

NAME OF POLICY: Commercial Recreation

APPLICATION: This policy applies to all forms of outdoor recreation activities authorized by LWBC to be carried out on provincial Crown land on a fee-for-service basis, with the exception of incidental commercial use and commercial recreation activities undertaken within a provincial park, recreation area or protected area, as defined in the policy.
This policy does not apply to:
-commercial alpine ski developments;
-activities of Guide Outfitters, Packers/Transporters and Angling Guides as approved by the Ministry of Water Land and Air Protection
-Incidental Use.

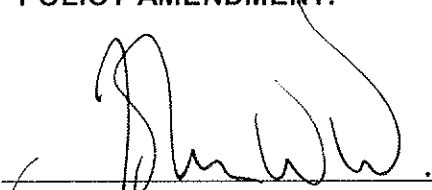
ISSUANCE: Director, Policy and Economic Development Branch

IMPLEMENTATION: All LWBC Staff

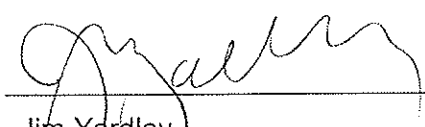
REFERENCES: *Land Act* (Ch. 245, R.S.B.C., 1996)

RELATIONSHIP TO PREVIOUS POLICY: This policy replaces the previous Commercial Recreation policy dated 98.05.29 and incorporates Directives Tenure Term for Licences and Client Day Definition; Sea Kayak Commercial Recreation Policy; Intensive Use Sites; River Use; Overlapping Tenures; Payment Schedule; Multi-region Tenure Applications; License of Occupation and Lease Terms; and BN #14736 Notification of Rent Changes.

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

Aug 6, 2004
Date

Aug. 19/04
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.
February 23, 2005	BN # 16167	Addition of the following sections: Management Plan Revisions, Updating Existing Tenure Documents to Incorporate New Tenure Provisions, as well as a new appendix providing a Management Plan Amendment Log Template.

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Part One – General

1. POLICY APPLICATION

This policy applies to all forms of outdoor commercial recreation activities authorized by LWBC to be carried out on provincial Crown land (including Crown land in a provincial forest and Crown land covered by saltwater and freshwater) on a fee-for-service basis.

This includes both commercial mechanized and non-mechanized commercial recreation activities that require the operator to construct or place improvements on Crown land or the foreshore (e.g., wharves, floats, ramps, storage sheds, horse corrals, trails, camps, etc.). It also includes floating facilities anchored to Crown land covered by water where those facilities remain anchored to the same land for more than 14 consecutive days. This does not, however, include facilities offering moorage spaces, such as commercial marinas, unless they are offering guided services not already authorized by MWLAP or DFO.

This policy does NOT apply to incidental commercial use, defined as:

- (a) fee-for-service operation which uses any Crown land fewer than 14 days in a 6 month period; and
- (b) the operation makes no modifications or changes to the existing landscape, including vegetation, and is of a non-disturbing nature to other users of Crown land and wildlife; and
- (c) the operation does not use any motorized equipment other than basic transportation of clientele and staff on public highways or forest service roads (however, it should be noted that the Ministry of Forests and the holder of the road permit have the authority to object to such uses); and
- (d) the operation does not use any livestock or bicycles other than on trail systems designated by Ministry of Forests with the approval of that agency, and
- (e) the operation is not a sea kayak guiding business.

This policy also does NOT apply to:

- commercial recreation activities undertaken within a provincial park, recreation area or protected area, except as described in section 8.1.4. These operations will require a park use or resource use permit which must be applied for through MWLAP.
- lands within National Parks or land managed by a Port Authority or Harbour Commission. Separate permits, issued by the administering agencies, may be required for access to some or all of these lands.
- guided hunting activities (including the transporting or packing of resident hunters) or angling guide activities permitted by MWLAP under the *Wildlife Act*;

however, it will apply to certain intensive site uses associated with these operations as described in this policy.

- CR activities that are solely restricted to public forest roads that are designated as Forest Service Roads or constructed / maintained under a Road Permit in accordance with the *Forest and Range Practices Act*.
- Commercial alpine developments that are administered under the Commercial Alpine Ski Policy.

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.

The province manages Crown land for commercial recreation purposes to support BC's commercial tourism industry, which plays a key role in the government's sustainable economic diversification strategies.

In assessing applications under this policy, LWBC will strive to allocate Crown land to its most suitable use: through the use of referrals of applications and proposals; through development studies and planning programs; and through the analysis of economic and environmental indicators, social requirements and land capability. By making allocation decisions which reflect the environmental, social and economic capacity of the land, opportunities will be created over the long term as part of a healthy and sustainable tourism industry.

3. DEFINITIONS

Client Day means each commercial recreation client who the tenured operator commercially guides onto the land within any calendar day or portion thereof.

For example, four individuals going on a two hour guided hike equals four client days; one person going on a guided hike with an overnight camping trip on Crown land that begins at noon of one day and ends by noon the next day, equals two client days; one person going on a guided hike with an overnight camping trip that begins in the morning of one day and ends in the afternoon the next day, equals two client days; one operator who manages three groups of six clients in the tenured area on five-hour trail rides, equals 18 client days.

Commercial Fishing or Hunting Facility means a base camp or ancillary facilities including satellite camps, or combinations thereof, that are used on a commercial basis by a commercial recreation operator who is licensed under the *Wildlife Act* (e.g., angling guide, guide outfitter).

Diligent Use means using the tenured area for the authorized purpose in a timely manner.

Extensive use is the generalized use of Crown land by an operator, usually in a dispersed manner (i.e. as opposed to concentrated use of sites or camps) such as would be undertaken when using large areas of land for hiking, trail riding, nature viewing, rafting, skiing, etc. Intermittent “no trace camping” is permitted within the definition of “extensive-use”.

Intensive use sites or Intensive use areas are site specific uses of Crown land that are integral to the CR operator as staging areas for dispersed CR operations conducted within an extensive tenure. There are three types of Intensive-use areas. These are defined below based on the purpose and nature of the use of the land.

Primary camp (or base camp) is the main business location or staging area for a commercial recreation operation. It typically contains permanent improvements such as permanent cabins, storage facilities, etc. Base camps located on Crown foreshore and aquatic lands usually also involve moorage facilities that are used in connection with the commercial operation. Characteristics of primary camps are as follows:

- are used for 6 or more months of the year, or 3 or more seasons of the year;
- a primary camp will normally have significant improvements (e.g. lodges, barns, garages, storage facilities); however a kayak operator's primary camp may be relatively undeveloped (e.g. tent frames, fire pits, outhouses, etc.);
- improvements may be locked or gated by the tenure holder; and/or,
- operators seek a high level of exclusive use of a site (e.g. limited or no public access).

LWBC will not approve a tenure for any subsequent CR operator to occupy a tenured primary camp area without prior consent of the initial tenure holder.

Secondary Camps (outpost or satellite camps) are areas used by a CR operator which are normally accessed and supplied from a primary camp. Secondary camps will have the following characteristics:

- used for CR purposes on a seasonal basis (up to 6 months or 2 seasons);
- contains permanent improvements (bunkhouses, crude cabins, corrals, small sheds, permanent docks, cooking facilities, portable generators, fuel caches);
- improvements may be locked or gated by the tenure holder; or,
- lower level of exclusivity required than for a primary camp.

LWBC will not approve a subsequent CR tenure holder to use the area of the improvements without first obtaining the consent of the initial tenure holder.

Temporary camps (or spike camps) are normally accessed from primary or secondary camps. General characteristics are as follows:

- are used seasonally and intermittently (e.g. one or twice per week on average);
- contain a low level of improvements (fire pits, very crude corrals, small wharves or boat launches, tent frames, outhouses) that can be removed during the off season; and/or
- they do not convey exclusive use or lock up ability;
- are normally of small area (less than ½ ha).

LWBC may approve other CR tenure holders to use temporary camps and reserves the right to establish capacity limits for these sites.

Level of Use means the number of participants, frequency and nature of the use and impact of land use.

Management Plan in the context of this policy refers to a CR management plan. It includes draft management plans and final management plans and means a combination of text and maps that are components of a legal agreement between LWBC and the tenure holder. It consists of descriptions of the specific nature of the CR operation, including the boundaries within which the operation may occur, and the conditions, provisions, restrictions and guidelines for use of Crown land for such an operation.

Mechanized/motorized activity means CR activities where mechanized or motorized transport of clients (e.g. helicopters, snow cats, snowmobiles, motorcycles, All Terrain Vehicles, etc.) is an integral part of the recreation experience offered to the clients. Motorized use includes vessels that use power as an integral part of the guided operation (go up and down a river, exceed the speed of the water flow, or are used as tour vessels which access Crown land for guided tourism purposes (e.g. white water rafting). Vessels that use motorized propulsion only intermittently for control or safety purposes is considered non-mechanized for the

purposes of this policy. In addition, where a vessel simply provides a transport service to and from a kayak operation it will be considered a non-motorized activity.

No-trace camping sites means campsites that involve no improvements and no disturbance of the land. These sites are used intermittently, on a first-come first-served basis and are non-exclusive. No-trace camping may be conducted within an extensive-use area. LWBC will not protect these sites from competing users, but may set capacity levels as part of the management plan. All no-trace camp sites must be identified in the management plan for tenure. LWBC may require no-trace sites to be converted to intensive-use sites to address land management or environmental issues.

Public Access means the privilege enjoyed by the general public to access and use an area of Crown land to the same degree as was available prior to tenuring a commercial recreation activity.

Tenure means a type of right or title by which Crown land is held and used as per the *Land Act*.

Transporting means the transporting of people or their equipment or supplies, for compensation or reward received or promised, and may include providing accommodation, catering, and equipment services in the course of that transporting. All such activities where individuals are transported over Crown land for CR purposes (other than the transporting (packing) of hunters as licenced under the *Wildlife Act*) are subject to the *Land Act* and may require extensive and/or intensive-use tenure under the CR Policy.

4. **ABBREVIATIONS**

BCA - BC Assessment

CR - Commercial Recreation

CRRSA - *Commercial River Rafting Safety Act*

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

5. **APPLICANT ELIGIBILITY**

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](#).

6. FORM OF LAND ALLOCATION

Refer to Appendix 1 for a summary of the forms and terms of Crown tenure available for a commercial recreation operations.

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

6.1 Investigative Permit

An investigative permit may be issued to any proponent requiring access to the land for appraisals, inspections, analyses, inventories, surveys or other investigations of Crown land or its natural resources, or where otherwise required. No buildings or other improvements may be placed on the land.

The tenure holder must permit 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 an investigative permit is 2 years.

6.2 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.

An existing operator's activities will be reviewed against the levels and nature of use set out in the initial approved application. If performance is satisfactory, they may be offered a replacement permit.

A temporary permit may be issued for any temporary use (including one-time events) which exceeds the "incidental commercial use" thresholds (see section 1.0) and meets the criteria defined below.

Subject to the criteria listed below, a temporary permit may also be used to authorize up to 2 years sustained or repeated use of Crown land for commercial recreation, where a small, seasonal business is better served by a temporary permit issued to cover their operation in a flexible manner rather than a full license of occupation. Temporary permits can authorize no-trace camping sites.

The criteria are:

- the operation does not require modification of the land or its resources or the construction of any permanent improvements. If using any existing trails, roads or facilities, the support of relevant agencies and interests is required (e.g., if the business wants to use an existing tenured facility, they must provide a written agreement outlining the tenure holder's permission to use the facility); and
- the operation does not use any motorized/mechanized transportation as an integral part of the recreational experience offered to the client (e.g., snowmobiling, ATVs, motorcycles, jet skis, etc., are NOT permissible uses); and
- the operation does not use any motorized/mechanized boat, air or motor vehicle transport for people and supplies, including jetboats, helicopters or floatplanes to access the Crown land; and
- if livestock are used for transportation (e.g., horses), they are confined to existing trail systems suitable for the use, and either weed-free food pellets are packed in, or grazing has been authorized by the Ministry of Forests; and
- where watercourses are to be used by the business, the mode of transportation for people and supplies must be entirely non-motorized/non-mechanized (e.g., canoe, kayak, row boats); and
- human wastes must be contained and removed through the use of porta-potties or other acceptable means; and
- LWBC must be reasonably satisfied that the proposed commercial recreation business does not pose any significant potential for negative environmental impacts or conflicts with other users; and
- where the operation includes overnight camping, it must take place in a manner that does not leave any additional "footprint" on the land by using recognized low-impact travel and "no-trace camping" techniques, and must include a bear awareness and avoidance strategy.

Illustration/Example: Some examples of uses which may be authorized by permit include: a mountain guide wants to take a party of climbers for a three week trip into a particular drainage in addition to the other areas they normally use; a recreation club wishes to hold a small one-time musical fundraising event on Crown land which may

cause minor disturbance to the land; a river rafting company plans to use a camping site several times in one season in addition to its normal areas of use.

Specific requirements for sea kayaking and river use operations, including the use of temporary improvements for these operations, are provided in Parts 2 and 3 of this policy.

6.2.1 Blanket Permit

Blanket temporary permits may cover a general area comprising multiple areas of use in the form of a blanket permit. Blanket temporary permits must meet permit land use thresholds and must meet permit requirements and client responsibilities as outlined in 6.2 above. Where a blanket permit crosses administrative boundaries (e.g., falls within more than one region), coordination will occur among regional offices (see section 8.1.1 Multi-Region Tenures).

6.3 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), and 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 an **initial** License of Occupation (license) is 10 years. The standard term for a **replacement** license is 30 years.

An **initial** license can be issued for a term of up to 30 years if the operation provided for under the license is integral to an intensive use site (i.e. significant development) that is:

- authorized by a Crown land lease held by the licensee (in which case the license term should be congruent with the remaining term of the existing lease), or
- located on private land and is owned or operated by the licensee.

