

LOWER BOW RIVER ACCESS – REQUEST FOR ACTION

April 4, 2021

To:

Mr. Ric McIver
 Minister of Transportation
 Office of the Minister of Transportation
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 10800-97 Avenue
 Edmonton, AB T5K 2B6
transportation.minister@gov.ab.ca

And To:

Ms. Rae-Ann Lajeunesse
 Deputy Minister of Transportation
 Office of the Deputy Minister
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cc: Mr. Mark Jacka
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cc: Ms. Melissa Manchak
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Mr. Joseph Schow
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From:

Mr. Peter Crowe-Swords
 Director, Calgary River Users Alliance
 3608 Beaver Road N.W.
 Calgary, AB T2L 1X1
daritek46@gmail.com

And From:

Mr. Tom Hirst, Q.C.
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 Okotoks, Ab T1S 1A1
tom.hirst@hotmail.com

Dear ladies and gentlemen,

We are writing on behalf of a large group of concerned citizens listed in the attached schedule to inform you of actions taken by an employee of Alberta Transportation which we believe are unjustified and to request that remedial action be taken as quickly as possible.

Background

Since the flood of 2013, members of the public have been using an access point on the Bow River immediately east of the Highway 24 bridge crossing the Bow River near Carseland as casual access for foot traffic, and for launching canoes, rafts, kayaks, and powerboats. This has continued for almost 10 years without any incidents or problems. It has also been available as an access point for launching boats by the local fire department and emergency services, fish and wildlife officers patrolling the river, and by commercial guides. The access point is located on an old right of way for Highway 24 which was abandoned and has been unused since the new bridge crossing the river was installed in approximately 1984 – almost 40 years ago. The use of this access causes no interference with traffic on Highway 24. This is the only boat access on the river below the Carseland weir down as far as the Siksika Nation.

Late last year, for no reason that is obvious to us, two concrete blocks were installed by Alberta Transportation at the access point (Figure 1) to prevent the launching of trailered boats into the river. We understand this was done at the direction of Mr. Bill Montgomery, an employee and property manager working for Alberta Transportation. It is important to note that the blocks only prevent access by powerboats. The access point is still used regularly by, and available to, foot traffic and any canoes, rafts, kayaks, or boats that can be carried past the blocks going to the river.

When Mr. Montgomery was approached seeking an explanation and solution to the problem, he first explained that Alberta Transportation was concerned about liability issues. It is unclear what such liability exposures could be. When we suggested that there were probably more effective ways to address liability concerns, however remote those might be, he then stated “The issue of liability is secondary. The area being used to launch boats is not a *legal boat launch*. Alberta Transportation would be breaching the law by allowing continued launching of boats at this location.”.

As noted above, it is only powerboats launched from trailers that are being denied access. We have been unable to find and are not aware of any law that would make this access point an “illegal boat launch” as suggested by Mr. Montgomery and we do not believe such a law exists. We requested the opportunity to meet with Transportation’s legal counsel to discuss the legality and look for another solution, but our request has been ignored and the blocks remain.

In our view, the placement of these blocks discriminates against only persons using the access point to launch motorboats. As such, it is highly discriminatory but, more importantly, we believe it is unjustified and unnecessary.

Aside from recreational use of the site, this action is highly damaging to professional fishing guides who earn their livelihood on the river at a time when their business is already suffering from the Covid pandemic. Powerboat users will have no choice but to launch and use the river upstream of Carseland as far as Calgary, something that Alberta Environment and Parks would wish to avoid.

Requested Action

Appendix 1 lists concerned citizens who object to the blockade and includes members of The Calgary River Users Alliance, the Bow River Trout Foundation, and numerous professional guides. We all feel that it is imperative that action be taken promptly to remove these blocks, not only for our use but equally important to facilitate emergency response and enforcement of regulations by fish and wildlife officers.

Appendices 2 and 3 include expressions of concern by some of the affected parties. We particularly draw your attention to the comment of Mr. Harington Telford, a local resident, who from firsthand experience is extremely troubled about the inability of emergency responders to access the river caused by the blockade.

