

Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING WITH THE
GREEN PARTY CAUCUS ON REGULATIONS RELATED TO BILL 15 & RESIDENTIAL
FLEXIBILITY IN THE ALR

Ref: 191478

Date: January 7, 2019

Title: Meeting with the Green Party Caucus on regulations related to Bill 15 and residential flexibility in the ALR.

Issue: Implementing Bill 15 and the upcoming work on residential flexibility in the agricultural land reserve (ALR) are policy items that require consultation as per the Confidence & Supply Agreement (CASA).

Background:

Bill 15:

Bill 15 is the second phase of amendments to the *Agricultural Land Commission Act* (Act) delivering on the Minister's mandate letter commitment to revitalize the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC). When Bill 15 comes into force, it will:

- replace the current ALC governance model with a more flexible model that:
 - allows panels to be created as needed rather than relying on fixed regional panels, and
 - provides the Chair input regarding commissioner appointments;
- add criteria that the ALC must consider when exercising any power or performing a duty under the Act;
- remove the ability of land owners who are not the Province, local governments or First Nations governments to apply directly to the ALC for exclusion from the ALR;
- bring more rigour to the reconsideration process by clarifying the circumstances under which reconsiderations will proceed;
- enable the ALC to register remediation orders with the Land Title and Survey Authority (LTSA), thereby making all prospective buyers aware of any outstanding issues regarding ALR land;
- require persons who are registering a statutory right of way charge at the LTSA to give notice of the charge to the ALC if the charge is on ALR land;
- add new regulation-making authorities to support implementation and establish a new offence for failing to produce records.

Bill 15 received Royal Assent on May 30, 2019 and is not yet in force. Bill 15 can be brought into force by regulation.

Residential Flexibility:

The Ministry of Agriculture was directed to conduct the Supporting B.C. Farmers public engagement from September 19 to November 15, 2019. The engagement asked British Columbians how best to move forward on three topics:

- Support farmers and ranchers in the ALR to expand and diversify their businesses;
- Help new or young farmers become established on the land and in business; and,
- Ensure there is flexibility for residential options while prioritizing agriculture in the ALR.

A total of 613 British Columbians registered to participate in the eight in-person sessions, and the ministry received 1,580 online survey submissions, 87 personal submissions, and 19 formal submissions from associations/institutes/local governments.

A 'what was heard' report will be published in early 2020 and government will consider what to prioritize with respect to the ideas that were presented.

First Nations Considerations:

Notification letters were sent to the Tsawwassen, Tla'amin, Nisga'a, Tsilqot'n, and the five Maa'Nulth First Nations outlining the proposed amendments to bring Bill 15 into force. Tsawwassen and ministry staff met in fall 2019 to discuss the amendments. No issues with the proposed amendments were identified.

Discussion:

Bill 15:

It is anticipated that in early 2020, Cabinet will consider two Order in Councils (OICs). One OIC will bring Bill 15 into force and another will extend the grandfathering of manufactured homes until December 31, 2020. The OIC that will bring Bill 15 into force, within companion amendments to the Agricultural Land Reserve General Regulation, will do so in two stages. The first stage of amendments will be effective on the date of OIC deposit. The remainder of the amendments, and all but one section of Bill 15, will come into force on July 31, 2020. When the Bill 15 OIC is deposited:

- a. Bill 15 will amend the Act to:
 - give the ALC a more flexible governance model that allows panels to be created as needed rather than relying on fixed regional panels, and providing the Chair input regarding commissioner appointments;
 - add criteria that the ALC must consider when exercising any power or performing a duty under the Act;
 - add new regulation-making authorities to support implementation and establish a new offence for failing to produce records; and
 - make minor housekeeping amendments.
- b. the Agricultural Land Reserve General Regulation will be retitled as the "Agricultural Land Reserve Transitional Regulation" with some new provisions to:
 - restore a requirement for the ALC to give notice of permissions issued for use or subdivision applications (rather than only non-farm, non-adhering or residential use);
 - allow notice of public hearings to be given in other forms if newspaper publication is not practical;
 - require that pre-hearing notice be given not less than 3 days and not more than 10 days before the date of a hearing;
 - give the ALC the ability to determine notice requirements for applications, exclusions, meetings and public hearings; and
 - make consequential changes reflecting the first stage of amendments to the Act by Bill 15.

