

**Ministry of Agriculture**  
**BRIEFING NOTE FOR MINISTER FOR INFORMATION FOR MEETING MINISTER RALSTON**  
**FEBRUARY 24, 2020**

Ref: 191698

Date: February 18, 2020

**Title:** Agricultural land reserve (ALR) and oil and gas commission

**Issue:** Agricultural and oil and gas activity in the ALR, particularly in Farmington, B.C.

**Background:** The oil and gas sector activities are predominantly located within the Northeast Region of the Province (see Appendix A), which aligns with portions of the ALR. Under Section 26 of the *Agricultural Land Commission Act* (ALCA), the ALC can enter into an agreement to allow certain governments or authorities to exercise the ALC's power to decide applications for non-farm use. Such agreements may also exempt a non-farm use in a specified area from the requirement of an application for permission for non-farm use on certain conditions.

The ALC has long recognized that oil and gas activities are vitally important to the economic wellbeing of BC. This streamlined process (including entering into a delegation agreement) was predicated on the ALC's view that oil and gas activities are temporary, albeit long-term, and that eventually upon the exhaustion of the resource the surface land disturbance would be restored by the industry to an agricultural standard, equal to or better than that which existed prior to oil and gas development.

The ALC has exercised its power to enter into a delegation agreement with the BC Oil and Gas Commission (OGC) relating to certain oil and gas non-farm uses within the ALR in the Peace River Region. This means the OGC acts as the ALC and makes decisions guided by the ALCA and regulations. In addition, the agreement exempts specific listed oil and gas development activities that meet certain criteria from the need to make an application to the ALC or the OGC. The agreement came into effect on April 1, 2004 and has been updated periodically and was last updated in 2017. The agreement area is limited to the Peace River Regional District and Northern Rockies Regional Municipality regions. Summary of the 2017 agreement includes:

- Oil and gas facilities totalling less than 20 ha per section exempt from application for non-farm use (e.g., they can just do the activity);
- OGC makes decisions on facilities greater than 20 ha;
- Agreement requires:
  - Stripping/stockpiling topsoil;
  - Schedule A pre-site assessment report;
  - Schedule B reclamation/closure report for all pipelines within two years of construction and facilities within two years of the site being reclaimed;
- Provides criteria for siting facilities based on soil capability, level of agricultural development, etc.;
- OGC is responsible for Compliance and Enforcement;
- Requires OGC to provide annual reports to ALC for auditing purposes, including:
  - Number of non-farm uses permitted;
  - Number and summary of inspections/enforcement actions undertaken.

See Appendix B - *2018-19 ALC-OGC Delegation Agreement Annual Activity Report* for the latest report.

The OGC is a single-window regulatory agency with responsibilities for overseeing oil, gas and renewable geothermal operations in British Columbia for over twenty years. The OGC oversees activities from exploration and development, to pipeline transportation and reclamation. The OGC was created as a Crown corporation through the enactment of the Oil and Gas Commission Act and in October 2010, transitioned to the Oil and Gas Activities Act. Core roles include reviewing and assessing applications for industry activity,

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consulting with First Nations, land owners and rights holders and ensuring industry complies with provincial legislation. It is charged with balancing a broad range of environmental, economic and social considerations.

In 2018 Minister Popham, appointed an independent Advisory Committee (the Committee) to lead consultation that would provide Government with strategic advice and policy guidance for revitalizing the ALR and the ALC. The Committee released a final report that included Recommendation 25 which makes a recommendation to strike a task force to addresses oil and gas in the ALR. The DM Task Force terms of reference (see Appendix C) were approved on January 9, 2020 and have been published on the Ministry of Agriculture website as agreed to by Energy Mines and Petroleum Resources, OGC and ALC.

The Peace River Regional District (PRRD) has been involved in the intersection between oil and gas activity and agricultural activity, including when the PRRD was hearing increased complaints from people residing in the Farmington area as a result of increased development in the Farmington area in 2016/17. As a result of these complaints that started from a grassroots group of local land owners concerned about local development, the OGC launched a pilot project called the Farmington Community Working Group (FCWG) pilot project in 2018 (see Appendix D – A Year in review).

The Ministry of Agriculture is reopening the Farmers' Information Service (previously the Farmers Advocacy Office) to ensure rural landowners throughout the Peace River Regional District are provided access to relevant information to manage their land and agricultural assets in order to mitigate business risk and maximize future economic opportunity, as it relates to interaction with the oil and gas industry. Key themes for the FIS are information dissemination, education, and client service.

**First Nations Considerations:** The predominant consideration in the area is Treaty 8 Treaty Land Entitlement (TLE) negotiations that are underway and include oil and gas rights as well as a significantly large area of crown lands with ALR designation. It is not known if the crown ALR lands that have been identified for TLE have any oil and gas potential, but there is significant oil and gas activity on crown ALR lands.

**Discussion:** s.13; s.16  
s.13; s.16

**Suggested Response:**

- The collection of the information to form a fact-based report will be a significant milestone in determining future actions.
- The Ministry of Agriculture remains committed to its farmers and ranchers and wishes to find a path forward to address ongoing concerns and strike a balance between oil and gas development and agriculture.
- The Ministry appreciates the ongoing efforts of EMPR, OGC and ALC in the DM Task Force and is looking forward to the results of the report and continuing to forge a strong and mutually respectful working relationship.

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

ED DT                      ADM JM                      DM WS

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Appendix A – Location map (separate document attached)

Appendix B - *2018-19 ALC-OGC Delegation Agreement Annual Activity Report* (separate document attached)

Appendix C – Final TOR DM Task Force (separate document attached)

Appendix D – A Year in review Farmington Community Working Group (separate document attached)

# A YEAR IN REVIEW

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## FW: Joint Briefing w/MBR and MLP

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From: Hansen, Erin AGRI:EX <Erin.Hansen@gov.bc.ca>  
To: Rhodes, Angie AGRI:EX <Angie.Rhodes@gov.bc.ca>  
Cc: Zachary, Dawnae AGRI:EX <Dawnae.Zachary@gov.bc.ca>  
Sent: February 18, 2020 9:22:06 AM PST  
Received: February 18, 2020 9:22:08 AM PST  
Attachments: image002.jpg

Hi Angie.

