

# TransAlta Utilities Comments

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City of Calgary  
P.O. Box 2100, Stn. M  
Calgary, AB  
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**Attention: Nicole Newton, Manager, Natural Environment & Adaptation,  
Climate & Environment (via email nicole.newton@calgary.ca)**

**Re: TransAlta Request and Letter of Support for Closure of  
Unimproved Road Allowance on Bow River**

I am counsel for TransAlta Corporation, and am writing to request that the City of Calgary ("**City**") take steps to close the unimproved road allowance extending west from 80<sup>th</sup> Avenue NW, and located approximately on that portion north of Section 12, Township 25, Range 3, West of the Fifth Meridian, being north of the Bow River and north of Parcel 3 containing 1.26 acres more or less, as shown on Registered Plan 8801 GR (the "**Road Allowance**").

**TransAlta's Bearspaw Dam and Reservoir**

TransAlta has been granted the right to use and occupy the Road Allowance Parcel pursuant to water licence 80707-00-00, issued by the Provincial Government for the construction, operation and maintenance of the Bearspaw Power and Storage development ("**Bearspaw**") and holding priority number 1952-11-07-01, along with several other parcels of land on the banks of the Bow River surrounding Bearspaw.

For operational and safety reasons, TransAlta maintains a strip of land along the reservoir stretching the entire length of the Bearspaw reservoir for approximately 8 km upstream. TransAlta maintains this safety buffer to, among other things, maintain a clear area around the perimeter of the reservoir to monitor water levels and flow rates, safely operate the Bearspaw dam by raising and lowering the reservoir level as part of the integrated operation of 11 hydroelectric generating facilities on the Bow and Kananaskis Rivers. Bearspaw is the last facility on the Bow River and it serves to absorb and stabilize flows downstream, but has minimal storage volumes compared to other hydroelectric facilities.

The combination of the reservoir's minimal storage capacity and its regulating function (to absorb water fluctuations caused by the Ghost facility) makes the Bearspaw reservoir susceptible to fluctuating water levels which can rise or fall by more than 2 meters throughout the day. Sudden changes in water levels can create



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strong currents and waves, including backflow effects that alter current speeds and water depths unexpectedly, posing significant safety hazards for the public, especially for recreational users such as boaters and swimmers, who may not be prepared for the sudden change. The Bearspaw reservoir is therefore prone to significant and rapid fluctuations in water level and flow, which can and does occur without warning.

In addition to the above, the safety buffer also provides flood control and flood management by providing sufficient space to absorb excess water during high flow periods, and helps to control access to the Bearspaw reservoir to reduce the risk of accidents or injuries to the public, including drowning.

### **Unauthorized Installation of a Commercial Marina**

TransAlta has observed that a marina was twice installed on the banks of the Bow River by Rick's Marina Inc. ("**Rick's Marina**"), upstream from Bearspaw and the City's fresh water intake, without authorization from TransAlta. The first such installation was via trespass on lands owned by TransAlta in fee simple. The second installation was on the Road Allowance.

In both instances, Rick's Marina appears to have operated without appropriate development permits or City business licences, and the installation of Rick's Marina also caused significant damage and erosion to environmentally sensitive grassland within Haskayne Park, as well as the bed and banks of the Bow River.

Rick's Marina was promoted on social media and elsewhere to specifically encourage children and families to use the marina and access the reservoir. These users may be unfamiliar with the dangers posed by the operations at Bearspaw, and the significant fluctuations in water levels which may occur.

TransAlta also observed the installation of signage at Rick's Marina which appears to imitate the City's own colours, wordmark, fonts and visual identity, encouraging the public to access Rick's Marina and to ignore the City and TransAlta's "misinformation", and including the following statements:

- "Public access to the reservoir is available by utilizing the open road allowance";
- "'There are no metrics' to support claims of there being dangerous conditions on the reservoir"; and
- "The nonfactual claims and fear mongering put forth by TransAlta and the City are unsubstantiated."

TransAlta considers that the operation of Rick's Marina constitutes an unacceptable public safety, environmental and operational risk. The closure of the Road Allowance will allow the City to effectively manage and prevent further installation or re-installation of the Marina by preventing further unauthorized access.

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TransAlta further notes in closing that tolerating the operation of a private enterprise and construction of private infrastructure over a public roadway without the requisite permits, authorizations or compensation to taxpayers sets a damaging precedent for the use of road allowances within the City.

We would like to thank the City for its time and attention to this matter. Please contact the undersigned with any additional questions.

Yours truly,

**TRANSALTA CORPORATION**

A handwritten signature in black ink, appearing to read "Vincent Light". The signature is written in a cursive, flowing style.

Vincent Light  
Sr. Legal Counsel, Regulatory