



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 13, 2011

Reply to the attention of Gordon Bednard
ALC File: 52362

Northern Rockies Environmental Services Ltd
9903 - 102nd Street,
Fort St. John, BC
V1J 4B4

Dear Sirs/Mesdames:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 461/2011 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan/Schedule B (reclamation)

cc: Peace River Regional District Attn: Jodi Maclean

GB/
52362d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 26, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

| | |
|-----------------|--------------|
| Gordon Gillette | Chair |
| Jerry Thibeault | Commissioner |
| Lucille Dempsey | Commissioner |
| Denise Dowswell | Commissioner |
| Jim Collins | Commissioner |
| Richard Bullock | Commissioner |

COMMISSION STAFF PRESENT:

| | |
|----------------|--------------------|
| Gordon Bednard | Land Use Planner |
| Colin Fry | Executive Director |

APPLICATION ID: # 52362

PROPOSAL: To construct a disposal well for oil and gas industry wastewater on 1.5 ha of the 70 ha parcel. This is the second well proposed by Secure Energy Services in the region.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*) Non-farm Use

PROPERTY INFORMATION:

Parcel ID: 014-554-313

Legal Description: Lot 2, Section 36, Twp 78, Range 15 W6M, Peace River RD Plan 33934

Size: 70 ha

Area in ALR: 70 ha

Current Land Use: Agricultural field, no dwelling or structures

Farm Classification: Yes

(BC Assessment)

PROPERTY OWNER INFORMATION:

1. Daniel Simmons

DATE PROPERTY ACQUIRED: March 2010

SITE INSPECTION MEETING:

A site inspection meeting was conducted on October 4, 2011 following which a report was prepared.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission are (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is: 3C
Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses

C adverse climate

Other Factors

The Commission noted that this facility has limited locational options as it requires specific subsurface conditions and should be located as close as possible to the source of waste water to limit travel distance of hazardous materials. This location will service the oil and gas industry in the area and alleviate the need for some long haul truck traffic, which in turn is a benefit to the rural community.

CONCLUSIONS:

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the proposal will have an impact agriculture, albeit short term.

IT WAS

MOVED BY: Commissioner Jim Collins

SECONDED BY: Commissioner Lucille Dempsey

THAT the application be allowed as proposed.

AND THAT the approval is subject to the following conditions:

- the construction of a fence surrounding the facility and access road for the purpose of limiting the interaction between the disposal facility and surrounding agricultural land uses.
- reclamation of the site and access road to a standard as set out in the attached Schedule B document. A report based on the Schedule B must be submitted to the Commission following reclamation.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.
- construction of the proposed facility must be commenced within 3 years of the date of this decision.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) *evidence not available at the time of the original decision has become available,*
 - (b) *all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 461/2011