

**NATURAL RESOURCES CONSERVATION BOARD**

**IN THE MATTER OF THE *NATURAL RESOURCES CONSERVATION  
BOARD ACT*, RSA 2000, c. N-3**

**IN THE MATTER OF NRCB APPLICATION NO. 1701 BY  
ALBERTA TRANSPORTATION**

**SPRINGBANK OFF-STREAM RESERVOIR PROJECT**

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**BOOK OF DOCUMENTS OF ALBERTA TRANSPORTATION  
TO THE REPLY SUBMISSIONS OF ALBERTA TRANSPORTATION TO  
THE INTERVENERS AND HEARING PARTICIPANTS WHO ARE  
OPPOSED TO THE SPRINGBANK OFF-STREAM RESERVOIR  
PROJECT (“SR1”)**

**APPENDICES J TO M**

**VOLUME II OF II**

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**Appendix J to  
The Reply Submissions of Alberta Transportation to the Interveners  
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Off-Stream Reservoir Project (“SR1”):**

**Detailed review of specific Consultation events and descriptions of  
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**APPENDIX J**  
**AT Consultation Response**  
**To**  
**Stoney Nakoda Nation's Submission**

1. Consultation with Stoney Nakoda Nation began in August 2014. AT has continuously requested to hear Stoney Nakoda Nation's specific concerns as they relate to the practice of treaty rights and traditional uses within the SR1 Project area. All concerns voiced by Stoney Nakoda Nation throughout the consultation process have been responded to and are detailed in their Specific Concerns and Response Table.

**Opportunities for TUS/site visits/studies**

2. AT has offered and provided funding for Indigenous groups to complete Traditional Use Studies (TUS) and provide information on potential impacts to treaty rights and traditional uses throughout the Project's consultation process. Indigenous groups were encouraged to submit budgets for work they wished to complete to AT for approval.
3. At the meeting held on October 20, 2014 Stoney Nakoda Nation committed to providing a budget for a cultural study by November 15, 2014. This did not occur. At the meeting held on May 4, 2016 Stoney Nakoda Nation again requested to complete a TUS and AT requested a budget for an initial drive through to understand the Project area prior to competing a TUS. A June 8, 2016 letter from Stoney Nakoda Nation to AT and the Canadian Environmental Assessment Agency stated "... [an] Environmental Impact Study is underway and will be completed in 11 months. In addition to the cultural use study, Stoney Nakoda is also requesting compensation for a hydrology report and a report on a wildlife impacts study." No budget for a hydrology study or wildlife impacts study has been received by AT.
4. AT requested a budget for a drive through and further site visits for a TUS through emails sent on July 27, 2016; September 13, 2016; September 30, 2016; and October 7, 2016; and a phone call on August 19, 2016. The initial budget was received from Stoney Nakoda Nation on October 7, 2016 and approved October 16, 2016. Prior to the site visits, on

September 30, 2016, AT provided a map with property numbers so Stoney Nakoda Nation could indicate where they wanted to visit, as landowner access agreements were in place and landowners needed notice of specific days site visits were occurring. Stoney Nakoda Nation completed a drive through of the SR1 Project area with AT and DEMA Land Services on October 20, 2016 and subsequently conducted site visits October 24-27, October 31, and November 1-4, 2016. Properties visited were dictated by Stoney Nakoda Nation, acknowledging the need for landowner notification and safety issues. AT representatives provided space to the Nations when requested. The invoice for these site visits was received on December 22, 2016 and paid on January 13, 2017.

5. AT inquired on the status of the TUS and requested a meeting to discuss via emails sent on December 9, 2016; January 24, 2017; January 30, 2017; February 17, 2017; February 26, 2017; March 10, 2017; March 23, 2017; May 2, 2017; October 15, 2017; and November 10, 2017; a phone call on March 23, 2017; and in person on April 13, 2017 and August 23, 2017. A letter dated April 27, 2017 was also sent requesting Stoney Nakoda Nations' TUS report as the Environmental Impact Assessment (EIA) was being finalised.
6. Stoney Nakoda Nation indicated a desire to undertake further site visits in meetings on August 23, 2017 and September 14, 2017. AT followed up to inquire on the request for further site visits via emails sent on October 15, 2017 and November 10, 2017. An excerpt from a meeting held on June 4, 2018 states: "The TUS is currently underway; some excessive rains in 2016 and wildfires in 2017 caused a delay. Stoney Nakoda Nations' will reach out to Mary Robinson to access her land in order to view some sites; Stoney Nakoda Nations' preference is to perform a ceremony on or near her land as well. At this time, nothing is directly needed from Alberta Transportation; however, Alberta Transportation is willing to assist in arranging land access or other logistics as required." At this meeting Stoney Nakoda Nation indicated that the hydrology concerns came from a Chiniki consultation manager that was no longer in the position.
7. A further meeting was held on September 13, 2018 between AT and Stoney Nakoda Nation with the purpose "to discuss and plan a strategy to complete work on the Springbank SR1 that the Stoney Nakoda Bearspaw, Chiniki, Wesley Nations had identified and the

resources to complete that work" (email sent September 11, 2018). At this meeting, AT inquired on the status of the TUS report and if Stoney Nakoda Nation still wished to undertake further site visits. Stoney Nakoda Nation committed to providing a budget for additional work Stoney Nakoda Nation wished to complete for the SR1 Project. During the September 13, 2018 meeting Stoney Nakoda Nation requested the hydrology information from the EIA but did not make a request for a hydrology study.

8. AT requested the budget for additional work Stoney Nakoda Nation committed to provide at the September 13, 2018 meeting via emails on October 24, 2018; December 18, 2018; January 9, 2019; and January 11, 2019 as well as in person on December 19, 2018. No budget from Stoney Nakoda Nation was received.
9. AT met with Stoney Nakoda Nation on February 22, 2019. An excerpt from the meeting minutes states: "Bill Snow stated that he did not see a need to complete the report given that the report that was completed for the Calgary Ring Road was essentially ignored. Mark Svenson stated that he was sympathetic to that issue, but AT cannot mitigate issues that they do not know about. He stated that SR1 was a different project. Bill Snow stated again that he feels he does not need to make a report if these concerns would not be addressed. Mark Svenson stated that AT was expecting the Stoney TUS two or three years ago and the EIA was submitted a year ago, there is little that they can change now."
10. Despite Stoney Nakoda Nation indicating they would not be submitting their TUS, AT continues to welcome a TUS report. In letters sent on May 31, 2019 and October 7, 2019, AT stated: "As part of this consultation process, Alberta Transportation supported 11 days of site visits to the project area by members of your community and provided funding for your Nations to complete a traditional use study. Notwithstanding these site visits and provision of funding, on February 22, 2019 the Stoney Nakoda Nations advised they would not be submitting a traditional use study for this project. Alberta Transportation continues to encourage the Stoney Nakoda Nations to submit a traditional use study for this project to better inform us and the decision makers about how your First Nations' treaty rights and traditional uses might be adversely impacted by this project. Neither the proponent nor the decision makers can address or mitigate concerns which have not been expressed." Had

Stoney Nakoda Nation submitted a TUS with site-specific concerns, AT would have provided a written response and met with Stoney Nakoda Nation to discuss mitigation measures.

11. The more detailed review of the consultation logs demonstrates that extensive efforts were made to work with the Stoney Nakoda Nations to identify areas of concern and provide resources to undertake traditional land use studies or if additional studies were required, AT was prepared to fund those subject to receiving a request and a satisfactory budget.
12. AT continues to be prepared to review any issues that the Stoney Nakoda Nations may have with respect to the Application or the responses in this Submission and has notified the Stoney Nakoda Nations that it is prepared to review these responses to assist them in appreciating the extensive information request which were responded to, and the additional information which has been produced.

### **Requests for Specific Feedback**

13. Throughout the consultation process, AT has requested Stoney Nakoda Nation's concerns as they relate to potential impacts to their treaty rights and traditional uses. Numerous opportunities have been provided to provide written and verbal feedback on concerns, proposed mitigation measures, as well as on documents produced for the Project. AT has also consistently notified Stoney Nakoda Nation of filings to the provincial and federal regulators and offered to meet to discuss the submissions.
14. Under cover letter dated December 4, 2017, AT provided the Traditional Land and Resource Use (TLRU) sections of the October 2017 EIA and requested comments by January 5, 2018. In a letter dated January 15, 2018, Rae and Company wrote to CEAA and provided some comments on the original EIA. All questions and concerns listed in this letter have been responded to by AT (see SCRT).
15. Under cover letter dated January 26, 2018, AT notified Stoney Nakoda Nation that project timelines had been extended by 60 days to undertake further Indigenous engagement activities. AT proposed holding a full day TLRU workshop to gather feedback from Stoney



Nakoda Nation to incorporate into the revised EIA. Under cover dated February 6, 2018, the revised draft TLRU sections were provided for comment. TLRU workshops were held with Stoney Nakoda Nation on February 12, 2018 and March 20, 2018. Stoney Nakoda Nation did not provide permission to use the information collected at these workshops for the EIA.

16. Under cover letter dated March 23, 2018, AT provided *Table 7-4 SRI Project Specific Concerns and Responses – Stoney Nakoda Nations* from the EIA, which responded to all concerns on record to date. AT requested to meet to review this table, and a meeting was held on June 4, 2018. Feedback obtained from Stoney Nakoda Nation was incorporated into the SCRT.
17. AT sent a letter dated January 28, 2019 requesting information to assist in responding to CEAA information requests (IRs) (IR2-01, IR2-02, and IR2-08). Stoney Nakoda Nation did not respond to this request for information. Below is an excerpt from the January 28, 2019 letter: “Alberta Transportation is asking for Stoney Nakoda Nations’ direct input on the following topics:
  1. Please provide your views on the nature and extent of Stoney Nakoda Nations Aboriginal and treaty rights and how the Project may adversely impact these rights.
  2. Please discuss potential effects of the Project on cultural and experiential values, including changes to cultural or spiritual connections to the land and water; and changes in culture, land use, and experience of traditional use (e.g., cultural identity, intergenerational transfer of knowledge, governance, quiet enjoyment of the land).
  3. Please discuss the importance of country foods in the Project area to Stoney Nakoda Nations, including what country foods within the Project area are relied on and how country foods within the Project area contribute to physical, mental, and spiritual wellbeing.

4. Does Stoney Nakoda Nations have any recommendations on how to avoid or reduce effects from the Project on Aboriginal and treaty rights, cultural and experiential values, or country foods?”
18. In a letter dated September 23, 2019, AT requested information to help answer CEAA IR2-05 and requested Stoney Nakoda Nation “provide copies of any land management plans for implementation within your reserve, and information regarding land use priorities. This information may be general, applying to the entire reserve, or specific to certain features. Any particular information you provide would be kept confidential if requested. Should you wish to meet to discuss further, Alberta Transportation would be happy to do so.” Stoney Nakoda Nation did not respond in writing, but at the meeting held on November 19, 2019, Stoney Nakoda Nation indicated they did not know of any land use plans but mentioned water needs assessments that were completed. This information was used to help answer IR2-05.
19. In a letter dated October 21, 2019, AT notified Stoney Nakoda Nation that in response to feedback on the original land access proposed in the EIA, new principles for future land use had been proposed for the Project that will allow First Nations’ traditional activities, including the exercise of treaty rights such as hunting. On November 15, 2019 AT provided the *Draft Guiding Principles and Direction for Future Land Use* along with other land use documents for feedback. A meeting was held on November 19, 2019 to discuss future land use and Stoney Nakoda Nation provided limited feedback.
20. Under cover letter dated November 8, 2019, AT provided a Project Update Package that included information on how the Project works, the components, maps, the status of the regulatory processes, as well as potential impacts to treaty rights and traditional uses and proposed mitigation measure to date.
21. On May 6, 2019 and July 22, 2020, the six draft monitoring plans developed for the Project were sent to Stoney Nakoda Nation with a request for feedback. On August 4, 2020, a letter was sent that invited Stoney Nakoda Nation to participate in group online meetings to review and discuss the draft monitoring plans. AT requested input on timing of these meetings. A follow up email was sent September 3, 2020 with the schedule for the meetings

as well as a questionnaire with specific questions on the draft monitoring plans to assist Indigenous groups providing feedback. AT indicated that funding was available to review the draft monitoring plans should Stoney Nakoda Nation wish to submit a budget. Stoney Nakoda Nation did not submit a budget or feedback on the monitoring plans and did not attend the group meetings.

22. On July 2, 2020, AT sent a letter and a summary document detailing the *Water Act* application that would be submitted for the Project. AT requested information regarding any potential adverse impacts that the *Water Act* approval may have on treaty rights and traditional uses and offered to meet to discuss. Under cover letter dated October 2, 2020, AT provided a summary document on the *Public Lands Act* application that had been submitted for the Project. AT requested information regarding any potential adverse impacts that the *Public Lands Act* approval may have on treaty rights and traditional uses and referenced the group online meeting that had been scheduled for October 8, 2020 to discuss both the *Public Lands Act* and the *Water Act* applications. Stoney Nakoda Nation did not attend the group meeting and has not provided feedback on either application.
23. On October 23, 2020, AT provided IAAC IR4-05 which included updated *Draft Guiding Principles and Direction for Future Land Use* and offered to meet to discuss. AT highlighted their commitment to establish a First Nations' staging area as well as a First Nations Land Use Advisory Committee. No response or feedback was received from Stoney Nakoda Nation.

**Appendix K to  
The Reply Submissions of Alberta Transportation to the Interveners  
and Hearing Participants who are Opposed to the Springbank  
Off-Stream Reservoir Project (“SR1”):**

**AT detailed responses to each issue raised by Stoney Consultation**

Volume 2: Assessment Approach			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Volume 2, pg. 1.2	<p>The Proponent states, “this EIA will focus on specific environmental components (called valued components or VCs) that are typically selected for assessment, based on regulatory issues, guidelines, and requirements; consultation with regulatory agencies, the public, stakeholder groups and Indigenous peoples; field reconnaissance; and the professional judgement of the study team” (Volume 2, pg. 1.2).</p> <p>While the Proponent claims that the EIA is inclusive of valued components identified by the Stoney Nakoda, it is unclear how this is incorporated and where that is reflected. For example, in Table 5-1, the rationale for valued components selected does not reference any culturally significant landforms, waterways, species, vegetation, and land use identified by the Stoney Nakoda but rather provides generalized impacts to generalized values.</p> <p>The Stoney Nakoda requests that the EIA be revised to ensure that Stoney Nakoda valued components, traditional knowledge and traditional use are incorporated into the assessment, and that the Proponent includes an explanation of how traditional knowledge and traditional use is incorporated, including in:</p> <ul style="list-style-type: none"> <li>The selection of valued components.</li> </ul>	<ul style="list-style-type: none"> <li>Round 1 CEAA, Package 2 IR2-01</li> <li>Round 1 CEAA Package 2 IR2-06</li> </ul>	<p>The environmental impact assessment (EIA) assesses all relevant valued components (VCs) and explains the basis of their selection. VCs assessed provide a full consideration of potential effects from the Project. Some features are not identified as VCs in the EIA, nor would be typical or reasonable to represent VCs based on Alberta Transportation’s experience.</p> <p>Additionally, the EIA considered how traditional use and cultural features interact with each VC. Alberta Transportation incorporated traditional use and cultural features information provided by Indigenous groups into the EIA; in some cases, this information was provided after the EIA was published but the effects were considered through the SIR process (see CEAA Round 2 SIRs). The approach to preparing the EIA and integrating Indigenous and community knowledge, like the approach to the engagement program for the Project, is iterative. Alberta Transportation employed a thorough and consistent method for considering Indigenous and community knowledge and concerns raised by Indigenous groups. Information provided by Indigenous groups was reviewed and summarized into tabular format organized into the following categories that summarized information about traditional land and Resource use; locations of specific sites or areas identified by Indigenous groups; and proposed mitigation measures. The tabular summary was reviewed by biophysical and socio-economic discipline leads for relevant information. The initial selection of VCs, spatial and temporal boundaries, and the collection of baseline information for each VC reflect available Indigenous and community knowledge gained from a combination of sources, which include literature review, field programs and Alberta Transportation’s preliminary engagement efforts to gather this information. The initial selection of VCs, spatial and temporal boundaries, and the collection of baseline information for each VC conform to Canadian Environmental Assessment Act, 2012 and the CEA Agency Guidelines for the Project and reflects standard environmental assessment practice appropriate for the scope and nature of the Project.</p> <p>As Indigenous and community knowledge or issues and concerns were made available to Alberta Transportation, the initial selection of VCs, spatial and temporal boundaries, and the collection of baseline information for each VC were reviewed to confirm whether Indigenous and community knowledge or issues and concerns were included or represented within the EIA. No new VCs or pathways for potential effects of the Project on traditional land and resource use (TLRU) have been identified through the information shared by Indigenous groups.</p> <p>On February 27, 2021, Stoney Nakoda Nations submitted six separate ‘Section 35 Rights Assessment Reports’. These reports were originally submitted as evidence in the NEB review of the NGTL Edson Mainline Expansion Project application and the 2021 NGTL System Expansion Project application. None of these six reports were available to Alberta Transportation prior to filing the EIA. However, Alberta Transportation has reviewed these reports and notes that Stoney Nakoda Nations identified valued components of lands, harvesting, and sacred and cultural places. Assessment of each of these valued components considers effects to access through changes in Crown land dispositions, changes in harvesting as represented by hunting practices, and changes to sacred and cultural places (including qualitative experience and preferred conditions). The traditional use activities associated with each of the defined Stoney Nakoda Nations valued components (hunting, trapping, fishing, gathering, use of trails, camping sites, cultural and spiritual areas) are consistent with what was assessed in the SR1 EIA, in which current use is defined as including hunting, trapping, fishing, plant gathering, use of trails and travelways, habitation areas, and cultural and spiritual sites.</p>

