
Approved: *Robert C. Austed*

Effective Date: *August 5, 2015*

Relationship to Previous Policy: This policy replaces all previous policy regarding park use permits for research

Park Use Permits

Research Permits

Purpose

This policy provides direction on determining whether a park use permit or resource use permit (“permit”) is required for proposed research activities. This policy also provides direction on the evaluation of a permit application for research, and the terms and conditions required for this type of permit.

Scope

This policy applies to all proposed research activities, including research activities for academic research and for investigative use in parks, protected areas, conservancies and recreation areas. This policy does not apply to proposed research activities in ecological reserves, as the existing policy for Ecological Reserve Permits provides guidance for permitting activities in ecological reserves.

Definitions

“**improvements**” refer to anything made, constructed, erected, built, altered, repaired, added to, on, or under the land, and attached to it or intended to become a part of it (e.g., floating camp/dock)

“**investigative use permit**” is a permit for the purpose of gathering information related to:

- determining viability of land use/occupancy for proposed uses that may occur within or adjacent to a protected area; or
- determining viability of land use/occupancy for proposed uses that are, or are anticipated to be, a reviewable project under BC’s or Canada’s Environmental Assessment Process or being investigated under a boundary adjustment proposal

“**Permittee**” means the legal entity to whom the permit is issued

“**park**” for the purpose of this policy means Crown land established or continued as a park, recreation area or conservancy under the *Park Act* or the *Protected Areas of British Columbia Act*, or a protected area under the *Environment and Land Use Act*, and does not include ecological reserves

“**permit**” means a park use permit or resource use permit issued under the *Park Act*

“**research**” means activities that are intended to increase knowledge of a certain study area, including investigation of phenomena or matter using established methods of inquiry based on gathering observable, empirical or measurable evidence

“**yellow-listed species**” means any species that is not included on the Red or Blue list of species within BC by the Conservation Data Centre

Policy

This policy must be utilized by BC Parks staff when evaluating applications for research activities in parks, and in determining whether a proposed research activity may be allowed within a park. The policy provides direction on whether a research activity requires a permit under the *Park Act* in section 1.1, criteria for evaluating research proposals in section 2., and standard requirements for research permits in Appendices B and C.

1. Regulation of Research Activities

Research activities occurring within protected areas will be managed through permits under section 20 of the *Park Act* and authorizations under section 32(d) of the *Park, Conservancy and Recreation Area Regulation*.

BC Parks manages research activities for a broad range of purposes, such as:

- a) increasing knowledge of protected area values for the inspiration, use and enjoyment of the public;
- b) contributing to scientific knowledge;
- c) providing educational opportunities;
- d) ensuring public health or safety;
- e) determining risks or benefits to the protected area from developments, both within and adjacent to the protected area;
- f) supporting feasibility assessments or environmental assessments; or
- g) allowing the collection of information to support a boundary adjustment request.

Research activities relating to a), b), c) or d) are considered to be general research. Research activities relating to e), f) or g) are considered to be investigative use, and for the purposes of this policy, these activities will be referred to as investigative use research.

1.1. Authority and Form of Authorization for Research Activities

BC Parks may issue permits for research activities that meet one of the criteria listed in section 9.3(2) of the *Park Act*, and where activities do not require a permit, may authorize research through permissions granted under section 32(d) of the *Park, Conservancy and Recreation Area Regulation*.

This section provides guidance for BC Parks staff to determine whether a proposed research project requires a permit under the *Park Act*, or authorization under the *Park, Conservancy and Recreation Area Regulation*. A diagram of the decision flow for research proposals can be found in Appendix A.

