land-use objectives is being transferred to the *Land Act*.

Type 2 is objectives in regulation as enabled by section 149 of FRPA. Type 2 objectives for forest stewardship plans are set out in sections 5-10 of the *Forest Planning and Practices Regulation*.<sup>1</sup> There are no objectives in regulation for recreation resources or resource features.

Type 3 is objectives enabled by regulation for specified areas by a designated decision maker, such as the Minister of Forests, as set out in sections 56 and 149.1 – 150.3 of FRPA. Under section 56 of FRPA, the Minister of Forests may set specific objectives for interpretive forest sites, recreation sites and recreation trails. (Designations and objectives for interpretive forest sites, recreation sites and recreation trails established under the Forest Practices Code are grandparented into FRPA through sections 180 and 181.)

In the event of inconsistency, there is a hierarchy of objectives. Type 1 objectives take precedence over type 2 and 3 objectives. Type 2 objectives take precedence over type 3 objectives. When type 3 objectives are established, they must be consistent with any type 1 and 2 objectives.

### **How are recreation resources with no objectives managed?**

If no objectives are established for recreation resources, they may be managed using the practice requirements for resource features under section 70 of the *Forest Planning and Practices Regulation*. Section 5 of the *Government Actions Regulation* specifies resource features that may be identified by the Minister, which can include surface or subsurface elements of a karst system, interpretive forest sites, recreation sites, recreation trails, trails or other recreation facilities referred to in section 57 of FRPA authorized by the Minister or under another enactment, and recreation features that the Minister considers to be of significant recreational value. The practice requirements under section 70 of the *Forest Planning and Practices Regulation* specify that, unless exempted by the Minister, primary forest activities must not damage or render ineffective resource features.

## **Major Provisions for Recreation Under FRPA**

The major provisions for recreation under FRPA are described in Part 5, Protection of Resources, Division 3 - Recreation.

Section 56 enables the Minister to establish, vary the boundaries, or disestablish interpretive

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<sup>1</sup> Objectives in regulation for range use plans and range stewardship plans are set out in sections 6-11 of the *Range Planning and Practices Regulation*. Objectives in regulation for woodlot licence plans are set out in section 9 of the *Woodlot Licence Planning and Practices Regulation*.

forest sites, recreation sites and recreation trails on Crown land. It also allows the Minister to establish objectives for interpretive forest sites, recreation sites and recreation trails provided they are consistent with any land-use objectives set by government for the area.

Section 57 prohibits the construction, rehabilitation or maintenance of unauthorized trails or other recreation facilities on Crown land.

Section 58 prescribes measures to protect recreation and range resources on Crown land. The Minister can, by order, restrict or prohibit recreational use on Crown land if deemed necessary to protect recreation or range resources. The Minister can also restrict or prohibit the non-recreational use of areas designated for recreation, including resource management zones, landscape units, sensitive areas, and interpretive forest sites, recreation sites and recreation trails.

The delegation matrix associated with Section 56 allows the Minister to delegate authority to the Chief Forester, the Regional Executive Director, or the District Manager. For Section 57, authority may be delegated to the District Manager. For Section 58, authority may be delegated to either the Regional Executive Director or District Manager. Information on the delegation matrix for other sections of FRPA can be found at:

[\(http://gwww.for.gov.bc.ca/hcp/legislation/authoritymatrix/\)](http://gwww.for.gov.bc.ca/hcp/legislation/authoritymatrix/).

Other measures for restricting or regulating recreation use on Crown land are provided in the *Wildlife Act* and *Land Act*. Section 111 of the *Wildlife Act* allows the Minister of Water, Land and Air Protection to regulate access, including recreational access, to designated areas for the purpose of wildlife management. Section 61 of the *Land Act* allows the Lieutenant Governor in Council to prohibit specific uses of Crown land in designated areas.

## **Forest and Range Practices**

The *Forest and Range Practices Act* (FRPA) consists of 11 parts:

- Part 1 Definitions and Interpretations
- Part 2 Forest Stewardship Plan, Site Plan and Woodlot Licence Plan
- Part 3 Forest Practices
- Part 4 Range
- Part 5 Protection of Resources
- Part 6 Compliance and Enforcement
- Part 7 General
- Part 8 Forest Practices Board
- Part 9 Regulations and Standards
- Part 10 Pilot Projects for Forest Practices or Range Practices
- Part 11 Transitional

The following is a brief summary of the Act, with an emphasis on those portions that pertain directly to recreation.

## **Part 1: Definitions and Interpretations**

Part 1 covers sections 1 and 2. Section 1 defines terms applicable to FRPA. Section 2 deals with delegated authority from the Minister, with no specific reference to provisions for recreation.

### **What terms related to recreation are defined in FRPA?**

**“Determination”** means any act, decision, procedure, levy, finding, order or other determination made under this Act, the regulations or the standards by the Minister or an official.

This definition makes it clear that only officials of the appropriate ministry can make determinations under FRPA. In the case of recreation, this means only officials of the Ministry of Forests can make determinations.

**“Interpretive forest site”** means an interpretive forest site established under section 56 of this Act or section 6 of the *Forest Practices Code of British Columbia Act* or designated under the *Forest Act*.

The only change to this definition is that it includes interpretive forest sites established under section 56 of FRPA, in addition to those already designated under the *Forest Practices Code of British Columbia Act* or the *Forest Act*.

**“Objectives set by government”** means

- (a) objectives prescribed under section 149(1), or
- (b) objectives established or continued under sections 3 to 5 of the *Forest Practices Code of British Columbia Act* by a person or persons under those sections.

This definition includes type 1 and 2 objectives as described on page 5.

**“Operational plan”** means a forest stewardship plan, woodlot licence plan, range use plan, or range stewardship plan.

**“Recreation feature”** means a biological, physical, cultural or historic feature that has recreational significance or value.

There is no change to this definition.

**“Recreation resource”** means

- (a) a recreation feature,
- (b) a scenic or wilderness feature or setting that has recreational significance or value, or
- (c) a recreation facility.

There is no change to this definition.



**“Recreation site”** means a recreation site established under section 56 of this Act or section 6 of the *Forest Practices Code of British Columbia Act* or designated under the *Forest Act*. The only change to this definition is that it includes recreation sites established under FRPA, in addition to those already designated under the *Forest Practices Code of British Columbia Act* or the *Forest Act*.

**“Recreation trail”** means a recreation trail established under section 56 of this Act or section 6 of the *Forest Practices Code of British Columbia Act* or designated under the *Forest Act*.

The only change to this definition is that it includes recreation trails established under FRPA, in addition to those already designated under the *Forest Practices Code of British Columbia Act* or the *Forest Act*.

