

B.C. Reg. 79/71
O.C. 1148/71

Creston Valley Wildlife Act

PERMIT REGULATIONS

[includes amendments up to B.C. Reg. 201/80]

Contents

- 1 Activities permitted
- 2 Pasture management
- 3 Application for grazing permit
- 4 Priority in granting of grazing permits
- 5 Retention of priority during non-use periods
- 6 Notice to authority before depasturing
- 7 Cattle to be counted and identified
- 8 Cattle to be branded
- 9 Seizure of cattle in violation of permit or regulations
- 10 Permits not transferable
- 11 Issuance of grazing permits
- 12 Revocation of permit for violation
- 13 Only cattle in management area
- 14 Horses permitted for herding
- 15 Hay cutting
- 16 Fees for section 1 permits
- 17 Fee for grazing permit
- 18 Fee for hay cutting permit
- 19 Time limit for fee payment
- 20 Reduction or rebate in fees
- 21 Accounting of fees received
- 22 Conditions of use
- 23 Offence

Activities permitted

1 The Creston Valley Wildlife Management Authority or its authorized officers may, by the issuance of a permit in such form and having such content, conditions, limits, period or periods (if any) as may be prescribed by the management authority, authorize a person or persons to

(a) trespass, snowmobile and use all terrain vehicles on the management area by open general permit,

(b) hunt, angle and trap furbearing animals on the management area by open general permit,

(c) construct, install, erect or place any building, structure, improvement or work in or excavate within the management area,

(d) use or occupy any part of the management area for exploitation of any natural resource or for any agricultural or industrial purpose,

(e) carry on any commercial activity or enterprise in the management area,

- (f) capture, remove or introduce any wildlife, its nests, young or eggs,
- (g) enter an area set aside by the minister as a sanctuary area,
- (h) flood any part of the management area, or impound, divert or distribute water therein,
- (i) graze cattle on the management area,
- (j) cut and remove wild, natural or tame hay from the management area,
- (k) transport any garbage, refuse or domestic or industrial waste through, over or in the management area or deposit any such material within the management area,
- (l) land and (or) take off by aircraft on land or water or store an aircraft within the management area,
- (m) spray for insect or vegetation control within the management area,
- (n) establish a semipermanent camp within the management area at a site designated by the management authority,
- (o) camp temporarily anywhere within the management area at either established campsites or otherwise,
- (p) hold organized snowmobile races or other such events on designated areas of the management area, and
- (q) enter specified land and marsh sections or waterways of the management area (not sanctuary areas) by boat (motorized or other) or on foot at times specified by the management authority.

Pasture management

2 For the purpose of ensuring that the pastures and wildlife habitat of the management area are not deteriorated by improper or excessive grazing and in the interest of sound range and wildlife management, the management authority may, at its discretion,

- (a) apportion the management area range between the users or groups of users thereof,
- (b) determine the number of cattle which may be depastured on the management area range or any part thereof,
- (c) establish grazing periods for the management area range or any part thereof, and from time to time close the range or any part thereof and prohibit the depasturing of cattle thereon, and
- (d) divide the management area range into areas for the purpose of the separate or exclusive use by any grazing or livestock association or otherwise.

Application for grazing permit

3 Any person desiring to use the management area range for grazing in any year must make application to the Creston Valley wildlife management authority for a grazing permit entitling him to depasture cattle thereon, subject to the provisions of the Creston Valley Wildlife Act and this regulation and the terms and conditions of the grazing permit.

Priority in granting of grazing permits

4 Priority in the granting of grazing permits may be given to those local applicants who can carry their stock on their property during the period the management area pasture is not available. Where the demand for management area pasture by stock owners falling into this category reaches the point where it exceeds the supply available, preference may be given to those who have been making, and continue to make, constant use of the management area range. A priority is normally maintained only by actual use under a grazing permit. A reduction in actual use under a permit of up to 10% below the established priority for one year only will be considered a normal operating fluctuation and will not normally reduce the priority. Any minor reduction in actual use under a grazing permit below the priority for 2 successive years, or reduced use of more than 10% at any time, may result in reduction of the priority.

