A meeting was held by the Provincial Agricultural Land Commission on January 22, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Applications #53569 & #53570.

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
Jim Collins  Commissioner

COMMISSION STAFF PRESENT:

Brian Underhill  Deputy Chief Executive Officer
Colin Fry  Chief Tribunal Officer
Reed Bailey  Planner
Gordon Bednard  Planner
Lindsay McCoubrey  Planner

APPLICATION ID: #53569

PROPOSAL:  A) To exclude 1437.7 ha of land from the ALR pursuant to section 29(1) of the Agricultural Land Commission Act (the “Act”); and

APPLICATION ID: #53570

PROPOSAL:  B) To include 739.9 ha of land into the ALR pursuant to section 17(1) of the Act.

PROPERTY INFORMATION:

Property Information Spreadsheet – ATTACHED AS EXHIBIT 1

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the Act states:

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.

Section 17(1) (Inclusion applications) of the Act states:

17(1) Subject to subsection (1.1), if the commission considers that an approval under this subsection carries out the intent of this Act, the commission may approve the addition to a designated land reserve plan
(a) on the commission's own initiative, of any land,
(b) on application of a local government, of land within the local government's jurisdiction, and
(c) on application of a first nation government, of land within the first nation's settlement lands.

Section 29(1) (Exclusion application by a local or first nation government or the commission) of the Act states:

29(1) On the commission's own initiative or on application by a local government in respect of land within the local government's jurisdiction or by a first nation government in respect of the first nation’s settlement lands, the commission may:
(a) exclude land from an agricultural land reserve on terms the commission considers advisable, or
(b) without excluding the land from an agricultural land reserve, grant permission for a non-farm use or subdivision in respect of the land that is the subject of the application, on any terms the commission considers advisable.

ALC STRATEGIC SHIFT


November 26, 2010
Submitted By: Richard Bullock

Strategic Shift – An ALR that has defensible boundaries. The boundaries of the ALR, and any decisions to change the boundaries, should be based upon a consistent method of evaluating scientific and technical information. The boundaries should be defensible in order to discourage speculation and the proliferation of non-farm uses and subdivisions that erode the agricultural land base and drive up agricultural land prices. Communities should be encouraged to adopt compact and efficient development patterns that minimize pressure on the ALR boundary.
ALR BOUNDARY REVIEW PROCEDURE MANUAL

The ALC conducted its review as guided by the *ALR Boundary Review Procedure Manual* – updated version 2013.

CRITERIA FOR DETERMINING ALR REVIEW AREAS

The *ALR Boundary Review Procedure Manual* recognizes the following factors to assist in identifying the specific areas of interest for a boundary review:

- Discrepancies identified through digital mapping;
- High application volume & Commission decision history;
- Official Community Plan reviews & other planning studies;
- Parcel size and land use;
- Parcel characteristics (i.e. slope & topography); and
- Input from agricultural stakeholders

PREVIOUS ELK VALLEY ALR BOUNDARY REVIEW BY THE REGIONAL DISTRICT OF EAST KOOTENAY

APPLICATION #52121

April 2007: The Regional District of East Kootenay (RDEK) submitted a request to the Ministry of Agriculture to review the ALR boundaries for the RDEK with the Elk Valley chosen as the pilot project area;

October 2007: The Commission considered and supported the proposal of the RDEK to undertake the pilot project;

March 2008: The RDEK and Commission prepared a draft project proposal to conduct a fine-tuning review of selected areas of the Elk Valley;

Summer/Fall 2008: The RDEK proceeded with the project as the Commission was unable to participate to the extent it had originally intended due to resource challenges;

Winter 2008/09: The RDEK analyzed the field work and produced a draft report that was presented to the public in June 2009;

July 2009: The RDEK’s Advisory Planning Commission and Agricultural Advisory Committee reviewed the final report, called the Elk Valley Agricultural Land Reserve Review Project (the “Elk Valley Report”)

Executive Summary of the Elk Valley Report – ATTACHED AS EXHIBIT 2

September 2009: The RDEK adopted and forwarded the Elk Valley Report to the Commission for its consideration;
November 2009: Commission representatives toured the Elk Valley and discussed the main recommendations in the Elk Valley Report with the Electoral Area Director – Area “A” and the RDEK staff member who prepared the Elk Valley Report;

February 2010: The Commission reviewed the Elk Valley Report and supported a block exclusion/inclusion process for the areas identified in the report. After discussion between the Commission and the RDEK, the RDEK opted to proceed with the block exclusion in the late summer/fall of 2010;

October 2010: The RDEK hosted a public hearing in Hosmer which was attended by 72 members of the public. Between the members that are recorded as having spoken and the written submissions received, roughly half were opposed to the project with the other half in support;

Winter 2011: The Commission received the RDEK’s application which only involved some of the properties identified for exclusion in the Elk Valley Report. The approach taken by the RDEK was to only propose the exclusion of properties of those land owners that expressed a desire for their property to be excluded from the ALR. In total, the block exclusion involved 36 properties totaling 517.1 ha within the ALR;

May 25, 2011: A meeting was held by the Commission to discuss the block application and was attended by Mr. Mike Sosnowski, Electoral Area Director – Area “A”, who was representing the RDEK with regard to the application. Director Sosnowski spoke to the application and advised that the RDEK took a position of principle that it would provide owners with a choice as to whether or not their properties were to form part of the block application. As a result, the properties under application were restricted to those properties where the land owner(s) provided written confirmation that they wanted to be part of the application. Mr. Sosnowski indicated that the main reason for the limited response was that many property owners preferred to remain in the ALR because of property taxation benefits;

June 29, 2011: A meeting was held by the Commission to discuss the block application and the Commission concluded that notwithstanding its reservations with regard to the process followed by the RDEK, it was appropriate to exclude the identified subject properties from the ALR. The Commission was of the belief that none of these properties have any agricultural potential and all fall within areas identified in the Elk Valley Report as possible exclusion areas.

The Commission considered that it was important that a further block exclusion/inclusion process should be undertaken for the other properties identified in the Elk Valley Report and that this should be discussed with the RDEK along with the other issues identified in these minutes, particularly bearing in mind that the RDEK review was intended as a pilot study for other reviews and potential block applications.

Minutes of Resolution #281/2011 – ATTACHED AS EXHIBIT 3

December 20, 2011: The Commission wrote to the RDEK indicating that it will commence a boundary review in the Elk Valley in 2012 and will be engaging the RDEK as part of the review – ATTACHED AS EXHIBIT 4
**BACKGROUND OF CURRENT APPLICATIONS (COMMISSION)**

**APPLICATIONS #53569 & #53570**

*Winter/Spring 2012:* The Commission conducted preliminary work regarding its boundary review of the Elk Valley titled, The ALR Elk Valley Boundary Review Project (the “ALC Review”) by commencing information digitization and database input for the RDEK. Specific work included digitizing both agricultural capability mapping and historical ALR application maps and entering historical application information into the Commission’s Online Application Tracking System (OATS) database;


*Fall 2012 – Winter 2013:* The Commission gathered information to identify the specific areas of interest for a boundary review within the Elk Valley. This initial review of the Elk Valley identified 14 areas of interest. Much of the groundwork and analysis of this region had already been accomplished thanks to the work of the RDEK related to its review mentioned previously;

*March 14, 2013:* The consultation phase commenced. Initial consultation involved:

- Roger Cheetham, ALC Planner
- Reed Bailey, ALC Planner
- Lindsay McCoubrey, ALC Planner
- Andrew McLeod, Manager of Planning & Development – RDEK
- Karen MacLeod Planner – RDEK
- Nelson Wight, Manager of Planning – District of Sparwood
- Bruce Lennox, Director of Planning – City of Fernie
- Darrell Smith, Regional Agrologist – Ministry of Agriculture

A meeting was held at the RDEK’s office in Cranbrook to obtain feedback on the identified areas of interest in the Elk Valley. Overall, the project was well supported by those present and the feedback was positive. The areas of interest were generally agreed upon and no changes to these areas were suggested;

*March 20, 2013:* A meeting was held by the Commission where the ALC Review was discussed for the first time. Maps of the areas of interest were not shown as the discussion was kept very high level and centred on what the project entails, the preliminary timeline and a summary of the meeting in Cranbrook on March 14, 2013;

*May 2, 2013:* Commission Chair Richard Bullock, Commissioners Jerry Thibeault and Gordon Gillette, Commission staff members Colin Fry, Reed Bailey and Lindsay McCoubrey and the Ministry of Agriculture’s Regional Agrologist, Darrell Smith travelled to Cranbrook for a series of meetings with stakeholders. The following meetings were convened:

- **May 2 – Morning:** A meeting was held and attended by staff from the Ministry of Transportation, the Ministry of Forests, Lands, and Natural Resource Operations, and the
Ministry of Aboriginal Relations and Reconciliation to discuss the ALR boundary reviews in the East Kootenays;

- **May 2 – Afternoon**: The Commission and Ministry of Agriculture representatives attended the RDEK’s Electoral Area Directors meeting during which the Commission advised of its intentions regarding the ALC Review in the Elk Valley by way of a PowerPoint presentation;

- **May 2 – Evening**: Commission representatives hosted a public meeting with select agricultural stakeholders from the East Kootenays. The stakeholders who attended included representatives from:
  - East Kootenay Agricultural Advisory Committee
  - East Kootenay Agricultural Plan Steering Committee
  - BC Cattlemen’s Association
  - Kootenay Livestock Association
  - VAST Resource Solutions Inc.
  - Waldo Stockbreeder’s Association
  - Windermere District Farmer’s Institute;

**July 16, 2013**: A meeting was held by the Commission to discuss the ALC Review where each area of interest was systematically analyzed. A series of maps showing the exact properties identified for potential inclusion/exclusion were presented and the rationale behind the identification of each area was reviewed.

**November 26, 2013**: A meeting was held by the Commission to discuss the changes to the ALC Review that emerged from the previous Commission meeting.

**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 Dowswell  Commissioner  
Jim Collins  Commissioner

**COMMISSION STAFF PRESENT:**

Brian Underhill  Deputy Chief Executive Officer  
Colin Fry  Chief Tribunal Officer  
Reed Bailey  Planner  
Gordon Bednard  Planner  
Lindsay McCoubrey  Planner  
Katie Lambert  Mapping Technician
OTHERS PRESENT:
Darrell Smith Regional Agrologist, Ministry of Agriculture

FIELD WORK

A tour of the Elk Valley was conducted on June 24 & 25, 2013 to visually assess the areas of interest. Those in attendance included Commissioner Thibeault, Commission staff member Reed Bailey and Ministry of Agriculture Regional Agrologist Darrell Smith.

The tour largely consisted of driving throughout the Elk Valley and viewing subject properties from the highway and residential roads. A thorough discussion occurred for each property with the results of the tour brought before the Commission at a later date for further analysis. Certain properties could not be viewed as they were not visible from the road.

A second tour of the Elk Valley was conducted on August 15, 2013 to visually assess specific areas of interest to the Commission. Those in attendance included Commission Chair Richard Bullock, Commissioners Thibeault & Gillette, Commission staff members Reed Bailey & Katie Lambert and Ministry of Agriculture Regional Agrologist Darrell Smith.

PUBLIC HEARING

In accordance with s. 29(2) of the Agricultural Land Commission Act a public hearing was held in Fernie on August 15, 2013. The meeting was recorded and a transcript was prepared – ATTACHED AS EXHIBIT 5

COMMUNICATION POST PUBLIC HEARING

September 20, 2013: The Commission sent a letter to each land owner whose property forms part of Commission Applications #53569 & 53570 advising that their property has been identified for potential exclusion from or inclusion to the ALR. The letter directed land owners to the ALC’s web site where all information pertaining to the project was posted. Land owners were encouraged to submit in writing, any concerns or comments regarding the application by November 1, 2013. Inclusion letter regarding Property 1.4 and exclusion letter for Property 1.1 are provided as examples. ATTACHED AS EXHIBIT 6

October 24, 2013: The Commission sent a letter to the District of Sparwood informing them that the Matevic Road area will not formulate part of the ALC Review moving forward but that the Commission is still interested in reviewing the ALR boundaries of this region by embarking on an individual planning exercise in tandem with the District (See the ‘Area 10 Profile – Central Sparwood’ portion of the Commission Consideration section for more information on the Matevic Road area). ATTACHED AS EXHIBIT 7

October 30, 2013: The Commission sent a letter to the RDEK informing them that the discussion areas in Area 5 (Ghostrider) a will not formulate part of the ALC Review moving
forward and that the Commission will proceed with the Ghostrider area as advertised for the public hearing (See the ‘Area 5 Profile – Ghostrider’ portion of the Commission Consideration section for more information on the Ghostrider area). ATTACHED AS EXHIBIT 8

November 4, 2013: Private land owners who had yet to respond to the Commission’s initial letter sent on September 20, 2013, and whose land was identified for inclusion, were sent a second letter via registered mail encouraging them to submit in writing, any concerns or comments regarding the application by November 18, 2013. The Commission attached a copy of the September 20, 2013 letter to the registered letter.

Given the sensitive nature of including private land into the ALR and the ensuing impact on property rights, the Commission believed this additional attempt to solicit comments was prudent.

**SUMMARY OF LAND OWNER RESPONSES**

The following is a summary of landowner responses received by the Commission resulting from the individual letters sent to all landowners whose property was identified under the ALC Review.

<table>
<thead>
<tr>
<th>Property</th>
<th>Area</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4</td>
<td>Morrissey</td>
<td>The land owner does not want the southwest portion of her property included in the ALR as the land is rocky and somewhat swampy.</td>
</tr>
<tr>
<td>3.2</td>
<td>South of Anderson Road</td>
<td>The land owner is opposed to the proposed exclusion for tax implications.</td>
</tr>
<tr>
<td>3.3</td>
<td>South of Anderson Road</td>
<td>The land owner is opposed to the proposed exclusion believing that the Commission is only concerned with mega-farms and is paying no attention to the future potential of ALR land given climate change impacts. He is also concerned with the tax implications if his land is removed from the ALR.</td>
</tr>
<tr>
<td>3.4</td>
<td>South of Anderson Road</td>
<td>The land owners are opposed to the proposed exclusion as it would not protect the current and planned future agricultural land uses for their property. They remarked that their lower meadow has been in continuous agricultural use with hay production every year for the past 37 years and that their upper meadow is planned for agricultural use by erecting a greenhouse by 2015. They also expressed concern with regards to the environmental value of the land, particularly because their property acts as a wildlife corridor for various species.</td>
</tr>
<tr>
<td>4.6</td>
<td>Anderson Road</td>
<td>The land owners are opposed to the proposed exclusion as they are primarily concerned with the tax implications and</td>
</tr>
<tr>
<td>Subarea</td>
<td>Statement</td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>4.8 &amp; 4.9 Anderson Road Subarea</td>
<td>The land owners are opposed to the proposed exclusion marking that they have farm class on their property which is also under agricultural production. One owner is a retired farmer and will lose his BC Assessment “Farm” class if removed from the ALR. They are also concerned about how the public process was handled, noting that August is a poor month to host a public hearing and that they were displeased with not being contacted directly regarding the public hearing.</td>
<td></td>
</tr>
<tr>
<td>4.14 Anderson Road Subarea</td>
<td>The land owners are opposed to the proposed exclusion remarking that they have BC Assessment “Farm” class on their property which is also under agricultural production. They are also concerned about how the public process was handled, expressing their displeasure with not receiving any correspondence from the Commission until after the public hearing and remarked that August is a popular vacation month and thus, a poor time to host a public hearing.</td>
<td></td>
</tr>
<tr>
<td>4.18 Anderson Road Subarea</td>
<td>The land owners are opposed to the proposed exclusion stating that they intend to farm the small portion of arable land on their property in the future.</td>
<td></td>
</tr>
<tr>
<td>4.23 Anderson Road Subarea</td>
<td>The land owner is opposed to the proposed exclusion stating that when he purchased the property he signed a legal contract saying that the property was in the ALR.</td>
<td></td>
</tr>
<tr>
<td>4.24 Anderson Road Subarea</td>
<td>The land owner is opposed to the proposed exclusion affirming that her parcel of land is level and they grow hay.</td>
<td></td>
</tr>
<tr>
<td>5.8 &amp; 5.9 Ghostrider</td>
<td>The land owner supports the proposed exclusion of her two properties from the ALR recognizing the very limited agricultural potential of her properties.</td>
<td></td>
</tr>
<tr>
<td>5.14 Ghostrider</td>
<td>The land owner is opposed to the proposed exclusion remarking that his property has historically been used for farming and that he himself has raised several hundred chickens for personal use. He was also concerned about the lack of public consultation that occurred.</td>
<td></td>
</tr>
<tr>
<td>5.25 Ghostrider</td>
<td>The land owner is opposed to the proposed exclusion wanting her children to have the ability to raise a few farm animals and that removing the ALR designation on her land will cause her to lose her right to farm.</td>
<td></td>
</tr>
<tr>
<td>5.31 Ghostrider</td>
<td>The land owner simply requested clarification regarding the project.</td>
<td></td>
</tr>
</tbody>
</table>
### 5.37 Ghostrider
The land owner is opposed to the proposed exclusion as she sees no benefit in being removed from the ALR and is concerned with higher taxes.

### 5.38 Ghostrider
The land owner does not want the western portion of his property included in the ALR as he hopes to subdivide it in the future.

### 6.1 North Dicken Road
The land owner is concerned with a proposed development on non-ALR land located south of her property and was informed that this is an issue she needs to discuss with the RDEK.

### 6.3 North Dicken Road
The land owner is opposed to the proposed exclusion affirming that he uses a small portion of his property for agricultural production and that he recently upgraded much of the farm infrastructure. He was also concerned with how the public process was handled.

