

South Saskatchewan River Basin
Water Management Plan
Phase One

Results of Consultation
With the Basin Advisory
Committees & General Public
January – February 2002

Compiled by
Alberta Environment
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Process

Basin Advisory Committees (BACs) were established in the four sub-basins of the South Saskatchewan River Basin. The objective of the BACs during Phase 1 was to provide advice to Alberta Environment on implementing transfers of allocations of water under licence.

Membership on the BACs was designed to represent all sectors interested in water management. BAC members are listed in Appendix A [*All noted Appendices are included in Results Of Consultation With the Basin Advisory Committees October – November 2001*]. Each sector was invited to select its own representative on the BACs.

A series of meetings were held with the BACs during October and November 2001 (Appendix B). The process began with a joint meeting of the BACs on October 10th, followed by meetings of the individual BACs.

A workbook on transfers was prepared to assist the BACs in their deliberations (Appendix C). The workbook contained background information and questions on:

- The matters or factors that must be considered in making a decision on a transfer.
- Withholding a portion of an allocation to protect the aquatic environment or implement a water conservation objective.
- The information that should be tracked concerning transfers.

The BACs had far-ranging and productive discussions concerning transfers (Appendix D). They generated excellent ideas and advice on how issues related to transfers should be handled. These ideas have been reviewed and evaluated to develop the draft water management plan for Phase 1.

This is the second report which incorporates public input received during January 2002 following the open houses and the second joint meeting of the BACs. A copy of the open house advertisements is provided in Appendix A of this document.

A series of open houses were held through Southern Alberta. These included:

Lethbridge	Tuesday, January 15, 2002	Approximately 43 attended
Red Deer	Tuesday, January 15, 2002	Approximately 30 attended
Drumheller	Wednesday, January 16, 2002	Approximately 15 attended
Bindloss	Thursday, January 17, 2002	Approximately 40 attended
Medicine Hat	Monday, January 14, 2002	Approximately 35 attended
Calgary	Tuesday, January 15, 2002	Approximately 55 attended
Brooks	Wednesday, January 16, 2002	Approximately 34 attended
TOTAL		Approximately 250 attended

In addition to these meetings a joint BAC meeting was held on Tuesday, January 22, 2002 in Calgary. All comments received from these meetings were then compiled. There were approximately 56 people who attended this meeting.

Comments

A comment sheet was provided to solicit input on the Draft South Saskatchewan River Basin Water Management Plan – Phase #1.

This document contains the information provided on the comment sheets that were returned plus other comments that were sent in by mail, fax, or e-mail.

People were asked which sub-basin they reside in. This is noted (in parentheses) with each comment.

What is your overall opinion on Phase #1 of the Draft Water Management Plan (e.g., excellent, good, poor)?

- Very brief, no background or framework to understand why this is being pushed. What other options are possible? Closer to poor than good. (RD)
- Poor – The BAC may be being used to rubber stamp some things the minister has already decided. (RD)
- Good – Keep audiences focused. (B)
- O.K. as far as it goes. Just the “technical” points of water allocation transfers are covered, as a “tool”. But the bigger picture is not addressed – conservation for the long term. (RD)
- Very Good – the need for a process to resolve water management needs and protect the environments are well noted. (O)
- Good – More thought needs to be given to where the endpoint is to the overall plan. (SS)
- Poor – I am not aware of a strong need or desire to sell water allocation. Who is pushing this? (SS)
- Good (RD)
- I think coverage of the issues and the intentions outlined are all very good. Consideration seems to have been given to a wide variety of issues and concerns. (B, RD)
- I only read the info package. But I was a presenter at the 1984 S. S. River Hearings as well as the Pearce Federal Hearing in 84, and the Alberta Water Act Review. (RD)
- I am totally against allocation transfers. Unused licences should be cancelled. But if we must have transfers, I would rate phase 1 as adequate. (B)
- The presentation at the Ramada Inn should have had the question period at the end instead of through the presentation. Would have been more focused. Needed more notice to be able to read and understand the documents with respect to the deadline of January 25th. (B)
- Overall opinion Good. (O)
- The words are well chosen to provide an innocuous seeming proposal. (RD)
- My overall opinion on Phase 1 of the Draft Water Management Plan is “fair”. (O)
- Good (O)

- Poor – Most of the water users did not pay for their licence – why should they be able to sell it? (RD)
- A good start. All available inputs from all sources should be sought and used. (RD)

Which area of the Draft Water Management Plan do you consider most beneficial?

- Listing of “matters and factors”, at least we now know what’s considered in approving transfers. (RD)
- Conservation and Protection on the watershed. Supporting measures that the public are initiating on their own. (RD)
- Restriction on new allocation transfers. But these are vague in regard to quantity, duration, uses other than irrigation, etc. (RD)

Also, timelines for approval/disapproval of applications are unclear.

Prices on transfers are left to individuals! Why? Water is a publicly-owned necessity.

- The resolve to maximize the benefits of water and the efficient use of this water in Southern Alberta. (O)
- Maintaining minimum water flow to benefit the riparian areas while respecting the water rights of the permit holders. (SS)
- This removes any justification for terminating unused licences. Any unused allocation is now an investment, not a waste. (SS)
- Respect for senior licenses, and for economic concerns of water management plans. (B, RD)
- Listen to public not just to industry. (RD)

Stop the abuse and misuse of our waters.

Stop the subsidizing of industry with free water.

Stop using Bow and Sask Rivers for demand power – sustained power only like Bearsaw and Dickson.

- The ability to claw back up to 10% of the licence. But the onus is backwards. The Plan should require a 10% reduction unless the transferee can establish that a lesser amount would be adequate. (B)
- Being able to monitor the transfer of water and use the information to determine how much water can be allocated and the amount to remain in the stream. (B)
- Most beneficial area? That the S.S.R.B.W.M.P. will work within the Water Act. (O)
- This plan is not beneficial to conservation interests and future goals of water cycle protection. (RD)
- Holding back 10% of the water allocation – Allows for better management for environmental concerns and drought planning. (RD)

Long term assessment of impacts on agriculture and rural communities (social and economic) are important to protect our communities from.

- Water is of necessity becoming a prime problem. With drought conditions upon us and global warming its about time something is done. All this is considered beneficial. (RD)

What changes (if any) would you like to see to the Draft Water Management Plan (i.e., what areas could be improved and how)?

- Need history/framework on how regular licences work? What is a priority? What is the context of needing this so quickly? (RD)

Why did the gov. let south get over-allocated? By letting south get more licences than was supposed to, the gov. forces restrictions on what is possible in the Red Deer basin now.

Describe other options/tools that gov. can use to fix their mess, not just transfers.

How will you keep big money from taking all licences?

- Provisions on Holdbacks. There should be a much greater percentage of water that can be held back and kept in the rivers and streams. 10% seems to low maybe 30% or greater. With potential drought conditions continuing, there is a much greater risk to the aquatic systems. (B)

The return flow from users should be monitored and regulated to a certain standard of water quality.

- More monitoring of flows, withdrawals and better enforcement of licenses, e.g., Petroleum Industry. (RD)

More attention must be paid to protecting springs and ephemeral streams in the white area.

- The potential exists for large multinational corporations to buy up water licences and exercise control over us though these acquisitions. This must not happen. (SS)

- Our biggest concern is the lack of water in the River. We are unable to irrigate at times, even though we have a senior license. The Red Deer River has been getting consistently lower over the last 10 years. (RD)

- Liability (B)

More clarification on who provides, or reviews honesty of the detailed data necessary to make a transfer decision. The seller is likely to embellish the data to promote the sale. The government being part of the data collection becomes involved. If a transfer does not perform as expected, and the buyer sues, is the province embroiled in the suit? Care for "Buyer Beware" status a must to protect the province when making tricky judgements. The last decision (whether to transfer or not) must be made by the buyer when he is faced with all the data and conditions.

- This change will give windfall profit to some present irrigators while squeezing out the smaller operators (younger?) that cannot afford to buy a high priority licence. 10% holdback is not much good. If an unused allocation is sold, the flow in the river will decrease by 90% of the amount. The 10% will not result in higher in-stream flow. (SS)

- Given the current and future increased demand for water, and given that there are numerous small water rights currently allocated that aren't being used, I understand the rationale for selling water rights separate from a land sale transaction. I also understand that such transfer would provide an opportunity to reallocate a portion back to unallocated stream flow and believe that holding back up to 10% of a water right is a legitimate "cost" for making such a transfer between the buyer and the seller. (SS)

However, I am concerned about the “proposed unsupervised change of use” of such water right allocation transfers. To me there should be an opportunity for other current users of an existing use (ie. irrigation) to obtain additional water rights before a sale involving a change of use takes place (ie. to an oil company or to a manufacturing plant). Many of the old irrigation schemes are small flood projects that currently involve more work than they are worth. Since they are attached to the title, they currently sit idle. New irrigation technology provides better more efficient methods of irrigating but the scale of the project has to be larger than the old original flood projects were, to be economical.

Hence, before these projects are sold to other parties, current land owners should be given the opportunity to consolidate smaller projects. And secondly, other land owners with small irrigation projects should be given the opportunity to obtain (purchase) additional water rights currently registered for the same purpose from willing sellers, so they can have a viable irrigation scheme, before that water right is sold and used for a different purpose. Thirdly, since Irrigation Districts are irrigation water right holders, even they may be interested in acquiring unused individual water rights from landowners as a way of obtaining the right to irrigate more land within their District. Finally, in situations where the allocation of water rights is near the total available within a given creek or river, the government itself should consider purchasing water rights back to maintain enough stream flow to service those, who are using their water rights, before a water right is sold for another purpose.

