

FW: 1189289 - Material - Carrier Sekani Family Services - March 9

From: Newhook, Kelly MMHA:EX <Kelly.Newhook@gov.bc.ca>
To: Barrett, Andrew MMHA:EX <Andrew.Barrett@gov.bc.ca>
Sent: July 23, 2021 2:33:57 PM PDT
Attachments: 1189289 - Ministry Materials - Carrier Sekani Family Services.pdf

From: Turner, Sara J MMHA:EX <Sara.Turner@gov.bc.ca>

Sent: March 5, 2021 8:56 AM

To: Reid, Nicole MMHA:EX <Nicole.Reid@gov.bc.ca>

Cc: Turner, Sara J MMHA:EX <Sara.Turner@gov.bc.ca>; Murphy, Kayla MMHA:EX <Kayla.Murphy@gov.bc.ca>; Casanova, Tamara MMHA:EX <Tamara.Casanova@gov.bc.ca>; MMHA Documents Coordinator MMHA:EX <MMHA.DocumentsCoordinator@gov.bc.ca>; Newhook, Kelly MMHA:EX <Kelly.Newhook@gov.bc.ca>; Thomson, Krystal MMHA:EX <Krystal.Thomson@gov.bc.ca>; Barrett, Andrew MMHA:EX <Andrew.Barrett@gov.bc.ca>

Subject: 1189289 - Material - Carrier Sekani Family Services - March 9

Good morning Nicky,

See attached supporting material for the meeting with Carrier Sekani Family Services scheduled for 2:00, March 9 following a 1:45 pre-brief.

These were drafted by SPP, and approved by Nick Grant and Christine Massey.

Attendees as follow:

- Nick Grant
- Matthew Kinch
- Ross Hayward (Ministry of Health)

Ross has been invited, as Ministry of Health received the same incoming, and reached out regarding if we were taking a meeting. MMHA staff have no issue with Ross joining.

If you require any further information, please let me know.

Sara Turner

Senior Executive Assistant

Deputy Minister's Office

Ministry of Mental Health and Addictions

250-880-5114

**MINISTRY OF MENTAL HEALTH AND ADDICTIONS
MEETING MATERIAL**

CLIFF#: 1189289

DATE OF PREVIOUS NOTE (if applicable): Feb 19, 2021

PREVIOUS CLIFF # (if applicable): 1189183

PREPARED FOR: Honourable Sheila Malcolmson, Minister

DATE, TIME AND LOCATION OF MEETING: March 9, 2021

MEETING REQUEST/ISSUE: Meeting with Chief Corrina Leween (Cheslatta Carrier Nation), Sandra Teegee (Takla Lake First Nation), Jasmine Thomas (Saik'uz First Nation), Theresa Nooski (Nadleh Whut'en First Nation) and Chief Maureen Luggi (Wet'suwet'en First Nation) to discuss a new treatment centre being proposed by Carrier Sekani Family Services (CSFS) in Northern BC.

SHOULD MINISTRY STAFF ATTENDING THIS MEETING: Yes, Nick Grant, Assistant Deputy Minister, Strategic Policy and Planning and Matthew Kinch, Senior Director, Indigenous Partnerships and Wellness

BACKGROUND:

- Carrier Sekani Family Services (CSFS) is a non-profit society that provides health, social, and children and family services to 11 First Nation communities in northcentral BC with offices in Prince George, Burns Lake, Fort St. James and Vanderhoof.
- CSFS has contracts with Northern Health, First Nations Health Authority (FNHA) and the Ministry of Children and Family Development (MCFD) to deliver a continuum of primary care, mental health and substance use services for member communities.
- CSFS currently delivers a 28-day adult in-patient treatment program between the months of May and October at a facility located at Ormond Lake (approximately 25 km northwest of Vanderhoof). The facility is comprised of cabins with 14 treatment beds, pit toilets and naturally fed showers. This is a seasonal program due to the current limitations of the facility and its location. CSFS delivers a mobile outreach program during the winter months.
- The treatment facility operated by CSFS is one of ten First Nation-run treatment facilities funded by FNHA in BC. These treatment services are available to all status First Nations clients in BC (i.e. not available to Metis or non-status First Nation clients).
- CSFS is seeking capital funding from the Province to build a new wellness centre that would replace their existing facility and enable an expanded service model that could include a continuum of treatment services.
- s.13; s.16
-

- In 2020/21, FNHA approved CSFS for \$5.75 million. This was a one-time contribution meant to cover a portion of the capital costs for this project. The funding committed for this project is cost shared by FNHA and the Province.

DISCUSSION:

- With the transfer of federal health programs and funding in 2013, FNHA assumed responsibility for the administration of ten First Nation-run treatment facilities in BC.
- In 2018, the Province of BC, the Government of Canada and the First Nations Health Council (FNHC) signed a Memorandum of Understanding ('the MOU') to improve mental health and wellness services. The MOU included a commitment to develop a tripartite plan to renovate, replace and build treatment facilities across BC.
- The Province made a one-time capital contribution of \$20 million in 2019/20 in fulfillment of this commitment. FNHA made a matching capital contribution of \$20 million for a total investment of \$40 million. The Government of Canada has not made a capital contribution per its commitments in the MOU. This is likely to limit the proposed scale of some projects.
- The project being proposed by CSFS is one of six existing treatment facilities that FNHA has identified for remediation or full replacement within the \$40 million available. It is on this basis that CSFS was funded by FNHA to complete a feasibility study for a new facility.
- s.13; s.16

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SUGGESTED RESPONSE:

- MMHA is encouraged by the progress made by CSFS on this project and the desire to explore an expanded service model that can blend the best of western and cultural approaches to healing.
- s.13

- MMHA would encourage continued collaboration between CSFS, FNHA and Northern Health to leverage existing relationships and resources in the advancement of this project.
- MMHA can facilitate discussions on this project with Ministry partners as appropriate.

