

**A Practical Guide
to
Effective
Coordination
of
Resource Tenures**

ACKNOWLEDGEMENT: (Third Edition 2008)

This third edition builds on the foundation developed by the contributors of the first and second editions. Thank-you to the following Ministries for providing their input and guidance for the Third Edition:

Ministry of Agriculture and Lands
Ministry of Forests and Range
Ministry of Environment
Project Management Office: Integrated Land Management Bureau

The Oil and Gas Commission information is current to the second edition. The Oil and Gas Commission has available a booklet entitled Surface Rights in British Columbia, A Guide to Legislation and Regulations for the Oil and Gas Industry.

ACKNOWLEDGEMENT: (Second Edition 2005)

This handbook is a result of a team approach by those who believed that there are better ways for tenure holders with diverse business interests to coordinate their activities. Thank you to all who have dedicated their time and effort over the years to make this publication possible.

Oil and Gas Commission (OGC)
Ministry of Water, Land and Air Protection (WLAP)
Land and Water BC (LWBC)
Ministry of Sustainable Resource Management (MSRM)
Ministry of Forests (MOF)
Ministry of Energy and Mines (MEM)
Canadian Association of Petroleum Producers (CAPP)
Small Explorers and Producers Association of Canada (SEPAC)
Canadian Association of Geophysical Contractors (CAGC)
Cattlemen's Association and various Agriculture Producers groups
B.C. Trappers Association
Wood Lot Association
Guide Outfitters Association of B.C.
Oil and Gas Industry and Staff
Practices Advisory Committee

FOREWORD

In a 2002 survey of resource tenure holders in Northeast BC, 70 percent of the respondents indicated that their business was adversely affected by conflicts over tenured land use.

This 2008 guide has been prepared to assist tenure holders across the Province and their employees. The first and most effective means to reducing conflict between tenure holders is prevention. Through extensive consultation, stakeholders reported that prevention of disputes between the holders of tenures that overlap on the land is best achieved through good communication.

In a series of workshops conducted with various natural resource tenure holders, eight key factors to reducing conflict were identified. Tenure holders suggested that by making this and other basic information readily available, many disputes could be prevented.

This updated guide has been designed with the users in mind. It is acknowledged that many complex issues contribute to resource use conflicts and that these simple measures cannot resolve them all.

However, the guide provides a practical, cost effective means to improving the operating climate for businesses in British Columbia.

Third Edition March 2008

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Note:

The contents of this guide have been provided to assist tenure holders and their employees. It should not be interpreted as direction or government policy, and is not legal advice.

SECTION 1

Introduction

SECTION 1: INTRODUCTION

The Province of British Columbia, through various ministries and agencies, issues leases, licences, SRW (statutory rights of way) and permits (all commonly referred to as: tenures) for commercial use of natural resources. In all regions of the Province it is not uncommon for several tenures to apply over the same area of land. The Province adheres to a policy of integrated resource use, whereby several activities may occur on the same land base, provided they are coordinated and meet the requirements for long-term sustainable management and are consistent with BC Government goals.

The pattern of tenures existing over a particular area of land can become very complex due to a number of factors, including:

- A combination of surface and sub-surface resources,
- Different terms and conditions, interests and obligations in tenures,
- Both general and specific area tenures,
- A number of different companies and individuals, each holding one or more tenures,
- Potential impacts on one tenure holder when another exercises his or her rights, and
- Changing land use expectations and demands.

The Province makes every effort to ensure that resource management is coordinated, and that tenured activities will not negatively impact public interests or other rights. Tenures are written to be very specific about the rights or privileges they convey.

There is an expectation that tenure holders where applicable will make reasonable efforts to accommodate the interests of other resource users. Reciprocal accommodation is the foundation of successful, integrated resource use.

Often, if some basic steps are taken by the parties early on, any disputes can be avoided and a resolution reached.

The first step to reducing conflict is to prevent it from occurring in the first place. While this may not be possible in every situation, most conflicts can be avoided, or at least made considerably less serious by applying these simple guidelines:

- 1. Due Diligence:** Take the time to find out about land use plans, other tenures and objectives related to the area of your tenure.
- 2. Communicate early, often and honestly:** Share your plans, use more than one approach and be as open as possible.
- 3. Seek to understand other perspectives:** Listen carefully, ask questions and confirm your understanding.
- 4. Recognize the balance of responsibility:** Ensure that all tenure holders are involved, accommodation is mutual, and keep broader interests in mind.
- 5. Understand the limitations of the tenures:** Learn about the relevant legislation and regulations, along with the provisions of your tenure and others.
- 6. Make clear and meaningful agreements:** Ensure that they are suitable to the specific need, anticipate the future and consider how disputes will be resolved.
- 7. Make the agreement real during operations:** Start off on the right foot, monitor and document compliance, adhere to the spirit of the agreement and make sure your staff knows about it.
- 8. Realistically assess and adapt:** Demonstrate commitment and be prepared to adjust.

Notes:

a) Some BC Government ministries will have specific policies or procedures in place which should be referenced and incorporated into the tenure application process. (See Quick Reference Guides in Section 4) It is therefore recommended that contacting and speaking to, the relevant agencies is a valuable activity and an integral part of due diligence.

b) FrontCounter BC is a resource and information rich starting point that allows a tenure holder and/or applicant to research information that is specific to their region and application. More detailed information is provided in the following pages.

INTRODUCTION (PART 2 - FCBC)

A) What is FrontCounter BC? (Link: <http://www.frontcounterbc.gov.bc.ca/>)

FrontCounter BC is a single window service for clients of provincial natural resource ministries and agencies. At FrontCounter BC offices across the province, natural resource clients obtain all the information and authorizations they need to start or expand a business.

Highly trained, efficient and friendly staff members guide clients through all regulated natural resource issues.

Business clients can think of the staff at the counter as their direct link to B.C.'s natural resource ministries and agencies.

Staff are highly trained members of a team, brought together to provide accurate and integrated information, customized to the needs of the natural resource client. They are specifically trained and knowledgeable in authorizations required by natural resource businesses and clients for mining, forestry, agriculture, health, etc.

A list of authorizations offered through FrontCounter BC, as well as links to application forms, are available at; (Link: <http://www.frontcounterbc.gov.bc.ca/authorizations.html>)

FrontCounter BC staff act as advocates for timely decisions and responses, and support a client, from start to finish, in receiving the required licences, permits and registrations.

Service Where and When It's Needed

In the past, clients of B.C. natural resource ministries and agencies often had to go from agency to agency to obtain their necessary authorizations.

The new FrontCounter BC centres simplify the process for small-to-medium-sized natural resource businesses starting up or already operating. Centres are now open in Kamloops, Nanaimo, Surrey, Prince George, Williams Lake, Cranbrook, Smithers, Victoria and Fort St. John.

These centres are part of government's ongoing plan to improve service delivery in an efficient, convenient manner, where and when British Columbians need it.

FrontCounter BC centre staff will:

- Guide clients through required authorizations.
- Help clients complete strong application packages.
- Interpret land information, maps, and management plans (See following pages).
- Follow-up and track the status of applications filed.
- Liaise between ministries, agencies, and governments.
- Begin referral processes with First Nations.
- Help identify and market economic development opportunities.

What You Need:

For your first meeting with FrontCounter BC staff, you should bring the following documents and materials relating to your potential project:

- Any concept plans that you may have related to the project.
- Draft map of proposed project area.
- Any related legal documentation.
- Legal land status description.
- Photos of the proposed area.
- Any legal agreements in place.
- Proof of Canadian citizenship may be required.

In addition, thinking about the following questions in advance may help shape the discussion with FrontCounter BC staff:

- Do I really understand the current and future plans for the area?
- Am I flexible in my approach?
- Have I talked to key people related to the project?
- Have I been proactive in my approach?
- Does my planning leave enough time for approvals?
- Do I have my finances in place for the required approvals?

The FCBC website will provide you with a list of relevant and required application forms and management plan templates.

In summary, ensuring the following are in place will help Front Counter BC staff assist you more efficiently:

1. Complete applications filed.
2. Supporting documentation provided.
3. Application fees paid.
4. Understanding of the approval timelines and process.

If you are unsure that you have gathered the required supporting documentation, or have any questions, please feel free to e-mail FCBC.

Contact Information:

E-mail: FrontCounterBC@gov.bc.ca

INTRODUCTION (PART 2 – Considerations for Overlapping Tenures and Potential Conflict Areas)

The following key areas and subsets are to be used as a guide in determining which, if any, impacts will potentially create a conflict in an overlapping tenures situation. These are meant as guidelines for consideration and are not meant to comprehensively detail all aspects and variables within a specific project.

1) ENVIRONMENTAL:

a) Land Impacts:

- Try to foresee the impacts to the land (surface disturbance, clearing or logging required, buildings or infrastructure, visual impacts, etc.)
- Understand the status of land and landscape features (documented archaeological sites, types of materials used, and construction methods)

b) Atmospheric Impacts:

- Are there any impacts to the atmosphere (sound, odour, gas or fuel emissions, etc.)?
- Are you aware of the current conditions (source, type, and range of emission)?

c) Aquatic Impacts:

- Understand the impacts to the water or land covered by water (drainage effect, sedimentation, water diversion, water quality, public access, etc.)
- Are you aware of the type of adjacent or nearby water body(ies), riparian areas, and flood potential?

d) Fish and Wildlife Habitat:

- Will the proposed project affect fish and/or wildlife (disturbance to wildlife habitat, disturbance to marine environment or fish habitat)?
- Understand the current status of fish or wildlife habitat, threatened or endangered species in the area, and seasonal considerations

2) SOCIO-COMMUNITY:

a) Land Use:

- Will the proposed project affect existing land use(s) in the area (zoning, land management plans, relationship to adjacent land use, and public recreation areas)?
- Are you aware of the current zoning, land and resource management plan areas, and levels and types of public recreational use?

b) Socio-Community Conditions:

- Will the proposed project affect or influence existing community services or infrastructure (water supply, transportation, fire protection or emergency services etc.)?
- Do you understand the area demographics, current status of services, anticipated transportation or access road changes etc.?

c) Public Health:

- Will the proposed project have any effects on Public Health (waste disposal, site contamination, etc.)?

d) First Nations:

- Has any contact been made with First Nations representatives (include the First Nations name and the individuals contacted)?
- Are you aware of any information acquired from or, provided to, the First Nations (potential benefits, partnership opportunities, special interests, concerns, etc.)?
- Understand the archaeological resources and areas of cultural significance that are located in the vicinity of the proposed project

SAMPLE POTENTIAL OVERLAPPING TENURES CONFLICT ASSESSMENT TEMPLATE:

While not all the aforementioned areas will be specific to your project it is worthwhile to remember that *due diligence* is a key to mitigating any potential conflicts. The following assessment template could be used to categorize your areas of concern. Moving to Section 2 of this guide will provide you with further means of addressing any potential conflicts.

Potential Conflict Description(s)	Probability (H/M/L)	Impact (H/M/L)	Potential Conflict Response
<i>Concise description of the particular potential conflict.</i>	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low	<ul style="list-style-type: none"> • <i>Specifically what will be done to avoid the conflict and/or mitigate the its' impact or probability</i> • <i>Note there may be more than one response for each potential conflict</i>

SECTION 2

EIGHT KEYS TO REDUCING CONFLICT

SECTION 2: EIGHT KEYS TO REDUCING CONFLICT

1) Due Diligence: (Refer to Introduction Part 2 – FCBC)

- **Understand the big picture:** Be familiar with the applicable land-use plans for the area, any special management measures required, concerns raised through government pre-tenure referrals and local First Nations' interests. Also, be sure that you are aware of the long-term objectives of your company and any policies or operating principles that apply to stakeholder relations and land use integration.

- **Potential barriers and opportunities:** Look into (research) other activities and tenure holders in the area. Consider both; a) the *potential barriers* that will need to be addressed in order to achieve your objectives and, b) the *opportunities* to benefit from the activity of other tenure holders (e.g. coordinated access, camps etc.).

Determine; a) *who* is on the land base (i.e. authorized users, First Nations, public user groups) and, b) *where* by accessing the data bases and maps (ILRR, etc.) that area available through FCBC.

- **Consultation obligations or expectations:** Find out what stakeholder consultation is required for your tenure or applicable agreements. Also determine what might be expected by other tenure holders.

2) Communicate early, often and honestly:

- **Share your plans and business needs with other tenure holders as soon as you can:** Don't wait until the last minute when it might too difficult or expensive for them to adjust. Some operations are very flexible whereas others may need a longer lead time.

- **Effective communication is more than a one-time effort:** Don't rely on a single phone call or letter to meet you communications needs. Use more than one approach and take the time to ensure that you both; a) *provide* and b) *receive* the necessary information.

- **Demonstrate honesty in your communications:** Provide as much information as you can, and only promise what you can deliver. If you have information that cannot be shared because of confidentiality requirements, say so, but don't withhold information unnecessarily.

3) Seek to understand other perspectives:

- **Listen carefully and actively:** Communication is imperfect, even when written; however, take the time to listen carefully and look beyond your own biases and assumptions.

- **Ask questions:** People have different communication styles and skills. Often the best information and understanding can be achieved by asking questions that encourage clarity. Questions must be sincere so they are not interpreted as an attempt to trick or annoy the other person.