How can this be done? A few ideas come to mind

1. The government should first provide a listing service of water right owners who are willing to sell water rights. This listing could then be circulated to existing water right holders within the same water basin on a regular basis. This would provide the opportunity for potential buyers and sellers of water rights currently allocated for the same purpose to get together.
 2. Public notices of a proposed water right sale involving a change of use should be required before such a sale can proceed. Current water right users should have a right to object to such a transaction. And should be provided “first right of refusal” to obtain the water right in question by meeting the previously agreed purchase price. In the event there is more than one objection, with an expressed interest of purchasing the said water right, the first one to request the opportunity to match the purchase price would “win” the bidding right to purchase.
 3. Rather than the Irrigation District itself purchasing a private water right, it might be more appropriate for an individual water user within an Irrigation District to purchase the water right and then have the irrigated acreage added to the acres serviced by the Irrigation District on his place. In this case the Irrigation District would have to give prior approval for the water user to go acquire the additional water right acres and the water user may also incur some added cost, if the Irrigation District had to install some additional infrastructure to service the added acres.
 4. The open market should decide what a water right in this case is worth. That is why major players like Irrigation Districts and the Government itself should not be directly purchasing water rights. If the government itself, was going to purchase a water right it might be appropriate for it to have a third party arrange the purchase to avoid being the price maker for water rights.
- Clear limits on quantities allocated for industry. (RD)

Gov’t regulation on “sale” prices of licenses. Water is not a “commodity” for private sales! Once that starts, N.A.F.T.A. will be invoked. Saying it is “only the allocation that is sold, not the water” is a fallacy.

The April “deadline” for presentation to the Minister is too short for full public input and disclosure, and is obviously to “pacify” the drought areas in S.E. Alta. - the Minister’s riding?! The whole picture must be fully considered in public, in long-term thinking.

- I do not think that 10% should be taken from water rights holders that transfer their rights. If the natural flow is too low in the basins all water users should be required to contribute to increasing the flow. This indicates to me that water is over allocated in this region, so no more water should be allocated. New water users should be required to acquire their water from previously issued permits. If river levels are too low, Environment should have to buy water rights to restore flow to levels deemed appropriate. Average values of water transfers should be published so all can put value on water rights. (SS)
- It is troubling to see reference made to instream objectives as a consideration for Directors when deciding on holdbacks in water allocation transfers. The reason is that there has usually been a big discrepancy between what are considered instream needs, and instream objectives. In considering transfer holdbacks, the consideration should rightly be for instream needs as opposed to the more subjective objectives. Too many holdbacks will kill much beneficial allocation trades. (B, RD)
- All consumptive use of water should carry a fee for use. (RD)

And water licenses should only be transferred as part of the land when it is sold or transferred.

All effluent discharged into public waters should be treated to a standard to remove the nutrients as well as the solids and chemicals.

Flows should only be enhanced for biological improvement not for dilution of pollution.

Development should not be encouraged in water short areas.

Wetlands and riparian lands should be protected as a priority.

- See the answers above. (“I am totally against allocation transfer. Unused licences should be cancelled. The onus [for holdbacks] is backwards. The Plan should require a 10% reduction unless the transferee can establish that a lesser amount would be adequate.”) Licences are issued for no consideration. They allow unlimited access to a public resource (up to the licenced amount). Licensees should not be allowed to profit on the transfer of an allocation for which nothing was paid by the licensee. (B)

As well, all diversions should be metered and a rate charged for the water used. This would encourage conservation. Large penalties should be levied for wasting water.

- Changes. As someone who is working as a member on a few committees on the Highwood Management/Highwood Diversion Plan PAC, it would be beneficial to understand how the HMP is to be used as a test case for the SSRBWMP. We are in fact dealing with your phase 1 and phases you may not get to until we are done with our Highwood Management Plan. We are supposedly under your umbrella and some of the test cases for the SSRBWMP done in the HMP are as I understand it, funded by the SSRBWMP. Some clarification here would be helpful. A fuller understanding of exactly how the SSRWBMP intends to use the HMP as a test case would also be helpful. More open houses in the sub-basins would be very useful. People need to know what is going on and the public has a right to know. This was not an advertised phase 1 announcement in our local paper. In regards to the transfers of licenses, I offer the following for consideration. A license allocation that is not in good standing could be temporarily transferred before a water management plan is approved. The approved temporary transfer and same use of that allocation would then show the license to be in good standing. It would then be in good standing as a permanent transfer. Transfers and holdbacks should remain on the licensed water

body it was approved for and for the same use. (A licenses water allocation on the Little Bow or Mosquito Creek should remain on the Little Bow or Mosquito Creek." Transfers should be given preference to a down stream applicant. When we are trying to do water balancing in order to meet the demands, it would seem prudent to keep the allocations where they were originally licensed, and be grand fathered. Moving water around from basin to basin later on could change what the present HMP would have worked very hard to balance in the first place. I would hate to see what may have established and approved as a water management plan for the 3 sub-basins be changed. This may happen at some point, but water flow regime stability through the approval of a management plan for the Highwood, Little Bow and Mosquito Creek Basins is essential. (O)

- We need a new Alberta water policy that prohibits fresh water injections for gas and oil production. All fresh water use should be regulated on the bases of non-polluting use and non-depleting rules. Integration with Forestry and Agriculture policies that give water considerations priority. (RD)
- Licence holders should not be able to sell their allocation because (RD)
 - 1) Agriculture users could never compete with big business
 - 2) Farmers could sell their water to one person and the land to another leaving their land without water rights.

Water allocation transfers should not be done through a third party i.e. – government with the affected parties paying for the cost of transfer (administrative).

Government should encourage efficiency of use by granting transfers to the most efficient users or implementing a charge for the water (water meters).

- agricultural use (irrigation, ranching, farmsteads) needs to be entrenched.
- water rights should remain with the land.
- business should consider (or be allowed) to develop where suitable and available supplies of water are present.

Water transfer from one basin to another should not be considered!

- each sub-basin(Oldman, Bow, Red Deer) should be managed as a separate entity and not the sum of all their water measured and 50% of that allocated to Saskatchewan.
- water conservation could also be achieved with the 10% holdback or through a rebate program that charges for water use but refunds part of the cost if the money is allocated for improvements in water efficiency.
- One should look at past allocations and their fairness. For example we have strong objection for the future (sale) of unused portions. Doesn't this encourage stock piling as well as conserving. If a profit can be made someone will figure out a way to make a dollar in future. Care should be taken on this one. (RD)
- Re-organize the plan in this manner. (B)
 1. Introduction
 2. Purpose of Phase 1 of the Water Management Plan for the South Saskatchewan River Basin
 3. Terms of Reference
 4. Summary of the Issues Considered
 5. Description of the area in which the WMP applies

6. Summary of Information Assembled as part of planning process - Appendix "B"
7. Description of Public Consultation Process
8. Water Allocation Transfers
9. Phase 1
 - Look at Strategies, etc in Framework & analyze in relation to Integrated Resource Management & Strategy for Protection also Municipal Development Plans, Forest Management Plans, etc.
10. Recommend Options & Strategies
11. Relationship with Other Planning Activities
12. Matters and Factors That Must be Considered in Reviewing applications for Water Allocation Transfers
 - A. List
13. Water Conservation Holdbacks
 - B. List
14. Water Allocation Transfers Evaluation
 - C. List
15. Performance Monitoring Requirements
 - Reports
 - Reviews

Appendices

- A. Definitions
 - B. References
 - C. Details of the Public Consultation Process
 - D. Relationship of the SSRB Water Management Plan To Other Planning Activities
 - E. Existing Water Management Policy For the South Saskatchewan River Basin
 - F. Topics Concerning Transfers that could be Tracked and Evaluated
- Section 4. Description of the Planning Area – Outline each basin.
 Section 5. Description of the Public Consultation Process – Can there be a map for each BAC?
 Section 13. Definitions – These should be firm definitions.
 Section 14. References - (availability – give # where can be obtained)

Shouldn't we reference all the papers that we were considering & reading in order to make these decisions? i.e., David Percy's paper & Irrigation Districts paper.

- Substantive and Editorial Comments on the Draft Plan. (RD)

Section 2

3rd paragraph:

- "evidence that the limit of water is being approached" – this is better stated in Section 8 (Water in the SSRB is reaching the limits of its availability . . .) can more information be provided to substantiate the 'claim' of evidence?
- "including the projects listed in the SSRB Allocation Regulation" – why are these projects (mostly irrigation) singled out? There are a myriad of other water needs throughout the entire basin just as important to different communities and areas

Section 3

Re-title as “The Questions Considered”

- the points listed are questions, each with a host of issues

Section 5

Retitle the section “Consultation Process”

This section should be split into two portions, the first being Basin Advisory Committees, for which I offer the following:

- delete “town/village” since they are municipal, which is listed earlier
- in the October 2001 Alberta Environment listing of Committees, the sectors listed are: municipal, industry, agriculture, environment/recreation/tourism
- the roles of the BAC should be listed, as per terms of reference for BACs
- the sentence that states the BACS were the focal points for public consultation must be deleted; this is incorrect and misleading as it is not a role nor the intention of members on the BACs to be the focal points for consultation – the BACs are to help facilitate, provide advice, etc. re: public consultation and issues

The second portion should address public consultation:

- number of meetings
- attendance by basin (Red Deer, Bow, Oldman, South Saskatchewan)
- summary of ‘key’ input
- refer to a summary report (which documents public input)

Section 6

Add to the list of information assembled:

- public input at the seven public meetings

Revise wording:

- “Every effort was made to ensure . . .” since the wording exaggerates the efforts made

Section 7

Appendices addition

- if the Water Management Policy is to be appended in Table C, then the SSRB Water Allocation Regulation should receive similar treatment and be also appended (note : especially if mention to the Regulation remains in Section 2)

Section 8

This section is sketchy

- especially since it is likely not commonly understood that having a water license does not guarantee the holder the ability to divert (use) the amount of water licensed
- again, the mention of “reaching the limits of its availability” is really deserving of more information being included

Wording

- “where it is needed” – this implies that the licensed water is not needed, which may not always be true – reword
- “sold” – at our BAC meetings Environment staff have carefully avoided this term – it is interesting to see the draft call ‘a spade a spade’

Detail re: “good standing”

- it should be a role of the management plan to clarify what is ‘good standing’
- the plan should also address if the portion of water, within a license in good standing, that has not been used nor ‘reasonably expected to be used’ is transferable – there was considerable opinion at the joint BAC that ‘unused’ water should not be transferable

Section 9

Table 1

- do not differentiate between factors listed in the Water Act and other factors
- add to list – ‘license in good standing’
- does the list include the assimilative capacity of the river, or reach thereof?
- the timing, rate and volume of the proposed new diversion is also important (add to sixth factor listed)
- the factor re: Master Agreement on Apportionment – the clarification re: “effects on the ability of the SSRB to meet apportionment” is only a part of the ‘issue’; the factor also must mention “the effect on other sub-basins to assist the fulfillment of the apportionment requirements”

Section 11

With the input at the joint BAC meeting this section should be retitled ‘Monitoring and Evaluation of Water Allocation Transfers’ and the text reflect the BAC input

- the section needs to recommend what will be monitored and evaluated, not just provide a list of factors that may be considered

Section 12

This section is disjointed and requires rewriting

- Split this section into two:

(1) Future Phases and (2) Future Review and Term of Effect

The Future Review and Term of Effect section

- must clarify the status of the Phase One portion of the plan and that following the completion of Phase Two the Phase One portion will be reviewed and may be amended
 - must state that the Phase One portion has a sunset provision, such that it is only in effect until no later than December 31, 2003 (note: this is in accordance with direction from the joint BAC, thus meaning upon completion of Phase 2 the Phase One portion will be reviewed, amended where necessary, and rolled into an ‘entire’ Water Management Plan for the SSR Basin. However, if Phase 2 is not completed by the end of 2003, then Phase One no longer has status).
- Editorial Comments on the Draft Plan (B)
 - Section 8. – third sentence, “transfers” (term of contract? how are these tracked? cumulative? accuracy?)
 - Section 10. – holdbacks should be automatic since the objectives won’t be set until phase 2.
 - Section 12.