LWBC may deem that a shorter term for either the initial or replacement licence is appropriate based on a consideration of relevant factors that may include, but are not limited to:

- the applicant's demonstrated business and financial needs;
- the applicant's past performance on an existing tenure;
- the level of investment and development associated with the operation;

- whether all development contemplated in the management plan has been completed;
- consistency with objectives of government approved land use plans;
- future land use commitments (e.g. 2010 Winter Olympics, First Nations land claims);
- pending land use planning, capacity studies, or species at risk strategies that may affect future land use decisions;
- the results of site assessments associated with the proposed use; or,
- whether requisite site assessments have been completed; and,
- with respect to reports, fees and rents due, the applicant is in good standing.

A licence of occupation can be used to authorize both extensive and intensive use of Crown land, and for either mechanized or non-mechanized uses. It is the standard form of tenure for the commercial recreation use of extensive areas. An extensive area licence can include intermittent “no-trace” camping and temporary (or spike) camps. A licence of occupation may also be issued for intensive use sites such as primary base camps and secondary (satellite) camps.

Illustration/Example: Some examples of uses which may be authorized via license of occupation include: guided wildlife viewing, CR heli operations, mountaineering, hiking, trail systems integral to a hunting or fishing lodge facility that has diversified into other CR activities.

Refer to Part 2 and Part 3 for specific requirements for **river use** and **sea kayaking** licenses of occupation.

6.4 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.

In limited situations shorter terms may be appropriate. Decisions to vary from the standard should be based on a determination of factors such as those listed in section 6.3 above.

A lease is the standard form of tenure for a primary (or base) camp and may be used for secondary (satellite) camps where precise boundaries are required because of the nature of development in an area.

Leases will be issued only where substantial improvements and investments are to be made in and on the land for permanent facilities, or on small sites which are absolutely critical to the operation. Leases are available for small parcels of Crown land where long-term tenure is required, where the use is intensive, and it is necessary to define specific boundaries for the use and quiet enjoyment of the lessee and clients or to minimize conflict.

At the discretion of the region, a short-term, standard license can be issued until authorized permanent improvements on the area(s) are substantially complete and legal survey is complete, at which time and based on prior written agreement the license may be converted to a lease.

Illustration/Example: Some examples of uses which may be authorized by lease include: a lodge site, a heli-ski lodge, a restaurant, etc.

7. PRICING

7.1 Administrative Fees

Various administrative fees are payable to LWBC. These fees are set out in the fee schedules contained in the [Crown Land Fees Regulation](#).

7.1.1 Application and Amendment Fees

The application fees for non-mechanized and mechanized CR are \$250.00 and \$3300.00 respectively.

Administrative fees for CR tenure modifications (e.g. major and minor amendments, expansions, etc) are listed in Appendix 3.

7.1.2 Tenure Management Fee

An annual tenure management fee of \$100 is charged for non-motorized/non-mechanized uses and \$1000 is charged for motorized/mechanized uses for all extensive use licences of occupation. Permits for river use and for sea kayaking are also charged an annual tenure management fee of \$100 (i.e. non-motorized use); all permits for other uses are not charged a tenure management fee.

There are no tenure management fees for leases, or for licenses of occupation issued for intensive use-only sites.

7.2 Payment Schedule Procedures

First year

On the commencement date, the tenure holder pre-pays the following fixed amounts:

- rent for intensive use sites, and
- tenure management fee (if relevant), and,
- the minimum rent for extensive use areas.

Subsequent years

For the remainder of the term (second and subsequent years), in addition to the fixed amounts listed above, the tenure holder pays the client day fees that are in excess of the pre-paid minimum rent for the previous year's reporting period.

Not less than two weeks prior to the anniversary of the commencement date (payment due date), LWBC will send the client:

- an invoice for the fixed amounts, and
- a Statutory Declaration to determine payment for actual client-day fees for the reporting period that just ended (see Appendix 5a).

The client will submit the completed Statutory Declaration for the reporting period and the payment for the fixed amounts (as invoiced), plus the client day fees in excess of the minimum rent (as reported on the Statutory Declaration).

Reporting periods

In order to charge fees on actual client day numbers and provide sufficient time for the tenure holder to complete and submit the statutory declaration reporting actual numbers for the year that just ended, a reporting period will be set, ending 4 weeks before the anniversary of the commencement date.

The reporting period will cover a 12 month period, except for the first year where it will start on the commencement date and end 4 weeks before the anniversary of the commencement date. During the first year, the reporting period for a tenure issued on June 1st would end on May 1st and cover an 11 month period. For subsequent years, the reporting period for the same tenure, would start on May 2 for a 12 month period. Refer to Appendix 5b for examples of payment schedules and reporting periods for seasonal operations.

Existing CR tenure holders may request to have the reporting period, and consequently the invoicing date, modified to better coincide with their operating season (i.e. to report and be invoiced at the end of the operating season). Refer to section 9.8 for further details on updating tenure document provisions.

7.3 Annual Rent

See Appendix 2 for a summary of pricing and Appendix 4 for examples of rent calculations.

7.3.1 Notification of Rent Changes

LWBC will give the tenure holder at least 15 days notice for an Intensive Use Site fee or rent change if the basis of the change is solely due to an increase or decrease in the Market Value of the Intensive Use Sites. In all other cases of rent or client day fee changes (e.g. change to regulation or policy), LWBC will provide at least 6 months notice.

7.3.2 Investigative Permit

\$250/year, \$500 for 2 years.

7.3.3 Temporary Permit

Rent is \$1 per client day with a minimum rent of \$250/yr (or \$125 for a 6 month permit).

The minimum rent will be remitted at licence commencement. The actual per client day fees will be paid at the end of season when submitting annual activity reports as per section 7.2.

7.3.4 Licence of Occupation

Extensive areas

Rent for a license of occupation over an extensive operating area is calculated at:

- \$1/client day for non-motorized/non-mechanized uses;
- \$4/client day for mechanized ski guiding uses¹; and,
- \$6/client day for other motorized/mechanized uses.

Minimum rent for a licence is \$500 for the year. The minimum rent will be remitted at licence commencement. The actual per client day fees will be paid at the end of season when submitting annual activity reports as per section 7.2.

Intensive areas

Rent for intensive use sites is as follows:

- Primary (base) camps - 7.5% of BCA land value or \$500, whichever is greater.
- Secondary (satellite) camps - 4.5% of BCA land value or \$100 per site, whichever is greater.
- Temporary camps - \$100 per camp.

Where no BCA land value exists for intensive sites LWBC will conduct an initial land valuation based on fair market value, which will subsequently be provided to BCA.

Note: No trace camping is not considered an Intensive-use. No separate fee is to be collected (i.e. it is included in the client day fee payable under the extensive-use license or permit).

7.3.5 Lease

Rent for intensive use sites is as follows:

- Primary (base) camps - 8% of BCA land value or \$500, whichever is greater.
- Secondary (satellite) camps - 5% of BCA land value or \$100 per site, whichever is greater.

Where no BCA value exists LWBC will establish the initial land valuation based on fair market value, which will subsequently be provided to BCA.

¹ Mechanized ski guiding operations are defined as businesses which use tracked vehicles, fixed wing plane or helicopter to guide or conduct ski excursions onto Crown land.

Each lease area must be a separate tenure. If, for example, three lease areas are part of the operation (e.g. two primary camps and a secondary camp) then three tenures are issued.

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 Multi-region Applications

Often a single operator will be conducting activities in more than one LWBC administrative region. In this case, the CR contact (i.e. CR manager or appropriate staff) for the office where the multi-region application is received is to contact the other affected regions so as to decide which will be the central “coordinating” office and the primary contact. The central office will typically be for the region where the operator’s main office is located or where the majority of operations will occur (not necessarily the office that receives the application). In some minor cross boundary situations it may be decided that one region will handle the application process completely on their own.

Statusing is to be carried out by the central co-ordinating office unless otherwise agreed to by affected regions.

Referral process to be co-ordinated amongst affected regions who will collectively decide which agencies and stakeholders get referrals and how this process will be handled. For example:

- the central office may send out referrals and request referral responses get sent back to them; or
- the central office may send out all referrals and request that referral responses go to affected regions, who can deal directly with the agency if necessary, then the regional office(s) send referral response as well as their recommendations back to central office in a “sub-report”.

First Nations consultation to be co-ordinated amongst affected regions as per the above.

Applicants are required to advertise in newspapers that circulate in each community in which the land is situated. The central office and affected regions are to decide how this process will be handled. For example:

- public responses can be sent to the central office; or
- responses can be sent to the office of the affected region that they originate from; these responses along with regional recommendations will then be forwarded to the central office in a “sub-report”.

Final disposition decision requires input from affected regions. CR contacts are to provide the central office with recommendations on any proposed use within their region

in a “sub-report” and discuss issues amongst themselves prior to making a final decision.

Central office to send out the offer or disallowance notification.

Transition Strategy - Conversion of Existing Tenures into a Single Multi-Region Tenure

Clients may request to have existing tenures that are currently established within different regions combined into a single tenure if the existing tenures are related to the same operation. These requests may be processed at replacement or during a major amendment that would necessitate preparing a new tenure document, and standard administrative fees will apply.

8.1.2 Expansion Requests

An operator may approach LWBC to expand or broaden a tenured operation.

Consideration must be given to the impact of any such change on:

- the capacity of the land to support the operation;
- the viability of the operation itself; and
- other commercial operators or resource users in or adjacent to the tenure area.

A matrix showing requirements for processing CR tenure amendments and modifications is provided in Appendix 3. Proposals for significant changes will require a revised management plan and will be evaluated for land use acceptability. This involves referrals and advertising as required, and a re-examination of the capacity of the Crown land to support the amended operation.

8.1.3 Maximum Frontage on Lakes and the Sea

The lake or sea frontage of a single or combined parcel(s) occupied by a commercial recreation operation is not to exceed 200 metres.

8.1.4 Applications for Areas Crossing Provincial Park

Should either LWBC or BC Parks receive an application for an activity crossing park or recreation area boundaries into other areas of Crown land, the application will be accepted by that agency. Each agency will inform the other of receipt of the application and the agencies will work in cooperation to adjudicate the application. If issued, tenure renewal dates and management plan submission dates and insurance requirements will be synchronized. In most cases, one tenure document will be issued under the *Land Act* and, with respect to the area of Crown land within the park or recreation area, the tenure document will be deemed to be a park use permit or resource use permit, as applicable, under the *Park Act*. In all cases, tenure review, amendment and replacement will require the approval of both LWBC or BC Parks.

8.1.5 Applications from Local Governments, Public Service Agencies and other Non-Profit Groups

Community/Institutional Applicants

Institutional applicants eligible under the Community/Institutional Policy (i.e., a municipality, regional district, public service agency/charity/society or community organization, or First Nations, applying for the use of Crown land for the purpose of providing a non-restrictive beneficial community service) can apply for commercial recreation use of Crown land under this policy, but may, at the discretion of LWBC, qualify for the nominal fee pricing structure under [Community and Institutional Land Use](#) policy.

Example: A non-profit society might apply for use of Crown land to take small groups of children on overnight camping trips (2 trips per month). Paid staff accompany the children, and the experience is being funded through minor charges to the children's parents/guardians; however much of the funding comes from government grants and other such contributions. LWBC may, in this case, decide the activity qualifies for nominal pricing.

8.1.6 Applications Processed by Ministry of Forests

The Ministry of Forests is authorized to approve public recreation use in a provincial forest.

Should either LWBC or the Ministry of Forests receive an application for recreational use of Crown land (that may be carried out in a provincial forest) by a registered non-profit society or group, the application will be accepted by that agency for initial screening.

As per the draft *1998 Protocol Between the Ministry of Forests and the Ministry of Environment, Lands and Parks for Commercial Recreation Use of Crown Land*, screening will occur based on the following criteria to determine whether the use is of a commercial nature:

- if a mandatory fee is charged, and/or
- if salaried staff, as opposed to volunteer labour, is involved in delivering the proposed recreational use, and/or
- if improvements to be constructed or placed on Crown land are locked and a key is not available to the public.

All commercial proposals will be adjudicated by LWBC.

Applications determined to be non-commercial will be processed by the Ministry of Forests if they are within the Provincial Forest. (Those located outside of the Provincial Forest will be processed by LWBC in accordance with this policy and the Community and Institutional Policy, see above). As provided for in the protocol, referrals must be sent by the Ministry of Forests to LWBC for all applications which involve organized activities (i.e., any activities involving a group), except those which would fall under the criteria of a permit in this policy.

In keeping with the principle of "one-window" access for the public, if an application received by one agency is ultimately to be adjudicated by the other, the receiving agency

will be responsible for transferring the proposal to the other (i.e., the applicant will not be required to take it to the second office).

8.1.7 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.

A. Management Plans

Applications for lease or licence tenures will require a management plan for the term of the tenure which:

- specifies and justifies the proposed area(s), purpose, terms and conditions;
- establishes level of use, including number of clients on a monthly and annual basis;
- specifies measures to eliminate or minimize conflicts with existing interests in the area; and,
- specifies measures to: protect environmental integrity; ensure public access is maintained; ensure affected parties' interests are protected; and minimize/mitigate impacts on other resource users.

Management plans for an extensive area require operators to identify, as precisely as possible, all of the trails, ski runs, stopovers, no-trace camps, etc. used by an operator. The specific nature of the uses (purpose, location, number of client days, etc.) and land areas required for the activity are defined in an approved management plan for the tenure. For further information refer to the management plan template and sample management plan.

In reviewing the size and configuration of an application area, LWBC must be satisfied that it:

- relates to the nature and type of activities to be undertaken;
- relates to activities which will be undertaken in the near future (usually required to be within the initial 5 years) as identified in a justifiable implementation strategy contained within the management plan;
- relates to the location and nature of facilities or improvements and to access points and routes;
- excludes areas of significant environmental, social, cultural or land use concerns; and,
- minimizes potential conflicts with other users of Crown land (including the public).

Whenever possible, requirements under the *Land Act* and the *Wildlife Act* should be streamlined. For those operations which are licensed under the *Wildlife Act* (e.g. guide outfitting, transporting or angling guiding), applicants are required to provide a copy of the management plan received by the Wildlife Branch as well as any additional information required under this policy.