Program ADM/Division: Nick Grant, Strategic Policy and Planning
Program Contact (for content): Matthew Kinch, Senior Director
Drafter: Kristin Price, Policy Analyst
Date: March 4, 2021

FW: IN_ALC Tachik Lake community care facility_Feb 21 (003) (002)

From: Newhook, Kelly MMHA:EX <Kelly.Newhook@gov.bc.ca>
To: Barrett, Andrew MMHA:EX <Andrew.Barrett@gov.bc.ca>
Sent: July 23, 2021 2:35:03 PM PDT
Attachments: IN_ALC Tachik Lake community care facility_Feb 21 (003) (002).docx

From: Berndt, Eric GCPE:EX <Eric.Berndt@gov.bc.ca>
Sent: March 8, 2021 2:35 PM
To: Newhook, Kelly MMHA:EX <Kelly.Newhook@gov.bc.ca>
Subject: FW: IN_ALC Tachik Lake community care facility_Feb 21 (003) (002)
From: Robertson, Tracey GCPE:EX <Tracey.Robertson@gov.bc.ca>
Sent: March 8, 2021 2:31 PM
To: Berndt, Eric GCPE:EX <Eric.Berndt@gov.bc.ca>
Subject: IN_ALC Tachik Lake community care facility_Feb 21 (003) (002)

ADVICE TO MINISTER

<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry of Agriculture Date: March 5, 2021</p>	<p>ALC – Tachick Lake Lodge – Community Care Facility</p>
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ADVICE AND RECOMMENDED RESPONSE:

- Decisions on land use applications within the Agricultural Land Reserve (ALR) are up to the Agriculture Land Commission (ALC).
- The ALC is an administrative tribunal – arm’s length from government – and government does not interfere in that independent decision-making process.
- The ALC looks at many factors when carrying out its mandate and each application has its own distinct set of circumstances and is considered on its own merits.
- In this decision, the ALC approved the use of the existing 185-square meter building and 10 cabins for a Community Care Facility, but did not approve the construction of a new 2300-square-meter building, noting their mandate of preserving the Agricultural Land Reserve and encouraging farming.

Government Support for Recovery Homes: (update TBC from MHA, MIRR)

- Our government is working as quickly as possible to build the system of mental health and addictions care that British Columbians deserve – from the ground up.
- However, there is no such thing as a one-size-fits-all treatment and recovery model for people living with mental health and substance use challenges.
- Options are key to meeting people where they’re at and making sure they can access treatment and recovery services that are appropriate for their unique circumstances.
- We will continue to increase options for people by adding more publicly funded treatment and recovery beds, providing more oversight and training to the

ADVICE TO MINISTER

supportive recovery sector, increasing access to prescription alternatives to the toxic drug supply and investing in complex care housing that meets people's unique needs.

BACKGROUND

On Feb.26, the Agricultural Land Commission (ALC) declined a non-farm use application by Carrier Sekani Family Services to build a s. 13

Community Care Facility on a property near Vanderhoof. The property has operated as Tachick Lake Lodge since prior to the creation of the ALR and includes a 185 m2 main lodge and restaurant and 10 cabins, which the applicants had wished to convert to staff housing.

In their decision, the ALC stated "While the Panel appreciates the social benefits of the Proposal, the Panel must consider the mandate of the Commission, as set under s. 6 of the ALCA: to preserve agricultural land and encourage farming on agricultural land."

And:

"the Panel recognized that the existing resort is a longstanding non-farm use, and is prepared to permit an alternate proposal to use the existing buildings on the Property for a Community Care Facility..."

The decision noted the property has secondary agricultural capability and that neighbouring parcels of similar agricultural capability are farmed, and:

"Ministry of Agriculture staff submitted comments to the RDBN, identifying concerns with the location of the proposal within an active farming area, including:

- Potential conflicts between the proposal and surrounding farming uses (including noise, dust, or odours), which may not always be in accord with the pursuit of a tranquil setting and may become a source of frustration.
- Non-agricultural uses typically have an option to be located outside of the ALR or an existing farming area, while farms typically don't. Long-term access to land in the ALR for farming is in the interest of agriculture and food security.

AFF Staff also acknowledged the existing site development and the community importance of gaining such an amenity and recommended if the proposal is approved, that any development be limited to areas previously disturbed, and sited and sized to minimize the impact on arable land."

On March 4, Chief Corinna Leween, President of Carrier Sekani Family Services sent a letter to several ministers asking them to take action and stating the decision fails to uphold government commitments to address the opioid crisis on an urgent basis, to close the systemic gaps in medical and health services for First Nations people in the north, to implement the TRC Calls to Action and to honour the UN Declaration of the Rights of Indigenous Peoples.

s.13

ADVICE TO MINISTER

The proposal also received support from the Regional District of Bulkley-Nechako which indicated an intention to amend its zoning bylaw to add a community care facility as an approved use of the property.