### 7.57 Hosmer
The land owner called to obtain more information regarding the proposed exclusion/inclusion of his property. Ultimately, he supported the proposal.

### 12.6 Northern Elk Valley
The land owner does not want her property included in the ALR as she’s currently content with her present situation.

### 12.7 Northern Elk Valley
The land owner does not want her property included in the ALR as the property was historically used as an airstrip which has rendered the land inadequate for agricultural production.

### Not Part of Applications #53569 & #53570
South of Anderson Road
Despite her two properties (PIDs 016-746-597 & 016-692-055; both located directly west of the City of Fernie near Anderson Road) not having been identified in the ALC Review, the land owner nonetheless wanted to express her desire to stay in the ALR.

### Not Part of Applications #53569 & #53570
South of Anderson Road
Under Application #44345, 48.2 ha of the 50 ha subject property (PID 016-692-063) were excluded from the ALR. The land owner has now requested that the 0.8 ha remainder be excluded from the ALR.

### SPECIFIC REVIEW AREAS

**Area 1 Profile – Morrissey** (REFER TO PROPOSAL MAP 1)

- Number of Properties Proposed for Exclusion: 8
- Number of Properties Proposed for Inclusion: 2
- Property Sizes: 3 properties less than 10 ha
  - 3 properties 10 – 40 ha
4 properties 100 – 200 ha

Total Area Proposed for Exclusion: 38.9 ha
Total Area Proposed for Inclusion: 179.1 ha

Area Characteristics
The exclusion properties are characterized by poor agricultural capability with the majority of the parcels identified as having agricultural capability ratings of Class 5 – 7 with topographic and stoniness limitations. Additionally, Properties 1.6 and 1.10 are relatively small, are isolated from the main block of ALR land on the east side of the Elk River, and are heavily fragmented. None of the proposed exclusion properties are classified as “Farm” according to BC Assessment records.

Inclusion Property 1.4 was identified in the RDEK’s Elk Valley Report as a potential inclusion area as the property is flat and cleared. The land owner for this property has informed the Commission that she does not want that portion of her property included in the ALR as the land is rocky and somewhat swampy.

Inclusion Property 1.5 is a 146 ha block of Crown land that would link two large tracts of ALR land together.

Note: At the November 26, 2013 Commission meeting, concern was raised regarding including Property 1.5 into the ALR without receiving any comments from the Ministry of Forests, Lands and Natural Resource Operations (FLNRO). Darrell Smith, Regional Agrologist with the Ministry of Agriculture, who was present at the Commission meeting, subsequently contacted a colleague at FLNRO on November 27, 2013 to request feedback on Property 1.5. The Commission has since learned that an unfortunate circumstance has prevented this colleague from responding to Mr. Smith’s request.

Commission Consideration and Conclusions
Concern was raised about the slope of inclusion Property 1.5. Although the property does face moderate slope constraints, a large segment of the land is cleared and portions are currently being used for cattle grazing. The east boundary of the inclusion area essentially follows the 1,100 metre contour line where beyond that line the slope becomes substantially more precipitous.

With regard to the submission from the land owner of Property 1.4, the Commission agreed to the land owner’s request to NOT include the southwest portion of her property into the ALR.

The Commission concluded to move forward as proposed for Area 1 – Morrissey, save and except, the proposed inclusion of Property 1.4.

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Area 2 Profile – Vanlerberg Road (REFER TO PROPOSAL MAP 2)

Number of Properties Proposed for Exclusion: 16
Property Sizes: 14 properties less than 1 ha
2 properties 1 – 2 ha

Total Area Proposed for Exclusion: 9.0 ha

Area Characteristics
This area was identified in the Elk Valley Report as a potential exclusion area as it is essentially a small lot residential enclave with the average parcel size being 0.4 ha. Every parcel is heavily disturbed with no agricultural activity evident. Properties 2.8 & 2.9 are used as a mobile home park. None of the proposed exclusion properties are classified as "Farm" according to BC Assessment records. No landowner submissions were received from this area.

Commission Consideration and Conclusions
Given the residential nature of this area there was no opposition to excluding all 16 properties.

The Commission concluded to move forward as proposed for Area 2 – Vanlerberg Road.

Area 3 Profile – South of Anderson Road (REFER TO PROPOSAL MAP 3)

Number of Properties Proposed for Exclusion: 5
Property Sizes: 1 property is 2.1 ha
3 properties 15 – 30 ha
1 property is 63.8 ha

Total Area Proposed for Exclusion: 43.4 ha

Area Characteristics
This area was identified in the Elk Valley Report as a potential exclusion area. Despite several of the properties having cleared meadows, the majority of the region faces moderate slope constraints and poor agricultural capability. Further, the region is no longer a cohesive block of ALR land, having been fractured by the exclusions approved under Application #52121. None of the proposed exclusion properties are classified as “Farm” according to BC Assessment records.

Commission Consideration and Conclusions
The land owners for Properties 3.2 & 3.3 are opposed to the exclusion of their properties based on potential tax increases if the land is excluded from the ALR. Property taxes do not form part of the Commission's consideration and thus, a tax argument is not justification to retain the properties in the ALR.

Concern was raised over the current and future agricultural use of Property 3.4. Despite the land owners arguing that portions of their property are currently being used for agricultural production, the agricultural potential of the property is nonetheless limited due to slope constraints and below average agricultural productivity.
A brief discussion occurred regarding a property directly north of property 3.5, where under Application #44345, 48.2 ha of the 50 ha subject property (PID 016-692-063) were excluded from the ALR. The land owner requested that the 0.8 ha remainder be excluded from the ALR but the Commission reaffirmed its previous decision to retain the remainder in the ALR due to the above average agricultural capability.

The Commission concluded to move forward as proposed for Area 3 – South of Anderson Road.

Area 4 Profile – Anderson Road (REFER TO PROPOSAL MAP 4)

Number of Properties Proposed for Exclusion: 33
Property Sizes:   6 properties less than 1 ha
                26 properties 1 – 5 ha
                1 property is 42.8 ha

Total Area Proposed for Exclusion: 74.2 ha

Area Characteristics
This area was identified in the Elk Valley Report as a potential exclusion area. The properties west of Anderson Road (4.15 – 4.23 & 4.31) all face moderate slope constraints and have poor agricultural capability while the majority of properties east of Anderson Road (as well as Properties 4.24 & 4.25) are flat, possess good agricultural capability and many have obvious agricultural uses. Additionally, properties 4.8, 4.9, 4.14, 4.16 & 4.30 are classified as “Farm” according to BC Assessment records. The area as a whole however, is no longer a cohesive block of ALR land, having been fractured by the exclusions approved under Application #52121.

Commission Consideration and Conclusions
The land owners for Property 4.6 are opposed to the exclusion of their property based on potential tax increases if the land is excluded from the ALR. Property taxes do not form part of the Commission’s consideration and thus, a tax argument is not justification to retain the properties in the ALR.

A considerable conversation centred on Properties 4.8 & 4.9 which are both owned by a retired farmer and his wife and currently are classified as “Farm” according to BC Assessment records. The couple informed the Commission that they desire to remain in the ALR and after a lengthy debate it was determined that the properties should NOT be excluded. This decision was reached because the land directly south of Property 4.9 is productive farmland and is located within the ALR. Properties 4.8 & 4.9 possess similar land characteristics to the adjacent property to the south and thus, by retaining them in the ALR, a continuous block of productive ALR land is preserved. It is noteworthy that if properties 4.8 & 4.9 were removed from the ALR the “Farm” classification would be revoked due to a BC Assessment clause which stipulates that a retired farmer’s dwelling may only qualify for “Farm” class if the dwelling land is located in the ALR. The Commission was unaware of this clause, but it ultimately had no bearing on the decision to retain both properties in the ALR.
An extensive discussion was devoted to Property 4.14 which is classified as “Farm” according to BC Assessment records. A conversation with the land owner revealed that despite the relatively small size of her property, she is currently farming the land to its capacity and thus, desires to remain within the ALR. However, the Commission ultimately decided to exclude the property as the area as a whole is no longer a cohesive block of ALR land, having been fractured by the exclusions approved under Application #52121, including the properties located directly north and south of Property 4.14.

The land owners for Property 4.18 are opposed to the proposed exclusion stating that they intend to farm the small portion of arable land on their property in the future. However, the Commission recognized that this property faces moderate slope constraints and has a poor agricultural capability.

The land owner for Property 4.23 is opposed to the proposed exclusion stating that when he purchased the property he signed a legal contract saying that the property was in the ALR. The Commission is unaware of the circumstances of this contract. Under Application #25336, the previous owner applied to exclude the property from the ALR in 1976, and by Resolution #5530/1977, the application was refused. This application is the Commission’s sole involvement with this property prior to the ALC Review. Therefore, the Commission does not view this as a valid argument for retaining the property in the ALR.

The land owner for property 4.24 is opposed to the proposed exclusion affirming that her parcel of land is level and they grow hay. Despite the fact that the land owner is currently growing hay, the Anderson Road area as a whole is no longer a cohesive block of ALR land, having been fractured by the exclusions approved under Application #52121, including the property located directly east of Property 4.24.

The Commission concluded to move forward as proposed for Area 2 – Anderson Road, save and except, Properties 4.8 & 4.9.

Area 5 Profile – Ghostrider (REFER TO PROPOSAL MAP 5)

Number of Properties Proposed for Exclusion: 37
Number of Properties Proposed for Inclusion: 1
Property Sizes: 14 properties less than 1 ha
23 properties 1 – 4 ha
1 property is 50 ha

Total Area Proposed for Exclusion: 44.1 ha
Total Area Proposed for Inclusion: 13.5 ha

Area Characteristics
This area was identified in the Elk Valley Report as a potential exclusion area. Specifically, Properties 5.1 – 5.7 were targeted as a ‘Special Policy Area’ to expand the industrial land within the Ghostrider region. Further, beginning at Property 5.8 and continuing to Property 5.13, the
ALR boundary follows an approximately 45 degree angle bisecting the aforementioned properties which are heavily treed and face severe slope constraints. Properties 5.24 – 5.37 (The Fernie Shop Road area) are 0.2 ha in size, are all significantly disturbed by non-farm development and uses and have no agricultural value. None of the proposed exclusion properties are classified as "Farm" according to BC Assessment records. Lastly, the area as a whole is no longer a cohesive block of ALR land having been fractured by the exclusions approved under Application #52121.

Inclusion Property 5.38 was identified in the Elk Valley Report as a potential inclusion area as portions of the property are cleared and relatively flat. The land owner however, has informed the Commission that he does not want that portion of his property included in the ALR as he intends to subdivide the non-ALR segment in the future.

Commission Consideration and Conclusions
The land owner for Properties 5.8 & 5.9 supports the exclusion of her two properties from the ALR recognizing the very limited agricultural potential of her properties.

The land owner for Property 5.14 is opposed to the proposed exclusion remarking that his property has historically been used for farming and that he himself has raised several hundred chickens for personal use. However, the Commission decided to exclude the property as the area as a whole is no longer a cohesive block of ALR land having been fractured by the exclusions approved under Application #52121.

The land owner for Property 5.25 is opposed to the proposed exclusion wanting her children to have the ability to raise a few farm animals and that removing the ALR designation on her land will cause her to lose her right to farm. However, the Commission decided to exclude the 0.6 ha subject property as the Commission is of the view that small, residential lots are not conducive to agricultural production.

The land owner for Property 5.31 simply requested clarification regarding the project.

The land owner for Property 5.37 is opposed to the proposed exclusion as she sees no benefit in being removed from the ALR and is concerned with higher taxes. Property taxes do not form part of the Commission’s consideration and thus, a tax argument is not justification to retain a property in the ALR.

With regard to the submission from the land owner of Property 5.38, the Commission agreed to the land owner’s request to NOT include portions of the property into the ALR.

Two subareas within the Ghostrider region were not identified for potential exclusion because, despite being a similar size and agricultural capability as surrounding parcels, they appear to be actively farmed as one cohesive unit – REFER TO DISCUSSION AREA MAP 5 (both subareas are labelled as ‘Discussion Area’). Additionally, the RDEK did not identify these subareas for potential exclusion in the Elk Valley Report. Prior to the public hearing on August 15, 2013 however, members of the Commission and the Ministry of Agriculture viewed the area and determined that due to these aforementioned similarities between neighbouring parcels, the two subareas should be considered for potential exclusion. Thus, the map of the Ghostrider area
was subsequently altered immediately prior to the public hearing to reflect the changes that arose from the field visit.

At the Commission meeting on October 2, 2013, a lengthy debate regarding the two subareas occurred where it was ultimately decided that these subareas would no longer form part of the ALC Review. It was determined that because both subareas appear to be actively farmed as cohesive units and that each subarea is predominately owned by an individual owner, they should remain in the ALR. The Commission ultimately concluded that if/when the respective owners decide to sell the individual parcels in the future, exclusion of these parcels may be appropriate.

The Commission concluded to move forward as proposed for Area 5 – Ghostrider, save and except Property 5.38.

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**Area 6 Profile – North Dicken Road (REFER TO PROPOSAL MAP 6)**

Number of Properties Proposed for Exclusion: 3  
Property Sizes: All 3 properties 20 – 25 ha  
Total Area Proposed for Exclusion: 55.6 ha

**Area Characteristics**

This area was identified in the Elk Valley Report as a potential exclusion area. All three properties face moderate slope constraints and have a poor agricultural capability. Specifically, Property 6.1 is characterized as having deep gullies, Property 6.2 has an existing mobile home park and Property 6.3, despite having a cleared portion with agricultural value, the majority of the property faces topographical challenges. None of the proposed exclusion properties are classified as “Farm” according to BC Assessment records.

**Commission Consideration and Conclusions**

The land owner for Property 6.1 is concerned with a proposed development on non-ALR land located south of her property and was informed that this is an issue she needs to discuss with the RDEK.

The land owner for Property 6.3 is opposed to the proposed exclusion affirming that he uses a small portion of his property for agricultural production and that he recently upgraded much of the farm infrastructure. He was also concerned with how the public process was handled. The Commission noted that despite the fact that a portion of the property has agricultural value, the majority of the parcel faces topographical challenges.

The Commission concluded to move forward as proposed for Area 6 – North Dicken Road.
**Area 7 Profile – Hosmer (REFER TO PROPOSAL MAP 7)**

Number of Properties Proposed for Exclusion: 56  
Number of Properties Proposed for Inclusion and Exclusion: 1  
Property Sizes:  
- 47 properties less than 1 ha  
- 8 properties 1 – 5 ha  
- 2 properties 20 – 50 ha

Total Area Proposed for Exclusion: 61.4 ha  
Total Area Proposed for Inclusion: 3.3 ha

**Area Characteristics**

This area was identified in the Elk Valley Report as a potential exclusion area. Hosmer is a residential community where the majority of the parcels are less than 1.0 ha in size and thus, not conducive to agriculture. Interestingly, 19 of the properties (18 are 0.1 ha and 1 is 0.3 ha) are owned by a single owner and are classified as “Farm” according to BC Assessment records. None of the other proposed exclusion properties are classified as “Farm” according to BC Assessment records.

A ‘land swap’ is proposed for Property 7.57 where a 6.7 ha portion of the property that faces moderate slope constraints is proposed for exclusion, while a 3.3 ha portion that is flat and cleared is proposed for inclusion. The land owner for the property called to obtain more information regarding the proposed exclusion/inclusion of his property and ultimately supported the proposal.

**Commission Consideration and Conclusions**

Due to the small lot, residential nature of Hosmer, the Commission had no opposition to approving the proposed exclusions.

A brief discussion occurred regarding the proposed exclusion of the block of properties that are classified as “Farm” according to BC Assessment records. Not having received any correspondence from the land owners and given the small lot nature of the properties, the Commission agreed to exclude the aforementioned properties. On January 13, 2014, several months past the published submission deadline, the Commission did obtain a response from the land owner who is opposed to the proposed exclusion. The land owner was informed that a resolution for the application had already been passed in principle and that he can expect a letter in the mail informing him of the outcome of the application.

The Commission concluded to move forward as proposed for Area 7 – Hosmer.

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**Area 8 Profile – North Hosmer (REFER TO PROPOSAL MAP 8)**

Number of Properties Proposed for Exclusion: 7  
Number of Properties Proposed for Inclusion: 4
Property Sizes:  
3 properties less than 20 ha  
2 properties 30 – 60 ha  
6 properties 100 – 600 ha

Total Area Proposed for Exclusion: 478.2 ha  
Total Area Proposed for Inclusion: 488.5 ha

Area Characteristics
With the exception of Property 8.3, the inclusion area west of the Elk River is large block of Crown land that would link two large tracts of ALR land together. Although the proposed inclusion area does face moderate slope constraints, a large segment of the land is cleared and portions are currently being used for cattle grazing. The western boundary of the inclusion area follows a set of power lines where beyond those lines, the slope becomes substantially more precipitous.

Note: At the November 26, 2013 Commission meeting, concern was raised regarding including Properties 8.1, 8.2 & 8.4 into the ALR without receiving any comments from the Ministry of Forests, Lands and Natural Resource Operations (FLNRO). Darrell Smith, Regional Agrologist with the Ministry of Agriculture, who was present at the Commission meeting, subsequently contacted a colleague at FLNRO on November 27, 2013 to request feedback on Properties 8.1, 8.2 & 8.4. The Commission has since learned that an unfortunate circumstance has prevented this colleague from responding to Mr. Smith’s request.

Property 8.5 faces severe slope constraints and has poor agricultural capability.

