

# Guidelines for applications to construct or maintain a trail or recreation facility

Authorization is required under section 57 of the *Forest and Range Practices Act* (FRPA) to construct, rehabilitate, or maintain a trail or other recreation facility on Crown land. Recreation Sites and Trails BC (RSTBC), a branch of the Ministry of Environment and Climate Change Strategy, is the authorizing agency responsible for the construction, rehabilitation, or maintenance of trails or recreation facilities. FrontCounter BC assists RSTBC in processing applications for authorization. This document aims to help applicants start an application for authorization to build or maintain recreation facilities on Crown land.

Please be advised that while the information in this document has been verified to the best of our abilities, we can not guarantee that there are no mistakes or errors.

This document contains a number of steps we suggest you follow before applying to RSTBC. We recommend you follow the phases and steps in order as they appear on this document.

- Phase 1 will help you identify whether a Section 57 application is required for the construction, rehabilitation, or maintenance of a trail or recreation facility.
- Phase 2 will guide you on how to support your application through data gathering and map creation.
- Phase 3 will guide you through stakeholder consultation and information sharing (which can cause project delays when done incorrectly).
- Phase 4 guides you through the submission of a Section 57 application.

We encourage outdoor recreation groups and clubs that consider submitting a section 57 application to learn about the First Nations in or adjacent to their communities and on the lands associated with them and some of the best practices for working cooperatively with First Nations. ORCBC's publication, [Working in a Good Way](#), is a good place to start.

## Resources for Completing the Application Form

- Link to [Authorizations page](#) of Recreation Sites and Trails BC
- Infrastructure Guidelines: [Infrastructure Drawings](#)

The FrontCounter BC application guide and application form to build a trail or recreation facility on crown land in BC can be found here:

- [Application Form for Recreation Trail or Facility](#)
- [Application Guide](#)

# Phase One: Determine if an Application is Required

[Section 57 of the Forest and Range Practices Act](#) (FRPA) is provincial legislation that prohibits the construction, maintenance or rehabilitation of a trail or recreation facility on Crown land unless authorized in writing by the Minister or under another enactment. The Minister's authority under s.57 of FRPA has been delegated to several ministry staff, including the District Recreation Officer (DRO).

In other words, the building of all trails or structures (bridges, bike jumps, campsites etc.) on provincial Crown land requires authorization. **Section 57 of FRPA applies to all provincial Crown land outside of parks and protected areas.** BC Parks is responsible for recreation management and planning within BC Parks

## Step 1: Determine if Your Project is on Applicable Crown Land

Ninety-four percent of the land (89.3 million hectares) in British Columbia is Crown land. Provincial Crown land includes provincial parks and other protected areas, Crown forest lands, and non-forested Crown land. The majority of provincial Crown land, about 59 million hectares, is public forest land. A small percentage of provincial Crown land is under municipal jurisdiction, but the vast majority is under the jurisdiction of the Province of BC.

**If your project is on Crown land outside of parks and protected areas, then a Section 57 application is required for the activities specified in the next step.**

## Step 2: Determine if Your Activity Requires Authorization

It is essential to clarify that under section 57 of FRPA, some activities do not require authorization. Activities such as removing brush or deadfall on an existing trail (minor maintenance activities), marking a route with cairns or flagging tape or fire ring while camping are examples of activities that do not require authorization. However, cutting of trees, digging or cutting of brush to create a new trail bed, constructing a new bridge, are examples of activities that DO require authorization under FRPA section 57.

Authorization IS REQUIRED when there is any of the following:

- Ground disturbance
  - significant, continuous grubbing of the soil or rocks along a linear route to establish a visible, long-lasting treadway
  - significant ground excavation for the purpose of parking vehicles, launching boats, etc.
  - significant ground or root disturbance associated with corralling horses.
- Clearing or cutting of vegetation
  - significant, continuous uprooting of shrubs or understory plants along a linear route or over an extended area
  - cutting of standing trees.

- Construction of structures:
  - water bars, stairs, bridges, corrals, etc.
  - other significant structures of a long-term or permanent nature.

For further details on which activities require authorization, please review the [Application Form for Recreation Trail or Facility](#). If you are in doubt about the status of an area and whether section 57 applies, please contact the nearest [District Recreation Officer](#) (DRO) or go to the [Natural Resource Online Services portal](#) to search for more information.

