



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.

February 9, 2018

Attention: **Alberta Environment and Parks**
Regulatory Approvals Centre
Sent via email to: aep.waapplications@gov.ab.ca

STATEMENT OF CONCERN

Re: **Water Act Application for Destruction of Wetlands by Providence Lands Inc.**
Application #: **001-00394986**

Calgary River Valleys or CRV (legally known as Calgary River Forum Society) is a legally constituted not-for-profit environmental stewardship organization in Calgary whose main focus is stewardship of Calgary's rivers, valleys, creeks, wetlands, and riparian areas. Our organization was formed in 1991 by direction of Calgary City Council under our original name of the River Valleys Committee of Parks Foundation Calgary. Our society works on a collaborative basis with many individuals and organizations who live and work near and around river-edge and river-adjacent areas; we jointly work to protect these areas. CRV has members and partners in all areas of Calgary. Because CRV is considered a subject matter expert on water stewardship issues, we have been tasked by Calgary City Council to provide independent and informed input to urban planning and development proposals in Calgary. To that end, our organization has also participated as a stakeholder in numerous projects involving various rivers, creeks, and wetlands in Calgary as well as on development of policies for the City of Calgary. These include policies on the issues of open space, wetland and biodiversity protection, storm water management, and erosion and sediment control. CRV has also worked on a variety of projects with the Bow River Basin Council, which is the local Watershed Planning Advisory Committee.

This letter is to state our organization's concerns about the application to destroy all wetlands (ten as listed, and possibly as many as twenty-four as mapped), on the Subject Site located at W1/2-36-22-02-W5M in Calgary. Our concerns fall into four main categories.

1. The Water Act Application to Destroy the Wetlands on the Site is Premature

- a. There is no Calgary City Council or Calgary Planning Commission (CPC) approved land use or Outline Plan for the Providence Lands. We have been advised the application for a land use amendment from the existing designation of Special Purpose – Future Urban Development to various residential zoning land uses, and the accompanying Outline Plan will not be presented to CPC until June 2018 at the earliest, and will require future decision by City Council. Without knowing if the land use amendments and the Outline Plan will be approved, any application to destroy the wetlands on the site is at best



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premature, and at worst prevents Calgary City Council from applying Calgary's own Wetland Policy in the determination of the land use for the Subject Site.

- b. No wetlands should be approved for destruction until it is known that it is necessary that they MUST be destroyed. Without any approved land use amendment or any approved Outline Plan, there is no good reason to apply to destroy these wetlands at this time. A reasonable option may be for the City of Calgary to require investment in protecting / rehabilitating wetlands as is suggested by Calgary's own policies and in the Alberta Wetland Policy. As a result, this Application should be rejected.

2. Alberta Wetland Policy Not Properly Applied

- a. The Alberta Wetland Policy states that in areas such as Calgary, where past practices have destroyed over 90% of the wetlands, there should be a higher priority to protecting and rehabilitating existing wetlands, and their multiple functionalities. As stated by Minister Shannon Phillips on January 29, 2018, the Ministry of Alberta Environment and Parks "needs to work harder to ensure the Avoid, Mitigate, Compensate hierarchy included in the 2013 Alberta Wetland Policy is strictly applied." Minister Phillips went on to say that "projects need to adapt, not wetlands....in future, wetlands are going to have to be priorities, they're going to have to go around them," referring to land developers, including Alberta Transportation, needing to ensure they truly make an effort to avoid wetlands during land development. In her speech on January 29, 2018, Minister Phillips was signalling that she wants to ensure that natural assets, such as wetlands, are "protected for the long-term benefit of all Albertans" as outlined in the Alberta Wetland Policy (page 2), instead of just the short-term benefit that will accrue to an individual land developer. Wetlands are meant to be "managed by avoiding, minimizing, and *if necessary* (italics added), replacing lost wetland value." This application by Qualico appears to have insufficient justification to demonstrate that destroying at least ten and as many as twenty-four wetlands, and paying the compensation fee in lieu, is the required necessary action.
- b. It appears this application under the Water Act to destroy all the wetlands on the site has been filed merely in order to make the developer's plan for residential density in the area more convenient. In the Wetland Assessment Impact Report (page 19), the justification for not being able to retain and incorporate any of the wetlands into the proposed neighbourhood plan appears to be that it is not "economically feasible" to preserve the majority of the wetlands, and still meet the density target they understand the City may want, and therefore it is preferable to pay the compensatory fee in lieu of trying to avoid the wetlands. It appears paying the compensation fee has just become part of the cost of doing business, rather than adopting a balanced approach, and following the hierarchy laid out in the Alberta Wetland Policy for managing the natural assets on private lands. It should be noted that density targets for urban planning design are based on the number of units per developable hectare. As a result, if a wetland is retained, it would not be developable, and would therefore not impact the density target for the developer.

