



ALBERTA WILDERNESS ASSOCIATION

"Defending Wild Alberta through Awareness and Action"

October 31, 2023

Gilbert Van Nes
Environmental Appeals Board
306, 10011 – 109 Street
Edmonton, Alberta
T5J 3S8

**Re: Mountain Ash Limited Partnership/ Water Act Approval No. DAUT0012841
EAB File No. 23-047**

Dear Mr. Van Nes,

As previously requested, please accept this letter as the statement from Alberta Wilderness Association (AWA) demonstrating our standing as directly affected, so as to permit our continued participation in the Environmental Appeals Board (EAB) regulatory process.

In the Canadian Carmelite Decision (2023 ABEAB 9) EAB referred appellants to, the board states that they avoid 'defining in advance or limiting the circumstances in which [someone] might be found directly affected', as it's 'limiting the class of person's who can appeal a ... decision'. The board instead requires appellants to meet three conditions:

1. Whether there is a personal or private interest, consistent with the underlying policies of the applicable statutes, being asserted by a person;
2. Whether there is an adverse effect to the identified interest; and
3. Whether the adverse effect to the identified interest is direct.

AWA meets all three conditions, as illustrated below.

As representatives of Albertans on environmental matters and citizens of Alberta ourselves (both through our staff and membership), AWA also has a legislated responsibility that necessitates remaining and participating in this process; section 2(f) of the *Environmental Protection and Enhancement Act* (EPEA) and section 2(d) of the *Water Act*, state that it is "the shared responsibility of all Alberta citizens for ensuring the protection, enhancement and wise use of the environment through individual actions" and to ensure "the conservation and wise use of water", by "providing advice with respect to water management planning and decision-making".

AWA asserts a private interest in the outcome of Water Act Application No. VAPP0001717, Approval No. DAUT0012841 for Mountain Ash Ltd. Partnership.

Since 1965, the Alberta Wilderness Association has inspired communities to care for the province's wild spaces through awareness and action. Dedicated to the conservation of wilderness and the completion of a protected areas network, advocating for the protection and wise management of ecologically significant places throughout Alberta has been AWA's mandate for more than 50 years. More information detailing our decades long pursuit of this goal can be found on our website, www.albertawilderness.ca.

As provincial parks are a major type of protected area in the province, AWA has a private interest in maintaining and/or improving their health and function in pursuit of our organizational mandate. Once established, the purpose of provincial parks, as defined in the *Provincial Parks Act* section 3, is "to be maintained,

- (a) for the preservation of Alberta's natural heritage,
- (b) for the conservation and management of flora and fauna,
- (c) for the preservation of specified areas, landscapes and natural features and objects in them that are of geological, cultural, historical, archeological, anthropological, paleontological, ethnological, ecological or other scientific interest or importance,
- (d) to facilitate their use and enjoyment for outdoor recreation, education and the appreciation and experiencing of Alberta's natural heritage, and
- (e) to ensure their lasting protection for the benefit of present and future generations."

The *Provincial Parks Act* also recognizes that land-uses surrounding the protected areas can have an impact on the environmental state within and dictates provisions that allow the minister to effectively treat surrounding areas as if they were within the park boundaries (section 7). This provision recognizes the fluidity and connectedness of ecosystems and the environment as a whole— that they interact and impact each other beyond man-made boundaries.

Activities that would negatively impact any purpose of provincial parks directly and adversely affects AWA's ability to realize our mandate. This necessitates AWA to participate wherever possible to ensure these areas continue to maintain the protections they currently provide that foster resilient biodiversity, ecosystems, and watersheds. One of AWA's primary concerns for provincial parks is that management, within and surrounding the area, often fails to consider the cumulative impacts of individual land-uses, which can diminish the overall ecological integrity and wilderness values the area was meant to safeguard. This is the case for the aggregate operations threatening Big Hill Springs Provincial Park and the aquifer that supplies it. The cumulative effects of land-uses have failed to be considered when approvals were issued, and as a result Big Hill

Springs Provincial Park could suffer irreparable harm. This directly impacts AWA's private interest in protected areas and necessitates our participation to ensure appropriate protections remain.

The approval of Mountain Ash Ltd. Partnership's (MALP) Water Act application will adversely affect AWA's private interests.

The best available research suggests that the proposed and planned aggregate operations near Big Hill Springs Provincial Park and their cumulative effects will negatively impact the aquifer that supplies the springs, decrease the current quality of the habitat in the park and the protection it affords, adversely impact how our association uses this natural resource, and hinder AWA's goal in ensuring the prudent and effective management of protected areas in the province (Appendix A).

