



## Land Use Operational Policy Reserves, Withdrawals, Notations and Prohibitions

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<b>NAME OF POLICY:</b>	Reserves, Withdrawals, Notations and Prohibitions
<b>APPLICATION:</b>	Applies to interpretation and use of <i>Land Act</i> Reserves (Section 15), Withdrawal from disposition (Section 16), Conditional withdrawals (Section 17) and Prohibition of use (Section 66). Applies also to interpretation and use of notations of interest.
<b>ISSUANCE:</b>	Assistant Deputy Minister Reconciliation, Lands and Natural Resource Policy
<b>IMPLEMENTATION:</b>	Ministry of Water, Land and Resource Stewardship
<b>REFERENCES:</b>	<i>Land Act</i> (Ch. 245 R.S.B.C, 1996)
<b>RELATIONSHIP TO PREVIOUS POLICY:</b>	This policy replaces the previous Reserves, Designations and Notations policy dated May 26, 2011

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Colin Ward, ADM  
Reconciliation, Lands and Natural Resource Policy  
Ministry of Water, Land and Resource Stewardship

May 9, 2024

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Date:

## Crown Land Use Operational Policy: Reserves, Withdrawals, Notations and Prohibitions

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### APPROVED AMENDMENTS:

Effective Date	Briefing Note /Approval	Summary of Changes:
November 23, 2021	BN 265982	Policy update to reflect CLT Reserves (LARWC) project
May 9, 2024	BN CLIFF 41581	Administrative edits to reflect the transfer of administration of the <i>Land Act</i> from the Ministry of Forests to the Ministry of Water, Land and Resource Stewardship and other regulatory body changes.

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## 1. PURPOSE

This policy governs the use and interpretation of application closures (s. 10.1), Reserves (s. 15), Withdrawals from disposition (s. 16), Conditional withdrawals (s. 17), and Prohibition of use (s. 66) under the *Land Act* and establishes policy governing the use of notations of interest.

This policy also clarifies how the establishment or cancellation of the above can affect or influence a *Land Act* application and disposition.

## 2. PRINCIPLES AND GOALS

Reserves, Withdrawals from disposition, Conditional withdrawals, and Prohibition of use are designations established by the ministry responsible for the *Land Act* on behalf of its provincial and federal partners to constrain or hold Crown land for broader government objectives. Notations of interest are notations made spatially to identify issues of significance for subsequent Crown land tenure decisions. The responsibility for the Crown land remains with the ministry responsible for the *Land Act* and as such, the ministry reviews the constraints periodically to ensure these responsibilities of stewardship of the provincial Crown land base are met.

The Ministry responsible for the *Land Act* retains responsibility for any subsequent questions or requests related to the designation.

## 3. DEFINITIONS AND ABBREVIATIONS

For a glossary of standard definitions and abbreviations see [Glossary and Abbreviations](#)

<i>Land Act</i> Section #	<i>Land Act</i> reference	Tantalis subtype
15	Reserve	SEC 15 OIC RESERVE
16	Withdrawal from disposition	SEC 16 MAP RESERVE
17	Conditional withdrawal	SEC 17 DESIGNATED USE AREA
66	Prohibition of use	PROHIBITED USE AREA
		NOTATION OF INTEREST

**government body** (as referenced in Section 15(1) of the *Land Act*) means the provincial government, a government corporation as defined in paragraphs b and c as defined in the *Financial Administration Act*, federal government, or prescribed organization.

## 4. AGENCY ELIGIBILITY

Reserves, Withdrawals, and Prohibitions are established on behalf of:

- provincial government
- federal government
- government corporations and

- prescribed organizations.

Local governments do not meet eligibility criteria for a government body. If a request for a designation is received from an entity where eligibility is uncertain, contact Lands Branch to confirm eligibility.

Reserves, Withdrawals, and Prohibitions are established in the eligible entity's name with use exceptions for BC Hydro, see Appendix 5.

Notations are established on behalf of provincial ministries.

## 5. FORM OF LAND DESIGNATION

Refer to Appendix 1 for a summary of the forms and terms of Crown land designations available for Reserves, Withdrawals, Conditional withdrawals, Notations and Prohibitions.