Retention of priority during non-use periods

5 A permittee may retain an established priority during periods of non-use, or reduced use, providing the Creston Valley wildlife management authority consents in writing and further that the said management authority is satisfied that:

- (a) a temporarily reduced rate of stocking is necessary to restore deteriorated range, or it is otherwise required in the interests of good range and wildlife management;
- (b) the permittee is forced to temporarily reduce his rate of stocking due to some physical disaster completely beyond his control, and directly affecting his livestock or the forage producing ability of his ranch;
- (c) there has been a disposition of the permittee's property resulting from
 - (i) a sale or transfer of the property, or
 - (ii) a settlement of an estate.

A priority may be protected for a period of up to one year, subject, however, to a renewal or extension at the discretion of the management authority. In every case the decision of the management authority is final.

Notice to authority before depasturing

6 Where an application for a grazing permit is approved by the management authority, the applicant may be required to give at least 10 days notice by mail or otherwise to the management authority before proceeding to depasture any cattle on the management area under the permit.

Cattle to be counted and identified

7 The applicant or holder of a grazing permit may be required to make satisfactory provision for having all his cattle counted and identification checked by the management authority before they are turned out on the management area, and the issuance of the grazing permit may be withheld until such provision for count and identification is satisfactorily completed.

Cattle to be branded

8 All cattle to be released on the management area must be permanently branded and the brands must be registered with the local brands inspector.

Seizure of cattle in violation of permit or regulations

9 (1) Any animal found in violation of the management authority regulations, permit conditions or any direction or requirement given or made thereunder shall be rounded up, seized and detained.

(2) When an animal is seized under subsection (1), the management authority shall publish in a local newspaper, and in the absence of such local newspaper in a newspaper circulating in that area, a notice setting out the following particulars:

(a) date of seizure;

(b) description of animal seized;

(c) name and address of the person or agency to whom application may be made for release of the animal;

(d) cost of seizure and expenses.

(3) If such animal is not claimed and the costs of roundup, seizure and detention are not paid within 14 days, the management authority or its authorized representatives may, without further notice, cause such animal to be sold.

(4) When any animal is sold under this regulation, the property therein shall pass to the purchaser, and all rights of property in such animal which existed immediately before the sale shall be extinguished.

(5) After payment of the costs incurred in rounding up, seizing, detaining and selling the animal, the balance of the proceeds of any sale under subsection (3) shall be held by the management authority in the Trust Fund, and may be paid over to the party entitled thereto on satisfactory evidence of title being furnished to the management authority or its authorized representative, and application therefor being made to the management authority within 6 months of the date of sale.

Permits not transferable

10 Grazing permits shall be for the exclusive use and benefit of the owner of the animals covered by permit, and are not transferable nor assignable in any manner whatsoever.

Issuance of grazing permits

11 Applications for grazing permits must be completed in duplicate on forms provided for that purpose by the management authority, and must be received by the management authority not later than March 1 of the year in which grazing is requested. Notice of acceptance or rejection of applications for grazing permits shall be mailed to the applicant on or before March 20 of the year for which grazing is requested.

Revocation of permit for violation

12 The management authority may order the temporary or permanent revocation of any grazing permit in whole or in part for any violation of the terms or conditions of the permit or any provisions of this regulation, or any direction or requirement given or made thereunder.

Only cattle in management area

13 No livestock other than cattle may be depastured on the management area.

Horses permitted for herding

14 Horses, when accompanied by a rider, and having bridle and saddle, are permitted on the management area only for the purpose of herding and otherwise checking cattle depastured on the management area under a valid and existing permit.

Hay cutting

15 Hay cutting may be done at such times and on such sections of the management area designated by the management authority.

Fees for section 1 permits

16 The fees for a permit under section 1 shall be \$1 per permit, except paragraph (a) (open general permit, no fee).

Fee for grazing permit

17 The holder of a grazing permit shall pay to the management authority for each animal over 6 months of age

(a) Spent.

