



Alberta Wilderness Association
"Defending Wild Alberta through Awareness and Action"

August 6, 2019

Hon. Jason Nixon
Minister, Alberta Environment and Parks
#323 Legislature Building, 10800 – 97 Avenue NW
Edmonton, AB T5K 2B6
Via e-mail: aep.minister@gov.ab.ca

Regulatory Approvals Centre
Alberta Environment and Parks
5th Floor, South Petroleum Plaza
9915 108 Street
Edmonton, AB T5K 2G8
Via e-mail: aep.waapplications@gov.ab.ca

Fortress Mountain Holdings Ltd. Application No. 003-00037369, File No. 12562

Dear Minister Nixon and Water Act Regulatory Approvals Centre,

Alberta Wilderness Association (AWA) appreciates the opportunity to provide this Statement of Concern on the Fortress Mountain Holdings Ltd. (Fortress) water application no. 003-00037369, file no. 12562.

Founded in 1965, AWA works throughout Alberta towards the completion of a wilderness protected areas network, and for good stewardship of all lands that are the source of our clean water, clean air and wildlife habitat. With over 7,000 members and supporters in Alberta and across Canada, AWA helps Albertans learn more about wilderness and watersheds, and participate in opportunities to conserve them as a legacy for future generations.

AWA strongly opposes this Change of Purpose application for part of Fortress' 1968 water license from Municipal (Urban Water Supply) to Commercial (Truck fill station & water hauling) purposes.

This license was issued to supply water for Fortress ski hill operations. We request that the 50 million litres per year that is clearly not needed for its intended original purpose remain in the mountain headwaters. It should not be permitted an entirely new, un-contemplated and environmentally inappropriate purpose.

Probable Use

Of its total water supply license of 98.678 million litres per year, Fortress is indicating a non-use of 50 million litres per year for its ski hill operations. It proposes to sell that unused portion to be trucked off-site, bottled/canned and sold.

Fortress has not publically provided a definite destination or bottled/canned product pending a finalized contract. We must comment based on the probable use of the water, because it is too late to learn this after a regulatory decision and the signing of a binding contract.

We understand Alberta Environment and Parks confirmed that Fortress' application was to truck the water to a bottling facility in Calgary¹. Fortress has stated that it opposes single use plastic, but it has also stated that once the contract is signed, it "won't have anything to do with" the buyer². So the packaging appears uncertain, especially in the longer term. We are referring to our concerns with this bottled/canned water, regardless of the exact beverage format, which will most likely be trucked from Fortress' site to Calgary.

Impacts

Fortress has confirmed in a July 26 letter (attached) to the public that this trucked bottled water will be marketed for its 'purity'. Existing municipal water supplies are of very high quality, whereas this bottled water will actually be worse for the environment. Its higher impacts include:

- removing water from a small mountain stream flowing into a protected area in the Bow River basin headwaters;
- greenhouse gas emissions to pump and transport thousands of truckloads per year of water that is already flowing naturally to Calgary; and
- helping to promote bottled/canned water as 'purer' than high quality municipal drinking water, when we need to greatly reduce our overall packaging and waste.

AWA is opposed to removing water not needed for its original purpose for an un-contemplated and environmentally inappropriate purpose from a Kananaskis headwaters stream, which would otherwise flow into and benefit Galatea Creek in Alberta's Spray Valley Provincial Park.

Mountain 'headwaters' lands receive snow, rain and melting glacier water that provide most of the flows of the Bow and other major Alberta rivers. During high flows, channels are formed and flushed, nutrients and sediment are transported downstream, riparian areas are changed and renewed. A portion of runoff and channel flows are absorbed into the ground to emerge later as the essential year-round 'base flows' to our rivers. During low flow periods, aquatic life can be limited by water scarcity. Mountain ecosystems are also especially vulnerable to the uncertainties posed by climate change³. Considering these factors, this water that is not needed for its contemplated purpose should not be extracted and sold.

While 50 million litres per year is not a large flow in the overall Bow River watershed, on principle we must oppose the precedent of very poor re-allocation choices of our limited Bow basin water resources. In the 50 years since the Fortress water license was issued, much has changed. The Bow's future water supply has substantial risks:

- the Bow River basin is now closed to new surface water licenses - regardless of how small - because of over-allocation concerns, both for aquatic ecosystems and prior rights holders.

¹ "[Kananaskis water could be headed to bottling facility in Calgary](#)", Rocky Mountain Outlook, July 24, 2019.

² Fortress Managing Director Tom Heath quoted as: "We're looking to sell the water. What the buyer wants to do with us, it could be, God only knows, it could be bottled water, but we won't have anything to do with it. Think of us like an oil well. We are not a gas station." In "[Water fight simmering over selling Fortress water for commercial use](#)", CBC, July 25, 2019.

