



# **A Practical Guide to Effective Coordination of Resource Tenures**







## **ACKNOWLEDGEMENT**

No book is ever the product of one person's efforts, and certainly this one was no exception. With a team approach of those who believed that there are better ways for tenure holders with diverse business interests to coordinate their activities, this handbook was the result. Thank you to all who dedicated their time and effort to make this publication happen.

Oil and Gas Commission (OGC)  
Ministry of Water, Land and Air Protection (WLAP)  
Land and Water BC (LWBC)  
Ministry of Sustainable Resource Management (MSRM)  
Ministry of Forests (MOF)  
Ministry of Energy and Mines (MEM)  
Canadian Association of Petroleum Producers (CAPP)  
Small Explorers and Producers Association  
of Canada (SEPAC)  
Canadian Association of Geophysical Contractors (CAGC)  
Cattlemen's Association and various  
Agriculture Producers groups  
B.C. Trappers Association  
Wood Lot Association  
Guide Outfitters Association of B.C.  
Oil and Gas Industry and Staff  
Practices Advisory Committee

This publication was supported by consulting team  
Al Gorley  
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## FOREWORD

In a 2002 survey of resource tenure holders in Northeast BC, 70 percent of the respondents indicated that their business was adversely affected by conflicts over tenured land use.

This guide has been prepared to assist tenure holders and their employees. The first and most effective means to reducing conflict between tenure holders is prevention. Through extensive consultation, stakeholders reported that prevention of disputes between the holders of tenures that overlap on the land is best achieved through good communication.

In a series of workshops with various natural resource tenure holders, eight key factors to reducing conflict were identified. Tenure holders suggested that by making this and other basic information readily available, many disputes could be prevented.

This guide has been designed with the users in mind. It is acknowledged that many complex issues contribute to resource use conflicts and that these simple measures cannot resolve them all. However, the guide provides a practical, cost effective means to improve the operating climate for businesses in Northeast BC.

The agencies that cooperated to prepare this guide plan to make it available electronically, and to improve and update it, based on user feedback. Users of the guide are strongly encouraged to make suggestions for improvements to future editions.

First Edition: August 2004







## FEEDBACK FORM

Feedback on this guide, or suggestions for improving the coordination of resource tenure activities, are welcomed by the participating agencies. If sufficient interest is demonstrated, additional printings of the guide will be undertaken, incorporating user input.

Tenure holders and other users of the guide are encouraged to provide comments to any one of the contact agencies listed later in the guide, or to write comments below and mail them to:

Ministry of Sustainable Resource Management,  
400, 10003 – 110<sup>th</sup> Avenue,  
Fort St. John, BC  
V1J 6M7

### Comments:

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Comments provided by:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_









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*Note:*

*The contents of this guide have been provided to assist tenure holders and their employees. It should not be interpreted as direction or government policy, and is not legal advice.*







# SECTION 1

## INTRODUCTION







## SECTION 1: INTRODUCTION



The Province of British Columbia, through various ministries and agencies, issues leases, licences and permits (tenures) for commercial use of natural resources. In resource rich regions of the province it is not uncommon for several tenures to apply over the same area of land. The province adheres to a policy of integrated resource use, whereby several activities may occur on the same land base, provided they are coordinated and meet the requirements for long-term sustainable management.

The pattern of tenures existing over a particular area of land can become very complex due to a number of factors, including:

- a combination of surface and sub-surface resources,
- different terms and conditions, interests and obligations in tenures,
- both general and specific area tenures,
- many different companies and individuals, each holding one or more tenure,
- potential impacts on one tenure holder when another exercises his or her rights, and
- changing land use expectations and demands.

The province makes every effort to ensure that resource management is coordinated, and that tenured activities will not negatively impact long-term public interests. Tenures are written to be very specific about the rights





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or privileges they convey so that they do not unduly interfere with each other. Except where specifically provided for in legislation or in a tenure document, the province does not compensate tenure holders for impacts of other resource activities on their interests. In effect, tenure holders have a commercial interest in use of a common land base, which is also shared with non-commercial users.

Except where specified in legislation or in a tenure document, there is no requirement for one tenure holder to compensate another for impacts resulting from the lawful exercising of rights and privileges, however, there is an expectation that tenure holders will make reasonable efforts to accommodate the interests of other resource users. Reciprocal accommodation is the foundation of successful, integrated resource use.

Once a conflict becomes a dispute it can be time consuming, expensive and unpleasant for all involved. Often, if some basic steps are taken by the parties early, the dispute can be avoided to everyone's satisfaction.

The first step to reducing conflict is to prevent it from occurring in the first place. While this may not be possible in every situation, most conflicts can be avoided, or at least made considerably less serious by applying these simple guidelines:

1. **Do your homework** – take the time to find out about land use plans, other tenures and objectives related to the area of your tenure.
2. **Communicate early, often and honestly** – share your plans, use more than one approach and be as open as possible.
3. **Seek to understand other perspectives** – listen carefully, ask questions and confirm your understanding.
4. **Recognize the balance of responsibility** – all tenure holders are involved, accommodation is mutual, keep broader interests in mind.





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5. **Understand the limitations of the tenures** – legislation and regulations, provisions of your tenure and others.
6. **Make clear and meaningful agreements** – suitable to the specific need, anticipate the future and consider how disputes will be resolved.
7. **Make the agreement real during operations** – start off on the right foot, monitor and document compliance, adhere to the spirit of the agreement and make sure your staff knows about it.
8. **Realistically assess and adapt** – demonstrate commitment and be prepared to adjust.









# **SECTION 2**

## **EIGHT KEYS TO REDUCING CONFLICT**







## SECTION 2: EIGHT KEYS TO REDUCING CONFLICT

1

### Do your homework



- **Understand the big picture** – be familiar with the applicable land-use plans for the area, any special management measures required, concerns raised through government pre-tenure referrals and local First Nations' interests. Also, be sure you are aware of the long-term objectives of your company and any policies or operating principles that apply to stakeholder relations and land use integration.
- **Potential barriers and opportunities** – look into other activities and tenure holders in the area. Consider both the potential barriers that will need to be overcome to achieve your objectives and the opportunities to benefit from the activity of other tenure holders (e.g. coordinated access, camps etc.).
- **Consultation obligations or expectations** – find out what stakeholder consultation is required by your tenure or applicable agreements. Also determine what might be expected by other tenure holders.





**2**

**Communicate early, often and honestly**



- **Share your plans and business needs with other tenure holders as soon as you can** – don't wait until the last minute when it might be too difficult or expensive for them to adjust. Some operations are very flexible whereas others need a longer lead time.
- **Effective communication is more than a one-time effort** – don't rely on a single phone call or letter to meet your communications needs. Use more than one approach and take the time to ensure you both provide and receive the necessary information.
- **Demonstrate honesty in your communications** – provide as much information as you can, and only promise what you can deliver. If you have information that cannot be shared because of confidentiality requirements, say so, but don't withhold information unnecessarily.

**3**

**Seek to understand other perspectives**



- **Listen carefully and actively** – communication is imperfect, even when written; however, taking the time to listen carefully and look beyond your own biases and assumptions can help.
- **Ask questions** – people have different communication styles and skills. Often the best information and understanding can be achieved by asking questions that encourage clarity. Questions must be sincere so they are not interpreted as an attempt to trick or annoy the other person.
- **Verify your understanding by paraphrasing and confirming what the other party has said** – it is important





to demonstrate that you understand the other person, even if you do not agree with them.

**4**

**Recognize the balance of responsibility**



- **All tenure holders have a responsibility to communicate** – although the “new” tenure holder may be expected to take the first step, existing tenure holders are responsible for responding and playing an active role in communications.
- **Reasonable accommodation is a two-way street** – while a new tenure holder is expected to try to accommodate the needs and interests of existing resource users, there is no special right associated with being first, and therefore existing tenure holders are also expected to accommodate new activities.
- **Be mindful of the interests of the province and its responsibilities to the public and First Nations** – so that arrangements made between tenure holders do not conflict with the province’s objectives.

**5**

**Understand the limitations of tenures**



- **Tenures are enabled and limited by provincial legislation** – therefore it is advisable to be familiar with the Act and regulations under which the tenure is issued. A general understanding of the Acts and regulations for other tenures will also be helpful.
- **Develop a thorough understanding of your own tenure** – each license, lease, permit or other tenure legally conveys a specific set of rights, privileges or obligations. The tenure





document “fine print” is important, and holders cannot assume any rights not in the document. If you are in doubt, ask the issuing agency to explain the full scope and limitations of your tenure.

- **Acquire a general understanding of other resource tenures** – While it is not realistic to have a working knowledge of all tenure types, it is good business to know and understand the provisions of those that most affect your business

## 6

### Make clear and meaningful agreements



- **Agreements between tenure holders can be made to suit the need** – but in all cases should be clear and entered into freely and legally by all parties. The format, detail and formality can vary from a handshake to a lengthy legal document.
- **Agreements should anticipate future circumstances** – while we cannot see the future, if it is likely that individuals or important circumstances will change during the term of an agreement, or if the agreement is complex, it is best to have it written down.
- **Consider how disagreements will be resolved** – although the purpose of the agreement is to resolve conflicts and prevent disputes, it is rarely possible to anticipate all circumstances. An agreement should include the process by which disagreements on interpretation or compliance will be addressed.





**7**

**Make the agreement real during operations**



- **Get started on the right foot** – take extra care to communicate with other tenure holders and respect their interests as your project or activity gets underway.
- **Monitor and document activities** – pay particular attention to timelines and other commitments in the agreement. Keep a record of compliance, quickly acknowledge and remedy problems.
- **Understand and live to the spirit of the agreement** – it is unlikely that the agreement covers every detail and possible scenario, but living up to the spirit of the agreement, and checking regularly with other tenure holders can reduce disputes.
- **Communicate internally** – make sure that operational (on-site) staff know what is expected and are able to comply with the agreement.

**8**

**Realistically assess and adapt**



- **Demonstrate your commitment** – be prepared to carry out joint field inspections and reviews with other tenure holders to assess how effective each of you is being at accommodation.
- **Be prepared to make reasonable adjustments** – learn and adjust as activities proceed. Allow innovation to improve coordination of activities with other tenure holders, being careful to avoid arbitrary or unilateral changes to agreed-upon accommodation.









# SECTION 3

## SAMPLE AGREEMENT

### TEMPLATES

It is important that agreements be clear and suitable to the situation they address. The following templates are provided as examples of written agreements that may be used.

Tenure holders are strongly encouraged to seek legal advice when entering into agreements that are complex, involve several parties, or involve significant financial components.

**Note:**

*The templates in this guide have been provided to assist tenure holders and their employees. They should not be interpreted as direction, government policy or legal advice.*





This template provides an example of the format and content of an agreement between two or more parties who hold tenure overlapping the same land base. An agreement of this nature will normally be used to confirm how interests will be accommodated and/or activities coordinated.

## SAMPLE #1: LETTER OF AGREEMENT

This agreement is entered into for the purposes of coordinating the activities and accommodating the interests of the signatories.

### Parties to the Agreement:

\_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Include legal name and address of company, partners or individuals)*

### Introduction:

This section should include a plain language overview of the circumstances or context for the agreement. For example:

- *The location, (e.g. this is in the XX geographic area, within the XX region; the XX administrative boundary, within the XX land use plan);*  
*Note: Attach maps of each operating area and a map of where the tenures overlap. The purpose is to provide clarity about where the agreement applies geographically.*
- *The form(s) of agreement that each tenure holder has (license, lease, permit etc);*
- *The type of commercial activity each party expects to undertake in the area.*
- *The duration of time the parties expect to work together (e.g., tenure holder "A" will operate in the area for 1 to 5 years. Tenure holder "B" has a replaceable license and expects to operate in the area on an on-going basis).*
- *Other interests – others with agreements/authorities in the area who might need to be informed, but are not directly affected by the activities of the parties.*

### Objectives of the Agreement:

This section of the agreement can be used to describe what the parties wish to achieve overall. For example:

- *A statement of intent: "the intent of this agreement is to support a cooperative working arrangement between the parties, including, but*





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*not limited to, communication about operational activities, mutual accommodation measures and preventing and resolving possible conflicts”.*

- *Acknowledgement of the objectives of each party:*
  - *Objectives of Party “A” (specific to the area of the agreement)*
  - *Objectives of Party “B” (specific to the area of the agreement).*
- *Mutually held objectives such as maintaining and improving the business opportunities, protecting the environment, worker health and safety, long term working relationships etc.*

### Communications:

This section can be used to identify the key contact people for each party to the agreement, how to contact them, and their level of authority.

Sample:

Name	Responsibility	Contact (phone, e-mail, other)	Best Times to Contact
<b>Company A</b>			
Todd Brown	Operations Mgr.		
Herb Green	Land Agent		
Skor Blue	Road Crew Supervisor		
<b>Company B</b>			
Shane White	Owner/Operator		
Rose Pepper	Client Bookings		

- Include information about who is authorized to act on behalf of each party, and under what circumstances.
- Include an agreed-to schedule of communication (e.g. weekly, monthly, at key points in the operating seasons or projects).
- Clarify how communications will occur, and what alternatives are acceptable (e.g. letter notification, e-mail, telephone, meeting, site visit, etc.).
- Identify the procedure for notification in case of an emergency or a serious incident that may impact the other party.
- Identify any documents to be exchanged (e.g. operating schedules, maps, etc.).
- Specify whether certain communications are intended to be of a confidential nature.

