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Forest and Range Practices Act

FOREST RECREATION REGULATION

[Last amended February 28, 2020 by B.C. Reg. 37/2020]

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Part 1 — Definitions

Definitions

1 (1) In this regulation:

"**Act**" means the *Forest and Range Practices 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 individuals who

(a) together, form a group of

(i) not more than six persons, or

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

(b) arrive at a recreation site

- (i) in not more than one motor vehicle, other than a motorcycle, unless the additional motor vehicle is towed,
- (ii) on foot, by bicycle, motorcycle or watercraft, or
- (iii) by a combination of the means in subparagraphs (i) and (ii);

"recreation officer" means an official designated for the purpose of this regulation;

"recreation site or trail operator" means a person or class of persons authorized in writing under section 22 (6) to act as a recreation site or trail operator;

"regional manager" means an official designated as a regional manager for the purpose of this regulation;

"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 59 of the Act, the permit referred to in that section includes a proof of payment referred to in section 22 (8) (c).

[am. B.C. Regs. 206/2006, s. 1; 37/2019, App. 2, s. 1.]

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 58 (1) (b) of the Act, the minister must publish in a newspaper a notice stating the following:

- (a) that an order is proposed to be established, amended or cancelled under section 58 (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 58 (3) of the Act, the minister 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 58 (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 minister is of the opinion that the establishment, variance or cancellation of the order does not significantly affect the public, the minister does not have to publish a notice in the newspaper.

Part 3 — Unauthorized Trail or Recreation Facility Construction

Authorization under section 57 of the Act not required

3 (1) For the purposes of section 57 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, or
- (b) minor clearing of brush, downed trees or repairs to a trail or recreation facility.

(2) Despite section 57 of the Act, a person may construct, rehabilitate or maintain a trail without the authorization of the minister if doing so is the only reasonable means of minimizing a risk to personal safety.

How to obtain authorization under section 57 of the Act

4 (1) For the purposes of section 57 (1) of the Act, a person who is required to obtain the authorization of the minister before constructing, rehabilitating or maintaining a trail or recreation facility on Crown land must deliver a proposal regarding the matter to the minister.

(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 minister.

(3) A person submitting a proposal must satisfy the minister that the proposal will not cause one or more of the following:

- (a) significant risk to public safety;
- (b) unacceptable damage to the environment;

(c) unacceptable conflicts with other resource values or users.

(4) The minister must notify the person named in the proposal of the minister's determination to grant, or to refuse to grant, the authorization that is the subject matter of the proposal.

Right of review

5 (1) A person who is not granted an authorization referred to in section 4 (4) may have the refusal reviewed by the minister or by a person designated in writing by the minister as authorized to conduct the review.

(2) Sections 78, 80 and 82 of the Act apply to the review under subsection (1) of this section as if the review was requested under section 80 of the Act.

[am. B.C. Reg. 206/2006, s. 2.]

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

Operation of vehicles and equipment

6 (1) 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.

(2) 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.

(3) 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.

(4) 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 (3), an official, a recreation officer or a peace officer may impound the vehicle.

(5) Any costs incurred due to the removal of a motor vehicle under subsection (4) are a debt owed by the owner of the vehicle to the person who impounded the vehicle, payable before release of the vehicle.

(6) The person who impounds a vehicle under subsection (4) 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.

[am. B.C. Regs. 354/2004, Sch. A, s. 1; 206/2006, s. 3.]

Safety helmet

7 (1) A person must properly wear a bicycle safety helmet while operating, or riding as a passenger on, a bicycle

(a) on a recreation site or interpretive forest site, or

(b) 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, apply for the purposes of subsection (1).

[en. B.C. Reg. 37/2020, App. 1, s. 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, unless authorized by a recreation officer.

[am. B.C. Regs. 354/2004, Sch. A, s. 2; 206/2006, s. 4.]

Disposal of refuse

9 A person must not deposit or otherwise dispose of any kind of refuse at a recreation site, recreation trail or interpretive forest site, except refuse that the person has accumulated while using the site or trail, 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 recreation officer, 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.

[am. B.C. Regs. 354/2004, Sch. A, s. 2; 206/2006, s. 5.]

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 or interpretive forest site

(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) An official, a recreation officer or a peace officer who determines that a person has contravened subsection (1) may require the person

(a) to keep the pet under physical restraint, or

(b) to remove the pet from the recreation site, recreation trail or interpretive forest site.

[am. B.C. Regs. 354/2004, Sch. A, s. 3; 206/2006, s. 6.]

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 recreation officer.

(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.

[am. B.C. Regs. 354/2004, Sch. A, s. 2; 206/2006, s. 7.]

Firewood

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

[am. B.C. Regs. 354/2004, Sch. A, s. 2; 206/2006, s. 8.]

Structures

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

(2)A recreation officer 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 official's permission.

[en. B.C. Reg. 354/2004, Sch. A, s. 4; am. B.C. Reg. 206/2006, s. 9.]

Other uses requiring authorization

16 Unless authorized by a recreation officer, a person must not use

(a)a recreation site, recreation trail or interpretive forest site 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.

[am. B.C. Regs. 354/2004, Sch. A, s. 2; 206/2006, s. 10.]

