

ENVIRONMENTAL LAWS

A Field Guide for BC's
North and Central Coast and Haida Gwaii



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ENVIRONMENTAL LAWS
A FIELD GUIDE FOR BC'S CENTRAL AND
NORTH COAST AND HAIDA GWAI

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Produced by the Environmental Law Centre for the
Coastal Stewardship Network
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2024 Front cover overlay image:
Hemas with Eagle Headdress, Maxwell Johnson Sr.



Maxwell Johnson Sr. is a Haítzaqv artist, grandfather, carver, cultural leader, singer, foster parent, and knowledge holder. Max is known in the community for his work mentoring Haítzaqv youth and leading the painting of the Haítzaqv liáći (Heiltsuk Bighouse) in Bella Bella.



ARTIST STATEMENT

Hemas with Eagle Headdress, Maxwell Johnson Sr.

The image represents our Head Chief, the one who makes the decisions and oversees things in our territory. His headdress with the eagle head, wings and tail is also important because the eagle is very spiritually meaningful to us. The eagle crest represents freedom and prosperity and wealth of our people.

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The Coastal Guardian Watchmen of the Coastal First Nations - Great Bear Initiative are the reason this Field Guide exists. The idea for this Field Guide came out of discussions and conversations with members of the Coastal Stewardship Network who recognized that a user-friendly guide to laws and regulations is an essential tool for the Guardians—the people who monitor and protect their territories and are the eyes and ears on the lands and waters. Staff and students with the Environmental Law Centre updated the Field Guide in 2024 to reflect changes in federal and provincial laws and updates to the Great Bear Rainforest Agreements. We would like to particularly thank the people from Coastal First Nation communities and the Great Bear Initiative who helped to review various versions of this Field Guide.

Any errors and omissions are our own.

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DISCLAIMER

This *Field Guide* is provided for general information as a public and educational resource. State law (federal and provincial) is complex and ever-changing. This publication is not and cannot provide a comprehensive statement of the current law and should not be relied upon as such. The Environmental Law Centre does not warrant the quality, accuracy, or completeness of any information in this document. Such information is provided “as is” without warranty or condition of any kind. This information is not intended to provide legal advice. Please seek the advice of a competent lawyer.

This *Field Guide* was written for the Guardians operating in the Great Bear Rainforest and Haida Gwaii. As such, its content has been tailored to address this coastal context. Readers outside of this geographic area should use the information in this *Field Guide* with additional caution and consult a competent lawyer to gain a full understanding of applicable laws and regulations in their region.

About this Field Guide



Whose Laws Are We Talking About?

Indigenous Nations have inherent authority over their own territories to govern and steward the land, waters, and natural and spiritual beings. This authority is informed by their distinctive laws, worldviews, and management practices, which have shaped their relationships with their territories for millennia.

The purpose of this *Field Guide* is to enable Indigenous Guardians to understand offences under state or colonial laws – those of the federal and provincial governments. While the Field Guide does not set out Indigenous laws, it does not detract from the inherent authority of Indigenous governments over their territories.

At times, this document uses the common term “Crown Lands” to refer to federal or provincial lands. However, this is a classification in state law only. Indigenous authority and Aboriginal title continue over these lands, all of which are traditional territories.

This guide should be read with the caveat that the constitutional recognition of Aboriginal rights and title can make certain laws inapplicable to Indigenous people. For example, restrictions on harvesting plants and fish may be different for Indigenous people. Questions about the application of Aboriginal rights and title should be addressed by a competent lawyer.

Introduction

Environmental Laws: A Field Guide for BC's North and Central Coast and Haida Gwaii is designed to help Guardians monitor and report state (provincial and federal) environmental offences in their territories. The *Field Guide* is a quick reference for people in the field – and it provides a simple snapshot of the law.

When you see a suspicious activity in the field, the Guide helps you answer three basic questions:

1. Is what I see illegal?
2. What specific law applies?
3. What kind of evidence do I need to prove the offence/contravention of the law?

How to Use this Field Guide

Part 1 of the Field Guide provides general **tips** on how to observe and record relevant evidence and how to report an offence.

Part 2 of the Field Guide **lists environmental offences and describes the key elements of each one**. Compare the suspect's actions with the offences described in the Guide. If the actions match an offence, you can then look for evidence to prove that offence. The *Field Guide* also provides:

- The **section number** of the statute or regulation that creates major offences, placed in brackets beside those major offences. A **Table** at [Appendix 2](#) contains the key that explains the abbreviations for the different laws.

- **Contact information** for relevant officials to call to report particular types of offences. See the end of each chapter and [Appendix 1](#). (Note: the terms “government official” or “enforcement agency official” are used to describe the federal/provincial officials that respond to various offences – e.g., Fishery Officers from the Department of Fisheries and Oceans, BC Conservation Officers, BC Park Rangers, RCMP Officers, compliance and enforcement officials with the Ministry of Forests, and National Park wardens.)
- **Appendices** with additional resources and more detailed information on specific rules.
- An **Index** to help you easily find specific topics within the Field Guide.

Note that the *Field Guide* is not comprehensive. It does not go into detail but gives you a brief, highly simplified description that can get you started.

For the sake of brevity, this *Field Guide* generally refers to breaches of the law as “offences.” Note that some breaches are technically “contraventions,” penalized with administrative penalties.

PART 1

Getting Started



Before You Head Out

This *Field Guide* cites many regulations that have specific measures for specific areas in the Great Bear Rainforest and Haida Gwaii. Before you head out on the water or the land, make sure you have printed out the relevant regulations for your Nation's territory:

- **Hunting regulations in parks, conservancies and recreation areas**
 - http://www2.env.gov.bc.ca/fw/wildlife/hunting/regulations/docs/PARKS_HUNT.pdf [https://perma.cc/8BUE-CRUM].
- **Hunting seasons, bag limits, no shooting areas and limited/no hunting areas**
 - **Skeena region:**
<https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/hunting/regulations/2022-2024/hunting-trapping-synopsis-region-6-skeena.pdf>
 - **Cariboo region:**
<https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/hunting/regulations/2022-2024/hunting-trapping-synopsis-region-5-cariboo.pdf>
- **Tidal fishing openings, closures, possession limits by management area**
 - <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/bc-zones-cb-eng.html> [https://perma.cc/ST6F-2YCA]
- **Shellfish gathering closures by region**
 - <https://www.pac.dfo-mpo.gc.ca/fm-gp/shellfish-mollusques/contamination/index-eng.html> [https://perma.cc/N99A-YERY]

- **Regional freshwater fishing quotas**
 - https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/freshwater-fishing/fishing_synopsis.pdf
- **Great Bear Rainforest Land Use Order**
 - https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/westcoast-region/great-bear-rainforest/great_bear_rainforest_land_use_objectives_order_june_2023.pdf?bcgovtm=CSMLS
- **Haida Gwaii Land Use Order**
 - <http://www.haidagwaiimanagementcouncil.ca/wp-content/uploads/2019/03/HGLUOO-Consolidated-Order-2017-Final-Signed.pdf> [https://perma.cc/37FV-89AB]

Safety First!

- Always use caution when approaching the scene of a potential offence.
- Generally, observe and gather information from a safe distance.
- What's a safe distance? If you hold one thumb up to eye level and you can still see the person, you are too close.
- Avoid talking to possible suspects in situations that may be dangerous – e.g., at night, when people have weapons or are drinking, if you are alone in an isolated place, or when the person may be committing a crime or major offence. If possible, it is usually better to leave questioning of suspects to agency officials or peace officers.
- If the person is uncooperative, maintain your distance and make notes.
- If there is a pollutant, and you are not sure what it is, STAY BACK.
- Call in backup help earlier rather than later. Contact the responsible government agency.
- Remember that it can be an offence for you to interfere with a person who is hunting, fishing, guiding or trapping if the person has a licence or permit and is not committing any offences while doing so [s.80 WLDA].
- You do not have the legal powers of government officials to stop and board vessels, detain people to investigate, demand identification, seize gear, etc.
- Note: This is not necessarily the case for the Nuxalk and Kitasoo Xai'xais Nations, who have an ongoing pilot project with the Province of BC under which specific Guardians have Park Ranger authorities.

THE MAIN PURPOSE OF THIS FIELD GUIDE: HELPING YOU IDENTIFY A POTENTIAL OFFENCE

When you see suspicious activity, use [Part 2](#) of this Field Guide to see if the activity is illegal. Once you find an offence that might apply, review the Guide description of the offence to see what the key **legal elements** of the offence are.

Legal elements are the **essential ingredients** of an offence – the facts or conditions that must be proven to convict. For example, for the offence of fishing in an area closed to fishing, two main legal elements need to be proven:

- fishing;
- that the area was closed to fishing of the type being done.

Once you know the legal elements of the offence, you can look for evidence to prove those **legal elements**. What evidence is there that the person was fishing? And what evidence is there that the area is closed to this type of fishing?

SOME LEGAL BACKGROUND: WHAT MUST BE PROVEN?

To prove an offence or contravention, it is necessary to prove:

1. Who, when, where -- (the "primary elements"); and
2. What -- (the "legal elements of the offence.")

Remember:

Primary Elements + Legal Elements of the Offence = Proof of the Offence

In other words:

Who + When + Where + What = Conviction

Look for information and evidence to prove both the **primary elements** and the **legal elements** of the offence.

More on the Elements

Primary Elements (Who, When, Where, What)

When you see an offence, record information on the four essentials: the *who*, the *when*, the *where*, and the *what*:

Who – The Identity of the Offender

It is necessary to prove that the person charged is the person who committed the offence. Write down as much information as possible about who did it. Identity can be proven by:

- Jotting down a detailed description of the person and their boat/vehicle (including licence numbers, boat name);
- Asking witnesses to identify the offender (get witness contact info);
- If appropriate and safe, asking the person's name and who they are working for;
- Asking to see identification and licences; and
- Taking photos, if safe to do so.

Use caution if people are hostile – safety first! Note that while you can ask the person's name, place of work, identification and licenses, the person whom you ask does not have to give it to you.

See "Using Your Notebook" below for more details.

When – The Date and Time

Make sure your watch shows the accurate time and date and write that down. Cases can be lost if you have the time or date wrong – the defendant may prove they were somewhere else at the time you claim the offence took place.

If you don't know the exact time and date, estimate it as well as possible ("on or about [insert time and date].") It is best to write down what you saw or what happened as soon as you can – so that your time is as accurate as possible. If you are writing down an estimate, say so.

If an offence lasts for more than one day (e.g., pollution leaking into a river for three days), make a note of the violation for every day that it happens – each day may constitute a new offence.

Where – The Location

- Write down exactly where the offence occurred.
- Be specific: write down the dock name, distance and direction from landmarks, name of water body/area/park, other relevant description of surroundings.
- Use your GPS to identify exact latitude and longitude. Plotting on radar and charts is also useful.
- It may be helpful to mark it on a map or draw a sketch in your notebook.
- Take photos of the area surrounding the offence to help locate it.
- If you can only estimate the location, note it down as "in or near (name of location) ..."

Location is important because to file charges, officials need to be able to specify where the offence took place. Remember that an activity that is an offence in one location may not be an offence elsewhere – it can depend on whether the activity took place in a park, in a conservancy, at an archaeological site, in an area closed to fishing, or on Crown land.

What – Legal Elements of the Offence

As noted, the **legal elements** are the facts or conditions that have to be proven to convict someone. For example, s. 36(3) of the Fisheries Act has three essential elements:

- *deposit;*
- *of a deleterious (harmful) substance;*
- *in water frequented by fish.*

You have to prove that (1) the person deposited a substance, (2) that the substance was deleterious, and (3) that the water was frequented by fish.

When you read the description of the offences in this Field Guide, look for the essential elements of the offence. Then try to record information and evidence to prove every element.

Hopefully, you will be able to report the offence that you saw – and the hard evidence that proves each element of that offence.

What is Evidence?

To convict the offender there must be **evidence** to prove all the elements: who, when, where and what. It is necessary to prove to **someone who wasn't there** that an offence took place and that the suspect did it.

Convincing evidence is needed.

Evidence is anything that tends to prove a fact. There are many different kinds of evidence, including:

- Your testimony about what you observed. This is usually based on your notes of what you saw, heard, smelled, and observed. In some cases, your notebook itself may be entered as evidence.
- Testimony of what witnesses observed (take notes and get contact info.)

- The offender's statements, including admissions made to witnesses, agency officials, or to you.
- Photos/videos/recordings of the scene, the offence taking place, etc. Shots of the scene and surroundings can provide information not documented in your notes. Photos of things like closure signs may be critical. Some photos should include an object (e.g., a pen, hat, shovel) to offer perspective.
- Photos and other evidence proving the licence numbers and names of boats and vehicles.
- Sketches and maps drawn by you to show the exact location of items of evidence, their relative positions to each other, and distances between them. (You may use pre-printed maps, if available.)
- Objects and other physical evidence from the scene (e.g., water samples, pollution samples, shell casings, illegal traps and lines, etc.) See below.
- Government documents (e.g., to prove closures, that a species is endangered, etc.) and other relevant documents.
- Expert opinion evidence from qualified experts.
- Evidence of weather conditions (precipitation, temperature, sunny or cloudy, depth of snow, etc.) is often important and should be documented.

Remember:

- **The better the evidence collected, the better the chance of proving the violation!**
- **As a general rule, do not disturb physical evidence until it is photographed – and you are told to do so by a law enforcement officer.**

Using Your Notebook to Record Evidence and Information

THE IMPORTANCE OF YOUR NOTEBOOK

Your notebook is key to making a **complete and accurate report**. In addition, if the case goes to court, you must have accurate notes to testify effectively. Many cases have been lost because the notetaker failed to get contact information for an important witness. Others have been lost because a witness's notes were inaccurate or incomplete. Remember that defence lawyers can examine your notes – and criticize them if they are inadequate or contradict the prosecution's case.

When you investigate, people will tell you things, provide names and addresses, and give descriptions. You may take measurements and observe important details. If your notes are not accurate, you won't be able to testify correctly about all this information. Your whole story can be challenged if your notes are inadequate.

If the case doesn't go to court – or is dealt with by government officials considering an administrative penalty – your notes may not be as highly scrutinized, but they should still be as complete and credible as possible.

General Notebook Tips

- Your notebook should be a bound book (not a three-ring binder). Record your name at the front of your notebook.
- Start every outing by making an entry in your notebook. Make note of the time you leave and return and where you go. Even if nothing unusual or suspicious happens on that day, if you were "on the job" you must make note of that. Consistency in making entries is very important for the credibility of the notebook.
- Write down the name of anyone who is with you on a particular day in your notebook. Do not share notebooks – you should be the only person writing in them.

- Everyone at the scene who has a notebook should write what took place in their own books.
- Make notes as soon as possible after an offence happens. The sooner the writing happens, the more accurate and reliable the record is.
- Keep all your notebooks in a secure locked place -- they may be needed a long time later. Never throw them out!
- Use only one notebook at a time.
- Capture all the details - but remember, quality matters, not just quantity.
- Details may include diagrams, maps, sketches, point form, incomplete sentences.
- Noting things like the weather may be useful to help you remember what happened.
- Odd things may be worth noting too because they will stand out in your memory.
- Print names and addresses carefully in block letters to avoid mistakes.
- Make corrections immediately. If you make a mistake, cross it out using just a single line through the error. **Do not erase the error or use correction fluid.** When you are finished making the correction, initial it.
- Make entries in the notebook as they happen. Do not skip pages or leave blank spaces or lines.
- **Do not tear pages out of your notebook** – a notebook with pages missing or blank pages may not be considered trustworthy by the court.
- Make sure your notes are as neat as possible.
- Use the margins to record times.
- Do not write unrelated things, like work lists and shopping lists in your notebook.

Details to Include in your Notebook

Generally, record what actually happened, in as much detail as you can. Even if you are not sure that what you see is an actual offence, take notes and gather evidence in case it is. Remember that others may be able to gather more evidence of an offence.