- **Verify your understanding by paraphrasing and confirming what the other party has said:** It is important to demonstrate that you understand the other person(s).

4) Recognize the balance of responsibility:

- **All tenure holders have a responsibility to communicate:** Although the 'new' tenure holder may be expected to take the first step, existing tenure holders are responsible for responding and playing an active role in communications.
- **Reasonable accommodation is a two-way street:** While a new tenure holder is expected to try to accommodate the needs and interests of existing resource users, there is no specific right associated with being first, and therefore existing tenure holders are also expected to accommodate new activities.
- **Be mindful of the interests of the Province and its responsibilities to the public and First Nations:** In order that arrangements made between tenure holders do not conflict with the First Nations and Province's objectives.

5) Understand the Limitations of Tenures: (Refer to Introduction Part 2 – FCBC)

- **Tenures are enabled and limited by provincial legislation:** Therefore it is advisable to be familiar with the *Land Act* and regulations under which the tenure is issued. A general understanding of the Acts and regulations for other tenures will also be helpful.
- **Develop a thorough understanding of your own tenure:** Each license, lease, SRW, permit or other tenure legally conveys a specific set of rights, privileges or obligations. The tenure document 'fine print' is important, and holders cannot assume any rights not in the document. If you are in doubt, ask the issuing agency to explain the full scope and limitations of your tenure or contact your legal counsel.
- **Acquire a general understanding of other resource tenures:** While it is not realistic to have a working knowledge of all tenure types, it is good business practice to know and understand the provisions of those types that most affect your business.

6) Make clear and meaningful agreements: (Refer to Section 3 – Sample Agreements)

- **Agreements between tenure holders can be made to suit the need:** In all cases the agreements should be clear and entered into freely and legally by all parties. The format, detail and formality can vary from a handshake to a lengthy legal document.
- **Agreements should anticipate future circumstances:** While we cannot predict the future; it is likely that individuals or important circumstances will change during the term of an agreement. If an agreement is complex, it is best to have it written out, vetted, and recorded.
- **Consider how disagreements will be resolved:** Although the purpose of the agreement is to resolve conflicts and prevent disputes, it is rarely possible to anticipate all circumstances. An agreement should include the process by which disagreements on interpretation or compliance will be addressed.

7) Make the agreement real during operations: (Refer to Section 3 – Sample Agreements –)

- **Get started on the right foot:** Take extra care to communicate with other tenure holders and respect their interests as your project or activity gets underway.
- **Monitor and document activities:** Pay particular attention to timelines and other commitments in the agreement. Keep a record of compliance, and quickly acknowledge and remedy problems.
- **Understand and live to the spirit of the agreement:** It is unlikely that an agreement covers every detail and possible scenario, but living up to the spirit of the agreement, and checking regularly with other tenure holders can reduce disputes.
- **Communicate internally:** Make sure that operational (on-site) staff know what is expected and are able to comply with the agreement.

8) Realistically assess and adapt:

- **Demonstrate your commitment:** Be prepared to carry out joint field inspections and reviews with other tenure holders to assess how effective each of you is being at accommodation.
- **Be prepared to make reasonable adjustments:** Learn and adjust as activities proceed. Allow innovation to improve the coordination of activities with other tenure holders. Be careful to avoid arbitrary or unilateral changes to agreed-upon accommodation.

Note: The key component to conflict avoidance and resolution is effective *communication*. The following templates can assist you in developing a focused and proactive communication strategy.

Project Communications – Stakeholder Identification

Stakeholder Group: Name	Represented by	Contact Information	Interests, Expectations, Concerns

Project Communications – Communication Strategy

Stakeholder Group	Communication Type	Frequency	Communication Purpose
	<i>Description of what the recipient will receive i.e. Status Reports, Change Order, Issue Reports, Meetings, Announcements etc.</i>	<i>How often will the message be delivered; quarterly, monthly, weekly, as required etc.</i>	<ul style="list-style-type: none"> • <i>Why is this communication required?</i> • <i>What is the expected benefit from this communication?</i> • <i>Is there an expected follow-up or response?</i>

KEY POINTS FOR REDUCING CONFLICT:

1)

- Be familiar with applicable land use plans for the area and any special management measures required
- Be familiar with local First Nations interests
- Be aware of any of your policies/operating principles that apply to stakeholder relations and land use integration
- Research other activities and tenure holders in the area (See FCBC – Section 1)
- Determine what stakeholder consultation is required by your tenure or applicable agreement

2)

- Share your plans and business needs with other tenure holders as soon as you can
- Ensure that you provide and receive the necessary information

3)

- Communication is a two-way street and all tenure holders must play an active role in communication
- Ensure that arrangements made between tenure holders do not conflict with the First Nations and the Province's objectives and its' responsibilities to the public

4)

- Be familiar with the *Land Act* because tenures are enabled and limited by provincial legislation
- Develop a thorough understanding of your own tenure. Do not assume any rights. Understand the full scope and limitations of your tenure

5)

- Agreements should be clear and entered into freely and legally by all parties
- Agreements should be recorded

SECTION 3

SAMPLE AGREEMENT TEMPLATES

It is important that agreements be clear and suitable to the situation they address. The following templates are provided as examples of written agreements that may be used.

Tenure holders are strongly encouraged to seek legal advice when entering into agreements that are complex, involve several parties, or involve significant financial components.

Notes:

a) The templates in this guide have been provided to assist tenure holders and their employees. They should not be interpreted as direction, government policy or legal advice.

b) In overlapping tenure situations it is suggested that copies of various agreements be placed on file with the specific Ministries and the local FCBC Office.

This template provides an example of the format and content of an agreement between two or more parties who hold tenure overlapping the same land base. An agreement of this nature will normally be used to confirm how interests will be accommodated and/or activities coordinated.

SAMPLE #1: LETTER OF AGREEMENT

This agreement is entered into for the purposes of coordinating the activities and accommodating the interests of the signatories.

Parties to the Agreement:

_____ and _____

_____ and _____

_____ and _____

(Include legal name and address of company, partners or individuals)

Introduction:

This section should include a plain language overview of the circumstances or context for the agreement. For example:

- The *location*, (e.g. this is in the 'X' geographic area, within the 'X' region; the 'X' administrative boundary, within the 'X' land use plan); **Note:** Attach maps of each operating area and a map of where the tenures overlap. The purpose is to provide clarity about where the agreement applies geographically.
- The *form(s) of agreement* that each tenure holder has (license, lease, permit etc).
- The *type of commercial activity* each party expects to undertake in the area.
- The *duration* of time the parties expect to work together (e.g., tenure holder 'A' will operate in the area for 1 to 5 years. Tenure holder 'B' has a replaceable license and expects to operate in the area on an on-going basis).
- *Other interests:* Others with agreements/authorities in the area who might need to be informed, but are not directly affected by the activities of the parties.

Objectives of the Agreement:

This section of the agreement can be used to describe what the parties wish to achieve overall. For example:

- A *statement of intent*: "the intent of this agreement is to support a cooperative working arrangement between the parties, including, but not limited to, communication about operational activities, mutual accommodation measures and preventing and resolving possible conflicts".
- *Acknowledgement of the objectives* of each party:
 - Objectives of Party 'A' (specific to the area of the agreement)
 - Objectives of Party 'B' (specific to the area of the agreement).
- *Mutually held objectives* such as maintaining and improving the business opportunities, protecting the environment, worker health and safety, long term working relationships etc.

Communications: (Refer to Section 2)

This section can be used to identify the key contact people for each party to the agreement, how to contact them, and their level of authority.

Sample Fields:

Name

Responsibility

Contact Format: (phone: business, cell, (other), e-mail)

Secondary Contact:

General:

- Include information about who is authorized to act on behalf of each party, and under what circumstances.

- Include an agreed-to schedule of communication (e.g. weekly, monthly, at key points in the operating seasons or projects).
- Clarify how communications will occur and what alternatives are acceptable (e.g. letter notification, e-mail, telephone, meeting, site visit, etc.).
- Identify the procedure for notification in case of an emergency or a serious incident that may impact the other party.
- Identify any documents to be exchanged (e.g. operating schedules, maps, etc.).
- Specify whether certain communications are intended to be of a confidential nature. *Are non-disclosure agreements in place?*

Description of Work:

This section can be used to provide a general or detailed description of the work to be undertaken within the area covered, by each of the parties, during the term of the agreement. For example:

The parties may wish to attach their *business plans*, or to indicate their short and long term plans for the area, (e.g. future roads, cut blocks, camps - seasonal and permanent, landing strips, location of hunts, trap lines, trails, or potential exploration/well sites). Confidentiality requirements may be applied to some or all of this information.

Integration Measures:

This section can be used to describe the measures that each party will take to integrate the interests of (or mitigate the impact on) the activity of the other(s). Commitments made in this section should be as clear and specific as possible.

For example:

- *Timing of activities (season, time of day, avoidance of certain periods, etc.)*
- *Location or re-location of activities and structures (roads, buildings etc.)*
- *Rehabilitation measures*
- *Control of access, noise, lights and/or, smoke emissions*
- *Protection or avoidance of key sites.*

Shared Benefits:

This section can be used to describe activities that the parties agree will be undertaken for mutual benefit. For example:

Describe what *kinds of business/work* will be conducted by each in the area, and what *kinds of skills and resources* the parties have and would be able to contribute to benefit each other's business (e.g. describe *possibilities for mutual gain – equipment* that could be hired, accommodations that could be provided at certain times, common access and roads, emergency services (e.g. first aid, helicopter availability), supplies, etc. Be creative about how things that each party is doing might be taken advantage of by understanding and *mutually supporting each other's business needs*.

Agreement Review:

Use this section to describe how and when the agreement will be reviewed, and by whom. This provides an opportunity to amend the agreement if necessary and resolve issues arising from the agreement. For example: *Decide on a regular schedule (when – e.g. annually, after the field season) and who would participate in a review, and what might be discussed with the purpose to maintain/improve working relationships.*

Are there any changes in circumstance that would trigger an automatic review of the agreement (e.g., company has new ownership, hired a new land agent, a major problem arises, additional/new tenure holders become active in the area, a potential major impact/loss of business caused by activities, etc.)?

Dispute Resolution:

Describe the agreed-upon process the parties will follow when a dispute arises as a result of interpretation, application or breach of this agreement. For example:

- *Who will be notified, how and in what time frame?*
- *What steps will be taken to present information and perspectives on the dispute?*
- *Who will represent the parties to resolve the dispute?*
- *Will a third party be asked for advice, facilitation or mediation?*
- *If costs are incurred to resolve disputes, who will pay?*

Authorization:

This agreement takes effect on (date) and continues in force until (date). The agreement may be amended or cancelled at any time by mutual agreement of the parties. Either party may cancel the agreement upon 30 days written notice to the other party.

Signed:

Party 'A' _____ (Date) _____

Party 'B' _____ (Date) _____

Note: *The signatories must be authorized to enter into the agreement (for example a sole proprietor, all members of a partnership, a designated company officer).*

In some cases it may be desirable to have other parties indicate their awareness and support of the agreement by providing their initials on the agreement in an acknowledgement of responsibility. For example; company employees and contractors who will be responsible for making the agreement work in an operational capacity.

This template provides an example of the format and content of a simple agreement between two or more parties who hold tenure overlapping the same land base. An agreement of this nature will normally be used to confirm specific projects, works or activities that will be undertaken.

SAMPLE #2: PROJECT AGREEMENT

This agreement is entered into for the purposes of confirming the intent of the parties in regard to a project, work or activity in which both parties have an interest.

Parties to the Agreement:

_____ and _____

_____ and _____

_____ and _____

(Include legal name and address of company, partners or individuals)

Project Description:

This document describes an agreement to complete: *(project description)* at *(project location)* (attach map or design information if necessary).

Examples of projects include relocation of trap lines; relocation of satellite camps; access control measures (e.g. gate installation and maintenance); reforestation of seismic lines; road deactivation, habitat enhancement, etc.

Objectives of the Parties:

What each party expects to achieve with this project.

Roles and Responsibilities of the Parties:

Details about who is responsible for which task.

Funding and Budget:

Provision of funds, detailed budget, 'in-kind' contributions by each party

Deliverables:

Specific products or outcomes – describe what the “finished job” looks like (e.g., the cabin has been moved, intact to location X. A new door and lock has been installed. A new outhouse has been constructed). Specifications where important (e.g., the opening has been replanted with poplar whips, the brush has been piled at least 30 M from any standing timber).

Time Schedule:

Description of milestones or project phases to be completed by certain dates

Project Cancellation:

The conditions under which each party may cancel the project, if applicable (e.g., change in operating plans, ownership, and not achieving agency approvals). It is important to be clear about the implications to each party of one cancelling and any mitigation activities required, if any, upon cancellation.

Authorization:

Company A Representative and Company B Representative

Signed:

Party 'A' _____ (Date) _____

Party 'B' _____ (Date) _____

Date

Notes:

a) This Project Agreement is not necessarily just financial in scope. It can be applied to a "project" of activity coordination (how business is conducted), including the use of special technologies to minimize impacts of one's business on another's. For example, the project might be adapting the flight lines of helicopters during a hunt. Specific "project" tasks might be to identify roles and responsibilities for a GO and company representative to maintain very tight communications of locations during a hunt and advising when the hunt is concluded. Access management provides another example of "activity coordination" (e.g., commitments to close gates, build access to a certain standards, or not use a road at certain time periods).

b) Management plans that have been attached to tenure applications or existing tenures may have to be amended after the agreement is confirmed and finalized.

