

**IN THE MATTER OF the Springbank Off-Stream Reservoir Project and Application No.  
1701 made by Alberta Transportation to the Natural Resources Conservation Board**

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**Written Submission of the Intervener, the Stoney Nakoda Nations**

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## INTRODUCTION

The Stoney Nakoda Nations, also known as the Stoney Indian Band, are comprised of the Bearspaw, Chiniki, and Wesley First Nations and all of their members (the “Stoney Nakoda Nations”).

The Stoney Nakoda Nations oppose the granting of Application No. 1701 (the “Application”). It is the position of the Stoney Nakoda Nations that the proposed Springbank Off-Stream Reservoir Project would have significant impacts on the rights and interest of the Stoney Nakoda Nations.

## SUMMARY

The Stoney Nakoda Nations are an Indian Band under the *Indian Act*, R.S.C. 1985 c.I-5. The members of the Stoney Nakoda Nations are all “Indians” within the meaning of section 91(24) of the *Constitution Act*, 1867, the *Constitution Act*, 1930 and the *Constitution Act*, 1982, and are Treaty Indians under Treaty No. 7 and “Aboriginal Peoples” within the meaning of the *Constitution Act*, 1982 and notably section 35 thereof. As such, the Stoney Nakoda Nations hold Aboriginal and Treaty rights in the area where the Proposed Project will be implemented. The proposed Project poses many environmental effects for the Stoney Nakoda Nations.

These environmental effects include the areas of health and the current use of lands and resources. The waters flowing through the traditional lands of the Stoney Nakoda have sustained the Stoney Nakoda people since time immemorial. When Treaty 7 was signed, the Stoney Nakoda neither surrendered their Aboriginal title to water within their traditional territory nor surrendered any other interests pursuant to an associated Aboriginal right. The Stoney Nakoda continue to hold these rights. Therefore, the Stoney Nakoda are concerned that the project will impact these rights and traditional use of lands in the Project area.

Attached to this submission are the following appendices:

1. Review of Spring Bank Off-Stream Reservoir Project Environmental Impact Statement, March 2018.
  - (a) “These Mountains are our Sacred Places”, Chief John Snow, 1977 (via link)
  - (b) Extract from “The Stonies of Alberta”, Sebastien Chumak, 1983. (via link)

- (c) Stoney Nakoda Cultural Assessment for “Enhancing grizzly bear management programs through the inclusion of cultural monitoring and traditional ecological knowledge” (via link)
2. Review of the Springbank Off-Stream Reservoir Project Draft Environmental Assessment Report and Potential Conditions under the *Canadian Environmental Assessment Act, 2012*
    - a) Comments on Section 6 (Hydrology) and Section 8 (Aquatic Ecology) of the 2018 Alberta Transportation Environmental Impact Statement.
    - b) Authorities
    - c) Extracts of Stoney Nakoda Nations’ evidence from the Canada Energy Regulator hearing on NOVA Gas Transmission Ltd.’s Application for the Edson Mainline Expansion Project (via link)
    - d) Extracts of Stoney Nakoda Nations’ evidence from the Canada Energy Regulator hearing on NOVA Gas Transmission Ltd.’s Application for the 2021 NGTL System Expansion Project (via link)
    - e) Transcript of the Oral Traditional Knowledge of the Stoney Nakoda Nations in the Canada Energy Regulator hearing on NOVA Gas Transmission Ltd.’s Application for the 2021 NGTL System Expansion Project
    - f) Information Request No. 1 to Government of Alberta in the National Energy Board hearing on NOVA Gas Transmission Ltd.’s Application for the West Path Delivery Project
  3. Exhibits from Adjournment Application heard on February 4, 2021; and
  4. List of potential Stoney Nakoda witnesses.

The purpose or benefit of the proposed project is to provide flood protection to the City of Calgary. However, there will be no benefits from the Project unless similar flood protection is not also provided on the Bow River.

The stated purpose of the Project is not attainable. Reducing flood risk on the Elbow River will do nothing for downstream communities, *viz.* the City of Calgary, if equivalent flood mitigation measures are not also implemented on the Bow River upstream of the City of Calgary.

## **WITNESSES**

The Stoney Nakoda intend to lead evidence on traditional Stoney Nakoda uses in the project are, including hunting, trapping, fishing, berry and plant harvesting, ceremonial practice, use and preservation of sacred sites. Evidence in this regard will be provided from the attached list of members of the Stoney Nakoda Nations.

## **CROSS EXMINATION**

The Stoney Nakoda intend to cross-examine the witnesses for the Applicant.

## **RELIEF SOUGHT**

The Stoney Nakoda requests that the NRCB wholly deny the Application.

## **CONTACT FOR THE INTERVENOR**

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ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 26th DAY OF FEBRUARY 2021.

Rae and Company