

# Federal court decision puts Springbank assessment issue in minister's lap



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Environment minister Catherine McKenna, shown here in Calgary on May 25, 2017, must now decide whether a public review panel will conduct an environmental assessment of the Springbank dry dam. (THE CANADIAN PRESS/Jeff McIntosh)

Opponents of the proposed Springbank Dam have won a court victory that will force federal Environment Minister Catherine McKenna to decide whether a public review panel will conduct an environmental assessment of the project.

The Canadian Environmental Agency ordered an assessment of the dam project a year ago to be conducted by the agency itself.

However, a group of landowners opposed to the dam launched a legal challenge alleging the government did not follow proper procedure by having the minister make the final decision on whether public interest warranted having the assessment conducted by a public review panel.

Federal Court Judge Douglas Campbell upheld the challenge in a decision last week, ruling that McKenna herself must make a decision whether to appoint a public panel — which could add at least a year to the review process.



Signs supporting the DontDamSpringbank.org movement are posted on fences along Springbank Road on October 17, 2014. COLLEEN DE NEVE COLLEEN DE NEVE / CALGARY HERALD

While Campbell noted there is significant public interest in the project, he stopped short of the applicant's request to order a public review himself.

"It is not for me to decide the outcome; it is for the minister to decide on a redetermination," Campbell wrote in his decision.

The proposed \$263-million Springbank Dam was developed in response to the 2013 flood that ravaged Calgary. If completed, it is intended to divert the Elbow River and temporarily store its water as protection from rising waters.

While it has strong support from the city of Calgary and the Calgary River Action Group, the Springbank dam is opposed by landowners who will have their properties expropriated, as well as the Tsuut'ina Nation.

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There are environmental concerns around the project related to fish and migratory birds, their habitats and wetlands.

The Alberta government, which is conducting its own environmental assessment of the project, said in a statement it was reviewing the court decision to determine how it might affect the dam's timeline.

"Whether the project is reviewed by CEAA independently or as part of a joint review panel, our government is confident that it will be demonstrated to be in the public interest," said Aileen Machell, press secretary to NDP Infrastructure Minister Brian Mason.

"Multiple studies have shown Springbank will be cost-efficient, and the most effective and environmentally responsible option to protect Calgary from a 2013-level flood."

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