



Agricultural Land Commission
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July 5, 2006

Reply to the attention of Brandy Ridout
ALC File #H-36767

Canadian Pacific Railway Company
Ste. 100 - Granville Square - 200 Granville Street
Vancouver, BC - V6C2R3

Attention: Bill Seeley, Area Manager - Support

Re: Application for transportation use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #322/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

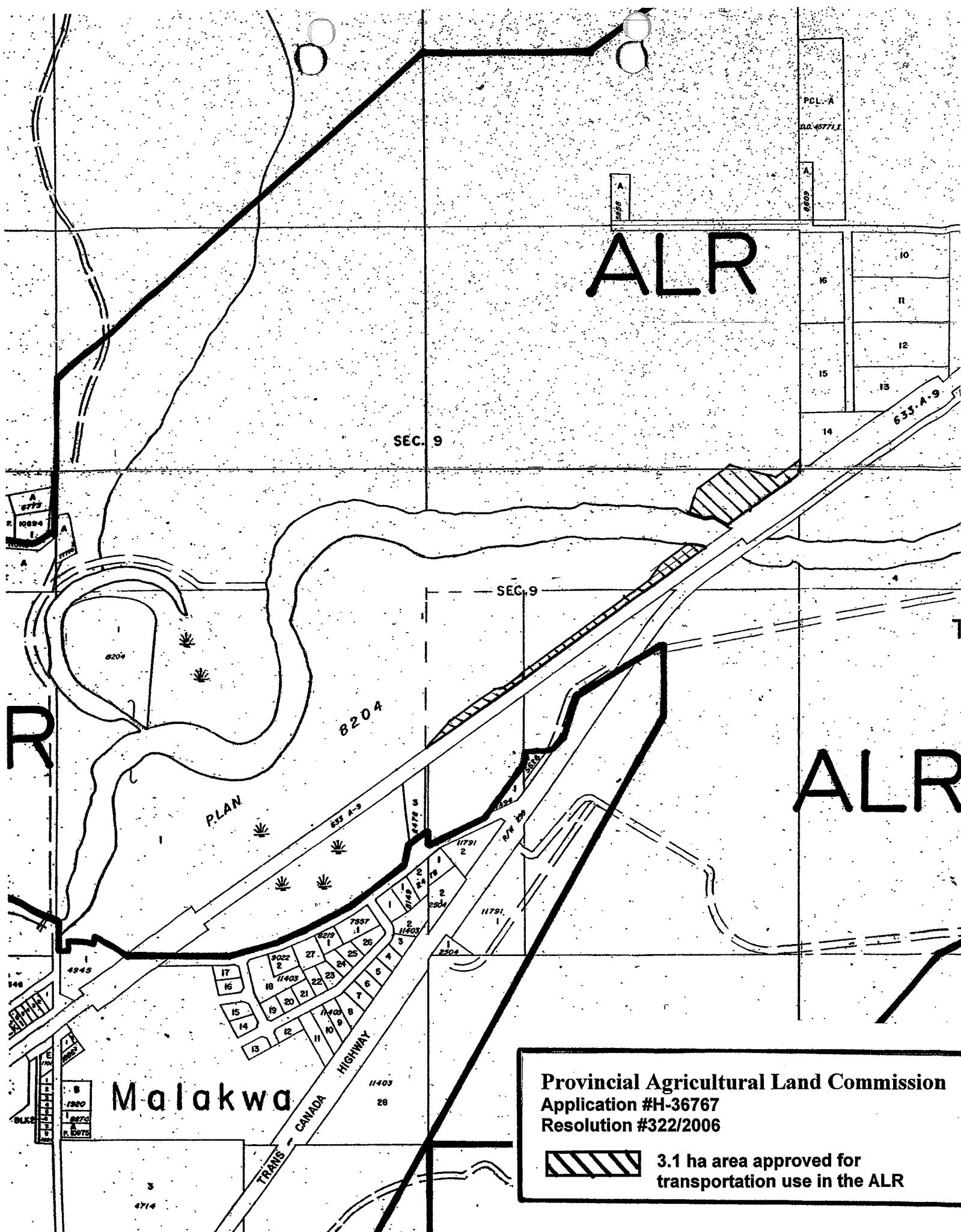
A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a light blue horizontal line. The signature is fluid and cursive.