## Phase Two: Data Gathering and Map Creation

It is time to begin the application process once you have verified that your project requires a Section 57 Authorization. This phase helps you prepare essential information to support your project.

### Step 1: Gather Field Data and Site-specific Information

First, do a desktop search to determine land ownership, then go to your site of interest and run through the checklist below. Take notes and photos of the below-mentioned data when applicable.:

- Look for signs of private land, i.e. houses, fences, driveways or power lines
- Look for signs that you are in a park, either regional or provincial
- Check for streams or wetlands (riparian areas) that your project may cross or even be adjacent to, especially riparian areas that are downslope from the area of interest
- Look for 'forestry' or signs of industrial use as in roads or cut blocks
- Check for signs of use by cattle and livestock
- Check for signs of use by other recreation users (mountain bikers, motorized users, hikers, paddlers etc.)
- Note if your project will require the cutting of trees; especially important is if the trees are merchantable (>15cm diameter at the base of the tree)
- Note the species of trees if possible
- Note how far you are from private or urban land
- Take GPS points of key areas (private land, riparian areas, road crossings, etc.)
- GPS the entire project length or project area. Know the length or size of your project. Size matters for the District Recreation Officer's decision-making process.

Note a digital file for the proposal form is required. The form states that without one, the proposal will not be evaluated.

### Step 2: Create Area of Interest Evaluation Report

Create an Area of Interest (AOI) evaluation report to share with the District Recreation Officer (DRO) to add to the **Application Form**. The evaluation report created will include an AOI map or 'general location map' as required by the application form.

To create an AOI map, follow this list of instructions.

1. Click on this link [Explore by Activity](#)
2. Choose *Recreation*
3. Under Construction or Maintenance of a Recreation Site or Trail, click on '*Map an area of interest*'

#### Construction or Maintenance of a Recreation Site or Trail

An application for the construction, rehabilitation, or maintenance of a recreation trail or recreation facility.

[View Guidance](#)

[Map an area of interest](#)

[Apply Now](#)

4. Follow the steps on the left-hand side of the page. For further support view the video tutorial via the link in the upper right-hand corner of the page. If not uploading a digital AOI, choosing by 'place name' might make it easier for the map page to zoom into your location of interest.
5. To move once you are zoomed in, click on the hand icon and drag the cursor to move around the map window.
6. Create your AOI square, circle or polygon using the tools provided in the map window (blue outline below). Hover your cursor over the tools to see what they do.

the Rectangle, Polygon or Circle tools to create your shape. The Line tool will not provide a proper report as there is no 'area' associated with it.

Step 1 : Category of Interest

Your Category of Interest is:

Forestry




Step 2 : Find Your Location


Skip this step if importing geometry in step 3.

Zoom into your location using the search below, or by using the [zoom and pan](#) features on the left side of the map.

Placename

Step 3 : Define your Area of Interest

Use the rectangle , polygon  or circle  tools to draw a boundary around your area of interest to a maximum of 10,000 hectares (100km<sup>2</sup>) OR import a geometry file using the 'Import AOI' option on the top of the map.

**Note:** the line tool  will not provide a proper report as it there is no 'area' associated with it'

Count: 2  
Area: 778.05 ha  
Perimeter: 11.33 km

7. **Run Evaluation report.** It is best to run the detailed report as it will include descriptions of the resources and constraints you will need to review, consider, follow up (i.e. archaeological has a follow-up request email in the report), and, if applicable, address in your application form. *At the end of the detailed report, you will find the proper contact information for the First Nations whom you will be required to communicate your plans to.* The report below is a summary report only. It lists the items or factors associated with the AOI in the map above (blue outlined square)

	Type of Overlap
🔽	Archaeological Interests
🔽	Caribou Herd Locations for BC
🔽	Community Watersheds - Current
🔽	Contacts for First Nation Consultation Areas
🔽	Crown Land Licence
🔽	Legal Planning Objectives - Current - Polygon
🔽	Limited Entry Hunting (LEH) Zones - Current Opportunities
🔽	Old Growth Management Areas (OGMAs) - Non-Legal - Current
🔽	Provincial Parks
🔽	Pulpwood Agreement
🔽	Range Pastures
🔽	Range Units
🔽	Scenic Areas - Modification Visual Quality Objectives
🔽	Scenic Areas - Partial Retention Visual Quality Objectives - Partial Retention
🔽	Species and Ecosystems at Risk - (Masked Secured) Publicly Available Occurrences - CDC
🔽	Terrain Mapping (TER) Project Boundaries
🔽	Trapline Area