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

(b)unless authorized by a recreation officer, move a structure that is on a recreation site, recreation trail or interpretive forest site.

[am. B.C. Regs. 354/2004, Sch. A, s. 2; 206/2006, s. 11.]

Quiet and peaceful enjoyment

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

(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 *Wildfire Act* or a regulation made under that Act with respect to a recreation site, recreation trail or interpretive forest site.

[am. B.C. Reg. 206/2006, s. 12.]

Limitations on occupancy and use

20 (1) A person who camps at a recreation site where a fee for camping is required under section 22 must

- (a) camp in a campsite;
- (b) occupy only one campsite;
- (c) not leave personal property on a campsite unless the person is camping, under the authority arising from payment of the camping fee, at that campsite, or has been authorized to leave the property on the campsite by a recreation officer.

(2) A recreation officer

- (a) may limit the occupancy of a campsite or recreation site, including the number of parties and motor vehicles, if the 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.

(3) A recreation officer may establish rules for the use of a recreation site, recreation trail or interpretive forest site, other than a matter referred to in subsection (2), by posting a sign containing the rules to be followed at the site or trail.

(4) A person, with respect to a sign posted under subsection (3), must not

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

(5) A recreation officer may authorize, in writing, a recreation site or trail operator to close all or part of a recreation site or trail to protect the public, site or trail.

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

[am. B.C. Regs. 354/2004, Sch. A, ss. 2 and 5; 206/2006, s. 13;
37/2019, App. 2, s. 2.]

Part 5 — Fees

Fee collection period

21 The fee for overnight camping under section 22 authorizes camping for 24 hours beginning at 12 noon on the day in which camping begins.

Fees for use of recreation site or trail

22 (1) In this section, "**service**" means, in relation to a recreation site or trail,

- (a) maintenance and repair of the recreation site or trail,
- (b) supervision at the recreation site or trail,
- (c) provision of overnight camping facilities, parking facilities, boat launch ramps, mooring buoys, warming huts or cabins on the recreation site or trail,
- (d) grooming or setting ski tracks on the recreation trail, or
- (e) an activity similar to an activity referred to in any of paragraphs (a) to (d), if the activity is for a recreation site or trail that is included in the list described in subsection (5) (a).

(2) The minister may determine that a fee is required to use a recreation site or trail if the minister is satisfied that the fee is justified by the provision of the service at the site or trail.

(3) If a determination is made under subsection (2) the minister must set 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 is the annual cost of providing the service, estimated by the minister when the fee is first set for the year, and

N is the number of times the service will be used by the public, estimated by the minister when the fee is first set for the year.

(4) The minister may cancel a determination made under subsection (2), if satisfied that the service provided at the recreation site or trail does not justify the fee.

(5) The regional manager must

- (a) make available at district and regional offices a list of sites and trails within the region that have fees, including a description of the services available at those locations and the fee for each service,
- (b) keep that list current with determinations made under subsection (2) and cancellations made under subsection (4), and
- (c) post a sign at the site or the trail notifying the public that a fee is required and the amount of the fee.

(6) The minister may authorize a person to act as a recreation site or trail operator, and may rescind the authorization.

(7) On request of a person who is paying or providing proof of payment to use a recreation site or trail, a recreation site or trail operator must provide written proof of authorization by the minister to act under this section.

(8) The user of a recreation site or trail must

- (a) pay a fee to the recreation site or trail operator to use the recreation site or trail, if the fee is listed under subsection (5),
- (b) provide the person's name and address and any other information reasonably required by the recreation site or trail operator to identify the person or party,
- (c) produce proof of payment on request of an official, a recreation officer, a peace officer or a recreation site or trail operator, and
- (d) if the person owns or is in control of a motor vehicle, other than a motorcycle, ensure that the vehicle is not parked in a campsite without proof of payment for camping prominently displayed in the windshield, unless another vehicle that displays a proof of payment for camping is parked in the campsite at the same time.

(9) A right to use a recreation site or trail, arising from payment of a fee under this section, is not transferable, and is valid only for the period of time indicated on the proof of payment.

[am. B.C. Regs. 354/2004, Sch. A, s. 2; 206/2006, s. 14; 37/2019, App. 2, s. 3.]

Part 6 — Enforcement

Order to vacate

23 (1) On being satisfied that, with respect to a recreation site, recreation trail or interpretive forest site, a person has contravened the Act, this regulation or the *Wildfire Act* or a regulation made under that Act, an official, a recreation officer or a peace officer may, by notice served on the person, order the person

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

(b) not to enter or attempt to enter or camp on Crown land within one km of the site, or trail

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.

[am. B.C. Regs. 354/2004, Sch. A, s. 1; 206/2006, s. 15.]

Offence

24 (1) A person who contravenes section 6 (1) to (3), 8 to 11, 12 (1), 13 to 17, 18 (1) or (2) or 23 (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 (6) or 22 (8) (a) or (c) commits an offence and is liable on conviction to a fine not exceeding \$2 000.

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

(5) Repealed. [B.C. Reg. 37/2020, App. 1, s. 2 (b).]

[am. B.C. Reg. 37/2020, App. 1, s. 2.]

[Provisions relevant to the enactment of this regulation: *Forest and Range Practices Act*, S.B.C. 2002, c. 69, ss. 141, 143 and 148.]