

A GUIDE TO ENVIRONMENTAL REFERRALS

March 2001



**BRITISH
COLUMBIA**

Ministry of Transportation

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Ministry of Transportation Guide to Environmental Referrals

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Abstract:

The document is intended to provide guidance to the BC Ministry of Transportation staff responsible for making referrals of proposed highway improvements to provincial or federal environmental agencies. The guide explains the referral process and procedures to help ensure that planned highway improvement activities satisfy environmental review and approval requirements in a consistent and thorough manner. It explains why, when, to whom and how environmental referrals and notifications should be made for the following types of work: geotechnical investigations; borrow or quarry development; culvert installation or upgrading, or construction or upgrading of stormwater outfalls; bridge construction or upgrading; and road construction or upgrading.

Key Words:

Highway, environmental referral, environmental assessment, British Columbia



GUIDE TO ENVIRONMENTAL REFERRALS

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LIST OF ACRONYMS

AB	Archaeology Branch
AIA	Archaeological Impact Assessment
ALR	Agricultural Land Reserve
AOA	Archaeological Overview Assessment
BCAL	British Columbia Assets and Land Corporation
CG	Coast Guard
CEAA	<i>Canadian Environmental Assessment Act</i>
CMT	Culturally Modified Tree
CPS	Canadian Parks Service
CTA	Canadian Transportation Agency
CWS	Canadian Wildlife Service
DCH	Department of Canadian Heritage
DFO	Fisheries and Oceans Canada
DIAND	Indian and Northern Affairs Canada
EC	Environment Canada
ECB	Environmental Conservation Branch
FDO	Forest District Office
FLR	Forest Land Reserve
FWHPB	Fish, Wildlife and Habitat Protection Branch
HADD	Harmful alteration, disruption or destruction [of fish habitat]
HEB	Habitat and Enhancement Branch
LMD	Land Management Division
LRC	Land Reserve Commission
LTS	Lands and Trust Services
MAFF	Ministry of Agriculture, Food and Fisheries
MELP	Ministry of Environment, Lands and Parks
MOF	Ministry of Forests
MOT	Ministry of Transportation
MSBTC	Ministry of Small Business, Tourism and Culture
NWPA	<i>Navigable Waters Protection Act</i>
PDG	Programs and Divestiture Group
PDO	Parks District Office
PFR	Preliminary Field Reconnaissance
PPRB	Pollution Prevention and Remediation Branch
TC	Transport Canada
WMB	Water Management Branch

Guide to Environmental Referrals

1 Objective of the Referral Guide

This document is intended to provide guidance to the BC Ministry of Transportation staff responsible for making referrals of proposed highway improvements to provincial or federal environmental agencies. Although not written specifically for the maintenance contractors' use, those responsible for making referrals of culvert, bridge and/or road maintenance works may find this document useful.

The guide explains referral processes and procedures to help ensure that planned highway improvement activities satisfy environmental review and approval requirements. It strives to bring consistency and thoroughness to the Ministry's referral process.

The referral process can and should be tailored to suit the complexity of the project and the scope of the environmental issues. Sometimes it will be sufficient to simply make a referral that notifies the environmental agency of the intended works. On more complex projects, the referral process may be a continuous and integral component of project development.

2 Scope of the Referral Guide

This guide explains why, when, to whom and how – on typical planned highway or bridge improvement works – environmental referrals and notifications should be made to the following:



Provincial Ministries and Crown Corporations

- British Columbia Assets and Land Corporation
 - Land Management Division
- Ministry of Agriculture, Food and Fisheries
 - Land Reserve Commission
- Ministry of Environment, Lands and Parks
 - Fish, Wildlife and Habitat Protection Branch
 - Parks District Office
 - Pollution Prevention and Remediation Branch
 - Water Management Branch
- Ministry of Forests
 - Forest District Office
- Ministry of Small Business, Tourism and Culture
 - Archaeology Branch



Federal Departments

- Department of Canadian Heritage
 - Canadian Parks Service
- Fisheries and Oceans Canada
 - Coast Guard
 - Habitat and Enhancement Branch
- Indian and Northern Affairs Canada
 - Lands and Trust Services
- Environment Canada
 - Canadian Wildlife Service
- Transport Canada
 - Programs and Divestiture Group
 - Canadian Transportation Agency

It is sometimes necessary to “enhance” the typical referral process beyond what is described in this guide by expanding the distribution of information to include local government, the public, key stakeholders, First Nations or agencies that are not part of the typical referral process. This “enhanced referral process” is implemented when one or more of these parties have an interest in the proposed project or hold information that should be considered before on-site work begins. These enhanced referrals are often closely linked to the Ministry's efforts to develop public and First Nations consultation or communication programs or acquire property. When an enhanced referral process is being considered, the Project Manager, Regional Communications Officer or Communications Branch, Regional Aboriginal Relations Officer or Aboriginal Relations Branch and the appropriate Property Agent should first be consulted so that the referral of environmental information can be coordinated with other consultation efforts.

3 Referrals Explained

There are three types of referrals:

- Notification of a study, proposed design process, geotechnical field work, or construction;
- Request for advice; and
- Application for an approval, permit or authorization.

The referral process is part of the larger Highway Environmental Assessment Process. For a detailed explanation of the Highway Environmental Assessment Process, refer to the Ministry's September 1997 publication entitled *A Guide to Applying the Highway Environmental Assessment Process*.

A referral may be required at each of the six stages of the Highway Environmental Assessment Process: project justification and alternatives; issue identification; environmental study; review; decision-making; and implementation.

At the *project justification and alternatives stage*, referrals might be made to notify the environmental agencies that a study has been initiated or to request advice when the project alternatives are being evaluated.

At the *issue identification stage*, referrals might be made to environmental agencies requesting their advice when deciding what issues are relevant and should be examined.

During the *environmental study stage*, referrals might be made to environmental agencies requesting their advice on study terms of reference, resource values and/or how to mitigate project impacts.

During the *review stage*, engineering, environmental and socio-community information and draft reports may be referred to environmental agencies for their review, comment and advice.

At the *decision-making stage*, the environmental agencies may play a key role in approving certain works that are part of the project. It may be necessary to refer an application for an approval, permit or authorization to environmental agencies.

Finally, at the *implementation (construction) stage*, referrals might be made to environmental agencies notifying them of the Ministry's intention to start construction or to begin constructing in sensitive areas. It is possible that referrals could be made seeking advice on construction best management practices, and if for some reason the design needs to be changed in the field, it may be necessary to refer an application for an approval, permit or authorization of the change to environmental agencies.

4 Guidance to Making Referrals

4.1 How to use this guide

Refer to Table 1 for an “at a glance” summary of the environmental agencies to which referrals may be necessary for the following types of work:

1. geotechnical investigations;
2. borrow or quarry development;
3. culvert installation or upgrading, or construction or upgrading of stormwater outfalls;
4. bridge construction or upgrading; and
5. road construction or upgrading.

Contact the Ministry’s Regional Environmental Coordinator for assistance if the proposed work does not fit within any of these categories.


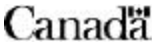
- For Regions 1 and 6, the Regional Environmental Coordinator is located in the South Coast Regional Office in Burnaby.
- For Regions 2 and 3, the Regional Environmental Coordinator is located in the Thompson-Okanagan Regional Office in Kamloops.
- For Region 4, the Regional Environmental Coordinators are located in the Northern Regional Office in Prince George and in Smithers.

Each of the five types of work has a condensed checklist (located behind the tab labelled “Work Types Checklist”) and a corresponding expanded checklist (located behind the “Referral Checklist” tab labelled by the type of work). To proceed with developing the referral program, refer to the condensed checklists in section 4.2. Choose the condensed checklist that reflects the type of work you are planning. Review all of the potential work items in the condensed checklist and select the ones that apply to your project. Proceed to the corresponding expanded checklist if you have selected any work item in the condensed checklist.

Find the corresponding work item in the expanded checklist. Similar to the condensed checklists, the expanded checklists are organized by potential work items. The difference is that the expanded checklists provide referral process information; they identify the environmental agency to which a referral may be required and list the type of referral – notification, request for advice and/or application for an approval, permit or authorization – that may need to be made. If you need information on why, when, to whom, and how to make the required referrals continue on to the referral procedures information that is organized by environmental agency. It is found in tabbed sections behind the expanded checklists. You need only go to the environmental agency tab that you earlier identified in your expanded checklist as having relevance to your type of work and work items.

In some cases, information in the referral procedures section indicates that an environmental assessment under the *Canadian Environmental Assessment Act* may be required. For information on the environmental assessment process under the *Canadian Environmental Assessment Act*, refer to the Ministry’s September 1997 publication entitled *A Guide to Applying the Highway Environmental Assessment Process*.

Table 1: Agencies that May Require Referrals for Highway Work

 PROVINCIAL MINISTRIES & CROWN CORPORATIONS	Types of Work				
	geotechnical investigations	borrow or quarry development	culvert and /or stormwater outfall construction or upgrading	bridge construction or upgrading	road construction or upgrading
BC Assets and Land Corporation (BCAL)					
Land Management Division	✓	✓			✓
Ministry of Agriculture, Food and Fisheries (MAFF)					
Land Reserve Commission		✓			✓
Ministry of Environment, Lands and Parks (MELP)					
Fish, Wildlife and Habitat Protection Branch	✓	✓	✓	✓	✓
Parks District Office					✓
Pollution Prevention and Remediation Branch					✓
Water Management Branch	✓		✓	✓	✓
Ministry of Forests (MAF)					
District Forest Office	✓	✓			✓
Ministry of Small Business, Tourism and Culture (MSBTC)					
Archaeology Branch	✓	✓	✓	✓	✓
 FEDERAL DEPARTMENTS					
Department of Canadian Heritage (DCH)					
Canadian Parks Service					✓
Fisheries and Oceans Canada (DFO)					
Coast Guard			✓	✓	
Habitat and Enhancement Branch	✓	✓	✓	✓	✓
Indian and Northern Affairs Canada (DIAND)					
Lands and Trust Services					✓
Environment Canada (EC)					
Canadian Wildlife Service		✓	✓	✓	✓
Transport Canada (TC)					
Programs and Divestiture Group				✓	✓
Canadian Transportation Agency					✓

4.2 Referral process and procedures

This section contains condensed checklists that are organized by the type of work proposed, expanded referral checklists, again organized by the type of work proposed, and detailed information on referral procedures, organized by environmental agency.

Use the following Work Types Checklists to identify the work items that might be part of the type of work proposed. Then use the expanded checklists in the Referral Checklists section to identify the referrals that your project may require. The expanded checklists guide you to the referral procedures information that you should consult when preparing the referral.

In the expanded checklist each referral procedure has a letter and number identifier. The letters N, R and A indicate Notification, Request for advice and Application for approval, permit or authorization. The numbers identify which of several procedures is being referred to. For example, the first notification procedure is N1, the second is N2, and so on. To streamline your search, this numbering system is also used in the Referral Procedures section.

In the Referral Procedures section, the blue pages are provincial referrals and the green pages are federal referrals. The tabs identify the agency to which a referral may be required. For example, you would turn to the “MELP” tab for the referrals that you may need to make to the Ministry of Environment, Lands and Parks.

WORK TYPE CHECKLISTS

Geotechnical investigations checklist of environmentally relevant work items.

Do you plan to:

- construct temporary accesses or disturb Crown land outside the Ministry's right-of-way?
- cut trees on Crown land?
- temporarily withdraw water from an on-site source?
- work within a waterbody¹ (permanently wetted or ephemeral) or within 15-m of the natural boundary² of a waterbody?

Borrow or quarry development checklist of environmentally relevant work items.

Do you plan to:

- establish a borrow pit or quarry on Crown land, including areas within the FLR?
- establish a borrow pit or quarry on the ALR (Crown or private land)?
- establish a borrow pit or quarry on private FLR?
- establish a borrow pit or quarry on private land?

Culvert and/or stormwater outfall construction or upgrading checklist of environmentally relevant work items.

Do you plan to:

- install or upgrade:
 - a 600mm diameter or larger culvert; and/or
 - a culvert that has a capacity equivalent to the hydraulic capacity of stream channel or is capable of passing the 1 in 200 year maximum daily flow?
- Install or upgrade a culvert that:
 - is less than 600mm diameter; or
 - in the course of installing or upgrading a larger-sized culvert, permanently divert a stream; or
 - has a culvert capacity not equivalent to the hydraulic capacity of stream channel or is not capable of passing the 1 in 200 year maximum daily flow?

Bridge construction or upgrading checklist of environmentally relevant work items.

(Use the road construction or upgrading checklist for any work beyond the bridge structure.)

Do you plan to:

- construct a bridge which spans a stream channel from top of bank to top of bank without piers and with the bridge abutments outside the stream channel or temporarily divert a stream around or through a work site for the purposes of constructing bridge abutments?
- construct a bridge with piers, abutments or temporary works within the normal high water mark of a waterbody¹ or permanently divert a stream?
- work outside disturbed highway right-of-way or in the vicinity of recorded archaeological or heritage sites?

¹ Waterbody includes a lake, river, stream, spring, ravine, gulch, swamp, ocean or estuary.

² The natural boundary is the visible high water mark as defined in the *Land Act*; 15-m around the natural boundary is the minimum leave strip width suggested in the *Land Development Guidelines* (1992) for Residential Low Density areas – 30-m is the suggested minimum leave strip width for Commercial/High Density areas.

WORK TYPE CHECKLISTS (CONT'D)

Road construction or upgrading checklist of environmentally relevant work items.

(Use the geotechnical investigations; borrow or quarry development; culvert and/or stormwater outfall construction or upgrading; or new bridge construction or upgrading checklists in conjunction with this checklist for any work beyond road construction or upgrading.)

Do you plan to:

- work within a waterbody¹ (permanently wetted or ephemeral) or within 15-m of the natural boundary² of a waterbody, or do you plan to permanently divert a stream?
- perform work that has the potential to affect the quality or quantity of any surface waterbody?
- relocate the works of a registered water licensee?
- temporarily withdraw water from an on-site source?
- temporarily occupy Crown land outside highway right-of-way (for example, a tote road, marshalling area, construction camp or surplus material disposal site)?
- develop a construction camp, dump or pave a road?
- work outside disturbed highway right-of-way or in the vicinity of recorded archaeological or heritage sites?
- clear and/or grub?
- drill and/or blast?
- establish right-of-way on the ALR?
- remove soil from and/or place fill on land within the ALR outside MoT right-of-way?
- subdivide land that is in the ALR?
- establish right-of-way on privately owned FLR?
- construct within the provincial forest, including Crown FLR?
- construct mitigation or compensation works outside highway right-of-way on Crown land?
- construct within an Indian Reserve?
- encroach on or affect the access to a national park?
- encroach on a federally-designated migratory bird sanctuary?
- encroach on a provincially-designated wildlife management area?
- encroach on or affect the access to a provincial park or ecological reserve?
- burn unusable wood waste?
- purchase property that has been used for hydrocarbon storage (gas station etc.), as a dump or storage site (auto wrecker etc.), or for industrial or commercial activities?
- encroach on rail right-of-way or construct or upgrade a rail overhead?
- use federal funds on the project?

¹ Waterbody includes a lake, river, stream, spring, ravine, gulch, swamp, ocean or estuary.

² The natural boundary is the visible high water mark as defined in the *Land Act*; 15-m around the natural boundary is the minimum leave strip width suggested in the *Land Development Guidelines* (1992) for Residential Low Density areas – 30-m is the suggested minimum leave strip width for Commercial/High Density areas.

REFERRAL CHECKLISTS

Geotechnical investigations checklist of environmental referrals.

- If you plan to construct temporary accesses or disturb Crown land outside the Ministry's right-of-way refer to the following referral procedures:

BCAL – British Columbia Assets and Land Corporation



LMD – Land Management Division

- R1 Request for advice regarding application requirements
- A1 Application for a permit to temporarily occupy Crown land

MELP - Ministry of Environment, Lands and Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- R1 Request for advice regarding fish, wildlife and listed species and site series
- A1 Application for a permit to destroy a bird or its nest

MSBTC – Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- R1 Request for advice regarding archaeological site potential
- A1 Application for a Heritage Inspection Permit

- If you plan to cut trees on Crown land refer to the following referral procedures:

BCAL – British Columbia Assets and Land Corporation



LMD – Land Management Division

- R1 Request for advice regarding application requirements
- A1 Application for a permit to temporarily occupy Crown Land

MELP – Ministry of Environment, Lands and Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- R1 Request for advice regarding fish, wildlife and listed species and site series
- A1 Application for a permit to destroy a bird or its nest

MoF – Ministry of Forests



FDO – Forest District Office

- R1 Request for advice regarding License to Cut
- A1 Application for a License to Cut

REFERRAL CHECKLISTS

Geotechnical investigations checklist of environmental referrals (cont'd).

- If you plan to temporarily withdraw water from an on-site source refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



WMB – Water Management Branch

- A2 Application for short-term use or diversion of water

- If you plan to work within a waterbody¹ (permanently wetted or ephemeral) or within 15-m of the natural boundary² of a waterbody refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- R1 Request for advice regarding fish, wildlife and listed species and site series

- A1 Application for a permit to destroy a bird or its nest

WMB – Water Management Branch

- N2 Mandatory notification of clear span bridge, culvert and stormwater outfall works

MSBTC Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- R1 Request for advice regarding archaeological site potential

- A1 Application for a Heritage Inspection Permit

DFO – Fisheries and Oceans Canada



HEB – Habitat and Enhancement Branch

- R1 Request for advice on avoiding disruption of fish habitat

¹ Waterbody includes a lake, river, stream, spring, ravine, gulch, swamp, ocean or estuary.

² The natural boundary is the visible high water mark as defined in the *Land Act*; 15-m around the natural boundary is the minimum leave strip width suggested in the *Land Development Guidelines* (1992) for Residential Low Density areas – 30-m is the suggested minimum leave strip width for Commercial/High Density areas.

REFERRAL CHECKLISTS

Borrow or quarry development checklist of environmental referrals.

- If you plan to establish a borrow pit or quarry on Crown land, including areas within the Forest Land Reserve, refer to the following referral procedures:

BCAL – British Columbia Assets and Land Corporation



LMD – Land Management Division

- A3 Application to establish a Reserve on Crown land

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- R1 Request for advice regarding fish, wildlife and listed species and site series
A1 Application for a permit to destroy a bird or its nest

MoF – Ministry of Forests



FDO – Forest District Office

- N1 Notification of proposed works
R1 Request for advice regarding License to Cut
A1 Application for a License to Cut
A2 Application for permission to burn unusable wood waste

MSBTC – Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- R1 Request for advice regarding archaeological site potential
A1 Application for a Heritage Inspection Permit
A2 Application for a Heritage Investigation Permit
A3 Application for a Site Alteration Permit

- If you plan to establish a borrow pit or quarry in the Agricultural Land Reserve (ALR) refer to the following referral procedures:

MAFF – Ministry of Agriculture, Food and Fisheries



ALR – Agricultural Land Reserve, Land Reserve Commission

- R1 Request for advice regarding potential encroachment
A1 Application for a Special Case Use in the ALR (Schedule 1 Application)
A3 Application for approval to remove soil from or place fill on land within the ALR

REFERRAL CHECKLISTS

Borrow or quarry development checklist of environmental referrals (cont'd).

- If you plan to establish a borrow pit or quarry on private land in the Forest Land Reserve (FLR) refer to the following referral procedures:

MAFF – Ministry of Agriculture, Food and Fisheries



FLR – Forest Land Reserve, Land Reserve Commission

- R1 Request for advice regarding potential encroachment
- A1 Application for Special Use of private land in the FLR

- If you plan to establish a borrow pit or quarry on private land refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- R1 Request for advice regarding fish, wildlife and listed species and site series
- A1 Application for a permit to destroy a bird or its nest

MSBTC – Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- R1 Request for advice regarding archaeological site potential
- A1 Application for a Heritage Inspection Permit
- A2 Application for a Heritage Investigation Permit
- A3 Application for a Site Alteration Permit

REFERRAL CHECKLISTS

Culvert and/or stormwater outfall construction or upgrading checklist of environmental referrals.

- If you plan to install or upgrade:
 - a 600mm diameter or larger culvert; and/or
 - a culvert that has a capacity equivalent to the hydraulic capacity of stream channel or is capable of passing the 1 in 200 year maximum daily flow?refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- N1 Notification of proposed works
- R1 Request for advice regarding fish, wildlife and listed species and site series

WMB – Water Management Branch

- N1 Notification of proposed works
- N2 Mandatory notification of clear span bridge, culvert and stormwater outfall works

MSBTC – Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- N1 Notification of proposed works or site discovery
- R1 Request for advice regarding archaeological site potential
- A1 Application for a Heritage Inspection Permit
- A2 Application for a Heritage Investigation Permit
- A3 Application for a Site Alteration Permit

DFO – Fisheries and Oceans Canada



CG – Coast Guard

- N1 Notification of proposed works
- R1 Request for advice on whether water is considered navigable
- A1 Application for an approval for works in or across navigable waters

HEB – Habitat and Enhancement Branch

- N1 Notification of works that may affect fish or fish habitat
- R1 Request for advice on avoiding disruption of fish habitat
- A1 Application for an authorization to destroy fish habitat (*Fisheries Act* Section 35.2)

REFERRAL CHECKLISTS

Culvert and/or stormwater outfall construction or upgrading checklist of environmental referrals (cont'd).

- If you plan to install or upgrade a culvert that:
- is less than 600mm diameter; or
 - in the course of installing or upgrading a larger-sized culvert, permanently divert a stream; or
 - has a culvert capacity not equivalent to the hydraulic capacity of stream channel or is not capable of passing the 1 in 200 year maximum daily flow?
- refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- N1 Notification of proposed works
- R1 Request for advice regarding fish, wildlife and listed species and site series

WMB – Water Management Branch

- R1 Request for advice regarding water licenses, changes in and about a stream, etc.
- A1 Application for approval for changes in and about a stream (*Water Act* Section 9)

MSBTC – Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- N1 Notification of proposed works or site discovery
- R1 Request for advice regarding archaeological site potential
- A1 Application for a Heritage Inspection Permit
- A2 Application for a Heritage Investigation Permit
- A3 Application for a Site Alteration Permit

DFO – Fisheries and Oceans Canada



CG – Coast Guard

- N1 Notification of proposed works
- R1 Request for advice on whether water is considered navigable
- A1 Application for an approval for works in or across navigable waters

HEB – Habitat and Enhancement Branch

- N1 Notification of works that may affect fish or fish habitat
- R1 Request for advice on avoiding disruption of fish habitat
- A1 Application for an authorization to destroy fish habitat (*Fisheries Act* Section 35.2)

EC – Environment Canada



CWS – Canadian Wildlife Service

- N1 Notification of proposed works
- R1 Request for advice regarding migratory birds and their habitat

REFERRAL CHECKLISTS

Bridge construction or upgrading checklist of environmental referrals.

(Use the road construction or upgrading checklist for any work beyond the bridge structure.)

- If you plan to construct a bridge which spans a stream channel from top of bank to top of bank without piers and with the bridge abutments outside the stream channel or temporarily divert a stream around or through a worksite for the purposes of constructing bridge abutments refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

N1 Notification of proposed works

R1 Request for advice regarding fish, wildlife and listed species and site series

WMB – Water Management Branch

N2 Mandatory notification of clear span bridge, culvert and stormwater outfall works

DFO – Fisheries and Oceans Canada



CG – Coast Guard

N1 Notification of proposed works

R1 Request for advice on whether water is considered navigable

A1 Application for an approval for works in or across navigable waters

HEB – Habitat and Enhancement Branch

N1 Notification of works that may affect fish or fish habitat

R1 Request for advice on avoiding disruption of fish habitat

REFERRAL CHECKLISTS

Bridge construction or upgrading checklist of environmental referrals (cont'd).

(Use the road construction or upgrading checklist for any work beyond the bridge structure.)

- If you plan to construct a bridge with piers, abutments or temporary works within the normal high water mark of a waterbody¹ or permanently divert a stream refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- N1 Notification of proposed works
- R1 Request for advice regarding fish, wildlife and listed species and site series

WMB – Water Management Branch

- R1 Request for advice regarding water licenses, changes in and about a stream, etc.
- A1 Application for an approval for changes in and about a stream (*Water Act* Section 9)

DFO – Fisheries and Oceans Canada



CG – Coast Guard

- N1 Notification of proposed works
- R1 Request for advice on whether water is considered navigable
- A1 Application for an approval for works in or across navigable waters

HEB – Habitat and Enhancement Branch

- N1 Notification of works that may affect fish or fish habitat
- R1 Request for advice on avoiding disruption of fish habitat
- A1 Application for an authorization to destroy fish habitat (*Fisheries Act* Section 35.2)

EC – Environment Canada



CWS – Canadian Wildlife Service

- N1 Notification of proposed works
- R1 Request for advice regarding migratory birds and their habitat

- If you plan to work outside disturbed highway right-of-way or in the vicinity of recorded archaeological or heritage sites refer to the following referral procedures:

MSBTC – Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- N1 Notification of proposed works or site discovery
- R1 Request for advice regarding archaeological site potential
- A1 Application for a Heritage Inspection Permit
- A2 Application for a Heritage Investigation Permit
- A3 Application for a Site Alteration Permit

¹ Waterbody includes a lake, river, stream, spring, ravine, gulch, swamp, ocean or estuary.

REFERRAL CHECKLISTS

Road construction or upgrading checklist of environmental referrals.

(Use the geotechnical investigations; borrow or quarry development; culvert and/or stormwater outfall construction or upgrading; or new bridge construction or upgrading checklists in conjunction with this checklist for any work beyond road construction or upgrading.)

- If you plan to work within a waterbody¹ (permanently wetted or ephemeral) or within 15-m of the natural boundary² of a waterbody, or if you plan to permanently divert a stream refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- N1 Notification of proposed works
- R1 Request for advice regarding fish, wildlife and listed species and site series
- A1 Application for a permit to disturb a bird or its nest
- A3 Application to disturb a muskrat or beaver house, den or dam

WMB – Water Management Branch

- R1 Request for advice regarding water licenses, changes in and about a stream, etc.
- A1 Application for approval for changes in and about a stream (*Water Act* Section 9)

MSBTC – Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- R1 Request for advice regarding archaeological site potential
- A1 Application for a Heritage Inspection Permit
- A2 Application for a Heritage Investigation Permit
- A3 Application for a Site Alteration Permit

DFO – Fisheries and Oceans Canada



CG – Coast Guard

- R1 Request for advice on whether water is considered navigable
- A1 Application for an approval for works in or across navigable waters

HEB – Habitat and Enhancement Branch

- R1 Request for advice on avoiding disruption of fish habitat
- A1 Application for an authorization to destroy fish habitat (*Fisheries Act* Section 35.2)

EC – Environment Canada



CWS – Canadian Wildlife Service

- R1 Request for advice regarding migratory birds and their habitat
- A2 Application to disturb or destroy a migratory bird's nest

¹ Waterbody includes a lake, river, stream, spring, ravine, gulch, swamp, ocean or estuary.

² The natural boundary is the visible high water mark as defined in the *Land Act*; 15-m around the natural boundary is the minimum leave strip width suggested in the *Land Development Guidelines* (1992) for Residential Low Density areas – 30-m is the suggested minimum leave strip width for Commercial/High Density areas.

REFERRAL CHECKLISTS

Road construction or upgrading checklist of environmental referrals (cont'd).

(Use the geotechnical investigations; borrow or quarry development; culvert and/or stormwater outfall construction or upgrading; or new bridge construction or upgrading checklists in conjunction with this checklist for any work beyond road construction or upgrading.)

- If you plan to perform work that has the potential to affect the quality or quantity of any surface waterbody refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

R1 Request for advice regarding fish, wildlife and listed species and site series

WMB – Water Management Branch

R1 Request for advice regarding water licenses, changes in and about a stream, etc.

DFO – Fisheries and Oceans Canada



HEB – Habitat and Enhancement Branch

R1 Request for advice on avoiding disruption of fish habitat

EC – Environment Canada



CWS – Canadian Wildlife Service

R1 Request for advice regarding migratory birds and their habitat

- If you plan to relocate the works of a registered water licensee refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



WMB – Water Management Branch

A3 Application for Change of Works of water license

- If you plan to temporarily withdraw water from an on-site source refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



WMB – Water Management Branch

A2 Application for short-term use or diversion of water

REFERRAL CHECKLISTS

Road construction or upgrading checklist of environmental referrals (cont'd).

(Use the geotechnical investigations; borrow or quarry development; culvert and/or stormwater outfall construction or upgrading; or new bridge construction or upgrading checklists in conjunction with this checklist for any work beyond road construction or upgrading.)

- If you plan to temporarily occupy Crown land outside highway right-of-way (for example, a tote road, marshalling area, construction camp or surplus material disposal site) refer to the following referral procedures:

BCAL – British Columbia Assets and Land Corporation



LMD – Land Management Division

- R1 Request for advice regarding application requirements
- A1 Application for a permit to temporarily occupy Crown land

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- R1 Request for advice regarding fish, wildlife and listed species and site series
- A1 Application for a permit to disturb a bird or its nest

MSBTC – Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- R1 Request for advice regarding archaeological site potential
- A1 Application for a Heritage Inspection Permit
- A2 Application for a Heritage Investigation Permit

EC – Environment Canada



CWS – Canadian Wildlife Service

- R1 Request for advice regarding migratory birds and their habitat
- A2 Application to disturb or destroy a migratory bird's nest

- If you plan to develop a construction camp, dump, or pave a road refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



PPRB – Pollution Prevention and Remediation Branch

- R2 Request for advice regarding waste or effluent discharge approvals
- A2 Application for a permit to discharge contaminants

- If you plan to work outside disturbed highway right-of-way or in the vicinity of recorded archaeological or heritage sites refer to the following referral procedures:

MSBTC – Ministry of Small Business, Tourism and Culture



AB – Archaeology Branch

- N1 Notification of proposed works or site discovery
- R1 Request for advice regarding archaeological site potential
- A1 Application for a Heritage Inspection Permit
- A2 Application for a Heritage Investigation Permit
- A3 Application for a Site Alteration Permit

REFERRAL CHECKLISTS

Road construction or upgrading checklist of environmental referrals (cont'd).

