

Management Plan Application Guidance Document

AMENDMENTS:

Effective Date	Briefing Note /Approval	Summary of Changes:
August 30,2018		Correction to MP Section 3.5 – Waste Collection and Treatment; and Guidance document text.

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Introduction to Guidance Documents:

Applicants for Crown land tenure to use, occupy, construct and operate developments on Crown land must provide a proposed management plan along with their tenure applications. This guidance document provides information to help tenure applicants complete the fields and thereby provide all required information for the Management Plan form. The Ministry of Forests, Lands and Natural Resource Operations expects the tenure application and accompanying management plan to provide all the information that Land Officers require to refer, review and adjudicate tenure applications. This guide contains regulatory requirements, rationale for why information is required, how to find required information as well as Guidelines and Best Management Practices (BMPs) for managing or mitigating adverse effects.

Provincial *Land Act* sections and references are included as appropriate, as well as other Provincial resources, guidelines, BMPs, legislation and regulations.

The sections in the guidance document correspond to the sections in the on-line template for Management plans and cover the information required to understand what is being requested and why, if a particular question applies to your Project, and how to fill out the form correctly.

The application form may not cover all the information required for your specific Project because it is, by necessity, a general tool. The management plan may evolve throughout the application process in response to issues and concerns raised during agency, stakeholder, public and First Nations reviews but the following information is designed to provide enough guidance that the application for tenure can be accepted. If the Land officer requires further detail that is not covered in the application and management plan he/she receives, you will be contacted and requested to provide the additional information.

Generally this guide does not provide information with respect to the Investigative Plan requirements in the Clean Energy program as the plan template contains the detail. If you have questions please contact Front Counter BC.

Note: This guide is designed to assist tenure applicants and their employees. Its contents should not be interpreted as direction or government policy, and is not legal advice.

1.0 BACKGROUND

1.1 PROJECT OVERVIEW

The Application for Crown land tenure requires general information about your proposed project (<http://www.frontcounterbc.gov.bc.ca/guides/crown-land/crown-land-tenure/overview/>). Please provide any additional information on project purpose; location, size, phases and main features that were not included in the electronic application form.

This information is used to:

- assess how you, as the tenure holder, will diligently use Crown Land or have been using Crown land if you have had a previous tenure
- refer to other agencies or organizations based on legislated responsibilities and formal agreements between the Ministry of Forestry, Land and Natural Resources (MFLNR) and other provincial and federal agencies assess potential effects of project infrastructure and activities, including investigative field work, construction and operations activities, and related mitigation to address potential effects

Diligent Use means that a site is in compliance with the Management Plan. The objectives of diligent use are:

- ensure a tenure is used diligently;
- ensure the tenure holder knows the basis upon which a tenure can be cancelled;
- ensure the tenure holder's performance is evaluated in an objective and fair manner;
- ensure the tenures are only provided for approved purposes; and
- justify alienation of the Crown resource from the general public

All Tenure holders must demonstrate that they are complying with the tenured type of activity and estimated level of use in the approved Management Plan at the request of staff. In certain cases evidence of diligent use is required annually through a Diligent Use Report and/or a Statutory Declaration Form.

Investigative work

An Investigative Licence may be issued to any applicant requiring access to the land for appraisals, inspections, analyses, inventories, surveys or other investigations of Crown land or its natural resources, or where otherwise required. No buildings or other Improvements may be placed on the land. An Investigative Licence does not allow the licence holder to undertake activities for compensation or reward received or promised. The Investigative Plan template with accompanying information is available on the [Crown Land website](#).

1.2 AUTHORIZATIONS, PERMITS OR APPROVALS

In many cases, you might require other authorizations or permits in order to complete your project. Step 4 of the Application for Crown Land tenure (<http://www.frontcounterbc.gov.bc.ca/guides/crown-land/crown-land-tenure/overview/>) asks about the connection with your application and other authorizations.

