

MANAGING ACCESS TO AREAS UNDER EVACUATION ORDER FOR LOCAL AUTHORITIES AND FIRST NATIONS

A component to the Evacuation Operational Guidelines, this guideline provides a recommended process, along with tools and templates, for Local Authorities and First Nations to manage the temporary access into areas under Evacuation Order.



Emergency
ManagementBC

AMENDMENT RECORD

Version #	Release Date	Description
1	May 27, 2019	Original document, with templates
2	June 3, 2019	Changed recommended minimum age for access to 19

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INTRODUCTION

ABOUT THIS GUIDE

Created through partnerships at the federal and provincial level, these guidelines were developed with the guidance, feedback, and considerations provided by Local Authorities and First Nations, many of which have had experience with allowing temporary access into evacuated areas (temporary access). The Cariboo Regional District and the Regional District of Bulkley-Nechako, who during the unprecedented 2017/2018 wildfire seasons had extensive experience facilitating temporary access, provided their respective process, templates, and tools to inform this guideline.

While these guidelines are not prescriptive, they are a recommended approach for Local Authorities and First Nations to consider when allowing individuals and agencies into evacuated areas. The process, templates and tools have been developed in collaboration with federal and provincial agencies, including the Royal Canadian Mounted Police (RCMP) and BC Wildfire Service (BCWS), as well as with non-governmental organizations involved in evacuations. If a Local Authority or First Nation government decides to follow the recommendations in this guideline, they can expect a better chance of success in coordinating a safe, effective, and efficient process for temporary access.

The goal of this guideline is to provide a recommended, standardized approach to managing temporary access into evacuated areas. Each Local Authority/First Nation will need to implement a process that works best for them, as each community and emergency event situation is diverse.

WHO IS THIS GUIDE FOR?

This guide is for any Local Authority or First Nation community that has issued an Evacuation Order for an area within their jurisdiction, and needs to manage temporary access into the evacuated area. There are various reasons why an individual or agency may request access into an evacuated area, including:

- ✓ Critical Infrastructure (CI) or utility agencies may require access in order to service (i.e. refuel, inspect) or make repairs to affected critical equipment and sites;
- ✓ Members of the agriculture sector may need to repair fencing, evacuate or check on livestock condition and care as required;
- ✓ Community members may request access so they can retrieve important medication, tend to their domestic animals, or complete other tasks to reduce their suffering; and,
- ✓ Individuals or agencies may even be looking only for a pass-through permit, where they wish to drive through the evacuated area in order to gain access into another area that is not under Evacuation Order.

This above list is not exhaustive of who may be requesting temporary access and for what reasons. It is the responsibility of the Local Authority/First Nation to decide what is permitted.

This guide will help Local Authorities and First Nations to navigate the process for temporary access, and to build a better understanding of the benefits, risks, and considerations for facilitating such access.

JURISDICTION

DECISION MAKING AUTHORITY

The Local Authority or First Nation that has jurisdiction for the lands in which the Evacuation Order is issued is the primary authority for approving or denying requests for temporary access.

The only exception to this understanding is in regard to legislation that empowers agencies responding to an emergency event access to, and/or management of, the evacuated areas (such as the BCWS restricting access to active wildfire hazard zones). For any emergency event, it is recommended to connect with the responding agency to determine any legislated powers or considerations for the management of evacuated areas.

BC WILDFIRE SERVICE ACCESS CONTROLS

Local Authorities/First Nations are not responsible for issuing permits to BCWS staff and their support personnel to enter an evacuated area; this is the responsibility of BCWS.

Local Authorities/First Nations should not issue permits for fire suppression activities; all people and equipment working on firefighting efforts regardless of affiliation are required to coordinate their efforts with the BCWS.

Requests for temporary access should always flow through the Local Authority/First Nations' Emergency Operations Centre (EOC) if activated, or the person(s) in charge of emergency management for the community if not activated. The Local Authority or First Nation then would make an *informed decision* based on case-by-case considerations for the access request to be approved or denied. It is up to the Local Authority/First Nation to decide who, or what function (i.e. EOC Director), has the decision-making authority to approve/deny temporary access requests on behalf of the Local Authority/First Nation.

INFORMED DECISIONS

Informed decisions require that all relevant information is gathered and analysed to make certain that identifiable risks have been considered prior to approving or denying a request for temporary access.