Specifically, you should include:

- Date.
- Time of the offence. Note if the offence is ongoing.
- Location – be specific (see “Where” above.)
- Weather conditions.
- Description of any physical evidence. Be specific. Instead of writing “empty can” write “empty, rusted, dented two litre Husky oil container.” Instead of writing “dead bear” write “dead grizzly cub.” Instead of writing “pile of garbage” write “pile of styrofoam chunks, netting, cans, cardboard, crab shells and other garbage.”
- Diagrams, sketches or maps to show the location, the scene, where evidence was found, etc.
- Take photos of the scene and all evidence, **as it was found** (see “What is evidence” above.)
- Draw a sketch of the location of the photographed evidence. Note the date, time and weather conditions when photos were taken.
- **For each photo**, write down the **number** of the photo, what the photo shows, time, map of the direction the photo was taken from, distance from the camera to the item you photographed, and other pertinent information.
- Quickly make notes about things that may change soon. For example, pollution may flow down the stream, witnesses and suspects might leave, or the weather might shift, so observe and record these things right away.

- Identify the kind of offence. Did it involve wildlife, fish, salmon, shellfish, logging, the forest, pesticides, oil spill, chemical spill, etc.? What action took place that was illegal?
- Identify the people involved. Full names, addresses, phone numbers, email addresses (even dates of birth) of witnesses or persons of interest are useful if people are willing to volunteer that information.
- Describe the people involved (by name if known; you may also describe them by age, height, build, weight, race, hair and eye colour, ears, nose, walk, dress, gender, scars, tattoos, or other distinguishing characteristics). Photos are ideal, if safe to take.
- Describe vessels, vehicles and other property. Write down both the name and the licence number on vessels and licence numbers of vehicles. Also note colour, size, make, pattern, initials, or other identifying marks, as well as who was operating it. If available, note serial number, model number, licence and registration. Get photos, if safe to do so.
- Describe what you personally saw and did.
- Describe what witnesses say they observed. Describe exactly what you heard people say and who said it. **When quoting people, try to quote them “word for word” and as accurately as possible!** (See “Speaking to Resource Users” and “Talking to Witnesses” below.)
- If an offence is recurring on more than one day, make a note of each day you observed it.

Speaking to Resource Users

Remember – Safety First! Avoid confrontations and potentially unsafe situations. If possible, it is usually better to leave questioning of suspects to agency officials.

Possible Conversation Approach:

- Greeting: “Good afternoon... It’s a nice day. How are you doing?”
- Identify yourself and your affiliation: “I am Coastal Guardian (Your Name) of the (Your First Nation). We monitor compliance with environmental laws in our territory.”
- Give reason for engagement: “I stopped to talk to you today because you are fishing in an area that’s currently closed to fishing.”
- Request licence or identification if the person is not hostile: “You are not obliged to show me your licence; however, would you mind showing it to me?” **Note that while you can ask for this information, the person whom you ask does not have to give it to you.** If they refuse, just move on in the conversation and avoid confrontation.
- Request: “I request your cooperation in reaching compliance by not fishing in this area because it’s closed....”
- Provide detail and educate by outlining the issue in reasonable terms.
- Closure: “Thanks for taking the time to speak with me, have a good day.”
- Document and report: When reporting what the person said, quote word for word, and as accurately as possible. Make good notes describing the people, their vehicle/vessel, etc.

Talking to Witnesses

See Safety First! above.

- Greeting: “Good evening. It’s a nice evening tonight.”
- Identify yourself and your affiliation: “I am Coastal Guardian (Your Name) of the (Your First Nation). We monitor compliance with environmental laws in our territory to protect our natural resources.”
- Give reason for engagement: “I stopped to talk to you today because we are investigating possible fishing offences and collecting evidence that we will pass on to officials for possible prosecution. We’re hoping you can help us out.”
- Ask the witness to give you their story about what they saw.
- Start with non-intimidating, open-ended questions that allow the person to tell their story, not just answer yes or no: “What’s been going on here?”, “Can you start at the beginning and tell me what happened?”, “What do you know about this?”
- Be careful not to put your words into the mouths of witnesses.
- Write down their description of the events and the offence **in their own words**. Put quote marks around direct quotations.
- Avoid interrupting. Let the person finish their whole answer before you ask another question.
- Listen actively. Look up from notetaking to make eye contact. Encourage the person: “I see...”, “Go on...”, “M-m-m-m”, “What happened next?”, “Tell me more about...”, “That’s remarkable...”
- Allow silence after asking questions, to give the person time to think.
- Restate what the person has told you, then be quiet to let the person respond.
- Probe for more details when necessary.

- Ask closed questions about details (that require a yes or no answer, or a very specific answer to a narrow question) only after you've exhausted open-ended questions.
- Ask questions related to all elements of the offence: the "who," the "what," the "when" and the "where."
- Make sure you have the **order** that things happened straight.
- In the end, summarize what you've heard.
- If possible, recap your notes for the witness and ask them if they are correct.

Collecting and Preserving Physical Evidence

- **Evidence of Licences and Permits:** Coastal Guardians, except those from Kitasoo Xai'xais and Nuxalk Nations with delegated BC Park ranger authorities, do not have the authority to demand that a person produce their federal or provincial licences or permits -- only federal/provincial officials can do this.

However, even though a Person has no legal duty to show you their licence/permit, you can simply ask to see it. The person may simply admit they don't have it.

- When possible, it is generally better to **let agency enforcement officers obtain the actual evidence and question suspects**. They have:
 - the legal power to compel production of evidence;
 - systems in place for collecting and storing evidence in a way that a court will accept; and
 - the advantage that their evidence is less likely to be thrown out by the court and will generally be given more weight.

As a general rule, do not personally collect evidence from the scene of the violation unless a law enforcement official asks you to.

- Touching objects, walking on stains, and making footprints and tire marks can destroy evidence and create false leads. You don't have authority to order people to stay away from the scene of the offence – but you can place flagging tape around the site and encourage people to stay away until officers arrive. Explain what has happened to passersby and ask for their cooperation in not going near the scene. Try to make sure that none of the evidence is touched or taken. Take notes of when, how, and why you took action to secure the scene.
- When you contact the government official, ask if someone will be sent to the area. If no-one will be sent, ask if you can gather the evidence for them. In some cases, you may collect evidence that will disappear right away (such as pollutants dispersing in a stream). **You should have training in properly collecting and securing such evidence.**
- However, if you are not sure what the spilled substance is, **STAY BACK** and take photos and make notes from a distance. **DO NOT** approach chemical spills and stay upwind from the site. **DO NOT** collect toxic samples unless you have received training in how to do so safely.
- If you do collect items for evidence, they need to be preserved correctly. Take pictures of any object that you might collect before you pick it up. The pictures should show how the scene looked when you got there. Note pertinent information about the photo in your notebook and record the location of the evidence on a scene map.
- If you are carrying latex gloves, put on a fresh pair before picking up the evidence.
- Generally, when collecting evidence, package the items of evidence by following these steps:
- Items should be collected in an appropriate clean container (e.g., bag, box, jar) with one item in each container.

- Identify the item on the container (e.g., Item #1).
- Seal package with tape.
- Write the date, your initials and item # over the taped seal.
- Organic matter should be dried and contained in clean paper or fibre packaging material, to avoid contamination. After putting the organic evidence package into a proper container and labeling it, freeze the package to avoid deterioration of the evidence.
- Write in your notebook detailed and accurate notes about the evidence (who found it, where it was found, how it was marked, and how it was dealt with) at the time you collect it.
- Do not let anyone else handle the evidence, until you transfer it to a government official. If the evidence leaves your possession, make a record of who you gave it to and the time and date. Write down when and where the evidence was stored – and make sure the storage place is locked and not accessible by anyone else.
- Don't get discouraged if you don't have a complete set of evidence. Get all the evidence available and make the report. It may well be enough – or other evidence may turn up later to build a solid case.

Reporting the Suspicious Activity

- Once you have finished writing your notes, review them to make sure they are complete and accurate.
- File a report with the appropriate federal/provincial agency as soon as you can. (See model report form at [Appendix 7](#).) Be sure to confirm with the agency you contact that they are the appropriate authority! If not, ask how to reach the right official.
- Ask the agency for a file number and a contact person for follow-up.
- Provide your contact information.
- Ask the person who takes your report to contact you when a conservation officer, fisheries officer, park ranger or other official is assigned to the file. Tell them that you will be tracking their response and are interested in seeing the matter resolved as soon as possible.
- Immediately enter your information into the CoastTracker app, using the appropriate form (i.e. Suspicious Activity/Enforcement Incident) – or on other relevant and robust systems for recording information established for your Nation. It is important to keep track of all suspicious activities you come across, even if no charges are laid. All suspicious and illegal activities should be tracked and recorded.
- Documenting this information in the online data management system will help to:
 - identify trends in suspicious and illegal activities; and
 - document government officials' responses to Coastal Guardian offence reports.
- Keep a copy of everything.

Follow Up

- Call the government official that was assigned to your file two weeks after you make the initial report.
- Document all conversations you have with the government officials.
- Log any follow up conversations you have with government officials onto the **RMS** or other systems used by your Nation. It is important to track and document the response or lack of response from government agencies.

PART 2

Common Environmental Offences in the Great Bear Rainforest and Haida Gwaii



What is the Law?

Remember that the description of offences and contraventions in this Field Guide is very simplified and is offered for rough guidance. Consult the legislation or regulation for the definitive wording.

Because laws are constantly changing, it is recommended that you consult the latest version of the law by:

- Contacting appropriate agencies; and
- Following the links found in Appendix 3 to obtain up-to-date provincial and federal statutes and regulations.

Note:

Below we describe general laws and regulations. However, **additional rules** may apply to the individual businesses in your territory. For example, industrial projects, energy projects, resorts, commercial recreation businesses can be subject to additional legal rules found in:

- their Crown lease or licence;
- their Environmental Assessment Certificate;
- government permits, licences, and approvals; or
- other documents, such as forest stewardship plans, Integrated Fisheries Management Plans, etc.



FISHING

Before You Head Out

Make sure you have printed out the fishing regulations specific to your Nation's territory (NOTE: check links frequently to keep abreast of changing conditions):

- **Tidal fishing openings, closures, catch limits by management area:**
 - <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/bc-zones-cb-eng.html> [<https://perma.cc/ST6F-2YCA>]
- **Shellfish gathering closures by region:**
 - <https://www.pac.dfo-mpo.gc.ca/fm-gp/shellfish-mollusques/contamination/index-eng.html> [<https://perma.cc/N99A-YERY>]
- **Regional freshwater fishing quotas:**
 - https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/freshwater-fishing/fishing_synopsis.pdf

Background Notes

- Remember that general fishing laws may be subject to an Aboriginal right to fish traditional waters for food, social, ceremonial and sometimes commercial purposes.
- The laws for tidal (ocean) fishing and freshwater fishing are different. Some laws are different for sport fishing and commercial fishing.
- The Coast is divided into Fishing Management Areas for freshwater fishing and tidal fishing, with different rules applying to different areas. See [Appendix 4](#) for freshwater and tidal area maps.

Keep up with Closures and Other Changing Laws

- Some fisheries rules change weekly. Maintain regular communication with your local Fishery Officer to stay up to date on the latest rules on fishing closures, possession limits, rules on prohibited species, etc.
- Check the DFO website at <https://notices.dfo-mpo.gc.ca/fns-sap/index-eng.cfm> [<https://perma.cc/KLL8-6ZHS>] or call **1.866.431.3474** every week to find out about fishing closures.
- You can subscribe via email to DFO fishery notices, and tailor what you receive based on specific fishery categories of interest or management areas of interest. To sign up go to: https://www-ops2.pac.dfo-mpo.gc.ca/fns-sap/index-eng.cfm?pg=pub_reg [<https://perma.cc/7NWZ-MHX4>].
- Freshwater fishing closures and other rules are listed in the 2023-2025 Freshwater Fishing Regulations Synopsis at https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/freshwater-fishing/fishing_synopsis.pdf. Ask your local conservation officer for a copy.

LICENCE REQUIREMENTS

- It is **illegal** to fish without a required **licence** (s.12 WA).
- **Tidal Waters:**
 - Adults and children must have a BC Tidal Waters Sport Fishing Licence to sport fish in tidal waters (s.26 PFR and s.18 BCSFR).
 - This includes **finfish, shellfish, crabs, shrimp** and **octopus**.
 - First Nations individuals can fish under an **Aboriginal Communal Licence**
 - Federal officials typically require status cards as proof.

Freshwater

- Adults need a Non-Tidal Angling Licence to fish for sport in freshwater (s.2 FFR).
- Resident children under 16 can fish for sport without a licence and are entitled to their own quota (s.4 AASCR).
- Non-resident children under 16 years do not need a licence if accompanied by a licence-holder (s.4 AASCR). However, fish caught by the child count against the quota of the licence-holder, unless the child has a separate licence (s.4 AASCR).
- First Nations individuals with a **status card** are not required to have a licence in freshwater (s. 35 *Constitution Act, 1982*).

CATCH LIMITS AND SALMON STAMPS

Tidal fishing

- Catch Limits vary by species and change seasonally. See the DFO website that contains up-to-date catch limits. See <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/bc-zones-cb-eng.html> [<https://perma.cc/F33V-KJ5V>] and click on the area that you are operating in.

SALMON CATCH LIMITS

- For example, at time of publication, salmon catch limits in the **Haida Gwaii** region include:
 - A maximum of four salmon in total may be caught and kept in a single day.
 - Only two of these may be Chinook salmon.
 - A person cannot possess more than twice the daily catch limit.
- To catch and retain salmon, the fishing licence must also have a separately purchased salmon conservation stamp (s.18(1)(b) BCSFR).
- A person must promptly record (in ink) retained Chinook salmon and lingcod (where required) on their tidal waters fishing licence or in the DFO catch registry (if possible). For non-tidal angling licences, all adult Chinook retained must be recorded (s.22 BCSFR).

OTHER LIMITS

- **Wild trout** catch limit is **two** per day.
- In **tidal waters**, it is illegal to have more than **double** the daily limit of a species of fish (other than halibut), except at your ordinary place of residence (s.13(1) BCSFR). Campsites, motor homes and boats are not an ordinary place of residence unless the person lives there full time (s.13(1) BCSFR).
- In **tidal water**, a maximum of **30 Chinook salmon** may be caught and kept in one year. However, this can vary by area – check regional limits (s.47(d) BCSFR).
- In specified **non-tidal waters**, generally a maximum of 10 **Chinook salmon** more than 50cm (19.7 inches) in length may be caught and kept in one year, although the number can vary by area – check regional limits (s.47(e) BCSFR).

FRESHWATER FISHING

- **Freshwater catch limits** can be found in the 2023-2025 Freshwater Fisheries Regulations Synopsis. (Look under the Regional Chapters for Regional Daily Catch Quotas.)
 - See: gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/freshwater-fishing/fishing_synopsis.pdf.
- Generally, the **freshwater possession limit** is no more than twice the daily catch limit. See page 9 of the Synopsis (above)

Equipment

- It is illegal to use a trap or pen to catch fish in spawning-related areas.
- It is illegal to fish or to injure fish using explosives (s.28 FA).
- No person shall fish for salmon other than by angling (unless authorized by commercial or aboriginal licences (s.50 BCSFR)).
- Anglers in the **Bella Coola River** must not use a **motorized vessel** (s.11, sched. II BCSFR)

Hook and Line Rules

- It is illegal to use barbed hooks (s. 49 BCSFR; s. 6 FR):
 - In **streams and rivers**, including the tidal portion; or
 - In tidal waters, when fishing for salmon, cutthroat trout or steelhead.
- **In Tidal Waters generally:**
 - One must not attach more than **one hook, lure or fly to a fishing line** – unless it is a lure designed to catch one fish at a time, the hooks are holding a single piece of bait, or the person is fishing for herring, anchovy, sand lance or squid (ss.6,8 BCSFR).
 - **Any line** in the water must be **attended** (s.63 BCSFR).
- **In freshwater generally:**
 - One must use a single **barbless** hook when fishing in streams, creeks and rivers (s.6 FR).
 - It is **illegal** to have **more than one artificial** fly attached to a single line (ss.6, 8(1) BCSFR).
 - It is generally illegal to fish with nets (s.9 BCSFR).
 - It is generally **illegal** to fish with a **set (unattended) line**, except in designated burbot areas such as in Regions 6a and 7. Any line in the water must be attended (s.6 FA and s.63 BCSFR).