Effective July 31, 2020, the Bill 15 OIC will operate to:

- a. bring the remainder of Bill 15, except for section 30, into force, amending the Act to:
 - remove the ability of land owners who are not the Province, local governments, First Nations governments or certain prescribed public bodies to apply for exclusion from the ALR;
 - enable the ALC to register remediation orders with the Land Title and Survey Authority (LTSA), thereby making all prospective buyers aware of any outstanding issues regarding ALR land; and
 - require persons who are registering a statutory right of way charge at the LTSA to give notice of the charge to the ALC if the charge is on ALR land.
- b. repeal the Agricultural Land Reserve Transitional Regulation and replace it with a new Agricultural Land Reserve General Regulation that clarifies the language and organization of the former regulation and includes new provisions that:

- prescribe the public bodies that can apply for exclusion from the ALR, such as health authorities, school districts, improvement districts, post-secondary institutions and some Crown corporations;
- require that notice of applications for statutory rights of way be given in a form acceptable to the ALC, and require that an applicant provide a Registrar of Titles with the proof of that notice, as issued by the ALC; and
- make consequential changes reflecting the remaining amendments to the Act by Bill 15.

Amendments to section 33(2)(a) of Bill 15 (reconsideration of decisions) will not come into force until an error has been corrected. Section 33 adds a 90-day time limit to request reconsideration of decisions by the ALC. However, due to a drafting error, section 33(2)(a) unduly limits the time for the ALC to reconsider a decision.

Ministry and ALC staff met with officials in 10 municipalities and regional districts across the province. These local governments were selected in consultation with the Union of BC Municipalities to represent different sizes and concentrations of ALR land in regions across B.C. Local government officials were supportive of the six-month delay in bringing portions of Bill 15 and the companion regulations into force. Most were supportive or had no comment on the changes to the exclusion process.

The BC Agricultural Council supported some of the changes, such as the notice of remediation order on title. They expressed concerns about local governments obstructing exclusion applications, particularly with private landowners no longer having a guaranteed avenue to apply.

ALC staff requested changes to some procedures in the regulation outside the scope of Bill 15. These require further analysis and engagement with local governments. Ministry staff have forwarded ALC's requests to the ALR engagement steering committee for assignment of prioritization.

Residential Flexibility:

Several key themes emerged during the Supporting BC Farmers engagement, including the need:

- to balance farming and residential uses of ALR land;
- for ALR land to provide reasonable business opportunities;
- to recognize regional differences; and,
- to be aware of regulatory burdens on farmers.

The most common theme at all eight in-person sessions was related to a variety of residential concerns, including that many people wanted to have a second dwelling without having to make an application to the ALC and meet the test of 'actively farming'. Many people stated that the lack of options prohibited them from; housing elderly parents, impeded retirement plans, impacted succession plans, and reduced an avenue of passive income that could be invested back into land improvements or farming activities. From the perspective of the Ministry, the residential uses and any flexibility must consider if the residential improvement will impede farming of the land as the primary purpose, and/or increase the likelihood of future sub-division which can erode large parcels of agricultural land reserve lands.

The Ministry has determined that an extension to the grandfathering period for manufactured homes should be pursued while it considers its residential flexibility policy options. The main policy ideas that are being considered for further examination include: a manufactured home of a specific type, or a small garden suite (also referred to as a carriage home), neither of which would require an application to the ALC, only approval by the local governments. Considering that residential uses of the ALR can increase the overall value of the property based on those improvements, the Ministry is considering mechanisms to have these types of dwellings registered with the ALC. This will allow information to be collected about how the agricultural land reserve land base is being used which can be used to provide information for future policy work as needed.

An option paper along with a plan for engagement on the residential flexibility options will be published near the end of January to inform stakeholders of the ideas under consideration and how to participate in forming the policy options. Special attention will be paid to contacting all ALR land owners and involving the local governments as their by-laws and procedures may be impacted.

Suggested Response:

Bill 15/Extension of Manufactured Home Grandfathering:

- Bill 15 is the second phase of amendments to the Act delivering on the Minister's mandate letter commitment to revitalize the ALR and ALC.
- Bill 15 will be brought into force in two stages. The first stage of amendments impact the governance and operations of the ALC. These amendments will be brought into force in early 2020 at the request of the ALC. The second stage of Bill 15 amendments will be brought into force on July 31, 2020. This delay will provide six months for local government, landowners and other stakeholder to understand and adapt to the upcoming changes.
- ALC, local and first nation governments, and industry stakeholders were consulted on the regulations to bring Bill 15 into force.
- The grandfathering of manufactured homes for immediate family will be extended to December 31, 2020. Without this extension the grandfathering period is to end February 22, 2020. The extension will provide certainty for landowners while the ministry engages with stakeholders on opportunities for residential flexibility on the ALR.

Residential Flexibility

- The ministry is committed to better engaging and communicating with all ALR stakeholders on residential flexibility as well as any other issues that arise with ALR.
- Farmers, ranchers, ALR land owners and others had many ideas for removing barriers to farming and agriculture, and creating more opportunities for farmers, ranchers and ALR land owners.
- We will now work to balance these diverse opinions to preserve the limited ALR land with the need to be innovative, agile and supportive of farmers and farming.