## ***Part 2: Forest Stewardship Plan, Site Plan and Woodlot Licence Plan***

Part 2 establishes a framework for Forest Stewardship Plans, Site Plans and Woodlot Licence Plans that includes plan requirements, content, exemptions, terms and amendments. Several provisions in these plans relate to recreation. Part 2 covers sections 3-20.

### **Division 1 – Forest Stewardship Plans**

Division 1 specifies the requirements for forest stewardship plans. It covers sections 3-9.

Section 5 states that a forest stewardship plan must specify intended results or strategies for objectives set by government, which can include land-use objectives for recreation where they exist, or other objectives established under FRPA or the regulations, which can include site-specific objectives for interpretive forest sites, recreation sites and recreation trails. Section 5 also states that a forest stewardship plan must be consistent with any objectives set by government or other objectives established under FRPA or the regulations.

Section 9 states that in certain circumstances, the Minister may establish proportional targets between the holders of forest stewardship plans for sharing the responsibility for obtaining results consistent with any objectives set by government, including land-use objectives for recreation where they exist, or any site-specific objectives for interpretive forest sites, recreation sites and recreation trails.

### **Division 2 – Site Plans**

Division 2 specifies the requirements for site plans. It covers sections 10-11.

Section 10 states that a site plan must be consistent with the forest stewardship plan, FRPA and the regulations, and identify how the intended results or strategies described in the forest stewardship plan apply to the site. This means any land-use objectives set by government for recreation, or other objectives established under FRPA or the regulations for interpretive forest sites, recreation sites and recreation trails that are identified in the forest stewardship plan must also be identified in the site plan.

### **Division 3 – Woodlot Licence Plans**

Division 3 specifies the requirements for woodlot licence plans. It covers sections 12-15.

Section 13 states that the content of a woodlot licence plan must specify the intended results or strategies of any objectives set by government identified in the plan, including land-use objectives for recreation where they exist, and any site-specific objectives for interpretive forest sites, recreation sites and recreation trails established under FRPA or the regulations.

### **Division 4 – General**

Division 4 describes general provisions (approval, review and comment, minor amendments) for forest stewardship plans and woodlot licence plans. It covers sections 16-20.

Section 16 states that the Minister must approve a forest stewardship plan or woodlot licence plan, or amendments to either, if the plans meet content requirements, and results and strategies are consistent with any objectives set by government, including land-use objectives for recreation where they exist, and any site-specific objectives for interpretive forest sites, recreation sites and recreation trails established under FRPA or the regulations.

### ***Part 3: Forest Practices***

Part 3 deals with compliance with forest stewardship and woodlot licence plans, road use, forest health issues, and silviculture and gene resources. It covers sections 21-31.

### **Division 1 - General**

Division 1 requires compliance with results and strategies in forest stewardship plans and woodlot licence plans. It covers section 21.

Section 21 states that forest stewardship and woodlot licence plans must ensure that the intended objectives and results specified in the plan are achieved, even if the plan has expired.

### **Division 2 – Roads**

Division 2 outlines provisions for road use. It covers sections 22-24.

Section 22.2 addresses non-industrial use of a road, which includes using roads to access recreation resources. Forest Service roads and roads constructed or maintained by the holders of road permits or a woodlot licence may be used free of charge by any person for non-industrial uses.

### **Division 3 – Forest Health**

Division 3 addresses forest health issues. It covers sections 25-27.

Section 26 states that if the Minister determines that a forested area on private or Crown land is being damaged by insects, disease, animals or abiotic factors, the Minister may require the owner or plan holder to submit a proposal for controlling or disposing of the pests. This requirement

may apply to interpretive forest sites, recreation sites or recreation trails.

### **Division 4 – Silviculture and Gene Resources**

Division 4 outlines the obligations to establish free growing stands after harvesting and to ensure that the seed used conforms to prescribed requirements. There are no direct provisions for recreation. Division 4 covers sections 28-31.

### ***Part 4: Range***

Part 4 addresses Range Use Plans and Range Stewardship Plans, grazing schedules, and general issues. It covers sections 32-45.

### **Division 1 – Range Use Plan and Range Stewardship Plan**

Division 1 sets out requirements and provisions for range use plans and range stewardship plans. It covers sections 32-42.

Sections 33, 34 and 35 state that the content of range use plans for grazing, range use plans for hay cutting, and range stewardship plans must be consistent with any objectives set by government and other objectives established under FRPA or the regulations. This would include land-use objectives for recreation where they exist, and any site-specific objectives for interpretive forest sites, recreation sites and recreation trails.

### **Division 2 – Grazing Schedule**

Division 2 does not directly apply to recreation. It covers sections 43-44

### **Division 3 – General**

Division 3 does not directly apply to recreation. It covers section 45.

### ***Part 5: Protection of Resources***

Part 5 addresses general environmental protection issues; unauthorized timber harvesting, trespass and tree spiking; and recreation. It covers sections 46-58

### **Division 1 – General**

Division 1 outlines general provisions for protecting the environment, including preventing the introduction and spread of invasive plants, maintaining natural range barriers, fighting fires, and range activities and developments. There are no direct provisions for recreation. Division 1 covers sections 46 – 51.

### **Division 2 – Unauthorized Timber Harvesting, Trespass and Tree Spiking**

Division 2 addresses unauthorized timber harvesting, trespass and tree spiking. It covers sections 52-55.

Section 52 prohibits anyone from cutting, damaging or destroying Crown timber without authorization.

Section 54 prohibits anyone from constructing or occupying a building or other structure on Crown land in a provincial forest unless authorized to do so.

Section 55 prohibits anyone from the act of tree spiking in timber that they do not own.

### **Division 3 – Recreation**

Division 3 addresses recreation provisions under FRPA. It covers sections 56-58. All three sections under Division 3 have been carried over from the *Forest Practices Code Act of British Columbia* with some amendments. Section 56 was previously section 6 under the Code. Section 57 was previously section 102 under the Code. Section 58 was previously section 105 under the Code.

Section 56 allows the Minister to establish, vary or de-establish Crown land as an interpretive forest site, recreation site or recreation trail. The Minister may also establish objectives for interpretive forest sites, recreation sites and recreation trails that must be consistent with objectives set by government for the area, including any land-use objectives. One clarification to this section under FRPA is that interpretive forest sites, recreation sites and recreation trails may be established anywhere on Crown land, except Crown land subject to another enactment or administered by another government agency.

Section 57 prohibits anyone from constructing, rehabilitating or maintaining a trail or other recreation facility on Crown land without authorization. A new provision under this section enables the Minister to require security as a condition for authorizing trail or recreation facility construction, if deemed necessary.

