
NAME OF POLICY: Airports

APPLICATION: All uses of Crown land for public or private airport facilities and associated services (including airstrips), which are neither owned nor operated by Transport Canada. Applies to Provincial Forest land required for public airport facilities or in association with non-forest tenures on such land. Applies to special procedures respecting proposals for Crown land by federal government for airport purposes.

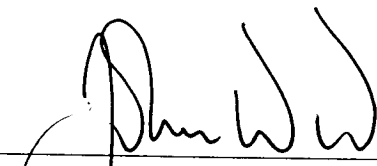
ISSUANCE: Director, Policy and Economic Development Branch

IMPLEMENTATION: All LWBC Staff

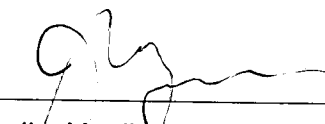
REFERENCES: *Land Act* (Ch. 245, R.S.B.C., 1996)
Society Act (Ch. 344, R.S.B.C., 1996)
Guide for the Planning of Small Airports, 1980. Roads and Transportation Association of Canada, Ottawa, Ontario.
Land Use in the Vicinity of Airports, (5th ed., 1985. Canadian Transportation Administration, Air Navigation System Requirement Branch, November, 1985.

RELATIONSHIP TO PREVIOUS POLICY: This policy replaces the previous Airports policy dated 94.03.01

POLICY AMENDMENT: Any formal request for an amendment to this policy is to be directed in writing to the Director, Policy and Economic Development Branch.



John Willow
Executive Director
Business Programs and Policy Division



Jim Yardley
Vice President
Land and Water Operations Division

July 23, 2004
Date

July 23/04
Date

APPROVED AMENDMENTS:		
Effective Date	Briefing Note /Approval	Summary of Changes:
August 16, 2004		Changes made as a result of the Policy and Procedures Re-write Project.

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1. POLICY APPLICATION

This policy applies in all cases where vacant Crown land is required for airport facilities which will be neither owned nor operated by Transport Canada.

This policy applies to Provincial Forest Crown land required for use as a private or public airport facility, as well as to such land required in association with a legitimate non-forest use tenure issued by LWBC in a Provincial Forest.

This policy applies to special procedures respecting proposals by the federal government for transfer of administration and control of Crown land for airport purposes. Refer to the [Land and Management Transfers](#) policy for general policy and procedures.

The italicized text in this document represents information summarized from LWBC standard policies and procedures. This material has been inserted where it provides necessary direction or context. As well, website links offer access to the full text of the relevant LWBC policies and procedures. Text in standard script is applicable to this policy only.

2. PRINCIPLES AND GOALS

As a Crown corporation charged with providing access to Crown land and water resources, LWBC strives to apply sound business principles. The successful management of these assets contributes significantly to the economic, social and cultural well being of all British Columbians. LWBC's [Service Plan](#) provides the corporation's vision of how best to apply these principles in managing these resources in accordance with governing enactments.

LWBC's internal programs are directed at ensuring that LWBC staff act in accordance with applicable legal requirements when making decisions. The [Guiding Principles](#) are a summary of key administrative and contract law principles which guide LWBC.

This policy is part of a series of policies that have been developed to help LWBC staff use business and legal principles to achieve LWBC's goals with respect to the management of Crown land and water in a manner that is provincially consistent, fair and transparent. To that end, this policy also serves as a communication tool to help the public understand how LWBC makes decisions respecting Crown land and water resources.

3. DEFINITIONS

Airport Society means a reporting society which has been incorporated under the *Society Act* of British Columbia for the purpose of operating a public airport facility.

Airport in this policy may be either an "aerodrome" or "airport" as these terms are defined by Transport Canada. Under Federal regulations an airport is an aerodrome for which an airport certificate has been issued under Subpart 2 of Part III of the Canadian Aviation Regulations. Only those aerodromes meeting one of the following three criteria is required to be certified as an airport: the aerodrome receives scheduled passenger service, it is located in a built up area, or the Minister has determined that it is in the public's interest that the aerodrome

be certified as an airport. An aerodrome can be developed by a local community, individual or company without the approval of Transport Canada, however it must meet the requirements of Subpart I, Part III of the Canadian Aviation Regulations.

