

**File No.: 4337**

**VIA EMAIL**

[bill.kennedy@nrbc.ca](mailto:bill.kennedy@nrbc.ca)

[laura.friend@nrbc.ca](mailto:laura.friend@nrbc.ca)

January 20, 2021

Natural Resources Conservation Board  
19th floor, 250 – 5 Street SW  
Calgary, AB T2P 0R4

**ATTENTION: BILL KENNEDY, GENERAL COUNSEL  
LAURA FRIEND, MANAGER, BOARD REVIEWS**

Dear Sir and Madam:

**Re: Springbank Off-Stream Reservoir Project (the “Project”)  
NRCB Application No. 1701 (the “Application”)  
Bears paw First Nation, Chiniki First Nation and Wesley First Nation  
requests for standing, intervenor status, advance funding, and extension**

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We are writing on behalf of our clients, the Bears paw First Nation, Chiniki First Nation, and Wesley First Nation, collectively the Stoney Nakoda Nations (the “Stoney Nakoda”). The Stoney Nakoda submit this letter pursuant to the Notice of Hearing issued on December 21, 2020 by the Natural Resources Conversation Board (the “NRCB”) for Alberta Transportation’s Application for the proposed Project.

To fully represent the Stoney Nakoda, the Bears paw First Nation, Chiniki First Nation and Wesley First Nation intend to participate in the public hearing for the Project, set to begin on March 22, 2021 (the “Hearing”), and we submit this letter on their behalf to request the following:

- That they each be granted standing in the Hearing and be permitted to make representations, furnish evidence, cross-examine other parties and provide argument;

- That they each be deemed eligible intervenors pursuant to section 11 of the *Natural Resources Conservation Board Act*, RSA 2000, c N-3 (the “*Act*”); and
- That each Nation’s request for advance funding be granted pursuant to sections 28 and 37 of the *Rules of Practice of the Natural Resources Conservation Board Regulation* (the “*Rules*”), and as set out in the enclosed Application Forms for Intervener Funding Advance Award of Costs.

### **The Stoney Nakoda are directly affected parties**

The Stoney Nakoda are comprised of the Bearspaw First Nation, Chiniki First Nation, and Wesley First Nation. The Stoney Nakoda reserve lands are, namely: Morley Indian Reserves 142, 143, 144, undivided; Rabbit Lake Indian Reserve 142B; Bighorn Indian Reserve 144A; and Eden Valley Indian Reserve 216. The Stoney Nakoda were signatories to Treaty 7 in 1877, and therefore hold Aboriginal and Treaty rights recognized by Treaty 7 and the *Natural Resources Transfer Act, 1930* and further affirmed under Section 35 of the *Constitution Act, 1982*. The Stoney Nakoda also assert Aboriginal title and rights as being claimed in the Court of Queen’s Bench of Alberta, Action No. 0301-19586 (the “Title Claim”). The Title Claim asserts Aboriginal title and rights over off-reserve surface and subsurface lands and natural resources, including water, and seeks compensation from Alberta and Canada arising from breaches of Stoney Nakoda Aboriginal title and rights over lands located in Alberta.

The Notice of Hearing for the Project states that “The panel is required to give standing to persons who may be directly affected by a reviewable project.”

Approval of the Project would have significant impacts on the rights and interests of the Stoney Nakoda. Alberta Transportation has been engaging the Stoney Nakoda on the proposed Project since 2014 because of the potential for the Project to directly and adversely affect the Stoney Nakoda’s Aboriginal and Treaty Rights. The proposed Project is located within Stoney Nakoda traditional territory in an area that is used by Stoney Nakoda members for hunting and trapping and for other traditional use activities. The location of the proposed Project is also subject to the Stoney Nakoda’s claim of Aboriginal title and rights as set out in the Title Claim.

Due to the limited amount of available Crown lands that remain within Treaty 7 and Stoney Nakoda traditional territory, Stoney Nakoda members have been forced to increasingly rely on private lands including within the Project area for the exercise of Aboriginal and Treaty rights. Environmental effects on water and wetlands for wildlife, fish, birds and vegetation will impact the Stoney Nakoda’s exercise of rights and cultural practices within the Project area, and will in turn result in socio-economic impacts on Stoney Nakoda members who currently exercise their rights and traditional practices in this area.

The Stoney Nakoda’s Morley Indian Reserves 142, 143 and 144, undivided, are located in close proximity to the proposed flood area. Stoney Nakoda’s wholly-owned corporation,

Woste Igic Nabe Ltd., also owns over 2,400 acres of private land (known as the Copithorne Ranch property) that is also located in close proximity to the proposed Project.

The *sui generis* nature of Stoney Nakoda's Aboriginal and Treaty rights makes the interests of Stoney Nakoda unique from potential effects of the Project on the general public. Given the location of the proposed Project in Stoney Nakoda's Treaty and traditional territory and its close proximity to the Morley Indian Reserves 142, 143 and 144, undivided, and the Copithorne Ranch property, as well as the substantial adverse effects that the Project poses to the Stoney Nakoda's exercise of Aboriginal and Treaty rights and traditional uses, the Stoney Nakoda are directly affected parties and should be granted standing to participate in the Hearing for the Project. Further, the Stoney Nakoda should be considered eligible intervenors pursuant to section 11 of the *Act* and sections 28 and 37 of the *Rules*.

### **Request for advance funding**

Pursuant to sections 28 and 37 of the *Rules*, Bearspaw First Nation, Chiniki First Nation and Wesley First Nation each request an advance of funds in respect of costs that are anticipated to be incurred as a result of their participation in the Hearing. We have enclosed completed Application Forms for Intervener Funding Advance Award of Costs.

### **Request for extension**

Further to the Notice of Hearing, the Stoney Nakoda request the NRCB consider an extension of the deadlines and dates therein.

