

# Chapter 5.3

## Completing Application Information Details: Agriculture Land Reserve

### 5.3 Agriculture Land Reserve Information Tab

Submission of an application for an energy resource or associated activity within identified agricultural reserve lands must include additional application deliverables specific to agricultural land. The required ALR deliverables vary based on the planned activity.

The agricultural land reserve tab requires specific application information details. This section includes an overview of the agricultural land reserve, guidance regarding agricultural land reserve planning and design, details related to agricultural land reserve specific application requirements and detailed instructions for completing the data fields within the agricultural land reserve tab.

#### **Please Note:**

This manual is written as a whole and provided to industry in sections to allow permit holders to access activity chapters. It is prudent of the permit holder to review the manual in its entirety and be aware of the content in other sections of the manual.

#### **Please Note:**

The [Energy Resource Activities Act](#) defines both energy resource activity and related activities. The Regulator uses the term “associated activities” in Section 4.6 of this manual to refer to some related activities associated with primary energy resource activities. The ALC-OGC Delegation Agreement and other guidance documents use the term “ancillary activities” to define associated energy resource activities and ancillary activities.

### 5.3.1 Agricultural Land Use Defined

The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. ALR is a designation of land under the [Agricultural Land Commission Act](#) (ALC Act). The purpose of the ALR is to preserve agricultural land; its boundaries are based on the agricultural capability of the soil, not on the current use or ownership of the land.

#### ALC-OGC Delegation Agreement

The Agricultural Land Commission (ALC) is the B.C. provincial agency responsible for the administration of the ALR. The ALC and the Regulator have signed a delegation agreement designed to further the one window regulatory approach for the energy resource sector in British Columbia.

The ALC-OGC Delegation Agreement (Delegation Agreement) delegates limited authorities to the Regulator under the Agricultural Land Commission Act (ALC Act) to authorize non-farm use of agricultural lands for energy resource activities within the Northern Rockies and Peace River Regional Districts. The Delegation Agreement also exempts some energy resource activities and ancillary activities from the requirement of an application for permission for non-farm use of ALR lands, where the prescribed criteria are met.

Before beginning the application submission in the Application Management System, determine if the proposed development is exempt from ALC application for non-farm use under the Delegation Agreement.

#### Please Note:

The Delegation Agreement does not apply to proposed developments related to pipeline projects regulated by the Canadian Energy Regulator; therefore, no ALR Schedule A report or Appendix II Rationale Statement is required for these types of activities.

The Delegation Agreement applies only within Northeast BC. Applicants submitting applications outside of Northeast BC that impact ALR lands must acquire ALC approval prior to the Regulator adjudicating on the associated energy resource or related activity application.

## Determining Exemption from ALC Act Application Requirements

Appendix I of the Delegation Agreement describes categories of energy resource activities and ancillary activities requiring applications under the ALC Act, or exempt from this requirement. Applicants should use this table in determining if a proposed development is exempt from requirements related to an application under the ALC Act. For reference, proposed developments exempt from application under the ALC Act for non-farm use, and those requirements related to an application under the ALC Act, are listed below (numbering corresponds to Appendix I of Delegation Agreement).

- 1) Oil and gas activity and ancillary activity sites (other than items 4 and 6) for which, on a section basis or equivalent, the combined total area occupied by existing and proposed activities is  $\leq 20.0$  hectares.
- 3) Pipelines or electric power lines that are buried, power lines that are immediately adjacent to access roads.
- 5) Conversion of an existing oil and gas activity site to an oil and gas activity or ancillary activity site that is listed in (i) – (v) below, for which no new land is required.
  - i. Facilities (including gas processing plants) that handle product from more than one facility or well site.
  - ii. Camps.
  - iii. Sumps.
  - iv. Borrow/aggregate extraction sites.
  - v. Produced-water / fresh water storage sites.

### Please Note:

Non-farm uses that are exempt from the requirements of an application under the ALC Act for permission for non-farm use are subject to the conditions for reporting and reclamation set out in Section 4.3 of the Delegation Agreement. The applicant is still required to submit a Schedule A report and include an Appendix II Rationale in the ALR tab.

As per Appendix I of the Delegation Agreement, the following require an application to the Regulator, under the ALC Act for non-farm use permission:

- Item 2) Oil and gas activity and ancillary activity sites (other than items 3 and 5) for which, on a section basis or equivalent, the combined total area occupied by existing and proposed activities is  $> 20.0$  hectares.

