

**ATTACHMENT B: APPLICATION REFERRALS**

AGENCY	COMMENTS
<b><i>Province of Alberta</i></b>	
Alberta Transportation	<p>In reviewing the application, the proposed development falls within the control distance of a provincial highway as outlined in the Highways Development and Protection Act / Regulation, and will require a roadside development permit from Alberta Transportation.</p> <p>The application form and instructions can be obtained from the department's website at <a href="https://www.alberta.ca/roadside-development-permits.aspx">https://www.alberta.ca/roadside-development-permits.aspx</a></p> <p>The department has the following additional comments on the referral:</p> <ol style="list-style-type: none"> <li>1. A geometric assessment must be prepared for the Highway intersection (Highway 1A / Range Road 45), based on traffic from the existing background condition, the proposed development traffic, and post-development in the 20-year horizon. This geometric assessment must also provide a comprehensive design report, including pavement design and intersection design, to allow a permit to be issued for its construction. All related work must be completed to the standards of, and at no cost to, Alberta Transportation. This must be completed and constructed prior to operations requiring access at this location.</li> <li>2. Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.</li> </ol>
Alberta Health Services	<p>We have reviewed The Burnco Aggregates - West Cochrane MSDP and also looked at Google Earth. The adjacent area is primarily being ranched and the distances from the proposed mining operation to the closest residents are considerable. The potential health impacts on surrounding residential receptors from this site (e.g. noise, dust, truck traffic, diesel emissions, etc.) are expected to be low. AHS, therefore, has no concern about the application.</p> <p>With respect to the <i>Alberta Public Health Act</i>, a property must be maintained in accordance with the <i>Nuisance and General Sanitation Regulation</i> (AR 243/2003) which stipulates,</p> <ul style="list-style-type: none"> <li>• No person shall create, commit or maintain a nuisance. A person who creates, commits, or maintains any condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed, or maintained a nuisance.</li> </ul>



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<b><i>Adjacent Municipality</i></b>	<p>If any evidence of nuisance conditions is noted during any phase of the development, AHS wishes to be notified. It is recommended to have a complaint response protocol in place for logging and responding to residents' complaints (both around the pit and along the access/egress road) if it hasn't been developed.</p>
Stoney Nakoda	<p><i>Note: upon receipt of a Direct Control District (which has subsequently been removed from this application), separately circulated on May 7, 2021, the following comments were received on May 7, 2021:</i></p> <p>On behalf of the Stoney Nakoda Nation, we are advising you that we are in receipt of your notification for the above-cited project. As per our Consultation guidelines, we are providing you with a Letter of Acknowledgement and a Stoney Information Letter (SIL). We will need a completed SIL form returned to our office at your earliest convenience.</p> <p>The next steps for Consultation will involve scheduling a meeting (video conference call) with yourself and/or others in your organization to meet with the Consultation Team. Please provide some available dates over the next 2 weeks, and we will coordinate a meeting.</p> <p>In addition, this email is providing you with a copy of our Rate Schedule, and maps of our Traditional Territory as well, our Title Case map for your review.</p> <p>If you have any questions, you may contact Bill Snow, Acting-Director of the Stoney Consultation Office: <a href="mailto:bills@stoney-nation.com">bills@stoney-nation.com</a></p> <p>We look forward to hearing from you soon and receiving your completed SIL.</p> <p><i>Note 1: Stoney Nakoda indicated a desire to submit comments and have a meeting in December 2020. Administration followed up with Stoney Nakoda over many months to request comments on the file to prepare for a meeting; no reply was received prior to advertisement of the public hearing.</i></p> <p><i>Note 2: After circulation of the application and advertisement of the Public Hearing, Administration received a letter from Stoney Nakoda. This letter has been included as part of this attachment, after the Application Referrals table.</i></p>
Town of Cochrane	<p><i>Comments dated January 7, 2021:</i></p> <p>The Town appreciates the presentation and information provided to our Council members at the IMC meeting in November. There are no additional comments from the Town resulting from that</p>

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	<p>meeting. Also, we have reviewed Burnco's letter and are generally satisfied with the responses provided to the concerns raised. However, we would like to offer the following concerning the response to the Town's request for additional assessment of traffic impacts of the portion of Highway 1A within the Town's boundary.</p> <p>We appreciate Burnco completing the additional assessment and acknowledge the results indicate a minor traffic increase at the intersections resulting from the gravel pit. The Town is wondering if the assessment also included a safety analysis for the heavy gravel truck traffic related to the posted highway speeds and intersections?</p> <p><i>Comments dated September 1, 2020:</i></p> <p>The Town of Cochrane has concerns with the proposed re-designation application related to the size and scale of the resulting future gravel extraction development. The proposed +/- 391.10 ha site will likely support over 30 years of gravel extraction activity and this will result in long-term impacts on our community. The permanency of the development and the potential long-lasting effects of its impacts on Cochrane are concerning and warrant further information and engagement between the applicants, Rocky View County, and the Town. We understand County Council has already proceeded with the formal bylaw adoption process and are troubled this has occurred prior to the comment submission deadline. The Town requests a meeting between RVC Staff, representatives from Burnco, and the Town of Cochrane Staff prior to any further formal bylaw proceedings. We also recommend this item be referred to the Town and County IMC for discussion.</p> <p>Referral Letter Comments Based on the information received in the referral, the gravel extraction development will result in increased gravel truck traffic traveling on Highway 1A into Cochrane. The traffic impact assessment (TIA) referenced in the package is dated 2013 and therefore would not account for the updates that have occurred for Highway 1A. These include two new traffic signals at the intersections of Horse Creek Road and Heritage Gate along HWY 1A, the future signalized intersection east of Heritage Gate, and the revised design of the interchange at HWY 1A and HWY 22. Given the TIA is now seven years old, the Town requests the scope of the TIA be updated and expanded over and above the current limited analysis of site access on and off HWY 1A and consider and address the impacts to the Province's road network and municipal neighbours. Also, through the North Calgary Regional Transportation Study (NCRTS), for which Rocky View County was a primary sponsor, the corridor of HWY 1A was not identified for good movements, or to serve as a regional benefit. As a result, the known required upgrades (twinning) along HWY 1A, identified by the Town and Alberta Transportation, were not proposed in the 20-year plan. The cost of constructing the upgrade to provide an adequate level of service to all users of the road,</p>



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including the future gravel truck users, would fall solely on the Town. We appreciate the opportunity to review the application and provide comments, however would like to restate our request for a meeting with County Staff, the applicants, and Town Staff to discuss the proposed application. Please contact me at your earliest convenience to schedule a meeting.

*Note: After circulation of the application and advertisement of the Public Hearing, Administration received a letter from the Town of Cochrane. This letter has been included as part of this attachment, after the Application Referrals table.*

Other External Agencies

Shell Canada Limited

Further to your notification regarding the proposed redesignation application No. PL20200066/0067, please be advised Shell Canada Limited (Shell) has no objections to the proposal. Although Shell is noted as the licensee of several oil and gas assets on the lands (see the list below), these assets were sold to Pieridae Alberta Production Ltd. (PAPL) last year, and are operated by PAPL currently. The licenses of these assets will be transferred to PAPL in due course. Should you have any questions about these assets, please contact Mr. Terry Gottenbos, Surface Land Manager of PAPL, at terry.gottenbos@pieridaeenergy.com or at (587) 392-9349.

Wells

UWI	License Number	Well Name	Mode	Surface Hole Location
100/10-15-026-05W5/0	0238214	SHELL ET AL JP 10-15-26-5	Abandoned	100081502605W500
100/09-16-026-05W5/0	0007426	SHELL JUMPING POUND UNIT NO. 13	Flowing	100081602605W500

Pipelines

License Number	Line Number	From Location	To Location	From Facility	To Facility	Status
3320	4	08-16-026-05W5	07-16-026-05W5	Well	Pipeline	Operating
23826	3	03-21-026-05W5	07-16-026-05W5	Pipeline	Pipeline	Operating
23826	4	07-16-026-05W5	02-16-026-05W5	Pipeline	Pipeline	Operating
23826	5	08-16-026-05W5	07-16-026-05W5	Well	Pipeline	Operating
23826	21	02-16-026-05W5	12-16-026-05W5	Blind end	Blind end	Discontinued
23826	23	02-16-026-05W5	08-09-026-05W5	Pipeline	Pipeline	Operating

Facility


License Number	Type	Category	Facility Name
F29157	Battery	Gas Battery	SCL 08-16-026-05W5