### 5.1 Application Closures (s. 10.1)

*Land Act* s. 10.1 allows the minister, by ministerial order (MO), to close/prevent applications for tenure from being made for a specific area, activity, use, period of time or class of applicant. This allows for more efficient and transparent management of special regional or activity-based circumstances by refusing applications which would otherwise be appropriate for further consideration. **The MO is normally of a short duration, depending on the specific circumstances being addressed (e.g., a 3 to 6 month closure to address seasonal constraints on land surveying).**

Current MOs can be found on the [Section 10.1 Closures webpage](#).

The process for implementing an MO under *Land Act* s. 10.1, requires the Authorizing Agency to consult legal counsel and Lands Branch, as well as contacting the ministry Legislation Coordinator for MO drafting instructions. Ministry legislation staff will provide the MO number and provide the decision maker with the final MO for their signature. Once finalized, the MO will be provided to Lands Branch for posting on the webpage and FrontCounter BC will be informed of the application closure.

### 5.2 Reserve (s. 15)

A Reserve is established by the authority of the Lieutenant Governor in Council through an Order in Council (O.I.C) to reserve Crown land from disposition in recognition of a specific public interest, value, or attribute. Of the administrative tools available under the *Land Act*, a s.15 O.I.C. Reserve provides the strongest indication of government's intention and it is used to safeguard an acknowledged public interest or concern.

A Reserve is an absolute reservation during its term, and can only be cancelled or amended by a further O.I.C. It precludes or prevents the acceptance and decision on Crown land applications or the disposition of Crown land, except for temporary occupation, using a 2-year temporary licence in the subject area or for construction of a road, non-commercial airstrip, bridge or trail over the land as per s. 15(6).

A Reserve may contain terms (s. 15(3)) that authorize a government body “to place, construct, maintain or operate any works, structures or other improvements on the (reserved) land”. The government body, prior to initiating any improvements, must conduct First Nation consultation related to any proposed activity on the reserved area. The decision maker will assess the adequacy of consultation and must be satisfied that it was sufficient as the Province remains responsible for meeting First Nation consultation obligations.

A Reserve must be established for a specific term, with a suggested minimum term of 5 years, and longer terms must be reviewed every 5 years and be confirmed or cancelled.

A Reserve must be recorded in the Crown Land Registry and can be viewed through the ILRR.

Examples of s. 15 Reserves include: areas of Crown land set aside for future cemeteries, parks, imminent treaty settlement agreement transfers, watershed protection, flood protection, snow monitoring, forest inventory growth and yield plots, and range reference areas.

### **5.3 Withdrawal from Disposition (s. 16)**

A Withdrawal from disposition is a ministerial decision delegated to the appropriate authority as per the [Land Act Delegation Matrix](#). This type of withdrawal is established to support a provincial or federal government objective; therefore, the name of the withdrawal holder must be a provincial or federal ministry or agency.

A Withdrawal precludes or prevents the acceptance of Crown land applications or the disposition of Crown land in the subject area. A subsequent decision to issue a disposition that overlaps with an existing Section 16 area requires the overlap area to be removed from the s. 16 area. If the overlap is not resolved prior to disposition, it may result in invalidating the s. 16.

Section 16 Withdrawals from disposition are complete withdrawals. Subsequent to establishment, a request to establish an additional withdrawal over all or part of the pre-existing withdrawn area is discouraged. However, if a second or subsequent request is made by a different government body and there is a need to ensure that the second or subsequent withdrawal continues beyond the expiry of the initial withdrawal, requests will be accepted for consideration. For Crown Land Registry data integrity purposes, parcel boundaries should not overlap, but be adjacent. Regardless, initial withdrawals will take precedence over subsequent withdrawals in all cases.

The standard term for a s.16 withdrawal is 5 years. The term can be for a longer period if no improvements are placed on the land. However, if the federal government wishes to place improvements, or if improvements already exist, the maximum term will be 5 years to allow for a Transfer of Administration and Control to be completed.

If a provincial government agency on whose behalf the Withdrawal is created requires additional time to conclude the reasons for the withdrawal, one additional term of 5 years will be provided to allow time for the completion of a Transfer of Administration. A withdrawal with a term of 10 years or longer is subject to a mandatory review every 5 years.

