



Range Regulation

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1. Definitions

1 In this regulation

"Act" means the *Range Act*;

"authorized yearly use" means the quantity of forage authorized to be used in a year in a licence or permit, expressed as

- (a) animal unit months of forage in the case of a grazing licence, grazing permit or temporary grazing permit, and
- (b) tonnes of hay in the case of a hay cutting licence, hay cutting permit or temporary hay cutting permit; and to convert tonnes of silage to tonnes of hay, the formula is $S \times (D/85)$, where S equals the number of tonnes of silage and D equals the percentage of dry matter in the silage;

"grazing permit" does not include a temporary grazing permit.

"hay cutting permit" does not include a temporary hay cutting permit

"licence" includes a grazing licence and a hay cutting licence, unless the context indicates otherwise;

"permit" includes a grazing permit, a hay cutting permit, a temporary grazing permit and a temporary hay cutting permit, unless the context indicates otherwise.

2. Application

2 This regulation applies to Crown range.

3. Advertisement of licences and permits

3 (1) If the district manager, acting under section 10 (2) of the Act, invites applications for a licence, grazing permit or hay cutting permit, the district manager must advertise the invitation for applications in at least one issue of at least one newspaper circulating in or near the area proposed for the licence or permit, and must include in the advertisement

- (a) an informal description of the Crown range proposed for the licence or permit and of the rights to be conferred by the licence or permit,
- (b) an address or place where persons may obtain details of the licence or permit, and
- (c) an address to which applications or comments may be delivered, and the date by which they must be received in order to be considered.

(2) If the district manager publishes notice of an application under section 10 (3) of the Act for a licence or permit, the district manager must publish it in a newspaper circulating in or near the area proposed for the licence or permit, and must include in the notice all of the following:

- (a) an informal description of the Crown range proposed for the licence or permit;
- (b) the name of the proposed licensee or permittee;
- (c) the intended issuance date of the licence or permit;
- (d) an address where details of the proposed licence or permit may be obtained.

(3) If the district manager receives an application under section 14.2 of the Act for a licence, grazing permit or hay cutting permit, and intends to enter into the licence or permit based on the application, the district manager must advertise a notice of intent to issue the licence or permit in a newspaper circulating in or near the area proposed for the licence or permit, and must include in the advertisement all of the following:

- (a) that the district manager intends to make a

direct award under section 14.2 of the Act;

(b) whether the award is a grazing or hay cutting licence or permit;

(c) the number of animal unit months or tonnes of hay to be awarded;

(d) an informal description of the Crown range proposed for the licence or permit;

(e) the purpose of the proposed award;

(f) the name of the proposed licensee or permittee;

(g) the intended issuance date of the licence or permit

(h) an address where details of the proposed licence or permit may be obtained;

(i) an address to which comments concerning the award, or a competing application for the award, may be delivered, and the date by which they must be received in order to be considered.

(4) If there is no local newspaper or the district manager considers that the advertisement or publication referred to in subsections (1) to (3) will not provide adequate notice, the district manager must advertise or publish information the district manager considers will provide adequate notice, by advertising or publishing in one or more of the following ways:

(a) on a Ministry of Forests public computer bulletin board,

(b) by posting a notice in a public place, or

(c) by broadcast on a radio or television station received in or near the area proposed for the licence or permit.

4. Application for licence or permit

4 (1) An application for a licence or permit must clearly show the following:

(a) the full name and current business and residential addresses of the applicant;

(b) relevant information the district manager requests;

(c) information the applicant considers relevant;

(d) if the licence or permit relates to recreation activities provided by the applicant, a copy of any relevant *Land Act* agreement or, if the *Land Act* agreement is pending, a statement that the applicant is aware that the licence or permit may require the applicant to provide a copy of the *Land Act* agreement before the district manager approves or prepares a range use plan under the licence or permit.

(2) If the application is made to replace a licence or permit under section 10 (3), 16 or 17 of the Act it must clearly show the following:

(a) the identity of the

(i) licence or permit being replaced,
and

(ii) range use plan for that licence or permit;

(b) a statement that the applicant retains all land to which the licence or permit being replaced is appurtenant, as listed in the application for that licence or permit, or as subsequently changed pursuant to the Act;

(c) the average annual tonnes of forage, by hay and by silage, produced on the land referred to in paragraph (b), and, in addition, if the application is for a hay cutting licence, hay cutting permit or temporary hay cutting permit, the average annual tonnes of forage by hay and by silage, produced on the applicant's other lands, together with a statement indicating which of those other lands are owned and which are leased;

(d) if the application is made under section 17 of the Act, an explanation of why the late application should be considered for replacement.