If you require further information on requirements for various permits and approvals, please contact FrontCounter BC (<http://www.frontcounterbc.gov.bc.ca/>)

FrontCounter BC is a single window service for clients of provincial natural resource ministries and agencies. At FrontCounter BC offices across the province, natural resource clients obtain all the information and apply for any provincial authorizations they need to start, locate, operate or expand a business. FrontCounter BC Staff are highly trained members of a team, brought together to provide accurate and integrated information, customized to the needs of the natural resource client. They are specifically trained and knowledgeable in authorizations required by natural resource businesses and clients for mining, forestry, agriculture, aquaculture, health etc. A list of authorizations offered through FrontCounter BC, as well as links to application forms, are available at: <http://www.frontcounterbc.gov.bc.ca/browse.html>

1.3 CONFIRMATION OF SAFETY PLAN

WorkSafeBC (the Workers' Compensation Board) is an independent provincial statutory agency governed by a Board of Directors. It is funded by insurance premiums paid by registered employers and by investment returns. In administering the *Workers Compensation Act*, WorkSafeBC remains separate and distinct from government; however, it is accountable to the public through government in its role of protecting and maintaining the overall well-being of the workers' compensation system.

The OHS Regulation contains legal requirements that must be met by all workplaces under the inspectional jurisdiction of WorkSafeBC. This includes most workplaces in B.C., except mines and federally chartered workplaces such as banks, interprovincial and international transportation, telephone systems, and radio, television, and cable services. Many sections of the Regulation set out associated guidelines and policies.

A safety plan is a standard requirement for many operations and activities. A safety plan does not have to be submitted with a *Land Act* application but should be available if appropriate for inspection or submitted at the request of Crown land staff.

1.4 FIRST NATIONS

The Authorizing Agency is responsible for ensuring that the Province's obligations to First Nations are met in the disposition of Crown land. Provincial staff carry out consultations in accordance with the consultation guidelines of the

Province to identify the potential for Aboriginal rights or title over the subject property and to determine whether infringement of either might occur. The consultation process with First Nations will vary, depending on a variety of factors that agencies undertaking the consultation take into account.

Consultation with First Nations is an important part of land and resource decision-making. The Province is legally obligated to consult and accommodate (where required) First Nations on land and resource decisions that could impact their Aboriginal Interests.

While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, it may involve the proponent in the procedural aspects of consultation.

Proponents are encouraged to engage with First Nations as early as possible in the planning stages to build relationships and for information sharing purposes.

If you would like information on which First Nations are located in your Project area, the Consultative Areas Database (link below) is an online, interactive mapping tool that allows the general public, industry, other levels of government and First Nations to identify First Nations who have treaty rights or asserted or proven rights or title on the land base queried.

GeoBC, iMapBC, Consultative Areas Database

Engaging First Nations: Proponent Resources

- *Building Relationships with First Nations: Respecting Rights and Doing Good Business - English, (Mandarin), (Japanese), and (Korean).*
Provides practical advice and strategies to help businesses develop strong working relationships with First Nations.
- *Guide to Involving Proponents When Consulting First Nations*
Assists the business sector with a better understanding of the range of proponent's roles in First Nations consultation.
- *Proponent: First Nations Engagement Communication Log*
A useful tool for proponents to track First Nations engagement communications.

[Updated Procedures for Meeting Legal Obligations When Consulting First Nations](#)

Describes the Province's approach to consulting and accommodating First Nations where a proposed decision or activity by the Province may affect claimed or proven Aboriginal rights (including title) or treaty rights. Proponents wanting more detailed information on the consultation process may consider reviewing this document in conjunction with the Guide to Involving Proponents When Consulting First Nations.

2.0 LOCATION

2.1 GENERAL DESCRIPTION

The Management Plan General Description supplements the information on the [General Location map](#) and the [Detailed Site Plan](#) required by the application process and is designed to collect any other information that may be required to understand the layout of the project or its main features. Information such as traffic volume and patterns, parking, adjacency to neighbours or parks is helpful for some program uses. For each Crown land Use an Application Checklist will detail program specific criteria that need to be included in the Management Plan.

2.2 LOCATION JUSTIFICATION

As required by the application, a General Location map and a Detailed Site Plan (Step 6) are required and uploaded with the application. The general location map needs to show access roads, watercourses, Indian Reserves, neighbouring communities and other major landmarks to allow those viewing the image to orient the project within BC.