First paragraph, “time to time” should be set at minimum 5 yrs.

Fourth paragraph, “ten years” – make it 5 years

Fifth paragraph, remove word “possibly” and put a specific

Seventh paragraph, second bullet, “further allocations” - or portions thereof?

Last sentence in the paragraph following the second bullet, “could” - change to shall.

– Section 13. Definitions

“Director” - needs to be a transparent line of authority up to the minister, who is elected and accountable.

“Instream Need” – the Ors should be ands, at least to a specific measure.

“Instream Objective,” last sentence – change can to shall

“Licence in Good Standing” – Add a sixth bullet: breach of Fed. Acts?

“Natural Flow” – Is “natural flow” determined annually?

“Water Conservation Holdback” – I think the holdback should be mandatory.

“Water Conservation Objective,” “based on information available to the Director” - “available” is inadequate – what if an applicant deliberately held back information?

Point (ii), “or” - again it should be “ands”.

last line of quote from the *Water Act*, “may” – change to shall.

– Appendix ‘C’ – Under 1. – List “desirable instream needs.” Define “drought conditions.”

Under 2. – guidelines must include requirement to move to drip irrigation by a date.

Under 3. – meet commitments by using northern AB. basins.

Under 5. – should this be reviewed, 11 years later? what guidelines? By when?

– Appendix ‘D’ – shouldn’t this whole page be a requirement under each management plan?

- Holdbacks: Transfers should be broken down into two classes Permanent and Temporary. For permanent transfers, the holdback of a percentage of a license is an effective tool in protecting the environment and in helping achieve future instream objectives. For temporary transfers, however, a holdback clause will discourage transferring. Temporary transfers will usually occur in times of shortage or rationing and can be very effective in ensuring that economic, social and environmental losses are minimized during times of shortage. By implementing a holdback scheme, users will be less apt to enter into temporary agreements because they lose a portion of their license permanently, thus jeopardizing their use on a long-term basis. This will actually breed inefficiency into water management and will be detrimental to what is trying to be achieved. (O)

There should be no holdback for temporary transfers. Definitions of what would constitute a temporary versus permanent transfer would be required. For permanent transfer, a fixed percentage system (i.e., 10%) should be implemented across the board so that everybody is on

the same playing field. Floating percentages will lead to political arguments and appeals that are both counter-productive and unnecessary.

4. Are there any additional points that you would like to raise or emphasize?

- Too rushed - how can you expect thoughtful feedback with no time? (RD)

Draft says "every effort" made for participants to understand - obviously not true because of rush - so what else in the document should I not believe?

- Do not promote more irrigation development and quit letting huge licenses for injection. (RD)
- Sometimes I think we are renegotiating the Water Act. Do not promote that. The Water Act is the anchor upon which we work transfers, any other arrangement would be chaos. (B)
- The "planning" is understaffed and overworked, doing their best. (RD)

The notification for public meetings is far too short. What's the "hidden agenda" here? This is all our futures!

Meeting held in Red Deer. 40 people attended urban & rural. Dissatisfaction strong with the speed & "secrecy" by the Gov't. Presenters working HARD, but clearly frustrated.

- It seems to me that the limit of the water resource in the southern part of the basin has been reached, yet new allocations are being accepted, which in time may be sold or transferred. My concerns are to do with whether there has been a rush of requests for water only to be used for inter basin transfers for quick profit or gain, putting the environment at risk. And is the provision for a 10% Holdback on transfers once the act is in place an attempt to correct mistakes that may be made or have been made to the river system. If this is the case wouldn't it be better to stop issuing new licenses until all studies are complete. P.S. I am a Rancher and Agricultural water user and know all the economic concerns of this important resource, but I do live on the Oldman River and have grave concern for the aquatic environment. (O)
- Government should not be involved in making decisions on the use of water allocated. The private sector will develop the most beneficial use of their water use for their business. (SS)
- When the Water Co-op (a consortium of 700 farmers, formed to build a pipeline from the Milk River Ridge Reservoir to southeastern Ab.) buys an allocation from a person who has a water allocation to sell, What will happen to the land of the seller, who no longer has water rights. Will this land be allowed to go back to dry land farming, will it be sold for acreages, will it lay fallow and blow away. As there are 16 applications for water allocation transfers before the Co-op, that will be a lot of land lost from one irrigator to another. Do you foresee a problem here.... (SS)
- We are opposed to allowing the sale of water licences. Water must not be treated as a commodity which can be owned, traded, sold. It must be treated as a public trust belonging to the earth and all its creatures to be used carefully and wisely with the recognition that we are completely dependent on the natural environment for our survival and well being. (RD)

Those who possess water licences did not make the water, did not pay for it, cannot claim to have paid for water infrastructure any more than other Albertans, must not be allowed to make a profit on an element of life which is non renewable and irreplaceable.

Unused licences or portions thereof must be returned to the appropriate provincial authorities for redistribution, and the government must employ enough qualified people to make sure that the ecological integrity of these river basins is strictly maintained.

(The water division of Alberta Environment is seriously understaffed and seems to be more intent on serving the wants of industrial users than protecting water quality and insuring water conservation.)

Section 83 (1) (withholding 10% of a transferred allocation) should be rewritten so that water could be withheld from all allocations when protection of the aquatic environment or conservation is required. The percentage of the allocation which could be withheld probably, should be more than 10%.

- Water is a life line in this part of Alberta, where it is traditionally so dry. Our rivers need to be maintained much better. Without water this area would be nothing but a desert. (RD)
- It wasn't clear how many additional phases are planned. This process must require several phases to deal with many issues. (O)
- Consideration should be given to registration of a license on the title to avoid future disputes as to if a licence was attached to a parcel or if it had been transferred. (O)
- Our government should recall 1971 when it preached P.R.I.M.E is a crime, and got elected opposing inter basin transfers. (RD)
- Do not even think of doing anything that will affect the Treaty Rights of the First Nations People and their water. (SS)
- It is important to reduce licenced withdrawals on the Bow River. Almost 100% of its flow has been licensed – a mistake of the past that must be corrected S.A.P. (B)
- Why does the Phase 1 plan not meet all the requirements of the Terms of Reference concerning instream needs? The Terms of Reference states that stressed river reaches will be identified. This has not occurred. (O, SS)
- Could licences be purchased from others so that the water would remain in the stream. Example: A conservation group buy another users licence and have that allocation stay in the stream. (B)
- I have concerns about any approval by the Steering Group of the implementation of Phase One until the following issues have been adequately address. (SS)
 - 1) Safeguards to prevent interbasin transfers of water and in particular transfer of allocations to the United States. I understand that Alberta government lawyers are currently reviewing this question as it might be affected by NAFTA, but there seem to be differences of legal opinion.
 - 2) Safeguards to prevent corporation from acquiring licenses for developments detrimental to family farms and to communities. I understand this has happened with transfers for intensive livestock operations in one region of the US.
 - 3) Safeguards to prevent speculation in water licences.
 - 4) A firm commitment within the Plan to meet instream needs as identified by TING in all sub basins of the river. This may require government to purchase licences to meet the basic requirements of maintaining a healthy river system.

According to the Terms of Reference, Phase I has three objectives: yet only the first of these has been addressed in the public consultation process, both in the Basin Advisory Committee meetings and at the Medicine Hat open house. The second objective had been deferred until Phase Two without explanation. An understanding of instream flow needs is prerequisite to intelligent discussion of the implications of a system of water allocation transfers. Such transfers may increase the efficiency with which water is used and will certainly increase the intensity of water use in the region, but apart from a doubtful 10%, the same amount of water will be used, so it remains unclear to me how intensification and expansion of use will conserve water, or maintain the health of the river system, which has to absorb agricultural wastes, as well as provide drinking water and a host of other societal needs.

South Saskatchewan Sub-basin.

The following comments refer to the South Saskatchewan reach from Grand Forks to the provincial border. They may, or may not be applicable to other sub-basins.

Since at least 1996 we have been repeatedly told that an instream needs study is underway for this reach of the river. I appreciate that delays are often inevitable, although a six-year delay seems somewhat excessive. However, I understand that this report has now been completed but is not yet to be released to the public. This means that this first phase of planning is to be finalized in a couple of months without citizens being provided the information needed to have any intelligent dialogue on this vital question.

In absence of any information to the contrary, I suggest that this reach of the river is already stressed and over-allocated. In the spring of 1992, river flow rates at Medicine Hat were recorded at 330 cfs. as a consequence of upstream irrigation districts drawing off their full allocation of water. If a flow rate of 330 cfs. results from irrigation districts taking the water to which they are legally entitled, then clearly the water in this river is over-allocated. Yet since that time new licences have regularly received approval and apparently will continue to be approved until at least the end of this year, when water conservation goals will be set. But at that time all existing licenses will be honoured and so we have the usual shutting-the-stable-door scenario. In this Plan there is no firm commitment that instream needs will be met and no provision for restoring the health of this river sub basin.

