

**Comments on the Proposed Changes to the
Agricultural Land Reserve
Use, Subdivision and Procedure Regulation**

Prepared for:
Honourable Norm Letnick
British Columbia Minister of Agriculture

Prepared by:
British Columbia Cattlemen's Association



**British Columbia
Cattlemen's Association**
#4-10145 Dallas Drive,
Kamloops, BC V2C 6T4
Ph 250-573-3611
www.cattlemen.bc.ca
bccattle@cattlemen.bc.ca

August 22, 2014

INTRODUCTION

For 85 years, the Association has represented the interests of beef cattle producers and has been the official voice of cattle ranchers throughout British Columbia since 1929. The British Columbia Cattlemen's Association (BCCA) is proud to represent approximately 1,000 ranchers.

BCCA POSITION on the ALR

In May 2009, the members of the Association adopted an official position statement about the Agricultural Land Reserve. Along with this position, a list of 28 recommendations was made for improving the function of the Land Reserve and the Land Commission to benefit BC ranchers. Earlier this spring, the Association reaffirmed that our 2010 position statement and recommendations are still valid and represent the views of our members on this issue. A copy of the position and recommendations can be found online, www.cattlemen.bc.ca/policy.htm

With the creation of the Ranching Task Force (RTF), some of the 28 recommendations were being addressed and were included in the RTF report. The BCCA updated our position statement and recommendations to recognize that work was being addressed through the RTF.

It is the view of the Association that changes to the ALR and ALC should only be undertaken if they accommodate the needs of farmers and ranchers. We do not support changes that do not have benefits for ranchers. Additionally, we recommend the establishment of supports for farmers and ranchers through an Ecological Goods & Services program.

PROCESS

The BC Cattlemen's Association appreciates being included in the Minister's Reference Group and kept up to date on this issue. The Association remains concerned about the speed at which the consultation process is being undertaken. We are concerned that this is a very busy time of the year and most ranchers will not be able to provide written comments through the engagement website by the August 22 deadline. As such we ask that our comments be given significant weight as they represent the views of our almost 1,000 members.

REVIEW the DRAFT REGULATIONS

The beef sector manages a significant portion of the ALR lands, both on deeded lands and leased Crown tenures. The proposed changes may have the greatest impact on our members and the future viability of our industry. As such, **the Association respectfully requests that our President and/or General Manager have an opportunity to confidentially review the draft regulations before the changes are enacted.**

MITIGATING UNINTENDED CONSEQUENCES:

We anticipate the changes to this regulation could cause significant unintended consequences for the farm community (e.g., ORV and recreation traffic, nuisance complaints, livestock harassment, etc.). **The Association respectfully requests that the Minister:**

- **Ensure the Off Road Vehicle Act & regulations clearly provide protection for bonafide farmers and ranchers against unwanted or reckless ORV use;**
- **Ensure the Livestock Act & regulations clearly outline a livestock owner's rights to mitigate uncontrolled pets that are causing harm or harassment to livestock;**
- **Ensure the Right to Farm Act provides adequate protection against nuisance claims;**
- **Recommend that Local Governments strengthen their dangerous dog bylaws to include protection against livestock harassment and damage; and**
- **Require real estate agents to make new rural landowners aware of their responsibilities re: fencing, livestock, ATV use, dog control etc.**

CONSULTATION QUESTIONS

Q1: Should the parameters for allowable on-farm food storage, packing, processing and retail establishments be revised?

In the beef industry, a packing/processing plant would only be viable with additional products (cattle) from local ranches. The Association would support revisions to the 50% requirement where: a) local products are used to supplement products grown on the farm/ranch and b) the scale of the establishment does not have negative impacts for the surrounding farms/ranches.

A comprehensive business plan should be required including partnership agreements that outlines the plan for using 50% of the required products via the local value chain (partners) involved in the application. The plan should outline the net benefit to agriculture in the region, not just the partnering individuals. Approved applications need to be strictly enforced to ensure the business plan is being met and conditions have been adhered to.

Q2: Should breweries, distilleries, and meaderies be allowed on ALR land on the same or similar terms as wineries and cideries are currently allowed?

Yes, as long as the required percentage is met for materials used in their production having been grown on the property.

Q3: Should the allowable footprint for consumption areas ancillary to wineries and cideries be increased and if so on what basis?

No, this should not be increased. The existing 125 m² inside plus an additional 125m² outside is equivalent to approximately 130 people. The BCCA supports the existing footprint limits and feels they should remain in place to minimize the impact of non-farm uses on the agricultural operation. We suggest that consumption facilities should be placed on the least arable portion of the farm/ranch.

