



## Land Use Policy Permission

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**NAME OF POLICY:** Permission

**APPLICATION:** Applies to all Crown upland and aquatic land

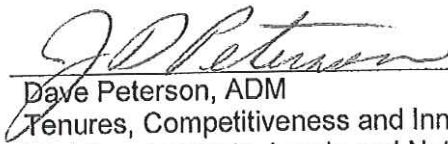
**ISSUANCE:** Assistant Deputy Minister, Tenures, Competitiveness and Innovation

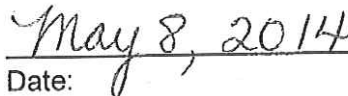
**IMPLEMENTATION:** Ministry of Forests, Lands and Natural Resource Operations

**REFERENCES:** *Land Act* (Ch. 245, R.S.B.C., 1996)  
*Ministry of Lands, Parks and Housing Act* (Ch. 307, R.S.B.C., 1996)

**RELATIONSHIP TO PREVIOUS POLICY:** This is a new policy.

**POLICY AMENDMENT:** Any formal request for an amendment to this policy is to be directed in writing to the Director, Land Tenures Branch, Ministry of Forests, Lands and Natural Resource Operations

  
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Dave Peterson, ADM  
Tenures, Competitiveness and Innovation  
Ministry of Forests, Lands and Natural  
Resource Operations

  
\_\_\_\_\_  
Date:

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**EFFECTIVE DATE:** May 16, 2014  
**AMENDMENT:**

**FILE:** 11000-00/PERM

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<b>APPROVED AMENDMENTS:</b>		
<b>Effective Date</b>	<b>Briefing Note /Approval</b>	<b>Summary of Changes:</b>

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## 1. POLICY APPLICATION

This policy applies to all Crown lands managed by FLNR on behalf of the Province of British Columbia.

This policy applies to transient activities and a limited number of temporary improvements to Crown land. All Crown land is owned by the Province of British Columbia. This policy identifies activities the public can undertake on Crown land which do not require a specific Authorization, or the payment of a fee or rent under the *Land Act*. This policy creates a permission to use Crown Land (“a Permission”). This Permission carries with it the explicit responsibility of each user of Crown land to undertake activities in accordance with the conditions in Section 6 of this policy and to understand the risks associated with such activities.

This policy **does not** apply to:

- **Incidental Use of Crown Lands-** activities defined as Incidental Use of Crown land in the Adventure Tourism Policy. Please consult the website at: <http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/recreation-tourism/adventure-tourism-commercial-recreation> for more information;
- **Recreation Sites and Trails-** use of designated recreation/camping sites and trails and their maintenance, rehabilitation or development which are authorized under the Recreation Sites and Trails section within FLNR. Please consult the website at: <http://www.sitesandtrailsbc.ca/> for more information; and
- **Small Freshwater Residential Docks-** placement and use of small freshwater residential docks. Please consult the Private Moorage Policy at: <http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/residential-uses/private-moorage>

*The italicized text in this document represents information summarized from standard Crown land management policies and procedures. This material has been inserted where it provides necessary direction or context. As well, website links offer access to the full text of the relevant land management policies and procedures. Text in standard script is applicable to this policy only.*

## 2. PRINCIPLES AND GOALS

*Provincial employees act in accordance with applicable legal requirements when making decisions. The Guiding Principles are a summary of key administrative and contract law principles which guide provincial employees.*

*This policy is part of a series of policies that have been developed to help provincial staff use business and legal principles to achieve the government’s goals with respect to the management of Crown land in a manner that is provincially consistent, fair and transparent. To that end, this policy also serves as a communication tool to help the public understand how the Province of BC makes decisions respecting Crown land.*

A person has no legal right to occupy or possess (e.g. hike or camp) Crown land. In fact, *Land Act* Section 60 states:

“a person commits an offence if the person does any of the following:  
(a) occupies or possesses Crown land without lawful authority;  
(b) uses Crown land without lawful authority;  
(e) constructs on Crown land a building, structure, enclosure or other works, or does or performs any dredging, excavation or filling without the authorization of the minister.”

This policy provides lawful authority in the form of a permission (i.e. a bare licence) to occupy and possess Crown land on the conditions described in Section 6.

