



Range Act

RANGE REGULATION

B.C. Reg. 116/2005

Deposited March 18, 2005 and effective March 31, 2005

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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 116/2005 (O.C. 273/2005), deposited March 18, 2005 and effective March 31, 2005, is made under the *Range Act*, S.B.C. 2004, c. 71, ss. 79 and 80.

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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 minister’s ministry 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

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

[am. B.C. Regs. 4/2010, s. 3; 223/2014, Sch. s. 1.]

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 minister, and
- (b) must contain or be accompanied by information required by the minister that the minister 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.

[am. B.C. Regs. 223/2014, Sch. s. 2; 76/2022, s. 3.]

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 in any of the circumstances referred to in that provision

- (a) may be made in writing or in electronic form and submitted to the minister, and
- (b) must contain or be accompanied by information required by the minister that the minister considers relevant, given the circumstances that, under paragraph (a), (b), (c), (d) or (e) of that provision, are applicable to the application.

- (2) An application under section 16 (2) or (4) of the Act for a permit

- (a) may be made in writing or in electronic form and submitted to the minister, and
- (b) must contain or be accompanied by information required by the minister that the minister considers relevant to the grazing permit or hay cutting permit applied for.

[am. B.C. Regs. 223/2014, Sch. s. 3; 76/2022, s. 3.]

Representative – direct award to or in respect of a first nation

- 6** (1) In this section:

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- “**company**” has the same meaning as in the *Business Corporations Act*;
- “**extraprovincial company**” has the same meaning as in the *Business Corporations Act*;
- “**society**” has the same meaning as in the *Societies Act*.
- (2) For the purposes of paragraph (b) of the definition of “representative” in section 17 (1) of the Act, the minister must be satisfied that the person or other legal entity is
- (a) a company or an extraprovincial company that meets the requirements set out in subsection (3) of this section, or
 - (b) a society that meets the requirements set out in subsection (4) of this section.
- (3) For the purposes of subsection (2) (a), the first nation referred to in section 17 (1) (a) of the Act must own sufficient voting shares in the company or extraprovincial company to
- (a) elect more than 50% of the effective directors of that company or extraprovincial company, or
 - (b) otherwise effectively control the operations and direction of that company or extraprovincial company.
- (4) For the purposes of subsection (2) (b),
- (a) holding a grazing or hay cutting permit or licence must be one of the purposes of the society, and
 - (b) the society must not be prohibited under section 2 (2) of the *Societies Act* from holding a grazing or hay cutting permit or licence.

[en. B.C. Reg. 223/2014, Sch. s. 4; am. B.C. Reg. 211/2015, s. 32.]

**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 minister, and
 - (b) must contain or be accompanied by information required by the minister that the minister 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 paragraph (f) of that provisionthat is the subject of the application.
- (2) For the purposes of section 18 (2) (f) of the Act, the minister may enter into a grazing permit or hay cutting permit under that section for any of the following purposes:

-
- (a) to facilitate silviculture treatment, forage conditioning or forage enhancement;
 - (b) to facilitate the management of recreational values, fisheries values, wildlife values or ecological values;
 - (c) to allow the timely allocation of forage that is available only in the current calendar year if the minister considers that
 - (i) the allocation can be used without adversely affecting the management and conservation of the Crown range described in the permit, and
 - (ii) a competitive process in relation to the permit is not practicable in the circumstances.

[am. B.C. Regs. 223/2014, Sch. s. 5; 76/2022, s. 3.]

8 to 10 Repealed. [B.C. Reg. 223/2014, Sch. s. 6.]

Associated tenures

10.1 (1) For the purposes of sections 21.1 (1) (b) (i) and 29 (1.1) (b) (i) of the Act, the following purposes are specified:

- (a) agriculture;
- (b) grazing;
- (c) recreation;
- (d) adventure tourism.

(2) For the purposes of sections 21.1 (1) (b) (iii) and 29 (1.1) (b) (iii) of the Act, the interests, rights or privileges granted by any of the following are specified:

- (a) a trapping licence issued under the *Wildlife Act*;
- (b) a registered trapline under the *Wildlife Act*.

[en. B.C. Reg. 223/2014, Sch. s. 7.]

Varying boundary or area of licence or permit

11 The minister 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, or
- (b) Repealed. [B.C. Reg. 223/2014, Sch. s. 8 (b).]
- (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.

[am. B.C. Reg. 223/2014, Sch. s. 8.]

Non-use agreement – required content

11.1 A non-use agreement referred to in section 46 (1) of the Act must specify the term of the agreement, the reduced number of animal unit months that will be used in each calendar year and the reason for the reduction.

[en. B.C. Reg. 223/2014, Sch. s. 9.]

Earned increase in animal unit months or quantity of hay

- 11.2** For the purposes of section 53 (2) of the Act, the plan referred to in that section must include a commitment by the holder of the licence or permit to a course of action designed to improve or enhance the Crown range described in the plan, including but not limited to carrying out a specified range practice, as defined in the *Forest and Range Practices Act*, or a specified range development.

[en. B.C. Reg. 223/2014, Sch. s. 9.]

Division 3 – Fees

Fees for applications

- 12** (1) The fee for an application for a licence or permit under section 9, 16 (1) (a), (b) or (c), (2) or (4) or 18 (2) of the Act is \$150.
- (2) No fee is payable for an application for a licence under section 16 (1) (d) or (e) of the Act or for an application under section 52 of the Act.

[en. B.C. Reg. 223/2014, Sch. s. 10.]

Annual fee for licence or permit

- 13** In addition to any fees payable under section 15, the holder of a licence or permit must pay an annual fee of \$25 for the licence or permit.

[en. B.C. Reg. 223/2014, Sch. s. 10.]

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

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

[am. B.C. Reg. 223/2014, Sch. s. 11.]

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) that 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 governmentthat 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 4 – Reporting

- 17** Repealed. [B.C. Reg. 223/2014, Sch. s. 12.]

Reporting matters affecting rights under licences or permits

- 18** (1) The holder of a licence or permit must, within 3 months after the completion date of the transaction, report any of the following to the minister:
- (a) if the holder is a corporation, an amalgamation of the holder with one or more other holders of a licence or permit that are corporations;
 - (b) if the holder is a corporation or partnership, a change in the control of the holder;
 - (c) a disposition of the licence or permit or of an interest of the holder in the licence or permit.
- (2) A report under subsection (1) must be in the form required by the minister and include the following information, as applicable:
- (a) the name and contact information of the new holder of the licence or permit or of the interest in the licence or permit;
 - (b) ownership details of any associated private land or associated tenures respecting the licence or permit.
- [en. B.C. Reg. 223/2014, Sch. s. 13.]

Division 4.1 – Surrender of Licence or Permit

Surrender of licence or permit

- 18.1** (1) The holder of a licence or permit may surrender the licence or permit by delivering notice in writing to the minister.
- (2) The surrender of the licence or permit is effective on the day the notice is received by the minister.
- [en. B.C. Reg. 223/2014, Sch. s. 14.]

Division 5

- 19** Repealed. [B.C. Reg. 137/2014, s. (c).]

Division 6

20 Repealed. [B.C. Reg. 223/2014, Sch. s. 15.]

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