(3) If the application is made under section 7, 9.1, 10 (2), 14.1 or 14.2 of the Act, it must clearly show the following:

(a) a list of licences or permits currently held by the applicant;

(b) a description and map clearly showing

(i) the Crown range to which the licence or permit is to apply, and

(ii) for a grazing licence or permit, the unfenced grazing land to which a range use plan grazing schedule is to apply;

(c) a description of the rights being applied for;

(d) the legal description of the applicant's freehold land and leasehold land to which the licence or permit is proposed to be made appurtenant, together with a statement as to which land is freehold and which leasehold;

(e) the average annual tonnes of forage, by hay and by silage, produced on the land referred to in paragraph (d), and, in addition, if the application is for a hay cutting licence, hay cutting permit or temporary hay cutting permit, the average annual tonnes of forage by hay and by silage, produced on the applicant's other lands, together with a statement indicating which of those other lands are freehold and which are leasehold;

(f) a list showing the number and class of all livestock owned by the applicant, indicating the livestock for which grazing is requested in the application;

(g) a list showing the number and class of all livestock leased by the applicant, indicating the livestock for which grazing is requested in the application;

(h) a description of the brand, mark, tag or other means of identification that the applicant will use to identify the applicant's livestock that would use the Crown forage authorized under this application.

5. Competition

5 (1) If the minister decides under section 14 (1) (b) of the Act to offer a licence or a grazing or hay cutting permit for public competition, the minister must notify every eligible person who has applied for the licence or permit, and mail a copy of the notification to the secretary of the livestock association for the locality where the licence or permit will be exercised.

(2) The notification under subsection (1) must require the applicants to follow one of the following procedures:

(a) a sealed bid tender, with

(i) the bid being either a one time lump sum or an annual payment, whichever is specified by the minister, per animal unit month or tonne of hay, and

(ii) the highest bidder being the successful applicant;

(b) a submission of a written proposal for the development, use and management of the Crown range, including information respecting

(i) the applicant's available relevant resources,

(ii) the applicant's relevant land and animal resource management experience and knowledge,

(iii) any other information relevant to the management of the range resource, and

(iv) any relevant information the minister requires,

with the successful applicant being the one who has the best proposal, as determined by the minister;

(c) a sealed bid tender, as described in paragraph (a), in conjunction with a written proposal as described in paragraph (b), with the successful applicant being the one who has the best combination of bid and proposal, as determined by the minister.

(3) The notification under subsection (1) must contain an address to which the submission or tender may be delivered, the date by which it must be received in order to be considered, and the method for obtaining other requirements for the submission or tender.

6. Direct award

6 For the purposes of section 14.2 (1) (c), the district manager may, without accepting applications from other persons, enter into

(a) a grazing or hay cutting permit, the purpose of which is to manage recreational values, or fisheries, wildlife or other ecological values, or

(b) a licence, grazing permit or hay cutting permit if, in the district manager's opinion, after considering the following, there is only one practicable applicant:

(i) the relationship between

(A) the extent of the grazing rights available,

and

(B) the capability of the land owned or held under lease by the applicant and other potential applicants, in the vicinity of the Crown range applied for, to sustain their livestock during that part of each year that would not be included in the grazing season;

(ii) rights currently held by the applicant and potential applicants over Crown range;

(iii) how the applicant and potential applicants have performed with respect to their obligations under this Act and under licences and permits;

(iv) the number of livestock owned and leased by the applicant;

(v) comments made by any person respecting the proposed award;

(vi) any other matters considered relevant by the district manager.

7. Agreement for use of private range lands

7 An agreement made under section 18 of the Act making land owned or held under lease by the applicant available for grazing purposes must comply with all of the following:

(a) be for a term expiring on the same day as the grazing licence or grazing permit sought by the applicant, or be for a term acceptable to the district manager;

(b) include a full legal description of the land to which it applies;

(c) have as a party to it every person whose concurrence, by reason of having an interest in the land, is necessary to the validity of the section 18 agreement;

(d) include a condition that the privately owned or leased unfenced grazing land that is the subject of the section 18 agreement be included in the range use plans that relate to Crown range that is used in

common with it;

(e) authorize the district manager or a person authorized by the district manager to

(i) regulate or prohibit uses by livestock on the land that is the subject of the section 18 agreement,

(ii) conduct, or require the applicant to conduct, an examination and inventory of the forage resources of the land, and

(iii) require, regulate or prohibit measures for the development of the land that is the subject of the section 18 agreement;

