



# County of Thorhild No. 7

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September 28, 2010

JLG Ball Enterprises  
PO Box 211  
BOYLE, Alberta  
T0A 0M0

Attention: Ms. Lisa Ball

Dear Madam:

RE: Subdivision and Development Appeal Board Hearing  
**541466 Alberta Ltd. – Development Permit 1523**

Please be advised the Subdivision and Development Appeal Board (SDAB) met on Monday, September 27, 2010 and has made a decision as follows:

Moved by Ms. Shelly Hanasyk to accept Resolution 19-2010 as presented in the September 21, 2010 SDAB Minutes to approve Development Permit 1523 subject to the attached conditions.

### Resolution 19-2010

William Kowal moved that the Subdivision and Development Appeal Board is approving Development Permit 1523 applied by 541466 Alberta Ltd. for gravel extraction and stock pile under SML 080037 and MLL 090043 in SW 36-63-19-W4 subject to the following conditions:

1. Hours of Operation for the operation of the natural resource extraction and related activities (including crushing, hauling and reclamation) shall be:

From January 1 to May 15 and September 15 to December 31:  
7:00 a.m. to 7:00 p.m., Monday through Saturday, for all extraction and reclamation activities

but shall not operate or haul on Sundays, Statutory holidays including but not limited to, New Years Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Heritage Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day, unless prior approval has been obtained from County in writing, altering the prescribed hours of operation on a permanent or temporary basis.

From May 16 to September 14:

7:00 am. to 7:00 p.m., Monday through Friday, for all extraction and reclamation activities

but shall not operate or haul on Saturdays, Sundays, Statutory holidays including but not limited to, New Years Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Heritage Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day, unless prior approval has been obtained from the County in writing, altering the prescribed hours of operation on a permanent or temporary basis.

2. Reclamation of the Lands shall be done sequentially so that the Applicant shall be required to commence reclamation on each phase of the proposed development (as identified in Conservation and Reclamation Business Plan) once extraction operations are completed on that phase and at the time it commences extraction operations on the next phase. The Applicant shall ensure reclamation of the Lands is fully completed within one (1) year of extraction operations ceasing in the open pit area in accordance with the Conservation and Reclamation Business Plan approved by the Province of Alberta.
3. Soil reclamation will be required if contamination occurs as a result of equipment, equipment maintenance and repair.
4. Potential soil erosion risk shall be minimized by the stockpiled soils and reclaimed pit with a certified weed free grass mixture.
5. The Applicant shall replace trees that are removed or destroyed during the course of operations. Such replacement shall consist of no less than deciduous trees at least four (4) feet high. The Applicant shall be required to maintain the trees for a period of two (2) years following completion of the reclamation.
6. The Applicant shall provide a letter of credit to the County equal to the cost of reclamation. As reclamation on each phase of the proposed development is complete to the satisfaction of the County, the Applicant shall be entitled to reduce the letter of credit by ten (10%) percent per phase. The balance of the letter of credit will be released at the expiry of the two (2) year maintenance period referred to in condition 5.
7. The Applicant shall obtain burn permits for all burning activities no matter the time of year.

8. The Applicant shall ensure that there is adequate provision for fire prevention and protection to the satisfaction of the County, which, at a minimum, will include a requirement that a pumper truck be on the Lands at any time during which operations are being conducted on the Lands.
9. The Applicant shall install, at the Applicant's sole expense, appropriate signage on and about the Lands, which in the sole discretion of the County is required for public safety, and includes, but is not limited to, "Truck Turning signs and "Danger Open Pit" signs. The location of any such sign shall be approved by County and the sign shall be of a professional grade as approved by Alberta Transportation.
10. The Applicant shall remove all garbage, waste, recyclables and used oil from the Lands and dispose of such materials in an approved disposal facility, and keep the Lands in a clean and orderly manner, at the Applicant's own expense, including but not limited to, ensuring appropriate waste receptacles are located on the Lands, that no garbage or waste is imported onto the Lands and the proper piling of trees, that may be required to be removed from the excavation site, is completed.
11. The Applicant shall supply, at the Applicant's own expense, portable commercially serviced toilets to be used on the Lands until reclamation is complete or such earlier time as provided in writing by the County.
12. The development shall be developed to limit the negative visual impact of the development through screening and landscaping, to the satisfaction of the County.
13. The Applicant shall ensure that the development does not cause any adverse drainage impact on adjacent property or flooding of nearby ditches in excess of their capabilities.
14. The Applicant shall preserve all existing stands of trees and shrubbery outside the development area for environmental and sound attenuation purposes in accordance with Conservation and Reclamation Business Plan,
15. The Applicant shall ensure that weed control measures, satisfactory to the County, are in place for the life of the development, which weed control measures shall be at the Applicant's sole expense.
16. The Applicant shall ensure that all extraction activities be carried out so as to create a minimum of dust, noise and environmental disturbance, including, but not restricted to the following:
  - (a) The Applicant shall construct a berm along the south and east perimeter of the processing area of the development between the crusher and the

