



SECTION 3.3. - MOFR - Protocol Agreement on Crown Land Administration and Forest Activity

(OLD LMM SECTION 1.3.0603)

NAME OF AGREEMENT: PROTOCOL ON CROWN LAND ADMINISTRATION AND FOREST ACTIVITY BETWEEN BC FOREST SERVICE AND BC LANDS

RECIPROCAL AGENCY: MINISTRY OF FORESTS AND RANGE

ISSUANCE: Assistant Deputy Minister, Crown Land Administration Division

IMPLEMENTATION: Ministry of Agriculture and Lands

REFERENCES: Land Act, Forest Act, Ministry of Lands, Parks and Housing Act, Ministry of Forests Act

RELATIONSHIP TO PREVIOUS AGREEMENT:

Table with 3 columns: Effective date, BN #, Summary of Changes. Row 1: Unchanged

RELATIONSHIP TO PREVIOUS AGREEMENT

Previous Agreement amended through negotiation. Changes are comprehensive.



**PROTOCOL AGREEMENT ON CROWN LAND
ADMINISTRATION AND FOREST ACTIVITY
BETWEEN
BC FOREST SERVICE AND BC LANDS**

Ministry of Forests
(file: 160-7/min CL)

Ministry of Environment,
Lands and Parks (BC Lands)
(file: 151-25-001)

1.0 PURPOSE

- 1.1 This agreement is to increase the level of cooperation and mutual understanding between BC Lands and the BC Forest Service in the administration of land, forests and inter-related uses on Crown land.
- 1.2 This agreement:
- a) clarifies the uses of Crown land which the respective ministries are responsible to manage and administer;
 - b) sets out the principles guiding the actions of both agencies;
 - c) outlines the decision-making process for handling issues of mutual concern;
 - d) establishes the communication and referral systems to ensure interagency communication; and,
 - e) establishes the mechanism to resolve disagreements over decisions on the administration of Crown land and applications for the use of Crown land.

2.0 SCOPE

- 2.1 This agreement conforms with and is subject to the Forest Act, the Range Act, the Ministry of Forests Act, the Land Act and the Ministry of Lands, Parks and Housing Act.
- 2.2 The specific roles and responsibilities for both ministries regarding grazing on Crown land are laid out in a separate agreement on administration of grazing leases.

3.0 PRINCIPLES

The administration of land, forests and inter-related uses on Crown land is guided by the following principles:



CHAPTER 3.3 Crown Land Agreements

3.1 Stewardship

There is shared responsibility for the stewardship of Crown land with a need to use land and resources within their capacity to sustain use, protect environmental integrity and maintain biological diversity.

3.2 Economic Diversification

Provision will be made for sustainable, efficient, responsive development that recognizes both existing uses and the need for diversification.

3.3 Planning

Actions will be responsive to land use planning processes developed by the Commission on Resources and the Environment and approved by government and, Land and Resource Management Plans and Local Resource Use Plans, Crown Land Plans, Protected Areas Strategy, and local government plans. Decisions will be taken in the context of these plans and processes where they exist.

3.4 Inter-agency Consultation

The two agencies will work cooperatively to ensure their activities are based on effective communication systems with consultation and referrals of matters affecting each other's programs including conflict resolution prior to advising applicants of final decisions.

3.5 Public Consultation

Decisions will be based on fair, open and consultative processes.

3.6 Equitable Treatment of Clients

There will be equity and fairness in treatment of clients with particular attention to situations where both agencies are providing similar services to client groups.

3.7 Sustainable Use

Decisions in land allocation will be based on achieving the greatest balance between social, environmental and economic benefit for the people of British Columbia and, in this context, will take into consideration the rights of existing and potential users of adjacent lands.

4.0 RESPONSIBILITIES

- 4.1 BC Lands is responsible for the administration and allocation of Crown land for commercial, industrial, agricultural, residential, recreational, institutional, utility, aquatic and conservation uses. (See Appendix I for details).
- 4.2 The BC Forest Service is responsible for administration and allocation of Crown land for forest uses. Forest uses are designated under the Forest Act and Regulation and are listed in Appendix II of this agreement.

- 4.3 The two agencies will cooperate at all levels to coordinate their respective administrative responsibilities and ensure that land use approvals and program activities are consistent with the planning principles in Section 3.3 and 3.4 above. Where the two agencies are administering land for similar purposes there will be an equitable and consistent approach regarding the land allocation decision process and the terms and conditions of tenure.

5.0 DEFINITIONS

- 5.1 “Allocation” means a decision on a disposition (e.g. allowance or disallowance).
- 5.2 “Application” means a request received by BC Lands or the Ministry of Forests for a disposition or use of Crown land.
- 5.3 “Aquatic Crown land” means that land below the mean ordinary high water mark of a body of water, extending offshore to the recognized limit of provincial jurisdiction and includes the tidal foreshore.
- 5.4 “Disposition” means the issuance of a tenure such as a permit, licence, lease, right-of-way or easement for the use of Crown land. It also includes sale of Crown land in fee simple (pursuant to the Land Act or the Ministry of Lands, Parks and Housing Act). It also includes cooperative arrangements between the Ministry of Forests and a public group or individual for the management of the recreation resource.
- 5.5 “Deletion” means the removal of Crown land from the Provincial Forest in accordance with Section 5 (8.1) of the Forest Act. Approval of the Minister of Forests is required for deletion.
- 5.6 “Forest Use” means a use of Crown land that, pursuant to the Forest Act, the Range Act, the Ministry of Forests Act is a responsibility of the Ministry of Forests. For the purpose of this agreement, it also includes those uses which are the responsibility of a TFL licensee. A specific list of forest uses is included in Appendix II.
- 5.7 “Land Acquired by the Ministry of Forests” means land purchased by the Ministry or obtained through a Transfer of Administration pursuant to Section 101 of the Land Act. Designation as Provincial Forest does not constitute acquisition.

