



General Bulletin

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Review and Comment Process for Range Use Plans and Range Use Plan Amendments

Background

Section 27 of the (??? what act) Act requires that the district manager approve a Range Use Plan before livestock grazing, hay cutting or range developments occur. The district manager may, by notice, relieve the range agreement holder of the obligation to prepare and submit a range use plan (sec. 27(2) of the Act), however the plan is still required and would be undertaken by the district manager.

Sections 34 and 35 of the Act describe the circumstances under which a range use plan can be amended by the range agreement holder or the district manager.

The Operational Planning Regulation (OPR) requires that:

- a person preparing a range use plan or amendment to a range use plan (except for minor amendments) publish a notice in a newspaper (section 2);
- a copy of the plan be made available to the district manager (section 3);
- a person publishing notice give adequate opportunity for review and comment during a 30 or 60 day period, and that any appropriate revisions be made (section 4).

The district manager might also, by notice, require that an operational plan or plan amendment be (section 6):

- referred to resource agencies and any other person or agency;
- made available for public viewing at specified times and locations;
- made available for review and comment for 60 days.

Where notice is given under sec. 6 of the OPR, the person receiving notice is required to review all written comments and make any appropriate revisions to the proposed plan or amendment as per sec 4(5) of the OPR. These comments and a summary of all revisions must be included with the plan and submitted for approval.

Recommendations

It is recommended that district managers and their staff make themselves familiar with these comments. This should **not** be interpreted as Ministry policy or a legal interpretation.

The range agreement holder is responsible for advertising and making the range use plan or plan amendments available for review and comment. The agreement holder is also responsible for referrals where they are required by the district manager.

Where the district manager uses sec. 27(2) of the Act, the ministry assumes the responsibility for advertising, referrals and review and comment. Responses to referrals/reviews and related changes to the plan should be drafted in consultation with the range agreement holder.

Where sec. 27(2) of the Act is not used, districts are cautioned as to their level of direct involvement in the referral/review process. The range use plan is the agreement holder's plan, and the district manager must be seen as independent and fair when assessing whether or not it meets sec. 41(1)(a) and (b) of the Act.

Where sec. 27(2) is not used, but district staff are heavily involved in the preparation of range use plans, it is reasonable for the district manager to advertise and refer plans on behalf of the range agreement holder (when they agree). Public and referral comments would be directed to the range agreement holder, and changes to the plan as a result of these comments would be drafted by the range agreement holder in consultation with ministry staff.

If several range use plans are ready for public review and comment at the same time, it is reasonable for the ministry to place them in one newspaper advertisement. This has the advantages of:

- allowing interested parties to note all plans in one listing;
- being cheaper and more effective;
- allowing for efficient scheduling of plan approvals.

The district manager should advise range agreement holders that, subject to their agreement, he or she will jointly advertise a number of plans on their behalf and that public comments may be forthcoming. Normally, plans should be available for public viewing at the ministry office.

Contacts

Further details and direction are available from:

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