The ALC is an independent administrative tribunal comprised of appointed Commissioners that are responsible for administering the Agricultural Land Commission Act (ALCA). The purposes of the ALC as set out in Section 6 of the Act are:

- to preserve the Agricultural Land Reserve;
- to encourage farming in collaboration with other communities of interest; and
- to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

FW: Carrier Sekani Healing Facility and ALC

From: Newhook, Kelly MMHA:EX <Kelly.Newhook@gov.bc.ca>
To: Barrett, Andrew MMHA:EX <Andrew.Barrett@gov.bc.ca>
Sent: July 23, 2021 2:35:17 PM PDT
Attachments: Sent on Behalf of Chief Corrina Leween RE: Essential Indigenous healing facility, 61143d1 (0713069 BC Ltd).pdf

From: Newhook, Kelly MMHA:EX
Sent: March 8, 2021 2:32 PM
To: Berndt, Eric GCPE:EX <Eric.Berndt@gov.bc.ca>
Subject: FW: Carrier Sekani Healing Facility and ALC
From: Godfrey, Sam AFF:EX <Sam.Godfrey@gov.bc.ca>
Sent: March 5, 2021 2:27 PM
To: McNish, James IRR:EX <James.McNish@gov.bc.ca>; Newhook, Kelly MMHA:EX <Kelly.Newhook@gov.bc.ca>
Cc: Craik, Jason GCPE:EX <Jason.Craik@gov.bc.ca>
Subject: FW: Carrier Sekani Healing Facility and ALC
Now the decision is attached.

Sam Godfrey

Senior Ministerial Advisor to the Honourable Lana Popham
Minister of Agriculture, Food and Fisheries. British Columbia
Mobile: 250 208 1359 | Office: 250 387 1023
Rm 327, Parliament Buildings,
501 Belleville St., Victoria, BC, CAN, V8W 1X4

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From: Godfrey, Sam AFF:EX
Sent: March 5, 2021 2:25 PM
To: McNish, James IRR:EX <James.McNish@gov.bc.ca>; Newhook, Kelly MMHA:EX <Kelly.Newhook@gov.bc.ca>
Cc: Craik, Jason GCPE:EX <Jason.Craik@gov.bc.ca>
Subject: Carrier Sekani Healing Facility and ALC

Hi,

This looks to be a challenging file. I've pulled the ALC decision and it is attached. I see there is a strong request at the end of the letter for a meeting next week. The ALC is an independent decision-maker and the government does not have the authority under the governing legislation to overturn their decisions. Would you like to have a conversation about this? In the meantime I will see what the AFF DM thinks of this predicament.

S.

Sam Godfrey

Senior Ministerial Advisor to the Honourable Lana Popham
Minister of Agriculture, Food and Fisheries. British Columbia
Mobile: 250 208 1359 | Office: 250 387 1023
Rm 327, Parliament Buildings,
501 Belleville St., Victoria, BC, CAN, V8W 1X4

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Sent on Behalf of Chief Corrina Leween RE: Essential Indigenous healing facility

From: Lisa Dasilva <lisa@csfs.org>
To: IRR.Minister@gov.bc.ca, AGR.Minister@gov.bc.ca, MH.Minister@gov.bc.ca, Minister, AFF AFF:EX <AFF.Minister@gov.bc.ca>, Minister, MMHA MMHA:EX <MMHA.Minister@gov.bc.ca>, Minister, IRR IRR:EX <IRR.Minister@gov.bc.ca>
Cc: Warner Adam <warner@csfs.org>, Priscilla Mueller <priscilla.mueller@saikuz.com>, Colin Braker (cbraker@fns.bc.ca) <cbraker@fns.bc.ca>, Hlth.Minister@gov.bc.ca, SDPR.Minister@gov.bc.ca, Don.Bain@gov.bc.ca, XT:Warner, Adam CITZ:IN <warner@csfs.org>, Minister, SDPR SDPR:EX <SDPR.Minister@gov.bc.ca>, Bain, Don PREM:EX <Don.Bain@gov.bc.ca>, Minister, HLTH HLTH:EX <HLTH.Minister@gov.bc.ca>
Sent: March 4, 2021 3:41:23 PM PST
Attachments: image013.png, image015.png, image016.png, Minister Rankin Popham and Malcomsom.2021.03.04.pdf, image014.png, image012.png, image001.png

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Please find attached a letter from Chief Corrina Leween, President of Carrier Sekani Family Services regarding _Essential CSFS Indigenous healing facility – Province stands in the way. Please feel free to contact Warner Adam at Warner@csfs.org or Chief Leween at cleween@cheslatta.com.
Thank you in advance

Lisa Da Silva

Executive Assistant to:
Warner Adam, CEO



**CARRIER SEKANI
FAMILY SERVICES**
Creating wellness together.

987-4th Avenue, Prince George, BC V2L 3H7
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CARRIER SEKANI
FAMILY SERVICES

www.csfs.org
Creating wellness together

March 4, 2021

Via E-mail: IRR.Minister@gov.bc.ca; AGR.Minister@gov.bc.ca; MH.Minister@gov.bc.ca

The Honourable Murray Rankin, M.L.A.
Minister of Indigenous Relations and Reconciliation
PO Box 9051 Stn Prov Govt, Victoria, BC V8W 9E2

The Honourable Lana Popham, M.L.A.
Minister of Agriculture
PO Box 9043 Stn Prov Govt, Victoria, BC V8W 9E2

The Honourable Sheila Malcolmson, M.L.A.
Minister of Mental Health and Addictions
PO Box 9644 Stn Prov Govt, Victoria, BC V8W 9P1

Dear Ministers:

Re: Essential CSFS Indigenous healing facility – Province stands in the way

I am writing to call to your attention a troubling decision made by the Agricultural Land Commission North Panel on February 26, 2021¹ (the “**Decision**”) to deny a non-farm use exemption application by Carrier Sekani Family Services (“**CSFS**”) to build an Indigenous **Healing/Treatment Facility** at a property near Vanderhoof (the “**Tachick Lake Property**”). The Property is the only suitable property in the region that meets the criteria necessary for the vision for this urgently needed Facility.