Specific information requirements for proposals will be tailored to each situation and additional requirements and criteria may be applied to proposals that enter a competitive process.

Specific management plan requirements for **river use** and **sea kayaking** proposals are discussed in Part 2 and 3 of this policy.

B. Permits

A management plan is not normally required for investigative permits or for temporary permits, other than for sea kayaking and river use proposals. However, the operator may be required by LWBC to submit reports on levels of use, locations of use and interactions or conflicts with other operators or public users. In addition, information on features of the operating area such as wildlife sightings or populations may be requested.

C. Approval of Management Plans

If the application has initially been deemed a suitable land use and if changes to the initial management plan have been identified during the application review, applicants will be required to prepare a final management plan.

A final management plan addresses all issues deemed to be relevant by LWBC which were raised during the land use acceptability review and/or the competitive process, and identifies how operating conditions, standards or criteria resulting from earlier stages will be met. Key criteria to be met include compatibility with existing public recreation use (where relevant) and expected growth in use over time.

To properly evaluate a final management plan, studies or assessments may be required (at the expense of the applicant). However, this investigation should be limited to anything new or unclear. In general, all clarification regarding an operator's intentions should be sought and received by LWBC well before this stage.

Final management plans may (only when necessary) be reviewed by relevant agencies of government where this need has been identified in the initial referral of the application, or if deemed necessary by LWBC.

Where deemed appropriate by LWBC, opportunities may be provided for review of final management plans by the public, other license holders in the area, affected parties or advisory groups.

Where a proponent is unable or unwilling to make changes to a final management plan required by LWBC, the proposal will be rejected.

If all conditions are generally satisfied, an offer will be made to the applicant subject to a satisfactory revised management plan being received and approved by LWBC, following which the *Land Act* tenure(s) will be issued.

The final approved management plan (stamped with the tenure number) will form a part of the tenure documentation, and will include all operating conditions and standards resulting from the review process.

D. Review of Approved Management Plans

Management plans are to be reviewed no less than every 5 years, or at the request of either party (in cases where the nature of the operation does not allow for planning 5 years ahead, e.g., guide-outfitter, review may occur more frequently).

8.1.8 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.

LWBC evaluates applications to ensure that the proposed uses: are suitable, do not compromise the quality of the recreational experience for both public and commercial users, do not pose an increased risk to public safety, harm the environment, or impact the business of existing tenured operators.

A. Assessing the ability of the land to support use

In situations where carrying capacity has been identified as a potential issue and no current studies or information exist, LWBC, in consultation with other agencies and stakeholders, may develop tenure management objectives for a given area in order to facilitate adjudication of CR applications.

Information contributing to the development of tenure management objectives may be provided from:

- direction from land-use plans, existing land-use designations;
- referrals to government agencies, local government, First Nations;
- consultation with industry and key stakeholder groups, including public recreation users.

The tenure management objectives may consider, but are not limited to: the mix of commercial and public recreation, facility development, wilderness experience, tourism product mix, compatibility issues, etc. CR activities and the number of client days will be managed to meet the tenure management objectives for the area. In addition, LWBC will continue to review management plans and consider the issuance of short-term tenures to CR applicants in areas where there are significant concerns that the tenure management objectives set for an area are being exceeded.

B. Assessment of Overlapping Tenures

Individual applications will be assessed during the pre-screening stage to determine whether a proposed CR tenure lies within an existing non-exclusive licence or permit area.

The process to deal with overlapping applications requires applicants to contact existing tenured operators to obtain feedback on their proposal. The preferred outcome is for operators reach agreement; however, it is recognized that this may not always be possible.

See Appendix 7 for detailed procedures on assessing and dealing with overlapping tenures.

C. Allowing Existing Operators to Expand

If a new application would prohibit an existing tenure holder who is diligently using the land from expanding (i.e. increasing client days or approved uses within the tenured area), LWBC will provide the existing tenure holder(s) an opportunity to apply to expand their operation before making a decision on the new overlapping application. Existing tenure holder(s) will not be provided with this opportunity if the new application does not prohibit expansion in parts of the tenured area not affected by the overlap.

Any tenured operator wishing to expand within their existing CR tenure must provide an expression of interest to LWBC within 30 calendar days of being notified. (Note: nothing prevents an existing tenure holder from notifying LWBC earlier in the process, such as after being asked by the new applicant to complete the Operator Input Form).

From the date LWBC receives an expression of interest; tenured operator(s) will have 60 additional calendar days to submit a formal application for expansion. During these time periods the new overlapping application is put on hold (see below).

If the tenured operator(s) make application for expansion, LWBC will initiate a competitive process (see section 8.2). Note that the competitive process applies only to the expansion of the existing tenure holders operation, not the amount of use currently being made of the existing tenured area.

If either of the above time frames are not satisfied, or if the tenured operator chooses not to apply for the expansion opportunity, LWBC will continue to process the new overlapping application as if it were not a competing application.

Note: LWBC does not hold or reserve Crown land for operators who may want to extend the geographic boundaries of their existing tenures or to expand their business operations at a future date beyond what has been approved in a management plan provided by the operator.

D. Applications on Hold

If necessary in the opinion of LWBC, tenure applications may be put on hold pending the outcome of land use planning or assessments which address Crown land recreation/tourism opportunities. If this action is taken, written notification will be sent to applicants affected.

In some cases where land use planning which addresses recreation/tourism values is underway but not yet completed, LWBC may consider issuing applications. Such circumstances may be:

- if no significant issues have been raised with respect to the use proposed by the application; or
- if the proponent demonstrates the support of the planning table and participants.

In the Muskwa-Kechika area (Northern Rockies), a legal requirement exists to complete a Recreation Plan before new tenure applications are adjudicated.

8.1.9 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.

Permit applications will not normally require a land status. See Part 2 of this policy for special requirements for statusing **river use** applications.

8.1.10 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).

Generally, referrals are not required for investigative or temporary permits. However, where there is a reasonable possibility of disturbance of the land, wildlife, cultural or heritage resources, or other users, permit applications must be referred to relevant agencies and/or organizations. If required, the extent of referrals should be consistent with the scale of the proposal and its potential for impacts and conflicts.

See Part 2 and 3 of this policy for specific requirements related to **river use** and **sea kayaking** applications.

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.

A project review team may be established for CR applications. An application for a commercial recreation activity that may have a significant impact on the environment, the capacity of the land, or the recreation and resource use of a particular area of Crown land may be more effectively reviewed by an inter-agency committee at the regional or district level to determine:

- a recommendation on whether the application should proceed to the next stages of the review process;
- environmental, resource or land use issues;
- a non-exhaustive list for the proponent that identifies all other government permits, licenses and approvals required for the operation; and
- the most appropriate form of consultative process to use for the application.

8.1.11 Advertising/Notification

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

Generally, advertising is not required for investigative or temporary permits. If required, advertising should be consistent with the scale of the proposal and its potential for impacts and conflicts. Advertising is required for applications for leases and licenses of occupation.

See Part 2 and 3 of this policy for specific requirements related to **river use** and **sea kayaking** applications.

Upland Owner Consent

Owners of waterfront property have certain “riparian rights” which include the right of boat access to and from the upland (see [Riparian Rights and Public Foreshore Use in the Administration of Aquatic Crown Land](#)- link). LWBC will advise applicants if there is a need to obtain a letter indicating the upland owner’s consent to their application.

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.

8.1.12 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.

First Nations will be involved in commercial recreation and economic opportunities in a variety of ways, including:

- working with government staff to explore economic opportunities for First Nations associated with commercial recreation;
- working with government staff to develop applications by interested First Nations for the use of Crown land for commercial recreation;
- participating in the development of plans which determine suitability for future Crown land use; and,
- consultation on applications for commercial recreation tenures, consistent with provincial and ministry guidelines.

Treaty negotiations will be considered in the adjudication of all tenure applications.

See Part 2 of this policy for specific requirements related to **river use** applications.

8.1.13 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.

8.1.14 Decision/Report

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

Single Application

Where only one application is being considered, the outcome can be:

- (a) the application is accepted as proposed; or,
- (b) the application is accepted as a suitable land use with modifications or conditions to address the concerns and interests identified during the referral process, to be specified in writing to the applicant by LWBC; or,
- (c) the application is rejected as an unsuitable or conflicting land use. If rejected, reasons will be specified in writing.

Multiple Applications

Where more than one application is being considered for the same general area, the applications may be reviewed to determine if:

- (i) one (or more, if compatible) of the applications are accepted as suitable land uses because of superiority to other proposals or comparability; or,
- (ii) one or more of the applications are accepted as suitable land uses, but due to incompatibility with each other, or because collectively they exceed the environmental, social and economic capacity of the land, a competitive process may be necessary; or,
- (iii) all proposals are considered to be unacceptable and unsuitable land uses, with reasons provided in writing to the applicants.

Multiple applications may be subject to a competitive process (see section 8.2 for more details).

8.1.15 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.

Tenure Issuance

The final area(s) covered by the tenure may be the result of negotiations involving the proponent and LWBC. Involving public interest and other members/groups/licensed resource users in the area is at the discretion of LWBC.

Relationship Between Tenures

Where two or more *Land Act* tenures are issued to support components of the same commercial recreation operation, terms, conditions and cross-cancellation provisions of the documentation must be harmonized to address issues associated with replacements, assignments, or cancellation.

Whenever possible, LWBC will strive to minimize the number of separate tenure documents issued to a CR business that are integral to a single operation.

8.2 Competitive Process

The Service Centre or Field Office may initiate one of a number of different competitive processes (e.g. public auction, request for proposals) where permitted by program policy and when deemed appropriate by LWBC.

For more detailed standard policy and procedures regarding competitive processes see [Competitive Process](#).

A competitive process may be established:

- where multiple applications are received for the same general area (by coincidence or as a result of expressions of interest received through advertising), one or more is deemed to be a suitable land use, and they are incompatible with each other, or collectively they exceed the capacity of the land;
- where it is believed that multi-interests may exist; or,
- at the discretion of LWBC.

8.3 Planned Tenure Dispositions

Planned tenure dispositions involve LWBC actively investigating and developing opportunities for Crown land tenures, followed by announced openings within specific geographic areas. Under a planned disposition project or study, Crown lands will be allocated by the Service Centre or Field Office in accordance with standard application procedures or by competitive process.

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.

In most cases, a minimum of \$1 million third party liability insurance is required for CR tenures.

The minimum third party liability insurance requirement is \$5 million for heli-ski operators.

Waivers (voluntary releases of liability) may be used by an operator to limit liability exposure for clients over the age of 19. However, waivers will not be accepted by LWBC in place of minimum insurance requirements.


Temporary Permits

Insurance will not normally be required for a temporary permit if the activity meets the following criteria:


- is a nature activity (as opposed to a sport or exercise activity);
- no overnight experience or accommodation;
- non-motorized and non-mechanized;
- no use of animals (i.e., no horses, ponies, donkeys, llamas);
- non-strenuous activity (i.e., no rock or ice climbing); and,
- no viewing of, and low risk of encountering dangerous animals.

In all other cases, a minimum of \$1 million third party liability insurance must be maintained during the term of the temporary permit.

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. 

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 Sub-tenuring

Examples: A guide-outfitter who sub-tenures to a nature photography operator and a packer; or a number of river rafting operators who time their use of a river section to be complimentary, and want to apply for a tenure under a "shell", with each individual operator being a sub-tenure holder; or a case where a major operation wishes to sub-contract a service which imparts an interest in the land.

An application to sub-tenure under a lease must demonstrate that exclusive use of the leased area is required.

The tenure holder must recognize that the ability to sub-tenure does not preclude LWBC from granting overlapping tenures to other operators. The tenure holder also does not have any higher priority than other operators (i.e., there is no implicit agreement that the tenure holder will be the only operator in an area approved to sub-tenure; and there is no agreement that LWBC will not tenure other users).

The tenure holder may be required, in certain cases (i.e. if demand for commercial recreation is too great or if otherwise in the public interest), to carry out a competitive process for subtenants, under the specific direction of LWBC.

WITHOUT EXCEPTION, ALL REQUIREMENTS FOR THE SUB-TENANT(S) ARE THE RESPONSIBILITY OF THE TENURE HOLDER.

9.3.2 Assignments

All assignments of commercial recreation tenures will require the prior approval of LWBC. Assignees must meet the eligibility requirements of this policy.

The new tenure-holder will be required to commit to and be responsible for operating under the terms and conditions of the original tenure(s), including all provisions of the management plan.

LWBC will require that all permits necessary to support the operation are transferred concurrently, and that the assignee be aware of permit requirements.

9.4 Tenure Replacement

Tenure replacement 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, if the existing tenure is not in good standing, if development contemplated in an approved management/development plan has not been completed, or where it is deemed to be in the public interest. For tenure terms and conditions see section 6.

***Investigative and temporary 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.*

Licenses of occupation will normally include an option for replacement after the mid-term of the current license. For some situations, a mid-term replacement option may not be appropriate. LWBC will consider factors such as those given under section 6.3 in determining whether to include a mid-term replacement option.

A replacement **lease** may generally be applied for after the mid-term of the tenure.

See Part 3 of this policy for specific requirements related to replacement of **sea kayaking** permits.

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.

The approved management plan will act as the basis for monitoring specific performance requirements such as “diligent use” of the tenured area(s), environmental management and reporting.

The need for monitoring and enforcement will be based upon management plan content. In addition, monitoring criteria, standards and programs may be developed in response to complex issues or resource management challenges faced in the planning or administration of commercial recreation tenures.

When issues are raised in the review process for an application that relates to the acceptability of environmental or social change that may result from that operation, LWBC will work closely with the proponent and stakeholders to develop monitoring indicators and standards. These should be:

- simple and regular;
- as inexpensive as possible;
- related directly to the identified issue; and
- linked directly to the activities proposed or undertaken by the applicant.

This set of indicators and standards should be accompanied by a clear scheme that outlines the frequency and standards of monitoring and reporting. Changes to levels, type or timing of commercial recreation use may occur on the basis of this monitoring and both the operator and LWBC must have a clear understanding of what action can or will be taken.

