

**Documents related to
Consultation Response (Appendix “J”)
of
Alberta Transportation’s Submission
Exhibit 325**

CONSULTATION MEETING NOTES TO FILE

DEMA Staff Name: Dallas Maynard, Mark Svenson (Transportation)

Section 1. First Nation Information

| Date | Time | DEMA File Code Number |
|--|--------------------|--|
| October 20, 2014 | 1:00 PM to 2:15 PM | DEMA File #20808 |
| Name of First Nation | | First Nation Attendees |
| STONEY NAKODA NATION | | William Snow, Stoney Tribal Administration Chris Goodstoney |
| Stoney Band (Bears paw) Stoney Band (Chiniki) Stoney Band (Wesley) | | Alberta Transportation Attendees Mark Svenson, Dallas Maynard |
| Meeting Location | | Super 8 Hotel, Cochrane, AB. |
| Phone Number (William (Bill) Snow) | | Who Initiated the Meeting? |
| Office: 403-881-4760 Cell: 587-580-6212 | | <input checked="" type="checkbox"/> -First Nation <input checked="" type="checkbox"/> - AT - DEMA |

Section 2. Meeting Details

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| LOCATION and MEETING Details: |
| <p>Pre Meeting PLANNING</p> <p>The meeting with the Stoney Nakoda Nation was discussed internally with Transportation with the purpose to introduce the SR-1 Springbank Off-Site Storage project to the Stoney Nakoda Nation and to receive initial feedback on the project. Dallas Maynard (DEMA Land Services) coordinated with the Nation to set up the meeting in Cochrane and facilitated completion of a Stoney Information Letter Form (SIL) document requested by the Nation and delivered it to William Snow prior to the meeting.</p> <p>MEETING Notes</p> <p>1.0 Call to Order at 1:30 PM was informal and introductions were undertaken between the Stoney Nakoda Nation's attendees and Transportation. Mark Svenson provided a detailed introduction of himself and his role in the Elbow River Diversion SR-1 Springbank Off Site Storage Project.</p> <p>2.0 Dallas Maynard inquired if William (Bill) Snow had received the completed SIL form and inquired if it had been completed properly and if there were any outstanding matters related to that document. Bill Snow indicated that it was OK and suggested that it was a document that might be amended and added to as the consultation progressed.</p> <p>3.0 Bill Snow indicated that while the Stoney Nakoda Nation have three bands Bears paw, Chiniki and Wesley, however they have a one window approach to the consultation process. Bill Snow went into the past consultations and interactions between various ministries and the Stoney Nakoda Nation that have occurred, one recent one being the Stoney Trail Consultation (which he characterized as not going so well). He also indicated</p> |

LOCATION and MEETING Details:

that because of Policy changes, at some point he wanted to see someone from Aboriginal Relations at these consultation meetings so the Stoney don't have to go through the same discussions all over again, that have occurred in the past with Aboriginal Relations present.

4.0 PRESENTATION AND DISCUSSION - Mark Svenson, Environment Coordinator with Transportation then proceeded to introduce the SR-1 Project to both Bill Snow and Chris Goodstoney.

- Copies of the coloured photo mosaic drawing (AMEC Engineering) was circulated and Mark using this map showed where the diversion of the Elbow River would occur and where the Springbank off-site storage would be located. Mark emphasized that there had recently been a change and instead of a wet reservoir the Springbank reservoir would be a “dry” reservoir. And not as was shown on the circulated map. One of the changes in the dry reservoir will be structures or rock placements that will be needed to slow the impact of water entering the dry reservoir and to lessen possible erosion that may occur during a flood event.
- Mark Svenson indicated that the SR-1 Project was a “gravity fed” system with the system becoming active during a flood event where the flood waters would be syphoned off through the diversion into the storage reservoir and held there until the flood crest had passed and the Elbow River levels receded. At that point the water in the reservoir would be allowed back into the stream (Elbow River) in a controlled manner.
- Mark Svenson indicated that the project design was planned to handle a flood similar to the 2013 flood event.
- Looking at the Map Bill Snow inquired what would happen to the oil pipelines that traverse the Springbank Reservoir. Mark responded that they would probably be relocated, but that at this time that information was not available. Mark promised to get an answer for Bill Snow.
- Bill Snow asked Mark Svenson what the timing was on the project?
- Mark Svenson responded that this was a multi-year project and the consultation process has started in advance of the project even being approved. Mark indicated that Stantec would be undertaking the Environmental Impact Assessment (EIA) initially as a desktop exercise with the Terms of Reference for the EIA being sent out for public input. Mark shared a copy of those Terms of Reference at the meeting and indicated they would be sent the EIA-TOR as a PDF document (sent out to the Stoney Nakoda Nation team on October 23, 2014, following this meeting). Mark Svenson indicated the EIA field work would commence in the spring of 2015 and that the process would take up to 18 months to complete. On completion the EIA would be submitted to Alberta Environment and Sustainable Development (AESRD).
- Bill Snow indicated that under the existing regulations, the current (Aboriginal Relations) policy does not apply to private land. He indicated that as part of this (SR-1) project the Stoney Nakoda Nation will want to do a “Cultural Assessment” of the Springbank project area. They will want to do it themselves, working with their Elders and community members and not as a 3rd part consultant study process.

LOCATION and MEETING Details:

- Further to the Stoney Nakoda Nation request Dallas Maynard asked that Bill Snow prepare a description of the Cultural Assessment and a Budget to complete the work. Bill replied that he would try and have the proposal for the Cultural Assessment to Transportation by the middle of November (November 15, 2014).

Action Items:

- **Response to the Stoney Nakoda Nation required from Transportation on what is planned for the Oil Pipelines that cross the Springbank Off-Site dry reservoir. Will they be relocated? If yes, how and where will they be relocated to?**
- **Response required on the Stoney Nakoda Nation request that there be Attendance by representative from Aboriginal Relations at Stoney Nakoda Nation consultation meetings with Transportation. This could be for one or more meetings.**
- **Provide Environmental Impact Assessment Terms of Reference to the Stoney Nakoda Nation in PDF format (emailed to Stoney Nakoda Nation on October 23, 2014).**

Next Meeting

No Date selected. Once the action items have been dealt with and the Stoney Nakoda Nation proposal is received for the Cultural Assessment at the SR-1 Project location and following a review by Transportation of that proposal a second meeting can be planned.

| Issue Description (if required) | Actions for Managing the Issue (if required) |
|---|---|
| Pursuant to a Stoney Nakoda Nation request Attendance of Aboriginal Affairs representative requested at a future meeting. | Transportation will investigate the possibility of having an AR person attend the next meeting. |

SPRINGBANK SR-1 CONSULTATION MEETING NOTES

DEMA STAFF NAME: Dallas Maynard, Shayne Maynard, Michael Cearns
ALBERTA TRANSPORTATION: Mark Svenson, Alberta Transportation
 Sarah Kemp de Gereda, Stantec

Section 1. First Nation Information

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|---|------------------------|---|
| Date | Time | DEMA File Code Number |
| May 4, 2016 | 10:00 AM to 12:00 Noon | DEMA File #20808 |
| Name of First Nation | | First Nation Attendees |
| STONE (Bears paw, Chiniki, Wesley) NATION P.O. Box 40 40 Morley Road Morley, Alberta T0I 1N0 | | Bill Snow, Consultation Manager Chris Goodstoney Lenny Wesley |
| | | Alberta Transportation Attendees |
| E Mail: bills@stone-nation.com | | Mark Svenson, Alberta Transportation Dallas Maynard, DEMA Land Services Shayne Maynard, DEMA Land Services Michael Cearns, DEMA Land Services Sarah Kemp de Gereda, Stantec |
| Meeting Location | | Chiniki Meeting Rooms |
| Chief Chiniki Restaurant | | |
| Nation Phone Numbers | | Who Initiated the Meeting? |
| Phone: 403.881.3770 Fax: 403.881.2676 Bill Snow Direct: 403.881.4276 | | <input checked="" type="checkbox"/> - First Nation <input checked="" type="checkbox"/> - AT - DEMA |

Section 2. Meeting Details

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| LOCATION and MEETING Details: |
| <p>Pre Meeting PLANNING</p> <p>The meeting with the Stoney Nation was discussed internally with Transportation with the purpose of the meeting being the introduction of the SR1, Springbank Off Stream Reservoir Project. Dallas Maynard (DEMA Land Services) coordinated with Bill Snow from the Stoney Nation to set up the meeting at the Chiniki Restaurant in Morley, AB.</p> <p>MEETING Notes</p> <p>1.0 Call to Order at 10:30 AM was informal and introductions were undertaken between Stoney Nation's attendee Bill Snow, Chris Goodstoney, Lenny Wesley and Transportation's Mark Svenson, Sarah Kemp de Gereda; Dallas Maynard, Shayne Maynard and Michael Cearns from DEMA who are managing the consultation process for Transportation. During his introduction Mark Svenson provided a detailed introduction of himself and his role in the SR1 Project.</p> |

LOCATION and MEETING Details:

- 2.0 Bill Snow in his opening remarks stated that he is the contact for the consultation with the Stoney Nation on this project (SR1 Springbank Off-Stream Reservoir Project).
- 3.0 .PRESENTATION AND DISCUSSION – Mark Svenson from Alberta Transportation in opening his presentation commented that it has been over a year since the first meeting with the Stoney Nation on the SR-1 project. Mark then proceeded to provide an update on the SR-1 project referencing the project maps that were circulated to all attendees. Mark identified the dam and structures and the excavation of channels that will be constructed on the SR-1 Site and the limits of the water when the reservoir was filled. Mark indicated that Transportation had just recently negotiated access to the SR-1 site and that testing of the SR-1 site was currently being undertaken by Stantec as part of the Environmental Impact Assessment.
- 4.0 Sarah Kemp de Gereda, from Stantec asked Mark what if (future) floods were larger than the 2013 flood.
- 5.0 Mark Svenson responded that the SR-1 design is based on the 2013 flood and indicated that the SR-1 facility when constructed will operate in conjunction with the Glenmore Reservoir. When water levels reach a critical level at the Glenmore Reservoir the operation of the SR-1 would commence.
- 6.0 Mark Svenson resumes his presentation, and indicated that Transportation have provided the SR-1 Project Description to the Canadian Environmental Assessment Agency (CEAA) for their acceptance.
- 7.0 Lenny Wesley mentioned the testing on the Bow River that they (Stoney Nation) need to do more research. The elders said they do not camp in the river valleys. Lenny Wesley also indicated that we need to do a ceremony in the area.
- 8.0 Bill Snow indicated that with regards to working on the Bow River that some agreements are pending. There is a Federal Agreement as well, 20, 30, 50 year projections.
- 9.0 Lenny Wesley said that they used to listen to the bison moving. There are pockets of underground streams, and they listened to the vibrations. The oral history told us about the water table and flood plain.
- 10.0 Bill Snow asked if the SR-1 project would include any wildlife crossings.
- 11.0 Mark Svenson responded that yes, the design of the SR-1 diversion channels and the earthen dam would be designed to allow for the passage of wildlife along the Elbow River.
- 12.0 Bill Snow asked will there be any fencing?
- 13.0 Mark Svenson responded that likely, there will be some fencing.
- 14.0 Lenny Wesley related stories about wildlife crossings and wildlife history. Wildlife crossing, that research; oral history is there. It is handed down from Elders to Elders. There is a bear line. A grizzly bear charged in the area. Fish and Wildlife set a bear trap. Lenny indicated he volunteered to track it. Fish and Wildlife wouldn't let him. He (the bear) is still out there. We need to know the wildlife habitat. If there is a game crossing we'll know where it is.
- 15.0 Bill Snow said that as long as there is someplace that the wildlife can cross, if we cut off access to wildlife crossings; if we don't facilitate wildlife crossings we will have

LOCATION and MEETING Details:

incidents. We want wildlife crossings. Due to logging the animals are moving into the foothills and plains. Grizzly Bears as well are moving into the foothills and plains. It will probably be 100 years until the patterns are back where they belong. Forestry caused big impacts. Oil and gas impacts are smaller. They affect our bio diversity.

16.0 Mark Svenson indicated that most of the time the reservoir will be dry, and only in times of extreme flooding will it be used.

17.0 Lenny Wesley said that the animals cross the river unless they are wounded. Bear, raccoon, the first thing they find like a log, to help them cross the river.

18.0 Dallas Maynard agreed and mentioned an example from Banff National Park where a series of wildlife crossings or overpasses have been constructed over HWY #1 to allow wildlife to cross the highway.

19.0 Lenny Wesley asked where are the ranchers were on this project, what do they think. Will they let us on their land? Will they respect that?

20.0 Mark Svenson responded yes, Transportation have negotiated access to the SR-1 lands. When the Stoney Nations want to enter onto the SR-1 lands Transportation will need to give the landowners notice prior to commencing any site visit.

21.0 Lenny Wesley asked what will be left? Sound, water it is soothing. They need to get to the soothing, healing area. Our people used to follow the animals. Now the animals can get lost. We need a plan for that.

22.0 Bill Snow again reiterated that there is a need for wildlife crossings. The Eco System around the river needs to be protected in some way. Typically the most Bio Diverse areas are around the rivers. The wildlife are in these areas. The (SR-1) project will affect the river's ability to function. We need to do a traditional use study. We need to understand how our concerns will fit into the (SR-1) design.

23.0 Dallas Maynard indicated that as part of the Environmental Assessment being done, Transportation through their consultant Stantec are drilling test holes within the SR-1 lands which includes drilling on sand bars in the Elbow River These are ongoing at the present time, we wanted to insure that you aware of what is currently occurring on the SR-1 lands.

24.0 Lenny Wesley asked if the drilling was along the banks.

25.0 Mark Svenson replied no, it is on the sand bars in the Elbow River.

26.0 Lenny Wesley said that the Elders have songs of Chiefs on sand dunes. We have that history. The research has been done by our Elders. There are songs about the sand dunes.

27.0 Dallas Maynard indicated that we wanted the Stoney Nation to know that there was testing currently occurring on the SR-1 lands. We also understand that this will not involve just one site visits but could be more than that. Dallas suggested that initially we (Stoney Nation and Transportation) should do a drive through of the SR-1 lands along the Public Highways and County roads. Transportation would bring one of their employees Seamas Skelly who is very familiar with the SR-1 project and knows all of the landowners. Seamas will provide a detailed description of the project in relation to the land during the drive through. Dallas asked Bill for a budget to do the drive through. It could help you focus on what you want to do for a Traditional Use study.

LOCATION and MEETING Details:

- 28.0 Bill Snow said that yes, it would be useful to do some scouting.
- 29.0 Dallas Maynard said once you have decided on areas of the SR-1 lands that you and your Elders wish to inspect, we'll make sure that you have access to those lands.
- 30.0 Mark Svenson stated that Transportation will facilitate the notice to the landowners for the Stoney Nation drive through of the SR-1 lands.
- 31.0 Dallas Maynard said that we look forward to receiving a budget for the drive through on the SR-1 lands.
- 32.0 Lenny Wesley said that it would be fun to do this.
- 33.0 Mark Svenson completed his presentation and at this time in the meeting the Stantec representative Sarah Kemp de Gerda began provided an introduction into the work that Stantec were undertaking on the Traditional Knowledge Study for the Environmental Impact Assessment. .
- 34.0 Sarah Kemp de Gereda indicated that Stantec were writing the Impact assessment, Traditional Knowledge for the SR-1 Project, Environmental Assessment. We can work with you (the Stoney Nation) to write up the Traditional Knowledge requirement for our report. We can also assist in doing a complete Traditional Knowledge study. Sarah went on to describe the confidentiality levels that would exist on this Traditional Knowledge work that Stantec would complete. Stantec would return all of your information. Any information that we collect we will come back to you for verification. If you are looking for information on wildlife, fish, collections we can help as well as suggested mitigations to deal with the regulator. Sarah also spoke of budgets for the work that they would be undertaking on Traditional Knowledge work.
- 35.0 Dallas Maynard indicated that Sarah's discussions on budgets are separate and apart from the consultation that the Crown (Transportation) are involved in with the Stoney Nations on SR-1.
- 36.0 Sarah Kemp de Gereda thanked the Stoney Nation representatives for listening to her presentation.
- 37.0 Bill Snow said that we (Stoney Nations) will probably work with our own contractor. We have issues with confidentiality. The process of dividing information is problematic. We have other considerations. Yes, we are interested in doing a Traditional Use Study and Site visits. As far as field dates are concerned the latter half of June is busy. The last two weeks of June are not going to happen. The latter part of May, maybe, we will see. We have worked with our contractor before. We do field work on an as needed basis. We will get some budgets together.
- 38.0 Dallas Maynard said that a drive through is easy to put together. We can react quickly once we receive your Budget.
- 39.0 Bill Snow asked about the "Vehicle access?"
- 40.0 Mark Svenson indicated that the drive through would occur only on highways, range roads and township roads (with stops along the way).
- 41.0 Bill Snow indicated that on a previous consultation (pointed to the map near Calgary) our concerns were not listened to on the last study finished in 2012. We weren't listened to on the last project.

LOCATION and MEETING Details:

- 42.0 Dallas Maynard said that we are respectful of your Treaty Rights and traditional uses, and Transportation want to manage the impacts and as much as possible, mitigate those impacts.
- 43.0 Bill Snow said that one of the good things that may come out of this is a need for a monitoring program i.e. if there is a significant site. Big Projects monitoring has been a big part of construction.
- 44.0 Bill Snow stated the other reason we need the wildlife crossings is that there are two different trap lines out there. There could be an impact on wildlife. Our members use this area for trapping. Bill indicated that they would get back to Transportation on the budgets.
- 45.0 Dallas Maynard indicated that the first budget we will need to see will be for the drive through scouting of the SR-1 on the public roads. We will also share with you the meeting notes that we have written down.
- 46.0 Mark Svenson indicated that there are public open houses coming up in Springbank and Calgary and he will see that this information is shared in case someone from the Stoney Nation might want to attend.
- 47.0 The meeting was then adjourned.

Action Items:

Next Meeting

Site Visit planned for the Spring of 2016 (date to be determined).
No Date selected for the next Consultation Meeting.

| Issue Description (if required) | Actions for Managing the Issue (if required) |
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| Site Scouting Budget and Site Visit budgets required for the Stoney Nation site visits to SR-1 | Bill Snow and the Stoney (Bearsaw, Chiniki, Wesley) Nation to provide budgets for Transportation's consideration. |

SITE VISIT TRACKING FORM
Springbank Off Stream Reservoir SR-1

DEMA Staff Name: Dallas Maynard, Paul Phillips, Michael Cearns

Section 1. First Nation Information

| Date | Time | DEMA File |
|---|--------------------------|---|
| October 20 to November 4, 2016 | 9:00 AM to 3:00 PM daily | 20808 |
| FIRST NATION ATTENDEES – SR-1 | | First Nation Elders and Technicians: |
| Stoney (Wesley) Nation Stoney (Bears paw) Nation Stoney (Chiniki) Nation William (Bill) Snow Stoney Tribal Administration (o) 1 403 881-4760 (C) 1 587-580-6212 | | Bill Snow Chris Goodstoney Sam Ear Lenny Wesley Elliott Lefthand Larry Daniels (jr) Melvin Beaver Charles Powderface Henry Holloway Charles Rabbit |
| ALBERTA TRANSPORTATION ATTENDEES - SR-1 | | Seamas Skelly - Alberta Transportation Dallas Maynard, DEMA Paul Phillips, DEMA Michael Cearns, DEMA |

Section 2. SITE VISIT DETAILS

Provide the details or issues dealt with during the Site Visits.

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| Day 1: October 20, 2016 (Thursday) |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Transportation Attendees met at the Humpty’s Restaurant on Hwy 1 West of Calgary at 9:30 am October 20, 2016. - Seamas Skelly (AT) explained the SR-1 project. We then drove the project stopping several times to talk about and answer questions. |
| Day 2: October 24, 2016 (Monday) |
| <ul style="list-style-type: none"> - Seamas Skelly and Dallas Maynard attended at the site visit with the Stoney Nakoda Nations. Inspected properties #21, #22; #25 |
| Day 3: October 25, 2016 (Tuesday) |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Attendees met at the Humpty’s Restaurant on Hwy #1 West of Calgary at 9:30 am. - The Stoney Nakoda walked Property #85, 86, 9 & 6. |
| Day 4: October 26, 2016 (Wednesday) |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Attendees met at the Humpty’s Restaurant on Hwy #1 West of Calgary at 9:30 am. - The Stoney Nakoda Nation Met with LO Mary Robinson on Property #1 & 4. Mary talked about their family |

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| <p>history on this property.</p> <ul style="list-style-type: none"> - We walked Properties #4, #1, #86 |
| <p>Day 5: October 27, 2016 (Thursday)</p> |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Attendees met at the Humpty's Restaurant on Hwy #1 West of Calgary at 9:30 am. - We walked Property #19 |
| <p>Day 6: October 28, 2016 (Friday)</p> |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Attendees met at the Humpty's Restaurant on Hwy #1 West of Calgary at 9:30 am. - It was snowing and conditions for a site visit were not good. The snow was not letting up, the site visit was called off. |
| <p>Day 7: October 31, 2016 (Monday)</p> |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Attendees met at the Humpty's Restaurant on Hwy #1 West of Calgary at 9:30 am. - Dallas Maynard and Seamas Skelly and SNN inspected Properties # 16 and #17. |
| <p>Day 8: November 1, 2016 (Tuesday)</p> |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Attendees met at the Humpty's Restaurant on Hwy #1 West of Calgary at 9:30 am. - We walked properties #25 & #33 |
| <p>Day 9: November 2, 2016 (Wednesday)</p> |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Attendees met at the Humpty's Restaurant on Hwy #1 West of Calgary at 9:30 am. - Inspected properties #46 & #49 |
| <p>Day 10: November 3, 2016 (Thursday)</p> |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Attendees met at the Humpty's Restaurant on Hwy #1 West of Calgary at 9:30 am. - Walked Properties #35, #32, #39 |
| <p>Day 11: November 4, 2016 (Friday)</p> |
| <ul style="list-style-type: none"> - The Stoney Nakoda Nation and Alberta Attendees met at the Humpty's Restaurant on Hwy #1 West of Calgary at 9:30 am. - Walked Property #38. Looked at Property #37 & #38, from the east side of Property #38. |

| Issue Description (if required) | Actions for Managing the Issue (if required) |
|---------------------------------|--|
| None | None |

STONEY NAKODA NATION SR-1 Site Visit Photos

Photo taken October 24, 2016 during the Stoney Nakoda Nation Elders and Technicians Site Visit to the SR-1 outfall area from the dry reservoir along the unnamed creek. Properties #20, #21, and #24.



Photo taken October 25, 2016 2:27pm
Stoney Nakoda Elders and Technicians
Property #6



Photo taken October 26, 2016 11:10am
Stoney Nakoda Elders and Technicians
with land owner Mary Robinson at an
old camp site.
Property #4



Photo taken October 26, 2016 11:16am
Stoney Nakoda Elders and Technicians
with land owner Mary Robinson at the
Old Stoney Trail
Property #4



Photo taken October 31, 2016 during the Stoney Nakoda Nation Elders and Technicians Site Visit to the SR-1 properties #16 and #17.



Photo taken November 2, 2016
11:21am
Stoney Nakoda Elders and Technicians
Property #49



Photo taken November 3, 2016 11:23
Stoney Nakoda Elders and Technicians
Property # 32



Meeting Form– Springbank SR-1 Off-Stream Storage Reservoir

DEMA Staff Name: Dallas Maynard

Section 1. First Nation Information

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| Date | Time | DEMA File |
| April 13, 2017 | 10:15 AM | 20808 |
| First Nation | | First Nation Contact: |
| Stoney Nakoda Nations (Bears paw, Chiniki, Wesley) | | Bill Snow, Consultation Manager SNN |
| Phone Number | | Who Initiated the Meeting? |
| 1-587-576-1654 (cell) | | <input checked="" type="checkbox"/> -First Nation <input checked="" type="checkbox"/> - DEMA |

Section 2. Meeting Details

Provide the details or issues dealt with during the Discussions.

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| <p>Details:</p> <p>Prior to commencing a meeting on the Klein Lake Dam decommissioning project, Dallas Maynard spoke with Bill Snow regarding delivery of the Stoney Nakoda Nations SR1 TUS report. Bill indicated that due to some communication matters between participants within the Stoney Nakoda Nations they were not able to conclude the TUS report at the present time. Dallas asked if a short outline of some of the potential issues that may appear in the final report could be provided to Transportation prior to the final delivery of the Environmental Impact Statements to the regulatory Authorities on SR1. Bill indicated he would try to complete a short report to Transportation prior to the end of April.</p> <p>Dallas also inquired about setting up a meeting with the three Stoney Chiefs and their CAO's to update them on the SR1. No confirmation was received on this request.</p> <p>Dallas</p> |
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| Issue Description (if required) | Actions for Managing the Issue (if required) |
| None | None |

CONSULTATION MEETING NOTES TO FILE

DEMA Staff Name: Dallas Maynard,

Section 1. First Nation Information

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|--|--------------------|--|
| Date | Time | DEMA File Code Number |
| August 23, 2017 | 1:00 PM to 2:00 PM | DEMA File #20808 |
| Name of First Nation | | First Nation Attendees |
| STONEY NAKODA NATION | | William Snow, Stoney Tribal Administration |
| Stoney Band (Bears paw) Stoney Band (Chiniki) Stoney Band (Wesley) | | Alberta Transportation Attendees Dallas Maynard |
| Meeting Location | | Starbucks Coffee Shop, West Hills Shopping Centre, Calgary AB. |
| Phone Number (William (Bill) Snow) | | Who Initiated the Meeting? |
| Office: 403-881-4760 Cell: 587-580-6212 | | <input checked="" type="checkbox"/> -First Nation <input checked="" type="checkbox"/> - AT - DEMA |

Section 2. Meeting Details

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| LOCATION and MEETING Details: |
| <p>Pre Meeting PLANNING</p> <p>Bill Snow requested an informal meeting to set future meeting dates for Springbank SR1.</p> <p><u>MEETING Notes</u></p> <p>1.0 . On August 23, 2017, Dallas Maynard met with Bill Snow, Consultation Manager for the Stoney Tribal Administration at the Starbucks in the West Hills Shopping complex. Bill asked for the meeting to discuss the Stoney Traditional Use Report, and their engagement with CEAA.</p> <p>2.0 Bill explained they had received a budget from CEA to undertake a review of the EIA/EIS studies completed by Stantec for Alberta Transportation. He also indicated that the budget also included other things such as additional SR1 site visits and potentially a Ceremony on the SR1 lands.</p> <p>3.0 Bill explained that the location for their ceremony would likely be at Mary Robinson's property west of the HWY 8 /22 traffic circle. Bill indicated that the Stoney people have a long standing relationship with Mary and they would make their own arrangements for the ceremony with Mary Robinson. This Ceremony would likely also include Alberta Transportation and CEAA.</p> <p>4.0 Dallas Maynard explained to Bill that Alberta Transportation did not have access to the</p> |

LOCATION and MEETING Details:

SR1 lands, at this time, and that the previous access agreement had expired.

5.0 Dallas inquired about the completion of the Traditional Use Study that had been budgeted as part of their site visits and Bill suggested they may finish that report in conjunction with their engagement with CEAA. Dallas acknowledged that and no further discussion on the TUS study transpired.

6.0 Bill Snow explained that there have recently been elections within the Stoney Nakoda Nations and they have new leaders within some of their Nations and he indicated he would like Alberta Transportation to attend at a meeting with the Stoney Nakoda Nations (likely at or near Morley) to provide an update on the work to date related to the SR1 Project. Bill indicated that all of the Chiefs would be invited along with their CAOs.

7.0 Bill indicated that he was looking at the end of September as a potential time for the meeting and he would like CEAA to be in attendance as well.

8.0 In closing the meeting with Bill Snow Dallas Maynard requested that Bill provide potential dates for the proposed meeting between the Stoney Nakoda leadership (Chiniki, Bearspaw and Wesley) and Alberta Transportation.

9.0 Bill Snow inquired who the Stoney Nakoda Nations should contact if they wish to return to the SR1 lands as part of their CEAA engagement. Dallas answered that in their engagement with CEAA, any request to return to the SR1 site should be made to CEAA, who would then likely delegate Alberta Transportation who are responsible for the SR1 Project, to respond. Dallas indicated that access, at this time, may be a problem

10.0 Following up on his previous direction, Dallas Maynard suggested that Bill Snow make any request related to the engagement with CEAA, directly to CEAA, through Mai-Linh Huynh, who would likely be in touch with Alberta Transportation, as may be required.

11.0 Dallas Maynard confirmed that once he received the Stoney Nakoda Nation formal meeting request, with suggested dates, he would contact Alberta Transportation to confirm the meeting.

Action Items: None

Next Meeting

A meeting with the Stoney Nakoda (Bearspaw, Chiniki, Wesley) Nations proposed for the last week of September 2017

| Issue Description (if required) | Actions for Managing the Issue (if required) |
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| None at this time | N/A |

CONSULTATION MEETING NOTES TO FILE

DEMA Staff Name: Dallas Maynard, Judy Maynard

Section 1. First Nation Information

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| Date | Time | DEMA File # |
| September 14, 2017 | 10:05 PM to 1:00 PM | 20808 |
| Name of First Nation | | First Nation Attendees |
| STONEY NAKODA NATION (SNN) | | William Snow, Consultation Manager Chris Goodstoney, Consultation Officer Loretta Holloway, Consultation Officer |
| Stoney Band (Bears paw) Stoney Band (Chiniki) Stoney Band (Wesley) | | Alberta Transportation Attendees Mark Svenson, Provincial Transportation Coordinator Mai-Lihn Huynh, Canadian Environmental Assessment Authority (CEAA) Dallas Maynard, Judy Maynard, DEMA Land Services |
| Meeting Location | | Stoney Nakoda Resort. |
| Phone Number (William (Bill) Snow) | | Who Initiated the Meeting? |
| Office: 403-881-4760 Cell: 587-580-6212 | | <input checked="" type="checkbox"/> -First Nation <input type="checkbox"/> - AT - DEMA |

Section 2. Meeting Details

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| <p>MEETING Details:</p> <p>Pre- Meeting PLANNING</p> <p>The meeting with the Stoney Nakoda Nation was requested by Bill Snow from the SNN in discussions with Dallas Maynard from DEMA. The purpose of the meeting was to receive an update from Transportation on the SR1 and to plan additional requirements that the Stoney Nakoda Nations had to return to the SR1 lands. Bill Snow indicated that he had a separate meeting planned the same day with CEAA and eventually it was agreed by the SNN and CEAA that the meeting with Transportation would be combined with the CEAA meeting.</p> <p><u>MEETING Notes</u></p> <p>1.0 Prior to the beginning of the meeting, as a gesture of respect, Dallas Maynard made a gift of tobacco to Bill Snow, on behalf of Alberta Transportation.</p> <p>2.0 Call to Order at 10:05 PM was informal and introductions were undertaken between the Stoney Nakoda Nation's attendees, Alberta Transportation, CEAA and DEMA Land Services.</p> <p>3.0 Mark Svenson provided an SR1 update to Bill Snow and the Stoney Nakoda Nations, stating that since the last meeting the Environmental Impact Assessment submissions to the regulatory authorities was moving forward. Mark described the diversion structure which will be placed in the Elbow River and described the smaller berms which will be</p> |
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MEETING Details:

placed near the diversion structure to control the flow of flood waters during a flood event and to prevent those flood waters from circumventing the flood control structures. Additionally, Mark described the relief channel which will return the flood waters to the Elbow River should the extent of the flood exceed to 2013 flood levels. Mark described the dam structure planned to retain floods up to the 2013 flood lever. He described the area behind the dam as containing approximately 1,700 acres, with the entire area of the project within the solid black lines (referencing the SR1 Map) as being approximately 3,600 acres. Mark explained that if a flood occurred which would trigger the diversion of those flood waters from the Elbow River, following the flood, the waters retained in the reservoir would be drained over time (40 to 50 days approximately) along an unnamed creek that will return the flood waters back to the Elbow River.

- 4.0 Bill Snow stated that the Stoney Nakoda Nations need assistance identifying areas of concern on the maps that have been provided. Bill indicated that they do not possess GIS mapping capability which would allow them to identify areas of concern within the SR1 project area.
- 5.0 Bill Snow expressed concerns regarding wildlife crossings on the SR1 project during their seasonal migration cycles. He cited the movement of elk, deer and moose which are all present in the SR1 area.
- 6.0 Mark Svenson responded that there were no plans to construct wildlife crossings on Highway 22 or across the diversion channels. Mark indicated that the diversion channel was being constructed to allow animal passage through the SR1 following its construction. He indicated that Highway 22 was being raised and that wildlife could pass under the highway at the bridge locations along Highway 22 within the SR1 project. Any fencing planned on the SR1 project would be similar to the current fencing present on the private lands that comprise the majority of the SR1 lands.
- 7.0 Bill Snow inquired if Alberta Transportation had considered any over passes for wildlife crossings. Responding to Mark Svenson's comment that no animal crossings or overpasses were planned for SR1, Bill Snow responded that he would like to hear a rationale why an overpass may not be used for the SR1 project.
- 8.0 Mark Svenson explained the Transportation animal/vehicle collision data collection process and he indicated that the locations of incidents can vary up to 2 kilometres from where they occurred. Mark indicated that Alberta Transportation is working on new technology to get better knowledge as to where animal vehicle strikes are happening.
- 9.0 Bill Snow explained to Mark Svenson that the Stoney Nakoda Nations wanted to be part of any studies on animal crossings and strike areas. Bill also stated that the Stoney Nakoda Nations would like to explore the animal animal/vehicle collisions and they would also like to collaborate on research with universities who may be involved in similar studies, in particular to provide the First Nation perspective and knowledge about animal movements.
- 10.0 Mai-Linh Huynh commented on getting information from SR1 landowners on wildlife movements on the project lands and their habits throughout the year. Mai-Linh inquired if interviews have been held with the SR1 landowners. Mark Svenson responded that discussions had taken place with the SR1 landowners on matters such as wildlife movements as part of the work completed by Stantec.
- 11.0 Bill Snow raised concerns about the Hydrology Studies undertaken for SR1, and what were the outcomes of that work. Bill mentioned a meeting that occurred during the fall of

MEETING Details:

2016, which involved Chiefs and the Minister, he was unclear what occurred in that meeting which he thought only the Chiniki Band attended.

12.0 Mai-Lihn Huynh mentioned that there were hydrology boards displayed at the recent SR1 Public Open Houses.

13.0 Bill Snow inquired about having an on-reserve presentation on the SR1 Project Hydrology. Mark Svenson responded that he would inquire to see how this request might be accommodated.

14.0 Bill Snow stated that the Stoney Nakoda Nations wanted to understand impacts from SR1 to ground water as well as surface water. He went on to mention that one of their cultural stories talks about Springbank Creek, and the Stoney Nakoda Nations would like to include their cultural history in their study and field work.

15.0 Bill Snow inquired if any Crown land was being set aside as an offset to possible impacts from SR1. Mark Svenson replied that Alberta Transportation was considering offsets in the case of wetlands that might be impacted, but not for the overall area.

16.0 Bill Snow spoke of reciprocity in the context of replacing the loss of wildlife lands taken up for the SR1. Bill mentioned both human and wildlife use of the land and how replacing that land elsewhere would work. He would like to discuss that in future meetings.

17.0 Mai-Lihn Huynh indicated that the CEAA process will not look at the offsets for the replacement of wildlife habitat. Mai-Lihn described the next steps in the environmental assessment process referred to as step 3 where the flowcharts for the SR1 will be reviewed by a Technical Working Group. The CEAA technical working group in its advisory role, will guide government in their review of SR1. The technical working group will consist of representatives from the City of Calgary, Rocky View County and 2 Indigenous representatives from each of the Indigenous groups that CEAA have identified.

18.0 Bill Snow responded to Mai-Lihn and indicated that the Stoney Nakoda Nations was made up of three Bands, the Bearspaw, Chiniki and Wesley and he questioned why the Stoney were only given two representatives on the technical working group.

19.0 Mai-Lihn responded that this matter could be reviewed, she also indicated that following the consultation protocol that is presently in place, observers and guests could be included for the Stoney Nakoda Nation as one way to respond to Bill Snow's concern.

20.0 Bill Snow inquired if CEAA were using the Federal Consultation Guidelines in respect of the SR1 Project. Mai-Lihn responded that they were.

21.0 At this point the discussion shifted to the Stoney Nakoda Nations request to go back onto the Springbank SR1 lands,

22.0 Bill Snow indicated that as part of the CEAA process, the Stoney Nakoda Nations wanted to go back to the SR1 lands, possibly on the lands owned by Mary Robinson, who they have a relationship with and in a culturally appropriate way out on the land, to interview their Elders about Springbank Creek. Bill mentioned that it was very important to be on the land when doing traditional knowledge and cultural assessments. Bill spoke of the differences between the cultural assessment compared to environmental science.

23.0 Bill Snow indicated that he will need a large map of the SR1 for the Elders and it will require at least one all-day session with the Elders. They will want to look at the migration routes for the wildlife. Bill indicated that the Stoney Nakoda Nations will identify to Alberta

MEETING Details:

Transportation the SR1 properties that they will need to re-visit.

24.0 Mark Svenson indicated that Alberta Transportation do not have access to the SR1 lands and any access would have to be requested on an owner by owner basis with no guarantee that that access would be available.

25.0 Mai-Lihn Huynh spoke in general of the next steps in the SR1 review process after the Environmental Impact Statement is received such as the timelines to review the EIS, potential additional funding requirements and the work of the technical working group.

26.0 Bill Snow made reference that he saw the current SR1 project EIS as similar to a previous project that was referenced as Cultural Assessment for the “Enhancing Grizzly Bear Management through the inclusion of cultural monitoring and traditional ecological knowledge” which was referenced as the Grizzly Report. This report was prepared for Environment Canada by the Stoney Consultation Team in 2015. (a copy is attached to these meeting notes).

27.0 Bill Snow in referencing water issues stated that the Stoney have a historical and legal stance on Water and he wanted to acknowledge that point as part of the work on SR1. Bill indicated that he would be responding to Mai-Lihn (CEAA) on the SR1 Community Sessions and would provide terms of reference for those sessions.

The meeting adjourned

Action Items:

- **Share the SR1 Maps that outline the testing that was undertaken during 2016 for the Environmental Impact Statement.**
- **Share a Topographic Map of the Springbank SR1 Project with the Stoney Nakoda Nation.**
- **DEMA to provide the Stoney Nakoda Nation with some direction and options where GIS mapping capability could be arranged for their response to the SR1 Environmental Impact Statement (EIS).**
- **DEMA to request large formal hard copy SR1 maps from Communicas for use by the Stony Nakoda Nation in their Elder Sessions planned for the SR1.**

Next Meeting

No Date selected.

| Issue Description (if required) | Actions for Managing the Issue (if required) |
|---------------------------------|--|
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JUNE 4, 2018 – MEETING TO REVIEW STONEY NAKODA NATIONS SPRINGBANK SR1 SPECIFIC CONCERNS AND ALBERTA TRANSPORTATION’S RESPONSES

DEMA Staff Name: Shayne Maynard, Jennifer Hallson, Alexandra Burchill

Section 1. First Nation Information

| Date | Time | DEMA File |
|---|---------------------|--|
| June 4, 2018 | 10:00 AM to 4:00 PM | 20808 |
| First Nation | | Alberta Transportation |
| Stoney Nakoda Nations (Bears paw, Chiniki, Wesley) Bill Snow, Consultation Manager, Stoney Tribal Administration Chris Goodstone y, Wesley Consultation Officer Charles Rabbit, Wesley Nation Elder Henry Holloway, Chiniki Nation Elder Gilbert Francis, Bears paw Nation Elder | | Alberta Transportation: Seamas Skelly Stantec: Clare Edwards, Colin Buchanan, Talina Cyr-Steenkamp, Eliot Terry DEMA Land Services: Shayne Maynard, Jennifer Hallson, Alexandra Burchill |
| Contact Info | | |
| William (Bill) Snow Office: 403-881-4760 / Cell: 587-580-6212 Email: bills@stoney-nation.com | | |
| Meeting Location | | Who Initiated the Meeting? |
| Stoney Nakoda Resort Bears paw Room P.O. Box 1500 Morley, AB T0L 1N0 | | <input type="checkbox"/> -First Nation <input checked="" type="checkbox"/> - AT - DEMA |

Section 2. Meeting Details

- Prior to the meeting officially starting Bill Snow requested a two-page condensed project summary word document from Stantec. This document should include:
 - A paragraph of the project description and a timeline of the planning stages for construction.
 - A project map and a regional map of the proposed project area.
 - The upcoming deadlines for CEAA (Canadian Environmental Assessment Agency) review.
 - The deadline for this action item is June 8th. This will be presented to Chief and Council and Elders.
- The meeting began at 10:40 due to late arrivals. There was a prayer from Charles Rabbit to begin the meeting. Everyone agreed to skip the SR1 project video as everyone present had already seen it. Introductions were made around the room. The meeting purpose is to review Table 7-4, SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations.

