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PROTOCOL ON CROWN LAND ADMINISTRATION AND FORESTRY ACTIVITY  
BETWEEN  
BC FOREST SERVICE AND BC LANDS

Ministry of Forests

Ministry of Environment,  
Lands and Parks (BC Lands)

(file: 160-7/min CL)

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1.0 PURPOSE

- 1.1 This agreement is to increase the level of cooperation and mutual understanding between BC Lands and the BC Forest Service in the administration of land, forests and inter-related uses on Crown land.
- 1.2 This agreement:
- a) clarifies the uses of Crown land which the respective ministries are responsible to manage and administer;
  - b) sets out the principles guiding the actions of both agencies;
  - c) outlines the decision-making process for handling issues of mutual concern;
  - d) establishes the communication and referral systems to ensure interagency communication; and,
  - e) establishes the mechanism to resolve disagreements over decisions on the administration of Crown land and applications for the use of Crown land.

2.0 SCOPE

- 2.1 This agreement conforms with and is subject to the Forest Act, the Rance Act, the Ministry of Forests Act, the Land Act and the Ministry of Lands, Parks and Housing Act.
- 2.2 The specific roles and responsibilities for both ministries regarding grazing on Crown land are laid out in a separate agreement on administration of grazing leases.

### 3.0 PRINCIPLES

The administration of land, forests and inter-related uses on Crown land is guided by the following principles:

#### 3.1 Stewardship

There is shared responsibility for the stewardship of Crown land with a need to use land and resources within their capacity to sustain use, protect environmental integrity and maintain biological diversity.

#### 3.2 Economic Diversification

Provision will be made for sustainable, efficient, responsive development that recognizes both existing uses and the need for diversification.

#### 3.3 Planning

Actions will be responsive to land use planning processes developed by the Commission on Resources and the Environment and approved by government and, Land and Resource Management Plans and Local Resource Use Plans, Crown Land Plans, Protected Areas Strategy, and local government plans. Decisions will be taken in the context of these plans and processes where they exist.

#### 3.4 Inter-agency Consultation

The two agencies will work cooperatively to ensure their activities are based on effective communication systems with consultation and referrals of matters affecting each other's programs including conflict resolution prior to advising applicants of final decisions.

#### 3.5 Public Consultation

Decisions will be based on fair, open and consultative processes.

#### 3.6 Equitable Treatment of Clients

There will be equity and fairness in treatment of clients with particular attention to situations where both agencies are providing similar services to client groups.

### 3.7 Sustainable Use

Decisions in land allocation will be based on achieving the greatest balance between social, environmental and economic benefit for the people of British Columbia and, in this context, will take into consideration the rights of existing and potential users of adjacent lands.

## 4.0 RESPONSIBILITIES

- 4.1 BC Lands is responsible for the administration and allocation of Crown land for commercial, industrial, agricultural, residential, recreational, institutional, utility, aquatic and conservation uses. (See Appendix I for details).
- 4.2 The BC Forest Service is responsible for administration and allocation of Crown land for forest uses. Forest uses are designated under the Forest Act and Regulation and are listed in Appendix II of this agreement.
- 4.3 The two agencies will cooperate at all levels to coordinate their respective administrative responsibilities and ensure that land use approvals and program activities are consistent with the planning principles in Section 3.3 and 3.4 above. Where the two agencies are administering land for similar purposes there will be an equitable and consistent approach regarding the land allocation decision process and the terms and conditions of tenure.

## 5.0 DEFINITIONS

- 5.1 "Allocation" means a decision on a disposition (eg. allowance or disallowance).
- 5.2 "Application" means a request received by BC Lands or the Ministry of Forests for a disposition or use of Crown land.
- 5.3 "Aquatic Crown land" means that land below the mean ordinary high water mark of a body of water, extending offshore to the recognized limit of provincial jurisdiction and includes the tidal foreshore.

5.4 "Disposition" means the issuance of a tenure such as a permit, licence, lease, right-of-way or easement for the use of Crown land. It also includes sale of Crown land in fee simple (pursuant to the Land Act or the Ministry of Lands, Parks and Housing Act). It also includes cooperative arrangements between the Ministry of Forests and a public group or individual for the management of the recreation resource.

5.5 "Deletion" means the removal of Crown land from the Provincial Forest in accordance with Section 5 (8.1) of the Forest Act. Approval of the Minister of Forests is required for deletion.

