

Park Use Permit Guidelines

Regional Parks

Capital Regional District | April 2024



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Introduction

Every year, millions of visitors use Capital Regional District (CRD) regional parks and regional trails for many different activities. The rules and regulations for the use of the parks are enacted under the CRD Parks Regulation Bylaw. Park Use Permits are used to authorize use of the land within the CRD for land use/occupancy, filming and research activities. Many types of park and trail use are fully authorized without a permit, e.g. hiking on a trail designed for this purpose during park hours.

Why are permits required?

Permits are used to assist the Capital Regional District's Regional Parks Division staff to manage many different kinds of activities in a regional park or regional trail, to establish conditions of use for permit holders, and help to ensure compliance with the CRD Parks Regulation Bylaw. Permits provide a mechanism whereby park users can secure authorization to use the regional park or regional trail for an activity that would otherwise be prohibited, or to acquire temporary exclusivity over a regional parks facility. Permits can convey information to the permit holder such as specific conditions of use, hours, locations, and they can provide other special instructions to make their experience safer and more enjoyable. Permits help protect park values by preventing the overuse of facilities, and can be used to manage park capacity and minimize conflict between users.

Permits are used to administer fees and charges when applicable, collect information for CRD staff to aid in operations planning and management, and collect data regarding visitor use. Permits are also used to manage risk appropriately, including ensuring all indemnification and insurance requirements are met.

When do you need a park use permit?

A park use permit is required for:

- an activity or event that attracts participants and spectators, such as a festival, competition, tournament, show or outdoor ceremony
- a commercial service, such as dog walking, interpretation services, guided trail hikes,
- scientific research work such as specimen collections, surveys, inventories and monitoring plots
- temporary land use/occupancy or access to a regional park or trail for such purposes as accessing a private property, public utility, corridor or works
- commercial filming using still or motion photography with the intent of monetary return
- carrying a firearm to access lands outside of the CRD for hunting purposes

What types of permits are there?

Access Permit

Temporary land use/occupancy other than commercial use that takes place on or within a regional park or regional trail. Generally, temporary access permits are issued so that a person(s) can access through a regional park or regional trail, a private property, public utility, corridor or works (e.g. BC Hydro powerlines, CRD Water Services). Land/use occupancy includes but is not limited to: utility rights-of-ways, communication sites, road/trail access, miscellaneous land use.

An Access Permit authorizes a permit holder temporary access to, or within, a regional park or regional trail for the purposes of accessing a private property, public utility, corridor or works and may be subject to special terms and conditions at the discretion of the Parks Administrator.

In many instances, a considerable amount of staff time is required to supervise and monitor the regional park or trail access and public works activities being carried out. Regional Parks will ensure that accurate records are kept of the staff resources involved and that the permit holder is charged for the staff time and materials provided by Regional Parks. Charge outs for staff time may be waived when the temporary service access provides a benefit or improvement to a park or the regional parks system.

Commercial Use Permit

All commercial activities in regional parks and regional trails are required to obtain authorization from the CRD. The CRD Parks Regulation Bylaw currently states: A person who carries on a business, trade, profession, commercial activity or occupation, within a regional park or on regional park property must apply for a commercial use park permit.

Proof of permit must be carried at all times by commercial use permit holders.

Examples of commercial activities that are currently permitted in regional parks include:

- Stand Up Paddleboard/Kayak instruction or guides
- Dog Walking
- Guided Hikes
- Outdoor Nature Schools
- First Aid Training
- Equestrian Trail Rides
- Mountain Biking Lessons

Commercial Use Permits for the same activity (e.g. dog walking) should be applied consistently across the regional park system.

Facility Rental Permit

Four picnic shelters are available for reservation in regional parks. All shelters offer undercover picnic table seating and nearby toilet facilities. Barbeques are permitted. The CRD's secure online reservation site allows you to reserve and pay immediately for a picnic shelter with no wait. You will first have to [create an account](#). Payment options are VISA or MasterCard. All reservation requests go through an approval process before a Permit is issued. Once you have booked a shelter the permit fee is non-refundable.

Information such as pricing, capacity etc. are primarily communicated on the website in the "[Picnic Shelter](#)" section. Inquiries are also received by phone.

Generally, facilities can be rented up to one year in advance.

For all indoor facilities insurance is due 30 days before the rental if not purchased through the CRD.