- Item 4) Electric power line that is not immediately adjacent to access roads.
- Item 5) Conversion or expansion of an existing oil and gas activity or ancillary activity, or a new oil and gas activity or ancillary activity that is listed in 5 (i) – (v), for which new land is required and the total project (lease) area is >3.0 hectares.
- Item 6) Oil and gas waste storage, treatment, and/or disposal facility that is operated by a person who is not a producer, or a conversion or expansion of such a site for which new land is required.

## **Applications under ALC Act for Non-Farm Use**

If the proposed activity requires an application under the ALC Act, the applicant is required to attach further deliverables to the agriculture tab (no separate application is necessary). These include referrals and responses from pertinent local governments (Peace River Regional District and/or Northern Rockies Regional Municipality), and the Ministry of Agriculture, in addition to a Schedule A Report and Appendix II Rationale. Upon receipt of the application and prior to making a decision under the ALC Act, the Regulator considers input from local governments and the Ministry of Agriculture referrals and also the Schedule A and Appendix II Rationale. This review is carried out concurrently with the review of the entire application.

To determine the category of energy resource activities or ancillary activities using Appendix I, applicants may need to complete area calculations to determine, on a section basis or equivalent, the combined total area occupied by existing and proposed energy resource activities.

Refer to page 12 of the Delegation Agreement for more information regarding area calculations.

All existing and proposed energy resource activities and associated activities should be included in calculations of combined total area, except:

- Pipelines (if underground), including temporary workspace required for construction purposes reclaimed at the same time as the pipeline right-of-way.
- Single riser site that is directly related to the operation of a pipeline and is less than or equal to 0.1 ha.
- Electric power lines with single-pole structures.
- Seismic lines (including cut lines made by hand or machine in the course of geophysical exploration) and temporary use sites for

geophysical exploration (including camps) where the seismic lines and sites are immediately reclaimed following the completion of the geophysical exploration, if such reclamation is required by permit or by ERAA.

- Temporary winter access that is constructed in frozen conditions where no roadbed development is required, and
- Temporary use sites for ancillary activities (for example, log decking sites, workspaces, campsites, geotechnical investigation areas, storage sites, etc.) where:
  1. The site is only used during the construction phase of an energy resource activity, and will be immediately reclaimed following the completion of the construction phase of the energy resource activity.
  2. No surface soil stripping or significant compaction or rutting (as compared to adjacent site) is reasonably expected to occur, and if such things do occur, the disturbed area is immediately reclaimed; and
  3. The site is available for farm use after the construction phase of the energy resource activity has been completed.
- Areas for which a Schedule B report declaring reclamation as completed has been accepted by the BCER.

## 5.3.2 Agriculture Requirements for Various Application Types

### New ERAA Applications

Required ALR application deliverables, including additional deliverables for an ALC Act Application for Non-Farm Use (where required), must be submitted on the agriculture tab in the Application Management System. Where ERAA activity applications include AOGA activities, ALR deliverables must include consideration of these areas.

### New Applications for Associated Activities on Crown Land

For AACT applications, related to ERAA activity; but submitted as a single activity application, required ALR application deliverables, including additional

deliverables for an ALC Act Application for Non-Farm Use (where required), must be submitted on the agriculture tab.

### **ALR Assessment for Associated Activity Sites on Private Land**

Where a proponent plans to use private land within the ALR for the purpose of an AACT and if an application is being made separately from an ERAA application, an Agriculture Assessment application ('ALR Assessment' application type) is created in the Application Management System. When submitting this application, required deliverables are limited to spatial and agriculture related details. ALR application deliverables are similar to those for new ERAA applications. The use of the agriculture assessment application type is considered an exception. The recommended standard process is to include AACT on private land with an ERAA activity application.

#### **Please Note:**

For AOGA sites on private land, the Regulator does not grant permission to carry out the activities (e.g. construct a borrow pit), but may grant permission for non-farm use of ALR land or acknowledge that the AOGA is exempt from an ALC Act Application for Non-Farm Use.

#### **Amendments**

When submitting an amendment application associated with an ERAA permit, associated energy resource activity, applicants must submit amended ALR application deliverables, including amendments to ALC Act authorizations (where applicable).

## **5.3.3 Agricultural Land Reserve Information Requirements**

This section outlines requirements for agricultural land reserve information. Requirements are dependent on the characteristics of each application and are outlined in full details below including a description, details of additional information and requirements. In most cases, the details are input into the agricultural land reserve tab, but may require the upload of an attachment to support the details including:

- Appendix II rationale statement.

- Schedule A report.
- Referrals from Ministry of Agriculture and local government.

