

This Act is Current to September 6, 2006

**PARK ACT**  
**[RSBC 1996] CHAPTER 344**

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### Schedules A to F

### Definitions

#### 1 In this Act:

**"conservancy"** means Crown land established by or under this Act or the *Protected Areas of British Columbia Act* as a conservancy;

**"Crown land"** means land owned by the government;

**"designated wildland area"** means a roadless area in a park, conservancy or recreation area that is

(a) retained in a natural condition for the preservation of its ecological environment and scenic features, and

(b) designated or continued as a designated wildland area under this Act.

**"minister"** includes a person designated in writing by the minister;

**"natural resources"** means land, water and atmosphere, their mineral, vegetable and other components, and includes the flora and fauna on and in them;

**"park"** means Crown land established or continued as a park by or under this Act or the *Protected Areas of British Columbia Act*;

**"park officer"** means a director, an officer or an employee appointed under section 4 (1);

**"park ranger"** means a person appointed as a park ranger under section 4 (2);

**"park use permit"** means a licence, issued under this Act, authorizing an activity or a course of behaviour or conduct, or the occupancy, use, development, exploitation or extraction of a natural resource on or in a park or conservancy;

**"permit"**, in sections 20 and 21, means a park use permit or a resource use permit;

**"recreation area"** means Crown land reserved or set aside for public recreational use and established as a recreation area by or under this Act;

**"resource use permit"** means a licence, issued under this Act, authorizing an activity or course of behaviour or conduct or the occupancy, use, development, exploitation or extraction of a natural resource on or in a recreation area.

### **Application of other Acts**

- 2 (1) This Act is subject to the *Environment and Land Use Act*, the *Environmental Assessment Act*, the *Muskwa-Kechika Management Area Act*, the *Wildfire Act*, except section 18 of that Act, and the *Environmental Management Act*, but otherwise, except as provided in this Act, this Act and the regulations are not subject to any other Act or regulation, whenever made, and a minister, ministry of government or agent of the Crown must not exercise any power granted under any other Act or regulation except in accordance with this Act and the regulations.
- (2) A bylaw or regulation of a municipality or regional district, or any provision of it, that is, in any manner, in conflict with, inconsistent with or repugnant to this Act or the regulations, is suspended and of no effect to the extent of the conflict, inconsistency or repugnancy.
- (3) The *Heritage Conservation Act* applies in parks, conservancies and recreation areas.
- (4) Subject to the regulations made under this Act, the *Wildlife Act* applies on any land, trail, path or waterway comprised in an order under section 6 (1) and in parks, conservancies and recreation areas.

### **Duties and responsibilities of minister**

- 3 (1) Except as otherwise provided in this Act, the minister has jurisdiction over, and must manage and administer, all matters concerning parks, conservancies and recreation areas and public and

private use and conduct in them, including all of the following:

- (a) the rights, property and interests of the government in parks, conservancies and recreation areas;
- (b) natural resources in parks, conservancies and recreation areas;
- (c) wildlife and its habitats in parks, conservancies and recreation areas;
- (d) the preservation, development, use and maintenance of parks, conservancies and recreation areas and natural resources in them;
- (e) the regulation and control of public and private individuals in the use or exploitation of parks, conservancies and recreation areas and the natural resources in and on them, and of human activities, behaviour and conduct in parks, conservancies and recreation areas;
- (f) all other matters under this Act.

(2) The minister has, subject to an order under section 6, jurisdiction over and must manage and administer land or a trail, path or waterway comprised in an order under that section.

#### **Directors, officers, employees and park rangers**

4 (1) The minister may appoint one or more directors and other officers and employees under the *Public Service Act* to assist the minister in the performance of duties and the exercise of powers under this Act.

(2) The minister may appoint persons, or persons within a class of persons, to be park rangers.

(3) Subject to the regulations and to any limitations, terms and conditions that may be imposed by the minister under subsection (4), a park ranger is responsible for enforcing compliance with

- (a) this Act and the regulations, and
- (b) other prescribed enactments

within parks, conservancies, recreation areas and any land, trail, path or waterway comprised in an order under section 6 (1).

(4) In appointing park rangers under subsection (2), the minister may

- (a) limit the powers and functions that the person or persons within the class of persons may exercise and perform, and

(b) make the appointment subject to terms and conditions.

### **Collaborative agreements**

**4.1** The minister may enter into an agreement relating to the administration and management of matters and things referred to in section 3 or 6 with any of the following:

- (a) a government corporation;
- (b) a local government;
- (c) the government of Canada, the government of a province of Canada, the government of a jurisdiction outside Canada or an official or agency of any of those governments;
- (d) [Repealed 2006-25-4.]
- (e) any other person or persons.

