



**Agricultural Land
Commission Act**

**Policy L-23
October 2017**

PLACEMENT OF FILL FOR SOIL BOUND AGRICULTURAL ACTIVITIES

This policy provides information to prospective applicants and their Qualified Registered Professionals for non-farm use applications for fill placement in the ALR related to soil bound agriculture.

GENERAL GUIDELINES:

All fill related activities must be conducted in accordance with good agricultural practices.

Non-farm use applications for fill placement under Section 20 of the *Agricultural Land Commission Act* may be approved where it can be demonstrated to the satisfaction of the Commission that:

- a) Fill placement will aid the farm/farming activity;
- b) Fill placement will not reduce the agricultural capability of the land, degrade soils, or limit the range of crops that can be grown on the subject property compared to the current crop suitability of the land;
- c) Applicants are able to demonstrate that fill placement is the only means available to address implementation of standard agricultural best practices;
- d) Fill placement will aid in the rehabilitation of agricultural lands severely impacted by past fill activities or other activities that have degraded agricultural land whether permitted or not permitted;
- e) Fill placement will not foul, obstruct, or impede the flow of any waterway;
- f) If fill is required for drainage improvements, the proposed fill height does not exceed more than 0.5 metres above the maximum height of the water table (as confirmed by a Qualified Registered Professional) which is equivalent to a Class 1 excess water limitation.
- g) The final finished grade of the subject property compliments adjacent landforms and provides for a smooth transition between the land contours and drainage channels on adjacent lands and the reclaimed area.
- h) Fill placement activities should not extend beyond two years. Extensions will not be granted beyond the expiry date indicated in an ALC decision letter unless applicants can demonstrate that there are extenuating circumstances for not being able to complete the project within the prescribed time period.

For approved fill placement, a local government must not issue a Soil Deposit Permit until all of the ALC's pre-fill application conditions have been met and the ALC has notified the local authority in writing that filling activities (including site preparation) can proceed.

TERMS:

Placement of Fill - means to deposit, place, store, or stockpile directly or indirectly, fill on any land in the Agricultural Land Reserve, where that fill did not previously exist.

Qualified Registered Professional – means a person registered with a professional association including the Association of Professional Engineers and Geoscientists of BC, the Corporation of the Province of British Columbia Land Surveyors, British Columbia Institute of Agrologists or another person who is qualified because of knowledge, training and experience to organize, supervise and perform the services in accordance with this policy.

Soil bound agriculture – production of agricultural crops in soil (does not include nursery crops produced in containers).

RELATED POLICIES:

ALC Policy L-14 Placement of Fill or Removal of Soil: Construction of Farm Buildings

ALC Policy L-13 Activities Designated as Permitted Non-Farm Use: Dikes for Flood Control and Irrigation in the ALR

GUIDANCE DOCUMENTS:

Ministry of Agriculture - Guidelines for Farm Practices Involving Fill:

http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/800-series/820200-1_guidelines_for_farm_practices_involving_fill.pdf

Agricultural Land Commission – Resource Extraction and Fill Placement Proposals, Criteria for Technical Reports Submitted by Consultants:

http://www.alc.gov.bc.ca/assets/alc/assets/applications-and-decisions/supporting-documents/criteria_for_technical_report_requirement.pdf

REFERENCE:

Agricultural Land Commission Act, S.B.C 2002 c. 36, Section 20 (2).

s. 20(2) For the purposes of subsection (1), except as provided in the regulations, the removal of soil and the placement of fill are non-farm uses.