3. Item Number 1 (Engagement)

Shayne Maynard read out the Stoney Nakoda concern and the Alberta Transportation response regarding Stoney Nakoda's desire for cultural studies, and asked for comments on the response. Bill Snow confirmed that the Stoney Nakoda took part in the 2016 fieldwork but have not written the report yet. The Stoney Consultation office can complete the report; however, their office is inundated with work right now and are having capacity issues. Bill Snow commented that they did not get an opportunity to look at all the areas in 2016 because it was such a wet year and in 2017 the forest fires prevented them from assessing the area. They are trying their best to work on the report, but it has been delayed.

4. Seamas Skelly asked Bill Snow if he had ideas about other locations in the project area the Stoney Nakoda would like to visit. Bill Snow replied that he was hoping to contact the land resident Mary Robinson and visit her property and that's why he asked Alberta Transportation for her contact information in 2017. The Stoney Nakoda would like to do a ceremony close to her residence, where the Stoney Nakoda Nation used to camp. Seamas Skelly did give Bill Snow Mary's contact information in 2017, but Bill Snow has not followed up with it because the Stoney Nakoda consultation office has been so busy. Seamas Skelly asked Bill Snow if the Stoney Nakoda Nation were waiting on anything from Alberta Transportation to do a ceremony and site visit. Bill snow replied that they were not waiting on anything and will contact Mary Robinson in the next little while.
5. Seamas Skelly told Bill Snow to contact DEMA Land Services if the Stoney Nakoda need anything. Bill Snow brought up CEAA funding. He is not sure about funding for reviewing the EIA submission. Seamas Skelly responded that CEAA is awarding funding and it is up on their website. Bill Snow said once they get the funding part worked out they could do a bit more planning.
6. Seamas Skelly asked Bill Snow what other areas he wanted to visit in the SR1 project area. Bill Snow would like to have a second look at Springbank Creek. Seamas Skelly looked for Springbank Creek on a map provided by Stantec. The Springbank Creek is outside the project area and the project won't affect it. Bill Snow asked about other creeks in the area. Seamas Skelly checked the map to go over areas they visited in 2016 and discussed where they went with Chris Goodstone. Charles Rabbit asked Seamas Skelly which lands government will purchase for the SR1 project. Seamas Skelly pointed out land they must purchase on a map, which totals 3800 acres of land. Seamas Skelly did an overview of the project for Charles Rabbit. Charles Rabbit asked which land is already purchased and what does Alberta Transportation have left to purchase. Seamas Skelly replied that so far, they have only purchased a few parcels near the outlet area of the reservoir. It is an ongoing process and Alberta Transportation will have to purchase the entire area and enter land negotiations with the residents. As landowners have requested the option of Alberta Transportation purchasing full quarter sections rather than just the portion within the Project footprint, a total of around 6800 acres is what Alberta Transportation needs to buy in the end. Charles Rabbit said there are sites the Stoney Nakoda are interested in. Seamas Skelly said they did site visits and all the residences are privately owned. Seamas Skelly said they would have to get access again because the land access agreement has ended. Stoney Nakoda will decide what areas they would like the visit with Elders.

7. Item Number 2 (Engagement)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response regarding mapping capabilities. Bill Snow confirmed that the Stoney Nakoda have received the maps. Bill Snow commented that the maps are a good tool because you get some idea of where you are in the project area. There were no concerns or actions for Item Number 2 (Engagement).

8. Item Number 3 (Engagement)

This connected with Item Number 1 (Engagement) and the action item to decide which areas the Stoney Nakoda would like to visit with Elders. Shayne Maynard asked how much time would be needed to contact and receive the okay from landowners for site visits. Seamas Skelly said they would need approximately a week and the landowners are very accommodating. Seamas Skelly told Bill Snow to contact Mary Robinson whenever they want. No action items recorded for Item Number 3 (Engagement).

9. Item Number 4 (Engagement)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response regarding the request for an on-reserve presentation. Shayne Maynard asked if the response from Alberta Transportation has satisfied the concern. Bill Snow replied that he must double check with Dean Cherkas, Director of Consultation and make a report on the response.

10. Item Number 5 (Engagement)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response about having a ceremony on SR1 lands. Bill Snow said they need to check CEAA funding to see if it is applicable for the project. Bill Snow will follow-up with CEAA funding and see if they can accommodate a presentation and/or ceremony.

11. Item number 6 (Hydrology)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response about groundwater impacts. Clare Edwards presented on the hydrology using maps. There will be a decrease in groundwater levels at the diversion channel when a flood is not in effect and an increase in groundwater where the channel is. Seamas Skelly said the channel ranges in depth. The required channel depth is approximately 8 metres but will vary with the ground topography. Clare Edwards presented a figure for when the flood water is in the reservoir, in the area the groundwater levels increase the most. The groundwater reduces going northwest and there is a 24-metre change in groundwater moving southeast to northwest in the reservoir. After a year of draining out, the groundwater would stabilize to normal conditions. Seamas Skelly said there is a clay till cap in the area, so the flood water will not mix with the groundwater. Clare Edwards said the natural clay would act as a natural barrier. If the water is only sitting there for 40 days, it will not interact with the groundwater.

12. Shayne Maynard asked if this response satisfied the concerns. Bill Snow said the issue of hydrology was raised by one of the band members from Chiniki, but he is no longer with Chiniki band. There is a new band manager with Chiniki and Bill Snow would like a hydrology summary to provide to the band manager. Seamas Skelly and Clare Edwards directed Bill Snow to the executive summary on the website, it is a stand-alone document with a section on hydrology. This is all in Stantec's report, which Seamas Skelly showed to Bill Snow during the meeting. Bill Snow would like the link to CEAA's website to reference the hydrology. Seamas Skelly will email Bill Snow the link to the website with the hydrology summary. It is on the Alberta Transportation website and CEAA's website. Bill Snow will

pass this along to the Chiniki band manager to see if the hydrology summary satisfies the concern.

13. Item number 7 (Fish and fish habitat)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response regarding the SR1 Project acting as a barrier to fish migration. Shayne Maynard asked what Stantec meant by anthropogenic features in their response. Clare Edwards responded that anthropogenic features are man made structures in the development area. Clare Edwards presented on fish and noted that 1800 square metres of fish habitat will be lost for the diversion structure and 900 square metres will be lost for the debris structure. In total there will be just under 3000 square metres of lost fish habitat. Fish can pass through the diversion structure during dry conditions and move through during flood conditions. Fish will be able to pass up and down the river with the diversion structure in place. Clare Edwards pulled up an engineering diagram of the reservoir and how it would affect fish. Stantec did a series of modelling to look at what would happen to the river downstream and what the water speed would be and how this would affect fish. Stantec compared what fish need to move up and down the river. A concrete base would cause the water speed to increase too rapidly, so Alberta Transportation will construct V-shaped berms to control the water speed and allow the fish to move upstream. Clare Edwards showed where the permanent loss of habitat will be on a map of the project area. She also spoke to project alterations during construction which may affect the fish. Chris Goodstone asked how long the construction phase will be. Seamus Skelly replied that the construction phase will be less than 3 years. There will be at least one to two years with heavier construction. They must do a temporary by-pass on the river channel during dry conditions, so fish are not affected during construction. Clare Edwards said that they would be diverting the river around temporarily, and when the gates are complete they will redirect water through the gates.

14. Charles Rabbit commented that the rate of stabilization for fish will take longer than the expected 3 years and it takes a long time for fish habitat to stabilize. CEAA has mitigation measures to deal with that. Chris Goodstone asked how long construction would be in the specific dam part (the diversion structure). Seamus Skelly replied one year and then it would return to normal conditions. There would be a disruption and habitat loss in that area. Seamus Skelly said Alberta Transportation would engineer rocks to give the fish areas of shelter. Clare Edwards said they would design the structure to ensure the fish have proper water speed and depth to move up-river. Bill Snow asked about replacement habitat for fish. Clare Edwards replied that Department of Fisheries and Oceans (DFO) requires fish habitat replacement and this is called habitat compensation. Stantec will have to go to the DFO to get the compensation ratio for fish habitat loss for SR1. Bill Snow asked if this structure would be a permanent barrier to fish habitat. Clare Edwards replied that the structure would not prevent the fish from moving up and down river; however, there would be an area of permanent habitat loss. DFO will look at the footprint of loss and how it will be replaced. Bill Snow asked about the darker berms on the engineering plans presented by Clare Edwards. Clare Edwards said the DFO may consider this another area of habitat loss.

15. Bill Snow asked what the fish species in the project area are. Clare Edwards replied that they found records of bull trout (prefer colder water) mostly up towards the Redwater Headwaters. Seamus Skelly told Bill Snow that this is all in the Environmental Impact Assessment (EIA). Bill Snow said he does not recall a great discussion on fish in their Elder talks. Seamus Skelly asked if this was during their presentation. Clare Edwards pulled up a pie chart of all the fish species in the project area. Bull trout were the majority species up

river. Elbow Falls to the diversion structure there is a decrease in bull trout. From the diversion structure to the Glenmore Reservoir there is even less bull trout. These are catch records going back to the late seventies. Bill Snow would like to talk about the native fish species (mountain white fish, bull trout and the cut throat) in their discussion because that habitat is being altered. First Nations would historically camp in these areas because they fished the rivers. They previously opposed forestry projects and other projects in the headwaters because of fish resources. This needs to be a discussion at the next meeting. Clare Edwards replied that there is more detail in the EIA document. Seamus Skelly said that the whole watershed was considered for the project. Bill Snow replied that they (Stoney Nakoda Nation) are seeing decreased levels of water in all water systems especially around the Eden Valley reserve. There are also lowering water levels of the Highwood River. That is why this discussion on fish species needs to be included in the next Elders meeting. Ideally this discussion would have been done through other channels. Funding available for species at risk only comes around once a year, and they must cram as much as possible into one study. These studies are for one topic, and fish for example are hard to do. Bill Snow will include a discussion on fish habitat loss and native fish species (bull trout, mountain whitefish, and cutthroat) in their next Elders meeting.

16. Break at 11:58 for lunch. There are two new additions to the meeting, Henry Holloway (Chiniki Elder) and Loretta Holloway (Chiniki Consultation Officer). Meeting resumed at 1:00 pm. Loretta left before 1:00 pm, and Elder Gilbert Francis joined at 1:05 pm.
17. At 1:05 pm Shayne Maynard did an overview of the morning's discussion to catch up the new arrivals. He also went over the action items so far as recorded by Stantec on flip charts. Introductions were made again. At 1:11 Colin Buchanan did a presentation of the project overview for the new arrivals and played the SR1 flyover video. Colin Buchanan indicated that in the past 100 years, the SR1 Project would have been used 8 times.
18. Henry Holloway commented on the video and Colin Buchanan's presentation. He said he is 76 and hasn't seen eight floods in the area in his lifetime. Asked why they are predicting there will be eight floods. Colin Buchanan responded by saying 2013 is the flood level maximum and we do see numerous small floods. Also 2005 was considered a high flood year. Henry Holloway said he only remembers 2 floods, the 2005 and 2013 floods. Shayne Maynard said it is more of a probability than a known fact. Henry Holloway asked if the dam had already been built. Colin Buchanan replied no that is why we are here. Chris Goodstone explained a map to Gilbert Francis of the project. Henry Holloway and Chris Goodstone discussed the history of floods in the area. Floods repeat every 50 to 100 years in the valley. Charles Rabbit noted that he is 84 and his dad was on council. Charles Rabbit said when the Stoney Nakoda went hunting and camping in the past they would watch the rivers and creeks for signs of flooding. Everyone agreed to resume talks on the specific concerns and response table.
19. **Item number 8 (Wildlife)**
The meeting resumed at 1:26 with a discussion on wildlife. Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response about wildlife crossings. Elliot Terry commented that they were revegetating the structure to make it easier for animals to walk across. When animals encounter these new structures, they will either be deflected around them or walk through them. Charles Rabbit is concerned about the movement of wildlife in the area, and that the project will disturb the animals. Charles Rabbit said it is the Creator's way to decide which animals live in which area. Elliot Terry said the footprint of the area will be much smaller after construction.

20. Henry Holloway is concerned that the fish will not survive the 40 days in the reservoir while the water is being held. When the 2005 flood stopped, a lake was formed, and 500 fish were trapped in a little pond with nowhere to go. Fish and wildlife took them and relocated them. There must be a plan to rescue the fish left behind. Talina Cyr-Steenkamp said there is a plan already to rescue the stranded fish. Clare Edwards confirmed the fish rescue plan. Chris Goodstone asked what tactics they will use to capture the fish. Seamus Skelly said they will use electrofishing to capture the fish and relocate them. Chris Goodstone commented on monitoring he did at Bear Lake. While monitoring, he witnessed 6 out of 10 fish die and there they were using electric nets. Seamus Skelly asked what kind of fish they were capturing, because whitefish are delicate. Chris Goodstone said he didn't know and asked if there was another way to capture fish other than using electrofishing. Seamus Skelly said Alberta Transportation relocates fish often and they don't have a large mortality rate. Chris Goodstone said it was veterans capturing the fish and the mortality was high at Bear Lake. Bill Stone asked if there were other alternatives to capture the fish other than electrofishing. Alberta Transportation will look at methods of capturing fish and note the concern with electrofishing.
21. Bill Snow brought up that the Stony Nakoda Nations have been working with the Royal Alberta Museum and one of the stories they contributed is the impact of the Bighorn Dam on the Stony people. The project involved the creation of Abraham Lake in the 1970s. The Stony Nakoda are still recovering from the hydro dam. It would be good for DEMA Land Services and the government to see the video that the Stony Nakoda First Nation took part in with the museum to see the effects of a dam. It's good to understand the impact these dams have had on the Stony people because it is in their traditional territory. Seamus Skelly asked if there is a website with the video. Bill Snow said that it would not be available until the museum opens. This information is also captured in Bill Snow's late father's book "These Mountains are Our Sacred Places" when he describes what happened in the North Saskatchewan.
22. **Item number 9 (Wildlife)**

Shayne Maynard read out the Stony Nakoda concern and Alberta Transportation's response regarding the Project driving away wildlife, and asked if the concerns were met by the response. Shayne Maynard asked Stantec if animals would be impacted after construction. Elliot Terry commented that animals will of course be disturbed during the construction phase, but not afterwards. Henry Holloway and Charles Rabbit conversed in a First Nations language. Henry Holloway related a story Charles Rabbit told about how dumps were created, and this attracted bears. There was one grizzly bear named Pete that became used to humans and people would feed him. Elliot Terry said they will be reducing the attraction to bears by removing construction garbage.
23. Bill Snow asked if there were any long-term wildlife studies going on and this was brought up in previous meetings to understand the movement of wildlife in and out of that area. The Stony Nakoda Nation have seen evidence of bison habitat there from years gone by. We know that there are grizzly bears in the area. We know that it is a corridor or path for animals to travel. It would be nice to see this reflected in a wider long-term migration study or cumulative effects study for the region. Generally, we are seeing more wildlife in agricultural areas getting closer to urban areas and away from the mountains. This is evident from moose trying to traverse Deerfoot Trail. This goes hand in hand with logging operations in mountains or eastern slopes area. This might not be a big area for migration, but it is still an important area for wildlife, that is why we stressed the need for a wildlife

crossing in the area. Elliot Terry said that yes Stantec is monitoring wildlife and setting up cameras to look into long-term cumulative effects of the project on wildlife. Bill Snow said that since the 1800s they have had issues with wildlife management. We have always had these concerns with wildlife, such as fish, animals, birds being impacted. That continues today and is why we would like to see the wildlife crossings because not all wildlife use those passes and some prefer overland passes. Bill snow said they have been making the wildlife crossings issue known for the last year and a half.

24. Item number 10 (Wildlife)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response about wildlife passage during construction. Shayne Maynard asked if data is being collected. Elliot Terry said that yes, Stantec is doing a baseline collection of data. Bill Snow said they will consider the response and relay it back at the Elders meeting. Chris Goodstone asked if this project will increase the number of animals crossing the highways, and regardless of whether there is a flood would the structure divert wildlife to the highways even more. Bill Snow said that yes wildlife would be diverted to the underground structure. Seamus Skelly said there are two bridges that cross Highway 22, which animals can cross. Henry Holloway asked about fencing and how it would impact animals. Seamus Skelly said they would put in animal friendly fencing, with smooth top and bottom bars, that is safer than typical farm fencing for animals to get underneath. Where there is machinery and structural components, these would be surrounded by chain link fencing. The floodplain berm would be seeded to grass to allow wildlife gentle access to slopes. Charles Rabbit asked what if the animals can not find their way across and you have 20-30 deer trying to get across. Seamus Skelly said the fencing is set back from the top of the slope. Elliot Terry said the animals can get through the fence, this area is vegetated, and they can still cross Highway 22. Charles Rabbit said there shouldn't be any problem for the animals with the wildlife fencing. Seamus Skelly said the smooth bar in the fencing would be much easier for the animals.

25. Henry Holloway commented that he has noticed elk coming in on the west side of the reservoir. Elliot Terry said they followed tracks in 2015/2016 and used remote cameras and there are remnant grasslands where the elk are feeding in that area. Henry Holloway confirmed different ungulates (deer and moose) crossing through the area. Elliot Terry agreed with this animal activity. Bill Snow said that is why they are adamant about the wildlife crossings. The memories from Elders go back generations and this is the import part of cultural studies. The Elders tell stories of animals in the area. Wildlife cameras don't pick up everything and science is lacking where cultural studies can prove to be effective. Elliot Terry confirmed that wildlife cameras do not capture everything. Bill Snow said they have been asked to investigate where to build an overland animal passage by YMCA. Bill Snow would like to mark the importance of the cultural assessment and put the vegetation and animal studies into one cultural assessment as these areas relate to certain stories and wildlife behaviours. Focus on the impact to fish more in the next meeting.

26. Item number 11 (Wildlife)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response regarding fences. They would be removing farm fencing and wildlife friendly fencing would be less of an obstruction for the animals to move through the area. Henry Holloway asked if a single farmer owns large areas of land. Seamus Skelly replied that no, it is a collection of landowners. Clare Edwards added that the land would be purchased by Alberta Transportation. No action item for Item Number 11 (Wildlife).

27. Item number 12 (Traditional Land and Resource Use)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response regarding traplines. Bill Snow confirmed the traplines are west of Bragg Creek. No action item for Item Number 12 (Traditional Land and Resource Use).

28. Item number 13 (Traditional Land and Resource Use)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response about Treaty Rights. Shayne Maynard asked if Bill Snow wanted to elaborate on the concern. Bill Snow said the concern has come up at their regional planning meetings over the years. The Crown lands set aside for exercising Aboriginal and Treaty Rights have been getting eaten up every year. Other land uses going on include oil and gas, and/or hydro and the availability of land to practise Aboriginal and Treaty Rights is getting smaller with an increase in Alberta Crown lands. This is one issue they continue to raise collectively at Treaty 7 meetings. Especially for areas like this, the idea of reciprocity for replacing aquatic or terrestrial habitats will be a very important part of the mitigation. There are a couple blanket statements in Alberta Transportation's responses that Bill Snow does not agree with. Just because this is a small area it doesn't mean their rights are not affected. The wildlife that are there now and continue to use this area as a corridor is like how the area was used by animals in past. This goes back to Elder memories and the understanding of the area. Bill Snow does not agree that the structures will mitigate wildlife. The wildlife crossings need to be there for this project to work. Wildlife need space and the option to travel the corridors. Elliot Terry commented that the HWY 22 crossing is safer than other areas. Bill Snow said that a wildlife corridor should be there along with mitigative measures. Elliot Terry said that this is where the post-constructive monitoring will help, and it will aid in developing other options. Bill Snow said that the Stoney Nakoda have been advocating for a wildlife crossing. In their study they will comment on the cultural and biological function of animals in the area. SR1 will make it more difficult for wildlife to pass through safely. Affecting the wildlife affects the Aboriginal and Treaty Rights, which is not good because this affects the people. Seamus Skelly said that there will be more land access through the eastern area of the project area and this is a grazing lease. Henry Holloway asked about the farmers and ranchers in the area and their opinions on the project. Seamus Skelly said negotiations have not started yet but landowners have been approached, and they are not in favour of the project. Charles Rabbit asked Seamus Skelly why the Stoney Nakoda can't have meetings with the landowners. Seamus Skelly replied and said they are welcome to contact them. Henry Holloway and Charles Rabbit conversed in a First Nations language. The Alberta Transportation response did not meet the Stoney Nakoda Concern. The Stoney Nakoda are concerned with the impact to Aboriginal Rights.

29. Stopped meeting at 2:27 pm for a ten-minute break. Will continue at 2:40pm.

30. Item number 14 (Accidents and Malfunctions)

Meeting commenced at 2:50pm. Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response about oil pipelines. Shayne Maynard asked if utilities will be relocated. Seamus Skelly nodded. Shayne Maynard asked for any other comments on utility relocation. Bill Snow asked if the utility lines are for natural gas. Seamus Skelly and Clare Edwards confirmed that there is one oil line, and the rest are natural gas lines. Shayne Maynard pointed out the TransCanada line and Pengrowth Energy line. There is a pumping station just off Highway 22. The pipeline owners will do the work themselves to relocate the lines.

31. Bill Snow said they had a couple of incidents regarding natural gas and pipe operations. These incidents happened off reserve in 2009 and 2010 and people on the reserve were affected. The Stoney Nakoda still do not have a robust emergency response plan in place regarding natural gas incidents. They have been raising that issue since 2010. Hydrogen sulphide is the main concern; however, there are other properties that are embedded within natural gas lines that do make them hazardous. Whether or not it is moving product from processing plants for distribution or consumption, they still contain additives and properties. Seamus Skelly asked Bill Snow if his concern is emergency response. Bill Snow said they have identified this concern and brought it to Alberta Energy Regulator (AER) and there was no outcome. SR1 has magnified this issue because any leaks in the utility lines would impact the Stoney reserve. They have had incidents 40 kilometres from the Stoney Reserve and hydrogen sulphide gas has blown toward the reserve. That is why they are concerned with having an emergency response plan. They have never had a safety meeting with the Alberta Utilities Commission (AUC) and Bill Snow believes they are the regulator for the natural gas lines. They have only had meetings with the AER as they have a better system in place to react and respond to incidents. Bill Snow said the utility company must make the emergency response plan and it may be different for each company. If an incident occurred south of Sundre today and the hydrogen sulphide moved towards Morley, they would have no idea how to get that emergency information and pass it onto reserve residents. There is nothing in place for reserve residents to let them know about the size and nature of emergency situations. Seamus Skelly said the main impact to the utility lines is in the reservoir and again this is a conversation with the utility owners. Clare Edwards checked the EIA and confirmed the utility lines are natural gas and oil. The lines under the diversion structure will be lowered and the lines in the reservoir would be relocated west. Bill Snow described a 2006 study that investigated impacts to Albertans from oil and gas lines. By 2007 the report was supposed to be implemented, this obviously did not happen based on what occurred with the pipeline incidents in 2009 and 2010. Alberta Transportation will get information on what lines are in the area (who owns the lines), if they have emergency response plans and whether the regulator is AUC or AER. They will investigate the emergency response plan if something happens. At some point if there is a meeting, the Stoney emergency representative can be at the meeting to hear Alberta Transportation's response to that concern. Bill Snow said they have people on the reserve now to deal with emergency response situations. Seamus Skelly said the EIA does encapsulate information on lines. Bill Snow wants feedback on what would happen during an emergency.

32. Item number 15 (General Concerns)

Shayne Maynard read out the Stoney Nakoda concern and Alberta Transportation's response regarding Crown lands, he also asked for comments. Shayne Maynard confirmed that the landowners would be given monetary compensation. Bill Snow is concerned that once the private lands are purchased will they become Crown lands. Seamus Skelly confirmed this is accurate and the land would become Crown and administered by Alberta Environment and Parks. AEP would do the maintenance of the structure and area. It would be Crown land. Bill Snow said that is where the idea of reciprocity of Crown land comes from. Loss of habitat. Seamus Skelly said the area will be revegetated and the side slopes would be seeded back to grass. The net loss or concrete area would be much smaller and limited to the diversion structure. Bill Snow thinks that the concern is that this is a camping and hunting area, prior to settlement, and the camping and hunting function would be permanently altered. This area is currently till and would be converted to crop. Bill Snow said that the function is being taken away and the Stoney Nakoda can't hunt there. Seamus Skelly asked how Bill Snow is hunting on private land to begin with. Bill Snow said they are

very sneaky about it. Seamas Skelly confirmed that the Stoney Nakoda can still hunt there if it is Crown land.

33. Item number 16 (General Concerns)

Shayne Maynard read the Stoney Nakoda concern and Alberta Transportation's response regarding use of incorrect maps in the EIA, also asked for comments. This was addressed with maps in the updated EIA. There are no action items or concerns for Item Number 16 (General Concerns).

34. Item number 17 (General Concerns)

Shayne Maynard read the Stoney Nakoda concern and Alberta Transportation's response about McLean Creek, also asked for comments. Seamas Skelly said there are no concerns because they are not looking at the McLean Creek option anymore. There are no action items or concerns for Item Number 17 (General Concerns).

35. Item number 18 (General Concerns)

Shayne Maynard read the Stoney Nakoda concern and Alberta Transportation's response about other flood control measures, also asked for comments. There are no action items or concerns for Item Number 18 (General Concerns).

36. Item number 19 (General Concerns)

Shayne Maynard read the Stoney Nakoda concern and Alberta Transportation's response about providing a map of Stoney Nakoda Nation's traditional territory, also asked for comments. Bill Snow provided the map so this concern is closed. There are no action items or concerns for Item Number 18 (General Concerns).

37. The Specific Concerns and Response Table (7-4) has been addressed and the meeting moved into general comments.

38. Shayne Maynard asked if there were any other comments people wanted to make and Talina Cyr-Steenkamp read over the action items collected during the meeting. William Snow had a comment on the display for the Bighorn Dam. The video will be available when the Royal Alberta Museum opens.

39. Bill Snow said they would like to do fieldwork this summer and finish up the cultural assessment portion of their study. Seamas Skelly told Bill Snow to submit what he would like to do and in what areas with a budget to DEMA. Bill Snow confirmed he will put something together for that. He said he would have to coordinate their own meeting to discuss the items talked about in this June 4, 2018 meeting. The open house boards with the maps can be found on the Alberta Transportation website. All the figures are in the EIA as well.

40. Henry Holloway asked about a follow-up Elders meeting and expressed interest in contacting Mary Robinson.

41. Seamas Skelly explained they had made their submission to CEAA and said the public comment period was extended to June 15, 2018. Seamas Skelly asked if CEAA was in contact with Stoney Nakoda Nation. Seamas Skelly told Bill Snow to provide comments to CEAA regarding the species at risk and emergency preparedness. Bill Snow said he would make those suggestions through the open process.

42. Meeting adjourned at 3:32 with a prayer.

Summary of First Nation Concerns not expressed in Table 7-4:

1. The rate of stabilization for fish will take longer than the expected three years and it will take a long time for them to acclimate to the conditions post-construction.
2. Native fish species (mountain white fish, bull trout and cutthroat trout) should be included in the discussion on fish and fish habitat. These are species that First Nations traditionally subsided on and lands in SR1 were used as camping spots to access these fish resources. In addition, the Stoney Nakoda are noticing a decrease in water levels which will have a further impact on fish habitat.
3. There is a concern with the lack of wildlife corridors and that the project will impact wildlife movement. Wildlife need space and the option to travel the corridors. This goes back to Elder memories because how the animals use the land today is similar to how they used the land in the past. There should be at least one overland crossing over Highway 22.
4. There is a concern using electrofishing and that fish will die during relocation. Stoney Nakoda Nations would like Alberta Transportation to explore other ways of retrieving and relocating the stranded fish.
 - a. Electrofishing is only one option for capturing fish for relocation; the concern is noted.
5. Concern that there is a lack of long-term wildlife studies on the cumulative impacts the SR1 project would have to wildlife. These studies should address animal movement in the area.
6. The Stoney Nakoda would like to mark the importance of the cultural assessment and place animal and plant studies into one cultural assessment as these topics relate to certain stories and wildlife behaviour. This relates to using cultural studies to look at animals and plant instead of relying only on scientific techniques.
7. There is a concern from the Stoney Nakoda Nation that the land they can practise Aboriginal Treaty Rights on is getting smaller with an increase in development. This has an impact on Aboriginal Rights.
8. There is a concern with emergency response preparedness and how emergencies would be communicated to the Stoney Nakoda Reserve (specifically for pipelines and utility lines).
9. There is a concern that the SR1 area was used in the past for traditional activities, such as hunting, and camping and that this activity would be permanently altered by the Project
10. Stoney Nakoda Nations Stoney Nakoda Nations noted that out of respect for the Elders, members refer to the Old Blackfoot Trail as Stoney Trail.

Action Items:

1. Stantec will provide Bill Snow with a two-page condensed project summary word document. This will include a paragraph of project description and a timeline of the planning stages for construction, a project map and a regional map of the proposed project area, the upcoming deadlines for CEAA review.
 - a. Project summary was provided to Bill Snow June 12, 2018 via email.
2. Bill Snow will contact Mary Robinson about visiting her residence and doing a ceremony and site visit.
3. Stoney Nakoda will decide what areas they would like the visit with Elders.

4. Bill Snow will follow up with CEAA funding to see if the Stoney Nakoda Nation can accommodate a presentation and/or ceremony on SR1 lands.
5. Seamas Skelly will email Bill Snow the link to the website with the hydrology summary. It is on the Alberta Transportation website and Canadian Environmental Assessment (CEAA) Agency website. Bill Snow will pass this along to the Chiniki band manager to see if the hydrology summary satisfies the concern of floodwater impacts to groundwater.
 - a. Links were provided in email on June 12, 2018.
6. In the next Elders meeting Bill Snow will include a discussion on fish habitat loss and native fish species at risk.
7. Alberta Transportation will get information on what utility lines are in the area and who owns the lines. They will look into whether the regulator is AUC or the AER and investigate the emergency response plans of the utility companies.
8. Bill Snow would like to do fieldwork this summer (2018) and finish up the cultural assessment portion of their study. He can submit what he would like to do and in what area with a budget to DEMA Land Services. Bill Snow confirmed he would put together a proposal for this work.
9. Stoney Nakoda Nations recommended the book, *These Mountains Are Our Sacred Places*, by John Snow, which discusses effects from the Bighorn Dam.
10. Stoney Nakoda Nations stated that in when open, the Royal Alberta Museum will have a display about the Bighorn Dam. Stoney Nakoda Nations recommends that organizations attend and learn about the effects experienced by Stoney Nakoda Nations.

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|---|---|---|--|
| | Engagement (See Volume 1, Section 7, Volume 4 Appendix B) | | |
| 1 | <p>Stoney Nakoda Nation confirmed the SR1 project is in their Traditional Territory. They want to be able to complete an internal Cultural Review of the project area with Elders.</p> <p>The Stoney Nakoda Nation feel a Cultural Use Study, a Stoney Hydrology report, and a wildlife impacts study are required.</p> | <p>AT has been engaged with Stoney Nakoda Nation since 2014 to understand how the Project potentially impacts rights, interests and traditional uses.</p> <p>Alberta Transportation has provided funding for the Stoney Nakoda Bears paw, Chiniki, Wesley Nations to conduct a Traditional Use Study on the project lands. No report has been received to date, March 16th, 2018.</p> <p>To facilitate the traditional use studies, Alberta Transportation arranged and facilitated 11 site visits by Stoney Nakoda Nations within the Project</p> | <p>Stoney Nakoda Nations explained that they are currently being engaged with on over 500 active projects and therefore capacity continues to be an issue for Stoney Nakoda Nations. 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.</p> <p>At this time, nothing is directly needed from Alberta Transportation; however, Alberta Transportation is willing to assist</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|--|---|---|---|
| | | <p>Development Area (PDA) in the fall of 2016.</p> <p>Alberta Transportation sent the link to the October 2017 EIS to Stoney Nakoda Nation on November 3, 2017. On December 5th, 2017, AT requested feedback on the Traditional Land and Resource Use (TLRU) sections (Volumes 3A and 3B).</p> <p>Project timelines for resubmission of the EIA/EIS were extended by 60 days in order to undertake further indigenous engagement activities.</p> <p>Alberta Transportation provided Stoney Nakoda Nations with the revised draft TLRU sections for review and comment under correspondence dated February 6, 2018. AT also offered a workshop with the goal of better understanding potential impacts of the Project to Stoney Nakoda Nations and to provide responses to the concerns raised to date.</p> <p>A workshop was held with Stoney Nakoda Nation on February 12th, 2018, and was facilitated by CEAA.</p> <p>Verification of the meeting minutes from the workshops was not received prior to March 16, 2018 and therefore the TLRU sections in the EIA/EIS have not been updated to include information discussed. A second workshop is planned for March 20th, 2018.</p> <p>Relevant information, concerns and recommendations received after the EIA/EIS has been filed in March 2018 will</p> | <p>in arranging land access or other logistics as required.</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|--|---|--|---|
| | | be used for project planning and implementation purposes, where applicable. | |
| 2 | The Stoney Nakoda Nation expressed concerns with the Stoney lack of mapping capability and requested some assistance understanding the SR1 mapping. | Alberta Transportation provided a PDF and Google KMZ map of the test Bore holes completed during the site investigation phase at the SR1 project. | Stoney Nakoda Nations explained that they are currently being engaged with on over 500 active projects and therefore capacity continues to be an issue for Stoney Nakoda Nations. |
| 3 | Indicated desire to do a site visit with elders. (Sept 2017) | At the time of the request AT's agreement with the landowners for access had expired. Any additional access would need to be requested on an owner by owner basis. | The Stoney Nakoda Nations consultation team will speak with Elders to determine which areas to visit or revisit. |
| 4 | Requested about having an on-reserve presentation on the SR1 project, | AT presented the SR1 Project to the Stoney Nakoda Nation at the Stoney Nakoda Resort on Feb 12th, 2018. A further workshop at the Stoney Nakoda Resort has been scheduled for Feb 20th, 2018. | Stoney Nakoda Nations will discuss whether this concern has been met with other members of the consultation team. |
| 5 | Desire for their consultation team and elders to undertake a ceremony on the SR1 lands. They wanted Alberta Transportation and CEAA to participate. | At the request of Indigenous groups, Alberta Transportation will participate in ceremonies (if invited) prior to the start of construction, including making offerings. | Stoney Nakoda Nations will confirm with CEAA regarding funding for holding a ceremony. |
| Hydrology (See Volume 3A and 3B, Section 6) | | | |
| 6 | Concerned about the hydrology of the SR1 area. In particular Elbow River vs. groundwater impacts. | <p>The EIA considered the effects of the Project on both surface water (Volume 3A and 3B, section 6) and groundwater, including the Alluvial Aquifer (Volumes 3A and 3B, section 5, Appendix I).</p> <p>The assessment used a complex numerical groundwater model (FEFLOW) to evaluate potential changes to the hydrogeologic system, including aquifer pressure, caused by floods and construction and operation of the Project. The results of a</p> | <p>This concern was raised by the consultation officer for Chiniki First Nation. Stoney Nakoda Nations will provide the hydrology summary (from the EIS Summary) to Chiniki First Nation to confirm whether this response addresses the concern.</p> <p>Alberta Transportation will provide Stoney Nakoda Nations with the link to the EIS Summary.</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|--|---|---|-----------------|
| | | <p>series of the modeling scenarios showed that the groundwater levels and flow patterns are altered within the vicinity of the proposed Project. Changes are observed within the reservoir area during flooding and recede toward pre-flood conditions following floods. Changes in the groundwater flow regime are also observed along the proposed diversion channel. The model results were used as the basis for the EIA. The assessment concluded that effects to groundwater quantity and quality would not be significant.</p> <p>The residual effects on groundwater quantity from the Project are assessed as not significant because they would not decrease the yield of groundwater supply wells to the point where they can no longer be used. The residual effects on groundwater quality from the Project are assessed as not significant because changes in groundwater quality at existing wells would not deteriorate to the point where it becomes non-potable or cannot meet the Guidelines for Canadian Drinking Water Quality for a consecutive period exceeding 30 days (for those parameters which don't already, under existing conditions, exceed those guidelines). Effects to groundwater would be limited to the local assessment area.</p> | |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|---|--|---|---|
| | Fish and Fish Habitat (see Volume 3A and 3B, Section 8) | | |
| 7 | Concerns that the SR1 project will act as a barrier to the migration of wildlife and fish. | <p>Although the Project would result in additional anthropogenic features on the landscape that might hinder wildlife movement in the local assessment area, Alberta Transportation has made adjustments to accommodate wildlife movement such as revegetating the floodplain berm with materials conducive for ungulate movement. The EIA concluded that the project residual effects on wildlife movement are unlikely to pose a long-term threat to the persistence or viability of a wildlife species, including species at risk (EIA, Volume 3A and 3B section 11).</p> <p>During Project design it was recognized that the diversion structure could result in an increase in flow rates of the Elbow River at the structure and potentially affect the ability of fish to pass upstream. In order to avoid affecting fish passage design elements were incorporated to ensure that under normal river conditions flow rates are maintained within the range suitable for fish passage.</p> | <p>Stoney Nakoda Nations expressed concern about fish returning to the habitat once the coffer dam (used during construction) has been removed.</p> <p>The Stoney Nakoda Nations consultation team will discuss fish species of importance (including mountain whitefish, cutthroat, and bull trout) during the next Elder’s meeting to understand potential effects and mitigation better.</p> <p>Stoney Nakoda Nations and Alberta Transportation discussed habitat replacement and confirmed that it will be replaced and will be directed by DFO.</p> <p>Stoney Nakoda Nations requested that a discussion be held with Alberta Transportation regarding alternative options for fish salvage, beyond electrofishing.</p> |
| | Wildlife (see Volume 3A and 3B, Section 11) | | |
| 8 | Emphasized the importance of wildlife crossings and was concerned that if not properly managed could be a problem for the SR1 project. | <p>Although the Project would result in additional anthropogenic features on the landscape that might hinder wildlife movement in the local assessment area, Alberta Transportation has made adjustments to accommodate wildlife movement such as revegetating the floodplain berm with materials conducive for ungulate movement. The</p> | <p>Stoney Nakoda Nations expressed concerns that wildlife will not adapt to the new land configurations.</p> <p>Stoney Nakoda Nations recommended that long-term/cumulative wildlife studies be conducted in the Project area. Stoney Nakoda Nations stated that it is important to do cultural studies on wildlife, fish,</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|---|---|---|--|
| | | EIA concluded that the project residual effects on wildlife movement are unlikely to pose a long-term threat to the persistence or viability of a wildlife species, including species at risk (EIA, Volume 3A and 3B section 11). | etc. rather than relying only on Western scientific techniques. |
| 9 | Concerns regarding wildlife, fish, and birds, and that the project will drive away these animals. | The Project will result in direct and indirect loss of wildlife habitat during construction and dry operations; however, the amount of wildlife habitat permanently affected (168 ha) is relatively small compared to the availability of wildlife habitat remaining in the local assessment area (4,860 ha). Although there would be temporary displacement and disturbance to wildlife during construction, a measurable change in the abundance of wildlife in the regional assessment area is unlikely. | Stoney Nakoda Nations recommended that long-term/cumulative wildlife studies be conducted in the Project area. Stoney Nakoda Nations stated that it is important to do cultural studies on wildlife, fish, etc. rather than relying only on Western scientific techniques. |

| | | | |
|-----------|---|--|--|
| <p>10</p> | <p>Expressed concerns over wildlife passage through the SR1 area following construction. He inquired if there would be wildlife crossings built over HWY 22 or Highway 8.</p> | <p>There is no plan to build wildlife overpasses. The diversion channel and dam were contoured to allow for wildlife passage through the SR1 area during non-flood times. The channel will be directed under HWY 22 and Township Road 242. The area underneath the bridges will contain rip rap however, the rip rap under the bridges will be filled with gravel potentially enabling animals to move under the bridges and avoid crossing the roads.</p> <p>With respect to Project design, the side slopes and bottom of the diversion channel will be vegetated, with the following exceptions. Where the diversion channel passes through bedrock, the channel would remain as an exposed bedrock cut. Articulated concrete matting will be provided in select areas of the channel where pipelines cross. Riprap erosion protection will be provided at critical areas including at bridge crossings, around the emergency spillway and for a 1.4 km stretch at the diversion channel outlet structure. The south portion, farthest from Elbow River, will be a 450-m earthen embankment vegetated with native grasses. The floodplain berm will also be covered with materials conducive to ungulate movement (see Volume 3A, Section 11).</p> <p>A remote camera program will be designed in consultation with Alberta Environment and Parks (AEP), to identify whether the diversion channel acts as a barrier to wildlife movement during dry operations, especially for ungulates, and determine the effectiveness of mitigation implemented throughout the</p> | <p>Stoney Nakoda Nations expressed ongoing concerns with infrastructure affecting wildlife passage and recommend the consideration of wildlife crossings, including overpasses.</p> <p>Stoney Nakoda Nations recommended that long-term/cumulative wildlife studies be conducted in the Project area. Stoney Nakoda Nations stated that it is important to do cultural studies on wildlife, fish, etc. rather than relying only on Western scientific techniques.</p> <p>Alberta Transportation does capture animal/vehicle collision data and has a program in place to identify animal/vehicle collision prone locations and possible mitigation measure (including but not limited to wildlife overpasses).</p> |
|-----------|---|--|--|