Are you able to update the Cliff Log 191698 and eApproval?

Thanks,

Erin

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**From:** Mack, James AGRI:EX

**Sent:** February 18, 2020 8:46 AM

**To:** Zachary, Dawnae AGRI:EX ; Hansen, Erin AGRI:EX

**Cc:** North, Anna AGRI:EX ; Evers, Charlene AGRI:EX ; Travia, David V AGRI:EX

**Subject:** FW: Joint Briefing w/MBR and MLP

It appears that an info note was requested to support a joint Ministers meeting on ALR and oil and gas development. From the looks of it, it went to ALC and I think there's some confusion from them on what's needed (see email chain below)

Can one of you find the e-approvals and get it re-directed to Policy?

Note should include input from ASP, BDD as well as ALC. MO wants an AGRI note (not a joint note) but we should share docs with EMPR/OGC. Should cover:

- Any background we can provide on oil and gas and ALR
- Status of DM working group and next steps.

Thanks,

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**From:** Godfrey, Sam AGRI:EX

**Sent:** February 13, 2020 4:12 PM

**To:** Collins, Martin J ALC:EX

**Cc:** Vickers, Lori AGRI:EX; Mack, James AGRI:EX

**Subject:** RE: Joint Briefing w/MBR and MLP

Hi all.

Martin, thanks for this. Yes, input from Lori sounds helpful, thanks. I just spoke to James about this and he said he would follow-up.

Best, S.

**Sam Godfrey**

Senior Ministerial Assistant to the Honourable Lana Popham

Minister of Agriculture, British Columbia

Mobile: 250 208 1359 | Office: 250 387 1023

Rm 325, Parliament Buildings, 501 Belleville St., Victoria, B.C. V8V 1X4

*This message, including any attachments to it, is not to be disclosed outside of the Provincial Government without prior written approval from the Ministry of Agriculture. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.*

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**From:** Collins, Martin J ALC:EX <Martin.Collins@gov.bc.ca>

**Sent:** February 13, 2020 11:41 AM

**To:** Godfrey, Sam AGRI:EX <Sam.Godfrey@gov.bc.ca>

**Cc:** Vickers, Lori AGRI:EX <Lori.Vickers@gov.bc.ca>

**Subject:** FW: Joint Briefing w/MBR and MLP

Sam

At your instruction I am not leaving a phone message.

Not sure I can provide any information about Farmington. The ALC does not make decisions in the ALR pertaining to oil and gas development in Farmington, the OGC does. I do not have any information to provide.

It might be more useful to have Lori Vickers of the Ministry of Agriculture in Dawson Creek prepare a Minister's briefing note, if it pertains to agricultural producers complaints.

Regards

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**From:** Oldham, Lisa E AGRI:EX

**Sent:** Thursday, February 13, 2020 11:37 AM

**To:** Collins, Martin J ALC:EX

**Subject:** RE: Joint Briefing w/MBR and MLP

Hi Martin,

MBR is Minister Bruce Ralston.

Sam told me was it was re: oil and gas Commission in the ALR particularly Farmington

No other details were given if you would like to give Sam a call his cell is 250 208-1359

Thanks,

Lisa

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**From:** Collins, Martin J ALC:EX <[Martin.Collins@gov.bc.ca](mailto:Martin.Collins@gov.bc.ca)>

**Sent:** February 13, 2020 11:20 AM

**To:** Oldham, Lisa E AGRI:EX <[Lisa.Oldham@gov.bc.ca](mailto:Lisa.Oldham@gov.bc.ca)>

**Subject:** RE: Joint Briefing w/MBR and MLP

Lisa

What is the MBR ? what is being discussed ?

Regards

Martin Collins

Director of Policy and Planning

Agricultural Land Commission

#201, 4940 Canada Way, Burnaby, BC V5G 4K6

Phone: 236 – 468-1884

[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)

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**From:** Oldham, Lisa E AGRI:EX

**Sent:** Wednesday, February 12, 2020 2:40 PM

**To:** Leppard, Brianna AGRI:EX

**Subject:** FW: Joint Briefing w/MBR and MLP

Please cliff requesting a BN and staff

Meeting is scheduled Feb 20 at 2:30pm

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**From:** Oldham, Lisa E AGRI:EX

**Sent:** February 12, 2020 12:34 PM

**To:** Robb, Amanda EMPR:EX <[Amanda.Robb@gov.bc.ca](mailto:Amanda.Robb@gov.bc.ca)>

**Subject:** Joint Briefing w/MBR and MLP

Hi Amanda

MLP would like to schedule a joint briefing with MBR re: oil and gas Commission in the ALR particularly Farmington.

Can you please advise a few dates and times that work for MBR and we will work around those.

Thank you,

Lisa



Lisa Oldham

Administrative Coordinator to the

**Honourable Lana Popham**

Minister of Agriculture

t 778.974.5911 f 250.387.1522



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**Terms of Reference**  
**Deputy Minister Task Force**  
**Agriculture and Oil & Gas in Northeast British Columbia**

**Preamble:** In January 2018, the Minister of Agriculture tasked an Independent Revitalization Committee to revitalize the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) by leading a province-wide engagement process and providing strategic advice through recommendations for consideration by Government. The Revitalization Committee submitted final recommendations for the Minister's consideration including Recommendation 25<sup>1</sup> specific to the interaction of oil and gas development and agricultural land use in Northeast BC (NEBC). From the Revitalization Committee's report:

*Immediately work to address the imbalance between oil and gas development and agriculture in BC's Northeast ALR:*

- 1. Form a Deputy Minister-level, multi-agency, multi-jurisdictional Task Force to develop a Northeast ALR Strategy; and,*
- 2. Establish an increased ALC presence to support farmers and ranchers in BC's Northeast ALR.*

**Committee:** A Deputy Minister/Commissioner level Task Force (Task Force) is established to consider Recommendation 25 from the Revitalization Report. The DM Task Force is comprised of:

- Deputy Minister of Agriculture;
- Deputy Minister of Energy, Mines and Petroleum Resources;
- Chief Executive Officer, Agricultural Land Commission; and
- Commissioner and Chief Executive Officer, BC Oil and Gas Commission.