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Anna North, A/Director, Policy, 778-698-7941

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Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION

Ref: 191414

Date: January 14, 2020

Title: Update on B.C.'s 2019 farm, fish and food sector statistics to the end of September 2019.

Issue: Estimates for the first nine months of 2019 released by Statistics Canada suggest B.C.'s farm and food sector revenues will be notably higher in 2019 than in 2018.

Background:

- Statistics Canada releases farm cash receipt (FCR) estimates on a quarterly basis and food and beverage processing sales on a monthly basis.
- The Ministry uses the January to September estimates (see Appendix A) as an indicator for total calendar FCR and processing sector sales, which will be released in May 2020.
- Preliminary seafood sector statistics for 2019 from Fisheries and Oceans Canada (DFO) are not available until June 2020, and the ministry's analysis and amendment to these statistics is not available until August 2020. Therefore, fish & seafood sector figures are not included in this Briefing Note.

Discussion:

Key findings on B.C.'s FCR estimates and food and beverage manufacturing sales:

- From January to September 2019, FCR increased by 10.6% (\$259.4 M) and food and beverage processing sales increased by 7.2% (\$520 M) over the same period last year.
- Combined, B.C.'s total farm and food sector revenues increased 8.0% and were up by more than three quarters of a billion dollars (\$778.8 M) in the period of January-September 2019 over January-September 2018.
- FCR are up \$259.4 M with increases of \$209 M in crops and \$53.1 M in livestock, but with a reduction of \$2.7 M in program payments to producers.
- Food and beverage processing sales are up \$519.4 M, with increases of \$409.0 M in food products and \$110.4 M in beverages.
- Higher receipts occurred across virtually all of B.C.'s crop and livestock sectors, with cannabis accounting for the majority of the increase (\$162.6 M), followed by dairy (\$40.6 M), eggs (\$10.2 M), potatoes (\$8.3 M), greenhouse vegetables (\$7.6 M), hay (\$5.7 M), and wheat (\$5.5 M).
- Higher sales were also seen across most of B.C.'s processed food and beverage categories, led by increased sales in meat products (\$261 M), dairy products (\$215 M), wines (\$60.3 M) and processed fruit and vegetable products (\$59 M).
 - Note: sales fell in seafood products (-\$94 M) and in other food products¹ (-\$43 M).

B.C. FCR and food and beverage manufacturing sales compared to the rest of Canada:

- For the first three-quarters of 2019, B.C.'s FCR increase of 10.6% and B.C.'s food and beverage processing sales increase of 7.2% were both well ahead of the national growth rate average of 4.4% and 2.4% respectively, compared to the same period in 2018.

Summary:

- Statistics Canada released estimates for the first three-quarters of 2019 that provide a good indication of strong growth in sales in 2019 in B.C.'s primary agriculture and food and beverage processing sectors.
- Current estimates show B.C.'s FCR for January to September 2019 increased 10.6% and sales from B.C.'s food and beverage processing sector increased 7.2% over the same period last year.
- The estimates for the entire 2019 year will be reported upon Statistics Canada's May 2020 FCR release.

¹ Processed seafood sales statistics for certain months in 2018 and 2019 were suppressed by Statistics Canada due to confidentiality requirements of the Statistics Act. Therefore, the results reflect changes over the same period in 2018 and 2019 (excluding sales from Feb to June inclusive).

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APPENDIX A

B.C. Farm Cash Receipts, Food Processing Sales and leading Products, January to September 2019

	Jan-Sept 2018 (\$'000)	Jan-Sept 2019 (\$'000)	Year over Year Change (\$'000)	Year over Year Change %
Total Crop Receipts	1,269,420	1,478,436	209,016	16.5%
Total Livestock Receipts	1,152,480	1,205,579	53,099	4.6%
Total Direct Payments	29,623	26,915	(2,708)	-9.1%
Farm Cash Receipts (1)	2,451,523	2,710,930	259,407	10.6%
Food manufacturing	5,953,167	6,362,207	409,040	6.9%
Beverage manufacturing	1,291,999	1,402,369	110,370	8.5%
Total Food and Beverage Processing Sales (2)	7,245,166	7,764,576	519,410	7.2%
Total Farm and Food Revenues (1) + (2)	9,696,689	10,475,506	778,817	8.0%
Cannabis	20,530	183,169	162,639	792.2%
Dairy	468,518	509,112	40,594	8.7%
Eggs	115,194	125,414	10,220	8.9%
Potatoes	27,240	35,514	8,274	30.4%
Greenhouse vegetables	258,103	265,693	7,590	2.9%
Hay	29,333	35,077	5,744	19.6%
Wheat	9,292	14,766	5,474	58.9%
Meat products	1,124,261	1,385,414	261,153	23.2%
Dairy products	983,258	1,198,884	215,626	21.9%
Wines	334,385	394,707	60,322	18.0%
Processed fruit and vegetable products	478,727	538,056	59,329	12.4%
Seafood products	261,283	166,616	(94,667)	-36.2%
Other food products	1,341,103	1,297,420	(43,683)	-3.3%

Ministry of Agriculture
BRIEFING NOTE FOR DEPUTY MINISTER FOR DECISION

Ref: 191461

Date: January 2, 2020

Title: B.C. Salmon Restoration and Innovation Fund (BCSRIF) support for Phase 2 of the Independent B.C. First Nations Genomic Lab Project.