Volume 2: Assessment Approach			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Volume 2, Section 5.1.1, pg. 5.1	<p>The Proponent states, "Project description, concerns made and issued identified by the public (Section 6) and Indigenous people (Section 7) are summarized below" (Section 5.1.1 pg. 5.1). This is followed by a summary of the concerns expressed during public and Indigenous groups consultation from pages 5.1- 5.3.</p> <p>What is important to note is that the summary presented by the Proponent in these sections omits many of the concerns expressed by the Stoney Nakoda that are included in Section 7 of Volume 1. These concerns include the destruction of cultural (archaeological and historical) heritage, the impact of traditional land use sites, increasing limitations placed on Stoney Nakoda people when accessing areas within their traditional territories to exercise their <i>Section 35</i> rights, destruction of ceremonial, spiritual and harvesting sites, the impact of the Project on traditional trails and corridors of human movement, and continued and unimpeded access to landscapes continuously used for harvesting, hunting and fishing; in addition to many of those listed.</p> <p>The Stoney Nakoda request that the EIA be revised to ensure that the concerns expressed in Section 7 of Volume 1 are reflected in this document to guarantee all issues and concerns are given a fair weighting within this impact assessment.</p>	<ul style="list-style-type: none"> <li>EIA, Volume 3A and 3B, Section 17 (Exhibit 38 &amp; 56)</li> <li>Round 1 CEAA Package 2 IR2-6</li> <li>Stoney Nakoda Nations (Bears paw First Nation, Chiniki First Nation and Wesley First Nation) Record of Consultation and Specific Concerns and Response Tables August 2014 – October 2020 (Exhibit 320)</li> </ul>	<p>Alberta Transportation employed a thorough and consistent method for considering Indigenous and community knowledge and concerns raised by Indigenous groups. Alberta Transportation considered information obtained through the Indigenous Engagement Program for the Project, including meetings, workshops, correspondence and traditional use studies (TUS) funded by Alberta Transportation. As well, information was gathered through a review of publicly available literature containing TLRU information for Indigenous groups engaged on the Project and was reviewed to deepen the understanding of the nature and extent of current use by these Indigenous groups.</p> <p>Indigenous and community knowledge and concerns gathered by Alberta Transportation were reviewed and summarized into tabular format organized into the following categories that summarized information about traditional land and Resource use; locations of specific sites or areas identified by Indigenous groups; and proposed mitigation measures. The tabular summary was reviewed by biophysical and socio-economic discipline leads for relevant information.</p> <p>Alberta Transportation began consulting with Stoney Nakoda Nations in 2014. All issues and concerns were documented and responded to. Alberta Transportation also noted down recommendations and suggested Project design revisions. These were considered and although the suggested Project design revisions were not implemented, Alberta Transportation did modify some aspects of the Project design to address concerns. For example, extra measures were added to ensure animals could cross under the bridges along the diversion channel (i.e. rip-rap filled in). This was done in consideration of wildlife crossing/access to the area which has been one of the main concerns of the Stoney Nakoda Nations.</p> <p>The concerns and responses in <i>Table 7-4 SR1 Project Specific Concerns and Responses - Stoney Nakoda Nations</i> are captured in the Specific Concerns and Response Tables (SCRT) for Stoney Nakoda Nation. Alberta Transportation has subsequently provided additional responses to many of these concerns, which are also listed in the SCRT.</p>
Volume 2, Table 5-1, pg. 5.4	<p>In Table 5-1 "<i>Rationale for Valued Component Selected</i>," dam safety is noted by the Proponent as not included as a valued component, as it is "addressed in the Project description. Dam failure is discussed in the accidents and malfunctions and the effects of the environment on the Project."</p> <p>Throughout the engagement and consultation process, the Stoney Nakoda have made it clear to the Proponent that dam safety, emergency response planning and disaster preparedness is a value component for their communities. A Stoney Nakoda Reserve (Morley) is located ca. 28 km from the Project area, and members of the Stoney Nakoda use the Project area for recreation and to exercise their <i>Section 35</i> rights.</p> <p>The Stoney Nakoda request that the EIA be revised to include dam safety as a valued component and that the Proponent consult the Stoney Nakoda on a safety plan that is specific to the Stoney communities.</p>	<ul style="list-style-type: none"> <li>Stoney Nakoda Nations (Bears paw First Nation, Chiniki First Nation and Wesley First Nation) Record of Consultation and Specific Concerns and Response Tables August 2014 – October 2020 (Exhibit 320)</li> <li>EIA Volume 3D, Section 1 (Exhibit 60)</li> </ul>	<p>Alberta Transportation responded under cover letter dated July 22, 2020; the following was also captured in the SCRT:</p> <p>Alberta Transportation provided information on the Emergency Preparedness Plan (EPP) and Emergency Response Plan (ERP) that will be developed by Alberta Environment and Parks (AEP) prior to operations of the Project. It will be administered through the Project's lifecycle.</p> <p>A Community Liaison will be appointed (a representative from Alberta Transportation during Project construction and from Alberta Environment and Parks (AEP) during operations) who will serve as point of contact with stakeholders; they will primarily communicate through the local representation for Indigenous groups, community associations, local businesses, government administration and local government officials. The Community Liaison would work with Indigenous groups in identifying preferred means of communication for each Indigenous group (e.g., phone call, email, letter, text message) for receiving information. Information from the First Nations Land Use Working Group will be provided to the Community Liaison.</p> <p>A communication plan will be developed prior to Project construction that outlines the means and procedures for communicating Project information during the different phases of the Project. The communication plan will be developed with information provided by Indigenous groups and finalized prior to construction of the Project. The plan will be in place prior to construction.</p> <p>Alberta Transportation acknowledges that dam safety is a concern to both Indigenous groups and stakeholders. Dam safety was not included as a VC but was considered in the Project Description and the Accidents and Malfunctions section of the EIA (Volume 3D Section 1). However, dam safety is included in the <i>Water Act</i> Application which was filed with AEP on July 6, 2020. Alberta Transportation (and AEP) take safety extremely seriously. It is in nobody's interest, and certainly not AT's or AEP's interest, to put in place anything less than a rigorous and robust emergency management plan for SR1.</p>

Volume 2: Assessment Approach			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Volume 2, Section 5.3.1, pg. 5.12, 5.3.2, pg. 5.13 and 5.4, pg. 5.13	<p>In addition to comments stated above regarding the identification of valued components, it is also unclear how the identification of spatial and temporal boundaries (see Section 5.3.1 and 5.3.2), the characterization of residual effects (see Section 5.4) and pathways, as well as the cumulative effects assessment (Section 7) incorporates Stoney Nakoda input, values, traditional knowledge, and perspectives.</p> <p>The Stoney Nakoda requests that the EIA be revised to ensure that Stoney Nakoda traditional knowledge and traditional use are incorporated into the assessment, and that the Proponent includes an explanation of how traditional knowledge and traditional use is incorporated, including in:</p> <ul style="list-style-type: none"> <li>• Choice of spatial and temporal boundaries.</li> <li>• Selection of mitigation measures.</li> <li>• Characterization of effects and thresholds.</li> <li>• Characterization of pathways and cumulative effects.</li> </ul>	CEAA Conformity Package 2 IR2-05	<p>The methodology for the selection of temporal and spatial boundaries is provided in Volume 2, Section 5.3 of the EIA. The local assessment area (LAA) is the maximum area within which Project environmental effects can be predicted or measured with a reasonable degree of accuracy and confidence. The regional assessment area (RAA) is the area within which the Project's environmental effects may interact or accumulate with the environmental effects of other projects or activities that have been or will be carried out such that cumulative environmental effects may potentially occur.</p> <p>The temporal boundaries for the assessment are based on the timing and duration of Project activities and the nature of the interactions with each VC. The purpose of a temporal boundary is to identify when an environmental effect may occur in relation to specific Project phases and activities.</p> <p>The temporal and spatial boundaries established for the Project reflect those defined on other recent projects accepted by CEAA.</p> <p>Characterization of effects, thresholds, pathways and cumulative effects follows best practice and guidance provided by CEAA and AEP for conducting environmental impact assessments. Where relevant and available, Alberta Transportation considered traditional knowledge and traditional use in the characterization of effects. Additionally, mitigation measures were developed in consideration of traditional use and knowledge where appropriate.</p> <p>Alberta Transportation has provided funding to Stoney Nakoda Nations for a traditional land use study and on March 4, 2021, Stoney Nakoda Nations submitted their Interim Traditional Land Use Assessment Report for the SR1 Project to the NRCB. Alberta Transportation is currently reviewing this report and will offer to meet to discuss the information and concerns raised in the report.</p>
Volume 3: Effects Assessment			
Section 9.0 Terrain and Soils			
Volume 3A Section 9.0 Terrain and Soils (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 9.0, General Comments.	<p>Within this section of the document the Proponent attempts to undertake an effects assessment on terrain and soils during construction and dry operations of the proposed Project. Below are questions that arose during Stoney Nakoda's assessment of the document.</p> <p>The Stoney Nakoda request that the Proponent provide a response to the questions below to improve the transparency of the EIA process.</p>	-	-
Section 9.0, Table 9-1, pg. 9.2.	Can the Proponent please more clearly define and provide the models/illustrations used to identify what potential bank erosion there will be during construction and dry operation of the proposed Project?	<ul style="list-style-type: none"> <li>• Round 2 NRCB&amp;AEP and IAAC IR Introduction (Exhibit 138)</li> <li>• Round 1 AEP IR302, Appendix IR302-1 (Exhibit 117): draft Surface Water Monitoring Plan</li> <li>• CEAA Round 1 Package 1, IR1-02, Appendix IR2-1: Draft Surface Water Quality Monitoring Plan</li> </ul>	<p>The original Project design did not include any alterations to the existing unnamed creek beyond the immediate dam and low-level outlet. Since filing the EIA, Alberta Transportation, as a result of feedback from regulators, Indigenous groups and stakeholders, has revised the design to include measures to reduce erosion along the full length of the unnamed creek and to further mitigate sediment mobilization in the unnamed creek and reduce sediment input into Elbow River.</p> <p>Construction and maintenance activities during dry operations have the potential to disturb soil and instream bed substrates causing erosion. A site-specific erosion and sediment control plan will be developed to mitigate against potential erosion and will be implemented during both the construction and operation phases of the Project. Details about erosion and sediment control are outlined in Table 8-1 of the draft Surface Water Quality Monitoring Plan.</p>

Volume 3A Section 9.0 Terrain and Soils (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 9.0, Table 9-1, pg. 9.3	Can the Proponent please identify and model the amount of dust anticipated during construction and dry operation? How far will airborne particulates travel? And what is the potential for airborne contaminants to reach the Stoney Nakoda Reserves during a day where the wind is blowing towards to the west?	<ul style="list-style-type: none"> <li>EIA, Volume 4, Appendix E (Exhibit 67)</li> <li>Round 1 AEP IR446 (Exhibit 95)</li> </ul>	<p>As part of the EIA, a comprehensive and conservative assessment of potential effects on air quality associated with windblown sediment was completed. This assessment considered dust and sediment movement during both construction and operation phases of the Project. The air quality modelling results indicate that airborne dust near the Project Development Area (PDA) could periodically exceed the Alberta Ambient Air Quality Objectives for Total Suspended Particulates (TSP).</p> <p>The modelling indicates that such emissions have the greatest potential to occur along the eastern PDA boundary, are limited to areas close to the PDA and are predicted to occur infrequently.</p> <p>Winds are predominantly blowing to the east; the potential for potential contaminants to reach Stoney Nakoda Reserves is not likely. During construction, in the unlikely event that Stoney Nakoda Reserves has dust issues, they can contact the Community Liaison who will direct the complaint to the construction contractor. The complaint would be investigated and if it the Project is the cause of the dust, mitigation measures will be applied to minimize dust. During operations, the same process will be followed but instead of the construction contractor, complaints will be directed by the Community Liaison to AEP, the operator.</p>
	It is unclear if the dry reservoir area will be cleared and graded? Can the Proponent please address this?	<ul style="list-style-type: none"> <li>Round 1 AEP IR318 (Exhibit 93)</li> </ul>	<p>Post flood sediment will be left in-place in the off-stream reservoir but may be moved or recontoured in the reservoir so that the functionality of water flow into and out of the reservoir is maintained and also to maintain the integrity of the off-stream dam.</p>
	Soil compaction generally impacts the potential for the re-establishment of native grasses. Can the Proponent please describe how they will avoid soil compaction within the Project area during construction and dry operation.	<ul style="list-style-type: none"> <li>EIA, Volume 4, Appendix D, Section 4.4 and 6.1 (Exhibit 66)</li> <li>Round 2 IAAC IR4-05, Appendix 5-1: Updated Draft Guiding Principles and Direction for Future Land Use (Exhibit 216)</li> </ul>	<p>In areas of construction, the area will be surveyed, and boundaries staked for potential disturbances. Within these areas, topsoil and subsoil will be stripped and stored in a location where rehandling is not likely to be required.</p> <p>Construction equipment will not drive on undisturbed soil unless there are mitigations in place to prevent compaction (i.e. rig matting) or working on dry soils which are not prone to compaction.</p> <p>During dry operation, traffic will be along the road on the berm and associated road allowances. At this time, it is not expected there will be vehicle traffic inside the reservoir during dry operations.</p> <p>In the <i>Updated Draft Guiding Principles and Direction for Future Land Use</i> (IAAC Round 2 IR4-05, Appendix 5-1), Alberta Transportation confirmed its commitment to having no motorized recreational activities within the Land Use Area (approximately the same size as the Project development area)</p>
Volume 3B Section 9.0 Terrain and Soils (Flood and Post-Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 9.0 General Comments.	<p>Within the section of the document the Proponent attempts to undertake an effects assessment on terrain and soils during flood and post-flood operations of the proposed Project. Below are questions that arose during Stoney Nakoda's assessment of the document.</p> <p>The Stoney Nakoda request that the Proponent provide a response to the questions below to improve the transparency of the EIA process.</p>	-	-



Volume 3B Section 9.0 Terrain and Soils (Flood and Post-Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	Can the Proponent please identify and better illustrate how potential contamination will be monitored and contained during flood and post flood operations?	<ul style="list-style-type: none"> <li>• Round 1 AEP IR394 (Exhibit 94)</li> <li>• Round 2 AEP IR85 (Exhibit 138)</li> </ul>	<p>Soil will be monitored during the post-flood phase. Alberta Transportation provided information on what the monitoring would include in several responses to Information Requests (IR).</p> <p>Soil monitoring during the post-flood phase will quantify both dynamic and static soil property changes that are predicted for the flood and post-flood phase. Monitoring will be carried out by personnel with recognized expertise in both the detection and measurement of soil quality indicators. Monitoring will address the following concerns and questions:</p> <ul style="list-style-type: none"> <li>• the rate of soil dewatering and reestablishment of soil aeration within the area of inundation</li> <li>• changes to soil salinity and sodicity introduced by soil saturation and groundwater rise within the area of inundation</li> <li>• changes to topsoil pH and calcium carbonate content within the area of inundation</li> <li>• the area of soil erosion caused by reservoir filling and drawdown</li> <li>• the area and magnitude of sediment deposits (depth, area)</li> <li>• the physical quality of sediment deposits will be assessed</li> <li>• wind-erosion risk of sediment deposits and effectiveness of mitigations (tackifier, vegetation)</li> <li>• incidence and areas of soil rutting.</li> </ul> <p>A risk analysis will be completed to determine subsequent actions and mitigations, which could include long term monitoring and potentially treatment and remediation.</p> <p>Protocols for detecting contaminants of potential concern will include visual means to detect hydrocarbons and selective point sampling to detect the presence of salts, nutrients, or metals where suspected.</p> <p>Soils with suspected hydrocarbons will be field screened and based on the field screening, soil samples may be submitted for lab analysis, including but not limited to benzene, toluene, ethylbenzene and xylenes, petroleum hydrocarbons, fractions 1 to 4, salinity parameters (i.e. pH, conductivity, chloride, etc), nutrients (i.e. total nitrogen, available phosphorus, nitrates and nitrites) and regulated metals</p>
	Can the Proponent please clarify how long will it take after a flooding event to reclaim vegetation and what will soil quality and quantity be like after said event? Are there any comparable case studies and if so, could these be provided to the Stoney Nakoda?	<ul style="list-style-type: none"> <li>• CEEA Annex 2-13 (Exhibit 80)</li> <li>• Round 2 AEP IR102 (Exhibit 138)</li> <li>• EIA Appendix G Terrain and Soils, Table C-10 (Exhibit 69)</li> <li>• Round 2 IAAC, IR4-01 (iv.) (Exhibit 218)</li> <li>• EIA Volume 3B, Tables 10-5 and 10-6 (Exhibit 31)</li> </ul>	<p>The time required for desired vegetation cover to establish will vary depending on the cover type, sediment depth, and climatic conditions. Sedimentation less than 3 cm is not expected to affect plant communities, although there may be minor changes in germination of annuals. Areas of complete burial and a full loss of existing plant cover will likely take the longest to revegetate.</p> <p>Alberta Transportation expects that cover crops can be established within 4-6 weeks. In late fall or the following spring, agronomic or native seed mixes will be sown where needed.</p> <p>Desired cover is expected within one to two growing seasons following flood events for non-native areas and within three growing seasons for native areas. Potentially more than 10 years may be required for conditions to resemble baseline conditions. .</p> <p>Soil quality for coarser sediments will be similar to the Twin Bridges soil map unit found in the Elbow River floodplain. Expected soil quality for finer sediments deposited into the reservoir is yet unknown as there were no finer textured regosolic soils to test for a comparison. Nutrient storage will likely be higher in the finer textured sediments.</p> <p>Orr and Stanley (2006) studied vegetation development and restoration potential of drained reservoirs following dam removal in Wisconsin. There were 30 dam sites and vegetation growth never took longer than a month to start establishing (these were soils that had been under water for years).</p> <p><i>Reference</i> Orr, C.H. and E.H. Stanley. 2006. Vegetation development and restoration potential of drained reservoirs following dam removal in Wisconsin. River Research and Applications. 22: 281-295.</p>

Volume 3B Section 9.0 Terrain and Soils (Flood and Post-Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	Can the Proponent please identify if, after flood events, the proposed Project is returned to a dry state and left to dry, would this area be populated with invasive weeds? How will this be managed and monitored?	<ul style="list-style-type: none"> <li>Round 1 AEP IR407, Appendix IR407-1; CEAA Package 2 Appendix IR 19-1: Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan (Exhibit 124)</li> <li>Round 2 AEP IR89 (Exhibit 138)</li> </ul>	<p>Alberta Transportation recognizes the importance of weeds and their use for traditional and medicinal purposes. Weed control will, at a minimum, follow the <i>Alberta Weed Control Act</i> Regulations with all prohibited weeds removed and noxious weeds controlled.</p> <p>Alberta Transportation and AEP will work with Rocky View County on identifying suitable weed control measures and acceptable noxious weed levels.</p> <p>The draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan was shared with Stoney Nakoda Nations on May 6, 2020. Alberta Transportation has requested input and feedback on the draft monitoring plan. A questionnaire was distributed on September 3, 2020 asking for input on certain aspects of all the draft monitoring plans. Stoney Nakoda Nations was also invited to attend weekly monitoring plan review meetings in the fall of 2020. To date Alberta Transportation has not obtained any feedback from Stoney Nakoda Nations regarding any of the draft monitoring plans but would welcome feedback should there be any.</p> <p>Revegetation monitoring, post-construction and post-flood, will occur until targets are met and conditions are stable. A timeline has not been established; however, monitoring will likely be done for more than one growing season to confirm conditions are on a desired trajectory.</p>
Section 10.0 Vegetation and Wetlands			
Volume 3A Section 10.0 Vegetation and Wetlands (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 10.0 General Comments	<p>Within the section of the document the Proponent attempts to undertake an effects assessment on vegetation and wetlands during construction and dry operations of the proposed Project. Below are questions that arose during Stoney Nakoda's assessment of the document.</p> <p>The Stoney Nakoda request that the Proponent provide a response to the questions below to improve the transparency of the EIA process.</p>	-	-
Section 10.1.4.1, pg. 10.7	Can the Proponent please better describe how vegetative clearing during construction will change the existing wetlands?	Stoney Nakoda Nations (Bears paw First Nation, Chiniki First Nation and Wesley First Nation) Record of Consultation and Specific Concerns and Response Tables August 2014 – October 2020 (Exhibit 320)	<p>Project effects on wetlands require approval under the <i>Water Act</i> and will follow the Alberta Wetland Policy. Wetlands within the permanent Project component footprint (e.g., floodplain berm, auxiliary spillway, Highway 22 and Springbank Road upgrades) will be lost. Wetlands within the temporary Project component footprint (e.g., construction laydown/stockpile areas) will be retained. Vegetation will be cut, mowed or mulched at ground level and grubbing avoided where possible. Protective matting will be used if ground conditions with potential for rutting, admixing or compaction are encountered. Alberta Transportation has filed its <i>Water Act</i> application with the AEP on July 6, 2020.</p> <p>Alberta Transportation provided a summary of this application to Stoney Nakoda Nations on July 2, 2020, and Alberta Transportation has offered to meet with Stoney Nakoda Nations to review and discuss this application. Alberta Transportation would welcome such an opportunity.</p>