A 1500 cfs instream objective for this reach was established after 1992, but this was an arbitrary number, was not based on scientific evaluation, and was not reached with any public consultation. The Water Management Model indicates that this IO is often not met at critical times in spring and late summer. The model (which has great educational potential) also assumes that water availability over the next few decades will be similar to that for the 68 years that were considered. The weather gods may not agree. Would it not be advisable to model a couple of scenarios on the assumption of global warming?

Public Process.

The public consultation process in which Phase One was presented in open houses was inadequate to allow for assimilation of unfamiliar information and proper review for questions and discussion. Obviously in a matter as complex as water management this cannot be accomplished in one evening. There is a need for a follow up meeting to the open house to allow for a review of some implications of Phase One, including the concerns listed above. **All** citizens have a stake in water management, not just the so-called stakeholder groups. The public was not provided any summary information of what recommendations the BAC's made. Nor is there any indication of how, or even whether public concerns submitted by January 25 will

be addressed. I appreciate that Water Resources has had insufficient time to arrange and conduct a proper public review and so this comment is not a criticism of staff who, I don't doubt, are doing the best they can. But the fact remains, and so the question arises as to why Phase One is being fast-tracked?

While I appreciate that Water Resources is endeavoring to introduce better management initiatives and that the situation is a very complex one, I feel the whole process is backwards. The need to conserve water is a given. But we have yet to identify the goals or the options available to us and these are being deferred until Phase Two. Whereas Phase One is devoted to implementing a single option that may or may not achieve goals that as far as public consultation goes have yet to be identified.

- Water licences should not be bought and sold. This commodification of water is a patronage pay out to old money cronies, and a step towards loss of regulation controls to F.T.A.A. agreements. (RD)
- Water Allocations Transfer Workbook matter (factor) 7 states "Existing, potential or cumulative hydraulic, hydrological and hydrogeological effects (including linkages between surface and ground water: and apportionment with Saskatchewan) should be considered when making a decision on application for Transfer of an allocation Under License. (O)

However, I believe from my personal experience when trying to access data for hydraulic, hydrology, hydrogeology and ground water aquifers and the interconnection of ground water aquifers with surface water that the data is either non-existent or is over 70 years old. What data there is covers a very large area in general detail. It is not applicable to a finite area such as a "stretch" of stream.

What needs to be investigated immediately is the linkage between surface and ground water, especially now that Southern Alberta is in a drought situation. Many of our best water wells are located close to streams and their tributaries in Southern Alberta. Southern Albertans have observed the water table dropping over recent years and many rural and urban water wells "drying up".

How does ground water influence surface water and vice versa? What is the extent of ground water supplies? Before water transfers can be made "in good conscience", an excellent knowledge of all items in matter (factor) 7 should be known. This information is not presently known. The Minister of Environment needs to be encouraged to appeal to Cabinet that funds are urgently needed to obtain this data so that educated decisions can be made. This affects all citizens in all areas of a particular basin or watershed.

Mr. Peter Watson states in reply to Mr. Brian Hammond's statement, "I would hope that as bureaucrats you people made it very clear to the Minister that [that] perhaps was [an] unreasonable time line". Mr. Peter Watson states in reply "that the first phase is pretty focused and a little more mechanical". Does Mr. Watson realize that data needed for matter (factor) 7 is non-existent? None of Alberta Environment, P.F.R.A., Alberta Research Council or our academic universities have the needed data. Mr. Dave McGee alludes to lack of information with regard to ground water in the minutes of the same Basin Joint Advisory Committee Meeting. He will be expected to make transfer decisions without the above data!

As a part of matter (factor) 7 above, Mr. Pentney states to the Joint BAC meeting "that the instream flow needs science is essentially completed". Mr. Peter Watson states that "BACs will be getting all of this information on this instream flow needs science as part of the first phase and that's what we will be asking you to focus on for this phase". It is my understanding that this instream flow needs science is still not complete and is still being worked on and certainly hasn't reached the public for discussion.

On a positive note, the 10% holdback on transfers will be very beneficial for the aquatic environment of the major rivers and their tributaries as most streams in Southern Alberta are in a stressed condition. It would be beneficial if transfers in stressed streams such as Mosquito Creek were allowed only within the stressed stream. Mosquito Creek is missing from the map in the Draft Phase I. This creek flows through a very large watershed. Please correct this map for accuracy and detail!

It would be beneficial if it was recognized that poplar forests are not the only vegetation in the riparian area on streams of the Oldman Basin.

It needs to be recognized that a healthy riparian area helps to improve the water quality. Also a healthy riparian area may improve the water quantity on some stretches of our streams. This is an area, which requires further investigation. Professional jealousies need to be over come and scientific data presently available internationally needs to be accessed and interpreted correctly so that it becomes part of a solution to our water shortage, if even on a smaller local scale.

I believe that Mr. Brian Hammond's letter of November 8, 2001, titled "Issues for Upstream Water Users on the Oldman River Basin" has excellent ideas that should be further considered for all areas of the South Saskatchewan River Basin.

Mr. Heinz Unger of BRBC states in part "Just from looking at the extremely tight time table, the public consultation process seems more like an exercise in tokenism". Other BAC members expressed similar thoughts. I attended the Open House at Lethbridge City Hall on Jan. 15, 2002. I raised the fact with Mr. Doug Ohrn that the public had not been aware of the open house.

Mr. Ohrn stated that I was being overly critical and that the publicity budget was \$10,000. I stated that I was not being critical and that my point was that members of the public need to be "brought along" with the information as the phases of the water management plan are developed. After all, every citizen drinks several glasses of water every day! They need to be informed especially with the present drought situation. I phoned the editors or reporters of the Nanton News (Dylan Purcell), Claresholm Local Press (Rose Saunders), and the High River Times (Bruce Campbell). These editors either did not receive any notification of the open house, or if they did, did not realize it was of importance to their readers. In the future, all the above editors suggested a notice could be placed in their papers under "Coming Events". This column is always checked by their readers. Also the editors are ready to receive well written articles with a note stating how the material is of importance to their local readers. Also they would appreciate a phone call. Of course they would accept a paid add! A seven-day "lead time" is needed, as these papers are weekly publications. In the future have more than one open house in each basin. Have an open house in each sub-basin.

In closing, I am most appreciative to all the BAC representatives for their time and effort spent on the draft plan and am also appreciative of the efforts of all members of Alberta Environment.

Thanks to all participants.

- Interbasin transfer should not be considered. The environmental risk is too great. Put the development where the water is available. (RD)
- Do we get feed back? If Special Area Project in our area eventually goes where is the route and in long-term can we draw on it to get rid of well dependency. (RD)
- Monitoring and Enforcement. There is no mention on how monitoring and enforcement of water transfers in the actual river basin will be conducted. Roles and responsibilities of the governmental departments, and both the transferee and transferor should be developed. Water management from "paper" to "field" will become more and more important as the value of water increases. (O)

- We realize the urgency of the matters surrounding water allocations and transfers between license holders in the light of the severe drought and water shortage. We are however concerned with the risk of proceeding too quickly and creating pitfalls for future water consumption and allocation issues. (RD)

We have difficulty fully understanding the merits of allowing water to be a tradable commodity through license transfers. Admittedly this will encourage users to conduct cost evaluations of potential monetary exchanges thereby encouraging water conservation. However, we are deeply concerned that wealth will determine who ultimately acquires water rights in the future, potentially contrary to the collective needs of rural Alberta. We cannot see agriculture for example, effectively competing in any price negotiation with industrial developers vying for the same water. Disconnecting or reducing water availability to certain lands will devalue those lands and limit food production. It makes little sense in our minds to protect agricultural lands and not protect its ability to produce.

Although we do not have a full understanding of all the issues around water license transfers, we are obviously very concerned with any decision that may effect the viability of agriculture. Do you not think a special body or an agency of government could be utilized to assess any license transfer and the impact it might have on agriculture, prior to the transfer being approved?

In spite of our concern for what is being proposed, we understand the need to make some decisions on this issue. We support water transfers and the proposed 10% holdback from each transferred license (for conservation and future allocation purposes) as a temporary measure only. We suggest that an immediate and well-advertised campaign begin to notify and seek public comment. A series of open houses could be an opportunity for your department to bring information to the table that will allow us to better understand the issues, form opinions and provide meaningful feedback.

1. We felt that the public participation notice was too short, and only one member of Council was able to attend one of the public information sessions held. We felt that this general shortage of notice resulted in a poor attendance at the session held in our area. This is unfortunate, as some of the general questions we have about the proposal may have been addressed at these sessions. (RD)
2. The report notes that “there is evidence that the limit of water resource is being approached in the SSRB.” We would like to see a statistical analysis of this evidence on a river by river basis. As you can appreciate, we are very concerned that future development in our municipality will be restricted by a general lack of water. We are also very concerned that surface water management is not being analyzed in conjunction with anticipated available ground water supplies. In Starland County, we have a very limited supply of ground water for project development, and we feel that areas like ours should have a greater access to surface water sources because of this. We would encourage Alberta Environment to expand the scope of the study, and look at the total water picture.
3. In principle, the concept of water allocation transfer could provide an opportunity for increased water efficiency; however, we have a fear that water as a commodity could become too expensive for traditional water users in our area, primarily agricultural development. More importantly, we feel that one of the matters that should be considered in approving a transfer of an allocation of water is that the water can't be transferred from one river system to another. We also feel that municipalities should have the opportunity to comment on proposed transfer applications.
4. The Water Act has a provision to allow holdbacks of up to 10% of an allocation of water under a licence that is being transferred. One of the major requirements is the need for mitigation of existing, potential or cumulative effects on the aquatic environment. While we support this objective, we feel that there is a need for a detailed plan on each river to ensure that early

transferees are not the only users that contribute to the aquatic environment. This is certainly an item that should be considered when you establish water conservation objectives.

- First off, I have to say that unless Alberta Environment asks people intelligent question (and has done its homework so it can answer the questions the public asks in return) not much in the way of intelligent input on this issue will materialize. That was the first thing I had to learn as a fledgling reporter and something which I hope I have not forgotten how to do.

A lot of what people were saying was, more or less, what people were saying at the Water Management Policy and Legislation Review meeting that Premier Klein started when he was Environment Minister in 1991. A lot of what people were saying at the preliminary meetings and commentary period which led up to the Water Act was again very similar to what people have been saying at the current set of meetings on water management.

