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NATURAL RESOURCES CONSERVATION BOARD

Application No. 1701

SPRINGBANK OFF-STREAM RESERVOIR PROJECT

P R O C E E D I N G S

Volume 1

March 22, 2021

(Morning Session)

(Via videoconferencing)

1 Natural Resources Conservation Board Proceedings taken
2 virtually in Calgary and Edmonton, Alberta.

3

4 Volume 1 - Morning Session

5 March 22, 2021

6

7

8	Peter Woloshyn	Chair
8	Sandi Roberts	Commission Member
8	Walter Ceroici	Commission Member
9	Daniel Heaney	Commission Member

10	William Kennedy	Commission Counsel
10	Fiona Vance	Commission Counsel

11

11	Laura Friend	Commission Staff
12	Michael Iwanyshyn	Commission Staff
12	Scott Cunningham	Commission Staff
13	Stephanie Fleck	Commission Staff
13	Carina Weisbach	Commission Staff
14	Sylvia Kaminski	Commission Staff
14	Nora Decosemo	Commission Staff
15	Justin Wiebe	MNP Technologies

16

16	Ron Kruhlak, Q.C.	For Alberta Transportation
17	Gavin Fitch, Q.C.	
17	Michael Barbero	

18

18	Melissa Senek	For City of Calgary
19	Sara Munkittrick	
19	David Mercer	

20

20	Luigi Cusano, Q.C.	For Calgary River Communities Action Group and Flood Free Calgary
21	Gino Bruni	

22

22	L. Douglas Rae	For Stoney Nakoda Nation
23	Sara Loudon	

24

25

1 Richard Secord For SR1 Concerned Landowners
Ifeoma Okoye Group

2

3 Bob Williams For Calalta Amusements Ltd.
and Calalta Waterworks Ltd.

4

5 Scott Wagner For Scott Wagner

6

7 Lorelee Vespa CSR(A) CRR RPR Official Court Reporters
Deanna DiPaolo, CSR(A)

8

(PROCEEDINGS COMMENCED AT 8:59 A.M.)

9

THE CHAIR: So, good morning, everyone, and
welcome.

09:00

10

11 My name is Peter Woloshyn, and I'll be chairing
12 the Panel for NRCB's review of SR1, and the hearing is
13 with respect to NRCB Application Number 1701 filed by
14 Alberta Transportation for its proposed off-stream
15 reservoir project.

16 Now in advance of the hearing today, you will note
17 that we have held a pre-hearing conference on
18 December 2, 2020, and we issued that decision report on
19 December 10th.

20 We also issued notice of this hearing
21 December 21st, 2020, and that notice appearing was
22 published in various newspapers and periodicals in
23 Alberta.

09:00

24

25 We also held a pre-hearing to decide on the
Stoney Nakoda Nations January 20th, 2021, application

1 for adjournment and issued that decision on
2 February 9th of this year.

3 So, before proceeding further, I would like to
4 introduce the NRCB Panel and NRCB staff that are here
5 to support the Panel.

6 The Panel members are Walter Ceroici, and I think
7 we've got folks now up on the screen.

8 So Walter, if you could wave.

9 MR. CEROICI: I'm not -- yeah, I'm not on the
10 screen yet.

09:01

11 MR. WIEBE: There you go. Because when he
12 talks, then he gets put to the front there. So now I
13 can pin him.

14 THE CHAIR: So if you can say "hello," that
15 would be great.

16 MR. WIEBE: There we go.

17 THE CHAIR: Look at that.

18 MR. CEROICI: Morning, everyone.

19 THE CHAIR: Thanks, Walter.

20 And Sandi Roberts.

09:01

21 MS. ROBERTS: Good morning.

22 THE CHAIR: Dan Heaney.

23 MR. HEANEY: Morning, everyone.

24 THE CHAIR: And, of course, myself already,
25 Peter Woloshyn.

1 So the Panel does have our bios up on the Web, and
2 I'd encourage you to have a peek at those if you
3 haven't already done so.

4 I would say, though, that the Panel has expertise
5 in engineering, resource economics, econometrics,
6 agriculture, hydrology, hydrogeology, agronomy, and
7 soil chemistry, and I'm just thrilled to work with the
8 Panel on this project, including the hearing.

9 The Panel members will all have the same
10 background as I have, so you can see that on screen
11 now, to make it easier for you to identify so that if
12 the Zoom panels get moved around, you're trying to find
13 somebody, that will make it a bit easier to find the
14 Panel.

09:02

15 And the staff have, NRCB is slightly different,
16 but the beige background, so Bill and Fiona will have
17 that. And we'll keep that on, those backgrounds,
18 throughout the duration of the hearing.

19 So now our counsel staff are Bill Kennedy, so
20 Bill, if you could give a wave, there you are, which
21 many of you will be familiar. So Bill has been with
22 the Board since 1991, and I believe has not missed an
23 *NRCB Act* hearing with the Board. We're just thrilled
24 to have him, obviously.

09:03

25 And Ms. Vance.

1 MS. VANCE: Good morning.

2 THE CHAIR: Good morning.

3 Laura Friend, who you've been corresponding with,
4 is our manager of Board reviews and your key contact if
5 you do have any issues, and we'll get to those numbers
6 in a minute.

7 And, Laura, I don't know if you have got your
8 camera on or not being in charge here.

9 MS. FRIEND: I'm right here.

10 THE CHAIR: Ah, there you go. Good. Perfect. 09:03

11 So, Laura Friend.

12 And we do have a number of environmental technical
13 specialists that work with the Board that provide the
14 Panel support with the *NRCB Act* projects.

15 We have Mike Iwanyshyn.

16 MR. IWANYSHYN: Good morning.

17 THE CHAIR: And Scott Cunningham.

18 MR. CUNNINGHAM: Morning.

19 THE CHAIR: Stephanie Fleck.

20 MS. FLECK: Morning. 09:03

21 THE CHAIR: And Carina Weisbach.

22 MS. WEISBACH: Good morning.

23 THE CHAIR: And we also have a number of
24 support staff from the NRCB that will be working in the
25 background to do our virtual on-screen management.

1 This morning we have Sylvia Kaminski, and this
2 afternoon, we'll have Nora Decosemo. So those folks
3 will be doing document management, getting stuff up on
4 the screens for us as quickly as we can throughout the
5 coming weeks.

6 And, finally, our court reporters, Lorelee Vespa
7 and Deanna DiPaolo.

8 And who do we have on this morning?

9 THE COURT REPORTER: It's Lorelee Vespa.

10 THE CHAIR: Lorelee, thank you.

09:04

11 And, Lorelee, if there's any issue with you being
12 able to hear and get your reporting done, I guess we'll
13 just expect you to, and hope that you, unmute and just
14 speak up, and we'll see if we can get that rectified on
15 the fly.

16 And, Justin, Mr. Wiebe, has been arranging us this
17 morning, so I'd like to take the opportunity to thank
18 our Zoom host, MNP, who also provide NRCB's IT
19 services. They'll be overseeing all the technical
20 matters related to the virtual hearing. And Justin
21 will be with us throughout the duration of the hearing
22 to manage the Zoom technical aspects of the hearing.

09:05

23 So if you haven't already, grab a pen. If you do
24 run into issues during the hearing, you can phone
25 Justin at (780) 424-6398, and hit extension 345. And

1 his email is justin, J-U-S-T-I-N, wiebe, W-I-E-B-E,
2 @mnp.ca.

3 Now, I would like to take this opportunity to
4 acknowledge the traditional territories of which the
5 project and so many of you are located in around the
6 Calgary area.

7 We recognize that the City of Calgary and the
8 Springbank area are the traditional territories of the
9 Treaty 7 Peoples, including the Siksika, Piikani,
10 Kainai, Nations of the Blackfoot Confederacy. We also
11 have the Tsut'ina Nation and the Iyarde Nakoda,
12 including the Chiniki, Bears paw, and Wesley First
13 Nations.

09:06

14 The City of Calgary is also home to the
15 Métis Nation of Alberta Region III, situated on lands
16 adjacent to where the Bow River meets the Elbow River
17 for which the Blackfoot name is Moh'kinstsis; and the
18 Nakoda, Wichispa Oyade; and in Tsut'ina, Guts'ists'i.

19 So we're grateful for the traditional Knowledge
20 Keepers and Elders who are still with us today and
21 those who have gone before us, and we make this
22 acknowledgement as an act of reconciliation and
23 gratitude to those whose territory we reside on or are
24 visiting.

09:07

25 So this is now the third virtual hearing that the

1 NRCB has conducted and, with the assistance of MNP,
2 we're hopeful that the proceeding will come off without
3 a glitch.

4 However, it's entirely possible that technology
5 gets in our way a little bit, and it might be on our
6 end, or it may be on your end, and we might have the
7 odd interruption. But we ask that we're patient, that
8 we get through the coming days, especially the early
9 days as we get everything ironed out, and we'll stay
10 focused on the work that we have today.

09:07

11 A list of registered participants, or participants
12 that will register later, has been posted on the
13 website.

14 And, as well, the NRCB has provided a YouTube link
15 on its website for members of the public to observe
16 these proceedings.

17 Members of the media are asked to direct any
18 questions about the NRCB, or this review process, to
19 Janet Harvey, our NRCB communications specialist, and
20 she can be reached at janet.harvey, H-A-R-V-E-Y,
21 @nrcb.ca, or you can reach Janet by way of phone at
22 (780) 720-2317.

09:08

23 Now, I'd just like to make a quick note about
24 Panel conduct during the hearing. Conducting hearings
25 using virtual technology has its challenges, for sure,

1 and one of those challenges is organizing the screens,
2 keyboards, notebooks, your web camera and microphones,
3 and Panel members are using multiple screens, and
4 they'll be taking notes throughout the proceedings.

5 So, at times, it may appear that one of us is not
6 being attentive, but please know that this is not the
7 case. When reviewing documents or taking some notes,
8 we may need to be looking at another screen or perhaps
9 down taking some notes, but it doesn't mean that we're
10 not paying attention to everything that's being said.

09:09

11 I've known these Panel members for many years, and
12 I can assure you that they're well-prepared, eager to
13 hear from each one of you, and we look forward to
14 getting that going as soon as possible, obviously this
15 afternoon and this morning.

16 Now, if you or your clients are trying to find the
17 YouTube link or related documents for the session, we
18 will have document management up on screen, but there
19 is two ways to look at the proceedings and documents:
20 One is through YouTube if you want to watch the
21 proceedings, and you go to our NRCB home web page and
22 there's a green box with "Springbank Off-Stream
23 Reservoir Project Public Hearing." You click on that
24 and that will take you to a spot where you can choose
25 either "YouTube" or "Documents."

09:09

1 And if you press on "YouTube," clearly, it will
2 take you to a YouTube link, but if you want to have a
3 look at -- or get into exhibits or documents, those too
4 are accessed on that page on a document link to our SR1
5 exhibit list. They're listed chronologically. You can
6 sort them any way you like. You've probably been up
7 there already, but it is a pretty efficient system. So
8 if you need something that we're not displaying at the
9 time, you can easily access them on the website.

10 Now, each document related to the proceeding has
11 been assigned an exhibit number, and it's been posted
12 on the website along with our current exhibit list.
13 Any new exhibits entered today, and into the future,
14 will be numbered sequentially and we would ask parties
15 to provide a short description at the time the request
16 is made to have a new exhibit numbered -- or entered,
17 sorry -- and then email that document to Laura Friend.

18 I also ask that parties, when requesting a
19 document to be shown up on shared screen, if you can
20 give the exhibit number so our folks doing the document
21 management will be using exhibit numbers and the PDF
22 page number of the document. That will allow them to
23 get the document up quickly and get it to the spot in
24 the document that you want us to pay attention to.

25 And provided presentation aid documents such as

09:10

09:11

1 PowerPoint presentations, same thing, provide the
2 exhibit number and document name that you provided and
3 we'll get that up as well. I know that we've got some
4 videos and some PowerPoints throughout the session.
5 Those may take a couple more minutes to load, but we
6 have tested them and they seem to work fine.

7 So Panel members and myself and Mr. Kennedy and
8 Ms. Vance will keep our video on during the length of
9 the hearing with the backgrounds that we've been
10 showing today.

09:11

11 The hearing is being transcribed, and the
12 transcripts will be posted later in the day, it depends
13 on the length of the day that we have, I suppose, but
14 they will be posted, as far as I understand, at the end
15 of the day, or before at least midnight. And I think,
16 after we get rolling, we'll have an idea of how quickly
17 they can get those up for you to refer to if you need
18 them for the following day.

19 Laura Friend will inform you of any issues and, if
20 necessary, I'll temporarily suspend the hearing just so
21 we can provide the participant a chance to restore
22 connections and that sort of thing. I've given you
23 those numbers if you do have any issues already.

09:12

24 And I do recognize that there may instances where
25 parties may wish to conference amongst yourselves. MNP

1 has set up secure Zoom breakout rooms for you, and I
2 think Ms. Friend has already contacted most parties to
3 see if you wanted those set up. If so, if they're
4 already set up and you've learned how to use them,
5 please contact Ms. Friend for instructions on how to
6 access and use those private and secure Zoom links.

7 First technical glitch is here. Sorry about that.

8 The Board's pre-hearing report indicated that we
9 expected the hearing would last ten days, but we did
10 ask that you reserve the entire week of April 5th in
11 the event that more time is required.

12 We canvassed all parties, and we granted requests
13 by all parties for the time that they requested for
14 both direct and cross-examination time. But in order
15 to accommodate the parties' time requests, it appears
16 that we may need to sit beyond the ten days and go into
17 that week of April 5th. But I would say that given
18 that the Panel has granted all time requests made by
19 parties, we would expect that parties respect the time
20 allotment that was requested and was approved.

21 Now, in an effort to get the hearing completed by
22 April 9th, Friday, April 9th, we will begin future
23 hearings days at 8:30. So, this morning, we started at
24 9; I think we had a recurring Zoom meeting invite for
25 9:00. That will be re-sent to you, if it hasn't

09:13

09:13

1 already been sent, it will be re-sent for 8:30. That
2 will give us another half an hour. But we would
3 still -- per day, but we would still need you to begin
4 signing in 45 minutes ahead. It worked really well
5 this morning, so we'll do that again. So if you can
6 get signed in, you can have your video and microphone
7 off, but at least it gives Mr. Wiebe time to get
8 everybody up and running on the Zoom.

9 For the most part, we're hoping that we'll adjourn
10 at 5 p.m. every day, but we may need to sit longer on 09:14
11 some days if required or depending on where we're
12 finishing off for that day. And if parties are willing
13 and able, if it just gets through it, subject needs
14 another half an hour as an example, we'll just carry on
15 and complete at 5:30, but right now, we're scheduled
16 for 8:30 to 5.

17 Now, we all need some breaks. We're going to be
18 stuck in front of these monitors and in a chair all
19 day, but that's a hearing. But we do need some breaks,
20 and we will do that throughout the day. We'll try to 09:15
21 make them coincide with some natural breaks in the
22 testimony.

23 Whenever possible, I'll try to have an hour for
24 lunch, and I'll try to have that break around noon.
25 But, again, that will depend a little bit in terms of

1 where we are in the proceeding.

2 We do expect that you'll return from breaks at the
3 designated time. We won't have a roll call. So when
4 we break, we'll have a start time, and we will commence
5 the hearing at that start time. And when we do break,
6 please leave your virtual hearing connection up and
7 running. You can -- or please remember to mute, and
8 you can turn or have your video off, but keep your
9 connection live during breaks.

10 And a quick note on submissions, all Panel members
11 have read and are familiar with the documents that the
12 parties have submitted. Given this, there's no need
13 for you to re-read into the record the materials that
14 you've already submitted. In order to make the best
15 use of your time, we suggest that parties use that
16 presentation time to highlight and clarify the
17 important points that are relevant to your written
18 submissions.

19 We had a couple of changes in participation at the
20 hearing. Under the *NRCB Act*, as you know, the Board
21 must give parties it believes to be directly affected
22 by the project an opportunity to request funding and
23 participate fully in the hearing.

24 In our December 10th pre-hearing conference
25 decision, the Panel determined which parties were

09:15

09:16

1 granted standing. Now, four of those parties have
2 since withdrawn from the review: These are Ermineskin
3 Cree Nation, the Blood Tribe and Kainai, Kyle Keith,
4 and James Cran.

5 In our February 9th decision, the Panel later had
6 granted standing to Stoney Nakoda Nations, and the
7 Board has also accepted several written submissions
8 from parties that were found not to be directly
9 affected.

10 So I'd like to formally now register participants.
11 So when I call your name, if you could turn on your
12 microphone and your camera, indicate your presence and
13 anyone in the room that you require to be registered at
14 this time, and we can refer to the order of proceedings
15 for that.