A withdrawal must be recorded in the Crown Land Registry and can be viewed through the ILRR.

Examples of withdrawal from disposition for provincial purposes under s. 16 include gravel for MOTI and institutional purposes such as a future school/outdoor recreation use, parks, and

highway development. Examples of withdrawal for federal purposes include additions to reserve, lighthouses, customs facilities, marine improvements, federal boat harbours, etc.

A template s. 16 is attached as Appendix 2.

**Section 16(2) authorizing works, structures or improvements**

Under s. 16(2), the minister may authorize a government body “to place, construct, maintain or operate any works, structures or other improvements on the land withdrawn”. The government body, prior to initiating any improvements, must conduct First Nation consultation related to any proposed activity on the withdrawn area. Under s. 16(3), the minister may impose terms and conditions the minister considers necessary or advisable on the use of land temporarily withdrawn under s. 16(1). The decision maker will assess the adequacy of consultation and must be satisfied that it was sufficient as the Province remains responsible for meeting consultation obligations.

If a government body requests a s. 16 to withdraw the land and proposes to complete works on the land, they may hire a private contractor to complete the works. The hiring of the contractor is addressed by the agency who has requested the s. 16 with authority provided under s. 16(2). Details of the intended activity are to be included in the withdrawal document, as per s. 16(3). If the requested activity is subsequent to the execution of the withdrawal, a modification agreement and a new agreement amending the withdrawal is completed to document the intended activities. The government body, prior to initiating any improvements, must conduct First Nation consultation related to any proposed activity on the withdrawn area.

For government bodies such as MOTI who can complete improvements within their own legislation, the Authorizing Agency will issue a s. 16 to withdraw the land from disposition, and MOTI will conduct activities under their own legislation.

## **5.4 Conditional Withdrawal (s. 17)**

Crown land can be designated for a particular use or for the conservation of natural or heritage purposes. Crown land will not be available for disposition inside this conditionally withdrawn area for activities deemed incompatible with the purpose of the conditional withdrawal.

A Conditional withdrawal of an area from disposition (s. 17) is a ministerial decision delegated to the appropriate authority as per the [Land Act Delegation Matrix](#). A Conditional withdrawal is established to support a provincial or federal government objective; therefore, the name of the Conditional withdrawal holder must be a provincial or federal ministry or agency.

A Conditional withdrawal will contain terms that specify the use (or uses) that may be authorized, and this information will be included in the Land Use Report for the tenure application detailing what activities are compatible or not compatible. A Conditional withdrawal does not preclude the acceptance and disposition of Crown land for uses that are determined to be compatible with the conditions of the conditionally withdrawn area.

Crown land tenures cannot be issued to government bodies, so a request by a government body to conduct activities within a conditionally withdrawn area must be compatible with the conditions of the withdrawal. The government body must conduct First Nation consultation to the satisfaction of the decision maker.

If a tenure application is incompatible with the purpose for which the land has been designated, the overlap with the conditionally withdrawn area must be resolved before a decision to dispose of the land can be made. If the overlap is not resolved prior to disposition, it may result in invalidating the conditional withdrawn area.

Similarly, s. 17 Conditional withdrawals can overlap s. 16 Withdrawals, but in this case the boundaries must be adjacent or tightly adjacent without overlapping as Withdrawals, regardless when established, have priority over Conditional withdrawals and preclude acceptance of applications.

Subsequent to establishment, a request to establish an additional Conditional withdrawal over all or part of the pre-existing withdrawn or conditionally withdrawn area is discouraged. However, if a second or subsequent request is made by a different government body and there is a need to ensure that the second or subsequent Conditional withdrawal continues beyond the expiry of the initial Withdrawal or Conditional withdrawal, requests will be accepted for consideration. For Crown Land Registry data integrity purposes, parcel boundaries should not overlap but be adjacent or tightly adjacent. Regardless, s. 16 Withdrawals will take precedence over s. 17 Conditional withdrawals in all cases.

The standard term for a Conditional withdrawal is 10 years but can be up to 30 years. A Conditional withdrawal longer than 10 years is subject to a mandatory review every 5 years.

