

Meeting #5 Summary – Technical Advisory Group for the Springbank Off-Stream Reservoir Project

Meeting Information

Date: November 9 and 10, 2020

Time: 8:30 -12:30 pm MST

Host: Impact Assessment Agency of Canada (the Agency)

Location: Virtual – Zoom (details provided with meeting invitation)

Participants

Blood Tribe / Kainai First Nation

JFK Law (representing Ermineskin Cree Nation and Blood Tribe / Kainai First Nation)

Samson Cree Nation

Stoney Nakoda Nations

Louis Bull Tribe

Montana First Nation

Metis Nation of Alberta - Region 3

Ermineskin Cree Nation

City of Calgary

Rocky View County

Fisheries and Oceans Canada (DFO)

Environment and Climate Change Canada (ECCC)

Health Canada (HC)

Indigenous Services Canada (ISC)

Infrastructure Canada (INFC)

Natural Resources Canada (NRCan)

Transport Canada (TC)

Meeting Context and Objectives

This document summarizes the topics and discussion points of the fifth Technical Advisory Group (TAG) meeting for the Springbank Off-Stream Reservoir Project (the Project). The objectives of the two half-day sessions include:

- Presentation by the Agency's Decision Statement Team on potential conditions development.
- Share information on what the Agency identified as key mitigation measures and foster discussion that supports a comprehensive list of key mitigation measures.

Discussion Summary

Discussion points, including concerns and recommendations, are summarized below and organized by topic. These views do not represent the views of the Agency or consensus by the Technical Advisory Group.

Overarching Discussion

- Key mitigation measures are developed into potential conditions for inclusion in the Minister of Environment and Climate Change's Decision Statement. Should the Minister determine that the Project does not have likely significant adverse environmental effects, the Decision Statement would be issued and conditions would become legally enforceable on the Proponent, which would be Alberta Transportation for construction, then Alberta Environment and Parks for operations.
- Importance of meaningful consultation and engagement.
- Importance of inclusion of Indigenous knowledge and participation in the development and implementation of mitigation measures and monitoring.
- Discussion of proposed key mitigation measures and follow-up related to effects to groundwater/hydrogeology, surface water/hydrology, atmospheric environment, migratory birds, species at risk, fish and fish habitat, and Indigenous people's current use of lands and resources, health and socio-economic conditions, physical and cultural heritage, and sites of things of importance.
- Potential conditions can include accommodation measures for impacts on Aboriginal and treaty rights.

Key Mitigation Measures

- Many conditions will require the Proponent to consult with Indigenous nations during development and implementation of plans, monitoring, and follow up measures (linked to the environmental effects under Section 5 of the *Canadian Environmental Assessment Act, 2012*).
- Indigenous nations noted interest in the planning and decision making of land use in the Project area.
 - Indigenous nations identified the need to ensure the area for land use is clearly communicated.
 - Recommended that the Proponent provide access to other crown land to compensate for loss of access to the land where the Project would be located.
- Indigenous nations raised concerns about cumulative effects of development across Alberta on the loss of lands to be able to practice rights.
 - Insights were provided on how land management occurs at a provincial level through the South Saskatchewan Regional Plan sub-groups.
- Indigenous nations shared their concerns about compliance and enforcement by the Agency in protecting physical and cultural heritage and sites of significance. The Agency acknowledged that key mitigation measures were identified to protect physical and cultural heritage and sites of significance and that the Government of Canada would have a role through enforcement of the conditions.
 - The Agency shared that the Proponent would be required to complete a historic resource impact assessment of the project development area and develop and implement a heritage management plan in consultation with Indigenous nations.

- Indigenous nations raised concern about areas along the Elbow River where significant sedimentation could occur.
- The Agency noted that the Proponent would be required to retain the services of Indigenous monitors.
- Potential for additional key mitigation measures for Species at Risk. ECCC discussed that Section 79(2) of the *Species at Risk Act* requires implementation of measures to avoid/lessen effects and monitor them. ECCC will review the proposed mitigation measures.
- Indigenous nations raised concerns about the Proponent's accountability with utilizing the recommendations from the First Nations Land Use Advisory Committee.
 - Discussed the potential for including reporting requirements and language around ensuring access to the land use area for Indigenous nations.
- Rocky View County raised concerns about public access and use of the land and ensuring that the County is aware of any limitations on use of the land.
- DFO discussed the Project's requirements to obtain a *Species at Risk Act* compliant *Fisheries Act* authorization for the Project
 - Offsetting measures for effects to fish and fish habitat will be developed in consultation with DFO.
 - DFO shared how the conditions associated with the *Fisheries Act* authorization would be more specific than the Agency's conditions but will be similar in intent.
- Discussed the need for additional key mitigation measures for effects to fish and fish habitat, including effective fish rescue, maintaining fish passage, and monitoring temperature in the reservoir during a flood operation.
- ECCC indicated concerns about water quality monitoring and follow-up measures. ECCC identified the need for real-time monitoring during flood operations and recommended near-field monitoring (directly downstream of the low-level outlet).
- Discussed how air quality monitoring (e.g. NO₂, PM_{2.5}, TSP, wind) would be implemented in conjunction with emissions mitigation during construction. Health Canada noted concerns about the use of Alberta's Ambient Air Quality Objectives as targets for implementation of adaptive management measures and recommended key mitigation measures reference targets as per the Proponent's air quality management plan.

Next Steps

- Consultation is ongoing with Indigenous nations and stakeholders.
- The Agency is drafting of EA Report and incorporating input from the TAG, Indigenous nations, federal authorities, and the public.
- The draft EA Report and potential conditions will be posted for public comment. The Agency will also host virtual open houses.
- The final Environmental Assessment Report and potential conditions will be provided to the Minister of Environment and Climate Change Canada to determine whether the Project will have likely significant adverse environmental effects.
- The Agency to host one more TAG meeting where the Agency's Compliance, Promotion, and Enforcement team will present their role post-EA decision.