The Decision fails to uphold your government’s commitments to address the opioid crisis on an urgent basis, to close the systemic gaps in medical and health services for First Nations people in the north, to implement the TRC Calls to Action, and to honour the UN Declaration of the Rights of Indigenous Peoples. On behalf of the CSFS Board of Directors, I am urging you to take action to address this matter.

The planned Healing/Treatment Facility

For close to 20 years, CSFS has been calling on governments to address the need for a residential treatment facility for addictions and mental health in our region. As Minister Malcolmson and your cabinet colleague, the Honourable Minister Adrian Dix are aware, CSFS has a comprehensive plan to

¹ Application 61143.

Corporate Head Office
Stellat'en First Nation
PO Box 2092
Fraser Lake, BC
V0J 1S0

☐ Reply To:
987 4th Ave
Prince George, BC V2L 3H7
Phone: 250.562.3591
Fax: 250.562.2272
Toll Free: 1.800.889.6855

☐ Reply To:
240 W Stewart Ave, P.O. Box 1219
Vanderhoof, BC V0J 3A0
Phone: 250.567.2900
Fax: 250.567.2975
Toll Free: 1.866.567.2333

☐ Reply To:
P.O. Box 1475
#8-870 Highway 16 W
Burns Lake, BC V0J 1E0
Phone: 250.692.1800
Fax: 250.692.1877

build and operate a new medically-based and culturally-appropriate 60-bed facility (the “**Healing/Treatment Facility**”) to fill that gap. Our plan has received support and commitment of resources from First Nations Health Authority and Indigenous Services Canada to ensure that the Facility can be built and begin to operate as soon as possible. We are optimistic that our discussions with the Ministry of Health and Ministry of Mental Health and Addictions scheduled for March 9, 2021 will result in additional resources being committed to reinforce the Province’s general support for the Facility.

Why the Tachick Lake Resort was selected

CSFS’s selection of the Tachick Lake Property for the Healing/Treatment Facility was taken after extensive search and due diligence for a suitable location over many years. We summarized the results of that due diligence to the ALC North Panel as part of our application, including summarizing the feasibility assessments of various alternative locations, many of which were outside of the ALR.

The due diligence work supported a conclusion that, despite being within the ALR, the Tachick Lake Property was the best and most suitable location for the Healing/Treatment Facility. The Property meets our needs because:

- The location offers a private rural setting yet is still within relatively short distance to Prince George and its hospital facilities, a major consideration for attracting and retaining medical professionals.
- The high-quality natural setting and direct access to a body of water supports the planned service model that is rooted in Carrier and Sekani cultures and practices. Water is a central feature in Carrier Sekani traditional healing practices and access to a natural water source is fundamental to the Facility’s success in delivering culturally appropriate medical treatment.
- The Property has never been used for agricultural purposes and is currently a recreational resort. Many of the Property’s existing structures and services could be utilized in support of the Facility, minimizing the need for greenfield development.
- The Property being outside of reserve land allows for security of fee simple ownership and a more streamlined development process.

Based on this conclusion, CSFS entered into a contract to purchase the Tachick Lake Property in July of 2020, applied to the Regional District of Bulkley-Nechako to amend its land use zoning bylaw in August, and filed an application for non-farm use with the ALC in October.

Support for an ALC exemption

The ALC Application for approval of a non-farm use was supported by the following facts:

- As noted, to the best of our knowledge, the Property has never been farmed.
- The Property currently houses a resort and campground business, with a sizeable lodge and several outbuildings. The use of the Property as a resort and fishing lodge goes back to at least the 1950s and is a grandfathered use under the ALC Act, which the ALC North Panel acknowledged in the Decision.
- CSFS’s proposal minimizes the impact to the Property. The proposed new 25,000 sq. ft. building and 4,300 sq. ft. parking lot that would be situated on the cleared part of the Property that is

currently used as a resort/campground. The remainder of the Property, most of which is in a natural state, would be undisturbed or minimally impacted.

- CSFS's proposal received a positive recommendation from the Regional District of Bulkley-Nechako. The Regional District Council recognized the critical, local need for the Facility to serve the area's residents and has indicated an intention to amend its zoning bylaw to add a community care facility as an approved use of the Property.
- CSFS's proposal was supported by Saik'uz First Nation, whose primary reserve is less than 10km away, and who also recognize the fundamental need for the Facility in the region. Additionally, the CSFS Board, consisting of representatives from Saik'uz and the other 10 members of CSFS (each CSFS member is a Carrier/Sekani First Nation), support the proposal.

The Decision purports to allow CSFS to use the existing resort and campground structures for a treatment centre, but denies CSFS an exemption to construct any new buildings. It is absurd to suggest that a modern medical residential treatment facility could operate in a lodge and cabins designed for recreational use. In effect, the Decision denies CSFS the possibility of building the Healing/Treatment Facility on the Property.

CSFS and our constituents in the region are being denied the ability to utilize a Property that has not been farmed for an essential purpose that maintains most of the property in its natural state while fulfilling an urgent need for Indigenous health services. We are calling on you Ministers to find a mechanism to allow this facility to be built on a site that is well-suited to this purpose.