SHELLFISH HARVESTING

- It is **illegal** to gather shellfish in areas closed due to **paralytic shellfish poisoning** and **contamination** (s.6 FR).
- See a list of closures by region at <https://www.pac.dfo-mpo.gc.ca/fm-gp/shellfish-mollusques/contamination/index-eng.html>.
- For a live map of shellfish gathering closures, go to https://gisp.dfo-mpo.gc.ca/Html5Viewer/Index.html?viewer=CSSP_Public_En_Site&locale=en [<https://perma.cc/56QC-VZBW>].

CRABBING, SHRIMP, OCTOPUS

- **No female** crabs or **crabs with soft shells** may be **kept (s. 22 FR)**. (To note: there is a current proposal to make this a requirement under the BC Sport Fishing Regulations).
- A **Dungeness** crab that measures less than 165mm (6.5 inches) across its back shell must not be kept (s.37(1)(b) BCSFR).
- A **red rock** crab that measures less **115mm** (4.5 inches) across its back shell must not be kept (s.37(1)(c) BCSFR).
- On the Central and North Coasts, a person must not keep more than **six male** Dungeness **crabs** and/or red rock crabs in **total** that have been **caught** in one day (s.36(c) BCSFR).

Traps and Nets

- No person shall fish for **crab** with more than **two ring nets, dip nets and crab traps**, in total (s.39(1) BCSFR). No person shall fish for **shrimp** with more than **four shrimp traps** (s.40(1) BCSFR).
- All crab **traps** must have a **7cm x 20cm (2.75 x 7.9 inches)** or **11cm x 11cm (4.3 x 4.3 inches)** part of its wall or top secured with **rotcord string** (material that will rot over time if the trap is lost) (s.40 BCSFR).
- It is **illegal** to fish for crabs using a spear (s.63 BCSFR).
- **Nets or traps** for crabs, shrimp and octopus must have a buoy or float attached to it. The **buoy** or float must also have the fisherman's name on it (ss.40(2),41.1 BCSFR).
- It is illegal to **leave decaying fish** in any net or other fishing instrument (s.36(1)(c) FA).
- Fishing equipment must not obstruct navigation channels (s.24 FA).

POSSESSING AND TRANSPORTING SPORT FISH

- Possession limits apply – generally **twice the daily** limit for the species (s.13 BCSFR).
- It is **illegal** to possess sport-caught fish that have been **dressed** or packed in such a way that the **species** of fish, the **number** of fish caught, or the regulated **weight** or **size** of the fish cannot be **easily** determined (s.36(1) FR).
- In **freshwaters, the head, tail and fins** must be left on the fish, and fish must not be frozen into an unrecognizable block (s.10 FFRS).
- When packaging salmon for guests, saltwater fishing lodges and charter operations should provide **separate containers for each guest**, and label the container with:
 - the name and licence number of the guest; and
 - the number of fish by species, and number of packages.
 - (s.36(2) FR and s.44 BCSFR).
- See packaging and transporting information for:
 - Salmon: <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/salmon-saumon-eng.html#packaging> [<https://perma.cc/64AL-PAYS>].
 - Finfish (other than salmon): <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/finfish-peche-eng.html#packaging> [<https://perma.cc/EZ7C-LWW3>].
 - Crab, Prawn and other shellfish: <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/shellfish-coquillages/packaging-emballage-eng.html> [<https://perma.cc/53Z7-N98S>].

Selling and Processing Fish:

- It is illegal to buy, sell, or trade sport-caught fish (s.35(2) FR).
- Canning, smoking, salting, and curing fish is allowed at a person's ordinary residence or a licensed seafood processor (s.36 FR). A licensed seafood processor can only provide the fish back to the harvester (s.55 FSLR).

Guiding: Non-Tidal Waters Only

- To act as a **fishing guide in non-tidal waters**, a person must have an **angling guide licence** or an assistant guide licence for that **specific area** (s.49 WLDA).
- Everyone in the guided party must also have **all the licences** required by law. It is an offence to act as a guide for a person without a licence. (s.56(2) WLDA).
- You **must not interfere** with a person who is **fishing, guiding or trapping** an animal, or **hunting** if that person has a licence or permit and is not committing any offences while doing so (s.80 WLDA).

Fishing Lodges:

- It is **illegal** to **buy or sell sport-caught** fish. Therefore, it may be illegal for lodges to use sport fishing licences to catch fish and crabs and sell them to clients (s.35(2) FR).

COMMERCIAL FISHING LAWS AND OFFENCES

Note: Check on the specific requirements of individual fisheries by contacting your local DFO office and consulting the Integrated Fisheries Management Plan and other documents on the DFO website.

Licensing and Registration

- **Vessels** used for commercial fishing **must be registered** and must have a commercial fishing **licence** allowing its crew to catch that type of fish (ss.22(1) PFR).
- **Everyone** 16 years old or older that is on a ship being used in commercial fishing must be **registered** as a commercial fisherman (i.e., have a Fishers Registration Card) (s.19, 25 PFR).
- It is illegal to **process** fish on board a ship unless a Category P (“Processor”) licence has been issued to that ship. (This does not regulate washing, eviscerating, icing, or freezing fish on the fish boat itself) (s.23 PFR))
- Ships used to **transport commercially caught fish must be** 1) **registered, and 2) either** a) be **licensed** to be used for commercial fishing, **or** b) have been issued a **Category D** (“Packing”) **licence (s.24 PFR).**

Commercial Fishing Methods and Equipment

- It is illegal to fish using **snare**s or by **snagging** (s.6 PFR).
- Generally, it is **illegal** to use **lights** to **attract** or repel **fish** unless they are fishing for shrimp with a trawl net or for squid (s.8 PFR).
- In tidal waters it is illegal to fish with more than one **gill net** at a time (s.9(a)).
- In tidal waters it is illegal to use a **gill net** if any part of the net’s **corkline is underwater**. (Except for herring, where part of the line can be submerged) (s.9(b) PFR).

- **Gill nets** must be properly **marked** (s.13(1), PFR). Any end of the net that is not attached to a boat must be attached to a buoy (s.13(2) PFR).
- Buoys for gill nets must be orange in colour and at least 125cm (49.21 inches) across (s.13(3a), PFR). The ends of gill nets attached to buoys must have lights that are activated at night (s.13(3b), PFR).
- Mouths of **dip nets** must not be bigger than one metre (39.4 inches). The depth from the top to the bottom of the net cannot be more than 1.5 metres (59 inches) (s.10 PFR).
- A **longline** used for fishing must have a floating buoy attached to each end, unless the person has a license exempting them from this requirement (s.14 PFR).
- Unless a person has a license exempting them, in order to legally fish commercially with traps or ring nets, each trap or net must be attached to a **floating buoy marked with identifying information**. If a number of traps or nets are attached to a single line, it is sufficient to have one buoy at each end of the line (s.15 PFR).
- Commercially caught salmon or roe herring can only be unloaded at a fish landing station, a registered vessel, or a vehicle that is licensed as a fish buying station. It is **illegal to unload these fish anywhere else** – except when selling salmon or roe herring directly to a person for the buyer’s own consumption (s.17 PFR).
- It is **illegal** to **dump fish** from a **commercial fishing** boat (s.34(2) FR).

Commercial Roe Herring Fishing

- When fishing for roe herring, each **gill net buoy** must be 1.25 metres (49.2 inches) in circumference. Each buoy that is attached to one net must be the same colour as the other buoys. A validation tab must be attached to a buoy (s.13(4) PFR).
- A ship does not have to be registered to catch roe herring in non-tidal waters, or to use gill nets (ss.22(2) PFR).

Commercial Fishing for Salmon

- Each **buoy** that is attached to a gill net used for **salmon** fishing must be orange and be at least 1.25 metres (49.2 inches) in circumference. There must be a lantern attached to the gill net where the buoy is. The lantern must provide a steady white light one hour after sunset until one hour before sunrise (s.13(3) PFR).
- It is generally **illegal** to **fish** for **salmon** using an **anchored gill net** (except in management subareas 10 (Herbet Point) and 11 (Cape Caution - Bramham Point) and in the Taku or Stikine Rivers) (s.57(2)(b) PFR).
- **Set gill nets** being used to catch **salmon must not** be left **unattended** (s.57(2)(a) PFR).

Commercial Fishing for Halibut

- It is **illegal** to **catch halibut** between **October 31 and March 1** (s.74 PFR). (This may change from year to year.)
- It is **illegal** to use **anything other than a hook and line or a trap** to catch **halibut** (s.76 PFR).

Commercial Fishing for Crab and Prawns

- **Commercial crab traps cannot be left** in the water for more than a designated time (e.g., **18 days**) (s.22 FR).
- **Prawn** fisherman cannot pull their prawn traps more than **once a day** (s.22 FR).

ROCKFISH CONSERVATION AREAS

(Commercial Fishing)

- **Fishing for rockfish is not allowed** in rockfish conservation areas (s.6 FR).
- In rockfish conservation areas, the only commercial fishing that can take place is fishing for (s.6 FR):
 - invertebrates by hand picking or dive;
 - crab by trap;
 - prawn by trap;
 - scallops by trawl;
 - salmon by seine or gillnet;
 - herring by gillnet, seine and spawn-on-kelp;
 - sardine by gillnet, seine, and trap;
 - smelt by gillnet;
 - euphausiid (krill) by mid-water trawl; or
 - groundfish by mid-water trawl.

You can get maps and descriptions of Rockfish Conservation Areas by calling **604-666-0384** or through the DFO website: <https://www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/rca-acis/index-eng.html> [<https://perma.cc/3WYQ-2JKJ>].

COMMERCIAL HARVESTING OF MARINE PLANTS

It is **illegal** to commercially harvest **marine plants** in BC without a Licence to Harvest Marine Plants (s.71 PFR and s.24 FA).

TIPS – SUSPICIOUS ACTIVITIES

A single **seine** (net) **boat fishing by itself** raises suspicions. Report this to DFO.

When You See a Fishing Violation:

- For violations involving **salmon or tidal waters** phone **1-800-465-4336** (ORR line).
- For all other angling offences, phone **1-877-952-7277** or mobile phone **#7277** (RAPP line)



HUNTING AND TRAPPING

Before You Head Out

Make sure you have printed out the hunting regulations specific to your Nation's territory:

- **Hunting seasons, bag limits, no shooting areas and limited/no hunting areas:**
 - Skeena region:
<https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/hunting/regulations/hunting-trapping-synopsis-region-6-skeena.pdf>
 - Cariboo region:
<https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/hunting/regulations/hunting-trapping-synopsis-region-5-cariboo.pdf>
 - Shellfish gathering closures by region:
<https://www.pac.dfo-mpo.gc.ca/fm-gp/shellfish-mollusques/contamination/index-eng.html> [https://perma.cc/N99A-YERY]
 - Hunting regulations in parks, conservancies and recreation areas:
https://www.env.gov.bc.ca/fw/wildlife/hunting/regulations/docs/PARKS_HUNT.pdf [https://perma.cc/8BUE-CRUM]

If rules for the regions above change, check for updated documents on the Regulations by Region website: <https://www2.gov.bc.ca/gov/content/sports-culture/recreation/fishing-hunting/hunting/regulations-synopsis#region/>

Remember that some of the following laws may not apply to First Nations exercising Aboriginal rights and title.

General Laws

LICENCES

- To possess a gun the person must have a **Possession and Acquisition Licence**, and the firearm must be registered with the Canadian Firearms Registry (s.5 FaA).
- Generally, it is **illegal** to hunt an animal unless you have a provincial **Hunting Licence** and a species licence to hunt that **particular animal** (s.5 HLR). For limited entry hunts, you also need a Limited Entry Hunting authorization (s.11(1)(b) WLDA and s.5 HLR).
- A person can only hunt if they are at least **10 years old** (s.15.01 WAGR). Children between 10 and 14 years old can be issued a **Youth Hunting Licence**.
- Anyone under the age of 18 must be accompanied by an adult with a Hunting Licence (s.11(5) WLDA).
- Any kills made by a child with a Junior Hunting Licence, except migratory game birds, go to the bag limit of the adult hunter (s.17(9) WLD and s.21 HLR). However, if the child is accompanied by a licensed hunting guide, small game killed by that child count toward the child's own bag limit (s.22 HLR).
- In order to set **traps** for a fur-bearing animal, a person generally must have a trapping licence and either a registered trapline for that area or a permit to trap there (s.41 WLDA).

GUIDING

- To act as a **hunting guide**, a person must generally have a **guide outfitter licence** or an assistant guide licence (s.48 WLDA).
- Everyone in the guided party must have **all the licences** required by law. It is an offence for a guide to guide an angler or hunter who does not have a licence (s.56 WLDA).

BIG GAME HUNTING

- A person who is **not a resident of BC** can only hunt for big game if they are accompanied by a licensed **guide** or someone with a permit allowing the non-resident to accompany the hunter (s.47 WLDA).
- **Guides** can only accompany up to **two hunters at a time** while big game hunting (1.05(1)(a) CAR).
- Guides must only operate within their guide outfitter's **operating area** (1.05(2)(a-b) CAR).

General Rules

- Generally, it is **illegal** to hunt or trap an **animal** outside of its **hunting season** (s.26(1)(c) WLDA).
- It is generally **illegal** to hunt from **one hour after sunset** until **one hour before sunrise** the next day. The one-hour rule changes to 30 minutes for migratory birds (s.14 HR).
- It is **illegal** to **hunt** a big game animal while the animal is **swimming** (s.30 WLDA).
- It is **illegal** to **hunt** or trap an animal that is **endangered** or **threatened** (s.26(1)(a) WLDA and SARA). See the Species at Risk section below.

- It is **illegal** to **hunt** or trap an animal that is in a **wildlife sanctuary**, or **without a permit in an ecological reserve** (s.26(1)(b) WLDA and s.6(2)(j)1 ERR).
- It is generally illegal to **injure or kill** wildlife and then not try to retrieve the animal's body and take the edible parts home, or to a meatcutter or cold storage plant (s.35 WLDA).
- A person who **kills** or **wounds** wildlife **accidentally** or in self defence **must report it** (s.75 WLDA).
- In general, it is **illegal** for a person to have **any wildlife** live or dead, or any **parts** of wildlife (e.g., eagle feathers), unless that person has a licence or permit (s.33(1) WLDA).
- It is **illegal to use a drone for hunting**, be in **possession of a drone while hunting**, or use **information obtained from a drone in the past six hours** to assist in a hunt (s.17.1 HR).

Bag Limits

- It is illegal to kill more animals than the **bag limit** (ss.10, 12 HR).
- The law sets maximum **possession limits** as well.
- **Current bag limits and possession limits** for each species are found in the *2022-2024 Hunting and Trapping Regulations Synopsis* at www2.gov.bc.ca/gov/content/sports-culture/recreation/fishing-hunting/hunting/regulations-synopsis.
- There may also be **regional bag limits** in effect for certain species.
 - A Regional Synopsis for the Skeena region, which encompasses the Central and North Coast (Great Bear Rainforest) and Haida Gwaii, can be found at: www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/hunting/regulations/2022-2024/hunting-trapping-synopsis-region-5-cariboo.pdf.

- A Regional Synopsis for the Cariboo region, which encompasses the South-Central Coast (Great Bear Rainforest), can be found at: www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/hunting/regulations/2022-2024/hunting-trapping-synopsis-region-5-cariboo.pdf.

Taking Meat

- It is **unlawful** to kill **any wildlife** and not take the **four quarters and loins, neck, and ribs**. This does not apply to fur-bearing animals but does apply to black bears. For fur-bearing animals (except black bears), the hide must be taken by the hunter (s.35 WLDA and ss.12.01, 12.02, 12.03, 12.04 WAGR).
- Hunters must retain **body parts** to establish the **sex** of the animal for elk, deer, caribou, moose, mountain goat, or mountain sheep (s.15(2) HR).
- For **game birds, either one wing with its feathers, or the head with feathers**, must be left attached to the carcass (s.15(6) HR).