16 So I'll start with Alberta Transportation.

17 Mr. Kruhlak.

18 MR. SECORD: Ron, there's no audio.

19 THE CHAIR: Yeah, I was looking...

20 MR. FITCH: Mr. Chair, it's Gavin Fitch. Can
21 you hear me?

22 THE CHAIR: Yes.

23 MR. FITCH: Okay. So that's interesting.

24 Want to try again, Ron?

25 Well, I'll do the introductions, then, for

09:17

09:18

1 Alberta Transportation.

2 Mr. Chair, my name is Gavin Fitch with the
3 McLennan Ross law firm. With my partner Ron Kruhlak
4 and our other partner Michael Barbero, we will be
5 representing Alberta Transportation in this proceeding.

6 Thank you.

7 THE CHAIR: Thank you. And court reporter,
8 can you hear everybody clearly?

9 THE COURT REPORTER: Yes. Thank you.

10 THE CHAIR: Okay, perfect.

09:19

11 Thank you, Mr. Fitch.

12 City of Calgary, Ms. Senek?

13 MS. SENEK: Yes, good morning, Mr. Chair and
14 Board. It's Melissa Senek, counsel for the City of
15 Calgary. My colleagues David Mercer and
16 Sara Munkittrick are also here with me today, and our
17 witness Frank Frigo as well.

18 THE CHAIR: Thank you.

19 And just a quick note -- and I can hear everybody
20 clearly and I was going to mention this, but,
21 obviously, we are -- I mentioned we're creating
22 transcripts, we've got the court reporter online, so if
23 you can speak pretty loudly and clearly and not too
24 quickly, it's really helpful for the court reporter,
25 obviously.

09:19

1 So the Calgary River Communities Action Group and
2 Flood Free Calgary. Mr. Cusano.

3 MR. CUSANO: Yes. Good morning, sir, and Board
4 members. My name is Lou Cusano and, from time to time,
5 I'll be joined by my colleague Mr. Gino Bruni. We are
6 with the Torys Law Firm and are counsel to the Calgary
7 River Communities Action Group and Flood Free Calgary.

8 THE CHAIR: Thank you.

9 MR. CUSANO: Thank you, sir.

10 THE CHAIR: Stoney Nakoda Nations. Mr. Rae. 09:20

11 MR. RAE: Thank you, Mr. Chairman. It's
12 Douglas Rae, and I'll be joined throughout the hearing
13 by my colleague Ms. Sara Louden.

14 We do represent the Stoney Nakoda Nations, but, in
15 particular, we represent the Bearspaw First Nation, the
16 Chiniki First Nation, the Wesley First Nation and, in
17 addition, their wholly-owned company, Woste Igitic Nabi
18 Ltd., which is an affected landowner.

19 THE CHAIR: Thank you.

20 SR1 Concerned Landowners Group. Mr. Secord. 09:20

21 MR. SECORD: Good morning, Mr. Chair.
22 Richard Secord here with the Ackroyd LLP Law Firm, and
23 with me is my partner Ifeoma Okoye, I-F-E-O-M-A
24 O-K-O-Y-E, and together we will be representing the
25 SCLG.

1 And can you hear me okay, Mr. Chair and Ms. Vespa?

2 THE CHAIR: Yes, very well.

3 MR. SECORD: Thank you.

4 THE CHAIR: Ms. Vespa, you as well? You can
5 hear Mr. Secord?

6 THE COURT REPORTER: Yes, thank you.

7 THE CHAIR: Calalta Amusements Ltd.
8 Mr. Williams.

9 MS. FRIEND: He joined by telephone. This is
10 Laura, Peter. He joined by telephone and I did have
11 confirmation that he was on.

12 THE CHAIR: I see two numbers. I see Bob
13 there, so that would be Mr. Williams, Bob Williams.

14 Mr. Williams, can you hear us? One telephone
15 number looks live and the other one looks like it's
16 muted, so I'm not sure.

17 Ms. Friend, Could you give Mr. Williams a call,
18 please?

19 MS. FRIEND: Sure.

20 THE CHAIR: Wait one second for that. We do
21 have an acting Board member that, because of connection
22 speeds, does dial in, and it took us a while to get all
23 of that working, so we may have a bit of an issue just
24 on --

25 MS. FRIEND: Peter?

09:22

09:22

1 THE CHAIR: Yes.

2 MS. FRIEND: I spoke to Bob. He can hear us
3 fine, but he can't get himself unmuted, but he is
4 hearing us. So we can sort him out after. You can
5 carry on.

6 THE CHAIR: Okay. So we can register him.
7 He's heard and I think he's acknowledged.

8 So Ms. Vespa, we could register Mr. Williams.

9 I see -- yes, I see it's trying to connect an
10 audio there, so if he can hear us, that's great.

09:23

11 And maybe, Ms. Friend, if you could just ask
12 Mr. Williams to text you if it becomes an issue or he
13 can't hear the proceedings.

14 MS. FRIEND: Will do.

15 THE CHAIR: Thank you very much.

16 Okay. Before we get started, I would like to
17 query whether there's any preliminary matters --

18 Oh, hello?

19 MS. FRIEND: Scott Wagner isn't registered.

20 THE CHAIR: Sorry, Mr. Wagner, I apologize.

09:24

21 MR. WAGNER: Last, but not forgotten.

22 THE CHAIR: My apologies. And thank you very
23 much.

24 Ms. Vespa, did you get Mr. Wagner on register?

25 Thank you.

1 So sorry about that.

2 Thanks, Ms. Friend, for alerting me to that.

3 So, prelim matters, I do note that we had a few
4 documents filed by Mr. Secord. I think it was over the
5 weekend perhaps, after the filing deadline.

6 I'm not sure if there's any -- I don't think
7 there's any issue with those, but I would like to raise
8 that with participants.

9 And, Mr. Secord, those documents, did you want to
10 speak to those first?

09:25

11 MR. SECORD: The joys of working with multiple
12 screens, Mr. Chair.

13 THE CHAIR: It's happened to me already this
14 morning.

15 MR. SECORD: And my cursor sometimes doesn't
16 behave itself or obey or do what I want it to do.

17 So, yes, I marked I think four documents; I
18 believe two of them related to -- were cited in Alberta
19 Transportation's response submissions.

20 I've had a few conversations with Mr. Kruhlak over
21 the weekend. I don't think there are any issues with
22 those two because they were essentially being relied on
23 by Alberta Transportation.

09:26

24 And then there were two other documents, one from
25 the -- oh, yes, one was from the City of Calgary

1 website, a one-and-a-half-page document, which I don't
2 think is particularly controversial.

3 And then the other one was a directive from the
4 Alberta government, so legislation.

5 So I don't know if I've got that right. There's
6 been -- it's been a busy weekend, so maybe if there is
7 an issue, maybe AT could let me know and...

8 THE CHAIR: Any objections by any parties?
9 Mr. Kruhlak?

10 MR. KRUHLAK: No, sir. Can you hear me now? 09:26

11 THE CHAIR: Yes, perfectly. Thank you.
12 No other objections?

13 Okay. Hearing none, those will be entered --
14 well, they already were entered. We've had an
15 incredibly efficient weekend or not, Ms. Friend and
16 others, getting documents up, so they are posted. They
17 have exhibit numbers, and we'll leave them as is.

18 Any other preliminary matters parties would like
19 to raise at this point?

20 Hearing none. 09:27

21 MR. SECORD: Just one quick question, one
22 issue; I don't think it's much of an issue. But I
23 wasn't planning on cross-examining the City of Calgary
24 today, and my plan was to cross-examine the City of
25 Calgary in the Topic Block 3 panel, and I suppose there

1 may be some questions that could relate to Topic
2 Block 1, but I was thinking I would ask them all -- all
3 my questions in that one slot in Topic Block 3.

4 And I'm just wondering from the City of Calgary's
5 perspective whether they would have any issue with
6 that?

7 MS. SENEK: Hello, sorry, we were just
8 checking with our witness.

9 That shouldn't be an issue, no. The City would be
10 our -- witness would be prepared to speak to any topic
11 during -- that we're presenting on during Topic
12 Block 3, yes.

09:28

13 MR. SECORD: Thank you.

14 THE CHAIR: Okay. So granted, Mr. Secord.
15 Perfect.

16 Other matters?

17 MR. WILLIAMS: Can you hear Bob Williams?

18 THE CHAIR: Yes, we can. Is that you,
19 Mr. Williams?

20 MR. WILLIAMS: Okay. So I'm on now. So if you
21 want to mute me again. I didn't hit Star 6 last time.

09:28

22 THE CHAIR: Okay. So, Mr. Wiebe, I'll leave
23 that up to you to figure out. I don't think I can do
24 that from my end.

25 MR. WIEBE: I can mute him from here.

1 THE CHAIR: Okay. Thanks, Mr. Williams.

2 Okay. Hearing no other prelim matters being
3 raised, we can move into direct evidence from
4 Alberta Transportation. Mr. Kruhlak, the floor is
5 yours.

6 MR. KRHLAK: Thank you, Mr. Chairman. Good
7 morning, Panel members.

8 It's been a long journey, and we're pleased to
9 finally be here this morning to appear before you on
10 this matter and for me with a new headset.

09:29

11 I wanted to just advise the Panel just by way of
12 some background, our witness Panel is largely gathered
13 in person with some members part of that panel
14 virtually. I can advise the Panel that we are -- the
15 lawyers, Mr. Fitch and Mr. Barbero and I, are in a
16 separate location from that Panel so we're not in the
17 same location for purposes of cross-examination. And
18 of course, if they use the breakout rooms, we will not
19 be joining them during cross-examination.

20 Those panel members may appear with masks because
21 they're following directives from Alberta Health.
22 They'll be removing their mask to speak to the Board.

09:30

23 My intention this morning very quickly is simply
24 to run through a very brief introduction of each panel
25 member and then have Mr. Hebert, our panel chair,

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 present an opening statement. So it's probably
2 appropriate at this time that the panel be sworn.

3 THE CHAIR: Ms. Vespa.

4

5 M. HEBERT, M. SVENSON, W. SPELLER, D. BRESCIA, M. WOOD, D.

6 SOL, J. MENNINGER, Y. CARIGNAN, M. SMITH, M. PERRET

7 (For Alberta Transportation), sworn

8 THE CHAIR: Mr. Kruhlak, perhaps I think

9 Mr. Hebert was up first. Mr. Smith will be very
10 difficult to hear. Perhaps in the meantime, if you
11 could check the volume on his settings for his mic, but
12 he's extremely difficult to hear.

13 So just in the meantime I just flag that.

14 MR. KRUHLAK: We'll have that attended to.

15 THE CHAIR: Thank you.

16 MR. KRUHLAK EXAMINES THE PANEL:

17 Q. Just for the panel's background, you'll note that we
18 have five of our panel members are common witnesses to
19 each of the topic days. So we will not be introducing
20 them to the same degree at all as necessary for the
21 balance of the hearing after today. We will have each
22 topic day, there will be some supplemental witnesses,
23 or some of the same witnesses may be appearing.

24 So all of their CVs have been collected in
25 Exhibit 336. So Mr. Hebert, I'm going to start with

09:34

09:34

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 you. Can you confirm to the Panel that your particular
2 CV that is at page 65 is accurate?

3 **A. MR. HEBERT:** **Yes, it is.**

4 **Q.** And, sir, I understand you work with
5 Alberta Transportation as the executive director
6 responsible for the Springbank Off-Stream Reservoir
7 Project?

8 **A. MR. HEBERT:** **I do.**

9 **Q.** Could you please briefly share your education,
10 background, and experience with the Board.

11 **A. MR. HEBERT:** **Yes, Mr. Chairman, as far as**
12 **education. I have a bachelor of arts in political**
13 **studies from Augustana University College, which was**
14 **obtained in 2005, and a master's of business**
15 **administration from the Ivey Business School at**
16 **Western University obtained in 2017.**

17 **As far as experience, I have 16 years' experience**
18 **in different public administration roles in Alberta,**
19 **more recently as an executive director in the**
20 **government of Alberta for the last four years in roles**
21 **dealing with policy and strategy coordination, health**
22 **workforce planning, and transportation policy.**

23 **My experience includes work in intergovernmental**
24 **relations, agency oversight, and the oversight of**
25 **funding for the province's primary care networks.**

09:35

09:36

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 Q. Could you also explain to the Panel what your role was
2 on this application?

3 A. MR. HEBERT: Yes. Mr. Chairman, I'm
4 accountable for the delivery of the application and
5 associated filings.

6 In the time I've been on the project since 2019,
7 I've provided strategic direction on the project to
8 support the development of responses and reviewed all
9 documentation prior to filing.

10 Q. Thank you. Mr. Svenson, I'd like to turn to you. If
11 you could also confirm that the CV filed in Exhibit 336
12 and yours at page 58 is accurate?

09:36

13 A. MR. SVENSON: Yes, it is.

14 Q. And your position with Alberta Transportation is a
15 water management environmental specialist?

16 A. MR. SVENSON: That is correct.

17 Q. Could I ask you to also share your education and
18 experience with the Board?

19 A. MR. SVENSON: Yeah. I have a bachelor of
20 science degree in environmental science from the
21 University of Lethbridge in 2008 and a diploma in
22 watershed management from Lethbridge College in 2004.

09:37

23 I've been working with the -- in the environmental
24 field for the past 15 years, 12 of which have been --
25 I've managed multidisciplinary environmental impact

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 assessments on water management projects for Alberta
2 Transportation. And I was Alberta Transportation's EIA
3 lead for the federal environmental assessment of the
4 Little Bow reservoir rehabilitation project.

5 Q. Mr. Svenson, what was your role on this application?

6 A. MR. SVENSON: I've provided oversight for
7 Alberta Transportation in managing the environmental
8 team, preparing the EIA, and reviewed the environmental
9 documents that were drafted and prepared for SR1.

10 I've also assisted in managing the consultant
11 teams and participated in the Indigenous and
12 stakeholder consultation engagement programs.

13 Q. Thank you. Mr. Speller, I'd ask that you confirm that
14 your CV which is at page 88 of the exhibit is accurate.

15 A. MR. SPELLER: Yes, it is.

16 Q. And your position with Golder, you're a principal, and
17 senior regulatory and impact assessment specialist and
18 project director; is that correct?

19 A. MR. SPELLER: Yes, that's correct.

20 Q. And could you describe your experience and education to
21 the Board, please.

22 A. MR. SPELLER: Yes, I received a bachelor of
23 environmental engineering degree in 1996, and a
24 master's environmental engineering degree in 1998 --
25 sorry, I've just got a popup saying "start my video,"

09:38

09:38

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 my apologies -- both from the University of Guelph.

2 I'm a registered professional engineer in Alberta
3 and a registered project management professional.

4 I have 22 years of environmental consulting
5 experience with Golder. For the past 15 years, my
6 focus has been leading federal, provincial
7 environmental impact assessments and regulatory
8 permitting projects in Canada.

9 I have led or participated in over 30 federal
10 and/or provincial environmental impact assessments in
11 Canada.

09:39

12 Q. And what was your role in this application?

13 A. MR. SPELLER: I started working on this
14 application at the end of 2017 providing strategic
15 advice and technical review on regulatory filings,
16 including the EIA and SIRs.

17 In 2019, I took on the role of regulatory lead for
18 the project, helping plan and implement activities to
19 obtain regulatory approvals.

20 In this role, I'm the lead contact with federal
21 and provincial regulatory authorities and continue to
22 provide strategic advice and technical review of
23 regulatory filings.

09:39

24 Q. Thank you.

25 Mr. Brescia, I'd ask that you confirm that your CV

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 at page 20 of the exhibit is accurate.

2 A. MR. BRESCIA: Yes, I can confirm that.

3 Q. And you are employed with Stantec Consulting as a
4 regulatory environmental specialist?

5 A. MR. BRESCIA: Yes, that's correct.

6 Q. And could you share with the Board your experience and
7 education, please?

8 A. MR. BRESCIA: I have a bachelor of science and
9 biology from the University of Victoria and a master of
10 science and forestry from the University of
11 British Columbia, and I'm a professional biologist.

09:40

12 I've been leading and working on multidisciplinary
13 environmental impact assessments for more than 20
14 years. This includes environmental impact assessments,
15 regulatory applications, environmental monitoring
16 programs, and follow-up programs for major projects.

17 I've experience with all phases of the project
18 development from preliminary planning to reclamation
19 and closure and through follow-up monitoring.

20 Q. And what was your role on this application?

09:41

21 A. MR. BRESCIA: My role was to oversee and direct
22 the development of the EIA and response to supplemental
23 information requests. I provide technical direction
24 and review to the different valued component sections
25 of the EIA, and I have authored or provided technical

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 review of the majority of the SIR responses.

2 Q. Thank you.

3 Mr. Wood, I understand your CV is at page 62 of
4 the Exhibit. Can you confirm that that is accurate?

5 A. MR. WOOD: Yes, I can confirm that it is
6 accurate.

7 Q. And you're employed also with Stantec as a senior
8 associate and a role of chief natural systems design
9 engineer; is that correct?

10 A. MR. WOOD: That is correct.

09:41

11 Q. And could you describe your education and experience,
12 please?

13 A. MR. WOOD: Yes. I have two bachelor's
14 degrees, one in civil engineering, one in environmental
15 science. Both are from Western University, and both
16 are from 2004.