Project Acceptance and Activity Criteria

(The following identifies the criteria that this project will be measured against and indicates what must be done in order for the final product to be accepted by the client and/or stakeholders.)

Acceptance Criteria	How Measured?

Project Manager Acceptance of Responsibility

I accept the delivery responsibility for the project described in this document subject to the following terms and conditions:			
Name:	Position:	Signature:	Date:
	Project Manager		

Section 4

QUICK REFERENCE GUIDES

The following quick reference guides have been prepared to provide an informal summary of the frequently encountered tenures for resource use in the Province Of British Columbia.

Additional guides or updates may be produced from time to time and will be posted on the ILMB website.

ILMB Website: <http://ilmbwww.gov.bc.ca/>

Note:

These guides have been provided to assist tenure holders and their employees to understand key aspects of various resource use authorizations. They should not be interpreted as direction, government policy or legal advice.

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Agricultural Leases**

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

OVERVIEW

Agricultural Leases for use of Crown land in British Columbia are issued under Sections 11 and 38 of the *Land Act* under two separate programs:

- 1) For **extensive** agriculture, such as forage crop production, on large parcels of land; and
- 2) For **intensive** agriculture, such as market gardening, on much smaller sites.

This Guide deals with the extensive agricultural program only.

Arable land for extensive agriculture is made available to eligible farmers usually by a ten-year lease agreement. This agreement also allows the lessee to purchase the land once it has been developed and inspected. This option is generally not available in the southern portion of the province where agricultural land is usually only available to eligible farmers by direct sale.

To be eligible for an agricultural lease, the applicant generally must be:

- A Canadian citizen, permanent resident of Canada or agricultural corporation registered in British Columbia.
- An existing farmer with at least 40 hectares of land within 15 kilometres of the desired land, of which 50 percent of the arable portion (CLI Agricultural capability of four or above) must be under cultivation.

An individual or corporation may generally hold only one lease at any time up to 65 ha.

ISSUING AGENCY

Ministry of Agriculture and Lands (MAL); as represented by the Integrated Land Management Bureau (ILMB)

SUMMARY OF RIGHTS AND OBLIGATIONS

An Agricultural Lease over Crown land provides the lessee with the **exclusive** right to use the land for farming, as well as to mortgage it and to assign it to a third party with the prior consent of MAL. The lessee may also apply to purchase the land at any time during the term of the lease provided that 25 percent of the arable portion of the lease has been brought under cultivation. Sale is generally subject to the consolidation of Titles of the leased land and the lessee's private holdings, or the binding of Titles, and inclusion of that land into the Agricultural Land Reserve if not already designated.

In return, the lessee usually covenants to:

- carry out a legal survey of the parcel if it has not already been surveyed,
- use the land diligently for agriculture in accordance with the Development Plan submitted at the time of application and approved by MAL,
- pay stumpage on merchantable timber, (post a performance bond for the stumpage and obtain a Licence to Cut from Ministry of Forests and Range),
- pay rental in the amount and at the times specified in the lease document,

- indemnify the Crown against any damage or legal action that may result from the occupation or use of the land,
- comply with all applicable Federal, Provincial and local laws, bylaws and regulations,
- not place a dwelling on the land without the specific written consent of the Crown,
- abide by any other conditions the Crown may consider appropriate such as fencing the land to protect important grazing areas or sensitive habitat, and
- complete any additional obligations under the specific tenure agreement.

INDUSTRY BUSINESS NEEDS

Owing to its topography and climate, the province contains only a limited amount of arable land, most of which is now privately owned. As Crown lands with significant agricultural potential are now scarce, and owing to the Province's objective of being as nearly self sufficient as possible in food production, it is important that these remaining resources are used as efficiently as possible.

ISSUES AND CONFLICTS

The scarcity of arable Crown land is one of the primary factors creating conflict around the issuance of Agricultural Leases. As the readily accessible farmland is already taken up, new development is focused on fringe areas where remnants of some wildlife populations and habitat types are located and may be impacted. In addition, especially in the light of the exclusive land use granted by Agricultural Leases and the likelihood that these lands will become private, issues may arise regarding the potential erosion of the outdoor recreational land base.

RESOLUTION OPPORTUNITIES

Every effort is made to ensure that the likelihood of conflict is minimized before a lease is issued by attempting to consider local land use plans, the concerns of other resource agencies (both federal and provincial) as well as those of First Nations during the application review process. Applicants for agricultural leases can be required to advertise their proposals in a local or locally circulated newspaper and in the BC Gazette to ensure public input to the decision process. The five-year term of the lease provides some flexibility for ongoing discussion and conflict resolution before the land is sold outright.

Where it becomes clear that more than one qualified farmer is interested in a parcel under application, a limited auction may be held under which the property goes to the individual making the highest bonus bid.

FOR MORE INFORMATION

MAL Website: <http://www.al.gov.bc.ca/clad/index.html>

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Crown Grants**

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

OVERVIEW

Through a **Crown Grant**, the Crown can dispose of land by direct sale under Sections 11, and 48-58 of the *Land Act* and various sections of the *Land Title Act*. Disposition can be made in response to direct application or by public auction or other public offering processes.

Crown Grants generally cover land used for the core portions of major commercial or industrial developments, agriculture, or in the case of sponsored municipalities, regional districts and non-profit public service agencies for public facilities such as playing fields, parks, and water and sewage treatment plants.

Crown Grants generally are not made over aquatic land (foreshore or offshore) or over lands containing important sand and gravel resources that may be required over the long term by the Province of British Columbia.

ISSUING AGENCY

Ministry of Agriculture and Lands; as represented by the Integrated Land Management Bureau (ILMB)

SUMMARY OF RIGHTS AND OBLIGATIONS

Through a Crown Grant, the title to the land is transferred from the Crown to the grantee, who acquires the right to exclusive use of the land in perpetuity. Any timber growing on the land may be reserved to the Crown if it is in the public interest to do so.

A Crown Grant does not generally convey any right to minerals, coal, oil, natural gas or geothermal resources that may be found on or under the land. Other rights reserved to the Crown are:

- the right of the Crown to resume up to 1/20 of the land for construction of roads, bridges or other works,
- the right of the Crown or of any person acting under its authority to explore for or produce minerals, coal, natural gas, oil or any geothermal resource,
- the right of any person authorized by the Crown to use water or to convey water over or through the land, and
- the right of any person authorized by the Crown to take any gravel, sand or other materials that may be required to construct or repair a road, bridge or other public work.

INDUSTRY BUSINESS NEEDS

Crown grants best meet the demands of business or industry where:

- very significant expenditures must be made,
- long-term use of the land is necessary, and
- absolute exclusivity and flexibility of use is required.

The privileges offered by a *Land Act* lease may not be sufficient to meet the above mentioned needs of the client as they are bound up with long-term conditions and provisos. A Crown Grant of land provides the recipient with the maximum degree of both security and flexibility to use the land when and as required and to obtain financing or investment.

ISSUES AND CONFLICTS

The permanence of a Crown Grant means that unless all potential issues regarding the use of the land are addressed before the grant is issued; the Crown may be unable to correct them. Therefore, effort is made to ensure that issues are resolved and such conflicts do not arise. Examples of the sources of some potential conflicts are:

- the expansion of urban, semi-urban or recreational land use to or near the boundaries of the Crown Grant where the use to which the granted land is put is an incompatible one, and
- unforeseen or underestimated impacts on wildlife or wildlife habitat both near and within the Crown granted area.

RESOLUTION OPPORTUNITIES

Planning:

Before a Crown Grant is issued, ILMB generally considers whether the use proposed for the land is in keeping with local land use plans. In addition, the potential concerns of other resource agencies (both federal and provincial) as well as those of First Nations are carefully considered in the application review process. First Nations' interests are of particular significance when permanent alienation of the land is being considered. In addition, applicants for Crown Grants may be required to advertise their proposals in a local or locally circulated newspaper and in the BC Gazette to ensure public input to the decision process.

Operational:

Where the land is sold, the Crown relinquishes all rights in it except as noted above and as set out in legislation. It is for this reason that potential issues must be anticipated and resolved before completion of the grant.

FOR MORE INFORMATION

Program policy:

MAL Website: <http://www.al.gov.bc.ca/clad/index.html>

ILMB Website: <http://ilmbwww.gov.bc.ca/>

A Practical Guide to Effective Coordination of Resource Tenures
A Quick Reference Guide To
Natural Resource Tenures in Northeast BC

Forest Licence

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

TENURE OVERVIEW

Issued under authority of the *Forest Act* (Part 3, Division 2) for a term of up to 20 years; A forest licence is a *volume based* tenure, and may be replaceable for successive terms. There is also a non-replaceable version of the forest licence with a term that can also range up to 20 years although they are usually of a shorter duration. The holder of a forest licence is entitled to harvest a specified annual volume (allowable annual cut) of timber from within a timber supply area (TSA) or specified portion thereof. The volume under a forest licence may include all commercial timber species, or may be restricted to specified forest types (for example Aspen or small diameter pine). Multiple forest licences may be issued within the same TSA. The holder of a forest licence is normally required to carry out multiple-year planning, construct and maintain access, harvest and reforest. Forest license holders are expected to play a stewardship role, including consultation with other forest users during planning, reasonable accommodation of other interests, and compliance with the *Forest and Range Practices Act (FRPA)* requirements. A forest licence does not, in itself, authorize harvesting, first the license holder must prepare harvesting plans satisfactory to the district manager and then apply for and receive a cutting authority (cutting permit).

ISSUING AGENCY

Ministry of Forests and Range (MFR) - The Minister invites applications and selects a successful applicant; the Regional Manager enters into a licence; the District Manager approves applicable FRPA harvesting plans and issues cutting permits.

SUMMARY OF RIGHTS AND OBLIGATIONS

Forest Licence holders have the rights to a specified annual volume of the timber resource within a management unit (i.e. TSA). The licensee is responsible for conducting development planning, building and maintaining operational logging roads, replanting, and certain aspects of protecting the forest from fire and pests – all in compliance with established forest practices standards. Forest licences pay stumpage to the Crown for timber harvested. Before the licence holder harvests timber or constructs a road on land to which the forest licence applies the holder must prepare, and obtain approval of, a forest stewardship plan that includes a forest development unit that entirely contains the area on which the timber is to be harvested, and the roads are to be constructed. For convenience, licensees are normally allocated a particular operating area, however they do not have exclusive rights within that area, and operating areas may change or overlap. It is not uncommon for timber sales, woodlots, pulpwood agreements or other timber tenures to be issued over forest license operating area. Forest Licence holders, as they prepare plans, are expected to consult with others who hold tenures or have expressed an interest in the area, and may be expected to notify other users before commencing operations. Construction or operation of a manufacturing plant may be a condition of the licence.

Interpretation: Forest Licence holders do not have exclusive rights to the use of the land in the operating area. A licensee cannot prevent public access for recreation, and cannot prevent other licensed resource users (forestry, range, mineral, petroleum, commercial recreation, water, trapping, guiding) from legitimate use of the area.

INDUSTRY BUSINESS NEEDS

Access to a certain volume of timber each year; flexibility to cut more or less volume over 5 year cut control period (or licence term) based on markets; access to a mix of “seasonal” operating areas (winter/summer); ability to construct roads in advance, sufficient areas approved to allow flexibility of operations; access to timber species and size required for the designated manufacturing plant (where designated).

ISSUES AND CONFLICTS

- Roads and timber harvesting can significantly alter the characteristics of a landscape, especially if it has not previously been developed. This can lead to conflicts with wilderness use, tourism, or other forest interests.
- Other overlapping forestry tenures; objections to cutting due to impact on non-timber resource values, delayed approvals due to consultation with First Nations or other resource interests.
- Minor conflicts cause delays, opportunity costs and inefficiency, but do not necessarily prevent licence holders from harvesting their allowable annual cut, due to the TSA – wide nature of the license. In cases, however, where the license is restricted to a smaller area or cumulative delays are experienced, volume harvested may be impacted.
- Road use conflicts sometimes occur where heavy “off-road” hauling occurs, or where several industrial and public users must share maintenance responsibilities.

RESOLUTION OPPORTUNITIES

Planning

The decision to allow harvesting of timber as a land use is often contained in higher-level plans (formally approved or not) that are open to public input.

Operational

Licensees prepare management plans and apply to the MFR for cutting authority before road building and logging activities are undertaken. Individuals with a concern or interest can ask the licensee or the MFR to see the most recent plan, and to have potential input to future plans. The licensee may be expected to notify other users before commencing certain activities.

The *Forest Act* and *Forest and Range Practices Act* provide for appeals and review of certain decisions. The Forest Practices Board may investigate complaints.

Other tenure holders who have an overlapping interest are expected to undertake reasonable and respectful consultation with the forest license holder before undertaking activities (grazing, mineral, petroleum, commercial recreation, water, trapping, guiding).