Volume 3A Section 10.0 Vegetation and Wetlands (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
<p>Section 10.4.4.2 pg. 10.51, Springbank Off-Stream Reservoir Project Environmental Impact Assessment Volume 1, Project Description, Indigenous Engagement Program. Table 7-5, pg. 7.42.</p>	<p>Construction would alter habitat for traditionally used plants, and it is unclear how the Proponent will mitigate impacts to culturally significant plants to the Stoney Nakoda. Can the Proponent please describe how traditional and medicinal plants will be avoided during construction? How much notification time will be given to the Stoney Nakoda for harvesting? How much time will Stoney Nakoda have to harvest? Who will coordinate access for harvesting purposes?</p>	<ul style="list-style-type: none"> <li>EIA Volume 4 Appendix C, Table C-1 (Land Use and Management) (Exhibit 65)</li> <li>Round 1 CEAA IR2-08, IR2-22</li> <li>CEAA Conformity IR2-01</li> <li>Round 1 AEP IR407 Appendix IR407-1 (Exhibit 124) and CEAA Package 2, IR 2-19, Appendix IR19-1 Vegetation, Wetland and Revegetation Plan (Exhibit 217)</li> <li>Round 1 NRCB IR2, appendix IR2-1; Round 1 CEAA Package 2, IR2-01, Appendix IR1-2: Draft Principles for Future Land Use of the Proposed Springbank Off-stream Reservoir Project (Exhibit 99)</li> <li>Round 2 IAAC IR4-05 and Appendix 5-1: Updated Draft Guiding Principles and Direction for Future Land Use (Exhibit 216)</li> </ul>	<p>Traditional and medicinal plants within the construction footprint will not be avoided.</p> <p>Alberta Transportation's commitments to mitigate potential effects on cultural experience/experiential values, include:</p> <ul style="list-style-type: none"> <li>notifying Indigenous groups regarding Project activities and schedules, including provision of project maps and design components, and discuss key traditional harvesting periods</li> <li>maintaining access to identified current use sites (located outside of the designated construction and project site limits) during construction and operations, including for hunting and fishing and Alberta Transportation would advise Indigenous groups on post-construction access management</li> <li>providing opportunities for harvesting or relocating medicinal and ceremonial plants prior to construction</li> <li>at the request of Indigenous groups, Alberta Transportation will participate in ceremonies (if invited) prior to the start of construction, including making offerings.</li> </ul> <p>Additionally, Alberta Transportation has committed to conduct field visits with Indigenous Elders prior to construction to identify priority areas for harvest of traditional plants.</p> <p>The Land Use Plan for the Project area has substantially changed since the EIA. The revisions were based on feedback received by First Nations and stakeholders.</p> <p>From Round 2 IAAC 4-05:</p> <ul style="list-style-type: none"> <li><i>Updated Draft Guiding Principles and Direction for Future Land Use</i> was filed.</li> <li>Alberta Transportation committed in its submission that First Nations' exercise of Treaty rights such as hunting, as well as First Nation's traditional activities, will be supported in the land use area.</li> <li>The Government of Alberta will create a First Nations Land Use Advisory Committee to guide and facilitate the implementation of the principles of the land use plan and to make recommendations to support the exercise of treaty rights and traditional uses in the land use area.</li> <li>The Government of Alberta also commits to work with First Nations to identify a portion of land near the land use area that can be used by First Nations as a staging area (e.g., parking, setting up temporary campsites) or for activities, such as cultural ceremonies, transmittal of traditional knowledge to the youth, traditional activities. The staging area would be accessible to all First Nations engaged on the Project throughout the year except during the flood season when access to the area may be prohibited for safety reasons.</li> </ul>

Volume 3A Section 10.0 Vegetation and Wetlands (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	<p>Can the Proponent please describe how seeds from traditional and medicinal plants will be collected, stored, and used during reclamation? Who will identify and collect these seeds and who would store them? Stoney Nakoda would like to see cultural protocols considered in the process of seed collection and during reclamation activities.</p>	<ul style="list-style-type: none"> <li>Round 1 AEP IR407, Appendix IR407-1 (Exhibit 124)</li> <li>CEAA Package 2, IR 2-19, Appendix IR19-1 Vegetation, Wetland and Revegetation Plan (Exhibit 217)</li> <li>Round 1 CEAA Package 2 Package 2-21</li> <li>CEAA Conformity IR2-01</li> <li>Round 2 AEP IR88 (Exhibit 138)</li> </ul>	<p>Alberta Transportation has committed to providing opportunities for Indigenous groups to harvesting or relocating medicinal and ceremonial plants prior to construction.</p> <p>Indigenous group and stakeholder engagement are ongoing and will guide monitoring and revegetation plans. Traditional use plant species will be included in revegetation plans.</p> <p>Alterations will be made to the Alberta Transportation custom native seed mix in consideration of site-specific conditions of vegetation communities and Alberta Transportation will seek input from Indigenous groups as to species that are culturally important.</p> <p>In the Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan, Alberta Transportation has proposed a native seed mix. This draft monitoring plan was shared with Stoney Nakoda Nations on May 6, 2020. Alberta Transportation has requested input and feedback on the draft monitoring plan. A questionnaire was distributed on September 3, 2020 asking for input on certain aspects of all the draft monitoring plans (including the seed mixes). Stoney Nakoda Nations was also invited to attend weekly monitoring plan review meetings in the fall of 2020. To date Alberta Transportation has not obtained any feedback from Stoney Nakoda Nations regarding any of the draft monitoring plans but would welcome feedback should there be any comments or questions.</p> <p>The monitoring plans will be finalized prior to construction and Alberta Transportation will continue to offer to meet with Indigenous groups, including Stoney Nakoda Nations to discuss the draft monitoring plans prior to their finalization.</p> <p>Commercially available native seeds will be obtained from southern Alberta suppliers where possible and potential seed collection from the PDA will be evaluated (Round 1 CEAA Package 2; IR2-21).</p>
	<p>Can the Proponent please describe what the reclamation program will look like after construction? How long will this process take before ecological communities will re-establish and wildlife and bird species will return?</p>	<ul style="list-style-type: none"> <li>Round 1 AEP IR407 Appendix IR407-1(Exhibit 124) and CEAA Package 2, IR 2-19, Appendix IR19-1 Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan (Exhibit 217)</li> <li>CEAA Annex 2 (13) (Exhibit 80)</li> <li>Round 2 AEP IR102 (Exhibit 138)</li> </ul>	<p>Alberta Transportation has produced a Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan which explains the post construction and post-flood operation mitigation and monitoring measures. The time required for desired vegetation cover to establish will vary depending on the cover type, sediment depth, and climatic conditions. Sedimentation less than 3 cm is not expected to affect plant communities, although there may be minor changes in germination of annuals. Areas of complete burial and a full loss of existing plant cover will likely take the longest to revegetate.</p> <p>Alberta Transportation expects that cover crops can be established within 4-6 weeks. In late fall or the following spring, agronomic or native seed mixes will be sown where needed.</p> <p>Desired cover is expected within one to two growing seasons following flood events for non-native areas and within three growing seasons for native areas. Potentially more than 10 years may be required for conditions to resemble baseline conditions. Cover crops can be established within 4-6 weeks and will be cut prior to seed head development. In late fall or the following spring, agronomic or native seed mixes will be sown in areas not meeting revegetation targets.</p> <p>Alberta Transportation has developed a multi-year monitoring plan to follow the trajectory of vegetation establishment and reclamation success.</p> <p>Overall, wildlife is expected to use revegetated areas once the vegetation provides suitable habitat conditions, which will vary by wildlife species. Potential feeding habitat for ungulates such as deer and elk as well as nesting habitat for grassland-dependent birds (e.g., savannah sparrow) are expected to be available within one to three years. Suitable habitat conditions for wildlife species dependent on shrub or treed habitat are expected to require more than 10 years.</p>

Volume 3A Section 10.0 Vegetation and Wetlands (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	The assessment has not included consideration of the habitat fragmentation effects on wild plant species and pollinator communities, nor were their interactions (i.e., pollination of plant species and seed production, pollination, and reproductive success of plant species) considered. Can the Proponent please describe how landscape and community diversity can be assessed without considering the impacts of habitat fragmentation on pollinators? Given the severe decline of wild pollinators such as honeybees and bumblebees in recent years, from a vegetation diversity viewpoint what efforts will AT employ an understanding and mitigate the influence of fragmentation effects on wild pollinators?	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 10.4.2. (Exhibit 31)</li> </ul>	<p>The potential for the Project to affect landscape diversity due to fragmentation was assessed using the mean patch size (ha), number of patches and mean patch edge (km) of native cover types. Potential Project effects on change in community diversity were assessed using the area (ha) of upland and wetland cover types directly affected (i.e., loss or altered). Change in species diversity was assessed using rare and traditional plant species diversity as well wildlife species diversity. The results of the analysis indicated there are very small changes in fragmentation because the RAA occurs in an existing fragmented landscape.</p> <p>Although the assessment did not explicitly address pollinator communities and their interactions, the assessment of potential effects and the associated mitigation measures proposed to protect plants, wetlands and animal species will also indirectly provide protection for pollinators.</p>
Section 10.4.3 and 10.4.4	Can the Proponent identify if the effects assessment considered the impact of soil compaction (e.g., reduced soil aeration, reduced soil microbial biomass, and diversity) as a result of construction activities and potential impacts to vegetation regrowth, species, and community diversity?	<ul style="list-style-type: none"> <li>EIA Volume 4, Appendix D, Section 4.4 and 6.1</li> <li>Round 1 AEP IR407 Appendix IR407-1 (Exhibit 124) and CEAA Package 2, IR 2-19, Appendix IR19-1 Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan (Exhibit 217)</li> <li>Round 1 AEP IR394 (Exhibit 94)</li> </ul>	<p>Construction activities should not cause compaction issues. In areas of construction, the area will be surveyed, and the boundaries staked for potential disturbances. Within these areas, topsoil and subsoil will be stripped and stored in a location where rehandling is not likely to be required.</p> <p>Construction equipment will not be driving on undisturbed soil unless there are mitigations in place to prevent compaction (i.e. rig matting) or working on dry soils which are not prone to compaction.</p> <p>After construction, subsoil and topsoil is replaced and areas are deep ripped or disked to create porosity and alleviate soil compaction.</p> <p>Topsoil replacement depths will be measured in areas of soil reclamation post construction. Year 2 after construction, areas of topsoil and subsoil compaction will be identified, and subsequent measurements will use qualitative techniques for determining bulk density.</p> <p>During dry operation, traffic will be along the road on the berm and associated road allowances. At this time, it is not expected there will be vehicle traffic inside the reservoir during dry operations.</p> <p>Soils are not expected to be compacted.</p>
Section 10.4.3, pg. 10.45	Tree clearing operations: it is unclear in the document what time of year the tree clearing activities will be undertaken, and if these operations will be undertaken with mitigation measures in place to limit impacts to birds (i.e., outside of the bird window). It is also unclear how the trees be cleared, and what kind of ground impacts will happen due to clearing, and how the trees will be disposed of? Will they be chipped up and used in landscaping within the county or will they be burnt or taken to a landfill?	<ul style="list-style-type: none"> <li>EIA Volume 4 Appendix D Soil Handling and Revegetation (Exhibit 66)</li> <li>EIA Volume 3A Section 11.4.2.2 (Exhibit 32)</li> </ul>	<p>See EIA, Section 4.3.3 of Appendix D and Volume 3A Section 11.4.2.2 for a clearing schedule – including recommended Restricted Activity Period (RAP). If tree clearing is to take place outside the RAP, preconstruction nest searches will be completed. Active bird nests will be protected.</p> <p>The Project does not fall inside the boundaries of any Forest Management Areas. Alberta Transportation will salvage merchantable timber. To date, there are no specific plans as to how the lumber will be used but AT would welcome feedback if any.</p> <p>Non-merchantable timber and slash may be used as rollback to prevent soil erosion (e.g. on soil stockpiles), chipped and used in ways consistent with ASRD's Industry Directive 2009-1), but will not be incorporated into stockpiles.</p> <p>Final uses will be determined in consultation with AEP and Rocky View County.</p>

Volume 3A Section 10.0 Vegetation and Wetlands (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	From a cultural perspective, local and regional spatial and temporal boundaries considered as important for the assessment of wildlife and biodiversity often differ from western viewpoints, as the boundaries are based on a different set of values. It is unclear whether AT considered Stoney Nakoda values in the determination of spatial and temporal boundaries for the effects assessment. Can the Proponent please respond?	<ul style="list-style-type: none"> <li>EIA Volume 2, Section 5.3 (Exhibit 21)</li> <li>Round 1 CEAA Package 2 IR2-06</li> </ul>	<p>The EIA follows standard environmental assessment methodology. The local assessment area is the maximum area within which Project environmental effects can be predicted or measured with a reasonable degree of accuracy and confidence. The RAA is the area within which the Project's environmental effects may interact or accumulate with the environmental effects of other projects or activities that have been or will be carried out such that cumulative environmental effects may potentially occur.</p> <p>Alberta Transportation employed a thorough and consistent method for considering Indigenous and community knowledge and concerns raised by Indigenous groups. Information provided by Indigenous groups was reviewed and summarized into tabular format organized into the following categories that summarized information about traditional land and Resource use; locations of specific sites or areas identified by Indigenous groups; and proposed mitigation measures. The tabular summary was reviewed by biophysical and socio-economic discipline leads for relevant information. On March 4, 2021, Stoney Nakoda Nations submitted their Interim Traditional Land Use Assessment Report for the SR1 Project to the NRCB. Alberta Transportation is currently reviewing this report and will offer to meet to discuss the information and concerns raised in the report.</p> <p>While vegetation and wetlands assessment assessed potential effects of the Project on plants of interest to Indigenous peoples identified through the Indigenous engagement program, the vegetation and wetlands assessment itself does not assess or predict effects on other valued components. However, conclusions of the vegetation and wetlands assessment have been incorporated in the assessment of Project effects on current use by Indigenous peoples in Volume 3A, Section 14 (TLRU).</p>
	The Stoney Nakoda have expressed concerns that fences that would be built around the Project site might impact wildlife passage through the area. Construction would change the availability of habitat for animal species. Can the Proponent please identify how the fence design will mitigate impacts to wildlife habitat and corridors.	<ul style="list-style-type: none"> <li>Round 1 AEP IR 413 (Exhibit 94)</li> <li>Round 1 CEAA Package 2 IR2-15</li> </ul>	<p>All other fencing in or along the PDA boundary will be "wildlife friendly". Wildlife-friendly fences are designed to allow wildlife passage by having the top wire low enough for ungulates to jump over and a bottom wire high enough for other animals (e.g., bear) to crawl under. The top and bottom wires are smooth and not barbed. Chain link fencing will be installed around certain facilities (e.g., control building) for public safety and security.</p> <p>Alberta Transportation has discussed wildlife friendly fencing with Stoney Nakoda Nation on numerous occasions throughout engagement and welcomes continued feedback as project planning continues.</p>
	There is no mention of the inclusion of Stoney Nakoda perspectives and values in the follow up and monitoring programs. This omission is a deficiency in the program design as industry based environmental inspection processes do not typically take cultural perspectives into account. Can the Proponent please identify how AT will consider traditional knowledge and cultural perspectives in the monitoring program?	<ul style="list-style-type: none"> <li>Stoney Nakoda Nations (Bears paw First Nation, Chiniki First Nation and Wesley First Nation) Record of Consultation and Specific Concerns and Response Tables August 2014 – October 2020 (Exhibit 320)</li> </ul>	<p>Alberta Transportation sent the draft monitoring plans to Stoney Nakoda Nations on May 6, 2020 and July 22, 2020 for their review and offered to meet to discuss them. Alberta Transportation has requested input and feedback on the draft monitoring plan. A questionnaire was distributed on September 3, 2020 asking for input on certain aspects of all the draft monitoring plans. Stoney Nakoda Nations was also invited to attend weekly monitoring plan review meetings in the fall of 2020. To date, Alberta Transportation has not obtained any feedback from Stoney Nakoda Nations regarding any of the draft monitoring plans but would welcome their feedback as planning continues.</p> <p>The monitoring plans will be finalized prior to construction and Alberta Transportation will continue to offer to meet with Indigenous groups, including Stoney Nakoda Nations to discuss the draft monitoring plans prior to their finalization.</p>

Volume 3A Section 10.0 Vegetation and Wetlands (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	Can the Proponent please identify how AT considered input from Stoney Nakoda in their determination of the magnitude of Project effects on traditional use plants? How did AT consider Stoney Nakoda perspectives in the determination of significance?	<ul style="list-style-type: none"> <li>EIA, Volume 3A, Section 14</li> <li>EIA Volume 3A Section 10.1.2 and 10.2</li> <li>EIA Volume 3B Section 10.3</li> </ul>	While vegetation and wetlands assessment assessed potential effects of the Project on plants of interest to Indigenous peoples identified through the Indigenous engagement program, the vegetation and wetlands assessment itself does not assess or determine significance of effects on other valued components. However, conclusions of the vegetation and wetlands assessment have been incorporated in the assessment of Project effects on current use by Indigenous peoples in Volume 3A, Section 14 (TLRU), which offers a determination of significance for the availability and access to traditionally harvested species identified by Indigenous groups. Through the Indigenous engagement program for the Project, Stoney Nakoda Nations reported undertaking cultural practices in the Project area, including hunting, fishing, trapping, plant gathering, and camping. Stoney Nakoda Nations identified two traplines to the west of the Project. Stoney Nakoda Nations explained that a Stoney Nakoda cultural story talks about Springbank Creek trails and travel routes. Stoney Nakoda Nations noted that the waters that flow through the traditional lands have sustained the Stoney Nakoda Nations since time immemorial. This information was considered in the characterization of residual effects on the availability of traditional resources for current use in Volume 3A, Section 14.2.4 and contributed to the significance determination in Volume 3A, Section 14.4. Conclusions regarding Project effects on Stoney Nakoda Nations traditional land and resource use were summarized in Volume 3A, Section 14.8.4
	Effects on landscape diversity are noted as irreversible in areas of permanent Project disturbance. Can the Proponent identify and describe how conservation offsets were considered to mitigate these Project effects?	<ul style="list-style-type: none"> <li>Round 1 AEP IR 420 (Exhibit 94)</li> <li>Round 1 CEAA Package 2 IR2-17 (d)</li> </ul>	Habitat offsets were not considered as a mitigation option for the direct loss of habitat. The proposed mitigation strategies (e.g., avoid, minimize, reclaim) were determined to be adequate to reduce Project residual effects to the extent that they do not threaten the long-term persistence or viability of elk.
	Alberta Transportation has indicated that traditional land and resource use information was considered during the preparation of all aspects of the EIA, including both methodology and analysis. AT further explains that TLRU information was not included in the consideration of significance but was included in the effects assessment. The Stoney Nakoda would like AT to describe, in replicable detail, the process by which Stoney Nakoda were consulted and how that information was considered in the effects assessment of vegetation and wetlands?	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 10.2.2.3 (Exhibit 31)</li> <li>Round 1 CEAA Package 2 IR2-06</li> <li>Round 1 CEAA Package 2 Conformity IR2-10</li> </ul>	<p>Alberta Transportation employed a thorough and consistent method for considering Indigenous and community knowledge and concerns raised by Indigenous groups. Alberta Transportation considered information obtained through the Indigenous Engagement Program for the Project, including meetings, workshops, correspondence and TUS funded by Alberta Transportation. As well, information was gathered through a review of publicly available literature containing TLRU information for Indigenous groups engaged on the Project and was reviewed to deepen the understanding of the nature and extent of current use by these Indigenous groups.</p> <p>Alberta Transportation provided funding for a traditional use study and organized two separate TLRU workshops for Stoney Nakoda Nations; these took place on February 12, 2018 and March 20, 2018. Stoney Nakoda Nations has not yet validated the results of the workshops for Alberta Transportation to use in regulatory reporting. On March 4, 2021, Stoney Nakoda Nations submitted their Interim Traditional Land Use Assessment Report for the SR1 Project to the NRCB. Alberta Transportation is currently reviewing this report and will offer to meet to discuss the information and concerns raised in the report.</p> <p>Indigenous and community knowledge and concerns gathered by Alberta Transportation were reviewed and summarized into tabular format organized into the following categories: traditional land and resource use; locations of specific sites or areas identified by Indigenous groups; and proposed mitigation measures. The tabular summary was reviewed by biophysical and socio-economic discipline leads for relevant information. The vegetation and wetland discipline lead reviewed the tabular summary to identify species of cultural importance identified by Indigenous groups, as discussed in Volume 3A, Section 10.2.2.3.</p>

