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Our File: 62041-000/RJB

To whom it may concern:

Re: Natural Resources Conservation Board

The Natural Resources Conservation Board issued a permit, dated March 17, 2022 (the “March 2022 Permit”), containing the following condition:

“The permit holder shall conduct a Traffic Impact Assessment. The Traffic Impact Assessment shall be done according to the guidelines provided by Vulcan County together with Alberta Transport (as applicable) and provided to Vulcan County for follow up. The results of the assessment shall be provided to Vulcan County prior to commencing construction. The NRCB delegates the oversight of this process, including scope, details, resulting commitments, and compliance, to Vulcan County.”
 (“Condition 3”)

Our reading of Condition 3 requires the developer to:

1. Before construction;
2. Perform a traffic impact assessment;
3. Provide the results to Alberta Transport and Vulcan County
4. For “follow ups” and “resulting commitments”; and
5. The oversight over which is delegated to the Vulcan County.

In our view, the inclusion of Condition 3 in the March 2022 Permit asks the Developer to commit unquantified resources to the project before knowing what is expected of it. Condition 3 attempts to control for damage that would result from increased hauling operations by forecasting problems and repairs ahead of their actual happening. This is unworkable and impractical and we do not believe that is the intention of the Developer, the NRCB, or Vulcan County.

In contrast, a Road Use Agreement presented by the Vulcan County, avoids the same type of ambiguity by providing a fixed quantifiable method for calculating the impact of the hauling activities in the Vulcan County infrastructure. We believe this would be preferable for all those involved and would address the concerns of all the interested parties that ultimately underly the inclusion of Condition 3 in the March 2022 Permit.

Sincerely,

DAVIDSON & WILLIAMS LLP

Per:
RYLAN J. BOUDREAU
Barrister & Solicitor
RJB/mkk