

February 3, 2021

**Jennifer Howe**

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Sent via email to: [jennifer.howe@canada.ca](mailto:jennifer.howe@canada.ca)

Dear Ms. Howe:

**Subject: Springbank Off-Stream Reservoir Project – Public Comment on the Draft Environmental Assessment Report and Draft Potential Conditions**

Alberta Transportation has reviewed the draft Environmental Assessment Report and draft Potential Conditions for the Springbank Off-Stream Reservoir Project (the Project) following the January 4, 2021 public notice by the Impact Assessment Agency of Canada (IAAC). This submission presents Alberta Transportation's feedback on the two IAAC draft documents.

Alberta Transportation is recommending changes to some of the draft Potential Conditions, as presented in Table 1. Alberta Transportation is also recommending corrections to the draft Environmental Assessment Report to better align it with the Environmental Impact Statement and supplemental filings, as presented in Table 2.

Many of Alberta Transportation's recommended changes are straightforward. Some topics warrant more detailed context for IAAC's consideration in finalizing the draft Environmental Assessment Report and draft Potential Conditions and represent the Government of Alberta's current policies and legislation on these topics. The topics are:

- Treaty Rights and Consultation in Alberta
- Consultation for the Land Use Plan
- Land Use Priorities and Exclusive Use
- First Nations Participation in the Land Use Advisory Committee
- Annual Monitoring and Reporting
- Supporting Indigenous Programs Through the Indigenous Participation Plan

The following sections provide important context for each of these topics.

### **Treaty Rights and Consultation in Alberta**

Alberta Transportation, as a ministry of the Crown, has a legal duty to consult aboriginal peoples where contemplated conduct may adversely impact the exercise of treaty rights recognized and affirmed in section 35 of the *Constitution Act, 1982*. To meet this legal duty and policy commitments made by the Alberta provincial Crown, Alberta Transportation must consult with First Nations, Métis Settlements or credibly asserted Métis communities (CAMC) when Alberta Transportation is contemplating a decision that may have the potential to adversely impact the continued exercise of First Nations' treaty rights and traditional uses or Métis Settlement/CAMC members' harvesting and traditional use activities.

In light of the Crown's legal duty to consult, the Government of Alberta developed *The Government of Alberta's Policy on Consultation with First Nations on Land and Natural Resource Management* (2013) and associated Guidelines (2014). Compliance with the policy and guidelines documents is intended to meet the legal duty to consult.

The Government of Alberta recognizes that First Nations' treaty rights are protected by section 35 of the *Constitution Act, 1982*, and understands the important role these rights have in maintaining First Nations' cultures and traditions. The Government of Alberta recognizes that adversely impacting treaty rights to hunt, fish, and trap for food may trigger a duty to consult. These rights may be exercised on unoccupied Crown lands and other lands to which First Nations members have a right of access for such purposes. The Government of Alberta also recognizes that First Nations may engage in customs or practices (traditional uses) on the land that are not existing section 35 treaty rights. Traditional uses of land include burial grounds, gathering sites and historical or ceremonial locations and does not refer to proprietary interests in the land.

The Government of Alberta does not have a formal consultation policy for Métis organizations. Métis organizations that wish to be considered for consultation must first successfully demonstrate a credible assertion of Métis aboriginal rights through the Government of Alberta's Métis Credible Assertion Process. Operationally, Métis organizations recognized by the Government of Alberta under this process are consulted under the Government of Alberta's Métis Settlements Consultation Policy.

Métis and non-status Nations will be able to practice traditional uses in the proposed Land Use Area (LUA) consistent with the laws applicable to all Albertans. However, the Government of Alberta cannot guarantee exclusive use of Project lands for Métis use, particularly in southern Alberta as the court system in Alberta continues to determine that Métis peoples in the province have not yet sufficiently demonstrated that they hold a section 35(2) aboriginal right to hunt for food in southern Alberta, including the area which encompasses the Project lands. Alberta has established a Métis credible assertion process to assess asserted rights by Métis communities. Neither Métis Nation of Alberta – Region 3 nor any other affiliated entity has yet established a credible assertion of aboriginal rights through this process. To extend these rights where legally they do not exist would constitute an improper dispensation from the law, and courts have found this is not permissible.

Please find attached a letter provided to me from Ms. Leah Sheffield, Acting Executive Director of Strategic Engagement and Policy Innovation, Indigenous Relations, Government of Alberta outlining the Government of Alberta's approach to First Nations consultation (see Attachment 1).

Alberta Transportation requests that IAAC modify the draft Environmental Assessment Report and draft Potential Conditions in relation to the Land Use Plan to align them with Alberta legislation, policy, and guidelines related to First Nations and Métis consultation. Alberta Transportation has recommended changes to the relevant draft Potential Conditions in Table 1 below.

In light of the above, Alberta Transportation also recommends that IAAC modify the draft Environmental Assessment Report recommendations on Page 98 (and other sections of the report, as necessary) so that recommendations from IAAC do not conflict with established case law or with applicable Alberta legislation, policy, or guidelines.

In future, should a credible assertion of aboriginal rights be established in southern Alberta by any Métis or non-status Indigenous group, the Government of Alberta may consider including that group in land use discussions.

### **Consultation for the Land Use Plan**

Government of Alberta has committed to consult with First Nations before making land-use decisions that may adversely impact treaty rights and traditional uses. First Nation members' land use is supported by the Updated Draft Guiding Principles and Direction for Future Land Use (see IR4-05, submitted in the Response to Information Request Round 2 Package 4-05 [Canadian Impact Assessment Registry Reference Number 80123, Document Number 1312]), specifically:

- First Nations' exercise of treaty rights such as hunting, as well as First Nations' traditional activities, will be supported in the LUA.
- 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 LUA.
- Alberta Transportation will work with First Nations to identify a portion of land adjacent to the LUA 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.

Through consultation with First Nations, stakeholders (including Métis and non – status Indigenous groups) and the public, a Land Use Plan for the LUA will be developed. The Land Use Plan will align with the principles outlined in the Updated Draft Guiding Principles and Direction for Future Land Use. The First Nations Land Use Advisory Committee will provide feedback to the Government of Alberta about the success of achieving the principles outlined in the Updated Draft Guiding Principles and Direction for Future Land Use and provide advice for improvement.

As mentioned above, Métis and non-status Indigenous groups will be able to practice traditional uses in the LUA consistent with the laws applicable to all Albertans.

Many of IAAC's draft potential conditions reference the inclusion of Métis and non-status nations in future engagement on the operations and monitoring aspects of the Project. The Government of Alberta is contemplating a comprehensive and coordinated approach to ongoing Indigenous engagement in the non-land (i.e., environmental and technical monitoring) operations of the Project.

Alberta Transportation requests that IAAC modify the draft Potential Conditions related to consultation for the Land Use Plan to align with Alberta legislation, policy, and guidelines to focus on First Nations. Alberta Transportation has recommended changes to the relevant draft Potential Conditions in Table 1 below.

### **Land Use Priorities and Exclusive Use**

Alberta Transportation's land use priorities in the LUA are presented in the Updated Draft Guiding Principles and Directions for Future Land Use document as follows:

- The primary and overarching use of the Crown land within the Project footprint is for flood mitigation.
- Safety is paramount in any decisions that allow for access onto the Project lands.
- Use of the lands by First Nations will be a priority outside of flood and post-flood recovery periods to support First Nations' exercise of treaty rights such as hunting, as well as First Nation's traditional activities.
- Other uses and activities will be considered where they align and are compatible with the overarching management intent of flood mitigation, First Nation traditional use, and the guiding principles.

Draft Potential Condition 8.8 states "*The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a Land Use Plan to support and prioritize Indigenous groups' practice of traditional activities within the project development area...*" which does not align with the guiding principles. The guiding principles state First Nation's use is prioritized, not Indigenous groups' use. The differences between the rights of First Nations people, Métis individuals and non-status Indigenous groups are described above. The guiding principles were crafted to align with applicable Alberta's legislation and the differing rights of these groups. Also, there is potential that this condition could be interpreted as meaning that First Nations use is the top priority, rather than flood mitigation followed by safe usage of the Project land.

Draft Potential Condition 8.8.1 states that Alberta Transportation shall "*secure for the exclusive use by Indigenous groups, sufficient land area within the project development area to support Indigenous traditional use activities, including hunting, plant gathering, trapping, fishing and access to cultural sites.*" Alberta Transportation understands "exclusive use" is included in this condition as a way to prioritize traditional uses. The land-management tools for the Land Use Plan will allow the Government of Alberta to prioritize First Nation's traditional uses per the guiding principles, but do not allow the Government of Alberta to grant "exclusive use" in the Project development area. There is no mechanism to grant exclusive use of the Project area to the groups engaged on this Project. Alberta Transportation under its own authority has committed to a staging area for the exclusive use of identified First Nations.

Alberta Transportation requests that IAAC modify the draft Environmental Assessment Report and draft Potential Conditions 8.8 and 8.8.1 to align with the Updated Draft Guiding Principles and Directions for Future Land Use document and Alberta legislation. Alberta Transportation has recommended changes to draft Potential Conditions 8.8 and 8.8.1 in Table 1 below.

### **First Nations Participation in the Land Use Advisory Committee**

Page 139 of the draft Environmental Assessment Report states “*The proponent will establish an Indigenous Nations Land Use Advisory Committee to support land management and land use decisions for the Land Use Area within the PDA.*” Pages 143 and 144 of the Draft Environmental Assessment Report state “*The Indigenous Nation Land Use Advisory Committee will ensure that Indigenous nations have a role in public decision-making to ensure that Indigenous rights, interests, and aspirations are recognized in decision making.*” Alberta Transportation is proposing a First Nation Land Use Advisory Committee and not an Indigenous Nation Land Use Advisory Committee, based on the distinctions between First Nations and other groups related to land use in Alberta, as discussed above.

Alberta Transportation requests that IAAC modify the draft Environmental Assessment Report and draft Potential Condition 8.11 to align with the Updated Draft Guiding Principles and Directions for Future Land Use document and the description of the First Nations Land Use Advisory Committee. Alberta Transportation has recommended changes to draft Potential Conditions 8.11 in Table 1 below.

### **Annual Monitoring and Reporting**

Alberta Transportation recognizes the importance of monitoring and reporting for a project of this nature. However, the draft Potential Conditions include a substantial amount of monitoring and reporting that will be required in perpetuity because the Project is not proposed to be decommissioned. Alberta Transportation believes monitoring and reporting during successive dry operation years is not required. For example, if there were 15 years between two flood events, Alberta Transportation believes the resulting 15 years of dry operations monitoring and reporting may not be an effective use of public funds. Alberta Transportation requests IAAC add conditions to the draft Potential Conditions that support a reduced frequency of monitoring and reporting during successive dry operation years. In those intervening periods, Alberta Transportation will share relevant updates as required.

As referenced above Alberta Transportation proposes that reporting and monitoring programs would be executed in a comprehensive manner with participating Indigenous groups to achieve timely and meaningful engagement.

### **Supporting Indigenous Programs Through the Indigenous Participation Plan**

Page 115 of the Draft Environmental Assessment Report lists bullets that state “*The purposeful inclusion of Indigenous nations in the economic benefits of the project, including training, employment and contracting opportunities*” and the “*Proponent support of programming within Indigenous nations to strengthen the transmission of Indigenous ways of life and cultures to current and future generations.*” Alberta Transportation does not have a correction for these items but wishes to highlight that these items are addressed through the proposed Indigenous Participation Plan (IPP).

Alberta Transportation has been advancing the IPP through engagement with Indigenous groups and their businesses. The following is an overview of the actions to promote Alberta Transportation's IPP opportunities, and interest received to date:

Indigenous Groups engaged include:

- Blood Tribe/Kainai First Nation;
- Ermineskin Cree Nation;
- Foothills Ojibway Society;
- Ktunaxa Nation Council;
- Louis Bull Tribe;
- Métis Nation of Alberta, Region 3;
- Montana First Nation;
- Piikani Nation;
- Samson Cree Nation;
- Siksika Nation;
- Stoney Nakoda Nations; and
- Tsuut'ina Nation.

The IPP is a four-phased approach consisting of the Request for Information (RFI), Business Readiness Workshop (BRW), the Verification and Validation and the Negotiation and Award phases. The IPP was introduced to the identified Indigenous groups through the consultation and engagement process and is currently in the Verification and Validation phase.

Alberta Transportation provided a RFI as the first step to creating an Indigenous Business and Skills Inventory to identify and maximize Indigenous contracting and employment opportunities. An RFI was sent to the 12 Indigenous groups on May 15, 2020, requesting their business and skill inventory.

Between June and September 2020, Alberta Transportation met (virtually) with groups that responded to the RFI to discuss the information provided. Follow up meetings took place upon receipt of the RFI to discuss and confirm information provided. As part of the RFI package, a number of Construction, Operations, Post-Flood Reclamation, and Monitoring work packages were presented as opportunities to participate (see Attachment 2).

On October 21, 2020 Alberta Transportation hosted a BRW to provide the Indigenous groups and Indigenous contractors with more detailed information related to contracting and labour opportunities on the Project.

The BRW agenda included the following topics: Project Overview, Project Award Process, Overview of Work Packages, Overview of Potential Apprenticeships and Department of Labour and Immigration programs with time for discussion and questions.

The construction information presented at the BRW included the expected Project tendering and construction schedule along with engineering drawings related to all of the major Project components. This information was presented to provide the Indigenous Contractors with a better understanding of the specific construction tasks associated with the various work packages, the skills and materials needed, the general sequencing and durations of construction of the different Project components and the coordination required to construct the entirety of Project. Details relating to contract administration were also provided.

During the BRW, all Indigenous Contractors were invited to submit or provide additional information regarding the capacity, past experience, availability, financial viability, safety record and technical certification.

Efforts were made to proactively engage with the Indigenous Groups to ensure that all have sufficient opportunity to understand the ways in which they can participate and to submit the required information for consideration. This effort is ongoing.

The current focus of the IPP is to confirm Indigenous contractor interest and capacity to perform various aspects of the construction or monitoring of the Project.

We trust the enclosed is satisfactory. Should you have any questions or concerns regarding the submission, kindly contact me at 780-554-6358, or by email at [matthew.hebert@gov.ab.ca](mailto:matthew.hebert@gov.ab.ca).

Sincerely,

<Original Signed>

Matthew Hebert  
Executive Director, Transportation Policy  
Transportation Services Division  
Alberta Transportation

Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
1.14	<i>Flood operation</i> means the phase of operation that starts when the auxiliary service spillway gates are raised and the diversion inlet gates are lowered to allow flows through the diversion channel for storage in the off-stream reservoir and continues until the start of post-flood operation.	<i>Flood operation</i> means the phase of operation that starts when the <del>auxiliary</del> service spillway gates are raised and the diversion inlet gates are <del>lowered</del> <b>raised</b> to allow flows through the diversion channel for storage in the off-stream reservoir and continues until the start of post-flood operation.	Aligning with EIS wording.
1.17	<i>Indigenous groups</i> means Blood Tribe (Kainai Nation), Ermineskin Cree Nation, Foothills Ojibway First Nation, Ktunaxa Nation Council, Louis Bull Tribe, Métis Nation of Alberta—Region 3 (MNAR3), Métis Nation of British Columbia – Region 4, Montana First Nation, Piikani Nation, Samson Cree Nation, Siksika Nation, Shuswap Indian Band, Stoney Nakoda Nation, and Tsuut'ina Nation.	<i>Indigenous groups</i> means Blood Tribe (Kainai Nation), Ermineskin Cree Nation, Foothills Ojibway First Nation, Ktunaxa Nation Council, Louis Bull Tribe, Métis Nation of Alberta—Region 3 (MNAR3), Métis Nation of British Columbia— <del>Region 4</del> , Montana First Nation, Piikani Nation, Samson Cree Nation, Siksika Nation, <del>Shuswap Indian Band</del> , Stoney Nakoda Nation, and Tsuut'ina Nation.	The Shuswap Indian Band was not listed for consultation in the Final Environmental Impact Statement Guidelines (Canadian Impact Assessment Registry Reference Number 80123, Document Number 10) and was not consulted by Alberta Transportation. The Final Environmental Impact Statement Guidelines also did not specify Region 4 for the Métis Nation of British Columbia. Also, Alberta Transportation notes that for conditions related to Land Use, definitions for First Nations and Métis are required. These proposed definitions are included in the next rows.
—	—	<i>First Nations</i> means Blood Tribe (Kainai Nation), Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation, Piikani Nation, Samson Cree Nation, Siksika Nation, Stoney Nakoda Nation, and Tsuut'ina Nation.	Providing a definition for First Nations in Alberta related to land use conditions. Both First Nations and Indigenous group definitions are required to assist with clarification that Alberta Transportation, as a ministry of the Crown, has a legal duty to consult aboriginal peoples where contemplated conduct may adversely impact the exercise of treaty rights recognized and affirmed in section 35 of the Constitution Act, 1982. To meet this legal duty and policy commitments made by the Alberta provincial Crown, Alberta Transportation must consult with First Nations, Métis Settlements or credibly asserted Métis communities (CAMC) when Alberta Transportation is contemplating a decision that may have the potential to adversely impact the continued exercise of First Nation's treaty rights and traditional uses or Métis Settlement/CAMC members' harvesting and traditional use activities. Métis individuals in southern Alberta may hunt, gather plants, trap, fish or access cultural sites in the same manner as non-Indigenous individuals. A distinction between "First Nation" and "Indigenous group" is important in the context of conditions that apply to use of the SR1 project area.
1.22	<i>Operation</i> means the phase of the Designated Project during which the flood mitigation infrastructure may accommodate up to a 1:200 year flood.	<i>Operation</i> means the phase of the Designated Project during which the flood mitigation infrastructure may accommodate up to <del>a 1:200 year flood</del> <b>its design capacity</b> .	Aligning with the EIS. The design capacity is slightly larger than the 1:200 and the definition of the 1:200 flood may change over time as climate changes.
1.23	<i>Post-flood operation</i> means the phase of operation during which the low-level outlet structure gates are opened to allow the waters retained in the off-stream reservoir to re-enter the Elbow River, except when the auxiliary service spillway gates are open or the diversion inlet gates are closed for maintenance purposes, and continue until post-flood maintenance activities are conducted and dry operation resume.	<del><i>Post-flood operation</i> means the phase of operation during which the low-level outlet structure gates are opened to allow the waters retained in the off-stream reservoir to re-enter the Elbow River, except when the auxiliary service spillway gates are open or the diversion inlet gates are closed for maintenance purposes, and continue until post-flood maintenance activities are conducted and dry operation resume.</del>  <b><i>Post-flood operation</i> means the phase of operation during which diversion of floodwater has stopped and the stored water is being released back into the Elbow River.</b>	Aligning with EIS wording.
2.5	The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this document, communicate with each group with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise groups of how their views and information were considered by the Proponent.	The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this document, communicate with each group with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake <del>impartial</del> consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise groups of how their views and information were considered by the Proponent.	Recommend deleting the term "impartial" as factors such as technical and economic feasibility must be considered when understanding how views and information may affect the project. Alternately, recommend replacing the term "impartial" with "fair" or "reasonable".



Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
2.10	Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each group and shall determine, in consultation with each group, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9	Where consultation with Indigenous groups is a requirement of a follow-up program <b>or when consultation with First Nations is a requirement for the land use-related follow-up program in condition 8.13</b> , the Proponent shall <b>make every effort to</b> discuss the follow-up program with each group and shall determine, in consultation with each interested group, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9	Differentiating between First Nations and Indigenous groups for the land use follow-up program. First Nation considerations related to the land use are discussed in the letter above. Due to the nature of the project's operations, the Government of Alberta will endeavor to engage with Indigenous groups in an effective manner and make best efforts to share information about changes to impacts on account of the temporary and periodic use of the reservoir.
2.11	The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:	The Proponent shall <b>prepare annual reports</b> , commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, <del>prepare an annual report that</del> <b>and report in years of construction, flood operation, and post-flood operation and for two years post-flood event during dry operations. For extended years of dry operations, the Proponent shall report every 5 years. The annual report shall</b> sets out, for that reporting year:	Recommending reducing the amount of annual reporting conducted during consecutive dry operation years. Annual reporting for extended periods of dry operation years may not provide value for the resulting costs. In those periods, the proponent will share any relevant updates with Indigenous groups and the public as required.
2.13	The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.11 and 2.12, the final offsetting plan(s) referred to in condition 3.9, the protocol to rescue fish referred to in condition 3.16, the migratory bird protocol referred to in condition 4.8, the protocol to prevent the mortality of amphibians referred to in condition 5.5, the communication plan referred to in condition 7.4, the archaeological and heritage management plan referred to in condition 9.3, the accident and malfunction response plan referred to in condition 10.3, the reports related to accidents and malfunctions referred to in conditions 10.5.3 and 10.5.4, the accident and malfunction communication plan referred to in condition 10.5, the schedules referred to in conditions 11.1 and 11.2, and any update or revision to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, Indigenous groups and potentially affected parties of the availability of these documents within 48 hours of their publication.	<del>The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.11 and 2.12;; the final offsetting plan(s) referred to in conditions 3.9, 7.4, 9.3, 10.3, 10.5; the protocols to rescue fish referred to in conditions 3.16, 4.8, 5.5; the migratory bird protocol referred to in condition 4.8, the protocol to prevent the mortality of amphibians referred to in condition 5.5, the communication plan referred to in condition 7.4, the archaeological and heritage management plan referred to in condition 9.3, the accident and malfunction response plan referred to in condition 10.3, the reports related to accidents and malfunctions referred to in conditions 10.5.3 and 10.5.4; the accident and malfunction communication plan referred to in condition 10.5, the schedules referred to in conditions 11.1 and 11.2; and any update or revision to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, Indigenous groups and potentially affected parties of the availability of these documents within 48 hours of their publication.</del>	Simplifying wording to align with condition 2.11.5.
2.16	The Proponent shall consult with Indigenous groups and relevant authorities prior to notifying the Agency, pursuant to condition 2.17, of any potential change to the Designated Project.	The Proponent shall consult with Indigenous groups and relevant authorities prior to notifying the Agency, pursuant to condition 2.17, of any potential <b>major</b> change to the Designated Project <b>that may result in adverse environmental effects greater than considered in the EIS.</b>	Clarifying the magnitude of project change requiring consultation for practical purposes. For example, a change in the type of fastening bolts would not warrant consultation.
2.17	The Proponent shall notify the Agency in writing of any potential change to the Designated Project that would result in a change to the Designated Project description included in this document or that may result in adverse environmental effects. In notifying the Agency, the Proponent shall provide a description of the change(s) to the Designated Project, the predicted adverse environmental effects and the proposed mitigation measures and follow-up requirements to be implemented by the Proponent to ensure that the change(s) do not result in adverse environmental effects greater than those predicted in the draft environmental assessment report. The Proponent shall also describe the results of the consultation with Indigenous groups and relevant authorities.	The Proponent shall notify the Agency in writing of any potential change to the Designated Project that would result in a <b>major</b> change to the Designated Project description included in this document or that may result in adverse environmental effects <b>greater than considered in the EIS.</b> In notifying the Agency, the Proponent shall provide a description of the change(s) to the Designated Project, the predicted adverse environmental effects and the proposed mitigation measures and follow-up requirements to be implemented by the Proponent to ensure that the change(s) do not result in adverse environmental effects greater than those predicted in the draft environmental assessment report. The Proponent shall also describe the results of the consultation with Indigenous groups and relevant authorities.	Clarifying the magnitude of project change requiring notification for practical purposes.
3.1	The Proponent shall develop, prior to construction, and implement during all phases of the Designated Project, measures to control erosion and sedimentation within the project development area in a manner consistent with the Fisheries Act and its regulations. The Proponent shall submit these measures to the Agency before implementing them. In doing so, the Proponent shall:	The Proponent shall develop, prior to construction, and implement during all phases of the Designated Project, measures to control erosion and sedimentation within the project development area in a manner consistent with the Fisheries Act and its regulations. <del>The Proponent shall submit these measures to the Agency before implementing them.</del> In doing so, the Proponent shall:	Recommending removing the requirement to provide these to the Agency to reduce the volume of duplicate submissions. These measures will be required by Fisheries and Oceans Canada.
3.1.2	stockpile any excavated material above the highwater mark;	stockpile any excavated material above the highwater <b>2-year water level mark and a minimum of 50 metres from the top of bank of the Elbow River;</b>	Recommending revising the condition as the highwater mark varies over time.
3.1.3	install and maintain silt fences and turbidity barriers to prevent future bank erosion during construction and operation;	install and maintain silt fences and turbidity barriers <del>to prevent future bank erosion</del> <b>to provide sediment control</b> during construction and operation;	Clarifying that these mitigations control sediment but not bank erosion.

Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
3.1.4	install riprap material on the diversion channel side slopes outside curves, on the water face of the off-stream storage dam, and where the diversion channel enters the reservoir to prevent future bank erosion;	install riprap material <del>on in the diversion channel side slopes outside curves, on the water face of</del> <b>along portions</b> of the off-stream storage dam, and where the diversion channel enters the reservoir <del>as proposed, to prevent future bank</del> <b>reduce risks of</b> erosion;	Clarifying that riprap is not proposed over the entirety of the diversion channel and dam. Alberta Transportation has conducted a detailed scour analysis to determine the appropriate locations for riprap. If worded too broadly, the additional riprap would be a substantial cost for the project. Also clarifying that the role or riprap is to reduce the risk of erosion.
3.1.5	implement measures to allow sediment to settle out before returning dewatering discharge into the Elbow River, including by removing downstream barriers first when removing isolation barriers during flood operation; and	implement measures to allow sediment to settle out before returning dewatering discharge into the Elbow River, including by removing downstream barriers first when removing isolation barriers <del>during flood operation</del> <b>during construction and post-flood operations</b> ; and	Clarifying that these activities occur during construction and post-flood, not during flood events.
3.1.6	install energy dissipation blocks to control flows and erosion in the diversion channel and low level outlet channel.	<del>install</del> <b>incorporate</b> energy dissipation <del>features as proposed blocks</del> to control flows and erosion <b>at the entrance to and discharge from</b> in the diversion channel and low level outlet <del>discharge to the</del> channel.	Aligning with project description. Clarifying that energy dissipation blocks are not the only form of energy dissipation feature being considered.
3.2	The Proponent shall inspect all erosion and sediment control measures installed within the project development area pursuant to condition 3.1 including during flood operation and post flood operation, and document and repair any defective or damaged control measure in a timely manner such that any impacts to fish and fish habitat resulting from the defective or damaged control measures are minimized or avoided.	The Proponent shall inspect all erosion and sediment control measures installed within the project development area pursuant to condition 3.1 <del>including during flood operation</del> <b>prior to</b> and post flood operation, and document and repair any defective or damaged control measure in a timely manner such that any impacts to fish and fish habitat resulting from the defective or damaged control measures are minimized or avoided.	Inspections during flood events may pose safety issues. Providing alternate wording.
3.3	The Proponent shall isolate in-water construction activities and shall use temporary access structures for any in-stream construction activity.	<b>Within the Elbow River, the</b> <del>The</del> Proponent shall isolate in-water construction activities and shall use temporary access structures for any in-stream construction activity. <b>Within Unnamed Creek, the Proponent shall use isolations if the creek is flowing and not dry or frozen to bed.</b>	Recommending differentiation between requirements for the Elbow River and Unnamed Creek.
3.4	The Proponent shall maintain machinery and construction equipment in working order and inspect any machinery and construction equipment before it enters the project development area for the presence of leaks, invasive species and noxious weeds, taking into account Alberta's <i>Decontamination protocol for work in or near water: quick reference guide</i> .	The Proponent shall maintain machinery and construction equipment in working order and inspect any machinery and construction equipment before it enters the project development area for the presence of leaks, invasive species and noxious weeds, taking into account Alberta's <i>Decontamination protocol for work in or near water: quick reference guide</i> <b>for activities in or near water</b> .	Clarifying applicability of Alberta's decontamination protocol.
3.7	The Proponent shall implement measures to allow sediment to settle down before dewatering discharge into a water body.	The Proponent shall implement measures to allow sediment to settle down before dewatering discharge into a water body, <b>such as pumping dewatering discharge into a vegetated area or settling basin during construction or post-flood operations, where applicable</b> .	Adding specificity to align with existing commitments, and to align with wording on Page 62 of the draft Environmental Assessment Report.
3.8	The Proponent shall remove, during dry operation, the first layer of substrate in the diversion channel and store the layer for use at the beginning of the subsequent dry operation phase, to restore the diversion channel.	The Proponent shall remove, <del>during dry operation</del> <b>during construction in a water body</b> , <del>the first layer of substrate in the diversion channel and store the layer for use at the beginning of the subsequent dry operation phase, to restore the diversion channel</del> <b>the top substrate from a wetted channel which will be stripped and stockpiled for later use as the top layer of reclaimed instream substrate</b> .	Clarifying that Alberta Transportation's commitment is for wetted channels when working in a water body, not the Diversion Channel. This commitment is outlined in Volume 3A, Section 8.4.3.7 submitted in the EIS (Canadian Impact Assessment Registry Reference Number 80123, Document Number 21). The commitment states: " <i>The top substrate from a wetted channel will be stripped and stockpiled for later use as the top layer of reclaimed instream substrate to improve the recolonization rate and maintain average mobile substrate sizes.</i> "
3.11	The Proponent shall conduct in-water project activities, including debris removal from the water intake structures, outside of the Government of Alberta restricted activity periods, unless otherwise agreed to by relevant authorities. If in-water project activities cannot be conducted outside of the Government of Alberta restricted activity periods, the Proponent shall develop and implement additional mitigation measures, in consultation with Indigenous groups and Fisheries and Oceans Canada, to protect fish during sensitive life stages.	The Proponent shall conduct in-water project activities, including debris removal from the water intake structures, outside of the Government of Alberta restricted activity periods, unless otherwise agreed to by relevant authorities. If in-water project activities cannot be conducted outside of the Government of Alberta restricted activity periods, the Proponent shall develop and implement <del>additional</del> mitigation measures, <del>in consultation with Indigenous groups and Fisheries and Oceans Canada</del> , to protect fish during sensitive life stages.	Recommending alternate wording to avoid potential delays in post-flood maintenance activities. The post-flood maintenance activities, including potential work in restricted activity periods, will be included in the <i>Fisheries Act</i> authorization and consultation with Indigenous groups will occur on the post-flood maintenance activities as part of the application process for the <i>Fisheries Act</i> authorization. It is important to ensure that any post-flood maintenance activities related to safety should not be held up by reporting or consultation activities in this condition, or other conditions in the draft Potential Conditions.
3.12	The Proponent shall maintain fish passage in the Elbow River during all phases of the Designated Project. In doing so, the Proponent shall maintain flows downstream of the bypass channel.	The Proponent shall <del>not impede</del> <b>maintain</b> fish passage in the Elbow River during all phases of the Designated Project. In doing so, the Proponent shall maintain flows downstream of the bypass channel.	Clarifying wording as there may be times fish passage is impeded by factors unrelated to the project (e.g., low flows).

Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
3.13	The Proponent shall install, prior to operation and in consultation with Transport Canada and Fisheries and Oceans Canada, rock v-weirs downstream of the spillway to mitigate the effects of dewatering discharge from the reservoir area on the Elbow River stream's depth.	The Proponent shall install, prior to operation and in consultation with Transport Canada and Fisheries and Oceans Canada, rock v-weirs downstream of the <b>service spillway to promote fish passage</b> <del>mitigate the effects of dewatering discharge from the reservoir area on the Elbow River stream's depth.</del>	Aligning with project design and purpose of rock v-weirs. The rock v-weirs are located within the Elbow River just downstream of the service spillway but upstream from the reservoir outlet. Their purpose is to promote fish passage.
3.14	The Proponent shall design, install and operate the water intake structures in fish-bearing waterbodies in a manner which mitigates the incidental capture of fish by entrainment and impingement of fish through the use of an appropriately sized fish screen, taking into account Fisheries and Oceans Canada's <i>Freshwater Intake End-of-Pipe Fish Screen Guideline</i> and in a manner consistent with the <i>Fisheries Act</i> and its regulations.	The Proponent shall design, install and operate the <b>temporary</b> water intake structures <b>used for the purposes of construction</b> in fish-bearing waterbodies in a manner which mitigates the incidental capture of fish by entrainment and impingement of fish through the use of an appropriately sized fish screen, taking into account Fisheries and Oceans Canada's <i>Freshwater Intake End-of-Pipe Fish Screen Guideline</i> and in a manner consistent with the <i>Fisheries Act</i> and its regulations.	Recommending wording to focus the condition on temporary water intake structures during construction to differentiate from the project Diversion Inlet to the Diversion Channel, which does not have a screen.
3.15	The Proponent shall construct and maintain graded drainage areas within the reservoir to prevent stranding of fish during release of stored floodwater from the reservoir. In doing so, the Proponent shall re-grade the reservoir during post-flood operation as necessary.	The Proponent shall construct and maintain graded drainage areas within the reservoir <b>during post-flood operations</b> to prevent stranding of fish during release of stored floodwater from the reservoir. In doing so, the Proponent shall <b>selectively</b> re-grade the reservoir during post-flood operation as necessary <b>to maintain reservoir functionality and reduce fish stranding.</b>	Clarifying timing of regrading activities.
3.16	The Proponent shall develop and implement, in consultation with Indigenous groups, Fisheries and Oceans Canada and other relevant authorities, a protocol to rescue fish during post-flood operation. The Proponent shall develop the protocol prior to construction and implement it during dry operations. As part of the development of the protocol, the Proponent shall determine the rescue methods, the environmental conditions under which fish rescue can occur, including the ambient air temperature and the rate of receding water level, and the frequency at which fish rescue must be undertaken. The protocol shall include having a qualified individual:	The Proponent shall develop and implement, in consultation with Indigenous groups, Fisheries and Oceans Canada and other relevant authorities, a protocol to rescue <b>juvenile and adult</b> fish during post-flood operation. The Proponent shall develop the protocol prior to <del>construction operations</del> <b>and implement it during dry operations once construction is complete.</b> As part of the development of the protocol, the Proponent shall determine the rescue methods, the environmental conditions under which fish rescue can occur, including the ambient air temperature and the rate of receding water level, and the frequency at which fish rescue must be undertaken. The protocol shall include having a qualified individual:	Clarifying that fish rescue as proposed will focus on juvenile and adult fish, not fish as defined in subsection 2(1) of the <i>Fisheries Act</i> , which includes shellfish and crustaceans (freshwater), eggs, sperm, spawn, larvae and spat. Recommending a modification to the protocol development timing to be prior to operations instead of prior to construction, to allow appropriate time for protocol development and consultation.
3.16.1	determine during draw down the earliest possible timing for fish rescue;	determine <del>during draw down</del> the earliest possible timing for fish rescue <b>for a flood event, once the flood event occurs;</b>	Clarifying that this condition means the protocol will require that a qualified individual will be requested to determine the earliest possible timing for fish rescue, once a flood event occurs, and not that the protocol will be pre-filled with this timing information when developed.
3.17.2	monitor passage of migratory salmonids and other fish species identified during the development of the follow-up program;	monitor passage <b>conditions for</b> of migratory salmonids and other fish species identified during the development of the follow-up program;	Clarifying that the proposed fish monitoring program includes monitoring fish passage conditions in the Elbow River, such as velocity and depth, and not monitoring the fish themselves as a passage metric.
3.18.1	monitor fish strandings and safe passage when exiting the reservoir; and	monitor fish strandings <del>and safe passage when exiting</del> <b>within</b> the reservoir; and	Recommending fish passage from reservoir outlet not be included to avoid safety risks associated with personnel interacting with flood water releases.
3.18.2	if the results of the monitoring conducted in accordance with condition 3.18.1 demonstrate fish failure to exit the reservoir, or fish harm or mortality when exiting, the Proponent shall develop and implement modified or additional mitigation measures to allow for safe and feasible fish passage through the reservoir outlet	if the results of the monitoring conducted in accordance with condition 3.18.1 demonstrate fish <b>stranding failure to exit the reservoir, or fish harm or mortality when exiting</b> , the Proponent shall develop and implement modified or additional mitigation measures to <b>reduce fish stranding</b> <del>allow for safe and feasible fish passage through the reservoir outlet</del>	Recommending fish passage from the reservoir outlet not be included to avoid safety risks associated with personnel interacting with flood water releases. Fish harm from the reservoir exit is not anticipated. However, if fish harm is occurring during exit, we cannot currently identify any potential mitigations, so as originally worded this condition may not be achievable.
3.19.1	monitor, at a minimum every 3 hours during construction and monthly during operation, total suspended sediment levels at a minimum three locations in the Elbow River, one location in the immediate receiving environment, one location downstream of the low level outlet, and one location at the outlet channel;	monitor, at a minimum every 3 hours during <b>in-stream</b> construction and <del>monthly</del> <b>daily</b> during <b>flood</b> operation, total suspended sediment levels at a minimum three locations in the Elbow River, one location in the immediate receiving environment <b>upstream of the diversion inlet</b> , one location downstream of the low level outlet, and one location at the outlet channel;	Clarifying activities requiring 3-hour monitoring and daily monitoring. Monitoring every 3 hours for the entire 36-month construction period is a substantial effort.

Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
3.19.2	if the results of the monitoring conducted in accordance with condition 3.19.1 demonstrate higher levels of total suspended sediment than the baseline levels identified in Table 3-6, Appendix J of Volume 4 of the Environmental Impact Statement, or in Table 6-6, volume 3B, section 06 of the Environmental Impact Statement during flood operation, determine, in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada and other relevant authorities, if additional mitigation measures are required;	<p>if the results of the monitoring conducted in accordance with condition 3.19.1 demonstrate higher levels of total suspended sediment than <del>the baseline levels identified in Table 3-6, Appendix J of Volume 4 of the Environmental Impact Statement, or in Table 6-6, volume 3B, section 06 of the Environmental Impact Statement during flood operation</del> <b>the Canadian Council of Ministers of the Environment's Guidelines for the Protection of Freshwater Aquatic Life</b>, determine, in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada and other relevant authorities, if additional mitigation measures are required;</p> <p>OR</p> <p>if the results of the monitoring conducted in accordance with condition 3.19.1 demonstrate higher levels of total suspended sediment than the baseline levels identified in Table 3-6, Appendix J of Volume 4 of the Environmental Impact Statement, or <del>in Table 6-6, volume 3B, section 06 of the Environmental Impact Statement</del> <b>IR4-01 submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311)</b>, during flood operation, determine, in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada and other relevant authorities, if additional mitigation measures are required;</p>	Recommending that monitoring results be compared to the Canadian Council of Ministers of the Environment's Guidelines for the Protection of Freshwater Aquatic Life. Alternately, if comparing to EIS predictions, the most recent total suspended sediment modelling results are presented in IR4-01 submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).
3.19.4	monitor, at a minimum weekly during flood-operation, temperature and dissolved oxygen in the reservoir and in the immediate receiving environment;	monitor, at a minimum weekly during flood-operation, temperature and dissolved oxygen in the reservoir and in the immediate receiving environment <b>as conditions safely permit</b> ;	Clarifying safety requirements. It is important to note that a monitoring frequency higher than weekly (e.g., frequent, daily) as mentioned on Page 75 of the draft Environmental Assessment Report is viewed as inefficient and costly.
3.19.5	if results of the monitoring conducted in accordance with condition 3.19.4 demonstrate warmer temperature or lower levels of dissolved oxygen from modelling predictions identified in Appendix 1-1 submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311), implement modified or additional mitigation measures; and	if results of the monitoring conducted in accordance with condition 3.19.4 demonstrate warmer temperature or lower levels of dissolved oxygen from modelling predictions identified in Appendix 1-1 submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311), implement modified or additional mitigation measures <b>where technically and economically feasible</b> ; and	Identifying practical limits for potential mitigation measures.
3.19.6	monitor surface water quality at the low-level outlet channel prior to any discharge from the reservoir. If the results of the monitoring demonstrate exceedance of parameters identified in Appendix K, Table 2-4 of the Environmental Impact Statement, for water quality of the Elbow River downstream of the outlet channel, the Proponent shall develop and implement modified or additional mitigation measures prior to any subsequent flood operation.	monitor surface water quality at the low-level outlet channel prior to any discharge from the reservoir. If the results of the monitoring demonstrate exceedance of parameters identified in Appendix K, Table 2-4 of the Environmental Impact Statement, for water quality of the Elbow River downstream of the outlet channel, the Proponent shall <del>develop and implement modified or additional mitigation measures prior to any subsequent flood operation</del> <b>determine, in consultation with Environment and Climate Change Canada and other relevant authorities, if additional mitigation measures are required.</b>	Recommending an approach similar to condition 3.19.2 for determining the need for additional mitigation measures.
3.20	The Proponent shall develop and implement, in consultation with Indigenous groups, Fisheries and Oceans Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures as it pertains to channel morphology. As part of the follow-up program, the Proponent shall monitor channel morphology of the Elbow River and outlet channel through Light detection and ranging LiDAR mapping during post-flood operation.	The Proponent shall develop and implement, in consultation with Indigenous groups, Fisheries and Oceans Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures as it pertains to channel morphology. As part of the follow-up program, the Proponent shall monitor channel morphology of the Elbow River and outlet channel <del>through Light detection and ranging LiDAR mapping during post-flood operation.</del>	Clarifying that our experts do not see LiDAR necessarily providing the information required to meet the requirements of this condition. Recommending that part of the condition be removed. IAAC will have an opportunity to review the methods for this follow-up program as part of condition 2.8.
4.2	The Proponent shall give preference to the use of existing access roads and disturbed areas for temporary workspaces and transportation activities over building new access roads and temporary workspace in undisturbed areas, and shall not remove native vegetation when building temporary workspace.	The Proponent shall give preference to the use of existing access roads and disturbed areas for temporary workspaces and transportation activities over building new access roads and temporary workspace in undisturbed areas, and shall not remove native vegetation when building temporary workspace, <b>where practical. Where native vegetation is removed for temporary workspaces, these areas will be revegetated.</b>	Recommending modified wording as it is not practical that native vegetation can be maintained at all temporary workspaces.



**Table 1: Alberta Transportation Feedback on Draft Potential Conditions**

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
4.5	The Proponent shall conduct vegetation removal, and any other activity that could potentially disturb migratory birds, within the project development area outside of the breeding season(s) for migratory birds identified in condition 4.4. If vegetation removal or the conduct of other disturbance activity outside of the breeding season(s) is not technically feasible during any given year, the Proponent shall develop and implement additional mitigation measures, in consultation with relevant authorities, to avoid harm to migratory birds and their nests or eggs. The Proponent shall submit these measures to the Agency prior to implementing them.	The Proponent shall conduct vegetation removal, and any other activity that could potentially disturb migratory birds, within the project development area outside of the breeding season(s) for migratory birds identified in condition 4.4. If vegetation removal or the conduct of other disturbance activity outside of the breeding season(s) is not technically feasible during any given year, the Proponent shall develop and implement additional mitigation measures, in consultation with relevant authorities, to avoid harm to migratory birds and their nests or eggs, <b>such as pre-construction surveys</b> . The Proponent shall submit these measures to the Agency prior to implementing them.	Adding detail to make more specific and to align with existing commitments.
4.6	The Proponent shall remove sediment and debris in the off-stream reservoir within seven days after the draining of the reservoir. If it is not technically feasible for the Proponent to remove sediment and debris within seven days after the draining of the reservoir, the Proponent shall develop and implement additional mitigation measures, in consultation with relevant authorities, to avoid harm to migratory birds and their nests or eggs. The Proponent shall submit these measures to the Agency prior to implementing them.	The Proponent shall <del>remove</del> <b>begin proposed</b> sediment and debris <b>removal activities</b> in the off-stream reservoir within seven days after the draining of the reservoir <b>to avoid migratory bird nesting in the sediment and debris, before removal, where possible</b> . If it is not technically feasible for the Proponent to remove sediment and debris within seven days after the draining of the reservoir, the Proponent shall develop and implement additional mitigation measures, in consultation with relevant authorities, to avoid harm to migratory birds and their nests or eggs. The Proponent shall submit these measures to the Agency prior to implementing them.	Clarifying that Alberta Transportation is not proposing to remove all sediment or debris from the reservoir post-flood. Providing alternate wording assuming that this condition is included to reduce the risk of migratory birds nesting in the post-flood reservoir landscape and then subsequent sediment and debris removal activities harming those newly nested migratory birds.
4.7	For any active migratory bird nests identified during construction or operation, the Proponent shall establish and implement, in consultation with relevant authorities, mitigation measures to avoid destroying, disturbing or taking the nest(s), including by implementing a disturbance setback buffer.	For any active migratory bird nests identified during construction <del>or operation</del> , the Proponent shall establish and implement, in consultation with relevant authorities, mitigation measures to avoid destroying, disturbing or taking the nest(s), including by implementing a disturbance setback buffer. <b>To mitigate potential effects to migratory bird nests during flood operation, the Proponent shall follow the proposed approach outlined in IR4-03, submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).</b>	Referencing Alberta Transportation's proposed approach in IR4-03, submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311), to address migratory bird nests during flood conditions, since standard approaches such as buffers are not practical during a flood.
5.1	The Proponent shall conduct pre-construction surveys to determine the distribution of little brown myotis ( <i>myotis lucifugus</i> ) in the project development area. The Proponent shall establish, in consultation with Indigenous groups and relevant authorities, buffer zones around little brown myotis ( <i>myotis lucifugus</i> ) active roosts identified during the pre-construction surveys or found by the Proponent or brought to the attention of the Proponent by an Indigenous group during any phase of the project. The Proponent shall maintain the buffer zones from their installation and for the duration of the project or until the roosts are permanently abandoned.	The Proponent shall conduct pre-construction surveys to determine the <del>presence</del> <b>presence</b> of little brown myotis ( <i>myotis lucifugus</i> ) <b>roosting sites</b> in the project development area <b>if construction activities are planned to occur during the bat active season (approximately May 1 to September 30)</b> . The Proponent shall establish, in consultation with Indigenous groups and relevant authorities, buffer zones around little brown myotis ( <i>myotis lucifugus</i> ) active roosts identified during the pre-construction surveys or found by the Proponent or brought to the attention of the Proponent by an Indigenous group during any phase of the project. The Proponent shall maintain the buffer zones <b>during construction until it is determined the roosts are no longer active</b> . <del>from their installation and for the duration of the project or until the roosts are permanently abandoned.</del>	Recommending roosting sites are the preferred metric for surveys, rather than little brown myotis themselves. Also recommending buffer zones be considered for construction activities during the bat active season, as buffer zones benefit these activities/timing the most. Finally, recommending removing the term "permanently abandoned" as this requires permanent removal of the roosting area (e.g., tree removal or building removal).
5.7	The Proponent shall direct any drainage pathway, constructed or modified as part of the Designated Project, away from wetlands.	The Proponent shall direct <del>any</del> drainage <del>pathway</del> , constructed or modified as part of the Designated Project, away from wetlands, <b>where practical</b> .	Providing qualifiers because the Diversion Channel intercepts creeks which drains into the reservoir area where there are wetlands.
5.8	The Proponent shall not grub vegetation when undertaking construction work in wetlands.	The Proponent shall not grub vegetation when undertaking construction work in wetlands <b>unless a wetland is to be removed permanently due to construction</b> .	Recommending a qualifier to differentiate for wetlands that will be removed during construction.
5.9	The Proponent shall maintain a distance of 100 metres from any water body and wetland during maintenance activities in the off-stream reservoir, except for weeds and invasive species management and in-stream maintenance activities.	The Proponent shall maintain a distance of 100 metres from any water body and wetland during maintenance activities in the off-stream reservoir <b>unless the water body or wetland are within 100 metres of project infrastructure</b> , except for <b>erosion control activities</b> , weeds and invasive species management, and in-stream maintenance activities.	Recommending additional wording. Some project infrastructure may be constructed within 100 metres of a water body or wetland (e.g., the Diversion Channel or the Dam Structure) and maintenance activities must occur. Also, erosion control activities may also occur within 100 metres of a water body or wetland without being considered in-stream activities.
6.2	The Proponent shall develop, prior to construction, and implement, during construction, a no idling policy for all vehicles within the project development area. The Proponent shall require that all persons abide by this policy, unless not technically feasible or not feasible for health or safety reasons. The Proponent shall submit the policy to the Agency prior to construction.	The Proponent shall develop, prior to construction, and implement, during construction, <del>a no idling policy</del> <b>contractual terms</b> for all vehicles within the project development area. The Proponent shall require that all persons abide by <del>this policy</del> <b>these contractual terms</b> , unless not technically feasible or not feasible for health or safety reasons. The Proponent shall submit the <b>contractual terms</b> <del>policy</del> to the Agency prior to construction.	Clarifying that Alberta Transportation will manage these types of conditions through contractual terms, not policies.

Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
6.3	The Proponent shall develop, prior to construction and in consultation with relevant authorities, and implement during all phases of the Designated Project, measures to maintain baseline air quality and prevent exceedance of the Canadian Council of Ministers of the Environment' Canadian Ambient Air Quality Standards.	The Proponent shall develop, prior to construction and in consultation with relevant authorities, and implement during all phases of the Designated Project, measures to <del>maintain baseline air quality and</del> prevent exceedance of the Canadian Council of Ministers of the Environment' Canadian Ambient Air Quality Standards.	Recommending modified wording to recognize the EIS states there will be times where air quality is predicted to be above baseline conditions. Managing air quality to maintain baseline air quality during construction is not feasible.
6.4	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Health Canada, and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to air quality attributed to the Designated Project. As part of the follow-up program, the Proponent shall:	The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Health Canada, and implement during <del>all phases</del> <b>construction and post-flood operations</b> of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to adverse changes to air quality attributed to the Designated Project. As part of the follow-up program, the Proponent shall:	Recommending removing flood operation and dry operations because neither is expected to affect air quality, as post-flood operations are defined as occurring until post-flood maintenance is complete. Alberta Transportation's construction and post-flood operations monitoring commitments were presented in IR4-04, submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).
6.4.3	monitor total suspended particulate (TSP), coarse particulate matter (PM10) and fine particulate matter (PM2.5) continuously during construction, flood operation and post-flood operation. Monitoring of total suspended particulate and fine particulate matter shall be done at one location between the permanent access road and the diversion channel excavation work, one location at the dam construction site and one location at any borrow source site used, and shall include:	monitor total suspended particulate (TSP), <del>coarse particulate matter (PM10) and fine particulate matter (PM2.5) continuously during construction, and</del> <b>during post-flood operations if determined necessary in consultation with stakeholders and regulatory agencies, flood operation and post-flood operation. During construction,</b> monitoring of total suspended particulate and fine particulate matter shall be done at one location between the permanent access road and the diversion channel excavation work, one location at the dam construction site and one location at any borrow source site used, and shall include:	Recommending removing PM10 monitoring to align with existing commitments. TSP and PM2.5 monitoring have been proposed because they represent a reasonable range of suspended particulate matter and have Federal and Provincial air quality standards. PM10 does not have Federal or Provincial air quality standards. Recommending removing flood operation because reservoir filling does not affect air quality (see rationale for condition 6.4). Aligning post-flood operations monitoring with the commitment made in IR4-04, submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311), which recognized air quality may not need monitoring after every flood event.
6.4.3.2	monitoring, other than through visual observation, during construction, flood operation and post-flood operation.	monitoring, other than through visual observation, during construction, <del>flood operation</del> and post-flood operation <b>if determined to be required in consultation with stakeholders and regulatory agencies.</b>	Recommending removing flood operation because reservoir filling does not affect air quality (see rationale for condition 6.4). Aligning post-flood operations monitoring with the commitment made in IR4-04, submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311), which recognized air quality may not need monitoring after every flood event.
6.4.4	monitor meteorological factors, including wind speed, wind direction and temperature during all phases of the Designated Project;	monitor meteorological factors, including wind speed, wind direction and temperature during <del>construction all phases of the Designated Project and post-flood operations, if post-flood monitoring is determined to be required;</del>	Recommending removing flood operation and dry operations because neither is expected to affect air quality, as post-flood operations are defined as occurring until post-flood maintenance is complete (see rationale for condition 6.4). Aligning post-flood operations monitoring with the commitment made in IR4-04, submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311), which recognized air quality may not need monitoring after every flood event.
6.4.5	use the Canadian Council of Ministers of the Environment' Canadian Ambient Air Quality Standards management levels for nitrogen dioxide and fine particulate matter (PM2.5) and the Canadian Ambient Air Quality Standards Air Zone Management Framework to determine if modified or additional mitigation measures are required based on the results of monitoring conducted in accordance with conditions 6.4.2 and 6.4.3.	<b>use the Alberta Ambient Air Quality Objectives for monitoring at the three nearby ambient monitoring stations to determine effectiveness of mitigation and apply adaptive management, and</b> use the Canadian Council of Ministers of the Environment' Canadian Ambient Air Quality Standards management levels for nitrogen dioxide and fine particulate matter (PM2.5) and the Canadian Ambient Air Quality Standards Air Zone Management Framework <b>at the community monitoring station located in Springbank</b> to determine if modified or additional mitigation measures are required based on the results of monitoring conducted in accordance with conditions 6.4.2 and 6.4.3.	Recommending rewording to align with the commitments made in the Draft Air Quality Management Plan in IR4-04, submitted in the Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311). Alberta Transportation notes that the Canadian Ambient Air Quality Standards 1-hour and 24-hour standards are based on 3-year average metrics. By the time there is sufficient data to use this metric as outlined by the Canadian Council of Ministers of the Environment, construction will be over. Applying these 1-hour and 24-hour as hourly or daily standards on their own is not appropriate and Alberta Transportation would challenge such a concept severely.
7.1	The Proponent shall not exceed the noise limits set out in the U.S. Environmental Protection Agency Office of Noise Abatement and Control document titled <i>Information on levels of environmental noise requisite to protect public health and welfare with an adequate margin of safety</i> for short-term noise exposure during construction.	The Proponent shall not exceed the noise limits set out in the <del>Health Canada U.S. Environmental Protection Agency Office of Noise Abatement and Control</del> document titled <del><i>Information on levels of environmental noise requisite to protect public health and welfare with an adequate margin of safety</i></del> <b>Guidance for Evaluating Human Health Impacts in Environmental Assessment: Noise</b> for short-term noise exposure during construction.	Recommending modifying the documentation to align with the Federal guidance considered in the EIS.

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Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
7.3	The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a protocol for receiving complaints related to exposure to noise attributable to the Designated Project. The Proponent shall provide the protocol to the Agency prior to construction and shall implement it during construction. As part of the implementation of the protocol, the Proponent shall respond to any noise complaint attributed to any component of the Designated Project within 48 hours of the complaint being received and shall implement any corrective action, if required to reduce exposure to noise, in a timely manner.	The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a protocol for receiving complaints related to exposure to noise attributable to the Designated Project. The Proponent shall provide the protocol to the Agency prior to construction and shall implement it during construction. As part of the implementation of the protocol, the Proponent shall respond to any noise complaint attributed to any component of the Designated Project <del>within 48 hours of the complaint being received</del> <b>expeditiously</b> and shall implement any corrective action, if required to reduce exposure to noise, in a timely manner.	Recommending modifying the complaint response timing to reflect practical limitations of a 48-hour response time under certain situations. The term “expeditiously” is taken from the Alberta Utilities Commission Rule 12: Noise Control guidance for complaint response.
7.5	The Proponent shall implement, during all phases of the Project, measures to mitigate fugitive dust emissions attributable to the Designated Project. As part of the measures, the Proponent shall:	The Proponent shall implement, during <del>all phases of the Project</del> construction and post-flood operations, measures to mitigate fugitive dust emissions attributable to the Designated Project. As part of the measures, the Proponent shall:	Recommending removing flood operation and dry operations because neither is expected to affect air quality (see rationale for condition 6.4).
7.5.2	apply dust suppressant on the project permanent access roads during all phases of the Designated Project. The Proponent shall select, in consultation with relevant authorities, dust suppressants with the least potential effects on human health and the environment.	apply dust suppressant on the project permanent access roads during <del>all phases of the Designated Project</del> <b>construction</b> . The Proponent shall select, in consultation with relevant authorities, dust suppressants with the least potential effects on human health and the environment.	Recommended modifying to recognize construction will be the only phase with traffic volumes that warrant the effort and cost of dust suppressants.
7.6	The Proponent shall decommission and plug off water wells located within the project development area that are not used to monitor groundwater quality pursuant to condition 7.9.1, prior to construction.	The Proponent shall decommission and plug off water wells located within the project development area that are not used to monitor groundwater quality pursuant to condition 7.9.1, prior to <del>construction</del> <b>flood operations</b> .	Aligning with EIS wording. This decommissioning cannot entirely occur prior to construction.
7.7	The Proponent shall monitor, at a minimum twice prior to construction and weekly during flood operation, total mercury and methylmercury levels in the Elbow River upstream of the intake structure, in the off-stream reservoir, and in the low-level outlet downstream of the off-stream reservoir outlet gate. The Proponent shall measure total mercury and methylmercury levels in accordance with the Response to the IAAC Information Request Technical Review Round 2 Package 4 - 01 to 04, IR4-02 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311) and shall determine, in consultation with Environment and Climate Change Canada, if modified or additional mitigation measures are required based on the results of the monitoring.	The Proponent shall monitor, at a minimum twice prior to construction and weekly during <del>post-flood</del> <b>post</b> -flood operation, total mercury and methylmercury levels in the Elbow River upstream of the <del>intake structure</del> <b>Diversion Inlet</b> , in the off-stream reservoir, and in the low-level outlet downstream of the off-stream reservoir outlet gate. The Proponent shall measure total mercury and methylmercury levels in accordance with the Response to the IAAC Information Request Technical Review Round 2 Package 4 - 01 to 04, IR4-02 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311) and shall determine, in consultation with Environment and Climate Change Canada, if modified or additional mitigation measures are required based on the results of the monitoring.	Recommending monitoring be conducted during post-flood operations; during flood operation may pose safety risks. Aligning wording for the naming of the Diversion Inlet with the EIS.
7.8.1	monitor, simultaneously and prior to flood operation, total mercury, methylmercury, carbon-13 and nitrogen-15 stable isotopes concentration, fish age and morphometric date in fish muscle. The Proponent shall monitor a minimum of 12 adult fish of a top predatory fish species at each site and shall co-locate fish sampling with sampling for mercury in water at two sites downstream and upstream the project development area;	monitor, <del>simultaneously and prior to flood operation</del> , total mercury, methylmercury, carbon-13 and nitrogen-15 stable isotopes concentration, fish age and morphometric date in fish muscle <b>concurrently. The monitoring will occur prior to flood operations.</b> The Proponent shall <del>monitor</del> <b>sample</b> a minimum of 12 adult fish of a top predatory fish species at each site and shall co-locate fish sampling with sampling for mercury in water at two sites downstream and upstream the project development area;	Aligning with EIS wording and clarifying condition.
7.9.1	monitor groundwater level, major ions, dissolved metals, nutrients, benzene, toluene, ethylbenzene, xylenes (BTEX), F1 to F2 fraction hydrocarbons, and bacteriological parameters at locations selected from existing domestic wells and locations identified in Figure 7-1 of Appendix IR15-1 submitted in the Response to Information Request Round 1 package 3 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1260) between the project development area and Tsuut'ina Nation 145 Reserve during dry operation and at the start of post-flood operation;	monitor groundwater level, major ions, dissolved metals, nutrients, benzene, toluene, ethylbenzene, xylenes (BTEX), F1 to F2 fraction hydrocarbons, and bacteriological parameters at locations selected from existing domestic wells and <b>finalized monitoring</b> locations <b>similar to those</b> identified in Figure 7-1 of Appendix IR15-1 submitted in the Response to Information Request Round 1 package 3 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1260) between the project development area and Tsuut'ina Nation 145 Reserve during dry operation and at the start of post-flood operation <b>according to the tiered monitoring approach</b> ;	Clarifying that the draft groundwater monitoring plan referred to in the condition is still to be finalized and is based on a tiered monitoring approach. As written, this condition addresses only a portion of the proposed groundwater monitoring plan and could be interpreted as a much more intensive program than proposed without the tiered approach.
7.9.2	report the results of monitoring referred to in condition 7.9.1 to Tsuut'ina Nation145 Reserve;	report the results of monitoring referred to in condition 7.9.1 to Tsuut'ina Nation145 Reserve <b>as part of the groundwater monitoring annual report</b> ;	Clarifying that this reporting will be part of the groundwater monitoring report already committed to for the project, not a second report.
7.9.3	if the results of the monitoring referred to in condition 7.9.1 demonstrate any exceedance of thresholds for parameters identified in Health Canada Guidelines for Canadian Drinking Water Quality, the Proponent shall determine, in consultation with the parties involved in the development of the follow-up program, if the source of exceedance is attributable to the Designated Project and develop and implement modified or additional mitigation measures for any such exceedance.	if the results of the monitoring referred to in condition 7.9.1 demonstrate any <b>new</b> exceedance of thresholds <b>above baseline conditions</b> for parameters identified in Health Canada Guidelines for Canadian Drinking Water Quality, the Proponent shall determine, in consultation with the parties involved in the development of the follow-up program, if the source of exceedance is attributable to the Designated Project and develop and implement modified or additional mitigation measures for any such exceedance.	Recommending referencing baseline conditions as baseline groundwater quality does not comply with drinking water standards now for some parameters.
8.1.2	revegetate the diversion channel, earthen embankment and floodplain berm prior to operation;	revegetate the diversion channel, earthen embankment and floodplain berm prior to operation <b>as per the project design</b> ;	Clarifying that revegetation of the entire diversion channel, earthen embankment and floodplain berm are not proposed.



Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
8.1.4	reclaim the surface drainage patterns of the area.	<del>reclaim</del> <b>stabilize</b> the surface drainage patterns of the area <b>as per the project design.</b>	Recommending an addition to confirm part of the project design includes altering surface drainage patterns in some areas.
8.3	The Proponent shall conduct pre-construction surveys to determine the presence of grizzly bear ( <i>Ursus arctos</i> ) western population dens in the project development area. The Proponent shall establish, in consultation with Indigenous groups and relevant authorities, no-work buffer zones around grizzly bear ( <i>Ursus arctos</i> ) western population dens identified during the pre-construction surveys or found by the Proponent or brought to the attention of the Proponent by an Indigenous group during any phase of the Designated Project. The Proponent shall maintain the buffer zones from their establishment and throughout operation.	The Proponent shall conduct pre-construction surveys to determine the presence of grizzly bear ( <i>Ursus arctos</i> ) western population dens in the project development area <b>if construction activities are planned during the grizzly bear denning period (October 1 to April 30) and in areas where there is suitable grizzly bear denning habitat.</b> The Proponent shall establish, in consultation with Indigenous groups and relevant authorities, no-work buffer zones around active grizzly bear ( <i>Ursus arctos</i> ) western population dens identified during the pre-construction surveys or found by the Proponent or brought to the attention of the Proponent by an Indigenous group during any phase of the Designated Project. The Proponent shall maintain the buffer zones <del>from their establishment and throughout operation</del> <b>on active grizzly bear dens if construction activities are planned during the restricted activity period (October 1 to April 30). The Proponent shall monitor active grizzly bear dens if construction activities overlap the denning period (October 1 to April 30) to determine den status and shall only remove buffer zones once an active den is determined to be no longer occupied. If there is no construction activity planned between October 1 and April 30 in areas that provide suitable grizzly bear denning habitat, the Proponent will notify the Agency that a pre-construction grizzly bear den survey is not required.</b>	Recommendation additional detail on denning period, the presence of grizzly bear habitat and the presence of active grizzly bear dens to reduce the likelihood this condition would prevent construction from proceeding.
8.7	The Proponent shall provide the Agency and Indigenous groups with the final project design within seven days of its finalization and shall notify Indigenous groups at least 30 days in advance of construction to allow Indigenous groups to catalogue, harvest and transplant traditional and medicinal plants present within the project development area. The Proponent shall identify and implement, in consultation with Indigenous groups, time periods during which maintenance activities shall not occur within the project development area to accommodate Indigenous harvesting activities, unless if maintenance activities are necessary for safety reasons.	The Proponent shall provide the Agency and Indigenous groups with the final project design within seven days of its finalization and shall notify Indigenous groups at least 30 days in advance of construction <b>and provide the final construction disturbance limits</b> to allow Indigenous groups to catalogue, harvest and transplant traditional and medicinal plants present within the project development area. The Proponent shall identify and implement, in consultation with Indigenous groups, time periods during which maintenance activities shall not occur within the project development area to accommodate Indigenous <b>plant</b> harvesting activities, unless if maintenance activities are necessary for safety reasons.	Recommending the addition of disturbance limits to help Indigenous groups with planning 30 days in advance of construction. Alberta Transportation assumes the harvesting activities discussed at the end of the condition are plant harvesting activities. If this is meant to be broader than plant harvesting, this condition should be reworded to align with the harvesting discussion related to First Nations and other Indigenous groups discussed in the letter above.
8.8	The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a Land Use Plan to support and prioritize Indigenous groups' practice of traditional activities within the project development area, and implement the Plan during all phases of the Designated Project. As part of the Land Use Plan, the Proponent shall:	<p>The Proponent shall <del>develop</del> <b>initiate</b>, prior to construction <b>and finalize, one year prior to operations</b>, in consultation with <b>First Nations, stakeholders (including Métis and non-status Nations) and the public in Alberta</b>, a Land Use Plan to support and prioritize <b>consistent with the draft land use principles, First Nations' Indigenous groups'</b> practice of traditional activities within the project development area, and implement the Plan during all phases of the Designated Project. As part of the Land Use Plan, the Proponent shall:</p> <p><u>Recommended new sub-conditions:</u></p> <p><b>prior to construction, clarify the use of the site by Indigenous groups for the purpose of harvesting plants before construction begins;</b></p> <p><b>prior to construction, clarify the restrictions on the site during construction to ensure safety and the timely completion of the project;</b></p> <p><b>prior to construction, confirm the nature of the role of First Nations monitors as it relates to the land use principles;</b></p>	Revising timing for planning and consultation to <i>initiate</i> prior to construction to avoid delaying project construction due to public consultation requirements. Also, the Land Use Plan is not required prior to construction because access to the project development area will be limited for safety reasons. Clarifying that for land use items, First Nations are distinct from the broader definition of Indigenous groups as discussed in the letter above. Highlighting that land use priorities are outlined in the draft land use guiding principles in IR4-05, submitted in the Response to Information Request Round 2 Package 4 -05 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1312), which state the top priorities for the project development area are flood management and safety. Providing additional sub-conditions to condition 8.8 for consideration for better alignment with Alberta Transportation's proposed approach to land use during the construction of the project.



Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
8.8.1	secure for the exclusive use by Indigenous groups, sufficient land area within the project development area to support Indigenous traditional use activities, including hunting, plant gathering, trapping, fishing and access to cultural sites;	<del>secure for the exclusive use by Indigenous groups, sufficient land area within the project development area to support Indigenous traditional use activities, including hunting, plant gathering, trapping, fishing and access to cultural sites;</del>  <b>consistent with the draft land use principles and subject to engagement under the Government of Alberta's land use planning tools or subject to relevant tools within the Government of Alberta's authorities, provide sufficient land area within the project disturbance area to allow First Nations priority access for hunting, trapping, and fishing. Consistent with the draft land use principles and other commitments by the proponent, develop a program with Indigenous groups to facilitate access within the project development area for plant gathering and access to current use sites. First Nations priority use of the project area will be accomplished through:</b> <ul style="list-style-type: none"><li>- <b>development of a Land Use Plan through consultation with First Nations and the public.</b></li><li>- <b>development of a First Nations Land Use Advisory Committee.</b></li><li>- <b>restrictions of other incompatible uses (including recreational motorized access).</b></li><li>- <b>undertaking reasonable steps to ensure that the reservoir is safe so that secondary uses can resume.</b></li><li>- <b>no non flood related permanent or temporary infrastructure will be permitted in the reservoir.</b></li><li>- <b>opportunities for meaningful participation in monitoring activities.</b></li></ul>	Aligning with draft land use guiding principles in IR4-05, submitted in the Response to Information Request Round 2 Package 4 -05 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1312).
8.8.2	provide maps of the land use areas identified pursuant to condition 8.8.1 to the Agency and Indigenous groups prior to construction;	<del>provide maps of the reflecting areas of access to the Agency and Indigenous groups</del> <b>during the pre-construction and construction phases of the project. Maps reflecting</b> land use areas identified pursuant to condition 8.8.1 <b>will be provided</b> to the Agency and Indigenous groups <b>at the conclusion of engagement in the first condition</b> <del>prior to construction;</del>	Recommending alternate wording to reflect the timing of when the Land Use Plan will be finalized compared to start of construction and start of operations, while still providing maps for access during pre-construction and construction.
8.8.3	install, prior to construction, signage at the limits of the land use areas identified pursuant to condition 8.8.1 encouraging low noise level use of the land adjacent to the land use areas and indicating the potential presence of Indigenous peoples exercising their Treaty rights to hunt for food and the use of hunting weapons;	<del>install, prior to construction</del> <b>operations</b> , signage at the limits of the land use areas identified pursuant to condition 8.8.1 encouraging low noise level use of the land adjacent to the land use areas and indicating the potential presence of <del>Indigenous peoples</del> <b>First Nations</b> exercising their Treaty rights to hunt for food and the use of hunting weapons;	Revising timing for planning and consultation to before operations to avoid delaying project construction. The Land Use Plan is not required prior to construction because access to the project development area will be limited for safety reasons. In Alberta, Treaty rights to hunt are related to First Nations as discussed in the letter above.
8.8.4	provide access to Indigenous groups to the land use areas identified pursuant to condition 8.8.1 during all phases of the Designated Project, to the extent that such access is safe. The Proponent shall notify Indigenous groups in a timely manner if access must be prohibited for safety reasons.	<del>provide access to Indigenous groups</del> <b>First Nations</b> to the land use areas identified pursuant to condition 8.8.1 during <del>all</del> <b>operational</b> phases of the Designated Project, to the extent that such access is safe <b>and considered appropriate, such as reclamation activities or environmental mitigation efforts.</b> The Proponent shall notify <del>Indigenous groups</del> <b>First Nations through committee meetings</b> in a timely manner if access must be prohibited for safety reasons.	Revising timing for planning and consultation to before operations to avoid delaying project construction. Also, the Land Use Plan is not required prior to construction because access to the project development area will be limited for safety reasons. Adding wording "considered appropriate" with examples as there may be other reasons to alter access other than safety, such as rehabilitation/reclamation project or environmental mitigation efforts. Clarifying that for land use items, First Nations are distinct from the broader definition of Indigenous groups as discussed in the letter above.
8.9	The Proponent shall establish, in consultation with Indigenous groups, a staging area for Indigenous traditional use activities in close proximity to the land use areas identified in condition 8.8. The Proponent shall provide maps to the Agency and Indigenous groups of the staging area prior to construction.	The Proponent shall establish, in consultation with <del>Indigenous groups</del> <b>First Nations</b> , a staging area for <del>Indigenous</del> <b>First Nation's</b> traditional use activities in close proximity to the land use areas identified in condition 8.8. The Proponent shall provide maps to the Agency and <del>Indigenous groups</del> <b>First Nations</b> of the staging area prior to construction.	Clarifying that for land use items, First Nations are distinct from the broader definition of Indigenous groups as discussed in the letter above.
8.10	The Proponent shall provide unimpeded access to the staging area identified in condition 8.9, except during the flood operation when access to the staging area may be prohibited for safety reasons. The Proponent shall communicate to Indigenous groups the closure of the staging area when required for safety reasons during flood season.	The Proponent shall provide unimpeded access to the staging area identified in condition 8.9, except during the flood operation when access to the staging area may be prohibited for safety reasons, <b>or any other time where access is limited due to safety considerations.</b> The Proponent shall communicate to <del>Indigenous groups</del> <b>First Nations</b> the closure of the staging area when required for <del>safety</del> <b>any</b> reasons <del>during flood season.</del>	Clarifying that safety is a priority item at any time in the project life, not just during flood operations. Clarifying that for land use items, First Nations are distinct from the broader definition of Indigenous groups as discussed in the letter above.

Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
8.11	The Proponent shall establish, prior to construction and in consultation with Indigenous groups, and maintain, throughout construction and operation, a Land Use Advisory Committee (the committee) to support the development and implementation of the Land Use Plan identified in condition 8.8. The Proponent shall invite Indigenous groups to participate in all committee activities. As part of the establishment of the committee, the Proponent shall co-develop Terms of Reference for the committee with Indigenous groups. The Proponent shall submit the completed Terms of Reference to the Agency prior to construction. The Terms of Reference shall include:	The Proponent shall establish, prior to construction and in consultation with Indigenous groups, and maintain, throughout construction and operation, a <b>First Nation</b> Land Use Advisory Committee (the committee) to support the development and implementation of the Land Use Plan identified in condition 8.8. <b>The purpose of the committee should be assessed every ten years.</b> The Proponent shall invite <del>Indigenous groups</del> <b>First Nations</b> to participate in all committee activities. As part of the establishment of the committee, the Proponent shall co-develop Terms of Reference for the committee with <del>Indigenous groups</del> <b>First Nations</b> . The Proponent shall submit the completed Terms of Reference to the Agency prior to construction. The Terms of Reference shall include:	Clarifying that the Land Use Advisory Committee is for First Nations as discussed in the letter above. Also, recommending the purpose of the Land Use Advisory Committee be assessed every ten years, as the need for the committee may evolve over time.
8.12.1	monitor the composition and abundance of natural re-vegetation occurring in the drained reservoir, for the first six months of post-flood operation; and	monitor the composition and abundance of natural re-vegetation occurring in the drained reservoir, for the first <del>six</del> <b>twelve</b> months of post-flood operation; and	Recommending rewording recognizing that six months post-flood event is likely winter which would not allow as much regrowth.
8.12.2	develop and implement additional mitigation measures if the results of the monitoring referred to in condition 8.12.1 demonstrate that additional mitigation measures are required to promote successful re-vegetation of the drained reservoir. As part of these measures, the Proponent shall mitigate wind erosion through the application of a tackifier.	develop and implement additional mitigation measures if the results of the monitoring referred to in condition 8.12.1 demonstrate that additional mitigation measures are required to promote successful re-vegetation of the drained reservoir. As part of these measures, the Proponent shall mitigate wind erosion through <b>measures such as hydroseeding or</b> the application of a tackifier.	Clarifying that tackifiers are not the only mitigation that has been proposed, and over the duration of the project life, alternate mitigations may become available. Alberta Transportation does not want to limit mitigations to a single measure.
9.1	The Proponent shall retain, prior to construction, the services of Indigenous monitors from all Indigenous groups to observe, record, and report on the implementation, throughout construction, of requirements set out in this document including the archeological and heritage management plan referred to in condition 9.3. Prior to retaining the services of Indigenous monitors, the Proponent shall determine, in consultation with Indigenous groups, the scope, purpose and objectives of the participation of Indigenous monitors and shall provide that information to the Agency prior to construction.	The Proponent shall <del>retain</del> <b>provide opportunities</b> , prior to construction, <b>for</b> the services of Indigenous monitors from <del>all interested and available</del> Indigenous groups to observe, record, and report on the implementation, throughout construction, of requirements set out in this document including the archeological and heritage management plan referred to in condition 9.3. Prior to retaining the services of Indigenous monitors, the Proponent shall determine, in consultation with Indigenous groups, the scope, purpose and objectives of the participation of Indigenous monitors and shall provide that information to the Agency prior to construction.	Recommending rewording as Alberta Transportation cannot ensure all Indigenous groups will be interested or available to participate as monitors.
9.2	The Proponent shall develop and implement, prior to construction and in consultation with Indigenous groups and Alberta Culture and Tourism, a historic resource impact assessment of the project development area. The Proponent shall apply the archaeological and heritage management plan pursuant to condition 9.3 to structures, sites, or things of historical, archaeological, paleontological, or architectural significance or physical or cultural heritage resources identified as part of the historic resource impact assessment.	The Proponent shall develop and implement, prior to construction and in consultation with Indigenous groups and <del>Alberta Culture and Tourism</del> <b>in accordance with existing provincial legislation, regulations, policies and procedures administered by Alberta Culture, Multiculturalism and Status of Women</b> , a historic resource impact assessment of the project development area. The Proponent shall apply the archaeological and heritage management plan pursuant to condition 9.3 to structures, sites, or things of historical, archaeological, paleontological, or architectural significance or physical or cultural heritage resources identified as part of the historic resource impact assessment.	Recommending an addition to reflect existing provincial legislation and regulations in Alberta. This recommended change comes from staff at Alberta Culture, Multiculturalism and Status of Women.
9.3	The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Alberta Culture and Tourism, and implement, during construction and operation, an archaeological and heritage management plan for any structures, sites, or things of historical, archaeological, paleontological, or architectural significance or physical or cultural heritage resources within the project development area, including, but not limited to sites and things subject the Alberta Historical Act. The archaeological resources and heritage management plan shall include:	The Proponent shall develop, prior to construction and in consultation with Indigenous groups, <del>Alberta Culture and Tourism</del> <b>and in accordance with existing provincial legislation, regulations, policies and procedures administered by Alberta Culture, Multiculturalism and Status of Women</b> , and implement, during construction and operation, an archaeological and heritage management plan for any structures, sites, or things of historical, archaeological, paleontological, or architectural significance or physical or cultural heritage resources within the project development area, including, but not limited to sites and things subject <b>to</b> the Alberta Historical <b>Resources Act</b> . The archaeological resources and heritage management plan shall include:	Recommending additions to reflect existing provincial legislation and regulations in Alberta. These recommended changes come from staff at Alberta Culture, Multiculturalism and Status of Women.
9.7	The Proponent shall have a qualified individual conduct paleontological monitoring during construction when:	The Proponent shall have a qualified individual conduct paleontological monitoring during construction <b>in accordance with requirements and conditions issued under the Alberta Historical Resources Act</b> when:	Recommending an addition to reflect existing provincial legislation and regulations in Alberta. This recommended change comes from staff at Alberta Culture, Multiculturalism and Status of Women.
9.7.4	using open cut methods for relocation of pipelines and utilities under the diversion channel.	<b>if pipeline operators are</b> using open cut methods for relocation of pipelines and utilities under the diversion channel.	Clarifying wording since Alberta Transportation has no control over the relocation method used by a third-party pipeline operator.

Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
9.9	The Proponent shall develop, prior to construction and in consultation with Indigenous groups and Alberta Culture and Tourism, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures for effects to any structures, sites, or things of historical, archaeological, paleontological, or architectural significance or physical or cultural heritage resources. The Proponent shall implement the followup program during all phases of the Designated Project and submit the results of the follow-up program to Alberta Culture and Tourism.	The Proponent shall develop, prior to construction and in consultation with Indigenous groups and <del>Alberta Culture and Tourism</del> <b>Alberta Culture, Multiculturalism and Status of Women</b> , a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures for effects to any structures, sites, or things of historical, archaeological, paleontological, or architectural significance or physical or cultural heritage resources. The Proponent shall implement the followup program during all phases of the Designated Project and submit the results of the follow-up program to <del>Alberta Culture and Tourism</del> <b>Alberta Culture, Multiculturalism and Status of Women</b> .	Clarifying the name of the agency.
10.1.1	update the probable maximum precipitation and hydrologic modelling for the Designated Project, including the parameters values, the precipitation variations and spatial and temporal evolution of the 2013 Alberta flood;	update, <b>as necessary</b> , the probable maximum precipitation and hydrologic modelling for the Designated Project, including the parameters values, the precipitation variations and spatial and temporal evolution of the 2013 Alberta flood;	Clarifying that the probable maximum precipitation and hydrological modelling are up to date currently. If there is a specific factor that this condition is requesting be updated, this should be clarified.
10.1.6	ensure that all electrically-powered components of the Project have backup generators and can be manipulated manually , if required.	ensure that all <b>critical</b> electrically-powered components of the Project have backup generators and <b>the gate systems</b> can be manipulated <del>manually through</del> <b>an alternate means, such as external drill-pack or external air compressor, if required</b> .	Providing specificity related to the gate system. Also, only critical electrically powered components need back-up generators, other components can remain unpowered if power is lost.
10.2	The Proponent shall consult, prior to construction, Indigenous groups on the measures to be implemented to prevent accidents and malfunctions.	The Proponent shall consult, prior to construction, Indigenous groups on the measures to be implemented to prevent accidents and malfunctions <b>related to construction activities. If specific measures cannot be consulted on 60 days prior to construction, consultation will be conducted 60 days before the specific activities related to the accidents and malfunctions commence.</b>  <b>The Proponent shall consult, prior to operations, Indigenous groups on the measures to be implemented to prevent accidents and malfunctions related to operations activities.</b>	Recommending revisions because some of the measures to manage accidents and malfunctions during construction will be the responsibility of the Prime construction contractor on behalf of Alberta Transportation, and the Prime contractor may not have been selected 60 days in advance of construction commencement. Recommending separating the timing for consultation between construction activities and operation activities to allow more time for the consultation on operations without delaying construction.
10.3	The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, an accident and malfunction response plan in relation to, and for all phases of the Designated Project. The accident and malfunction plan shall include:	The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, an accident and malfunction response plan in relation to <b>construction activities that are the responsibility of Alberta Transportation to respond to</b> , <del>and for all phases of the Designated Project</del> . The Proponent shall develop, prior to <del>construction</del> <b>operation</b> and in consultation with Indigenous groups and relevant authorities, an accident and malfunction response plan in relation to <b>operational activities that are the responsibility of Alberta Transportation to respond to</b> , <del>and for all phases of the Designated Project</del> . The accident and malfunction plan shall include:	Recommending separating the timing for plan development and consultation between construction activities and operation activities to allow more time for the planning and consultation on operations without delaying construction. Clarifying that Alberta Transportation is not responsible for emergency management and response for third parties operating on or in proximity to the site, such as pipeline operators. Since Alberta Transportation is not responsible for emergency management and response for these events, the project accident and malfunction plan cannot consider these events.
10.3.1	the types, location, and quantities of all substances expected to be stored and transported by pipelines within the project development area that may cause adverse environmental effects in case of a spill;	the types, location, and quantities of all substances expected to be stored and transported <del>by pipelines</del> <b>by Alberta Transportation or Alberta Environment and Parks</b> within the project development area that may cause adverse environmental effects in case of a spill;	Clarifying that Alberta Transportation is not responsible for emergency management and response for third parties operating on or in proximity to the site, such as pipeline operators. Since Alberta Transportation is not responsible for emergency management and response for these events, the project accident and malfunction plan cannot consider these events.
10.3.2	a description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project, including fire, spills and overtopping, failure or breach of the auxiliary spillway and pipeline rupture;	a description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project, including fire, spills and overtopping, failure or breach of the auxiliary spillway <del>and pipeline rupture</del> ;	Clarifying that Alberta Transportation is not responsible for emergency management and response for third parties operating on or in proximity to the site, such as pipeline operators. Since Alberta Transportation is not responsible for emergency management and response for these events, the project accident and malfunction plan cannot consider these events.
10.5.2	notify, as soon as possible, Indigenous groups and relevant authorities of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. For the notification to Indigenous groups and the Agency, the Proponent shall specify:	notify, as soon as possible, Indigenous groups and relevant authorities of the accident or malfunction, and notify the Agency in writing <del>no later than 24 hours</del> <b>as soon as practical</b> following the accident or malfunction. For the notification to Indigenous groups and the Agency, the Proponent shall specify:	Recommending the timeline requirement be flexible. For a public safety project, accident and malfunction response activities may have to be prioritized over regulatory notifications in the short term.

Table 1: Alberta Transportation Feedback on Draft Potential Conditions

Condition Number	IAAC Potential Condition	Alberta Transportation's Recommendation Strikethrough = text removed Bold = text added	Rationale for Recommendations
11.1	The Proponent shall submit to the Agency a schedule for all conditions set out in this document no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this document and the commencement and estimated completion month(s) and year(s) for each of these activities.	The Proponent shall submit to the Agency a schedule for all conditions set out in this document no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this document and the commencement and estimated completion month(s) and year(s) for each of these activities. <b>If specific conditions cannot be scheduled 60 days prior to construction, an updated schedule will be provided for these conditions 60 days before their related activities commence.</b>	Recommending revisions because some of the conditions will be met (and scheduled) by the Prime construction contractor on behalf of Alberta Transportation, and the Prime contractor may not have been selected 60 days in advance of construction commencement.
11.2	The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities, including the commencement and estimated completion of each of the three construction phases, the commencement of the operation phase and the commencement of the operation phase at which the Designated Project operates at its full operational capacity.	The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities, including the commencement and estimated completion of each of the three construction phases, the commencement of the operation phase and the commencement of the operation phase at which the Designated Project operates at its full operational capacity. <b>If specific activities cannot be scheduled 60 days prior to construction, an updated schedule will be provided for these activities 60 days before the specific activities commence.</b>	Recommending revisions because some of the activities required to carry out the project will be planned (and scheduled) by the Prime construction contractor on behalf of Alberta Transportation, and the Prime contractor may not have been selected 60 days in advance of construction commencement.
<b>Notes:</b> Strikethrough formatting has been applied to text Alberta Transportation recommends be removed from the potential conditions. Bold formatting has been applied to text Alberta Transportation recommends be added to the potential conditions.			