Where the operator is required under the management plan to perform monitoring, the cost will be borne by the operator.

Where operator performance is not in compliance with provisions of the management plan for all or a portion of the area under tenure, LWBC will allow the operator up to 60 days to provide reasons for non-compliance. Unless the infraction requires immediate action then a “stop work” order can be taken.

In the absence of strong supporting information and where reasonable cause exists, LWBC will require appropriate adjustments to the tenure, including the possibility of cancellation.

9.6 Multi-Region Applications Tenure Administration

In addition to coordinating the application process with other regions the primary tasks of the central office are to maintain and keep the original file, be the main client contact, administer the tenure, issue tenure documents, invoice and manage accounts.

In some situations one application may result in two or more tenure documents being issued if distinct CR activities are proposed (e.g. summer ATV tours and winter snow

mobile tours) or if the application necessitates different types of tenures (e.g. licence and lease).

Affected regions will each keep a “shadow” file using the file number assigned by the central office. The land-use report and document will be available to all regions through Tantalus.

9.7 Management Plan Revisions

Tenures issued after February 23, 2005, may include a provision which allows LWBC to amend Management Plans (MP) during the term of the tenure under certain conditions as described below. Amendments may be necessary to address public safety concerns, land-use planning, lack of diligent use, carrying capacity and other similar issues.

Procedures:

1. An “**Initial Notice**” (or advance notice) will be provided to the tenure holder informing them that LWBC is considering amendment of the MP. Delivery will be by registered mail so as to confirm receipt by tenure holder. This notice will include (but not be limited to) the following:
 - tenure reference information;
 - reason for MP review;
 - proposed revisions to the MP;
 - proposed effective date of revision;
 - LWBC contact person; and
 - time period for tenure holder to inform LWBC of any concerns or counter proposal.
 - the standard period will be 60 days from receipt of notice during which time staff will be available for consultation.
 - in the case of **urgent circumstances** the initial response/consultation period may be shortened (see below).
2. Staff will consider all information obtained during the initial notice period from the tenure holder and any other sources. If significant new information is received during that time, this information may be shared amongst interested parties for review and comment. If analysis of information results in significant changes to the proposed MP amendment as set out in the initial notice, then Step 1 of the procedures may be repeated.
3. A “**Final Notice**” will be sent via registered mail to the tenure holder that will include (but not be limited to):
 - advising whether LWBC intends to proceed with the proposed revision as set out in the Initial Notice;
 - providing particulars of any changes to those matters dealt with in the Initial Notice;
 - the **effective date** for revised components of the MP:
 - the effective date will normally be a minimum of 12 months from the day the registered letter is received by the tenure holder,

unless **urgent circumstances** apply, in which case, the date could be set at less than 12 months (see below).

- the timeframe within which the tenure holder must submit, in writing, a **formal objection** with supporting rationale to the Vice President, Land and Water Operations Division (address to be provided).
 - maximum time period will be 60 days, unless a shorter period is stipulated by LWBC in the event of urgent circumstances.

If an objection is not received within the specified timeframe the proposed change will take effect on the effective date provided in the notice.

Urgent circumstances

Certain situations may necessitate making revisions to MPs sooner than the standard 12-month implementation timeframe referenced above. The actual timeframe will be determined on a case-by-case basis. Urgent circumstances are those that involve matters of public interest, such as:

- a. significant environmental concerns (e.g., degradation of sensitive habitat, new closures under the *Wildlife Act* or other legislation);
- b. specific government direction to close an area or restrict use that requires compliance within 12 months (e.g., through the implementation of a land-use plan); or
- c. public safety concerns (e.g., if geological/seismic activity creates a new hazard).

Tracking changes to MPs

To ensure that all amendments are noted and all parties can easily identify the most current approved MP, a standard "Amendment Log" form will be attached to the MP on file (refer to Appendix 16 - Management Plan Amendment Log template).

An original MP may become difficult to follow if several amendments are made during the term of the tenure. In such cases, LWBC may request the tenure holder to provide an updated MP for LWBC's approval as needed.

9.8 Updating Existing Tenure Documents to Incorporate New Tenure Provisions

Existing tenure holders who wish to take advantage of new or revised tenure provisions may request to have their tenures modified to incorporate these provisions. This will normally be done by modification agreement. If there have been extensive document revisions implemented since the original tenure was issued, staff may decide that the extent of these modifications warrants substitution of the entire existing document with an updated tenure document (note that this is not the same as a tenure replacement or premature renewal). For these requests, the minor amendment service fee will apply unless other changes are being made to the tenure (in which case the appropriate administrative fee will be charged).

Part Two – River Use

10. PURPOSE

This supplement to the CR policy applies to river guiding activities that use provincial Crown land outside of parks or protected areas. It applies to all activities related to commercial river use where these activities use Crown land for access, camping, picnicking, day hiking, etc.

11. DEFINITIONS

River Use means commercial river guiding operations such as river rafters, dory boat trips, jet boats, river kayaking and canoeing where these activities use Crown land for access, camping, picnicking, day hiking, etc.

River Corridor means the river corridor approach used by MWLAP pursuant to the Commercial River Rafting Safety Act (CRRSA) and the new federal river rafting safety regulations. Approvals for using Crown land in the course of river guiding activities will apply to named river corridors. Where practical, those corridors will correspond with existing special provisions identified under the CRRSA.

12. APPLICANT ELIGIBILITY

In addition to standard eligibility requirements, operators applying for Crown land tenure to conduct a river guiding operation must have a valid permit under the CRRSA. After repeal of the CRRSA operators must meet the requirements of the Federal rafting safety regulations.

13. FORM OF LAND ALLOCATION

Approval for intensive and extensive uses can be issued under either a single tenure document or two separate documents. The use of sites with major improvements or where complex land use issues exist may be authorized under a separate tenure document (i.e. separate from the extensive use). If more than one document is used, all documents must be cross-referenced to ensure effective tenure management.

All related camping, river access, and day excursions that may take place as part of the overall river trip along a river corridor are included in one tenure and do not require additional licensing.

Guided Angling Operations

Angling guides licenced under the *Wildlife Act* do not require an extensive use tenure unless their business also offers guided CR activities not related to fishing (e.g. wildlife viewing, jet boat tours, etc.). For boat launch and take out sites an intensive use tenure is only required if permanent improvements (e.g. boat ramp) will be made to the site. Overnight and day camping will only require an intensive use tenure if improvements, including tent frames, will be placed on the land.

For angling guides practicing no-trace camping at a particular site on a regular basis an intensive use tenure is recommended, but not required.

13.1 Temporary Permit

In recognition that river corridors are culturally significant and have been used traditionally by First Nations and may fall within high archaeological potential areas, temporary permits will be the initial form of tenure offered to river guiding operations.

Temporary permits may be issued for non-motorized use of extensive areas at the request of an applicant or where there is a need for an interim tenure pending resolution of significant planning or other broader management issues. Temporary permits are not available for motorized uses.

Permits do not authorize permanent improvements to be placed on the land; however, low impact temporary improvements will be permitted (e.g. portable or temporary boat ramps, etc.) where specifically identified in the management plan.

13.2 Licence of Occupation

Where there are no First Nations issues, or the issues have been addressed, a licence of occupation will be the standard tenure to authorize extensive and intensive use of Crown land by commercial river guiding operations.

Extensive use licences will follow river corridors and include temporary overnight campsites and day sites on Crown land where no-trace activities are occurring. Temporary improvements such as outhouses or box privies may also be allowed, provided they are made available for use by other tenured businesses and the public.

River guiding businesses that wish to construct improvements such as tent frames, kitchen shelters and permanent put in/take out ramps will require a separate intensive use area licence of occupation.

Licences are to be issued for the sections of a river, or sections of more than one river, that are used by an operator as part of the regular guiding operation. The standard practice will be to include all river sections required within a LWBC administrative boundary under one tenure document.

Where appropriate, tenures may cross LWBC administrative boundaries. The Service Centre in receipt of a cross-boundary application must notify all affected offices at the time the application is accepted for review. Service Centres will work together to develop an appropriate tenure management approach. Normally the Service Centre with the largest river area or most significant issues will lead the review and approval process. Where a majority of a company tenure request is within one LWBC administrative boundary, one tenure document will be issued by that Service Centre. See Part 1, section 8.1.1 for guidance on managing multi-region tenure applications.

13.3 Lease

A Lease may be issued over small intensive use sites where there is a need for the development of major improvements such as a lodge site. Careful consideration must be given to issuing any lease tenures within the 200 year flood plain and high-use areas (i.e. areas with multiple users that would preclude providing exclusive use to one operator).

14. PRICING POLICY

Any proposed pricing adjustments for river CR use should include consultation with industry. Implementation will consider the operational requirements of businesses to allow operators to incorporate changes into marketing plans.

14.1 Administrative Fees

14.1.1 Tenure Management Fee

An annual tenure management fee of \$100 is charged for non-motorized/non-mechanized uses and \$1000 is charged for motorized/mechanized uses for all extensive use licences of occupation. Permits for river use are charged an annual tenure management fee of \$100 (i.e. for non-motorized use).

Tenure management fees are not charged for intensive use-only tenures.

14.2 Rentals

14.2.1 Temporary Permit

Standard rent as per Part 1, section 7.3.2 applies.

14.2.2 Licence of Occupation

Standard rent for extensive and intensive use sites as per Part 1, section 7.3.3 applies.

The minimum rent will be remitted at licence commencement. The actual per client day fees will be paid at the end of season when submitting annual activity reports as per Part 1, section 7.2.

14.2.3 Lease

Standard rent as per Part 1, section 7.3.4 applies.

15. ALLOCATION PROCESSES

15.1 Applications

15.1.1 Application Package

River use operations require a management plan for all tenure type including permits. These management plans will specify a maximum number of client/days and other operating limitations such as over-night areas, day use, and any restricted areas (e.g. environmentally or archaeologically sensitive areas). The tenure may restrict use of certain areas to day use only or restrict time of use or duration of use or number of client days. Any limits and restrictions will be set through a consultation process with industry representatives where no carrying capacity issues exist.

Applications for new tenures and renewals must be accompanied by a management plan containing the following:

- proposed routes, specific location of all campsites, alternate campsites, hikes and other landing sites, including BC Parks, Forest Service recreation sites and private sites;

- Map data should be presented on Navigational Charts, NTS 1:50,000 or TRIM 1:20,000 base maps and where possible accompanied by coordinates; and
- approximate itinerary, dates and anticipated number of trips and client-days.

A management plan should also address operating standards and practices, any resource use conflicts and means of addressing them, any rules and conditions specific to Forest Service recreation sites as identified by the Ministry of Forests, and any other issues raised by LWBC with the applicant.

More detailed information on the content requirements of management plans is available on the LWBC website.

15.1.2 Application Window

Companies seeking River Use tenures should plan in advance. Applications must be submitted to LWBC offices by November 30 for consideration for the following summer season. Applications submitted after November 30, when accepted for review, will be considered only after decisions on the applications submitted prior to November 30 and there are no management issues or other concerns.

15.1.3 Clearance/Statusing

A land status is normally required only for Crown land areas identified for day or overnight use and put in/take outs. A status of the river corridor(s) may be considered with the above day/overnight use where complex land use/ownership patterns are present. A land status will not normally be required on areas of use that are submerged for portions of the year.

15.1.4 Referrals

All applications for Crown land licences or permits are to be referred to WLAP – Environmental Stewardship to ensure that safety program and approvals are coordinated until repeal of the *CRRSA*.

LWBC will refer new and replacement applications to other agencies, local governments and First Nations, as appropriate. Where affected parties agree, planning and/or annual Issues Management Reviews may be used in place of referrals.

15.1.5 Advertising/Notification

Staking may be required for put in/take out sites and campsites.

Advertisements must clearly describe the tenure location, types of activity proposed, and the rights under application.

15.1.6 Aboriginal Interests Consideration

Archaeological Assessments

Generally river corridors are culturally significant and may fall within high archaeological potential areas. Many river corridors have been used traditionally by First Nations communities for sustenance, travel routes and various other cultural activities that are unique to their culture.

Due to the high potential for First Nations' interests, an Archaeological Overview Assessments (AOA) may be required over the river corridors used by river operators. Areas above the high water mark which are utilized on an overnight basis or as regular stopovers (e.g. lunch, walkabouts) for commercial river guiding activities may require a more detailed site specific Archaeological Impact Assessment (AIA) to assess the potential for archaeological impacts. The impact assessment is designed to gain the fullest possible understanding of archaeological resources which may be affected by the activity.

Where there is existing information available, AOA or AIA may not be required for extensive use licences with no-trace operations.

Information obtained from the AOA and, if required, the AIA, will be used to put mitigative measures in place to prevent disturbance of sites.

Due to the extensive nature of these permits and significant use of the area by multiple CR tenures, and the public, LWBC will develop a provincial process to complete the required studies on river corridors.

15.1.7 Issuing Documents

Applicants proposing activities that are subject to the terms of the *Commercial River Rafting Safety Act* (CRRSA) or the Boating Regulations of the *Canada Shipping Act* must obtain appropriate authorizations under these Acts for the river corridors indicated in their applications with LWBC. LWBC and MWLAP will be working co-operatively with the objective of issuing the necessary authorizations concurrently.

16. TENURE ADMINISTRATION

16.1 Insurance

Applications for new licenses and renewals must demonstrate a minimum of \$1,000,000 liability insurance per licence as provided by the CR policy and no less than the amount required under the federal *Marine Liability Act*. LWBC will consult with the Risk Management Branch to ensure that the level of insurance required is commensurate with the risk posed by the activity.

16.2 Monitoring and Enforcement

At the end of each operating season, by November 1 each year, tenure holders must submit an annual report and, if changes to the operations are required, an updated management plan. Annual reports should document actual itineraries, including sites used, dates, and actual client days.

