

Calalta Amusements Ltd. (Calaway Park)/ Calalta Waterworks Ltd.
NRCB Hearing Closing Comments
April 6, 2021

Introduction:

- Calalta Amusements Ltd. (Calaway Park) has been in operation for 40 years. We are proud to be one of Alberta's top family tourism destinations, employing 650 seasonal and 40 permanent year-round jobs
- We have worked hard to achieve what we have without any Provincial, Municipal or Federal Capital Funding
 - We did receive a small grant for our Campground development in 1990
- Calalta Waterworks Ltd. has operated and provided safe drinking potable water to the Springbank Community (Springbank Elementary/Middle/High School, Edge School, Springbank Park for All Seasons, Heritage Club, Commercial Court and soon to be developments of Bingham Crossing, Pradera Springs and Rivers Edge as well as Calaway Park) for the last 40 years
- In 1992 the addition of 5 intake wells, in 2014 a half million gallon above ground water reservoir, in 2015 a \$6 million investment into an ultra-membrane water treatment plant, and in 2020 the Franchise Agreement, we have proven our commitment and responsibility to Alberta Environment, the Springbank Community and Rocky View County
- Safety is a priority for Calaway Park and Calalta Waterworks. We are held accountable by a number of regulatory standards and believe Alberta Transportation, Alberta Environment, and Stantec should be held accountable to these same standards
- As in our presentation in topic area 1 (**exhibit #372**), we have 3 objections that the NRCB has given us standing for, which are:

Objection 1: Air Quality/Ambient Air (Atmospheric Environment):

- As shared in our evidence, we are sensitive to dust and ambient air quality
- The concern in our evidence (**exhibit #372, slide 3**) is that SR1 will take 3 summer seasons to construct. Calaway will potentially experience consequences and negative impacts of construction dust and/or ambient air to our guest experience, team members, and rides/equipment (PLC's). The sensitivity extends beyond the construction of the dam, for the foreseeable years in the future
 - A great question was asked on April 1st (**exhibit #406**) by Ms. Vance in regards to ambient air at PM 2.5 and whether we would notice this amount. It is even more evident that monitoring stations are necessary
 - During construction/post air quality will be a minimum standard for human safety PM 2.5 or 27% micrograms, fugitive dust
 - Pausing construction could be a mediation action
- Westerly winds/chinook winds are what the community experiences, this should be taken into consideration
- Alberta Transportation (Matthew Hewbert) has had conversations with Calalta on our concerns. As this is a higher-level conversation, we are requesting that the NRCB board

make the monitoring station on Calalta's property and that reporting will be available to Calalta on a weekly basis (in season) and monthly (off season) be a condition of approval and that the mediating actions be determined and approved by both parties prior to construction

- In Alberta Transportations closing arguments (**exhibit #409, page 80, point 286**) they agree to the monitoring station and to the results being shared with Calalta. Further to this, Alberta Transportation states if the data from this station indicate exceedances of applicable air quality objectives, Alberta Transportation will undertake appropriate mitigation. They go on to say that Calalta's request has been adequately addressed
- We appreciate Alberta Transportations mediation implementations; we do however disagree that our requests have been adequately addressed. As an undertaking provided by Alberta Transportation on our request of insurance, in the event that Calaway/Calalta Waterworks would be forced to close, Alberta Transportation is not contemplating the specific insurance coverage requested
 - Our insurer will not provide coverage for events that are not related to property peril
 - Calalta is requesting the board add to the condition of approval compensation for any business interruption caused by the SR1 project
- Aside- It was brought to our attention that the information that we provided, which is not an undertaking, regarding the Springbank Airport states that Springbank Airport is the 2nd busiest airport in Canada, and one states it is the 7th busiest based on touchdowns and takeoffs, not passenger traffic.

Objection 2: Surface Water/Sediment back into the Elbow River:

- The One City, One Water document (**exhibit #345**) that the City of Calgary submitted stated water security is essential, we agree
 - Separate from the Calalta operation, there are approximately 2,100 school children to consider plus 20+ businesses, residents, community and senior centers
- Sensitivity of the diversion barrier causing downstream sweepers, piling up causing diversion of the Rivers natural course
 - Who will monitor this? What is the procedure?
- Calalta submitted evidence (**exhibit #372, slide 4**) with concerns raised in the NRCB Supplement Information report (**exhibit 84, pdf page 91**) indicating that a sediment dump could have perils on the Calalta water intake/water treatment plant filtration system
- The current solution being discussed with Alberta Transportation is that in the event of a flood, where the SR1 is used, it is understood that the agreed third party will assess any damages caused to Calalta water intake well system and/or water treatment plant filtration system. The third party will work with Calalta and Alberta Transportation to ensure and resolve compensation required for any damages. Nowhere in Alberta Transportations closing arguments (**exhibit #409**) do they agree to this third-party condition to access damage as we have previously discussed

- As stated by Alberta Transportation this morning (**exhibit #409, page 63, point 223**) yes, our intake wells are setback from the Elbow River and we did not experience damage as a result of the 2013 flood, but despite that, this does not discount the possibility of a future flood event causing significant damage and the release of water from the usage of SR1 would be significantly different than the consistent water flow due to the risk of sediment buildup
- We are requesting that the NRCB put in place a condition of approval that Alberta Transportation determines the detail of mediation prior to construction that both parties are in agreement.