Under Section 5 of the Ministry of Forests Act, the Ministry of Forests has the authority to dispose of an interest in land (other than a fee simple interest), and to dispose of Crown rights under a licence to occupy or permit to use land. This authority exists where the Ministry has acquired the land, and there are improvements on the land or is an intent to locate improvements on the land and the disposition is necessary for the

management of land remaining under the management of the Ministry of Forests.

- 5.8 “Land Act Designation” means withdrawal of Crown land from all dispositions under the Land Act except for a designated use(s). It is established pursuant to Section 13 of the Land Act when the Minister wishes to restrict Land Act applications to specific uses. It is placed on the records of both ministries.
- 5.9 “Land Act Reserve” means a map reserve, established by BC Lands to temporarily withdraw or withhold Crown land from disposition under the Land Act. It is established pursuant to Section 12 of the Land Act, and is placed on the official records of both ministries.
- 5.10 “Land Act Use” means a use administered under the Land Act or the Ministry of Lands, Parks and Housing Act, consistent with Section 5(6) of the Forest Act. These uses are laid out in Appendix I.
- 5.11 “Map Notation” means a recording made by the Ministry of Forests on its Forest Atlas maps of an interest in Crown land for forest use within a Provincial Forest, which requires long term or continuous consideration.
- 5.12 “Notation of Interest” means a recording made by BC Lands on its reference maps of an interest in Crown land by a provincial agency or ministry, which requires that the interested agency be given the opportunity to comment on any Land Act disposition or reserve proposal made over the subject Crown land.
- 5.13 “Provincial Forest” means that land designated by the Lieutenant Governor in Council under the Forest Act (Section 5) and which is managed and used in accordance with the provisions of the Forest Act and the Provincial Forest Regulations.
- 5.14 “Provincial Forest Review” means a periodic assessment of a Provincial Forest to examine the conformity of land classification and designation with the provisions of the Forest Act, and to recommend boundary changes which may be required to ensure compliance with the Act. It is initiated by the Ministry of Forests and carried out with multiagency involvement. Minor boundary revisions may be initiated by either ministry.
- 5.15 “Provincial Ministry or Agency” means a ministry or agency of the Crown provincial, including provincial Crown corporation.
- 5.16 “Registered Non-profit Society” means a society incorporated pursuant to the Society Act, and exempt from taxation.
- 5.17 “SUP” means Special Use Permit, issued under the authority of the Forest Act, or any such previous statute.



CHAPTER 3.3 Crown Land Agreements

- 5.18 “Tenure” means a disposition granting permission under the Land Act, the Lands, Parks and Housing Act, the Forest Act, the Range Act, or the Ministry of Forests Act to enter upon the land for a given use or rights in the land for a given use and under certain conditions. Tenure contracts contain obligations on both parties.
- 5.19 “Transfer of Administration and Control (TA or TAC)” means a transfer of administration of Crown land to a provincial agency by Ministerial Order under Section 101 of the Land Act, and transfers of administration and control of Crown land to the federal government under Section 27 of the Land Act.
- 5.20 “Tree Farm Licence” means a forest management tenure pursuant to Sections 27 to 33 of the Forest Act. It is an area-based tenure, issued for 25 years, which grants to the holder the right to harvest timber in accordance with management plans approved by the Ministry of Forests. All Crown land in TFLs is Provincial Forest.
- 5.21 “Tree Farm Licensee” means the holder of a valid Tree Farm Licence agreement with the Ministry of Forests.

6.0 PROCESSING APPLICATIONS, TACs AND RESERVES

6.1 Acceptance of Tenure Application for Disposition of Tenure, TACs and Reserves

- a) Applications for uses of Crown land other than for forest uses are accepted by BC Lands’ regional offices. Applications for forest uses are accepted by Ministry of Forest offices.
- b) In accepting land use applications, TACs and reserves, each agency is guided by relevant land use plans that are in place for the Crown lands in question.
- c) In the absence of applicable land use plans, applications are evaluated in accordance with the principles outlined in Section 3.0 of this agreement.

6.2 Review and Referral of Applications, TACs and Reserves

- a) Applications are given a preliminary review, by the receiving agency, of land status and land use suitability with the objective being to screen out deficient or unsuitable proposals that do not qualify to proceed to referral to other agencies.
- b) Referrals will be made by the Manager of Land Administration, BC Lands, of applications and proposals for TACs or reserves for Crown land uses to the District Manager, Forests and other appropriate agencies for evaluation and to ensure the land’s availability for disposition. Referrals are also to be made where major amendments are proposed to an existing tenure which may affect Ministry of Forests programs.



CHAPTER 3.3 Crown Land Agreements

- c) Referrals will be made by the Ministry of Forests, of applications for the following uses:
- Provincial Forest boundary changes and new Provincial Forests (including TFLs affecting Crown land)
 - telecommunications sites, including subtenures
 - particulars for TFLs, woodlot licenses, and pulpwood agreements
 - grazing licenses and permits
 - recreation sites and uses including trails
 - any uses which would be tenured under Section 5 of the Ministry of Forests Act. The
 - Regional Director, BC Lands, and the Regional Manager, Forests may negotiate exceptions to this (e.g. where the proposed tenure is completely surrounded by private land).

In addition to the above noted referrals, the Ministry of Forests will advise BC Lands when forest use development plans are available for viewing.

