



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

May 19, 2009

Reply to the attention of Ron Wallace  
ALC File: O-38953

Terasen Gas Inc.  
16705 Fraser Highway  
Surrey, BC V4N0E8

Dear Sir/Madam:

**Re: Application for Utility Corridor in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 188/2009 outlining the Commission's decision as it relates to the above noted application.

Please submit the following to the Commission before commencing the fill project:

- A \$50,000 security deposit which will be returned upon successful completion of the project.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes/Letter of Credit - example

cc: City of Richmond ()  
Sonia Meili Madrone Environmental Services Ltd 202-2602 Mt. Lehman Road  
Abbotsford, BC V4X2N3  
BC Assessment, Richmond

RW/  
i/O-38953d1

**Letter of Credit - Example**

**BENEFICIARY:** Minister of Finance  
c/o Provincial Agricultural Land Commission  
#133 - 4940 Canada Way  
Burnaby, BC V5G 4K6

Re: ALC Application # \_\_\_\_\_

We hereby issue in your favour our Irrevocable Letter of Credit # \_\_\_\_\_ for CAD

\$ \_\_\_\_\_ in the account of \_\_\_\_\_  
*(Name of Individual or Company)*

\_\_\_\_\_  
*(Street Address and/or Legal Description)*

**TERMS AND CONDITIONS:**

1. Expiry Date: \_\_\_\_\_
2. Drawings are to be made in writing to \_\_\_\_\_  
*(Name of Financial Institution)*
3. Partial drawings are permitted.
4. The Bank/Credit Union will not inquire as to whether or not the Agricultural Land Commission has right to make demand on this Letter of Credit.
5. This Letter of Credit is irrevocable up to the expiry date.
6. This Credit is irrevocable up to the expiry date and unless it is extended in writing will be null and void after the expiry date whether or not the original credit is returned to us for cancellation. The amount of this credit may be reduced from time to time only by the amount drawn upon it by you or by formal notice in writing received by us from you that you desire such reduction.
7. Request for any amendment except reduction in amount must be made directly to our customer who will then instruct us accordingly.
8. Any drawings made under this letter of credit must be accompanied by the original of this credit.
9. **Mandatory Condition:**  
*"It is a condition of this letter of credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing, that we elect not to consider this letter of credit to be renewable for any additional period."*
10. We engage to honour presentations submitted within the terms and conditions indicate above.



A meeting was held by the Provincial Agricultural Land Commission on April 23, 2009 in Surrey, B.C.

<b>PRESENT:</b>	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Ron Wallace	Staff

**For Consideration**

Application: # O- 38953  
 Applicant: Terasen Gas Inc.  
 Agent: Madrone Environmental Services Ltd, Sonia Meili

Proposal: Terasen Gas owns an easement which runs through the subject property. The proposal is to perform a seismic upgrade of the pipeline. The disturbance footprint consists of a working area approximately 23.9 m wide which is located adjacent to the 15 m wide Right of Way. Both the working area and ROW are oriented north-south and extend approximately 800 m. Soil disturbance will occur in the 23.9 m wide work area (1.9 ha). The ROW and working area together represent an estimated total area of 3.1 ha.

Legal: PID: 013-055-887  
 Section 7, Block 4 North Range 4 West, New Westminster District,  
 EXCEPT Firstly: The North East Quarter  
 Secondly: The East 12.5 Chains of the South East Quarter  
 Thirdly: .919 Acres of the North West Quarter on Plan with the Bylaw Filed 53425

Location: Gilmore Farm south of Westminster Highway and east of No. 8 Road

**Site Inspection**

A site inspection was conducted on April 20, 2009. Those in attendance were:

- Sylvia Pranger                      Chair, South Coast Panel
- Michael Bose                        Commissioner
- Ron Wallace                         Staff
- Tony Pellett                         Staff
- Chris Dane                          Applicant
- Art Swenson                         Applicant

The Commissioners and staff met with the applicants to discuss the proposed seismic upgrade of the pipeline. The impact of the upgrade to the subject property was discussed including an assessment of the proposed work area by a Professional Agrologist and a reclamation plan to be implemented to restore the disturbed soil to pre-construction levels of productivity.

**Commissioner Eligible to Vote**

Commissioner Tomlinson was not present at the site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioner's eligibility to vote on the application.

### **Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They 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.

### **Discussion**

The Commission reviewed the report from Madrone Environmental Services dated March 17, 2009 entitled *Potential Impacts on Soils and Recommended Soil Reclamation: Terasen gas – South Fraser Arm Seismic Upgrade Project Gilmore farm, Richmond, BC*.

#### **Assessment of Agricultural Capability**

In the Agrologist report prepared by Madrone Environmental Services Ltd, the subject site's most common soil encountered was Orthic Gleysol. These soils have a weakly to moderately well developed surface horizon enriched in organic matter (Ah or Ap), above a massive gleyed horizon (Bg).

In all soil profiles, boundaries between horizons were gradual or diffuse. Subsoils deeper than 30 cm were uniformly firm in consistence or in a few cases, very firm. These deeper horizons contained very few, very fine or fine roots.

The report also indicates that the project runs across four fenced fields and from south to north they include: a hay field with a well established sward of forage grass in good condition; another hay field, also in good condition; a field planted to corn this year; and a hay field with significant weed infestation.

#### **Assessment of Agricultural Suitability**

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

#### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission was inclined to support of the application provided the proposed work area within the ALR follows the recommendations of the Madrone report to restore the disturbed soil to pre-construction levels of productivity.

**IT WAS**

**MOVED BY:** Commissioner Pranger

**SECONDED BY:** Commissioner Bose

THAT the application be allowed subject to the following conditions:

- The disturbance footprint within the ALR be rehabilitated according to the recommendations outlined in the Professional Agrologist report prepared by Madrone Environmental Services.
- A \$50,000 security deposit which will be returned upon successful rehabilitation of the disturbed ALR land to pre-construction conditions.
- That Madrone Environmental Services Ltd (or another professional with specialized knowledge in soil structure) will oversee the project involving the subject site and upon final completion of the project, provide a closure report.
- Approval for filling is granted for the sole benefit of the applicant and is non-transferable.

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 # 188/2009**