



VOLUME 3 - LAND USE PROGRAMS
CHAPTER 3.8 - RESERVES, NOTATIONS
AND TRANSFERS

SECTION 3.8.0100

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1.0 PURPOSE

- (a) To establish policy and procedure governing the use and interpretation of Land Act Order in Council reserves (Section 11), map reserves (Section 12), Land Act designations (Section 13) and prohibition of use (Section 61).
- (b) To establish policy and procedure governing the use of notations of interest (short term and extended term) for Ministry reference map purposes.
- (c) To clarify the relationship between reserve establishment or cancellation and Land Act applications and dispositions.

2.0 SCOPE

2.1 Application and Parameters

- (a) This policy is developed in conformity with the subsidiary agreement with the Ministry of Forests respecting the use of Land Act reserves, designations and notations within Provincial Forests.
- (b) This policy is developed with consideration for the Ministry's Crown land planning program and its recommended use of reserves, designations and notations in Crown land allocation pursuant to a planning project.

2.2 Definitions

- (a) "Order in Council (O.I.C.) Reserve" means a reserve established by authority of the Lieutenant Governor in Council to withdraw Crown land from disposition in



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recognition of a specific value or attribute. It is established pursuant to Section 11 of the Land Act and acts to bring the reserve to the attention of Cabinet. An O.I.C. reserve is an absolute reservation during its term and can be cancelled or amended only by another Order in Council.

- (b) "Map Reserve" means a withdrawal from disposition, established by the Ministry on behalf of the Minister, to temporarily withdraw or withhold Crown land from alienation for all purposes. It is established pursuant to Section 12 of the Land Act, and is formally entered in the records of the Ministry.
- (c) "Land Act Designation" means withholding of Crown land from dispositions under the Land Act except for a designated use(s) and any compatible use(s). It is established pursuant to Section 13 of the Land Act when the Minister considers it advisable in the public interest to designate the most desirable use of an area of Crown land. A Land Act designation may be amended or cancelled by the Minister.
- (d) "Notation of Interest - Short Term" means a two year recording on Ministry reference maps of a short term interest in Crown land by another provincial ministry or agency. It is not a reserve, withdrawal or designation under the Land Act, and does not preclude the acceptance of land applications or disposition of Crown land.
- (e) "Notation of Interest - Extended Term" means a maximum five year recording on Ministry reference maps of an interest in Crown land by another provincial ministry or agency, which requires longer term or continuous consideration than is provided in a notation of interest - short term.



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- (f) "Prohibition of Use" means the prohibition of a specific use of an area of Crown land by Order in Council. A prohibition of use is established over Crown land by the Lieutenant Governor in Council pursuant to Section 61 of the Land Act, and can be cancelled or amended only by another Order in Council.

NOTE: A SUMMARY OF THE ABOVE ADMINISTRATIVE INSTRUMENTS AND THEIR MAJOR CHARACTERISTICS IS PROVIDED IN APPENDIX I.

- (g) "Administrative Instrument" means a formal legal mechanism, or informal administrative measure, employed by the Ministry to provide for the optimal management or use of Crown land. Administrative instruments include written procedural agreements between the Ministry and other agencies; mechanisms used to reserve, withdraw, designate, or record an interest in Crown land; and devices used to transfer Crown land and/or the authority to manage Crown land to other agencies.

3.0 USE AND FUNCTION

3.1 Order in Council Reserve (Section 11)

- (a) An O.I.C. reserve is used in special circumstances where a temporary withdrawal (Section 12) is insufficient to safeguard an acknowledged public interest or concern. Such circumstances include, but are not limited to, the following:
- (i) the resource or potential use of the land is unique, critical, or has provincial or regional significance which should be conserved over the long term;



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- (ii) long term conservation or maintenance of future options on the land is in the public interest.
- (b) An O.I.C. reserve is established for a specific term, with a minimum term of 5 years. It is an absolute reservation during its term, and can only be cancelled or amended by a further Order in Council.

3.2 Map Reserve (Section 12)

- (a) A map reserve is established to suit a variety of circumstances, which include the following:
 - (i) withdrawal of an area from disposition is required on a temporary basis, for five years or - less, to permit the Ministry or other agencies to undertake operational planning and/or to facilitate Ministry market development for a specified use;
 - (ii) withdrawal of an area from disposition is required to provide temporary protection of the land base and its resources from use and development;
 - (iii) withdrawal of an area from disposition is required to permit the Ministry to temporarily maintain options on the future use of the area.
- (b) A map reserve is established on Crown land within or outside a municipal boundary for a specific term, with a maximum term of five years.

3.3 Land Act Designation

- (a) A Land Act designation is established to permit the orderly development of a designated area for a specified use (or uses) through the Crown land application process. Land Act designations may be