- d) The referral will contain the relevant proposal and land use information for the area to facilitate response to the proposal.
- e) The District Manager, Forests provides referral comments to the Manager of Land Administration, BC Lands relative to forests, range and recreation programs affected by proposed Land Act tenures. The comments will include names of affected forest use tenure holders, and notice required to forest use tenure holders, as necessary.
- f) The Manager of Land Administration, BC Lands provides referral comments to the District Manager, Forests relative to the Crown land programs affected by proposed forest uses listed in 6.2 c) including the names of affected Land Act tenure holder(s) and notice required to affected Land Act tenure holders, as necessary.
- g) Where a Land Act application falls within a TFL, the applicant may be required to provide written confirmation of the agreement of the TFL holder. If the applicant and the TFL licensee cannot reach agreement, the Manager of Land Administration, BC Lands and the District Manager, Forests mediate a resolution.
- h) Comments to the referral agency should be received within 60 days of the date of referral. Where no comments are received within this period the referring agency can assume there are no issues of concern.

6.3 Adjudication of Applications, TACs and Reserves

- a) Applications and proposals for TACs or reserves are adjudicated on the basis of referral comments from all relevant agencies, site inspection, and other pertinent information. In adjudications by BC Lands, the recommendations of the Ministry of Forests are of primary consideration



CHAPTER 3.3 Crown Land Agreements

in the adjudication decisions on Crown land within Provincial Forests. In adjudications by the Ministry of Forests, the recommendations of BC Lands are of primary consideration in adjudication decisions on Crown land outside the Provincial Forest. In cases of disagreement, the dispute resolution provisions of Section 11.0 of this agreement will be implemented.

- b) Decisions on applications will be forwarded to the respective agencies.
- c) Where BC Lands approves a tenure, and the tenure can be issued with no land deletion from the Provincial Forest, the Regional Director, BC Lands issues an offer of Tenure which leads to non-fee simple tenure, and notifies the District Manager, Forests of the issuance of tenure for their records. Acceptance of the offer by the applicant will acknowledge that other forest management uses, including harvesting, may occur on adjacent land in the future.
- d) Where Land Act tenures issued in the Provincial Forest are cancelled or abandoned, the Manager of Land Administration, BC Lands notifies the District Manager, Forests for record-keeping purposes.

6.4 Deletions

The revisions in this protocol alter established processes for dealing with deletions of land from Provincial Forests. Separate processes are documented for new applications and existing tenures where the government has a legal commitment. In both cases, a pre-requisite for the Minister of Forests' approval of the deletion is acknowledgement by the applicant that other forest management activities, including harvesting, may occur on adjacent land.

- a) New Applications (See Appendix IIIA)
 - i) All applications within the Provincial Forest which will lead to fee simple disposition, or will result in the loss of productive forest land from a TFL for the foreseeable future, require deletion of the subject land from the Provincial Forest. The Manager of Land Administration will advise the District Manager at the time of referral under Section 6.2 of this agreement if the application will lead to fee simple disposition.
 - ii) Upon receipt of an application in the referral process, the District Manager will begin the deletion review process if a deletion is potentially required. The Ministry of Forests will provide a response approving, or not approving the deletion to the Manager of Land Administration, BC Lands prior to the adjudication of the application. Deletions approved in this process may be conditional on the sale or issuance of tenure by BC Lands.



CHAPTER 3.3 Crown Land Agreements

- iii) The Manager of Land Administration, BC Lands will notify the District Manager, Forests if the application is allowed, disallowed, cancelled or withdrawn to allow the Ministry of Forests to close the file on the deletion request.
- iv) The deletion review process will be undertaken in a timely fashion. For applications leading to immediate sale or tenure with a purchase option, the deletion adjudication process will be complete within six months of the receipt of the referral by the Ministry of Forests.
- b) Existing Tenures which may Proceed to Fee Simple (See Appendix IIIB)
 - i) Upon receipt of the signed Offer of Purchase from the applicant, the Manager of Land Administration, BC Lands requests the District Manager, Forests to have the Timber Harvesting Branch initiate the procedure for land deletion.
 - ii) The Manager of Land Administration, BC Lands provides the survey plan to the District Manager, Forests who requests, through the Regional Office, that the Timber Harvesting Branch proceed with finalization of the Ministerial Order.
 - iii) Deletions will be handled in a timely fashion and will normally be processed within three months of the request. In order to facilitate processing, requests for block deletions, will be considered where several lots (e.g. a multi-parcel subdivision) are being deleted.
 - iv) When ministerial approval for land deletion has been received, and the land removed from the Provincial Forest, the disposition occurs and the Ministry of Forests is notified for record-keeping purposes.
 - v) Where there is long-standing use or contractual obligation on government to sell, these lands are to be given priority consideration for deletion over the first two years of the agreement. The Manager of Land Administration, BC Lands will identify all such tenures and proceed with a batch request for deletion to the District Manager.

7.0 COMPENSATION TO FOREST ACT OR RANGE ACT TENURE HOLDERS

The Ministry of Forests is responsible for monitoring the degree of reduction in Annual Allowable Cut (AAC) resulting from the issuance of Land Act tenures and the removal of land from a TFL, as well as for advising BC Lands when the reduction approaches five percent of the AAC in a TFL or Timber Supply Area.



8.0 REVERSION

Pursuant to Sections 5(3) and 5(9) of the Forest Act, land removed from the Provincial Forest and Crown granted shall, if it reverts to the Crown, be deemed to be included in the Provincial Forest without further Ministerial order. A review by the Manager of Land Administration, BC Lands and the District Manger, Forests may consider whether certain reversions (e.g. old residential, agricultural, industrial or commercial lots) are best deleted from the Provincial Forest and re-allocated by BC Lands.

