

SENT VIA EMAIL

19 October 2021

Ronald M. Kruhlak, Q.C.
McLennan Ross LLP
#600, 12220 Stony Plain Road
Edmonton, AB T5N 3Y4

Dear Mr. Kruhlak:

Re: Approval No. NR-2021-1 for the Government of Alberta to construct and operate an Off-Stream Reservoir Project on the Elbow River

Having received the authorization of the Lieutenant Governor in Council by Order in Council 283/2021 dated 6 October 2021, the Board is now in a position to issue Approval No. NR-2021-1 to the Government of Alberta. I have enclosed the signed approval of the Board dated 19 October 2021.

Yours sincerely,



Fiona Vance
Chief Legal Officer – Operations
Natural Resources Conservation Board
fiona.vance@nrcb.ca

cc Meghan Jurijew, Environmental Assessment, Environment and Parks (by email)
Corinne Kristensen, Regulatory Assurance, Environment and Parks (by email)
Matthew Hebert, Alberta Transportation, SR1 Project Management Office (by email)

Encl. Approval No. NR-2021-1

**THE PROVINCE OF ALBERTA
NATURAL RESOURCES CONSERVATION BOARD ACT
NATURAL RESOURCES CONSERVATION BOARD**

IN THE MATTER of an application of
Alberta Transportation for approval to
construct and operate an Off-Stream
Reservoir Project on the Elbow River
upstream of Calgary, Alberta

APPROVAL NO. NR 2021-01

WHEREAS the construction and operation of a water management project is a reviewable project under s. 4(d) of the *Natural Resources Conservation Board Act*, and

WHEREAS the Government of Alberta will transition operation and maintenance responsibilities from Alberta Transportation to Alberta Environment and Parks once construction is completed, and references to the Operator in this Approval refer to either Alberta Transportation and Alberta Environment and Parks in their role as the department responsible for Project construction, operation and maintenance, and

WHEREAS the Natural Resources Conservation Board (Board) is prepared to grant approval to the application by the Operator, subject to the following conditions, and the Lieutenant Governor in Council has given authorization (attached).

THEREFORE, the Board orders as follows:

1. The Project of the Operator, for construction and operation of the Off-Stream Reservoir Project (Project) on the Elbow River upstream of Calgary, Alberta, as described in Application No. 1701 from the Operator to the Board filed on November 2, 2017 as well as all supplemental materials supporting the application (Application) filed with the Board, is approved, subject to the undertakings and commitments in the Application and subject to the following terms and conditions.
2. The Operator shall:
 - a) provide Indigenous groups 30 days advance notice of commencing construction to allow them to harvest and transplant traditional and medicinal plants and to conduct ceremonies within the Project Development Area, and
 - b) provide access (while ensuring public safety) to Indigenous groups to conduct pre and post construction site visits to observe proposed mitigation measures and provide feedback to the Operator based on their observations, to the satisfaction of Alberta Indigenous Relations.
3. The Operator shall develop an archaeological and heritage management plan in consultation with the Stoney Nakoda Nations for any structures, sites, or things of historical,

archaeological, or architectural significance or physical or cultural heritage resources within the Project Development Area, including but not limited to sites and things subject to the *Historical Resources Act*; the plan shall be completed to the satisfaction of Alberta Culture, Multiculturalism and Status of Women.

4. The Operator, in consultation with the Stoney Nakoda Nations, shall:
 - a) ensure that the Operator's employees and contractors that are likely to be in close contact with the Stoney Nakoda Nations' members for the purposes of carrying out the Project receive cultural awareness training, and
 - b) retain an independent Indigenous Monitor to monitor all field work activities undertaken as part of the completion of the Stoney Nakoda Traditional Land Use Assessment (SNN TLUA). The Indigenous Monitor shall be retained by the Operator throughout the construction phase of the Project to ensure requirements of the SNN TLUA are met, including the management of archaeological and heritage finds of significance, all to the satisfaction of Alberta Indigenous Relations.
5. The Operator shall:
 - a) establish a Joint Land Use Advisory Committee consisting of members of Indigenous groups and the local community. The Board is hopeful that members of the committee will reach consensus recommendations about potential land uses and naming of the Project that may be included in a draft future Land Use Plan. The committee will be dissolved when the Government of Alberta finalizes the Land Use Plan for the Project area, or later at the discretion of the Operator.
 - b) ensure that the use of firearms in the Project area and its potential impact on public safety be a matter of consultation with both the First Nations Land Use Advisory Committee and the Joint Land Use Advisory Committee.
6. The Operator shall work with the Springbank Historical Society to document the history of the Project lands and to cooperate with the Government of Alberta to develop appropriate plaques or signage.
7. The Operator shall:
 - a) monitor water levels in domestic water wells west of the diversion channel to the boundary of the local assessment area that may be impacted by dewatering during the Project construction. During flood and dryland operation, monitoring of the wells should be continued by the Operator for a minimum of five years or until it can be demonstrated that permanent lowering of the water level does not significantly impact yields from the water wells, and
 - b) take mitigative action if significant yield reductions attributable to the Project are observed at water wells referred to in Condition 7(a),

to the satisfaction of Alberta Environment and Parks.
8. The Operator shall, in addition to air monitoring commitments and to the satisfaction of Alberta Environment and Parks, conduct continuous monitoring of PM_{2.5} and total suspended particulate levels and meteorological conditions for a minimum 16-month period post-flood at

the proposed Calaway Park air monitoring station during the period when the Park is open to the public, and at the Springbank community air monitoring station. All monitoring stations must be capable of sending automatic alerts to the Operator when air concentrations exceed designated alert levels so that any exceedance events, if confirmed to be attributable to Project activities, can be mitigated in a timely manner.

9. The Operator shall:

- a) extend monitoring of revegetated areas from 18 months to a minimum of two full growing seasons following seeding, and
- b) assess the extent and species mix of trees and shrubs that are likely to be lost in the more frequently inundated areas and implement replacement plantings at higher elevations within the reservoir or along the perimeter, to the satisfaction of Alberta Environment and Parks.

10. The Operator shall, subject to privacy protection requirements, make Project monitoring results for:

- Aquatic ecology,
- Hydrology and sediment transport,
- Surface water quality,
- Groundwater quality and quantity,
- Vegetation,
- Terrain and soils,
- Wildlife and biodiversity, and
- Air quality

easily accessible to the public, subject to the satisfaction of Alberta Environment and Parks.

Made at the City of Edmonton, in the Province of Alberta, this 19th day of October, 2021.

NATURAL RESOURCES CONSERVATION BOARD



Peter Woloshyn, Chair



Sandi Roberts



Daniel Heaney



Walter Ceroici