

March 21, 2022

Without prejudice

# Tsuut'ina Nation North Boundary Fencing Project

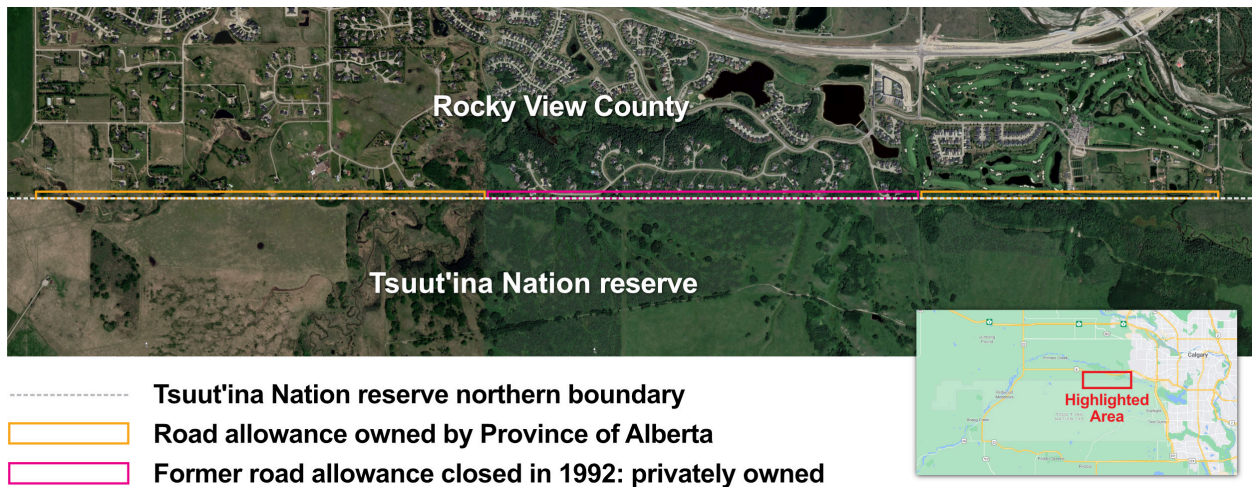
## Executive Summary

The Tsuut'ina Nation is working to construct a fence along a portion of the northern boundary of the Tsuut'ina Nation reserve. This is being done to help address illegal trespass of the reserve, and to offer protection from the dangers presented by unexploded ordnance located on reserve lands. The fence will extend 10km in total, with approximately 3.5km adjacent to the City of Calgary, and approximately 6.5km located along the boundary with Rocky View County. A 6-foot tall page-wire wildlife fence will be constructed, and the portion adjacent to Rocky View County is expected to be completed by the end of April, 2022.

In 2019, Stantec Engineering was engaged to undertake a survey of the boundary, in order to accurately establish and mark the property line. That work has been completed through recognized industry best-practices, including GPS location. This has resulted in the identification of the precise location of the north boundary of the reserve, as well as creating a record of encroachments along this line.

### Boundary with Rocky View County

Of the 6.5km of the new fence that will be built along the Rocky View County boundary, 4.1km will be located adjacent to Government road allowance lands which are owned by the Province of Alberta and managed by the County. The remaining 2.4 kilometres of the fence will adjoin private property within the community of Elbow Valley. In 1992, Rocky View County approved the closure of a portion of the road allowance adjacent to the reserve, which was then consolidated with private holdings to the north. This consolidated land is now the community of Elbow Valley, and contains 23 lots that directly adjoin the Tsuut'ina Nation reserve.



### Fencing, encroachment and close proximity

#### Existing Fencing Encroachments

Various types of fencing exists along the northern boundary of the Tsuut'ina Nation reserve, the majority of which is a 1.2m barbed-wire fence. This fencing is missing in several places, but where it does exist, it rarely conforms to the true property line. The fencing meanders along the boundary, and in places it encroaches into the reserve by as much as 3.17m.

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## Road Allowance Encroachments

Several landowners to the north of the Government road allowance encroach upon that land with fencing, landscaping, sheds, a driveway, and other private improvements. For example, the Elbow Springs Golf Club have constructed a portion of their 'Springs' course within the road allowance land. According to a recent Freedom of Information request, Rocky View County has not leased any of this land, and private use of these road allowances would appear to be unauthorized. While these encroachments come extremely close to the Nation's property line in some cases, they do not appear to extend onto the reserve itself.

In addition to the private uses, there are a total of 10 utility poles that have been erected north of the proposed fence within the Government road allowance. These poles do not encroach on the reserve, but in some cases they are located as close as 10cm from the property line.

## Private Property Proximity

Various improvements have been constructed on private property within the community of Elbow Valley which are close to the reserve boundary, but do not encroach onto the reserve itself. These include a tennis/sports court located 2.35m from the property line, and an electrical transformer located 1.88m from the property line.

## Trespass

There exists numerous trails leading from Rocky View County into the reserve, as well as fire pits, improvised shooting ranges, and shelters; all clear indications of illegal trespass on reserve land. This situation is especially concerning as the portion of the reserve along the new fence line was used for over 80 years as a Canadian Military artillery and bombing range. A real danger continues to exist from unexploded ordnance, and every year a significant number of explosives are unearthed in this area. Secure fencing and warning signage is required for the security of reserve land and the safety of Rocky View County residents.

## Funding

The total estimated cost of the project is \$528,885 and the Tsuut'ina Nation is taking on the cost of this work. The City of Calgary has committed \$80,000 towards the fence replacement work where it adjoins their jurisdiction.

The Tsuut'ina Nation is requesting \$80,000 from Rocky View County in order to offset a portion of the Nations's costs on this project. This money will contribute towards fence construction, brushing and warning signage.

## Notification

On January 18, registered letters were sent to the 23 adjoining homeowners with details of the fencing project, and was followed on January 21 with a similar letter to each of the affected condo corporations. On February 4, an initial conversation took place with the President of the Elbow Valley Resident's Club, and a virtual meeting occurred on February 10 between the Nation's representatives, the President of the Resident's Club, and Rocky View Councillor Kevin Hanson to discuss and review the details of the fencing project.