- Hamlet of Long Lake. The berm shall be a minimum height of two (2) meters and shall be constructed of stripped soils.
- (b) The crusher shall be located at least 2 meters below the surface of the Lands.
  - (c) The Applicant shall install and maintain noise monitoring equipment at the property line of the closest residence in the Hamlet of Long Lake. Noise at this location from the proposed development shall not exceed 75 decibels. The Applicant shall produce records of the noise monitoring to the County upon request.
  - (d) The Applicant shall water all stockpiles in order to minimize dust from the development and shall also implement dust control measures to the County's satisfaction on all haul roads (watering and tarping trucks) within the County.
  - (e) The Applicant shall use alternate back up warning devices if approved by Alberta Occupational Health and Safety.

The County may, in its sole determination, require the Applicant to institute further measures, which measures shall be determined by the County, to minimize the impact of noise and dust beyond the boundaries of the Lands.

- 17. All stockpiles of topsoil, subsoil and overburden on-site shall not be in excess of 3:1 slopes. In this regard, topsoil, subsoil and overburden shall be salvaged and stockpiled separately with a minimum separation of THREE (3) meters (9.84 feet) between stockpiles.
- 18. The Applicant shall ensure that all trucks used in connection with the development are clearly marked as per the applicable federal, provincial or municipal requirements and further shall ensure that all trucks are marked so that they can be identified as being associated with the Applicant's development.
- 19. The Applicant shall ensure that all aspects of the extraction and reclamation operation takes place in full compliance with the plan as submitted and approved by the provincial department responsible for the *Public Lands Act* and approved with this application. The Applicant shall comply with all requirements under the *Public Lands Act* and regulations thereunder. To the extent not otherwise addressed in these conditions, the Applicant shall comply with all conditions of the Conservation and Reclamation Business Plan.
- 20. The Applicant must contact Alberta First Call before excavation for line locates; and all development must be located at least 15 feet away from low-pressure pipelines and 150 feet from high-pressure pipelines.
- 21. This Permit is valid for 10 years from the date of issuance. At the expiry of 10 year, should the Applicant wish to continue the development, it will be required to apply for a new development permit.

22. The Applicant shall meet a minimum of every 6 months with a Community Advisory Committee to review concerns of residents and / or property owners of the Hamlet of Long Lake concerning the proposed development. It shall be the responsibility of the Applicant to coordinate the meeting with the designated representative of the Community Advisory Committee and to deliver notices of the time and place of the meeting to the designated representative of the Community Advisory Community, the president of the Long Lake Cottage Owners Association and the County at least ten (10) days prior to the date of the meeting.
23. Trucks travelling to and from the proposed development for gravel hauling purposes shall access the Lands via LOC 930720 into the County of Athabasca.
24. The Applicant shall be required to replace any recreational trails that are removed in connection with the development in consultation with the Long Lake Cottage Owners Association.
25. The Applicant shall fully cooperate with the County in addressing any and all concerns or complaints regarding the development as deemed legitimate by the County, acting reasonably. In response to any such legitimate concerns or complaints, the Applicant shall take reasonable steps within a reasonable time to address such concerns or complaints at its sole expense.
26. The County shall be entitled to enter onto the Lands at any time for the purpose of inspecting the development to determine whether the Applicant is adhering to the foregoing conditions.

CARRIED

**IMPORTANT INFORMATION FOR APPLICANT/APPELLANT**  
*The following information may not pertain to your specific situation.*

1. When an application for a Development Permit has been approved by the Subdivision and Development Appeal board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
2. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the Municipal Government Act, R.S.A. 2000, c. M-26.
3. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Planning Department located at 801 – 1 Street, THORHILD, Alberta.

Should you have any questions or concerns, please contact Cheryl Pasay at 780-398-2802.