Section 58 enables the Minister, by order, to restrict or prohibit recreational use on Crown land if deemed necessary to protect recreation or range resources, except a use specifically permitted under another enactment. The Minister can also restrict or prohibit the non-recreational use of areas designated for recreation, including resource management zones, landscape units, sensitive areas, and interpretive forest sites, recreation sites and recreation trails to protect recreation or range resources. The protection of range resources on Crown land is a new provision under this section.

### ***Part 6: Compliance and Enforcement***

Part 6 addresses inspecting, stopping and seizing; seizure, administrative remedies, appeals, and offences and court orders. It covers sections 59-103.

### **Division 1 – Inspecting, Stopping and Seizing**

Division 1 sets out provisions for inspecting, stopping and seizing activities related to compliance and enforcement. It covers sections 59-66.

Section 60 permits an official or peace officer to stop a person, vehicle or vessel if the official or peace officer has reason to believe that the person is contravening or has contravened one or more orders or regulations.

Section 62 states that an official who stops a person, vehicle or vessel must provide proof of identity upon request from the person being stopped.

Section 63 requires a person who is stopped by an official or peace officer to provide identification when requested to do so.

Section 66 allows an official who has reasonable grounds to believe a person is contravening a provision of FRPA to order the contravention to stop until the appropriate authorization is provided. This section could apply to unauthorized construction of interpretive forest sites, recreation sites, recreation trails, or other trails or recreation facilities under section 57.

## **Division 2 – Seizure**

Division 2 deals with the seizure of timber, chattels, hay, livestock, etc, and does not directly apply to recreation. Division 2 covers sections 67-70.

## **Division 3 – Administrative Remedies**

Division 3 outlines administrative penalties for contraventions to FRPA, which are not applicable to recreation provisions. Division 3 covers sections 71-77.

## **Division 4 - Appeals**

Division 4 describes the process for reviewing/appealing a determination under FRPA. Several sections apply to recreation. Division 4 covers sections 78-85.

Section 80 enables a person to request a review of the Minister's decision on a trail or recreation facility proposal under section 57, and requires the ministry to review the decision if the request for review is made within three weeks of the determination and if new information is available.

Section 81 enables the Forest Practices Board to request a review of a determination made under section 57, if the Board has the consent of the person who submitted the trail or recreation facility proposal, and requires the ministry to review the decision if the request for review is made within three weeks of the determination.

Section 82 enables a person who submitted a proposal for a trail or recreation facility under section 57 to appeal the determination or the decision resulting from a review of the determination to the Forest Appeals Commission.

Section 83 enables the Forest Practices Board to appeal a determination on a trail or recreation facility proposal made under section 57, or the decision resulting from a review of the determination, to the Forest Appeals Commission.

## **Division 5 – Offences and Court Orders**

Division 5 addresses offences and court orders. It covers sections 86-103.

Section 87 describes the penalties that may be applied for contraventions of FRPA.

The maximum penalty for constructing or occupying a building or other structure on Crown land in a provincial forest without authorization, or failing to comply with a Ministerial order to

remove and/or destroy the building or other structure, and restore the land is \$100,000 or imprisonment for not more than six months.

The maximum penalty for failing to comply with a Ministerial order to remove and/or destroy an unauthorized trail or recreation facility, and restore the land is \$100,000 or imprisonment for not more than six months.

The maximum penalty for failing to stop a vehicle or vessel when required to do so by an official or peace officer; or interfering with, failing to comply with, or making a false or misleading statement to a person acting in an official capacity is \$100,000 or imprisonment for not more than six months.

The maximum penalty for failing to adhere to a stop work order issued by an official with reasonable grounds to believe that a person is contravening a provision of FRPA is \$100,000 or imprisonment for not more than six months.

The maximum penalty for evicting, discharging, suspending, expelling, intimidating, coercing, imposing penalties, or otherwise discriminating against a person named in a complaint, giving evidence, or otherwise assisting in a prosecution under FRPA is \$100,000 or imprisonment for not more than six months.

The maximum penalty for constructing, rehabilitating or maintaining a trail or other recreation facility without authorization is \$5,000 or imprisonment for not more than six months.

The maximum penalty for removing, altering, destroying or defacing a notice posted by the Minister is \$5,000 or imprisonment for not more than six months.

The Minister may apply to the Supreme Court for an order directing a person to comply with a Ministerial order or restrain the person from violating the order in the following situations related to recreation:

- If a person is not complying with a Ministerial order to remove and/or destroy an unauthorized building or other structure, and restore the land;
- If a person is not complying with a Ministerial order to restrict the non-recreational use of recreation resources; and
- If a person fails to adhere to a stop work order.

Section 93 states that a person constructing or occupying an unauthorized building or other structure on Crown land, or constructing, rehabilitating or maintaining an unauthorized trail or other recreation facility on Crown land, will be subject to a separate penalty for each additional day that the offence continues.

Section 96 establishes that it is not a defense against prosecution for constructing, rehabilitating or maintaining an unauthorized trail or other recreation facility on Crown land if a person does not know the boundaries between private land and Crown land, or between two different parcels of Crown land.

Section 97 states that a person interfering with, failing to comply with, or making a false or misleading statement to a person acting in an official capacity may have their forest stewardship plan, woodlot licence plan, range use plan, range stewardship plan, or a permit under FRPA

suspended or cancelled by the Minister.

## ***Part 7: General***

Part 7 deals with liability and privilege, and miscellaneous issues. It covers sections 104-120. The most significant provision from a recreation perspective is section 118, which enables the Ministry of Forests to enter into agreements for managing forest and range resources.

### **Division 1 – Liability and Privilege**

Division 1 contains general provisions for liability to the government and situations where the Minister may waive obligations under FRPA. It covers sections 104-108.

Section 106 states that a person is liable to the government for the value of any timber or forage cut, damaged or destroyed without authorization. This section could apply to unauthorized cutting, damaging or destroying timber or forage at an interpretive forest site, recreation site, recreation trail, or trails and recreation facilities under section 57.

### **Division 2 – Miscellaneous**

Division 2 pertains to miscellaneous provisions related to liability and privilege. It covers sections 109-120.

Section 118 enables the government to enter into agreements to help ensure forest and range resources are properly managed and conserved. This includes enabling an official designated by the Minister to enter into an agreement with a person to develop, expand, maintain, repair or close an interpretive forest site, a recreation site, or a recreation trail.

Section 119 provides protection for a person who files a complaint or is named in a complaint, gives evidence, or otherwise assists with a prosecution under FRPA.

## ***Part 8: Forest Practices Board***

Part 8 ensures the continuation of the Forest Practices Board to carry out independent audits of compliance with forest practice requirements and investigate public complaints. It also specifies the roles and responsibilities of the Board in carrying out its duties. Public complaints to the Forest Practices Board may include complaints related to recreation. Part 8 covers sections 121-140.

