
Approved:	<i>original approved by Christine Houghton, Executive Director, Visitor Services Branch, BC Parks, Ministry of Environment</i>
Effective Date:	29-Aug-2012
Relationship to Previous Policy:	This policy replace all previous policy regarding permits for Ecological Reserves

Ecological Reserves

Ecological Reserve Permits

Purpose

The purpose of this policy is to set out where permits may be issued, and for what activities, within established ecological reserves. This policy will provide direction on permit requirements and restrictions for allowed activities within ecological reserves.

Scope

This policy applies to ecological reserves permits, and activities and use of ecological reserve lands that require a permit. Park use permits and resources use permits, as well as activities and use of parks, protected areas, recreation areas and conservancies that require a permit are not addressed by this policy.

Definitions

“**administrator**” means a person appointed by the minister as per section 9 of the *Ecological Reserve Act* for the administration of ecological reserves; appointed administrators include all BC Parks Regional Directors, and BC Parks Executive Director of Regional Operations

“**advisory committee**” means those persons appointed to advise the minister on permits that are likely to cause a significant disruption within an ecological reserve

“**ecology**” means the study of the interrelations between human beings, other animals, or plants and their environment;

“**ecological reserve**” for the purpose of this policy means Crown land established or continued as an ecological reserve under the *Ecological Reserve Act* or the *Protected Areas of British Columbia Act*

“**ecological scientific research**” means research that is concerned with any aspect of the ecology of an ecological reserve

“**educational purposes**” includes use of an ecological reserve to educate the public on the natural features and functions of the ecological reserve, and on the provincial network of ecological reserves, and may include an educational program run by an institution, individual, organization or business

"**habitat**" means that kind of place or situation in which a human being, animal or a plant lives

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

Policy

1.1.1 Activities Authorized Under Ecological Reserve Permit

Ecological reserve permits can only be issued for ecological scientific research or educational purposes consistent with the purpose for which ecological reserves may be established. Consistent with section 2 of the *Ecological Reserve Act*, ecological research or educational purposes may be permitted where they are for the study of:

- a) productivity and other aspects of the natural environment;
- b) representative examples of natural ecosystems in British Columbia;
- c) recovery of a natural ecosystem that has been modified by human beings;
- d) rare or endangered native plants and animals that are preserved in their natural habitat;
- or
- e) unique and rare examples of botanical, zoological or geological phenomena.

Proposed research that is not consistent with the purposes listed under section 2 of the *Ecological Reserve Act* cannot be permitted.

1.1.2 Requirement for Ecological Reserve Permit

Ecological scientific research and educational activities may only take place within an ecological reserve as authorized by a valid ecological reserve permit. Park use permits do not apply within ecological reserves and do not authorize activities within ecological reserve boundaries. If there are activities proposed that will occur both on park land and within an ecological reserve, a park use permit and an ecological reserve permit must be issued separately.

1.1.2.1 Access

Where necessary and incidental to the purpose for which a permit is issued, entry into and access through an ecological reserve may be authorized, and the means of conveyance/transportation specified in the permit. Authorization of motorized vehicles or equipment will only be approved in exceptional circumstances, and requires consultation with the advisory committee as use of motorized vehicles/equipment is considered likely to cause significant disruption within an ecological reserve.

1.1.2.2 Conditions included in Permit

Conditions may be included in the permit to protect the ecological reserve and any other authorized uses from disruption. Collection of plant and animal specimens, soil samples, etc. may be specifically permitted on certain conditions, and collection is only allowed where rights to do so have been included in the permit. Permits may set restrictions on where collections are to be housed (public museums or post-secondary institutions).

1.1.2.3 Introduction of species

Introduction or re-introduction of a specified species may be permitted if necessary and incidental to the purpose for which a permit is issued; however requires consultation with the advisory committee given species (re) introduction may cause a significant disruption to the ecological reserve.

1.1.3 Application for Ecological Reserve Permit

Applications for ecological reserve permits must be received in writing on the BC Parks Application form (signed and dated) and must contain the following information:

- a) a description of the proposed use;
- b) a description of the areas of land to be affected, with an accompanying map, including UTM coordinates of study areas if applicable;
- c) a description of the means of access to be used;
- d) the duration of the proposed use;
- e) the ecological impact of any activities that will be undertaken within the reserve under the permit;
- f) the number of individuals that will be entering the reserve under the permit and, where possible, their names; and
- g) the name of the individual who will direct the proposed research or educational program.