(Use the geotechnical investigations; borrow or quarry development; culvert and/or stormwater outfall construction or upgrading; or new bridge construction or upgrading checklists in conjunction with this checklist for any work beyond road construction or upgrading.)

- If you plan to clear and/or grub refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- R1 Request for advice regarding fish, wildlife and listed species and site series
- A1 Application for a permit to disturb a bird or its nest

MoF – Ministry of Forests



FDO – Forest District Office

- R1 Request for advice regarding License to Cut
- A1 Application for a License to Cut

EC – Environment Canada



CWS – Canadian Wildlife Service

- R1 Request for advice regarding migratory birds and their habitat
- A2 Application to disturb or destroy a migratory bird's nest

- If you plan to drill and/or blast refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- R1 Request for advice regarding fish, wildlife and listed species and site series

EC – Environment Canada



CWS – Canadian Wildlife Service

- R1 Request for advice regarding migratory birds and their habitat
- A2 Application to disturb or destroy a migratory bird's nest

- If you plan to establish right-of-way on the Agricultural Land Reserve (ALR) refer to the following referral procedures:

MAFF – Ministry of Agriculture, Food and Fisheries



ALR – Agricultural Land Reserve, Land Reserve Commission

- N1 Notification of proposed works
- R1 Request for advice regarding potential encroachment
- A1 Application for Special Case Use in the ALR (Schedule 1 Application)

REFERRAL CHECKLISTS

Road construction or upgrading checklist of environmental referrals (cont'd).

(Use the geotechnical investigations; borrow or quarry development; culvert and/or stormwater outfall construction or upgrading; or new bridge construction or upgrading checklists in conjunction with this checklist for any work beyond road construction or upgrading.)

- If you plan to remove soil from and/or place fill on land within the ALR outside MoT right-of-way refer to the following referral procedures:

MAFF – Ministry of Agriculture, Food and Fisheries



ALR – Agricultural Land Reserve, Land Reserve Commission

- R1 Request for advice regarding potential encroachment
- A3 Application for approval to remove soil from or place fill on land within the ALR

- If you plan to subdivide land that is in the ALR refer to the following referral procedures:

MAFF – Ministry of Agriculture, Food and Fisheries



ALR – Agricultural Land Reserve, Land Reserve Commission

- R1 Request for advice regarding potential encroachment
- A2 Application for subdivision of land in the ALR

- If you plan to establish right-of-way on privately owned land in the Forest Land Reserve (FLR) refer to the following referral procedures:

MAFF – Ministry of Agriculture, Food and Fisheries



FLR – Forest Land Reserve, Land Reserve Commission

- R1 Request for advice regarding potential encroachment
- A1 Application for Special Use of private land in the FLR

- If you plan to construct within the provincial forest, including Crown FLR, refer to the following referral procedures:

BCAL – British Columbia Assets and Land Corporation



LMD – Land Management Division

- R1 Request for advice regarding application requirements
- A2 Application to use or occupy Crown land

MoF – Ministry of Forests



FDO – Forest District Office

- R1 Request for advice regarding License to Cut
- A1 Application for a License to Cut
- A2 Application for permission to burn unusable wood waste

REFERRAL CHECKLISTS

Road construction or upgrading checklist of environmental referrals (cont'd).

(Use the geotechnical investigations; borrow or quarry development; culvert and/or stormwater outfall construction or upgrading; or new bridge construction or upgrading checklists in conjunction with this checklist for any work beyond road construction or upgrading.)

- If you plan to construct mitigation or compensation works outside highway right-of-way on Crown land:

BCAL – British Columbia Assets and Land Corporation



LMD – Land Management Division

- R1 Request for advice regarding application requirements
- A2 Application to use or occupy Crown land

- If you plan to construct within an Indian Reserve refer to the following referral procedures:

DIAND – Indian and Northern Affairs Canada



LTS – Lands and Trusts Services

- R1 Request for advice on the Section 35 land transfer process
- A1 Application for transfers of land
- A2 Application for a permit to occupy or use an Indian Reserve

- If you plan to encroach on or affect the access to a national park refer to the following referral procedures:

DCH – Department of Canadian Heritage



CPS – Canadian Parks Service

- R1 Request for advice regarding a national park's special interests

- If you plan to encroach on a federally-designated migratory bird sanctuary refer to the following referral procedures:

EC – Environment Canada



CSW – Canadian Wildlife Service

- R1 Request for advice regarding migratory birds and their habitat
- A1 Application for works within a migratory bird sanctuary

- If you plan to encroach on a provincially-designated wildlife management area refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



FWHPB – Fish, Wildlife and Habitat Protection Branch

- R1 Request for advice regarding fish, wildlife and listed species and site series
- A2 Application for a permit to alter or damage a wildlife management area

REFERRAL CHECKLISTS

Road construction or upgrading checklist of environmental referrals (cont'd).

(Use the geotechnical investigations; borrow or quarry development; culvert and/or stormwater outfall construction or upgrading; or new bridge construction or upgrading checklists in conjunction with this checklist for any work beyond road construction or upgrading.)

- If you plan to encroach on or affect the access to a provincial park or ecological reserve refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



PDO – Parks District Office

- R1 Request for advice regarding park interests

- If you plan to burn unusable wood waste refer to the following referral procedures:

MoF – Ministry of Forests



FDO – Forest District Office

- A2 Application for permission to burn unusable wood waste

- If you plan to purchase property that has been used for hydrocarbon storage (gas station etc.), as a dump or storage site (auto wrecker etc.), or for industrial or commercial activities refer to the following referral procedures:

MELP – Ministry of Environment, Lands & Parks



PPRB – Pollution Prevention and Remediation Branch

- N1 Notification of work proposed on a potentially contaminated site
- R1 Request for advice regarding potentially contaminated soils
- A1 Application for approval for remediation of a contaminated site

- If you plan to use federal funds on the project refer to the following referral procedures:

TC – Transport Canada



PDG – Programs and Divestiture Group

- R1 Request for advice regarding CEAA

- If you plan to encroach on rail right-of-way or construct or upgrade a rail overhead refer to the following referral procedures:

TC – Transport Canada



CTA – Canadian Transportation Agency

- R1 Request for advice regarding railway crossing
- A1 Application for rail infrastructure project approval

**British Columbia Assets and Land Corporation
(BCAL)**

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Forms

LMD: Form L-43 Proposal for Reserves, Notations, Designations, Transfer of Administration,
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Land Management Division (LMD)

Related Internet Addresses

British Columbia Assets & Land Corporation home page –
<http://www.bcal.bc.ca>

Crown Lands Branch, Ministry of Environment, Lands and Parks home page –
<http://www.elp.gov.bc.ca/clb/>

Land Act (RSBC 1996 c. 245) –
http://www.qp.gov.bc.ca/bcstats/96245_01.htm

Mandate of agency

The Land Management Division of BC Assets and Land Corporation (BCAL) administers the *Land Act* and is responsible for the sale, lease and license of Crown lands throughout British Columbia. Tenure for the use of provincial Crown land for highway operations and construction, including the disposition of Crown land by lease, license of occupation, right-of-way and easement, is issued under the *Act*.

Activities related to highway development that are often undertaken on Crown land include: geotechnical field investigations; construction of a temporary access road; establishment of a borrow pit or a quarry; and construction of a road or highway.

N1 Notification of proposed works

Notification to the agency of a study, proposed design process, geotechnical fieldwork or construction is not typically required.

R1 Request for advice regarding application requirements

Application requirements may differ depending on whether the work will be done by Ministry personnel or a third party.

The requirement for application to BCAL for authorization to temporarily occupy Crown land is typically dependent on: the perceived risk of liability; environmental sensitivity of the proposed work on the land; and/or who is undertaking the work (e.g., Ministry of Transportation and Highways' personnel, private consultant). The proponent is advised to consult with District BCAL personnel regarding the application requirement for specific types of work on Crown land.

A1 Application for a permit to temporarily occupy Crown land

Before the Ministry can temporarily occupy Crown land, a Letter of Authorization or Works Permit is required from BCAL. Authorization is required when the Ministry intends to: 1) conduct appraisals, inspections, analyses, inventories, surveys or other investigations of the land or of its natural resources, or 2) construct a temporary road, bridge, or trail over the land, pursuant to Section 14 of the *Land Act*.

Where there are unauthorized activities taking place on Crown lands, there are trespass provisions under the *Act*, which include the authority to require a person to cease and desist such unauthorized activities and restore the Crown land.

When

Authorization for the temporary occupation of Crown land may be required for, but not limited to: 1) geotechnical investigations undertaken during the corridor study stage or the route/preliminary design study stage; 2) environmental surveys, inventories and assessments undertaken during the corridor study stage or the route/preliminary design study stage; 3) tote road construction; 4) establishment of a construction camp; and 5) other activities or implementation of works relating to the construction of a road, bridge or trail.

Whom

Application for authorization to temporarily occupy Crown land is prepared by the Project Manager, Property Agent or Regional Environmental Coordinator, MoT and submitted to the District Manager, BCAL. Authorization will be issued to the MoT.

Procedures

Review the scope of the proposed road route or alignment to determine if geotechnical investigations, environmental field studies or assessments, or other activities will be required on Crown lands.

Review the scope of the proposed work, road route or alignment study to determine if environmental agency referrals are required. Generally, referrals to Fisheries and Oceans Canada and Ministry of Environment, Lands and Parks will be required for geotechnical investigations in environmentally sensitive areas. Liaison with environmental agencies regarding environmental surveys, inventories and assessments is recommended.

Liaise with the District BCAL personnel regarding application information requirements.

Prepare and submit a referral package to DFO and MELP for all interests (fish, wildlife and habitat), as required.

Prepare and submit an application package to BCAL. The application package should include, but not be limited to:

- a completed application form or a letter describing the proposed works;
- a description of site boundaries or a sketch map of the site;
- size of the site;

-
- duration of time for which occupancy is required; and
 - regulatory agency approvals and conditions of approval, if required.

Time Frame

The estimated time frame for BCAL to issue an authorization is 2 weeks to several months, based on the workload of the agency at that time. An application made by a Ministry (i.e., an application required to implement a public commitment made by the province) may be provided some degree of priority review. The process can be expedited if all information requirements are included with the application.

The usual term for Section 14 permits is one year. If there are ongoing construction and/or maintenance requirements, or completion of construction cannot be assured within a one-year term, a permit may be issued for up to a 10 year term.

A2 Application to use or occupy Crown land

Should the Ministry require the use or occupation of Crown land, including provincial forest, for a duration of time (i.e., not temporary), authorization pursuant to the *Land Act* is required. For example, an application for a License of Occupation to use or occupy Crown land could be required to establish environmental mitigation or compensation works on Crown land, pursuant to Section 39 of the *Land Act*. For cases involving the establishment of a right-of-way or easement, an application to establish a right-of-way or easement on Crown land is required pursuant to Section 40 of the *Land Act*. Typically, a Reserve temporarily reserving the Crown land for the use of right-of-way or easement should have already been established (refer to A3 – Application for the establishment of a Reserve on Crown land for application procedures), pursuant to Section 16 of the *Land Act*.

When

An application to use or occupy Crown land is prepared and submitted typically during the detailed design stage.

Whom

Applications are prepared by the Project Manager, Property Agent or Regional Environmental Coordinator, MoT and submitted to the Regional Manager, BCAL.

Approval authority to use or occupy Crown land rests with the Regional Manager, BCAL, through issuance of a License of Occupation or establishment of a right-of-way or easement over Crown land.

Procedures

Review the scope of the work to determine if use or occupation of Crown land will be required.

Liaise with District BCAL personnel regarding application and application information requirements.

If required, prepare and submit a referral package for a License of Occupation to BCAL. The referral package should include, but not be limited to:

- project information;
- size of the site;
- proposal map showing any improvements and/or plan(s);
- reclamation requirements, if applicable; and
- regulatory agency approvals and conditions of approval.

If required, prepare and submit a referral package to establish a right-of-way on Crown land to BCAL. The referral package should include, but not be limited to:

- a completed proposal form (Form L-43, attached);
- 2 paper prints of the plan. One of those copies is to be forwarded by BCAL to the local Land Title office;
- advise BCAL if construction is imminent or proceeding; and
- advise BCAL if a legal survey will or will not be undertaken by the Ministry.

Time Frame

The estimated time frame for BCAL to respond to an application to use or occupy Crown land is 2 weeks to several months, depending on the workload of the agency at that time.

A3 Application to establish a Reserve on Crown land

Crown land required for the establishment of borrow pits, quarries, and other ancillary sites, including surplus material storage sites and access roads to the road/highway, may be temporarily reserved from alienation on behalf of a Crown ministry or agency pursuant to Section 16 of the *Land Act*. Also, when it is known that Crown land will be required for the long term for a right-of-way, the Ministry's interests in the land should be protected as soon as the need for the Crown land is identified. In very few cases, where Crown land requires protection from alienation for future permanent use by a Crown ministry or agency, an Order-in-Council will be required pursuant to Section 15 of the *Land Act*.

Generally, a Reserve pursuant to Section 16 of the *Land Act* is sought for the use of Crown land for highway operations and construction including the development of an extensive gravel resource site, the development of a gravel resource site which is required for a period of time greater than 2 years, and the short-term stockpiling of material unsuitable for highway construction in areas adjacent to the proposed development.

When

An application for the establishment of a Reserve should be prepared and submitted as soon as the requirement for the use of Crown land for sand and gravel pits, borrow pits, quarries and other ancillary sites that will extend beyond existing right-of-way boundaries is known. This information is available typically in the route/preliminary design study stage.

The Reserve must be established prior to any work being undertaken, including the removal of any material.

Whom

Approval authority for a Reserve rests with the Regional Manager, BCAL, through issuance of a Notice of Establishment of a Reserve.

Approval authority for an Order-in-Council Reserve rests with the Lieutenant-Governor in Council.

Procedures

The process entails application being made to BCAL for establishment of the reserve subsequent to referral being made to potentially concerned agencies, including environmental regulatory agencies (DFO, MELP, Archaeology Branch, MSBTC, and MoF) and First Nations. A complete referral package, including proof that any environmental and/or First Nation concerns have been resolved, is submitted to BCAL requesting Crown Lands to grant MoT a formal recognition of tenure.

Review the scope of the proposed road route or alignment to determine if Crown lands will be affected.

Identify areas suitable/required for borrow, waste disposal, gravel reserves and other ancillary sites, including access roads.

Determine the status of the land parcel, in relation to Forest Cover Maps and Crown Land Status Maps, to determine any prior tenure claims, if necessary. The process of internal statusing of Crown lands to determine prior interest, before initiating the referral process, must be undertaken by Property staff well versed in Crown land statusing. The result of the statusing is a component of the application for tenure.

Review the scope of the proposed road route or alignment study to determine if environmental agency referrals are required. Generally, referrals to DFO, MELP and Archaeology Branch, MSBTC will be required.

Prepare and submit a referral package to the relevant environmental agencies. The agencies may include, as a condition of approval, guidelines to be met on development.

Prepare and submit referrals to relevant First Nations where sites are in proximity to Indian Reserve lands. Under the *Delgamuukw Decision*, the Ministry has a legal obligation to assess if aboriginal rights exist on Crown land and to determine if a proposed activity will infringe upon those rights. The Ministry, on behalf of BCAL, is therefore required to refer Reserves to representatives of the appropriate First Nations, as well as referring all applications for use of Crown lands to the Band in the vicinity of the site under application.

The Aboriginal Relations Branch, MoT has determined that referrals to aboriginal groups will not be required routinely for borrow and waste disposal areas. However, the proponent should initiate referrals to aboriginal groups where sites are in close proximity to Indian Reserve lands. A 30 day response period is typically provided. In the event that the band does not respond to the referral, an independent assessment can be made and an authorization to proceed will be issued. In such cases, MoT may be required to exercise Section 6 of the *Highway Act*. Internal records of extraction are required to be kept against any future land

claims as well as requirements and standards of Ministry of Energy, Mines and Petroleum Resources and Ministry of Environment, Lands and Parks.

The archaeological potential of the site must be determined. An archaeological/ethnographic consultant should be retained if the site has medium or high archaeological potential. The following tasks should be undertaken: (1) examine the Archaeological Branch, MSBTC, site inventory files for previously recorded archaeology sites in the area and/or previous archaeology inventory and assessment work in the area; (2) examine topographic maps of the area; and (3) where warranted, undertake an on-site inspection of the area (see MSBTC: AB – A1).

Liaise with the Regional Gravel Manager, MoT regarding issues and/or decisions relating to resources under their management.

Prepare and submit a referral package to BCAL. The referral package should include, but not be limited to:

- a completed proposal form (Form L-43, attached);
- Crown land status map delineating the subject site;
- topographical information;
- geotechnical information, if applicable;
- size of the site;
- duration of time for which the Reserve is required;
- proposal map showing any improvements;
- reclamation requirements; and
- regulatory agency approvals and conditions of approval.

Time Frame

The usual term for a Reserve is five years. If there are ongoing requirements for the reserve, a renewal may be issued for another, or subsequent, five year term(s).

The Notice of Establishment of a Map Reserve is subject to a five year review by the Regional Manager, BCAL to determine the necessity of continuation, or of extension for an additional period of up to five years. Approval for such renewals rests with the Regional Manager, except where an Order-in-Council is required.

The estimated time frame for BCAL to authorize a Reserve is 2 weeks to several months, based on the workload of the agency at that time. An application made by a Ministry (i.e., an application required to implement a public commitment made by the province) may be provided some degree of priority review. The process can be expedited if all information requirements, including proof of environmental agency referrals, are included with the application.

A4 Application to remove Crown land from the Forest Land Reserve

Cases which require the removal of Crown land from the FLR are rare. In such cases, an Order-in-Council Reserve pursuant to Section 15 of the *Land Act*, including referral to the Land Reserve Commission, is required.

If MoT requires use of land within provincial FLR, a less onerous and more likely approach would be to apply to BCAL to use or occupy the land and leave it in the FLR (see BCAL: LMD – A2). This would involve discussion with the MoF District Office but no referral to the LRC is required. In the case of FLR in the provincial forest, MoF, not the LRC, is the decision-maker regarding allowing the use of the provincial forest by MoT.

If removal of Crown land from the Forest Land Reserve is imperative, an alternative to the Order-in-Council route is to have the ownership of the land transferred from the Crown to fee-simple and then make application to the LRC to remove this private land from the FLR (see MAF: FLC – A2).

The proponent is advised to liaise with the District Manager, BCAL, regarding the proposed work and application information requirements.



PROPOSAL FOR

<input type="checkbox"/> ORDER-IN-COUNCIL RESERVE (SECTION 11)	<input type="checkbox"/> DESIGNATED USE AREA (SECTION 13)
<input type="checkbox"/> MAP RESERVE (SECTION 12)	<input type="checkbox"/> DESIGNATED CLOSURE AREA (SECTION 61)
<input type="checkbox"/> TRANSFER OF ADMINISTRATION (SECTION 101)	<input type="checkbox"/> NOTATION OF INTEREST
<input type="checkbox"/> TRANSFER OF ADMINISTRATION AND CONTROL (SECTION 27)	

AGENCY NAME

		AGENCY FILE NO.
RESPONSIBLE OFFICIAL FOR CONTACT	AGENCY ADDRESS	PHONE NO.

LAND PURPOSE

--

LAND LOCATION

	LAND DISTRICT	AREA
--	---------------	------

CROWN LAND IS:

SURVEYED GIVE LEGAL DESCRIPTION

OR

UNSURVEYED GIVE METES AND BOUNDS DESCRIPTION

THE AREA REQUESTED IS OUTLINED IN RED ON ATTACHED MAP (IF APPLICABLE)

TERM REQUIRED

1 YEAR 2 YEARS 3 YEARS 4 YEARS 5 YEARS OTHER _____

RATIONALE FOR PROPOSAL

--

(ATTACH SEPARATE SHEET IF NECESSARY)

PROPOSAL IMPACT ON EXISTING OR POTENTIAL LAND USE

--

(ATTACH SEPARATE SHEET IF NECESSARY)

AGENCY AUTHORIZATION

DATE	SIGNATURE	TITLE
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FOR USE BY

DATE RECEIVED DAY MONTH YEAR	FILE NO.	BC LANDS ADMINISTRATIVE REGION	LAND INSPECTION REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO
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BC LANDS

PROPOSAL FOR <input type="checkbox"/> FORESHORE <input type="checkbox"/> OTHER	LAND IN <input type="checkbox"/> PLANNED AREA <input type="checkbox"/> UNPLANNED AREA <input type="checkbox"/> PROV. FOREST	ESTIMATE OF LAND VALUE \$
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**Ministry of Agriculture, Food and Fisheries
(MAFF)**

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ALR: Application by a Land Owner under the Agricultural Land Reserve Act

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FLR: Application by a Land Owner under the Forest Land Reserve Act

Land Reserve Commission (LRC) - Agricultural Land Reserve (ALR)

Related Internet Addresses

Ministry of Agriculture, Food and Fisheries home page –
<http://www.gov.bc.ca/agf/>

Agricultural Land Reserve home page –
http://www.lrc.gov.bc.ca/lrc/alr/alr_main.htm

Land Reserve Commission Act (SBC1999, c. 14)
http://www.qp.gov.bc.ca/bcstats/99014_01.htm

Agricultural Land Commission Act (RSBC 1996 c. 10) –
http://www.qp.gov.bc.ca/bcstats/96010_01.htm

Agricultural Land Commission Amendment Act (Bill 70 - 1999)
http://www.legis.gov.bc.ca/1998-99/3rd_read/gov70-3.htm

Soil Conservation Act (RSBC 1996 c. 434) –
http://www.qp.gov.bc.ca/bcstats/96434_01.htm

Mandate of agency

The Land Reserve Commission (LRC), established under the *Land Reserve Commission Act*, is responsible for the Agricultural Land Reserve (ALR) and the Forest Land Reserve (FLR). The LRC consists of five or more members appointed by Cabinet for their expertise in forestry, land use planning or local government. As specified in Section 10 of the *Act*, the objectives of the Commission as they relate to highway development within the ALR are to:

- preserve agricultural land,
- encourage the establishment and maintenance of farms, and
- encourage ministries to support and accommodate farm use of agricultural land.

Although the legislated authority of the LRC with respect to highway projects is somewhat unclear, the procedures described here have been applied by the Ministry and accepted by the LRC.

Most areas of actual or potential agricultural use in British Columbia are part of the ALR and are protected by the *Agriculture Land Reserve Act* from encroachment of non-farm uses. Maps showing the ALR boundaries are available from the Regional district or municipal office, or from the provincial supplier designated by the LRC.

Non-farm use of land within the ALR, including the dedication or construction of new highway rights-of-way, is subject to the approval of, and terms and conditions set out by, the LRC. In addition, under Section 20(a) of the *Act*, subdivision of land in the ALR is prohibited without LRC approval. In addition, under the *Soil Conservation Act*, the removal of soil from or the placement of fill on land within the ALR is prohibited without LRC approval. Gravel is considered "soil" under the *Act*.

Under the *ALR Act*, the Land Titles Office, MELP cannot register plans on titles of properties that may be within the ALR unless it has written direction from the LRC. If a property is in the ALR, a notation to that effect should appear on the title. Unfortunately these notations are not always accurate; some non-ALR property titles also have them. In these cases, MoT should request that the LRC Research Officer send a letter to the Land Title Office confirming that the property is not ALR and that registration can proceed.

LRC approval is not always required for highway work in the ALR. The following minor highway construction and maintenance works in the ALR are permitted (under Regulation 7/81 pursuant to the *ALR Act*) without the approval of the LRC:

- the minor improvement of drainage works, including cleaning and deepening of ditches;
- the easing of one curve;
- the widening, dedication or construction of highway, road or railway rights-of-way, provided that the area involved in widening, dedication or construction is less than 2,500 m²/km of road; and
- expanding the workings of an existing gravel pit to a maximum of 8,093.5 m² (2 acres) in area, including the areas already excavated.

The Ministry may also undertake the following operations without the approval of the LRC, provided that certain conditions found in the General Order, Resolution 1672/82 and Amended by Resolution 1625/83 pursuant to the *ALR Act*, are met:

- the establishment or widening of the right-of-way for an existing public road, to a maximum width of 20 m;
- the dedication of any existing private road, not established under the *Highway Act*, to a maximum width of 20 m;
- the additional establishment or widening of an existing 20 metre public road right-of-way, provided that the additional establishment or widening does not exceed 4 m; and
- the reconstruction, upgrading or improvement of a road within the right-of-way established in accordance with (i), (ii) or (iii) General Order, Resolution 1672/82 and amended by Resolution 1625/83 pursuant to the *ALC Act*.

N1 Notification of proposed works

If the proposed work will clearly not exceed the thresholds described above, send a letter to the LRC describing the work and note why it does not appear to require an application. If the thresholds may be exceeded, the LRC's advice regarding the approval process should be requested.

R1 Request for advice regarding potential encroachment

If the proposed work may exceed the thresholds described above, contact the LRC Planner responsible for your area. Send preliminary design drawings to the Planner and request written advice regarding LRC concerns with the design. The design should be revised if the Planner thinks it is unlikely to be approved as is. Successive revisions should be referred to the Planner until no LRC concerns remain.

The LRC staff cannot formally approve the preliminary design, but proceeding to detailed design without their input into the preliminary design is risky—the formal application to the LRC for approval of the detailed design could be rejected. The best way to ensure that design work does not proceed too far on an option that is destined to be rejected by the LRC is to solicit the Planner's input as early as possible.

A1 Application for Special Case Use in the Agricultural Land Reserve

Most highway applications are “Special Case Use” applications under section 34.2(e) of the Regulation. The Ministry will require the permission of the LRC for the following:

- the use of land within the ALR for purposes other than farm use;
- the dedication and construction of new highway right-of-way within the ALR;
- the construction of new highway on existing right-of-way within the ALR;
- the establishment or widening of an existing 20 metre road right-of-way by an additional 4 metres or more within the ALR; and
- the establishment of gravel pits or gravel reserves within the ALR.

When

The Application should be prepared and submitted as soon as the final property requirements are defined on drawings. The drawings that are normally used are the property acquisition plans.

Whom

The applications are normally prepared by Ministry staff or consultants and submitted to the LRC Research Officer responsible for the region where the project is located.

Procedures

The procedures for preparing applications are described in the Applicants Information Package, available from the LRC (see enclosed Application by a Land Owner under the Agricultural Land Reserve Act).

Each application must include:

- a completed Application Form (printed on blue paper - see example);
- a completed Highway/Road Dedication Form (see example);
- a key map showing the general location of the work;
- drawings showing how the ALR will be affected (usually half-sized property acquisition plans) and, if possible, an air photo;
- titles of the ALR properties that will be affected; and
- a journal voucher for the application fee.

The LRC will request that the Ministry notify the affected property owners that the application has been submitted. The notification letter should ask the property owners to contact the LRC to comment on the application. Copies of the notification letter(s) should be included with the application.

Once the application is approved by the LRC, and before registration procedures begin at the Land Title Office, send two paper prints of the final survey plans to the LRC Research Officer. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the appropriate plan(s). The final survey plans must be substantially the same as what was approved by the Commission. If major changes have been made, a new application may be required.

Time Frame

The LRC convenes once a month to review applications. It may be three months (or more) after the application is submitted that the LRC can consider it.

A2 Application for subdivision of land in the Agricultural Land Reserve

The Ministry needs LRC approval to subdivide properties within the ALR. The application process is similar to the Special Case Use application process described above (i.e. the same form is used) but the application is made under Section 22.1 of the *ALR Act* and it is submitted to the regional district or municipality rather than to the LRC. A regional district committee reviews the application and forwards it, with recommendations, to the LRC.

When

Negotiations with the Regional District should be initiated as early as possible if the Ministry intends to apply to subdivide ALR land. The application should be submitted as soon as the plans for the subdivision are available.

Whom

The applications are normally prepared by Ministry staff or consultants and submitted to the Planner at the Regional District Office.

Procedures

The procedures for preparing applications are described in the Applicants Information Package, available from the LRC (see enclosed Application by a Land Owner under the Agricultural Land Reserve Act).

The application must include:

- a completed Application Form (printed on blue paper - see example);
- a drawing and, if possible, an air photo, showing the proposed subdivision;
- titles of the ALR properties that will be affected;
- the assessment/tax notice; and
- the application fee.

Time Frame

It may take three to six months for the regional district and LRC to complete their reviews and approve or deny an application to subdivide ALR land.

A3 Application for approval to remove soil from and/or place fill on land within the Agricultural Land Reserve outside MoT right-of-way

The LRC and the local authority must approve the removal of soil and gravel from, or placing fill on, land within the ALR. However, no permit is required if the material is moved within highway right-of-way. If material is removed from or placed outside the right-of-way an application under Section 2(1) of the *Soil Conservation Act* is required.

When

The application should be prepared and submitted as soon as the location and amount of the soil to be removed or placed are known.

Whom

The application is normally prepared by Ministry staff or consultants and submitted to the Planner at the Regional District Office.

Procedures

The procedures for preparing the Soil Conservation Act Application (see enclosed form), are described in the Applicants Information Package. The form must be completed and supporting information —land titles, a map or sketch, cross sections, and photographs— included. Application must be printed on ivory paper.

The application is submitted to the local authority. They review and forward it, with recommendations, to the LRC. If the LRC approves it, the application is returned to the local authority who may then issue the permit.

Time Frame

It may take three to six months for the regional district and LRC to complete their reviews and approve or deny an application to remove or place soil on ALR land.