## ***Part 9: Regulations and Standards***

Part 9 deals with the establishment of regulations and standards. A number of sections relate to recreation. Part 9 covers sections 141-170.

Section 143 enables the Lieutenant Governor in Council to make regulations enabling the Ministry of Forests to charge fees for providing services.

Section 148 enables the Lieutenant Governor in Council to make regulations regarding interpretive forest sites, recreation sites and recreation trails, such as restricting, prohibiting or attaching conditions to the use of interpretive forest sites, recreation sites and recreation trails.

Section 149 enables the Lieutenant Governor in Council to make regulations prescribing objectives for a variety of resource values. (Although recreation resources and resource features are listed under section 149, there are no objectives in regulation for recreation resources or resource features.)

Section 150.4 enables the Lieutenant Governor in Council to make regulations for objectives set by government, including land-use objectives for recreation, and site- specific objectives for interpretive forest sites, recreation sites and recreation trails.

Section 154 enables the Lieutenant Governor in Council to make regulations regarding forest resources and resource features, including recreation resources and features.

### ***Part 10: Pilot Projects for Forest Practices or Range Practices***

Part 10 outlines procedures and regulations related to pilot projects for forest and range practices. It covers sections 171-176.

Section 172 enables the Lieutenant Governor in Council to make regulations regarding proposed pilot projects if the project is consistent with objectives set by government, including objectives for recreation resources.

Section 173 enables the Lieutenant Governor in Council, for the purposes of a pilot project, to make regulations regarding the protection of forest resources and resource features, including recreation resources and features.

### ***Part 11: Transitional***

Part 11 addresses phasing in the new regulatory framework of FRPA, including general definitions and interpretations; grandparenting designations, objectives and measures; grandparenting permits; transition for forest operational plans and practices; transition for woodlot licences, transition for licences to cut; range transition; pilot project transition; transfer of code obligations; Forest Practices Board transition; and Nisga'a Final Agreement transition. It covers sections 177-216.

There are nine divisions under Part 10. The only division with sections pertaining directly to recreation is Division 2 – Grandparenting Designations, Objectives and Measures. Division 2 covers sections 180-182.

Section 180 ensures that interpretive forest sites, recreation sites and recreation trails that were established or continued under the *Forest Practices Code of British Columbia Act* will continue under FRPA.

Section 181 ensures that objectives for interpretive forest sites, recreation sites and recreation trails that are in effect immediately before the effective date of FRPA will continue to apply.



## Forest Planning and Practices Regulation

The *Forest Planning and Practices Regulation* sets out the requirements for preparing forest stewardship plans and site plans, and for conducting forest practices under FRPA. It replaces the *Operational and Site Planning Regulation*, the *Timber Harvesting and Silvicultural Practices Regulation*, the *Forest Road Regulation*, the *Bark Beetle Regulation*, and the *Tree, Cone, Seed and Vegetative Material Regulation* under the Forest Practices Code.

Information on the delegation matrix for sections under the *Forest Planning and Practices Regulation* can be found at: (<http://gww.for.gov.bc.ca/hcp/legislation/authoritymatrix/>).

There are 10 parts under the *Forest Planning and Practices Regulation*:

Part 1 – Interpretation

Part 2 – Forest Stewardship Plans

Part 3 – Site Plans

Part 4 – Practice Requirements

Part 5 – Roads

Part 6 – Notifying and Reporting to Government

Part 7 – Exemptions and Relief from or Funding of Obligations

Part 8 – Orders and Offences

Part 9 – Delegation and Sub-delegation

Part 10 – Transition

### ***Part 1: Interpretation***

Part 1 defines relevant terms, sets out the application and interpretation of this regulation, defines the term “damage to the environment” as it applies to section 46 of FRPA, and provides provisions for authorization to cut under the *Mineral Tenure Act*. It covers sections 1-4.

### **What terms related to recreation are defined in the Forest Planning and Practices Regulation?**

“**Act**” means the *Forest and Range Practices Act*.

“**Agreement holder**” means a holder of an agreement under the Forest Act, other than a woodlot licence.

**Note:** This term does not apply to a holder of a partnership agreement, as those agreements are authorized under section 118 of FRPA.

**“Established objective”** means an objective described under Division 1 [Content (Objectives)] of Part 2 [Forest Stewardship Plans], and a land-use objective.

Objectives for interpretive forest sites, recreation sites and recreation trails are included under this definition. Land-use objectives exist for some recreation resource values.

**“land-use objective”** means an objective referred to in paragraph (b) of the definition of “objectives set by government” in section 1 [Definitions] of the Act.

Land-use objectives exist for some recreation resource values.

**“Resource feature”** means a resource feature identified under the *Government Actions Regulation*.

A resource feature can include surface or subsurface elements of a karst system; interpretive forest sites, recreation sites and recreation trails; other authorized trails or recreation facilities; and recreation features that the Minister considers to be of significant recreational value.

**“Result”** means a description of

- a) Measurable or verifiable outcomes in respect of a particular established objective, and
- b) The situations or circumstances that determine where in a forest development unit the outcomes under paragraph (a) will be applied.

This is a new definition under FRPA.

**“Strategy”** means a description of

- a) Measurable or verifiable steps or practices that will be carried out in order to meet a particular established objective, and
- b) The situations or circumstances that determine where in a forest development unit the steps or practices will be applied.

This is a new definition under FRPA.

## ***Part 2: Forest Stewardship Plans***

Part 2 deals with objectives set by government and other objectives established under FRPA or this regulation for forest stewardship plans, including requirements for specifying results and strategies for established objectives. It also describes content requirements for forest stewardship plans, procedures for public review and comment, and provisions for approvals, extensions and amendments. Part 2 covers sections 5-32.

### **Division 1 – Content (Objectives)**

Division 1 specifies content requirements (objectives, results, strategies) for forest stewardship plans. It covers sections 5-13.

Section 11 requires any objectives established for interpretive forest sites, recreation sites or

recreation trails to be included in a forest stewardship plan.

Section 12 states that a forest stewardship plan may consider the factors set out in the Schedule of this regulation when specifying results or strategies for established objectives. This may include land-use objectives for recreation resources.

Section 12 also states that a forest stewardship plan must ensure that results and strategies are consistent with the objectives for interpretive forest sites, recreation sites or recreation trails that are in effect four months before the date the plan is submitted to the Minister for approval.

Section 12 further states that if a land-use objective conflicts with objectives for interpretive forest sites, recreation sites or recreation trails, a forest stewardship plan is exempt from specifying results or strategies to the extent that doing so would conflict with the land-use objective.

## **Division 2 – Content (General)**

Division 2 describes general content requirements for forest stewardship plans in sections 14-19. There are no direct provisions for recreation.

## **Division 3 – Public Review and Comment**

Division 3 describes processes for public review and comment. It covers sections 20-22.