16.2.1 River Use Management Strategies

Recreation Planning

LWBC recognizes that land use planning is an effective tool for managing recreation and tourism, particularly in areas with resource use conflicts, commercial or public management issues, or environmental concerns. LWBC will work with the Ministry of Sustainable Resource Management, other provincial agencies, Wilderness Tourism Association of BC (WTA), Council of Tourism Associations of BC (COTA) and industry

representatives, local communities, First Nations and other interested parties to advance provincial planning priorities that involve river corridors under licence.

Issues Review

While the river guiding industry, for the most part, is operating on the principle of no-trace camping, at times concerns from the public, local government, First Nations and other commercial users may arise. A review of critical issues may be undertaken to review river corridor-specific issues and develop means for addressing concerns. Planning, sensitive area designation and client day limits may be considered as part of an issues management strategy. Such a review will take place as required. This will normally be led by LWBC and attended by the industry and other interested groups, as appropriate.

Sensitive Areas

Sensitive areas, for the purpose of river use, are those susceptible to disturbance from river-based and associated land activities. Sensitive areas may be identified through a planning process or an annual critical issues review.

Where appropriate, LWBC may establish specific management requirements and capacity limits for rivers or segments of rivers in consultation with industry representatives and other stakeholders. LWBC will ensure that tenure terms and conditions reflect an appropriate strategy for addressing any concerns. High-use areas may require limits to the number of licenses issued and/or client days authorized. In establishing these limits, LWBC will work with industry representatives to consider economic viability, existing operators, previous levels of use and activities, archaeological concerns, land use conflicts, and social and environmental concerns. Operators may be required to provide evidence of the previous levels of use (e.g. signed waivers, bus log books) to determine allocation levels.

Operating Standards and Practices

LWBC will continue to work with the river guiding industry and other appropriate agencies to establish standards and requirements for obtaining and maintaining *Land Act* tenures for river guiding operations. As part of the operating standards and requirements, a broad set of best management practices with operational and environmental standards will be developed over time. Once established, these standards will be considered during application, management plan and issues review processes.

Capacity Management

River corridor capacity management may be established through planning or other consultative processes. Where capacity is an issue for a particular river corridor or its portion, LWBC will be guided by the following principles and consultation with the WTA and industry representatives:

- Where existing operators are diligently using capacity, new operators should be directed to other locations;
- Where existing capacity becomes available within a river segment that is under capacity limits, it may be reallocated based on standard processes for addressing overlapping tenures;

- Where a downward capacity adjustment is required, it will normally be applied on a proportional basis to all operators licensed within that segment. This approach may be adjusted by LWBC in consultation with the industry;
- Where limits on client days are required, LWBC will phase in changes in consultation with affected operators.

Part Three – Sea Kayaking

17. POLICY APPLICATION

This supplement to the CR policy applies to land-based activities associated with sea kayak guiding that use provincial Crown land outside of parks or protected areas. It applies to all activities related to sea kayaking where these activities use Crown land for access, camping, picnicking, day hiking, etc.

The concept of Incidental Use as outlined in Part 1, section 1 does not apply to sea kayaking.

18. FORM OF LAND ALLOCATION

18.1 Temporary Permit

Permits shall be the primary tenure instrument to authorize extensive use of Crown land for sea kayak guiding businesses.

Permits enable nonexclusive use of Crown land for beach access, launch sites, lunch stops, day hikes, temporary stops, upland campsites, etc. Permits may authorize temporary improvements such as outhouses or box privies. For these facilities to be authorized under permit, they must be available for use by other tenured businesses and public users. The use of human effluent containment (boom) boxes is mandatory.

A permit for commercial sea kayak guides will apply to only one of nine management zones, as described on the zone map (see Appendix 11). Based on the information presented in an approved management plan, the permit will specify a maximum number of client days by management zone and will specify operating limitations such as overnight areas, day use, and restricted areas. Sea kayak guiding operators may apply for permits to operate in any or all of the management zones.

18.2 Licence of Occupation

Sea kayak guiding businesses that seek intensive use of Crown land or wish to construct permanent improvements such as tent frames (yurt tents) and kitchen shelters will require an intensive use licence of occupation. Intensive use sites may not be available in high use areas unless determined suitable through a planning process or otherwise agreed to by the Service Centre Director. Businesses seeking such tenures will still be required to obtain permits for their extensive use of Crown land.

The ability to issue licences is restricted by Order-in-Council 467/1982. This OIC precludes issuance of tenures other than permits for all unsurveyed islands and islets lying south of the 51st parallel and east of the 129th meridian, and all unencumbered and unalienated islands, less than 64.75 ha in size, within the coastal tidal waters lying north of the 51st parallel, without the approval of the Lieutenant Governor in Council.

19. PRICING POLICY

19.1 Administrative Fees

Unless otherwise stated, all applicable administrative fees are as per Part 1, Section 7.1.

19.1.1 Tenure Management Fee for Sea Kayaking

An annual tenure management fee of \$100 is required for permits and licences of occupation (i.e. for non-mechanized use).

19.2 Rentals

19.2.1 Temporary Permit

Standard rent as per Part 1, section 7.3.2 applies.

19.2.2 Licence of Occupation

Standard rent for extensive and intensive use sites as per Part 1, section 7.3.3 applies.

The minimum rent will be remitted at licence commencement. The actual per client day fees will be paid at the end of season when submitting annual activity reports as per Part 1, section 7.2.

Where actual client/days exceed projections as outlined in management plans, plans may need to be adjusted on application for tenure renewal. Alternatively, in some situations permit restrictions may need to be placed on the number of user-days.

Where motorized vessels are used as tour vessels which access Crown land for guided tourism purposes instead of simply providing a transport service to and from the kayak operation, the annual rental rate or user-day rate will be assessed as a motorized activity.

20. ALLOCATION PROCESSES

20.1 Applications

Applications in Management Zone 1 (Straight of Georgia) will be coordinated between the Surrey and Nanaimo offices to ensure that management issues can be addressed.

20.1.1 Multi-Region tenure Applications

Sea Kayak operators can make multiple-zone applications under a single application fee, but they need to submit a full application package for each zone they are proposing to operate in. Zones can be in one or more regions. Multi-region applications are to be processed in accordance with the general procedures given in Part 1, section 8.1.1.

20.1.2 Application Package

A management plan is required for all applications for new temporary permits and permit replacements for sea kayaking. The management plan shall contain the following:

- A map showing the management zone in which the company is proposing to operate.

- Maps showing proposed routes, specific location of all campsites, alternate campsites, hikes and other landing sites. This information should include BC Park or Forest Service recreation sites and private sites. Map data should be presented on Navigational Charts, NTS 1:50,000 or TRIM 1:20,000 base maps and where possible accompanied by GPS coordinates.
- A kayaking activity report (see Appendix 13) that cross references the map to site locations and identifies proposed client days and type of use at each of those sites. For replacement permits, actual user days must also be included. Information about frequency of use may also be required.

A sea kayak management plan outline is provided in Appendix 12.

20.1.3 Application Window

All sea kayak applications will be processed on an annual cycle. Companies seeking new permits should submit completed applications to the LWBC office between September 1 and October 31 for adjudication before any given operating season.

Companies may apply to the local LWBC office for permits on short notice (i.e. outside of the application window). Decisions on applications for short notice permits will be made by Service Centre Directors and will depend on the location, intensity of use within the zone and the capacity of LWBC to deal with the application.

20.1.4 Clearance/Statusing

Permit applications will not normally require a land status.

Applications for intensive use of Crown land, which require licences of occupation, will be statused as per normal processes.

20.1.5 Referrals

Referrals for kayaking permits will not normally be undertaken, unless deemed necessary by the Service Centre Director.

20.1.6 Advertising/Notification

Advertising will not be required for permit applications.

Advertising will be required for applications for licenses of occupation.

21. TENURE ADMINISTRATION

21.1 Monitoring and Enforcement

Annual Reporting and Permit Replacement

At the end of each operating season, permit holders must submit an updated management plan, including an activity report which must be in the format provided by LWBC. Part A of the activity reports (Appendix 13) summarizes sites used and user days. Part B is a daily log (Appendix 14) that provides a day by day record of site use. Updated maps will also be required if modifications are made to the routes or sites proposed for use in the upcoming season. The applicant must sign and date this updated management plan.

LWBC may approve or modify the management plan (in discussion with the client) based on the activity report and mapping and return a signed copy to the applicant. LWBC's endorsement of the management plan constitutes a replacement 2 year permit under the same terms and conditions as the previous permit, except as modified by the amended activity report and maps.

The permit holder should advise LWBC if they do not want to reapply for a further 2 year term when the annual report is submitted. In that case, the existing permit will continue to be in effect but will expire at the end of the second year.

22. VARIANCE PROCEDURE

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.

Appendices

Appendix 1 – Summary of Commercial Recreation Tenure Types

	No Tenure Required	Permit	License of Occupation	Lease
Purpose	Incidental commercial use*	Authorizes short term investigative, business start-up or low impact commercial uses. Can include no-trace camp sites	Authorizes comm. use over extensive areas and/or intensive use of small sites. Can authorize primary, secondary, temporary, or no-trace camp sites.	Authorizes intensive commercial use of small sites. Can authorize primary or secondary camp sites.
Applicability	Low-impact uses which: - use any Crown land fewer than 14 days in any 6 mos. - of non-disturbing nature to other users of Crown land and wildlife; - non-mechanized/ motorized - do not use any livestock or bicycles other than on MoF-designated trail systems	Uses are low impact and have low potential for conflict: - low usage levels (well below limits of acceptable change) - no modification required as part of operation - no construction or placement of improvements or permanent or semi-permanent structures - non-mechanized/ motorized	Uses involve some impact and may have potential for conflict: - some modification or disturbance of the land - may involve construction or placement of improvements/ structures	Uses require construction or placement of permanent improvements/ structures
Example	one-time low impact guided event	investigation; or one-time mountain guiding in area other than normal use; one time recreational fundraising event	guide-outfitting operations; heli-ski operations; general mountaineering; areas which include trail systems	lodge, restaurant
Rights & Responsibilities	N/A	- right to carry out specified activity(s) for short term - must permit public access without interference - overlapping and layering of tenures may occur - insurance may be required - security may be required	- right to carry out specified activity(s) for long term - right to modify land, and/or construct improvements as specified in management plan - overlapping and layering of tenures may occur - insurance / security required	- right to carry out specified activity(s) for long term - right to modify land, and/or construct improvements as specified in management plan - right of exclusive use - insurance/ security required - survey required
Tenure term	N/A	up to 2 yrs	up to 10 yrs for initial, unless integral to lease or similar devel. on private land (then up to 30 yrs.) up to 30 yrs for replacement	up to 30 yrs
Mgmt Plan	N/A	generally not required	required, but not to duplicate plans provided for other gov't authorizations	required, but not to duplicate plans provided for other gov't authorizations
Referrals	N/A	Limited and discretionary	required	required
Advertising	N/A	Limited and discretionary	required	required
Sub-tenuring	N/A	not permitted	may be permitted	may be permitted

* does not apply to sea kayaking.

Appendix 2 – Summary of Commercial Recreation Pricing

TENURE	TERM	VALUATION	PRICING	METHOD OF DISPOSITION
Lease	30 years	Appraised market value or BCA Actual Land Value	<p>Intensive use</p> <ul style="list-style-type: none"> ▪ Primary (base) camps - 8% of land value or \$500, whichever is greater. ▪ Secondary (satellite) camps - 5% of land value or \$100 per site, which ever is greater. <p>Extensive Use – Lease not available</p>	Application
Licence of Occupation	10 years (initial) up to 30 years (replacement)	<p>Intensive use Appraised market value or BCA Actual Land Value</p> <p>Extensive Use Revenue sharing</p>	<p>Intensive use</p> <ul style="list-style-type: none"> ▪ Primary (base) camps - 7.5% of land value or \$500, whichever is greater ▪ Secondary (satellite) camps - 4.5% of land value or \$100 per site, which ever is greater. <p>Plus Extensive Use</p> <ul style="list-style-type: none"> ▪ non-mechanized: \$1/client day ▪ mechanized ski guiding: \$4/client day ▪ other mechanized: \$6/client day ▪ \$500 minimum rent in all cases* <p>Plus Temporary camps - \$100 per camp.</p> <p>Plus Tenure Management Fee</p> <ul style="list-style-type: none"> ▪ non-mechanized: \$100/yr ▪ mechanized: \$1000/yr 	Application
Temporary Permit	2 years	Extensive Use Revenue sharing	<p>Intensive use – Permit not available</p> <p>Extensive Use – River Use and Sea Kayaking</p> <ul style="list-style-type: none"> ▪ non-mechanized:\$1/client day ▪ mechanized: permit not available ▪ minimum rent \$125/6 months or \$250/yr (\$500 prepaid for 2 years)* ▪ Plus Tenure Management Fee: \$100/yr <p>Extensive Use – all other CR uses</p> <ul style="list-style-type: none"> ▪ non-mechanized:\$1/client day ▪ mechanized: permit not available ▪ minimum rent \$125/6 months or \$250/yr (\$500 prepaid for 2 years)* ▪ No Tenure Management Fee 	Application
Investigative Permit	2 years	Fixed amount	\$250 for terms up to one year, or \$500 prepaid for 2 years	Application
<p>* The minimum rent will be remitted at licence commencement. The actual per client day fees will be paid at the end of season when submitting annual activity reports as per Part 1, section 7.2.</p> <p>** Mechanized ski guiding operations are defined as businesses which use tracked vehicle, fixed wing plane or helicopter to guide or conduct ski excursions onto Crown land.</p>				

Appendix 3 – Administrative Fees for CR Tenure Modifications

Amendment Fees - Commercial Recreation Program

Proposed Amendments	Administrative Process Guide*					Fee
	Referral	FN Consult.	Amend Management Plan	Prepare Modification Agreement	Prepare New Tenure Document	
Add <u>similar activities</u> ** within the same tenure area (e.g. add ATV to 4X4 use)	M	N	Y	M	N	Minor amendment fee - \$100
Add <u>different activities</u> within the same tenure area (e.g. snowmobile to heli-ski, or ATV to snowmobile)	Y	Y	Y	N	Y	New application fee (Mech. or non-mech. fee)
<u>Expand tenure area</u>						
same purpose	Y	Y	Y	M	M	New application fee
different purpose	Y	Y	Y	N	Y	(Mech. or non-mech. fee)
Add <u>minor improvements</u> within the same tenure area (e.g. emergency shelter, trail)	M	M	Y	M	N	Minor amendment fee - \$100
Add <u>major improvements within an extensive use area</u> (e.g. cabin)	Y	Y	Y	M	M	Application fee - \$250 Always use the “CR -non-motorized” fee, even if extensive area is for mechanized use.
Add <u>major improvements within an intensive use area</u> (e.g. additional cabin) - same use	M	M	M	M	N	Minor amendment fee - \$100
<u>Reduce tenure area</u>	N	N	Y	Y	N	Minor amendment fee - \$100

* Y= yes; N= no; M= maybe

** A “similar activity” is one that would typically use the same locations, sites or trails during the same season with similar or less intensity. Adding similar activities would have a low likelihood of causing any additional impact to resources or other users.