This includes receiving a recommendation for the approval or denial of the request based on the perspective of safety from a subject matter expert (SME) on the specific hazard event. In a wildfire hazard instance, this would mean seeking the advice of the BCWS Incident Commander (IC) for the specific request. In order to receive this recommendation, information such as the property location and details on the reason for temporary access are required.

LIABILITY PROTECTION

EMBC recommends the use of waivers (example provided in Appendix A) in order to clarify that any liability for the risks associated with temporary access lies with the individuals or agencies entering the evacuation area, and that the individuals/agencies gaining access do not have any misunderstanding respecting who is responsible for their safety. EMBC recommends that waivers be fully explained by the Local Authority/First Nation to the person(s) seeking access. It is critical that the person signing the waiver is a competent adult who has full understanding (i.e. informed consent) of the terms and conditions. The person should sign the waiver as a condition of receiving an access permit.

The good faith actions by Local Authorities are offered certain protections under Section 18 of the [Emergency Program Act](#) (EPA), where:

“No person, including, without limitation, ... a local authority, the head of a local authority, a member of a local authority, a volunteer and any other person appointed, authorized or required to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damage or injury to person or property that results from

- (a) The person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under [the EPA], unless, in doing or omitting to do the act, the person was **grossly negligent**, or*
- (b) Any acts done or omitted to be done by one or more of the persons were, under [the EPA], appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was **not acting in good faith**”*

Local Authorities can take steps to reduce the potential for allegations of gross negligence by making certain that every decision made to approve or deny a request for temporary access is an informed decision. The less information available to inform a decision increases the risk for negligence. If a recommendation from a subject matter expert is not available due to capacity or other reasons, it is recommended that the temporary access request be denied or withheld until such recommendation can be obtained, as reasonable.

It is recommended that Local Authorities and First Nations seek their own legal advice when unclear about liability with respect to allowing for temporary access into evacuated areas.

ALLOWING TEMPORARY ACCESS

WHY GRANT TEMPORARY ACCESS?

Allowing access into evacuated areas may assist in reducing the consequential impact of the emergency event for the community, region, and province as a whole. Reducing this impact will lessen the burden on individuals, organizations, government, and agencies, and allow those affected by the event to begin the process of recovery sooner.

Allowing access may also help the community to satisfy the BC Emergency Management System (BCEMS) Response Goals. It is recommended that any request for temporary access should be related to one or more of these goals.

BCEMS RESPONSE GOALS

1	ENSURE THE HEALTH AND SAFETY OF RESPONDERS	The well-being of responders must be effectively addressed or they may be unable to respond to the needs of those at risk.
2	SAVE LIVES	The importance of human life is paramount over all other considerations. When lives are at risk, all reasonable efforts must be made to eliminate the risk.
3	REDUCE SUFFERING	Physical and psychological injury can cause significant short-and long-term impact on individuals, families, and communities. Response measures should take into consideration all reasonable measures to reduce or eliminate human suffering.
4	PROTECT PUBLIC HEALTH	Public health measures essential to the well-being of communities should be maintained or implemented. Enhancing surveillance and detection, eliminating health hazards, minimizing exposure, and implementing programs such as widespread immunization may need to be considered.
5	PROTECT INFRASTRUCTURE	When necessary to sustain response efforts, maintain basic human needs, and support effective recovery, infrastructure that is critical to the livelihood of the community should be protected ahead of other property.
6	PROTECT PROPERTY	Property can be essential to the livelihood of communities. When determining priorities, response personnel should evaluate the importance of protecting private and community property.
7	PROTECT THE ENVIRONMENT	The environment is essential to communities. When determining priorities, response personnel should evaluate the importance of protecting the environment and implement protective strategies that are in the best interest of the broader community.
8	REDUCE ECONOMIC AND SOCIAL LOSSES	The loss of economic generators can have short- and long-term impact on communities, including social losses related to the loss of community support networks and reduced employment, investment, and development. Response measures may be necessary to reduce these losses, and psychosocial interventions may be required for those impacted by the disaster.

CONDITIONS FOR TEMPORARY ACCESS

There are several conditions that are recommended to be imposed on the various kinds of temporary access, as reasonable.