A Conditional withdrawal must be recorded in the Crown Land Registry and can be viewed through the ILRR.

Examples of Conditional withdrawals include: planned disposition projects such as controlled recreation (ski) areas, industrial/commercial development such as Liquefied Natural Gas, hiking trails and recreational use; long-term scientific measurement, conservation or restoration projects that can accommodate other uses; Mountain-tops or heights of land with a strategic importance; or Crown foreshore for log handling.

A template s. 17 is attached as Appendix 3.

#### **Log handling**

A s. 17 Conditional withdrawal can be established for sites identified as being critical for log handling purposes. A new site may be identified through operational planning processes which will be critical to harvesting operations in the mid-term (e.g., 2 to 5 years).

Establishing Conditional withdrawals for log handling can enable any interested party to perform some of the necessary information gathering and First Nation consultation prior to submitting applications for subsequent log handling tenures at these pre-identified sites, making the processing of those subsequent applications quicker and more efficient.

The [Land Use Operational Policy – Industrial](#) provides more information on this Crown land use.

## **5.5 Notation of Interest**

A notation of interest is established by the Authorizing Agency in recognition of an interest in Crown land by a provincial or federal ministry or agency. It is not an authorization under the *Land Act*, but rather a notation to identify a feature or concern.

A notation of interest is used to ensure referral to and involvement of the holder of the notation of interest in the land application process. A notation of interest may be used to record items of note on Crown land such as the location of trapline cabins associated to traplines authorized under the *Wildlife Act*, and Application Only areas identified through the Private Moorage Policy.

A notation of interest does not preclude the acceptance and decision of Crown land applications in the subject area.

The standard term for the notation of interest is 10 years. A notation of interest with a term of 10 years or longer is subject to a mandatory review every 5 years.

A notation is recorded in the Crown Land Registry and can be viewed through the ILRR.

Examples of notations of interest include: trapline cabins, Application Only areas with respect to private moorage, First Nation cultural features, historical artifacts, or salt licks.

A notation of interest template is attached as Appendix 4.

## **5.6 Prohibition of use of Crown land in designated areas (s. 66)**

A Prohibition of use is established by the Lieutenant Governor in Council through regulation to prohibit specific activities from occurring in defined areas of Crown land. It is not used as a means of regulating the Crown land application process or planned disposition process.

A Prohibition of use regulation may be applied in circumstances where government's intent is to restrict a specific use or activity on Crown land.

An example of a Prohibition regulation under the *Land Act* includes the restriction of motorized vehicles in certain areas of Crown land.

## **5.7 Transfers**

Information about transfers of Crown land, s. 31 and s. 106 of the *Land Act*, into other provincial ministry or federal government jurisdiction is contained in the [Land Use Policy - Land and Management Transfers](#).

# **6. PRICING POLICY**

## **6.1 Administrative Fees**

There are no application fees associated with Reserves, Withdrawals, Notations or Prohibitions for provincial government bodies.

The \$3,300 “Federal Reserves/Transfers” fee, as per the [Land Act Fees Regulation](#), only applies to applications from Canada for s. 15 (Order in Council) Reserves and s. 31 Transfers of Administration and Control.

At such time that the federal government applies to transition a s. 16 withdrawal area to a Transfer of Administration and Control, the transfer fee would apply.

There is no charge for provincial requests for a Transfer of Administration

## 7. DESIGNATION PROCESSES

### 7.1 General Policy

Refer to Appendix 1 for a summary of the forms and terms of Crown land designation available for Reserves, Withdrawals, Notations and Prohibitions.

Approval authority for Reserves (s. 15) and Prohibitions of use (s. 66) resides with Cabinet.

Approval authority for all Withdrawals (s. 16) and Conditional Withdrawals (s. 17), resides with the minister of the Authorizing Agency or their delegated representative as detailed in the most current [Land Act Delegation Matrix](#).

Notations are created by representatives of agencies as appropriate – i.e., trapline cabin notations are requested by the trapline holder.

