

28 February 2019

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SENT BY EMAIL

Town of Canmore
902 - 7th Avenue
Canmore, AB T1W 3K1

Attention: Félix Camiré, Project Engineer, Town of Canmore Engineering Services

Dear Mr. Camiré:

**Re: Revised Application, Town of Canmore Cougar Creek Debris Flood Retention Structure Project
NRCB Application No. 1601**

Further to our correspondence of January 11, 2019, and the Town's filing with the NRCB of a "Project Update" submission (24 pages) on February 22, 2019, the NRCB takes this opportunity to outline the status of the Town's Revised Application.

The NRCB has not issued approval in the form attached to its November 15, 2018 Decision NR 2018-01. The November 15, 2018 decision regarding NRCB Application No. 1601 is currently suspended, given the Town's advice on January 9, 2019 that it is pursuing a revised design for the Cougar Creek Debris Flood Retention Structure Project.

Presently, the NRCB awaits the Town's **completed** Revised Application for the Project. As a number of documents and materials remain outstanding, the NRCB currently finds the Revised Application is incomplete. Documents and materials outstanding include the following:

- In the NRCB's January 11, 2019 correspondence, the Town was to provide **details** of project costs, project timing and updates to the environmental assessment. Project costs and timing details do not appear in the Project Update filed February 22, 2019. The updates to environmental impact assessment are in summary form and the details of assessment do not appear in the Project Update.
- In the NRCB's January 11, 2019 correspondence, reference is made to updated indigenous consultation but no update has been provided.
- The Project Update (page 3) states that "the Town of Canmore is currently working with its consulting team to confirm if the results of the dam breach analysis completed for the original design can be used for the updated design and, if required, to determine what additional work is required to validate the results." The results of this analysis and work, including the revised dam breach analysis, have not been provided to the NRCB and are outstanding.
- The Town previously stated that the original Structure could withstand overtopping events, up to and including a probable maximum flood. The Project Update should include an assessment of the effects of a probable maximum flood on the updated Structure and Spillway design.
- The Project Update (page 4) states "The Town of Canmore is currently working with its consulting team to confirm that the results of the physical scale modelling can be used to inform the design

- [of] the rock-cut spillway and, if required, to determine what additional work is required to validate the model results." This information has not been provided to the NRCB and is outstanding.
- The Project Update describes that a revised clearance from Alberta Culture and Tourism under the *Historical Resources Act* is anticipated (page 12) but the application has not been provided. A revised clearance certificate associated with proposed footprint changes is therefore outstanding.
 - The Project Update (page 17) refers to expert reviewers undertaking technical reviews of the project design update. The technical reviews from experts have not been provided to the NRCB and are outstanding.

The NRCB is unable to commence its review of the Revised Application until all outstanding materials and documents are received. The NRCB's review process will then include consideration of the documentation constituting the completed Revised Application, allowing for comment by AEP reviewers regarding environmental impact of the Revised Application, and consideration of the further process for engagement of the public and First Nations and Aboriginal peoples previously consulted.

Further, as the Town is aware, once the NRCB has completed its review process and if the Board approves the Revised Application (or re-confirms its November 15, 2018 decision), authorization will be required from the Lieutenant Governor in Council, in accordance with section 9 of the *Natural Resources Conservation Board Act*. Timing in relation to such authorization is the responsibility of the Government of Alberta and is beyond the control of the NRCB.

We look forward to receipt of the listed outstanding materials, in addition to any other submissions you would like to provide to the NRCB for consideration.

Should you have questions, please contact me directly at 403-297-4304.

Yours sincerely,



Bill Kennedy
General Counsel

cc Meghan Jurijew, Environmental Assessment, Environment and Parks (by email)
Pauline Scoffield, Regional Approvals, Environment and Parks (by email)
Susan Tiege, CEAA (by email)
Emma Childs, Infrastructure Canada (by email)
Robert Ellis, M.D. of Bighorn (by email)
William Snow, Stoney Nakoda First Nation (by email)
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Ira Provost, Piikani Nation (by email)
Glenda Spotted Eagle, Siksika Nation (by email)
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