Appendix 4 – Examples of Rent Calculation for CR Operators

1. Extensive and Intensive Under One License (large operator)

Assumptions: This is year 3 of an operation. 4500 client days of non-motorized activity occurred in the previous year. The operation has 1 primary camp; 2 secondary camps, 3 temporary camps. Land value is \$10,000/ha; primary camp is 2 ha in size; secondary camps are 1 ha.

Client day fees: based on actual from previous yr =	\$ 4500
1 Primary Camp: $7.5\% \times (1 \times \$20,000) =$	\$ 1500
2 Secondary Camps: $4.5\% \times (2 \times \$10,000) =$	\$ 900
3 Temporary Camps: $3 \times \$100 =$	\$ 300
Management Fee:	\$ 100
Total Annual Rent:	\$ 7300

2. Extensive and Intensive Under One License (small operator)

Assumptions: Year 3 of an operation. 400 client-days of non-motorized activity in previous year. Operator has 3 temporary camps.

Client day fees: license minimum applies	\$ 500
3 Temporary Camps: $3 \times \$100 =$	\$ 300
Management Fee:	\$ 100
Total Annual Rent:	\$ 900

3. Intensive-use only under the license

This would, for example, apply to hunting guides who do not pay client day fees for hunting purposes approved under the *Wildlife Act* or another CR operator tenured under a license who conducts all of their activities within the boundaries of the licensed area. Note that if the calculated rent ($\% \times$ land value) does not exceed the minimum rent, then the \$500 minimum applies.

Operator 1: Assumptions: one primary (base) camp, 3 secondary (outpost) camps, 10 temporary (spike) camps. The primary camp is 2 ha, secondary camps 1 ha; land value is \$5,000/ha.

Client day fees:	not applicable
Primary Camp: $7.5\% \times (1 \times \$10,000) =$	\$ 750
Secondary Camps: $4.5\% \times (3 \times \$5,000) =$	\$ 675
Temporary Camps: $10 \times \$100 =$	\$ 1000
Management Fee:	not applicable
Total Annual Rent:	\$ 2425

Operator 2: one primary camp on private land, 3 secondary camps, 3 temporary camps. Outpost camps are 1ha, land value \$5,000/ha

Client day fees:	not applicable
Primary Camp:	not applicable
Secondary Camps $4.5\% \times (3 \times \$5,000) =$	\$ 675
Temporary Camps $3 \times \$100 =$	\$ 300
Management Fee:	not applicable
Total Annual Rent:	<u>\$ 975</u>

4. Permits

Rent for a permit is based on client days with a minimum rent payable of \$250/permit year.

Operator 1: Assume a kayaking operation has 180 client days a year and has identified 7 “no-trace campsites” (no rent is payable for the no-trace campsites).

Client day fees:	\$ 250
Management Fee:	\$ 100
Total Annual Rent:	<u>\$ 350</u>

Operator 2: Assume a kayaking operation that has 4000 client days a year and has identified 7 “no-trace campsites” (no rent is payable for the no trace campsites).

Client day fees:	\$4000
Management Fee:	\$ 100
Total Annual Rent:	<u>\$4100</u>

Appendix 5 a – Example of a Statutory Declaration (Draft)

CANADA: }
 PROVINCE OF BRITISH COLUMBIA: } IN THE MATTER OF FILE NO. «FILE»
 «LICENCE» } LICENCE NO.

To WIT:
 I,

of «Company»
 «Address1»
 «City» «PostalCode»

In the Province of British Columbia, do solemnly declare the following:

Between _____ and _____ the following client days were recorded:

Activity	Zone	Operating Dates (from/to)	Client Rate	x	No. of Client Days	=	Total Client Day fees

Total Client Day fees \$ _____
 Plus 7% GST \$ _____
 Sub Total \$ _____
 Less annual rent paid \$ 535.00
 (minimum rent amount; not including Management Fee)

Total Client Day fees (to be submitted with declaration and invoice payment) \$ _____

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

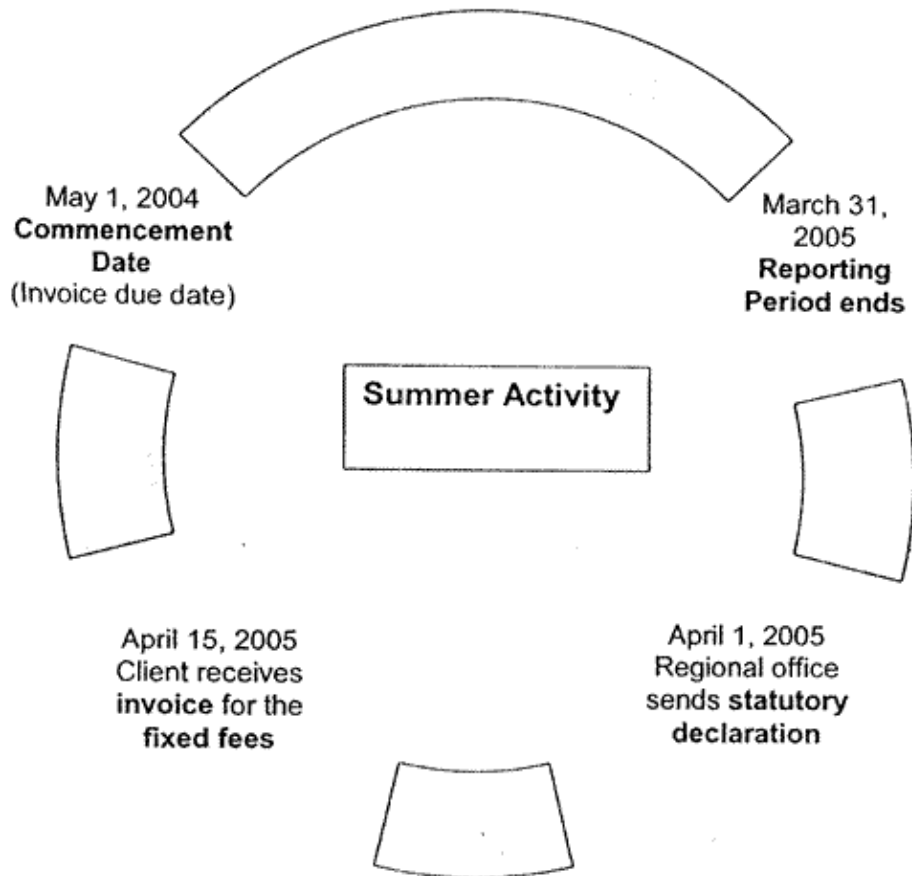
Declared before me at the _____, in the Province of British Columbia, this _____ Day of _____, A.D.

 A Commissioner for taking Affidavits for British Columbia or
 A Notary Public in and for the Province of British Columbia

Appendix 5 b – Examples of Payment Schedules and Reporting Periods for Seasonal Operations

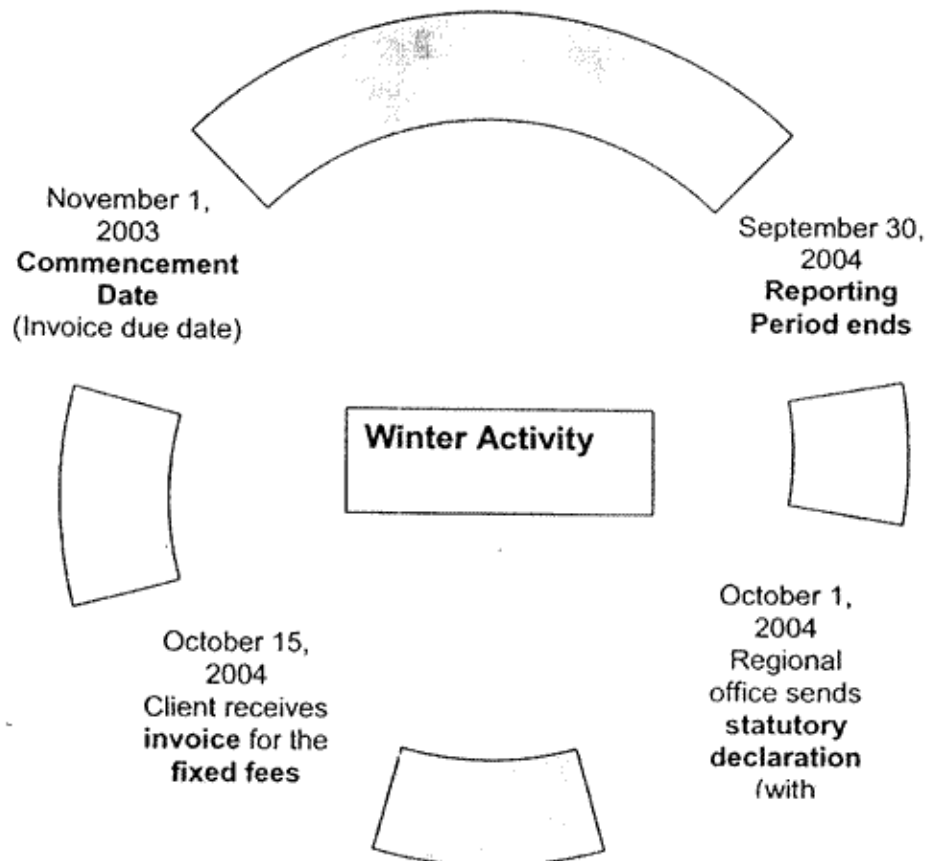
Example 1. Summer Activity

- Commencement Date (and invoice due date) May 1, 2004
- No later than April 1 each year (4 weeks prior to anniversary of Commencement Date) the regional office will send a statutory declaration to the client – the declaration will note the Reporting Period.
- No later than April 15 each year (2 weeks prior to anniversary of Commencement Date) the client will receive the invoice for the fixed fees.
- The first statutory declaration to be submitted will be due on May 1, 2005 for a reporting period of 11 months, from May 1, 2004 to March 31, 2005
- The second and subsequent declarations will be due on May 1 for a reporting period of 12 months, from April 1 to March 31



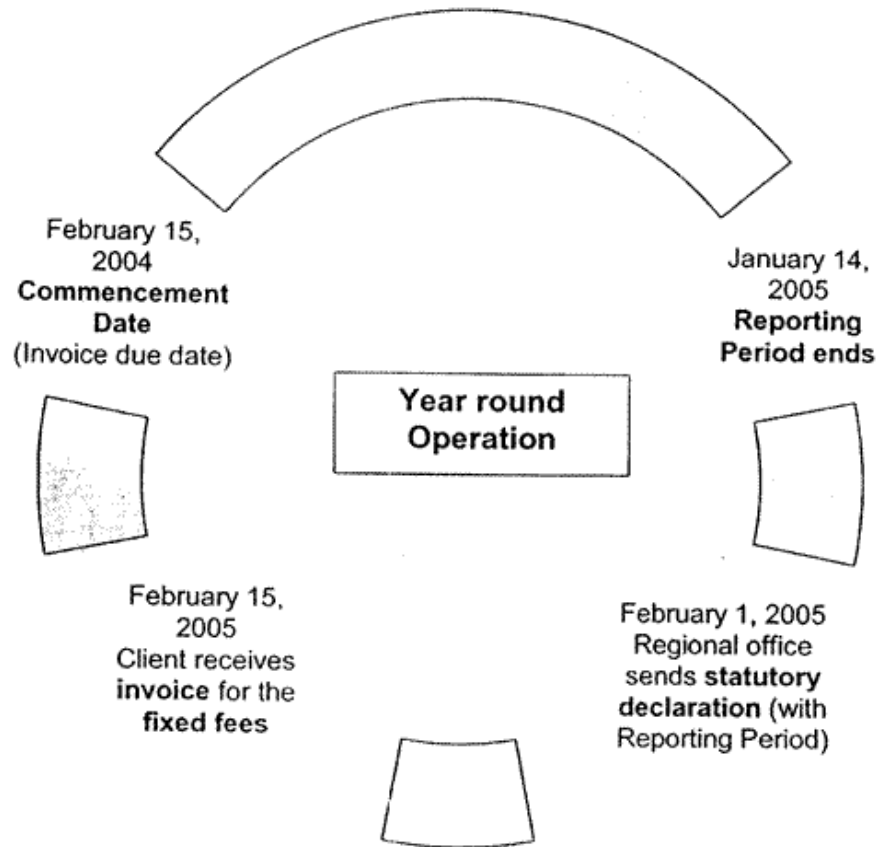
Example 2: Winter Activity

- Commencement Date (and invoice due date) November 1, 2003
- No later than October 1 each year (4 weeks prior to anniversary of Commencement Date) the regional office will send a statutory declaration to the client – the declaration will note the Reporting Period.
- No later than October 15 each year (2 weeks prior to anniversary of Commencement Date) the client will receive the invoice for the fixed fees.
- The first statutory declaration to be submitted will be due on November 1, 2004 for a reporting period of 11 months, from November 1, 2003 to September 30, 2004.
- The second and subsequent years' declarations will be due on November 1 for a reporting period of 12 months, from October 1 to September 30.