17 I have over 17 years of experience in the water
18 resources industry, the last 15 of which have been
19 providing hydrotechnical and river engineering
20 consulting services in western Canada.

09:42

21 I am registered to practice engineering in the
22 province of Alberta, and my areas of practice are in
23 hydrologic hydraulic modeling, geomorphic assessment,
24 and the design of river-related infrastructure. This
25 includes things like water intakes, water control

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 structures and flood barriers, bank harboring,
2 bioengineering, as well as fishways and fish habitat
3 restoration.

4 I have led many multidisciplinary assessment and
5 design projects for river and environments, and most of
6 the projects I've delivered involved environmental
7 assessment and the securing of provincial and federal
8 regulatory approval.

9 Q. Thanks, Mr. Wood. I'm going to ask if you can describe
10 your role in the application, but for the benefit of
11 the court reporter, I might just ask if you could slow
12 it down just slightly.

09:42

13 A. MR. WOOD: Yes, I can. I have been a member
14 of Stantec's SR1 project's team since 2014. My primary
15 responsibility was to support the project's delivery.
16 Duties included technical support to the regulatory
17 applications, responding to stakeholder and regulatory
18 requests for information, technical support to land
19 acquisitions, and delivering presentations to
20 landowners and other stakeholders on the project.

09:43

21 I also prepared the design of the fish passage
22 mitigations, the diversion structures erosion
23 mitigations, and the erosion mitigations in the Unnamed
24 Creek downstream of the low-level outlet works.

25 I have met many of the impacted landowners, as

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 well as several other landowners within the local
2 assessment area through attending open houses,
3 landowner meetings, land access negotiations, or to
4 discuss the impacts to their individual lands. Several
5 were kind enough to escort me around their properties.

6 Q. Thanks, Mr. Wood.

7 Mr. Sol, your CV appears at page 30 of the
8 exhibit. Could you confirm that is accurate?

9 A. MR. SOL: Yes.

10 Q. And you work with IBI Group as an associate manager
11 planning; correct?

12 A. MR. SOL: Correct.

13 Q. Could you describe your education and experience,
14 please?

15 A. MR. SOL: Yes. I have a BA in communication
16 culture from the University of Calgary, 2004. I have
17 an MA in communication for development from Mount Royal
18 University in 2007, and I have a master's of planning
19 in urban development from Ryerson University in 2011.

20 I'm a registered planner in -- with Alberta and
21 the Canadian institutes, and I've had a wide range of
22 experience in land use planning, market research, and
23 public participation, but I've been specifically
24 working in the field of flood risk assessment and
25 mitigation planning for approximately seven years now.

09:43

09:44

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 Q. Thank you. And what was your role on this application?

2 A. MR. SOL: I lead a flood assessment team
3 that developed Alberta's provincial flood damage
4 assessment framework in 2014, and subsequently, we've
5 conducted about 24 flood risk assessments throughout
6 the province.

7 Calgary was the initial pilot study in 2014, and
8 the damage estimate from that time was used for the
9 first comparison of benefit/costs for Elbow River
10 mitigation.

09:44

11 We were then retained by the City of Calgary to
12 conduct an assessment of mitigation options and
13 produced revised damaged estimates based on updated
14 flood mapping.

15 The results of that study were then used for the
16 benefit-cost assessment of -- for this submission.

17 Q. Thank you.

18 Next I'd like to turn to Mr. Menninger.
19 Mr. Menninger, your CV appears at page 45 of
20 Exhibit 336. Could you confirm that's accurate?

09:45

21 A. MR. MENNINGER: Yes, it's accurate.

22 Q. And sir, you're a senior principal with Stantec and
23 work as a project manager and civil engineer; is that
24 correct that?

25 A. MR. MENNINGER: That's correct.

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 Q. And could you describe your education and experience,
2 please.

3 A. MR. MENNINGER: Sure. I completed a bachelor of
4 civil and environmental engineering at the University
5 of Dayton in 2004.

6 I'm a professional engineer registered in the
7 state of Ohio in the US and with a licence to practice
8 in Alberta.

9 I've worked on multidisciplinary water resources
10 projects for the past 17 years, including the
11 assessment and design of dams and large flood control
12 projects.

13 My experience includes water resources planning,
14 hydrologic and hydraulic modelling, stream restoration,
15 site design and layout, river course and canal
16 stabilization, and damming levy design.

17 Q. And Mr. Menninger, what was your role on this
18 application?

19 A. MR. MENNINGER: Sure. So I'm serving as the
20 design lead for the project and was the lead author of
21 the Preliminary Design Report. I'm responsible for
22 coordinating the multidiscipline design team, including
23 the hydrotechnical, civil, geotechnical, and structural
24 engineering for the project.

25 In addition, I worked with the EIA team to support

09:46

09:46

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruh1ak

1 the project description and dam safety components of
2 the application and provided responses to the
3 supplemental information requests related to the
4 design, operations, and emergency management for the
5 project.

6 Q. Thank you.

7 A. MR. MENNINGER: You're welcome.

8 Q. Ms. Carignan, your CV appears at page 99 of
9 Exhibit 336. Can you confirm to the Board that that is
10 accurate?

09:47

11 A. MS. CARIGNAN: Yes, that's correct.

12 Q. And you work with Alberta Transportation as director of
13 water management; is that correct?

14 A. MS. CARIGNAN: Yes, that is.

15 Q. Could I ask you as well to describe your education and
16 experience, please?

17 A. MS. CARIGNAN: Yeah. I completed a bachelor of
18 science in civil engineering and a master of
19 engineering and water resources engineering both at the
20 University of Alberta.

09:47

21 I'm a professional engineer registered with APEGA,
22 and I have more than 20 years of water management
23 engineering experience, including design and
24 construction in the fields of water resources and
25 bridge planning.

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 As well, I have experience with regulatory
2 oversight the under the *Fisheries Act*, assessing
3 impacts to fish and fish habitat, and working with
4 project proponents to mitigate project impacts.

5 In addition to working on SR1 and part of the
6 Alberta Transportation team providing support to
7 Alberta Environment and Parks in its assessment of the
8 Bow River Reservoir options to provide flood protection
9 to the City of Calgary.

10 Q. Ms. Carignan, what was your role on this application? 09:48

11 A. MS. CARIGNAN: On this application, I've provided
12 oversight and coordination on behalf of Alberta
13 Transportation for the engineering design, as well as
14 construction contracting strategies.

15 Q. Thank you.

16 Next I'd like to ask Mr. Smith, Mr. Smith, your CV
17 appears at page 53 of Exhibit 336. Can you confirm
18 that it is accurate?

19 A. MR. SMITH: Yes, it is.

20 Q. And I understand, sir, that you work with Hemmera, and 09:48
21 you're the National Vice President of Environmental
22 Planning and Ecology?

23 A. MR. SMITH: Yes, that's correct. Hemmera
24 provided support to Alberta Transportation and led the
25 environmental impact screening that was undertaken for

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 the McLean Creek project.

2 Q. And what is your education and experience, sir?

3 A. MR. SMITH: I have a bachelor's degree in
4 biology from the University of Victoria in 1987 and a
5 master's degree in science from SFU in 1992.

6 In my role with Hemmera, I'm a senior
7 environmental impact assessment specialist and have
8 done that for about 25 years, and I have a
9 specialization in projects in the water management,
10 energy, and infrastructure sector.

09:49

11 Q. And what was your role on the application, Mr. Smith?

12 A. MR. SMITH: As noted earlier, we kind of --
13 Hemmera led the EIS that was undertaken from the
14 McLean Creek project, and then I've been involved in
15 the review of SIRs, development of responses to
16 questions and comments on the EIS that was undertaken.

17 Q. Thank you.

18 And lastly, Ms. Perret, can you confirm that your
19 CV that is at page 70 of Exhibit 336 is accurate?

20 A. MS. PERRET: Yes, it's accurate.

09:49

21 Q. And you work with Stantec as the engagement lead in
22 their Edmonton office?

23 A. MS. PERRET: That is correct.

24 Q. Can you describe your experience and education, please?

25 A. MS. PERRET: I have a master of arts in

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 economics from Queen's University and a bachelor of
2 arts in economics from the University of Alberta.

3 I have 29 years of experience in community
4 engagement and regulatory issues in industry and
5 consulting.

6 I have been responsible for the development and
7 execution of engagement and Indigenous consultation
8 strategies plans, processes, evaluations, tools and
9 frameworks.

10 Q. And what was your role on this application?

09:50

11 A. MS. PERRET: I'm the engagement lead and have
12 focused on communication material which includes
13 overseeing responses to stakeholder and landowner
14 questions, development of newsletters and project
15 updates.

16 Q. Thank you.

17 MR. KRUHLAK: Mr. Chairman, that is the brief
18 introduction of the witness panel. As I've indicated
19 in references, their full CVs are attached in
20 Exhibit 336.

09:51

21 At this time I'd like to call upon Mr. Hebert to
22 provide an opening statement to the Board with respect
23 to the application.

24 THE CHAIR: Mr. Kruhlak, just before --

25 Ms. Vespa, did you get Mr. Smith's dialogue? Were

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 you able to capture that?

2 COURT REPORTER: I was able to capture it, but we
3 still need his audio improved if he's going to speak
4 anymore because it's very difficult to hear him.

5 THE CHAIR: Yes. And maybe the mic needs to
6 be right in front of his mouth. Give that a try. He's
7 not first up. I just wanted to alert you to that.

8 Thank you, Mr. Kruhlak and Mr. Hebert.

9 A. MR. HEBERT: Mr. Chairman, can you hear me?

10 THE CHAIR: Yes.

09:51

11 A. MR. HEBERT: Thank you. Good morning,
12 Mr. Chairman, members of this Board, Board staff,
13 members of other parties attending this hearing, and
14 members of the public joining today on YouTube.

15 As Mr. Kruhlak indicated, my name is
16 Matthew Hebert and I am the executive director of the
17 Springbank Off-Stream Reservoir Project and an employee
18 of Alberta Transportation.

19 I am the lead policy witness for Transportation
20 and will share with the proponent's witness panels in
21 each topic session.

09:52

22 I have personally been involved in this project
23 for the last two years, since the spring of 2019.
24 During that time, I have met with numerous
25 stakeholders, responded to various regulators, and have

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Examined by Mr. Kruhľak

1 overseen our consulting team to be able to present this
2 application to you for your review.

3 Mr. Chairman and members of the Board, the reason
4 we are before you today with this project is in direct
5 response to the massive flooding in 2013 in southern
6 Alberta in the City of Calgary which resulted in
7 significant economic and personal costs for the
8 province and its citizens.

9 You will have heard that there were five
10 fatalities in that flood event and over \$5 million in
11 damages.

09:53

12 In Calgary, the flooding of the Bow and
13 Elbow Rivers resulted in some 88,000 people being
14 displaced, 14,500 homes damaged, 3,000 other buildings
15 flooded, and 4,000 businesses damaged.

16 Other communities, including Bragg Creek,
17 Redwood Meadows, Canmore, and Banff were also heavily
18 impacted. Over half of High River was inundated and
19 numerous other communities and First Nations felt its
20 effects. It was a terrible event that will always be
21 remembered by those who lived through it.

09:53

22 The government recognized that it had to take
23 timely action to prevent that catastrophic event from
24 reoccurring. As history has shown, that a flood of
25 some magnitude is expected on the Elbow River every

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 eight to ten years.

2 It was an imperative of the Government of Alberta
3 to mitigate the reoccurrence of the long-term personal
4 and economic effects by pursuing flood mitigation on
5 this river and in other communities.

6 As a result, the government immediately started a
7 review process to identify possible flood mitigation
8 options for Calgary and southern Alberta. This
9 included a process to identify a location of another
10 reservoir on the Bow River and the construction of
11 berms for the Bragg Creek community.

09:54

12 To address the flood mitigation needs on the
13 Elbow River, the government of Alberta initiated what
14 became a series of technical reviews of various options
15 and assessments of the pros and cons of each.

16 Out of those reviews, the Springbank project, or
17 SR1, was selected as the preferred option, having
18 regard to numerous criteria. While the selection was
19 primarily made on technical, environmental, and
20 economic grounds, consultation with key stakeholders
21 was carried out during the process.

09:55

22 As is the case with decisions of this magnitude,
23 the selection of SR1 resulted in concerns being
24 expressed by some stakeholders; in particular, local
25 landowners and residents of the Springbank area. A

ALBERTA TRANSPORTATION TOPIC #1 PANEL

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1 number of them told us we picked the wrong project and
2 asked us to reconsider other options like an in-stream
3 dam on the Elbow River and McLean Creek. Because of
4 this, the decision to select SR1 was reviewed and
5 subsequently reaffirmed by two successful provincial
6 governments, most recently in 2019 by the current
7 government.

8 The government determined that Alberta
9 Transportation would be the proponent of the project to
10 seek the necessary regulatory approvals, as well as 09:56
11 oversee construction. Alberta Transportation has
12 extensive experience overseeing the construction of
13 major infrastructure projects across the province.

14 After construction is complete, Alberta
15 Environment and Parks, or "AEP," would then assume the
16 operation of the project. AEP operates many other dams
17 and similar infrastructure around Alberta.

18 Alberta Transportation acknowledges that it may
19 have initially underestimated the extent of the
20 regulatory process that a public safety project of this 09:56
21 nature might be subject to both federally and
22 provincially. This caused it to have to resubmit some
23 of its regulatory materials. Nevertheless and despite
24 the urgent need for the project, Alberta Transportation
25 has been diligent in completing the various steps of

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 the regulatory process.

2 In 2019, the department commissioned an
3 independent review by a regulatory expert,
4 Mr. Martin Ignasiak, who identified certain
5 improvements that could be implemented in the approach
6 Transportation was undertaking to advance a project of
7 this nature. I note for the record that Mr. Ignasiak's
8 report has been filed by the SCLG as part of
9 Exhibit 275.

09:57

10 Alberta Transportation released Mr. Ignasiak's
11 report to the public and adopted his recommendations in
12 bringing additional specialized resources to respond to
13 the SR1 application and enhance its consultation with
14 stakeholders and Indigenous communities.

15 As a result, Transportation believes its
16 application responds to both the requirements of the
17 regulatory process and the concerns and expectations of
18 stakeholders and Indigenous groups.

19 At this stage, I am pleased to see that the Impact
20 Assessment Agency of Canada's draft decision indicates
21 that taking into account the implementation of key
22 mitigation and follow-up program measures, the project
23 is not likely to cause significant adverse
24 environmental effects as defined under the *Canadian*
25 *Environmental Assessment Act* 2012.

09:58

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 Further, the director of assessment of Alberta
2 Environment and Parks has also deemed the application
3 complete.

4 We appreciate that the Board understands
5 Transportation considered several alternatives to SR1,
6 and those project alternatives have been discussed at
7 some length in materials previously filed as part of
8 the environmental assessment process.

9 Despite the passage of time and re-examination of
10 various issues, Transportation remains confident that
11 the Springbank Off-Stream Reservoir Project is the best
12 suited to provide timely, reliable, and effective flood
13 mitigation on the Elbow River to southern Alberta, the
14 City of Calgary, and other downstream communities.

15 We reiterate the position that Alberta
16 Transportation presented at the pre-hearing conference
17 which is that Alberta Transportation is only advancing
18 the Springbank Off-Stream Reservoir Project, and
19 accordingly, it is the only reviewable project before
20 this Board.

21 Further, Transportation remains strongly of the
22 view that SR1 is the right project to deliver flood
23 mitigation on the Elbow River for the following
24 reasons: It is an off-stream dam and less sensitive
25 than an in-stream dam to impacts from sediment or

09:59

09:59

ALBERTA TRANSPORTATION TOPIC #1 PANEL

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1 debris. It will capture more floodwaters due to its
2 location further downstream; it is closer to
3 operational response teams and access roads; it has
4 less environmental impact, less impact on the
5 Elbow River; it is less vulnerable to damage during
6 extreme weather, including catastrophic failure during
7 construction; has less impact on social and
8 recreational values; has less impact on tourism and
9 commercial values; has a positive economic impact; and
10 perhaps most importantly, is years closer to being
11 built than any alternative project.

10:00

12 The current budget for SR1 for the government of
13 Alberta's capital plan is \$432 million. Alberta
14 Transportation believes this represents a sound
15 investment and important public works infrastructure
16 that will more than pay for itself the first time a
17 flood magnitude of 2013 occurs.

18 Alberta Transportation is aware that some
19 interveners believe that the cost of SR1 has escalated
20 to a point that it no longer has an advantage over the
21 MC1 option. Mr. Chairman, Alberta Transportation does
22 not agree. The current cost estimate for SR1 is for a
23 project which has advanced to the detailed design and
24 engineering stage. It has undergone significant,
25 extensive stakeholder engagement.

10:01

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 By contrast, the cost estimates for the MC1 option
2 were for a project which did not advance beyond the
3 conceptual stage. Therefore, comparing estimates
4 between current SR1 costs to historical MC1 costs is
5 comparing apples to oranges.

