

Meeting #6 Summary - Technical Advisory Group for the Springbank Off-Stream Reservoir Project

Meeting Information

Date: March 18, 2021, 9:30AM – 11:00AM MT

Host: Impact Assessment Agency of Canada (the Agency)

Location: Virtually via Zoom.

Participants

Impact Assessment Agency of Canada (Prairie and Northern Region, Decision Statement Team, and Compliance Promotion and Enforcement Team)

Stoney Nakoda Nation

Louis Bull Tribe (represented by Solstice Canada)

Samson Cree Nation

Fisheries and Oceans Canada

Health Canada

Indigenous Services Canada

Natural Resources Canada

Environment and Climate Change Canada

Infrastructure Canada

Transport Canada

Rocky View County

City of Calgary

Meeting Context and Objectives

This document summarizes the topics and discussion points of the fifth and final Technical Advisory Group (TAG) meeting for the Springbank Off-Stream Reservoir Project (the Project). The objectives of the two-day session include:

- Overview of the Environmental Assessment (EA) Process and timelines for the remainder of the process.
- Overview of the Compliance Promotion and Enforcement (CP&E) Unit's roles and processes for post-decision phase of the Project.

Discussion Summary

Discussion points, including concerns and recommendations, are summarized below and organized by topic. These views do not represent the views of the Agency or consensus by the TAG.

IAAC Presentation on Stage and Timelines of EA Process:

- The Agency provided an overview of current stage and next steps of the federal EA Process.
- On March 4, 2021, the Minister of Environment and Climate Change extended the time limit for the issuance of the Environmental Assessment Decision Statement by 90 days.

- The Agency will consider any key and/or new issues from the provincial Natural Resources Conservation Board hearing for the Project, and Fisheries and Oceans Canada's jeopardy assessment on bull trout.

Compliance Promotion and Enforcement Unit Presentation

- Outlined the non-project specific roles and responsibilities of the CP&E Unit including compliance promotion, inspections, enforcement, investigation, and legal actions.
- To reach the goal of compliance, the CP&E Unit uses the most effective tools in the situation.
- To verify compliance, the CP&E Unit can conduct on site or off-site inspections. If there is reasonable grounds to believe a contravention occurred, enforcement actions such as Notices of Non-Compliance and Orders may be issued.
- The CP&E Unit response to an offence considers the nature, history, and consistency of offence.
- An investigation would be conducted if there were reasonable grounds to believe there was an offence under the Act.

Indigenous Participation in Monitoring and Compliance & Enforcement

- Comments regarding:
 - overlap between Indigenous monitoring (required by the decision statement) and enforcement officers;
 - Indigenous representation accompanying CP&E officers during inspections and investigation processes; and
 - how Indigenous nations would participate in the inspection activities.
- Discussion regarding draft conditions that directs the Proponent to retain the services of Indigenous monitors and how the opportunity should be offered to all Indigenous groups potentially affected by the Project to observe, record, and report on the implementation of the requirements of the conditions.
- If there is an observation or a concern, Indigenous nations are encouraged to contact the CP&E inbox. Each request is considered.

Compliance, Enforcement, and Communication with Federal Authorities (FAs)

- Discussion occurred regarding how the conditions are enforceable and how they align with authorizations issued by other federal authorities (such as Fisheries and Oceans Canada under the *Fisheries Act*).
- Conditions are drafted on the basis of available information and future information or actions that will be take place in relation to a particular plan (i.e. conditions exist for the Proponent to finalize a plan that includes certain aspects).
- CP&E Unit indicated that federal authorities and any other person can directly contact the Unit if there are issues identified with the conditions, including proponent follow-up and monitoring.
- As follow-up programs are drafted and finalized, FAs are consulted on a case-by-case basis as described in the specific conditions.
- If there is an occurrence of non-compliance with conditions pertaining to any mandates of a federal authority, the FA would be informed, by the CP&E Unit.
- Discussion occurred regarding how Project changes may warrant amendments to conditions or changes to authorizations as well (by FAs).