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TC Energy	<p data-bbox="631 262 1495 661">From discussions with Burnco, it was determined that a crossing over TC's pipeline south of Phase A5 is likely required within ~2 years, which will be used for hauling water by truck from the Bow River. Gravel extraction is anticipated to take place in A1 &amp; A2 (the first phase) over the next few years, A5 &amp; A6 in 10-15 years, and between F27 &amp; G28 (which will also require a pipeline crossing) will be ~25 years away. Within the pink "Borrow Areas," nothing is planned or likely to happen, but Burnco wants to keep them open to use if needed. No blasting is proposed as this is a sand and gravel pit. Burnco had assumed a 3m setback would be required from TC's pipeline right-of-way (ROW). Burnco also connected directly with two TC representatives.</p> <p data-bbox="631 682 1479 879">Regarding employees, Burnco advised that there would be a maximum of 25 people working on the site (crusher crew of 5-6, 2 for sales loader, 5-6 for the wash plant, and 5-10 doing earthworks). They are anticipating the operations to be 24/7, though earthworks and other operations would not take place at night.</p> <p data-bbox="631 913 1040 942">Please refer to <b>Attachment 01:</b></p> <p data-bbox="631 963 1479 1056"><b><i>Approximate Location of TC Infrastructure</i></b> for maps that show the site in relation to the approximate location of TC's infrastructure.</p> <p data-bbox="631 1066 1182 1096"><b>Assessment of Proposed Development:</b></p> <p data-bbox="631 1117 1487 1344">As shown in <b>Attachment 01</b>, a TC pipeline runs east-west directly through the middle of the site, and just south of the current operations. A TC facility is located just to the west. Based on a review of the information provided and correspondence to date, TC has advised of several specific requirements that shall be adhered to in addition to the following General Requirements section which contains further details:</p> <ul data-bbox="631 1365 1495 1877" style="list-style-type: none"> <li>• A minimum 7m development/mining setback from the edge of TC's pipeline ROW must be adhered to. This should be shown in the MSDP.</li> <li>• A minimum 3:1 back sloping for excavation parallel to the edge of the 7m development setback is required. This should be shown in the MSDP.</li> <li>• Please provide all relevant technical plans to TC Energy for their review, including the revised MSDP, Development / Operating Plan, Reclamation Plan, Geotechnical Plans, etc. Please advise of any increase in the number of employees working on the site, and where they will be working.</li> <li>• Burnco shall continue to consult with TC Energy throughout this process and especially in advance of any activities taking place within the Pipeline Assessment Area. The main point of contact</li> </ul>

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	<p data-bbox="646 247 1451 315">will be Stephen Viola, TC Energy   Right-of-way Management:  <a href="mailto:stephen_viola@tcenergy.com">stephen_viola@tcenergy.com</a> / 587-933-0580.</p> <p data-bbox="630 346 943 378"><b>General Requirements</b></p> <p data-bbox="630 396 1474 493">For your reference for this development and all future developments in proximity to TC infrastructure, the following shall be adhered to:</p> <ol data-bbox="630 512 1500 1940" style="list-style-type: none"> <li data-bbox="630 512 1500 682">1. In order to confirm the precise alignment of the pipelines on the subject lands, a Locate Request must be made prior to any ground disturbance taking place. Locate requests can be made online at <a href="http://www.clickbeforeyoudig.com">www.clickbeforeyoudig.com</a> or by calling your local One-Call Centre.  Locate requests generally take 72 hours to be completed.</li> <li data-bbox="630 743 1500 810">2. No work may take place within TC's pipeline right-of-way without a TC representative on site.</li> <li data-bbox="630 842 1500 1213">3. All permanent or temporary crossings of pipelines require written consent from TC Energy. Written consent may be obtained online through TC's Canadian Third Party Crossing Application Portal at <a href="http://writtenconsent.tcenergy.com">writtenconsent.tcenergy.com</a> or by calling 1-877-872-5177. <ul data-bbox="678 1045 1500 1213" style="list-style-type: none"> <li data-bbox="678 1045 1500 1213">• If the proponent plans to cross the pipeline in the future and applies through the online application portal noted above, please advise them to send the application # ("D#") associated with that application to <a href="mailto:tcenergy@bapg.ca">tcenergy@bapg.ca</a> for our records.</li> </ul> </li> <li data-bbox="630 1232 1500 1514">4. Ground disturbance is any work, operation, or activity that results in an addition to or reduction of the earth cover on the ground, including but not limited to excavating, digging, ditching, plowing, stripping topsoil, etc. Any ground disturbance within 30 m of the pipeline, known as the "prescribed area," requires written consent from TC Energy.  Written consent may be obtained online at <a href="http://writtenconsent.tcenergy.com">writtenconsent.tcenergy.com</a> or by calling 1-877-872-5177.</li> <li data-bbox="630 1533 1500 1665">5. Permanent structures shall not be installed anywhere on the ROW. TC's preference is that permanent structures should be placed at least seven (7) metres from the edge of the ROW and twelve (12) metres from the edge of the pipeline.</li> <li data-bbox="630 1684 1500 1816">6. Temporary structures shall not be installed anywhere on the ROW. TC's preference is that temporary structures should be placed at least three (3) metres from the edge of the ROW and eight (8) metres from the edge of the pipeline.</li> <li data-bbox="630 1835 1500 1940">7. As per the requirements of the CER, TC is required to monitor all new development in the vicinity of their pipelines that result in an increase in population or employment. Therefore, please</li> </ol>



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	<p>keep us informed regarding any additional development within the Pipeline Assessment Area indicated in <b>Attachment 01</b>. Requirements and guidelines for development on or near TC's pipelines and infrastructure are included within <b>Attachment 02 Development Within Proximity to TC Energy Infrastructure</b> (Note: sent to the applicant but not included in this report) and <b>Attachment 03 Work Safely Booklet</b>. We recommend that they be reviewed in full. (Note: sent to the applicant but not included in this report)</p>  <p>Geographic Coordinates: -114.5730, 51.2211 Map File: R02190AB_Concept Map Scale: 1:35,000 Scale Bar: 0 250 500 750 1,000 metres North Arrow: N</p> <p><b>Legend</b></p> <ul style="list-style-type: none"> <li>Subject Site</li> <li>TC Energy Pipeline</li> <li>Prescribed Area (30m)</li> <li>Pipeline Assessment Area (220m)</li> <li>Facility Assessment Area (800m)</li> <li>Railway</li> <li>Road</li> <li>Aboriginal Reserve</li> <li>Quarter Section</li> <li>Urban Municipality</li> <li>Waterbody</li> </ul> <p><b>TC Energy Infrastructure</b> Plan of Land Use Amendment Rocky View County Referral #: R02190AB Map and data for informational and planning purposes only Conceptual alignment only. Aerial Source: ESRI May 2021</p>



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<b><i>Internal Departments</i></b>	
Recreation, Parks and Community Support	<p>PL20200066- Redesignation</p> <p>There are no planned recreation, park, or active transportation improvements associated with the lands subject to this application.</p> <p>If applicable, comments pertaining to the dedication of reserves will be provided if the lands are considered for subdivision. As such, there are no concerns with this application as presented.</p>
	<p>PL20200067- Local Plan/MSDP</p> <p>There is no planned recreation, park, or active transportation improvements associated with the subject lands described in the draft West Cochrane Gravel Pit draft MSDP. As such, there are no concerns with this application as presented</p>
Planning and Development Services - Engineering	<b>General</b>
	<ul style="list-style-type: none"> <li>• At the future Development Permit stages, the application is for aggregate mining, the applicant is to provide payment of the Community Aggregate Payment Levy in accordance with Bylaw C-7748-2018, as amended, in the amount of \$0.40 per ton of aggregate extracted and removed.</li> <li>• It is to be noted that NW 13-26-05-W5M is an existing gravel pit operation with all applicable approval in place complete with an upgraded Type IVb intersection at RR 51 and Hwy 1A.</li> <li>• At the time of extraction activities within the Phases C13, C15, D16, D17, G28, F27 areas, the applicant will be required to apply to close and consolidate the undeveloped road allowance prior to proceeding with any extraction activities.</li> <li>• The MSDP proposed to limit the maximum disturbed area on the west to 70 acres, and 51 acres to the east side at any given time.</li> <li>• As a condition of the future DP, the applicant will be required to provide a detailed Operations Plan. The plan shall include:             <ul style="list-style-type: none"> <li>○ Noise, emissions, dust, and air quality monitoring plans providing the location of any offsite monitoring stations, monitoring intervals, mitigation practices and procedures to be followed by the pit operators if prescribed limits have been exceeded;</li> <li>○ Dust control plan showing the location of any offsite air quality measurement stations including procedures to be followed if air quality limit exceedances have occurred;</li> </ul> </li> </ul>





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	<ul style="list-style-type: none"> <li>○ Emissions Mitigation Plan addressing air quality and dust mitigation practices, monitoring intervals and locations;</li> <li>○ Identify any potential environmental impacts inclusive of mitigation measures to address the impacts;</li> <li>○ Strategy on the release of pit water via the recharge pond.</li> </ul> <ul style="list-style-type: none"> <li>• As a permanent condition of the future DP, the applicant will be required to provide the County with the EPEA registration for the proposed extraction site.</li> <li>• As a condition of the future DP, for any extraction activities east of Grand Valley Creek, the applicant is required to provide a Construction Management Plan for the construction of the access intersection at Range Road 45 and Highway 1A to provide access to the extraction activities east of Grand Valley Creek. The Plan shall address noise mitigation measures, traffic accommodation, sedimentation and dust control, management of stormwater during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment, and all other relevant construction management details.</li> <li>• As a condition of future DP, the applicant will be required to provide a detailed Weed Control Plan, which meets the requirements of the Weed Control Act and the County's Land Use Bylaw. The recommendations of the plan are to be implemented during extraction activities.</li> <li>• The applicant provided a Historical Resources Impact Assessment prepared by Lifeways of Canada Limited date April 2019. The assessment took into consideration the significant historical resource values for the subject lands and have identified locations within the subject land that will require additional mitigation prior to disturbance. As a condition of future DP, the applicant will be required to obtain clearance under the Historical Resources Act prior to commencing with mining activities in areas that have been identified in this report.</li> <li>• The applicant previously submitted a Visual Impact Assessment (VIA) prepared by Matrix Solutions Inc. dated November 2019. The assessment concluded that the visual impact for Highway 1A is expected to be mitigated successfully with the construction of the proposed berms along the south side of the Highway. In some areas, further mitigations beyond the berms will be required through various planting and screening.</li> </ul>

