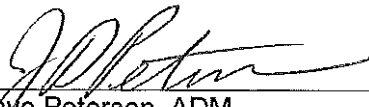




Land Procedure Crown Land Fees

NAME OF LAND PROCEDURE:	Crown Land Fees
APPLICATION:	Applies to all tenure and sale applications and administration of all tenures.
ISSUANCE:	Assistant Deputy Minister, Tenures, Competitiveness and Innovation
IMPLEMENTATION:	Ministry of Forests, Lands and Natural Resource Operations
REFERENCES:	<i>Land Act</i> (Ch. 245, R.S.B.C, 1996) Crown Land Fee Regulation
RELATIONSHIP TO PREVIOUS LAND PROCEDURE:	This is a new procedure which replaces Crown Land Fees procedure dated August 16, 2004.



Dave Peterson, ADM
Tenures, Competitiveness and Innovation
Ministry of Forests, Lands and Natural
Resource Operations

MAY 26 2011

Date:

APPROVED AMENDMENTS:		
Effective Date	Briefing Note /Approval	Summary of Changes:
June 1, 2011	BN 175892	Policy and Procedure update to reflect reorganization of resource ministries April 2011
November 18, 2013	BN 199448	Housekeeping amendments (replacement of item 14 to General Services Fees to reflect the <i>Crown Land Fees Regulation</i> and replacement of requirement for a deposit for application fees calculated based on processing time). Re-organization and expansion of section 2.3.1 to clarify procedure for determining application fees for applications covering multiple uses and/or multiple locations.
May 23, 2014	BN 192691	Updated language on refunds to be consistent with Fee Refund Policy.
September 22, 2015	BN 217947	Land Act Reform phase 1 changes

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1. PURPOSE

Fees for Crown land programs consist of application fees and other service fees for administrative tasks associated with processing applications and managing tenure agreements. This Procedure provides information on administrative fees set out in the Crown Land Fees Regulation and advice on how to calculate processing times.

Guidance on pricing for Crown land sales and rentals associated with Crown land tenures is provided in the Land Policy: Pricing.

2. LEGISLATIVE AUTHORITY FOR ADMINISTRATIVE FEES

Administrative fees recover the costs of establishing and managing Crown land tenures from the users of Crown land. These fees are set out in the *Land Act* [Crown Land Fees Regulation](#) and are not discretionary.

2.1 Application Fees

A fee is required to be paid by applicants applying for Crown land tenures. This fee varies by land use program and type of disposition (including inter-ministry reserves, and community/institutional purposes). The fee is to be submitted with the application and will cover processing of the application, including issuance of a tenure or Crown grant and associated documentation.

2.1.1 Fees Listed by Land Program

Fees for all dispositions, including Crown grants, are listed by Crown land program or sub-program.

2.1.2 Application Fees Based on Actual Processing Time

For programs listed under items 26, 27, 29 and 30 in Table 1, applicants will be charged a fee based on the actual application processing time, at a rate of \$50 per hour. For these programs, the application must be accompanied by a \$2500 deposit. Staff hours spent processing the application will be tracked on a time sheet form, starting when the application is accepted. Billing may be carried out part way through the process to cover work completed, particularly if it can be tied to completion of a stage in the process or if it is a lengthy application process. Final billing will be done once the application has been abandoned, disallowed or an offer has been made. Any unused portion of the deposit will be refunded to the applicant.

Table 1: Land Act Crown Land Fees Regulation (June 1, 2007) - Application Fees Schedule and Explanatory Notes