Urgent action is required

It goes without saying that it is incredibly important for all levels of governments to take urgent and sustained action to address the opioid crisis. This crisis is disproportionately impacting our First Nations communities in the north, with preventable deaths occurring far too frequently. The Covid-19 pandemic is exacerbating these impacts, as at-risk Indigenous individuals and families face isolation that makes it even more difficult to heal from and resolve addiction. Indeed, just one week ago, two individuals died of accidental overdose only a few kilometers away from the Tachick Lake Property. We are in the midst of a tragedy for Indigenous health and well-being.

As recently highlighted by Mary Ellen Turpel Lafond in her report "In Plain Sight", this province is in desperate need of medical facilities and services that do not perpetuate the anti-Indigenous racism that is pervasive in our health care system. CSFS's Healing/Treatment Facility is precisely the kind of infrastructure and treatment model that can address this need.

The steps taken by this government to address the opioid crisis are not enough; and, they exclude the power and dignity that comes from First Nations supporting and healing their own people with the support and respect of other levels of government. Your government must also be willing to support the efforts of Indigenous organizations to tackle these issues at the local and regional level.

We urge you to take swift action to authorize and allow the Healing/Treatment Facility to be built and operate. If it is in your power to have the Decision reconsidered, then do so. Otherwise, we want to know how you can assist in making this happen. The Decision currently will have the effect greatly delay

the Healing/Treatment Facility—a delay that would likely result in further loss of Indigenous life. It is unimaginable that this result could be justified by “protecting” a tiny fraction of marginal agricultural land from development on a property that will likely never be farmed.

We are looking to you to fulfil your Ministerial Mandates to advance reconciliation and your government’s commitments to addressing the opioid crisis, responding to the TRC Calls to Action and implement the UN Declaration on the Rights of Indigenous Peoples. Please note that CSFS has spent a lot of time and money following the processes related to the ALC and their decision will have consequences.

As a first step, I would request that your office make time available immediately, and no later than next week (March 8 - 12), to meet with Warner Adam, Chief Executive Officer of CSFS, to discuss how to resolve this pressing issue.

I look forward to hearing from your office.

Regards,



Chief Corrina Leween
President, Carrier Sekani Family Services

cc Warner Adam, CEO, Carrier Sekani Family Services
Chief Priscilla Mueller, Saik’uz First Nation
BC First Nations Leadership Council
Minister of Health, Hon. Adrian Dix, M.L.A. [HLTH.Minister@gov.bc.ca]
Minister of Social Development and Poverty Reduction, Hon. Nicholas Simons, M.L.A.
[SDPR.Minister@gov.bc.ca]
Don Bain, Deputy Chief of Staff, Office of the Premier [Don.Bain@gov.bc.ca]



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 26, 2021

ALC File: 61143

David McWalter
DELIVERED ELECTRONICALLY

Dear David McWalter:

Re: Reasons for Decision - ALC Application 61143

Please find attached the Reasons for Decision of the North Panel for the above noted application (Resolution #68/2020). As agent, it is your responsibility to notify the applicant accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the ALCA, the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the *Agricultural Land Commission Act* (ALCA), a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. Please be advised however that on March 12th, 2020 the ALC Amendment Act (Bill 15 – 2019) was brought into force and effect, changing the reconsideration process.

A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides evidence not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
- The request provides evidence that all or part of the original decision was based on evidence that was in error or was false.

The amendments also propose a change to limit the time period for requesting a reconsideration to 90 days from the date of this decision – this change has not been brought into force and effect yet. As a result, a person affected by this decision will have one year from the date of this decision's release as per ALC Policy P-08: Request for Reconsideration to request reconsideration of the decision or 90 days from the date the legislative change takes effect (date unknown at this time), whichever comes sooner.

Please refer to the ALC's Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to ALC.North@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read "MMcBurnie".

Michael McBurnie, Land Use Planner

Enclosures: Reasons for Decision (Resolution #68/2020)
Schedule A: Decision Map

cc: Regional District of Bulkley Nechako (File 1224 CFCS). Attention: Maria Sandberg

61143d1



**AGRICULTURAL LAND COMMISSION FILE 61143
REASONS FOR DECISION OF THE NORTH PANEL**

Non-Farm Use Application Submitted Under s.20(2) of the Agricultural Land Commission Act

Applicant:	0713069 BC Ltd.
Agent:	David McWalter, McWalter Consulting Limited
Property:	Parcel Identifier: 011-699-361 Legal Description: The Fractional Northwest ¼ of Section 12, Township 4, Range 4, Coast District Civic: 15112 Tachick Lake Road, 12 km SW of the District of Vanderhoof, BC Area: 9.3 ha (entirely within the ALR)
Panel:	Janice Tapp, North Panel Chair Andrew Adams Karen McKean



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* ("ALCA").
- [2] Pursuant to s. 20(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the "Commission" or the "ALC") to construct and operate a 2723 m² Community Care Facility on the Property and convert the existing Tachick Lake Lodge into staff quarters for the facility (the "Proposal").
- [3] The issue the Panel considered is whether the Proposal would impact the agricultural utility of the Property.
- [4] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:
 - 6 (1) The following are the purposes of the commission:
 - (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.
 - (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
 - (a) the size, integrity and continuity of the land base of the agricultural land reserve;
 - (b) the use of the agricultural land reserve for farm use.



