



Calgary River Valleys champions and engages the public in the protection, appreciation and stewardship of Calgary's rivers, creeks, wetlands and watershed resources.

We are the voice of our rivers.

August 4, 2017

To: **Alberta Environment and Parks
District Approvals Manager
2938 11 St NE
Calgary, AB T2E 7L7**

Attention: **Randy Poon, Team Lead, Water Approvals** Randy.Poon@gov.ab.ca

Re: **Water Licence Transfer re Harvest Hills Golf Course Ltd. / 1809668 AB Ltd
File # 00392661**

We appreciate the opportunity to meet with you and Mr. Gowing on July 26, 2017 with regard to our letter of June 30, 2017 on these matters. Facts of this water licence transfer application, as explained to us and as discussed in the meeting, are as follows:

- The original licence was for the original owner of what was most recently the Harvest Hills golf course, drawing water out of Nose Creek just south of Country Hills Blvd, for a recreational use in the irrigation of the golf course. The original licence was granted under the Water Resources Act, which has since been replaced by the Water Act, the latter of which has increased restrictions on water licences, and a maximum duration for licences of 25 years before renewal.
- The original water licence was granted on an interim basis in 1990 for 130 acre feet / year, and was later reduced in 1994 to 126 acre feet / year. As a part of the water licence, the applicant / holder was allowed to create an in-stream reservoir of significant size within Nose Creek, and to install large concrete weirs across the creek above and below the reservoir. Also, a pumping station was installed adjacent to the reservoir, with rocked-in piping running below ground and into the reservoir to pump out water.
- In 2007, the Bow River basin was closed to new surface water licence applications.
- Over the 20 years or more since the original licence was granted, vegetation around the pond has grown in and a wildlife community related to the pond has developed.
- Currently, the banks around both weirs have severely eroded away; they are redundant and represent foreign intrusions into the stream. The size of the pond, however, appears to be relatively self-sustaining. Fish have returned to Nose Creek at this location.
- When the Harvest Hills golf course was recently closed and sold to a developer, Cedar Glen Homes, for residential development, the water licence for the golf course was not nullified. The holder of the water licence is now proposing to transfer most of the water allocation to another company, 1809668 AB Ltd,

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which is a company associated with sub-division developments and to transfer a small residual to a nearby golf driving range.

- The proposal for this water licence is to sub-divide it into 2 pieces, with 6 acre feet / year to remain being drawn at the existing location, and the remaining 120 acre feet / year (less any withhold by the Alberta government) to be transferred to a second location several kilometres downstream, taking water from the Bow River proper for an agricultural use. The information that the licence was proposed to be split was not in the Public Notice, nor was the information that the bulk of the water would be drawn from the Bow River rather than Nose Creek.
- The proposed new intake infrastructure in the Bow River already exists and has the capacity to serve as the new licence downstream without further construction or other impacts.
- Persons who have been associated with the planning / development of this part of the Nose Creek valley have questioned the need to retain any re-allocation of water at the existing site. The small portion of the water licence that would remain at this site is proposed to be used by a golf driving range and miniature golf operation on lands adjacent to Nose Creek. This was not the original purpose of the licence and it is noted that when the original licence was applied for, the golf driving range did not exist. When the land use changes for the new golf driving range were proposed to the City, it was promoted with wording that indicated it would not require irrigation because it would be covered with artificial turf. Which it is. Therefore the rationale which would justify the licensing of water at this location now that the Harvest Hills golf course is gone, is questionable.
- The remaining small water allocation from Nose Creek (the proposed transfer to the golf driving range) does not justify the significant impacts on the creek and the riparian lands represented by the existing reservoir and weirs.

As suggested, we are providing further comment on these matters. Some of the concerns discussed at the meeting were with regard to the general process, practices, and user expectations now associated with water licence applications under the Water Act. These larger and more general issues are under consideration by our members and associates and we would hope we can meet with you further to be able to expand upon them at a future time.

With regard to issues specific to this application, we request your consideration of the following recommendations:

1. We believe further study is required to be done on the location of the original water licence, with consultative input from relevant stakeholders, to determine the best course of action with regard to the in-stream reservoir / pond, and the two ineffective concrete weirs upstream of and below the pond, that were both installed as a part of the original licence.
2. Once study and consultation is complete, a determination should be made as to how best to address the ineffective in-stream weirs which are not required for the water licence even if it remained as is. The licence transfer proposal, which would leave a very minor amount of water allocation from this site, would not, by any reasonable assessment, justify the continued existence of the weirs in the creek. A further determination should be made as to what action, if any, to take with regard to the reservoir / pond.

3. Without having a study done, our members and partners who have responded have all recommended that the minimal requirement should be to remove the in-stream weirs with appropriate remediation of the stream bed and shores, and allow the existing reservoir / pond to re-naturalize. The reservoir that was created with the original water licence has become a significant habitat and part of the wildlife corridor, as well as a potential destination for the future pathway systems envisaged by the City of Calgary.
4. Any consideration of rebuilding the ineffective weirs should only be made after studies of the environmental impacts, fish passage, etc.
5. If this transfer is approved, given that the Water Act, Section 83, allows for the withholding of up to 10% of the amount of any water licence applications that are being transferred, we recommend the full 10% of the original licence of 126 acre feet / year, which is 12.6 acre feet / year be withheld.
6. The original licence was for the Harvest Hills golf course, and in practice water was drawn only seasonally. From our discussions with you, we understand that the new licence proposal at both locations would be assumed to be seasonal also. It is our recommendation that any new licence or modification to the existing licence must be for seasonal use only, i.e. it should include specific terms regarding windows of use and special conditions which may be dictated by the Province, relating to water quantity and quality, and other considerations as appropriate.
7. Given that the original licence reasons are no longer applicable, given that there are uncertainties about water flow in the Bow River in future (elements such as climate change, in-stream flow needs, and higher priority needs arising, etc.), and given this proposal is to split this licence into 2 separate ones, only one of which is proposed to be a new licence, we recommend that if this transfer is granted, both licences should be considered new licences and both should be subject to the terms of the Water Act. Any such new licences should also address issues relating to maintenance and end-of-use circumstances for the existing pump station at the Nose Creek reservoir and the Bow River locations. All members and partners who have responded have indicated that licences for important public assets such as water should always be subject to sunset clauses.

During our meeting we showed you photos of the weir and the general conditions of the creek bed and shores. We will forward copies of those to you separately. You can reach me by telephone at 403-276-3723 or by email to my attention at CalgaryRiverValleys2@outlook.com. Thank you for your time and consideration.

Sincerely,

Bill Morrison
CRV Vice President

Encl: Photos to follow

Cc: CRV Board & Circulation
Nose Creek Watershed Partnership
Thorncliffe-Greenview Community Ass'n

Highland Park Community Association
Northern Hills Community Association
Imagineering Resources Ltd.