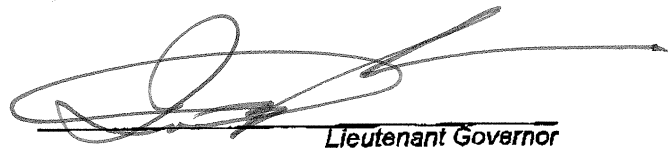


REGULATION # 116/2005  
Effective: Mar. 18/2005

**PROVINCE OF BRITISH COLUMBIA**

**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

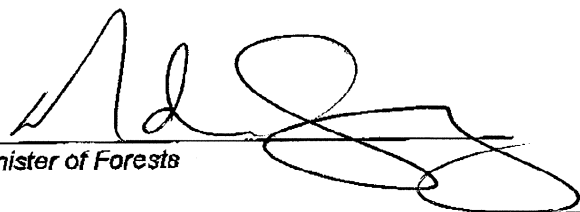
Order in Council No. **273**, Approved and Ordered **MAR 17 2005**

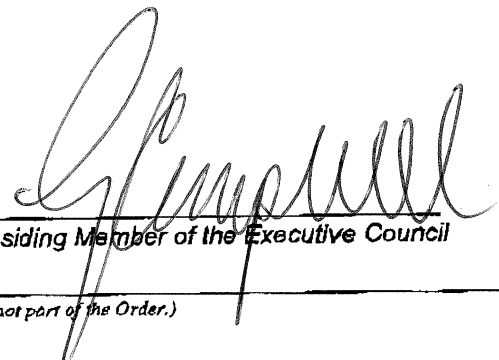
  
Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective March 31, 2005,

- (a) the *Range Act*, S.B.C. 2004, c. 71 is brought into force, and
- (b) the attached Range Regulation is made.

  
Minister of Forests

  
Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section:- Range Act, S.B.C. 2004, c. 71, ss. 79 to 81, 85

Other (specify):- oic

# RANGE REGULATION

## Division 1 – Definitions and Interpretation

### Definitions

- 1 In this regulation:
  - “**Act**” means the *Range Act*;
  - “**authorized annual use**” means the quantity of forage authorized to be used in a year in a licence or permit, expressed as
    - (a) animal unit months of forage in the case of a grazing licence or grazing permit, and
    - (b) tonnes of hay in the case of a hay cutting licence or hay cutting permit.

### Animal unit month

- 2 For the purposes of the definition of “**animal unit month**” in section 1 (1) of the Act, the amount of forage required by
  - (a) a yearling of the genus bos is 0.7 of an animal unit month,
  - (b) a bull of the genus bos is 1.5 animal unit months,
  - (c) a cow of the genus bos, by herself or together with her unweaned calf is one animal unit month,
  - (d) a horse is 1.25 animal unit months,
  - (e) a sheep is 0.2 of an animal unit month,
  - (f) a llama is 0.2 of an animal unit month, and
  - (g) an alpaca is 0.1 of an animal unit month.

## Division 2 – Notice and Award of Licences and Permits

### Notice of application for licences and permits under section 9 or 18 of the Act

- 3 (1) The manner of giving public notice under section 9 (3) or 18 (3) of the Act of an invitation for applications for a licence or permit is
  - (a) by advertisement in at least one issue of at least one newspaper circulating in or near the area proposed for the licence or permit, or
  - (b) if there is no newspaper circulating as described in paragraph (a), by giving notice in one or more of the following ways:
    - (i) on a Ministry of Forests public computer bulletin board;
    - (ii) posted in a public place;
    - (iii) by radio or television broadcast received in or near the area proposed for the licence or permit.
- (2) An advertisement or notice referred to in subsection (1) must
  - (a) contain an informal description of the Crown range proposed for the licence or permit and of the rights to be conferred by the licence or permit,
  - (b) specify an address or place where persons may obtain details of the licence or permit, and

- (c) include an address to which applications or comments may be delivered, and the date by which they must be received in order to be considered.

**Applications for licence or permit in response to an invitation**

- 4 Applications under section 9 of the Act for licences or permits, respectively, in conjunction with an invitation for applications under section 9 of the Act
  - (a) may be made in writing or in electronic form and submitted to the district manager, and
  - (b) must contain or be accompanied by information required by the district manager that he or she considers necessary for
    - (i) ascertaining the applicant's eligibility, and
    - (ii) evaluating the application,by reference to the criteria used under section 10 of the Act for the purpose of the invitation.