### Description of Works:

This section can be used to provide a general or detailed description of the work to be undertaken within the area covered, by each of the parties, during the term of the agreement. For example:

*The parties may wish to attach their business plans, or to indicate their short*





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*and long term plans for the area, (e.g. future roads, cut blocks, camps - seasonal and permanent, landing strips, location of hunts, trap lines, trails, or potential exploration/well sites). Confidentiality requirements may be applied to some or all of this information.*

### **Accommodation Measures:**

This section can be used to describe the measures that each party will take to accommodate the interests of (or mitigate the impact on) the activity of the other(s). Commitments made in this section should be as clear and specific as possible.

For example:

- *Timing of activities (season, time of day, avoidance of certain periods, etc.)*
- *Location or re-location of activities and structures (roads, buildings etc.)*
- *Rehabilitation measures*
- *Control of access, noise, lights, smoke emissions*
- *Protection or avoidance of key sites.*

### **Shared Benefits:**

This section can be used to describe activities that the parties agree will be undertaken for mutual benefit. For example:

*Describe what kinds of business/work will be conducted by each in the area, and what kinds of skills and resources the parties have and would be able to contribute to benefit each other's business (e.g. describe possibilities for mutual gain – equipment that could be hired, accommodations that could be provided at certain times, common access and roads, emergency services (e.g. first aid, helicopter availability), supplies, etc. Be creative about how things that each party is doing might be taken advantage of by understanding and mutually supporting each other's business needs.*

### **Agreement Review:**

Use this section to describe how and when the agreement will be reviewed, and by whom. This provides an opportunity to amend the agreement if necessary and resolve issues arising from the agreement.

For example:

*Decide on a regular schedule (when – e.g. annually, after the field season) and who would participate in a review, and what might be discussed with the purpose to maintain/improve working relationships.*

Are there any changes in circumstance that would trigger an automatic review of the agreement (e.g., company has new ownership, hired a new land agent, a major problem arises, additional/new tenure holders become active in the area, a potential major impact/loss of business caused by activities, etc.)?





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**Dispute Resolution:**

Describe the agreed-upon process the parties will follow when a dispute arises as a result of interpretation, application or breach of this agreement. For example:

- *Who will be notified, how and in what time frame*
- *What steps will be taken to present information and perspectives on the dispute*
- *Who will represent the parties to resolve the dispute*
- *Will a third party be asked for advice, facilitation or mediation*
- *If costs are incurred to resolve disputes, who will pay.*

**Authorization:**

This agreement takes effect on (date) and continues in force until (date). The agreement may be amended or cancelled at any time by mutual agreement of the parties. Either party may cancel the agreement upon 30 days written notice to the other party.

Signed:

\_\_\_\_\_  
*Party "A"*

\_\_\_\_\_  
*Party "B"*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

*Note: The signatories must be authorized to enter into the agreement (for example a sole proprietor, all members of a partnership, a designated company officer).*

In some cases it may be desirable to have others indicate their awareness and support of the agreement by initialling an acknowledgement. For example, company employees and contractors who will be responsible for making the agreement work operationally.





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This template provides an example of the format and content of a simple agreement between two or more parties who hold tenure overlapping the same land base. An agreement of this nature will normally be used to confirm specific projects, works or activities that will be undertaken.

# SAMPLE #2 PROJECT AGREEMENT

This agreement is entered into for the purposes of confirming the intent of the parties in regard to a project, work or activity in which both parties have an interest.

**Parties to the Agreement:**

\_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Include legal name and address of company, partners or individuals)*

**Project Description:**

This document describes an agreement to complete: *(project description)* at *(project location)* (attach map or design information if necessary).

*Examples of projects include relocation of trap lines; relocation of satellite camps; access control measures (e.g. gate installation and maintenance); reforestation of seismic lines; road deactivation, habitat enhancement, etc.*

**Objectives of the Parties:**

*What each party expects to achieve with this project.*

**Roles and Responsibilities of the Parties:**

*Details about who is responsible for which task.*

**Funding and Budget:**

*Provision of funds, detailed budget, "in-kind" contributions by each party.*

**Deliverables:**

*Specific products or outcomes – describe what the "finished job" looks like (e.g., the cabin has been moved, intact to location X. A new door and lock has been*





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*installed. A new outhouse has been constructed).*

*Specifications where important (e.g., the opening has been replanted with poplar whips, the brush has been piled at least 30 M from any standing timber).*

### **Time Schedule:**

*Description of milestones or project phases to be completed by certain dates.*

### **Project Cancellation:**

*The conditions under which each party may cancel the project, if applicable (e.g., change in operating plans, ownership, not achieving agency approvals).*

*Important to be clear about implications to each party of one cancelling and any mitigation, if any, upon cancellation.*

### **Authorization:**

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Company A Representative

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Company B Representative

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Date

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Date

*Note: This Project Agreement is not necessarily just financial in scope. It can be applied to a "project" of activity coordination (how business is conducted), including the use of special technologies to minimize impacts of one's business on another's. For example, the project might be adapting the flight lines of helicopters during a hunt. Specific "project" tasks might be to identify roles and responsibilities for a GO and company representative to maintain very tight communications of locations during a hunt and advising when the hunt is concluded. Access management provides another example of "activity coordination" (e.g., commitments to close gates, build access to a certain standards, or not use a road at certain time periods).*







# SECTION 4

## QUICK REFERENCE GUIDES

The following quick reference guides have been prepared to provide an informal summary of the frequently encountered licenses, leases and permits for resource use in northeast BC.

Additional guides or updates may be produced from time to time and will be posted on the Ministry of Sustainable Resource Management internet web site: [www.gov.bc.ca/srm](http://www.gov.bc.ca/srm)

**Note:**

*These guides have been provided to assist tenure holders and their employees to understand key aspects of various resource use authorizations. They should not be interpreted as direction, government policy or legal advice.*





## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Woodlot Licence

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

A **Woodlot Licence** is an area-based tenure that is issued under authority of the *Forest Act* (Part 3, Division 8), often in areas where small-scale forestry is most compatible with land-use objectives. In the Northern Interior Forest Region, one licence can cover an area of up to 600 hectares of Crown land. The licensee may include management of private forest land as part of the woodlot. As Woodlot Licences are considered to have “stewardship” responsibilities, the licensee is expected to ensure responsible and sustainable management of the area. Woodlots are issued to individuals, small corporations and Indian Bands. The timber harvested is usually sold to local sawmills at prevailing market rates. Woodlot licences are advertised and issued competitively.

Woodlot Licences are issued for a term of up to 20 years. A replacement licence may be issued at the 10 year anniversary of the licence if the licensee has met the obligations of the licence.

*Forest tenures are administered using three main Acts and a number of regulations associated with each Act:*

*Forest Act - deals with the issuing of tenures, content, term, ability to replace the tenure, Allowable Annual Cut (AAC) issues, cut control requirements and deletion of Crown land;*

*Forest Practices Code of BC Act (FPC or Code) - deals with operational planning for forest operations such as public review and comment of plans, road building, harvesting, silviculture treatments (including reforestation), protection from insects, disease and fire; and*

*Forest and Range Practices Act (FRPA) - will replace the FPC with a more results-based approach to operational planning. Will be brought into effect in 2004.*

The information in this guide is most applicable to the Northern Interior Forest Region.

### ISSUING AGENCY

Ministry of Forests (MOF) - District Manager





## **SUMMARY OF RIGHTS AND OBLIGATIONS**

Woodlot licensees have the exclusive right to manage and harvest the Crown timber within the licence area. The licensee is responsible for conducting forest inventories, planning, building and maintaining operational logging roads, replanting, tending, preserving non-timber resources, and protecting the forest from fire and pests – all in compliance with established forest practices standards. Licensees pay stumpage to the Crown for timber harvested from the Crown land portion of the woodlot licence.

The Ministry of Forests approves an allowable annual cut (AAC) for the licence, based on a timber supply analysis as part of a management plan. A licence holder is then allowed to harvest the AAC from specified sites within the licence area. The AAC may be adjusted periodically to address changes to the timber supply, such as increased productivity, fire and pest damage, or loss of area due to encroachment of other development.

When preparing operational plans, woodlot licence holders must consult with others who hold tenures or have expressed an interest in the area, and provide an opportunity for other users to review and comment on the proposed operational plan before commencing operations.

Interpretation: Although woodlot licence holders have the exclusive rights to the timber on the Crown land within the licence area for the term of the licence, they do not have exclusive rights to the use of the Crown land in the woodlot area. A woodlot licence holder cannot prevent public access for recreation, or prevent other licensed resource users (range, mineral, petroleum, commercial recreation, water, trapping, guiding) from legitimate use of the area. Other licensed resource users in the woodlot area are expected to engage in consultation with the woodlot licence holder prior to commencing activities within the woodlot area, to accommodate the operational plan of the woodlot.

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## **INDUSTRY BUSINESS NEEDS**

Due to the relatively small scale of woodlot operations compared to other commercial forest management activities, woodlot business needs are unique:

- While the AAC is usually very small and the holder of the woodlot licence has flexibility as to the timing of harvest operations, the holder must not allow the amount of timber harvested in a five-year period (the cut control period) to exceed a stated maximum.
- Some woodlot licence holders contract out the work as they do not have all the equipment or crews required; however, the licence holder remains responsible for the harvesting practices of the





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contractors and the achievement of a free growing crop of trees after harvesting is completed.

- In most areas of the province, woodlot licence holders have formed associations to share information and deal with government processes.

Woodlot licence holders must be aware of when other resource users are planning activities or development within the licence area so that the impact on forest productivity, improvements and woodlot operations can be mitigated.

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### **ISSUES AND CONFLICTS**

The long term of the tenure and the stewardship responsibilities attached to a woodlot can lead to resource conflicts despite the small scale of the annual forestry operations. Woodlot licence holders may sometimes be adverse to other uses or development on the area due to perceived threats to their investment and/or an additional burden to their stewardship responsibility. Other forest users may be concerned about the long-term assignment of the area to logging and forest management activities due to the potential impacts on their activities.

Specific conflicts may include, but are not limited to:

- Grazing of stock on plantations and removal of natural barriers by roads and logging.
- Recreation access impacts on roads and plantations.
- Impact of exploration activities, pipelines, well sites or roads on short-term issues such as meeting cut control requirements, road maintenance and long-term issues such as achieving a free growing stand of trees and the potential impact on forest productivity.
- Damage to habitat and trapline trails.
- Insect and disease hazards, fire hazards and the utilization of felled or decked wood.

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### **RESOLUTION OPPORTUNITIES**

#### Planning

Prior to advertising for a woodlot licence, the MOF generally ensures that the usage is consistent with the local land use plans. The local MOF will have local information, available to the public, on potential woodlot licence areas. Individuals who have interests or concerns in a particular area can make the District Manager aware of their interest, and can ask to be informed of and have input to proposed advertising plans. The MOF advertises in the BC Gazette and local newspapers before issuing a woodlot licence. Individuals with interests or concerns can contact the District Manager at that time and ask that their needs be met in the issuance of a licence.





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### Operational

Woodlot licence holders must prepare operational plans (covering a period of at least five years) and apply to MOF for cutting authority before road building and logging activities can be started within the licensed area. Individuals with a concern or interest can review the most recent plan and provide input to future plans through the licence holder or MOF. The licence holder may be expected to notify other users before commencing certain activities.

Other interested parties who have an overlapping interest are expected to undertake reasonable and respectful consultation with the woodlot holder before undertaking activities (grazing, mineral, petroleum, commercial recreation, water, trapping, guiding). Where the parties cannot achieve a reasonable accommodation, the Minister of Forests may delete Crown land from the woodlot licence area. Provisions exist for limited compensation to a woodlot licence holder when a permanent loss of area occurs in certain situations.

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### **FOR MORE INFORMATION**

MOF web site: <http://www.for.gov.bc.ca/RTE/woodlots/woodlot.htm>

Phone: Ministry of Forests, District Office (See Blue Pages in your local phone book) or your local woodlot association.

*Forest Act* (Part 3, Division 8)





## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Guide Outfitter's Certificate

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

Issued under the *Wildlife Act*, a **Guide Outfitter's Certificate** authorizes the holder to commercially guide persons to hunt for game. A Guide Outfitter's Certificate conveys exclusive rights to guide non-resident hunters within a designated area (does not overlap with another Guide Outfitter's Certificate). Normally the designated area is large, covering several drainages. It is common for other recreational activities and industrial activities to occur within the area covered by the Guide Outfitter's Certificate. This may include building of roads and highways, development of recreation sites, logging, mining, trapping, petroleum development and other activities. The Licensed Guide Outfitter must obtain additional permits to establish lodges, airstrips, corrals, and other structures, and to graze livestock. Guide Outfitter operations are sometimes conducted in conjunction with commercial recreation activities (outdoor photography, snowmobiling, etc.), for which a commercial recreation tenure under the *Land Act* is required. In northeast BC Guide Outfitter's Certificates cover exceptionally large areas in some circumstances incorporating large tracts of undeveloped wilderness. The Guide Outfitter's Certificate does not convey any interest in either Crown or private land.

