

# Where is respect for farmers' rights?

## August 2000 Column, Country Life in B.C.

Wendy R. Holm, P.Ag.

Back in 1492, when settlers first began arriving on the shores of North America (thinking it was India), they at least had the good graces to offer the natives *something* in return for their land; Manhattan, for example, was acquired for an assortment of necklaces, beads and fabric. Written up all legal and proper like.

### THE LITTLE HAMLET OF PUNCHAW

Back in 1983, when the government rode into the little forestry hamlet of Punchaw (one hour west and south of Prince George), they left assuring ranchers they weren't interested in their land. Wrote it up all legal and proper as a Cabinet Decision: Punchaw's land would not be included in the ALR.

This unusual proclamation came about because a few years earlier some area ranchers — seeking to protect grazing rights in competition with forestry uses and escalating land prices — had asked the provincial Cabinet to *include* Punchaw in its newly-created ALR.

But by 1983, when the vote was held, sharply lower land prices and a surplus of affordable leases alleviated rancher concerns. Support for the ALR disappeared. Chased along by the fear — in this forestry-dominated community — that ALR jurisdiction might not be in the best interest of the forest sector...

But this was not the end of the story.

A few years ago, at the local Land Resource Management Planning Committee level, Punchaw's ALR status again was discussed. One member of the commission, a woman who had remained an outspoken champion of ALR inclusion for Punchaw from the beginning, convinced LRMP committee members to support it in their package of recommendations and an "application to include" was forwarded to the Agricultural Land Commission.

When word leaked out that the ALR shadow was again encroaching on Punchaw land, local ranchers — who by now had a long list of reasons why they did NOT want their land in the ALR — jumped on it like fleas on a dog. In response, they were given a "tour" with the Commission and assurances that any potential ALR designation would be voluntary ("if you don't want your land in, it won't be put in...).

"No problemo" said the ranchers.

Turns out they were wrong. It was a BIG problemo.

A scant six months later, in October of 1999 and subsequent to a public hearing, the Commission announced they were including all 50,000 acres of Punchaw land into the ALR. No exceptions.

Ranchers were outraged. Letters flew. Voluntary inclusion was one thing; for government to come in and impose the ALR quite another. Twenty five years ago, the quid pro quo was promises of Farm Income Assurance forever. That argument is still raging. But today? The word expropriation leaps easily to mind. Surely they can't just do this? said the farmers.

In the end, of course, it was after all only 11 ranch families. Up against a chorus of bureaucratic voices murmuring "forget it; it's a done deal..."

This March, over the strong opposition of ranchers and a request for more study from the forest and fishery bureaucrats, the government summarily swept 50,000 acres of Punchaw land into the ALR. Unilaterally and without compensation.

And they didn't even have the good graces to offer trinkets.

### ROBERTS BANK BACK UP LANDS

This type of high handedness is not without precedent.

In 1968 and 1969, the provincial government expropriated some 4,056 acres (24.4%) of Delta's prime commercial farmland for the development of port facilities. When the intended use for which the land — the Roberts Bank Back Up Lands — was expropriated failed to materialize, the province had a legal obligation to offer the land back to the farmers from whom they expropriated it prior to taking steps to otherwise dispose of it.

(See Exploring Agricultural Interests in First Nations Treaty Negotiations - The Former Roberts Bank Back-Up Lands, Holm for BCMAFF, 1995.)

After thirty years and much pressure from the farm community, a goodly portion of the Roberts Bank Back Up Lands were recently sold back to the farmers. But some lands — notably the Brunswick Point lands, close to 600 acres — were not, reserved instead by the province along with another 600 acres of Delta farmland for use as a bargaining chip in the upcoming Aboriginal Land Claims treaty negotiations. In doing so, the province is clearly signaling its intent to dispose of the lands. The fourth generation farmers — whose grandparents reclaimed it from the river with dikes over a century ago — have clear rights of first refusal. Rights *a priori* to any aboriginal rights.

But hey, we're only talking about a handful of farmers, right? Who are up against a chorus of bureaucratic voices murmuring "forget it; it's a done deal..."

Had BC's first governments acted fairly and signed treaties with the aboriginal peoples, we wouldn't be in this predicament. But for government today to suggest that farmers must now pay the price for the wrongs of past governments is ridiculous. And fully absurd on a public policy level; it doesn't take a rocket scientist to understand that stealing from the future to satisfy the past is a non-strategic option.

### THE REAL PROBLEM

If government wants farmers to preserve the land for values not reflected by the market, they should pay the farmer to register stewardship easements against title like they do in the US. Or sign stewardship contracts with farmers like they do in Europe. Both of which result in monthly payments to farmers in recognition of the fact that the sustaining needs of society — clean air, clean water, healthy soils, biodiversity — are largely unrewarded by the marketplace. And hence unattainable without community (taxpayer) support.

Canada's farmers receive total government support of only \$66 per hectare as compared to \$161 in the US and \$825 in Europe.

As readers of this column for close to seven years well know, I fully support the Agricultural Land Reserve. But only as part of the answer, not the whole answer. You can't stitch farmers feet to the land and say "thou shalt farm". The rest of the equation is meaningful and ongoing policy support for the economics of farming in British Columbia.

Coupled with sustainable policy respect for farmers' rights.

Including those handful of farmers who are ranching and cropping in Punchaw and Brunswick Point. We have to start somewhere. Here are two perfectly good places to start.