Item	Column 1 – Purpose	Column 2 – Application Fee	Comments
1	Agriculture	\$250	Applies to intensive and extensive agriculture
2	Commercial – Recreation – non-mechanized (non-motorized) uses	\$250	Applies to non-motorized activities such as guided hiking, kayaking, mountain biking, etc. (Note that item 21 lists a separate fee for mechanized / motorized uses.)
3	Commercial – General (excluding film production, marinas, golf courses)	\$250	All commercial uses other than those specifically listed elsewhere in this schedule.
4	Agriculture – Grazing	\$250	
5	Private Moorage	\$250	
6	Institutional and Community	\$250	
7	Residential	\$250	Includes floating home communities. Covers uses that are ancillary to residential use, including utility lines (see item 18), septic fields and geothermal heat exchange loops that serve individual residences.
8	Transportation/roadways - public use	\$250	Includes public road allowances (s. 79 & s. 80 of the <i>Land Act</i>), and roads, bridges, trails or airstrips open to the public. It does not include private roads, airports and ferry terminals which are covered under items 20, 26 and 27.
9	Film Production	\$500	
10	Industrial – General (excludes Log Handling, Quarrying, Energy and Mining)	\$500	Applies to all industrial uses other than those specifically listed elsewhere in this schedule (item 14 – Energy & Mining, item 17 – Log handling & item 19 – Quarries).
11			<i>Item 11 was repealed from the regulation.</i>
12	Investigative Permits	\$500	Section 14 repealed xxxx 2015
13	Marina	\$500	
14	Energy and Mining – includes oil and gas applications that are <u>not</u> made under the <i>Oil and Gas Commission Act</i> ; excludes alternative power projects	\$500	Clean Energy projects are listed under item 24. No application fee is payable if an application is made under the <i>Oil and Gas Commission Act</i> .
15	Alpine Skiing: Type 1 - Minor operations	\$1 000	Note that “Type 2 – Major operations” are covered under item 28.
16	Communication Sites	\$1 000	
17	Log Handling	\$1 000	Includes log storage.

Item	Column 1 – Purpose	Column 2 – Application Fee	Comments
18	Utilities - linear utilities less than 25 km long	\$1 000	Does not include linear utility lines that serve and terminate within: i) an individual residential lot - these are considered 'ancillary' to residential use and charged \$250 accordingly (see item 7); or ii) an individual general commercial site - these are considered 'ancillary' to general commercial use and charged \$250 accordingly (see item 3). The fee for linear utilities greater than 25 km in length is noted under item 30.
19	Aggregates and Quarry Materials	\$1 000	
20	Transportation/roadways - industrial use or private use	\$1 000	These include roadways or railways where public use must be excluded and for which a statutory right of way or licence is normally issued. It excludes public roadways that are covered under item 8, and other transportation uses listed in items 27 and 28.
21	Commercial Recreation — Mechanized uses	\$3 300	Motorized uses will be charged the same application fee as non-motorized uses (item 2) up to and including October 31, 2003. On November 1 the rate will increase to \$3300 for motorized. Refer to the commercial recreation policy for further direction regarding motorized vs. non-motorized activities.
22	Federal Reserves/Transfers	\$3 300	Includes reserves established for the federal government and its agencies, and applications for Transfer of Administration and Control from the province to the federal government. It does not include Notations of Interest, for which there is no charge.
23	Golf Courses	\$3 300	
24	Clean Energy Projects – includes water and wind power and ocean energy	\$3 300	Includes clean energy projects, such as "run of river" projects, tidal and wind energy projects.
25a	Aquaculture – Finfish	\$4 925	Includes finfish and marine plants
25b	Aquaculture – Shellfish	\$1 200	
26	Airports	\$50/hour of staff time, \$25 minimum fee	This does not apply to airstrips constructed under temporary licence of occupation, which if open to the public are covered under item 8.
27	Ferry Terminals (other than general commercial or general industrial use)	\$50/hour of staff time, \$25 minimum fee	Includes BC Ferry sites. Excludes docks covered under general commercial use (item 3), public transportation (item 8) or industrial use (item 10).

Item	Column 1 – Purpose	Column 2 – Application Fee	Comments
28	Alpine Skiing: Type 2 – major operations a) new ski areas (i) interim agreement stage (ii) master plan stage (iii) master development agreement stage b) Expansion of existing ski area (i) interim agreement stage (ii) master plan stage (iii) master development agreement stage c) Major amendment to master plan	 \$10 000 \$15 000 \$15 000 \$5 000 \$10 000 \$10 000 \$10 000	Note that “type 1 – Minor operations” are covered under item 15.
29	Head Leases	\$50/hour of staff time, \$25 minimum fee	
30	Utilities - linear utilities 25 km or longer	\$50/hour of staff time , \$25 minimum fee	Note that those less than 25 km in length are covered under item 18.

2.1.3 Multiple Uses and Multiple Sites Under One Application

A single application or replacement fee will be charged for proposals that cover multiple sites or multiple uses (covered by different programs) if these sites or uses are being applied for:

- at the same time and
- are components of a single, integrated project, works or business operation.

2.1.3.1 Multiple Uses

A single application or replacement fee will be charged which is equivalent to the highest fee for any of the programs (land uses) covered by the application.

