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10 November, 2022

To: The Honourable Stephen Guilbeault, Minister of Environment and Climate Change Canada, ministre-minister@ec.gc.ca

To: Hon. Sonja Savage, Minister of Environment and Protected Areas, Alberta, AEP.minister@gov.ab.ca

To: Hon. Nate Horner, Minister of Agriculture and Irrigation, AFRED.Minister@gov.ab.ca

To: Ehren Cory, Chief Executive Officer, Canada Infrastructure Bank, contact@cib.bic.ca

To: Sean Carriere, IAAC Director, Edmonton sean.carriere@iaac-aeic.gc.ca

To: Steven Mathyk, AEP, Regional Regulatory Assurance Manager, Lethbridge stephen.mathyk@gov.ab.ca

To: Lori Havanka, AEP, Approvals Program Manager, Edmonton lori.havanka@gov.ab.ca

Dear Sir/Madam,

Re: Environmental Impact Assessment of the “historic expansion of Alberta irrigation” including Chin Reservoir, Deadhorse Coulee Reservoir and Snake Lake Reservoir

I am writing on behalf of parties interested in environmental impact assessment of the activities associated with the “historic expansion for Alberta irrigation”. Interested parties include Alberta Chapter of the Wildlife Society, Alberta Wilderness Association, Bow Valley Naturalists, Canadian Parks and Wilderness Society – Southern Alberta Chapter, Society of Grasslands Naturalists, Nature Alberta, Sierra Club Canada Foundation – Prairie Chapter, Southern Alberta Group for Environment, Arlene Kwasniak and David Swann.

“Historic expansion” was first announced in media releases ([09 October](#) and [21 December 2020](#)) and described in information posted on the Alberta Water Portal ([Why Alberta Irrigation Matters](#) 05 August 2021). We are responding to Minister Guilbeault’s recent decisions that three proposed irrigation reservoir projects that are part of the larger project do not warrant designation under the *Impact Assessment Act* because existing legislation and processes provide a framework to address potential adverse effects within federal jurisdiction (Minister’s responses - [Chin Reservoir](#) 29 June 2022, [Deadhorse Coulee Reservoir](#) 05 August 2022 and [Snake Lake Reservoir](#) 21 September 2022). We have reviewed IAAC analysis reports for the three projects and have identified gaps and uncertainties to be addressed if the Minister’s rationale for decision is to be realized.

- 1) **Requirement for environmental impact assessment (EIA) of all project activities is uncertain** – Activities associated with the proposed historic expansion of Alberta irrigation include modernization of 85 infrastructure components, construction or expansion of four reservoirs and over 95,000 hectares of newly irrigated lands. Only two activities have so far been determined to require EIA under the *Alberta Environmental Protection and Enhancement Act (AEPEA)* - expansion of Chin Reservoir and of Snake Lake Reservoir.

A provincial EIA must be required for construction of Deadhorse Coulee Reservoir and the fourth reservoir, (for which the proposed location is as yet undisclosed), if potential adverse effects within federal jurisdiction are to be fully addressed. We would appreciate confirmation of this.

Expansion of irrigation (95,000 ha) is proposed using water saved through infrastructure modernization and secured through reservoir expansion. Decisions regarding expansion of irrigation are largely the purview of Irrigation Districts under the provincial *Irrigation Districts Act*. The *South Saskatchewan Regional Plan* direction to protect native grasslands may be implemented in decisions regarding sale of public lands for irrigation expansion, however application on private lands (approximately half of the native prairie remaining) is not defined. We request clarification on the process by which potential adverse effects would be assessed in decisions regarding expansion of irrigated lands, including fish and fish habitat, migratory birds, species at risk and public concerns (e.g. loss of native grasslands, degraded aquatic ecosystems, water scarcity).