EVIDENTIARY RECORD

- [5] The Proposal, along with related documentation from the Applicant, Agent, local government, third parties, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

- [6] The existing resort includes a 185 m² main lodge and restaurant, 10 cabins, 33 seasonal campsites, several small outbuildings, and two sewage lagoons.
- [7] The Applicants provided evidence that the Property has operated as a resort since prior to the creation of the ALR. Any land use that predates the creation of the ALR on December 21, 1972, was a legal use on that date, and has not been interrupted for 6 consecutive months is an exception to the ALC Act and ALR regulations and can continue to operate within the ALR, in the same configuration it was in on December 21, 1972. This means that the Property can continue to be used as a resort, but no change of use or expansion of the non-farm use or buildings is permitted without an application to the ALC.

EVIDENCE AND FINDINGS

Issue: Whether the Proposal would impact the agricultural utility of the Property

- [8] To assess agricultural capability on the Property, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), ‘Soil Capability Classification for Agriculture’ system. The improved agricultural capability rating applicable to the Property is Class 5X.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclass associated with this parcel of land is X (a combination of soil factors).

- [9] Based on the agricultural capability ratings, the Panel finds that the Property has secondary agricultural capability.
- [10] The proposed Community Care Facility would be a year-round residential treatment centre that would provide mental health and addiction recovery services to up to 60 people. The facility would be run by Carrier Sekani Family Services (CSFS) which has entered into an agreement to purchase the property subject to ALR approval and rezoning.
- [11] The Applicant's plan is to use the existing 185 m² lodge for staff housing and to construct a 2323 m² (25,000 sq. ft.) main facility which will include meeting areas, counselling rooms, offices, kitchen, dining room, and accommodations for residents and staff. An additional 400 m² will also be required for 20 parking stalls. Detailed plans for the proposed facility have not yet been completed, though the preliminary plan is to abandon the cabins and campsites and build the new 2323 m² building on the north-eastern portion of the property
- [12] There is currently no agriculture occurring on the Property. The Applicant submits that the Community Care Facility would include "an agricultural theme which will form part of the rehabilitation process" and a vegetable garden for staff and residents.
- [13] At its meeting of October 8, 2020, the Regional District of Bulkley-Nechako ("RDBN") Board resolved to support the Proposal and forward it to the ALC. The RDBN noted that given that the long-standing use of the property as a resort, the RDBN anticipates that the overall impact to agriculture would be minimal.
- [14] The Panel received comments from the Saik'uz First Nation, which is located on the east end of Nulki Lake and Tachick Lake and is a member nation to CSFS. The Saik'uz First Nation submitted a letter in support of the Proposal, noting that Northern BC has been

identified as a hot spot for opioids addiction and that the proposed healing centre would represent a significant benefit to the health and well-being of the Saik'uz First Nation and the local community.

- [15] The Ministry of Agriculture staff (AFF Staff) submitted comments to the RDBN, identifying concerns with the location of the Proposal within an active farming area, including
- Potential conflicts between the Proposal and surrounding farming uses (including noise, dust, or odours), which may not always be in accord with the pursuit of a tranquil setting and may become a source of frustration.
 - Non-agricultural uses typically have an option to be located outside of the ALR or an existing farming area, while farms typically don't. Long-term access to land in the ALR for farming is in the interest of agriculture and food security.

AFF Staff also acknowledged the existing site development and the community importance of gaining such an amenity and recommended if the proposal is approved, that any development be limited to areas previously disturbed, and sited and sized to minimize the impact on arable land. The Agent responded to the AFF Staff comments, stating that the Proposal would have a smaller impact on surrounding agricultural operations than the current Tachick Lake Resort, and that the Community Care Facility is envisioned to have an agricultural theme which will form part of the rehabilitation process.

- [16] The Panel considered the Agent's submission that the Community Care Facility would have an agricultural theme but noted that agriculture is not the primary focus of the Proposal. In this case, the Panel finds that there is no guarantee that any substantial agricultural activities would occur in the long term.

- [17] The Panel received comments from a local resident who expressed concern with perceived negative impacts of the Proposal to his safety and quality of life, property value, and the loss of recreational access to Tachick Lake via Tachick Lake Resort. The Agent responded to these comments, stating he had met with the resident to discuss some concerns, and offered an assurance that there will be no hunting or firearms stored on the

property and that the CSFS is interested in working with neighbours regarding an alternative access route and fencing.

- [18] The Panel considered the resident's concerns and the Agent's responses and noted that the ALC is required to consider the Proposal with regards to s. 6 of the ALCA. The Panel considered the potential impacts of the Proposal on the use of the surrounding properties for agriculture, and finds that while expanding the non-farm use on the Property could lead to conflicts with surrounding farming uses, no compelling evidence has been presented that a change in use from a resort to a treatment centre would have a negative impact on agriculture on the neighbouring properties. The Panel further finds that the loss of recreational access to the lake is not germane to its mandate to preserve farmland and encourage farming. While the Panel appreciates that neighbours have non-agricultural concerns, these concerns would be more appropriately directed to the Regional District of Bulkley-Nechako.
- [19] The Panel also received comments from another local resident who expressed support for the project but was concerned with locating it within the ALR.
- [20] The Panel considered the current use of the Property:
- The Property is currently used as a resort and no agriculture occurs on the Property.
 - As the use of the Property as a resort predates the creation of the ALC and is therefore permitted to continue to operate indefinitely. However, if the resort use ceases for 6 consecutive months or the resort is destroyed then a resumption of resort uses would require the ALC's approval.
 - The current resort use is limited to the footprint and configuration that existed on December 21, 1972 and cannot be expanded without ALC approval.
- [21] The Panel noted that the Property has secondary agricultural capability and that neighbouring parcels of similar agricultural capability are farmed. The Panel also notes that the current buildings on the Property have potential to be converted to agricultural uses should the resort use cease. In contrast, the Panel finds that the proposed 2323 m²

building and 400 m² parking lot would be less likely to be converted for agricultural use and therefore represent a more permanent non-farm use than the existing grandfathered use.