Volume 3B Section 10.0 Vegetation and Wetlands (Flood and Post-Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 10 General Comments.	<p>Within the section of the document the Proponent attempts to undertake an effects assessment on vegetation and wetlands during flood and post-flood operations of the proposed Project. Below are questions that arose during Stoney Nakoda's assessment of the document.</p> <p>The Stoney Nakoda request that the Proponent provide a response to the questions below to improve the transparency of the EIA process.</p>	-	-
	<p>Can the Proponent please speak to weed and silt management during post flood events. For example, after the reservoir is drained, what is the weed management plan and what happens to all the silt? There is a concern that it will just get blown away.</p>	<ul style="list-style-type: none"> <li>EIA Volume 4, Appendix D, Section 4.4 and 6.1 (Exhibit 66)</li> <li>Round 1 AEP IR394 (Exhibit 94)</li> <li>Round 1 AEP IR407 Appendix IR407-1 (Exhibit 124) and CEEA Package 2, IR 2-19, Appendix IR19-1 Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan (Exhibit 217)</li> <li>CEEA Annex 2 IR13 (Exhibit 80)</li> <li>Round 1 CEEA Package 2 IR2-21</li> </ul>	<p>Weed control will, at a minimum, follow the Alberta Weed Control Act Regulation. Additionally, Alberta Transportation and AEP will work with Rocky View County on identifying suitable weed control measures and acceptable noxious weed levels.</p> <p>Active weed management will include mechanical controls (such as mowing), hand picking and disposal, cultural control (seeding competitive species) and herbicide application.</p> <p>In the submission from SCLG, Dr. Osko made a number of recommendations with respect to weed control. In that regard, Alberta Transportation has agreed that a robust and comprehensive weed management plan is needed for the Project and has considered and agreed to a number of Dr. Osko's recommendations (see Response to Dr. Terry Osko Report (Appendix U))</p> <p>A site-specific erosion and sediment control plan will be developed in accordance with Alberta Transportation's Erosion and Sediment Control Manual. The approach includes site inspections following a design flood, with inspection for areas of bare ground susceptible to erosion, dust and weed colonization.</p> <p>There are revegetation targets and goals after a flood. Revegetation will grow on the silt (sediment) and anchor it – reducing wind erosion. Additionally, tackifiers may applied to prevent wind erosion.</p> <p>Alberta Transportation will conduct ambient monitoring after a flood event to monitor potential effects associated with windblown sediment. Monitoring for total suspended particulate (TSP) and of 2.5 microns (µm) in diameter or less (PM<sub>2.5</sub>) at a location near the east PDA boundary will be conducted for 16 months after a flood event (i.e., from the flood event to the end of the fall season in the following year) to facilitate the timely application of additional mitigation measures for fugitive dust, if excessive TSP or PM<sub>2.5</sub> levels be measured. Whether it is necessary to employ monitoring longer than 16 months will be determined in consultation with stakeholders and regulatory agencies. Anticipated parameters to monitor fugitive dust from post-flood operations are:</p> <ul style="list-style-type: none"> <li>TSP, continuous;</li> <li>PM<sub>2.5</sub>, continuous; and</li> <li>meteorology for wind speed, wind direction, and temperature.</li> </ul>
	<p>Can the Proponent please clarify how long the water will sit stagnant in the reservoir area and if the temperature will be monitored before it is released back into the river?</p>	<ul style="list-style-type: none"> <li>Round 1 CEEA Package 1 IR1-02, Appendix IR2-1: Draft Surface Water Quality Monitoring Plan</li> <li>Round 2 NRCB IR17, Table 17-1 (Exhibit 138)</li> </ul>	<p>Reservoir filling and water release for each flood (1:10, 1:100 and 2013 design flood) is summarized in Round 2 NRCB IR17, Table 17-1.</p> <p>In Section 9.5.5 of the draft Surface Water Quality Monitoring Plan, it states that the total suspended sediment (turbidity), dissolved oxygen and temperature levels will be sampled/measured in the water during release back into Elbow River. Results will be compared with background levels in Elbow River upstream from the intake structure and diversion channel.</p>



Volume 3B Section 10.0 Vegetation and Wetlands (Flood and Post-Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	The Stoney Nakoda note that there are key knowledge gaps in how the Proponent has assessed how the Project will affect abundance and taxonomic richness of freshwater organisms and invertebrates. Further, habitat degradation through flow modification is a persistent threat to freshwater biodiversity. Can the Proponent identify if AT considered the threat of flood and post flood operations, landscape fragmentation and habitat degradation on freshwater biodiversity?	<ul style="list-style-type: none"> <li>EIA Volume 3A Section 8.1.3.2 (Exhibit 29)</li> <li>Round 2 NRCB IR 23 (Exhibit 138)</li> </ul>	<p>Effects to benthic community structure and taxonomic richness of freshwater organisms were evaluated in the EIA through potential effects to aquatic ecology including change in food supply and change in nutrient concentrations. One of the potential effects to aquatic ecology in the EIA is permanent alteration of fish habitat, and a corresponding measurable parameter for alteration of fish habitat is change in food supply (e.g., benthic organisms or taxonomic richness, Volume 3A, Section 8.1.3.2).</p> <p>Changes to habitat were modelled and presented in response to Round 2 IR 23. Overall, the model suggests that habitat will be altered as a result of the project and may result in a decrease in wetted areas available for aquatic organisms. Residual effects as a result of change to fish habitat were not considered significant; habitat offsetting will provide new habitat for the benthic community, which serves as a food supply for fish populations of Elbow River. Changes to channel morphology presented in Round 2 IRs (IR 23) do not change this conclusion.</p> <p>Alberta Transportation is in the process of developing measures to offset the residual effects of the project that cannot be mitigated. This includes temporary and permanent harmful alteration, disruption, or destruction (HADD) of fish habitat associated with construction and operation of the project. This HADD accounts for changes to fish habitat that include a change to food supply and nutrient concentrations that are a result of disturbance to the benthic community.</p>
	Can the Proponent please identify if the recovery of traditional and medicinal plants that occur within wetland areas will be monitored after the flooding event? The Stoney Nakoda would like to see serious consideration for the inclusion of cultural perspectives into long term monitoring efforts.	<ul style="list-style-type: none"> <li>Round 1 AEP IR407 Appendix IR407-1(Exhibit 124) and CEAA Package 2, IR 2-19, Appendix IR19-1: Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan (Exhibit 217)</li> </ul>	<p>Alberta Transportation has produced a Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan which explains the post construction and post-flood operation mitigation and monitoring measures.</p> <p>Alberta Transportation sent the draft monitoring plan to Stoney Nakoda Nations on May 6, 2020 for their review and offered to meet to discuss them. Alberta Transportation has requested input and feedback on the draft monitoring plan. A questionnaire was distributed on September 3, 2020 asking for input on certain aspects of all the draft monitoring plans. Stoney Nakoda Nations was also invited to attend weekly monitoring plan review meetings in the fall of 2020. To date Alberta Transportation has not obtained any feedback from Stoney Nakoda Nations regarding any of the draft monitoring plans but would welcome feedback as the planning continues.</p> <p>The monitoring plans will be finalized prior to construction and Alberta Transportation will continue to offer to meet with Indigenous groups, including Stoney Nakoda Nations to discuss the draft monitoring plans prior to their finalization.</p>
	Can the Proponent please clarify its assessment on the impact of wetland contamination after flooding event? Will the sedimentation be removed after the reservoir is drained and where will it be transferred to?	<ul style="list-style-type: none"> <li>Round 2 AEP IR84 (Exhibit 138)</li> <li>Round 1 NRCB IR107 (Exhibit 90)</li> <li>Round 1 AEP IR318 (Exhibit 93)</li> </ul>	<p>There was no assessment of wetland contamination after a flooding event. Based on the lack of any measurable soil contamination related to flood and post-flood phases effects are expected to be negligible.</p> <p>In general, sediment will only be moved away from areas where it affects the functionality of the Project components or blocks drainage (see Alberta Transportation's response to Round 1 AEP IR382). <i>Water Act</i> Applications will be/have been made for these wetlands.</p> <p>Sediment will be left in-place in the off-stream reservoir but may be moved or recontoured in the reservoir so that the functionality of water flow into and out of the reservoir is maintained and also to maintain the integrity of the off-stream dam.</p>

Volume 3B Section 10.0 Vegetation and Wetlands (Flood and Post-Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	Fish, such as bull trout, and fish habitat are of great cultural importance to Stoney Nakoda. Can the Proponent please identify what measures will be taken to protect culturally significant fish and fish habitat in the wetland area post flood?	<ul style="list-style-type: none"> <li>Round 2 NRCB IR31, Appendix 31-1: draft Fish Rescue and Fish Health Monitoring and Mitigation Plan (Exhibit 140)</li> </ul>	<p>Draft Fish Rescue and Fish Health Monitoring Plan expands on the commitments described in the EIA, along with a proposed approach for rescuing fish that are entrained in the reservoir, as well as monitoring of fish in Elbow River as water is drained. This plan will be finalized for review and approval by Fisheries and Oceans Canada (DFO) as part of the Fisheries Act authorization.</p> <p>The monitoring commitments herein are subject to change based on the outcome of consultation with DFO and engagement with Indigenous groups.</p> <p>Stoney Nakoda Nations participated in the DFO Fish Offsetting meeting on January 26, 2021.</p> <p>Alberta Transportation sent the draft Fish Rescue and Fish Health Monitoring and Mitigation Plan to Stoney Nakoda Nations on July 22, 2020 for their review and offered to meet to discuss them. Alberta Transportation has requested input and feedback on the draft monitoring plan. A questionnaire was distributed on September 3, 2020 asking for input on certain aspects of all the draft monitoring plans. Stoney Nakoda Nations was also invited to attend weekly monitoring plan review meetings in the fall of 2020. To date Alberta Transportation has not obtained any feedback from Stoney Nakoda Nations regarding any of the draft monitoring plan but would welcome comments as planning continues.</p> <p>The monitoring plans will be finalized prior to construction and Alberta Transportation will continue to offer to meet with Indigenous groups, including Stoney Nakoda Nations to discuss the draft monitoring plans prior to their finalization.</p>
Section 11.0 Wildlife and Biodiversity			
Volume 3A Section 11.0 Wildlife and Biodiversity (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 11.0 General Comments	<p>Within the section of the document the Proponent attempts to undertake an effects assessment on wildlife and biodiversity during construction and dry operations of the proposed Project. Below are questions that arose during Stoney Nakoda's assessment of the document.</p> <p>The Stoney Nakoda request that the Proponent provide a response to the questions below to improve the transparency of the EIA process.</p>	-	-

Volume 3A Section 11.0 Wildlife and Biodiversity (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Springbank Off-Stream Reservoir Project Environmental Impact Assessment Volume 1, Project Description, Indigenous Engagement Program, Table 7-3, pg. 7.25.	Construction is likely to cause sensory disturbance to wildlife, which could result in changes to migratory patterns and behaviour especially for Elk. Further, the Proponent notes that, "a total of approximately 117 ha of high and 377 ha of moderate winter elk feeding habitat will be affected by the Project" (Table 7-3, pg. 7.25). Could the Proponent please identify if heavy machinery be outfitted with noise abatement equipment to dampen the noise, and how will any diminished Elk habitat be restored?	<ul style="list-style-type: none"> <li>Round 1 AEP IR146 (Exhibit 91)</li> </ul>	<p>The potential indirect habitat loss on elk habitat (avoidance) due to sensory disturbance (e.g., noise) during construction was assessed by applying disturbance-specific zone of influence (ZOI) buffers (see Volume 3A, Section 11.4.1 and Volume 4, Appendix H, Attachment 11A). As such, the estimated areas (ha) of high and moderate suitability elk feeding habitat includes both direct and indirect habitat loss (Volume 3A, Table 11-3). Overall, the magnitude of the Project residual effect on elk feeding habitat is high because more than 10% of high and moderate habitat suitability would be affected in the LAA during both construction and dry operations. However, the construction period would be relatively short and portions of the construction area would be reclaimed, which would reduce residual effects on feeding habitat at the dry operations phase (Volume 3A, Section 11.4.2.3).</p> <p>Potential Project effects on change in movement were assessed qualitatively, based on peer-reviewed and technical literature, professional judgement, and project experience. The potential Project effects on elk movement during construction and dry operations are discussed in Volume 3A, Section 11.4.3. Construction activities associated with the diversion channel, floodplain berm and off-stream dam have the potential to create physical or sensory barriers to ungulate movement, including elk (known to use the Elbow River and surrounding upland habitats).</p> <p>The effectiveness of proposed mitigation measures to reduce potential effects of the Project on elk habitat use and movement will be evaluated as part of the Wildlife Mitigation and Monitoring Plan (WMMP).</p> <p>Alberta Transportation will require the construction contractor to engage a qualified acoustic consultant and implement a construction noise management plan. The contractor's noise management plan, as approved by Alberta Transportation will incorporate commitments made with respect to noise and possible conditions imposed as part of regulatory approvals. Compliance with the noise management plan will be monitored by contractor management and Alberta Transportation.</p> <p>The contractor will identify other suitable noise mitigation strategies. Alberta Transportation will delegate responsibility for the implementation of noise mitigation and monitoring to the contractor through the requirements of the ECO Plan (see Volume 4, Supporting Documentation, Document 4, page 10). Alberta Transportation will ensure that required mitigation measures are adopted and followed throughout construction by implementing their contractor management and auditing processes, which are detailed in Volume 4, Appendix C, pages C1 and C2. Any exceedances will be addressed through the implementation of the proposed mitigation through the construction noise management plan.</p>
	While black bears are not recognized as a threatened or at-risk species, they are a culturally important and significant species to the Stoney Nakoda. Human activities and variation in habitat quality can influence migration and space use patterns of many species. However, within the EIA, there is little discussion of the potential Project impacts to the behavioural responses of black bears to changes in landscape features associated with the Project development. Could the Proponent please discuss the potential Project impacts to black bears.	<ul style="list-style-type: none"> <li>Round 1 CEAA Package 2, IR2-11</li> </ul>	Grizzly bear was selected as a key wildlife indicator, which is representative of other wildlife species that depend on a variety of similar seasonal habitat types (CEAA Annex 2, Question 11). An updated effects assessment for wildlife species of cultural importance including black bear is provided in response to CEAA Package IR2-11, see Table IR11-1 (construction and dry operations) and Table IR11-2 (design flood operations and post-flood operations).

Volume 3A Section 11.0 Wildlife and Biodiversity (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	Grizzlies are a species of great cultural and spiritual significance to the Stoney Nakoda. Can the Proponent identify how AT will monitor impacts to grizzly bear movement, behavioural health and habitat use? Are the cumulative regional impacts of development (forestry, pipeline development, increase urban development) being considered by AT in their assessment of the Project effects on grizzly populations?	<ul style="list-style-type: none"> <li>EIA Volume 3A Section 11.4.3.3 (Exhibit 32)</li> <li>EIA Volume 3C Section 1.2.6.2 (Exhibit 58)</li> <li>Round 1 AEP IR435 (Exhibit 94)</li> <li>Round 2 NRCB IR35 (Exhibit 138)</li> </ul>	<p>The Project residual effects on grizzly bear movement (including east-west movement) are discussed in Volume 3A, Section 11.4.3.3, page 11.60. A summary of the conclusions can be found in Volume 3A, Section 11.7.2, page 11.88.</p> <p>The mitigation proposed to reduce potential Project effects on grizzly bears aligns with best management practices designed to reduce mortality risk to grizzly bears (e.g., Alberta Bear Smart Program), including the overriding objective to reduce attractants within the Grizzly Bear Recovery Support Zone. Further details related to mitigation to reduce human-bear conflict will be provided in the final Wildlife Mitigation and Monitoring Plan (WMMP) (the draft WMMP was sent to Stoney Nakoda Nations on May 6, 2020), which will be prepared in consultation with provincial and federal regulators as well Indigenous groups. Should Stoney Nakoda Nation have feedback on the plan, AT would welcome it as it continues project planning.</p> <p>Grizzly bear habitat use and movement will be monitored as part of the remote camera monitoring program discussed in the draft WMMP.</p> <p>As discussed in Volume 3C, existing and past developments have resulted in the loss of native grassland and mature forest, which has reduced habitat availability for some SOMC in the RAA, including key indicators such as Sprague's pipit, olive-sided flycatcher, and grizzly bear. Overall, agriculture, residential development, and recreation and transportation corridors have altered the current regional landscape and contributed to an existing cumulative effect on wildlife and biodiversity in the RAA.</p> <p>During construction, the Project would contribute to existing cumulative effects, however, the change in habitat abundance represents less than 1% of the upland and wetland cover types available in the RAA (Volume 3C, Section 1.2.6.2 Table 1-8). Similarly, during dry operations, the Project would contribute to a reduction in native upland by 0.1% (51.5 ha), with wetlands reclaimed back to existing conditions (Volume 3C, Section 1.2.6.2 Table 1-8).</p> <p>Overall, the potential for project residual effects to act cumulatively with the residual effects of future projects on wildlife habitat are relatively minor because the future developments do not contain high value wildlife habitat for many SOMC.</p>
	Stoney Nakoda members stress the significance of wildlife overpass crossings (as opposed to underpasses) as a means of mitigating habitat fragmentation and animal-vehicle collisions due the imposition of movement barriers such as roads and other human made structures. Can the Proponent please identify how and when cultural perspectives and traditional knowledge will be included in the consideration of mitigative options for construction activities and structures?	<ul style="list-style-type: none"> <li>CEAA Round 1 Package 2, IR2-15</li> <li>CEAA Conformity Package 2 IR2-15</li> <li>Round 2 AEP IR93 (Exhibit 138)</li> <li>Round 2 AEP IR104 (Exhibit 138)</li> </ul>	<p>During construction, increases in Project-related traffic volumes will be managed through the Traffic Accommodation Strategy (see Volume 3A, Section 16.4.2.2), which will reduce potential mortality risk related to animal-vehicle collisions in the LAA. In addition, there will be monitoring of animal-vehicle collisions as part of the Alberta Wildlife Watch (AWW) Program which is designed to identify animal-vehicle collision prone locations and to monitor and evaluate the effectiveness of mitigation (AEP 2017).</p> <p>The results of the remote camera monitoring program (e.g., crossing success rates at bridge underpass, diversion channel or wildlife friendly fencing) will be used to verify predictions and evaluate the success of proposed mitigation. These mitigation objectives and targets will be identified in the final WMMP.</p> <p>Alberta Transportation met several times with Stoney Nakoda Nations to discuss their concerns on wildlife movement and the proposed mitigation. Information presented during these meetings were also captured in a federal IR (CEAA Round 1 Package 2, IR2-15 and Conformity IR2-15).</p>