1.1.3.1 Eligibility

Applicants for ecological reserve permits must be:

- 19 years of age or older; or
- Corporations which are incorporated or registered in British Columbia (under the *Business Corporations Act* (BC)- applicants not registered to do business within BC will be informed at the time of permit validation that it is their responsibility to register with the Province); or
- Registered partnerships, cooperatives, and non-profit societies (a society incorporated under the *Society Act* (BC) which are formed under the relevant provincial statutes; or
- Educational Institutions; or
- First Nations peoples applying through band corporations or Indian Bands and Tribal Councils (Band or Tribal Councils require a Band Council Resolution a) authorizing the council to enter into the permit, and b) giving the signatories of the permit document the ability to sign on behalf of the Band); or
- Municipalities, regional districts, other government entities, and associations.

1.1.3.2 Review of Applications

All applications will be received and then either approved or denied after review. The adjudication period for all permit applications will be 60 days from time of receipt of application. If there are expected delays in adjudication, due to the complexity of the application and/or management required for the specific ecological reserve, BC Parks will notify the applicant.

1.1.3.3 Criteria for Review

- All applications will be reviewed to determine whether, in the opinion of BC Parks, the requested activity is compatible with the identified management objectives for the ecological reserve(s) involved in the proposal.
- Proposed research activities must demonstrate that they will contribute to the scientific knowledge of the ecological reserve.
- Applications are subject to consultation with any First Nation whose traditional territory overlaps the ecological reserve, where activities may adversely impact claimed or proven aboriginal rights (including title) or treaty rights, and following agreements in place for consultation.
- All permit applications are subject to review using the BC Parks Impact Assessment Policy.
 - Research activities that are determined likely to cause significant disruption will require consultation with the advisory committee.
 - Proposed educational use that is likely to cause significant disruption will not be permitted.

1.1.4 Role of the Advisory Committee

The advisory committee will be consulted for any permit application where the proposed research activity or educational use is likely to cause any significant disruption within the ecological reserve. The advisory committee will consist of the Manager of Conservation and Land Acquisition, the Parks and Protected Areas Section Head responsible for the jurisdiction in which the ecological reserve is located, and the Protected Area Ecologist noted in the designation letter.

After reviewing the application the advisory committee should come to a consensus on their recommendations, which will be submitted to the administrator in writing. Where the advisory committee is unable to reach a consensus the advice to the administrator will state opinions and reason for dissent. Recommendations of the advisory committee will be included for record on the permit file. Where the administrator makes a decision contrary to the recommendation provided by the advisory committee, a detailed rationale regarding the decision will be included with the permit file.

1.1.4.1 Determination of Significant Disruption

Use of motorized vehicles and equipment, and introduction of species, are likely to cause significant disruption of an ecological reserve, as set out in sections 1.2.1 and 1.2.3 of this policy. In all other cases determination of whether a proposed activity will be likely to cause significant disruption will be based on the results of the Impact Assessment conducted using BC Parks Impact Assessment Process. Any impacts that proceed beyond Level 1 as determined through the Impact Assessment Process will be considered likely to cause significant disruption, and will require consultation with the advisory committee prior to a decision on whether to issue the permit.

1.1.4.2 Criteria for Evaluation

The advisory committee will evaluate individual permit applications based on whether:

- the research activity is acceptable within the specific ecological reserve;
- the disruption is necessary to carry out the research;

- it is necessary for the research to be located within the ecological reserve (options for re-location); and
- the level of disruption is acceptable given the benefit to the ecological reserve from the research.

1.1.5 Compliance with Other Legislation

An ecological reserve permit authorizes use and occupancy of land within an ecological reserve for purposes outlined in the permit. The Permittee is responsible for obtaining any other authorizations required in order to conduct the activity.

1.1.6 No Transfer, Sub-license or Assignment of Permit

An ecological reserve permit will not be transferred, sub-licensed or assigned to another party. Any person wishing to conduct activities within an ecological reserve must apply to the Province for a permit in which rights may be granted to them for use and occupancy of the land.