9.0 FORFEITURES

- a) BC Lands, through the Surveyor General, provides the Ministry of Forests with an annual list of lands returned to the Crown for tax forfeiture which are subject to a three year holding period. During this period lands will not be redesignated Provincial Forest.
- b) At the end of the third year of the holding period, the forfeited properties will be reviewed by BC Lands to assess whether or not to reallocate the subject lands. At this time a review by both ministries will determine whether the lands being considered for reallocation are best left deleted from the Provincial Forest.

10.0 TRESPASS

- a) The Regional Director, BC Lands and the Regional Manager, Forests cooperate to curtail instances of trespass.
- b) BC Lands is responsible for trespass action regarding Land Act uses of Crown land and may request assistance from the Ministry of Forests if required. The Ministry of Forests is responsible for forest use trespass, as provided for under the Forest Act or Range Act, and may request assistance from BC Lands pursuant to the Land Act, if required (e.g. fencing constructed in trespass to control stock).

11.0 CONFLICT RESOLUTION

(See also Appendix IV)

- 11.1 Resolution of conflicts and disagreements on the implementation of this agreement are first sought between the District Manager, Forests and the Manager of Land Administration, BC Lands. In all these cases joint site inspections will occur as an initial step. If agreement is not reached at this stage then resolution is sought between the Regional Director, BC Lands and Regional Manager, Forests.
- 11.2 To facilitate resolution, the issue may be referred to an independent third party for recommendation at the request of the Regional Director, BC Lands and the Regional Manager, Forests. If this process is selected, a third party will be chosen who is acceptable to both agencies and the cost



CHAPTER 3.3 Crown Land Agreements

of the third party opinion will be shared 50/50 between the two agencies. The terms of reference for the third party will be agreed upon in advance by both agencies.

- 11.3 Where resolution at the regional level cannot be achieved, the issue is referred to the Deputy Ministers of both Ministries for resolution.
- 11.4 All applications subject to referral under this agreement are subject to the conflict resolution process.
- 11.5 Resolved conflicts are interagency agreements. The Ministry responsible for managing and administering the proposed use which created the conflict is also responsible for advising the applicant of the agreement between agencies.
- 11.6 It is the intention of both parties that conflict resolution will proceed expeditiously and normally each step will take no more than thirty days.

12.0 REGIONAL OPERATIONAL AGREEMENTS

The Regional Director, BC Lands, and the Regional Manager, Forests, may develop regional agreements on operational matters which are consistent with the intent of this agreement (e.g. amending 6.2 b) or 6.2 c)).

13.0 RECREATION USES

- 13.1 BC Lands will assess the existing tenures under the Land Act held by local governments and registered non-profit societies and will determine which of these tenures should be administered by the Ministry of Forests and put in place a plan for the transition in consultation with the Ministry of Forests.
- 13.2 The Ministry of Forests will assess existing recreation uses it administers and will determine which of these uses should be administered under the Land Act and put in place a transition plan, in consultation with BC Lands.
- 13.3 The above assessments will be carried out consistent with Appendices I and II of this agreement concerning administration of recreation uses.
- 13.4 The transition will be phased and plans will be put into effect within five years from the date of this agreement.

14.0 DESIGNATED CONTACTS

- 14.1 The Chief Forester and the Assistant Deputy Minister, Land Services Division, are responsible for the administration of this agreement.
- 14.2 The Director, Integrated Resources Branch, and the Director, Land Policy Branch, will be the contacts concerning forest and land use policy, legislation and regulations in regard to this agreement.



CHAPTER 3.3 Crown Land Agreements

14.3 The respective Regional and/or District offices will be the contacts regarding the day-to-day operational aspects of this agreement.

15.0 EFFECTIVE DATE AND TERM OF AGREEMENT

15.1 This agreement becomes effective on the date of signature by both ministries.

15.2 Amendment of this agreement may be by written consent by both ministries.

15.3 There will be a meeting annually, or more often as required, of the designated contacts for review of this agreement to monitor its effectiveness and to propose amendments as required.

15.4 This agreement may be terminated upon 30 days notice by either ministry.

Deputy Minister
Ministry of Forests

Deputy Minister
Ministry of Environment,
Lands and Parks



**APPENDIX I
LAND ACT USES OF CROWN LAND**

- 1.0 The following list identifies those uses of Crown land that are administered by BC Lands:
- 1.1 Uses related to BC Lands programs including, but not limited to: provision of Crown land for agriculture, aquaculture, residential, commercial (including trapline cabins), community, institutional, utilities, conservation and grazing uses issued as leases pursuant to the Land Act.
 - 1.2 Roads within or providing access only to private lands and to BC Lands dispositions provided that there is prior consultation with the District Forests Manager respecting location and construction, and roads established pursuant to the Land Act, Section 74 and 75, and Section 102 of the Land Title Act.
 - 1.3 Sand, gravel and other quarry materials specified in Section 15 of the Land Act which are used for government and commercial purposes (sale to public) or for other than Forest Uses as described in Appendix II.
 - 1.4 Commercial recreation enterprises operated on a mandatory fee for use basis requiring a Land Act lease (e.g. resorts, guiding operations, ski lodges), and their associated recreation areas requiring a Land Act licence (e.g. trails, heli-ski runs, parking lots). Recreational cabins, huts and other uses which have a membership requirement, and/or are a locked facility where no key is available to the public, require Land Act tenure. Also see Appendix II item 1.4.
 - 1.5 All aquatic land uses, including log handling such as dumping, booming, sorting and storage except log handling uses on aquatic lands administered under Section 5 of the Ministry of Forests Act on lands acquired by Land Act Section 101 transfer.
 - 1.6 Public airport facilities, including airstrips and their associated service and development areas, which are required by government or non-profit organizations and societies. Airports and airstrips required in association with other uses are administered under the Land Act except those airstrips administered by the Ministry of Forests identified in Appendix II.
 - 1.7 Television, radio, repeater or microwave stations and towers, and other communication sites other than those defined in Appendix II as forest uses.
 - 1.8 Oil, natural gas and geothermal drill sites, well sites and other energy extraction, transmission and production facilities and roads leading to such uses.