Erik Karlsen, Chair

cc: District of Sicamous

BR/lv/Encl.: Minutes
Sketch Plan

36767d1.



ALR

SEC. 9

SEC. 9

ALR

Malakwa

Provincial Agricultural Land Commission
 Application #H-36767
 Resolution #322/2006



3.1 ha area approved for
 transportation use in the ALR

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 28, 2006 in Kelowna, BC.

PRESENT: Sue Irvine Chair, Okanagan Panel
 Sharon McCoubrey Commissioner
 Sid Sidhu Commissioner
 Brandy Ridout Staff

For Consideration

Application # H – 36767

Applicant Canadian Pacific Railway Company

Proposal To widen the railbed on the north side of the existing right of way on two properties for a total area of 1 ha (0.7 ha and 0.3 ha) to align the tracks for a new bridge over the Eagle River. In addition, as the riverbanks and "in-stream" of the river will be disturbed for installation of the new piers and launching of the bridge structure, the Department of Fisheries and Oceans has required that a 2.1 ha "habitat conservation area" be constructed.

Legal 1. PID: 008-544-786
Part Legal L.S. 9, which lies North of Eagle River, Section 9, Township 23, Range 6, W6M, Kamloops Division of Yale District, Except The Right of Way of the Canadian Pacific Railway as shown on Plan 633-A-9 and Plan R298

2. PID: 006-397-158

Lot 1, Section 9, Township 23, Range 6, W6M, Kamloops Division Yale District, Plan 8204

Location Malakwa

Site Inspection

No site inspection was conducted.

Discussion

The Commission believed that the impact on agriculture was minimal.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner McCoubrey

THAT the application be approved

AND THAT the approval is subject to the subdivision being in substantial compliance with the plan submitted with the application.

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 #322/2006



Staff Report
Application # H – 36767
Applicant: Terry Milton and Adriaan Van Tillaart
Agent: Canadian Pacific Railway Company

DATE RECEIVED: June 20, 2006

DATE PREPARED: June 26, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To widen the railbed on the north side of the existing right of way on two properties for a total area of 1 ha (0.7 ha and 0.3 ha) to align the tracks for a new bridge over the Eagle River. In addition, as the riverbanks and "in-stream" of the river will be disturbed for installation of the new piers and launching of the bridge structure, the Department of Fisheries and Oceans has required that a 2.1 ha "habitat conservation area" be constructed.

This application is made pursuant to Section 6 of BC Regulation 171/2002
(*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

BACKGROUND INFORMATION:

Canadian Pacific Railway must do extensive repairs to its railway bridge over the Eagle River near Malakwa. Due to the magnitude, the repairs cannot be performed with the existing bridge being kept in service for train use. Therefore, CPR must construct a new second bridge to the north of the existing bridge, switching operations over to the new bridge, then complete repairs to the existing. The new bridge will ultimately remain and provide the ability to extend a siding track.

The 2.1 ha area was identified by DFO because of its pre-existing salmon spawning pools and channels. It will be used for "biodiversity conservation" use, which is a "Permitted Use" under section 3(1)(f) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

The 0.3 ha area is Crown Land and the 0.7 ha and 2.1 ha areas are private land.

Local Government:

District of Sicamous

Legal Description of Properties:

1. PID: 008-544-786
Part Legal L.S. 9, which lies North of Eagle River, Section 9, Township 23, Range 6, W6M, Kamloops Division of Yale District, Except The Right of Way of the Canadian Pacific Railway as shown on Plan 633-A-9 and Plan R298

BACKGROUND INFORMATION (continued):

Legal Description of Properties (continued):

2. PID: 006-397-158
Lot 1, Section 9, Township 23, Range 6, W6M, Kamloops Division Yale District, Plan 8204

Location of Property:

Malakwa

ALR Area affected by proposal:

3.1 ha

Present use of the Property:

Cattle grazing

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/15
The majority of the property is identified as having Mixed Prime and Secondary ratings.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Not provided.

STAFF COMMENTS:

Staff recommends approval as the impact on agriculture is minimal.

END OF REPORT



Signature

June 26, 06

Date