**Accountability:** The Task Force will examine the findings and recommendations from the Revitalization Report and, where and if appropriate, develop recommendations and initiate actions as may be necessary in providing Government's response to the Report.

The Task Force will begin its work by developing a comprehensive and factual public facing report which will provide:

- the history and current context in NEBC with respect to oil and gas and agricultural land use; and
- an examination of the existing policy and regulatory frameworks for both sectors.

The report will guide additional work as identified by the Task Force including:

- Determination of any regulatory or legislative enhancements which may be warranted;

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<sup>1</sup> See Appendix 1 for the full recommendation

- Consideration of all available information the Task Force deems appropriate including information from the recent Farmington Landowners Group trials and the Peace River Regional District, local Farmers/Ranchers; and
- Consultation as appropriate and/or as required with Indigenous Communities, landowners, local governments, industry and others.

**Support:** To support the work of the Task Force, an Executive Committee is formed comprised of:

- Assistant Deputy Minister, Ministry of Agriculture
- Assistant Deputy Minister, Oil and Gas Division, Ministry of Energy, Mines and Petroleum Resources
- Director, Agricultural Land Commission; and
- Executive Vice President/Chief Operating Officer, BC Oil and Gas Commission.

**Roles:** The Task Force will:

- Adopt these Terms of Reference;
- Meet as required to provide direction on analysis, reporting and other work to be done by the Executive Committee;
- Provide the appropriate linkage between Ministries and Cabinet/ELUC;
- Manage any concerns or disputes arising from the work; and
- Ensure the work of the Member Ministries and Commissions is aligned and coordinated.

The Executive Committee will:

- Review the recommendations and actions as outlined in the Revitalization Committee final report related to oil and gas and agriculture interactions and provide the outcome of the review and any further considerations to the Task Force, including:
  - Developing a public facing comprehensive report on Agricultural and Oil and Gas land use within the ALR in NEBC;
  - Responding to direction from the Task Force;
  - Identifying challenges and opportunities to be addressed;
  - Undertaking a review of the existing data/information available to assist in informing the Task Force; and
  - Making recommendations on next steps.

**Relationships:** The Task Force will provide any findings or recommendations arising from their work to the Deputy Minister Committee for Natural Resources (DMCNR) for review and discussion prior to advancing any recommendations to Government. Any such recommendations should be advanced utilizing the existing committee structures provided by the Assistant Deputy Minister Committee on Natural Resources (ADMCCR) and the DMCNR.

- Principles: The Task Force and the Executive Committee will:
- Develop fact based information and background on all matters before the Task Force;
  - Provide a balanced and reasoned approach, mindful of divergent views, and supported by staff and subject matter experts; and
  - Seek consensus directions and recommendations, or where consensus is not possible, document the reasons for lack of consensus and possible paths forward.
- Expenses: Individual Ministries and Commissions are responsible for their respective travel costs, subject to government travel guidelines and requirements.

## **Appendix 1**

### **From the Revitalization Report Recommendation 25 and Associated Actions: Need for a Deputy-Minister Task Force and Strategy**

#### *Actions:*

1. *Establish a Deputy Minister- level task force with internal and external agriculture partners and stakeholders from the natural resource sector. Direct the Task Force to:*
  - *Develop a strategy to address the significant resource extraction issues impacting the ALR and its farmers and ranchers in BC's Peace River Region*
  - *Review, among other considerations, the following issues and take actions as required:*
    - *How to balance surface rights of the farmer/rancher with sub-surface rights of the extractor*
    - *How the farmer/rancher will be given authority to influence negotiations on the farm and location of oil and gas facilities and infrastructure.*
    - *How the comments made to the task force by the farmers/ranchers will be accommodated in the balance process*
    - *Whether the delegation agreement between the ALC and the BC Oil and Gas Commission is the correct approach or if there is an alternative approach that would better protect the agricultural interest and restore confidence in the regulatory system over the long term*
    - *Complete a fulsome impact assessment of oil and gas activity with the ALR*
    - *Determine how farmers can access ongoing professional independent support*
2. *Build a memorandum of understanding and operational agreement between the ALC and the BC Oil and Gas Commission for sharing impact assessments and other information so they can work more effectively together.*
3. *Consider whether/what portion of royalties from oil and gas development in the ALR should be directed to a regional agriculture development fund.*

#### **Need for Increased ALC and Ministry Presence**

#### *Actions:*

1. *The Committee recommends the Ministry of Agriculture work with other natural resource ministries to ensure the ALC and the Ministry are sufficiently resourced to increase presence and support for the ALR protection and for farmers and ranchers in BC's Northeast ALR.*

## DM Oil & Gas task force - BC's Northeast ALR

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From: McGuire, Jennifer AGRI:EX <Jennifer.Mcguire@gov.bc.ca>  
To: Ethier, Tom AGRI:EX <Tom.Ethier@gov.bc.ca>  
Cc: Lalani, Arif AGRI:EX <Arif.Lalani@gov.bc.ca>  
Sent: May 29, 2020 8:54:56 AM PDT  
Received: May 29, 2020 8:54:57 AM PDT

Good Morning Tom,

Making sure this one is on your radar.

I have asked staff to provide a briefing on this task force and the report requirement to address recommendation #25. If you are interested in a briefing let me know.

Will add this to the next MLP roundtable to provide an update on the progress to deliver the report to DM's by end of July.