The detailed site plan is required to show greater detail about the proposed land use such as the exact perimeter boundaries of the application area and significant features such as buildings, fences, utility lines etc. this information does not need to be repeated in the management plan.

For certain programs, the location can vary and the rationale is requested for why this activity at this site is needed i.e. close to main highway, or no marinas currently available etc.

2.3 SEASONAL EXPECTATIONS OF USE

A description of the seasonal use is requested as certain species restrict access at certain times as well as some programs provide options for seasonal use.

3.0 INFRASTRUCTURE

3.1 NEW FACILITIES OR INFRASTRUCTURE

Improvements include anything made, constructed, erected, built, altered, repaired or added to, in, on or under the land, and attached to it or intended to become a part of it (e.g. camp/dock). They also include any clearing, excavating, digging, drilling, tunneling, filling, grading or ditching of, in, on or under the land.

Provide details of laydown areas, construction planned, construction materials and scheduling. Certain kinds of materials may require additional authorizations due to environmental hazards and scheduling of activity can require adjustments by other users of the area.

3.2 ACCESS

Unless the tenure held is a Lease, the holder of the tenure must allow public access to the area without interference.

3.3 UTILITIES REQUIREMENTS AND SOURCES

Utilities include power generation, electrical or gas transmission or distribution lines, telecommunications. Water and sewer line information is requested in the following sections.

3.4 WATER SUPPLY

Identify water requirements for proposed use.

3.5 WASTE COLLECTION, TREATMENT AND DISPOSAL

Describe how waste be managed. Identify whether a septic system (a sewage disposal tank in which a continuous flow of waste material is decomposed by anaerobic bacteria) is required.

Please visit the local health authority website related to the location of the land use to view waste collection requirements. The Ministry of Environment website related to waste management also provides information on the Environmental Management Act and Waste Discharge Regulation:

https://www2.gov.bc.ca/assets/gov/environment/waste-management/waste-discharge-authorization/wdr_implement_guide.pdf - page 12 checklist

4.0 ENVIRONMENTAL

4.1 LAND IMPACTS

4.1.1 Vegetation Removal

State the vegetation removal method?

4.1.2 Soil Disturbance

If the area to be excavated or disturbed is a brownfield site or has the potential to be contaminated, soil relocation agreements or other certifications may be required (link to provincial contaminated sites regulation)

If there is a potential for disturbance of archaeological, fossils or historical artifacts, additional research and plans may be required (http://www.for.gov.bc.ca/archaeology/policies/archaeological_impact_assessment_process.htm)

Fossil policy link

http://www.for.gov.bc.ca/land_tenures/documents/fossils/consultation/Fossil_Management_Framework.pdf

4.1.3 Riparian Encroachment

Riparian areas are the interface between land and a river or stream. The blend of streambed, water, trees, shrubs and grasses in a riparian area provides fish habitat, and directly influences it.

You will need to protect riparian fish habitat when your Project is near a **stream, river, creek, pond, lake, or a connected ditch, spring or wetland**, if it provides fish habitat or provides nutrients to fish habitat. Protecting riparian areas, while facilitating urban development that embraces high standards of environmental stewardship, is a priority for the Government of British Columbia. Good quality streamside habitat is essential for ensuring healthy fish populations.

Valuable riparian **fish habitat** is protected by the federal **Fisheries Act (link)** and the provincial **Fish Protection Act (link)** (including the **Riparian Areas Regulation (RAR)**), and the **Water Act (link)** and municipal bylaws.

Owners of waterfront property have certain “riparian rights” that include the right of boat access to and from the upland. The Authorizing Agency will advise applicants if there is a need to obtain a letter indicating the upland owner’s consent to their application.

Resources can be found at [The Riparian Areas Regulation \(RAR\)](#)

4.1.4 Pesticides and Herbicides

The Ministry of Environment administers the *Integrated Pest Management (IPM) Act* and regulation, the primary regulatory tools governing the sale and use of pesticides in the province. The ministry relies on the federal *Pest Control Products Act*, and the expertise of the Pest Management Regulatory Agency (PMRA) of Health Canada, to evaluate and determine acceptable uses for pesticides registered for sale in B.C.

