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Forest Practices Code of British Columbia Act
FOREST RECREATION REGULATION

[includes amendments up to B.C. Reg. 337/99]

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Part 1 — Definitions

Definitions

1 (1) In this regulation:

"Act" means the *Forest Practices Code of British Columbia Act*;

"camp" means to occupy a campsite, by setting up a tent or parking a motor vehicle to remain overnight;

"campsite" means that area within the developed portion of a recreation site designed to accommodate a person or party that wishes to camp;

"developed portion", when referring to a recreation site, recreation trail or interpretive forest site, means that portion of the site or trail that is composed of

(a) any structure that is ancillary to a day use area, camping area, trail staging area or other similar area, and

(b) a buffer zone consisting of an area that extends out 100 m in all directions from the structure, except where limited by the boundary of the recreation site, interpretive forest site or recreation trail;

"motor vehicle" means any land vehicle intended to be self-propelled, that is designed primarily for travel on surfaces other than rails, and includes any trailer or equipment designed to be attached to the vehicle;

"natural resource" means land, water and atmosphere, their mineral, vegetable and other components and includes the flora and fauna on and in them;

"newspaper" means a newspaper circulating in the area to which an order applies, or if no newspaper circulates in the area, then a newspaper that circulates nearest to the area and includes a newspaper that is free and that does not have subscribers;

"party" means a group made up of

(a) not more than 6 persons, or

(b) parents and their unmarried children under the age of 19, or guardians and their unmarried wards under the age of 19;

"senior" means a resident of Canada who is 65 years of age or older;

"structure" means any improvement of a long-term or permanent nature and includes any road, parking space, launching ramp, campsite, cabin, trail tread, bridge, litter barrel shelter, corral, picnic table, sign, outhouse or fire pit.

(2) For the purposes of section 107 of the Act, the permit referred to in that section includes a camping pass and camping permit referred to in section 20 of this regulation.

Part 2 — Public Recreation Orders on Crown Land

Public notice of recreation order

2 (1) Before establishing, amending or cancelling an order that restricts, prohibits or attaches a condition to a recreation use on Crown land under section 105 (1) (b) of the Act, the district manager must publish in a newspaper a notice stating the following:

(a) that an order is proposed to be established, amended or cancelled under section 105 (1) (b) of the Act;

- (b) the restriction, prohibition or condition;
- (c) the area to which the order applies;
- (d) the date on which the order takes effect;
- (e) the period during which the order is to remain in effect;
- (f) the period during which, and the address to which, comments may be sent.

(2) When an order is established, amended or cancelled under subsection (1), for the purposes of section 105 (3) of the Act, the district manager must publish in a newspaper and post in the area to which the order applies a notice stating the following:

- (a) that an order has been established, amended or cancelled under section 105 (1) (b) of the Act;
- (b) the condition, restriction or prohibition contained in the notice;
- (c) the area to which the order applies;
- (d) the period during which the order remains in effect.

(3) Despite subsection (2), if the district manager is of the opinion that the establishment, variance or cancellation of the order does not significantly affect the public, the district manager does not have to publish a notice in the newspaper.

Part 3 — Unauthorized Trail or Recreation Facility Construction

Consent under section 102 of Act not required

3 (1) For the purposes of section 102 of the Act, the construction, rehabilitation or maintenance of a trail or recreation facility does not include

- (a) marking a route with ribbons, cairns or other directional indicators,
- (b) minor, piecemeal clearing of brush or downed trees, or
- (c) emergency repairs to a trail or recreation facility that are necessary to prevent imminent damage to the trail or facility.

(2) Despite section 102 of the Act, a person may construct, rehabilitate or maintain a trail without the consent of the district manager if doing so is the only reasonable means of minimizing a risk to personal safety.

How to obtain consent required under section 102 of Act

4 (1) For the purposes of section 102 (1) of the Act, a person who is required to obtain the consent of the district manager before constructing, rehabilitating or maintaining a trail or recreation facility on Crown land must deliver a proposal regarding the matter to the district manager.

(2) A proposal must contain

- (a) the name and address of the person making the proposal,
- (b) the description of the proposal, including the purpose, location and date of the proposed work, and
- (c) the action requested of the district manager.

(3) If a proposal fails to meet the requirements of subsection (2), the district manager must promptly notify the person named in the proposal of that failure.

(4) Within 60 days of receiving a proposal the district manager must determine whether or not to consent to it.

