

Memorandum of Agreement on Trails

Purpose

To recognize that heritage trails performed an important role in the development of the Province and have a significant place in its history; to make provision, by this joint agreement, that the most significant of these trails, or selected portions thereof, can receive the protection afforded by the conditions of the Heritage Conservation Act; and to provide for appropriate management so that the heritage and recreation values are maintained for the enjoyment of the people of the province.

The Heritage Conservation Act provides for designation of land as a Provincial heritage site. Designation under this Act will provide a means of recognizing and protecting those heritage trails of highest significance. Heritage trail designation prohibits all forestry or other development activity that may alter the designated area without a permit from the Minister responsible for the Act, or a person delegated in writing by the Minister. The intent of heritage designation is not to necessarily prohibit forestry or other development activities in designated areas, but to place such constraints as are necessary and practical to maintain the integrity of the trail as a heritage site.

This Memorandum of Agreement between the Ministry of Forests and the Ministry of Small Business, Tourism and Culture allows for transfer of the day-to-day responsibility for managing a trail as a designated Provincial heritage site to the Forest Service (except for archaeological sites). It does this by delegating the authority of the Minister responsible for the Heritage Conservation Act to issue permits, to the Forest Service District Manager. This authority is contingent upon the preparation of a Management Plan for the designated heritage trail that is mutually approved by the Forest Service and the Archaeology Branch.

It is the intent of the Archaeology Branch to restrict proposals for designation to those trails, or portions of a trail, of highest heritage significance.

Important Terms Used

Heritage trail will always refer to a trail, whether designated or not, which is of historic significance.

Designated heritage trail will always refer to a trail designated under authority of Section 9 of the Heritage Conservation Act.

Permit will always refer to the document issued under Section 12 of the *Heritage Conservation Act*.

Heritage Designation

1. Archaeology Branch will be responsible for prioritizing and identifying those heritage trails, or portions of trails, for which it will seek protection under Section 9, Heritage Conservation Act designation.
2. Archaeology Branch will be responsible for raising the necessary Orders-in-Council for any heritage trail, or section of trail which has, by mutual agreement, been accepted as meriting Heritage Conservation Act designation.
3. Designated heritage trail location (centreline) shall be established on the basis of identified original trail bed and/or pertinent historic maps and records. Archaeology Branch will be responsible for researching the definitive location.
4. Designated heritage trail width shall be standardized at 100 metres each side of trail centreline.

5. Any area within Provincial Forests incorporated in a designated heritage trail under Section 9, Heritage Conservation Act, will retain its Provincial Forest status.

Authority for Permits

1. Upon designation of a trail as a Provincial heritage site, and until the development of a jointly approved Management Plan (see below), the Minister responsible for the Heritage Conservation Act is responsible for issuing permits pursuant to Section 12 of the Heritage Conservation Act that would allow for development activities within the 200 metre trail width.
2. In the period between trail designation and Management Plan approval, the Forest Service will contact the Archaeology Branch regarding any requests for approval for development activities within the 200 metre trail width.
3. Upon approval of a Management Plan, the Minister responsible for the Heritage Conservation Act will delegate authority for managing the designated heritage trail to the Forest Service by giving the Forest Service District Manager authority to issue permits under Section 12, Heritage Conservation Act, in accordance with the mutually approved Management Plan.
4. Reference to heritage permits under the Memorandum of Agreement is a requirement of the Heritage Conservation Act. The types of activity that would require permits are intended to be covered under the Management Plan. In a practical sense the main value of such permits is to insure that the activities of the recipient or licensee in the area of the heritage trail are in compliance with the Management Plan.
5. A suggested format of the memorandum to be used to authorize the issuing of permits by the District Manager for all designated heritage trails is attached.
6. The suggested format of the basic permit applicable to all activities or alterations within the designated heritage trail corridor is also attached.
7. The District Manger's authority to grant permits will not apply to archaeological sites that may be located within a designated heritage trail corridor.

Management Plan

The Management Plan must identify how the trail area will be managed to protect heritage, recreation and visual landscape values. It must also establish guidelines to ensure all development activities are consistent with the heritage, recreation and visual landscape objectives.

The Management Plan must be prepared and approved jointly by the Forest Service and the Archaeology Branch, with the opportunity for involvement by the appropriate First Nation(s). It should be developed as a Local Resource Use Plan, with special attention to the requirements specified by the Memorandum of Agreement.

A single Management Plan must be prepared for the entire designated heritage trail including its 100 metre buffer either side of its centreline. This does not preclude consideration of areas outside of the buffer strip as part of the planning area (e.g. visual landscape considerations) or preclude division of the trail into segments to facilitate plan preparation.

Where the designated trail traverses more than one Forest District, the Forest Region will determine which Forest Service office will coordinate the Forest Service's involvement in the Management Plan. Where the designated heritage trail traverses more than one Forest Region, Recreation Section will recommend for Executive approval which office will coordinate the Forest Service involvement.