### **Relations with first nations**

**4.2** (1) The minister may enter into an agreement with a first nation respecting the first nation

- (a) carrying out activities necessary for the exercise of aboriginal rights on, and
- (b) having access for social, ceremonial and cultural purposes to,

land to which section 3 or 6 applies, and in respect of other topics relating to the management of matters and things referred to in section 3 or 6.

(2) An agreement entered into under subsection (1) is not a treaty or a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

(3) For the purposes of subsection (1), "**first nation**" includes

- (a) a band, as defined in the *Indian Act* (Canada),
- (b) another legal entity representing a first nation, or
- (c) a person authorized by a band referred to in paragraph (a) or a legal entity referred to in paragraph (b).

### **Classification of parks and recreation areas**

**5** (1) The Lieutenant Governor in Council may

(a) establish an area of Crown land as a Class A, Class B or Class C park, or as a conservancy or recreation area, or

(b) designate land in a park, conservancy or recreation area as a designated wildland area,

and declare the name by which the park, conservancy, recreation area or designated wildland area is to be known.

(2) Even though the power conferred on the Lieutenant Governor in Council by subsection (1) is expressed as being permissive, the Lieutenant Governor in Council must exercise that power to the extent and as often as may be necessary to ensure that the total area of parks and recreation areas

(a) is not less than 7 300 000 hectares, and

(b) will be not less than 10 000 000 hectares by January 1, 2000.

(3) The parks named and described in Schedules C and D of the *Protected Areas of British Columbia Act* are continued as Class A parks, and are dedicated to the preservation of their natural environments for the inspiration, use and enjoyment of the public.

(3.1) Conservancies are set aside

(a) for the protection and maintenance of their biological diversity and natural environments,

(b) for the preservation and maintenance of social, ceremonial and cultural uses of first nations,

(c) for protection and maintenance of their recreational values, and

(d) to ensure that development or use of their natural resources occurs in a sustainable manner consistent with the purposes of paragraphs (a), (b) and (c).

(4) [Repealed 2000-17-13.]

(5) The Lieutenant Governor in Council may, by order, extend the boundaries of any park, or consolidate 2 or more of the parks, continued or established under subsection (3).

(6) Except as permitted by subsection (5), the boundaries of a park continued or established under subsection (3) must not be affected except by an Act of the Legislature.

**Additional powers for Crown land**

## 6 (1) If

- (a) an order has been made in respect of Crown land under the *Environment and Land Use Act*,
- (b) Crown land has been designated as green belt land under the *Greenbelt Act*,
- (c) Crown land is a heritage site under the *Heritage Conservation Act*,
- (d) land is leased to the government or to an agent of the government for public outdoor recreation,
- (e) land is owned by a person who has entered into an agreement with the government or with an agent of the government respecting the use of the land for outdoor recreation,
- (f) land is owned by a person who has entered into an agreement with the government or an agent of the government respecting the conservation, preservation or protection of the land or an amenity in relation to it,
- (g) a trail, path or waterway owned by the government is available for use by the public as a trail or path, or as a waterway for canoes or small boats, or
- (h) Crown land is established or continued as an ecological reserve under the *Ecological Reserve Act* or by the *Protected Areas of British Columbia Act*,

the Lieutenant Governor in Council may, by order made under this and any other applicable Act, authorize the minister to manage and administer the land, or the trail, path or waterway, or the interest of the government in it.

(2) An order under subsection (1) that is also made under another Act must be consistent with that Act but, subject to that requirement, this Act applies to the land or to the trail, path or waterway to the extent specified in the order.

**Power to define or modify park boundaries**

7 (1) The Lieutenant Governor in Council may cancel or reestablish any park, conservancy or recreation area established under this Act, and

may revise the boundaries of a park, conservancy or recreation area to

- (a) increase or decrease the area of the park, conservancy or recreation area,
- (b) consolidate 2 or more parks, conservancies and recreation areas, or
- (c) divide an existing park, conservancy or recreation area into 2 or more parks, conservancies and recreation areas.

(2) Subsection (1) does not apply to a park referred to in section 5 (3).

### **Official plan**

7.1 (1) For the purposes of this section, "**official plan**" means a plan that is

- (a) certified by the Surveyor General, by signature on the plan, to be an official plan, and
- (b) kept on deposit in the Crown land registry referred to in section 7 of the *Land Act*.

(2) All or part of the boundary of a park, conservancy, designated wildland area or recreation area may be described by reference to

- (a) one or more official plans,
- (b) metes and bounds descriptions,
- (c) lot or parcel descriptions, or
- (d) any combination of the means referred to in paragraphs (a) to (c).