Table 2: Factual Corrections for the draft Environmental Assessment Report

Report Section	Hard Copy Page	IAAC Report Text to Be Corrected	Alberta Transportation's Recommended Correction — = correction not provided Strikethrough = text removed Bold = text added	Rationale for Correction
Executive Summary	iii	approximately 18.5 km west of Calgary	Approximately <del>18.5</del> <b>15 km</b> west of Calgary	Aligning wording with EIS information.
Executive Summary	iii	towards a natural floodplain	towards a natural <del>floodplain</del> <b>topographic low</b>	Aligning wording with EIS information.
1	11	constructed in an adjacent wetland	constructed in an <del>adjacent wetland</del> <b>natural topographic low</b>	Aligning wording with EIS information.
1	11	and have a 100 year operating life	and <del>have a 100 year operating life</del> <b>will operate indefinitely</b>	Aligning wording with EIS information.
2.1	17	For all valued components, the Proponent used the following temporal boundary of construction over a 36 month period, with a 100 year operations life of the project alternating between dry operations, flood and post-flood phases.	For all valued components, the Proponent used the following temporal boundary of construction over a 36 month period, <del>with a 100 year</del> <b>and an indefinite</b> operations life of the project alternating between dry operations, flood and post-flood phases.	Aligning wording with EIS information to indicate this project does not have a closure date.
2.1	19	The RAA was based on the regional hydrogeological conditions for the numerical groundwater model. It extended from the Elbow River floodplain and terrace to the south, to a surface and shallow groundwater flow divide in the north and to Jumpingpound Creek in the west. The RAA had a total area of 14,000 hectares.	<del>The RAA was based on the regional hydrogeological conditions for the numerical groundwater model. It extended from the Elbow River floodplain and terrace to the south, to a surface and shallow groundwater flow divide in the north and to Jumpingpound Creek in the west. The RAA had a total area of 14,000 hectares.</del> <b>The RAA supports physically-based boundary conditions for the numerical groundwater model. The RAA covered approximately 43,050 ha and is bounded by a surface and shallow groundwater flow divide in the north, the composite of the subwatersheds of three small tributaries to the Elbow River in the northwest, the Elbow River watershed boundary to the south, with the eastern/downstream extent bounded by a subwatershed just west of Glenmore Reservoir.</b>	Aligning with the updated hydrogeology assessment in Section 2.2 of Appendix IR 14-1 submitted in the Response to Information Request Round 1 Package 3 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1260).
2.1	18	The LAA also included habitats from the Elbow Falls to the inlet of the reservoir	The LAA also included habitats from the Elbow Falls to the inlet of the <b>Glenmore</b> reservoir	Including reservoir name.
2.2	25	The Project components are depicted in Figure 5 and described below. A video of the Springbank Off-Stream Reservoir Project Conceptual Animation (Alberta Transportation, August 2017) can be accessed here: <a href="https://www.youtube.com/watch?v=INP5dKTiJ0Y">https://www.youtube.com/watch?v=INP5dKTiJ0Y</a>	The Project components are depicted in Figure 5 and described below. A video of the Springbank Off-Stream Reservoir Project Conceptual Animation (Alberta Transportation, <del>August 2017</del> <b>November 2020</b> ) can be accessed here: <a href="https://www.youtube.com/watch?v=HSi0iF3ECj0">https://www.youtube.com/watch?v=HSi0iF3ECj0</a>	Providing the link to the most recent video.



Table 2: Factual Corrections for the draft Environmental Assessment Report

Report Section	Hard Copy Page	IAAC Report Text to Be Corrected	Alberta Transportation's Recommended Correction — = correction not provided Strikethrough = text removed Bold = text added	Rationale for Correction
2.2	26	Diversion System - global change	<b>Diversion Structure</b> - global change	Aligning wording with correct project components names.
2.2	26	Debris deflector - global change	<b>Debris deflection barrier (DDB)</b> - global change	Aligning wording with correct project components names.
2.2	26	The auxiliary spillway, a dam safety component, would be a solid concrete spillway (concrete cut-out) structure that would be covered with an earthen embankment to convey excess flood flow without overtopping failure, or circumventing the floodplain berm.	The auxiliary spillway, a dam safety component, would be a solid concrete spillway ( <del>concrete cut-out</del> ) structure that would be covered with an earthen embankment to convey excess flood flow without overtopping failure, or circumventing the floodplain berm.	The auxiliary spillway is not a 'concrete cut-out'.
2.2	26	During flood operations, water levels would rise to a height where the debris deflector is within the current extent of Elbow River.	—	Alberta Transportation notes that the debris deflection barrier is located within the current bed-and shore of the river regardless of water level.
2.2	26	The diversion channel would be a 4,700 metre long channel with a bottom width of 22 metres and channel depth of 8.3 metres, located on the south end of the reservoir and off-stream dam and east of the Elbow River.	The diversion channel would be a 4,700 metre long channel with a bottom width of <del>22</del> <b>24</b> metres and <del>channel depth of 8.3 metres,</del> <b>channel depths that vary along its length with topography. It is</b> located on the south end of the reservoir and off-stream dam, and east of the Elbow River.	Diversion channel depth is not a fixed 8.3 metres and varies along its length with topography. Diversion channel bottom width is now 24 m (based on the 2019 Preliminary Design Report) and not 22 m (which was from the 2017 Interim Design Report).
2.2	26	The emergency spillway would be a 200 metre long concrete structure on the diversion channel that would permit unregulated overflow first to a graded outlet channel and then overland to the Elbow River.	The emergency spillway would be a <del>200</del> <b>136</b> metre long concrete structure on the diversion channel that would permit unregulated overflow first to a graded outlet channel and then overland to the Elbow River.	Aligning wording with correct project component details.
2.2	27	The second embankment would be approximately 400 metres long with a maximum embankment height of 23 metres.	The second embankment would be approximately 400 metres long with a maximum embankment height of <del>23</del> <b>11</b> metres.	Aligning wording with correct project components details.
2.2	27	At the maximum designed flood event (2013 design flood), the flooded reservoir would cover an area of 730 hectares and the duration of diversion would be 3.75 days, with a residence time in the reservoir of 20 days and a release time of 38 days to drain the reservoir.	—	Noting that these values are predictions and that the values for duration of diversion and residence time may vary for an actual flood. Also, these results are not consistent with the findings of the IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).
2.2	27	Road upgrades and new bridges would be required to maintain access to the area during flood events.	Road upgrades and new bridges would be required to maintain <del>access to the area</del> <b>public access to lands in the region</b> during flood events.	Clarifying that the road upgrades and new bridges described are to access the lands in the region during flood events, and not for access to SR1 by the operator.
2.2	27	In addition to the roadway improvements, a bridge is required over the diversion channel.	In addition to the roadway improvements, <del>a two</del> <b>bridges</b> are required over the diversion channel.	Aligning wording with correct project components details.
2.2	27	Oil and gas pipelines operated by four companies (TransCanada Pipelines Ltd., Pengrowth Energy Corp., Veresen Inc. and Plains Midstream Canada) are located in the proposed diversion channel, dam and reservoir areas.	Oil and gas pipelines operated by four companies ( <del>TransCanada Pipelines Ltd., Pengrowth Energy Corp., Veresen Inc. and Plains Midstream Canada</del> <b>Caledonian Midstream Corp., Plains Midstream Canada, TC Energy, and Pembina</b> ) are located in the proposed diversion channel, dam and reservoir areas.	Some of the owners of pipelines have changed ownership over the course of the project.
2.2	28	These temporary features would include: access roads, laydown areas, borrow sources, soil stockpiles, replaced portion of Highway 22, bridge across diversion channel, Elbow River diversion channel and floodplain berm.	These temporary features would include: access roads, laydown areas, borrow sources, soil stockpiles, replaced portion of Highway 22, <del>bridge across diversion channel,</del> <b>and</b> Elbow River diversion channel <del>and floodplain berm.</del>	Highway 22 bridge across diversion channel and the floodplain berm is not temporary.

Table 2: Factual Corrections for the draft Environmental Assessment Report

Report Section	Hard Copy Page	IAAC Report Text to Be Corrected	Alberta Transportation's Recommended Correction — = correction not provided Strikethrough = text removed Bold = text added	Rationale for Correction
2.3	28	<p>The site preparation phase and construction phase would involve the construction and installation of all of the components such as: diversion inlet, service spillway, and debris deflector; floodplain berm; diversion channel; off-stream reservoir; and off-stream dam, and low-level outlet; and modification and construction of the roads and bridge.</p> <p>Additionally, it would involve the construction of temporary areas that will be reclaimed post construction, including: the river cofferdam; the south (non-river) side of the floodplain berm; the upper side walls of the diversion channel; the dam embankment; contractor laydown areas; borrow areas; spoil areas; side slopes and back slopes of new roads; areas disturbed by utility construction; temporary construction access roads that have been decommissioned; the decommissioned portion of Highway 22; the temporary channel used for the diversion of the Elbow River; and all other areas disturbed by construction that are not required for operation and maintenance.</p>	<p>The site preparation phase and construction phase would involve the construction and installation of all of the components such as: diversion inlet, service spillway, and debris <del>deflector</del> <b>deflection barrier</b>; floodplain berm; diversion channel; off-stream reservoir; and off-stream dam, and low-level outlet; <b>the upper side walls of the diversion channel; the dam embankment; side slopes and back slopes of new roads</b>; and modification and construction of the roads and bridge.</p> <p>Additionally, it would involve the construction of temporary areas that will be reclaimed post construction, including: the river cofferdam; the south (non-river) side of the floodplain berm; <del>the upper side walls of the diversion channel; the dam embankment</del>; contractor laydown areas; borrow areas; spoil areas; <del>side slopes and back slopes of new roads</del>; areas disturbed by utility construction; temporary construction access roads that have been decommissioned; the decommissioned portion of Highway 22; the temporary channel used for the diversion of the Elbow River; and all other areas disturbed by construction that are not required for operation and maintenance.</p>	<p>The following are permanent project components and not temporary works as described in the section: floodplain berm, side-walls of the diversion channel, dam embankment, side-slopes and backslopes of new roads.</p>
2.3	29	<p>The auxiliary service spillway gates would be raised to create a backwater upstream of the diversion structure, and the diversion inlet gates would be lowered to allow flows through the diversion channel for storage in the off-stream reservoir.</p>	<p>The <del>auxiliary</del> service spillway gates would be raised to create a backwater upstream of the diversion structure, and the diversion inlet gates would be <del>lowered</del> <b>raised</b> to allow flows through the diversion channel for storage in the off-stream reservoir.</p>	<p>Aligning wording with correct project components names. Also, the diversion inlet gates raise to open.</p>
2.3	29	<p>...and the diversion inlet gates would be lowered to allow flows through the diversion channel for storage in the off-stream reservoir.</p>	<p>...and the diversion inlet gates would be <del>lowered</del> <b>raised</b> to allow flows through the diversion channel for storage in the off-stream reservoir.</p>	<p>Aligning wording with EIS information. The diversion inlet gates raise to open.</p>
2.3	29	<p>Once the off-stream reservoir has been filled, the diversion inlet gates would be closed and the auxiliary service spillway gates lowered.</p>	<p><del>Once the off-stream reservoir has been filled, the diversion inlet gates would be closed and the auxiliary service spillway gates lowered.</del></p> <p><b>The diversion inlet gates are closed if reservoir is full or if flows in the Elbow River drop below 160m<sup>3</sup>/s in accordance with conditions in the operational flow chart.</b></p>	<p>Aligning wording with correct project operations details.</p>
2.3	29	<p>Flood operations would occur when flows in the Elbow River meet or exceed 160 cubic metres per second. The auxiliary service spillway gates would be raised to create a backwater upstream of the diversion structure, and the diversion inlet gates would be lowered to allow flows through the diversion channel for storage in the off-stream reservoir. Once the off-stream reservoir has been filled, the diversion inlet gates would be closed and the auxiliary service spillway gates lowered. The diverted floodwaters would be retained in the off-stream reservoir until the flood event has subsided.</p> <p>Once the flood event has ended, post-flood operations would involve opening the outlet structure gates to allow the waters retained in the off-stream reservoir to re-enter the Elbow River. The operational rule for releasing water is when flows drop below 160 cubic metres per second in the Elbow River, which is the earliest release scenario. Conversely, the latest release scenario is releasing the water based on keeping flows in Elbow River at or below bankfull flow rates (47 cubic metres per second). The estimated days from start of diversion to complete reservoir drawdown of the 2013 design flood (worst case scenario) for early release and late release times are proposed to be 39.2 days and 61.5 days, respectively. Other post-flood operations include maintenance activities, as required, of the diversion system, diversion channel, debris deflector, off-stream reservoir, off-stream dam embankment, low level outlet, and roads and bridge. Post-flood maintenance activities would include removal of sediment and debris, confirmation of functionality, repair, internal drainage and regrading, revegetation and inspections.</p>	<p>Flood operations would occur when flows in the Elbow River meet or exceed 160 cubic metres per second. The <del>auxiliary</del> service spillway gates would be raised to create a backwater upstream of the diversion structure, and the diversion inlet gates would be raised to allow flows through the diversion channel for storage in the off-stream reservoir. Once the off-stream reservoir has been filled, the diversion inlet gates would be closed and the auxiliary service spillway gates lowered. The diverted floodwaters would be retained in the off-stream reservoir until the flood event has subsided.</p> <p>Once the flood event has ended, post-flood operations would involve opening the outlet structure gates to allow the waters retained in the off-stream reservoir to re-enter the Elbow River. <del>The operational rule for releasing water is when flows drop below 160 cubic metres per second in the Elbow River, which is the earliest release scenario. Conversely, the latest release scenario is releasing the water based on keeping flows in Elbow River at or below bankfull flow rates (47 cubic metres per second).</del> <b>The operational rule for releasing water is when flows drop below 160 cubic metres per second in the Elbow River. The EIA assessed an early and late release scenario to cover the range of operational scenarios. The early release scenario is the operational rule and has the reservoir release when flows in the Elbow River drop below 160 cubic metres per second. The late release scenario was based on keeping flows in Elbow River at or below bankfull flow rates (47 cubic metres per second).</b> The estimated days from start of diversion to complete reservoir drawdown of the 2013 design flood (<del>worst case scenario</del>) for early release and late release times were 39.2 days and 61.5 days, respectively. <b>There is the possibility of water being held longer for emergencies and other unplanned events (e.g., issues at Glenmore Reservoir).</b> Other post-flood operations include maintenance activities, as required, of the diversion system, diversion channel, debris deflector, off-stream reservoir, off-stream dam embankment, low level outlet, and roads and bridge. Post-flood maintenance activities would include removal of sediment and debris, confirmation of functionality, repair, internal drainage and regrading, revegetation and inspections."</p>	<p>Aligning wording with EIS information. The late release scenario is not the "latest" release scenario possible. There is the possibility of water being held longer for emergencies and other unplanned events. As per the operational flow chart (IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 [Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311]), there are considerations prior to release which may cause the operator to hold the water longer.</p>

Table 2: Factual Corrections for the draft Environmental Assessment Report

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2.3	29	The estimated days from start of diversion to complete reservoir drawdown of the 2013 design flood (worst case scenario) for early release and late release times are proposed to be 39.2 days and 61.5 days, respectively.	—	The 2013 design flood is not the worst-case scenario, as larger floods are possible but less likely (see correction above). These results are not consistent with the findings of IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).
3.1	30	The purpose of the Project is to reduce the effects of future extreme flood events on infrastructure, water courses and people in the City of Calgary and downstream communities.	The purpose of the Project is to reduce the effects of future extreme flood events <b>downstream of the project</b> on infrastructure, water courses and people in the City of Calgary and <del>downstream</del> communities <b>downstream of the City of Calgary</b> .	Clarifying the benefits begin immediately downstream of the project.
4.2	38-39	In June 2016, the Proponent began to engage with an additional eight Indigenous nations including: -Ermineskin Cree Nation -Foothills Ojibway First Nation -Ktunaxa Nation -Louis Bull Tribe -Métis Nation of Alberta—Region 3 -Métis Nation British Columbia—Region 4 -Montana First Nation -Samson Cree Nation	In June 2016, the Proponent began to engage with an additional seven Indigenous nations including: -Ermineskin Cree Nation -Foothills Ojibway First Nation -Ktunaxa Nation -Louis Bull Tribe -Métis Nation of Alberta—Region 3 -Métis Nation <b>of</b> British Columbia— <del>Region 4</del> -Montana First Nation -Samson Cree Nation	Aligning wording with EIS information.
5.2	44	There are six farmsteads, eight residential areas, and four agricultural areas. There are also three regions within the PDA that are owned by local organizations that operate summer camps at these properties.	—	It is not clear where this information is from. The EIS has not provided information using the terms farmsteads, residential areas or agricultural areas.
7.3.1	87	Table 4 Species at Risk Potentially Affected by the Project	—	The EIS identified a total of 22 wildlife species at risk that have potential to be affected by the Project (EIS Volume 3B, Section 11, Appendix A). Table 4 only discusses 14 wildlife species at risk that have potential to be affected by the Project.
4.1.1	37	The Agency considered that there may be potential impacts to the Métis Nation British Columbia Region 4, the Ktunaxa Nation Council and the Shuswap Indian Band, and determined further consultation was not required.	—	Noting that the Shuswap Indian Band was not listed for consultation in the Final Environmental Impact Statement Guidelines (Canadian Impact Assessment Registry Reference Number 80123, Document Number 10).
6.1.1	47	The main finding of the modeling is the potential for total suspended particles, fine particulate matter (PM2.5), and nitrogen dioxide (NO2) concentrations to be greater than the regulatory guidelines in the area outside the PDA.	The main finding of the modeling is the potential for total suspended particles, <del>fine particulate matter (PM2.5), and nitrogen dioxide (NO2) concentrations</del> to be greater than the regulatory guidelines in the area outside the PDA.	Aligning with EIS information. Only total suspended particulates were predicted to exceed regulatory guidelines in post-flood operations, which is the operation phase being discussed at this point of the report.
6.1.2	48	Chemical dust suppressants would be applied to haul roads as an alternative option to watering. Chemical dust suppression would be applied on an as-needed basis during high wind conditions or if particulate matter concentrations are in exceedance of the Canadian Ambient Air Quality Standards and if an increase of watering is determined ineffective or unfeasible at the time.	Chemical dust suppressants would be applied to haul roads as an alternative option to watering. Chemical dust suppression would be applied on an as-needed basis during high wind conditions or if particulate matter concentrations are in exceedance of the Canadian Ambient Air Quality Standards <b>or Alberta Ambient Air Quality Objectives as appropriate</b> , and if an increase of watering is determined ineffective or unfeasible at the time.	Recommending an addition since there is no Canadian Ambient Air Quality Standards for total suspended particles and the draft Air Quality Management Plan proposes to use the Alberta Ambient Air Quality Objectives for total suspended particles and PM2.5 at the three nearfield particulate monitoring stations.