<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/agricultural-land-reserve/deputy-minister-oil-and-gas-task-force>

thx

*Jennifer McGuire, P.Ag.*

Assistant Deputy Minister

Agriculture Science and Policy Division

Ministry of Agriculture

Ph: 778-698-8521 Cell: 250-361-5944

## **ALC REVITALIZATION COMMITTEE REPORT (INCL. KEY MESSAGES)**

### **RECOMMENDED RESPONSE:**

- **I am grateful for the work of the committee members in engaging British Columbians and providing solid recommendations for legislative, regulatory and administrative change.**
- **Government has acted on these recommendations through recent amendments to the Agricultural Land Commission Act (ALCA) and its regulations.**
- **The B.C. government has already taken action to revitalize the Agricultural Land Reserve (ALR) with recent changes to the Agricultural Land Commission Act (ALCA) that:**
  - **Restored the integrity of the ALR by reinstating one zone for all ALR land in B.C., making it clear that all land in the ALR benefits from the same strong protections.**
  - **Addressed mega-mansions and speculation in the ALR by limiting new house sizes.**
  - **Cracked down on the dumping of construction debris and other fill.**
  - **Replaced the statutorily-prescribed ALC governance structure of six panel regions with one commission made up of regional representatives from all six administrative regions.**
  - **Provided the ALC Chair with more flexibility to organize commission members into decision-making panels by topic, technical expertise, or administrative region.**
  - **Added new ALR decision-making criteria that the ALC must consider in order to prioritize the protection and enhancement of the size, integrity and continuity of the ALR land base.**
  - **Added more compliance and enforcement capacity and tools, including a new offence for landowners who do not produce records to the ALC when ordered.**
- **On September 30, 2020, further ALCA amendments will come into force that will require that applications for excluding property from the ALC may only be submitted to the ALC by local governments,**

**First Nations governments, or the Province, to support more thoughtful land-use planning in the ALR.**

- **Other recommendations of the Committee also identified the need for ongoing dialogue with all ALR landowners and stakeholders.**

**BACKGROUND:**

- On January 4, 2018 the Minister of Agriculture created the Independent Minister's Advisory Committee (Committee) for the Revitalization of the Agricultural Land Reserve (ALR) and Agricultural Land Commission (ALC). The Committee consisted of eight British Columbians with diverse agricultural backgrounds and experience.
- The Committee was tasked to provide strategic advice and policy guidance to the Minister and was responsible for delivering recommendations on how to best achieve the Minister's mandate commitment based on the outcome of a broad engagement process with stakeholders across the province.
- The Committee travelled to nine communities around B.C. to hear from agricultural and regional stakeholders and met with the Union of B.C. Municipalities and the ALC. There were over 280 written submissions made as part of the engagement process, and over 2,300 British Columbians completed the committee's online survey.
- On July 31, 2018, the Committee provided an Interim Report to the Minister focusing on early legislative changes to revitalize the ALR and the ALC. A report outlining the engagement outcomes in a "What We Heard Report" was also submitted for information to provide rationale for the recommendations.
- Following the committee's interim report of 13 key recommendations for legislative change, the B.C. government took action.
- The Province released the final report of the Committee for Revitalizing the ALR and the ALC in April 2019.
- The release of the final report completes the committee's work that began in January 2018.
- In Fall 2018 and Spring 2019, legislative amendments to B.C.'s *Agricultural Land Commission Act* were enacted to encourage farming and ranching in B.C. and to strengthen the independence of the ALC to better fulfill its mandate of preserving the ALR. The legislative changes are part of Government's commitment to revitalizing the ALR and the ALC. Some of the highlights include:
  - Bill 52 – 2018 provided for three key changes:
    - Directly addressing mega-mansions and speculation in the ALR by limiting size of principal residences in the ALR and empowering ALC to approve additional residences for farm use.
    - Restricting the removal of soil and increased penalties for dumping of construction debris and other harmful fill in the ALR.
    - Reunifying the ALR as a single zone, ensuring consistent rules with strong protections for all ALR land.
  - Bill 52 was brought into force on February 22, 2019 through regulation.
  - Part of Bill 15 – 2019 brought into force on March 12, 2020 strengthened the independence of the ALC and further protected the ALR by:
    - Replacing the statutorily-prescribed ALC governance structure of six panel regions with one commission to be comprised of regional representatives from all six administrative regions.



## ESTIMATE NOTE- FISCAL 2020/21

Ministry of Agriculture

C o n f i d e n t i a l   A d v i c e   t o   M i n i s t e r

- Providing the ALC Chair with more flexibility to organize commission members into decision-making panels by topic, technical expertise, or administrative region.
- Adding new ALR decision-making criteria that the ALC must consider in order to prioritize the protection and enhancement of the size, integrity and continuity of the ALR land base.
- The remaining provisions of Bill 15 will come into effect on September 30, 2020 and require that applications for excluding property from the ALC may only be submitted to the ALC by local or First Nations governments, the Province, or prescribed public bodies (i.e. Health Authorities) to support more thoughtful land-use planning in the ALR.