Local Government:

Local Government may establish bylaws for pesticide use on residential and municipal lands. These bylaws only apply to pesticides used to maintain outdoor trees, shrubs, flowers, other ornamental plants and turf. Municipalities do not have the authority to develop bylaws restricting the application of pesticides in the following situations:

- for the management of pests that transmit human diseases
- on the residential areas of farms

- to buildings or inside buildings
- on land used for agriculture, forestry, transportation, public utilities or pipelines unless the public utility or pipeline is vested in the municipality

The bylaws that local government are allowed to establish do not apply to pesticides listed in Schedule 2 of the [Integrated Pest Management Regulation](#).

References:

- [Integrated Pest Management Regulation](#)
- [Integrated Pest Management Act](#)

The BC Ministry of Environment has published a guidance document that explains how to develop a Pest Management Plan (PMP) (<http://www2.gov.bc.ca/gov/topic.page?id=96009EB150184DD7BBE12899894DC0B0&title=Explanatory%20Notes>). Please note that some references to sections in Phase One will not be available until Phase Two has been released.

4.1.5 Visual Impacts

The many scenic landscapes in British Columbia are highly valued by both residents and visitors. Scenic viewing is an important component of virtually all recreation and tourism activities on BC's public terrestrial, aquatic and marine foreshore Crown lands. Scenic landscapes both natural and managed provide the primary resource base for B.C.'s growing tourism industry, and are marketed internationally through the theme of "Super Natural British Columbia".

The goal of the BC Government for managing Scenic Landscapes is to ensure that the levels of Visual Quality desired by society are achieved on all crown land in Scenic Areas in keeping with the concepts and principles of integrated resource management.

The first step the Province takes in managing the visual resource is the completion of visual landscape Inventory. The purpose of the visual landscape inventory is to provide information about the visual condition, characteristics and sensitivity to alteration of areas and travel corridors throughout the province. This information is to help land use and resource managers allocate appropriate land uses. Once a visual inventory for an area has been completed, the Ministry of Forests, Lands and Natural Resource Operations can designate the most sensitive landscapes as scenic areas under the *Forest and Range Practices Act* to enable management

References:

Visual Impact Assessment guide: <http://www.for.gov.bc.ca/tasb/legsregs/fpc/fpcguide/visual/via10008.htm>

Brochure: [Managing change on British Columbia's scenic landscape](#) (pdf, 3.7 MB)

Poster: [A guide to Visual Quality Objectives](#) (pdf, 815 k)

4.1.6 Archaeological Sites

British Columbia's heritage includes archaeological sites – the physical evidence of how and where people lived in the past.

No written records exist for most of the time that people have lived in British Columbia. Archaeological sites and oral tradition are the only vestiges of a rich history extending back at least 14,000 years. This resource is of great value to First Nations, local communities and the general public. .

The Province recognizes the importance of archaeological sites and is committed to protect and conserve this rich but fragile legacy through the *Heritage Conservation Act*. Under this Act, the Archaeology Branch is responsible for

maintaining and distributing archaeological information, adjudicating issuing various related permits under the Act to allow Archaeological Impact Assessments, as well as development near or on some protected sites.

Resources:

- [Legislation](#)
British Columbia's archaeological sites are protected under the Heritage Conservation Act (HCA) (http://www.bclaws.ca/Recon/document/ID/freeside/00_96187_01). This Act is the latest in a number of pieces of legislation focused on the protection of archaeological sites. Previous legislation includes *Indian Graves Ordinance Act* of 1865, Historic Objects Preservation Act (1925), the Archaeological and Historic Sites Protection Act (1960 and 1977), superseded by the HCA (1994 and 1996).
- [Agreements](#)
In order to further encourage and facilitate the protection and conservation of the province's archaeological sites, the Archaeology Branch has entered into protocol agreements with other provincial government agencies as well as First Nations. These agreements define the roles and responsibilities of the parties in relation to the protection and conservation objectives.
- [Policies](#) and [Guidelines](#)
The branch has implemented various policies and guidelines in an effort to further protection and conservation objectives.
- Archaeology Review Procedure link
- [Bulletins](#)
The Archaeology Branch has developed a series of information bulletins which provide up-to-date information on branch policies and procedures.