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6.1.2	48	During the construction phase, total suspended particles and fine particulate matter (PM2.5) monitoring equipment will be placed at two locations: along the road between the diversion channel excavation work, and in the dam construction site. Monitoring equipment will also be placed adjacent to the borrow source, if it is used.	—	This wording is not consistent with the Draft Air Quality Management Plan (IR4-04 submitted in Response to Information Request Round 2 Package 4 -01 to -04 [Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311]), which states there will be three monitoring locations described as: between the diversion channel and the dam, there will be 24-hour continuous wind and air quality monitoring for TSP and PM2.5 at Station 1 and Station 2 along the haul road and at Station 3 near the borrow source area. Also, monitoring “in” the dam construction site is not recommended as it will not provide useful information. Monitors should be located at some distance from sources.
6.1.2	48	During the post-flood phase, particulate monitoring sites will be established at locations based on the presence of dry surfaces and expected paths of wind-blown materials	During the post-flood phase, particulate monitoring sites will be established at <b>a location or</b> locations based on the presence of dry surfaces and expected paths of wind-blown materials, <b>as required</b> .	Aligning wording with EIS information, specifically the Draft Air Quality Management Plan (IR4-04 submitted in Response to Information Request Round 2 Package 4 -01 to -04 [Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311]).
6.1.2	48	Air quality monitoring will include: ·continuous construction nitrogen dioxide (NO2) monitoring; ·continuous total suspended particles monitoring throughout all project phases; ·continuous fine particulate matter (PM2.5) monitoring throughout all project phases; and ·continuous meteorology monitoring for wind speed, wind direction, temperature and other variables throughout all project phases.	—	Meteorological and particulate matter (TSP and PM2.5) are proposed for construction in the EIS and the Draft Air Quality Management Plan (IR4-04 submitted in Response to Information Request Round 2 Package 4 -01 to -04 [Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311]). Monitoring during post-flood operations is a possible option as required depending upon the magnitude of a flood and quantity of deposited sediment. Alberta Transportation has not proposed monitoring in all project phases. This would be costly and impractical during flood operations and prolonged dry operations.
6.1.4	51	Throughout construction, flood, and post flood operations, applicable measured pollutant concentrations will be evaluated monthly against the 2020 Canadian Ambient Air Quality Standards to trigger investigation and reporting.	—	Alberta Transportation also notes that flood operations monitoring is not proposed, and post-flood operations monitoring is proposed as required. Alberta Transportation also notes that the Canadian Ambient Air Quality Standards 1-hour and 24-hour standards are based on 3-year average or 1-year average metrics. Applying these monthly is not appropriate.



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6.1.4	51	If exceedances in Canadian Ambient Air Quality Standards are noted, additional mitigations to reduce air emissions will be implemented. These include the suspension of construction activity, increased watering of access roads or the spraying of surfactants, during the construction phase; and the spraying of surfactants during the post-flood phase.	If exceedances of the Canadian Ambient Air Quality Standards <b>determined to be caused by the Project</b> are noted, additional mitigations to reduce air emissions will be implemented. These include the suspension of construction activity, increased watering of access roads or the spraying of surfactants, during the construction phase; and the spraying of surfactants during the post-flood phase.	Clarifying that monitoring data can be influenced by non-Project emission sources (e.g., forest fires). Alberta Transportation also notes that the Canadian Ambient Air Quality Standards 1-hour and 24-hour standards are based on 3-year average or 1-year average metrics. Applying these standards for averaging periods different than their definition is not appropriate.
6.2.1	51-52	Namely, the construction of the diversion channel is anticipated to incise into subsurface units and bedrock.	Namely, the construction of the diversion channel is anticipated to incise into subsurface <del>units and bedrock</del> , <b>including unconsolidated and bedrock units</b> .	Aligning wording with EIS information.
6.2.1	52	The magnitude of this effect would be low to moderate because seepage could result in changes in groundwater quality beyond the range of expected natural variability in the diversion channel.	—	Should the “quality” term in this sentence be “quantity”?
6.3.1	60	Sediment concentrations in the Elbow River would likely be high during natural flood conditions; the Project would not substantially change these high concentrations during diversion. A portion of the suspended sediment concentrations would settle out of the water when retained in the reservoir and would stay in reservoir during water release. During the last few days of water release back into Elbow River, suspended sediment concentrations are predicted to increase in the low-level outlet and cause a short-term peak due to resuspension.	—	These results are not completely aligned with the findings of the IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311) sediment modelling. For example, the predicted short-term peak the last few days of release is from the EIS and not the most recent predictions.
6.3.1	61	During flood operation, potential exceedance of the total suspended solid guidelines during water releases are considered to be significant; however, they are predicted to occur infrequently and are reversible. The magnitude and duration of residual effects are reduced during the more frequent events such as the 1:10 year flood. Residual effects would increase during the less frequent, larger magnitude floods, such as the 1:100 year and design floods. The Project would increase suspended sediment concentrations for a short duration (days) at the end of release of water back into Elbow River.	—	These results are not completely aligned with the findings of the sediment modelling in IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311). For example, the predicted short-term peak the last few days of release is from the EIS and not the most recent predictions.
6.3.3	64-65	To appropriately determine whether mercury in the food web of the reservoir or downstream environment occurs after flooding, baseline measurements of mercury and methylmercury need to be collected in the food web of the upstream and downstream environment as well as in the reservoir directly after flooding.	To appropriately determine whether mercury in the food web of the reservoir or downstream environment occurs after flooding, baseline measurements of mercury and methylmercury need to be collected in the food web of the upstream and downstream environment as well as in the reservoir directly after flooding.	We suggest breaking this sentence into baseline requirements + post flood requirements and itemizing the minimum measurements that are being requested of the proponent, or making reference to Page 79 where the conditions are listed out more clearly
6.4.1	67	Residual effects on vegetation and wetlands during construction and dry operations would be short-term to long-term duration.	Residual effects on vegetation and wetlands during construction and dry operations would be <del>short-term to</del> of long-term duration.	Aligning wording with EIS information.
6.4.2	69	Areas of sediment deposition where wind erosion may be an issue may be hydroseeded with native plant species and a tackifier to reduce erosion.	Areas of sediment deposition where wind erosion may be an issue may be hydroseeded with native plant species <b>or agronomic species</b> , and a tackifier to reduce erosion.	Aligning wording with EIS information.
7.1.1	72	Specifically, during post-flood operations, stranding in the reservoir would be expected to cause mortality of fish that did not swim out of the reservoir during post-flood draining; however, this level of fish mortality was not predicted.	Specifically, during post-flood operations, stranding in the reservoir would be expected to cause mortality of fish that did not swim out of the reservoir during post-flood draining; however, <del>this level</del> <b>residual effects for fish mortality was not predicted to not be significant</b> .	Aligning wording with EIS information.
7.1.1	72	Also, changes in water temperature due to water released from the reservoir would result in direct mortality as well as cause a variety of sub-lethal or stress related effects on fish, specifically, incubating eggs and spawning adults as these are more susceptible to temperature changes. Flooding of upland areas could lead to increased nutrient concentrations which could lead to eutrophication and have undesirable effects on fish health.	—	These results are not completely aligned with the findings of the IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).

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7.1.1	72	Residual harm to fish due to fish mortality from entrainment and stranding in the reservoir would not be significant if successful fish rescues are undertaken to relocate stranded fish.	Residual harm to fish due to fish mortality from entrainment and stranding in the reservoir would not be significant if <del>successful fish rescues are undertaken to relocate stranded fish</del> given the low frequency of diversion, the design considerations (i.e., topography of reservoir, low-level outlet channel grades) and the implementation of a fish rescue program during flood operation.	Aligning wording EIS information. The fish mortality conclusions are not dependent on the successful outcome of the fish rescues alone.
7.1.1	72	During dry operations, the concrete gates with depths shallower than 198 centimeters could impede the upstream movement of bull trout during late summer spawning migrations. The transition from the concrete gates to the spilling basin may also create a drop that is too tall for small fish to jump up	During dry operations, the concrete gates with depths shallower than 198 centimeters could impede the upstream movement of bull trout during late summer spawning migrations. The transition from the concrete gates to the spilling basin may also create a drop that is too tall for small fish to jump up. <b>To mitigate this potential effect, engineered mitigations have been included in the project design to mimic the existing natural geometry and profile of the river, with the same velocity and depth characteristics as the river upstream and downstream of the diversion structure.</b>	Aligning wording with EIS information. Fish passage structures have been included in the Project design. Fish passage analyses indicate that passage is maintained with the presence of the Project during non-flood and post-flood operations for all species and sizes where passage is possible under existing (baseline) conditions. The proposed instream works also improve passage during non-flood and post-flood operations for select species under select flow conditions, where it could not be achieved under existing conditions.
7.1.4	78	Post-flood, any accumulated woody debris will be moved downstream of the diversion gates when safe to do so.	Post-flood, any accumulated woody debris will be <b>removed from the debris deflection barrier and</b> moved downstream of the diversion gates when safe to do so. <b>The Proponent will explore options to move woody debris downstream in consultation with Fisheries and Oceans Canada and Indigenous groups to mitigate potential effects to fish and fish habitat.</b>	Clarifying that the source of the debris is the debris deflection barrier. Also, highlighting that there may be requirements under Fisheries and Oceans Canada to use woody debris for mitigating potential effects on fish and fish habitat.
7.2.1	79	There are nine species of migratory birds	There are <del>nine</del> <b>13</b> species of migratory birds	Aligning wording with EIS information. The EIS assessed 13 migratory birds protected under the Migratory Birds Convention Act and listed on Schedule 1 of SARA (Volume 3A, Section 11, Attachment A, Table A-1 and Volume 3B, Section 11, Attachment A, Table A-1 submitted in the EIS [Canadian Impact Assessment Registry Reference Number 80123, Document Number 21]).
7.2.1	79-80	An additional four migratory birds protected under the Migratory Birds Convention Act, but not listed under the Species at Risk Act, were also observed in the LAA: red knot, sprague's pipit, baird's sparrow, and bobolink.	—	Alberta Transportation notes that red knot, Sprague's pipit, Baird's sparrow and bobolink are listed on Schedule 1 of SARA ((Volume 3A, Section 11, Attachment A, Table A-1 and Volume 3B, Section 11, Attachment A, Table A-1 submitted in the EIS [Canadian Impact Assessment Registry Reference Number 80123, Document Number 21])). Also, these four bird species were not observed during the breeding bird surveys or identified in the FWMIS database (Volume 4, Appendix H, Table 3-12 submitted in the EIS [Canadian Impact Assessment Registry Reference Number 80123, Document Number 21])).
7.2.1	80	Table 3 Migratory Birds Species at Risk Potentially Affected by the Project	—	It is not clear how the potential locations of the bird species affected by the Project (i.e., LAA versus RAA) were differentiated.
7.2.1	80	The Proponent indicated that construction, dry operation, flood and post-flood activities were not likely to restrict the movement, affect health or cause changes to the biodiversity of migratory birds; therefore, these pathways of effects are not discussed.	The Proponent's <b>assessment</b> indicated that construction, dry operation, flood and post-flood activities were not likely to restrict the movement, affect health or cause changes to the biodiversity of migratory birds; therefore, these pathways of effects are not discussed.	Aligning wording with EIS information.
7.2.1	80	Habitat for migratory birds include forested, wetland and grassland habitat types.	<b>Native</b> habitat for migratory birds include forested, wetland and grassland habitat types.	Aligning wording with EIS information.

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7.2.1	80	107.1 hectares of this area	<del>107.1</del> <b>168</b> hectares of this area	Aligning value with EIS information.
7.2.1	81	20.3 hectares of wetland habitat	<del>20.3</del> <b>70.3</b> hectares of wetland habitat	Aligning value with EIS information.
7.2.1	81	permanent habitat loss	<del>permanent</del> habitat loss	Aligning wording with EIS information.
7.2.1	81	31 hectares	<del>31</del> <b>29.5</b> hectares	Aligning value with EIS information.
7.2.1	81	There would be some permanent loss of wetland habitat from sedimentation, which would be converted into upland communities as graminoid dominated marshes.	<del>There would be some permanent loss of wetland habitat from sedimentation, which would be converted into upland communities as graminoid dominated marshes.</del> <b>Sedimentation will result in some temporary loss of upland communities and potentially permanent loss of wetlands.</b>	Aligning wording with EIS information.
7.2.1	81	The Proponent estimated the potential loss of a maximum of 70.3 hectares of wetland habitat within the reservoir due to the temporary diversion of flood waters in the off-stream reservoir.	<del>The Proponent estimated the potential loss of a maximum of 70.3 hectares of wetland habitat within the reservoir due to the temporary diversion of flood waters in the off-stream reservoir.</del> <b>The Proponent estimated 70.3 hectares of wetland within the reservoir will be inundated during a design flood.</b>	Aligning wording with EIS information.
7.2.1	81	The forested, wetland and grassland habitats that would be temporarily inaccessible would be expected to last up to 45 days and extend approximately up to 39 more days before the reservoir would recede and post-flood maintenance activities would occur, for a maximum total of 84 days.	The forested, wetland and grassland habitats that would be temporarily inaccessible would be expected to last up to <del>45</del> <b>68.8</b> days and extend approximately up to <del>39</del> <b>23.5</b> more days before the reservoir would recede and post-flood maintenance activities would occur, for a maximum total of <del>84</del> <b>92.3</b> days.	Aligning values with EIS information, specifically IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).
7.2.1	81	287 hectares	<del>287</del> <b>278</b> hectares	Aligning value with EIS information.
7.2.1	81	9.4 hectares	<del>9.4</del> <b>2.5</b> hectares	Aligning value with EIS information.
7.2.1	81	Most of the flooded area would encompass wetlands and reclaimed vegetation	Most of the flooded area would encompass <del>wetlands and reclaimed vegetation</del> <b>tame pasture</b>	Aligning wording with EIS information. The majority of nesting habitat flooded during a design flood would be tame pasture (373 ha) as referred to in previous sentence.
7.2.1	81	Sensory deposition	Sensory <del>deposition</del> <b>disturbance</b>	Aligning wording with EIS information.
7.2.1	81	During post-flood operations, potential direct effects predicted by the Proponent include sediment deposition, damaged/eroded vegetation, sensory deposition (habitat avoidance or displacement), and changes to or destruction of the riparian habitat on the Elbow River.	—	The EIS did not predict destruction of riparian habitat on Elbow River during post-flood operations.
7.2.1	82	3.7 percent of the LAA (192.6 hectares of the reservoir) 0.8 percent (37.4 hectares of the reservoir) 3.0 percent of the LAA (145 hectares of the reservoir)	—	These results are not consistent with the findings of the IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).
7.2.1	82	Maximum sediment depth would be approximately 3.4 m and would occur close to the low-level outlet, in the deepest portion of the reservoir.	—	These results are not consistent with the findings of the IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).
7.2.1	82	Given the small amount of habitat disturbance relative to the availability of suitable habitat adjacent to the PDA, the Proponent concluded that residual effects to migratory bird species from habitat loss would be low in magnitude, local in extent, and reversible in the long-term	—	It is not clear where this information is taken from and whether it is for construction or operations.