Approved by:	Prepared by: <i>(the person who wrote the note)</i>	Alternate Contact:
ADM Jennifer McGuire	Name: Anna North	Name: Britney Irvine
Date approved: June 13, 2020	Branch: CGPL	Branch: CGPL
Phone:	Phone: 778 698-7941	Phone: 778 698-4029
Cell: 250-361-5944	Cell:	Cell:

## REVITALIZATION OVERVIEW

### RECOMMENDED RESPONSE:

- **Our government is making it clear that farmland is for farming in B.C.**
- **Over the last 15 years pressures on our farmland has continued to grow – driving the cost of land out of reach for farmers and allowing valuable farmland to be damaged.**
- **We're fixing that. In November 2018 we passed a bill that:**
  - **Addressed mega-mansions and speculation in the ALR**
  - **...so that farmers can afford to get onto the land and bring it into production.**
  - **Cracked down on dumping construction waste and fill in the ALR**
  - **...to protect our valuable, arable soil.**
  - **Re-instated one zone for all ALR land in B.C.**
  - **...to make it clear that the whole ALR benefits from the same strong protections.**
- **We're protecting farmland:**
  - **to support prosperity in farming communities,**
  - **and so that people in B.C. can count on fresh, local food on their tables for years to come.**
- **The legislation is one step in our government's work to revitalize the ALR and ALC.**
- **It's important that the ALC is able to fulfil its mandate to protect and encourage farming and farmland in B.C. so that local communities can prosper, and we can continue to count on fresh, locally grown food on our tables for years to come.**

**BACKGROUND:**

- In January 2018, Lana Popham, B.C. Minister of Agriculture, announced the appointment of an independent advisory committee to provide strategic advice and policy guidance on how the B.C. government could revitalize the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) into the future.
- February 5 - April 30, 2018 -The committee heard from British Columbians at stakeholder meetings in nine communities, and through written submissions and online consultation. 2,300 British Columbians responded with their ideas on how the Province can support the ALC to preserve farmland and encourage farming.
- July 31, 2018 - Two reports from the B.C. Minister of Agriculture's Advisory Committee for Revitalizing the ALR and the ALC were released.
  - "What the Committee Heard" Report
  - Interim Committee Report to the Minister of Agriculture
- The interim report contained immediate recommendations for legislative change.
- November 27, 2018 - Bill 52, the *Agricultural Land Commission Amendment Act, 2018*, received Royal Assent.
- The three key changes included restricting the size of primary residences, removing the two-zone system of protection, and restricting illegal fill placement in the ALR.
- February 22, 2019 - (Order In Council 67/2019): The Agricultural Land Reserve Use Regulation was approved by B.C.'s Lieutenant Governor in Council, bringing into force changes to the *Agricultural Land Commission Act* under Bill 52 – 2018, *Agricultural Land Commission Amendment Act, 2018*. Amendments were made to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation renaming it the **Agricultural Land Reserve General Regulation** B.C. Reg 171/2002 that sets out application procedures, and adopted a new *Agricultural Land Reserve Use Regulation* B.C. Reg 30/2019 that identifies uses of ALR land.
- April 30, 2019 - The Final Committee Report to the Minister of Agriculture: Recommendations for Revitalization was released, detailing 32 recommendations to support agriculture in the province.
- May 30, 2019 - Bill 15, the *Agricultural Land Commission Amendment Act, 2019* received Royal Assent and has come into force by regulation.
  - The legislation will strengthen ALC governance and independence, and further protect land within the ALR by:
    - 1) replacing the current ALC governance model of six panel regions and an executive committee with one commission maintaining regional representation by requiring membership from all six administrative regions;
    - 2) providing the chair of the ALC with more flexibility to organize commission members into a decision-making panel on applications when warranted, by topic, technical expertise or by an administrative region;
    - 3) adding new decision-making criteria to prioritize the protection and enhancement of the size, integrity and continuity of the land base that the ALC must consider when exercising any power or performing a duty under the ALCA;
    - 4) adding more compliance and enforcement capacity and tools, including a new offence for landowners who do not produce records to the ALC when ordered;
    - 5) requiring that exclusions be submitted to the ALC only by local governments, First Nations governments, or the Province, to

encourage these types of applications be done as part of thoughtful land-use planning process.

- July 4, 2019 (Order In Council 385/2019) The grandfathering period for manufactured homes for immediate family members in the ALR was extended to February 22, 2020.
- September 19 – November 15, 2019 - The Ministry of Agriculture held a public engagement period asking for the opinions and ideas about how to better support farmers, encourage farming and keep farmland available for farming.
- The Ministry heard from British Columbians at in-person engagements in eight communities, and through both personal and formal submissions, and online survey submissions. A total of 613 British Columbians registered to participate in the eight in-person sessions located throughout the province. In addition, the ministry received: 1,580 online survey submissions; 87 personal submissions; and 19 formal submissions from associations, institutes and local governments.
- January 27, 2020 - The *Policy Intentions Paper: Residential Flexibility in the ALR* and the Supporting B.C. Farmers *"What We Heard" Report* were released for public comment.
- January 28, 2020 - (Order in Council 028/2020) The period for grandfathering manufactured homes as an additional residence for family was further extended from February 22, 2020 to December 31, 2020.
- April 17, 2020 - The window for the public to comment on the Ministry's *Policy Intentions Paper: Residential Flexibility in the ALR* closed on this date.
- December 31, 2020 - All required authorizations to locate a manufactured home for immediate family must be received, and the size and siting of the home must not be altered (unless permitted under section 25 or 45 of the Act) on this date.
- As a result of the public engagement, government is considering other regulatory changes to:
  - reduce the fee for non-adhering residential use,
  - redistribute the portion of all fees to local governments to a 50:50 split;
  - revise soil and fill uses to increase the permitted soil and fill area;
  - increase the volume of annual fill for maintenance of an existing farm road; and,
  - permit the use of recycled concrete and asphalt for certain fill uses.