Attachments must meet specific size and file formatting restrictions in order to be uploaded correctly as defined in Section 5.8 of this manual.

## **Appendix II Rationale Statement**

When planning energy resource activities on ALR lands, applicants are expected to minimize disturbance to ALR land and agricultural operations by limiting the extent of disturbance to what is necessary to safely and appropriately conduct the activity. Appendix II of the Delegation Agreement provides a hierarchy of land types where energy resource activities should be located to minimize impact on agricultural operations. Ultimately, minimizing impact on agricultural operations is achieved by determining the optimal combination of total area disturbed and location of the activity in relation to current and planned agricultural operations and agricultural capability of the land.

In making an application to the Regulator for permission to carry out an energy resource activity on ALR land, applicants must submit an Appendix II Rationale statement. This statement should clearly identify how the design and location of the proposed energy resource activity addresses the guidelines set out in Appendix II of the Delegation Agreement.

### **Please Note:**

The Appendix II Rationale textbox in the ALR tab is character limited. It may be necessary to upload the rationale as an attachment in order to clearly demonstrate how the guidelines set out in Appendix II of the Delegation Agreement have been met.

## **Schedule A Report**

Schedule A Reports are required for all activities located on ALR lands, with the exceptions listed in Schedule A of the Delegation Agreement. A Schedule A Report is intended to outline and record the predevelopment assessments and conservation planning carried out by the project proponent with respect to ALR lands. These reports must be prepared and signed by both a Professional Agrologist in accordance with the Professional Governance Act and the applicant, and are intended to include the following information:

- Area assessment: to link with Appendix II guidelines and document current land resource and agricultural use in the area of the application

to aid in planning the activity location in a manner that minimizes agricultural impacts.

- Predevelopment site assessment: to document baseline site information for soil management and reclamation planning.
- Recommendations for soil conservation: based on an analysis of planned developments using the baseline site assessment.
- Reclamation planning.

For most applications, all items listed above are required. However, if the proposed energy resource activity and/or ancillary activity is located entirely on an existing site, a subset of this information may be required. Schedule A, Table 1 of the Delegation Agreement provides detailed instructions to use in preparing a Schedule A report and report requirements.

Please note: As of September 1, 2022 all Schedule A reports must be prepared and signed by a Professional Agrologist registered with the BCIA.

## Area Assessment

An area assessment aids in planning the location of energy resource activities to minimize the impact on agricultural lands by associating the activity planning guidelines set out in Appendix II of the Delegation Agreement and documenting current land resource and agricultural use in the area. The area assessment consists of a 1:20,000 scale or larger recent air photo or satellite imagery base showing the surface land use and on which the following features are plotted:

- Agricultural capability units.
- Agricultural use, residences, and farm buildings.
- Existing energy resource activities and ancillary activities.
- Linear features, including roads and pipelines.
- Quarter section boundary lines, land ownership information and farm units.
- Surface water features and other significant terrain features that may limit development.
- Location of the proposed activities.

For more information regarding area assessments, refer to the Delegation Agreement. An example area assessment is shown in Figures 5-A and 5-B.

#### **Please Note:**

For applications on private land where the land owner will not grant surface access for the purposes associated with the preparation of a Schedule A Report, the minimum application deliverables are an area assessment and an Appendix II Rationale. The Regulator will consider this material when making a statutory decision on the proposed activity, and will require the applicant to submit a completed Schedule A after gaining surface access to the land. In these cases, disturbance to the land will not be allowed until after the Regulator has reviewed the completed Schedule A Report.

