



Agricultural Land Commission
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June 20, 2006

Reply to the attention of Roger Cheetham

Teck Cominco Metals Ltd
PO Box 1000
Trail, BC V1R 4L8

Dear Sir/Madam:

RE: Application #Q - 36543
PID: 016-316-711
Sublot 6, Township 7A, Kootenay District, Plan X66, EXCEPT Part included in
Plan 11116.

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude a 7 ha portion of the property from the Agricultural Land Reserve. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank your agent for taking the time to meet with its representatives on 29th May 2006. The Commission found the meeting and site visit informative. In particular, the Commission noted that the subject property in the main comprises a steep bank with no significant agricultural potential.

The Commission writes to advise that it approved your application in the light of the site inspection and having regard to the community need for the project. The portion of the above noted property shown on the attached map is excluded from the Agricultural Land Reserve Plan of the Kootenay Boundary Regional District.

The decision noted above is recorded as Resolution # **265/2006**.

It is a condition of this approval that the owner or occupier must 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. The Commission suggests you contact the Kootenay Boundary Regional District at your earliest convenience.

Yours truly,

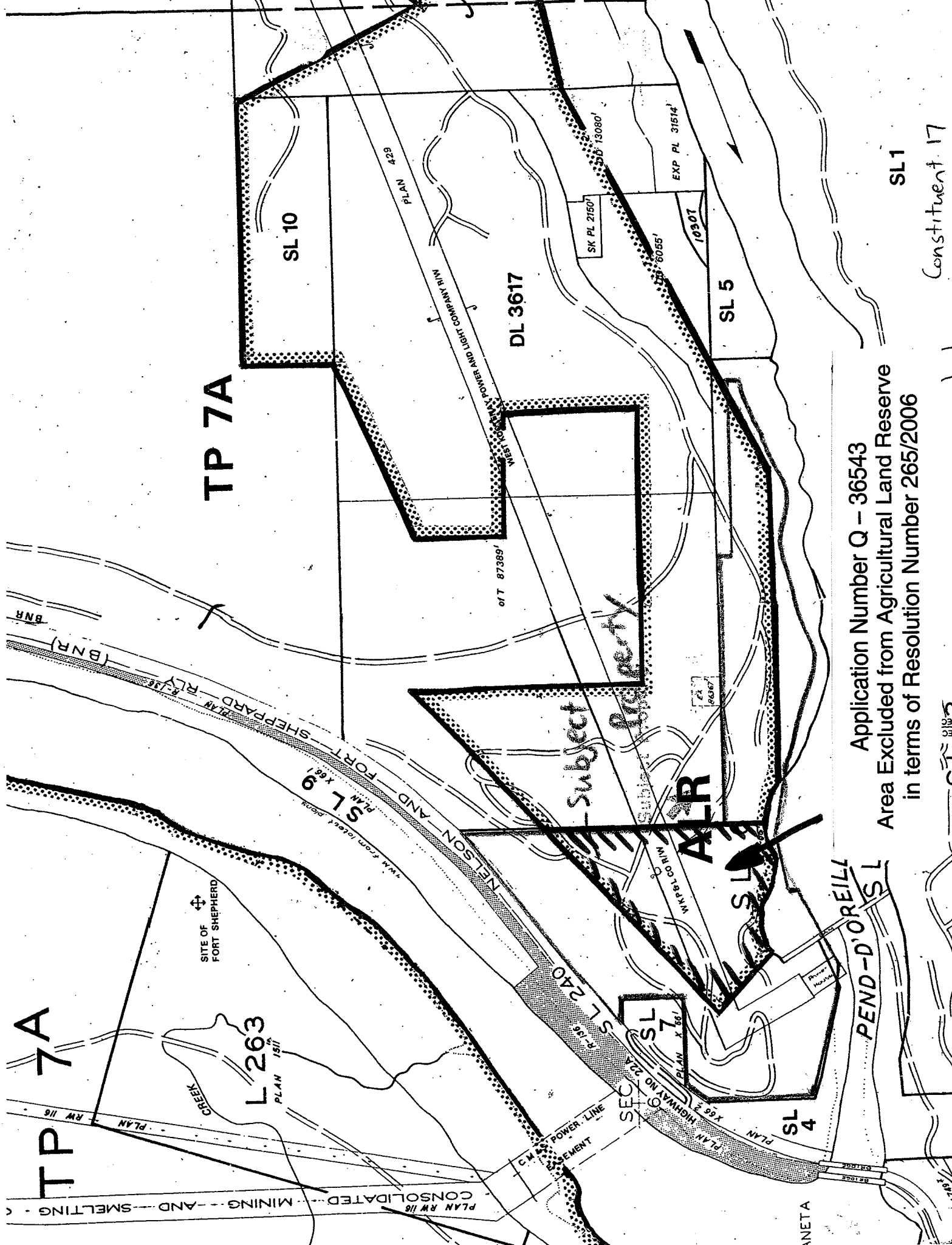
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karsen, Chair