FOR MORE INFORMATION

Ministry of Forests and Range, PO Box 9525, Stn. Prov. Govt. Victoria, BC, V8W 9C3
Resource Tenures and Engineering Branch
Link: www.for.gov.bc.ca/hth/

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Gravel Reserves**

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

OVERVIEW

Gravel Reserves may be established under Section 15 of the *Land Act* to withhold Crown land that contains gravel, sand or other aggregate resources critical to the construction and maintenance of the province's highways from lease or sale to the public.

Usually the reserve is held in favour of the Ministry of Transportation. Like other types of Map Reserve, Gravel Reserves are usually established for periods of five years and are replaced upon their expiration as long as the Ministry of Transportation indicates that the resources they contain are still required. Unlike most other types of Map Reserve, Gravel Reserves permit active exploitation of the resources on the land.

ISSUING AGENCY

Ministry of Agriculture and Lands (MAL): as represented by the Integrated Land Management Bureau (ILMB)

SUMMARY OF RIGHTS AND OBLIGATIONS

- The establishment of a Gravel Reserve allows the Ministry of Transportation to carry out all of the activities associated with the production and transportation of aggregate resources for use on public roads.
- Production of gravel for sale or use on private lands is generally not permitted.
- The Ministry of Transportation takes on the responsibility for ensuring that its activities do not impact the adjacent environment or neighbouring property owners.
- Through a joint agreement with the Ministry of Energy and Mines and Petroleum Resources, the Ministry of Transportation also becomes responsible for ensuring that the appropriate operation and safety standards are followed.
- When the site is no longer needed, the land will be reclaimed to a state compatible with any subsequent use to which it is considered best suited.

INDUSTRY BUSINESS NEEDS

There is an ongoing need for gravel and other aggregate in British Columbia for highway construction and maintenance, and for other forms of construction. While the province's gravel resources are extensive, most of them lie on Crown land, which makes up approximately 90 percent of the province's total area. By establishing Gravel Reserves, the Province ensures that there will be a continuous supply of gravel to meet the Province's needs over the long term.

As Gravel Reserves cover only a portion of the total gravel resources on Crown land, their establishment also ensures that there will be an ongoing availability of gravel to private operators.

ISSUES AND CONFLICTS

All phases of gravel production involve intensive activity including felling trees on a pit site, excavating and refining aggregate resources, and transporting them, often over local roads. As a result, the potential for issues to arise over the active exploitation of a gravel reserve are high, both for new reserves and those that have lain dormant for considerable periods of time. Issues of particular concern include:

- potential impacts of gravel removal on the water supply for adjacent properties,
- noise and traffic concerns where the reserve lies near or adjacent to settled or livestock farming areas, and
- Impacts on wildlife habitat and use patterns.

RESOLUTION OPPORTUNITIES

Planning

- There is an attempt to ensure that the use is compatible with both local government zoning and neighbouring land uses.
- The potential concerns of other government resource agencies and First Nations are also carefully considered in the establishment of new Gravel Reserves.
- The Ministry of Transportation is requested to advertise its proposal to ensure that public input is received.
- It may be necessary, in the public interest, to establish Gravel Reserves on specific sites despite the objection of nearby residents or land users. Care is exercised to ensure that any impacts of the operation, whether real or perceived, are minimized.

Operational

- The reserve holder takes on the responsibility for ensuring that any conflicts arising from the use of the site are minimized.

FOR MORE INFORMATION

MAL Website: <http://www.al.gov.bc.ca/clad/index.html>

ILMB Website: <http://ilmbwww.gov.bc.ca/>

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Grazing Permit**

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

TENURE OVERVIEW

A Grazing Licence or Grazing Permit is issued under the *Range Act* to an individual or corporation wishing to graze livestock on Crown land. The Licence or Permit applies to a prescribed area that may cover several thousand hectares of forest and range land. Licences are issued for ten years and Permits for up to a five year term. Licences are usually replaceable upon expiry. If it is determined sufficient forage will not be available in 20 years, a non-replaceable licence will be issued which will expire after the second 10 year term. Grazing permits can only be replaced twice. The document will specify a number of animal unit months (AUM) authorized by tenure, and may contain conditions requiring management plans and controlling dates for use, animal control and environmental protection. Often a Permit or License is issued appurtenant to a lease or fee simple land to enhance the range capacity of the operation. These tenures do not convey exclusive use, as other grazing may be authorized on the same area if the capacity allows, and non-range uses are not excluded. Although most common as a supplement to the forage requirements of the ranching industry, in northeast BC the guide outfitting industry also relies on grazing licences and permits to feed horses.

ISSUING AGENCY

Ministry of Forests and Range, District Manager

SUMMARY OF RIGHTS AND OBLIGATIONS

A Grazing Licence entitles holder to specified animal unit months (AUM) in a stated area over ten years. A Grazing Permit entitles the license holder to specified animal unit months in a stated area over five years. The tenure holder is required to prepare a Range Use Plan or Range Stewardship Plan for approval, specifying how the conditions of the tenure will be met. There is an expectation that where other range use is authorized for the same area, a coordinated approach will be developed through Range Use/Stewardship Plans in order to satisfy the interests of all licensed range users. Range and other industrial users are expected to consult to mitigate potential conflicts.

Existence of a licence or permit under the *Range Act* does not prevent the government from using or from granting to others the use of the land to which the licence or permit applies for a purpose other than grazing or hay production that the district manager considers is compatible with grazing or hay production.

These tenures are not the same as a Grazing Lease, Hay Cutting Licence or Hay Cutting Permit, which must be applied for separately.

INDUSTRY BUSINESS NEEDS

Needs may vary, especially between ranchers grazing cattle and guide outfitters grazing horses. Generally licensees require the ability to move stock over an area which is sufficient to feed them. Accordingly, they want to reduce impediments to accessing grazing areas and ensure that sufficient grass is available. They also want to manage grazing lands so that they minimize the risk that cattle will get lost, hurt or poached.

- Access to forage and water
- Ability to manage the herd with relatively little effort, including salt locations
- Protection from poaching and stress on animals from predators, people (ATV's etc)
- Disease free herd
- Manage for healthy rangelands since they provide more productive forage
- A long enough season on the range so that the combination of home pasture, winter feed and summer range give good a good level of fertility and weight gain.
- Some lifestyle interests

ISSUES AND CONFLICTS

Forest or petroleum development roads can be damaging or beneficial to range use. The user may benefit by having improved access to manage the herd, but roads can change the distribution of animals, create control problems and introduce the risk of injury or poaching. Logging may also be beneficial or problematic for range users. Removing natural barriers such as thick forest can make animal management difficult and require additional fencing, while road right-of-ways, landings and cut blocks can produce good forage and salting locations. This sometimes leads to conflict when grazing animals trample or browse regenerating trees. (Properly managed, grazing animals, especially sheep, can be used to enhance reforestation objectives). Herbicides use on plantations must be carefully timed and coordinated to prevent conflicts with grazing use. Conflicts amongst range users may occur due to differing management objectives or lack of coordination. Hunters and recreation users (especially motorized) can damage range and put animals at risk through injury or stress.

RESOLUTION OPPORTUNITIES

Resolution of conflicts is best accomplished through good planning, coordination and good will of the various users. Planning of uses, scheduling and mitigation measures can all be addressed through advance planning. On-going communications during active operations and use will prevent most problems from becoming significant as long as all users recognize the other's right to use the area, and appreciate their business needs. A willingness to be flexible, such as obstacle planting, seeding and effective animal management can benefit all parties. Decisions of a forest officer may be reviewed or appealed.

FOR MORE INFORMATION

Ministry of Forests and Range (MFR): www.for.gov.bc.ca/hra/contact.htm

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Guide Outfitters Certificate**

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

TENURE OVERVIEW

Issued under the *Wildlife Act*, a Guide Outfitter Licence authorizes the holder to commercially guide persons to hunt for game. A Guide Outfitter Licence conveys exclusive rights for a designated area (does not overlap with another Guide Outfitter Licence). Normally the designated area of the licence is large, covering several drainages. It is common for other recreational activities and industrial activities to occur within the area covered by a licence. This may include roads and highways, recreation sites, logging, mining, trapping, petroleum development and other activities. Frequently the Licensed Guide Outfitter will obtain permits to establish lodges, airstrips, corrals, and other structures, and to graze livestock. Guide Outfitter operations are sometimes conducted in conjunction with commercial recreation activities (outdoor photography, snowmobiling, etc.) In northeast BC the Guide Outfitter Tenures cover exceptionally large areas in some circumstances and incorporate large tracts of undeveloped wilderness.

ISSUING AGENCY

Ministry of Environment, Regional Wildlife Manager

SUMMARY OF RIGHTS AND OBLIGATIONS

A Guide Outfitters License authorizes the holder to guide persons to hunt all species of game; restrictions of certain species may be specified in an area described by the licence. The Guide Outfitter may employ licensed assistant guides, but the Outfitter must be present in the guide area during substantially all times when the assistant guide is guiding for game. The License provides for issuance of a Guide Outfitters Certificate which grants the privilege of acting as a guide, and exclusive guiding privileges for up to 10 years – renewable after five years. The Act specifies that the certificate does not give proprietary rights to wildlife or restrict the rights of resident hunters. A Guide Outfitters License may include area in a park under a Park Use Permit. The license can be cancelled or suspended for non use. An applicant for a guide outfitter licence must satisfy a regional manager that he or she possesses a working knowledge of this Act and the regulations.

The Guide Outfitter License does not authorize permanent occupation of any part of the license area, nor clearing of land, grazing of livestock, construction of airstrips, trails or buildings. All these activities require approval under various other tenures. A guide outfitter's certificate is part of the estate of the guide outfitter and, subject to the approval of the regional manager, the heirs or administrators of a deceased guide outfitter may transfer, within 2 years after the guide outfitter's death, the privileges conferred by the certificate to a person who qualifies under section 51 of the Act for a guide outfitter licence.

INDUSTRY BUSINESS NEEDS

The industry has an interest in maintaining habitat for the game species hunted; in maintaining the infrastructure (trails, camps, airstrips etc.) intact and in a condition suited to the character marketed for the business; in maintaining the value of the wilderness experience that is marketed with the hunting experience, including access and perceptions of remoteness and seasonal interests related to the immediate wilderness experience (noise, over-flights, etc.); return on investments made to purchase the business (good will), establish lodges and infrastructure, purchase equipment and market. The industry needs to maintain a stable, available and qualified work force and to retain an ability to locate sufficient animals of the right species, gender and size in reasonable time to maintain a high successful hunt record.

ISSUES AND CONFLICTS

The Guide Outfitting Industry combines an important commercial undertaking with a unique lifestyle. Although adaptable over time, in circumstances where the industry's market is based primarily on the existence of true wilderness, petroleum exploration and development, commercial forestry and other commercial recreation activities may seriously disrupt and devalue the business. In some cases it is the timing of industrial activities that conflicts with the guides and their clients while hunting.

Road access can increase hunting pressure from resident (non-guided) hunters, disperse animals and make disrupt their normal habits, introduce noise and evidence of development incompatible with the wilderness experience being marketed. Aircraft access, if frequent, can have similar impacts.

RESOLUTION OPPORTUNITIES

- improved planning of activities (spatial and temporal)
- improving the standards and adherence to giving notice
- voluntary mitigation in lieu of notice
- improved communication
- more "soft footprint" techniques by industry

Potential: development of a notification/compensation program similar to trappers including arbitration program Annual meetings between industry, GOABC and government to discuss and resolve issues.

FOR MORE INFORMATION

Wildlife Act site updated November 05, 2001

http://www.qp.gov.bc.ca/statreg/stat/W/96488_01.htm

Guide Outfitters Association of BC (GOABC)

<http://www.goabc.org/>

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Leases**

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

OVERVIEW

Leases are issued under Sections 11 and 38 of the *Land Act* to persons in response to direct application or by limited public offering where:

- substantial improvements and/or investment must be made on the land or major permanent facilities must be constructed and operated, and/or
- specific boundaries for an activity must be defined to minimize potential conflicts with other activities or resource values.

Land uses authorized by lease include a wide variety of residential/recreational, commercial and industrial activities as well as agriculture and similar pursuits.

Leases vary in size (within limits) to reflect the needs and proposed use of the applicant. The normal term for a lease is a maximum of 30 years.

Replacement of a lease on or before its expiration is normally possible provided that the lease area is being diligently used.

ISSUING AGENCY

Ministry of Agriculture and Lands: as represented by the Integrated Land Management Bureau (ILMB)

SUMMARY OF RIGHTS AND OBLIGATIONS

A lease over Crown land gives the tenure holder the **exclusive right** to use a parcel of Crown land for the **specific purpose** outlined in the lease document. Leases can be:

- registered against the title of the land,
- mortgaged with prior approval of the Province, or
- assigned to a third party by sale, sub-lease or other arrangement with the prior approval of the Province.

As conditions of lease issuance, the lessee normally must:

- carry out a legal survey of the parcel if it has not already been surveyed,
- pay rental to the Crown: owing to the security of tenure offered, lease rental is greater than that of a Licence of Occupation over the same property,
- indemnify the Crown against any damage or legal action that might result from the activities on the land,
- make diligent use of the land for the purpose(s) for which the lease was issued,
- ensure that the land and the improvements placed on it are maintained and/or operated in a safe and environmentally appropriate manner and that the site is returned as nearly as possible to its natural condition upon expiry of the lease,
- comply with all applicable federal, provincial and local laws, bylaws and regulations, and
- complete any additional obligations under the specific tenure agreement.