### Figure 5-A: Area Assessment Example

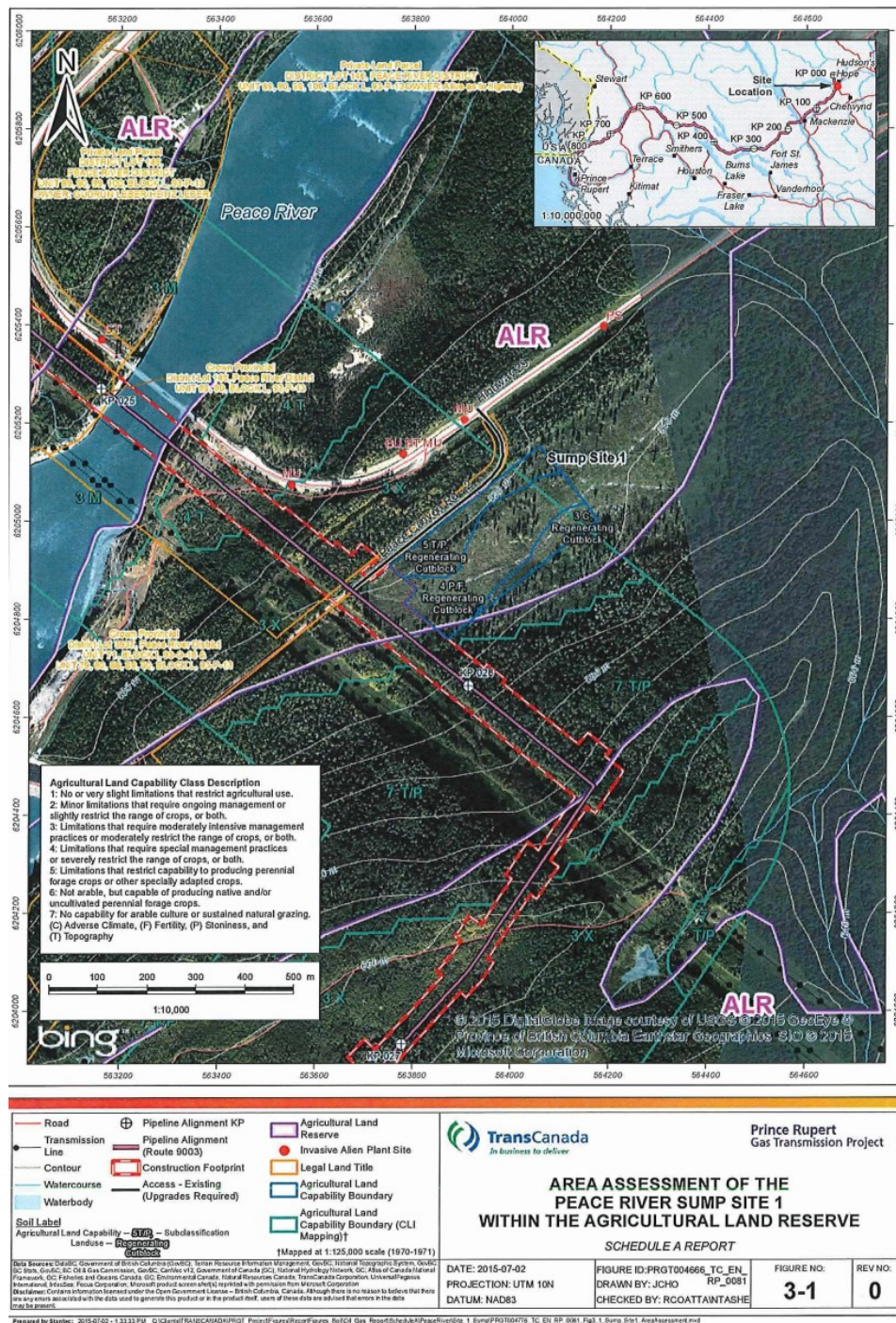
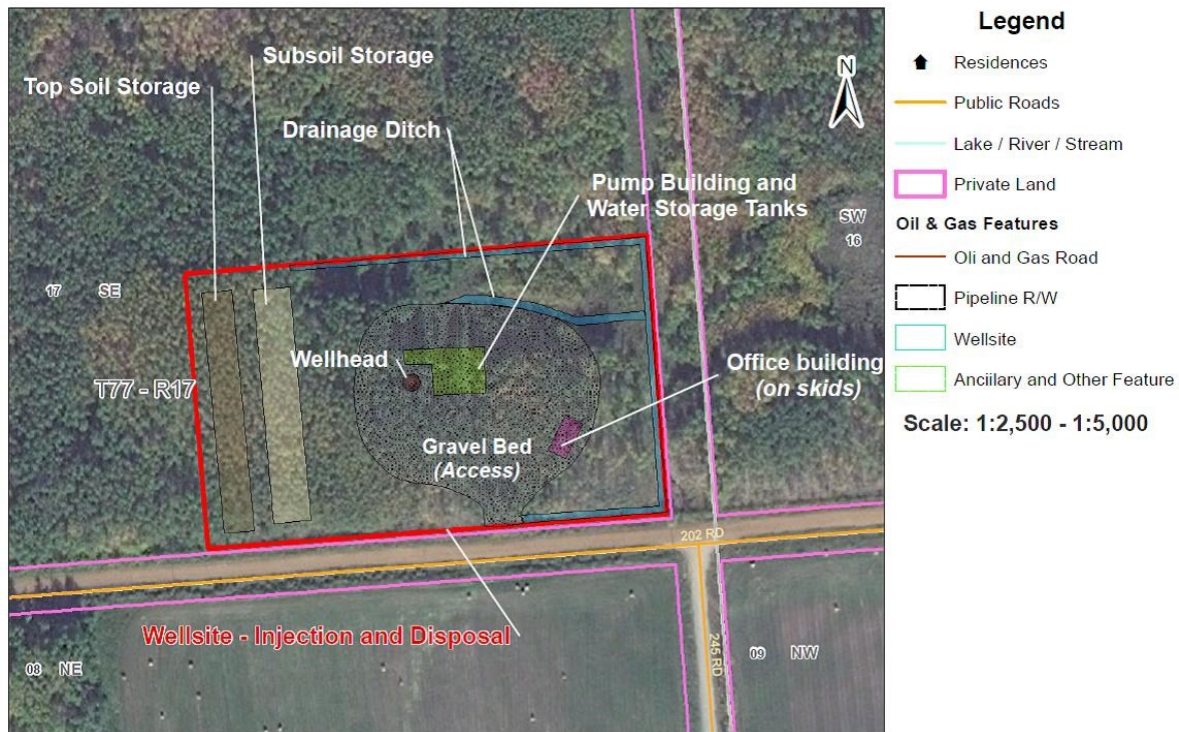


