

ALBERTA WATER COUNCIL

MEETING #37

June 13, 2013

J.G. O'Donoghue Building, Edmonton

Executive Summary

The board welcomed three new alternate directors at this meeting: Ahmed Idriss for the Power Generation Sector, Stephanie Neufeld for Lake Environment Conservation, and Hugh Sanders for WPACs. Two winners of the Alberta Emerald Challenge Award for Water who have connections to the Council were also recognized: Shirley Pickering for her leadership and work with the Oldman Watershed Council, and Alberta Environment and Sustainable Resource Development for the Wet Areas Mapping Initiative.

The board agreed to amend the Council's Stakeholder Support Policy to provide support to sector/Member organizations for organizing and facilitating communications between sector/Member delegates in support of Council processes and for coordinating delegate selection to Council's board of directors and teams. Requests for such support must be forwarded to the Executive Director by September 1st to ensure they are included in the upcoming budget.

The Government of Alberta provided an update to the Council, focusing on developments related to the new Alberta Energy Regulator (AER) and the new environmental monitoring, evaluation and reporting agency. The AER will be fully functional within a year and the monitoring agency is expected to be in place by 2014.

The board also established an Aquatic Invasive Species Project Team and approved its terms of reference.

Following the board meeting, directors and alternates engaged in a business planning session which is documented separately.

Summary of Discussion

Rob Pritchard convened the meeting at 8:50 am, welcoming three new alternate directors: Ahmed Idriss for the Power Generation Sector, Stephanie Neufeld for Lake Environment Conservation, and Hugh Saunders for WPACs. Those present introduced themselves. Two winners of the Alberta Emerald Challenge Award for Water who have connections to the Council were also recognized: Shirley Pickering for her leadership and work with the Oldman Watershed Council, and Alberta Environment and Sustainable Resource Development for the Wet Areas Mapping Initiative.

1 Administration

1.1 Welcome and Approve Agenda

The Chair reviewed the agenda, which was approved by consensus.

1.2 Summary Report from March 21, 2013 Meeting

Decision 37.1: The summary report for the March 21, 2013 meeting was adopted by consensus and will be posted on the Council website.

1.3 Action Items from March 21, 2013 Meeting

Gord Edwards reported that both action items from the last meeting have been completed; AI-EES will provide an update on its research at the October Council meeting.

1.4 Management Report

Gord Edwards referred the board to the management report in the briefing package, noting that the period since the last board meeting has been quite busy. The NPS Pollution report was released on June 4 and drew some media attention. The CEP release is planned for June 18 and the Minister will attend. Gord provided additional financial details as is usual for the June meeting. The Council will likely come in slightly below the approved 2013 budget of \$995,000. Gord introduced Sunny Yeung who has assumed bookkeeping responsibilities on a contract basis. Sunny's contract will be a separate line item in the 2014 budget.

1.5 AWC Stakeholder Support Policy

The Chair reviewed the background on the Stakeholder Support Policy and the changes that are being contemplated, with reference to the decision sheet in the briefing package. This item arose in response to a request from the Alberta Environmental Network to enter into a fee-for-service arrangement with the Council. The Executive Committee discussed the potential ramifications for the Council's budget, and considered the changes that would be needed in the existing stakeholder support policy to accommodate this new approach. Some of the items that could be covered under this arrangement were identified in section 5 of the amended policy.

Because this is an administrative item, the Executive recommended that a vote by written ballot be held to determine if the board supported a change to the policy. The bylaws specify that a 2/3 majority of Members present is needed.

During the discussion prior to the vote, AEN representatives provided additional background on the AEN structure and process, noting that until two years ago, ESRD had provided

support to facilitate their participation on the Council. The following additional points were noted by board members in discussing this item:

- Many sectors have challenges engaging their members, but not all are expected to request this support.
- The Council could put a cap on who could request support, based on the organization's annual budget (e.g., if it is more than \$500,000, they would not be eligible).

The board was asked to vote by answering "yes" or "no" to the following question:

Do you support an amendment to the Council's Stakeholder Support Policy to provide support to sector/Member organizations for organizing and facilitating communications between sector/Member delegates in support of Council processes and for coordinating delegate selection to Council's board of directors and teams?