CHAPTER 3.3 Crown Land Agreements

- 1.9 Hydrometric stations operated by the Water Survey of Canada and hydrometric and snow survey stations operated by the Ministry of Environment, Lands and Parks (BC Environment).
- 1.10 Land Act reserves, designations, notations and TACs.



CHAPTER 3.3 Crown Land Agreements

APPENDIX II FOREST USES

- 1.0 The following list identifies those uses of Crown land that are administered by the Ministry of Forests:
 - 1.1 All uses related to timber management, such as timber harvesting, silviculture, protection, transportation, dryland sorting, storage, loading and unloading (including log handling on aquatic land acquired by the Ministry of Forests under Land Act Section 101 transfer for that purpose - for instance where multiple users need to use the same log handling site), temporary camps (use is for less than one year), temporary millsites, and airstrips associated with logging camps.
 - 1.2 Sand, gravel and rock quarrying uses related to construction of those roads authorized by the Ministry of Forests identified in Item 2.1 below.
 - 1.3 All uses related to range management other than issuance of grazing leases pursuant to the Land Act, as provided in the July 8, 1982 subsidiary agreement on the Administration of Grazing Leases.
 - 1.4 All uses related to forest recreation management including cabin and hut sites or ski trails and other uses. All recreational uses operated under management agreements with local governments, or registered non-profit societies or persons. Except where any of the foregoing uses operate on a mandatory fee for use basis, have a membership requirement for use, or are a locked facilities where no key is available to the public. See also Appendix I, item 1.4.
- 2.0 The following list identifies those uses of Crown land in the Provincial Forest that are administered by the Ministry of Forests:
 - 2.1 All roads and trails regardless of end use except established gazetted public roads pursuant to the Highway Act and roads listed in Appendix I.
 - 2.2 Television, radio, repeater or microwave stations and towers and other communication sites operated by the Ministry of Forests or forest licensees.
 - 2.3 Land Act use works of a minor nature within a Forest Road right of way or easement. (e.g. where a Forest Use requires gas, hydro, telephone lines, etc. of minimum size and minor impact to road easement).
- 3.0 Pursuant to Section 5 of the Ministry of Forests Act, where land was acquired by the Ministry of Forests, and where there are improvements on the land or there is an intent to locate improvements on the land, the Ministry of Forests may dispose of an interest in the land, other than the fee simple interest, and may dispose of



CHAPTER 3.3 Crown Land Agreements

Crown rights under a license to occupy or permit to use the land. The uses of the land administered under this provision come under the duties, powers and functions of the ministry.