Safety Rules

- While hunting or trapping, you must take reasonable care to **not endanger someone else's life**, safety or property (s.28 WLDA).
- It is **illegal** to shoot a gun while in a designated **no shooting area** (s.32 WLDA). Check the current set of regional hunting rules in the *2022-2024 Hunting and Trapping Regulations Synopsis* for no shooting areas in your territory.

Baiting/Attracting Wildlife

- Generally, it is illegal to bait or feed dangerous animals (s.33.1 WLDA).
- It is illegal to use bait to hunt bears (s.17(1)(m) HR).
- It is illegal to hunt migratory game birds within 400 metres (1312 feet) of recently deposited bait (s.18(1)(c) HR).
- It is generally illegal to use **artificial light** in hunting (s.26(1)(e) WLDA).
- It is illegal to use electronic/recorded calls to attract game, except when hunting wolf, coyote, cougar, lynx, or bobcat (s.18(1)(j) HR).

Animals that Cannot be Hunted

- It is **illegal to hunt** (s.13.7 HR):
 - a bear less than 2 years old;
 - a mature bear in the company of a bear less than 2 years old;
 - a white (Kermode) or blue (glacier)-coloured black bear;
 - a cougar kitten or a mature cougar that is with a cougar kitten;
 - a bobcat or lynx that is part of a group of bobcat or lynx; or
 - a female mountain goat if there is a kid nearby.

Hunting from Boats/Cars/Aircraft

- It is illegal to shoot a gun while on a road or to shoot a weapon across a road (s.31 WLDA).
- It is generally illegal to fire a gun from a motor vehicle or from a boat propelled by a motor ("motor vehicle" includes an ATV; s.27(1) WLDA).
- It is illegal to use any mechanical device to herd or harass wildlife (this includes ATVs, airplanes and boats) (s.27(3) WLDA).
- It is illegal to hunt an animal from an aircraft (s.27(2)(a) WLDA).
- It is illegal to use a helicopter to transport hunters or animals (s.27(2)(b) WLDA).

- It is illegal to hunt an animal within six hours of landing in a non-scheduled, **non-commercial** aircraft (s.27(4) WLDA).
- When hunting migratory game birds any power boat being used must be beached, anchored or tied to the blind (s.17(1)(n) HR).

Hunting in Parks and Protected Areas

See “Parks and Other Protected Areas” below for the special rules that apply to hunting in parks, conservancies, recreation areas, ecological reserves and other protected areas.

Banned Weapons

- It is generally **illegal** to use the **following weapons** and **tools** for hunting (s.17 HR):
 - full metal **jacketed, tracer, incendiary** or explosive bullets (s.17(1)(a) HR);
 - **tracer or incendiary shot** (s.17(1)(c) HR);
 - a **rimfire cartridge for big game other than lynx, bobcat, or wolverine** (for most big game(s.17(1)(b) HR));
 - a **shotgun weapon other than a bow or rifle** to hunt mountain sheep or goat, elk, moose, caribou, or bison (s.17(1)(d) HR);
 - a **shotgun** smaller than 20 gauge or with shot smaller than #1 buckshot to hunt deer, black bear, cougar, coyote, lynx, bobcat, wolverine or wolf (s.17(1)(e) HR);
 - a **pump-action, repeating, or auto-loading shotgun** with a **detachable magazine or a non-detachable magazine** that can hold **more than two cartridges** (s.26(1)(h) WLDA);
 - a **rifle** to hunt most game birds (except turkey, grouse and ptarmigan) (s.17(1)(f) HR);
 - a **set gun** (s.26(1)(g) WLDA);
 - a **gun** that can be aimed and fired with **one hand** (s.17(1)(s) HR);
 - **poison** (s.26(1)(f) WLDA).

BEAR HUNTING

There is currently a ban on grizzly bear hunting across the province (s. 26(1) (c) WA).

Weapons/Baiting

- It is illegal to hunt a **black bear** with a **shotgun** that is less than 20 gauge or with a shell using smaller than #1 buckshot (s.17(1)(e) HR).
- It is illegal to use **bait** to hunt any type of **bear** (s.17(1)(m) HR).
- Dogs may be used to hunt black bears (s.18(2) HR).

Hunting Seasons

- It is illegal to hunt an animal when the animal’s **hunting season** is not open (s.26 WLDA).
- It is illegal to hunt in an **area closed to hunting**. Check the *Hunting and Trapping Regulations Synopsis* for such areas in your territory.
- There are two hunting seasons for bears – usually April-June and September-November. Check exact dates in the current *Hunting and Trapping Regulations Synopsis*.

Bears that Cannot be Hunted

- It is illegal to hunt:
 - a bear less than 2 years old;
 - a mature bear with such a cub; or
 - a white (Kermode) or blue (glacier)-coloured black bear (s.13.7 HR).

Some Areas where Black Bears Cannot Be Hunted (as of November 2023)

- Hawkesbury, Princess Royal, Swindle, Prince, Sarah, Roderick, and Pooley Islands, small adjacent islands and adjacent coastline in Management Unit 6-3.
- The Southern half of Pitt Island, small offshore islands, and adjacent mainland North of Hartley Bay in Management Unit 6-11.
- The Northeast tip of Pooley Island, and the adjacent mainland to the North in Management Unit 5-9.

For more information on closed bear hunting areas, see: <https://www2.gov.bc.ca/gov/content/sports-culture/recreation/fishing-hunting/hunting/regulations-synopsis>.

- It is generally **illegal** to possess, traffic, import or export **bear galls or genitalia** (ss.2.08(3)(a)(b) WACAR).
- It is generally **illegal** to import, export or traffic in **bear paws** separated from the carcass or hide (s.2.08(3)(c) WACAR).

When You See a Hunting or Trapping Offence:

- Call 1-877-952-7277 or #7277 on a mobile phone (BC Conservation Officer Service RAPP line.)



POLLUTION

- Generally, businesses cannot release more pollution than the amount allowed under their Ministry of Environment **permits, authorizations, or the Waste Discharge Regulation** (s.6 EMA). Check with the Ministry of Environment to see what limits apply to individual businesses in your territory.
- Check the business's Environmental Assessment Certificate for additional requirements.
- It is illegal to **litter** in a public place, park or campground (s.12 EMA).

WATER POLLUTION

- **It is illegal to deposit** harmful substances into waters frequented by **fish or migratory birds** (s.36(3) FA and s.5.1 MBCA). This rule generally applies to any waters that contribute to the fish life cycle, spawning, rearing, food supply, etc.
- It is illegal to **store a harmful substance** in a way that the substance could enter waters frequented by fish (s.36(3) FA).
- Federal or provincial permits or regulations may allow a business to release a certain amount of pollution. Ask DFO about the authorized limits on polluting industries in your territory.
- Industrial operators, like shipping companies, are required to have a **contingency plan for spills** of polluting material (ss.91.11(1)(2) EMA). They are required to **report spills** when they happen, take whatever action possible to **mitigate the spill**, and to **stay on site** until a cleanup response arrives (ss.91.2(1)(2) EMA).

BC SEWAGE AND WASTE RULES

- It is generally **illegal** to discharge **unauthorized sewage** or pollution from a trailer, camper, transportable housing unit, boat or houseboat (s.13 EMA).
- **Sewage from buildings** (including fishing and hunting lodges) must generally be discharged into a public sewer, a proper holding tank or an **authorized sewerage system**. It must not cause a health hazard or be discharged into land, surface or tidal waters, or sources of drinking water. Some exceptions apply (ss.2, 3, 12 SSR).
- Sewage from a logging, mining, construction or other industrial **remote camp** must be disposed of in a way that **does not create a health hazard, or pollute** any stream, lake or other **body of water** (s.21 ICHR).

SHIP SEWAGE

Ship sewage rules vary, depending on the size of the ship and on whether the sewage is treated. For the purposes of this Field Guide, a large ship is one that can legally carry more than 15 people or exceeds 400 gross tons. A small ship is one that carries less than 15 people or does not exceed 400 gross tons (VPDCR, Division 2).

Untreated Ship Sewage

- A large ship may only dump untreated sewage when the ship is at least 12 nautical miles from shore, travelling at a minimum speed of four knots, and dumps the sewage at a moderate rate; **or if the sewage is disinfected using a marine sanitation device, and discharged at least three nautical miles from shore** (s.96(1)(c) VPDCR).
- A small ship may only dump untreated sewage into the water if it is travelling at the fastest speed that is safely possible for that ship, and it is at least three nautical miles from shore; **or if the sewage is disinfected using a marine sanitation device and discharged at least one nautical mile from shore** (s.96(1)(e) VPDCR).

- Dumping untreated sewage from a ship in any other way than those listed above is an offence (s.95 VPDCR).
- It is an offence to dump any sewage that leaves visible solids on the shore (s.96(2) VPDCR).
- Vessels releasing **greywater** (drainage from sinks, laundry machines, bathtubs, shower-stalls, or dishwashers) must not leave a deposit of solids in the water or leave a sheen on the water (s.131.1(4) VPDCR).

Treated Ship Sewage

- **Any ship** may dump **sewage** in any waters if the sewage has been **treated** and has a **low coliform** count (s.96(1)(a)(b) VPDCR).
- Any ship may dump sewage in a non-designated sewage area that has been passed through a **marine sanitation device** and has a **coliform count equal to or less than 250/100mL** (s.96(1)(a), VPDCR). A **large ship** may dump **treated sewage** with a **high coliform** count, only if the ship is at least **three nautical miles** from shore.
- Even without knowing coliform counts, **visual clues** can help indicate if the dumping was unlawful: If there are visible **solids** in the sewage, if the sewage creates a **sheen or a discoloration** of the water, or if the sewage leaves a **sludge** under the water or along the **shoreline**, report the incident (ss.96(1)(2)(3) VPDCR).

Bilge Water

- It is generally **illegal** to **dump unfiltered oil** or **oily mixture** into inland and coastal waters (s.29 VPDCR).
- Vessels can dump their oily mixtures from cargo spaces provided they meet certain conditions, including that the vessel is en route, and it is more than 50 nautical miles from the nearest land (s.31(2) VPDCR).

When You See a Pollution Offence:

- Phone the **Report All Poachers and Polluters (RAPP) Line**: 1-877- 952-7277 or 1-800-663-9453 or #7277 on mobile phone.
- To report marine offenders, call the **Marine Pollution Line**.
- (Canadian Coast Guard): 1-800-889-8852.
- For serious non-marine pollution, also call the **Provincial Emergency Program**: 1-800-663-3456.
- Sewage issues can also be reported to environmental health officials at your **local Health Authority**.



FOREST PRACTICES AND LOGGING

Before You Head Out

Make sure you have printed out the forestry regulations specific to your Nation's territory:

- Great Bear Rainforest Land Use Order:
https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/westcoast-region/great-bear-rainforest/great_bear_rainforest_land_use_objectives_order_june_2023.pdf?bcgovtm=CSMLS
- Haida Gwaii Land Use Order:
<http://www.haidagwaiimanagementcouncil.ca/wp-content/uploads/2019/03/HGLUOO-Consolidated-Order-2017-Final-Signed.pdf>
[<https://perma.cc/37FV-89AB>].

Later in this chapter you will find a number of general rules on forest practices. However, many of the rules that apply to forest activities are found in the local **forest stewardship plan**. Forest companies are required to develop forest stewardship plans that set out strategies and results consistent with **land use objectives and other objectives**, including:

- The Province has defined general **objectives** for soils; timber; wildlife; biodiversity; water, fish, wildlife and biodiversity within riparian areas; fish habitat in fisheries sensitive watersheds; water in community watersheds; visual quality and cultural heritage (ss.4.1-10 FPPR).
- Additional **objectives** govern wildlife habitat areas, winter ranges, etc.
- In addition, Coastal First Nations have negotiated special **land use objectives** to govern the Great Bear Rainforest. See: <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/regions/west-coast> for the land use objectives for the Central and North Coast.

It is the forest company's **forest stewardship plan** – and its statement of Results and Strategies – that is **enforceable**, not the original land use objectives. It is illegal for the company to break its plan's results and strategies (s.21 FRPA). You should be able to obtain forest stewardship plans from the local district office of the Ministry of Forests, Lands and Natural Resource Operations.

See <http://www.for.gov.bc.ca/rco/> for district office websites on the Coast. Some forest districts post their approved forest stewardship plans on the district website.

A provincial website is being developed that should eventually have forest stewardship plans posted. See: <https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/forest-stewardship-plans/forest-stewardship-plan-tracking-system>. Users must have a BC User ID.

If you see questionable forest practices, compare them with the **forest stewardship plan**. Or ask Ministry of Forests enforcement officials or the local First Nation resource manager to investigate whether the Plan is being followed. In addition, consider whether the person is violating **the general rules below**.

General Laws

- Unauthorized forest practices (e.g., logging, road building) that cause:
 - **soil disturbance**;
 - changes to soil, a **landslide**, or a gully process; or
 - **deposition** of petroleum products, industrial equipment fluids or other **harmful substances** into a stream, wetland or lake are **illegal**. However, if authorized in a forest stewardship plan or elsewhere, it may not be (s.3 FPPR and s.46 FRPA).
- A person or company involved in forestry work must make sure that the work will not cause a **landslide** (s.37 FPPR).
- It is illegal to **cut** or damage **trees** on Crown lands **without a permit**. It is also illegal to cut trees outside the cutting permit or road permit boundaries (s.52(1) FRPA).
- It is illegal to **remove trees** from Crown lands without a permit (s.52(3) FRPA).
- A person must not **construct a structure** in a provincial forest without authorization (s.54(1) FRPA).
- A person must not **construct a trail** or other recreation facility on Crown land without authorization (s.57(1) FRPA).
- A person must not **damage** a designated resource feature or wildlife habitat feature (s.70 FPPR), including **designated karsts, mineral licks and nests of some species** (s.11(1) GAR).

Forest Practices Near Water Bodies

- A person cutting trees or constructing a road **too close to a stream**, lake, wetland or other water body may be violating the law. If activities are close to those water bodies, report it. There are numerous rules on this issue, found in:
 - Sections 47-53 of the *Forest Planning and Practices Regulation* set out **province-wide setback rules**. For example, depending upon the type of stream, logging may be generally prohibited in a riparian strip of **up to 50 metres (164 feet)** wide.
 - The Great Bear Rainforest Land Use Objectives set **regional** riparian standards. See Parts 2 and 3, ss. 10-15 of those Objectives at: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/westcoast-region/great-bear-rainforest/great_bear_rainforest_land_use_objectives_order_june_2023.pdf.
- For example, on the Central and North Coast a person must not generally cut trees within an area that is **one-and-a-half tree-lengths from critical spawning** and rearing areas for anadromous fish (fish that hatch and spawn in freshwater, but live in the ocean), including estuaries, wet floodplain, kelp bed, and other areas that are critical for fish habitat (LUO 9).
- Forestry activities must **not adversely affect fish passage** (except for temporary authorized work when fish are not migrating or spawning) (s.56 FPPR). For example, **perched culverts** are generally prohibited in fish streams.
- Forestry companies must not carry out **activities** that are likely to **harm fish or fish habitat** (s.57 FPPR and s.35(1) FA).

- A person making changes in or about a stream (**dredging, working in a stream**, etc.) without lawful authority may commit an offence (s.106(2)(b)(ii) WSA).
- Forestry activities must ensure that they do not cause unhealthy material to flow into a **licensed waterworks** (s.59 FPPR).

FORESTRY ROADS

- Streams crossings must be built to **protect the stream** and its banks and **disturb** the stream as **little** as possible. Temporary stream crossing structures must be removed when no longer needed (s.55 FPPR).
- Those **maintaining a forestry road** must ensure that the road and its sides are **stable** and that the drainage systems of the road are working properly (ss.79(6)(a)(b) FPPR).
- Forest service roads, and roads authorized under a road permit or a woodlot licence, can be **used by anyone** for **non-industry purposes** (s.22.2 FRPA). They cannot be used for logging or other natural resource activities without a **permit** (s.22.12 FRPA).