Yours truly,

A handwritten signature in black ink, appearing to read "Doug Harris", written over a horizontal line.

**DOUG HARRIS**  
Chairman  
Subdivision and Development Appeal Board

### Hearing Summary

The Applicant applied to the County of Thorhild (the “County”) for a development permit for gravel extraction and stockpile on SW 36-63-19 W4M (the “Lands”). The Lands border the northwest shore of Long Lake. The County approved the development permit. Fourteen residents and /or owners of property in the Hamlet of Long Lake appealed the development permit.

At the outset of the appeal, legal counsel for the Applicant raised an objection to the Board’s chair sitting on the appeal on the basis that there was a reasonable apprehension of bias. He presented documentation to support his position, which is on the Board’s file. Some of the Appellants then made submissions to the effect that the Chair should not be disqualified from sitting on the appeal. The Board recessed to consider the issue. In order to ensure that there was no appearance of bias, the Chair voluntarily withdrew from the appeal. The Board appointed another member as Chair for this appeal and continued with the hearing of the appeal with four members.

With respect to the merits of the appeal, the Board first received a report from County administration, a copy of which is on file. The report contained details regarding the proposed development and also contained a review of the relevant legislation. Included with the report was the Applicant’s Conversation and Reclamation Plan, submitted to the Province, which set out a detailed description of the proposed development.

The Lands are located in Agricultural District under the County’s Land Use Bylaw and the proposed use is listed as a discretionary use for the Agricultural District. Under the County’s Municipal Development Plan (“MDP”), the Lands are designated for Recreation; however, the MDP goes on to provide:

#### **“Recreation (Local and Tourism related)**

##### Policies:

4. Until recreational development takes place, the policies for the land designated “Agriculture” will apply.”

Under Agriculture, the MDP sets out the following:

- “4. The County will encourage proponents of commercial, industrial and other non-agricultural development in the area designated “Agriculture” to first consider lands with poorer agricultural capabilities unless a specific location on good agricultural land is the most suitable for the proposed development”.

In addition to MDP and Land Use Bylaw, there is the Long Lake Policy Paper, which provides that there is to be no rural or resource extraction industry in the study area,

which is not identified. The Long Lake Policy Paper does not form part of any statutory plan adopted by the County and is not part of the Land Use Bylaw. The title page to the attachments that follow the Land Use Bylaw states:

“These metric conversion tables, forms and policy papers are not part of bylaw 989-98 but are included here for information”.

The SDAB did not have any information before it as to the origin of the Long Lake Policy Paper, including who prepared it and what role, if any, County Council had in directing preparation of it.

The Board then heard submissions from the following Appellants:

Paul Benedetto  
Kathleen Bruce (on her own behalf and on behalf of the Long Lake Cottage Owners Association)  
Rick Lehman (who is the closest resident to the Lands)  
Gord Nykiforuk  
Mitch Patrick  
Keith Raab  
Patricia Kaminski  
Dale Bruce  
Helena Daley

All of them provided the Board, with written submissions, which are on file. As well, there were written submissions from the Appellants who did not speak at the appeal.

The Appellants advised that there are approximately 191 residences in the Hamlet of Long Lake. Approximately 46 are permanent residences. Camping is also available in the area. The Long Lake Cottage Owners Association has 308 members.

The Appellants' concerns can be summarized as follows:

1. Compliance with Land Use Bylaw, MDP and Long Lake Policy Paper – The Appellants were of the view that the proposed development did not comply with the relevant legislation as the area was a recreational area. They also pointed out that the Long Lake Policy Paper prohibited resource extraction in the study area.
2. Noise and dust – The Appellants raised concerns about the noise and dust associated with the proposed development. Many of them purchased their property in order to enjoy a peaceful lifestyle. Noise and dust associated with the proposed development would negatively affect their quality of life.

3. Water – Concerns were raised regarding the impact of the proposed development on groundwater, the level of the lake, water quality of the lake and shoreline erosion. It was noted that sediment had been observed in the lake and it appeared to be related to another gravel pit that is operating in the County of Athabasca.
4. Precedent – The Appellants were concerned that if this development was approved, other operators would seek approval for additional gravel pits. In this regard, there was information provided to the Board that other applications are pending with the Province.
5. Reclamation – There were concerns about the state of the Lands once gravel operations ceased.
6. Fish, birds and wildlife / Environment – The Appellants advised that as the Lands are a natural area and were concerned about the environmental impacts of the proposed development. There are fish, birds and wildlife in the immediate area of the proposed development. The Appellants were concerned that the proposed development was not conducive to them remaining in the area.
7. Recreational Activities – The Appellants pointed out that this area is a recreational area and that a gravel pit would be inconsistent with and negatively impact on recreational activities. They also advised that a recreational trail in the area had already been removed due to operations associated with the proposed development.
8. Property values – The Appellants suggested that the proposed development would cause a decrease in property values.
9. Aesthetics – The Appellants were concerned about the visual impact of the proposed development.

