

OPENING STATEMENT

Topic 2 – Crown Consultation and Land Use

Remarks of M. Hebert

1. Alberta Transportation's Indigenous Engagement Program for the SR1 Project reflects its efforts to conduct a meaningful and responsive engagement program based on respect and transparency. The Indigenous Engagement Program designed by Alberta Transportation followed Federal and Provincial guidelines, took direction from the Government of Alberta's Aboriginal Consultation Office and the Impact Assessment Agency of Canada or IAAC, and strove to respect each Indigenous group's specific consultation protocols.

2. Alberta Transportation was directed to consult with the following Treaty 7 Nations by the Aboriginal Consultation Office:
 - a. Tsuut'ina Nation;
 - b. Stoney Nakoda Nations;
 - c. Piikani Nation;
 - d. Blood Tribe / Kainai First Nation; and
 - e. Siksika Nation.

3. In addition, IAAC directed Alberta Transportation to also engage with the following eight groups:

- a. Ermineskin Cree Nation;
 - b. Samson Cree Nation
 - c. Montana First Nation;
 - d. Louis Bull Tribe;
 - e. Foothills Ojibway Society;
 - f. Ktunaxa Nation Council;
 - g. Metis Nation of Alberta Region 3; and
 - h. Metis Nation, British Columbia.
4. I have personally been involved in over 32 meetings of the some 99 meetings that members of the Project Team have had with Indigenous Groups. As the Board may be aware, we have filed extensive Records of Consultation with the Board.
5. Further, we are pleased that many of the concerns raised by Indigenous groups have been addressed through the engagement process and follow up, as the Stoney Nakoda Nations remains the only group intervening at this time.
6. One of the plans that has been tabled with many of the First Nations is the proposed Land Use Principles driven by comments from the consultation process and the information requests from the federal regulator. We have shared this plan with the First Nations and Indigenous groups (who I identified earlier), the Regulators and stakeholders.

7. This Project creates a novel situation where the Project acquires private land and converts it to Crown Land. Due to the unique nature of the Project's operation, there is an opportunity to support uses outside of flood mitigation. This includes the practice of Treaty rights among a limited number of secondary uses. The plan calls for additional consultation to ensure that all interested parties will have an opportunity to express any concerns or interests they have in its finalization, which would occur after all Project approvals are obtained.

8. Alberta Transportation is also committed to Indigenous participation in the SR1 Project, including through training, employment, and contracting opportunities. To support this commitment, Alberta Transportation developed a draft Indigenous Participation Plan and shared it with Indigenous groups in November 2019. Since it was first developed, Alberta Transportation has advanced the draft Indigenous Participation Plan by meeting with Indigenous groups, hosting a business readiness workshop, and obtaining information on businesses and contractors that could participate in construction opportunities. Alberta Transportation has determined what construction work packages could be awarded to Indigenous businesses and contractors, if the Project is approved. The work will be ongoing until the Prime Contractor tendering process. Alberta Transportation intends to continue to inform Indigenous groups about the potential opportunities for the SR1 Project,

and to engage in further one-on-one discussions regarding their participation on the Project.

9. The Stoney Nakoda Nations have raised concerns about the adequacy of consultation. While Alberta Transportation believes that it made every possible effort to share information, seek input and maintain communications, whether in person, virtually, by phone, or email, it seeks to address those concerns. Alberta Transportation has expressed to the Stoney Nakoda Nations that it is very interested in continuing to meet with them and ensure that they have an understanding of the commitments that Alberta Transportation has described and undertaken, as we believe it addresses many of the concerns. We have also indicated that we are very interested in working with them to address the issues they identified in their interim Traditional Land Use Assessment.
10. In particular, Alberta Transportation would propose to undertake the following:
 - a. It would facilitate additional site visits to the Stoney Nakoda Nations before construction to review habitations in camping areas and ceremonial and sacred areas identified in the Stoney Nakoda Nations' Interim Traditional Land Use Assessment Report with representatives from Alberta Culture Multiculturalism and Status of Women to confirm whether the areas

identified by the Stoney Nakoda Nations are reportable under the *Historic Resources Act* and to review potential mitigation measures;

