
ALBERTA WATER COUNCIL

MEETING #25
August 24, 2009
Calgary, Alberta

Summary of Discussion

1 Administration

1.1 Welcome and Approve Agenda

Jim Ellis convened the meeting at 1:00 pm. Those present introduced themselves. The agenda was approved by consensus.

2 Water Allocation Transfer System Upgrade Project (WATSUP) Team

Jim Ellis reminded the board that the work done by the WATSUP Team will provide important information for Alberta Environment's review of the province's water management and water allocation systems, including the upcoming stakeholder engagement activities.

Ron Pearson and Jim Webber presented the team's final report and recommendations. They acknowledged the work of Christine Macken who provided project management, Petra Rowell who prepared the report, and Lorie Wagner for her editorial assistance. The team's mandate was to recommend improvements to better utilize and enhance Alberta's water allocation transfer system, within the context of the existing *Water Act* and in respect of the principle of first in time, first in right. The team recommended improvements in six main areas:

- Protected water and the Water Conservation Objective
- Tradable licences
- Three-tier applications and approvals system
- "Do no significant harm"
- Proposals to address unused water and return flow water
- Data and information

A challenge for the team was to ensure it stayed within its mandate. Some discussions related to other legislation and policy regimes, but changing the *Water Act* was outside the team's mandate.

The board discussed the team's report and recommendations. It is important to ensure transparency and accountability so the board agreed that the WATSUP report will be amended to indicate which stakeholders hold differing views on the recommendations that do not have consensus. In future, team reports that do not have consensus on all recommendations will include this information when the reports come to the board.

The following additional points were noted in discussion with the WATSUP team. Responses by the team are noted in open bullets.

- How will aspects like "in good standing" and "significant harm" be determined?
 - Like all applications, the onus will be on the applicant and definitions will be determined by Alberta Environment. The team sought to provide clearer criteria to guide those decisions, knowing that perfect clarity won't happen.

- How will “protected water” be assessed? Will it be based on volume, percentage, or flow rate of the river?
 - We expect it will be a percentage or flow rate. This will likely be determined by the GoA and WPACs.
- Recommendation 4 is a good goal. A challenge in the South Saskatchewan River Basin will be achieving the WCO all the time in all reaches of river. How likely is it that the GoA will buy out users such as a utility or irrigation district to achieve it? Is that a realistic expectation?
 - The team notes that it didn’t examine all the costs and implications, but feels that modest acquisitions could be made; there are various mechanisms to find least cost solutions for the greatest benefits. However, one potential conflict is that the GoA is both regulator and purchaser in a market; therefore an independent agency may need to play a role.
- Does the principle “do no significant harm” in Section 3.5 apply to all three bullets, or just the one on groundwater?
 - It applies to all of the bullets.
- In Section 3.5 does “... groundwater that interacts hydrologically within the geographic bounds of a basin...” mean *groundwater under the influence*.
 - Yes.
- Do licences that define the diversion and return flow exist or would this require a change to the *Water Act*?
 - Licences related to diversion and return flow already exist.
- Recommendation 13 does not seem to match the text immediately below it regarding whether an amendment can be used instead of a transfer if the original purpose of a licence is being changed. If the purpose is being changed even though it is the same user, is the person able to amend the licence?
 - The recommendation matches the department’s new policy regarding changing the purpose of a licence. The idea is that if a person is starting a new area of business they would have to use a transfer, rather than an amendment, to change the purpose to ensure fairness with their competition.
- Recommendation 16 and an amnesty program could free up more water than the market can absorb. Would there be any way to bank that water?
 - If the water is not used or absorbed by the market within five years, the licence would be cancelled.
- Return flows seem more focused on water volumes rather than quality. It could be better to have a lower return flow if the water is of poor quality.
 - This was not considered.

Regarding Recommendation 17, one member noted that return flow would be difficult to measure for the Irrigation Districts because they use natural channels for return flows and these are impacted by precipitation.

It is expected to take four to six weeks to prepare the report for public release, and a press release will be done at that time. The report will also be posted on the website at that time. Until then, the report should not be considered a final public document. Alberta Environment will work closely with Council staff to ensure that activities are coordinated, and the board will be kept informed. If the media express an interest in the report before it is formally released, Gord Edwards will respond to questions.

The board thanked the team for its extraordinary work to complete this task and its excellent work on a very challenging and complex topic.

