



10 April 2019

Jennifer Howe
Project Manager, Prairie and Northern Region
Canadian Environmental Assessment Agency

Via email: Jennifer.Howe@canada.ca

SLR Project No.: 203.50152.00000

Dear Ms. Howe,

CANDO STURGEON RAIL TERMINAL PROJECT – COMMITMENTS RELATED TO POTENTIAL INDIGENOUS CONCERNS AND INDIGENOUS ENGAGEMENT

SLR Consulting (Canada) Ltd. (SLR) submitted the Cando Sturgeon Terminal Project (the Project) Project Description on behalf of Cando Rail Services Ltd. (Cando) on 4 March 2019. The Canadian Environmental Assessment Agency (Agency) is conducting a review pursuant to the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) (Government of Canada 2012a) to determine whether a federal environmental assessment is required for the Project.

Prior to submission of the Project Description and as recommended by the Agency, Cando notified 21 Indigenous groups of its intent to submit a Project Description under CEAA 2012 for the proposed rail yard facility. During the public comment period for the Project (March 18 to April 6), the Agency has received comments and concerns from Indigenous groups. The main concerns included:

- Heritage and cultural resources important to Indigenous groups may be located on site in spite of the *Historical Resources Act* clearance being issued for the site; and
- Culturally significant fauna and flora may occur on site.

The Agency has subsequently requested the following feedback from Cando:

- Confirmation of commitments presented in the Project Description related to the concerns raised by Indigenous groups;
- Details on engagement with the Indigenous groups regarding their concerns; and
- Any new commitments made to Indigenous groups to address their concerns.

This letter has been prepared to provide the information requested in relation to Indigenous concerns and Cando commitments.

1.0 MANAGEMENT MEASURES IN THE PROJECT DESCRIPTION

Cando's commitment to implementing management measures relative to Indigenous concerns is included in the Project Description with respect to historical resources (Table 5-9), vegetation (Table 5-4) and wildlife (Table 5-5). Cando re-affirms the company's commitment to implement

these management measures as needed. A summary of relevant management measures is provided in Table 1.

Table 1: Historical Resources, Vegetation and Wildlife Management Measures

ASPECT	MANAGEMENT MEASURE
Historical resources (includes cultural resources)	Implement a chance discovery procedure: <ul style="list-style-type: none"> • Train workers on the tell-tale signs of historical or archaeological resources to enable the identification of a chance discovery; • In the event that an unknown historic resource is found during the construction or operation of the Project, follow the requirements included in the Approval and report all discoveries following the procedure in the Standard Requirements under the <i>Historical Resources Act</i>: <ul style="list-style-type: none"> ○ Stop all work in the location of the find and contact Alberta Culture and Tourism; ○ Take appropriate action in accordance with regulatory guidance; ○ Recommence work upon direction of the regulator. • A plan will be developed to notify Indigenous communities that have indicated an interest in the event an unknown historical resource is discovered during construction or operation.
Vegetation	<ul style="list-style-type: none"> • Limit the area of disturbance and avoid removing trees and natural vegetation as far as practically possible; • Clear trees outside of bird nesting periods and comply with the Alberta <i>Wildlife Act</i> and the <i>Migratory Birds Convention Act, 1994</i>; • Manage invasive plant species; • Prohibit the harvesting of any natural vegetation on the Project site by workers; • Determine if any culturally significant flora occurs on site through engaging with relevant Indigenous Groups who have identified traditional land use activities as a potential concern. Should culturally significant plant species occur on site, Cando will develop a management plan to address traditional land use; and • Monitor re-vegetation of the Project site at the end of operations.
Wildlife	<ul style="list-style-type: none"> • Limit the area of disturbance and avoid removing trees and natural vegetation as far as practically possible; • Install a perimeter fence (6-foot chain link) to deter wildlife accessing the Project site and the stormwater pond; • Prevent vegetation from becoming established around the edges and perimeter of the stormwater pond. This will prevent the development of suitable habitat for birds and other wildlife; • Manage the water quality of releases from the stormwater management pond into the County stormwater system; • Should it be determined that potential risk to migratory birds exists on and around the pond during operations, Cando will work with AEP to identify appropriate measures to further limit risk to this wildlife; • Comply with federal and provincial legislation relating to migratory birds and designated species at risk (if presence is identified on site); • Determine if any culturally significant fauna occurs on site through engaging with relevant Indigenous Groups who have identified traditional land use activities as a potential concern. Should culturally significant wildlife species occur on site, Cando will develop a management plan to address traditional land use;

ASPECT	MANAGEMENT MEASURE
Wildlife (cont.)	<ul style="list-style-type: none"> • Train workers to report wildlife incidents such as presence of wildlife on the Project site or wildlife mortality; • Prohibit harassment, hunting, trapping or feeding wildlife or livestock on the Project site and surroundings; and • Manage dust and noise emissions to minimize disturbance to wildlife around the Project site.