**Application for licence or permit by direct award – no public notice required**

- 5 (1) An application under section 16 (1) of the Act for a licence or permit in any of the circumstances referred to in that provision
  - (a) may be made in writing or in electronic form and submitted to the district manager, and
  - (b) must contain or be accompanied by information required by the district manager that he or she considers relevant, given the circumstances that, under paragraph (a), (b) or (c) of that provision are applicable to the application.
- (2) An application under section 16 (2) of the Act for a licence or permit
  - (a) may be made in writing or in electronic form and submitted to the district manager, and
  - (b) must contain or be accompanied by information required by the district manager that he or she considers relevant to the grazing permit or hay cutting permit applied for.

**Application for direct award of permit to or in respect of first nations**

- 6 An application for a permit, in response to an invitation under section 17 (1) of the Act by the minister,
  - (a) may be made in writing or in electronic form and submitted to the district manager, and
  - (b) must contain or be accompanied by information required by the district manager that he or she considers appropriate given the purpose of the permit that is the subject of the application.

**Application for special purpose licence or permit by direct award – public notice required**

- 7 (1) An application under section 18 (2) of the Act for a licence or permit
  - (a) may be made in writing or in electronic form and submitted to the district manager, and

- (b) must contain or be accompanied by information required by the district manager that he or she considers appropriate in relation to
  - (i) the ancillary, compensatory or exchange licence or permit that is the subject of the application, or
  - (ii) the grazing permit or hay cutting permit referred to in section 18 (2) (f)that is the subject of the application.
- (2) The purposes referred to in section 18 (2) (f) of the Act, in which a grazing permit or hay cutting permit may be entered into, are prescribed as follows:
  - (a) to allow timely allocation of forage that is available for a limited period;
  - (b) to facilitate one or more of silviculture treatment, forage conditioning and forage enhancement;
  - (c) to facilitate the management of one or more of recreational values, fisheries values, wildlife values and ecological values.

**Applications for replacement permit**

- 8** An application by the holder of a permit under section 26 of the Act for a replacement for the permit
  - (a) may be made in writing or in electronic form and submitted to the district manager, and
  - (b) must contain or be accompanied by information required by the district manager that he or she considers relevant to the matters described in section 26 (1) of the Act.

**Prescribed circumstances for section 11 (3) of the Act**

- 9** If 2 or more of the applications made under section 9 of the Act are of equal merit based on the evaluation of the applications, the competition procedures prescribed under section 10 of this regulation for the purposes of section 11 (3) of the Act apply.

**Competition procedures**

- 10** (1) The competition between or among applicants for a licence or permit, which applications are determined to be of equal merit on the basis of the evaluation referred to in section 9 of this regulation, is to be conducted as set out in this section.
- (2) The district manager is to deliver notice to each of the applicants referred to in subsection (1) that they are to compete with each other on the basis set out in subsection (3).
- (3) For a competition described in subsection (1) the district manager may direct that either, but not both, of the following are to be submitted to the district manager by each of the competing applicants:
  - (a) an offer of a one time lump sum dollar amount;
  - (b) a course of action,

- (i) designed to improve or enhance the Crown range that is to be described in the licence or permit, including but not limited to carrying out a specified range practice or range development, and
  - (ii) that the applicant undertakes to carry out in conjunction with the licence or permit, as a condition of the licence or permit.
- (4) If the district manager directs under subsection (3) (a) that the competing applicants each submit an offer of a one time lump sum dollar amount, the district manager must enter into the licence or permit with the applicant who submits the higher or highest offer, depending on whether there are 2 or more competing applicants.
- (5) If the district manager directs under subsection (3) (b) that the competing applicants each submit a course of action described in that provision, the district manager must enter into the licence or permit with the applicant who submits the course of action that the district manager considers to be the better or the best, depending on whether there are 2 or more competing applicants.

#### **Varying boundary or area of licence or permit**

- 11** The district manager may vary the boundary or area of a licence or permit under section 35 of the Act if the change
- (a) will lead to more efficient resource use,
  - (b) is the result of a direct award under sections 16 or 18 of the Act, or
  - (c) is required because of a decision to increase the number of animal unit months or quantity of hay under section 52 or 53 of the Act.

### **Division 4 – Fees**

#### **Fees for applications and amendments**

- 12**
- (1) The fee for an application for a licence or permit under section 9, 16 or 18 of the Act is \$150.
  - (2) The fee for an application for a permit under section 26 (1) of the Act is \$25.
  - (3) The fee for an amendment to a licence or permit requested by its holder is \$25.

#### **Fees for issuance of licences and permits**

- 13** The fee for entering into a licence or permit is
- (a) for a grazing licence, \$250,
  - (b) for a grazing permit, \$100,
  - (c) for a hay cutting licence, \$100, and
  - (d) for a hay cutting permit, \$50.