Issue: A Deputy Ministerial decision is required on whether to: 1.) increase BCSRIF funding (from \$1.1M to \$2M) and, 2.) extend the duration (from 2 years to 4 years) of the Independent B.C. First Nations Genomic Lab project (Phase 2).

Background:

The BCSRIF is a five-year federal (\$100M)/provincial (\$42.85M) cost-shared initiative. As of November 2019, 23 funding agreements have been signed with project proponents representing a total funding commitment of approx. \$53.1M (provincial share = \$15.9M). An additional \$15.8M of funding for 22 projects is currently in the recommendation stage. A second intake of "Expressions of Interest" for project funding is planned for February 2020. The Ministry of Agriculture is the provincial program lead.

The 'Namgis First Nation (NFN), on behalf of participating Broughton First Nations (Kwikwasut'inux Haxwa'mis, Mamalilikulla and 'Namgis First Nations), applied to BCSRIF to establish an independent, B.C. First Nations owned and operated genomics lab in April 2019. The project was identified by the Province of B.C. as a high priority and funding of \$50K was provided to develop a business plan and establish a formalized partnership with the Okanagan Nation Alliance (ONA) (Phase 1).

In October 2019, the business plan, an application for "Phase 2 of the project", and a Memorandum of Understanding between NFN and ONA (who will establish and operate the lab) were submitted to BCSRIF partners. The objective of Phase 2 is to formalize the lab. The application requests: A) increasing the duration of the project from 2 years to 4, and B) increasing the planned budget from \$1.1 M to \$2M. The increased funds/timeframe of the project will support the lab in being operational for the 2020-21 field season by facilitating the purchase of equipment; training of staff and accreditation process.

The BCSRIF Management Committee (James Mack – B.C. Ministry of Agriculture and Rebecca Reid - Department of Fisheries and Oceans), have expressed their overall support for this project based on ensuring that the project is monitored for its duration, and that the recommended mitigation measures, by federal experts from BCSRIF, Science and Aquaculture Management, as well as provincial officials from the Ministry of Agriculture(Annex A), be adopted.

First Nations Considerations:

In January 2018, the Government of British Columbia and Broughton-area First Nations began initial discussions to resolve long-standing concerns regarding specific farms in the Broughton Archipelago. By fall 2018, the Broughton steering committee, made up of members from the 'Namgis, Kwikwasut'inux Haxwa'mis and Mamalilikulla First Nations, and the Province of British Columbia, submitted their consensus recommendations.

Fundamental to achieving the consensus recommendation was the steering committee's recommendation that a First Nations-led monitoring and inspection program be immediately put in place to oversee the operations of the fish farms during the transition of the tenures and specifically: monitor fish health and screen for sea lice, pathogens, disease agents and diseases before and after introduction of fish into the fish farms.

Discussion:

- The Broughton First Nations and their industry partners (Cermaq Canada and MOWI Canada West) have developed the Indigenous Monitoring and Inspection Plan (IMIP) which establishes oversight of the Broughton area fish farms. IMIP spans four years and will result in samples for analysis and testing. The proposed genomic lab would be used to test the samples for: pathogen monitoring; e-DNA processing; genetic stock identification, and chemical assays using the Fluidigm BioMark (Annex B).
- The business plan, that supports the Phase 2 B.C. SRIF application, was jointly developed by 'Namgis (on behalf of the Broughton First Nations) and ONA, who own and operate the existing kł cpəlk stɪn lab (pronounced Gustspulgssteam), in Penticton B.C., which will be expanded for this project (Annex C).
- Throughout the project, ONA will oversee all aspects of the construction, equipment procurement and process to establish the lab's proficiency. ONA will invoice 'Namgis monthly to ensure the proper flow of funding from the B.C. SRIF allocation. The 'Namgis, as funding administrator, will assume reporting responsibilities. Phase 2 will be overseen by a joint management team (one representative from ONA and one from the Broughton First Nations) who will participate in monthly meeting.
- Data and samples will be owned by the Broughton First Nations. Data will only be shared with third parties if requested by the Broughton Nations, except, as legislated, for reportable diseases.
- The kł cpəlk stɪn lab will be seeking accreditation from the Standards Council of Canada. ONA have a member of staff who has experience with this multiyear process.
- The project aligns with multiple priority areas identified by the Province of B.C., including responding to the Wild Salmon Advisory Council Recommendations, investing in the implementation of recommendations coming from the government-to-government process with the three First Nations in the Broughton Archipelago and implementing recommendations resulting from the Minister of Agriculture's Advisory Council on Finfish Aquaculture. Finally, the project advances the provincial commitment to Implement the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and reconciliation actions as it relates to fisheries and seafood.

