

September 12, 2019

The Honourable Lana Popham
Minister of Agriculture
Room 325 Parliament Buildings
Victoria, BC V8W 1X4

via email: AGR.Minister@gov.bc.ca

Dear Minister Popham

Re: ALR Exclusion Application for Chemainus River Campground

I am writing you today regarding what is a very difficult file for us in the Municipality of North Cowichan. It involves an enforcement order from the Agricultural Land Commission. Let me begin by recounting a brief conversation I had on this file with MLA Doug Routley a few months ago. (His constituency includes the land in question). I had asked Mr. Routley to speak to you on this file, and his response was that "the ALC is a *Commission* for a reason. And that reason is to prevent politicians such as you and I from interfering in its operational decisions." Madame Minister, I completely understand that principle. But sometimes, we have to exercise leadership on specific issues. I believe this case is one of those times.

First of all, to the present state of affairs. You should know that North Cowichan will be submitting an application to the Agricultural Land Commission (ALC) under Section 29 of the *ALC Act* seeking to exclude the Chemainus River Campground lands at 8682 Trans-Canada Highway from the Agricultural Land Reserve (ALR). The ALC has recently informed the owners of the Chemainus River Campground that it will be pursuing enforcement action on the property; however, it is our hope that at minimum, this enforcement action will be set aside pending the outcome of North Cowichan's forthcoming application.

There is a considerable history to this file. The campground has been in existence since 1986 and was legally authorized and permitted by North Cowichan at that time. In addition to being a recreational campground, the property provides a great deal of value to our local community in that it has been providing permanent housing to a number of people over the years including – currently – about 12 individuals. It is a boon to our local tourism economy; a well-run establishment where the owners take

great pride in what they offer to the community. If the campground is required to shut down, there will be a loss of both temporary and permanent housing. Given the housing shortage that is affecting our community, forcing the closure of this facility would be patently unreasonable, and counter to your government's objectives with respect to the provision of affordable housing.

This reality is further strengthened when some of the other issues associated with this file are taken into consideration. A 2018 report by Madrone Environmental Services describes the area of the property used for the campground as having limited agricultural potential due to poor, gravelly soils. Additionally, if this land is to be used for agriculture, the existing water licence for the property will need to be raised from 1,000 gallons/day (domestic use) to an estimated 4-million gallons for each growing season. That water would have to come from the Chemainus River which – as you may be aware – is of great significance to the appurtenant Halalt First Nation. The Halalt went all the way to the Supreme Court of Canada in an effort to protect their interest in that river and the associated watershed. My Council – like your government – is committed to the notion of “reconciliation” and, given the history on this aspect of the file, I trust you can understand how difficult it would be for us to support any application involving this scope of water usage out of that watershed.

There is a long history to this property, which includes the ALC granting approval for a campground in 1986 in a steep-sloped gravel area directly adjacent to the River; an area of the property that was entirely unsuitable, and which would likely never be considered under today's SPEA regulations. In subsequent years, the owners developed the campground in a more suitable flat area, without realizing the import of this change. In 2017, they submitted an application to the ALC to expand, and were made aware that the campground was illegal and must be dismantled entirely. The owners applied to the ALC to regularize the existing operation, but despite North Cowichan's support, the application and their subsequent appeal were denied.

North Cowichan has now agreed to submit a S. 29 exclusion application on the owners' behalf. The enforcement order from the ALC includes a requirement that the owners “return the property back to its former Agricultural capacity.” Madame Minister, this property *never had* “agricultural capacity.” It is primarily forested, and the soils assessment (see above) shows limited agricultural potential. The only thing that has ever grown on this land is trees, many of which were taken down well before the current owners took possession.

With regard to the exclusion application, you should also know that my Council did not authorize this action lightly. As a Municipality, we are absolutely committed to the principle of preserving Agricultural Land. Our Official Community Plan identifies the notion of “*protecting the agricultural land base*” as a key priority. But sometimes, we need to acknowledge that errors were made with respect to lands that were included in the ALR in 1974, when the original lines were drawn. I firmly believe that this is one of those instances.

Rob Conway, North Cowichan's Director of Planning, has been in touch with staff at the ALC to make them aware that the exclusion application is forthcoming. I'm sure that the details and history will be thoroughly examined through the application process. In the meantime, I would once again respectfully request that ALC enforcement action on the property be put in abeyance.

In closing, my staff will be reaching out to your team imminently to seek to arrange a time for us to discuss this matter at the upcoming Union of BC Municipalities gathering the week of September 23.

Sincerely



Al Siebring
Mayor

mayor@northcowichan.ca

cc: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development, FLNR.Minister@gov.bc.ca
Honourable George Heyman, Minister of Environment and Climate Change Strategy, ENV.Minister@gov.bc.ca
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