### ISSUING AGENCY

Ministry of Water, Land and Air Protection, Regional Wildlife Mgr.

### SUMMARY OF RIGHTS AND OBLIGATIONS

A Guide Outfitters's Certificate authorizes the holder to guide persons to hunt only for those species of game specified, and in an area described by the licence. The Guide Outfitter may employ licensed assistant guides, but the Outfitter must be present in the area for a substantial amount of time. The license provides for issuance of a Guide Outfitters Certificate which grants the privilege of acting as a guide, and exclusive guiding privileges for up to 10 years – replaceable every five years. The Act specifies that the certificate does not give proprietary rights to wildlife or land, or restrict the rights of resident hunters. A Guide Outfitter's Certificate may include area in a Provincial





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Park. The license can be cancelled or suspended for non-use. An applicant for a Guide Outfitter's Certificate must satisfy a regional manager that he or she possesses a working knowledge of the *Wildlife Act* and the regulations.

The Guide Outfitter's Certificate does not authorize permanent occupation of any part of the certificate area, nor clearing of land, grazing of livestock, construction of airstrips, trails or buildings. All these activities require approval under other authorizations.

A Guide Outfitter's Certificate does not convey exclusive rights to the use of the land in the operating area. While mitigation of development impacts is desirable for reasons of environmental protection and resource industry integration, issuance of a Guide Outfitter's Certificate does not contemplate an assurance of habitat or animal availability. Although reasonable efforts will be made to accommodate the interests of the certificate holder when development is planned within the area (i.e., best practices, mitigation, rehabilitation of habitat subsequent to development operations), the Crown retains the right to tenure all surface and sub-surface resources within the authorized area including oil and gas, minerals, forest products, and water, and for the tenure holders to use those resources according to the terms of their tenure. The Guide Outfitter's Certificate holder may not restrict public access within their operating area for recreational purposes or by residents of the province for hunting purposes.

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### **INDUSTRY BUSINESS NEEDS**

The industry has an interest in maintaining:

- habitat for the game species hunted,
- infrastructure (trails, camps, airstrips etc.) intact and in a condition suited to the character marketed for the business, and
- the value of the wilderness experience that is marketed with the hunting experience, including access and perceptions of remoteness and seasonal interests related to the immediate wilderness experience (noise, over-flights, etc.).

The industry needs to maintain a stable, available and qualified work force and to retain an ability to locate sufficient animals of the right species, gender and size in reasonable time to maintain a high successful hunt record.

Guide Outfitter's Certificate holders are interested in seeing a return on investments made to purchase the business (good will), establish lodges and infrastructure, purchase equipment and market their business.

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### **ISSUES AND CONFLICTS**

The guide outfitting industry combines a commercial undertaking with a unique lifestyle. Although adaptable over time, in circumstances







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where the industry's market is based primarily on the existence of true wilderness, petroleum exploration and development, commercial forestry and other commercial recreation activities may disrupt the business. In some cases it is the timing of industrial activities that conflicts with the guides and their clients while hunting.

Road access can increase hunting pressure from resident (non-guided) hunters, disperse animals and disrupt their normal habits, introduce noise and evidence of development incompatible with the wilderness experience being marketed. Aircraft access, if frequent, can have similar impacts.

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### **RESOLUTION OPPORTUNITIES**

#### Planning

- Activities with a high potential for impact on guide outfitters generally involve planning (i.e., higher level plans for forestry harvesting, pre-tenure plans for oil and gas exploration and development). These plans are open to input from interested guide outfitters.
- Specific development plans for forestry licensees are submitted to the Ministry of Forests. Notice is provided to others with interests that may be affected. Individuals with an interest or concern may provide input into plans.
- Rights of way generally require review under federal and/or provincial legislation or policy. Applications for rights of way may be advertised to ensure the input of interested individuals before a decision is made.

#### Operational

- Guide outfitters operate on a seasonal basis and require sufficient notice of activities that may have an impact on their operations, so that they may make adjustments (i.e., use of alternative sites within their guiding area).
- On-going communications and sufficient notice of operations will prevent most problems from becoming significant as long as all users recognize the other's right to use the area, and appreciate their business needs.
- Where sufficient notice is not possible, voluntary mitigation may be offered in lieu of notice.

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### **FOR MORE INFORMATION**

*Wildlife Act* site updated November 05, 2001

[http://www.qp.gov.bc.ca/statreg/stat/W/96488\\_01.htm](http://www.qp.gov.bc.ca/statreg/stat/W/96488_01.htm)

Guide Outfitters Association of BC (GOABC)

<http://www.goabc.org/>





## A Quick Reference Guide To Crown Land Authorizations in British Columbia Agricultural Leases

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

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### OVERVIEW

**Agricultural Leases** for use of Crown land in British Columbia are issued under Sections 11 and 38 of the *Land Act* under two separate programs:

- 1) for **extensive** agriculture, such as forage crop production, on large parcels of land; and
- 2) for **intensive** agriculture, such as market gardening, on much smaller sites.

**This Guide deals with the extensive agricultural program only.**

In northern British Columbia, including the Peace area, arable land for extensive agriculture is made available to eligible farmers usually by a ten-year lease agreement. This agreement also allows the lessee to purchase the land once it has been developed and inspected. This option is generally not available in the southern portion of the province where agricultural land is usually only available to eligible farmers by direct sale.

To be eligible for an agricultural lease, the applicant generally must be:

- A Canadian citizen, permanent resident of Canada or agricultural corporation registered in British Columbia.
- An existing farmer with at least 40 hectares of land within eight kilometres of the desired land, of which 80 percent of the arable portion (CLI Agricultural capability of four or above) must be under cultivation.

An individual or corporation may generally hold only one lease at any time up to 130 ha.

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### ISSUING AGENCY

Land and Water British Columbia Incorporated (LWBC)

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### SUMMARY OF RIGHTS AND OBLIGATIONS

An Agricultural Lease over Crown land provides the lessee with the **exclusive** right to use the land for farming, as well as to mortgage it and to assign it to a third party with the prior consent of LWBC. The lessee

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may also apply to purchase the land at any time during the term of the lease provided that 70 percent of the arable portion of the lease has been brought under cultivation. Sale is generally subject to the consolidation of Titles of the leased land and the lessee's private holdings, or the Binding of Titles, and inclusion of that land into the Agricultural Land Reserve if not already designated.

In return, the lessee usually covenants to:

- carry out a legal survey of the parcel if it has not already been surveyed,
- use the land diligently for agriculture in accordance with the Development Plan submitted at the time of application and approved by LWBC,
- pay stumpage on merchantable timber, (post a performance bond for the stumpage and obtain a Licence to Cut from Ministry of Forests),
- pay rental in the amount and at the times specified in the lease document,
- indemnify the Crown against any damage or legal action that may result from the occupation or use of the land,
- comply with all applicable Federal, Provincial and local laws, bylaws and regulations,
- not place a dwelling on the land without the specific written consent of the Crown,
- abide by any other conditions the Crown may consider appropriate such as fencing the land to protect important grazing areas or sensitive habitat, and
- complete any additional obligations under the specific tenure agreement.

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### **INDUSTRY BUSINESS NEEDS**

Owing to its topography and climate, the province contains only a limited amount of arable land, most of which is now privately owned. As Crown lands with significant agricultural potential are now scarce, and owing to the province's objective of being as nearly self sufficient as possible in food production, it is important that these remaining resources are used as efficiently as possible.

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### **ISSUES AND CONFLICTS**

The scarcity of arable Crown land is one of the primary factors creating conflict around the issuance of Agricultural Leases. As the readily accessible farmland is already taken up, new development is focused on fringe areas where remnants of some wildlife populations and habitat types are located and may be impacted. In addition, especially in the light of the exclusive land use granted by Agricultural Leases and





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the likelihood that these lands will become private, issues may arise regarding the potential erosion of the outdoor recreational land base.

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### **RESOLUTION OPPORTUNITIES**

Every effort is made to ensure that the likelihood of conflict is minimized before a lease is issued by attempting to consider local land use plans, the concerns of other resource agencies (both federal and provincial) as well as those of First Nations during the application review process. Applicants for agricultural leases can be required to advertise their proposals in a local or locally circulated newspaper and in the BC Gazette to ensure public input to the decision process. The ten-year term of the lease provides some flexibility for ongoing discussion and conflict resolution before the land is sold outright.

Where it becomes clear that more than one qualified farmer is interested in a parcel under application, a limited auction may be held under which the property goes to the individual making the highest bonus bid.

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### **FOR MORE INFORMATION**

LWBC Website: <http://lwbc.bc.ca>





## A Quick Reference Guide To Crown Land Authorizations in British Columbia Crown Grants

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

Through a **Crown Grant**, the Crown can dispose of land by direct sale under Sections 11 and 48-58 of the *Land Act* and various sections of the *Land Title Act*. Disposition can be made in response to direct application or by public auction or other public offering process.

Crown Grants generally cover land used for the core portions of major commercial or industrial developments, agriculture, residential use, or in the case of sponsored municipalities, regional districts and non-profit public service agencies for public facilities such as playing fields, parks, and water and sewage treatment plants.

Crown Grants generally are not made over aquatic land (foreshore or offshore) or over lands containing important sand and gravel resources that may be required over the long term by the Province of British Columbia.

### ISSUING AGENCY

Land and Water British Columbia Incorporated (LWBC)

### SUMMARY OF RIGHTS AND OBLIGATIONS

Through a Crown Grant, the title to the land is transferred from the Crown to the grantee, who acquires the right to exclusive use of the land in perpetuity. Any timber growing on the land may be reserved to the Crown if it is in the public interest to do so.

A Crown Grant does not generally convey any right to minerals, coal, oil, natural gas or geothermal resources that may be found on or under the land. Other rights reserved to the Crown are:

- the right of the Crown to resume up to 1/20 of the land for construction of roads, bridges or other works,
- the right of the Crown or of any person acting under its authority to explore for or produce minerals, coal, natural gas, oil or any geothermal resource,
- the right of any person authorized by the Crown to use water or to convey water over or through the land, and
- the right of any person authorized by the Crown to take any gravel,





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sand or other materials that may be required to construct or repair a road, bridge or other public work.

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### **INDUSTRY BUSINESS NEEDS**

Crown grants best meet the demands of business or industry where:

- very significant expenditures must be made,
- long-term use of the land is necessary, and
- absolute exclusivity and flexibility of use is required.

The privileges offered by a *Land Act* lease may not be sufficient to meet the above mentioned needs of the client as they are bound up with long-term conditions and provisos. A Crown Grant of land provides the recipient with the maximum degree of both security and flexibility to use the land when and as required and to obtain financing or investment.

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### **ISSUES AND CONFLICTS**

The permanence of a Crown Grant means that unless all potential issues regarding the use of the land are addressed before the grant is issued, the Crown may be unable to correct them. Therefore, effort is made to ensure that issues are resolved and such conflicts do not arise. Examples of the sources of some potential conflicts are:

- the expansion of urban, semi-urban or recreational land use to or near the boundaries of the Crown Grant where the use to which the granted land is put is an incompatible one, and
  - unforeseen or underestimated impacts on wildlife or wildlife habitat both near and within the Crown granted area.
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### **RESOLUTION OPPORTUNITIES**

#### Planning

Before a Crown Grant is issued, LWBC generally considers whether the use proposed for the land is in keeping with local land use plans. In addition, the potential concerns of other resource agencies (both federal and provincial) as well as those of First Nations are carefully considered in the application review process. First Nations' interests are of particular significance when permanent alienation of the land is being considered. In addition, applicants for Crown Grants may be required to advertise their proposals in a local or locally circulated newspaper and in the BC Gazette to ensure public input to the decision process.

#### Operational

Where the land is sold, the Crown relinquishes all rights in it except as noted above and as set out in legislation. It is for this reason that potential issues must be anticipated and resolved before completion of the grant.

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**FOR MORE INFORMATION**

*LWBC Website:* <http://lwbc.bc.ca>

*Telephone:* Land and Water British Columbia Incorporated, Fort St. John  
Field Office (Please see the Blue Pages in your local telephone book)





**A Quick Reference Guide To  
Natural Resource Authorizations in British Columbia  
Exploration Permit, Licence and Lease  
Oil & Gas**

**NOTICE**

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

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**OVERVIEW**

An **Exploration Permit** or **Licence** grants exclusive rights to explore and test drill for petroleum and natural gas in a specified area. Issued under the *Petroleum and Natural Gas Act* (PNG Act), the permits and licences contain overarching rights and obligations to conduct exploratory or development work, however, specific approval to carry out the on-ground activities such as a geophysical survey or drilling a well, must be authorized by the Oil and Gas Commission. Petroleum and natural gas permits and licences provide the right to explore but not to produce. Upon successful completion of exploration, permits and licences may be converted to leases for production. The lease is issued by the Ministry of Energy and Mines or Oil and Gas Commission under Part 6 of the *Petroleum and Natural Gas Act* and is the only form of authorization that grants a right to produce petroleum and natural gas.

