



# Métis Nation of Alberta

*A strong Métis Nation embracing Métis rights*

(780) 455-2200 | 1-800-252-7553 | albertametis.com | mna@metis.org  
11738 Kingsway NW | 100 Delia Gray Building | Edmonton, AB | T5G 0X5

---

September 29, 2022

**VIA EMAIL**  
**(Laura.Friend@nrcb.ca)**

Natural Resources Conservation Board  
John J. Bowlen Building  
#901, 620 - 7 Avenue SW  
Calgary AB T2P 0Y8  
403-297-8269

Attention: Laura Friend, Manager, Board Reviews

Ms. Friend,

**Re: Métis Nation of Alberta rebuttal to Application #RA21045 RFR**

## **Introduction**

On August 31, 2022, the Approval Officer (“AO”) released his decision (the “Decision”) to deny Application RA21045 (the “Application”) from G & S Cattle Ltd. (the “Applicant”) for a 4,000 beef finisher Confined Feeding Operation (“CFO”). The AO confirmed in his Decision that the Métis Nation of Alberta (“MNA”) is a “directly affected party” to the Application.<sup>1</sup> On September 22, 2022, the Applicant filed a Request for Board Review (“RFR”) of the Decision. On September 23, 2022, the Natural Resources Conservation Board (“NRCB”) sent a letter to the MNA and other directly affected parties advising them of the opportunity to submit a response to the Applicant’s RFR (“NRCB Letter”).<sup>2</sup> The MNA—as a directly affected party—submits this response to the Applicant’s RFR, in accordance with the NRCB Letter and section 13(4) of the *Agricultural Operation Practices Act Administrative Procedures Regulation*.<sup>3</sup> The MNA would like to reaffirm the points it made in its original statement of concern, submitted on May 27, 2022 (“MNA Statement of Concern”). The MNA is opposed to the Application and the RFR. The MNA submits that the Decision to deny the Application was correct and the Applicant’s RFR should be dismissed.

---

<sup>1</sup> NRCB Decision Summary RA21045 (31 August 2022) at 22-23 [Decision Summary].

<sup>2</sup> 20220923 NRCB Notice Letter to Parties re Filed RFR and Rebuttal Opportunity.

<sup>3</sup> *Agricultural Operation Practices Act Administrative Procedures Regulation*, Alta Reg 106/2017, s 13(4).

## **The MNA and its Interest in the Application and the RFR**

As set out in detail in the MNA Statement of Concern, the MNA is the authorized and representative governing body for the Métis Nation within Alberta and its regional rights bearing communities that collectively hold Aboriginal rights, claims, and interests protected by section 35 of the *Constitution Act, 1982* (“Section 35”).<sup>4</sup> Each of the MNA’s over 55,000 citizens have authorized the MNA to represent them and their regional, rights-bearing Métis communities in relation to their collectively-held Métis rights, interests, and claims protected by Section 35.<sup>5</sup>

The proposed project would be located within the traditional homeland of the Métis Nation within Alberta, and within Harvesting Area ‘D,’ as identified in the *Métis Harvesting in Alberta Policy (2018)* (**Appendix A**). Any decision contemplated by the Crown which may adversely impact the collectively held Aboriginal rights, claims, and interests of the Métis in the project area trigger the Crown’s duty to consult and accommodate the Métis Nation within Alberta, which is properly represented by the Métis Nation of Alberta (“MNA”).<sup>6</sup>

Currently, as many as 8,486 MNA Citizens have been approved and are authorized to harvest in the area of the proposed project and from Pigeon Lake, Alberta. Historically, Métis citizens have been recorded as being resident on the lands in the immediate vicinity of the Project since as early as 1847. Contemporarily, the MNA has already identified a number of MNA citizens who continue to be resident or who utilize the area for the purposes of rights exercises within the immediate area of the Project.<sup>7</sup> Further, the MNA holds two annual cultural camps at Camp Wohelo on the northwest shore of Pigeon Lake.