6 Alberta Transportation is closely monitoring SR1's
7 cost estimates to ensure it can deliver this flood
8 mitigation project in a timely and effective manner.
9 Final costs will be based on final design, the
10 competitive construction tender, completion of land
11 acquisition, and conditions set by regulators.

10:02

12 Unfortunately, with major projects of this nature,
13 there are impacts, and Alberta Transportation has
14 attempted to recognize them, consult with impacted
15 parties, work to address, and where possible, mitigate
16 those impacts. I have personally spoken with numerous
17 landowners in the project area and, whenever requested,
18 have met with them to better understand their concerns.

19 In addition, this past fall, the project team
20 presented and responded to questions from the community
21 at two information sessions. In some circumstances
22 where impacts on stakeholders could not be addressed
23 through project design or operational mitigations such
24 as local landowners whose lands are acquired for the
25 project, Alberta Transportation has offered to

10:03

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhľak

1 compensate impacted parties.

2 To date, we have successfully acquired
3 approximately 25 percent of the lands in the project
4 area through voluntary purchases. I can also advise
5 the Board that we are in the process of finalizing
6 acquisitions from an additional three SR1 landowners.

7 When finalized, these acquisitions will increase
8 to approximately 43 percent the amount of land secured
9 by transportation for the project.

10 When this hearing is over, Alberta Transportation
11 will continue negotiating with the remainder of SR1
12 landowners with the hope of acquiring voluntarily the
13 balance of lands required for the project.

10:04

14 As stated in the land acquisition program prepared
15 for SR1, AT Transportation will not resort to
16 expropriation until after this Board has approved the
17 project, should it do so.

18 With regard to local landowners whose lands are
19 not required for the project, Alberta Transportation
20 recognizes and respects their concerns, and I can
21 assure this Board that we take them seriously.

10:04

22 As you will hear in the coming days,
23 Transportation has proposed numerous mitigation
24 measures to address these concerns and, where
25 appropriate, will endeavor to enhance those

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Examined by Mr. Kruhlak

1 mitigations.

2 Transportation remains open and available to
3 discuss outstanding concerns with these adjacent
4 landowners.

5 Alberta Transportation takes very seriously its
6 obligation to consult with, and where necessary,
7 accommodate First Nations and Indigenous communities.

8 I have personally attended some 32 meetings with
9 Indigenous communities who are or may be impacted by
10 the project and attempted to not only ensure we
11 understand those concerns, but accommodate them as may
12 be reasonably possible. I believe it is those efforts
13 which have resulted in the recent withdrawal from the
14 hearing of two First Nations. We will continue to work
15 with Indigenous communities going forward to ensure
16 that their issues are addressed should this project
17 proceed.

10:05

18 Transportation has carefully reviewed the
19 intervention by the Stoney Nakoda Nations. It believes
20 that many of the concerns raised by the Stoney Nakoda
21 Nations have been addressed by Alberta Transportation
22 through the regulatory process, including in the
23 environmental impact assessment, supplemental
24 information requests, and the development of
25 initiatives such as the updated draft guiding

10:06

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Examined by Mr. Kruhlak

1 principles and direction for future land use, the
2 proposed First Nations land use advisory committee, and
3 the project's Indigenous participation program.

4 Further, Alberta Transportation is committed to
5 continue to work with the Stoney Nakoda Nations to
6 ensure it can continue to participate, not only in the
7 monitoring and identification of areas of cultural
8 significance, but also be a participant in the
9 construction of the project.

10 Transportation has also closely examined the
11 concerns raised by the Springbank Concerned Landowners
12 Group, both prior to the scheduling of this hearing,
13 and their detailed concerns as set out in their
14 submission.

10:07

15 It is my belief that the application, together
16 with responses to information requests and the
17 additional information in Alberta Transportation's
18 response submission filed with this Board on March 12,
19 2021 responds to those concerns.

20 We have also carefully reviewed the
21 recommendations made by the independent experts
22 retained by the SCLG. In some cases, this caused us to
23 reevaluate our information and look at adopting certain
24 of the recommendations made to approve the project.

10:07

25 I remain confident that the issues raised by the

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Examined by Mr. Kruhlak

1 SCLG have been recognized and addressed in the design
2 of this project or, in other cases, the potential
3 impacts of the project by the construction or its
4 operation -- highly recognized, it will be monitored
5 and mitigated.

6 THE CHAIR: Sorry to interrupt. Just the last
7 minute or so, you've been cutting in and out on my --
8 it may be my end. I just want to confirm, is anybody
9 else noticing this or is it Edmonton office only?

10 MS. VANCE: I am, Peter. So it could be just
11 Edmonton office. 10:08

12 THE CHAIR: May be Edmonton. I did catch it.
13 I --

14 A. MR. HEBERT: Would you like me to repeat
15 something, Mr. Chair?

16 THE CHAIR: No, I think we're good. I think I
17 interrupted you before I really missed anything, but it
18 was just sort of freezing. We've got a solution we
19 think to plug in -- network ours -- I think Fiona and I
20 will do that now. So please continue. Thank you. 10:08

21 A. MR. HEBERT: Thank you, Mr. Chairman.

22 Our engagement with the local community will not
23 stop because of this hearing, or after the approval of
24 the project if it is granted by this Board.

25 Transportation recognizes that it will continue to

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Examined by Mr. Kruhlak

1 have an ongoing obligation to engage with the members
2 of the local community and Indigenous groups. In this
3 regard, Transportation has committed to appointing a
4 community liaison officer to specifically address any
5 issues which may arise during construction of the
6 project and its operations.

7 Further, we have made numerous commitments to
8 monitoring and mitigation with respect to impacts
9 associated with the operation of the project.

10 In response to this submission filed by Calalta, 10:09
11 Alberta Transportation has reached out directly to
12 representatives of this organization. It has confirmed
13 our willingness to address where possible mitigate
14 their concerns.

15 In particular, Alberta Transportation is prepared
16 to install an air monitoring station at Calaway Park
17 during construction and share the monitoring
18 information with Calalta.

19 In the event exceedences are recorded that are
20 related to the project -- excuse me, Alberta 10:09
21 Transportation will ensure that steps are taken to
22 address those exceedences so as to mitigate any
23 possible impacts to not only Calalta but all residents
24 in the area.

25 Alberta Transportation is also prepared to monitor

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Examined by Mr. Kruhlak

1 and investigate any concerns that Calalta Waterworks
2 may have with respect to identifiable impacts to its
3 water intake system as a direct result of the release
4 of waters from the reservoir once the project is
5 constructed and operating.

6 With regard to Calalta's stated concern about the
7 impact of the project on its water franchise area and,
8 as indicated in our reply submission, we are prepared
9 to review this item with Calalta but submit this is a
10 commercial matter that does not fall within the Board's
11 public interest jurisdiction. 10:10

12 Transportation acknowledges the submissions filed
13 by both the City of Calgary and the Calgary River
14 Communities Action Group and Flood Free Calgary, which
15 highlight the magnitude of the devastating impacts of
16 the 2013 flood and the need for the timely approval of
17 the project.

18 Mr. Chairman, I think it is important to not lose
19 sight of the fact that this is not a typical
20 development project which might come before this Board
21 or other boards such as the Alberta Energy Regulator or
22 the Alberta Utilities Commission. Alberta
23 Transportation is not advancing a project for private
24 gain that may also have incidental benefits. The sole
25 purpose of SR1 is to deliver the important public 10:11

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Examined by Mr. Kruhlak

1 benefit of flood mitigation. It was estimated that SR1
2 will result in flood damage avoidance benefits for
3 design flood on the Elbow River of almost \$1.5 billion.

4 Further, SR1 will not result in new impacts that
5 would be experienced continuously 24 hours a day seven
6 days a week in the project area. After -- or sorry,
7 rather, after construction is complete, there will be
8 limited but mitigated impacts during flood operations.
9 The impacts associated with this project are temporary
10 and would occur periodically, with some likely only
11 occurring every 100 years. 10:12

12 I reiterate that without SR1, there would be even
13 greater impacts from unmitigated flooding on local and
14 downstream residents and businesses with the
15 accompanying public and private expense and personal
16 and social effects.

17 Mr. Chairman and members of the Board, Alberta
18 Transportation believes the Springbank Off-Stream
19 Reservoir Project is a vitally important piece of
20 public works infrastructure that will provide
21 significant flood mitigation for the City of Calgary
22 and communities downstream of the project. 10:13

23 We believe we understand the environmental and
24 social effects of the project, and that the project has
25 been designed appropriately to mitigate adverse

ALBERTA TRANSPORTATION TOPIC #1 PANEL

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1 effects. Alberta Transportation, therefore, reiterates
2 our request that the Board find the project to be in
3 the public interest and issue an approval.

4 While we strongly believe the project is in the
5 public interest and addresses many of the concerns that
6 have been raised by stakeholders, Alberta
7 Transportation looks forward over the next couple of
8 weeks to discussing with interveners and the Board
9 other possible mitigations that could improve the
10 project and answering any questions that the Board and
11 other hearing participants may have about SR1.

12 Thank you, Mr. Chairman.

13 MR. KRUHLAK: Mr. Chairman, that would conclude
14 the direct evidence of Alberta Transportation on this
15 topic.

16 THE CHAIR: Okay. Thank you. So will you --
17 and is this all of Topic 1?

18 MR. KRUHLAK: Correct. That is Alberta
19 Transportation's evidence on Topic 1.

20 THE CHAIR: Okay. Thank you. So I think what
21 we could do is start on cross, and perhaps in about 15,
22 20 minutes, or at least get a couple gone, we maybe
23 just before or completed, before Stoney Nakoda, I would
24 just like to check with parties that are not adverse in
25 interest, their intent to cross. City of Calgary?

10:13

10:14

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Examined by Mr. Kruhlak

1 MS. SENEK: The City of Calgary does not
2 intend to cross.

3 THE CHAIR: And CRCAG?

4 MR. CUSANO: No, thank you, sir.

5 THE CHAIR: Okay. And I believe -- Mr. Rae,
6 you're requesting about an hour; is that right?

7 MR. RAE: Yes, sir.

8 THE CHAIR: Okay.

9 MR. RAE: Mr. Chairman, before we get into
10 that, perhaps I could ask a question of Mr. Kruhlak in
11 terms of the panel that he's presented.

10:15

12 I'd like to confirm that the evidence that will be
13 presented by the panel will be the evidence of Alberta
14 Transportation and not simply the evidence of the
15 individual experts on the panel. Is that a correct
16 understanding?

17 MR. KRUHLAK: Yes. I think, Mr. Rae, I can say
18 that all of the evidence tendered by either Alberta
19 Transportation or its witnesses is the evidence of
20 Alberta Transportation in support of the application.

10:16

21 MR. RAE: So there will be no need to
22 distinguish between evidence given by an expert. All
23 of that evidence will be the evidence of Alberta
24 Transportation.

25 MR. KRUHLAK: That's correct.

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Examined by Mr. Kruhlak

1 MR. RAE: And, in addition, can I assume
2 that all the evidence will also be the evidence of the
3 government of Alberta as a whole?

4 MR. KRUHLAK: I don't know, Mr. Rae. I'm
5 speaking on behalf of Alberta Transportation who is the
6 proponent of this project. If there's something
7 specific, we could consider that.

8 MR. RAE: Well, I ask, of course, because
9 while Alberta Transportation is the proponent, Alberta
10 Environment is slated to be the operator, and I'd like
11 assurances that any conditions from this Board or any
12 commitments by Alberta Transportation will, in fact, be
13 binding on the government of Alberta as a whole.

10:16

14 MR. KRUHLAK: I think, if you choose to want to
15 advance that question, I think we can address it during
16 the course of your cross-examination.

17 MR. RAE: Mr. Chairman, if I might.
18 Mr. Kruhlak, you're saying each time we get into a
19 particular commitment or a possible condition, you're
20 saying we have to find out whether the rest of the
21 government of Alberta is in agreement with Alberta
22 Transportation in that regard?

10:17

23 MR. KRUHLAK: Mr. Rae, Alberta Transportation's
24 commitments will be the commitments for the project
25 regardless of whether who is the ultimate operator.

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Examined by Mr. Kruh1ak

1 Those conditions, if the Board deems them appropriate,
2 could be attached to any approval they may issue.

3 MR. RAE: Thank you, Mr. Chair.

4 THE CHAIR: Okay. Thank you.

5 So Mr. Rae, we could -- if you're going to be
6 about a half an hour, we could proceed with your cross
7 then and then have a short break after you're
8 completed. You're reasonably confident it's about half
9 an hour; is that correct?

10 MR. RAE: I'll try to get within a half an
11 hour, sir. It will depend, of course, on some of the
12 answers we get.

10:18

13 MR. KENNEDY: Sorry, Mr. Chair. I think the
14 Stoney Nakoda time requested for cross-examination of
15 Alberta Transportation was --

16 THE CHAIR: It's an hour. It's an hour, I'm
17 sorry. That's my mistake. I'm just looking at my
18 sheet. I looked at the wrong column. My mistake. So
19 thank you, Mr. Kennedy.

20 Let's take a five-minute break now, and then we'll
21 come back and then we can complete your entire cross,
22 Mr. Rae.

10:18

23 So if everybody can leave their video, or your
24 connections on, please, but you can mute and we'll be
25 back at 25 past.

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Cross-examined by Mr. Rae

1 MR. RAE: Mr. Chair, before we break,
2 perhaps I can advise the staff, or reiterate for the
3 staff, the exhibit numbers that I will be touching upon
4 in my cross-examination?

5 THE CHAIR: That would be great to give them
6 that heads-up. Awesome. Thank you.

7 MR. RAE: The exhibits I will be referring
8 to are Exhibits 11, 12, 15, 18, 20, 139, 35 [verbatim],
9 234, 325, and 139.

10 And, Mr. Chairman, while I listed those exhibits,
11 some of them I will just be referring to and there may
12 not be the need to actually call them up.

13 THE CHAIR: Okay. You can just alert them to
14 that. And I'm just looking at my watch. 10:30 to
15 reconvene, please.

16 (ADJOURNMENT)

17 THE CHAIR: Mr. Rae.

18 **MR. RAE CROSS-EXAMINES THE PANEL:**

19 MR. RAE: Yes, sir.

20 THE CHAIR: Perfect. I think -- it's 10:30 so
21 the floor is yours.

22 MR. RAE: Thank you, Mr. Chair.

23 Q. Panel members, as we said in the introductions, my name
24 is Douglas Rae, and I'll be accompanied during this
25 hearing by my colleague Ms. Sara Loudon.

10:19

10:29

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Cross-examined by Mr. Rae

1 As we also stated during the introductions, we
2 represent the Stoney Nakoda Nations. Stoney Nakoda
3 Nations have three constituent parts: The Bearspaw,
4 Chiniki, and Wesley First Nations. If I refer to
5 Bearspaw, Chiniki, or Wesley, I will be referring to
6 those specific First Nations. Although there are three
7 First Nations, they're collectively known as the Stoney
8 Indian band by the government of Canada. That is their
9 nomenclature under the *Indian Act*. They have seven
10 reserves in the province of Alberta, including three
11 reserves which are in relatively close proximity
12 to -- proximity to the proposed Springbank dry dam
13 project; those reserves being Stoney Indian Reserves
14 142, 143 and 144.

10:30

15 Our clients take the position that they have
16 rights and interests both on those reserve lands and as
17 well Treaty and Aboriginal rights in off-reserve areas,
18 including in the approximate area to the proposed
19 project.

20 I also mentioned that we also represent a
21 wholly-owned company called Woste Igit Nabi Ltd., which
22 is a property owner relatively close to the west of the
23 project area. If I refer to that company, I will be
24 calling it Woste Igit Nabi.

10:30

25 I've advised the staff of the exhibits that we

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Cross-examined by Mr. Rae

1 intend to question on, and as your legal counsel
2 Mr. Kruhlak pointed out, I will pose the questions to
3 or through Mr. Hebert and he can direct who in
4 particular may answer, and that is perfectly
5 satisfactory to me.

6 The first questions I'd like to ask stem from
7 Exhibit 11.

8 Exhibit 11 is a document prepared by Stantec
9 Consulting Ltd. in August 2015, and it's in relation to
10 the Springbank Off-Stream Reservoir Project and it's
11 titled "Probable Maximum Flood Analysis." 10:31

12 Mr. Hebert, could you advise how this report,
13 Exhibit 11, was used by Alberta Transportation in its
14 planning for the Springbank project?

15 **A. MR. HEBERT:** Mr. Chairman, I'd invite Matt Wood
16 to provide that response on behalf of Alberta
17 Transportation.

18 **MR. RAE:** Sorry, Mr. Chairman, I didn't
19 quite hear that.

20 **THE CHAIR:** Mr. Wood will respond. 10:32

21 **A. MR. WOOD:** Yes, thank you, Mr. Chairman.
22 What you're looking at is the probable maximum flood
23 report. The estimates contained within this report are
24 used to determine largely what we call the "in-flow
25 design flood" or the "dam safety flood" for the SR1

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Cross-examined by Mr. Rae

1 reservoir.

