

December 30, 2015



Legislative Changes Regarding Authority to Occupy Crown Land

On Sept. 21, 2015, Bill 25 came into effect under OIC 549/2015 that amended the Land Act. The amendments repealed Section 14 of the Land Act, a common mechanism used by the BC Oil and Gas Commission (Commission) to grant authority to occupy Crown land. As a result, the Commission will now grant the authority to occupy Crown land in one of two ways:

1. [Section 138\(1\) of the Petroleum and Natural Gas Act \(PNG Act\)](#): For any oil and gas activities or related activities as defined in Section 1(2) of the Oil and Gas Activities Act (OGAA), the Commission will grant authority to occupy Crown land through Section 138(1) of the PNG Act. This is applicable for permits issued for a related activity, as defined in Section 1(2) of OGAA, that includes either an associated Forest Act (e.g. cutting permit) or Water Act (e.g. Section 9) authorization, or under;
2. [Section 39 of the Land Act](#): If the permit for a stand-alone related activity only includes an authorization for the right to occupy Crown land (e.g. water storage site), with no other related activity as defined in Section 1(2) of OGAA, the permit will be granted as a licence under Section 39 of the Land Act.

As of Sept. 21, 2015, permits have been updated to replace reference to Section 14 of the Land Act with the appropriate permission or authorization to occupy Crown land. Any Section 14 Land Act authorization issued prior to Sept. 21 will remain valid until it expires, is deemed spent and replaced by a subsequent Land Act tenure, or is replaced via subsequent amendment of the permit with which it is associated.

The Commission will issue the appropriate long term Land Act tenure upon acceptance of the post-construction plan. Submission of the original application and of the post-construction plan is considered application for all subsequent Land Act tenures; no further applications for replacement tenure is required.

Should you have any questions regarding this Industry Bulletin, please contact:

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