pc: Regional District of Kootenay Boundary (#AW8)
Waneta Expansion Power Corp., Ste. 200 - 445 - 13th Ave., Castlegar V1N 1G1
Registrar of Land Titles - Kamloops

RC/lv/Encl./36543d1.



TP 7A

SL 10

DL 3617

SL 5

SL 9

AIR

SL 7

SL 4

L 263
PLAN 1511

POND-D'OREILL

Subject Property

SITE OF
FORT SHEPHERD

ANETA

Application Number Q - 36543
Area Excluded from Agricultural Land Reserve
in terms of Resolution Number 265/2006

SL1

Constituent 17

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 30th May 2006 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair
 Carmen Purdy Commissioner

STAFF: Roger Cheetham, Planning Officer

For Consideration

Roger Cheetham presented the staff report of Ron Wallace dated 12th May 2006 regarding application #Q- 36543.

Site Inspection

A site inspection was conducted on 29th May 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Roger Cheetham, Planning Officer
- Wally Penner, Agent of Applicant

The Commission drove over the area proposed to be excluded and noted that it is steep and has very limited agricultural potential.

The site inspection lasted from approximately 6:30 p.m. to 7:00 p.m.

Commission Discussion In the light of the very limited agricultural potential of the area and the community need for the facilities the Commission considered that the application could be supported.

IT WAS

MOVED BY: Commissioner C. Purdy
SECONDED BY: Commissioner M. Marshall

THAT the staff report be received and the application be approved.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # Q – 36543
Applicant: Teck Cominco Metals Ltd
Agent: Waneta Expansion Power Corporation

DATE PREPARED: May 12, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: The Waneta Expansion Power Corporation has applied to exclude 7 ha of the subject property from the ALR to accommodate the infrastructure of the powerhouse, transmission line, intake and tailrace areas for the Waneta Expansion Project.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Waneta Hydroelectric Expansion Project (WEP) consists of the construction of a new powerhouse on the north bank of the Pend d'Oreille River below the existing Waneta Dam. When completed, the Project will have a capacity of up to 435 megawatts and include the excavation for and construction of a new powerhouse, transmission line, intake and tailrace on lands within the boundaries of Sublot 4 and Sublot 6.

Local Government:

Regional District of Kootenay-Boundary

Legal Description of Property:

1. PID: 016-316-711
Sublot 6, Township 7A, Kootenay District, Plan X66, EXCEPT Part included in Plan 11116;

Purchase Date (m/d/y):

1950-09-15

Location of Property:

East of the Waneta Dam and north of the Pend O'reille River.

Size of Property:

±45.0 ha

ALR Area:

±15 ha

Present use of the Property:

The existing uses within Sublot 6 include hydro-electric dam and powerhouse, substation and warehouse, Highway 22 Road right-of-way, transmission line corridor and some farm land.

Surrounding Land Uses:

WEST: Road R/W, Rail R/W, office trailer storage, foreshore of Columbia River
SOUTH: Hydroelectric dam and quanset hut along foreshore of Pend d'Oreille River
EAST: Farm land, transmission line, gravel pit, cemetery and Road R/W
NORTH: Road R/W, Railroad R/W, slope/steep bank, gravel pit and transmission line

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/4
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Designated as Rural Resource

Zoning Bylaw and Designation:

Rural 4, 8 ha minimum lot size

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board recommended support for the application.

Advisory Planning Commission

The APC has no objections to the non-farm use and exclusion applications as submitted.

Local Government Staff

The Rural 4 zone permits hydroelectric dams as well as accessory buildings and structures. Public utility uses and structures are permitted in all zones in Area 'A'.

STAFF COMMENTS:

The subject property is currently used for a hydro-electric dam and powerhouse, a substation, a warehouse, a transmission line corridor, and some farming. It is recommended that the application be approved on the grounds of community need.

END OF REPORT

Signature 

Date 19 May 2006