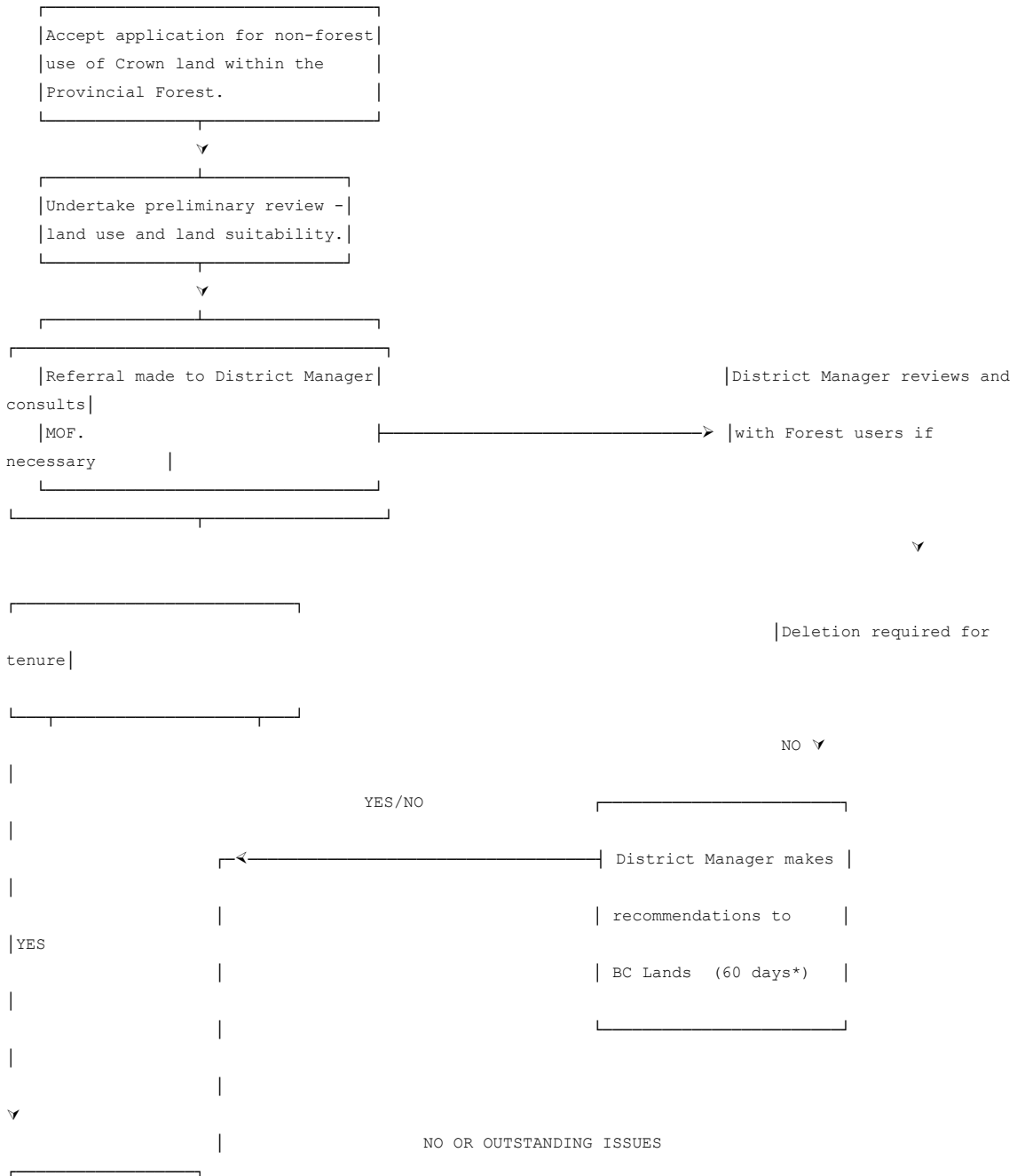


**CHAPTER 3.3 Crown Land
Agreements**

**APPENDIX IIIA
Summary of Application Process for New Land Act Tenures For Land Act Uses
Within the Provincial Forest**

BC LANDS
FORESTS

MINISTRY OF





CHAPTER 3.3 Crown Land Agreements

Manager		District
deletions		→ supports
days*)		(60
		NO
✓ YES		
Manager		Regional
deletions		→ support
days*)		(90
		NO
YES		
Approval		Conditional
Minister		by
days*)		(120

|
 | Receive comments regarding |
 |
 | application and deletion
 request |
 | if required. | Deletion approved
 |
 |
 | Where an application is supported by |
 | BC Lands but the Ministry of Forest |



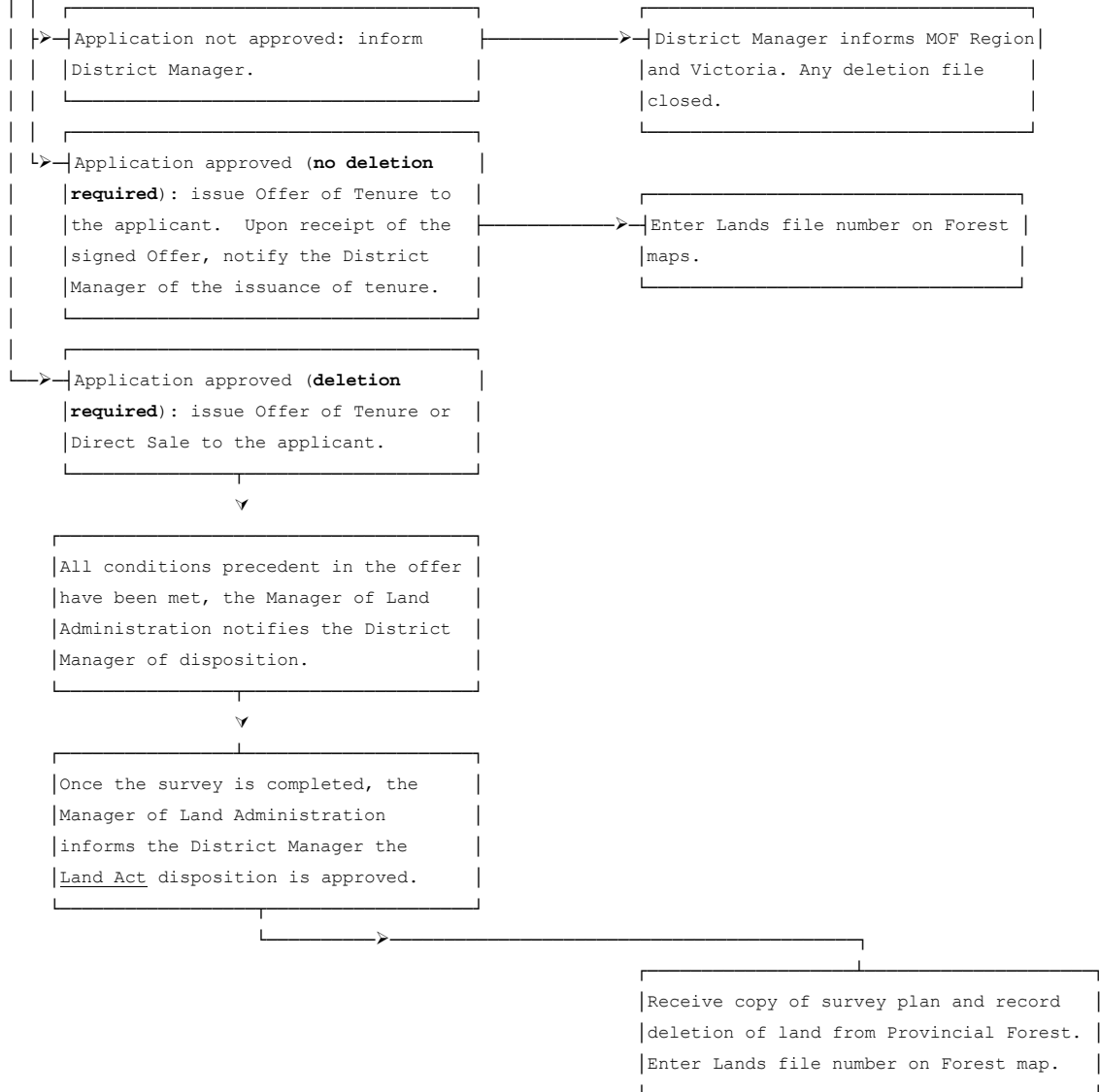
CHAPTER 3.3 Crown Land Agreements

does not support the application, a conflict resolution process is followed (See Appendix IV).