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|---|--|--|---|
| | | <p>diversion channel. The remote camera program will also include monitoring along the Elbow River to determine if wildlife use of the Key Wildlife and Biodiversity Zone (KWBZ) has been affected by the construction and operation of the Project.</p> <p>Alberta Transportation does capture animal/vehicle collision data and has a program in place to identify animal/vehicle collision prone locations and possible mitigation measures (including but not limited to wildlife overpasses).</p> | |
| 11 | Expressed concerns that the fences that would be built around the SR1 site might impact wildlife passage through the area. | Fences that are planned for the SR1 project would be similar to the farm fencing that already exists and should not have any additional impact to wildlife than currently exists. | Stoney Nakoda Nations stated that this type of fencing should be ok for wildlife. |
| Traditional Land and Resource Use (See Volume 3A and 3B, Section 14) | | | |
| 12 | There are two trap lines out there and Stoney members use the area for trapping. | Based on available information there are no registered traplines within the PDA. AT has requested the locations of the two traplines and were the Stoney members trap in order to determine if there is potential impact from the Project. | Stoney Nakoda Nations confirmed that the traplines are located west of Bragg Creek and there are no active traplines in the Project area. |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|--|--|---|--|
| 13 | <p>Concerns were expressed for the Stoney Nakoda cultural practices, their current use of lands and resources for traditional purposes, and concerns to their Treaty Rights.</p> | <p>Effects on potential or established Aboriginal or Treaty rights are addressed through the assessment of the current use of lands and resources for traditional purposes. By acknowledging a link between practice-based rights and current use, this assessment accepts that adverse residual effects on availability of traditional resources for current use, on access to traditional resources or areas for current use, or on sites or areas for current use will have a consequent effect on the ability of Indigenous groups to exercise potential or established Aboriginal and Treaty rights. Given that the residual effects for the Project on TLRU are predicted to be not significant, no effects on potential or established Aboriginal or Treaty rights is expected to occur as a result of the Project.</p> <p>In addition, a conservative assumption was made that Indigenous groups had access to the PDA to practice traditional use activities notwithstanding access to these private lands is limited.</p> | <p>Stoney Nakoda Nations does not completely agree with this summary, explaining that the lands that are available for traditional land and resource use are getting smaller and smaller over the years. This is a cumulative effect and habitat replacement is important.</p> <p>Stoney Nakoda Nations stated that an effect on wildlife results in an effect on Treaty rights.</p> |
| Accidents and Malfunctions (See Volume 3D, Section 1) | | | |
| 14 | <p>Inquired about the Oil Pipelines that cross the SR1 lands and what would happen to them as part of SR1.</p> | <p>The procedures for dealing with overhead and buried utilities located within constructions zones is highly regulated. All regulatory requirements will be strictly adhered to.</p> <p>Oil and gas pipelines operated by four companies (TransCanada Pipelines Ltd., Pengrowth Energy Corp., Veresen Inc., and Plains</p> | <p>Stoney Nakoda Nations expressed concerns about emergency preparedness. Stoney Nakoda Nations requests reassurance that there will be an emergency response plan in place and that the regulator(s) will manage the response in the event of an incident, spill, release, etc. Stoney Nakoda Nations stated that a communication plan</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|--|--------------------------------------|--|---|
| | | <p>Midstream Canada) are located within the diversion channel, dam, and reservoir areas.</p> <p>Alberta Transportation are currently in contact with these utility owners and crossing agreements will be developed. Buried pipeline and overhead utilities will be relocated, moved or lowered as required. Prior to any soil disturbance, utility locate sweeps will be done and buried lines and pipelines will be flagged and marked. Pipeline crossings will be designed and maintained as required by the utility owners and in strict compliance with regulations. Daily hazard assessments will be conducted before work is undertaken in the vicinity of utilities. In the event of damage to existing pipelines, project personnel would contact the pipeline company's emergency contacts to address pipeline emergency response. The implementation preventative measures and of daily hazard assessments will greatly reduce the risk of accidental contact with utilities.</p> <p>In the unlikely event of damage to existing pipelines, project personnel would contact the pipeline company's emergency contacts to address and coordinate the emergency response. The implementation of preventative measures and of daily hazard assessments will greatly reduce the risk of accidental contact with utilities</p> | <p>needs to be part of the response plan.</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|----|--|--|---|
| | General Comments | | |
| 15 | Crown land should be set aside to replace lands taken for SR1. | If approved, the project requires the acquisition of private land. Landowners would be provided monetary compensation. These private lands will not be replaced. | Stoney Nakoda Nations requested a discussion regarding compensation for the loss of access to Crown lands, since the Project area will become Crown land once it is purchased from private land owners. |
| 16 | Transportation has used incorrect maps of Stoney IR 142, 143, 144. | The EIA has been updated to use the correct maps of the Stoney Nakoda Nation Reserve 142,143, 144. The map was sourced from Natural Resources Canada, Lands and Minerals Sector - Geobase http://ftp.geogratis.gc.ca/pub/nrcan_rncan/vector/geobase_al_ta/ | Stoney Nakoda Nations indicated that this responds to the concern. |
| 17 | Asked when/how historical/indigenous impact studies will be conducted for the McLean Creek option. | There is no intention to complete historical/indigenous impact studies for the McLean Creek option. An assessment of the McLean Creek option was included as part of the Project Location Alternatives assessment in the EIA/EIS (Volume 1, Section 3, Volume 4, Supporting Documentation). AT is applying for the SR1 Project. | Stoney Nakoda Nations indicated that this responds to the concern. |
| 18 | EIA and project cannot be looked at in isolation from other flood control measures. | Following the floods of June 2013, the government of Alberta assessed various flood mitigation measures as detailed in the Project Location Alternatives section of the Volume 1 Project Description of the EIA/EIS. The SR1 Project was selected as the preferred option. In addition, flood mitigation projects for Bragg Creek and Redwood Meadows are underway. | Stoney Nakoda Nations acknowledged this response but did not provide further feedback. |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| | Issues, Concerns and Recommendations | Responses and Outcomes | Feedback |
|----|--|---|--|
| 19 | Provide map of location of traditional territory of Stoney Nakoda. | <p>The EIA provides a description of the Stoney Nakoda traditional territory from source - SIB 2014: Amended Statement of Claim, Court File Number 0301-19586</p> <p>This amended statement of claim was prepared and filed by Stoney Nakoda Nations in the context of Action Number 0301-19586. This source was used to provide background information for Stoney Nakoda Nations, including information on the traditional territory. The scope of the identified traditional territory is one of the issues in dispute in the context of this litigation.</p> | Stoney Nakoda Nations indicated that this responds to the concern. |

SEPTEMBER 13, 2018 – MEETING TO REVIEW STONEY NAKODA NATIONS TUS AND SR1 PLANNING FOR FUTURE WORK

DEMA Staff Name: Dallas Maynard

Section 1. First Nation Information

| Date | Time | DEMA File |
|--|----------------------|--|
| September 13, 2018 | 10:00 pm to 12:00 pm | 20808 |
| First Nation | | Alberta Transportation |
| Stoney Nakoda Nations (Bears paw, Chiniki, Wesley) Bill Snow, Consultation Manager, Stoney Tribal Administration Dean Cherkas, Director of Consultation | | Alberta Transportation: Mark Svenson, Seamas Skelly DEMA Land Services: Dallas Maynard |
| Contact Info William (Bill) Snow Office: 403-881-4760 / Cell: 587-580-6212 Email: bills@stoney-nation.com | | |
| Meeting Location | | Who Initiated the Meeting? |
| Grey Eagle Resort Hotel, Starlight Room | | <input checked="" type="checkbox"/> -First Nation <input checked="" type="checkbox"/> - AT - DEMA |

Section 2. Meeting Details

1. The meeting began at 10:20 due to late arrivals. Initially Bill Snow updated Dean Cherkas on the recent discussions that he had had with Dallas Maynard which had led to the decision to meet at the Grey Eagle.
2. Dean Cherkas provided an update on behalf the Tribal Administration and indicated that the Stoney Nakoda Chiefs need “facetime” with Alberta Environment and Parks (AEP) as part of the regulatory process and they were working on that as part of their engagement with the Canadian Environmental Assessment Agency (CEAA).
3. Dallas Maynard inquired if the Stoney Nakoda Nations had any timeline of when they might deliver their Traditional Use Study (TUS). Bill Snow responded that their current workload is causing a problem with the completion as are their budgets. Bill Snow indicated that they were in the process of hiring another team member. Dallas Maynard asked if the Stoney Nakoda Nation still wanted to undertake additional visits to SR1 with their Elders.
4. Bill Snow indicated that hydrology was a concern of a former Chiniki manager. Dean Cherkas requested hydrology information. Seamas Skelly indicated that the hydrology information had been shared with the Stoney Nations in sections 3A and 3B of the Environmental Impact Assessment (EIA). Dean Cherkas asked that the EIA be sent to his attention. Dallas Maynard indicated that he would have the EIA placed on a USB stick and would have that delivered.

5. Dallas Maynard again inquired on the Stoney Nakoda Nation TUS report. Dean Cherkas responded that the lack of administration support which is related to funding was the main reason for the delay.
6. Bill Snow indicated that they were in the process of hiring a new person as part of their Consultation office and if their funding could be maintained that person could help finish the TUS report.
7. Bill Snow provided a general comment that the Stoney SR1 concerns were still not being responded to. Bill Snow indicated that he still sees no wildlife crossings or corridors in the SR1 design.
8. Dean Cherkas stated that they want to see more mitigation strategies to accommodate their concerns.
9. Mark Svenson, referencing the SR1 map which was projected onto a monitor in the meeting room, indicated that the project structures under Highway 22 will pass wildlife. Mark Svenson indicated that 95% of the time or more, there would be no water in the diversion channel and the proposed storage reservoir. The channel has been designed to allow wildlife to move through the area, including under Highway 22. Mark Svenson confirmed that methods of plotting wildlife movements through the area used government records of conflicts with traffic on HWY 22 and Stantec had also placed cameras on the project to detail animal traffic through the area during their field work for SR1.
10. Seamas Skelly, referencing the map shown on the monitor, described the designed 3:1 slope planned for the diversion channel and that the diversion channel is 24 metres wide at the bottom. Seamas Skelly described how the diversion channel crossing under Highway 22 would allow wildlife to cross under the Highway.
11. Bill Snow stated that he would like to see an overpass rather than an underpass on Highway 22.
12. Dallas Maynard asked Bill Snow if it would be helpful to dedicate a meeting for a discussion on wildlife crossings and corridors.
13. Bill responded that wildlife corridors was just one concern. He brought up recent comments that had been made by Minister Mason regarding SR1 to “push SR1 through.”
14. Mark Svenson described the meetings that have been held with the Stoney Nakoda Nations that began in Oct 2014, the site visits on SR1 completed in late 2016, and the funding provided for the Stoney TUS report. Mark Svenson described the EIA submissions and re-submissions and the need to receive the Stoney Nakoda TUS so that it could be considered by Alberta Transportation in the overall SR1 consultation and mitigation. Mark indicated that SR1 is in the regulatory process with CEAA and time was running out to incorporate the Stoney Nakoda Nations information in the regulatory process.
15. Dallas Maynard indicated that there was approximately \$10,000 remaining from the initial Stoney TUS budget that will be paid once the report is received. Mark asked when their TUS may be completed for use by Alberta Transportation. Dean indicated that they are working to have it completed by the end of December 2018.

Summary of First Nation Concerns

- Concerned that there are still no wildlife crossings in the project. Stoney Nakoda Nation would prefer an overpass over HWY 22.

Action Items

1. Bill Snow and Dean Cherkas to provide a budget to DEMA for additional work that might be required with the Bearspaw, Chiniki and Wesley Elders.
2. DEMA to provide the hydrology references in the EIA to Dean Cherkas.
3. Alberta Transportation would provide a response to the Stoney Nakoda Nations on mitigation related to the wildlife corridors and crossings on SR1.

SR1 CONSULTATION MEETING ALBERTA TRANSPORTATION AND STONEY NAKODA NATION

DEMA Staff Name: Amandah van Merlin

Section 1. Indigenous Group Information

| Date | Time | DEMA File |
|--|--------------------|---|
| February 22, 2019 | 9:00 AM – 12:00 PM | 20808 |
| Indigenous Group | | Alberta Transportation |
| Stoney Nakoda Nation Bill Snow, Chris Goodstoney, and Conal Labelle | | Alberta Transportation: Mark Svenson, Seamas Skelly Stantec: Jim Howell, Eliot Terry, Liam Mackle Alberta Consultation Office: Kate McEwan, Leanne Riep |
| Contact Info Bill Snow bills@stoney-nation.com | | DEMA Land Services: Dallas Maynard, Alex Burchill, Amandah van Merlin |
| Meeting Location | | Who Initiated the Meeting? |
| Stoney Nakoda Resort, Bearspaw Room | | <input type="checkbox"/> -First Nation <input checked="" type="checkbox"/> - AT - DEMA |

Section 2. Meeting Details

1. The meeting was scheduled to begin at 9:00 AM. The Stoney Nakoda Nation representatives arrived around 10:00 AM. The meeting began at 10:14 AM with a prayer from Conal Labelle.
2. Dallas Maynard opened the meeting and asked everyone to introduced themselves.
3. Dallas Maynard asked Bill Snow for some opening remarks.
4. Bill Snow stated that he did not have too many remarks but was trying to schedule this meeting amongst several other year end project. He is hoping there will be more time for SR1 in the spring, after end of fiscal.
5. Dallas Maynard stated that the purpose of this meeting is for Alberta Transportation and Stantec to present on the concerns voiced by the Stoney Nakoda Nation on wildlife and the proposed mitigations for those concerns. We will be sending out this PowerPoint Presentation.
6. Bill Snow asked if there was an update from the latest conference call in December or January, but he could not recall if the call was part of the Canadian Environmental Assessment Agency (CEAA) process or part of Alberta Transportation's process. Mark Svenson stated that the meeting might have been through a Technical Advisory Group (TAG) meeting which Alberta Transportation is not part of, so he was unaware of any updates.

7. Dallas Maynard turned the floor over to Eliot Terry, Stantec's wildlife biologist.
8. Eliot Terry began his presentation by stating that the objectives of this presentation were to provide an overview and update on the mitigations of concerns that were voiced by the Stoney Nakoda Nation. He noted that that this presentation was part of the Environmental Assessment to determine wildlife habitat and movement within the project area for the SR1 reservoir.
9. Eliot Terry noted that the concerns raised by the Stoney Nakoda Nation included project structures creating barriers for wildlife movement, inclusion of wildlife crossings in the design along HWY 22 to provide safe passage for wildlife, and the fencing associated with the project. Eliot Terry stated that he would be going over these concerns as well as providing the mitigation proposals which are from the Environmental Impact Assessment (EIA).
10. Eliot Terry went through the mitigations to changes in wildlife movement. He stated that the main goals for this were to reduce the effects of some of the project structures, particularly the diversion channel and the floodplain berm. The goals were to reduce the effects of the structures and enhancing the movement capabilities by using wildlife friendly fencing around the structures.
11. Eliot Terry defined how the effects of the diversion channel, which is approximately 4.7 kilometers long, had been reduced through the design. He stated that the main mitigations were designing the slope angles along the diversion channel to a 3:1 ratio, like a highway ditch, which is easily traversable by wildlife. These slopes will also be vegetated along sections of the diversion channel and where there is armoring of the channel with riprap, this will be filled in with a substrate that allows ungulate passage.
12. Eliot Terry gave an overview of the effectiveness of using underpasses as a method of facilitating wildlife movement. He noted that all studies on wildlife overpasses and underpasses are all out of Banff, Alberta. He stated that the preference for underpasses or overpasses vary by species, some readily use underpasses, but others prefer to use overpasses. Deer and elk will use both overpasses and underpasses. Eliot Terry outlined that the preferences are related to the habitat, what the substrate used as the base of the over or underpass. The most important factor is that underpasses are large and allow in a lot of light, the more open the better. He added that there were other factors that reduced the effectiveness of the mitigation, and those included noise, human activity, and additional length to the underpass.
13. Eliot Terry moved on to giving specifics of the bridge over HWY 22. He stated that there will be riprap under the bridge, and that rip rap will be filled with finer granular material to make the substrate level so that ungulates in particular will want to use this area as a passage. He stated that we have already confirmed that both deer and elk are using the adjacent habitat.
14. Eliot Terry then showed the cross section view of the HWY 22 bridge. He highlighted what the 3:1 slope would look like along the bridge and said that the slopes would be grassed, and the riprap would be filled with fine grained substrate. He stated that the openings at the base were 24 metres across and 10 metres high. Eliot Terry noted that the design of this bridge exceeds the dimensions of underpasses in Banff and they know is being used by wildlife.
15. Eliot Terry moved to the design of the floodplain berm, which is the other key structure. This structure lies within the Key Wildlife and Biodiversity Zone along the Elbow River valley. This berm has been designed to not act as a barrier. They are designing this berm to be covered with grass and where there are areas that need riprap armoring, they will be adding fine

grained substrate. The last section is completely earthen and will be reseeded with native grasses.

16. Eliot Terry stated that the project would be using wildlife friendly fencing. Currently within the project area there are kilometers of barbed wire fencing; if the project goes ahead, these will all be removed. They will be using wildlife friendly fencing around the perimeter project area. This type of fencing is designed so that wildlife and safely pass over or under it. The top and bottom wires will both be smooth.
17. Eliot Terry stated input from the Indigenous communities will be included in the design process and that a remote monitoring program there will be developed and used to determine if the project structures are acting as barriers during dry operations. They will be focusing on the species that the Indigenous communities have told them are culturally important species. This monitoring program will be started with baseline monitoring studies and they will be moving forward with this as a collaboratively designed program between the regulators and the Indigenous communities.
18. Eliot Terry delved further into the remote monitoring program. He stated that the objective was to determine if the structures related the project were barriers in the Local Assessment Area (LAA). The current plan is to place cameras back in the locations where the baseline study was done. Six cameras will be placed along the Elbow River, four will be placed near HWY 22, and four more will be placed along the diversion channel. The placement of cameras will likely change based on input from the Indigenous communities and there will be monitoring cameras added to the permanent structures as well.
19. Eliot Terry brought his presentation to a close at 10:37 AM. He concluded by noting that the mitigations are predicted to reduce effects on wildlife movement within the LAA. He also added that they are not certain how the wildlife will react to the materials that will be used to fill in the riprap. The monitoring program will be used to understand what the effects on wildlife movement are after the structures are in place and evaluate the mitigation measures.
20. Eliot Terry opened the floor up for discussion.
21. Bill Snow asked if there were two underpasses? Mark Svenson stated that there was an underpass and a culvert on HWY 22. Seamas Skelly added that there was a bridge and subsequent underpass on TWP 242. Bill Snow asked where the locations were for the underpass and the culvert were. Seamas Skelly stated that those were where they had placed the cameras and pointed to the area on the project area map.
22. Bill Snow asked for the dimensions of the culvert. Eliot Terry answered that the culvert was 3.67 metres across. Bill Snow asked if there were going to mitigation measures done for this culvert. Eliot Terry said that this culvert would allow for deer and anything smaller to pass through. Mark Svenson added that elk may use the culvert. There was some discussion of whether the photo of an example culvert was an adequate comparison, Bill Snow asked for an illustration of what the culvert on HWY 22 would look like. Mark Svenson and Seamas Skelly confirmed that would be sent.
23. Bill Snow commented that the Banff culvert is a shared pedestrian and wildlife corridor and asked what effects that had on wildlife using the corridor. Eliot Terry restated that human activities are known to have effects on wildlife movement. Mark Svenson stated that there are no proposals to put trails in this area or increase human activity in the area, so this would not be an issue in the SR1 project area.
24. Dallas Maynard asked where the underpass was in Banff. Bill Snow answered that it is right when you come into Banff at Cascade Mountain.

25. Bill Snow asked Eliot Terry if the studies for the Banff underpass were in the EIA. Eliot Terry said they were, he noted that papers from Tony Clevenger, who had worked in Banff National Park for 20 years, were used to form some of the basis for their mitigations. Bill Snow asked whether there were other crossing studies that had been done along HWY 22 that might have been done by one of the universities in Alberta. Eliot Terry said that maybe the Miisstakis Institute and the University of Calgary may have done some older studies. Bill Snow stated that he knew of some studies done around Lac Des Arc with crossings, but also does not think there has been a lot of work done in the Eastern Slopes in general. Eliot Terry stated that there has been a lot of data collected from Banff in the last 10 years. Banff now has over 40 crossing structures including 6 overpasses and 38 underpasses and there has been monitoring on all of them.
26. Mark Svenson asked if there were additional questions.
27. Bill Snow asked about if there were good existing examples of how they were planning on vegetating the diversion channel. Mark Svenson and Seamas Skelly both agreed that there were not good analogies for the design of the diversion channel, the best example that they had was a highway ditch with the slopes and vegetation.
28. Bill Snow stated that he was concerned because in other projects he had seen areas that were supposed to be used for crossings to start to get used for the rest areas and this increase of human activity creates an impediment for wildlife movement. He stated that this was a concern moving forward, there might be a desire for more tourism dollars, but he has not seen this attached to a larger tourism plan. Seamas Skelly said that there would be restrictions to public access in that area, along the whole length of the diversion channel. Bill Snow asked if the diversion channel would be seeded back with willows as well as grasses. Mark Svenson stated that trees would be an impediment to flow in the channel. Bill Snow asked about different areas on the project area and how those would be vegetated. He noted that he was happy that the areas would be grassed but was concerned about the lack of willows in the area. Seamas Skelly noted that as a concern and added that the major area where there would be a loss of trees would be around the diversion channel, the floodplain berm and the dam structures. Mark Svenson added that there would be an initial loss of trees, but when the existing land use of farming and ranching in the area is removed, that will allow for a diversity of plants to move back into the area, the landscape would change through time. Eliot Terry agreed with Mark Svenson on that point. Dallas Maynard asked Mark Svenson if they would be doing reclamation work after construction and Mark Svenson answered that they would be. Seamas Skelly reiterated that the area is currently all used for farming and ranching and if this project goes through, all the fencing would be removed, and it would open the area right up. Bill Snow said okay.
29. Dallas Maynard stated that the hope was to show Stoney Nakoda Nation what the fulsome mitigation plans were for the wildlife concerns. Dallas Maynard asked if those alleviated some of the concerns voiced by the Stoney Nakoda Nation? Bill Snow answered that some of his concerns were alleviated, he would still like to see overpasses for the larger ungulates and grizzly bears. He added that animals like to see the patches of ground that they are walking on and we have seen the successes with the overpasses in Banff National Park. Bill Snow mentioned that in a report on grizzly bears that was completed by the Stoney Nakoda Nation for Kananaskis County that was completed in 2016. He stated that their recommendations in the report were to create greater connectivity between these linear barriers in Kananaskis. Eliot Terry responded that the landscape needs to be considered with connectivity. He stated that in the mountains there are lots of pinch points, and overpasses work best in those landscapes, however in a flatter area, like within the SR1 project area, underpasses work in an open area. Bill Snow mentioned a landform south of

HWY 2 or Springbank Road that could be used to build an overpass and it would be less expensive than building it from scratch. Mark Svenson and Eliot Terry both noted that in this area underpasses used for improving connectivity will work and the one on HWY 22 exceeds the minimum requirements for underpasses. Mark Svenson added that Bill Snow's concerns on overpasses have been noted. Bill Snow reiterated that some of those concerns have been alleviated.

30. Dallas Maynard asked if there were any additional questions.
31. Chris Goodstone stated that his question had mostly been answered but that grizzly bears and moose will quickly abandon their trails if there are disturbed by humans and asked about access restrictions to the area. Seamas Skelly noted that a land use plan is being developed and access to the different use areas will be dealt with in the plan.
32. Chris Goodstone asked about the recent land acquisitions, he wanted to know who had sold. Mark Svenson stated that it was John Robinson who had sold his property and he said he would show the purchased lands when they went through the land use plan.
33. Jim Howell began the presentation on utilities and pipelines at 11:03 AM. He passed around an 11"x17" map of the pipelines within the project area and what their modifications would be if the project gets regulatory approval. Jim Howell added that this information was being given based on concerns voiced by Stoney Nakoda Nation earlier in this process. Jim Howell stated he had confirmed that these lines did not carry any sour gas and added that Liam Mackle could take over from this point. Liam Mackle said that there are several existing and abandoned pipelines that pass through the project footprint. The lines they were most concerned about were grey on the map that was passed around, these were dam safety concerns in their current configuration since they pass underneath the dam. These lines would be moved to cross below the diversion channel and follow a proposed right of way along HWY 22. Liam Mackle added that the existing pipelines crossing the diversion channel will need to be lowered to cross underneath the channel. Alberta Transportation is currently in talks with the pipeline owners to relocate and/or lower the pipelines prior to construction using Horizontal Directional Drilling (HDD) rather than open trench excavation. Liam Mackle stated that the orange lines in the north will likely need to be retrofitted with buoyancy control measures since they are within the reservoir footprint and would be underwater during the design flood.
34. Mark Svenson stated that this responded to the questions brought forward by the Nations, and this map has all the utility line owners on it. Seamas Skelly added that it was going to be the responsibility of the pipeline owners to move the lines. Chris Goodstone clarified how the lines would be moved and to where. Seamas Skelly showed everyone where the lines would be relocated. He stated that some lines would need to be lowered prior to construction using HDD where they cross under the diversion channel and utility lines located within the reservoir storage area will be relocated.
35. Dallas Maynard asked for clarity on some of the acronyms like HVP. Liam Mackle answered that HVP stood for High Vapor Pressure.
36. Bill Snow asked if there was any sour gas content on the lines. Liam Mackle stated that none of the lines in the area carry sour gas, there is one near the area, but it is far away from the project area. Bill Snow asked about the natural gas lines and if any additives such as mercaptans were added? He noted that there were health effects related to these additives and he was concerned if these were used by the utility companies. Seamas Skelly stated that he did not know, but that Alberta Transportation would get that information and share it with the Stoney Nakoda Nation. Bill Snow stated that he has concerns because of

off-reserve incidents in 2010 where sour gas was released and due to the wind direction, the sour gas was blown on to reserve. He stated that a letter was sent to the Alberta regulators in 2014 outlining the concerns of the Stoney Nakoda Nation because they still do not have an emergency response plan for the whole region. He wants clarity on what is in the lines. Seamas Skelly stated that Alberta Transportation could provide that level of detail to the Stoney Nakoda Nation.

37. Bill Snow asked if the leftover lines that would be rerouted would stay in the ground. Seamas Skelly stated that they did not have that information currently. Bill Snow voiced concerns about the lines being abandoned under the reservoir and stated that even if the lines were purged before being abandoned that they would not be contaminant free. Seamas Skelly said that Alberta Transportation will find out if the abandoned lines will be removed or if they will be purged and capped and left in place.
38. Bill Snow asked about the lines in green to the west of HWY 22. Seamas Skelly stated that the green represented the proposed routes. Alberta Transportation was still in talks with the pipeline owners on engineering options for moving these lines. Seamas Skelly added that if the SR1 project does not go through these pipeline moves will not happen.
39. Bill Snow stated that he has raised these health and safety concerns with other projects, specifically the TransCanada Novagas Project. He expects to see a comprehensive plan on emergency preparedness. Seamas Skelly noted that those plans are the responsibility of each utility company.
40. Mark Svenson asked if there were other concerns that needed to be brought up.
41. Bill Snow asked if this map also showed electrical transmission lines. Seamas Skelly stated that Alberta Transportation was also in talks with all the utilities in terms of removing their infrastructure throughout the project area. Bill Snow asked if he could have a map of the transmission lines in the area. Seamas Skelly and Mark Svenson stated that they had a map like that in the EIA and they could provide that to the Stoney Nakoda Nation.
42. Dallas Maynard asked how the pipeline companies engaged with the Stoney Nakoda Nation. Bill Snow stated that it was quite poor Bill Snow reiterated that he has raised health and safety concerns on all projects he is being engaged on.
43. Dallas Maynard called for a five-minute break.
44. At 11:30 AM Mark Svenson began a presentation on the proposed land use plan for the SR1 project area. He reiterated that this project is proposed to be built on land that is currently held by private landowners. If the project gains regulatory approval, Alberta Transportation is in talks to purchase the land for the project.
45. Mark Svenson showed a map of the original land use plan that was included in the submission of the EIA. He noted that since that submission, Alberta Transportation has heard feedback from Indigenous groups regarding their desire for access to these areas for hunting, harvesting, and practicing cultural and spiritual ceremonies. Due to that feedback, Alberta Transportation has decided to take a step back on this plan. Once purchased, these lands will belong to the Crown and the primacy of use will be given to flood mitigation, but they can develop secondary uses with Indigenous groups and members of the public. Mark Svenson stated that Alberta Transportation wanted to develop a land use plan with First Nations and other stakeholders that provides benefits to all involved.
46. Mark Svenson asked for any questions or comments before continuing and showing the original plan land use plan. He stated that the areas in purple on the map were the dam components and these were deemed no access. The green area was going to be a

conservation area. Area B in pink was proposed to be no access due to safety concerns, this area is the primary basin area and when the reservoir is in use, would flood very quickly. Area C in light purple north of Springbank Road would have options for short term grazing leases. Mark Svenson stated that this was the original proposal for area. Now what Alberta Transportation is proposing is something different. The project components in the purple would still be off limits, and there would be security chain link fencing around these areas for security and operational reasons. The rest of the areas have been opened and the future land uses plans would be part of discussions with stakeholders.

47. Mark Svenson stated that the model Alberta Transportation is looking at is the South Saskatchewan Regional Plan (SSRP) First Nations Sub-table to work through the land use plan. Mark Svenson asked if the Stoney Nakoda Nation were interested in being part of the land use planning process. Mark Svenson asked if there were any questions about this topic.
48. Bill Snow stated that the Stoney Nakoda Nation have been part of the SSRP since 2009 and he thinks that it functions well. He stated that there has been more involvement from Alberta Culture and Tourism (ACT) and Alberta Environment and Parks (AEP) since he started. Bill Snow stated that he was also part of the North Saskatchewan Regional Plan (NSRP) as well. Bill Snow suggested that the model that might be more applicable is the linear planning group for the SSRP.
49. Bill Snow said that he is reminded of the fact that he would like to talk about monitoring plans and programs, not just the remote camera program. He noted that the Stoney Nakoda Nation had done monitoring programs during the operational phases of different projects, he was wondering if this was a possibility in this project. Dallas Maynard asked for an example of the programs that Bill Snow was talking about. Bill Snow stated that from 2004-2008 Altalink had a project to install transmission lines from Medicine Hat to Brooks and since then there have been projects further south. Bill Snow stated that there were several other projects that he could name and Stantec has been involved in some of them. Bill Snow stated that this was an option for aspects of project mitigation.
50. Seamas Skelly asked Bill Snow what he thought this would entail? Bill Snow stated that there was a cultural assessment done, then a mitigation plan is proposed, and then onsite monitoring so that there is assurance that the monitoring plan is followed. Seamas Skelly asked if Bill Snow was just asking for this mitigation during construction. Bill Snow stated that this could be for construction and operations. Jim Howell noted that these monitoring programs had been brought forward by other nations. Seamas Skelly said that Alberta Transportation has committed to discussing monitoring opportunities with Indigenous groups and this is stated in the EIA. Bill Snow stated that he thinks that these are important programs and would recommend having them.
51. Bill Snow also mentioned that another model is the CEAA TAG committee. Mark Svenson stated that Alberta Transportation has only been invited to present at that table, they have never been part of the decision making. They are using SSRP as a model as they think that is a better fit for this project.
52. Bill Snow asked about plans for the short-term grazing leases. Mark Svenson reiterated that would be left up to the land use planning table, right now Alberta Transportation is leaving that open if the land use planning table wanted to have grazing leases, they would be able to develop that idea.

53. Bill Snow asked for more clarity on what was now off limits in the plan. Mark Svenson outlined that the only areas that were now off-limits were the reservoir structures in purple on the map. He stated that everything else was going to be up to the land use planners.
54. Bill Snow asked about how the future land use planning process would work. He asked if this planning would be part of the SSRP. Mark Svenson stated that this planning process would be separate, it would be like the SSRP and Alberta Transportation would provide funding to attend the land use planning meetings. Seamas Skelly stated that Alberta Transportation would appreciate the feedback through these meetings, not just through the SSRP.
55. Mark Svenson asked Bill Snow if he had any comments on the plan. Bill Snow stated that issues of the dwindling areas to practice Aboriginal and Treaty rights had been brought to the SSRP table, a project like this would be discussed at the SSRP table. They are developing ideas to mitigate this loss of space. We do not have a good solution to this loss. Mark Svenson reiterated that this project was taking up private land and opening that newly acquired Crown land for traditional uses. Seamas Skelly added that this project does impact some small areas of Crown land within the bed and shore of the Elbow River. However, the Project will result in approximately 3,800 acres of privately owned being titled as Crown land that will be accessible by First Nations. Lands and that would help to mitigate concerns regarding the loss of areas to practice Aboriginal and Treaty rights.
56. Bill Snow asked if there were Water Act approvals needed for the project. Mark Svenson said yes, and Alberta Transportation will need that and approvals through the Public Lands Act, and from Fisheries and Oceans Canada. He added that there are several factors that require these approvals and that Alberta Transportation would not be applying for these until there is regulatory approval on the whole project.
57. Mark Svenson went back to the land use plan and stated that Alberta Transportation was looking to create a new map with input from consultation. Seamas Skelly added that this map would be sent along with the meeting notes to give Bill Snow and Stoney Nakoda Nation time to review and study the map and the land use plan as presented today.
58. Dallas Maynard went over some of the action items of what would be sent to Bill Snow and then asked if Bill Snow had any closing comments.
59. Bill Snow stated that he did not think that his mind had been changed with this presentation today. He stated that he was worried that this process would be like the Southwest section of the Calgary ring road where the Stoney Nakoda Nation had voiced concerns and those concerns had not been addressed. He stated that he was hesitant to bring concerns to the table if the project approval is a foregone conclusion. He stated that he is not sure if there will be protection of burials in the area, adding that the Stoney Nakoda Nation travelled through that area on their way to Bragg Creek and they would camp in that area.
60. Mark Svenson asked Bill Snow if the Stoney Nakoda Nation's Traditional Use Study (TUS) was going to be completed. 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 Alberta Transportation 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 Alberta Transportation 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. Bill Snow said that he would speak to Dean

Cherkas about this but does not think they will complete the report as Alberta Transportation had not listened to previous concerns on other projects.

61. Dallas Maynard stated that he appreciated everyone being open at this meeting. He stated that there would be a list of deliverables with the notes and listed the time lines for getting those items to Stoney Nakoda. Bill Snow was asked to provide a copy of the grizzly bear report that he had referenced earlier in the meeting.
62. Dallas Maynard closed the meeting at 12:20 PM.

Action Items:

1. Alberta Transportation will provide a copy of all presentations and maps from today's meeting to Stoney Nakoda Nation.
2. Alberta Transportation to send an illustration of the culvert on HWY 22 for its use in wildlife passage.
3. Alberta Transportation to determine if additives, in particular mercaptans, had been added to the pipelines in the project area.
4. Alberta Transportation to clarify what will happen to the lines that are in the project area when the lines are moved to the new right-of-way and send that update to Stoney Nakoda Nation.
5. Alberta Transportation to check the EIA and send Stoney Nakoda Nation their current plan for monitoring programs.
6. Alberta Transportation to confirm which properties in the project area have been purchased and send an updated map to Stoney Nakoda Nation.

Summary of First Nation Concerns:

1. Stoney Nakoda Nation stated that some of their concerns around wildlife movement in the project area have been alleviated, but they would still like to see overpasses on HWY 22.
2. Stoney Nakoda Nation voiced concerns again regarding the lack of a comprehensive emergency preparedness plans for this project.
 - a. Site Safety plans and environmental protection plans will be prepared and implemented during the construction phase.
 - b. Emergency Preparedness Plans (EPP) and Emergency Response Plans (ERP) will be prepared and implemented by Alberta Environment and Parks for the operation phase of the Project.
 - c. The utility companies with infrastructure located within the Project Development Area are responsible for the development and implementation of their own EPP's and ERP's
3. Stoney Nakoda Nation voiced concerns about their concerns not being heard and addressed by Alberta Transportation.

SR1 CONSULTATION MEETING ALBERTA TRANSPORTATION AND STONEY NAKODA NATIONS

DEMA Staff Name: Amandah van Merlin

Section 1. Attendee Information

| Date | Time | DEMA File |
|---|-------------------|--|
| November 19, 2019 | 10:00AM – 12:00PM | 20808 |
| Indigenous Group | | Alberta Transportation |
| Stoney Nakoda Nations Bill Snow Dean Cherkas (via Phone) | | Alberta Transportation: Mark Svenson, Matthew Hebert Stantec: Elise Savard, Talina Cyr- Steenkamp, Richard Sparvier |
| Contact Info Dean Cherkas dcherkas@stoney-nation.com 403-881-2789 | | DEMA Land Services: Dallas Maynard and Amandah van Merlin Alberta Consultation Office: Leanne Riep and Kathleen Perchaluk |
| Meeting Location | | Who Initiated the Meeting? |
| Stoney Nakoda Lodge | | <input type="checkbox"/> -First Nation <input checked="" type="checkbox"/> - AT - DEMA |

Section 2. Meeting Details

1. Meeting began at 10:09 AM
2. Introductions were made around the room.
3. Matthew Hebert began the meeting by thanking Bill Snow and Dean Cherkas for their time. He outlined that Alberta Transportation was working through the Federal and Provincial regulatory process. Matthew stated the Environmental Impact Assessment (EIA) was submitted in the spring of 2018 to the regulators. In summer of 2018 the regulators sent back information requests (IRs), Alberta Transportation responded to this first round of IRs in June 2019. The federal regulator provided Alberta Transportation with additional questions in summer 2019 and Alberta Transportation is in the process of responding to these IRs and are expecting some from Alberta Environment and Parks (AEP) in the next week or so. Matthew Hebert also noted that Alberta Transportation was continuing stakeholder engagement with local groups alongside consultation efforts. He added that Alberta Transportation had purchased approximately 20% of the land required for the Project and was continuing the process of land acquisition through voluntary means at this point. Matthew Hebert asked for questions or comments. He added that if there were

additional concerns and comments that were not voiced during the meetings, written responses were welcomed.

