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Agricultural Land Commission
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May 26, 2015

Rakesh Kapoor
Chief Executive Officer
Reckitt Benckiser (Headquarters)
Reckitt Benckiser plc
Turner House, 103-105 Bath Rd
Slough, Berkshire SL1 3UH
United Kingdom

Dear Rakesh Kapoor:

ALC File #81500-30 Carbon Credits

DEPUTY MINISTER OF AGRICULTURE	
Referral #	_____
Refer to:	_____
Received:	MAY 29 2015
Comment:	_____

Re: Planting Trees and Placing Covenants on Agricultural Land Reserve Lands in BC

It has come to the attention of the Agricultural Land Commission's (ALC) that significant areas of land located in the Agricultural Land Reserve (ALR) in British Columbia are being used for carbon offset purposes. In particular, Reckitt Benckiser is planting trees on previously cleared agricultural lands for long periods of time to offset emissions as part of a corporate environmental sustainability initiative.

Approximately 5% of British Columbia's land area is capable of growing agricultural products. The ALR comprises 4.6 million hectares. Over 40 years ago the British Columbia government implemented an initiative to preserve and protect the province's limited agricultural land resource by introducing a provincial land use zone called the Agricultural Land Reserve (ALR). In the ALR agriculture is the priority land use and non-farm uses are restricted.

The ALC is guided by the *Agricultural Land Commission Act*. The purpose of the legislation is set out in Section 6 which states:

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

The Agricultural Land Reserve Use, Subdivision and Procedure Regulation Section 2(2)f provides that timber production, harvesting, silviculture and forest protection are permitted uses in the ALR. The planned and purposeful planting of trees for carbon offsets is not mentioned in the regulation, nor was it contemplated when the regulation was developed in 2001. The ALC is of the view that the requirement of trees planted for carbon offsets to remain in place for substantial periods of time (via the registration of a covenant, voluntarily or by commitment to some other standard) restricts the use of the ALR land for agricultural purposes.

In addition, the ALC has received complaints related to cultivated agricultural land being taken out of agricultural production in order to facilitate tree planting for carbon offsetting. British Columbia's ranching community has raised concerns about the removal of important grazing and pasture land from the Inventory of land ranchers rely upon to produce livestock products in the province's interior.

Part of the ALC's mandate is to encourage agriculture. The Commission believes that alienating ALR land and carrying out afforestation initiatives on lands already cleared for agriculture does not encourage farming and the commitment to retaining the planted trees for substantial periods of time in order to offset carbon emissions, restricts the use of the land for agricultural purposes.

If covenants are used as a way of guaranteeing the trees will not be harvested, this would be viewed as restricting and prohibiting farming in the ALR. Such long term covenants associated with trees planted for carbon credit purposes must not be registered without approval of the ALC as per Section 22 (2) of the ALC Act, which states that a covenant that restricts or prohibits the use of agricultural land for farm purposes has no effect until approved by the commission.

Since the ALC is aware that Reckitt Benckiser is a landowner of a considerable amount of ALR lands in British Columbia (reported to be 10,519 hectares) and based on the assumption that a good portion of those lands are located in the ALR, the ALC is carrying out an analysis as to whether activities taking place on these lands are permitted in the ALR. As part of this analysis, the ALC requests that you respond to the following questions:

1. What is the purpose of trees planted on Reckitt Benckiser owned lands located in British Columbia?
2. Does Reckitt Benckiser restrict the cutting of the trees on their properties? Via covenant? Voluntarily? Or based on some other common standard or program?
3. How long does Reckitt Benckiser plan to keep the trees planted?
4. Does Reckitt Benckiser restrict or prohibit the use of their lands for agricultural purposes?
5. If agricultural uses are taking place on these lands, please advise what those agricultural uses are?
6. Has Reckitt Benckiser utilized lands in the ALR that were formerly productive agricultural lands for planting trees? If so, where are those lands located (please provide PID or legal description)?
7. Does Reckitt Benckiser believe there is a benefit to agriculture as a result of planting trees for carbon offsets on ALR lands in BC?

Thank you in advance for your cooperation and response to this matter.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Frank Leonard, Chair

cc. Deputy Minister of Agriculture, Derek Sturko

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