



Louis Bull Tribe

Traditional Land Use Assessment

For the proposed

Springbank Off-Stream Reservoir Project

November 2018

Executive Summary

A Traditional Land Use (TLU) field visit for the Springbank Off-Stream Reservoir (Project), proposed by Alberta Transportation, with Louis Bull Tribe(LBT) was initiated on July 14, 2018. LBT identified that the Project is within their traditional territory and that traditional uses of the land and resources may be impacted. Field reconnaissance focused on locations within LBT's asserted traditional territory that may be potentially disturbed by the construction and clean-up activities, including associated physical works and activities such as temporary work-space and access, of the Project.

The TLU consisted of a project overview and field reconnaissance with the LBT. Field reconnaissance confirmed the presence of species of cultural and traditional significance within the project area. Impacts to these species will require mitigation and further engagement is necessary. The issues identified by LBT through their TLU study are discussed in detail within this report. Mitigation and accommodation measures requested by LBT are recommended for incorporation into Project planning.

In the event that TLU sites within the proposed Project area requiring mitigation are identified during ongoing TLU studies and/or during construction, it is recommended that Alberta Transportation discuss all potential mitigation as soon as possible upon discovery.

Respectful honours

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1.0 Introduction

The Canadian Environmental Assessment Agency (CEAA) identified the Louis Bull Tribe (LBT) as a potentially affected First Nation for the SR1 project. In response to CEAA determination Alberta Transportation provided initial project notification on October 13, 2016 to the LBT. LBT provided response indicating interest in the project and consultation proceeded with meetings be held in July and October of 2018. The July 12, 2018 meeting consisted of a project overview and was held with LBT Elders, leadership and technicians. This meeting was attended by Alberta Transportation consultants who shared project planning information, environmental findings and discussed potential impacts and mitigation. LBT Elders identified areas of traditional use and shared knowledge of the project area with the LBT Consultation Office. A Traditional Land Use (TLU) site assessment was initiated with the LBT on July 14, 2018 for the proposed Elbow River Diversion and Springbank Off-Stream SR1 Storage Project (SR1).

LBT Consultation Office, with the Samson Cree Nation, facilitated the TLU study. The study identified LBT's traditional uses of lands within the Project area. The study also provided opportunity for participants to identify project related concerns and potential impacts to traditional use of land and Aboriginal and Treaty rights. Field reconnaissance focused on lands potentially disturbed by Project construction and clean-up activities, including associated physical works and activities (specifically on and around the banks of the Elbow River).

1.1 Louis Bull Tribe Details

LBT is located within Alberta's aspen parkland eco-zone approximately 250 km from the Project area. The Project falls within LBT's area of traditional use. LBT is a Cree speaking community with 1500 residents on Reserve and 1800 living off Reserve. The Tribe has familial ties to other First Nation communities and practices current land uses as far as central and northeast BC, western Saskatchewan, Montana and throughout Alberta.

LBT is a signatory of Treaty 6 and is located in central Alberta, within the Alberta white zone. Due to extensive development and alteration of the natural landscape LBT members have to travel further and further from the Tribe Reserve lands to practice constitutionally protected Aboriginal and Treaty rights. LBT Elders and land users have advised the LBT consultation office of concerns relating to development in the Project area and potential impacts to Aboriginal and Treaty rights. The area is heavily developed for industrial activity such as oil & gas and forestry, the greatest concern of the LBT members is related to cumulative effects and increased impacts to Aboriginal and Treaty rights.

1.2 Project details

The Springbank Off-stream Reservoir, or Springbank Project, is a dry reservoir that will store water temporarily during a flood. It will work in tandem with the Glenmore Reservoir in Calgary. Together, the combined storage capacity would accommodate water volumes equal to the 2013 flood.

During a flood, a diversion channel carries water from the Elbow River to the off-stream reservoir, which would have a storage capacity of 70.2 million cubic metres or about 28,000 Olympic-sized swimming

pools. When peak waters have passed, an outlet structure safely releases the water back to the Elbow River in a controlled manner.

The Springbank Reservoir will work together with the Glenmore Reservoir, which has 10 million cubic metres of available flood storage, to achieve the level of protection required.

The reservoir will be approximately 15 kilometres west of Calgary near Springbank Road, north of the Elbow River and predominantly east of Highway 22.