General conditions for Temporary Access

- ✓ Restricted to specific dates, and times, as required for safety
- ✓ Requires a liability waiver to be understood and signed in advance of entry by all individuals gaining access
- ✓ Must be over the age of 19
- ✓ No permits are issued to re-enter and *remain* in an Evacuation Order area; access into the restricted area is only temporary and for the purpose granted on the permit
- ✓ All individuals gaining access must be able to produce government issued photo-identification, or attestation by appropriate band representative such as Chief or council
- ✓ Permits may require an escort, as determined by hazard-specific subject-matter expert and/or EOC

Agriculture conditions:

- ✓ May be subject to consultation with the Ministry of Agriculture Liaison posted to an EOC or PREOC, as available
- ✓ Restricted to designated persons
- ✓ Premises ID may be required to validate access location

Pass-through conditions:

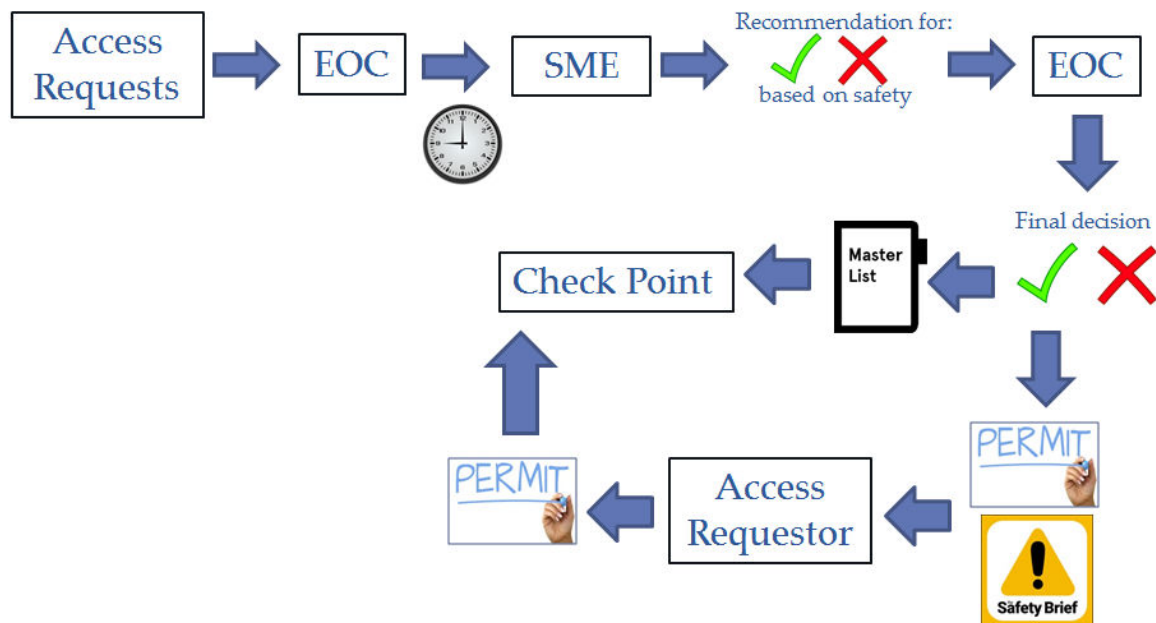
- ✓ Restricted to specific dates and times of travel
- ✓ Restricted to predetermined route and destination
- ✓ Restricted to designated driver and pre-identified passengers
- ✓ Individuals under the age of 19 may be permitted to pass-through an area under Evacuation Order when accompanied by their Legal Guardian and recommended to do so from the hazard-specific subject matter expert on the basis of safety

RECOMMENDED PROCESS

It is recommended that this standardized process be used across local jurisdictions to best facilitate a consistent, timely, safe, and effective access into evacuated areas. Templates for this process can be found in the appendices and on [EMBC's website](#). Due to the large geographic areas of many jurisdictions in BC, it is recommended that an electronic offering of the below process be made available, i.e. through email. All inquiries for temporary access should be directed to the applicable EOC.