Volume 3A Section 11.0 Wildlife and Biodiversity (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	In the EIA it is suggested that when ungulates encounter sections of riprap the animals will be deflected to crossable sections of land within the diversion channel covered with topsoil and grass. Can the Proponent please discuss how this deflection will take place and how will the effectiveness of the soil/grass covering for movement be monitored?	<ul style="list-style-type: none"> <li>Round 2 AEP IR104 (Exhibit 138)</li> <li>Round 2 NRCB &amp; AEP Project Update: Change in Extent of Diversion Channel Revegetation (Exhibit 138)</li> <li>Round 1 CEAA, Package 1 IR1-09, Appendix IR9-1: Draft Wildlife Mitigation and Monitoring Plan</li> </ul>	<p>The final WMMP will be developed in discussion with regulators and consultation with Indigenous groups and will be designed to evaluate whether Project structures such as the diversion channel create barriers to wildlife movement in the LAA.</p> <p>The design of the diversion channel includes the installation of riprap along the bottom of the diversion channel. To facilitate wildlife movement through the PDA, the riprap in portions of the diversion channel will be infilled with smaller diameter material, covered with topsoil, and seeded with grasses.</p> <p>Approximately 1.8 km of the diversion channel will have the riprap, covered with topsoil, and reseeded. These areas align with areas where wildlife would be more likely to cross the diversion channel (through a review of wildlife camera data, wildlife winter tracking data, and information provided by Indigenous groups). These locations will be discussed further with Indigenous groups.</p> <p>How animals respond to the diversion channel and proposed mitigation will be monitored as part of the remote camera monitoring program discussed in the draft WMMP.</p>
	The Stoney Nakoda have expressed concerns regarding wildlife, fish, and birds, and that the Project will drive away these animals further east; this will impact access to certain species hunted for food and harvested for ceremonial purposes. Can the Proponent identify how AT will ensure that the Project will not affect Stoney Nakoda continued access to wild game and other culturally important animals?	<ul style="list-style-type: none"> <li>Round 2 IAAC IR4-05 (Exhibit 216)</li> </ul>	<p>The Land Use Plan for the Project area has substantially changed since the EIA. The revisions were based on feedback received by First Nations and stakeholders.</p> <p>From Round 2 IAAC 4-05:</p> <ul style="list-style-type: none"> <li><i>Updated Draft Guiding Principles and Direction for Future Land Use</i> was filed.</li> <li>Alberta Transportation committed in its submission that First Nations' exercise of Treaty rights such as hunting, as well as First Nation's traditional activities, will be supported in the land use area.</li> <li>The Government of Alberta will create a First Nations Land Use Advisory Committee to guide and facilitate the implementation of the principles of the land use plan and to make recommendations to support the exercise of treaty rights and traditional uses in the land use area.</li> <li>The Government of Alberta also commits to work with First Nations to identify a portion of land near the land use area that can be used by First Nations as a staging area (e.g., parking, setting up temporary campsites) or for activities, such as cultural ceremonies, transmittal of traditional knowledge to the youth, traditional activities. The staging area would be accessible to all First Nations engaged on the Project throughout the year except during the flood season when access to the area may be prohibited for safety reasons.</li> </ul> <p>Alberta Transportation has committed to maintaining access to identified current use sites (located outside the designated construction and Project development area) during construction and operations, including for hunting and fishing and advising Indigenous groups on post-construction land access.</p> <p>Alberta Transportation recognizes that some land uses are competing uses and commits to exploring various management approaches to ensure safety of all users in the LUA. For example, treaty right to hunt and recreational uses and treaty right to hunt and traditional activities. Alberta Transportation will seek feedback on the preferred timing for hunting through the First Nation Land Use Advisory Committee prior to construction.</p>
	Wire fencing associated with highways and pastures is a major source of mortality for moose, deer, elk and other wildlife species. Can the Proponent please identify how fence configuration around the proposed Project will allow for the safe passage of wildlife such as moose, elk, deer and bears (grizzly and black bears)?	<ul style="list-style-type: none"> <li>Round 1 AEP IR 413 (Exhibit 94)</li> <li>Round 2 AEP IR93 (Exhibit 138)</li> </ul>	<p>All barbed- wire fencing will be removed in the PDA and replaced with wildlife-friendly fencing.</p> <p>All fencing installed will be wildlife-friendly to facilitate wildlife movement within the PDA. The effectiveness of the mitigation to facilitate wildlife movement in the PDA and wildlife LAA will be evaluated as part of the final WMMP.</p>

Volume 3A Section 11.0 Wildlife and Biodiversity (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	The Stoney Nakoda have expressed concerns for eagle nesting in the Project area and eagle territorial occupancy with increased human disturbance. Can the Proponent clarify how AT will mitigate impacts to eagle nesting and territorial occupancy?	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 11.4.2.2, 11.4.3.3 (Exhibit 32)</li> <li>Round 1 AEP IR424 (Exhibit 94)</li> <li>Round 1 AEP IR426 (Exhibit 94)</li> <li>Round 2 IAAC IR4-03 (Exhibit 218)</li> </ul>	<p>As stated in Volume 3A, Section 11.4.2.2 and the response to Round 1 AEP 424, pre-construction surveys will be conducted at the appropriate time of year to confirm presence of species of management concern (SOMC) at identified wildlife features (i.e., raptor stick nests, wetlands) that may require mitigation.</p> <p>As indicated in Volume 3A, Section 11.4.3.3 and the response to Round 1 AEP IR426, the Project has limited potential to affect bird movement because birds can fly over Project components. If nests of migratory birds or raptors including species at risk are identified during pre-construction surveys, site-specific mitigation will be developed, which might include monitoring during construction, if appropriate (e.g., if an active bald eagle nest is found).</p>
	Can the Proponent please identify how AT includes cultural perspectives and traditional knowledge in seasonal surveying of key habitat and habitat features before and after construction?	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 11 (Exhibit 32)</li> <li>Round 2 AEP IR109 (Exhibit 138)</li> </ul>	<p>Alberta Transportation will comply with the <i>Alberta Wildlife Act</i> and Regulation by conducting pre-construction surveys to identify wildlife features that are protected under the Wildlife Act (e.g., nests, dens) and develop appropriate site-specific mitigation to reduce any potential Project effects as described in the EIA, Volume 3A, Section 11 and in the draft WMMP.</p>
	Can the Proponent please identify how AT will mitigate the Project effects to the migratory patterns and game trails for wildlife?	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 11.4.3 (Exhibit 32)</li> <li>EIA Volume 3B, Section 11.3.3 (Exhibit 32)</li> <li>Round 1 AEP IR429 (Exhibit 94)</li> </ul>	<p>The potential effects of the Project on wildlife movement is discussed in in Volume 3A, Section 11.4.3 and Volume 3B, Section 11.3.3. Mitigation measures proposed to reduce potential Project effects on wildlife movement during construction and dry operations (e.g., vegetated side slopes along sections of diversion channel) are discussed in Volume 3A, Section 11.4.3.2 as well as in response to CEAA IR2-15. Wildlife movement will be monitored during construction and dry operations as discussed in the draft WMMP.</p>
	Can the Proponent please clarify how monitoring for impacts to wildlife movement will take place at the off-stream dam?	<ul style="list-style-type: none"> <li>Round 1 CEAA, Package 1 IR1-09, Appendix IR9-1: Draft Wildlife Mitigation and Monitoring Plan</li> <li>Round 1 CEAA Package 2 IR 2-15</li> <li>Round 1 CEAA Package 2 IR 2-17</li> <li>Round 2 NRCB IR37 (Exhibit 138)</li> <li>Round 2 AEP IR93 (Exhibit 138)</li> </ul>	<p>Monitoring for wildlife movement is discussed in the draft WMMP. Alberta Transportation sent the draft WMMP to Stoney Nakoda Nations on May 6, 2020 for their review and offered to meet to discuss them. Alberta Transportation has requested input and feedback on the draft monitoring plan. A questionnaire was distributed on September 3, 2020 asking for input on certain aspects of all the draft monitoring plans. Stoney Nakoda Nations was also invited to attend weekly monitoring plan review meetings in the fall of 2020. To date Alberta Transportation has not obtained any feedback from Stoney Nakoda Nations regarding any of the draft monitoring plans but would welcome comments as project planning continues.</p> <p>The monitoring plans will be finalized prior to construction and Alberta Transportation will continue to offer to meet with Indigenous groups, including Stoney Nakoda Nations to discuss the draft monitoring plans prior to their finalization.</p> <p>The remote camera data will provide photographs of species occurrence (e.g., elk) and behavioural response at specific locations along the diversion channel.</p> <p>The effectiveness of the mitigation to facilitate wildlife movement in the PDA and wildlife LAA will be evaluated as part of the final WMMP.</p> <p>Wildlife movement is expected to be affected where permanent Project structures (such as the diversion channel, floodplain berm, and off-stream dam) will be built.</p>

Volume 3B Section 11.0 Wildlife and Biodiversity (Flood and Post Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 11.0 General Comments	<p>Within the section of the document the Proponent attempts to undertake an effects assessment on wildlife and biodiversity during flood and post flood operations of the proposed Project. Below are questions that arose during Stoney Nakoda's assessment of the document.</p> <p>The Stoney Nakoda request that the Proponent provide a response to the questions below to improve the transparency of the EIA process.</p>	-	-
Volume 1, Project Description, Indigenous Engagement Program, Table 7-4 pg. 739.	<p>The Stoney Nakoda have expressed continuous concerns regarding wildlife passage through the Project area following construction, explicitly in regard to Highway 22 and Highway 8. The Proponent has not addressed why there will be not be a wildlife crossing built over Highway 22 or Highway 8. Can the Proponent please address how and when cultural perspectives and traditional knowledge will be included in the consideration of mitigative options to counter barriers to wildlife movement that will take place as a result of the Project development?</p>	<ul style="list-style-type: none"> <li>• Round 2 AEP IR104 (Exhibit 138)</li> <li>• Round 1 CEAA Package 2 IR 2-15</li> <li>• CEAA Conformity Package 2 IR2-15</li> </ul>	<p>The final WMMP will be developed in discussion with regulators and consultation with Indigenous groups and will be designed to evaluate whether Project structures such as the diversion channel create barriers to wildlife movement in the LAA.</p> <p>There are several factors that are considered in evaluating the feasibility of constructing a wildlife overpass in an area, including construction costs, wildlife mortality rates/km/year, potential benefits (i.e., reduced animal-vehicle collisions and reduced cost of collisions), site specific location(s), target species (e.g., deer, elk), wildlife movement patterns, road dimensions, topography, vegetation, and adjacent land use and human disturbance (Huijser et al. 2009; Clevenger and Huijser 2011).</p> <p>The primary constraints limiting the feasibility of a wildlife overpass across Highway 22 are related to topography and the dimensions required for the crossing structure. Alberta Transportation acknowledges the disparity of views between Stoney Nakoda Nations and Alberta Transportation regarding the need for a wildlife overpass over Highway 22. For the reasons outlined in IR2-15, Alberta Transportation does not view a wildlife overpass as feasible or necessary. Alberta Transportation has made efforts to reconcile this disparity through meetings to clarify potential effects of the Project on wildlife movement and to discuss mitigation measures, which are summarized in Table 15-1.</p> <p><i>References</i></p> <p>Clevenger, T. 2011. Planning Considerations for Wildlife Passage in Urban Environments. Government of Alberta Transportation Best Practice Guidelines. 6 pp. Accessed January 2017 from <a href="http://www.transportation.alberta.ca/Content/docType245/Production/BPG_Wildlife_Passage_in_Urban_Environments.pdf">http://www.transportation.alberta.ca/Content/docType245/Production/BPG_Wildlife_Passage_in_Urban_Environments.pdf</a></p> <p>Huijser, M.P., P. McGowen, J. Fuller, A. Hardy, A. Kociolek, A.P. Clevenger, D. Smith, and R. Ament. 2008. Wildlife-Vehicle Collision Reduction Study: Report to Congress. Federal Highway Administration. McLean, VA. 254 pp.</p>

Volume 3B Section 11.0 Wildlife and Biodiversity (Flood and Post Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	Can the Proponent clarify what is going to happen to the debris left after a flood? Will it be burnt or how will it be managed? Will the debris damage bird habitat, or pollute it? Has that been assessed during the EIA process?	<ul style="list-style-type: none"> <li>EIA Volume 3B, Section 11.3.2.2, 11.3.2.3 (Exhibit 50)</li> <li>Debris Barrier Addendum (Exhibit 81)</li> <li>Round 1 AEP IR420 (Exhibit 94)</li> <li>Round 2 AEP IR107 (Exhibit 138)</li> <li>Round 2 IAAC IR4-03 (Exhibit 218)</li> </ul>	<p>In response to concerns regarding debris collection, Alberta Transportation added a debris deflector to the Project design in May 2018. The purpose of the debris deflector is to prevent debris reaching the diversion inlet opening and passing down the diversion channel into the off-stream reservoir. Removal of large debris from the debris deflector will occur through a manual work force, when determined safe to do so.</p> <p>As described in the Debris deflector Addendum (Section 2.5.2), any large debris that remain stranded on the deflector following a flood will be removed as part of post-flood operations maintenance activities. Debris removal activities will occur outside the restricted activity period (RAP) for instream works of May 1 to July 15 and September 16 to April 15 and for the Key Wildlife and Biodiversity Zone (KWBZ) identified along Elbow River in December 15 to April 30, where possible. If debris removal needs to occur during the bird nesting RAP (March 15 – August 31), as a result of safety considerations, a qualified wildlife biologist will conduct nest searches.</p> <p>The potential Project effects on wildlife habitat due to moving of sediment and flood debris within the PDA are assessed in Volume 3B, Section 11.3.2.2, Page 11.9 and Section 11.3.2.3, Page 11.17, by considering effects on vegetation and wildlife sensory disturbance during post-flood maintenance activities. Details on cleanup (i.e., post-flood operations) could affect elk and grizzly bear habitat are in Volume 3B, Section 11.3.2.3, page 11.20 to page 11.22. Sediment will be moved within the reservoir if it interferes with water flow into the reservoir, or drainage to the low-level outlet, or functioning of the reservoir or associated components.</p> <p>Grading may occur to move the sediment away from areas where it affects the functionality of the Project components or blocks drainage (see Alberta Transportation's response to Round 1 AEP IR382). Alberta Transportation is aware of Environment and Climate Change Canada (ECCC) guidelines to reduce risk to migratory birds. As discussed in the EIA, Volume 3B, Section 11.3.8.2, if sediment partial clean-up activities are planned in the reservoir during the RAP for migratory birds, a qualified wildlife biologist will conduct a bird nest search to manage the risk of harm to nesting migratory birds. Alberta Transportation and AEP (as the operator) are aware of the Migratory Birds Convention Act and will communicate with ECCC, as needed, for construction and operations.</p> <p>Mitigation to reduce potential Project effects on migratory birds during flood operations will include the development and implementation of a bird salvage program (i.e., relocation of nests with eggs and/or chicks) as outlined in Round 2 IAAC IR4-03.</p>
	Project may cause loss of wintering ungulate habitat and increase habitat fragmentation. Can the Proponent please clarify the research and modelling it has undertaken to address the concern of habitat fragmentation?	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 10.4.2 (Exhibit 31) and Volume 3A, Section 11.4.5 (Exhibit 32)</li> </ul>	<p>The potential effects of habitat fragmentation on landscape diversity are discussed in Volume 3A, Section 10.4.2 and Volume 3A, Section 11.4.5. Overall, the Project will result in very small changes in fragmentation because the Project occurs in an existing fragmented landscape. Flooding of the reservoir is not expected to fragment the landscape because floods are temporary.</p>



Volume 3B Section 11.0 Wildlife and Biodiversity (Flood and Post Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	The Stoney Nakoda are concerned about the effect on migratory bird nests and reduction of wetland habitat for breeding and nesting as a result of the proposed Project. Can the Proponent please identify how this concern was address and what models and data was used to identify mitigation measures.	<ul style="list-style-type: none"> <li>Round 1 AEP IR426 (Exhibit 94)</li> <li>Round 2 NRCB IR36 (Exhibit 138)</li> <li>Round 2 IAAC IR4-03 (Exhibit 218)</li> </ul>	<p>As indicated in Volume 3A, Section 11.4.3.3, the Project has limited potential to affect bird movement because birds can fly over Project components. If nests of migratory birds or raptors including species at risk are identified during pre-construction surveys, site-specific mitigation will be developed, which might include monitoring during construction, if appropriate (e.g., if an active bald eagle nest is found).</p> <p>The wildlife assessment uses a habitat-based approach that quantifies how much bird or wetland habitat is affected during each Project phase and then relates that habitat type to the birds or amphibians known to use it based on habitat associations. Although the Project will result in the loss and alteration of bird and amphibian habitat, bird and amphibian species richness (i.e., the number of bird and amphibian species in the LAA) is not expected to change because there will be other suitable habitats available within the LAA and RAA. If any amphibian or bird species at risk are identified during pre-construction wildlife surveys, post-construction monitoring during dry operations will be considered as part of the final WMMP, which will be completed in discussions with regulators and in consultation with Indigenous groups.</p> <p>Mitigation to reduce potential Project effects on migratory birds during flood operations will include the development and implementation of a bird salvage program (i.e., relocation of nests with eggs and/or chicks) as outlined in Round 2 IAAC IR4-03.</p>
	The Project footprint is within a Key Wildlife Biodiversity Zone and the impacts to native grasslands have adverse effects on the wildlife that use that area: grizzlies, elk, migratory birds, cougars, etc. Can the Proponent please clarify the mitigation measure identified to reduce impacts to these animals, and how Stoney Nakoda perspectives were incorporated.	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 11.4.2.2. (Exhibit 32)</li> <li>CEAA Annex 2 – Question 10 (Exhibit 80)</li> <li>Round 1 AEP IR428 (Exhibit 94)</li> <li>Round 1 CEAA Package 2 IR2-11</li> </ul>	<p>Mitigation measures recommended for change in habitat, movement and mortality risk are provided in Volume 3A, Section 11.4.2.2. Mitigation measures that will be implemented to reduce potential Project effects on wildlife include species of cultural importance.</p> <p>Remote camera program: The purpose of the remote camera monitoring program (as part of the draft wildlife mitigation and monitoring plan; see Appendix IR425-1) is to verify predictions related to residual effects of the Project on wildlife movement in the wildlife LAA.</p> <p>Three of these remote cameras will be placed upstream and three downstream of the diversion structure and will monitor wildlife movement in the Key Wildlife and Biodiversity Zone (KWBZ) for a minimum of one year during the estimated 3-year construction period.</p> <p>The EIA assessed the potential effects of the Project on species of management concern, which included wildlife species of cultural importance such as grizzly bear and elk. In addition, the potential effects on wildlife species of cultural importance is provided in response to CEAA IR2-11 (see Table IR11-1 and Table IR11-2). Also see Conformity IR2-11 Table 11-2. Indigenous Group Views Related to Potential Project Effects on Wildlife of Cultural Importance and Alberta Transportation's Responses.</p> <p>The WMMP will be finalized prior to construction and Alberta Transportation will continue to offer to meet with Indigenous groups, including Stoney Nakoda Nations to discuss proposed mitigation and monitoring prior to finalization.</p>
	Can the Proponent please clarify what will happen with the pipeline relocations? And what is the timeframe for these relocations?	<ul style="list-style-type: none"> <li>Round 1 AEP IR194 (Exhibit 91)</li> <li>Stoney Nakoda Nations (Bears paw First Nation, Chiniki First Nation and Wesley First Nation) Record of Consultation and Specific Concerns and Response Tables August 2014 – October 2020 (Exhibit 320)</li> </ul>	<p>Alberta Transportation responded under cover letter dated July 22, 2020; the following was also captured in the SCRT:</p> <p>Plains Midstream Canada operates three pipelines (a crude oil pipeline, a low-vapour pressure product pipeline and an abandoned pipeline) that cross the PDA at the deepest part of the off-stream reservoir and pass under the off-stream dam. The pipelines located within the PDA will be abandoned and removed.</p> <p>TransCanada Pipelines Ltd. operates two natural gas pipelines under the entities of Foothills Pipelines Ltd. and NOVA Gas Transmission Ltd. Both pipelines will remain operational and stay in their current rights-of-way. The pipelines in the upper reaches of the off-stream reservoir will likely be retrofitted by weighting while the sections of the pipelines (located in the south portion of the PDA) that cross the diversion channel will be trenched or horizontally directionally drilled to a depth that buries them below the diversion channel by a minimum of 3 m (for more information, please see Alberta Transportation's response to Round 1 AEP IR533 in relation to existing pipelines within the Project footprint).</p>

