

This Act is current to March 5, 2024

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

ECOLOGICAL RESERVE ACT

[RSBC 1996] CHAPTER 103

Contents

[1 Definitions](#)

[2 Purpose](#)

[3 Establishing and modifying ecological reserves](#)

[4 Publication in Gazette](#)

[5 Ecological reserves not available for disposition](#)

[5.1 Permits for scientific research and educational purposes](#)

[6 Designated wildland area as ecological reserve](#)

[7 Power to make regulations](#)

[7.1 Offences and penalties](#)

[7.2 Time limit for prosecuting offence](#)

[8 Administration](#)

[9 Advisers](#)

[10 Other Acts](#)

Definitions

1 In this Act:

"disposition" means and includes every act of the government where Crown land, mines, minerals, coal, petroleum, natural gas, timber and water, or any right, title, interest or estate in them is granted, disposed of or affected, or by which the government divests itself of or creates a right, title, interest or estate in, or permits the use of land, mines, minerals, coal, petroleum, natural gas, timber and water;

"ecology" means the study of the interrelations between human beings, other animals, or plants and their environment;

"ecosystem" means a complete system composed of human beings, other animals and plants in a defined area, and with the soil and climate comprising their habitat in that area;

"environment" means all the external conditions or influences under which human beings, animals and plants live or are developed;

"habitat" means that kind of place or situation in which a human being, animal or a plant lives.

Purpose

2 The purpose of this Act is to reserve Crown land for ecological purposes, including the following areas:

- (a) areas suitable for scientific research and educational purposes associated with studies in productivity and other aspects of the natural environment;
- (b) areas that are representative examples of natural ecosystems in British Columbia;
- (c) areas that serve as examples of ecosystems that have been modified by human beings and offer an opportunity to study the recovery of the natural ecosystem from modification;
- (d) areas where rare or endangered native plants and animals in their natural habitat may be preserved;
- (e) areas that contain unique and rare examples of botanical, zoological or geological phenomena.

Establishing and modifying ecological reserves

- 3 (1) The Lieutenant Governor in Council may, by order,
- (a) establish an area of Crown land as an ecological reserve, and
 - (b) declare the name by which the ecological reserve is to be known.
- (2) The Lieutenant Governor in Council may, by order, add to, cancel in its entirety or delete any portion of an ecological reserve established under subsection (1).
- (3) Subsection (2) does not apply to an ecological reserve referenced in Schedule A or B of the *Protected Areas of British Columbia Act*.
- (4) The Lieutenant Governor in Council may, by order, add to an ecological reserve referenced in Schedule A or B of the *Protected Areas of British Columbia Act*.
- (5) Except as permitted by subsection (4), the boundaries of an ecological reserve referenced in Schedule A or B of the *Protected Areas of British Columbia Act* must not be affected except by an Act of the Legislature.

Publication in Gazette

- 4 An order of the Lieutenant Governor in Council under this Act establishing or modifying an ecological reserve must be published in the Gazette.

Ecological reserves not available for disposition

- 5 (1) Any area established or continued as an ecological reserve under this Act or by the *Protected Areas of British Columbia Act* must be immediately withdrawn and reserved from any further disposition that might otherwise be granted under any Act or law in force in British Columbia.

(2) Without limiting subsection (1), that subsection applies to dispositions under the following Acts: *Coal Act*, *Forest Act*, *Land Act*, *Mineral Tenure Act*, *Mining Right of Way Act*, *Petroleum and Natural Gas Act*, *Range Act* and *Water Sustainability Act*.

(3) Subsection (1) does not apply to a disposition by permit under section 5.1.

Permits for scientific research and educational purposes

5.1 (1) In accordance with the regulations, the minister may issue a permit to a person authorizing use and occupation of an ecological reserve for ecological scientific research or educational purposes under section 2.

(2) A permit under subsection (1) may be limited to one entry or may cover a specified period of time.

(3) It is a condition of a permit issued under subsection (1) that the permittee comply with this Act and the regulations.

(4) If necessary and incidental to the scientific research or educational purpose for which a permit is issued, the minister may authorize in the permit one or more of the following uses or activities:

(a) entry to and access through the ecological reserve by specified means of conveyance or transportation;

(b) introduction of a specified plant or animal species.

(5) A permit issued under this section must include terms and conditions that the minister considers advisable to protect the ecological reserve and the natural resources in it.

(6) In accordance with the regulations, the minister may cancel or modify a permit issued under this section if the minister considers it advisable for the protection of the ecological reserve or its natural resources.

(7) Subject to the regulations, the minister may delegate to any person or class of persons any of the minister's powers, duties and functions under this section.

Designated wildland area as ecological reserve

6 Despite the *Park Act*, a designated wildland area or any portion of it, designated as such under that Act, may be established as an ecological reserve under this Act or by the *Protected Areas of British Columbia Act*.

Power to make regulations

7 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act* and orders.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a)for the control, restriction or prohibition of any use, development or occupation of the land or any of the natural resources in an ecological reserve;
- (b)for the control, restriction or prohibition of exercise of powers granted by any other Act or regulation by a minister, ministry of the government, or agent of the government specified in the regulations;
- (c)for the control, restriction or prohibition of the dumping, deposit or emission within an ecological reserve of any substance;
- (c.1)respecting permits under section 5.1, including, without limitation, providing for their issue, suspension, modification or cancellation;
- (c.2)requiring and prescribing a fee payable for a permit under section 5.1 and for a permit application;
- (c.3)respecting the delegation of the powers, duties and functions of the minister under section 5.1;
- (d)creating an offence for the contravention of a regulation;
- (e)generally for any other matter or thing necessary or incidental to the protection of an ecological reserve.

Offences and penalties

- 7.1** (1)A person who commits an offence under the regulations is liable to a fine of up to \$200 000.
- (2)If an offence under subsection (1) is of a continuing nature, each day that the offence continues constitutes a separate offence.
- (3)Section 5 of the *Offence Act* does not apply to this Act or the regulations.

Time limit for prosecuting offence

- 7.2** (1)The time limit for laying an information for an offence under this Act is
- (a)3 years after the date that the facts on which the information is based arose, or
 - (b)if the minister issues a certificate described in subsection (2), 18 months after the date that the facts on which the information is based first came to the knowledge of the minister.
- (2)A certificate purporting to have been issued by the minister, certifying the date that the facts on which the information is based first came to the knowledge of the minister,
- (a)is admissible without proof of the signature or official character of the person appearing to have signed the certificate, and

(b) is proof of the certified matters.

Administration

8 Subject to the regulations and orders made under this Act, land established or continued as an ecological reserve under this Act or by the *Protected Areas of British Columbia Act* is under the jurisdiction of and is to be administered by the minister.

Advisers

9 (1) The minister may appoint a person or persons to advise the minister on any matter relating to the establishment and administration of ecological reserves.

(2) A person appointed under subsection (1) has the duties specified by the minister and is subject to the regulations.

Other Acts

10 This Act, and any regulation or order made under this Act, applies to every ecological reserve, despite any other Act or regulation.