



Agricultural Land Commission
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September 2, 2016

ALC File: 54943

Natural Forces
1205 - 1801 Hollis Street
Halifax, Nova Scotia B3J 3N4

Attention: Chris Veinot

Dear Mr. Veinot:

Re: Application for Transportation, Utility, or Recreational Trail Uses within the ALR

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #325/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Further correspondence with respect to this application is to be directed to Jessica Daniels at (Jessica.daniels@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #325/2016)

cc: Peace River Regional District

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AGRICULTURAL LAND COMMISSION FILE 54943

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 6 of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation)

Applicant:

**British Columbia Hydro
and Power Authority
(the “Applicant”)**

Agent:

**Chris Veinot
Natural Forces
(the “Agent”)**

Application before the North Regional Panel:

**Dave Merz, Panel Chair
Sandra Busche
Garry Scott**

THE APPLICATION

- [1] The legal description of the properties involved in the application is:
- a. Parcel Identifier: 017-135-931
LOT A, DISTRICT LOT 2078, PEACE RIVER DISTRICT, PLAN PGP35192

 - b. THAT PARCEL OR TRACT OF UNSURVEYED CROWN LAND IN THE VICINITY OF CHETWYND (WITHIN UNIT 4, BLOCK H, 93-P-12), PEACE RIVER DISTRICT
(collectively the “Properties”)
- [2] Property a. is 7.3 ha in area of which 1.5 ha of Agricultural Land Reserve (the “ALR”) land is affected by the project. Of the unsurveyed Crown land, 1.4 ha of ALR are impacted.
- [3] The Properties are generally described as being located west of Chetwynd.
- [4] The Property is located within Zone 2 as defined in s. 4.2 of the *Agricultural Land Commission Act* (the “ALCA”).
- [5] Pursuant to s. 6 of the BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation) (the “Regulation”), the Agent is applying to build approximately 400 m of 230 kV transmission line into the BC Hydro substation to connect to the Zonnebeke/Sukunka Wind Energy Project located ~7.5 km north east of the Properties. The total area of the corridor is 2.2 ha (the “Proposal”). The Proposal along with supporting documentation is collectively the application (the “Application”).



RELEVANT STATUTORY PROVISIONS

[6] The Application was made pursuant to s. 6 of the Regulation:

6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (c) dedication of a right of way or construction of any of the following:
 - (iii) a utility corridor use;

[7] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[8] The purposes of the Commission set out in s. 6 are as follows:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

SITE VISIT

[10] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Properties based on the evidentiary record associated with the Application.

FINDINGS

Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture

[11] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 92P/12 for the mapping units encompassing the Property are Class 3 and Class 5; more specifically 6:5MP - 4:3CM.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness) and C (adverse climate).

[12] The CLI ratings confirm that the Properties have good agricultural capability.



[13] The Agent provided the following information regarding potential negative impacts to agricultural land: *“It is not anticipated that the proposed transmission line will have an impact on the surrounding agricultural lands. Vegetation management plans will be implemented for the construction and operation phases of the project to ensure that native vegetation and ecosystems are protected from the introduction/spread of invasive plant species”*.

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[14] The Agent did not provide any information specifically citing economic, cultural and social values.

Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[15] The Agent did not provide any information specifically citing regional and community planning objectives.

Weighing the factors in priority

[16] In considering s. 4.3(a) and the first priority to agriculture, the Panel notes that agriculture is not currently occurring on the Property and that the transmission line would not have an impact on surrounding agricultural lands. Thus, the Panel does not believe that the Proposal poses a significant negative impact to agriculture.

[17] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives planning as required by s. 4.3. In this case, the Panel finds that these considerations are not contributory to the decision given the Panel’s finding following its review of the agricultural considerations.

DECISION

[18] For the reasons given above, the Panel approves the Proposal.

- [19] The Proposal is approved subject to the following conditions:
- a. The Proposal must be completed as described in the Construction Environmental Management Plan and Operational Management Plan as submitted with the Application.
- [20] 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.
- [21] Panel Chair **Dave Merz** concurs with the decision.
Commissioner **Sandra Busche** concurs with the decision.
Commissioner **Garry Scott** concurs with the decision.
- [22] Decision recorded as Resolution #325/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #325/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

September 2, 2016

Date Released