The exclusion area east of the Elk River (properties 8.6 – 8.11 inclusive) was identified for exclusion following discussion at the July 16, 2013 Commission meeting. The area essentially contains wedges of ALR land that are hemmed between the railroad, Crowsnest Highway and the Elk River with the distance between these obstacles often less than 50 metres. Moreover, the area is highly disturbed with three gravel pits operating in the region. It is thus, highly unlikely that this area will ever be used for agricultural production. The southern boundary for the exclusion area reflects a change in the landscape where beyond the southern boundary the ALR area widens and the distance between the aforementioned obstacles significantly increase making this area more conducive to potential agriculture. These properties were originally labelled a ‘discussion area’ – REFER TO DISCUSSION AREA MAP 8 – as the Commission was hoping to obtain public comments that pertain to the area. When the Commission was satisfied that these properties were indeed suitable exclusion candidates, the ‘discussion area’ designation was dropped.

None of the proposed exclusion properties are classified as “Farm” according to BC Assessment records. No landowner submissions were received from this area.

Commission Consideration and Conclusions
The Commission briefly discussed the merit of including Properties 8.1 – 8.5 inclusive given the slope constraints but ultimately agreed to include them for their cattle grazing potential. There were no objections to the exclusion areas.
The Commission concluded to move forward as proposed for Area 8 – North Hosmer.

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**Area 9 Profile – South Sparwood** (REFER TO PROPOSAL MAP 9)

Number of Properties Proposed for Exclusion: 8  
Property Sizes:  
- 3 properties less than 10 ha  
- 2 properties 10 – 30 ha  
- 2 properties are 70.8 ha  
- 1 property is > 5000 ha  

Total Area Proposed for Exclusion: 123.4 ha  

**Area Characteristics**  
This area is severely fractured as a result of block exclusion Application #38857 from the District of Sparwood approved by the Commission in 2009. Several of the parcels are currently used for industrial activity and there is no agricultural activity on any of the parcels, nor in the surrounding area. None of the proposed exclusion properties are classified as “Farm” according to BC Assessment records. No landowner submissions were received from this area.

**Commission Consideration and Conclusions**  
The Commission recognized the industrial nature of the area and the very limited agricultural potential of the proposed exclusions.

The Commission concluded to move forward as proposed for Area 9 – South Sparwood.

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**Area 10 Profile – Central Sparwood** (REFER TO PROPOSAL MAP 10)

Number of Properties Proposed for Exclusion: 1  
Property Size: The property is 2.9 ha  
Total Area Proposed for Exclusion: 2.9 ha  

**Area Characteristics**  
The one property identified for potential exclusion within Central Sparwood is heavily disturbed and is used for commercial truck storage. The proposed exclusion property is classified as “Farm” according to BC Assessment records. A submission was not received from the land owner in this area.

**Commission Consideration and Conclusions**  
Considerable discussion was dedicated to the Matevic Road area of Central Sparwood which was not initially identified as an area of interest for potential exclusion from the ALR – REFER TO DISCUSSION AREA MAP 10 (the Matevic Road area comprises all properties identified as a ‘Discussion Area’ on Discussion Area Map 10). However, when staff members from the
Commission and Ministry of Agriculture conducted field work in the Elk Valley on June 25, 2013, it was determined that the area as a whole should be considered as a potential exclusion area due to parcel size (majority of the parcels are between 2 – 5 ha), a high volume of previous ALC applications and the overall lack of agricultural activity occurring in the area. The map for this area was subsequently altered prior to the information being presented at the July 16, 2013 Commission meeting.

The updated Central Sparwood map that included the potential exclusion of the Matevic Road area was presented before the Commission at the July 16, 2013 meeting where the Commission decided to remove the Matevic Road area from the ALC Review as the region, despite the aforementioned shortcomings, is predominately flat and has a relatively high agricultural capability.

Prior to the public hearing on August 15, 2013 however, Commission and Ministry of Agriculture staff viewed the area once again and determined that it should indeed formulate part of the ALC Review. Ultimately, the Central Sparwood map was altered immediately prior to the public hearing to reflect the changes that arose from the field visit.

At the Commission meeting on October 2, 2013, a detailed discussion regarding the Matevic Road area occurred. Given that the Commission presented a revised proposal involving the Matevic Road area at the public hearing, this revision did not form part of the original application as advertised. As notice of application material must be presented to the public prior to a public hearing, the Commission did not consider it appropriate to add the revised Matevic Road area to the ALC Review and thus, removed it from the project. However, the Commission is still interested in reviewing the ALR boundaries of this region and has already contacted the District of Sparwood about embarking on an individual planning exercise in tandem with the District. This project is anticipated to be completed in 2014.

The Commission concluded to move forward as proposed and as advertised in advance of the August 15, 2013 public hearing Area 10 – Central Sparwood.

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**Area 11 Profile – Northern Sparwood Mine Site (REFER TO PROPOSAL MAP 11)**

Number of Properties Proposed for Exclusion: 1
Property Size: The property is 2615.9 ha
Total Area Proposed for Exclusion: 621 ha

**Area Characteristics**
The property is an active coal mine owned by Teck Coal Ltd. and is located roughly 4 km north of the Sparwood airport. The Commission allowed an exclusion application on this property in 1976 subject to compliance with the Coal Development Guidelines. Since then however, the mining activities have spilled onto ALR land and now occupy a significant portion of this land. The proposed exclusion property is not classified as “Farm” according to BC Assessment records. A submission was not received from the land owner in this area.
Commission Consideration and Conclusions
The Commission briefly discussed how the extent of mining activity occurring on ALR land has rendered much of the property unsuitable for agricultural use and that it is unlikely that the property can be restored to a state that is conducive to agricultural production.

The Commission concluded to move forward as proposed for Area 11 – Northern Sparwood Mine Site.

Area 12 Profile – Northern Elk Valley (REFER TO PROPOSAL MAP 12)

Number of Properties Proposed for Inclusion: 7
Property Size:  All properties 6 – 11 ha
Total Area Proposed for Exclusion: 56.6 ha

Area Characteristics
All seven privately owned properties have been identified for inclusion as they are cleared, flat, have an agricultural capability of 5T & 5C and presently have a modest amount of agricultural activity occurring.

The land owner for inclusion Property 12.6 informed the Commission that she does not wish to have her property included in the ALR as she’s content with her present situation.

The land owners for inclusion Property 12.7 informed the Commission that they do not wish to have their property included in the ALR as the topsoil was removed from their property several decades ago to establish an airstrip. In recent years they have attempted to grow several varieties of grain but have only had marginal success.

Commission Consideration and Conclusions
With regard to the submission from the land owners of Property 12.6 & 12.7, the Commission agreed to the land owners’ request to NOT include these properties into the ALR.

The Commission concluded to move forward as proposed for Area 12 – Northern Elk Valley, save and except, Properties 12.6 & 12.7.

IT WAS
MOVED BY: Commissioner Thibeault
SECONDED BY: Commissioner Pranger

THAT in regard to the proposed exclusion of 1437.7 ha of land from the ALR and to include 739.9 ha of land into the ALR pursuant to s. 29(1) and s. 17(1) of the Agricultural Land Commission Act respectively, the Commission decided as follows:
Area 1 (Morrissey): The Commission approves the exclusion from the ALR of the properties numbered 1.1 – 1.3 inclusive & 1.6 – 1.10 inclusive as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties excluded from the ALR are identified on DECISION MAP 1;

Area 1 (Morrissey): The Commission approves the inclusion into the ALR of the property numbered 1.5 and did NOT include the property numbered 1.4 as identified on the Property Information Spreadsheet – See EXHIBIT 1. The property included into the ALR and the property not included into the ALR are identified on DECISION MAP 1;

Area 2 (Vanlerberg Road): The Commission approves the exclusion from the ALR of the properties numbered 2.1 – 2.16 inclusive as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties excluded from the ALR are identified on DECISION MAP 2;

Area 3 (South of Anderson Road): The Commission approves the exclusion from the ALR of the properties numbered 3.1 – 3.5 inclusive as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties excluded from the ALR are identified on DECISION MAP 3;

Area 4 (Anderson Road): The Commission approves the exclusion from the ALR of the properties numbered 4.1 – 4.7 inclusive & 4.10 – 4.33 inclusive and did NOT exclude the properties numbered 4.8 & 4.9 as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties excluded from the ALR and the properties not included into the ALR are identified on DECISION MAP 4;

Area 5 (Ghostrider): The Commission approves the exclusion from the ALR of the properties numbered 5.1 – 5.37 inclusive as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties excluded from the ALR are identified on DECISION MAP 5;

Area 5 (Ghostrider): The Commission did NOT include the property numbered 5.38 as identified on the Property Information Spreadsheet – See EXHIBIT 1. The property not included into the ALR is identified on DECISION MAP 5;

Area 6 (North Dicken Road): The Commission approves the exclusion from the ALR of the properties numbered 6.1 – 6.3 inclusive as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties excluded from the ALR are identified on DECISION MAP 6;

Area 7 (Hosmer): The Commission approves the exclusion from the ALR of the properties numbered 7.1 – 7.57 inclusive as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties excluded from the ALR are identified on DECISION MAP 7;

Area 7 (Hosmer): The Commission approves the inclusion into the ALR of the property numbered 7.57 as identified on the Property Information Spreadsheet – See EXHIBIT 1. The property included into the ALR is identified on DECISION MAP 7;
Area 8 (North Hosmer): The Commission approves the exclusion from the ALR of the properties numbered 8.5 – 8.11 inclusive as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties excluded from the ALR are identified on DECISION MAP 8;

Area 8 (North Hosmer): The Commission approves the inclusion into the ALR of the properties numbered 8.1 – 8.4 inclusive as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties included into the ALR are identified on DECISION MAP 8;

Area 9 (South Sparwood): The Commission approves the exclusion from the ALR of the properties numbered 9.1 – 9.8 inclusive as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties excluded from the ALR are identified on DECISION MAP 9;

Area 10 (Central Sparwood): The Commission approves the exclusion from the ALR of the property numbered 10.1 as identified on the Property Information Spreadsheet – See EXHIBIT 1. The property excluded from the ALR is identified on DECISION MAP 10;

Area 11 (Northern Sparwood Mine Site): The Commission approves the exclusion from the ALR of the property numbered 11.1 as identified on the Property Information Spreadsheet – See EXHIBIT 1. The property excluded from the ALR is identified on DECISION MAP 11;

Area 12 (Northern Elk Valley): The Commission approves the inclusion into the ALR of the properties numbered 12.1 – 12.5 inclusive and did NOT include the properties numbered 12.6 & 12.7 as identified on the Property Information Spreadsheet – See EXHIBIT 1. The properties included into the ALR and the properties not included into the ALR are identified on DECISION MAP 12;

AND FINALLY THAT The Commission wishes to thank the RDEK for completing much of the groundwork and analysis of the areas of interest identified in the ALC Review. The Commission would also like to thank the RDEK, District of Sparwood and the City of Fernie for their commitment to assisting the ALR throughout the duration of this project. Finally, the Commission would like to thank Darrell Smith of the Ministry of Agriculture for providing valuable insight and accompanying Commission staff on their many visits to the Elk Valley.

As to Application #53569 (Exclusion)
CARRIED
Resolution #5/2014

As to Application #53570 (Inclusion)
CARRIED
Resolution #6/2014
MAP DIRECTORY

Proposal Map 1 – Area One: Morrissey
Proposal Map 2 – Area Two: Vanlerberg Road
Proposal Map 3 – Area Three: South of Anderson Road
Proposal Map 4 – Area Four: Anderson Road
Proposal Map 5 – Area Five: Ghostrider
Discussion Area Map 5 – Area Five: Ghostrider
Proposal Map 6 – Area Six: North Dicken Road
Proposal Map 7 – Area Seven: Hosmer
Proposal Map 8 – Area Eight: North Hosmer
Discussion Area Map 8 – Area Eight: North Hosmer
Proposal Map 9 – Area Nine: South Sparwood
Proposal Map 10 – Area Ten: Central Sparwood
 Discussion Area Map 10 – Area Ten: Central Sparwood
Proposal Map 11 – Area Eleven: Northern Sparwood Mine Site
Proposal Map 12 – Area Twelve: Northern Elk Valley

Decision Map 1 – Area One: Morrissey
Decision Map 2 – Area Two: Vanlerberg Road
Decision Map 3 – Area Three: South of Anderson Road
Decision Map 4 – Area Four: Anderson Road
Decision Map 5 – Area Five: Ghostrider
Decision Map 6 – Area Six: North Dicken Road

Decision Map 7 – Area Seven: Hosmer

Decision Map 8 – Area Eight: North Hosmer

Decision Map 9 – Area Nine: South Sparwood

Decision Map 10 – Area Ten: Central Sparwood

Decision Map 11 – Area Eleven: Northern Sparwood Mine Site

Decision Map 12 – Area Twelve: Northern Elk Valley
Proposal Map Two
Area Two: Vanlerberg Road

ALC File Numbers: 53569 & 53570

Legend
- Potential Exclusion Area

* Note -2.xx = Property Number

See Area 3 Map
Proposal Map Three
Area Three: South of Anderson Road

ALC File Numbers: 53569 & 53570

Legend

Potential Exclusion Area

* Note -3.xx = Property Number
Subject Properties

Legend

Potential Exclusion Area

* Note - 4.xx = Property Number

Proposal Map Four
Area Four: Anderson Road

ALC File Numbers: 53569 & 53570
Proposal Map Five
Area Five: Ghostrider

ALC File Numbers: 53569 & 53570

Legend
- Yellow: Potential Inclusion Area
- Red: Potential Exclusion Area

* Note - 5.xx = Property Number
Subject Properties

Discussion Area Map Five
Area Five: Ghostrider

ALC File Numbers: 53569 & 53570

Legend
- Red: Potential Exclusion Area
- Yellow: Potential Inclusion Area
- Purple: Discussion Area

*Note - 5.xx = Property Number
Proposal Map Six
Area Six: North Dicken Road

ALC File Numbers: 53569 & 53570

Legend

Potential Exclusion Area

* Note -6.xx = Property Number
Proposal Map Seven
Area Seven: Hosmer

ALC File Numbers: 53569 & 53570

Legend
- Potential Inclusion Area
- Potential Exclusion Area

* Note -7.xx = Property Number
Proposal Map Eight
Area Eight: North Hosmer

ALC File Numbers: 53569 & 53570

* Note -8.xx = Property Number
*Note - 8.xx = Property Number

Discussion Area Map Eight
Area Eight: North Hosmer

ALC File Numbers: 53569 & 53570
Proposal Map Nine
Area Nine: South Sparwood

ALC File Numbers: 53569 & 53570
Proposal Map Ten
Area Ten: Central Sparwood

Legend

Potential Exclusion Area

* Note - 10.xx = Property Number

ALC File Numbers: 53569 & 53570
Discussion Area Ten
Area Ten: Central Sparwood

ALC File Numbers: 53569 & 53570

Legend
- Potential Exclusion Area
- Discussion Area

* Note - 10.xx = Property Number
Proposal Map Eleven
Area Eleven: Northern Sparwood Mine Site

ALC File Numbers: 53569 & 53570

Legend

- Potential Exclusion Area

* Note -11.xx = Property Number
Proposal Map Twelve
Area Twelve: Northern Elk Valley

ALC File Numbers: 53569 & 53570

Legend
- Potential Inclusion Area

* Note - 12.xx = Property Number
Areas approved for exclusion from the ALR by Resolution number 5/2014
Areas approved for inclusion from the ALR by Resolution number 6/2014
Inclusion not being pursued
* Note -1.xx = Property Number

Subject Properties

Decision Map One
Area One: Morrissey

ALC File Numbers: 53569 & 53570
Decision Map Two
Area Two: Vanlerberg Road

ALC File Numbers: 53569 & 53570

Legend

Areas approved for exclusion from the ALR by Resolution number 5/2014

* Note -2.xx = Property Number
Area Three: South of Anderson Road

ALC File Numbers: 53569 & 53570

*Note -3.xx = Property Number
Decision Map Four
Area Four: Anderson Road

ALC File Numbers: 53569 & 53570

Legend
Areas approved for exclusion from the ALR by Resolution number 5/2014
Exclusion not being pursued

* Note - 4.xx = Property Number
**Legend**

- **Red** Areas approved for exclusion from the ALR by Resolution number 5/2014
- **Yellow** Inclusion not being pursued

*Note - 5.xx = Property Number*

**Decision Map Five**

**Area Five: Ghostrider**

ALC File Numbers: 53569 & 53570
Decision Map Six
Area Six: North Dicken Road

ALC File Numbers: 53569 & 53570

Legend

- Areas approved for exclusion from the ALR by Resolution number 5/2014

* Note -6.xx = Property Number
Areas approved for exclusion from the ALR by Resolution number 5/2014

Areas approved for inclusion from the ALR by Resolution number 6/2014

* Note -7.xx = Property Number
Decision Map Eight
Area Eight: North Hosmer

ALC File Numbers: 53569 & 53570

* Note -8.xx = Property Number
Decision Map Nine
Area Nine: South Sparwood

ALC File Numbers: 53569 & 53570

Legend
- Areas approved for exclusion from the ALR by Resolution number 5/2014
* Note -9.xx = Property Number
Legend

- Areas approved for exclusion from the ALR by Resolution 5/2014

* Note - 10.xx = Property Number

Decision Map Ten
Area Ten: Central Sparwood

ALC File Numbers: 53569 & 53570
Legend

Areas approved for exclusion from the ALR by Resolution number 5/2014

* Note -11.xx = Property Number

Decision Map Eleven
Area Eleven: Northern Sparwood Mine Site

ALC File Numbers: 53569 & 53570
**Decision Map Twelve**

**Area Twelve: Northern Elk Valley**

ALC File Numbers: 53569 & 53570

*Note - 12.xx = Property Number*
EXHIBITS

Exhibit 1 – Property Information Spreadsheet

Exhibit 2 – Executive Summary of the Regional District of East Kootenay’s (RDEK) Elk Valley Agricultural Land Reserve Review Project