5.6 "Forest Use" means a use of Crown land that, pursuant to the Forest Act, the Range Act, the Ministry of Forests Act is a responsibility of the Ministry of Forests. For the purpose of this agreement, it also includes those uses which are the responsibility of a TFL licensee. A specific list of forest uses is included in Appendix II.

5.7 "Land Acquired by the Ministry of Forests" means land purchased by the Ministry or obtained through a Transfer of Administration pursuant to Section 101 of the Land Act. Designation as Provincial Forest does not constitute acquisition.

Under Section 5 of the Ministry of Forests Act, the Ministry of Forests has the authority to dispose of an interest in land (other than a fee simple interest), and to dispose of Crown rights under a licence to occupy or permit to use land. This authority exists where the Ministry has acquired the land, and there are improvements on the land or is an intent to locate improvements on the land and the disposition is necessary for the management of land remaining under the management of the Ministry of Forests.

5.8 "Land Act Designation" means withdrawal of Crown land from all dispositions under the Land Act except for a designated use(s). It is established pursuant to Section 13 of the Land Act when the Minister wishes to restrict Land Act applications to specific uses. It is placed on the records of both ministries.

- 5.9 **"Land Act Reserve"** means a map reserve, established by BC Lands to temporarily withdraw or withhold Crown land from disposition under the Land Act. It is established pursuant to Section 12 of the Land Act, and is placed on the official records of both ministries.
- 5.10 **"Land Act Use"** means a use administered under the Land Act or the Ministry of Lands, Parks and Housing Act, consistent with Section 5(6) of the Forest Act. These uses are laid out in Appendix I.
- 5.11 **"Map Notation"** means a recording made by the Ministry of Forests on its Forest Atlas maps of an interest in Crown land for forest use within a Provincial Forest, which requires long term or continuous consideration.
- 5.12 **"Notation of Interest"** means a recording made by BC Lands on its reference maps of an interest in Crown land by a provincial agency or ministry, which requires that the interested agency be given the opportunity to comment on any Land Act disposition or reserve proposal made over the subject Crown land.
- \* 5.13 **"Provincial Forest"** means that land designated by the Lieutenant Governor in Council under the Forest Act (Section 5) and which is managed and used in accordance with the provisions of the Forest Act and the Provincial Forest Regulations.
- 5.14 **"Provincial Forest Review"** means a periodic assessment of a Provincial Forest to examine the conformity of land classification and designation with the provisions of the Forest Act, and to recommend boundary changes which may be required to ensure compliance with the Act. It is initiated by the Ministry of Forests and carried out with multi-agency involvement. Minor boundary revisions may be initiated by either ministry.
- 5.15 **"Provincial Ministry or Agency"** means a ministry or agency of the Crown provincial, including provincial Crown corporation.
- 5.16 **"Registered Non-profit Society"** means a society incorporated pursuant to the Society Act, and exempt from taxation.
- 5.17 **"SUP"** means Special Use Permit issued under the authority of the Forest Act, or any such previous statute.

5.18 "Tenure" means a disposition granting permission under the Land Act, the Lands, Parks and Housing Act, the Forest Act, the Range Act, or the Ministry of Forests Act to enter upon the land for a given use or rights in the land for a given use and under certain conditions. Tenure contracts contain obligations on both parties.

5.19 "Transfer of Administration (and Control) (TA or TAC)" means a transfer of administration of Crown land to a provincial agency by Ministerial Order under Section 101 of the Land Act, and transfers of administration and control of Crown land to the federal government under Section 27 of the Land Act.

5.20 "Tree Farm Licence" means a forest management tenure pursuant to Sections 27 to 33 of the Forest Act. It is an area-based tenure, issued for 25 years, which grants to the holder the right to harvest timber in accordance with management plans approved by the Ministry of Forests. All Crown land in TFLs is Provincial Forest.

5.21 "Tree Farm Licensee" means the holder of a valid Tree Farm Licence agreement with the Ministry of Forests.

## 6.0 PROCESSING APPLICATIONS, TA(C)s AND RESERVES

### 6.1 Acceptance of Tenure Applications for Disposition of Tenure, TA(C)s and Reserves

- a) Applications for uses of Crown land other than for forest uses are accepted by BC Lands' regional offices. Applications for forest uses are accepted by Ministry of Forest offices.
- b) In accepting land use applications, TA(C)s and reserves, each agency is guided by relevant land use plans that are in place for the Crown lands in question.
- c) In the absence of applicable land use plans, applications are evaluated in accordance with the principles outlined in Section 3.0 of this agreement.