As you are aware, there are ongoing challenges as a result of the COVID-19 pandemic. While the Stoney Nakoda continue working to overcome administrative and productivity interruptions as a result of provincial health restrictions, they are facing additional issues on reserve. On January 11, 2021, Stoney Tribal Council declared a second state of local emergency due to a sharp increase in COVID-19 cases within the community and have since imposed safety measures stricter than that of the province.

As a result of these latest measures on reserve, most of Stoney Nakoda's offices are closed and various key personnel have been reassigned to prioritize community support; and therefore, the Stoney Nakoda will have limited resources to properly review, analyze and comment on the specific issues set out in the Pre-Hearing Conference Report by February 26, 2021.


The Stoney Nakoda request an extension of the deadline by a minimum of three months because emergency restrictions arising from the pandemic will continue until many more Albertans, including Stoney members, are vaccinated.

A similar extension request has been put before the Impact Assessment Agency of Canada for comment on the draft Environmental Assessment Report.

We appreciate your consideration of the requests in this letter.

Yours truly,

Rae and Company

  
for L. Douglas Rae  
LDR/ble

Enc.

- cc. Matthew Hebert, Executive Director, Transportation Services Division, Alberta  
Transportation (via email)  
Dean Cherkas, Director, Stoney Consultation (via email)  
Bill Snow, Manager, Stoney Consultation (via email)  
Gavin Ear, Bearspaw First Nation Consultation Officer (via email)  
Conal Labelle, Chiniki First Nation Consultation Officer (via email)  
Chris Goodstone, Wesley First Nation Consultation Officer (via email)  
Ryan Robb, CEO, Stoney Tribal Administration (via email)

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# APPLICATION FORM

# Intervener Funding Advance Award of Costs

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## STEP 1 – GENERAL CONSIDERATIONS IN FILING YOUR APPLICATION

To help the NRCB process your application, please be as thorough as possible in providing the information requested in the attached format. A properly completed form will speed up the processing.

Your Request for an Advance Award of Costs must be submitted to the Board and to the project applicant by the date specified by the Board.

There is no guarantee that any or all of your costs will be awarded. You must first qualify for costs (see the Intervener Funding Process Guide) and then only reasonable costs will be awarded.

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## STEP 2 – YOUR MAILING INFORMATION

NRCB Application No: 1701 Applicant: Bearspaw First Nation

Name(s) of Intervener(s) *(attach a list if necessary)*

Bearspaw First Nation  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Note: Attach written authorization by "directly affected" individuals or groups of individuals where a formal association has been requested to represent their concerns and outline specific impacts to be addressed.*

Was a group or coalition formed to intervene in this application? Yes \_\_\_\_\_ No X \_\_\_\_\_

If yes, name of group: \_\_\_\_\_

Name of intervener or group representative: William Snow, Consultation Manager  
Gavin Ear, Consultation Officer

Mailing and email address and local telephone number for intervener or group:

Bearspaw First Nation

P.O. Box 120

Morley, AB T0L 1N0

Email: bills@stoney-nation.com

gavine@stoney-nation.com

Phone: 587-580-6212

403-969-2868

Has a copy of this request (with supporting documentation) been sent to the proponent or its lawyer?

Yes  \_\_\_\_\_ No \_\_\_\_\_

Sent at same time this request was sent to the Board.

### **STEP 3 – JUSTIFICATION OF CLAIM**

Attach the following information:

- describe the extent to which the intervener will be undertaking on the intervener's own behalf the preparation and presentation of the submission;
- the controls the intervener has in place for the expenditure of any advance funding received;
- the reasons why funds are required in advance;
- a detailed forecast of the total cost of the intervention, the amount that you expect to claim in any final claim for costs and the amount of advance funding sought; and,
- a detailed description of the information that you intend to include in your submission and how such information may assist the Board in assessing the social, economic or environmental effects from the reviewable project.

\*\*\*See attached Appendix A

### **STEP 4 – ELIGIBILITY FOR FUNDING**

Provide detailed evidence to support your claim as to why you are or may be "directly affected" by the proposed application. Attach this information to your claim.

It is recommended that interveners review the NRCB's Intervener Funding Process Guide. Submissions should identify detectable effect on the directly affected party and evidence of an uninterrupted chain of cause and effects between the proposed project and the individual or group of individuals. Effects noted should not be trivial in nature.

\*\*\*See attached Appendix A

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## STEP 5 – THE DETAILS OF YOUR REQUEST FOR AN ADVANCE AWARD OF COSTS

### 1. INTERVENER

	Honoraria	Expenses
a) Forming a group *	\$ _____	\$ _____
a) Preparing a submission *	\$ _____	\$ <u>500</u>
b) Attending a hearing (½ days x \$50)	\$ <u>300</u>	\$ <u>300</u>
Subtotals	\$ <u>300</u>	\$ <u>800</u>

<b>TOTAL PERSONAL CLAIM OF INTERVENER</b>	
Subtotals A + B =	\$ <u>1,100</u> (line 1)
Please transfer total to Section 6 – Line 1 (Page 21)	

\* Normally the total of these two amounts will not exceed \$500

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**2. LAWYER**

Name: Rae and Company

Mailing/Email Address: 900 - 1000 5 Ave SW  
Calgary, AB T2P 4V1

Type text here

slouden@raeandcompany.com  
lorddoug@raeandcompany.com

Telephone Number: 403-264-8389

**TOTAL FEES & DISBURSEMENTS FOR LAWYER'S SERVICES**  
Breakdown of Lawyer's Account

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a) Fees for preparation of submission	8 (Sr.) hrs x \$ 370 /hr	\$ 2960 (Sr)
	40 (Jr) hrs x \$150 /hr	\$6000 (Jr)
b) Fees for attendance at hearing	24 (Sr.) hrs x \$ 370 /hr	\$ 8,880 (Sr.)
	24 (Jr.) hrs x \$ 150/hr	3600 (Jr.)
c) Disbursements		\$ 200