Exhibit 3 – Minutes of Resolution #281/2011

Exhibit 4 – A letter sent from the Commission to the RDEK indicating that the Commission will commence a boundary review in the Elk Valley in 2012

Exhibit 5 – The complete transcript from the public hearing held in Fernie

Exhibit 6 – A sample of a letter sent to every individual landowner affected by the ALC Review

Exhibit 7 – A letter sent to the District of Sparwood to clarify how the Matevic Road area will be planned outside of the ALC Review

Exhibit 8 – A letter sent to the RDEK informing them that the discussion areas for the Ghostrider area will not formulate part of the ALC Review
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<tr>
<th>Area Number</th>
<th>PID</th>
<th>Legal Description</th>
<th>Area (ha)</th>
<th>Area in ALR (ha)</th>
<th>ALR Area Proposed for Inclusion/Exclusion</th>
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| 5.2 | 007-541-571 | LOT 2 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 16610 | 3.7 | 3.7 | 3.7 | 1) DELLA WESTERBY 2) DOUGLAS JOSEPH DOMINICK 3) ALLAN DOMINICK |
| 5.3 | 016-013-221 | LOT 6 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 EXCEPT PART INCLUDED IN PLAN 7617 | 2.0 | 2.0 | 2.0 | BARBARA E CANNING/THOMAS R CANNING |
| 5.4 | 014-953-676 | LOT 7 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 EXCEPT PART INCLUDED IN PLAN 7617 | 2.3 | 2.3 | 2.3 | GEORGE W HURLBUT/MARIE C CARIGNAN |
| 5.5 | 016-013-204 | LOT 9 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 EXCEPT PART INCLUDED IN PLAN 7617 | 2.0 | 2.0 | 2.0 | CYNTHIA A PACE/DOMINIC A PACE |
| 5.6 | 016-016-939 | LOT 11 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 | 2.0 | 2.0 | 2.0 | 1) DELLA WESTERBY 2) DOUGLAS JOSEPH DOMINICK 3) ALLAN DOMINICK |
| 5.7 | 016-016-891 | LOT 12 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 | 2.0 | 2.0 | 2.0 | 1) DELLA WESTERBY 2) DOUGLAS JOSEPH DOMINICK 3) ALLAN DOMINICK |
| 5.8 | 025-605-119 | LOT A DISTRICT LOTS 4139 AND 6392 KOOTENAY DISTRICT PLAN NEP 72839 | 2.9 | 0.4 | 0.4 | CHARLENE GAGNE-ABBOTT/RANDALL H ABBOTT |
| 5.9 | 025-454-366 | LOT 2 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN NEP 71592 | 2.0 | 0.6 | 0.6 | CHARLENE GAGNE-ABBOTT/RANDALL H ABBOTT |
| 5.10 | 025-454-382 | LOT 4 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN NEP 71592 | 1.9 | 1.0 | 1.0 | 3855295 CANADA INC |
| 5.11 | 025-454-391 | LOT 5 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN NEP 71592 | 1.9 | 1.2 | 1.2 | JOHN PAUL SHAW/VIRGINIA ROBINSON |
| 5.12 | 025-454-404 | LOT 6 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN NEP 71592 | 1.9 | 1.4 | 1.4 | YARON KIFLAWI |
| 5.13 | 025-454-412 | LOT 7 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN NEP 71592 | 1.9 | 1.7 | 1.7 | RUSSELL JOHN TRAND/DEBORAH ANN TRAND |
| 5.14 | 016-026-489 | LOT 31 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 | 1.9 | 1.8 | 1.8 | LEE-ANNE WALKER/GARY B WALKER |
| 5.15 | 016-026-497 | LOT 32 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 | 1.9 | 1.9 | 1.9 | ANNA PINEY/SIMON PINEY |
| 5.16 | 016-026-501 | LOT 33 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 | 1.9 | 1.9 | 1.9 | TRACY DEMMINGS/DANIEL DEMMINGS |
| 5.17 | 016-026-519 | LOT 34 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 | 1.9 | 1.9 | 1.9 | 552980 BC LTD |
| 5.18 | 025-462-067 | LOT 1 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN NEP 71722 | 1.8 | 1.8 | 1.8 | CLIFFORD G KENDALL/BONNIE L KENDALL |
| 5.19 | 025-462-075 | LOT 2 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN NEP 71722 | 1.8 | 1.8 | 1.8 | JANE A FRASER/GREGORY R GOODISON |
| 5.20 | 005-265-312 | BLOCK 39 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 | 1.8 | 1.8 | 1.8 | KAREN T BLOEMINK/ANDRE BLOEMINK |
| 5.21 | 016-013-140 | LOT 41 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 | 1.8 | 1.8 | 1.8 | NICOLE STEPHANIE BROWN/ROBERT ANTHONY BROWN |
| 5.22 | 016-013-166 | LOT 42 DISTRICT LOT 4139 KOOTENAY DISTRICT PLAN 802 | 1.8 | 1.8 | 1.8 | BEVERLEY EVELYN BROWN |</p>
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<td>DISTRICT LOT 12752 KOOTENAY DISTRICT, EXCEPT THE MOST WESTERLY 30 CHAINS</td>
<td>24.5</td>
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<td>1) GORDON TIMM 2) NANCY-JO O’NEILL</td>
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<td>011-887-575</td>
<td>EXCEPT PART INCLUDED IN PLAN 15502</td>
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<td>016-058-810</td>
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EXECUTIVE SUMMARY

INTRODUCTION

In 2008, the Regional District of East Kootenay (RDEK), in collaboration with the Agricultural Land Commission (ALC), embarked on a pilot project to review the Agricultural Land Reserve (ALR) boundaries and regulations within the Elk Valley. The project had two primary objectives:

1. to identify potential ALR boundary adjustments to reflect existing land characteristics; and
2. to review land use policies and regulations to support agriculture and ALC decision-making within the project area.

This report represents the RDEK’s position on ALR land use management in the Elk Valley. The report specifically recommends a number of adjustments to the ALR boundary in the Elk Valley as well as amendments to ALC regulations and policies respecting subdivision and non-farm use.

ALR BOUNDARY ADJUSTMENTS

The ALR boundary in the Elk Valley was established in 1974 using 1:50,000 mapping and other large scale landscape features and soils information. This project represents the first detailed review of the Elk Valley ALR boundary since its inception.

Not all ALR land in the Elk Valley was reviewed. Much of the valley bottom land is appropriately designated as ALR. Specific areas of interest along the ALR edge were identified by the RDEK and ALC for detailed analysis. Using existing mapping, photography and land use history in combination with field investigation of site specific land features, several options for ALR boundary adjustments have been identified for each area of interest.

The results of the ALR boundary analysis will not be used for a block ALR exclusion or inclusion application. Instead, future applications from individual land owners that comply with this report will be more likely to gain RDEK support and receive a favorable decision from the ALC.

ALR Land affected by this Report:

Total ALR in the Elk Valley: 13,190 ha
Area supported for exclusion: 1,137 ha
Area supported for inclusion: 432 ha
Net loss of ALR land: 705 ha

ALR SUBDIVISION AND LAND USE DEVELOPMENT POLICIES

The RDEK analyzed the mandate of the ALC, Elk Valley agricultural statistics, and both ALC and RDEK land use regulations and policies to produce a set of specific recommendations for ALR land use management in the Elk Valley. In general, the RDEK supports an expansion of permitted land uses and subdivisions in the ALR to be implemented through either a delegation agreement or a General Order of the Commission.
The mandate of the ALC is to preserve agricultural land and support farming. The ALC Act and supporting regulations implement this mandate. However, the regulations are very prescriptive and consequently generate many applications for non-farm use and subdivision approvals. This shifts the ALC's focus from the broader objective of preserving agricultural land and supporting farming to micro-managing land use with regulations that often duplicate or contradict local government land use planning and zoning.

Based on Statistics Canada's Census of Agriculture, existing farming opportunities in the Elk Valley are at risk due to farmer demographics, small economic returns, dependence on non-farm income and lack of agricultural diversity. It is the opinion of the RDEK that the ALC and Ministry of Agriculture could be directing more resources to the broader provincial objective of supporting agriculture and local food production.

Local government has been delegated the power to control land use and development, except in the ALR where additional Provincial regulations for land use and subdivision apply. This has created an overlapping set of land use regulations affecting land in the ALR. This report has identified areas where the Elk Valley Zoning Bylaw should take precedence over ALR regulations in order to rationalize the land use regulatory regime, reduce conflicting regulations, and streamline application processes.

The report also examines ALR subdivision policies, local planning documents, and existing development patterns and recommends a revised set of policies for rationalizing and streamlining the management of specific types of ALR subdivision applications in the Elk Valley.

CONCLUSIONS

This report describes the results of an ALR boundary and policy review project for the Elk Valley region of the RDEK. Through the identification of specific areas of interest that were then subject to detailed research and field investigations, the report recommends potential ALR boundary adjustments that better reflect existing land features. The report also examines other aspects of the ALR, the state of local agriculture and applicable land use regulations to develop recommendations for managing non-farm uses and subdivisions. The report was presented at a public meeting in Hosmer on June 25, 2009. A public comment period followed the meeting.

Boundary Adjustments

This report makes recommendations for fine tuning the ALR boundary in several locations in the Elk Valley. In most cases, several options are presented. At the time of application by individual land owners, it is the intention of the RDEK to use this report in its review of the application.

ALR Policy and Development Regulations

The report outlines several non-farm uses and subdivisions that the RDEK believes should either be permitted outright, or should be controlled by local government zoning regulations and decision-making processes. In addition to the general non-farm uses and subdivisions detailed below the report identifies additional criteria to be used when reviewing applications, such as a requirement for a report from a qualified professional to help determine the potential impacts or opportunities for agriculture being generated by the proposal.
Non-Farm Uses

The report recommends that the following uses be exempt from the requirement for a non-farm use approval by the ALC:

1. Secondary suites located within detached garages.
2. Two family dwellings.
3. Temporary portable sawmills where permitted by zoning, without requiring 50% of the timber to be harvested from the property or farm where the mill is located.
4. Home based businesses in excess of the 100 m² subject to compliance with zoning regulations.
5. Structures accessory to parks, biodiversity conservation, passive recreation, heritage, wildlife, and scenery viewing purposes greater than 100 m² subject to compliance with zoning regulations.
6. Temporary storage of soil and fill where the storage does not impact the agricultural capability of the parcel. A report from a Professional Agrologist may be required at the time of application for a Temporary Use Permit to the RDEK.
7. Public utility uses (i.e. water and sewer mains, hydro and cable lines) of a residential or commercial scale, subject to the land being reclaimed to its original condition, where applicable.
8. Telecommunication equipment in excess of 100 m² where in compliance with zoning regulations.

Subdivision

The report recommends that the following subdivisions be permitted:

1. Subdivision for a relative pursuant to Section 946 of the Local Government Act and where the parcel being created minimizes the impact to the agricultural potential of the parent parcel.
2. Subdivision to create a homesite for retiring farmer where consistent with Section 946 of the Local Government Act and where the parcel being created minimizes the impact to the agricultural potential of the parent parcel.
3. Subdivision in the Cokato area where a parcel:
   a. is divided by a road, to a minimum of a 70%-30% split;
   b. is within 40% of the allowable minimum parcel size;
   c. meets the minimum usable site area requirements of the zoning bylaw.
4. Subdivision in the Dicken Road area where a parcel is divided by a road.
5. Subdivisions of parcels 4.0 ha (10 ac) in size or less.
6. Subdivisions of parcels where the proposal does not impact the agricultural capability of the parcel being subdivided. Criteria to be considered when reviewing applications under this provision are:
   a. Topographic and other constraints;
   b. Existing agricultural and non-agricultural land uses and infrastructure;
   c. Parcelization;
   d. Other criteria as deemed appropriate.

7. Despite having potential agricultural capability, subdivisions of parcels that demonstrate significantly limited agricultural suitability. Criteria considered when reviewing suitability are as follows:
   a. Existing parcel configuration;
   b. Access to water for irrigation;
   c. Access to transportation infrastructure;
   d. Other criteria as deemed appropriate.

BENEFITS TO THE ALC AND PROVINCIAL GOVERNMENT

By adopting the recommendations of this report, the ALC will be better able to focus its resources on its broader mandate of preserving agricultural land and supporting farming. This will be achieved in the following ways:

1. Through increased confidence in the ALR boundary in areas of the Elk Valley that are subject to development pressures and competing land use interests.

2. By supporting a broader range of land uses and subdivisions on marginal lands, the ALC can concentrate on protecting high quality agricultural lands.

3. By delegating certain decision-making authorities to local government or modestly expanding the range of permitted subdivisions and land uses in the ALR, the ALC will reduce the number of applications it reviews and will be able to focus resources on other agricultural concerns.

4. The ALC will be assisting agriculture in the Elk Valley by supporting some additional non-farm economic potential in the ALR land base.

5. Streamlining and rationalizing government regulations and application processes provides immediate benefit to all levels of governments, the agricultural industry and, most importantly, local farmers and residents.

RDEK RECOMMENDATIONS

1. That the ALC enter into a delegation agreement with the RDEK for non-farm uses and subdivisions in the Elk Valley as recommended in this report; or

   That the ALC pass a General Order approving the non-farm uses and subdivisions in the Elk Valley as recommended in this report; and

2. That the ALC accept the recommendations of this report when reviewing ALR exclusion and inclusion applications; and

3. That this report be used as a template for future ALR review projects in the RDEK.
Meetings were held by the Provincial Agricultural Land Commission on May 25, 2011 and June 29, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Gordon Gillette Meeting Chair  
Richard Bullock Chair of Commission  
Jennifer Dyson Commissioner  
Bert Miles Commissioner  
Roger Mayer Commissioner  
Jim Johnson Commissioner  
Jerry Thibeault Commissioner  
Lucille Dempsey Commissioner  
Denise Dowsew Commissioner  
Jim Collins Commissioner

COMMISSION STAFF PRESENT:

Roger Cheetham Regional Planner  
Lily Ford Land Use Planner  
Eamonn Watson Land Use Planner  
Brian Underhill Executive Director (present for meeting on June 29, 2011 only).

REPRESENTATIVES OF APPLICANTS PRESENT:

Mike Sosnowski Regional District of East Kootenay (RDEK), Electoral Area A Director  
(present for first part of meeting on May 25, 2011 only)

APPLICATION ID: #52121

PROPOSAL: To exclude 36 properties with a total area of 6515.7 ha of which 517.1 ha is located within the ALR.  
(Application submitted pursuant to section 29 (1) of the Agricultural Land Commission Act)

PROPERTY INFORMATION:

Applicant: Regional District of East Kootenay  
Parcel IDs: 36 properties as described in the staff report  
Size: The total extent of the properties is 6515.7 ha  
Area in ALR: 517.1 ha
Resolution # 281/2011
ALR File 52121

PRESENTATION at Meeting on 25th May 2011:

At the outset, in answer to a question from the Commission, Mr. Sosnowski confirmed that he was the Electoral Area Director for Area A and was representing the RDEK with regard to the application. Mr. Sosnowski spoke to the application using a power point presentation that provided a review of the history relating to the application. Among the points raised were the following:

- The block exclusion application was preceded by the Elk Valley ALR Review Project (the Review). The study area for the Review comprises areas within the ALR along the Elk River located entirely within Electoral Area A. This electoral area includes the Cities of Fernie and Sparwood, the District of Elkford and a large wilderness area to the south east of Fernie known as the Flathead.

- The project was intended as a pilot study that will guide future ALR reviews in the RDEK. It began in 2008 with two main objectives – to identify potential ALR boundary adjustments to reflect land characteristics and, secondly, to review land use policies and regulations to support agriculture and ALC decision-making within the project area.

- The ALR boundary in the Elk Valley was established in 1974 based on 1:50 000 mapping and large scale landscape features and soil information. The Review was the first detailed examination of the Elk Valley ALR boundary since it was established. (Note. There was a review of the Upper Elk Valley undertaken by the Commission in 1983 that was prompted by the ranchers in the area who wished to see the ALR expanded to include areas of Crown Land. This ALC review was not completed).

- The Review was confined to several specific areas identified jointly by the RDEK and the ALC. The study included detailed research and field investigation. Following a public meeting convened by the RDEK in Hosmer in July 2009, attended by approximately 50 people, the report was finalized. It makes a number of recommendations for fine tuning the ALR boundary in several locations in the Elk Valley. Mr. Sosnowski’s presentation included slides of the maps from the Review showing the areas that have been identified as having potential for exclusion or inclusion from or into the reserve. (Note those relevant to the block exclusion application were included in the ALC staff report).

- After discussion with the Commission with regard to which organization should proceed with the block exclusion/inclusion, the Commission agreed to the RDEK proceeding on the basis of the areas identified in the Review. The RDEK held a public meeting in Hosmer in October 2010 attended by 72 property owners. Comments (written and verbal) included 9 in favor of ALR boundary changes and 10 against.

- The RDEK took a position of principle that it would provide owners with a choice as to whether or not their properties were to be included in the block application. (Mr. Sosnowski emphasized the importance, in the view of the RDEK, of this approach.) Only the properties of those specifically expressing a wish in writing, comprising a total of 36 properties, all of which supported the exclusion of their properties from the ALR, were included in the application. Mr. Sosnowski indicated that the main reason...
for the limited response was that many property owners preferred to remain in the ALR because of tax benefits.