(f) provide that the applicant will not allow uses of the privately owned or leased land that are inconsistent with licences or permits entered into by the district manager for Crown range with which the land is to be used in common;

(g) describe the total number of animal unit months available from the privately owned or leased unfenced grazing land;

(h) include other matters required by the district manager;

(i) provide that despite the expiry, surrender, suspension or cancellation of a person's licence or permit, any right of the government under the section 18 agreement continues, and any obligation of the holder of the licence or permit under the section 18 agreement continues, to the extent that the right or obligation accrued before the expiry, surrender, suspension or cancellation;

(j) either authorize the government, following expiry or termination of a section 18 agreement, to remove any developments that were the subject of government expenditures under paragraph (e), or provide that the government be compensated for its expenditures on those developments;

(k) if the agreement is terminated by someone other than the district manager, provide that all parties to the agreement other than the district manager must cause the district manager to receive written notification of the termination of the agreement within 14 days of the termination.

8. Fees for applications and amendments

8 (1) The fee for an application for a temporary grazing permit under section 7 (2) of the Act is \$50.

(2) The fee for an application for a licence or permit under section 10 (2) of the Act is \$150.

(3) The fee for an application under section 10 (3) (a) or (b) (i) of the Act is \$25.

(4) The fee for an amendment to a licence or permit requested by the holder is \$25.

9. Fees for issuance of licences and permits

9 The fee for the issuance of a licence or permit is as follows:

(a) for a grazing licence, \$250;

(b) for a grazing permit, \$100;

(c) for a grazing permit, or a hay cutting permit, containing a condition that it will not be replaced, \$25;

(d) for a temporary grazing permit, \$25;

(e) for a hay cutting licence, \$100;

(f) for a hay cutting permit, \$50.

10. Fees for transfer of licences and permits

10 (1) The fee for an application for a consent under section 20 (2) (a), (c) or (d) of the Act or a deemed consent under section 20 (6) of the Act, is as follows:

(a) for a grazing licence or grazing permit, \$500;

(b) for a hay cutting licence or hay cutting permit, \$25;

(c) for a temporary grazing permit or temporary hay cutting permit, \$25.

(2) The fee for an application to transfer a licence or permit under section 23 of the Act is \$100.

11. Fees for yearly use of forage authorized under licence or permit

11 (1) A person who holds a grazing licence or permit must pay an annual amount for the authorized yearly use under the licence or permit made up of

(a) rent calculated by multiplying the authorized

yearly use by 20 cents, and

(b) a fee calculated by multiplying authorized yearly use by 93% of the average gross sales revenue per kilogram for live beef cattle marketed in the previous 3 years through the B.C. Livestock Producers Cooperative Association.

(2) A person who holds a hay cutting licence or permit must pay an annual amount for the authorized yearly use under the licence or permit made up of

(a) rent calculated by multiplying the authorized yearly use by 60 cents, and

(b) a fee calculated by multiplying authorized yearly use by 279% of the average gross sales revenue per kilogram for live beef cattle marketed in the previous 3 years through the B.C. Livestock Producers Cooperative Association.

(3) The rates referred to in subsections (1) and (2) apply to a licence or a permit only so long as this regulation remains unchanged, and a licence or permit does not entitle its holder to retain the licence or permit at the original rate throughout the life of the licence or permit.

(4) The fee calculated under subsection (1) (b) and (2) (b) on the authorized yearly use is reduced in proportion to the reduction of the quantity of forage used, if the authorized yearly use under a licence or permit is reduced by 20% or more as a result of any of the following:

(a) section 34 (b) of the Act;

(b) the death or debilitating illness of

(i) in the case of a licence or permit held by one or more individuals, any of the individuals, or

(ii) in the case of a licence or permit held by a corporation, the shareholder or shareholders with the controlling interest in that corporation;

(c) the restructuring of the business resulting from the following causes if they are beyond the control of the holder of the licence or permit:

(i) crop loss;

(ii) loss of livestock required under the range use plan;

(d) loss of forage in response to predators or to wildlife management by government;

(e) restrictions imposed by government on

livestock grazing in a wildlife management area;

(f) an inadequate supply of water for livestock management, if the licence or permit does not require the holder of the licence or permit to supply the water;

(g) other loss of forage from Crown range due to causes beyond the control of the holder of the licence or permit.

12. Transfer

12 (1) To obtain a consent under section 20 (2) of the Act, a decision under section 20 (6) of the Act that a licence or permit not be cancelled, or a transfer under section 23 of the Act, a person must apply to the district manager.