The Board then heard from the following on behalf of the Applicant:

Lisa Ball (president)  
Vernon Torstenson (consultant)  
Rob Farmer (legal counsel)

They provided various written submissions describing the proposed development and responding to the Appellants' concerns, all of which are on file. Lisa Ball reviewed the process of obtaining provincial approval for the development. She indicated that the Applicant was prepared to work with residents/ property owners in order to address their concerns. She also provided a written submission addressing the conditions proposed by the Development Authority. Most of the conditions were fine except for the conditions noted in the written submission. The major conditions that were of concern

were the restrictions on hours of operation and requirement for additional reclamation security.

### **Decision**

The Board approves the proposed development subject to the following conditions:

1. Hours of Operation for the operation of the natural resource extraction and related activities (including crushing, hauling and reclamation) shall be:

From January 1 to May 15 and September 15 to December 31:

7:00 a.m. to 7:00 p.m., Monday through Saturday, for all extraction and reclamation activities

but shall not operate or haul on Sundays, Statutory holidays including but not limited to, New Years Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Heritage Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day, unless prior approval has been obtained from County in writing, altering the prescribed hours of operation on a permanent or temporary basis.

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2. Reclamation of the Lands shall be done sequentially so that the Applicant shall be required to commence reclamation on each phase of the proposed development (as identified in Conservation and Reclamation Business Plan) once extraction operations are completed on that phase and at the time it commences extraction operations on the next phase. The Applicant shall ensure reclamation of the Lands is fully completed within one (1) year of extraction operations ceasing in the open pit area in accordance with the Conservation and Reclamation Business Plan approved by the Province of Alberta.
3. Soil reclamation will be required if contamination occurs as a result of equipment, equipment maintenance and repair.

4. Potential soil erosion risk shall be minimized by the stockpiled soils and reclaimed pit with a certified weed free grass mixture.
5. The Applicant shall replace trees that are removed or destroyed during the course of operations. Such replacement shall consist of no less than deciduous trees at least four (4) feet high. The Applicant shall be required to maintain the trees for a period of two (2) years following completion of the reclamation.
6. The Applicant shall provide a letter of credit to the County equal to the cost of reclamation. As reclamation on each phase of the proposed development is complete to the satisfaction of the County, the Applicant shall be entitled to reduce the letter of credit by ten (10%) percent per phase. The balance of the letter of credit will be released at the expiry of the two (2) year maintenance period referred to in condition 5.
7. The Applicant shall obtain burn permits for all burning activities no matter the time of year.
8. The Applicant shall ensure that there is adequate provision for fire prevention and protection to the satisfaction of the County, which, at a minimum, will include a requirement that a pumper truck be on the Lands at any time during which operations are being conducted on the Lands.
9. The Applicant shall install, at the Applicant's sole expense, appropriate signage on and about the Lands, which in the sole discretion of the County is required for public safety, and includes, but is not limited to, "Truck Turning signs and "Danger Open Pit" signs. The location of any such sign shall be approved by County and the sign shall be of a professional grade as approved by Alberta Transportation.
10. The Applicant shall remove all garbage, waste, recyclables and used oil from the Lands and dispose of such materials in an approved disposal facility, and keep the Lands in a clean and orderly manner, at the Applicant's own expense, including but not limited to, ensuring appropriate waste receptacles are located on the Lands, that no garbage or waste is imported onto the Lands and the proper piling of trees, that may be required to be removed from the excavation site, is completed.
11. The Applicant shall supply, at the Applicant's own expense, portable commercially serviced toilets to be used on the Lands until reclamation is complete or such earlier time as provided in writing by the County.
12. The development shall be developed to limit the negative visual impact of the development through screening and landscaping, to the satisfaction of the County.