4. Bill Snow stated that Stoney Nakoda Nations were still objecting to the SR1 Project as noted in the letter the Nations sent to the Government of Alberta on May 6, 2019. The objection to the Project remains in place from the Nations' Leadership. They continue to be opposed to reservoir and dam projects in the area and see all projects as impacting their treaty rights and traditional uses of their territory. Bill Snow requested confirmation that the letter of objection had been added to the Record of Consultation. Amandah van Merlin confirmed with Bill Snow that the letter sent by the Stoney Nakoda Nations had been added to the Record of Consultation and sent out on August 8, 2019 with the bi-monthly logs for May-June 2019.
5. Bill Snow continued that the Stoney Nakoda Nations have voiced objections to reservoirs and dams going back to the 1960s with the construction of the Big Horn Dam. These projects have had major impacts on our communities and is still going through the Treaty Land Entitlement process as it related to lands taken up by the Big Horn Dam. Bill Snow asserted that the Stoney Nakoda Nations have water rights, and these are unique in Alberta. He stressed that the recognition of these rights is important to several of the objections stated by Stoney Nakoda Nations. Whatever the outcomes of the project, the need for acknowledgement of these rights has to be articulated by the Stoney Nakoda Nations. The whole process around federal additions to reserves and the water rights associated with them is something that the people on this project need to understand. Bill Snow recommended that everyone on the project read *Native Peoples and Water Rights: Irrigation, Dams, and the Law in Western Canada* by Dr. Kenichi Matsui and noted that there was material in the book that was relevant to this project. He stated that this book might touch on processes that might be missing from the consultation programs. Matthew Hebert stated that the concerns have been noted and a response was sent from Alberta Transportation to the May 6, 2019 letter. He stated that the goal of the consultation process was to make sure that concerns were noted so mitigation measures can be developed.
6. Matthew Hebert returned to the agenda and followed up on a request made by Alberta Transportation for information on any land management policies that had been developed by the Stoney Nakoda Nations and priority areas for Stoney Nakoda Nations. He asked if this information might be available and forthcoming to Alberta Transportation. Bill Snow stated that he did not think that there were land use plans, but three community plans had been commissioned, he noted that the plan for Morley had been completed by Stantec. Bill Snow added that Stoney Nakoda Nations wished to discuss a source water protection plan which had been discussed at the South Saskatchewan Region Plan (SSRP) Treaty 7 water sub-table. They had completed a water needs assessment for all of the Stoney Nakoda Nations Communities in March of 2018, but there had been no commitment on the future of the water sub-table with the last budget. Bill Snow suggested that this report would be used along with the community and land use plans, but Stoney Nakoda Nations do not have a land use plan that he could think of. Matthew Hebert asked if the community and water needs assessment plans were public. Bill Snow stated that the water needs assessments were shared with AEP and with Indigenous and Northern Affairs Canada (INAC). Matthew Hebert asked if the water needs assessment plan could be compared to a land use plan. Bill Snow stated that the plans looked at the impacts of the 2013 flood and reviewed residential water use in Stoney Nakoda Nation territory, but this did not discuss traditional uses of the territory. Bill Snow reiterated that the Treaty 7 water sub-table was important to this process and Stoney Nakoda Nations completed an agreement for the SSRP in March of this year and there had not been further meetings at the SSRP. Bill Snow said that he is awaiting

confirmation that the SSRP will come back. Bill Snow added that the two regional plans for Morley and Eden Valley would be under the SSRP and the Big Horn regional plan would be with the North Saskatchewan Regional Plan (NSRP).

7. Matthew Hebert asked Elise Savard if these plans would be useful for what CEAA has asked for. Elise Savard noted that the information provided during this meeting would be helpful. Matthew Hebert stated that we would confer with AEP regarding the location of these documents.
8. Bill Snow added that the Stoney Nakoda Nations have been asking to do more regional planning with all groups and nations. He noted that at the SSRP we hear from all the ministries, AEP, Alberta Culture, Alberta Transportation. We hear about projects on Crown lands. Mark Svenson stated that they had done a presentation on the SR1 project. Bill Snow stated that it was important to present the planning of all these projects to the Treaty 6 and Treaty 7 nations well in advance of the project, he stated that this was important to considering everything.
9. Matthew Hebert asked if Dean Cherkas had anything additional to add. Dean Cherkas said that Bill Snow had it right. There were many moving parts to these projects. He noted that SR1 is one of four key dam projects of concern to the Stoney Nakoda Nations. They have additional concerns about the Morley project and noted that all the land use principles that exist already have to be kept in consideration. He stated that the project had been silent on the other land use plans. Dean Cherkas stated that the project would be taking up land and the Stoney Nakoda Nations had concerns about it.
10. Matthew Hebert thanked Dean Cherkas and noted that this might be time to move to item four on the agenda. Matthew Hebert noted that last week, a letter was sent to provide a more detailed view of the land use principles for the SR1 project, based on what was filed in June. He stated that the primary use of this area is for flood mitigation. Matthew Hebert referred to the map provided in the Guiding Principles for Future Land Use document. In this plan, the light-yellow areas would be freely accessible and could be used for traditional uses by Indigenous peoples, except when needed for flood mitigation. The dark yellow areas would be more managed access for First Nations and the purple shows where the project infrastructure is, those areas will not be accessible to any members of the public.
11. Matthew Hebert went through the land use principles. He stated that these were being circulated to set the direction for the future formal land use planning document. The final plan will be completed with Alberta Transportation once the project has been approved and the regulators. The final land use plan will be completed by AEP and then will be approved by cabinet. Matthew Hebert reiterated that the primacy of use for the project will be for flood mitigation. Safety is of prime consideration for AEP who will be the operators of the project and will be ultimately responsible for the project. Matthew Hebert outlined that this document was to develop that future land use plan. Some of the information provided has been requested by CEAA, but it was also important to Alberta Transportation to provide a list of tools that are available to plan the land use for the project. This document gives a high-level overview of the tools and these will be subject to consultation with AEP once the land acquisition on the project is complete. Matthew Hebert asked if there were any initial questions on the document.
12. Matthew Hebert then went through the document in detail. On page three, strategies for the land use have been outlined. He outlined the process of consultation, the role of AEP, and added that there would be a plan in place prior to flood season regarding use of the project. Then there is the First Nation Engagement piece, the Government of Alberta is open to this area being used for hunting and other traditional uses for First Nations and Indigenous

groups. Matthew Hebert added that vegetation management for fire control was also important, which might be an opportunity for the Stoney Nakoda Nations. Motorized vehicles, off-highway vehicles will not be allowed in this area. Alberta Transportation has a keen interest in collaborating on the land use principles. Bill Snow asked when the formal land use planning would start. Matthew Hebert stated that the formal planning process would begin when there was legally a project, when the project received approval. The project is still with the regulators, so there is currently no legal project. Matthew Hebert continued stating that the examples were there to talk about where we were at in terms of management, nothing is finalized at this point, we are discussing options and getting feedback from various Indigenous groups. He noted that this was a new document and no final answers were expected today, though we are interested in gathering information. We are open to verbal feedback today and then would appreciate written comments on the principles as well.

13. Bill Snow stated the book that he mentioned earlier by Dr. Matsui would be good to review for this project. He noted that the book delves into the history of dam projects and what the Federal Policies are, it would be good to review for the background guiding principles and the research was based in BC and Alberta. Matthew Hebert stated that he would look into it.
14. Bill Snow stated that after his quick review he wanted to bring up his time as part of the Traditional Ecological Knowledge (TEK) working group with the SSRP that was set up under that NDP government in March 2018. Stoney Nakoda Nations were asked to be part of this group because they had been approached by other academic and conservation groups to develop TEK procedures in projects. This working group included scientists from AEP and 20-25 different representatives from Treaty Nations across Alberta and a policy guide was produced and included four general principles. These principles came from the TEK that is held by Elders and Knowledge Keepers. These principles were released but there have not been new discussions due to budget constraints, Bill Snow stated that he was not sure if this working group would continue, but there was some work done. Matthew Hebert stated that he recalled the policy being released and would take a look at the document to get some ideas. Bill Snow added that the document was not complete as it made no mentions of treaty rights or water rights and a final document needs to address those issues. Bill Snow stated that he would forward the TEK planning document to Dallas Maynard who could send it to Matthew Hebert.
15. Bill Snow moved to a different subject noting that the land use principles did not address concerns regarding wildlife connectivity. Bill Snow stated that wildlife connectivity should be addressed in these documents and in order to have something for him to bring back to leadership, this needs to be addressed. Mark Svenson stated that Alberta Transportation has had meetings with Stoney Nakoda Nations on the wildlife connectivity issues around the project. At the last meeting on February 22, 2019 Alberta Transportation highlighted the changes made to the culvert and the underpasses to increase wildlife connectivity across the project site. Information was provided to the Stoney Nakoda Nations regarding all these mitigations. This information may not be part of these documents, but the connectivity issues have been discussed. Matthew Hebert stated that wildlife connectivity is an important piece and we can hold further discussions on this. The water rights issue is likely more complex and would likely be beyond the scope of the project to address at this point. Bill Snow stated that these planning documents should be part of a system, nothing should be a one-off plan, it is all part of a system. He added that wildlife connectivity had been part of the discussion around the TEK procedures document and other guidelines from AEP include these systematic plans. Bill Snow added that there was a cultural factor within these discussions, and they should be more wholistic.

16. Dean Cherkas left the meeting noting that he needed to head to another meeting. He said that he would touch base with Bill Snow regarding the meeting later this afternoon.
17. Bill Snow continued that this was the first attempt at this document. He stated that in discussions with INAC, they wanted to have a different process on engagement on policy. Bill Snow stated that he feels that the separate conversations on these types of issues if there is a separate plan of wildlife connectivity, then this might not be the place to discuss that issue. Matthew Hebert stated that there was a separate plan on wildlife and Alberta Transportation was willing to meet again on that topic. Bill Snow reiterated that he would like to see wholistic discussions regarding all plans. Matthew Hebert restated that there was a wildlife plan which had been submitted to the regulators and we would be open to having a meeting regarding those plans. He noted that they might cross thread with issues on land use and wildlife.
18. Matthew Hebert asked if there were any questions on this piece. Bill Snow said that he did not have anything additional at this time.
19. Matthew Hebert moved to the next item on the agenda, the Indigenous Participation Plan (IPP). He stated that the project is not a profit driven project, it is a safety project. There were economic opportunities associated with the project and there will be ways to engage with those opportunities. Alberta Transportation wants to start a discussion. As we have gone through the engagement process, we noted that there needs to be some clarity on the process for participation. We have some ideas and we would like to hear from Stoney Nakoda Nations on whether or not they would like to participate, notwithstanding your current objection to the project. Currently, we have ideas regarding monitoring programs and cultural educational opportunities. As discussed, there will not be a huge number of land uses that will be allowed on the project area, but traditional uses for First Nations will be allowed. There could be formal and informal cultural training programs, there would be opportunities around the construction of the project and that is the document in a nutshell. On Page 2, we have highlighted some economic opportunities, including some capacity building and support available around the project. There are also some ideas around training and business development programs. Stoney Nakoda Nations may wish to access these programs. On Pages 4-6 there are some employment and contracting opportunities. This not a complete list, but a list of possible opportunities. There will be cultural awareness training for the staff working on the project and an outline of the consultation program and what the future possibilities are for Indigenous participation on the project. Alberta Transportation is interested in any feedback on this, early feedback is welcome today and any additional comments in writing and, if wanted, another meeting on this in 2020 to discuss this further.
20. Bill Snow stated that he would need direction from leadership on these topics. Right now, the Bearspaw Band is going through an election. The nomination date for the election was November 14, 2019 and the election will be on December 5, 2019. After that, there is a 30-day process for appeals. Leadership will not be sitting until February, and later if there are appeals filed. Chief and Council will need to do an orientation, just to give everyone an idea of timeframes. This process will be repeated by the Chiniki leadership in 2020 and then the Wesley leadership in 2021, their elections will also likely be in December.
21. Bill Snow noted that Stoney Nakoda Nations were doing similar things on the Trans Mountain Expansion (TMX) project. They have been involved in the Indigenous Advisory and Monitoring Committee (IAMC) on the TMX project, an Enbridge project and similar programs through Natural Resources Canada (NRCan). This has taken up a lot of time, but Stoney Nakoda Nations have been able to access funding for some of these, and they hope to get some funding for some TEK studies which are not covered in the IAMC through

NRCan. Stoney Nakoda Nations would like to do something like this through Alberta Transportation. Bill Snow stated that Stoney Nakoda Nations would also like to do something around health and safety and would like funding for an emergency plan through some of these committees as well. In 2009 and 2010 Stoney Nakoda Nations were subject to some incidents around oil and gas projects and would like to make sure that a health and safety is addressed in every project around them. Matthew Hebert asked for clarity on what specifically Bill Snow was asking for. Bill Snow stated that he was looking for an incident preparedness plan. Like an emergency preparedness plan (EPP) from TransAlta. Stoney Nakoda Nations needs to consider an EPP for members out on Crown lands. Bill Snow added that this was part of the TMX project as well. Matthew Hebert stated that this was good feedback, there will be First Nation access to the project area and health and safety will need to be addressed as part of the land use access plans. Matthew Hebert added that because the primary use for flood mitigation, the plan for the flood season would need a high level of input but noted that if Bill Snow thought it fit best here, that was important. Bill Snow suggested reading the materials from the IMAC on the TMX project. Matthew Hebert stated that he would be reading Bill Snow's suggestions.

22. Bill Snow stated that the information from the TMX project was important but that this project differed from TMX in with the employment and contracting opportunities. Those opportunities are with the proponent. But the maintenance pieces would lie with an operator which would be more like their engagement with TransAlta. Opportunities through construction are shorter term, but Bill Snow was looking for some idea of the longer-term opportunities. Matthew Hebert stated that AEP would be the operator of the project. Alberta Transportation is the proponent on the project. AEP determines that a project like this is needed and Alberta Transportation builds the project and AEP then runs it. Matthew Hebert continued; AEP will likely only have two or three additional staff for dam operations. The direct activities around the dam would be limited. The most active portion will be for monitoring and draining once the project has been used. Alberta Transportation has committed to a fish rescue program and to water quality monitoring and there will be contracts related to those needs and they will be a rapid response need. This is a piece that Alberta Transportation would like to engage on and then AEP would establish that process. Matthew Hebert noted that there would also be vegetation management for fire suppression and that they are hoping to use animals (e.g. cattle); bison, elk have all been mentioned as possibilities by the other Indigenous Groups we Alberta Transportation has met with so far.
23. Bill Snow stated the discussion from this meeting will need to go to the leadership of the Stoney Nakoda Nations for discussion to figure out what synergy could be found with the landscape. Bill Snow noted that the Stoney Nakoda Nations are the largest landholder within the three municipalities in this area and he wanted to get the information from this meeting to the right people to have a fulsome discussion on this project. Matthew Hebert stated that since this was the first foray into discussing the IPP, that was completely reasonable. Bill Snow added that project planning needs to be done on a landscape level. The Stoney Nakoda Nations had not been consulted on the land use planning for downstream communities and the hazards that are entailed in building in those areas. There had not been any consultation between municipalities and the Stoney Nakoda Nations, there has been more on Crown land but not as much as there should have been historically. This has not been clearly communicated clearly either, for example if a sub-division is going in in South-West Calgary, while there is not an energy proponent, Calgary should be talking to local First Nations about the land use plans for the area. These types of things should be discussed within the SSRP and the NSRP.

24. Bill Snow also suggested looking for an example into the setup of IMAC as part of the TMX project, which is not a perfect example, but it covers a lot of issues. Matthew Hebert stated that he would investigate finding details on the committee. Bill Snow stated that there were several good things that came out of the IMAC panel, but there needed to be a socio-economic impacts piece and that was not done with this project. In the 2013 water needs assessment there was a piece on impacts to the community. Specifically, the impacts of the time lag that it took families to get back into their houses and back into their communities. There were increases of domestic violence as part of the delays. There needs to be a socio-economic plan. Mark Svenson noted that there was a socio-economic piece from the EIA. He stated that this could be pulled and sent to Bill Snow. Bill Snow stated that the IMAC did not review the socio-economic impacts as part of that project. This is one of the major impacts that the Stoney Nakoda Nations leadership is looking into for all their projects. What are the long-term impacts for their labour market and what is the emergency response plan? Bill Snow stated that TMX and the Stoney Nakoda Nations have had disagreements on these pieces. The Stoney Nakoda Nation leadership wants employment training and they want solid emergency response plans.
25. Matthew Hebert stated that Alberta Transportation was interested in having two-way discussions on these topics. We are interested in knowing what you already have and what the ways are that you could participate in this project. Matthew Hebert asked if there had been a labour market analysis completed. Mark Svenson said he believed there had been. Elise Savard added that there are a few pieces related to the analysis that could be sent to Bill Snow.
26. Bill Snow asked about the West Path pipeline. Noting that the project was done well and provided economic benefits in the form of First Nations' training and experience. Matthew Hebert stated this is why we are engaging on the mechanisms; we need to know what opportunities that benefit to local communities look like. Alberta Transportation would like to get consultation right. Bill Snow stated that when the Stoney Nakoda Nations sent out their objection letter, the leadership did not know what the status on employment and training for the Nation. There are some things on short term planning, maybe some work at the beginning of the project, but it is not consistent. Bill Snow continued, if this project is like TMX, they have concerns regarding ongoing health and safety. There have been issues with H₂S and natural gas. Health and Safety is very important to the Stoney Nakoda Nations. Matthew Hebert stated that the big economic piece was going to be connected to construction and then there would be some ongoing monitoring pieces that would be of smaller magnitude, but they would be there.
27. Bill Snow stated that the Stoney Nakoda Nations has taken part in some monitoring programs on grizzly bears and the impacts of climate change in the Kananaskis area; DEMA has the final report that was submitted. He added that the Nations wanted to participate in an upcoming study on Cutthroat Trout and the impacts of climate change also in the Kananaskis area. The species in question needs to be at risk in order to qualify for funding. Stoney Nakoda Nations would like to do more wholistic studies but that is not possible through those channels. They are hoping to do those wholistic studies through the SSRP.
28. Bill Snow went through the list of land use plans and noted the programs that Stoney Nakoda members had been a part of. He noted that for the Suffield Military Base, members have participated in the harvesting program. He stated that the program was both good and bad. It was good because they have a good place to harvest but also bad because the harvesting time is January and February, which is out of season for specific species like elk. It would be nice to go there during the season for elk as that would be more culturally appropriate. Bill Snow stated that Stoney Nakoda Nations have participated in programs at

Wood Buffalo National Park, mostly with Bison re-introduction programs with Parks Canada, they also did blessing ceremonies at Elk Island National Park and were part of the bison reintroduction in Banff National Park. Bill Snow continued the SSRP meetings are being held at Fish Creek and there are some ceremonies that are being held prior to meetings and it is been a good space to hold those meetings.

29. Matthew Hebert thanked Bill Snow and stated that Alberta Transportation was looking for this type of feedback to start conversations on what land use access would look like around SR1. He noted that these are the projects that had been mentioned to us and we wanted to know what aspects worked and what did not and why that was. Bill Snow stated that he understood what was being asked. He thought that the SSRP and NSRP should be involved to establish the formal land use planning using the SSRP as a land management tool. Bill Snow stated that the SSRP has been used to solve a few land use planning issues. He noted that it would be a good venue to include municipalities alongside other stakeholders. There is already a Treaty 7 water sub-table that could be used. Bill Snow asked if they were envisioning using programs that were already in place or is a new process being envisioned for this project. Matthew Hebert stated that right now they were just looking for some ideas for discussion, there may be changes in the future but that was not up to him at this point. Bill Snow noted that there was a wrinkle in the plan to use SSRP and that was that there were separate tribal groups at the moment, which may need to be considered moving forward.
30. Matthew Hebert stated that they had gone through the agenda items and asked Bill Snow if he had anything else that he wanted to raise at this meeting. Bill Snow reiterated that the objection to the project still stands and he has shared some of the documents that had been discussed at the meeting with Dallas Maynard to be shared with Alberta Transportation. Bill Snow added that SR1 was not the only reservoir project that the Stoney Nakoda Nations have as a concern, this is why the reading material he sent out was so important, he hopes that this can speak to some of the concern. He noted that he does not think that Alberta Transportation can replace the working groups from the SSRP. Matthew Hebert thanked Bill Snow again for his feedback and noted that there were only some things that he had control over. AEP has the final say on a number of concerns including the land use plan, he stated that Alberta Transportation wants to make sure we have noted the concerns. Bill Snow stated that there was a lot that went into the objection letter – there are additional concerns with the project and Stoney Nakoda Nation's history. Bill Snow stated that he would be bringing this information back to leadership and they would book a meeting for late February.
31. Matthew Hebert noted that the federal filings would be complete by that point in time. He also went over the action items for this meeting.
32. Bill Snow added that there were ongoing cultural awareness events, some happen with the University of Calgary and the University of Alberta and would like to keep an open invitation to the project team. Matthew Hebert said that he appreciated all the invites and was unfortunately not able to make the events of Banff Indian Days. Bill Snow added that the SSRP has been able to provide some funding to cultural awareness programs which has been good for all involved in those programs.
33. Meeting ended at 12:10 PM.

Action Items:

1. Alberta Transportation to find and review the water needs assessment completed by the Land Use Secretariat at the SSRP sub table.

2. Alberta Transportation to find and review the planning principles that are being used in the Indigenous Advisory and Monitoring Program as part of the TMX project.
3. Alberta Transportation to send Stoney Nakoda Nations the section of the Environmental Impact Assessment on Socio-Economic Impacts and Labour Force Analysis.

Summary of First Nation Concerns:

1. Stoney Nakoda Nations reiterated that they were opposed to flood mitigation projects across the province including the SR1 project as stated in a letter sent to Alberta Transportation on May 6, 2019.
2. Stoney Nakoda Nations voiced concerns that the future land use principles did not include a piece on wildlife connectivity.



June 8, 2016

Springbank Off-Stream Reservoir Project
Canadian Environmental Assessment Agency
Canada Place
9700 Jasper Avenue, Suite 1145
Edmonton, AB T5J 4C3
Via email: CEAA.PNR-RPN.ACEE@ceaa-acee.gc.ca

Stoney Consultation Office
Box 120
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T0L 1N0
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Government of Alberta
3rd Floor Twin Atria Building
4999—98 Avenue
Edmonton, AB T6B 2X3
Via email: mark.svenson@gov.ab.ca

Dear Sirs:

**Re: Springbank Off-Stream Reservoir Project (the “Project”)
Letter of Comment of the Stoney Nakoda Nations (the “SNN”)**

The SNN, are comprised of the Bearspaw First Nation, Chiniki First Nation, and Wesley First Nation, that are mainly situated on the Eden Valley Indian Reserve #216; the Stoney Indian Reserve 142, 143, 144; the Rabbit Lake Indian Reserve 142B; and the Bighorn Indian Reserve 144 A. The Bearspaw First Nation, Chiniki First Nation, and Wesley First Nation were signatories to Treaty 7 at Blackfoot Crossing, in 1877.

The Government of Alberta acknowledges that the SNN are an Aboriginal group affected or interested in the Project since the SNN are closely situated to the proposed Project area. Although the Project is not within the reserve lands of the SNN, it is within the traditional lands to which the SNN claim Aboriginal title and rights in *Wesley First Nation (Stoney Nakoda First Nation) v Alberta*, Court of Queen’s Bench of Alberta, Action 0301-19586.

The proposed Springbank Off-Stream Reservoir Project poses many environmental effects for Stoney Nakoda.

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



Another environmental effect for the current use of lands and resources for traditional purposes is the environmental effect on water and wetlands for wildlife, fish, birds and vegetation, which will in turn impact the Stoney Nakoda cultural practices (hunting, fishing, trapping, camping, gathering), in the proposed project area.

Another environmental effect is socio-economic. The environmental effect of the proposed project will impact the Stoney Nakoda in exercising their treaty rights and cultural practices (fishing, trapping and hunting). The proposed project will drive away or minimize the availability of bird, fish and wildlife. The impact of this will be that Stoney Nakoda members will have to travel farther to fish, trap and hunt.

Another environmental effect for the current use of lands and resources for traditional purposes, is that the proposed project will act as a barrier to the migration of wildlife and fish. This barrier will not facilitate the movement and access of wildlife and fish species, which will in turn, impact the availability of wildlife and fish for the exercise of treaty rights and cultural practices, in the proposed project area.

Another environmental effect for the current use of lands and resources, as discussed with DEMA Land on March 4th, is the lack of wildlife crossings associated with the project. Similarly, there are no wildlife crossings associated with Highway 22 and Highway 8 in the general area. The inaccessibility of wildlife and fish, will impact the availability of wildlife and fish for the exercise of treaty rights and cultural practices, in the proposed project area.

Stoney Nakoda believes that a cultural use study of the proposed project area is required to understand extent and impact of the project on cultural resources and potential gravesite(s). A cultural assessment is needed to understand if there are historic structures and / or sites within the proposed project area. The cultural assessment must be done by Stoney Nakoda Nation, as the assessment would require an understanding of Stoney Nakoda language, history and culture.

As part of the proposed project, a 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.

In order to address the above noted environmental effects, Stoney Nakoda believes that a federal environmental assessment of the proposed project is needed.

Nothing in this letter shall be interpreted in a manner that extinguishes, abrogates or diminishes the SNN's Aboriginal or Treaty rights, including Aboriginal Title (Wesley Action No. 0301-19586), which are protected under section 35 of the *Constitution Act, 1982*.

Sincerely,

William Snow
Consultation Manager



C.C: Chief Darcy Dixon, Bearspaw First Nation
Chief Aaron Young, Chiniki First Nation
Chief Ernest Wesley, Wesley First Nation
Ken Christensen, Tribal Administrator
Marie Kootenay, Project Coordinator
Lenny Wesley, Bearspaw Consultation Officer
Chris Clarke, Chiniki Consultation Officer
Chris Goodstoney, Wesley Consultation Officer

REGISTERED MAIL

April 27, 2017

Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley Nations)
P.O. Box 120
Morley, AB. T0L 1N0

Attention: William (Bill) Snow
Consultation Manager, Stoney Tribal Administration

**Re: STONEY NAKODA NATIONS SR1 TRADITIONAL USE STUDY - SPRINGBANK OFF-
STREAM SR-1 STORAGE PROJECT**

Alberta Transportation will soon be finalizing and delivering the technical submissions for the Environmental Impact Assessments and Environmental Impact Statements to the regulatory authorities responsible for the SR1 Project. Having the Stoney Nakoda Bears paw, Chiniki and Wesley Nations input and documenting your concerns is a very important part of the Environmental Assessment process. Therefore, we would really like to receive your SR1 Traditional Use Study as soon as possible, so that the conclusions and concerns expressed in your Traditional Use Study can be incorporated into our final submissions.

Please direct your Traditional Use Study, including any concerns that you may have regarding your current practice of Treaty Rights and Traditional Uses related to the SR1 Project, in writing, to our consultant Dallas Maynard at DEMA Land Services, 10, 320 Circle Drive, St. Albert, AB. T8N 7L5.

Thank you for your attention to this important matter.

Yours truly,



Syed Abbas, P.Eng.
Director, Water Management Section
Transportation

cc: Michael Murphy, Alberta Infrastructure

Dallas Maynard, DEMA Land Services
Mark Svenson, Alberta Transportation

December 4, 2017

Mr. William (Bill) Snow
Consultation Manager, Stoney Tribal Administration
Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley)
PO Box 120
Morley AB T0L 1N0

Dear Mr. Snow:

Alberta Transportation is working to revise the Environmental Impact Statement for the Springbank Off-stream Reservoir (SR1) Project for submission to the Canadian Environmental Assessment Agency (CEAA). The SR1 Project will require approval from both federal (CEAA) and provincial (Natural Resource Conservation Board) regulators as well as authorizations through the *Water Act*, *Public Lands Act*, the *Fisheries Act*, and clearance through the *Historical Resources Act*.

Please find attached the traditional land and resource use (TLRU) sections (Volume 3A, construction and dry operations phases; and Volume 3B, flood and post-flood operation phases) of the Springbank Off-Stream Reservoir Project Environmental Impact Assessment. These sections were written using information shared by Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) during the Indigenous consultation program and using publicly-available secondary source materials. Please review and provide us with your comments by January 5, 2018.

Please also find attached Stoney Nakoda Nations' engagement program package, which includes a Specific Concerns and Response Table as well as the interim records of engagement and a summary log of engagement from March to November 2017. Please also advise of any errors or omissions in these records by January 5, 2018.

Thank you for your attention to this request. I look forward to receiving your response.

Sincerely,



Barry Day
Deputy Minister

cc: Tom Loo, Assistant Deputy Minister, Delivery Services

Attachments

File No.: 4337

VIA EMAIL

CEAA.Springbank.ACEE@ceaa-acee.gc.ca

January 15, 2018

Springbank Off-Stream Reservoir Project
Canadian Environmental Assessment Agency
Canada Place
9700 Jasper Avenue, Suite 1145
Edmonton, AB T5J 4C3

ATTENTION: SHELLY BOSS, PROJECT MANAGER

Dear Ms. Boss:

**Re: Springbank Off-Stream Reservoir Project;
 Environmental Impact Assessment Report**

We are writing on behalf of our client, the Stoney Nakoda Nations (the “SNN”), to provide their comments with respect to Alberta Transportation’s application to construct the Springbank Off-Stream Reservoir Project (the “Project”) and the corresponding Environmental Impact Assessment Report (the “EIA”). According to our records, we received no notice on behalf of our client.

The SNN wrote CEAA on June 8 and July 25, 2016. CEAA did copy our office on its reply of August 19, 2016; however, sometime after that we ceased to be copied with correspondence to our client. For example, we did not receive the Minister’s Decision on Referral to Panel dated August 8, 2017. Our client therefore missed the opportunity to respond regarding their interest in participating in the technical working group as proposed by CEAA.

We believe this oversight has played a role with respect to our office not receiving notice regarding Alberta Transportation's Application and EIA on behalf of the SNN or receiving notice of CEAA's communication to Alberta Transportation dated November 16, 2017. The SNN is a stakeholder with respect to this Project and must be treated as such by both Canada and Alberta agencies.

The SNN note that Alberta Transportation has utilized inaccurate maps of Stoney Indian reserves no. 142, 143 and 144. In particular, portions of these reserves have been deleted and are incorrectly shown as Alberta Crown lands. As CEAA has also requested, we require a rationale for these exclusions.

We have the following specific comments in regard to the EIA:

1 With specific reference to Volume 3A of the EIS, Alberta Transportation states at page 13.7: "Portions of the Calgary to Morleyville Trail were noted on historic plans for Township 24, Ranges 3 and 4, W5M (Dominion Lands Office 1884a, 1884b); however, the trail is no longer visible on current air photos."

This statement directly contradicts Alberta's position that the Calgary/Morleyville trail ran on the north side of the Bow River and thus was a pre-existing trail prior to 1877. Please confirm that Alberta Transportation does NOT consider this a pre-existing trail for the purposes of interpretation of Treaty 7. If Alberta Transportation does consider it a pre-existing trail, allowance for a right-of-way through the Proposed Development Area will have to be provided for.

2 When and how will the historical and indigenous impact studies be conducted for the McLean Creek option? No explanation has been provided as to why these have not been carried out. We note that McLean Creek lies with Stoney Nakoda traditional territory and that compliance with the Stoney Nakoda consultation policy will be required (copy enclosed).

3 We note there has been some degree of consultation with the SNN. However, it is not clear that SNN rights have been accommodated. In particular, the EIA reflects the existence of at least two Stoney Nakoda traplines in the Proposed Development Area. Compensation for loss of harvesting opportunities will have to be compensated.


4 The SNN resubmit that the EIA and the Project cannot be looked at in isolation from other flood control measures, specifically those for the Bow River, designed to protect the City of Calgary.

5 We note that Canada requested that "the proponent provide the location of traditional territories (including maps where available) for each Indigenous group". We have attached a map showing asserted Stoney Nakoda traditional territories that is part of the pleadings in Alberta Court of Queen's Bench action no. 0301-19586. There is no reference to this legal proceeding in the EIA.

We look forward to these concerns being specifically addressed in an updated EIA.

Yours truly,

Rae and Company



L. Douglas Rae
LDR/ble

- cc. Anna Kessler, Canadian Environmental Assessment Agency (via email)
- Mark Svenson, Alberta Transportation (via email)
- Margot Trembath, Alberta Environment and Parks (via email)
- Aldo Argento/Everett Bunnell, Norton Rose Fulbright Canada LLP (via email)
- Damon Park/Bruce Piller, Department of Justice Canada (via email)
- Bill Snow, Stoney Consultation Office (via email)
- Chief Darcy Dixon, Bearspaw First Nation (via email)
- Chief Aaron Young, Chiniki First Nation (via email)
- Chief Ernest Wesley, Wesley First Nation (via email)

January 26, 2018

Mr. William (Bill) Snow
Consultation Manager, Stoney Tribal Administration
Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley)
PO Box 120
Morley, Alberta
T0L 1N0

Dear Mr. Snow:

**Subject: ENVIRONMENTAL IMPACT STATEMENT (EIS)
FOR THE SPRINGBANK OFF-STREAM RESERVOIR (SR1) PROJECT**

Alberta Transportation would like to thank your community for its continued involvement in the engagement process for the SR1. This is a very important flood protection project and we sincerely appreciate your interest and participation in the EIS process.

This letter is to inform you that the revisions to the EIS indicated in our letter of December 4, 2017 are nearing completion. Project timelines have been extended by 60 days in order to undertake further Indigenous engagement activities.

In particular, Alberta Transportation would like to hold an in-person workshop with your community to obtain input and feedback on the draft Traditional Land and Resource Use (TLRU) sections of the EIS (Volume 3A construction and dry operations phases; and Volume 3B, flood and post-flood operations phases). These sections were written using information shared by Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) during the Indigenous engagement program (including any project-specific traditional use information received) and using publicly available secondary source materials. The feedback received from the workshop will be addressed and incorporated prior to the re-filing of the EIS.

In addition, Alberta Transportation has received Project-specific concerns from Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) and would like the opportunity to discuss how those concerns have been documented in the EIS and to receive input on the proposed mitigation measures for addressing those concerns.

TLRU Workshop Proposal

To this end, Alberta Transportation is proposing that full day workshop be held with Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) during February to facilitate a dialogue on the Project. The intention will be to capture the feedback provided by Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) at the workshop and incorporate it into the revised EIS. A draft agenda will be prepared and sent to you for input prior to the workshop. At the conclusion of the

workshop, a written summary of the workshop proceedings will be provided to Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) for validation.

The Canadian Environmental Assessment Agency (the Agency) has offered to facilitate the workshop. In this role, the Agency would facilitate the dialogue between Alberta Transportation and Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley). While the Agency would be available to answer questions about the federal environmental assessment process, including ongoing opportunities for federal Crown-Indigenous consultation and funding to participate in the environmental assessment, this workshop is not intended to replace any consultation efforts the Agency will undertake. The Agency's facilitation role does not constitute consent or agreement to the Project nor will it offer its views on the Project.

Next Steps

On behalf of Alberta Transportation, Dallas Maynard of DEMA Land Services will be in contact with you to seek your guidance on the appropriate structure, format, community attendees and reasonable expenses for the proposed workshop.

In parallel, Alberta Transportation will forward the updated draft of the TLRU sections in early February for review by Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) prior to the workshop.

If Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) is not interested in participating in this proposed CEAA-facilitated workshop, Alberta Transportation welcomes other suggestions for providing oral or written feedback on the TLRU sections. We request that any feedback is received by March 1, 2018 to allow for incorporation of your community's feedback into the EIS prior to the re-filing.

Alberta Transportation is committed to ongoing engagement with your community to meet your information needs on SR1 and to working together to resolve any issues and concerns. Please contact Dallas Maynard of DEMA at 780-458-7123 or via email at dallas.maynard@demaland.ca should you have any questions or comments.

Sincerely,



Landon Reppert, P.Eng.
Executive Director

cc: CEAA

Dallas Maynard

February 5, 2018

Mr. William (Bill) Snow, Consultation Manager, Stoney Tribal Administration
Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley)
PO Box 120
Morley, Alberta
T0L 1N0

Dear Mr. Snow:

Subject: TRADITIONAL LAND AND RESOURCE USE ENVIRONMENTAL IMPACT STATEMENT FOR THE SPRINGBANK OFF-STREAM RESERVOIR PROJECT

Further to our correspondence of January 26, 2018, we enclose the draft Traditional Land and Resource Use (TLRU) sections of the Environmental Impact Statement (EIS) (Volume 3A, Section 14, construction and dry operations phases; and Volume 3B, Section 14, flood and post-flood operations phases). These sections were written using information shared by Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) during the Indigenous engagement program (including any project-specific traditional use information received) and using publicly available secondary source materials.

We welcome your views and input on these draft documents in order to better understand the potential effects of Springbank Off-Stream Reservoir Project (SR1) on Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) through the integration of traditional knowledge and indigenous perspective into the EIS. Also attached is a list of topics that we would like to discuss or clarify Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) at the proposed workshop or in any format that meets your community's needs (see Attachment "A"). Should Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) be willing to share more detailed TLRU information, we would like to include that information in the final EIS.

Note that the *Guidelines for the Preparation of an Environmental Impact Statement* (EIS Guidelines") for SR1 issued under the *Canadian Environmental Assessment Act, 2012* request specific kinds of information to be considered in the TLRU assessment. The EIS Guidelines for the Project have also been attached for your information. ♦

TLRU Workshop

As indicated in our January 26, 2018 correspondence, Alberta Transportation is proposing that a full-day workshop be held during the month of February in order to better understand potential impacts to Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) from the Project. We would also like the opportunity to participate in a meaningful dialogue on community concerns about the Project and to present how those concerns have been addressed in the TLRU sections of the EIS. Alberta Transportation understands the importance of this workshop

♦ The Guidelines for the Springbank Reservoir Off-Stream Project also available on the CEA Agency website at <http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=115397>

being a collaborative effort and will seek guidance from on the appropriate structure, format, community attendees and reasonable expenses for the proposed workshop.

The Canadian Environmental Assessment Agency (Agency) has offered to facilitate the workshop. As facilitators for the workshops, the Agency will assist both parties (Alberta Transportation and the Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley)) in accomplishing their workshop objectives by supporting constructive and respectful dialogue. This includes:

- Introducing speakers
- Keeping presentations on schedule/within allotted time
- Moderating Q&As during or after the presentation
- Intervening when discussions are getting sidetracked
- Taking flip chart notes to record decisions, priorities, key points of discussion
- Tabling issues that are not on the agenda
- Remaining neutral and focusing on workshop process

The Agency also agrees to provide a display table with information on the environmental assessment process for the Project. Upon request, the Agency can speak to or present on its role as the federal regulator and Crown consultation coordinator for the environmental assessment of the Project.

A draft agenda will be prepared and sent to you for input prior to the workshop. Following best practices for working with Indigenous knowledge, Alberta Transportation will implement an informed consent and validation process for any TLRU information shared that is to appear in the final EIS that conforms to Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) protocols.

TLRU information validated by Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) will be incorporated into the TLRU section and other Valued Component sections as appropriate prior to the re-filing of the EIS.

We Welcome Your Views and Input

If Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) is not available to participate in this proposed workshop, Alberta Transportation welcomes other suggestions for providing your views and input on the draft TLRU sections. We request that any feedback or input is received by March 1, 2018 to allow for incorporation of your feedback into the EIS prior to the re-filing.

