

# Status Guidelines

**This isn't a complete list of all known land conflicts, only most common**

**Report:** A report of interests and encumbrances on and/or adjacent to a defined area of interest.

**Interpretation:** An interpretation of the rights of tenure(s) based on a combination of spatial and attribute information, with the application of specific Legislation/Regulation, Policy/Procedures.

**Adjudication:** The output on the decisions made on a specific application with respect to conflicting/competing rights.

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## **EXCLUSIONS**

Any area within an application request that is covered by Titled, reserved or occupied land which under the **provisions of the Forest Act is not compatible** with the conditions of a proposed Agreement or Permit (e.g. private land, designated highways etc), must be excluded. Exclusions can be done in 2 ways:

1. Physical exclusion: Used where the polygon/line would be divided into multiple parts (drawing around the area to be excluded with a bold black line on the Ex A).
2. Verbal exclusion: No spatial change for any area or right of way that are too small to show in the boundary. The words "Excluding thereout: Highway 16, DL 123" (etc) are used on the Ex A."

### **1. EXCLUSIONS (Physical: these generally require spatial changes)**

- Private Land – Crown Grants, Dominion Patents
- Mineral Claim District Lots – if applicant and legal land title owner are not the same = Exclude, otherwise parcel is considered Crown for the business of mining only, Surface rights are Crown resources. Check Grant for wording as to their rights, do they pay mineral tax? Undersurface = Referral.
- Applications for Crown Grants
- Indian Reserves
- Residential/Recreational Leases
- Agriculture Leases with Purchase Option
- Industrial Leases (ie. Licence of Occupation Light Industrial and Lease for Industrial Log Handling that goes up on shore)
- Quarry Lease
- Archaeological Sites
- OIC Reserves
- AIP – "Map Reserves" for FN Treaty Areas
- Ministerial Orders
- Transfer of Admin/Control – Prisons
- Ecological Reserves
- Parks
- Recreation Sites and Trails – OIC or Established (Gazetted)
- Protected Areas
- Leases – Institutional, Parks, waterpower with improvements to land.
- Licence of Occupation (not all types) Waste Disposal Sites, Radio Sites Contaminated Sites/Towers, Waterpower- Penstock, Waterpower – Powerhouse sites, Communication Sites, ones with immovable structures.
- Active Portion of Timber Licences
- Other licencees blocks and roads

### **Note:**

Lease: Exclude; No harvest, long term, numerous improvements, has been surveyed, pay taxes.

Licence: Referral; Generally less rights, shorter term, min improvements to land, not exclusive, layering of interests possible.

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## 2. **EXCLUSIONS – BY NOTATION (verbal: no spatial change)**

- Highways
- Railways
- Pipeline
- Surveyed R/Ws
- Forest Service Roads – clearance 75m for conflicts plus 20m for adjacencies
- Road Permits (different applicant)
- Heritage Trails
- Interim Licence for Utility Waterline

## **SAVE AND EXCEPTING PRIOR RIGHTS**

Where an area within an application request is covered by occupied or reserved land that is, under the provisions of the **Forest Act**, compatible with the terms of the proposed Agreement or Permit, prior rights are to be "Saved and Excepting Thereout: RP 12345." Entails consultation between the two parties to acknowledge the rights of the first tenure by the second. No changes to the boundary are necessary.

- Grazing Leases
- Gravel/Quarry Pit Reserves
- Experimental Plots/G&Y Plots and Trials – currently not legislated for protection
- RPP's – Real Property Projects
- MOF Map Notations
- Powerline R/Ws – Generally a S&E for the timber, but not to interfere with powerlines & structures
- Range Permits
- UREP Reserves
- MOF Recreation Sites/Trails – Unless "Established"
- FUP
- Timber Sales
- Small Scale Salvage – Dead and Down only – compatible with CBs
- Pending Lots (Surveys in progress)
- Notation of Interest – Commercial – Trapline Cabin

## **REFERRALS**

A written notice to the issuing agency acknowledging the occupied or reserved land holder's prior rights. Referring agency has 30 days to respond either to state conflicts exist which the new applicant needs to be aware of, example; protecting improvements. No reply generally means no conflicts.

- Planning/Marketing Reserves (LIMB)
- Notation of Interest Reserves – Pemberton Corridor
- Interest holders of Other Reserves
- Designated Use/Extensive Agricultural Reserves
- Municipalities
- Highways / R/Ws – junction with
- Reserves in the name of the Federal Government
- Island Trust Reserves
- Agricultural Land Reserve (Gravel Pits over 1 ha, FSR's & RPP's (not harvesting))
- Inventory Files
- Permits – Temporary Commercial Recreation Sites/Investigative Permits Quarries
- Some Licences

## **Status Guidelines**

- Licence of Occupation – Hunt Camps, Waterpower sites **without** penstock and Powerhouse sites, Alpine Skiing
- Investigative Permits for Utility, Log Handling and Storage
- Leases – Commercial ‘B’
- Standard Leases for Waterpower
- Watershed Reserves
- Licence of Occupation – Hunt Camps, Waterpower sites without penstock and Powerhouse sites
- Mineral Claim Acquired – Staked claims, usually under surface rights

### **No Comment**

- Unencumbered Crown Land - Crown that has no tenures on it
- Adjacent private lands - add “Adjacent, no encroachment”
- Mineral Claims with S & U (both) – Crown, but applicant has prior rights

**NB...Range Tenures have different guidelines. Don't refer to this info for grazing permits etc.**