Section 20 states that before submitting a forest stewardship plan to the Minister for approval, a person must publish a notice in a newspaper, provide opportunities for reviewing the plan, and consider any written comments that are relevant to the plan.

Section 21 states that a person who publishes a notice under section 20 must refer a copy of the forest stewardship plan to any agency of government if required, provide opportunities to review the plan, and make reasonable efforts to meet with First Nations groups affected by the plan.

Section 22 states that a person who publishes a notice under section 20 must consider any written comments received under section 21 that are relevant to the plan, and must submit a copy of the notice, a copy of each written comment, a description of any changes resulting from the comment, and a description of the efforts made to comply with the requirements of section 21.

## **Division 4 – Approvals and Extensions**

Division 4 addresses the Minister's considerations for approving forest stewardship plans, and extending the term of forest stewardship plans in sections 23-28. There are no direct provisions for recreation.

## **Division 5 – Amendments**

Division 5 outlines the circumstances where an amendment to a forest stewardship plan requires the approval of the Minister and those cases where Ministerial approval is not required. It also allows the Minister to exempt a holder from submitting a required amendment under certain situations. Division 5 covers sections 29-32. There are no direct provisions for recreation.

### ***Part 3: Site Plans***

Part 3 describes the circumstances where a holder of a forest stewardship plan is not required to prepare a site plan. It also provides specific content requirements for site plans. Part 3 covers sections 33 and 34. There are no direct provisions for recreation; however, FRPA requires site plans to identify how results or strategies in the forest stewardship plan apply to the site, and this may include provisions for recreation resources with established objectives.

### ***Part 4: Practice Requirements***

Part 4 specifies the practice requirements for soils; timber and forest health; riparian areas; watersheds; biodiversity; and general wildlife measures and resource features. It covers sections 35-70.

#### **Division 1 – Soils**

Division 1 outlines practice requirements for soil disturbance limits, permanent access structures, preventing landslides, gully processes, natural surface drainage patterns, and re-vegetation after road construction or deactivation. It covers sections 35-40. There are no direct provisions for recreation.

#### **Division 2 – Timber and Forest Health**

Division 2 describes requirements for treating insects, use of livestock for site preparation or brush control, use of seed, and for establishing free growing stands. It covers sections 41-46. The only provision directly related to recreation is in section 44, which states that a person is exempt from establishing a free growing stand on areas cleared for a recreation site or recreation trail.

#### **Division 3: Riparian Areas**

Division 3 describes the practice requirements for managing riparian areas. It covers sections 47-58. The only provision directly related to recreation is in section 51, which states that a person is exempt from being restricted from cutting, modifying or removing trees in a riparian reserve zone unless it is a limited incursion for felling or modifying a tree for the purpose of establishing or maintaining an interpretive forest site, recreation site, recreation facility, or recreation trail.

#### **Division 4 – Watersheds**

Division 4 describes required practices for protecting water quality in community watersheds. It covers sections 59-63. There are no direct provisions for recreation.

#### **Division 5 – Biodiversity**

Division 5 addresses maximum cutblock size for regions and districts, and sets requirements for harvesting adjacent to another cutblock, wildlife tree retention, and coarse woody debris. It covers sections 64-68. There are no direct provisions for recreation.

## **Division 6 – General Wildlife Measures and Resource Features**

Division 6 describes general wildlife measures, and required practices for resource features and wildlife habitat features. It covers sections 69-70.

Section 70 states that, unless exempted under section 91, an authorized person carrying out primary forest activities must ensure the activities do not damage or render ineffective a resource feature. Resource features are described in section 5 of the *Government Actions Regulation*, and can include surface or subsurface elements of a karst system; interpretive forest sites, recreation sites or recreation trails, trails or other recreation facilities referred to in section 57 of FRPA authorized by the Minister or under another enactment; and recreation features that the Minister considers to be of significant recreational value. Exemptions to section 70 are specified in section 91.

### ***Part 5: Roads***

Part 5 specifies the requirements for road layout and design, construction and modification, maintenance and deactivation. It covers sections 71-84. Section 22.2 of FRPA states that forest service roads and roads constructed or maintained by holders of road permits or woodlot licences may be used by members of the public free of charge. This has important implications for recreation.

Section 72 states that, unless exempted under section 91, a person who constructs or maintains a road must ensure the road and the bridges, culverts, fords and other associated structures are structurally sound and safe for use by industrial users.

Section 75 states that unless exempted under section 91, structural defects or deficiencies in a bridge must be corrected to protect industrial users of the bridge, downstream property, improvements or forest resources that could be affected if the bridge fails.

Section 79 states that a person may maintain a road only if authorized or required to do so under FRPA or this regulation. Unless exempted under section 91, section 79 also requires a person authorized in respect of a road to maintain the road, including bridges, culverts, fords and other structures associated with the road until:

- the road is deactivated;
- the district manager notifies the person that the road should not be deactivated due to use or potential use by others;
- a road permit or special use permit is issued to another person; or
- the road is declared a forest service road under the *Forest Act*.

Section 79 has important implications for recreation. If a district manager decides that a road should not be deactivated due to the use or potential use of the road to access recreation areas, the road will be maintained to wilderness standards by the ministry (see definition of wilderness standards below).

Section 81 states that, despite section 22.2 of FRPA and section 79 of this regulation, if a forest service road or road authorized under a road permit, cutting permit, timber sale licence, special

use permit, or woodlot licence is not being used by industrial users, then the road need only be maintained to the extent necessary to protect the structural integrity of the road prism and clearing width, and the functioning of the road drainage systems to ensure there is no material adverse effect on forest resources. This level of road maintenance meets “wilderness standards.”

Sections 72, 75, 79 and 81 have important implications for roads providing access to recreation areas. Roads used by industrial users are maintained to higher standards than roads not used by industrial users. Many interpretive forest sites, recreation sites, recreation trails, and other facilities are accessed on roads not used by industrial users. These types of roads will be susceptible to deterioration over time, and access by standard public vehicles may not be guaranteed.

Section 82 requires a person deactivating a road to barricade the road surface width to prevent access by motor vehicles other than all-terrain vehicles, and make the barricade clearly visible to oncoming traffic.

Section 83 requires the placement of a sign warning users of the deactivation during the period that a road is being deactivated, unless exempted under section 91.

## ***Part 6: Notifying and Reporting to Government***

Part 6 provides requirements and procedures for providing notification of timber harvesting and road construction, the contents of annual reports, setting and communicating site-specific standards, and recording silviculture treatments. It covers sections 85-88.