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7.2.1	82	This includes where Proponent activities and components may not meet commitments to adhere to guidance on setback buffer distances (e.g., the Project's reservoir outlet channel footprint overlaps with a bank swallow colonial nest on the Elbow River.	—	This information is not in the EIS.
7.3.1	88	<i>Ursus artos</i>	<i>Ursus arctos</i>	Correcting spelling.
7.3.1	89	Proponent predicts flood duration to extend through summer for up to 84 days (up to 45 days to operate and 39 days to drain the reservoir.	—	These results are not consistent with the findings of the IR4-01 submitted in Response to Information Request Round 2 Package 4 -01 to -04 (Canadian Impact Assessment Registry Reference Number 80123, Document Number 1311).
7.3.1	89	Rising floodwaters in the off-stream reservoir would remove little brown myotis and bird residences and their young	Rising floodwaters in the off-stream reservoir would <del>remove little brown myotis and bird residences and their young</del> <b>increase mortality risk for active roosting sites (e.g., design flood)</b>	Aligning wording with EIS information.
7.3.1	90	Tree clearing and maintenance activities during construction and dry operations could result in the direct mortality of little brown myotis from the destruction of maternal roosting sites (48.8 hectares).	Tree clearing and maintenance activities during construction and dry operations <del>could result in the direct mortality of little brown myotis from the destruction of maternal roosting sites</del> <b>has the potential to disturb potential habitat of little brown myotis which may contain suitable roosting sites</b> (48.8 hectares).	Aligning wording with EIS information.
7.3.1	90	species of concern	species of <b>special</b> concern	Aligning wording with EIS information.
7.3.1	90	Potential moderate and high suitability amphibian habitat occurs in the LAA and includes a variety of wetlands, including marshes and shallow open water, as well as slow-moving sections of streams and rivers, which provide potential breeding habitat. The majority (96.9 percent) of the LAA consists of low suitability breeding habitat for amphibian species at risk, thus the potential for them to occur in the LAA is low to moderate.	<del>Potential moderate and high suitability amphibian habitat occurs in the LAA and includes a variety of wetlands, including marshes and shallow open water, as well as slow moving sections of streams and rivers, which provide potential breeding habitat. The majority (96.9 percent) of the LAA consists of low suitability breeding habitat for amphibian species at risk, thus the potential for them to occur in the LAA is low to moderate.</del>  <b>Potential moderate and high suitability habitat for northern leopard frog occurs in the LAA (3.1%) and includes a variety of wetlands, including marshes and shallow open water, as well as slow-moving sections of streams and rivers, which provide potential breeding habitat. The majority (96.9 percent) of the LAA consists of low suitability breeding habitat for northern leopard frog. There is 311.6 ha (6.4%) of wetlands in the LAA, which provide potential breeding habitat for western toad and western tiger salamander.</b>	Aligning wording with EIS information.
7.3.1	90	Overall, it is predicted 3.8 percent of suitable (high and moderate combined) breeding habitat would be affected.	Overall, 3.8 percent of suitable (high and moderate combined) <b>northern leopard frog</b> breeding habitat would be affected after reclamation.	Revision to align with EIS information.
7.3.1	91	The Proponent anticipated a low magnitude of residual effects to amphibian species at risk from habitat loss because the Project would only result in the removal of small area of suitable habitat within the PDA relative to the availability of suitable habitat adjacent in the LAA.	<del>The Proponent anticipated a low magnitude of residual effects to amphibian species at risk from habitat loss because the Project would only result in the removal of small area of suitable habitat within the PDA relative to the availability of suitable habitat adjacent in the LAA.</del>  During a design flood event, the Proponent predicted a high magnitude but short-term residual effect on northern leopard breeding habitat as well as a moderate magnitude and short-term residual effect on western toad and western tiger salamander. During a 1:10 year flood, the Proponent predicted a low magnitude residual effect on amphibian species at risk.	Aligning wording with EIS information.
7.3.1	91	In summary the residual effects may result from animal vehicle collision mortality, maintenance activities, and an increased exposure to contaminants.	—	These effects were discussed as potential effects in the EIS, not residual effects.
7.3.1	91	With mitigation, the Proponent predicted that the magnitude of residual effects on amphibian species at risk during post-flood operations would be low.	With mitigation, the Proponent predicted that the magnitude of residual effects on amphibian species at risk during post-flood operations would be low <b>to moderate</b> .	Aligning wording with EIS information. Change in mortality risk during post-flood operations was moderate for a design flood.
7.3.2	92	Disturbed non-native areas (i.e., annual crop, dugout, hayland, tame pasture) and disturbed land will be reclaimed to equivalent land capability with areas topsoiled and seeded following construction and after flooding.	Disturbed non-native areas (i.e., annual crop, dugout, hayland, tame pasture) and disturbed land will be reclaimed to equivalent <b>baseline</b> land <b>functions</b> <del>capability</del> with areas topsoiled and seeded following construction. <del>and after flooding. After flooding, areas of sediment will be stabilized to reduce erosion potential and reseeded where necessary.</del>	Aligning with EIS information and Alberta Transportation's commitments.



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7.3.2	92	roots  (Error appears twice on the page)	roosts	Correcting spelling.
7.3.2	92	However for the breed pond (wintering site), which has year round restricted activity periods, the Proponent proposed setbacks of 50 meters (low), 200 metres (medium), and 400 metres (high) based on level of disturbance	However for the breed pond (wintering site), which has year round restricted activity periods, the Proponent <del>proposed</del> <b>will adhere to provincial</b> setbacks of 50 meters (low), 200 metres (medium), and 400 metres (high) based on level of disturbance	Aligning wording with EIS information.
7.3.2	92	During maintenance activities in the off-stream reservoir, all semi-permanent and permanent waterbodies would be avoided within 100 metres of the reservoir, except for during in-stream maintenance activities. Wetland setback buffers establish a distance from the water source where developments and other soil-disturbing activities are prohibited and will usually include the natural riparian vegetation around the perimeter of waterbodies.	—	Alberta Transportation did not make this commitment as worded. Some project infrastructure may be constructed within 100 metres of a water body or wetland (e.g., the Diversion Channel or the Dam Structure) and maintenance activities must occur. Also, erosion control activities may also occur within 100 metres of a water body or wetland without being considered in-stream activities.
7.3.2	93	Monitoring and follow-up proposed by the Proponent to confirm the effectiveness of measures designed to minimize effects on habitat loss and alteration, disruption of movement, direct mortality, and change in health to species at risk include:	Monitoring and follow-up proposed by the Proponent to confirm the effectiveness of measures designed to minimize effects on habitat loss and alteration, disruption of movement, <b>and</b> direct mortality, <del>and change in health to species at risk</del> include:	Aligning wording with EIA information. Alberta Transportation has not proposed monitoring related to changes in wildlife health, which was assessed as negligible.
7.4.1.1	96	The Land Use Plan will permit access and prioritize use for First Nations within the Land Use Area except during the flood season.	The Land Use Plan will permit access and prioritize use for First Nations within the Land Use Area except during the flood season <b>and recognizing project development area management and safety are always the top priorities.</b>	The Guiding Principles for Future Land Use state that the primary and overarching use of the Project is for flood mitigation and that safety is paramount.
7.4.2.1	98	Located within or partially within the PDA, a total of fourteen historic structure sites and 22 archaeological (precontact period and historic period) sites were assessed by the Proponent.	Located within or <del>partially within</del> the <b>LAA PDA</b> , a total of <del>fourteen</del> historic structure sites and 22 archaeological ( <del>precontact period and historic period</del> ) sites were assessed by the Proponent.	Aligning wording with EIS information.
7.4.2.1	98	and the re-location of existing pipelines under the diversion channel.	and the re-location of existing pipelines under the diversion channel <b>and during flood operations within the reservoir.</b>	Aligning wording with EIS information. Some sites are in the reservoir area only, no direct construction impact
7.4.2.1	98	do not have sufficient heritage value to mandate complete avoidance	do not have sufficient heritage value to mandate complete avoidance; <b>however, follow-up mitigative studies are required for seven archaeological sites.</b>	Aligning wording with EIS information.
7.4.2.1	98	The historic structure sites within the PDA have either been destroyed by current development (cultivation) or are no longer intact and cannot be recovered. Through photography and collection of these artifacts, the Proponent stated that the Project's effects to these sites have been sufficiently mitigated.	—	Further mitigative work was not required by Alberta Culture and Tourism at 12 archaeological sites; site mapping and documentation, photography and artifact collection were considered to be sufficient mitigation.
7.4.4.1	103	Noise disturbance caused by the Project would be highest during construction, namely from blasting.	Noise disturbance caused by the Project would be highest during construction, <del>namely from blasting.</del>	Aligning wording with EIS information.
7.4.4.1	103	maintain continuous engagement	maintain <del>continuous</del> <b>ongoing</b> engagement	Aligning to commitment in the EIS.
7.4.5	105	Develop maps to indicate locations within the project area that are available for unimpeded use by Indigenous nations	—	Clarifying that Alberta Transportation's commitment is for unimpeded access to the staging areas for First Nations and access is subject to safety considerations during all phases of the project.
7.4.5	106	Engage Indigenous nations in monitoring and in developing and implementing any unforeseen impacts on sites of importance and, if required, develop and implement additional mitigation measures.	—	It is not clear what "developing and implementing any unforeseen impacts" means

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7.4.5	106	Avoid key traditional harvesting periods.	—	Clarifying that Alberta Transportation's commitment is to notify Indigenous groups regarding project activities and schedules, including provision of Project maps and design components, and discuss First Nation key traditional harvesting periods, not avoid First Nation key traditional harvesting periods.
8.3.1	127	The active pipelines carry a variety of substances including high pressure and low pressure product, natural gas, and sour gas.	The active pipelines carry a variety of substances including high pressure and low pressure product, natural gas, and <del>sour gas</del> <b>crude oil</b> .	Aligning wording with EIS information.
8.3.1	129	The Proponent indicated that the cumulative effects of future projects in the area, including the South West Calgary Ring Road and Bragg Creek Flood Mitigation Project, may have similar effects pathways on fish and fish habitat, including the release of deleterious substances, alteration or removal of fish habitat, and flow disruption and blockage of fish passage during instream works.	The Proponent indicated that the cumulative effects of future projects in the area, including the South West Calgary Ring Road and Bragg Creek Flood Mitigation Project, <del>may have</del> <b>would likely</b> have similar effects pathways on fish and fish habitat, including the release of deleterious substances, alteration or removal of fish habitat, and flow disruption and blockage of fish passage during instream works.	Aligning wording with EIS information.
Appendix B	158	Indigenous nations will be involved in decision-making regarding the management of the Land Use Area through the participation in the First Nations Land Use Advisory Committee.	—	Clarifying that the Land Use Advisory Committee is an advisory group and not a decision-making body, as per the Updated Draft Guiding Principles and Directions for Future Land Use document. Also, Alberta Transportation is proposing a First Nation Land Use Advisory Committee and not an Indigenous Nation Land Use Advisory Committee. See the discussion regarding the First Nation Land Use Advisory Committee in the letter above.
Appendix B	174-175	The Proponent provided funding to conduct traditional use studies by all Indigenous nations who requested funding. These nations include: Kainai First Nation, Siksika Nation, Piikani Nation, Tsuut'ina Nation, Stoney Nakoda Nations, Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation, and Metis Nation of Alberta - Region 3.	The Proponent <b>approved budgets and/or</b> provided funding to conduct traditional use studies by all Indigenous nations who requested funding. These nations include: Kainai First Nation, Siksika Nation, Piikani Nation, Tsuut'ina Nation, Stoney Nakoda Nations, Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation, and Metis Nation of Alberta - Region 3.	Clarifying that in a few cases, budgets were approved but funding was not provided.
<b>Notes:</b> Strikethrough formatting has been applied to text Alberta Transportation recommends be removed from the report. Bold formatting has been applied to text Alberta Transportation recommends be added to the report. "—" indicates Alberta Transportation has not recommended a specific correction but has provided IAAC with the rationale to make a correction in the report.				

## **Attachment 1: Alberta Indigenous Relations Submission**

February 2, 2021

Mr. Matthew Hebert  
Executive Director, Transportation Policy  
Alberta Transportation  
4999 - 98 Avenue NW  
Edmonton, AB T6B 2X3

Dear Mr. Hebert

The intent of this letter is to provide advice from Alberta Indigenous Relations to Alberta Transportation regarding Draft Potential Condition 1.17 and Draft Environmental Assessment Report section 7.4.1.3 as prepared by the Impact Assessment Agency of Canada for the Springbank Off-Stream Reservoir Project ("SR1") as they may pertain to Draft Potential Condition 8.11 ('Indigenous Land Use Advisory Committee').

Draft Potential Condition 1.17:

*"Indigenous groups means Blood Tribe (Kainai Nation), Ermineskin Cree Nation, Foothills Ojibway First Nation, Ktunaxa Nation Council, Louis Bull Tribe, Métis Nation of Alberta—Region 3 (MNAR3), Métis Nation of British Columbia – Region 4, Montana First Nation, Piikani Nation, Samson Cree Nation, Siksika Nation, Shuswap Indian Band, Stoney Nakoda Nation, and Tsuut'ina Nation."*

Response to 1.17:

Alberta agrees with including Blood Tribe (Kainai Nation), Piikani Nation, Siksika Nation, Stoney Nakoda Nations, and Tsuut'ina Nation on the Advisory Committee as the SR1 project lands overlap with the Government of Alberta's current consultations areas for each of these First Nation as per *The Government of Alberta's Policy on Consultation with First Nations on Land and Natural Resource Management, 2013*.

Alberta would not ordinarily include Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation, and Samson Cree Nation in strategic land or natural resource management initiatives, such as the Advisory Committee, in the SR1 area. The Government of Alberta's current consultation areas for these First Nations do not overlap with the SR1 area. However, Alberta may still choose to include these First Nations pending evidence of a right being practised in the vicinity of the SR1 project or for relationship building and good governance reasons.



Alberta would not include the Métis Nation of Alberta – Region 3 on strategic land or natural resource management initiatives, such as the Advisory Committee, because a credible assertion of Métis Aboriginal rights has not been established in southern Alberta. To be included in similar standing as First Nations on the Advisory Committee, Métis Nation of Alberta – Region 3 must first establish a credible assertion of Métis Aboriginal rights, for consultation purposes, through Alberta's process (details on the credible assertion process are publically available at: <https://www.alberta.ca/metis-credible-assertion.aspx>).

In the absence of a credible assertion for consultation purposes, Alberta may still choose to engage Métis Nation of Alberta – Region 3 in land or natural resource management initiatives for relationship building and good governance reasons, provided that such inclusion is not seen as a recognition of any Métis Aboriginal rights of any Métis in southern Alberta, regardless of their membership with the Métis Nation of Alberta organization.

In the SR1 area, Alberta would not include the First Nations and Métis groups located outside the province in any strategic land or natural resource management initiatives in Alberta (regarding 1.17, this includes Ktuxana Nation Council, Métis Nations of British Columbia – Region 4, and Shuswap Indian Band). In the northwestern part of the province, Alberta does consult with one British Columbia-based First Nation that has provided substantial evidence to show historical and ongoing practice of Treaty 8 rights in this province. None of the British Columbia-based Indigenous groups identified in condition 1.17 has presented evidence of historical and ongoing practice of Aboriginal or treaty rights in Alberta, such as to lead the provincial government to consult any of them regarding provincial lands and resources.

Alberta would not include Foothills Ojibway in any Indigenous strategic land or natural resource management initiatives in Alberta. Foothills Ojibway is not a First Nation recognized in accordance with the *Indian Act*. It was previously registered as a society under Alberta's *Societies Act*. Canada has not established this group as a First Nation. For provincial land and resource management and associated consultation, Alberta does not recognize this group or its members as distinct from the general public.

#### Draft Environmental Assessment Report 7.4.1.3:

*"The Agency recommends, for consideration in Minister's Decision Statement, that the Proponent grant Métis citizens access to the Land Use Area to carry out cultural practices to mitigate project effects to Métis citizens. The Agency also recommends that the Proponent support the Métis Nation of Alberta – Region 3's participation in the Indigenous Land Use Advisory Committee."*

Response to 7.4.13:

Métis Aboriginal rights have not been established in southern Alberta. Alberta courts have confirmed this legal position (*R v Hirsekorn*, 2013 ABCA 242). Some Treaty 7 First Nations, namely the Blood Tribe (Kainai Nation) and Sikiska Nation, have intervened in such court cases to support the position that historic Métis communities did not exist in southern Alberta prior to European control. The SR1 project lands are located in southern Alberta. For provincial land and resource management and associated consultation, Alberta does not recognize Métis Nation of Alberta – Region 3 or its members as distinct from the general public.

Métis individuals in southern Alberta are permitted in the same manner as non-Indigenous individuals to hunt, gather plants, trap, fish or access cultural sites. Specifically, Métis individuals may undertake cultural activities on Crown lands within proximity of SR1 lands, such as plant material harvesting which is already generally permitted to the public. Métis individuals may also be hunting or fishing in the area in accordance with provincial fish and wildlife legislation (i.e. securing hunting and fishing licenses). In this case, Métis individuals hunting or fishing in southern Alberta are doing so legally no different from non-Indigenous individuals.

For the reasons above, Alberta Indigenous Relations recommends including the Métis Nation of Alberta – Region 3 and other non-status Indigenous groups alongside other non-Indigenous stakeholders.

Métis and First Nations do not have the same legal rights in the SR1 area and should not participate in the same discussions relating to land use and access to land and natural resources.

Please let me know if you require any further information or clarification.

Sincerely,

<original signed by>

Leah Sheffield

Executive Director, Strategic Engagement and Policy Innovation  
Alberta Indigenous Relations

## **Attachment 2: List of Construction Work Packages**

### List of Construction Work Packages

1. Prime Contractor
2. Access Roads
3. Aggregate
4. Clearing & Grubbing
5. Cultural/Environmental Monitoring
6. Dewatering
7. Dust Suppression
8. Excavation
9. Fencing
10. Fuel Storage/Supply
11. Grading
12. Concrete Supply
13. Heavy Equipment
14. Materials Testing
15. Mechanical/EI&C/Structural
16. Medical/Safety/Security
17. Equipment Transport
18. Office Administration
19. Mobile Lighting/Generators
20. Roads & Bridges
21. Seeding
22. Accommodation
23. Site Cleanup
24. Snow Clearing
25. Temporary Facilities
26. Staff Transportation
27. Waste Management