

BC Parks Research Permit Policy

Summary of Public Comment

Introduction

BC Parks is part of the Ministry of Environment and is responsible for the designation, management and conservation of a system of ecological reserves, provincial parks, conservancies and recreation areas located throughout the province. British Columbia's parks and protected areas contain nationally and internationally significant natural and cultural features and outdoor experiences.

BC Parks is clarifying the legislative and policy framework for research activities in parks and protected areas. Legislative amendments in Bill 4, the Park Amendment Act, 2014 were approved March 24th, 2014 to provide clarity on BC Parks' ability to issue park use permits for research activities. BC Parks Research Permit Policy is intended to guide decision makers on assessing research activity requests and provides considerations that decision makers will use to determine whether or not a research proposal requires a permit, and whether to issue a permit for research.

This report summarizes public comments received by BC Parks on the draft research policy, and describes how the comments informed the final draft of the policy, including how sections of the policy were changed.

BC Parks Research Permit Policy was approved on August 5th, 2015 and can be found on the BC Parks website at <http://www.env.gov.bc.ca/bcparks/permits/consultation/docs/bc-parks-research-permit-policy.pdf>.

Background to the review and comment process

A draft policy document was posted on the BC Park's website (<http://www.env.gov.bc.ca/bcparks/permits/consultation/research-policy.html>) on March 4th, 2014. The draft policy set out proposed guidance and direction for allowing research to occur in provincial parks. The draft policy discussed research for different purposes, acceptable impacts of a research project, and conditions that would be required for research to occur. A response form was provided on the website for submission of public comments on the draft policy.

All responses submitted to BC Parks through the online comment form during the review and comment period (March 4th to April 4th, and April 23rd to May 12th, 2014) were compiled and analyzed to determine recommendations for policy updates.

Purpose and format of this summary

This document provides background on the review and comment process itself, and a brief summary of the number and type of responses received. No identifiers are provided in the document relating to who submitted comments, and all comments that are quoted in the document have had personal information severed. This document addresses the main areas of the policy for which comments were received, and acknowledges how comments shaped changes and updates to the draft policy.

Summary of Public Comments

There were 155 responses received through the online comment form, and the comments have been recorded for consideration during policy review as outlined in this report. A few respondents identified themselves as being members of an organization or interest group, but the majority of the responses were from private citizens. Many commenters identified themselves as professional biologists or geologists. Some responses only mentioned Bill 4, while other comments were very specific to certain sections and areas of the draft policy. Nearly all comments discussed the general philosophy behind the draft policy and the purpose of parks.

General Themes

Comments received have been broken down by policy areas and common topics. General themes that arose in the comments are:

- Most commenters were not supportive of the draft policy or the amendments to the *Park Act* that were approved in Bill 4, the *Park Amendment Act, 2014*
- Most commenters did not trust the intentions of government in putting forward the draft policy or amendments in Bill 4
- Concerns with industrial/commercial development and harvesting of resources within parks as a result of the draft policy and amendments in Bill 4
- Concerns with the vagueness of the policy language
 - *"It also further concerns me in the manner in which the draft policy has been constructed--it is so vague! Stating that this "may" be required does not instill in the general public that any sort of firm guidelines [sic] will be followed-- it seems to open up the issuance of permits entirely to subjective bureaucratic [sic] musings."*
- Concerns with the idea of park boundaries being changed
- Concerns with lack of public consultation on Bill 4 and timeframes and notification of the opportunity to comment on the draft policy.

Comments and Changes on the Draft Policy

1. Structure of Policy

Many of the proposed requirements for investigative use permits are different from those proposed for general research activities. In order to make the differences in requirements more clear, two appendices were created in the policy to distinguish between the requirements for general research, and for investigative use research.

Several comments were received that indicated concerns with general research being over-regulated within parks, and that requirements may pose a barrier to research being conducted. By re-structuring the policy to better distinguish between how these two types of research will be managed it is hoped that the process and requirements to undertake research within parks will be more clearly communicated.