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**ISSUING AGENCY**

Ministry of Energy and Mines (MEM) issues Permits, Licences and Leases

Oil and Gas Commission (OGC) issues approval for on-ground surface activities

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**SUMMARY OF RIGHTS AND OBLIGATIONS**

An Exploration Permit provides the right to explore for petroleum and natural gas and the right to apply to the OGC for approval to drill wells. This right includes the right to surface access over Crown and private land where sub-surface rights have been retained by the Crown. There are notification and compensation requirements for entry onto private land, and the exploration operation must not obstruct the use of the private land. Specific approvals from the OGC are required to conduct activities such as geophysical surveys or drilling a test well. Authorization is required from the Ministry of Forest to allow timber harvesting for road building, laying pipes or production facilities, and may be subject to the payment of stumpage.

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A production lease from MEM or OGC is required to produce petroleum or natural gas.

Interpretation: The Exploration Permit or Licence is an overarching authority for exploration and provides for an opportunity to acquire a lease to produce petroleum or natural gas. The permit or licence does not convey exclusive ownership of the land or of the petroleum or natural gas resources. The permit holder must recognize the needs and interests of land owners and others with an interest in the land or resources in the vicinity of the exploration activities, and provide adequate notice of intention to conduct exploration or development activities.

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### **INDUSTRY BUSINESS NEEDS**

The oil and gas industry requires access to surface lands for purposes of exploration and production. Exploration includes the use of seismic exploration techniques to determine if there is sufficient evidence to test drill. Ground access (roads) may be required for drilling and production, and may include building temporary access roads, requiring the clearing of trees and removal of surface vegetation. Water or air access may be used in special circumstances if safety and economic conditions can be met.

To minimize environmental and wildlife impacts and ease access, certain types of work associated with oil and gas exploration are usually conducted during the winter season.

When a successful well is drilled it is necessary to connect it to the collection system by constructing a pipeline.

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### **ISSUES AND CONFLICTS**

Competing interests may exist on the surface or for sub-surface resources. Most conflicts occur as a result of surface access and development, and may arise at any phase of exploration or development. The protocols for access to private land are well established and normally involve access being granted with conditions.

Forestry: Exploration and development for petroleum can result in a significant area of forest clearing. Conflicts may occur where this clearing is inconsistent with forest management plans. Roads and pipelines can reduce the timber growing area. Conflicts sometimes also occur with road use and damage to plantations.

Wildlife: Exploration and development activities may remove or fragment wildlife habitat, or may disturb animals, causing changes to behaviour and distribution, and potentially threatening fragile populations. Activity may also disrupt hunting activities or destroy traps. Wildlife dependant industries such as fur trapping and guiding can be negatively affected.





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Range: Development, particularly roads, may take land out of production or cause changes to range use patterns.

Wilderness and Tourism: As oil and gas development moves into the foothill and mountain areas, there is increasing concern for the impact on identified wilderness qualities and visual quality.

Archaeological: Development can affect archaeological sites.

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### **RESOLUTION OPPORTUNITIES**

#### Planning:

The Ministry of Energy and Mines has a petroleum and natural gas tenure review process for all petroleum and natural gas posting requests. Participants involved in this process include other government ministries, local governments, First Nations and environmental organizations. The review process provides for early identification of access constraints and potential land use conflicts. The restrictions and issues identified by reviewers may be included as caveats in the "Notice of Public Tender" or, in some cases, may lead to deferral of posting requests to allow for resolution of land use issues.

A pre-tenure planning process is required to identify and prevent potential conflicts within the Muskwa Kechika Management Area.

Use of industry "best practices" may prevent conflicts and/or mitigate impacts.

#### Access to private land:

Where an agreement cannot be reached with respect to access over private land, the company may apply to the Mediation and Arbitration Board for a Right-of-Entry Order under section 16 of the *PNG Act*. A hearing will be held to attempt to mediate an agreement between the parties. If that fails, a Right-of-Entry Order may be issued allowing the company entry in return for compensation to the landowner for loss or damage caused. A company must obtain either a Surface Lease or Right-of-Entry Order, to be filed with the Registrar of Land Titles, before entering onto private land.

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### **FOR MORE INFORMATION**

Ministry of Energy and Mines, PO Box 9319 Stn. Prov. Govt., 1810 Blanshard St. Victoria, BC, V8W 9N3. Phone (250) 952-0227 MEM contact list site:

<http://www.em.gov.bc.ca/WhoWeAre/contactlist.htm#BPetLan>

Oil and Gas Commission, 200, 10003 - 110 Avenue, Fort St. John BC, V1V 6M7 Phone: (250) 261-5700

[www.ogc.gov.bc.ca](http://www.ogc.gov.bc.ca)

[http://www.ogc.gov.bc.ca/documents/forms/applications/](http://www.ogc.gov.bc.ca/documents/forms/applications/AssignmentSurface)

[AssignmentSurface](http://www.ogc.gov.bc.ca/documents/forms/applications/AssignmentSurface)

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RightsTenures.doc

<http://srmwww.gov.bc.ca/arch/policy/oilgas.htm>

The Oil and Gas Commission has a booklet entitled Surface Rights in British Columbia, A Guide to Legislation and Regulations for the Oil and Gas Industry, July 10, 2001.





## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Forest Licence

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

A **Forest Licence** entitles the holder to harvest a specified annual volume [Allowable Annual Cut (AAC)] of timber from within a timber supply area (TSA). Issued under the authority of the *Forest Act* for a term of up to 20 years (although most have a 15 year term), the licence is a *volume based* tenure which may be replaceable for successive terms. It is normally held by a large or medium-sized company.

The volume under a Forest Licence may include all commercial timber species, or may be restricted to specified forest types (for example Aspen or small diameter pine). Several forest licences may be issued within the same TSA.

The holder of a Forest Licence is normally required to carry out multiple-year operational planning, construct and maintain access, harvest, reforest and protect the timber resource. Forest Licence holders are expected to play a stewardship role, including consultation with other forest users during planning, reasonable accommodation of other interests, and compliance with *Forest Practices Code* requirements. Sometimes Forest Licences are issued on a non-replaceable basis to achieve special forest management objectives. A Forest Licence does not, in itself, authorize harvesting. The licence holder must first prepare operational plans satisfactory to the district manager and receive a cutting permit. Some of these proposed operational plans must provide an opportunity to the public for review and comment.

*Forest tenures are administered using three main Acts and a number of regulations associated with each Act:*

*Forest Act - deals with the issuing of tenures, content, term, ability to replace the tenure, Allowable Annual Cut (AAC) issues, cut control requirements and deletion of Crown land,*

*Forest Practices Code of BC Act (FPC or Code) - deals with operational planning for forest operations such as public review and comment of plans, road building, harvesting, silviculture treatments (including reforestation), protection from insects, disease and fire, and*

*Forest and Range Practices Act (FRPA) - will replace the FPC with a more*





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*results-based approach to operational planning. Will be brought into effect in 2004.*

The information in this guide is most applicable to the Northern Interior Forest Region.

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### **ISSUING AGENCY**

Ministry of Forests (MOF) - The Minister invites applications and selects a successful applicant; the Regional Manager enters into a licence; the District Manager approves operational plans and issues cutting permits.

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### **SUMMARY OF RIGHTS AND OBLIGATIONS**

Forest Licence holders have the rights to a specified annual volume of the timber resource within the licence area. The holder is responsible for conducting operational planning, building and maintaining logging roads, replanting, and certain aspects of protecting the forest from fire and pests – all in compliance with established forest practices requirements. Forest Licences require payment of stumpage to the Crown for timber harvested as well as logging taxes and a fire preparedness levy.

Before the licence holder is allowed to conduct development or harvesting activities, the holder must obtain authorization from the MOF District Manager. Several Forest Licences can be issued over the same TSA. For convenience, licensees are normally allocated a particular operating area; however, they do not have exclusive rights within that area, and operating areas may change or overlap from time to time. It is not uncommon for timber sales, woodlots, pulpwood agreements or other timber tenures to be issued over forest licence operating area. Forest Licence holders, as they prepare operational plans, are expected to consult with others who hold tenures or have expressed an interest in the area, and may be expected to notify other users before commencing operations. Construction or operation of a manufacturing plant may be a condition of the licence.

Interpretation: Forest Licence holders do not have exclusive rights to the use of the land in the operating area. A holder cannot prevent public access for recreation, and cannot prevent other licenced resource users (forestry, range, mineral, petroleum, commercial recreation, water, trapping, guiding) from legitimate use of the area, although once a cutting permit is issued for an area the licence holder does have more exclusive rights to that area. Reasonable and respectful consultation should occur to accommodate the operations under the licence.

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### **INDUSTRY BUSINESS NEEDS**

Access to a certain volume of timber each year; flexibility to cut more or less volume in any one year based on markets; access to a mix of “seasonal” operating area (winter/summer); ability to construct roads in advance, sufficient areas approved to allow flexibility of





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operations; access to timber species and size required for the designated manufacturing plant (where designated).

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### **ISSUES AND CONFLICTS**

- Roads and timber harvesting can significantly alter the characteristics of a landscape, especially if it has not previously been developed. This can lead to conflicts with wilderness use, tourism, or other forest interests.
- Other overlapping forestry tenures, objections to cutting due to impact on non-timber resource values, delayed approvals due to consultation with aboriginals or other resource interests.
- Minor conflicts cause delays, opportunity costs and inefficiency, but do not necessarily prevent a holder from harvesting the allowable annual cut, due to the TSA-wide nature of the licence. In some cases, however, where the licence is restricted to a smaller area or cumulative delays are experienced, volume harvested may be impacted.
- Road use conflicts sometimes occur where heavy “off-road” hauling occurs, or where several industrial and public users must share maintenance responsibilities.
- Conflicts may arise concerning insect and disease hazards, fire hazard and the utilization of felled or decked wood.

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### **RESOLUTION OPPORTUNITIES**

#### Planning

Higher-level plans often contain the decision to allow harvesting of timber as a land use. These plans are open to public input.

#### Operational

Licence holders prepare operational plans and apply to the MOF for cutting authority before road building and logging activities are undertaken. Individuals with a concern or interest can ask the holder or the MOF to see the most recent plan, and may have input into future plans. The holder may be expected to notify other users before commencing certain activities.

Other tenure holders who have an overlapping interest are expected to undertake reasonable and respectful consultation with the Forest Licence holder before undertaking activities (grazing, mineral, petroleum, commercial recreation, water, trapping, guiding).

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### **FOR MORE INFORMATION**

Ministry of Forests, PO Box 9525, Stn. Prov. Govt. Victoria, BC, V8W 9C3

Resource Tenures and Engineering Branch; Forest Act Part 3, Division 2  
[BranchOffice@gems3.gov.bc.ca](mailto:BranchOffice@gems3.gov.bc.ca) or <http://www.for.gov.bc.ca/hth/>





## A Quick Reference Guide To Crown Land Authorizations in British Columbia Gravel Reserves

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

**Gravel Reserves** may be established under Section 15 of the *Land Act* to withhold Crown land that contains gravel, sand or other aggregate resources critical to the construction and maintenance of the province's highways from lease or sale to the public.

Usually the reserve is held in favour of the Ministry of Transportation. Like other types of Map Reserve, Gravel Reserves are usually established for periods of five years and are replaced upon their expiration as long as the Ministry of Transportation indicates that the resources they contain are still required. Unlike most other types of Map Reserve, Gravel Reserves permit active exploitation of the resources on the land.

### ISSUING AGENCY

Land and Water British Columbia Incorporated (LWBC)

### SUMMARY OF RIGHTS AND OBLIGATIONS

- The establishment of a Gravel Reserve allows the Ministry of Transportation to carry out all of the activities associated with the production and transportation of aggregate resources for use on public roads.
- Production of gravel for sale or use on private lands is generally not permitted.
- The Ministry of Transportation takes on the responsibility for ensuring that its activities do not impact the adjacent environment or neighbouring property owners.
- Through a joint agreement with the Ministry of Energy and Mines, the Ministry of Transportation also becomes responsible for ensuring that the appropriate operation and safety standards are followed.
- When the site is no longer needed, the land will be reclaimed to a state compatible with any subsequent use to which it is considered best suited.





## **INDUSTRY BUSINESS NEEDS**

There is an ongoing need for gravel and other aggregate in British Columbia for highway construction and maintenance, and for other forms of construction. While the province's gravel resources are extensive, most of them lie on Crown land, which makes up approximately 90 percent of the province's total area. By establishing Gravel Reserves, the province ensures that there will be a continuous supply of gravel to meet the province's needs over the long term.

As Gravel Reserves cover only a portion of the total gravel resources on Crown land, their establishment also ensures that there will be an ongoing availability of gravel to private operators.

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## **ISSUES AND CONFLICTS**

All phases of gravel production involve intensive activity including felling trees on a pit site, excavating and refining aggregate resources, and transporting them, often over local roads. As a result, the potential for issues to arise over the active exploitation of a gravel reserve are high, both for new reserves and those that have lain dormant for considerable periods of time. Issues of particular concern include:

- potential impacts of gravel removal on the water supply for adjacent properties,
- noise and traffic concerns where the reserve lies near or adjacent to settled or livestock farming areas, and
- Impacts on wildlife habitat and use patterns.