Options:

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Recommendation: Option # 3

It is recommended that the project duration be extended (up to March 31, 2024) and that funding be increased to \$2M.

Next Steps:

- Due to the time-sensitive nature of certain project deliverables, DM approval is sought as soon as possible.
- Once the DM recommendation has been received, an email will be sent to DFO from the Deputy Minister (as Steering Committee co-chair) to indicate the nature of recommendation which will then move forward for DFO Minister.
- Department of Fisheries and Oceans Minister has final approval of all BCSRIF projects.
- BC and DFO Ministers together will make joint announcement of projects and provide strategic direction.

Attachments

- ANNEX A – DFO and B.C. Ministry of Agriculture Project Review Overview
- ANNEX B - Fluidigm BioMark technology overview
- ANNEX C: Timeline and Key Activities to Establish Lab

Approved / Not Approved

W. Shoemaker

Wes Shoemaker, Deputy Minister

Jan. 14/20

Date Signed

Contact: James Mack, ADM, Agriculture Science and Policy Division, Ministry of Agriculture, 778 698-3290

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Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING

Ref: 191486

Date: January 20, 2020

Title: Impact of Recent Changes to Groundwater Licensing Requirements for Farmers

Issue: Overcoming Challenges with Farmers' Applications for Groundwater Licenses

Background:

- On February 29, 2016, the *Water Sustainability Act* (WSA) was enacted, requiring licensing for both surface water and non-domestic groundwater use. Under the previous *Water Act*, only surface water use was required to be licensed.
- A water licence provides a right to divert and use water, construct works, and sets the date of precedence which establishes a First-In-Time First-In-Right (FITFIR) priority date.
- The WSA includes provisions that recognize the impacts of “existing use” of groundwater that have already occurred and allows precedence-dating from the time of first use.
- Non-domestic groundwater users (including farmers) who were using groundwater before February 29, 2016 may apply for an existing use groundwater licence before March 1, 2022.
- The March 1, 2022 deadline was originally March 1, 2019 and was then extended in early 2019.
- There is an application fee of \$250 (or more), which is waived for existing use groundwater licences.
- Applicants also need to pay an annual rental fee (at least \$50 per year) for the use of groundwater.
- All existing use groundwater licensees will incur annual water rental fees from February 29, 2016, and those that apply for licences now will need to pay retroactively; however, applicants may continue to use groundwater until they are issued a water licence.
- After the March 1, 2022 licensing deadline, all applicants will be treated as “new” users with the application date as the priority date and must pay application fees.
- As a new applicant, farmers would have to cease using groundwater for non-domestic purposes until they are issued a groundwater licence which may take several months or years.
- With a licence in place, a farmer secures the right to use groundwater and protects their water supply for agricultural purposes.

Roles and Responsibilities of Ministries Involved in Existing Use Groundwater Licensing

- Environment and Climate Change Strategy (ENV) introduced the WSA and are responsible for development of regulations and policy under the WSA.
- Forests, Lands, Natural Resource Operations and Rural Development (FLNRO) accepts and adjudicates applications for water licences, and issue water licences to all users.
- Agriculture (AGRI) supports existing use groundwater licensing to minimize the impact on farmers and help farmers secure rights to use water.
- ENV, FLNRO, and AGRI (the “Province” herein) work together on communication and outreach of groundwater licensing requirements and processes to farmers.
- As part of the application process, farmers and FLNRO staff use AGRI’s Agriculture Water Calculator (online tool), to successfully calculate annual water use requirements for licence applications.

First Nations Considerations:

- First Nations are required to license their groundwater use but are exempt from paying a fee.

Discussion:

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Suggested Response:

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Contact: Andrew Petersen, Water Management Specialist, 778-696-2293

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Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING

Ref: 191509

Date: January 22, 2020

Title: Minister's Meeting with Professional Employee Association. (PEA) regarding Professional Reliance

Issue: Challenges of Implementing the Professional Governance Act within the Ministry of Agriculture (AGRI).

Background:

The *Professional Governance Act* (PGA) was introduced and received Royal Assent in fall 2018. The PGA strengthens governance of professionals who work in BC's natural resource sector and in other sectors. The PGA was developed in response to the first two recommendations from the independent final report on the Professional Reliance Review in BC by Mark Haddock in June 2018. (see appendix #1)

The Professional Reliance Review and its recommendations are part of the government's broader goals and mandate commitments for natural resource management. The PEA and the Province agreed in bargaining in 2019 that there is value of having discussions regarding the implementation of the recommendations of the Professional Reliance Review. The PEA and the Province formed the Professional Reliance Task Force to work collaboratively on issues of common interest. The Professional Reliance Task Force and the Scientific Integrity Committee are a joint union and employer commitment made by the Province & the PEA in the most recent collective agreement.

