# FRASER RIVER TRANSITION PROJECT

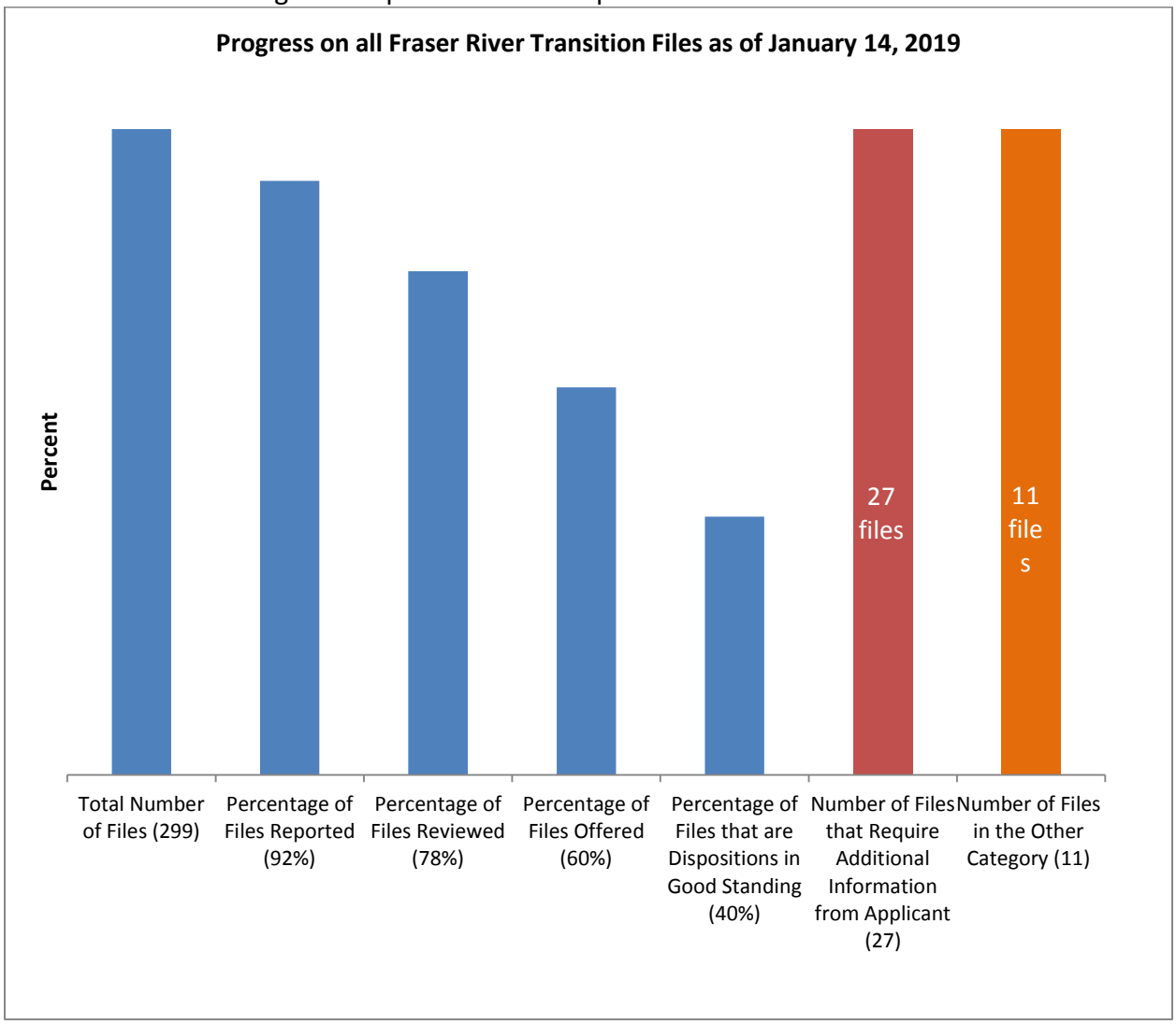
January 14, 2019

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
South Coast Region

**Progress Report - Current as of January 14, 2019**

Staff at the Ministry of Forests, Lands, Natural Resource Operations and Rural Development are continuing their review of replacement applications within the Fraser River Transition Area. Below are graphs and a table that illustrate FLNRORD's work on these files to date, as of January 14, 2019.