Private Airport Facility means a non-commercial airport or airstrip; its associated service facilities used primarily for the purposes of individual and corporate applicants; and associated areas to which public access and use is permitted.

Public Airport Facility means an airport or airstrip, including its associated service and development area, which provides a public benefit, and to which the public is denied neither access nor use for personal or commercial transportation purposes. Such a facility is intended to support the transportation of persons, goods and mail by commercial and private aviation; to provide access for medical and other emergency purposes; to provide a base for the supply of aviation services; and to accommodate other compatible commercial and private activities.

4. **ABBREVIATIONS**

BCA - BC Assessment

ha. - Hectare

LWBC - Land and Water British Columbia, Inc.

MOU - Memorandum of Understanding

MSRM - BC Ministry of Sustainable Resource Management

MWLAP - BC Ministry of Water, Land and Air Protection

TAC - Transfer of Administration and Control

5. **APPLICANT ELIGIBILITY**

5.1 **Private Airport Facilities**

Applicants for new tenures, tenure assignment, or tenure replacement must be:

- *Canadian citizens or permanent residents 19 years of age or older; or,*
- *Corporations which are incorporated or registered in British Columbia; or,*
- *Registered partnerships, cooperatives, and non-profit societies which are formed under the relevant provincial statutes; or,*
- *First Nations can apply through band corporations or Indian Band and Tribal Councils. Band or Tribal Councils require a Band Council Resolution a) authorizing the council to enter into the tenure arrangement, and b) giving the signatories of the tenure document the ability to sign on behalf of the Band. For tenures which are to be registered in the Land Title Office, First Nations must apply through either a band corporation or trustees. Band members can elect 1*

or more trustees to hold a tenure on behalf of the Band. Verification of election must be by way of a letter signed by the Chief and councilors of the Band giving the full names of the trustees and stating that they were elected at a properly convened meeting of the Band. A Band Council Resolution is not required.

- *In the case of aquatic land, non-Canadians can apply if they own the adjacent upland (companies must still be incorporated or registered in B.C.).*

For more detailed standard policy information see [Eligibility and Restrictions](#).

5.2 Public Airport Facilities

Applicants for use of Crown land for public airport facilities must be a municipal or regional government, or an airport society.

If the applicant is an airport society LWBC will confirm its incorporation as a reporting society with the Registrar of Companies, Victoria.

6. FORM OF LAND ALLOCATION

Refer to Appendix 1 for a summary of the forms and terms of Crown land allocation available for airport facilities.

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

6.1 Temporary Permit

A temporary permit may be issued for temporary uses (including one-time events and sustained or repeated use of Crown land), where a business is better served by such a permit than by a license of occupation.

The tenure holder must allow public access to the area without interference, and must recognize that overlapping and layering of tenures may be authorized by Government.

The maximum term for a temporary permit is 2 years.

A temporary permit may be issued for the temporary occupation of Crown land for the construction of a public or private airstrip.

6.2 Licence of Occupation

A licence of occupation may be issued where minimal improvements are proposed, where short-term tenure is required, where there are multiple users of a site (e.g. communication sites), or in remote areas where survey costs are prohibitive. It may also be used to allow development to proceed while awaiting completion of survey requirements for a lease or right of way.

A licence of occupation conveys fewer rights than a lease. It conveys non-exclusive use for the purpose described, is not a registerable interest that can be mortgaged, and does not require a survey.

A licence of occupation does not allow the tenure holder to curtail public access over the licence area except where it would impact the licencees' right to use the land as per the licence document. Government may authorize overlapping and layering of tenures.

The standard term for a licence of occupation is 10 years.

Disposition of Crown land for private airport purposes to individuals or corporations is made by licence of occupation.

The licence of occupation for private airport purposes does not preclude the public right to use the airport for personal aviation activities, although a fee may be levied by the licensee for such use in accordance with limits established by LWBC.

6.3 Lease

A lease should be issued where long term tenure is required, where substantial improvements are proposed, and/or where definite boundaries are required in order to avoid conflicts.

The tenure holder has the right to modify the land and/or construct improvements as specified in the tenure contract. The tenure holder is granted quiet enjoyment of the area (exclusive use).