- *“The implication is that even passive non-intrusive citizen science projects like annual Bird Counts, or plant counts that collect important long-term baseline data require a letter of permission. Implicit in this is the notion that the parks do not belong to the public but are privately managed for a government disconnected from the people.”*
- *“For some of us, science is part of the recreation. Under the terms of this self-contradictory section any birder entering the park would require a letter of authorization to count bird on a transect, any school group entering to do a plant gall count on a hike would require a letter of permission. This almost infringes on basic freedom of thought as set out in The Charter, and is a clear violation of the public ownership of the parks.”*

2. Scope

Some comments raised concerns on the exclusion of ecological reserves from the policy, and raised the question of why these areas were not being addressed.

“The reason for excluding ecological reserves from this policy should be made clear in a succinct statement. By stating that they are excluded implies that they are being ignored.”

Ecological reserves are not addressed in the draft research policy because a separate policy for research and educational permits in ecological reserves is already in place and can be found [here](#). Scientific research relating to the reason the ecological reserve was established and educational activities are the only activities that can be permitted in an ecological reserve. The policy was updated to clarify why the scope excludes ecological reserves.

3. Definitions

Many comments requested that additional restrictions be placed on the definitions of “improvements”, “research” and “investigative use” as drafted in the policy. Specific comments that are representative of the general comments received on each of these definitions are listed below, as well as notes on whether definitions were changed, and if so, why.

Definition of “improvement”

Many comments received on the definition of “improvements” indicated that the definition focussed on alterations to the land, and included some activities, such as tunnelling or ditching, that did not seem to be related to normal research activities. The definition of ‘improvement’ was revised to include a more limited description of what would be considered an improvement as this was felt to be more consistent with the intent of the policy.

- *“Your definition of “improvement” includes, “clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching, in, on or under the land.” While I have worked in habitat restoration which includes the use of these methods to sometimes restore habitat, these activities should not be considered as “improvements” in all situations. In fact, it would be the exact opposite when applied to industrial or commercial purposes. Hence the term “improvement” is inappropriate. A more appropriate term to be used in such a generalized or vague context would be that of “alteration”.”*
- *“I find it strange that destructive industrial activities are described under the definition for “improvements” (e.g., clearing, excavating, digging, drilling, tunnelling, filling grading or ditching [sic] in or under the land).”*

Definition of “investigative use permit”

Comments submitted on the definition of ‘investigative use’ indicated confusion on why this type of research would be contemplated within a protected area. The definition of ‘investigative use’ was revised to more clearly indicate that research may occur for allowable activities within protected areas, for adjacent developments, or for major projects or proposals being investigated under the boundary adjustment process.

- *“It is unclear why this type of investigation would be allowed in a protected area when protected areas are created to protect values from industrial activities. It is also unclear why this type of investigation would be considered “research” and included under research policy.”*
- *“Prospective surveying for energy or resource deposits is not research; nor is surveying or route finding for pipelines; it is mineral or energy exploration, or activity in support of this, and it should be labeled as such in the regulation and permits.”*

Definition of “research”

Comments submitted on the definition of ‘research’ generally stated that the definition was too broad and did not provide enough limits on what could be considered research. The definition of research in the policy was not changed, as this definition is felt to describe research activities that fall under this policy.

- *“the term ‘research’ is not clearly defined in the document with regards to the who is conducting research, for what purposes and under which codes of conduct. I think that the document needs to set clear outlines on the type of research that is permitted within the park which must show a clear link to conservation, advancing ecosystems understanding or human-environmental linkages.”*
- *“The first paragraph would seem to define resource extraction activities as being inappropriate as surely they would not exist in an approved master plan or interim management statement. So why have an investigative use permit that includes resource extraction? This is another clause where you must make it clear that resource extraction uses are not allowable and research will not be permitted.”*

4. Regulation of research activities/purpose of research

Most comments dealt with the list of purposes for which research permits could be granted. This section was revised to better tie the list of purposes in the policy to the list in 9.3 of the Act, and to provide more clarification for what research would be allowed (consideration of impacts, etc.).

5. Determining Appropriate Research Activities

Many concerns were raised on how a determination would be made that a research activity would be allowed to proceed. Most of the comments received were concerned with impacts to the park, park visitors, and tourism businesses, including compliance issues with permit conditions intended to protect the park. This section has been expanded on to include better references to our conservation policies and Impact Assessment process.