Definitions of the categories depicted below are provided at the end of this document.

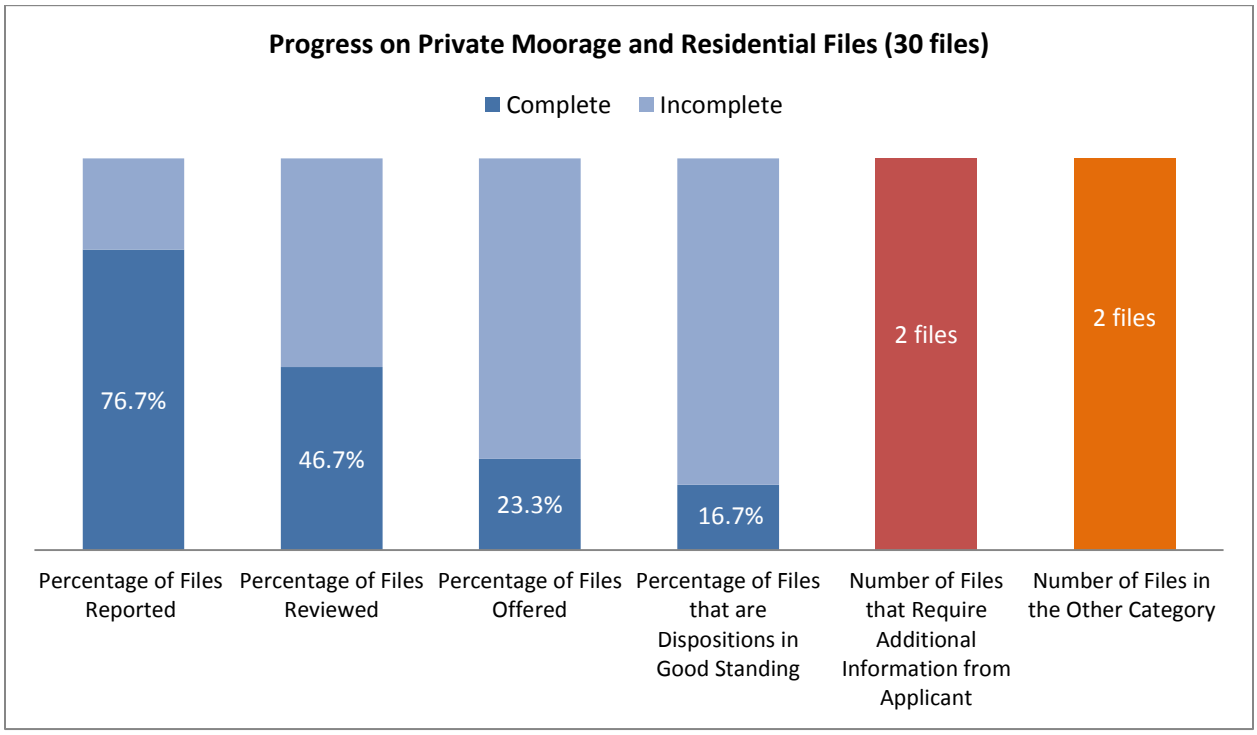


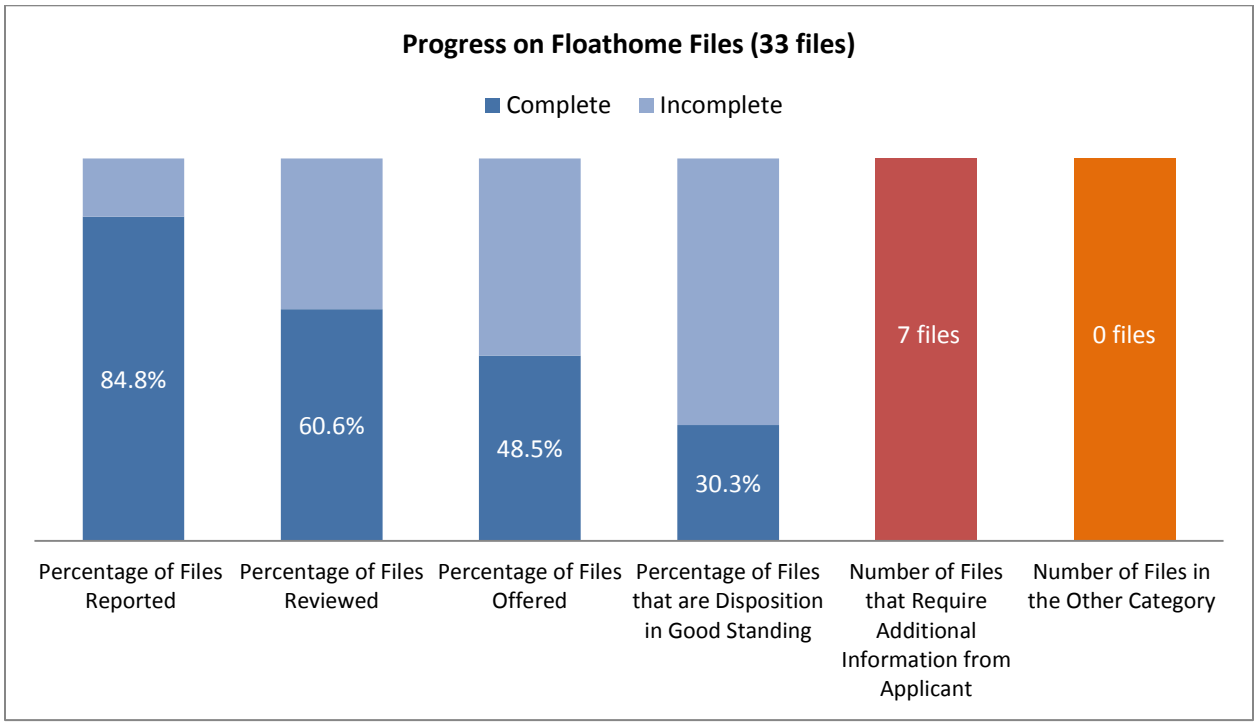

**All percentages and numbers reported above are estimates only, and are subject to change on a regular basis as work on Fraser River Transition files continues.*

| Program Area | Total Number of Files | Reported | Reviewed | Offered | Disposition in Good Standing | Files that Require Additional Information from Applicant | Files in the Other Category |
|---|---|---|---|---|---|---|---|
| Community and Institutional | 34 | 34 | 32 | 28 | 17 | 0 | 0 |
| Reserves | 5 | 5 | 5 | 3 | 3 | 1 | 0 |
| Utility | 32 | 32 | 32 | 30 | 17 | 0 | 2 |
| Log Handling and Storage | 71 | 70 | 69 | 68 | 57 | 1 | 2 |
| Private Moorage and Residential | 30 | 23 | 14 | 7 | 5 | 2 | 2 |
| Float Homes | 33 | 28 | 20 | 16 | 10 | 7 | 0 |
| Commercial Marinas | 12 | 11 | 11 | 6 | 3 | 1 | 0 |
| Commercial General | 32 | 28 | 14 | 7 | 2 | 6 | 1 |
| Industrial General | 50 | 43 | 39 | 16 | 7 | 9 | 4 |
| TOTAL | **299** | **274** | **236** | **181** | **121** | **27** | **11** |
| **TOTAL AS PERCENTAGE** | **——** | **91.64%** | **78.93%** | **60.54%** | **40.47%** | **—** | **—** |