The Professional Reliance Task Force is working to prepare a joint final report by Dec 31, 2020 for government consideration which documents the options and considerations for addressing the Professional Reliance Review recommendations. Graham Knox is representing AGRI as an employer representative on the Professional Reliance Task Force.

The mandate of the Scientific Integrity Committee is to discuss and make joint recommendations to the Deputy Minister's Committee on Natural Resources on how to ensure Scientific Integrity within the public service. While AGRI is not represented on the committee, DM Shoemaker is on the DMC committee.

The definition of Scientific Integrity: "includes respect of transparency, uncompromised quality of work, responsible research practices, impartiality and avoidance of conflict of interest, high standard of research ethics, and commitment to appropriate and accurate dissemination of knowledge -all for the benefit of humankind."

British Columbia Institute of Agrologists (BCIA) has formed a Professional Governance Working Group (PGWG) to:

- review and propose updates, (if required) to the Institute's Bylaws and/or Code of Ethics to ensure compliance and enforcement of whatever specific practice rights are eventually granted by the PGA, and
- review the area of practices, develop recommendations for updating and clearly defining the activities within each recognized and potential new areas of practice, (if any), preparatory to the granting of practice rights to the profession of agrology under the provisions of the PGA.

Brent Barclay P. Ag. has been appointed to the PGWG as a member of the BCIA, which will allow AGRI to remain current and knowledgeable with the implementation of the *Professional Governance Act*.

Examples of P. Ag, P. Eng. and Veterinary positions within AGRI include:

- Chief Veterinary Officer
- Waste Management Engineer
- Nutrient Management Specialist
- Apiculture Specialist
- Business Management Specialist
- Public Health Veterinarian
- Regional Agrologist
- Provincial Soil Specialist
- Entomologist
- Pesticide Specialist
- Veterinary Pathologist
- Industry Specialist
- Land Use Planning Agrologist
- Plant Pathologist
- Water Management Engineer

First Nations Considerations:

AGRI has had difficulty in attracting applicants to LSO positions that have both a background in agriculture and familiarity with indigenous culture and needs.

Discussion:

The Ministry of Agriculture's Workforce Plan focuses on recruitment, onboarding, continuous learning, career development and succession management for all ministry staff.

Contact: Brent Barclay, P. Ag., Director, Regional Development Services, (250) 614-7450
Graham Knox, Director, Emergency Management

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Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING
with B.C. Grain Producers in Abbotsford

Ref: 191547

Date: January 24, 2020

Title: Minister meeting with the B.C. Grain Producers for a follow-up meeting from Agriculture Days in Victoria regarding the current grain crisis in Northeastern British Columbia.

Issue: The BC Grain Growers Association are seeking financial assistance for grain producers negatively impacted by excess field moisture and snow during the 2019 harvest period.

Background:

- 31 percent of total grain crop acres in the Peace region are not harvested due to excess field moisture and snow.
 - Expected yields were average to above average; Canola in most areas was 120 percent of normal.
 - Losses due to quality reductions (e.g. color, mildew, rot), seed falling to the ground, and wildlife are expected. The extent of expected losses varies by crop type and whether the crop was swathed.
 - Using the Production Insurance (PI) acres there are 83,443 unharvested acres out of 268,000 insured.
 - Canola: 36,000 acres unharvested out of 90,000 insured.
 - Canola alone accounts for 43 percent of total snowed-under acres.
 - Minimal losses expected (relative to total coverage), has good spring salvage potential.
 - For many farms it represents the most significant portion of their revenue, which places a cash flow burden on these farms until it can be harvested.
 - Wheat: 20,000 acres unharvested out of 61,000 insured.
 - Grade and spring harvest potential is highly variable.
 - Field Peas: 11,000 acres unharvested out of 54,000 insured.
 - Most fields written off and claims have been finalized.
 - Barley and oats: 14,000 acres unharvested out of 61,000 insured.
 - Poor harvest potential.
- Over winter losses and increased costs are eligible for support under Business Risk Management (BRM) programs; however, growers must have proactively enrolled in the programs.
 - PI provides compensation for the snowed-under losses due to reduced quality and volume. There are 171 farms enrolled, and as a result 80 percent of the Peace grain acres are insured for a total value of \$90.3 M. Coverage is based on the farm's historical production, and the client's chosen level of deductible and insurable value for the crop. Most producers have chosen a 30 percent or lower deductible (e.g. the 10 percent deductible Grain Basket whole farm product).
 - Total claims are currently estimated to be \$5M, of which 42 percent (\$2.1M) has been paid to 71 farms. 29 additional farms are eligible for advances but:
 - 20 have deferred until they complete their harvest in the spring.
 - Six have provided no response.
 - Three are still needing to provide additional information.
 - Majority of Open Claims will be settled once harvest is completed in the spring.
 - If significant freeze-thaw cycles occur, crops like wheat, barley and oats may have little or no salvage value and the claims will be paid without waiting for spring harvest to be attempted.
 - Insurance claims will be finalized, where it has been determined that an individual's remaining crop cannot be harvested.
 - Production Insurance staff are working directly with farmers faced with snowed-under crops. Together with each impacted farmer, staff develop yield and grade estimates to determine if PI claims will result.