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	<ul style="list-style-type: none"> <li>As a condition of the future DP, the applicant is required to provide a comprehensive landscaping plan, prepared by a qualified Landscape Architect for subsequent phases including area showing the landscaping elements that are to be incorporated into the berm, setback, and entrance areas.</li> <li>The applicant previously submitted a Noise Impact Assessment, prepared by ACI Acoustical Consultants Inc. dated June 2019. The report indicated that the noise modeling scenario indicated a relatively higher west of the site compares to the east at 51.5 dBA versus 35.9 dBA respectively within 2 km of the site boundary.</li> <li>As a condition of the future DP, the applicant is required to provide an updated Noise Impact Assessment, through the proposed noise monitoring program, prepared by a qualified professional, demonstrating compliance with the Alberta Energy Regulator's 'Directive 038'.</li> <li>The applicant provided an Air Quality Assessment prepared by Matrix Solutions Inc. dated May 2019. The assessment concluded that the proposed mining operation is not expected to exceed air quality objectives beyond the subject lands and have minimal impact to nearby residences. As a condition of future DP, the applicant will be required to provide an updated Air Quality Assessment, prepared by a qualified professional, for proposed phases provide a strategy that will allow the pit to remain in compliance with the Canadian Ambient Air Quality Standards (CAAQS) and Alberta Ambient Air Quality Objectives (AAAQO).</li> </ul>
	<p><b>Geotechnical:</b></p> <ul style="list-style-type: none"> <li>The applicant provided a Hydrogeological Assessment Report prepared by Matrix Solutions Inc. dated January 18, 2019. The report concludes that the mining of the aggregate resources will be extracted to a maximum of 1.0m above the maximum level of the groundwater table. As a condition of future DP, the applicant will be required to implement a groundwater measurement program and provide the County with new groundwater readings at the boundaries of the Phase I area to record all fluctuations in groundwater levels to ensure gravel extraction activities remain a minimum of 1.0m above the highest recorded groundwater reading at all times.</li> <li>As a condition of future DP, the applicant will be required to provide a Geotechnical Assessment which provides slope stability recommendations for individual phases of the gravel pit. The assessment is to provide recommendations for slope design and setbacks around the active pit areas as well as for final reclaimed conditions.</li> </ul>



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	<p data-bbox="630 260 846 296"><b>Transportation:</b></p> <ul style="list-style-type: none"> <li data-bbox="678 310 1498 548">• The application provided a Traffic Impact Assessment (TIA) prepared by Schaffer Andrew Ltd. dated October 2013. The report was completed for the assessment of the existing operation of NW 13-26-5-W5M that required the upgrade of the intersection of Range Road 51 and Highway 1A. The intersection was constructed and FAC was issued by the County on January 24, 2020.</li> <li data-bbox="678 562 1498 932">• The MSDP has indicated that the future operation of the site could increase traffic by four (4) times what is currently. Engineering will require that the TIA be updated to include the proposed subject land to determine the timeline of the improvements that may be required to gain a holistic understanding of the traffic impact on the road network. The TIA should include an intersection illumination warrant analysis, prepared by a qualified professional, to determine if any illumination is warranted at the intersection of Range Road 51 &amp; Hwy 1A and the new proposed access at Range Road 45 &amp; Hwy 1A.</li> <li data-bbox="678 947 1498 1121">• As a condition of the future DP, the applicant will be required to enter into a Development Agreement with the County for any improvements to the road network that may be required based on the outcome of the updated Traffic Impact Assessment.</li> <li data-bbox="678 1136 1498 1268">• As a condition of future DP, the applicant is required to obtain a Roadside DP from AT and implement the intersectional improvement as required by the Traffic Impact Assessment and Alberta Transportation.</li> <li data-bbox="678 1283 1498 1751">• As a condition of future DP, the applicant will be required to provide a Traffic Management Plan which shall address: <ul style="list-style-type: none"> <li data-bbox="776 1367 1482 1436">○ measures to control driving behaviour of aggregate haulers;</li> <li data-bbox="776 1451 1382 1520">○ use and monitoring of in-vehicle monitoring systems;</li> <li data-bbox="776 1535 1498 1646">○ turning movements onto the Highway to provide recommendations to optimize the safety of Highway users; and</li> <li data-bbox="776 1661 1498 1751">○ measures to be implemented to prevent the transfer of aggregate and other detritus materials onto the Highway and local road network.</li> </ul> </li> <li data-bbox="678 1766 1498 1940">• As a condition of the future DP, the applicant will be required to provide a transportation network assessment, prepared by a qualified professional, of the haul routes to the proposed aggregate markets taking into consideration the truck traffic from the proposed pit and other pits in the</li> </ul>



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	<p>area. The assessment shall take into consideration the existing constraints of the haul routes and provide recommendations to improve road safety to the satisfaction of the County and AT. The applicant may be required to implement the necessary highway safety improvements along its identified haul routes as identified by the County and AT prior to issuance of the future development permit.</p> <ul style="list-style-type: none"> <li>As a condition of future DP, the applicant will be required to provide payment of the Transportation Offsite Levy, in accordance with the current levy at the time of DP, for the total gross acreage of the gravel pit and areas associated with gravel extraction activities.</li> </ul> <p><b>Sanitary/Waste Water:</b></p> <ul style="list-style-type: none"> <li>Engineering has no concerns at this time. As per policy 449, the county recommends the use of sewage holding tanks and a trucked service for all industrial, commercial and institutional lands.</li> </ul> <p><b>Water Supply And Waterworks:</b></p> <ul style="list-style-type: none"> <li>Engineering has no concerns at this time however recommends the use of cisterns and a trucked service for all industrial, commercial, and institutional applications.</li> </ul> <p><b>Stormwater Management:</b></p> <ul style="list-style-type: none"> <li>The applicant provided a Conceptual Stormwater Management Report prepared by Matrix Solutions Inc. dated April 2020, which provides the overall stormwater management concept for the gravel pit. As a condition of future DP, the applicant will be required to provide a detailed stormwater management plan for each of the Phases of the pit area, which follows the stormwater management concepts outlined in the Matrix Solutions Inc. dated April 2020 and meets the requirements of the County Servicing Standards. The concept relies on a series of ditches and dewatering exaction pits that pumps to the recharge pond assuming that only one mining phase is expected at a time. Please note that AEP approval will be required for the implementation of the discharge pump or for any release exceeding the pre-development volume to the Bow River.</li> <li>As a condition of the future DP, the applicant will be required to provide a detailed Stormwater Management Plan for each future phase of the subject site in accordance with the Conceptual Stormwater Drainage Management Plan prepared by Matrix Solutions Inc. dated April 2020 to the satisfaction of the County.</li> </ul>

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Agriculture & Environment Services	<ul style="list-style-type: none"> <li>As a condition of the future DP, the applicant will be required to provide an Erosion &amp; Sedimentation Control Plan (ESC) prepared by a qualified professional, providing the ESC measures to be implemented onsite during the operation of the pit in accordance with the MSDP and the requirements of the County Servicing Standards.</li> </ul>
	<p><b>Environmental:</b></p> <ul style="list-style-type: none"> <li>The applicant provided a Biophysical Impact Assessment (BIA) prepared by Matrix Solutions Inc. dated September 2019. The report indicated that there are existing wetlands, riparian, rivers, etc. that are located on the subject site. As a condition of the future DP, the applicant will be required to provide a wetland impact assessment, prepared by a qualified professional, identifying the classification and all other relevant characteristics of the impacted wetlands, provide and implement the mitigation strategy as outlined in the BIA within each phase of mining/extraction. The applicant will be required to obtain all permits and approvals from AEP under the <i>Water Act</i> for the loss of the wetlands due to the gravel extraction activities.</li> </ul>
	<p>It may be of benefit to the applicant to create a Weed Management Plan and have a contractor available (or be personally prepared) to control any regulated weeds. The applicant will need to ensure compliance with the Alberta Weed Control Act.</p>

Circulation Period: July 31, 2020, to September 1, 2020; Direct Control District circulated May 7 to May 31, 2020.

Agencies that did not respond, expressed no concerns, or were not required for distribution, are not listed.



**TOWN OF COCHRANE**

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[www.cochrane.ca](http://www.cochrane.ca)



June 23, 2021

Ms. Oksana Newmen  
262975 Rocky View Point  
Rocky View County, AB  
T4A 0X2

Via E-mail: [onewman@rockyview.ca](mailto:onewman@rockyview.ca)

**SUBJECT: Town of Cochrane Public Hearing comments regarding Bylaw C-8073-2020**

Dear Ms. Newmen,

Thank you for the opportunity to provide comments on **Bylaw C-8073-2020**, scheduled for Public Hearing on Tuesday, July 6, 2021. I am writing to confirm that the Town of Cochrane continues to have outstanding concerns related the proposed gravel pit expansion west of our community, and the potential detrimental impacts that this future development could have upon Cochrane and its citizens. Therefore, the Town of Cochrane respectfully requests that Rocky View County Council consider the following submission during the Public Hearing process and table proposed bylaw until such time as these outstanding matters can be addressed.

The Town of Cochrane and Rocky View County have a strong and long standing intermunicipal relationship, highlighted by the RancheHouse Accord, a Municipal Affairs Collaborative Governance Initiative, intended to be a model of how to proactively improve municipal business and intermunicipal relations. The Town of Cochrane strives to continue to build upon this important intermunicipal relationship, but also recognize the importance of gravel resource development that helps support the construction and development of our community, as well as others within the Calgary region. However, the Town of Cochrane cannot support proposals for development that fail to properly address and mitigate their potential detrimental impacts upon our community.