(3) To the extent of any variance between the marked representation of the boundary on an official plan and the metes and bounds or other written descriptions on the official plan, the metes and bounds or other written descriptions prevail.

(4) Copies of official plans must be available for public inspection in the Crown land registry during regular business hours, and a person may obtain a copy of an official plan on payment of a fee prescribed under section 6 (3) of the *Land Act*.

(5) A copy of an official plan, that is certified by the Surveyor General to be a true copy, is admissible as evidence in a court without proof of the signature or official character of the Surveyor General.

### **Publication in Gazette**

- 7.2 An order of the Lieutenant Governor in Council under this Act establishing or modifying a park, conservancy, designated wildland area or recreation area must be published in the Gazette.

### Restriction on alienation of interests

- 8 (1) An interest in land in a Class A or Class C park must not be granted, sold, leased, pre-empted or otherwise alienated or obtained or made the subject of a licence except as authorized by a valid and subsisting park use permit.
- (2) A park use permit referred to in subsection (1) must not be issued unless, in the opinion of the minister, to do so is necessary to preserve or maintain the recreational values of the park involved.
- (3) An interest in land in a Class B park must not be granted, sold, leased, pre-empted or otherwise alienated or obtained except as authorized by a valid and subsisting park use permit.
- (4) A park use permit referred to in subsection (3) must not be issued unless, in the opinion of the minister, to do so is not detrimental to the recreational values of the park concerned.
- (5) Crown land in a recreation area
- (a) is reserved absolutely from sale, and title to that land is retained, in perpetuity, by the government, and
  - (b) is reserved from lease or other disposal under the *Land Act*, except as may be approved by the minister.
- (6) An interest in land in a conservancy must not be granted, sold, leased, pre-empted or otherwise alienated or made the subject of a licence except as authorized by a valid and subsisting park use permit.

### Natural resources protected

- 9 (1) A natural resource other than fish and wildlife taken, hunted or killed in accordance with the *Wildlife Act* and fish, game or wildlife stalked or pursued for observation or for photographic or study purposes, in a Class A or Class C park must not be granted, sold, removed, destroyed, damaged, disturbed or exploited except as authorized by a valid and subsisting park use permit.
- (2) A park use permit referred to in subsection (1) must not be issued unless, in the opinion of the minister, it is necessary for the preservation or maintenance of the recreational values of the park

involved.

(3) A natural resource other than fish and wildlife taken, hunted or killed in accordance with the *Wildlife Act* and fish, game or wildlife stalked or pursued for observation or for photographic or study purposes, in a Class B park must not be granted, sold, removed, destroyed, damaged, disturbed or exploited except as authorized by a valid and subsisting park use permit.

(4) A park use permit referred to in subsection (3) must not be issued unless, in the opinion of the minister, to do so is not detrimental to the recreational values of the park involved.

(5) A natural resource other than fish and wildlife taken, hunted or killed in accordance with the *Wildlife Act* and fish, game or wildlife stalked or pursued for observation or for photographic or study purposes, in a park of any class having an area of 2 023 ha or less or in a designated wildland area must not be granted, sold, removed, destroyed, damaged, disturbed or exploited.

(6) A natural resource other than fish and wildlife taken, hunted or killed in accordance with the *Wildlife Act* and fish, game or wildlife stalked or pursued for observation or for photographic or study purposes, in a recreation area must not be granted, sold, removed, destroyed, disturbed or damaged, exploited, developed, improved or utilized under any Act except as may be approved by the minister.

(6.1) A natural resource, other than fish and wildlife taken, hunted or killed in accordance with the *Wildlife Act* and fish, game or wildlife stalked or pursued for observation or for photographic or study purposes, in a conservancy must not be granted, sold, removed, destroyed, disturbed, damaged, exploited, developed, improved or utilized except as authorized by a valid and subsisting park use permit.

(7) A natural resource in a park of any class must not be granted, sold, removed, destroyed, disturbed, damaged or exploited unless, in the opinion of the minister, the development, improvement and use of the park in accordance with section 12 (3) will not be hindered by it.

(8) [Repealed 2004-22-61.]

(9) A natural resource in a conservancy must not be granted, sold, removed, destroyed, disturbed, damaged or exploited unless, in the opinion of the minister, the development, improvement and use of the conservancy in accordance with section 5 (3.1) will not be hindered by it.