This leads me to query whether the government is what we used to say in the old days 'a bit slow on the uptake', or (as it has done over and over again with health care) is it doing re-runs until someone finally says what it wants to hear. So far, this government has acted mostly contrary to the public good. I hope the government does not have a hidden agenda in this case, though my 'sixth sense' tells me it probably does – like maybe privatization of water management.

If I'm wrong, and the government really does want to do what is best for the environment and the future generations of Albertans I hope it will make a note of the following suggestions: First of all, the potential effects of the impending climate change have to be incorporated into any models the environment department creates for monitoring the capacity of all rivers in this province to sustain future water withdrawal sustainably. Last year, for example should have been a wake-up call that several are 'over-allocated' to use one of terms used in the meeting notes.

Secondly, while many people at the meeting seemed to remember the needs of the river's aquatic ecosystem – almost as an afterthought in some cases (even though wildlife and fish and game people were in attendance) - the health of the river has to be the Environment Department's first concern. Obviously, if you continue to drain the river dry, there will be no water for anyone and the effluent discharges into the river will reduce it to a stream of toxic waste.

Surely, we have learned something from the Americans about how not to treat a river. Just take a look at the mess they made of 'managing' the Colorado river as an example, or the pathetic trickle of toxic water from the once mighty Rio Grande that now oozes across the border into Mexico. The water is so polluted that anyone who falls in has to be decontaminated.

While millions of dollars have since been spent in an effort to return both of these rivers to health, it will never be possible to completely rehabilitate either river – at least not in my lifetime. Prevention is always the cheaper way to go. While I don't have the most recent statistics, I do have reports from 1998 which indicated that while air pollution in Alberta is second only to Ontario, our water (at least at that time) was relatively pristine.

Along these lines, there was a lot of discussion about, licensing, allocations, 10% hold-backs, possible fees for transfers and even some talk of interbasin transfer when, (judging from the answers given by Alberta Environment spokespeople) the government has not fully researched the implications of any of these things in the context of the federal government's jurisdiction and the NAFTA agreement – not to mention the World Trade Organization where leaders have recently started to discuss the possibility of international water transfers. The worst part of this was that our government (at the Qatar meeting) seemed to have been swayed by the megacorporations lobbying for international rights to trade in water.

As examples of what can happen because of the Chapter 11 section of NAFTA, which allows large corporations to sue our country if Canadian laws happen to interfere with their ability to make a profit, let me mention the suit involving our government and the US giant Ethyl Corp.

which sued our government for \$100 million because our government wanted to remove MMT from our gasoline. Rather than fight it our government decided to settle out of court for \$20 million and we are stuck with using this toxic chemical.

Recently, a decision in favour of another US company, SD Myers, a waste disposal company, (should the appeal be lost) could cost our government US \$20 million in compensation even though, for the period in question, US laws did not allow imports of waste from Canada. More recently still, Crompton Corp, another large US chemical maker and broker, is suing Canada for deciding to ban Lindane, a highly dangerous and persistent organochlorine pesticide which, as it happens, can no longer be made in the US and sales of it there are being phased out.

These are scary times we live in. Our national sovereignty is being called into question. So, who is Mr. Klein to say no exports of water outside of Canada. Our omnipotent Prime Minister is also saying, we will not consider water as a commodity (out of one side of his mouth), and no wholesale exports of water will occur, however his representative at the Qatar meeting was busily telling third world countries to vote with Canada on clause 31-iii which will eliminate tariffs and barriers to 'environmental services.'

While my opinion of our ability as humans to 'manage' anything – let alone water and the environment – is not very high, I have to tell you that any managing we do in the future has got to be done in such a way that it doesn't allow multinational corporations to move in to Alberta and take control of our water or any other resources which, under international law could be construed as a 'commodity'. No, I'm not being paranoid here.

If you weren't convinced by what I said earlier about US companies winning law suits against our government for making laws, or decisions, or respecting international treaties, which didn't happen to suit these companies, then take a look at Monsanto's suit against Percy Schmieger. Monsanto was so elated by its win over this unfortunate farmer that it is now suing a whole bunch of US farmers for similar patent infringements. Thankfully, a bunch of Saskatchewan organic farmers have formed a group and are now attempting to sue Monsanto for polluting their fields with GM genes and destroying their livelihood as organic growers. If they win (and I sincerely hope they do) it will set a serious precedent in favour of democracy and the rights of the people and, hopefully make these giant corporations sit back and think, if nothing else.

So, I guess what I'm saying is that when you are drawing up rules and regulations for 'Managing' Alberta's rivers, you had better be very careful about the wording of your water agreements/licenses. I personally believe that any mention of dollar exchanges when parts of a licensed 'allocation' is 'transferred' will trigger NAFTA, or worse (WTO).

Although it stupidly, in my opinion, says in the Water Act under certain circumstances, interbasin transfer could be considered, I am willing to wager that if you do this it will automatically lay us open for NAFTA's Chapter 11 to kick in. The environmental implications of this are enough to give me nightmares without thinking about what could happen if a bunch of greedy US or multinational companies start staking claims on Alberta's rivers and lakes.

In the notes from the October 10, 2001 Four Basin Joint Advisory Committee Meeting Mr. Dave McGee, for Alberta Environment, said, "Water rights don't exist in Alberta...Nothing in the Act says anything about water rights." I found that really upsetting, to say the least. Especially when the government in all its advertising about Water Management and the Water Act and how everyone had to sign up to assure they had 'rights' in case of a water shortage.

Actually, on Page 48 of the Summary of Public Comments (July to December of 1991) Water Management in Alberta, the title of the page is "Surface Water Rights" and near the bottom of the page under "Your Comments" it says "Existing Water Rights." Other headings read "Review of Water Rights," "Water Rights for Instream Flow Needs," "Priority of Water Rights" and so forth. What happened to all these rights when the new Water Act left the draft stage and became law?

I would wager there will be a lot of very cranky people when they find out their inalienable rights, as citizens in this province, to water have been usurped by our new Water Act.

While I'm questioning Alberta Environment, I'm going to ask the same question that Colin Kure of Red Deer asked: Given that the oil and gas companies are withdrawing enough water from our rivers, streams, and lakes (for well injection and so forth) to cover the province in about an inch of water, why wasn't the AEUB present or any representative from that industry? Only Nova and Union Carbide are on the Red Deer BAC. Nova, of course, is dumping tonnes of benzene down a deep well on its property. I don't know what Union Carbide is doing other than using river water for processing. This is a question that begs an answer and yet Mr. Ohrn was not briefed on the subject and could not comment (Nov. 23/01).

While I have a lot I could say about how the government should go about ensuring that aquatic life and stream health are assured, those issues can wait awhile longer than the issue of what to do to encourage water efficiency. It is obvious not a heck of a lot has happened since the government first started talking about it in 1991.

For starters, allowing people to sell unused portions of their allocations, will trigger NAFTA faster than it will stimulate economic water use and as one person said speculators might step in. Then, in order to think about buying new 'water miser' irrigation equipment farmers have to have money. After these past few years of drought and water shortage not too many farmers have money for seed, let alone new equipment.

Forming water/irrigation co-ops – groups of farmers working together and sharing equipment – has worked in less developed countries. This requires that the farmers coordinate planting and types of crops grown so that no one has to wait so long for equipment that his crops suffer. It probably requires more cooperation than many would be comfortable with. However, by making purchases as a group and buying in bulk the farmers can get better deals on everything from seeds to equipment so that each farm would have its own.

Another way to encourage efficient use of water would be for the government to provide low interest loans to buy water saving equipment, or tax incentives, and then gradually reduce the water allotments. The water saved should go into a 'trust' (i.e., not sold or licensed to some one else) either to improve stream health, held back in a reservoir for later emergency, or sent downstream for users in the next reach of the river. If all the users along a river considered their downstream neighbours, water shortages in the lower reaches of rivers could be greatly reduced or eliminated.

As one person at the meeting noted, a city or community which has outgrown its present water allotment could negotiate for extra water from a water cooperative by assisting the co-op to reduce its water use. Perhaps the urban center might help the farmers to eliminate surface canals (where a lot of water is lost to evaporation) and install underground pipes and a solar pumping system. Urban centers always have equipment and workers on their payrolls and these are sometimes left idle at certain times of the year. Thus assistance could be given without any money changing hands.

There are many such ideas which could be gleaned from the growers themselves. I was a farmer once myself so I know that farmers are very good at bartering for things. I think many people are now convinced that water shortages could very well be with us for a long time. They really want to reduce their 'footprint' on the earth. They just can't afford to stick their necks out, financially speaking, in these perilous times.

And that's where we need a government which will give the people confidence that it has protected their 'rights' and has put regulations in place for the benefit of all and that no faction of society will be treated any 'more equal' than another. I wish I had confidence that this government

was capable of doing that. Unfortunately, I've been following this water fiasco thing for the past 12 years and I have not been pleased with what has gone on so far.

Your job is to get out there and prove me wrong. Get at it. (RD)

Which basin do you reside in?

Bow River Basin Red Deer River Basin Oldman River Basin S. Sask. River Sub-Basin

- Red Deer River Basin – 15
- Bow River Basin – 6
- Oldman River Basin – 7
- S. Sask. River Basin – 7

South Saskatchewan River Basin
Water Management Plan
Phase One

Open House Notes

January, 2002

January 14 2002

Medicine Hat

Attendance: approximately 35

- Most of the questions or comments made were of a more technical nature on how transfers would work.
- One person commented on the "market system for water" and opposition to it.
- A comment heard was that the purposes to which transferred water is put should be considered.
- The "monopoly" concern was also heard.

January 15, 2002

Lethbridge

Attendance: approximately 43

- There were quite a number of technical questions about transfers.
- Comment advocating measures to conserve water.
- Request if it was possible to extend the timeline to provide more time to study the plan and provide comments. *Response: We are on a tight timeline and are reluctant to change the schedule.*
- Should charge GST on transfers to ensure government gets some benefit from transactions
- Concern that transfers transactions would create an underground economy, evading income taxes and GST.
- Opposition to commodification
- Need for conservation in the basin
- Some discussion on inter-basin transfers. *Response: It is expressly not permitted by the Act and it is not what the meeting is about.*
- Monopoly concerns, fear about the "big American corporation" buying up all the water.
- Request for explanation of instream needs vs. water conservation objectives vs. instream objectives vs. minimum flows
- Government should track water prices so people will know the going rate
- Complaints that the meetings were not well enough advertised.
- Resentment that withholding water imposes an unfair burden on licence holders by costing them part of the value they could get for their allocation. Statement was made that this burden should be shared across society.
- Statement was made that if water has to be withheld, then the basin is overallocated.
- Concern about the oil industry potentially using up lots of water for injection. Statement made that this is "immoral" in an arid area.