The Town of Cochrane would like to highlight several key areas of concern for Rocky View County Council's formal consideration including:

***Traffic Safety***

The Town has diligently worked with the Province of Alberta regarding the upgrade of the Highway 1a/22 interchange that is anticipated to commence construction in 2022. The Town is confident this major infrastructure project will result in significant transportation improvements in Cochrane and western Rocky View County. However, Highway 1a west of the interchange remains a single lane in each direction with growing traffic and congestion issues related to both regional traffic and our rapidly growing communities of Heartland and Heritage Hills. The addition of heavy gravel truck traffic presents an additional safety concerns for Cochrane residents and other travellers using this stretch of Highway 1a, both in the long-term and during the anticipated highway upgrade period. Through our engagement process on this file, the Town inquired as to whether a safety analysis for the heavy gravel truck traffic related to the posted highway speeds and intersections had occurred. To date the Town has not received a response related to this issue.

The Town acknowledges the traffic generated in accordance with the traffic impact assessment may not warrant additional infrastructure improvements at this time. However, the Town remains concerned with the potential long-

term impacts on our community as the proposed traffic volumes generated by the gravel extraction site may change over time. The Town requests to be notified and provided the opportunity to collaborate on any proposed operational changes to the gravel extraction site in accordance with Rocky View County MDP policy 15.5 that states *Where aggregate activities are located in proximity to an adjacent municipality, the County should co-operate with that jurisdiction to ensure co-ordination of major haul routes and mitigation of impacts on adjacent land uses.*

### ***Environmental Considerations***

Given the proximity of the proposed development to the Bow River and Cochrane's western boundary, the Town of Cochrane also maintains significant concerns related to source water protection and dust control/mitigation. The Town's water treatment facility that provides drinking water to our growing population of 32,000 residents is located only a few kilometres downstream from this proposal. As a result, it is imperative that the Town is provided confirmation that this proposal will not impact the Town's water resources, nor those of our regional partners downstream.

With the predominant westerly winds in this area, it will also be critical that dust control and mitigation are addressed to ensure adjacent residents in both Rocky View County and the Town of Cochrane are not impacted by this proposed development.

The Town recognizes the County's MDP goals to support the extraction of natural resources in a manner that balances the needs of residents, industry, and society, and the to support the environmentally responsible management and extraction of natural resources. However, the Town would respectfully request that the County to prioritize Section 15.1 of the MDP which states the County will *minimize the adverse impact of aggregate resource extraction on existing residents, adjacent land uses, and the environment.*

To date, these two key concerns remain outstanding and the Town cannot support the County proceeding with the proposed bylaw until further information and reassurances can be provided.

The Town of Cochrane would also like to take the opportunity to emphasize the importance of two critical initiatives to Rocky View County Council that will be negatively impacted by the proposed development, Cochrane's Community Vision and The Great Trail.

The Cochrane Community Vision is a long-term blueprint for how Cochrane will develop and evolve over the next decade and was formally adopted by Council in November 2019. This guiding document is very important to our Council and reflects Cochrane's aspirations for the future of the community, including the adjacent rural character areas that help define the unique identity of Cochrane and Rocky View County. Through the Community Vision document the Town is seeking to collaborate with Rocky View County to ensure future developments within this area only help to reinforce this rural character for the benefit of both municipalities. As predominantly agricultural lands characterize the land use along the Highway 1a corridor and in the absence of an Area Structure Plan, the Town remained confident our vision was aligned with the County Plan. The introduction of an industrial operation of this magnitude in this area represents a departure from this vision and will have direct impacts upon Cochrane, and our Community Vision.

The Great Trail is a community-based project that envisions a regional trail along the Bow Corridor adjacent to Highway 1a that will eventually connect Canmore, the Stoney Nakoda Nation and the Town of Cochrane. This initiative is anticipated to have a similar tourism multiplier effect that the Banff to Canmore Legacy Trail had following its construction and eventually become a regional and global tourism draw within Alberta. As currently proposed, a large berm is proposed adjacent to this development will be directly impact future users of The Great Trail. Therefore, the Town is seeking an opportunity to collaborate with the County on potential solutions.

In closing, we trust Rocky View County Council appreciates that the Town of Cochrane is focused upon protecting the long-term interests of Cochrane and its residents and recognize that the concerns raised are significant to the future of our community. We look forward to opportunity to explore collaborative solutions with Rocky View County regarding these concerns to ensure that the respective interests of both jurisdictions are adequately reflected. In the meantime, the Town is respectfully requesting that Rocky View County Council consider the following submission during the Public Hearing process and table proposed bylaw until such time as these outstanding matters can be addressed.

Sincerely,



Drew Hyndman  
General Manager, Development & Community Services  
Town of Cochrane

Cc:

Mike Derricott, CAO, Town of Cochrane  
Town Council, Town of Cochrane



**Rocky View County****Council Meeting and Public Hearing – First Notice****Tuesday, July 6, 2021****IN THE MATTER OF Proposed Amendments to Land Use Bylaw C-8000-2020 and  
other statutory public hearings**

**Reference: DIVISION 9** – Public hearing to consider Bylaw C-8073-2020 to portions of NE-15-26-5-W5M, NW/NE-14-26-5-W5M, SE/NW/NE-13-26-5-W5M, SW/NW/E-18-26-4-W5M from Agricultural, General District (A-GEN) to Special, Natural Resources (S-NAT) to facilitate aggregate extraction. Located approximately 1.8 km (1.1 miles) northwest of the Town of Cochrane; located on the south side of Highway 1A, beginning at 0.8 km (0.5 mile) from the intersection of Range Road 53 and Highway 1A to approximately 1.6 km (1.0 mile) east of Range Road 50; with the exception of NW-13-26-05-W05M.

**File:** PL20200066 (06818002/8003/8004; 06913001/3003/4001/4002/5001, 06913002)

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**SUBMISSION OF THE STONEY NAKODA NATIONS AND WOSTE IGIC NABI LTD.**


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Stoney Consultation PO Box 120 Morley, AB T0L 1N0	Woste Igic Nabi Ltd. PO Box 40 Morley, AB T0L 1N0
Attention: William Snow email: <a href="mailto:bills@stoney-nakoda.com">bills@stoney-nakoda.com</a>	Attention: Joseph Stepaniuk Email: <a href="mailto:joes@nakodaog.com">joes@nakodaog.com</a>

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## Introduction

1. This submission regarding Bylaw C-8073-2020 is made on behalf of the Stoney Nakoda Nations (the “Stoney Nakoda”) and its wholly-owned subsidiary Woste Igic Nabi Ltd.
2. The Stoney Nakoda are comprised of the Bearspaw First Nation, Chiniki First Nation, and Wesley First Nation whose main reserve is Morley IR 142, 143, 144, (undivided). The Stoney Nakoda are also known as the Îyârhe Nakoda (People of the Mountains). The Stoney Nakoda were signatories to Treaty No. 7 in 1877.
3. The Chiefs and Councils of the Stoney Nakoda have the authority to protect the collective rights and interests of the Stoney Nakoda as recognized by Treaty No. 7 & the *Natural Resources Transfer Act, 1930* and protected by Section 35 of the *Constitution Act, 1982*.
4. The Stoney Nakoda continue to exercise their Aboriginal rights and treaty rights throughout their traditional lands (collectively, “Section 35 Rights”)<sup>1</sup>. The Stoney Nakoda are seeking judicial recognition of these Section 35 Rights, including Aboriginal title as being claimed in the Court of Queen’s Bench of Alberta, Action No. 0301-19586.<sup>2</sup>
5. These Section 35 Rights are exercised by Stoney Nakoda members within Rocky View County.
6. The Stoney Nakoda traditional territory extends along, in part, the eastern slopes of the Rocky Mountains and the Foothills; therefore, the Town of Cochrane and Rocky View County lie within this traditional territory.
7. The Stoney Nakoda have not surrendered or ceded the use of waters originating and flowing throughout Stoney Nakoda traditional territory, including the bed and banks

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<sup>1</sup> “territories, over which a First Nation traditionally hunted, fished, and trapped and continues to do so today” (see para 48 of *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69 (CanLII), [2005] 3 SCR 388, online: <<https://canlii.ca/t/1m1zn>>, retrieved on 2021-02-24).

<sup>2</sup> Appendix “A”: Maps showing Aboriginal title lands and the traditional lands of the Stoney Nakoda.

of those waters. The Stoney Nakoda have enjoyed since time immemorial continuous use of water in their traditional lands by way of hunting, fishing & trapping and camping, gathering, cultural & spiritual activities.

8. Since 1911, the Stoney Nakoda have been one of the oldest producers of hydro power in Alberta. The water rentals that have been paid yearly since 1911 by the Calgary Power Company, now TransAlta, are a testament to the Stoney Nakoda leadership who fought for Stoney water rights in the early 20<sup>th</sup> Century. The Stoney Nakoda continued work to advance their water rights for the duration of the last century and will continue to do so moving forward into the 21<sup>st</sup>.
9. Stoney water rights are enshrined in the Natural Resources Transfer Agreement between Canada and the province of Alberta, specifically in the 1945 amendment and its reference to the Ghost Reservoir.<sup>3</sup>
10. The Stoney Nations require their traditional lands to continue to exercise their cultural and traditional practices. Importantly, the Stoney Nations require their traditional lands to be ecologically functional to pass on their cultural and traditional practices to subsequent generations. In this way, their culture and traditions are inextricably linked to their traditional lands:

[80] It is critical to consider the nature of the potential loss from an Aboriginal perspective. From that perspective, the relationship that Aboriginal peoples have with the land cannot be understated. The land is the very essence of their being. It is their very heart and soul. No amount of money can compensate for its loss. Aboriginal identity, spirituality, laws, traditions, culture, and rights are connected to and arise from this relationship to the land. This is a perspective that is foreign to and often difficult to understand from a non-Aboriginal viewpoint.<sup>4</sup>

11. Woste Igic Nabi Ltd., a wholly-owned subsidiary of the Stoney Nakoda, owns land in Rocky View County at NE-8-25-5-W5M.