(10) A park use permit must not be issued to authorize the following activities in a conservancy:

- (a) commercial logging;
- (b) mining;
- (c) hydro electric power generation, other than local run-of-the-river projects;
- (d) any other activity unless, in the opinion of the minister, the activity will not restrict, prevent or inhibit the development, improvement or use of the conservancy in accordance with section 5 (3.1).

(11) In subsection (10):

**"commercial logging"** means harvesting timber for the primary purpose of selling or trading the timber;

**"local run-of-the-river projects"**, in relation to a conservancy, means run-of-the-river projects supplying power for use only

- (a) in the conservancy, or
- (b) by communities, including first nation communities, that do not otherwise have access to hydro electric power.

### **Resort and tourism development**

9.1 Nothing in section 8 (2) or 9 (2) prevents the issuance of a park use permit for an activity related to resort or tourism development if, in the minister's opinion, the activity and the development are consistent with or complementary to the recreational values of the park involved.

### **Class C parks boards**

- 10 (1) Every Class C park must be under the jurisdiction of a separate park board appointed by the minister.
- (2) A park board consists of not less than 3 and not more than 7 members and, on appointment of its members, is a corporation.
- (3) A park board must conduct its proceedings and manage, administer, regulate and control the park under its jurisdiction in accordance with this Act and the regulations.

### **Minister may acquire land for parks**

11 (1) For the purpose of establishing or enlarging any park, conservancy

or recreation area, the minister, on behalf of the government, with the approval of the Lieutenant Governor in Council, may do one or more of the following:

(a) purchase or otherwise acquire, accept and take possession of land, improvements on land, timber, timber rights and other rights;

(b) grant, convey or transfer to any person, in exchange for land, improvements, or timber acquired under paragraph (a), other land, timber or rights of the government.

(2) For the purpose of establishing or enlarging a park, conservancy or recreation area, the minister may expropriate

(a) land,

(b) rights under a lease, as defined in the *Mineral Tenure Act*, of the recorded holder of the lease,

(c) rights under a claim, as defined in the *Mineral Tenure Act*, of the recorded holder of the claim,

(d) rights under a Crown granted 2 post claim of its owner, as defined in the *Mineral Tenure Act*,

(e) rights under a lease, as defined in the *Coal Act*, of the lessee under the lease, or

(f) rights under a licence, as defined in the *Coal Act*, of the licensee.

(3) In subsection (2), "Crown granted 2 post claim" has the same meaning as in the *Mineral Tenure Act*.

### **Park categories**

12 (1) The minister may specify a park to be in one of the following categories:

(a) category 1, if the main purpose of the park is the preservation of its particular atmosphere, environment or ecology;

(b) category 2, if the main purpose of the park is the preservation and presentation to the public of specific features of scientific, historic or scenic nature;

(c) category 3, if the main purpose of the park is to offer enjoyment, convenience and comfort to the travelling public;

- (d) category 4, if the main purpose of the park is to offer recreational opportunity to the public of a particular community or area;
  - (e) category 5, if the main purpose of the park is to offer opportunities to participate in a specific recreational activity;
  - (f) category 6, if the park has 2 or more purposes.
- (2) The development and improvement of a park must be
- (a) if the park is in category 1, directed toward and limited to that necessary to the preservation, for public enjoyment, of the atmosphere, environment and ecology of the park,
  - (b) if the park is in category 2, directed toward and limited to that necessary to the preservation, for public enjoyment, of the scientific, historic or scenic features of the park that are specified or described by the minister,
  - (c) if the park is in category 3, directed toward and limited to those necessary to the beautification of the park and the provision of facilities necessary to the enjoyment, convenience and comfort of the travelling public,
  - (d) if the park is in category 4, directed toward the provision of recreational opportunities for the community or communities specified or described by the minister,
  - (e) if the park is in category 5, directed toward and limited to those necessary to the adaptation of the park to a single special use designated by the minister, and
  - (f) if the park is in category 6, directed and limited in accordance with a zoning plan, which must be prepared by the director, allocating various lands of a single park to 2 or more of the purposes enumerated in subsection (1).
- (3) A person must not carry on, in any park, any activity that will restrict, prevent or inhibit the use of the park for its designated purpose.
- (4) [Repealed 2006-25-12.]

### **Private construction restricted**

- 13** A person must not construct, install, erect or place any structure, improvement or work of any nature in a park, conservancy or recreation area, except under the authority of a valid and subsisting park use

permit or resource use permit.

### **Dumping prohibited**

- 14 A person must not transport any garbage, refuse or domestic or industrial waste through, over, in or on any park, conservancy or recreation area or deposit any of that material in or on any park, conservancy or recreation area, except as may be authorized by a valid and subsisting park use permit or resource use permit.