Alberta Transportation is committed to ongoing engagement with your community to meet your information needs on SR1 and to working together to resolve any issues and concerns. Please contact Dallas Maynard of DEMA at 780-458-7123 or via email at dallas.maynard@demaland.ca should you have any questions or comments.

Sincerely,



Landon Reppert, P.Eng.
Executive Director

attachments

Attachment A - Information Requests and General Topics for Discussion during February 2018 Community-Specific Workshops

The CEA Agency EIS Guidelines for the Project request information about Indigenous Groups' traditional territories, traditional activities (e.g. hunting, fishing, trapping, plant gathering), species of importance, drinking water sources, country foods, access and travel routes, and Indigenous groups' perspectives on how effects to current use of lands and resources for traditional purposes have been considered in the EIS.

The EIS relies on information shared by Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) during the Indigenous engagement program (including any project-specific traditional use information received) and using publicly available secondary source materials. Alberta Transportation would like to receive input and feedback on the TLRU information that appears in the draft Traditional Land and Resource Use (**TLRU**) sections of the EIS (Volume 3A, Section 14, construction and dry operations phases; and Volume 3B, Section 14, flood and post-flood operations phases), or any further project-specific traditional use information that Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) is willing to share.

In particular, Alberta Transportation is interested in discussing the following topics:

1. The CEAA EIS Guidelines for the Project require a description of the traditional territories, including maps where available. This has been provided in Volume 3A, Section 14.2.2 (Indigenous Groups). Is Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) willing to provide a map of their traditional territory? Is the description of your traditional territory accurate? Should this description be revised?
2. Volume 3A, Section 14.9 (References) and Attachment A provide a list of references used in this assessment and a description of each source. Are the sources used appropriate? Are there any additional or alternate sources of information that should be referenced here?
3. Volume 3A, Section 14.2.2 (Indigenous Groups) provides brief profiles of each Indigenous group and an overview of historical and current use in the area. Please provide feedback on this section and any changes that should be made. Are the sources used appropriate? Are there any additional sources of information that should be referenced here?
4. Volume 3A, Section 14.2.4 (Availability of Traditional Resources for Current Use) provides a list of traditionally used species. Please provide feedback on this section. Are there other species that should be identified?
5. Would Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) be willing to share information about country foods harvested within the Project area? Which country foods are harvested, where are they harvested, and what is the frequency of consumption? Are there any recommendations for mitigating potential effects on country foods?
6. The CEAA EIS Guidelines for the Project request information on access and travel routes for traditional activities. Based on the information available, this is presented in Sections 14.2.5 (Access to Traditional Resources or Areas for Current Use) and Section 14.3.3 (Change in Access to Traditional Resources or Areas for Current Use).

- Is Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) willing to provide more information on current access to the Project area?
 - Do Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) TLU activities take place on private lands in the Project area?
 - Do Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) members have formal or informal agreements with landowners?
 - Can locations of access be used in the EIA and disclosed? Where do limitations on access exist?
7. Is Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) willing to share information about sources of drinking water in the Project area (e.g. permanent, seasonal, periodic, or temporary drinking water, including springs, or sources of water for recreational purposes)? Please provide any recommendations for mitigating potential effects on drinking water.
 8. Based on the information available, Sections 14.3.2 (Change in Availability of Traditional Resources for Current Use), 14.3.3 (Change in Access to Traditional Resources or Areas for Current Use), and 14.3.4 (Change in Current Use Sites or Areas) provide description of potential effects on current use of land and resources for traditional purposes. Any feedback provided by Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) regarding changes to availability of resources for current use, access for current use, or current use sites and areas will be incorporated into the EIS.
 9. The CEAA EIS Guidelines for the Project direct that input from Indigenous groups be sought in evaluating impacts to potential or established section 35 rights. Can Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) share information on the nature of Aboriginal or Treaty rights and potential effects on Aboriginal or Treaty rights?
 10. Mitigation measures to reduce or eliminate potential Project effects are suggested in Sections 14.3.2 (Change in Availability of Traditional Resources for Current Use), 14.3.3 (Change in Access to Traditional Resources or Areas for Current Use), and 14.3.4 (Change in Current Use Sites or Areas).
 - Does Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) have any comment or feedback on how these have been presented? Are any changes necessary?
 - Please provide feedback on the effectiveness of suggested mitigation measures and any additional recommendations for mitigating potential effects from the Project.
 11. CEAA has requested a cultural value be identified on any sites in the Project area.
 - Is Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) willing to share information related to the cultural value of sites in the Project area?
 - Are there cultural sites or areas in the Project area that are important for ongoing cultural value?
 - Please advise of any recommended measures for mitigating the potential effects to these sites, including loss of access.
 12. Can Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) provide feedback on how changes to wildlife movement, from cumulative effects could affect the ability to conduct traditional activities.

Stoney Nakoda Nations – Specific Topics

1. During Indigenous engagement for the Project, Stoney Nakoda Nations mentioned that there are two traplines in the Project area. Are Stoney Nakoda Nations willing to share additional information on the two traplines in the Project area and clarify where trapping occurs in the Project area? May the locations of these traplines and trapping areas, as well as information on access to these traplines and trapping areas, be disclosed in the EIA?
2. During Indigenous engagement for the Project, Stoney Nakoda Nations discussed the connection of wildlife crossings to the transmission of knowledge.
 - Is Stoney Nakoda Nations willing to share any further information about this connection?
 - Are there recommendations for mitigating potential effects on the connection of transmission of knowledge to wildlife crossings?
3. During Indigenous engagement for the Project, Stoney Nakoda Nations mentioned that monitoring programs are part of construction for major projects. Can Stoney Nakoda Nations confirm that this should be understood as a request for Indigenous cultural monitors as a mitigation measure during construction of the SR1 Project?
4. In the letter from Rae and Company dated January 15, 2018, it is noted that inaccurate maps representing Stoney reserves no. 142, 143, and 144 have been used. A more recent dataset has been used to update the maps in the TLRU section (Figures 14-1 and 14-2). Please confirm whether the newer dataset is preferable. If not, please provide feedback on the most appropriate dataset to accurately represent the reserves.

March 23, 2018

Mr. William (Bill) Snow
Stoney Tribal Administration
PO Box 120
Morley, Alberta
T0L 1N0

Dear Mr. Snow:

Subject: SPRINGBANK OFF-STREAM RESERVOIR PROJECT (SR1)

Thank you for your continued participation in the Indigenous engagement/consultation process with Alberta Transportation on the proposed Springbank Off-stream Reservoir Project.

Alberta Transportation values its relationship with Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) and appreciates the time and energy your community has spent engaging with us on this important flood mitigation project. Concerns raised and recommendations proposed by Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) during the engagement/consultation process to date have been recorded by Alberta Transportation and are summarized in the attached Specific Concerns and Responses Table along with Alberta Transportation's responses to the concerns and recommendations. Some of the same concerns and recommendations were also raised and responded to during our recent workshops held on February 12 and March 20, 2018.

The Specific Concerns and Responses Tables, including the one attached, will be included in the submission of the updated EIA/EIS to the regulators, which is currently scheduled for submission on March 29, 2018. Stoney Nakoda Nations (Bears paw, Chiniki, and Wesley) will receive direct notification of the filing.

Please contact the undersigned if you have any questions or concerns.

Sincerely,



Landon Reppert, P.Eng.
Executive Director

attachments

cc: Marie Kootenay, Program Coordinator
Shelly Boss, Canadian Environmental Assessment Agency
Anna Kessler, Canadian Environmental Assessment Agency
Tanya Holden, Aboriginal Consultation Office
Kathy Perchaluk, Aboriginal Consultation Office

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| Issues, Concerns and Recommendations | Responses and Outcomes |
|---|--|
| Engagement (See Volume 1, Section 7, Volume 4 Appendix B) | |
| <p>Stoney Nakoda Nation confirmed the SR1 project is in their Traditional Territory. They want to be able to complete an internal Cultural Review of the project area with Elders.</p> <p>The Stoney Nakoda Nation feel a Cultural Use Study, a Stoney Hydrology report, and a wildlife impacts study are required.</p> | <p>AT has been engaged with Stoney Nakoda Nation since 2014 to understand how the Project potentially impacts rights, interests and traditional uses.</p> <p>Alberta Transportation has provided funding for the Stoney Nakoda Bearspaw, Chiniki, Wesley Nations to conduct a Traditional Use Study on the project lands. No report has been received to date, March 16th, 2018.</p> <p>To facilitate the traditional use studies, Alberta Transportation arranged and facilitated 11 site visits by Stoney Nakoda Nations within the Project Development Area (PDA) in the fall of 2016.</p> <p>Alberta Transportation sent the link to the October 2017 EIS to Stoney Nakoda Nation on November 3, 2017. On December 5th, 2017, AT requested feedback on the Traditional Land and Resource Use (TLRU) sections (Volumes 3A and 3B).</p> <p>Project timelines for resubmission of the EIA/EIS were extended by 60 days in order to undertake further indigenous engagement activities.</p> <p>Alberta Transportation provided Stoney Nakoda Nations with the revised draft TLRU sections for review and comment under correspondence dated February 6, 2018. AT also offered a workshop with the goal of better understanding potential impacts of the Project to Stoney Nakoda Nations and to provide responses to the concerns raised to date.</p> <p>A workshop was held with Stoney Nakoda Nation on February 12th, 2018, and was facilitated by CEAA. Verification of the meeting minutes from the workshops was not received prior to March 16, 2018 and therefore the TLRU sections in the EIA/EIS have not been updated to include information discussed. A second workshop is planned for March 20th, 2018.</p> <p>Relevant information, concerns and recommendations received after the EIA/EIS has been filed in March 2018 will be used for project planning and implementation purposes, where applicable.</p> |
| <p>The Stoney Nakoda Nation expressed concerns with the Stoney lack of mapping capability and requested some assistance understanding the SR1 mapping.</p> | <p>Alberta Transportation provided a PDF and Google KMZ map of the test Bore holes completed during the site investigation phase at the SR1 project.</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| Issues, Concerns and Recommendations | Responses and Outcomes |
|---|---|
| Indicated desire to do a site visit with elders. (Sept 2017) | At the time of the request AT's agreement with the landowners for access had expired. Any additional access would need to be requested on an owner by owner basis. |
| Requested about having an on-reserve presentation on the SR1 project, | AT presented the SR1 Project to the Stoney Nakoda Nation at the Stoney Nakoda Resort on Feb 12th, 2018. A further workshop at the Stoney Nakoda Resort has been scheduled for Feb 20th, 2018. |
| Desire for their consultation team and elders to undertake a ceremony on the SR1 lands. They wanted Alberta Transportation and CEAA to participate. | At the request of Indigenous groups, Alberta Transportation will participate in ceremonies (if invited) prior to the start of construction, including making offerings. |
| Hydrology (See Volume 3A and 3B, Section 6) | |
| Concerned about the hydrology of the SR1 area. In particular Elbow River vs. groundwater impacts. | <p>The EIA considered the effects of the Project on both surface water (Volume 3A and 3B, section 6) and groundwater, including the Alluvial Aquifer (Volumes 3A and 3B, section 5, Appendix I).</p> <p>The assessment used a complex numerical groundwater model (FEFLOW) to evaluate potential changes to the hydrogeologic system, including aquifer pressure, caused by floods and construction and operation of the Project. The results of a series of the modeling scenarios showed that the groundwater levels and flow patterns are altered within the vicinity of the proposed Project. Changes are observed within the reservoir area during flooding and recede toward pre-flood conditions following floods. Changes in the groundwater flow regime are also observed along the proposed diversion channel. The model results were used as the basis for the EIA. The assessment concluded that effects to groundwater quantity and quality would not be significant.</p> <p>The residual effects on groundwater quantity from the Project are assessed as not significant because they would not decrease the yield of groundwater supply wells to the point where they can no longer be used. The residual effects on groundwater quality from the Project are assessed as not significant because changes in groundwater quality at existing wells would not deteriorate to the point where it becomes non-potable or cannot meet the Guidelines for Canadian Drinking Water Quality for a consecutive period exceeding 30 days (for those parameters which don't already, under existing conditions, exceed those guidelines). Effects to groundwater would be limited to the local assessment area.</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| Issues, Concerns and Recommendations | Responses and Outcomes |
|--|---|
| Fish and Fish Habitat (see Volume 3A and 3B, Section 8) | |
| Concerns that the SR1 project will act as a barrier to the migration of wildlife and fish. | <p>Although the Project would result in additional anthropogenic features on the landscape that might hinder wildlife movement in the local assessment area, Alberta Transportation has made adjustments to accommodate wildlife movement such as revegetating the floodplain berm with materials conducive for ungulate movement. The EIA concluded that the project residual effects on wildlife movement are unlikely to pose a long-term threat to the persistence or viability of a wildlife species, including species at risk (EIA, Volume 3A and 3B section 11).</p> <p>During Project design it was recognized that the diversion structure could result in an increase in flow rates of the Elbow River at the structure and potentially affect the ability of fish to pass upstream. In order to avoid affecting fish passage design elements were incorporated to ensure that under normal river conditions flow rates are maintained within the range suitable for fish passage.</p> |
| Wildlife (see Volume 3A and 3B, Section 11) | |
| Emphasized the importance of wildlife crossings and was concerned that if not properly managed could be a problem for the SR1 project. | Although the Project would result in additional anthropogenic features on the landscape that might hinder wildlife movement in the local assessment area, Alberta Transportation has made adjustments to accommodate wildlife movement such as revegetating the floodplain berm with materials conducive for ungulate movement. The EIA concluded that the project residual effects on wildlife movement are unlikely to pose a long-term threat to the persistence or viability of a wildlife species, including species at risk (EIA, Volume 3A and 3B section 11). |
| Concerns regarding wildlife, fish, and birds, and that the project will drive away these animals. | The Project will result in direct and indirect loss of wildlife habitat during construction and dry operations; however, the amount of wildlife habitat permanently affected (168 ha) is relatively small compared to the availability of wildlife habitat remaining in the local assessment area (4,860 ha). Although there would be temporary displacement and disturbance to wildlife during construction, a measurable change in the abundance of wildlife in the regional assessment area is unlikely. |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| Issues, Concerns and Recommendations | Responses and Outcomes |
|---|--|
| <p>Expressed concerns over wildlife passage through the SR1 area following construction. He inquired if there would be wildlife crossings built over HWY 22 or Highway 8.</p> | <p>There is no plan to build wildlife overpasses. The diversion channel and dam were contoured to allow for wildlife passage through the SR1 area during non-flood times. The channel will be directed under HWY 22 and Township Road 242. The area underneath the bridges will contain rip rap however, the rip rap under the bridges will be filled with gravel potentially enabling animals to move under the bridges and avoid crossing the roads.</p> <p>With respect to Project design, the side slopes and bottom of the diversion channel will be vegetated, with the following exceptions. Where the diversion channel passes through bedrock, the channel would remain as an exposed bedrock cut. Articulated concrete matting will be provided in select areas of the channel where pipelines cross. Riprap erosion protection will be provided at critical areas including at bridge crossings, around the emergency spillway and for a 1.4 km stretch at the diversion channel outlet structure. The south portion, farthest from Elbow River, will be a 450-m earthen embankment vegetated with native grasses. The floodplain berm will also be covered with materials conducive to ungulate movement (see Volume 3A, Section 11).</p> <p>A remote camera program will be designed in consultation with Alberta Environment and Parks (AEP), to identify whether the diversion channel acts as a barrier to wildlife movement during dry operations, especially for ungulates, and determine the effectiveness of mitigation implemented throughout the diversion channel. The remote camera program will also include monitoring along the Elbow River to determine if wildlife use of the Key Wildlife and Biodiversity Zone (KWBZ) has been affected by the construction and operation of the Project.</p> |
| <p>Expressed concerns that the fences that would be built around the SR1 site might impact wildlife passage through the area.</p> | <p>Fences that are planned for the SR1 project would be similar to the farm fencing that already exists and should not have any additional impact to wildlife than currently exists.</p> |
| <p>Traditional Land and Resource Use (See Volume 3A and 3B, Section 14)</p> | |
| <p>There are two trap lines out there and Stoney members use the area for trapping.</p> | <p>Based on available information there are no registered traplines within the PDA. AT has requested the locations of the two traplines and were the Stoney members trap in order to determine if there is potential impact from the Project.</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| Issues, Concerns and Recommendations | Responses and Outcomes |
|--|---|
| <p>Concerns were expressed for the Stoney Nakoda cultural practices, their current use of lands and resources for traditional purposes, and concerns to their Treaty Rights.</p> | <p>Effects on potential or established Aboriginal or Treaty rights are addressed through the assessment of the current use of lands and resources for traditional purposes. By acknowledging a link between practice-based rights and current use, this assessment accepts that adverse residual effects on availability of traditional resources for current use, on access to traditional resources or areas for current use, or on sites or areas for current use will have a consequent effect on the ability of Indigenous groups to exercise potential or established Aboriginal and Treaty rights. Given that the residual effects for the Project on TLRU are predicted to be not significant, no effects on potential or established Aboriginal or Treaty rights is expected to occur as a result of the Project.</p> <p>In addition, a conservative assumption was made that Indigenous groups had access to the PDA to practice traditional use activities notwithstanding access to these private lands is limited.</p> |
| <p>Accidents and Malfunctions (See Volume 3D, Section 1)</p> | |
| <p>Inquired about the Oil Pipelines that cross the SR1 lands and what would happen to them as part of SR1.</p> | <p>The procedures for dealing with overhead and buried utilities located within constructions zones is highly regulated. All regulatory requirements will be strictly adhered to.</p> <p>Oil and gas pipelines operated by four companies (TransCanada Pipelines Ltd., Pengrowth Energy Corp., Veresen Inc., and Plains Midstream Canada) are located within the diversion channel, dam, and reservoir areas.</p> <p>Alberta Transportation are currently in contact with these utility owners and crossing agreements will be developed. Buried pipeline and overhead utilities will be relocated, moved or lowered as required. Prior to any soil disturbance, utility locate sweeps will be done and buried lines and pipelines will be flagged and marked. Pipeline crossings will be designed and maintained as required by the utility owners and in strict compliance with regulations. Daily hazard assessments will be conducted before work is undertaken in the vicinity of utilities. In the event of damage to existing pipelines, project personnel would contact the pipeline company's emergency contacts to address pipeline emergency response. The implementation preventative measures and of daily hazard assessments will greatly reduce the risk of accidental contact with utilities.</p> <p>In the unlikely event of damage to existing pipelines, project personnel would contact the pipeline company's emergency contacts to address and coordinate the emergency response. The implementation of preventative measures and of daily hazard assessments will greatly reduce the risk of accidental contact with utilities</p> |

Table 7-4 SR1 Project Specific Concerns and Responses – Stoney Nakoda Nations

| Issues, Concerns and Recommendations | Responses and Outcomes |
|--|--|
| General Comments | |
| Crown land should be set aside to replace lands taken for SR1. | If approved, the project requires the acquisition of private land. Landowners would be provided monetary compensation. These private lands will not be replaced. |
| Transportation has used incorrect maps of Stoney IR 142, 143, 144. | The EIA has been updated to use the correct maps of the Stoney Nakoda Nation Reserve 142,143, 144. The map was sourced from Natural Resources Canada, Lands and Minerals Sector - Geobase http://ftp.geogratis.gc.ca/pub/nrcan_rncan/vector/geobase_al_ta/ |
| Asked when/how historical/indigenous impact studies will be conducted for the McLean Creek option. | There is no intention to complete historical/indigenous impact studies for the McLean Creek option. An assessment of the McLean Creek option was included as part of the Project Location Alternatives assessment in the EIA/EIS (Volume 1, Section 3, Volume 4, Supporting Documentation). AT is applying for the SR1 Project. |
| EIA and project cannot be looked at in isolation from other flood control measures. | Following the floods of June 2013, the government of Alberta assessed various flood mitigation measures as detailed in the Project Location Alternatives section of the Volume 1 Project Description of the EIA/EIS. The SR1 Project was selected as the preferred option. In addition, flood mitigation projects for Bragg Creek and Redwood Meadows are underway. |
| Provide map of location of traditional territory of Stoney Nakoda. | The EIA provides a description of the Stoney Nakoda traditional territory from source - SIB 2014: Amended Statement of Claim, Court File Number 0301-19586 This amended statement of claim was prepared and filed by Stoney Nakoda Nations in the context of Action Number 0301-19586. This source was used to provide background information for Stoney Nakoda Nations, including information on the traditional territory. The scope of the identified traditional territory is one of the issues in dispute in the context of this litigation. |

Dallas Maynard

From: Dallas Maynard
Sent: September 11, 2018 1:45 PM
To: 'Bill Snow'
Cc: 'Mark Svenson'; 'Seamas Skelly'
Subject: SR1 Meeting with Dallas Maynard at the Grey Eagle Hotel - Crowchild Room

Bill,

Further to our text messaging, I was able to book the Crowchild meeting room at the Grey Eagle Hotel for our get together this Thursday September 13, 2018 at 10 AM. I thought getting a meeting room would be more private for our SR1 discussions. If you would like breakfast we can have that brought into the room. Mark Svenson and Seamas Skelly from Alberta Transportation are in town that day and I have asked them to join us.

I view this as an opportunity to discuss and plan a strategy to complete work on the Springbank SR1 that the Stoney Nakoda Bears paw, Chiniki, Wesley Nations had identified and the resources to complete that work.

See you Thursday.

Kind Regards,

Dallas

Dallas E. Maynard, AACI, P.App., SR/WA



#10 – 320 Circle Drive, St. Albert, AB T8N 7L5
D: 780.229.3489 | **C:** 780.940.2036 | **F:** 780.458.8546
E: dmaynard@demaland.ca | **W:** www.demaland.ca

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January 28, 2019

William (Bill) Snow
Stoney Tribal Administration
PO Box 120
Morley, AB
T0L 1N0

Dear Mr. Snow:

**Re: CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY INFORMATION REQUESTS FOR THE
SPRINGBANK OFF-STREAM RESERVOIR PROJECT – OPPORTUNITY FOR INPUT**

Alberta Transportation would like to thank Stoney Nakoda Nations for its continued involvement in the Springbank Off-Stream Reservoir (SR1 or Project) Project engagement process. This Project is currently under review by the Canadian Environmental Assessment Agency (CEAA).

Following its review of the Environmental Impact Statement (EIS) submitted in March 2018, CEAA provided Information Requests (IRs) to Alberta Transportation. A number of the CEAA IRs – in particular CEAA IR2-01, IR2-02, and IR2-08 – request additional information with respect to Aboriginal and treaty rights, cultural and experiential values and country foods (**see Appendix A**).

Alberta Transportation acknowledges that Stoney Nakoda Nations has provided information in the context of ongoing engagement correspondence and meetings. Alberta Transportation has drafted responses to the CEAA IRs based on the information provided by Stoney Nakoda Nations to date.

In addition, Alberta Transportation would like to provide the opportunity for Stoney Nakoda Nations to provide its views and perspectives on its Aboriginal and treaty rights, cultural and experiential values and country foods. Alberta Transportation intends to incorporate Stoney Nakoda Nations' input verbatim into the final IR responses, however, very lengthy feedback may, of necessity, need to be summarized.

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?

Written input received by end of business day February 28, 2019 will be incorporated into the appropriate IR responses submitted to CEAA. Written input received after February 28, 2019 will be used to inform ongoing engagement efforts and will be incorporated into regulatory submissions and project planning, as appropriate.

As noted in the EIS Guidelines issued on August 10, 2016, the federal Crown will rely on information collected for the purposes of the environmental assessment to fulfill its duty to consult and inform its assessment of potential impacts from the Project on the exercise of Aboriginal or treaty rights.

Please contact Dallas Maynard at dmaynard@demaland.ca or 780-229-3489 should you have any questions.

Sincerely,



Crystal Damer
Assistant Deputy Minister, Springbank

Attachment/Enclosure (Appendix A)

cc. Marie Kootenay

APPENDIX A

IR2-01

Topic: Impacts to Rights

Sources:

EIS Guidelines Part 2, Section 5

EIS Volume 2

EIS Volume 3A, Sections 14.1.3; 14.5

Piikani Nation – Technical Review of EIS, June 15, 2018 (CEAR #48)

Tsuut'ina First Nation, Ermineskin Cree Nation, and Kainai First Nation – Technical Review of the EIS - Annexes – Combined (CEAR # 46, 47, 50)

Samson Cree Nation – Springbank Off-Stream Reservoir Project Written Submission – June 25, 2018 (CEAR # 52)

Montana First Nation – Review of Springbank Off-Stream Reservoir EIA, June 2018 (CEAR # 51)

Ermineskin Cree Nation and Blood Tribe – Springbank EIS Technical Comments (CEAR # 46, 47)

Context and Rationale:

The EIS Guidelines require that, for each group identified in section 5.1, the EIS presents information on: Aboriginal and treaty rights; potential adverse impacts on rights of each project component and project physical activities; mitigation measures or accommodation to potential impacts; and potential impacts that have not been fully mitigated. The EIS Guidelines provide direction on proponent engagement with Indigenous groups and require that criteria for evaluating impacts to Aboriginal and treaty rights consider input sought by the proponent and/or provided by Indigenous groups.

The EIS does not present information on each Indigenous group's views of their rights and how each Indigenous group was engaged in developing or applying the proposed methodology. Additionally, the conclusions on potential impacts to rights do not consider each Indigenous group identified in section 5.1 of the EIS Guidelines.

The EIS defines treaty rights and Aboriginal rights broadly and states that effects to land and resource use upon which the exercise of rights depend is the measurable parameter for an assessment of potential impacts to rights. The EIS concludes that because effects of the Project on TLRU are predicted to be not significant, impacts on potential or established Aboriginal or

treaty rights are not expected. Indigenous groups have identified problems with the conclusions of the TLRU assessment and dispute the validity of relying on these conclusions for evaluating potential impacts to Aboriginal and treaty rights. For example, the EIS assumptions regarding the relative importance of the project area for the exercise of rights have been refuted by potentially impacted Indigenous groups.

Assessing impact to Aboriginal and treaty rights is not limited to assessing environmental effects on the current use of lands and resources for traditional purposes or on discrete biophysical components such as wildlife. An assessment of impacts to Aboriginal and treaty rights includes consideration of experience, culture, governance, knowledge and other factors, many of which have been labelled “intangible components” in the EIS. The EIS restricts the analysis of potential impacts to rights to the consideration of residual effects on traditional harvesting or physical activities associated with traditional use and does not assess effects to intangible components. The assessment of intangible components is possible and also necessary to understanding potential impacts to Aboriginal and treaty rights.

Indigenous groups, including Ermineskin Cree Nation and Kainai First Nation, as well as the Technical Advisory Group for the Project, requested that the *Methodology for Assessing Potential Impacts on the exercise of Aboriginal and Treaty Rights of the Proposed Frontier Oil Sands Mine* (Mikisew Cree First Nation and the Canadian Environmental Assessment Agency) (Annex 1) be considered in responding to the items below.

Information Requests:

- a) Identify the conditions that support each community’s exercise of their rights, including understanding how historic, existing, and approved activities have affected these conditions. Identify the importance of the Project’s location in relation to the exercise of rights for each Indigenous group listed in the EIS Guidelines.
- b) Identify the pathways for potential impacts of the Project (positive and negative) on the exercise of rights, accounting for the nature of rights, regional/historic/cumulative impacts, community thresholds, cultural landscape, preferred expression of rights, distribution of benefits/impact equity, and present and future generations.
- c) Define the criteria used for assessing the severity of impacts to rights. The criteria may be different from the criteria used to assess the significance of environmental effects and may vary between Indigenous groups.
- d) Considering each of the pathways identified and the criteria developed, provide analysis, discussion, and conclusions on whether the Project will have a low, medium, or high level of impact on the exercise of rights for each Indigenous group.
- e) Describe mitigation measures that specifically address potential impacts to rights and accommodation measures that have been identified through engagement with Indigenous groups. Include any commitments made to mitigation and accommodation.

IR2-02

Topic: Cultural Experience - Experiential Values and Importance of Water

Sources:

EIS Guidelines Part 1, Section 4.3.2

EIS Guidelines Part 2, Sections 5; 6.1.9; 6.3.4

EIS Volume 3A, Section 14; 14.1.3.3

EIS Volume 3B, Section 14; 14.5

Ermineskin Cree Nation – Springbank Off-Stream Reservoir TKU Report (CEAR #46)

Blood Tribe/Kainai – Traditional Knowledge, Land, and Resource Use (CEAR # 47)

Context and Rationale:

The EIS Guidelines direct the proponent to assess changes to the environment that affect cultural value or importance associated with traditional uses or areas affected by the Project as well as any change to, or loss or destruction of, cultural value and heritage. The EIS Guidelines require the proponent to assess the effects of changes to the environment on physical and cultural heritage of Indigenous peoples, and to integrate input from Indigenous engagement and Indigenous knowledge into this assessment (methodology and analysis).

The EIS focuses on potential effects to physical resources associated with land use and culture. The EIS describes perceived limitations to the assessment of, what the proponent labels, “experiential values” noting that potential effects and appropriate mitigation measures can only be meaningfully evaluated by individuals and communities experiencing these values in their cultural context, and that these effects can not be characterized from a Western science perspective. Effective engagement with Indigenous groups as required by the EIS Guidelines is not limited to what can be characterized from a Western science perspective; it should facilitate the evaluation of effects and mitigation measures by the Indigenous groups (individuals and communities) experiencing values in their cultural context, and the subsequent description of these evaluations in the EIS.

Numerous Indigenous groups have identified concerns with potential effects of the Project on cultural experience of the landscape, and associated effects to use and wellbeing. Indigenous groups shared their perspectives through engagement, site visits, and/or TLRU studies. Concerns raised by Indigenous groups include, but are not limited to: quality of use experience and associated changes in cultural practices; changes to spiritual and cultural connections with the affected environment; effects resulting from management of water and treatment of non-human species; the effects of the Project on individual and community identity resulting from changes to

the environment, culture, land use, and intergenerational transfer of knowledge; and impacts to the cultural and spiritual significance of water, as the Project will interfere with the natural flows of water.

Understanding Project changes to the environment that affect cultural value or importance associated with traditional uses or areas and on Indigenous peoples is integral to understanding the potential adverse environmental effects of the Project as per CEEA 2012 section 5(1)(c), the potential impacts to Aboriginal and treaty rights, and opportunities to mitigate or accommodate those impacts.

Information Requests:

- a) Present an assessment of potential changes of the Project to cultural experience/experiential values, including:
 - A description of cultural experience/experiential values identified by each Indigenous group and potential changes to the environment that interact with these.
 - Mitigation measures identified by Indigenous groups (individuals and communities) who may experience these effects, and any commitment made to these mitigation measures.
 - A clear explanation of the methodology for integrating Indigenous knowledge into this assessment.
- b) Describe each Indigenous group's views on the potential impacts of the Project specifically in relation to the cultural and spiritual importance of water.
- c) Describe mitigation and accommodation measures regarding the cultural and spiritual importance of water proposed by Indigenous groups and any commitments by the proponent to these mitigation or accommodation measures.

IR2-08

Topic: Indigenous Health and Country Foods

Sources:

EIS Guidelines Part 2, Section 6.1.9; 6.3.4

EIS Volume 3A, Section 14 and 15

EIS Volume 3B, Section 14 and 15

Ermineskin Cree Nation and Blood Tribe – Springbank EIS Technical Comments (CEAR # 46, 47)

Context and Rationale:

The EIS Guidelines require the proponent assess the effects of changes to the environment on Indigenous peoples, including on current use, health and socio-economic conditions, and physical and cultural heritage, both of which include the consideration of the harvesting and consumption of country foods.

The EIS sections on Public Health draw a link between country foods and health. The information presented is primarily regarding chemical exposure pathways, the quality of country foods, and potential effects to human receptors, from a Western-science, physical health perspective. These sections do not offer a robust discussion of the role of country foods in physical, mental, and spiritual health of Indigenous people. Concerns have been raised relating to the assessment of changes to the environment and effects on Indigenous peoples health and wellbeing.

The EIS acknowledges the Project would limit access to areas where country foods are available and actively harvested, and this could lead to food scarcity if there is a high dependency on the affected land area for food. The EIS describes a “conservative approach” applied in the assessment which assumes that traditional land use, including the harvesting of country foods, occurs within the project area. In contrast, the conclusions of the assessment of effects assumes that there is limited access to private lands and points to the absence of site specific information and consumption rate estimates to minimize the relative importance of the Project area.

Potentially affected Indigenous groups have provided evidence to support their use of the lands within the PDA and have noted that the PDA may play an important role in community wellbeing.

Additional information is required regarding the potential effects of the Project on country foods availability and access, and associated effects to Indigenous peoples’ use, health and wellbeing.

Information Requests:

- a) Provide information on the availability of and access to country foods of importance to each Indigenous group, within the PDA, LAA and RAA, a description of the pathways of effects to these foods, project specific mitigation measures, and a revised effects assessment. Include consideration of:
 - the role of country foods from a holistic health perspective that accounts for physical, mental, and spiritual health of individuals and communities.
 - the role of country foods in Indigenous food sovereignty as it relates to health, wellbeing, governance, and rights.
- b) Describe how findings on country foods affect the assessment of effects of changes to the environment on Indigenous peoples' current use, health and socio-economic conditions, and physical and cultural heritage. Provide updated effects assessments as necessary.

May 30, 2019

Mr. Dean Cherkas
Stoney Tribal Administration
PO Box 120
Morley, Alberta
T0L 1N0

Dear Mr. Cherkas:

Subject: SPRINGBANK OFF-STREAM RESERVOIR PROJECT CONSULTATION

Thank you for your May 22, 2019 email to Jennifer Hallson of DEMA Land Services. Alberta Transportation would like to take this opportunity to address the ongoing consultation with the Stoney Nakoda (Bears paw, Chiniki, and Wesley) Nations for the Springbank Off-Stream Reservoir Project (SR1 or the Project).

Alberta Transportation initiated consultation with the Stoney Nakoda Nations in 2014 with a notification letter dated August 18, 2014 that detailed the project location, followed by a more detailed letter dated August 27, 2014 that included a project description and requested to hear any specific concerns as they related to your treaty rights and traditional uses within the Project area. Since notification, Alberta Transportation has met with Stoney Nakoda Nations a total of 11 times between 2014 and 2019 to share information, discuss Stoney Nakoda Nations' concerns about the Project, and to engage in meaningful dialogue about ways to avoid or mitigate potential adverse Project impacts to treaty rights and traditional uses.

Stoney Nakoda Nations also requested funding for a Traditional Use Study (TUS) from Alberta Transportation. To this end, Alberta Transportation funded 11 days of site visits for the Stoney Nakoda Nations to the Project area. At the meeting held on February 22, 2019, Stoney Nakoda Nations indicated they would not be submitting a TUS. A completed TUS would help further inform Alberta Transportation regarding Stoney Nakoda Nations' use of the Project area, concerns regarding the Project, and ways to avoid or mitigate potential adverse Project impacts to treaty rights and traditional uses. We continue to welcome the completion of a TUS by Stoney Nakoda Nations for this Project.

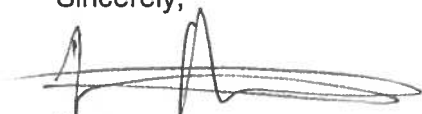
Concerns raised to date by Stoney Nakoda Nations include concerns regarding wildlife and wildlife crossings; fish; impacts to Treaty rights; monitoring programs; and pipelines and pipeline safety. Alberta Transportation provided responses to these concerns during meetings with the Stoney Nakoda Nations. This includes:

- **Wildlife:** Mitigation measures include 3:1 vegetated side slopes of the channels and berms and wildlife friendly fencing. Renderings of the Highway 22 bridge crossing the diversion channel were shown and will be modified to be more wildlife friendly by filling in the rip rap with finer granular material and having a large opening (24 m wide by 10 m high and the base).
- **Pipelines:** A map of the pipelines and what is in them was provided, and a discussion was held surrounding how the pipelines within the Project area would be moved.
- **Treaty rights and traditional uses:** Alberta Transportation discussed with the Stoney Nakoda Nations proposed land use for the SR1 Project area. Due to feedback heard during consultation with Stoney Nakoda Nations and other First Nations regarding their desire to access the Project area for hunting, harvesting, and ceremony, the Government of Alberta is finalizing its approach to post-construction land use of the SR1 Project area. Alberta Transportation will be in contact with the Stoney Nakoda Nations, and other First Nations, after the Information Requests/Supplemental Information Requests are filed with the regulators to discuss this issue further.
- **Monitoring programs:** Alberta Transportation has committed to further discussions with Stoney Nakoda Nations on monitoring programs.

Alberta Transportation has provided the bimonthly Record of Consultation (ROC) logs and Specific Concerns and Response Table (SCRT) for review. Stoney Nakoda Nations have been asked to review these ROC logs and SCRT for errors or omissions and to date Alberta Transportation has not received any comments on these documents.

Alberta Transportation is committed to continuing consultation with the Stoney Nakoda Nations on the SR1 Project and would like to meet with you to further discuss any remaining concerns about the Project. DEMA Land Services will be in contact to arrange a meeting.

Sincerely,



Matthew Hebert
Executive Director

cc: Bill Snow, Stoney Tribal Administration
Kate McEwen, Aboriginal Consultation Office

September 23, 2019

Dean Cherkas
Stoney Tribal Administration
PO Box 120
Morley, AB
T0L 1N0

Dear Mr. Cherkas:

On August 6, 2019, Alberta Transportation received a letter and accompanying Annex (Gap Package 2) from the Canadian Environmental Assessment Agency (now the Impact Assessment Agency, IAA) identifying potential gaps in our responses to the Round 1 Agency Information Requests.

Information Request 2-05 asked Alberta Transportation to *“provide a description of the current state of the environment on federal lands, prepared with the First Nation whose reserve(s) may be affected, that focuses on the land management plans or priorities set by the respective First Nations. Discuss potential interactions of residual project effects with the plans and objectives identified.”*

Alberta Transportation currently does not have adequate information to respond and as such ask for your assistance. Specifically, would you be able to 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.

Thank you.



Matthew Hebert
Executive Director

cc Bill Snow, Stoney Tribal Administration

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RN356732115CA

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| Sept. 25 | 12:10 am | CALGARY, AB | Item processed | |
| Sept. 24 | 9:40 pm | EDMONTON, AB | Item in transit | |
| Sept. 24 | 6:48 pm | EDMONTON, AB | Item processed | |
| Sept. 23 | 5:28 pm | EDMONTON, AB | Item accepted at the Post Office | |

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Stoney Nakoda Nation
Sept. 23/19 Letter

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Matthew Hebert, Executive Director
Springbank Off-Stream Reservoir Project

Main Floor, 4999 - 98 Avenue
Edmonton AB T6B 2X3
Phone: (780) 644 7780

October 7, 2019

Dean Cherkas
Stoney Tribal Administration
PO Box 120
Morley, AB
T0L 1N0

Dear Mr. Cherkas:

Thank you for your email sent on September 25, 2019 to Jennifer Hallson of DEMA Land Services regarding the Record of Consultation logs for the Springbank flood mitigation project (SR1).

Alberta Transportation has been consulting with the Stoney Nakoda Nations in relation to the SR1 project since August 2014. 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.

Additionally, Alberta Transportation has met with the Stoney Nakoda Nations on 11 occasions to provide information about the project and to understand your First Nations' concerns about how the project might adversely impact the exercise of treaty rights or traditional uses. On May 31, 2019 and June 26, 2019, Alberta Transportation wrote to you summarizing the concerns raised by your First Nations to date and proposing additional meetings to discuss any remaining concerns the Stoney Nakoda Nations may have about the SR1 project.

Alberta Transportation remains committed to a meaningful consultation process with Stoney Nakoda Nation and would like to meet with you to discuss any remaining concerns about the SR1 project. Please contact Dallas Maynard (dmaynard@demaland.ca) or Jennifer Hallson (jhallson@demaland.ca) with DEMA Land Services to discuss meeting dates.

The SR1 flood mitigation project on the Elbow River is not related to the Conceptual Assessment for flood mitigation on the Bow River. To discuss flood mitigation on the Bow River, please contact Mr. Mark Comerford as follows:

Mark Comerford, MBA
Director, Resilience Projects
Watershed Adaptation and Resilience
Environment and Parks
780-638-3175
mark.comerford@gov.ab.ca

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Hebert', written over a horizontal line.