CUTBLOCKS – PROVINCIAL RULES

- If a forest company is cutting a cutblock that requires **more than 40 hectares** of net area to be reforested, it may exceed the maximum cutblock size (s.64 FPPR).
- Unless specifically exempted, forest companies must generally retain **coarse woody debris** on a cutblock, with a minimum of four logs (at least five metres (16.4 feet) long) per hectare (s.68 FPPR).
- A minimum area of **wildlife trees** must be retained in a cutblock (s.66 FPPR).
- If a forest company is harvesting a cutblock adjacent to another cutblock before the older cutblock has sufficiently grown back, there may be a violation (s.65 FPPR).

OTHER SPECIAL RULES FOR THE GREAT BEAR RAINFOREST

Among other things, the **Great Bear Rainforest** Land Use Objectives Order requires companies to:

- Maintain a volume and quality, specified during engagement with First Nations of cedar (particularly **nets**) and other tree species to support the applicable First Nations' Indigenous tree use (Part 2, s.8, and Part 3, s.8 GBRLUOO).
- Protect **culturally modified trees** and heritage artifacts, features, and sites (Part 2, ss.6-7; Part 3, ss.6-7, GBRLUOO) (See "**Cultural and Archaeological Sites**" below for the specific rules on cutting **culturally modified trees** (CMTs), **monumental cedar and other cedar**.)
- Avoid activities within 50 metres (164 feet) of a **grizzly bear den**, and 30 metres (98.4 feet) of a **black bear den** (Part 2, ss.19-20 and Part 3, ss.20-21 GBRLUOO).
- Maintain a minimum of 70% of the forest in **upland stream areas** (Part 2, s.14, and Part 3, s.14 GBRLUOO).
- Avoid cutting **yew** trees, **except as allowed for in agreements made with applicable First Nations** (Part 2, s.9 and Part 3, s.9 GBRLUOO).
- Leave a **buffer of intact forest**, at least 1.5 tree lengths wide, **adjacent to streams, rivers, lakes, and wetlands** (Part 2, ss.11-13, 15, and Part 3, ss.11-13, 15 GBRLUOO).
- **Avoid activities in forests that contain traditional resources like plant foods and medicinal plants, except as allowed for in agreements made with First Nations** (Part 2, s.5, and Part 3, s.5 GBRLUOO).
- Avoid logging in **important fisheries watersheds** without an agreement and watershed management strategy resulting from First Nations engagement (Part 2, s.10 and Part 3, s.10 GBRLUOO). A map of important fisheries watersheds in the GBR is provided in Schedule E.

- **Leave at least 15% of the total area of a cutblock standing.** The retention area should be evenly distributed through the cutblock, and, where possible, include **wildlife habitat, Indigenous heritage features, and forest restoration features** (Part 2, s.17; Part 3, s.18 GBRLUOO).
- Conduct logging within the **old-growth retention and maintenance targets**. See Schedule G.
- Forest practices in the Great Bear Rainforest must not disturb a plant community that is red listed in Schedule N under the Land Use Objectives. See Schedule N. If there is no practicable alternative to disturbing the plant community, forestry practices may proceed so that up to 5% of the community is affected by this activity, and only in accordance with a process that has been established through engagement with applicable First Nations (Part 2, s.16, and Part 3, s.17 GBRLUOO).
- In addition, at least **70% of the area** in each **plant community** that is **blue listed** in Schedule O under the Land Use Objectives must be protected (s.15 GBRLUOO). Relevant blue listed plant communities are listed in Schedule O.
- **Class 1 grizzly bear feeding habitat cannot be logged**, unless in accordance with an agreement with applicable First Nations. **50% of the Class 2** grizzly bear feeding habitat must also be retained (Part 2, s.18, and Part 3, s.19 GBRLUOO). See Schedule D for a map of class 1 and class 2 grizzly bear feeding habitats.
- Bear habitat must be maintained in **Kermode Stewardship Areas**, as outlined in Schedule R.

OTHER SPECIAL RULES FOR HAIDA GWAI

On Haida Gwaii, the Haida Gwaii Land Use Objectives Order and other measures provide for the following:

- Logging of culturally modified trees and monumental cedar (>120 cm (47.2 inches)) is generally prohibited without special authorization (s.9 HGLUOO).
- Cedar stewardship areas (approximately 25,000 ha) are established where a maximum harvest is set – only 1% annually, up to a 10% total harvest (s.3 HGLUOO).
- Additional Reserve areas are protected from logging for a variety of Haida traditional heritage and traditional forest features.
- Yew stands are protected from logging (s.8(1) HGLUOO).
- Logging is prohibited in riparian reserves on all fish bearing streams -- and around wetlands and lakes (s.10 HGLUOO).
- In sensitive watersheds a maximum 20% Equivalent Clearcut Area is allowed (s.14(2) HGLUOO).
- Ecological representation targets must be met for rare and common old forest (70% and 30% retained respectively) (Schedule 10 HGLUOO).
- Forest practices must not disturb a plant community that is red listed in the Haida Gwaii Land Use Objectives Order (s.17(1) HGLUOO). If there is no other option but to disturb the plant community, no more than 5% of any individual plant community can be affected by this activity (s.17(2) HGLUOO).
- In addition, at least 70% of the area in each plant community that is blue listed in the Order must be protected (ss.17(1) and (3), HGLUOO).

- Relevant red- and blue-listed plant communities are found in Schedule 13, at: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/westcoast-region/haidagwaii-slua/schedule13_red_blue_listed_ecological_communities.pdf
- All bear dens are protected from logging (not just active ones) (s.18(1) HGLUOO).
- 75% of marbled murrelet habitat present in a landscape unit must be protected in forest reserves and other reserves (riparian corridors, etc.) (s.19(1) HGLUOO).
- 200 ha+ reserves are established around all goshawk nests (s.20(1)(c) HGLUOO).
- Reserves must be respected around known great blue heron nest sites (s.21 HGLUOO), and protection must be provided around saw-whet owl nest sites (s.22 HGLUOO).
- Explicit spatial reserves are being established to protect marbled murrelet and rare old ecosystems.

FIRE PREVENTION

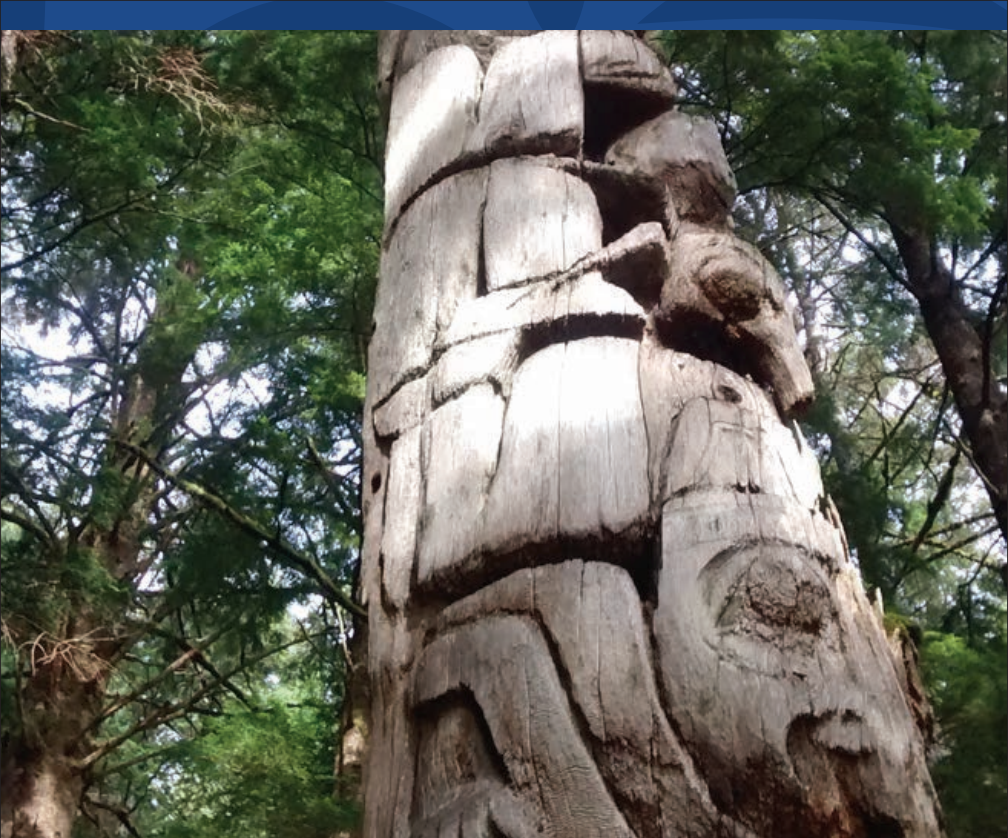
Forest companies and other industrial activities must take precautions to prevent wildfires and have equipment on site to fight a fire if one breaks out (s.7 WFA and ss. 5,7,7 WFR). See <https://www2.gov.bc.ca/gov/content/safety/wildfire-status>.

NON-TIMBER FOREST PRODUCTS

- Generally, people may harvest non-timber products on Provincial Crown land without a licence or permit.
- However, it is **illegal** for the harvesters to **damage the environment** or damage timber (ss.46, 52 FRPA).
- If you see a person harvesting or destroying wild plants, botanical medicines and other traditional material, check with the local First Nations resource manager or check the forest stewardship plan for potential violations.
- To harvest on First Nation reserve land, permission from the First Nation is required, otherwise it is trespassing. See the “Trespassing on Reserve Lands” chapter below for more information.
- It is illegal to harvest plants in national parks, provincial parks, conservation areas, wildland areas, conservancies and ecological reserves (s.6 ERR, s.9 PA and s.10 NPGR).
- See the “Parks and Other Protected Areas” chapter below for more information.

When You See Illegal Forest Practices or Logging:

- Call **Compliance and Enforcement** officials in the Ministry of **Forests, Lands and Natural Resource Operations**:
 - North Coast: 250-638-5100
 - Central Coast: 250-956-5000
 - Haida Gwaii: 250-559-6200
- **More serious offences such as log theft can be reported to:**
 - BC Conservation Officer Service (RAPP) 1-877-952-7277 or #7277 on a mobile phone
 - Crimestoppers: 1-800-222-8477
- **If compliance and enforcement officials do not respond to your report, call the Forest Practices Board at 1-800-994- 5899 to ask for an investigation or appeal of the provincial government’s failure to respond.**
- **Do not interfere with the work being done but report it as soon as possible.**



CULTURAL AND ARCHEOLOGICAL SITES

Cultural and archaeological sites are areas that are important to culture and history. Some provincial laws intend to protect certain cultural heritage resources; however, often the cultural items protected are much more limited in scope than those protected under Indigenous law. While current provincial laws do not provide for effective protection of cultural heritage resources according to different Indigenous worldviews and legal orders, provincial law does prohibit certain activities that would destroy or disturb an area and its artifacts.

Damaging Or Taking Artifacts, Remains or CMTs

- A person **must not remove any object or human remains** from a burial place without a permit (s.12.1(2)(b) HCA).
- A person **must not damage or alter a burial place** without a permit (s.12.1(2)(b) HCA).
- It is an offence for a person to **dig for aboriginal artifacts** without a permit (s.12.2 HCA).
- A person **must not alter or move** an historical aboriginal **rock painting or rock carving** without a permit (s.13(2)(c) HCA).
- A person **must not damage, dig in, or alter, or remove an object from a site** where humans may have lived or used the area before 1846 without a special permit (ss.12.1(2)(d)(g) HCA). Among other things, this provision protects pre-1846 culturally modified trees (CMTs).
- A person **must not remove an object from a site** where humans may have lived or used the area before 1846 without a permit (ss.13(2)(d)(g) HCA). This protects pre-1846 CMTs.
- In addition to the strong protection for pre-1846 CMTs found above, **post-1846 CMTs may be protected** by the somewhat weaker protections in **forest stewardship plans**.

FOREST STEWARDSHIP PLAN

- Check the local **forest stewardship plan!** By law, forest companies must protect cultural heritage resources in accordance with the cultural heritage provisions in their forest stewardship plans.
- The plans must contain strategies and results consistent with:
 - The provincial “objective” for conserving and protecting cultural heritage resources (s.5(1)(b) FRPA).
 - The Great Bear Rainforest Land Use Objectives Order. Objectives for the North Central and South Central Coasts that require forest stewardship plans to maintain a supply of standing cedar in each logging block for cultural use (monumental cedar) **and protect CMTs** and Indigenous heritage features.
 - The Haida Gwaii Land Use Objectives Order. On Haida Gwaii, logging of **CMTs and monumental cedar** (>120cm (47.2 inches)) is generally prohibited without special authorization (s.9(3) HGLUOO).
- Report to the local First Nation resource manager if you see someone:
 - **Interfering with heritage features;**
 - **cutting culturally modified trees (CMTs);**
 - **cutting monumental cedar; or**
 - **overcutting other cedar.**
- Remember, it is generally **illegal to cut, damage or remove trees** on Crown lands without provincial authorization (s.52 FRPA).

To Report *Heritage Conservation Act* Violations:

- **Call the Local RCMP**
 - 250-957-2388 (Bella Coola)
 - 250-799-5363 (Central Coast)
 - 250-627-0700 or 250-632-7111 (North Coast)
 - 250-626-3991 or 250-559-4421 (Haida Gwaii)
- **Or call Crimestoppers at: 1-800-222-8477**
- **Or call the Archaeology branch of the Ministry of Forests, Lands and Natural Resource Operations at: (250) 953-3334**

Breaches of the Forest Stewardship Plan can be reported to:

- **Compliance and Enforcement officials in the Ministry of Forest Lands and Natural Resource Operations.**
 - 250-638-5100 (North Coast)
 - 250-956-5014 (Central Coast)
 - 250-559-6200 (Haida Gwaii)
- **If compliance and enforcement officials do not respond to your report, call the Forest Practices Board at 1-800-994- 5899 to ask for an investigation or appeal of the failure to respond.**



PARKS AND OTHER PROTECTED AREAS

Before You Head Out

Make sure you have printed out the protected areas regulations specific to your Nation's territory:

- Hunting regulations in parks, conservancies and recreation areas: http://wwwt.env.gov.bc.ca/fw/wildlife/hunting/regulations/docs/PARKS_HUNT.pdf [<https://perma.cc/8BUE-CRUM>].
- Great Bear Rainforest Land Use Order: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/westcoast-region/great-bear-rainforest/great_bear_rainforest_land_use_objectives_order_june_2023.pdf?bcgovtm=CSMLS
- Haida Gwaii Land Use Order: <http://www.haidagwaiimanagementcouncil.ca/wp-content/uploads/2019/03/HGLUOO-Consolidated-Order-2017-Final-Signed.pdf> [<https://perma.cc/37FV-89AB>].

Provincial Parks and Protected Areas

Parks and other protected areas have a higher degree of protection than the general landscape. Many of the general laws discussed elsewhere in this Guide apply in protected areas. Special rules apply in provincial protected areas, including:

- Parks;
- Conservancies;
- Recreation Areas;
- Ecological Reserves; and
- "Protected Areas" designated under the Environment and Land Use Act.

RULES IN PROVINCIAL PARKS, CONSERVANCIES AND RECREATION AREAS

Note: The offences below apply to parks, conservancies and recreation areas, unless specified.)