### 7.2 Decision Activities

Following a decision to establish a Reserve, Withdrawal, Notation, or Prohibition, the Authorizing Agency:

- signs a notice (see appendices) establishing the Reserve, Withdrawal, Notation or Prohibition and places the notice on file (in the case of an O.I.C., the order is signed by Cabinet),
- advises the requesting agency, and notifies other agencies, as appropriate, and
- enters the Reserve, Withdrawal, Notation or Prohibition into the Crown Land Registry where it can be viewed through the ILRR.

Example wording for Reserves, Withdrawals, and Notations are provided in the Appendices.

A Reserve requires the Authorizing Agency to follow standard O.I.C. administrative processes. Contact the Legislation and Litigation Branch for advice.

### 7.3 Review, Renewal and Cancellation Activities

Refer to Appendix 1 for a summary of the forms and terms of Crown land designation available for Reserves, Withdrawals, Notations and Prohibitions.

Review of all Reserves, Withdrawals, Notations and Prohibitions may be undertaken in advance of the expiry date of the instrument or within 5 years from the date of establishment, whichever comes first.

A review is to be conducted with consideration of the following:

- the degree to which public interest is served by renewal or continuance,
- the total number of years the Reserve, Withdrawal, Notation or Prohibition has been in effect, including replacements, and,
- the conditions and provisos contained in the notice establishing the designation.

Where a Reserve, Withdrawal, Notation and Prohibition has been in place for more than one term, the ministry or agency in whose favour the instrument has been placed should be notified at least 90 days prior to the expiry date (or 5<sup>th</sup> anniversary) that cancellation will occur unless justification for the renewal is received 30 days prior to expiry of the instrument.

Where the continuance or renewal of an instrument is not justified to the satisfaction of the Authorizing Agency, the Withdrawal or Notation is to be cancelled and deleted from provincial records using the same templates but completed for cancellation.

Where a Reserve or Prohibition is no longer necessary, the Authorizing Agency is to initiate the process to cancel the instrument. A Notice of Cancellation, if approved by Cabinet, is to be made by the Authorizing Agency, and adjustments made on files and records.

## **8. LAND APPLICATIONS AND EXISTING TENURES**

### **8.1 General Policy: Applications**

Applications are not accepted for Crown land in areas reserved from disposition under Reserves (s. 15), except for temporary occupation through a 2-year temporary licence or for construction of a road, non-commercial airstrip, bridge or trail over the land.

Applications are not accepted on Crown land covered by a Withdrawal (s. 16).

Applications are accepted on Crown land covered by a Conditional withdrawal (s. 17), but only if the use or uses are allowed in the Conditional withdrawal notice or are compatible with the intent of the Conditional withdrawal notice.

Applications for Crown land may be accepted in notation of interest areas. All applications for tenure are to be referred for comment to the provincial/federal ministry or agency in whose interest the notation has been recorded. Comments are to be solicited and evaluated in accordance with standard referral policy and procedures.

Applications are not accepted in Prohibited use areas (s. 66) for those uses prohibited by the establishing O.I.C.

Applications for Crown land over a cancelled reserve area are required to be advertised.

### **8.2 General Policy: Erroneous Issuance of Tenures**

If it is determined appropriate, the Province may honour tenures mistakenly issued for land covered by a s. 15 O.I.C. Reserve. Extensions of term and tenure replacements, however, may not occur unless the O.I.C. expires or the subject area is deleted by O.I.C. Where it is determined that an erroneously issued tenure should not remain in effect, s. 44 of the *Land Act* may be used to cancel the disposition. However, government exposure to liability to pay compensation should be considered before undertaking the cancellation.

The erroneous issuance of a tenure over Crown land covered by a Withdrawal under s. 16 creates a conflict with the original intent of the withdrawal as a temporary withdrawal from disposition. **A Withdrawal under s. 16 is, in concept, cancelled upon issuance of tenure, but requires formal cancellation or amendment in provincial records.**

If a tenure is erroneously issued over Crown land covered by a Withdrawal under s. 16, the agency holding the withdrawal must be contacted to inform them of the error and to confirm their

information for replacement. The agency holding the withdrawal can choose to either amend the initial boundaries or replace the entire area. Where the tenure is for a short term and the initial withdrawal boundaries are replaced, the tenure may be allowed to expire rather than be cancelled. Where the tenure is allowed to expire, it will not be replaced.

