



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 13, 2013

ALC File: # 52946

Encana Corporation
#150 – 9th Ave S.W.
Calgary Alberta
T2P 2S5

Dear Sir/Madam:

Re: Application to Conduct a Non-Farm Use on Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 203/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Further correspondence with respect to this application should be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #203/2013

cc: Peace River Regional District file # 168/2012

GB/
52946d2



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A meeting was held by the Provincial Agricultural Land Commission on May 22, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52946.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowsell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Martin Collins	Regional Planner

REQUEST FOR RECONSIDERATION

The Commission received a letter dated April 29, 2013 requesting reconsideration of its decision recorded as Resolution #61/2013, by which, the proposal to construct two multi-well sites, access road, and a borrow pit on the subject property was refused.

Owner: David Raymond Miller

Agent: Encana Corporation

Original Proposal: To construct two multi-well pads, with access, and a borrow pit on the 130 ha property. The total oil and gas disturbance is 12.55 ha, exceeding the 7 ha permitted as an exemption pursuant to the Agricultural Land Commission & Oil and Gas Commission Delegation Agreement.

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Original Decision: THAT the request to construct two multi-well sites, access road, and a borrow pit on the subject property be allowed in principle; AND THAT the approval is subject to the following condition(s):

1. Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.
2. The reclamation of the temporary work spaces to an agricultural standard immediately upon completion of construction.

3. Reclamation of the wellsites (when they are abandoned) to a similar or better agricultural standard as prior to development. The Reclamation must meet the standards set out in the attached Schedule B and a report based on the Schedule B must be submitted to the Commission following reclamation.

4. The relocation of proposed wellsite location 4-2-80-17 north to the forested portion of the property. Should this not be possible the Commission is prepared to allow the wellsite pad in the proposed location subject to the clearing and seeding to pasture of an additional 8 ha of the forested area on the subject property.

5. The wellsites must be constructed within three (3) years of the date of the decision.

Current Request: Removal of condition #4 from the Commission's decision to approve the proposal.
Legal: PID: 007-595-786
Location: S ½, Section 2, Twp 80, R. 17, W6M, Peace River District
Size: 218 Road, northwest of Dawson Creek
130 ha

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.
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DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicant has provided evidence that was not available at the time of the previous decision.

As a result, it was moved by Commissioner Collins and seconded by Commissioner Gillette that there were no persons affected by the reconsideration and that the Commission reconsider Resolution # 61/2013. The motion was carried unanimously.

COMMISSION CONSIDERATION

After considering the new information the Commission concluded as follows:

The Commission agrees with Encana that in the case of this particular wellsite project, the proposed location would have the least impact on agriculture.

IT WAS

MOVED BY: Commissioner Collins

SECONDED BY: Commissioner Gillette

THAT the request to remove Condition #4 from Resolution # 61/2013 be approved.

CARRIED

Resolution #203/2013