### **Disposal of timber**

- 15 All timber cut on or removed from any park, conservancy or recreation area must be disposed of in accordance with the *Forest Act*.

### **Occupancy and use of park land restricted**

- 16 Except as may be authorized by a valid and subsisting park use permit or resource use permit, a person must not do any of the following:

- (a) use or occupy land in a park, conservancy or recreation area for a log storage area, mill site, road, right of way, disposal area for tailings or waste or any other industrial purpose;
- (b) obtain any surface right or right to the use or occupancy of the surface of any land in a park, conservancy or recreation area;
- (c) exercise in a park, conservancy or recreation area any right under the *Mineral Tenure Act*, the *Coal Act* or the *Petroleum and Natural Gas Act*;
- (d) flood any part of a park, conservancy or recreation area, or impound, divert or distribute water in a park, conservancy or recreation area;
- (e) establish or carry on any work or improvement or any commercial or industrial activity or enterprise in a park, conservancy or recreation area.

### **Authorities of director and officers**

- 17 A director or any park officer acting on the director's behalf may do one or more of the following:

- (a) enter on and inspect any land, road, structure or work in a park, conservancy or recreation area;

- (b) order the repair, alteration, improvement, evacuation or removal of or addition to a structure or work in a park, conservancy or recreation area;
- (c) order any person in any park, conservancy or recreation area to cease or refrain from an action, an omission or conduct that the director or park officer, in his or her discretion, considers dangerous to life or property or detrimental to the public interest;
- (d) require any person in any park, conservancy or recreation area to inform the director or officer of
  - (i) the person's name, address and occupation,
  - (ii) any fact or intention relating to the person's use of the park, conservancy or recreation area, and
  - (iii) the person's conduct and activities in the park, conservancy or recreation area.

#### **Authority to carry out orders**

- 18 If a lawful order of a director or a park officer under section 17 is not carried out or is only partially or imperfectly carried out,
- (a) a director may authorize any person to carry out or complete the carrying out of the order,
  - (b) the expense to the government of carrying out or completing the carrying out of the order is a debt owing to the government by the person to whom the order was first given or directed, recoverable at the suit of the government in any court of competent jurisdiction, and
  - (c) the certificate of a director is proof in the absence of evidence to the contrary of the indebtedness and the amount of the debt.

#### **No rights acquired in contravention of this Act**

- 19 (1) No person may
- (a) acquire any right or title to or interest in
    - (i) any natural resource removed, disturbed, destroyed, damaged or exploited in contravention of this Act, or
    - (ii) any structure, improvement or work constructed, installed, erected or placed in a park, conservancy or

recreation area in contravention of this Act, or

(b) acquire any lien on or in respect of, or any claim against any person or the government in respect of any work or expenditure done or incurred in connection with a natural resource, structure, improvement or work referred to in paragraph (a) (i) or (ii).

(2) The minister or an authorized representative of the minister may seize any natural resource, structure, improvement or work referred to in subsection (1) and sell or otherwise dispose of it for the sole benefit of the government.

### **Issuing permits**

**20** (1) Subject to this Act and only on receiving payment of the prescribed fees, the minister may issue a permit authorizing, on terms and conditions the minister may specify, a person to do anything for which a permit is required under this Act.

(2) The minister may issue a permit under subsection (1)

(a) on receiving an application for the permit and without a public competition for it, or

(b) after advertisement of an intention to issue the permit in accordance with subsection (3) (a) and with a public competition for the permit.

(3) Despite subsection (2) (a) but subject to subsection (4), a permit may not be issued to authorize the offering of goods, services, accommodation or equipment for sale, hire or rent to the public unless the following conditions are met:

(a) advertisement of the intention to issue the permit has been published in at least one issue of a newspaper circulated in

(i) that part of British Columbia in which the offering of goods, services, accommodation or equipment for sale, hire or rent to the public will occur under the permit, or

(ii) if the minister so requires, all of British Columbia or in a part of British Columbia different from that described in subparagraph (i);

(b) written approval for issuing the permit is given by a majority of a committee composed of

- (i) the deputy minister, or his or her designate, as chair, and
  - (ii) 2 park officers designated by a director.
- (4) The minister may waive the requirements of subsection (3) if the permit to be issued is
- (a) a permit under section 30,
  - (b) in respect of the activities of an angling guide or guide outfitter, or
  - (c) for a term of not more than one year, is in respect of activities other than those described in paragraph (b) and will not authorize or involve the construction or installation of any improvements.
- (5) An application for a permit must be made in the form and manner approved by the minister.
- (6) Before issuing a permit under this Act, the minister may require that the permit be signed by the person to whom the permit is proposed to be issued.