4.1.7 Construction Methods/Materials

Identify the construction materials which will be used, how these will be transported, any impacts they will have and what mitigations will be put in place for deleterious impacts.

4.2 ATMOSPHERIC IMPACTS

4.2.1 Sound, Odor, Gas or Fuel Emissions

Will sound/odor/gas or fuel emissions have a deleterious impact on wildlife or residents in the surrounding areas?

4.3 RESTRICTIONS ON TENURING OF AQUATIC LANDS

The ability to issue licences with shoreline frontage is restricted by Order-in-Council (OIC) 467/1982. This OIC precludes issuance of Tenures other than permits for all un-surveyed islands and islets lying south of the 51st parallel and east of the 129th meridian, and all unencumbered and un-alienated islands, less than 64.75 ha in size, within the coastal tidal waters lying north of the 51st parallel, without the approval of the Lieutenant Governor in Council.

4.3.1 Drainage Effect

State if the project will affect surrounding drainage.

4.3.2 Public Access

Will surrounding public access be changed to accommodate the use?

4.3.3 Flood Potential

Will the intended use result in any risks of flooding?

4.4 FISH AND WILDLIFE HABITAT

4.4.1 Disturbance to Wildlife or Wildlife Habitat

The British Columbia *Wildlife Act* defines wildlife as all native and some non-native amphibians, reptiles, birds, mammals that live in B.C. For some provisions of the Act, the definition includes fish, and other B.C. legislation defines some insects and plants as wildlife.

The province considers 152 wildlife species and sub-species as candidates for endangered, threatened, or vulnerable status. Three of these are designated by the provincial government Conservation Data Centre as red-listed (extirpated, endangered or threatened in B.C.): the burrowing owl, and the American white pelican and the Vancouver Island marmot. The Sea Otter is designated as blue-listed (special concern or vulnerable). Other species are under consideration for listing.

Management of wildlife in Canada is shared by the federal, provincial, and territorial governments. Federal responsibility includes protection and management of migratory birds as well as nationally significant wildlife habitat, and responsibilities for endangered species, control of international trade in endangered species, research on wildlife issues of national importance, and international wildlife treaties and issues.

For the most part, provincial and territorial wildlife agencies are responsible for all other wildlife matters. These include conservation and management of wildlife populations and habitat within their borders, issuing licences and [permits](#) for fishing, game hunting, and trapping, guidelines for safe angling and trapping and outfitting policies.

The Ministry of Environment, [Ecosystems Branch](#) is responsible for biodiversity science, standards and policy for the Ministry, and is responsible for the preparation of a biodiversity strategy for British Columbia. Important aspects of this work include the development of more specific strategies on living rivers and species at risk. The Branch develops legislation, regulations, standards and guidelines to protect natural diversity. It also manages the acquisition and application of science-based information and knowledge for aquatic and terrestrial habitats and species. The Branch establishes protocols and performance measures for monitoring and reporting on the state of provincial biodiversity and the effectiveness of activities being used to sustain it.

The following site offers clients direct access to authoritative geographic data through a number of different online services.

- [DataBC's Geographic Services](#)
- [DataBC's Open Data Catalogue](#)

The following site provides information about the status and distribution of B.C.'s species and ecosystems (including fish and freshwater mussels). The information is available to users in report/document, data and spatial formats

- [BC Species and Ecosystems Explorer](#)

Wildlife

The following site guides you to submit or search for information relating to B.C.'s animals, plants and ecosystems (including fish and freshwater mussels). The information is available to users in report/document, data and spatial formats.