#### **Fee for processing a change in ownership or control of licences or permits**

- 14** The fee for processing a report under section 17 or 18 is \$100.

### Annual fees for use of forage authorized under licence or permit

- 15 (1) A person who holds a grazing licence or permit must pay an annual fee for the authorized annual use under the licence or permit determined by multiplying the authorized annual use by 93% of the average gross sales revenue per kilogram for live beef cattle marketed during the immediately preceding 3 years through the B.C. Livestock Producers Cooperative Association.
- (2) A person who holds a hay cutting licence or permit must pay an annual fee for the authorized annual use under the licence or permit determined by multiplying authorized annual use by 279% of the average gross sales revenue per kilogram for live beef cattle marketed during the immediately preceding 3 years through the B.C. Livestock Producers Cooperative Association.
- (3) Before calculating the annual fee under subsection (2), tonnes of silage derived from hay harvested under the licence or permit must be converted for the purpose of the calculation to tonnes of hay according to the formula.

$$S \times (D/85),$$

where

S = the number of tonnes of silage

and

D = the percentage of dry matter in the silage.

- (4) The fee calculated under subsections (1) and (2) on the authorized annual use is reduced in proportion to the reduction in the animal unit months per year or in the tonnes of hay per year, as the case may be, specified in the licence or permit, if the reduction amounts to 10% or more of the authorized annual use as a result of any of the following:
- (a) section 49 or 60 (1) (b) of the Act;
  - (b) the death or debilitating illness of
    - (i) in the case of a licence or permit held by one or more individuals, any of the individuals, or
    - (ii) in the case of a licence or permit held by a corporation, the shareholder or shareholders with the controlling interest in that corporation;
  - (c) the restructuring of the business resulting from crop or livestock loss
    - (i) that is beyond the control of the holder, and
    - (ii) affects the holder's ability to use the authorized annual use under the licence or permit;
  - (d) the loss
    - (i) of animals to predators, or
    - (ii) of forage as a result of wildlife management by government that affects the holder's ability to use the authorized annual use under the licence or permit;
  - (e) restrictions imposed by government on livestock grazing in a wildlife management area;

- (f) an inadequate supply of water for livestock management, if the licence or permit does not require the holder of the licence or permit to supply the water;
- (g) other loss of forage from Crown range due to causes beyond the control of the holder of the licence or permit;
- (h) the holder has entered into a non-use agreement under section 46 and a grazing permit or hay cutting permit has been entered into under section 16 (2) of the Act to use forage or hay covered by the non-use agreement;
- (i) a livestock disease outbreak beyond the control of the holder of the licence or permit.

**Annual rent**

- 16** (1) A person who holds a grazing licence or permit must pay an annual rent for the authorized annual use under the licence or permit calculated by multiplying the authorized annual use by 20 cents.
- (2) A person who holds a hay cutting licence or permit must pay an annual rent for the authorized annual use under the licence or permit calculated by multiplying the authorized annual use by 60 cents.

**Division 5 – Reporting**

**Reporting changes respecting associated private land**

- 17** If the holder of a licence or permit no longer owns or holds under lease the holder’s associated private land, as defined in section 29 of the Act, the holder must report the change in ownership or leasehold interest to the district manager within 3 months after the change.

**Reporting matters affecting rights under licences or permits**

- 18** (1) On the completion of
- (a) an amalgamation,
  - (b) a change in control, or
  - (c) a disposition
- referred to in section 79 (2) (i) of the Act, the holder of a licence or permit, within 3 months after the completion date, must report the transaction to the district manager.
- (2) A report under subsection (1) must be in the form required by the district manager and include the following information, if applicable:
- (a) the name and contact for the change in control of the licence or permit;
  - (b) ownership details of the lands associated with the licence or permit.

**Division 6 – Range Districts**

**Range districts**

- 19** (1) The Coast range district is established with the same boundary as the Coast forest region under the Forest Regions and Districts Regulation.

- (2) The Northern Interior range district is established with the same boundary as the Northern Interior forest region under the Forest Regions and Districts Regulation.
- (3) The Southern Interior range district is established with the same boundary as the Southern Interior forest region under the Forest Regions and Districts Regulation.

### **Division 7 – Transition**

#### **Transition for licences in their 9th or 10th years**

- 20** Subject to sections 23 (2) and (3), 24 and 25 of the Act, if a licence
- (a) is in effect on the date this section comes into force and has been in effect for at least 8 years as of that date, and
  - (b) a replacement for that licence has not been offered or issued to its holder,
- then, during the 6 months beginning on the 9th or 10th anniversary of the licence, the district manager, in writing, must offer to the holder of the licence a replacement for it.