* Target turnaround time (cumulative)

deletion required:

no deletion required:



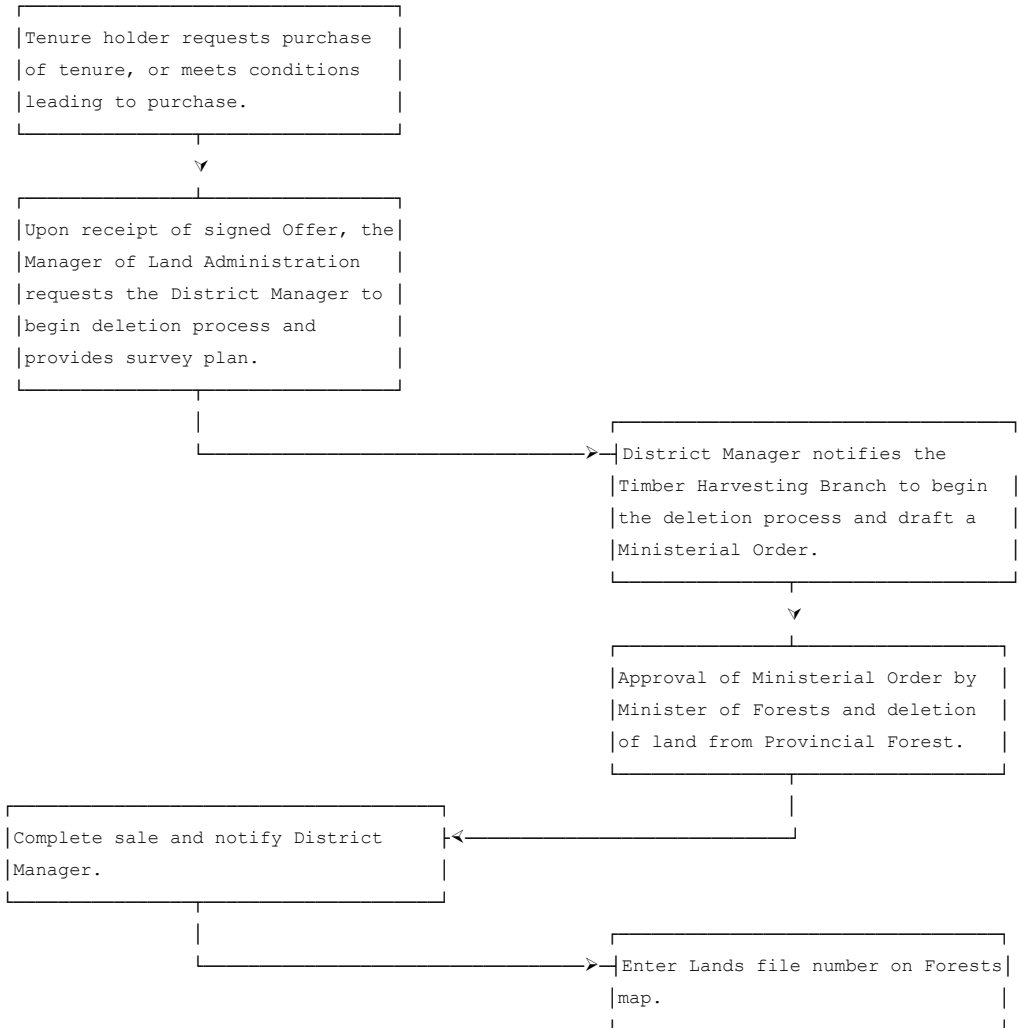
**APPENDIX IIIB
Summary of Application Process for Existing Land Act Tenures For Land Act Uses Within the Provincial Forest**



