

Natural Resources Conservation Board (NRCB) issues approval for the Cougar Creek debris and flood retention structure

The project

- The 29.84 metre high debris flood retention structure and associated access road will be located on Cougar Creek, about two kilometres northeast of the Trans-Canada Highway at the site of an existing debris net that was built on Cougar Creek after the 2013 flood event.
- The structure will span an area where the Cougar Creek valley narrows. An inundation area upstream of the structure will temporarily hold up to 760,000 cubic metres of water and large woody and rock debris during high rainfall events. During normal weather conditions, water and smaller sized woody material and sediment will flow unimpeded through the structure's diversion tunnel.
- The project description is set out in more detail in the environmental impact assessment submitted by the Town of Canmore (the Town) and in the Board decision (Board Decision 2018-01). Both documents are available on the NRCB website (www.nrcb.ca).
- The provincial and federal governments provided \$44.87 million for the project (\$29 million from Environment and Parks, \$1.37 million from Alberta Transportation, and a Government of Canada grant of \$14.5 million under the National and Regional Project of the New Building Canada Fund). The funds were used for various project activities including preparation of the environmental risk assessment and project design, and will be used for project construction. The Town has also contributed \$4 million toward development of the project.

Key findings

- The project will protect human life, property, and federal and provincial infrastructure. The Board accepted the Town's assertion that without appropriate flood mitigation, future Cougar Creek debris flood events present an unacceptable risk to human life and to private and public infrastructure.
- The Town conducted adequate consultation and accommodation with Aboriginal Peoples and First Nations for the NRCB's consideration of this project. Potential effects of the project on the treaty and aboriginal rights of First Nations and Aboriginal Peoples are addressed through commitments made by the Town and conditions imposed by the Board.
- The project is expected to have generally low environmental impacts. Water quality and quantity will be monitored during construction and operation of the project. Revegetation of No Man's Land (the area located just downstream of the Structure) will enhance wildlife connectivity, and the Town has committed to land reclamation and revegetation in accordance with First Nations' preference for using native plant species.
- The Town has committed to appropriate management of construction-related issues such as noise, dust, and short-term environmental impacts, and to maintain recreational back country access throughout the construction and operation of the structure.

NRCB conditions of approval

The approval requires the Town to implement the commitments made in its project proposal, as well as conditions imposed by the Board that are mandatory to the NRCB approval. For example, the Town will be required to:

- allow First Nations to hold a pre-construction ceremony, and to harvest traditional plants;
- conduct water quality and water quantity monitoring and reporting during construction and operation of the project;
- use seed mixes and material for revegetation that are representative of surrounding vegetation communities;

- finalize and implement the Emergency Preparedness Plan and Emergency Response Plan for the project;
- implement the proposed dust control management plan for construction and post-flood maintenance activities; and
- finalize the Operation, Maintenance and Surveillance Manual by including a surveillance data monitoring and reporting plan for the structure.

Other required approvals

- The NRCB approval requires an authorization by the Lieutenant Governor via an Order in Council. The Town must also obtain a *Water Act* approval from Environment and Parks for the project.
- The Alberta Government reserves the right to make its own determination on the adequacy of Crown consultation with Aboriginal Peoples and First Nations.

NRCB mandate

- The Board of the NRCB is responsible under the *Natural Resources Conservation Board Act* (NRCBA) for determining whether major natural resource projects are in the public interest. Project proposals are automatically referred to the NRCB if the *Environmental Protection and Enhancement Act* requires an environmental impact assessment for the project. Reviewable projects under the NRCBA include forest industry, recreational or tourism, metallic or industrial mineral, water management, and any other type of project prescribed in the regulations or by the Lieutenant Governor in Council.
- The Board determines the public interest of reviewable projects by considering their potential social, economic, and environmental effects. The Board submits its form of approval to Cabinet for authorization by Order in Council.