Matthew Hebert
Executive Director

Cc Bill Snow, Stoney Tribal Administration
Kathleen Perchaluk, Aboriginal Consultation Office

October 21, 2019

Dean Cherkas
Stoney Tribal Administration
PO Box 120
Morley, AB
T0L 1N0

Dear Mr. Cherkas:

Alberta Transportation is pleased to be writing to you to provide an update on two important aspects of the Springbank Off-stream Reservoir Project: future land use and Indigenous participation.

Future Land Use

Through the consultation process for the Project, Alberta Transportation received feedback that First Nations and stakeholders would like access to the Project lands. The original proposed land access as presented in the Environmental Impact Assessment was revised in the June 2019 response to information requests. This revision was in response to the feedback that was provided through the consultation process. As outlined in our June 2019 response to information requests, Alberta Transportation is proposing principles for future land use for the Project lands that will allow First Nations' traditional activities, including the exercise of treaty rights such as hunting, on these previously private lands. The details of this will be determined after further consultation with First Nations and stakeholders regarding such future uses, in accordance with any applicable Government of Alberta policies and procedures at the time of the future consultation.

Indigenous Participation

Alberta Transportation is committed to Indigenous participation in the Project, including training, employment, monitoring, and contracting opportunities. To this end, Alberta Transportation is preparing a draft Indigenous Participation Plan with the goal to create training, employment, monitoring, and contracting opportunities with Indigenous groups. Alberta Transportation aims to obtain Indigenous comment and feedback on the draft Plan, the final draft of which will identify how that feedback was incorporated.

We would appreciate meeting in person to discuss future land use and Indigenous participation discussed above sometime later this month, if possible. We will provide additional materials prior to meeting for you to review. Alberta Transportation values receiving your input and DEMA Land Services will be in touch to organize a meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hebert', with a long horizontal flourish extending to the right.

Matthew Hebert

cc. Bill Snow, Stoney Tribal Administration

Springbank Off-Stream Reservoir

Project Update Package

Dean Cherkas
Stoney Tribal Administration
PO Box 120
Morley, AB
T0L 1N0

Dear Mr. Cherkas,

Alberta Transportation is pleased to be writing you to provide a review and update of the Springbank Off-stream Reservoir project to date (also referred to as "the Project" or "SR1"). It has been over five years since we began working on the Springbank Off-stream Reservoir, and we would like to thank you for your community's continued involvement in the Level 3 consultation process. This is a very important flood mitigation project, and we sincerely appreciate your interest and participation.

This letter will provide you with a review of the Springbank Off-stream Reservoir as presented in the *Springbank Off-stream Reservoir Project Environmental Impact Assessment* (EIA) submission, the filing of the responses to provincial and federal regulatory information requests (IRs) on June 14, 2019, and design updates to project components since submission of the March 2018 EIA based on our ongoing consultation. We have included the following attachments to this letter in order to provide you with a comprehensive review and update of the Project:

Attachment 1: An overview of the Springbank Off-stream Reservoir, including how the Project works, the components, and a map showing the private land ownership (i.e., non-public lands) within the project development area (PDA).

Attachment 2: Update on the current status of regulatory processes, including additional provincial and federal approvals required for the Project.

Attachment 3: Potential impacts to treaty rights, traditional uses, and proposed mitigation measures to date.

Following your review of this document, Alberta Transportation would like to meet to provide an update in person and answer any questions or concerns you may have.

Sincerely,



Matthew Hebert

Executive Director,
Springbank Reservoir Project

cc. Bill Snow, Stoney Tribal Administration
Kathleen Perchaluk, Aboriginal Consultation Office

Attachment 1: Springbank Reservoir Overview

Background Information

The Elbow River flood of 2013 was a devastating event both socially and economically for many Albertans. The flood tragically resulted in 5 deaths and forced the evacuation of over 80,000 people (one of the largest evacuations in Canadian history). A study completed by IBI Group estimated that should a 2013 level flood event on the Elbow River occur again without adequate protection, up to \$1.5 billion of property and infrastructure damage is at risk which could result in permanent damage to the economic future of the region.

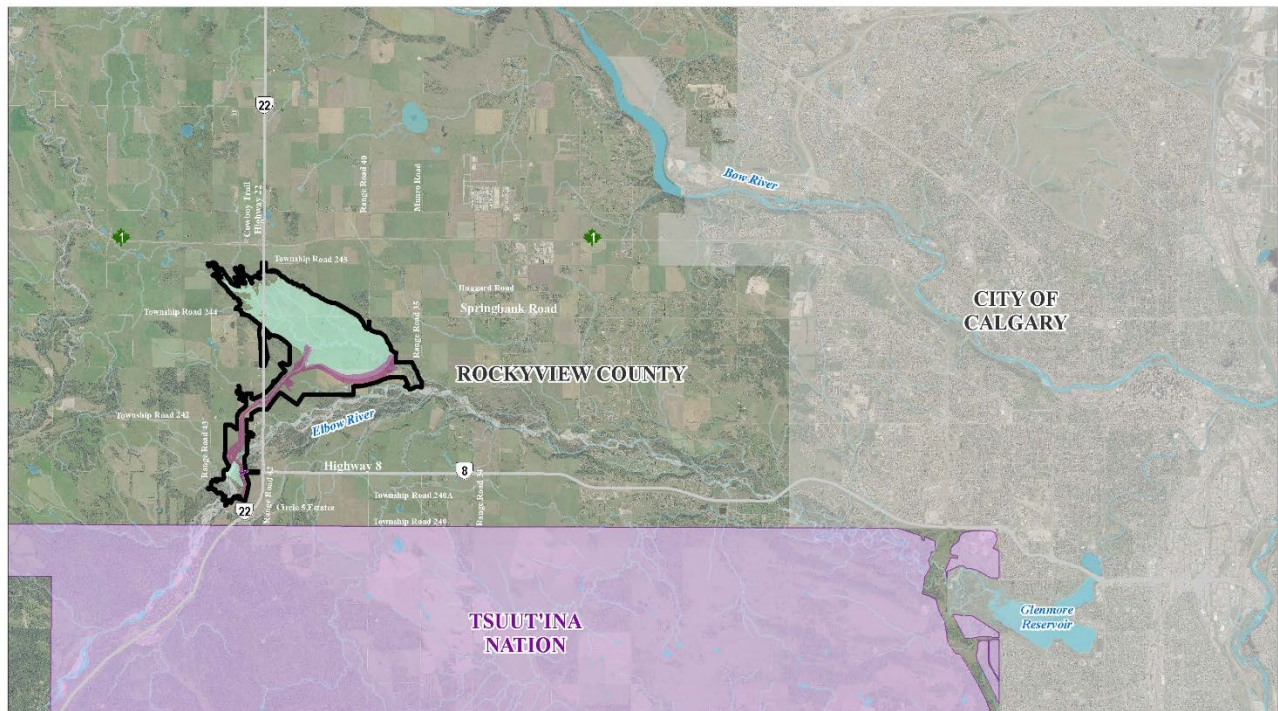
For reference, the 2013 flood was the most significant flood of record in Alberta on the Elbow River and had an estimated peak flow of 1,240 cubic meters per second (m³/s). Statistically, the 2013 flood has been estimated to be slightly greater than a 1:200-year flood. To put it another way, there is 0.5% chance of a similar flood occurring each year on the Elbow River.

To aid in mitigating the inevitable risks of future flooding, the Government of Alberta mobilized the Southern Alberta Flood Recovery Task Force to lead recovery efforts. As part of these efforts, the Task Force assessed the validity of several potential flood mitigation projects within the Elbow River basin of which the Springbank Off-stream Reservoir was chosen as the preferred option. Alberta Transportation, on behalf of Alberta Environment and Parks (AEP), was tasked with the engineering design, *Springbank Off-stream Reservoir Project Environmental Impact Assessment (EIA)* submission, and construction of the Springbank Off-stream Reservoir.

Where is the Springbank Off-stream Reservoir located?

The Springbank Off-stream Reservoir will be located approximately 15 km west of Calgary near Springbank Road, north of Elbow River, and predominantly east of Highway 22.

Springbank Off-stream Reservoir Location



What is the Springbank Off-stream Reservoir?

The Springbank Off-stream Reservoir incorporates, as its main component, an off-stream reservoir for temporary retention of diverted flood water and the delayed, carefully controlled return of the retained water back into the Elbow River when flooding subsides. The Springbank Off-stream Reservoir is designed to work in tandem with the Glenmore Reservoir in Calgary. Together, the combined storage capacity will accommodate the water volume which caused the 2013 flood and will provide protection from a 2013-level flood event for downstream communities along the Elbow River.

Springbank Off-stream Reservoir Benefits

The Springbank Off-stream Reservoir will provide a reduction in flood risk to Calgary, portions of Tsuut'ina Nation 145 Reserve, and Rocky View County. In addition, the project will provide measurable reduction in flood risk to downstream communities on the Bow River and South Saskatchewan River, including Siksika Nation and Medicine Hat. In addition to the Project, the Government of Alberta will provide upstream flood mitigation measures for Bragg Creek and Redwood Meadows. Together, these efforts will help protect local communities from future flooding events along the Elbow River.

How Does the Springbank Off-stream Reservoir Work?

The Springbank Off-stream Reservoir will work in conjunction with the Glenmore Reservoir and will temporarily retain water only when flood flows in the Elbow River exceed $160 \text{ m}^3/\text{s}$. This operation threshold will restrict flows downstream of Glenmore Reservoir to $160 \text{ m}^3/\text{s}$ or less, and allow the Elbow River to continue to experience natural seasonal flooding events when flows are below $160 \text{ m}^3/\text{s}$. These smaller events are key to a healthy river and associated ecosystem.

The Project has the capacity to divert up to $600 \text{ m}^3/\text{s}$ of flow from the Elbow River to the off-stream reservoir and store up to $77,771,000 \text{ m}^3$ of water (approximately the volume of 31,100 Olympic-sized swimming pools, and approximately three times the total size of the Glenmore Reservoir). Should flood flows in the Elbow River exceed the diversion capacity, the flood flows will continue downstream and be stored within Glenmore Reservoir, up to its allocated flood storage capacity of $10,000,000 \text{ m}^3$. The total storage capacity provided by the combination of the Springbank Off-stream Reservoir and Glenmore Reservoir is $87,771,000 \text{ m}^3$, which is greater than the amount of water that would be required to manage a 2013 flood event.

NORMAL OPERATION

During normal operations when the Elbow River flows are at, or below, $160 \text{ m}^3/\text{s}$, the “gates” to the off-stream reservoir (called “diversion inlet gates”) are closed, and the service spillway gates (“river gates”) lay flush with the riverbed. Water in the Elbow River will continue to flow as normal and fish will be able to move freely up and down the Elbow River.

FLOOD OPERATION

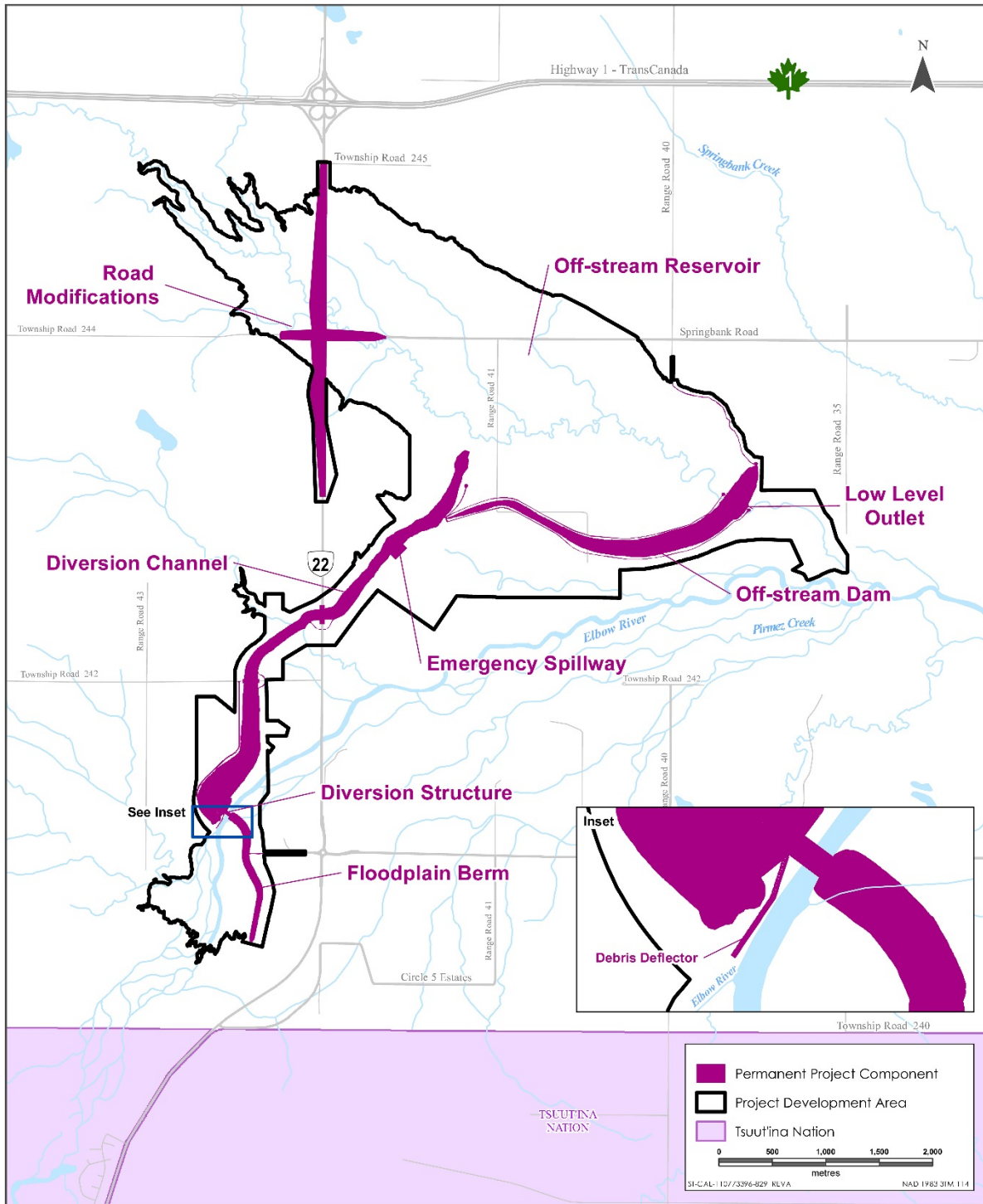
Should flows in the Elbow River reach or exceed $160 \text{ m}^3/\text{s}$, the service spillway gates/river gates begin to rise and the diversion inlet gates open, channeling water off the Elbow River and into the off-stream reservoir. The diversion structure will continue to allow water to pass downstream at a normal rate of $160 \text{ m}^3/\text{s}$ where it will flow into the Glenmore Reservoir.

When flow rates exceed $760 \text{ m}^3/\text{s}$ ($160 \text{ m}^3/\text{s}$ being released from Glenmore + $600 \text{ m}^3/\text{s}$ being diverted in the off-stream reservoir), water will continue to pass downstream to be captured by the reserved storage in Glenmore Reservoir. This would also happen if the off-stream reservoir became full and could not retain additional volume.

Springbank Reservoir Components

The Springbank Off-stream Reservoir contains a system of components that work together for flood mitigation and storage of floodwater. The table below identifies key components with an overview relating to the size and scale of the Springbank Off-stream Reservoir:

Components Map



Size and Scale of Springbank Off-Stream Reservoir Components

| Component | Information |
|-----------------------------|---|
| Diversions Structure | Gates on the Elbow River that control how much water is diverted and how much is allowed to continue downstream. These gates lay flat on the riverbed when not in use and are raised during a flood to increase water depths behind them. |
| Floodplain Berm | The floodplain berm keeps the flows in Elbow River in the floodplain and directs flow towards the diversion structure. The diversion structure has a capacity of diverting 600 m ³ /s, which includes 25% extra capacity over what would have been required in 2013. |
| Diversions Channel | <p>Gates beside the river are raised to open the channel for flood waters during a flood, allowing up to 600 m³/s of flood waters to flow 4.5 km to the off-stream reservoir. The Diversion Channel therefore spans approximately the length of 30 standard city blocks (a standard City block is approximately 150 meters in length). The emergency spillway will be constructed on the diversion channel to prevent the off-stream dam from overtopping in the event more water enters the reservoir than it can hold.</p> <p>The channel will look similar to an irrigation canal with relatively gentle (3:1) side slopes which will be vegetated to facilitate wildlife movement.</p> |
| The Off-Stream Dam | The off-stream dam is a 3.3 km earthen berm structure incorporating wildlife friendly fencing used to delineate property boundaries. This dam will be used to contain the floodwaters within the reservoir and be emptied gradually once flooding has subsided. Utilizing the City block example from above, the off-stream dam (berm structure) spans the equivalent distance of approximately 24 standard city blocks. |
| Off-Stream Reservoir | This component will utilize the existing natural valley to temporarily store flood waters up to a designed capacity of 77,771,000 m ³ of flood water (similar volume to the 2013 flood). The off-stream reservoir is approximately 1,950 acres or 7.9km ² : the size of approximately 975 Canadian Football League (CFL) playing fields (which are approximately 2 acres each in size). The water will be returned to the Elbow River gradually once flooding has subsided. |
| Low-Level Outlet | The low-level outlet is a gated structure used to control the return of flood water in the off-stream reservoir back into Elbow River once flooding has subsided. Water will be returned to the Elbow River from the low-level outlet via an existing unnamed tributary located on the other side of the gated structure. This outlet is not located on the Elbow River, but on the dam located off-stream, which will only be used during the controlled release of floodwater, stored in the reservoir, back into the river system. |
| Road Network | Highway 22 will be raised to maintain vehicle access when the off-stream reservoir is full. The flood waters will flow over Springbank Road in the event of a 1:50 year (or larger magnitude) flood. A detour has been provided for these rare occasions. Bridges are provided across the diversion channel at Highway 22 and Township Road 242. These bridges will allow wildlife to move beneath them when the off-stream reservoir is not flooded. |

Design Features

Since the EIA submission, Indigenous groups and the public have voiced concerns regarding the amount of debris in the Elbow River during a flood that would end up in the off-stream reservoir. In response to these concerns, Alberta Transportation has added a debris management structure (a debris deflector), to the Springbank Off-stream Reservoir project.

This debris deflector will help keep much of the larger debris in the Elbow River out of the off-stream reservoir, while also helping to mitigate:

- Accumulation of woody debris at the low-level outlet that may affect post-flood operations.
- Accumulation of debris on the dam's emergency spillway.
- Accumulation of debris in the diversion channel that may reduce its capacity.
- Accumulation of debris on the diversion inlet gate bays that could affect operation.

Project Timeline

The Government of Alberta is dedicated to moving forward with the Springbank Off-Stream Reservoir. However, there remains uncertainty in terms of the timing required to complete the environmental assessment and regulatory review processes. Alberta Transportation will continue to work through the stages of the regulatory process to secure required approvals. Assuming the Project receives regulatory approval, the Project is targeted to be functionally operational (1:100 year flood) following two years of construction and will be able to accommodate water volumes equal to the 2013 flood following three years of construction.

The Springbank Off-stream Reservoir will remain in its location and operate indefinitely. Maintenance of the Off-stream Reservoir and its components will be undertaken annually in advance of flood season, and on an as-needed basis when required. Maintenance work and schedules will follow the *Alberta Dam and Canal Safety Directive (2018)* and *Canadian Dam Association (CDA) Dam Safety Guidelines (2018)*.

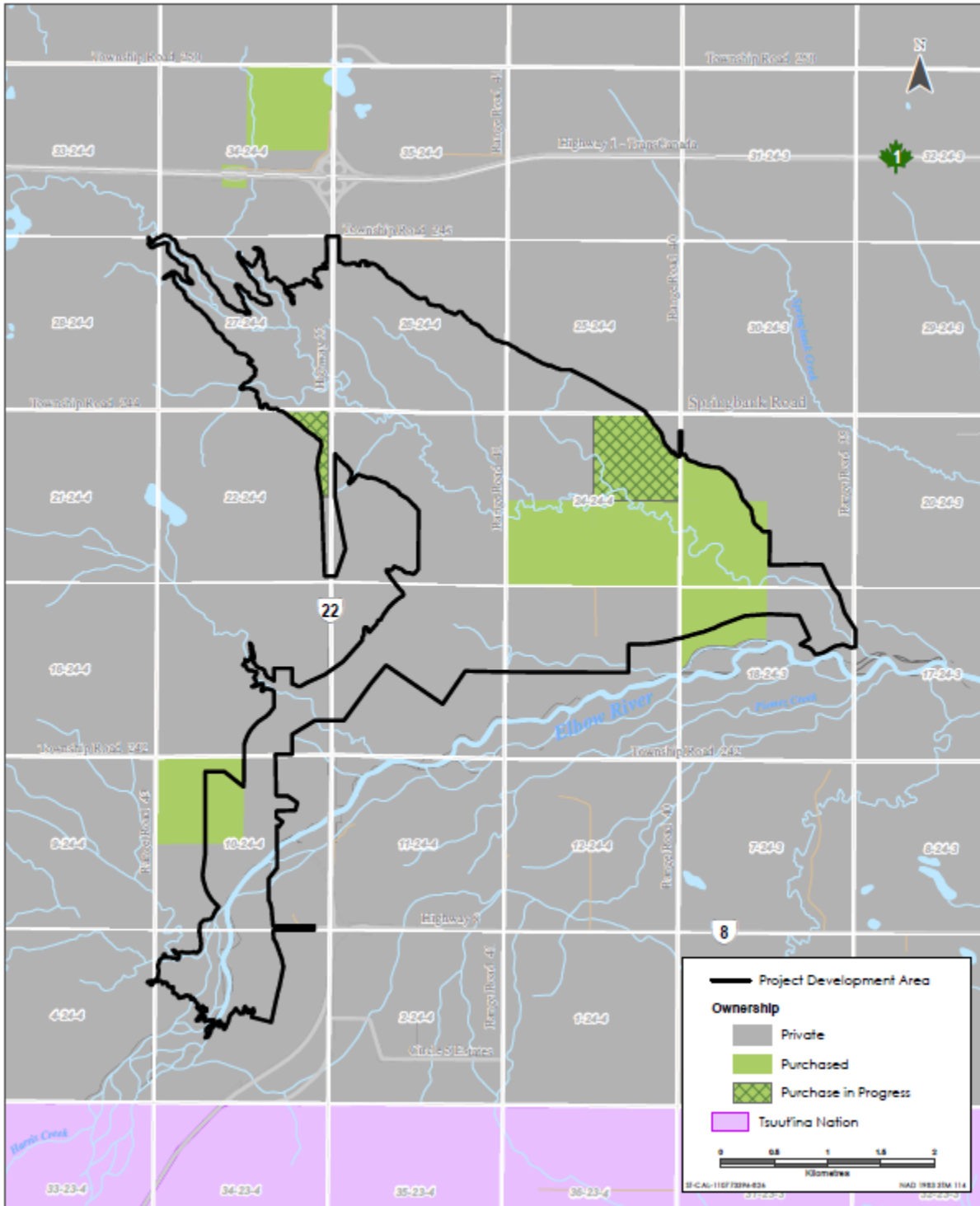
A link to the Alberta Dam and Canal Safety Directive can be found below:

<https://open.alberta.ca/publications/9781460141571>

Land Ownership

The figure below illustrates the private/public ownership as of October 2019 for the lands required for the Project.

Land Ownership



Attachment 2: Springbank Off-stream Reservoir Update

What Stage of Regulatory Review is the Project in?

In March 2018, Alberta Transportation submitted the *Springbank Off-stream Reservoir Project Environmental Impact Assessment* (EIA) to Alberta Environment and Parks (AEP), the Natural Resources Conservation Board (NRCB), and the Canadian Environmental Assessment Agency (CEAA) for review as part of the regulatory process. After reviewing the EIA, AEP, NRCB and CEAA asked for additional information (information requests, or “IRs”) as part of the regulatory process. On June 14th, 2019, Alberta Transportation submitted responses to the information requests back to AEP, NRCB and CEAA.

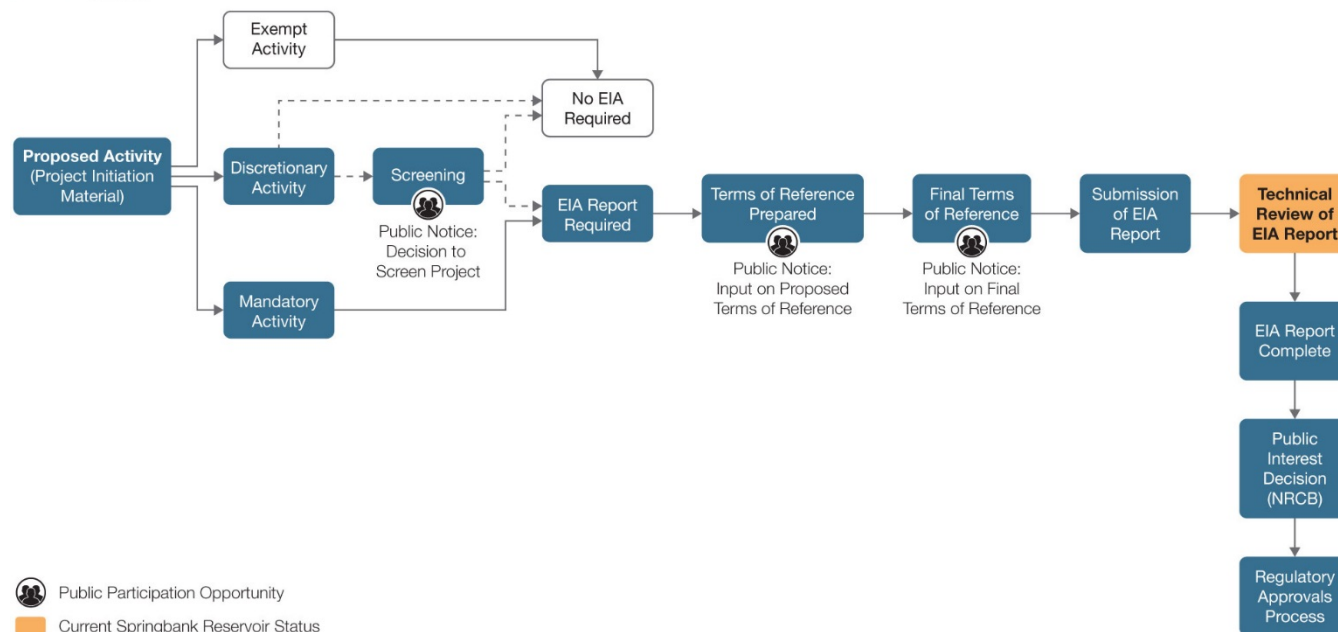
These responses are available at: www.alberta.ca/springbank-off-stream-reservoir-project.aspx

The three flow charts (adapted from the respective provincial and federal websites) present these processes and show where the current status of the Springbank Off-stream Reservoir is within the process.

PROVINCIAL REVIEW (AEP AND NRCB)

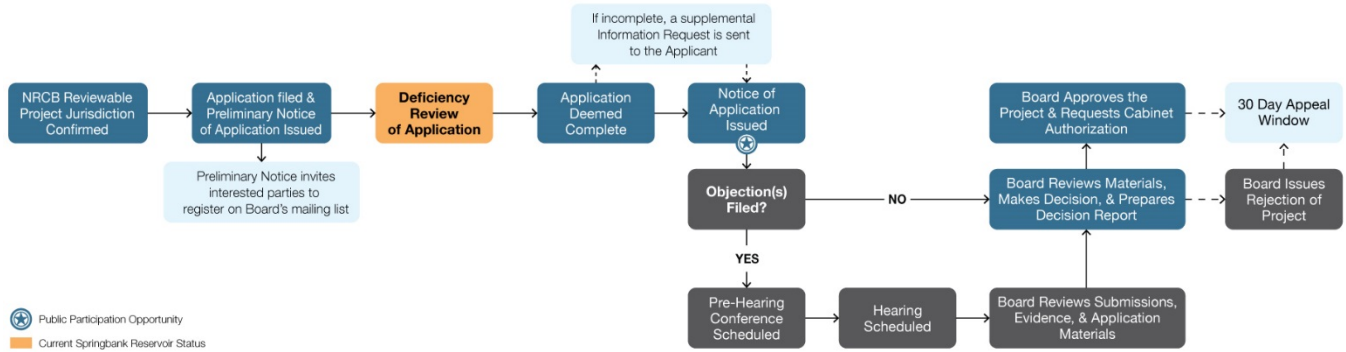
Within Alberta’s EIA Process flowchart (Provincial); the Project is in the stage labelled “Technical Review of the EIA Report” which indicates that the proponent has submitted the EIA, and it is now under technical review by AEP. Once AEP is satisfied with the EIA, it will be deemed complete and the project advances through the next stage.

AEP Process



With respect to the NRCB flowchart, the project is currently in the “Deficiency Review of Application” phase.

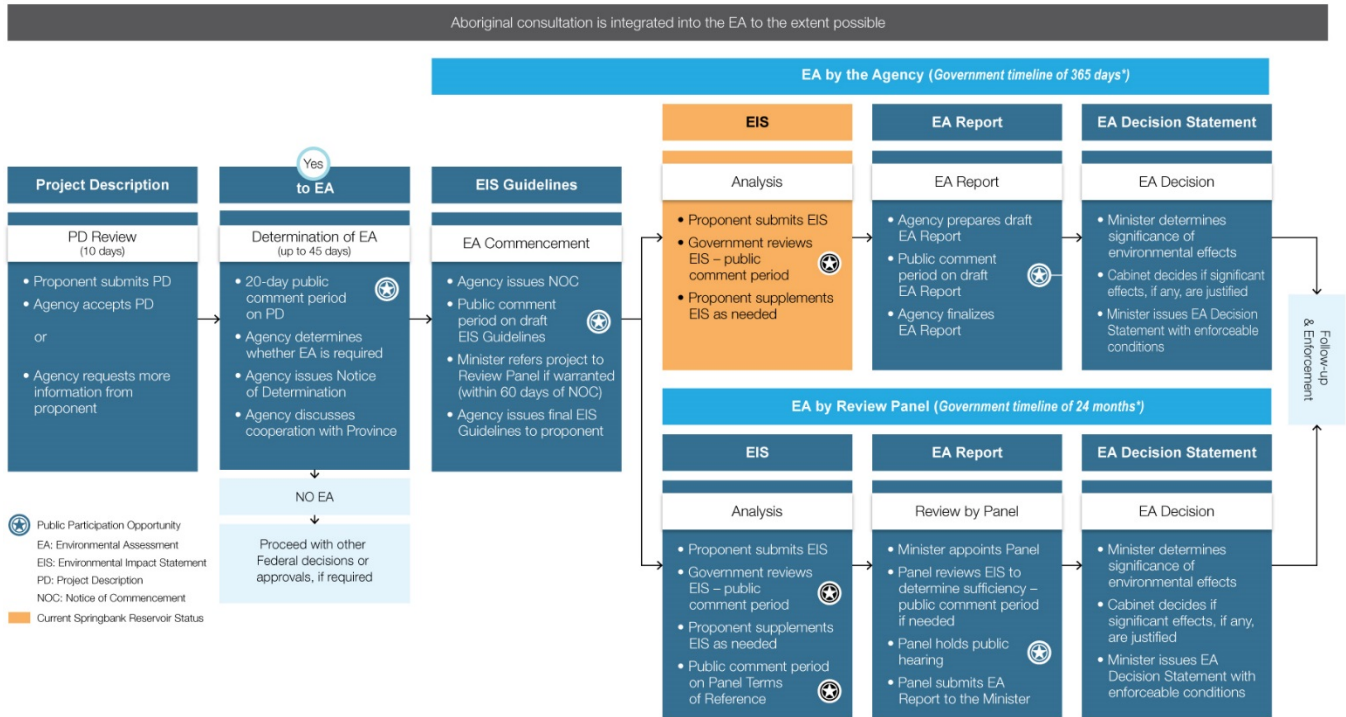
NRCB Review Process



FEDERAL REVIEW (CEAA)

With respect to the CEAA process (Federal), the Project is currently in the “Analysis” stage. Alberta Transportation has submitted the EIA and CEAA has reviewed it. The project team has responded to the IRs from CEAA. Once CEAA is satisfied with the responses, their Environmental Assessment (EA) report will be drafted by the Agency.

CEAA Process



Additional Approvals

ADDITIONAL PROVINCIAL APPROVALS

The Springbank Off-stream Reservoir Project will require additional provincial and federal approvals beyond the regulatory approvals discussed above. A summary of the additional approvals is provided below. Environmental and engineering components, including the loss of wetlands, alteration of drainage and dam design parameters required for these approvals have been assessed as part of the EIA and discussed through consultation.

Table of Activity Types and Corresponding Provincial Approvals

| Activity Type | ATS Legal | Area/Distance | Applicable Act | Regulatory Agency |
|---|---|--------------------|------------------|--------------------------------------|
| <p>Project activities and structures will alter habitat and water flows in and around waterbodies including the Elbow River, tributaries and wetlands within the PDA.¹ Dam safety engineering is also component of the Water Act review.</p> | <p>QS-NE SEC-03 TWP-024 RGE-04 MER-5 QS-NE SEC-04 TWP-024 RGE-04 MER-5 QS-NE SEC-10 TWP-024 RGE-04 MER-5 QS-NE SEC-13 TWP-024 RGE-04 MER-5 QS-NE SEC-14 TWP-024 RGE-04 MER-5 QS-NE SEC-15 TWP-024 RGE-04 MER-5 QS-NE SEC-18 TWP-024 RGE-03 MER-5 QS-NE SEC-22 TWP-024 RGE-04 MER-5 QS-NE SEC-23 TWP-024 RGE-04 MER-5 QS-NE SEC-24 TWP-024 RGE-04 MER-5 QS-NE SEC-26 TWP-024 RGE-04 MER-5 QS-NE SEC-27 TWP-024 RGE-04 MER-5 QS-NE SEC-28 TWP-024 RGE-04 MER-5 QS-NW SEC-03 TWP-024 RGE-04 MER-5 QS-NW SEC-10 TWP-024 RGE-04 MER-5 QS-NW SEC-13 TWP-024 RGE-04 MER-5 QS-NW SEC-14 TWP-024 RGE-04 MER-5 QS-NW SEC-15 TWP-024 RGE-04 MER-5 QS-NW SEC-18 TWP-024 RGE-03 MER-5 QS-NW SEC-19 TWP-024 RGE-03 MER-5 QS-NW SEC-23 TWP-024 RGE-04 MER-5 QS-NW SEC-24 TWP-024 RGE-04 MER-5 QS-NW SEC-26 TWP-024 RGE-04 MER-5 QS-NW SEC-27 TWP-024 RGE-04 MER-5 QS-SE SEC-03 TWP-024 RGE-04 MER-5 QS-SE SEC-10 TWP-024 RGE-04 MER-5 QS-SE SEC-13 TWP-024 RGE-04 MER-5 QS-SE SEC-14 TWP-024 RGE-04 MER-5</p> | <p>1,435.78 ha</p> | <p>Water Act</p> | <p>Alberta Environment and Parks</p> |

¹ The full extent of the footprint that will be disturbed with respect to the Water Act has not yet been discussed with AEP

| | | | | |
|--|---|-----------|-------------------------|-------------------------------|
| | QS-SE SEC-15 TWP-024 RGE-04 MER-5 QS-SE SEC-19 TWP-024 RGE-03 MER-5 QS-SE SEC-22 TWP-024 RGE-04 MER-5 QS-SE SEC-23 TWP-024 RGE-04 MER-5 QS-SE SEC-24 TWP-024 RGE-04 MER-5 QS-SE SEC-25 TWP-024 RGE-04 MER-5 QS-SE SEC-26 TWP-024 RGE-04 MER-5 QS-SE SEC-27 TWP-024 RGE-04 MER-5 QS-SW SEC-03 TWP-024 RGE-04 MER-5 QS-SW SEC-10 TWP-024 RGE-04 MER-5 QS-SW SEC-13 TWP-024 RGE-04 MER-5 QS-SW SEC-14 TWP-024 RGE-04 MER-5 QS-SW SEC-19 TWP-024 RGE-03 MER-5 QS-SW SEC-23 TWP-024 RGE-04 MER-5 QS-SW SEC-24 TWP-024 RGE-04 MER-5 QS-SW SEC-25 TWP-024 RGE-04 MER-5 QS-SW SEC-26 TWP-024 RGE-04 MER-5 QS-SW SEC-27 TWP-024 RGE-04 MER-5 QS-SW SEC-34 TWP-024 RGE-04 MER-5 | | | |
| <p>Projects in waterbodies and wetlands that are permanent and large enough to have a defined bed and shore are claimable by the government. The Elbow River, the unnamed tributary returning water to the Elbow River, and two small tributaries near the diversion inlet are considered Crown Claimable.</p> | QS-NE SEC-03 TWP-024 RGE-04 MER-5 QS-NE SEC-04 TWP-024 RGE-04 MER-5 QS-NE SEC-10 TWP-024 RGE-04 MER-5 QS-NE SEC-13 TWP-024 RGE-04 MER-5 QS-NE SEC-14 TWP-024 RGE-04 MER-5 QS-NE SEC-15 TWP-024 RGE-04 MER-5 QS-NE SEC-18 TWP-024 RGE-03 MER-5 QS-NE SEC-22 TWP-024 RGE-04 MER-5 QS-NE SEC-23 TWP-024 RGE-04 MER-5 QS-NE SEC-24 TWP-024 RGE-04 MER-5 QS-NE SEC-26 TWP-024 RGE-04 MER-5 QS-NE SEC-27 TWP-024 RGE-04 MER-5 QS-NE SEC-28 TWP-024 RGE-04 MER-5 | 225.23 ha | <i>Public Lands Act</i> | Alberta Environment and Parks |

| | | | | |
|--|---|--|--|--|
| | QS-NW SEC-03 TWP-024 RGE-04 MER-5 QS-NW SEC-10 TWP-024 RGE-04 MER-5 QS-NW SEC-13 TWP-024 RGE-04 MER-5 QS-NW SEC-14 TWP-024 RGE-04 MER-5 QS-NW SEC-15 TWP-024 RGE-04 MER-5 QS-NW SEC-18 TWP-024 RGE-03 MER-5 QS-NW SEC-23 TWP-024 RGE-04 MER-5 QS-NW SEC-24 TWP-024 RGE-04 MER-5 QS-NW SEC-26 TWP-024 RGE-04 MER-5 QS-NW SEC-27 TWP-024 RGE-04 MER-5 QS-SE SEC-10 TWP-024 RGE-04 MER-5 QS-SE SEC-13 TWP-024 RGE-04 MER-5 QS-SE SEC-14 TWP-024 RGE-04 MER-5 QS-SE SEC-15 TWP-024 RGE-04 MER-5 QS-SE SEC-19 TWP-024 RGE-03 MER-5 QS-SE SEC-23 TWP-024 RGE-04 MER-5 QS-SE SEC-24 TWP-024 RGE-04 MER-5 QS-SE SEC-25 TWP-024 RGE-04 MER-5 QS-SE SEC-26 TWP-024 RGE-04 MER-5 QS-SE SEC-27 TWP-024 RGE-04 MER-5 QS-SW SEC-03 TWP-024 RGE-04 MER-5 QS-SW SEC-10 TWP-024 RGE-04 MER-5 QS-SW SEC-13 TWP-024 RGE-04 MER-5 QS-SW SEC-14 TWP-024 RGE-04 MER-5 QS-SW SEC-19 TWP-024 RGE-03 MER-5 QS-SW SEC-23 TWP-024 RGE-04 MER-5 QS-SW SEC-24 TWP-024 RGE-04 MER-5 QS-SW SEC-25 TWP-024 RGE-04 MER-5 QS-SW SEC-26 TWP-024 RGE-04 MER-5 QS-SW SEC-27 TWP-024 RGE-04 MER-5 QS-SW SEC-34 TWP-024 RGE-04 MER-5 | | | |
|--|---|--|--|--|

Alberta Transportation will be applying for approval under the *Water Act* to construct and operate the Springbank off-stream Reservoir Project. Project activities that will alter habitat and water flows in and around waterbodies including the Elbow River, tributaries and adjacent wetlands, including:

- Building structures in the Elbow River to divert floodwater into the off-stream reservoir.
- Building erosion and sediment control measures on the banks of the Elbow River around Project infrastructure.
- Building an auxiliary spillway and floodway berm in the Elbow River floodplain.
- Building off-stream reservoir outlet gates on the unnamed tributary to return flood water to the Elbow River.
- Altering and intercepting tributary and overland flow with the diversion channel and rerouting flows to the low-level outlet associated with the unnamed tributary.