Figure 5-B: Area Assessment Example



## Site Assessment

A site assessment documents the site information for soil management and reclamation planning and at a minimum must include:

- Site information.
- Site description.
- A description of sampling procedures used to carry out the soil assessment.
- Soil assessment.
- Invasive plants information (if the site assessment is conducted during the growing season).
- Maps.

For a more detailed description of information required in a site assessment and required sampling procedures, refer to pages 18-20 of the [Delegation Agreement](#).

## Recommendations for Soil Conservation

The site assessment should include any site specific measures for the construction and production phases that are recommended to achieve effective and efficient restoration as required under the Schedule B of the Delegation Agreement, including measures relating to:

- Topsoil stripping depths and storage.
- Preventing or controlling erosion and compaction.
- Surface water management.

for the purpose of

## Reclamation Plan

The reclamation plan provides a brief description of how the site will be restored once it is no longer required for the energy resource activity. The reclamation plan must include:

- Post energy resource activity land-use objective.
- Soil handling.
- Re-vegetation.

Specific reclamation criteria for lands within the ALR are found in the site reclamation requirements as part of the Schedule B section in the [Delegation Agreement](#).

In cases where developments are planned on private land, a Schedule A report must be filed with the surface land owner and with the Regulator.

## Please Note:

Please note: Landowners are directly affected by proposed developments and they must be consulted about construction methods and reclamation plans when preparing the Schedule A Report. For further information please see the [Delegation Agreement Q&A](#) and page 16 of the Delegation Agreement.

## Referrals to Ministry of Agriculture and Relevant Local Government

In preparation of an application that is not exempt from an application under the ALC Act, applicants are required to engage and gather comments from the B.C.

Ministry of Agriculture and the relevant local government (Northern Rockies Regional Municipality or Peace River Regional District, depending on the location of the proposed non-farm use).

To carry out this engagement, applicants must provide the Ministry of Agriculture and the relevant local government with a referral package and cover letter. Applicants must then allow 21 days for response prior to submitting their application to the Regulator. Copies of any responses received by the applicant, and copies of the referral cover letter, must be attached to the application submitted to the Regulator on the agriculture tab. Applicants may submit their application to the Regulator prior to the elapse of 21 days referral time line, with written approval from an Authorization Director, providing that the full referral package will be submitted after the 21-day referral period.

Contents of the referral package must include:

- Referral package cover letter.
- Copy of the ALC application printout of the ALR Assessment Details tab in AMS.
- Schedule A report and Appendix II rationale.

Referral cover letters must include:

- Applicant company name and contact info.
- Statement that the referral is being sent to satisfy the requirements of the Delegation Agreement.
- A short description of the proposed project.
- Statement describing why an ALC application to the Regulator is required.
- A statement indicating a 21 day response period.
- Instructions on how to submit a response or request further information.
- Statement indicating that responses may be submitted to the applicant of the proposed activity or directly to the Regulator. Responses to the Regulator are emailed to [ALR.Referrals@bc-er.ca](mailto:ALR.Referrals@bc-er.ca).

If a concerned response from the Ministry of Agriculture or relevant local government is received during the 21 day response period, applicants are encouraged to further engage the responding party and attempt to resolve issues

or concerns raised. The Regulator may further engage these parties during application review.

A [Local Government ALC Referral Letter Template](#) can be found on the Regulator's website.