³ For example: "Mountains also respond rapidly and intensely to climatic and environmental variation, and are increasingly coming to be recognized by both social and natural scientists as 'sentinels for change.'" Lael Parrott, Zac Robinson and David Hik in [Alpine Club of Canada's State of the Mountains Report](#), May 2018, page 2.

- even without factoring in climate change, there is now strong scientific evidence that pre-20th century droughts in the Bow River basin were much more severe than the flow levels experienced in the 20th century, which formed the period of record when most Bow River basin water licenses were issued⁴;
- there are even greater risks of severe droughts in the Bow with the predicted disappearance of most Rocky Mountain glaciers by 2100⁵, and with other climate-change affected flow risks in the future;

Managing these cumulative effects for future generations and the health of aquatic ecosystems requires responsible allocation decisions of Bow waters, no matter how large or small the license.

Water Act and Original License Purpose

We are mindful of Condition 4 on Fortress' 1968 water license: "The rights and privileges hereby granted are subject to periodic review and to modification to ensure the most beneficial use of the water in the public interest and more particularly to ensure preservation of the rights of other water users."

This license was issued in 1968 for a particular use, timing and location. The Water Act 'deemed' historic licenses and made them permanent under their original terms. If a diversion for a new purpose in terms of use, time and space occurs, that should be by a new license. In AWA's view, the Director should not be granting a paramount and priority diversion to what is essentially a new diversion.

AWA believes that this new, un-contemplated proposed use by Fortress is well within the discretion of the Alberta government to dis-allow in the public interest. We request that Fortress' proposed change of purpose be dis-allowed, and that the non-used water remain in the Kananaskis-Bow headwaters tributary of Galatea Creek.

Sincerely,
ALBERTA WILDERNESS ASSOCIATION



Carolyn Campbell
Conservation Specialist

cc: Thomas Heath, Managing Director, Fortress Mountain Holdings Ltd.

Attachment: July 26, 2019 letter from Fortress to the public

⁴ For example: "Myths of abundant and stationary water resources have influenced water policy and management in western Canada. Data presented in this chapter demonstrate that water use, policy and management were established during a period of fairly stable and reliable water supplies as compared to preceding and projected hydrological regimes." In "Upland Watershed Management and Global Change: Canada's Rocky Mountains and Western Plains" by Dave Sauchyn, Michael Demuth and Alain Pietroniro. January 2008. [Chapter 3](#) of *Mountains, Valleys and Flood Plains: Managing Water Resources in a Time of Global Change*, Rosenberg International Forum on Water Policy. Publisher: Routledge, Editors: A. Garrido, A. Dinar, pp.32-49.

⁵ "[Rocky Mountains could lose 90 per cent of glaciers by 2100](#)" Calgary Herald, April 7, 2015.

RE: Water Act Notice of Application Priority #1968-10-30-001



July 26, 2019

Thank you for your inquiry regarding Fortress' current Change of Use application that is in with AEP. The following is a supplementary information document in relation to AEP Water Act Notice of Application Priority #1968-10-30-001 (listed below). This document is intended to provide relevant information that may support the details as listed in the Public Notice (attached below) and as detailed in the July 25, 2019 issue of the Rocky Mountain Outlook. Unfortunately, this article, and knee jerk reactions from other groups, do not accurately articulate the intent, context, and complete details of this initiative. We hope that this document will relate relevant information that can address your inquiry.

What is the purpose?

- The purpose of the Change of Use application is to provide Fortress alternate options in how it uses its already existing water allotment.

Is this for bottling?

- The definitive use for the commercial water component has yet to be determined. The final end user of the water will be sought out after the change of use is issued. This end user could range from a myriad of options that could include or be a combination of breweries, distilleries, bottlers, health-focused companies, or even the general public that are seeking non-chlorinated pure water options. Fortress' intent, should the use go to a bottler (to alleviate the shared concern of single use plastics), is to encourage the use of non-plastics such as aluminum, glass, or biodegradables.

Is this a new water permit?

- No, this is not a new water permit. Fortress is not asking for more water. The application is for a change of use to allow for different use of a portion of the water already allotted and permitted to be used by the resort.

What is Fortress' intent with this Change of Use?