A legal survey will generally be required at the applicant's expense to define the tenured area. A lease is a registerable interest in the land that is mortgageable.

The standard term for a lease is 30 years.

Disposition of Crown land for public airport purposes to airport societies is made by lease.

6.4 Free Crown Grant

Disposition of Crown land for public airport and ancillary purposes to a municipal or regional or regional government is made by free Crown grant pursuant to Section 51 of the *Land Act*. A covenant on the title requires that the land be returned to the Crown at such time as it is no longer used for such purposes. The reversionary clause must state "on the condition that the land is used for airport purposes". See [Community and Institutional Land Use](#) policy.

6.4.1 Reversion to Crown

All free Crown grants are subject to the provision that the land may be returned to the Crown if beneficial use is not made for the specified public purpose within two years of the Crown grant.

If the land reverts to the Crown for any reason, LWBC may require the land to be reclaimed by the tenure holder in such a fashion as to render it inoperable as an airport. The operator of a permanently closed airport must remove all of the markers and markings and place closed markings on the runway in accordance with section 301.04 of the Canadian Aviation Regulations.

Written notification regarding the action of rendering an airport, which has been published in the Canada Flight Supplement or Canada water Aerodrome supplement in accordance with section 301.03 of the Canadian Aviation Regulations, inoperable must be sent to the Civil Aviation Branch, Transport Canada, Vancouver, and to the Transport Policy Branch, Ministry of Transportation, Victoria.

6.5 Map Reserves and Designations

6.5.1 Map Reserve

Prior to acceptance of an application for public airport land use, LWBC may place a one year Section 16 *Land Act* map reserve over the subject land in order to protect the land from disposition while the necessary airport development planning is being conducted.

6.5.2 Protective Zone Designation

To assure continued public safety in the airport vicinity, as well as the ongoing viability of the airport, a Section 17 *Land Act* designation may be made over the area within a 4000 metre radius of the airport reference point (runway mid-point generally).

Applications for Crown land within the designated use area are accepted only for land uses considered compatible with airport operations and for proposed structures less than 45 metres above the reference point elevation. Uses considered to be incompatible include:

- those generating excessive smoke, noise, dust or highway or rail traffic;
- uses that attract birds (e.g. dumps, grain and seed crops, etc.);
- uses that attract high use densities;
- uses that produce electronic interference or misleading lights;
- residential and certain institutional uses (within approximately 5 km of the airport); and
- other miscellaneous uses including electrical plants, oil and gas facilities, and power lines.

6.6 Transfer of Administration and Control (TAC)

Written proposals for TAC of Crown land are accepted from departments of the Government of Canada.

Proposals must be accompanied by supporting information which includes justification of need, a map of the area required for airport operations and area required for protective zone designation by LWBC, a list of proposed or existing uses and/or tenants, and specific design proposals if available.

Proposals are to be addressed to the appropriate Land and Water Manager.

Proposals and accompanying information are to be referred by the LWBC regional office to the appropriate local government and the Ministry of Transportation (Transportation Planning Division).

Generally, the area to be included in the TAC is the area required for any or all of the ancillary uses identified in Appendix 2.

See Land and Management Transfers policy respecting evaluation of proposals and establishment of Orders- in- Council.

Where appropriate, upon issuance of the TAC, the Land and Water Manager is to establish the protective zone designation under Section 17 of the *Land Act*.

7. PRICING POLICY

7.1 Administrative Fees

Application fees for tenures, and other administrative fees, are payable to LWBC. These fees are set out in the fee schedules contained in the [Land Act Fees Regulation](#).

7.2 Rentals

7.2.1 Temporary Permit

Temporary permits for public airports are charged application fees only.

7.2.2 Licence of Occupation

The rental for new and replacement dispositions is paid annually as the greater of: \$500 per licence; or, \$5 per hectare of Crown land within the licence area.

7.2.3 Lease

A lease is issued to airport societies for the nominal rental of \$1.00, prepaid for the term of tenure.

7.3 Free Crown Grant

LWBC may recover any expenses incurred in the servicing of a parcel (i.e. roads, domestic water, sewage, etc.) prior to the issuance of the free Crown grant. See [Community and Institutional Land Use](#) policy.

