

APPENDIX D



COLD LAKE FIRST NATIONS

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May 21, 2024

Municipal District of Bonnyville No. 87
4905 – 50 Avenue, Bag 1010
Bonnyville, AB T9N 2J7

Via Email : kpoirier@md.bonnyville.ab.ca

Attention: **Kirsty Poirier**
Development Officer

Re: **Application for Development Permit 2024-D0108 – Gullackson, Paul & Lynn**
Addition of 50 RV Sites – (SW-7-63-1-W4M)

I am writing to you on behalf of Cold Lake First Nations (“CLFN”). CLFN is the representative of the *Łuwechogh Túwé Denesųliné*. Our Nation has lived in *Denne Ni Nenne* (our Lands)¹ since time immemorial. We are empowered with the responsibility to ensure the lands, waters and living things within *Denne Ni Nenne* are stewarded and protected. We believe these are values that are shared by the MD of Bonnyville No. 87.

As a municipal government, the MD of Bonnyville has a duty to consult with CLFN when making land use decisions and other decisions that may impact our Indigenous and Treaty rights. This is not just a legal duty of all government actors² but an essential action on the path of reconciliation between our communities. For example, the Truth and Reconciliation Commission called on municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples in several of its calls to action.³

Our Nation was not notified of the above noted application, even though the proposed development is proximate to our reserve lands and is adjacent to a tributary to Cold Lake (*Łuwechogh Túwé*). We learned about the application through a notification provided to one of our companies, Primco, who owns the land directly adjacent to the proposed development (the

¹ See enclosed map

² See for example *Rio Tinto AlCan Inc v Carrier Sekani Tribal Council* 2010 SCC 43, *Clyde River v Petroleum Geo Services Inc* 2017 SCC 40 and *Chieppewas of the Thames First Nation* 2017 SCC 41

³ Truth and Reconciliation Report calls to action 43, 47, 57 and 75

“Primco Lands”). In the future, we would ask the MD to provide our Nation with direct notification of land use development applications within Denne Ni Nenne. All such notifications can be sent to consultation@clfn.com. We would also invite a discussion regarding establishment of a consultation protocol between CLFN and the MD to guide future engagement.

Regarding this proposed development we have a number of concerns that we trust the MD will consider before making its decision, including identifying the reasoning behind not requiring a Land Use change. We understand the Agricultural use classification includes the potential for development of “Intensive Recreation” as a discretionary use, however given the Land Use classification of “Intensive Recreation” exists, it is unclear to us why a Land Use change was not requested. The development of 50 sites, including pads, internal roadways, and eventually electrical servicing would certainly impact the ability of the landowner to use the parcel for agricultural purposes, thus materially changing the Land Use. This is particularly true considering the footprint of the development, which encompasses nearly the entire parcel.

As there are currently no regulations identified as applying to the Intensive Recreation discretionary use, the MD of Bonnyville Planning Team indicated to CLFN staff the “Campground Regulations” would be used as a general guide. We believe the “Campground” regulations should be applied to this application **in their entirety** as a condition of approval should this matter proceed as a Development Permit. This approach would lend much more certainty to the MD and the surrounding community as to the impacts of the plan. Currently, the application as submitted is incomplete, missing critical information such as confirmation as to whether utility providers have been contacted to ascertain the sites’ serviceability as well as the date of submission.

The Nation also have concerns related to the impacts on the land and the CLFN community:

Land Impacts:

While we appreciate that the applicants will be encouraging campers to address their sewage disposal needs at a cleanout station off-parcel, the reality is that many campers are tempted to dispose in the bush if they assume they will not be noticed doing so. Unsanctioned disposal would create a public health and potentially an environmental risk. We encourage the MD to

require on-site disposal options for this project to proceed, eliminating the risk of long-term users being reluctant to break camp in order to empty their tanks. We are concerned this risk is elevated due to the sheltered location of the sites from public view, particularly along the western perimeter. It is also unclear as to the distance the sites along the lakeshore are setback, and it is our understanding from our own geotechnical work in the area that the soils are sandy enough to make septic runoff a concern for the lake health if it were to be deposited nearby.

The Nation also has concerns related to fire safety. This concern would also be addressed by the application of the "Campground" regulations, as they require a safety plan. The applicant's "Safety Policy" as submitted with their application clearly puts the risk and response on others' shoulders, both the campers and the MD. CLFN would like to ensure that the property owners are actively involved in crafting clear emergency response plans for their campers and their neighbours, and that they accept responsibility for the same.

Impacts on the Community:

The Primco Lands are lands used by CLFN members for the practice of their Treaty and Indigenous Rights. We want to ensure our members feel safe to continue using the Primco Lands. We are concerned about trespass by RV users onto the Primco Lands and with encroachment by RV users both physically and through increased noise. We would like to see a greater setback for the planned RV pads from the property line and also that a fence be constructed to ensure RV users know the Primco Lands are not there for recreational use.