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<sup>3</sup> [\*An Act to Ratify Certain Agreements Between the Government of the Dominion of Canada and the Government of the Province of Alberta, SA 1946, c 2, Schedule I\*](#) (online: retrieved on 2021-06-11).

<sup>4</sup> [\*Platinex Inc v Kitchenuhmaykoosib Inninuwug First Nation\*](#), 2006 CanLII 26171 (ON SC), at para 80 (online: retrieved on 2021-06-11).

12. The land owned by Woste Igic Nabi Ltd. is a mere quarter-section west of the Landowner Circulation Area shown in Appendix 'B' of Bylaw C-8073-2020.
13. Going forward in this submission, all references of "Stoney Nakoda" shall include Woste Igic Nabi Ltd.

### **Failure to Consult**

14. While the Stoney Nakoda have had communications with Rocky View County since January regarding Application PL20200066, BURNCO Rock Products Ltd. ("BURNCO") has not reached out to the Stoney Nakoda who are the nearest First Nations to redesignation lands.
15. The Stoney Nakoda Consultation package was forwarded to BURNCO; however, the Stoney Nakoda have not received a reply. For the BURNCO project, the consultation process with Stoney Nakoda Nation is incomplete.
16. As stated in the introduction, Woste Igic Nabi Ltd. is a landowner near the redesignation lands in Rocky View County.

### **Historical Resources**

17. The Stoney Nakoda are concerned that the historical resource study conducted by Lifeways of Canada Limited in 2019 did not take into account any indigenous perspective since the redesignation lands are privately owned. That is, there was no field work performed in conjunction with the Stoney Nakoda or their knowledge keepers.
18. The lands at issue are within the traditional territory of the Stoney Nakoda and could therefore contain gravesites, artifacts and other cultural resources important to the Stoney people, especially since there are 28 tipi rings located in the project area.

19. The Stoney Nakoda historically travelled through this area<sup>5</sup> and also have oral history and traditional stories of the area. See the attached maps in Appendix 'B' that give context to the Stoney Nakoda's pre-settlement use of the area where the tipi rings are located.<sup>6</sup>
20. Without consultation with and contribution from the Stoney Nakoda, any historical use studies will fall short. Stoney Nakoda gravesites, artifacts and cultural resources on private land are equally as important to the Stoney Nakoda as they are on Crown land within our traditional territory.
21. With respect to Lifeways of Canada Limited's recommendation that additional mitigation be required for the archaeological sites in Disturbance Areas 1, 3 and 4 prior to development, the Stoney Nakoda should at the very least be engaged in the process and study because of their historical presence in the area.
22. By way of example, Altalink was decommissioning an electrical transmission line on private land located south of the Town of Ponoka in 1966. When the power poles were removed, human remains were unearthed and an archaeological excavation was subsequently conducted. These remains were of the disbanded Sharphead Indian Band, one of the Nakoda speaking Bands in Alberta.
23. At that time, 26 different human remains were unearthed and eventually taken to University of Alberta and City of Edmonton facilities. In later years, 2 additional bone sets were uncovered, bringing the total to 28 sets of human remains.
24. In 2007, the Government of Alberta contacted 15 First Nations in order to decide how to reburial the human remains. It was not until 2014 that a special plot of Crown land, west of Ponoka, was set aside for a reburial ceremony that included Stoney Nakoda and Cree ceremonial leaders, according to First Nation protocols.

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<sup>5</sup> *Chaps and Chinooks: a history west of Calgary*, vol 1 (Calgary, Alberta: Foothills Historical Society, 1976).

<sup>6</sup> *Ibid* at pages 6, 66 and 67; and *Big Hills Country: Cochrane and Area* (Cochrane and Area Historical Society, 1977) at page 74.

25. Today, the First Nations consultation policies still do not apply to private land. This is no longer an appropriate approach when major projects, such as gravel pits, disturb multiple sections of land, especially where there is already such clear evidence of First Nations presence.
26. Presently there is no legislation in place to protect gravesites of First Nations in Alberta and there should be. Legislation would allow for the necessary protections for gravesites in a proactive manner as opposed to risking the chance that these sites are disturbed once a project has already been approved.
27. BURNCO's MSDP doesn't address this legislative gap and Rocky View County should take into consideration this lack of adequate protection of First Nation grave sites when contemplating the redesignation of the lands for aggregate extraction.
28. In 2000, Alberta enacted the *First Nations Sacred Ceremonial Objects Repatriation Act*, RSA and in 2004 passed the *Blackfoot First Nations Sacred Objects Repatriation Regulations*, Alta Reg 96/2004. The Stoney Nakoda do not have the benefit of similar legislation to repatriate and protect its own ceremonial and sacred objects. This has created a gap in the acknowledgement of and the protection specifically for the Stoney Nakoda.

## **Water**

29. While the Bow River runs through the Stoney Nakoda reserve upstream of the project development area, the Stoney Nakoda are concerned about the overall health of the Bow River system.
30. The removal of an estimated 15,000,000 tonnes of aggregate along the Bow River would cause significant damage to the aquifer and compromise the aquifer's ability to filter contaminants resulting from the development.
31. Considering the importance and the interconnectedness of the ecosystem and watershed of the Bow River Basin both upstream and downstream from the lands for



redesignation, landowners further along the Bow River, specifically in the Seebe to Bears paw Sub-Basin, should have been informed about the project.

32. Woste Igic Nabi Ltd. should have been included in the notification to the landowners.

### **Need for the project**

33. The Stoney Nakoda do not support the redesignation of the lands shown in Schedule A of Bylaw C-8073-2020. The Stoney Nakoda regard BURNCO's development as direct competition with the Goodstoney Gravel Pit at Morley.
34. The Master Site Development Plan ("MSDP") lists four other pits operated by BURNCO; however, Council cannot to ignore the many other pits in operation or proceeding through the approvals process within Rocky View County and the neighbouring M.D. Foothills and M.D. Bighorn. For example, Bylaw C-8027-2020 regarding the rezoning of lands for Mountain Ash Limited Partnerships' Summit Pit also located within Rocky View County and more specifically within the Big Hill Springs area was recently approved by Council. How many simultaneous 30-year operations do there need to be in Rocky View County?
35. The Stoney Nakoda's own Goodstoney Gravel Pit, once opened, will operate for approximately 25 years and will supply aggregate for the Highway 1A upgrade/expansion and also for the Springbank Off-Stream Reservoir & Highway 22 project.
36. It is conceivable that BURNCO may be hoping to supply Alberta Transportation with aggregate for the aforementioned projects. Alberta Transportation has undertaken that the required aggregate for the Highway 1A expansion will be will be supplied by the Stoney Nakoda.
37. With the likelihood that BURNCO's pit will not be supplying aggregate to these major projects, the need for a new aggregate pit in the area is questionable.
38. To minimize the impact to the environment and reduce the overall cumulative effects of multiple aggregate extraction projects, the Rocky View County needs to delay the

project until such time there is a justifiable need for more aggregate extraction in the Bow Valley Corridor.

39. Bylaw C-8073-2020 should not be approved or proceed to second reading.

### **Deficiency of the Public Hearing process**

40. The minimal requirements for notice and public hearings pursuant to the *Municipal Government Act*<sup>7</sup> do not satisfy public demand for early and better engagement for amendments to bylaws.
41. Further, these minimal requirements make no concession for the unique nature of consultation required with the Stoney Nakoda. While the Stoney Nakoda are not landowners in the traditional sense (aside from the land owned by Woste Igic Nabi Ltd.), the Stoney Nakoda are immediate residents to these lands and as First Nations hold unique interest in development projects in the area, regardless of whether those projects are on private or Crown Land.
42. The following map shows the Stoney Nakoda reserve lands are, at certain locations, less than 1 km from the development area on the north side of the Bow River. The Stoney Nakoda on the south side of the river on the eastern side would be affected by noise, light and air pollution resulting from the development.

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<sup>7</sup> RSA 2000, c M-26.



43. A thorough cultural and traditional use study should be done for this area and is needed now under the current consultation and constitutional guidelines, before any additional encroachment on traditional territory is incurred by the development.

### **Reconciliation and UNDRIP**

44. In the spirit of reconciliation, applicants to the Rocky View County – in this case, BURNCO Rock Products Ltd. – and the County itself have an obligation to take into consideration the Truth and Reconciliation Commission's (the "TRC") calls to action to provide a more inclusive approach when it comes to the Stoney Nakoda neighbours.
45. BURNCO Rock Products Ltd. and Rocky View County ought to address the following TRC calls to action:

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

92. We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

- i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
- iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>8</sup>

46. The Stoney Nakoda submit that Rocky View County ought to interpret and apply its bylaw approvals and Master Site Development Plan processes through the lens of the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP").
47. The Government of Canada acknowledges UNDRIP as “a road map to advance lasting reconciliation with Indigenous peoples”.<sup>9</sup> Again here, a shift in perception needs to reach the municipal level.

Article 19 – States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 25 – Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

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<sup>8</sup> Online: [https://nctr.ca/assets/reports/Calls\\_to\\_Action\\_English2.pdf](https://nctr.ca/assets/reports/Calls_to_Action_English2.pdf).

<sup>9</sup> Online: <https://www.justice.gc.ca/eng/declaration/index.html>.