As explained further below, the potential adverse impacts of the proposed project on MNA Citizens and their ability to exercise their constitutionally protected Métis rights and traditional land uses are numerous and far reaching. The AO correctly considered these adverse impacts in his analysis of the Application and found that “especially as Canada and the NRCB are focusing on reconciliation with Indigenous groups, the traditional and historical use and value are considered to be very important and can’t be understated.”<sup>8</sup> These considerations formed an important part of the AO’s finding that the Application had “unacceptable effects on community” and his ultimate Decision to deny the Application.<sup>9</sup> Due to the NRCB’s “focus on reconciliation with Indigenous groups,” and its public interest mandate under section 2 of the *Natural Resources Conservation Board Act*—as recognized by the Applicant in their RFR<sup>10</sup>—the NRCB should take serious

---

<sup>4</sup> Métis Nation of Alberta response to Application #RA21045 (20220527) (27 May 2022) at 1-3 [MNA Statement of Concern]. See also MNA Letter to NRCB re Extension Request RA21045 (20220519) (19 May 2022) at 1-3 [MNA Letter].

<sup>5</sup> MNA Statement of Concern at 1-3.

<sup>6</sup> MNA Statement of Concern at 6; MNA Letter at 3.

<sup>7</sup> MNA Letter at 3; MNA Statement of Concern at 6.

<sup>8</sup> Decision Summary at 22-23.

<sup>9</sup> Decision Summary at 7, 38-39.

<sup>10</sup> G&S Cattle Ltd’s Request for Board Review RA21045 (20220922) (22 September 2022) at 11 [RFR].

consideration of the MNA's concerns and reconciliation with Indigenous groups when determining this RFR.<sup>11</sup>

### **verview of the MNA's Opposition to the RFR**

Overall, the Applicant's RFR claims that the AO's decision was primarily based on the Pigeon Lake Watershed Management Plan ("PLWMP"). This ultimately undermines the significant negative impacts the Application may have on the community, and more specifically on Indigenous communities such as the Métis Nation within Alberta, which were also key components of the AO's Decision. For example, The AO repeatedly refers to the significant impact on those "who traditionally use the lake area".<sup>12</sup> The MNA submits that when the AO says "traditionally", he is referring to, at least in part, Indigenous cultural traditions. This is supported by the AO's statement that "especially as Canada and the NRCB are focusing on reconciliation with Indigenous groups, the traditional and historical use and value are considered to be very important and can't be understated".<sup>13</sup> However, the Applicant does not address the AO's decision to confirm the MNA (or any other Indigenous Nations) as a directly affected party nor do they include consideration for the impacts to Indigenous (Aboriginal) rights and cultural practice. Moreover, the Applicant asserts that the AO's decision "focusses heavily on the recreational users of Pigeon Lake".<sup>14</sup> Although there may be some overlap in the *types* of activities engaged in recreational and Indigenous cultural/traditional use of Pigeon Lake (i.e. fishing), it is important to emphasize that the exercise of Indigenous (Aboriginal) rights does not fall under the category of 'recreational'. In short, the Applicant's RFR makes no mention of impacts to directly affected Indigenous Nations nor their constitutionally protected Section 35 rights.

Furthermore, the MNA submits that **a review of the decision is unnecessary**; the only acceptable decision is to deny the Application. This is supported by the Decision, where the AO states that concerns raised by directly affected parties (including the MNA) "have not been adequately addressed by the application and in my opinion *cannot be remedied with the imposition of conditions*".<sup>15</sup> It would be a misuse of time and resources for all parties involved to review an application which will have no solutions to its significant and detrimental impacts and therefore must be denied.

The Applicant's RFR does not address all parts of the Decision, but instead has selectively chosen which parts of the Decision Summary fit their goal to have the application approved and ignores the rest of the Decision Summary. The MNA submits that the AO made the correct decision based on all of the evidence presented and a review of the decision would be unnecessary and futile.

