

## Special Use Permit Transition post OIC# 119/2024

March 2024 to January 2028

*The information contained within this interim guidance is provided for Special Use Permit holders and district managers. While every effort has been made to ensure accuracy, the guide is only intended to provide an overview of the administrative requirements pertaining the changes to existing SUP under new regulation amendments. It should not be interpreted as legal advice, and it should not be used in place of the Provincial Forest Use Regulation (FPC Act), or in place of advice of your solicitor.*

This guidance describes the procedure for existing Special Use Permits (SUPs) described in the new provisions under the Provincial Forest Use Regulation (PFUR), sections 17 to 20. As specified in section 17, new provisions on annual charges, ongoing obligations, suspension and cancellation will apply to all existing and newly issued SUPs. For further information, refer to the [Provincial Forest Use Regulation](#) on BC Laws website or the SUP Administration Guides found on the [Special Use Permit website](#).

### Special Use Permits Annual Charges.

OIC #119/2024 establishes annual charges and methods of calculations. Section 17 allows that annual charges will apply instead of the rent provision within the permit. The charges for SUPs will be:

- April 2024 to April 2025 annual charges for existing SUPs are calculated in accordance with section 18.
- Post April 2025 annual charges for existing SUPs are calculated in accordance with section 9.2.
- Annual charges for new SUPs are calculated in accordance with section 9.2.

#### Procedures:

After the OIC has been passed and brings PFUR section 17 to 20 into force:

- 1) Administration staff should execute a monthly or quarterly report to occur on the SUP anniversary dates of the next month(s).
- 2) Invoices are issued during the anniversary/extension month.
- 3) Clients are required to pay the invoice within 60 days after receiving the invoice.

*Please Note: After the OIC# 2024 takes effect, District staff will require training, time to run reports, and adjust invoicing practices. Some SUP holders may not receive invoices for 2024 on their anniversary date but can be invoiced at a later date.*

#### Calculating the charge.

Section 9.1 and 9.2 describes how charges will be applied to SUPs. Currently there are no exemptions to fees.

When the SUP is issued, BC Assessment is notified of the issuance, and will assess the land value of the site. When calculating the annual charges, the district staff will apply the BC Assessment value to determine the land value.

Each purpose has a method of calculation according to the Tables in the PFUR. The annual charge for a SUP is one of the following, as applicable to the purpose:

- The flat rate, or
- The greater of the applicable minimum rate or the set percentage of land value per hectare.

If the land value is not assessed by BC Assessment, such as in access roads, a zone value will be used. These zone values are set out within the PFUR. A zone value will also be used for determining the 1<sup>st</sup> year's annual charge at the time of issuance.

If you are assessing the charges for a multi-purpose SUPs, the annual charge will be charged for the total area under permit applying the rate with the highest charge. For example, if the SUP is for a logging camp and a weather station, the logging camp rate applies.

## Existing Special Use Permits Transition to the new regulations

Section 19 provides that, for SUPs that were issued before the amendments come into effect, replacements can be issued by the District Manager, but only if the District Manager is satisfied that certain criteria are present. Replacements can be made under section 19 only once.

Section 20 applies to existing SUPs that have a purpose for which SUPs can no longer be issued under the amended regulation (e.g. for long term logging camps and mill sites). SUP holders can seek to have the terms of these SUP extended by the District Manager for a period of up to 2 years (or 4 years if special circumstances exist). To obtain the extension, the SUP holder must submit to the District Manager no later than 6 months before the expiry of the SUP proof that the holder has applied for a tenure that would authorize the activity permitted under the SUP. Section 20 also has different provisions that relate to SUPs issued to persons who do not hold a licence, agreement, permit or authorization to which the SUPs relate.

SUP holders are encouraged to notify the District Manager 1 year in advance of expiration to provide district staff with sufficient time to transition or replace the SUP in accordance with the PFUR.

If the SUP does not have an expiry date, the SUP may continue until such a time that either the SUP holder:

- Applies for an amendment or assignment, then a term will be added.
- Is ordered to deactivate the road, in the case of a SUP that authorizes a road.
- The SUP is suspended or cancelled.

A summary of the process for PFUR, section 19 and 20 is found in Figure 1.

