



STONEY TRIBAL ADMINISTRATION

Susan Tiege
Impact Assessment Agency
1145-9700 Jasper Avenue
Edmonton, Alberta, T5J 4C3
Canada

April 13, 2020

Dear Ms. Tiege,

RE: Request for further information pertaining to the Stoney Nakoda Nations request for designation of projects under the West Path Delivery Program

This letter is sent on behalf of the Stoney Tribal Council. The Stoney Tribal Council represents the three distinct Nations of Stoney Nakoda Nations ("SNN"): Wesley First Nation, Bearspaw First Nation and Chiniki First Nation. The Chiefs and Councils of SNN have the authority to protect the collective rights and interests of SNN as recognized by Treaty 7 and the Natural Resources Transfer Act, 1930, protected by Section 35 of the Constitution Act, 1982 ("Section 35 Rights").

This letter is sent as a follow-up to the request for designation filed on February 21, 2020 by SNN to the Minister Johnathan Wilkinson and the Impact Assessment Agency ("IAAC") for the four TC Energy projects that comprise the West Path Delivery Program¹ and the subsequent conversations between SNN and the IAAC.²

On March 27, 2020, SNN was contacted by the IAAC enquiring if SNN intended to file further evidence of how the four projects will impact SNN's Section 35 Rights. During this call SNN informed IAAC that this could not occur for several key reasons:

1) No provision of capacity

As SNN noted in its initial letter sent on February 21, 2020, without the provision of capacity SNN is strangled in consultation process and is unable to meaningfully participate in consultation activities including identifying project-impacts to SNN's Section 35 Rights. At this time, no capacity has been provided to SNN by the IAAC or NGTL to support any type of impact assessment work. In fact, one of the key reasons for SNN's request for designation is to ensure that a fulsome impact assessment occurs and SNN is meaningfully engaged.

SNN is now put in a stressful position where we would like to provide the requested information, but are left without the time, resources, or capacity to do so.

¹ The four projects are: 1) West Path Delivery 2022; 2) Foothills Zone 8 West Path Delivery 2022; 3) NGTL West Path Delivery 2023; and, 4) NGTL West Path Delivery 2023.

² March 20, 2020 phone call and March 27, 2020 phone call.

2) Emergent priorities facing SNN pertaining to COVID-19

Given the recent requirements imposed by the Government of Canada and Government of Alberta related to COVID-19, the priority of the Stoney Tribal Council have been solely focused on ensuring the health and well-being of SNN members. As of March 17, 2020, SNN has declared a State of Local Emergency for its communities of Morley, Big Horn, and Eden Valley as SNN members are facing disruptions in income, low supplies of food, and other essential products, and mental and physical health risks.

Further, SNN has taken responsible action towards social distancing and has closed the Stoney Tribal Administration offices except for essential services. This has meant that many Stoney Tribal Administration staff are now facing temporary suspension of their work duties, while others are seeking options to work remotely which comes with its own set of challenges. Stoney Tribal Administration staff, including Stoney Consultation Office staff, have been left without access to computers, reliable phone coverage, and other resources required to continue to operate as usual. Moreover, Stoney Tribal Administration and its members face a fine if they gather in groups. This precludes the Stoney Consultation Office from gathering to consult with SNN members on the projects and their impacts to SNN's Section 35 Rights.

Following the discussion on the limitations currently facing SNN in conducting impact assessment activities for the projects, the IAAC then requested that SNN provide links to past filings on the Canadian Energy Regulator ("CER") hearing records related to other TC Energy projects. SNN noted that it would provide these links, however it is important to stress that **these pieces of evidence were developed for other single application projects and should not be seen as a replacement for the need to conduct impact assessment work on the four upcoming projects.** The provision of these links are merely to demonstrate SNN's ongoing involvement and concern with TC Energy projects in their traditional territory and the types of impacts to SNN's Section 35 Rights that have been previously identified for other projects.

The links are as follows:

1. NGTL West Path Delivery Project

Written Evidence:

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3619535>

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3618820>

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3619932>

Oral Indigenous Evidence Transcripts:

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3636589>

2. 2021 NGTL System Expansion Project

Written Evidence:

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3768725>

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3768830>

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3768542>

Oral Indigenous Evidence Transcripts:

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3779119>

3. NGTL McLeod River North Project

Written Evidence:

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3754252>

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3754919>

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3755424>

4. NGTL Edson Mainline Project

Written Evidence:

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3896708>

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3897010>

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3896264>

Oral Indigenous Evidence Transcripts:

<https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3899712>

SNN further notes that the information contained within the above provided links remains the sole property of SNN and citation, use, or reproduction of the information contained in this document for any other purpose is permissible only with expressed written consent from SNN.

Sincerely,

<original signed by>

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