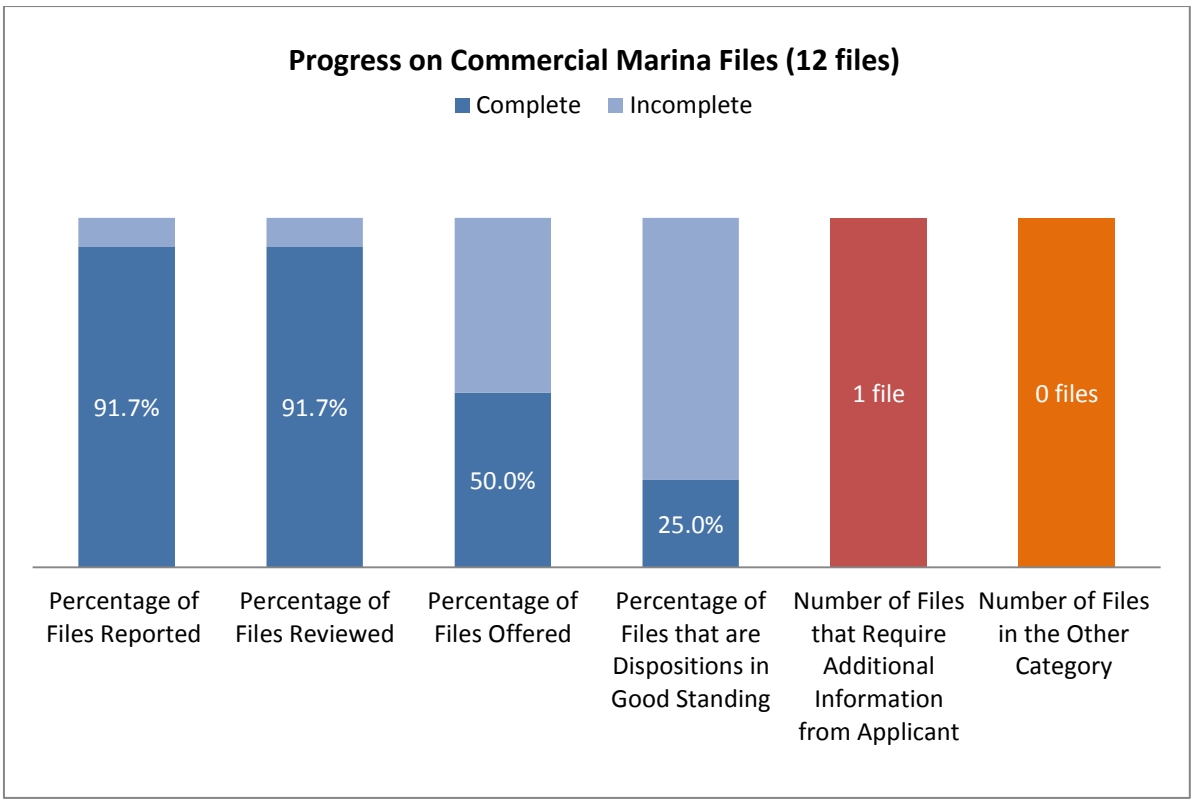
*All percentages and numbers reported above are estimates only, and are subject to change on a regular basis as work on Fraser River Transition files continues.*