Section 86 requires the location of any permanent access road that has been deactivated to be reported in the annual report. This has important implications for roads accessing recreation resources. Section 86 also requires the reporting of the location of any resource feature in or contiguous to a cutblock or road that the holder became aware of if the resource feature was not previously reported, or if the order establishing the resource feature requires the location of the feature to be reported. The provision to report previously unreported resource features could apply to recreation features that the Minister considers to be of significant recreational value, or surface and subsurface elements of a karst system.

## ***Part 7: Exemptions and Relief from or Funding of Obligations***

Part 7 specifies exemptions from requirements, and relief from obligations and/or funding of obligations. It covers sections 89-97.

### **Division 1 - Exemptions**

Division 1 describes situations where exemptions may be granted from certain sections of FRPA or this regulation. It also outlines the process for granting exemptions and imposing conditions associated with exemptions. It covers sections 89-92

Section 91 allows the Minister to exempt the requirements of sections 72 (roads and associated structures), 75 (structural defects) and 79 (road maintenance) if the Minister is satisfied it is in the public interest and would not put human health at risk. It also allows the Minister to exempt the requirements of section 70 (1) (not damage or render ineffective a resource feature) if the

Minister is satisfied there is no other practical option for carrying out the primary forest activity and the exemption is in the public interest.

## **Division 2 – Relief from or Funding of Obligations**

Division 2 details the circumstances where an agreement holder may recover costs associated with measures pertaining to forest health, and various obligations and declarations associated with the establishment of free growing stands. It covers sections 93-97. There are no direct provisions for recreation.

## ***Part 8: Orders and Offences***

Part 8 outlines the process regarding orders and exemptions, and specifies the fines and possible prison sentences for persons who are convicted of contravening certain sections of this regulation. It covers sections 98-101. Offences related to recreation orders and authorizations for recreation facilities are covered under FRPA. Offences related to the use of interpretive forest sites, recreation sites, and recreation trails are covered in the *Forest Recreation Regulation*.

## **Division 1 – Orders**

Division 1 addresses orders and exemptions, including intervention orders, as well as compliance with orders and conditions. It covers sections 98-101. There are no direct provisions for recreation.

## **Division 2 – Offences**

Division 2 specifies the fines and potential prison sentences for persons who are convicted of contravening certain sections of this regulation. It covers sections 101-104.

Section 102 states that a person who contravenes section 70 (resource features and wildlife habitat features) commits an offence and is liable, on conviction, to a fine not exceeding \$100 000 or to imprisonment for not more than one year, or to both. From a recreation perspective, this refers to a person damaging or rendering ineffective a resource feature, unless exempted by the Minister under section 91. Resource features are described in section 5 of the *Government Actions Regulation*, and can include surface or subsurface elements of a karst system; interpretive forest sites, recreation sites or recreation trails, trails or other recreation facilities referred to in section 57 of FRPA authorized by the Minister or under another enactment; and recreation features that the Minister considers to be of significant recreational value.

## ***Part 9: Delegation and Subdelegation***

Part 9 addresses issues of delegation and sub-delegation by the Minister of Forests and the Minister of Water, Land and Air Protection. It covers sections 105 and 106. There are no direct provisions for recreation.

## ***Part 10: Transition***

Part 10 addresses transition issues as they relate to community watershed, Code exemptions, and bark beetle issues. It covers sections 107-109. There are no direct provisions for recreation.

## **Schedule - Factors**

The Schedule of factors for this regulation describes factors relating to objectives set by government under Part 2, Forest Stewardship Plans. It covers sections 1-6.

Section 5 states that information contained in government approved land-use plans may be used to prepare results and strategies for related land-use objectives. This provision could apply to recreation resources.



## **Government Actions Regulation**

The *Government Actions Regulation* provides the authority, criteria and processes for the creation of localized areas requiring special management for certain resource values, including resource features, lakeshore management zones, scenic areas, community watersheds, wildlife and wildlife habitat, ungulate winter range, species at risk, fisheries, and temperature sensitive streams. It also provides for the creation of objectives for managing some of these areas.

Information on the delegation matrix for sections under the *Government Actions Regulation* can be found at: (<http://gwww.for.gov.bc.ca/hcp/legislation/authoritymatrix/>).

There are 20 sections under the *Government Actions Regulation*. Sections 2-5, 19 and 20 contain provisions relating to recreation.

### **Section 2 – Limitation of Actions**

Section 2 states that prior to establishing a resource feature (which can include an interpretive forest site, recreation site or recreation trail; a trail or other recreation facility referred to in section 57 FRPA; or a recreation feature that the Minister considers to be of recreational value), the Minister must be satisfied that:

- the order is consistent with established objectives (i.e., existing land-use objectives, objectives set by government, and other objectives established under FRPA or the regulations);
- the order will not unduly reduce timber supply; and
- the benefits of the order will outweigh any material adverse effects on an agreement holder, and any constraints on the ability of an agreement holder to exercise rights granted under the agreement.

### **Section 3 – Consultations and Reviews**

Section 3 requires the Minister to provide an opportunity for review and comment to agreement holders that will be affected by the establishment of a resource feature (which can include an interpretive forest site, recreation site or recreation trail; a trail or other recreation facility referred to in section 57 of FRPA; or a recreation feature that the Minister considers to be of recreational value). Before making the order, the Minister (or delegate) must consult agreement holders that may be materially affected by the order.

### **Section 4 – Notice of an Order under this Regulation**

Section 4 requires notice of an order to establish a resource feature (which can include an interpretive forest site, recreation site or recreation trail; a trail or other recreation facility referred to in section 57 of FRPA; or a recreation feature that the Minister considers to be of recreational value) to be posted on the ministry website, published in the B.C. Gazette, and made publicly available at the regional office of the forest region in which the order takes place. Orders take effect on the latest date of the following:

- the effective date specified in the order;
- the date the notice is posted on the ministry website; or

- the date the notice is published in the B.C. Gazette.

### **Section 5 – Resource Features**

Under section 5, the Minister may identify the following as resource features:

- a surface or subsurface element of a karst system;
- interpretive forest sites, recreation sites or recreation trails;
- other authorized trails or recreation facilities referred to in Section 57 of FRPA; or
- recreation features that the Minister considers to be of significant recreational value.

Section 5 also states that the Minister may make an order if satisfied that a resource feature requires special management that has not otherwise been provided for under this regulation or another enactment.

The identification of resource features may be by category or type, restricted to a specified geographic location, or sufficiently specific to identify the resource feature in the ordinary course of carrying out forest or range practices.

If the Minister believes a resource feature may be subject to damage or disturbance if its location is disclosed, the Minister:

- must not disclose the location of the feature in the order;
- must provide written notice of the location of the feature to agreement holders affected by the order; and
- may attach conditions to the order prohibiting or limiting the extent to which agreement holders may disclose the location of the feature.