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## **RESOLUTION OPPORTUNITIES**

### Planning

- There is an attempt to ensure that the use is compatible with both local government zoning and neighbouring land uses.
- The potential concerns of other government resource agencies and First Nations are also carefully considered in the establishment of new Gravel Reserves.
- The Ministry of Transportation is requested to advertise its proposal to ensure that public input is received.
- It may be necessary, in the public interest, to establish Gravel Reserves on specific sites despite the objection of nearby residents or land users. Care is exercised to ensure that any impacts of the operation, whether real or perceived, are minimized.

### Operational

- The reserve holder takes on the responsibility for ensuring that any conflicts arising from the use of the site are minimized.







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**FOR MORE INFORMATION**

*LWBC Website:* <http://lwbc.bc.ca>

Telephone: Land and Water British Columbia Incorporated, Fort St. John Field Office (Please see the Blue Pages in your local telephone book)





## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Grazing Licence and Permit

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

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### OVERVIEW

A **Grazing Licence** or **Grazing Permit** is issued under the *Range Act* to an individual or corporation wishing to graze livestock on Crown land. The licence or permit applies to a described area that may cover several hundred hectares of forest and rangeland. Licences are issued for ten years and permits for up to a five-year term. The document will specify a number of animal unit months (AUM) authorized, and may contain conditions requiring management plans and controlling dates for use, animal control and environmental protection.

Often a permit or licence is issued appurtenant to a lease or fee simple land to enhance the range capacity of the operation. These authorizations do not convey exclusive use, as other grazing may be authorized on the same area if the capacity allows, and non-range uses are not excluded. Although most common as a supplement to the forage requirements of the ranching industry, in northeast BC the guide outfitting industry also relies on grazing licences and permits to feed pack horses.

### ISSUING AGENCY

Ministry of Forests, District Manager

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### SUMMARY OF RIGHTS AND OBLIGATIONS

A Grazing Licence or Permit entitles the holder to specified animal unit months (AUM) in a stated area over its term. The holder may be required to prepare a Range Use Plan for approval, specifying how the conditions of the authorization will be met. There is an expectation that where other range use is authorized for the same area, a coordinated management plan will be developed in order to satisfy the interests of all licenced range users. Range users are expected to consult with the holders of other rights to mitigate potential conflicts.

Existence of a licence or permit under the *Range Act* does not prevent the government from using or from granting to others the use of the land to which the licence or permit applies. These rights may be granted for a purpose other than grazing or hay production that





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the district manager considers is compatible with grazing or hay production.

*A Grazing Licence or Permit authorization is not the same as a Grazing Lease. Grazing licences and permits are similar to Hay Cutting Licences or Hay Cutting Permits, except the hay cutting licences and permits relate to a quantity of hay and must be applied for separately. A Grazing Lease is not covered by this document as it is a different type of agreement with different rights and obligations and is administered by Land and Water BC.*

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### **INDUSTRY BUSINESS NEEDS**

Needs may vary, especially between ranchers grazing cattle and guide outfitters grazing horses. Generally, licensees require the ability to move stock over an area which is sufficient to feed them. Accordingly, they want to reduce impediments to accessing grazing areas and ensure that sufficient grass is available. They also want to manage grazing lands so that they minimize the risk that cattle will be lost or hurt. Other range industry needs are:

- access to forage and water,
- ability to manage the herd with relatively little effort, including placement of salt locations,
- Protection from poaching and stress on animals from predators, people (ATV's etc.),
- disease free herd,
- season of sufficient length on the range that the combination of home pasture, winter feed and summer range provide a level of fertility and weight gain, and
- avoidance of conflicts concerning insect and disease hazards, fire hazards and the utilization of felled or decked wood.

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### **ISSUES AND CONFLICTS**

Forest or petroleum development roads can be damaging or beneficial to range use. The holder of the grazing licence/permit may benefit by having improved access to manage the herd, but roads can change the distribution of animals, create control problems and introduce the risk of injury or poaching.

Logging may also be beneficial or problematic for range users. Removing natural barriers such as thick forest can make animal management difficult and require additional fencing, while road rights-of-way, landings and cut blocks can produce good forage and salting locations. Forestry activities can sometimes lead to conflict when grazing animals trample or browse regenerating trees. Properly managed, grazing animals, especially sheep, can be used to enhance





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## A Practical Guide to Effective Coordination of Resource Tenures

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reforestation objectives. Herbicide use on plantations must be carefully timed and coordinated to prevent conflicts with grazing use.

Hunters and recreation users (especially motorized) can damage range and put animals at risk of injury or stress.

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### **RESOLUTION OPPORTUNITIES**

#### Planning

- Activities with a high potential for impact on grazing lands generally involve planning (i.e., higher level plans for forestry harvesting, pre-tenure plans for oil and gas exploration and development). These plans are open to input from grazing licence/permit holders.
- Specific development plans for forestry licensees are submitted to MOF. Notice is provided to others with interests that may be affected. Individuals with an interest or concern may provide input into plans.
- Rights-of-way generally require review under federal and/or provincial legislation or policy. Applications for rights-of-way may be advertised to ensure the input of interested individuals before a decision is made.

#### Operational

- Grazing is done on a seasonal basis. Consequently, government may request that holders of other tenures adjust the timing of operations to minimize or avoid impacts on grazing.
- On-going communications and sufficient notice of operations will prevent most problems from becoming significant as long as all users recognize the other's right to use the area, and appreciate their business needs.
- A willingness to cooperate and employ innovative solutions, such as obstacle planting, seeding and effective animal management can benefit all parties.

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### **FOR MORE INFORMATION**

Ministry of Forests, Range and Integrated Resources Section, c/o Forest Practices Branch, PO Box 9513 Stn. Prov. Govt. Victoria, BC, V8W 9C2.

Phone: (250) 387-6656.

[Forest.ForestPracticesBranchOffice@gems3.gov.bc.ca](mailto:Forest.ForestPracticesBranchOffice@gems3.gov.bc.ca)

*Range Act:* <http://www.for.gov.bc.ca/tasb/legsregs/range/rangeact/range.htm>

*Forest and Range Practices Act:* <http://www.for.gov.bc.ca/code/>

Grazing Policy: [http://lwbc.bc.ca/CLB/pdf\\_files/agriculture\\_grazing.pdf](http://lwbc.bc.ca/CLB/pdf_files/agriculture_grazing.pdf)

Grazing Leases - administered by Land and Water BC (LWBC) -

[http://lwbc.bc.ca/applying\\_for\\_land/grazing.htm](http://lwbc.bc.ca/applying_for_land/grazing.htm)





## A Quick Reference Guide To Crown Land Authorizations in British Columbia Leases

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

**Leases** are issued under Sections 11 and 38 of the *Land Act* to persons in response to direct application or by limited public offering where:

- substantial improvements and/or investment must be made on the land or major permanent facilities must be constructed and operated, and/or
- specific boundaries for an activity must be defined to minimize potential conflicts with other activities or resource values.

Land uses authorized by lease include a wide variety of residential/recreational, commercial and industrial activities as well as, of particular importance in Northeastern BC, agriculture and similar pursuits.

Leases vary in size (within limits) to reflect the needs and proposed use of the applicant. The normal term for a lease is a maximum of 30 years.

Replacement of a lease on or before its expiration is normally possible provided that the lease area is being diligently used.

### ISSUING AGENCY

Land and Water British Columbia Incorporated (LWBC)

### SUMMARY OF RIGHTS AND OBLIGATIONS

A lease over Crown land gives the tenure holder the **exclusive right** to use a parcel of Crown land for the **specific purpose** outlined in the lease document. Leases can be:

- registered against the title of the land,
- mortgaged with prior approval of LWBC, or
- assigned to a third party by sale, sub-lease or other arrangement with the prior approval of LWBC.

As conditions of lease issuance, the lessee normally must:

- carry out a legal survey of the parcel if it has not already been surveyed,





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## A Practical Guide to Effective Coordination of Resource Tenures

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- pay rental to the Crown: owing to the security of tenure offered, lease rental is greater than that of a Licence of Occupation over the same property,
- indemnify the Crown against any damage or legal action that might result from the activities on the land,
- make diligent use of the land for the purpose(s) for which the licence was issued,
- ensure that the land and the improvements placed on it are maintained and/or operated in a safe and environmentally appropriate manner and that the site is returned as nearly as possible to its natural condition upon expiry of the lease,
- comply with all applicable federal, provincial and local laws, bylaws and regulations, and
- complete any additional obligations under the specific tenure agreement.

The rights and obligations of both the lessee and LWBC are detailed in the lease document.

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### **INDUSTRY BUSINESS NEEDS**

Leases over Crown land offer long-term security to the lessee as they provide exclusive use of a clearly defined parcel for a fixed period of time. This security, as well as the fact that a lease can be mortgaged, enables the lessee to obtain financing for a proposed activity that might not otherwise be available. In addition, the fixed lease term, together with provisions for replacement of the lease for a further term on or before its expiration, allows the lessee to make and implement long-term plans for the lessee's operation, increasing its efficiency and profitability.

These considerations make Crown leases particularly attractive to commercial and/or industrial enterprises wishing to use land over the medium term but who do not require outright ownership of the land.

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### **ISSUES AND CONFLICTS**

The purpose for which a lease is issued and its long fixed term may lead to resource and/or social conflicts not foreseen at the time the lease was issued if the following conditions arise:

- the expansion of urban or recreational land use into areas immediately adjacent to the lease area,
- unforeseen or underestimated impacts to wildlife and wildlife habitat both within and adjacent to the leased area, and/or
- the development of major projects which are in the public interest and which impact the area of the lease.





### **RESOLUTION OPPORTUNITIES**

Every effort is made to ensure that the likelihood of conflict is minimized before a lease is issued by attempting to consider local land use plans, the concerns of other resource agencies (both federal and provincial) as well as those of First Nations during the application review process.

Applicants for Crown land leases can be required to advertise their proposals in a local or locally circulated newspaper and in the BC Gazette to ensure public input to the decision process.

Where concerns do arise, LWBC, while recognizing the legal rights of the lessee to uninterrupted and undisturbed use of the land, will attempt to find a resolution by encouraging discussion between the lessee and the complainant.

Improper use of the leased land can cause the lease to be amended or cancelled. Significant changes in the use of a lease are normally only approved after receiving input from those individuals and agencies potentially affected.

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### **FOR MORE INFORMATION**

LWBC Website: <http://lwbc.bc.ca>





**A Quick Reference Guide To  
Crown Land Authorizations in British Columbia  
Licence of Occupation – Industrial Licences**

**NOTICE**

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

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**OVERVIEW**

A **Licence of Occupation** is issued for a wide variety of industrial uses of Crown land or foreshore under Sections 11 and 39 of the *Land Act*. Licences of Occupation for industrial use are normally issued only in relatively remote areas or where the proposed use will not be a permanent one (e.g., a machinery fabrication site to supply a dam construction project in a remote location where use of the land will likely take place over a period of only a few years).

For such industrial uses, the maximum term for a Licence of Occupation is usually ten years. A Licence of Occupation can normally be replaced at or before its expiry. It may also be assigned to a third party with the approval of the issuing agency.

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**ISSUING AGENCY**

Land and Water British Columbia Incorporated (LWBC)

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**SUMMARY OF RIGHTS AND OBLIGATIONS**

A Licence of Occupation entitles the holder to use Crown land for a specific industrial use. It does not convey the right to exclusive use of the land other than for the purposes stated in the Licence of Occupation document. Where exclusive use is necessary for public safety, a lease must be obtained or the land acquired by purchase.

As conditions for the approval of the Licence of Occupation, the holder normally must:

- pay rental to the Crown,
- indemnify the Crown against any damage or legal action that might result from the activities taking place on the land,
- make diligent use of the land for the purpose(s) for which the licence was issued,
- ensure that the land and any improvements placed on it are operated and/or maintained in a safe and environmentally appropriate manner and that the improvements are removed and the land restored as nearly as possible to its natural condition upon the expiry of the licence,







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## A Practical Guide to Effective Coordination of Resource Tenures

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- comply with all applicable federal, provincial and local laws, bylaws and regulations, and
- complete any additional obligations under the specific tenure agreement.

A licence holder may be required to post a bond against cleanup of the site following use.

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### **INDUSTRY BUSINESS NEEDS**

In most situations, it is in the best interest of public safety and of the industrial operator for the operator to either purchase the land for the operation or obtain a lease that conveys the right of exclusive use. In more remote areas, especially where the use of the land is for only a few years, the right of exclusive use may be unnecessary and a lease or direct purchase of land uneconomical. Also, it may also not be in the best interest of the Crown to alienate isolated parcels in remote areas over the long term. In recognition of these circumstances, LWBC's industrial program offers a licencing as well as a leasing option.

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### **ISSUES AND CONFLICTS**

Due to the potential for noise pollution and the production of waste and contaminants, there is a possibility that issues will arise out of the establishment of an industrial operation on Crown land. In remote locations, the likelihood of social conflict is somewhat reduced but the potential for environmental impacts may be higher.

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### **RESOLUTION OPPORTUNITIES**

Every effort is made to ensure that the likelihood of conflict is minimized before a Licence of Occupation is issued through consulting with local governments, and by considering local land use plans, the concerns of other resource agencies (both federal and provincial), as well as those of First Nations during the application review process. In addition, applicants for Licences of Occupation may be required to advertise their proposed use of Crown land in both a local newspaper and the BC Gazette to ensure public input to the decision process.