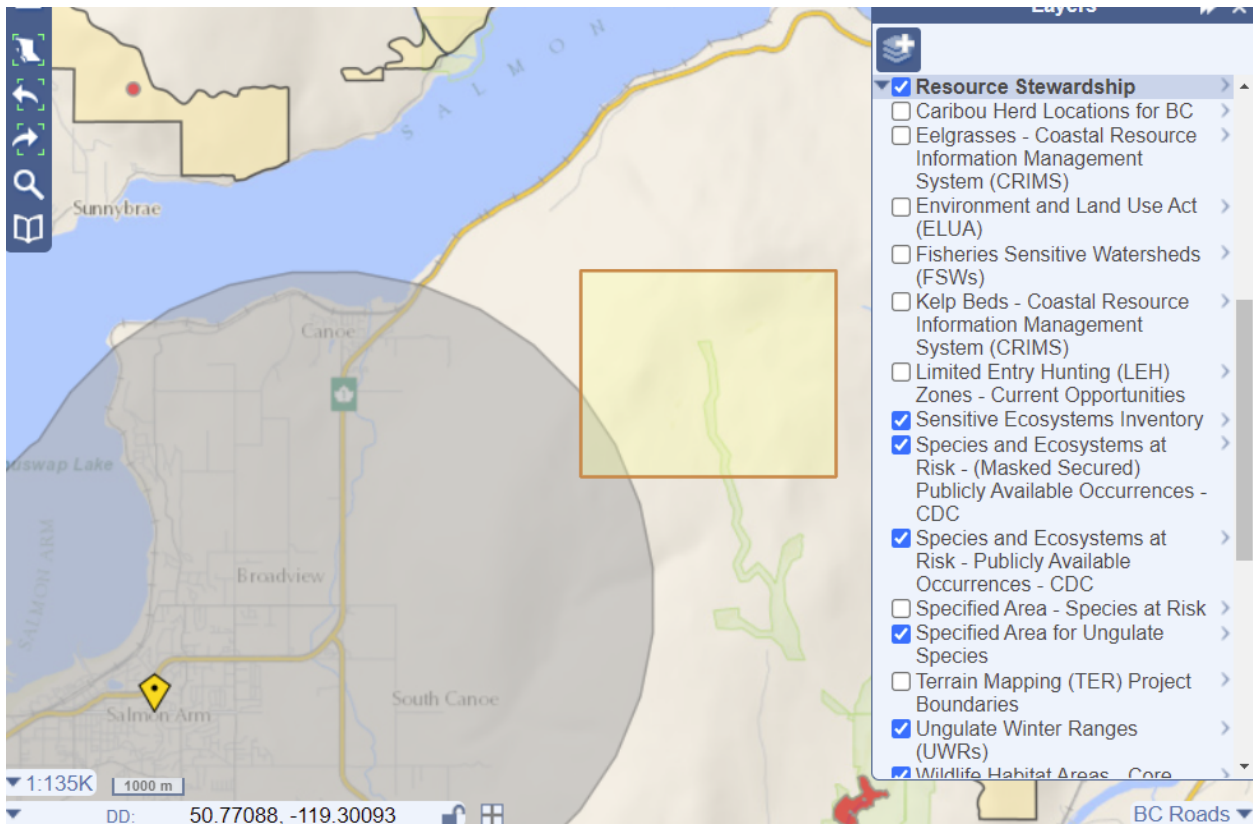
### Step 3: Create Additional Information Maps

Some applications require additional information maps. Suggested maps for your project application include Water, Land Ownership and Resources Stewardship (endangered species, sensitive ecosystems, wildlife habitat areas etc.) maps.

