

MEMORANDUM OF UNDERSTANDING (“MOU”)**BETWEEN:**

**Her Majesty the Queen in right of Alberta
as represented by the Minister of
Environment and Parks (“AEP”)**

and

**Tri-Municipal Industrial Partnership (“TMIP”)
comprised of:**

Municipal District of Greenview No. 16 (“MD of Greenview”)

City of Grande Prairie

County of Grande Prairie No. 1

(collectively, “Participants”)

1. NATURE AND PURPOSE OF MOU

- a. This MOU documents the intentions and understandings between AEP and the three municipalities comprising the TMIP (each a “Municipality”), regarding an area of public land in the MD of Greenview for the development of an Eco-Industrial District (“District”), as identified in the map attached as Appendix A to this MOU.
- b. This MOU is intended to identify the roles and responsibilities of the Participants in respect of the District, to promote a coordinated approach to industrial development of the District. This MOU is not intended to create any legally binding obligations, or any relation of employment, agency, partnership or joint venture between the Participants. For greater clarity the entering into this MOU by the Participants is not intended to represent any final decisions made by any of the Participants regarding the matters addressed herein. All land use activities and allocations of public land will be subject to applicable provincial application, review and approval processes and requirements.
- c. A TMIP District management corporation may be established in the future to coordinate the implementation of the TMIP Municipal Area Structure Plan (“ASP”) and be added as a participant to this MOU.

2. OVERVIEW OF DISTRICT AND OUTCOMES

The TMIP is a collaborative initiative amongst the three Municipalities to coordinate the orderly development of industrial services in the District in a manner that supports provincial and municipal economic, social and environmental priorities. The ASP informs the development of future land and natural resource plans and environmental management frameworks, provides direction regarding how the development is phased and located, details the vision and

outcomes, and identifies the land use and considerations for phased development of the District. Third parties interested in developing industrial services, as identified in the ASP, within and near the District will be advised of the ASP by the Participants.

3. LEGISLATIVE AND POLICY CONTEXT

The District is located within the municipal boundary of the MD of Greenview, and is comprised entirely of public land, as defined in the *Public Lands Act* (“PLA”). AEP is responsible for administering public land under the PLA and the Public Lands Administration Regulation. The MD of Greenview is the municipal development authority for the District under the *Municipal Government Act*. All land use activities will be subject to provincial application and review processes. The ASP will serve as a guide to the type of land use and development parameters.

4. IMPLEMENTATION OF THE DISTRICT

a. **Reservations** – To be consistent with the intent of the ASP and subject to AEP policy changes, AEP will implement the following tools, to be housed in the Government of Alberta’s Geographic Land Information Management and Planning System, and appear in applicable land management processes and tools such as Land Standing Reports and the Landscape Analysis Tool:

- i. A Consultative Notation (“CNT”) held by AEP will be placed on the lands surrounding the District (“CNT Area”), as identified in the map attached as Appendix A, to advise applicants of the existence of the ASP. If appropriate, AEP may redirect any proposed activities it becomes aware of within the CNT Area into the District. AEP will work with the MD of Greenview to facilitate this process.
- ii. A Protective Notation (“PNT”) held by AEP will be placed on the lands comprising the District to advise applicants of the ASP. Upon the completion of First Nations and Metis Settlement consultation by AEP, AEP may consider placing a Holding Reservation (“HRS”) to replace the PNT. The HRS notation would contain the requirement that all activities within the District will need to align with the ASP, identify the land use decision, and stipulate the applicable activity restrictions and exceptions for the District.

b. **Governance and Process**

- i. As the District and the CNT Area are public lands under the administration of AEP, permitted activities within these areas will follow the standard processes under the applicable regulator (e.g., AEP, Alberta Energy Regulator, Agriculture and Forestry, etc.). In accordance with the CNT, PNT or HRS, there will be a required referral, for each activity proposed in the District or the CNT Area, as applicable, to the MD of Greenview, to evaluate alignment with the ASP. When the MD of Greenview receives a referral, it will advise the applicant on what activities require municipal development permits.