PROHIBITIONS

- It is an offence to **take, damage, sell, remove, possess or destroy plants, flowers, trees, animals, fossils, rocks**, or other natural resource. It is generally illegal to remove things from a park, except when a park use permit allows for it, except for fish and wildlife taken while following applicable laws (s.9(1) PA).
- Individuals must have park use permits for the following activities:
 - To conduct business or commercial or industry activity (s. 16 PA). This includes companies that organize or lead hikes, skiing, wildlife viewing, kayaking and canoeing tours, airplane tours, SCUBA diving or guiding for hunting and fishing .
 - Film production in a park (s. 9.2 PA)
 - Resort, tourism and development in a park (s. 9.1 PA).
 - To conduct research in a park or conservancy (s. 9.3 PA)
- Park use permits are not transferrable, except with the permission of the Minister (s. 23 PA).
- A person **cannot stay** for more than **14 days**, except with permission from a park officer, or in a designated long-stay campsite (s.39 PCRAR).
- A person **cannot leave equipment or supplies, including fuel** for more than **14 days** in a calendar year, except with permission from a park officer (s.17 PCRAR).

- To act as a **guide**, a person must have the necessary **licences** for guiding and a **park or resource use permit**. Guiding in a park without these things is an offence (s.4 PCRAR).
 - See the “HUNTING” and “FISHING” sections of this book for general laws about guiding.
- It is an **offence** to **feed wildlife** (s.30 PCRAR).
- It is an offence to smoke tobacco, hold lighted tobacco, or hold an activated e-cigarette, except in an area permitted by sign, or as authorized by a park officer (s.12 PCRAR).
- It is an offence to deposit waste or cause it to flow or be emitted into the air. Litter can only be deposited in an authorized bin, pit or area (ss. 32-34 PCRAR).

FIRES

- In general, a person **must not have a fire unless** the fire is in a **fireplace** provided by the ministry. Permitted fires **cannot be more than 0.5 metres (19.7 inches) in diameter and 0.5 metres (19.7 inches) in height**. This does not apply to large backcountry parks (over 2,000 hectares in size), where fires are permitted and no fire rings are provided (s.11 PCRAR).
- All **fires must be put out** before leaving the area (s.11 PCRAR).

CAUSING A DISTURBANCE

- It is an **offence** to cause an **unnecessary disturbance**. Disturbances can include: excessive noise, shouting or swearing; fighting; drunkenness; impeding or molesting people; indecent exposure; firing a gun at night, etc. (s.8 PCRAR and s.175(1) CC).

HUNTING

- **Hunting is prohibited unless allowed under the regulations.** For the areas and times that hunting is allowed, and for other hunting restrictions, see http://wwwt.env.gov.bc.ca/fw/wildlife/hunting/regulations/docs/PARKS_HUNT.pdf [<https://perma.cc/8BUE-CRUM>].
- A park use permit is required for guided hunting and fishing activities.
- When **hunting is permitted**:
 - It is an offence to discharge a firearm within 400 metres (1312 feet) of either side of the centreline of a **park road** or highway (s.29 PCRAR).
 - In order to trap or take a fur bearing animal, the individual must have either a valid park use or resource permit, or the licence/permit as required under the *Wildlife Act* (s.5 PCRAR).
- When hunting is not permitted:
 - Unless authorized by a park officer, it is an offence to have a firearm, bow, or crossbow outside of a vehicle or to discharge it in a park, conservancy or recreation area (s.29 PCRAR).
- It is **illegal** to **hunt** or trap an animal that is in a **wildlife sanctuary or ecological reserve** (s.26(1)(b) WLDA).

For more Parks hunting information, visit:

<https://bcparks.ca/plan-your-trip/visit-responsibly/fishing-hunting-guide/#page-section-253> [<https://perma.cc/3JCB-3S9X>].

See the **Hunting** section of this book for more information, including information on hunting bears in conservancies.

RESOURCE EXTRACTION

- **Logging and mining** are not allowed in a conservancy or ecological reserve. Within a park, while these activities are not prohibited, a park use permit must be issued, and only if it aligns with the recreational values of the park. Large hydroelectric power activities cannot take place in conservancies (s. 9 PA).
- Harvesting or using trees for First Nations cultural purposes may be allowed.
- It is an **offence** to **salvage (non-manufactured) logs**. In the backcountry, it is permitted to use vegetation lying dead on the ground for firewood (s.11(3) PCRAR).
- Commercial timber harvesting and commercial hydro-electric power projects are prohibited in designated **Biodiversity, Mining and Tourism Areas**.

MOTORIZED VEHICLE USE

- All **motorized vehicles** must generally be kept on **park roads** or other designated areas, unless it is permitted in an area by a sign, device or as authorized by a park officer. It is generally an offence to go “off-roading” in a park, conservancy or recreation area (s.24 PCRAR – This applies to ATVs).
- **Snowmobiles** must be kept on **designated trails** (s.24 PCRAR).
- **Commercial aircraft** require a Park Use Permit to operate in protected areas.
- In certain parks, conservancies or recreation areas, **aircraft (commercial or private)** cannot be used, except in accordance with the rules laid out in Schedule A of the Park Conservancy and Recreation Area Regulation. Schedule A is found at: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/180_90_00_multi#ScheduleA [<https://perma.cc/CY6Q-JVEZ>].

ECOLOGICAL RESERVES

- When in an ecological reserve, it is an offence to do anything that is destructive to that ecological reserve, except as authorized by a permit (s.6 ERR).
- **Several activities are prohibited in ecological reserves. These include:**
 - Entering, using or occupying it unless with a permit for ecological scientific research or educational purposes;
 - Cutting and taking trees and plants;
 - disturbing animals;
 - hunting and fishing;
 - camping;
 - lighting fires;
 - building roads, trails or other structures;
 - using motorized vehicles; or
 - allowing waste to seep into land or water or to be emitted into the air.
- Refer to section 6 of the *Ecological Reserve Regulation* for a full list of prohibited activities. Prohibited activities are permitted if it is an activity that is carried out for a training course under the *Wildlife Act*.
- Individuals can travel through an ecological reserve, except Dewdney and Glide Islands Ecological Reserve, Lepas Bay Ecological Reserve, Vladimir J. Krajina (Port Chanal) Ecological Reserve (s.2(2) ERR).
- See [Appendix 5](#) for the BC Parks Protected Areas Reference Map that lists the Ecological Reserves in the Great Bear Rainforest and on Haida Gwaii.

Protected Areas, Environment and Land Use Act

Protected Areas designated under the *Environment and Land Use Act* are managed according to their specific management plan that is set out in an Order-in-Council. See [Appendix 5](#) for the BC Parks Protected Areas Reference Map that lists protected areas in the Great Bear Rainforest and on Haida Gwaii.

NATIONAL PARKS

GWAII HAANAS NATIONAL PARK RESERVE, NATIONAL MARINE CONSERVATION AREA RESERVE, AND HAIDA HERITAGE SITE

COOPERATIVE MANAGEMENT

- **Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site** are managed cooperatively by the Government of Canada and the Council of the Haida Nation through the Archipelago Management Board (AMB).
- **Gwaii Haanas** has three distinct designations. The Government of Canada separates Gwaii Haanas into two components: **terrestrial** (the National Park Reserve, which includes all lands above the high-water mark) and **marine** (the National Marine Conservation Area Reserve, which includes all inter-tidal lands and water below the high-water mark). Each federal designation is subject to a specific statute: the **Canada National Parks Act** applies above the high high-water mark, and the **Canada National Marine Conservation Act** applies below it. The **Haida Heritage Site** designation, declared by the Council of the Haida Nation, does not distinguish between the terrestrial and marine components of Gwaii Haanas. The Haida Heritage Site is included in Schedule 2 of the *Canada National Marine Conservation Area*.

PERMITS

- All visitors to **Gwaii Haanas National Park Reserve and Haida Heritage Site** require a permit issued by the park superintendent and the (s.7.1(2) NPGR).
- All natural or social science **research activities** conducted in **Gwaii Haanas National Park Reserve and Haida Heritage Site** require a permit issued by the park superintendent and the AMB (s.7.1(2) NPGR – Restricted Activity).

NATURAL RESOURCES

- It is illegal to **remove, deface, damage or destroy** any **flora or natural objects** (e.g., fossils, rocks, minerals, or other natural phenomena) in a National Park or National Park Reserve, except in accordance with a permit authorized by the superintendent for scientific purposes, construction purposes, or park management (s.10 NPGR).
- It is illegal to pollute any watercourse (s.16 NPGR).

CULTURAL RESOURCES

- With a permit, people can remove specimens or prehistoric or historic artifacts from a Park. Otherwise, it is illegal to **remove, deface, damage or destroy any prehistoric or historic artifacts or structures** in a National Park or National Park Reserve (s.14 NPGR).

WILDLIFE AND HUNTING

- It is illegal to **hunt, disturb, possess, hold in captivity or destroy any wildlife** within, or **remove any wildlife** from, a National Park or National Park Reserve (s.4 NPWR). A person may possess wildlife if they have the appropriate permits and licences and are transporting it and storing it at their residence within or outside the park (s.4(4)(b) NPWR).
- It is illegal to **possess wildlife** taken from a National Park or National Park Reserve (s.4 NPWR).

- It is illegal to **disturb or destroy a nest, lair, den or dam** in a National Park or National Park Reserve (s.4 NPWR).
- It is illegal to **touch, feed or entice wildlife** in a National Park or National Park Reserve (s.4 NPWR).
- It is illegal to possess a **firearm**, unless unloaded and transported in a case (or wrapped and tied securely with no part of the firearm exposed), in a National Park or National Park Reserve (s.20 NPWR).

FISHING

- Fresh water fishing is prohibited in Gwaii Haanas National Park Reserve and Haida Heritage Site (Schedule IV NPCFR).
- Commercial and recreational in the marine waters of Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site is not permitted in certain marine zones. See [Appendix 6](#) for the map of permitted areas.
- Other designated areas within Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site that restrict types of tidal water fishing activities:
 - **Rockfish Conservation Areas** (where hook and line fishing is prohibited);
 - several annual and seasonal **sanitary closures** that restrict the collection of bivalve molluscs (i.e., shellfish with two shells); and
 - **paralytic Shellfish Poisoning** (PSP or 'Red Tide') closures may also be in effect.
- For permitted marine harvesting areas of the **Gwaii Haanas National Marine Conservation Area Reserve** and the **Haida Heritage Site**, fishers must have a valid Tidal Waters Sport Fishing Licence that is carried with them and abide by general Fisheries Act requirements (s.7 NPCFR and s.17 BCSFR).

See the Fisheries and Oceans Canada website: <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/tidal-maree/a-s2-eng.html#area-closures> [<https://perma.cc/Q7RR-SS2V>], or call the general fishing information line at 1-866-431-3474.

AIRCRAFT

- It is illegal to **take off or land an aircraft** (including floatplanes and helicopters) within the terrestrial portion of **Gwaii Haanas National Park Reserve and Haida Heritage Site** without a permit from the park superintendent and the AMB (s.2 NPCAAR). Permitted uses are only for management and emergency purposes. **Tourism-related access is not allowed.** Aircraft access to the marine component of Gwaii Haanas is currently not restricted.
- To take off or land within the terrestrial portion of **Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site**, commercial aircraft require a business permit from the park superintendent and the AMB.
- Transport Canada guidelines set out a **minimum altitude of 1,000 feet (304.8 metres) above the highest obstacle located within a horizontal distance of 2,000 feet (609.6 metres) from the ground level.** It is illegal for an aircraft, except on approach, take-off or landing, to operate at a distance **less than 500 feet (152.4 metres)** from any person, vessel, vehicle or structure (s.602.14 CAR).

BUSINESS ACTIVITIES

- The most common types of business activities in **Gwaii Haanas National Park Reserve and Haida Heritage Site** are guided kayak tours, sailing vessel charters, and motor vessel-based day trips.
- It is illegal to **conduct a business** in **Gwaii Haanas National Park Reserve and Haida Heritage Site** (including charitable and non-profit activities) without a licence issued by the park superintendent and the AMB (s.3 NPCBR).

GENERAL (CAMPING, GARBAGE, CLOSURES, DOMESTIC ANIMALS, ETC.)

- Any person occupying or using a public area must keep it in satisfactory condition and restore it to its natural condition as soon as possible upon leaving the area (s.31 NPGR).
- Campsites must be kept in a condition satisfactory to the park superintendent. In **Gwaii Haanas National Park Reserve and Haida Heritage Site**, visitors are expected to practice **'leave no trace'** techniques and **secure wildlife attractants (food, cooking equipment, cutlery and utensils, toiletries, garbage, etc.)** at all times. (s.9 NPCCR).
- No person shall cause excessive noise or behave in a way that disturbs other peoples' enjoyment of the park or interfere with the fauna or natural beauty of the park (s.32 NPGR).
- It is illegal to litter or **dump garbage** in a National Park or National Park Reserve, except as authorized by the superintendent (s.8 NPCGR). There are no garbage facilities in **Gwaii Haanas National Park Reserve and Haida Heritage Site**. Visitors must pack out everything they bring into the park.
- It is illegal to **enter closed areas or engage in restricted or prohibited activities** (e.g., camping in an area closed to camping), except with the permission of the superintendent. There are several permanent closures and areas with limited access in **Gwaii Haanas National Park Reserve and Haida Heritage Site** in order to protect cultural, spiritual and ecological features. The 2018 management agreement sets out specific places that are not accessible or are conditionally accessible. Refer to the map in [Appendix 6](#) for a list of these sites. **Further**, seasonal closures may also be in effect. Check with Gwaii Haanas staff for current information (s.7 NPGR).
- Dogs must be under physical control at all times (i.e., on a leash <3m (9.8 feet)). In **Gwaii Haanas National Park Reserve and Haida Heritage Site**, with the exception of service animals, dogs are not permitted ashore at any of the staffed Haida cultural sites (i.e., Watchmen camps) (s.5 NPCDAR).

To Report Suspicious or Illegal Activities in Protected Areas:

- In BC Protected Areas: RAPP (Report Poachers and Polluters) line at 1-877-952-7277.
- In an Ecological Reserve: notify the Reserve's Area Supervisor or phone the RAPP (Report Poachers and Polluters) line at 1-877-952- 7277.
- In Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site phone 250- 559-8818 or phone Parks Canada Emergency Dispatch: 1-780- 852-3100 1-780- 852-3100 or toll-free at 1-877-852-3100.



SPECIES AT RISK

The federal *Species at Risk Act* (“SARA”) provides protection to endangered and threatened species that are aquatic or migratory bird species— or are in federal lands and waters. Endangered and threatened species in the Great Bear Rainforest and on Haida Gwaii are listed below.

The law protects both species and habitat.

Species

- It is illegal to **kill, harm, harass, capture, or take, possess, buy, sell or trade** a species (animal or plant), or part of a species (e.g., abalone shells) that is **listed** as endangered or threatened under the SARA (s.32).
- It is an offence to hunt, take, trap wound or kill sea otters and American white pelicans (Schedules D & E, DER).

Habitat

- It is **illegal** to **damage** or destroy the **residence** of a species that is **listed** as endangered or threatened under SARA (s.33).
- It is **illegal** to destroy **designated critical habitat** that is essential to the survival of specified endangered and threatened species under SARA (ss.58, 61).

ENDANGERED AND THREATENED SPECIES (*SPECIES AT RISK ACT*) ON THE NORTH AND CENTRAL COAST

Marine Mammals:

- Orca/Killer Whale Northeast Pacific Northern Resident Population (Threatened)
- Orca/ Killer Whale Northeast Pacific Offshore Population (Threatened)
- Orca/Killer Whale Northeast Pacific Transient Population (Threatened)
- Fin Whale Pacific Population (Threatened)
- Blue Whale Pacific Population (Endangered)
- North Pacific Right Whale (Endangered)
- Sei Whale Pacific Population (Endangered)

Marine Reptiles:

- Leatherback Sea Turtle (Endangered)

Fish and Molluscs:

- Basking Shark Pacific Population (Endangered)
- White Sturgeon Nechako Population (Endangered)
- Northern Abalone (Endangered)

Mammals:

- Haida Ermine (Threatened)
- Little brown myotis (bat) (Endangered)

Birds:

- Marbled Murrelet (Threatened)
- Northern Saw-whet Owl (Threatened)
- Western Screech-Owl, kennicottii subspecies (Threatened)
- Streaked Olive-sided Flycatcher (Threatened)
- Horned Lark (Endangered)
- Short-tailed Albatross (Threatened)
- Northern Goshawk (Threatened)
- Red Knot (Threatened)
- Pink-footed Shearwater (Endangered)
- Black Swift (Endangered)

See the Species at Risk website at: <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>.

