



## Land Use Policy Industrial

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<b>NAME OF POLICY:</b>	Industrial
<b>APPLICATION:</b>	This policy applies to all general industrial uses of Crown upland and aquatic land not administered under more specific land use policies.
<b>ISSUANCE:</b>	Assistant Deputy Minister Reconciliation, Lands and Natural Resource Policy
<b>IMPLEMENTATION:</b>	Ministry of Water, Land and Resource Stewardship
<b>REFERENCES:</b>	<i>Land Act</i> (Ch. 245, R.S.B.C., 1996) <i>Coal Act</i> (Ch. 15, S.B.C., 2004) <i>Mineral Tenure Act</i> (Ch. 292, R.S.B.C., 1996) <i>Mines Act</i> (Ch. 293, R.S.B.C., 1996)
<b>RELATIONSHIP TO PREVIOUS POLICY:</b>	This policy replaces the previous Industrial – General, Mining, and Log Handling policies dated January 21, 2019

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Colin Ward, ADM  
Reconciliation, Lands and Natural Resource Policy  
Ministry of Water, Land and Resource Stewardship

May 9, 2024

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Date:

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**EFFECTIVE DATE:** July 19, 2021

**FILE:** 12305-00

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<b>APPROVED AMENDMENTS:</b>		
Effective Date	Briefing Note /Approval	Summary of Changes:
July 19, 2021	16743	Policy Simplification phase 2 – incorporated Mining and Log Handling operational policy into Industrial.
May 9, 2024	BN CLIFF 41581	Updated cover page to reflect the transfer of administration of the <i>Land Act</i> from the Ministry of Forests to the Ministry of Water, Land and Resource Stewardship. No amendments to the policy.

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## 1. POLICY APPLICATION

This policy applies to the disposition of Crown land for **general industrial** use, defined as a business enterprise involving the storage, manufacture, assembly, testing, servicing, repairing, fabrication, wrecking, salvaging, processing or production of all goods and materials, including the selling of industrial equipment (refer to the [Glossary and Abbreviations](#) for additional detail).

This policy applies to the disposition of Crown land for **mineral production** purposes while recognizing that the *Mines Act* and *Mineral Tenures Act* also provide rights to access, use, and occupy Crown land.

This policy applies to the disposition of Crown land for **log handling** purposes:

- General log handling that includes activities and related improvements for log dumping, storage, sorting, booming and barging in remote areas; and
- Intensive log handling use that includes activities and related improvements directly associated with a wood conversion facility (e.g. sawmill, pulpmill, plywood mill) and/or an integrated operational facility such as a centralized dry land or aquatic log sort.

This policy does not apply to specific industrial uses administered under other Crown land use policies (e.g., aggregates).

## 2. PRINCIPLES AND GOALS

For information on Crown land allocation principles see [Crown Land Allocation Principles](#).

## 3. DEFINITIONS AND ABBREVIATIONS

For a glossary of definitions and abbreviations see [Glossary and Abbreviations](#).

## 4. APPLICANT ELIGIBILITY

For standard policy information on eligibility see [Eligibility and Restrictions](#).

## 5. FORM OF LAND ALLOCATION

For standard policy information on forms of allocation see [Form of Crown Land Allocation](#).

Refer to Appendix 1 for a summary of the forms and terms of Crown tenure available for industrial operations.

### Log Handling

S.17 conditional withdrawals can be established, on behalf of eligible entities, for sites identified as being critical for log handling purposes. See the [Reserves, Withdrawals, Notations and Prohibitions Policy](#) for details.

Consideration should be given to coordinating the tenure term length with any related authorizations.

### **Mineral Production**

The term of *Land Act* tenure will not exceed the remaining term of the subsurface tenure issued by the Ministry responsible for the *Mines Act*.

#### **5.1 Permission - All**

Specific short term, low impact activities may not require a tenure if they qualify for authorization by a permission. For more information refer to the [Permissions Policy](#).

#### **5.2 Temporary Licence - All**

The maximum term for a temporary licence is 2 years.

#### **5.3 Licence of Occupation - All**

The maximum term for a licence of occupation is 30 years.

#### **5.4 Lease - All**

The maximum term for a lease is 30 years.

#### **5.5 Sale – General Industrial and Mineral Production**

Crown land sales may occur for these purposes in accordance with the [Crown Land Sales Policy](#), relevant [Procedures](#), and *Land Title Act* requirements such as access, size, shape etc.

### **6. PRICING POLICY**

For information on pricing see the [Pricing Policy](#).