1.1.1. Criteria to Determine when a Permit is Required

Permits under the *Park Act* are required for research activities within protected areas where the proposed research will involve removal, destruction, damage, disturbance or exploitation of a natural resource, or occupation use of land. Research projects will require a park use permit for the activities in the following list¹:

- a) collection or removal of natural resources, and disturbance of soils, rocks, or any plant or animal, with the exception of:
 - the collection of scat, small samples of yellow-listed plants, small ($\leq 1L$) water samples, or loose animal hair (provided not taken from animals, or sites where animals have been baited);
- b) any improvements (including temporary improvements that will be removed at the termination of the permit or the end of the field season, whichever comes first). Markers such as flagging tape, or gauges and recording equipment that are removed after one field season are not considered to be 'improvements' (note: all markers such as flagging tape must be identified with owner's name/institution/date placed);
- c) access to the protected area or parts of the protected area that will not use standard access points (e.g. research that requires helicopter access where helicopter access is not normally allowed);
- d) animal trapping, including fish and invertebrates (other permits may also apply and it is the applicant's responsibility to ensure all permit requirements are met prior to conducting any research activities); or
- e) access to restricted areas, or exclusive use of a defined area.

For further clarification, where an applicant proposes to conduct activities within a protected area in a manner consistent with public use, a permit will not be required. Activities that any member of the public may legally conduct within a protected area are considered to be 'consistent with public use'.

1.1.2. Research Authorized under Section 32 of the Regulation

Where no permit is required, researchers must still contact the regional BC Parks office to inform them of the research activities. Prior to undertaking any research activity within the protected area, an applicant must receive an authorization from BC Parks, which will include instructions for protected area access and term, and acknowledge any special use of protected area land required for the research project. An authorization is a requirement of the *Park, Conservancy and Recreation Area Regulation* (section 32(1)(d)). BC Parks may require the researcher to submit a report summarizing the findings at the end of the research activities.

1.1.3. Research by Provincial Agencies

Where a provincial government agency, not including Crown corporations, wishes to conduct a research project within a protected area, a permit under the *Park Act* is not required, regardless of whether the research project will meet any of the criteria listed in section 1.1.1. However, provincial government agencies must notify and work with BC Parks

¹ This list is not intended to be exclusive, but to provide guidance for staff on when a permit is required under the *Park Act*.

in the development and implementation of their research proposal to ensure that natural, cultural and recreational values in the protected area are protected and impacts accounted for, and that research efforts are coordinated with other activities occurring within the protected area.

2. Determining Appropriate Research Activities

This section provides guidance for staff on evaluation of research proposals, including whether a proposed research activity is appropriate for the given study area. Appropriate research activities are those considered to:

- a) serve one of the purposes of research stated in section 1.1 above; and
- b) which do not result in adverse impacts.

Adverse impacts are impacts that will impair the function or role of a protected area. The function or role of a protected area is considered to be those ecological functions that maintain the environmental values of the protected area, the cultural heritage and use that is preserved or maintained in a protected area, and the recreational values that the protected area environment provides.

When determining whether an impact will impair the function or role of a protected area, the purpose of the protected area will be considered, as well as the extent and duration of the impacts. The purpose of a protected area is determined through review of a protected area management plan, approved land use plans, and decisions on designation of a protected area (i.e., is it a Class A or B park, conservancy, recreation area or protected area).

2.1. Evaluation of Adverse Impacts

BC Parks will determine whether a research activity may have adverse impacts by considering:

- a) any direction provided in approved protected area management plans or other relevant documented sources relating to the purpose of the protected area such as land use plans;
- b) the results of a [BC Parks Impact Assessment process](#);
- c) a conservation risk assessment;
- d) the results of First Nations consultation; and
- e) any public consultation that may be conducted².

2.2. Support for Location of Research

When evaluating research proposals that require a permit according to section 1.3 of this policy, BC Parks will also consider why the research is being conducted in a protected area. Rationales that support locating research within protected areas include:

- the protected area serves as a reference site as compared to other areas on the landbase;

² Where an applicant is directed to complete a Level 2 Impact Assessment, Detailed Screen, the permit applicant may be required to undertake public consultation; public consultation may also be requested by the Minister.