---

<sup>11</sup> *Natural Resources Conservation Board Act*, RSA 2000, c N-3, s 2. See also *AltaLink Management Ltd v Alberta (Utilities Commission)*, 2021 ABCA 342 at paras 113-124.

<sup>12</sup> Decision Summary at 30, 38; quote on 38.

<sup>13</sup> Decision Summary at 23.

<sup>14</sup> *G & S Cattle Ltd. Request for Review*, Schedule "A" section 5.

<sup>15</sup> Decision Summary at 6-7(emphasis added).

The MNA submits that the AO's decision to deny the Application is an appropriate step forward towards the path of reconciliation between the NRCB and the MNA. The AO's choice to recognize the unique nature of Indigenous relations with the land and the rights that stem from those relationships<sup>16</sup> signifies that the NRCB is committed to working with Indigenous Nations and considering how to mitigate any potential impacts. In this case, the AO confirmed, there are no conditions that would appropriately accommodate Indigenous concerns due to the specific circumstances of this application, "(t)hese concerns have not been adequately addressed by the application and in my opinion cannot be remedied with the imposition of conditions."<sup>17</sup> To approve this application in any capacity would severely limit the ability of MNA citizens to exercise their Métis rights and traditional land uses, especially the ability to engage in fishing and other fishing-related cultural activities, such as fish scale art.

### **The MNA's Response to the Grounds for Review in the RFR**

Below you will find the MNA's response to each of the five 'grounds for review' listed by the Applicant in their RFR. These responses reference several points made in the MNA's original Statement of Concern to reinforce those points where necessary.

#### **1. the Decision's assessment with respect to potential adverse effects on the community and whether the CFO is an appropriate use of the Lands is based on conclusions not supported by the information before the Approval Officer;**

The Applicant accuses the AO of "taking unsubstantiated concerns at face value" in their decision based on the AO's decision to take the submission of the PLWMP into consideration. The AO makes it clear throughout the Decision Summary that the decision is based on several factors and submissions (including the MNA's) that support the conclusions of the AO, not just the PLWMP. The Applicant did not address any concerns made by the MNA, including impacts to Metis rights such as fishing which is not encompassed by "recreational" uses as may be the case for non-Indigenous citizens. Furthermore, the Applicant's claim that there was little evidence referenced in the decision fails to recognize several references to various documents that evidence the severely detrimental impacts that a CFO would have on Pigeon Lake, including the *CFO Adverse Effects Report*<sup>18</sup>, which was a study conducted by the PLWA specifically regarding the CFO at Pigeon Lake, the conclusions of which are supported by the MNA. As well as the Government of Alberta's Ministry of Agriculture and Rural Development's 2008 document *A Primer on Livestock Air Quality*<sup>19</sup>, and the article *Cows, Streams, and E. Coli: What everyone needs to know* by Wolfson and Harrigan in 2010.<sup>20</sup>

The MNA supported evidence was listed and explained in detail in our original Statement of Concern. Below is an excerpt from that Statement of Concern from pages 4-7, which

---

<sup>16</sup> Decision Summary at 23

<sup>17</sup> Decision Summary at 6-7, 23, 30

<sup>18</sup> The Pigeon Lake Watershed Association. 2022. CFO Adverse Effects Background Report.

<sup>19</sup> Government of Alberta's Ministry of Agriculture and Rural Development "A Primer on Livestock Air Quality" 2008.