- *“Adverse impacts must include possible damage to the functioning of the ecosystems. If this is the implication of “impairing the function or role of the protected area,” then fine. But it seems vague and should be clarified to include ecological impacts specifically. “*
- *““When determining whether an impact will impair the function or role of a protected area, the purpose of the protected area will be considered.” What criteria will be used to determine the “purpose” of a protected area? This is again very vague.”*
- *“Present and future generations of British Columbians would all be better off if the presence of resources [sic] in parks be unknown. Additionally, even if the intent of the proposed legislation is pure unadulterated research, that research would involve roads and other desecration of the landscape.....shamefull [sic] even considering such travesty!”*
- *“As a scientist I appreciate the need for research, but in parks this research must be non-destructive and VERY minimally invasive, and be overall beneficial to the ecosystems. Industry has no place in parks.”*
- *“Docks, temporary accommodations and small soil sample etc. are understandable as their impacts are negligible to the size and resilience of the ecosystem, but an excavation 250 meters deep is not only immensely destructive, but creates a physical and psychological intrusion into a boundary that is established precisely to protect an ecosystem from such things.”*

6. New section on support for locating research in a park

This section (2.2) was inserted to help clarify that any research activity that would cause disruption to park values, and therefore require a permit, must indicate why the research is occurring within protected area boundaries.

7. Investigative Uses not allowed

This section was included in the original draft to provide some direction on what happens when an application for an investigative use permit is denied. Many commenters indicated that this was confusing, and there were also concerns that this implied that land could be taken out of a park to conduct investigations that wouldn't be allowed under permit, and was an 'easy' alternative for companies who were denied permits for investigative use, and so this section was removed from the policy.

If an application for investigative use is not granted, then there is no additional policy guidance on permitting to be provided.

- *“rather than articulating policy that guides what types of investigative uses are not allowed, reads like instructions on how to avoid the permit process. I am surprised that the Park Act and*

associated regulations would allow for a proponent to be able to apply to have the protected area boundary adjusted just for the purpose of conducting investigations. In any case, the way this section is worded now does not appear to contribute any policy direction regarding the actual research permitting process as described in the "Purpose" section."

8. Term length

Commenters felt that the language in the draft policy on term length requirements was vague and implied that terms would not be set for research. The language on term length was updated to better reflect [BC Parks Term Length Policy](#) and the setting of concrete term lengths for permits. Requirements for term length of investigative use permits were made more restrictive in the final policy than for permits for general research, and these can be found in Appendix B and C.

- *"The amount of time required to collect the necessary data will determine the permit term length." -should not the permit define the amount of time required to collect data? Does this not lead to long-term occupation of the park and leaves the Province with little recourse to motivate data collection?"*
- *"Term length: i do not like how this is currently written. it leaves the permit open ended. if a person / company is serious about what they are doing then they should be able to provide a concrete time period they will need to finalize their research."*

9. Reporting

Respondents felt strongly that reports must be required for research conducted in parks, regardless of whether the information would be of interest to BC Parks or increase understanding of protected area values. Concerns were raised with the accuracy of the information submitted by permit holders and suggestions were made to have third party monitors on site to ensure information is submitted correctly for projects conducted by industry. Recommendations were also made to set out standards for reporting so that information could be better managed and linked to other provincial programs and initiatives. It was also suggested that reports be made publicly available.

The policy was revised to separate reporting requirements for general research from reporting requirements for investigative use, and to include the option for onsite monitors to be required for investigative use permits. Reporting standards for general research may require data to be in a format compatible with other provincial data systems.

- *"Under Notifications & Permissions, and also under Reporting, a report of results of the study or research should be required and it should be posted on a public register; the application and permit should also be on a public register."*
- *"With respect to reporting, ALL research activities should be required to submit the results of investigations to BC Parks, not just the ones specified in the draft policy "where the Permittee is collecting information that is of interest to BC Parks and will increase understanding of protected area values". Any research activities conducted in a protected area under permit must be properly documented and results provided to BC Parks. Section 12 should be reworded to require that a report of the activities conducted and results be completed for all permitted research projects. "*

- *“Sec 12 Reporting Requirements: you should be asking for standard report formatting to ensure you can collate all information into long term records. Make sure it is compatible with Conservation Data Centre, SAR, etc.”*
- *“Under Policy, 12. Reporting, states that, “Where the Permittee is collecting information that is of interest to BC Parks and 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.”*
Horror stories abound of how such subjective “reporting” has been misconstrued by industry upon closer examination, especially when it comes to the lack or misapplication of science in such information gathering. The only way around this is to have BC Parks staff directly involved or observing ON THE GROUND in cases of controversial investigations. Either that or an impartial 3rd party designee selected on behalf of BC Parks if they are under-resourced to do so directly.”

