

May 2, 2018

Ms Jennifer Howe  
Project Manager, Prairie and Northern Region  
Canadian Environmental Assessment Agency / Government of Canada  
[Jennifer.Howe@ceaa-acee.gc.ca](mailto:Jennifer.Howe@ceaa-acee.gc.ca)

Dear Ms Howe:

**Subject: SPRINGBANK OFF-STREAM RESERVOIR PROJECT (SR1)**

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In reply to your email dated April 18, 2018 regarding questions that you have, and your request for information on the timing associated with TLU studies for the Indigenous Groups as listed in your email, please see our responses in the attached information response document.

Please contact Mr. Syed Abbas at 780-644-7022 or via email at [syed.abbas@gov.ab.ca](mailto:syed.abbas@gov.ab.ca) if you need further information.

Sincerely,



Landon Reppert, P.Eng.  
Executive Director

attachments

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## **CEA AGENCY INFORMATION REQUEST: TIMING ASSOCIATED WITH TRADITIONAL LAND USE STUDIES**

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### **Question (1)**

**When did Alberta Transportation agree to fund a cultural study/traditional land use study or anything of that nature for each Indigenous group?**

### *Response (1)*

Alberta Transportation commenced consultation with the Treaty 7 First Nations - Kainai First Nation, Piikani Nation, Siksika First Nation, Stoney Nakoda Nations, Tsuuti'ina Nation - in August, 2014 in accordance with Alberta's Consultation Policy and Guidelines<sup>1</sup> by providing notice of the Springbank Off-stream Reservoir Project and inviting these First Nations to provide any specific concerns they may have regarding the exercise of treaty rights or traditional uses related to the proposed Project. In follow up meetings, each of the Treaty 7 First Nations expressed interest in providing traditional use information by conducting a Project-specific traditional use study (TUS). Alberta Transportation arranged for access to the private lands for site visits for TUS commencing in March 2016 through to the end of July 2017.

On October 13, 2016, Alberta Transportation sent notification letters to the additional Indigenous groups identified for engagement in accordance with CEAA's *Guidelines for the Preparation of an Environmental Impact Statement*: Ermineskin Cree Nation, Louis Bull Tribe, Samson Cree Nation, Montana First Nation, Métis Nation of Alberta, Region 3, the Foothills Ojibway Society, the Ktunaxa Nation Council and Métis Nation of British Columbia. These Indigenous groups were invited to participate in an open dialogue to discuss the merits or any concerns with the Project. During the engagement process, Alberta Transportation has also considered requests to fund TUS. The following subheadings provide TUS funding information related to each Indigenous group.

### **Kainai First Nation**

On May 10, 2016, Kainai First Nation submitted a proposed TUS budget to Alberta Transportation. On June 9, 2016, Alberta Transportation agreed to fund a TUS in accordance with the approved budget.

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<sup>1</sup> *Government of Alberta's Policy on Consultation with First Nations on Land and Natural Resource Management, 2013 and the Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management, July 28, 2014 ("Alberta's Consultation Policy and Guidelines")*.

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### **Piikani Nation**

On July 25, 2016, Piikani Nation submitted a proposed TUS budget to Alberta Transportation. On July 29, 2016, Alberta Transportation agreed to fund a TUS in accordance with the approved budget.

### **Siksika Nation**

On May 3, 2016, Siksika Nation submitted a proposed TUS budget to Alberta Transportation. On June 9, 2016, Alberta Transportation agreed to fund a TUS in accordance with the approved budget.

### **Stoney Nakoda Nations (Bearspaw First Nation, Chiniki First Nation, Wesley First Nation)**

At a meeting with Stoney Nakoda Nations held on October 20, 2014, Stoney Nakoda Nations indicated a desire to do a cultural assessment. Alberta Transportation asked for a description of the study and a budget.

On October 7, 2016, Stoney Nakoda Nations submitted a budget to Alberta Transportation to conduct a TUS. On October 31, 2016, Stoney Nakoda Nations re-submitted a revised TUS budget. On November 4, 2016, Alberta Transportation approved the TUS in accordance with the approved revised budget.

### **Tsuut'ina Nation**

On April 21, 2016, at a meeting with Alberta Transportation, Tsuut'ina Nation submitted a proposed TUS budget. On May 18, 2016, Alberta Transportation agreed to fund a TUS in accordance with the approved budget.

On July 15, 2016, Tsuut'ina Nation submitted a revised Site Assessment TUS Budget to Alberta Transportation requesting additional funding to conduct a TLU study. On September 29, 2016, Alberta Transportation agreed to provide additional funding for the TUS study in accordance with the revised approved budget.