Approved by:	Prepared by: (the person who wrote the note)	Alternate Contact:
ADM Jennifer McGuire	Name: Anna North	Name: Britney Irvine
Date approved: June 13, 2020	Branch: CGPL	Branch: CGPL
Phone:	Phone: 778 698-7941	Phone: 778 698-4029
Cell: 250-361-5944	Cell:	Cell:

## TOR

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From: McGuire, Jennifer AGRI:EX <Jennifer.Mcguire@gov.bc.ca>  
To: Ethier, Tom AGRI:EX <Tom.Ethier@gov.bc.ca>  
Sent: November 20, 2020 3:36:58 PM PST  
Received: November 20, 2020 3:36:58 PM PST

<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/agricultural-land-reserve/deputy-minister-oil-and-gas-task-force>

## Final Draft - Background Report: Agriculture and Oil and Gas in NE BC

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From: Mah-Paulson, May EMPR:EX <May.Mah-Paulson@gov.bc.ca>  
To: Mihlar, Fazil EMPR:EX <Fazil.Mihlar@gov.bc.ca>, Ethier, Tom AGRI:EX <Tom.Ethier@gov.bc.ca>  
Cc: McGuire, Jennifer AGRI:EX <Jennifer.Mcguire@gov.bc.ca>, Jang, Monica EMPR:EX <Monica.Jang@gov.bc.ca>  
Sent: November 26, 2020 4:55:38 PM PST  
Received: November 26, 2020 4:55:39 PM PST  
Attachments: 20201125 Agriculture Oil and Gas Background Report FINAL DRAFT.docx

Hi Fazil and Tom,

Further to our discussion last week, attached is the final draft of the Background Report.

Our next steps are to:

- Convene the Executive Committee (ADM level reps from AGRI, EMPR, OGC and ALC) to discuss and resolve any outstanding questions on the final draft
- Provide an update to ADMCNR on Dec 10 and receive any advice/comments on the final draft
- Convene the DM Task Force to present the final draft
- Provide an update to DMCNR (Dec 21, or in January)

For context, this link provides access to the Report entitled "Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission" as well as the Terms of Reference for the DM Task Force:

<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/agricultural-land-reserve/the-agricultural-land-reserve>

Thanks,

May

**May Mah-Paulson, P.Eng.**

Assistant Deputy Minister | Oil and Gas Division

Ministry of Energy, Mines and Petroleum Resources

(P) 778.698.9691

(C) 250.361.6589

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Withheld pursuant to/removed as

s.13

Page 051 of 160 to/à Page 063 of 160

Withheld pursuant to/removed as

s.13 ; s.16



## **RE: CALL: Fazil, Tom, May, Paul, James, Kim, Jen, Martin, and Monica**

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**From:** Mah-Paulson, May EMPR:EX <May.Mah-Paulson@gov.bc.ca>  
**To:** Mihlar, Fazil EMPR:EX <Fazil.Mihlar@gov.bc.ca>, Ethier, Tom AGRI:EX <Tom.Ethier@gov.bc.ca>, Jeakins, Paul OGC:IN <Paul.Jeakins@bcogc.ca>, Grout, Kim ALC:EX <Kim.Grout@gov.bc.ca>  
**Cc:** O'Hanley, James G <James.OHanley@bcogc.ca>, Jang, Monica EMPR:EX <Monica.Jang@gov.bc.ca>, Collins, Martin J ALC:EX <Martin.Collins@gov.bc.ca>, McGuire, Jennifer AGRI:EX <Jennifer.Mcguire@gov.bc.ca>, O'Hanley, James G OGC:IN <James.O'Hanley@BCOGC.ca>, McCann, Meghan EMPR:EX <Meghan.McCann@gov.bc.ca>  
**Sent:** December 14, 2020 6:00:31 PM PST  
**Received:** December 14, 2020 6:00:35 PM PST  
**Attachments:** ToR - DM Task Force.pdf, 20201209 Agriculture Oil and Gas Background Report FINAL DRAFT dec 14 version SC.docx

Hi Fazil, Tom, Paul and Kim,

For the DM Task Force Meeting tomorrow morning:

### Proposed Agenda

1. Purpose of meeting / Review of agenda
2. Proposed next steps in responding to Report Recommendation 25
  - a. Draft report – approval and publication
  - b. Communication plan – timing
3. Task Force Direction / Next Steps

### Materials (attached)

- “Agriculture and Oil & Gas in Northeast British Columbia – Background Report” – Final Draft, last updated Dec 14, 2020
- Terms of Reference – Deputy Minister Task Force

Thanks,

May

**May Mah-Paulson, P.Eng.**

Assistant Deputy Minister | Oil and Gas Division

Ministry of Energy, Mines and Low Carbon Innovation

(P) 778.698.9691

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-----Original Appointment-----

**From:** Mihlar, Fazil EMPR:EX

**Sent:** December 4, 2020 10:16 AM

**To:** Mihlar, Fazil EMPR:EX; Jang, Monica EMPR:EX; Mah-Paulson, May EMPR:EX; Ethier, Tom AGRI:EX; McGuire, Jennifer AGRI:EX; Jeakins, Paul OGC:IN; O'Hanley, James G OGC:IN; Grout, Kim ALC:EX; Collins, Martin J ALC:EX

**Cc:** O'Hanley, James G

**Subject:** CALL: Fazil, Tom, May, Paul, James, Kim, Jen, Martin, and Monica

**When:** December 15, 2020 8:30 AM-9:30 AM (UTC-08:00) Pacific Time (US & Canada).

**Where:** 1-877-353-9184, Participant:s.15 # (Fazil to Moderate)

DM Task Force on ALR and O&G in NEBC

**Terms of Reference**  
**Deputy Minister Task Force**  
**Agriculture and Oil & Gas in Northeast British Columbia**

**Preamble:** In January 2018, the Minister of Agriculture tasked an Independent Revitalization Committee to revitalize the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) by leading a province-wide engagement process and providing strategic advice through recommendations for consideration by Government. The Revitalization Committee submitted final recommendations for the Minister's consideration including Recommendation 25<sup>1</sup> specific to the interaction of oil and gas development and agricultural land use in Northeast BC (NEBC). From the Revitalization Committee's report:

*Immediately work to address the imbalance between oil and gas development and agriculture in BC's Northeast ALR:*

1. *Form a Deputy Minister-level, multi-agency, multi-jurisdictional Task Force to develop a Northeast ALR Strategy; and,*
2. *Establish an increased ALC presence to support farmers and ranchers in BC's Northeast ALR.*

**Committee:** A Deputy Minister/Commissioner level Task Force (Task Force) is established to consider Recommendation 25 from the Revitalization Report. The DM Task Force is comprised of:

- Deputy Minister of Agriculture;
- Deputy Minister of Energy, Mines and Petroleum Resources;
- Chief Executive Officer, Agricultural Land Commission; and
- Commissioner and Chief Executive Officer, BC Oil and Gas Commission.