Where concerns do arise, LWBC will attempt to resolve them through encouraging discussion between the Licence holder and the complainant.

As a condition of an industrial licence is that the land be restored as closely as possible to its natural condition at the expiry of the licence, it is likely that many of the issues raised will be resolved over time.

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### **FOR MORE INFORMATION**

LWBC Website: <http://lwbc.bc.ca>





## A Quick Reference Guide To Crown Land Authorizations in British Columbia Licence of Occupation

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

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### OVERVIEW

A **Licence of Occupation** is issued to authorize the short-term use of Crown land or foreshore under Sections 11 and 39 of the *Land Act* where:

- only relatively minor improvements or investment must be made on the land,
- it is not necessary to define specific boundaries for an activity,
- the land applied for is located in a remote or little settled area, and/or
- the Crown wishes to retain substantial control over the land.

The maximum area over which a Licence of Occupation may be issued is normally 520 hectares, although the area approved is generally restricted to reflect the expressed needs of the applicant. The maximum term for a Licence of Occupation is usually ten years. Under special circumstances, this may be extended to 30 years. Where the need to occupy the land continues beyond the term of the licence, the licence can be replaced at or before its expiry.

Land uses normally authorized by licences of occupation include a variety of commercial and industrial activities as well as recreational cottage occupation and private dock construction. Short term licences of occupation can also be issued to authorize survey or construction on areas that will later be subject to Statutory Rights of Way.

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### ISSUING AGENCY

Land and Water British Columbia Incorporated (LWBC)

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### SUMMARY OF RIGHTS AND OBLIGATIONS

A Licence of Occupation provides the holder with exclusive rights to the **improvements** placed on the land (depending on the terms of the authorization). It does not convey exclusive use of the land itself; however, no other use of the land can be authorized which will interfere with the licensee's activities. The licence does not require a legal survey. It cannot be registered against the title of the land nor can it be mortgaged; however, it may be assigned to a third party by sale or other arrangement with the approval of LWBC.

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## A Practical Guide to Effective Coordination of Resource Tenures

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As conditions of the issuance of the Licence of Occupation, the holder generally must:

- pay rental to the Crown,
- indemnify the Crown against any damage or legal action that might result from the activities on the land,
- make diligent use of the land for the purpose(s) for which the licence was issued,
- ensure that the land and the improvements placed on it are maintained and/or operated in a safe and environmentally appropriate manner and that the site is returned as nearly as possible to its natural condition upon expiry of the licence,
- comply with all applicable federal, provincial and local laws, bylaws and regulations, and
- complete any additional obligations under the specific tenure agreement.

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### **INDUSTRY BUSINESS NEEDS**

Some activities require access to Crown land where long-term security and/or clearly defined boundaries are not required. A commercial or industrial client may wish to purchase or obtain a lease over the core portion of his operation but licence the less critical or less extensively used portions of his or her operation with a considerable saving in expenditure.

As issuing a Licence of Occupation over Crown land permits LWBC to maintain greater control over the land than would be possible under a leasehold tenure, it may allow an industrial applicant to access land over which a leasehold tenure would not be in the best interests of the public.

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### **ISSUES AND CONFLICTS**

While the **non-exclusive use** of Crown land granted by a Licence of Occupation reduces conflict over land use, conflict may still occur where the proposed land use is perceived as being incompatible with neighbouring uses. Often this occurs in urban or semi-urban areas where there is sometimes a lack of agreement between residents as to what constitutes appropriate land use. Issues may also arise where the licenced use has impacts on the human or natural environment that were unforeseen or underestimated at the time of its issuance.

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### **RESOLUTION OPPORTUNITIES**

Every effort is made to ensure that the likelihood of conflict is minimized before a Licence of Occupation is issued through consulting with local governments, and by considering local land use plans, the concerns of other resource agencies (both federal and provincial), as





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## A Practical Guide to Effective Coordination of Resource Tenures

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well as those of First Nations during the application review process. In addition, applicants for licences of occupation may be required to advertise their proposed use of Crown land in both a local newspaper and the BC Gazette to ensure public input to the decision process.

Where concerns do arise, LWBC will attempt to resolve them through encouraging discussion between the licence holder and the complainant.

Significant changes in the use of a Licence of Occupation that might be sources of conflict are usually only approved after LWBC receives input from those individuals or agencies that would be potentially affected.

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### **FOR MORE INFORMATION**

LWBC Website: <http://lwbc.bc.ca>





## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Master Licence to Cut

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

A **Licence to Cut** is an area-based tenure issued under the *Forest Act* and authorizes a company or an individual to cut and deck or remove timber from land that they have authority to occupy or own but from which they otherwise do not have the right to harvest Crown timber. Three different forms of Licence to Cut may be issued to meet different circumstances; however, this guideline is focused on a Master Licence to Cut

A **Master Licence to Cut** agreement is designed specifically for geophysical exploration and petroleum drilling and development under the *Petroleum and Natural Gas Act* and the *Pipeline Act*. Designated personnel in the Oil & Gas Commission can issue this type of licence. The intent of the master agreement is to reduce administrative workload associated with the petroleum industry's operations in the Peace and Fort Nelson Forest Districts. The agreement can cover an entire forest district and contain general terms and conditions consistent with the *Forest Act* and the *Forest Practices Code of British Columbia Act*.

*Forest tenures are administered using three main Acts and a number of regulations associated with each Act:*

*Forest Act - deals with the issuing of tenures, content, term, ability to replace the tenure, Allowable Annual Cut (AAC) issues, cut control requirements and deletion of Crown land,*

*Forest Practices Code of BC Act (FPC or Code) - deals with operational planning for forest operations such as public review and comment of plans, road building, harvesting, silviculture treatments (including reforestation), protection from insects, disease and fire, etc., and*

*Forest and Range Practices Act (FRPA) - will replace the FPC with a more results-based approach to operational planning. Will be brought into effect in 2004.*

The information in this guide is most applicable to the Northern Interior Forest Region.





## **ISSUING AGENCY**

Oil & Gas Commission for Master Licence to Cut tenures for oil and gas activities and pipelines. For other forms of Licence to Cut, the Ministry of Forests, District Manager is the issuing authority (see below)

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## **SUMMARY OF RIGHTS AND OBLIGATIONS**

A Master Licence to Cut authorizes the harvest of timber within a specified area, under conditions set by the issuer. The holder may have the right to cut, deck, transport (subject to timber marking requirements), and dispose of timber, depending on the conditions of the licence. The licence holder must comply with the terms of the licence, and with all applicable Acts and regulations, and must pay stumpage for timber removed and a fire preparedness levy. The licensee may be required to consult with other interests before commencing operations, and if not required to do so, is encouraged to consult for the purpose of avoiding potential conflicts.

A Master Licence to Cut has a term of up to five years and is not replaceable. It requires cutting permits to authorize specific timber harvesting activities and these Cutting Permits cannot exceed a term of four years.

Interpretation: A Master Licence to Cut enables removal of timber from lands that are to be used for oil and gas activities. This licence conveys no special rights, other than to legally remove the timber in order to carry out other work.

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## **INDUSTRY BUSINESS NEEDS**

- Ability to remove timber in order to conduct other oil and gas operations.
  - Operator and public safety during operations.
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## **ISSUES AND CONFLICTS**

Conflicts may arise where other land users or the public perceive that timber removal is inconsistent with the land use objectives. Generally the Master Licence to Cut is a secondary tenure, and any conflict occurs when the primary tenure is issued. Since the issuance of a Master Licence to Cut is an independent statutory decision, it may be challenged and thereby delay or prevent development. As well, conflicts may arise concerning insect and disease hazards, fire hazard and the utilization of felled or decked wood.

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## **RESOLUTION OPPORTUNITIES**

- Advance planning and consultation.
  - Scheduling to accommodate other users.
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## A Practical Guide to Effective Coordination of Resource Tenures

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### **FOR MORE INFORMATION**

*Forest Act, Part 3, Division 8.2*

Master Licence to Cut information is available at:

<http://www.ogc.gov.bc.ca/documents/informationletters/emd-il/EMD98-03.htm>

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### **ADDITIONAL INFORMATION**

The two other forms of Licence to Cut are an *Occupant Licence to Cut* and a *Forestry Licence to Cut*. The district manager may enter into an agreement in the form of a Licence to Cut when he or she has determined that the proposed development is in accordance with section 51 of the *Forest Act*. This licence can include terms consistent with both the *Forest Act* and the *Forest Practices Code of B.C. Act*. Consultation with local aboriginal interests may be required as part of the review process for a Licence to Cut application. Stumpage is payable on timber cut and removed under a Licence to Cut.





## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Mineral Claim

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

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### OVERVIEW

Under the *Mineral Tenure Act*, **mineral claims** are acquired by “staking” the land under a claim. A claim provides certainty of access for one year, and is renewable, provided maintenance requirements are met. A claim conveys a chattel interest in minerals vertically downward from the claim and the right to undertake necessary surface activities, subject to issuance of the appropriate authorizations under the *Forest Act* or other acts as applicable. Only one mineral claim can exist over a location at one time; however, a placer claim or placer lease may exist over the same area as a mineral claim. The amount of mineral that can be produced from a claim is limited, and title holders who wish to exceed the production limit must convert their claim to a lease.

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### ISSUING AGENCY

Ministry of Energy and Mines

(Ministry of Forests, District Manager for *Special Use Permit ?t*, Free Use Permit or Licence to Cut)

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### SUMMARY OF RIGHTS AND OBLIGATIONS

A person who is the holder of a Free Miner Certificate may enter upon all “mineral lands” in order to locate a claim, explore for, develop and produce minerals. “Mineral lands” are defined in Section 1 of the Act as those lands where the mineral rights are reserved to the Crown. In addition to public lands, the right to the minerals on almost all privately-owned land is reserved to the Crown. Therefore, most private land is deemed to be “mineral land” and is available under the terms of section 11(1) of the Act. There are notification and compensation requirements for entry on private lands, and the operations of the mineral claim must not obstruct the use of the private lands.

Depending on the surface activity requirements, the holder of a Mineral Claim may apply for a Special Use Permit (SUP) *obtained from where? MoF?*, Free Use Permit (FUP), or a License to Cut under the *Forest Act*. The latter two are required for the removal of timber and may be subject to payment of stumpage. The holder of a mineral claim should check with the District Manager, Ministry of Forests, to confirm the correct







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authorization is issued for the circumstances.

Interpretation: It is intended that reasonable access will be available for exploration on all “mineral lands” in the province, including on lands where the surface land is private; however, activities and disturbance on lands must recognize the needs and interests of the owners and the Crown, including compliance with requirements of forest and environmental protection and public safety.

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### **INDUSTRY BUSINESS NEEDS**

The mining industry requires access to the land for purposes of prospecting, staking and maintaining a claim. This access includes the ability to construct a trail or temporary access road to the claim, including clearing trees and removing surface vegetation. Exploration requires excavation on the claim area. Operational requirements, such as minimizing environmental and wildlife impacts and ease of access, may require that certain types of work associated with mineral exploration be conducted during a specific season.

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### **ISSUES AND CONFLICTS**

Competing interests may exist on the surface or for sub-surface resources. Conflicts often arise on private land, when a land owner does not fully understand the difference between surface and sub-surface rights, and objects to entry onto the land. Another cause of conflict occurs when the free miner fails to properly inform the land owner, or does so in a manner objectionable to the land owner.

On Crown lands, conflicts may occur where surface activities, including access, are inconsistent with objectives for forestry, tourism and recreation, wildlife management or environmental protection, or conflict with a placer claim or lease.

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### **RESOLUTION OPPORTUNITIES**

Communication: A free miner or recorded holder of a mineral title is legally obligated to provide notice of entry and work to the owner of surface land. While consultation with the surface owner or any tenure holders is not required, it is recommended that they do so as a matter of good business conduct.

The *Mineral Tenure Act* and the *Mining Right of Way Act* both provide for either of the applicants in a dispute between a property owner and a mineral title holder to apply to the local Gold Commissioner to intervene and attempt to settle the issue. The role of the Gold Commissioner is one of consultation and of attempting to have both parties settle the matter in a business-like fashion by applying reasonable judgement and impartiality. While the Gold Commissioner’s recommendation is not binding on the parties, his or her involvement in the dispute is required before it can be referred to the Mediation





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## A Practical Guide to Effective Coordination of Resource Tenures

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and Arbitration Board (section 19(4), *Mineral Tenure Act*), and cases exist where the board has endorsed the recommendation of the Gold Commissioner and made it a binding order.

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### **FOR MORE INFORMATION**

Reference material is available at any Mineral Titles Branch or Government Agent office on the various methods of claim and lease acquisition. A publication entitled [A Guide to Surface and Subsurface Rights and Responsibilities in British Columbia](#) is available. This guide deals with the rights and responsibilities of the land owner and the subsurface mineral title holder where this subsurface right is granted by a mineral or placer claim or lease.