2 Q. Now, at page, I believe it's roughly 39, PDF page 39 of
3 Exhibit 11, which is the one on the screen now, the
4 bottom of that page, it has the locations where, I
5 believe, it's labeled, "Snow Water Equivalents Were
6 Measured." Table 21. Do you see that table?

7 A. MR. WOOD: Yes, I do.

8 Q. Now, I noticed the locations there: Lost Creek South,
9 Sunshine Village, Three-Isle Lake, Little Elbow Summit,
10 and Mount Odlum. I believe most, if not all, of those
11 locations are, in fact, in the Bow River drainage, are
12 they not? They're not, in fact, in the Elbow River
13 drainage; is that correct?

10:33

14 A. MR. WOOD: Little Elbow Summit would be in
15 the Elbow River drainage. I believe the others are all
16 within the Bow River drainage. And I might remind that
17 the Elbow River itself does sit within the Bow River
18 drainage. It is a tributary to the Bow River.

19 Q. But is it fair to say of those other four locations,
20 the snow melt would drain into the Bow River, not the
21 Elbow River?

10:34

22 A. MR. WOOD: Subject to check, I believe that
23 is correct.

24 Q. Thank you. My next question is in relation to
25 Exhibit 12.

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Cross-examined by Mr. Rae

1 Exhibit 12, again, is a document prepared by
2 Stantec Consulting Ltd. in December of 2015. And it is
3 labelled "Springbank Off-Stream Reservoir Project
4 Hydrology Flood Frequency Analysis."

5 Mr. Hebert, or perhaps Mr. Wood, can you explain
6 how Alberta Transportation used this document in its
7 preparations for the Springbank project?

8 A. MR. WOOD: Yes.

9 A. MR. HEBERT: Mr. Wood will respond.

10 A. MR. WOOD: Thank you, Mr. Hebert.

10:35

11 Yes, what we're looking at here is a flood
12 frequency analysis. The analysis was done to
13 contextualize flood frequency on the Elbow River,
14 estimates of things like 100-year discharge, 200-year
15 discharge.

16 In the report you'll also see a section that
17 frames up the 2013 flood and estimates it as being just
18 over a 200-year event.

19 Q. Now, this report again deals with both the Bow and the
20 Elbow watersheds; is that correct?

10:35

21 A. MR. WOOD: This report deals specifically
22 with the Elbow River watershed.

23 Q. If you turn to, I believe it's page 6 of this exhibit,
24 in the introduction, you will see in the second
25 paragraph there, that it refers to "previous flood

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Cross-examined by Mr. Rae

1 frequency studies."

2 Is it correct that those previous studies were
3 only for the Bow River watershed and not the Elbow
4 watershed?

5 **A. MR. WOOD:** I believe those studies include
6 information about the Bow River, but if you'll see
7 later on in the document where that information is
8 utilized, it is specific to the Elbow River.

9 **Q.** But the previous flood frequency studies done in 2014,
10 2010, were strictly for the Bow River watershed, were
11 they not? 10:36

12 **A. MR. WOOD:** Mr. Chairman, I don't believe they
13 were. Scrolling down, if you look at Table 1, it
14 quotes estimates from those reports for the
15 Elbow River.

16 **Q.** But, again, on that same page, higher up on the page,
17 the second paragraph under Section 2.1, it states that:
18 (as read)

19 "Estimates of historical flood peaks are
20 available for the Bow River but not for
21 the Elbow River." 10:37

22 Do you see that quote?

23 **A. MR. WOOD:** Yes, I do see that. I believe
24 that the reference is to the events listed above 1879,
25 1897, and 1902.

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Cross-examined by Mr. Rae

1 Q. But those reports were utilized to extrapolate or
2 interpolate flood frequency data for the Bow River
3 subsequent to that time; is that correct?

4 A. MR. WOOD: Would you mind rephrasing your
5 question, Mr. Chairman?

6 Q. What I'm asking is the historical data was restricted
7 to the Bow River, is that correct, up until 2013?

8 A. MR. WOOD: The historic data is those years
9 indicated there where there is, to my understanding,
10 knowledge, anecdotal information, about events that
11 happened on the Bow River.

10:38

12 The Elbow River's hydrometric record begins in
13 1908, shortly after that 1902 event, and there is no
14 anecdotal information available prior to 1908 for
15 floods on the Elbow River, and specifically for those
16 events there that were experienced on the Bow.

17 Q. So you're referring to the reference in that paragraph
18 where AMEC performed flood frequency analysis of the
19 Elbow River using the combined record for 1908 to 2013;
20 is that correct?

10:39

21 A. MR. WOOD: It says using the Bow River using
22 the 1911 to 2013 record.

23 Q. What about the Elbow?

24 A. MR. WOOD: It says AMEC then performed flood
25 frequency analysis for the Elbow River near Glenmore

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Cross-examined by Mr. Rae

1 Reservoir using the combined record for 1908 to 2013.

2 Q. And the combined record of what? Of Bow River or
3 Elbow River data or both?

4 A. MR. WOOD: Subject to check, I believe what
5 they're referring to is a combination of recorded
6 events or hydrometric data on the Elbow River. Often,
7 hydrologists will synthesize a larger data set based on
8 fragments from different stations.

9 The history of hydrometric stations on the
10 Elbow River is one where they have been operational for
11 various periods and there's data records of different
12 vintages covering different locations.

13 Q. Could you turn, then, to Exhibit 15, and in particular
14 Appendix C. Appendix C to Exhibit 15 is a Document
15 under the letterhead of AMEC, and it's entitled hydro
16 logic assessment memoranda and dated June 2014.

17 Mr. Hebert or Mr. Wood do you have that document
18 or are familiar with that document?

19 A. MR. HEBERT: One moment, Mr. Chairman.

20 A. MR. WOOD: Yes, Mr. Chairman, I'm familiar
21 with it, and I also have it open for my reference here.

22 Q. Can you advise how Alberta Transportation utilized the
23 data in this memoranda in its preparations for the
24 project?

25 A. MR. WOOD: Mr. Chairman, the document is

10:39

10:40

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Cross-examined by Mr. Rae

1 comprehensive and covers a lot of topics in addition to
2 the hydrology.

3 If the question is specific to the hydrologic
4 estimates, those were used as shown in the previous
5 exhibit for comparative purposes, given the analysis
6 Stantec has done, the AMEC results that are in this
7 document were compared and discussed in that first
8 memorandum.

9 Q. Appendix C, though, does refer to a hydrological
10 assessment of what is labelled the "BG1 dam"; is that
11 correct? 10:41

12 A. MR. WOOD: I'm not familiar with that section
13 of that report, Mr. Chairman.

14 Q. Mr. Hebert, is anybody else on your panel familiar with
15 this report?

16 A. MR. HEBERT: Just one moment, Mr. Chairman.

17 MS. FRIEND: This is Laura. If I can just
18 interject and make sure you tell us the page number for
19 screen sharing, we'd appreciate that. Thank you.

20 MR. RAE: My apologies. I believe it's on
21 or about page 172 of Appendix C to Exhibit 15. 10:42

22 A. MR. HEBERT: So, Mr. Chairman, if I may, I
23 believe this is a reference to conceptual project that
24 was located on the Bow River. I'm afraid,
25 Mr. Chairman, there's no one on the witness panel that

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Cross-examined by Mr. Rae

1 would be able to respond to questions
2 regarding -- regarding that project in particular.

3 THE CHAIR: Ms. Vespa, that was Mr. Hebert
4 responding.

5 Mr. Rae.

6 MR. RAE: Mr. Hebert, you advised that no
7 one on the panel is able to speak to this particular
8 exhibit. Can you advise, though, on what basis it's
9 part of the evidence put before this -- this Board in
10 regard to the Springbank project?

10:43

11 A. MR. HEBERT: Mr. Chairman, the AMEC report was
12 a comprehensive review of available or potential flood
13 mitigation options through the Bow River Basin. It
14 references a number of different rivers and a number of
15 different potential projects on those rivers. It is
16 included here, as it does reference the Springbank
17 Off-Stream Reservoir Project.

18 Regretfully, there's no individuals on the panel
19 that would be able to respond to questions about
20 conceptual projects that were contemplated for other
21 rivers.

10:44

22 Q. Is it fair to say that the Springbank project, at least
23 at this stage of the planning process, was part of a
24 series of projects for the Bow and Elbow River Basins?

25 A. MR. HEBERT: Mr. Chairman, that would be a fair

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Cross-examined by Mr. Rae

1 statement. It was proposed in the report as a proposed
2 mitigation measure for the Elbow River.

3 Q. And the BG1 dam project, though, can you advise -- I
4 appreciate you said it was on the Bow River, but I see
5 references to the Ghost River as well.

6 Can you advise us more particularly where the BG1
7 conceptual plan was located?

8 A. MR. HEBERT: Mr. Chairman, consulting with
9 Appendix C, specifically, PDF page 173, the BG1
10 conceptual project, if I'm interpreting the map
11 correctly, appears to be near Waiparous, Alberta, near
12 Stoney Reserve 142B just to the west, and just to the
13 north of Stoney 142, 143, 144. It's within the
14 Bow River system.

10:45

15 Q. The next exhibit I would like to turn to is Exhibit 18.

16 Exhibit 18 is a document prepared by
17 Alberta Transportation in March 2018, and it is
18 labelled "Springbank Off-Stream Reservoir Project
19 Environmental Impact Assessment." Mr. Hebert, are you
20 familiar with Exhibit 18?

10:46

21 A. MR. HEBERT: Yes, I am.

22 Q. Can you advise me how this fit into
23 Alberta Transportation's planning process for the
24 Springbank project?

25 A. MR. HEBERT: Mr. Chairman, this would be --

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Cross-examined by Mr. Rae

1 this would essentially constitute the environmental
2 impact assessment which is the de facto application for
3 the project.

4 Q. And, Mr. Hebert, I'll be also talking about Exhibit 20.
5 Can you tell me how those two exhibits relate to each
6 other.

7 A. MR. HEBERT: Mr. Chairman, I believe the EIS
8 summary is a covering document to the broader
9 environmental impact study of which Exhibit 20 forms
10 part of.

10:47

11 Q. Now, for Exhibit 18, if you could turn to the project
12 overview Section 3.6 -- and my apologies, this
13 document, I don't have the PDF number. I was unable to
14 unlock the PDF document. Oh, I see the staff have
15 found the section, in any event.

16 Now, under the first paragraph in Section 3.6, the
17 statement is made: (as read)

18 "A study by IBI group estimates that up
19 to \$1.5 billion is at risk due to
20 flooding of the Elbow River during a
21 future flood of the same magnitude
22 without flood protection."

10:48

23 Now, is that number broken out of the combined estimates
24 of flood risks for flooding by both the Elbow and the
25 Bow River? Or is that number strictly in reference to

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Cross-examined by Mr. Rae

1 flooding risk from the Elbow River?

2 A. MR. HEBERT: Mr. Speller will respond.

3 A. MR. SPELLER: So, Mr. Chairman, the 1.5 billion
4 number is for the Elbow River only, and it's broken out
5 from combined damages that IBI calculated for both the
6 Bow and the Elbow, but 1.5 is Elbow only.

7 Q. And we will perhaps get into this a little later on,
8 but can you in general terms tell us how the numbers
9 were broken out between the Elbow River flood risk and
10 the Bow River flood risk given that the City of
11 Calgary's at the conjunction of those two rivers?

10:49

12 A. MR. SPELLER: I'd ask Mr. Sol to describe the
13 process for which they deviated or divided the damages
14 between Elbow and Bow.

15 A. MR. SOL: Yes. Thank you, Wayne.

16 The damage model that we utilized has -- it's an
17 object-based model, which means that damages are
18 calculated for each asset's buildings and -- okay --
19 sorry -- it's an object-based model, so damages are
20 estimated for each individual building. So we were
21 able to delineate whether a building that contributed
22 damage was partly Elbow or the Bow River system.

10:50

23 There are areas near the confluence where there is
24 a flood risk from either river and, in that case, this
25 isn't double counting.

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1 Q. And what are those areas where there is a flood risk
2 from either river?

3 A. MR. SOL: Those would be areas near the
4 confluence where water from the Bow River and Elbow
5 could flood.

6 So, parts of downtown, and then nearer to the
7 confluence.

8 Q. Would that include the community of Inglewood?

9 A. MR. SOL: That would be considered the
10 Bow River, I believe.

10:51

11 Q. And Stampede Park?

12 A. MR. SOL: Elbow River.

13 Q. Okay. The next Exhibit I'd like to pursue is
14 Exhibit 20 that I referred to earlier.

15 And, again, Exhibit 20 is entitled, "The
16 Springbank Off-Stream Reservoir Project Environmental
17 Impact Assessment."

18 And you'll see in Section 2.2 a variation in the
19 wording from what was in Section 3.6 of the previous
20 Exhibit 18.

10:51

21 Mr. Hebert, can you advise us why the wording was
22 changed from Exhibit 18 to Exhibit 20, or more
23 specifically, why the wording in Section 3.6 of
24 Exhibit 18 was changed for the wording in Section 2.2
25 of Exhibit 20?

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1 **A. MR. HEBERT:** **One moment, Mr. Chairman.**

2 **Mr. Chairman, we're just comparing the two**
3 **documents. Is there a way to point out the difference**
4 **between the two statements?**

5 **Q. Mr. Chairman, yes, I can point out that the reference**
6 **to the Elbow River flood of 2013 was deleted in**
7 **Section 2.2 of Exhibit 20. And, more specifically, the**
8 **sentence that I just previously quoted in regard to the**
9 **\$1.5 billion at risk due to flooding of the**
10 **Elbow River, that reference has been removed from**
11 **Exhibit 20.**

10:53

12 **A. MR. HEBERT:** **Mr. Chairman, I don't believe**
13 **there's a difference between the -- the intent of the**
14 **two statements.**

15 **Q. Mr. Hebert, is it still the evidence of**
16 **Alberta Transportation, the reference to the**
17 **\$1.5 billion at risk number, that is still**
18 **Alberta Transportation's position in regard to these**
19 **risk analysis of flooding from both the Elbow and the**
20 **Bow Rivers?**

10:53

21 **A. MR. HEBERT:** **Mr. Chairman, that remains our**
22 **evidence.**

23 **Q. Is it your evidence, though, that it was removed from**
24 **Exhibit 20 because that statement was not relevant?**

25 **A. MR. SPELLER:** **Mr. Chairman, I don't know if this**

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1 is helpful, but in Section 2.1 of Exhibit 20, the need
2 for the project, the 1.5 billion is referenced there.

3 We're still having a bit of trouble
4 differentiating between the two, so I don't know if
5 that's helpful.

6 THE CHAIR: Ms. Vespa, you caught that was
7 Mr. Speller? Thank you.

8 Q. MR. RAE: Thank you for that. I note,
9 though, the other Section 3.6 of Exhibit 18 with the
10 specific volumetric numbers, that has been removed from
11 the equivalent section in Exhibit 20.

10:54

12 A. MR. HEBERT: I would note that, but I would
13 submit that that does not fundamentally change our
14 evidence.

15 Q. So, even though it's not in Exhibit 20, Alberta
16 Transportation still considers those estimated numbers
17 in Exhibit 18 to be correct?

18 A. MR. HEBERT: Subject to check, yes.

19 Q. Would you be willing to undertake to confirm that
20 statement?

10:55

21 A. MR. SPELLER: Mr. Chairman, it's Wayne Speller.
22 If it's helpful, maybe a bit of background on these two
23 documents.

24 So Exhibit 18 is the EIS summary which is -- is --
25 when we're doing EIAs is our attempt to try to distill

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1 all those different volumes down into one document.

2 Exhibit 20 is the project description, the
3 beginning of those multiple volumes, telling the story
4 about the project and its assessment.

5 My experience has been, if there's differences
6 between a summary and the volumes of the EIA itself,
7 typically, that's an editorial choice of how to best
8 try to summarize all of those volumes in a -- in a more
9 succinct package.

10 My understanding is there is no differences
11 between that EIS summary or these volumes other than
12 editorial choices as to where to start presenting the
13 information and try not to repeat information more than
14 once if possible.

10:56

15 Q. Thank you. The next exhibit I'd like to turn to, and
16 my apologies if I omitted referring to this earlier, is
17 Exhibit 139, Appendix 33, and that is the "Benefit Cost
18 Analysis of Flood Mitigation Projects for the City of
19 Calgary - Springbank Off-Stream Flood Storage" prepared
20 for the Government of Alberta in February 2015.

10:57

21 Mr. Hebert, is your panel familiar with that
22 exhibit?

23 A. MR. HEBERT: Yes, it is.

24 Q. Can I proceed without the exhibit being displayed for
25 the benefit of everybody right now?

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1 **A. MR. HEBERT:** We have our reference,
2 **Mr. Chairman.**

3 **Q.** My apologies. If it's my fault that I omitted
4 referring to this exhibit when I provided the staff
5 with the list of our proposed exhibits.