### **8.3 General Policy: Existing Tenures**

Reserves (s. 15) and Withdrawals (s. 16), as well as Conditional withdrawals (s. 17), may be placed over land that has been disposed of by means other than Crown grant. To do so has no effect on the existing tenure. Where the Reserve/Withdrawal will impact the issuance of a replacement tenure, the tenure holder may be given reasonable notice that the tenure will not be replaced.

## **9. VARIANCE**

*Variances to this policy must be completed in accordance with the [Policy Variance Procedure](#).*

## Appendix 1. Reserves, Withdrawals, Notations and Prohibitions Summary.

TYPE OF INSTRUMENT	PURPOSE AND USE	TERM:
Reserve ( <i>S.15 Land Act</i> )	<ul style="list-style-type: none"> <li>• Reserves Crown land from alienation as a result of an acknowledged value or concern</li> <li>• An absolute reservation; can only be cancelled or amended by a further Order-in-Council</li> <li>• May be used where the land is of key or critical significance in a regional or provincial setting; or where it is in public interest to protect land and maintain long-term options such as watershed protection, flooding, snow monitoring, GY plots</li> <li>• Two-year temporary licences and tenures for construction of a road, non-commercial airstrip, bridge, or trail over the land allowed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum 5 years</li> <li>• Mandatory review every 5 years to confirm continued need or steps initiated to cancel.</li> </ul>
Withdrawal ( <i>S.16 Land Act</i> )	<ul style="list-style-type: none"> <li>• Absolute withdrawal of Crown land from disposition</li> <li>• May be used to support a government objective or activity such as: <ul style="list-style-type: none"> <li>◦ Treaty transfers, federal short-term use or on the path to Transfer of Administration and Control; MOTI short term road maintenance or other provincial ministry's path to transfer of Administration; temporary exclusion of dispositions while the land parcel is being considered in decision processes related to high value recreation or conservation objectives</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• A maximum term of 5 years is applied to S.16 Withdrawals.</li> <li>• The term can be made for a longer period if the federal Crown requires additional time to complete the subsequent Transfer of Administration and Control or the provincial receiving agency provides a rationale as to why it needs to be longer. – see Land Use Policy – Land and Management Transfers</li> <li>• A withdrawal with a term longer than 10 years is subject to a mandatory review every 5 years.</li> </ul>
Conditional withdrawal ( <i>S.17 Land Act</i> )	<ul style="list-style-type: none"> <li>• Withdraws Crown land from dispositions, except for a designated use and compatible uses; land applications compatible with the designated use may be entertained such as: hiking trails and local recreational use; long-term scientific measurement, conservation or restoration projects that can accommodate other uses; Mountain-tops or heights of land with a strategic importance; Crown foreshore for log handling</li> </ul>	<ul style="list-style-type: none"> <li>• The standard term is 10 years but can be up to a maximum of 30 years if rationale is provided.</li> <li>• A Conditional withdrawal with a term longer than 5 years is subject to a mandatory review every 5 years.</li> </ul>
Notation of Interest (NOI)	<ul style="list-style-type: none"> <li>• A recognition of interests by a Ministry or agency recorded on reference maps</li> <li>• Land applications are referred to the agency whose interest has been recorded, to provide input to the adjudication process</li> <li>• Notations may be placed over areas covered by reserves or designations</li> <li>• Examples include salt licks, heritage sites, application only areas for private moorage, trapline cabins</li> </ul>	<ul style="list-style-type: none"> <li>• The term for the notation of interest can be for a maximum of 10 years.</li> <li>• An NOI with a term longer than 5 years, is subject to a mandatory review every 5 years.</li> </ul>
Prohibition of Use - Order-in-Council ( <i>S.66 Land Act</i> )	<ul style="list-style-type: none"> <li>• Allows Lieutenant Governor in Council to prohibit specific uses of Crown land in a designated area</li> </ul>	<ul style="list-style-type: none"> <li>• Specific term, approved by Lieutenant Governor in Council</li> </ul>

## Appendix 2. Withdrawals from Disposition (Section 16): Sample Notice of Establishment, Amendment, Cancellation or Continuation

