



Land Use Policy Permission

NAME OF POLICY: Permission

APPLICATION: Applies to all Crown upland and aquatic land

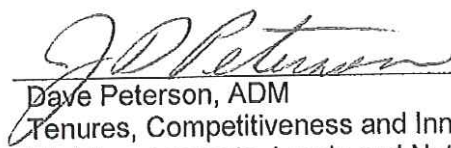
ISSUANCE: Assistant Deputy Minister, Tenures, Competitiveness and Innovation

IMPLEMENTATION: Ministry of Forests, Lands and Natural Resource Operations

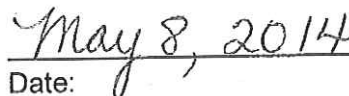
REFERENCES: *Land Act* (Ch. 245, R.S.B.C., 1996)
Ministry of Lands, Parks and Housing Act (Ch. 307, R.S.B.C., 1996)

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



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



Date:

EFFECTIVE DATE: May 16, 2014
AMENDMENT:

FILE: 11000-00/PERM

APPROVED AMENDMENTS:		
Effective Date	Briefing Note /Approval	Summary of Changes:
June 18, 2019	249429	Addition of temporary apiaries and Appendix 4. Minor updates to names and websites
August 18, 2020	257847	Addition of Paleontological Research/Assessment and associated Appendix 5 Additional direction regarding rescinding Permission & Application-only Areas Reorganization and additional minor revisions for clarification and administration

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1. POLICY APPLICATION

This policy applies to all Crown lands managed by FLNRORD 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 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 Adventure Tourism Policy at: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/adventure_tourism.pdf 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 FLNRORD. 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: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/private_moorage.pdf

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, use and possess Crown land on the conditions described in Sections 7-8.

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 land or 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;
- 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

FCBC – FrontCounter BC

FLNRORD- Ministry of Forests, Lands, Natural Resource Operations and Rural Development

5. ELIGIBILITY

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

6. WHAT IS THE PERMISSION

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

6.1 Permission is a Bare Licence

The Permission authorizes a person to enter, traverse over or be present upon Crown land. A Permission does not convey rights to the land. The 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 in this policy, 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 (see Section 6.2). For the Permission to be valid, all of the requirements of this policy must be met.

6.2 Rescission of the Permission

A Director of Authorization and/or a District Manager and/or a Compliance and Enforcement Regional Manager may limit or rescind this Permission, with or without notice, even if the activity is in compliance with this policy. This may occur at any time, including while the use or activity is occurring.

7. LIMITATIONS ON THE PERMISSION

7.1 Where Permission Does Not Apply

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

- Protected Area which includes Ecological Reserves, Parks and Conservancies;
- Wildlife Management Area or other Administered [Conservation Lands](#);
- Municipality;
- Lease;
- Previously existing Authorization where the activity will interfere with rights already granted, without the consent of the holder of the Authorization;
- Land under the administration of the Government of Canada;
- Reserve or withdrawal established under s.15, 16 or 17 of the *Land Act* for the conservation of natural, cultural or heritage resources;
- Crown land area, including private roads, which are posted or otherwise signed to prohibit all or some activities;
- “Closed Areas” (refer to Section 7.1.1); and
- Designated “Application-only Areas” which require an application for the intended use, as per Section 7.1.2.

To identify the areas described above the public may consult the ILRR at <http://geobc.gov.bc.ca/rsd/ilrr/index.html>, the Natural Resource Online Services Explore Tool at: <https://portal.nrs.gov.bc.ca/web/client/explore>, or contact FCBC toll free at 1-877-855-3222 or visit www.frontcounterbc.gov.bc.ca to find the local office.

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. Further information on Authorizations can be found using Natural Resource Online Services at <https://portal.nrs.gov.bc.ca/web/client/home>.

7.1.1 Closed Areas

There may be circumstances which require a planned advance closure of certain areas (“Closed Areas”) to some or all activities which would otherwise be in compliance with this policy. Rescinding of the Permission within these Closed Areas will be communicated to the public by way of a notice (Notice of Rescission), which will be provided to FCBC and posted online.

7.1.2 Designated Application-only Areas

The Authorizing Agency has the discretion to designate Crown land as application-only areas within which this Permission will not apply (“Application-only Area”). The decision to designate Crown land as an Application-only Area will consider if the use of Crown land has a higher risk of impacts or user conflicts related to known or anticipated and activities. An Application-only Area may be broad (i.e. affect all activities permitted under this policy) or specific (i.e. apply to one or more identified activities or types of activities).