10-STEP TEMPORARY ACCESS APPROVAL PROCESS

- 1) Local Authority/First Nation/EOC receives enquiry for access request
- 2) Requestors fill out Temporary Access Permit (Permit) and include location specifics, reasons for access, etc.
- 3) Daily, at a pre-determined and agreed upon time, the EOC will communicate the Permit requests to the hazard-specific subject matter expert for recommended approval/denial based on issue of safety due to emergency event
- 4) EOC makes informed decision for the final approval/denial of the Permit
- 5) EOC will then complete, sign-off on, and issue numbered, standardized Permits to the approved requestor(s)
- 6) EOC will simultaneously create an EOC Master List of the approved Permits for each day that will be sent to the respective checkpoints and RCMP
- 7) Permit holders will receive a safety briefing from the EOC at the time they receive the permit
- 8) Permit holders will have the Permit waiver explained to them, and will voluntarily sign the waiver with full understanding of the terms and conditions in order to gain temporary access
- 9) Permit holders will present themselves at the checkpoint at the specified time/location
- 10) Checkpoint authorities will cross reference the permit with the EOC Master List to confirm approval and allow valid permit holders to gain temporary access to the evacuated area



EXITING THE EVACUATED AREA

When the individual(s) exits the checkpoint area, the Permit is returned to checkpoint personnel and the time of departure is noted on the Master List. The Master List and the permits are then returned to the EOC at the end of the operational period, or as agreed upon. Should individual(s) not exit the evacuation area at the time stated on the EOC Master List, and after a previously agreed-upon grace period (i.e. 30 minutes), checkpoint personnel should contact the EOC to report the situation. The EOC will then attempt to contact the permit holder, as able, before liaising with the hazard-specific SME to determine any next steps, as required.

KEY CONSIDERATIONS

CHECKPOINTS

It is recommended that access into evacuated areas be channelled through strategically pre-identified checkpoints that are staffed by RCMP, or a local police branch/experienced contractor, operating on behalf of the Local Authority or First Nation. Before a situation arises where temporary access will need to be facilitated, it is recommended to reach out to the RCMP detachment, or otherwise, that will be controlling the checkpoints and provide clarification and high-level training on what the temporary access process will look like. It is recommended to:

- ✓ Establish a clear point of contact for both the checkpoint personnel and the EOC for efficient communications
- ✓ Confirm reporting structure for checkpoint personnel to RCMP/contractors/EOC, as required
- ✓ Identify to whom EOC Master Lists will be sent and through what channel; identify how the completed, expired Master Lists will be returned to the EOC
 - For example: Master Lists are emailed to the RCMP detachment, who then provides the Master Lists to their officers at the beginning of their shifts, or emails/delivers the Master Lists, as able, to checkpoint personnel.
- ✓ Provide Checkpoint One Pager training guide to the police branch to disseminate to checkpoint personnel (Appendix D)

CROSS JURISDICTIONAL ACCESS

There may be times when an individual or agency requires access to the evacuation areas across multiple jurisdictions. For example, an oil and gas pipeline operator may need to perform maintenance checks or repairs on a pipeline that stretches across the province. To best facilitate this access in a timely and efficient manner for all parties involved, it is recommended that all Local Authorities and First Nations adopt the recommended, standardized form/waiver for temporary access. This way the recommended process can be:

- ✓ Requestor fills out one form, or rapidly fills out multiple forms that are similar in nature
- ✓ The requestor then submits the form(s) to the respective jurisdictions with a copy to the PREOC/EMBC Regional Duty Manager (RDM)
- ✓ When time permits, the PREOC/RDM can then help to facilitate approval for this request, and if required, set up a coordination call to align the recommendations to allow the access, as reasonable
- ✓ The PREOC/RDM can assist with the communication of approvals to the requestor

While EMBC can assist with facilitating temporary access requests across multiple jurisdictions, the Local Authorities and First Nations maintain authority over their jurisdiction, and EMBC cannot approve access into evacuation areas.

ESCORTS

A person entering the Evacuation Order area may require a qualified escort at the discretion of the hazard-specific SME or EOC. In this case, access may be subject to the availability of an escort, within the time limit identified on the permit. Escorts may be required for individuals with vulnerabilities or increased risk, or when the nature of the emergency event calls for it. It is recommended that an escort be considered for all individuals/agencies passing-through an evacuated area, as reasonable.

EARLY RE-ENTRY FOR PREPARATION PRIOR TO EVACUATION RESCIND

To facilitate the best possible community recovery, it is recommended that certain agencies be given access to prepare the area for repatriation prior to an Evacuation Rescind being issued. This would occur once it has been deemed safe for residents to return to the evacuated area but before formally rescinding the Evacuation Order. The goal is to facilitate a graduated and coordinated re-entry into the community by making certain that the necessary preparations have been made in advance of the general population returning.