- [22] The Applicant submits that two assessments of site locations were carried out, in 2014 and 2020, with 24 siting options receiving preliminary assessment and 10 sites proceeding to a full assessment. The Applicant submits that one of the most important factors in selecting sites for evaluation is the proximity to water and the quality of the natural landscape. The Applicant clarified that water is profoundly significant in Carrier Sekani culture and a strong connection with water, combined by a high-quality natural setting, is vital in implementing their plans for a culturally appropriate, land-based healing model. The Applicant outlined a number of other considerations including access to utilities (such as water, power, sewage), access to medical care, remoteness of the site, and feasibility of acquiring the land.
- [23] The Applicant provided a table listing the nine other sites that received full assessments and summarizing why they are less preferable than the Property. Of these, one is within the ALR, two are outside of the ALR, and six are on First Nations reserve land which is exempt from the restrictions of the ALC Act. Among the issues identified are: remoteness; lack of cellphone coverage; cost and difficulty of construction; rough terrain; lack of water and natural setting; ease of access to potential addiction supplies; and potential issue in securing the land, including difficulties in leasing First Nations reserve land, which cannot be purchased in fee simple.
- [24] The Applicant also summarized reasons why the Proposal site was selected from the 2020 study:
- "Tachick Lake is considered the best option as it provides important long-term flexibility for CSFS with the ability to invest in a long-term asset that they would be able to continually benefit from and grow. ... By owning their own site, [CSFS] reduces long-term costs associated with leasing land as well as ensures that they can continue to utilize the land without the possibility of the lease ending or the cost of the lease increasing. Because there are already structures on the site, it also*

allows for cost savings by incorporating them into the treatment campus plan...

In summary, Tachick Lake Resort was chosen over all other potential sites because of the quality of water access and natural setting, existing infrastructure, certainty and timeliness that comes with developing on private (as opposed to reserve) land, and accessibility for staff."

- [25] The Panel considered the reasons for selecting the Property and the reasons for not selecting the other locations. The Panel noted that many of the reasons for selecting the Property over other locations are economic, including the cost of acquiring the land, and the cost of construction and providing utilities. The Panel noted that the ALC Act does not provide for economic considerations when considering a non-farm use. The Panel confirmed that land values in the ALR tend to be lower than similar land outside of the ALR, because of the restrictions on uses (to agriculture). Permitting this Proposal, and similar non-farm uses, would have the effect of increasing the value of agricultural properties generally and would not encourage the use of the Property for farming should the resort use cease.
- [26] The Panel also finds that although the other sites identified for the proposal are less preferable to the Applicant than the Property, there are opportunities for the Proposal to be located on lands outside of the ALR or lands exempt from the restrictions of the ALC Act.
- [27] While the Panel appreciates the social benefits of the Proposal, the Panel must consider the mandate of the Commission, as set under s. 6 of the ALCA: to preserve agricultural land and encourage farming on agricultural land. The Panel finds that the construction of 2723 m² building and 400 m² parking lot could further alienate the Property from future agricultural endeavours and is therefore inconsistent with the mandate of the Commission.
- [28] However, the Panel recognized that the existing resort is a longstanding non-farm use, and is prepared to permit an alternate proposal to use the existing buildings on the Property for a Community Care Facility, without constructing any further buildings (the



"Alternate Proposal"). The Panel finds that changing the use from a resort to a Community Care Facility within the existing buildings on the Property would not negatively impact the agricultural potential of the property or surrounding properties.

DECISION

[29] For the reasons given above, the Panel refuses the Proposal to construct and operate a new 2723 m² Community Care Facility on the Property and convert the existing Tachick Lake Lodge into staff quarters. However, the Panel approves the Alternate Proposal to use only the existing buildings on the Property for a Community Care Facility, subject to the following conditions:

- (a) Siting of the non-farm use in accordance with Schedule A;
- (b) No expansion of the non-farm use beyond the existing buildings; and
- (c) Approval for the non-farm use is granted for the sole benefit of Carrier Sekani Family Services and is non-transferable.

[30] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[31] These are the unanimous reasons of the Panel.

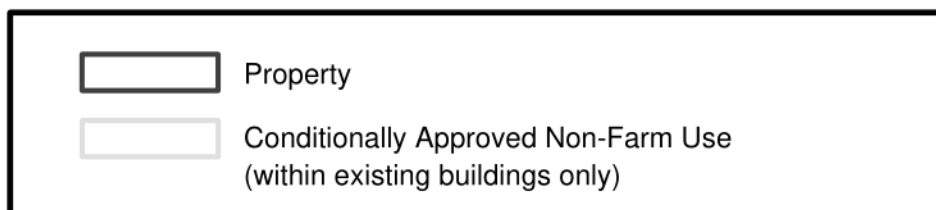
[32] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[33] Resolution #68/2020
Released on February 26, 2021

A handwritten signature in cursive script, reading "Janice E. Tapp".