Example 3: Year round activity

- Commencement Date (and invoice due date) February 15, 2004
- No later than January 15 each year (2 weeks prior to anniversary of Commencement Date) the regional office will send a statutory declaration to the client – the declaration will note the Reporting Period.
- No later than February 1 each year (4 weeks prior to anniversary of Commencement Date) the client will receive the invoice for the fixed fees.
- The first statutory declaration to be submitted will be due on February 15, 2005 for a reporting period of 11 months, from February 15, 2004 to January 14, 2005
- The second and subsequent declaration will be due on February 15 for a reporting period of 12 months, from January 15 to January 14



Appendix 6 – Recreation/Tourism Land Use Planning

Land use planning for commercial recreation may be undertaken as part of a strategic land use planning process (e.g., Land and Resource Management Planning), or as a more dedicated process which focuses just on recreation opportunities. Tenuring and management of Crown land for commercial recreation will be consistent with approved local, regional and provincial land use plans and recreation management plans.

In addition, while one or more government agencies might normally take the lead in undertaking a land use plan relating to recreation use, non-government organizations, local governments and/or CR operators may also undertake such processes.

Plans Prepared to Identify Recreation/Tourism Opportunities

A land use plan may be specifically undertaken to identify commercial recreation opportunities, and to direct the present and future use of Crown land in a specified area. A commercial recreation plan should identify available Crown land, indicate the associated uses that would be considered within each area, and provide a balanced context for delineating those parcels which would not be offered for development.

This type of plan has the benefit of:

- providing for participation by the public, relevant advocacy groups, local government and First Nations in determining future Crown land use;
- evaluating the demand and supply equation for Crown land in order to identify areas with the potential for meeting specific demands (i.e., identifying the environmental, social and economic capacity of the land);
- reducing and preventing conflicts on the ground, including identifying areas where public access should be maintained;
- providing certainty for investors and communities;
- contributing to environmental protection efforts by identifying parcels which should be protected;
- supplying information to strategic level plans;
- providing timing and location of operations to be carried out on the ground;
- describing specific practices (e.g., tenure limitations) to be carried out on the ground;
- creating efficiencies in processing applications, i.e., planned dispositions will take less time to process, be based on full information, and applications submitted will have a higher success rate; and,
- giving advance warning of other planning issues or problem areas before they escalate to significant proportions.

Geographic Area

The scope of a commercial recreation plan will vary depending on the nature of the area, including resource availability, competing interests, and geographic characteristics. The geographic area to be covered by a plan may vary from site-specific to watershed/landscape unit to an even larger area.

Recreation plans may be:

- Issue-focused – site specific conflicts;
- Seasonal, e.g., winter recreation strategy;
- Activity-focused – e.g., considering only a specific type of recreation, such as snowmobiling or commercial heli-hiking; or,
- Comprehensive, considering all aspects of recreation within a given area.

Plan Content/Products

Zones: the area to be planned will be divided into a variety of smaller zones or units, which are the basis for identifying allowable uses.

Objectives: descriptors which state recommended appropriate use of the land over the short and/or long term. Objectives may relate to the spectrum of resource use from protection and conservation to disposition for specific economic uses.

Location/timing of practices: in addition to providing ways in which objectives can be achieved, plans may provide direction in regard to timing and location of practices on the ground, or requiring certain rehabilitation measures to follow development within a limited timeframe.

Process

- (a) Boundary definition:** Priority areas for commercial recreation planning would be defined by each regional office, in consultation with government Inter-Agency Management Committees (IAMCs). Planning will likely occur on a "hot-spot" basis, rather than systematic planning of an entire regional area.
- (b) Plan preparation:** In general, a commercial recreation plan will follow a standard terms of reference, tailored to reflect the specific characteristics of the area in question. There will typically be public notification of plan commencement.
- (c) Timeframe:** It is estimated that a commercial recreation plan will take between 3 and 12 months to complete, with influencing factors being the complexity of resource values present in a given area, timing of other related planning processes, and level of public interest.
- (d) Coordination with other agencies, First Nations and local government:** Plans will typically be developed with direct and active participation by agencies such as the Ministry of Forests, Ministry of Energy and Mines, MWLAP and MSRM, as well as the Forest Land Commission, Agricultural Land Commission, local government and First Nations. Referrals may also be sent as necessary to

involve agencies such as Department of Fisheries and Oceans and the Ministry of Education.

- (e) **Public participation:** Stakeholder groups will likely be directly involved in the development of a commercial recreation plan, given the specific nature of issues and related interests. In addition, public input may be facilitated through "open houses" at pre-set stages of the planning process, typically when:
- initial statusing, mapping is complete;
 - preliminary recommendations have been made regarding zones/units and allowable uses, and incorporated into the plan; and,
 - final decisions have been made.
- (f) **Plan approval:** Completed plans will be reviewed by IAMC, and signed off by the Service Centre Director. A final copy will be sent to the IAMC, Land Use Coordination Office and Crown Land Registry Services for reference.
- (g) **Plan registry:** Finalized and approved commercial recreation plans should be mapped with electronic referencing by Crown Land Registry Services. Plans will also be available for public reference through regional offices.
- (h) **Plan implementation:** Upon completion of mapping, section 13 Land Act reserves will be created to ensure reference to plans prior to disposition.
- (i) **Plan amendment and review:** Plans will be regarded as "living" documents, with necessary amendments made by the Service Centre Director, after consulting with the IAMC. Opportunities may also be provided for public review.

Linkages to other Levels of Planning

Commercial recreation plans will have important linkages to other related planning initiatives, such as:

- Public Recreation Plans undertaken by the Ministry of Forests
- Strategic Land Use Plans (CORE, LRMP)
- Growth Strategies/Official Community Plans (regional district and municipal planning)
- Community Watershed Plans
- Coastal Area Plans
- Other operational plans (Water Allocation Plans, Wildlife Management Plans, Forest Development Plans, Park Use Plans, etc.), including Crown land program plans.

Where land-use or recreation plans provide clear direction regarding uses, tenuring decisions will be guided by those plans.

In general, a completed and approved commercial recreation plan will provide a coordinated mechanism for providing LWBC input to other related planning processes. If a strategic plan is completed prior to such a plan, the commercial recreation plan would follow the spirit and intent of the existing plan.

Beyond these obvious linkages, it is important for LWBC to follow a “common sense” approach to recognizing the inter-relationship of different planning processes, rather than applying rigid direction in this regard. Flexibility is key to accommodate the varying characteristics of any given planning process.

Appendix 7 – Overlapping Tenure Application Procedures

1. Purpose

To provide guidance and information to LWBC on the principles and procedures used to adjudicate new applications for CR tenure over areas with existing tenured CR operations.

2. Background

Under the authority of the *Land Act* and in keeping with the existing policies and integrated business rules, LWBC authorizes non-exclusive use of Crown land to commercial recreation operators via permits or licenses of occupation. The documents for both these forms of tenure state that any rights granted are subject to existing rights granted under other statutes and that LWBC may make other dispositions over the land without compensation.

As the commercial recreation sector grows in all regions of the province, and activities compete for the same land base, LWBC finds itself having to make complex adjudication decisions. LWBC evaluates applications to ensure that the proposed uses: are suitable, do not compromise the quality of the recreation experience for both public and commercial users, do not pose an increased risk to public safety, harm the environment, or impact the business of existing tenured operators.

LWBC staff will be guided in the adjudication of new applications for CR tenures that overlap the tenures of existing CR operators by the principles of Accountability, Integrity, Business Certainty, Transparency, and Sustainability.

The process to deal with overlapping applications requires applicants to contact existing tenured CR operators to obtain feedback on their proposal. The preferred outcome for operators reach agreement however, it is recognized that this may not always be possible. This appendix provides tools to assist LWBC staff in the adjudication of applications that overlap existing tenured CR operations.

In cases where two or more applications are received over an area not previously tenured by a CR operation, LWBC staff may initiate a competitive process. .

3. Considerations for Addressing Overlap Issues

LWBC will consider a range of factors when making land allocation decisions to ensure fair and equitable management of the Crown land resources. These considerations include, but are not limited to the following:

LWBC will attempt to **minimize conflicts** between applicants, tenured CR operators and other users, including public recreation users and clubs through consultation, referrals and planning processes during the adjudication of applications. Key factors include:

Compatibility – overlapping uses need to be compatible with the operational needs of existing CR businesses (see section 4.2 below) and Appendix 9 and 10); and,

The ability of the land to sustain use – LWBC will review the proposed additional use from an overlapping tenure and will set land use objectives as determined by planning

initiatives or through consultation with other agencies and stakeholders (see Part 1 section 8.1.7) or use carrying capacity studies (where available); and,

Active management of the CR program - LWBC will work with a tenured operator(s) and new applicants to ensure diversity of recreation uses and services within an area and that license boundaries reflect actual operator needs; and,

Consultation - Organized public recreational use and/or public access will be considered by LWBC during the adjudication of any tenure application through use of resource planning tools developed by the Ministry of Sustainable Resource Management and via referrals to the Ministry of Forests, Ministry of Water, Land and Air Protection and local governments.

LWBC **does not hold or reserve Crown land** for operators who may want to extend the geographic boundaries of their existing tenures or to expand their business operations at a future date beyond what has been approved in a management plan provided by the operator.

LWBC acknowledges that **not all applications for overlapping tenure will result in tenure**. There will be situations where tenures will not be issued, such as:

- Where uses are incompatible and suitable operational practices or mitigation strategies cannot be used, or
- When cumulative use exceeds the lands ability to support use, or
- Where a proposed overlap of use creates an unacceptable level of risk to public safety, or
- If the proposed overlap of use creates a risk to sensitive wildlife areas, water quality, etc. which can not be eliminated or mitigated.

4. Procedures for Adjudicating Applications

The procedures outline the process LWBC uses to adjudicate applications for overlapping CR tenures in BC. It describes the responsibilities of the applicant, LWBC and CR tenure holders when an application is received and overlaps with commercial recreation tenure.

The potential for overlapping applications should be minimized by ensuring that tenure boundaries only capture actual use areas. Maps which show large general use areas should be avoided.

Some CR applicants have been operating on the land for long periods of time and may have been unable to obtain Crown land tenure; LWBC may include the length of time a business has been operating, as one of the factors considered when adjudicating an overlapping application.

4.1 Process Steps

LWBC regional office will review submitted application and management plan for completeness, and acceptance, as per integrated business rules.

LWBC will provide the applicant with a list of overlapping CR tenured operators and operator input forms (see Appendix 8)

The applicant's responsibility is to send a CR Operator Input Form (CROIF) and a copy of the management plan to the operators on their list via registered mail within 7 days of receiving the list of tenured operators. An applicant must supply proof of all attempts made to contact all tenured operators such as receipts from registered letters.

LWBC encourages the applicant to meet with the operators to identify issues and investigate the potential for establishing any joint use agreements with existing operator(s) in the area. Such agreements signed by the existing tenure holder are a useful tool to ensure that the new and existing uses remain compatible.

LWBC will notify tenured CR operator(s) by registered letter of the application for overlapping tenure and that there may be management issues associated with the new application and where the policies and procedures can be found on the LWBC website. The letter will further inform the tenure holder that they are required to complete the CROIF received from the applicants and submit to the LWBC office within 30 days of receipt of the forms.

The CR tenured operator's responsibility is to complete and return the CR operator input form to LWBC within 30 days of receiving the CROIF. These forms do not constitute a veto to existing operators but offer the opportunity to provide specific information on how the proposed application will impact their operations to aid LWBC in the adjudication process.

Where a tenured operator has refused to complete a CROIF or sets conditions which are deemed to be unreasonable, the decision to allow or disallow the overlapping application will be made by LWBC using the "assessment of the potential conflict" section below and existing policy and procedures.

Where there is limited potential for conflict identified in the CROIF (e.g. uses are clearly separated by time or geography, and/or there are no improvements, noise impacts, etc. That would affect either tenure holder) or a joint use agreement exists with existing tenure holder(s), then the application can be processing (i.e. land status, referrals) with no further consideration to overlapping boundaries.

Where there is a potential for conflict as identified on the CROIF, LWBC will employ a more rigorous process to determine if the application should be processed further. This process is identified in the section below.

4.2 Assessing Potential Conflicts

LWBC evaluates applications to ensure that the proposed uses: are suitable, do not compromise the quality of the recreational experience for both public and commercial users, do not pose an increased risk to public safety, harm the environment, or impact the business of existing tenured operators.

Where potential for conflict has been identified, LWBC staff shall review the Matrix for Assessing the Compatibility of CR Activities (see Appendix 9 and 10) as a guide to determining if the proposed new CR uses have a high, moderate or low compatibility rating with the existing tenured CR activities.

LWBC will use responses to the four questions asked of tenured operators in the CR Operator Input Forms and other information to aid in the assessment of compatibility.

The four questions asked of existing tenure holders will seek input with respect to ways proposed CR activities in areas of overlap will affect: the way they currently operate; the kind of experience currently offer to their guests; the level of risk and/or liability faced by their guests and/or business; and, the scope and scale of public recreational use of the area. In addition, the CROIF also asks existing tenure holders to identify ways they and the overlapping applicant can eliminate or minimize changes or impacts to the existing business.

High Compatibility:

Where the proposed use appears highly compatible with existing approved CR uses for the area and has received favourable feedback on the CROIF, LWBC will proceed to adjudication.

Where the proposed use appears highly compatible with existing approved CR uses for the area but has generated negative feedback on the CROIF, LWBC may consult with the applicant and the existing operator(s). If after review, LWBC views the potential conflicts to be manageable, the new application may be processed without existing operator support.

Issues such as compatible land use, public safety, and the ability of the land to support the activities or land use objectives will be some of the factors considered during the adjudication process.