**TOTAL CLAIM RESPECTING LAWYER'S ACCOUNT**

\$ 21,640  
(line 2)

Please transfer total to Section 6 – Line 2 (Page 21)

*\* claimed legal costs should be for legal services only (See Intervener Funding Process Guide, Legal Costs, Page 14)*

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**3. EXPERT/CONSULTANT**

Name: \_\_\_\_\_

Mailing/Email Address: *(where there is more than one expert or consultant, please attach additional information)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Services to be Performed: *(attach work specifications for each consultant/expert)*

Total Fees and Disbursements: *(attach accounts)*

**Breakdown of Accounts**

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a) Preparation of submission	_____ hrs x \$ _____ /hr	\$ _____
b) Attendance at hearing	_____ hrs x \$ _____ /hr	\$ _____
c) Costs of drafting, administrative services, etc. (if applicable, attach a separate breakdown)	_____ hrs x \$ _____ /hr	\$ _____
d) Total disbursements		\$ _____

<p>TOTAL CLAIM RESPECTING EXPERT/CONSULTANT ACCOUNT(S)</p> <p style="text-align: center;">\$ 0 _____ (line 3)</p> <p style="text-align: center;">Please transfer total to Section 6 – Line 3 (Page 21)</p>
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\* Note: *Personal services already compensated for by others in the form of hourly employment or regular salary will not be compensated for in a cost award (See Intervener Funding Process Guide, Costs of an Expert, Page 15)*

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**4. WITNESS FEES**

*(for persons who appear at a hearing to give evidence but who are not interveners making a claim under Step 5, Item 1c)*

- a) Meeting with a lawyer                      \_\_\_\_\_ witnesses x \_\_\_\_\_ ½ days at \$50        \$ \_\_\_\_\_
- b) Attendance at a hearing to give evidence    \_\_\_\_\_ witnesses x \_\_\_\_\_ ½ days at \$50        \$ \_\_\_\_\_

TOTAL CLAIM RESPECTING WITNESS(ES) FEES

\$ 0  
(line 4)

Please transfer total to Section 6 – Line 4 (Page 21)

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**5. INTERVENER VOLUNTARY CONTRIBUTION**

Attach a summary of your voluntary contribution to this intervention. Provide as much detail as possible including anticipated hours to be contributed, tasks performed and types of expenses which may be incurred.

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**6. SUMMARY OF FUNDING REQUESTED**

*(please transfer totals from preceding sections to the appropriate lines below)*

Intervener(s)	(from line 1)	\$ <u>1,100</u>
Lawyer	(from line 2)	\$ <u>21,640</u>
Expert(s)/Consultant(s)	(from line 3)	\$ <u>0</u>
Witness(es)	(from line 4)	\$ <u>0</u>

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**7. TOTAL AMOUNT OF INTERVENER FUNDING REQUESTED**

Total Request (total of lines 1-4)	=	\$ <u>22,740</u>
Total amount sought as an advance award	=	\$ <b>11,370</b>
		(50% of total award pursuant to determination in Notice of Hearing)

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**PLEASE SEND YOUR COMPLETED APPLICATION AND COPIES OF SUPPORTING DOCUMENTS DIRECTLY TO THE NRCB AND THE PROPONENT:**

- 1) **Natural Resources Conservation Board**  
19<sup>th</sup> floor, 250 – 5 Street SW  
Calgary, AB T2P 0R4

**Email:**            [laura.friend@nrcb.ca](mailto:laura.friend@nrcb.ca)  
**Phone:**            (403) 297-8269            **Toll-Free:**        310-0000

- 2) **The proponent's lawyer, if any, or to the proponent at its business address.**
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## APPENDIX A

### JUSTIFICATION OF CLAIM

**The extent to which the intervener will be undertaking on the intervener's own behalf the preparation and presentation of the submission:**

In support of Bearspaw First Nation, staff of the Stoney Consultation Office will provide instructions, direction and review of the Bearspaw First Nation's evidence and submission prepared by legal counsel, and will attend and participate in the hearing as necessary.

**Controls the intervener has in place for the expenditure of any advance funding received:**

Bearspaw First Nation has received advance funding for consultation, engagement and participation relating to other projects and therefore has experience in controlling expenditures in this regard. This experience will be applied by Bearspaw First Nation for the expenditure of any advance funding received for the SR1 Project. Further, legal counsel for Bearspaw First Nation is bound by stringent ethical and professional obligations relating to invoicing and billing.

**Reasons why funds are required in advance:**

Bearspaw First Nation is requesting funds in advance due to the limited capacity and resources of the Stoney Consultation Office as a result of the numerous requests for consultation and engagement that Bearspaw First Nation receives relating to projects within its traditional territory. Bearspaw First Nation relies on legal support and advance funds are required to enable Bearspaw First Nation's involvement in the public hearing of the SR1 Application. Without advance funding, Bearspaw First Nation may be unable to fully participate in the preparation for and participation in the hearing.

**Forecast of the total cost of the intervention, the amount that you expect to claim in any final claim for costs and the amount of advance funding sought:**

Bearspaw First Nation anticipates the total cost of the intervention to be \$22,740. The amount of advance funding sought is \$11,370. This is based on the Board's determination in the Pre-Hearing Conference Decision Report for the Project that advance funding of 50% of the total cost award is appropriate for this Project.

Both the estimated total cost and the advance funding request are estimates, and Bearspaw First Nation reserves the right to seek additional funding as necessary as part of any final costs claim.

**Description of the information that you intend to include in your submission and how such information may assist the Board in assessing the social, economic or environmental effects from the reviewable project:**

Bears paw First Nation's submission will include evidence and discussion of impacts to Treaty and Aboriginal rights, Crown consultation, traditional and contemporary land use, cumulative effects of impacts to Treaty and Aboriginal rights and taking-up land, impacts to water and groundwater quality and quantity, and impacts to vegetation and wildlife. This information is directly related to the issues and topics identified by the Board as relevant to the determination of whether the project is in the public interest, and to the Board's assessment of the social, economic and environmental effects of the Project.