DISCUSSION at Meeting on 25th May 2011:

The Commission was pleased to note that the RDEK Review that preceded and was the foundation of the block application had focused on the agricultural potential of the areas jointly identified by the Commission and the RDEK. It noted that the previous Chair of the Commission and the Kootenay Panel had inspected most of the areas that are identified in the Review with Mr. Sosnowski and the RDEK staff planner responsible for drafting the Review. The Commission further noted that, in the light of the site inspection and discussions with the RDEK representatives, that the Chair and Kootenay Panel were generally in support of the areas identified in the Review.

The Commission was, however, concerned over the block exclusion process that had been followed by the RDEK subsequent to the Review. When agreeing to the RDEK proceeding with the block exclusion/inclusion the Commission had expected that the review would form the basis of the block exclusion/inclusion process, as discussed and agreed with the RDEK prior to the commencement of the process and that, accordingly, agricultural considerations would form the basis of the application. This approach would be in line with the fundamental purpose of the process - to facilitate adjustments to the boundaries of the ALR to better reflect areas with agricultural potential. This process involves both the exclusion of land with no significant potential and also the inclusion of land with agricultural potential.

In noting the purpose and function of block applications, the Commission’s attention was drawn to some of the more recent examples of block exclusion/inclusion processes in the Kootenay Region. Two block applications, one for exclusion and inclusion and one for exclusion only, undertaken by the Regional District of Central Kootenay, were specifically identified. These processes focused on agricultural considerations, in particular soil capability, parcel sizes, existing uses and proximity to urban development. The block exclusion process is intended to provide a mechanism for the adjustment of the ALR boundaries to better reflect areas with agricultural potential. By so doing it ensures that the ALC’s legislation is not an encumbrance to land with no agricultural potential, enables greater efficiencies to be achieved by avoiding unnecessary ALR applications and it prevents the use of the legislation to reduce taxes. As the adjustments to the ALR boundary are founded on agricultural considerations, with the possible exception of a few areas where agricultural considerations vary from site to site, the adjustments usually involve blocks of properties all of which have insufficient agricultural potential to justify retention within the reserve.

The process should result in the adjustment of the boundaries of the ALR so that only areas with agricultural potential are located within the ALR. Otherwise the process will have failed to achieve its primary purpose. The Commission was thus unable to support the approach adopted by the RDEK. By restricting the application to the 36 properties scattered throughout the areas identified in the Review and by not including other properties also recognized in the Review as not having any agricultural potential, the Commission considered that the application had been significantly influenced by property owners based on non-agricultural (i.e. tax) considerations. The application had created a patchwork of properties intermingled and having similar agricultural potential to properties proposed to be retained in the ALR. The Commission, with
four exceptions, considered that none of the properties have any meaningful agricultural potential, nor did it consider that any of the other properties within the same review areas have any agricultural potential. If these properties are to remain within the ALR the Commission noted that it will be faced with future applications that tie up its resources and which could have been avoided if the block exclusion process had focused solely on agricultural criteria.

In this light the Commission was of the view that it was important that the block exclusion and inclusion process be completed and as the RDEK appear unwilling to proceed further it may be necessary for the Commission to undertake a follow up block exclusion/inclusion process as and when its resources permit.

The Commission debated at some length whether or not it should exclude the 32 of the 36 subject properties that clearly have no agricultural potential at this stage. It noted that with respect to the Anderson Road area it had agreed in principle (subject to specific applications) to exclude this area from the ALR when commenting upon an OCP for the City of Fernie in 1996. It further noted that, as pointed out by Mr. Sosnowsky, by excluding these properties applications from individual owners could be avoided. There were thus some benefits to be gained from doing so. On the other hand the Commission considered that it made somewhat of a mockery of the block exclusion/inclusion process.

The Commission was unable to reach any firm conclusion with regard to the application at the meeting and decided to defer a decision until the next meeting to provide time for reflection and further discussion.

**DISCUSSION at Meeting on 29th June 2011:**

Commission staff summarized the issues discussed at the meeting on the 25th May 2011 after which the Commission gave further consideration to the application. The Commission concluded that notwithstanding its reservations with regard to the process followed by the RDEK it was appropriate to exclude 32 of the subject properties from the ALR. None of these properties have any agricultural potential and all fall within areas identified in the RDEK Review as possible exclusion areas. With regard to the four other subject properties the Commission noted that parts of these properties appeared to have agricultural potential and before any decision could be made a site inspection was necessary. The Commission therefore considered that it was appropriate to table decisions on these pending such inspections.

The Commission considered that it was important that a further block exclusion/inclusion process should be undertaken for the other properties identified in the RDEK Review and that this should be discussed with the RDEK along with the other issues identified in these minutes, particularly bearing in mind that the RDEK Review is intended as a pilot study for other reviews and block exclusion/inclusion processes.

**CONCLUSIONS:**

IT WAS
MOVED BY: Commissioner B. Miles
SECONDED BY: Commissioner R. Bullock
Resolution # 281/2011
ALR File 52121

THAT having regard to the discussion reflected in the minutes the exclusion from the Agricultural Land Reserve of the 32 properties identified in Schedule A be approved;

THAT consideration of the application for the exclusion of the four properties identified in Schedule B be tabled pending a site inspection of these properties;

THAT a meeting with the RDEK be sought to discuss the issues identified in the minutes and the process followed by the RDEK;

AND THAT, subject to the outcome of the discussions between the Commission and the RDEK, a new block exclusion/inclusion process be undertaken with respect to the other areas identified in the RDEK Report.

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 # 281/2011
December 20, 2011

Reply to the attention of Lily Ford
ALC Files: 52121 (Elk Valley Review)
46406 (Baynes Lake OCP)

Regional District of East Kootenay
19 - 24th Avenue South
Cranbrook, BC V1C 3H8

Andrew McLeod, Manager - Planning and Development Services

Dear Mr. McLeod:

Re: ALR Boundary Reviews - Elk Valley (Sparwood Area) and Baynes Lake

Further to recent Agricultural Land Commission decisions in Baynes Lake and the Elk Valley (in the vicinity of Sparwood), I write to inform you that the Commission will be proceeding with ALR boundary reviews for these areas in the new year. The reviews may result in the Commission initiating an application pursuant to section 29(1) of the Agricultural Land Commission Act.

Much of the groundwork and analysis of these areas has already been accomplished thanks to the work of the Regional District; however, I wish to provide advance notice that the Commission will be engaging the Regional District as part of these reviews. The Commission looks forward to working with the Regional District in this regard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Richard Bullock, Chair

52121m1
46406m2
Public Hearing
Fernie
(Held August 15, 2013)

Transcriptionist’s Note. Audio quality was excellent but regularly cut out while participants were speaking, typically for three to 10 seconds at a time. Instances of audio loss have been time-stamped.

LEGEND
Richard: Richard Bullock.
Gordon: Gordon Gillette.
Jerry: Jerry Thibeault.
Reed: Reed Bailey.
Colin: Colin Fry.
Andrew: Andrew McLeod.
Darrell: Darrell Smith.
Katie: Katie Lambert.
Mike: Mike Sosnowski.
Todd: Todd Fyfe.
Faye: Faye Street.
Sharon: Sharon Mielnichuk.
Raymond: Raymond Miles.
Randy: Randy Reay.
Audience: Members of the audience.

Richard: Is this thing working? Ready to roll? I think we should get started. We got a bunch of stuff to go through. I want to thank you all, those of you who made it tonight. We’re here to look at the boundaries that have been looked at, and I think before we get started, I’d like to introduce my crowd that’s here with us. And I’m going to start on my left with…

Gordon: Hi, my name's Gordon Gillette. I'm a commissioner with the Land Commission. My background is basically in local government. I was a planner with Regional District, an administrator. Now retired from that job.

Jerry: Hi, I'm Jerry Thibeault. I'm a commissioner for the Commission. The Kootenay Boundary area is my district I'm involved with. I've been involved with livestock all my life, and that's it.
Reed: I'm Reed Bailey. I'm a land use planner for the ALC.

Colin: And I'm Colin Fry, Executive Director of the Land Commission.

Richard: And I think Andrew, do you want to introduce yourself?

Andrew: Andrew McLeod, I'm a planner with the Regional District of East Kootenay.

Darrell: Darrell Smith with the Ministry of Agriculture for the East Kootenays.

Katie: I'm Katie Lambert. I'm a GIS technician at the ALC office and I work in the mapping department.

Richard: And I think Mike Sosnowski is here, or was here. There you are. Thanks, Mike.

Mike: [inaudible 02:12]

Richard: [laughs] There you go, and I'm Richard Bullock, Chair of the Land Commission. We still got a few people wandering in. What we're going to do is go through the maps and the process that we've been dealing with for some time now, and I think some of you are going to recognize the areas and Mike has done some of this work over the last couple of years, and we've been... Anybody that's been watching things and reading the papers knows that we've been wanting and been instructed over time to do some of these boundary reviews around the province. We're starting the process here in the East Kootenays and we're starting it particularly in Elk Valley. I guess we're starting farthest east and we'll work our way west through the East Kootenay area. This is our first crack at it.

We're going to try and give you as much information as we possibly can, answer whatever questions that you may have. We're not here tonight to be discussing individual applications. We're discussing the regional issues and the regional boundaries as we see them and will be seeing, and we're looking for your input. Have we got it right? Have we got it wrong? Are there areas that we're missing? Are there areas that are in that shouldn't be? And just we're here to tell you what we have to this point in time. We've been working... our staff and the Regional District staff have been working very closely together to bring it to this point, and here we are with a public meeting trying to get some input from you folks.
I'm going to ask when we get going that you do speak into the speaker because everything we're doing here tonight is recorded. This will be on the record and will be put up on our website for people, whoever are interested, to be able to weigh in. And once we're through here tonight, we'll have a period of approximately 30 days for everybody if you've got further things that you want to say or people that haven't had the opportunity to be here tonight to write to us, email to us, or however way communicate to us their thoughts. I'd like people also... as shouldn't have to be said, but it will be said. This is a public meeting. We're here to discuss this issue. Let's discuss it well, sanely, and I'm prepared and I want to hear both sides of the issue, and I want you each to respect each other when you stand up and we move this meeting forward.

I also, again, am going to say thanks for coming out. I know it's a tough time and we've had people saying, "Why are you doing this in the middle of the summer?" We've had to get started. We've been wanting to do this for some time. We've got a few funds that we've got to use up, and when you're in government those funds have to be used in a certain period of time or they disappear and go back into the nether reaches of government. So here we are, and there never is a good time, I've found, over my lifetime. I know farmers and others are busy at this time of year, but generally if you're interested, you do find the time. So here we are. It's the beginning. It's certainly not the end. It's a journey.

I guess the other thing I'd like to say is we may screw up a bit, or we're going to learn something tonight and our next process may be a little more smooth than this, but we're here and we thank you for being somewhat of guinea pigs and helping us move down this road. This is not a simple process, but it's one that we're embarking on and we've got legislative restrictions around what we can do and what we can't do, and that's the field that we operate in and there you have it. I'm going to turn it over in a second to Reed to begin going through the process. I think we've got 12 areas that we're going to have a look at with the maps, and those areas have been gone over and there's been walking on these areas. And again, the Regional District has weighed in with their comments and thoughts.

Nothing is carved in stone here. These are laid out before you for comment, discussion, and we will be recording it, as I say. And when we go on to the next step, we'll have the information we have here tonight to help us move forward.
Anything further on that part of the meeting? Reed, do you… As we're going through with each area and if people have comments on those, I think we'd like you to weigh in on those as we go through, one, two, three, to 12, and then once we get those out of the way, we'll take general questions on all of them and move on to try and answer whatever questions you may have. But I want to make it very clear we're sticking with the boundary review as we have before us and the areas we're talking about. All right? Reed? And Mike, you'll know most of this stuff off by heart, I'm sure.

Mike: Could I just make a comment?

Richard: Certainly.

Mike: To the people here, and on the record, that the Regional District of East Kootenay had very little conversation with the ALC on this. I don't want them hooking their wagon to me, because I'm not approving of the process that they're entering into, and when he refers to Andrew, Andrew may have supplied him some information with the mapping, because it's the same mapping that we did. So just... this isn't our process as the Regional District. It's the Agricultural Land Commission's process.

Audience: But you invited them.

Mike: I didn't invite them.

Audience: But you did have the last meeting around them, in [inaudible 08:59] you invited this process.

Mike: The process we had was a good process in my opinion. Everybody as happy as a clam. They had their option to choose, and they chose, and the people who wanted out, got out. The people who wanted to stay in, stayed in. And I was very happy with that process. It come to a conclusion, and like I said, I've had no bad, negative feedback from that. This is a whole new process that was started by the Agricultural Land Commission. As he said, they started in the Elk Valley because we already had some mapping done, but that's as far as it goes. I have nothing to do with this.

Richard: Thanks, Mike. I appreciate your comments and I accept them. This is our process. This is the ALC process, and we're not going to get into any of this
back and forth stuff here tonight. We're here to have a look at where we are today, and I may as well deal with this right up front. I know Mike's issue for quite some time has been and was and still is whether in fact once you're in or out or you have the option to jump in or out. Our process does not allow us to go down that road. This process has been endorsed by the provincial government. In fact, it's been mandated by the provincial government that we go down this road. We've been given funds to do it, and we'll use those funds as long as they last.

I don't think there's any need for anybody to stand up and say, "This is that," or whatever. Mike has his opportunity to go on the record. He's gone on the record. We accept that. It's here, and I have no problems with that whatsoever. Our job does not allow us to get into taxation issues. That's not within our mandate. It's not within our legislation. Our job is to refine the boundaries as we're going to try and do over the next while, and if there's any issue beyond that with taxation issues, take that up with someone else. We've got our hands full dealing with what we deal with. We don't need that one as well.

And this is going to be the same process all across the province. We're going to deal with all the issues as we eventually get to the boundaries throughout this province. You're the start. We've got five and a half million acres to go over in the next three years. Hopefully we can get through it. We're going to have to do it quickly. We're going to have to make some judgements in a hurry. The judgements we make initially do not mean that those boundaries are ever solid. They're there. This process of boundary review and application processes and what else is in there, what other safeguards are there, will remain. What we're trying to do here is simplify everybody's jobs from regional districts' to municipalities' to ours, and remove some of the obvious issues that are out there, the obvious places that are in... may have been put in. Some shouldn't have, some should have.

The other thing I may as well bring up right off the hop, if there's properties that are out and privately owned that we think should be in, we are not going to ask anybody to put those properties in. If they're out, they're out. But if the individual landowner feels that they want them in, certainly as we've always done over time since this thing was there, the landowner has a right to approach us and say, "I would like my land in." We will make then the judgement. Is it land that should probably be in? And we would certainly accept
it. But we will not be identifying private lands that are out that probably should belong in. That's... we're not after...

But if we see Crown land that we think should be part and parcel of the ALC, we will be approaching the provincial government and saying, "There's X number of hectares in this particular area that would probably over time in the future be very useful land and useful for agriculture," and we will be approaching the provincial government and they're going to have to make a decision whether in fact they want to put that in. So there you are. We're going to treat the provincial government no different than the individuals with the exception that we will be asking them if we find properties, and we are going to find some in this particular area that we think should be... or usefully could be in, and then that debate'll start between the provincial government and ourselves and Minister Thomson, his Lands department, and we'll see where that takes us.

I think I've covered things pretty... You know, if I haven't, I'm sure we'll talk about them. The other thing our review is not taking in only Class One, Two, Three, Four, Five, Six. It's also going to take in the kind of agriculture that's being practiced on that land, and you people in many areas of the East Kootenays are in the cattle industry, where you need huge tracts of land to make it work. We're not only interested in the rangeland or the good land down along the river valleys where you're growing your forage and all the other things. We'll be listening to everyone, and we have. This is not going to be an easy process. It isn't an easy process. We're not going to make everybody happy, but we're trying to simplify or we're trying to make our job easier and the municipalities and regional districts as well, allowing them to grow their communities as best they possibly can within a reasonable planning scope.

So there you have it. We're not looking for any trouble here. We're looking for refining things that this organization has been asking to do for a very long time. We do have a few funds. They're not major. They're somewhere in the neighbourhood of $600,000 to $700,000. It's not a lot of money, folks. So you know, cut us a little bit of slack. We're trying to do the best we can with the resources we have, and you'll see tonight, I think. And Mike has done some good work, and his folks have done some good work, and he's dead right, we're piggybacking on the work that was done over here to get us off and started. So there you go. Thank you, Mike.
Reed: All right. So we'll start the slideshow now. I'm going to go over a little bit of history of boundary reviews and give you an overview of the areas we've selected in the Elk Valley and then go through the 12 individual maps one at a time. So the purpose of any ALR boundary review is to review in a consistent manner all lands that are both capable and suitable for agricultural production that are presently located outside of the reserve. And on the flip side, to locate those lands with very limited agricultural possibility that are presently within the reserve. And the intended end product is to obtain a more credible and defensible boundary that we can all have more confidence in.

And to give a little background on boundary reviews in British Columbia, in the late 1970s the ALC initiated specific boundary reviews throughout the province to refine our boundaries. An enhanced fine-tuning program that was initiated by us began in the early 1980s, where increased effort and resources were devoted to completing some of these reviews. A substantial portion of the effort devoted to this project was concentrated on the east coast of Vancouver Island where our boundaries were in particular need of adjustment. But unfortunately this project was phased out in the early 1990s as all funding for the project ceased, and since then the ALC's only been able to conduct smaller, local, and more regional boundary reviews as time and resources have permitted.

