

June 15, 2018

Springbank Off-Stream Reservoir Project
Canadian Environmental Assessment Agency
Canada Place 9700 Jasper Avenue, Suite 1145
Edmonton, Alberta T5J 4C3

Delivered via email: CEAA.Springbank.ACEE@ceaa-acee.gc.ca

Dear CEAA:

Springbank Off-Stream Reservoir Project (SR-1) – Response to request for public commentary

Thank you for the opportunity to respond to this matter. I am writing on behalf of our family in response to the April 30, 2018, Canadian Environmental Assessment Agency (CEAA) invitation for public comment on the Springbank Off-Stream Reservoir Project (Project or SR-1), specifically with comments on its potential environmental effects and the proposed measures to prevent or mitigate those effects.

We currently reside in the North Glenmore community, in close proximity to the Glenmore Dam and the Glenmore Reservoir (Elbow River). While we reside above the flood plain, in June 2013 I lived in the Parkhill / Stanley Park community, on a bluff above the Elbow River and the flood stricken communities of East Elbow Park and Stanley Park. I saw the effects of the full flood on the Elbow River communities in the early hours on Friday June 21st, 2013. What we thought was to be passive "flood fringe" or overflow areas were nothing of the sort. The streets throughout the entire community became full "floodway". The power of the river was awesome (and I mean this in the traditional way).

I worked as a planning lawyer with the City of Calgary through most of the 1990's, consulting with the planning and engineering departments at the city. I worked closely with John Sealy, P.Eng. who was the City's senior flood engineer at the time (a position now occupied by Frank Frigo). I also worked on the City's Land Use Bylaw 2P80 which is relevant as it was through this bylaw that the development limitations in the Bow and Elbow River flood zones (floodways and flood fringe areas) were defined. Most of this work was based on flood mapping that was conducted by the Province of Alberta and thereafter associated with the Calgary land use bylaw.¹

I have seen continuous improvement in how Calgary, as a city, has "armoured" itself for future flood impacts. How we have moved all new development out of the mapped floodways and how we have gradually elevated most of the downtown above the 1:100 event geodetic. But what we cannot do is change where we built our community. It started in the floodplain. We don't want it to end by flood event. Without significant upstream flood mitigation (over and above the municipal Glenmore Dam improvements), that is what we currently face.

¹ These maps were developed by Alberta Environment and Parks in the early 1990's and were used to support the City of Calgary regulatory flood maps between the early 1990's and today.

Looking at options. We have tried to look at both the Maclean Creek (MC-1) and Springbank (SR-1) options with the same lens. I appreciate that your agency is looking for feedback on the SR-1 project only. What appeals to us about the SR-1 is that it seems to be the project that has the fastest potential timeline to completion. For the citizens of Calgary and, in particular the residents of the Elbow River flood affected areas downstream of the Glenmore Reservoir (see the last page attachment), the spectre of another "1 in 100" event EVERY year is very real.

We are also concerned that the Maclean Creek dam option would pose an even greater environmental challenge, given its suggested location within an existing Provincial Park.

Impacts. Others in our community have given considerable thought to the design of the Project and suggest that it is thoughtful, makes efficient use of landscape features, and minimizes the impact to the environment, landowners and Indigenous groups.

I am advised that the revised March 29, 2018, Environmental Impact Statement (EIS) submission prepared by Stantec Consulting Ltd. for Alberta Transportation reflects a comprehensive and thorough assessment of potential environmental effects associated with the Project. The report is based on sound science and is prepared by experienced and highly qualified professionals. The EIS concludes that *"the Project is not likely to result in significant adverse residual environmental effects"*. The assessment includes a robust comparison of alternatives and reinforces that the Project is the best option for upstream flood mitigation on the Elbow River.

Forced land taking. I practice some expropriation law. While it is usually the least desirable option to acquire lands in the public interest (negotiation being preferred), it is sometimes the only reasonable choice that remains following protracted discussions. It seems to many Calgarians that the public safety benefits of the Project significantly outweigh the interests of the affected landowners. I understand that there are approximately 17 landowners or landowner families that will be directly affected by the required land acquisition. I appreciate that as multi-generational owners, they have a passionate and heart-felt interest in the stewardship of the lands to be affected by SR-1. However, I believe that the test for acquiring lands for the Project of "fair, sound and reasonably necessary to fulfill the purposes of the expropriating authority" will be demonstrated should expropriation be required.

First Nations. Some First Nations groups, including the nearby Tsuut'ina First Nation, have recently expressed concerns regarding the functioning of the proposed SR-1 dam. It has been suggested that the concerns of the Nation can be addressed with proposed mitigation measures identified in the EIS. I believe that the Project can be achieved in a fashion which addresses proximate landowner concerns and that the public interest is best served by having the Project built and operational as soon as possible.

What is the Public Interest? As we approach the five-year anniversary of the 2013 flood, we must not forget that each year there is a clear and considerable danger posed to Calgarians' lives and property due to flooding. The Project is the only realistic upstream flood mitigation project for the Elbow River. I understand that it is supported by all three levels of government and is urgently required to address the continued flooding risk. In measuring the risk and the balance of convenience, it is in the public interest in my opinion to move forward with SR-1.

Our community's request. It is in the public interest that the Project regulatory review is expedited and, given the additional information that the CEAA has already requested and received from the proponent, I respectfully ask that CEAA prepare the draft Environmental

Assessment Report as quickly as possible and recommend that the Minister decide that the Project is not likely to cause significant adverse environmental effects.

Copy to:
Calgary River Communities Action Group
Ward 11 Councillor Jeromy Farkas

Attachment 1 to Chris Davis / Mirella
 Rullo letter (June 15, 2018)

Source:

<http://maps.srd.alberta.ca/floodhazard>

Legend

- Floodway
- Flood Fringe
- Overland Flow (Flood Fringe)
- Under Review
- Cross Section and Design Flood Level
- Water Body
- First Nation Boundary
- Municipal Boundary

Digital flood hazard mapping last updated on June 22, 2015.

Cadastral data last updated on August 27, 2014

Flood hazard map application last updated Feb 24, 2016.

Cadastral data provided by Alberta Data Partnerships Ltd. (ADP)

