



Agricultural Land Commission
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19th August, 2011

Reply to the attention of Gordon Bednard
ALC File: 51632

Dan Foley
3153 Whalley Road
Gabriola Island, BC
V0R 1X7

Dear Sir:

Re: Application for Non-farm Use in the Agricultural Land Reserve

Further to our letter of August 12, 2010, please find attached the Minutes of Resolution # 2594/2010 outlining the Commission's decision as it relates to the above noted application. We apologize for the delay in conveying the decision and appreciate your patience in awaiting a reply.

As agent, it is your responsibility to notify your client(s) accordingly.

Other approvals may be necessary. Prior to proceeding under the terms outlined by the Commission, it is suggested that you contact the Islands Trust with respect to any approvals, permits or licenses that are required in relation to any land use or other bylaw which may apply to the subject lands and the approved land use activity. Furthermore, you should also contact the Ministry of Environment as well as any other authority which may have jurisdiction regarding matters such as groundwater extraction as well as groundwater management and protection.

As noted in its decision, the approval expires on November 24, 2012, at which time consideration will be given to an extension.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over the typed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Islands Trust. File Ref: GB-ALR-2009.2

GB/
/51632d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 24, 2010 in Nanaimo, BC.

PRESENT:	Richard Bullock	Chair
	Jennifer Dyson	Commissioner
	Niels Holbek	Commissioner
	Jerry Thibeault	Commissioner
	Gordon Bednard	Staff
	Brian Underhill	Staff
	Thomas Loo	Staff

For Consideration

Application: 51632
Applicant: James Andrew Brown
Agent: Dan Foley
Proposal: Non-farm use – Establishment of a well and associated surface infrastructure for commercial water extraction and distribution.
Legal: PID 018-972-225, Lot A, Section 22, Gabriola Island, Nanaimo District, Plan VIP 59936, EXCEPT Part in Plan VIP 66042
Location: 411 Daniel Way, Gabriola Island

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 noted that the existing infrastructure has a small footprint. It also noted from the report prepared by GW Solutions for Ramsey Lampton Rhodes on behalf of the applicant dated 20th February 2007 that the ground flow in the bedrock aquifers on Gabriola Island is complex and detailed studies are required to completely understand the ground water situation. Nevertheless on the basis of the study it appeared that the water extraction from the three wells operated by the applicant, one of which is the subject of this application, is always less than 5% of the estimated recharge. Moreover the approximately 1400 wells on the island are estimated to extract approximately 2.3% of the yearly recharge. The Commission noted that overall, the report concludes that it is unlikely that the operations have a regional impact on the groundwater source.

The Commission was of the view that, bearing in mind the small footprint of the water extraction infrastructure on the land surface, the development did not have a significant impact on the agricultural potential of the subject property. With regard to the impact of the

water extraction on agriculture as a whole, the Commission noted that the GW Report suggests that the impact is low but more detailed studies are required to confirm this assessment.

The Commission also noted the service provided by applicants provides a benefit to the community.

Conclusion

The Commission concluded that groundwater management within the ALR as well as the jurisdiction over the use of water resources was not within the purview of the Commission, despite there being potential implications to the availability of water for farming purposes. Given the Commission's understanding that the provincial government was presently reviewing groundwater policy and potential legislation, it believed that it would be appropriate to review this particular application at a future point in time.

The Commission noted that there likely was a need for additional information in order for the long term impact of the proposed commercial water extraction proposal to be assessed by the appropriate authorities. It therefore considered in the light of the present information that, in noting that the surface impact is small and contained, it would be reasonable for it to grant a conditional approval for the proposal, restricting it to two years.

IT WAS

MOVED BY: Commissioner N. Holbek

SECONDED BY: Commissioner J. Dyson

That the application be approved for two years. The applicant must keep accurate logs of volumes extracted and exported from the property commencing from the time this decision is received.

Following this initial 2 year approval, the Commission will give consideration to renewing its approval for an extended period of time.

This, and any subsequent approval, is granted for the sole benefit of the applicant and is non-transferable. Approval is subject to compliance with all other federal, provincial and local government legislation and bylaws and authorities which have jurisdiction. Review of this decision in two years will be made under prevailing legislation and consider all information received concerning this matter.

CARRIED

Resolution # 2594/2010