Land Reserve Commission (LRC) - Forest Land Reserve (FLR)

Related Internet Addresses

Forest Land Reserve home page –

http://www.lrc.gov.bc.ca/lrc/flr/flr_main.htm

Forest Land Reserve Act (RSBC 1996 Chap. 158) –

http://www.qp.gov.bc.ca/bcstats/96158_01.htm

Forest Land Reserve Amendment Act (Bill 56 - 1999) –

http://www.legis.gov.bc.ca/1998-99/3rd_read/gov56-3.htm

Mandate of agency

The Forest Land Reserve (FLR), created in 1994, includes both Crown and private land. The majority of the private lands are on Vancouver Island and in the Kootenays. The Crown lands include the provincial forests of Vancouver Island, the Kootenays and the Cariboo. The Land Reserve Commission (LRC), established under the *Land Reserve Commission Act*, administers the FLR to protect the commercial forest land base and to minimize the impact of urban development and rural area settlement on that land base. The LRC consists of five or more members appointed by Cabinet for their expertise in forestry, land use planning or local government.

A variety of land uses are permitted within the FLR. Other land uses, including highway development, require LRC approval. Highway development is considered a “special use” of the FLR and, as such, requires an application for “Special Use in the Forest Land Reserve” Under Section 14 of the *Forest Land Reserve Act*.

The LRC administers the FLR on private land. The Ministry of Forests administers the FLR on Crown Land. If Crown FLR is affected contact the District MoF office, describe the proposed work, and confirm that it will be permitted under the *Forest Act*, then establish right-of-way through BCAL (see BCAL:LMD-A2)

N1 Notification of proposed works

Work within the FLR requires the approval of either the LRC or MoF. There is no separate requirement, outside the approval process, to notify either agency.

R1 Request for advice regarding potential encroachment

If work is planned on forest land, contact the LRC or the District MoF office to determine whether or not the FLR will be affected.

If private FLR land is affected, an Application by a Land Owner under the Forest Land Reserve Act must be prepared (print on green paper) and submitted to the LRC.

A1 Application for Special Use of private land in the Forest Land Reserve

The LRC must approve highway development work on private land within the FLR. Contact the LRC Planner at the earliest opportunity to introduce the project, confirm that it is within the FLR, and get a sense of whether or not it is likely to be approved. If it appears that approval is unlikely, design modifications may be warranted.

When

The application should be prepared and submitted as soon as drawings showing the final property requirements are available.

Whom

The application is normally prepared by Ministry staff or consultant. The completed application form and required supporting documentation are submitted to the LRC.

Procedure

The application form to be completed is the “Application by a Land Owner under the Forest Land Reserve Act” (see enclosed form) available from the LRC. If MoT does not own the land that is the subject of the application, a letter from the owner confirming that MoT is acting as their agent must accompany the application.

The LRC forwards the application to the local authorities for review and comment. The LRC then reviews the application and either approves or denies it.

Time Frame

Turn-around for an application is about 90 days.

A2 Application to remove private land from the Forest Land Reserve

Although it has not been done to date, and the need to do so would be rare, the Ministry may have occasion to apply to have land removed from the FLR. The application form and instructions are available from the LRC.

When

The application should be prepared and submitted as soon as drawings showing the property to be removed from the FLR are available.

Whom

The application would be prepared by Ministry staff or consultant and submitted to the Regional District.

Procedures

To apply, complete the “Application by a Land Owner under the Forest Land Reserve Act” form (print on green paper) and submit it to the Regional District. If the Regional District approves the application they will forward it to the LRC. If the LRC approves, the land can be removed from the FLR. A “recapture fee” of roughly 6% of the assessed value of the land is payable to the LRC when they approve the application.

Note: If the FLR land is Crown-owned refer to BC Assets & Land Corporation procedures (see BCAL:LMD-A4).

Time Frame

Turn-around time for an application to remove private land from the FLR will probably be at least four months.



Land Reserve Commission
Working Farms, Working Forests

APPLICATION BY A LAND OWNER

under the Agricultural Land Reserve Act

- ◆ **To exclude land from the ALR**
- ◆ **To include land in the ALR**
- ◆ **To subdivide or use land in the ALR for non-farm purposes**
- ◆ **For special cases of subdivision or non-farm use in the ALR**

The *Applicant's Information Package* contains useful information for preparing your application. Before you begin, review this information, particularly the factors the Commission does and does not consider in making its decision and the sample of the plan or sketch required to accompany your application.

Your plan or sketch must identify individual parcels by legal description and must specify the dimensions of each parcel. If you do not have a plan of your property, your local government office may be able to provide one for you.

To avoid delays in processing your application, please ensure that all parts of the form are completed and that all additional documentation and fees are enclosed.

Land Reserve Commission
Room 133, 4940 Canada Way, Burnaby, BC V5G 4K6
Telephone: (604) 660-7000 Fax: (604) 660-7033
www.lrc.gov.bc.ca

INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

- PART 1** APPLICANT: This is the registered owner of the land or an agent acting on behalf of the owner. If there is more than one registered owner, all owners names must be shown. An agent must supply written authorization of all owners.
- PART 2** INCLUSION: Check this box if you wish to include land in the Agricultural Land Reserve.
EXCLUSION: Check this box if you wish to request that the land no longer be subject to the Agricultural Land Reserve.
SUBDIVISION OR NON-FARM USE: Check this box if you wish to subdivide land or use land for non-farm purposes but keep the land within the Agricultural Land Reserve.
SPECIAL CASE SUBDIVISION OR NON-FARM USE: Check this box if your proposal is identified in Sections 34 or 36 of the Agricultural Land Reserve Procedure Regulation. If proposing a non-farm use under Section 34, refer to the *Applicant's Information Package* for assistance in identifying the applicable paragraph.
- PART 3** Specify the municipality or regional district in which the property is located.
- PART 4 & 5** Refer to your registered title to complete this part. The size of parcel refers to the entire parcel, not just the area under application. If you do not know the size of your property, your local government office may be able to assist with this information.
Copies of the Certificate of Title or Title Search Print and the Assessment/Tax Notice must accompany your application.
- PART 6 & 7** Describe the current use of the whole parcel and the types of activities on adjacent lots. This information is also required to be shown on a plan or sketch.
Include any historical use of the property, particularly its use for farming activities.
- PART 8** Be clear and precise in describing the proposal and purpose of the application.
If proposing to subdivide, be sure that the number, area and dimensions of the parcels are noted, including the remainder of the parcel. A plan or sketch showing the proposal is required.
If proposing a non-farm use, provide details on the area, buildings, parking, and other physical alteration of the land that the non-farm use will require. Include a plan or sketch if appropriate.
Explain what steps you may be proposing to reduce potential impact on surrounding agricultural lands such as landscape screening, fencing, etc.
Explain how your proposal may benefit agriculture.
- PART 9** All registered owners of the land must sign the application or provide written confirmation that they consent to the application.
If an agent signs the application form, he/she must provide written authorization to act on behalf of the owner(s).

NOTICE OF APPLICATION

If you are applying to exclude your land from the ALR, your application must be accompanied by proof of the advertising, serving and posting requirements of Section 6 of the Agricultural Land Reserve Procedure Regulation.

SEND COMPLETED APPLICATION, ACCOMPANYING DOCUMENTS AND FEE TO:

- the Municipality in which the land is located;
 - if not within a Municipality, the Regional District or Islands Trust in which the land is located
- except for*
- Special Case Subdivision or Use applications which are sent directly to the Land Reserve Commission office along with the fee (cheque or money order) payable to the Minister of Finance & Corporate Relations.

If you have any questions about the application process, contact the Municipal or Regional District or Islands Trust office in which the property is located. You may also contact the Commission's office.



APPLICATION BY LAND OWNER
under Section 13 (6), 15 (1) or 22 (1) of the Agricultural Land Reserve Act
or
under Section 34 or 36 of the Agricultural Land Reserve Procedure Regulation

NOTE: The information on this form is collected to process your application under the Agricultural Land Reserve Act. All applications are available for review by the public. If you have any questions about the collection and use of this information, contact the Land Reserve Commission and ask for the staff member who will be handling your application.

PART 1 APPLICANT

Registered Owner:		Agent:	
Address:		Address:	
	Postal Code		Postal Code
Tel. (home)	(work)	Tel.	Fax.
Fax.	E-mail	E-mail	

PART 2 TYPE OF APPLICATION (✓check appropriate box)

<input type="checkbox"/> INCLUSION under Sec. 13 (6) of the Act <input type="checkbox"/> EXCLUSION under Sec. 15 (1) of the Act <input type="checkbox"/> SUBDIVISION or USE in the ALR under Sec. 22 (1) of the Act	<input type="checkbox"/> SPECIAL CASE SUBDIVISION in the ALR under Sec. 36 of the Regulation (subdivision along the ALR boundary) <input type="checkbox"/> SPECIAL CASE USE in the ALR under Sec. 34 of the Regulation <i>State which paragraph of Sec. 34 (2) describes the proposed use</i>
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PART 3 LOCAL GOVERNMENT JURISDICTION (Indicate Regional District or Municipality)

PART 4 IDENTIFICATION OF LAND UNDER APPLICATION (Show land on plan or sketch)

Legal Description:	Size of Each Parcel (Ha.)	Date Acquired (Mo.) (Yr.)
Total Hectares:		

PART 5 OTHER LANDS OWNED OR LEASED WITHIN THIS COMMUNITY
(Show information on plan or sketch)

Legal description:	Present use:
_____	_____
_____	_____
_____	_____

PART 6 CURRENT USE OF LAND UNDER APPLICATION *(Show information on plan or sketch)*

List all existing uses on the entire parcel: orchard, hayfield, pasture, wooded, etc.

Describe all buildings: _____

Describe the main physical characteristics: flat, hilly, rocky, clay or sandy soil, watercourses, roads, etc.

PART 7 USES ON ADJACENT LOTS *(Show information on plan or sketch)*

Describe all uses: pasture, hay, vegetables, poultry, dairy, trailer park, community hall, etc.

Describe all buildings: house, barn, school, etc.

North _____

East _____

South _____

West _____

PART 8 PROPOSAL AND REASONS FOR APPLICATION *(Show on plan or sketch if appropriate)*

PART 9 DECLARATION

I declare that the information contained in the application is, to the best of my knowledge, true and correct.

Date

Signature of Owner(s)

The following **must** be enclosed:

- | | |
|---|---|
| <input type="checkbox"/> Application fee | <input type="checkbox"/> Map or sketch showing details requested |
| <input type="checkbox"/> Certificate of Title or Title Search Print | <input type="checkbox"/> Proof of Notice of Application *(See instructions) |
| <input type="checkbox"/> Assessment/Tax Notice | <input type="checkbox"/> Photographs (optional) |
| <input type="checkbox"/> Agent authorization (if using agent) | |

INCOMPLETE OR MISSING INFORMATION WILL DELAY YOUR APPLICATION

Should this application be successful, it in no way implies that other necessary approvals or permits will be granted. Zoning, subdivision, building, sewage disposal, access and availability of services, including water, should be checked by all applicants.



Land Reserve Commission

Working Farms, Working Forests

SOIL CONSERVATION ACT APPLICATION

TO REMOVE SOIL AND/OR PLACE FILL

ON LAND WITHIN THE AGRICULTURAL LAND RESERVE

In preparing your application, consider how your proposal will enhance the agricultural potential of the property.

The Applicant's Information Package contains useful information for preparing your application. Before you begin, we suggest that you refer to this information.

To avoid delays in processing your application, please ensure that all parts of the form are completed and all additional documentation and fees are enclosed.

Land Reserve Commission
Room 133, 4940 Canada Way, Burnaby, B.C. V5G 4K6
Telephone: (604) 660-7000 Fax: (604) 660-7033
www.lrc.gov.bc.ca

INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

Please read and follow these instructions carefully. Ensure that all parts of the form are completed fully and that all additional documentation and fee are enclosed with your application. Incomplete or missing information will delay the processing of your application.

- PART 1** APPLICANT: This is the registered owner of the land or an agent/operator acting on behalf of the owner. An agent/operator must supply written authorization from all registered owners.
- PART 2** SOIL REMOVAL: Check this box if you wish to remove soil from land in the Agricultural Land Reserve.
FILL PLACEMENT: Check this box if you wish to place fill on land in the Agricultural Land Reserve.
SOIL REMOVAL AND PLACEMENT of FILL: Check this box if your proposal involves both soil removal and placement of fill.
- PART 3** Specify the municipality or regional district in which the property is located. Refer to your Certificate of Title for the legal description of your property. If you do not know the size of your property, your local government office may be able to assist with this information. The size of the parcel refers to the whole parcel, not just the area under application. **A copy of the Certificate of Title or Title Search Print must accompany your application.**
- PART 4 & 5** Describe the current use on the entire parcel and the types of activities on adjacent lots. This information is also required to be shown on a plan or sketch.
- PART 6** In describing the proposal and purpose of the application, be clear and precise. **It is imperative that you explain how your proposal will enhance the agriculture potential of the property.** In addition, the Commission wishes to know if there are alternate methods of improving the area. For example, if the land is susceptible to flooding and you propose to fill the affected area, have you explored other methods of addressing the excess water such as dyking, ditching or pumping? Also explain the steps you would take to reduce potential impact on surrounding agricultural lands such as landscape screening, fencing, dust control measures, noise abatement, etc.
- PART 7** A detailed plan showing cross-sectional profiles, location of processing areas, topsoil storage, aggregate storage, etc. is required. Location of nearby agricultural operations must also be identified on the plan. Photographs of the site are required and must be referenced on the plan.
- PART 8** All registered owners must sign the application form, or the agent may sign if written authorization is provided verifying his/her authority to act on behalf of the owner(s).

SEND YOUR APPLICATION, REQUIRED DOCUMENTS AND FEE TO THE LOCAL AUTHORITY

The **local authority** is the regional district unless the municipality in which the property is located has assumed that responsibility from the regional district. If the property is within a municipality, contact the Municipal Clerk to determine whether or not the municipality handles *Soil Conservation Act* applications. If it does, send the completed application form, supporting documentation and application fee to the municipality. Alternatively, if the municipality is not the local authority, forward the application package to the regional district.

The application fee is payable to the local authority.

If you have any questions about the application process, contact the Local Authority. You may also contact the Land Reserve Commission office.



APPLICATION UNDER SECTION 2(1) OF THE SOIL CONSERVATION ACT

NOTE: The information on this form is collected to process your application under the Soil Conservation Act. All applications are available for review by the public. If you have any questions about the collection and use of this information, please contact the Land Reserve Commission office.

PART 1 APPLICANT

Registered Owner(s)	Agent / Operator
Address	Address
Tel. (home) Fax. (work)	Tel. (home) Fax. (work)

PART 2 TYPE OF APPLICATION (✓ check appropriate box)

- TO REMOVE SOIL
 TO PLACE FILL
 TO REMOVE SOIL AND PLACE FILL

PART 3 IDENTIFICATION OF LAND UNDER APPLICATION (Show land on plan or sketch)

Municipality or Regional District _____

Legal Description(s)	Size of Each Parcel (Hectares)
Total Hectares	

PART 4 CURRENT USE OF LAND UNDER APPLICATION (Show information on plan or sketch)

List all existing uses on the subject property

Describe all buildings _____

Describe the main physical characteristics: flat, hilly, rocky, clay or sandy soil, watercourses, roads, etc.

PART 5 USES ON ADJACENT LOTS *(Show information on plan or sketch)*

North _____

East _____

South _____

West _____

PART 6 REASONS FOR APPLICATION *(Include an explanation of how your proposal will enhance the agricultural potential of the property.)*

PART 7 PROPOSAL SPECIFICS *(Show information on plan or sketch)*

TYPE	DEPTH	VOLUME
Soil to be removed (gravel, peat, etc.)	(metres)	(cubic metres)
Fill to be deposited (sand, excavation material, vegetative matter, etc.)	(metres)	(cubic metres)

1) What is the total surface area involved in the proposal? (Note: This includes the actual fill/removal site, processing area, topsoil storage areas, aggregate storage areas, etc.) _____

2) Are you proposing to undertake any soil processing on site? _____

If so, what kind of processing and what machinery would be involved? _____

3) Are there any agricultural activities such as livestock operations, greenhouses or horticulture activities that may be negatively affected by the fill, removal and/or processing activity?

4) What is the proposed term of the project? _____

PART 8 UNDERTAKING AND DECLARATION

Upon approval of this application, I hereby undertake to fulfill the following terms and conditions which shall be deemed to be terms and conditions of the permit, if one is issued:

- 1) to remove soil or place fill in such quantities and in such manner as is specified in the permit, and in accordance with the Act, regulation and the permit;
- 2) to restore the land to a condition fit and suitable for agriculture to a standard approved by the local authority and the Commission, or to restore the land to such condition, and at such time and in such manner, as the local authority and the Commission may require;
- 3) to pay for any damage to persons or property that, in the opinion of the local authority and the Commission, was caused by the applicant and/or the operator.

I declare that the information contained in the application is, to the best of my knowledge, true and correct.

Signature of Owner(s)

Date

The following documents **MUST** accompany the application:

- Application fee
- Certificate of Title or Title Search Print
- Map or sketch showing details requested
- Agent/Operator authorization (if applicable)
- East/West and North/South cross-sectional profiles of fill and/or removal area
- Photographs (referenced to a map or sketch)

NOTE: An application under the *Soil Conservation Act* requires the approval of the Land Reserve Commission AND a permit from the local authority prior to undertaking the activity. Approval of the Commission does not constitute a permit.

The approval of local, provincial and federal authorities such as the Ministry of Energy, Mines and Petroleum Resources, Ministry of Environment, Lands and Parks, Ministry of Health, Department of Fisheries and Oceans and the municipality or regional district may also be required.



Land Reserve Commission
Working Farms, Working Forests

APPLICATION BY A LAND OWNER

under the Forest Land Reserve Act

- ◆ **To remove land from the FLR**
- ◆ **To include land in the FLR**
- ◆ **To subdivide land in the FLR**
- ◆ **For a special use in the FLR**

LAND RESERVE COMMISSION
Room 133 - 4940 Canada Way, Burnaby, B. C. V5G 4K6
Phone: (604) 660-7000 Fax: (604) 660-7033
www.lrc.gov.bc.ca

INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

- PART 1** APPLICANT: This is the registered owner of the land. If there is more than one registered owner, all owners names must be shown. An agent may act on behalf of the owner and must supply written authorization from all owner(s).
- PART 2** INCLUSION AS FOREST LAND RESERVE: Check this box if you wish to include land in the Forest Land Reserve. There is no application fee.
REMOVAL FROM FOREST LAND RESERVE: Check this box if you wish to request that the land no longer be subject to the Forest Land Reserve. The application fee is \$750.
SPECIAL USE: Check this box if you wish to use land for a purpose not permitted under the Act or Regulations but keep the land within the Forest Land Reserve. The application fee is \$150.
SUBDIVISION: Check this box if you wish to subdivide land within the Forest Land Reserve. The application fee is \$550.
- PART 3** Refer to your registered title and Assessment/Tax Notice to complete this part. The size of parcel refers to the entire parcel, not just the area under application. If you do not know the size of your property, your local government office may be able to assist with this information. A copy of the Certificate of Title or Title Search Print must accompany your application.
- PART 4** Follow the instructions on the form.
- PART 5** Follow the instructions on the form.
- PART 6** Refer to your registered title and Assessment/Tax Notice to complete this part.
- PART 7 & 8** Describe the current use of the whole parcel and the types of activities on adjacent lots. This information is also required to be shown on a plan or sketch.
- PART 9** Be clear and precise in describing the proposal and purpose of the application. If proposing to subdivide, be sure that the number, area and dimensions of the parcels are noted, including the remainder of the parcel. A plan or sketch showing the proposal is required. If proposing a non-forestry use, provide details on the area, buildings, parking, and other physical alteration of the land that the proposed use will require. Include a plan or sketch if appropriate.
- PART 10** Follow the instructions on the form.
- PART 11** All registered owners of the land must sign the application or the agent may sign if written authorization is provided verifying his/her authority to act on behalf of the owner(s).

SEND COMPLETED APPLICATION, FEE (if applicable) AND ATTACHMENTS TO:

Land Reserve Commission
133 - 4940 Canada Way
Burnaby, B. C. V5G 4K6

The fee (cheque or money order) is payable to the Minister of Finance & Corporate Relations. Refer to Part 2 above for applicable fees. GST does not apply to application fees.

If you have any questions about the application process, contact the Land Reserve Commission office.



APPLICATION UNDER THE FOREST LAND RESERVE ACT

NOTE: The information on this form is collected to process your application under the Forest Land Reserve Act. Confidentiality of information contained within this application and information gathered by the Commission is governed by the Freedom of Information and Protection of Privacy Act.

PART 1 APPLICANT

Registered Owner:		Agent:	
Contact Person:		Contact Person:	
Telephone No. ()	Fax No.	Telephone No. ()	Fax No.
Address:		Address:	
Postal Code:		Postal Code:	

PART 2 TYPE OF APPLICATION (✓ check appropriate box)

- | | |
|--|--|
| <input type="checkbox"/> Inclusion in the Forest Land Reserve
<i>Under Section 11</i> | <input type="checkbox"/> Special Use in the Forest Land Reserve
<i>Under Section 14</i> |
| <input type="checkbox"/> Removal from the Forest Land Reserve
<i>Under Section 18</i> | <input type="checkbox"/> Subdivision in the Forest Land Reserve
<i>Under Section 16</i> |

PART 3 IDENTIFICATION OF LAND UNDER APPLICATION (Show land on plan or sketch)

Legal Description and PID Number	Total Area (ha.)	Application Area (ha.)	Date of Acquisition

Assessment Roll Number(s) _____ Managed Forest Number _____

PART 4 LAND STATUS (✓ check appropriate box)

- Private land not subject to a license under the Forest Act
- Private land subject to a Tree Farm License
- Private land subject to a Woodlot License

PART 5 LOCAL GOVERNMENT JURISDICTION (Specify Municipality or Regional District / Islands Trust)

PART 6 ADJACENT LANDS OWNED OR LEASED (Show information on plan or sketch)

Legal Description and PID Number:	Present Use:

PART 7 CURRENT USE OF LAND UNDER APPLICATION (Show information on plan or sketch)

List all existing uses on the entire parcel: forestry, residential, recreational, etc.

Describe all buildings:

PART 8 USE ON ADJACENT LOTS (Show information on plan or sketch)

North _____
East _____
South _____
West _____

PART 9

PROPOSAL AND REASONS FOR APPLICATION

(Show on plan or sketch if appropriate)

PART 10

OTHER APPROVALS REQUIRED

Specify if other approvals such as zoning amendment, subdivision, land use permits, etc. have been applied for.

PART 11

DECLARATION

I declare that the information contained in the application is, to the best of my knowledge, true and correct.

Date

Signature of Owner

Print Name

Date

Signature of Owner

Print Name

ATTACHMENTS

The following documents must accompany the application:

- Current Certificate of Title or Title Search Print
- Agent authorization (if using an agent)
- Map or sketch showing details requested
- Current Property Tax Notice
- Copy of current Forest Management Plan or proposed Plan
- Application Fee

INCOMPLETE OR MISSING INFORMATION WILL DELAY YOUR APPLICATION

Should your application be successful, it in no way implies that other necessary approvals or permits will be granted by other authorities who may also have jurisdiction over the property.

The Land Reserve Commission and the Forest Land Reserve

A Brief Overview

Established in 1994, the Forest Land Reserve (FLR) is part of BC's comprehensive strategy to achieve economic, environmental and social sustainability in land and resource use. An integral part of the Province's plan to revitalize the forest sector, the FLR consists of designated Crown lands and private managed forest lands as defined by the *Forest Land Reserve Act*.

Province wide, there are currently 920,000 hectares of private managed forest lands and 15 million hectares of public land designated as FLR. The majority of private lands are located on Vancouver Island (70%) and in the Kootenays (25%). Crown lands include the Provincial forests on Vancouver Island, and in the Kootenays and Cariboo-Chilcotin.

The Land Reserve Commission acts in an advisory capacity to both the Minister of Forests and Cabinet on Crown land designation to or removal from the FLR. As well, the Commission reviews and comments on local government plans and bylaws which may affect forest reserve lands either directly or indirectly

Land within the Forest Land Reserve can be used in the following manner:

- timber production
- forage production and livestock grazing
- forest or wilderness oriented recreation, scenery and wilderness purposes
- water, fisheries, wildlife, biological diversity and cultural heritage resource purposes
- approved mineral exploration and mining
- other uses allowed by regulation or permitted by the Commission

In addition, under the Forest Land Reserve Practices Regulation, the following uses are also allowed within the FLR:

- construction of one single family dwelling
- harvesting of botanical forest products
- research and educational uses
- portable sawmills (conditional)
- approved coal or mineral mining under Crown grants

All other land uses, subdivision and withdrawal of land from the Reserve must be approved by the Commission.

Applications are made directly to the Land Reserve Commission on forms available through the Commission office. Once received, the Commission refers the application to the local government and other relevant agencies for comment and recommendations. A hearing between the applicant and the Commission is arranged where the applicant is invited to present the application in person and the Commission is able to ask for clarification of facts directly.

The Commission deals with four types of application:

- Designation, or the addition of land to the FLR;
- Subdivision of land within the FLR;
- Special Use of land within the FLR; and
- requests for Removal of land from the FLR.

Decisions of the Commission are made following receipt of all referral responses and other relevant research, and communicated to the applicants in writing.

While not required to under the Act, the Commission has adopted a policy whereby all applications are routed to local governments for comment. The applications are processed following a defined procedure and the referrals shown are made as a matter of course.

**Ministry of Environment Lands and Parks
(MELP)**

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PPRB: Schedule 1 Site Profile

PPRB: Schedule 2 Purpose or Activity

WMB: Notification for Proposed Works and Changes In and About a Stream under the
Section 9 Regulation of the Water Act

WMB: Approval Application – Water Act, Section 9 – Changes In and About a Stream

WMB: Application for Change of Works – Water Act, Section 18

Fish, Wildlife and Habitat Protection Branch (FWHPB)

Related Internet Addresses

Ministry of Environment, Lands and Parks home page –
<http://www.env.gov.bc.ca>

Wildlife Act (RSBC 1996 Chap. 488) –
http://www.qp.gov.bc.ca/bcstats/96488_01.htm

Wildlife Act Permit Regulation Brochure -
<http://www.env.gov.bc.ca/wld/pub/permreg/permreg.htm>

Fisheries Act (RSBC 1996 Chap. 149) –
http://www.qp.gov.bc.ca/bcstats/96149_01.htm

Fish Protection Act (SBC 1997 Chap. 21) –
http://www.qp.gov.bc.ca/bcstats/97021_01.htm

A Users Guide to Working in and Around Water: Regulations Under British Columbia's
Water Act (2001)
http://www.elp.gov.bc.ca/wat/wrs/brochures/user_guide.pdf

Mandate of agency

The Fish, Wildlife and Habitat Protection Branch, MELP is responsible for the conservation and preservation of fish, wildlife and their associated habitat. There are seven regional offices and each is responsible for the delivery of fish, wildlife and habitat protection programs, including the enforcement of environmental protection and resource management legislation, in their region. They regulate hunting, guiding and trapping, and are responsible for the management and protection of all freshwater fish and anadromous species other than salmon (e.g., steelhead, cutthroat trout and Dolly Varden char).¹

N1 Notification of proposed works

Notification of a study, proposed design process, geotechnical fieldwork or construction is required where fish, wildlife and their habitat, and rare and endangered species may be affected. Potential encroachment or indirect effects may necessitate the completion of an impact assessment, or implementation of mitigation measures.

When

Notification should be provided as soon as the requirement for the proposed work is identified. Typically, this information is known during the corridor study or the

¹ See the DFO Referral Procedures section if there is potential for a Harmful Alteration, Disruption or Destruction (HADD) of fish habitat as DFO is the statutory authority for all fish habitat as per Federal *Fisheries Act* s. 35 (2).

route/preliminary design stage or early in the planning of the proposed works.

Whom

Notification of a study, proposed design process, geotechnical field work or construction in a particular area should be made to the Habitat Protection Section Head, or designate, in the relevant MELP regional office.

Procedures

- Examine the scope and nature of the proposed works for potential fish, wildlife and their habitat, and rare and endangered species issues.
- Review the findings and recommendations of previous fish and wildlife inventories and assessments undertaken in the vicinity of the proposed work.
- Notify the Habitat Protection Section Head, MELP regional office of the proposed work, including the type, area, and anticipated time duration of the work.

Time Frame

The estimated time frame for a response to the notification will vary from a few hours to a few days, dependent on the completeness of information available regarding the potential work and work site, and whether the regional office is familiar with the site.

R1 Request for advice regarding fish, wildlife and listed species and site series

If the proposed work will: 1) potentially disturb or indirectly affect fish or wildlife; or 2) encroach on their habitat; or 3) potentially affect red-or blue-listed species or site series, the proponent should request advice regarding these resources, the potential applicability of the *Wildlife Act*, *Fisheries Act* and *Fish Protection Act*, and related referral process requirements.

When

Advice regarding the potential for fish, wildlife and habitat, and red- and blue-listed species and site series to be affected by the proposed work should be obtained during the corridor study (if applicable), as soon as possible in the route/preliminary design stage, or as soon as the requirement for the proposed work is identified.

Whom

The Habitat Protection Section Head, MELP regional office should be contacted for advice regarding fish, wildlife (including birds), and red- and blue-listed species and site series in a particular area. They may forward you to the regional biologists and technicians in the regional office for information on specific resource items.

Advice regarding authorization and permit requirements and referral process requirements pursuant to the Acts can be solicited from the Habitat Protection Section Head, MELP.

Advice regarding the qualifications and/or availability of consulting biologists or consulting firms can be obtained from the Regional Environmental Coordinator, MoT or alternatively, the Habitat Protection Section Head, MELP.

Procedures

Determine the potential for fish, wildlife and habitat, and red- and blue-listed species and site series to be located at or in the vicinity of the proposed work by completing the following steps:

- assess the general physical characteristics of the work site, in accordance with a preliminary assessment of fish, wildlife and habitat potential, as follows:

Low potential - if the proposed work is to occur within the right-of-way of an existing road or adjacent cleared area, and the site is not in the vicinity of traditional wildlife passage routes.