As the area under evacuation has been, or is about to be, recommended for an Evacuation Rescind by a hazard-specific subject matter expert on the grounds of safety, the process for allowing the early re-entry of supporting individuals/agencies can be less onerous. It is recommended that the Local Authority/First Nation provide a list of the approved individuals/agencies to checkpoint personnel with the understanding that these individuals/agencies are able to remain within the evacuated area as it has been deemed safe to do so and will allow them to make preparations for returning residents.

During this time, it is important to have consistent communications with the Incident Commander of the hazard in order to maintain awareness of conditions and potential shifts in the hazard situation prior to the Evacuation Rescind being formalized.

The following includes a non-exhaustive list of the access that should be considered:

- ✓ The respective Health Authority will need to validate that critical public services are available, such as drinking water, proper sewage, air quality, and food safety.
 - * Failing to allow the Health Authority access into the evacuated area to validate these requirements may result in a new Evacuation Order being issued by the Health Authority under Part 6, Division 6, Section 83 of the Public Health Act.*
- ✓ The respective Health Authority will also need hospital maintenance, inspection, and clinical staff to prepare the emergency department to ensure services are open and available when the Order is lifted
- ✓ Critical Infrastructure agencies will need to ensure that their equipment is operating
- ✓ Utility Agencies will need to reinstate services
- ✓ Rapid Damage Assessments of properties and hazards need to take place
- ✓ Contaminated sites assessed and, if required, cleaned-up
- ✓ School Districts will need to determine if they can open schools within reasonable time-period
- ✓ Establishment of a Resilience Centre for evacuees to gain information and resources once the Evacuation Order has been lifted

APPENDIX A: TEMPORARY ACCESS PERMIT TEMPLATE

NO PERSON UNDER THE AGE OF 19 WILL BE PERMITTED TO ACCESS EVACUATION AREA

This permit gives the named individual(s) the permission to travel into the Evacuation Order area as per the conditions outlined.

Emergency EOC Contact Number		PERMIT NUMBER	
PERMIT RESTRICTIONS			
PERMIT ENTRY DATE / TIME		PERMIT EXPIRY DATE / TIME	
CHECKPOINT LOCATION			
DESTINATION / ADDRESS			
ROUTE TO DESTINATION			
PERMIT HOLDER'S INFORMATION			
FULL LEGAL NAME		D.O.B. / AGE	
PHONE NUMBER		DRIVER'S LICENCE #	
ADDRESS			
VEHICLE INFORMATION			
MAKE/MODEL		PLATE NUMBER	COLOUR
APPROVED PASSENGER NAME(S)			
PURPOSE OF ACCESS			
REASON FOR ENTRY			
Must address at least one of the following BCEMS goals	<input type="checkbox"/> Ensure the health/safety of responders <input type="checkbox"/> Save lives <input type="checkbox"/> Reduce suffering <input type="checkbox"/> Protect public health	<input type="checkbox"/> Protect infrastructure <input type="checkbox"/> Protect property <input type="checkbox"/> Protect the environment <input type="checkbox"/> Reduce economic and social losses	
WAIVER AND AGREEMENT (RELEASE AND INDEMNITY – PLEASE READ CAREFULLY)			
<p>“I understand that I have voluntarily chosen to enter into an area that is under an evacuation order due to extreme and imminent hazards and as such, I accept complete responsibility and liability for my actions and choices. In consideration for being permitted to temporarily enter the evacuation area, I hereby release and forever discharge the [Local Authority / First Nation] and other responding agencies and their officers, agents, employees, contractors and volunteers (collectively, the “Released Parties”) and agree to indemnify and save harmless the Released Parties from and against all losses, claims, damages, actions, causes of action, costs and expenses whatsoever, that the Released Parties may sustain, incur, suffer or be put to, including those arising from the negligence of the Released Parties, by reason of this permit or my entering into the evacuation area.”</p>			
Name (print):		Signature:	
Name (print):		Signature:	
INCIDENT COMMANDER RECOMMENDATION FOR ACCESS BASED ON SAFETY CONDITIONS			
RECOMMENDATION	<input type="checkbox"/> Approve <input type="checkbox"/> Deny	NAME	SIGNATURE
ESCORT REQUIRED	<input type="checkbox"/> Yes <input type="checkbox"/> No	ESCORT NAME/CONTACT	
ON BEHALF OF [LOCAL AUTHORITY/FIRST NATION], TEMPORARY ACCESS AUTHORIZED BY			
POSITION		NAME	SIGNATURE
SAFETY BRIEFING PROVIDED TO PERMIT HOLDER(S) AT TIME OF ISSUANCE?			<input type="checkbox"/> Yes <input type="checkbox"/> No

APPENDIX B: TEMPORARY PASS-THROUGH PERMIT TEMPLATE

NO PERSON UNDER THE AGE OF 19 WILL BE PERMITTED TO PASS-THROUGH EVACUATION AREA UNLESS ACCOMPANIED BY THEIR LEGAL GAURDIAN

This permit gives the named individual(s) the permission to travel through the Evacuation Order area as per the conditions outlined.