NOTICE OF	ESTABLISHMENT AMENDMENT CANCELLATION CONTINUATION	WITHDRAWALS FROM DISPOSITION (Section 16)
WHEREAS:	The undersigned has been charged with the administration of Section 16 of the <i>Land Act</i> ; and	
WHEREAS:	The undersigned considers it advisable in the public interest to withdraw from disposition the area identified on the attached map; then	
	(IN THE CASE OF ESTABLISHMENT)	
THEREFORE:	The Crown land area outlined on the attached map is hereby withdrawn from disposition on behalf of the (ministry or agency) due to its importance for (specific value or interest). Include any details referenced in the LUR that are known at the time of establishment of anticipated works by the requesting agency, if works are anticipated at a later date than establishment, an amendment is required,) for a period of (number not to exceed 5 unless detailed) years, effective (date).	
	(OR, IN THE CASE OF CANCELLATION)	
THEREFORE:	The existing withdrawal, established (date) on File (number) and shown on the attached map is hereby cancelled, effective (date).	
	(OR, IN THE CASE OF AMENDMENT)	
THEREFORE:	The existing withdrawal, established (date) on file (number) and shown on the attached map is hereby amended by the (addition/deletion) of Crown land outlined in red. The (addition/deletion) is to remain in effect for a period of (number not to exceed 5) years, effective (date).	
	(OR, IN THE CASE OF CONTINUATION)	
THEREFORE:	The Crown land area outlined on the attached map continues to be withdrawn from disposition on behalf of the (ministry or agency) due to its importance for (specific value or interest), for a period of (number not to exceed 5 years), effective (date).	

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Authorized Signatory

Date Signed

cc: (i.e. Government body on whose behalf it's being established).  
e.g. Department of Fisheries and Oceans  
e.g. Ministry responsible for the *Transportation Act*  
e.g. Ministry responsible for the *Park Act*  
e.g. Surveyor General Division, Land Title and Survey Authority

### **Appendix 3. Conditional Withdrawal (Section 17): Sample Notice of Establishment, Amendment, Cancellation or Continuation**

NOTICE OF

ESTABLISHMENT  
AMENDMENT  
CANCELLATION  
CONTINUATION

CONDITIONAL WITHDRAWAL  
FROM DISPOSITION (Section 17)

WHEREAS:

The undersigned has been charged with the administration of Section 17 of the *Land Act*; and

WHEREAS:

The undersigned considers it advisable in the public interest to (establish/amend/cancel/continue) a conditional withdrawal from disposition over the area identified on the attached map; then

(IN THE CASE OF ESTABLISHMENT)

THEREFORE:

The Crown land area outlined on the attached map is hereby temporarily withdrawn from disposition except for (primary use or purposes, Include compatible and/or non- compatible uses in the associated LUR.) Use/Purposes for a period of (any number of years to a maximum of 30 years). The area is hereby withdrawn from disposition under the *Land Act* for any purpose or use other than the above and others deemed compatible with or ancillary to the above by the undersigned, effective (date).

(OR, IN THE CASE OF CANCELLATION)

THEREFORE:

The Crown land conditionally withdrawal from disposition under Section 17 of the *Land Act*, established (date) on file (number) and shown on the attached map is hereby cancelled, effective (date), and is available for disposition under the *Land Act*.

(OR, IN THE CASE OF AMENDMENT)

THEREFORE:

The existing disposition under Section 17 of the *Land Act* established (date) on file (number) and shown on the attached map is hereby amended by the (addition/deletion) of Crown land outlined in red. Lands remaining within the amended *Land Act* area are conditionally withdrawn from disposition under the *Land Act* for a period of (any number of years up to a maximum of 30 years) for any purpose or use other than (primary use or purpose), and others deemed compatible with or ancillary to the above by the undersigned, effective (date).

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(OR, IN THE CASE OF CONTINUATION)

THEREFORE: The Crown land area outlined on the attached map is hereby temporarily continued as a Section 17 *Land Act* conditional withdrawal for (primary use or purposes) Use/ Purposes for a period of (any number of years up to a maximum of 30 years). The area hereby continues to be withdrawn from disposition under the *Land Act* for any purpose or use other than the above and others deemed compatible with or ancillary to the above by the undersigned, effective (date).