Q4: To what extent should wineries and cideries be allowed to sell alcohol that was produced elsewhere in BC, not at the winery or cidery?

The BCCA has concerns about how this would be enforced.

Q5: Should anaerobic digesters be permitted in the ALR if the inputs are generated from farming activities?

Yes. This activity meets BCCA's position statement & recommendations that "alternate land use activities must be reversible thereby allowing at any time in the future, agriculture to be carried out on that parcel, and must not be detrimental to the water resources or the environment".

Inputs can come from other farms, but should be restricted to farm materials/waste. A business plan that addresses on-farm biosecurity protocols and environmental protections should be required.

Q6: Should on farm co-gen facilities be permitted on farm where a portion of the energy created is used on farm?

Yes. This activity meets BCCA's position that alternate land use activities must be reversible thereby allowing at any time in the future, agriculture to be carried out on that parcel, and must not be detrimental to the water resources or the environment. A business plan that addresses on-farm biosecurity protocols and environmental protections should be required.

Q7: Should the parameters be expanded for when non-agriculture related businesses are allowed to operate on ALR properties in Zone 2?

The BCCA does not wish to see additional non-agricultural uses on ALR lands. Applications should continue to be required for non-farm uses. All applications for non-farm uses should take into consideration whether the property is currently being actively farmed. Farms that are not in production

should not be eligible to apply for non-farm use permits. Many non-agriculture related activities would be better suited to designated industrial areas of the nearest city.

Q8: Should the subdivision of ALR properties in Zone 2 to a minimum parcel size of a quarter section be allowed without an application to the ALC?

No. All subdivision of ALR properties should require an application and be vetted through the Commission. BCCA does not support the change to allow subdivision of ALR property under ¼ section without an application. It is our understanding that this rule was previously withdrawn because it wasn't conducive to good planning. An application to the Commission helps ensure that local land use planning is beneficial to agriculture.

Q9: Should the subdivision of ALR parcels in Zone 2 that are of a defined size, and that are divided by a major highway or waterway be allowed without an application to the ALC?

No. All subdivision of ALR properties should require an application and be vetted through the Commission. This allows the Commissioners to consider any negative impacts on neighbouring farming operations. Allowing a provision such as this, without an application, would contribute to major fragmentation of productive farm parcels. The ALC's boundary review process may address the concern about divided parcels being difficult to farm.

Q 10: Should greater clarity be provided on what constitutes an agri-tourism activity that is allowable in the ALR without an application, and if so what parameters should be established?

Yes, there is a need for more clarity about what are acceptable and compatible agri-tourism activities. Applications to the ALC should still be required as agri-tourism activities can have impacts on the overall productivity of the farming operation and on neighbouring farming operations (i.e., access & transportation, guest accommodations, increased presence of dogs and off road vehicles as well as livestock biosecurity risks). These unintended consequences need to be given serious consideration before being considered an acceptable use.

There are agri-tourism operations that are compatible with farming/ranching activities. A review is needed to ensure that the approved activity is meeting the requirements for agri-tourism. Just because it is taking place on agricultural land, does not make it agri-tourism.

Q11: Should temporary leases of portions of a property in Zone 2 of the ALR be allowed without an application to the ALC for:

a) Intergenerational transfer of an active farm or ranch operation; and/or

BCCA supports assisting with intergenerational transfer of active farm operations and would like to see this option available for **both Zone 1 and Zone 2**. We understand the need to manage activities and housing on smaller parcels of land and could support a minimum parcel size being established in order to allow intergenerational transfer to occur in both Zone 1 and 2.

The BCCA would like to see an application be required before any additional housing is built on the property to verify that the minimum parcel size is met and the land is continuing to be used for farm/ranch activities.

b) To encourage the use of otherwise unfarmed land by existing or new farmers?

BCCA supports efforts to encourage farming/ranching of currently idle farm/ranch operations.

An application should not be required if the minimum parcel size is met (if established) and the land is continuing to be used for farm/ranch activities. Situations where land is rented/leased for grazing should not required an application to the ALC. However, if additional housing is required, then an application should be made to the ALC.

ADDITIONAL COMMENTS

Cattle Grazing on Class 5, 6, & 7 Lands

Most of the cattle grazing that takes place in British Columbia occurs on class 5, 6, 7 lands. These lands are not low value, nor are they low quality. To a ranch operation they are very valuable because they provide critical spring, summer and fall grazing for our cattle; winter feeding sites; dry spring calving sites, etc. There would be many environmental and livestock health challenges if a beef cattle operation were to operate on class 1 lands in the floodplain.