## 2.1 Aboriginal and Treaty Rights

Nothing in this policy is intended to infringe on aboriginal rights, treaty rights or aboriginal title.

### 3. DEFINITIONS

**Aggregate** means sand, gravel, crushed rock, clay material, or a combination with which cement or petroleum based material is mixed to form a mortar, concrete or asphalt.

**Aquatic Crown land** means that land below the visible high water mark of a body of water, extending offshore to the recognized limit of provincial jurisdiction, including the foreshore.

**Authorization** means any rights granted for the use of natural resources in BC. This includes permits, tenures, licenses, leases, notices of work, rights of way and others that are and have been used as terms for granting those rights.

**Authorizing Agency** means the Provincial ministry responsible for the specific land use Authorization.

**Crown land** means land, whether or not it is covered by water, or an interest in land, vested in the government.

**Crown Land Interest** means a right or estate in that land, in reference to land.

**Non-Commercial Group** means:

- a) Organized public recreation groups engaged in non-commercial activities that occur on provincial crown land where no fees are being collected;
- b) Non-profit societies registered in BC, that engage in fundraising or charge a fee to members and where all funds or profits are used only for purposes of the society itself; and
- c) Charities registered by the Canadian Revenue Agency, that engage in fundraising or charge a fee to participants and all funds or profits are used for purposes of the charity itself; and

- d) Adults organizing family functions such as wedding receptions and family reunions.

#### **4. ABBREVIATIONS**

ILRR – Integrated Land and Resource Registry

FLNR- Ministry of Forests, Lands and Natural Resource Operations

#### **5. ELIGIBILITY**

*Canadians and non-Canadians are eligible for the use of Crown land under this Permission.*

#### **6. SCOPE OF THE PERMISSION**

*For more detailed standard policy information see [Form of Crown Land Allocation](#).*

##### **6.1 Permission is a Bare Licence**

A Permission authorizes a person to enter, traverse over or be present upon Crown land. A Permission does not convey rights to the land. A Permission is non-exclusive (i.e. a Permission does not allow the holder to curtail public access over the permission area). A Permission, in the limited circumstances described below, may also include the authority for improvements.

The Permission to use Crown land is a privilege which may be limited or rescinded to a greater or lesser extent, from place to place, and from time to time. A Director of Authorization and/or a District Manager and/or Compliance and Enforcement Regional Manager may limit or rescind this Permission, without notice, even if the activity is in compliance with this policy.

This Permission does not authorize activities which are prohibited under other legislation, such as *Wildlife Act* or *Forest Range and Practices Act, Forest Act, Water Act, Heritage Conservation Act, Environmental Management Act, Transportation Act, Park Act, Wildfire Act*, and other legislation or regulations as applicable.

As well, the activity must abide by and comply with all applicable laws, regulations and by-laws.

##### **6.2 Limitations on a Permission**

For Permission to be valid, all of the requirements of Section 6.2.1 to 6.2.3 must be met.

###### **6.2.1 Where Permission Does Not Apply**

Before any person may rely on this Permission, they must ensure that the activity is taking place on unencumbered Crown land. The Crown land must not be within a:

- Protected Area which includes Ecological Reserves, Parks and Conservancies;
- Municipality;
- Lease;

- Previously existing Authorization where the activity will interfere with rights already granted, without the consent of the holder of the Authorization;
- *Land Act* reserve established for the conservation of natural or heritage resources;
- Crown land area, including private roads, which are posted or otherwise signed to prohibit all or some activities; and
- Designated “Application-only Areas” as per Section 8.2.

The public may consult ILRR or FCBC to identify the areas described above.

If the proposed activity would take place on any Crown land as described above, this Permission does not apply and a person may make an application for an Authorization.

## 6.2.2 Appropriate Use

The Permission requires the public to abide by the following conditions:

- Activities are undertaken in a safe and healthy manner;
- No permanent structures or buildings are allowed on the land;
- Campfires are undertaken in a safe manner as per the FLNR “Guide to Campfires and Outdoor Stoves” at: <http://bcwildfire.ca/Restrictions/StovesCampfires.pdf>;
- Activities must be undertaken in manner which respects the environment and wildlife; and
- The enjoyment of other Crown land users is respected.

Certain activities may be subject to additional conditions as per Appendices 2 and 3.