(b) Spent.

(c) from January 1, 1982 onward, \$5.26,

for each month an animal grazes in the management area.

[en. B.C. Reg. 201/80.]

Fee for hay cutting permit

18 The holder of every hay cutting permit shall pay to the management authority fees at rates calculated as follows: Hay, \$6 per ton.

Time limit for fee payment

19 All fees must be paid on or before November 30, 1971 for permits for grazing and haying issued in that year. Commencing on April 1, 1972, the fee for grazing and a fee based on an estimated tonnage for hay are payable before the appropriate permit may be issued by the management authority. The fee for hay will be adjusted at the time the hay is cut and weighed.

Reduction or rebate in fees

20 No reduction or rebate in fees is made unless, in the opinion of the management authority, the holder of the permit is prevented from depasturing animals or cutting hay pursuant to the permit by circumstances beyond his control, nor unless application in writing for the reduction or rebate is made within one week after such circumstances have arisen.

Accounting of fees received

21 All permit fees received by the management authority and the moneys derived from the sale of permits shall be deposited in the Trust Fund and used by the management authority to effect the purpose for which the management area is established. The cost of the permit and the associated fees (where applicable) shall be paid in full by cash, money order or personal cheque made out to the Creston Valley wildlife management area. The management authority shall issue receipts for all moneys so received. The accounts of the Trust Fund shall be audited annually by the comptroller general.

Conditions of use
22 No person shall

(a) drive or depasture any animals or allow any animal owned or controlled by him to be upon the management area unless that animal is covered by a permit issued therefor under the provisions of this regulation,

(b) depasture any animal or allow any animal owned or controlled by him to be upon the management area which has been closed under the provisions of this regulation,

(c) neglect or fail to comply with any term or condition of a grazing permit held by him,

(d) refuse or neglect to remove any animal owned or controlled by him from the management area at the termination of the grazing period, or upon the order to the management authority to do so on account of failure to comply with this regulation or any term or condition of a grazing permit,

(e) refuse or neglect to observe or carry out any prohibition, requirement or direction made or given pursuant to this regulation,

(f) cut wild, natural or tame hay on the meadows of the management area without first having received a permit therefor,

(g) neglect or fail to comply with any term or condition of any permit held by him,

(h) operate a snowmobile or other vehicle over those sections of the management area designated as closed to snowmobiles by the management authority,

(i) operate motorboats on or in that section of the management area known as "Duck Lake", except officers of the management authority,

(j) trespass, snowmobile, use all terrain vehicles, hunt, angle or trap on the management area, unless the said person or persons is the holder of a valid permit or acting under authority of an open general permit, or

(k) engage in any of the activities for which a permit may be required by the management authority under section 1 of this regulation, unless said person or persons is the holder of a valid permit.

Offence

23 Any person who fails to comply with or violates:

(a) section 22 (a), (b), (c) or (d) is guilty of an offence, and is liable, on summary conviction, to a penalty of not less than \$20 and not more than \$200 for each animal, or to a term of imprisonment not exceeding one month, or to both such fine and such imprisonment, and not less than \$5 and not more than \$50 for each animal for each day or part thereof that the infraction continues, and suspension by the management authority of all grazing privileges for a period of not less than one grazing season or one year;

(b) section 22 (i) is guilty of an offence, and is liable, on summary conviction, to a penalty of not less than \$20 and not more than \$200 for each offence;

(c) any other provision of this regulation is guilty of an offence and is liable, on summary conviction, to a penalty of not less than \$20 and not more than \$500 or to a term of imprisonment not exceeding 3 months, or to both such fine and such imprisonment, and, in addition, where the offence is a continuing one, to a penalty of not less than \$10 and not more than \$100 for each day or part thereof the infraction continues.

[Provisions of the Creston Valley Wildlife Act, R.S.B.C. 1996, c. 84, relevant to the enactment of these regulations: section 34]

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