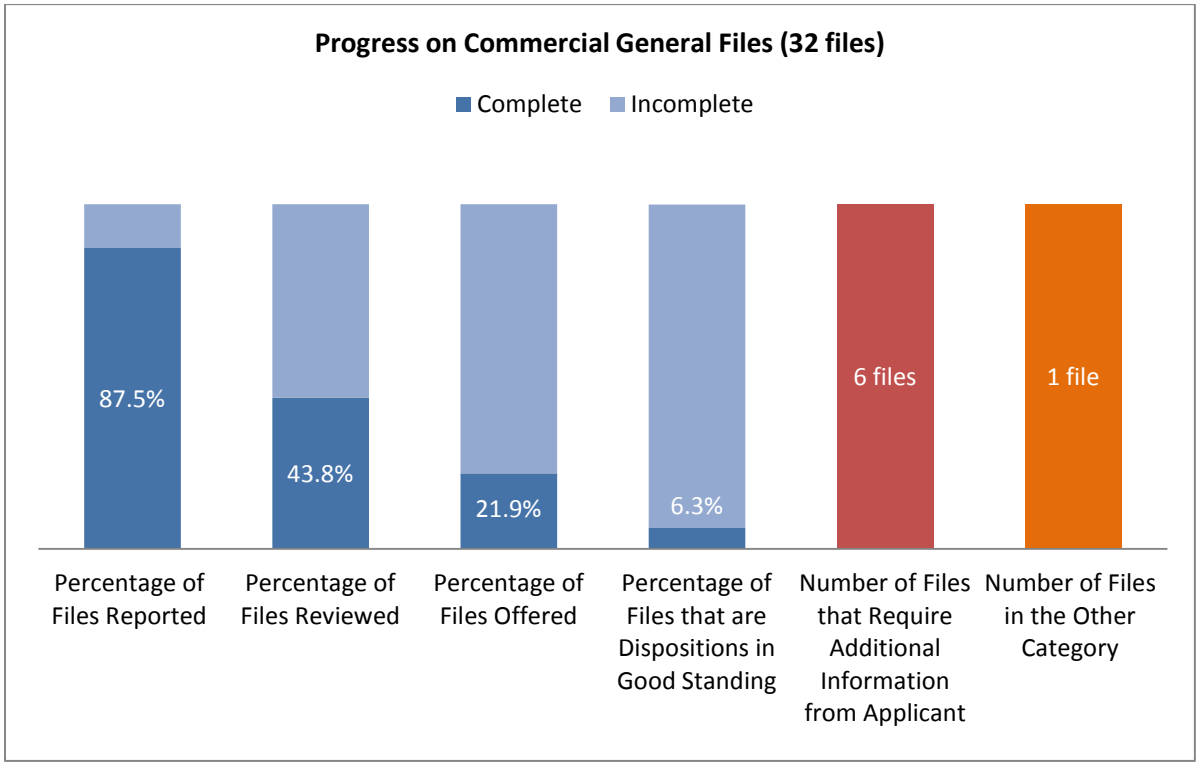
## Progress by Program Area as of January 14, 2019