**ELIGIBILITY FOR FUNDING**

**Evidence to support your claim as to why you are or may be "directly affected" by the proposed application:**

Bears paw First Nation as a component of the Stoney Nakoda Nations has been engaged by Alberta Transportation since 2014 on the proposed Project due to the potential for direct and adverse effects on the Treaty and Aboriginal rights of Bears paw First Nation.

The proposed Project is located in Stoney Nakoda traditional territory, in an area that is used by its members for hunting, trapping and other traditional use activities, and on lands subject to the claims of Bears paw First Nation, collectively with Chiniki First Nation and Wesley First Nation for Aboriginal title and rights as set out in the Court of Queen's Bench of Alberta, Action No. 0301-19586. Due to the limited amount of available Crown lands that remain within Treaty 7 and Stoney Nakoda traditional territory, Bears paw First Nation members have been forced to increasingly rely on private lands including within the Project area for the exercise of Aboriginal and Treaty rights. Because of the limited amount of lands that remain available for the exercise of Aboriginal and Treaty rights, approval of the project has the potential to cause significant impacts on Bears paw First Nation Aboriginal and Treaty rights.

Environmental effects on water and wetlands for wildlife, fish, birds and vegetation will impact the Stoney Nakoda's exercise of rights and cultural practices within the Project area, and will in turn result in socio-economic impacts on Stoney Nakoda members who currently exercise their rights and traditional practices in this area.

The Stoney Nakoda's Morley Indian Reserves 142, 143 and 144 undivided are located in close proximity to the proposed flood area. Stoney Nakoda's wholly-owned corporation, Waste Igic Nabe Ltd., also owns over 2,400 acres of private land (known as the Copithorne Ranch property) that is also located in close proximity to the proposed Project. The *sui generis* nature of Bears paw First Nation's Aboriginal and Treaty rights make the interests of Bears paw First Nation unique from potential effects of the Project on the general public.

## **INTERVENOR VOLUNTARY CONTRIBUTION**

**Summary of your voluntary contribution to this intervention, including anticipated hours to be contributed, tasks performed and types of expenses which may be incurred:**

In support of Bearspaw First Nation, staff of the Stoney Consultation Office anticipate spending time, at a cost of \$350 per day, to provide instructions and direction to legal counsel, review materials and attend the hearing. Bearspaw First Nation estimate spending one day reviewing the project application and materials, one day meeting with legal counsel to provide instructions and direction and review the submission, and three days attending the hearing. An Elder will also attend the hearing each day, at a cost of \$500 per day.

The voluntary contribution by Bearspaw First Nation (not including the \$1,100 requested from the NRCB) is therefore expected to be approximately \$3,250.

Bearspaw First Nation will also be required to cover unexpected costs and costs not covered by a costs award from the Board.

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# APPLICATION FORM

# Intervener Funding Advance Award of Costs

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## STEP 1 – GENERAL CONSIDERATIONS IN FILING YOUR APPLICATION

To help the NRCB process your application, please be as thorough as possible in providing the information requested in the attached format. A properly completed form will speed up the processing.

Your Request for an Advance Award of Costs must be submitted to the Board and to the project applicant by the date specified by the Board.

There is no guarantee that any or all of your costs will be awarded. You must first qualify for costs (see the Intervener Funding Process Guide) and then only reasonable costs will be awarded.

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## STEP 2 – YOUR MAILING INFORMATION

NRCB Application No: 1701 Applicant: Chiniki First Nation

Name(s) of Intervener(s) *(attach a list if necessary)*

Chiniki First Nation  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Note: Attach written authorization by "directly affected" individuals or groups of individuals where a formal association has been requested to represent their concerns and outline specific impacts to be addressed.*

Was a group or coalition formed to intervene in this application? Yes \_\_\_\_\_ No X \_\_\_\_\_

If yes, name of group: \_\_\_\_\_

Name of intervener or group representative: William Snow, Consultation Manager  
Conal Labelle, Consultation Officer

Mailing and email address and local telephone number for intervener or group:

Chiniki First Nation

P.O. Box 120

Morley, AB T0L 1N0

Email: bills@stoney-nation.com

conall@stoney-nation.com

Phone: 587-580-6212

403-881-2789

Has a copy of this request (with supporting documentation) been sent to the proponent or its lawyer?

Yes  No

Sent at same time this request was sent to the Board.

### STEP 3 – JUSTIFICATION OF CLAIM

Attach the following information:

- describe the extent to which the intervener will be undertaking on the intervener's own behalf the preparation and presentation of the submission;
- the controls the intervener has in place for the expenditure of any advance funding received;
- the reasons why funds are required in advance;
- a detailed forecast of the total cost of the intervention, the amount that you expect to claim in any final claim for costs and the amount of advance funding sought; and,
- a detailed description of the information that you intend to include in your submission and how such information may assist the Board in assessing the social, economic or environmental effects from the reviewable project.

\*\*\*See attached Appendix A

### STEP 4 – ELIGIBILITY FOR FUNDING

Provide detailed evidence to support your claim as to why you are or may be "directly affected" by the proposed application. Attach this information to your claim.

It is recommended that interveners review the NRCB's Intervener Funding Process Guide. Submissions should identify detectable effect on the directly affected party and evidence of an uninterrupted chain of cause and effects between the proposed project and the individual or group of individuals. Effects noted should not be trivial in nature.