For information on application and service fees see the [Crown Land Fees Procedure](#).

### **7. ALLOCATION PROCESSES**

For detailed standard information on allocation processes see [Allocation Procedures - Applications](#).

Additional and special requirements for industrial allocations are provided below.

#### **7.1 Applications – Log Handling**

Applications for lease or licence of occupation must be accompanied by a [Log Handling and Storage Prospectus Form](#).

#### **7.2 Crown shoreland restrictions**

Disposition of Crown shoreland is to be limited such that a minimum of 25% of the shoreland around each water body is to be retained in public use to ensure protection of beaches and other public recreational opportunities. This is over and above the public road access to the waterfront provided for in subdivision plans.

### **7.3 Direct Sale Development Plan**

For direct sale dispositions an outline of intended development is normally required to accompany all applications. Preliminary proposals should indicate intended use, proposed location and siting of improvements, and timing of construction. More detailed information regarding the proposed development may subsequently be required by the Authorizing Agency, either prior to decision or as a condition precedent to the commitment to sell.

## **8. SECURITY AND INSURANCE**

For standard security and insurance information see the [Security and Insurance Procedure](#).

## **9. TENURE ADMINISTRATION**

For standard tenure administration information see the [Tenure Administration Procedure](#).

Additional requirements for the purposes indicated are described below.

### **9.1 Assignment and Sub-Tenuring**

#### **9.1.1 Assignment – Mineral Production**

Assignment is only permitted with the agreement of the Ministry responsible for the *Mines Act*.

#### **9.1.2 Sub-Tenuring – Log Handling**

The lessee may sub-lease the entire leasehold or "a portion of" for the same purpose, in accordance with the provisions of the lease document.

The term of a sub-lease will normally be 2 years, with a maximum of 5 years. When the proposed use is for more than 5 years, the lessee should either assign the lease (with approval from the Authorizing Agency) or convert the lease to a licence of occupation (as per section 9.1.4).

There will be no rental discount to the lessee. The sub-lease rates are the responsibility of the lessee and the sublessee. However, rates are expected to correspond with the Crown lease rate. In areas of concern, diligent use will be assessed.

#### **9.1.3 Multiple Use of Leases – Log Handling**

A lessee may have certain leaseholds which are critical to the long-term operation of the lessee, but due to changing operations (i.e. harvesting rotation) are not required on a continuous basis.

The Authorizing Agency, at the request of a lessee, may consider either approval of a sub-lease or conversion of a developed lease to a licence of occupation to provide for the multiple use of a log handling site while recognizing the long term needs of the lessee. The selection of either option and the number of leases to which it applies, is at the discretion of the Authorizing Agency. Approval of a sub-lease requires a referral to the District Manager.

#### **9.1.4 Conversion of Lease to Licence of Occupation – Log Handling**

The lessee may request the Authorizing Agency to convert all or a portion of a lease to a licence of occupation (initial licence). This allows the Province to issue a subsequent licence over all or a portion of the area for a purpose which does not conflict with the initial licence.

The term of the initial licence will be consistent with the term remaining on the lease.

The Authorizing Agency will consult with the initial licensee prior to issuing any subsequent licence.

The normal term for a subsequent licence will be 5 years for a different purpose (i.e. floating fish camp) and 10 years for the same purpose (i.e. log handling).

The term of a subsequent licence will not overlap with the timeframe for when the licence area will again be required by the initial licensee. A replacement subsequent licence may or may not be issued, as appropriate.

Following absolute expiry or cancellation (90 days) of all subsequent licences, the initial licensee may request the Authorizing Agency to re-issue a lease over the original leasehold.

#### **9.2 Cancellation – Mineral Production**

A surface tenure is to be cancelled upon notification by the Ministry responsible for the *Mines Act* that the sub-surface tenure has been cancelled. The Ministry responsible for the *Mines Act* is to be notified of any cancellation or abandonment of mining tenures issued under the *Land Act*.

### **10. VARIANCE**

Variances to this policy must be completed in accordance with the [Policy Variance Procedure](#).



**APPENDIX 1. INDUSTRIAL POLICY SUMMARY**

<b>TENURE</b>	<b>PURPOSE(S)</b>	<b>MAXIMUM TERM</b>	<b>METHOD OF DISPOSITION</b>
Temporary Licence	All	2 years	Application
Licence of Occupation	All	30 years	Application or Competitive Process
Lease Sub-lease	All Log Handling	30 years 5 years	Application or Competitive Process
Fee Simple (Sale)	General Industrial, Mineral Production	In Perpetuity	Application or Competitive Process