Decision 25.1: The board agreed by consensus to:

- 1. Approve the Water Allocation Transfer System Upgrade Project Team's final report and recommendations;***
- 2. Approve the team's communication plan; and***
- 3. Disband the Water Allocation Transfer System Upgrade Project Team.***

3 Criteria for Identifying Significant Areas Working Group

Scott Millar reviewed the background on this work, noting that in June, the Council agreed to scope a project that would recommend a set of criteria to identify significant aquatic ecosystem areas within Alberta's watersheds. Part of the impetus for this project was the regional planning occurring under the Land-use Framework. The project's objective is to select, modify or develop up to ten provincial ecological criteria to aid and guide the identification of areas within Alberta's watersheds that substantially contribute to aquatic ecosystem health. This work is not meant to be part of the work already underway on environmentally significant areas (ESA). It is a stand-alone aquatic piece of work that speaks to some aspects not covered by ESA, although they could be pulled together as they use the same modeling tool.

The team aims to have a final report and recommendations to the board in November, which will require a special board meeting.

The following points were noted in discussion.

- Should the additional cost of about \$5,000 for a special board meeting in November be included in the budget? The team considered asking that the October board meeting be moved to November. Staff advised that a status report will be presented to the October meeting and core funds are available to hold a special meeting.
- The Alberta Water Research Institute has two research teams working in related areas and the principal investigators may be able to collaborate somewhat with the team.

Decision 25.2: The board agreed to:

- 1. Approve the proposed terms of reference for a Provincial Ecological Aquatic Criteria for Health Project Team.***
- 2. Approve the creation of the Provincial Ecological Aquatic Criteria for Health Project Team.***
- 3. Approve a special meeting of the Board of Directors to consider the team's final report in November 2009.***
- 4. Disband the Criteria for Identifying Significant Areas Working Group.***

The meeting adjourned at 2:55 pm.

Attachment 1: Meeting #25 Attendees

Council Directors and Alternates

Maureen Bell, NGO (Environmental)
David Breakwell, GOA and Provincial
Authorities (Alberta Energy)
Carolyn Campbell, NGO (Environmental)
Jerry Cunningham, Government (Métis
Settlements General Council)
Jim Ellis, GOA and Provincial Authorities
(Alberta Environment)
David Hill, GOA and Provincial Authorities
(Alberta Water Research Institute)
Colin Jeffares, GOA and Provincial
Authorities (Alberta Agriculture and Rural
Development)
David Kay, NGO (Wetland Habitat
Conservation)
Mike Kelly, Industry (Power Generation)
Stuart Lunn, Industry (Mining)
Dug Major, NGO (WPACs)
Ron McMullin, Industry (Irrigation)

Dwight Oliver, Government (Rural)
Ron Pearson, NGO (Fishery Habitat
Conservation)
Rob Pritchard, Government (Large Urban)
Richard Quail, Government (Small Urban)
Dave Rushford, Industry (Oil and Gas)
Doug Sawyer, Industry (Agriculture)
John Skowronski, Industry (Chemical and
Petrochemical)
Lindsay Telfer, NGO (Environmental)
Jason Unger, NGO (Environmental)
Jay White, NGO (Lake Environment
Conservation)
Jamie Wuite, GOA and Provincial Authorities
(Alberta Agriculture and Food)
Bev Yee, GOA and Provincial Authorities
(Alberta Environment)
Gord Edwards, AWC Executive Director

Presenters:

Ron Pearson, Trout Unlimited and Jim Webber, Western Irrigation District (WATSUP Team)
Scott Millar, Alberta Sustainable Resource Development (CISA Working Group)

Guests:

Bob Barraclough, Alberta Environment
Rod Bennett, Alberta Agriculture and Rural
Development
Gillian Kerr, Alberta Environment

Derek Lovlin, WPACs
Kelly Ness, Alberta Environment
John Trefanenkeno, AUMA

AWC Staff and Contractor Support

Terry Sly, Lorie Wagner, Kim Sanderson

Absent with Regrets:

Al Kennedy, Industry (Chemical and Petrochemical)
Alex MacKenzie, GOA and Provincial Authorities (Alberta Health and Wellness)
Eric McGhan, GOA and Provincial Authorities (Alberta Sustainable Resource Development)
Keith Murray, Industry (Forestry)
Larry Nolan, Industry (Livestock)
Judy Smith, Industry (Mining)
Kevin Stashin, Industry (Oil and Gas)
Allan Wells, Government (Métis Settlements General Council)

Attachment 2: Decision Log

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ALBERTA WATER COUNCIL
AGENDA, MEETING #25
August 24, 2009
McDougall Centre, Calgary

GENERAL BUSINESS OF COUNCIL

- 1:00 1.0 Welcome and approve agenda – Chair 10 min**
- 1:10 2.0 Water Allocation Transfer System Upgrade Project Team 130 min**
Approve the final report and communication plan. Disband the team.
- 3:20 3.0 Criteria for Identifying Significant Areas Working Group 30 min**
Approve terms of reference for the creation of a project team, establish the project team, approve a special meeting of the Board of Directors to consider the team's final report, and disband the working group.
- 3:50 New or Other Business 10 min**
New items of business or other items of information for Council.
- 4:00 Adjournment**