The rights and obligations of both the lessee and the Province are detailed in the lease document.

INDUSTRY BUSINESS NEEDS

Leases over Crown land offer long-term security to the lessee as they provide exclusive use of a clearly defined parcel for a fixed period of time. This security, as well as the fact that a lease can be mortgaged, enables the lessee to obtain financing for a proposed activity that might not otherwise be available. In addition, the fixed lease term, together with provisions for replacement of the lease for a further term on or before its expiration, allows the lessee to make and implement long-term plans for the lessee's operation, increasing its efficiency and profitability.

These considerations make Crown leases particularly attractive to commercial and/or industrial enterprises wishing to use land over the medium term but who do not require outright ownership of the land.

ISSUES AND CONFLICTS

The purpose for which a lease is issued and its long fixed term may lead to resource and/or social conflicts not foreseen at the time the lease was issued if the following conditions arise:

- the expansion of urban or recreational land use into areas immediately adjacent to the lease area,
- unforeseen or underestimated impacts to wildlife and wildlife habitat both within and adjacent to the leased area, and/or
- the development of major projects which are in the public interest and which impact the area of the lease.

RESOLUTION OPPORTUNITIES

Every effort is made to ensure that the likelihood of conflict is minimized before a lease is issued by attempting to consider local land use plans, the concerns of other resource agencies (both federal and provincial) as well as those of First Nations during the application review process.

Applicants for Crown land leases can be required to advertise their proposals in a local or locally circulated newspaper and in the BC Gazette to ensure public input to the decision process.

Where concerns do arise, ILMB, while recognizing the legal rights of the lessee to uninterrupted and undisturbed use of the land, will attempt to find a resolution by encouraging discussion between the lessee and the complainant.

Improper use of the leased land can cause the lease to be amended or cancelled. Significant changes in the use of a lease are normally only approved after receiving input from those individuals and agencies potentially affected.

FOR MORE INFORMATION

Program policy:

MAL Website: <http://www.al.gov.bc.ca/clad/index.html>

ILMB Website: <http://ilmbwww.gov.bc.ca/>

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Licence of Occupation**

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

OVERVIEW

A **Licence of Occupation** is issued to authorize the short-term use of Crown land or foreshore under Sections 11 and 39 of the *Land Act* where:

- only relatively minor improvements or investment must be made on the land,
- it is not necessary to define specific boundaries for an activity,
- the land applied for is located in a remote or little settled area, and/or
- the Crown wishes to retain the ability to layer tenures as appropriate.

The maximum area over which a Licence of Occupation may be issued is normally 520 hectares, although the area approved is generally restricted to reflect the expressed needs of the applicant. The maximum term for a Licence of Occupation is usually ten years. Under special circumstances, this may be extended to 30 years. Where the need to occupy the land continues beyond the term of the licence, the licence can be replaced at or before its expiry.

Land uses normally authorized by licences of occupation include a variety of commercial and industrial activities as well as recreational cottage occupation. Short term licences of occupation can also be issued to authorize survey or construction on areas that will later be converted to a Statutory Right of Way.

ISSUING AGENCY

Ministry of Agriculture and Lands: as represented by the Integrated Land Management Bureau (ILMB)

SUMMARY OF RIGHTS AND OBLIGATIONS

A Licence of Occupation provides the holder with rights to place **improvements** on the land (depending on the terms of the authorization). It does not convey exclusive use of the land itself. The licence does not require a legal survey. It cannot be registered against the title of the land nor can it be mortgaged; however, it may be assigned to a third party by sale or other arrangement with the approval of the Province.

As conditions of the issuance of the Licence of Occupation, the holder generally must:

- pay rental to the Crown,
- indemnify the Crown against any damage or legal action that might result from the activities on the land,
- make diligent use of the land for the purpose(s) for which the licence was issued,
- ensure that the land and the improvements placed on it are maintained and/or operated in a safe and environmentally appropriate manner and that the site is returned as nearly as possible to its natural condition upon expiry of the licence,
- comply with all applicable federal, provincial and local laws, bylaws and regulations, and
- complete any additional obligations under the specific tenure agreement.

INDUSTRY BUSINESS NEEDS

Some activities require access to Crown land where long-term security and/or clearly defined boundaries are not required. A commercial or industrial client may wish to purchase or obtain a lease over the core portion of their operation but licence the less critical or less extensively used portions of the operation with a considerable saving in expenditure.

As issuing a Licence of Occupation over Crown land permits the Province to maintain greater control over the land than would be possible under a lease, it may allow an industrial applicant to access land over which a leasehold tenure would not be in the best interests of the public.

ISSUES AND CONFLICTS

While the **non-exclusive use** of Crown land granted by a Licence of Occupation reduces conflict over land use, conflict may still occur where the proposed land use is perceived as being incompatible with neighbouring uses. Often this occurs in urban or semi-urban areas where there is sometimes a lack of agreement between residents as to what constitutes appropriate land use. Issues may also arise where the licenced use has impacts on the human or natural environment that were unforeseen or underestimated at the time of its issuance.

RESOLUTION OPPORTUNITIES

Every effort is made to ensure that the likelihood of conflict is minimized before a Licence of Occupation is issued through consulting with local governments, and by considering local land use plans, the concerns of other resource agencies (both federal and provincial), as well as those of First Nations during the application review process. In addition, applicants for licences of occupation may be required to advertise their proposed use of Crown land in both a local newspaper and the BC Gazette to ensure public input to the decision process. Where concerns do arise, ILMB will attempt to resolve them through encouraging discussion between the licence holder and the complainant.

Significant changes in the use of a Licence of Occupation that might be sources of conflict are usually only approved after ILMB receives input from those individuals or agencies that would be potentially affected.

FOR MORE INFORMATION

Program policy:

MAL Website: <http://www.al.gov.bc.ca/clad/index.html>

ILMB Website: <http://ilmbwww.gov.bc.ca/>

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Licence to Cut**

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

TENURE OVERVIEW

A License to Cut is issued under the *Forest Act*. This licence is a short-term tenure that authorizes the cutting and removing of relatively small volumes of timber from Crown Land. This tenure has evolved over the years and now used for the harvesting of timber for a variety of purposes.

Currently there are 3 main forms of Licence to Cut: These include:

1. Forestry Licence to Cut (FLTC)

An FLTC can be used for small scale salvage; removing decked timber; research purposes community wildfire interface; pulpwood agreements and First Nations direct award. The FLTC is issued by the District Manager. A number of FLTC purposes are specified under Section 47.6 of the Forest Act with others being established under the Forestry Licence to Cut Regulation.

2. Master Licence to Cut (MLTC)

The MLTC is used for the harvesting of timber associated with operations under the oil and gas industry. MLTC and the cutting permits are issued by the Oil and Gas Commission.

3. Occupant Licence to Cut (OLTC).

An occupant licence to cut is issued where the holder either owns the land or has the right to occupy the land, but does not have the rights to the timber existing on the land.

ISSUING AGENCY

Ministry of Forests and Range (MFR), District Manager & The Oil & Gas Commission for MLTC.

SUMMARY OF RIGHTS AND OBLIGATIONS

A FLTC authorizes the holder to cut/remove timber within a specified area and may specify a maximum volume. Depending upon the situation, the holder will have the right to just cut and deck the timber or cut and remove the timber. The licence holder must comply with the terms of the licence, and with all associated Acts and Regulations, and must pay stumpage.

The requirements for the content of an OLTC and the MLTC are found in section 47.5 of the Forest Act and the content requirements of the forestry licence to cut are found under section 47.7.

The licensee may be required to consult with other interests before commencing operations, and in all cases is encouraged to consult for the purpose of avoiding potential conflicts.

INDUSTRY BUSINESS NEEDS

- Ability to remove timber in order to conduct other operations (OLTC; MLTC).
- Timber Salvage and risk reduction (Hydro lines, community wildfire interface)
- Research
- Harvesting under pulpwood agreement.
- First Nations direct award.

ISSUES AND CONFLICTS

Conflicts may arise where it is perceived by other land users or the public that timber removal is inconsistent with the land use objectives. Since the issuance of a Licence to Cut is an independent statutory decision, it may be challenged and thereby delay or prevent development.

RESOLUTION OPPORTUNITIES

- Advance planning and consultation.
- Scheduling to accommodate other users.

FOR MORE INFORMATION

Ministry Templates for Licence Documents (samples licences):

<http://gww.for.gov.bc.ca/hth/timten/templates/MoF%20Templates%20review%20Page%202.htm>

Ministry Small Scale Salvage website:

<http://www.for.gov.bc.ca/hth/timten/small-scale-salvage.htm>

Additional Information:

A MLTC is designed specifically for geophysical exploration and petroleum drilling and development under the *Petroleum and Natural Gas Act* and the *Pipeline Act* is issued by the Oil & Gas Commission. The intent of the master agreement is to simplify and reduce the administrative workload associated with the petroleum industry's operations in the Fort Nelson, Dawson Creek and Fort St. John Forest Districts. The agreements can cover up to an entire forest district and contain general terms and conditions consistent with the *Forest Act* and the *Forest and Range Practices Act*.

A Forestry Licence to Cut issues the right to harvest and/or remove timber from specified areas to meet different purposes, such as small scale salvage, scientific purposes, forest health, and small commercial purposes (firewood, fence posts).

The Crown's obligations with respect to First Nations consultation must be met prior to issuing a Forestry Licence to Cut.

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Master Licence to Cut**

NOTICE

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TENURE OVERVIEW

A License to Cut is issued under the *Forest Act* and authorizes a company or an individual to cut and deck/remove timber from land that they occupy or own, where they otherwise do not have the right to harvest Crown timber. On “Dominion Patent” lands the timber rights are not included in the transfer of property rights from the Crown. The district manager may enter into an agreement in the form of a Licence to Cut when she/he has determined that the proposed development is in accordance with section 51 of the Forest Act. This licence can include terms to ensure compliance with both the Forest Act and the forest practices standards. Consultation with local First Nations groups may be required as part of the review process for a licence to cut application. Stumpage is payable on timber cut under a Licence to Cut.

ISSUING AGENCY

Ministry of Forests and Range (MFR), District Manager, & Oil & Gas Commission for oil and gas activities and pipelines

SUMMARY OF RIGHTS AND OBLIGATIONS

A Licence to Cut authorizes the harvest of timber within a specified area, under prescribed conditions. The holder has the right to cut, deck, transport (subject to timber marking requirements), and dispose of timber. The license holder must comply with the terms of the license, and with all associated acts and regulations, and must pay stumpage. The licensee may be required to consult with other interests before commencing operations, and in all cases is encouraged to consult for the purpose of avoiding potential conflicts.

Interpretation: A Licence to Cut enables removal of timber from lands that are to be used for a purpose other than timber production. Most other non-forestry tenures convey a right to the land but specifically exclude a right to the timber. This licence conveys no special rights, other than to legally remove the timber in order to carry out other work.

INDUSTRY BUSINESS NEEDS

- Ability to remove timber in order to conduct other operations.
- Operator and public safety during operations

ISSUES AND CONFLICTS

Conflicts may arise where it is perceived by other land users or the public that timber removal is inconsistent with the land use objectives. Generally the Licence to Cut is a secondary tenure, and any conflict occurs when the primary tenure is issued. Since the issuance of a Licence to Cut is an independent statutory decision, it may be challenged and thereby delay or prevent development.

RESOLUTION OPPORTUNITIES

- Advance planning and consultation.
- Scheduling to accommodate other users.
- Determination may be appealed

FOR MORE INFORMATION

Example of Guide to Licence to Cut

<http://www.for.gov.bc.ca/hth/>

Master Licence to Cut information

<http://www.ogc.gov.bc.ca/documents/informationletters/emd-il/EMD98-03.htm>

Additional Information

A "Master Licence to Cut" agreement, which is designed specifically for geophysical exploration and petroleum drilling and development under the *Petroleum and Natural Gas Act* and the *Pipeline Act*, can be issued by the Oil & Gas Commission. The intent of the master agreement is to reduce administrative workload associated with the petroleum industry's operations in the Fort Nelson, Dawson Creek and Fort St. John Forest Districts. The agreements can cover an entire forest district and contain general terms and conditions consistent with the applicable forest legislation.

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Mineral Claim**

Note: (Not updated in 2008)

NOTICE

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TENURE OVERVIEW

Under the *Mineral Tenure Act*, mineral claims are acquired by “staking” the land under a claim, and are the most common form of title to minerals. A claim provides certainty of access for one year, and is renewable provided maintenance requirements are met. A claim conveys a chattel interest in minerals vertically downward from the claim and the right to undertake necessary surface activities, subject to issuance of the appropriate permits under the *Forest Act* and *Park Act*, where applicable. Only one mineral claim can exist over a location at one time, however a placer claim or placer lease may exist over the same area as a mineral claim. The amount of mineral that can be produced from a claim is limited, and title holders who wish to exceed the production limit must convert their claim to a lease.

