

Summary of Protected Area Designations and Allowable Activities



BC Parks

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Designation Descriptions

Class A Park

- Class A parks are dedicated to the preservation of their natural environments for the inspiration, use and enjoyment of the public. A Class A park is Crown land designated under the *Park Act* or by the *Protected Areas of British Columbia Act* whose management and development are constrained by the *Park Act*. Sections 8 and 9 of the *Park Act* are the most pertinent in this regard, and direct that a park use permit must not be issued respecting an interest in land or natural resources “unless, in the opinion of the minister, to do so is necessary to preserve or maintain the recreational values of the park involved.”
- Class A parks can be established by two means. Class A parks can be established by either order in council under the *Park Act* or by inclusion in a schedule to the *Protected Areas of British Columbia Act*.

Class B Park

- A Class B park is Crown land designated under the *Park Act* whose management and development are constrained by the *Park Act*. They differ from Class A parks only with respect to the "test" that must be met in order to issue a park use permit. Sections 8 and 9 of the *Park Act* are the most pertinent in this regard, and direct that a park use permit must not be issued respecting an interest in land or natural resources “unless, in the opinion of the minister, to do so is not detrimental to the recreational values of the park concerned.” Accordingly, Class B parks may permit a broader range of activities and uses provided that such uses are not detrimental to the recreational values of the park.
- Class B parks are established by order in council.

Class C Park

- A Class C park is Crown land designated under the *Park Act* whose management and development is constrained by the *Park Act*. The requirements for the management of Class C parks with respect to restricting the alienation of interests and protecting natural resources is identical to those for Class A parks.
- Class C parks are established by order in council.
- A Class C park must be managed by a local board appointed by the minister.

Conservancy

- A conservancy is Crown land, designated under the *Park Act* or by the *Protected Areas of British Columbia Act*, whose management and development is constrained by the *Park Act*.
- The conservancy designation explicitly recognizes the importance of these areas to First Nations for social, ceremonial and cultural uses.
- Commercial logging, mining and hydroelectric power generation, other than local run-of-the-river projects, are prohibited in a conservancy.

- Conservancies provide for a wider range of low impact, compatible economic opportunities than a Class A park. These economic opportunities must still not restrict, prevent or hinder the conservancy from meeting its intended purpose with respect to maintaining biological diversity, natural environments, First Nation’s social, ceremonial and cultural uses, and recreational values.
- Conservancies can be designated by two means. Conservancies can be established by order in council under the *Park Act* or by inclusion in a schedule to the *Protected Areas of British Columbia Act*. Presently, all conservancies are established by inclusion in schedules to the *Protected Areas of British Columbia Act*.

Recreation Area

- A recreation area is defined as Crown land reserved or set aside for public recreational use.
- Recreation areas differ from parks in that the minister has greater discretion in authorizing uses and activities.
- The recreation area designation has evolved over time. In the past, prior to consideration for designation as Class A parks, lands had to be open for a minimum interim period of ten years to permit mineral resource evaluation. During this time, primacy was given to conservation and recreation values as no other industrial activities were permitted. With the introduction of the Protected Areas Strategy and strategic land use planning processes, all recreation areas are being evaluated from both a protected area value and an economic opportunity perspective to determine whether the area should be “upgraded” to full protected area status (e.g. Class A park) or returned to integrated resource management lands.
- Recreation areas are established by order in council.

Ecological Reserve

- The purpose of the *Ecological Reserve Act* is to reserve Crown land for ecological purposes, including the following areas:
 - Areas suitable for scientific research and educational purposes associated with studies in productivity and other aspects of the natural environment;
 - Areas that are representative examples of natural ecosystems in British Columbia;
 - Areas that serve as examples of ecosystems that have been modified by human beings and offer an opportunity to study the recovery of the natural ecosystem from modification;
 - Areas where rare or endangered native plants and animals in their natural habitat may be preserved;
 - Areas that contain unique and rare examples of botanical, zoological or geological phenomena.
- The legislation guiding the program is very restrictive and all extractive activities are prohibited. As such, ecological reserves are considered to be the areas most highly protected and least subject to human influence.

- Ecological reserves can be established by two means: (i) by order in council under the *Ecological Reserve Act* or (ii) by inclusion in schedules to the *Protected Areas of British Columbia Act*.

Designation under the *Environment and Land Use Act*

- The *Environment and Land Use Act* is a broad piece of legislation which empowers a Land Use Committee of Cabinet to ensure that all aspects of the preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development. Orders can be made respecting the environment or land use.
- Protected area designations under the *Environment and Land Use Act* are by order in council.
- Management direction for protected areas is provided by any special conditions included in the establishing order in council and specified provisions of the *Park Act* and *Park, Conservancy and Recreation Area Regulation* as identified in the order in council.