For example, an application for a project that includes an access road, utility line and a communications tower will be charged a single application fee of \$1000, equivalent to the application fee for a communication site. Separate application fees will not be charged for the utility line (normally \$1000) or the roadway (normally \$250).

Similarly, an application for a shellfish aquaculture operation which consists of ancillary utility lines, roadways and/or wharves for storage transportation of goods, and utility buildings, in addition to the rafts or floats located in the water will be charged the shellfish aquaculture application fee (\$1200).

Applications submitted at another time for additional uses within the same tenure area, or to enlarge the tenure area will be charged the application fee applicable for the additional use.

2.1.3.2 Multiple Sites

A single application fee is also to be charged when several individual sites are being used for the same purpose if:

- they are associated with the same project or operation; and,
- the sites are located in close proximity to each other and can be processed as a single entity (i.e. it makes sense to status, conduct referrals and consultation as a package).

For example, an application which consists of two separate communication towers located on the same mountain top within a few hundred meters of each other will be charged \$1000, equivalent to a single application fee for a communication site.

Shellfish aquaculture operations or log sorts which use multiple beach or water sites where the sites are located within 500 meter of each other, will be charged a single application fee.

Conversely, sites separated by more than 500 meters will be charged separate fees.

For example, a project to link a remote area to the cellular telephone system, that requires a series of telecommunication tower sites along a highway corridor will be charged more than one application fee. Tower locations situated more than 500 meters from each other will be charged a separate application fee for each tower site (\$1000). Where two or more tower site locations are clustered together (within 500 m), a single application fee will apply.

As specific criteria have been developed for some programs, it is necessary to refer to individual land use policies for any additional information.

2.1.4 Refunds

Please refer to the [Land Policy – Fee Refunds](#) for information on application fee refunds.

2.2 Annual Tenure Management Fees

Some programs may have annual management fees, as well as annual rents. Details regarding management fees will be outlined in the specific land use policy.

2.3 General Service Fees

A fee is payable for a number of administrative services related to managing Crown land tenures, such as requests for conversions to a different form of tenure, minor amendments, and assignments. Other services, such as photocopying, research, issuance of survey instructions and printing of maps, also have specific fees associated with them. These fees are listed in the General Service Fees schedule shown in Table 2 below. The applicable general service fees are to be paid at the time of the request for service, except for fees related to items 2, 8, 10, and 13 in Table 2. A reasonable

deposit on the fees associated with items 8, 10 and 13 may be collected from clients at the time of the service request. The balance of the fee must be paid prior to delivery of the service products to the client.

2.3.1 Replacements

Applications for replacements, or the conversion of an existing disposition to another form, are charged 50 percent of the application fee, with a minimum of \$200. Actual costs (at \$50/hr) will be charged for items 26, 27, 29 and 30, in Table 1. The fee for replacements will be billed following acceptance of replacement tenure.

Conversion to New Fee Schedule

For existing land tenure documents or other agreements in place before June 1, 2003 that have provisions for conversion to another form of disposition and include specific conditions related to administrative fees, the “old fees” will apply (e.g. for agricultural Lease to Purchase tenures). These documents may need to be reviewed on a case by case basis.

Where the existing agreement or document does not stipulate a specific administrative processing cost or fee, the new replacement fees will apply.

2.3.2 Land Tenure Amendments

The types of changes that constitute minor amendments are listed under item 5, in Table 2. These are charged a \$100 service fee. Typically “minor” amendments do not trigger referrals or First Nations consultation.

More substantial changes to existing tenures will be charged the same fee as a new application. For example, a proposed expansion of an existing tenure that involves additional area or a change in use/purpose will typically require referrals and consultation, and be charged a new application fee.

In some situations, tenure modifications may be done concurrently with the tenure replacement (e.g. minor changes to management plans or site plans). In these cases a separate amendment fee is not required rather it would be covered by the replacement fee.

If an amendment to an existing tenure is requested or required by government, no administrative fee is applied.

Table 2: General Service Fees Schedule and Explanatory Notes

Item	Column 1 – Purpose	Column 2 – Fee	Comments
1	For an application for a declaration of intention under section 58 of the <i>Land Act</i> for <u>inclusion</u> of a waterbody or road in a Crown grant subdivision.	\$500	Fee is unchanged from previous regulation.