We request that you please direct those responsible to reverse this unjustified and unnecessary decision and remove the blocks immediately – revert this access point to use by powerboats in the same way it has been used without incident for the last 10 years. If it turns out that we are mistaken and that there is, in fact, some law that makes it illegal to launch powerboats at this access site from a 40-year-old unused right of way held by Alberta Transportation, there are surely other, better ways to solve the problem quickly such as relinquishing the abandoned right of way or granting an easement or other right of use.

We are available to meet with any or all of you, or anyone you may designate, at any time to discuss this urgent matter and find a solution before the end of April. You can reach Peter Crowe-Swords by phone at 403-680-8320 or Tom Hirst at 403-512-3002. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Crowe-Swords".

Peter Crowe-Swords

A handwritten signature in black ink, appearing to read "Tom Hirst".

Tom Hirst

Figure 1

Bow River Access – Highway 24 Bridge across the Bow River



Appendix 1 – Concerned Parties

<u>Name</u>	<u>Name</u>	<u>Name</u>
Aaron Caldwell	Harry Osler	Perry McCormack
Andrew McManus	Heather Allon	Peter Crowe-Swords
Ben Rogers	Ian Griffin	Peter Kaminski
Bill Allon	Jamie Clarke	Peter Monod
Bill Bruvold	Jason Egleton	Ray Wong
Bill Peters	Jason Kulsy	Rob Murphy
Braydon Grymaloski	Jason Noble	Rob Smith
Cam Merkley	Jason Villeneuve	Robert Fegg
Candace Duiker	Jeff Harper	Rod Pennoyer
Cassie Smith	Jeff Thompson	Rolland Holinaty
Christopher Rae	Jennifer Peterson	Ron Brenneman
Cindy Anderson	Jerrod Christensen	Ron Irving
Cody Earl	John Barlow	Russ Web
Colin Kish	John Iaquina	Sean Furlong
Cory Murphy	John Roggensack	Sean Lampron
Craig Somner	Joseph Hall	Shannon Holm
Dan Kwiatkowski	Josh Nugent	Shirley Smith
Dannen Jenkins	Ken Kohut	Steve Meredith
Darren Randles	Kevin Hittel	Sue Leiti
Darryl Dahl	Kevin Peterson	Ted Osler
Dave Cunnings	Kevin Peterson	Tiffany Dion
Dave Imbach	Kevin Watson	Tom Hirst
Dave Nagy	Kim Dayman	Tom Robertson
Dave Sewell	Kimberly Robertson	Tony Cazar
David Blair	Lorenzo Fontana	Trevor Williams
David Byler	Luke Perry	Wade Brillion
David Putnam	Lyle Irving	
Dee Chatani	Matt Catani	
Devlynn Northey	Maureen Gifford	
Dino Lazaridis	Michael Van Appelen	
Don Romaniuk	Mike Carlton	
Ed Klima	Mike Day	
Eddy Sheils	Mike Gifford	
Garry Chan	Mike Robertson	
George McBride	Mike Trouche	
Gord Kausche	Mitch Fancy	
Graham Anderson	Nancy Dutchik	
Greg Jarvis	Pat LoNigro	
Harington Telford	Paul Laframboise	

Appendix 2 – Expressions of Concern

Harington Telford:

Thanks for what you guys are doing here. I haven't really fished there since the flood even though it's the most obvious place. I figured best to let it recover.

However, this blockade is wrong. I've forwarded your email along to more concerned peeps. I'm sorry that I added work to your plate.

Last summer when buddy drowned it became all too clear there is not sufficient access to the river where we live. Every summer someone is getting lost down there and or are drowning. People including the volunteer fire rescue out of Carseland often drop by to see if we can help them access this area. This to me is clear problem that you are addressing.

If I can be of any assistance. Do reach out. I live as the next closest person to that launch save Hank renting right above the launch. Thank you for all you are doing.

George McBride:

Hello Peter. Please count me in as one of the fishermen wanting access at the Highway 24 bridge. I've used and enjoyed the launch below the bridge and the one that preceded it immediately above the bridge for many years. Thanks for taking this on.