PROTECTION OF PLANTS AND HABITATS IN THE GREAT BEAR RAINFOREST AND HAIDA GWAI

Great Bear Rainforest

- Under the 2023 Great Bear Rainforest Land Use Order, objectives have been established for forestry practices in order to protect and recover old growth forest:
 - In the Central and North Coast, objectives have been established to retain western yew trees; maintain aquatic habitats; maintain the ecological characteristics and function of forest swamps; protected red and blue-listed plant communities during forest activities; maintain forest structure and diversity, maintain and protect grizzly habitats and dens; protect black bear habitats; and maintain Kermode bear habitats.

- In the South and Central Coast, objectives have been established to retain western yew trees; protect and maintain aquatic habitats, maintain the ecological characteristics and function of forested swamps; protected red-listed and blue-listed plant communities during forest activities; maintain forest structure and diversity at the stand level; maintain and protect grizzly bear habitats and dens; and protect black bear dens.

Haida Gwaii

- Similarly, in **Haida Gwaii**, the amended Haida Gwaii Land Use Objectives Order (2017) establishes objectives for forestry practices in order to protect forest ecosystems. These include:
 - to protect all western yew patches within stand level retention; protect all forest within Type I and II fish habitat; protect all forested swamps greater than 0.25 hectares; protect each occurrence of a red-listed and blue-listed ecological community that is a minimum of 0.25 hectares in size; protected all black bear dens within a reserve zone; maintain an amount of marbled murrelet nesting habitat; protect all northern goshawk reserves; protect great blue heron nest sites; protect all northern saw-whet owl reserves.

See “Forest Practices and Logging” section above for more information.

To Report Species at Risk Issues:

- **Forest Practices threatening red- and blue-listed plant species: Phone Compliance and Enforcement officials in the Ministry of Forests**
 - 250-638-5100 (North Coast)
 - 250-799-5291 (Central Coast)
 - 250-559-6200 (Haida Gwaii)
- **Species at risk issues in non-marine areas – BC Conservation Officer Service (RAPP) 1-877-952-7277 or #7277 on the TELUS Mobility Network.**
- **Species at risk issues in marine areas DFO Hotline: 1-800-465- 4336**



BOATING

- See *Pollution* above, for rules on sewage and bilge water, and the Marine Pollution Line number.
- It is **illegal to drive a boat** when impaired **by drugs or alcohol** (s. 320.14 CC).
- Every vessel must proceed at a safe speed to avoid collisions and be able to stop within an appropriate distance to any conditions or circumstances (Schedule 1, Rule 6 CR).
- In roadsteads, rivers, lakes or inland waterways, every vessel passing another vessel or work (tow, dredge, grounded vessel or wreck) must be going at a speed so as not to adversely affect the vessel or the work. Any relevant instruction or direction in any Notice to Mariners or Navigational Warning must be complied with (Schedule 1, Rule 6 CR).
- No person shall operate a vessel in a careless manner, without due care and attention or without reasonable consideration for other persons (s.1007 SVR and s.3.08 FVSR).
- Boats must not exceed **speed limits**. Unless posted, within freshwater lakes and rivers, the speed limit is 10km/h (6.2 mph) within 30 metres (98.4 feet) from shore. For example, in parts of the Prince Rupert area, the Port Authority has created zones with a five-knot speed limit.
- Several safety rules apply to boating. See Transport Canada's publication, *Safe Boating Guide* at https://tc.canada.ca/sites/default/files/migrated/tp_511e.pdf [<https://perma.cc/W4R4-YRUT>].

Wrecked and Derelict Boats

- If a vessel becomes wrecked, the operator must provide a report to a marine communications and traffic services officer. If the wreck is a hazard, it must be properly marked (ss.19, 20 WAHVA).
- It is an offence for an owner of a vessel to:
 - leave it stranded, grounded or moored in the same location for 60 consecutive days, unless they have express consent (s.30 WAHVA);
 - leave it adrift for 48 hours without securing it (s.31 WAHVA);
 - abandon it or knowingly let it sink, partially sink or be grounded, unless it is done to avert danger, or the owner has a permit (ss.32, 34 WAHVA); or
 - let it become a wreck because they failed to maintain it (s.33 WAHVA).

MARINE MAMMAL WATCHING

It is an **offence to disturb (i.e., feed, swim or interact with) a marine mammal**, unless you are legally fishing for marine mammals (s.7 MMR) or carrying on work authorized under the *Fisheries Act* or the *Species at Risk Act*.

- Vessels must not approach:
 - Orca whales within 200 metres (656 feet), and other whales, dolphins or porpoises within 100 metres (328 feet) (s.7(3)(4) MMR).
 - Other whales, dolphins or porpoises who are in a resting position, or have a calf, within 200 metres (656 feet) (s.7(3)(4) MMR)
 - These approach distances do not apply to a vessel that is in transit (s.7(5) MMR).

- If a boater violates the **“Be Whale Wise” Guidelines**, the boater may be “disturbing” a marine mammal. These include:
 - The boat should approach or depart marine mammal whales from the side—and not approach animals directly from the front or behind.
 - Within 304.8 metres (1,000 feet) of the nearest marine mammal, the boat’s speed should be slowed to less than seven knots.
 - Whale watching should not go for **longer than 30 minutes**.
 - A boat should **not be driven** through a pod of **whales**, or **dolphins**.
 - **Abrupt course changes** are to be **avoided** as much as possible when near whales or dolphins.
 - For more information see the guide: <https://www.bewhalewise.org/killer-whales/#transboundary> [<https://perma.cc/PC4C-6KBS>].
- Immediately after any accidental contact between a vessel or fishing gear with a marine animal, the operator of the vessel or fishing gear must contact the Department of Fisheries and Oceans Canada (s.39 MMR).
- If an aircraft is being flown less than 1,000 feet (304.8 metres) within a radius of a half a nautical mile from a marine mammal, it is an offence to bring the aircraft close to the mammal or disturb it (s.7.2 MMR).
- A drone must be kept a minimum of 1,000 feet (304.8 metres) vertical distance and a half a mile radius from a marine mammal (s.7.2 MMR).

ENDANGERED AND THREATENED WHALES

Orcas, Blue Whales, Fin Whales, Grey Whales, North Pacific Right Whales and Sei Whales are listed under the *Species at Risk Act*. See the *Species at Risk* section for laws protecting such species.

When You See a Boat Operated Unsafely (Or to Report an Accident):

- Contact the Canadian Coast Guard Emergency Line: Channel 16 Marine VHF (156.8 MHz), *16 on cell phone, or the local RCMP.
- To report a violator of the Prince Rupert Speed Zone, call 250-627- 8899.

When You See a Whale Watching Offence:

- Call DFO’s Observe Record Report line: 1-800-465-4336.
- If a marine mammal is injured or dead, contact the Marine Mammal Distress Line: 1-800-465-4336.



- Indigenous Nations have distinctive legal protocols to welcome and allow non-Nation visitors onto their territory.
- On *Indian Act* reserves, it is an offence to trespass, or go onto reserve land without permission (s.30 IA). It might not be trespassing if the person uses a boat to access a river and does not set foot on the land itself.
- Importantly, individual First Nations may have trespassing bylaws pursuant to the *Indian Act*. They are binding law on the reserve. Make yourself aware if the First Nation has enacted a trespassing bylaw.
- The *Indian Reserve Waste Disposal Regulations* under the *Indian Act* prohibit dumping or burning waste on a reserve without a permit.

To Report Trespassers:

- **Call the Local RCMP:**
 - 250-957-2388 (Bella Coola)
 - 250-799-5363 (Central Coast)
 - 250-627-0700 or 250-632-7111 (North Coast)
 - 250-626-3991 or 250-559-4421 (Haida Gwaii)



TRESPASSING ON RESERVE LANDS

Appendix 1: Important Contact Numbers

IF YOU SEE:	
FISHING VIOLATIONS	<ul style="list-style-type: none"> For violations involving salmon or tidal waters phone 1-800-465-4336 (ORR line) For all other angling offences, phone 1-877-952-7277 or mobile phone #7277 (BC Conservation Officer Service RAPP line)
HUNTING OR TRAPPING OFFENCES	<ul style="list-style-type: none"> Call 1-877-952-7277 or #7277 on a mobile phone (RAPP Line) Crimestoppers 1-800-222-8477 (Complaint can be anonymous)
POLLUTION	<ul style="list-style-type: none"> Phone the Report All Poachers and Polluters (RAPP) Line: 1-877- 952-7277 or #7277 on mobile phone (includes garbage issues) To report marine pollution, call the Marine Pollution Line (Canadian Coast Guard): 1-800-889-8852 Sewage issues can also be reported to environmental health officials at your local Health Authority
ILLEGAL FOREST PRACTICES OR LOGGING	<ul style="list-style-type: none"> Call Compliance and Enforcement officials in the Ministry of Forests, Lands and Natural Resource Operations: <ul style="list-style-type: none"> North Coast: 250-638-5100 Central Coast: 250-956-5000 Haida Gwaii: 250-559-6200 More serious offences such as log theft can be reported to: <ul style="list-style-type: none"> BC Conservation Officer Service (RAPP) 1-877-952-7277 or #7277 on a mobile phone Crimestoppers: 1-800-222-8477 (complaint can be anonymous) If compliance and enforcement officials do not respond to your report, call the Forest Practices Board at 1-800-994-5899 to ask for an investigation or appeal of the provincial government's failure to respond.

FOREST FIRES	<ul style="list-style-type: none"> Report a Wildfire Line (Ministry of Forests, Lands and Natural Resources): 1-800-663-5555 or *5555 on cell phone
DISTURBANCE OF ARCHEOLOGICAL AND CULTURAL SITES	<ul style="list-style-type: none"> Call the Local RCMP: <ul style="list-style-type: none"> 250-957-2388 (Bella Coola) 250-799-5363 (Central Coast) 250-627-0700 or 250-632-7111 (North Coast) 250-626-3991 or 250-559-4421 (Haida Gwaii) Or call Crimestoppers: 1-800-222-8477 Or call the Archaeology branch of the Ministry of Forests, Lands and Natural Resource Operations at: (250) 953-3334 <p>Breaches of the Forest Stewardship Plan can be reported to:</p> <ul style="list-style-type: none"> Compliance and Enforcement officials in the Ministry of Forest Lands and Natural Resource Operations: <ul style="list-style-type: none"> North Coast: 250-638-5100 Central Coast: 250-956-5000 Haida Gwaii: 250-559-6200 If compliance and enforcement officials do not respond to your report, call the Forest Practices Board at 1-800-994-5899 to ask for an investigation or appeal of the failure to respond.
SUSPICIOUS ACTS IN PROTECTED AREAS	<ul style="list-style-type: none"> In BC Protected Areas: RAPP (Report Poachers and Polluters) line at 1-877-952-7277 In Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site phone: 1-780-852-3100 or toll-free at 1-877-852-3100 BC Parks Contacts: <ul style="list-style-type: none"> 250-982-2701 (Central Coast) 250-638-6530 or 250-798-2277 (North Coast) 250-559-8431 (Haida Gwaii) In an Ecological Reserve: notify the Reserve's Area Supervisor or phone the RAPP (Report Poachers and Polluters) line at 1-877-952-7277

SPECIES AT RISK ISSUES	<ul style="list-style-type: none"> Forest Practices threatening red- and blue-listed species: Phone Compliance and Enforcement officials in the Ministry of Forest Lands and Natural Resource Operations: <ul style="list-style-type: none"> North Coast: 250-638-5100 Central Coast: 250-956-5014 Haida Gwaii: 250-559-6200 Species at risk issues in non-marine areas: BC Conservation Officer Service (RAPP) 1-877-952-7277 or #7277 on a mobile phone Species at risk issues in marine areas – DFO Hotline: 1-800-465- 4336
UNSAFE BOATING/ BOAT ACCIDENTS AND EMERGENCIES	<ul style="list-style-type: none"> Contact the Canadian Coast Guard Emergency Line: Channel 16 Marine VHF or *16 on cell phone, or the local RCMP To report a violator of the Prince Rupert Speed Zone, call (250) 627-8899
WHALE WATCHING OFFENCES/ DISTRESSED MARINE MAMMALS	<ul style="list-style-type: none"> Call DFO's ORR line: 1-800-465-4336
TRESPASSERS ON RESERVE LAND	<ul style="list-style-type: none"> Call the Local RCMP: <ul style="list-style-type: none"> 250-957-2388 (Bella Coola) 250-799-5363 (Central Coast) 250-627-0700 or 250-632-7111 (North Coast) 250-626-3991 or 250-559-4421 (Haida Gwaii)
EMERGENCIES (LANDSLIDES, FLOODING, OIL SPILLS, ETC.)	<ul style="list-style-type: none"> Ministry of Environment, BC Provincial Emergency Program: 1-800-663-3456 Report All Poachers and Polluters (RAPP) Line (Ministry of Environment) 1-877-952-7277 or *7277 on cell phone For marine oil spills call the Marine Pollution Line (Canadian Coast Guard): 1-800-889-8852

Appendix 2: Table of Abbreviations (Statutes, Regulations, Guidebooks)

Note: Next to the description of offences in the Field Guide are abbreviations for the law that applies. Below is the explanation of those abbreviations:

- AASCR** – Angling and Scientific Collection Regulation (*Wildlife Act*)
- BCSFR** – British Columbia Sport Fishing Regulations (*Fisheries Act*)
- CAR** – Canadian Aviation Regulations (*Aeronautics Act*)
- CC** – *Criminal Code of Canada*
- CR** – Collision Regulations (*Canada Shipping Act*)
- CNPA** – *Canada National Parks Act*
- EMA** – *Environmental Management Act*
- ERA** – *Ecological Reserve Act*
- DER** – Designation and Exemption Regulation (*Wildlife Act*)
- ERR** – Ecological Reserve Regulations (*Ecological Reserve Act*)
- FA** – *Fisheries Act*
- FaA** – *Firearms Act*
- FFR** – Freshwater Fish Regulation (*Wildlife Act*)
- FFRS** – Freshwater Fishing Regulations Synopsis (Ministry of Forests, Lands and Natural Resource Operations)
- FPPR** – Forest Planning and Practices Regulation (*Forest and Range Practices Act*)
- FR** – Fishery (General) Regulations (*Fisheries Act*)
- FRPA** – *Forest and Range Practices Act*

- **FVSR** – Fishing Vessel Safety Regulations
- **HCA** – Heritage Conservation Act
- **GAR** - Government Actions Regulation (*Forest and Range Practices Act*)
- **GBRLUOO** - Great Bear Rainforest Land Use Objectives Order
- **HGLUOO** - Haida Gwaii Land Use Objective Order
- **HLR** – Hunting Licensing Regulation (*Wildlife Act*)
- **HR** – Hunting Regulation (*Wildlife Act*)
- **IA** – Indian Act
- **ICHR** – Industrial Camps Health Regulation (*Public Health Act*)
- **MBCA** – Migratory Birds Convention Act, 1994
- **MMR** – Marine Mammal Regulations (*Fisheries Act*)
- **NPCAAR** – National Parks of Canada Aircraft Access Regulations (*Canada National Parks Act*)
- **NPCBR** – National Parks of Canada Businesses Regulations (*Canada National Parks Act*)
- **NPCCR** – National Parks of Canada Camping Regulations (*Canada National Parks Act*)
- **NPCDAR** – National Parks of Canada Domestic Animals Regulations (*Canada National Parks Act*)
- **NPCFR** – National Parks of Canada Fishing Regulations (*Canada National Parks Act*)
- **NPCGR** – National Parks of Canada Garbage Regulations (*Canada National Parks Act*)
- **NPGR** – National Parks General Regulations (*Canada National Parks Act*)
- **NPWR** – National Parks Wildlife Regulations (*Canada National Parks Act*)