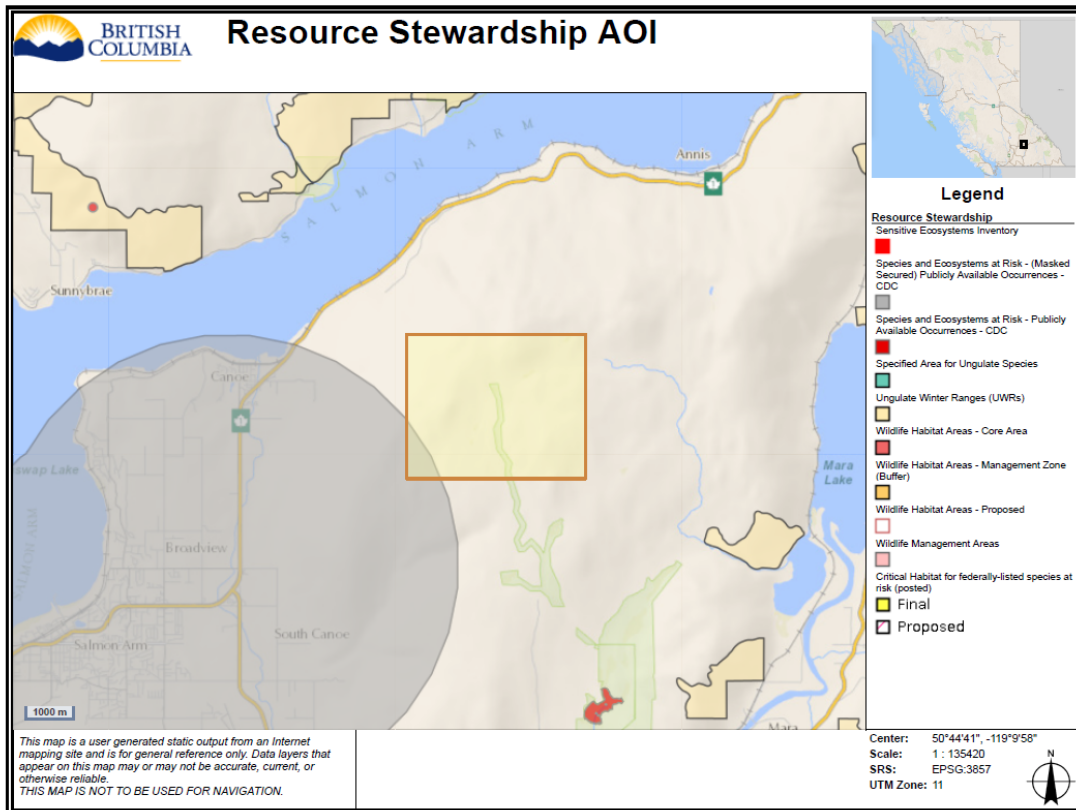
The example below will create a Resources Stewardship map for the sample AOI. The layers were selected based on the resources identified in the evaluation report. For instance, Kelp Beds were not identified for this AOI, so this layer was not chosen for the map. Also, full-screen layers such as Caribou Herd locations covering the entire map window were not selected as they obliterate the mapping of all layers below. *If this is an issue, Imap is your next best option, but it requires more skill.*

To make these maps:

1. Click on and off the map layers by clicking on the layers tab in the top right of the screen.
2. Click the drop-down arrow to expand each resource layer, as in the example below.



3. Click on the printer icon, and a pdf map with legend will show on your screen and be available for download.



Note: “Step 3: Create Additional Information Maps” is suggested only. As per the application form, only a general and specific location map are required.

<b>Digital geo-spatial information provided with application</b> Format: <input type="checkbox"/> gpx file <input type="checkbox"/> shape file <input type="checkbox"/> kml file (must be based on field collected gps data) File name(s): <input type="text"/>	<b>Maps &amp; Photos Included</b> <input type="checkbox"/> General Location Map <input type="checkbox"/> Specific Location Map <input type="checkbox"/> Colour Photographs
<small>(see Application Process Information Package for spatial data requirements and map requirements associated with this application)</small>	

## Phase Three: First Nation and Stakeholder Communication and Information Sharing

We recommend engaging with and building relationships with First Nations should be core to your organization. These efforts should ideally start before you are even thinking about submitting a section 57 application. There are several good resources to help guide you, including [Working in a Good Way](#).

### Step 1: Information Sharing with First Nations

**The duty to consult lies with the Crown** (in this case, the Ministry of Environment and Climate Change Strategy), but it is a best practice to ‘information share’ with the First Nations whose traditional territory your proposal falls within. The number of First Nations in a given area of the province varies widely; there may be less than five Nations in a particular area or more than fifty. See the final pages of the evaluation report (created in Phase two above) for the list of First Nations with whom you are required to share information.

Be open and willing to work with and accommodate the wishes and requests of the First Nations. The information-sharing process must be meaningful, transparent, and complete.

