

## NRCB Panel Questions for Town of Canmore - 4 July 2018

### 1 Aboriginal Consultation

- 1.1 Has the Crown identified that it will be relying on the NRCB's processes to fulfill the Crown's duty to consult? If so, were First Nations advised of this reliance?
- 1.2 Did the Crown ask that the Town advise First Nations that the Natural Resources Conservation Board review process includes broad powers to facilitate consultation (e.g. requiring studies or information, imposing conditions, participant funding)?
- 1.3 What is the "consultation log" referenced in the October/November bi-monthly report to the Blood Tribe and how does it differ from the "consultation report"?
- 1.4 Provide:
  - a) Aboriginal land use studies or traditional land use studies that were provided to the Town of Canmore
  - b) Baseline Vegetation Fieldwork Summary
  - c) Historical Resources Summary
  - d) Meeting minutes for initial meetings with aboriginal groups
  - e) Meeting minutes associated with aboriginal site visits
  - f) Meeting minutes for aboriginal consultation meetings
- 1.5 In several instances the Alberta Aboriginal Consultation Office requested the Town provide revised bi-monthly consultation reports that included missing emails and correspondence. Provide the emails and correspondence referenced by the ACO.
- 1.6 Has the Alberta Aboriginal Consultation Office identified any outstanding matters in relation to the Town's aboriginal consultation efforts? If so, please provide.

1.7 Infrastructure Canada (letter October, 19, 2016 from Infrastructure Canada to the Town of Canmore re: Town of Canmore Cougar Creek Flood Mitigation Project – The Canadian Environmental Assessment Act, 2012 and the Duty to Consult with Aboriginal Peoples) identified:

...that consultation with Aboriginal peoples is required in the context of the project and that work may not proceed with construction until INFC can confirm that Canada's obligations for Aboriginal consultation have been met.

The Town of Canmore reported to the NRCB (letter May 31, 2018 from Town of Canmore to Natural Resources Conservation Board re: Summary of Aboriginal Consultation on the Town of Canmore Cougar Creek Debris Retention Structure Project from October 2015 to March 2018):

That...after reviewing the Town of Canmore Consultation Plan that included all Treaty 7 First Nations, INFC requested that the Town of Canmore also notify the Metis Nation of Alberta and the Ktunaxa Nation.

Within this same document (letter May 31, 2018), the Town of Canmore reports:

...the Town of Canmore submitted notification letters in November 2016 to the Metis Nation of Alberta and to the Ktunaxa Nation through the ?Akisq'nuk [sic] First Nation of Windermere British Columbia and the Shuswap First Nation of Invermere British Columbia (Attachments 13a to 13c). The Town of Canmore confirmed delivery of the notifications and only received one response. The Shuswap Band responded by email to confirm that they had no concerns regarding the Project and indicated support for any efforts to prevent flood damage similar to what was experienced in 2013 (Attachment 14), and;

No further action by the Town of Canmore was required by INFC.

It must be inferred from this communication that ?Akisq'nuk First Nation of Windermere British Columbia did not respond to the November 2016 notification letter.

Please provide:

- a) Confirmation that ?Akisq'nuk First Nation did not respond to the Town's notification letter.
- b) Supporting records and documentation between the Town of Canmore and Infrastructure Canada detailing the requested consultation and results.
- c) Written confirmation from Infrastructure Canada that no further action is required by the Town of Canmore.

## 2 Historical Resources

- 2.1 Section 8.8.5 says that the Project archaeologist recommended to HRMB that HRA clearance be granted for ground disturbing activities...(page 8-70 and page 8-77). What is the current status of the HRA review?

## 3 Dam and Channel Design

- 3.1 Have there been any significant design changes arising from the Dam Safety application? If so, please provide a description of each change and the associated effects. Also, please provide an updated forecast of construction costs.
- 3.2 Given the debris net required modification from a restricted low flow opening (EIA Figure 66-3), to approximately 0.6 m with success since June 2014 (SIR 1 Section 5-11), please confirm that this was considered in the proposed design of the opening between the rake and intake base plate (SIR 1 Section 5-8) to the diversion tunnel.
- 3.3 In Appendix 4B (Canadian Hydrotech Corp., 2016), section 04.06.01 states that low stability of the channel bed and flow concentration on the outside bends could overstress the cable-concrete mats and limit the capacity and overall stability of the channel. Complementary grade control at critical sections is recommended. Section 09.02 states that a maximum allowable clear water discharge of  $45\text{m}^3/\text{s}$  was determined for the current state of channel design. Explain if any further measures are required, or proposed, to ensure the channel and concrete mats function with the design Project discharge.
- 3.4 All three options (A, B and C) in Alpinfra's report of January 13, 2015 planned for a "diverting structure" (approximately 500 m downstream of the chosen Option A structure). Describe if a diverting structure is required to complement the Project. If it is required, describe the effects a diverting structure would have on No Man's Land.

- 3.5 Modelling results in Canadian Hydrotech's report Cougar Creek Update of Grade Control Design Report (May 4, 2016) include Elk Run Boulevard culvert and Highway 1 culvert, but do not include assessments of the culvert at Bow Valley Trail and the CPR bridge crossing. Qualitatively describe how the culvert at Bow Valley Trail and the CPR bridge crossing would perform during a flood of 45 m<sup>3</sup>/s of clear water discharge plus bedload.

## 4 Municipal Planning

- 4.1 Please provide both the current MDP and Steep Creek Policy.
- 4.2 Does the Town own the debris dam structure? Are there any requirements to further change Town of Canmore planning documents or other legal instruments to accommodate ownership?
- 4.3 Does the MDP or another binding planning instrument involve establishment of steep creek study areas, development hold zones and hazard zones, and does it describe acceptable development activities and processes to be followed within each area or zone? Please describe which provisions do this.
- 4.4 Please confirm whether the Cougar Creek alluvial fan mapped under the MDP (or other binding planning instrument) is located in a development hold zone (page 4-13). If the mapping is in the Steep Creek Hazard Policy, please identify where a development hold zone is defined and where the Cougar Creek alluvial fan is illustrated as being contained within such a zone. What and where are the activities permitted in such a zone?
- 4.5 The Town indicated that its MDP was modified and expected to be adopted in 2016 [EIA P. 4-13]. The Town states an objective to avoid new risks in steep creek areas that exceed safety risk thresholds and reduce existing risks to within established thresholds over time. Further the Town indicates that the Cougar Creek alluvial fan has been designated as a development hold zone where no new development will be allowed until the steep creek risk is reduced to acceptable levels.
- a) Has the Town adopted a steep creek policy and incorporated its stated objectives within a new MDP?

- b) The Town states that the Project is expected to reduce the risk of mortality in the Cougar Creek alluvial fan to less than 1:10,000 (acceptable threshold). The Town also states that further development will be allowed should the Project be approved and constructed.
- i. Confirm that the entire Cougar Creek alluvial fan will be a development hold zone absent the Project.
  - ii. What is the total amount of land available for development in the Cougar Creek alluvial fan currently; and what amount of additional land does the Town anticipate would be available for development in the alluvial fan with the Project completed?
  - iii. Describe the types of land uses (zoning) available to be developed in the Cougar Creek alluvial fan?

## **5 Mitigation, Monitoring and Commitments**

- 5.1 Sections 11, 12 and 13 in the Environmental Impact Assessment, July 2016 (EIA) included Mitigation Measures, Monitoring, and Commitments, respectively. Please provide an update to the list of Mitigation Measures, Monitoring, and Commitments, including additional items noted in the SIRs or other consultations.