Objection 3: Franchise Agreement:

- I will address many of Mr. Kruhlak's cross questions, I cannot assume yet only use my intuition to the intent of his questions
- Mr. Kruhlak brought up Calalta's 10-inch water line along Range Road 33. The line shown did not show the lines into Commercial Court (18 businesses) and some residential developments that are tied onto the lines (**exhibit #362, pdf page 65**)
 - Future water lines that are built are development driven as identified in the evidence Mr. Kruhlak submitted, being our Franchise Agreement (**exhibit #362**)
- Mr. Kruhlak identified the aspect of water license availability. Currently the water plant has 7 licenses and Calalta owns 5 of them. There is additional license in the area as we stated of Bow Water & Land and as we shared, which is well documented, (**exhibit #362, pdf page 89**) we do not need to own the license. In essence, water license capacity for potable water is available to future growth
- The County recognized the utility and the infrastructure that exists. They have included us in both the North and the South ASP as being one of the regional solutions in these documents, provided our exclusive Franchise Area (**exhibit #362**), same as in the evidence we provided on February 25th (**exhibit #221**). For the boards information the Franchise Agreement document is in excess of 100 pages
- Mr. Kruhlak has brought the date of our Franchise Agreement of February 25, 2020 1st reading. As with this process being 7 years to date, the deliberation of the franchise started in the Fall of 2009 when Rock View County considered the concept of aqueduct for the County
 - The Franchise Agreement is/was a public process in which input was ascertained by the AUC and Rocky View County (**exhibit #362, pdf page 6**)
- The evidence of the map we shared in our objection 3 and several maps of evidence of other participants in this process, (**exhibit #372, slide 5**) clearly show the proposed dam is adjacent to a major thoroughway i.e., TransCanada Highway/Highway 8/ Highway 22/Springbank Road. This exact location is premier opportunity for future development (being Residential or Business Commercial)
 - The board must consider why this area was included in our Exclusive Franchise Area. The answer is, for its potential opportunity of future development and to provide the utility service for the future
- Mr. Kruhlak brought up the evidence I was referring to Bow River/TransAlta agreement and yes, he was correct in this reference. In the reference it states, quote "compensation paid

to TransAlta is intended to offset the estimated commercial loss” (**exhibit #363**). This is the same as the loss of sterilized land for SR1 for Calalta Waterworks Ltd.

- We would applaud Mr. Frigo and the City of Calgary on the One City, One Water document (**exhibit #345**). It shares what, in our mind, is the importance of water security for both flood, drought, and water supply sustainability
- As in our evidence (**exhibit 372, slide 6**)
 - Rocky View County has been compensated \$10 million
 - Tsuu Tina Nation \$32 million
 - Not in evidence but in Mr. Secords cross:
 - Erminesken First Nations- Amount not disclosed
 - Kanai Blood Tribe- Amount not disclosed
 - Landowners on expropriation of land, total
- We have a formal, legal, Franchise Agreement (**exhibit #362**) in which we agreed to ensure and secure safe potable drinking water
 - This agreement identifies an exclusive boundary area for the potential future development/utility (**exhibit #362, pdf page 65**)
 - We entered into this agreement with further regulatory oversight on us for the opportunity to tie on future development and growth
- As stated in our presentation, 62% of the 3,600 acres of our right has been sterilized
 - If a legal binding agreement with the AUC and Rocky View County is recognized for them, then this bylaw enforced agreement needs to be recognized for us. Alberta Transportation compensated and recognized other agreements
- In Alberta Transportations closing arguments (**exhibit #408, page 63/64, points 224/225**) they state that given the uncertainty and the lack of evidence supporting this claim, Alberta Transportation submits that it would not be appropriate for the panel to impose on an approval conditions with respect to Calalta’s water franchise
 - We appreciate the open conversation with Alberta Transportation; however, we feel they have discounted the Franchise Agreement
 - Alberta Transportation sees this as a commercial business, this is partially correct. This is a utility that serves the community at large, and like the City of Calgary, water sustainability is a priority
 - We disagree; our ‘beneficial right’ has been taken away
- We are asking Alberta Transportation to recognize and compensate for the lands that are sterilized for the life of this agreement and our ‘beneficial right’
- We are requesting the board to make this objection a condition of approval.

Conclusion:

- Our concern about safety is the unintentional incident, which no one can know at this time. It is the unintentional incident that has consequences, as this project serves the masses, we are protecting our livelihood that we have built over the last 40 years. The protection of 650 summer seasonal jobs, 40 permanent year-round positions, and safe potable drinking water for the local community

- Flood mitigation for the City of Calgary is critical. We wholly understand this as we witnessed the 2013 flood
- Calalta Amusements Ltd. (Calaway Park) and Calalta Waterworks Ltd. wants to thank the following
 - All participants that have been involved in this hearing
 - Karin Hunter, our community president, for all she does for the community
 - The NRCB Board members
 - You, Mr. Chairman
 - Specifically, Laura Friend and Bill Kennedy for guidance and helping us understand the process and our participation in this
 - Court reporters, staff and team members that assisted the NRCB in this process
 - To Elders Holloway, Wesley, and Snow for their spiritual prayers
 - Thank you once again for the standing of our objections and for the opportunity to present them
- I/we have learnt a lot
- We ask the board to consider the evidence and presentation in regards to our 3 objections
 - We ask the 3 conditions of approval for our 3 objections be a condition of approval for this project
- We look forward to the final report from the NRCB on this matter.