With the expansion of CFB Cold Lake and the hangar buildout projects associated with the new jets, Cold Lake and the surrounding area is facing a large housing shortage. CLFN has met with the City of Cold Lake to attempt to address some of these issues and is concerned for the potential of the RV park to become a defacto work camp so near the City and our Reserve Lands (149A). Similar informal camps have sprung up near projects in the past and have had negative impacts on our community members. In particular our women and children are uniquely vulnerable to the influx of a young, predominantly male workforce⁴. Again, having

⁴ *Final Report of the National Inquiry Into Missing and Murdered Indigenous Women and Girls*

more clarity attached to this application such as the operating parameters would certainly help alleviate some of our concerns.

Cold Lake First Nations

Per:



Chief Kelsey Jacko

cc. consultation@clfn.com



primco dene

May 21, 2024

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4905 – 50 Avenue, Bag 1010
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Via Email : kpoirier@md.bonnyville.ab.ca

**Attention: Kirsty Poirier
Development Officer**

**Re: Application for Development Permit 2024-D0108 – Gullackson, Paul & Lynn
Addition of 50 RV Sites – (SW-7-63-1-W4M)**

We write in response to the notice of application received on May 13, 2024. We have a number of concerns regarding the proposed application that we trust the MD will consider before making its decision, including identifying the reasoning behind not requiring a Land Use change. We understand the Agricultural use classification includes the potential for development of "Intensive Recreation" as a discretionary use, however given the Land Use classification of "Intensive Recreation" exists, it is unclear to us why a Land Use change was not requested. The development of 50 sites, including pads, internal roadways, and eventually electrical servicing would certainly impact the ability of the landowner to use the parcel for agricultural purposes, thus materially changing the Land Use. This is particularly true considering the footprint of the development, which encompasses nearly the entire parcel.

As there are currently no regulations identified as applying to the Intensive Recreation discretionary use, we understand the "Campground Regulations" would be used as a general guide. Primco shares the belief the "Campground" regulations should be applied to this application in their entirety as a condition of approval should this matter proceed as a Development Permit. This approach would lend much more certainty to the MD and the surrounding community as to the impacts of the plan. It would also provide clarity around the expectations to ensure good relationships with our neighbours going forward. Should Primco elect to develop our adjacent lands in a similar manner in the future, the outline and guidance provided for in the "Campground" regulations would provide clarity of expectations.

Primco also has concerns related to the impacts on the land and the Indigenous and vulnerable community members in the area.

Innovative Solution

While we appreciate that the applicants will be encouraging campers to address their sewage disposal needs at a cleanout station off-parcel, the reality is that many campers are tempted to dispose in the bush if they assume they will not be noticed doing so. Unsanctioned disposal would create a public health and potentially an environmental risk. We encourage the MD to require on-site disposal options for this project to proceed, eliminating the risk of long-term users being reluctant to break camp in order to empty their tanks. We are concerned this risk is elevated due to the sheltered location of the sites from public view, particularly along the western perimeter and the shared (northern) boundary line with Primco lands.



primco dene

Primco also has concerns related to fire safety. This concern would also be addressed by the application of the "Campground" regulations, as they require a safety plan. The applicant's "Safety Policy" as submitted with their application clearly puts the risk and response on others' shoulders, both the campers and the MD. Primco would like to ensure that the property owners are actively involved in crafting clear emergency response plans for their campers and their neighbours, and that they accept responsibility for the same.

The Primco Lands are currently used by CLFN members for the practice of their Treaty and Indigenous Rights. We want to ensure our members feel safe to continue using the Primco Lands. We are concerned about trespass by RV users onto the Primco Lands and with encroachment by RV users both physically and through increased noise. We would like to see a greater setback for the planned RV pads from the property line and also that a fence be constructed to ensure RV users know the Primco Lands are not there for recreational use.

With the expansion of CFB Cold Lake and the hangar buildout projects associated with the new jets, Cold Lake and the surrounding area is facing a large housing shortage. We are aware CLFN has met with the City of Cold Lake to attempt to address some of these issues over the long term, but we remain concerned for the potential of the RV park to become a de facto work camp so near the City and Cold Lake First Nations Reserve Lands (149A). Similar informal camps have sprung up near projects in the past. We are concerned that if the application is approved without proper oversight, increased traffic to and use of the RV park on a permanent or semi-permanent basis will have a negative impact on the value and future uses of our adjacent lands.

Innovative Solution

Yours truly,

**Cold Lake Free Hold Lands GP Ltd.
and Primco Dene Ltd.**

Per: DocuSigned by:


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James Blackman, CEO



primco dene

cc. consultation@clfns.com



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