

May 15, 2024

Kim Grout, Chief Executive Officer
Provincial Agricultural Land Commission
201-4940 Canada Way
Burnaby, BC
V5G 4K6

Re: 2023-24 ALC-BCER Delegation Agreement Annual Activity Report

Dear Kim Grout,

The information presented in this document represents the annual report as required under Section V of the Agricultural Land Commission (ALC) – BC Energy Regulator (BCER) Delegation Agreement (Delegation Agreement) for fiscal year 2023-24.

Section V requires the BCER to report annually on the following elements. Please see notes below on calculation and rounding approaches used in presentation of the data for this report.

*Note: The numerical values presented in the tables within this report are calculated through Geographic Information System (GIS) analysis which involves a series of mathematical operations using spatial data. The decimals points produced for the sum values generated through these calculations do not reflect the accuracy of the data but are an artifact of the GIS calculation approach. Therefore, in the preparation of this report values have been rounded to the nearest ha, which is considered appropriate accuracy for reporting.

Using this rounding approach, the totals (in the bottom rows and far right columns) are determined by adding the report table entries, rather than direct input from the GIS analysis. This approach ensures that the totals in the table are consistent adding up the reported values.

After a period of permitting restrictions post *Yahey v British Columbia* decision (June 29, 2021), the Blueberry River First Nation (BRFN) and the Province signed an implementation agreement (January 18, 2023) lifting some of the permitting restrictions. As a result, a number of pending applications proceeded through the adjudication process and activity levels in 2023/24 doubled from what was reported during the 2022/23 fiscal year. Notable is the decreased activity trend during the last two fiscal years as compared to earlier years.

1. The area of ALR in northeast BC affected by each type of oil and gas activity and ancillary activity and the total area affected – fiscal year 2023-24.

Activity	Area (ha)		Total area (ha)
	Crown	Private	
Pipelines	16	26	42
Wellsites, facilities	52	125	177
Roads	65	46	112
Ancillary	20	33	53
Total	154	230	384

2. The area of ALR in northeast BC affected by oil and gas activities and ancillary activities in each capability class according to the Land Capability Classification for Agriculture in British Columbia classification system – fiscal year 2023-24.

Agricultural Land Capability	Area (ha)		Total Area (ha)
	Crown	Private	
0	<1	0	<1
1	0	0	0
2	1	36	37
3	43	79	122
4	82	81	163
5	27	30	57
6	<1	4	4
7	1	<1	1
Total	154	230	384

3. The area of ALR in northeast BC affected by oil and gas activities and ancillary activities in each of the following land cover categories: cultivated / pasture, forested and shrub – fiscal year 2023-24.

Activity	Land Cover Categories				Total Area (ha)
	Forested	Shrub	Cultivated / Pasture	Clearing	
Pipelines	20	5	17	0	42
Wellsites, facilities	92	1	85	0	177
Roads	63	3	45	<1	112
Ancillary	29	3	21	1	53
Total	203	12	168	1	384

4. The area of private land and crown land ALR in northeast BC developed for oil and gas activities and ancillary activities.

The table under item 1 shows the breakdown of area developed for oil and gas activities on both Crown and private land.

5. A summary of the cumulative footprint of oil and gas activities and ancillary activities on the ALR in northeast BC in each of the categories and subcategories specified in 12.1-12.4 expressed in hectares and as a percentage of the overall area of ALR lands in each category and subcategory.

The following three tables identify the cumulative footprints specified above. These footprint summaries include all historic oil and gas related development and do not factor in reclaimed areas. Footprint summaries are derived from post-construction plans based on what has been built up to and including March 31, 2024.

Please note that the reported areas (ha) for ancillary activities can fluctuate from year to year. Reported areas for ancillary activities went down for 2023/24 likely because of existing ancillary disturbance being overlapped by another activity such as a pipeline, road or well. For example, when a site previously permitted as a workspace is later overlapped by a pipeline, the area is then reported as a pipeline instead of an ancillary site. Pipeline, road and well land types always supersede ancillary site labelling in the database.