### **Section 19 – Resource Features Continued**

Section 19 addresses the transition of resource features from the Forest Practices Code to FRPA. Resource features defined in the *Operational and Site Planning Regulation* or the *Woodlot Licence Forest Management Regulation* under the Forest Practices Code are continued as resource features under section 5 of this regulation provided the information regarding the feature was:

- contained in a higher level plan that is still in effect; or
- the feature was made known to one or more agreement holders.

### **Section 20 – Orders Apply to Code and Code Regulations**

Section 20 specifies that agreement holders must comply with requirements of the Forest Practices Code and Code regulations for orders established under section 5 (resource features) of this regulation during the transition period from the Forest Practices Code to FRPA.

## Forest Recreation Regulation

The *Forest Recreation Regulation* sets out procedures for establishing recreation orders to restrict or regulate public recreation use on Crown land to protect range or recreation resources, or to manage conflicting recreation uses. It also outlines the procedures an applicant must follow for submitting a proposal to construct, rehabilitate or maintain an authorized trail or recreation facility for public use. The regulation also details rules for the use of recreation sites, recreation trails and interpretive forest sites, describes provisions for recreation site and trail fees, and specifies enforcement actions for non-compliance with the recreation components of FRPA.

The *Forest Recreation Regulation* has been updated a number of times since the Forest Practices Code was introduced in 1995, particularly with regard to recreation fees. Several other changes to the regulation have been implemented under FRPA:

- Authorizations, orders, determinations and notifications are now granted by the Minister, although they can be delegated to another ministry official;
- The onus is now placed on applicants to demonstrate that their trail or recreation facility proposal meets established approval criteria; and
- Wilderness areas have been removed from the *Forest Recreation Regulation* as this designation is no longer used.

Information on the delegation matrix for sections under the *Forest Recreation Regulation* can be found at: (<http://gww.for.gov.bc.ca/hcp/legislation/authoritymatrix/>).

There are six parts under the *Forest Recreation Regulation*:

Part 1 – Definitions

Part 2 – Public Recreation Orders on Crown Land

Part 3 – Unauthorized Trail or Recreation Facility Construction

Part 4 – Use of Recreation Sites, Recreation Trails and Interpretive Forest Sites

Part 5 – Fees

Part 6 – Enforcement

### ***Part 1: Definitions***

Part 1 defines terms under the *Forest Recreation Regulation*. It covers section 1.

For the most part, the terms in section 1 are self-explanatory. Sub-section (2) of section 1 explains that the “permit” referred to in section 59 of FRPA includes a proof of payment for a recreation fee as described in section 22 (8) (c) of this regulation.

## ***Part 2: Public Recreation Orders on Crown Land***

Part 2 sets out the procedures for providing public notices for establishing, amending or canceling recreation orders under section 58 of FRPA. It covers section 2.

Section 2 states that before establishing, amending or canceling an order that restricts, prohibits or attaches conditions to recreation use on Crown land, the Minister must publish a public notice in a newspaper stating;

- The proposed order;
- The area where the order applies;
- The date the order takes effect;
- The time period the order remains in effect;
- The length of time in which public comments may be submitted; and
- The address where the comments may be sent.

In addition, the district manager must publish a public notice and post it in a newspaper in the affected area stating the proposed order, the area to which the order applies, and the period the order remains in effect. However, if the district manager decides that the recreation order will not significantly affect the public, a public notice need not be published. This might be the case if:

- The order involves minor amendments to an existing recreation order; or
- The order stems from a public planning process that has already been widely advertised to the public.

**Note:** Public recreation orders do not affect recreational uses permitted under other enactments. For example, a public recreation order would not restrict or regulate a commercial heli-skiing operation.

## ***Part 3: Unauthorized Trail or Recreation Facility Construction***

Part 3 addresses authorization for constructing, rehabilitating or maintaining trails or recreation facilities under section 57 of FRPA. It covers sections 3-5.

Section 3 establishes that marking routes with ribbons, cairns or other indicators, and minor clearing or repairs to trails or recreation facilities do not require authorization. It also allows a person to construct, rehabilitate or maintain a trail without authorization if it is the only reasonable means of minimizing a risk to personal safety.

Section 4 sets out the requirements for obtaining authorization to construct, rehabilitate or maintain trails, or recreation facilities on Crown land. A proposal must be submitted to the Minister that contains the name and address of the person making the proposal; a description of the purpose, location and date of the proposed work; and the action requested of the Minister. The proposal must not cause significant risk to public safety, unacceptable damage to the environment, or unacceptable conflict with other resource values or uses.

Section 5 provides for the right of review for proposals that are not authorized by the Minister.

## **Part 4: Use of Recreation Sites, Recreation Trails, and Interpretive Forest Sites**

Part 4 specifies the rules regarding the use of recreation sites, recreation trails, and interpretive forest sites. It covers sections 6-20.

Section 6 sets out the rules concerning the operation of motor vehicles or bicycles on recreation sites and trails, or interpretive forest sites. It restricts motor vehicles or bicycles from causing damage to structures or natural resources; endangering, injuring or damaging people or property; or harassing, injuring or killing wildlife or any other kind of animal. It also restricts the speed of motor vehicles on the developed portion of recreation sites or interpretive forest sites to a maximum of 20 km/hr.

Other provisions in section 6 include:

- Prohibiting the parking of a motor vehicle in a manner that impedes traffic or inhibits a person from using the site or trail;
- Removing and impounding a motor vehicle that impedes traffic or inhibits a person from using the site or trail;
- Charging the costs of removing an improperly parked motor vehicle to the owner of the vehicle; and
- Releasing the person who impounds the motor vehicle and the provincial government from any liability for damage to the vehicle arising directly or indirectly from the impoundment.

Section 7 states that persons operating or riding as a passenger on bicycles or motorcycles in recreation sites or interpretive forest sites, or on recreation trails, must wear appropriate safety helmets as specified by the *Motor Vehicle Act* and regulations.

Section 8 prohibits anyone from discharging the contents of a holding tank at a recreation site, recreation trail, or interpretive forest site, except when authorized by a designated forest official (i.e., facilities are provided for that purpose).

Section 9 prohibits anyone from disposing of refuse at recreation sites, recreation trails or interpretive forest sites, except for refuse accumulated while using the site or trail, but only if there is a container provided for that purpose.

Section 10 prohibits anyone from depositing game residue (offal, entrails, hides or bones) within the developed portion of recreation sites or interpretive forest sites. **Note:** Depositing game residue is allowed along recreation trails because a great deal of hunting occurs along them, and if game residue becomes a problem a district manager can post a recreation order banning the depositing of game residue along the trail. People are allowed to deposit fish residue because it is reasonable and practical for people to burn fish residue at recreation sites.