ISSUING AGENCY: Ministry of Energy and Mines (Ministry of Forests, District Manager for Free Use Permit)

SUMMARY OF RIGHTS AND OBLIGATIONS

A person who is the holder of a *Free Miner Certificate* may enter upon all “mineral lands” in order to locate a claim, explore for, develop and produce minerals. “Mineral lands” are defined in Section 1 of the Act as those lands where the mineral rights are reserved to the government. In addition to public lands, the right to the minerals on almost all privately-owned land is reserved to the government. Therefore, most private land is deemed to be “mineral land” and is available under the terms of section 11(1) of the Act. There are notification and compensation expectations for entry on private lands, and the operations of the mineral claim must not obstruct the use of the private lands.

Depending on the surface activity requirements the holder of a Mineral Claim may apply for a Special Use Permit (SUP), Free Use Permit (FUP), or a License to Cut. The latter is required for the removal of timber and may be subject to stumpage fees. The holder of a mineral claim should check with the District Manager, Ministry of Forests to confirm the correct permit is issued for the circumstances.

Interpretation: It is intended that reasonable access will be available for exploration on all “mineral lands” in the province, including on lands where the surface land is private or a park. It is also intended that activities and disturbance on lands recognize the needs and interests of the owners and the Crown, including compliance with standards of forest and environmental protection and public safety.

INDUSTRY BUSINESS NEEDS

- Access to the land for purposes of prospecting, staking and maintaining a claim.
- Ability to construct a trail or temporary access road to the claim.
- Ability to remove timber, surface vegetation, and to excavate on the claim area.
- Access during a season suited to the work planned.

ISSUES AND CONFLICTS

Conflicts most often arise when a land owner does not fully understand the difference between surface and sub-surface rights, and objects to entry onto the land. Another cause of conflict occurs when the free miner fails to properly inform the land owner, or does so in a manner objectionable to the land owner.

On Crown lands, conflicts may occur where surface activities, including access, are inconsistent with objectives for forestry, tourism and recreation, wildlife management or environmental protection, or conflict with a placer claim or lease.

RESOLUTION OPPORTUNITIES

Communication: while a free miner or recorded holder of a mineral title is not legally obligated to consult and inform a surface owner or tenure holder of their plans, it is recommended that they do so as a matter of good business conduct.

The Mineral Tenure Act and the Mining Right of Way Act both provide for either of the applicants in a dispute between a property owner and a mineral title holder to apply to the local Gold Commissioner to intervene and attempt to settle the issue. The role of the Gold Commissioner is one of consultation and of attempting to have both parties settle the matter in a business-like fashion by applying reasonable judgement and impartiality. While the Gold Commissioner's recommendation is not binding on the parties, his or her involvement in the dispute is required before it can be referred to the Mediation and Arbitration Board (section 19(4), Mineral Tenure Act), and cases exist where the Board has endorsed the recommendation of the Gold Commissioner and made it a binding order.

FOR MORE INFORMATION

Reference material is available at any Mineral Titles Branch or Government Agent office on the various methods of claim and lease acquisition. A publication entitled A Guide to Surface and Subsurface Rights and Responsibilities in British Columbia is available. This guide deals with the rights and responsibilities of the land owner and the subsurface mineral title holder where this subsurface right is granted by a mineral or placer claim or lease.

<http://www.em.gov.bc.ca/mining/Titles/InfoLetters/info-15.htm>

Mineral Tenure Act Forms: <http://www.em.gov.bc.ca/mining/titles/forms/default.htm>

Legislation: <http://www.em.gov.bc.ca/Links/legislat.htm>

Mineral Exploration (MX) Code: <http://www.em.gov.bc.ca/Mining/Healsafe/mineereg.htm>

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Oil/Gas Exploration/Licence/Lease Permit**

Note: (Not updated in 2008)

NOTICE

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TENURE OVERVIEW

Issued under the *Petroleum and Natural Gas Act*, an exploration permit or licence grants exclusive rights to explore and test drill for petroleum and natural gas in a specified area. Although the permits and licences contain overarching rights and obligations to conduct exploratory or development work, specific approval to carry out the on-ground activities such as a geophysical survey or drilling a well, must be authorised by the Oil and Gas Commission (OGC). Petroleum and natural gas permits and licences convey the right to explore but not to produce. Upon successful completion of exploration, permits and licences may be converted to leases for production. Leases are issued under Part 6 of the *Petroleum and Natural Gas Act*. A lease is the only form of tenure that grants a right to produce petroleum and natural gas.

ISSUING AGENCY

Ministry of Energy and Mines issues Permits, Licences and Leases
Oil and Gas Commission issues approval for on-ground surface activities

SUMMARY OF RIGHTS AND OBLIGATIONS

The right to explore for petroleum and natural gas and the right to apply to the OGC for approval to drill wells; This right includes surface access on land. A lease conveys the rights to produce.

Interpretation: The permit or licence is an overarching authority for exploration and provides for an opportunity to acquire a lease to produce petroleum. The tenure does not convey exclusive ownership. Entering onto Crown land to conduct geophysical exploration on petroleum and natural gas permits, licences or leases may be considered a “right”, however the owner of private land may refuse access for geophysical exploration without recourse.

INDUSTRY BUSINESS NEEDS

The industry needs access to surface lands in order to conduct geophysical work and drilling. Although the possibility of hydrocarbon resources exists in several areas throughout the province, seismic exploration is required to determine if there is sufficient evidence to test drill. Ground access (roads) are normally required for drilling and production, however water or air access may be used in special circumstances if safety and economic conditions can be met. Most drilling is done in winter when access can be achieved more cost effectively and with less environmental impact. When a successful well is drilled it is necessary to connect it to the collection system by constructing a pipeline. The short season for access and drilling and the high costs associated results in short timelines for approval of on-ground work.

ISSUES AND CONFLICTS

Competing interests may exist on the surface or for sub-surface resources. Most conflicts occur as a result of surface access and development, and may be at any phase of exploration or development. The protocols for access to private land are well established and normally involve access.

Forestry: Exploration and development for petroleum can result in a significant area of forest clearing. Conflicts may occur where this clearing is inconsistent with sustainable forest management plans. Roads and pipelines can reduce the timber growing area. Conflicts sometimes occur with road use and damage to plantations.

Wildlife: Exploration and development activities may remove or fragment wildlife habitat, or may disturb animals, causing changes to behaviour and distribution, potentially threatening fragile populations. Activity may also disrupt hunting the experience or destroy traps. Wildlife dependant industries such as fur trapping and guiding can be negatively affected.

Range: Development, particularly roads may take land out of production or cause changes to range use patterns.

Wilderness and Tourism: As development moves into the foothill and mountain areas there is increasing concern for the impact on identified wilderness qualities and visual quality.

Archaeological: Development can affect or destroy archaeological sites.

RESOLUTION OPPORTUNITIES

Planning: The Ministry of Energy and Mines has a petroleum and natural gas tenure review process for all petroleum and natural gas posting requests. Participants involved in this process include other government ministries, local governments, First Nations and environmental organizations. This review process provides for early identification of access constraints and potential land use conflicts. The restrictions and issues identified by reviewers may be included as caveats in the "Notice of Public Tender" or, in some cases, may lead to deferral of posting requests to allow for resolution of land use issues. Within the Muskwa Kechika Management Area a pre-tenure planning process is required to identify and prevent potential conflicts.

Access to private land: Where an agreement cannot be reached, the company may apply to the Mediation and Arbitration Board for a Right-of-Entry Order under section 16 of the PNG Act. A hearing will be held to attempt to mediate an agreement between the parties. If that fails, a Right-of-Entry Order may be issued allowing the company entry in return for compensation to the landowner for loss or damage caused. A company must obtain either a Surface Lease or Right-of-Entry Order, to be filed with the Registrar of Land Titles, before entering onto private land.

Within the Muskwa Kechika Management Area a pre-tenure planning process is required to identify and prevent potential conflicts.

FOR MORE INFORMATION

Ministry of Energy and Mines, PO Box 9319 Stn. Prov. Govt., 1810 Blanshard St. Victoria, BC, V8W 9N3. Phone (250) 952-0227 MEM contact list site: <http://www.em.gov.bc.ca/WhoWeAre/contactlist.htm#BPetLan>

Oil and Gas Commission, 200, 10003 – 110 Avenue, Fort St. John BC,

V1V 6M7 Phone: (250) 261-5700

www.ogc.gov.bc.ca

<http://www.ogc.gov.bc.ca/documents/forms/applications/AssignmentSurfaceRightsTenures.doc>

<http://srmwww.gov.bc.ca/arch/policy/oilgas.htm>

The Oil and Gas Commission has available a booklet entitled Surface Rights in British Columbia, A Guide to Legislation and Regulations for the Oil and Gas Industry, July 10, 2001.

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Oil and Gas Lease**

Note: (Not updated in 2008)

NOTICE

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TENURE OVERVIEW

A Lease issued under the *Petroleum and Natural Gas Act* (Part 6) conveys the right to explore for and produce petroleum and natural gas and the right to apply to the OGC for approval to drill wells. This right includes surface access on Crown and private land. To secure access to private land, the company must approach the landowner, usually through a land agent, and negotiate an agreement. This agreement allows the company to enter onto the land to drill a well or construct and maintain any above ground structures, and may include operating conditions, in exchange for an annual rental payment that must be renegotiated every 5 years. The requirements for surface agreements and pipeline right of ways are described in *Surface Rights in British Columbia: A Guide to the Legislation and Regulations for the Oil and Gas Industry*. Note: Coal bed methane is as treated as a gas and tenures will be issued under the *Petroleum and Natural Gas Act*.

ISSUING AGENCY: Oil and Gas Commission

SUMMARY OF RIGHTS AND OBLIGATIONS

The holder of a petroleum and natural gas tenure has the exclusive right to explore and develop in accordance with the Act, both the petroleum and natural gas from the location of the tenure. The rights include access to private or Crown land provided certain requirements are met. Prior to commencing oil or gas production, the tenure is converted to a lease. The holder of a tenure is expected to notify other resources users in the area and to participate in cooperative planning activities as may be needed to prevent or mitigate negative impacts and conflicts.

Interpretation: A lease does not convey any rights to other resources such as minerals or timber, and does not allow the holder to restrict access to the public, except where a demonstrated safety concern exists. Construction of access roads and removal of timber require separate authorization.

INDUSTRY BUSINESS NEEDS

The industry needs access to both private and public surface lands in order to conduct drilling and collection activities. Ground access (roads) is normally required for drilling, but in special circumstances helicopter access may be used if safety and economic conditions can be met. Most drilling is done in winter when access can be achieved with less site impact. When a successful well is drilled it is necessary to connect it to the collection system by constructing a pipeline. The relatively short winter season for access, drilling and construction, and associated higher operational costs result in the industry need for quick turnaround times for approval of on-ground work.

ISSUES AND CONFLICTS

Forestry: Development for petroleum can result in a substantial area of forest clearing. Conflicts may occur where this clearing is inconsistent with sustainable forest management plans. Roads and pipelines can reduce the timber growing area. Conflicts sometimes occur with road use and with plantations.

Wildlife: Development activities may remove or fragment existing wildlife habitat, or may disturb animals, causing changes to behaviour and distribution, potentially threatening fragile populations. Activity may also disrupt hunting opportunities or destroy traps. Wildlife dependant industries such as fur trapping and guiding can be negatively affected.

Agriculture: Development, particularly roads may take land out of production or cause changes to range use patterns.

Wilderness and Tourism: As development moves into the foothill and mountain areas there is increasing concern for the impact on identified wilderness qualities and visual quality.

Archaeological: Development can affect or destroy archaeological sites.

RESOLUTION OPPORTUNITIES

Planning: The Ministry of Energy and Mines has a petroleum and natural gas tenure review process for all petroleum and natural gas posting requests. Participants involved in this process include other government ministries, local governments, First Nations and environmental organizations. This review process provides for early identification of access constraints and potential land use conflicts. The restrictions and issues identified by reviewers may be included as caveats in the "Notice of Public Tender" or, in some cases, may lead to deferral of posting requests to allow for resolution of land use issues. Within the Muskwa Kechika Management Area a pre-tenure planning process is required to identify and prevent potential conflicts.

Access to private land: Where an agreement cannot be reached, the company may apply to the Mediation and Arbitration Board for a Right-of-Entry Order under section 16 of the PNG Act. A hearing will be held to attempt to mediate an agreement between the parties. If that fails, a Right-of-Entry Order may be issued allowing the company entry in return for compensation to the landowner for loss or damage caused. A company must obtain either a Surface Lease or Right-of-Entry Order, to be filed with the Registrar of Land Titles, before entering onto private land.

Alternate Dispute Resolution: The Oil and Gas Commission operates an Alternative Dispute Resolution process and encourages consensual decisions.

FOR MORE INFORMATION

Ministry of Energy and Mines, PO Box 9319 Stn.Prov.Govt., 1810 Blanshard St. Victoria, BC, V8W 9N3. Phone (250) 952-0227 MEM contact list site: <http://www.em.gov.bc.ca/WhoWeAre/contactlist.htm#BPetLan>

Oil and Gas Commission, 200, 10003 – 110 Avenue, Fort St. John BC,

V1V 6M7 Phone: (250) 261-5700

www.ogc.gov.bc.ca

<http://www.ogc.gov.bc.ca/documents/forms/applications/AssignmentSurfaceRightsTenures.doc>

<http://srmwww.gov.bc.ca/arch/policy/oilgas.htm>

The Oil and Gas Commission has a available booklet entitled Surface Rights in British Columbia, A Guide to Legislation and Regulations for the Oil and Gas Industry, July 10, 2001.

