



# SIKSIKA NATION ADMINISTRATION

## *Tribal Management*

December 13, 2024

Via email (Veronica.Mossop@iaac-aeic.gc.ca)

**Attn: Veronica Mossop**

Analyst, Decision Statements  
Impact Assessment Agency of Canada

Dear Ms. Mossop,

**Re: Siksika's response to IAAC's draft Analysis Report: *Analysis of TEC's Proposed Change to the Springbank Off-Stream Reservoir Project***

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I write as Consultation Coordinator for the Siksika Nation (“**Siksika**”) regarding the Springbank Off-Stream Reservoir Project (the “**Project**”). I write to respond to the Impact Assessment Agency of Canada’s (“**IAAC**”) draft Analysis Report titled *Analysis of TEC's Proposed Change to the Springbank Off-Stream Reservoir Project*.

### **Background**

A main feature of the Project is that the proposed reservoir will be dry for long periods of time and has the potential to provide consistent, protected, and prioritized access to Siksika and other Indigenous groups to carry out traditional activities such as hunting, fishing, and trapping. The Project was approved by the IAAC in 2021 with conditions (the “**Project Conditions**”).<sup>1</sup>

The Project area has privately-owned parcels of land that were originally supposed to be purchased by Alberta Transportation and Economic Corridors (“**TEC**”). These parcels border two roadways and used barbed wire fencing to prevent cattle from entering the roads.

TEC was supposed to purchase these parcels from the landowners and replace the barbed wire with wildlife-friendly fencing. However, TEC entered into right-of-way agreements instead of land purchase agreements. As a result, the general public and Indigenous groups will not have direct access to these private parcels unless they seek private arrangements with the land owners.

### **Proposal from TEC regarding fencing**

TEC is proposing to reinstall barbed wire fencing, as opposed to wildlife friendly fencing, along two segments along the roads adjacent to privately-owned land (“**TEC's Proposal**”). This measure is proposed to minimize the risk of cattle entering these roads.

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<sup>1</sup> Impact Assessment Agency of Canada, “Decision Statement: Issued under Section 54 of the Canadian Environmental Assessment Act, 2012” (2021) online (pdf): <https://iaac-aeic.gc.ca/050/documents/p80123/139551E.pdf>.

## **IAAC assessment of impacts from TEC's Proposal**

The IAAC takes the position that the barbed wire fencing may have potential adverse effects on wildlife movement and could potentially harm migratory birds, but that TEC is limited in what it can do because the land is privately owned.

Regarding impacts from TEC's Proposal on the rights of Indigenous Peoples, the IAAC is of the view that the proposed changes to the Project are unlikely to cause adverse impacts on the exercise of rights of Indigenous groups beyond those identified during the environmental assessment. The IAAC takes the position that the existing accommodation measures are sufficient, including condition 8.8 which requires a Land Use Plan to support Indigenous groups' use of the Project area, including ensuring First Nations have priority over other users of the land within the Project area for traditional use activities.

In light of its assessment, the IAAC recommends requiring the use of wildlife-friendly fencing only in areas that are in the control of TEC (i.e. not the private parcels), unless otherwise required for safety reasons. In addition, the IAAC recommends TEC provide IAAC with a current map of the fencing associated with the Project in order to support compliance verification of the fencing.

## **Response from Siksika**

Siksika is concerned that the barbed wire fencing may have adverse impacts on wildlife including juveniles, grizzly bears, and migratory birds.

Siksika strongly supports the mitigation measures proposed by Environment and Climate Change Canada ("**ECCC**"), and submits that the IAAC should explicitly adopt and recommend TEC implement ECCC's recommendations as follows:

- only installing wildlife-friendly fencing throughout the Project development area, and if this is not feasible, implementing additional mitigation measures in areas proposed for barbed wire fencing that include the following:
  - installing an adjustable wire fencing with staple lock or fence clips, and clipping wires together when cattle are not on site;
  - leaving gates open when cattle are not present; and
  - any other method that allows wildlife to cross safely according to the Alberta Landholder's Guide to Wildlife Friendly Fencing.

Siksika submits that the IAAC must go beyond simply recommending that TEC consult with private land owners about the measures suggested above in order to allow safe passage of wildlife along the two parcels of privately owned land. The IAAC must require that the ECCC's recommendations be fully implemented to avoid harmful impacts to wildlife, especially species of significance to Indigenous groups, and reflect this requirement in the Decision Statement.

In addition, Siksika takes the position that more guidance is needed to monitor the effectiveness of wildlife-friendly fencing. TEC must undertake the monitoring of non-wildlife-friendly fencing as well, including gathering data and identifying benchmarks and indicators for monitoring programs.

Finally, Siksika submits that TEC's Proposal to the fencing illustrates how the implementation of the Project, such as TEC negotiating right of ways instead of purchasing the private parcels, has weakened the accommodations and mitigation measures negotiated in the Project Conditions.

Initially, the lands were to be purchased by TEC and such lands were supposed to be accessible to Indigenous groups and the public. TEC ended up not purchasing the parcels, making the lands inaccessible, which in turn shrunk the available lands over which Indigenous groups have priority to exercise their rights. In addition, because TEC does not have care and control of these privately-owned parcels, barbed wire fencing instead of wildlife-friendly fencing will be used in the privately-owned sections, which undermines the original mitigation measures.

In effect, TEC's decision to negotiate rights-of-way instead of purchasing the privately-owned parcels has had the trickle-down effect of both weakened accommodation measures for Indigenous groups *and* weakened mitigation measures for impacts to wildlife. Project approval was contingent on TEC meeting the Project Conditions, and this is just one example of how the implementation of the Project has eroded some of the Project's key mitigation and accommodation measures.

### **Closing remarks**

Siksika would welcome more conversations with Canada about the recommendations above, and in particular, the weakening of accommodation and mitigation measures. Please contact me (cedrics@siksikanation.com) to arrange a meeting to discuss further.

Yours truly,

<Original signed by>

**Cedric Solway**

Siksika Consultation Coordinator

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