Article 27 – States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.<sup>10</sup>

48. UNDRIP is no longer an aspirational document. Already, certain levels of government are reviewing legislation to address UNDRIP.
49. The Senate recently passed Bill C-15 to align Canada's laws with UNDRIP. The Stoney Nakoda encourage Rocky View County to anticipate the trickle-down effect of this change in Canada's laws, act progressively, and adopt a framework for the implementation of UNDRIP when it comes to Bylaw C-8073-2020 and other bylaws that affect its First Nation neighbours, the Stoney Nakoda.

## COVID-19

50. While the Stoney Nakoda continue working to overcome administrative and productivity interruptions as a result of the COVID-19 pandemic and the corresponding provincial health restrictions, they are facing additional issues on reserve and recent spike in cases. Health outcomes are more severe for the Stoney Nakoda community; therefore, the Stoney Nakoda must remain vigilant and keep community restrictions in place until the vast majority of members are fully vaccinated. With the threat of the Delta variant on the rise, the Stoney Tribal Council does not relish declaring a third state of local emergency due to another sharp increase in COVID-19 cases within the community or having to impose once again safety measures stricter than that of the province.
51. As a result of stricter measures on reserve, most of Stoney Nakoda's offices remain closed and various key personnel are still under reassignment to prioritize community support. The Stoney Nakoda will continue to have limited resources to properly

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<sup>10</sup> UN General Assembly, [United Nations Declaration on the Rights of Indigenous Peoples: resolution/adopted by the General Assembly, 2 October 2007, A/RES/61/295.](#)



review, analyze and prepare a thorough cultural study because opening on reserve will be done prudently.

52. Until many of the Stoney Nakoda members are fully vaccinated and operations can return more toward *normal*, the fieldwork required for a full cultural assessment is unfeasible. The health risks are too great, particularly for Elders, because the health outcomes are notably worse for the Stoney Nakoda community.
53. If the Stoney Nakoda do not have a chance to do a study now under the current consultation and constitutional guidelines, their continued cultural history in the area cannot be properly represented in relation to the Land Use Bylaw or Bylaw C-8073-2020.

## **Conclusion**

54. The Stoney Nakoda attempted to engage with BURNCO but received no reply or invitation to meet. As a result, the Stoney Nakoda have had no opportunity to express their concerns with respect to possible damage to the known tipi rings, to undiscovered gravesites, and cultural resources.
55. The Rocky View County Council ought to expand its process for public engagement. The Stoney Nakoda believe that more in-depth engagement and an improved public participation policy would lead to better solutions for the community. Late and minimal engagement is dissatisfying. Concerns are often ignored or glossed-over because what is being considered is in an advanced stage of planning.
56. Some municipalities, such as Calgary and Lethbridge, have developed engagement processes with an aim to work more collaboratively with their First Nation neighbours. Why not Rocky View County?
57. The Stoney Nakoda stress the need for traditional environmental knowledge studies specific to the land use, and particularly extraction, to accompany western scientific studies for a more comprehensive understanding of environmental and cultural issues.

58. In the spirit of reconciliation, Rocky View County or BURNCO should fully support and fund the Stoney Nakoda in traditional environmental knowledge and cultural assessments of the area before redesignation may be granted, any further development occurs, and any further aggregate extraction is allowed.
59. The Land Use Bylaw should be amended to reflect the Calls to Action, UNDRIP and, more specifically, the Stoney Nakoda's Aboriginal rights and title.
60. The Stoney Nakoda object to Bylaw C-8073-2020 for the foregoing reasons.
61. The Stoney Nakoda object to Bylaw C-8073-2020 proceeding to a second reading.
62. For the foregoing reasons, the Stoney Nakoda want to present to Council during the Public Hearing.
  - a. Joe Stepaniuk, William Snow and three elders, one from each of the Bearspaw, Chiniki and Wesley First Nations, would appreciate the opportunity to present to Council on July 6, 2021.

Respectfully submitted this 23<sup>rd</sup> day of June 2021.



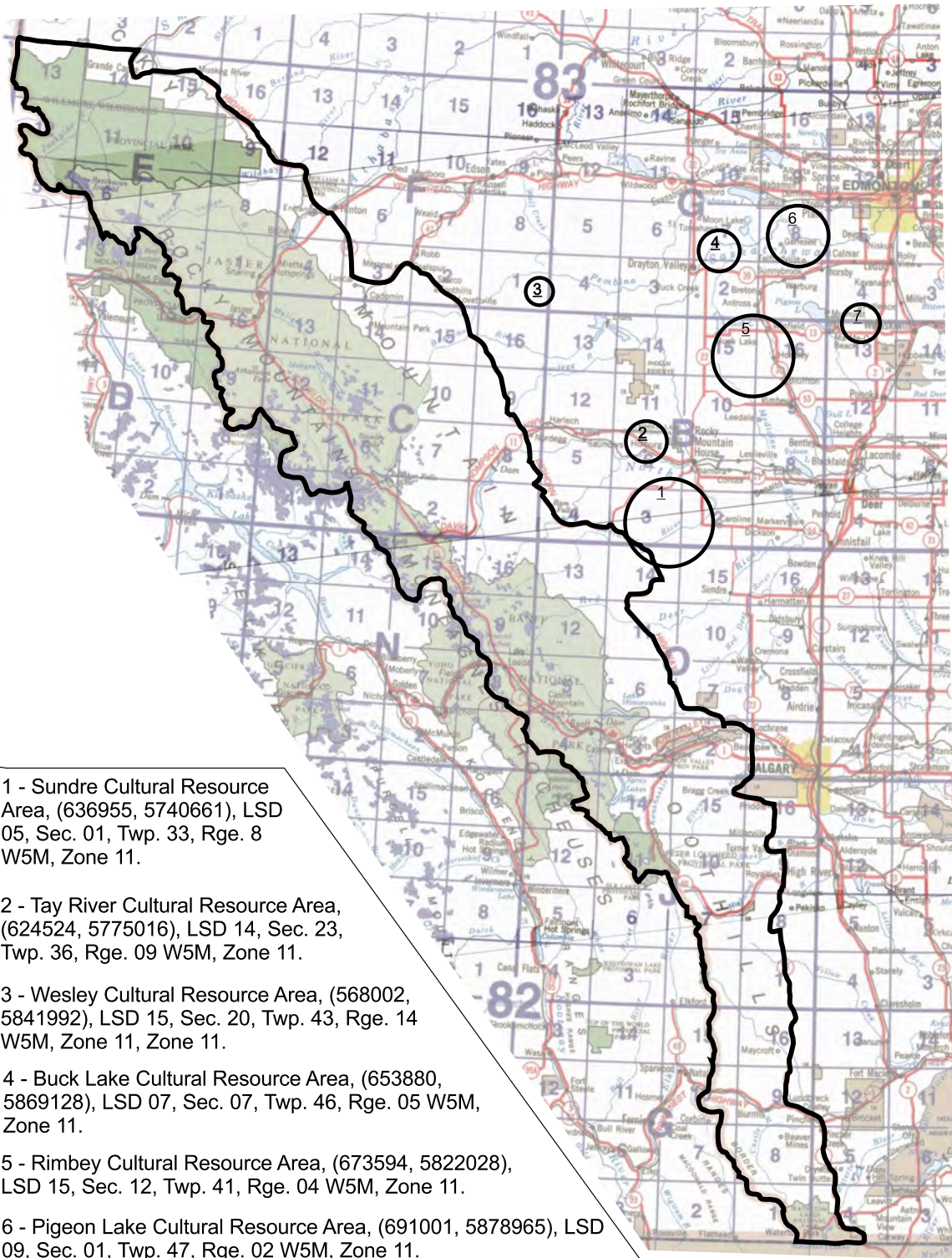
Title: Stoney Nakoda Nations, Aboriginal Title  
Location: Central and Southern Alberta

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Scale: 1: 1,000,000

Date: March 2013

### Appendix 'A'



Note: All points are NAD 27 Datum.