Fortress has spent the last seven years working through a re-development process that, at times, has been an over-bureaucratized process. Through this time, investment interest, which is required for any sort of community development, has come and gone primarily due to the uncertainty created by those processes. This initiative re-establishes an attractive avenue for the re-development of this historic resort. Further to that, on-going re-investment of revenues would allow for:

- Re-development: the Fortress re-development project is one that must be done properly with environmental sustainability top of mind. Re-investment from this initiative, if approved, will allow for the exploration and integration of cutting-edge environmental technologies in the re-development project.
- Staff living wages: living wages is an on-going issue in our expensive corner of the province. The initiative will allow for Fortress to compensate its entire staff pool at higher than average rates that will improve their ability to live long term sustainable lives in the region.
- Reclamation: Since the current ownership's operational arrival in 2010, Fortress has already spent countless hours and significant dollars on cleaning up what was a neglected segment of pristine land. While substantial progress has already occurred, this initiative will allow for significant re-investment in the lands to further clean up and work on land reclamation.
- Community involvement and charity: being a good citizen in the regional community is of the highest importance to Fortress stakeholders. While the operating resort will allow for re-investment in the community through non-profit support, this initiative will significantly increase capabilities to engage with our greater community.

- Alberta Owned, Alberta Proud: as investment interest came and went, a situation arose in which international investment was needed. This initiative allows the resort to maintain majority Alberta based ownership.

Why take it from Fortress instead of letting it flow downstream to be removed there?

- The interest in the water is driven by its purity. Once it flows downstream, it unfortunately has the potential to be exposed to impurities. The water at the source is free of any potential impurities.

How much water is this?

- To re-iterate, this is not new water usage. It is from an already existing diversion allowance.
- In relation to the Tributary to Galatea Creek (the source): at maximum usage, this volume would represent 0.91% of the average annual water flow of the non-fish bearing creek. This, in the grand picture of the watershed, is viewed as being an insignificant withdrawal.
- In relation to the Kananaskis River, which the Tributary outflows to, at maximum usage, this volume would represent 0.011% of average annual water flow. Again, in the grand picture, this is considered insignificant and already allocated.

Once again, we appreciate your reaching out to Fortress with your inquiry. We would like to assure you that we hold a shared concern for the environment and focus on sustainability. As Fortress works towards its much anticipated re-opening, we look forward to further showcasing this commitment through on-going good stewardship of these very special lands. Further information can be accessed through the attached Public Notice.

Regards,

Thomas Heath
Managing Director
Fortress Mountain Holdings Ltd
thomas.heath@skifortress.com

Attached: AEP Water Act Notice of Application

PUBLIC NOTICE
FORTRESS MOUNTAIN HOLDINGS LTD.
WATER ACT
NOTICE OF APPLICATION

Fortress Mountain Holdings Ltd. are currently authorized by way of a Licence under the *Water Act* to divert 98,679m³ of water from an unnamed tributary of the Galatea Creek at NE 32-021-09-W5 for Municipal (ski hill potable water supply) purposes. This Licence has a priority number of 1968-10-30-001.

Notice is given that Fortress Mountain Holdings Ltd. has filed an application to amend this Licence under the provisions of the *Water Act* to allow for the use of water for both Municipal and Commercial purposes. The applicant has requested that 50,000m³ of the total 98,678m³ be used for Commercial (truck fill station & water hauling) purposes. The Commercial operation will see the hauling of approximately 9 or more trucks per day annually from the site. The maximum volume allocated under the Licence will not increase.

Any person who is directly affected by this application may submit a written statement of concern to within **30** days of the date of this notice to:

Environment and Parks
Regulatory Approvals Centre
5th Floor, South Petroleum Plaza
9915 108 Street
Edmonton, Alberta T5K 2G8
Phone: 780-427-6311
Fax: 780-422-0154
Email: aep.waapplications@gov.ab.ca

The written statement of concern should include the following:

- the application number: **003-00037369, Please quote file number: 12562**
- describe concerns that are relevant to matters regulated by the *Water Act*
- explain how the filer of the concern will be directly affected by the activity and/or diversion of water proposed in the application
- provide the legal land location of the land owned or used by the filer where the concerns described are believed to be applicable
- state the distance between the land owned or used by the filer and the site in the application
- contact information including the full name and mailing address of the filer. Please provide the telephone number and/or email address for ease of contact.

Environment and Parks will review each written statement of concern, seek more information if needed, and notify each filer by letter of the decision to accept or reject their written submission as a valid statement of concern. The Public Notice of this application will also be posted on the Department's website at <https://avw.alberta.ca/PublicNoticesViewer.aspx> .

Statements of concern submitted regarding this application are public records which are accessible by the public and the applicant. Failure to file a statement of concern may affect the right to file a Notice of Appeal with the Environmental Appeals Board.

Copies of the application and additional information can be obtained from:

Thomas Heath
Box 8173
Canmore AB T1W 2T9
Phone: 403-615-3433
Email: Thomas.heath@skifortress.com