



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, Rural Development, Lands and Innovation
IMPLEMENTATION:	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
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
Rural Development, Lands and Innovation
Ministry of Forests, Lands, Natural
Resource Operations and Rural
Development

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Date:

APPROVED AMENDMENTS:		
Effective Date	Briefing Note /Approval	Summary of Changes:
October 29, 2018	BN 241038	Updated ministry name. Added section 2.1.3.3 Program Specific Information (moved administrative fees information from land use operational policies into this section). Aquaculture Program: removed the option of collecting only \$500 when the application is submitted and the remainder when decision is made. This approach was inconsistent with the Fees Regulation and it was not used by the regions. Aquaculture Program: modified the wording regarding multiple shellfish beach sites inclusion in a single application to accommodate federal water quality monitoring requirements. Deleted section 2.2 as it is no longer relevant. Clarified determination of fees for federal reserves and transfers, replacements, conversions, amendments for aquaculture and definition of industrial roads.

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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 19, 27, 28 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 \$2,500 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.

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 \$1,000, equivalent to the application fee for a communication site. Separate application fees will not be charged for the utility line (normally \$1,000) or the roadway (normally \$250).

Similarly, an application for a shellfish aquaculture operation which consists of ancillary utility line, roadway and/or wharf for storage/transportation of goods and utility building, in addition to the rafts or floats located in the water, will be charged the shellfish aquaculture application fee (\$1,200).

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 (within 500 m) 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 \$1,000, equivalent to a single application fee for a communication site.

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 (\$1,000). 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 programs (see section 2.1.3.3 below) for any additional information.

2.1.4 Program Specific Information

2.1.4.1 Adventure Tourism (AT)

The application fee for new Intensive Use Site(s) licence or lease is \$250.

The application fees for new Extensive Use Area licence are as follows:

- Non-Mechanized AT guiding: \$250
- Mechanized AT guiding: \$3,300

The AT application fee for a Temporary Permit for Special Events is \$250.

The fees for Tenure modifications are:

- Minor Amendment: \$100
- Major Amendment is a new application: \$250 for Non-Mechanized AT guiding or \$3,300 for Mechanized AT guiding.

If an AT application includes both Intensive Use Site(s) and an Extensive Use Area (i.e. for AT guiding activities), application fees will be based on a licence for an Extensive Use Area.

If a Minimal Impact Site is added to an existing Intensive Use Site or Extensive Use Area licence, a new application would be required and the Tenure Management Plan updated.

2.1.4.2 Aggregates and Quarry Materials

Multiple quarry sites may be applied for under a single application (with a single fee) if they are associated with the same construction project and they are for short term use (i.e. typically two years or less).

2.1.4.3 Aquaculture

Multiple shellfish beach sites are not allowed to be included in a single application. This practice is consistent with federal water quality monitoring requirements.

2.1.4.4 Federal Reserves and Transfers of Administration and Control

The \$3,300 "Federal Reserves/Transfers" fee only applies to applications for section 15 (Order in Council) Reserves and Transfers of Administration and Control. While withdrawal from disposition under section 16 and conditional withdrawal under section 17 have historically been referred to as "reserves" those are not official Land Act reserve designations and therefore the \$3,300 fee does not apply.

This has been recognized as a gap in the Crown Land Fees Regulation and will be considered in a broader application fee review in the future. In the interim, an application will be charged for federal government applications as the additional condition on the use of the land via section 16(3) of the Land Act.

For requests under Section 16 with proposed improvements, an application fee will be charged as per a program area application fee (e.g. public roads, utilities, communication sites). There is no charge for requests under Section 16 where no improvements have been proposed (e.g. for environmental, heritage or conservation purposes or to withdraw pending another federal application such as an addition-to-reserve or cut-off lands). There is no charge for a request under Section 17 and for Notations of Interest.

2.1.4.5 Log Handling

For short term use (i.e. typically two years or less) multiple log handling sites may be applied for under a single application (and a single fee) by the same operator; however, the maximum number of sites should generally not exceed 10. For longer term use, multiple sites are acceptable under one application if the sites are in fairly close proximity - normally within a 500m radius of each other. For both long and short term

use there may be situations that warrant varying from these guidelines (e.g. local geography, mix of uses or length of use, proximity of sites to each other, etc).

2.1.4.6 Oil and Gas

Specific information currently included in the Land Use Operational Policy: Oil and Gas will be moved to this procedure at a later time.

2.1.4.7 Roadways

Application fees are different for public roadways and private roadways. Additionally any applications for industrial roads are charged the same fee as private roadways (regardless of whether the industrial road is open to the public or not). Industrial road use includes the transportation of natural resources and products to or from industrial facilities and operations, as well as the transportation of construction materials for major utility, infrastructure and industrial projects.

2.1.4.8 Utilities

Linear utilities (including oil and gas pipelines, electric transmission lines, etc): uses that are ancillary or integral to construction of linear utilities such as access roads, staging areas, spoil sites, borrow pits, etc, can be applied for under a single application along with the linear utility use. The single application fee will be based on the appropriate utility fee category (i.e. item 18 or 30 of the Land Act Fees Regulation).