- 2) **Requirement for and scope of cumulative effects assessment (CEA), including transboundary effects, is uncertain** - According to the [Guide to Preparing Environmental Impact Assessment Reports in Alberta](#) (March 2013) proponents are required to define a Regional Study Area and describe the environmental conditions that would exist as a result of the interaction of the proposed project, other existing projects and other planned projects that can be reasonably expected to occur (Sec 2.1 and 2.2). Terms of reference for environmental assessment of the three reservoir projects have not yet been made publicly available. However, proponents in their submissions to the Impact Assessment Agency assert there are no irrigation expansion components of the project, contributions to cumulative effects will be minimal and any adverse residual effects will be mitigated.

The Bow, Oldman and South Saskatchewan river basins in southern Alberta, Saskatchewan and Manitoba are experiencing degraded aquatic ecosystems, significant loss of native grasslands and high levels of greenhouse gas emissions from the cumulative effects of numerous projects including irrigation agriculture as a major contributor. At a minimum, cumulative effects assessment must consider all the activities associated with the “historic expansion for Alberta irrigation” and include the river basins in which these activities are proposed. There may be opportunity to consider innovative approaches to reduce adverse changes. Currently there is lack of assurance that this will occur.

There is an assertion in IAAC analysis reports for the three proposed reservoirs that the Prairie Provinces Water Board (PPWB) will manage potential effects on water moving from Alberta to Saskatchewan according to the [Master Agreement on Apportionment](#) (MAA). Our understanding is that the PPWB monitors and reports on achieving apportionment and water quality requirements stipulated in the MAA. We are seeking confirmation that PPWB will take a proactive and precautionary approach to assessing potential transboundary effects of the proposed irrigation expansion on water quantity and quality.

- 3) **Public access to the impact assessment process is severely curtailed** – The preamble to the [Impact Assessment Act](#) “recognizes the importance of public participation in the impact assessment process, including the planning phase, and is committed to providing Canadians with the opportunity to participate in that process and with the information they need in order to be able to participate in a meaningful way”. Public involvement in [Alberta’s environmental assessment process](#) is limited to “people whom may be affected by a proposed project”.

Review by the Natural Resources Conservation Board only specifically permits input from persons who are *directly affected* by a project. Government officials and courts have interpreted “directly affected” narrowly to require an individual’s or group’s interests to be personally, directly, and adversely

affected by a project to participate, for example a person with property rights that the project directly will harm. Unlike federal review processes that invite public input and provide standing to parties concerned about environmental impacts (e.g. joint review panel hearings for proposed Grassy Mountain coal mine), we are effectively shut out of contributing information to NRCB's determination of whether or not the project is in the public interest.

We are also constrained from contributing information to a Director's decisions on specific approvals related to the project.

Public comment is allowed on the draft Terms of Reference for an EIA requiring that interested parties be notified by the proponent or are aware of posting on government's EIA webpage. Can we be assured of receiving notification when EIA Terms of Reference are available?

- 4) **Meaningful consultation with Indigenous peoples is not guaranteed** – There is an assumption in IAA analysis reports for the three reservoirs that the provincial EIA process will address potential effects on Indigenous peoples. Federal consultation with Indigenous groups would occur only if a *Fisheries Act* authorization is required. Proponents have submitted applications to the Alberta Aboriginal Consultation Office (ACO) regarding requirements for consultation with Indigenous peoples under the *Water Act* and the *Environmental Protection and Enhancement Act*. A decision was issued that consultation is not required under the *Water Act* for the proposed Chin Reservoir expansion. All other ACO decisions regarding Indigenous consultation requirements are pending and meaningful consultation is unlikely to occur within proposed timelines for the reservoir projects.
- 5) **Canada Infrastructure Bank (CIB) monitoring and public reporting on its obligations is not defined** – The Ministers' decisions state the CIB, who is providing financial assistance for the irrigation expansion project, is "responsible for meeting all of its legal obligations, including responding to the Duty to Consult to Indigenous groups and ensuring that the Project has met environmental assessment and other regulatory requirements". What is CIB's process to ensure these obligations are met and to publicly report on them?

We would appreciate any insights you may have on these gaps and uncertainties and how they will be addressed in assessment of the "historic expansion of Alberta irrigation".

Yours sincerely



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