- Many people appear to be confused about transfers and irrigation districts. There is a lack of understanding that the water allocation transfers provisions apply only to licences issued by Alberta Environment, and not to the water rights held by farmers in irrigation districts.

Red Deer

Attendance: approximately 30

- Common concern: the process is too fast, not enough time between the advertisements and the open house to obtain and read the plan
- Most concerns were about the process (the speed of), rather than the plan's content
- The use of potable water for oilfield injection was a concern
- Apportionment came up, but just for information, not as an issue.
- Many "big picture" concerns about water are appropriate for the Water Strategy discussions with its broader focus.
- Concern about the volume of information and complexity of the issues in light of the brief time period for input.

Calgary

Attendance: 55

Questions and Comments Raised by Participants:

- What do you mean by 'seniority?' *Response: 'Seniority' refers to the date of application for a licence. Older licences have seniority over newer, junior licences.*
- Do transfers apply to surface and groundwater? *Response: Transfers are applicable only to surface water because we do not know enough about the location of aquifers. Ground water that has a direct hydraulic connection to surface water is considered to be surface water.*
- Who is the 'director?' *Response: The 'director' is a person designated under the Water Act to carry out specific responsibilities.*
- Do the matters and factors simply become a checklist? What kind of process does the transferor have to go through? *Response: The process will be more than a checklist. It will vary depending on the kind of information needed to evaluate the application.*
- There are potential impacts if an allocation is moved upstream. For example, if this kind of transfer involved a hog farming operation (where the number of hogs increased at the upstream location) there would be significant impacts. Will Alberta Health be involved? *Response: The concern regarding impacts on water quality was raised by all four BACs. It might be necessary in some cases to refer the application to Alberta Health to get their advice.*
- Can an allocation be transferred from agriculture to industry? *Response: Yes.*
- Transfers should not happen. Is this an open topic for discussion? *Response: This topic is open for discussion. Potentially, the plan could state that no transfers be allowed.*
- Can multinationals apply for a transfer, and the benefits of this transfer go to another nation? *Response: Multinationals can apply for transfers if they are operating in Alberta. Diversion of water outside of Alberta is not allowed*
- Has AENV looked at the legal implications of NAFTA? *Response: We are looking at it.*
- Does a transferred licence specify exactly where water can be withdrawn? *Response: Yes.*
- What happens to a licence that is not in good standing? *Response: It won't be considered for transfer.*
- If you transfer a licence to someone and he misuses it, can the original licence holder get the licence back? *Response: We are not sure, this is something to discuss and provide comments on.*

- Will there be limits on prices? *Response: It is not the intention of the government to set limits, but the public may provide input on the potential for limits.*
- What is the purpose of a holdback? *Response: There are 2 purposes: to protect the aquatic environment and to implement a water conservation objective.*
- Where does the 10% come from? *This was established during the development of the Water Act. It was considered to be reasonable compromise.*
- The only people who can appeal are those that are directly affected? *Response: Yes, statements of concern can be submitted but only those who are directly affected can appeal.*
- Are the conditions of a transfer defined? *Response: No, this is done on a case-by-case basis.*
- How many licences have surplus water? *Response: This isn't known.*
- Why is a water licence regarded like a property right? *Response: It is enshrined in legislation.*
- Are the new conditions in a transferred allocation based on a case-by-case or reach-by-reach basis? *Response: We are trying to grapple with this. In some cases, specific requirements may be needed.*
- Would these conditions change from one year to the next? *Response: Generally, the conditions would apply all the time.*
- The key issue is why should a person be able to make money from a public resource? *Response: This is an issue that can be taken to the Water Strategy group.*
- The Bow is over-allocated, yet the government doesn't want to cancel licences.
- This process is putting the cart before the horse. Why are we trying to determine the conditions of transfers when WCOs haven't even been established? *Response: There is a need to get the rules for a transfer system in place.*
- In terms of matters or factors, I have a problem with the term 'consider.' Another word, such as 'justify' could be used.
- Where does the onus lie for providing extra information concerning a transfer? *Response: The Director could go to the applicant, the government or a source outside the government.*
- How will the government handle liability? *Response: We're not sure at this point.*
- Are municipalities allowed to participate in a transfer? *Response: Yes.*
- Can municipalities object to a transfer? *Response: Yes.*
- I am concerned that this is placing a value on water. This is new. Is there any concern regarding licensees putting water back into the stream? *Response: Return flow is not regulated. This could be a matter or factor to be considered.*
- Can a person who receives a transfer re-sell this water? *Response: This is conceivable.*
- Under the old *Water Act*, licences in perpetuity were issued. Under the new Act there are time limits. My understanding is that transfers are subject to the new Act and have time limits. *Response: The question is whether or not time limits should be specified.*
- Instead of a holdback, the government should receive money. *Response: This was considered when the Water Act was developed.*
- I am concerned that the government doesn't have the information it needs. *Response: The government has a lot of information, e.g., we have information relating to instream objectives, fish habitat, and our ability to meet apportionment.*
- Does the government charge a royalty on water? *Response: The government charges a royalty for hydroelectric use only and it may also charge a fee for water delivered through government works. The legislation does not allow royalties to be charged for other uses besides hydroelectric.*
- Does AENV have IFN for all streams? *Response: No, but in the near future we will have the IFN for all mainstems.*
- Why is the Rosebud always dry? *Response: It is a prairie stream and tends to dry up in summer months. The Western Irrigation District also tries to keep its return flow as low as possible.*
- What water quality standards will be used? *Response: We won't be looking at drinking water standards (water taken from a stream has to be treated before you can drink it). However, we use the CCME guidelines, provincial guidelines, and other sources such as the U.S. EPA.*
- Is AENV collaborating with other departments? *Response: AENV does work with other departments when developing guidelines.*
- If the analysis is to include return flow, things are going to get pretty complicated.
- Human health standards are more stringent than 'protecting the aquatic environment.'

- Can holdbacks be used to protect against an impact being caused by a third party who is not part of the transfer? *Response: Yes, potentially.*
- Can a holdback be 20%? *Response: Only 10% can be withheld. To get a greater amount of flow, a person could purchase an allocation to implement a WCO. However, only the government can hold a WCO licence.*
- I am concerned that a rich person could come to Alberta and buy all the licences and turn them into WCOs.
- If a licence is transferred from Mosquito Creek to the Little Bow River, where would the holdback go? *Response: The director would have to consider this.*
- Can the 10% decision be challenged? *Response: Yes.*
- Are licences and transferred licences public documents? *Response: Yes.*
- Monitoring requires a baseline. Are we going to have baseline information to reference? *Response: That is the intention.*
- Is the South Saskatchewan Plan to govern all plans? Can the Highwood Management Plan say 'no' to transfers? *Response: This has to be dealt with in context. All approved plans must be considered.*
- Who has ultimate access to water? *Response: This works on a seniority basis.*
- A high price for water will be an obstacle for young people or new businesses.
- Has the power plant east of Calgary applied for a licence? *Response: They are in discussions with the City of Calgary to use treated effluent from a wastewater treatment plant.*

January 16, 2002

Drumheller

Attendance: 15

Most questions and statements dealt with

- the commodification of water and the possibility of windfall profits.
- Ramifications of selling licence allocations with respect to NAFTA
- How the department will deal with licences not "in good standing".
- how water conservation objectives (and the possibility of them changing) would impact transfers and new licences
- details on the workings of licence allocation transfers (e.g. can transfers occur between basins).

Brooks

Attendance: 34

Questions and Comments Raised by Participants:

- A transfer is essentially selling water. *Response: The allocation is sold; money usually changes hands.*
- My concern is that someone with a lot of money can end up with a lot of water. This is a scary prospect as the average 'Joe' won't be able to afford water.
- Irrigation Districts have licences, but would need to hold a plebiscite if a transfer was to occur.
- How would a transfer from Red Deer to Edmonton work? *Response: Transfers must occur within their respective basins. There are potential examples of transfers between sub-basins (e.g., Red Deer to the Bow) that might be proposed, but they are complicated.*
- Under these new rules, a licence is a commodity. I would be cautious about attaching a dollar value to licences.

- Transfers involve a willing seller. If there is no water available, we have to go out and acquire it. Alternatively, government may expropriate it. If you want transfers to happen, there has to be a mechanism in place.
- Transfers might change the tax base.
- Does the Bow BAC have the final say on whether transfers will be allowed to happen?
Response: Cabinet has the final say. The four BACs are meeting on January 22 and will be reviewing public input and the draft plan.
- Essentially, a free market is created, as a licence will go to the highest bidder.
- What is to stop speculation? *Response: There are two things: a licence can be cancelled or suspended for non-use and licensees must have a reasonable prospect of using the allocation specified in the licence.*
- Once there is a free market, the question is who is going to benefit from the resource?
Response: Alberta Environment's position is that there should be a free market. New users benefit. Local economies may also benefit. With holdbacks, there would be a benefit to the stream.
- Ultimately, a price is attached to water. I'm worried that this will become a tradable commodity under NAFTA. *Response: The government is also concerned about this. We are looking at the issue, but right now we don't think there is a problem.*
- Regarding WCOs, why is agriculture not on the list of potential uses? *Response: Agriculture can get a licence already. The WCOs are designed for use in a licence to protect the flow or quality in a stream.*
- Is there compensation for the 10% holdback? *Response: No.*
- 'Water conservation' is misleading. It should be 'instream conservation.'
- Streams vary. The number of transfers may vary according to the stream.
- If a farmer wants to build a feedlot, he may have to find 2 sellers in order to get the water he needs because these transfers are subject to the 10% holdback, limiting the amount of water the feedlot operator actually gets in the transfer. *Response: There are two options: he can use water more efficiently or there may in fact be no need for the holdback because the stream is in good shape.*
- Some people will be mad that 10% is withheld from them and not others. *Response: Education is required to ensure that people understand how the rules apply if one stream needs a holdback and the other doesn't.*
- How is water use monitored? *Response: Alberta Environment monitors based on volume, rate, and other conditions specified in a licence. Smaller users can be monitored according to pump rates; larger users take their own measurements and are also monitored by the government.*
- Are these measurements accurate within 10%? *Response: Probably, for the entire South Saskatchewan Basin. However, for smaller streams, it is less accurate.*
- Is there a rough figure for the number of smaller users? *Response: I will have to get back to you with this information.*
- Who has the right to appeal? *Response: Those who are directly affected.*
- For temporary transfers the appeal process would have to be very quick. *Response: There are provisions under the Water Act for 'assignments' to address these types of short-term situations.*
- Are consumptive and non-consumptive uses taken into account? *Response: The BAC suggested that these be factors to consider.*
- This is critical, as TransAlta flows can benefit instream flows.
- Holdbacks on temporary transfers are not a good idea. It would skew things. Each time I would only get 90% of my water back. *Response: Would it make a difference if 10% is taken only the first time?*
- The 10% holdback may make someone think twice about a transfer. A lot of money would have to be involved.
- I find it bothersome to have holdbacks connected with instream objectives because there is a difference between instream objectives and instream needs. The holdbacks should be connected to needs rather than objectives. Perhaps with temporary transfers there should be temporary holdbacks.
- I am against holdbacks. I'm okay with temporary holdbacks for temporary transfers but the best solution is no holdbacks at all.