On May 25, 2017, Tsuut'ina Nation requested additional TUS study funding capacity to conduct another TLU study. This additional funding request was approved by Alberta Transportation on July 5, 2017.

### **Louis Bull Tribe**

At a meeting held on July 12, 2017, Louis Bull Tribe expressed an interest in conducting a TUS. On September 5, 2017, Louis Bull Tribe submitted a budget requesting funding to conducting a Traditional Land Use and Cultural Impact Assessment and Engagement Study. On October 16, 2017, Alberta Transportation approved funding in accordance with the approved budget.

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### **Ermineskin Cree Nation**

At a meeting with Ermineskin Cree Nation held on June 27, 2017, Ermineskin Cree Nation expressed an interest in conducting a Traditional Land Use and Traditional Knowledge Study.

On April 9, 2018, Ermineskin Cree Nation submitted a budget to Alberta Transportation for a Traditional Knowledge and Use Study for the Springbank Off-stream Reservoir Project. On April 9, 2018, Alberta Transportation approved funding for the TUS in accordance with the approved budget.

### **Métis Nation of Alberta, Region 3**

At a meeting with Métis Nation of Alberta, Region 3 held on June 28, 2017, Métis Nation of Alberta, Region 3 expressed an interest in conducting a TUS. In a letter dated August 3, 2017, Métis Nation of Alberta, Region 3 requested funding for a Historical Research and Resource Impact Assessment Study.

On August 8, 2017, Métis Nation of Alberta, Region 3 submitted a budget to Alberta Transportation for a Historical Research and Resource Impact Assessment Study. On October 16, 2017, Alberta Transportation approved funding for the study in accordance with the approved budget.

### **Samson Cree Nation**

To date, Samson Cree Nation has not expressed an interest in or requested funding for a TUS study.

### **Montana First Nation**

At a meeting with Montana First Nation held on January 20, 2017, Montana First Nation expressed an interest in a TUS and asked about funding. Alberta Transportation replied that funding is available.

At a meeting with Montana First Nation held on March 21, 2018, in response to Montana First Nation's question on whether the McLean Creek option would be reflected in a Traditional Land Use Budget or is it specifically the SR1 project, Alberta Transportation responded that it will only provide funding for a Traditional Land Use study for the SR1 project.

On March 29, 2018, Montana First Nation requested a formal letter from Alberta Transportation to clarify the scope of work for a Traditional Land Use study, as discussed at the March 21, 2018 meeting. On April 27, 2018 Alberta Transportation replied to Montana First Nation indicating that it will only provide funding for a Traditional Land Use study for the SR1 project.

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On April 24, 2018, Montana First Nation submitted a Scope of Work and Cost Estimate to Review Alberta Transportation's EIS/EIA for the Springbank Off-stream Reservoir Project. This budget is currently under review by Alberta Transportation.

**Métis Nation of British Columbia, Ktunaxa Nation Council and Foothills Ojibway Society**

Métis Nation of British Columbia, the Ktunaxa Nation Council and the Foothills Ojibway Society have not engaged with Alberta Transportation on the Springbank Off-stream Reservoir Project, including expressing an interest in or requesting funding for a TUS.

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**Question (2)**

**Was there a deadline to provide this information by and was this explicitly communicated to the Indigenous groups? If so, what was that deadline?**

*Response (2)*

Throughout the engagement program, Indigenous groups have been provided information regarding the environmental and regulatory review processes and project timelines, including Alberta Transportation's original targeted submission for the EIS/EIA of June 2017, later revised to in October 2017 and for the submission of the updated EIS/EIA at the end of March 2018.

On numerous occasions, Indigenous groups were encouraged to provide their traditional use information prior to the original target submission date of June 2017 in order for it to be incorporated into the EIS/EIA. For example, on March 9 and 10, 2017, Alberta Transportation notified Kainai First Nation, Piikani Nation, Siksika Nation, Stoney Nakoda Nations, and Tsuut'ina Nation to provide them with an update on the regulatory approval submission timelines, as well as anticipated receipt of TUS. All were informed that the deadline for including their TUS report conclusions, comments and concerns into the EIS/EIA was March 31, 2017. On March 13, 2017, Kainai First Nation and Siksika Nation submitted a joint interim TUS report. No final reports have been received from either of these Indigenous groups. These Indigenous groups were informed that if they are not able to meet the March 31, 2017 deadline for the delivery of their TUS studies, that the findings of those TUS reports and Alberta Transportation's mitigation responses could be included in the final submission as an appendix to the EIS/EIA. The deadline for inclusion in the appendix was April 30, 2017.

