



Agricultural Land Commission
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18th August 2010

Reply to the attention of Gordon Bednard
ALC File: 51590

Ministry of Transportation and Infrastructure
3rd Floor – 2100 Labieux Road
Nanaimo, BC V9T 6E9

Attention: Doug. Beaumont:

Re: Application for Transportation Corridor in the Agricultural Land Reserve

The Commission has reconsidered the application in the light of the additional information that has been provided subsequent to Commission Resolution Number 2269/2010. The Minutes outlining its latest decision under Resolution # 2606/2010 are attached. You will note that the Commission was concerned that mutually acceptable solutions between the Ministry and Mr. Thomson be found. In that regard we are pleased to note from recent telephone conversations between the staff of the Commission, Mr. Thomson and Mr. Beaumont that progress has been made since the Commission's meeting and all of the issues highlighted in the minutes appear to have been resolved.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KBU', is written over a light grey rectangular background.

Brian Underhill, Executive Director.

rc/51590d2

cc: Alberni-Clayoquot Regional District
Mr. W. Thomson, 8081 McCoy Lake Road, Port Alberni, BC, V9Y 9E5

rc/
/51590d2



A meeting by conference call was held by the Provincial Agricultural Land Commission on 11th August 2010.

PRESENT:	Jennifer Dyson	Vice Chair
	Niels Holbek	Commissioner
	Mike Bose	Commissioner
	Brian Underhill	Staff
	Roger Cheetham	Staff

For Consideration

In the light of the additional information provided by the applicant including, in particular, the e-mail from Doug Beaumont to Gordon Bednard dated 18th June 2010, the Commission determined that grounds had been established for the Commission to reconsider its decision recorded as Resolution #2269/2010.

Application:	51590
Applicant:	Ministry of Transportation and Infrastructure
Agent:	Doug Beaumont
Proposal:	Widen McCoy Lake Road and improve culvert and bridge over Nook Creek
Legal:	Lot 53 Alberni District, Except Pcl B(DD370771), PID 001-588-125
Location:	5132 McCoy Lake Road, Alberni-Clayoquot Regional District

Site Inspection

A site inspection was conducted on 30th July 2010. Those in attendance were:

- Richard Bullock Chair
- Jennifer Dyson Commissioner
- Niels Holbek Commissioner
- Mike Bose Commissioner
- Gordon Bednard Staff
- Doug. Beaumont Applicant
- Bill Thomson Land owner
- Penny Cote RD Alberni-Clayoquot, EA Director, Area D (Sproat Lake)
- Vicki Lee Alberni-Clayoquot RD Agricultural Advisory Committee
- Bob Haynes Alberni-Clayoquot RD Agricultural Advisory Committee
- Bob Collins Neighbour

The Commission noted that the only section of McCoy Lake Road to which the application relates that will be constructed in the near future is the section that is to be realigned and which includes a new bridge over Nook Creek at the northern end of the realigned section. With respect to this section Mr. Thomson drew attention to his letter to the Ministry of Transportation and Infrastructure dated 22nd February 2010 and spoke to some of the issues raised in his letter, outlining the history and the problems relating to the road. Among the issues highlighted were concerns relating to a separate cattle crossing, flooding, safety and restricted visibility.

Discussion

The Commission was sympathetic to the points raised by Mr. Thomson at the site inspection. It would have preferred that the issues raised by Mr. Thomson be agreed between the Ministry of Transportation and Infrastructure (MTI) and Mr. Thomson before it gave approval of the drawings. These include arrangements for a separate cattle crossing and issues relating to flooding, safety and restricted visibility. However, it was aware from the discussions at the site inspection and from the 18th June 2010 e-mail from Doug. Beaumont of the MTI to Gordon Bednard that there was some urgency to undertake work related to the bridge within a fishery approved time frame. Moreover it noted the progress that has already been made by MTI and Mr. Thomson in finding mutually acceptable solutions and in this light was confident that the outstanding issues that remain can be resolved in a timely fashion to both parties satisfaction.

In the light of the additional information that had been provided relating to the road realignment, in particular Ministry of Transportation and Infrastructure drawings 3D10010(1) and (2) and having regard to the discussions that took place at the site meeting on the 30th July 2010 the Commission concluded, with reservations relating to the finalization of the agreement between Mr. Thomson and the MTI, that there was no major objection to the proposal from an agricultural perspective.

IT WAS

MOVED BY: Commissioner M. Bose

SECONDED BY: Commissioner N. Holbek

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

THAT Resolution # 2269/2010 be rescinded

AND THAT having regard to the discussions that took place at the site meeting on the 30th July 2010, the proposed road improvements to McCoy Lake Road as shown on Ministry of Transportation and Infrastructure drawings 3D10010(1) and (2) be approved subject to the following conditions:

- The bridge widening project must be completed within three (3) years from the date of this decision
- All top soil must be made available for agricultural use

CARRIED

Resolution # 2606/2010