

From: [Minaker, Willow AFF:EX](#)
To: [Ethier, Tom PREM:EX](#)
Cc: [Rainforth, Kelly A AFF:EX](#); [Lalani, Arif AFF:EX](#)
Subject: RE: Quick question
Date: March 18, 2021 2:40:00 PM

Correct.

-----Original Message-----

From: Ethier, Tom AFF:EX <Tom.Ethier@gov.bc.ca>
Sent: March 18, 2021 1:59 PM
To: Minaker, Willow AFF:EX <Willow.Minaker@gov.bc.ca>
Cc: Rainforth, Kelly A AFF:EX <Kelly.Rainforth@gov.bc.ca>; Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>
Subject: RE: Quick question

Thx Willow. Very helpful. If gov wanted to exclude that property from the ALR designation - that is the path through ELUC correct? When land is acquired for strategic reasons like highways and the property is in ALR I am assuming that there is a process to remove ALR designation that runs through cabinet. No asking of ALC at that point. Correct?

-----Original Message-----

From: Minaker, Willow AFF:EX <Willow.Minaker@gov.bc.ca>
Sent: March 18, 2021 12:34 PM
To: Ethier, Tom AFF:EX <Tom.Ethier@gov.bc.ca>
Cc: Rainforth, Kelly A AFF:EX <Kelly.Rainforth@gov.bc.ca>; Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>
Subject: RE: Quick question

Hi Tom, I just realised I didn't answer this one: Is the Minister explicitly excluded by law or by policy?

It is sort of an absence from the Act that defines her role - i.e. as she explicitly has no role in law (i.e. no powers in the ALCA), she therefore should not be in the process by policy. Put another way, as the legislature has given decision making to the ALC, involving herself would be contrary to the will of the legislature (so to speak), and would be considered fettering the discretion of the ALC.

-----Original Message-----

From: Minaker, Willow AFF:EX
Sent: March 18, 2021 10:41 AM
To: Ethier, Tom AFF:EX <Tom.Ethier@gov.bc.ca>
Cc: Rainforth, Kelly A AFF:EX <Kelly.Rainforth@gov.bc.ca>; Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>
Subject: RE: Quick question

Yes, this situation has definitely raised that question and we have been discussing with the LUPs and RAs. The tricky part there is that we rely entirely on the information provided in the application by the applicant so for FNs, for example, we don't always know who the applicant is nor if there are specific FN interests involved. The other thing to consider is that even if we decide to do that (and it is entirely doable, acknowledging the potential limitations), it won't really impact anything unless we shift the decision making framework at the ALC end i.e. we can indicate FN considerations in our analysis but it is currently information that outside the scope of the commission decision making framework.

In the last year we have standardized and streamlined the referral response process, so it would be fairly straightforward to add other government interests, keeping staff capacity limitations in mind. We respond to 15-20 referrals per month so adding components beyond the expertise of the agriculture staff will increase the work required as most topics would likely require additional consultation. Not a show stopper, but a consideration.

-----Original Message-----

From: Ethier, Tom AFF:EX <Tom.Ethier@gov.bc.ca>
Sent: March 18, 2021 10:25 AM
To: Minaker, Willow AFF:EX <Willow.Minaker@gov.bc.ca>
Cc: Rainforth, Kelly A AFF:EX <Kelly.Rainforth@gov.bc.ca>; Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>
Subject: RE: Quick question

I wonder if we could strengthen our comments to highlight the merits of a proposal if it checks the boxes of other government interests? I know this is a slippery slope but I am just brainstorming here.

-----Original Message-----

From: Minaker, Willow AFF:EX <Willow.Minaker@gov.bc.ca>
Sent: March 18, 2021 10:01 AM
To: Ethier, Tom AFF:EX <Tom.Ethier@gov.bc.ca>
Cc: Rainforth, Kelly A AFF:EX <Kelly.Rainforth@gov.bc.ca>; Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>
Subject: RE: Quick question

Even earlier than that - we no longer have a role once our input is sent to the local government. The local government planners may come back with additional questions but once a decision is made by the local government to send it to the ALC (or not), we are not involved.

-----Original Message-----

From: Ethier, Tom AFF:EX <Tom.Ethier@gov.bc.ca>
Sent: March 18, 2021 9:56 AM
To: Minaker, Willow AFF:EX <Willow.Minaker@gov.bc.ca>
Cc: Rainforth, Kelly A AFF:EX <Kelly.Rainforth@gov.bc.ca>; Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>
Subject: RE: Quick question

Thx Willow - one more - once the application has been received by ALC and deemed complete then we no longer have a role? Is the Minister explicitly excluded by law or by policy (snuck another one in - sorry)?

-----Original Message-----

From: Minaker, Willow AFF:EX <Willow.Minaker@gov.bc.ca>
Sent: March 18, 2021 9:40 AM
To: Ethier, Tom AFF:EX <Tom.Ethier@gov.bc.ca>
Cc: Rainforth, Kelly A AFF:EX <Kelly.Rainforth@gov.bc.ca>; Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>
Subject: RE: Quick question

Not particularly but the responses generally examine soil capability of the land, neighbours (e.g. is it a farming area), potential for nuisance complaints related to the development, broader agricultural impacts (good and bad), related zoning/regulations/ministers bylaw standard. If the review isn't particularly favourable for the proposal, the second part is generally focused on possible mitigation strategies to minimize potential impact should it be approved by the ALC, such as edge planning suggestions.

w.

-----Original Message-----

From: Ethier, Tom AFF:EX <Tom.Ethier@gov.bc.ca>
Sent: March 18, 2021 9:35 AM
To: Minaker, Willow AFF:EX <Willow.Minaker@gov.bc.ca>
Cc: Rainforth, Kelly A AFF:EX <Kelly.Rainforth@gov.bc.ca>; Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>
Subject: Re: Quick question

Are we constrained in what we can say?

Sent from my iPhone

> On Mar 18, 2021, at 9:34 AM, Minaker, Willow AFF:EX <Willow.Minaker@gov.bc.ca> wrote:

>

> No. It is up to the local government if they wish to send it for ministry input. Some always send them, some never do so it is really case by case.

>

> -----Original Message-----

> From: Ethier, Tom AFF:EX <Tom.Ethier@gov.bc.ca>

> Sent: March 18, 2021 9:34 AM

> To: Minaker, Willow AFF:EX <Willow.Minaker@gov.bc.ca>; Rainforth, Kelly A AFF:EX <Kelly.Rainforth@gov.bc.ca>; Lalani, Arif AFF:EX <Arif.Lalani@gov.bc.ca>

> Subject: Quick question

>

>

> Are all ALC applications referred to technical staff for comment?

> Sent from my iPhone