(2) An application must contain the following:

(a) a statement identifying the paragraph of section 20 (2) of the Act, or the subsection of section 23 of the Act, that describes the type of transaction, and a written explanation of the transaction;

(b) for a transaction under section 20 (2) or (6) of the Act the full name of the current business address of

(i) the person who was the holder of the licence or permit before a disposition, change in control or amalgamation referred to in section 20 (2) (a) to (d) of the Act,

(ii) the person to whom an interest referred to in section 20 (2) (a) or (b) of the Act is disposed,

(iii) the person who exercises control after a change or acquisition of control referred to in section 20 (2) (c) of the Act.

(iv) the corporation that holds the licence or permit after an amalgamation referred to in section 20 (2) (d) of the Act;

(c) for a transaction under section 23 (1) of the Act, the full name and the current business address of

(i) the buyer or lessee referred to in that subsection, and

(ii) the person referred to as the holder in that subsection;

(d) for a transaction under section 23 (2) of the Act, the full name and the current business address of

(i) the person or receiver referred to in section 23 (2) as taking title, and

(ii) the person referred to as the holder in that subsection;

(e) identification of the licence or permit and the range use plan that are associated with the application for consent;

(f) the legal description of the land to which the licence or permit is appurtenant, before the transaction referred to in paragraph (b), (c) or (d), as listed in the replacement application for the licence or permit or as subsequently changed pursuant to section 21 of the Act, indicating which land is freehold and which is leasehold;

(g) for an application under section 20 (2) or 23 of the Act, the legal description of the land to which the licence or permit will be appurtenant after the transaction referred to in paragraph (b), (c) or (d), indicating whether a freehold or leasehold interest in the land will be transferred and, if so,

(i) which land will be transferred, and the average annual tonnes of hay and of silage produced on that land,

(ii) which land will not be transferred, and the average annual tonnes of hay and of silage produced on that land, and

(iii) which land will be freehold and which will be leasehold after the transfer;

(h) for an application under section 20 (6) of the Act, the legal description of the land to which the licence or permit is appurtenant after the transaction referred to in paragraph (b), indicating whether a freehold or leasehold interest in the land has been transferred and, if so,

(i) which land has been transferred, and a description of the average annual tonnes of hay and of silage produced on that land,

(ii) which land has not been transferred, and the average annual tonnes of hay and of silage produced on that land, and

(iii) which land is freehold and which is leasehold after the transfer.

(i) any proposed plans, for range developments and livestock management, that are in addition to the relevant range use plan;

(j) a written undertaking, to the district manager's satisfaction, that the transferee will do all of the following:

(i) perform the services for management of range and livestock that have been or may be required on the area under the licence or permit;

(ii) assume any agreement under section 18 of the Act, in respect of any land owned or controlled or held under lease by the transferee;

(iii) maintain on the land that is appurtenant to the licence or permit the same capability to sustain livestock, during that part of each year that is not included in the grazing schedule authorized in the range use plan, as had been maintained before transfer, or such variation of that capability as may be acceptable to the district manager;

(iv) either accept the range use plan held by the transferor or obtain the district manager's approval of a revised range use plan, whichever the district manager requires;

(v) co-operate with other users of the area of the licence or permit in the performance of services for the management of range and livestock;

(vi) use range developments on the Crown range of the assigned licence or permit only for the purposes for which they were designed;

(k) relevant information and records required by the district manager.

(3) The applicant may include in the application relevant information that is in addition to the information referred to in subsection (2).

(4) The district manager may refuse to grant the application until the licence or permit is amended to make a matter contained in the application a condition of the licence or

permit.

(5) In reporting to the district manager under section 20 (3) of the Act, a person must supply relevant information and records required by the district manager.

13. Range districts

13 (1) The Cariboo range district has the same boundary as the Cariboo forest region under the Forest Regions and Districts Regulation.

(2) The Kamloops range district has the same boundary as the Kamloops forest region under the Forest Regions and Districts Regulation.

(3) The Nelson range district has the same boundary as the Nelson forest region under the Forest Regions and Districts Regulation.

(4) The Prince George range district has the same boundary as the Prince George forest region under the Forest Regions and Districts Regulation.

(5) The Prince Rupert range district has the same boundary as the Prince Rupert forest region under the Forest Regions and Districts Regulation.

(6) The Vancouver range district has the same boundary as the Vancouver forest region under the Forest Regions and Districts Regulation.

Note: This regulation repeals and replaces the Range Regulation, B.C. Reg. 575/78.