An assessment of effects to wetlands and ephemeral water bodies, and wetland dependent wildlife, is being prepared for the Project to support compliance with the *Water Act*. The wetland assessment and impact report (WAIR) will follow the Alberta Wetland Policy (Government of Alberta 2013) and directives published on the Alberta Wetland Policy Implementation web page (Government of Alberta 2019).

A component of the *Water Act* application for the Springbank Off-stream Reservoir will be a dam safety summary. The main purpose of Alberta's Dam Safety Regulatory System is to ensure that dams and their appurtenant hydraulic structures are designed, constructed, maintained, operated and decommissioned using best available technology and practices. Dam owners in Alberta are regulated by the AEP through the:

- Alberta Water Act, Part 6 of the *Water (Ministerial) Regulation – Dam and Canal Safety*; and,
- *Alberta Dam and Canal Safety Directive* (ADCSD), which came into effect on December 11, 2018 (AEP 2018)

The information required by the Director in order to provide authorization to construct a new dam in Alberta is defined in Section 2.1 of the ADCSD (AEP 2018). The required information broadly comprises: general information on the dam; the proposed consequence classification that has been determined in accordance with the ADCSD; site characterization information; details regarding the design of the dam; details regarding the construction of the dam; details on activities that will take place as part of construction of the dam; details regarding emergency management; details regarding first filling; and details regarding decommissioning and closure of the dam.

Projects in waterbodies and wetlands that are permanent and large enough to have a defined bed and shore are claimable by the government and are regulated under the *Public Lands Act* (Government of Alberta 2014). The Elbow River, the unnamed tributary returning water to the Elbow River, and two small tributaries near the diversion inlet are considered Crown claimable and therefore construction and related activities in these waterbodies will be regulated by the *Public Lands Act*. The wetlands in the project development area (PDA) are not considered Crown claimable and therefore are not required to be included in the *Public Lands Act* application for the Project.

ADDITIONAL FEDERAL APPROVALS

Springbank Off-stream Reservoir infrastructure and operational activities that affect fish and fish habitat in the Elbow River and the unnamed tributary returning to the river are regulated by the federal *Fisheries Act*. Alberta Transportation will be applying for an authorization under the *Fisheries Act* for structures in the Elbow River to divert floodwater, and activities that alter habitat in the unnamed tributary outlet. An assessment of these factors are presented in the EIA. Operational activities involved in diverting water that may temporarily trap fish in the off-stream reservoir are also regulated and will be applied for under the *Fisheries Act*.

Alberta Transportation will be applying for approval under the *Navigation Protection Act* (NPA) for the Springbank Off-stream Reservoir diversion structure works on the Elbow River. As the Project diversion structure will stretch across the Elbow River, and impede navigation, a permanent portage is planned to allow users of the Elbow River to safely exit the river upstream, traverse around the diversion structure, and safely re-enter the river downstream. While the Elbow River is not a listed navigable water under the NPA, and the Springbank Off-stream Reservoir does not require approval under the NPA, it is protected by the public right to navigation. Project proponents have the option to submit an application to Transport Canada for approval under the NPA for works such as these. Alberta Transportation will be applying for approval under the NPA.

Attachment 3: Potential Impacts to Treaty Rights, Traditional Uses, and Proposed Mitigation Measures to Date

A full description of potential effects to treaty rights and traditional uses have been identified and assessed in the *Springbank Off-stream Reservoir Project Environmental Impact Assessment (EIA)* on Alberta Transportation's response to the Canadian Environmental Assessment Agency's (CEAA) Information Request 2-01. These responses are available at: www.alberta.ca/springbank-off-stream-reservoir-project.aspx

The Springbank Off-Stream Reservoir Project is in an area that has been substantially modified, starting before the signing of Treaty 7 in 1877. Some of these modifications include the Church, Our Lady of Peace, founded in 1872 and land conversion for agricultural purposes, which began in the 1870s. Since the late 1800s, land privatization; and commercial and residential development have contributed to the modification of land use in the area. By altering the distribution and abundance of traditionally harvested resources, reducing the extent of lands available for traditional activities, disturbing or restricting access to traditional use sites and areas, these historic and approved activities have already contributed to effects on the ability to exercise treaty rights and traditional uses in this area.

Given the context of the Project—predominately situated on private land in southern Alberta that has been used for ranching and agriculture since the late 1800s, and an understanding of the scope of treaty rights in Alberta as developed through applicable case law—treaty rights are generally not exercisable within the project development area (PDA), except for a small portion of the Project that is located on Crown land (primarily the beds and shores of the Elbow River) and on private lands with landowner consent. Some Indigenous groups have advised Alberta Transportation that current use of lands and resources for traditional purposes occurs within the PDA by consent of the landowner.

Information about the exercise of section 35 rights are best identified by Indigenous groups themselves. To that end, Alberta Transportation commenced consultation with Treaty 7 First Nations in August 2014, and engagement with eight additional Indigenous groups identified by CEAA in 2016, concerning the Project and the nature and extent of the exercise of treaty rights and traditional uses in relation to the Project, including the context and setting for traditional uses in the Project area. Alberta Transportation has been conducting Indigenous consultation prior to and throughout the EIA process, which includes sharing of Project information and updates, on-going communication about the Project, face-to-face meetings, facilitation of site visits, and funding for Project-specific Traditional Use Studies (TUS).

Through the Indigenous consultation program for the Project, Indigenous groups have identified the following potential effects to treaty rights and traditional uses:²

- Exercise of treaty rights, including hunting and fishing and other traditional uses.
- Harvesting of traditional resources, including edible and medicinal plants.
- Disturbing or restricting access to traditional use sites and areas.
- Restricting access to traditional cultural areas, including ceremonial and spiritual uses.
- Restricting use of the Elbow River, which serves as a water source and supports traditional activities and culture.
- Disturbance or destruction of historic resources and culturally important sites, including tipi rings, old campsites, and burials.
- Loss or alteration of water sources, including wetlands and natural springs.

² This list is summarized thematically, and compiles potential effects identified by all Indigenous groups. This list focusses on potential effects on treaty rights and traditional uses and is not a complete list of concerns or interests raised by Indigenous groups as assessed in the EIA.

- Use and enjoyment of traditional lands.

The resource-specific measures described in the EIA for all valued components will mitigate effects to the resources relied upon for treaty rights and traditional uses. Alberta Transportation's proposed measures to mitigate potential effects on the conditions that support the exercise of treaty rights and traditional uses further include:

- 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 advising Indigenous groups on post-construction land access
- notifying Indigenous groups regarding Project activities and schedules, including provision of Project maps and design components, and discussing key traditional harvesting periods
- avoiding substantial interference with public navigation of the Elbow River through the following design practices:
 - as part of construction, a permanent portage will be developed around the in-stream water intake components,
 - signs directing traffic to detours will be installed during construction of road realignments and modifications, and
 - signs will be installed along the existing Elbow River channel and placed upstream and downstream on the dam warning users on the Elbow River that they are approaching in stream water intake components and of the associated danger with this infrastructure and directing them to a portage location.

Additionally, through the consultation process that included feedback from Indigenous groups, a draft principles of future land use for the Project has been developed. The primary use of all lands within the project development area (PDA) will be for flood mitigation. In light of the primary use, the safety of anyone with access or land users will be an overriding factor. Secondary uses will be allowed to occur, which includes the exercise of treaty rights such as hunting. As such, the potential for increased access in the PDA relative to existing conditions (i.e., private land) would result in a positive change to the ability to exercise treaty rights and traditional uses.

Discussions with Indigenous groups regarding additional mitigation measures are ongoing.

Alberta anticipates building upon consultation efforts to date to continue to strengthen relationships with potentially affected Indigenous groups. Information provided throughout the regulatory review phase will be used to inform Project plans and mitigation, as appropriate.

From: [Jennifer Hallson](#)
To: [Dean Cherkas](#); ["Bill Snow"](#)
Cc: ["Matthew Hebert"](#); ["Mark Svenson"](#); [Amandah van Merlin \(avanmerlin@demaland.ca\)](mailto:AvanMerlin@demaland.ca)
Bcc: [Brescia, Dave](#); [Savard, Elise](#)
Subject: SR1 Land Use Documents
Date: November 15, 2019 2:07:00 PM
Attachments: [20191115 Letter Land Use Principles Letter Stoney Nakoda Nations.pdf](#)

Hello Dean and Bill,

Further to my November 12, 2019 email with the Indigenous Participation Plan (IPP), please see attached land use documents for discussion at our next meeting. Along with discussions at the meeting, Alberta Transportation welcomes written comment on these two documents.

We will bring hard copies of both the IPP and the land use documents to the meeting.

Best,
Jennifer

Jennifer Hallson, MA
Team Lead, Indigenous Consultation & Engagement

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Matthew Hebert, Executive Director
Transportation Policy Branch
Main Floor, 4999 - 98 Avenue
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Phone: (780) 644 7780

November 15, 2019

Dean Cherkas
Stoney Tribal Administration
PO Box 120
Morley, AB
T0L 1N0

Dear Mr. Cherkas:

In follow-up to my recent letter on Land Use Planning for the Project Lands, please find attached the draft Guiding Principles and Directions for Future Land Use document proposed for the Project, along with a list of current land management tools.

Alberta Transportation would like to discuss the draft Guiding Principles with you. To ensure that we are fully informed on your views about land use for the project lands, we welcome your feedback on the guiding principles, directions for future land use planning, as well as the planning process.

Guiding Principles on Land Use Planning:

- Do the guiding principles reflect your interest in using the project lands?
- Do you have any suggested changes to the principles?

Directions for Future Land Use Planning:

- Based on the current land management tools, do you have any views on which tools would support First Nations traditional activities?
- Are there preferred approaches to engagement in the development of the final land use plan?
- What is the desired method of communication/engagement related to annual flood awareness and project operations?
- Are there any other considerations for Alberta Transportation to address in the development of this plan [Section 2.A]?
- Are there examples of access management that Alberta Transportation should be aware of [Section 2.A, Strategy 2.3]? Please note, the attached examples of access management plans.
 - Based on these examples are there preferred approaches that Alberta Transportation should consider.
- Are there other considerations for Alberta Transportation to address in the development of this strategy [Section 2.B]?

- Do you have any views on how to balance the management of vegetation with traditional uses [Section 2.B, Strategies 2.4 and 2.6]?

Land Use Planning Process:

- Do you have any additional comments on the approach to land use planning process?

We would welcome any additional comments on these guiding principles, direction for future land use and the approach to land use planning process. Alberta Transportation values your input and we look forward to our upcoming discussions with you.

Sincerely,



Matthew Hebert
Executive Director, Transportation Policy

cc. Bill Snow, Stoney Tribal Administration

Attachments:

Draft Guiding Principles and Direction For Future Land Use
Proposed Land Use in the PDA – map
Indigenous Traditional Use on Crown Land Examples
Government of Alberta – Land Use Tools

DRAFT GUIDING PRINCIPLES AND DIRECTION FOR FUTURE LAND USE
PROPOSED SPRINGBANK OFF-STREAM RESERVOIR PROJECT

Introduction

The Elbow River flood of 2013 was a devastating event both socially and economically for many Albertans. The flood tragically resulted in 5 deaths and forced the evacuation of over 80,000 people (one of the largest evacuations in Canadian history). A study completed by IBI Group estimated that should a 2013 level flood event on the Elbow River occur again without adequate protection, up to \$1.5 billion of property and infrastructure damage is at risk which could result in permanent damage to the economic future of the region.

For reference, the 2013 flood was the most significant flood of record in Alberta on the Elbow River and had an estimated peak flow of 1,240 cubic meters per second (m³/s). Statistically, the 2013 flood has been estimated to be slightly greater than a 1:200-year flood. To put it another way, there is 0.5% chance of a similar flood occurring each year on the Elbow River.

Following the flood of 2013, the Government of Alberta undertook an assessment of mitigation strategies that could be used to reduce the risk of future floods. Communities in Calgary along the Bow and Elbow rivers were among the most heavily impacted. The proposed Springbank Off-Stream Reservoir (SR1 or the Project) was identified as the preferred option to mitigate flooding upstream of Calgary along the Elbow River.

The construction and management of a dry reservoir presents a unique opportunity with the conversion of private land to Crown land. If the proposed project is approved, upon commissioning of the Springbank dam and diversion, Alberta Environment and Parks (AEP) will be responsible for land management and operation of the project infrastructure, and management of the associated Crown land for the reservoir.

This land is currently not accessible to the public without permission from the landowners. The future uses of the Land Use Area (LUA) will be determined, after engagement with First Nations and stakeholders regarding such future uses, in accordance with any applicable Government of Alberta policies and procedures at the time of engagement. This document provides direction around government intentions related to future land use, and the process for setting the management intent for these lands, if the project proceeds.

Alberta Transportation (AT) is seeking regulatory approval of SR1 which also includes securing any required private lands to be converted to Crown lands. AT is undertaking initial First Nations and stakeholder discussion around desired future land use and access. This document is intended to support AT's engagement during the regulatory process of SR1 and provide high level direction and certainty for land use by future users. Detailed land use planning will be undertaken following regulatory decisions on the project. This detailed planning will be informed by the information gathered during the engagement conducted during the regulatory process, as well as by future engagement processes with First Nations and stakeholders.

Guiding Principles for Future Land Use

1. The primary and overarching use of the Crown land within the reservoir footprint is for flood mitigation. No activities may limit or otherwise hinder the ability of the reservoir to fill to full supply level for the purpose of flood mitigation or water management within the watershed.
2. The reservoir may fill at any point in the year without warning, including during periods below peak floods and may be inaccessible for an undetermined amount of time, post drawdown, due to silt and debris buildup or other unintended consequences requiring remediation.
3. Compensation will not be provided by the Crown for any impacts to land use activities resulting from operation of the project infrastructure.
4. Safety is paramount in any decisions that allow for access onto the reservoir lands. Restrictions on some or all land uses will be issued during specified periods of the year as required to reduce risks to safety and property from flooding.
5. There will be no access permitted on or across the Project infrastructure at any time or for any purpose (see attached map and refer to dark pink areas). The Project infrastructure will include the intake structure on the Elbow River and main diversion canal, main dam, emergency spillway and outlet canal to the Elbow River in its entirety.
6. Use of the lands by First Nations may be considered a priority outside of flood and remediation periods in order to enable treaty rights and traditional uses.
7. Non-motorized recreational access may be considered, in accordance with approved land uses.
8. Access for specific purposes such as grazing may be considered and used as a tool to manage and maintain the grassland landscape in the SR1 area consistent with operational plans set by AEP.
9. All land use decision making will remain under the authority of AEP.
10. No non-flood related permanent or temporary infrastructure will be permitted in the reservoir or setback area.

Direction for Future Land Use Planning

The future uses of the LUA will be determined after engagement with First Nations and stakeholders regarding such future uses, in accordance with any applicable Government of Alberta policies and procedures at the time of engagement.

Land-use planning decisions will be implemented using the appropriate land-management tools available to the Government of Alberta, in accordance with legislation applicable at the relevant time.

The purpose of conducting engagement is to inform and gather input to be incorporated in the development of a future land use plan for the LUA. Through a series of engagement activities with First Nations and stakeholders, Government staff will gather information and analyze feedback to develop direction for future land use, having regard to the Government's need for flood mitigation and the information expressed by First Nations and stakeholders. The direction for future land use will be provided to First Nations and stakeholders for comment. It is expected that there will be a separate engagement process for First Nations.

First Nation engagement:

Use of existing forums that involve First Nations in Government planning may be used to initiate discussions. Through the South Saskatchewan Regional Planning process, there is a venue for regular discussions and sharing of information between First Nations and Government. Additional one-on-one meetings will be arranged with interested First Nations to allow for meaningful discussions.

Stakeholder engagement:

Stakeholders will be invited to a series of workshops and meetings to allow for the sharing of perspectives, issues/concerns, and desired use of the LUA. This could include technical workshops, online information, multi-stakeholder meetings and/or sector based meetings.

1. Primary Use - Flood mitigation and water management

Outcome: The land use is managed for the primary purpose of providing storage for flood mitigation to communities and infrastructure downstream of SR1.

Strategies:

- 1.1. SR1 will be used to divert and store water from the Elbow River for the purpose of flood mitigation and water management.
- 1.2. The timing and volume of water both stored and released from the SR1 reservoir will be coordinated with the larger water management system in the watershed.
- 1.3. AEP will be responsible for ongoing operation, management and maintenance of the reservoir footprint and flood management infrastructure.
- 1.4. AEP will engage with First Nations, stakeholders, municipalities and, local landowners as per the facilities engagement/communication plan.

2. Secondary Uses

In light of the Primary Use, the safety of anyone with access or land users will be an overriding factor.

A. First Nation Use

Outcome: Traditional First Nation access and use of land will be informed by the “Guiding Principles” outlined in this document.

Strategies:

- 2.1. The Government of Alberta commits to engaging with First Nations in the process to finalize the land use plan for the LUA.
- 2.2. In general, First Nations’ traditional activities, including the exercise of treaty rights such as hunting, will be allowed.

- 2.3. The Government of Alberta will utilize regulations and policies enabling hunting access and staging areas.

B. Other activities

Outcome: Other activities will be considered where they align and are compatible with the overarching management intent of flood mitigation as per the Guiding Principles outlined in this document.

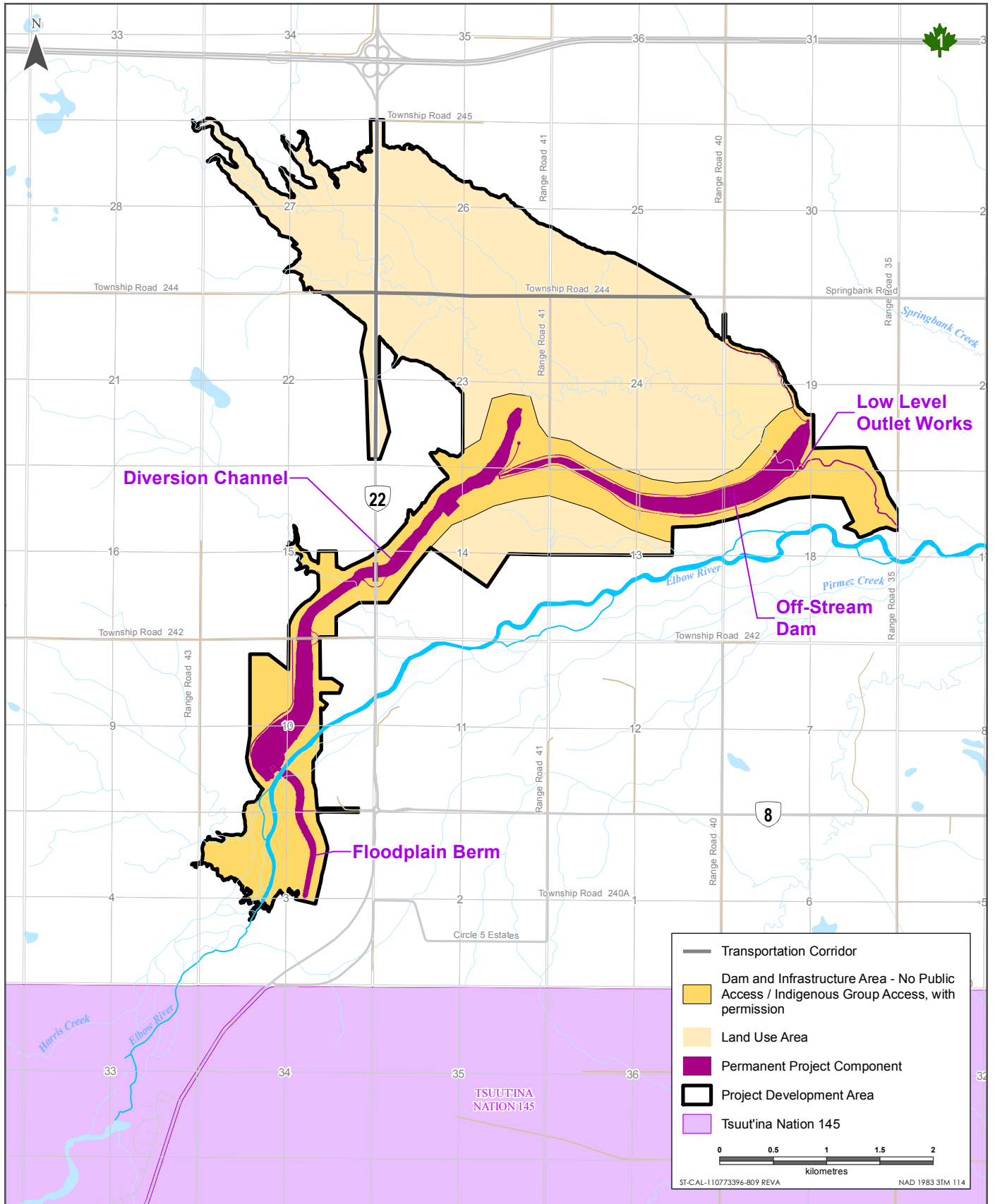
Strategies:

- 2.4. Vegetation and habitat management as well as any post-flood remediation actions will be in compliance and consistent with the regulatory approvals for the Project. Opportunities for Indigenous participation in these aspects are addressed in the project's Indigenous Participation Plan.
- 2.5. In general, only uses and activities that have a minimal impact on the land will be allowed. Therefore, the availability of surface dispositions will be limited.
- 2.6. Grazing permits may be issued for pasture land within designated zones, and at certain times, where determined by AEP as the appropriate tool to manage grasslands for ecosystem health or wildfire mitigation.
- 2.7. Non-motorized recreational access may be considered (e.g. hiking, biking, cross country skiing).

Land Use Planning Process

During the Project application period, Alberta Transportation will continue to explore opportunities and desired uses of the lands should the lands be acquired by the Crown and SR1 be approved. This will include meetings with First Nations, stakeholders and local landowners during the engagement process to discuss desired uses. Should the Project be approved, meeting results and desired direction determined during the approval period will be provided to AEP for incorporation or consideration into the land use planning process. AEP will initiate detailed land use planning once the Project receives all necessary provincial and federal approvals.

The land use plan will focus on how the Project lands are used and managed and will not include the operations of the SR1 infrastructure or water management planning in the watershed beyond the reservoir footprint. AEP will be the final decision maker in the land use planning process and management of all Crown lands associated with the Project. AEP is accountable to ensure objectives and outcomes of the project are met.



Sources: Base Data - Government of Canada. Thematic Data - Government of Alberta

Land Use Area within the PDA



Indigenous Traditional Use On Crown Land Examples

Suffield Military base

The Canadian Forces Base Suffield is the largest base and military training base since 1972 and covers 2,700 km². Since 2012, Alberta Environment and Parks (AEP), in partnership with Canada's Department of National Defence, has provided elk hunting opportunities to all hunters at Canadian Forces Base Suffield in southeastern Alberta. Hunting surrounding the base is available September until January, and within the base is available November till February.

AEP monitors the health and population of Elk in this region. This includes monitoring for disease and other health concerns. Hunters must submit their kills for testing prior to leaving the grounds.

Management and Regulation

- Hunting on the base is controlled for all hunters through a permit / waiver which is completed on the same day prior to hunting.
- All Hunters:**
- All hunters check in daily no later than 6:30am and check out no later than 6:00pm.
 - A safety briefing is mandatory and provided daily for all hunters.
 - Hunters are restricted to specific areas at all times.
 - Heads of harvest animals are submitted for Chronic Wasting Disease testing at check out.
 - All hunters and helpers must be 18 years of age or older.
 - Some sections of the Range and Training Area are restricted at all times for safety reasons.
 - Failure to comply with check in/out procedures or follow any rules on site will result in loss of access privileges.
 - The number of hunters is limited to 125 per day (may vary).
- Hunters with Harvesting Rights:**
- Indigenous hunters are required to pre-register for access during hunt seasons via email.
- Hunters without Harvesting Rights:**
- Must apply for and successfully be drawn for hunting Tags from AEP.

Star Orion Diamond Mine

The Star-Orion South Diamond Project is a Shore Gold Inc. and Fort a la Corne Joint Venture. The project consists of the construction and operation of the Star-Orion South Diamond mine located 60k east of the City of Prince Albert in the Fort a la Corne (FaC) Provincial forest.

The project includes two open pit mines (Star and Orion-South) and construction of associated infrastructure to commercially extract diamonds.

The FaC forest consists of 132,502 hectares and is surrounded by agricultural lands supporting both non-traditional and traditional land uses.

Management and Regulation

- The project footprint was estimated to be between 4 to 10% of the region.
- Traditional Uses are generally restricted to areas outside of the project footprint, however, facilitated access to cultural sites within the mine enclosure is accommodated with appropriate safety measures.
- The Proponent developed access management strategies including the development of new access routes and the relocation of existing access routes.
- The proponent compensated Indigenous groups financially for areas where mitigation was not possible.

Wood Buffalo National Park

Wood Buffalo National Park was originally created in 1922 and spans the Alberta and Northwest Territories border. It is Canada's largest national park and is the second largest national park in the world. It is also a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site. The park was made to protect wood bison in northern Canada and is a critical habitat for endangered whooping crane and was recognized by UNESCO in 1983 for its many natural wonders.

Management and Regulation

- The park allows hunting, trapping, fishing and harvesting in accordance with its game regulations.
 - This includes Albertans with the appropriate licenses for hunting or trapping.
- The park recognizes the rights of Indigenous Traditional Users.
- The park has a Management plan and Action Plan detailing its commitments to cooperative management and ensuring the park resources are protected and monitored.

Fish Creek Provincial Park

Fish Creek Provincial Park officially opened in 1975 and covers 13.48 km². Located in the south end of Calgary, the park is one of the largest urban parks in North America.

Management and Regulation

- Due to its status as a Provincial park Hunting and firearms are not permitted.
- Fishing is permitted within the park and is governed by Alberta Guide to Sportfishing Regulations.
- The park is also considered a Day-use park and camping is not permitted, the park closes between 6pm–10pm depending on the season.
- The park hosts educational programs and events and accommodates some Indigenous programs for land based learning.
- The park attempts to strike a balance between visitor use and protecting the environment.

DRAFT

Government of Alberta – Land Use Tools

Alberta Land Stewardship Act

Provides the necessary legislation to enact the Land Use Framework for each planning region in Alberta. The Land Use Framework is an approach for managing private and public lands in Alberta to achieve long-term economic, environmental and social outcomes.

| | |
|---|--|
| South Saskatchewan Regional Plan (SSRP) | <ul style="list-style-type: none"> • Contains strategies that support environmental, economic and social outcomes, including for environment and land management, energy development, sustainable farming and ranching, recreation, forest management and nature-based tourism. |
| Subregional or issue-specific plans | <ul style="list-style-type: none"> • Provides operational guidance and sets mandatory requirements for land-use decision-makers and users. |

Public Lands Act

Regulates public land allocations, the sale or transfer of public land to other levels of government or private entities, and the uses of public land including recreational, commercial and industrial uses.

| | |
|--------------------|--|
| Vacant Public Land | <ul style="list-style-type: none"> • Alberta Environment and Parks manages the administration of public lands that are not subject to any formal disposition as “vacant public land”. • The public has a right to recreational access and use vacant public land up to 14 days without an authorization. • Recreational activities longer than 14 days require an access permit. If an individual is exercising a treaty right, then no access permit is required for any length of activity. |
| Dispositions | <ul style="list-style-type: none"> • Grants permission for a development and/or activity and sets out the rules/conditions. |

| | |
|------------------------------------|---|
| | <ul style="list-style-type: none"> • There are three distinct types of dispositions: formal dispositions; authorizations; and approvals. • Dispositions do not grant exclusive use of an area to a disposition holder, although holders of formal dispositions have the ability to limit access for other users based on the type and time of the activity. • Dispositions are issued by directors under the Public Lands Act and are typically not issued to other departments of the government. |
| Section 7(b) Disposition | <ul style="list-style-type: none"> • Can allow for a disposition for any special case for which no provision is made in the Public Lands Act. • Terms and conditions may be included as needed for the special circumstances. • Issued by a director under the Public Lands Act as authorized by the LGIC. |
| Public Land Use Zones (PLUZ) | <ul style="list-style-type: none"> • Created for a specific land base with unique conditions to assist in the management of recreational land uses and resources. • A PLUZ is created by regulation of the LGIC. |
| Public Land Recreation Area (PLRA) | <ul style="list-style-type: none"> • Recreation areas outside of Provincial parks typically within a Public Land Use Zone. • Provides staging areas for day use or trail access. • A PLRA is created by order of LGIC. |
| Reservations and Notations | <ul style="list-style-type: none"> • Reservations are used under the Public Lands Act to set aside (reserve) land for use by government departments and other persons. Reservations can outline parameters of access to and use of the land (including prohibited uses). • Examples include utility corridors, lands to transfer to Indigenous Services Canada, lands with identified commercial recreation and tourism values, and lands reserved for use by other departments, such as for forestry lookout towers. |

- | | |
|--|---|
| | <ul style="list-style-type: none">• Lands that are reserved may also include conditions (notations) that are used by AEP and the AER to identify a management intent for particular public lands. The holder of the notation (often a division within AEP) must be consulted before any disposition is issued for the lands. Two common notations are:<ul style="list-style-type: none">○ Protective Notations (PNT): have been used in planning to notify that lands have potential recreation or conservation requirements, for example, that threatened or endangered species are present in the vicinity.○ Consultative Notations (CNT): have been used in planning to identify an interest in the land by an agency or for a management intent. CNTs do not impose any land use restrictions.• Authority to create reservations and notations have been delegated to directors under the Public Lands Act. |
|--|---|

Jennifer Hallson

From: Jennifer Hallson
Sent: May 6, 2020 8:05 AM
To: Dean Cherkas; bills@stoney-nation.com
Cc: Matthew Hebert; Mark Svenson; Amandah van Merlin (avanmerlin@demaland.ca)
Subject: SR1 Monitoring Plans
Attachments: rpt_sr1_groundwater_monitoring_plan_20190605_fin.pdf; rpt_sr1_surface_water_monitoring_plan_20190605_fin.pdf; rpt_sr1_veg_monitoring_reveg_plan_20190605_fin.pdf; rpt_sr1_wildlife_mitigation_and_monitoring_plan_20190605_fin.pdf

| Tracking: | Recipient | Delivery |
|------------------|---|-------------------------------|
| | Dean Cherkas | |
| | bills@stoney-nation.com | |
| | Matthew Hebert | |
| | Mark Svenson | |
| | Amandah van Merlin (avanmerlin@demaland.ca) | Delivered: 2020-05-06 8:05 AM |
| | Brescia, Dave | |
| | Savard, Elise | |

Dear Dean and Bill,

As the Springbank Off-stream Reservoir Project continues to move forward in the regulatory process, several draft monitoring plans have been created. These draft plans were included in Alberta Transportation's response to the Round 1 provincial and federal information requests. Alberta Transportation would like to ensure you have copies of these draft plans and would like your feedback on any or all of the draft plans.

The draft monitoring plans attached include:

- Draft Groundwater Monitoring Plan
- Draft Surface Water Monitoring Plan
- Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan
- Draft Wildlife Mitigation and Monitoring Plan

Alberta Transportation welcomes written feedback and would also be available to discuss these documents in a meeting or workshop.

Please let me know if you have any questions,
Jennifer

Jennifer Hallson, MA
Team Lead, Indigenous Consultation & Engagement



Suite #10, 320 Circle Drive
St. Albert AB T8N 7L5

Direct: 780-229-3491 | **Office:** 780-458-7123 | **Fax:** 780-458-8546

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July 2, 2020

Dean Cherkas
Stoney Tribal Administration
PO Box 120
Morley, AB
T0L 1N0

Dear Mr. Cherkas:

As part of our ongoing consultation regarding the Springbank Off-Stream Reservoir Project (the Project), we would like to let you know that Alberta Transportation intends to submit an application to Alberta Environment and Parks (AEP) for approval under the *Water Act*. The need for this application was identified in the March 2018 Environmental Impact Assessment (EIA) and subsequent November 2019 Project Update letter.

This application will detail a number of design updates to the Project. These design updates have been made to improve the functioning of the Project and to reduce effects on the environment. These changes include:

- adding flexibility to the operational rules for the Project, primarily related to the possibility of releasing water from the reservoir sooner after a flood event
- modifications to the low level outlet works to reduce erosion and sediment input to the Elbow River, including structural changes in the immediate vicinity of the dam outlet, modifications to the outlet channel from the dam to the Elbow River, and small changes to the footprint of the Project (i.e., an increase of approximately 5 ha)
- a reduction of approximately 700 m in the extent of the diversion channel that will be revegetated
- minor modifications to the fish passage structures within the Elbow River to improve navigability
- upgrades to existing residential access roads to maintain access to properties adjacent to the Project disturbance area and the addition of approximately 1 ha of new access road right of way

These changes are explained in greater detail in the responses to the Natural Resources Conservation Board (NRCB) and AEP's Round 2 Supplemental Information Requests (SIRs), along with a discussion of how the changes relate to the conclusions of the EIA.

Alberta Transportation will be applying for an approval from AEP that is required under the *Water Act* for the Project dam and reservoir, disturbed wetland areas and instream work in the Elbow River. The *Water Act* approval will cover all the necessary activities for construction, maintenance, and operation of the Project. Under the *Water Act* approval process, Alberta Transportation will mitigate potential impacts of the in-stream work and confirm that the Project

will meet or exceed the requirements set out in the *Water Act* and the associated regulations. Alberta Transportation will also be providing dam design information to AEP under their Dam Safety Program to ensure that the Project is designed, constructed, operated and maintained safely.

The *Water Act* application will be reviewed by AEP concurrently with the EIA process to minimize delays. For this reason, delivery of the *Water Act* application components will be staged to align with information availability to facilitate timely review. The *Water Act* application will be initiated in mid-2020 while some components, such as the Wetlands Assessment and Impact Report, Preliminary Dam Classification and Dam Safety Elements and the final design drawings, will not be submitted until later in 2020. It is understood that AEP will not make its decision on this application until the NRCB decides whether the Project is in the public interest under the *Environmental Protection and Enhancement Act*.

The *Water Act* application will be submitted via an online application system called 'Environmental Approvals System OneStop'. This application process includes an online questionnaire in which Alberta Transportation will submit a report that fulfills the requirements of a *Water Act* application. The report will provide the rationale and design information for the Project, construction sequencing and methodology information, and a summary of environmental studies that pertain to the *Water Act* application.

Once the *Water Act* application process is initiated, anyone who believes they will be directly or adversely affected by the Project will have 30 days to submit a Statement of Concern (SOC) to AEP. These SOCs will be considered while AEP reviews the application. Copies of the SOCs that are submitted by Indigenous groups will be provided to the Aboriginal Consultation Office (ACO) for their consultation records. AEP may request that Alberta Transportation submit written responses to SOCs and respond to SIRs to provide additional information that is needed for AEP to make a decision.

As part of the proposed *Water Act* application, we are inviting you to provide us with any specific information regarding any potential adverse impacts that the *Water Act* approval may have on treaty rights and traditional uses.

As part of Alberta Transportation's ongoing consultation program for the Project, we would like to extend an invitation to discuss this application and any specific concerns you may have about this provincial regulatory approval. The target months for this meeting is sometime between July and September 2020. Alberta Transportation would also welcome written feedback.

If interested, please contact Jennifer Hallson of DEMA Land Services (jhallson@demaland.ca) with potential meeting dates or written feedback.

Sincerely,



Matthew Hebert
Executive Director, Transportation Policy
Transportation Services Division
Alberta Transportation

cc. Bill Snow, Stoney Nakoda Nations

From: [Jennifer Hallson](#)
To: ["Dean Cherkas"; "bills@stoney-nation.com"](#)
Cc: ["Matthew Hebert"; "Mark Svenson"; Amandah van Merlin \(avanmerlin@demaland.ca\)](#)
Bcc: [Brescia, Dave; "Savard, Elise"](#)
Subject: SR1 Federal Filing and monitoring plans
Date: July 22, 2020 1:57:00 PM
Attachments: [sr1_agency_package4_round2_q004_app_4-1_fin.pdf](#)
[sr1_aep_sir2_q031_nrcb_app_031-1_fish_rescue_plan.pdf](#)

Please see below for a message from Alberta Transportation:

Dear Dean and Bill,

As you are aware, Alberta Transportation has been receiving and responding to questions from both provincial and federal regulators as part of the review of the Environmental Impact Assessment on the Springbank Off-stream Reservoir (SR1).

On March 23, 2020, following a review of the Round 1 responses, the Impact Assessment Agency of Canada asked Alberta Transportation a second round of questions. Alberta Transportation responded to four out of five of these questions on July 17, 2020 and hopes to respond to the last question shortly.

As part of the recent provincial and federal responses, additional draft monitoring plans have been created. Alberta Transportation would like to ensure you have copies of these plans and would like your feedback on any or all of the plans. The draft monitoring plans attached include:

- Draft Fish Rescue and Fish Health Monitoring and Mitigation Programs (provided in Round 2 NRCB IR31, Appendix IR31-1)
- Draft Air Quality Management Plan (provided in Round 2 IAAC IR4-04, Appendix IR4-1)

Alberta Transportation's responses can be found on our website at <https://www.alberta.ca/resources-springbank-off-stream-reservoir.aspx>.

For more information about SR1, please visit Alberta Transportation's website at <https://www.alberta.ca/springbank-off-stream-reservoir.aspx>.

If you have any questions or wish to discuss further, please contact Jennifer Hallson of DEMA Land Services at jhallson@demaland.ca.

Regards,

Matthew Hebert
Executive Director, Transportation Policy
Safety and Policy Division
Alberta Transportation
P: 780-644-7780
M: 780-554-6358

Jennifer Hallson, MA
Team Lead, Indigenous Consultation & Engagement

Suite #10, 320 Circle Drive

St. Albert AB T8N 7L5

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Matthew Hebert, Executive Director
Transportation Policy Branch

Main Floor, 4999 - 98 Avenue
Edmonton AB T6B 2X3
Phone: (780) 644 7780

August 4, 2020

Dean Cherkas
Stoney Tribal Administration
PO Box 120
Morley, AB
T0L 1N0

Dear Mr. Cherkas:

Alberta Transportation recognizes that a large amount of material has been provided recently as part of the SR1 consultation program and is currently looking at different ways to efficiently review this information and continue to consult and respond to concerns. Alberta Transportation is exploring the idea of hosting regular group meetings with all Indigenous groups engaged on the Project with the intent to review information and allow for discussion. For example, Alberta Transportation would host meetings to review each monitoring plan.

Alberta Transportation is looking at scheduling these virtual meetings every Thursday starting the week of September 7, 2020. There are three possible time slots and to accommodate your schedules and the schedules of the other Indigenous groups, please confirm your preferred time slot:

- 9:30 am to 11:30 am
- 1 pm to 3 pm
- 2 pm to 4 pm
- No time preference

Note that the meeting time will be scheduled based on the feedback from all Indigenous groups.

Prior to the first scheduled meeting, Alberta Transportation will provide a list of key topics and questions that we are looking for feedback on. Alberta Transportation welcomes written and/or verbal feedback and input. The meetings would be virtual using Microsoft Teams with a call-in number and would be facilitated to ensure everyone has a chance to ask questions and provide feedback.

Please let us know if you would be interested in participating in these group meetings (with supplemental individual meetings as required), or if you would prefer to continue with individual meetings only. We would appreciate hearing back from you with your preference by August 14, 2020.