### **Permits authorizing road construction in a conservancy**

**20.1** Despite anything in this Act, the minister may issue a park use permit to a person for the construction, use or maintenance of a road in a conservancy if

- (a) the conservancy is named and described in Schedule F of the *Protected Areas of British Columbia Act*, and
- (b) the road is for the purpose of providing access to natural resources lying beyond the conservancy.

### **Applications and assurances required for certain permits**

**21** A permit may not be issued under section 20 to authorize the removal, destruction, disturbance, damage or exploitation of any natural resource or any work, occupancy, undertaking or activity incidental to it unless

- (a) the person to whom the permit is proposed to be issued makes an application for the permit in accordance with section 20 (5), and
- (b) the application is accompanied by a written undertaking, executed by the person to whom the permit is proposed to be issued, to pay to the government, in addition to any other

- sums that may be or become payable under any other Act,
- (i) the cost incurred by the government in surveying, cruising, examining and inspecting the area to be affected, and
  - (ii) the prescribed fees for the permit.

### **Restoration deposit may be required**

- 22 Before issuing a park use permit or resource use permit, the minister or the minister's authorized agent may require the person to whom it is intended to issue the permit to pay to the government a sum that the minister or that agent considers sufficient to defray the cost of the restoration or repair of the park, conservancy or recreation area concerned necessitated by the use authorized by the permit.

### **Permit not transferable**

- 23 A park use permit or resource use permit is not transferable except with the approval of the minister and subject to conditions the minister may determine.

### **Rights and interest vested in government**

- 24 Every right, title and interest in any structure, improvement or installation in a park, conservancy or recreation area belongs to the government except as otherwise provided by a park use permit or resource use permit.

### **No private rights except by permit**

- 25 A person or party must not be permitted to acquire any property right in any park, conservancy or recreation area except under a park use permit or resource use permit as provided for in regulations.

### **Occupiers of improvements on government land exempt from tax on those improvements**

- 26 Lawful occupiers of improvements that are the property of the government in a park, conservancy or recreation area are exempt from taxes under any Act of British Columbia in respect of the improvements.

### **Minister may accept gifts**

- 27 (1) The minister, on behalf of the government, may accept gifts or bequests of money or other property for park or conservancy purposes.

(2) Funds accepted under subsection (1) must be used at the direction of the minister in accordance with the terms of the gift or bequest.

### **Offences and penalties**

- 28** (1) A person who contravenes any provision of this Act commits an offence and is liable to a fine of up to \$1 000 000 or a term of imprisonment of not more than one year or both.
- (2) A person who contravenes a regulation commits an offence and is liable to a fine of up to \$200 000.
- (3) When a contravention of the Act or regulations continues for more than one day, the person is guilty of a separate offence for each day on which the contravention continues.
- (4) Section 5 of the *Offence Act* does not apply to this Act or the regulations.
- (5) The time limit for laying an information for an offence under this Act is
- (a) 3 years after the date that the facts on which the information is based arose, or
  - (b) if the minister issues a certificate described in subsection (6), 18 months after the date that the facts on which the information is based first came to the knowledge of the minister.
- (6) A certificate purporting to have been issued by the minister, certifying the date that the facts on which the information is based first came to the knowledge of the minister,
- (a) is admissible without proof of the signature or official character of the person appearing to have signed the certificate, and
  - (b) is proof of the certified matters.

### **Power to make regulations**

- 29** (1) In this section, "**park**" includes any land, trail, path or waterway comprised in an order under section 6 (1).
- (2) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (3) Without limiting subsection (2), the Lieutenant Governor in Council

may make regulations as follows:

(a) for the administration, management, control, protection and development of a park, conservancy or recreation area and the natural resources in a park, conservancy or recreation area;

(b) respecting the protection of fauna, flora, soil, waters, fossils, natural features, air quality and cultural heritage resources in a park, conservancy or recreation area;

(c) prohibiting or regulating and controlling, in a park, conservancy or recreation area, any of the following:

(i) the possession or discharge of an explosive or of a firearm, bow, crossbow or any other weapon;

(ii) killing, hunting, trapping, angling for, or otherwise taking or disturbing, any animal, fish or bird, or the animals, fish and birds specified in the regulations, including, without limitation,

(A) setting the number, age and sex of specified animals, fish and birds that may be taken by a person within any specified period in the park, conservancy or recreation area,

(B) designating the period during which any animal, fish or bird may be hunted, angled for or taken in the park, conservancy or recreation area, and

(C) requiring a special licence under another enactment, a park use permit or a resource use permit to hunt, trap, angle for or otherwise take any animal, fish or bird in the park, conservancy or recreation area;