In Application-only Areas, an activity or activities as listed in Section 8 or as specifically identified in the designation are not permitted under this policy. In these areas, the affected 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.

The Authorizing Agency may work with local governments, provincial and federal resource agencies and First Nations to identify appropriate Application-only Areas. Once designated, information on the scope and location of 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.

7.2 Appropriate Use

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

- Activities must abide by and comply with all applicable laws, regulations and by-laws.
- 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 FLNRORD “[Guide to Campfires and Outdoor Stoves](#)”;

- Activities must be undertaken in manner which does not negatively impact the environment and wildlife, including the removal of all garbage and materials brought onto the land as part of those activities; and
- The enjoyment of other Crown land users is respected.

Certain activities may be subject to additional conditions as per Appendices 2-5.

8. ACTIVITIES AUTHORIZED UNDER THE PERMISSION

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 Sustainability Act*, *Heritage Conservation Act*, *Environmental Management Act*, *Transportation Act*, *Park Act*, *Wildfire Act*, *Off-Road Vehicle Act* and other legislation or regulations as applicable.

Only the following activities are authorized, subject to the requirements set out in Section 7:

8.1 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, non-commercial filming/photography (location scouting is acceptable), bird watching, horse-back riding, caving, and snowmobiling, as well as dirt biking, biking, use of all-terrain vehicles, landing of aircraft 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 & Trapping Regulations Synopsis](#);
- [BC Recreational Freshwater Fishing Licence](#); and
- [Fossil Collection and Use](#).

8.2 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.

8.3 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 instruments required for investigative activities may only be placed on the land for a maximum of one year. Investigations involving mechanized drilling, such as water test wells and geotechnical assessments, require an Authorization.

8.4 Aggregate Testing on Crown Land

In addition to the requirements set out in Section 7, on the conditions set out in Appendix 2, any person may access Crown land to undertake aggregate testing.

8.5 Organized Events on Crown Land

In addition to the requirements set out in Section 7, 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 8.1, Crown land may also be used for family functions such as wedding receptions and family reunions.

8.6 Beekeeping on Crown Land

In addition to the requirements set out in Section 7, on the conditions set out in Appendix 4, any person may access Crown land to operate temporary apiaries.

8.7 Paleontological Research and Fossil Impact Assessments on Crown Land

In addition to the requirements set out in Section 7, on the conditions set out in Appendix 5, any person may access Crown land to conduct paleontological research and on-site investigation to identify the extent of any fossil resources ("Fossil Impact Assessment"). Information on these activities can be found at the following links:

- Paleontological Research - [Fossil Collection and Use](#); and
- Fossil Impact Assessments - [Industry and User Information](#).

9. PRICING POLICY

9.1 Administrative Fees

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

9.2 Rentals

Rent is not required.

10. PROCESSES FOR PERMISSION

10.1 Notification

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

Any person undertaking an activity under Appendices 2-5 must provide Natural Resource Officer, Conservation Officer or FLNRORD staff with a copy of the relevant Appendix upon request.

11. ADMINISTRATION

11.1 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 specific conditions as per Appendix 2-5, persons undertaking that activity must carry a copy of the relevant Appendix and provide a Natural Resource Officer, Conservation Officer or FLNRORD staff with those conditions upon request.

APPENDIX 1. DESIGNATING APPLICATION-ONLY AREAS

Purpose

The Authorizing Agency has the discretion to designate Crown land as Application-only Areas within which this Permission will not apply (Section 7.1.2). Application-only areas cover areas that generally have a higher risk of impacts or user conflicts related to the activities. An Application-only Area may be broad (i.e. apply to all activities permitted under this policy) or activity specific.

Roles and Responsibilities

- The Regional Executive Director or designate, for the Authorizing Agency will be responsible for designating Application-only Areas;
- the Authorizing Agency may work with local governments, provincial and federal resource agencies and First Nations as needed to identify potential Application-only Areas and, as appropriate, the activities for which this Permission will not apply;
- the Ministry responsible for the *Land Act* will create these areas as Notations of Interest¹ (NOIs) and provide information on their location to FCBC;
- FCBC will maintain a list and/or map of these Application-only Areas (e.g. NOIs are included in the ILRR and Natural Resource Online Services Explore Tool); and
- FCBC will provide information to the public regarding allowable uses within Application-only Areas and, if an application is required, the appropriate Crown land application.