1.1.7 Insurance Requirements

All permits will be assessed in respect to risk to the Province as a result of the use and/or activity authorized in an ecological reserve permit. As part of the review process for a new or renewed permit application, insurance requirements will be assessed to ensure:

- Insurance requirements in the permit are consistent with provincial standards;
- Protection for the Province is provided; and
- There is clear direction regarding whether insurance is required or not, the type of insurance and the appropriate amount of insurance.

The Permittee must obtain and pay for all insurances as required by the permit. The Province, its officers and servants must be added as additional insured under the policy with respect to the Permittee's operations as authorized by the permit and the insurance policy must also contain a cross-liability clause.

1.1.8 Term Length

Ecological reserve permits must be issued with a finite term length. Permit terms will be defined in years, months or days with a predetermined expiry date, and may be limited to a single entry. Term lengths will be determined by the nature of the activity, and may have a maximum term length of 10 years. Any permit that will be issued for a term greater than the maximum term length will require approval from the Director, Regional Operations Branch.

1.1.9 Expiration

Expiry of an ecological reserve permit occurs when the 'expiration date' of the permit has been reached. The expiration date will clearly be stated in the permit document. If a Permittee wishes to renew their permit, application to renew must be received prior to the expiration date. Once the expiration date of the permit has passed, if a renewal of the permit has not been requested, a new application for a permit must be made. Issuance of a new permit is at the discretion of BC Parks.

1.1.10 Cancellation or Modification of Ecological Reserve Permit

An ecological reserve permit may be cancelled or modified if it is considered advisable by the administrator for the protection of the ecological reserve or its natural resources. A permit may be cancelled or modified by the administrator by order for reasons including:

- a) conflicts between users;
- b) activities authorized by the permit may cause, or have caused, unauthorized or unanticipated damage to the reserve;
- c) a beneficial use is not being, or has not been, made of the permit;
- d) the terms or conditions of the permit have been broken, or the regulation has been violated by the Permittee;
- e) the Permittee has wilfully misrepresented information; or
- f) the Ecological Reserve is closed by the Province.

The administrator is not required to conduct a hearing before issuing an order to cancel or modify a permit.

1.1.10.1 Appeal of Decision to Cancel or Modify a Permit

Where a permit has been cancelled or modified a Permittee may appeal the order within 30 days of receiving the order, by notifying the minister and the administrator of their intention to appeal. A decision on the appeal will be sent in writing to the Permittee from the administrator.

1.1.11 Permits for Educational Purposes

Permits for educational purposes require submission of an educational program plan. The educational program plan must outline:

- a) the purpose of the program;
- b) how the program will teach participants about the natural features and functions of the ecological reserve; and
- c) how the program will educate participants on the role of the particular ecological reserve(s), both as a separate designation and in the context of the provincial system of ecological reserves and protected areas.

1.1.12 Ecological Scientific Research Reports Required

Where research has been permitted within an ecological reserve under an ecological reserve permit, a report must be submitted within 6 months of completion of the project. Reports are to be submitted to the Permit Authorization Service Bureau (PASB) and must include, at a minimum, the following information (if applicable to the project):

- a) a statement of the methodology used in the research;
- b) an inventory of any plants or animals identified during the research;
- c) geographic coordinates (UTMs) for any unique plants, animals or geological forms;
- d) a description of land forms and soil conditions in the research area; and
- e) a statement of the results obtained and any conclusions or recommendations reached as a result of the research.

Permittees may be required as a term and condition of their permit to submit a copy of other materials produced as part of the overall research project, including journal articles, theses, reports, etc.

1.1.13 Acknowledgement of Use of the Ecological Reserve

Where any press release, announcement, publication or report is released by the Permittee relating to the activity authorized by the ecological reserve permit, the Province, and the ecological reserve, must be acknowledged therein.

Related Guidance/Considerations

BC Parks Conservation Program Policies

<http://www.env.gov.bc.ca/bcparks/consERVE/consprog.html>

BC Parks Impact Assessment Process:

<http://www.env.gov.bc.ca/bcparks/consERVE/impact/impact.html>

Ecological Reserve Act

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/oo_96103_01

Ecological Reserve Regulation

<http://www.canlii.org/en/bc/laws/regu/bc-reg-335-75/latest/bc-reg-335-75.html>

APPROVED AMENDMENTS:

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