Section 12.0 Land Use Management			
Volume 3A Section 12.0 Land Use Management (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 12 General Comments.	<p>The Proponent does not expect residual effects impacting land use management to be significant despite noting that, “the purpose and intent of the Project is not consistent with the vision of Rocky View County MDP and Land Use Bylaw, which protects agricultural land use in the region, Part 17 Division 1 of the MGA (2017) states that authorizations granted by the AEP and NRCB would prevail over compliance with the MDP Bylaw” (Section 12.1.1.3 pg. 12.4); and in spite of the fact that the South Saskatchewan Regional Plan (SSRP) has a, “a long-term vision for the region, which includes supporting a growing population through economic diversification, including agriculture; opportunities for oil and natural gas production; renewable energy; forestry; and tourism...”, while maintaining headwaters and freshwater sources, managing air quality, biodiversity, the preservation and promotion of the region’s unique cultural and natural heritage, and strengthening communities (AEP 2017 and see Section 12.1.1.2, pg. 12.2); all elements that will all be lost and destroyed if the proposed Project is approved. In spite of this, the Proponent concludes that “the end land use of the PDA complies with outcomes and strategic directions outlined in the SSRP... therefore, residual effects on land use and management during construction and dry operations are predicted to be not significant” (Section 12.5, pg. 12.39).</p> <p>The Stoney Nakoda argue that these statements illustrate that the proposed Project does not comply nor support the strategic direction outlined in the SSRP or other Land Use Plans and is in direct violation of their proposed outcomes and intent.</p> <p>The Stoney Nakoda request that this be noted in the EIA.</p>	<ul style="list-style-type: none"> <li>Round 1 NRCB IR2, appendix IR2-1 (Exhibit 99); Round 1 CEAA Package 2, IR2-01, Appendix IR1-2: Draft Principles for Future Land Use of the Proposed Springbank Off-stream Reservoir Project</li> <li>Round 2 IAAC IR4-05 and Appendix 5-1: Updated Draft Guiding Principles and Direction for Future Land Use (Exhibit 216)</li> <li>EIA Volume 3A Section 12 (Exhibit 33)</li> </ul>	<p>The Land Use Plan for the Project area has substantially changed since the EIA. The revisions were based on feedback received by First Nations and stakeholders. Alberta Transportation sent the first draft of the Land Use Plan (which was provided as an appendix to the Round provincial and federal IRs) to Stoney Nakoda Nation on October 22, 2019.</p> <p>In the response to IAAC Round 2 IR 4-05, Alberta Transportation provided the <i>Updated Draft Guiding Principles and Direction for Future Land Use</i>. This document outlines Alberta’s intentions for future land use planning in the Project area and were developed based on feedback from First Nations. If the Project is approved and the land is acquired by the Crown, AEP will continue to engage with First Nations and stakeholders in the development of a final Land Use Plan based on these principles. Alberta Transportation send this document to Stoney Nakoda Nations on October 23, 2019 and met with them on November 19, 2019 to discuss the updated land use guidelines.</p> <p>As described in the Updated Guideline, the primary use of the Project area is for flood mitigation. First Nation access and use of the Project area has been identified as the secondary use. Alberta Transportation committed in its submission that First Nations’ exercise of Treaty rights such as hunting, as well as First Nation’s traditional activities, will be supported in the land use area.</p> <p>The Government of Alberta also commits to work with First Nations to identify a portion of land near the land use area that can be used by First Nations as a staging area (e.g., parking, setting up temporary campsites) or for activities, such as cultural ceremonies, transmittal of traditional knowledge to the youth, traditional activities. The staging area would be accessible to all First Nations engaged on the Project throughout the year except during the flood season when access to the area may be prohibited for safety reasons.</p> <p>Through the Regional Land Use Framework, the Government of Alberta works to achieve a meaningful balance that respects the constitutionally protected rights of Aboriginal peoples and the interests of all Albertans.</p> <p>Specific to SR1, the Government of Alberta has committed to creating a First Nations Land Use Advisory Committee to guide and facilitate the implementation of the principles of the land use plan and to make recommendations to support the exercise of treaty rights and traditional uses in the land use area. Land use planning principles will be implemented using the land-management tools available to the Government of Alberta, in accordance with legislation applicable at the relevant time. It is the intention that the final LUP will be developed with meaningful consideration of input received from First Nations and other users. The Government of Alberta is interested in using an iterative and collaborative approach in the development of the LUP. This process is ongoing, and the final LUP is contingent on further input from First Nations and stakeholders. The Government of Alberta will work with First Nations to develop a First Nation Land Use Advisory Committee to guide and facilitate the implementation of the principles of the LUP and support the exercise of Treaty rights and traditional uses in the LUA. It is anticipated that the format, structure, and mandate for this Advisory Committee will be defined in a formal Terms of Reference to be developed with participating First Nations.</p>

Volume 3A Section 12.0 Land Use Management (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 12.1.2	<p>In this section the Proponent claims, “TLRU information contributed to the understanding of existing land uses, was used to identify lands that are used traditionally, and informed the assessment of potential Project effects” (Section 12.1.2, pg. 12.6), although it is not clear, how, what, and where this has informed the assessment. Additionally, the spatial extent of the LAA and RAA for this section is outside of the TLRU/TLUA area where the Stoney Nakoda were permitted to survey and as a result are unable to provide their perspective of land use management outside of the PDA, which is a gap in the analysis of effects. It is also important to note that the land use management identified herein does not include Indigenous land management or knowledge nor does it appear to include Stoney Nakoda perspectives within its assessment criteria or outcome.</p> <p>The Stoney Nakoda requests that the EIA be revised to ensure that Stoney Nakoda traditional knowledge and traditional use are incorporated into the assessment, and that the Proponent includes an explanation of how Stoney Nakoda traditional knowledge and traditional use is incorporated within the Land Use Management assessment of potential effects. The Stoney Nakoda also request that additional TLRU/TLUA surveys are undertaken in the LAA and RAA to better understand any change the proposed Project will bring in land use management within these areas will impact their Aboriginal and Treaty rights, culturally significant species, and site areas.</p>	<ul style="list-style-type: none"> <li>• EIA Volume 3A Section 14 (Exhibit 35)</li> <li>• Round 2 NRCB IR 27 Appendix 27-3 (Exhibit 131)</li> <li>• Round 2 IAAC IR4-05: Project Area Land Use and Access (Exhibit 216)</li> </ul>	<p>The Project will result in the conversion of private land to Crown land which will allow for future use by First Nations and stakeholders. Consequently, the Project is anticipated to enhance opportunities for First Nations to exercise Treaty rights and traditional uses.</p> <p>The approach to integrate Indigenous and community knowledge into Project planning, including the EIA and follow-up programs, like the approach to the engagement program for the Project, is iterative. As Indigenous and community knowledge or issues and concerns were and are made available to Alberta Transportation from Stoney Nakoda Nations, they were and will be considered in the context of the results of the EIA. Since the submission of the EIA, additional information gathered through Alberta Transportation’s ongoing engagement process has been reviewed in the context of the EIA. On March 4, 2021, Stoney Nakoda Nations submitted their Interim Traditional Land Use Assessment Report for the SR1 Project to the NRCB. Alberta Transportation is currently reviewing this report and will offer to meet to discuss the information and concerns raised in the report.</p>
Section 12.2.2.1, pg. 12.19	<p>Throughout this section the Proponent states it draws on information found, “in primary and secondary sources reviewed for the Project...”(Section 12.2.2.1, pg. 12.19), although this statement is never correctly referenced or cited to accurately represent which sources were reviewed.</p> <p>The Stoney Nakoda request that the Proponent provide proper citations to the information presented within this document and any future documents reviewed by the Stoney Nakoda. This allows for the Stoney Nakoda to contextualize and offer an accurate and expedited review of the document.</p>	<ul style="list-style-type: none"> <li>• EIA Volume 3A, Section 14, Attachment A (Exhibit 35)</li> <li>• Stoney Nakoda Nations (Bears paw First Nation, Chiniki First Nation and Wesley First Nation) Record of Consultation and Specific Concerns and Response Tables August 2014 – October 2020 (Exhibit 320)</li> </ul>	<p>The primary and secondary Indigenous sources that were reviewed while preparing the EIA are listed in Volume 3A, Section 14, Attachment A Information Sources (Exhibit 35).</p> <p>Information was also obtained during meetings with Indigenous groups including Stoney Nakoda Nations (see Exhibit 320 for the consultation history with Stoney Nakoda Nations).</p>

Volume 3A Section 12.0 Land Use Management (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 12.4.2.2, pg. 12.34, pg. 12.35	<p>The Proponent notes, “mitigation measures to limit change in land use and management during construction and dry operations include, AEP will develop a management plan for the PDA that may allow for recreation in Area A during dry operations. Area A will be naturalized, and access will not be restricted, although development of recreation infrastructure is not planned”, and, “integrated landscape management policies will be implemented in the PDA through management of areas with primary and secondary land uses. Area A will become a conservation area and be naturalized at the completion of construction. Access to Area A would not be restricted; however, access (e.g., parking lots, hiking trails) would not be developed in Area A. Areas B, C, and D will be restricted to public access using barbed wire fencing, gates, and signs indicating “Danger” and “No Trespassing”. Area B and some of Area D will be revegetated at the completion of construction and would remain vegetated through dry operations. Grazing may be permitted on Area C. A management plan for the PDA will be developed by AEP in consultation with land users and the public” (Section 12.4.2.2 pg. 12.34, pg. 12.35).</p> <p>The mitigation measures listed above are a complete alteration of the current land use management within the Project area. Throughout the consultation process the Stoney Nakoda have continuously expressed the significance of and continuous use within the proposed Project area to the Proponent; stressing that this landscape is still used for hunting and harvesting by Stoney Nakoda people with the current landowner’s permission. This has been overlooked within this section of the document. This section also does not accurately represent or acknowledge the impacts that the change in proposed land use management will have on the Stoney Nakoda, and as a result does not accurately mitigate any of the concerns expressed by the Stoney Nakoda communities regarding access to the Project area. The proposed mitigation measures are not adequate and do not mitigate concerns surrounding continuous land access to the Project area expressed by the Stoney Nakoda over the past six years of consultation on this proposed Project.</p> <p>The Stoney Nakoda requests that the EIA be revised to identify that the proposed plan for land use management will change the Stoney Nakoda use of the Project area and is not inclusive of the concerns identified by the Stoney Nakoda. The EIA should be revised to include Stoney Nakoda perspectives on the integrated landscape management policies and management plans for the Project area prior to identifying any mitigative land use strategies. This should include ongoing consultation and engagement with the Stoney Nakoda, and integration of Stoney Nakoda perspectives and Traditional knowledge into land use management policies.</p>	<ul style="list-style-type: none"> <li>Round 1 NRCB IR2, Appendix 2-1 (Exhibit 99); Round 1 CEAA Package 2, IR2-01, Appendix 1-2: Draft Principles for Future Land Use of the Proposed Springbank Off-stream Reservoir Project</li> <li>Round 2 IAAC IR4-05, Appendix 5-1 (Exhibit 216)</li> </ul>	<p>The Land Use Plan for the Project area has substantially changed since the EIA. The revisions were based on feedback received by First Nations and stakeholders.</p> <p>From Round 2 IAAC 4-05:</p> <ul style="list-style-type: none"> <li><i>Updated Draft Guiding Principles and Direction for Future Land Use</i> was filed.</li> <li>Alberta Transportation committed in its submission that First Nations’ exercise of Treaty rights such as hunting, as well as First Nation’s traditional activities, will be supported in the land use area.</li> <li>The Government of Alberta will create a First Nations Land Use Advisory Committee to guide and facilitate the implementation of the principles of the land use plan and to make recommendations to support the exercise of treaty rights and traditional uses in the land use area.</li> <li>The Government of Alberta also commits to work with First Nations to identify a portion of land near the land use area that can be used by First Nations as a staging area (e.g., parking, setting up temporary campsites) or for activities, such as cultural ceremonies, transmittal of traditional knowledge to the youth, traditional activities. The staging area would be accessible to all First Nations engaged on the Project throughout the year except during the flood season when access to the area may be prohibited for safety reasons.</li> </ul> <p>On March 4, 2021, Stoney Nakoda Nations submitted their Interim TLU Assessment Report for the SR1 Project to the NRCB. Alberta Transportation is currently reviewing this report and will offer to meet to discuss the information and concerns raised in the report.</p> <p>In response to Stoney Nakoda’s Nations initial feedback on the LUP, Alberta Transportation is proposing creating a First Nations Land Use Advisory Committee which will meet on a regular basis to guide and facilitate the implementation of the principles of the Land Use Plan and support the exercise of Treaty rights and traditional uses in the LUA. (Round 2 IAAC IR4-05. Table 5-2).</p>

Volume 3B Section 12.0 Land Use Management (Flood and Post Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 12.3 pg. 12.12	<p>The Proponent notes that, “residual effects on change in land use during flood and post-flood operations are predicted to be not significant” (Section 12.3, pg. 12.12) despite land access becoming limited for a time period exceeding 40 days, a change in access will occur to the LAA and PDA for a significant period of time following a flood event due to the potential flooding of roadways, and the limited understanding of the diachronic change presented within the document that illustrates what impacts flood events will have on the vegetation, animal habitat and migration, bank stability and subsequent impact to cultural and historical resources within the PDA and LAA including upstream and downstream, and the level of reclamation that will be required to mitigate these impacts; elements that will influence the use of this landscape in perpetuity.</p> <p>The Stoney Nakoda request that the Proponent undertake better modelling and clearly communicate the potential for residual effects of the aforementioned impact to Stoney Nakoda land use (focusing on culturally significant species, site areas, and trails/travel corridors) during and post flood events.</p>	<ul style="list-style-type: none"> <li>• CEEA Conformity Package 2 IR2-01</li> <li>• Volume 3A, Section 14 (Exhibit 35)</li> <li>• Volume 3B, Section 14 (Exhibit 53)</li> </ul>	<p>While the Land Use Management assessment considered TLRU identified through the Indigenous engagement program and incorporated that information into the land use management effects assessment, the land use management VC itself does not assess or predict effects on other valued components. Potential effects on Stoney Nakoda Nations land use, including effects on culturally significant species, site areas, and trails/travel corridors are assessed in Volume 3A, Section 14 (TLRU).</p> <p>Prior to filing the EIA, Alberta Transportation provided drafts of Volume 3A, Section 14.2 and Volume 3B, Section 14.2.2 (TLRU Effects Assessment for Construction and Dry Operations and TLRU Effects Assessment for Flood and Post-flood Operations, respectively) to Indigenous groups for review and comment; this was sent on February 6, 2018.</p> <p>Alberta Transportation has provided funding to SNN to complete a TUS. Alberta Transportation has invited SNN to provide a TUS, however, SNN verbally advised that they did not intend to provide a TUS. On March 4, 2021, Stoney Nakoda Nations submitted their Interim Traditional Land Use Assessment Report for the SR1 Project to the NRCB. Alberta Transportation is currently reviewing this report and will offer to meet to discuss the information and concerns raised in the report.</p>
	<p>The Stoney Nakoda also request that the Proponent provide capacity funding to support the development of a communication plan and communication protocols specific to the Stoney Nakoda communities in order to appropriately convey all impacts to land use, and any mitigations that will be undertaken in post flood scenarios. This plan should clearly address the concern of the Stoney Nakoda.</p>	<ul style="list-style-type: none"> <li>• Round 1 CEEA, Package 3 IR3-46 (page 230)</li> <li>• Round 2 IAAC IR4-05 (Exhibit 216)</li> </ul>	<p>Alberta Transportation will appoint a Community Liaison (a representative from Alberta Transportation during construction and from AEP during operations) who will serve as point of contact with Indigenous Groups and stakeholders.</p> <p>The Community Liaison will primarily communicate through the local representation for Indigenous groups, community associations, local businesses, government administration and local government officials.</p> <p>A communication plan will be developed with information provided by Indigenous groups and finalized prior to Project construction. It will outline the means and procedures for communicating Project information during the different phases of the Project.</p> <p>The Community Liaison would work with Indigenous groups to identify preferred means of communication for each Indigenous group (e.g., phone call, emails, letters) for receiving information.</p> <p>In the response to IAAC Round 2 IR4-05, Alberta Transportation identified communications as a key issue that the LUP will address. The Government of Alberta has committed to creating a First Nations Land Use Advisory Committee to guide and facilitate the implementation of the principles of the land use plan and to make recommendations to support the exercise of treaty rights and traditional uses in the land use area.</p>

Section 13.0 Historic Resources			
Volume 3A Section 13.0 Historic Resources (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 13.0 Historic Resources General Comments.	Throughout this document and the final report completed for the Historical Resource Impact Assessment (HRIA) (Porter 2017) of the proposed Project area there is language used and a tone that implies that approvals will be given for this Project despite the concern shown by the Stoney Nakoda, the historic resources that were identified within the areas, and notwithstanding the fact that the assessment of impacts to historical resources have not been completed. This is concerning to the Stoney Nakoda as it shows disregard to the Stakeholder groups and implies that consultation and this assessment was not meaningful on this subject. The Stoney Nakoda request that this be corrected.	<ul style="list-style-type: none"> <li>EIA, Volume 3A, Section 13 (Exhibit 34)</li> <li>Round 1 CEAA Package 2, IR2-10</li> </ul>	<p>Alberta Culture Multiculturalism and Status of Women (ACMSW) is the intended audience for the HRIA final report, as a regulatory document the language within follows standard format and approach.</p> <p>Historical resources identified within the PDA will either be avoided or disturbed following mitigation required by ACMSW. There is an iterative process followed for historical resources studies. Due to the nature of excavation, archaeological sites are typically not mitigated until after projects are approved. ACMSW has issued HRA Approval with Conditions for the project; and conditions will be met before project construction can proceed.</p> <p>Alberta Transportation will follow the conditions identified by ACMSW to mitigate effects to Historical Resources and as a result, the conclusion of not significant does not change.</p> <p>Alberta Transportation will offer to meet with Stoney Nakoda Nations to discuss their concerns regarding historical resources.</p>
Section 13.5, 13.6 and 13.7.	<p>The Proponent states that there are no residual effects to Historic Resources within the Project area, and the Project effects on historical resources, "are assessed as not being significant" (Section 13.5, pg. 13.17). This despite the identification of 22 archaeological sites within the Project area (Porter 2017), and that "the HRIA field studies required for ACT for archaeology and palaeontology have been completed except for deep testing...and HRIA studies for archaeology in some areas for which landowner access could not be obtained" (Section 13.7, pg. 13.17). After a review of the HRIA (Porter 2017) by the Stoney Nakoda heritage team it appears that the statement by the Proponent surrounding residual effects to historic resources has been made prematurely; as there is still a significant amount of Historical Resources Assessment that needs to be undertaken within the Project area and as such, it is impossible to accurately assess impacts and effect the Project will have on Historic Resources until this is completed.</p> <p>In the final report completed for the HRIA (Porter 2017: 143-145), the author recommends at minimum ca. 40 square meters of archaeological excavation at seven site areas, identifies that deep testing is still required in six sections of land, identifies four gap areas where the PDA was revised to include new areas containing archaeological potential, and as previously noted, identifies that survey and subsurface testing is still required in areas where land access was not permitted. Additionally, Alberta Culture has not yet released their approvals and mitigation requirement for the Project area (13.6, pg. 13.17), as such, an assessment of the Project effects on historic resources is not inclusive of these findings and cannot be completed.</p>	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 13.5, 13.6, 13.7 (Exhibit 34)</li> <li>Round 1 CEAA Package 2, IR-2-10</li> </ul>	<p>A significant adverse residual environmental effect on historical resources is defined in the EIA as one that results in an unauthorized project-related disturbance to, or destruction of, all or part of a historical resource considered by ACT (now ACMSW) to be of heritage value, and that is not mitigated or compensated as required by the regulators.</p> <p>Historical resources identified within the PDA will either be avoided or disturbed following mitigation required by ACMSW. There is an iterative process followed for historical resources studies. Due to the nature of excavation, archaeological sites are typically not mitigated until after projects are approved. ACMSW has issued HRA Approval with Conditions for the project; and conditions will be met before project construction can proceed.</p> <p>Alberta Transportation will follow the conditions identified by ACMSW to mitigate effects to Historical Resources and as a result, the conclusion of not significant does not change.</p> <p>Alberta Transportation will offer to meet with Stoney Nakoda Nations to discuss their concerns regarding historical resources.</p>