Medium to High potential - if the proposed work is to occur in part or entirely outside the right-of-way of an existing road or adjacent cleared area, and may potentially impact the following site attributes:

- vegetation types and/or habitat important for fish or wildlife, including:
 - freshwater wetlands,
 - brackish marshes/estuaries,
 - riparian forest and shrub stands,
 - mature conifer forests containing old-growth forest, or
 - unusual or rare isolated ecosystems (e.g., seasonally flooded cropland, a Garry Oak meadow ecosystem);
 - traditional wildlife passage routes;
 - a naturally-occurring salt lick;
 - wildlife resources in the vicinity of the proposed work, including wintering waterfowl and raptors, nesting bald eagles or other raptors, aquatic/riparian fur bearers, or amphibians. The presence of fish and wildlife resources and/or use of an area will vary by species, time of year (season), and location in the province (region); or
 - red- and blue-listed wildlife and vegetation species and site series.
- liaise with the Regional Environmental Coordinator or the Habitat Protection Section Head, MELP, regarding the potential for fish and wildlife resources, and wildlife habitat, including red- and blue-listed species and site series, to be present; and
 - liaise with the Conservation Data Centre, Ministry of Environment, Lands and Parks regarding red- and blue-listed species and site series known to occur in or in the vicinity of the proposed work, as required.

The potential for fish or wildlife and significant habitat, and red- and blue-listed species and site series to be present typically increases proportionally with the size of non-disturbed area.

Liaise with the Regional Environmental Coordinator and the Habitat Protection Section Head, MELP, to determine if a fisheries or wildlife consultant should be retained to complete a fish or wildlife and/or vegetation inventory, reconnaissance level study or impact assessment:

- A fish or wildlife and/or vegetation inventory may be required when no previous work has been undertaken in the vicinity of the proposed work. The inventory, if required, is completed typically during the corridor study or as soon as possible in the route/preliminary design stages;
- A reconnaissance level study includes: a review of existing fish or wildlife habitat information; an evaluation of design alternatives; descriptions of conceptual mitigation and compensation options; and recommendations for a preferred alignment option from a wildlife resource perspective. The objective of the reconnaissance level study is impact avoidance. The overview report is completed typically during the route/preliminary design study stage; and
- An impact assessment includes:
 - descriptions of critical and sensitive fish or wildlife habitats;
 - threatened, rare and endangered species;
 - wetland areas and biophysical features that may provide critical ecological functions;
 - associated mapping;
 - an evaluation of design alternatives and mitigation options; and
 - recommendation(s) for a preferred design option from a fish and wildlife resource perspective.

The impact assessment report is completed typically during the route/preliminary design study stage, and updated during the detailed design stage to include fish or wildlife and habitat mitigation and compensation requirements.

If required, liaise with the Regional Environmental Coordinator and the Habitat Protection Section Head, MELP, regarding qualified fisheries or wildlife biologists, and vegetation specialists who might potentially be available to complete the inventory, reconnaissance level study or impact assessment.

If required, prepare a Terms of Reference and Request for Proposals in consultation with the Regional Environmental Coordinator and the Habitat Protection Section Head, MELP. Solicit proposals and cost estimates for the assessment from appropriate fisheries or wildlife consultants. Select a consultant to undertake the work. Prepare a contract for the work.

Work closely with the Habitat Protection Section Head, MELP; MoT personnel; and the design team to ensure that fish, wildlife and habitat considerations are incorporated into the design process. The Regional Environmental Coordinator can assist in providing direction to the fisheries or wildlife consultant and/or vegetation specialist, providing technical review of the consultants' reports, and ensuring that report recommendations are incorporated into the design, as required.

Time Frame

The time frame required to receive a response to a request for advice from the Habitat Protection Section Head, MELP or designate is dependent on the workload of the office at that time and/or the urgency of the proponent's request.

The estimated time frame required to prepare a Request for Proposals and award a contract to a fisheries or wildlife consultant for an inventory, reconnaissance level study or impact assessment is 1-3 weeks.

The time frame required for a fisheries or wildlife and/or vegetation consultant to complete an inventory, reconnaissance level study or impact assessment is dependent on the size of the proposed site, the variety and/or degree of complexity of resource and habitat issues in the area, seasonal requirements for inventory or assessment work, and the availability of information pertaining to the proposed work, such as existing fish, wildlife, habitat and/or vegetation data and design alternatives.

A1 Application for a permit to disturb a bird or its nest

An exemption permit, issued by MELP, is required before a person is allowed to possess, take, injure, molest or destroy (a) a bird or its egg, (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or (c) the nest of a bird not referred to in part (b) when the nest is occupied by a bird or its egg, pursuant to Section 34 of the *Wildlife Act*.

Permits are issued by the Habitat Protection Section Head, MELP. Typically, they are in letter format and may include special conditions the issuing authority considers appropriate.

Ongoing communications between MoT personnel, the Habitat Protection Section Head, MELP and the wildlife consultant, if required, regarding the proposed activities and associated wildlife and habitat assessment studies will facilitate the processing of the permit application.

When

An application for a permit should be prepared and submitted as soon as it is known that the proposed work will impact a bird, its egg or nest as described under Section 34 of the *Act*. Generally, that information is available during the detailed design stage or prior to the construction of minor works.

Whom

The application for permit is prepared and submitted to the Habitat Protection Section Head, MELP, by the Project Manager, the Regional Environmental Coordinator, or, less typically, by the wildlife consultant on behalf of MoT. The permit is issued to MoT.

Procedures

- Work closely with wildlife personnel, MoT personnel and the design team to ensure that wildlife and habitat considerations are incorporated into the design process.

If, after completion of the wildlife and habitat impact assessment and the incorporation of the wildlife consultant's recommendations into the design, the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or a bird or its egg may be impacted by the proposed work, an application for a permit under Section 34 is required.

- Prepare an application for permit, in the form of a letter, that includes the following information:
 - description of the proposed activities, including the construction schedule;
 - description and content of wildlife and habitat assessment reports completed for the project;
 - an evaluation of design alternatives and mitigation options;
 - recommended mitigation and compensation measures, including recommendations for on-site surveillance or monitoring during construction; and
 - associated mapping.

Attach a copy of the assessment report(s) to the letter if possible.

Time Frame

Upon receipt of an application for a permit in the MELP regional office, the estimated time frame for a permit to be issued could vary from a day to a few weeks, dependent on the familiarity of the regional office with the site and the proposed project.

A2 Application for a permit to alter or damage a wildlife management area

An authorization permit issued by the Habitat Protection Section Head, MELP, is required before a person is allowed to alter, destroy or damage wildlife habitat or deposit a substance, manufactured product or by-product on land or in water, that is deleterious to wildlife or wildlife habitat in a wildlife management area, pursuant to Section 7 of the *Wildlife Act*.

A map showing the locations and boundaries of provincial wildlife management areas is available from MELP Regional Offices.

Should the proposed work occur within two or more wildlife management areas, the permit may be issued by the Director, MELP in Victoria.

When

An application for a permit should be prepared and submitted as soon as it is known that the proposed work will impact wildlife or wildlife habitat in a wildlife management area as described under Section 7 of the *Act*. Generally, that information is available during the route/preliminary design study stage or detailed design stage or prior to the construction of minor works.

Permits are typically in letter format and may include special conditions the issuing authority considers appropriate.

Typically, ongoing communications between MoT personnel, the Habitat Protection Section Head, MELP, (or MELP Headquarters, Victoria office, if applicable) and the wildlife

consultant, if required, regarding the proposed activities and associated wildlife and habitat assessment studies will facilitate the processing of the permit application.

Whom

The application for a permit is prepared and submitted to the MELP regional office (or Victoria office, if applicable) by the Project Manager, the Regional Environmental Coordinator, or a wildlife consultant, if required, on behalf of MoT. The permit is issued to MoT.

Procedures

- Work closely with wildlife personnel, MoT personnel and the design team to ensure that wildlife and habitat considerations are incorporated into the design process.

If, after completion of the wildlife and habitat impact assessment and the incorporation of the wildlife consultant's recommendations into the design, wildlife habitat in a wildlife management area will be altered or damaged, or a substance deleterious to wildlife or wildlife habitat will be deposited, an application for a permit under Section 7 is required.

- Prepare an application for permit, in the form of a letter, that includes the following information:
 - description of the proposed activities, including the construction schedule;
 - description of the habitat area to be altered or damaged or the substance to be deposited, including information pertaining to the areal extent of the deposition, method(s) of deposition, and time frame requirements for the deposition;
 - description and content of wildlife and habitat assessment reports completed for the project;
 - an evaluation of mitigation options;
 - recommended mitigation measures, including recommendations for on-site surveillance or monitoring during construction; and
 - associated mapping.

Attach a copy of the assessment report(s) to the letter if possible.

Time Frame

Upon receipt of an application for a permit at the MELP regional office, the estimated time frame for a permit to be issued could vary from a day to a few weeks, dependent on the familiarity of the agency with the proposed project.

A3 Application to disturb a muskrat or beaver house, den or dam

An exemption permit issued by the Habitat Protection Section Head, MELP, is required before a person is allowed to disturb, molest or destroy (i) a muskrat house or den, except on diked land, or (ii) a beaver house or den or beaver dam, except if the action is taken to provide irrigation or drainage for the protection of property, pursuant to Section 9 of the *Wildlife Act*.

Permits may be issued from the MELP regional office in a letter format and may include special conditions the Habitat Protection Section Head, MELP, considers appropriate.

The Habitat Protection Section Head, MELP, may be able to provide guidance with regard to contacting registered trappers who may be available to undertake relocation or removal of muskrats or beavers, and the associated process requirements.

Ongoing communications between MoT personnel, the Habitat Protection Section Head, MELP, and the wildlife consultant, if required, regarding the proposed activities and associated wildlife and habitat assessment studies will facilitate the processing of the permit application.

When

An application for a permit should be prepared and submitted as soon as it is known that the proposed work will impact a muskrat house or den, or beaver house, den or dam as described under Section 9 of the *Act*. Generally, that information is available during the detailed design stage or prior to the construction of minor works.

Whom

The application for a permit is prepared and submitted to the Habitat Protection Section Head, MELP, by the Project Manager, the Regional Environmental Coordinator, or a wildlife consultant, if required, on behalf of MoT. The permit is issued to MoT.

Procedures

- If, after completion of the wildlife and habitat impact assessment and the incorporation of the wildlife consultant's recommendations into the design, the disturbance or destruction of a muskrat house or den, or a beaver house, den or dam is warranted, an application for a permit under Section 9 is required.
- Prepare an application for permit, in the form of a letter, that includes the following information:
 - description of the proposed activities, including the construction schedule;
 - description and content of wildlife and habitat assessment reports completed for the project;
 - an evaluation of design alternatives and mitigation options;
 - recommended mitigation and compensation measures, including recommendations for on-site surveillance or monitoring during construction; and
 - associated mapping.

Attach a copy of the assessment report(s) to the letter if possible.

Time Frame

Upon receipt of an application for a permit in the MELP regional office, the estimated time frame for a permit to be issued could vary from a day to a few weeks, dependent on the familiarity of the agency with the site and proposed project.

Parks [and Ecological Reserves] District Office (PDO)

Related Internet Addresses

BC Parks home page –
<http://www.elp.gov.bc.ca/bcparks>

Park Act (RSBC 1996 Chap. 344) –
http://www.qp.gov.bc.ca/bcstats/96344_00.htm

Mandate of agency

BC Parks' main mandate is to act as the steward of the provincial parks and ecological reserves system. The authority for this is drawn from two pieces of legislation, the *Park Act* and the *Ecological Reserve Act*, along with their associated regulations, policies and agreements.

N1 Notification of proposed works

BC Parks District Managers should be informed of highway projects or works that might affect their parks, ecological reserves, resident fish and wildlife, or recreational programs. Notification should be given even if the effects may be indirect (for example, if the proposed work will change access to the park).

R1 Request for advice regarding park interests

Request advice from the BC Parks District Manager regarding potential impacts and mitigation opportunities if the proposed work might affect wildlife movement or other aspects of the park or ecological reserve's ecology. The Manager may also be a good source of information on wildlife patterns of use and recreational activities in the area.

There are no formal applications to be completed.

Pollution Prevention and Remediation Branch (PPRB)

Related Internet Addresses

Pollution Prevention and Remediation Branch home page –
<http://www.env.gov.bc.ca/epd/epdhome.html>

Waste Management Act (RSBC 1996 Chap. 482) –
http://www.qp.gov.bc.ca/bcstats/96482_01.htm

Contaminated Sites Regulation (B.C. Reg. 375/96) –
http://www.qp.gov.bc.ca/stat_reg/regs/elp/r375_96.htm#part2

Spill Reporting Regulation (B.C. Reg. 263/90) –
http://www.qp.gov.bc.ca/stat_reg/regs/elp/r263_90.htm

Asphalt Plant Regulation (B.C. Reg. 217/97) –
http://www.qp.gov.bc.ca/stat_reg/regs/elp/r217_97.htm

Guidance for contaminated site remediation, and index of Ministry of Environment, Lands and Parks' policies and procedures for contaminated sites –
<http://www.env.gov.bc.ca/epd/epdpa/iwhc/cshome.html>

Mandate of agency

The Pollution Prevention and Remediation Branch coordinates the contaminated sites program for British Columbia. Major responsibilities of the Branch include developing contaminated sites procedures, policies, laws, regulations and standards for environmental protection; advising Ministry personnel, representatives and stakeholders; and tracking the progress of site cleanups throughout the province. The Contaminated Sites Remediation Unit of the Branch provides technical advice for assessing and remediating contaminated sites, including advice pertaining to risk assessment and remediation standards for contaminated sites and the management of contaminants onsite. The Site Information and Integrated Pest Management Unit is responsible for managing environmental information on sites in the province.

The *Waste Management Act* prohibits the discharge of all wastes into the environment. This includes allowing or causing waste to flow or seep on or into any land or water, unless the discharge is listed as exempt from control under the *Act*, or authorized by permit or approval. The *Contaminated Sites Regulation* provides procedures for contaminated site investigations, numerical standards for assessing the degree of contamination, and a procedure for developing a remediation plan. The Ministry of Transportation (MoT) could be liable under the *Waste Management Act* if it owns contaminated property or causes contamination of property.

MoT has established an environmental auditing process for potentially contaminated sites. The purpose of the process is to ensure that any potential liabilities in the acquisition of property are assessed and ensure compliance with all requirements associated with contaminated or potentially contaminated lands under the *Waste Management Act*. The environmental auditing process is to be

used on all properties that may be purchased or administered by MoT, and on property owned by others where the contamination can be directly linked to past MoT practices and procedures.

N1 Notification of work proposed on a potentially contaminated site

When

Notification of a study, proposed design process or geotechnical field work anticipated to occur on a potentially contaminated property should be provided as soon as the requirement for the work is known. Generally, that information is available during the route/preliminary design phase or during property acquisition.

Notification of release (lease, return to Crown, sale, etc.) of potentially contaminated property by the MoT should be provided as soon as the requirement for the release is known. Generally, that information is available during the post-construction stage or highway operation stage.

If MoT or consulting personnel know or reasonably should know that a site has been used or is used for one of the purposes or activities found in Schedule 2 of the *Contaminated Sites Regulation*, they are responsible for bringing the site to the attention of MoT project management as soon as possible during any stage (planning, design, property acquisition, construction stages) of the work. Generally, personnel should bring a site to the attention of MoT project management if they have knowledge that:

- the site has been used for commercial or industrial purposes;
- the site has been used for hydrocarbon storage (e.g., gas, diesel);
- the site has been used as a dump or storage site;
- the site has been used as a gravel pit and/or salt storage area utilized during highway construction and/or operation;
- other conditions exist that should be corrected to remove any potential risks;
- activities on adjacent properties pose potential environmental risks to the subject property; or
- the public has provided incidental information on historical site practices that indicate a potential environmental risk.

Whom

Notify the Regional Environmental Coordinator or, alternatively, the Senior Geoscientist, Engineering Branch, MoT if you suspect that a property may be contaminated.

Procedures

- Review engineering and property acquisition plans for sites potentially affected by the proposed work that are possibly contaminated.
- Bring sites that are possibly contaminated to the attention of the Regional Environmental Coordinator or, alternatively, the Senior Geoscientist, MoT, via letter, e-mail or telephone. Written correspondence is recommended to ensure clarity of communications between all parties regarding process requirements.

-
- Liaise with the Regional Environmental Coordinator, Senior Geoscientist, MoT or designate regarding related referral process requirements.

Time Frame

The estimated time frame for a response will vary from a few hours to a few days, dependent on the completeness of information available regarding the potential site.

R1 Request for advice regarding potentially contaminated soils

Pursuant to Section 26.1 of the *Waste Management Act*, a person who knows or reasonably should know that a site has been used or is used for industrial or commercial activities must in certain circumstances provide a site profile. Typically, a site profile is required if the site has been used for an activity listed in Schedule 2 of the *Contaminated Site Regulation* (see attached Schedule 1, Site Profile, and Schedule 2, Industrial and Commercial Purposes and Activities).

When

Advice regarding contaminated soil issues and completion of a site profile, potential applicability of the *Waste Management Act* to the project, and related referral process requirements should be obtained as soon as it is known if a potentially contaminated site will be acquired by the Ministry, or works will affect or may affect a potentially contaminated site. Generally, that information is available during the route/preliminary design stage.

Whom

Requests for advice are directed to the Regional Environmental Coordinator or, alternatively, the Senior Geoscientist, Engineering Branch, MoT.

Should there be a necessity to contract contaminated site investigations or remediation projects, the contracts should be developed in consultation with the Regional Environmental Coordinator or the Senior Geoscientist, MoT.

Procedures

- Determine if the site to be acquired, or affected or potentially affected by the work, is contaminated and/or requires completion of a site profile.

Contact the Regional Environmental Coordinator for advice via letter, e-mail or telephone. Written correspondence is recommended to ensure clarity of communications between all parties regarding process requirements.

- If the site is potentially contaminated, the Regional Environmental Coordinator will pursue further process requirements with MoT personnel (Senior Geoscientist, Properties personnel, and/or Environmental Management personnel) and the Pollution Prevention and Remediation Branch as required. Requirements will typically include completion of:
 - 1) a Stage 1 Preliminary Investigation – initial attempts to discover what activities may have potentially contaminated the site, and what the site might be contaminated with, and
 - 2) Stage 2 Preliminary Investigation – environmental sampling of soil, sediments, surface

water, groundwater, air, animals, and/or plants, and the investigation of subsurface conditions, if required.

Completion of a Site Profile is a requirement of the Stage 1 Preliminary Investigation. If the Stage 1 Preliminary Investigation indicates that contamination is highly unlikely, a copy of the Stage 1 report will be provided by MoT to the Regional Manager Pollution Prevention, MELP, or designate, who may decide that a Stage 2 Investigation is not required.

Typically, subsequent referral process requirements will be dependent on one of the following two scenarios:

- 1) If the site has no contamination potential, project works can proceed without further involvement of the Regional Environmental Coordinator or Senior Geoscientist, MoT (regarding contamination issues), or involvement of the Pollution Prevention and Remediation Branch.
- 2) If the site is possibly contaminated, requirements will typically include completion of a Stage 2 Preliminary Investigation (if not completed already) and completion of a Detailed Site Investigation – determines the exact contaminants present and the extent of the contamination, and presents information necessary for the development of a remediation or risk management plan for the site, if required.

Time Frame

The estimated time frame for a response from the Regional Environmental Coordinator or the Senior Geoscientist regarding a request for advice will vary from a few hours to a few weeks, dependent on the completeness of information available regarding the potential site or whether a preliminary site investigation is required.

The estimated time frame required to complete a Stage 1 Preliminary Investigation is a few days. The estimated time frame required to complete a Stage 2 Preliminary Investigation and a Detailed Site Investigation is 4 to 6 weeks, dependent on the extent of sampling and analysis required, the extent and depth of drilling and subsurface materials encountered on site, and turn-around capability of laboratories performing chemical analyses of sample materials.

R2 Request for advice regarding waste or effluent discharge approvals

Activities may be undertaken by the MoT that have the potential to introduce waste or discharge effluent into the environment. Such activities include the establishment of construction camps, the operation of hot-in-place asphalt recycling and hot mix asphalt plants, and the use of cutback asphalt.

When

Advice regarding the permitting or approval requirements related to discharge of waste or effluent and related referral process requirements should be obtained as soon as it is known that discharge(s) will be required during work activities, where the discharge(s) will be required, and preliminary quantity of discharge(s) required. Generally, that information is available during the route/preliminary design phase or the detailed design phase, or prior to the construction of minor works.

Whom

Requests for advice should be directed to the Regional Environmental Coordinator, MoT, or the Regional Manager Pollution Prevention, MELP. Responsibility for referral processes and requirements regarding paving plant emissions typically rests with the Paving Contractor. Alternatively, questions regarding paving plant emissions may be directed to the Regional Manager, MoT in the pertinent MoT regional office, or the Pavement Research and Standards Officer, Engineering Branch, MoT in Victoria.

Procedures

- Determine if the proposed work will include waste or effluent discharges.

Contact the Regional Environmental Coordinator, MoT, or the Regional Manager Pollution Prevention, MELP, via letter, e-mail or telephone. Written correspondence is recommended to ensure clarity of communications between all parties regarding process requirements.

- In consultation with the Regional Environmental Coordinator, MoT, and the Regional Manager Pollution Prevention, MELP, determine permit or temporary approval application requirements specific to the circumstances and type of the proposed waste or effluent discharge.

Time Frame

The estimated time frame for a response will vary from a few hours to a few days, dependent on the completeness of information available regarding the type, quantity and estimated time frame of required waste or effluent discharge.

A1 Application for approval for remediation of a contaminated site

The *Contaminated Sites Regulation* provides both contamination concentration standards and risk assessment/ risk management standards.

If the preliminary investigations (Stage 1 and Stage 2) indicate that contamination is present, a detailed site investigation and remediation plan will typically be required. Remediation plans are aimed generally at reducing contaminant concentrations to below the numerical standard specified in the *Contaminated Sites Regulation*. Alternatively, the risk assessment/risk management approach may be utilized in situations where contamination cannot be removed from a site due to technological, physical or financial constraints. If the risk-based standards specified in the *Contaminated Sites Regulation* are applied, an environmental impact report identifying the potential onsite and offsite environmental impacts of any contaminate substances, and procedures to be used to mitigate those impacts, must also be prepared.

Upon application, an approval-in-principle may be issued by the Regional Manager Pollution Prevention, MELP, or designate, stating that a remediation plan for a contaminated site has been reviewed and approved by the Manager. And the remediation plan may be implemented in accordance with conditions specified by the Manager, pursuant to Section 27.6(1) of the *Waste Management Act*.

If a contaminated site has been remediated in accordance with prescribed numerical standards, a certificate of compliance may be issued by Regional Manager Pollution Prevention, MELP, or designate, with respect to the remediation of the site, pursuant to Section 27.6(2) of the *Waste Management Act*.

If a contaminated site has been remediated in accordance with prescribed risk-based standards and prescribed environmental impact requirements, a conditional certificate of compliance may be issued by the Manager, Pollution Prevention and Remediation, MELP in Victoria, or designate, with respect to the remediation of the site, pursuant to Section 27.6(3) of the *Waste Management Act*.

An approval-in-principle, certificate of compliance or conditional certificate of compliance may be issued for a part of a contaminated site.

When

When the contaminants present and the extent of the contamination have been determined, and the results compared to the standards set out in the *Contaminated Sites Regulation*, a remediation plan or a risk management plan will be prepared by MoT or MoT's consultant.

Whom

The remediation plan or risk management plan should be developed in consultation with the Regional Environmental Coordinator or the Senior Geoscientist, MoT.

Procedures

The following procedures have been developed by MoT to ensure that contaminated sites investigations and remediation procedures satisfy the Ministry's environmental standards and also comply with the *Contaminated Sites Regulation*:

- Liaise with the Regional Environmental Coordinator and/or the Senior Geoscientist, MoT, regarding completion of preliminary investigations, a detailed site investigation, and development, and implementation of a remediation plan(s) or risk management plan(s), as required.
- Final report(s) for preliminary investigations, a detailed site investigation and a remediation plan(s) or risk management plan(s) will be produced, or the consultant's work managed and reviewed, typically by the Geotechnical and Materials Section, MoT. Reports recommending or including a remediation plan(s) are provided to the Regional Manager Pollution Prevention, MELP, for review and approval, if required. Reports recommending or including a risk management plan(s) are forwarded to the Manager, Pollution Prevention and Remediation Branch in Victoria for review and approval, if required.

Time Frame

The estimated time frame required for the MELP Regional Office or the Pollution Prevention and Remediation Branch in Victoria to review report(s) detailing the investigation results and remediation or risk management plan is up to 6 months.

A2 Application for a permit to discharge contaminants

A permit is required for the discharge of effluent, waste material or contaminants into the environment, or the storage, treatment or recycling of special waste materials, pursuant to Section 10 of the *Waste Management Act*.

Temporary approval for the discharge of effluent, waste material or contaminants into the environment, or the storage, treatment or recycling of special waste materials, pursuant to Section 11 of the *Waste Management Act*, is sought when the discharge will occur only for a period of up to 15 months.

The discharge of waste or effluent potentially resulting from the establishment and use of a construction camp and the operation of asphalt paving plants are examples of MoT activities that may require a permit under Section 10 or a temporary approval under Section 11 of the *Act*.

Permits and temporary approvals will be typically issued in a letter format and include conditions the issuing authority considers appropriate.

When

An application for a permit or temporary approval regarding the discharge of waste or effluent into the environment should be prepared and submitted as soon as it is known that discharge(s) will be required during work activities, where the discharge(s) will be required, and the quantity of discharge(s) required. Generally, that information is available in the detailed design phase.

Whom

The application for permit or temporary approval is typically prepared and submitted to the Regional Manager Pollution Prevention, MELP, by the Regional Environmental Coordinator or the Project Manager, MoT.

Responsibility for referral processes and requirements regarding paving plant emissions typically rests with the Paving Contractor, through contractual arrangement with MoT or other agency (e.g., municipality).

Procedures

Prepare and submit the application for a permit or temporary approval, as required, as per the process requirements determined in consultation with the Regional Environmental Coordinator, MoT, and the Regional Manager Pollution Prevention, MELP.

Time Frame

Upon receipt of an application for permit in the MELP regional office, the estimated time frame for a permit to be issued is up to 90 days, dependent on process requirements for public consultation and notice in local newspapers.

Water Management Branch (WMB)

Related Internet Addresses

Water Management Branch home page –
<http://www.elp.gov.bc.ca/wat>

Water Act (RSBC 1996 Chap. 483) –
http://www.qp.gov.bc.ca/bcstats/96483_01.htm

Mandate of Agency

The Water Management Branch (WMB), Ministry of Environment, Lands and Parks, licenses and regulates water under the *Water Act*. Its responsibilities include the management of water licences/surface water rights and water wells/groundwater rights; floodplain mapping; flood hazard management; and the protection of drinking water quality/supplies and aquatic habitat.

N1 Notification of proposed works

The Engineering Section Head, WMB should be notified of: a study; proposed design process; geotechnical field work; or construction if the proposed works have the potential to affect the quality or quantity of surface or groundwater resources. The Engineering Section Head may elect to have the Habitat Protection Section Head be the contact person, if the Habitat Protection Section Head is already actively involved in the project.

N2 Mandatory notification of clear span bridge, culvert and stormwater outfall works

Pursuant to Section 44 of the *Water Act Regulation*, certain works in and about a stream require that a written notification be sent to Water Management Branch in lieu of the requirement for an Approval under Section 9 of the *Act*. Section 44 of the regulation exempts certain activities from permit requirements.

Works covered by the mandatory notification provision include: 1) a proposal to construct or upgrade a clear span bridge; 2) temporarily divert a stream for the purposes of constructing bridge abutments; or 3) install or upgrade a 600mm or larger culvert or a storm sewer outfall within the normal high water mark of any surface waterbody (permanently wetted or ephemeral). The hydraulic capacity of the bridge or culvert must be equivalent to the hydraulic capacity of the stream, or be capable of passing the 1 in 200 year maximum daily flow.

The notification provisions for changes in and about a stream are contained within the *Water Act Regulation*, Part 7. The Ministry must notify Water Management Branch of intending works. The Habitat Protection Section Head will reply, via a letter, advising MoT of the terms and conditions upon which works may proceed. Some MELP regional offices may prefer that MoT submit this notification form to the attention of the Referrals Coordinator, MELP. A blank Notification Form and application guidelines are included at the end of this section.

The notification must be received at the regional office at least 45 days before the work is to be started. If the MELP regional office does not contact MoT within 45 days after receipt of the notification, MoT can proceed with the work without further contact. However, work must be done in accordance with the regulation. The provisions within Sections 41 to 44 (which ensure that the work meets standards for the protection of water quality, aquatic habitat, other water users, and public safety) must be complied with. In particular, Section 43 states that, if persons who are lawfully diverting or using water under the *Water Act* may be adversely affected, the person proposing to make the change must give 3 days notice to those persons and must provide an adequate supply of water if required by those persons.

R1 Request for advice regarding water licenses, flood mapping, changes in and about a stream

The Engineering Section Head, Water Management Branch should be contacted for advice regarding the location of water licences, water wells, flood mapping, and water quantity and quality issues. The Habitat Protection Section Head, Fish, Wildlife and Habitat Protection Branch should be contacted for advice if the questions are more specifically related to the protection of water quality and aquatic habitat.

A1 Application for approval for changes in and about a stream (Section 9)

When

Pursuant to Section 9 of the *Water Act*, a change in and about a stream, other than those captured under the notification provisions of the *Water Act Regulation* (see N2 above), must not proceed unless authorized by an approval. This applies to all work within the normal high water mark of any surface waterbody including permanent stream diversions, bridges with piers below the normal high water mark and embankment encroachments.

Whom

The application for an Approval for changes in and about a stream is prepared and submitted to the Engineering Section Head, WMB by the Project Manager or the Regional Environmental Coordinator. Some MELP regional offices may prefer that MoT submit this application to the attention of the Referrals Coordinator, MELP. The Approval is issued to MoT.