**Accountability:** The Task Force will examine the findings and recommendations from the Revitalization Report and, where and if appropriate, develop recommendations and initiate actions as may be necessary in providing Government's response to the Report.

The Task Force will begin its work by developing a comprehensive and factual public facing report which will provide:

- the history and current context in NEBC with respect to oil and gas and agricultural land use; and
- an examination of the existing policy and regulatory frameworks for both sectors.

The report will guide additional work as identified by the Task Force including:

- Determination of any regulatory or legislative enhancements which may be warranted;

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<sup>1</sup> See Appendix 1 for the full recommendation

- Consideration of all available information the Task Force deems appropriate including information from the recent Farmington Landowners Group trials and the Peace River Regional District, local Farmers/Ranchers; and
- Consultation as appropriate and/or as required with Indigenous Communities, landowners, local governments, industry and others.

**Support:** To support the work of the Task Force, an Executive Committee is formed comprised of:

- Assistant Deputy Minister, Ministry of Agriculture
- Assistant Deputy Minister, Oil and Gas Division, Ministry of Energy, Mines and Petroleum Resources
- Director, Agricultural Land Commission; and
- Executive Vice President/Chief Operating Officer, BC Oil and Gas Commission.

**Roles:** The Task Force will:

- Adopt these Terms of Reference;
- Meet as required to provide direction on analysis, reporting and other work to be done by the Executive Committee;
- Provide the appropriate linkage between Ministries and Cabinet/ELUC;
- Manage any concerns or disputes arising from the work; and
- Ensure the work of the Member Ministries and Commissions is aligned and coordinated.

The Executive Committee will:

- Review the recommendations and actions as outlined in the Revitalization Committee final report related to oil and gas and agriculture interactions and provide the outcome of the review and any further considerations to the Task Force, including:
  - Developing a public facing comprehensive report on Agricultural and Oil and Gas land use within the ALR in NEBC;
  - Responding to direction from the Task Force;
  - Identifying challenges and opportunities to be addressed;
  - Undertaking a review of the existing data/information available to assist in informing the Task Force; and
  - Making recommendations on next steps.

**Relationships:** The Task Force will provide any findings or recommendations arising from their work to the Deputy Minister Committee for Natural Resources (DMCNR) for review and discussion prior to advancing any recommendations to Government. Any such recommendations should be advanced utilizing the existing committee structures provided by the Assistant Deputy Minister Committee on Natural Resources (ADMCCR) and the DMCNR.

- Principles: The Task Force and the Executive Committee will:
- Develop fact based information and background on all matters before the Task Force;
  - Provide a balanced and reasoned approach, mindful of divergent views, and supported by staff and subject matter experts; and
  - Seek consensus directions and recommendations, or where consensus is not possible, document the reasons for lack of consensus and possible paths forward.
- Expenses: Individual Ministries and Commissions are responsible for their respective travel costs, subject to government travel guidelines and requirements.

## **Appendix 1**

### **From the Revitalization Report Recommendation 25 and Associated Actions: Need for a Deputy-Minister Task Force and Strategy**

#### **Actions:**

1. *Establish a Deputy Minister- level task force with internal and external agriculture partners and stakeholders from the natural resource sector. Direct the Task Force to:*
  - *Develop a strategy to address the significant resource extraction issues impacting the ALR and its farmers and ranchers in BC's Peace River Region*
  - *Review, among other considerations, the following issues and take actions as required:*
    - *How to balance surface rights of the farmer/rancher with sub-surface rights of the extractor*
    - *How the farmer/rancher will be given authority to influence negotiations on the farm and location of oil and gas facilities and infrastructure.*
    - *How the comments made to the task force by the farmers/ranchers will be accommodated in the balance process*
    - *Whether the delegation agreement between the ALC and the BC Oil and Gas Commission is the correct approach or if there is an alternative approach that would better protect the agricultural interest and restore confidence in the regulatory system over the long term*
    - *Complete a fulsome impact assessment of oil and gas activity with the ALR*
    - *Determine how farmers can access ongoing professional independent support*
2. *Build a memorandum of understanding and operational agreement between the ALC and the BC Oil and Gas Commission for sharing impact assessments and other information so they can work more effectively together.*
3. *Consider whether/what portion of royalties from oil and gas development in the ALR should be directed to a regional agriculture development fund.*

#### **Need for Increased ALC and Ministry Presence**

#### **Actions:**

1. *The Committee recommends the Ministry of Agriculture work with other natural resource ministries to ensure the ALC and the Ministry are sufficiently resourced to increase presence and support for the ALR protection and for farmers and ranchers in BC's Northeast ALR.*

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Withheld pursuant to/removed as

s.13

From: Evers, Charlene AGRI:EX  
s.15  
To: McGuire, Jennifer AGRI:EX  
Cc: Norton, Chris AGRI:EX  
Sent: January 7, 2021 12:10:51 PM PST  
Received: January 7, 2021 12:10:51 PM PST  
Attachments: s.13

Hi Jen,

Attached are the materials provided by EMLI for the Ministers' briefing on Jan 12 and Ministers' meeting with ALC on Feb 1. Thought you would like to see them before your pre-brief with MLP on Monday. AFF materials are due tomorrow.

Thanks!

Char

---

**From:** Oldham, Lisa E AFF:EX  
**Sent:** January 7, 2021 12:03 PM  
**To:** Evers, Charlene AGRI:EX  
**Subject:** FW:s.13

Hi Char,

Please see the following.

Thank you,

Lisa

---

**From:** Robb, Amanda EMLI:EX <[Amanda.Robb@gov.bc.ca](mailto:Amanda.Robb@gov.bc.ca)>  
**Sent:** January 7, 2021 11:58 AM  
**To:** Oldham, Lisa E AFF:EX <[Lisa.Oldham@gov.bc.ca](mailto:Lisa.Oldham@gov.bc.ca)>  
**Subject:** RE: s.13

Hi!