8. ALLOCATION PROCESSES

8.1 Applications

New and replacement tenures are normally offered in response to individual applications.

For more detailed standard policy and procedures regarding the application process see [Applications](#).

8.1.1 Application Package

Applications submitted to LWBC must be complete before they can be accepted for processing. A complete application package will include all the material defined in the Application Checklist.

Management Plan

All applications are to be accompanied by an outline of proposed development, to be used in the formulation of a management plan. Applicants are advised to consult the B.C. Aviation Council, Richmond, B.C., and the Transportation Policy Branch, Ministry of Transportation, in the preparation of the development outline.

8.1.2 Application Acceptance

New applications will be reviewed for acceptance based on application package completeness, compliance with policy and program criteria, preliminary statusing, and other information which may be available to LWBC staff. The acceptance review is to be completed within 7 calendar days. Applications that are not accepted will be returned to the applicant.

8.1.3 Clearance/Statusing

After acceptance, LWBC undertakes a detailed land status of the specific area under application to ensure all areas are available for disposition under the Land Act and to identify potential issues.

8.1.4 Referrals

Referrals are a formal mechanism to solicit written comments on an application from recognized agencies and groups. Referrals are initiated as per legislated responsibilities and formal agreements developed with other provincial and federal government agencies. Referrals may also be used to address the interests of local governments and First Nations. Referral agencies, organizations and identified special interest groups provide their responses to LWBC within 30 days (45 days for First Nations).

A mandatory referral is required for all applications for new public and private airport tenures and the accompanying outline of proposed development to local government to ensure compatibility of the proposed uses with official plans.

A mandatory referral is required to the Transportation Policy Branch, Ministry of Transportation for public airport applications.

For proposed public airport facilities, a mandatory referral is required to the Civil Aviation Branch, Transport Canada. The Civil Aviation Branch, based on resources available and the information provided to the Branch, will provide LWBC with the following:

- appropriate runway length;
- appropriate overall length, width and area of free Crown grant;
- extent of area required for protective zone designation under Section 17 of the *Land Act*, where appropriate; and
- desirability of proposed ancillary uses.

Crown land applications accepted within an existing Section 17 airport protective zone are to be referred to the Civil Aviation Branch for comment where LWBC wishes to confirm that the proposed use is compatible with airport operations.

The Land and Water Manager will refer to local government all requests from airport societies to sublease land for ancillary uses that are not specified in the society's lease document.

Local Government Support

Where the proposed airport land is within a local government boundary, an airport application by a society is to be accompanied by a written statement from the relevant local government board or council indicating that the local government supports in principle the proposed airport use, and is not itself willing to request and administer a free Crown grant for that purpose.

Project Review Team (PRT)

A Project Review Team (PRT) is an advanced referral method which may be used for complex applications. It is a team chaired by LWBC and comprised of recognized agencies and groups which meets to review and comment on specific Land Act applications.

8.1.5 Advertising/Notification

At the time of application acceptance, LWBC notifies applicants if advertising is required and provides the necessary instructions.

Adjacent Owner Notification

New applications to tenure foreshore adjacent to privately owned property, including Indian Reserves, are brought to the adjacent property owner's attention through referrals or direct contact. In certain circumstances, LWBC may advise applicants that there is a need to obtain a letter indicating adjacent owner's consent to their application.

8.1.6 Aboriginal Interests Consideration

LWBC is responsible for ensuring the province's fiduciary obligations to First Nations are met in the disposition of Crown land. LWBC carries out consultations in accordance with its [Aboriginal Interests Consideration Procedures](#) and the consultation guidelines of the Province to identify the potential for aboriginal rights or title over the subject property and to determine whether infringement of either might occur.

8.1.7 Field Inspections

Field inspection means the on-site evaluation of a parcel of Crown land by LWBC staff. The need to conduct a field inspection will vary and the decision to make an inspection ultimately lies with LWBC.

In addition to the standard field inspection procedures, the following factors are given consideration in field inspection reports for airports lands:

- existing land uses in the vicinity that may be potentially hazardous to aviation;
- potential for devaluation of existing lands;
- potential for disruption of existing land use/cultural patterns; and,
- adequacy of drainage.

8.1.8 Decision/Report

The applicant will be notified in writing of LWBC's decision. [Reasons for Decision](#) are posted on the LWBC website.