Janice Tapp, Panel Chair

On behalf of the North Panel



Page 27 of 39 to/à Page 33 of 39

Withheld pursuant to/removed as

DUPLICATE

From: [Turner, Sara J MMHA:EX](#)
To: [Reid, Nicole MMHA:EX](#)
Cc: [Turner, Sara J MMHA:EX](#); [Murphy, Kayla MMHA:EX](#); [Casanova, Tamara MMHA:EX](#); [MMHA Documents Coordinator MMHA:EX](#); [Newhook, Kelly MMHA:EX](#); [Thomson, Krystal MMHA:EX](#); [Barrett, Andrew MMHA:EX](#)
Subject: Additional Key Messages in advance of 2:00 meeting with Chief Corinna Leween
Date: March 9, 2021 10:39:59 AM
Attachments: [RE Key Messages MSM - CSFS Land Issue.msg](#)
Importance: High

Hi Nicky,

See attached additional key messages for Minister in advance of this afternoons 2:00 meeting with Chief Corinna Leween.

These were prepared by SPP, and approved by Nick Grant and Christine Massey.

Sara Turner

Senior Executive Assistant
Deputy Minister's Office
Ministry of Mental Health and Addictions
250-880-5114

Page 35 of 39 to/à Page 36 of 39

Withheld pursuant to/removed as

DUPLICATE

From: [Massey, Christine MMHA:EX](#)
To: [Grant, Nick MMHA:EX](#); [Casanova, Tamara MMHA:EX](#)
Cc: [Turner, Sara J MMHA:EX](#)
Subject: RE: Key Messages MSM - CSFS Land Issue
Date: March 9, 2021 9:55:55 AM

Background:

- Carrier Sekani Family Services (CSFS) has completed three feasibility studies since 2012 to assess available sites for a new treatment centre. An existing recreational resort at Tachick Lake was selected as the preferred location due to its existing site services (i.e. cabins, water, hydro, etc.), condition of existing buildings, proximity to health and social services in the adjacent area, ability to expand and adapt the buildings based on program needs, and its natural character.
- CSFS applied to the Regional District of Bulkley-Nechako to rezone the property. The Regional District has indicated its support for the project as proposed.
- As the site is located within the Agricultural Land Reserve (ALR), CSFS required approval by the Agricultural Land Commission (ALC) for a non-farm use application in order to redevelop the property.
- The existing property at Tachick Lake was operating as a recreational resort prior to the creation of the ALR. This means that the property can continue to be used as a resort but that no change of use or expansion of the non-farm use is permitted without an application to the ALC.
- CSFS entered into an agreement to purchase the property subject to ALR approval.
- In its decision dated February 26, 2021, the ALC denied the proposal made by CSFS to redevelop the property as the application did not demonstrate that agricultural activity will occur on the site. In its decision, the ALC will allow for an alternate proposal where CSFS use only the existing buildings on the property (i.e. cabins) for a new treatment centre. The ALC will not allow the construction of new buildings.
- Decisions of the ALC are binding and there are limited means to appeal a decision.
- The Ministry of Agriculture, Food and Fisheries (MAFF) is aware of this situation and has agreed to meet with Carrier Sekani leadership.
- It is important to note that the feasibility study completed by CSFS has identified a number of siting options for the treatment centre outside the ALR that were considered viable and comparable in costs.

Key Messages:

- The ALC is an independent administrative tribunal and government does not interfere in their decision-making process.
- The ALC looks at many factors when carrying out its mandate and each application has its own distinct set of circumstances and is considered on its own merits.
- The Ministry of Agriculture is aware of this situation. We would encourage CSFS to meet with the Deputy Minister of Agriculture, Food and Fisheries to discuss this matter in more detail. MMHA can support in the coordination of this meeting as appropriate.

Matthew Kinch
Senior Director, Indigenous Partnerships and Wellness
Ministry of Mental Health and Addictions
250-889-1477

From: Grant, Nick MMHA:EX
To: Massey, Christine MMHA:EX; Ethier, Tom AFF:EX
Cc: Casanova, Tamara MMHA:EX
Subject: Carrier Sekani Family Services - Min Meeting follow up
Date: March 9, 2021 6:58:25 PM

Hi. Some notes from the meeting this afternoon of Carrier Sekani Family Services (CSFS) with Minister Malcolmson:

- Chief Corrina Leween and Warner Adam, CAO led the briefing that primarily focused on the treatment model and funding options for the proposed centre. The ALC decision was discussed but wasn't the bulk of the conversation.
- On the ALC, Minister Malcolmson indicated that she would be speaking to Ministers Popham and Rankin. She was clear about the independence of the ALC and the limits of her influence, but that she would pursue it with her colleagues and committed to communicate back to the Chief Leween.
- Minister asked if Carrier Sekani were aware of ALC approval being a hurdle in planning. Warner Adam responded that they thought it was a 'slam dunk' and 'rubber stamp' to get ALC approval after they had completed the land purchase and the zoning with the regional district. He said they were surprised that it could happen after approval of the sale and zoning. Mentioned the seller has agreed to a 2 month extension to CSFS on the sale agreement pending any resolution of the ALC decision. s.16
- Overall the meeting was a good, positive and productive dialogue. The majority of it was about funding for the treatment centre and we made arrangements to work together to bring partners to the table for that (and we have already had follow up discussions with the CAO today). The Chief and CAO expressed thanks to the Minister for the interest in the project and willingness to work together etc. Nothing specific about ALC in the closing comments, other than the Minister reiterating that she would communicate back to Chief Leween.

Also will note that CSFS is meeting with Minister Dix on Thursday, which also was scheduled to discuss funding for the centre prior to the ALC decision. I've provided the updated information we had for our minister.

Nick

Nick Grant
Assistant Deputy Minister
BC Ministry of Mental Health and Addictions