



( Please note: Fresh Evidence Vol 3.: Last two pages of emails between Daniel Onischuk and Tiffany Meyers of Canmore are identified as: Fresh Evidence, Vol.3, pages 487, 488 )

### **Fresh Evidence - Vol.3 Addendum (Sept.13,2013)**

1. Rocky Mtn Outlook, Sept.12 - Cost to build arts centre at \$2.5M - vol3. Evidence p.489
2. Rocky Mtn Outlook, Sept. 12 - Canmore seeking 16.7M for flood damage - vol3 p.490
3. Rocky Mtn Outlook, Sept. 12 - Future flooding a statistical certainty - vol3 pgs. 491-492
4. Rocky Mtn Outlook, Sept. 12 - TSMV out of receivership - vol3 Evidence pgs 493-494

#### RELEVANCY:

Article 1: The Arts centre was initially budgeted at \$1.6M yet Canmore officials increased budget to \$2.5M without public consultation - and more importantly, this is an example of how easily Canmore could have afforded to and should have enabled fair treatment to any and all Rabbit Rescuers per Charter s. 15(2) and SCC decision in *R. v Kapp*.

Article 2: Canmore does in fact obtain funds from Alberta, which supports my position that as an Albertan and taxpayer I should have standing as per SCC in *Findlay, Thorson*.

Article 3: A Canmore resident told me (Sept. 4, 2013) that Town of Canmore approval for development of flood affected areas was pushed through by former Town mayor and Councilors without proper flood risk assessment or flood remediation engineering design.

This is similar to the proposed development of TSMV (Three Sisters Mtn Valley-article 4) for "economic" reasons without independent, professional geological risk (abandoned mines sinkholes) or wildlife habitat & migration by any truly independent, third parties (such as Parks Canada) that have no economic or political links to Canmore Officials or developers.

Article 4: There is no indication of whether the proposed areas are viable or effective as wildlife habitat or migration, nor whom prepared the assessments based on what factors and data, nor whether Parks Canada had any input or approval on reports, nor whether other Albertans or Canadians agree to this major development in such an ecologically sensitive area between two national parks. Although large tracts of land are promised, it is not clear what legal safeguards are in place to ensure that any protective measures can be legally enforced.

Nor is there any indication whether those wildlife issues were even weighted factors in the substantially economic decision of lifting the receivership. Given the previous submitted evidence in this case of unfair, unjust advantages in the Calgary Courts for Town of Canmore, and illogical, zero-evidence decisions against wildlife rescuers it is not clear whether the Calgary Court decision was impartially reviewed nor what factors were primary criteria.

Given the substantial filed evidence of deceptions and public disinformation for the \$94,000 feral rabbit contract and policies by Canmore and the local Canmore new media, there are likely to be unreported facts and hidden motives for a \$280 million dollar development in prime wildlife habitat between two national parks. Need cautious review that will uphold protections.

# Rocky Mountain **Outlook**

## Cost to build arts centre at \$2.5 million

By: TANYA FOUBERT

| Posted: Thursday, Sep 12, 2013 06:00 am

Redevelopment of the old library into a community arts centre is up from an estimated \$1.9 million to a \$2.5 million budget.

Manager of facilities Stephen Hanus was in front of council Tuesday (Sept. 10) during its committee of the whole meeting to update local politicians on plans for the facility.

Hanus said prior to this year's capital budget review he was able to assess the financial facts in relation to the detailed design phase to redevelop the building, which is now 28 years old.

"On the good side of things, we have presented a detailed design that is very pragmatic, will be functional for user groups and serve the community for a long time," he said.

Hanus said the design is pragmatic because costs are minimized by keeping the building's original footprint, retaining the location of the washroom and minimal work required inside the walls.

However, the roof and mechanical systems require replacement, and are the reason for the increase in budget to \$2.5 million.

"The roof is beyond its useful life and needs replacement no matter how we renovate – the building code requires we upgrade the structure of the roof and that comes with a price tag," he said, adding it is \$170,000 more than originally expected.

The mechanical system of the building, he added, is typically the most expensive line item of a project and "as we are trying to achieve another sustainable building in our municipal asset fleet – to get there requires some dollars." A simple replacement of the system would not meet the municipality's green building objectives or the air quality needs inside the facility. It has resulted in \$370,000 of extra costs, but he said the long-term operational costs and utility bills will see savings as a result.

"I think we are getting more and more solid numbers with our budget, I think it is still within reason for a building this complex and this size and given what you have seen in terms of effort and three years planning," Hanus said. Canmore Mountain Arts Foundation board member Karen Antrobus updated council on the detailed design phase of the project. She said along with working on those plans the CMAF has been building a business plan for the facility. In November, council approved developing a management and governance agreement with CMAF. They also approved leasing the facility to the non-profit organization.

"The most fun about this work has been the tremendous response we have had from individuals, both artists and non artists," she said. "They are excited to see this project is going ahead – they are delighted and grateful to be asked what they think and listened to.

"The biggest question we get from them is when are we opening."

In addition to finishing detailed plans and budgets, Antrobus said CMAF continues to work on soliciting donations for the community arts centre and applying for grants.