- We need to look at which rivers need the water conservation objectives. *Response: This will happen in Phase 1.*
- Are holdbacks for the aquatic environment only or could they be for other uses? *Response: They can also be used to implement a water conservation objective.*
- Would the holdbacks be used to complement the Red Deer River contributions to apportionment? *Response: This will be discussed at the joint BAC meeting on January 22.*
- In terms of apportionment, is the water (spill water originating from the Bow River) that flows into the Red Deer River credited to the Eastern Irrigation District? We should utilize water not needed for apportionment. *Response: If sub-basin apportionment were implemented, then the contribution of the Bow to apportionment through return flow to the Red Deer would need to be calculated as the Bow's contribution.*
- We need more reservoirs.
- In 20 years, the population of Calgary will be over 1 million. These people will not be rationing their use. We have to safeguard against this. We need storage. *Response: This concern can be taken to the Water Strategy group. Also, you may be interested in what is happening with the Highwood Management Plan. The Highwood Public Advisory Committee is looking at storage and non-storage options like conservation.*
- Will there ever be a forced or expropriated transfer? *Response: No. The Water Strategy discussions will be the place to suggest whether or not expropriation should be allowed.*
- If there is no workable trading mechanism, it could be that the courts will make the decisions, not government.
- Do the First Nations have any impacts on this? *Response: In some cases, First Nations have licences. Regarding treaty rights, the government's position is that First Nations must apply for licences just like anyone else. The First Nations do not necessarily agree with this.*

January 17, 2002

Bindloss

Attendance: over 40

Most questions dealt with

- the possible commodification of water
- the impact of the Dickson Dam on down stream channel morphology
- details on licence allocation transfers.

**Joint Meeting of the Basin Advisory Committees, South Saskatchewan River Basin (SSRB)
Water Management Plan - Phase One. Meeting Notes (Calgary) Tuesday, January 22, 2002**

ATTENDEES:

Al Kennedy	Industry, Red Deer BAC
Alan Pentney	Southern Region, Alberta Environment
Andrea Czarnecki	Southern Region, Alberta Environment
Arthur Eckert	Municipal, Red Deer BAC
Arthur Grenville	Municipal, Red Deer BAC
Bill Shaw	Municipal, Red Deer BAC
Bob Morrison	Southern Region, Alberta Environment
Brian Hammond	Upstream Rural Municipalities, Oldman BAC
Cheryl Bradley	Ecosystem Protection, Oldman BAC
Cheryl Dash	Southern Region, Alberta Environment
Colin Kure	Environmental/Recreation/Tourism, Red Deer BAC
Corlaine Gardner	Environment, South Saskatchewan BAC
Danielle Ancelet	Southern Region, Alberta Environment
Doug Kaupp	City of Lethbridge, Oldman BAC
Doug Ohrn	Southern Region, Alberta Environment
Doug Thruswell	Central Region, Alberta Environment
Douglas Fleming	Municipal, Red Deer BAC
Dug Major	Municipal, Red Deer BAC
Duncan Lloyd	Downstream Towns and Villages, Oldman BAC
Floyd Haas	Rural Municipalities, Agriculture (other water users), South Sask. BAC
Frank Wetsch	Urban Municipalities, South Saskatchewan BAC
Gary Kindrat	Ecosystem Protection, Bow BAC
Greg Conn	Agriculture, Red Deer BAC
Greg Nikles	Industry, Oldman BAC
Heinz Unger	Ecosystem Protection, Bow BAC
Howard Heffler	Recreation, Bow BAC
Ian McFarlane	Environmental/Recreation/Tourism, Red Deer BAC
Jim Webber	Irrigation, Bow BAC
John Rusling	Nova Chemicals
Judy Stewart	Urban Municipal, Bow BAC
Kent Berg	Southern Region, Alberta Environment
Ken Stiles	Ranching/Stock-watering, Bow BAC
Larry Nolan	Agriculture (other water users), Oldman BAC
Laurent Conard	Southern Region, Alberta Environment
Lawerence Williams	Central Region, Alberta Environment
Len Mitzel	Rural Municipalities, Agriculture (other water users), South Sask. BAC
Margaret Coutts	Environmental/Recreation/Tourism, Red Deer BAC
Mark Bennett	Bow River Basin Council Technical Support
Menno Homan	Bow River Basin Council Technical Support
Neil Hollands	Urban Municipal, Bow BAC
Norm Carlson	Health Authorities, Bow BAC
Peter Watson	Southern Region, Alberta Environment
Ralph Bourque	Upstream Towns and Villages, Oldman BAC
Richard Phillips	Irrigation, Bow BAC
Rob Wolfe	Southern Region, Alberta Environment
Rod Bennett	Alberta Agriculture, Food and Rural Development
Roger Drury	Water Power, Bow BAC
Saba Gnanakumar	Headworks (AENV), Bow BAC
Sandy Larsen	Southern Region, Alberta Environment
Sarah Hamza	Bow River Basin Council Technical Support
Stan Klassen	Irrigation Agriculture, Oldman & South Saskatchewan BAC
Steve Meadows	Industry, Bow BAC
Terry Krause	Central Region, Alberta Environment
Tish Kilburn	Water Power, Bow BAC
Tom Tang	Southern Region, Alberta Environment
Vince Fabian	Municipal, Red Deer BAC

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INTRODUCTORY REMARKS:

- Doug Ohrn welcomed members to the meeting and reviewed the agenda.
- Break out groups will be used to identify aspects of the draft plan that are satisfactory, and those that are not, and develop proposed solutions.
- Bob Morrison reviewed the three questions assigned to the BACs. He then went on to review draft matters and factors to be considered, holdbacks and transfer evaluation as outlined in the draft Water Management Plan (WMP).
- **Question:** Will the deadline for comments be extended?
Response: No decision made to date. (Note: later in the meeting the deadline was extended to February 11, 2002.)
- **Question:** Why only economic and social impacts on agriculture and rural communities.
Response: Just an example. Feel free to add other suggestions if you wish.

SUMMARY OF OPEN HOUSES:

Doug Ohrn: Approximately 35 people attended the **Medicine Hat** Open House. Key issues raised included: opposition to a water market, the importance of the type of water use, and issues of monopolies. Tone was positive and the questions were often technical.

Approximately 43 people attended the **Lethbridge** Open House, including the MLA and Mayor of Lethbridge. Key issues raised included: should GST be charged on transfers, general comments on the commodification of water, the importance of conservation measures, and the open houses were not advertised well enough.

Doug Thrussell: Approximately 30 people attended the **Red Deer** Open House, including 3 media representatives. The tone of the meeting was mixed.

Approximately 15 people attended the **Drumheller** Open House. The tone was positive.

Approximately 40 people attended the **Bindloss** Open House. The tone was very positive.

The key issues at these meetings were: speed of process, long-term impacts on rural economy and social impacts, some technical questions, impacts of water commodification, and NAFTA implications.

Bob Morrison: Approximately 55 people attended the **Calgary** Open House. Approximately 34 people attended the **Brooks** Meeting. Similar concerns as previously noted. Key issues raised included the timing issue, and buying and selling of water (both positive and negative aspects). It was noted that comments raised at the Open Houses are provided in the public input summary document.

SUMMARY OF MEETING:

Peter Watson:

- Thanked everyone for taking the time to be here today and commented on the excellent contribution to date. He noted that there are still issues to be discussed. The goal was to have a water transfer plan in place for this irrigation season.
- With regards to timelines, the deadline for comments from the BACs will be extended until February 11th.
- Government lawyers are looking at aspects of NAFTA as they affect transfers.
- It was noted that transfers have been occurring in the past through Cabinet approval.
- Transfers will help influence behaviour (conservation and efficiency). Transfers will allow people to reduce risk.

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- The Water Act and the Draft South Saskatchewan River Basin Water Management Plan have to be consistent.
- Appeal processes for decisions on holdbacks and transfers exist.
- Licenses in good standing came up as an issue on many occasions with the concern that never before used water could possibly be transferred. This would have impacts on other users. It was noted the three years of non-use and reasonable prospects for use must both be considered to determine good standing.
- Apportionment was also raised. Peter noted that this is government policy and that Phase 2 will delve into this deeper.
- **Question:** The Director will be authorized to withhold 10%: This was not agreed to by our BAC (Bow).

Response: The Water Act allows up to 10% if the Water Management Plan allows it. Peter noted that few objections to holdbacks have been heard. He highlighted some of the elements to be considered by the Director and noted that temporary transfers are also subject to holdbacks if in the public's interest.

- **Question:** What direction does the Water Management Plan actually provide? It seems to simply reiterate what is in the Water Act

Response:

1. Authorization of water allocation transfers
2. The matters and factors that must be considered;
3. Authorization of holdbacks;
4. Transfers evaluation.

These are all included in the Water Management Plan as a result of BAC and public involvement.