Additional Ancillary Uses

Where a local government or airport society proposes ancillary uses in addition to those listed in Appendix 2 (e.g. additional revenue-generating commercial uses), the Land and Water Manager is to submit the proposal, together with his recommendation and all relevant documentation, to Executive for review. Documentation is to include comments received on the proposed ancillary uses from referral agencies.

Letters of commitment and lists of ancillary uses that are specified in Crown grant or lease documents are to be consistent with Executive's decision respecting permitted ancillary uses.

Executive approval is also required for subsequent proposals from a local government or airport society to amend or expand the list of permitted ancillary uses, as contained in their legal documents.

8.1.9 Issuing Documents

If the application is approved, tenure documents are offered to the applicant. All LWBC preconditions must be satisfied prior to LWBC signing the documents. It is the applicant's responsibility to obtain all necessary approvals before placing improvements or commencing operations on the tenure.

Free Crown Grants

A Letter of Commitment in respect of a public airport is drafted by LWBC. The Letter of Commitment indicates that the free Crown grant is conditional upon the assurance by the Civil Aviation Branch, that the air facility will meet the requirements of the Canadian Aviation Regulations.

At such time as the Civil Aviation Branch has indicated in writing that a public airport proposal will meet the requirements of the Canadian Aviation Regulations, LWBC prepares a draft Order-in-Council for a free Crown grant (disposition to local government only).

A copy of the letter of commitment for airport tenure is forwarded to the Director, Forest Protection Branch, Ministry of Forests, Victoria, for information purposes.

9. TENURE ADMINISTRATION

For more detailed standard policy and procedures see [Tenure Administration](#).

9.1 Insurance

A tenure holder is generally required to purchase, and is responsible for maintaining during the term of the tenure, a minimum level of public liability insurance specified in the tenure document. LWBC may make changes to the insurance requirements and request copies of insurance policies at any time during the term of the tenure.

A lessee or licensee must purchase, and is responsible for maintaining during the term of tenure, sufficient public liability insurance, commensurate with the type and size of aircraft for which the airport is being used. A lessee or licensee is to ensure that LWBC is notified of all adjustments, renewals and cancellations of airport insurance coverage during the term of tenure.

9.2 Security/Performance Guarantee

A security deposit or bond may be required to be posted by the tenure holder where any improvements on, or changes to, the land are proposed. The security deposit is collected to insure compliance and completion by the tenure holder of all the obligations and requirements specified in the tenure. Some examples where such security may be used are for any type of clean-up or reclamation of an area, and/or to ensure compliance with development requirements.

Applicants for private airport licences may be required to post a performance guarantee, to be returned upon completion of airport construction to the satisfaction of LWBC. The amount of the performance bond is to be determined by LWBC.

A guarantee is not required for public airports, since these are eligible for funding under the Air Transport Assistance Program of the Provincial Government.

9.3 Assignment and Sub-Tenuring

Assignment is the transfer of the tenure holder's interest in the land to a third party by sale, conveyance or otherwise. Sub-tenuring means an interest in the Crown land granted by a tenant of that Crown land rather than the owner (the Province).

Assignment or sub-tenuring requires the prior written consent of LWBC. The assignee or sub-tenure holder must meet eligibility requirements. LWBC may refuse the assignment of existing tenures if the details of the assignment or sub-tenure are not acceptable to LWBC.

Investigative and temporary permits can not be sub-tenured or assigned.

9.3.1 Leasing of Crown Granted Lands

Municipal and regional governments which qualify for free Crown grants may issue leases over land located within the area of the Crown grant for ancillary airport uses.

The free Crown grant may specify uses not identified in Appendix 2, provided that such uses have been approved by Executive.

9.3.2 Sub-letting of Airport Lease

Airport societies holding a Crown lease for public airport purposes may issue sub-leases for ancillary airport uses listed in Appendix 2. These uses are to be specified in the lease document. Sub-leases for ancillary uses not indicated in Appendix 2 require the written consent of the Lessor.

9.4 Tenure Replacement

Replacement tenure means a subsequent tenure document issued to the tenure holder for the same purpose and area.