Procedures

Changes in and about a stream that require an approval are generally more complex in nature with greater potential for adverse impacts. Therefore, it is important that measures to mitigate any potentially adverse impacts to the nature of the stream or stream channel be developed in consultation with the Regional Environmental Coordinator. The potential impacts and proposed mitigation measures should be discussed with the Engineering Section Head, WMB and Habitat Protection Section Head, FWHPB. Their advice on water and stream channel protection measures should be requested. MoT should consult with Engineering Section Head, WMB and Habitat Protection Section Head, FWHPB prior to submitting the application form.

A blank Approval Application is included at the end of this section. It may be necessary to include engineering drawings, as well as written impact assessment and mitigation information with the application. MELP may grant an approval in writing authorizing the work on the conditions that they feel are advisable.

Time Frame

Upon receipt of an application in the MELP regional office, the estimated time frame for an Approval to be issued is up to 12 weeks.

A2 Application for short-term use or diversion of water

When

If MoT needs to temporarily withdraw water from an on-site source, for example, for geotechnical investigation purposes, it must apply for an approval in writing for the short-term use of the water. Pursuant to Section 8 of the *Water Act*, MELP may grant the diversion or use of water for a term not exceeding 12 months without a need to issue a licence.

Whom

The application for an Approval for the short term use of the water is prepared and submitted to the Engineering Section Head, WMB, by the Project Manager or the Regional Environmental Coordinator. Some MELP regional offices may prefer that MoT submit this application to the attention of the Referrals Coordinator, MELP. The Approval in writing is issued to MoT.

Procedures

MoT should complete and submit a water withdrawal application form to MELP. A map that identifies the locations for water withdrawals, photos of the site, if available, and a written description of how the water will be withdrawn should be included with the form. MELP may grant an approval in writing authorizing the short-term use or diversion of water on the conditions that they feel are advisable.

Time Frame

Upon receipt of an application in the MELP regional office, the estimated time frame for an Approval to be issued is up to 4 weeks.

A3 Application for Change of Works of water licensee

When

If MoT needs to relocate the works of a registered water licensee, it must apply for an approval for Change of Works pursuant to Section 18 of the *Water Act*.

Whom

The application for a Change of Works is prepared and submitted to the Water Management Officer, WMB, by the Project Manager, Property Agent or the Regional Environmental Coordinator. Some MELP regional offices may prefer that this application be submitted to the attention of the Referrals Coordinator, MELP. The Approval in writing is issued to MoT.

Procedures

- MoT must first come to an agreement with the licence holder with regard to the relocation and reconstruction of the water works.
- The application for a Change of Works should then be submitted to the Water Management Officer, WMB. A blank Application for Change of Works is included at the end of this section.
- The application must be accompanied by a sketch showing the course of the stream, the works to be abandoned, the location of the proposed new works and the lands affected by the proposed change, as well as a letter of agreement between MoT and the licence holder indicating that the licensee agrees with the relocation.

Time Frame

Upon receipt of an application in the MELP regional office, the estimated time frame for an Approval to be issued is up to 3 months.

SCHEDULE 1
Site Profile

(Version 1.3)

Preamble

Under section 26.1 of the *Waste Management Act*, a person who knows or reasonably should know that a site has been used or is used for industrial or commercial purposes or activities must in certain circumstances provide a site profile.

Schedule 2 of the Contaminated Sites Regulation sets out the types of industrial or commercial purposes or activities to which site profile requirements apply.

If section 26.1 of the Waste Management Act applies to you and you know or reasonably should know that site has been used or is used for one of the purposes or activities found in Schedule 2 of the Contaminated Sites Regulation, you may be required to complete the attached site profile.

Notes/Instructions:

Persons preparing a site profile *must* complete Section I, II and III, answer all questions in sections IV through IX, and sign section XI. If the site profile is not satisfactorily completed, it will not be processed under the *Waste Management Act* and the Contaminated Sites Regulation. Failure to complete the site profile satisfactorily may result in delays in approval of relevant applications and in the postponement of decisions respecting the property.

The person completing this site profile is responsible for the accuracy of the answers. Questions must be answered *to the best of your knowledge*.

Section 27 (1) of the *Freedom of Information and Protection of Privacy Act* requires that provision of personal information concerning an individual must be authorized by that individual. Persons completing the site profile on behalf of the site owner must be authorized by the site owner.

One (1) site profile may be completed for a site comprised of more than one titled or untitled parcel, but individual parcels must be identified.

If the property is legally surveyed, titled and registered, then all PID numbers (**P**arcel **I**dentifiers - Land Title Registry system) must be provided for *each* parcel as well as the appropriate legal description.

If the property is untitled Crown land (no PID number), then the appropriate PIN numbers (**P**arcel **I**dentification **N**umbers - Crown Land registry system) for each parcel with the appropriate land description should be supplied.

If a PID or PIN number is *not* available for the site, a latitude and longitude (accurate to 0.5 of a second using North American Datum established in 1983) of the centre of the site is required. Also, please attach an accurate map, containing latitude, longitude and datum references, which shows the boundaries of the site in question. Please use the largest scale map available.

If available, the Crown Land File Number for the site should also be supplied.

Anything submitted in relation to this site profile will become part of the public record and may be made available to the public through the Site Registry as established under the *Waste Management Act*.

Under section 26.3 of the *Waste Management Act*, corporate and personal information contained in the site profile may be made available to the public through the Site Registry. Should you have questions concerning the collection of this information, contact your local BC Environment office or the Site Registrar, BC Environment, Pollution Prevention & Remediation Branch, Box 9342 Stn Prov Govt, Victoria, BC V8W 9M1. Telephone: 1-250-387-4441. Fax: 1-250-387-9935.

SCHEDULE 1
Site Profile

(Version 1.3)

I CONTACT IDENTIFICATION

A. Name of Site Owner:

Last _____ First _____ Middle Initial(s) _____ (and/or, if applicable)

Company _____

Owner's Civic Address _____

City _____ Province/State _____

Country _____ Postal Code/ZIP _____

B. Person Completing Site Profile (Leave blank if same as above):

Last _____ First _____ Middle Initial(s) _____ (and/or, if applicable)

Company _____

C. Person to Contact Regarding the Site Profile:

Last _____ First _____ Middle Initial(s) _____ (and/or, if applicable)

Company _____

Mailing Address _____

City _____ Province/State _____

Country _____ Postal Code/ZIP _____

Telephone (_____) _____ - _____ Fax (_____) _____ - _____

II SITE IDENTIFICATION

IF Legally Titled, Registered Property

Site Street Address (if applicable) _____

City _____ Postal Code _____

PID numbers and associated legal descriptions. *Attach an additional sheet if necessary.*

<u>PID</u>	<u>Legal Description</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total number of titled parcels represented by this site profile is: _____

**SCHEDULE 1
Site Profile**

(Version 1.3)

IF Untitled Crown Land

1) PIN numbers and associated Land Description. *Attach an additional sheet if necessary.*

<u>PIN</u>	<u>Land Description</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total number of untitled crown land parcels represented by this site profile is: _____

OR

2) Coordinates (using the North American Datum 1983 convention) for the centre of the site:

Latitude: Degrees _____ Minutes _____ Seconds _____
 Longitude: Degrees _____ Minutes _____ Seconds _____

Please attach a map of appropriate scale showing the boundaries of the site.
 (and, if available)

Crown land file numbers. *Attach an additional sheet if necessary.*

(All the Following Questions Must Be Answered.)

III COMMERCIAL AND INDUSTRIAL PURPOSES OR ACTIVITIES

Please indicate below, in the format of the example provided, which of the industrial and commercial purposes and activities from Schedule 2 have occurred or are occurring on this site.

<u>Schedule 2 Reference</u>	<u>EXAMPLE Description</u>
E1	appliance, equipment or engine repair, reconditioning, cleaning or salvage
F10	solvent manufacturing or wholesale bulk storage

Please print legibly. Attach an additional sheet if necessary

<u>Schedule 2 Reference</u>	<u>Description</u>
_____	_____
_____	_____
_____	_____

**SCHEDULE 1
Site Profile**

(Version 1.3)

IV AREAS OF POTENTIAL CONCERN			
	Is there currently or to the best of your knowledge has there previously been on the site any (please mark the appropriate column opposite the question):	YES	NO
A.	Petroleum, solvent or other polluting substance spills to the environment greater than 100 litres?		
B.	Residue left after removal of piled materials such as chemicals, coal, ore, smelter slag, air quality control system baghouse dust?		
C.	Discarded barrels, drums or tanks?		
V FILL MATERIALS			
	Is there currently or to the best of your knowledge has there previously been on the site any deposit of (please mark the appropriate column opposite the question):	YES	NO
A.	Fill dirt, soil, gravel, sand or like materials from a contaminated site or from a source used for any of the activities listed under Schedule 2?		
B.	Discarded or waste granular materials such as sand blasting grit, asphalt paving or roofing material, spent foundry casting sands, mine ore, waste rock or float?		
C.	Dredged sediments, or sediments and debris materials originating from locations adjacent to foreshore industrial activities, or municipal sanitary or stormwater discharges?		
VI WASTE DISPOSAL			
	Is there currently or to the best of your knowledge has there previously been on the site any landfilling, deposit or dumping in pits, ponds, lagoons or natural depressions of (please mark the appropriate column opposite the question):	YES	NO
A.	Materials such as household garbage, mixed municipal refuse, or demolition debris?		
B.	Waste or byproducts such as tank bottoms, residues, sludge, or flocculation precipitates from industrial processes or wastewater treatment?		
C.	Waste products from smelting or mining activities, such as smelter slag, mine tailings, or cull materials from coal processing?		
D.	Waste products from natural gas and oil well drilling activities, such as drilling fluids and muds?		
E.	Waste products from photographic developing or finishing laboratories; asphalt tar roofing manufacturing; boilers, incinerators or other thermal facilities (e.g. ash); appliance, small equipment or engine repair or salvage; dry cleaning operations (e.g. solvents); or automobile and truck parts cleaning or repair?		

**SCHEDULE 1
Site Profile**

(Version 1.3)

VII TANKS OR CONTAINERS USED OR STORED			
	Are there currently or to the best of your knowledge have there been previously on the site any (please mark the appropriate column opposite the question):	YES	NO
A.	Underground fuel or chemical storage tanks?		
B.	Above ground fuel or chemical storage tanks?		
VIII SPECIAL (HAZARDOUS) WASTES OR SUBSTANCES			
	Are there currently or to the best of your knowledge have there been previously on the site any (please mark the appropriate column opposite the question):	YES	NO
A.	PCB-containing electrical transformers or capacitors either at grade, attached above ground to poles, located within buildings, or stored?		
B.	Waste asbestos or asbestos containing materials such as pipe wrapping, blown-in insulation or panelling buried?		
C.	Paints, solvents, mineral spirits or waste pest control products or pest control product containers stored in volumes greater than 205 litres?		
IX LEGAL OR REGULATORY ACTIONS OR CONSTRAINTS			
	To the best of your knowledge are there currently any of the following pertaining to the site (please mark the appropriate column opposite the question):	YES	NO
A.	Government orders or other notifications pertaining to environmental conditions or quality of soil, water, groundwater or other environmental media?		
B.	Liens to recover costs, restrictive covenants on land use, or other charges or encumbrances, stemming from contaminants or wastes remaining onsite or from other environmental conditions?		
C.	Government notifications relating to past or recurring environmental violations at the site or any facility located on the site?		
X ADDITIONAL COMMENTS AND EXPLANATIONS			
<p>(Note 1: Please list any past or present government orders, permits, approvals, certificates and notifications pertaining to the environmental condition, use or quality of soil, surface water, groundwater or biota at the site.</p> <p>Note 2: If completed by a consultant, receiver or trustee, please indicate the type and degree of access to information used to complete this site profile. Attach extra pages, if necessary):</p> <hr/> <hr/> <hr/> <hr/>			

**SCHEDULE 1
Site Profile**

(Version 1.3)

XI SIGNATURES			
The person completing the site profile states that the above information is true, based on the person's current knowledge as of the date completed.			
_____ Signature of person completing site profile		_____ Date completed: (YY-MM-DD)	
XII OFFICIAL USE			
Local Authority			
Reason For Submission <i>(Please check one or more of the following)</i>			Soil Removal <input type="checkbox"/>
Subdivision Application <input type="checkbox"/> Zoning Application <input type="checkbox"/> Development Permit <input type="checkbox"/> Variance Permit <input type="checkbox"/> Demolition Permit <input type="checkbox"/>			
Date received:	<u>Local Government contact :</u> Name _____ Agency _____ Address _____ _____ Telephone _____ Fax _____	Date Submitted to Site Registrar:	Date forwarded to BC Environment Manager:
BC Environment Manager			
Reason For Submission <i>(Please check one or more of the following)</i>			
Under Order <input type="checkbox"/> Site Decommissioning <input type="checkbox"/> Foreclosure <input type="checkbox"/>			
Date received:	<u>Assessed by:</u> Name _____ Region _____ Telephone _____ Fax _____ If site profile entered, SITE ID # _____	Investigation Required? YES NO	Decision date:
Site Registrar			
Date received:	<u>Entered onto site registry by:</u>	SITE ID #:	Entry date:

SCHEDULE 2

INDUSTRIAL AND COMMERCIAL PURPOSES AND ACTIVITIES

COLUMN I Item	COLUMN II Purpose or Activity
A	<p>Chemical industries and activities</p> <ol style="list-style-type: none"> 1. adhesives manufacturing or wholesale bulk storage 2. chemical manufacturing or wholesale bulk storage 3. explosives or ammunition manufacturing or wholesale bulk storage 4. fire retardant manufacturing or wholesale bulk storage 5. fertilizer manufacturing or wholesale bulk storage 6. ink or dye manufacturing or wholesale bulk storage 7. leather or hides tanning 8. paint, lacquer or varnish manufacturing, formulation, recycling or wholesale bulk storage 9. pharmaceutical products manufacturing 10. plastic products (foam or expanded plastic products) manufacturing 11. textile dyeing 12. pesticide manufacturing, formulation or wholesale bulk storage 13. resin or plastic monomer manufacturing, formulation or wholesale bulk storage
B	<p>Electrical equipment industries and activities</p> <ol style="list-style-type: none"> 1. battery (lead acid or other) manufacturing or wholesale bulk storage 2. communications stations using or storing equipment that contains PCBs 3. electrical equipment manufacturing, refurbishing or wholesale bulk storage 4. electrical transmission or distribution substations 5. electronic equipment manufacturing 6. transformer oil manufacture, processing or wholesale bulk storage
C	<p>Metal smelting, processing or finishing industries and activities</p> <ol style="list-style-type: none"> 1. foundries or scrap metal smelting 2. galvanizing 3. metal plating or finishing 4. metal salvage operations 5. nonferrous metal smelting or refining 6. welding or machine shops (repair or fabrication)
D	<p>Mining, milling or related industries and activities</p> <ol style="list-style-type: none"> 1. asbestos mining, milling, wholesale bulk storage or shipping 2. coal coke manufacture, wholesale bulk storage or shipping 3. coal or lignite mining, milling, wholesale bulk storage or shipping 4. milling reagent manufacture, wholesale bulk storage or shipping 5. nonferrous metal concentrate wholesale bulk storage or shipping 6. nonferrous metal mining or milling

SCHEDULE 2
INDUSTRIAL AND COMMERCIAL PURPOSES AND ACTIVITIES cont'd

E	<p>Miscellaneous industries, operations or activities</p> <ol style="list-style-type: none"> 1. appliance, equipment or engine repair, reconditioning, cleaning or salvage 2. ash deposit from boilers, incinerators, or other thermal facilities 3. asphalt tar roofing manufacture, wholesale storage and distribution 4. coal gasification (manufactured gas production) 5. medical, chemical, radiological or biological laboratories 6. rifle or pistol firing ranges 7. road salt storage facilities 8. measuring instruments (containing mercury) manufacture, repair or wholesale bulk storage
F	<p>Petroleum and natural gas drilling, production, processing, retailing and distribution</p> <ol style="list-style-type: none"> 1. petroleum or natural gas drilling 2. petroleum or natural gas production facilities 3. natural gas processing 4. petroleum coke manufacture, wholesale bulk storage or shipping 5. petroleum product dispensing facilities, including service stations and cardlots 6. petroleum, natural gas or sulphur pipeline rights of way excluding rights of way for pipelines used to distribute natural gas to consumers in a community 7. petroleum or natural gas product or produced water storage in above ground or underground tanks 8. petroleum product wholesale bulk storage or distribution 9. petroleum refining wholesale bulk storage or shipping 10. solvent manufacturing or wholesale bulk storage 11. sulphur handling, processing or wholesale bulk storage and distribution
G	<p>Transportation industries, operations and related activities</p> <ol style="list-style-type: none"> 1. aircraft maintenance, cleaning or salvage 2. automotive, truck, bus, subway or other motor vehicle repair, salvage or wrecking 3. bulk commodity storage or shipping (e.g. coal) 4. dry docks, ship building or boat repair 5. marine equipment salvage 6. rail car or locomotive maintenance, cleaning, salvage or related uses, including railyards 7. truck, rail or marine bulk freight handling

SCHEDULE 2
INDUSTRIAL AND COMMERCIAL PURPOSES AND ACTIVITIES cont'd

H	<p>Waste disposal and recycling operations and activities</p> <ol style="list-style-type: none"> 1. antifreeze bulk storage or recycling 2. barrel, drum or tank reconditioning or salvage 3. battery (lead acid or other) recycling 4. biomedical waste disposal 5. bulk manure stockpiling and high rate land application or disposal (nonfarm applications only) 6. construction demolition material landfilling 7. contaminated soil storage, treatment or disposal 8. dredged waste disposal 9. drycleaning waste disposal 10. electrical equipment recycling 11. industrial waste lagoons or impoundments 12. industrial waste storage, recycling or landfilling 13. industrial woodwaste (log yard waste, hogfuel) disposal 14. mine tailings waste disposal 15. municipal waste storage, recycling, composting or landfilling 16. organic or petroleum material landspreading (landfarming) 17. sandblasting waste disposal 18. septic tank pumpage storage or disposal 19. sewage lagoons or impoundments 20. special (hazardous) waste storage, treatment or disposal 21. sludge drying or composting 22. street or yard snow removal dumping 23. waste oil reprocessing, recycling or bulk storage 24. wire reclaiming operations
I	<p>Wood, pulp and paper products and related industries and activities</p> <ol style="list-style-type: none"> 1. particle board manufacturing 2. pulp mill operations 3. pulp and paper manufacturing 4. treated wood storage at the site of treatment 5. veneer or plywood manufacturing 6. wafer board manufacturing 7. wood treatment (antisapstain or preservation) 8. wood treatment chemical manufacturing, wholesale bulk storage

**Notification for Proposed Works and Changes In and About a Stream
under the Section 9 Regulation of the Water Act**

Please refer to the application guidelines when completing this Notification Form

1. Applicant Name: _____
Address: _____
City & Province: _____
Postal Code: _____ Telephone: _____

2. Location of Works:
Stream Name: _____
Location on Stream: _____
What stream/river/lake does it flow into? _____
Address, if different from above: _____
Legal description of property: _____

3. Sketch Plan: This application will be returned if it is not accompanied by a legible map and details showing lot boundaries, location of proposed works, stream direction and flow and location of buildings.

4. Proposed Timing:
Start (day/month/year): _____
Finish (day/month/year): _____

5. Type of Works (Check (✓) appropriate box):

- | | |
|--|---|
| <input type="checkbox"/> Routine maintenance by a public Utility | <input type="checkbox"/> Beaver Dam removal |
| <input type="checkbox"/> Pipeline crossing in a naturally dry channel | <input type="checkbox"/> Clear span bridge |
| <input type="checkbox"/> Fish habitat restoration or maintenance by government | <input type="checkbox"/> Pier or wharf |
| <input type="checkbox"/> Flow or water level measuring device by government | <input type="checkbox"/> Ice Bridge or winter ford |
| <input type="checkbox"/> Existing dike or erosion protection works repair or maintenance | <input type="checkbox"/> Aquatic vegetation control |
| <input type="checkbox"/> Stream channel restoration or maintenance by a municipality or the province | <input type="checkbox"/> Cutting annual vegetation |
| <input type="checkbox"/> Fish fences or screens, fish or game guards by government | <input type="checkbox"/> Road crossing culvert |
| <input type="checkbox"/> Removed, repair maintenance of culvert, bridge or wharf | <input type="checkbox"/> Storm sewer outfalls |

Dimensions of the proposed works: Length: _____ Width: _____ Diameter: _____

6. Do you own the land on which the works are to be located? yes ___ no ___ (check one)
If not, who owns the land?
Land Ownership: Private: _____ Crown: _____
Landowner's approval, if different from applicant:
Landowner's Name: _____
Address: _____
Postal Code: _____
Telephone: _____
Telephone: _____
Landowner's Signature _____
(Attach tenure document for Crown land)

7. Who is doing the work?
Contractor: If different from applicant
Company Name: _____
Contact Name: _____
Address: _____
Postal Code: _____
Telephone: _____

The information on this notification form will be made available to the public under the Freedom of Information legislation, if requested

8. Statement of Intent:

I declare that the information contained on this form is complete and accurate information. I have read, understood and will meet the requirements to construct works and changes in and about a stream in accordance with Section 9 of the *Water Act* and the Regulation.

Signed: _____ Date: _____

Ministry Use Only:

_____ : Meets the requirements to proceed under regulation

_____ : Approval required

Notification for Proposed Works and Changes In and About a Stream under the Section 9 Regulation of the Water Act

Application Guidelines

Please fill in all sections of the form, incomplete forms do not constitute a notification and will not be processed.

1. Name and mailing address

Enter your name, mailing address and telephone number.

2. Location of works

- * Identify the name of the stream on which you intend to carry out the proposed works.
- * Specify where on the stream are the works to take place (e.g. distance from road crossing or confluence with another stream).
- * Indicate what stream, river or lake the stream flows into.
- * Indicate location of works if different from your mailing address.
- * Enter a complete legal description of the property on which the works are to be carried out (e.g. Lot 1 of Section 31, Township 20, Range 12, W6M, Kamloops Division of Yale District, Plan 18411). This information is listed on your annual assessment or land tax notice, or you may obtain it by requesting a copy of your Certificate of Title from the appropriate Land Title Office.

3. Sketch Plan

Attach a drawing which clearly shows:

- * the high water mark based on visible evidence
- * the lot boundaries of the property on which the works are to take place
- * the location of proposed works .the stream and direction flow
- * the location of house/buildings
- * the approximate scale (e.g., 1cm=10m)
- * the waterbody bed material (e.g. sand, gravel mud etc.)
- * also note the dimensions of the works and list length, width and diameter where appropriate

A copy of part of a cadastral or topographic map or legal plan, at a reasonable scale, may be used for the drawing.

4. Proposed Timing

Indicate proposed start and finish of the works (day /month/year).

5. Type of Works

Identify the nature of the works by checking one of the boxes.

6. Ownership of the Land

- * If you own the land on which the works are to be carried out check "yes" and go to question 7.
- * If you are not the owner of the land, indicate whether the land is privately owned or owned by the Crown. Ensure you are not in trespass on either Crown or private land.
- * you must have the landowner's approval. The landowner must enter his/her address, telephone number and postal code and sign. If the land is owned by the Crown, please attach the appropriate tenure document.

7. Who is Doing the Work

If you are not carrying out the work, indicate contractor/company' s name, mailing address, postal code and telephone numbers.

8. Statement of Intent

Make sure each section of the form is filled out and that the information is accurate and complete. After having read and understood the conditions outlined in the Section 9 Regulation, and ensured that your project meets all requirements, sign and date the form.

When your form is complete, send it along with the sketch plan to the BC Environment regional office located nearest to the proposed works. This notification form must be completed, by providing the information specified, and must be received by a habitat officer in the nearest Ministry of Environment, Lands and Parks office at least 45 days prior to the proposed commencement of the works.



Ministry of Environment, Lands & Parks

APPROVAL APPLICATION

Acquisitions of an Approval for CHANGES IN AND ABOUT A STREAM under Section 9 of the Water Act is required for all work within the normal high water mark of any surface water body of in British Columbia.

Every applicant for an approval, or his agent, shall furnish the following particulars to the Regional MELP office. Lack of sufficient information on this application may result in the return of the application to the proponent.

(a) The applicant's name and address: _____

Phone number: _____

(b) Name or clear description of the stream (lakes, river, creek, etc.): _____

(c) Legal descriptions of all lands affected by the change including Crown Land are: _____

(d) The description of changes proposed to be made in and about the stream: _____

(e) If works are not all within your lands, have you acquired the necessary permission, easements or rights- of-way required for the proposed changes? _____

(f) The date by which it is intended to start and complete the proposed changes in and about the stream: _____

(g) A sketch plan must be included with this application and a cross section sketch is often required as well. Depending on the scope of the project additional information and/or professional engineering drawings may be required.

NOTE: No right of expropriation exists under an Approval.

APPLICATION FEE: \$130.00

(Applicant or Agent)

Date: _____

(if Agent - Address & Phone No.)

SKETCH(S)

INCLUDE A PLAN SKETCH SHOWING LOT BOUNDARIES, LOCATION OF PROPOSED WORKS IN RELATION TO WATERBODY AND THE LOCATION OF ANY NEARBY BUILDINGS. ALSO INCLUDE A CROSS SECTION SKETCH SHOWING PROPOSED WORKK IN STREAM CHANEL IN RELATION TO HIGH & LOW WATER LEVELS.



Application for Change of Works

File No.: _____

Date: _____

Water Act (Section 18)

I/We, _____

of _____

hereby apply to the Regional Water Manager for authority to alter or add to the works authorized under **Conditional/Final Licence No.:** _____.

(Stream) _____ as follows:

(a) **The works (pipe-lines, ditches, etc.) to be abandoned are:**

(b) **The new works to be constructed are:**

(c) **The proposed new works will cross or otherwise affect the following lands:**

Legal Description

Owner's Name

Description of Works: Length _____ Width _____

(d) **A copy of this application has been served on each of the following owners of land touched or crossed by the proposed works:**

Signed by Licensee:

Note: A sketch must accompany the application showing the course of the stream, the works to be abandoned, the proposed new works, and the lands affected by the proposed change. The fee for amendment of a licence is \$100.00.



Ministry of Environment, Lands & Parks

APPLICATION FOR AN APPROVAL SECTION 8 of the Water Act Short Term Use of Water

Every applicant for an Approval, or their agent, MUST supply the following details. Failure to do so may result in unnecessary delay of our application until such time as the proper information is submitted.

(a) Full Name(s) and address of applicant. (If a Company, BC registered name and address)

_____ Postal Code _____ Telephone No. _____

If Agent, state mailing address:

(b) The name or a clear description of the source of water supply: _____

(c) The location of the point of diversion relative to a surveyed or known point: _____

(d) The quantity of water proposed to be used: _____

(e) The period of the year during which the water is to be used: _____

(f) The purpose for which the water is to be used: _____

(g) The legal description of the land or the location thereof, where the water is to be used: _____

(h) The works to be installed for the diversion and use of water, including the works necessary to dispose of the used water: _____

(i) The legal description of the land which will be crossed by the proposed works and the names and addresses of the owners or lease holders if not owned by the applicant: NOTE: No right to expropriation exists under an Approval. _____

- (j) The written consent of the owner of privately held or leased land, to the construction and operation of the proposed works, if applicable.
- (k) A sketch showing the proposed point of diversion and the proposed works.
- (l) Fees for Short Term use of Water are available from Regional and Sub-Regional offices.
- (m) Return application and fees to appropriate Regional Office.
- (n) Placer Mining operations require a Waste Discharge Permit/Approval under Sections 8 & 9 of the Waste Management Act. In addition, a short term use approval is also required prior to the commencement of operation.

Date: _____

Signature: _____

Ministry of Forests

(MoF)

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Forest District Office (FDO)

Related Internet Addresses

Ministry of Forests home page –
<http://www.for.gov.bc.ca>

Forest Act (RSBC 1996 Chap. 157) –
http://www.qp.gov.bc.ca/bcstats/96157_00.htm

Burning Regulations –
<http://www.for.gov.bc.ca/PROTECT/brochures/industrial/index.htm>

Mandate of agency

“The British Columbia Forest Service is the steward of the timber, range and recreation resources of British Columbia’s unreserved public (Crown) forest land ... The Forest Service manages this land for many uses, including recreation, forage, timber, and wilderness, and, in cooperation with other agencies, for water, fish, wildlife, tourism, heritage, energy and minerals...” (Ministry of Forests web site).

There is a protocol agreement in place between the MoT and MoF that includes a description of the procedures for harvesting timber on highway right-of-way.

Highway right-of-way is a permitted use of Crown forest. If MoT requires use of land within provincial forest they must apply to BCAL to use or occupy the land (see BCAL: LMD – A2). This would involve discussion with the MoF District Office and could involve notification of tenure holders by MoF. In the case of FLR in the provincial forest, MoF, not the FLC, is the decision-maker regarding allowing the use of the provincial forest by MoT. In this circumstance, no referral to the Forest Land Commission is required by MoT.

N1 Notification of proposed works

There are no notification requirements outside of the application procedures.

R1 Request for advice regarding License to Cut

There is no need to request advice from the Ministry of Forests outside of informal requests for guidance in preparing applications for a License to Cut.

A1 Application for a License to Cut

Before MoF can issue a License to Cut on Crown land MoT must have been granted a right of use/occupation from BCAL under the *Land Act* (see BCAL: LMD – A1 if occupation is temporary and A2 if it is long term). Once MoT has this right of occupation MoF can issue MoT a “License to Cut” to cut timber or destroy immature trees on the land. The License to Cut under Section 51 of the *Forest Act* gives the Ministry the right to cut and deck merchantable timber. It does not necessarily convey the right to remove or sell the timber. MoF will appraise the timber to be harvested, arrange the sale of the decked logs and collect stumpage from the purchaser. In rare instances, a License to Cut can be issued with a timber mark and stumpage rate allowing MoT to remove and sell the timber.

