

Association for Protection of Rural Metchosin  
32- 4401 William Head Road, RR#1, Victoria, BC, V9C 3Y6

BC Agricultural Land Commission,  
133-4940 Canada Way,  
Burnaby,  
BC, V5G 4K6

August 16, 2017

Attention Ms Sharon Henderson, Enforcement Officer

Dear Sirs,

Agricultural Reserve Land at Veitch Creek, Metchosin.  
Street address [REDACTED], Metchosin.

The Association for the Protection of Rural Metchosin is an organization dedicated to conserving the rural nature and environment of our municipality. The land fill activity on ALR land at the above address has recently been drawn to our attention and we would appreciate answers to our queries and comments regarding it. A map of the site is attached.

It is known that the District of Metchosin initially agreed to placement of fill to provide a road access to the property from Kangaroo Road using fill that was excavated in the recent reconstruction of Kangaroo Road. However the land owner, [REDACTED], subsequently applied to the District for a soil deposit permit for 2000m<sup>3</sup> and a fill depth of 6m. Soil Deposit Permit No 17-02 was issued on June 2, 2017, a copy is attached. We are advised that about one third of this amount has been now been deposited on his land.

It is recognized that the flood plain of Veitch Creek is in the ALR, presumably because of its appropriate soil type. However it should also be recognized that in this location the flood plain consists largely of wetland, probably the largest remaining wetland in Metchosin. In addition this wetland acts as a reservoir when Veitch Creek is in flood.

It is understood from the District staff that the intent of the fill is to create a “cow pasture” and that it is permitted under ALR regulations to place fill on ALR lands

to improve the agricultural potential. However it is noted that in the Soil Deposit permit there is no requirement to conserve the existing soil, and on viewing the site the fill consists mainly of material from construction sites.

We have the following queries:

- Was this fill on ALR land approved by the ALC?
- If so, did the ALC agree to a fill depth of 6m?
- Given that a fill of approximately 1 to 2m would take the surface elevation of the land above the usual flood level, what is gained in agricultural terms from a fill that is 6m deep?
- Would the ALC usually require a condition to conserve the existing soil to use in restoration of the final surface soil, if not why not?

As stated earlier the area being filled is largely a wetland which extends in an interlinked manner onto the adjacent property. It is recognised that the Riparian Areas Regulations do not apply on ALR lands and, although the District required setbacks from watercourses and wetlands as bylaw requirements, these are also being ignored by the owner as inapplicable on the ALR lands.

However David Robinson, Senior Authorisation Specialist-Water with FLNRO, has written to the owner advising him that Section 46 of the Water Sustainability Act prohibits the introduction of foreign matter into a stream, and that the WSA definition of a stream includes wetlands. A visit to the adjacent property allows clear visual evidence of fill placed in the wetland. Does approval of a landfill by the ALC allow the owner to ignore the restrictions of the Water Sustainability Act?

It is now known that FLNRO staff have visited the site, defined the wetland boundary and issued a compliance order in relation to the Water Sustainability Act. Landfill has now stopped.

Given the volume of fill already permitted and its depth, and the advice from the land owner to Metchosin CAO that he intends to seek a second permit for 5000m<sup>3</sup>, the APRM is of the opinion that this fill is really a commercial landfill operation masquerading as an agricultural improvement project. As such we ask that the ALC quickly review the situation, and, if the conclusion reached matches ours, support the FLNRO compliance order, and require the filling of any wetland to be stopped and the wetland restored.

If these queries should be dealt with by a person in the ALC office other than yourself, please direct the letter to the appropriate person.

Yours truly,

Jennifer Burgis, President APRM. ( [j\\_burgis@telus.net](mailto:j_burgis@telus.net) )

cc District of Metchosin  
FLNRO office, Nanaimo  
Mitzi Dean MLA Esquimalt-Metchosin