The Management Plan must include the following:

1. site-specific management objectives for the protection of heritage, recreation and visual landscape values associated with the trail (e.g., development , maintenance, interpretation and enforcement programs;
2. site-specific application of the Management Guidelines contained in this Memorandum of Agreement to ensure all development activities are consistent with the heritage, recreation and visual landscape objectives;
3. identification of activities requiring a heritage permit;
4. objectives and strategies for the education and training of resource managers and trail users in heritage trail values and resource management;
5. a call for a non-profit public support group to act as a spokesperson for public opinion and otherwise assist in monitoring and implementing the Management Plan;
6. procedures for issuing heritage permits;
7. procedures for preparing an annual report listing activities carried out in the area; and,
8. a plan review every five years or sooner as required.

Management by Forest Service

1. Ongoing management of the designated heritage trail will be the responsibility of the Forest Service in accordance with the jointly approved Management Plan. The Management Plan is considered a higher level plan under the Forest Practices Code of B.C. Act and all operational plans, such as Forest Development Plans, are required to be consistent with higher level plans.
2. The terms of this Agreement and any Management Plans, will be subject to review and amendment as needed, not later than each fifth anniversary date, or at any interim time fixed by mutual agreement.
3. All forestry or other development activities occurring within 100 metres of the centreline of the designated heritage trail will require a permit whether or not physical evidence of the original trail is readily apparent.
4. A permit will be issued by the District Manager for all such activity provided that it complies with the approved Management Plan.
5. The authority for the District Manager to issue permits will be effective as long the heritage trail remains designated .
6. The management activity authorized by permit will be monitored by the District Manager. Any detected problems will be addressed through joint liaison by the parties to this agreement and in keeping with the spirit of this agreement.
7. The Archaeology Branch will be notified by an annual report of all activities carried out under permit.

Heritage Trails Not Meriting Heritage Designation

The Forest Service and the Archaeology Branch will cooperate in evaluating and managing all other heritage trails which may not have sufficient attributes to warrant designation under the Heritage Conservation Act.

This agreement for protection of heritage trails is made between the Ministry of Small Business, Tourism and Culture, and the Ministry of Forests , and is effective as at the date of signing. It is applicable to all Crown lands outside of parks and settled areas and it updates the Memorandum of Agreement of June 9, 1987 which dealt with this subject.

Approved by:

[signed G.R. Armstong]
Deputy Minister
Ministry of Small Business, Tourism and
Culture

[signed P.G. Halkett]
Deputy Minister
Ministry of Forests

Date: [May 24], 1995

MANAGEMENT GUIDELINES

A. Road Crossings

1. The number should be kept to the essential minimum and should be located at right angles to the designated heritage trail, or as close as possible thereto.
2. Access from a crossing road to trail entry and exit points should be maintained and kept free of debris.
3. Signs, clearly visible from a crossing road, should be erected at trail entry and exit points.

B. Timber Management

1. A machine buffer should be maintained within 20 metres of the trail centreline.
2. All non-commercial timber including immature trees should be left standing subject to silvicultural considerations.
3. Where possible all trees should be felled away from the trail and skidded away from the trail.
4. If a trail is disturbed as a result of logging, the operator should restore the trail back to its condition prior to the logging, using hand methods if necessary.

C. Range Management

1. Activities should not alter or deface the trail.
2. Activities should not interfere with free public passage along the trail.

D. Recreation Management

1. The trail should be established as a recreation trail under Section 6 of the Forest Practices Code Act of B.C. in accordance with the heritage and recreation values of the trail.
2. Recreation objectives and visual-quality objectives should be established in the Management Plan.

E. Special Situations

1. Forest health practices should utilize low impact methods.
2. Maximum flexibility in dealing with fire situations should be allowed; however, the designated heritage trail integrity should be maintained where possible and rehabilitation of the designated heritage trail should be mandatory where its integrity is disrupted.

SUGGESTED FORMAT

Date:

Ref:

To: District Manager, Forest District

Re: Authority to Issue Permits for Management of the Heritage Trail

Pursuant to Section 12 of the Heritage Conservation Act, you are hereby authorized to issue alteration Permits, as required, for the management of the designated portion of the Heritage Trail in your Forest District. The granting of authority to issue Permits for the management of designated heritage trails is provided for in the Memorandum of Agreement between the Ministry of Forests and the Ministry of (Ministry responsible for the Heritage Conservation Act) dated. This action will place the responsibility for management of the Trail, according to the jointly approved Management Plan, with the Forest District through which the Trail passes. The issuing of such Permits shall be consistent with Section of the approved Management Plan for the Heritage Trail, which deals with Heritage Conservation Act Permits, and shall not apply to archaeological sites which are protected under Section 13(2)(b-i) of the Heritage Conservation Act.

Minister

cc Minister of Forests
Regional Forest Manager

SUGGESTED FORMAT

Permit No.
Heritage Conservation Act
PERMIT

for alterations to trails designated as Provincial Heritage Sites under Section 9 of the Heritage Conservation Act. This Permit is issued to: pursuant to Section 12 of the Heritage Conservation Act, to allow alterations as described below, in accordance with the approved Management Plan for the following designated heritage trail:

Alterations covered by this Permit are limited to: (specify & attach plan)

This Permit does not allow for the alteration or disturbance of any archaeological sites which may be located within the trail corridor.

Expiry date of this Permit:

Issued this ___ day of ____--____, 19____, under authority received from the Minister responsible for the Heritage Conservation Act.

by District Manager Forest District Permittee
signature