¹ These areas may also be identified by additional tools in the future (ie a webpage of closures, rescindments, etc) to provide easier map identification by the public

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 7 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>, by using the Natural Resource Online Services Explore Tool at: <https://portal.nrs.gov.bc.ca/web/client/explore>, or by contacting FCBC toll free at 1-877-855-3222 or visit 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) If the land status includes an overlap with an "Important Fossil Area" polygon then a Chance Find Protocol for reporting any fossil discoveries must be in place (see the Tools and Guidelines section of the Fossil Management Office's [Industry and User Information](#) webpage for further information).
- 3) The footprint of the pit would not exceed 4.5 m² 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.
- 4) 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.
- 5) The pit must be excavated and back-filled on the same day and the land restored to a safe, clean and sanitary condition.
- 6) No cutting of trees on Crown land without an appropriate cutting authority.
- 7) 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 FLNRD 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 7 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>, by using the Natural Resource Online Services Explore Tool at: <https://portal.nrs.gov.bc.ca/web/client/explore>, or by contacting FCBC toll free at 1-877-855-3222 or visit 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.

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 FLNRORD STAFF WITH A COPY OF THIS APPENDIX UPON REQUEST.

APPENDIX 4. CONDITIONS FOR TEMPORARY APIARIES

The operation of temporary apiaries on Crown land, 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 7 of this Policy.

- 1) The apiary 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>, by using the Natural Resource Online Services Explore Tool at: <https://portal.nrs.gov.bc.ca/web/client/explore>, or by contacting FCBC toll free at 1- 877-855-3222 or visit 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 apiary and its management comply with the *Animal Health Act* and Bee Regulation including registration and signage requirements.
- 3) The footprint of the apiary site does not exceed 30m².
- 4) The apiary does not obstruct access to Crown land outside of the apiary footprint.
- 5) The apiary is located at least 10m from any private property, road, trail, or any area where this Permission does not apply.
- 6) The apiary is located at least 100m from any other apiary authorized by this permission.
- 7) The operator does not maintain more than 10 temporary apiaries under this permission.
- 8) The apiary is not placed on Crown land for more than 120 days per calendar year.
- 9) Following removal of colonies, all improvements and equipment are removed and the land is restored to a safe, clean, and sanitary condition within one day.
- 10) Trees are not cut on Crown land without an appropriate cutting authority.
- 11) Adequate insurance coverage for the activities being undertaken is maintained.

ANY PERSON OPERATING TEMPORARY APIARIES UNDER THIS POLICY, MUST CARRY THIS APPENDIX WITH THEM DURING THE ACTIVITY, AND PROVIDE NATURAL RESOURCE OFFICER, CONSERVATION OFFICER OR FLNRD STAFF WITH A COPY OF THIS APPENDIX UPON REQUEST.

APPENDIX 5. CONDITIONS FOR PALEONTOLOGICAL RESEARCH AND FOSSIL IMPACT ASSESSMENTS

Paleontological research and Fossil Impact Assessments (the “Work”) on Crown land, 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 7 of this Policy.

- 1) The Work 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>, by using the Natural Resource Online Services Explore Tool at: <https://portal.nrs.gov.bc.ca/web/client/explore>, or by contacting FCBC toll free at 1- 877-855-3222 or visit 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 Work must be in accordance with a plan submitted to, and approved by, the BC Fossil Management Office (Fossil.Management@gov.bc.ca) prior to the start of work.
- 3) The Work must be led by a qualified paleontologist or scientist in a related field. For research work the qualified paleontologist or scientist must be affiliated with an academic institution or a research centre, with demonstrated experience in paleontology as identified in the submitted plan.
- 4) Excavations may be made using hand tools only.
- 5) The footprint of any excavation pit must not exceed 1 m². No more than 10 m² per hectare may be excavated.
- 6) Any excavations posing a safety hazard must be covered, fenced, or flagged, as appropriate, when left unattended.
- 7) Excavations must be back-filled within a week or at the completion of the field work, whichever is sooner, and the land restored to a safe, clean and sanitary condition.
- 8) Trees are not cut on Crown land without an appropriate cutting authority.
- 9) Adequate insurance coverage for the activities being undertaken is maintained.

ANY PERSON CARRYING OUT PALEONTOLOGICAL RESEARCH OR A FOSSIL IMPACT ASSESSMENT UNDER THIS POLICY MUST CARRY THIS APPENDIX AND APPROVED RESEARCH PLAN WITH THEM DURING THE ACTIVITY, AND PROVIDE NATURAL RESOURCE OFFICER, CONSERVATION OFFICER OR FLNRD STAFF WITH A COPY OF THIS APPENDIX AND APPROVED PLAN UPON REQUEST.