<sup>20</sup> Wolfson and Harrigan. 2010. *Cows, Streams, and E. Coli: What everyone needs to know*.

demonstrates some of the specific reasons given as to why Pigeon Lake could never be a healthy lake if this CFO were to move forward:

*Algae and related bacteria have been proven to have significant adverse effects on both the water and air quality surrounding and in bodies of water. CFOs “can affect air quality through emissions of gases (ammonia and hydrogen sulfide), particulate matter, volatile organic and odour” particularly from animal housing, and land application of manure.<sup>21</sup>*

*Pigeon Lake is of specific concern due to the ongoing issues related to the already heightened accumulation of nutrients and subsequent production of HABs associated with manure produced by feedlots. The proposed project would significantly increase the already heightened nutrient levels in Pigeon Lake.<sup>22</sup> As previously stated, blue green algae has been identified specifically as a public health risk in Pigeon Lake by AHS. Blue green algae produces cyanotoxins which pose a health risk to humans and animals alike.<sup>23</sup> Métis harvesters are particularly at risk – harvesters can be exposed to toxins through skin contact, through consumption of contaminated water or fish/shellfish, or through breathing in toxins released in the air. Furthermore, the large amounts of the toxins can asphyxiate fish and aquatic animals and make it difficult for gilled animals to breathe, not only reducing the volume of fish available to harvest but also adversely and significantly impacting the health of the fish in general, and subsequently, the harvesters.*

*A series of satellite images taken from 2017 to 2020 shows that there is a direct correlation between the amount of HABs in Pigeon Lake and the size of the freshet. This demonstrates that freshets containing higher concentrations of nutrients and chemicals contained in manure would directly impact the health of the lake.<sup>24</sup> Alberta Health Services (AHS) has identified two public health risks associated with Pigeon Lake through annual testing: blue green algae and fecal bacteria (coliforms). As a result, beaches are closed, water recreation activities are limited, and fishing is prevented,<sup>25</sup> directly impacting the Métis ability to practice traditional activities and rights exercises affirmed and protected by s.35 of the Canadian Constitution. Both blue green algae and fecal bacteria are directly associated with CFOs when the manure feeds into a watershed, especially in bodies of water which are not flushed (like Pigeon Lake).*

*The following map was created by our Consultation Technicians to show the application project footprint, the plan manure spread areas referenced in writing by the legal land descriptions, and 1.5-mile buffers from these locations. As well, this map shows areas of particular concern for Métis harvesters such as crown land where Métis harvesting can occur. The land elevation heat map clearly shows at least 15 of the 16 spreading areas for the manure of the CFO are up hill from creek basins for which run off water will flow into pigeon lake. The MNA is deeply concerned about the effects of run off from the manure spread and project footprint into pigeon lake and the effects outlined in the*

---

<sup>21</sup> Government of Alberta’s Ministry of Agriculture and Rural Development “A Primer on Livestock Air Quality” 2008. p. 1.