6 Mr. Hebert, can you tell me once again, how did
7 this report fit into Alberta Transportation's plans for
8 the Springbank project?

9 **A. MR. HEBERT:** Mr. Chairman, the benefit cost
10 analysis for the Springbank project was used as part of
11 the overall decision for the project. So that's one
12 component of the assessment made to proceed with the
13 Springbank Off-Stream project.

10:58

14 And Mr. Speller can augment my response.

15 **A. MR. SPELLER:** And, Mr. Chairman, specifically
16 for this Appendix, the February 18, 2015, benefit cost
17 analysis -- and sometimes we may call it a "BCA" as an
18 acronym, we'll try not to but it slips in -- this was
19 included in this Appendix 3-3 in responding to a
20 supplemental information request.

10:58

21 So the 2017 benefit cost analysis that Mr. Hebert
22 was talking about referenced a number of different past
23 BCAs. These appendices, including this one that's in
24 front of us, Appendix 3-3, was one of those references,
25 and we were asked to include them as complete documents

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1 in responding to this request.

2 Q. Thank you for that information. I'm going to ask a
3 couple of questions on Exhibit 139.

4 Mr. Hebert, if you would like to point out to me
5 if -- in you and your panel's responses -- if I'm
6 referring to an outdated or an overtaken document,
7 specifically Exhibit 139, please feel free to do so.

8 I'd ask you to turn to the summary conclusions on
9 Exhibit 139, which is more or less at page 27 of the
10 exhibit. Section 6.6 entitled, "Summary and
11 Conclusions."

12 A. MR. HEBERT: Yes, Mr. Chairman. I've found the
13 page.

14 Q. Now, in this summary and, particularly, I guess it's
15 labelled 6.3 of the summary, there are two scenarios,
16 "High Damage Scenario" and "Low Damage Scenario," and
17 it goes on to elaborate on the scenarios that were
18 examined.

19 As part of this cost benefit analysis, did
20 Alberta Transportation do a do-nothing scenario? In
21 other words, a cost benefit analysis if no Springbank
22 dam was constructed?

23 Now, I appreciate that you may take issue with the
24 way I have constructed that question, but perhaps I
25 could ask it anyways.

10:59

11:00

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1 **A. MR. HEBERT:** **Mr. Chairman, in the context of**
2 **this report, there was no do-nothing scenario prepared.**

3 **Q.** Mr. Hebert, is that a function of the science of cost
4 benefit analysis not being set up to examine do-nothing
5 scenarios?

6 In other words, those cost benefit analyses, are
7 those an art form more than a science? Why would a
8 person or a party, a project proponent, not look at a
9 do-nothing scenario in terms of analyzing the costs and
10 benefits of what he proposes to do?

11:02

11 **A. MR. HEBERT:** **Mr. Chairman, I'd invite Mr. Sol**
12 **to provide a response to the question.**

13 **A. MR. SOL:** **Yes. The do-nothing scenario**
14 **would essentially be the unmitigated baseline to which**
15 **the benefits were estimated from.**

16 So it's inherent in the work produced. The
17 do-nothing is what we call the baseline damage
18 estimate. And then when the damage model is run with
19 mitigation, it's the difference between those two which
20 provides the benefit of a mitigated scenario.

11:02

21 So the do-nothing is inherent in the study.

22 **Q.** But are there not value components in a do-nothing
23 scenario that would be lost under any of the
24 development scenarios --

25 **A. MR. SOL:** **We should -- yeah, to clarify the**

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1 context of this benefit of cost, because a benefit cost
2 analysis can mean a lot of different things, in this
3 case, it is the financial impact of flooding on the
4 City of Calgary compared with the costs of the project.

5 So I think what you're alluding to is a do-nothing
6 scenario might have other advantages in terms of, you
7 know, alternate expenditures, opportunity cost, and the
8 like, but this was specifically constrained to a
9 financial impact of flooding.

10 Q. And in saying that, are you saying that the analysis
11 made no attempt to value intangible non-financial value
12 components?

13 A. MR. SOL: In this particular study, yes.

14 Q. If you turn to, I believe it's page 47 of this exhibit,
15 which is in appendix -- I think it's in Appendix A, and
16 I'm looking in particular at a -- sorry -- it's
17 Appendix E. It's the first page in Appendix E of the
18 exhibit, "City of Calgary Flood Damage Estimates."
19 And there's a table entitled, "Total Damages, Bow and
20 Elbow Rivers." Yes, that's the one, "With the Sewer
21 Backup."

22 Q. Now, again this is from both the Bow and Elbow Rivers.
23 Were damages arising from just Elbow River flooding
24 segregated out?

25 A. MR. SOL: Yes, that's correct, for the

11:03

11:04

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1 benefit cost.

2 Q. Where would I find those?

3 A. MR. SOL: I don't believe they're explicitly
4 reported in that particular report that you're
5 referencing.

6 Q. But they are available?

7 A. MR. SOL: Just for context here, this study
8 that we're currently looking at was superseded, and the
9 specific damages for the -- the reused, the benefit was
10 calculated on an annualized basis. So it is provided
11 in that report, but there isn't a table with the
12 specific Elbow damages.

13 Q. You said it was "superseded." Can you refer me to the
14 exhibit that superseded this one?

15 A. MR. HEBERT: Mr. Chairman, we'll just take a
16 moment. Thank you.

17 A. MR. SOL: Thank you for your patience.

18 So to clarify in the document that we're currently
19 looking at Exhibit E3 does specify Elbow River damages.
20 By event, if that's what you were looking for.

21 And in the subsequent study, the intangibles on
22 flooded households, we attempted to capture, set a
23 value for that, but not in this particular report.

24 Q. So you did attempt to capture certain intangible
25 values?

11:05

11:07

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1 **A. MR. SOL:** **Yes. In the 2017 benefit cost,**
2 **which the values were extracted from a City of Calgary**
3 **study.**

4 **Q.** And will you agree that your attempt to capture certain
5 values, by definition, could not attempt to capture all
6 intangible values?

7 **A. MR. SOL:** **Certainly not.**

8 **Q.** Now, on these exhibits that we're going through here,
9 E1, and you referred me to Exhibit E3, I appreciate
10 that, and later on, on about page 54, there's
11 Exhibit E8 in that same set of attachments.

11:08

12 And Exhibit E8 refers to "Alternative Damage
13 Scenario." Can you explain the difference between the
14 alternative damage scenario in Exhibit E8 and the total
15 damage scenario in E1?

16 **A. MR. SOL:** **Yes. At the time, there was a**
17 **publication released that attempted to quantify the**
18 **lost -- lost productivity, and there was a -- a Special**
19 **Labour Force Survey that surveyed hours lost.**

20 And so there was an estimate out there, using
21 those methodology, that had a very high business
22 interruption loss, and we provided two scenarios
23 because, anecdotally, a lot of business hours were made
24 up after the flood.

11:09

25 So that's the reason for those two scenarios is to

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1 account for the uncertainty of the report by others
2 regarding business losses.

3 Q. Exhibit E9 later on in that overall exhibit, again, is
4 "Alternative Damage Scenario - Total Damages,
5 Elbow River, With Sewer Backup."

6 And in that table, for the 100-year flood, the
7 total damages, I believe, are 538,369,000. Have I read
8 that correctly, first of all?

9 A. MR. SOL: Yes.

10 Q. Is it Alberta Transportation's position that that
11 number is the amount of damages that the proposed SR1
12 project will preclude?

13 A. MR. SOL: No. As stated earlier, this
14 report was based on outdated data sources, including
15 the flood mapping.

16 Q. And I don't need to know it right now, but would you be
17 able to provide me the updated number that would go in
18 that column from which I just gave you that figure?

19 A. MR. SOL: Yes, we could. It would be -- it
20 would be related to the previously referenced
21 1.5 billion. So -- but that was talking about a
22 200-year flood. So if you were looking at a 100-year
23 flood, we would have, without mitigation it would be
24 1.1 billion for the 100.

25 Q. So the number went from 538 million to 1.1 billion?

11:10

11:11

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1 **A. MR. SOL:** **Yes.**

2 **Q.** The next exhibit I'd like to refer to is an exhibit
3 from the City of Calgary, it's Exhibit 234, which in
4 turn, I believe the City of Calgary has labelled
5 "Exhibit S" to its submission.

6 And this document is dated July 2015, and it's for
7 the "Bow River and the Elbow River," and it's labelled,
8 "Hydraulic Model and Flood Inundation Mapping Update,"
9 and it was prepared for both City of Calgary and
10 Alberta Environment.

11:12

11 Mr. Hebert, have I described this correctly?

12 **A. MR. HEBERT:** **Mr. Chairman, I'm going based on**
13 **what's on the front cover, and that appears to be**
14 **correct.**

15 **Q.** And I ask that, Mr. Hebert, because, as I say, it's
16 part of Calgary's evidence, and correct me, but it's
17 not been included as part of Alberta Transportation's
18 evidence; is that correct?

19 **A. MR. HEBERT:** **Just one moment, Mr. Speaker -- or**
20 **Mr. Chairman.**

11:13

21 Mr. Chairman, Mr. Sol will respond.

22 **A. MR. SOL:** **Thank you. As I previously**
23 **mentioned, the 2017 benefit cost submission was based**
24 **on the City of Calgary study which itself was based on**
25 **this report.**

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1 Q. Thank you. If you could turn to, I believe it's PDF
2 page 4, just part of the summary -- thank you -- of
3 this exhibit.

4 About two-thirds of the way down the page, you'll
5 see a reference to: (as read)

6 "The existing flood control structure at
7 Inglewood is not sufficient to protect
8 the area against the 100-year flood. Do
9 you see that reference?

10 A. MR. SOL: Yes, I do.

11:14

11 Q. The SR1 project, then, without additional flood control
12 upstream on the Bow River, will it protect Inglewood,
13 the community of Inglewood, from the 100-year flood?

14 A. MR. HEBERT: Mr. Chairman, Mr. Wood will
15 respond.

16 A. MR. WOOD: Mr. Chairman, I don't believe I
17 can answer the question specifically, but I can say
18 that SR1 will have the ability to remove up to
19 600 cubic metres per second of flow, flood flow, from
20 the Elbow River. The community of Inglewood is located
21 immediately downstream of the confluence of the Bow and
22 Elbow Rivers; and, therefore, that community will
23 receive a direct benefit in flood risk reduction from
24 SR1.

11:15

25 Q. In 2013, was the community of Inglewood flooded by

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1 flood waters from Elbow or from the Bow or from both?

2 A. MR. WOOD: Mr. Chairman, I can confirm that
3 it was flooded by both. I was there during the event.

4 Q. So it's fair to say that SR1 would not flood proof
5 Inglewood against the 100-year flood?

6 A. MR. WOOD: Mr. Chairman, like I said, I don't
7 have the specific answers. We have not looked into the
8 exact amount of flood risk reduction at the community
9 of Inglewood. But like I said, it does remove
10 600 cubic metres per second from the Elbow. That's a
11 direct translation to 600 cubic metres per second from
12 the Bow in certain circumstances.

13 Q. So from the community of Inglewood's perspective, SR1
14 would be a partial solution; is that correct?

15 A. MR. WOOD: I don't have the specific analysis
16 to say exactly how much reduction in flood risk it
17 would provide to Inglewood.

18 Q. The next sentence in that summary we're looking at
19 states, I quote: (as read)

20 "The existing earth berm, existing
21 concrete retaining wall and proposed
22 flood wall at Stampede Park would be
23 overtopped during the 100-year flood."

24 Do you see that reference?

25 A. MR. WOOD: Yes, I do.

11:16

11:16

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1 Q. Are the proposed new structures at Stampede Park being
2 constructed to flood proof them, and their vital
3 utilities, against the 100-year flood?

4 A. MR. WOOD: I'm not familiar with those
5 proposed structures. I'm not too sure if they were
6 even built. I remind the Panel that this is a 2015
7 report.

8 Q. But what is your current information?

9 A. MR. WOOD: Current information --

10 A. MR. HEBERT: Mr. -- sorry, go ahead. 11:17

11 A. MR. WOOD: Just for clarity, Mr. Chairman,
12 please maybe repeat the question. Current information
13 with respect to what?

14 Q. The proposed new structures at Stampede Park, of which
15 there's quite a few, are they being constructed to
16 flood proof those structures against the 100-year
17 flood?

18 A. MR. WOOD: Mr. Chairman, I believe that may
19 be a question for the City of Calgary to answer as it's
20 within their jurisdiction. 11:17

21 Q. I certainly agree it's appropriate for the City of
22 Calgary, but is it Alberta Transportation's position
23 that you don't know the answer to the question?

24 A. MR. HEBERT: One moment, Mr. Chairman.
25 Mr. Chairman, as Mr. Wood mentioned, the projects

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1 that are being referred to in any sort of
2 specifications or mitigations associated, would fall
3 under the jurisdiction of the City of Calgary or
4 associated entities or other organizations. So Alberta
5 Transportation would not have that information.

6 Q. In attempting to conduct your cost benefit analyses,
7 and I appreciate the inherent imposition in doing that,
8 would it be relevant if those structures I'm referring
9 to were in fact flood proofed, would that be relevant
10 in determining the cost benefit analysis and,
11 particularly, the estimated damage costs to structures
12 themselves in Stampede Park?

11:19

13 A. MR. SOL: It's David Sol here. The damage
14 modelling that we undertook considered existing
15 mitigation as to not double count anything, and when
16 modeled with Springbank Reservoir, there was no damages
17 at the Stampede.

18 Q. Sorry, that last part of your sentence, could you
19 repeat that?

20 A. MR. SOL: Our damage model considers
21 existing and proposed -- that part, going ahead,
22 planned mitigation, and so when modelled with a
23 baseline, without Springbank, those are included; and
24 when modelled with the Springbank Reservoir in
25 operation, there were no damages.

11:19

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1 Q. But when modelled without Springbank, you didn't take
2 into consideration damages to Stampede Park structures?

3 A. MR. SOL: With the mitigation in place, yes.

4 Q. No, my question, though, was, without the mitigation in
5 place, did your cost benefit analysis include the
6 damages to Stampede Park structures?

7 A. MR. SOL: The damage model included the
8 mitigation that is in place at the Stampede so as not
9 to double count it as benefits for the Springbank dam.

10 Q. Sorry, the mitigation that is already in place, you're
11 referring to? 11:20

12 A. MR. SOL: Yes.

13 Q. That would include flood proofing of individual
14 buildings?

15 A. MR. SOL: Not to the individual buildings,
16 if you're talking about a homeowner putting flood
17 control on their own property, no.

18 Q. I'm specifically referring to Stampede Park and the
19 proposed new structures, the myriad of structures
20 there. I'm just asking how that was incorporated into
21 your model. 11:21

22 A. MR. SOL: They were included in the
23 baseline.

24 Q. So help me out a little bit. If a building is --
25 forgive my use of the layman's term -- if a building

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1 was flood proofed, then would it not be estimated
2 damages to that be neutral in terms of any cost benefit
3 analysis? There would be either no costs or no
4 benefits in analyzing the Springbank dam?

5 **A. MR. SOL: Yes, that would be correct.**

6 **Q.** Now, the second last paragraph on that same page refers
7 to a number of communities, and the latter ones refers
8 to the communities along the Elbow River. Namely,
9 Riverdale/Elbow Park, Rideau Park, Roxboro, Mission
10 District, Erlton area, Victoria, and Stampede.

11:22

11 Is it fair to say that those listed communities
12 are the communities that the Springbank project is
13 designed to protect?

14 **A. MR. WOOD: Mr. Chairman, I can answer that.**

15 Those communities are provided a reduction in
16 flood risk by SR1, as well as all downstream
17 communities.

18 So all communities and properties located
19 downstream of the diversion structure.

20 **Q.** What other communities are there besides those ones
21 listed?

11:22

22 **A. MR. WOOD: There's several within Rocky View**
23 **County, private properties located downstream of the**
24 **diversion structure; there's also some recreational**
25 **facilities down there; there's infrastructure owned by**

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1 utilities, as well as infrastructure owned by pipeline
2 companies; there's the communities -- there's Glenmore
3 Reservoir itself, the Glenmore Dam, and downstream is
4 these listed communities here.

5 And like I mentioned with respect to Inglewood, by
6 removing 600 cubic metres of flood water off of the
7 Elbow, you inherently remove that water off of the Bow
8 during an event. And so the benefits of the project
9 extend down the Bow River and, technically, as far
10 downstream as Saskatchewan border on the South
11 Saskatchewan, albeit much less benefit down there.

11:23

12 Q. Was any attempt made to segregate the protection for
13 those communities I listed in relation to the
14 production of all the other communities and areas that
15 you just listed in terms of on a relative basis?

16 A. MR. WOOD: Can you please rephrase the
17 question or repeat the question?

18 Q. Was any attempt made by Alberta Transportation to
19 segregate the benefits to those listed communities in
20 relation the benefits from SR1 for all the other
21 communities and areas that you just listed?

