



**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

November 7, 2014

ALC File: #53739

Darcy Fear  
Box 151  
Crescent Valley, BC V0H 1H0

Dear Mr. Fear:

**Re: Application to Conduct a Non-Farm Use on Land within the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution # 341/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. The Commission has also attached a Sketch Plan depicting the decision.

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

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey, Lindsay.McCoubrey@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, which appears to read 'Leyton' or 'Leyton' with a stylized flourish.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #341/2014  
Sketch Plan

cc: Regional District of Central Kootenay  
Ministry of Forests, Lands and Natural Resource Operations - Kootenay Boundary  
BC Assessment

53739d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on November 7, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

### FOR CONSIDERATION

Application: 53739  
Applicant: Fostall Creek Power Ltd.  
Proposal: (Submitted pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation)  
Legal: To use 11.6 ha of ALR as a Non-Farm Use for a transmission line. Those portions of District Lots 860, 861, 862, 871, 8144 and 8146, Kootenay District, and Unsurveyed Crown Land in the vicinity of District Lot 871, Kootenay District.  
Location: West side of Upper Arrow Lake, near Nakusp.  
Background: This transmission line is part of a hydroelectric project on Fosthall Creek. A different proposed alignment for the transmission line had been previously approved under Resolution #272/2011 on ALC application #52296.

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### DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2011 (File: 140-60/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

#### Criterion 4

Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);

#### DECISION:

After reviewing the entire file material, I, Brian Underhill, Deputy Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion #4 of Resolution #016N/2011 and approve the application on behalf of the Commission.

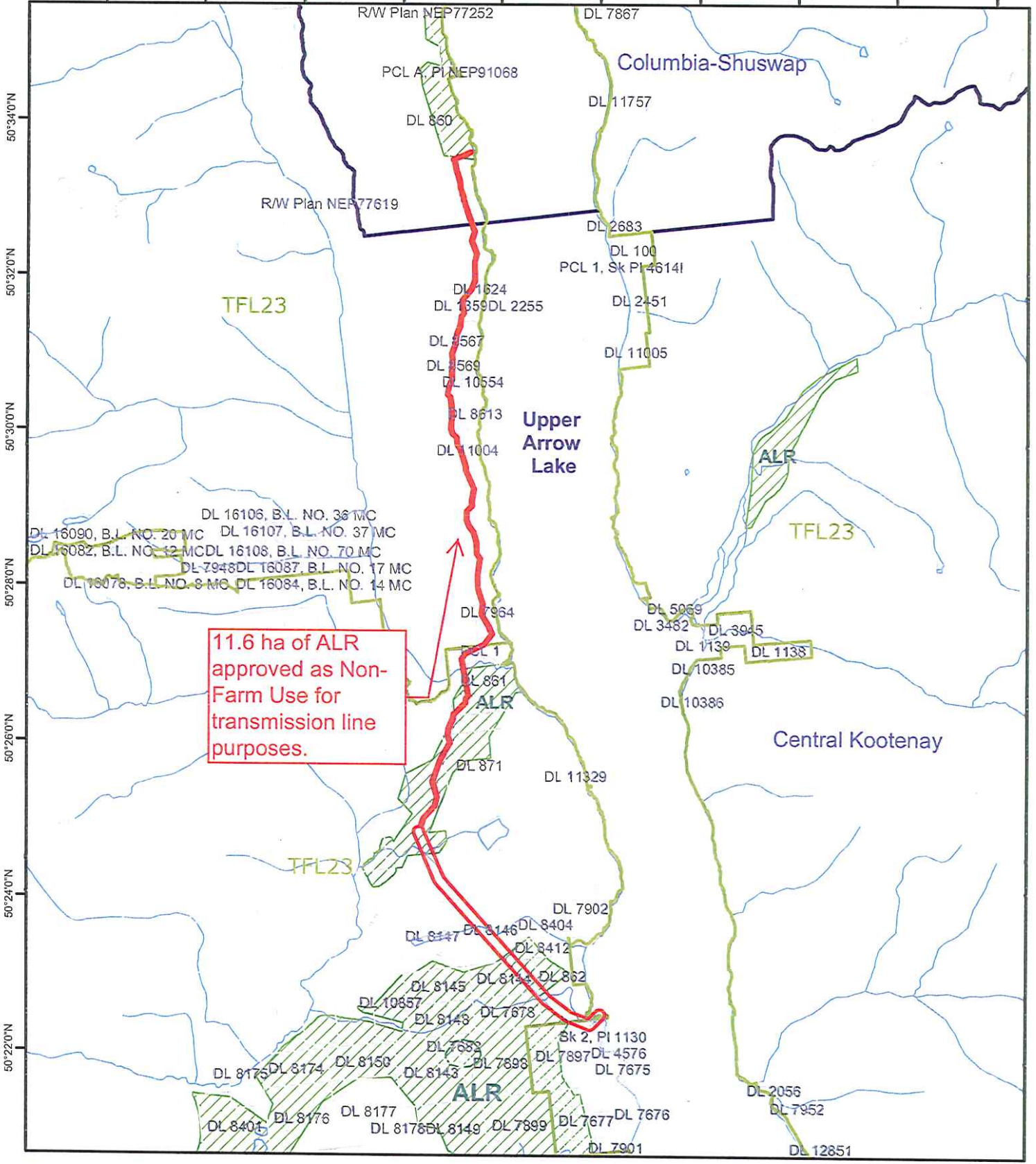
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

#### RESOLUTION # 341/2014

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

  
\_\_\_\_\_  
Brian Underhill, Deputy Chief Executive Officer

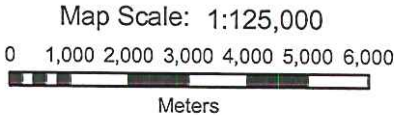
118°40'W 118°20'W 118°00'W 117°58'0"W 117°56'0"W 117°54'0"W 117°52'0"W 117°50'0"W 117°48'0"W 117°46'0"W



11.6 ha of ALR approved as Non-Farm Use for transmission line purposes.



**ALC application #53739**  
**(applicant - Fostall Creek Power Ltd.)**  
**Resolution #341/2014**



Application	53739
Mapsheet #:	82K/5 & 82K/12
Map Produced:	Nov 6, 2014
Regional District:	CSRD & CKRD