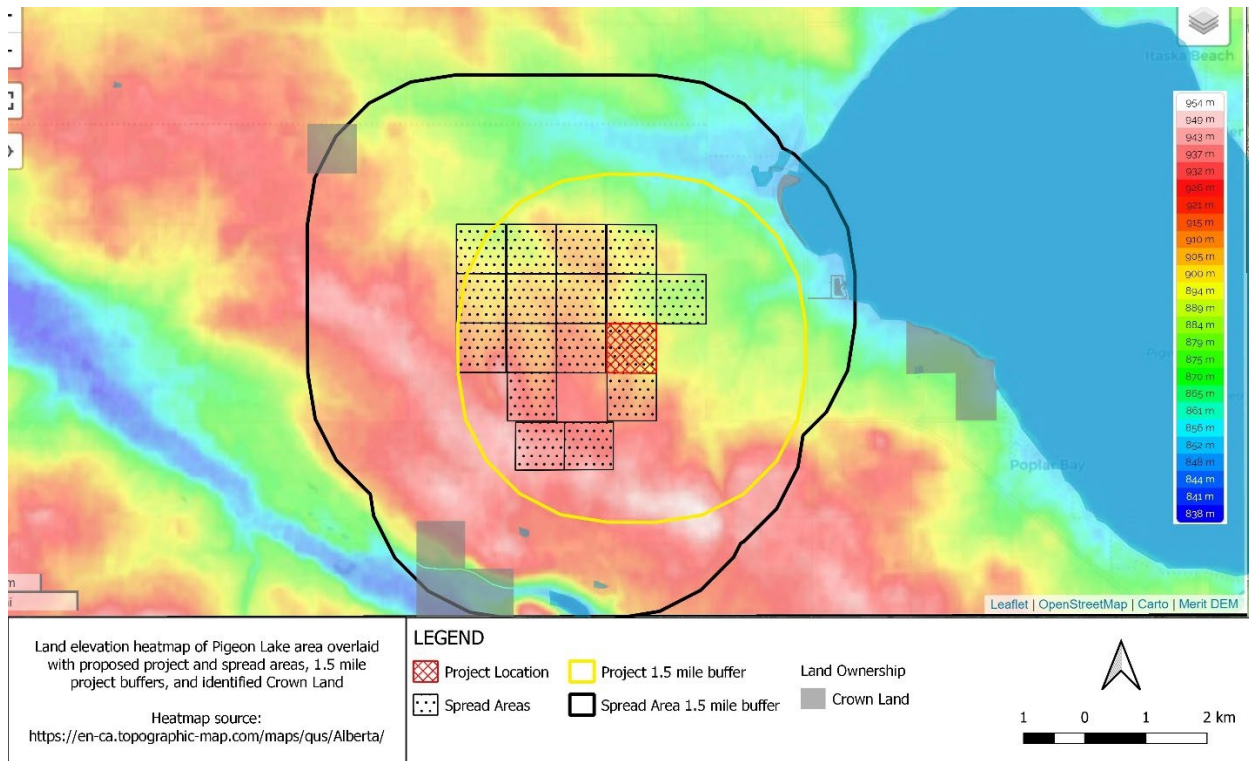
<sup>22</sup> The Pigeon Lake Watershed Association. 2022. CFO Adverse Effects Background Report, p. 1, 4.

<sup>23</sup> “Illness and Symptoms: Cyanobacteria in Fresh Water” n.d. Centers for Disease Control.

<sup>24</sup> The Pigeon Lake Watershed Association. 2022. CFO Adverse Effects Background Report, p. 7, 9-12.

<sup>25</sup> The Pigeon Lake Watershed Association. 2022. CFO Adverse Effects Background Report, p. 15.

following paragraphs.



*The Union Street Geotechnical report submitted with the Application under the Agricultural Practices Act for a confined feeding operation, manure collection area, and/or manure storage facility(ies) to the NRCB describes “the proposed feedlot development site within the N.W. ¼ [as] relatively flat draining to a gully to the south with the geological drainage of the area sloping east/northeast towards Pigeon Lake, located approximately 4.0 km northeast of the site”.<sup>26</sup> All land associated with this project drain into Pigeon Lake via the Sunset Harbour Creek Basin and Tide Creek Basin drainage systems.<sup>27</sup> Manure pollutants produced by the CFO, “including nitrogen and phosphorus, and pathogens such as listeria, salmonella, E. coli, growth supplements, antibiotics and other chemicals” will enter Pigeon Lake through surface run off that entrails these pollutants.<sup>28</sup> Accumulation of nutrients such as nitrogen and phosphorus in waterbodies such as Pigeon Lake “can increase algal growth, decrease water clarity, and increase ammonia concentrations which can be toxic to fish”.<sup>29</sup> When concentrations of fecal bacteria increase in the water, it poses a great risk to human health. Some associated illnesses and conditions resulting from exposure to water with heightened concentrations of fecal matter in the water include gastroenteritis; eye, ear, nose, skin, and throat infections; respiratory illnesses; and “more serious conditions such as hepatitis, salmonellosis, or*

<sup>26</sup> “G & S Cattle Ltd. Proposed Confined Feedlot Expansion” 2021. Union Street Geotechnical. Letter correspondence to Eagle Builders LP, p. 2 (section 3.1).