We urge you to reconsider any plans to make subdivision on these lands easier as we believe it will be a severe threat to the future viability of the BC cattle industry. Additionally, ranchers that have a rural subdivision nearby are often involved in conflicts with neighbours about fencing requirements, stray cattle, dogs chasing livestock, etc. These unintended consequences are a significant nuisance and the provincial laws are not stringent enough to provide protection from these problems. We ask the Province to seriously consider these problems before making it easier for rural subdivisions to be developed.

Livestock Water & Dugouts

Small dugouts for livestock use should not require an application to the Commission and should be exempt from water licensing. However, large dugouts (large volume users that are not for agricultural production) are usually supplying water for industrial activities and should require an application to the Commission for non-farm use. Large dugouts should be considered to be large volume users and therefore required to comply with water licensing and reporting requirements. Additionally, large dugouts should not be considered a temporary use that is exempt from licensing requirements.

Encourage Ranch Viability

The protection of agricultural lands is directly dependent upon the ability of ranch businesses to be profitable. The Association urges the Province to:

- implement policies and regulations that support the viability of ranch businesses
- repeal those policies and regulations that impede the industry's prosperity
- establish an Ecological Goods & Services fund and provincially delivered program to financially reward agricultural producers for their ecological contributions.

Taxation

The BCCA does not support split tax assessments on bonafide farms and ranches. All portions of the ranch are essential to the operation and as such should receive farm class tax assessment. Less productive areas are used to store materials, equipment or as holding areas for livestock and therefore should not be taxed as rural residential because they are not growing a crop.

Planning

We support the proposed changes that require Local Governments to advise the Commission of changes to the Official Community Plan. Furthermore, the BCCA would like to see better consultation between Local Governments and the local agricultural community to adopt more consistent practices for consulting on agricultural matters.

Agricultural Land Commission

Our members have expressed concern over the regional panels and their ability to provide consistent decisions across the Province. The Association's view is that alternate land use activities must be reversible thereby allowing at any time in the future, agriculture to be carried out on that parcel, and must not be detrimental to the water resources or the environment.

The Association respectfully requests that the Minister ensure:

- **That all Agricultural Land Commission Regional Panel members have significant agricultural expertise and knowledge;**
- **That the Regional Panels uniformly apply the Agricultural Land Commission's guidelines for decision making.**
- **That the Chair of the Agricultural Land Commission has significant agricultural experience. The BC Cattlemen's Association supports the work of the current chair, Richard Bullock, and requests the Minister appointment him to the position for another term to assist with implementing the changes.**

It is our view that the ALC Chair should have the authority to recall an application for review by the ALC Executive when:

- The decision is of provincial importance;
- The decision is unique/rare;
- The decision will have implications beyond the region;
- The decision will have a detrimental effect on the agricultural community;
- The regional panel members are not able to reach an agreement;
- If the decision is disputed within a panel.

Delegation of Authority:

The BCCA is uncomfortable with the Delegation of Authority Agreements because of the conflicting interests of the Delegates (e.g. Oil and Gas Commission, Local Government, etc.). It is generally the view of our members that these agreements compromise the continuity of decisions and may not make decisions based on the best interests of the agricultural community.

Enforcement:

More enforcement is needed to ensure the activities taking place on agricultural land benefit the farming and ranching operations. A lot of the problems that ranches experience could be addressed with better enforcement. Applications for non-farm use require more enforcement to ensure that adjacent farms are not being negatively impacted, and that the applicant is meeting the conditions of approval.

Applications for Farmers & Ranchers

It is our opinion that farmers and ranchers find the ALC application process intimidating and may make assumptions about allowable uses without ever putting forward an application. We would like to see the opportunity for farmers and ranchers to be able to field questions to the ALC about a potential application before having to submit the application. By offering the agricultural community some assistance about applications or possible uses, the ALC could make the application process less daunting and yield a more successful outcome.

SUMMARY:

The Association appreciates the opportunity to provide input into these regulation changes. The success of our members' operations depends on the choices and decision made through this process. We urge the Minister and Cabinet to carefully consider all the impacts and whether or not the changes will benefit BC's ranchers and farmers.

CONTACTS:

Lary Fossum, BCCA President

Ph 250-843-7788 / Cell: 250-784-8788

lfossum@telus.net

Larry Garrett, BCCA ALR Adhoc Committee Chair

Ph 250-567-9470 / Cell: 250-567-8794

lagarrett9@gmail.com

Kevin Boon, BCCA General Manager

Ph 250-573-3611 / Cell 250-320-3611

bccattle@cattlemen.bc.ca

Elaine Stovin, BCCA Staff

Ph 250-573-3611

elaine@cattlemen.bc.ca