Volume 3A Section 13.0 Historic Resources (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
	The Stoney Nakoda request that this section of the EIA be re-written after the completion of the HRIA in its entirety to better identify and present Project effects on this valued component.	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 13.5 (Exhibit 34)</li> </ul>	<p>A significant adverse residual environmental effect on historical resources is defined in the EIA as one that results in an unauthorized project-related disturbance to, or destruction of, all or part of a historical resource considered by ACT (now ACMSW) to be of heritage value, and that is not mitigated or compensated as required by the regulators.</p> <p>Alberta Transportation will follow the conditions identified by ACMSW to mitigate effects to Historical Resources and as a result, the conclusion of not significant does not change.</p> <p>Alberta Transportation will offer to meet with Stoney Nakoda Nations to discuss their concerns regarding historical resources.</p>
Section 13.1.5, pg. 13.7	<p>The Proponent states that there will be no residual environmental effects to historic resources, “since Project-specific environmental effects on historical resources are continually mitigated to the standards established by ACT, after implementation of the required mitigation measures, and Aboriginal consultation” (Section 13.1.5, pg. 13.7).</p> <p>The Stoney Nakoda request clarity on how and when the Proponent is planning to undertake consultation with Aboriginal groups on the mitigation measures required by Alberta Culture for Historic Resources that will be impacted by the proposed Project, as portions of the HRIA described above have not been undertaken as of yet (see above), and as a result there have been no conclusive requirements issued by Alberta Culture. Additionally, despite calls from the Stoney Nakoda, for transparency within the HRIA process, the Proponent has continuously limited the dissemination of information of the findings of the HRIA, claiming that they are confidential. The statement above identifying that Indigenous consultation will be undertaken on this subject seems in contradiction to the actions and statements made by the Proponent throughout this section and throughout consultation undertaken for the proposed Project.</p> <p>Additionally, the Proponent notes that current mitigation measures for historic resource sites are limited to avoidance or mitigation. Mitigation involves the excavation and removal of the archaeological or historic material and is considered a destructive action, as the site area is removed or destroyed through systematic excavation.</p> <p>The Stoney Nakoda request that the Proponent identify how mitigation options identified through consultation, outside of avoidance and mitigation through excavation will be included within the measures applied to Historic Resources impacted by the proposed Project, and how they plan to manage the perspectives of the Stoney Nakoda with the requirements identified by Alberta Culture.</p>	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 13.5, 13.6, 13.7 (Exhibit 34)</li> <li>Round 1 CEAA Package 2, IR2-10</li> <li>Round 1 CEAA Conformity IR2-10</li> </ul>	<p>All historical resources sites are individually reviewed by the Aboriginal Heritage Section of ACMSW for potential effects on cultural heritage, who may direct AT on further required engagement.</p> <p>Under provincial legislation, any specific concern raised by Indigenous groups relative to physical and cultural heritage sites of importance must be addressed if the site of concern is within the Project footprint and will experience a Project-related impact. This includes archaeological sites, paleontological sites and traditional land use sites. Each site-specific concern reported to Alberta Transportation by Indigenous groups must be individually assessed as part of additional HRIAs and the results of those assessments reported to ACMSW including requests for consultation. In turn, ACMSW will evaluate the results of the assessment and determine the appropriate mitigative response. Given the commitment by Alberta Transportation to follow all mitigative requirements issued under the HRA, and to continue site-specific consultation, the effects considered under CEAA 2012 are within the scope of provincial legislation and policy to address.</p> <p>Alberta Transportation has provided funding to Stoney Nakoda Nations to complete a TUS. Alberta Transportation has invited Stoney Nakoda Nations to submit a TUS report; however, Stoney Nakoda Nations verbally advised that they did not intend to provide a TUS report on February 22, 2019. On March 4, 2021, Stoney Nakoda Nations submitted their Interim Traditional Land Use Assessment Report for the SR1 Project to the NRCB. Alberta Transportation is currently reviewing this report and will offer to meet to discuss the information and concerns raised in the report</p>
Section 13.1.2, pg. 13.4	<p>Within this section the Proponent states, “the Stoney Nakoda Nations noted “The elders said they do not camp in the river valleys” (Section 13.1.2, pg. 13.4).</p> <p>The Stoney Nakoda request that the Proponent identify in what context and by whom this was stated, and for it to be removed from the EIA and struck from the record as it is incorrect and does not accurately represent Stoney Nakoda land use, both in the past or currently.</p>	<ul style="list-style-type: none"> <li>EIA Volume 3A, Section 13.1.2, (Exhibit 34)</li> <li>EIA Volume 3A Section 14.2.4 (Exhibit 35)</li> </ul>	<p>The statement is attributed to a member of the Stoney Nakoda Nation during a Consultation Meeting on May 4, 2016, and documented in the Consultation Meeting Notes (point 7). These notes were provided to Stoney Nakoda Nation for review on July 3, 2016, however no response was received. Alberta Transportation is open to meet and discuss the context of the statement and any additional information that Stoney Nakoda Nation wishes to provide in this regard.</p>

Volume 3A Section 13.0 Historic Resources (Construction and Dry Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 13.1.5, pg. 13.7	<p>The Proponent states when assessing the residual effects characterization for historic resources, “the value of historical resource is not only measured in terms of the individual artifacts or fossils that the sites contain, but in terms of the information about the past that can be obtained by studying the materials and the spatial context within the sited and landscape. Of particular importance is the relationship of the archaeological materials to the soils in which they are found, and fossils to their strata... With proper scientific study, historical resource mitigation provides invaluable information about the past that cannot be otherwise obtained” (Section 13.1.5, pg. 13.7). This statement grossly overlooks the significance of Indigenous traditional knowledge within the understanding of historical resources, including archaeological and historical sites, and overemphasises the use of scientific study as the only way to mitigate impacts to these resources. There is extensive archaeological and historical literature that emphasises the value of incorporating Indigenous knowledge within archaeological and historical investigation. To solely rely on scientific knowledge during site mitigation would be to disregard a significant avenue of knowledge and to bias the outcome through exclusionary investigation approaches.</p> <p>The Stoney Nakoda requests that the EIA be revised to ensure that traditional knowledge is incorporated into the assessment and characterization of residual effects on historic resources as a result of the proposed Project, and any mitigation of historic resources that is required by the Archaeological Survey under the Historic Resource Act. The Stoney Nakoda also request that the Proponent include an explanation of how traditional knowledge and traditional use information is included in the assessment and characterization of impacts on these resources, and that consultation and engagement is undertaken to ensure that the appropriate protocols and ceremonies are conducted.</p>	<ul style="list-style-type: none"> <li>• EIA, Volume 3A, Section 13.1.5 (Exhibit 34)</li> <li>• EIA Volume 3A Section 14.3.4 (Exhibit 35)</li> <li>• Round 1 CEAA Package 2 IR2-06</li> </ul>	<p>As historical and heritage resources are provincially regulated (Canada does not have a policy), work is conducted within the guidelines of the Alberta <i>Historical Resources Act</i>.</p> <p>ACMSW directly considers the need for consultation where there are known traditional knowledge considerations in terms of archaeological site mitigation.</p> <p>Alberta Transportation employed a thorough and consistent method for considering Indigenous and community knowledge and concerns raised by Indigenous groups. Alberta Transportation considered information obtained through the Indigenous Engagement Program for the Project, including meetings, workshops, correspondence, TUS funded by Alberta Transportation, and through the regulatory process where ACMSW considers the need for consultation specific to heritage resources, including archaeological sites, under its guidelines at the very earliest stages of the review process.</p> <p>As noted in Section 14.3.4.2 of the EIA, at the request of Indigenous groups, Alberta Transportation would participate in ceremonies (if invited) prior to the start of construction.</p>



Volume 3B Section 13.0 Historic Resources (Flood and Post Flooding)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 13.1, pg. 13.2	<p>The Proponent notes, “reservoir draining would, however change the hydrodynamics of the Elbow River from the low-level outlet downstream to Glenmore Reservoir. These changes could affect the integrity of historical resource sites in this area. The effects of the June 2013 flood on historical resources in southern Alberta were considerable. In response Alberta Culture and Tourism (ACT) sponsored a series of post-flood impact assessment studies on the Bow River, Kananaskis River, Jumpingpound Creek, Fish Creek, Highwood River, Sheep River and Tongue Creek (Bohach and Frampton 2015; Bohach 2016; Boland and Langemann 2015; Leyden et al. 2016; Meyer et al. 2016; Porter et al. 2015; Vivian 2014; Vivian and Amundsen-Meyer 2016). Together, these studies have revealed a rich record of threatened archaeological and palaeontological sites of high heritage value under ongoing impact because of natural, flood related erosion. To date, no flood impact assessment has been conducted for the Elbow River, so the existing conditions on the Elbow River downstream of the Project are not known” (Section 13.1, pg. 13.2).</p> <p>As there is a significant possibility that the proposed Project could change hydrodynamics of the Elbow River and could affect the integrity of historic resource sites along the banks of the river, the Stoney Nakoda request that the Proponent provide capacity support and fund an assessment by the Stoney Nakoda of the Elbow River to document archaeological, historic, cultural and traditional land use site areas to function as a baseline dataset which to track diachronic change to this landscape during and post flood events.</p>	<ul style="list-style-type: none"> <li>• Round 2 NRCB, AEP and IAAC IR Introduction (Exhibit 138)</li> <li>• Round 2 NRCB IR17 (Exhibit 138)</li> <li>• Round 2 IAAC IR4-01 (Exhibit 218)</li> </ul>	<p>The project reduces flood and erosion risk at all lands downstream of the diversion structure. This include a reduction in flood and erosion risk to historical resources that may be located in the floodplain of the Elbow River.</p> <p>Alberta Transportation will offer to meet with Stoney Nakoda Nations to discuss this concern and their request for capacity funding and fund an assessment by Stoney Nakoda Nations.</p>

Section 14.0 Traditional Land and Resource Use			
Volume 3A Section 14.0 Traditional Land and Resource Use (Construction and Dry Operation) & Volume 3B (Flood and Post Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Section 14.0 General Comments	<p>Within Section 14 of Volumes 3A and 3B of the EIA, the Proponent attempts to mitigate impacts to Traditional Lands and Resource Use within the Project area during construction, dry operation, flood and post flood operations. It is unclear how pathways, effects, and mitigation measures that are presented within these sections of the assessment reflect or respect the perspective of the Stoney Nakoda, as the Proponent generally refers to the Regulators to guide and provide mitigation measures (rather than the Nations), or, in other instances, the valued components identified by the Nations are minimized or not mitigated appropriately by avoiding traditional perspectives. In many cases the Stoney Nakoda provided clear ways to mitigate impacts effecting Stoney Nakoda values, which in turn were not included in the EIA. The way in which mitigation of impacts to Traditional Land and Resource Use within these sections of the document is undertaken is viewed as deficient of Stoney Nakoda input and perspectives.</p> <p>The purpose of this EIA assessment is to demonstrate that all aspects of the Project have been examined and planned in a careful and precautionary manner to avoid significant adverse environmental impacts. The EIA, as it is currently written, presents Traditional Land and Resource Use as individual and separate elements, siloing environmental, cultural, and historical values and ignoring their interconnectivity within the landscape. Because of the individual weighting of the VC's it is difficult for the Stoney Nakoda Elders and community to identify if potential effects can and are being mitigated by this EIA as Stoney Nakoda heritage, culture and lifeways are interwoven with human-environment interconnectivity and as a result cannot be siloed and detached from one another. They are essentially an entwined matrix of intangible and tangible elements that form the cultural landscape. The assessment and the overall EIA process overlooks this interconnectivity and as a result cannot mitigate significant impacts of the Project to the Stoney Nakoda culturally significant value components.</p> <p>Additionally, while the Proponent presents what appears to be an extensive consultation record with the Stoney Nakoda Nations, engagement and consultation during this Project is viewed as deficient and incomplete. This is the result of the time of year the TLRU survey was undertaken, the limited area accessible for survey, as well as the actions and views expressed by representatives from Alberta Transportation and DEMA Lands who facilitated the survey. The process in which consultation was undertaken was felt as extractive (see Baker and Westman 2018) and disrespectful of traditional protocols and perspectives, as a result the Stoney Nakoda do not view these sections as complete and adequate; and as a result, do not believe that Section 14 in Volume 3A and 3B address mitigation measures that avoid significant adverse cultural and environmental impacts.</p>	<ul style="list-style-type: none"> <li>• EIA Volume 3A, Section 14.1 (Exhibit 35)</li> <li>• EIA Volume 3A, Section 14, Table 14-6 (Exhibit 35)</li> <li>• Round 1 CEAA Package 2 IR 2-01</li> <li>• Round 1 CEAA Package 2 Conformity IR 2-01</li> </ul>	<p>The methodology applied to the assessment of current use for traditional purposes, including the assessment of impacts to rights, conforms to the Project Terms of Reference issued by AEP, the GoA's <i>Guidelines on Consultation with First Nations on Land and Resource Management</i>, the Canadian Environmental Assessment Act, 2012 and the 2017 Guidelines for the Preparation of an Environmental Impact Statement for the Project, as well as Canadian Environmental Assessment Agency guidance for assessing effects on current use (CEAA 2015; CEAA 2015a). The methods applied reflect standard environmental assessment methods appropriate for the scope and nature of the Project.</p> <p>Further, Alberta Transportation has provided numerous opportunities for Stoney Nakoda Nations to share input and perspectives on potential effects to their Treaty rights and traditional uses, including providing funding to conduct a Traditional Use Study, facilitating field visits, Providing Draft TLRU Effects Assessments to Stoney Nakoda Nations for review and comment prior to filing, holding two separate TLRU workshops with Stoney Nakoda Nations perspectives on assessment methodology, proposed mitigation, Project-Specific Concerns and how the Project may affect the exercise of section 35 rights, and correspondence specifically requesting feedback on exercise of Treaty rights and traditional uses.</p> <p>Stoney Nakoda Nations recommendations for mitigation were included in EIA Volume 3A, Section 14, Table 14-6.</p> <p>On March 4, 2021, Stoney Nakoda Nations submitted their Interim Traditional Land Use Assessment Report for the SR1 Project to the NRCB. Alberta Transportation is currently reviewing this report and will offer to meet to discuss the information and concerns raised in the report.</p> <p><i>References</i></p> <p>CEAA 2015. Considering Aboriginal traditional knowledge in environmental assessments conducted under CEAA -- Interim Principles. <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/considering-aboriginal-traditional-knowledge-environmental-assessments-conducted-under-canadian-environmental-assessment-act-2012.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/considering-aboriginal-traditional-knowledge-environmental-assessments-conducted-under-canadian-environmental-assessment-act-2012.html</a></p> <p>CEAA. 2015a. Draft Technical Guidelines for assessing the Current Use of Lands and Resources for Traditional Purposes under CEAA 2012. <a href="https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/technical-guidance-assessing-current-use-lands-resources-traditional-purposes-under-ceaa-2012.html">https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/technical-guidance-assessing-current-use-lands-resources-traditional-purposes-under-ceaa-2012.html</a>.</p>

Volume 3A Section 14.0 Traditional Land and Resource Use (Construction and Dry Operation) & Volume 3B (Flood and Post Flood Operations)			
EIA Reference	Comments / Questions	Reference to Relevant Alberta Transportation Filed Material (EIA Sections, Appendices, IRs)	Summary of Key Information
Volume 3A Table 14-7, pg. 14.79	<p>Additionally, throughout this section the Proponent contradicts themselves within their proposed mitigation methods. For example, in Table 14-7 the Proponent notes, "Alberta Transportation will follow heritage resource protection methods as mandated by ACT and verify archaeological results with Indigenous groups," followed in the next row of the table by the statement, "Alberta Transportation will participate in discussions with ACT and Indigenous groups regarding further investigation of identified sites located within the designated construction site boundary" (Table 14-7, pg. 14.79). It is unclear how and when the Proponent will include Stoney Nakoda within mitigation strategies and how that can be balanced with those mandated by AC.</p> <p>The Stoney Nakoda request that the Proponent clarify these statements and identify when consultation surrounding mitigation and investigation measures for current use sites will take place, and how mitigation and investigation options identified through consultation with the Stoney Nakoda, outside of avoidance and excavation will be included within the measures applied to Historic Resources and cultural sites impacted by the proposed Project, and how the Proponent plans to manage Stoney Nakoda perspectives with the requirements identified by Alberta Culture.</p>	<ul style="list-style-type: none"> <li>• Round 1 CEAA Package 2 IR 2-10</li> <li>• Round 1 CEAA Package 2 Conformity IR 2-10</li> </ul>	<p>Alberta Transportation does not view these two statements as contradictory. Alberta Transportation will follow provincial regulations for reporting and mitigating historical resources. Under provincial legislation, any specific concern raised by Indigenous groups relative to physical and cultural heritage sites of importance must be addressed if the site of concern is within the Project footprint and will experience a Project-related impact. This includes archaeological sites, paleontological sites and traditional land use sites. Each site-specific concern reported to Alberta Transportation by Indigenous groups must be individually assessed as part of additional HRIAs and the results of those assessments reported to ACMSW including requests for consultation. In turn, ACMSW will evaluate the results of the assessment and determine the appropriate mitigative response.</p> <p>Prior to March 4, 2021, no specific sites within the Project PDA have been identified by Stoney Nakoda Nations. Stoney Nakoda Nations was invited to observe additional archaeological field work in a letter on July 20, 2020, however, no response was received.</p> <p>On March 4, 2021, Stoney Nakoda Nations submitted their Interim Traditional Land Use Assessment Report for the SR1 Project to the NRCB. Alberta Transportation is currently reviewing this report and will offer to meet to discuss the traditional and cultural sites identified in the report. As required by ACMSW, if there are cultural sites of concern within the PDA, Alberta Transportation will report these sites to ACMSW as required by the HRA and provide opportunities for Stoney Nakoda Nations to observe archaeological work and visit cultural sites.</p> <p>Alberta Transportation has committed to Indigenous participation in monitoring programs through the IPP. To this end, Alberta Transportation is preparing a draft Indigenous Participation Plan (IPP) with the goal to create training, employment, monitoring, and contracting opportunities with interested Indigenous groups potentially affected by the Project, including Stoney Nakoda Nations. The draft IPP was provided to Stoney Nakoda Nations on November 15, 2019. Alberta Transportation requested comments and feedback from Stoney Nakoda Nations on the draft IPP in 2020 via a Request for Information (RFI) form and in October 2020 Alberta Transportation held a Business Readiness Workshop with multiple Indigenous groups (Stoney Nakoda Nations was invited to attend but did not participate) to discuss the construction work packages and the bidding process for the Project. On December 1, 2020 and January 13, 2021, Alberta Transportation and Stoney Nakoda Nations met to discuss the IPP, the RFI, and construction work packages in detail. Alberta Transportation will continue to meet with Indigenous groups to finalize construction work packages distribution.</p>

**Appendix L to  
The Reply Submissions of Alberta Transportation to the Interveners  
and Hearing Participants who are Opposed to the Springbank  
Off-Stream Reservoir Project (“SR1”):**

**AT response to PGL Environmental Consultants Memo**

Section	Stoney Nakoda Nations Concern	PGL and Boreal Request & Alberta Transportation’s Response
4.1.1	Why weren't flood management options on the Bow River considered?	<p><b>PGL and Boreal Request:</b> Provide additional clarity to SNN regarding regulation of the Elbow River over alternative sites in the Bow watershed. We could specifically recommend that useful information in this regard would be consideration of comparisons between the current flood control option (SR1) with scenarios that explore concomitant flood control in the Bow/Kananaskis watersheds, or an alternative flood control structure on the Bow River.</p> <p><b>Alberta Transportation’s Response:</b> The Government of Alberta (GoA) is pursuing flood mitigation projects on both the Bow River and the Elbow River. The SR1 Project is the selected project for the Elbow River currently undergoing regulatory review. The Project underwent a rigorous selection process as detailed and described in the EIA Volume 1, Section 2.2.1 (Exhibit 20). Alberta Transportation chose SR1 as the preferred option for environmental, technical, economic and timing reasons.</p>
4.1.2	Is the Project enough to protect the people of Calgary? It is unclear what the future extents of inundation will be after this project is commissioned. Are there conditions under which the Elbow River could still overtop its banks, leading to flooding in communities up- or downstream of the Project infrastructure?	<p><b>Alberta Transportation’s Response:</b> The City of Calgary has identified that the flow rate at which overland flood damages start to accrue downstream of Glenmore when flows exceed 170 m<sup>3</sup>/s. The SR1 project limits flows downstream of Glenmore to no more than 170m<sup>3</sup>/s during a flood similar to the 2013 event. SR1 also provides flood risk reduction to properties between the SR1 diversion structure and Glenmore reservoir. These include private lands, infrastructure, pipeline crossings and Tsuut’ina Nation lands. The project will not affect the current flow regime upstream of the PDA.</p>