So regarding tonight and the review area that we're discussing, the ALC's essentially reviewed all land in the area generally described from Morrissey up to Elkford. And you can see on this map here the green sliver there represents the ALR land. And to give you an idea of the size of this area, there are just over 14,000 hectares or 35,000 acres of land presently within the Agricultural Land Reserve within the Elk Valley. And as part of this boundary review project, the ALC has initiated applications pursuant to Sections 29.1 and 17.1 of the Agricultural Land Commission Act proposing to exclude land from and to include land into the Reserve. With reference to the proposed exclusions, we're proposing to exclude approximately 175 properties, which total roughly 1,400 hectares or 3,400 acres, and this represents a total of 9.7% of all ALR land within the Elk Valley.

Regarding the proposed inclusion portions, we're proposing to include 16 properties, which total just about 800 hectares or 2,000 acres. And this represents a 5.6% increase in the ALR land currently within the Elk Valley. And overall, if everything that we're proposing does go through, then there would be
a net decline of 4.1% of ALR land. So now that I've given you a brief overview on the project, we'll now dive into the 12 sub-areas that we've broken the Elk Valley into, and here's Area One, the Morrissey areas. If anyone would like to comment on any of these properties or anything regarding this map, feel free to jump up to the microphone and, yeah, voice your opinion. And if there's nothing, we'll simply move on to the next area and keep rolling.

Sharon: Can you just explain the map…?

Reed: Sure. The green area represents the area currently within the ALR. All the red polygons represent the potential exclusion areas, whereas the yellow polygons represent inclusion areas into the ALR.

Sharon: And could you [inaudible 20:25] the criteria that was used [audio cuts out 20:28]?

Reed: Sure. Yeah, lands were reviewed based on multiple factors. One was their parcel size. Second was their agricultural capability. Third was the topography, the slope or the terrain regarding the particular land. The fourth is the decision history on that parcel, so if there has been multiple applications to the ALC we've judged it on that. And there's a fifth but it's slipped my mind. So that's essentially the criteria.

Sharon: What about climate?

Reed: Climate has only limited… or been considered in a limited factor. It's fairly hard to decide based on climate. I mean, climate is a whole… So no, not really. No. Why do you ask? Do you want to…?

Sharon: If we're talking about capability and suitability, it might be capable, but if it doesn't have water to it and if there's no access to water to it, it's never going to be viable farmland. So that's why I think climate has to be included as well.

Reed: Access to water more specifically?

Sharon: Well, access to water or what's the rate of annual precipitation on it.

Reed: Okay. No one has any comments regarding this area? No? Okay, we'll move on to Area Number Two. If anyone has any comments here, feel free.
Audience: Is there... is there a [inaudible background inaudible number of inaudible in this area 22:17]?

Reed: Yeah. Yeah, this here is 16 total lots. You can see the average... smallest parcel being roughly 0.4 hectares with the largest being just under two, and it's... You can see small lot residential and nature just located south of Fernie. Okay. We'll move on to Area Three here. This is located just south of Fernie as well, proposing to exclude the five lots west of the highway there. [audio cuts out 23:11] Yeah. Yeah.

Mike: I feel really bad because I know these properties, and those people aren't here tonight because of the timing of this meeting. I've been trying to get a hold of them. They're on holidays. And quite a few of those properties, agriculture is practiced on them and I guess in their defence, in the process I went through, they were adamant they didn't want out of the Agricultural Land Reserve. Every one of these properties that are in on your maps, people were adamant that they didn't want out.

So they're not here tonight. The advertising and the... There should have been press on this. I've been trying to get a hold of people all night... all week, and I've been obviously not real successful. But these people are adamant they want to be in, and because they're not here to speak, I guess I'm speaking on... trying to speak on their behalf that they don't want to be out of the Agricultural Land Reserve, and I know they hay and have a couple cows and you know, they're doing what they do on their piece of land that they farm.

Richard: And we've got absolutely, Mike, no problem. They can continue doing what they do. They've now been identified though on an area that if and when they want to do something, they don't approach us any longer. They approach the Regional District or the Municipality if they fall within those. It's still their choice, and we're suggesting that our life is going to be a hell of a lot simpler and so is the Regional District's and the Municipality's if they deal with them.

As I say, anybody... They can continue to farm. Nobody's saying they don't have to farm, and that's their choice. The only issue is that this batch of small lots has been identified as an area, a future area that may want to be further subdivided down the road. The owners of those properties from time to time – and it does change – may want to do something else on those properties and
Mike: But in a meeting... in a meeting we were at, Mr. Bullock, you stated in that meeting that nobody who was in the Agricultural Land Reserve in this review process would have to be out of the Agricultural Land Reserve. Specifically asked you that question at a Board of Directors meeting. Your response was, "Nobody who wants to be in the ALR will be taken out of the ALR." So now what you're proposing is block exclusions, so if these people send a letter saying, "I want to be in the ALR," then are you then true to your word that they won't be taken out of the ALR?

Richard: No. I've had instructions from power that's far higher up than me, "Refine these boundaries and get out of the business that we're in where we can." And as I said before, take that up with somebody else. Don't take it up with me. I've got my instructions, and my...

Mike: [inaudible, overtalking 26:49] I know who to take it up with so that's...

Richard: Well, exactly. You do that, and there you are. We're refining these boundaries and making the job simpler and taking the resources that we've moving on a daily basis to issues such as these off the table. So Mike, don't talk to me about that one any longer. This was out of our hands. That's somebody else's legislation that I've got to deal with, and I do what I'm told on these instructions. I've been given instructions.

Mike: I'm just going to have my last say here tonight, because I just... I have a submission. I'll put it in, but it'll be on record. And I have concerns that if property owners that are presently in the ALR within the areas that have been deemed of low agricultural value are removed from the ALR by the Agricultural Land Commission without their consent, they will lose the ability to conduct agriculture activities on their property.

Richard: Did I say that? Hold it, Mike...

Mike: No, just let me finish.

Richard: Nobody's ever said that.

Mike: Would you let me finish?
Richard: Go ahead.

Mike: Because the ALR has been established for so long, the Regional District bylaws on properties within the ALR have been formed to mirror the uses by the ALR legislation. Local government bylaws can be amended at any time in the future. These amendments could change the uses allowed on properties that are not protected by the Agricultural Land Reserve Legislation. So for this reason, properties that are taken out of the ALR without the owner's consent may not be able to practice agriculture, such as the keeping of farm animals, etc., in the future. This amounts to the same scenario that happened when the ALR was established. Property was put in the ALR with the owner's consenting. For the last 35 years, as I've said, they've been unjust. Now the reverse is being contemplated, another injustice. Landowners should have the right to choose what they want to do with their land, not have an unelected commission decide for them.

Richard: Thanks, Mike.

Reed: Okay, we'll move on to Area Four. This area has been highlighted for exclusion for a number of factors. One, you can see it's highly parcelized. Secondly, you can see there's large gaps left in this area, a lot of excluded lands already, and has been designated as an urban expansion area by the Regional District as well, and the Fernie Land Use Strategy. No? No comments? Okay. On to Area Five. This is the Ghostrider area, located directly north of the City of Fernie.

You might notice that this map might look a little bit different than the ones you're holding or the one you see on the website. That's because we've now identified additional lands that were originally omitted from the application and those lands are shown marked by Area A and Area B, encased in pink there. And the reason for this is although they appear to be actively farmed as one unit for the most part, we felt it wasn't fair for that individual land owner to be the only ones not highlighted for exclusion in this area. So we've now identified those as well. [audio cuts out 31:00] Yeah, sorry, those have just been added recently prior to… or after those were printed. So that's why you don't see them on the map in your hands.

Audience: Just a comment, were they added as a result of discussions with the owners or is it internally inside the Commission?
Reed: Internally, inside… Yeah.

Audience: Do the owners know this this?

Reed: They do not know this. It doesn't mean they won't be contacted. This is, again, this is just tentative. Nothing you see here is definitive. Yeah. That's why we label it a discussion area as well, as opposed to a red exclusion area. Okay, we'll move on to Area Six. This is the North Dicken Road area. Yeah, these parcels have been identified for exclusion due to high disturbance. You can see 6.2 has an existing mobile home park on it, and 6.1 and 6.3 suffer significant slope constraints and poor agricultural capability. All right, no comments? Move to Area Seven. This is the Hosmer region. This again has been identified due to extreme parcelization in the Hosmer Area. You can see there's dozens of very small lot properties. Those are all scheduled for exclusion. Okay, no comments? Move on to Area Eight.

This is the area located between Hosmer and Sparwood. A couple things to note about this one. There's a large inclusion area located on the west side of the river that's predominantly Crown land and certain areas of this are actively being grazed. And there's also a large discussion area on the east side of the river, and this area has high disturbance, multiple active gravel pits, and very narrow stretches of the hill are kind of hemmed in between the highway, the railroad, and the river. And that's why that's been identified. No comments? Okay. This is South Sparwood Region. Lands have been identified here. You can see, again, there's large isolated lands on the east. There's multiple industrial developments on certain properties, and they're all scheduled to go. Comment?

Nelson: Hi. Thank you for that. Richard, good to see you. I don't know if you recognize me. I used to work very much with the ALR when I worked in the City of Kelowna. So good to see you again. My name's Nelson Wight. I'm a planner with the District of Sparwood, and I guess I have… just want to bring a few comments on record. Having spoken to you, Reed, already, I'll just reiterate some of what we've talked about already, which is that we look forward to working with the LC to identify additional lands that may be included or excluded as we move forward through this process and we look forward to [audio cuts out 35:09] and also to reiterate that we have a need to get our regulation tightened up prior to any exclusion actually occurring.
Audience: [inaudible 36:23]

Nelson: The District [audio cuts out 35:25] telling Reed, some of the regulation we have for these agricultural areas that are in the ALR is rather loose because we were relying on the regulation under the Agricultural Land Commission. So there'll be a need for us to get our regulation [audio cuts out 35:40].

Reed: Thanks Nelson. Okay, we'll move on to the tenth area, Central Sparwood. Again, this is going to look drastically different than the one you have in your handout there, and we've hummed and hawed about this area multiple times. We initially... we had initially omitted it from our application as the region has good agricultural capability and is relatively flat. However, members of our staff have now viewed it and although it still is flat, it's highly parcelized in the area and any type of large-scale agricultural development is very limited. And additionally the District of Sparwood has also identified this area as a future growth area.

Richard: Can you point that out? Reed, can you go up there and point that out?

Reed: Point what out?

Richard: The area we're talking about.

Reed: It's the entire area highlighted in red. Yeah, it's... Yeah.

Audience: Sherman. That map's dramatically different from the one that's in here, and the one that I've seen on the website. Is there an update on that somewhere?

Richard: There is. This is a recent change, and we haven't been able to get it on here but we're bringing it to you tonight so we can continue to discuss it.

Audience: Okay, so it ultimately will appear on the website as part of the discussion area?

Reed: Yeah, it's now forming part of the review area. Yes.

Richard: What we have to do, what we want to do and our regulations require us – excuse me – what we have to do is discuss these things tonight at this public meeting, and we have... This is a new occurrence. So you now have been made aware and we'll be making that aware on the website, so as we go forward, we don't have to pull another public meeting together just for that
particular area. So yes, it is dramatically changed and we do apologize, but this is a process that is fairly fluid.

Audience: I just wanted some clarity. Thank you.

Richard: Thanks.

Nelson: Reed, I just want to clarify one point you made, which is that District of Sparwood identified this as a potential growth area. I just want to soften that a bit to say we just need more time to review whether that would be the case or not. As you know, we're currently undergoing a review of official community plan. We're working closely with the community to understood what their wishes and dreams are for the future of our community and while it may make sense from a planning perspective, in some respects it may not make sense from a food security standpoint. So these are things to weigh and mull over as we engage with our community.

Richard: Maybe before you sit down, on this, if Sparwood, Nelson, needs more time, I think we're prepared to do that in the Sparwood area. If other areas are fairly comfortable with what we've come up with, I think we're looking at moving… This is a moving target. If we can move some areas and everybody's ready to go, let's do it, and if Sparwood needs more time and would like to think about this a bit more, I'd take that to my commissioners and say, "Listen, I think there's some more work that has to be done on this particular area and would you as commissioners be prepared to give that kind of time?"

I think that's probably a useful discussion in as much as you've got a community to plan as well. I think I want to make everybody in this room aware we're not here to do the wishes of ourselves only. It's here to work with you and your citizens within your boundaries. So I'll give you that, that I'll take it back to my board to say if there's folks that want to take a little more time as a community to think about it, let's think about it. That doesn't mean we're going to agree with you, but certainly we'll think about it.

Nelson: I actually think we can accommodate your timelines. I don't think there's a need to pass this off to the future. I think we can accommodate it. I'm just saying by timelines, I mean, this came as quite a surprise to us that you were moving so quickly into this public hearing process. We understood from our previous meeting with you guys in spring that we had a little more time… we would have
a bit more time once we saw the actual drawings and the maps you'd come up with. We anticipated and expected we would have additional time to provide comment. Reed's assured me that that's possible and I do think we can provide that feedback within your timeline.

Richard: Terrific, and those timelines have been accelerated by other events.

Nelson: Maybe can you speak to the timelines then that we have to work towards?

Richard: Again, they're flexible. We're going to try and move as quickly as we possibly can on the areas of reasonable agreement, and those areas that are hugely contentious we'll just slow down on. But I would prefer to move sooner rather than later because we've got a lot of the province to deal with, and if we can get by some of these things, fair enough. Now, if there's some properties out there – and we've seen them – that require professional assistance, where we need agrologists maybe to walk the land, to ground proof things, I don't want the whole process to stop and wait for that sort of thing.

What I want to do is get those areas that we have reasonable agreement on or be able, as a commission, to finally make a decision on those areas, to move forward. If there's reason to slow down for other things, we'll slow down, but that's about all I'd say. We don't have anything carved in stone, but I'd like to get started and I'd like to get some decision made and I want to get the process refined a bit farther. This one is a little rough because we're just starting, and it's going to show us where we've fallen down and who we got to talk to. But we can't go on a perpetual process where we're talking with everybody for every little thing. We're going to have to make some judgement calls and we're going to be right on most of them, I hope. And with the help of folks like yourselves here tonight and you as planners, let's see if we can get it mostly right.

Nelson: Very good, and the other thing that would help accelerate our ability to provide that feedback is if you could share some of the data that you have on these parcels. That would greatly assist my work in Sparwood. Thank you.

Richard: Yeah, and that goes both ways. And I think we've had some great help from the Regional District in them being able to give us some numbers and all the rest of that stuff.
Todd: Good evening. My name's Todd Fyfe. I'm the owner of the Fernie Real Estate Company, and just wanted to stop and make a couple of comments. Thanks very much for the presentation so far. I'm pretty good at reading maps of the Elk Valley, and having to burn through these as quickly as we're moving through and ask if there's any comments and moving on so quickly [audio cuts out 43:43] bit alarmed at the speed that we're moving, with the lack of participation in the room and the number of people is extremely low in this room compared to the number of people that are going to be affected.

I appreciate what Nelson's saying on behalf of the District of Sparwood, the fact that they'd like to become a little bit more involved with this before it gets stamped. I think there's probably some other municipalities and regional district managers and elected officials that would like to get a little bit more involved with what's being said on here. I know a lot of the landowners that are on this map. I have a lot of the land listed that's on this map, and I know that some of them [audio cuts out 44:29] have is thanks very much for your work. Don't hurry, because in 1970, when the ALC went through here with a rubber stamp, it seemed like it was at the end of the line [audio cuts out 44:52] and we've learned over the past 40 years, 43 years, that to do it quickly just creates frustration for the next 40 years to come. So take your time, talk to the people [audio cuts out 45:07] live here. I'm hearing… I'm sorry, I missed your name?

Reed: Reed.

Todd: Reed, I'm sorry. You know, Reed, I hear you say, "This area's highly parcelized. It's being excluded." Yet you flip through the next map of highly parcelized areas and they're not excluded. I think we've moving a little too quick, and I don't think anybody in this room… I don't think anybody in the Elk Valley is in a hurry for you to get this job done.

Faye: I just want to ask a question for clarification, and I should probably know this. Faye Street with the Kootenay Livestock Association. If these properties are taken out, are they still protected under the Right to Farm legislation in this province?

Richard: Yes. Yes.

Faye: They are, even if they're excluded?
Richard: There's nothing to say that [inaudible 46:03]. The Right to Farm legislation has nothing to do with whether it's in the ALR or not. If you're farming, you're farming, and that's been the case from Day One. I know there's a lot of cases that come before the Farm Industry Review Board from time to time and the converse is made by the farmer who has a case against them who says, "My place is in the ALR. I can do whatever I want." That's not the case. The law is pretty definitive that the ALR has absolutely no basis on that particular piece of legislation.

Faye: All right. I thank you. I wanted clarification on that. The second question, and I should maybe know this too because… but I'm unclear about what you said tonight. If the decision is made by you to exclude this property now… I heard what you said originally, if it's not in the ALR and you want it in, you guys are prepared to accept an application to put it in. But if you decide to take it out during this review, is there a process where the people can apply to put it back in? Is there going to be an appeal process?

Richard: There's no… They have every opportunity to put it back in.

Faye: They do?

Richard: Yes, and it's a fairly simple proposition. I can't remember too many operations or too many cases where people have wanted to put ALR… or put land in the ALR where we've said, "No." The only reason we wouldn't say it if it has absolutely no capabilities on the side of a mountain, but yes.

Faye: Okay. So I just wanted clarification because I did understand that… because I dealt with a ranch out by Elko that I felt should have been put in originally, and I was told if the guy… the owner wants it in, can put it in.

Richard: They can put it in.

Faye: But my question here is, if you guys decide to take a piece and exclude it during this review, there is an appeal process so people can apply to put back in.