<sup>27</sup> The Pigeon Lake Watershed Association. 2022. CFO Adverse Effects Background Report, p. 2

<sup>28</sup> The Pigeon Lake Watershed Association. 2022. CFO Adverse Effects Background Report, p. 13

<sup>29</sup> Wolfson and Harrigan. 2010. Cows, Streams, and E. Coli: What everyone needs to know, p. 2

*dysentery*".<sup>30</sup>

The MNA therefore refutes the claims of the Applicant that there was not sufficient evidence to justify the denial of the Application.

## **2. the Decision disregards established processes and principles for approvals under subsection 20(1) of the AOPA;**

In the RFR, the Applicant notes that “subparagraph 20(1)(b)(ix) of the AOPA is not limited to the consideration of effects on the community and the appropriate use of the land, but also includes the consideration of effect on the environment and the economy”.<sup>31</sup> In response, the MNA submits that the AO did consider these effects—the significant and detrimental threat that the proposed CFO would have on both the economy and environment surrounding Pigeon Lake contributes to the effects on the community, including impacted citizens of the Métis Nation within Alberta.

The potential impacts of the proposed project are far reaching to Métis Citizens surrounding Pigeon Lake and across Alberta, as well as to Métis harvesters who exercise their constitutionally protected harvesting rights and traditional land uses in the area. These potential impacts stem from the decrease in fish health or other aquatic species’ health, decrease in fish or other aquatic species’ population, decrease in water quality, decrease in air quality, and the increased risk to human health as a result of: direct skin or mucus membrane exposure to the contaminated lake water, inhalation of contaminants in the air<sup>32</sup>, and/or ingestion of fish exposed to contaminants (such as blue-green algae<sup>33</sup>, pathogenic bacteria, drug resistant bacteria).<sup>34</sup>

The health impacts on the fish and on Métis harvesters will have an impact on numerous levels, not only to the environment, but on human health, the community/culture, and the Métis traditional economy (for example the trading of fish within the community, and the creation of fish scale art at family and youth camps). The right of Métis within Alberta to practice in their traditional economy has not been extinguished.

Furthermore, Métis citizens utilizing or residing at or near Pigeon Lake benefit from the local economy which is supported by tourism. Not only do many of our Citizens participate in the local economy as benefactors of local jobs, but local businesses also provide our citizens who may be practicing their rights with commodities that might otherwise be inaccessible.

---

<sup>30</sup> Wolfson and Harrigan. 2010. *Cows, Streams, and E. Coli: What everyone needs to know*, p. 2

<sup>31</sup> G & S Cattle Ltd. Request for Review, Schedule “A” section 2

<sup>32</sup> Government of Alberta’s Ministry of Agriculture and Rural Development “A Primer on Livestock Air Quality” 2008, p. 1.

<sup>33</sup> “Illness and Symptoms: Cyanobacteria in Fresh Water” n.d. Centers for Disease Control.

<sup>34</sup> The Pigeon Lake Watershed Association. 2022. *CFO Adverse Effects Background Report*, p. 2, 7, 9-13, 15.



**3. the Decision misinterprets the authority of the Pigeon Lake Watershed Management Plan (the "PLWMP") and the extent to which it represents the community interest;**

As noted above, the Métis Nation of Alberta represents more than 8 400 registered harvesters who have harvesting rights at Pigeon Lake and therefore would be directly and adversely impacted by the establishment of a CFO at the proposed location by Pigeon Lake. The MNA is in support of the implementation of the PLWMP and the AO's decision to recognize it as a consideration. The PLWMP supports a healthy lake which will in turn support the capacity of our harvesters and improve their quality of life.

Furthermore, as discussed in the MNA Statement of Concern, the MNA hosts two annual camps at Camp Wahelo on the northwest shore of Pigeon Lake. These camps include a family camp and a youth camp, both of which emphasize the attendance of children. These camps are significant to the MNA and its Citizens because they are an opportunity for our citizens to engage in generational knowledge transfer and to learn about Métis cultural practices in a hands-on environment.