- ii. Municipalities maintain the role of development authority by issuing municipal development permits within their boundaries, and addressing any associated municipal appeals falling within their jurisdiction.
- c. **Public Land Allocations** – The following potential public land allocation options (“Allocations”) have been identified for lands within the District. These options are subject to applicable provincial legislation, policies, processes, and any required provincial approvals, including but not limited to AEP, Cabinet, Treasury Board, or other approvals:
 - i. Issuance by AEP of an applicable disposition under the PLA to a Municipality or a third party, authorizing use of public land; or
 - ii. Sale of public land by AEP to a Municipality, third party or disposition holder (unless prohibited by terms of disposition).
- d. **Alignment with Other Interests** – Where there are existing interests or dispositions within the CNT Area or District:
 - i. Applicants will be required to apply to the applicable regulator using standard application processes, including obtaining consent from existing disposition and forest tenure holders as part of the application submission.
 - ii. Where there are existing forest management agreement holders (“FMA holders”) or timber quota holders:
 - a) Planned harvesting activities outside of the District will continue to take place in accordance with approved forest management plans. This includes any approved general development plans, forest harvest plans and annual operating plans that FMA holders may have for harvesting on the lands located outside of and up to the boundaries of the District.
 - b) For lands within the District, prior to application, the applicant will be required to contact AEP to discuss:
 - i. how the FMA holder and/or the timber quota holder is affected;
 - ii. whether the timber within the District is to be harvested prior to an Allocation and by whom;
 - iii. assessment of compensation to the FMA holder and/or the timber quota holder regarding any potential loss of forest tenure.
 - c) In the event of a sale of District lands where timber is to be harvested after transfer of the lands, the Participants will offer the first right of refusal to harvest the timber from the lands to the affected FMA holder and/or the timber quota holder as applicable.
 - iii. Fur management licence holders are allowed to continue to use the land in accordance with their licences and applicable legislation until such time as the land may be sold or developed.

e. Consultation

- i. AEP will be responsible for finalizing the current First Nation and Metis Settlement consultation with respect to potential Allocation(s) of lands within the District, and for the potential placing of a corresponding HRS on the lands.
- ii. Where an applicant applies for an Allocation of lands within the District prior to the completion of the consultation referred to in (i), the applicant will be responsible for all First Nation and Metis Settlement consultation required with respect to its application.
- iii. Where an applicant applies for an Allocation of lands within the District after the completion of the consultation referred to in (i), that completed consultation may be considered as helping to meet any consultation obligations triggered by the application, to the extent that the completed consultation is relevant to that Allocation.

f. Development

- i. The Municipalities may use avenues available under the *Municipal Government Act* for the recovery of municipal infrastructure costs.
- ii. It is the responsibility of the applicant to obtain all required regulatory authorizations and meet applicable requirements of AEP or any other regulatory body, as applicable, prior to any activity occurring in the District.

5. DURATION OF MOU, MOU REVIEW, AMENDMENT AND WITHDRAWAL

- a. **Duration of MOU** – This MOU will be effective on the date it is signed by all of the Participants and expire on September 15, 2029.
- b. **Amendment** – This MOU will be amended upon establishment of a TMIP District management corporation, and at any other time as may be agreed to by the Participants in writing.
- c. **MOU Review** – This MOU will be reviewed by the Participants 2 years prior to expiry, or sooner date if there is a shift in management direction or process that necessitates a review prior, or as may be agreed to by the Participants. The results of this review may initiate a MOU Renewal.
- d. **Withdrawal of Participants** – Notwithstanding the duration of this MOU, any of the Participants may withdraw from this MOU upon providing 90 days written notice to the other Participants.

6. GENERAL

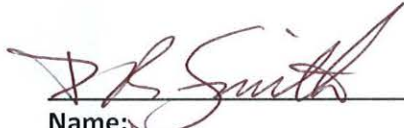
- a. For greater clarity, nothing in this MOU is intended to be, or shall be interpreted as, a predetermination or fettering of discretion of AEP, Cabinet, Treasury Board, or any other provincial authority with regard to any potential Allocation.

- b. This MOU and associated reservations do not supersede or replace any provincial statutes that individual provincial departments or the Municipalities have responsibility for that articulate activity specific processes and requirements (including but not limited to environmental impact assessments, and historical resources impact assessments).

MOU STATEMENT OF APPROVAL

Tri-Municipal Industrial Partnership, comprised of the Municipalities:

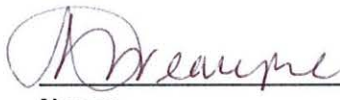
Municipal District of Greenview No. 16:


Name: _____
Title: *Reeve*

Date:

Feb 10 / 2020

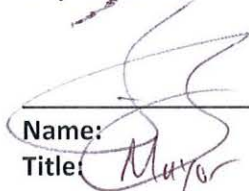
County of Grande Prairie No. 1:


Name: _____
Title: *Reeve*

Date:

Feb 10 2020

City of Grande Prairie:


Name: _____
Title: *Mayor*

Date:

Feb 10 / 2020

Her Majesty the Queen in right of Alberta
as represented by the Minister of
Environment and Parks ("AEP")


Name: *Jason Nixon*
Title: *Minister*

Date:

Feb 10/20

Appendix A to the MOU