(iii) guiding or the offering of guiding services;

(iv) the presence of pets, domestic animals, draft or riding animals or any other specified animals;

(v) access to the park, conservancy or recreation area, including, without limitation, access by air;

(vi) persons and their activities or use of facilities in the park, conservancy or recreation area, including, without limitation,

(A) prohibiting or regulating and controlling guiding activities or sports and leisure activities,

camping or the lighting, fuelling or making use of fires,

(B) prohibiting or regulating and controlling the actions, activities, conduct and behaviour of any person, or any person for whom another person is made responsible under the regulations, and

(C) regulating and controlling groups and the number of persons permitted to use facilities in, or to travel through, the park, conservancy or recreation area;

(vii) the exploitation, development, extraction or use of natural resources on or in the park, conservancy or recreation area;

(viii) vehicular traffic, parking, speed and operation, including, without limitation, the use or presence of any vehicle on any road, highway, trail or elsewhere in the park, conservancy or recreation area and providing for the towing and impoundment of vehicles in contravention of the regulations;

(d) respecting the powers, responsibilities and duties of a park officer or park ranger in managing a park, conservancy or recreation area and in enforcing the laws that apply to, and in respect of, a parks, conservancies or recreation areas, and prescribing enactments for the purposes of section 4 (3) (b);

(e) respecting the design, construction or modification of, and the posting of signs on, in or around, a park, conservancy or recreation area and related facilities and premises;

(f) establishing fees payable to the government for a park use permit or resource use permit, including application fees and fees for processing and administering the permits;

(g) establishing fees, rates and charges payable to the government or to another person for

(i) use of a park, conservancy or recreation area or a natural resource or facility of a park, conservancy or recreation area including, without limitation, any land, campsite, road, parking facility, structure, work, installation or other improvement, and

(ii) maps, informational material, promotional or educational products or services sold or otherwise

provided by the government or another person in a park, conservancy or recreation area;

(h) providing for the collection of the fees, rates and charges under paragraphs (f) and (g);

(i) prescribing uses and services to be provided or permitted for the fees, rates and charges established under paragraph (g);

(j) restricting the application of the *Wildlife Act* in parks, conservancies and recreation areas;

(k) respecting the conduct of proceedings of park boards for Class C parks and for the management, administration, regulation and control of Class C parks by those boards.

(4) A regulation under subsection (3) may be made in relation to one or more parks, conservancies and recreation areas or a class of parks, conservancies and recreation areas or be made specific to a particular portion of one or more parks, conservancies and recreation areas.

(5) A regulation under subsection (3) may prescribe different fees, rates or charges for different classes of persons and may exempt different classes of persons from paying one or more of the fees, rates or charges.

### **Transitional – permits and licences for Schedule D parks**

30 (1) In this section:

**"establishment date"** means the date on which a Schedule D park was established

(a) as a park by or under this Act,

(b) as a park by the *Protected Areas of British Columbia Act*,  
or

(c) as a park or protected area under the *Environment and Land Use Act*,

whichever is earlier;

**"range tenure"** means a grazing licence, grazing permit, hay cutting licence or hay cutting permit issued under the *Range Act*;

**"Schedule D park"** means a park referenced in Schedule D of the *Protected Areas of British Columbia Act*.

(2) This section applies despite any other provision of this Act.

(3) The minister may issue park use permits authorizing persons who, on the establishment date for a Schedule D park, hold

- (a) a permit or other authorization under an enactment, or
- (b) a lien, charge or encumbrance

with respect to the Schedule D park to continue to do anything that the persons were authorized to do by the permit or other authorization or by the lien, charge or encumbrance, other than commercial logging, mining or hydro electric development.

(4) The minister may renew, cancel, amend or approve the transfer of a park use permit issued under subsection (3).

(5) With respect to a Schedule D park,

- (a) a range tenure that
  - (i) was issued under the *Range Act* with respect to the Schedule D park, and
  - (ii) was in effect on the establishment date for the Schedule D park,

continues as the applicable form of range tenure, and must be administered and managed in accordance with the *Range Act* and the *Forest and Range Practices Act*,

(b) new range tenures may be issued under the *Range Act* with respect to the Schedule D park, subject to the limits established by subsection (6), and

(c) range tenures under paragraph (a) or (b) may be transferred, renewed, replaced, suspended, cancelled, amended, consolidated, partitioned and subdivided in accordance with the *Range Act* and the *Forest and Range Practices Act*.