Decision 37.2: The board agreed, by an 80% majority, to amend the Council's Stakeholder Support Policy to provide support to sector/Member organizations for organizing and facilitating communications between sector/Member delegates in support of Council processes and for coordinating delegate selection to Council's board of directors and teams.

In the board's discussion of the amendments, the following points were noted:

- Section 5 of the amended policy should be simple, indicating who the decision maker is (i.e., the Executive Director). If many requests come in or if the Executive Director has any concerns about a specific request, he could ask the Executive Committee for guidance.
- The upper limit of \$7500 should be adequate for the near term. Alternatively, the Council could cap total allocations (e.g., at \$60,000 per year). CASA and the AEN have a contract which could provide some guidance.

Decision 37.3: The board agreed to the amendments proposed by the Executive to the Stakeholder Support Policy, with one change: The text "At the discretion of the Executive Director," will be added to the beginning of the first bullet in section 5.

2 Government of Alberta (GoA) Update

Rick Blackwood provided an update on various GoA activities relevant to the Council. His remarks are provided, with the subsequent discussion noted.

- Alberta Energy Regulator
 - When fully integrated, the AER will carry out the regulatory functions currently fulfilled by ESRD and the Energy Resources Conservation Board (ERCB) for upstream oil, gas, oil sands and coal
 - Under the enhanced regulatory system, the Government of Alberta (GoA) will set policy and outcomes that the AER must meet
 - Environment and Sustainable Resource Development will continue to be accountable for setting environmental policies, including policies relating to water
 - Once the AER is established and begins regulating water for upstream oil, gas, oil sands and coal, it will make decisions under GoA's legislative and policy framework
 - Phased proclamation of the *Responsible Energy Development Act* (REDA) is set to begin in June 2013, at which time the AER will begin operations, and assume

the functions of the ERCB under the six statutes administered by Alberta Energy (DOE)

- In Phase I, the AER will assume energy-related regulatory functions for upstream oil, gas, oil sands and coal activities by transferring the current energy regulating body into the AER
- Future phases will transfer related public lands, environmental, water and geophysical regulatory functions for upstream energy development activities under the *Public Land Act*, *Water Act*, *Environmental Protection and Enhancement Act* and Part 8 of the *Mines and Minerals Act* to the AER
- Within a year from start—up, the AER will be a fully integrated regulator
- ESRD co-leads a transition team planning the AER’s carrying-out of regulatory functions under the environmental statutes
- The Policy Management Office (PMO) is a newly established office reporting to ESRD and Energy and is currently defining its role in ensuring policy integration between the GoA and the AER
- The GoA has a *Water for Life* Cross-Ministry Steering Committee which is responsible for the integration of policy discussions. The Energy Resources Conservation Board is currently part of the *Water for Life* Cross-Ministry Steering Committee and the AER will likely continue in that role
- As a member of the *Water for Life* Cross-Ministry Steering Committee, the AER will have the opportunity to provide input to policy makers and have an interface with the AWC via ESRD’s and Energy’s membership on both the Cross-Ministry Steering Committee and the AWC
- ESRD currently regulates water for all sectors and provides an operational perspective for its policy makers. Once AER takes over regulating water for the upstream oil, gas, oil sands and coal sectors, new processes may be required to include those sectors’ operational perspectives
- Environmental Monitoring Agency
 - Creation of the environmental monitoring, evaluation, and reporting agency is well underway.
 - The Environmental Management Board is nearing completion of its advice and direction they will to provide to the Minister relative to the creation of the arms-length monitoring agency
 - The planning stage is nearing completion. We anticipate that the legal mechanism to create the arm’s length agency will be complete in the fall of 2013, enabling the agency to be operational by early 2014.
 - Alberta’s new environmental monitoring system will evolve to have a cumulative effects focus.
 - It will provide credible data, evaluation and reporting to inform policy and regulatory decision making
 - The new arm’s length Alberta Environmental Monitoring, Evaluation and Reporting Agency will be the system “operator” to coordinate and integrate monitoring programs in Alberta.
 - The Agency will be accountable to the Minister of ESRD and responsible for the coordination of:
 - Baseline monitoring
 - Cumulative effects monitoring

- Data evaluation and management
 - Ongoing reporting on the conditions of the environment in all regions of Alberta
- Council members were advised that Grant Sprague has been appointed as Deputy Minister of Alberta Energy and Dave Burdek new Assistant Deputy Minister of Policy and Environment Sector Alberta Agriculture and Rural Development. Dave is the new Director for AARD on the AWC Board.