- the proposed subject of the study occurs only (or mostly) within protected area boundaries;
- the project supports knowledge acquisition as described in section 5.14 of BC Parks Conservation Policy (and where collection or removal of biotic or abiotic material is considered to be consistent with section 5.14.11 or 5.14.13 of that policy); or
- a proposed project being investigated has demonstrated consideration of alternative locations and has passed preliminary review by other regulatory bodies (e.g. support for zoning bylaws, undergoing environmental assessment, etc.), where applicable.

3. Requirements and Conditions for Research Permits

Standard requirements and conditions for research projects that require a permit according to section 1.1.1 of this policy are listed in Appendices B and C. Appendix B provides conditions and requirements for general research permits, and Appendix C provides conditions and requirements for investigative use permits.

Related Guidance/Considerations

BC Parks Conservation Policy

<http://www.env.gov.bc.ca/bcparks/conservation-policy2014.pdf>

Research Guidelines for Protected Areas of British Columbia

<http://www.env.gov.bc.ca/bcparks/conservation-policy2014.pdf>

Provincial Protected Areas Boundary Adjustment Policy, Procedures and Guidelines

http://www.env.gov.bc.ca/bcparks/planning/bound_adj_policy.html

BC Parks Impact Assessment Process

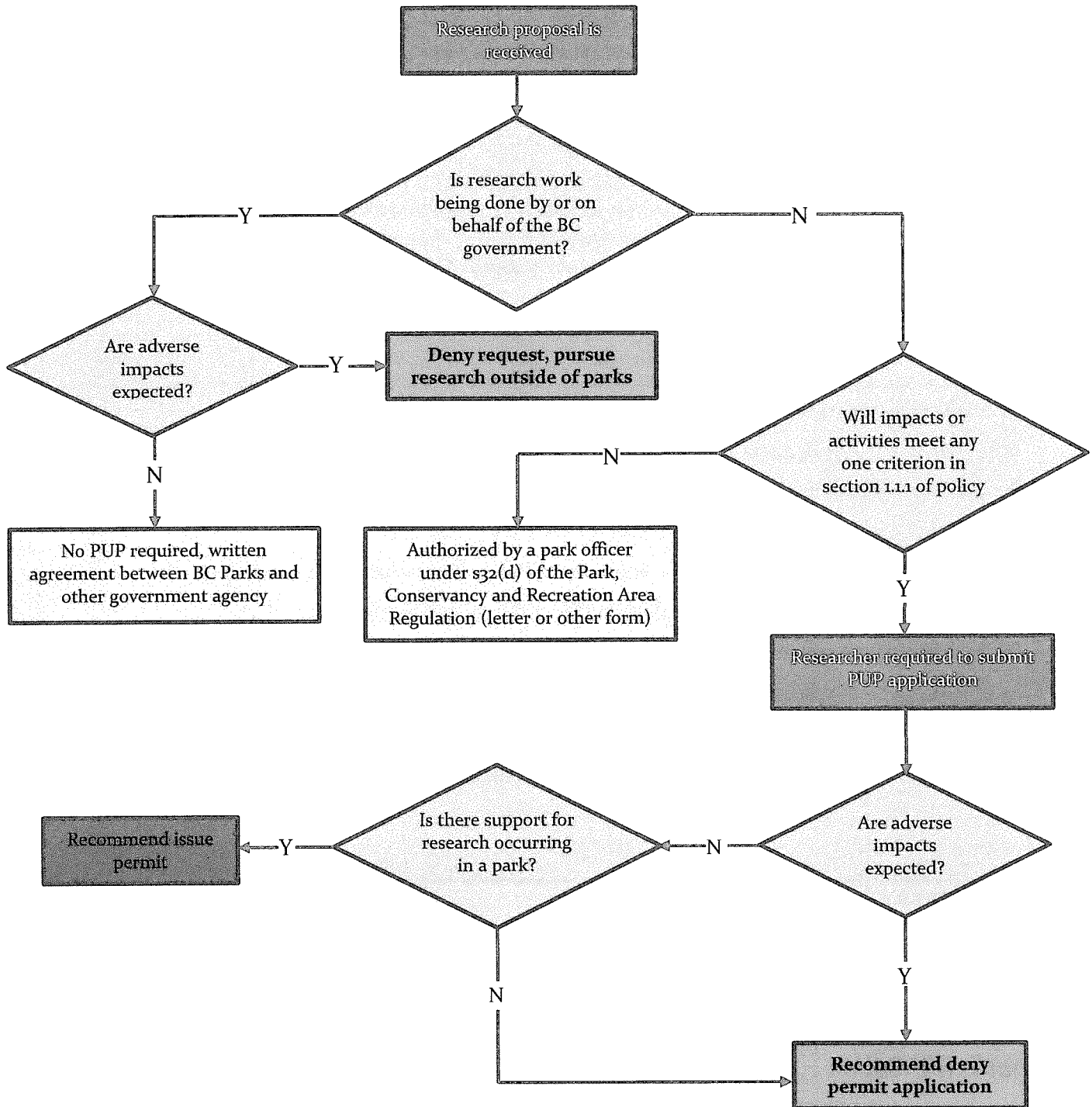
<http://www.env.gov.bc.ca/bcparks/conservation-policy2014.pdf>