(5) The district manager may refuse to consent to a proposal only if he or she determines that the proposal will result in one or more of the following:

- (a) significant risk to public safety;
- (b) unacceptable damage to the environment;
- (c) unresolvable conflict with other resource values or uses.

(6) The district manager must promptly notify the person named in the proposal of the district manager's determination to consent to, or to refuse to consent to, the proposal.

Right of review

5 (1) A person whose proposal is refused by the district manager under section 4 may have the refusal reviewed.

(2) The wording of sections 126, 127, 129 and 130 of the Act applies to the review under subsection (1) of this section as if the review was authorized under section 127 (1) of the Act.

Part 4 — Use of Recreation Sites, Recreation Trails, Interpretive Forest Sites and Wilderness Areas

Operation of vehicles and equipment

6 (1) A person must obtain prior authorization from a district manager, except in an emergency, or unless permitted under another Act, before doing any of the following in a wilderness area:

- (a) using a motor vehicle or a bicycle;
- (b) landing an aircraft, including a helicopter;
- (c) using a chain saw, generator or other motorized equipment.

(2) A person must not operate a motor vehicle or a bicycle on a recreation site, recreation trail or interpretive forest site in a manner that is likely to do any of the following:

- (a) cause damage to a structure or natural resource;
- (b) endanger, injure or damage people or property;
- (c) harass, injure or kill wildlife or any other kind of animal.

(3) A person must not operate a motor vehicle on the developed portion of a recreation site or interpretive forest site at a speed exceeding 20 km/hr.

(4) A person must not park a motor vehicle on a recreation trail, or on the developed portion of either a recreation site or an interpretive forest site, in a manner that impedes traffic or inhibits a person from using the site or trail.

(5) If a motor vehicle has been parked on a recreation trail or on the developed portion of either a recreation site or an interpretive forest site contrary to subsection (4), a designated forest official, a designated environment official or a peace officer may impound the vehicle.

(6) Any costs incurred due to the removal of a motor vehicle under subsection (5) are a debt owed by the owner of the vehicle to the person who impounded the vehicle, payable before release of the vehicle.

(7) The person who impounds a vehicle under subsection (5) must exercise reasonable care to avoid damage to the vehicle, but neither the person nor the government is liable to the owner for any damage to the vehicle that arises, directly or indirectly, from that impoundment.

Safety helmet

7 (1) A person must properly wear

- (a) a bicycle safety helmet, or
- (b) a motorcycle safety helmet

while operating, or riding as a passenger on, a bicycle or motorcycle in a recreation site or interpretive forest site or on a recreation trail.

(2) The provisions of the *Motor Vehicle Act* and the regulations made under that Act, with respect to bicycle safety helmets and motorcycle safety helmets, apply for the purposes of subsection (1).

Discharge of holding tanks

8 A person who owns, or is responsible for, a motor vehicle that has a holding tank must ensure that the contents of the holding tank are not deposited or discharged at a recreation site, recreation trail or interpretive forest site.

Disposal of refuse

9 A person must not deposit or otherwise dispose of any kind of refuse at a recreation site, recreation trail, interpretive forest site or in a wilderness area, except refuse that the person has accumulated while using the site, trail or area, and then only if the refuse is deposited in a container provided for that purpose.

Disposal of game residue

10 Despite section 9, a person must not dispose of game offal, entrails, hides or bones within the developed portion of either a recreation site or an interpretive forest site.

Traps and firearms

11 (1) In this section "**firearm**" means a rifle, shotgun, handgun, spring gun or any device that propels a projectile by means of an explosion, a spring or compressed gas.

(2) Unless authorized by a designated forest official, a person must not set a trap, discharge a firearm or shoot a bow or crossbow

- (a) on or into the developed portion of a recreation site or interpretive forest site, or
- (b) on or into any portion of a recreation trail, if a prohibition against doing so has been posted at the trail.

(3) The authorization granted under subsection (2) may specify conditions including the type of devices, time and area, supervision and purpose.

(4) The regional manager must make available in district and regional offices a list of trails within the region that are subject to the prohibition under subsection (2) (b), describing the nature of the prohibitions.

Pets

12 (1) A person who owns, or is responsible for, a pet must ensure that the pet does not, while on a recreation site, recreation trail, interpretive forest site or in a wilderness area

- (a) present a threat to a person's property or to the life or safety of any person or animal, or
- (b) cause an unnecessary disturbance to other persons or animals.