On August 23, 2017, during a meeting with Stoney Nakoda Nations, Alberta Transportation inquired about the completion date of their TUS. Bill Snow, Stoney Nakoda Nations Consultation Manager, did not provide a date but indicated they may complete that report in conjunction with their engagement with CEAA.

On September 26, 2017, Alberta Transportation contacted and requested permission to use spatial data from Kainai First Nation and Siksika Nation joint interim TUS report and the Piikani Nation TUS report in the October 2017 EIS/EIA submission. To date, permission to use the spatial data from either TUS report has not been received by Alberta Transportation.

In a letter dated January 26, 2018, Indigenous groups were advised that the updated EIS/EIA was nearing completion and that Alberta Transportation had extended project timelines by 60 days (to March 31, 2018) to undertake further Indigenous engagement activities. Each Indigenous group was invited to a CEAA-facilitated workshop to review how traditional use information had been incorporated into the EIS/EIA and to provide their feedback. The invitation letter indicated that if Indigenous groups were not interested in participating in the CEAA-facilitated workshop, Alberta Transportation welcomed other suggestions for providing oral or

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written feedback on the draft TLRU sections. Feedback was requested by March 1, 2018 for incorporation of the Indigenous group's feedback into the March 2018 EIS/EIA.

On February 5, 2018, Indigenous groups were provided with draft TLRU sections and advised that these sections were written using information shared by Indigenous groups during the Indigenous engagement program (including any Project-specific traditional use information received) and using publicly available secondary source materials. Indigenous groups were again asked to provide any feedback or input by March 1, 2018, in order to allow for incorporation into the EIS/EIA.

As indicated in the March 2018 updated EIS/EIA, relevant traditional use information, concerns, and recommendations received after the updated EIS/EIA had been submitted would be used for project planning and implementation purposes, where applicable. Project-specific TLRU information would be reviewed against the results of the EIS/EIA and a formal response would be developed.

Alberta Transportation will notify Alberta Environment and Parks and the CEA Agency upon receipt of any new TUS reports submitted by Indigenous groups during the regulatory process and of any considerations made in response to these reports. Alberta Transportation remains committed to considering traditional use information provided by an Indigenous group.

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### **Question (3)**

***If the study has been completed, when was it provided to AT? If not, is the study underway?***

*Response (3)*

#### **Kainai First Nation**

A joint “interim” TUS report co-authored with Siksika Nation was delivered on March 13, 2017. A final report has been requested by Alberta Transportation, but has not been provided.

#### **Piikani Nation**

The TUS was delivered to Alberta Transportation on February 22, 2017.

#### **Siksika Nation**

A joint interim TUS report co-authored with Kainai First Nation was delivered on March 13, 2017. A final report has been requested by Alberta Transportation, but has not yet been provided.

#### **Stoney Nakoda Nations (Bearspaw First Nation, Chiniki First Nation, Wesley First Nation)**

Stoney Nakoda Nations have expressed their intention to provide a TUS report but have not done so to date.

#### **Tsuut'ina Nation**

Tsuut'ina Nation provided a draft confidential TUS on January 5, 2018 and stated that it was confidential and not be circulated. Tsuut'ina provided a final report to Alberta Transportation on April 3, 2018 stating that the information is Project-specific and that it was to be used only for the Springbank Off-stream Reservoir Project. Alberta Transportation has requested clarification as to how the final TUS can be utilized by Alberta Transportation in the regulatory process.

#### **Louis Bull Tribe**

Louis Bull Tribe has indicated that a Traditional Land Use and Cultural Impact Assessment and Engagement study is forthcoming. No study has yet been received.

#### **Ermineskin Cree Nation**

The Ermineskin Cree Nation has advised that a Traditional Knowledge and Land Use Study has not started. Ermineskin Cree Nation has indicated that they expect it to start in the next two months with delivery in mid- to late-summer 2018.



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### **Métis Nation of Alberta, Region 3**

Métis Nation of Alberta, Region 3 has advised they are conducting a Historical Research and Resources Assessment Impact Study, and they expect to deliver a report in late summer 2018.

### **Samson Cree Nation**

To date, Samson Cree Nation has not expressed an interest in or requested funding for any studies.

### **Montana First Nation**

Montana First Nation has indicated it would like to undertake a TUS. A funding proposal to Transportation has not yet been received.

### **The remaining groups**

Ktunaxa Nation Council, Foothills Ojibway Society and the Metis Nation of British Columbia have not engaged with Alberta Transportation on the Springbank Off-stream Reservoir Project.