Individual conditions of use are set by the regional park staff and are listed on approved permits.

Filming Permit

The CRD recognizes the importance of the film industry as a significant contributor to the regional economy. The motion picture industry leverages many existing regional strengths, including a workforce skilled in the creative and technology sectors and the region's diverse natural scenery. The CRD's Regional Parks Division will consider requests to use a regional park or regional trail for filming activities where such activities are compatible with operational requirements. Requests to film in a regional park or regional trail will be subject to the Filming Policy and any further conditions of use as outlined in the permit.

All filming activities will ensure protection of CRD assets, avoid disruption of operations and maintenance activities, and will ensure that potential liability and adverse impacts on park values are minimized. Film productions are required to remediate any damage to properties or the environment.

Film productions must ensure compliance with other municipal, provincial and federal legislation and permitting requirements. Filming crews are encouraged to review and abide by Creative BC's [Code of Conduct](#).

Entities seeking permission to film in a regional park or trail are required to apply for a permit from Regional Parks.

Firearms Permit

To gain access to Sooke Mountain Provincial Park during open hunting season one must pass through the Sea to Sea Regional Park. A Firearms Permit is required when travelling through the Sea to Sea Regional Park to access Sooke Mountain Provincial Park during open hunting season.

Regional Parks Bylaw 4225 states:

“A person must not possess or discharge any firearm, fireworks, slingshot, bow or crossbow in a regional park without a valid park use permit allowing that activity and then, only in accordance with Bylaw 4225, the park use permit and any other applicable bylaw.”

The permit holder must have a valid hunting license and comply with the terms and conditions in the federal *Firearms Act*, provincial *Wildlife Act* and/or any other applicable federal, provincial and municipal acts and regulations.

Scientific Research Permit

All research activities including environmental monitoring, collecting and surveying, and social/citizen science requires a permit. This includes any research conducted by individuals, non-profit organizations, and educational institutions or for research conducted for commercial purposes.

A Scientific Research Permit provides an opportunity for staff to review, influence and track research projects taking place in regional parks. The permit typically provides Regional Parks with access to the research findings. Scientific Research Permits are used whenever a scientific research project is proposed to take place in a regional park or regional trail. It is different than a Special Use Permit, in that it involves work that may be off trail or in remote areas and may temporarily impact the regional parks ecology, but will result in an increased understanding of the regional parks natural resources and therefore may provide an opportunity to better manage the land base. It also enables the public to have a greater depth of knowledge and connection to the regional park, while in service to its overall needs. Scientific Research Permits are typically used with students/faculty of academic institutions, consultants conducting environmental investigations, and partner groups engaging in citizen science initiatives.

Conditions of use one might expect to be associated with a Scientific Research Permit:

- Researchers must comply with park rules and the Regional Park Regulation Bylaw, Provincial/Federal Acts and Regulations as well as Worksafe BC Guidelines
- Research must be conducted during park hours, unless specified under special conditions

- All flagging tape or markings must be inconspicuous, kept to a minimum and removed when the research is complete - if flagging tape must be used, it should be dated, initialed and have permit number noted to ensure that it remains in place for the duration of the research
- While conducting research, applicants should respond to inquiries from park visitors in a friendly and courteous manner so as to inform park visitors of the importance of the work and to ensure that the visitors understand that the impacts on the park are minimal
- No fungi, vegetation, wildlife or important habitat elements will be removed from the park unless specified
- Researchers should wear a high-visibility vest while conducting research in the park
- Researchers will carry a signed copy of the research permit which may be inspected by staff and the public at any time
- Applicants will be a resource for Regional Parks in the development of educational/interpretive programs that highlight the findings of the research
- A report summarizing the research and its findings will be submitted to Regional Parks

Special Event Permit

Special Events are activities which attracts participants and spectators and includes, but is not limited to a competition, tournament, show or outdoor ceremony within a regional park or trail. Since each occurrence requires approval, these permits are not meant for ongoing activities. A number of criteria are used to determine if a permit is needed.

To obtain a Special Event Permit, one must fill out the [Special Event Application Form](#) and applicants must supply the following documents:

- Signed permit application including indemnification agreement
- Site layout and route map for walks and runs
- Safety plan / first aid attendant onsite
- Security plan / security personnel onsite
- Traffic and parking control plan
- Waste management plan
- Certifications if required (e.g. drone certification)

There is an online handout, [Green Best Practices for Hosting Special Events](#) that offers tools for organizations to make their event more environmentally sustainable.