## 6.2.3 Activities Authorized Under the Permission

Only the following activities are authorized:

### 6.2.3.1 Transitory Activities on Crown Land

Any person may use Crown land (including aquatic Crown land) for transitory activities such as hiking, rock climbing, boating, water skiing, swimming, snow skiing, filming/photography, bird watching, horse-back riding, caving, and snowmobiling, as well as motorcycling, biking and use of all terrain vehicles and other similar activities.

This Permission authorizes use of Crown land for hunting, fishing and recreational or amateur fossil collecting, which are regulated separately from the access to Crown land. Information on these activities can be located at the following links:

- hunting (<http://www.env.gov.bc.ca/fw/wildlife/hunting/regulations/>);
- fishing (<http://www.env.gov.bc.ca/fw/fish/licences/>); and
- recreational or amateur fossil collecting (<http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/fossil-management/collection-and-use>).

### 6.2.3.2 Camping on Crown Land

Any person may camp on Crown land for up to 14 consecutive calendar days.



For the purposes of calculating 14 consecutive days, a period of consecutive days is cumulative unless the person and their vehicle and equipment, as the case may be, are not present on the site for a period of at least 72 consecutive hours.

### **6.2.3.3 Investigative Activities on Crown Land**

Any person may use Crown land (including aquatic Crown land) for data collection and investigative activities including stream gauges, wildlife and habitat inventories, weather stations, non-mechanized soil sampling, investigations in/over the water and other similar activities. Any structures required for investigative activities may only be placed on the land for a maximum of one year.

### **6.2.3.4 Aggregate Testing on Crown Land**

In addition to the requirements set out in Section 6.2.1 and 6.2.2, on the conditions set out in Appendix 2, any person may access Crown land to undertake aggregate testing.

### **6.2.3.5 Organized Events on Crown Land**

In addition to the requirements set out in Section 6.2.1 and 6.2.2, on the conditions set out in Appendix 3, any Non-Commercial Group may use Crown land (including aquatic Crown land) to undertake an Organized Event. In addition to the activities listed in Transitory Activities Section 6.2.3.1, Crown land may also be used for family functions such as wedding receptions and family reunions.

***See [website link](#) for Best Management Practices (to be developed).***

## **7. PRICING POLICY**

### **7.1 Administrative Fees**

No application is submitted to the Province and no administrative fees are required.

### **7.2 Rentals**

Rent is not required.

## **8. PROCESSES FOR PERMISSION**

### **8.1 Notification**

The Province does not require notification from persons conducting activities under this Permission.

Any person undertaking an activity under Appendix 2 or 3 must provide Natural Resource Officer, Conservation Officer or FLNR staff with a copy of the relevant Appendix upon request.

### **8.2 Designated Application-only Areas**

FLNR Regional Operations have the discretion to designate Crown land as application-only areas within which this Permission will not apply ("Application-only Area"). Application-only areas cover areas that generally have a higher risk of impacts or user conflicts related to the activities.

In Application-only Areas, an activity or activities as listed in Section 6 are not permitted under this policy. In these areas, this activity or activities require a formal application for an Authorization. The application process allows for site specific evaluation and consideration to address local circumstances and conditions before Authorization is granted.

Regional Operations may work with local governments, provincial and federal resource agencies and First Nations to identify appropriate Application-only Areas. Once designated, information on the Application-only Areas will be available to the public.

Refer to Appendix 1 for a detailed description of the process and criteria for designating Application-only Areas.

## **9. ADMINISTRATION**

### **9.1 Compliance and Enforcement**

The Permission described under this policy is lawful authority under Section 60 of the *Land Act*.

Monitoring may be conducted on any activity at any time. All activities are subject to relevant legislation. Persons found in non-compliance with this policy or any legislation may be asked to vacate Crown land and/or cease activities on Crown land and/or be subject to enforcement actions under relevant legislation.

If an activity requires conditions, persons undertaking Aggregate Testing or an Organized Event must carry a copy of the relevant Appendix and provide a Natural Resource Officer, Conservation Officer or FLNR staff with those conditions upon request.

## APPENDIX 1. DESIGNATING APPLICATION-ONLY AREAS

### Purpose

FLNR Regional Operations have the discretion to designate Crown land as application-only areas within which this Permission will not apply (“Application-only Area”). Application-only areas cover areas that generally have a higher risk of impacts or user conflicts related to the activities.