- AgriStability (AS) will provide income protection as its coverage accounts for both the declines in revenue and the increased costs associated with this type of an event. In fact, all or portions of the costs incurred from this event are considered eligible expenditures under AS; the exception being equipment repairs. Producers that have not completed harvest are able to access an advance of up to 75 percent of the expected final payment; the advance limit was increased for 2019 from 50 percent to 75 percent.
 - There are 65 AgriStability participants that have been identified with snowed-under crops.
 - Analysis using PI crop data indicated 13 of these clients are in a potential payment situation for AgriStability.
 - All 13 have been contacted to inform them that they could apply for a 75 percent advance; only one client requested the form required for an advance Interim Payment. This proactive type of claims support has never been done before in AS.
 - Total AS claims are estimated at \$942,000 for the 13 farms.
- AgriInvest helps producers protect their margin from small declines. As producers make annual deposits, which are based on a percentage of a producer's Allowable Net Sales (ANS), they receive matching government (60 percent federal, 40 percent Provincial) contributions of up to \$10,000.
 - October of 2019 the B.C. grain sector has \$6.5 million in their AgriInvest accounts.
 - All funds can be accessed quickly as they are under the direct control of producers.
- Advanced Payment Program (APP), is a federal loan program that can be accessed on up to 50 percent of the value of a stored crop, and as a result it provides some cash flow assistance. However, snowed-under crop inventory is not eligible. Loan limits are \$1M and interest-free for the first \$100,000; canola advances are interest free on \$500,000.
- Harvesting costs were increased on some fields that had saturated soils. Besides having to harvest at slower speeds, some of the most common extra cost incurred were:
 - Doubling the offloading process time since trucks were unable to go directly to the combine to offload it, so grain carts were utilized.
 - Equipment repairs have increased due to the extra strain that was required to move through mud.
 - Leveling of soils where rutting occurred. The size of current equipment will leave large ruts in extremely saturated areas, which makes it difficult for spring seeding to be done. In some cases, the size of the ruts will require the use of front-end loaders rather than disking.
- Significant amounts of crops were harvested with high moisture levels and extra costs will be incurred to keep it from spoiling in storage. Growers are using dryers, fans and constantly circulating grain from bin to bin to keep it from spoiling.
- If the excess moisture conditions continue late into the spring of 2020, seeding will be challenging.
 - Heavy equipment will not be able to travel on saturated fields.
 - The unharvested crops material with no grain salvage value will need to be disposed of – either burnt off, run through a combine or disked under; combining is the most effective.
 - Leveling of soils where rutting occurred during harvest.
 - Due to the Peace's short growing season, excess moisture can delay seeding and producers may have to choose not to seed, as seeding a late crop may not mature in time to be harvested prior to frost or snow.

Discussion:

- s.13

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Suggested Response:

- Grain producers can proactively protect their business against severe financial loss events using the suite of BRM programs currently available.

- When farms suffer significant revenue declines like the Peace region has for 2019, they need and expect BRM programs to respond. The ministry is aware that AgriStability's response to certain types of losses is insufficient, leaving some producers financially vulnerable. Because BRM programs are jointly paid by the Provinces and Canada, B.C. has been working through established Federal, Provincial and Territorial channels to advocate for more equitable and responsive coverage for B.C. farmers. Canadian Ministers of Agriculture have directed this work to continue into 2020.
- I appreciate your associations long history of participating on the Business Risk Management Branch's Grain Advisory Committee and B.C.'s Risk Management Advisory Committee (RMAC). Both committees are important means for us to engage and consult on BRM product design and operations, and on BRM policy in support of provincial position development.

Contact: Byron Jonson, Executive Director, BRMB, 250 861-7200

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Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION

Ref: 191551

Date: February 4, 2020

Title: Non-farm use of agricultural land for supportive recovery house in Abbotsford

Issue: The Agricultural Land Commission (ALC) refused an application (#56713) to continue a supportive recovery house as a non-farm use activity within the Agricultural Land Reserve (ALR) that has been operating without ALC and City of Abbotsford approvals.