11:24

22 What proportion of the benefits accrues to those
23 communities in relation to all other communities and
24 areas benefiting from the Springbank project?

25 A. MR. SOL: It's David Sol here.

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1 If I understand the question correctly, an answer
2 would be that all of the benefits that we used were
3 from those communities listed. So I would say between
4 the Glenmore Reservoir and the confluence.

5 Q. And are those the communities that will constitute the
6 majority of the beneficial -- the beneficiaries of the
7 Springbank dam?

8 A. MR. SOL: It is my understanding yes, that's
9 the most densely developed area.

10 Q. If you had to quantify it, would those benefits
11 represent 75 percent of the total benefits or 65
12 or -- I'm sorry, go ahead.

13 A. MR. SOL: Apologies. No, we made no attempt
14 to quantify in that regard.

15 Q. My next questions relate to Exhibit 325 and,
16 Mr. Chairman, this will be the last exhibit I'll be
17 asking questions on. Exhibit 325 is the reply
18 submissions of Alberta Transportation. Thank you.

19 And if you could first turn to, I believe it
20 looks -- it's page 5, paragraph 2. There we go. Thank
21 you: (as read)

22 "The Ermineskin Cree Nation and the
23 Kainai First Nation have withdrawn their
24 objections to the project."

25 Are you able to provide us any changes to Alberta

11:25

11:25

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1 Transportation's plans arising from that withdrawal of
2 their intervention?

3 **A. MR. HEBERT:** Mr. Chairman, in what regard?

4 **Q.** Well, I'm just asking whether any of the evidence that
5 has been submitted to the NRCB for this hearing, any of
6 it would need to be updated in terms of resulting from
7 the withdrawal of those interventions?

8 **A. MR. HEBERT:** Mr. Chairman, I don't believe so.

9 **Q.** If you could turn to page -- my apologies again, my PDF
10 page numbering is out -- probably page 6. It would be
11 paragraph 5 of the reply.

12 Sorry, it's paragraph 6. In paragraph of 6, if I
13 might quote: (as read)

14 "Alberta Transportation notes that SR1
15 designed to afford protection greater
16 than for a 1 to 200-year flood. It
17 would be a larger project with a bigger
18 footprint, more impacts and greater
19 cost. Alberta Transportation believes
20 that the SR1 as designed strikes an
21 appropriate balance between affording
22 flood protection to downstream
23 communities and minimizing impacts on
24 the local community."

25 What is the basis for the balance that

11:27

11:28

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1 Alberta Transportation has attempted to strike?

2 A. MR. HEBERT: So, Mr. Chairman, at its core,
3 it's to ensure that protection is provided for a
4 designed flood, which has been flood of record event in
5 2013. That is the standard when it comes to the
6 development of flood mitigation projects.

7 We do recognize that, you know, should there be a
8 demand to build something larger, that it would
9 inevitably had larger impacts on the community, would
10 have had a greater cost from a construction
11 perspective, from a land perspective. So I believe the
12 balance relates to the ability to meet the intended
13 need of the project.

14 Q. But the selection of the 1 to 100-year flood, I mean,
15 you could have selected a project that satisfied -- or
16 that applied to the 1 to 150-year flood or would apply
17 to 1 -- to the 80-year flood. The selection of the
18 protection you afforded, at what stage does it become
19 arbitrary?

20 A. MR. HEBERT: Mr. Chairman, as I stated in my
21 response, there's a standard at which flood mitigation
22 projects are built to the event of record. That was
23 the choice made in the development of this project.

24 Q. Where does that standard originate?

25 A. MR. WOOD: I can assist with that,

11:29

11:29

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1 Mr. Chairman. That standard is enshrined in the
2 province's flood hazard mapping framework. They use a
3 design flood standard of 100-year, and in select cases,
4 the flood of record if it's been exceeded.

5 And so, by extension, if the hazard mapping
6 identifies these areas under the 100 years for
7 development, then flood mitigations typically aim to
8 address that design standard to help reduce that risk,
9 and match the provincial standard of 100-year.

10 Q. So that provincial standard was developed by the
11 province of Alberta is what you're saying; is that
12 correct?

11:30

13 A. MR. WOOD: Developed by the province several
14 decades ago, yes.

15 Q. And Alberta Transportation made no attempt to diverge
16 from that standard?

17 A. MR. HEBERT: No, Mr. Chairman. The necessity
18 to ensure that downstream communities are protected
19 from the flood of record was the choice -- was the
20 choice made and it's that's the choice that we're
21 proceeding with.

11:31

22 Q. And when the province of Alberta adopted that standard,
23 you say it was quite some time ago, has it been
24 revisited since?

25 A. MR. HEBERT: Mr. Chairman, I'm not aware if

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1 **it's been revisited.**

2 THE CHAIR: Excuse me, Ms. Vespa, there's been
3 a little bit of switching of people providing answers.
4 Are you able to keep track? Have you been able to
5 track? Thank you.

6 THE COURT REPORTER: Mr. Chair, I'm getting used to
7 their voices. Thank you.

8 THE CHAIR: Thanks. Mr. Rae, continue.

9 Q. MR. RAE: Thank you, Mr. Chairman. Perhaps
10 you could repeat the answer to that last question.
11 Has it been revisited since?

11:32

12 A. MR. HEBERT: Mr. Chairman, I've conferred with
13 members of the panel, and we're not aware that it's
14 been revised since.

15 Q. And has that standard been also developed by the
16 Government of Canada, given its jurisdiction over most
17 rivers?

18 A. MR. WOOD: I can answer that, Mr. Chairman.
19 The Government of Canada also uses a 100-year
20 flood standard in their hazard mapping framework.

11:32

21 Q. So the current concept for the Springbank structures
22 are the product of the application of that standard; is
23 that correct?

24 A. MR. WOOD: Mr. Chairman, if I could, I'd like
25 to articulate, what we were discussing is that Alberta

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1 and Canada have 100-year flood standards. SR1 is
2 designed to the flood of record, which exceeds that
3 100-year standard. It has been estimated at the 2013
4 flood as being roughly a 200-year event.

5 Q. If you could turn to page 3 of this exhibit, more
6 specifically paragraph 9. My apologies again if my PDF
7 numbering is out.

8 Now, the first sentence -- or the second sentence
9 in paragraph 9 states: (as read)

10 "Other components include a potential
11 new flood control structure on the
12 Bow River."

13 Is there only one additional flood control structure
14 proposed or being investigated for the Bow River?

15 A. MR. HEBERT: Mark Svenson will respond.

16 A. MR. SVENSON: Hello, Mr. Chair.

17 Currently, on the Bow River, the province is
18 investigating three potential options.

19 Q. So that statement in paragraph 9 is slightly incorrect,
20 then; is that correct?

21 A. MR. HEBERT: No, Mr. Chairman. The Alberta
22 Environment and Parks is investigating three options,
23 with the intent of selecting one of those three options
24 to pursue.

25 Q. Just so clear, Alberta Environment is intending to

11:34

11:34

ALBERTA TRANSPORTATION TOPIC #1 PANEL

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1 select one, and only one, of the three options?

2 A. MR. HEBERT: Ms. Carignan can supplement the
3 response.

4 A. MS. CARIGNAN: Yes, Mr. Chairman. Currently,
5 they're investigating three alternatives, and they will
6 select one to proceed with.

7 Q. Now, later on in that paragraph 9, the second last
8 sentence, it states that Alberta Transportation has
9 selected only the SR1 project for review.

10 It states that: (as read)

11 "These other components, including any
12 Bow River will be reviewed and assess in
13 other processes."

14 Can you advise what process will be used to assess the
15 proposed Bow River dam?

16 A. MR. SVENSON: Mr. Chair, this is Mark Svenson, I
17 can answer that.

18 So the process by which the -- a project on the
19 Bow River would go forward would be subject to the
20 environmental legislation that it triggers, which will
21 include the provincial EIA process, but that remains it
22 at this time.

23 Q. So it's a little ironic that, as part of the flood
24 control in the City of Calgary, there's a future
25 project that will result in flooding of other lands

11:35

11:36

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1 upstream of the City of Calgary, and given that answer
2 about environmental processes, is it Alberta's position
3 that the environmental assessment will be the only
4 assessment in regard to any future upstream Bow River
5 dam?

6 MR. KRUHLAK: Mr. Chairman, I'd just like to
7 interject. I appreciate Mr. Rae's concerns with
8 respect to the Bow River, but I'm not aware of any
9 actual application. As he's been told, there are
10 various options, and I'm not sure how helpful it is to
11 address this, to be pursuing this at this time.

11:37

12 MR. RAE: Mr. Chairman, if I might respond.
13 The relevance of those other options is that I think
14 the evidence before the Board, already in written form,
15 and which will be forthcoming in the coming days, I
16 think the evidence will show that the Springbank
17 project is not a standalone project, and that the
18 purported benefits of the Springbank dam will only be
19 realized if there is also an upstream dam on the
20 Bow River. So the relevance to the public interest
21 that this Board must determine is quite apparent.

11:37

22 There is no public interest, the Stoney Nakoda
23 Nations are submitting, in building a project that will
24 not by itself result in any meaningful protection or
25 benefits to the public interest, and even, I dare say,

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1 to the citizens of Calgary. There's no benefit to the
2 public as a whole if the SR1 dam is not part of the
3 bigger project.

4 Nevertheless, Mr. Chairman, I appreciate that the
5 scoping for this project and the application before you
6 is strictly for the SR1 project.

7 THE CHAIR: Thank you.

8 Mr. Rae, we're just 20 minutes to noon. Did you
9 have a few more questions yet for Alberta
10 Transportation on topic area 1?

11:39

11 MR. RAE: I have a few to go yet, sir.

12 THE CHAIR: Okay. I mean, if possible, you
13 could wrap up by noon, if you think that works, then we
14 could break at noon for lunch, and then proceed from
15 there. But is 20 minutes likely going to suffice?

16 MR. RAE: Well, given the flow of my
17 questions, unintended, it should suffice. I should be
18 able to finish by noon.

19 THE CHAIR: Okay. Great. Thank you.

20 Q. MR. RAE: If the witness panel could then
21 turn to paragraph 11 of the reply to the exhibit.

11:39

22 Now, paragraph 11 lists the reasons why SR1 was
23 selected over the McLean Creek option.

24 There's no mention of the Stoney Nakoda in that
25 summary. Is that a deliberate omission?

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1 **A. MR. HEBERT:** **Mr. Chairman, that is not.**

2 **Q.** Is it your evidence that SR1 was selected over MC1 for
3 those reasons, and that an additional reason would be
4 that it benefits the Stoney Nakoda more?

5 **A. MR. HEBERT:** **Mr. Chairman, could you clarify**
6 **the question?**

7 **Q.** Well, I pointed out there's no listing of the
8 Stoney Nakoda and the reasons for Alberta
9 Transportation selecting the Springbank option.

10 Is it your evidence, Mr. Hebert, that an
11 additional reason would be that the Springbank option
12 is of benefit to the Stoney Nakoda over the
13 McLean Creek option?

11:40

14 **A. MR. HEBERT:** **If I understand the question, if I**
15 **take into account the geography -- the geographic**
16 **location of the Stoney Nakoda Reserves, the**
17 **Stoney Nakoda are not located along the Elbow River.**

18 So I would say it's neither, effectively, from a
19 flood control perspective, it would be a neutral
20 consideration.

11:41

21 **Q.** If you could scroll down further to paragraph 14 of
22 this exhibit. And, in that paragraph, Alberta
23 Transportation introduces the concept of drought
24 management.

25 Is the proposed SR1 project relevant to drought

ALBERTA TRANSPORTATION TOPIC #1 PANEL

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1 management?

2 A. MR. HEBERT: Mr. Chairman, it is intended to be
3 a flood mitigation project. The consideration for
4 drought management, as referred to in paragraph 14,
5 relates to the potential project on the Bow River, or
6 other water reservoir projects within the basin.

7 Q. So is it Alberta Transportation's understanding that
8 the City of Calgary is advocating the SR1 project, not
9 simply for flood control, but also for drought
10 management?

11:42

11 A. MR. HEBERT: Mr. Chairman, my understanding of
12 the City of Calgary's advocacy for the SR1 project is
13 that it's intended to be a flood mitigation project.

14 The document referenced here, the City advocates
15 for water storage on the -- as a consideration in the
16 future potential Bow River project.

17 Q. But not a consideration for the SR1 project?

18 A. MR. HEBERT: Mr. Chairman, there is an element
19 to how SR1 of the Glenmore Reservoir interact in terms
20 of water management perspective, and Mr. Wood can
21 supplement my response.

11:42

22 A. MR. WOOD: Thank you, Mr. Chairman.

23 Yes, while SR1 does not provide a direct storage
24 component for water, it does greatly improve water
25 security on the Elbow River.

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1 Currently, the City of Calgary, with the way that
2 Glenmore is operated in the spring, it is operated for
3 a certain degree of flood control that, in many ways,
4 can jeopardize water security later in the year.

5 Generally, if you draw down the reservoir in
6 preparation of flood season, and that water doesn't
7 arrive, then that could result in deficits in the
8 future.

9 So, by removing the flood risk off the
10 Elbow River, or reducing the flood risk off the
11 Elbow River, Glenmore is able to return to operations
12 as solely a water supply facility within that allocated
13 storage, and that allows it to help mitigate its risk
14 in an annual basis.

11:43

15 Q. My reasons for the question are that Alberta
16 Transportation has proposed a project for flood
17 control, and it's relatively clear the beneficiaries of
18 that flood control, purportedly, is the City of Calgary
19 and certain communities in it, and yet at the same
20 time, we find that City of Calgary has additional
21 motives for the flood control project which relate to
22 drought management.

11:44

23 My question is, is that, did Alberta
24 Transportation consider drought management in proposing
25 the SR1 project in the context of the overall Bow River

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1 Basin water control proposals?

2 A. MR. HEBERT: Sorry, Mr. Chairman. The project
3 that's been advanced in the application is intended to
4 be a flood mitigation project. At a very early
5 preliminary point, when a range of options were being
6 considered on all projects, it was referred to as
7 having the option, but, ultimately, as the project
8 progressed in its fairly early stages, the notion that
9 it would be exclusive to flood control structure was
10 what ultimately was decided upon and ultimately how the
11 project advanced through the regulatory process.

11:45

12 Q. So when Alberta Transportation proposes, formally
13 proposes, a flood control structure on the Bow River,
14 will drought management be part of the public purpose
15 for that dam in addition to flood control?

16 A. MR. HEBERT: Mr. Chairman, as it relates to the
17 Bow option, that is, the Bow options that are being
18 reviewed by AEP, drought management and water supply
19 are considerations for those projects.

20 Q. Is it Alberta Transportation's position, though, that
21 drought management should not be an issue that this
22 Board should take into consideration in rendering its
23 decision?

11:46

24 A. MR. HEBERT: Mr. Chairman, we've advanced an
25 application for a flood mitigation project, taking into

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1 consideration the needs for flood mitigation on the
2 Elbow River, and as well as the constraints in
3 providing other features on this particular river.

4 Q. Could you turn to paragraph 27 of this exhibit, please.
5 Now, in paragraph 27, in it, Alberta Transportation
6 submits that the SR1 project is, I quote, "A sound
7 investment of public resources." And has this
8 assessment been quantified?

9 A. MR. HEBERT: Mr. Chairman, it's quantified by
10 the costs that would be avoided in the event of a
11 future flood event, particularly, the costs that are
12 estimated for a 2013 level event.

11:47

13 Q. And later on in that paragraph reference is made to the
14 estimated costs of the 2013 flood, as Mr. Hebert just
15 alluded to, and the footnote is to the City of
16 Calgary's submission at Exhibit 230.

17 And my question is, the City of Calgary
18 submissions, are those simply the flood costs for only
19 those along the Elbow River below the Glenmore Dam?

20 A. MR. HEBERT: Yes -- oh, sorry, sir.

11:48

21 Q. Sorry. No, my apologies, Mr. Hebert. If I might
22 preface my remarks, it appears that Alberta is taking
23 the position that it's a sound investment because of
24 the evidence that the City of Calgary has put forward,
25 so that's why I'm asking whether the City of Calgary

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1 numbers in regard to benefits to the downstream
2 communities are the basis for that sound investment
3 statement.

4 **A. MR. HEBERT: Yes, it is, Mr. Chairman.**

5 **Q.** And yet the City of Calgary is also talking about
6 drought management, which you did not include that in
7 your assessment of the SR1 project; is that correct?

8 **A. MR. HEBERT: Yes, that is correct.**

9 **Q.** If you could turn to paragraph 49 -- sorry,
10 paragraph 48. Goes on two pages.

11:49

11 And the statement is made there that "The benefits
12 of the SR1 project will be distributed more widely."
13 What's the basis for saying that the benefits are
14 distributed more widely?

15 Is it based on the number of people? The number of
16 residents? Or as the evidence earlier showed, the
17 financial analysis of the cost benefit?

18 What's the basis that Alberta Transportation
19 submits that the benefits have been distributed more
20 widely than they would be otherwise.