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# Rocky Mountain **Outlook**

## Canmore seeking \$16.7 million from province for flood damage

By: Tanya Foubert

| Posted: Thursday, Sep 12, 2013 06:00 am

The Town of Canmore is requesting \$16.7 million from the province for flood damages from the disaster recovery program (DRP).

Municipal disaster recovery coordinator Greg Burt said staff have been working on providing the province with the most detailed numbers possible in order to recuperate funds spent on emergency operations and damaged infrastructure from June's flood.

Of the \$16.7 million total, \$3.3 million represents emergency operations and \$13.4 million for damaged infrastructure. DRP funds are meant to return infrastructure to a pre-disaster functional state, but Burt said several future projects to repair flood damage will include extra long-term mitigations, which are not applicable for DRP funding.

"The intent of the DRP is to restore the state it existed in before and this is somewhat unique for Cougar Creek and Stoneworks Creek, as we do not intend to rebuild them (the same)," he said. "We are working on finalizing numbers and hopefully coming to an agreement with the DRP on what it would cost to rebuild to a former state and apply those funds to long-term mitigation."

"All indications from the DRP are that the way we are approaching it is the correct way, but there are some discussions about what that final numbers will be."

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# Rocky Mountain **Outlook**

## Future flooding a 'statistical certainty'

By: Tanya Foubert

| Posted: Thursday, Sep 12, 2013 06:00 am

The flooded event that hit mountain creeks in Canmore this past June is a “statistical certainty” to occur again, according to the engineering expert hired by the municipality to study what happened.

BGC Engineering’s Matthias Jakob, whose career has been spent studying debris flow and debris flood events, said this week what happened in the creeks, and Cougar Creek in particular, was a one in 30 year event. That means the chances of it reoccurring are guaranteed.

“Large events, events similar to the one occurred in June, probably happen in a return period of every 30 years,” Jakob said during a presentation to council on Tuesday (Sept. 10).

The rain event, however, was a pretty rare meteorological event according to Jakob’s analysis. Three storm cells combined, and then sat over top of Canmore for three days, which he classified as a one in 300- to 500-year event.

“The unique thing about the combination of these three low-pressure cells was not only were they there, but they lingered for three days and that really resulted in a lot of rain,” he said.

Up to 250 to 270 millimetres of rain fell, and at higher elevations there was snow and the ground remained frozen at the time – all contributing to water levels in mountain creeks. The accumulated total of rain on the Cougar Creek watershed alone was nine million cubic metres.

Jakob said it wasn’t the water levels that were the problem, but the debris brought down the mountain creeks that eroded the creek bed, jumped course, eroded banks and plugged culverts.

He provided the packed council chamber with definitions of a debris flood and a debris flow – both of which occurred in the area in June.

“They are not interchangeable terms,” he said. “There are very different mechanical and physical properties and those ought to be understood in light of what happened.”

A debris flow is roughly equal parts water and sediment – up to 70 per cent sediment – and can resemble flowing concrete. Jakob said the flow begins up in the watershed with a point source landslide that hits the creek channel at an oblique angle and transfers momentum.

“It picks up material and gets bigger and bigger on the way down.”

Debris floods have significantly more water than sediment – with 10 per cent material in them. Instead of looking like viscous fluid, they look like dirty water and can jump out of the creek bed, erode banks and the bottom of the channel.

Cougar Creek, Pigeon Creek, Stoneworks Creek, Stone Creek and Three Sisters Creek all experienced debris floods in June. Jakob said all the creek drainages, except Stone Creek, have “quasi-infinite” amounts of materials stored in them.

Echo Canyon Creek, which drains near the horse paddock, was a debris flow and also has an inexhaustible amount of material.

Debris flows and debris floods both end in the alluvial fan, which actually form the fans over time.

“The reason fans look like they do is these channels switch place – they hop back and forth,” he said. “That is how they form and that does not work very well with human interaction.”

Jakob said alluvial fans are typically where you would find infrastructure and development.

“Fans have been and always will be developed all over the world,” he said. “They are flat, well drained and picturesque with a reliable water source.”

For the analysis of Cougar Creek, BCG conducted various tests using radiometric dating, measuring thickness of deposits in the bank and dendrochronology. Jakob said with the information he is able to establish a chronology of events back 1,000s of years to determine frequency and magnitude of these things. That then forms a part of a risk assessment, which will be completed for council consideration in the near future and inform what long term mitigations are undertaken.

In the meantime, he recommended short-term mitigations for Cougar Creek that would stop debris in the channel and avoid bank erosion. That includes erosion control techniques on the banks and in the creek, culvert protection at Elk Run Boulevard and a debris net upstream of the community to stop debris up in the canyon.

The net, Jakob said, is not a normal fence, but a high tech dynamic net with an anchoring system that can withstand tremendous forces. It is a temporary mitigation, he added, until permanent structures to limit debris flowing down the creek can be constructed.

Three Sisters Creek will need short-term mitigation this year as well. Jakob said the fan in its drainage is 10 square

kilometres and during June's event much of the debris was caught in a small pond on the golf course. That pond will need to have sediment removed and work done on Three Sisters Parkway before next spring.