13. The Applicant shall ensure that the development does not cause any adverse drainage impact on adjacent property or flooding of nearby ditches in excess of their capabilities.
14. The Applicant shall preserve all existing stands of trees and shrubbery outside the development area for environmental and sound attenuation purposes in accordance with Conservation and Reclamation Business Plan,
15. The Applicant shall ensure that weed control measures, satisfactory to the County, are in place for the life of the development, which weed control measures shall be at the Applicant's sole expense.
16. The Applicant shall ensure that all extraction activities be carried out so as to create a minimum of dust, noise and environmental disturbance, including, but not restricted to the following:
  - (a) The Applicant shall construct a berm along the south and east perimeter of the processing area of the development between the crusher and the Hamlet of Long Lake. The berm shall be a minimum height of two (2) meters and shall be constructed of stripped soils.
  - (b) The crusher shall be located at least 2 meters below the surface of the Lands.
  - (c) The Applicant shall install and maintain noise monitoring equipment at the property line of the closest residence in the Hamlet of Long Lake. Noise at this location from the proposed development shall not exceed 75 decibels. The Applicant shall produce records of the noise monitoring to the County upon request.
  - (d) The Applicant shall water all stockpiles in order to minimize dust from the development and shall also implement dust control measures to the County's satisfaction on all haul roads (watering and tarping trucks) within the County.
  - (e) The Applicant shall use alternate back up warning devices if approved by Alberta Occupational Health and Safety.

The County may, in its sole determination, require the Applicant to institute further measures, which measures shall be determined by the County, to minimize the impact of noise and dust beyond the boundaries of the Lands.

17. All stockpiles of topsoil, subsoil and overburden on-site shall not be in excess of 3:1 slopes. In this regard, topsoil, subsoil and overburden shall be salvaged and stockpiled separately with a minimum separation of THREE (3) meters (9.84 feet) between stockpiles.
18. The Applicant shall ensure that all trucks used in connection with the development are clearly marked as per the applicable federal, provincial or

municipal requirements and further shall ensure that all trucks are marked so that they can be identified as being associated with the Applicant's development.

19. The Applicant shall ensure that all aspects of the extraction and reclamation operation takes place in full compliance with the plan as submitted and approved by the provincial department responsible for the *Public Lands Act* and approved with this application. The Applicant shall comply with all requirements under the *Public Lands Act* and regulations thereunder. To the extent not otherwise addressed in these conditions, the Applicant shall comply with all conditions of the Conservation and Reclamation Business Plan.
20. The Applicant must contact Alberta First Call before excavation for line locates; and all development must be located at least 15 feet away from low-pressure pipelines and 150 feet from high-pressure pipelines.
21. This Permit is valid for 10 years from the date of issuance. At the expiry of 10 year, should the Applicant wish to continue the development, it will be required to apply for a new development permit.
22. The Applicant shall meet a minimum of every 6 months with a Community Advisory Committee to review concerns of residents and / or property owners of the Hamlet of Long Lake concerning the proposed development. It shall be the responsibility of the Applicant to coordinate the meeting with the designated representative of the Community Advisory Committee and to deliver notices of the time and place of the meeting to the designated representative of the Community Advisory Community, the president of the Long Lake Cottage Owners Association and the County at least ten (10) days prior to the date of the meeting.
23. Trucks travelling to and from the proposed development for gravel hauling purposes shall access the Lands via LOC 930720 into the County of Athabasca.
24. The Applicant shall be required to replace any recreational trails that are removed in connection with the development in consultation with the Long Lake Cottage Owners Association.
25. The Applicant shall fully cooperate with the County in addressing any and all concerns or complaints regarding the development as deemed legitimate by the County, acting reasonably. In response to any such legitimate concerns or complaints, the Applicant shall take reasonable steps within a reasonable time to address such concerns or complaints at its sole expense.
26. The County shall be entitled to enter onto the Lands at any time for the purpose of inspecting the development to determine whether the Applicant is adhering to the foregoing conditions.

## Advisements

1. Approval of this application does not excuse the Applicant from ascertaining and complying with the requirements of any federal, provincial or municipal legislation or the condition of any easement, covenant, building scheme, or development agreement affecting the Lands.
2. The Applicant must comply with the County's Nuisance Bylaw No. 1135-2010; failure to keep the site clear of debris may result in enforcement under the Nuisance Bylaw and/or the *Municipal Government Act*.
3. The Applicant shall comply with the requirements of the County of Thorhild No. 7 Community Aggregate Payment Levy Bylaw, Bylaw No. 1128-2009 and submit the required payments in accordance with the Bylaw.
4. Any changes, amendments or additions to this Permit shall require a new development permit application, including but not limited to, an expansion or intensification of the use.