Discussion

Q: Will monitoring now being done by a GoA department such as Agriculture be transferred to the new agency?

Rick Blackwood (RB): This is under discussion as we work to clarify and confirm what the new approach to monitoring will be. One approach is for the agency to describe the scientific rigor required for monitoring, and groups that are monitoring now will continue with a new protocol. It seems impractical for the new agency to take on all monitoring responsibilities itself.

Q: Will there be a single repository for all data?

RB: Yes. The new agency will be responsible for developing and managing a transparent data set. Discussions are underway about how accessible this will be and when. We want to be as transparent as possible with a common data set but this would require a substantial technology effort so it is being considered carefully.

Q: Can you provide any details on the arm's length nature of the agency as well as how the evaluation component will be carried out?

RB: Some things are still being worked out. The agency would assemble data, evaluate the data and report on trends. It would not give a "thumbs up" or "thumbs down" evaluation, but would provide solid information based on trends and this would guide new policy or GoA responses. The definition of arm's length and the mechanisms to do it are still being developed. The intention is that the agency will be independent in terms of defining the scientific rigor required for the monitoring, evaluation and reporting program.

Q: Can you advise on the state of the discussions between the GoA and the Government of Canada regarding changes to the Fisheries Act?

RB: This is still under discussion. All jurisdictions, not just Alberta, are trying to get clarity.

Q: Will the AER be responsible for developing policy on operations or will it just implement GoA policy?

RB: For day-to-day operations, the AER will set its own tone, and for higher policy matters, it will reside with the GoA.

Q: The ERCB could put additional, sometimes more stringent, requirements on proponents beyond those imposed by ESRD. Will the AER have that capacity?

RB: Yes.

Q: Will upstream oil and gas and oil sands be removed from Environmental Protection and Enhancement Act regulations?

Martin Chamberlin, Alberta Energy, agreed to discuss this and other related issues brought forward by the individual during the break.

3 Aquatic Invasive Species Working Group

John Willis and Jon Sweetman presented draft terms of reference (TOR) for a new project team on Aquatic Invasive Species. The proposed project team would review current prevention and management approaches in Alberta and other jurisdictions and make recommendations to improve awareness, communication and coordination of activities by stakeholders in Alberta.

The following points emerged during the board's discussion of this item:

- The draft TOR do not describe work to determine the “state of” aquatic invasive species in Alberta (e.g., what species do we have now, what are the major threats).
 - The aim of the project is to quickly raise the profile of this issue. Some aspects of the project, such as the jurisdictional review, could lead to potential new management approaches. The definition of what is an aquatic invasive species will also provide clarification.
- The focus on recommendations to improve awareness and communications sounds more operational and immediate as opposed to prevention and management.
 - A lot of work is already underway in Alberta and this project aims to establish who is doing what and develop a more coordinated approach. The intent is to inform GoA monitoring, inspection and other existing approaches to addressing aquatic invasive species. ESRD is now working on a policy and this work will align with the policy development and current activity.
- Some plants along the water's edge are of increasing concern and the team may want to consider how to address riparian and wetland species.
- Other potential team members could include agricultural field staff, pesticide applicators, and those familiar with native plants in Alberta.

Decision 37.4: The board:

- 1. Approved the proposed Aquatic Invasive Species Project Team Terms of Reference, with an amendment to ensure the assessment includes an understanding of the state of aquatic invasive species in Alberta.*
- 2. Approved the creation of the Aquatic Invasive Species Project Team.*
- 3. Disbanded the Aquatic Invasive Species Working Group.*

4 Status Reports

The chair directed the board to the two status reports in the briefing package.

5 New or Other Business

There was no new or other business. The chair thanked Alberta Agriculture and Rural Development for hosting this meeting.