Item	Column 1 – Purpose	Column 2 – Fee	Comments
2	For application for a <u>replacement</u> or the <u>conversion</u> of an existing disposition to another form of disposition.	50% of the application fee listed in the schedule to section 1 for the purpose listed or \$200 whichever is more	<p>Applications for replacements and conversions will be charged 50% of the rates listed in column 2 of schedule 1; however, a \$200 minimum fee applies, and for items 26, 27, 29 and 30 “actual costs” will be charged. Examples:</p> <ul style="list-style-type: none"> • a replacement log handling licence of occupation will be charged 50% of \$1000 = \$500 • a replacement general commercial tenure will be charged \$200 (i.e. 50% of \$250 = \$125 which is less than the minimum \$200 fee) • a conversion for a utility pipeline from an interim licence of occupation to a statutory right of way will be charged 50% of \$1000 = \$500. <p>Other examples of conversions include: going from a licence of occupation to a lease; or a lease to a Crown grant.</p>
3a	For an application for <u>expansion of a finfish aquaculture disposition</u> .	50% of the application fee listed in the schedule to section 1 for aquaculture – finfish purposes	50% of \$4925 (item 25a, schedule 1) = \$2462.50
3b	For an application for <u>expansion of a shellfish aquaculture disposition</u> .	50% of the application fee listed in the schedule to section 1 for aquaculture – shellfish purposes	50% of \$1200 (item 25b, schedule 1) = \$600
4	For an application to <u>amend an aquaculture disposition</u> other than a minor amendment referred to in item 5.	\$500	This is intended to cover amendments to aquaculture tenures that will require referrals. Minor amendments for aquaculture and all other programs are covered under item 5.
5	For an application to process a <u>minor amendment</u> to a disposition requested by the holder of the disposition (including changes related to insurance, security and bonds, legal description, minor extensions to the term of the disposition to meet survey requirements, and other similar matters, but not including changes that substantially alter the terms and conditions of a disposition agreement).	\$100	<p>Minor amendments will typically <u>not</u> include situations that require referrals or FN consultation. These situations may trigger a new application depending on the nature of the change.</p> <p>Note that a separate fee is charged for aquaculture amendments (item 4), if they are not considered minor amendments as described here.</p>

Land Procedure: Crown Land Fees

Item	Column 1 – Purpose	Column 2 – Fee	Comments
6	For an application to process and approve any document evidencing the <u>assignment</u> of an interest passing under a disposition, including assignments by way of mortgage, and including <u>consent to sub-tenure</u> . Half-fee for each assignment in batch requests greater than 5.	\$250	This fee includes consent to sub-tenure.
7	For the preparation of a <u>certified true copy of any legal document</u> that has been issued pursuant to a disposition	\$50	Note that making of <u>uncertified</u> copies are covered under the copying fee (item 10).
8	For the <u>extracting, reviewing, researching or compilation of information</u> from authorizing agency records	\$50 for each hour with \$25 minimum fee	Requires tracking time spent on the task.
9	For an application to <u>reinstate a cancelled disposition</u>	\$300	
10	For <u>photocopying</u> information from authorizing agency records	\$0.25 for each page (single-sided), for requests of more than 20 pages (i.e. minimum charge is \$5.25 for 21 pages)	No charge for copying 20 or less pages. In those situations that necessitate spending considerable time reviewing or searching files, and extracting information to be copied, it may be appropriate to charge fees in accordance with item 8.
11	For <u>copying or printing of maps</u>	\$10 each copy	This is intended to cover maps produced by a GIS plotter, or map copier. It is not intended to apply to maps that are copied by a photocopier (e.g. legal size, 11 x 17"). In those situations that necessitate spending considerable time producing or developing maps, including the compilation or extracting of information, it may be appropriate to charge fees in accordance with item 8.
12	For the issuance of survey instructions and the final plan examinations for surveys of Crown land, including easements or statutory rights of way less than 25km in length	\$300	This fee is charged and billed by the Surveyor General's Branch only.
13	For the issuance of survey instructions and the final plan examinations for surveys of Crown land, including easements or statutory rights of way which are 25km or longer	\$50 per hour	This fee is charged and billed by the Surveyor General's Branch only.

Item	Column 1 – Purpose	Column 2 – Fee	Comments
14	For applications related to Alpine Skiing – Type 2 (major) operation, as follows: <ul style="list-style-type: none"> a) an application to issue a disposition as provided by a master development agreement b) an application for a replacement of a master development agreement and its associated tenures c) an application to process and approve an assignment, mortgage or other disposition of an interest under a master development agreement and its associated tenures 	\$250 \$250 \$250	