

MEMORANDUM OF UNDERSTANDING
between
Agricultural Land Commission
and
**Regional District of North Okanagan, Columbia Shuswap Regional District,
and Splitsin te Secwépemc**

WHEREAS:

The Agricultural Land Commission (the "ALC" or the "Commission") is an administrative tribunal established by provincial legislation, responsible for administering the Agricultural Land Commission Act.

The Regional District of North Okanagan and the Columbia Shuswap Regional District (the "Applicants") are the owners of properties that together with the Splitsin te Secwépemc First Nation constitute the Shuswap North Okanagan Rail Trail between Sicamous and Armstrong (the "Trail") corridor.

On March 4, 2020 the Applicants submitted an application (the "Application") to the Commission for a change in use for those properties of the Trail corridor that are within the Agricultural Land Reserve (the "ALR") and abut the ALR.

On February 24, 2021 the Commission issued a decision (the "Decision") regarding that application, under ALC file 60525.

AND WHEREAS:

As a condition of Commission approval for the application, Condition h. of the Decision requires a Memorandum of Understanding between the Commission and the Applicants to ensure adequate buffering and fencing is installed along the Trail corridor in accordance with ALC Resolution #65/2021 for landowners who request it; are located within the ALR; and abut the Trail as identified in Schedule B: ALR Parcels Adjacent to Trail. The duration of the MOU is to be for a minimum of three years from the date of opening the ALR portion of the Trail and will only be released upon the receipt of a final report.

THEREFORE:

The Applicants commit to ensure adequate buffering and fencing is installed along the Trail corridor to address areas where concerns arise between landowners who are farming and trail users, as required as part of Condition H of Resolution #65/2021. An adaptive approach will be used to install additional fencing, buffering or vegetative screening along the Trail, as described in the Application Paragraph 20, working with adjacent landowners to identify areas where concerns arise between ALR landowners who are farming and Trail users once the Trail is open.

The Applicants shall prepare two reports (the "Reports"), per Condition i. and Condition j. of the Decision, that describes the completed, ongoing and proposed works (e.g. buffering, fencing, posting signage, etc.) by the Applicants.

Version date: 2024-07-03

As per Condition i. and Condition j. of the Decision, the Applicants shall:

- i. submit a report to the Commission prior to construction of the Trail that includes confirmation from landowners that are in the ALR, abut onto the Trail and are identified in Schedule B: ALR Parcels Adjacent to Trail that the Applicant has taken appropriate steps to identify and resolve issues of concern or conflict with the Trail.
- ii. submit a final report to the Commission upon expiration of the MoU. The final report must include, but is not limited to, a written description of the completed, ongoing and proposed works on the Trail.


TERM:

The duration (the "Term") of this Memorandum of Understanding is three years from the date of the opening of the ALR portion of the Trail and will only be released upon receipt of a final report (per clause 21.j. of ALC Resolution #65/2021).. For clarity, the RDNO will notify the ALC of the date the ALR portion of the trail opens.

AUTHORIZATION

This Memorandum of Understanding is not intended as a legally enforceable contract. This Memorandum of Understanding intends that the signatories will strive to fulfill, to the best of their abilities, the content and responsibilities stated herein.

Assented to on July 3, 2024 by:



Shirley Fowler, Chair
Regional District of North Okanagan

Jennifer Dyson, Chair
Agricultural Land Commission



Kevin Flynn, Chair
Columbia Shuswap Regional District



Kukpi7 (Chief) Michael Christian
Splatsin te Secwépmc

APPENDICES

- 60525 (RDNO) Schedule A_The Properties
- 60525 (RDNO) Schedule B_ALR Properties Adjacent to Trail
- 60525 (RDNO) Schedule C_Decision Maps (Map of extent)