In most cases, tenure holders may apply for a tenure replacement at any time following the mid-term of the tenure. Replacement of tenures is at LWBC's discretion. LWBC may decline to replace a tenure, or may alter the terms and conditions of a replacement tenure. For tenure terms and conditions see section 6.

Investigative permits are not generally replaced. A further two year term may be provided, at LWBC's discretion, when there are legitimate requirements for a longer investigative period.

9.5 Monitoring and Enforcement

Tenure terms and conditions, including requirements contained in approved management/development plans, act as the basis for monitoring and enforcing specific performance requirements over the life of the tenure.

9.5.1 Timber Removal

Removal of timber from land held under a lease or licence airport tenure requires prior authorization of the Ministry of Forests.

In the case of free Crown grants of land containing merchantable timber, a reservation is placed in the grant requiring the grantee (or successors) to pay for any timber removed.

10. VARIANCE

Any decision that would vary from this policy must be made by a Service Center Director, the Vice-President, Land and Water Operations Division, the Vice-President, Strategic Initiatives Division, the President and Chief Executive Officer, or the Land and Water BC Inc. Board of Directors.

Appendix 1. Airports Policy Summary

TENURE	TERM	VALUATION	PRICING	METHOD OF DISPOSITION
Public Airports				
Temporary Permit	2 years	Fixed amount	Application fee only	Application
Lease (to airport societies)	30 years standard	Fixed amount	Nominal rental of \$1.00 prepaid for tenure term	Application
Free Crown Grant (to local government)	Perpetuity, provided that the land is used for the specified purpose	Fixed amount	Recovery of LWBC costs and other items as per Community and Institutional policy.	Application
Private Airports				
Temporary Permit	2 years	Fixed amount	Application fee only	Application
Licence of Occupation	10 year standard	Fixed amount	Annual payment of \$5 per ha per licence area, with minimum payment of \$500 per licence per year	Application

Appendix 2. Ancillary Uses for Public Airport Facilities

A. Definition

Ancillary airport uses are uses deemed by LWBC as necessary for the viable operation and management of a public airport facility.

B. Application of List of Uses

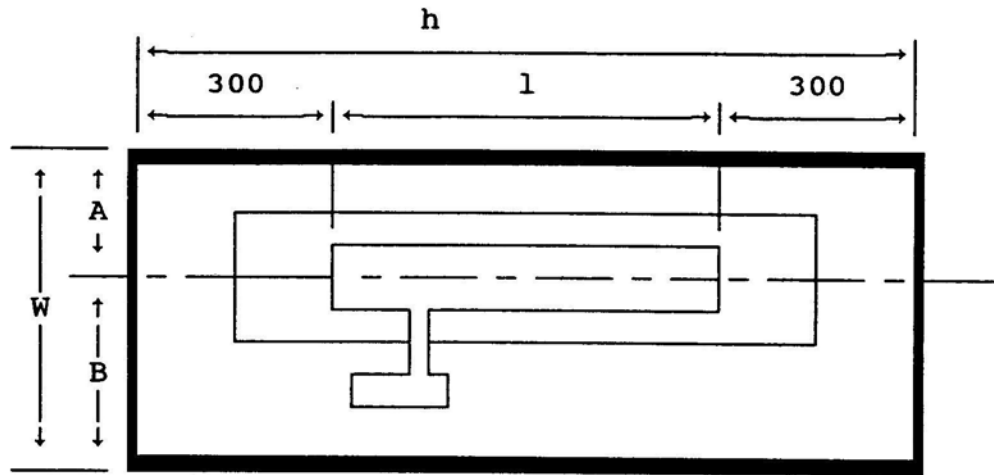
The list in Part 3 is to be employed in the issuance of free Crown grants and leases for public airport facilities and in the TAC of Crown land for airport purposes as a means of determining the amount of Crown land to be included in the disposition. It is also to be used as the basis for establishing uses for which leasing or subleasing may be permitted.