Although multiple sites may be covered under a single application, the number and type of tenures that could be issued will need to be determined on an application specific basis.

2.1.5 Refunds

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

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 22 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 roads, airports and ferry terminals which are covered under items 21, 27 and 28.
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	<i>Land Act, Section 14 (Repealed 2015-26-33)</i>
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 25. 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 29.
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 19.
19	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.
20	Aggregates and Quarry Materials	\$1,000	
21	Transportation/roadways - industrial use or private use	\$1,000	These include roadways or railways where public use must be excluded ¹ 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.
22	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 \$3,300 for motorized. Refer to the commercial recreation policy for further direction regarding motorized vs. non-motorized activities.
23	Federal Reserves/Transfers	\$3,300	Includes OIC reserves established under Section 15 of the <i>Land Act</i> for the federal government and its agencies, and applications for Transfer of Administration and Control from the province to the federal government.
24	Golf Courses	\$3,300	
25	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.
26a	Aquaculture – Finfish	\$4,925	Includes finfish and marine plants
26b	Aquaculture – Shellfish	\$1,200	
27	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.

¹ Industrial roads may or may not be open to the public.

Requests for replacement after the term has expired will require a new application, unless the delay is due to the Ministry's actions. Changes to purpose or the tenure boundary will trigger a new application for a new tenure.

2.2.2 Conversions (General)

A conversion fee of 50% of the application fee for a particular purpose or the actual cost for items 19, 27, 28 and 30, with a minimum of \$200, is to be charged when a tenure holder applies (or otherwise requests in writing) to replace an existing tenure with a different type of tenure. This could occur at any time during the term of the existing tenure.

This does not apply to situations where the tenure holder is exercising their rights under the terms / conditions of their tenure; i.e. when the tenure includes provision for converting an interim tenure (interim license or lease to purchase agreement) to another form of specified disposition (lease, SROW, or Crown grant). In these situations a new application fee is only charged once for the initial application; no fees are charged when the subsequent disposition is granted.

Requests to convert a lease-to-purchase to a direct sale which is outside of the time period specified in the original tenure (i.e. after the five year purchase option), or to convert a lease-to-purchase to a direct sale without fulfilling the original conditions of the tenure (e.g. completion of cultivation percentages, or completion of construction of improvements), requires a new application and payment of the full application fee.

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.

2.2.3 Conversions (Windpower Projects, Waterpower Projects and Ocean Energy Projects)

For deletion and addition of tenure schedules under a Multi Tenure Instrument, in support of moving from a development to operational stage of the project, the addition of new schedules will require a conversion fee equivalent to 50% of the program area application fee (minimum of \$200) of the individual program for that use. For example – to delete the transmission line area from the initial general area, a fee of \$500 will be charged to add the transmission line schedule to the MTI. \$500 is 50% of the Utilities (transmission line program) application fee of \$1,000.

For conversion of the single General Area- Licence of Occupation to individual Project Operation Phase tenures (i.e. powerhouse site, penstock, transmission line, etc.) each project component will require an individual conversion fee, by land program, as per the Land Act Miscellaneous Fees Regulation (50% of the Application Fee for that program) as below:

Component	Program	Conversion Fee
Extensive and Intensive Use Site	Utilities	\$Application Fee x 50%
Powerhouse Site	Industrial	\$Application Fee x 50%
Linear Components	Utilities	\$Application Fee x 50%
Transmission Line	Utilities	\$Application Fee x 50%
Road	Roadways	\$Application Fee x 50%

2.2.4 Land Tenure Amendments²

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.

With the exception of aquaculture, 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.

Substantial changes related to the aquaculture dispositions, other than expansion of a finfish or shellfish disposition, are charged a \$500 service fee. An application for expansion of a finfish or shellfish aquaculture disposition is charged 50% of the 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.

² Includes Nominal Rent Tenures and Sponsored Crown Grants.

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 <u>Land Act</u> for <u>inclusion</u> of a waterbody or road in a Crown grant subdivision.	\$500	Fee is unchanged from previous regulation.
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 \$1,000 = \$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 a licence of occupation to a statutory right of way will be charged 50% of \$1,000 = \$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 \$4,925 (item 25a, schedule 1) = \$2,462.50
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 \$1,200 (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.

Item	Column 1 – Purpose	Column 2 – Fee	Comments
5	For an application to process a <u>minor amendment</u> ³ 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	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. Note that a separate fee is charged for aquaculture amendments (item 4), if they are not considered minor amendments as described here.
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</u> of any legal document 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 25 km in length	\$300	This fee is charged and billed by the Surveyor General's Branch only.

³ Includes Nominal Rent Tenures and Sponsored Crown Grants.

Land Procedure: Crown Land Fees

Item	Column 1 – Purpose	Column 2 – Fee	Comments
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 25 km or longer	\$50 per hour	This fee is charged and billed by the Surveyor General's Branch only.
14	For applications related to Alpine Skiing – Type 2 (major) operation, as follows: 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	