Background:

- The 3.8 ha Abbotsford property is owned by Fraser Valley Gleaners' Society (FVG), a volunteer-run charity that processes and exports food products to over 40 countries. The property is within the ALR.
- In 1982, ALC Application #16533 was conditionally approved by the ALC to establish a mental health care facility on the property (ALC Resolution #1011/82). This approval was rescinded in 2000 by ALC Resolution #610/2000 when FVG submitted a non-farm use application for a 10,000 ft² building for the processing of fresh produce which was approved. The processing facility of Resolution #610/2000 remains in operation.
- In 2017, the applicant (Angela Appenheimer) applied to the ALC for permission to continue to use the principal residence (557 m²), existing accessory buildings (37 m² and 28 m² respectively), and surrounding area (totaling 1 hectare of a total property of 3.8 hectares) for a supportive recovery house operated by Adult & Teen Challenge Society of BC (ALC Resolution #173/2019).
- The application was submitted on August 27, 2017 and forwarded to the ALC by the local government (City of Abbotsford) on October 25, 2018. The application was submitted under the former s. 20(3) of the *Agricultural Land Commission Act* (ALCA). Bill 52 of the ALCA came into effect on February 22, 2019. The ALC considered the application under s. 20(2) of the ALCA as amended, however, the considerations weighed were unchanged.
- The application was refused by the ALC as it determined that the continued use of the principal residence, craft room, and fitness room for non-farm purposes does not provide a benefit to agriculture and thereby fails to meet the mandate of the Commission under s.6 of the ALCA. The ALC also found that additional buildings and agricultural infrastructure may be required should the property be used for agriculture and that the presence of buildings used for non-farm purposes reduces the amount of arable land available for agriculture and could alienate the property from future agricultural endeavors.
- The ALC deferred enforcement actions by two years from the date of the release of the decision (June 4, 2019) to enable Adult & Teen Challenge Society of BC sufficient time to relocate to non-ALR designated land.
- A Request for Reconsideration was submitted by the applicant on July 26, 2019 and was determined by the ALC to not meet the requirements for reconsideration pursuant to s. 33(1) of the ALCA on October 18, 2019.

Discussion:

Agriculture is not indicated as the primary use of the property, with the application orthophoto showing most of the property is covered in trees or processing infrastructure. The surrounding properties are ALR-designated and actively farmed for various products such as hay¹. The land is currently used to house the supportive recovery house, in addition to a processing facility approved via non-farm use application by the Commission in 2000 for food for export by the FVG. A separate non-farm use application was submitted to the ALC in 2017 requesting an expansion of this processing facility².

This parcel in Abbotsford has mixed prime and secondary agricultural capability. The Fraser Valley falls into the 1.1 percent of prime agricultural land in the province under the ALR³ and faces strong external pressure from urbanization. The non-farm use activities on the parcel are increasing the institutional, residential, and industrial use of the ALR land without adding to the agricultural value. The supportive recovery centre may have more options for placement outside of ALR-designated land in an area that is appropriately zoned by the local government.

The City of Abbotsford's Official Community Plan and Zoning Bylaw designation for the property is Agriculture and Agricultural One Zone, respectively, which do not allow supportive recovery use on the property. The ALC has refused the use of the property for a supportive recovery house but has allowed the applicant two years before taking enforcement action. The enforcement actions are not determined at this time. After the two-year period, ALC would work with the City of Abbotsford to determine next steps for compliance or enforcement to satisfy the ALCA and local zoning bylaws. For clarity, the ALCA does not provide powers to evict occupants.

The Honourable Premier John Horgan most recently recognized this issue⁴ in the House in the fall of 2019, upon the question of MLA Mike De Jong to the Minister of Mental Health and Addictions Judy Darcy. He stated that he was working with the Minister of Agriculture Lana Popham on the issue to find a suitable outcome for these affected women. A similar issue was brought to attention by MLA Mike De Jong in the same session, of a men's facility for addiction recovery in Langley⁴ (Wagner Hills Farm Society). See attached BN 187560. The Wagner Hills facility was approved by the ALC as the residents engage in an agricultural operation that produces substantive farm income.

Options:

s.13

¹ <http://a100.gov.bc.ca/pub/oatsp/list?execution=e1s4>

² Proposal sketch. <http://a100.gov.bc.ca/pub/oatsp/list?execution=e1s4>

³ https://www.alc.gov.bc.ca/assets/alc/assets/library/commission-reports/annual_report_2018-2019.pdf

⁴ *Fourth Session, 41st Parliament of the Legislative Assembly of British Columbia (2019). Thursday, November 28, 2019, Morning Sitting. Issue No. 301. <https://www.leg.bc.ca/documents-data/debate-transcripts/41st-parliament/4th-session/20191128am-Hansard-n301>

Contact: Heather Anderson, Corporate Governance, Policy and Legislation, 778 698-3110

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Hills Farm Society.pc