\*\*\*See attached Appendix A



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## STEP 5 – THE DETAILS OF YOUR REQUEST FOR AN ADVANCE AWARD OF COSTS

### 1. INTERVENER

	Honoraria	Expenses
a) Forming a group *	\$ _____	\$ _____
a) Preparing a submission *	\$ _____	\$ <u>500</u>
b) Attending a hearing (½ days x \$50)	\$ <u>300</u>	\$ <u>300</u>
Subtotals	\$ <u>300</u>	\$ <u>800</u>

<b>TOTAL PERSONAL CLAIM OF INTERVENER</b>	
Subtotals A + B =	\$ <u>1,100</u> (line 1)
Please transfer total to Section 6 – Line 1 (Page 21)	

\* Normally the total of these two amounts will not exceed \$500

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**2. LAWYER**

Name: Rae and Company

Mailing/Email Address: 900 - 1000 5 Ave SW  
Calgary, AB T2P 4V1

Type text here

slouden@raeandcompany.com  
lorddoug@raeandcompany.com

Telephone Number: 403-264-8389

**TOTAL FEES & DISBURSEMENTS FOR LAWYER'S SERVICES**  
Breakdown of Lawyer's Account

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a) Fees for preparation of submission	8 (Sr.) hrs x \$ 370 /hr	\$ 2960 (Sr)
	40 (Jr) hrs x \$150 /hr	\$6000 (Jr)
b) Fees for attendance at hearing	24 (Sr.) hrs x \$ 370 /hr	\$ 8880 (Sr.)
	24 (Jr.) hrs x \$ 150/hr	3600 (Jr.)
c) Disbursements		\$ 200

**TOTAL CLAIM RESPECTING LAWYER'S ACCOUNT**

\$ 21,640  
(line 2)

Please transfer total to Section 6 – Line 2 (Page 21)

*\* claimed legal costs should be for legal services only (See Intervener Funding Process Guide, Legal Costs, Page 14)*

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**3. EXPERT/CONSULTANT**

Name: \_\_\_\_\_

Mailing/Email Address: *(where there is more than one expert or consultant, please attach additional information)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Services to be Performed: *(attach work specifications for each consultant/expert)*

Total Fees and Disbursements: *(attach accounts)*

**Breakdown of Accounts**

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a) Preparation of submission	_____ hrs x \$ _____ /hr	\$ _____
b) Attendance at hearing	_____ hrs x \$ _____ /hr	\$ _____
c) Costs of drafting, administrative services, etc. (if applicable, attach a separate breakdown)	_____ hrs x \$ _____ /hr	\$ _____
d) Total disbursements		\$ _____

<p>TOTAL CLAIM RESPECTING EXPERT/CONSULTANT ACCOUNT(S)</p> <p style="text-align: center;">\$ 0 _____ (line 3)</p> <p style="text-align: center;">Please transfer total to Section 6 – Line 3 (Page 21)</p>
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\* Note: *Personal services already compensated for by others in the form of hourly employment or regular salary will not be compensated for in a cost award (See Intervener Funding Process Guide, Costs of an Expert, Page 15)*

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**4. WITNESS FEES**

*(for persons who appear at a hearing to give evidence but who are not interveners making a claim under Step 5, Item 1c)*

a) Meeting with a lawyer \_\_\_\_\_ witnesses x \_\_\_\_\_ ½ days at \$50 \$ \_\_\_\_\_

b) Attendance at a hearing to give evidence \_\_\_\_\_ witnesses x \_\_\_\_\_ ½ days at \$50 \$ \_\_\_\_\_

<p><b>TOTAL CLAIM RESPECTING WITNESS(ES) FEES</b></p> <p style="margin-left: 100px;">\$ <u>0</u></p> <p style="margin-left: 100px;">(line 4)</p> <p>Please transfer total to Section 6 – Line 4 (Page 21)</p>
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**5. INTERVENER VOLUNTARY CONTRIBUTION**

Attach a summary of your voluntary contribution to this intervention. Provide as much detail as possible including anticipated hours to be contributed, tasks performed and types of expenses which may be incurred.

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**6. SUMMARY OF FUNDING REQUESTED**

*(please transfer totals from preceding sections to the appropriate lines below)*

Intervener(s)	(from line 1)	\$ <u>1,100</u>
Lawyer	(from line 2)	\$ <u>21,640</u>
Expert(s)/Consultant(s)	(from line 3)	\$ <u>0</u>
Witness(es)	(from line 4)	\$ <u>0</u>

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**7. TOTAL AMOUNT OF INTERVENER FUNDING REQUESTED**

Total Request (total of lines 1-4)	=	\$ <u>22,740</u>
Total amount sought as an advance award	=	\$ <u>11,370</u> (50% of total award pursuant to determination in Notice of Hearing)

---

**PLEASE SEND YOUR COMPLETED APPLICATION AND COPIES OF SUPPORTING DOCUMENTS DIRECTLY TO THE NRCB AND THE PROPONENT:**

- 1) **Natural Resources Conservation Board**  
19<sup>th</sup> floor, 250 – 5 Street SW  
Calgary, AB T2P 0R4

**Email:**            [laura.friend@nrcb.ca](mailto:laura.friend@nrcb.ca)  
**Phone:**            (403) 297-8269            **Toll-Free:**        310-0000

- 2) **The proponent’s lawyer, if any, or to the proponent at its business address.**
-

## **APPENDIX A**

### **JUSTIFICATION OF CLAIM**

#### **The extent to which the intervener will be undertaking on the intervener's own behalf the preparation and presentation of the submission:**

In support of Chiniki First Nation, staff of the Stoney Consultation Office will provide instructions, direction and review of the Chiniki First Nation's evidence and submission prepared by legal counsel, and will attend and participate in the hearing as necessary.

#### **Controls the intervener has in place for the expenditure of any advance funding received:**

Chiniki First Nation has received advance funding for consultation, engagement and participation relating to other projects and therefore has experience in controlling expenditures in this regard. This experience will be applied by Chiniki First Nation for the expenditure of any advance funding received for the SR1 Project. Further, legal counsel for Chiniki First Nation is bound by stringent ethical and professional obligations relating to invoicing and billing.

