

Attachment 1: Guiding Questions for this Comment Period

Please respond by February 16, 2021

ATCO Salt Cavern Storage Expansion Project

Canadian Impact Assessment Registry File No.: 81297

The Agency encourages you to use the “Submit a Comment” feature on the Agency’s Registry website using reference number: 81297

Potential Effects and Impacts

- 1. Please identify any potential effects of the Project that are of concern to your community. Also please identify any potential effects that you are aware of that are not listed in the initial project description. Note: Information on effects and direct and incidental effects as well as effects within federal jurisdiction are defined in section 2 of IAA¹.**

The Alexander First Nation’s (Alexander) Alexander Industry Relations Corp. (AIRC) and the Alexander Business Centre (ABC) have conducted a preliminary technical review of the information provided by the IAAC. The AIRC and ABC also reached out to AES at the end of January 2021 to request information. Potential effects of the Project that are a concern to Alexander:

- potential impacts to Species of Migratory Birds in the Project area.
- Lack of acknowledgement of Alexander being dispossessed from the cultural landscape now called the AIH.
- Disturbance of archeological, historic sites with Alexander traditional territory impacting knowledge transmission.

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- 2. Please describe how the potential effects of the Project could result in changes to your community’s:**
(a) physical and cultural heritage (e.g. ceremonial sites, burial sites, cultural landscapes)

Alexander First Nation is concerned about the potential effects on physical and cultural heritage due to continued and ongoing land disturbance in the Project Area that further disturbs or destroys archaeological and historic evidence to support the oral Indigenous Knowledge of Alexander Elders in relation to an historic site because potential impacts could include impacts on Alexander’s Indigenous Knowledge transmission. According to the oral Indigenous Knowledge of our Elders, the Project area is generally located to the east of a historic campsite and canoe making site that is significant to Alexander. The site was located on the west side of the North Saskatchewan River, near the North West Upgrader location (and across the river from the Total Upgrader Project – however, this proposed project was later shelved).

No previous exploratory work had been undertaken in regards to this historic site and Alexander requests for capacity funding to conduct a traditional land use study (relevant to the North West Upgrader Project) were denied. Further, the Proponent has not offered capacity funding to Alexander to date. Alexander has not been provided with capacity to conduct a Traditional Land Use Study to identify and document cultural heritage sites. Although this historic site is outside of the Project Area, the Project Area may contain archaeological evidence related to the use of trails and travel ways that would support the oral Indigenous Knowledge of our Elders in relation to this historic site which may include the Project Area.

¹ A link to IAA text can be found here: <https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations.html>

As such, Alexander requests capacity funding from the Proponent to conduct exploratory work in relation to this historic site, trails and travel ways; and, requests to be notified in regards to any new findings that may arise from a records review and/or any additional Historical Resource Impact Assessments required for the Project.

(b) current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping)

Further to the response at 2) above, all projects within and surrounding the Project Area continue to impact Indigenous knowledge transmission and the ability of Alexander members to transmit Indigenous knowledge to future generations due to 1.) being dispossessed from the AIH area and 2.) inability to conduct adequate traditional land use studies to have historical practices in the AIH area recognized.

(c) structures, sites or things of historical, archaeological, paleontological or architectural significance (e.g. artifacts, important historic buildings or symbols)

Alexander used the land in and around the Project Area historically, and is concerned about potential impacts (historic and archeological) that would be significant to Alexander. Alexander requests to be notified in regards to any new findings that may arise from a records review and/or any additional Historical Resource Impact Assessments required for the Project.

3. Please describe how the Project may result in changes (both positive and negative) to your community's:

(a) health, social or economic conditions (e.g. employment opportunities, easier access to goods and services, economic development, accessibility to health-care services);

Alexander is concerned about not knowing what the potential is for the caverns to be breached its effect on human health; thus, Alexander requests information about AES's emergency response, remediation, abandonment and reclamation plans in relation to the Project.

Further, Alexander has not received, and thus, requests information about how the Project could bring positive change to Alexander's current economic situation. The Alexander Business Centre Inc. (ABC) has expressed interest in regards to business and economic opportunities on the Project. ABC requests information from AES regarding how it plans to include and engage with Alexander First Nation in regards to employment, business and economic opportunities arising from the Project. ABC also requests information regarding how the Proponent engages with Indigenous communities and how the Proponent tracks and reports on these processes. For example, whether the Proponent utilizes a database where Indigenous businesses can submit information to make an application to become an approved vendor.