— = Stoney Nakoda Traditional Lands

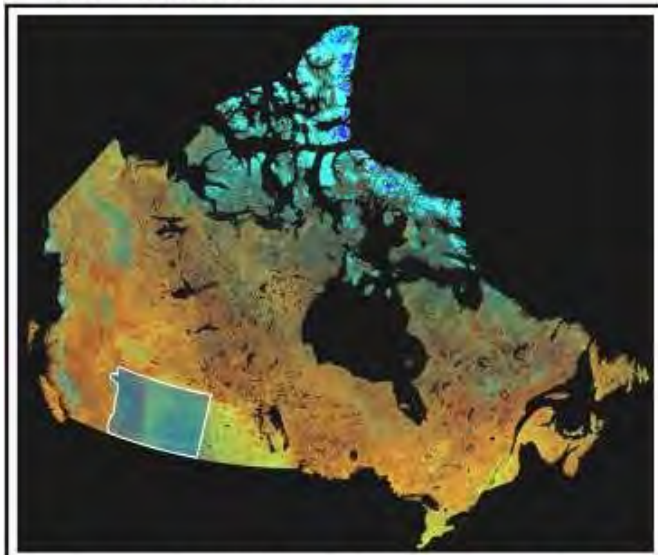


### Stoney Nakoda First Nation Land Claim Area




Scale [approximate] 1 : 2,500,000

Source: National Atlas of Canada, Natural Resources Canada, 1999



Scale [approximate] 1 : 10,000,000

Source: Natural Resources Canada, 1999

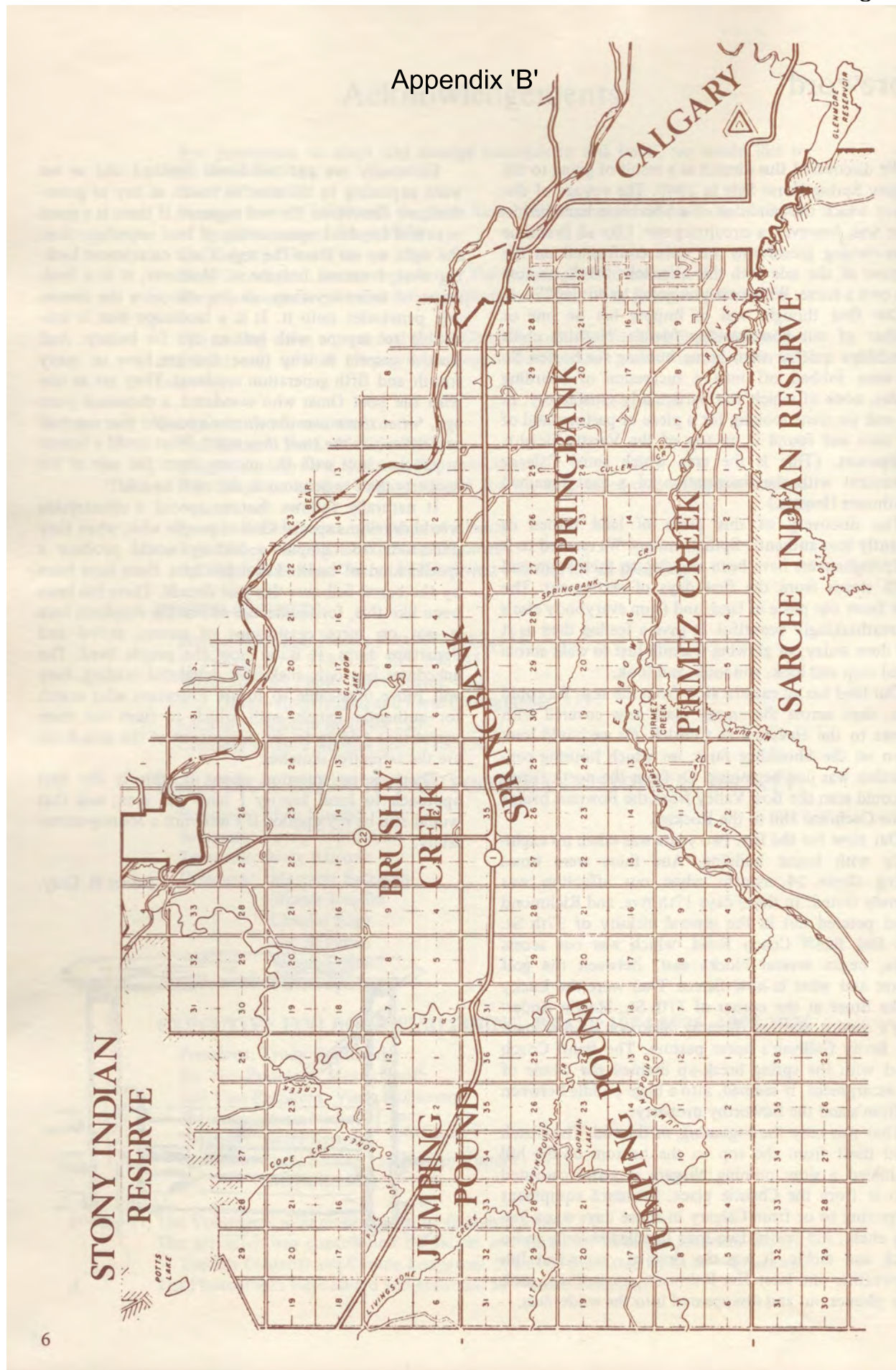
 Stoney Nakoda First Nation  
traditional land use and prior  
occupancy land claim area\*

\* Disclaimer: These boundaries are **not** intended to serve as a  
precise geographic survey of the land claim area.