#### **Reasons why funds are required in advance:**

Chiniki First Nation is requesting funds in advance due to the limited capacity and resources of the Stoney Consultation Office as a result of the numerous requests for consultation and engagement that Chiniki First Nation receives relating to projects within its traditional territory. Chiniki First Nation relies on legal support and advance funds are required to enable Chiniki First Nation's involvement in the public hearing of the SR1 Application. Without advance funding, Chiniki First Nation may be unable to fully participate in the preparation for and participation in the hearing.

#### **Forecast of the total cost of the intervention, the amount that you expect to claim in any final claim for costs and the amount of advance funding sought:**

Chiniki First Nation anticipates the total cost of the intervention to be \$22,740. The amount of advance funding sought is \$11,370. This is based on the Board's determination in the Pre-Hearing Conference Decision Report for the Project that advance funding of 50% of the total cost award is appropriate for this Project.

Both the estimated total cost and the advance funding request are estimates, and Chiniki First Nation reserves the right to seek additional funding as necessary as part of any final costs claim.

**Description of the information that you intend to include in your submission and how such information may assist the Board in assessing the social, economic or environmental effects from the reviewable project:**

Chiniki First Nation's submission will include evidence and discussion of impacts to Treaty and Aboriginal rights, Crown consultation, traditional and contemporary land use, cumulative effects of impacts to Treaty and Aboriginal rights and taking-up land, impacts to water and groundwater quality and quantity, and impacts to vegetation and wildlife. This information is directly related to the issues and topics identified by the Board as relevant to the determination of whether the project is in the public interest, and to the Board's assessment of the social, economic and environmental effects of the Project.

**ELIGIBILITY FOR FUNDING**

**Evidence to support your claim as to why you are or may be "directly affected" by the proposed application:**

Chiniki First Nation as a component of the Stoney Nakoda Nations has been engaged by Alberta Transportation since 2014 on the proposed Project due to the potential for direct and adverse effects on the Treaty and Aboriginal rights of Chiniki First Nation.

The proposed Project is located in Stoney Nakoda traditional territory, in an area that is used by its members for hunting, trapping and other traditional use activities, and on lands subject to the claims of Chiniki First Nation, collectively with Bearspaw First Nation and Wesley First Nation for Aboriginal title and rights as set out in the Court of Queen's Bench of Alberta, Action No. 0301-19586. Due to the limited amount of available Crown lands that remain within Treaty 7 and Stoney Nakoda traditional territory, Chiniki First Nation members have been forced to increasingly rely on private lands including within the Project area for the exercise of Aboriginal and Treaty rights. Because of the limited amount of lands that remain available for the exercise of Aboriginal and Treaty rights, approval of the project has the potential to cause significant impacts on Chiniki First Nation Aboriginal and Treaty rights.

Environmental effects on water and wetlands for wildlife, fish, birds and vegetation will impact the Chiniki First Nation's exercise of rights and cultural practices within the Project area, and will in turn result in socio-economic impacts on Chiniki First Nation members who currently exercise their rights and traditional practices in this area.

The Stoney Nakoda's Morley Indian Reserves 142, 143 and 144 undivided are located in close proximity to the proposed flood area. Stoney Nakoda's wholly-owned corporation, Waste Igic Nabe Ltd., also owns over 2,400 acres of private land (known as the Copithorne Ranch property) that is also located in close proximity to the proposed Project. The *sui generis* nature of Chiniki First Nation's Aboriginal and Treaty rights make the interests of Chiniki First Nation unique from potential effects of the Project on the general public.

## **INTERVENOR VOLUNTARY CONTRIBUTION**

**Summary of your voluntary contribution to this intervention, including anticipated hours to be contributed, tasks performed and types of expenses which may be incurred:**

In support of Chiniki First Nation, staff of the Stoney Consultation Office anticipate spending time, at a cost of \$350 per day, to provide instructions and direction to legal counsel, review materials and attend the hearing. Chiniki First Nation estimate spending one day reviewing the project application and materials, one day meeting with legal counsel to provide instructions and direction and review the submission, and three days attending the hearing. An Elder will also attend the hearing each day, at a cost of \$500 per day.

The voluntary contribution by Chiniki First Nation (not including the \$1,100 requested from the NRCB) is therefore expected to be approximately \$3,250.

Chiniki First Nation will also be required to cover unexpected costs and costs not covered by a costs award from the Board.



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# APPLICATION FORM

# Intervener Funding Advance Award of Costs

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## STEP 1 – GENERAL CONSIDERATIONS IN FILING YOUR APPLICATION

To help the NRCB process your application, please be as thorough as possible in providing the information requested in the attached format. A properly completed form will speed up the processing.

Your Request for an Advance Award of Costs must be submitted to the Board and to the project applicant by the date specified by the Board.

There is no guarantee that any or all of your costs will be awarded. You must first qualify for costs (see the Intervener Funding Process Guide) and then only reasonable costs will be awarded.

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## STEP 2 – YOUR MAILING INFORMATION

NRCB Application No: 1701 Applicant: Wesley First Nation

Name(s) of Intervener(s) *(attach a list if necessary)*

Wesley First Nation  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Note: Attach written authorization by "directly affected" individuals or groups of individuals where a formal association has been requested to represent their concerns and outline specific impacts to be addressed.*

Was a group or coalition formed to intervene in this application? Yes \_\_\_\_\_ No X \_\_\_\_\_

If yes, name of group: \_\_\_\_\_

Name of intervener or group representative: William Snow, Consultation Manager

Chris Goodstone, Consultation Officer

Mailing and email address and local telephone number for intervener or group:

WesleyFirst Nation

P.O. Box 120

Morley, AB T0L 1N0

Email: bills@stoney-nation.com      chrisg@stoney-nation.com

Phone: 587-580-6212                      403-881-2789

Has a copy of this request (with supporting documentation) been sent to the proponent or its lawyer?