2.0 Objectives

The goal of the TLU study is to identify traditional uses and locations within the Project area through LBT engagement and to work with the proponent and LBT to identify potential impacts to traditional uses and to propose potential mitigative measures. This will be achieved through the following;

- Determine the extent and nature of the LBT's use of lands for traditional activities in relation to the Project.
- Identify existing concerns and potential effects of the Project on TLU for baseline scoping.
- Gather Traditional Ecological Knowledge (TEK), with the LBT, for the assessment of potential Project related effects on TLU
- Identify appropriate site-specific mitigation measures to address concerns raised relative to the Project regarding TLU.

2.1 Study area

The Project footprint includes areas directly disturbed by surveying, construction and clean up and all associated physical works and activities.

LBT will utilize the Local Study Area and Regional Study Areas identified by the proponent or their consultants for the purposes of regulatory filing to conduct the TLU with the LBT Elders, leadership and land users.

The local study area encompasses and extends beyond the Project footprint to include the following ecological components;

1. water quality and quantity,
2. air emissions and acoustic environment,
3. fish and fish habitat,
4. wetland loss or alteration,
5. vegetation,
6. wildlife and wildlife habitat,
7. heritage resources.

The regional study area is the area where the direct and indirect influences of other land uses and activities could overlap with Project related effects and cause cumulative impacts to TLU. The regional study area includes the same ecological components as the local study area.

3.0 Methodology

The LBT Consultation Office (LBT-CO) met with LBT Elders and leadership to identify and review Project interactions with the LBT 's Traditional Territory and potential impacts within the area of interaction. LBT-CO also developed TLU study methods to address the LBT's TLU needs, ensure time efficiency and not create consultation fatigue.

Table 1 – Consultation schedule

TASK	TIMELINE
Project notification	October 13, 2016
Initial meeting with Alberta Transportation	July 12, 2017
Field reconnaissance	July 14, 2017
Update meeting – LBT Consultation	October 19, 2018
Elders update meeting	November 6, 2018
LBT Government Open House – community gathering	November 19, 2018
Results reporting to Alberta Transportation	November 2018

3.1 Map review

Maps were shared with the LBT Elders and leadership, which defined the Project area in relation to LBT traditional territory. Map review and interviews were undertaken to document all information, concerns or issues that LBT may have regarding the Project and to identify potential Project-related impacts to resources and lands used for traditional activities. The session identified areas of interest for field reconnaissance, if any, and provided an opportunity to schedule fieldwork.

3.2 Field reconnaissance

LBT identified the areas of interest, concern or importance, for field reconnaissance, through the map review and in consultation with Jacobs representatives. A team of LBT Elders and leadership led by the LBT-CO conducted site assessments of approximately 16km of the project right of way from July 14, 2017.

Upon locating and observing a TLU site, it was described in writing and its location recorded on a map. The proximity to the Project was documented along with the current condition of the area and the importance of the site to LBT. LBT-CO and LBT participants discussed how the area may be impacted by the Project and how these impacts may affect traditional uses in the area (i.e. temporary, seasonal, and

permanent). Where possible, LBT-CO worked with LBT to identify possible cultural and industry standard means in which to mitigate potential impacts.

3.3 Data Management

LBT-CO will map and digitize all data collected during the right of way field reconnaissance, this information will be added to the LBTs traditional land use database for use in future studies within the area.

3.4 Results review and reporting

LBT-CO has created two reports based upon the map reviews, interviews and field reconnaissance; the LBT specific report and public summary report to be filed with the National Energy Board.

LBT specific report documents LBT's TLU involvement, the results of the map review and field reconnaissance, including the confidential and proprietary information provided by the participants. LBT-CO will meet with LBT Elders and leadership to confirm accuracy of the information, acceptance of proposed mitigation and approval of the inclusion of the confidential and proprietary information in Project planning.

4.0 Field Reconnaissance Results

4.1 LBT participants

LBT-CO extends thanks and gratitude to the LBT knowledge keepers; Helen Bull and Karl Brown as well as Councilors Pamela Threefingers, Tammy Moonias, Wayne Moonias, James Bull, Telly Raine and Winston Twins for their participation and contribution to the study. LBT also thanks Kyra Northwest for her support in data collection and mapping.

4.1 Trails and travel ways

LBT did not identify any trails or travel ways utilized by community members or land users. The project area is access controlled thereby limiting the ability of First Nations to traverse through the area.