<http://www.em.gov.bc.ca/mining/Titles/InfoLetters/info-15.htm>

***Mineral Tenure Act Forms:***

<http://www.em.gov.bc.ca/mining/titles/forms/default.htm>

Legislation: <http://www.em.gov.bc.ca/Links/legislat.htm>

***Mineral Exploration (MX) Code:***

<http://www.em.gov.bc.ca/Mining/Healsafe/mineereg.htm>





**A Quick Reference Guide To  
Natural Resource Authorizations in British Columbia  
Pulpwood Agreement**

**NOTICE**

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

**OVERVIEW**

A **Pulpwood Agreement (PA)** is a volume-based tenure, entered into under the *Forest Act* that allows the holder of a wood fibre-processing facility to harvest Crown pulp timber, if sufficient quantities of raw material are not available to the holder from other sources. A PA covers up to a 25-year term, is not replaceable and applies to a large area in one or more timber supply areas. Before harvesting, the holder of a PA must apply for a Forestry Licence to Cut (FLTC) that will specify the locations and volume of timber to be harvested.

Most PA's are "insurance" in case the normal supply of wood fibre is unavailable; however, some more recent agreements, including agreements for Aspen harvest in northeast BC, do contemplate regular harvesting.

*Forest tenures are administered using three main Acts and a number of regulations associated with each Act:*

*Forest Act - deals with the issuing of tenures, content, term, ability to replace the tenure, Allowable Annual Cut (AAC) issues, cut control requirements and deletion of Crown land,*

*Forest Practices Code of BC Act (FPC or Code) - deals with operational planning for forest operations such as public review and comment of plans, road building, harvesting, silviculture treatments (including reforestation), protection from insects, disease and fire, etc., and*

*Forest and Range Practices Act (FRPA) - will replace the FPC with a more results-based approach to operational planning. Will be brought into effect in 2004.*

The information in this guide is most applicable to the Northern Interior Forest Region.

**ISSUING AGENCY**

Ministry of Forests (MOF)

**SUMMARY OF RIGHTS AND OBLIGATIONS**

- A PA conveys the right to harvest a specified type of timber within a defined area.





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## A Practical Guide to Effective Coordination of Resource Tenures

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- The agreement holder is normally responsible for all operational planning, development, silviculture and forest protection requirements in compliance with established forest practices.
- Rights are conditional to demonstrating that sufficient fibre supply cannot be obtained elsewhere.
- There is a requirement to obtain a Forestry Licence to Cut before commencing harvesting.
- The PA holder may be required to construct and maintain, expand or continue a manufacturing facility (e.g., pulp mill, OSB plant) as a condition of the agreement.
- The PA does not convey exclusive rights to the land within the area defined by the agreement. There is an expectation of notification, consultation and coordination with other forest users at the planning and operational stages of PA activities. The holder pays stumpage on the Crown timber harvested.

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### **INDUSTRY BUSINESS NEEDS**

- Ability to locate and plan for the harvest of suitable timber and to economically construct or use access to harvest and reforest the area(s) logged.
- Ability to access the species and grades of timber required for the manufacturing plant when it is needed, in a manner consistent with forest practices requirements and land use objectives.

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### **ISSUES AND CONFLICTS**

- Roads and timber harvesting can significantly alter the characteristics of a landscape, especially if it has not previously been developed. This can lead to conflicts with wilderness use, tourism, wildlife management, other forest interests or overlapping forestry tenures.
- Objections to cutting due to impact on non-timber resource values.
- Delayed approvals due to consultation with aboriginals or other resource interests.
- Impacts on reforestation requirements

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### **RESOLUTION OPPORTUNITIES**

- Consultation and accommodation of other users at the planning stages.
- Communications with other users at the operational stages.
- Forest industry and energy industry need to co-ordinate development, use, maintenance and deactivation of roads under road permit and road use permit.
- Consistency with land use plans and objectives where possible.





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A Practical Guide to Effective Coordination of Resource Tenures

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**FOR MORE INFORMATION**

*Forest Act Part 3 Div 7 Pulpwood Agreement*

<http://www.for.gov.bc.ca/tasb/legsregs/forest/foract/part3-7.htm#41> or  
[www.for.gov.bc.ca/hth](http://www.for.gov.bc.ca/hth)





## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Registered Trapline

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

**Traplines** are registered under the *Wildlife Act* and gives permission to trap for fur within a defined area. Under some conditions, an individual may hold more than one trapline. Traplines held by aboriginal people are often passed on from one generation to another, whereas other traplines are usually purchased from the previous owner. Trapline income can range from very low to thousands of dollars per year. On the average, traplines are not the sole source of income for the trapper. An annual Trapping Licence may be required for non-aboriginal trappers.

### ISSUING AGENCY

Ministry of Water, Land and Air Protection: A regional manager, or a person authorized by the regional manager, may grant registration of a trapline on Crown land to a person or to a group of persons.

### SUMMARY OF RIGHTS AND OBLIGATIONS

*A registered trapline gives permission to trap for fur in the area defined. This means that the trapper may access the area to place traps and retrieve the catch. Cutting of timber for trails or cabins requires separate authorization from the Ministry of Forests (MOF). Placement of a cabin on Crown land also requires separate authorization from Land and Water BC. Some Aboriginal people, either under treaty or as an aboriginal right, have certain rights to hunt, fish and/or trap. The holder of a trapline may be required to prepare a "fur management plan" for managing and trapping fur bearing animals.*

**Interpretation:** Permission to trap for fur in an area is very specific and limited, and does not extend to a right to preserve suitable habitat or to a proprietary interest in the animals. While mitigation of development impacts is desirable for reasons of environmental protection and resource industry integration, registration of a trapline does not contemplate an assurance of habitat or animal availability. Although reasonable efforts will be made to accommodate the interests of the holder of a registered trapline when development is planned within the area (i.e., best practices, mitigation, rehabilitation of habitat subsequent to development operations), the Crown retains the right to tenure all surface and sub-surface resources within the area, including oil and





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gas, minerals, forest products, and water, and for the tenure holders to use those resources according to the terms of their tenure. The holder of a registered trapline may not restrict public access for recreational or hunting purposes in the area of the trapline.

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### **INDUSTRY BUSINESS NEEDS**

Traplines are a business, a lifestyle or a hobby, depending upon the interests of the holder. In all cases, the trapper requires reasonable access to the area, particularly during key periods (usually winter) and security for traps and caches.

Notice is required when industrial development is to occur in an area so traps can be removed and perhaps set elsewhere.

In order to operate the trapline successfully there needs to be sufficient habitat and food for the targeted furbearing animals, and, depending upon the species, a degree of isolation from other activities. Habitat requirements vary by species and will be unique to the individual trapline.

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### **ISSUES AND CONFLICTS**

Oil and gas development, forestry and other heavy industrial activities can affect wildlife habitat or change the behaviour of animals, thus impacting the availability of, and likelihood of trapping targeted species. Construction of access roads into the trapline area can result in vandalism, theft, or destruction of traps, cabins and other assets.

Traplines are often one-person operations and if the trapper is out on the line, communications for the purpose of consultation is very difficult.

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### **RESOLUTION OPPORTUNITIES**

Communication can prevent many of the conflicts that arise; however, extra effort must often be taken by both parties because of the remoteness of most traplines, and the extended absences that are involved in tending the trapline. Involvement of the trappers in planning, especially at the operational development and scheduling level, can prevent conflicts, sometimes with only minor accommodation on both sides.

#### Planning

- Activities with a high potential for impact on traplines generally involve planning (i.e., higher level plans for forestry harvesting, pre-tenure plans for oil and gas exploration and development). These plans are open to input from a potentially affected trapper.
- Specific development plans for forestry licensees are submitted to MOF. Notice is provided to others with interests that may be





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affected. Individuals with an interest or concern may provide input into plans.

- Rights-of-way generally require review under federal and/or provincial legislation or policy. Applications for rights-of-way may be advertised to ensure the input of interested individuals before a decision is made.

### Operational

- Trappers generally operate on a seasonal basis and require sufficient notice of activities that may have an impact on their operations, so that they may make adjustments (i.e. use of alternative sites within their trapline area).
- Communication and sufficient notice of operations will prevent most problems from becoming significant as long as all users recognize the other's right to use the area, and appreciate their business needs.
- Where sufficient notice is not possible, voluntary mitigation may be offered in lieu of notice.

Under the terms of the *Wildlife Act*, if a dispute arises as to priority of rights between trappers, the matter must, at the request of a party to the dispute, be determined by the regional manager, who may alter, eliminate or reassign part or all of a trapline. It is an offence for other parties to knowingly damage or interfere with traps.

The trapper compensation program provides for compensation for structural damage to traplines, but does not apply to loss of habitat or impacts on animal populations.

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### **FOR MORE INFORMATION**

<http://www.eab.gov.bc.ca/wildlife/wildlq&a.htm>

<http://www.eab.gov.bc.ca/proced97.htm>

The **Hunting and Trapping Synopsis** is a summary of the B.C. hunting and trapping regulations made under the *Wildlife Act* (British Columbia), prepared for the convenience of hunters and trappers. The Hunting and Trapping Synopsis sets out general hunting information, summarizes important hunting regulations, and defines the open seasons, with maps indicating no hunting, no shooting and other closed areas.

#### **Trapping Regulations 2002/03**

[http://wlapwww.gov.bc.ca/wld/documents/trapping\\_regulations.pdf](http://wlapwww.gov.bc.ca/wld/documents/trapping_regulations.pdf)







## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Road Permit

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

A **Road Permit** is issued to a person with authority to harvest Crown timber and authorizes the permit holder to construct or modify a road on Crown land or maintain an existing road on Crown land. The district manager may enter into an agreement in the form of a road permit when she/he has determined that the proposed development is in accordance with section 115 of the *Forest Act*. This permit can include terms to ensure compliance with both the *Forest Act* and the forest practices requirements (under the FPC or FRPA). The consultation and review process for road permits is included in the review processes for operational plans (Forest Development Plans or Forest Stewardship Plans). Stumpage is payable on timber cut under a road permit. "Road authorizations" instead of road permits are utilized within the Fort St. John Code Pilot area to provide similar access tenure for timber extraction.

Forest tenures are administered using three main Acts and a number of regulations associated with each Act:

*Forest Act* - deals with the issuing of tenures, content, term, ability to replace the tenure, Allowable Annual Cut (AAC) issues, cut control requirements and deletion of Crown land,

*Forest Practices Code of BC Act (FPC or Code)* - deals with operational planning for forest operations such as public review and comment of plans, road building, harvesting, silviculture treatments (including reforestation), protection from insects, disease and fire, and

*Forest and Range Practices Act (FRPA)* - will replace the FPC with a more results-based approach to operational planning. Will be brought into effect in 2004.

The information in this guide is most applicable to the Northern Interior Forest Region.

### ISSUING AGENCY

Ministry of Forests, District Manager





## **SUMMARY OF RIGHTS AND OBLIGATIONS**

A Road Permit (RP) authorizes the harvesting of Crown timber during the construction, modification, and maintenance of a road on Crown land. The holder of a Road Permit has the right to cut, deck, transport (subject to timber marking requirements), and dispose of timber.

The permit holder must comply with the terms of the permit, and with all associated Acts and regulations, and must pay stumpage. The permit holder is required to maintain the road until it is deactivated.

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## **INDUSTRY BUSINESS NEEDS**

- Ability to access their tenure area in order to develop Crown timber.
  - Ability to manage their road networks concurrently with their operations.
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## **ISSUES AND CONFLICTS**

Conflicts may arise where other users require access to their operations utilizing the same road permit access. Commonly, the conflicts are related to road maintenance fees and safety issues such as increased traffic or inadequate radio communication. Since the issuance of a Road Permit involves an independent statutory decision, it may be challenged and thereby delay or prevent development.

If another industrial operator requires the use of the road they will require a maintenance agreement with the RP holder. The maintenance agreement may include reimbursement of incremental costs associated with the agreement holder's use to the RP holder. A person's use of the road cannot be denied.

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## **RESOLUTION OPPORTUNITIES**

- Forest Development Plan or Forest Stewardship Plan Review.
  - Scheduling to accommodate other users.
  - Resolution by agreed process or *Commercial Arbitration Act* where a maintenance agreement cannot be reached.
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## **FOR MORE INFORMATION**

An example of Guide to Road Permit is available at  
<http://www.for.gov.bc.ca/isb/forms/lib/fs582.doc>

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## **ADDITIONAL INFORMATION - Road Use Permit**

If an industrial operator requires the use of a Forest Service Road (FSR), a road use permit is required. A road use permit authorizes use of an existing Forest Service Road and will include responsibility for road maintenance or reimbursement of incremental costs associated with the RUP holder's use to the person designated as responsible for maintenance of that road. Unlike a Road Permit, a RUP does not grant authority to cut and harvest timber.

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## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Temporary Permits

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### OVERVIEW

**Temporary Permits** are issued under Section 14 of the *Land Act* to authorize **short term, non-exclusive** uses of the land such as construction of a road, or for an investigation to determine whether the land is suitable for long term use. Temporary Permits can also be used to authorize low impact uses such as film-making where little or no construction or improvement on the land is required.

As Temporary Permits provide for non-exclusive use only, there is no limit on the size of the permit area. Temporary Permits can be issued to private individuals, businesses, local or regional governments, community groups and institutions.