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Pulpwood Agreement**

NOTICE

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TENURE OVERVIEW

A Pulpwood Agreement is issued under the *Forest Act* (Part 3, Division 7) and allows the holder of a timber processing facility to harvest Crown pulp timber, if sufficient quantities of raw material are not available to the holder from other sources. An agreement covers a 25-year term, and is not replaceable. A pulpwood agreement area can apply to one or more Timber Supply Areas (TSA). Before harvesting the holder of a pulpwood agreement must apply for a Forestry Licence to Cut (FLtC) that will specify the locations and volumes of timber available for harvest.

Most Pulpwood Agreements are considered “insurance” in case the normal supply of wood fibre is unavailable. They are intended to be activated only when all other sources of fibre have been exhausted or are otherwise unavailable.

ISSUING AGENCY

Ministry of Forests and Range (MFR)

SUMMARY OF RIGHTS AND OBLIGATIONS

- Right to harvest timber of a specified type of timber within a defined area.
- The licensee is normally responsible for all operational planning, development, basic silviculture and forest protection.
- Rights may be conditional to demonstrating that sufficient fibre supply cannot be obtained elsewhere.
- Requirement to obtain the required cutting authority (Forestry Licence to Cut) before commencing harvesting.
- Holder may be required to construct and maintain a manufacturing facility (e.g. pulp mill, OSB plant).
- Pulpwood Agreement holder is responsible for certain planning, forest protection and silviculture responsibilities.
- There is an expectation of consultation and coordination with other forest users at the planning and operational stages of Pulpwood Agreement activities.

INDUSTRY BUSINESS NEEDS

Ability to locate and plan for the harvest of suitable timber and to economically construct or use access to harvest and reforest the area(s) logged.

Ability to access the species and grades of timber required for the manufacturing plant when it is needed, in a manner that is consistent with forest practices standards and land use objectives.

ISSUES AND CONFLICTS

Roads and timber harvesting can significantly alter the characteristics of a landscape, especially if it has not previously been developed. This can lead to conflicts with wilderness use, tourism, or other forest interests. Other overlapping forestry tenures; objections to cutting due to impact on non-timber resource values, delayed approvals due to consultation with aboriginals or other resource interests.

RESOLUTION OPPORTUNITIES

- Consultation and accommodation of other users at the planning stages.
- Communications with other users at the operational stages.
- Forest industry and energy industry need to co-ordinate development, use, maintenance and deactivation of roads under road permit and road use permit.
- Assuring consistency with land use plans and objectives.

FOR MORE INFORMATION

Forest Act Part 3 Division 7 - Pulpwood agreements

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Registered Trapline**

NOTICE

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TENURE OVERVIEW

A Registered Trapline is a legal tenure issued under the *Wildlife Act* and extends exclusive rights to trap furbearing animals within a defined area. Traplines held by First nations are often passed on from one generation to another, whereas other traplines are usually purchased from the previous owners. Trapline income can range from very low to thousands of dollars per year. Traplines may or may not be the sole source of income for the trapper. An Annual Trapping Licence is required for non-First Nations trappers.

ISSUING AGENCY

Ministry of Environment: A regional manager, or a person authorized by the regional manager, may grant registration of a trapline on Crown land to a person or to a group of persons.

SUMMARY OF RIGHTS AND OBLIGATIONS

A registered trapline gives exclusive rights to trap for fur in the area defined. This means that the trapper has a right to access the area to place traps and retrieve the catch. Cutting of timber for trails or cabins requires separate authorization from the Ministry of Forests and Range (MFR). First Nations, either under treaty or as an aboriginal right, have certain rights to hunt, fish and trap as a traditional practice. The holder of a trapline may be required to prepare a “fur management plan” for managing and trapping fur bearing animals.

Interpretation: Exclusive right to trap for fur in an area is very specific and limited and does not extend a legal right to preserve suitable habitat or a proprietary interest in the animals. While mitigation of development impacts is desirable for reasons of environmental protection and resource industry integration, registration of a trapline does not contemplate an assurance of habitat or animal availability.

INDUSTRY BUSINESS NEEDS

Traplines are a business, a lifestyle and a hobby, depending upon the interests of the holder. In all cases, the trapper requires reasonable access to the area, particularly during key periods (usually winter) and security for traps and caches. Notice is required when industrial development is to occur in an area so traps can be removed and perhaps set elsewhere. In order to operate the trapline successfully there needs to be sufficient habitat and food for the targeted furbearing animals, and, depending upon the species, a degree of isolation from other activities. Habitat requirements vary by species and will be unique to the individual trapline.

For First Nations, a trapline is also a place that their families may have used for generations for hunting, trapping and living. There is a perceived “traditional use” interest associated with trapping.

ISSUES AND CONFLICTS

Oil and gas development, forestry and other industrial activities can create disturbances on the trapline that may result in destruction of wildlife habitat or change the behaviour of animals. Construction of access roads into the trapline area can result in vandalism, theft, or destruction of traps, cabins and other assets.

Traplines are often one-person operations and if the trapper is out on the line communications for the purpose of consultation can be very difficult.

RESOLUTION OPPORTUNITIES

Communications can prevent many of the conflicts that arise, however extra effort must often be taken by both parties because of the remoteness of most traplines. Other industries are often perceived as doing only the bare minimum in terms of notification, rather than meeting the spirit and intent of the requirements. Involvement of the trappers in planning, especially at the operational development and scheduling level can prevent conflicts, sometimes with only minor accommodation on both sides.

Wildlife Act - If a dispute arises as to priority of rights respecting any trapline, the matter must, at the request of a party to the dispute, be determined by the regional manager, who may alter, eliminate or reassign part or all of a trapline. It is an offence for other parties to knowingly damage or interfere with traps. The trapper compensation program provides some structure for mitigating impacts on traplines.

FOR MORE INFORMATION

<http://www.eab.gov.bc.ca/wildlife/wildlq&a.htm>

<http://www.eab.gov.bc.ca/proced97.htm>

The Hunting and Trapping Synopsis is a summary of the B.C. hunting and trapping regulations made under the *Wildlife Act* (British Columbia), prepared for the convenience of hunters and trappers. The Hunting and Trapping Synopsis sets out general hunting information, summarizes important hunting regulations, and defines the open seasons, with maps indicating no hunting, no shooting and other closed areas.

Trapping Regulations 2002/03

http://wlapwww.gov.bc.ca/wld/documents/trapping_regulations.pdf

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**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Road Permit**

NOTICE

The information provided in this guide is intended to provide a general reference only and should not be considered a legal interpretation. Please refer to the appropriate legislation or obtain legal advice if further information is required.

OVERVIEW

A **Road Permit** is issued to a person with authority to harvest Crown timber under a licence or agreement under the *Forest Act* and authorizes the permit holder to construct or modify a road on Crown land or maintain an existing road on Crown land. The district manager or timber sales manager may enter into an agreement in the form of a road permit when she/he has determined that the proposed development is in accordance with section 115 of the *Forest Act*. This permit can include terms to ensure compliance with both the *Forest Act* and the forest practices requirements under the FRPA. The consultation and review process for road permits is included in the review processes for operational plans (Forest Stewardship Plans). Stumpage is payable on timber cut under a road permit. "Road authorizations" instead of road permits are utilized within the Fort St. John Code Pilot area to provide similar access tenure for timber extraction.

Forest tenures are administered under two Acts and a number of *regulations associated with each Act*:

Forest Act - deals with the issuing of tenures, content, term, ability to replace the tenure, Allowable Annual Cut (AAC) issues, cut control requirements and deletion of Crown land,

Forest and Range Practices Act (FRPA) - results-based approach to operational planning.

ISSUING AGENCY

Ministry of Forests and Range, District Manager, or Timber Sales Manager

SUMMARY OF RIGHTS AND OBLIGATIONS

A Road Permit (RP) authorizes the harvesting of Crown timber during the construction, modification, and maintenance of a road on Crown land. The holder of a Road Permit has the right to cut, deck, transport (subject to timber marking requirements), and dispose of timber.

The permit holder must comply with the terms of the permit, and with all associated Acts and regulations, and must pay stumpage. The permit holder is required to maintain the road until it is deactivated unless otherwise relieved.

INDUSTRY BUSINESS NEEDS

- Ability to access their tenure area in order to develop Crown timber.
- Ability to manage their road networks concurrently with their operations.

ISSUES AND CONFLICTS

Conflicts may arise where other industrial users require access to their operations utilizing the same road permit access. Commonly, the conflicts are related to road maintenance fees and safety issues such as increased traffic or inadequate radio communication. Since the issuance of a Road Permit involves an independent statutory decision, it may be challenged and thereby delay or prevent development.

If another industrial operator requires the use of the road they will be required to contribute to a maintenance of the RP holder. The maintenance agreement may include reimbursement of incremental costs associated with the agreement holder's use to the RP holder. A person's use of the road cannot be denied.

RESOLUTION OPPORTUNITIES

- Forest Stewardship Plan Review.
- Scheduling to accommodate other users.
- Resolution by agreed process or *Commercial Arbitration Act* where a maintenance agreement cannot be reached.

FOR MORE INFORMATION

An example of Guide to Road Permit is available at <http://www.for.gov.bc.ca/isb/forms/lib/fs582.doc>

ADDITIONAL INFORMATION - Road Use Permit

If an industrial operator requires the use of a Forest Service Road (FSR), a road use permit is required. A road use permit authorizes use of an existing Forest Service Road and may designate a RUP holder as responsible for road maintenance. Unlike a Road Permit, a RUP does not grant authority to cut and harvest timber.

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Statutory Rights of Way**

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This Quick Reference Guide (QRG) is a place holder only and the full QRG will be available in subsequent editions of this binder.

OVERVIEW

Statutory rights of way are issued under Section(s) 11 and 40 of the *Land Act* to authorize linear uses of Crown land for transportation, communication, energy production and utility developments (e.g. roads, power lines, cable telecommunications, oil and gas pipelines etc. A legal survey will be required at the applicant's expense to define the tenured area.

A statutory right of way can be registered in the land title office. The tenure holder is granted a legal right of passage over the land for a specific purpose. It generally does not confer the right to exclusive use and enjoyment of the area, but does provide the tenure holder with certainty respecting access to the land and use of the improvements. Exclusive use may be granted where required for safety reasons. The tenure holder may, in accordance with section 65 of the Land Act, take legal action against individuals interfering with the holder's right to use the land as authorized by the tenure (e.g., stealing personal property, damaging improvements).

Statutory rights of way for major activities are normally issued for "so long as required". Shorter tenures may be issued where the use is of a shorter duration as defined under a specific program policy.

ISSUING AGENCY

Ministry of Agriculture and Lands (MAL) as represented by the Integrated Land Management Bureau (ILMB)

SUMMARY OF RIGHTS AND OBLIGATIONS

INDUSTRY BUSINESS NEEDS

ISSUES AND CONFLICTS

RESOLUTION OPPORTUNITIES

FOR MORE INFORMATION

Program policy:

MAL Website: <http://www.al.gov.bc.ca/clad/index.html>

ILMB Website: <http://ilmbwww.gov.bc.ca/>

A Practical Guide to Effective Coordination of Resource Tenures
**A Quick Reference Guide To
Crown Land Authorizations in British Columbia
Investigative, Temporary, and Works Permits**

NOTICE

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OVERVIEW

Permits are issued under Section 14 of the *Land Act* to authorize **short term, non-exclusive** uses of the land such as construction of a road, or for an investigation to determine whether the land is suitable for long term use. Permits can also be used to authorize low impact uses such as film-making where little or no construction or improvement on the land is required.

As Permits provide for non-exclusive use only, there is no limit on the size of the permit area. Temporary Permits can be issued to individuals, businesses, local or regional governments, community groups and institutions.

Issued in response to direct application to the issuing agency, the term for a Permit is two years.

ISSUING AGENCY

Ministry of Agriculture and Lands; as represented by the Integrated Land Management Bureau (ILMB)

SUMMARY OF RIGHTS AND OBLIGATIONS

A Permit provides the holder with the **non-exclusive** right to use land for a specific purpose. In most cases this use will not involve construction or modification of the land. These permits can also be issued for the construction of roads, trails, bridges and non-commercial airstrips that will become public when completed. Where activity of this nature is authorized by a Permit, the permit holder cannot deny any person the right to use the constructed facility.

The area covered by a Permit does not require survey and the permit cannot be registered against the title of the land. A Permit cannot be assigned.

As conditions of the approval of a Permit, the holder generally must: pay rental to the Crown, usually in the form of a fixed pre-paid fee,

- indemnify the Crown against any damage or legal action that might result from the activities on the land,
- make diligent use of the land for the purpose(s) for which the permit was issued,
- ensure that the land is used and maintained in a clean, safe, sanitary and environmentally suitable condition and is restored to its natural condition upon the expiration of the permit (except where the permit has been issued to authorize road or related construction – in such cases clean up procedures may be required to restore a clean, safe, sanitary and environmentally suitable condition), and
- comply with all applicable federal, provincial and local laws, bylaws and regulations.