ABC requests detailed information on the Proponent's views on how it differentiates between Indigenous communities in close proximity to the Project, as well as, how the Proponent differentiates between 100% Indigenous owned entities, Joint Ventures, and Band Member owned businesses, and details regarding the measurable components of Indigenous business in their Supply Chain (quality, safety, schedule, price and indigenous inclusion and special consideration based on proximity and majority owned businesses). Further, the ABC requests that should the Project be approved, that conditions be placed on the Proponent to:

- Provide a preferential opportunity for Indigenous groups in close proximity to the Project and majority owned businesses to submit bids on pre-construction and construction work; and, any other activities that these Indigenous groups have capacity for.
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- Make a formal commitment to contact Indigenous groups in close proximity and majority owned businesses and provide regular, monthly updates to report on employment and training opportunities, and business opportunities.
- To provide information to Indigenous groups in regards to long-term operation and maintenance activities, at least 3 months prior to activities taking place and to provide any other additional business opportunities to qualified majority owned Indigenous businesses that are in close proximity to the Project.
- Provide capacity building support commitments i.e.: funding for more equipment, changing net terms.

(b) Indigenous knowledge, indigenous language or indigenous culture.

Alexander is concerned with cumulative effects of growth and development in the AIH and the impact on indigenous knowledge transmission to future generations. Alexander requests information from AES regarding long-term communication plans to inform future generations about safety, abandonment and future reclamation of the Project Area.

4. Please describe how the Project may result in any change (positive or negative) to:

- (a) the intersection of sex and gender with other identity factors (would there be effects to different sub-groups within your community, identified based on factors such as gender, age, race, religion etc.. For example, to women, youth, elders);**

AIRC enquired with AES in January 2021 regarding how AES plans to address potential impacts on gender diversity and indigenous women and girls. The AES advised it was looking to provide more baseline information. Alexander requests this baseline information includes AES's considerations for gender diversity and indigenous women and girls.

- (b) sustainability, considering, for example, the interconnectedness and interdependence of human-ecological systems and the well-being of present and future generations.**

See 2 a), 2 b) and 3 b) above.

5. If you expect the Project may impact your community's potential and/or established rights as protected under section 35 of the *Constitution Act, 1982*, please describe how.

As indicated throughout this document, further growth and development of the AIH continues to add to the cumulative effects on Alexander's dispossession from land areas in order to exercise its treaty rights and traditional uses; has potential impacts to knowledge transmission over generations, and thus, impacting negatively on cultural identity.

Approach to Consultation and Engagement

6. If a federal impact assessment is required for the Project, the Agency will be developing a draft Indigenous Engagement and Partnership Plan and, if applicable, will contact you to seek your comments. Please provide information on how you would like to be consulted by the Agency (for example, does your community have specific cultural practices, traditions or protocols, etc.).

A key activity in the consultation process and the IAAC's engagement of Alexander is that on every project Alexander is consulted on, Alexander's process is to gather detailed information about a Project area, both historic and contemporary in nature through a traditional land and resource use study, followed up by meetings between Alexander and the Crown representatives assigned to

conduct government consultation activities and Crown consultation coordination to ensure a fulsome mitigation process. Alexander requests that this not continue to be overlooked.

7. Please also provide your views on how you would like the proponent to engage your community during all phases of the Project.

Alexander requests that a traditional land and resource use study be required via the IAAC to allow Alexander to meaningfully assess potential Project impacts on Alexander's physical and cultural heritage.

8. If a federal impact assessment is required for the Project, the Agency will act as the Crown Consultation Coordinator and will be responsible for implementing the Duty to Consult. Do you have any views on how the Agency should work with your community in relation to the assessment of impacts on the potential and/or established rights of your community, as protected under section 35 of the *Constitution Act, 1982*?

Alexander highlights the disjointed connection between the federal IA process and provincial EIA process, where Alexander may be consulted in one process but not the other, resulting in gaps in regulatory oversight and unintended consequences in regards to proposed projects. This requires additional analysis to ensure that Alexander is meaningfully involved.

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