



GUNN METIS LOCAL NO. 55

Preserving Our Past...Ensuring Our Future

Gunn Métis Local #55

Lac Ste. Anne Métis

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February 16, 2021

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ATCO Salt Cavern Storage Expansion Project
Impact Assessment Agency of Canada
Canada Place
9700 Jasper Avenue
Edmonton, AB T5J 4C3

Attention: Roslyn King, Senior Consultation Analyst

Dear Ms. King:

**Re: Canadian Impact Assessment Registry File No.: 81297
ATCO Salt Cavern Storage Expansion Project (the “Project”)**

On behalf of Gunn Metis Local #55 (Lac Sté. Anne Métis) (“GML/LSAM”), I write in response to the Impact Assessment Agency of Canada’s (the “Agency”) letter of January 25, 2021 and provide our comments on the Initial Project Description for the Project.

We have provided details of our initial concerns in the Guiding Question form included in your letter. We highlight key issues below.

**A. PROJECT COULD ADVERSE IMPACT GML/LSAM'S RIGHTS AND
CONSULTATION IS REQUESTED**

GML/LSAM represents individuals who self-identify as the descendants of the historical Lac Ste. Anne Métis community and assert collective Métis aboriginal rights and interests stemming from their cultural and genealogical linkages to the historic Métis community.

These rights include the use of GML/LSAM traditional lands, waters and resources for subsistence, medicinal, spiritual, economic, commercial, recreational and cultural purposes and all activities necessarily incidental to these rights.

GML/LSAM's traditional lands include the Project location, which are significantly and adversely affected by the cumulative industrial, agricultural and urban development in the area. The Project impacts could further contribute to these existing and significant impacts. Accordingly, GML/LSAM is interested in the Project and would like to engage in consultation with the federal Crown on the Project.

B. MEANINGFUL RIGHTS ASSESSMENTS REQUIRES A BASELINE AND PROJECT SPECIFIC TRADITIONAL LAND USE INFORMATION:

The Project is proposed to be located in an area that has been subject to significant development for decades, even before Métis rights have been recognized in Canada. GML/LSAM still faces challenges in securing the necessary funding and capacity to collect thorough and comprehensive information about its traditional land use information as part of its rights recognition and protection efforts. A key challenge is collecting the information in a manner that recognizes the existing state of affairs – that GML/LSAM's existing rights to the Project area reflects a highly affected community.

The Project will further contribute to cumulative effects of the Alberta Industrial Heartland having taken place without any strategic assessment that considers or addresses impacts to aboriginal rights – as such each new project is taking place in the context of a “baseline” where rights have already been impacted.

Accordingly, the collection of baseline traditional land use information for the area, which is requested as part of the assessment process on the Project, is necessary for the meaningful aboriginal rights and cumulative effects rights assessment by the federal Crown in the Project impact assessment.

C. IMPACTS TO CULTURAL VALUE OF NORTH SASKATCHEWAN RIVER VALLEY

The North Saskatchewan River is a historical and current travel route that is an important part of LSAM's cultural landscape. Travelling the river by canoe is a cultural activity that helps to connect members with their roots and helps to reinforce cultural identity and transmission of culture to younger generations. The community asserts harvesting rights in the valley.

The Project is located within 5km of the North Saskatchewan River. Increased sensory disturbance of industrialization along the river affects the cultural landscape and could also affect members' experience and result in avoidance of this important cultural area and activity. This has likely negative consequences to the social values, health, culture and sustainability and resilience of the community that requires assessment.

D. SURFACE AND GROUND WATER QUALITY AND QUANTITY CONCERNS

Clean and plentiful water resources are an integral component of LSAM aboriginal rights and interests. Water resources support flora, fauna and fish necessary to exercise aboriginal rights; support domestic purposes while on the land; and are intrinsically valued by the community.

LSAM is concerned about increased water withdrawals from the North Saskatchewan River and potential water quality impacts to the water resources, fish and fish habitat and travel and harvesting opportunities in the North Saskatchewan River, Astotin Cree Watershed and groundwater resources. We request this topic form a key component of the impact assessment process.

Of particular concerns are the 1) potential of cavern failure during construction and/or operation; 2) potential for groundwater contamination and further surface migration of the stored petrochemical products and also the ability of the salt caverns to adequately be protected against chemical interactions with stored products; 3) potential groundwater impacts and surface water pathways due to the new brine disposal in the Nisku formation 4) long-term impacts of stored brine in the salt caverns and abandoned wells after decommissioning 5) potential surface water contamination due to the brine pond leaks or failures; and 6) contamination of the Project area wetlands that serve as recharge wetlands to the North Saskatchewan River.

Cumulative effects assessment of these concerns is absolutely essential and needs to be assessed. Further, ATCO's water withdrawals must be considered with an updated cumulative effects assessment that also considers climate change impacts.

E. EFFECTS OF MALFUNCTIONS AND ACCIDENTS OF BRINE POND; STORAGE CAVERNS AND PIPELINES

The Project proposes a significant increase in salt cavern storage capacity and pipeline transport through sensitive wetlands. Accordingly, the potential effects of potential malfunctions and accidents of underground storage and pipelines requires assessment.

F. MIGRATORY BIRD INTERACTIONS WITH BRINE POND

LSAM harvesting rights including opportunities to harvest migratory birds for subsistence purposes and cultural purposes. This is a recognized rights pursuant to the Government of *Metis Harvesting in Alberta Policy* (2018).

Accordingly, LSAM is concerned about potential impacts to migratory birds for forced landing on the brine pond (open water body) under certain weather conditions. It is understood that bird deterrents have largely been ineffective in protecting migratory birds from open water industrial sites (JRP Decision, Teck Frontier Mine, 2019 ABAER 008 (July 25, 2019) at para. 2294).

G. APPROACH TO CONSULTATION AND ENGAGEMENT

It is GML/LSAM's understanding that a federal impact assessment is mandatory for the Project and we look forward to developing an Indigenous Engagement and Partnership Plan.

A key component of our community's consultation process is to obtain detailed information from the proposed Project to engage in direct members consultation for proposed mitigation and accommodation measures to be brought back to the proponent and the Crown. As stated above, necessary information as part of the consultation process will be baseline and project specific traditional land use information as part of the impact assessment. Further, capacity is needed for technical advice on key environmental matters. Our preference is for face to face engagement and consultation with both the Crown and proponent directly.

Thank you for the consideration of our concerns and comments. We look forward to working with the Agency within the consultation process on the Project.

Sincerely,

<original signed by>

Murleen Crossen, President