(2) A designated forest official, a designated environment official or a peace officer who determines that a person has contravened subsection (1) may require the person to

- (a) keep the pet under physical restraint, or
- (b) remove the pet from the recreation site, recreation trail, interpretive forest site or wilderness area.

Duration of stay at a recreation site

13 (1) A person must not camp at a recreation site for a period exceeding 14 consecutive days unless authorized by a designated forest official.

(2) For the purposes of calculating 14 consecutive days under subsection (1), a period of consecutive days is cumulative unless the person and their vehicle and equipment, as the case may be, are not present on the recreation site for a period of at least 72 consecutive hours.

Firewood

14 A person must not remove firewood from a recreation site, recreation trail, interpretive forest site or wilderness area unless authorized by a designated forest official.

Structures

15 (1) A person must not erect a structure or post a sign or a poster on a recreation site, recreation trail, interpretive forest site or in a wilderness area unless authorized by a designated forest official.

(2) A designated forest official may cause a structure, sign or poster referred to in subsection (1) to be altered or removed without compensation, whether or not it was erected or posted with the designated forest official's permission.

Other uses requiring authorization

16 Unless authorized by a designated forest official, a person must not use

- (a) a recreation site, recreation trail, interpretive forest site or wilderness area for
 - (i) a competitive sporting event, or
 - (ii) a business or industrial activity, or
- (b) a recreation site as
 - (i) part of a gathering of 15 or more persons, or
 - (ii) a place of temporary residence while engaged in a business or industrial activity outside the site.

Respect for property and the environment

17 A person must not

- (a) in a careless or negligent manner, damage, or cause any alterations to, a structure or natural resource on a recreation site, recreation trail or interpretive forest site or in a wilderness area, or
- (b) unless authorized by a designated forest official move a structure that is on a recreation site, recreation trail, interpretive forest site or in a wilderness area.

Quiet and peaceful enjoyment

18 (1) A person using a recreation site, recreation trail, interpretive forest site or wilderness area must not create or cause a deliberate or unnecessary disturbance to other persons on the site or trail or in the area.

- (2) Without limiting subsection (1), a person using a recreation site must not make noise between the hours of 11 p.m. and 7 a.m. that interferes with the enjoyment of other persons occupying the recreation site.

Responsibility for minors

19 A parent, guardian, custodian or other person in charge of a minor must make a reasonable attempt to stop the minor from contravening the Act, this regulation or the Forest Fire Prevention and Suppression Regulation with respect to a recreation site, recreation trail, interpretive forest site or wilderness area, if requested to do so by a designated forest official, designated environment official or a peace officer, and must make the attempt immediately after the request.

Limitations on occupancy and use

20 (1) A person or party who camps at a recreation site

- (a) must occupy only one campsite, and
- (b) must, effective April 1, 1999, hold
 - (i) a camping pass, or
 - (ii) if a camping permit is required, that permit.

(2) In order for a person or party to camp at a recreation site where a camping permit is required, the person or a representative of the party must register with an agent of government who is authorized in writing by the district manager to act under this section, by providing the name and address of the representative and any other information reasonably required to identify the person or party.

(3) The number of people camping at one campsite in a recreation site may not exceed 6 persons, unless the number camping at the campsite is made up entirely of parents and their unmarried children under the age of 19, or guardians and their unmarried wards under the age of 19.

(4) A designated forest official

- (a) may limit the occupancy of a campsite or recreation site, including the number of parties and motor vehicles, if the designated forest official is satisfied that the limit is necessary to adequately manage the recreation site, and
- (b) must take reasonable steps to make persons who arrive at the recreation site aware of the limit.

(5) A designated forest official may establish rules for the use of a recreation site, recreation trail or interpretive forest site, other than a matter referred to in subsection (4), by posting a sign containing the rules to be followed at the site or trail.

(6) A person, with respect to a sign posted under subsection (5), must not

- (a) contravene the direction expressed in the sign, or
- (b) remove, alter, cover, destroy or deface the sign.

(7) A designated forest official may, in writing, authorize an agent of government to close all or part of a recreation site to protect the public or site.

(8) A person must comply with a prohibition, requirement, limitation, rule or closure made pursuant to this section.

Part 5 — Fees

Camping fees

21 (1) The fee for an annual camping pass is

- (a) \$27, including GST, or
- (b) \$22, including GST, if
 - (i) the person is a senior or the party includes one or more seniors, and
 - (ii) in the case of a party, no person other than the senior or the spouse of the senior is an adult.