2.0 INDIGENOUS ENGAGEMENT ACTIVITIES

Cando, with the assistance of Lifeways of Canada specialists in Indigenous Engagement, has entered into communication and discussion with Indigenous groups who have expressed interest in the Project and identified concerns. A summary of key engagement activities with interested groups is provided in Table 2.

Table 2: Summary of Indigenous Group Engagement Activities

FIRST NATION GROUP	SUMMARY OF ENGAGEMENT ACTIVITIES
Paul First Nation	<ul style="list-style-type: none"> • Lifeways conducted a telephone meeting to understand the concerns and to arrange a meeting; • A meeting was held on March 27 in Calgary with Mr. Raymond Cardinal and Mr. Aaron Lambie representing Paul First Nation; Terry Carlisle (Cando), Brent Murphy (Lifeways) and Kim McFarlane (SLR). Key issues discussed: <ul style="list-style-type: none"> ○ Raymond Cardinal expressed a general concern with provincial historical resource listings/process and provided rationale for requesting historical resources and cultural heritage assessments despite the site having received clearance under the <i>Historical Resources Act</i>; ○ Paul First Nation requested a pre-development historical resource impact assessment (HRIA) to be conducted by a qualified company, as well as a cultural heritage field assessment to be conducted by Paul First Nation elders; and ○ Aaron Lambie introduced and explained their economic partnerships. • Cando indicated that the company would consider the requests for pre-development field assessments. • April 4, Cando requested a work scope from Paul First Nation to undertake a pre-development site visit and cultural heritage assessment.
Blood Tribe	<ul style="list-style-type: none"> • Blood Tribe requested a meeting via email; • Lifeways called and left a message then followed up with an email on March 7 and March 25; • Lifeways followed up by email on April 9 to inquire if Blood Tribe has any comments or questions related to the Project and, if they are still interested in a meeting to discuss the Project, would a teleconference be acceptable for Project discussion.

FIRST NATION GROUP	SUMMARY OF ENGAGEMENT ACTIVITIES
Enoch Cree Nation	<ul style="list-style-type: none"> • Lifeways spoke with Mr. Bryant McDonald about their request for a site visit; • Lifeways requested the group provide a work plan and budget for the site visit; • Followed up with an email on March 25 to request work scope and budget; • Lifeways followed up on April 9 by email to inquire if Enoch Cree Nation is still interested in conducting a site visit and if there are any other comments or questions regarding the Project at this time.
Ermineskin Cree Nation	<ul style="list-style-type: none"> • Ermineskin Cree Nation requested a meeting to discuss the project; • Lifeways contacted Mr. Danny Bellerose and are waiting to hear back regarding dates for a meeting, possibly via teleconference. • Lifeways followed up by email on April 9 to inquire about possible meeting dates.
Samson Cree Nation	<ul style="list-style-type: none"> • Lifeways contacted Ms. Kaylyn Buffalo about the request for a meeting and provided mapping files for review; • Samson Cree indicated that they are busy but would be open to have a teleconference; • Lifeways followed up by email on April 9 to inquire about potential teleconference meeting availability in April.
Piikani Nation	<ul style="list-style-type: none"> • Piikani Nation requested project mapping files which were sent on March 8; • Lifeways called and left a message on March 26; • Lifeways followed up by email and offered to set up a teleconference meeting to address any questions or concerns Piikani Nation has regarding the Project.
Stoney Nakota Nation	<ul style="list-style-type: none"> • After initial Project notification was provided, Stoney Nakota provided a Stoney Information Letter (SIL) and cost schedule for consultation; • Cando acknowledged receipt of the SIL and cost schedule and offered to engage in formal consultation following Stoney protocol, as required if the Agency determined that an Environmental Assessment for the Project was necessary. Prior to that stage, Cando offered to meet via teleconference to discuss the Project and provide any additional information; • Lifeways followed up on March 26 and offered to complete the SIL form if that is required as a first step for engagement, and to discuss the Project and any potential concerns or issues via teleconference.
Métis Nation of Alberta Region 4	<ul style="list-style-type: none"> • Lifeways contacted Dr. Tracey Friedel to discuss the group request for a meeting; • Region 4 requested a meeting to discuss environmental aspects of the Project and expressed interest in potential socio-economic opportunities; • Meeting is being planned for the week of April 15.