- Peter noted the difficulty in speculating on events that cannot be foreseen and noted that the Water Management Plan has been developed in synch with the Framework for Water Management Planning.
 - Doug encouraged members to review the Framework for Water Management Planning. Copies were provided at the meeting.

ISSUES REQUIRING RESOLUTION:

- Each group gathered to discuss the draft plan, and to identify the aspects of the draft plan that are satisfactory and those that are not, listed by priority.

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Bow River BAC	Oldman & S. Sask. River BACs	Red Deer River BAC
<p>Highest Priority Issues</p> <ul style="list-style-type: none"> • Make the evaluation an annual report. • Should Phase 2 happen before Phase 1 is implemented? • How is this going to be paid for? • How to handle holdbacks? Replace the existing holdback position with the Bow BAC consensus of 10% unless the holdback is not needed. <p>Other Issues</p> <ul style="list-style-type: none"> • Things to keep: <ul style="list-style-type: none"> ○ Keep what's there. ○ Structure is fine. ○ Transfers are a powerful tool that should be used wisely. • Reorganize exactly like the Framework. • Identify the key topics raised in each sub-basin. • Summarize where there was consensus or lack of it. • Do Phase 2 before implementing transfers. • Clarify the ability to cancel vs. the ability to transfer. • Define "public interest," e.g., how do we know when a transfer will affect other uses? • Evaluation of transfers: enrich the wording, decide what will be tracked, track what people are worried about. • Wishy-washy on plan review. Use specific criteria for what will trigger a review. • Seek and add endorsement of the BACs. • Add criteria to the list of matters or factors that must be considered. • In Table 1, change "or" to "and" in the phrase "existing, potential, or cumulative." • Basic flaw in process is onus is placed on Alberta Environment. Put onus on applicant to prove that a holdback is not needed. • The three criteria for approving holdbacks are too narrow. • The 10% holdback has to be mandatory until the end of Phase 2. • Explicitly recognize sub-basins as a level for planning. • Two parties need to provide a rationale regarding holdbacks: the applicant & the director. • Section 11: Add urban communities to economic/social impacts. • Clarify that seniority goes with holdbacks • Identify communications strategy for directors' decisions and future information about the plan. • For multiple transfers, only holdback once. • Provide applicants with a realistic time frame for when they will receive a decision by type or class of transfer (e.g., amount of water). • Add the terms of reference as an appendix. • Treat holdbacks the same way as land planning treats reserves (i.e. take 10% as a standard procedure). • Municipal development plans have not been considered. • Add the Bow River Basin Council as a planning initiative. • Maximize value of water. Shouldn't water go to the highest value? • Is there public agreement on transfers as a management tool & for protecting the aquatic environment? 	<p>Highest Priority Issues</p> <ul style="list-style-type: none"> • Holdbacks: need clarification of interim strategy before water conservation objectives are established. Lack of criteria and science to support it. • Use it or lose it: cancellation. History of use – that transferred water was used in the past. "Real" water not "paper" water. • Be clear in Table 1 about "must" vs. "may." • Apportionment: Impact of transfers on equity between basins. • Statement that Phase 1 may be amended after Phase 2. • "BACs were focal points..." "Every effort was made to ensure..." Need to change wording to accurately reflect what happened.. <p>Other Issues</p> <ul style="list-style-type: none"> • Water quality factor: What is the science and the criteria? What are the standards and how are they set? • Be more explicit about aquatic environment vs. human use, the need and the balance. Ensure user needs are not lost. • Economic & social impacts/benefits: How will economic criteria/trends be measured & applied? • Regarding appeals, how is "directly affected" determined/defined? The details of public notification are needed. • The Province should not be a buyer of water allocations. • Address monitoring/auditing of use/transfers, etc. 	<ul style="list-style-type: none"> • Should the default holdback be 10% until the end of Phase 2? • Should unneeded holdbacks be returned to the seller? • Alberta Environment should pay for withheld water. • Define "basin closure." • How will ground water be handled? • Apply a lien against holdbacks in case they are not needed. • Criteria that the Director uses to make the decision on holdbacks: discretion and interim measures.

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- Following lunch, spokespersons from each BAC provided highlights of items considered high priority. Items of higher priority have been highlighted in the above section.
- Oldman & S. Sask. River BAC: Comments were largely focussed on how holdbacks could or should be implemented.
- **Question:** How can Alberta Environment review transfers applications with all the new matter and factors to be considered?

Response: Peter indicated that the process is not much different that what is already in place.

- One member had concerns that we are now back again to asking if transfers will proceed: He was told this was a given at the start of the process. Others that noted that the Water Management Plan is incomplete and hence should not even be considered until it is fully completed.
- Peter highlighted the rationale for the phased approach from a project management perspective (work with sections).
- Another member discussed the concept of risk and noted that the government should take greater responsibility.
- One member felt that Phase 1 should hold off until Phase 2 is complete, and noted if transfers are a given, then holdbacks should be a given. Peter referred to the two as being separate items, albeit clearly linked and noted that the 10% was not really an agreed upon number in earlier discussions (therefore, the “up to 10%”).
- Another member noted that the bottom line of holdbacks was to get water back into the stream, therefore minimize impediments to this.
- One member suggested the 10% default until the completion of Phase 2 and continue with transfers and holdbacks.
- Another noted transfers would continue to occur so let's move on.
- A suggestion was made to have Phase 1 expire in a year.
- It was noted the two plans would be combined after Phase 2 completion.
- A suggestion was put forward to proceed with transfers and withhold at 10% until Phase 2 is completed, then the holdbacks should be reviewed.
- Peter noted that current transfers are based on the best available information.
- Peter also noted how water sharing and collaboration were used successfully during the last year of low water flows.
- One member noted that hydrological information was distributed to members last year, clearly showing the need for the 10% and, hence, it should be a simple decision. Another member felt that having a 10% lien of transfers should be considered until such time that Phase 2 is completed.
- Four discussion groups were formed with representatives from each sub-basin. Six questions were discussed:
 1. **Should we proceed with transfers?**
 2. **Should we have holdbacks?**
 - **Prior to Phase 2**
 - **What is fair?**
 - **What can be done?**
 3. **Are the “musts” and “mays” identified correctly?**
 4. **Should sub-basin apportionment be a matter or factors that must be considered?**
 5. **What types/how often should reviews/reports be conducted?**
 6. **Should licences continue to be issued until Phase 2 is approved/completed?**
- A spokesperson from each of the three groups provided highlights of response/ideas to the six questions raised.

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Questions	Group 1	Group 2	Groups 3 and 4
#1	Yes	Yes	Yes
#2	Yes, 10% holdback with a lien	Yes, there should be holdbacks prior to Phase 2 <ul style="list-style-type: none"> • Holdbacks should be 10% with the director's discretion to take less • Provide a provision on holdbacks to return "excess" after Phase 2 completed. • Start developing criteria for holdbacks in Phase 2. 	Yes, 10% holdback with a lien subject to the results of Phase 2
#3	Make sure the matters or factors in Table 1 are "musts."	All matters or factors in Table 1 should be "musts." Make just one list; delete the 2 sub-headings.	Yes, as it stands in Table 1. All items in Table 1 are "musts."
#4	Split decision	Not resolved clearly. Provide a sunset clause that Phase 1 expires at the end of 2003.	This needs to be addressed in greater depth.
#5	Provide an annual report and be specific about the factors that will be covered	Report annually on information that is readily recorded. Report in 5 years on other matters.	An updated website could meet most needs. More "ownership" must be recorded. More complex topics should be done as new data becomes available.
#6	Split decision	No	Yes
Other issues raised	<ul style="list-style-type: none"> • Sub-basin apportionment should also be tied to licence decisions. • Put water into off-stream storage. • Better use of water should be considered. • Not having sub-basin apportionment limits economic growth in the Red Deer Basin. • Let the market decide what the sub-basin apportionment should be • Alberta Environment should not transfer "paper" water. 		<ul style="list-style-type: none"> • Concerns with sub-basin apportionment with regard to priority, the application, & issues of equitability. • Why does the Phase 1 plan not meet all the requirements of the Terms of Reference concerning instream needs? The Terms of Reference states that stressed river reaches will be identified. This has not occurred.

- Doug re-iterated that February 11, 2002 is the deadline for all comments.
- Doug highlighted Phase 2 objectives and asked if the BACs would prefer to have general discussions about Phase 2 before the terms of reference are prepared or should Alberta Environment prepare a draft which the BAC's would discuss.
- It was agreed the BACs would critique draft Terms of Reference.
- The BAC's were invited to provide comments on the consultations that occurred with them and the general public during Phase 1 and what could be done better in Phase 2.

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- Terry Krause volunteered to be the contact for any comments on improving the process. Terry can be contacted at:

Central Region
Alberta Environment
3rd Floor, Provincial Building
4920 - 51 Street
Red Deer, Alberta T4N 6K8

e-mail: Terry.Krause@gov.ab.ca
telephone: (403)340-4979
fax: (403)340-5173

- Compilation of public comments will be made available to BACs.

ADJOURNMENT

- Peter thanked all members for their hard work and assistance.
- Peter noted that the Minister's Water Strategy would be announced around the same time as the start of Phase 2.
- Doug thanked members and indicated that a final draft would be made available.

Appendix A

South Saskatchewan River Basin

Water Management Plan – Phase #1

Advertisement

~ Open House ~

South Saskatchewan River Basin (SSRB)

Water Management Plan

Phase #1

Alberta Environment is seeking public input on the first phase of a multi-phase water management plan for the South Saskatchewan River Basin (SSRB). This includes the sub-basins of the Red Deer, Bow, and Oldman Rivers (including the South Saskatchewan).

Interested groups or individuals are invited to attend one of the following sessions. **All Open Houses will run from 6:00 p.m. to 9:00 p.m. with a brief presentation at 7:30 p.m.**

Monday, January 14, 2002

**Provincial Building
Medicine Hat**

Tuesday, January 15, 2002

**Ramada Crowchild Inn
Calgary**

**Culver City Room, City Hall
Lethbridge**

**District Museum
Red Deer**

Wednesday, January 16, 2002

**Heritage Inn
Brooks**

**Jurassic Inn
Drumheller**

Thursday, January 17, 2001

**Bindloss Hall
Bindloss**

For further information, contact:
Doug Ohrn (403) 382-4348
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To be connected toll-free, dial 310-0000.