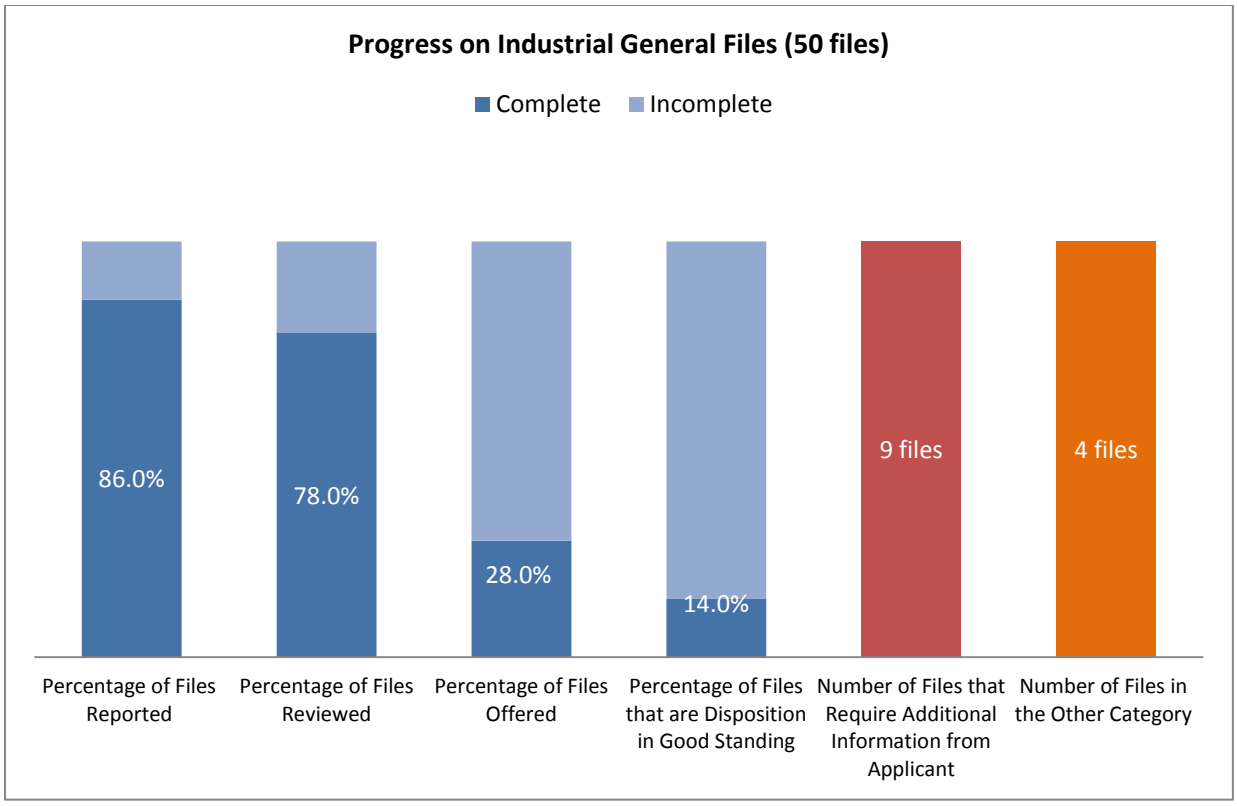




*All percentages and numbers reported above are estimates only, and are subject to change on a regular basis as work on Fraser River Transition files continues.*




*All percentages and numbers reported above are estimates only, and are subject to change on a regular basis as work on Fraser River Transition files continues.*




## Definitions and Notes on the Categories Above

### Reported

When a file is at the reported stage, it has been reviewed by an Authorizations Specialist and a Land Report has been completed. In this Land Report, the Authorizations Specialist has summarized all the available information and has made a recommendation to the Statutory Decision Maker to either allow or disallow the replacement application.

Generally, before the Authorizations Specialist can complete their Land Report, all pertinent documents such as a replacement application form, the replacement application fee, a comprehensive management plan, and site plan must be submitted by the applicant. These documents help the Authorizations Specialist make an informed *Land Act* recommendation to the Statutory Decision Maker.

Along with information submitted by the applicant, the Authorizations Specialist must also consider the following factors before completing their Land Report and moving the file to the Reported stage:

- Do the current activities, improvements and uses on the Land adhere to all Provincial regulations, policies and best management practices?

*All percentages and numbers reported above are estimates only, and are subject to change on a regular basis as work on Fraser River Transition files continues.*