Suggested steps for information sharing:

- Begin by reading [Working in a Good Way](#) and follow the recommendations to more effectively work with First Nations.
- Create a cover letter and add maps to describe your proposal. Offer to meet with their staff to explain the proposal.
- Contact the appropriate First Nation (by phone or search their webpage) and find out who is the ‘referral coordinator’ and how they wish to have a referral submitted. It usually is an email, but more often, there is a submission portal.
- Follow up with a phone call to ensure the referral was received. Ask what the average turnaround time for their referrals is.

- If you have not heard from the Nation after the normal turnaround time, send another email or call again. Often there can be unforeseen delays, and you will only know if you reach out to the Nation. Be patient and polite; the staff are busy and often overwhelmed with referrals.

*Document all your efforts to reach the First Nation, including phone numbers, names and emails.*

## **Responsibilities**

### *Provincial decision-makers*

Provincial decision makers with authority to make decisions about provincial land or resources are responsible for ensuring that the consultation and accommodation record is complete and that that consultation and any accommodation are appropriate for the circumstances.

### *Proponents*

Any party preparing for or making an application to government, including industry, local governments, federal agencies and Crown corporations are encouraged to engage First Nations as early as possible when seeking a decision. Proponents who are involved in consultation should document their engagement activities, share their consultation record with provincial staff, and advise staff of any issues that arise.

### *First Nations*

There is a reciprocal responsibility of First Nations to participate in the consultation process in good faith, to make their concerns regarding impacts on their Aboriginal Interests known and to respond to government's effort to consult.<sup>1</sup>

## **Step 2: Stakeholder Information Sharing**

The following people or groups are suggestions for stakeholders to contact to share information. It is not a complete list.

- Private landowners
- Range tenure holders
- Trapline tenure holders
- Towns, Municipalities and Regional Districts
- Forest Licensee or BC Timber Sales
- Lease owners (recreation land or mining are examples)
- Water tenure holders
- Other recreation groups (bikers, snowmobiling, ATV, hikers etc.) who may use the area or adjacent area
- Ministry of Transportation (if you plan to have a parking lot or may be increasing traffic on a public road)

Follow the same process as recommended in the First Nation engagement section above. However, two attempts to contact (registered letter, email or phone call) are likely sufficient if the stakeholder is adjacent or unlikely to be adversely impacted by the proposal.

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<sup>1</sup> Province of BC (2014): [Guide to Involving Proponents When Consulting First Nations](#)



# Phase Four: Complete the Application Form

It is time to complete the application form and submit it once the necessary documents from the previous steps are collected. To complete the application form:

1. Fill out the application form by clicking on the 'Apply for Section 57 authorization' on the [application page](#). (You will need to scroll down to find the box snipped below.)

[FrontCounterBC](#) assists RSTBC in processing applications for Section 57 authorization.

Read the [application information and guidelines](#)

[Apply for Section 57 authorization](#)

2. Use the resources links in the preamble, your field information and the information from the AOI evaluation report to support your application.
3. Download and save your form.
4. Attach your maps and any supporting documentation.
5. Ensure your application is complete; if not complete, it will not be considered.
6. **Submit to the FrontCounter office closest to the location of your proposal.** Find the nearest front counter office location and contact email by using [this link](#). Ensure it goes to the most appropriate FrontCounter office. Follow up with a phone call to ensure they received your application at the correct office!
7. **Submit your application to the appropriate DRO** and let them know you have submitted it to FrontCounter, just to give them a friendly heads up. Include a written summary in the email of your project and let them know you would be happy to meet with them to discuss the project and the likelihood of it being authorized. Find your local District Recreation Officer [here](#).

If you don't know who to submit to, then contact the [district recreation officer](#) who you believe is closest to your area of interest, and they will let you know who is the best contact.

The final advice is to do your best to identify resources and 'information share' with groups that your proposal may impact. If you are unable to reach specific groups or unable to determine the strength of impact to a known resource within your area of interest, note this on your application and continue to the submission stage. Suppose your application is complete as per the Front Counter adjudication process. In that case, it will continue to the recreation officer, who will be able to provide valuable feedback on the likelihood of approval of your project.

Please contact the Outdoor Recreation Council of BC if you require clarification on this document at [info@orc.bc.ca](mailto:info@orc.bc.ca).

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