Richard: Certainly. They can apply to put it back in, certainly.

Faye: Okay. Thank you.
Richard: And then, Faye, there's no fee with that. If they want to put it back in, there's no fee. And the other thing is they have the ability then to make that decision on a long-term basis, because once it's in, it's in. We don't want to get into a position where today I want it in and tomorrow I want it out. I think that would go on that parcel's record and it would be a cold day in hell before it would come out, let's put it that way.

Faye: Unless possibly, like if there was a change of ownership? I can understand the same owner not saying in, out, in, out, but…

Richard: You know, even if there was a change of ownership… and that's something that the individual better think about before they put it in, because when they go to sell the property, whether it's in or out that in particular area would have quite a… I'm being frank here.

Faye: And I expect that.

Richard: It has a consequence as to what… Our real estate gentleman can probably tell you a hell of a lot more about that than I can, but I think people think pretty hard about this. If they want to continue farming it, go ahead. You've got every right to do so and you are protected under the Farm Industry Review Board's Act.

Faye: Okay, that's good. I really wanted to know that. Okay, thank you.

Reed: Okay, we have just two more areas to review. This is an existing mine site located about three kilometres north of the Sparwood Airport, and you can see in the middle there's a bit of a doughnut hole. That was a previous exclusion application, which the Commission allowed back in the late '70s, and a lot of the mine's activities have spilled outside of that exclusion area, rendering much of that parcel quite disturbed. Okay, we'll move on to the final area. These are inclusion parcels located at the very northern tip of the ALR extent of the Elk Valley, just south of Elkford. These are all private land, and again, they wouldn't be forced to come into the reserve whatsoever. It would be to their discretion.

Audience: I'd like to make a comment.

Reed: Yeah.
Raymond: I don't see... I'm Raymond Miles from up the Elk Valley. I don't see the Savory Subdivision. Which map is this one on? Was it on the Central, Sparwood Central?

Reed: No, that's not part of our review area.

Raymond: Apparently you're not taking that out now?

Reed: No, that's not being... that's not part of this review. It's not being regarded for exclusion. We essentially reviewed the area and just... It's not on any map, yeah. There's agricultural activity present and that region has good agricultural capability. For the most part the area's quite flat, and we reviewed it last month and decided for it to not formulate part of this review.

Raymond: My comments on it are that subdivision was set up in 1970 when the Agricultural Land Reserve was there. It was set out for more or less small farm holdings. Most people use it as that to this day, and I would hate to see it changed, because anybody that has bought that land, that's what they use it for, and there's lots of conflicting bigger farms around it and ranches around it that would create a huge problem if that was taken out.

Reed: Yeah, that's one of the reasons why we're not taking it out. It's not part of this review project at all. It's being left alone completely.

Raymond: Another comment with the North Elk Valley here. Elkford, is this right at the boundary of the district of Elkford, or on the north side of it?

Reed: No, this is still Regional District land, just south of Elkford.

Audience: Just south of Elkford?

Reed: Yeah. Yeah.

Raymond: Because I own a property there. It's not in the ALR, and it's never been in the ALR. So I don't know why it should be in the ALR now when nothing else around it is in the ALR. None of the Crown land is in the ALR.

Reed: Are you referring to one of these seven right here?

Raymond: Yes.
Reed: We reviewed those areas as well last month, and it looked to have… each parcel seemed to have some agricultural activity presently occurring, and that's the main reason why we were considering it for inclusion. But again, yourself and the rest of the landowners will not be forced to come into the reserve whatsoever. It is your personal decision. Yeah. So that's it for the 12 review areas. We've covered all of them. Oh, got another comment here.

Audience: Oh, no. Sorry.

Reed: Oh, sorry.

Richard: Is there any map that we've gone through – and I take the point we went through them fairly quickly – is there any, now that we've gone through initially, is there… Do we want to start over? Is there any questions that you have on any of these maps that hasn't been discussed or talked about to this point in time?

Mike: There's landowners here that aren't present that when I had my public hearing on these same areas, there was 80 people in the room.

Richard: Mike, you're a draw.

Mike: No. No.

Richard: I'm sorry.

Mike: Take me seriously.

Richard: I am taking you seriously, Mike.

Mike: The people are not here because they weren't aware and this process [overtalking 54:20].

Richard: We will be contacting every landowner, everybody in the next…

Colin: I can probably speak to the process.

Richard: Yeah, please.

Mike: As long as they are, because you're not hearing comments because they're not here.
Colin: Yeah, I'd like to speak to a bit of the process, and we don't leave anybody with the idea that this is cast in stone, this is a final version. This is the preliminary version that we're trying to put out to get some initial feedback on should these lands come out? Should these lands go in? We do have some specific areas, especially the Sparwood South area on the east side of the river. That's going to take a lot of dialogue because there are some challenges to agriculture in that area, but we don't want to arbitrarily draw a line. We want that feedback.

So I think really, this exercise is not designed to frustrate public awareness, transparency, and openness. This is just getting the ball rolling, and there's going to be an opportunity... I think that we owe it to the members of municipalities and the regional districts the opportunity to comment specifically on the proposals. As I said too, there are some areas we've identified now after some fieldwork for additional review that the people... I think one comment was that the individual in those pink areas – in Ghostrider was it? – had been added, and the owners might not know about it. So it behooves us to contact us these people to make sure that... We're just wanting to have a dialogue on these proposals.

So I just want to leave it at that, that this is not going to be decided tomorrow. Right? We are going to go through a process of outreach to more fully engage landowners and the local governments, because I talked to Mike the other day and this is a tough time of year. People are away, and we've noted that. So I don't want to belabour the point, Richard, but I think we want to leave the idea here that we're here to hear dialogue and we've gone through these areas rather quickly. There's going to be time now to take a more reasoned approach and to comment on everybody's... from everybody's standpoint.

Mike: So then I can assure property owners within these areas that call me tomorrow – "I missed the meeting. What's going on?" – that they will each individually be contacted and made aware of what the proposal is? Is that a yes?

Colin: As part of Reed's exercise, and Katie's got the... We've got an enormous spreadsheet that's been compiled, all the data on the properties, including property ownership. It's our intent to do a mail list to inform all the landowners. So the answer's yes.
Faye: I have one more question for clarification, because I'm going to have to answer the phone at Kootenay Livestock. I just – and I'm not trying to get personal – but I have to know, I heard the criteria that you said you used regarding inclusion and exclusion and stuff, but I know that we're going to be questioned as to... Originally when the ALR boundaries were drawn, there was the big... the big "frou-frau" about, "Well, them assholes in Burnaby sat down, took a pen, drew around a map." So I need to know sort of how much of the actual land did you walk, and what criteria did you use to do that? Or I guess I'd just like a little bit more clarification on the exact process. I know obviously that a lot of it was done with maps. A lot of it was done with probably the CLI inventory map, but other than that...?

Richard: [inaudible 58:33]

Faye: Have you? All these properties?

Richard: All these that we have on the maps.

Faye: The inclusion ones and the exclusion ones? Okay. So you actually put foot on ground and...?

Richard: Well, we've walked around them and looked, and some of them are fairly obvious. You don't have to spend half a lifetime looking at them. There are some areas out there that in due course... If we had an agrologist on staff, we may do some other areas, but we're leaving those until we do get those resources. And if there are some areas that we should look at down the road that is going to require more science... This is reasonably science-less. These are fairly obvious areas. There's nothing... there's not a hell of a lot of rocket science involved in what we're doing here. This is the first cut, the easy one, the quick one.

There's going to be some more difficult ones, and as we get resources and as we get people... As I told the Minister today, we need some asses in chairs to help get this done. It's easy to say, "Do it," but as you know, this isn't without its challenges, as you've heard tonight. We haven't got a very big crowd, but there's all sorts of opinions and we've got to deal with those the best we possibly can. These we've looked at, I think, twice, three times. Again, we've done our best to this point in time, and on these ones there's not... This isn't too difficult, what we've got on these, and Mike has done a lot of work and his
people have done a lot of work on these previously. So that also helped. Most of these areas have been identified. The big issue is Mike's issue of whether they should be in or our or whether we should draw a line and let them make that on their own. Well, for a whole host of reasons, that's not possible.

Faye: Okay, thank you. You've answered my question. Thanks.

Colin: And I think Faye brings up a good point, is part of this exercise is to hear feedback on what other factors we should be looking at. Are there areas that through a review… well, also are there areas that aren't coloured orange, pink, or red on here that should be coloured one of them? That's really what we're trying to do is to say if we get it done with the input of what we should look at, that we've looked at these properties and we arrive at a decision, we're trying to create credible boundaries, and the credibility has to be shared. It has to be viewed and seen by all to be credible. And I think Sharon raised a point about climate too. It's another thing we have to look at, water. So this feedback is good, but when we go out for further outreach and you're not constrained in the type of information you're giving us as feedback.

Richard: Yeah, and the other things that we've heard of water and all the rest of things, I'd also like – and we are working and… we've invited and we are working with the Ministry of Agriculture – there may be lands out there that don't have access to water at this point in time but maybe through this process we might get some lights going on in the Ministry of Agriculture at some point in time that maybe we should be look at an ARDSA program like we had back in the '60s and '70s that put a hell of a lot of money into agriculture or irrigation development right across this province and I see some areas in this province that probably could be highly productive if they have water on them.

But again, that takes more than looking at just the ALC to solve all the agricultural problems that we've got in this province. It sounds like a lot of money, but infrastructure in the proper places at the proper time can go a long ways towards making a marginal agricultural operation a very good agricultural operation, and I hope by doing this we can broaden the discussion, and I've been very, very upset about the fact that we're confining this to just this. What would that mean with that good agricultural land that isn't being used for bugger-all now if it had water? What could we do with it? Or we're up in the Peace River and we've got one of the major oil companies running a 36-inch
water main through the best pasture land in the province. What would happen if they allowed you to use some of that water as it's going by, by putting stands up?

I guess that's what I'd like, to broaden this discussion beyond just the boundaries. What could we do within those boundaries if we had infrastructure that other parts of the country and other parts of the world take for granted? We're giving money to all sorts of things and all sorts of industries, but we've been... I talk... I'm not ALR here, but I'm talking an agriculturalist that just lost two and a half million dollars the other night with a hailstorm. How do we deal with that sort of thing? How do we make some of this marginal land here in this beautiful part of the province productive and if you can bring water to it...?

I mean, you've seen what they've done with the water out of Cranbrook in those fields. They're cutting two and three crops of beautiful hay and so on and so forth. So I hope we can broaden this discussion by going down this road, and we're here to look at agriculture and its future, not how we can shrink the land base necessarily. So Faye, there you have it. What do we take into consideration? Do we take into consideration that there's a good piece of land that doesn't have water? Should it be out? So that's the kind of thing, and we've got to get... Not only with us, but we've got to get to that with our... the bosses that...

Faye: Yeah, exactly. [inaudible 1:05:15] But I don't think you need the microphone to hear me. Most normal people don't. Anyway, I guess, and I'm really glad you brought that up because I think it's really critical and it's very important because I've always whined and bitched that the land commission [audio cuts out 1:05:27] their mandate's saving the land. The other part of the mandate is to support and enhance agriculture, and we need that desperately. We have those four cornerstones [audio cuts out 1:05:37] enhance agriculture. Look at every single application on its own merit. Is that going to help keep this agricultural operation sustainable? Is it going to help bring the young people back to the land? What can we do to help here? That's what I want to see you guys do.

Richard: I agree.
Todd: Can't follow that up. I have three questions for you. First of all, what area happens next? Will you be mapping? Is it still in the Elk Valley or in this region in the East Kootenays?

Reed: I can answer that. Do you want to just skip ahead to... Go right to the map. So here are the review areas in the East Kootenays. And as you can see we've broken it down into three different colours according to the areas of review. So first, orange, obviously the Elk Valley. We're embarking on that right now. The second review area is the electoral areas B, C, and E, which is the Cranbrook-Kimberley area, and work is very much currently under way regarding that review. And following the completion of that, we'll be moving up into the Columbia Valley, electoral areas F and G and completing the East Kootenays.

Todd: Ninety-Three south and further west than Morrissey at the moment, those are done and there's no identified areas. Is that...?

Reed: Yeah, tonight... Like the first review area's simply considering the area within electoral area A, which essentially is the Elk Valley. But the Elko area is to be considered in the next review.

Todd: Next question I have for you, and Reed, only because you mentioned it so many times, "highly parcelized." What do you consider highly parcelized? What size of parcel? How did you come to that [audio cuts out 1:08:30]?

Reed: Are you referring to any of those particular areas?

Todd: Well, yeah, I guess Vanlerberg Road, you said it was highly parcelized. Anderson Road, you said it was highly parcelized. I know that a lot of those are five-acre, two-acre, some are 10 acres, yet there's other highly parcelized areas that there's no mention of here that houses are going up really quickly, and there's no discussion on [inaudible 1:09:03].

Reed: I guess for instance, the Vanlerberg, in addition to being highly parcelized it's highly disturbed as well. You can see there's multiple buildings throughout this entire region, and to think that this will ever be converted back to agriculture is a bit of a pipe dream.

Todd: I have some questions of the stuff that's just to the south of Vanlerberg. Right now it's prime agricultural but...
Reed: The Cokato area, is that…?

Todd Fyfe: Well, Cokato and [inaudible 1:09:29] screen there, there's property there that is five-acre parcels that are all being sold [inaudible 1:09:36] [audio cuts out 1:09:38] seven new residences, it's going to look like… it's going to look like Vanlerberg Road pretty quickly.

Colin: I think, in answer to your question, that's exactly what we need to know. We need to know the local issues. We don't get the local ReMax out here, or whoever. So we need to know that because it may factor into something that we haven't considered right now. So if there's input from that point about, "Here's areas that are being developed," I think it would be worthwhile.

Todd: So I'd be happy to have discussions with anybody that needs some input. I'm not the only professional that knows a little bit about it, but I'd be interested…

Colin: Well, if you could give us a card, give it to Reed and we'll contact you directly.

Todd: Great. Third thing… third question I had. So on some area that may be larger blocks of land that's shoved up into the trees on the sides of mountains, in avalanche hazard area or areas like that that currently aren't being considered, but have very little agricultural use because of either the forestation or the steepness of the slope, the lack of vegetation, do landowners have access to step forward at this point in time and request to be excluded?

Reed: Definitely. Yeah, we'd like to hear any type of feedback. If a particular landowner feels that their land shouldn't be in the ALR and it's not highlighted in this review project, then definitely. Contact us and we'll hear you out.

Todd: I was noticing that there'd be some parcels on this big map that you've handed out, there's some parcels adjacent to some of the red and yellow polygons that if those owners knew about the exclusion of their neighbours they might willingly come forward as well.

Reed: Great. Yeah. Thanks.

Randy: Gentlemen, I've enjoyed listening to the comments tonight. My name is Randy Reay. I also am a member of Kootenay Livestock and a rancher. I live south of Jaffray, and as we were driving in tonight and I drove by the old Buck Jones ranch and saw Mr. Fyfe's property signs out, lots for sale signs out in the
middle of those fields, it kind of reminded me of watching what's happened in this Fernie corridor for the last 30 years or more. I remember I graduated from Fernie secondary in 1970. Born and raised and lived my whole life in Jaffray on our ranch, and I remember riding the bus in and out every day for a couple of years and of course those were the old Bryant farm and the Buck Jones farm between the highway and the Elk River were wonderful, productive farms.

And you look at Anderson Road. Today you talk about it being highly parcelized, but those are all five and 10-acre lots that had some agricultural capabilities. Certainly nothing like the Jones and Bryant farms. But anyway, over time as I… After I graduated from high school and went to university, then I taught at Fernie Secondary for 21 years and drove back and forth every day, same thing. And I just watched what happened to the Bryant farm, which is [for Stanford it stands now 1:13:44] and all those condos. The Buck Jones, which is the last piece left before you get to the ski hill, it's now available for sale and lots of for sale. And the frustrating part is all of that happened under the agricultural land regulations, and you're talking about some of the best farmland in the Elk Valley.

And now that's all gone, and now we're talking about trying to save some of the residual land that's still left. My concern is, and the reason that I mention this, is the Elk Valley's a very narrow valley. But once you get through the tunnel, and you get out into Area B where I live, it's a much broader valley. And when you look at the situation there, there are agricultures. Certainly there's more agriculture. The land Holdings are probably significantly larger. But the land itself is extremely different in this narrow valley and all of that river land was Class Two and Three land, and much of the land under agriculture in Area B is Three. The best is Three, Four. Most of it is Five and Six. And so I was interested in the comments about parcelization.

Well, parcelization was allowed. I realize hindsight's 20/20, but parcelization, that didn't happen. Anderson Road in 1970 didn't exist, those lots. The Bryant farm and the Jones farms were good agricultural lands, some of the best… as I say, the best in the Elk Valley. And under those, somehow or other, those things were allowed to change, and now they are highly parcelized and you have a hard time trying to justify agricultural protection for any of them anymore. What are you going to do with five acres on Anderson Road? This isn't an area where market gardening is… It's a very short growing season
here, so what are you going to do with five acres of land? And yet we still haven't got the message.

We're still wanting these five acres to be said to be agricultural land and allow once residence on them, or 10 acres, and that simply puts pressure on all of the other land because who needs five or 10 acres for a home site? So once the agricultural integrity… My concern is once the agricultural integrity is taken away from the land because you've allowed that high level of parcelization, then you have essentially sold the farm. And yet when we come out into areas like Area B where there's all kinds of Five and Six land, there's no willingness to allow – and that's where the rural communities are, Jaffray, Elko, Baynes Lake, Grasmere – there's no provision made to allow some of that land that really has no agricultural capability out so that people can find a place to live.