### Roles and Responsibilities

- The Regional Executive Director or designate, for the Ministry Responsible for the *Land Act* will be responsible for designating Application-only Areas;
- the Ministry responsible for the *Land Act* may work with local governments, provincial and federal resource agencies and First Nations as needed to identify potential Application-only Areas;
- the Ministry responsible for the *Land Act* will provide information on the location of these designated areas to FCBC; and,
- FCBC will maintain a list and/or map of these Application-only Areas and provide information to the public regarding the appropriate Crown land application.

## APPENDIX 2. CONDITIONS FOR AGGREGATE TESTING

*Aggregate testing, undertaken according to this Permission and the conditions below, does not require an Authorization.*

*These conditions are in addition to the requirements of the Permission as stated in section 6.2 of this Policy.*

- 1) *The aggregate testing does not conflict with existing Authorizations. Land status must be assessed by accessing the ILRR **with a Business BCeID** at: <http://geobc.gov.bc.ca/rsd/ilrr/index.html> or by contacting FCBC toll free at 1-877-855-3222 or visit [www.frontcounterbc.gov.bc.ca](http://www.frontcounterbc.gov.bc.ca) to find your local office. **Note: If the land status includes a 'Notice', the Permission does not apply and FCBC must be contacted.***
- 2) *The footprint of the pit would not exceed 4.5 m<sup>2</sup> with a maximum length of 3.0 m x 1.5m wide up to 3.0m deep. TEN pits of the prescribed size may be excavated per one hectare of Crown land.*
- 3) *The pit may be excavated by hand tools or through the use of mechanical means. Where excavation occurs through the use of mechanical means, a Mines Act Permit will be required (as all mechanized aggregate exploration activities are a "Mine" under the Mines Act) and excavation is subject to the requirements of the Mines Act, Health Safety and Reclamation Code for Mines in British Columbia.*
- 4) *The pit must be excavated and back-filled on the same day and the land restored to a safe, clean and sanitary condition.*
- 5) *No cutting of trees on Crown land without an appropriate cutting authority.*
- 6) *You must ensure adequate insurance coverage for the aggregate testing being undertaken.*

**ANY PERSON CARRYING OUT AGGREGATE TESTING UNDER THIS POLICY, MUST CARRY THIS APPENDIX WITH THEM DURING THE ACTIVITY, AND PROVIDE NATURAL RESOURCE OFFICER, CONSERVATION OFFICER OR FLNR STAFF WITH A COPY OF THIS APPENDIX UPON REQUEST.**

## APPENDIX 3. CONDITIONS FOR ORGANIZED EVENTS

*An organized event, undertaken according to this Permission and the conditions below, does not require an Authorization.*

*These conditions are in addition to the requirements of the Permission as stated in section 6.2 of this Policy.*

- 1) *The organized event must be hosted by a Non-commercial Group.*
- 2) *The organized event does not conflict with existing Authorizations. Land status must be assessed by accessing the ILRR **with a Business BCeID** at <http://geobc.gov.bc.ca/rsd/ilrr/index.html> or by contacting FCBC toll free at 1-877-855-3222 or visit [www.frontcounterbc.gov.bc.ca](http://www.frontcounterbc.gov.bc.ca) to find your local office.*

**Note: If the land status includes a 'Notice', the Permission does not apply and FCBC must be contacted.**

- 3) *The organized event cannot occur for longer than 72 hours, including time required to set up the activity and restore the Crown land to a safe, clean and sanitary condition.*
- 4) *The organized event is either less than 200 participants for non-motorized activities and equestrian activities; or less than 100 participants for motorized activities.*
- 5) *No fees are charged to participants unless the organizer of the event is a registered Non-Profit Society or charity. Proof of current registered status must be available on demand.*
- 6) *You must ensure adequate insurance coverage for the organized event.*

**See website link for Best Management Practices (to be developed).**

**ANY PERSON CARRYING OUT AN ORGANIZED EVENT UNDER THIS POLICY, MUST CARRY THIS APPENDIX WITH THEM DURING THE ACTIVITY, AND PROVIDE NATURAL RESOURCE OFFICER, CONSERVATION OFFICER OR FLNR STAFF WITH A COPY OF THIS APPENDIX UPON REQUEST.**