AWA also has a private interest in Alberta's water resources and works towards province-wide awareness and stewardship of water as a precious, life-giving resource. AWA strives for effective, ecosystem-based management of Alberta's watersheds, groundwater, river valleys, lakes, and wetlands, with an end goal of ensuring there is plentiful, clean water for everyone in the province. The decision made by AEPA permits MALP to undertake activities including the removal of 15 water bodies, which runs contrary to the purposes of the *Water Act*, particularly section 2 (a): "the need to manage and conserve water resources to sustain our environment and to ensure a healthy environment and high quality of life in the present and future". Quality water resources in the already drought-prone Southern Alberta region will only become more valuable if/when we consider the potential negative impacts/consequences of future climate changes.

The disruption of habitat could also impact five provincially sensitive species that have been observed in the MALP's project area, including the great blue heron, sora, least flycatcher, eastern kingbird, and barn swallow, which is also listed as threatened under the federal *Species at Risk Act* (SARA). This information is acknowledged in MALP's own Wetland Assessment and Impact Report completed by SLR Consulting Ltd. Four more wildlife sensitivity ranges overlap the area, including that of the bald eagle, golden eagle, prairie falcon, and sharp-tailed grouse. The mandate of AWA is to ensure that the habitat of species-at-risk and other wildlife is secure through the establishment of designated protected areas, and that the management of these protected areas conserves quality habitat for the species at risk. AWA is also interested in supporting efforts to improve species-at-risk legislation and to enforce existing legislation in the spirit with which these laws were created.

For these reasons, AWA has been highly involved in the consultation and regulatory processes regarding aggregate development in this region:

- On February 15, 2021, AWA provided a submission to Rocky View Country Aggregate Operations Land Redesignation Hearing, Bylaw C8051-2020, PL20200031, Mt. Ash LP (Appendix B).
- On January 31, 2022, AWA submitted a Statement of Concern to Alberta Environment and Protected Areas (formerly Parks) regarding DAPP0001717, Mountain Ash Ltd. Partnership's Water Act Application for their Summit aggregate mining project (Appendix C).
- On July 25, 2023, AWA received a notice of decision for AEPA's approval of Water Act application DAPP0001717, Approval No. DAUT0012841 (Appendix D).
- On July 27, 2023, AWA submitted our Notice of Appeal to the Environment Appeals Board regarding Water Act Application No. VAPP0001717, Approval No. DAUT0012841 for Mountain Ash Ltd. Partnership (Appendix E).

Earlier processes recognized AWA's standing as an affected party, including when our SOC was first filed with AEPA. This is supported by our receipt of a notice of decision on July 25, 2023, which indicated AWA could file an NOA within the 7-day timeframe.

AWA's private interests will be directly affected.

Big Hill Springs Provincial Park was one of the first provincial parks in Alberta, established in 1957 to preserve the series of springs from which it gets its name. Hosting a quarter of a million visitors annually, the park's proximity to major urban centres like Airdrie, Calgary, and Cochrane affords locals an accessible opportunity to enjoy breathtaking views of waterfalls, creeks, and the surrounding forests close to home. AWA frequently hosts educational and recreational events for our members at Big Hill Springs Provincial Park; in the last decade, these have included:

- Bighill Creek Family Hike (July 17, 2017)
- Big Hill Springs Hike (January 11, 2019)
- Cochrane and Lochend Areas Field Trip (October 9, 2020)
- City Nature Challenge (April 30, 2023)
- Exploring Big Hill Springs and Big Hill Creek (October 1, 2023)

AWA also organizes and continues to host a recurring educational field trip (known as an Adventure) called *Ice, Glaciers, Gravel, and Oil* that occurs twice every year in and around Big Hill Springs Provincial Park. The event dates are listed below:

- May 21, 2021
- September 18, 2021
- June 4, 2022
- September 17, 2022
- June 30, 2023
- September 23, 2023

These events seek to highlight the important, unique, and ecologically sensitive ecosystems the park protects. Big Hill Springs is nationally recognized for its unique ecological attributes; the water flows continuously throughout the year at a constant temperature and is supersaturated with calcium carbonate that forms incredible limestone deposits called tufa along the waterfalls in the park. The springs also provide quality habitat for wildlife and essential ecosystem services, including the provision of clean freshwater to Big Hill Creek and the Bow River.

The adverse impacts of the aggregate mining operations nearby Big Hill Springs Provincial Park jeopardize this region's watershed and ecosystem health and will directly impact AWA's ability to fulfill our mandate, including how we use the area for education and recreation. This necessitates EAB recognize AWA's directly affected standing and consider our notice of appeal on MALP's Water Act Approval No. DAUT0012841.

Sincerely,

ALBERTA WILDERNESS ASSOCIATION

A handwritten signature in black ink, appearing to read 'Kennedy Halvorson', with a long horizontal flourish extending to the right.

Kennedy Halvorson
Conservation Specialist