FIRST NATION GROUP	SUMMARY OF ENGAGEMENT ACTIVITIES
Louis Bull Tribe	<ul style="list-style-type: none"> • Lifeways contacted Ms. Melanie Daniels regarding concerns with cumulative effects from the project and possibly specific concerns with flora and fauna; • Louis Bull Tribe is interested in meeting to discuss their concerns and is open to meeting via teleconference; • Lifeways followed up by email April 9 to inquire about availability for a teleconference meeting in April.
Peavine Métis Settlement	<ul style="list-style-type: none"> • Lifeways called Mr. Mark Sinclair with the understanding that they are interested in environmental impacts of the Project and potential economic opportunities. • Peavine Métis Settlement was open to a conference call to discuss any project concerns and economic opportunities and indicated that they would send an email with further details related to their interest in the project; • As requested, SLR emailed the project mapping files for the proposed infrastructure on March 20 and again April 1. SLR is providing guidance regarding use of the mapping files.
Elizabeth Métis Settlement	<ul style="list-style-type: none"> • Ms. Anne Turbide requested project mapping files to assist with review of the project; • As requested, SLR provided Ms. Anne Turbide the project mapping files for the proposed infrastructure on March 19. • Lifeways followed up by email to inquire if Elizabeth Métis Settlement had any comments or questions related to the proposed development.
Siksika Nation	<ul style="list-style-type: none"> • Mr. Richard Right Hand responded to notification of the project and indicated that they would be interested in a site visit and asked to review the Historical Resources Impact Assessment (HRIA) for the project; • Lifeways responded that the project had received <i>Historical Resources Act</i> clearance from Alberta Culture and Tourism in December 2018 and an HRIA was not required for the project; • Lifeways offered to set up a meeting via teleconference to discuss any questions or comments regarding the Project and indicated that Cando would be open to discuss a site visit.

3.0 ADDITIONAL MANAGEMENT MEASURES

As indicated in Table 2, the Paul First Nation requested that Cando undertake to complete a pre-development archaeological/historical resources assessment (i.e., Historical Resources Impact Assessment or HRIA under the *Historical Resources Act*) for the proposed site, despite the Project site having been granted clearance under the *Historical Resources Act*. During the public comment period, Siksika Nation also expressed interest in reviewing any HRIA that had been carried out. Cando agreed to consider the request by Paul First Nation and followed up with discussions with Alberta Culture and Tourism regarding the request for an HRIA. Alberta Culture and Tourism advised Cando not to undertake this assessment based on the Project site having already received clearance under provincial jurisdiction. Therefore, Cando commits to the following:

- Cando will provide the details of the *Historical Resources Act* clearance granted under provincial jurisdiction to the Paul First Nation, Siksika Nation and any other group that requests that Cando conduct a pre-development HRIA.
- Cando re-affirms the company's commitments to implement the 'chance discovery' protocol and to develop a plan to inform interested groups in the event of a chance discovery. At this stage it is envisioned that a chance discovery notification would be sent by email, followed by telephone notification, to relevant contact persons at each group that raised concerns relating to historical and cultural heritage resources. Further engagement will be undertaken with specific groups as requested at that stage.
- Cando will offer interested groups the opportunity for a pre-development site visit to identify potential cultural heritage resources, to alleviate concerns. Cando is currently making arrangements with Paul First Nation to conduct a cultural heritage field assessment.
- Cando furthermore commits to continuing open discussion regarding monitoring during construction to identify potential cultural resources, in the event that this is requested, to alleviate concerns.

4.0 CLOSURE

This letter provides the requested feedback on how Cando is continuing to engage with interested Indigenous communities and commitments to address Project specific concerns raised by Indigenous groups. Please contact the undersigned if any clarification is required.

Yours sincerely,
SLR Consulting (Canada) Ltd.

<Original signed by>

Kim McFarlane, B.Sc., MEdes., P.Biol.
Principal, ESIA
kmcfarlane@shaw.ca
403-385-1314

cc: Terry Carlisle (Cando Rail Services)
Brent Murphy (Lifeways of Canada)
Linda Munro (SLR Consulting)