

January 28, 2021

Appeal re Rejection for Intervener Status at the March 2021 NRCB Hearing on the Springbank Off-Stream Reservoir Project.

Dear Ms. Friend:

We are respectfully appealing the Panel Decision from the Board Pre-Hearing Conference – Application No. 1701. The reason given for denial of Intervener Status was that, in the panel’s view, our group did not establish “that they may be directly affected by the proposed project”.

However, a notice from the NRCB sent out on September 23, “To All Parties interested in Participating in the NRCB Review Springbank Off-Stream Reservoir Project – Application No. 1701”, advised that indigenous groups, other interested parties, government authorities and Alberta Transportation would be provided with the opportunity to participate in the NRCB’s proceedings.

The purpose of the review was described as being to ensure the NRCB had “adequate information to determine whether the SR1 Project is in the public interest.... and “determine the matters that would benefit from further examination at the hearing” for the purpose of “determining whether the project is in the public interest... having regard for the social and economic effects of the Project and the Project’s effects on the environment.”

Our volunteer group have spent hundreds of hours – attending the Information Sessions on SR1, researching the available reports on flood mitigation, reading the submissions by the Alberta Transportation and Stantec to the Natural Resources Conservation Board and the Impact Assessment Agency of Canada, the responses from these agencies to AT/Stantec, plus many other government reports regarding water resources and flood and drought mitigation studies - in order to become informed about the project. The grave concerns we have about the SAFETY of the project were not addressed by what we learned or the responses given to the questions we raised.

The Professional Engineers in charge of infrastructure projects are expected to provide a stamped, signed copy of the Initial Design Concept for a project before it goes to the Impact Assessment stage. This acknowledges acceptance of the responsibility for the integrity of the project by the signatories. NRCB and IAAC (previously CEAA) have been requesting this IDC since 2017 and finally received a Registered Engineering APEGA stamped and signed document of liability responsibility in January 2021, long after the SR1 IDC was conceived in 2013 and after it had been provincially funded with over \$60 million. However, this Stamped Signed copy of the Sign-Off Sheet included a caveat which stated: “In preparing this document Stantec did not verify information supplied to it by others. Any use which a third party makes of this document is the responsibility of such third party. Such third party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party as a result of decisions made or actions taken based on this document.”

This raises a very important question. Who is “Such third party agrees” who is endangering the rest of the unknowing “public third party” who will be subject to the effects of the next catastrophic flood as large as or greater than the 2013 flood when it occurs, as it will, causing loss of lives and billions in damages.

The NRCB Panel have been given the heavy responsibility of making the decision as to whether the AT/SR1 project is in the public interest. We respectfully submit that the concerns we identified in our submission regarding safety need to be fully examined at the NRCB Hearing. As safety is the focus of our submission, and safety is the most important requirement for a dam close to vulnerable communities, we request Intervener Status in order to be given the opportunity to raise questions and cross-examine the Proponents. As other Interveners have been granted Intervener Funding to assist with their submissions, we also request Intervener Funding to enable us to obtain a lawyer to represent us.

Therefore we ask for re-consideration of your decision to deny us Intervener Standing. It was very troubling to us that the legal counsel for Alberta Transportation appeared to apply pressure to the Panel by requesting that our group be denied Intervener status on the basis of “not directly affected” even though it had been stated in the opening remarks that the Panel had the authority to make such a ruling at their discretion.

Additionally, the Terms of Reference for SR1 require Public Engagement and Aboriginal Consultation. Under 1. Public Engagement and Aboriginal Consultation. (A) "Describe the concerns and issues expressed by landowners and THE PUBLIC." We feel the concerns and issues we have raised as members of THE PUBLIC, since our involvement began in 2014, have been ignored and being denied "Intervener" Status continues the denial of our rights to be engaged as the Terms of Reference require.

We look forward to your reply,

Respectfully,

David & Noelle Read

On behalf of the Flood and Water Management Council.