BC Parks Permit Term Length Policy

http://www.env.gov.bc.ca/bcparks/permits/pdfs/permit_term_lengths.pdf

APPROVED AMENDMENTS:

Effective Date:	Summary of Changes:
2012-08-29	Revised to clarify criteria on when permits are required, and process on where permits are not required
2015-08-05	Policy updated to address academic and investigative research activities and considerations for adjudication of permit applications

Appendix A
Decision Flow for Research Proposals in Provincial Parks, Protected Areas, Conservancies and Recreation Areas


Appendix B

Standard Permit Requirements for General Research

1. Description of Activities Authorized under General Research Permits

General research permits grant rights to carry out research within a protected area. General research projects may involve academic study centres and long term monitoring stations, or short term single entry studies focussed on inventory and surveying species, populations, or physical conditions such as weather and soils. Permanent and long-term improvements may be constructed and maintained under a general research permit where the research provides a benefit to the protected area and/or society in general.

2. Standard Conditions to be Included in General Research Permits

Fees

There are no fees, including application fees, for research permits that are issued for the purpose of:

- a) increasing knowledge of protected area values for the inspiration, use and enjoyment of the public;
- b) contributing to scientific knowledge;
- c) providing educational opportunities; or
- d) ensuring public health or safety.

BC Parks considers research for the above purposes to be one of the values that the protected areas system provides to the public and supports research for these purposes as a public service.

Permit Renewals

Permits for general research may be renewed where the study requires additional time. Permittees must apply for a renewal not later than 60 days prior to permit expiration.

Term Length

Term lengths for general research permits will follow the approved direction in [BC Parks term length policy](#).

Transfers

Permits may only be transferred with the prior written consent of BC Parks. Transfers will be subject to any additional terms and conditions that may be required. Only individuals or entities eligible to hold a permit, as per [BC Parks' application policy](#), will be eligible to have a permit transferred to them. Applicants must agree to follow all terms and conditions of a permit.

Reporting

Where the Permittee is collecting information that is of interest to BC Parks and that will increase understanding of protected area values, the Permittee may be required, as a condition of the permit, to submit the results of the investigations to BC Parks including project data. Data standards may be required for submissions to be compatible with other provincial data, such as the Conservation Data Centre, where applicable.

Notifications

A Permittee may be required to provide notice to BC Parks prior to the Permittee (or its employees, contractors or sub-contractors) entering the protected area. Where notification is required, the manner and timing of notification will be detailed in the permit.

Financial Guarantee

The Permittee may be required as a condition of the permit to post a financial guarantee to be held by BC Parks. Should the Permittee fail to meet any of the required permit conditions, BC Parks will draw down the financial guarantee to cover any required costs.