Please see below for a tentative schedule:

| Topic | Date |
|---|--------------------|
| Fish Offsetting | End of August |
| Draft Surface Water Monitoring Plan | September 10, 2020 |
| Draft Fish Rescue and Fish Health Monitoring and Mitigation Program | September 10, 2020 |
| Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan | September 17, 2020 |
| Draft Wildlife Mitigation and Monitoring Plan | September 17, 2020 |
| Draft Groundwater Monitoring Plan | September 24, 2020 |
| Draft Air Quality Monitoring Plan | September 24, 2020 |
| <i>Water Act</i> Application | October 1, 2020 |

Alberta Transportation is committed to continuing to consult with you through your stated preferred method to address your concerns and questions. Alberta Transportation also welcomes written feedback on any of the above documents and topics.

Regards,



Matthew Hebert
Executive Director, Transportation Policy
Transportation Services Division
Alberta Transportation

cc. Bill Snow, Stoney Tribal Administration

From: [Jennifer Hallson](#)
To: [Dean Cherkas](#); "bills@stoney-nation.com"
Cc: [Matthew Hebert](#); [Mark Svenson](#); [Amandah van Merlin \(avanmerlin@demaland.ca\)](mailto:AvanMerlin@demaland.ca)
Bcc: [Brescia, Dave](#); [Savard, Elise](#)
Subject: SR1 group meetings and monitoring plans
Date: September 3, 2020 2:50:00 PM
Attachments: [sr1_questionnaire_Indigenous_groups.pdf](#)

Please see below for a message from Alberta Transportation:

Dear Dean, Bill,

As part of the ongoing consultation program for the Springbank Off-stream Reservoir (SR1) Project, Alberta Transportation continues to offer opportunities for you to provide feedback on draft monitoring programs developed for the Project. The draft monitoring plans were sent to you on May 6, 2020 and July 22, 2020 and include:

- Draft Surface Water Monitoring Plan
- Draft Groundwater Monitoring Plan
- Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan
- Draft Wildlife Mitigation and Monitoring Plan
- Draft Air Quality Management Plan
- Draft Fish Rescue and Fish Health Monitoring and Mitigation Program

Enclosed is a questionnaire in which Alberta Transportation has compiled questions that may assist you with providing feedback from Elders, Knowledge Holders, and other members of your community on these items. Should you be interested in providing this feedback, Alberta Transportation requests that this questionnaire be completed and returned by October 2, 2020, or that this feedback be provided in an online meeting setting.

On August 4, 2020, Alberta Transportation sent you an invitation letter laying out a schedule for online group meetings to review and discuss the above monitoring plans for the SR1 Project. The first of these online meetings will occur on September 17, 2020, 9:30-11:30 am, focusing on the Draft Surface Water Monitoring Plan and the Draft Fish Rescue and Fish Health Monitoring and Mitigation Program. The enclosed questionnaire will help guide the discussion Alberta Transportation would like to have during the discussion portion of the meeting. Due to current COVID-19 restrictions, these group meetings will be held online. A meeting invitation and agenda will be sent to you shortly, please accept the invite should you be interested in attending. An updated schedule is provided below:

| Topic | Date |
|---|--------------------|
| Draft Surface Water Monitoring Plan | September 17, 2020 |
| Draft Fish Rescue and Fish Health Monitoring and Mitigation Program | September 17, 2020 |
| Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan | September 24, 2020 |
| Draft Wildlife Mitigation and Monitoring Plan | September 24, 2020 |

| | |
|-------------------------------------|------------------------|
| Fish Offsetting | End of September (TBA) |
| Draft Groundwater Monitoring Plan | October 1, 2020 |
| Draft Air Quality Monitoring Plan | October 1, 2020 |
| <i>Water Act</i> Application | October 8, 2020 |
| <i>Public Lands Act</i> Application | October 8, 2020 |

Alberta Transportation welcomes feedback in the form of the questionnaire, along with any additional written feedback you wish to provide, and/or attendance at the group meetings. Should you be more comfortable sharing feedback during an individual meeting, please provide potential meeting dates.

Should you require capacity funding to complete your review of the six draft monitoring plans and provide feedback, please provide a budget by September 15, 2020. Alberta Transportation requires a detailed line item budget for approval and following submission of written feedback, will require a detailed invoice for payment.

Should you have any questions, please do not hesitate to contact Jennifer Hallson at jhallson@demaland.ca

Sincerely,

Matthew Hebert

Jennifer Hallson, MA
Team Lead, Indigenous Consultation & Engagement

Suite #10, 320 Circle Drive
St. Albert AB T8N 7L5

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E: jhallson@demaland.ca **W:** www.demaland.ca

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Springbank Off-stream Reservoir draft Monitoring Programs Questionnaire

| Project-related Questions & Opportunities: | Topic | Discipline | Please provide responses here: |
|---|----------------------|--------------------|--------------------------------|
| <p>Please provide your perspective on the draft Air Quality Management Plan. Alberta Transportation would welcome suggestions on how to improve the draft plan.</p> | <p>Program Input</p> | <p>Air Quality</p> | |
| <p>Please provide your perspective on the draft Wildlife Mitigation and Monitoring Plan. Alberta Transportation would welcome suggestions on how to improve the draft plan.</p> | <p>Program Input</p> | <p>Wildlife</p> | |

| Project-related Questions & Opportunities: | Topic | Discipline | Please provide responses here: |
|---|---|------------|--------------------------------|
| <p>In the draft Wildlife Mitigation and Monitoring Plan (WMMP), Alberta Transportation described a remote camera monitoring program that will be implemented to monitor wildlife movement in the Local Assessment Area (LAA) during construction and dry operations (i.e., post-construction). For the EIA, ten remote cameras were placed in the LAA at sites where there was potential for wildlife movement such as wildlife trails, human made trails, riparian areas and wetlands. Six remote cameras were placed along Elbow River, including two cameras located upstream of the proposed diversion structure, one camera near the proposed floodplain berm and the remaining three cameras located downstream of the diversion inlet between the diversion and low-level outlet channels.</p> <p>The proposed camera locations will include areas in the LAA that were previously monitored during the EIA to provide data necessary for comparison to remote camera survey results obtained during wildlife baseline surveys; however, other locations will be considered based on input from Indigenous groups.</p> <p>Please provide your input on the current planned locations of the remote cameras (see EIA, Volume 4, Appendix H, Figure 2-1; available at: https://open.alberta.ca/dataset/ed520427-3b66-41c5-b36a-33fbdeaea9aa/resource/7d3ec9ad-9364-4b65-b8c4-5bcbb159c67f/download/vol_4_apph_wildlife_and_biodiversity.pdf and, if applicable, provide recommendations of additional camera placements.</p> <p>The remote camera program was described in the draft Wildlife Mitigation and Monitoring Plan, available at: https://open.alberta.ca/dataset/c7b52cd4-2adc-4f14-8a3e-02255afca154/resource/595d2aa4-b353-424d-947c-8467043d5a6c/download/sr1_nrcb_aep_ir1_appendix_ir425-1.pdf</p> | Remote Camera Monitoring Program: Program Input | Wildlife | |

| Project-related Questions & Opportunities: | Topic | Discipline | Please provide responses here: |
|--|---|-------------------|--------------------------------|
| <p>Please provide your perspective on the draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan. Alberta Transportation would welcome suggestions on how to improve the draft plan.</p> | <p>Program Input</p> | <p>Vegetation</p> | |
| <p>Alberta Transportation will provide information regarding Project activities and schedules, including provision of Project maps and design components and discussing key traditional harvesting periods.</p> <p>Please confirm if you are interested in receiving this information, what your preferred means of receiving this information is (i.e., email, letter, in a meeting), and if you are interested in providing input into key traditional harvesting periods.</p> | <p>Construction: Program Input</p> | <p>Vegetation</p> | |
| <p>Alberta Transportation has committed to conducting field visits with Indigenous Elders and Knowledge Holders to identify priority areas for harvest of traditional plants; Alberta Transportation also commits to provide opportunities for Indigenous groups to harvest plants prior to construction.</p> <p>Please confirm if you are interested in conducting field visits to identify priority area for harvest of traditional plants.</p> <p>Please confirm if you are is interested in harvesting plants prior to construction.</p> | <p>Harvesting traditional plants: Program Input</p> | <p>Vegetation</p> | |

| Project-related Questions & Opportunities: | Topic | Discipline | Please provide responses here: |
|---|-------------------------------------|-------------|--------------------------------|
| <p>The draft Vegetation and Wetland Monitoring and Revegetation Plan describes revegetation targets and goals that will be implemented in the LAA during construction and operations.</p> <p>Please review the information provided in Section 7.1 of the draft Plan and provide input on the revegetation targets and goals.</p> <p>The draft Vegetation and Wetland Monitoring and Revegetation Plan is available at: https://open.alberta.ca/dataset/c7b52cd4-2adc-4f14-8a3e-02255afca154/resource/f52a6d10-85ff-4223-b933-465a8ed02b04/download/sr1_nrcb_aep_ir1_appendix_ir407-1.pdf</p> | Revegetation Program: Program Input | Vegetation | |
| <p>The draft Vegetation and Wetland Monitoring and Revegetation Plan identifies potential reclamation seed mixes.</p> <p>Please confirm whether there are specific traditional and medicinal plants that should be included in the revegetation plans.</p> <p>In addition, do you have recommendations on the proposed seed mix which were provided in Section 7.2 of the draft Plan?</p> <p>The draft Vegetation and Wetland Monitoring and Revegetation Plan is available at: https://open.alberta.ca/dataset/c7b52cd4-2adc-4f14-8a3e-02255afca154/resource/f52a6d10-85ff-4223-b933-465a8ed02b04/download/sr1_nrcb_aep_ir1_appendix_ir407-1.pdf</p> | Revegetation Program: Program Input | Vegetation | |
| <p>Alberta Transportation will work with Indigenous groups to minimize disturbance to cultural and spiritual sites, and develop a protocol for recovery, collection, reporting on, and possible repatriation of artifacts. Actions could include flagging, fencing, or providing signage of sites to prevent disturbance during construction.</p> <p>Please provide actions that Alberta Transportation could review and consider relative to protection and mitigation of cultural and spiritual sites.</p> | Cultural sites: Program Input | Archaeology | |

| Project-related Questions & Opportunities: | Topic | Discipline | Please provide responses here: |
|---|---|----------------------|--------------------------------|
| <p>Please provide you general comments and/or questions on the draft Surface Water Plan Monitoring Plan. Alberta Transportation would welcome suggestions on how to improve the draft plan.</p> | <p>Program Input</p> | <p>Surface Water</p> | |
| <p>Please provide your perspective on the Fish Rescue and Fish Health Monitoring and Mitigation Program. Alberta Transportation would welcome suggestions on how to improve the draft plan.</p> | <p>Program Input</p> | <p>Aquatics</p> | |
| <p>Please indicate whether your community is interested in participating in fish rescues (as was described in the draft Fish Rescue and Fish Health Monitoring and Mitigation Programs) during construction.</p> <p>The draft Fish Rescue and Fish Health Monitoring and Mitigation Programs is available at: https://open.alberta.ca/dataset/f2af0973-5660-4cc3-afe0-60182f4bfeca/resource/ffb8eae3-e236-48c9-98c3-3c70fe9e63fd/download/20200623-at-sir-to-aep-re-sir2-response-appendix-15-1-to-31-1.pdf (see Appendix 31-1)</p> | <p>Construction: Employment Opportunity</p> | <p>Aquatics</p> | |

| Project-related Questions & Opportunities: | Topic | Discipline | Please provide responses here: |
|---|--|--------------------|--------------------------------|
| <p>Please provide your perspective on the draft Groundwater Monitoring and Mitigation Plan. Alberta Transportation would welcome suggestions on how to improve the draft plan.</p> | <p>Program Input</p> | <p>Groundwater</p> | |
| <p>The groundwater monitoring program will employ appropriate methods for pre-construction, construction, dry operations, and flood/post-flood operations. Monitoring well locations have not yet been finalized, but locations will consider practical field constraints, land access, and input from Indigenous groups.</p> <p>Do you have any recommendations on where the monitoring wells could be installed?</p> <p>The draft Groundwater Monitoring Plan is available at: https://open.alberta.ca/dataset/c7b52cd4-2adc-4f14-8a3e-02255afca154/resource/c86e8be4-32b3-47bb-b47f-e21231e1b832/download/sr1_nrcb_aep_ir1_appendix_ir46-1.pdf</p> | <p>Monitoring wells: Program Input</p> | <p>Groundwater</p> | |



Matthew Hebert, Executive Director
Transportation Policy Branch

Main Floor, 4999 - 98 Avenue
Edmonton AB T6B 2X3
Phone: (780) 644 7780

October 2, 2020

Dean Cherkas
Stoney Tribal Administration
PO Box 120
Morley, AB
T0L 1N0

Dear Mr. Cherkas:

In our effort to continue our open dialogue with you and your First Nation regarding the Springbank Off-stream Reservoir Project (the Project), we would like to inform you that Alberta Transportation has submitted an application to Alberta Environment and Parks (AEP) for approval under the *Public Lands Act*. The need for this application was identified in the March 2018 Environmental Impact Assessment (EIA) and subsequent November 2019 Project Update letter.

It is understood that AEP will not make its decision on this application until the Natural Resource Conservation Board (NRCB) decides whether the Project is in the public interest under the *Environmental Protection and Enhancement Act*.

Public Lands Act approval is required to address the work occurring within the Elbow River and to the Crown-owned (larger, more permanent) tributaries located within the reservoir area and along the outlet channel.

The *Public Lands Act* approval for the permanent infrastructure (e.g., the diversion structure and service spillway gates) located within the Elbow River is being addressed through a Department Licence of Occupation (DLO) Disposition issued by AEP. The temporary Elbow River diversion needed during construction and the impacts to the Crown-owned tributaries within the reservoir area will be addressed using Temporary Field Authorizations (TFAs) also issued under the *Public Lands Act* by AEP. The issuance of a DLO or TFA does not restrict or limit access to the portion of the Elbow River or tributaries covered by the DLO or TFA.

Prior to making a decision on the *Public Lands Act* application, we would like to consult with you regarding potential adverse effects (if any) of the *Public Lands Act* approval on your treaty rights and traditional uses. As part of Alberta Transportation's ongoing consultation process for this Project, we would like to discuss this application and any specific concerns you may have about this provincial regulatory approval. We have scheduled an online group meeting with the Treaty 7 First Nations to discuss both the *Public Lands Act* application and *Water Act* application (as described in the letter and summary provided July 2, 2020), on October 8, 2020. Should you

prefer to discuss in an individual meeting, please provide potential meeting dates for October 2020. Alberta Transportation also welcomes written feedback.

Sincerely,



Matthew Hebert
Executive Director, Transportation Policy
Transportation Services Division
Alberta Transportation

cc. Bill Snow, Stoney Nakoda Nation

Encl. Springbank Off-stream Reservoir Project *Public Lands Act* Summary

**SPRINGBANK OFF-STREAM
RESERVOIR PROJECT**
Public Lands Act Summary



Prepared for:
Alberta Transportation

Prepared by:
Stantec Consulting Ltd.

September 2020

Table of Contents

| | |
|---|------------|
| ABBREVIATIONS | II |
| PURPOSE OF THIS DOCUMENT | III |
| 1.0 PROJECT DESCRIPTION AND COMPONENTS | 1 |
| 1.1 DIVERSION STRUCTURE | 1 |
| 1.2 DIVERSION CHANNEL | 3 |
| 1.3 OFF-STREAM DAM | 3 |
| 1.4 OFF-STREAM RESERVOIR | 3 |
| 1.5 LOW-LEVEL OUTLET WORKS | 3 |
| 1.6 ROAD MODIFICATIONS | 3 |
| 2.0 CONSTRUCTION | 5 |
| 3.0 OPERATION | 6 |
| 4.0 BIOPHYSICAL CONSIDERATIONS | 7 |
| 4.1 FISH AND FISH HABITAT | 7 |
| 4.2 WILDLIFE | 7 |
| 5.0 IMPACTS TO DOWNSTREAM WATER USERS | 9 |
| 5.1 WATER QUALITY | 9 |
| 6.0 ENVIRONMENTAL MITIGATION MEASURES | 10 |
| 6.1 WATER MANAGEMENT | 10 |
| 6.2 FISH AND FISH HABITAT | 11 |
| 6.3 WILDLIFE | 11 |
| 6.4 EROSION AND SEDIMENT CONTROL | 12 |
| 7.0 INDIGENOUS PARTICIPATION | 13 |
| LIST OF FIGURES | |
| Figure 1 Main Components of the Project | 2 |

**SPRINGBANK OFF-STREAM RESERVOIR PROJECT
PUBLIC LANDS ACT SUMMARY**

Abbreviations

| | |
|-------------|--|
| AEP | Alberta Environment and Parks |
| DFO | Fisheries and Oceans Canada |
| DLO | Department Licence of Occupation |
| ECO Plan | Environmental Construction Operations Plan |
| EMS | Environmental Management System |
| IAAC | Impact Assessment Agency of Canada |
| KWBZ | Key Wildlife and Biodiversity Zone |
| NRCB | Natural Resources Conservation Board |
| PDA | Project Development Area |
| QAES | Qualified Aquatic Environmental Specialist |
| RAP | Restricted Activity Period |
| SOMC | Species of Management Concern |
| the Project | Springbank Off-stream Reservoir Project |
| TFA | Temporary Field Authorization |

Purpose of this Document

This document provides a summary of the material contained in the *Public Lands Act* applications for the Springbank Off-stream Reservoir Project (the Project). *Public Lands Act* approval for the Project is required for the work occurring within the Elbow River and to the Crown-owned (larger, more permanent) tributaries located within the off-stream reservoir area and along the outlet channel.

The *Public Lands Act* approval for the permanent infrastructure (e.g., the diversion structure and service spillway gates) located within the Elbow River is being addressed through a Department Licence of Occupation (DLO) Disposition issued by Alberta Environment and Parks (AEP). The temporary Elbow River diversion needed during construction and the impacts to the Crown-owned tributaries within the reservoir area will be addressed using Temporary Field Authorizations (TFAs). The issuance of a DLO or TFA does not restrict or limit access to the portion of the Elbow River or tributaries covered by the DLO and TFA.

Both the DLO and TFA applications under the *Public Lands Act* provide rationale and design information for the Project, describe construction sequencing, explain methods, and present a summary of environmental studies that relate to the area included in the DLO or TFA application.

As the Elbow River and Crown-owned tributaries are covered under both the *Public Lands Act* and *Water Act* application processes, much of the information included in the *Public Lands Act* applications is the same as that included in the *Water Act* application. As such, most of the information in this memo is the same as that included in the summary memo for the *Water Act* application.

A full description of the Project and associated environmental studies are described in the March 2018 Springbank Off-stream Reservoir Project Environmental Impact Assessment, which is currently being reviewed by AEP, the Alberta Natural Resources Conservation Board (NRCB) and the Impact Assessment Agency of Canada (IAAC), and can be distributed upon request.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Project Description and Components
September 2020

1.0 PROJECT DESCRIPTION AND COMPONENTS

The Project is located in the Springbank area of Rocky View County, 15 km west of the City of Calgary, Alberta. The Project includes an off-stream reservoir that temporarily holds water during large floods. It operates together with other flood mitigation measures such as the upgrades to Glenmore Reservoir. The Project reduces flood risk by managing Elbow River downstream river flow. This goal will be met while protecting river processes (erosion, transportation, and deposition), critical habitats, fish, and wildlife. The Project will reduce flood risk to portions of Tsuut'ina Nation, Rocky View County, the City of Calgary, and to downstream communities on Bow River and South Saskatchewan River.

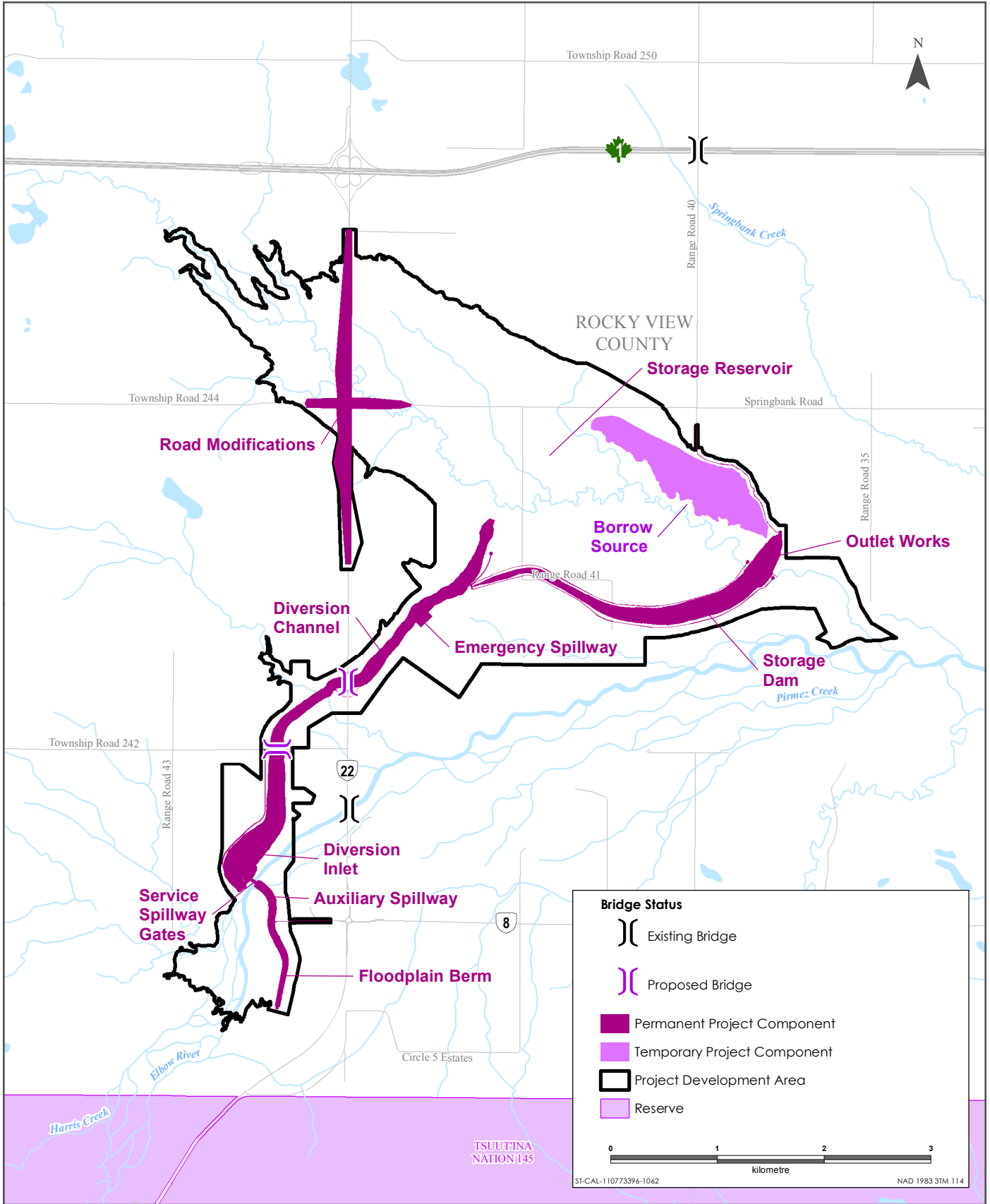
During a flood, a diversion channel will carry a portion of the flood water from Elbow River to the off-stream reservoir, which will have a storage capacity of 77.771 million cubic meters. When peak waters have passed, an outlet channel will safely release the water back to Elbow River in a controlled manner.

The Project components include (Figure 1) a diversion structure on Elbow River that controls how much flood water is diverted and how much is allowed to pass downstream. The excess flood water is sent northwards down the 4,700 m long diversion channel to an off-stream reservoir (no permanent pool) that is formed by a dam impoundment across the glacial meltwater valley of the unnamed creek, an adjacent creek that flows into Elbow River. When a decision has been made to release water in the reservoir back into the river, the dam's low-level outlet opens to release the water down the unnamed creek channel.

1.1 DIVERSION STRUCTURE

The following are the key components:

- The diversion inlet is a gated structure adjacent to Elbow River that controls flow into the diversion channel. The diversion inlet also includes a debris deflector to prevent debris from plugging the diversion channel.
- The floodplain berm captures Elbow River flow in the floodplain and directs it to the diversion structure.
- The service spillway gates, when activated, raise water levels to drive the excess floodwaters through the diversion inlet, into the diversion channel, and eventually to the off-stream reservoir.
- The auxiliary spillway is a dam safety component located within the floodplain berm to protect the diversion structure from failure during large floods.



Sources: Base Data - ESRI, Natural Earth, Government of Alberta, Government of Canada
 Thematic Data - ERBC, Government of Alberta, Stantec Ltd

Main Components of the Project

Figure 1

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Project Description and Components
September 2020

1.2 DIVERSION CHANNEL

The following are the key components:

- The diversion channel carries flood waters 4,700 m from the diversion structure to the off-stream reservoir.
- The channel will look similar to an irrigation canal with side slopes vegetated with local species appropriate for the landscape.
- The diversion channel has been designed to allow continued wildlife movement, and all fencing, except around certain facilities (e.g., the control building) will be wildlife-friendly to facilitate wildlife movement in the Project Development Area (PDA).

1.3 OFF-STREAM DAM

The following are the key components:

- The dam is earthen and built using the material excavated from the diversion channel.
- It will be terraced and vegetated with local species appropriate for the landscape.
- At its tallest point, it will be about 27 m high.

1.4 OFF-STREAM RESERVOIR

The following are the key components:

- The reservoir has an active flood storage capacity of 77.771 million cubic metres of flood water.
- There is no permanent pool of water between floods and it will be drained safely after each flood.

1.5 LOW-LEVEL OUTLET WORKS

The off-stream dam's outlet releases the retained flood water into the existing unnamed creek, which then carries it back into Elbow River.

1.6 ROAD MODIFICATIONS

The following are the key activities:

- Highway 22 will be raised much like a causeway to maintain access over the off-stream reservoir.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Project Description and Components
September 2020

- Springbank Road will be flooded when floods greater in magnitude than a 1:50 year flood occur; a detour will be provided for these rare occasions.
- Bridges will be built across the diversion channel at Highway 22 and Township Road 242.
- New maintenance access roads will be gated and traffic will be limited to AEP Operations staff (and their contractors).

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Construction
September 2020

2.0 CONSTRUCTION

Construction will include work in Elbow River to build the diversion structure, service spillway gates, and outlet structure. River construction work will be scheduled to avoid the restricted activity period (RAP) of Elbow River to minimize disturbance to sensitive life stages (e.g., spawning, egg development) of fish species that are present in Elbow River. A temporary river channel will be built to maintain flow of Elbow River while the Project components in the river are being built. This will allow fish to continue to move in the river during construction and will minimize sediments in Elbow River as a result of excavations and construction.

The diversion channel and off-stream dam will be built above the banks of the river. These construction items will be scheduled throughout the year. Construction above the banks will involve clearing trees, clearing topsoil, and installing earthworks. The diversion channel will include excavation, and the off-stream dam will be built using excavated material from the diversion channel.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Operation
September 2020

3.0 OPERATION

The Project will only be in operation during a flood when flows are higher than 160 m³/s in Elbow River. During normal operations, the service spillway gates lay flat on the riverbed and the diversion inlet gates are closed. Flow in Elbow River is not hindered, and fish are able to pass through the diversion structure.

Operations staff from AEP will be sent to the site when a flood is forecasted. When a flood is occurring (with flows higher than 160 m³/s), the gates will rise to divert a portion of the water (flow in the river will be maintained at 160 m³/s) through the diversion structure, into the diversion channel, and then into the off-stream reservoir. Water is held in the off-stream reservoir until the risk of flooding has passed. The water in the off-stream reservoir is then returned into Elbow River through the low-level outlet structure until the reservoir is empty.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Biophysical Considerations
September 2020

4.0 BIOPHYSICAL CONSIDERATIONS

4.1 FISH AND FISH HABITAT

Elbow River supports a traditional and recreational fishery that is part of known local and national fishing culture. Salmonids (e.g., brown trout, mountain whitefish, rainbow trout, bull trout, brook trout) are the most abundant fish species caught in Elbow River.

Fish habitat throughout Elbow River was recorded and mapped (between the Tsuut'ina Nation Reserve boundary of Redwood Meadows and Discovery Ridge) during a field program in the fall of 2019. These habitat maps are used to assess fish habitat quality for each fish species in Elbow River, at different life stages (fry, juvenile, adult, and spawning life stages). Fish habitat maps will be used to evaluate how the Project changes fish habitat. An evaluation of change to fish habitat will support engagement with Fisheries and Oceans Canada (DFO) and Indigenous groups regarding habitat offsetting.

In addition to habitat mapping, spawning surveys were completed in Elbow River to document spawning activities (i.e., fish eggs), as well as suitable habitat that can be used for staging and spawning. Spawning was documented from Elbow Falls to Gooseberry Campground to identify sensitive habitats for bull trout, which typically move between the Elbow Falls area to the Project area in the fall. In addition, spawning surveys were completed between the Tsuut'ina Nation Reserve boundaries of Redwood Meadows and Discovery Ridge to document spawning areas available for brown trout, brook trout, rainbow trout, and mountain whitefish. These spawning surveys further inform engagement with DFO and Indigenous groups regarding suitable habitat offsets for the Project. Habitat maps and the results of the fish fieldwork can be provided upon request.

Additional fieldwork was completed in August and September 2020 to complete habitat mapping within the Tsuut'ina Nation Reserve boundaries of Elbow River (i.e., Redwood Meadows area and downstream portions of Elbow River). Fish population surveys were also completed to help determine how many fish are present in Elbow River and the number of fish that might be affected by the Project during flood operation when fish are swept into the off-stream reservoir.

4.2 WILDLIFE

An assessment of Project effects on wetland-dependent wildlife was completed through desktop review and field surveys focused on species of management concern (SOMC) that could be present near the Project. Field surveys were completed during the spring and summer of 2016.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Biophysical Considerations
September 2020

The land within and surrounding the Project provides potential habitat for wetland-dependent wildlife including amphibians, waterbirds, waterfowl, songbirds, raptors and semi-aquatic mammals. A total of 23 wildlife SOMC have potential to occur in the surrounding area including 17 birds, three mammals and three amphibians. Of those, two species were observed during wildlife baseline studies completed for the Project during 2016: sora and great blue heron.

The Project will affect wetland-dependent wildlife directly through vegetation removal and wetland disturbance. The Project will result in a reduction in the available nesting and breeding habitat. In addition, construction activities may have sensory effects on wildlife (from construction noise and artificial lights). Disturbed wildlife may be displaced from their habitat or experience increased mortality risk.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Impacts to Downstream Water Users
September 2020

5.0 IMPACTS TO DOWNSTREAM WATER USERS

5.1 WATER QUALITY

Water that is diverted into the reservoir during flood operations may decline in quality due to the length of time required before it is returned into Elbow River. Water quality samples will be collected in the off-stream reservoir and in the creek below the outlet gate as water is being released. This will provide information on what kind of disturbance the water quality may pose to fish in Elbow River, and the water quality downstream in Glenmore Reservoir.

When water is diverted into the reservoir, the diverted waters have a high suspended sediment concentration. The longer the water stays in the reservoir, the more sediment that settles. When this water is released, it may or may not exceed environmental guidelines from the Canadian Council of Ministers of the Environment. The guidelines are based on the amount of sediment in Elbow River at the time of the release. At the end of a flood, waters in Elbow River may still have higher levels of suspended sediment and, therefore, the water released from the reservoir will not result in additional impacts to downstream users.

In addition to reducing the potential for flooding, the Project results in a reduction of the total suspended sediment that would have ended up in Glenmore Reservoir (in the absence of the Project), and, therefore, reduces the amount of water treatment needed.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Environmental Mitigation Measures
September 2020

6.0 ENVIRONMENTAL MITIGATION MEASURES

Alberta Transportation has an Environmental Management System (EMS) that will be applied to the Project during construction and operations. The EMS includes standard environmental monitoring and an Environmental Construction Operations Plan (ECO Plan). This ECO Plan will include wildlife sweeps, fish rescues, water quality monitoring, erosion and sediment control measures, water management, isolation measures to limit siltation in Elbow River, soil management, a spill response plan, and a reclamation plan (e.g., re-seeding areas that are disturbed during construction). Alberta Transportation will have environmental monitors on site during construction to oversee environmental requirements during construction, such as water quality monitoring, fish rescues, wildlife sweeps, cultural resource monitoring, and erosion and sediment control inspections.

6.1 WATER MANAGEMENT

A temporary channel will be built to allow fish to move through Elbow River during construction and lessen sediment during construction. Before a physical barrier (e.g., silt boom, cofferdam, silt curtain) between the river flow and the construction area is installed, fish rescues will be completed in the river to remove fish from the workspace. Fish will be released to an area upstream or downstream of the construction site. Turbidity monitoring will also be completed during river construction to monitor sediment levels in the river. Turbidity monitoring will allow the contractor to determine if construction activities are disturbing the river and adjust work where possible to improve water quality. Turbidity monitoring is further outlined in Alberta Transportation's Surface Water Quality Monitoring Plan which is available upon request.

Care of water measures will be implemented throughout the site (both river and upland areas) during construction and operation to minimize disturbance to Elbow River. Care of water measures include instream isolation cofferdams, fish rescue requirements, dewatering systems and mitigations, fuel and hazardous material spill cleanup kits, erosion and sediment control barriers and monitoring. These measures will be carried out according to the Project's ECO Plan, Alberta Transportation's Erosion and Sediment Control Manual (Alberta Transportation 2011), Alberta Transportation's Civil Works Master Specifications for Construction of Provincial Water Management Projects (Alberta Transportation 2017a), the Federal *Fisheries Act*, the Alberta *Water Act* and all other regulatory requirements.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Environmental Mitigation Measures
September 2020

6.2 FISH AND FISH HABITAT

The construction of the diversion inlet and spillway, and operations during and following a flood, will result in changes to physical habitat, flow levels, and water quality in Elbow River. It is anticipated that these changes will result in some loss of fish habitat. Alberta Transportation is committed to offsetting fish habitat loss through enhancements to existing habitat or creating new fish habitat. These offsetting measures are currently under review and will be developed through further engagement with DFO and Indigenous groups.

In order to minimize disturbance to fish swimming ability, small rock structures will be installed in Elbow River below the diversion gates. These rocks will provide resting areas for fish that are swimming upstream, so that their burst speed and swimming distance can be shortened in areas where the water is moving faster.

During a flood, fish may be swept into the reservoir and held in the reservoir until the water can be released back into Elbow River. It is expected that some fish will die during flood operation of the reservoir. Alberta Transportation is committed to undertaking a fish rescue in the reservoir to improve the likelihood of fish survival in the reservoir. Fish will be captured and released back into Elbow River by multiple crews and will rely on electrofishing and netting. Alberta Transportation will also monitor fish in Elbow River for signs of stress while the water is being released from the reservoir back into Elbow River. Further details on these rescue and monitoring efforts are included in Alberta Transportation's Fish Rescue and Fish Health Monitoring Plan that is available upon request.

6.3 WILDLIFE

Wildlife surveys will be completed before construction begins to identify wildlife features (e.g., nests, dens). Work will be staged to avoid these sensitive wildlife features until they are inactive. In addition, the following measures will be taken during construction:

- Clearing will be scheduled to avoid the RAP for nesting migratory birds or raptors (February 15 to August 31).
- If clearing is required during this timeframe, a wildlife survey will be completed beforehand to identify active nests and establish setback boundaries (i.e., buffer of distance between the work and the animals).
- Where possible, construction activities during the RAP for the key wildlife and biodiversity zone (KWBZ) identified along Elbow River (December 15 to April 30) will be avoided or reduced. This would limit potential sensory disturbance to wintering ungulates. If construction activities must occur during this time period, setback distances and timing will be discussed with AEP.
- Lights within the construction site will be pointed inward to the workspace to reduce sensory disturbances to wildlife in the surrounding area.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Environmental Mitigation Measures
September 2020

- Construction traffic will adhere to safety, road closure regulations, and other access measures and guidelines for the construction area and associated access roads.
- Construction crews will respect wildlife (i.e., no feeding, harassing, no dogs on site, no firearms).

6.4 EROSION AND SEDIMENT CONTROL

Temporary erosion and sediment control measures during construction will be the responsibility of construction contractors (and outlined in the Project ECO Plan) and, at a minimum, will include:

- Effective erosion control measures (i.e., coco matting, silt fencing, coco rolls, clean rocks) will be placed around all disturbed areas, disturbed slopes, and ecologically sensitive areas such as wetlands and watercourses. Non-biodegradable materials will be removed once the site is stabilized.
- Regular inspection, maintenance, and repair of erosion control measures will occur.
- Pumps, settling basins, water tanks will be in place to manage water within the construction workspaces (e.g., groundwater seepage, rain and runoff).
- Disturbed ground will be planted with seed and stabilized with erosion control products.
- When no longer required, temporary construction works will be removed, and the ground will be graded to a leveled and neat condition.

SPRINGBANK OFF-STREAM RESERVOIR PROJECT PUBLIC LANDS ACT SUMMARY

Indigenous Participation
September 2020

7.0 INDIGENOUS PARTICIPATION

The *Public Lands Act* process does not include on-going monitoring, field surveys, or other opportunities for direct participation. Although not directly related to the *Public Lands Act* application, Alberta Transportation is committed to Indigenous participation in the Project, including training, employment, and contracting opportunities. To this end, Alberta Transportation is preparing a draft Indigenous Participation Plan with the goal to create training, employment, monitoring, and contracting opportunities with interested Indigenous groups. Post-flood monitoring opportunities may include fish rescue activities. Environmental monitors who are 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.
- Monitor fish health and conditions during fish capture and rescue activities.
- Complete data recording.
- Erosion and sediment control monitoring.
- Assistance with ECO Plan inspections.

From: [Jennifer Hallson](#)
To: [Dean Cherkas](#); [Bill Snow](#)
Cc: [Matthew Hebert](#); [Mark Svenson](#); [Amandah van Merlin \(avanmerlin@demaland.ca\)](#)
Bcc: [Savard, Elise](#); [Dave Brescia](#)
Subject: Notice of filing to Impact Assessment Agency of Canada
Date: October 23, 2020 9:07:00 AM
Attachments: [20201022 AT SIR to Agency re IR response Package 4 Round 2 Question 4-05 response_unsecured.pdf](#)

Please see below for a message from Alberta Transportation:

Dear Mr. Cherkas,

As you are aware, Alberta Transportation has been receiving and responding to questions from both provincial and federal regulators as part of the review of the Environmental Impact Assessment for the Springbank Off-stream Reservoir Project.

I am pleased to inform you that on October 22, 2020, Alberta Transportation filed a response to the Impact Assessment Agency of Canada that may be of particular interest to you, as it outlines the Government of Alberta's intended approach to future land use of the SR1 project's Land Use Area. This response captures feedback provided by First Nations. This response also concludes our responses to the second round of questions from the Impact Assessment Agency of Canada.

I would like to highlight the Government of Alberta's intent to establish a First Nations Land Use Advisory Committee to continue to guide and facilitate the implementation of the Guiding Principles into the Land Use Plan. This advisory committee is expected to begin work at the start of 2021.

Alberta Transportation also intends to work with First Nations to identify a portion of land near the SR1 project that can be used by First Nations as a staging area for cultural ceremonies, transmittal of traditional knowledge to youth, or other 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.

The response, including the updated draft Guiding Principles on Land Use, and a map of the project area are included for your information and will be posted to the SR1 Project website shortly. A copy is also attached for your reference. For more information about SR1, please visit the Government of Alberta's website at www.alberta.ca/springbank-off-stream-reservoir.aspx.

If you would like to discuss this response, or have any questions related to the SR1 project, please contact me at 780-554-6358 or Matthew.Hebert@gov.ab.ca.

Thank you for your ongoing collaboration regarding the SR1 project.

Matthew Hebert
Executive Director, Transportation Policy
Safety and Policy Division
Alberta Transportation

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