- Is the tenure area being used diligently, in a manner that is consistent with the existing tenure agreement and Provincial Land Use Policies?
- Do the current activities, improvements and uses on the Land adhere to all relevant bylaws, directions, orders, ordinances and regulations set by any other level of government?
- Are the tenure boundaries (tenure area) appropriate for the current land use and existing improvements? If the tenure area is larger than necessary, the area may be reduced. If the applicant is in trespass on Crown Land because the area occupied is greater than that set out in the tenure agreement, the Authorizations Specialist must work with the applicant to address this concern before proceeding.
- Has the Province's legal obligation to consult, and where required, accommodate First Nations been fulfilled? First Nations Consultation is required whenever a government decision or activity has the potential to impact First Nations' interests on the land base. This duty stems from Canadian common law as expressed in court decisions and is consistent with the Province's commitment to building a new relationship with First Nations.
- Have concerns brought forward by other agencies such as local and federal governments, or other Provincial departments been addressed?
- Have conflicts such as other Crown land tenures, archaeological sites, endangered species, oil and gas tenures, mineral claims, etc. been cleared?
- Is the applicant the direct upland owner? If not, has upland consent been obtained?
- Has a rental rate been determined that is consistent with Crown Land Policies, policy variances, existing agreements, and Decision Notes? Information provided by the applicant in the Management Plan, and information gathered through site inspections will also guide rental calculations.
- Do all proposed changes within the tenure area align with Crown Land policies and the purpose set out in the existing tenure agreement? Does the Management Plan speak to all proposed changes in purpose and to all proposed new improvements?
- Have all concerns related to non-compliance with the existing tenure agreement, regulations and/or policies been addressed?
- Have all concerns flagged during site inspections been addressed?
- Is the tenure area being sub-tenured? If so, has the applicant obtained Consent to Subtenure from the Province?
- Have security and insurance, proportional to the risk assumed by the Province been requested?

## Reviewed

Once the Land Report is completed by the Authorizations Specialist, it is submitted to a Senior Authorizations Specialist for review. During their review, the Senior Authorizations Specialist reviews the recommendation provided by the Authorizations Specialist, and determines whether the information in the Land Report is adequate to make an informed *Land Act* decision, or whether more information is required.

*All percentages and numbers reported above are estimates only, and are subject to change on a regular basis as work on Fraser River Transition files continues.*

If more information is required, the Senior Authorizations Specialist with ask the Authorizations Specialist to work with the applicant, First Nations, or other agencies to obtain further details, and incorporate this information in their Land Report and recommendation to the Statutory Decision Maker.

## Offered

When the file is at the offered stage, the tenure documents have been sent to the applicant for their review and signature. If the application has been disallowed the tenure will not be offered.

At the offered stage, the tenure documents have been created by a Portfolio Administrator and they will be accompanied by a Notice of Final Review. The Notice of Final Review reiterates the purpose for which the tenure is being offered, the rental amount, and outlines any outstanding information that must be submitted to the Province before the tenure can approved and become a Disposition in Good Standing.

The tenure documents, along with the Notice of Final Review, must be signed and dated by the applicant and returned to the Province.

## Disposition in Good Standing

This is the final stage of the replacement application process. At this stage, the tenure documents and any additional requirements have been signed and provided to the Province, constituting an offer. All outstanding concerns outlined in the Notice of Final Review must be addressed by the applicant, to the Province's standards, before the tenure agreement is executed.

Administration of the application is now complete, and the tenure is in good standing. The applicant is now a tenure holder and holds the rights and responsibilities associated with the occupation of Crown land, as set out in the tenure agreement.

## Waiting for Information from Applicant

For some files, the Authorizations Specialist is not able to complete the Land Report and make an informed *Land Act* recommendation to the Statutory Decision Maker because additional information is required from the applicant. This information may include, but is not limited to a comprehensive management plan, a site plan, a replacement application form and fee, or a Statutory Declaration stating that the site is in a clean, safe and sanitary condition.

In such cases, several attempts have been made to contact the applicant and these attempts have been unsuccessful. It is the responsibility of the applicant to keep the Province informed of any changes to their contact information and respond to requests for information regarding the proposed use of Crown land.

*All percentages and numbers reported above are estimates only, and are subject to change on a regular basis as work on Fraser River Transition files continues.*

## Other

Files in the Other category represent files which will:

- Not be replaced because the replacement application has been cancelled/abandoned as per a request from the applicant.
- Be disallowed
- Be amalgamated with another existing tenure.

All of these files will still undergo a review by an Authorizations Specialist, and move to the Reported stage, however, they will not be Offered or become Dispositions in Good Standing.

*All percentages and numbers reported above are estimates only, and are subject to change on a regular basis as work on Fraser River Transition files continues.*