Moderate Compatibility:

Where the new and existing CR uses have a moderate compatibility rating and the applicant received negative feedback on the CROIF, LWBC will consult with the applicant and the existing operator(s) to determine if there is any ability to actively manage the identified conflicts and achieve compatible management plans. Considerations may include, but are not limited to:

- Using timing or geography to separate the activities,
- Altering the party size and/or frequency of the new activity to protect “client experience” and the environment,
- Requiring a particular mode of access or transportation to minimize or eliminate conflicts,
- Changing the location or lowering the level of facility development proposed in the management plan, if necessary, to be compatible to existing operations, and/or,
- Determining if the activities being proposed are consistent with the recommendations of provincial or local planning process.

If LWBC deems that compatibility concerns can be reasonably addressed, the application may be processed without the support of the existing operator(s). Issues

such as compatible land use, public safety, carrying capacity (if available) and direction from land use planning tables will be considered during the adjudication process

Low Compatibility:

Where an application has low compatibility with an existing CR tenure(s), LWBC will consult with the applicant and existing tenure holders to determine if there is potential to actively manage the conflicts to achieve compatible management plans as per the Moderate Capability process noted above.

If the issues can be resolved to LWBC's satisfaction, then the tenure may be processed by LWBC with or without the support of the existing operator.

If there are issues that potentially limit additional CR activity from occurring in the area or if other issues can not be resolved to the satisfaction of LWBC, the application will be disallowed and returned to the applicant.

Diligent Use and Management Plans

Diligent is defined as: an operator, meeting the operating and client day requirements identified in the approved management plan for an existing CR tenure.

The review of diligent use in the context of an application for overlapping tenure will only be considered where there is an inconsistency between operator response forms and new applications. In cases where diligent use of an area is under question the new application will be put on hold for a specific period of time in accordance with LWBC's integrated business rules.

Appendix 8 – LWBC Commercial Recreation Operator Input Form

This form is provided to obtain input from existing Commercial Recreation (CR) Operators tenured under the *Land Act* or licensed Guide Outfitters tenured under the *Wildlife Act* on the potential issues or resolution of issues resulting from the application (see attached application and management plan) by _____ (insert applicant name) for an overlapping CR tenure. Information provided on this form is to be used by LWBC as part of the adjudication process for reviewing applications for overlapping tenure and does not imply a veto to existing tenured operators.

Name of the existing Commercial Recreation (CR) Operator, licensed Guide Outfitter:

Company name of the existing Commercial Recreation (CR) Operator, licensed Guide Outfitter:

Crown land tenure file number: _____

Existing Operators please respond to specific questions relating to the proposed management (see attached) for this application. Attach information to this form if you require more space for a complete reply.

1. With respect to the areas of overlap will this applicant's proposed activities affect the way in which you currently operate on the ground

No – please go to question 2.

Yes – please explain how it will affect your current operations.

Are there ways in which both you and the applicant could operate within this area of overlap which would eliminate or minimize any changes to your current operation? For example operating at different times, using different area for activities that are not compatible, etc. please list.

2. With respect to the areas of overlap, will this applicant's proposed activities affect the kind of experience that you currently offer to your guests?

No – please go to question 3.

Yes – please explain how it will affect the experience that you currently offer your guests?

Are there ways in which both you and the applicant could operate within this area of overlap which would eliminate or minimize any changes to the experience you currently offer your guests? Please list.

3. With respect to the areas of overlap will this applicant's proposed activities affect the level of risk and/or liability faced by your guests and/or business?

No – please go to question 4.

Yes – please explain how it will affect the level of risk and/or liability faced by your guests and/or business?

Are there ways in which both you and the applicant could operate within this area of overlap which would eliminate or minimize any changes to the level of risk and/or liability faced by your guests and/or business?

4. With respect to the areas of overlap, will this applicant's proposed activities affect the scope and scale of public recreational use of the area?

No – please go to question 5.

Yes – please explain how it will affect the scope and scale of public recreational use of the area?

Are there ways in which both you and the applicant could operate within this area of overlap which would eliminate or minimize any changes to the scope and scale of public recreational use of the area?

5. Are there any concerns related to activities which would occur outside your tenure boundaries? If so, please explain:

Signature of Existing Operator

Date

Instructions for submission

Please send completed CR Operator input form to..... at the following address

Appendix 9 – Matrix for Assessing the Compatibility of Summer Recreational Activities

- To be used as a guide to facilitate the adjudication process.
- Public activities are included to ensure they are considered during adjudication.
- Existing activities are shown in the column on the left. To find the compatibility rating between an existing activity and an activity proposed for overlapping tenure; select an existing activity from the column on the left, then read across to find where that row intersects with the proposed activity at the top of table

ACTIVITY Existing activity below Read left to Right	Hiking CR	Heli-Hike/Fish CR	Horse/ pack CR	Mtn. Biking CR	ATV'ing CR	CR River Day Use	CR River Use expedition
Hiking public	High	Low	Mod	Mod/Low	Low	High/Mod	Mod
Hiking CR	High	Low	Low	Low	Low	High/Mod	Mod
Heli-hike/ Fish	Mod/ Low	Low	Low	Low	Low	Mod	Low
Horse/Pack public	High	Mod/Low	High/ Mod	Low	Low	Mod	Mod
Horse/pack CR	Mod	Mod	Mod	Low	Low	Mod	Mod
Mtn. Biking public	Low	Mod	Low	Mod	Low	Mod	Mod
Mtn. Biking CR	Low/ Mod	Low/ Mod	Low	Mod	Low	Mod	Mod
ATV'ing public	Low	Mod	Low	Mod	High	Low	Low
ATV'ing CR	Mod	Mod	Mod	Mod	Low/ Mod	Low	Low
Hunting Licensed Guide Outfitter	Mod	Low	Mod	Low	Low	Mod/High	Mod/high
Tenured Angling Guide	High	Low	High	Mod	Mod	Mod/High	Mod/high
CR River Day Use	High/Mod	Mod	Mod	Mod	Low	Mod/High	High/Mod
CR River Expedition Use	Mod	Low	Mod	Mod	Low	Mod	Mod/Low

Appendix 10 – Matrix for Assessing the Compatibility of Winter Recreational Activities

- **To be used as a guide to facilitate the adjudication process.**
- Public activities are included to ensure they are considered during adjudication.
- Existing activities are shown in the column on the left. To find the compatibility rating between an existing activity and an activity proposed for overlapping tenure, select an existing activity from the column on the left, then read across to find where that row intersects with the proposed activity at the top of table

WINTER ACTIVITIES	Heli-ski	Ski-tour CR	Cat-ski	Snowmobile CR	Snow shoeing	Nordic Skiing	Dog sledding
Heli-ski	Low	Mod	Low	Low	Mod	Mod	Mod
Ski-tour public	Mod	Mod	Low	Low	High	High	Mod
Ski-tour CR	Mod	Low	Low	Low	High	High	Mod
Cat-ski	Low	Low	Low	Low	Mod	Mod	Mod
Snowmobile public	Low	Low	Low	Mod/Low	Low	Low	Low
Snowmobile CR	Low	Low	Low	Mod/Low	Low	Low	Low
Snow shoeing	Mod	High	Mod	Mod/Low	High	High	High
Nordic Skiing	Mod	High	Mod	Mod/low	Mod	High	Mod
Dog sledding	Mod	Mod	Mod	Mod/Low	High	Mod	High

Appendix 12 – Sea Kayak Management Plan

1. Introduction

General Overview of Business Proposal

Use this section to describe and identify your "no trace" sea kayaking business. You should provide information about the following items:

- Company name
- Key team members
- Project lead contact information
- Is your business a member of the Sea Kayak Guides Alliance of British Columbia, Association of Canadian Sea Kayak Guides or other professional association?
- Does your business hold other Commercial Recreation tenures? If so, what is (are) the file number(s)?

** Note: In filling out this management plan, be aware that a Sea Kayak Permit enables you to conduct "no trace" sea kayak guiding and related activities only. If you plan to place improvements on the land, or conduct other types of Commercial Recreation activities on the land you must submit a separate application for intensive-use tenure (see http://lwbc.bc.ca/applying_for_land/commercial_recreation.htm).*

*** Note: membership in the Sea Kayak Guides Alliance of British Columbia (SKGABC) or the Association of Canadian Sea Kayak Guides (ACSKG) is encouraged. However, if the business chooses not to be a member of either of these professional associations, it must, in any event, subscribe to the Operating Standards prescribed by one or the other professional association.*

2. **Activity Reports:** The activity report for has two components: a) maps which describe Key Sites within the operating area (Key Sites Maps), and b) an Activity Report Form which describe the type and intensity of use at each of the sites noted on the maps.

a) Key Sites Maps of the Operating Area

The specific routes and key land based sites you will use within a Kayaking Zone (see attached Zone Map) must be described on a Key Sites Map or maps. The information is to be provided on a Navigational Chart, NTS 1:50000 or TRIM 1:20000 base map with a north arrow. You should identify proposed routes with points of departure and arrival and all campsites you plan to use, alternate campsites, hiking and picnicking areas and other landing sites***.

The Key Sites Map will form part of the Activity Report that will need to be submitted as part of the annual review of your tenure document.

***** Note:** *Commercial Recreation permits issued by LWBC do not authorize your use of provincial or national parks, land administered by Federal Harbour Commissions or privately owned land. You must obtain separate approvals from the respective agencies or land owners to operate in areas. LWBC's acceptance of your map does not imply that we have assessed the accuracy of the map or the information provided.*

b) Activity Report Form

The Activity Report Form (see attached Form) identifies the specific nature of activities (lunch spots, hiking areas, overnight camps) that you propose to undertake on the land and well as the proposed level of use (number of people) at each of the locations. Please cross-reference activity report to the specific locations identified on Key Site Map(s) described above. In your description of sites, please also identify existing improvements/ structures**** that are on the site and whether or not they are owned or used by you. When reporting on use levels at that end of the operating season, in addition to specifying your own use, you will also be asked to count other users of these sites (public and commercial)so that some idea of overall use of a site can be established. *In this regard it important for you to understand that a permit under the Commercial Recreation policy does not give you the ability to preclude or prevent use and access of Crown land by the public, or other commercial users, including other CR tenure holders.*

******Note:** *While permits do not authorize permanent improvements or disturbance on tenured lands, permits for commercial sea kayak guides may authorize temporary improvements, particularly outhouses or box privies where such facilities are appropriate. For these facilities to be authorized under permit, they must be available for use by other tenured businesses and public users and must meet the approval of appropriate provincial agencies or local governments.*

3. Sensitivity Mapping

A sensitivity map of the area(s) you will be operating in may be required as part of the management plan. This map would list the sensitive sites in your operating areas including sites with heritage and cultural value, fisheries values, environmental values, public recreation values, etc.

In some instances, a planning document will have already been completed that encompasses your operating area. This plan may establish conditions of use (e.g. no go areas, access with conditions) which will become part of the conditions of your tenure agreement.

4. Hazards and Safety Plan

Applicants are to describe how their operation will address potential hazards and safety issues.

Sea kayak guiding businesses are expected to abide by the minimum guide requirements and maximum guide/client ratios prescribed in the operating standards of a professional association representing the kayaking industry (e.g. Association of Canadian Sea Kayak Guides or Sea Kayak Guides Alliance of British Columbia). If your business is not a member of a professional association, the business should, in any event, subscribe to and comply with the requirements and ratios prescribed by one of the above noted professional associations.

Operators should also describe training (e.g. first aid), communications equipment, and other equipment and procedures that will be employed to address emergency situations.

Federal regulations establish safety standards for equipment and operation of kayaks. Boats and equipment must meet the Canadian Coast Guard Small Vessel Regulations, be in good operating condition, and properly maintained throughout each guiding season.

Appendix 14 – Kayaking Daily Site Use Log

Month: _____ LWBC File Number: _____

Site Location	Type of User	Number of People at the Site (by date of Month)																																				
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						
	Clients																																					
	Others																																					
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Company Name: _____ I verify that this information is accurate
 Company Signature: _____

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Appendix 15 – Guide to Completing Kayaking Activity Report and Daily Site Use Log

Activity Summary Report:

1. **CLIENT NAME AND ADDRESS:** this is your name and address as per your permit document. If your business address has changed please advise us.
2. **File number:** This is the LWBC file number on your permit document.
3. **Document number:** this is the document number on your permit document.
4. **Management Zone number:** this is the zone number identified on the map attached to the policy; it is also referenced in the permit document.

Previous Operating Season

5. **Site Location # or name (e.g. feature, bay, cove, inlet point and if available GPS coordinates):** These sites must cross-reference to maps (of suitable scale) that show routes guided and upland sites used (e.g. campsites and other regular use areas).
6. **Actual Client days:** total number of client days by campsite location. Please fill in the totals for the season. These should be the some of the days from the Daily Site use logs for the various months.
7. **Type of Activity on the Site:** indicate the activities undertaken on the Crown land at this site (e.g. hiking, viewing, camping, day use, overnight use etc) and note other(s) as appropriate.
Please note this summary information must come from your Daily Site Use Log which we may require you to provide to use in support of your Summary Report.

Upcoming Operating Season

8. **Proposed Client Days:** this is the estimate of user days that you intend for the site in the upcoming operating season. Your rent will be based on this projection.
9. **Approved Client Days:** LWBC may establish use limits by Management Zone or by site as deemed necessary. These limits may affect your estimated client days for the next operating season. The number in the Summary Report will be the Maximum number of client days permitted at this site. You are in trespass if you exceed that number.
10. **Proposed use(s):** please indicate how to propose to use the site in the upcoming season (from 7 above).
11. **Approved use(s):** Land and Water British Columbia may limit your use of the site based on management considerations.

DAILY SITE USE LOG:

12. **Month:** this is the month for which the information is being collected.
13. **Site Location:** This must be the same as 5 above and must cross reference to the summary log and the maps.
14. **Type of User:** “Clients” means the number of your clients that occupied the site. “Others” includes other commercial users and other public users. Your guides should be counted as “others” to ensure that are not considered in the client count which may be used to verify user day numbers for rental purposes.
15. **Company Signature:** Authorized company signature to verify the accuracy of the site logs.

Appendix 16 - Management Plan Amendment Log Template

APPROVED MANAGEMENT PLAN AMENDMENTS – Document No.:		
Effective Date	Entered by	Summary of Changes