(1.1) No fee is payable for an annual camping pass by a resident of British Columbia who has a permanent mental or physical disability.

(2) The fee for an overnight camping pass is \$8 per night, including GST.

(3) The fee for a camping permit is

- (a) \$10 per night, including GST, or
- (b) \$5 per night, including GST, if the person or party holds a camping pass.

[am. B.C. Reg. 337/99, s. (a).]

When a camping pass or a camping permit is required for a site

22 (1) Effective April 1, 1999 a camping pass is required to camp at a recreation site, unless the district manager has determined that a camping permit is required.

(2) The district manager may determine that a camping permit is required to camp at a recreation site if satisfied that the extra cost of a camping permit is justified by the provision of enhanced services at the site.

(3) The district manager may cancel a determination made under subsection (2) if satisfied that the services provided at the site do not justify the extra cost of a camping permit.

(4) When a determination is made under subsection (2), or cancelled under subsection (3), the district manager must, if a camping permit is required to camp at the site, post a sign notifying the public of that requirement and of the cost of the permit.

(5) The minister must make available in district and regional offices of the ministry a list of recreation sites for which a camping permit is required and the cost of the permit.

Fee collection period

23 The fee for overnight camping under section 21 (2) or (3) authorizes camping for 24 hours beginning at 12 noon on the day in which camping begins.

Enhanced service fees at recreation trails

24 (1) In this section, "**enhanced services**" means, in relation to a recreation trail,

- (a) grooming of the recreation trail,
- (b) setting of ski tracks on the recreation trail,
- (c) providing warming huts or cabins, or
- (d) providing similar improvements for recreation purposes

listed in the manner described in subsection (3).

(2) The user of a recreation trail must pay a fee to use the trail, if the district manager lists the fee under subsection (3) and sets the fee at an amount that does not exceed an amount calculated in accordance with the following formula:

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

where

"**AC**" means the annual cost of providing the enhanced service, estimated by the district manager when the fee is first set for the year;

"**N**" means the number of times the enhanced service will be used by the public, estimated by the district manager when the fee is first set for the year.

(3) The regional manager must make available in district and regional offices the list of locations within the region that have enhanced service fees describing the nature of the enhanced service and the fee for that service.

Fee exemption

25 (1) Despite any other provision of this regulation, a designated forest official may exempt, in writing, for a specified period and subject to specified terms, any person from the requirement to pay for a camping pass or permit, if satisfied that the exemption will benefit users of the recreation site generally.

(2) A designated forest official may, on written notice given to a person, cancel that person's exemption, if satisfied that the exemption will no longer benefit users of the recreation site.

Part 6 — Enforcement

Order to vacate

26 (1) On being satisfied that, with respect to a recreation site, recreation trail, interpretive forest site or wilderness area, a person has contravened the Act, this regulation or the Forest Fire Prevention and Suppression Regulation, a designated forest official, a designated environment official or a peace officer may, by notice served on the person, order the person to

(a) vacate a recreation site, recreation trail, interpretive forest site or wilderness area, and

(b) not enter or attempt to enter or camp on Crown land within one kilometre of the site, trail or area for a period specified in the notice.

(2) A person who receives a notice under subsection (1) must comply with the order.

(3) A person who is ordered to vacate is not entitled to a refund of any fee which may have been paid.

Offence

27 (1) A person who contravenes section 6 (1) to (4), 8 to 11, 12 (1), 13 to 17, 18 (1) or (2) or 26 (2) commits an offence.

(2) A person who commits an offence referred to in subsection (1) is liable on conviction to a fine not exceeding \$5 000 or to imprisonment for not more than 6 months, or to both.

(3) A person who contravenes section 20 (1) or (8) commits an offence and is liable on conviction to a fine not exceeding \$2 000.

(4) A person who contravenes section 7 (1) (a) commits an offence and is liable on conviction to a fine not exceeding \$25.

(5) A person who contravenes section 7 (1) (b) commits an offence and is liable on conviction to a fine not exceeding \$100.

[am. B.C. Reg. 337/99, s. (b).]

Note: *this regulation replaces B.C. Reg. 171/95*

[Provisions of the *Forest Practices Code of British Columbia Act*, R.S.B.C. 1996, c. 159, relevant to the enactment of this regulation: sections 198, 200 and 206]