Appendix C

Standard Permit Requirements for Investigative Use Research

1. Description of Activities Authorized under Investigative Use Permits

Investigative use permits grant rights to carry out activities for a short term, but do not authorize occupation of land or use of resources for any purpose other than investigative use or activities associated with investigative use, including investigations, appraisals, inspections, analyses, inventories or surveys. Only temporary improvements may be made under an investigative use permit.

BC Parks issuance of an investigative use permit does not guarantee that any future permits for land use/occupancy or commercial activities will be granted to the Permittee. BC Parks may authorize overlapping permits.

2. Standard Conditions to be Included in Investigative Use Permits

BC Parks will set permit conditions to a standard it deems necessary to maintain protected area values in accordance with the standards set out below.

The Permittee must allow public access to the area without interference, except where there are concerns for public health and safety and the right to restrict access temporarily has been expressly granted in the permit.

BC Parks will determine any required remediation or mitigation, and the Permittee is responsible for restoring the permit area as nearly as may reasonably be possible to the same condition as it was prior to investigative use being undertaken. BC Parks will determine whether the restoration is satisfactory.

When evaluating impacts to the protected area from the investigative use activities, impacts from methods of access will be considered. The BC Parks Impact Assessment process will also consider cumulative impacts from an entire investigative use project, as well as cumulative impacts to the protected area from other past and present activities such as regular public use and other permitted activities.

Permit Renewals

An investigative use permit will generally not be renewed, unless the Permittee can provide evidence that there is a legitimate requirement that necessitates further investigative use in the protected area.

Term Length

The standard term length for an investigative use permit will be two years. Where an applicant provides evidence of a legitimate business requirement warranting a longer term, such as where multi-year surveys are required, a longer term may be considered. The length of term must always be of a reasonable length to collect the required information.

Transfers

Permits may only be transferred with the prior written consent of BC Parks. Transfers will be subject to any additional terms and conditions that may be required. Only individuals or entities eligible to hold a permit, as per [BC Parks' application policy](#), will be eligible to have a permit transferred to them. Applicants must agree to follow all terms and conditions of a permit.

It is the intent of this policy that an administrative fee for transfer of a permit under the *Park, Conservancy and Recreation Area Regulation* will be applied to the transfer of an investigative use permit.

Reporting

Where the Permittee is collecting information that is of interest to BC Parks and that will increase understanding of protected area values, the Permittee will be required, as a condition of the permit, to submit the results of the investigations to BC Parks.

Regular updates and status reports may also be required to be submitted to BC Parks to keep staff informed of research project results and activities.

Cost of Permit Monitoring

Where BC Parks determines that research projects will require a considerable amount of time to be supervised and inspected, Permittees will be required to pay all costs for an independent Environmental Monitor appointed by BC Parks. In the case where an Environmental Monitor is a BC Parks staff person, costs will be calculated using the employee's current wages as set out in the B.C. Government and Service Employees' Union (BCGEU) Collective Agreement.

Suspension or Halt to Research Activities

BC Parks reserves the right to suspend or order the cessation of any or all of the research activities if the Permittee is in default of their permit, or where the activities pose any risks to public safety (e.g., fire, other natural hazards, etc.) or are causing any environmental damage to the permit area.

In any of these circumstances, no further research can be undertaken without written approval from the Province.

The Permittee will not be entitled to any compensation from the Province, in damages or otherwise, if any research activity under the investigative use permit is suspended or ceased.

Notifications

A Permittee will be required to provide notice to BC Parks prior to the Permittee (or its employees, contractors or sub-contractors) entering the protected area. The manner and timing of notification will be detailed in the permit.

Financial Guarantee

The Permittee may be required as a condition of the permit to post a financial guarantee to be held by BC Parks. Should the Permittee fail to meet any of the required permit conditions, BC Parks will draw down the financial guarantee to cover any required costs. Financial guarantees will be used to cover accidents or unforeseen impacts to a protected area and to ensure compliance with permit conditions.