CHAPTER 3.3 Crown Land Agreements

BC LANDS
FORESTS

MINISTRY OF

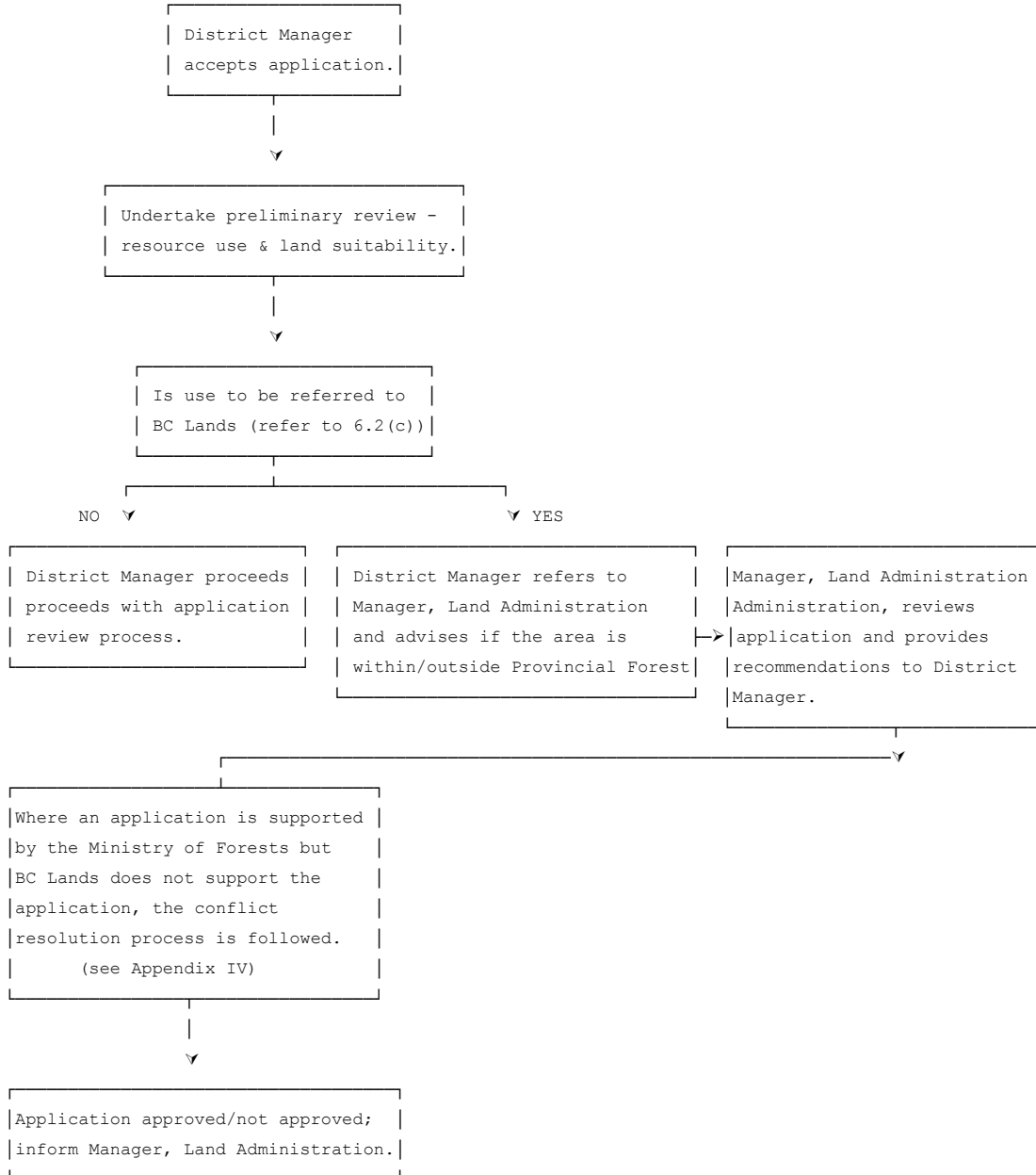




**APPENDIX IIIC
Summary of Application Process for Forest Uses**

Ministry of Forests

BC Lands





**APPENDIX IV
Conflict Resolution Process**

Where an application is supported by BC Lands or the Ministry of Forests as the agency administering the use, but a negative referral response has been received from the other party, every effort should be made to resolve the conflict.

Disagreements are to be resolved at the District Manager, Forests/Manager of Land Administration, BC Lands level wherever possible. There are four levels of conflict resolution:

1. District Manager (MOF) and Manager of Land Administration (BCL).
2. Regional Manager (MOF) and Regional Director (BCL).
3. If resolution cannot be achieved at the local level, a joint request for third party recommendation may be made by the Regional Director, BC Lands and the Regional manager, Forests.
4. Joint appeal may be made to the Deputy Ministers where necessary. (See Joint Resolution Request Form below).

Third Party Process Guidelines

1. Determine whether the assistance of an independent third party would be useful.
2. Determine the terms of reference:
 - what issues will be considered
 - access to scientific and technical data
 - when, where and how often to meet
 - what time lines and deadlines
 - how will agreement or consensus be defined
 - what will be the form of agreement
 - how will the third party be selected
 - who will participate in the process
 - what determines failure
3. Find and confirm the consensus agreement.
4. Define the appropriate administrative responsibilities.
5. Ensure affected parties are kept informed (i.e. TFL licensee).



Joint Resolution Request Form

TO: Deputy Minister
BC Lands

Deputy Minister
Ministry of Forests

Date:
BCL File No:
MOF File No:

FROM: Regional Director
BC Lands
Region
Regional Manager
Ministry of Forests
Region

RE: Request to Arbitrate Resource Use Proposal in (name) Provincial Forest
for (name) Use.

1.0 LAND USE APPLICATION

1.1 Description:
(Brief description of the applicant's proposal including location, etc.)

1.2 Benefits:
(Summary of social, environmental and economic benefits)

1.3 Other Interests Affected:
(Identify other parties potentially impacted)

2.0 BC LANDS POSITION

2.1 Rationale:
(Summary of land uses, economic, environmental, social ,and other factors supporting BC Lands position)

2.2 Precedents:
(List any precedents for this position and implications)

3.0 MINISTRY OF FORESTS POSITION

3.1 Rationale:
(Summary of land uses, economic, environmental, social and other factors supporting Ministry of Forests position)



CHAPTER 3.3 Crown Land Agreements

3.2 Precedents:
(List any precedents for this position and implications)

4.0 CONFLICT RESOLUTION TO DATE

4.1 Summary:
(Summary of conflict resolution process to date)

5.0 ATTACHMENTS

5.1 Referral Reports - positions of other agencies

5.2 Any other pertinent information

JOINT MINISTRY RESOLUTION

The Ministry of Forests and BC Lands, Ministry of Environment, Lands and Parks have reviewed the above resolution request and the decision is as follows:

_____ Resource Use Approved

_____ Resource Use Not Approved

Conditions: (if any)

Deputy Minister
Ministry of Environment, Lands
and Parks

Deputy Minister
Ministry of Forests

Date

Date