When

MoT should apply for a License to Cut as soon as the area to be cut has been identified.

Whom

A License to Cut is arranged through the MoF District Office.

Procedures

At the earliest opportunity, inform the MoF District Office of the need to remove timber. Provide MoF with a map showing the location of the timber to be cut. Mark in the field the boundaries of the area to be cut. MoF will cruise the timber and issue the License to Cut. MoT must supervise the work of the clearing contractor. The timber should be decked at an agreed upon location.

MoF is developing a new process to replace the License to Cut. However, even if the new process is adopted, MoT will still have to apply to the MoF District Office to cut Crown timber.

Time Frame

MoF’s appraisal of the timber may take up to 60 days depending on the volume of wood. The License to Cut can be issued once the appraisal is complete.

A2 Application for permission to burn unusable wood waste

The Forest Fire Prevention and Suppression Regulation will apply to most open fires used to dispose of wood waste on highway projects.

When

MoT requires MoF’s permission to burn debris piles that are more than two metres high and three metres wide in an area without a fire department.

Whom

Permission to burn is granted verbally over the phone by a MoF operator at 1-888-797-1717.

Procedures

Check with your local fire department, municipality, improvement district, or regional district to determine if there are local by-laws that pertain to burning woody debris. If there are, contact the local agencies for authority to burn.

BC Environment administers the Open Burning Smoke Control Regulation under the *Waste Management Act* that may apply to your burn. Check with the BC Environment office nearest you to determine if the smoke control regulation applies.

If there are no local burning by-laws and you are planning to burn within one kilometre of a forest and you have determined how the BC Environment smoke control regulation applies to your burn, the Forest Fire Prevention and Suppression Regulation sections on open fires will apply.

If you are burning in an area that is not covered by a local fire department, burning of unusable wood waste must be done in compliance with the Forest Fire Prevention and Suppression Regulation. Under that Regulation, persons wishing to burn piles greater than two metres in height and three metres in diameter must obtain a reference number from MoF, and meet the specified burning requirements.

When you are ready to burn, call 1-888-797-1717. An operator will ask for the location (legal description) and nature of the burn, and will provide a reference number and information about how to conduct the burn safely.

Most wood waste fires will be “Category 5” fires: piles or windrows of waste material that are less than 50 metres from combustible material. Requirements for burning under this category are:

Before any fires are ignited, the person lighting or fuelling the fire must obtain a reference number.

During ignition and until all risk of fires escaping is eliminated there must be at least two adults at the burn area who actively patrol to prevent the fire from escaping and who are equipped with the following:

- a round nose shovel;
- either an axe or pulaski; and
- a water delivery system.

Before a fire is ignited, a fuel break must be established around the pile to prevent the fire from escaping and the fuel break must be equal in size to twice the diameter or width of the pile or windrow to be burned, whichever is greater.

The number of piles or windrows on the burn area that may be ignited or burning at one time must not be more than the number of ignited or burning windrows that a person

patrolling the fires is able to take timely action in respect to preventing any of the fires from escaping.

All fires must be extinguished within 14 days from the date the reference number was issued.

A reference number is not required to burn a pile of waste material not exceeding 2 metres in height and 3 metres in diameter or width. However, the following requirements do apply:

Prepare your fire by removing all leaves, twigs and other flammable material for an area extending at least 1 metre in all directions from the fire. Be sure to scrape or dig down to mineral soil.

The distance from the fire to any slash, snag, standing tree or wooden structure must be at least twice the diameter or width of the waste material, whichever is greater, but never less than 2 metres.

At least one adult person must be on the burn site who actively patrols to prevent escapes and who is equipped with:

- a round nose shovel, axe or pulaski; and
- a pail containing at least 18 litres of water, or an equivalent means to deliver 18 litres of water.

No more than two accumulations may be ignited at one time. The accumulations must not be more than 50 metres apart. One of them must be extinguished before another accumulation is ignited.

Time Frame

The reference number is issued over the phone in a matter of minutes.

**Ministry of Small Business, Tourism and Culture
(MSBTC)**

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Application for Heritage Inspection/Investigation Permit
Application for Alteration Permit

Archaeology Branch (AB)

Related Internet Addresses

Ministry of Small Business, Tourism and Culture home page –
<http://www.tbc.gov.bc.ca>

Archaeology Branch home page –
<http://www.heritage.gov.bc.ca>

Heritage Conservation Act (RSBC 1996 Chap. 187) –
http://www.qp.gov.bc.ca/bcstats/96187_01.htm

Policies and Procedures, Archaeology Branch –
<http://www.heritage.gov.bc.ca/arch/policy/archpol.htm>

Culturally Modified Trees Handbook –
<http://www.for.gov.bc.ca/hfd/pubs/docs/mr/mr091.htm>

Mandate of agency

The role of the Archaeology Branch, Ministry of Small Business, Tourism and Culture (MSBTC) is to ensure the protection and conservation of heritage resources within British Columbia through administration of the *Heritage Conservation Act*. ‘Heritage’ refers to resources of historic, architectural, archaeological, paleontological or scenic significance. The legislation applies to heritage sites predating 1846 on public or private land. Administration of the *Act* is the shared responsibility of three branches of the Ministry: Archaeology Branch, Heritage Conservation Branch, and Heritage Properties Branch. The Archaeology Branch (“the Branch”) ensures that potential impacts on heritage resources are assessed and managed through participation in provincial environmental review and approval processes.

Examples of heritage sites protected under the *Act* include, but are not limited to: burial places of historical or archaeological value, human remains, or associated heritage objects (pursuant to section 13.2(b) of the *Act*); petroglyphs of historical or archaeological value (pursuant to section 13.2(c) of the *Act*); and culturally modified trees (CMT) pre-dating 1846 or thought to predate 1846 (pursuant to sections 13.2(d) and 13.2(g) of the *Act*).

Heritage sites that post-date 1846 are not automatically protected by the *Act*. These sites, which include non-aboriginal and aboriginal buildings and structures, may be recommended for protection if consultation reveals that they are of particular importance to the local communities.

N1 Notification of proposed works or site discovery

The Manager, Planning and Assessment, Archaeology Branch should be notified of a study, proposed design process, geotechnical field work or construction where heritage or archaeological resources

may be affected, potential encroachment may necessitate the completion of an impact assessment, or implementation of mitigation and/or compensation measures may be required.

In addition, in cases where a heritage site, artifact, or human remains are encountered by accident or chance (for example, during any land-altering activities associated with road construction), the Manager, Planning and Assessment, Archaeology Branch must be contacted as soon as possible.

If construction unearths a heritage site or artifact, construction activities at the site must stop and Archaeology Branch be notified immediately. Note that Section 14 of the *Heritage Conservation Act* empowers the Minister (MSBCT) to order a heritage inspection to determine the presence and significance of archaeological sites that warrant protection and a heritage investigation to recover information that may otherwise be lost as a result of site alteration. Section 7.2 of the *Act* empowers the Minister to issue a stop-work order for a period of up to 120 days.

In the event that construction crews uncover a human burial, all work at that site must stop. The Archaeology Branch should be notified immediately; they will become involved if it is a prehistoric Native burial or an early historic (Native or non-Native) burial. The RCMP or local police must be notified immediately; they will secure the area and determine whether it is a modern burial and/or crime scene.

If the burial appears to be Native, Archaeology Branch will notify the local First Nation(s) of the discovery. The First Nation(s) representatives will determine what will be done with the remains. In such cases, construction could be delayed for a few days to allow time to investigate and/or excavate the burial. If more extensive negotiations with First Nation representatives are required, the process can be lengthy.

R1 Request for advice regarding archaeological site potential

Advice regarding the potential for heritage or archaeological resources to be located in a particular area can be solicited from the Regional Environmental Coordinator and Archaeology Branch. Also, a National Topography Series Map (1:50,000 scale) with plots of all known archaeology sites in the province is available from the Branch.

Advice regarding permit requirements and referral process requirements pursuant to the *Heritage Conservation Act* can be solicited from Archaeology Branch.

The Regional Environmental Coordinator and/or Archaeology Branch should be consulted to determine if an archaeology consultant should be retained to complete an Archaeological Overview Assessment (AOA). If it appears that the site could have potential, then it may be necessary to retain a qualified archaeologist to conduct an AOA and document the areas of potential and the presence of heritage and archaeological resources. An AOA typically involves the review of existing archaeological literature, aerial photographs, topographic maps, Archaeology Branch information, and may include a field reconnaissance, if required.

Advice regarding the qualifications and/or availability of archaeologists or archaeological consulting firms can be obtained from Archaeology Branch. A preliminary list of archaeological consulting firms is available on the web page of the BC Association of Professional Consulting Archaeologists, at [<http://www.bcapca.bc.ca>].

When

The potential for heritage or archaeological resources to be located in or in the vicinity of proposed work should be determined during the corridor study stage (if the project includes this stage), early in the route/preliminary design phase or early in the planning of proposed works.

Whom

Consult with the Regional Environmental Coordinator should you have questions regarding archaeological site potential. Should you require further information, requests for advice should be directed to the Manager of Planning and Assessment, Archaeology Branch, or alternatively, a Project Officer at the Branch.

If a project has been assigned a Project Officer (if a permit application has been submitted to the Branch), subsequent requests for advice should be directed to that Project Officer.

Procedures

- Determine the potential for heritage or archaeological resources to be located in or in the vicinity of the proposed work (geotechnical, clearing or construction activities) by completing the following steps:
 - review the National Topography Series Map (1:50,000 scale) of known BC archaeology sites and determine if any known sites are located within or in the vicinity of the proposed work;
 - assess the general physical characteristics of the work site, in accordance with a preliminary assessment of archaeological potential, as follows:

Low potential - if the proposed work is to occur within the right-of-way of an existing paved or gravel road.

Medium to High potential - if the proposed work is to occur within the right-of-way of an existing dirt road/path, or in part or entirely outside the right-of-way of an existing road (any surface), and may potentially impact the following site attributes:

- dry level land located adjacent to water (e.g., along the coast, beside a fresh water spring, stream or lake);
- a road-side ditch(es) located along the coast or beside a fresh water source;
- a stand or forest of large trees (>80 years old), which may contain a Culturally Modified Tree (CMT). A CMT is defined as a tree or a remnant of a tree with evidence of traditional aboriginal forest use. A CMT is characterized by scarring, typically on large cedars on the coast or Lodgepole pine in the interior;
- a site located on or near a known midden. A midden is characterized by a mass of black soil containing broken and whole shells;

-
- a site located on or near a known petroglyph. A petroglyph is an aboriginal rock carving with historical or archaeological value; and
 - a site located on or near a known pit house site. A pit house is characterized by a large circular depression in the ground of, typically, 3-m to 20-m in diameter, with a slight rim at the edge of the depression. Depressions typically occur in groups. The surface of the depression may or may not be vegetated.

The potential for archaeological resources to be present increases proportionally with the size of the area disturbed by construction activities.

- Liaise with the Regional Environmental Coordinator and Archaeology Branch, if required, regarding the potential for archaeological resources to be present.
- Liaise with the Regional Environmental Coordinator and/or Archaeology Branch to determine if an archaeology consultant should be retained to complete an AOA. Note that an AOA does not require a permit from Archaeology Branch as long as the work does not involve subsurface testing or artifact collection (see A1 if subsurface testing is required and A2 if artifact collection is required). If the AOA involves a Preliminary Field Reconnaissance then a First Nations permit may be required. The First Nations permit process is distinct from the permit process outlined in the *Act* and is administered by First Nations who have their own archaeological permitting policies. These policies typically require that the archaeological consultant obtain a First Nations permit prior to conducting any field investigation. This permit may require that the archaeological consultant hire a band member as a field assistant, provide the First Nation with a copy of the draft and/or final report, and provide copies of any field notes and photographs.
- Liaise with the Regional Environmental Coordinator and/or Archaeology Branch regarding qualified archaeologists potentially available to complete the AOA.
- If required, prepare a Terms of Reference and Request for Proposals for an AOA in association with the Regional Environmental Coordinator and Archaeology Branch. Solicit proposals and cost estimates for the assessment from appropriate archaeological consultants. Select a consultant to undertake the work. It is beneficial that the proponent ensure the selected archaeological consultant is approved/acceptable to local First Nations.
- Prepare a contract for the work.

Time Frame

The time frame required to receive a response to a request for advice from Archaeology Branch is dependent on the workload of the Branch at that time and/or the urgency of the proponent's request.

The estimated time frame required to prepare a Request for Proposals and award a contract to an archaeological consultant for an AOA study is 1-3 weeks.

A1 Application for a Heritage Inspection Permit

A Heritage Inspection Permit is required for an Archaeological Impact Assessment (AIA) study, including archaeological inventory or assessment site surveys. Heritage Inspection Permits are also issued for archaeological monitoring and/or surveillance work. Heritage Inspection Permits are issued pursuant to Section 14.2 of the *Act*.

As part of the permitting process, Archaeology Branch must provide concerned First Nations an opportunity to comment on archaeological permit applications that may affect aboriginal archaeological sites within their traditional territory.

When

The AIA study, if required, should be completed in the route/preliminary design stage or early in the planning of proposed works. Permits are valid only for the term stipulated on the permit form. Extensions will be considered upon submission of an application at least 30 days prior to the expiry date of the permit.

Whom

Heritage Inspection Permits are prepared and submitted to Archaeology Branch typically by the archaeological consultant. The permit(s) will be issued only to the person carrying out the work being authorized (i.e., the archaeological consultant).

Procedures

- Upon receipt of an application for permit to Archaeology Branch, the following procedures will normally be undertaken:
 - the Manager, Planning and Assessment assigns the application to a Project Officer for internal review (a peer review may also be conducted if appropriate);
 - the Project Officer reviews the application for completeness of information; if found incomplete, additional information is requested from the applicant. Application review typically takes about 5 working days, however, if the Project Officer has a heavy workload at that time, the review can take several weeks;
 - complete applications are referred by the Manager to First Nations asserting traditional interest in the proposed study area, with a request for comment, preferably in writing, within usually 15-30 days. The shorter 15 day time limit is used only in urgent circumstances. The archaeological consultant can at times speed up this process by soliciting pre-approval or early approval of the permit application from the First Nations involved. The permit process will proceed more quickly if any requests from First Nations or consultation are dealt with promptly;
 - written comments that identify concerns of the study methodology are referred by the Manager to the applicant for response; and

-
- the Manager makes a decision as to permit issuance, or makes a recommendation to the Director, Archaeology Branch, with respect to issuance, based on the review comments provided by both the Project Officer and the First Nation(s). The Branch typically issues the permit within two days of the expiry deadline.

In the past, some First Nations have requested a Traditional Use Study or raised non-archaeological issues in their response to the Branch. The Branch takes the stand that a Traditional Use Study is not an archaeological issue.

- If, after completing the AIA, the archaeological consultant concludes that no further archaeological work is required, and the proponent needs to proceed immediately with construction, the consultant can provide the Branch with a short interim letter report, with the final report to follow. If the letter report meets the Branch's approval, the Branch will issue a letter of assurance to the proponent stating the Branch has no further concerns and that construction can proceed.
- If, after completing the AIA, the archaeological consultant recommends that construction should be monitored, and the Branch agrees with that recommendation, an application for a new Heritage Inspection Permit is required. The whole permitting process is then repeated, including referral of the application to concerned First Nation(s).
- If, after completing the AIA, the archaeological consultant recommends that an archaeological site in the study area requires mitigation, and the Branch agrees with that recommendation, an application for a Heritage Investigation Permit is required. The whole permitting process is then repeated, including referral of the application to concerned First Nation(s).
- If, after completing the AIA, the archaeological consultant recommends that an archaeological site be destroyed, excavated or altered, and the Branch agrees with that recommendation, an application for a Site Alteration Permit is required. The whole permitting process is then repeated, including referral of the application to concerned First Nation(s).

Time Frame

Upon receipt of an application for a permit in Archaeology Branch, the estimated time frame for the Branch to respond to the application, including referral to concerned First Nations, is 6 weeks.

A2 Application for a Heritage Investigation Permit

A Heritage Investigation Permit is required for mitigation activities including those involving systematic data recovery or extensive research excavations. Heritage Investigation Permits are issued pursuant to Section 14.2 of the *Act*. As part of the permitting process, Archaeology Branch must provide concerned First Nations an opportunity to comment on archaeological permit applications that may affect aboriginal archaeological sites within their traditional territory.

When

Mitigation activities are typically undertaken in the detailed design and/or construction stages. Permits from Archaeology Branch are valid only for the term stipulated on the permit

form. Extensions will be considered upon submission of an application at least 30 days prior to the expiry date of the permit.

Whom

Heritage Investigation Permits are prepared and submitted to Archaeology Branch by the archaeological consultant. The permit(s) will be issued only to the person carrying out the work being authorized (i.e., the archaeological consultant).

Procedures

See Procedures under A1 – Application for a Heritage Inspection Permit for information on permit application procedures.

Time Frame

Upon receipt of an application for a permit in Archaeology Branch, the estimated time frame for the Branch to respond to the application, including referral to concerned First Nations, is 6 weeks.

A3 Application for a Site Alteration Permit

Heritage sites and/or associated heritage objects predating 1846 can not be destroyed, excavated or altered without a permit issued by the Minister of Small Business, Tourism and Culture or designate, pursuant to Section 13 of the *Heritage Conservation Act*. A Site Alteration Permit is required for land-altering activities affecting heritage sites or objects exclusive of those activities pertaining to archaeological research or collection. Site Alteration Permits are issued pursuant to Section 12.2 of the *Act*. As part of the permitting process, Archaeology Branch must provide concerned First Nations an opportunity to comment on archaeological permit applications that may affect aboriginal archaeological sites within their traditional territory.

When

Permits are valid only for the term stipulated on the permit form. Extensions will be considered upon submission of an application at least 30 days prior to the expiry date of the permit.

Whom

Site Alteration Permits are prepared by the archaeological consultant on behalf of the project proponent, and submitted to Archaeology Branch by the proponent. The permit will be issued to the proponent.

Procedures

See Procedures under A1 – Application for a Heritage Inspection Permit for information on permit application procedures.

Time Frame

Upon receipt of an application for a permit in Archaeology Branch, the estimated time frame for the Branch to respond to the application, including referral to concerned First Nations, is 6 weeks.



HERITAGE CONSERVATION ACT

APPLICATION FOR PERMIT

The undersigned
(Surname) (Given names)

of
(Address)

hereby applies for a permit, under section 14 of the *Heritage Conservation Act*, to carry out:

- A Heritage Inspection**
- A Heritage Investigation**

in accordance with the information requested on the reverse of this form.

GENERAL TERMS AND CONDITIONS OF PERMIT

1. Permits shall be valid for the term stipulated on the front of the permit unless otherwise suspended or cancelled. Extensions to the term of the permit, or other amendments, will be considered upon submission of an application to the Archaeology Branch at least 30 days prior to the expiry date of the permit.
2. The permit-holder shall provide the Archaeology Branch with two (2) bound copies of a written report, in accordance with the standards required by the Minister, outlining the work carried out under the terms of the permit.
3. A person designated by the Minister may at any time inspect a project being conducted under the terms of the permit, including records or materials recovered under authority of the permit.
4. Upon completion of any inspection or investigation involving excavations, the permit-holder shall make reasonable efforts to ensure all sites are restored as nearly as possible to their former condition.
5. The permit-holder shall arrange for a secure repository to curate any materials recovered under authority of the permit.
6. Heritage objects and associated materials recovered under authority of the permit may not be sold or exchanged for financial gain. Any other transfer of heritage objects, materials and records, or changes to the conditions identified under the "Disposition of materials collected..." section of the permit, may only be carried out with prior consent of the Minister.
7. The permit-holder shall conform to all requirements that may be imposed by the institution or organization named in the "Disposition of materials collected..." section of the permit.
8. Notwithstanding expiration or earlier termination of the term of the permit, provisions with respect to the "Disposition of materials collected ..." section shall remain and continue in full force and effect.
9. The permit-holder shall utilize any site recording forms, formats or systems required by the Minister.
10. Permits issued pursuant to section 14 (2) are only valid on private land if the permit-holder obtains the permission of the owner or occupier to enter onto land for the purpose conducting a heritage inspection or heritage investigation.
11. Any other conditions that may be specified in the permit.



HERITAGE CONSERVATION ACT

APPLICATION FOR ALTERATION PERMIT

The undersigned
(Surname) (Given names)

of
(Company represented, if any, and address)

hereby applies for a permit, under section 12 of the *Heritage Conservation Act*, to carry out a site alteration in accordance with the information requested on the reverse of this form.

GENERAL TERMS AND CONDITIONS OF PERMIT

1. Permits shall be valid for the term stipulated on the front of the permit unless otherwise suspended or canceled. Extensions to the term of the permit, or other amendments, will be considered upon submission of a request to the Archaeology Branch at least 20 days prior to the expiry date of the permit.
2. The permit-holder shall provide the Archaeology Branch with a detailed written report outlining the work carried out under the terms of the permit.
3. The permit-holder shall provide the Archaeology Branch with an updated British Columbia Archaeological Site Inventory Form for any site altered under authority of the permit.
4. A person designated by the Minister may at any time inspect any alteration being carried out under the terms of the permit.
5. Where a condition for archaeological monitoring of development is attached to the permit, the permit-holder shall arrange for a secure repository to curate any materials recovered under authority of the permit.
6. Heritage objects and associated materials recovered under authority of the permit may not be sold or exchanged for financial gain. Any other transfer of heritage objects, materials and records, or changes to the conditions identified under the "Disposition of materials collected..." section of the permit, may only be carried out with prior consent of the Minister.
7. Any other conditions that may be specified in the permit.

DESCRIPTION

(Provide full information under appropriate headings)

1. Type of site alteration (specify nature of, and rationale for, alterations).
2. Background:
 - a) Indicate previous archaeological studies (provide *HCA* permit #'s)
 - b) Describe archaeological site type(s) and provide permanent site identification number(s)
 - c) Provide summaries or extracts from previous report(s) and branch recommendations, if any
3. Location:
 - a) Provide legal description of property, or geographic location if on Crown land (include Forest District, forest licence area and cutblock for CMT sites)
 - b) Provide location/development/archaeological site maps
4. Description of any concurrent archaeological studies (e.g., monitoring, CMT sampling/dating, etc.)
5. Disposition of materials and samples collected (repository and contact person)
6. Alteration schedule and requested permit expiry date
7. Archaeological field personnel (if any)
8. Previous permits held by applicant

I certify that I will abide by the terms and conditions listed on the front hereof, or any other conditions the Minister may impose, as empowered by said *Act*.

Date

Place

.....

(Signature of applicant)

**Department of Canadian Heritage
(DCH)**

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Canadian Parks Service (CPS)

Related Internet Addresses

Canadian Heritage home page –
<http://www.pch.gc.ca>

Parks Canada home page –
http://parkscanada.pch.gc.ca/parks/main_e.htm

Mandate of Agency

Parks Canada's mandate is to protect for all time representative natural areas of Canadian significance in a system of national parks, and to encourage public understanding, appreciation, and enjoyment of this natural heritage so as to leave it unimpaired for future generations.

Highways in national parks are built and maintained by the federal government. However, MoT projects on provincial highways near a national park may affect that park.

N1 Notification of proposed works

National Park Superintendents should be informed of highway projects or works that might affect their parks, resident fish and wildlife, or recreational programs. Notification should be given even if the effects may be indirect (for example, if the proposed work will change access to the park).

R1 Request for advice regarding park interests

Request advice from the Park Superintendent regarding potential impacts and mitigation opportunities if the proposed work might affect wildlife movement or other aspects of the park's ecology. The Superintendent may also be a good source of information on wildlife patterns of use and recreational activities in the area.

There are no formal applications to be completed.

**Fisheries and Oceans Canada
(DFO)**

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CG: NWPA Application – Environmental Information Sheet
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Samples

DFO: Sample Authorization/compensation agreement/MoU

Coast Guard (CG)

Related Internet Addresses

Canadian Coast Guard home page –
<http://www.ccg-gcc.gc.ca>

Navigable Waters Protection Division - Pacific Region home page –
<http://www.pacific.ccg-gcc.gc.ca/nwp/index.htm>

Navigable Waters Protection Act – N-22 and Regulations –
<http://canada.justice.gc.ca/FTP/EN/Regs/Chap/N/N-22/index.html>

Navigable Waters Protection Act – Application Guide
<http://www.pacific.ccg-gcc.gc.ca/nwp/pdf/appguideJan01.PDF>

Mandate of agency

The Canadian Coast Guard is responsible under the provisions of the *Navigable Waters Protection Act* for ensuring unimpeded navigation along navigable water. “Navigable water” is defined in the *Act* as any waterbody, natural or man made, capable of carrying a water borne vessel. This includes waters capable of being used for commerce, transportation or recreation and there is no limit on the size of stream considered navigable.

N1 Notification of proposed works

Notification of a study, proposed design process or geotechnical field work anticipated to occur in the vicinity of a waterway or waterbody should be provided to the Rail, Navigable Waters Coordinator, Highway Engineering Branch, MoT as soon as the requirement for the work is known. Generally, that information is available during the corridor study, route/preliminary design phase or early in the planning of proposed works.

R1 Request for advice on whether water is considered navigable

If the proposed work in or over a waterway or waterbody, the proponent needs to determine if the waterway or waterbody is classified as navigable.

When

Advice regarding the navigability of the waterway or waterbody, potential applicability of the *Navigable Waters Protection Act* to the project, and related referral process requirements should be obtained as soon as it is known if works will affect or potentially affect the waterway or waterbody. Generally, that information is available during the corridor study, route/preliminary design phase or early in the planning of proposed works.

Whom

Requests for advice are directed to the Rail, Navigable Waters Coordinator, Highway Engineering Branch, MoT.

Procedures

Determine if the waterway or waterbody potentially affected by the work is considered navigable.

Contact the Rail, Navigable Waters Coordinator for advice via letter, e-mail or telephone. Written correspondence is recommended to ensure clarity of communications between all parties regarding process requirements.

Typically, subsequent referral process requirements will be dependent on one of the following three scenarios:

- 1) If the waterway or waterbody is not considered navigable, project design and construction can proceed without further involvement of the Rail, Navigable Waters Coordinator or involvement of the Coast Guard.
- 2) If the waterway or waterbody is considered navigable, the Rail, Navigable Waters Coordinator, MoT, will pursue further process requirements with the Coast Guard.
- 3) If the waterbody is considered to be marginal for navigation then a review will take place by the Rail, Navigable Waters Coordinator, MoT, in association with the Coast Guard and any Harbours Board or other authority having jurisdictional responsibilities for the *Navigable Waters Protection Act*.

Time Frame

If maps and pictures are readily available, the estimated time frame for the Rail, Navigable Waters Coordinator, MoT to respond to queries regarding the navigability of a waterway is within 2 weeks. If a site investigation is required by the Coast Guard, or other issues need to be addressed, the estimated time frame for a response may be a few months.

A1 Application for an approval for works in or across navigable waters

If the waterway or waterbody is considered navigable, the plans and site profile for any work to be built or placed in, on, over, under, through or across a navigable waterway (i.e., bridges, dams, wharves, pipes) require the approval of the Minister of Fisheries and Oceans. When reviewing permit application, the Minister will consider clearance provisions and safety appurtenances pursuant to Section 5(1a) of the *Navigable Waters Protection Act*. Under the *Canadian Environmental Assessment Act*, Section 5, an assessment of the environmental impacts of any development affecting navigable waters must be conducted by the proponent and screened by the Canadian Coast Guard. This application procedure requires an advertisement be placed in the Canada Gazette and two local papers.

If the proposed work involves the reconstruction of a previously approved structure, but does not alter the physical dimension of the navigable channel, a full application to the Coast Guard may not be required. However, in all applications, the Coast Guard will not provide approval until satisfied with clearances, span arrangements, navigation aids and assessment of potential environmental effects.

When

As soon as the general details of the work are known, a general layout drawing entitled *NWPA Application Layout* is prepared by MoT or the design consultant. Generally, the drawing is prepared early in the detailed design stage.

The application for approval is submitted formally to the Navigable Waters Protection Division of the Coast Guard via the Rail, Navigable Waters Coordinator, MoT, in the detailed design stage.

Whom

The Rail, Navigable Waters Coordinator, MoT is responsible for completing the referral process outlined in the *Navigable Waters Protection Act*, including liaison with the Coast Guard about project clearance provisions and safety appurtenances. The Rail, Navigable Waters Coordinator, will liaise with the Coast Guard, Harbours Boards and known mariners, as required, regarding referral process requirements for temporary works, facilities and equipment that may be present in any navigable area or works that require temporary alteration to the operation of a moveable span.

The Rail, Navigable Waters Coordinator, MoT will contact project management personnel about project environmental issues and/or completion of the “Environmental Information Sheet”. Environmental reports should be forwarded to Rail, Navigable Waters Coordinator for inclusion in the permit application.

Procedures

The following procedures have been developed by MoT to ensure that the environmental component of the proposed work satisfies the Ministry’s environmental standards and also complies with Section 5(1) of the *Navigable Waters Protection Act*:

- Review engineering reports and plans of the proposed structure for environmental implications and impacts, in association with environmental agencies if applicable.
- Ensure that environmental considerations have been correctly incorporated in the NWPA Application Layout drawing prepared by MoT or the design consultant for submission to the Coast Guard.
- Complete the environmental assessment component of the NWPA application (see attached “Environmental Information Sheet”), if required, in association with the Rail, Navigable Waters Coordinator. The environmental assessment component includes:
 - description and purpose of the work;
 - identification of the construction activities, type of equipment to be used during construction, and harmful substances to be utilized in the project;

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- identification of environmental sensitivities during construction, operation and maintenance;
 - reference to environmental studies that have been undertaken for the project; and

 - description of the construction schedule.

Attach environmental agency approvals (Fisheries and Oceans Canada and Ministry of Environment, Lands and Parks) for the project to the Environmental Information Sheet. If environmental approvals are pending, note on the Environmental Information Sheet that approvals will be forwarded when received.