Below is an excerpt from the MNA Statement of Concern from page 9, which demonstrates some of the specific reasons given as to why the PLWMP is aligned with the interests of the Métis Nation within Alberta, including its Citizens and harvesters:

*General harvesting practices will also be significantly impacted by the effects of the proposed feedlot. Harvesters who rely on Pigeon Lake to feed their families and communities would likely need to find new locations to harvest from or would need to stop their harvesting practices altogether. If neither of these options is suitable to the harvester, they may have to resort to continuing to harvest at Pigeon Lake and become subject to the risks and dangers that will be heightened at the direct cause of the proposed CFO, experience economic hardship by being required to purchase fish in the absence of being able to exercise their right to subsistence harvesting, or experience food insecurity. The proposed CFO will therefore have significant and adverse effects on Métis rights, claims, interests, culture, physical and mental health, and economy. Harvesting and its place in Métis culture is an extremely important aspect of Métis health, both as a means of subsistence, as well as a means of cultural well-being through the intergenerational transmission of Indigenous Knowledge. Culture is an integral part of the mental, emotional, and physical health of Métis.*

*Métis health is directly impacted by the ability to harvest. Removing access to Pigeon Lake would discourage both healthy eating and physical activity that otherwise would have been engaged in through harvesting. Furthermore, harvesters who cannot afford to buy healthy food will have no option but to resort to eating unhealthy, cheaper food. This will directly impact the quality of life amongst such harvesters and contribute to negative health trends that are already exasperated amongst the Métis community in Alberta, such*



as (but not limited to) diabetes<sup>35</sup> and hypertension.<sup>36</sup>

*CFO's have also been known to introduce quantities of both hydrogen sulfide and ammonia into the air. Both chemicals are hazardous substances and are recognized as such by both the provincial and federal governments. When introduced into the air in an area used by harvesters, Métis health is directly impacted. Both through direct exposure and via secondary exposure through harvested species. As both substances can contribute to or worsen known negative health trends in the Alberta Métis community, such as (but not limited to) Chronic Obstructive Pulmonary Disease (COPD).<sup>37</sup>*

**4. by adopting the conclusions of the PLWMP, the Decision unfairly focuses on the concerns of unaffected parties to the exclusion of agricultural operators; and**

The assertion of the Applicant that the AO's decision unfairly excludes the interests of agricultural operators is exceedingly narrow. The sole farmer who would be directly affected by this decision is the Applicant. The inability of this particular farmer to establish a CFO in the Pigeon Lake watershed would not impact other farmers. Furthermore, the Applicant has the option to reapply to the NRCB with a plan for a CFO elsewhere in Alberta or elsewhere in the county of Wetaskiwin. By contrast, Pigeon Lake—as a waterbody and natural feature of the land—cannot be relocated. The impact this CFO would have on Pigeon Lake and users of Pigeon Lake, including Métis Citizens and harvesters, far outweighs the impact it would have on agricultural business in the area.

The decision of the AO is based on evidence and facts. The Applicant has yet to demonstrate how the denial of this application adversely impacts the economy or the agricultural business community. The MNA has clearly demonstrated in its Statement of Concern that the CFO would have adverse impacts on Métis citizens and harvesters who routinely frequent the lake, both as individual Métis harvesters and as part of organized community events.<sup>38</sup>

The Applicant stated in their RFR “the definition of ‘community’ employed in the Decision effectively excludes agricultural business in the area ... and instead focusses heavily on the *recreational users* of Pigeon Lake.”<sup>39</sup> However, this ignores that the AO's definition of “community” includes the four Indigenous groups who were found to be directly affected by the Application.<sup>40</sup> Métis harvesting practices, such as fishing and traditional land uses, are not “recreational uses”, but rather exercises of constitutionally protected Aboriginal rights. As stated previously, the Applicant did not address any concerns made by the

---

<sup>35</sup> Randell et al. 2019. *Diabetes Amongst the Métis Nation of Alberta*. Métis Nation of Alberta.

<sup>36</sup> Randall et al. n.d. *The Burden of Hypertension and Heart Disease Among the Métis Nation of Alberta*. Métis Nation of Alberta.