Cumulative footprint by oil and gas and ancillary activity type

Activity	Total Area (ha)	Area (ha)		Area (%) ¹		
		Crown	Private	Crown	Private	Total
Pipelines	10,901	5,017	5,884	0.38	0.44	0.82
Wells, facilities	11,526	3,937	7,589	0.30	0.57	0.87
Roads	3,840	2,831	1,009	0.21	0.08	0.29
Ancillary	4,332	1,894	2,438	0.14	0.18	0.32
Total Affected	30,599²	13,679	16,920	1.03	1.27	2.30
Total ALR	1,332,974	617,428	715,547	46.32	53.68	100.00

¹ Percent area is calculated against Total (ALR) Area

² Cumulative footprint is reported as 30,599 ha or 30,600 ha and private land cumulative footprint is reported as 16,920 ha or 16,921 ha; difference is a result of rounding up to nearest whole number within the raw data. For more detail, see further explanation included in the note on page 1.

Important Note: The numbers listed above do not account for the 3,044 ha of area reclaimed for pipelines and the 362 ha of area reclaimed since 2019 for wells / facilities (this is an estimate based on the best available information).

Cumulative footprint by agricultural land capability classification

Land Capability	Total Area (ha)	Total Area Affected (ha)			Total Area Affected (%) By Class
		Crown	Private	Total	
Organic (O)	14,460	81	20	101	0.70
1	440	<1	2	2	0.46
2	114,344	98	2,122	2,220	1.94
3	397,000	3,666	4,669	8,335	2.10
4	456,344	5,120	5,766	10,886	2.39
5	304,470	4,390	4,052	8,442	2.77
6	15,836	63	123	186	1.18
7	30,080	261	167	428	1.42
Total	1,332,974	13,679	16,921	30,600¹	2.30

¹Cumulative footprint is reported as 30,599 ha or 30,600 ha and private land cumulative footprint is reported as 16,920 ha or 16,921 ha; difference is a result of rounding up to nearest whole number within the raw data. For more detail, see further explanation included in the note on page 1.

Cumulative footprint by land cover classification

Activity	Land Cover Categories (ha)						Total Area (ha)
	Forest	Shrub	Cultivated/ Pasture	Clearing	Rock	No Class	
Pipelines	5,823	697	4,348	20	0	13	10,901
Wells, facilities	4,038	872	6,400	210	0	5	11,526
Roads	2,533	298	1,003	5	0	1	3,840
Ancillary	2,365	231	1,686	45	0	5	4,332
Total Affected	14,759	2,098	13,437	280	0	24	30,599²
Total Land Cover Category Area (including unaffected)	788,503	75,701	459,169	1,530	34	8,037	1,332,974
Affected (%) ¹	1.87	2.77	2.93	18.30	0.00	0.30	2.30

¹ Represents the proportion of each ALR land cover category affected by oil and gas activity (proportion of 'Total Land Cover Category Area' by 'Total Affected' area)

² Cumulative footprint is reported as 30,599 ha or 30,600 ha; difference is a result of rounding up to nearest whole number within the raw data. For more detail, see further explanation included in on the note on page 1.

6. The number of sections where the footprint of oil and gas and related activities exceeds 20 ha and the total number of sections within the Identified ALR Lands.

Of the 3,644 sections in the Peace River Block that contain ALR land, 79 of these sections have more than 20 hectares of oil and gas and ancillary activities.

This measure follows Appendix I of Delegation Agreement in applying the 20 ha threshold.

7. The total number of activities by activity type exempted from requiring permission for non-farm use pursuant to Part II of this Agreement.

The Delegation Agreement identifies oil and gas and ancillary activities that are exempt from the requirement of an application for permission for non-farm use under the ALC Act. These activities, specified in Appendix I, are as follows:

- Item 1 – the combined total area of existing and proposed oil and gas activities and ancillary activities is less than or equal to 20 ha;
- Item 3 – pipelines or electric powerlines that are buried; powerlines that are immediately adjacent to access roads;

Schedule A Reports must be submitted for most exempted activities.