Attach relevant environmental reports (4 copies) and an environmental contact list for the project to the Environmental Information Sheet; and

Send the complete package to the Rail, Navigable Waters Coordinator for inclusion in the application to the Coast Guard.

Time Frame

Normally, the approval process takes about 6 months.

Habitat and Enhancement Branch (HEB)

Related Internet Addresses

Fisheries and Oceans home page –

<http://www.dfo-mpo.gc.ca>

Habitat and Enhancement Branch home page –

<http://www-heb.pac.dfo-mpo.gc.ca/heb/home.htm>

Fisheries Act – F-14 and Regulations –

<http://canada.justice.gc.ca/FTP/EN/Regs/Chap/F/F-14/index.html>

Habitat Conservation and Protection Guidelines (1998) –

http://www.ncr.dfo.ca/habitat/c&pguide/english/index_e.htm

Decision Framework for the Determination and Authorization of Harmful Alteration, Disruption or Destruction of Fish Habitat (1998) –

http://www.ncr.dfo.ca/habitat/HADD/english/index_e.htm

Guidelines for Attaining No Net Loss (1995) –

http://www.ncr.dfo.ca/habitat/Guidelin/english/index_e.htm

Policy for the Management of Fish Habitat (1986) –

http://www.ncr.dfo.ca/habitat/Policy/english/index_e.htm

Mandate of agency

The Habitat and Enhancement Branch is responsible for the protection of fish and fish habitat in ‘waters frequented by fish’. This includes the restoration of fish habitat, salmonid enhancement programs, integrated resource management planning, and community and public education programs. The Branch fulfills its mandate in accordance with provisions of the *Fisheries Act*, the National Policy for the Management of Fish Habitat (1986), and the *Canadian Environmental Assessment Act*. The *Fisheries Act* is administered in British Columbia by both the Fisheries and Oceans Canada (DFO) and the provincial Ministry of Environment, Lands and Parks (MELP). DFO retains responsibility for the management and protection of all fish habitat, marine fish, shellfish, marine mammals and Pacific salmon. By agreement, the responsibility for the management and protection of all freshwater fish and anadromous species other than salmon (e.g., steelhead, cutthroat trout and Dolly Varden char) is delegated to MELP; however, DFO maintains authority for the determination and authorization of harmful alteration, disruption or destruction of all fish habitat.

The guiding principle of DFO’s Fish Habitat Policy is to ensure “no net loss” in productive capacity of fish habitat. This is achieved by balancing unavoidable habitat losses with habitat replacement on a project-by-project basis. As well, DFO has an overall goal to achieve a “net gain” of habitat by: (1) habitat conservation (i.e., protection); (2) habitat restoration; and (3) habitat development.

The *Fisheries Act* contains a number of powers to deal with the harmful alteration, disruption or destruction of fish habitat, destruction of fish, obstruction of fish passage, and deposit of deleterious substances. It is an offence under the *Fisheries Act* to destroy fish habitat unless DFO has issued a subsection 35(2) letter of authorization to “alter, disrupt or destroy” fish habitat. The terms and conditions of the authorization typically accompany it. In some situations, DFO may advise in writing of ways to avoid or mitigate damage, thus negating the requirement for a subsection 35(2) authorization letter or compensation.

Generally, MoT is responsible for all aspects of the proposed development activity including the provision of appropriate information on fish and fish habitat, and the development of appropriate mitigation and compensation measures.

N1 Notification of works that may affect fish or fish habitat

Notification of a study, proposed design process, geotechnical field work or construction is required where fish or fish habitat may be affected, or potential encroachment may necessitate implementation of mitigation and/or compensation measures, including the completion of a Compensation Agreement.

When

Notification should be provided as soon as the requirement for the proposed work is identified. Typically, this information is known during the corridor study or the route/preliminary design stage or early in the planning of proposed works.

Whom

Notification of a study, proposed design process, geotechnical field work or construction in a particular area should be made to the regional DFO office.

Procedures

- Examine the scope and nature of the proposed work to identify the fish and fish habitat assessment, referral and approval requirements.
- Review the findings and recommendations of previous fisheries assessments undertaken in the vicinity of the proposed work.
- Notify the regional DFO office of the proposed work, including the type, areal extent, and anticipated time duration of the work.

Time Frame

The estimated time frame for a response to the notification will vary from a few hours to a few days, dependent on the completeness of information available regarding the potential work and work site, and whether DFO personnel are familiar with the site.

R1 Request for advice on avoiding disruption of fish habitat

Advice regarding means of avoiding the harmful alteration, disruption or destruction (HADD) of fish habitat, including the potential applicability of the *Fisheries Act* and related referral process requirements, or on complying with Fisheries and Oceans Canada (DFO) No Net Loss principle, should be obtained for all activities that have potential to affect fish or fish habitat.

When

Request for advice on means of avoiding the harmful alteration, disruption or destruction of fish habitat or on complying with DFO's No Net Loss principle should be obtained from DFO during the corridor study, as soon as possible in the route/preliminary design stage or early in the planning of proposed works.

Whom

Advice regarding the proponent's responsibilities under the habitat provisions of the *Fisheries Act* and referral process requirements can be solicited from the regional DFO office.

Advice regarding the qualifications and/or availability of consulting fisheries biologists or firms can be obtained from the Regional Environmental Coordinator, MoT.

Procedures

- Determine the potential for waters in the vicinity of the proposed work to be either fish-bearing or fish habitat by consulting available literature and by speaking with the Regional Environmental Coordinator, DFO, MELP, stakeholders and non-governmental organizations, as required, regarding fisheries resources in the project area.
- Liaise with the Regional Environmental Coordinator and regional DFO office designate to determine if a fisheries consultant should be retained to complete a fish and fish habitat overview and/or impact assessment.
 - A fish and fish habitat overview (a reconnaissance level study) includes:
 - a summary of existing fishery data in the vicinity of the proposed development;
 - identification of resource values;
 - potential activity impacts for each design alternative;
 - avoidance opportunities;
 - descriptions of conceptual mitigation and compensation options to meet DFO's "no net loss" requirements; and
 - recommendations for a preferred corridor option from a fisheries resource perspective.

The objective of the reconnaissance level study is impact avoidance. The overview report is completed typically during the corridor study or as soon as possible in the route/preliminary design study stage.

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- An impact assessment includes:
 - pre-construction stream assessment information;
 - identification of resource values;
 - impacts associated with design options;
 - avoidance options;
 - an evaluation of design alternatives for each stream crossing;
 - an evaluation of mitigation options for each stream crossing; and
 - recommendation(s) for a preferred design option from a fisheries resource perspective.

The impact assessment report is completed typically during the route/preliminary design study stage, and updated during the detailed design stage to include fish and fish habitat mitigation measures and, if required, compensation designs.

- If required, liaise with the Regional Environmental Coordinator regarding qualified fisheries consultants who may be available to complete the overview and/or impact assessment.
- If required, prepare a Terms of Reference and Request for Proposals in co-operation with the Regional Environmental Coordinator, DFO and MELP designates. Solicit proposals and cost estimates for the assessment from appropriate fisheries consultants. Select a consultant to undertake the work. Prepare a contract for the work. The Regional Environmental Coordinator can assist in providing direction to the fisheries consultant, providing technical review of the consultant's reports, and ensuring that report recommendations are incorporated into the design, as required.
- Ensure that pre-project documentation of fish presence and habitat upstream, downstream and at stream crossings is prepared by the fisheries consultant as required.
- Ensure that a site-specific fisheries impacts assessment(s) is conducted at select crossings or encroachments by the fisheries consultant if design and resource conflicts exist. Ensure that appropriate measures to mitigate potential impacts are recommended by the fisheries consultant. Mitigation measures may include:
 - defining timing windows for work in watercourses to minimize interference with fish migration and spawning;
 - utilizing the least harmful equipment, materials and construction methods;
 - ensuring fish passage during and after construction;
 - ensuring minimum in-stream flow rates during construction of works necessitating obstruction of flows (e.g., culverts); and
 - implementing measures to protect water quality and fish habitat and to control sediment release from construction sites.
- Ensure that the impact of drainage plans are assessed by the fisheries consultant. Ensure that measures to mitigate potential impacts, including approaches to the treatment of highway runoff, are recommended by the fisheries consultant.
- Work closely with fisheries personnel, MoT personnel and the design team to ensure that fish and fish habitat considerations are incorporated into the design process.

-
- Refer highway design drawings, background material, and contract documents to DFO and request a written letter of advice on how to avoid HADD.
 - Ensure that feedback on the conclusions and recommendations of the fisheries overview and impact assessments are obtained from the DFO and MELP agency representatives, interest groups, and non-governmental and community organizations and appropriate measures are incorporated into designs and contract documents.

Time Frame

The time frame required to receive a response to a request for advice from DFO is dependent on the size and complexity of the proposed project, potential impact of the project on fish habitats, requirement for a site visit, and/or the workload of the office at that time.

The estimated time frame required to prepare a Request for Proposals and award a contract to a fisheries consultant for an overview study or impact assessment is 2-3 weeks.

The time frame required for a fisheries consultant to complete an overview study or impact assessment is dependent on the size of the proposed site, the variety and/or degree of complexity of resource and habitat issues in the area, seasonal requirements for assessment work, and the availability of information pertaining to the proposed site and the proposed work, such as existing fish and habitat data and level of detail regarding design alternatives.

A1 Application for an authorization to destroy fish habitat (Fisheries Act Section 35.2)

The main provision in the *Fisheries Act* dealing with the protection of fish habitat is Section 35. Subsection 35(1) states that “No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat”. This prohibition is qualified in subsection 35(2) of the *Act*, which allows for the authorization by the Minister of Fisheries and Oceans, or through regulation, for the harmful alteration, disruption or destruction of fish habitat. Although not defined in the *Fisheries Act*, the harmful alteration, disruption or destruction of fish habitat is defined by DFO as “any change in fish habitat that reduces its capacity to support one or more life processes of fish” (e.g., spawning, nursery, rearing, feeding, overwintering, migration).

The decision making framework utilized by DFO for determining whether harmful alteration, disruption or destruction is likely to occur, or whether an authorization pursuant to subsection 35(2) should be issued, is explained in their document entitled *Decision Framework for the Determination and Authorization of Harmful Alteration, Disruption or Destruction of Fish Habitat* (1998).

Habitat compensation generally involves replacing the productive capacity of habitat which has suffered a harmful alteration, disruption or destruction with newly created habitat or improving the productive capacity of some other natural habitat. Habitat compensation options are selected on a case-by-case basis. Compensation is not an option for loss of habitat productive capacity due to deposition of deleterious substances in any type of habitat.

Authorizations are issued from the regional DFO office and may include special conditions the issuing authority considers appropriate.

Note: Pursuant to Section 5 of the *Canadian Environmental Assessment Act*, an environmental assessment must be completed before the Fisheries and Oceans Canada can issue an authorization.

When

An application for an authorization should be prepared and submitted when the decision has been made by DFO that a subsection 35(2) authorization is required and project-specific compensation measures have been finalized in association with regional Habitat Management staff, DFO. Generally, that information is available during the detailed design stage.

Whom

The application for authorization is prepared and submitted to the regional DFO office by the project proponent. Typically, the Regional Environmental Coordinator, MoT, will prepare the application in association with Environmental Management Section, MoT, in Victoria and the fisheries consultant.

Operationally, decisions on the issuance of subsection 35(2) authorizations are made by regional Habitat Management staff, DFO.

Procedures

- Determine the requirement for an authorization and the precise terms and conditions of the authorization. These terms and conditions may be part of the authorization or DFO may include these within a separate Compensation Agreement or, in the case of a government agency, within a Memorandum of Understanding. Consult with the Regional Environmental Coordinator and Environmental Management Section - headquarters, MoT when developing the terms and conditions of the authorization with regional Habitat Management staff, DFO.
- In association with Environmental Management Section, MoT, the fisheries consultant and the regional DFO office, prepare the draft terms and conditions of the authorization (Compensation Agreement or MoU) for the review of all parties and MoT Legal Services, if required (example attached). The draft terms and conditions of the authorization should clearly specify the following:
 - type of project;
 - type, location and extent of habitat to be affected and compensated for;
 - type, location and extent of compensatory habitat;
 - form of compensation;
 - start and completion dates for the work;
 - results to be achieved;
 - follow-up and monitoring required;
 - how success will be evaluated;
 - the measures to be taken if success is not achieved;
 - nature of financial security required; and
 - the proponent's liability.

Once the habitat compensation measures have been designed, DFO will re-assess the project, including mitigation and compensation measures, to determine if all concerns relating to harmful alteration, disruption or destruction of fish habitat are addressed. If

none remain, the draft terms and conditions of the authorization can be finalized and the project may be authorized.

- Finalize habitat compensation measures through the preparation of the formal Compensation Agreement or MoU between DFO and MoT. In certain situations, regional Habitat Managers may prefer to include agreed upon habitat compensation measures as terms and conditions built into the authorization.
- If required as part of the authorization, complete post-construction fisheries assessments to assess the effectiveness of habitat mitigation and compensation prescriptions. The scope and duration of the post-construction fisheries assessment is determined in collaboration with DFO and MELP. Post-construction fisheries assessment may be for periods of two to more than 10 years in duration. Generally, that is determined by the fisheries resource values involved, the estimated level of impact from highway construction activities, and the deemed efficacy of the mitigation/compensation measures.
- Review the results of post-construction fisheries assessments. Undertake improvements in mitigation and compensation measures as identified in association with DFO.

Time Frame

Upon receipt of an application for an authorization in the regional DFO office, the estimated time frame for an authorization to be issued is a few months, dependent on the familiarity of the regional office with the proposed project. In the case of major highway projects, public and First Nations consultation and review may be required.

Typically, ongoing communications between MoT personnel, the regional DFO office and the fisheries consultant regarding the proposed activities, associated fish and fish habitat assessment studies and proposed compensation measures will facilitate the processing of the Compensation Agreement and the application for authorization.

ENVIRONMENTAL INFORMATION SHEET

COMPLETE AND ACCURATE INFORMATION PROVIDED HEREIN IS ESSENTIAL FOR THE PROCESSING OF THE ENVIRONMENTAL ASSESSMENT REQUIRED AS PART OF THE NWPA APPROVAL PROCEDURE.

YOUR APPLICATION WILL BE ON HOLD UNTIL WE RECEIVE YOUR COMPLETED ENVIRONMENTAL INFORMATION SHEET.

TO BE COMPLETED BY THE OWNER OF THE WORK. (Use TAB key to navigate)

FILE NO. 8200-_____

APPLICANT:

ADDRESS:

DESCRIPTION OF WORK:

WATERWAY:

A. You intend to build/modify (identify work)

What is the purpose of the work?

Name of waterway

What is the minimum width of the waterway at your location? _____ meters

Is the water level controlled on your waterway? Yes No

If yes, by what agency?

Is your waterway subject to tides? Yes No

What is the approximate rate of the current? _____ knots or Slow

Medium

Fast

Are you the owner of the upland property that the work is fronting? Yes No

If no, who is the owner?

Are there marine facilities adjacent to the works being applied for? Yes No

B. CONSTRUCTION OF WORK

To build your work, will construction entail:

- | | | |
|--------------------------------------|------------------------------|-----------------------------|
| 1. Site Survey | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Soil/hydrological testing | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Environmental study | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Site clearing | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Excavation/dredging/trenching | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Waste disposal | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Dumping (fill) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Water course diversion/channeling | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Blasting/drilling | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. Erosion control | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 11. Silting Control | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12. Temporary structures | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 13. Removal of structures | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Use of any toxic materials? Please list:

Type of preservatives:

Nil or

C. HAS THE APPLICATION BEEN SUPPORTED WITH RELEVANT DATA OR STUDY

RESULTS ON THE FOLLOWING ENVIRONMENTAL COMPONENTS?

- | | | |
|--|------------------------------|-----------------------------|
| 1. Water Quality | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Waterflow/current/littoral drift | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Aquatic plants/animals | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Migratory birds | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Migratory routes of aquatic animals/birds | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Shoreline plants/animals | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Wetlands | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Aesthetic features (scenery/noise) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Water use | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. Historical features | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 11. Underwater archaeology (vessel with historic significance) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12. Lifestyle/health/or well-being | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

D. CONSTRUCTION SCHEDULE

You intend to commence work on

(Year/Month/Day)

You intend to complete work on

(Year/Month/Day)

CERTIFICATION

I hereby certify that the information provided herewith is complete and accurate to the best of my knowledge.

—

Owner's Name

Owner's Representative

or

Signature

Signature

Address/Telephone Number:

(If it is different from Letter of Application)

SCHEDULE VI/ANNEXE VI
(Subsection 58(1)/paragraphe 58(1))



Fisheries and Oceans
Pêches et Océans

Page 1

Application No./N° de la demande

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT
DEMANDE D'AUTORISATION POUR DES OUVRAGES OU ENTREPRISES MODIFIANT L'HABITAT DU POISSON**

I, the undersigned, hereby request authorization to carry out the works or undertakings described on this application form. I understand that the approval of this application, if granted, is from the Minister of Fisheries and Oceans standpoint only and does not release me from my obligation to obtain permission from other concerned regulatory agencies.

Je soussigné, demande par les présentes l'autorisation d'exploiter les ouvrages ou entreprises décrits dans la formule. Je comprends que l'approbation de cette demande, le cas échéant, porte sur ce qui relève du ministre des Pêches et des Océans et ne me dispense pas d'obtenir la permission d'autres organismes réglementaires concernés.

If an authorization is granted as a result of this application, I hereby agree to carry out all activities relating to the project within the designated time frames and conditions specified in the authorization.

Si la demande est approuvée, je consens par les présentes à exécuter tous les travaux relatifs à ce projet selon les modalités et dans le laps de temps prescrits dans l'autorisation.

Applicant's Name (Please Print) _____ Nom du requérant (lettres moulées)

Applicant's Business Address _____ Adresse d'affaires du requérant

Applicant's Telephone No./ N° de téléphone du requérant _____ Date _____

I solemnly declare that the information provided and facts set out in this application are true, complete and correct, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath. This declaration applies to all material submitted as part of this application.

Je déclare solennellement que les renseignements fournis et les faits énoncés dans cette demande sont véridiques, complets et exacts, et je fais cette déclaration solennelle, la croyant consciencieusement vraie et sachant qu'elle a la même force et le même effet que si elle était faite sous serment. Cette déclaration s'applique à tout document qui est présenté dans le cadre de cette demande.

Applicant's Signature (and corporate seal)

Signature du requérant (et sceau de la société)

Name of watercourse or waterbody (give coordinates)
Cours d'eau ou plan d'eau (donner les coordonnées) _____

This watercourse is a tributary of (where applicable)
Cours d'eau tributaire de (le cas échéant) _____

Nearest community Localité la plus proche	County Comté	Province Province
_____	_____	_____



Application No./N° de la demande

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT
DEMANDE D'AUTORISATION POUR DES OUVRAGES OU ENTREPRISES MODIFIANT L'HABITAT DU POISSON**

Type of Activity/Genre d'activité

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Stream Realignment
Alignement de cours d'eau | <input type="checkbox"/> Gravel Removal
Enlèvement du gravier | <input type="checkbox"/> Stream Traverse
Traversée de cours d'eau |
| <input type="checkbox"/> Culvert
Ponceau | <input type="checkbox"/> Channelization
Canalisation | <input type="checkbox"/> Obstruction Removal - Bypass
Enlèvement ou contournement d'obstacle | <input type="checkbox"/> Seismic Survey
Levé sismique |
| <input type="checkbox"/> Dam
Barrage | <input type="checkbox"/> Wharf - Break water
Quai - Brise-lames | <input type="checkbox"/> Stream Utilization - Recreation
Utilisation récréative du cours d'eau | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Stream Diversion
Dérivation de cours d'eau | <input type="checkbox"/> Dewatering
Assèchement | <input type="checkbox"/> Erosion Control
Lutte contre l'érosion | <input type="checkbox"/> Other (specify)
Autres (préciser) |
| <input type="checkbox"/> Mining
Activité minière | <input type="checkbox"/> Aquaculture | <input type="checkbox"/> Flood Protection
Protection contre les inondations | |

**List of Agencies (Federal, Provincial or Municipal) contacted or notified, or who have initiated contact with the applicant.
Liste des organismes (fédéraux, provinciaux ou municipaux) contactés ou qui ont pris contact avec le requérant.**

**PROVIDE DETAILS OF PROPOSED ACTIVITY INCLUDING REASONS FOR THE PROJECT AND TYPES OF EQUIPMENT TO BE USED
DONNER DES PRÉCISIONS SUR LES TRAVAUX PROJÉTÉS, Y COMPRIS LA JUSTIFICATION DU PROJÉT ET
LE TYPE D'ÉQUIPEMENT À UTILISER**



Application No./N° de la demande

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT
DEMANDE D'AUTORISATION POUR DES OUVRAGES OU ENTREPRISES MODIFIANT L'HABITAT DU POISSON**

SCHEDULE/CALENDRIER

	D/J	M/M	Y/A
Proposed Starting Date Date prévue du début des travaux	_____	_____	_____

Proposed Completion Date Date prévue de l'achèvement des travaux	_____	_____	_____
---	-------	-------	-------

Approximate Timing of Work in shoreline, foreshore, tidal zone, or underwater areas.
Période approximative des travaux sur le rivage et les estrans ainsi que dans les zones à marées et les zones sous-marines.

	D/J	M/M	Y/A		D/J	M/M	Y/A
From/De	_____	_____	_____	To/À	_____	_____	_____

The following documents will assist in assessing your application and help expedite its approval. Please check which documents you have attached.

Les documents suivants faciliteront l'évaluation de votre demande et permettront d'accélérer son approbation. Veuillez cocher les documents vous avez joints à votre demande.

- | | | |
|--|--------------------------|--|
| Map indicating location of project | <input type="checkbox"/> | Carte indiquant l'emplacement du projet |
| Engineering Specifications | <input type="checkbox"/> | Spécifications techniques |
| Scale Drawings | <input type="checkbox"/> | Dessins à l'échelle |
| Dimensional Drawings | <input type="checkbox"/> | Plans cotés |
| Assessment of Existing Fish Habitat Characteristics | <input type="checkbox"/> | Évaluation des caractéristiques existantes de l'habitat du poisson |
| Assessment of Potential Effects of Project on Fish Habitat | <input type="checkbox"/> | Évaluation des répercussions possibles sur l'habitat du poisson |
| Measures Proposed to Offset Potential Damage to Fish Habitat | <input type="checkbox"/> | Mesures proposées pour compenser les éventuels dommages à l'habitat du poisson |
| Other | <input type="checkbox"/> | Autres |

**ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS
CONSIDERATIONS**

NOTE: All applications pursuant to section 35 of the Fisheries Act will be assessed in accordance with applicable federal environmental assessment requirements.

**CONSIDÉRATIONS CONCERNANT LE PROCESSUS
D'ÉVALUATION ET D'EXAMEN EN MATIÈRE D'ENVIRONNEMENT**

REMARQUE : Toute demande en vertu l'article 35 de la Loi sur les pêches sera soumise aux exigences fédérales applicables à l'évaluation environnementale.



Application No./N° de la demande

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT
DEMANDE D'AUTORISATION POUR DES OUVRAGES OU ENTREPRISES MODIFIANT L'HABITAT DU POISSON**

COMPLETE ONLY IF USE OF EXPLOSIVES IS INTENDED
À REMPLIR SEULEMENT EN CAS D'UTILISATION D'EXPLOSIFS

EXPLOSIVES CONTRACTOR (IF DIFFERENT FROM APPLICANT)/RESPONSABLE DES EXPLOSIFS (SI AUTRE QUE LE REQUÉRANT)

Name/Nom : _____

Address/Adresse : _____

Telephone No./N° de téléphone : _____

	D/J	M/M	Y/A		D/J	M/M	Y/Y
Anticipated Starting Date				Completion Date			
Date prévue du début des travaux	_____	_____	_____	Date d'achèvement	_____	_____	_____

DETAILS OF EXPLOSIVES/PRÉCISIONS SUR LES EXPLOSIFS

Type (including trade name)
Genre (y compris la marque) _____

Weight and configuration (where applicable)
Poids et forme (le cas échéant) _____

Weight of individual shots and shot pattern where multiple charges are used
Poids des coups individuels et déploiement des coups, en cas de charges multiples

Detonation depth (in the rock; note also the depth of water, if applicable)
Profondeur de détonation (dans le roc; indiquer aussi la profondeur de l'eau, s'il y a lieu)

Method of detonation
Méthode de détonation _____

Sample

Authorization/compensation agreement/MoU

99-HPAC-PAZ-000-000017

Authorization No.

BCE Referral No. 76910-6012217

AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT

Authorization issued to:

Name: Ministry of Transportation & Highways ("MOTH")

Address: 7818 - 61st Street, Burnaby, B.C. V3N 4N8

Telephone No.: Cliff Ramsey (604) 660-1060

Location of Project

Popeye Creek between Highway #1 and the Lougheed Highway in Coquitlam, B.C.

Valid Authorization Period

The valid authorization period for the harmful alteration of fish habitat associated with diversion of Popeye Creek and the enclosure of the south Lougheed Highway ditch is from August 1, 1999 to September 15, 1999; the valid authorization periods for the other conditions of this authorization are as set out below.

Description of Works or Undertakings

The harmful alteration hereby authorized is the destruction of 4,286 square metres of instream habitat and 10,652 square metres of riparian habitat in the portion of Popeye Creek between Highway #1 and the Lougheed Highway and the south Lougheed ditch. This work is associated with the construction of the westbound on-ramp between Highway # 1 and the Lougheed Highway and the widening of the Lougheed Highway. The above impacts are more specifically described in the following documents:

- Report entitled "Trans Canada Highway 1 Highway No. 7 Connector - Request for Environmental Review and Approval" prepared by Acres International dated April 30, 1999. This report is attached to the Authorization as Schedule "A".
 - Drawings RI-388-301 to 306, 601, 801 and 4 to 9 entitled "Trans Canada Hwy No. 1 / Hwy No. 7 Connector" prepared by Delcan Engineers / Planners (all revision A dated 5/26/99). These drawings are attached to the Authorization as Schedule "B".
-

Conditions of Authorization

1. **MOTH confirms that** all plans and specifications relating to this Authorization have been duly prepared and reviewed by appropriate professionals working on behalf of MOTH. MOTH acknowledges that it is solely responsible for all design, safety and workmanship aspects of all of the works associated with this Authorization.
2. A fish salvage must be conducted in all watercourses associated with the proposed works prior to any instream works commencing. The fish salvage must be conducted by a qualified environmental consultant with appropriate fish collection permits.
3. All work must be undertaken and completed in isolation of all flowing water. Generally this is accomplished by temporarily diverting, enclosing or pumping the water around the work site. Flow to downstream portions of the stream must not be cut off at any time during construction. In addition, the point of discharge to the creek must be located immediately downstream of the work site.
4. Sediment and erosion control measures must be installed to the standards outlined in the BC Environment/DFO Land Development Guidelines for the Protection of Aquatic Habitat. All work must be conducted in such a manner that will prevent the release of sediment or sediment-laden water into any watercourse.
5. Topsoil, debris from construction, cement, grout, oil, grease or any other substance deleterious to aquatic life must be disposed of or placed in a manner that will prevent their entry into any watercourse.
6. The proposed culvert under the proposed on ramp Lougheed Highway must be passable to juvenile anadromous salmonids at all flow conditions.
7. A chain link fence must be constructed along the south property line of the parcel of land currently being leased by Bargain Castle as well as the east side of the Bargain Castle parking lot.
8. "No Mowing" signs must be erected at 20 metre intervals throughout the planted area. These signs must be clearly visible to maintenance vehicles working from the Trans Canada Highway, the Lougheed Highway and the proposed on-ramp.
9. To ensure compliance with acceptable environmental practices, MOTH shall retain a qualified consultant as an Environmental Monitor for this project. This monitor must have written authority from the proponent to recommend modifications to or cease construction operations which violate safe environmental practices and procedures. The proponent must provide written authority, providing name of the monitor, contact number and a brief outline of relevant experience related to the proposed works.
10. The environmental monitor must forward a summary to this Department and MELP including photographs indicating that the project has been completed and detailing any difficulties encountered during the project.
11. A copy of this letter must be forwarded to the contractor/crew supervisor and must be present on the site while work is proceeding.