<sup>37</sup> Ospina et al. *Epidemiological and Health Services Indicators of Chronic Obstructive Pulmonary Disease Among Métis in Alberta*. Métis Nation of Alberta.

<sup>38</sup> MNA Statement of Concern at 7-10.

<sup>39</sup> G&S Cattle Request for Review, Schedule “A” section 4 (emphasis added).

<sup>40</sup> Decision Summary at 22-23.

MNA, including impacts to Metis rights (harvesting) such as fishing in their RFR.

**5. the Decision improperly relies on the PLWMP as being determinative of whether the Application should be granted.**

The Applicant alleges that the AO “reduced the decision-making process to a simple determination of whether the Application was consistent with the PLWMP, thereby inappropriately overriding the broader considerations of the Application’s compliance with 20(1) of the *AOPA* and the applicable *MDP*.”<sup>41</sup> However, the AO’s Decision shows that the AO considered numerous factors in his Decision to deny the Application.<sup>42</sup> While the PLWMP featured prominently in his Decision, the “unacceptable effects on the community,” including impacts on MNA Citizens and other Indigenous groups were also an explicit ground for denying the Application. Pursuant to section 20(1)(ix) of the *Agricultural Operation Practices Act*, the AO was statutorily required to consider these impacts on the community.<sup>43</sup> The AO did consider the impacts on the community and found that “[t]hese concerns have not been adequately addressed by the application and in my opinion *cannot be remedied with the imposition of conditions*.”<sup>44</sup> Contrary to the Applicant’s assertion, the PLWMP was not determinative of the Decision, but merely one of the many reasons for denying the Application.

**Conclusion**

The MNA asserts that the AO made the right decision, on August 31, 2022, to deny the Application. The Applicant’s RFR is without substance and reflects the weak arguments in favour of an approval. Arguments in favour of a denial are backed by facts and evidence which definitively show that the proposed CFO would have significant and detrimental impacts on Pigeon Lake, on the community surrounding it, and on people who use the lake (including MNA Citizens and harvesters). The MNA demonstrated all of these points and more in its original Statement of Concern. Therefore, the MNA supports the AO’s Decision to deny the Application and requests that the NRCB uphold the Decision without a review and reject the Applicant’s RFR.

---

<sup>41</sup> RFR at 6.

<sup>42</sup> Decision Summary at 3-7, 22-39.

<sup>43</sup> *Agricultural Operation Practices Act*, RSA 2000, c A-7, s 20(1)(b)(ix).

<sup>44</sup> Decision Summary at 6-7 (emphasis added).

The Métis Nation of Alberta appreciates the NRCB's recognition of responsibility to practice genuine reconciliation, and the importance of establishing and maintaining respectful relationships. We trust that the NRCB will continue to strive to fulfill its mandate to respect the public interest of those living near and using the affected area and lake.

As stated previously, should you have any questions or require any further information in respect to the contents of this letter, please direct them to the undersigned at (587) 735-6087 or [mjensen-joyce@metis.org](mailto:mjensen-joyce@metis.org). We look forward to your positive response.

Sincerely,

A handwritten signature in black ink that reads "Maren Jensen-Joyce". The signature is written in a cursive, flowing style.

Maren Jensen-Joyce  
Consultation Policy & Research Team Lead – MNA  
Métis Nation of Alberta

cc: Garrett Tomlinson, Senior Director, Self-Government Implementation – MNA  
Theo Peters, Consultation Director (acting) – MNA  
Jordan York, Environmental Manager – MNA  
Reagan Bartel, Health Director – MNA  
Craig Letendre, Harvesting Manager – MNA  
Madison Tipler, Youth Director – MNA  
Kelsey Bradburn, Children & Family Services Director – MNA  
Fiona Vance, Chief Legal Officer – Operations - NRCB

# Appendix A

## Métis Nation of Alberta Harvesting Areas