3. Value of These Wetlands Not Fully Considered

- a. The Wetland Assessment Impact Report states that the developer (Qualico) and its consultant (Brown and Associates) argued that this land has been cultivated in the past and therefore disturbed over the

last 60 years, and as a result none of the wetlands were deemed by the developer to be worth retaining by avoiding and protecting them. However, almost all lands within Alberta have been cultivated or otherwise disturbed. This fact is not a justification for being unable to avoid destroying wetlands and refusing to work to restore these wetlands. There are multiple organizations in Calgary, such as ours, that work to support and implement a wide range of riparian restoration projects for wetlands and previously disturbed creeks. The fact that some of the land in the wetlands area has previously been disturbed should not be considered justification for refusing to truly consider the option of avoiding destroying all of these wetlands, and losing their multi-functionalities and contributions. Some might surmise that landowners who have been good environmental stewards would be penalized and poor environmental stewards would be rewarded by the solutions suggested by this application. It appears that the applicant is able to obtain greater immediate urban development value by destroying wetlands, and automatically offering compensation, which most informed wetland experts would agree would be inadequate for the re-establishment for such functionalities in the local watershed.

- b. The Wetland Assessment Impact Report also states the developer argued that the wetlands needed to be destroyed because they were incapable of adding “significant recreational value to the community with avoidance.” Clearly, the value of wetlands cannot and should not be measured only in what recreational value they may provide to the people who will eventually live in the new neighbourhood. The Alberta Wetland Policy on page 2 clearly states that wetlands will be “assessed based on relative abundance on the landscape, supported biodiversity, ability to improve water quality, importance to flood reduction, and human uses.” Evaluating wetlands and declaring them to be unable to be avoided for destruction solely based on their recreational value for human use is clearly a misinterpretation of the Wetland Policy. Under the Alberta Wetland Rapid Evaluation Tool, “human use” should be given a maximum of 10% weight for assessing the value of the wetland. Wetlands have multiple functionalities that aren’t always apparent, and have nothing to do with their “recreational value.” These include providing:
 - i. recharge to the aquifer(s) (deep regional & shallow local, including downstream springs / seeps and their functionalities),
 - ii. habitat for the wildlife that live in and around them, and are supported by the food supply they provide (we note that the Wetland Assessment and Impact Report states the wetlands on the site can support some species which are classified as Sensitive or At-Risk),
 - iii. flood and drought mitigation for the surrounding area, and
 - iv. protection for source water quality downstream.
- c. There is no reference in the documentation provided by the developer to any hydrological studies having been done for this area to review the impacts, including the cumulative impacts downstream and elsewhere of destroying these wetlands on the Providence Lands. It is our opinion that further study is required to make a full determination of the true value of the wetlands on this site, and the role they play in the region, and the Fish Creek and Pine Creek watersheds.

- d. The Wetland Assessment Impact Report for the Providence Lands states that the wetlands were all given a value of 1.0 for the measure of abundance. Under the Alberta Wetland Rapid Evaluation Tool, if the estimates of historical losses of wetlands in the area were large, the category value for the wetlands in the area should be elevated, i.e. move from category C to category B. Given that Calgary has already lost 90% of its wetlands, the lack of abundance of the remaining wetlands should have elevated the relative value of each of the wetlands on this subject site, including the ephemeral wetlands. It appears the only wetlands that received elevated values based on the abundance measure are wetlands #3, 17, 19, and 20. The assessed value for wetland #18 remained unchanged after factoring in abundance, in addition to all the remaining of the twenty-four wetlands, but it is not clear why.

4. Insufficient Information

- a. We understand a Master Drainage Plan for this area exists but we haven't been able to review a copy. This or a similar plan may determine strategies to protect the functionalities, drainage, and groundwater recharge, but we were not able to receive this plan in time prior to the deadline for providing this letter.
- b. We further understand a variety of environmental assessments have been completed, such as a Biophysical Impact Assessment, but we have not been able to review copies of these documents in order to provide informed comment for this file.

5. Compensation In Lieu

- a. If a decision is made to approve this Water Act Application to destroy all of the wetlands on the Providence Lands, and the developer is asked to pay compensation in lieu of protecting the wetlands, the Alberta Wetland Policy requires that the compensatory funds be used to restore wetlands or otherwise contribute to wetland stewardship. It is not clear which watershed in which these funds would be used to restore a wetland: the Fish Creek watershed, the Pine Creek watershed, the Bow River watershed, or the South Saskatchewan River watershed? It is our opinion, that any funds paid in lieu of protecting and restoring these wetlands should be used to restore wetland functionality / contributions in the local area, i.e. the Fish Creek or Pine Creek watershed, or at the very least, be required to be used within Calgary.

You can reach me at the mailing address on this letterhead, by phone to 403-276-3723, or by email to my attention at CalgaryRiverValleys2@outlook.com .

Sincerely,

Bill Morrison, Vice President
Calgary River Valleys (Calgary River Forum Society)

Cc: CRV Board & circulation
Trace Associates