Yes  \_\_\_\_\_      No \_\_\_\_\_

Sent at same time this request was sent to the Board.

### STEP 3 – JUSTIFICATION OF CLAIM

Attach the following information:

- describe the extent to which the intervener will be undertaking on the intervener's own behalf the preparation and presentation of the submission;
- the controls the intervener has in place for the expenditure of any advance funding received;
- the reasons why funds are required in advance;
- a detailed forecast of the total cost of the intervention, the amount that you expect to claim in any final claim for costs and the amount of advance funding sought; and,
- a detailed description of the information that you intend to include in your submission and how such information may assist the Board in assessing the social, economic or environmental effects from the reviewable project.

\*\*\*See attached Appendix A

### STEP 4 – ELIGIBILITY FOR FUNDING

Provide detailed evidence to support your claim as to why you are or may be "directly affected" by the proposed application. Attach this information to your claim.

It is recommended that interveners review the NRCB's Intervener Funding Process Guide. Submissions should identify detectable effect on the directly affected party and evidence of an uninterrupted chain of cause and effects between the proposed project and the individual or group of individuals. Effects noted should not be trivial in nature.

\*\*\*See attached Appendix A

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## STEP 5 – THE DETAILS OF YOUR REQUEST FOR AN ADVANCE AWARD OF COSTS

### 1. INTERVENER

	Honoraria	Expenses
a) Forming a group *	\$ _____	\$ _____
a) Preparing a submission *	\$ _____	\$ <u>500</u>
b) Attending a hearing (½ days x \$50)	\$ <u>300</u>	\$ <u>300</u>
Subtotals	\$ <u>300</u>	\$ <u>800</u>

<b>TOTAL PERSONAL CLAIM OF INTERVENER</b>	
Subtotals A + B =	\$ <u>1,100</u> (line 1)
Please transfer total to Section 6 – Line 1 (Page 21)	

\* Normally the total of these two amounts will not exceed \$500

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**2. LAWYER**

Name: Rae and Company

Mailing/Email Address: 900 - 1000 5 Ave SW  
Calgary, AB T2P 4V1  
Type text here

slouden@raeandcompany.com  
lorddoug@raeandcompany.com

Telephone Number: 403-264-8389

**TOTAL FEES & DISBURSEMENTS FOR LAWYER'S SERVICES**  
Breakdown of Lawyer's Account

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a) Fees for preparation of submission	8 (Sr.) hrs x \$ 370 /hr	\$ 2960 (Sr)
	40 (Jr) hrs x \$150 /hr	\$6000 (Jr)
b) Fees for attendance at hearing	24 (Sr.) hrs x \$ 370 /hr	\$ 8880 (Sr.)
	24 (Jr.) hrs x \$ 150/hr	3600 (Jr.)
c) Disbursements		\$ 200

TOTAL CLAIM RESPECTING LAWYER'S ACCOUNT

\$ 21,640  
(line 2)

Please transfer total to Section 6 – Line 2 (Page 21)

\* claimed legal costs should be for legal services only (See Intervener Funding Process Guide, Legal Costs, Page 14)

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**3. EXPERT/CONSULTANT**

Name: \_\_\_\_\_

Mailing/Email Address: *(where there is more than one expert or consultant, please attach additional information)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Services to be Performed: *(attach work specifications for each consultant/expert)*

Total Fees and Disbursements: *(attach accounts)*

**Breakdown of Accounts**

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a) Preparation of submission	____ hrs x \$ ____ /hr	\$ _____
b) Attendance at hearing	____ hrs x \$ ____ /hr	\$ _____
c) Costs of drafting, administrative services, etc. (if applicable, attach a separate breakdown)	____ hrs x \$ ____ /hr	\$ _____
d) Total disbursements		\$ _____

<p>TOTAL CLAIM RESPECTING EXPERT/CONSULTANT ACCOUNT(S)</p> <p style="text-align: center;">\$ 0 _____ (line 3)</p> <p style="text-align: center;">Please transfer total to Section 6 – Line 3 (Page 21)</p>
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\* Note: *Personal services already compensated for by others in the form of hourly employment or regular salary will not be compensated for in a cost award (See Intervener Funding Process Guide, Costs of an Expert, Page 15)*

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**4. WITNESS FEES**

*(for persons who appear at a hearing to give evidence but who are not interveners making a claim under Step 5, Item 1c)*

a) Meeting with a lawyer \_\_\_\_\_ witnesses x \_\_\_\_\_ ½ days at \$50 \$ \_\_\_\_\_

b) Attendance at a hearing to give evidence \_\_\_\_\_ witnesses x \_\_\_\_\_ ½ days at \$50 \$ \_\_\_\_\_

<p>TOTAL CLAIM RESPECTING WITNESS(ES) FEES</p> <p style="margin-left: 100px;">\$ <u>0</u></p> <p style="margin-left: 100px;">(line 4)</p> <p>Please transfer total to Section 6 – Line 4 (Page 21)</p>
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**5. INTERVENER VOLUNTARY CONTRIBUTION**

Attach a summary of your voluntary contribution to this intervention. Provide as much detail as possible including anticipated hours to be contributed, tasks performed and types of expenses which may be incurred.