The meeting adjourned at 10:30 am and the board moved into a business planning session.

Attachment 1: Meeting #37 Attendees

Council Directors and Alternates

Maureen Bell, NGO (Environmental)
Rick Blackwood, GOA and Provincial
Authorities (Alberta Environment and
Sustainable Resource Development)
Mark Brostrom, Government (Large Urban)
Bob Cameron, NGO (Environmental)
Carolyn Campbell, NGO (Environmental)
Martin Chamberlain, GOA and Provincial
Authorities (Alberta Energy)
Chris Fordham, Industry (Mining)
Jim Hackett, Industry (Power Generation)
Jenny Hong, GOA and Provincial
Authorities (Alberta Health)
Ahmed Idriss, Industry (Power Generation)
Al Kemmere, Government (Rural)
Sharon McKinnon, Industry (Cropping)
Ron McMullin, Industry (Irrigation)
Keith Murray, Industry (Forestry)
Stephanie Neufeld, NGO (Lake Environment
Conservation)

Rob Pritchard, Government (Large Urban)
Hugh Sanders, NGO (WPACs)
Jenelle Saskiw, Government (Small Urban)
Doug Sawyer, Industry (Livestock)
Greg Sears, Industry (Cropping)
Jeff Surtees, NGO (Fisheries Habitat
Conservation)
John Skowronski, Industry (Chemical and
Petrochemical)
Jay White, NGO (Lake Environment
Conservation)
Jamie Wuite, GOA and Provincial
Authorities (Alberta Agriculture and
Rural Development)
John Zhou, GOA and Provincial Authorities
(Alberta Innovates – Energy and
Environment Solutions)
Gord Edwards, AWC Executive Director

Presenters:

Gord Edwards, *Management Report* (Item 1.4)
Rick Blackwood, *GOA Update* (Item 2.0)
Jon Sweetman and John Willis, *Aquatic Invasive Species Working Group* (Item 3.0)

Guests:

Linda Jabs, Alberta Environment and Sustainable Resource Development
Sharon Willianen, Alberta Environment and Sustainable Resource Development

AWC Staff and Contractors:

Andre Asselin, Alesha Hill, Terry Sly, Sunny Yeung, Petra Rowell, Kim Sanderson

Absent with Regrets:

Ken Brown, NGO (WPACs)
Lars DePauw, Industry (Oil and Gas)
Dawn Friesen, GOA and Provincial Authorities (Alberta Health)
Perry McCormick, NGO (Wetland Habitat Conservation)
Stuart Thiessen, Industry (Livestock)
Jason Unger, NGO (Environmental)
Dana Woodworth, GOA and Provincial Authorities (Alberta Environment and Sustainable
Resource Development)

Attachment 2: Meeting #37 Action Item Log

There were no action items from this meeting.

Attachment 3: Meeting #37 Decision Log

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Decision 37.2: The board agreed, by an 80% majority, to amend the Council's Stakeholder Support Policy to provide support to sector/Member organizations for organizing and facilitating communications between sector/Member delegates in support of Council processes and for coordinating delegate selection to Council's board of directors and teams.

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ALBERTA WATER COUNCIL
AGENDA, MEETING #37

June 13, 2013
Alberta Agriculture and Rural Development
J.G. O'Donoghue Building
7000 - 113 Street
Edmonton

NOTE: Broad Category caucusing from 8:00 to 8:45 am.

GENERAL BUSINESS OF COUNCIL

- 8:45 1.0 Administration – Chair 30 min**
1.1 Welcome, review health and safety and approve agenda
1.2 Approve Summary Report from March 21, 2013 meeting
1.3 Review of actions from last meeting
1.4 Review Management Report
1.5 AWC Stakeholder Support Policy
- 9:15 2.0 Government of Alberta Update 15 min**
Hear an update from the GoA.
- 9:30 3.0 Aquatic Invasive Species Working Group 30 min**
Approve the terms of reference for Aquatic Invasive Species Project Team
- 10:00 4.0 Status Reports 15 min**
Refer members to status reports in the board package with brief opportunity for questions or clarification.
- 10:15 5.0 New or Other Business 15 min**
New items of business or other items of information for Council.
- 10:30 Adjournment**