- **PA** – Park Act
- **PCRAR** – Park, Conservancy and Recreation Area Regulation (*Park Act*)
- **PFR** – Pacific Fishery Regulations (*Fisheries Act*)
- **PHA**– Public Health Act
- **RPPSDC** – Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals (*Canada Shipping Act*)
- **SA** – Canada Shipping Act
- **SARA** – Species at Risk Act
- **SSR** – Sewerage System Regulation (*Public Health Act*)
- **SVR** - Small Vessel Regulations (*Canada Shipping Act, 2001*)
- **TA** – Trespass Act
- **TWSFG** – BC Tidal Waters Sport Fishing Guide (*Fisheries and Oceans Canada*)
- **WTRA** – Water Act
- **VPDCR** - Vessel Pollution and Dangerous Chemicals Regulation (*Canadian Shipping Act*)
- **WACAR** - Wildlife Act Commercial Activities Regulation
- **WAGR** – Wildlife Act General Regulation (*Wildlife Act*)
- **WFA** – Wildfire Act
- **WFR** – Wildfire Regulation
- **WLDA** – Wildlife Act
- **WSA** - Water Sustainability Act

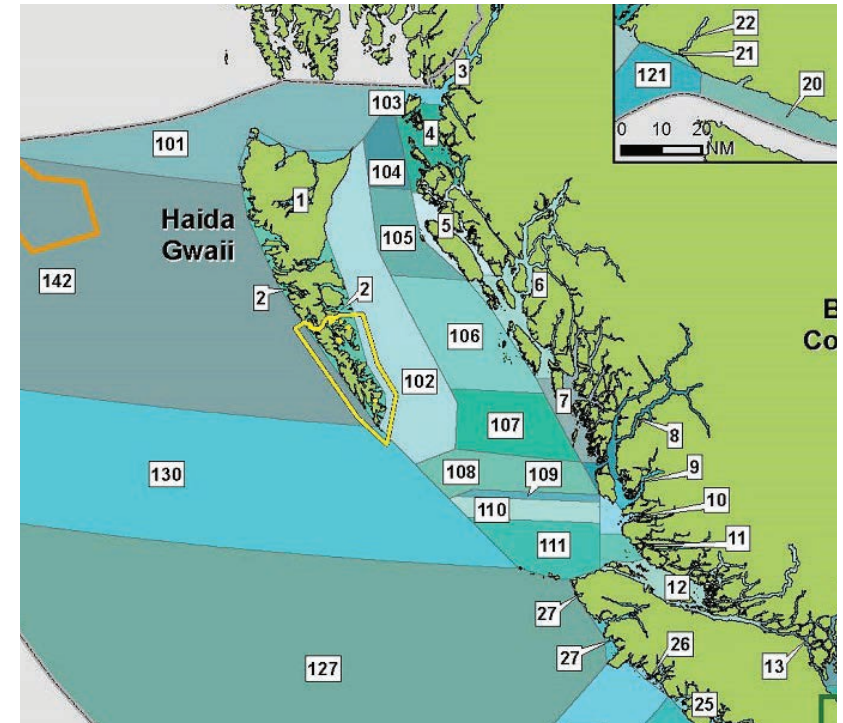
Appendix 3: How to Find the Latest Law

WHAT IS THE LATEST VERSION OF THE LAW?

- Generally, for provincial laws, check the BCLaws website:
<http://www.bclaws.ca/>
 - Click the “Laws” tab, which brings up an alphabetical listing of all BC statutes. All regulations under a particular statute are listed under the name of the statute.
 - For example, to find the Hunting Regulation under the Wildlife Act, click on Wildlife Act first, and scroll down the Regulations until you come to the Hunting Regulation.
- For federal laws, check the federal laws website:
<http://laws.justice.gc.ca/en/index.html>.
 - Click on “Consolidated Acts” for statutes or click on “Consolidated Regulations” for regulations.

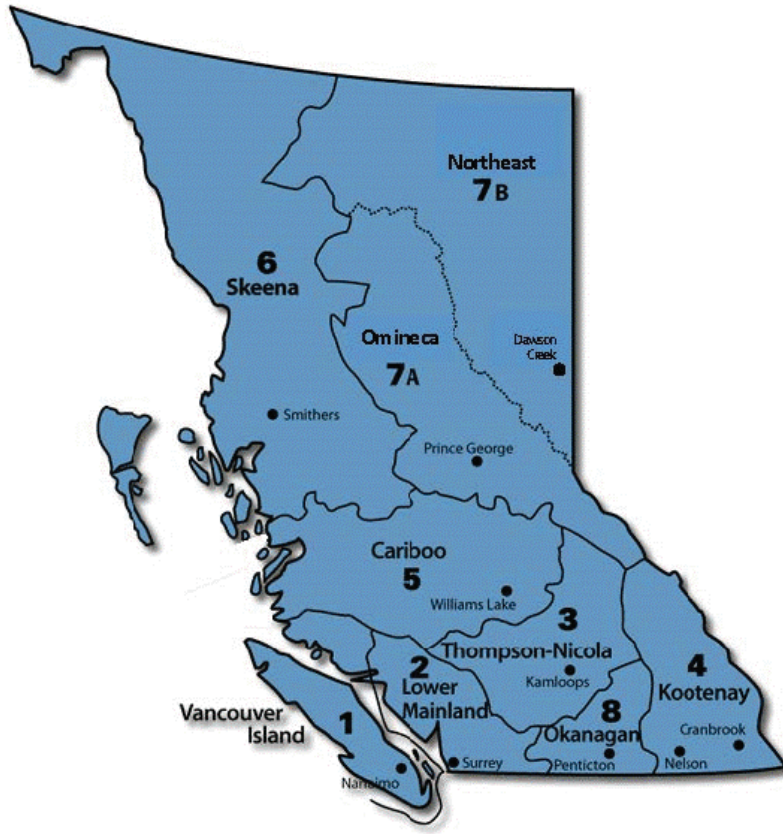
Appendix 4: Fishing Area Maps

Map A: Tidal Fishing Areas in the Great Bear Rainforest and Haida Gwaii



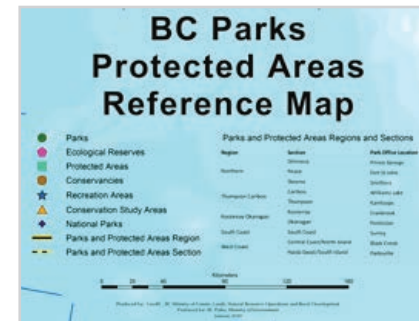
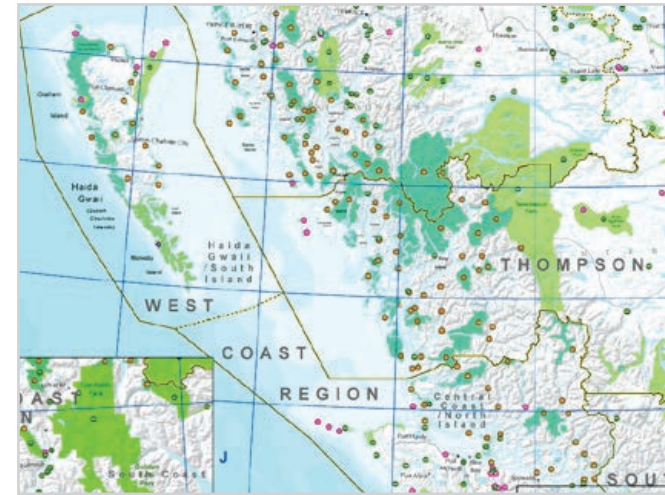
SOURCE: CANADA, FISHERIES AND OCEANS CANADA, “PACIFIC FISHERIES MANAGEMENT AREA MAPS: OVERVIEW MAP OF PACIFIC FISHERY MANAGEMENT AREAS,” ONLINE: <[HTTPS://WWW.PAC.DFO-MPO.GC.CA/FM-GP/MAPS-CARTES/AREAS-SECTEURS/INDEX-ENG.HTML](https://www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/areas-secteurs/index-eng.html)>. [YELLOW BOX REPRESENTS GWAII HAANAS NATIONAL MARINE CONSERVATION AREA]

Map B: Freshwater Fishing Areas



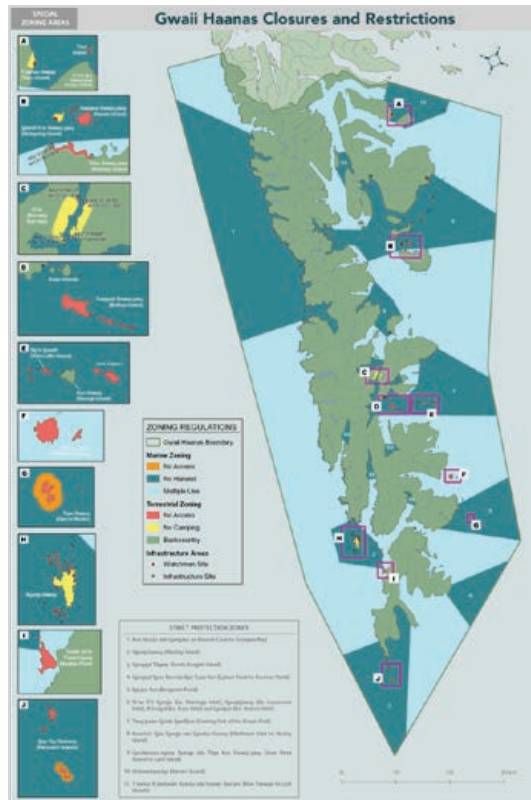
SOURCE: BC, "B.C. REGIONAL FRESHWATER FISHING REFERENCE MAP", ONLINE: <[HTTPS://WWW2.GOV.BC.CA/GOV/CONTENT/SPORTS-CULTURE/RECREATION/FISHING-HUNTING/FISHING/FISHING-REGULATIONS/BC-REGIONAL-FISHING-MAP](https://www2.gov.bc.ca/gov/content/sports-culture/recreation/fishing-hunting/fishing/fishing-regulations/bc-regional-fishing-map)>.

Appendix 5: BC Parks Protected Areas Reference Map (2020)



SOURCE: <[HTTPS://WWW2.GOV.BC.CA/ASSETS/GOV/DATA/GEBC/BC_PARKS_PROTECTED_AREAS_REFERENCE_MAP.PDF](https://www2.gov.bc.ca/assets/gov/data/geobc/bc_parks_protected_areas_reference_map.pdf)>

Appendix 6: Gwaii Haanas Closures and Restrictions



SOURCE: CANADA, PARKS CANADA, "GWAII HAANAS NATIONAL PARK RESERVE, NATIONAL MARINE CONSERVATION AREA RESERVE, AND HAIDA HERITAGE SITE," (2019), ONLINE: <[HTTPS://PARKS.CANADA.CA/PN-NP/BC/GWAIIHAANAS/ACTIV/EXPERIENCES/PECHE-FISHING](https://parks.canada.ca/pn-np/bc/gwaiihaanas/activ/experiences/peche-fishing)> [<[HTTPS://PERMA.CC/3K5T-CLOQ](https://perma.cc/3K5T-CLOQ)>].

Appendix 7: Potential Violation Model Report Form

Violation Witnessed

Type of Violation	
Location: Lat/Long	
Location: Description	
Date: Time	
Boat/ Vehicle description	
Licence No.	
Boat Name	
Make: Model	
Colour	
Unusual Marks	

Description of Suspects

Name (if known)			
Sex		Age	
Height		Weight	
Eye Colour		Hair Colour	
Physical marks, scars or facial hair			
Clothing (hat, coat, etc.).			
Peculiarities			
Description of other Suspects			

Details of Violation

Observed actions of suspect	
Evidence at the Scene	
Other Details	

Other Evidence at Scene

--

Photos were/were not taken | Remarks

--

Notes | See notes attached

--

My Contact Information

Name	
Telephone	
Email	
Address	

Other Witnesses

Name	
Telephone	
Email	
Address	

Name	
Telephone	
Email	
Address	

Name	
Telephone	
Email	
Address	

Appendix 8: Resources Cited in the Guide

LAND USE ORDERS

- Great Bear Rainforest Land Use Order: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/westcoast-region/great-bear-rainforest/great_bear_rainforest_land_use_objectives_order_june_2023.pdf?bcgovtm=CSMLS
- Haida Gwaii Land Use Order: <http://www.haidagwaiimanagementcouncil.ca/wp-content/uploads/2019/03/HGLUOO-Consolidated-Order-2017-Final-Signed.pdf> [<https://perma.cc/37FV-89AB>]

FISHING | TIDAL FISHING

- Tidal fishing openings, closures, catch limits, limits by management area: <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/bc-zones-cb-eng.html> [<https://perma.cc/ST6F-2YCA>]
- Shellfish gathering closures by region: <https://www.pac.dfo-mpo.gc.ca/fm-gp/shellfish-mollusques/contamination/index-eng.html> [<https://perma.cc/N99A-YERY>]
- Recreational fishing: <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/index-eng.html> [<https://perma.cc/CDC4-ZGHA>].
- See packaging and transporting information for:
 - Salmon: <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/salmon-sau-mon-eng.html#packaging> [<https://perma.cc/64AL-PAYS>]
 - Finfish (other than salmon): <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/finfish-peche-eng.html#packaging> [<https://perma.cc/EZ7C-LWW3>]

- Crab, Prawn and other shellfish: <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/shellfish-coquillages/packaging-emballage-eng.html> [<https://perma.cc/53Z7-N98S>]
- Rockfish Conservation Areas: **604-666-0384** or <https://www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/rca-acs/index-eng.html> [<https://perma.cc/3WYQ-2JKJ>]

FRESHWATER FISHING

- Regional freshwater fishing quotas: https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/freshwater-fishing/fishing_synopsis.pdf
- 2023-2025 *Freshwater Fishing Regulations Synopsis* at https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/freshwater-fishing/fishing_synopsis.pdf (Freshwater fishing closures, catch limits, other rules)

HUNTING AND TRAPPING

- Hunting regulations in parks, conservancies and recreation areas: http://wwwt.env.gov.bc.ca/fw/wildlife/hunting/regulations/docs/PARKS_HUNT.pdf [<https://perma.cc/8BUE-CRUM>]
- Hunting seasons, bag limits, no shooting areas and limited/ no hunting areas:
 - Skeena region: <https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/hunting/regulations/2022-2024/hunting-trapping-synopsis-region-6-skeena.pdf>

- Cariboo region: <https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/hunting/regulations/2022-2024/hunting-trapping-synopsis-region-5-cariboo.pdf>
- For more information on closed bear hunting areas, see: <https://www2.gov.bc.ca/gov/content/sports-culture/recreation/fishing-hunting/hunting/regulations-synopsis>

FORESTRY PRACTICES AND LOGGING

- Relevant red- and blue-listed plant communities are found in Schedule 13, at: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/westcoast-region/haidagwaii-slua/schedule13_red_blue_listed_ecological_communities.pdf
- BC Wildfire: <https://www2.gov.bc.ca/gov/content/safety/wildfire-status>.

PARKS AND OTHER PROTECTED AREAS

- Hunting regulations in parks, conservancies and recreation areas: http://wwwt.env.gov.bc.ca/fw/wildlife/hunting/regulations/docs/PARKS_HUNT.pdf [<https://perma.cc/8BUE-CRUM>]
- For more Parks hunting information: <https://bcparks.ca/plan-your-trip/visit-responsibly/fishing-hunting-guide/#page-section-253> [<https://perma.cc/3JCB-3S9X>]
- Specific parks, conservancies or recreation areas where aircraft (commercial or private) that cannot be used: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/180_90_00_multi#ScheduleA [<https://perma.cc/CY6Q-JVEZ>].
- Fishing closures on Haida Gwaii: <https://www.pac.dfo-mpo.gc.ca/fm-gp/rec/tidal-maree/a-s2-eng.html#area-closures> [<https://perma.cc/EV9U-UHU7>]

SPECIES AT RISK

- SARA public registry: <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>

BOATING

- Transport Canada, *Safe Boating Guide*: https://tc.canada.ca/sites/default/files/migrated/tp_511e.pdf [<https://perma.cc/W4R4-YRUT>]

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