Responsibilities

It is the applicant's responsibility to obtain all other applicable licences, tenures or permits prior to the issuance of a park use permit.

BC Online - It is your responsibility to determine whether or not you must be registered to do business in British Columbia:

- Businesses must either be licensed to do business in British Columbia or, if licensed/incorporated outside of British Columbia (considered to be 'extra-provincial companies'), be in compliance with [section 375 of the *Business Corporations Act*](#) to operate in British Columbia.

A park use permit holder is responsible for abiding by the terms and conditions of the permit document provided.

Receiving the application

- Your application will be reviewed to ensure that it is complete. If necessary, the applicant will be contacted for more information.
- An application will not be processed until all required information and the application fee has been received.
- The submission of an application does NOT allow the applicant any rights to the park land. A park use permit, if issued, would grant this authority.

Adjudication

- The target time frame for making a decision on your application is **140 days** after a complete application is received. Target times may be affected by other required processes, such as requests to the applicant for additional information or requirements for First Nations consultation.
- Applications will be processed in the order that they are received. The 140 day time frame will not be changed to accommodate "rush" applications.
- Regional Parks staff will review the application to determine whether additional assessments, such as ecological or archaeological assessments, or consultation, such as First Nations consultation, may be required. Some assessments will be completed by Regional Parks, but other assessments may be the responsibility of the applicant to complete at their own cost.
- CRD staff may contact the applicant throughout the application process to discuss your application as required.
- The CRD's Regional Parks Division considers the impacts of a proposed activity and the particular values of the parklands in question when evaluating a permit application. If your application is denied, the applicant will be provided with an email indicating the reason(s) for denial.

Before granting the permit, staff might consider additional questions such as:

- Does the activity contribute to the Regional Parks and Trails Strategic Plan and individual park management plan goals to protect regional parks natural areas and connect people to them?
- Does the activity contribute to the CRD Corporate Plan?
- Is the activity consistent with Regional Parks values?
- In the absence of a facility allocation policy, is there a fair and equitable process for managing limited supply with demand for permit requests for specific locations or specific activities or specific dates/times? (e.g. commercial dog walking at the Sea to Sea Regional Park)
- Will the activity create potential conflict or negative media interest given the nature of the activity?
- Is a park permit the most appropriate mechanism to permit use? (rather than another form of agreement i.e. lease agreement)

After determining that the location and activity are appropriate and that the date/time is available for permitted use, and staff have considered the answers to the additional questions listed above, the CRD will make a decision on the application.

Why would my application be denied?

Regional Parks considers the impacts of a proposed activity and the particular values of the parklands in question when evaluating a permit application. If your application is denied, the applicant will be provided with an email indicating the reason(s) for denial. Any application fee that may have been paid will not be refunded.

Additional Costs and Requirements

Upon evaluation of the proposal, it may be determined that additional costs and requirements, such as financial guarantees or survey and inspection costs, must be met prior to the issuance of the permit, Commercial General Liability (CGL) insurance in the amount of \$2 million per occurrence is the minimum requirement for all commercial operators.

Request Final Requirements

- If the CRD approves the permit we will email the applicant of the permit's final requirements. If no email address was provided, the applicant will be notified by phone instead.
- Examples of Final Requirements:
 - Proof of Insurance
 - Permit Fee(s)
 - Financial Guarantee

- If the applicant does not respond to the Request for Final Requirements by the indicated due date, your application will be withdrawn, your file will be closed and your application fee will not be refunded.

Issuance of Permit

Once all final requirements are met, the permit will be issued and sent to the applicant by email. If no email address was provided, a hard copy will be sent to the applicant by mail.

Municipal Partners, Parks and Recreation Centres

Municipal partners, such as parks and recreation centres, who carry out recreation programs within regional parks do not require a park use permit. They are considered to be partners of Regional Parks and staff work closely with recreation centre programmers to ensure that conflicts between Regional Parks programs and recreation centre programs do not take place. Each year and/or season staff contact recreation centre programmers and request their program schedule for the upcoming year and/or season. Staff ensure that there are no programming conflicts and may bring forward any unusual programs or activities which may have a high degree of risk to the attention of the Visitor Experience & Stewardship Manager.