There were **84 Schedule A Reports submitted** for exempted activities in fiscal year 2023-24.

Activities exempt from requiring permission for non-farm use – fiscal 2023-24

Activity	Total area (ha)
Pipelines	330
Wellsites, facilities	189
Roads	55
Ancillary	129
Total	703

8. The total number of applications for permission for non-farm use, by activity type, received by the BCER, the BCER Commissioner and/or the BCER Vice President under the Delegation Agreement and the decision made on each application – fiscal year 2023-24.

The Delegation Agreement identifies oil and gas and ancillary activities that require a decision from the OGC under the ALC Act.

These activities, specified in Appendix I of the Agreement are as follows:

- Item 2 – oil and gas and ancillary activity sites where the combined total area of existing and proposed activities on the section is > 20.0 hectares
- Item 4 – above ground electric power line not immediately adjacent to a road
- 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 (i)-(v) (multi-well facilities, sumps, water reservoirs, produced water storage ponds, camps, borrow / aggregate pits), 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.

Summary of applications involving BCER decisions.

Summary Activity	Total
Non-Farm Use Applications Submitted ¹	15
Non-Farm Use Applications Approved ²	17
Total Area of Non-farm Use Approved (ha) ²	154.087
Applications Triggering Item 2 of Appendix I ³	9
Applications Triggering Item 4 of Appendix I ³	6
Applications Triggering Item 5 of Appendix I ³	4
Applications Triggering Item 6 of Appendix I ³	0

¹ As of April 25, 2024: Of the 15 applications submitted, 2 applications have been permitted and the remaining 13 are under review. Proposed disturbance area for applications under review (excluding area of proposed powerlines) is 99 ha.

²Applications approved refers to permit issuance; the permit includes authorization for non-farm use. The reported number of applications approved, and total area (ha) non-farm use approved also includes applications that were submitted prior to 2023/24. Areas for powerlines were not included in the total reported area, however, the area for applicable ancillary sites (roads, borrow pits) submitted with the powerline applications were included in the total non-farm use area.

³The number of applications triggering individual items in Appendix I exceeds the total applications submitted because some applications trigger more than one item.

9. The total number of Schedule B Reports received by the BCER under the Delegation Agreement and the total area identified as reclaimed in the reports – fiscal year 2023-24.

Section 6.3.4 of the Delegation Agreement requires the proponent of an activity to submit a Schedule B Report to the BCER (and to the landowner, if other than Crown land ownership).

The BCER is responsible for evaluating and recording the Schedule B Reports.

The total number of Schedule B reports received by the OGC – fiscal year 2023-24

Activity Type	Schedule B Reports Submitted ¹	Area Reclaimed (ha) ²
Pipelines	61	452
Wells	26	15
Total	87	467

¹ Includes both initial submissions and re-assessments for sites that did not meet Schedule B criteria in prior submission(s). 5 Schedule B submissions pending review totalling 75.31 ha.

² The total area reclaimed is an estimate based on the best available information and includes areas from partially reclaimed sites.

The total number of inspections and investigations conducted by the BCER pursuant to Part IV of the Delegation Agreement - fiscal year 2023-24.

Type	Total
Inspections	1,866
Investigations	0
Complaints	7

Note: BCER responds to all complaints. During 2023/24 FY, there were 7 complaints in the ALR regarding invasive plants, erosion, reclamation, and debris. Of the 7 complaints, six were resolved through collaborative efforts between the landowner and the permit holder while work towards resolution of the seventh is underway. There is a process by which complaints and incidents can be escalated to the BCER enforcement group to conduct investigations. Please note that the BCER is unable to share information or comment on incidents/complaints currently under investigation.

10. The total number of enforcement actions undertaken by the BCER pursuant to section 56(1) of the ALC Act.

There were no enforcement actions undertaken by the BCER pursuant to section 56(1) of the ALC Act.

This concludes the information required for reporting under Part V of the Delegation Agreement.

Please contact the undersigned should there be any questions about this report.

Sincerely,



Sean Curry, Vice President Responsible Development & Stewardship
BC Energy Regulator