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Authorized Signatory

Date Signed

cc: i.e. Government body on whose behalf it's being established).  
e.g.. Department of Fisheries and Oceans  
e.g. Ministry responsible for the *Transportation Act*  
e.g. Ministry responsible for the *Park Act*  
e.g. Surveyor General Division, Land Title And Survey Authority

## Appendix 4. Notations of Interest: Sample Notice of Establishment, Amendment, or Cancellation

NOTICE OF	ESTABLISHMENT AMENDMENT CANCELLATION	NOTATION OF INTEREST
WHEREAS:	The undersigned considers it advisable to (establish/amend/cancel) a Notation of Interest over the area identified on the attached map; then	
	(IN THE CASE OF ESTABLISHMENT)	
THEREFORE:	A Notation of Interest is established over Crown land shown on the attached map to record the interest of (ministry or agency) in the area due to its importance for (specific value or interest) for a period of (any number of years, up to a maximum of 10 years) Applications for Crown land in the above area are to be referred to (ministry or agency) for comment and consideration in the adjudication of such applications, effective (date).	
	(OR, IN THE CASE OF CANCELLATION)	
THEREFORE:	The existing Notation of Interest established (date) on file (number) and shown on the attached map is hereby cancelled, effective (date).	
	(OR, IN THE CASE OF AMENDMENT)	
THEREFORE:	The existing Notation of Interest, established (date) on file (number) and shown on the attached map is hereby amended by the (addition/deletion) of Crown land outlined in red. The (addition/deletion) is to remain in effect for a period of (any number years up to a maximum of 10 years) during which applications within the amended Notation of Interest area are to be referred to (ministry or agency) for comment and consideration in the adjudication of such applications, effective (date).	

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Signatory

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Date Signed

cc:      i.e. Government body on whose behalf it's being created).  
          e.g. Department of Fisheries and Oceans  
          e.g. Ministry responsible for the *Transportation Act*  
          e.g. Ministry responsible for the *Park Act*  
          e.g. Surveyor General Division, Land Title and Survey Authority

## APPENDIX 5: ELIGIBILITY OF BC HYDRO

BC Hydro is a commercial entity, but BC Hydro can conduct activities in direct support of provincial objectives. BC Hydro is unique in that the organization is neither eligible nor ineligible for Reserves, Withdrawals etc. Rather the use of the land determines eligibility and thus, requires an assessment.

### Principles

For Crown land uses supporting the delivery of BC Hydro's business purpose, a tenure is the appropriate instrument. For uses that are not related to the commercial interest, but rather serve a provincial objective, determine if the use parallels the examples below and use what is most appropriate. Based on information provided previously in various formats, guidance has been provided with respect to certain activities and it is listed below:

1. Meteorological stations – communication in or around October 2018

Stations identified by the Ministry of Environment and Climate Change Strategy (ENV) as having potential long-term benefit beyond the corporate needs of BC Hydro, will be eligible for *Land Act* s. 16 Withdrawal to provide the necessary authority for the Crown land use. The s. 16 will be held by ENV on behalf of BC Hydro and ENV will be responsible for improvements on the land for site restoration.

2. Debris clearing projects – March 1984 letter from Lands, Parks, and Housing to BC Hydro.

Debris clearing is authorized through an Industrial temporary licence of occupation for 2 years within a s. 15 O.I.C. Reserve or a standard licence of occupation for 5 years. The licence will be for nominal rent.

3. Environmental remediation or offsite environmental mitigation

Obligation exists through agreement for Onsite remediation

- within existing tenure
  - Remediation completed under existing tenure
- without an existing tenure
  - Remediation completed under temporary licence, short term

Obligation for Offsite Mitigation – Licence of occupation as per the Offsite Environmental Mitigation Directive.

Protection of mitigation area for obligated remediation/enhancement with monitoring – licence of occupation

Protection post remediation without obligation – NOI or s. 17 Conditional withdrawal.

4. Boat Launches & Public Docks

If obligation exists as a component of the social licence in the project review and approval process – Licence of Occupation.