Section	Stoney Nakoda Nations Concern	PGL and Boreal Request & Alberta Transportation's Response
4.1.2	<p>Does this project do enough to protect downstream values from future flooding? The proposed project appears to neglect the addition of unmitigated inflows sourced between the diversion site and Sarcee Bridge.</p>	<p><b>PGL and Boreal Request:</b> PGL and Boreal recommend that the Proponent should "provide additional information relating to future inundation downstream of the diversion"... "Of special interest would be inundation modeling and any flood hazard/risk assessment that has been completed to date for operational scenarios up to and including the design flood estimate of 1,170 m<sup>3</sup>/s."</p> <p><b>Alberta Transportation's Response:</b> The Project reduces flood and erosion risk at all lands downstream of the diversion structure and not just the City of Calgary. This includes:</p> <ul style="list-style-type: none"> <li>• Lands within Rocky View County between the diversion structure and Glenmore reservoir that comprise: <ul style="list-style-type: none"> <li>– Several privately held parcels and residential dwellings</li> <li>– Children's camps including Kamp Kiwanis and the Camp Hope</li> <li>– Glencoe Golf Club</li> <li>– River Spirit Golf Club</li> <li>– Elbow Springs Golf Course</li> </ul> </li> <li>• Infrastructure in the river valley including: <ul style="list-style-type: none"> <li>– Pipelines owned by Plains Midstream, TC Energy, Pengrowth, Caledonia Midstream Corp. and Pembina crossing the Elbow River</li> <li>– The CalAlta raw water intake that services areas of the Springbank community</li> <li>– The Highway 22 Bridge and Highway 8 Bridge owned by Alberta Transportation</li> </ul> </li> <li>• Tsuut'ina Nation reserve lands within the Elbow River and valley downstream of the diversion structure and including the Sarcee Bridge that connects the southern portion of the reserve at Weaseled Road to the northern portion at Grey Eagle Drive.</li> </ul> <p>SR1 also provides some flood risk reduction for communities along the Bow River and South Saskatchewan Rivers (downstream of the Elbow River confluence) by removing up to 600 m<sup>3</sup>/s from flood peaks generated from the Elbow. Communities receiving this benefit include the Siksika Nation and even as far downstream as the City of Medicine Hat.</p>

Section	Stoney Nakoda Nations Concern	PGL and Boreal Request & Alberta Transportation’s Response
4.1.3	Has the Project considered the effects of climate change on flood frequencies and volumes?	<p><b>PGL and Boreal Request:</b> PGL and Boreal request the Proponent “...to clarify how climate change was considered in the development of this project or rationalize why it was excluded from consideration.”</p> <p><b>Alberta Transportation’s Response:</b> The design included a 25% increase in the diversion structure capacity and a 10% increase in the volume. The factors of safety applied to the design of SR1 are sufficient in addressing projections for climate change to 2050 using methods endorsed by Engineers and Geoscientist of British Columbia. Validation of its sufficiency for climate change is provided in Round 1 CEAA Package 3, IR3-01 and Round 2 NRCB, IR27, Appendix 27-3, Annex B, Question 3 (Exhibit 131).</p>
4.1.4	In terms of hydrology, there is no consideration given to large but localized effects associated with the installation and operation of the temporary diversion works...or permanent structures. Without proper mitigations, these Project elements could result in excessive bed scour, bank erosion or slope failure, along with consequent effects to environmental values as excess sediments are transported downstream.	<p><b>Alberta Transportation’s Response:</b> Erosion risks and proposed mitigations were assessed for the diversion structure globally and at the interface of river flows and structure components. This assessment is provided in the 2020 Preliminary Design Report, Sections 8.1.6 and 9.2.3 (Exhibit 159). Additionally, Section 6.4 of the EIA Volume 3B (Exhibit 45) addressed erosion during the three flood scenarios.</p>
4.1.4	"There is no consideration given to what design floods might be adopted for the construction period to protect against flooding of the active areas and associated environmental effects."	<p><b>Alberta Transportation’s Response:</b> In terms of flooding risk during construction, it was determined that there was minimal risk to downstream communities during the construction of SR1 (EIA Volume 1, Section 2, Table 2-3) (Exhibit 20). The instream activities during construction of SR1 consist of a 460 m long temporary channel from the Elbow River, sized to have a diversion capacity of up to a 1:20 year flood.</p> <p>Additional information is provided in Round 1 NRCB IR8 (Exhibit 90).</p>

Section	Stoney Nakoda Nations Concern	PGL and Boreal Request & Alberta Transportation’s Response
4.1.4	<p>"Taken together, these issues suggest potential downstream effects have not been fully considered and that further work is required to assess potential effects of Project infrastructure on river shape, depth, and velocity downstream of the project infrastructure, with consequent effects on downstream aquatic ecology.</p>	<p><b>Alberta Transportation’s Response:</b> Follow-up monitoring programs will be required for fish passage in the Elbow River, fish rescue, and channel morphology and suspended sediment transport. Additional information is provided in the following:</p> <ul style="list-style-type: none"> <li>• EIA Volume 3C, Section 2 (Exhibit 59),</li> <li>• Round 2 NRCB IR 31 Appendix 31-1 (Exhibit 140)</li> <li>• Round 2 NRCB IR 33 (Exhibit 138), and</li> <li>• Round 1 AEP IR 302 Appendix 302-1: Draft Surface Water Monitoring Program in (Exhibit 117).</li> </ul> <p>These follow-up programs would verify the accuracy of the environmental assessments, and the effectiveness of the mitigation measures, and allow for adaptive management. Details of these follow-up programs are not required at this stage.</p>
4.1.5	<p>Concern regarding infrastructure damage to Obermeyer gates.</p>	<p><b>PGL and Boreal Request:</b> PGL and Boreal suggest "It would be useful if the Proponent could provide additional information regarding how it will ensure that the Obermeyer gates are operationally-ready and in good repair given their infrequent use along with extended periods of being exposed to flow, bedload and ice build-up."</p> <p><b>Alberta Transportation’s Response</b> The 2020 PDR Section 14 (Exhibit 159) provides maintenance information in regard to the project components. Round 2, AEP IR 58d (Exhibit 138) provides information on the inspection schedule to ensure all components are in working order.</p>



Section	Stoney Nakoda Nations Concern	PGL and Boreal Request & Alberta Transportation’s Response
4.1.6	<p>Further to the above, we note a number of outstanding questions relating to the following issues, which we have not had time to address:</p> <ul style="list-style-type: none"> <li>• Design and operational concerns with the currently proposed concept;</li> <li>• Construction staging and how this may be used as a mitigation tool;</li> <li>• Sediment transport and the re-introduction of fines back into the river long after a flood has passed; and</li> <li>• Aggradation and degradation of the river bed under the various proposed flooding scenarios.</li> </ul> <p>These will be discussed at greater length in revisions to this memo, to be delivered no later than March 3, 2021.</p>	<p><b>Alberta Transportation’s Response</b> Alberta Transportation welcomes feedback on these items, if Stoney Nakoda Nations has additional feedback forthcoming.</p>

Section	Stoney Nakoda Nations Concern	PGL and Boreal Request & Alberta Transportation's Response
4.2.1	<p>Are the fish and fish protection mitigations adequate?</p> <ul style="list-style-type: none"> <li>- Reliance on as-yet undeveloped management plans for fish protection during and following a flood</li> <li>- Insufficient investigation and carry-forward of hydrological effects with consequential effects on fish and fish habitat</li> </ul>	<p><b>Alberta Transportation's Response:</b> Information on fish protection mitigations are available in the Round 1, NRCB IR302, Appendix 302-1 Draft Surface Water Management Plan; (Exhibit 117) and the Round 2, NRCB IR31, Appendix 31-1 Draft Fish Rescue Plan (Exhibit 140).</p> <p>Alberta Transportation is developing an Offset Measures Plan that meets the objectives of the federal <i>Policy for Applying Measures to Offset Adverse Effects on Fish and Fish Habitat under the Fisheries Act</i> published in December 2019.</p> <p>The Offsetting Plan will include measurable success criteria to evaluate the effectiveness of the offsetting commitments. These success criteria will be monitored on a schedule that has been agreed upon with DFO.</p> <p>Stoney Nakoda Nations participated in a meeting with DFO and Alberta Transportation to provide input on the proposed fish offsetting options on January 26, 2021.</p>
4.2.1	<p>A fish salvage plan for fish trapped in the reservoir has not be identified, and if already developed, lacks sufficient detail to determine if it is sufficient to prevent significant fish mortality.</p>	<p><b>Alberta Transportation's Response:</b> Information available in the Round 2, NRCB IR31, Appendix 31-1 Draft Fish Rescue Plan; (Exhibit 140).</p> <p>Alberta Transportation sent the draft Fish Rescue and Fish Health Monitoring and Mitigation Plan to Stoney Nakoda Nations on July 22, 2020 for their review and offered to meet to discuss them.</p> <p>A questionnaire was distributed on September 3, 2020 asking for input on certain aspects of all the draft monitoring plans. Stoney Nakoda Nations was also invited to attend weekly monitoring plan review meetings in the fall of 2020. To date Alberta Transportation has not obtained any feedback from Stoney Nakoda Nations regarding any of the draft monitoring plan but would welcome comments as planning continues.</p>
4.2.2	<p>Is the fish habitat offsetting plan sufficient?</p>	<p><b>Alberta Transportation's Response:</b> Alberta Transportation is developing an Offset Measures Plan that meets the objectives of the federal <i>Policy for Applying Measures to Offset Adverse Effects on Fish and Fish Habitat under the Fisheries Act</i> published in December 2019.</p> <p>The Offsetting Plan will include measurable success criteria to evaluate the effectiveness of the offsetting commitments. These success criteria will be monitored on a schedule that has been agreed upon with DFO.</p> <p>Stoney Nakoda Nations participated in a meeting with DFO and Alberta Transportation to provide input on the proposed fish offsetting options on January 26, 2021.</p>

Section	Stoney Nakoda Nations Concern	PGL and Boreal Request & Alberta Transportation’s Response
4.2.2	The application does not provide sufficient detail regarding the mitigations required to prevent permanent alterations to fish habitat during dry operations	<b>Alberta Transportation’s Response:</b> Alberta Transportation is in the process of developing measures to offset the residual effects of the project that cannot be mitigated. Offsetting is required for temporary and permanent HADD associated with construction and operation of the project, and death of fish associated with operation of the project.
4.2.2	The suggestion to substitute harvesting in the Bow for the lost ability to harvest in the Elbow fails to understand the importance of place in the exercise of traditional practices.	<b>Alberta Transportation’s Response:</b> Indigenous groups will have the opportunity to provide feedback on the offsetting plan through consultation with Fisheries and Oceans Canada. This consultation process was initiated on November 26, 2020 and January 26, 2021 through a presentation of offsetting options and DFO will be following up with groups to solicit feedback on the options proposed.  Stoney Nakoda Nations participated in a meeting with DFO and Alberta Transportation to provide input on the proposed fish offsetting options on January 26, 2021
4.2.3	No rationale was provided for the selection of fish indicator species	<b>Alberta Transportation’s Response:</b> The rationale is provided in Volume 3A, Section 8.2.2.3 (Table 8-6) (Exhibit 29).
4.2.3	Failure to include burbot as an indicator species	<b>Alberta Transportation’s Response:</b> The selected fish species represent species using typical mid-sized river cold-water ecosystems in Alberta, including introduced sport fish, spring and fall spawners, broadcast spawners, and a top trophic level piscivores.

**Appendix M to  
The Reply Submissions of Alberta Transportation to the Interveners  
and Hearing Participants who are Opposed to the Springbank  
Off-Stream Reservoir Project (“SR1”):**

**AT letter dated March 4, 2021 responding to LBT’s February 26, 2021  
letter to IAAC**

March 4, 2021

Dear Ms. Daniels,

Alberta Transportation would like to thank Louis Bull Tribe for your continued involvement in the Springbank Off-Stream Reservoir Project (SR1 / the Project). Alberta Transportation has reviewed your February 26, 2021 submission to the Natural Resources Conservation Board (NRCB). Alberta Transportation recognizes the importance of consultation with First Nations as the Project progresses and is pleased to provide the following in response to your submission to the NRCB.

**Stated Concern:**

**LBT has also expressed concerns regarding the proposed reclamation of post-flood wetlands. Revegetation measures for wetlands will likely not be effective through reseeding, no feasible alternative or adaptive management options have been proposed beyond natural revegetation, and successful natural revegetation also seems unlikely. It is not clear what mitigation options are available beyond wetland replacement or compensation in accordance with the Alberta Wetlands Policy if natural revegetation does not meet revegetation targets, and LBT cannot be certain where or how these replacement or compensation measures will be applied. This uncertainty regarding wetland reclamation success, as well as the uncertainty around where and how wetland replacement will be conducted under the Alberta Wetlands Policy, may result in further cumulative impacts to aboriginal and treaty rights.**

**Response:**

Alberta Transportation has developed the *Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan* in order to identify, monitor and mitigate the potential Project effects during all phases of the Project. Alberta Transportation will be responsible for implementing this plan during the Construction and post construction dry operations of the Project (three years following completion). After that, Alberta Environment and Parks will implement the plan during dry operations. Alberta Environment and Parks will also be responsible for implementing the plan during flood and post-flood operation phases of the Project. Alberta Transportation has taken note of Louis Bull Tribe's stated concern and will provide this information to Alberta Environment and Parks for consideration during the implementation of future Vegetation and Wetland Mitigation, Monitoring and Revegetation plans.

**Request 1:**

**LBT encourages the Government of Alberta, upon converting the SR1 area to Crown lands, to designate the area for Indigenous use only. Treaty 6 & 7 First Nations have been restricted from occupied Crown lands for at least a century and are in need of an area within this eco-system to practice rights and carry out traditional uses upon the land. This presents a unique opportunity for the Government of Alberta to reconcile loss of use and access to lands that has occurred during early settlement and development within Treaty 7. LBT believes that this area will best accommodate the exercise of these rights if under direct and sole management by First Nations people. LBT would like to further discuss how a land-use management or co-management plan for this area should be designed and executed.**

**Response:**

Alberta Transportation takes the interests and concerns of First Nations and stakeholders very seriously and has made efforts to reflect First Nations comments and perspectives in the Project's planning processes. Alberta Transportation's filing to the Impact Assessment Agency of Canada's Information Request 4-05 regarding Project area land use and access and the *Updated Draft Guiding Principles and Direction for Future Land Use* (Appendix 5-1) outline Alberta's intentions for future land use planning in the Project area and were developed with feedback from First Nations. If the Project is approved and the land is acquired by the Crown, Alberta Environment and Parks will continue to engage with First Nations and stakeholders in the development of a final Land Use Plan based on these principles.

Alberta Transportation has committed that First Nations' exercise of Treaty rights such as hunting, as well as First Nation's traditional use activities, will be supported in the land use area. The Government of Alberta will create a First Nations Land Use Advisory Committee which will meet on a regular basis to guide and facilitate the implementation of the principles of the land use plan and make recommendations to support the exercise of Treaty rights and traditional uses in the land use area.

Alberta Transportation has also committed to work with First Nations to identify a portion of land near the land use area that can be used by First Nations as a staging area (e.g., parking, setting up temporary campsites) or for activities, such as cultural ceremonies, transmittal of traditional knowledge to the youth, and traditional activities. The staging area would be accessible to all First Nations engaged on the Project throughout the year, except during the flood season when access to the area may be prohibited for safety reasons.

**Request 2:**

**LBT requests an opportunity to conduct a site visit during and post construction to ensure that prescribed mitigation measures are applied and that no culturally significant sites are adversely impacted.**

**Response:**

Alberta Transportation recognizes Louis Bull Tribe's request for a post construction site visit and would like to re-affirm its commitment to provide Louis Bull Tribe with two opportunities to conduct site visits for the Project area. The first visit opportunity will take place during construction and the second opportunity will occur post construction. These site visits will allow Louis Bull Tribe to observe the application of prescribed mitigation measures and to provide feedback to Alberta Transportation.

**Request 3:**

**LBT is seeking an opportunity to be consulted on the reclamation activities along the banks of the Elbow River. It is very important to LBT to ensure that native species are returned and that the appropriate species are planted; "LBT knowledge holders have advised that certain plants need to be planted with specific companion species to ensure health of the plants and adequate growth".**

**Response:**

Alberta Transportation has committed to provide opportunities for Indigenous Elders to conduct field visits prior to construction to identify priority areas for harvest of traditional plants as well as allow for harvesting of medicinal and culturally significant traditional use plants prior to clearing.

Alberta Transportation has also committed to provide Louis Bull Tribe with opportunities to provide input on draft mitigation plans for the Project including the draft Vegetation and Wetland Mitigation and Monitoring Plan. This process is ongoing and Louis Bull Tribe has already provided some feedback to these plans. On January 28, 2021, Alberta Transportation met with Louis Bull Tribe to discuss the First Nations' feedback on the draft mitigation plans developed to date.

Alberta Transportation welcomes further input and feedback from Louis Bull Tribe including a recommendation on the specific seed mix for the draft Vegetation Plan. To date Alberta Transportation has

responded to all of Louis Bull Tribe's mitigation and monitoring questions and will continue to provide opportunities for Louis Bull Tribe to provide feedback on future mitigation plans developed for SR1.

**Request 4:**

**LBT is requesting to be included in post flood activities to ensure practice of rights can be continued following a flood event.**

**Response:**

The First Nations Land Use Advisory Committee will meet on a regular basis and is intended to ensure continued inclusion of participating First Nations in the land use planning for the Project area. It is anticipated that the format, structure, and mandate for this Advisory Committee will be defined in a formal Terms of Reference to be developed with participating First Nations. The Government of Alberta commits that it will invite Louis Bull Tribe to participate in the First Nations Land Use Advisory Committee for the Project.

Additionally, Alberta Transportation is committed to Indigenous participation in the Project, including training, employment, and contracting opportunities and has prepared a draft Indigenous Participation Plan to achieve this goal. Alberta Transportation has provided and will continue to provide information related to opportunities for Indigenous participation to Louis Bull Tribe.

One of these opportunities, as outlined in Alberta Transportation's draft Fish Rescue and Fish Health Monitoring and Mitigation Program plan, is for Indigenous environmental monitors to provide assistance with fish rescue activities. Environmental monitors who are appropriately trained and experienced in safety protocols regarding working in and around water as well as environmental monitoring techniques, can participate in the following activities:

- assist a qualified aquatic environmental specialist (QAES) in identifying locations in the reservoir where fish stranding may occur
- monitoring fish health and conditions during fish capture and rescue activities
- complete data recording

Alberta Environment and Parks will be responsible for post flood activities and operations. Alberta Transportation has taken note of Louis Bull Tribe's interest in participation on post flood activities and will convey this interest to Alberta Environment and Parks should the project be approved and built.

Once you have had a chance to review the above information, should you have any further questions or concerns, I would be pleased to meet with you to further discuss the Project with Louis Bull Tribe.

Regards,



Matthew Hebert  
Executive Director, Transportation Policy  
Alberta Transportation