## Reasons

The Board has reviewed the relevant legislation. The proposed development is a discretionary use under the Land Use Bylaw. Further, while the MDP designates the Lands as Recreation, as the Lands have not been developed for recreational use, the Agriculture policies apply. These policies do not prohibit the proposed development. Lastly, while the Board considered the Long Lake Policy Paper, it did not consider itself bound by it. To begin with, the Board did not have any information as to the circumstances under which the Paper came into existence and there was no information as to whether it had ever been adopted by County Council. As well, the Paper itself does not specifically delineate the study area. In light of the foregoing, the Board was of the view that it had full jurisdiction to exercise its discretion whether or not to approve the proposed development.

With respect to the merits, as a general observation, while the Board appreciates the Appellants' concerns, it notes that their concerns were largely speculative and they provided little substantive evidence to support their concerns. On the other hand, the Applicant was able to provide evidence in the form of reports and studies to support its contention that with appropriate conditions, the impacts of the proposed development could be mitigated. Based on the evidence before it, the Board was satisfied that with the conditions attached, the proposed development was an appropriate development for the Lands and that the Appellants' concerns largely would be addressed. In this regard, the conditions regarding the Community Advisory Committee and cooperation in dealing with complaints and concerns were imposed to ensure that there is a forum to address concerns regarding the development. The Board wishes to make it clear that its

approval of the development is dependent on the inclusion of all of the conditions.

With respect to the various issues raised during the hearing, the Board made the following findings:

1. **Noise & Dust** – Based on the evidence, the Board finds that the distance to the nearest residence is 1.3 km and that there will be a 50 m buffer between the Lands and Long Lake. To a large extent, this separation should provide a buffer for noise and dust associated with the development. Having said that, the Board was of the view that a number of conditions were required in order to ensure that the impact of the noise and dust associated with the proposed development would be mitigated. In particular, the conditions regarding hours of operation, construction of the berm and noise monitoring were directed at addressing noise concerns. The conditions regarding watering of the stockpile/processing area and implementing dust control measures on haul routes are to address dust.
2. **Water** – Based on the evidence before it, the Board is satisfied that the Applicant's proposal will not negatively impact on groundwater or the lake. In particular, the Board is of the view that the proposed dewatering system adequately responds to the concerns raised regarding water quality.
3. **Reclamation and Security** - Reclamation of the Lands will include 2 new water bodies and forest and wildlife habitat. Further, the Conservation and Reclamation Business Plan indicates that the "reclaimed site will consist of natural succession and planting of trees, woody shrubs, pond muck and water plants where deemed suitable. Natural succession is expected to produce a sequence of native grass regeneration, native shrub and willow regeneration, followed by suckering aspen, and in the longer term regeneration of conifers. Reseeding of native species will be completed as needed in consultation with the Land Officer." The Applicant has also indicated that it will employ progressive reclamation to reduce the overall disturbance at any one time.

The Lands are designated for eventual recreational use in the MDP. In order to have the Lands restored to a condition that will facilitate their eventual recreational use, the Board has imposed additional conditions regarding reclamation and has limited the Permit to 10 years with the further requirement that reclamation be complete in one year. The Board is requiring further security to be provided so that the County is in a position to ensure that the reclamation is carried out in accordance with the conditions of this approval.

4. **Environment** – Based on the evidence before it, the Board concluded that the Applicant's operations can co-exist with wildlife and that the Applicant's operations will not necessarily cause wildlife to move out of the area. While the proposed development will result in some disruption to the environment, the

Board's view is that with the conditions regarding reclamation, any such disruption will be over a relatively short term.

5. Recreational Activities – The Board has imposed a condition requiring trails to be replaced. As well, the conditions regarding reclamation are directed at having the Lands restored to a condition that will be suitable for eventual recreational uses.
6. Property values – The only evidence before the Board regarding property values was speculative. As such, the Board was unable to make any findings as to whether the proposed development would affect property values.
7. Aesthetics – The Board is of the view that there is a sufficient buffer between the Lands and Long Lake and the Lands and the Hamlet of Long Lake, such that the development will not be visible from either.
8. Precedent – The approval of this development should not be taken as a precedent for future development. Future developments will be evaluated on their merits.

For the foregoing reasons, the development is approved with conditions.