INDUSTRY BUSINESS NEEDS

In many cases, a potential user of Crown land may not be fully aware of the suitability of an area for his or her needs. If extensive analyses and surveys are needed to determine the utility of the land, one or more permits for investigative purposes will authorize the investigation activity without the time and expense involved in obtaining a long-term *Land Act* tenure.

As a Permit does not normally involve extensive improvement to, or exclusive use of the land, the application can be processed in a short time, ensuring that the applicant is on the ground very quickly (this is of particular importance for the film making industry).

Permits can also be used to authorize commercial recreational interests to use the very large tracts of land required on a non-exclusive basis and at an affordable rent, and where few or no improvements are necessary for the operations.

ISSUES AND CONFLICTS

Except where issued to authorize road, bridge or airstrip construction, the short term and/or non-exclusive nature of a Permit reduces the potential conflicts and issues which frequently accompany the issuance of longer term leases or licences. A Temporary Permit can, in fact, be used while public opinion regarding a major project and the suitability of the site are being assessed.

RESOLUTION OPPORTUNITIES

Planning

Like other forms of *Land Act* tenure, Permits are generally only issued where they are consistent with local land use plans if possible. In addition, potential concerns of other resource agencies (both federal and provincial) as well as those of First Nations are carefully considered, especially where the Permit is a precursor to either a long-term tenure or a permanent facility (e.g., road, bridge or airstrip). Where the permit will lead to such a long-term tenure or a permanent facility, the applicant may be required to advertise their proposal in both a local newspaper and the BC Gazette to ensure public input to the application review process.

Operational

While every effort is made to ensure that the likelihood of conflict is minimized before the issuance of a Temporary Permit, not all possible concerns can be foreseen. Owing to the very short-term nature of these permits, the likelihood of serious conflicts is low. Where conflicts do arise, ILMB may attempt to resolve them by encouraging discussion between the Permit holder and the complainant.

FOR MORE INFORMATION

Program policy:

MAL Website: <http://www.al.gov.bc.ca/clad/index.html>

ILMB Website: <http://ilmbwww.gov.bc.ca/>

A Quick Reference Guide To Crown Land Authorizations in British Columbia Timber Sales

NOTICE

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TENURE OVERVIEW

Timber Sale Licences (TSL) are issued under authority of Division 3 of the *Forest Act* and are auctioned competitively by BC Timber Sales (BCTS) to qualified applicants (i.e., persons registered with BC Timber Sales). Normally the term of a TSL is from 1-2 years, however they may be as long as 4 years, or as short as a few months depending upon local business and forest management objectives. TSLs convey the right to harvest the timber within a defined area, subject to specified conditions. Stumpage is paid by TSL holders for timber harvested. TSLs are not replaceable.

ISSUING AGENCY

Ministry of Forests and Range (MFR), BC Timber Sales Division, Timber Sales Manager.

SUMMARY OF RIGHTS AND OBLIGATIONS

- Right to harvest timber within the designated area in a manner consistent with specified contractual requirements and in accordance with the applicable forest legislation.
- May require the construction and maintenance of on-block roads and may require the maintenance of off-block access road(s).
- Compliance with licence conditions as well as other pertinent acts and regulations (forest practices, fire prevention etc.)
- Reforestation is the responsibility of the Timber Sales Manager.

INDUSTRY BUSINESS NEEDS

- Clear, accurate and timely information respecting rights and obligations.
- Access to the timber at a time when ground and road conditions permit operations ensure the efficient exercise of harvest rights in a manner consistent with contractual and legislative obligations.
- A market for the logs and access to transportation systems (highways, water, rail).

ISSUES AND CONFLICTS

- Conflicts arising as a result of the planning and award of TSLs are normally between the concerned party and BCTS, rather than with the TSL holder.
- The TSL holder may become involved in conflicts with other users of the area, when his or her activities disturb trapline improvements, range or water use.

- Conflicts may occur with other industrial users regarding operational issues such as road use and maintenance.

Most conflicts can be avoided at the planning stage if BCTS has consulted with other resource users and interests before advertising the TSL and has given reasonable accommodation to other interests. After the TSL is awarded, conflict is usually prevented by the TSL holder notifying directly affected parties of the scheduling of his operations, and by making the accommodations necessary to prevent or mitigate negative impacts on their use of the area (e.g. notifying a trapper sufficiently in advance to allow removal of traps, notifying a rancher in time to allow removal of cattle, informing a tourist lodge in time for them to reassure patrons).

FOR MORE INFORMATION

BC Timber Sales, Business Area Office (See Blue Pages in your local phone book)

BC Timber Sales Headquarters, PO Box 9510 Stn Provincial Govt, Victoria, BC V8W 9C2

Link: www.for.gov.bc.ca/bcts/

A Quick Reference Guide To Crown Land Authorizations in British Columbia Tree Farm Licence

NOTICE

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TENURE OVERVIEW

A Tree Farm Licence (TFL) is an *area based* license, meaning that it gives the holder exclusive rights to grow and harvest timber within a specified area, except where the government has reserved a volume of the timber for other purposes such as competitive timber sales under Timber Sale Licences or First Nations tenure opportunities. TFLs are issued under authority of the *Forest Act* and include Crown lands and may include Timber Licences and private lands. TFLs are normally held by large or medium-sized companies. The term for a TFL is 25 years and is replaceable every 5 to 10 years (i.e. a new TFL is offered to the licensee after 5-10 years have elapsed in the current licence).

TFL holders are responsible for overall forest stewardship for the licence area, including basic silviculture and protecting the forest resource from fire and forest pests. The Licensee is also responsible for carrying out inventories and preparing management plans. The Chief Forester (MFR) approves an allowable annual cut (AAC) for the TFL every 5-10 years. The holder of a TFL must apply for a cutting permit before commencing harvesting on the license area.

ISSUING AGENCY

Ministry of Forests and Range (MFR)

SUMMARY OF RIGHTS AND OBLIGATIONS

- Exclusive rights to grow and harvest timber within a defined area, except for a specified volume reserved to the Crown.
- Obligation to carry out planning and management activities, including silviculture and forest protection.

INDUSTRY BUSINESS NEEDS

Ability to exercise the rights to harvest their portion of the AAC on the licence area: This includes the flexibility to cut more or less volume in any one year based on markets; access to a mix of “seasonal” operating area (winter/summer); ability to construct roads in advance, sufficient areas approved to allow flexibility of operations.

ISSUES AND CONFLICTS

Other forest users may be concerned about the long term assignment of the area to logging and forest management activities. TFL licensees are sometimes adverse to other uses or development on the area due to their investment and stewardship responsibility. Specific conflicts may include, but are not limited to:

- Grazing of stock and potential impacts on plantations and removal of natural barriers by roads and logging.
- Recreation access and potential impacts on roads and plantations and vandalism of equipment.
- Pipelines, well sites and associated roads potentially impacting short-term timber supply, forest operations and long-term forest productivity.
- Potential impacts on furbearer habitat and trap line trails.
- Third party operations on the licence area potentially impacting forest management obligations or commitments that TFL holders are legally responsible deliver, and/or compromising certification of the licence area.

RESOLUTION OPPORTUNITIES

Planning

The decision to allow harvesting of timber as a land use is contained in higher-level plans (formally approved or not) that are open to public input.

Operational

Licensees prepare management plans under the Forest Act and Forest Stewardship Plans under the *Forest and Range Practices Act* and apply to the MFR for cutting authority before road building and logging activities are undertaken. Individuals with a concern or interest can ask the licensee or the MFR to see the most recent plan, and to have input to future plans. The licensee may be expected to notify other users before commencing certain activities.

The *Forest Act and Forest and Range Practices Act* provides for appeals and review of certain decisions and for mediation or arbitration for contracts and sub-contracts. The Forest Practices Board may investigate complaints.

Other tenure holders who have an overlapping interest are expected to undertake reasonable and respectful consultation with the TFL holder before undertaking activities (e.g. grazing, mineral, petroleum, commercial recreation, water, trapping, guiding, independent power production).

FOR MORE INFORMATION

Ministry of Forests and Range, PO Box 9510, Stn. Prov. Govt. Victoria, BC, V8W 9C2
Resource Tenures and Engineering Branch
<http://www.for.gov.bc.ca/hth/timten/subject.htm>

A Quick Reference Guide To Crown Land Authorizations in British Columbia Woodlot Licence

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TENURE OVERVIEW

Issued under authority of the *Forest Act* (Division 8) for a term of up to 20 years: A Woodlot Licence is an *area based* tenure. One licence can be issued for an area of up to 1200 hectares. Woodlot Licences are considered to have “stewardship” responsibilities. The licensee is expected to undertake responsible and sustainable management of the area. If the licensee is meeting the obligations of the licence, replacements licences may be issued for succeeding 20 year periods. Woodlot licences are advertised and issued competitively. The licensee may include management of private forest land as part of the woodlot. Woodlots are often acquired as a supplementary or secondary business opportunity by ranchers, loggers and foresters. Woodlots are sometimes held by Indian Bands or community groups. Timber is usually sold to local sawmills at prevailing market rates. Often, woodlot licences are issued in areas where small-scale forestry is most compatible with land-use objectives.

ISSUING AGENCY

Ministry of Forests & Range (MFR) – District Manager

SUMMARY OF RIGHTS AND OBLIGATIONS

Woodlot licensees have the rights to the timber resource within the licence area. The licensee is responsible for conducting forest inventories, planning, building and maintaining operational logging roads, replanting, tending and protecting the forest from fire and pests – all in compliance with established forest practices standards. Woodlots pay stumpage to the crown for timber harvested.

The Ministry of Forests & Range approves an allowable annual cut (AAC) for the licence, based on a management plan. The licensee is then allowed to harvest the annual cut from specified sites within the licence area. The AAC may be adjusted to recognize increased productivity, fire and pest damage, or loss of area due to encroachment of other development.

Woodlot licensees, as they prepare their plans, are expected to consult with others who hold tenures or have expressed an interest in the area, and may be expected to notify other users before commencing operations.

Interpretation: Woodlot licensees do not have exclusive rights to the use of the Crown land in the woodlot area. A woodlot licensee cannot prevent public access for recreation, and cannot prevent other licensed resource users (range, mineral, petroleum, commercial recreation, water, trapping, guiding) from legitimate use of the area provided reasonable and respectful consultation occurs to accommodate the management of the woodlot.

INDUSTRY BUSINESS NEEDS

The relatively small scale of woodlot operations compared to other commercial forest management endeavours results in several unique business needs:

- Often the AAC is very small and it is more economical to harvest five-years cut at one time, rather than return annually for small volumes. Woodlot licences are allowed to do this, unlike other forestry tenures.
- Often the woodlot licensee cannot economically have all the equipment or crews to conduct operations, so will contract the work out. The licensee remains responsible.
- Administrative demands placed on larger licences can be onerous for woodlot scale operations and government continuously seeks ways to reduce or streamline them accordingly.
- In most areas of the province woodlot associations have been formed by licensees to share information.

Woodlot licensees need to know when other industries are planning activities or development within the licence area so that the impact on forest productivity, improvements and woodlot operations can be mitigated &/or coordinated.

ISSUES AND CONFLICTS

The stewardship responsibilities and relatively long term attached to a woodlot can lead to resource conflicts despite the small scale of the annual forestry operations. Prior to issuance, other users may be concerned about the long term assignment of the area to logging and forest management activities. Woodlot licensees are sometimes adverse to other uses or development on the area due to their investment and stewardship responsibility. Specific conflicts include, but are not limited to:

- Grazing of stock on plantations and removal of natural barriers by roads and logging.
- Recreation access impacts on roads and plantations.
- Impact of pipelines, well sites or roads on short-term timber supply and long-term forest productivity.
- Damage to furbearer habitat and trap line trails.

RESOLUTION OPPORTUNITIES

Planning

Prior to advertising for a woodlot licence the MFR will ensure it is consistent with the local land use plans. Individuals who have interests or concerns in a particular area can make the District Manager aware of it, and can ask to be informed of and have input to plan revisions or updates. Normally, the MFR will have an annual plan for its local woodlot programs and these are available for public viewing. Prior to issuance of a woodlot license, the MFR will advertise on public website and may advertise in local newspapers. Individuals with interests or concerns can contact the District Manager at that time and ask that their needs be considered in the issuance of a licence.

Operational

Woodlot licensees prepare Woodlot Licence Plans and apply to the Ministry of Forests & Range for cutting authority before road building and logging activities are undertaken. Individuals with a concern or interest can ask the licensee or the MFR to see the most recent plan, and to have input to future plans. The licensee may be expected to notify other users before commencing certain activities.

Other tenure holders who have an overlapping interest are expected to undertake reasonable and respectful consultation with the woodlot holder before undertaking activities (grazing, mineral, petroleum, commercial recreation, water, trapping, guiding). Where reasonable accommodation cannot be achieved by the parties, the matter may be referred to commercial arbitration. Provisions exist for compensation when a permanent loss of area occurs.

FOR MORE INFORMATION

MFR web site: <http://www.for.gov.bc.ca/RTE/woodlots/woodlot.htm>

Phone: Ministry of Forests & Range, District Office (See Blue Pages in your local phone book) or your local woodlot association.