Conditions that relate to compensator-v habitat:Phase 1

12. Popeye Creek must be reconstructed to provide 3,908 square metres of enhanced rearing and overwintering habitat on either side of the new on-ramp. Three pockets must be excavated into the embankment of the channel, each containing a root wad secured as described on drawing RI-388-1204 of the plans entitled "Riparian Planting - Loughheed Highway (No. 7) & Trans Canada Highway (No.1) Plant Specifications and Details", Six log bundles must be anchored to the bank as indicated on drawing RI-388-1201 (revision B) of the plans entitled "Riparian Planting - Loughheed Highway (No. 7) & Trans Canada Highway (No.1) Plant Specifications and Details". These plans were prepared by Delcan and Acres International Ltd., are dated 6/11/99 and are attached to this Authorization as Schedule "C".
13. 11,012 square metres of riparian vegetation must be planted as indicated in drawings RI-388-1201 to 1207 of the plans entitled "Riparian Planting - Loughheed Highway (No. 7) & Trans Canada Highway (No.1) Plant Specifications and Details" prepared by Delcan and Acres International Ltd. dated 6/11/99 (Schedule "C"), Drawings RI-388-1201 and 1203 are labelled "revision B" and are dated June 25/99.
14. The redirection of flows into the new channel shall occur between July **15, 1999** and September 15, 1999. The revegetation works must be completed **prior** to April 30, 2000,

Phase 2

15. The entire area within the 6.50 metre "easement" between station number 2166+30 and 2168+40 must be restored to native vegetation. This will effectively provide a 10.0 metre setback between the parking lot and the north bank of Popeye Creek, This restoration must include removal of all asphalt and any contaminated soils within the easement area and the revegetation of this area with native trees and plants. The easement and the station numbers are indicated in drawing R1-388-601 (revision A) dated 5/26/99 and drawing R1-388-1203 (revision A) dated 5/31/99 respectively. This work must be completed prior to October 31, 2000. DFO and MELP must receive revegetation plans prior to any work commencing.
16. A fence must be constructed between the restored easement area and the parking lot immediately after it has been pulled back. This is to prevent encroachment into the revegetated area from the Bargain Castle parking lot. The fence must be chain link and a minimum of 2.0 metres in height.
17. MOTH shall carry out a monitoring program (the "Monitoring Program"), which includes the following:
 - a) an annual photographic assessment of the new channel showing water level fluctuations during low and high conditions, success of riparian vegetation and physical stability and function of the instream works., The assessment must include evidence of slumping, tension cracks, movement of instream structures and bed material changes. Monitoring will consist of, at least, annual visits to the site during January and August in the five years from 2000 to 2004;

- b) an annual (during summer) assessment of the mitigative and compensatory re-*vegetation* works for a period of three years following planting. Any vegetation which has not survived must be replanted during the following planting season (fall);
 - c) an assessment of fish use by anadromous salmonids in the new channel by conducting minnow trapping for juveniles during January, April and August in the five years from 2000 to 2004 of the monitoring program. Water temperature, dissolved oxygen and flows must also be documented during each site visit;
 - d) the Monitoring Program shall be conducted by a qualified biologist, or other professional who has experience in this area, and who is acceptable to DFO; and
 - e) the provision to DFO and MELP of the annual results of the Monitoring Program in a written report, including any photographs, by the first of January of each year of the Monitoring Program.
18. The compensatory habitat will be deemed to be functioning as intended if, in the opinion of DFO, the new channel and the enhancement structures are stable, it is being utilized by salmonids and all planted riparian vegetation has survived. Following the initial monitoring period, and any extensions thereof, DFO will assess the success of the compensatory habitat and determine whether or not it is functioning as intended, and choose the appropriate course of action as outlined below:
- a) the compensatory habitat is functioning as intended and will be self-sustaining without further major remedial work. The Monitoring Program will be terminated; or
 - b) the compensatory habitat is not functioning as intended, MOTH shall extend the Monitoring Program, including remedial work, for an additional two years to allow more time for the habitat to become adequately established.
 - c) compensatory habitat is not functioning as intended and further remedial work is not likely to rectify the situation. MOTH shall then carry out the alternative compensatory works to the satisfaction of this Department.
19. MOTH shall, upon receiving this written confirmation from DFO, carry out alternative compensatory works to replace those habitats or habitat components which have failed **and** cannot be remediated. The alternative compensatory works shall be of similar magnitude, be located within the same catchment and will provide fish habitat functions comparable to those which the failed habitat or habitat components were intended to provide.
20. If at any time MOTH becomes aware that the compensatory habitat is not functioning as intended, MOTH shall carry out any works which are necessary to enable the compensatory habitat to function as designed.
-

**Indian Northern Affairs Canada
(DIAND)**

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A2 APPLICATION FOR A PERMIT TO OCCUPY OR USE AN INDIAN RESERVE.....	1

Lands and Trust Services (LTS)

Related Internet Addresses

Indian and Northern Affairs Canada home page –
<http://www.inac.gc.ca>

Indian Act – I-5 and Regulations –
<http://canada.justice.gc.ca/FTP/EN/Regs/Chap/I/I-5/index.html>

Mandate of agency

N1 Notification of proposed works that might encroach on an Indian Reserve

Notify Aboriginal Relations Branch, MoT of proposed works where potential encroachment may necessitate the transfer of the administration and control of Indian Reserve lands to the province.

R1 Request for advice on the Section 35 land transfer process

Aboriginal Relations Branch, MoT will provide you with advice and direction on the Section 35 land transfer and First nations negotiation processes, and the requirements for Band Council Resolutions and landholder agreements. Information on the land transfer process is found in their document entitled *Protocol: Federal/Provincial Requirements for Section 35 Transfers* (February 1997).

A1 Application for transfers of land

MoT must make an application to DIAND for the transfer of administration and control of Indian Reserve lands pursuant to Section 35 of the *Indian Act*. Pursuant to Section 5 of the *Canadian Environmental Assessment Act*, an environmental assessment must be completed before Indian and Northern Affairs Canada can proceed with the transfer of land. Appendix D of the *Protocol: Federal/Provincial Requirements for Section 35 Transfers* (February 1997) contains General Terms of Reference for Completing Environmental Assessment Reports pursuant to CEAA.

A2 Application for a permit to occupy or use an Indian Reserve

A permit from DIAND is required to occupy or use an Indian Reserve, or to reside or exercise rights on an Indian Reserve pursuant to Section 28(2) of the *Indian Act*. Pursuant to Section 5 of the *Canadian Environmental Assessment Act*, an environmental assessment must be completed before Indian and Northern Affairs Canada can issue a permit.

**Environment Canada
(EC)**

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Sample Forms

CWS: Environment Canada – Permit

CWS: Environment Canada – Special Permit

Canadian Wildlife Service (CWS)

Related Internet Addresses

Environment Canada home page –
<http://www.ec.gc.ca>

Canadian Wildlife Service home page –
<http://www.cws-scf.ec.gc.ca>

Canada Wildlife Act – W-9 and Regulations –
<http://canada.justice.gc.ca/FTP/EN/Regs/Chap/W/W-9/index.html>

Migratory Birds Convention Act, 1994 – M-7.01-(1994,c.22) and Regulations –
<http://canada.justice.gc.ca/FTP/EN/Regs/Chap/M/M-7.01/index.html>

Migratory Birds Environmental Assessment Guideline
http://www.cws-scf.ec.gc.ca/eass/mbirds/index_e.html

Mandate of agency

The Environmental Conservation Branch (ECB) of Environment Canada – widely known as the Canadian Wildlife Service (CWS) – is responsible under the provisions of the *Migratory Birds Convention Act* for ensuring the protection of migratory birds, their nests and eggs. The *Act* and its regulations – *Migratory Birds Regulations* and *Migratory Bird Sanctuary Regulations* – enable CWS to, among other things, manage migratory bird sanctuaries, control hunting seasons, set hunting limits, and authorize activities affecting migratory birds, their nests and eggs. The CWS is responsible under the provisions of the *Canada Wildlife Act* for establishing and monitoring national wildlife areas and protected marine areas. The *Act* enables the CWS to conduct wildlife research and conservation and gather information on endangered species.

All species of migratory birds included in the Convention are listed in the publication *Birds Protected in Canada under the Migratory Birds Convention Act*, Occasional Paper Number 1, Canadian Wildlife Service. Note that most birds not included in this list are protected under the provincial *Wildlife Act*.

The CWS will be responsible under the provisions of the new *Species at Risk Act* for ensuring the protection of threatened or endangered species and their critical habitats. The *Act* is pending; announcement is anticipated in 2000.

N1 Notification of proposed works

Notification to the agency is not required typically.

R1 Request for advice regarding migratory birds and their habitat

Advice regarding migratory birds and their habitat should be requested regardless of whether the work you are planning contravenes Section 35.1 of the *Migratory Birds Convention Act Regulations* which says “Subject to subsection (2), no person shall deposit or permit to be deposited oil, oil wastes, or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds.” In the Cheviot decision, April 8, 1999, Justice Campbell of the Federal Court of Canada found that there is clear intention in the *Act* to provide wide protection to migratory birds and therefore, Section 35.1 should also be given similarly wide interpretation. He noted that “Respecting what substances are ‘harmful’ to migratory birds, I find that the interpretation of this word depends on the facts of each case.” He also found that under Section 35.2 of the *Migratory Birds Convention Act Regulations*, appropriate regulations that authorize the deposit of a substance could be passed [by the Governor in Council], thus avoiding contravention of Section 35.1.

When

Advice regarding migratory birds and their habitat, and the potential applicability of the *Act* and related referral process requirements, should be obtained as soon as it is known if the proposed work will potentially encroach on or disturb migratory bird habitat. Generally, that information is available during the corridor study or route/preliminary design phase.

Whom

Requests for advice should be directed by the proponent (typically, the Regional Environmental Coordinator, MoT) or a representative of the proponent (e.g., wildlife consultant) to an Environmental Assessment Officer, CWS.

Procedures

- Examine the scope and nature of the proposed corridor, route, alignment or detailed design study, and review the findings and recommendations of previous wildlife assessments to determine the potential for migratory birds or their habitat to be present and/or potentially present, in or in the vicinity of the area of proposed development. The general characteristics of the work site can be assessed in a preliminary manner as follows:

Low potential - if the proposed work is to occur within the right-of-way of an existing road or adjacent cleared area.

Medium to High potential - if the proposed work is to occur in part or entirely outside the right-of-way of an existing road or adjacent cleared area, the potential for migratory birds to be present or the potential for migratory bird use is higher if any of the following characteristics are present at the site:

- agitated bird movement in the vicinity (and/or agitated bird sound);
- presence of a wildlife tree(s);
- presence of riparian habitat, including wetland;
- pockets of marsh indicative of fish habitat or fish-rearing habitat;
- pockets of deciduous vegetation; or
- presence of large stick nests in trees (e.g., Great Blue Heron).

The potential presence of a migratory bird and/or its use of an area will vary by species of bird, the time of year (season), and location in the province (region). Generally, migratory birds will be most active from May to July. Also, the potential for a migratory bird and significant habitat to be present typically increases proportionally with the size of non-disturbed area.

Liaise with the Regional Environmental Coordinator and regional Ministry of Environment, Lands and Parks (MELP) personnel, if required, regarding the potential for migratory birds or their habitat to be present.

- Present CWS with a simple conceptual description of the proposed work activity / project, including the type, areal extent, and anticipated time duration of the work. Clarify with the agency potential applicability of the Acts and related referral process requirements.

When contacted by the proponent, the Environmental Assessment Officer, CWS will typically provide advice regarding: (1) the information CWS requires to assess the proposed work activity / project; (2) the typical interests and concerns of CWS in relation to the proposed type of activity; and (3) specific licenses, permits and other approvals that may be required from CWS.

- Liaise with the Regional Environmental Coordinator and CWS personnel or MELP personnel to determine if a wildlife consultant should be retained to complete a wildlife inventory and/or assessment.
- Liaise with the Regional Environmental Coordinator and/or CWS personnel or MELP personnel regarding qualified wildlife consultants available to complete the work.
- If required, prepare a Terms of Reference and Request for Proposals in association with the Regional Environmental Coordinator and CWS personnel or MELP personnel. Solicit proposals and cost estimates for the assessment from appropriate wildlife consultants. Select a consultant to undertake the work. Prepare a contract for the work. Note that if the inventory and/or assessment work to be undertaken by the wildlife consultant is within a federally-regulated migratory bird sanctuary, that work may require a permit issued under Section 10 of the *Migratory Birds Sanctuary Regulations*.

Time Frame

The estimated time frame for a response will vary from a few hours to a few days, dependent on the completeness of information available regarding the potential site and whether CWS personnel are familiar with the site.

A1 Application for works within a migratory bird sanctuary

A permit issued by the Minister of Environment or designate is required before a person is allowed to engage in any activity that is harmful to migratory birds or the eggs, nests or habitat of migratory

birds within a federally-designated bird sanctuary pursuant to Section 10 of the *Migratory Birds Sanctuary Regulations* under the *Migratory Birds Convention Act*.

The locations and boundaries of all federally designated migratory bird sanctuary areas are described in the Schedule in the *Migratory Bird Sanctuary Regulations*, pursuant to Section 3.1 of those Regulations.

Permits will be issued from CWS in a standard format and may include special conditions the issuing authority considers appropriate.

Note: Pursuant to Section 5 of the *Canadian Environmental Assessment Act*, an environmental assessment must be completed before the Canadian Wildlife Service can issue a permit.

When

An application for permit should be prepared and submitted as soon as it is known that the proposed work will include activities within a federally designated bird sanctuary. Generally, that information is available during the corridor study or route/preliminary design study stage.

Permits are valid only for the term stipulated on the permit form.

Whom

The application for permit is prepared and submitted to CWS typically by the project proponent (the Regional Environmental Coordinator, MoT) or a wildlife consultant, if required, on behalf of the proponent. The permit is issued to the proponent.

Procedures

Determine the requirement for a permit and associated information and application requirements in consultation with the Regional Environmental Coordinator and CWS personnel.

Work closely with CWS personnel, the wildlife consultant, MoT personnel and the design team to ensure that wildlife and habitat considerations in the migratory bird sanctuary are incorporated into the design process.

Time Frame

The estimated time frame for a permit to be issued could vary from a few days to a few weeks, dependent on the workload of the agency at that time, familiarity of the agency with the proposed project, availability of relevant environmental data, and degree of public interest or concern. Generally, small or simple projects can be reviewed quite quickly.

A2 Application to disturb or destroy a migratory bird's nest

A Special Permit issued by the Minister of Environment or designate is required before a person is allowed to disturb, destroy or take a nest, egg, nest shelter, eider duck shelter or duck box of a

migratory bird, pursuant to Section 6(a) of the *Migratory Birds Regulations* under the *Migratory Birds Convention Act*, or kill or capture migratory birds or to collect carcasses, eggs or nests of migratory birds pursuant to Section 36 of the *Migratory Birds Regulations* under the *Migratory Birds Convention Act*.

The *Migratory Birds Convention Act* and its regulations do not address the state of a nest (i.e., active, inactive). The potential applicability of the *Act* and related referral process requirements regarding activities: (a) potentially disturbing or destroying inactive nests; and/or (b) potentially affecting nests during time periods migratory birds are not active or least active, should be clarified with the CWS.

Special Permits will be issued from CWS in a standard format and may include special conditions the issuing authority considers appropriate.

Note: Pursuant to Section 5 of the *Canadian Environmental Assessment Act*, an environmental assessment must be completed before the Canadian Wildlife Service can issue a permit.

When

An application for a Special Permit should be prepared and submitted as soon as it is known that the proposed work will impact migratory birds, their eggs or nests as described under Section 6 or Section 36 of the *Act*. Generally, that information is available during the route/preliminary design study stage.

Permits are valid only for the term stipulated on the permit form.

Whom

The application for permit is prepared and submitted to CWS typically by the project proponent (the Regional Environmental Coordinator, MoT) or a wildlife consultant, if required, on behalf of the proponent. The permit is issued to the proponent.

Procedures

Determine the requirement for a Special Permit and associated information and application requirements in consultation with the Regional Environmental Coordinator and CWS personnel.


Work closely with CWS personnel, the wildlife consultant, MoT personnel and the design team to ensure that migratory birds and habitat considerations, including nesting requirements, are incorporated into the design process.

Time Frame

The estimated time frame for a Special Permit to be issued could vary from a few days to a few weeks, dependent on the workload of the agency at that time, familiarity of the agency with the proposed project, and degree of public interest or concern.

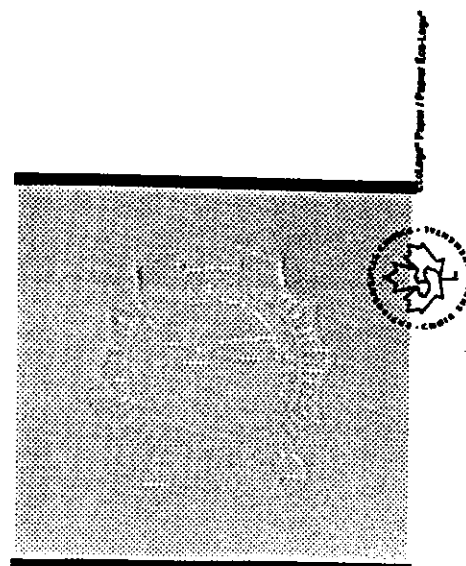


ENVIRONMENT CANADA - PERMIT PERMIS - ENVIRONNEMENT CANADA

Permit for/ Permis de/pour SPCA	Issued under section/ Delivre en vertu de l'article 4'1	Office Migratory Birds Regulations	Permit no. No de permis BC SPCA 99/007
In the province(s)/territory(ies) Dans la(les) province(s)/territoire(ies) British Columbia			
EXAMPLE			
Date of Issue Date de/émission December 29, 1998	Date of Expiry Date d'expiration December 31, 1999		
Signature of holder Signature du détenteur	For the Minister Pour le Ministre 		

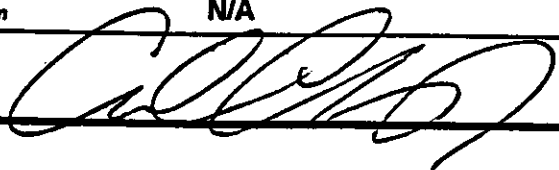
Special Conditions - Conditions speciales

1. This permit is to salvage and care for sick, injured, oiled or stressed Migratory birds. All rehabilitated Migratory birds must be released back to the wild immediately.
2. All Migratory birds that cannot be rehabilitated must be put down in the most humane way possible. For disposition on rare and unique species contact Environment Canada, Wildlife Enforcement Section, Delta, BC, (604) 940-4710.
3. All Migratory Birds held under the authority of this permit shall remain the sole property of the Crown. Migratory Birds cannot be bought, sold, traded or bartered for in any way.
4. The issuance of this permit does not exempt the permit holder, agents or volunteers from compliance with Canadian Laws and Regulations otherwise applicable. This permit is only valid while the permit holder, agents or volunteers are actively employed or assisting the SPCA.
5. This permit is not transferable. A written report of birds handled must be submitted to Environment Canada, Wildlife Enforcement Section, 5421 Robertson Road, RR # 1, Delta, BC, V4K 3N2, by January 31, 2000, prior to the renewal of the permit.



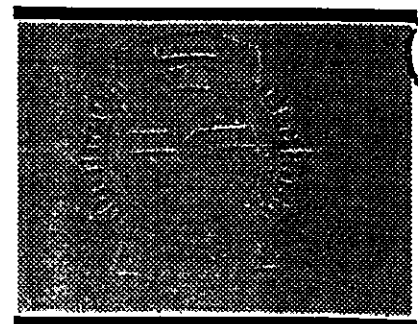


ENVIRONMENT CANADA - PERMIT PERMIS - ENVIRONNEMENT CANADA

Permit to/for <i>Permis de/pour</i> Special	Issued under section <i>Delivre en vertu de l'article</i> 411	of/du Migratory Bird Regulations	Permit no. <i>No de permis</i> SP BC 99/028
In the province(s)/territory(ies) <i>Dans la(les) province(s)/territoire(ies)</i> British Columbia			
EXAMPLE			
Date of issue <i>Date de mission</i> November 16, 1999	Date of Expiry <i>Date d'expiration</i> N/A		
Signature of holder <i>Signature du detenteur</i>	For the Minister <i>Pour le Ministre</i> 		

Special Conditions - Conditions speciales

1. Permit must be signed to validate.
2. This permit is valid for the possession of one (1) only Wilson Snipe. This bird is for display purposes only.
3. No other species of Migratory bird(s) may be added to this permit without the written permission of the Wildlife Enforcement Section, 5421 Robertson Rd., RR #1, Delta, BC V4K 3N2.
4. The issuance of this permit does not exempt the permit holder from compliance with other Canadian Laws and Regulations otherwise applicable.
5. Migratory Birds may not be bought, sold, traded or bartered for in any way. The bird(s) under authority of this permit remain the sole property of the Crown.
6. This permit is not transferable. Please keep this permit on file for inspection purpose.



**Transport Canada
(TC)**

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CTA: Environmental Assessment Information Report

Programs and Divestiture Group (PDG)

Related Internet Addresses

Transport Canada home page –
<http://www.tc.gc.ca>

Mandate of agency

Amongst other responsibilities, the Programs and Divestiture Group administers the department's funded programs such as federal-provincial highways and bridges. Where a federal authority contributes funds to a project, MoT must complete an environmental assessment, pursuant to Section 5 of the *Canadian Environmental Assessment Act*, and submit it to the Programs and Divestiture Group. If, after reviewing the environmental assessment, Programs and Divestiture Group determines that the project is not likely to cause significant adverse environmental effects, the responsible authority can proceed with providing funds to the project.

R1 Request for advice regarding CEAA

For advice regarding guidelines for preparing the requisite environmental assessment under CEAA, contact the Environmental Affairs section of the Programs and Divestiture Group, Transport Canada.

Canadian Transportation Agency (CTA)

Related Internet Addresses

Canadian Transportation Agency home page –
<http://www.cta-otc.gc.ca>

Canada Transportation Act – C-10.4-(1996,c.10) and Regulations –
<http://canada.justice.gc.ca/FTP/EN/Regs/Chap/C/C-10.4/index.html>

Railway Safety Act – R-4.2-(R.S.,1985,c.32(4th Supp.)) and Regulations –
<http://canada.justice.gc.ca/FTP/EN/Regs/Chap/R/R-4.2/index.html>

Railway Relocation and Crossing Act – R-4 and Regulations –
<http://canada.justice.gc.ca/FTP/EN/Regs/Chap/R/R-4/index.html>

Provincial Railway Act
http://www.qp.gov.bc.ca/bcstats/96395_00.htm

Mandate of agency

The Canadian Transportation Agency is responsible under the provisions of the *Canada Transportation Act* for attaining the objectives of the national transportation policy (described in Section 5, *Canada Transportation Act*) as they relate to safe railway operation. Among other duties, the CTA is responsible for resolving issues arising between railway companies under its jurisdiction and other interested parties such as utility companies, road authorities or landowners.

R1 Request for advice regarding railway crossings

If the proposed work will cross or disturb an existing provincially or federally regulated railway, the proponent should clarify or confirm the potential applicability of the *Canada Transportation Act*, and related referral process requirements.

When

Advice regarding the potential applicability of the *Act* and related referral process requirements should be obtained as soon as it is known if the proposed work will cross or disturb an existing railway. Generally, that information is available during the corridor study or route/preliminary design phase.

Whom

Requests for advice are directed to the Rail, Navigable Waters Coordinator, Highway Engineering Branch, MoT.

Procedures

- Clarify the potential applicability of the *Act* and related referral process requirements.

-
- Contact the Rail, Navigable Waters Coordinator via letter, e-mail or telephone. Written correspondence is recommended to ensure clarity of communications between all parties regarding process requirements.

Time Frame

The estimated time frame for a response will vary from a few hours to a few months, dependent on the completeness of information available regarding the potential site and whether the railway affected was previously investigated or whether MoT is familiar with the site.

A1 Application for rail infrastructure project approval

The plans and site profile for any federal railway crossing work requires an agreement between the Railway and MoT. The agreement is filed with the Canadian Transportation Agency which issues an Order authorizing works, as indicated in the agreement, to be undertaken pursuant to Section 101 of the *Canada Transportation Act*.

If an agreement can not be reached with the Railway, MoT may apply to CTA for authorization to construct a suitable road crossing. Under Section 5 of the *Canadian Environmental Assessment Act*, when an agreement can not be reached with the Railway, an assessment of the environmental impacts of any rail infrastructure project must be completed before the Canadian Transportation Agency can issue a ruling. (Note, crossing transfers and cost sharing disputes requiring a CTA ruling do not require an environmental assessment).¹

When

As soon as the general details of the work are known, an Application Layout drawing (General Arrangement) is prepared by MoT or the design consultant. Generally, the drawing is prepared early in the detailed design stage.

The application package is submitted formally to the Railway via the Rail, Navigable Waters Coordinator, MoT, in the detailed design stage, for inclusion in an agreement between the Ministry and the Railway.

Whom

The Rail, Navigable Waters Coordinator, MoT, is responsible for coordinating the referral processes for provincially- and federally-regulated railways regarding construction or alteration activities.

The Rail, Navigable Waters Coordinator will contact project management personnel about project environmental issues and/or completion of the “Environmental Assessment Information Sheet, Rail Infrastructure Project”, if required.

¹ Environmental assessments are not required for railway works on Provincially Chartered Railways to receive approvals under the Provincial *Railway Act*.

Procedures

The following procedures have been developed by the Ministry of Transportation to ensure that the environmental component of the design satisfies the Ministry's environmental standards and also complies with Section 101 of the *Canada Transportation Act*:

- Review engineering reports and plans of the proposed structure for environmental implications and impacts, in association with environmental agencies.
- Ensure that environmental considerations have been correctly incorporated in the Application Layout drawing (General Arrangement) prepared by MoT or the design consultant.
- Complete the environmental assessment component of the application (see attached Environmental Assessment Information Report, Rail Infrastructure Project), if required. The environmental assessment component includes:
 - description and purpose of the work;
 - identification of the construction activities and type of equipment to be used during construction;
 - description of existing environmental conditions at the site;
 - identification of environmental sensitivities during construction, operation, maintenance and decommissioning, and proposed mitigation measures;
 - reference to environmental studies and public consultations that have been undertaken for the project;
 - environmental agency approvals (Department of Fisheries and Oceans and Ministry of Environment, Lands and Parks) and other federal, provincial or municipal permits for the project, as required; and
 - description of the construction schedule.

If environmental approvals are pending, note on the Environmental Assessment Information Report that approvals will be forwarded when received.

- Send the complete package to the Rail, Navigable Waters Coordinator for inclusion in the application to the CTA if agreement with the Railway cannot be reached.
- Notify the Rail, Navigable Waters Coordinator, Highway Engineering Branch, MoT, in writing, of the start date of construction activities that encroach on or disturb an existing provincially- or federally-regulated railway, prior to commencement of the work.

Time Frame

For simple crossing (re)construction that requires no action or work by the Railway other than approval, and where all costs are being borne by the Ministry, the estimated time frame required for the approval process is 3 months.

For crossing (re)construction that requires action or work by the Railway and/or railway signal work, the estimated time frame required for the approval process is 5 months.

For crossing (re)construction that requires grants and/or cost sharing, the estimated time frame required for the approval process is at least 6 months.

If agreement with the Railway cannot be reached, and application to the CTA is required, the estimated time frame required for a decision to be rendered is 4-6 months from the time the application is submitted to the CTA.

ENVIRONMENTAL ASSESSMENT INFORMATION REPORT

RAIL INFRASTRUCTURE PROJECT

To comply with the *Canadian Environmental Assessment Act*, an assessment of the environmental impacts of any rail infrastructure project must be conducted by the applicant and screened by the **Canadian Transportation Agency**. Accordingly, applicants are requested to complete this form and return it to the Agency. If the space provided is insufficient, please attach as many additional sheets as may be required. If you are submitting an extensive environmental report as part of your application, some questions may only need a cross reference to the page in the report where the appropriate information can be found.

Please note that Agency staff may identify additional information requirements and you may be asked to provide further information. Your cooperation with such requests will aid considerably in expediting the processing of the application which you have made to the Agency.

The environment, as that term is used in this report, has a broad meaning which includes the impact of construction and maintenance activities involving:

- ⇒ **land uses** (test drilling, building/erecting, burning, burying, clearing, landscaping, cutting trees, drilling/blasting, excavating, exploiting resources, filling and placing concrete, grading and snowplowing, paving/surfacing, stripping/replacing topsoil, abandonment/ removal, fuel/chemical storage)
- ⇒ **water** (channeling/dredging, discharging effluent, drilling/blasting, drainage alteration, damming/impounding water)
- ⇒ **air** (noise/vibration, discharging emissions, drilling/blasting, exploiting resources)
- ⇒ **human** (effects on recreation, impacts on archaeological resources, effects on local residents, transportation services).

We ask that you consider all of these environmental issues when completing this form, although it is not necessary to write anything on matters described above which are not present in the particular circumstances of your application.

1. Please tell us why this project is required.

2. Were any other alternatives to this project considered in order to satisfy the needs identified in Question 1 and, if so, please describe what those alternatives were and why they were rejected in favour of this proposed project.

3. Please describe the project and the associated activities (such as clearing, construction techniques, tree cutting, effluent discharge, drainage alternation, drilling/blasting, excavating, filling and placing of concrete, grading and snowplowing, paving/surfacing, stripping/replacing topsoil, landscaping, revegetation, maintaining, removing, etc.)

4. Please describe the physical environment which now exists in the area where the project will be constructed.

5. Please tell us if the construction of the project is likely to cause significant adverse environmental effects in the area where the project will be constructed, and describe those changes. Your description should consider the effects on land, air, water, noise, visual appearance and people. For example, you should indicate whether water quality, fish or , fish habitat of a nearby stream may be affected during construction.

6. Please tell us if the future use or operation of the project, once completed, is likely to cause significant adverse environmental effects.

7. According to the Canadian Environmental Assessment Act (CEAA), the eventual decommissioning of any project must be considered. Therefore, once the project has reached the end of its life, please tell us if its abandonment or removal is likely to cause significant adverse environmental effects.

8. If you have identified any likely significant adverse environmental effects caused by the construction, operation, abandonment or removal of the project, please tell us what steps or measures will be required to eliminate or minimize those likely effects.

9. Are there any other matters in connection with this project which may have an impact on the environment?

10. Please provide details on any public consultations (i.e. public information meetings) or public comments (i.e. letters, media coverage) concerning this project.

11. Considering the responses given above, in your opinion, is this project likely to cause significant adverse environmental effects, taking into account the implementation of the proposed mitigative measures?

12. Are there any federal, provincial or municipal permits or approvals required for this project? If so, please provide details, such as the name of the Department or Ministry and the name and telephone number of a contact.

13. Where is the proposed project located?

Municipality _____

Name of street/highway/road _____

Name of railway subdivision _____ **Mileage** _____

Latitude: _____ **degrees** _____ **minutes** _____ **seconds** _____

Longitude: _____ **degrees** _____ **minutes** _____ **seconds** _____

14. Please attach the following to your completed questionnaire:

- a) a National Topographic Series (NTS) map or equivalent (at a scale of 1:25,000 for urban areas or 1 :50,000 for other areas);
- b) photographs showing the area of the project and any relevant details of the site;
- c) a construction schedule for the project. The name and telephone number of a contact during construction, if available.

DATED the _____ day of _____, 200 ____.

(Signature)

(Name)

(Title)

(Address)

(Telephone Number)