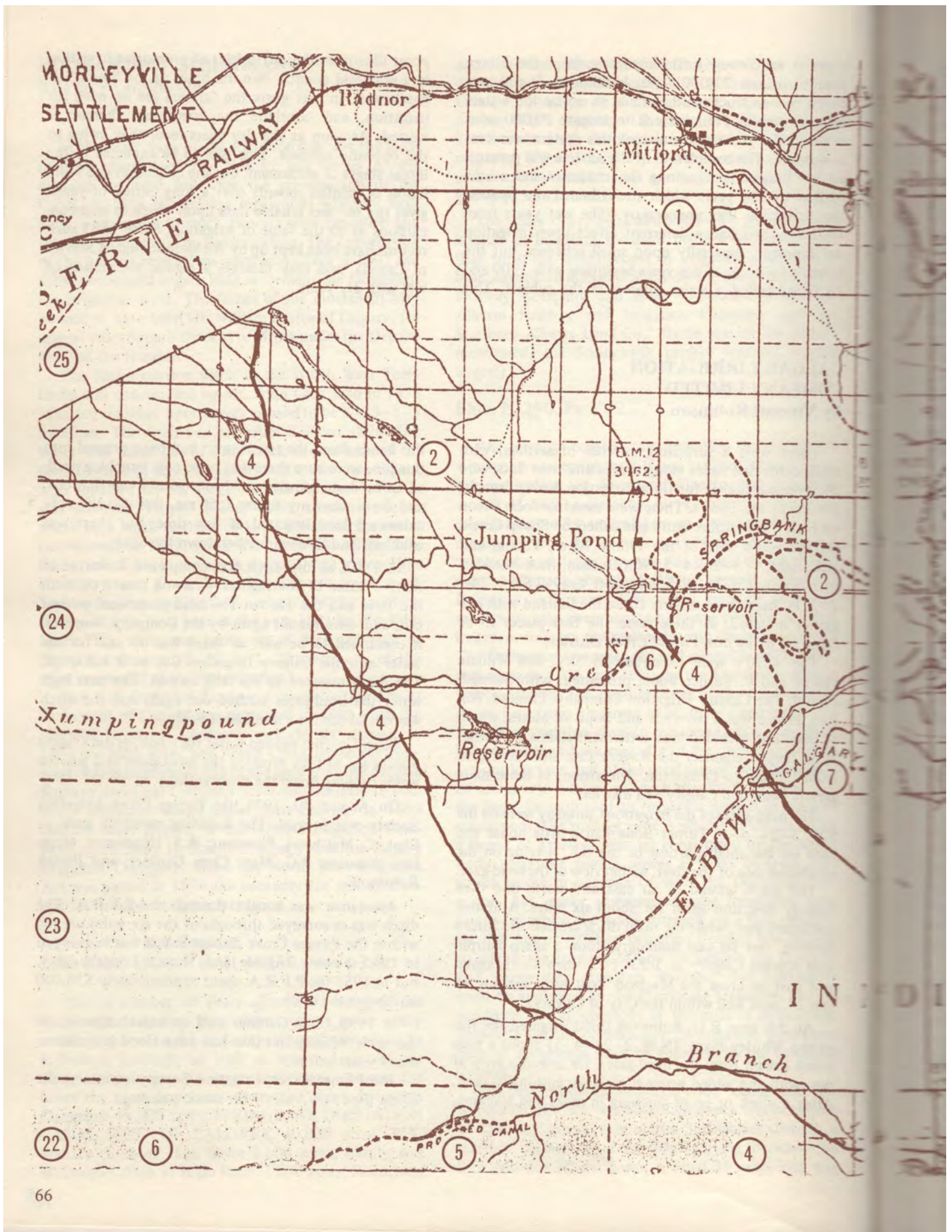


Snow and Associates Inc., July 2007

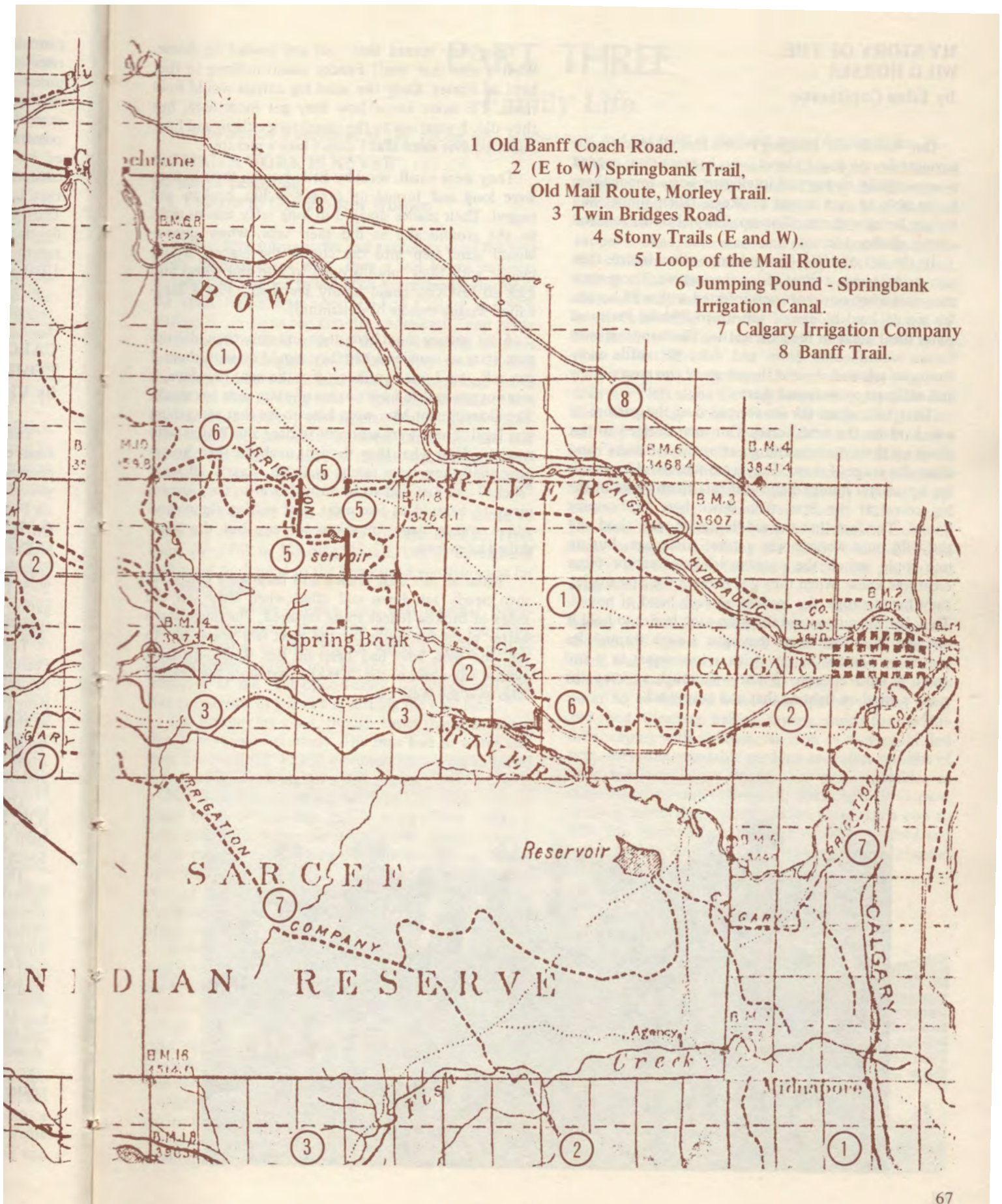


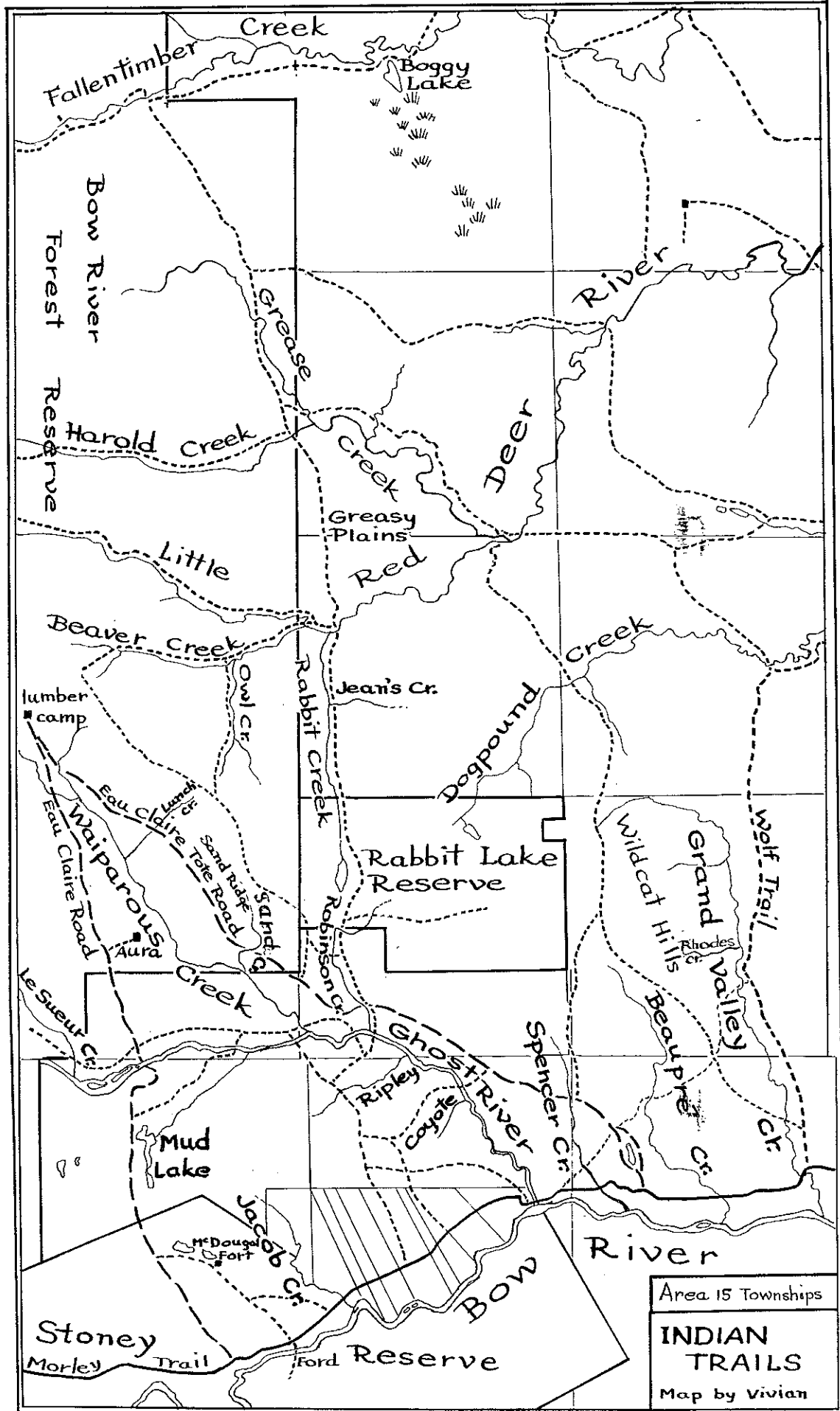


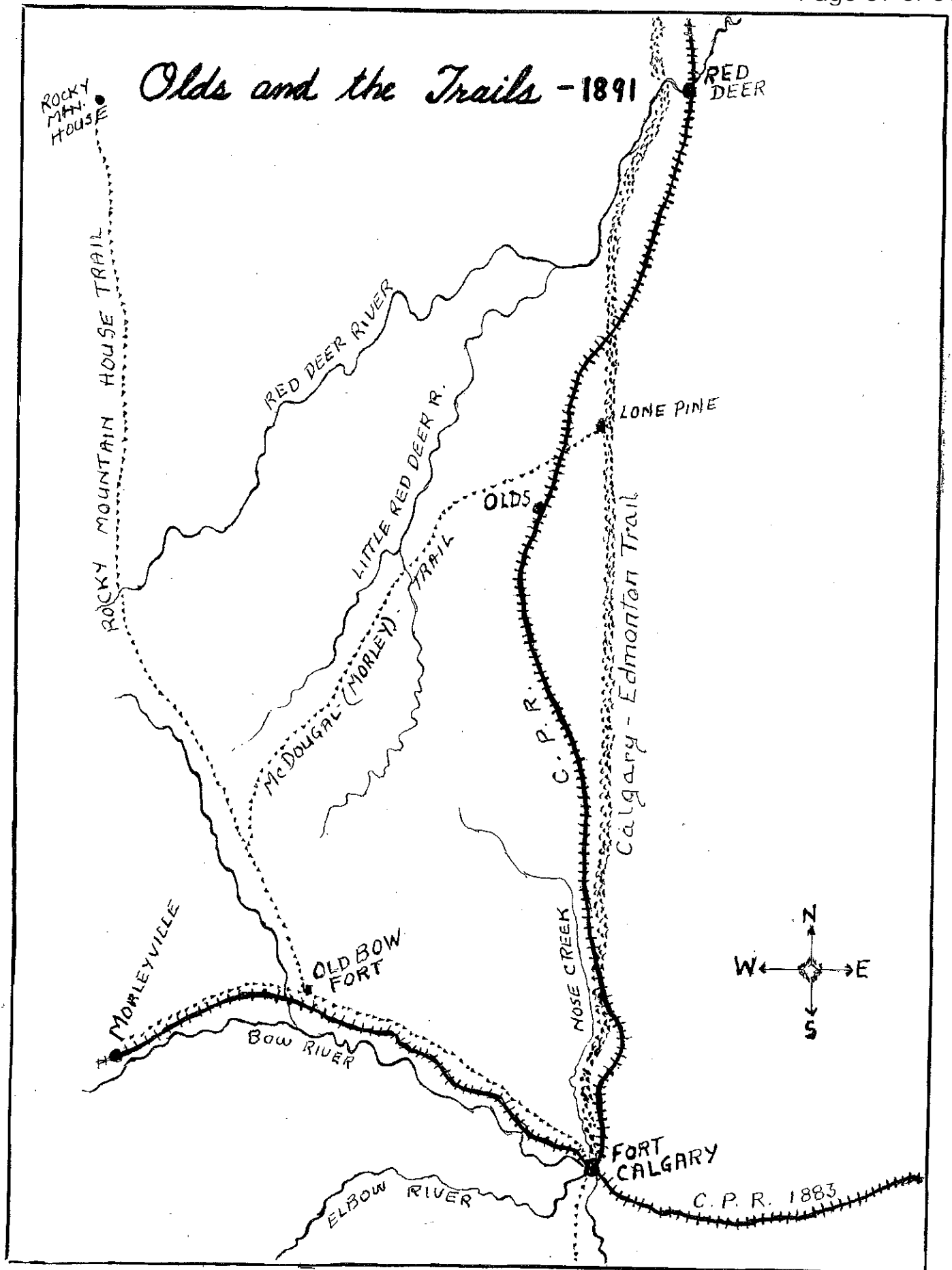












## A HISTORY OF OLDS AND AREA



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