And that's part of my concern in this review that you will look at those kinds of things. You said earlier, Mr. Bullock, that you don't have to… this wasn't highly scientific. You didn't have to… You could just look at it and tell. Well, I hope that same applies when we look at other areas where we should be allowing people to build a home because people have to have a place to live, and if you don't use the Five and Six land for areas where people can live, they're going to live on the Three obviously. History shows they're going to live on the Class Two, Three, and Four.

So I have a lot of concerns when I just hear… I look at what's been looked at here. I realize that we're talking about apples and oranges because once you get into Area B the land is… it's going to be significantly different. But I'm just wondering what criteria are you going to use then when you look at redefining the boundaries and… Most of this land that you've been talking about here tonight is Three and Four Class land. There's very little of it that's Five and Six. When you get out to the other area, you're going to be looking at the majority of it that's Five and Six, and that is still controlled in the same way that Two and Three and Four is.

Richard: Yeah, Mr. Reay, I think your comments are very valid and this is a project in evolution. A lot of these areas that we look at parcelization are historic subdivisions that have been there for a very long time, predated the ALR and we got those all over the province. A good portion of the Okanagan Valley was surveyed and parcelized in the 1920s. I'm not sure when this was done but it
predated the ALR and that took the ability of the ALR over the last number of years away from them to do anything.

I think it's always been agreed by government and the legislation that what was there prior to '73 stays prior to '73 unless the individual wants to consolidate. So what you're seeing is just... I wish we could have done something. We couldn't, and you live with the consequences. And what we're looking at now is those areas have developed the way you've said they have. It's unfortunate and we may as well look at the reality of the situation, and that's what we're doing.

Randy: Mr. Bullock, I appreciate what you're saying. I'm not going to be argumentative, but what I am going to say, I understand that there are lots of old subdivisions. But the Bryant farm was not an old subdivision. The Bryant farm was taken out. So that's what I'm saying. That...

Richard: Well, you've got more...

Randy: If what you're saying is correct, then it's not the fault of the Agricultural Land Commission. I look at what's happened out at [Marcer's 1:20:43] Ranch on the... That was all in, and the Commission took it all out against everybody's recommendations, the Regional District, the Area Director.

Richard: Which one is that?

Randy: That's Sweetwater.

Richard: Oh. Yeah. Well, again...

Randy: You know, those are the kinds of...

Richard: Pre-dating this little puppy but...

Randy: It's not very... it doesn't go back very far.

Richard: Well, I know, but it predated some of us in the room. But I hear you, and conditions change. People change. Pressure changes, and I'm not here to either condone or criticize past decisions either by the ALC or regional districts or any government. What's done is done, and I think what we're doing is trying to deal with the circumstances that we found ourselves with now and let's go
forward. And your comments are very valid and we've got to take them into consideration. We're dealing with 2013 and forward in a reasonable time frame, and that's what we hope to do. Again, I apologize for bad decisions made in the past and I take credit for all the good ones that were made.

Randy: And Mr. Bullock, I have one more comment then I promise to sit down and shut up. But my concern is that there's a lot of trust been lost. That's the point that I want you to understand. The people who have been in the valley for generations have watched, and those bad decisions, while I understand they had nothing to do with you personally, they did have everything to do with the Commission. And you can't blame people then for being jaundiced or a little bit suspicious of what's happening. And so my question, my hope for you people is, as you're doing this review, that a little bit of common sense will apply, which has not been the case in the past.

Richard: A comment well received.

Randy: Thank you, sir.

Richard: Thank you. And again, I think Mr. Ray's comments are very valid. All the comments we've heard here tonight are valid, and I'll say this. This is a daunting task, and we know that decisions when they're made are going to have consequences. Some are going to be maybe good, some are not so good. Some are going to affect individuals one way and other individuals another. But we're going to do our best to be as fair and open and honest as we possibly can, and bring some sense to this at least as much as we possibly can.

But as I said right off the hop, this discussion, it's going to change in my lifetime and probably in my children's lifetime it's going to continue. But the one thing we want to do is make sure we wind up and in this province, continue on with an agricultural industry that's got a chance and one I hope over time we can make a hell of a lot healthier than we have today. And that's my commitment to you, and it's been my commitment to my agricultural colleagues my whole career, and I give you that. And we're doing a job we've been asked to do, and we're hopefully... I know it's been brought up by Mike and others that there's certainly... We could go on forever consulting. We've got to start somewhere. We've started tonight. We're hoping that we get feedback. Nothing that you've
seen tonight is carved in stone. This is going to be pushed and pulled and maybe changed considerably and maybe not. But we're here. We started this. We're asking you to stay involved.

There's never a good time, and we just... frankly, we don't have the resources to touch every person that we should be and having that conversation on an individual basis. We're going to rely on you and others to make people aware of what's going on and if they have... if they have something they want to say to us, write us, call us, email us, tweet us. Whatever people normally do with these wonderful phones and gadgets we have, please get a hold of us. And I can give you this assurance, we are listening and we're going to try and do our damnedest to make this thing work. That's all I can say. So with that, I'd like to thank you for spending the time to come. I know it's not easy. We've all got lives that we lead and thank you.

Sharon: My name is Sharon Mielnichuk. I've been sitting here tonight and listening, trying to listen with an open mind. I have some real concerns about the process that's been undertaken. [audio cuts out 1:26:11] part of agriculture for a number of years and I'm, I guess, unfortunately getting to the age where I can say it's been a lot more years than what I'd ever hoped to see. I have a number of questions about what's happening here, and I'm concerned about the fairness to individuals, the fairness to people in the process.

It's much harder for people to feel they've been heard once a decision has been made and once you draw the lines on the map. Those individuals are in their houses. They're on their pieces of property and they have lives, and the lines have been drawn without their knowledge, and I have some very deep considerations about that. One of the things that you talked about the process is going to make it easier for regional districts and for the ALC. To that, I would like to ask... No, the first question I would like to ask is how are the boundaries originally set in the Kootenays?

You went through a very brief history of the boundaries being... or the changes that were done to boundaries, but I want to know how they were originally set in the East Kootenays. Because my perception now is that the time was running out to bring the legislation in and they were just drawn. Or when can we find... how can we find that out because...
Richard: We've got it in the handout. It's in there, but if you want to just briefly touch on it.

Colin: This goes back before my time as well but despite the lore of this, these were not arbitrary. The initial ALR boundaries were drafted by regional districts with the Ministry of Agriculture. That was the first cut. They were then forwarded to the Agricultural Land Commission that did further refinements, and ultimately they were recommended to Cabinet to adopt, and it was Cabinet that adopted these. The criteria at that time was – and we've got it in a handout here – the criteria was dealing with agricultural capability mapping, which at that time was the Canada Land Inventory mapping, aerial photographs, there was some fieldwork. Was all properties viewed? Probably not. There was a significant amount of input. There was a public hearing process.

So this wasn't a willy-nilly exercise, but I think right at the very beginning when they did identify them, there is historical documents to indicate that shortly after they've been designated, there should be a period of refinement to get in there. Now, at a more involved… from a more involved level, to go back and do what was called historically fine-tuning, taking those boundaries perhaps in some places crude. And I'd be the first one to sit up here and say some of the areas in the East Kootenays have been very questionable by the Commission, for many, many years.

I think I should put it on the record that there's been a desire on our part of perform this type of function for many, many years, and I think by not doing it for many, many years, we've let a situation fester of land that shouldn't probably be in the ALR is in the ALR and they have to go through a protracted application process, and we go through all of that. And what we're trying to do is to say, "Let's now do the work that needs to be done, and we're open to looking at the criteria that needs to be done to move this thing forward." As I said, or as Reed said, or Richard said, this is the first one. We haven't done any fine-tuning for 23 years.

I was first hired on to be the mapping person to deal with the fine-tuning review on Vancouver Island. Well, that effectively ended in the late '80s, and it wasn't resurrected. So we haven't devoted any resources to it. That's true, and I do think we have the resources now to move forward. Yeah, and we're trying to do that. Maybe a long-winded way to say it is that there was a methodology
established for the establishment of the ALRs in '73, '74, '75. There was engagement at the local government level. There was engagement at the provincial government level. There was public hearing process, and it resulted in the adoption of the plans and designation of the plans by Cabinet.

Sharon: Okay, thank you very much. The next thing that I'd like to ask about is this process is supposed to make it easier for regional districts and for the ALC. Within the Regional District we have a number of areas, electoral areas that have what we call the Delegation Agreement, and my understanding is that has not been honoured to its truest format, and I think that that could be utilized much greater as a planning tool.

Colin: The terminology that the Delegation Agreement hasn't been honoured is not terminology I've heard and I don't where that's coming from.

Sharon: Well, I've had personal experience with it and I don't want to get into that, but we could not move forward. We could have moved forward if the Delegation Agreement had been honoured. So that's why I'm asking about it. Not specifically to our case, but as a planning tool that would make it easier for regional districts as well as the ALC in terms of making some of these decisions. So that's why I'm asking for it.

I didn't... I'm a little bit concerned tonight, and I guess it's just the nature of the Elk Valley, but we've seen mostly either industrial or housing developments. We haven't really seen prime agricultural land and open spaces in any of this planning tonight, and I guess that's as Randy Ray said, maybe we'll see that in the next areas. But I have some considerations that we're not talking about agricultural land. We're talking about housing developments and small parcels. So I wish you well, but it's an impossible task.

Richard: I'm glad you said that. Yeah, good land is staying in, I think is the simple answer to that, or we hope it is.

Audience: I know a person should never break a promise. I promised... but I'm sorry, I just...

Richard: Carry on.
Randy: What was said a couple minutes ago here just can't be allowed to go on the record as being accurate. There was no public consultation. I remember the letters that we received. I was 18 years old... 19 years old at the time, not old enough to be all that terribly involved but certainly my dad was and my uncles, and the ranches in our whole valley. Nobody came to see us. Nobody talked to us. There was no public meeting held like this where people came and had input. I'm not saying that there wasn't in Nelson perhaps, or somewhere, but to say that there was public consultation before the original, that's just plain not true.

And so we shouldn't... I just, I couldn't go home tonight allowing that to stand in the record because that's just not true. And my hope is that... Part of the reason for all the frustration, nobody had a say in it. You got a letter saying, "These are the rules and regulations. Your property is now included within the Agricultural Land Reserve," and there were a whole bunch of conditions that you were aware of. This could be grandfathered and that could be grandfathered, and there was not this process. It didn't exist. Thank you.

Richard: Okay. Well, thank you. All right. Mike?

Mike: I'm just trying to be clear again. So the people in the areas you're taking them out of the ALR, and then there's a process for them to apply to be put back in the ALR. That's what you said? Well, why would you put people through the trouble of going through the process to ask to be put back in the ALR if they're already in the ALR? All you're doing is causing them heartburn in a big way. So it doesn't make sense to me to take them out and then go through... You're saying you want to streamline the process or the applications. Then you're going to get a stream of applications asking to be put in, and you said as long as they wanted to be in, you would allow them to come back in. This process doesn't make much sense to me.

Richard: Okay, Mike. Thanks. I think we got your point. Anybody else? If not, going three times, like they say at the auction. And again, thank you very much for coming in and I know Sharon said it. It's an impossible task but we're going to do our damnedest to make it work. Thank you. That's all I can say. [chit-chat from 1:36:11 to 1:37:58 not transcribed]

[End of Audio]
The Agricultural Land Commission (ALC) has been reviewing the ALR boundaries in the Elk Valley in the area generally described as Morrissey to Elkford. The purpose of the review is to refine the ALR boundaries so they encompass land that is both capable and suitable for agricultural use. Land that is subject to review is based on the following set of criteria: agricultural capability, land use, parcel size, land characteristics (i.e. slope), previous ALC application decision history, official community plan reviews and other planning studies.

The ALC has now initiated an application pursuant to section 17(1) of the Agricultural Land Commission Act proposing to include land, including the above noted property, into the ALR.

Application material can be viewed at the ALC’s website at the link noted below. Please note that your property is located within Area 1 and identified as Property Number 1.4

http://www.alc.gov.bc.ca/Application_Status/Elk_Valley_Review.htm

In accordance with the Agricultural Land Commission Act and procedural regulation the ALC held a public hearing on Thursday, August 15, 2013 at the Best Western Plus Fernie Mountain Lodge. If you wish to express your views regarding the proposal, please forward your written submission to the attention of Mr. Reed Bailey at #133 – 4940 Canada Way, Burnaby BC V5G 4K6 or by email to Reed.Bailey@gov.bc.ca. The ALC would appreciate receiving your comments by Friday, November 1, 2013. Please keep in mind that your submission will form part of the application record and will be available to the public.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Colin Fry, Executive Director
Proposed Exclusion of the Property Legally Described as:

PID: 016-492-447
DISTRICT LOT 11527 KOOTENAY DISTRICT, EXCEPT PARCEL A (SEE 18158I) & PARCEL A (SEE 138202I)

The Agricultural Land Commission (ALC) has been reviewing the ALR boundaries in the Elk Valley in the area generally described as Morrissey to Elkford. The purpose of the review is to refine the ALR boundaries so they encompass land that is both capable and suitable for agricultural use. Land that is subject to review is based on the following set of criteria: agricultural capability, land use, parcel size, land characteristics (i.e. slope), previous ALC application decision history, official community plan reviews and other planning studies.

The ALC has now initiated an application pursuant to section 29(1) of the Agricultural Land Commission Act proposing to exclude land, including the above noted property, from the ALR.

Application material can be viewed at the ALC’s website at the link noted below. Please note that your property is located within Area 1 and identified as Property Number 1.1

http://www.alc.gov.bc.ca/Application_Status/Elk_Valley_Review.htm

In accordance with the Agricultural Land Commission Act and procedural regulation the ALC held a public hearing on Thursday, August 15, 2013 at the Best Western Plus Fernie Mountain Lodge. If you wish to express your views regarding the proposal, please forward your written submission to the attention of Mr. Reed Bailey at #133 – 4940 Canada Way, Burnaby BC V5G 4K6 or by email to Reed.Bailey@gov.bc.ca. The ALC would appreciate receiving your comments by Friday, November 1, 2013. Please keep in mind that your submission will form part of the application record and will be available to the public.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Colin Fry, Executive Director
October 24, 2013

District of Sparwood
P.O. Box 520, 136 Spruce Avenue
Sparwood, BC V0B 2G0

Dear Nelson Wight:

Re: Elk Valley ALR Boundary Review - Matevic Road Region

As you are aware, the Agricultural Land Commission (ALC) is currently reviewing the ALR boundaries in the Elk Valley in the area generally described as Morrissey to Elkford. The Commission has now initiated applications pursuant to sections 17(1) and 29(1) of the Agricultural Land Commission Act proposing to include land to and exclude land from the ALR respectively, and held a public hearing in Fernie, BC on August 15, 2013, to engage the public with regards to the ALR Elk Valley Boundary Review Project. Thank you for attending and making a representation on behalf of the District.

Prior to the public hearing, ALC and Ministry of Agriculture representatives toured the Matevic Road area of Sparwood and concluded that the region should formulate part of an ALR boundary review. While the ALC presented a revised proposal involving the Matevic Road area for discussion at the public hearing this revision did not form part of the application as advertised. As notice of application material must be presented to the public prior to a public hearing the ALC does not consider it appropriate to add the revised Matevic Road area to the ALR Elk Valley Boundary Review Project.

This said, the ALC is still interested in reviewing this area of Sparwood and proposes the ALC and the District undertake a separate and collaborative planning exercise to examine the appropriateness of the ALR boundaries. Also, considering that at the public hearing you expressed the District’s need for more time to review the Matevic Road region within the context of Sparwood’s Official Community Plan, it appears to be in both parties’ best interest to pursue the planning of this area outside of the Elk Valley Boundary Review Project. The ALC suggests the District commence its planning as noted at the public hearing and then contact the ALC its earliest convenience.

Please confirm that the District wishes to proceed on this basis.

Your contact at the ALC is Reed Bailey at (604) 660-7026 or by email to Reed.Bailey@gov.bc.ca.
Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Colin Fry, Executive Director

Cc: Andrew McLeod, Regional District of East Kootenay
    Darrell Smith, Ministry of Agriculture
    Bruce Lennox, City of Fernie
October 30, 2013
Regional District of East Kootenay
19 – 24th Avenue South
Cranbrook BC V1C 3H8

Dear Andrew McLeod:

Re: Elk Valley ALR Boundary Review – Ghostrider Area

As you are aware, the Agricultural Land Commission (ALC) is currently reviewing the ALR boundaries in the Elk Valley in the area generally described as Morrissey to Elkford. The Commission has now initiated applications pursuant to sections 17(1) and 29(1) of the Agricultural Land Commission Act proposing to include land to and exclude land from the ALR respectively, and held a public hearing in Fernie, BC on August 15, 2013, to engage the public with regards to the ALR Elk Valley Boundary Review Project. Thank you for attending on behalf of the Regional District.

Prior to the public hearing, ALC and Ministry of Agriculture representatives toured the Ghostrider area and concluded that the region should formulate part of an ALR boundary review. While the ALC presented a revised proposal involving the Ghostrider area for discussion at the public hearing, this revision did not form part of the application as advertised. As notice of application material must be presented to the public prior to a public hearing, the ALC does not consider it appropriate to add the revised Ghostrider area to the ALR Elk Valley Boundary Review Project. The ALC will proceed with the Elk Valley Review in the Ghostrider area as advertised.

Your contact at the ALC is Reed Bailey at (604) 660-7026 or by email to Reed.Bailey@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Colin Fry, Executive Director

Cc: Nelson Wight, District of Sparwood
Darrell Smith, Ministry of Agriculture
Bruce Lennox, City of Fernie