- Species and Ecosystems Information Portal
- Fish and Fish Habitat Inventory and Information
- **Fish Passage**
 - Fish passage
 - Stream Crossing Guidebook (PDF)
- **Culverts**

- In Stream Works

If you're involved in culvert installation, removal, maintenance and/or clearing an obstruction from a culvert during a flood event, learn about the methods that will help ensure your project minimizes potential impacts to fish and fish habitats.

- **Fish and Fish Habitat Data Access Tools**
 - Fisheries inventory Data Query Tools
 - Habitat Wizard

Fisheries Inventory Data Queries (FIDQ) can be made to the Habitat Wizard which is a map-based tool that allows users to spatially access detailed. For lake, stream and fish data, as well as fish stocking data and downloadable bathymetric maps.

5.0 SOCIO-COMMUNITY

5.1 LAND USE

The Province of British Columbia, through various ministries and agencies, issues leases, licences, SRW (statutory rights of way) and permits (all commonly referred to as: tenures) for commercial use of natural resources. In all 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 and are consistent with BC Government goals.

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 (e.g. a guide-outfitting tenure which is general or a wind farm tenure which is site-specific),
- A number of different companies and individuals, each holding one or more tenures,
- Potential impacts on one tenure holder when another tenure holder 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 public interests or other rights. Tenures are written to be very specific about the rights or privileges they convey.

There is an expectation that tenure holders, where applicable, will make reasonable efforts to accommodate the interests of other resource users. Reciprocal accommodation is the foundation of successful, integrated resource use.

5.1.1 Land Management Plans and Regional Growth Strategies

Land use plans provide direction for the management and allocation of public lands and resources over a defined area. Land use plans help to form the foundation for balanced land and resource solutions that meet economic, environmental and social requirements throughout the Province. Land use plans guide not only government decision makers, including Land Officers decisions whether to accept a tenure application and also how they adjudicate tenures and what conditions are included in tenure documents. Land use plans also provide guidance to potential developers in terms of plan area designations or zones, and resource management goals, objectives, strategies and management measures that enable proponents to assess the practicality of applying for a specific site or area covered by a land use planning area.

A regional growth strategy is a local government strategic plan to promote human settlement that is social, economic and environmentally healthy and that makes efficient use of public facilities, land and other resources. A regional growth strategy gives long range planning direction for local government official community plans and assists with decisions regarding implementation of provincial programs in the area.

Where they overlap with an area for which a tenure application is submitted, Land Officers will consider approved land use plans and regional growth strategies in the adjudication of a tenure application and the consideration of any modifications.

[Official Community Plans](#) (OCPs) set out the goals, objectives and policies of a local government council or board. However, community plans are policy and not regulatory instruments. While they are binding on council and boards, they have no regulatory effect. This means if council or a board wishes to control the use of private land they can back up the plan up with appropriate regulatory bylaws (e.g. Zoning bylaws). In some cases, rather than creating OCPs and Zoning Bylaws, local governments will institute a Rural Land Use Bylaw which incorporates both policy and regulation (including zones). While zoning bylaws are separate from the Official Community Plan, they must be consistent with the Official Community Plan. The key regulatory tools are:

- [Zoning](#) bylaws
- [Subdivision](#) servicing bylaws; and
- Subdivision control.

In addition to these key regulatory tools, councils and boards have a number of other regulatory tools including powers to adopt bylaws to regulate the following: sign control; landscaping; soil deposit and removal; parking; and drainage. Often these regulations become part of a comprehensive land use regulatory bylaw.

An Approving Officer has the authority to consider provincial laws, official community plans, zoning and subdivision servicing bylaws and other relevant information to decide whether to approve a subdivision application.

In a municipality, the Approving Officer is an employee of the municipality. In a regional district, the approving officer is an employee of the [Ministry of Transportation](#) and Infrastructure - unless the regional district has agreed to take on the responsibility.

5.2 SOCIO-COMMUNITY CONDITIONS

The Socio-economic section is intended to aid in identifying communities within the project area that may be economically and socially vulnerable to shifts in the adjacent land use.

5.2.1 Adjacent Users or Communities

Will the project affect public access for adjacent land owners and/or tenure holders?

5.2.2 Existing Services

Are there increased demands on existing services e.g. fire/health or emergency services?