10. Transfer

More detail on what would be considered for a decision to transfer a permit was requested. Appendix B and C of the policy have been updated to include more context on when BC Parks would consider someone eligible to hold a permit (according to [BC Parks Permit Application Policy](#)) and conditions for transfer of a permit, such as consent to the terms of a permit, and ability to meet permit requirements.

- *“The lack of conditions to warrant when a transfer is appropriate needs to be addressed. Simply leaving the decision open to “written consent” with no guidelines is too open-ended and at risk of abuse”*

Requirements for Investigative Use Research

Several comments were received stating that there were concerns with permittees being compliant with permit requirements, and the need for monitoring and enforcement of these permits. Noting these concerns, and using the same model that BC Parks uses to ensure compliance with film permit conditions, the Research Permit Policy was updated to include the possibility for on-site monitors for investigative use permits. This measure was taken to address the concern which was expressed by one commenter as where a permittee may *“pay little attention to the rules once the permit is in hand”*.

- *“I am deeply concerned that this act opens our provincial parks to activities such as mineral sampling or intrusion of heavy equipment etc. that could damage sensitive ecosystems. Such damage is often irreversible. Once the land is scarred, invasive species often invade, preventing native flora from re-establishing. It is critical that “research” and “investigation” not scar the ecosystem, disturb soils or damage native flora and fauna. Independent environmental monitors or park staff should be on site daily to monitor activity that disturbs soil integrity so no lasting damage is done.”*

11. Notifications

Very few public comments were received on notification requirements for research permits. The policy was revised to separate requirements for notifications for general research permits from investigative use permits and these can now be found in Appendices B and C respectively.

12. Financial Guarantee

Comments questioned why a permit would be issued at all if there was a risk to protected area values, as it seemed to contradict other areas of the policy which stated that applications assessed as having an adverse impact would not be authorized. The means by which the amount of a financial guarantee would be determined was also identified as a gap. Concerns were raised on whether community groups and schools would be required to post financial guarantees, as this requirement would be a barrier to these groups conducting research in parks.

Financial guarantees would not be used for research activities being conducted by community groups or schools as these activities would generally be low-impact and have a low risk of compliance. Financial guarantees are not used as a mitigation for impacts, but to provide for a means of restoration or mitigation in the case of unforeseen impacts or to ensure compliance with permit conditions.

- *“Make requirements for investigative research (or boundary adjustments) strict and expensive to ensure alternative routing is given adequate consideration”*
- *“Why may be required. All permits should have a financial guarantee as well as how to do determine the amount?”*
- *“If the permit committee has deemed a project to significantly pose a risk to resources in that protected area, THE PROJECT SHOULD NOT BE PERMITTED. There is no price tag on biodiversity, function, and at risk species. Again, what is the point of a “protected area”.”*

13. Fees

Very few public comments were received on fees for research permits. The policy was revised to separate requirements for fees for general research permits from fees for investigative use permits. Although the *Park, Conservancy and Recreation Area Regulation* already contains an exemption on fees for research, it was felt that the rationale for this should be reflected in the policy. Appendix B lists requirements for permits for general research, and explicitly states that fees are not considered for general research because BC Parks considers this type of research to be one of the public services that the protected area system provides.

14. Public Review and Comment

A large number of comments spoke to opportunities for public input into permit decisions, and for information being provided publicly about permits (both at the application stage and once the permit is active). BC Parks is now providing publicly available information on permits that have been issued, so that this information can be viewed by the public at any time, not just for research activities but for any type of permit. Information on active permits within provincial parks and protected areas can be found on our website starting from [this page](#).

Advertisement of permit applications, and opportunity for public input prior to a decision being made to issue a permit, are policy questions that go beyond the scope of a policy dealing only with research permits. BC Parks is reviewing how public input is used in park management, and how advertising procedures can be modernized and updated.