

March 4, 2021

Dear Ms. Daniels,

Alberta Transportation would like to thank Louis Bull Tribe for your continued involvement in the Springbank Off-Stream Reservoir Project (SR1 / the Project). Alberta Transportation has reviewed your February 26, 2021 submission to the Natural Resources Conservation Board (NRCB). Alberta Transportation recognizes the importance of consultation with First Nations as the Project progresses and is pleased to provide the following in response to your submission to the NRCB.

Stated Concern:

LBT has also expressed concerns regarding the proposed reclamation of post-flood wetlands. Revegetation measures for wetlands will likely not be effective through reseeding, no feasible alternative or adaptive management options have been proposed beyond natural revegetation, and successful natural revegetation also seems unlikely. It is not clear what mitigation options are available beyond wetland replacement or compensation in accordance with the Alberta Wetlands Policy if natural revegetation does not meet revegetation targets, and LBT cannot be certain where or how these replacement or compensation measures will be applied. This uncertainty regarding wetland reclamation success, as well as the uncertainty around where and how wetland replacement will be conducted under the Alberta Wetlands Policy, may result in further cumulative impacts to aboriginal and treaty rights.

Response:

Alberta Transportation has developed the *Draft Vegetation and Wetland Mitigation, Monitoring and Revegetation Plan* in order to identify, monitor and mitigate the potential Project effects during all phases of the Project. Alberta Transportation will be responsible for implementing this plan during the Construction and post construction dry operations of the Project (three years following completion). After that, Alberta Environment and Parks will implement the plan during dry operations. Alberta Environment and Parks will also be responsible for implementing the plan during flood and post-flood operation phases of the Project. Alberta Transportation has taken note of Louis Bull Tribe's stated concern and will provide this information to Alberta Environment and Parks for consideration during the implementation of future Vegetation and Wetland Mitigation, Monitoring and Revegetation plans.

Request 1:

LBT encourages the Government of Alberta, upon converting the SR1 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 at least 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. LBT believes that this area will best accommodate the exercise of these rights if under direct and sole management by First Nations people. LBT would like to further discuss how a land-use management or co-management plan for this area should be designed and executed.

Response:

Alberta Transportation takes the interests and concerns of First Nations and stakeholders very seriously and has made efforts to reflect First Nations comments and perspectives in the Project's planning processes. Alberta Transportation's filing to the Impact Assessment Agency of Canada's Information Request 4-05 regarding Project area land use and access and the *Updated Draft Guiding Principles and Direction for Future Land Use* (Appendix 5-1) outline Alberta's intentions for future land use planning in the Project area and were developed with feedback from First Nations. If the Project is approved and the land is acquired by the Crown, Alberta Environment and Parks will continue to engage with First Nations and stakeholders in the development of a final Land Use Plan based on these principles.

Alberta Transportation has committed that First Nations' exercise of Treaty rights such as hunting, as well as First Nation's traditional use activities, will be supported in the land use area. The Government of Alberta will create a First Nations Land Use Advisory Committee which will meet on a regular basis to guide and facilitate the implementation of the principles of the land use plan and make recommendations to support the exercise of Treaty rights and traditional uses in the land use area.

Alberta Transportation has also committed to work with First Nations to identify a portion of land near the land use area that can be used by First Nations as a staging area (e.g., parking, setting up temporary campsites) or for activities, such as cultural ceremonies, transmittal of traditional knowledge to the youth, and traditional activities. The staging area would be accessible to all First Nations engaged on the Project throughout the year, except during the flood season when access to the area may be prohibited for safety reasons.

Request 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.

Response:

Alberta Transportation recognizes Louis Bull Tribe's request for a post construction site visit and would like to re-affirm its commitment to provide Louis Bull Tribe with two opportunities to conduct site visits for the Project area. The first visit opportunity will take place during construction and the second opportunity will occur post construction. These site visits will allow Louis Bull Tribe to observe the application of prescribed mitigation measures and to provide feedback to Alberta Transportation.

Request 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".

Response:

Alberta Transportation has committed to provide opportunities for Indigenous Elders to conduct field visits prior to construction to identify priority areas for harvest of traditional plants as well as allow for harvesting of medicinal and culturally significant traditional use plants prior to clearing.

Alberta Transportation has also committed to provide Louis Bull Tribe with opportunities to provide input on draft mitigation plans for the Project including the draft Vegetation and Wetland Mitigation and Monitoring Plan. This process is ongoing and Louis Bull Tribe has already provided some feedback to these plans. On January 28, 2021, Alberta Transportation met with Louis Bull Tribe to discuss the First Nations' feedback on the draft mitigation plans developed to date.

Alberta Transportation welcomes further input and feedback from Louis Bull Tribe including a recommendation on the specific seed mix for the draft Vegetation Plan. To date Alberta Transportation has

responded to all of Louis Bull Tribe's mitigation and monitoring questions and will continue to provide opportunities for Louis Bull Tribe to provide feedback on future mitigation plans developed for SR1.

Request 4:

LBT is requesting to be included in post flood activities to ensure practice of rights can be continued following a flood event.

Response:

The First Nations Land Use Advisory Committee will meet on a regular basis and is intended to ensure continued inclusion of participating First Nations in the land use planning for the Project area. It is anticipated that the format, structure, and mandate for this Advisory Committee will be defined in a formal Terms of Reference to be developed with participating First Nations. The Government of Alberta commits that it will invite Louis Bull Tribe to participate in the First Nations Land Use Advisory Committee for the Project.

Additionally, Alberta Transportation is committed to Indigenous participation in the Project, including training, employment, and contracting opportunities and has prepared a draft Indigenous Participation Plan to achieve this goal. Alberta Transportation has provided and will continue to provide information related to opportunities for Indigenous participation to Louis Bull Tribe.

One of these opportunities, as outlined in Alberta Transportation's draft Fish Rescue and Fish Health Monitoring and Mitigation Program plan, is for Indigenous environmental monitors to provide assistance with fish rescue activities. Environmental monitors who are appropriately trained and experienced in safety protocols regarding working in and around water as well as environmental monitoring techniques, can participate in the following activities:

- assist a qualified aquatic environmental specialist (QAES) in identifying locations in the reservoir where fish stranding may occur
- monitoring fish health and conditions during fish capture and rescue activities
- complete data recording

Alberta Environment and Parks will be responsible for post flood activities and operations. Alberta Transportation has taken note of Louis Bull Tribe's interest in participation on post flood activities and will convey this interest to Alberta Environment and Parks should the project be approved and built.

Once you have had a chance to review the above information, should you have any further questions or concerns, I would be pleased to meet with you to further discuss the Project with Louis Bull Tribe.

Regards,



Matthew Hebert
Executive Director, Transportation Policy
Alberta Transportation