

May 26, 2016

Canadian Environmental Assessment Agency
Canada Place
9700 Jasper Avenue, Suite 1145
Edmonton, AB T5J 4C3

Re : Springbank Off-Stream Reservoir Project (Registry Ref. No. 80123)

We are providing comments on the Springbank Off-Stream Reservoir Project (the “Springbank Project”) in response to the invitation for public comments, as per the Public Notice of May 9, 2016.

About Us

We represent the Calgary River Communities Action Group, a non-partisan advocacy organization of approximately 1000 members who were impacted by the 2013 flood that devastated the City of Calgary. Our mandate and more information can be learned at our website: www.protectcalgary.com. Since our inaugural meeting a few short weeks post-flood, at which all levels of government were represented and addressed an audience of several hundred flood-impacted property owners, we have worked collaboratively with the municipal, provincial and federal governments to raise awareness of issues impacting our membership and in many instances, drive change.

Springbank Project – Not a Designated Project

We understand that, pursuant to the *Regulations Designating Physical Activities* (SOR/2012-147) (the “Regulations”) enacted under the *Canadian Environmental Assessment Act, 2012* (S.C. 2012, c. 19, s. 52) (the “Act”), a project for the construction and operation of a new structure for the diversion of 10,000,000 m³/year or more of water from a natural water body into another natural water body involves physical activities that constitute a designated project under the Act. It is our respectful submission that the Springbank Project does not fall within the scope of such physical activities, as further discussed below, nor any other physical activities set forth in the Regulations.

The Springbank Project consists of the construction and operation of an off-stream storage reservoir, a diversion structure located at the Elbow River, a diversion channel to transport diverted floodwater into the reservoir, an off-stream storage dam to contain the diverted floodwater and outlet works to return the stored water back to the river following a flood. It is not expected that the Springbank Project would be used on an annual basis to divert any water, let alone 10,000,000 m³, from the Elbow River into the reservoir, and that diversion will only very rarely occur when the flowrate on the Elbow River exceeds a threshold level that may trigger downstream flooding.

On these rare occasions when the Springbank Project will be used under circumstances of extreme flowrate on the Elbow River, the river water is diverted into the dry reservoir, where it is held temporarily (a few weeks at most) and then released back into the main flow of the Elbow River. The water is not diverted from one “natural water body” (*i.e.*, the Elbow River) into another “natural water body”, as the reservoir itself is not a *natural* water body, nor is it separate and distinct from the Elbow River. The water diverted into the reservoir is not commingled with any water from another “natural water body” – but rather is temporarily secluded in the reservoir (which was empty prior to the diversion) and then released back into the Elbow River. This is not a project where water from one natural water body is permanently or even temporarily diverted into a second natural water body that contains its own water. Nor, is there any other downstream path for the water diverted into the reservoir, other than back into the natural water body from where it came, *i.e.*, the Elbow River. The Springbank Project provides a temporary bypass of the water flowing down the Elbow River, which maintains the integrity of the water from the Elbow River water body both during and after the flood event. The infrequent storage required on these pasture lands is not expected to significantly alter the function of these lands on a sustained basis.

Due to the nature of the Springbank Project, we therefore submit it will not involve physical activities as prescribed by the Regulations and it is not a designated project under the Act. On that basis, we submit that the Canadian Environmental Assessment Agency (the “CEAA”) is not required to undertake an Environmental Assessment.

Springbank Project and the Public Interest

If CEAA decides to undertake an environmental assessment, we respectfully request that the urgency of the Springbank Project and the overwhelming evidence of the strong public need for flood mitigation infrastructure on the Elbow River, be considered. The Springbank Project is in the public interest of the City of Calgary, which is situated in near proximity downstream on the Elbow River.

Canada’s economic engine was devastated in 2013 and not only in residential communities. The downtown core ground to halt. To put the impact into perspective: City Hall was severely flooded and not re-opened for several months; the Saddledome was filled with water past the 10th row of seating; the Stampede grounds were devastated and it was miraculous the 2013 Stampede was able to proceed on schedule; the Calgary Zoo was entirely underwater, and several hundred animals were evacuated under dangerous circumstances; large swathes of the downtown core were flooded or rendered inaccessible; 32 communities in Calgary were evacuated, which affected about 80,000 people and thousands of homes were flooded or destroyed; 4000 businesses were impacted; and approximately 5.1 million work hours were lost in the private sector. The Provincial Flood Damage Assessment Study for the City of Calgary estimated \$1.8 billion in direct damages alone.

Perhaps even more shocking, this was not the largest flood to hit Calgary: in the past 150 years, there have been two floods that were more than 30% larger. Although the risk of a 1 in 100 year flood is 1% each year, the risk of a flood of that magnitude occurring over a 10 year period is 9.6% and over a twenty year period the risk rises to 18%. Risk levels this high cannot continue to go unmitigated – there is too much at stake. Failing to implement timely upstream mitigation is not

an option for a city of this size – not only to minimize economic damage, but to ensure public safety.

The public interest is clearly served by ensuring that timely, cost-effective and environmentally sensitive mitigation is constructed to protect the City of Calgary from flooding on the Elbow River. The Springbank Project has been selected by two successive provincial governments as making the most sense for Calgary. Being a temporary retention structure that remains dry other than when in use during a flood emergency, the Springbank Project will have minimal impact to the environment. The area receiving the water is a dry grassland area that is expected to provide temporary and intermittent storage. No natural water bodies will be affected by the proposed structure.

In 2015, Deltares, an independent institute for applied research on river basins, was retained by the provincial government to review the Springbank Project and an alternative project that has been proposed, the McLean Creek dam. In a comprehensive report, Deltares summarized its findings, in particular an assessment of nine criteria that were studied, including features of efficacy, cost benefit, risks, environmental impacts and social impacts. The Springbank Project was selected as the overall better choice based on its minimal impact to the environment, leaving “the river as a more natural system”. The report can be accessed at the link below.

<http://www.alberta.ca/albertacode/images/ElbowRiver-DeltaresSpringbankMcLeanReview-2015.pdf>

As we near the third anniversary of the 2013 flood, it may seem to some that not enough progress has been made on flood mitigation infrastructure. However, we understand that a large scale project of this nature will always take time to proceed, and we also know that much has been accomplished. We urge CEAA to allow Alberta Environment & Parks to proceed with their comprehensive EIA, as described by the published terms of reference, which will undergo review by the province’s Natural Resources Conversation Board (the “NRCB”), without federal involvement. The NRCB process will ensure a robust assessment of the potential environmental impacts of the Springbank Project and will that any potential effects are suitably mitigated.

We ask CEAA to recognize the potential for additional delays that may result from a joint review and to understand the urgency with which this public infrastructure in particular must be advanced. With every year that passes, the risk of a destructive flood impacting Calgary rises.

Sincerely,

CRCAG Board of Directors

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