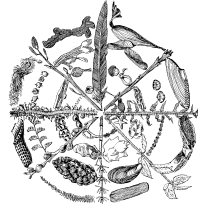


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May 25, 2006

Honourable Minister Pat Bell
Minister of Agriculture and Lands
PO Box 9058, STN PROV GOVT
Victoria, BC V8W 9E2

The Land Trust Alliance of BC appreciates your article printed in the Times Colonist May 8th, 2006. We agree with you that a long term vision is needed to preserve agricultural land in BC. This long term vision is the basis of sustainability for not only agriculture, but also for the capability of the ecological features that provide clear air, water, soil and all the resources that create the economy that supports us.

The Land Trust Alliance of BC represents 32 charitable land trusts (often called conservancies) and another 42 member groups and related consultants who work to protect lands with important ecological, cultural, and historical values in BC.

We appreciate that you have considered the recent Suzuki Foundation's report on protecting farmland. The LTABC agrees with the statement in the Foreward, "Protecting Farmland is only one part of the puzzle of how to ensure that agriculture provides healthy and nutritious foods while protecting the biodiversity and the quality of the land and waters of this province." We also agree with the report's statement that, "The provincial government must develop policies to support farms that contribute to the health of communities and the environment."

As you may know, the LTABC and several other province-wide conservation organizations have been working with the Agricultural Land Commission Chair and staff on improving the working relationship and Guidelines for approval of Conservation Covenants on ALR lands. We look forward to the results of these meetings and to achieving additional protection of agriculture through these conservation covenants. The covenant is agreed on by request from the current owner of the ALR land (as are all conservation covenants which do not require provincial approval to be registered). They are also usually considered a priority by federal, provincial and municipal agencies to protect specific environmental features which the farmland owner and the conservation organization have identified, important for the health of the community's water, air, soils, and endangered or threatened wildlife that is also found on or near the property.

In the Times Colonist article, you state that you are seeking better definitions of "community need." We can achieve long-term protection of both agricultural lands and biodiversity, and the community's and farmer's needs for protecting soils, riparian areas, and other features essential to long-term sustainability and health, by viewing conservation covenants as positive tools which meet community needs.

Conservation covenants have a long-term legal capacity to conserve farm land for farming, while also ensuring that ecologically significant features are protected. Virtually all conservation covenants include a clause that binds title and prohibits the land from being used for all but farm use, in perpetuity. Unfortunately, sometimes a conservation covenant is viewed in the same light as an application for exclusion. If there is a condition on farming in a specific area (such as along a riparian zone) or a condition is set on a type of farming (such as prohibiting the use of herbicides in a community's potable water area, or protection of native grasslands in combination with grazing) and the farmer has requested the covenant – it makes little sense to have these protective agricultural and ecological agreements turned down. This is especially true when there is virtually no appeal to these significant decisions made by a few individuals.

Recommendations:

Should the Act be changed in the near future, Section 22 (2) be revised to include policy and wording supporting the mutual benefits of conservation covenants to protect farm land in perpetuity, in association with an ecological use that does not outright prohibit farming, but rather puts agreed upon restrictions or conditions on it.

And secondly, that the Section 13 (4) “Dispute Resolution on Community Values” be revised to reflect the long-term protection of both agricultural and environmental values.

Section 13(4) (b) currently states

In making a recommendation to resolve a dispute, a facilitator must give weight to the following values in descending order of priority:

- (a) agricultural values, including the preservation of agricultural land and the promotion of agriculture;
- (b) environmental, economic, social and heritage values, but only if
 - (i) those values cannot be replaced or relocated to land other than agricultural land, and
 - (ii) giving weight to those values results in no net loss to the agricultural capabilities of the area.

Environmental values should be identified with no reference to either (i) or (ii) if these values found on a property are significant specifically to that area, and can coexist or share the farm area and farm use. In a case where some net loss of agricultural areas (for example along a creek), or restricted agricultural activities (for example to protect a community's water or a species at risk) are the purpose of the covenant, this restriction be recognized as contributing to “community need” and the long-term protection and health of both the farm and the community.

Again, we appreciate that the ALC Chair is working with us on the process and Guidelines for approval of Conservation Covenants on ALR lands. We would be pleased to discuss these ideas further with you or your Deputy Minister. Please contact either of the writers below to set up a meeting or to reply to these recommendations.

Sincerely,



Sheila Harrington, Executive Director



Eileen Palmer, Chair