- b. Alberta Transportation would endeavor to assist the Stoney Nakoda Nations in completing and finalizing the Stoney Nakoda Nations' Traditional Land Use Assessment and AT invites them to submit their final Traditional Land Use Assessment Report. We will provide a written response to the final report, and would be pleased to meet with the Stoney Nakoda Nations to review its response and discuss the proposed mitigation measures.
 - c. It would assist and encourage the Stoney Nakoda Nations to participate in the First Nations Land Use Advisory Committee;
 - d. Alberta Transportation would welcome engaging the Stoney Nakoda Nations with respect to undertaking cultural monitoring during construction and participation in the development of a mitigation plan; and
 - e. Alberta Transportation would seek to provide the Stoney Nakoda Nations with updates with respect to the implementation of the Wildlife Mitigation and Monitoring Plan to ensure they have information available to them to assess this issue.
11. I have invited my colleague, Dr. Colin Buchanan, who as you have heard, holds a PhD in anthropology and over 25 years' experience in ethnographic and historical

research pertaining to Aboriginal people, their culture and history, to share his observations on Alberta Transportation's efforts in consultation on this Project and how we might address the concerns raised by the Stoney Nakoda Nations.

Dr. Buchanan Comments

12. Alberta Transportation started early engagement with the Treaty 7 First Nations in 2014 as directed by the Aboriginal Consultation Office and when the Impact Assessment Agency of Canada directed that additional Indigenous groups be engaged on the Project in 2016, Alberta Transportation acted quickly to expand the Indigenous engagement program for the Project.
13. The record demonstrates that Alberta Transportation has conducted robust and meaningful consultation for the SR1 Project. The consultation logs contain thousands of entries and reflect meetings, workshops, site visits, correspondence, funding for traditional use studies, and ongoing Project updates. Alberta Transportation shared Project information in a timely manner and met individually with Indigenous groups to review Project information and obtain their perspectives on potential Project effects, specific concerns, and recommendations for mitigation.
14. Upon receiving traditional use studies from each Indigenous group, Alberta Transportation prepared a written response addressing the comments and concerns and identifying proposed mitigation to avoid or reduce Project effects. Alberta Transportation then offered to meet with those Indigenous group to review the written response and obtain their feedback.

15. Alberta Transportation has attempted to respond meaningfully to the concerns and issues raised by Indigenous groups and in response to their feedback has made noteworthy changes to the Project, including fish passage measures, improved wildlife passage, and the addition of the debris deflector.
16. Of course, the most significant change to the Project in response to Indigenous concerns has been the development of the Principles for Future Land Use and the Proposed First Nation Land Use Advisory Committee to support First Nations' practice of Treaty rights and traditional uses.
17. Alberta Transportation provided numerous opportunities for Indigenous groups to share their views on potential effects and comment on the environmental impact assessment. In addition to funding traditional use studies and facilitating site visits, Alberta Transportation provided Draft Effects Assessments to Indigenous Groups prior to filing the EIA and then offered to hold workshops with Indigenous groups to obtain their input on proposed mitigation measures and discuss how Project-Specific Concerns have been addressed in the EIA. In my experience, these initiatives are rarely, if ever, undertaken and provided Indigenous groups with a unique opportunity to have their input meaningfully considered in this Project.
18. On February 26, Stoney Nakoda Nations submitted a large volume of material to the NRCB and then filed their Interim Traditional Land Use Assessment Report on

March 4. Based on the review of this material, it appears that the information provided by Stoney Nakoda Nations confirms the assumptions made in the EIA about the nature and extent of the Stoney Nakoda Nations' traditional use in the PDA. While the Interim Traditional Land Use Assessment Report provided additional detail on site-specific traditional use in relation to the Project, no new pathways or potential effects to Stoney Nakoda Nations' Treaty rights or traditional uses have been identified that have not already been considered in the EIA.

Final Comments by M. Hebert

19. I would close my remarks by confirming that Alberta Transportation is fully committed to continuing its engagement with the Stoney Nakoda Nations and would be pleased to meet with the Stoney Nakoda Nations to review any remaining issues it may have with the SR1 Project and discuss the proposed mitigation measures.