11:49

21 **A. MR. HEBERT: So, Mr. Chairman, that statement**
22 **would be inclusive of the personal, social, economic**
23 **effects of a flood on the Elbow River to downstream**
24 **communities, including Calgary and communities that**
25 **have been referenced in our testimony this morning. It**

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1 is meant to be an inclusive statement of the varying
2 benefits.

3 Q. But, surely, not all factors are widely distributed?
4 For instance, in terms of the amount of land taken by
5 the Springbank dam project, when it's in operation in
6 terms of the diversion, the raw amount of land would
7 exceed the amount of land in the Elbow and other
8 communities downstream of the Glenmore Dam.

9 So certain criteria there are less widely
10 distributed by this benefit. Is that not a fair
11 statement?

11:50

12 A. MR. HEBERT: Mr. Chairman, could you clarify
13 the question? I'm not sure I quite understand at the
14 moment.

15 Q. I'm simply suggesting that, when the assertion is made
16 that the benefits are more widely distributed, it
17 depends on what benefits you're talking about. In
18 terms of the raw land taken, this project will take up
19 more land than it is, quote unquote, "protecting." Is
20 that not correct?

11:51

21 A. MR. HEBERT: Mr. Chairman, I don't have the
22 exact land mass that would be protected within the City
23 of Calgary, but based on our -- based on our
24 assessment, as we've referred to this morning, we've
25 quantified the economic and other impacts that would be

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1 faced in the event of a flood.

2 Q. Could you turn to paragraph 67 of this reply exhibit?

3 You'll see from paragraph 67 that reference is
4 made to payments to the Tsuut'ina Nation and Redwood.
5 Given those expenditures, did Alberta Transportation
6 similarly consider paying the -- similarly contributing
7 to the Stoney Nakoda Nations' funds in regard to the
8 Bow River issues which will ultimately be raised by the
9 combination of the SR1 project and the Bow River dams?

10 A. MR. HEBERT: So, Mr. Chairman, as we've
11 discussed this morning, Alberta Environment and Parks,
12 as the department responsible for identifying and
13 screening potential flood mitigation projects, is
14 responsible for the engagement with groups at this
15 time. The question posed regarding any sort of costs
16 or impacts related to that consideration is within
17 their scope of responsibility.

11:52

18 As I referred to in my remarks this morning, and
19 as is reflected in our submission, Alberta
20 Transportation welcomes and encourages continued
21 discussion with the Stoney Nakoda Nations as it relates
22 to the SR1 project.

11:53

23 Q. The basis for my question is that, as a result of the
24 2013 flood, many communities, including the
25 Stoney Nakoda, incurred damages from that flooding, and

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1 the Stoney Nakoda people are very appreciative of the
2 assistance from the province of Alberta in regard to
3 assisting with the damages from that flood, and as well
4 from further investigations into flood control on the
5 reserve.

6 Yet, at the same time, it's clear that the
7 province of Alberta is seriously considering flooding
8 large portions of the Stoney Indian Reserve on the
9 Bow River, and my question is why has Alberta
10 Transportation not similarly funded the Stoney Nakoda
11 people to examine the impacts of that flooding?

11:53

12 It's quite ironic that we're talking about
13 expenditures and management of flood protection, while
14 the reality is from the Stoney Nakoda point of view, is
15 that there's no money forthcoming from the impending
16 flooding of its reserve.

17 So my question simply is, did Alberta
18 Transportation consider that funding?

19 **A. MR. HEBERT:** Well, Mr. Chairman, as I said
20 earlier, there is a exercise underway led by the
21 Department of Environment and Parks as it relates to
22 the screening and selection of a flood reservoir on the
23 Bow River, certainly, as it relates to SR1; and, again,
24 I note for the Panel that the Elbow River traverses
25 through -- through areas that aren't inclusive of the

11:54

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1 Stoney Nakoda Nations' lands.

2 Nevertheless, as part of our ongoing consultation
3 with the Stoney Nakoda Nation, we would welcome the
4 opportunity to discuss any concerns they have with the
5 SR1 project further.

6 Q. But not in regard to the proposed Bow River dam. Is
7 that your evidence?

8 A. MR. HEBERT: Well, Mr. Chairman, I'd
9 reemphasize that the selection of the Bow reservoir is
10 at a initial stage, it's at a conceptual stage, three 11:55
11 options have been identified. Alberta Environment and
12 Parks is undertaking work to screen those projects, to
13 understand the implications of those projects, in
14 advance of a decision on selection of a project.

15 So that falls under the responsibility of
16 Environment and Parks. Alberta Environment and Parks
17 is responsible for that component of screening and
18 selecting flood mitigation projects. So it's clear
19 Alberta Transportation is not accountable for this
20 portion of the work on the Bow River -- on the 11:55
21 Bow River project.

22 Q. Could you turn to paragraph 71? And under 71 in the
23 bullet points, the third bullet point, the statement is
24 made that: (as read)

25 "Alberta Transportation states that it

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1 is not possible for every downstream
2 property owner to be protected to an
3 equal extent."

4 What efforts did Alberta Transportation make in that
5 regard to ascertain who could be protected and who could
6 not? Was, for example, was a matrix created to
7 ascertain who would be benefited and who would not?
8 What was the process that was used that led to Alberta
9 Transportation making that statement?

10 **A. MR. HEBERT:** So, Mr. Chairman, I would take the
11 Panel back to the 2013 event, which the communities
12 along the Elbow River that were significantly, severely
13 impacted. That included Bragg Creek, it included
14 Redwood Meadows, it included the City of Calgary.

11:56

15 And from that moment onwards, the province and
16 other parties have worked aggressively and diligently
17 to ensure that those communities receive the mitigation
18 required to protect from a 2013 level event.

19 The nature of that statement is referring
20 specifically to other areas that were referred to in
21 the Springbank landowners' submission. The second part
22 of that statement reflects the fact that SR1 does
23 reduce flood levels along portions of the river
24 downstream of the project, which we would view as -- as
25 a -- as a benefit of SR1 being on the landscape.

11:57

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1 Q. Thank you. Could you turn to paragraph 218. 218. At
2 paragraph 218 in the -- sorry, too far. There we go.

3 In the first sentence, Alberta Transportation
4 recognizes and acknowledges that the project is located
5 on the traditional territory of the Treaty 7 First
6 Nations, including the Stoney Nakoda.

7 Does Alberta Transportation recognize that the
8 Stoney Nakoda have both Treaty and Aboriginal rights in
9 the traditional area?

10 A. MR. HEBERT: Mr. Chairman, as is referred to 11:58
11 later in our submission, the position is that we
12 recognize that First Nations have Treaty rights. Our
13 legal position pertaining to Aboriginal rights -- just
14 bear with me one moment -- is outlined in paragraph 226
15 in the same exhibit.

16 Q. Thank you. That's a good lead-in, and my next question
17 is related to paragraph 223.

18 And paragraph 223 talks about the Stoney Nakoda's
19 assertion to rights to water.

20 Is Alberta Transportation aware that TransAlta 11:59
21 Utilities pays the Stoney Nakoda for water rentals on
22 the Bow River?

23 A. MR. HEBERT: I believe I'm aware of that, sir.
24 I don't know the specific details, but I'm vaguely
25 aware of that.

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1 Q. Then on what basis is Alberta disputing that the
2 Stoney Nakoda have rights of some sort to water on the
3 Bow River?

4 A. MR. HEBERT: Mr. Chairman, I'm not in a
5 position to comment on matters that the Government of
6 Alberta is undertaking active litigation.

7 Q. Well, sir, I wasn't asking for a comment. I asked a
8 question. What's the basis for the statement in
9 paragraph 223?

10 A. MR. HEBERT: Oh. Well, Mr. Chairman, Alberta's
11 position is outlined in paragraph 233 [verbatim],
12 starting at the point where Alberta disputes this
13 position and states the government's position as it
14 relates to water rights being vested in the Crown. It
15 carries -- it carries on.

16 The second part was the reference to the
17 litigation that is presently underway.

18 Q. But regardless of the litigation, you stated that you
19 are aware that TransAlta Utilities physically pays the
20 Stoney Nakoda water rentals on the Bow River. That is
21 your evidence, is it not?

22 A. MR. HEBERT: I'm more vague on this,
23 Mr. Chairman.

24 MR. RAE: Thank you. If you could turn then
25 to -- gentlemen, my apologies, Mr. Hebert and his

12:00

12:01

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1 witness panel have been so efficient in answering my
2 questions, they've precluded some of my final ones.
3 I'm just checking my notes.

4 If you could turn to paragraph 258,
5 subparagraph (g). Thank you.

6 Paragraph (g), and particularly the response,
7 states that Alberta Transportation considers that it is
8 not appropriate to install the wildlife overpasses that
9 the Stoney Nakoda have requested.

10 Why is it not appropriate?

12:02

11 A. MR. HEBERT: Mr. Chairman, I'd invite
12 Mr. Brescia to provide that response.

13 A. MR. BRESCIA: Mr. Chairman, we've done an
14 evaluation of that request in terms of the usefulness
15 of a wildlife overpass at the location near the
16 project.

17 What I should point out is that there isn't one
18 there currently at that location, and part of the
19 Stoney's concerns are that it's an area of collisions.

20 What the project will do, however is, as part of
21 the diversion channel, will create a wildlife underpass
22 which will serve to facilitate wildlife movement across
23 Highway 22, and that will serve to facilitate that
24 movement.

12:03

25 The overpass requires a significantly larger

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1 amount of space, particularly given that Highway 22 is
2 considered part of the high load corridor for the
3 province, which would mean that the space between the
4 road and the overpass would have to be 9 metres, making
5 a substantial structure, and most of that
6 recommendation is outlined in our responses to the CF
7 conformity IRs, particularly IR 2-15. I don't believe
8 it has an exhibit number.

9 Q. Is it fair to say that the proposed wildlife overpass
10 would mean incurring of additional costs for the SR1
11 project?

12:04

12 A. MR. HEBERT: Mr. Chairman, we've not
13 contemplated a wildlife overpass in our plans based on
14 the response provided by Mr. Brescia. The
15 consideration and development of such a structure would
16 likely be an additional cost to the project.

17 Q. So if the cost of a wildlife overpass were included,
18 that would impact the cost benefit analysis that you've
19 carried out?

20 A. MR. HEBERT: Such a structure was not
21 contemplated, although as we've referenced elsewhere,
22 the benefit cost analysis, our point-in-time analyses
23 were conducted at the decision-making stage, at the
24 application stage of the project.

12:05

25 So they were not included, and I hesitate to

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1 speculate on the impact of such a structure seeing that
2 it's not being considered.

3 Q. Is it fair to say, too, that other items such as the
4 cost of the public of wildlife collisions also were not
5 a direct input into your cost benefit analysis?

6 A. MR. HEBERT: Mr. Chairman, I'm conferring with
7 the panel, and they were not, but as Mr. Brescia
8 referenced, the project has what we believe as to be an
9 appropriate offset related to wildlife underpass.

10 Q. That's precisely my question. On what basis is the
11 determination made that it's appropriate?

12:06

12 I appreciate these are not absolute values, I'm
13 just suggesting that the costs of wildlife collisions
14 and the costs of a wildlife overpass would also result
15 in additional costs to the project. Is that not
16 correct?

17 A. MR. HEBERT: Well, Mr. Chairman, as Mr. Brescia
18 mentioned, we have to bear in mind practicality of the
19 wildlife overpass in this instance.

20 Based on our analysis, such a structure would not
21 be practical in consideration of the use of
22 Highway 21 [verbatim] as a -- as a wildlife corridor.

12:06

23 In terms of the notion -- the plans related to the
24 wildlife underpass, the rationale is provided within
25 the document that Mr. Brescia referenced.

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1 Q. Is "practicality" a euphemism for cost in the way you
2 framed that answer?

3 A. MR. HEBERT: No. As Mr. Brescia referenced,
4 there are some technical considerations to the wildlife
5 overpass that, in this circumstance, would make such a
6 structure challenging to -- to pursue.

7 Q. Thank you. Mr. Chairman, I have one last question. If
8 you could turn, witness panel, if you could turn to
9 paragraph 289.

10 In paragraph 289 is summing up the reply of
11 Alberta Transportation, the last two sentences state, I
12 quote: (as read)

13 "SR1 does not protect against all
14 possible future flood events. No
15 single project could without having
16 significant impacts and costs."

17 What are the other projects that this statement is
18 referring to?

19 A. MR. HEBERT: Mr. Brescia -- or Mr. Speller will
20 respond.

21 A. MR. SPELLER: Mr. Chairman, this paragraph is in
22 response to a filing by Calgary River Valleys. In this
23 specific response, they were speaking about the concept
24 of accumulative effects assessment related to all flood
25 mitigation projects on the Bow, on the Elbow -- I don't

12:07

12:08

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Cross-examined by Mr. Rae

1 have it in front of me, but subject to check, it was a
2 lot of the South Saskatchewan River Basin and talking
3 about those effects and those different flood
4 mitigation projects.

5 So, in response to the question, the different
6 projects discussed are the suite of flood mitigation
7 projects that are the responsibility of either the
8 province or the different municipalities that are
9 currently being considered in the region.

10 Q. Has Alberta Transportation advised the City of Calgary,
11 similarly, that no single project, including a project
12 on the Bow River, would not also have significant
13 impacts on costs?

12:09

14 In other words, if this is the position on SR1,
15 has Alberta Transportation made that clear to the City
16 of Calgary in regard to the Bow River?

17 A. MR. HEBERT: Well, Mr. Chairman, I think it be
18 acknowledged, without putting words in the mouth of the
19 City of Calgary, that each project, whether it's SR1 or
20 future Bow project or other types of mitigations are
21 put in place, both within the specific context of the
22 objective to be met.

12:10

23 But in the case of the projects being -- that have
24 been pursued in advance since the flood of 2013 also
25 work within a context together of providing, you know,

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Cross-examined by Mr. Rae

1 **appropriate levels of flood mitigation.**

2 Q. But the City of Calgary, as part of this hearing, has
3 expressly gone on the record that it is an advocate of
4 upstream storage on the Bow River.

5 I'm simply asking, has Alberta Transportation made
6 it known to the City of Calgary that a single structure
7 upstream on the Bow River, similar to the SR1 project,
8 will not solve all of the City of Calgary's problems?

9 A. **MR. HEBERT:** Mr. Chairman, as I just responded,
10 we've acknowledged that each project exists within its
11 particular context of the objective it's trying to
12 meet, and in the case of the Bow River Basin, both SR1
13 and any potential project on the Bow River combined
14 would provide the mitigation necessary for Calgary and
15 other communities that may benefit from those projects.

12:11

16 Q. Mr. Chairman, thank you. Those are all my questions.

17 **THE CHAIR:** Thank you, Mr. Rae, and thank you
18 to Alberta Transportation and panel.

19 Obviously, we're into the noon hour, so I think
20 this is an appropriate time for a break for lunch.

12:11

21 Let's take one hour --

22 **MR. SECORD:** I was thinking, Mr. Chair, why
23 don't we come back at 1?

24 **THE CHAIR:** Sorry?

25 **MR. SECORD:** I was wondering whether we might

ALBERTA TRANSPORTATION TOPIC #1 PANEL

Cross-examined by Mr. Rae

1 come back at 1:00. Take 48 minutes for lunch?

2 THE CHAIR: Oh, okay. I think your mic is up
3 or something, Mr. Secord, that's why I'm having
4 trouble. Is everybody prepared to get back at 1?
5 45 minutes?

6 MR. KRUHLAK: I think we could do that.

7 Mr. Chairman, I do I have one housekeeping matter.
8 It's Mr. Kruhlak. I didn't get confirmation whether
9 the witness panel has access to the breakout rooms and
10 I don't know if that's the case, but I was just going
11 to ask if Board staff could clarify?

12:12

12 MR. WIEBE: You do have access. I've opened
13 the rooms already.

14 THE CHAIR: Did you get that?

15 MR. KRUHLAK: Thank you.

16 THE CHAIR: Great. So 1:00 sharp, we'll
17 return from lunch. Thanks, everyone.

18 And, Mr. Wiebe, if you could throw up a timer? I
19 think you discussed doing that if you can or a return
20 time that would be great on the screens.

12:13

21 MR. WIEBE: Yes, I'll throw some up there.

22 (PROCEEDINGS ADJOURNED AT 12:15 PM)

23

24 PROCEEDINGS ADJOURNED TO 1:00 PM

25

1 Certificate of Transcript

2

3 We, the undersigned, hereby certify that the foregoing
4 pages 1 to 120 are a complete and accurate transcript of
5 the proceedings taken down by us in shorthand and
6 transcribed from our shorthand notes to the best of our
7 skill and ability.

8 Dated at the City of Calgary, Province of Alberta, on
9 March 22, 2021.

10

11

12

"Lorelee Vespa"

13

Lorelee Vespa, CSR(A) RPR CRR
Official Court Reporter

14

15

16

"Deanna DiPaolo"

17

Deanna DiPaolo, CSR(A)

18

Official Court Reporter

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- I N D E X -

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