Managing Activities in Parks and Protected Areas

Class A Provincial Park

In a Class A park, no interest in land may be granted or sold and no natural resource may be granted, sold, removed, destroyed, damaged, disturbed or exploited unless authorized by a valid park use permit. The Minister may not issue a park use permit unless, in the opinion of the minister, to do so is necessary to preserve or maintain the recreational values of the park involved."

Any activities other than commercial logging, mining or hydro electric development that were authorized by the Crown on the date a park is established may be allowed to continue in a park if the park is named and described in Schedule D of the *Protected Areas of British Columbia Act*.

Class B Provincial Park

In a Class B park, the Minister must not issue a park use permit respecting an interest in land or use of natural resources unless, in the opinion of the minister, to do so is not detrimental to the recreational values of the park involved. Accordingly, Class B parks may permit a broader range of activities and uses than a Class A park.

Class C Provincial Park

A Class C park must be managed by a Board appointed by the Minister. The Board is responsible for determining allowable uses in a Class C park. The Board must adhere to the requirements of the *Park Act* in doing so, which are identical to those for Class A parks with respect to restricting the alienation of interests and protecting natural resources.

Conservancy

The conservancy designation was created in 2006 as a result of the Coastal Land Use Decision expressly to recognize the importance of some natural areas to First Nations for food, social and ceremonial purposes.

Commercial logging, mining and hydroelectric power generation, other than local run-of-the-river projects, are prohibited in a conservancy. Other activities must be assessed to determine whether they would hinder, restrict prevent or inhibit the development, improvement or use of the conservancy for:

- a) the protection and maintenance of its biological diversity and natural environments;
- b) the preservation and maintenance of social, ceremonial and cultural uses of first nations;
- c) the protection and maintenance of its recreational values; and
- d) development and use of natural resources in a manner consistent with the purposes of (a), (b) and (c) above.

Recreation Area

A recreation area is land reserved or set aside for public recreational use. Recreation areas are reserved absolutely from sale, lease or disposal under the *Land Act* unless approved by the Minister responsible for the *Park Act*. Natural resources in a recreation area may not be granted, sold, removed, destroyed, damaged, disturbed or exploited except as may be approved by the Minister.

Ecological Reserve

All extractive activities are prohibited in ecological reserves. Ecological reserves are areas:

- suitable for scientific research and educational purposes associated with studies in productivity and other aspects of the natural environment;
- that are representative examples of natural ecosystems in British Columbia;
- that serve as examples of ecosystems that have been modified by human beings and offer an opportunity to study the recovery of the natural ecosystem from modification;
- where rare or endangered native plants and animals in their natural habitat may be preserved; or
- that contain unique and rare examples of botanical, zoological or geological phenomena.

Scientific research and educational activities are the principle uses of ecological reserves. Most ecological reserves are open to the public for non-consumptive uses compatible with the ecological reserve purpose.

Designation under the *Environment and Land Use Act*

The *Environment and Land Use Act* empowers a Land Use Committee of Cabinet to ensure that all aspects of the preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development. Government has used this provision to establish protected areas.

Allowable activities in protected areas are determined by the specific provisions set out in the Order in Council establishing the area. Generally, the Order applies relevant sections of the *Park Act* and regulations to the protected area, and one or more activities not usually allowed in a park are allowed to occur. Examples include such things as pipelines, transmission lines, communication sites, and future roads.

Schedules in the *Protected Areas of British Columbia Act*

Schedule A

Schedule A includes those ecological reserves with Official Plans (i.e. mapped boundaries) or updated metes and bounds descriptions.

Schedule B

Schedule B includes ecological reserves which have been continued by adoptive reference to their original orders in council and their boundaries are defined by either metes and bounds or “as outlined in red on the map” descriptions. The intent is to review and update these descriptions and then move the individual ecological reserves into Schedule A.

Schedule C

Schedule C includes many of the older Class A parks (those established prior to 1995) and those established since 1995 which do not require the enabling provisions of section 30 of the *Park Act* which grandfathers pre-existing uses and allow range tenures to continue.

Schedule D

Schedule D includes newer Class A parks established since 1995 and older parks which have had recent additions which require the enabling provisions of section 30 of the *Park Act* to allow pre-existing uses and range tenures to continue.

Schedule E

Schedule E includes most conservancies. Section 20.1 of the *Park Act*, which gives the minister the authority to issue a park use permit for road construction through the conservancy to access natural resources lying beyond the conservancy, does not apply to those conservancies named and described in Schedule E.

Schedule F

Schedule F includes conservancies in which the minister has the authority to issue a park use permit for road construction through the conservancy to access natural resources lying beyond the conservancy (section 20.1 of the *Park Act*).