(6) The maximum number of animal unit months, as defined in the *Range Act*, that may be authorized for a Schedule D park by range tenures under subsection (5) is the number of animal unit months authorized for the area of the Schedule D park on the establishment date for the Schedule D park.

(7) This section applies retroactively in relation to a Schedule D park to the extent necessary to give it effect on and after the establishment date for the park.

### **Transitional – validation of existing permits**

- 31 (1) A park use permit issued before the coming into force of the relevant provisions of the *Park Amendment Act, 1995* is conclusively deemed to have been validly issued in compliance with this Act as it read on the date on which the permit was issued.
- (2) Despite this Act, the minister may renew, cancel, amend or transfer a park use permit issued under subsection (1).
- (3) Subsection (1) is retroactive to the extent necessary to give it full force and effect.

### **Transitional – validation of existing permits in conservancies**

- 31.1 (1) Despite section 9 (10) (d), the minister may issue a park use permit authorizing a person who, on the establishment date for a conservancy, holds
- (a) a permit, or other authorization, under an enactment, or
  - (b) a lien, charge or encumbrance
- with respect to the conservancy, to continue to do anything that the person was authorized to do by the permit or other authorization or by the lien, charge or encumbrance, other than activities described in section 9 (10) (a) to (c).
- (2) The minister may renew, cancel, amend or approve the transfer of a park use permit issued under subsection (1).

### **Repealed**

- 32 [Repealed 1997-34-4.]

### **Petroleum and natural gas tenures**

- 33 (1) Despite anything in this Act but subject to this section, an authorization, drilling licence, permit, lease or other right under the *Petroleum and Natural Gas Act* may be issued or granted to a person for purposes of exploration for, or development or production of, petroleum or natural gas in or from the subsurface of land within a park, conservancy or recreation area.
- (2) A person to whom an authorization, drilling licence, permit, lease or other right referred to in subsection (1) is issued or granted need not obtain a park use permit or resource use permit from the minister under this Act for the exploration, development or production activities so authorized or permitted.

- (3) An authorization, drilling licence, permit, lease or other right referred to in subsection (1) may be issued or granted only if the proposed authorization, drilling licence, permit, lease or other right
- (a) does not permit, authorize or allow entry on or occupation, use or disturbance of the surface of land within the park, conservancy or recreation area, and
  - (b) does not grant any surface rights to land within the park, conservancy or recreation area.
- (4) If an authorization, drilling licence, permit, lease or other right referred to in subsection (1) conflicts or is inconsistent with subsection (3) (a) or (b), the authorization, drilling licence, permit, lease or other right is void to the extent of the conflict or inconsistency.
- (5) A person to whom an authorization, drilling licence, permit, lease or other right is issued or granted in accordance with this section
- (a) must not enter on or occupy, use or disturb the surface of the land within the park, conservancy or recreation area for purposes of any authorized or permitted exploration for, or development or production of, petroleum or natural gas,
  - (b) must not authorize, direct or permit any other person to enter on or occupy, use or disturb the surface of the land within the park, conservancy or recreation area for purposes described in paragraph (a), and
  - (c) must comply with all other terms and conditions imposed in the authorization, drilling licence, permit, lease or other right under the *Petroleum and Natural Gas Act*.
- (6) If the person referred to in subsection (5), or any other person acting on behalf of that person, contravenes subsection (5) (a) or (b), the minister may order either or both persons
- (a) to cease or refrain from any or all exploration for, and development and production of, petroleum and natural gas in or from the park, conservancy or recreation area,
  - (b) to restore the surface of the land that is affected by the contravention within the park, conservancy or recreation area to a condition satisfactory to the minister,
  - (c) to do or refrain from doing anything else the minister considers necessary to restore, or to prevent further damage or harm to, the park, conservancy or recreation area or the

natural resources of the park, conservancy or recreation area,  
and

(d) to pay to the government an amount of money as compensation for the cost of any remedial or preventative action taken by, or caused to be taken on behalf of, the government as a result of the contravention

(7) A person to whom an order is directed under subsection (6) must comply with the order.

(8) If an order of the minister under subsection (6) is not carried out or is imperfectly or only partially carried out,

(a) the minister may have the order otherwise carried out to completion, and

(b) the expense to the government of carrying out the order to completion is a debt owing to the government by the person to whom the order was first directed, and is recoverable as such in a court of competent jurisdiction.

(9) A certificate of the minister in respect of the expense referred to in subsection (8) (b) is proof of the indebtedness and the amount of the debt.

### **Designated wildland area transition**

**34** A nature conservancy area existing on the date this section comes into force is continued as a designated wildland area.

### **Schedules A to F**

[Schedules A to F repealed 2000-17-18.]