Issued in response to direct application to the issuing agency, the normal term for a Temporary Permit is from six months to a year. However, if the form of the tenure is changed to a licence of occupation, a longer term of up to ten years can be granted for road construction or similar uses.

### ISSUING AGENCY

Land and Water British Columbia Incorporated (LWBC) - Fort St. John Field Office

### SUMMARY OF RIGHTS AND OBLIGATIONS

A Temporary Permit provides the holder with the **non-exclusive** right to use land for a specific purpose. In most cases this use will not involve construction or modification of the land. These permits can also be issued for the construction of roads, trails, bridges and non-commercial airstrips that will become public when completed. Where activity of this nature is authorized by a Temporary Permit, the permit holder cannot deny any person the right to use the constructed facility.

The area covered by a Temporary Permit does not require survey and the permit cannot be registered against the title of the land. A Temporary Permit is not normally assigned.

As conditions of the approval of a Temporary Permit, the holder generally must:





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- pay rental to the Crown, usually in the form of a fixed pre-paid fee,
  - indemnify the Crown against any damage or legal action that might result from the activities on the land,
  - make diligent use of the land for the purpose(s) for which the licence was issued,
  - ensure that the land is used and maintained in a clean, safe, sanitary and environmentally suitable condition and is restored to its natural condition upon the expiration of the permit (except where the permit has been issued to authorize road or related construction – in such cases clean up procedures may be required to restore a clean, safe, sanitary and environmentally suitable condition), and
  - comply with all applicable federal, provincial and local laws, bylaws and regulations.
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### **INDUSTRY BUSINESS NEEDS**

In many cases, a potential user of Crown land may not be fully aware of the suitability of an area for his or her needs. If extensive analyses and surveys are needed to determine the utility of the land, one or more **Temporary Permits for Investigative Purposes** (or **Investigative Permits** - for information on Investigative Permits contact LWBC) will authorize the investigation activity without the time and expense involved in obtaining a long-term *Land Act* tenure.

As a Temporary Permit does not normally involve extensive improvement to, or exclusive use of the land, the application can be processed in a short time, ensuring that the applicant is on the ground very quickly (this is of particular importance for the film making industry).

Temporary Permits can also be used to authorize commercial recreational interests to use the very large tracts of land required on a non-exclusive basis and at an affordable rent, and where few or no improvements are necessary for the operations.

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### **ISSUES AND CONFLICTS**

Except where issued to authorize road, bridge or airstrip construction, the short term and/or non-exclusive nature of a Temporary Permit reduces the potential conflicts and issues which frequently accompany the issuance of longer term leases or licences. A Temporary Permit can, in fact, be used to survey public opinion regarding a major project while the suitability of the site is being assessed.

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### **RESOLUTION OPPORTUNITIES**

#### Planning

Like other forms of *Land Act* tenure, Temporary Permits are generally only issued where they are consistent with local land use plans if





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possible. In addition, potential concerns of other resource agencies (both federal and provincial) as well as those of First Nations are carefully considered, especially where the Temporary Permit is a precursor to either a long-term tenure or a permanent facility (e.g., road, bridge or airstrip). Where the permit will lead to such a long-term tenure or a permanent facility, the applicant may be required to advertise their proposal in both a local newspaper and the BC Gazette to ensure public input to the application review process.

### Operational

While every effort is made to ensure that the likelihood of conflict is minimized before the issuance of a Temporary Permit, not all possible concerns can be foreseen. Owing to the very short-term nature of these permits, the likelihood of serious conflicts is low. Where conflicts do arise, LWBC may attempt to resolve them by encouraging discussion between the Permit holder and the complainant.

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### **FOR MORE INFORMATION**

*LWBC Website:* <http://lwbc.bc.ca>

*Telephone:* Land and Water British Columbia Incorporated, Fort St. John Field Office (Please see the Blue Pages in your local telephone book)





## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Timber Sales Licence

### NOTICE

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### OVERVIEW

A **Timber Sales Licence (TSL)** is a volume-based tenure, issued under authority of Division 3 of the *Forest Act*, that conveys the right to harvest the timber within one or more defined areas, subject to certain conditions. TSL's are primarily sold through competition to qualified applicants registered in BC Timber Sales (formerly the Small Business Forest Enterprise Program). Normally the term of a TSL is from one to three years, although the term may be up to four years, or as short as a few months, depending upon the forest management objectives. The TSL holder is required to pay stumpage for timber harvested. A TSL is not replaceable.

*Forest tenures are administered using three main Acts and a number of regulations associated with each Act:*

*Forest Act - deals with the issuing of tenures, content, term, ability to replace the tenure, Allowable Annual Cut (AAC) issues, cut control requirements and deletion of Crown land,*

*Forest Practices Code of BC Act (FPC or Code) - deals with operational planning for forest operations such as public review and comment of plans, road building, harvesting, silviculture treatments (including reforestation), protection from insects, disease and fire, and*

*Forest and Range Practices Act (FRPA) - will replace the FPC with a more results-based approach to operational planning. Will be brought into effect in 2004.*

The information in this guide is most applicable to the Northern Interior Forest Region.

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### ISSUING AGENCY

Ministry of Forests, Timber Sales Manager. District Manager or Regional Manager

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### SUMMARY OF RIGHTS AND OBLIGATIONS

- Right to harvest timber within the designated area in a manner consistent with the cutting plan.





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- Normally requires the construction of roads within a cut-block, but not main roads.
- Participation in user committee for road maintenance under a Road Use Permit.
- Compliance with licence conditions as well as other pertinent acts and regulations (e.g. forest practices, fire prevention).
- Silviculture is normally the responsibility of the Ministry of Forests.
- Competition for licences may be restricted to owners of timber processing facilities.

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### **FOREST INDUSTRY BUSINESS NEEDS**

- Advance knowledge of the timber sale licence auction schedule.
- Access to the timber at a time when ground and road conditions permit operations to occur efficiently and in compliance with forest practices standards.
- A market for the logs and access to transportation systems (highways, water, rail).
- Some certainty of operating costs and stumpage.
- Making needs known to the local BC Timber Sales and Ministry of Forests' personnel.

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### **ISSUES AND CONFLICTS**

- Conflicts arising as a result of the planning and issuance of a timber sale licence are normally between a concerned third party and the Ministry of Forests, rather than with the TSL holder.
- The TSL holder may become involved in conflicts with other users of the area, when the licensee's activities disturb trapline improvements, range or water use.
- Conflicts may occur with other industrial users regarding operational issues such as road use and maintenance.

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### **RESOLUTION OPPORTUNITIES**

Most conflicts can be avoided at the planning stage if the Ministry of Forests has consulted with other resource users and interests before advertising the timber for sale, and has given reasonable accommodation to other interests. After the TSL is issued, conflict is usually prevented by the licensee notifying directly affected third parties of the scheduling of operations, and by making the accommodations necessary to prevent or mitigate negative impacts on the use by third parties of the area (e.g., notifying a trapper sufficiently in advance to allow removal of traps, notifying a rancher in time to allow removal of cattle, informing a tourist lodge in time for them to reassure patrons).





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### **FOR MORE INFORMATION**

Phone: Ministry of Forests, BC Timber Sales Business Area office, or  
District Office (See Blue Pages in your local phone book)

Ministry of Forests, PO Box 9525, Stn. Prov. Govt. Victoria, BC, V8W  
9C3

Resource Tenures and Engineering Branch

<http://www.for.gov.bc.ca/bcts/>

*Forest Act*, Part 3, Division 3

BC Timber Sales Regulation (BC Reg.265/88)

Advertising, Deposit and Disposition Regulation (BC Reg.552/78)







## A Quick Reference Guide To Natural Resource Authorizations in British Columbia Tree Farm Licence

### NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

### TENURE OVERVIEW

A **Tree Farm Licence** (TFL) is an area-based tenure and is normally held by a large or medium-sized company with the capacity to undertake the nearly exclusive obligations and rights to manage and harvest Crown timber within a specified area of Crown land. Management responsibilities include overall forest stewardship for the area, including inventories, operational planning for road building, harvesting, reforestation, forest stand management and protection. In some cases, the government has reserved a percentage of the timber for competitive timber sales, or for pulpwood agreements where they overlap the area. The holder of a TFL must apply for a cutting permit before harvesting on the licence area.

The term for a TFL is 25 years and it is replaceable. The licence holder is responsible for carrying out inventories and preparing management plans and a timber supply analysis. Based on the timber supply analysis, the Chief Forester approves an allowable annual cut (AAC). A TFL may include private lands that are managed for timber production.

*Forest tenures are administered using three main Acts and a number of regulations associated with each Act:*

*Forest Act - deals with the issuing of tenures, content, term, ability to replace the tenure, Allowable Annual Cut (AAC) issues, cut control requirements and deletion of Crown land.*

*Forest Practices Code of BC Act (FPC or Code) - deals with operational planning for forest operations such as public review and comment of plans, road building, harvesting, silviculture treatments (including reforestation), protection from insects, disease and fire, and*

*Forest and Range Practices Act (FRPA) - will replace the FPC with a more results-based approach to operational planning. Will be brought into effect in 2004.*

The information in this guide is most applicable to the Northern Interior Forest Region.

### ISSUING AGENCY

Ministry of Forests: Minister





## **SUMMARY OF RIGHTS AND OBLIGATIONS**

- Nearly exclusive rights to harvest Crown timber within a defined area, except for a specified volume reserved for competitive timber sales or where a pulpwood agreement overlaps the TFL.
- Obligation to carry out planning and management activities, including silviculture and forest protection.
- Licence holder pays stumpage on Crown timber harvested, plus annual rent, logging taxes and a fire preparedness levy.
- Harvested volumes of timber must be within specified maximum limits.

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## **FOREST INDUSTRY BUSINESS NEEDS**

- Access to a certain volume of timber each year.
- Flexibility to cut more or less volume in any one year based on markets.
- Access to a mix of “seasonal” operating area (winter/summer).
- Ability to construct roads in advance.
- Sufficient areas approved to allow flexibility of operations.

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## **ISSUES AND CONFLICTS**

Prior to issuance, other forest users may be concerned about the long-term assignment of the area to logging and forest management activities. TFL licence holders are sometimes adverse to other uses or development on the area due to their investment and stewardship responsibility. Specific conflicts include, but are not limited to:

- grazing of stock on plantations and removal of natural barriers by roads and logging,
- recreation access impacts on roads and plantations,
- impact of exploration activities, pipelines, well sites or roads on operational plans and cut control requirements and long-term forest productivity,
- damage to furbearer habitat and trap line trails, and
- Concerns regarding insects, disease, and fire hazards and utilization of cut and decked timber.

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## **RESOLUTION OPPORTUNITIES**

### Planning

The decision to allow harvesting of timber as a land use is often contained in higher-level plans. These plans are open to public input.

### Operational

Licence holders prepare operational plans and apply to the Ministry of Forests for cutting authority before road building and logging activities





are undertaken. Individuals with a concern or interest can ask the licence holder or the MOF to see the most recent plan, and to have input to future plans. The licence holder may be expected to notify other users before commencing certain activities.

Other tenure holders who have an overlapping interest are expected to undertake reasonable and respectful consultation with the TFL holder before undertaking activities (grazing, mineral, petroleum, commercial recreation, water, trapping, guiding). Where the parties cannot achieve a reasonable accommodation, the Minister of Forests may delete Crown land from the TFL. Limited provisions exist for compensation to a TFL holder when a permanent deletion of area occurs in certain situations.

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**FOR MORE INFORMATION**

Ministry of Forests, PO Box 9525, Stn. Prov. Govt. Victoria, BC, V8W 9C3

Resource Tenures and Engineering Branch

[BranchOffice@gems3.gov.bc.ca](mailto:BranchOffice@gems3.gov.bc.ca) or <http://www.for.gov.bc.ca/hth/>

*Forest Act, Part 3, Division 6*







# SECTION 5

## CONTACTS AND NOTES







## GOVERNMENT AGENCY CONTACTS IN NORTHEAST BC:

**Ministry of Sustainable  
Resource Development**  
400, 10003 – 110<sup>th</sup> Avenue  
Fort St. John, BC, V1J 6M7  
Phone: (250) 787-341

**Ministry of Water, Land  
and Air Protection**  
400, 10003 - 110<sup>th</sup> Avenue  
Fort St. John, BC, V1J 6M7  
Phone: (250)787-3411

**Oil and Gas Commission**  
200, 10003 – 110<sup>th</sup> Avenue  
Fort St. John, BC, V1J 6M7  
Phone: (250)261-5700

**Ministry of Forests**  
9000, 17<sup>th</sup> Street  
Dawson Creek, BC, V1G 4A4  
Phone: (250)784-1200

**Land and Water BC**  
300, 10003 – 110th Avenue  
Fort St. John BC, V1J 6M7  
Phone: (250) 787-3415

**Ministry of Transportation**  
Peace District Office  
300, 10003 110th Avenue  
Fort St. John, B.C. V1J 6M7  
Phone: (250) 787-3237

**Ministry of Agriculture,  
Food and Fisheries**  
300, 10003 110th Avenue  
Fort St. John, B.C. V1J 6M7  
Phone: (250) 787-3240





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**CONTACTS:**

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**NOTES:**

Date

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