4.2 Plant harvesting

LBT participants identified several plants of medicinal and traditional use within and adjacent to the proposed right of way at numerous locations, many of these plants were noted to be abundant while others were sparse. LBT members gather medicinal and culturally significant plants throughout their traditional territory and will travel long distances to harvest plants. Plants are gathered in a variety of environmental locations including old growth forests, along watercourses and wetlands as well as clearings and meadows. Information pertaining to medicinal plants is passed down through families and

generations and is considered proprietary by the community. The culturally significant flora identified include but are not limited to:

1. Gooseberry,
2. Smooth blue aster,
3. Plantain,
4. Willow species,
5. Giant golden rod,
6. Strawberry,
7. Kinikinik.

LBT suggests the following mitigation measures be applied during construction to protect local plant populations;

- Reduce stripping when possible and retain roots of plants for rollback,
- Limit use of chemical application,
- Retain riparian species when possible,
- Allow for harvesting of medicinal and culturally significant plants prior to construction.

4.3 **Hunting**

LBT members have not hunted extensively in the area however as most of the lands are privately owned. Valuable wildlife habitat was observed; abundant berries, young herbaceous leafy species, fresh water sources and shelter were identified.

Based upon wildlife sightings and tracks identified during the site visit, LBT participants noted that the current right-of-way is traversed by moose, deer, cougar, coyotes and wolves. A grizzly bear was also sighted in the project area. All of these species are of cultural significance and are harvested for sustenance, pelts and other uses.

LBT suggests the following mitigation measures be applied during construction to protect local wildlife populations;

- Adherence to species specific time constraints,
- Leaving breaks in pipeline trench to allow for animal crossing,
- Reduce project footprint,
- Limit use of chemicals.

4.4 **Trapping**

LBT did not identify trapping activities within the project study area, however the area was noted to be habitat for fur bearing species. LBT Elders have raised concerns regarding beaver and muskrat habitat alteration and/or destruction.

4.5 **Gathering places**

LBT did not identify gathering places within the project study area. This is likely due to the restricted/controlled access to the area as this is currently privately owned lands.

4.6 **Non-traditional land uses**

LBT acknowledges that there are First Nations and Metis who are closer to the project area however LBT has expressed an interest in training, employment and contracting opportunities when possible to offset loss of use in the area.

5.0 **Summary of recommendations and outstanding issues**

Louis Bull Tribe appreciates the opportunity provided by Alberta Transportation to review this project and to conduct a traditional land use site assessment. We understand that the purpose of this assessment is to identify project specific impacts to Aboriginal and Treaty Rights of Louis Bull Tribe citizens, the main project specific impacts identified are impacts to the Elbow River bed, impacts to fish and loss of fish habitat, reduced and fragmented wildlife habitat and loss of or reduced abundance of culturally significant plants. LBT acknowledges that the project, when considered in isolation of other projects, has limited impacts that are readily mitigated however, the cumulative effects of all of the development within the region are of great concern to LBT.

LBT requests Alberta Transportation to consider the following requests:

1. LBT encourages the Government of Alberta, upon converting the project area to Crown lands, to designate the area for Indigenous use only. Treaty 6 & 7 First Nations have been restricted from occupied Crown lands for a century and are in need of an area within this eco-system to practice rights and carry out traditional uses upon the land. This presents a unique opportunity for the Government of Alberta to reconcile loss of use and access to lands that has occurred during early settlement and development within Treaty 7.
2. LBT requests an opportunity to conduct a site visit during and post construction to ensure that prescribed mitigation measures are applied and that no culturally significant sites are adversely impacted.
3. LBT is seeking an opportunity to be consulted on the reclamation activities along the banks of the Elbow River. It is very important to LBT to ensure that native species are returned and that the appropriate species are planted; "LBT knowledge holders have advised that certain plants need to be planted with specific companion species to ensure health of the plants and adequate growth".
4. LBT is interested in economic participation through training, employment and contracting.
5. LBT is requesting to be included in post flood activities to ensure practice of rights can be continued following a flood event.

Louis Bull Tribe thanks Alberta Transportation and DEMA Land Services for this consultation and opportunity to identify and mitigate potential impacts to Aboriginal and Treaty rights held by the Louis Bull Tribe.