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**6. SUMMARY OF FUNDING REQUESTED**

*(please transfer totals from preceding sections to the appropriate lines below)*

Intervener(s)	(from line 1)	\$ <u>1,100</u>
Lawyer	(from line 2)	\$ <u>21,640</u>
Expert(s)/Consultant(s)	(from line 3)	\$ <u>0</u>
Witness(es)	(from line 4)	\$ <u>0</u>

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**7. TOTAL AMOUNT OF INTERVENER FUNDING REQUESTED**

Total Request (total of lines 1-4)	=	\$ <u>22,740</u>
Total amount sought as an advance award	=	\$ <u>11,370</u>
		(50% of total award pursuant to determination in Notice of Hearing)

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**PLEASE SEND YOUR COMPLETED APPLICATION AND COPIES OF SUPPORTING DOCUMENTS DIRECTLY TO THE NRCB AND THE PROPONENT:**

- 1) **Natural Resources Conservation Board**  
19<sup>th</sup> floor, 250 – 5 Street SW  
Calgary, AB T2P 0R4

**Email:**            [laura.friend@nrcb.ca](mailto:laura.friend@nrcb.ca)  
**Phone:**            (403) 297-8269            **Toll-Free:**        310-0000

- 2) **The proponent’s lawyer, if any, or to the proponent at its business address.**
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## **APPENDIX A**

### **JUSTIFICATION OF CLAIM**

#### **The extent to which the intervener will be undertaking on the intervener's own behalf the preparation and presentation of the submission:**

In support of Wesley First Nation, staff of the Stoney Consultation Office will provide instructions, direction and review of the Wesley First Nation's evidence and submission prepared by legal counsel, and will attend and participate in the hearing as necessary.

#### **Controls the intervener has in place for the expenditure of any advance funding received:**

Wesley First Nation has received advance funding for consultation, engagement and participation relating to other projects and therefore has experience in controlling expenditures in this regard. This experience will be applied by Wesley First Nation for the expenditure of any advance funding received for the SR1 Project. Further, legal counsel for Wesley First Nation is bound by stringent ethical and professional obligations relating to invoicing and billing.

#### **Reasons why funds are required in advance:**

Wesley First Nation is requesting funds in advance due to the limited capacity and resources of the Stoney Consultation Office as a result of the numerous requests for consultation and engagement that Wesley First Nation receives relating to projects within its traditional territory. Wesley First Nation relies on legal support and advance funds are required to enable Wesley First Nation's involvement in the public hearing of the SR1 Application. Without advance funding, Wesley First Nation may be unable to fully participate in the preparation for and participation in the hearing.

#### **Forecast of the total cost of the intervention, the amount that you expect to claim in any final claim for costs and the amount of advance funding sought:**

Wesley First Nation anticipates the total cost of the intervention to be \$22,740. The amount of advance funding sought is \$11,370. This is based on the Board's determination in the Pre-Hearing Conference Decision Report for the Project that advance funding of 50% of the total cost award is appropriate for this Project.

Both the estimated total cost and the advance funding request are estimates, and Wesley First Nation reserves the right to seek additional funding as necessary as part of any final costs claim.



**Description of the information that you intend to include in your submission and how such information may assist the Board in assessing the social, economic or environmental effects from the reviewable project:**

Wesley First Nation's submission will include evidence and discussion of impacts to Treaty and Aboriginal rights, Crown consultation, traditional and contemporary land use, cumulative effects of impacts to Treaty and Aboriginal rights and taking-up land, impacts to water and groundwater quality and quantity, and impacts to vegetation and wildlife. This information is directly related to the issues and topics identified by the Board as relevant to the determination of whether the project is in the public interest, and to the Board's assessment of the social, economic and environmental effects of the Project.

**ELIGIBILITY FOR FUNDING**

**Evidence to support your claim as to why you are or may be "directly affected" by the proposed application:**

Wesley First Nation as a component of the Stoney Nakoda Nations has been engaged by Alberta Transportation since 2014 on the proposed Project due to the potential for direct and adverse effects on the Treaty and Aboriginal rights of Wesley First Nation.

The proposed Project is located in Stoney Nakoda traditional territory, in an area that is used by its members for hunting, trapping and other traditional use activities, and on lands subject to the claims of Wesley First Nation, collectively with Bearspaw First Nation and Chiniki First Nation for Aboriginal title and rights as set out in the Court of Queen's Bench of Alberta, Action No. 0301-19586. Due to the limited amount of available Crown lands that remain within Treaty 7 and Stoney Nakoda traditional territory, Wesley First Nation members have been forced to increasingly rely on private lands including within the Project area for the exercise of Aboriginal and Treaty rights. Because of the limited amount of lands that remain available for the exercise of Aboriginal and Treaty rights, approval of the project has the potential to cause significant impacts on Wesley First Nation Aboriginal and Treaty rights.

Environmental effects on water and wetlands for wildlife, fish, birds and vegetation will impact Wesley First Nation's exercise of rights and cultural practices within the Project area, and will in turn result in socio-economic impacts on Wesley First Nation members who currently exercise their rights and traditional practices in this area.

The Stoney Nakoda's Morley Indian Reserves 142, 143 and 144 undivided are located in close proximity to the proposed flood area. Stoney Nakoda's wholly-owned corporation, Waste Igic Nabe Ltd., also owns over 2,400 acres of private land (known as the Copithorne Ranch property) that is also located in close proximity to the proposed Project. The *sui generis* nature of Wesley First Nation's Aboriginal and Treaty rights make the interests of Wesley First Nation unique from potential effects of the Project on the general public.

## **INTERVENOR VOLUNTARY CONTRIBUTION**

**Summary of your voluntary contribution to this intervention, including anticipated hours to be contributed, tasks performed and types of expenses which may be incurred:**

In support of Wesley First Nation, staff of the Stoney Consultation Office anticipate spending time, at a cost of \$350 per day, to provide instructions and direction to legal counsel, review materials and attend the hearing. Wesley First Nation estimate spending one day reviewing the project application and materials, one day meeting with legal counsel to provide instructions and direction and review the submission, and three days attending the hearing. An Elder will also attend the hearing each day, at a cost of \$500 per day.

The voluntary contribution by Wesley First Nation (not including the \$1,100 requested from the NRCB) is therefore expected to be approximately \$3,250.

Wesley First Nation will also be required to cover unexpected costs and costs not covered by a costs award from the Board.