C. List of Ancillary Uses

- (a) Terminal Building
- (b) Hangars (either group or individual ownership).
- (c) Runways and grounds maintenance equipment building/garage.
- (d) Transport Canada flight service station (weather reports, radio, flight plan filing).
- (e) Car parking area (either free public or revenue generating).
- (f) Aircraft parking area (either free or public revenue generating).
- (g) Water bomber or chemical staging areas for forest protection (Forestry).
- (h) Air Ambulance provisions.
- (i) Flying School facilities.
- (j) Cargo handling/storage facilities.
- (k) Aircraft sales/service/maintenance /airframe/electrical/mechanical/avionics services.
- (l) Wheels-to-floats conversion facilities.
- (m) Vehicle rental office and parking facilities.
- (n) Restaurant/gift shop providing airport revenue.
- (o) Base operators—scheduled service/charters (airplane and helicopter).
- (p) Specialty agricultural and/or forest protection spraying and/or related services/storage facilities.
- (q) Flying Club House.
- (r) Caretaker's residence.
- (s) Fuel dispensing and storage facilities.
- (t) Navigation/landing aids.

Appendix 3. Typical Land Requirements for Simple Airports Based on Runway Length

Runway Length l (metres)	Overall Length h (metres)	Widths (metres)			Area (hectares)
		A	B	W	
Up to 800	Up to 1,400	75	125	200	Up to 28
801 to 1,200	1,401 to 1,800	100	200	300	42 to 54
1,201 to 1,800	1,801 to 2,400	125	275	400	72 to 96
1,801 and over	2,401 and over	150	350	500	120 and over



Appendix 4. Devolution of Regional Airports

4.0 Purpose

To provide direction in response to the devolution of regional airports presently utilizing provincial Crown land by Transport Canada and the resultant applications for these Crown lands by the local authorities who propose to take over the operation of these airports. This applies only to those airports which are located in whole or in part on provincial Crown land and are part of the federal devolution initiative. It does not restrict the sale of these and other Crown lands at market value for non-core airport uses.

4.1 Background

The federal government has adopted the National Airport Policy in order to divest itself of twenty-nine regional airports in this province over the next five years. Approximately eleven of these airports utilize provincial Crown land which was transferred by OIC under the *Land Act* for administration, control and benefit to Canada or reserved by OIC under the *Land Act* in favour of Canada for airport purposes. The eleven airports include varying amounts of provincial Crown land which may be in excess of that required for ancillary uses.

The federal policy sought to transfer the ownership, operation and maintenance of all of the airports to either the province, local authorities, societies or other groups. All of these airports have an annual operating deficit.

- The provincial government has announced the following response to the federal initiative:
- The provincial government will not assume operation and maintenance of the regional airports.
- Crown land for which the administration has been transferred to federally-operated airports will be returned to the province and the Order-in-Council reserves will be cancelled.
- Free Crown grants will be provided to local communities for core airport use, which is defined as ancillary uses.

Crown land which has been transferred or reserved for non-core airport use will be considered under headlease arrangement with revenue shared by the local community airport's requirements and the province.

In summary, the costs associated with the devolution of regional airports by the federal government will not be borne by the province.

4.2 Policy

4.2.1 Definitions

Core Airport Uses means those uses defined as ancillary uses in Appendix 2

Non-core Airport Uses means uses other than Core Airport Uses which are considered necessary for the financial support of the airport operation, and which may be authorized by headlease.

4.2.2 Eligibility

Applications for Free Crown Grants for a Public Airport Facility

Applications for free Crown grants will be accepted from local communities who are proposing to assume the operation and maintenance of a regional airport, formally operated by the federal government through Transport Canada. An application will only be accepted for core airport uses of Crown land which were part of the land originally transferred or reserved for use by Canada for airport purposes. A free Crown grant will not be issued before the order-in-council which transferred or reserved the land for use by the federal government has been cancelled.

Applications for free Crown grants are to be accompanied by a Council resolution, letter of agreement from Transport Canada, and a site plan showing all lands proposed for core airport uses.

A free Crown grant will not be issued for land which is in excess of that required for core airport Uses.

Applications for Headleases of Crown land for Non-core Airport Uses

Local communities may apply for a headlease over Crown land which was formally within the area reserved for, or transferred to, Canada for airport purposes, and which is not required for ancillary uses. A headlease will not issue before the order-in-council which transferred or reserved the land for airport use by the federal government has been cancelled. The intent is to lease only those lands, within the original boundaries of the provincial Crown land set aside for airport purposes, which are essential to generate revenue for the continued operation and maintenance of the airport.