Water Surface Jurisdiction

Regional Parks does not have jurisdiction over water surfaces such as lakes. However, events and activities such as the swimming portion of a triathlon or a model boat race may originate from land within a regional park. When an organized event or activity originates from land within a regional park, a park use permit will be required. The permit will apply to the “special use” taking place on the land within a regional park. It is the responsibility of the event organizers to ensure that they have the appropriate federal approvals for use of the water surface at Elk/Beaver Lake through Transport Canada.

Application Process, Fees

If a member of the public wants to obtain a Permit, the first step is to contact the Regional Parks office. Regional Parks staff will screen the request and send out an application form. Once the application form is received it will be sent to key staff for review and a final decision will be made by the Senior Manager.

All applications take approximately 4-6 weeks to complete. To ensure that your application does not get held up all documents must be received and the application must be completed in its entirety and all supporting documents attached.

If required, a site visit may be arranged. If approved, and after insurance and payment are received, an approved permit will be issued.

All permit terms are for one year and run the calendar year, January 1st to December 31st.

Permit fees

The CRD's Regional Parks Division will charge fees for all permit categories to recover costs and partially offset operating and maintenance costs of the properties.

All fees charged for the use of a regional park are approved by bylaw and are currently laid out in the application package and in Schedule A of the [CRD Regional Parks Services and Facilities Fees and Charges Bylaw](#). The Bylaw is amended regularly to ensure that fees are appropriate and based on current market conditions.

A security deposit may be required for some permits.

Exempting permit fees

All schools are exempt from payment of special event permit fees, but not from paying facility rental fees. Generally for activities and events where all of the participants are under 18 years of age will be exempt from the park use permit fees, the application will be reviewed and fee exemptions will be decided by the Senior Manager.

In some cases park use permit fees will be waived for organizations that are not-for-profit and provide a benefit to the community and the region. These organizations will have to explain why the fee should be waived, for example, how is the money that is being charged for participants going back into the community.

Park use permit fees may also be waived for temporary access where a service provider, such as CRD Water, BC Hydro, FortisBC or Ministry of Transportation and Infrastructure has a legal right-of-way within a regional park or trail.

Fees will be waived for Research Permits where there is a benefit to the regional parks and trails system.

Cancelling a permit

Cancellations can be made by phone or by email to the Regional Parks office at 250.478.3344 or crdparks@crd.bc.ca. Facility rentals do not qualify for a refund.

Insurance, Release and Indemnity requirements

Due to the number of varied uses and activities authorized by park use permits in regional parks and trails, and the possibility that CRD Regional Parks could be held responsible as landowners for any loss or damage which may occur through the activities of the permit holder on the land, all permits must be assessed regarding risk to the park and park users before issuance.

All park use permit applicants must sign the Release and Indemnification as part of the application process. A release and indemnification clause provides some protection for the Capital Regional District from damages resulting from any act or omission of the permit holder in its activity under the permit. An indemnification clause does not, however, provide absolute protection for the Capital Regional District from lawsuits arising from a loss in conjunction with the permit holder's activity. All permits which authorize a use or activity where a potential risk to loss or damage to the permit holder's clients, other users or the Capital Regional District, is present will also require the permit holder to maintain insurance.

Insurance is to be provided, maintained and paid for by the permit holder and shall include:

- Comprehensive General Liability Insurance in an amount not less than \$2,000,000 (two million dollars) inclusive per occurrence against bodily injury, personal injury and property damage and including liability assumed under contract.
- The Capital Regional District is to be added as an additional insured on this policy (address: 625 Fisgard Street, Victoria BC V8W 1R7) and the policy shall include a cross liability clause and separation of insured clause.
- The policy shall contain a clause providing that the insurer will give the Capital Regional District 30 (thirty) days prior written notice in the event of cancellation or material change to the insurance.
- The permit holder shall provide CRD Regional Parks with evidence of such insurance coverage in the form of an executed copy of a Certificate of Insurance, prior to the issuance of the permit.

From time to time there may be mitigating circumstances where the park use permit applicant is not able to provide insurance. In such instances the applicant may participate in the CRD's Third Party Liability Insurance program. The fees charged are based on participant numbers and the applicant will have to complete the request on-line.