

Heather Zenner

From: Hallworth, Jeff FLNR:EX <Jeff.Hallworth@gov.bc.ca>
Sent: January 14, 2020 10:30 AM
To: Heather Zenner; Douglas Holmes
Cc: Proteau, James FLNR:EX; Morris, Rhonda M FLNR:EX; Bailey, Annette FLNR:EX
Subject: Statement from the Province with Respect to 3-Day Drag Racing Event Proposed to Be Held at the AVRA

Importance: High

Good morning Heather and Doug,

As I promised to you on yesterday morning's phone call, the following is a statement from the Province with respect to the request by the local drag racing community to hold an event at the local airport. Please share the message with the Board of Directors tomorrow and do not hesitate to contact us if you have any questions or concerns.

While there is a history of use of the Alberni Valley Regional Airport for a 3-day drag racing event, it occurred so in contravention to an existing Crown Grant. The recent Crown land application by the Alberni-Clayoquot Regional District (ACRD) to expand the airport brought to light the fact that Crown Grant 77-1271 had been inappropriately been used for this event in the past.

In 1991, the Province issued a Crown Grant to the ACRD for a very specific purpose related to airports. One hundred and twelve hectares (approximately 277 acres) were granted to the ACRD for the total sum of \$1.00 for the express purpose of developing an airport. The ACRD were granted these lands in perpetuity at far less than fair market value because the development of an airport was deemed beneficial to the entire region, including the City of Port Alberni. To ensure that there is no use of the land for purposes other than for an airport, a reversionary clause was inserted into the Crown Grant by the Province. The clause states that the land is to be "*used for an airport including associated aircraft related commercial enterprises, subject to reversion if not so used*".

If the ACRD wishes to use the subject lands for a purpose other than an airport (e.g. to allow for short-term commercial events), then it may apply to the Province to either cancel the Crown Grant and subsequently apply for a Crown land tenure (e.g. a licence or a lease) that would allow for a sub-tenure or it may apply to purchase the subject lands outright at fair market value (including paying for costs associated with a required legal survey and land appraisal) and then authorize such an event under its own conditions, as the ACRD would own the land in fee simple without restriction.

Upon review of the matter, there is unfortunately no applicable variance process to allow for a purpose that is not specifically stated in a Crown Grant (i.e. there is no language that would allow for alteration of the terms of the grant). For more information on the Provincial Crown Land Policy – Airports, please reference <https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/airports.pdf> . Please contact the South Island Natural Resource District Office if you require further information about our policies and procedures pertaining to this matter.

Regards,

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