Headleases may be issued for Crown land which is proposed to be developed within 5 years. Other Crown land which is not proposed to be developed within this time frame may be reserved under the *Land Act*, and an application submitted for a headlease when more appropriate.

A template for a headlease is being developed and will be distributed when available.

4.2.3 Pricing

Head lease rental will be determined by a revenue-sharing formula based on a percentage of the gross revenue derived from the fees for subleases within the headlease, with consideration of the overall financial statement of the airport operation as outlined in the business plan.

The revenue-sharing formula will be negotiated by regional offices and the local authority. The formula may contain provision for increasing the provincial share by percentage increments based on the phased development of the land within the business plan, and will be subject to review every five years.

The objective should be to achieve a revenue-sharing formula of 50% but at no time will the rental be less than the prevailing minimum annual rent.

4.2.4 Special Procedures

1. Most of the regional airports are located on land which, in part, is private or owned by the federal government. Where applicable, the original Crown grants should be reviewed to determine if any conditions or restrictions were attached to the grant which would prohibit the use of the land for any purpose other than airport use. In the event that such restrictions do exist, consideration should be given to deletion of said provisos if the land is in excess of that required for core airport uses. The administrative costs for removal of any conditions are to be payable by the local community.
2. Return of provincial Crown land requires the federal government to inform the province. The return of transfers of administration and control may require a federal privy order, or some other form of notification. An order-in-council reserve needs only a lower form of notification of return. The relevant provincial order-in-council should be reviewed in regards to the provisions for returning the land to the province. Legal assistance may be required in this regard. An additional provincial order-in-council is to be raised to cancel the original OIC which created the reserve or transferred the administration and control to the federal government. The issuance of this OIC is to occur in conjunction with the issuance of the free Crown grant and headlease to the local community.
3. The federal government is required to remediate any contamination which might exist prior to notifying the province that the land is no longer required. Notification by Canada is not to be accepted until documentation is received stating that the land has been inspected by experts knowledgeable in the field of contaminated site identification and remediation.

The documentation is to be referred to the Contaminated Sites Remediation and Assessment Section of the Industrial Waste and Hazardous Contaminants Branch, Environmental Protection Department for review.

4. The application for a free Crown grant is to be accompanied by a Business Plan, containing the following specific information:
 - a map showing the area required for the existing ancillary uses and protective zones necessary to comply with any existing federal safety regulations;
 - a map of the area showing any proposed expansions to the existing ancillary uses;
 - specific design proposals;
 - a list of proposed or existing uses and/or tenants;
 - confirmation that the applicant will honour all existing leases or contracts; and
 - a complete financial statement of the airport operations, including projected revenues and anticipated costs, of which, the revenue shared With the province will form a part. Other costs may be contingency funds, capital improvement funds, administration fees, and operational fees.

5. All surveying costs and application fees related to the registration of the property with the Land Titles Office are the responsibility of the applicant. LWBC should ensure that other provincial agencies, such as Ministry of Forests, have secured their interest prior to those of local government.
6. With respect to timber removal, section 9.5.1 of the Airport Policy applies. Any proposed timber removal must be approved by the Ministry of Forests prior to the submission of the Business Plan. Projected revenues from the removal of timber are to be included in the financial statement.
7. The application for a headlease is to be accompanied by a Business Plan containing:
 - any existing revenues;
 - operating and maintenance expenditures;
 - capital expenditures;
 - any current leases and contractual obligations;
 - proposed sources of revenue and projected revenues, details of proposed uses and improvements, physical dimensions and capital costs of proposed development, and a timetable for development;
 - any market studies undertaken to determine the viability of the business plan;
 - the area required in support of the business plan.
8. Timber and sand/gravel rights are not to be included in any headlease which may issue. Removal of timber requires the prior authorization of the Ministry of Forests. Applications to extract sand and gravel may be considered under the Aggregates and Quarry Materials policy.
9. The current Aboriginal Interests Consideration Procedures and the consultation guidelines of the Province are to be followed.
10. The issues pertaining to any particular airport will generally be site specific. Therefore, the regional offices should give consideration to the development of an implementation plan outlining the different procedures and timing of the various steps with the federal government and local authority.