Happy New Year 🥳 Hope you had a great break!!

Attached are EMLI martials for Tuesday January 11<sup>th</sup> at 11:00/ February 1<sup>st</sup> at 10:00AM

Amanda Robb

Administrative Coordinator to the Honourable Bruce Ralston

**Minister's Office: Energy, Mines and Low-Carbon Innovation. Minister responsible for Consular Corps**

Room 138 | Parliament Buildings | Victoria | British Columbia | V8W 9E2

Phone: 778-974-6023 | Fax: 250-356-3000 | Email:[amanda.robb@gov.bc.ca](mailto:amanda.robb@gov.bc.ca)

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<https://www.lobbyistsregistrar.bc.ca/>.

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s.13



## Untitled.msg

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From: McGuire, Jennifer AGRI:EX <Jennifer.Mcguire@gov.bc.ca>  
To: Renaud, Michael AGRI:EX <Michael.Renaud@gov.bc.ca>  
Cc: Norton, Chris AGRI:EX <Chris.Norton@gov.bc.ca>  
Sent: January 18, 2021 3:10:44 PM PST  
Received: January 18, 2021 3:10:45 PM PST  
Attachments: s.13

Hi Mike,

s.13

Chris will find us some time this week – 20 min to discuss.

Thanks  
JLM

*Jennifer McGuire, P.Ag.*  
Assistant Deputy Minister  
Agriculture Science and Policy Division  
Ministry of Agriculture, Food and Fisheries  
Ph: 778-698-8521 Cell: 250-361-5944

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Withheld pursuant to/removed as

s.13

## **Materials for meeting with Minister Ralston/MLP/ALC on February 1**

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From: Evers, Charlene AGRI:EX  
s.15  
To: Norton, Chris AGRI:EX  
Sent: January 25, 2021 11:31:08 AM PST  
Received: January 25, 2021 11:31:08 AM PST  
Attachments: s.13

Hi Chris,

Attached are the materials that were for the Minister's pre-brief with Minister Ralston on January 12. The meeting with Minister Ralston, MLP and ALC is on Feb 1 – can you please confirm that these are the same materials to go to the MO and that no revisions are required?

Thank you!

Char

Charlene Evers

A/Senior Executive Assistant

Deputy Minister's Office

Ministry of Agriculture, Food and Fisheries

📞 778 974-3844

**Ministry of Agriculture, Food and Fisheries, AND Ministry of Energy, Mines and Low Carbon  
Innovation**

**DECISION NOTE FOR MINISTER FOR INFORMATION**

Ref: 193448

Date: January 7, 202

**Title:** Deputy Minister (DM) Agriculture and Oil and Gas Task Force Background Report

**Issue:** DM Task Force has requested Minister decision as to whether the Background Report is complete and should be released to the public.

**Background:**

In 2018, the Ministry of Agriculture, Food and Fisheries (AFF) was mandated with revitalizing the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC), and the Minister of AFF established an Independent Advisory Committee (IAC) to engage with stakeholders and the general public to provide Government with advice and guidance to support regulatory and administrative improvement. The IAC provided strategic advice and policy guidance to the minister based on the outcome of a broad engagement process with stakeholders across the province. The result was a final report (Revitalization Report) with 32 Recommendations.

Recommendation 25 was to:

*Immediately work to address the imbalance between oil and gas development and agriculture in B.C.'s Northeast ALR.*

- 1) *Form a Deputy Minister-level, multi-agency, multi-jurisdictional Task Force to develop a Northeast ALR strategy; and*
- 2) *Establish an increased ALR presence to support farmers and ranchers in B.C.'s Northeast ALR.*

Further, Recommendation 25 suggests that the DM Task Force develop a strategy to address the significant resource extraction issues impacting the ALR and its farmers and ranchers in B.C.'s Peace River region, including a review of the following issues and take actions as required:

- How to balance surface rights of the farmers/ranchers with sub-surface rights of the extractors;
- How the farmers/ranchers will be given authority to influence negotiations on the farm and location of oil and gas facilities and infrastructure;
- How the comments made to this Task Force by the farmers/ranchers will be accommodated in a balanced process;
- Whether the delegation agreement between the ALC and the B.C. Oil and Gas Commission (OGC) is the correct approach or if there is an alternative approach that would better protect agricultural interests and restore confidence in the regulatory system over the long term;
- Complete a fulsome impact assessment of oil and gas activity within the ALR; and
- Determine how farmers can access ongoing professional, independent support.

In November 2019, a DM Task Force was established comprising the Deputy Minister of AFF, the Deputy Minister of Energy, Mines and Low Carbon Innovation (EMLI), the Chief Executive Officer of the ALC, and the Commissioner and Chief Executive Officer of the OGC.

In December 2019, the DM Task Force was formed. The DM Task Force accountability, as outlined in its Terms of Reference (ToR, Appendix A) is to examine the findings and recommendations from the Revitalization Report and, where and if appropriate, develop recommendations and initiate actions as

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may be necessary in providing government's response to the Report.

The ToR states that the DM Task Force will begin its work by developing a comprehensive fact-based public facing Background Report (Appendix B). The Background Report is a first step, meant to be used as a common information base to guide additional work undertaken by the DM Task Force. Information about the DM Task Force, including its ToR and the commitment to publish the Background Report, is on the Ministry's website. A decision is required on how to publish the Background Report.

s.16

**Discussion:**

s.13

**Options:**

s.13

Implications:

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s.13

s.13

Contact: David Travia, Executive Director, AFF, 778-974-3764  
Contact: Chris Pasztor, Executive Director, EMLI, 250-213-8440

ED	ADM	A/DM
<u>DT</u>	<u>JLM</u>	<u>JLM</u>

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