In the long term, Jakob said a deflection berm could be constructed to prevent future flows into the currently developed area nearby.

Administration will bring forward short-term mitigation proposals and budgets to council next week.

It was clear from Jakob's presentation that more work is needed to analyze all creeks in the community for risk and hazard assessment, not just Cougar Creek. For most of them he recommended assessments be conducted before any future development is approved.

Manager of planning Alaric Fish said the flood will have long-lasting effects for development in town.

"Absolutely everything is changing how we are looking at the landscape and how we review new development applications," he said.

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# Rocky Mountain Outlook

## TSMV out of receivership

By: Tanya Foubert

| Posted: Thursday, Sep 12, 2013 06:00 am

The largest piece of undeveloped land in Canmore has new owners, who also happen to be the old owners of the property.

Blair Richardson, Don and David Taylor had their offer to purchase the property out of ownership limbo approved by the courts last Friday (Sept. 6).

In an interview with the Outlook, Richardson said he thinks it is the "beginning of a very positive story."

"We were involved from 2000 to 2007 and during that period we had a vision, which we still believe is the right vision, that Three Sisters Mountain Village (TSMV) should be centred around health and wellness," he said, adding PricewaterhouseCoopers (PwC) was challenged because as a receiver it didn't have the flexibility to create a long-term vision for the property. "They are good people, but they never had a vision of where the thing was going to go.

"Our vision is that Canmore can become, if we build it out over the next 20-25 years, a health and wellness centre of Alberta and these types of jobs are high paying jobs that attract young people, people who live in Canmore."

TSMV spokesperson Chris Ollenberger said discussions on the future vision for the development will occur with the community at large over the long term, but in the meantime the company will continue work on a number of projects like Paintbrush Ridge, which is being rebranded as Ravenrock.

"You are not going to see Three Sisters actively out there tomorrow trying to have those conversations, but it is going to come fairly quickly and we will take the time that it needs on the bigger picture," Ollenberger said.

"Smaller picture applications that already have processes in place, like ASPs and zoning, we will continue to take those forward so funds can be built up to have those bigger conversations."

With a health and wellness focus, the future of the unfinished Three Sisters golf course may be in question. Neither Ollenberger or Richardson would say the area slated for Canmore's fourth golf course, the seventh in the region, is scrapped, as its future will be part of the long-term planning.

As for the ASP the receiver shelved earlier this year, Ollenberger said TSMV will look at the supporting material, but expects a different overall plan to come out of the visioning process with the community.

Richardson's and Taylor's experience with the property and the requirements to provide functional wildlife corridors make the purchase positive for Bow Corridor Organization for Responsible Development chair Heather MacFadyen.

"From the perspective of BowCORD, an intervener in the 1992 NRCB decision on Three Sisters Golf Resorts, the purchase of TSMV by Mr. Don Taylor and Mr. Blair Richardson has the advantage that, as previous owners of the TSMV between 2001 and 2007, they are fully aware of the legal and scientific requirements to provide a functional wildlife corridor to connect the Wind Valley through the Bow Valley to Banff Park," MacFadyen said in an emailed statement. "It was on their watch that TSMV agreed to the application of the 2002 Golder Report land uses in their Resort Area, and signed two conservation easements (2003 and 2007) to protect this section of the Three Sisters Along Valley Corridor. This augers well for the completion of the corridor consistent with these land uses."

Richardson said it is important to remember the site was initially 5,000 acres, and 2,000 acres were given up to environmental protection.

"I believe that we can develop that very successfully plus protect the wildlife corridors, but the main point I want to make is almost half of that asset has already been given away for wildlife protection, which is very uncommon, you won't find many development situations in North America where that amount has been given away," he said.

Richardson and Ollenberger met with council last Friday during an in-camera session soon after the courts agreed to the purchase.

Ollenberger said the conversations were about starting a new framework and process, with mutual respect and communication and "we will build great things together."

"We want to be good community stewards of the assets."

Having the 1,495 acres of developable land under a single ownership, is also good news. The receiver could have chosen to put Three Sisters on the chopping block and sell it off in pieces, making it a challenge for the municipality to negotiate a big community vision with multiple parties that have different goals.

Bow Valley Builders and Developers Association executive director Ron Remple said he is thrilled to see the development out of receivership and under a single ownership structure.

"I feel like a huge black cloud over that section of Canmore has been lifted, and now we have the opportunity to move forward," he said. "The fact that the new owners are familiar with Canmore I think is a positive, and I hope that the community will recognize that and be willing to work with them. Based on the recent ASP application by

PwC, the community has some strong opinions about the Three Sisters development. One of the key issues that I don't think came out during the PwC ASP process was the economic benefit to the community of the development, and I think that that aspect needs to be considered as well as the environmental and social impacts.

“The reality is that the NRCB decision and clause 619 of the MGA allows for development in Three Sisters, and provides the parameters for how much development. I hope that the next council will work collaboratively with the developer to help move this development forward, and not put up barriers to development.”

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