

DIRECTIVE 2006-07-04

Ocean Energy Project Application Directive
LAND USE POLICY- Ocean Energy

1.0 PURPOSE

To provide direction to the Integrated Land Management Bureau (ILMB) for ocean energy proposals, including application fees and requirements.

2.0 BACKGROUND

Ocean Energy is a new Crown land use which has arisen in the past few years in British Columbia in response to several Ocean Energy projects being considered. These range from tidal energy and wave energy to ocean current energy. To date most of the proposals in British Columbia appear to be focusing on tidal energy. Although the projects are at the investigative stage, the use of the Crown land requires some form of permitting to allow proponents to collect data to confirm appropriate sites. As such, ILMB has been providing investigative permits (IPs) and short term licences of occupation, based on the *Land Act*, to these proponents.

While these permits have been sufficient to date, the number of requests for IPs and licences for this type of land use have increased and questions have arisen around the appropriate size of these sites and application requirements.

The intent of this Directive is to provide both ILMB and proponents with direction in the application process for tidal power permits or licenses on Crown land.

3.0 PROCEDURES

Ocean Energy Project applications **received at the investigative stage** will be accepted using the following procedures.

3.1 APPLICATION FEES

3.1.1 Investigative Permit

A *Land Act Section 14a* investigative permit issued for 2 years is the form of tenure provided to authorize initial investigation for determining the siting of investigative technical equipment.

A second investigative permit (for 1 or 2 years) may be provided at the discretion of the Regional Executive Director, providing the proponent has demonstrated diligent use of the permit during the term of the first permit. Projects proceeding through an *Environmental Assessment Act* review may also be provided additional extensions to coincide with the *Environmental Assessment Act* project review schedule.

As per the *Land Act* Application Fee Schedule, the cost of an application for an Investigative Permit is \$500.

3.1.2 Licence of Occupation

Licences of occupation are provided for actual installment of investigative technical equipment.

All equipment must be located within a licence of occupation located within a single investigative permit area.

Note: A single application may include a number of equipment sites. The standard number of sites requested for a single application fee generally would be less than five, but greater than five sites could be included in a single application at the discretion of the Regional Executive Director.

Application Fee

As per the *Land Act* Application Fee Schedule: General Industrial, the cost of an application to temporarily install investigative equipment for data collection for tidal power is \$500.

The term for the licence(s) of occupation should be consistent with the term for the Investigative Permit.

Note: Neither the Investigative Permit nor the licence of occupation guarantee the proponent will receive project approval at the project development stage.

3.1.3 Ocean Energy Project

All required components for the tidal power project such as maintenance buildings, other plant facilities, road(s), transmission line(s) and surrounding Crown land will be accepted under a single alternative power project application.

Application Fee

As per the *Land Act* Application Fee Schedule: Alternative Power Projects, the cost of an application at the development stage is \$3,300.

3.2 APPLICATION REQUIREMENTS

Investigative Permit- The application for a *Land Act* Section 14a Investigative Permit should include:

- a) the application form;
- b) confirmation of private land parcels where deemed appropriate by the regional office within the application area, (the tidal power investigative permits will contain language that protects the interests of the Crown); and

- c) the required Crown land application area, indicated on the appropriate mapping as per the Ministry of Agriculture and Lands Requirements Checklist. Investigative Permits will be issued for areas **not exceeding 50 ha for straits or narrows less than 5 km in width and up to a maximum of 500 ha for offshore areas. Request for larger areas are at the discretion of the Regional Executive Director.** Upon expiry of current Investigative Permits and Licences of Occupation, tenure holders that wish to re-apply will be required to comply with the above noted area limits.

Licence of Occupation - The application for a Licence of Occupation to place investigative technical equipment should include the application form and mapping information detailing ocean energy measurement structure locations, as well as company information and a project overview to date.

1. Applications for the investigative permit and the licence of occupation should be submitted concurrently or the licence of occupation application should be submitted within six months of the commencement date of the investigative permit; and
2. Applications for licences of occupation will not be accepted without a corresponding Investigative Permit area.

3.3 LAND STATUS

Investigative Permits – The application for the investigative permit will not normally require a status of the Crown land.

Licence of Occupation – The application for the licence of occupation will require a status of the Crown land as per the standard application process.

3.4 PROJECT REVIEW

Applications for investigative permits are not normally referred. Applications for licences of occupation should be referred to key agencies including: Fisheries and Oceans Canada, Transport Canada (NWP), First Nations, local government and other agencies or groups deemed appropriate. Upland owners consent may also be required as part of an application.

3.5 ADVERTISING

Applications for the permit are advertised. Applications for licence of occupation for monitoring purposes should be advertised.

3.6 INSURANCE

A minimum of \$2,000,000 liability insurance is required.

3.7 SECURITY

Security will be required in an amount deemed appropriate by ILMB.

3.8 FIELD INSPECTIONS

Inspections will be undertaken where deemed necessary by ILMB.

4.0 VARIANCE PROCEDURES

Any decision that would vary from this policy directive must be made by the Director, Land Program Services Branch, Ministry of Agriculture and Lands and Director, Independent Power Producers, Ministry of Energy, Mines and Petroleum Resources.

Original signed by Michelle Porter
on behalf of Ward Trotter

Ward Trotter
Director
Land Program Services Branch
Ministry of Agriculture and Lands

Original signed by Neil Banera

Neil Banera
Director
IPP Policy and Operations Branch
Ministry of Energy, Mines
and Petroleum Resources

August 18, 2006
Date

August 18, 2006
Date