Trevor Williams:

Having boated the lower bow for the last 22 years I find it very disturbing the AB Govt. can cut off public access to use the river and not provide an alternative site. This is another step of our AB Govt. going in the wrong direction. They are going to start losing votes if they keep making decisions that affect our freedom to do things. Please put my name on the petition, and my concerns to them.

Kim Dayman:

I feel strongly that this simple access for recreation should be reopened. Foolishness! Put my name in Peter.

Dave Cunnings:

I support the removal of the concrete blocks at the highway 24 bridge.

Providing access to the bow river for both recreational and emergency services is important.

If concrete obstruction is not removed another access site must be provided.

Dannen Jenkins:

I first noticed this access blockage last fall while testing a new boat. Could not understand why it was blocked? This launch is sometimes the only one available early and late season when ice becomes an issue at Carsland weir. I have never seen any issues with anyone in the area at this launch. Always seemed to be kept clean and boaters using respect. I use this launch with my family and as a business testing boats throughout the year.

Alberta transportation needs to coordinate with river users, clubs, and law enforcement before blocking an entry to the river.

It is a safety concern if the fire dept, search and rescue, fishermen have no access to the river.

The campground being just upstream is full all summer. What if someone, or child fell in the river and was swept away. there is no way to get a boat on the downstream side of the weir. This launch blockage is huge safety concern.

Appendix 3- Calgary River Users Alliance

Bow River Recreational Access at Highway 24 - Downstream of the Carseland Weir.

Outdoor recreational pursuits have increased in popularity in recent years with access to suitable venues close to the urban populations being one of the most important needs. Calgary and surrounding communities have access to a wide variety of outdoor pursuits with the Bow River and its tributaries offering a venue for paddle sports such as canoeing and kayak as well as fishing. But river recreational access is not without restraints. Access to public waterways is often across privately owned land or under restricted access agreements within a municipal or provincial property.

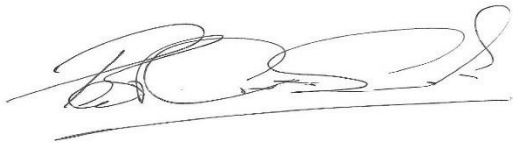
In 2016 the City of Calgary addressed their concerns with the development of the Calgary River Access Strategy (RAS) whereby a total of 12 designated river access sites were considered for improvements or new river access developments. To date two major projects have been completed, an upgrade to West Baker Park in the northwest quadrant of Calgary and a new boat ramp at Ogden Bridge. The Government of Alberta followed suit with the Bow River Access Plan (BRAP¹) that addressed river access improvements between Fish Creek Provincial Park in Calgary and Johnson Island Provincial Park property at Carseland. Within the scope of the BRAP major improvements have been made to Policeman's Flats in 2018 and a new road to McKinnon Flats in 2020. Also, the Harvie Passage Whitewater Park was developed in Calgary and other river recreational facilities are planned.

Calgary River Users Alliance (CRUA) has played an important stakeholder role in the development of the Calgary - RAS and the Government of Alberta - BRAP. Together with our membership of diverse river recreational user groups, we believe it is possible to develop a comprehensive strategy to enhance river access needs below the Carseland Weir and as far east as Bassano. The first step has been a proposal presented to Albert Parks to develop a public river access boat ramp upstream of the Wyndham-Carseland Provincial Park that will service downstream river access needs. Although supportive of our proposal, Alberta Parks will need time to commit to the development.

In the meantime, river access to the lower Bow River below the Carseland Weir must continue to alleviate the ever-increasing river recreational use on the highly popular upstream Calgary to Carseland reach of the river. River. The Highway 24 river access to the Bow River on the north side of the river adjacent to the highway has been in use since the 2013 flood and to now see it closed by Alberta Transportation without consultation with stakeholder groups is unacceptable.

We, therefore, request that Alberta Transportation take immediate action to reopen this important river access site to the public.

Yours sincerely




Peter Crowe-Swords, Director

Calgary River Users Alliance