Emergency EOC Contact Number	PERMIT NUMBER
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PERMIT RESTRICTIONS			
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PERMIT ENTRY DATE / TIME		PERMIT EXPIRY DATE / TIME	
CHECKPOINT ENTRY LOCATION			
CHECKPOINT EXIT LOCATION			
ROUTE THROUGH EVACUATION ZONE			

PERMIT HOLDER'S INFORMATION			
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FULL LEGAL NAME		D.O.B. / AGE	
PHONE NUMBER		DRIVER'S LICENCE #	
ADDRESS			

VEHICLE INFORMATION					
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MAKE/MODEL		PLATE NUMBER		COLOUR	
APPROVED PASSENGER NAME(S)					

WAIVER AND AGREEMENT (RELEASE AND INDEMNITY – PLEASE READ CAREFULLY)					
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“I understand that I have voluntarily chosen to enter into an area that is under an evacuation order due to extreme and imminent hazards and as such, I accept complete responsibility and liability for my actions and choices. In consideration for being permitted to pass through the evacuation area, I hereby release and forever discharge the [Local Authority / First Nation] and other responding agencies and their officers, agents, employees, contractors and volunteers (collectively, the “Released Parties”) and agree to indemnify and save harmless the Released Parties from and against all losses, claims, damages, actions, causes of action, costs and expenses whatsoever, that the Released Parties may sustain, incur, suffer or be put to, including those arising from the negligence of the Released Parties, by reason of this permit or my entering into the evacuation area.”

Name (print):	Signature:
Name (print):	Signature:

INCIDENT COMMANDER RECOMMENDATION FOR ACCESS BASED ON SAFETY CONDITIONS					
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RECOMMENDATION	<input type="checkbox"/> Approve <input type="checkbox"/> Deny	NAME		SIGNATURE	
ESCORT REQUIRED	<input type="checkbox"/> Yes <input type="checkbox"/> No	ESCORT NAME/CONTACT			

ON BEHALF OF [LOCAL AUTHORITY/FIRST NATION], TEMPORARY ACCESS AUTHORIZED BY					
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POSITION		NAME		SIGNATURE	
SAFETY BRIEFING PROVIDED TO PERMIT HOLDER(S) AT TIME OF ISSUANCE?				<input type="checkbox"/> Yes <input type="checkbox"/> No	

APPENDIX D: CHECKPOINT ONE-PAGER

NO PERSON UNDER THE AGE OF 19 WILL BE PERMITTED TO ACCESS EVACUATION AREA UNLESS MINOR HAS BEEN APPROVED FOR PASS-THROUGH AND ACCOMPANIED BY LEGAL GAURDIAN

AUTHORIZATION FOR ENTRY

- [Local Authority/First Nation] has the sole authority for permitting non-response related access into the area under Evacuation Order
- Approved permits are standardized, and signed by an authorized representative of [Local Authority/First Nation]
- Any individual(s) seeking access into the evacuated area must receive an approved permit from [Local Authority/First Nation]; direct them to [location/phone number] to request access

ENTRY PROCEDURE

1. Daily, when applicable, the EOC will provide a Master List of all approved permits for that time period
2. When individual(s) approach checkpoint, obtain permit
3. Confirm:
 - ✓ Permit information matches EOC Master List
 - ✓ Waiver has been signed
 - ✓ Confirm that individual has received safety briefing from EOC
 - ✓ Permit has been authorized by EOC
4. Give permit back to individual(s) and have them display permit clearly on their dashboard
5. Note the time of entry on EOC Master List

EXIT PROCEDURE

Should individual(s) not exit the evacuation area by the Approved Time of Exit on the EOC Master List, contact the EOC to report situation.

1. Collect the permit from the individual(s) exiting the evacuation zone
2. Note the time of exit on EOC Master List
3. At end of operational period, submit permits and Master List to your supervisor