Section 11 prohibits anyone from setting a trap or discharging a firearm, bow or crossbow on or onto the developed portion of a recreation site or interpretive forest site, and on or into any portion of a recreation trail if it is prohibited and posted at the trail.

Section 12 requires anyone responsible for pets at recreation sites, recreation trails, or interpretive forest sites to ensure that the pets do not present a threat to people, other animals or property, or cause unnecessary disturbance to people or other animals. Contraventions may result in a designated forest official, designated environment official or peace officer requiring the pet owner to keep the pet under physical restraint or remove it from the site or trail.

Section 13 prohibits a person from camping at a recreation site for more than 14 consecutive days unless authorized by a designated forest official. A period of consecutive days is cumulative from the time the person arrives at the site unless the person and their vehicle and equipment leave the site for a period of at least 72 hours. **Note:** This authority will probably not have to be exercised at most sites. However, in places where this is a problem, it may be most efficient and practical to post a recreation order at the site restricting camping to a specified number of days over a specified time period.

Section 14 prohibits anyone from taking firewood from recreation sites, recreation trails, or interpretive forest sites unless authorized by a designated forest official.

Section 15 prohibits anyone from building a structure or posting a sign on recreation sites, recreation trails, or interpretive forest sites, unless authorized by a designated forest official. The designated forest official may require the structure or sign to be removed or altered without compensation whether it was authorized or posted without permission.

Section 16 requires anyone who proposes a competitive sporting event and/or a business or industrial activity at a recreation site, recreation trail, or interpretive forest site to seek approval from a designated forest official. Anyone proposing to use a recreation site as a gathering for 15 or more people, or as a place of temporary residence, while engaged in a business or industrial activity outside the site, is also required to seek approval from a designated forest official.

Section 17 prohibits anyone from negligently damaging or altering structures or natural resources on a recreation site, recreation trail, or interpretive forest site. It also prohibits moving a structure on sites or trails unless authorized by a designated forest official.

Section 18 establishes rules to ensure the quiet and peaceful enjoyment of recreation sites, recreation trails, and interpretive forest sites. It prohibits deliberate or unnecessary disturbance to other people on sites and trails, and establishes a quiet period between 11 p.m. and 7 a.m. at recreation sites.

Section 19 establishes that parents, guardians, custodians or others in charge of minors are responsible for minors contravening FRPA, this regulation, or the *Forest Fire Prevention and Suppression Regulation* at recreation sites and interpretive forest sites, or on recreation trails.

Section 20 addresses limitations on occupancy and use at recreation sites where a camping fee is charged. Provisions of section 20 include:

- Campers must camp in a campsite and occupy only one site.
- Campers must not leave personal property on a campsite unless they are authorized to

camp there (paid the camping fee), or have been authorized to leave their property on the site by a designated forest official.

- A designated forest official may limit the occupancy of a campsite or recreation site, including the number of parties and vehicles, if it is considered necessary to adequately manage the recreation site.
- A designated forest official may establish rules for the use of a recreation site, recreation trail, or interpretive forest site by posting a sign at the site or trail. These rules must be adhered to, and removing, altering, covering, destroying or defacing the sign is prohibited.
- A designated forest official may authorize a campground operator to close all or part of a recreation site to protect the public or site. This authorization must be in writing.
- A person must comply with all prohibitions, requirements, limitations, rules or closures under section 20.

### **Part 5: Fees**

Part 5 sets out the rules and procedures regarding fees for the use of recreation sites and trails. It covers sections 21 and 22.

Section 21 states that fees for overnight camping at recreation sites authorize camping for 24 hours beginning at 12 noon on the day in which camping begins.

Section 22 specifies several provisions regarding fees for the use of recreation sites and trails:

- In relation to a recreation site or trail, the term “service” means:
  - Maintenance and repair of the site or trail;
  - Supervision at the site or trail;
  - Provision of overnight camping facilities, parking, boat launch ramps, mooring buoys, warming huts or cabins at the site or trail;
  - Grooming or setting ski tracks on a trail; or
  - Provision of similar improvements for recreation purposes.
- The Minister may establish a fee to use a recreation site or trail if the fee is justified by the provision of services.
- The Minister must use the following formula to determine the fee at a recreation site or trail:

$$\text{AMOUNT} = \text{AC}/\text{N}$$

Where:

AC is the annual cost of providing the service (estimated by the Minister), and  
N is the number of times the service will be used by the public (estimated by the Minister).

- The Minister may cancel a fee determination if the service provided at the recreation site

or trail does not justify the fee.

- The Minister must provide district and regional offices with a list of sites and trails within the region that have fees, including a description of services provided and the amount of the fees. The Minister must keep the list current, and post a sign at each site and trail notifying the public of the amount of the fee.
- The Minister may authorize a person to act as a recreation site or trail operator, and may rescind the authorization.
- If requested, an operator must provide written proof of the Minister's authorization to charge a fee at a site or trail.
- The user of a recreation site or trail must:
  - Pay a fee to the recreation site or trail operator to use the site or trail if a fee has been authorized by the Minister;
  - Provide his or her name, address and any other information reasonably required by the site or trail operator to identify the person or party;
  - Produce proof of payment on request of a designated forest official, a peace officer, or site or trail operator;
  - Display proof of payment for camping at a campsite in the windshield of the camping party's motor vehicle, other than a motorcycle; and
  - The right to use a recreation site or trail arising from paying a fee is not transferable, and is only valid for the period of time indicated on the proof of payment.

## **Part 6: Enforcement**

Part 6 establishes the authority and means of enforcing the provisions of the *Forest Recreation Regulation*. It covers sections 23 and 24.

Section 23 gives a designated forest official, designated environment official, or peace officer the authority to serve a person who has contravened a requirement of FRPA, this regulation, or the *Forest Fire Prevention and Suppression Regulation*, a notice to vacate a recreation site, recreation trail, or interpretive forest site and not return to camp on Crown land within one kilometer of the site or trail for a period specified in the notice. A person receiving such a notice must comply with the order. A person who is ordered to vacate a site or trail is not entitled to a refund of any fee that might have been paid.

Section 24 identifies sections of the *Forest Recreation Regulation* that are punishable offences if contravened:

- A person who contravenes section 6 (1) to (3), sections 8-11, section 12 (1), sections 13-17, section 18 (1) or (2), or section 23 (2) commits an offence. A person who commits an offence to these sections is liable on conviction to a fine not exceeding \$5000 or to imprisonment for not more than six months, or both.



- A person who contravenes section 20 (1) or (6), or section 22 (8) (a) or (c) commits an offence and is liable on conviction to a fine not exceeding \$2000.
- A person who contravenes section 7 (1) (a) commits an offence and is liable on conviction to a fine not exceeding \$25.
- A person who contravenes section 7 (1) (b) commits an offence and is liable on conviction to a fine not exceeding \$100.